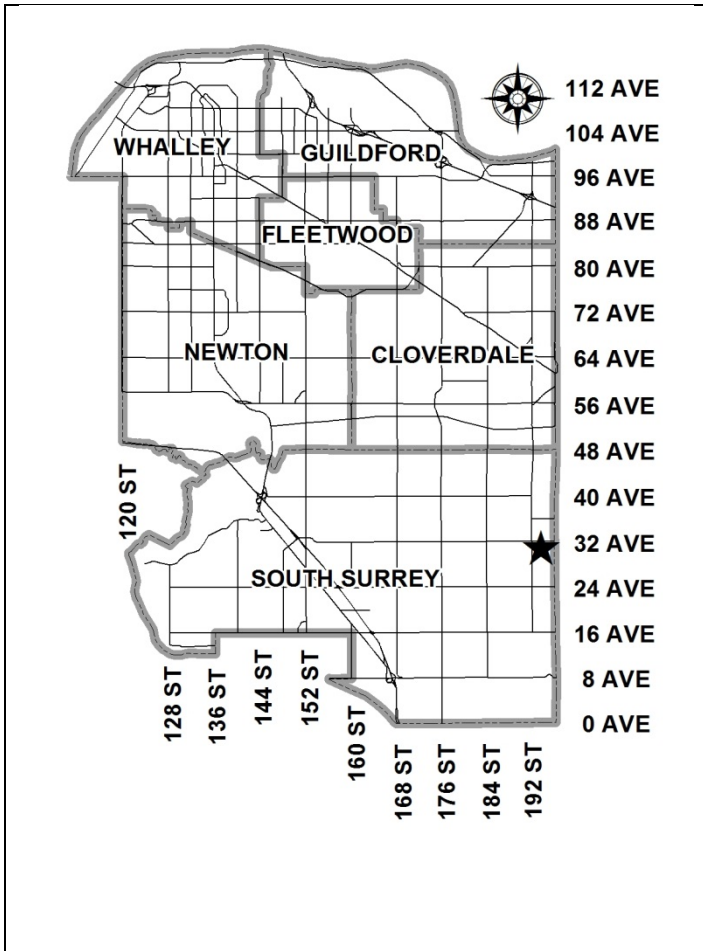


City of Surrey
PLANNING & DEVELOPMENT REPORT

File: 7913-0135-00

Planning Report Date: February 24, 2014



PROPOSAL:

- **Temporary Use Permit**

in order to permit existing outdoor container storage, vehicle parking, RV storage, and truck parking, as well as the continued operation of an existing autobody repair shop and personal storage facility.

