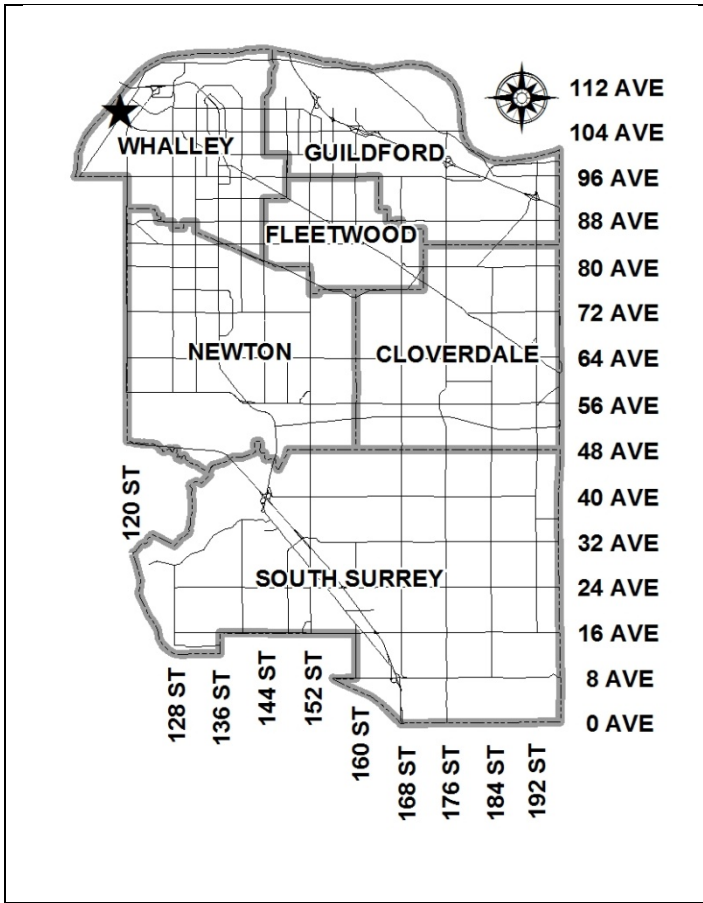


City of Surrey
PLANNING & DEVELOPMENT REPORT

File: 7912-0221-00

Planning Report Date: October 22, 2012



PROPOSAL:

- **Temporary Industrial Use Permit**

to allow the renewal of an existing TUP to permit a card-lock fuel dispensing facility for an additional two years.

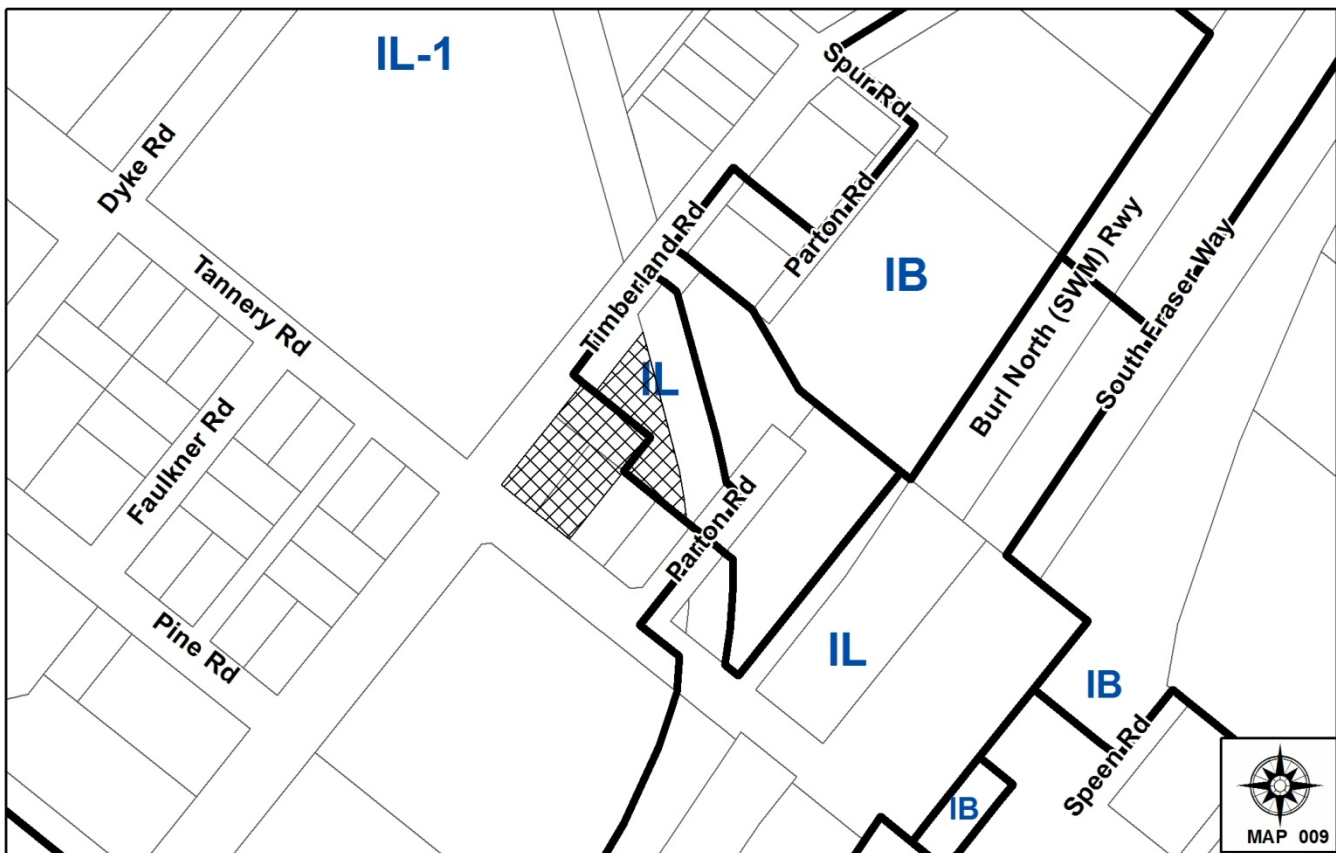
LOCATION: 10734, 10752 and 10768 Timberland Road; 11807 Tannery Road

OWNERS: R. D. M. Enterprises Ltd. and City of Surrey

ZONING: IL-1 & IB

OCP DESIGNATION: Industrial

NCP DESIGNATION: Light Impact Industrial



RECOMMENDATION SUMMARY

- Approval for Temporary Industrial Use Permit to proceed to Public Notification.

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- Contrary to Council's direction in 2005 to limit transportation-related industrial uses in South Westminster.

RATIONALE OF RECOMMENDATION

- The site is designated Light Impact Industrial in the South Westminster Neighbourhood Concept Plan (NCP).
- The proposed extension of the temporary card-lock fuel dispensary facility will allow the continued interim use of the land until major road upgrading in this area, associated with the South Fraser Perimeter Road project (SFPR), is completed.
- Provides a refueling service for businesses in the South Westminster area, which is currently lacking.

RECOMMENDATION

The Planning & Development Department recommends that:

1. Council approve Temporary Industrial Use Permit No. 7912-0221-00 (Appendix II) to proceed to Public Notification.
2. Council instruct staff to resolve the following issue prior to issuance:
 - (a) submission of adequate security to ensure removal of the fuel tank and fuelling pumps at the termination of the Temporary Industrial Use Permit.

REFERRALS

Engineering: The Engineering Department has no objection to the project.

SITE CHARACTERISTICS

Existing Land Use: Temporary card-lock fuel dispensing facility.

Adjacent Area:

Direction	Existing Use	NCP Designation	Existing Zone
Northwest (Across Timberland Road):	Non-conforming lumber wholesaler.	Light Impact Industrial	IL-1
East:	Vacant building and land. Across Parton Road and railway line, metal recycler.	Light Impact Industrial	IL-1
South (Across Tannery Road):	Current construction for South Fraser Perimeter Road interchange.	Light Impact Industrial	IL-1
West (Across Tannery Road):	Non-conforming outside storage.	Light Impact Industrial	IL-1

DEVELOPMENT CONSIDERATIONS

- The subject site consists of 4 lots with a gross site area of 2,864 square metres (0.71 acre). The site is designated Industrial in the Official Community Plan (OCP) and Light Impact Industrial in the South Westminster Neighbourhood Concept Plan (NCP).
- The subject site is bounded by Timberland Road to the northwest, Tannery Road to the south and a rail right-of-way to the east.