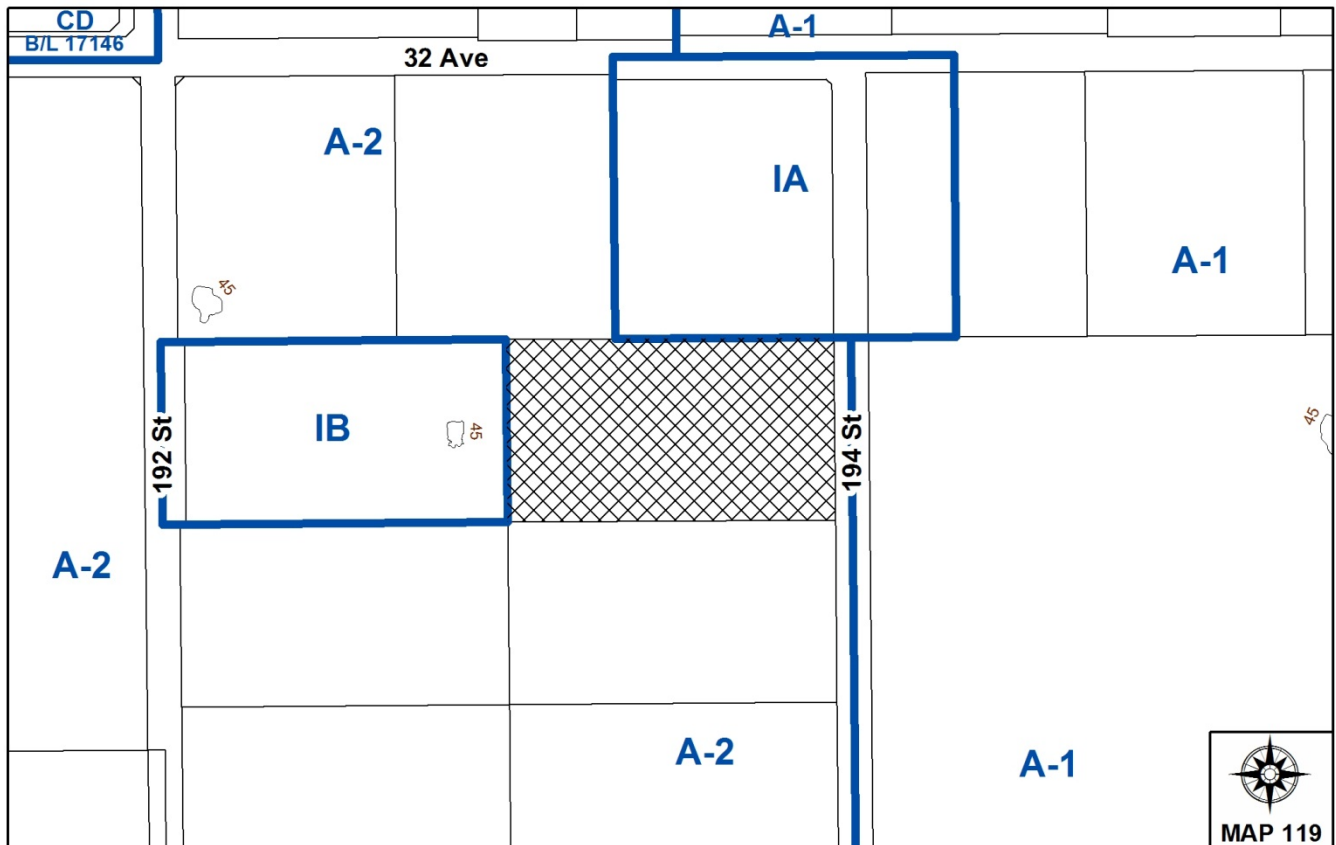
LOCATION: 3093 - 194 Street

OWNER: Gary Young
 Patricia Young

ZONING: A-2

OCP DESIGNATION: Industrial

LAP DESIGNATION: Business Park (Campbell Heights)



RECOMMENDATION SUMMARY

- The Planning & Development Department recommends that this application be denied.

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- Does not comply with the Campbell Heights Local Area Plan Designation.

RATIONALE OF RECOMMENDATION

- The existing illegal and unauthorized activities on the subject site have been operating for nearly 20 years, well beyond the scope of a temporary use.
- The applicants have not indicated how the existing uses on the subject property are temporary nor have they presented a plan to phase out the operation. The operator of the business has further advised that there is no intention of ceasing the current activities on the property.
- Outdoor storage of vehicles and containers is not consistent with the design guidelines for landscaping and siting of buildings set forth in the Campbell Heights LAP. There is no landscaping or screening on the subject property.
- The proposal does not contribute to the development of Campbell Heights in a manner consistent with the Local Area Plan. In fact, the granting of a temporary use permit will likely hinder further development of Campbell Heights into a high quality industrial/business area.
- Approval will set expectations for numerous other Temporary Use proposals in the Campbell Heights area that are inconsistent with the adopted Local Area Plan and pattern of development, which only serves to stall re-development of the area.
- The operator of the illegal non-conforming businesses on the subject site is also operating illegal non-conforming businesses at another site in Campbell Heights (Application #7913-0293-00).
- The operator of the businesses currently has an unfair competitive advantage against other businesses who are in compliance with City bylaws in the City of Surrey.
- Denial of the temporary use permit application and closure of this application will allow bylaw enforcement officials to resume enforcement against the illegal activities on the site.

RECOMMENDATION

The Planning & Development Department recommends that this application be denied and that the applicant be given 6 months to remove the non-conforming uses and bring the subject property into compliance with the current A-2 Zoning.

If, however, Council finds merit in the proposal, it should be referred back to staff to undertake the necessary referrals and to draft the Temporary Use Permit.

SITE CHARACTERISTICSExisting Land Use:

- The site contains one single family residence and several large sheds, workshops and storage buildings. There is extensive outdoor storage of recreational vehicles and boats, passenger vehicles, and shipping containers which, combined with the existing buildings, covers almost the entire property. Portions of the site are also used for semi-truck and tractor-trailer parking. An aerial photograph is contained in Appendix II.
- The site is partly screened from the road by a cedar hedge, however the remainder of the site has been cleared, levelled, laid with gravel, and contains no landscaping.

Adjacent Area:

Direction	Existing Use	OCP/NCP (Campbell Heights) Designation	Existing Zone
North:	Horticultural Greenhouse Facility & Unauthorized Truck Parking. Vacant, forested parcel.	Industrial/Business Park	IA & A-2
East (Across 194 St.):	Vacant, forested parcel.	Industrial/Business Park	A-1
South:	Single Family Dwelling	Industrial/Business Park	A-2
West:	Wire Manufacturing Facility and Single Family Dwelling	Industrial/Business Park	IB

DEVELOPMENT CONSIDERATIONSBackground:

- The subject site is a 2.02 hectare (5 acre) parcel on the west side of 194th Street, approximately 200 metres south of 32nd Avenue. It is zoned A-2 and designated "Industrial" in the Official Community Plan (OCP) and "Business Park" in the Campbell Heights Local Area Plan (LAP).

- Recent By-law enforcement within the Campbell Heights area against numerous properties, including the subject site, with existing illegal non-conforming activities and unauthorized businesses (without licenses) has resulted in this Temporary Use Permit (TUP) application.
- Except for the single family dwelling and accessory structures on the subject site, all of the aforementioned uses are not permitted with respect to the current A-2 zoning.
- Further to this, an automobile repair/restoration operation, sandblasting business, and a personal "self-storage" facility ("Surrey Storage") are being operated on the site, in contravention of the permitted uses in the A-2 Zone and without business licenses issued by the City. Bylaw Enforcement officials have been unable to gain access to the site to gather details on the extent of these operations.
- Additionally, as a result of this bylaw enforcement, two other TUP applications (Nos. 7913-108-00 and 7913-0293-00) within the Campbell Heights area have been received. Planning Staff have also recently fielded numerous other inquiries pertaining to potential TUP applications in the Campbell Heights area for similar existing uses.
- The illegal uses (contrary to the existing zoning) occurring throughout Campbell Heights include outdoor storage, outdoor recreational vehicle storage, outdoor container storage, outdoor passenger vehicle storage, and truck parking, some of which are associated with unauthorized businesses operating from these locations.
- The owners have applied for a Temporary Use Permit for outdoor storage (of vehicles and containers) and intend to use this as a means to continue the operations on the subject site.
- This report is for Council's consideration concurrently with Planning Report to Council 7913-0135-00, also a Temporary Use Permit Application in the Campbell Heights area, presented at the February 24th Council meeting. The illegal non-conforming businesses at both of these properties are being operated by the same individual.

Site History:

- Prior to the current ownership, the property contained a mink and pig farm. The majority of the structures on the site were constructed during this time. This operation ceased when property ownership changed to the current owners in 1990.
- By-law enforcement officers visited the site in 1994 as a result of advertisements soliciting storage for vehicles on the subject property. At this time, the illegal operation of an automobile restoration company and vehicle repair shop was also investigated and documented. The owners were advised that neither of these were permitted uses under the A-2 Zoning.
- As a response to this bylaw enforcement on the site, the current owners made a rezoning application in 1997 in order to facilitate the continued operation of vehicle storage and automotive repair/restoration (No. 7997-0149-00, from A-2 to CD). At this time, there was no Local Area Plan in place for Campbell Heights.

- This rezoning application did not progress past the referral stage due to the high costs of bringing the required services to the site. At the owner's ongoing requests, the file remained open for several years thus delaying any bylaw enforcement and allowing the non-conforming uses to continue. In 2009, file closure warning letters issued from the Planning Department were unanswered and the file was closed.
- Subsequent to the aforementioned rezoning application being made, the Campbell Heights LAP was completed and adopted by Council in December of 2000. The recent rezoning of the Campbell Heights North lands has resulted in the extension of services to within closer proximity of the subject property, making many of the surrounding properties candidates for redevelopment in the near future.
- As of approximately 4 years ago, the property owners no longer live at the property or operate the businesses. The single family dwelling is currently rented out to tenants. The existing illegal businesses are being operated by a third individual, who has engaged in a "lease to own" agreement with the owners as a means to facilitate future purchase of the property and continued operation of the businesses.
- The owners have advised that it is not financially feasible for them to rezone and that they have no intentions to do so; the sale of this property is their objective. The operator of the illegal non-conforming businesses intends to continue with these operations and eventually purchase the property under this assumption.