- Three of the four subject lots were rezoned under a Council-initiated rezoning from “Light Impact Industrial Zone (IL)” to “Light Impact Industrial 1 Zone (IL-1)” in 2005. The IL-1 Zone differs from the IL Zone in that transportation industries are not permitted and outdoor storage is limited.
- In 2009, the applicant submitted a rezoning, development permit and development variance permit application to allow for a permanent card-lock, fuel dispensing facility at this location. Staff advised the applicant that the proposed permanent card-lock facility would be contrary to the objectives and policies of the South Westminster NCP, which are intended to transform this underutilized area into a vibrant industrial gateway to Surrey.
- As a result, the applicant applied for a Temporary Industrial Use Permit (TUP) to permit the card-lock operation on a temporary basis. Temporary Industrial Use Permit No. 7909-0097-00 was issued on July 26, 2010 to permit the operation of a card-lock fuel dispensing facility on the subject site for a period of two years.
- The card-lock fuel dispensing facility became operational in 2011.
- As TUP No. 7909-0097-00 expired on July 26, 2012, the applicant has applied to renew the TUP for an additional two years.

Current Proposal

- The applicant has requested the extension of Temporary Industrial Use Permit No. 7909-0097-00 to continue to operate a card-lock fuel dispensing facility which is comprised of four refuelling pumps with a 50,000-litre above-ground fuel storage tank. The structures on the site encompass a lot coverage of approximately 2%.
- While the TUP application will allow for a use which is contrary to the South Westminster NCP, there are no other card-lock facilities in South Westminster. The nearest card-lock facilities are located in Delta on Nordel Way and on Annacis Island.
- However, the trucking industry is a crucial component in the transportation of goods and materials to and from the Surrey Fraser Docks. These vehicles require refuelling stations.
- The South Fraser Perimeter Road (SFPR) is being pre-loaded approximately 160 metres (525 ft.) to the southeast. The SFPR is intended to facilitate the movement of goods and materials between the industrial areas and will be heavily travelled by trucks. These trucks will require refuelling facilities in close proximity to this new highway.
- As part of the previous TUP, the applicant planted landscaping along Tannery Road and Timberland Road. The majority of the landscaping has been found acceptable but the western corner has died. Existing landscape bonding will not be released until this corner is replanted.

PRE-NOTIFICATION

- Development Proposal Signs was erected on the site and pre-notification letters were sent to surrounding property owners on September 18, 2012. Staff received no comments in response.

INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

- Appendix I. Lot Owners and Action Summary
- Appendix II. Temporary Industrial Use Permit No. 7912-0221-00

original signed by Judith Robertson

Jean Lamontagne
General Manager
Planning and Development

JKS/kms

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Information for City Clerk

Legal Description and Owners of all lots that form part of the application:

1. (a) Agent: Name: Ron Madsen
 R.D.M. Enterprises Ltd.
 Address: 20436 Fraser Highway, Unit 207
 Langley BC V3A 4G2

 Tel: 604-530-6310

2. Properties involved in the Application

- (a) Civic Addresses: 10734, 10752 and 10768 Timberland Road; and 11807
 Tannery Road

- (b) Civic Address: 10734 Timberland Road
 Owner: City of Surrey
 PID: 001-633-031
 Lot 5 Block 7 District Lot 7 and 8 Group 2 New Westminster District Plan 546

- (c) Civic Address: 10752 Timberland Road
 Owner: R.D.M. Enterprises Ltd., Inc. No. BCo414326
 PID: 011-856-301
 Lot 4 Block 7 District Lot 7 Group 2 New Westminster District Plan 546

- (d) Civic Address: 10768 Timberland Road
 Owner: R.D.M. Enterprises Ltd., Inc. No. BCo414326
 PID: 023-041-439
 Parcel 1 (Statutory Right of Way Plan LMP21201) of Lot A District Lot 7 Group 2
 New Westminster District Plan LMP14067 Except Plan BCP33957

- (e) Civic Address: 11807 Tannery Road
 Owner: R.D.M. Enterprises Ltd., Inc. No. BCo414326
 PID: 011-856-319
 Lot 6 Block 7 District Lots 7 and 8 Group 2 New Westminster District Plan 546

3. Summary of Actions for City Clerk's Office

- (a) Proceed with Public Notification for Temporary Industrial Use Permit No. 7912-0221-00

CITY OF SURREY

(the "City")

TEMPORARY INDUSTRIAL USE PERMIT

NO.: 7912-0221-00

Issued To: City Of Surrey

Address of Owner: 14245 - 56 Avenue
Surrey, BC
V3X 3A2

Issued To: R.D.M. Enterprises Ltd

Address of Owner: 207-20436 Fraser Highway
Langley, BC
V3A 4G2

(collectively referred to as "the Owner")