Discussion and Rationalization:

Staff have the following concerns with the proposal to allow the continuation of the existing illegal uses on the subject property:

- The extent of outdoor storage and the nature of the operations on the subject site are not consistent with the "Business Park" designation, nor do they contribute to the development of the Campbell Heights area consistent with the adopted Local Area Plan.
- Outdoor storage of vehicles and containers is not consistent with the design guidelines for landscaping and siting of buildings set forth in the Campbell Heights LAP. There is no landscaping or screening on the subject property.
- The property owners have disclosed that there is potential soil contamination from sandblasting waste materials (in association with an automobile restoration operation). There is also potential soil contamination from liquid automobile waste products stemming from a previous automotive repair facility. Without the benefit of appropriate waste disposal, retention facilities and storm water drainage, this contamination on the site will likely continue. This is of concern as ultimate rezoning and redevelopment of the site may be hindered by remediation works necessary to deal with site contamination.
- Furthermore, the existing illegal non-conforming business operations on the subject property are not temporary in nature. Neither the owner nor occupant has set an endpoint for these uses nor have they presented a plan to phase out their operation.

- The proposed Temporary Use Permit does not promote other land development in the surrounding Campbell Heights area and is a low value land use as compared to the "Business Park" designation identified in the LAP.
- Promoting the Campbell Heights area as a high quality business park is important to achieving the City's goals of providing industrial lands and local employment opportunities. Permitting a TUP of this nature and allowing the unauthorized uses to continue makes the site less likely to be redeveloped in the near future and hinders the land assembly required in order for this area to achieve build-out. Furthermore, it places the operator of the business at an unfair competitive advantage against other businesses that have selected sites with the appropriate zoning and facilities.
- Given the volume of TUP inquiries staff have received from multiple other properties in the Campbell Heights area for illegal non-conforming uses (outdoor storage of RV's, vehicles, and containers), staff have concerns about the precedent that support of a TUP of this nature will set. Approval of the TUP may result in other land owners in the area applying to permit similar uses, potentially creating a proliferation of uses inconsistent with the Campbell Heights LAP and further prolonging development of the area.
- The existing businesses and uses can be accommodated on an IL ("Light Impact Industrial") Zoned parcel, located throughout the City. Staff can assist in identifying IL zoned properties throughout the City, however the onus falls upon the tenant or owner to research and select a suitable site.
- While the subject property is not considered appropriate for the applicant's current operations and uses, there may be other locations in Campbell Heights that may be suitable to accommodate some of the current businesses of the applicant. For example, the City has been supportive of businesses with outdoor storage yards in more peripheral 'low profile' locations of Campbell Heights, provided such uses have a principle building component included in the proposal, are organized in a comprehensive manner, and have appropriate landscaping to screen the outdoor storage areas.

CONCLUSION

In considering the implications of the proposed Temporary Use Permit, the history of bylaw infraction on the subject site, and the permanent nature of the existing non-conforming uses, the Planning and Development Department consider the negative impacts of this proposal are significant, and therefore recommend it not be supported.

Staff therefore recommend the following:

- That this application be denied.
- That Council resolve to defer by-law enforcement against the existing non-conforming uses on the subject site for a period of 6 months to allow the occupant to remove the outdoor storage and cease the existing non-conforming operations and illegal businesses.

PRE-NOTIFICATION

Pre-notification letters were mailed to 29 properties within 100 metres (330 ft.) of the subject site. Staff received one phone call requesting clarification, and one letter of correspondence from the Little Campbell Heights Watershed Society objecting to the proposal.

INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

Appendix I.	Lot Owners and Action Summary
Appendix II.	Aerial Photograph (Close-up) (April 2013)
Appendix III.	Aerial Photograph (Wide Angle) (April 2013)
Appendix IV	Map of TUP Applications in Campbell Heights (As of February 19, 2014)

original signed by Nicholas Lai

Jean Lamontagne
General Manager
Planning and Development

DS/da

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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: Gary Young

 Address: 14283 - Magdalen Avenue
 Surrey, BC
 V4B 2W8

 Tel: 604-241-0296

2. Properties involved in the Application
 - (a) Civic Address: 3093 - 194 Street

 - (b) Civic Address: 3093 - 194 Street
 Owner: Patricia Young
 Gary Young

 PID: 012-217-221
 Lot: 15, LT 15 NW SEC 22 T7 PL 1467

3. Summary of Actions for City Clerk's Office

 No action required.



194 St





A-1

A-2

13-0293-00

A-2

A-

32 Ave

IA

IB

13-0135-00

13-0108-00

A-2

A-2

194 St div



3515

3490

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3505

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190 St

34A Ave

33 Ave

192 St

3388

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