1. This temporary use permit is issued subject to compliance by the Owner with all statutes, by-laws, orders, regulations or agreements, except as specifically varied by this temporary use permit.
2. This temporary use permit applies to that real property including land with or without improvements located within the City of Surrey, with the legal description and civic address as follows:

Parcel Identifier: 023-041-439

Parcel 1 (Statutory Right of Way Plan LMP21201) of Lot A District Lot 7 Group 2
New Westminster District Plan LMP14067 Except Plan BCP3395710768
10768 Timberland Road

Parcel Identifier: 011-856-301

Lot 4 Block 7 District Lot 7 Group 2 New Westminster District Plan 546
10752 Timberland Rd

Parcel Identifier: 001-633-031

Lot 5 Block 7 District Lot 7 and 8 Group 2 New Westminster District Plan 546
10734 Timberland Rd

Parcel Identifier: 011-856-319

Lot 6 Block 7 District Lots 7 and 8 Group 2 New Westminster District Plan 546
11807 Tannery Rd

(the "Land")

3. The Land has been designated as a Temporary Industrial Use Permit Area in Surrey Official Community Plan, 1996, No. 12900, as amended.

4. The temporary use permitted on the Land shall be:
 - Commercial card lock facility for the fuelling of overweight vehicles as shown on Schedule A, which is attached hereto and forms part of this Temporary Industrial Use Permit.
5. The temporary use shall be carried out according to the following conditions:
 - Provision of a dust free parking and circulation surface to the satisfaction of the General Manager, Engineering.
6. As a condition of the issuance of this temporary use permit, Council is holding security set out below (the "Security") to ensure that the temporary use is carried out in accordance with the terms and conditions of this temporary use permit. Should the Owner fail to comply with the terms and conditions of this temporary use permit within the time provided, the amount of the Security shall be forfeited to the City. The City has the option of using the Security to enter upon the Land and perform such works as is necessary to eliminate the temporary use and bring the use and occupancy of the Land into compliance with Surrey Zoning By-law, 1993, No. 12000, as amended (the "Works"). The Owner hereby authorizes the City or its agents to enter upon the Land to complete the Works. There is submitted accordingly:

An Irrevocable Letter of Credit, in a form acceptable to the City, in the amount of \$10,000
7. The Land shall be developed strictly in accordance with the terms and conditions and provisions of this temporary use permit. This temporary use permit is not a building permit.
8. An undertaking submitted by the Owner is attached hereto as Appendix I and forms part of this temporary use permit.
9. This temporary use permit is not transferable.
10. This temporary use permit shall lapse on or before two years from date of issuance.

AUTHORIZING RESOLUTION PASSED BY THE COUNCIL, THE DAY OF , 20 .

ISSUED THIS DAY OF , 20 .

Mayor – Dianne L. Watts

City Clerk – Jane Sullivan

IN CONSIDERATION OF COUNCIL'S APPROVAL OF THIS TEMPORARY USE PERMIT AND OTHER GOOD AND VALUABLE CONSIDERATION, I/WE THE UNDERSIGNED AGREED TO THE TERMS AND CONDITIONS OF THIS TEMPORARY USE PERMIT AND ACKNOWLEDGE THAT WE HAVE READ AND UNDERSTOOD IT.

Authorized Agent: Signature

Name (Please Print)

OR

Owner: Signature

Name: (Please Print)

TO THE CITY OF SURREY:

We, R.D.M. ENTERPRISES LTD. (Name of Owner)

being the owner of Lot 4 Block 7 District Lot 7 Group 2 New Westminster District Plan 546
Lot 5 Block 7 District Lot 7 and 8 Group 2 New Westminster District Plan 546
Lot 6 Block 7 District Lots 7 and 8 Group 2 New Westminster District Plan 546
Parcel 1 (Statutory Right of Way Plan LMP21201) of Lot A District Lot 7 Group
2 New Westminster District Plan LMP14067 Except Plan BCP3395710768
(Legal Descriptions)

known as 10768 Timberland Road, 10752 Timberland Road, 10734 Timberland Road and
11807 Tannery Road

(Civic Addresses)

hereby undertake as a condition of issuance of my temporary use permit to:

- (a) demolish or remove all buildings and/or structures that are permitted to be constructed pursuant to the temporary use permit issued to me; and
- (b) restore the land described on the temporary use permit to a condition specified in that permit;

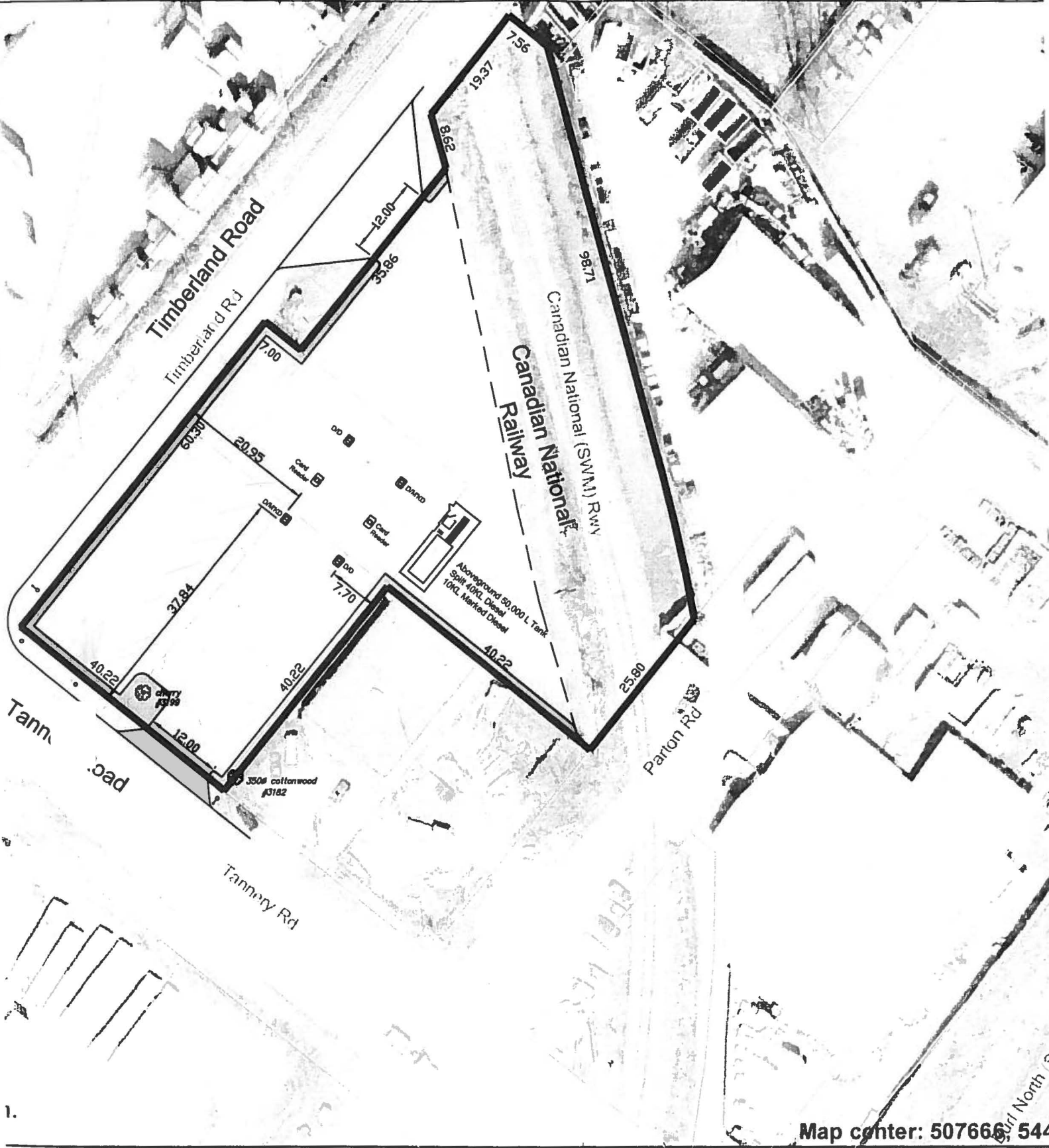
all of which shall be done not later than the termination date set out on the temporary use permit.

I further understand that should I not fulfill the undertaking described herein, the City or its agents may enter upon the land described on the temporary use permit and perform such work as is necessary to eliminate the temporary use and bring the use and occupancy of the land in compliance with Surrey Zoning By-law, 1993, No. 12000, as amended, and that any securities submitted by me to the City pursuant to the temporary use permit shall be forfeited and applied to the cost of restoration of my land as herein set out.

This undertaking is attached hereto and forms part of the temporary use permit.

(Owner)

(Witness)



Map center: 507666, 544

94

601 North (S)