

City of Surrey PLANNING & DEVELOPMENT REPORT File: 7913-0217-00

Planning Report Date: June 23 2014

PROPOSAL:

OCP Text Amendment

• Temporary Commercial Use Permit

in order to permit the operation of a temporary landscape supply business for a period not to exceed three years.

LOCATION: Portion of 10566 - Scott Road

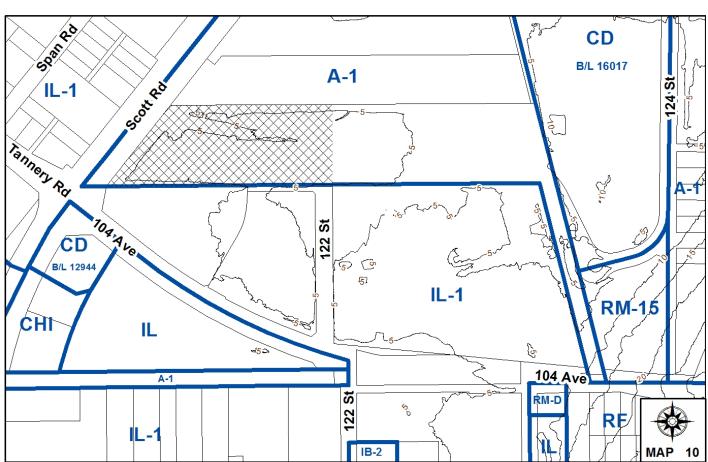
OWNER: Angelo Testa

ZONING: A-1

OCP DESIGNATION: Industrial

NCP DESIGNATION: Highway Commercial and Business

Park



RECOMMENDATION SUMMARY

- By-law Introduction and set date for Public Hearing for OCP Text Amendment.
- Approval for Temporary Commercial Use Permit to proceed to Public Notification.

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

None.

RATIONALE OF RECOMMENDATION

- The proposed temporary landscape supply company will allow for an interim use of the land until it is economically viable for the owners to develop the land.
- The South Westminster Neighbourhood Concept Plan (NCP) designates the lands in this area along Scott Road as Highway Commercial. The majority of the subject site is designated Highway Commercial, with a small eastern portion designated Business Park.
- The proposed landscaping supply business is in keeping with the Highway Commercial designation.

RECOMMENDATION

The Planning & Development Department recommends that:

a By-law be introduced to amend the OCP by declaring a portion of the subject lot (Block A as shown on the Survey Plan) a Temporary Commercial Use Permit Area and a date for Public Hearing be set (Appendix IV).

- 2. Council determine the opportunities for consultation with persons, organizations and authorities that are considered to be affected by the proposed amendment to the Official Community Plan, as described in the Report, to be appropriate to meet the requirement of Section 879 of the Local Government Act.
- 3. Council approve Temporary Commercial Use Permit No. 7913-0217-00 (Appendix V) to proceed to Public Notification.
- 4. Council instruct staff to resolve the following issues prior to final adoption
 - (a) ensure that all engineering requirements and issues including restrictive covenants, dedications, and rights-of-way where necessary, are addressed to the satisfaction of the General Manager, Engineering; and
 - (b) completion of Pre-Servicing Requirements identified for the proposed landscaping supply business as described in Appendix VI.
- 5. Council direct staff to bring forward this application 6 months from the date of approval to proceed (i.e. second Council meeting in December 2014) for consideration of filing, if the Pre-Servicing Requirements (Appendix VI) have not been adequately fulfilled by the applicant.

REFERRALS

Engineering: The Engineering Department has no objection to the project

subject to the completion of Engineering servicing requirements as

outlined in Appendix III.

SITE CHARACTERISTICS

Existing Land Use: Pre-loaded with unauthorized landscape supply business operating on the

western portion.

Adjacent Area:

Direction	Existing Use	NCP Designation	Existing Zone
North:	Site under enforcement action for unauthorized soil deposition and truck parking.	Highway Commercial and Business Park	A-1

Direction	Existing Use	NCP Designation	Existing Zone
East:	Khalsa Elementary School and Secondary School (latter under construction).	Institutional	CD By-law No. 16017
South:	Vacant land, temporary truck parking (approved under TUP No. 7908-0018-00) and industrial warehouse buildings.	Highway Commercial and Business Park	IL-1
West (Across Scott Road):	Various automotive service uses and non-conforming auto wreckers.	Highway Commercial	IL-1

DEVELOPMENT CONSIDERATIONS

Background:

- The subject property, located at 10566 Scott Road in South Westminster, is 5.62 hectares (14.26 acres) in size, designated Industrial in the Official Community Plan (OCP) and Highway Commercial on the western portion of the site and Business Park on the eastern portion of the site in the South Westminster Neighbourhood Concept Plan (NCP). The subject site is currently zoned "General Agricultural Zone (A-1)".
- Under Development Application 7911-0167-00, the property owner has requested rezoning of the eastern 3.1-hectare (7.6-acre) portion of the site to "Business Park 1 Zone (IB-1)" in accordance with the South Westminster NCP.
- The rezoning of the eastern portion of the subject site to IB-1 Zone (By-law No. 17508) was granted Third Reading on November 28, 2011. In order to proceed to final adoption of the rezoning by-law, the owner is required to complete a number of conditions, including entering into a servicing agreement for the provision of works and services to the IB-1-zoned portion.
- In conjunction with the proposed rezoning of the eastern portion of the site, the applicant has also requested a subdivision of the site to create two lots and dedicate the extension of 122 Street separating the A-1-zoned portion from the proposed IB-1-zoned portion and the extension of 124 Street along the eastern edge.
- An unauthorized landscape supply business is operating on the western (subject) portion of the site, which is intended to remain zoned A-1.

Current Proposal:

- The subject application is for a Temporary Commercial Use Permit for the western 2.35-hectare (5.8-ac.) portion of the subject property.
- Groundworks Construction has leased the western portion of the property, which is preloaded, and is requesting a Temporary Commercial Use Permit to allow the western portion to be used for a "Landscape Depot". This company specializes in the sale of landscaping supplies (bark mulch, top soil, sand, pebbles and landscaping stone). This

company sells directly to the public and contractors, as well as delivers and installs landscaping material.

- The proposed use is consistent with the land uses envisioned in the South Westminster Neighbourhood Concept Plan, however rezoning this portion of the property at this time would trigger the completion of a servicing agreement for the provision of works and services and a Development Permit to regulate a permanent building and the paved parking and storage areas.
- The proposed temporary use permit (TUP) for the subject site will allow the owner to collect revenue until he has the resources to ultimately develop in accordance with the South Westminster NCP.
- Should the TUP be approved, the applicant will be applying for a temporary trailer for the office component of the landscape supply business. Portable toilets are intended to be provided on-site.
- The Temporary Commercial Use Permit (TUP) will allow for the proposed landscaping supply company to operate from this site for a period not to exceed three years. The applicant is required to complete the requirements identified in the Pre-Servicing Requirements within six months from the date of approval to proceed (i.e. the second Council meeting in December 2014) or the application will be brought forward for consideration of filing.

PRE-NOTIFICATION

In accordance with Council policy, a Development Proposal Sign was placed on the property and pre-notification letters were sent on December 16, 2013. To date, staff have not received any comments or concerns with respect to the proposal.

PUBLIC CONSULTATION PROCESS FOR OCP AMENDMENT

Pursuant to Section 879 of the <u>Local Government Act</u>, it was determined that it was not necessary to consult with any persons, organizations or authorities with respect to the proposed OCP amendment, other than those contacted as part of the pre-notification process.

DESIGN PROPOSAL AND REVIEW

- Access to the site is proposed from a driveway from Scott Road. The applicant has proposed the installation of two large planters to identify the entrance to the site. A driveway is proposed along the north portion of the property to facilitate vehicle movement.
- The front portion of the A-1 zoned site is proposed for a series of lock block storage walls for landscaping material. A pre-manufactured temporary office trailer will be positioned approximately in the centre of the site.

• A component of the Pre-Servicing Requirements is the submission of a landscaping plan to the satisfaction of the City Landscape Architect for the area along the front property line (Scott Road).

INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

Appendix I. Lot Owners, Action Summary

Appendix II. Site Plan Perspective Appendix III. Engineering Summary

Appendix IV. OCP Text Amendment By-law and Survey Plan

Appendix V. Temporary Commercial Use Permit No. 7913-0217-00

Appendix VI. Pre-Servicing Requirements

original signed by Judith Robertson

Jean Lamontagne General Manager Planning and Development

LAP/da

Information for City Clerk

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

1. (a) Agent: Name: David Kirby

Groundworks Construction Supply Ltd.

Address: 2806 - Grandview Highway

Vancouver, BC V5M 2C9

Tel: (604)322-6790 - Work

(604)230-5377 - Cellular

Fax: (604)566-9509

2. Properties involved in the Application

(a) Civic Address: Portion of o566 - Scott Road

(b) Civic Address: Portion of 10566 - Scott Road

Owner: Angelo Testa PID: 013-197-754

Parcel "B" (Reference Plan 4663) Fractional Section 19 Block 5 North Range 2 West Except:

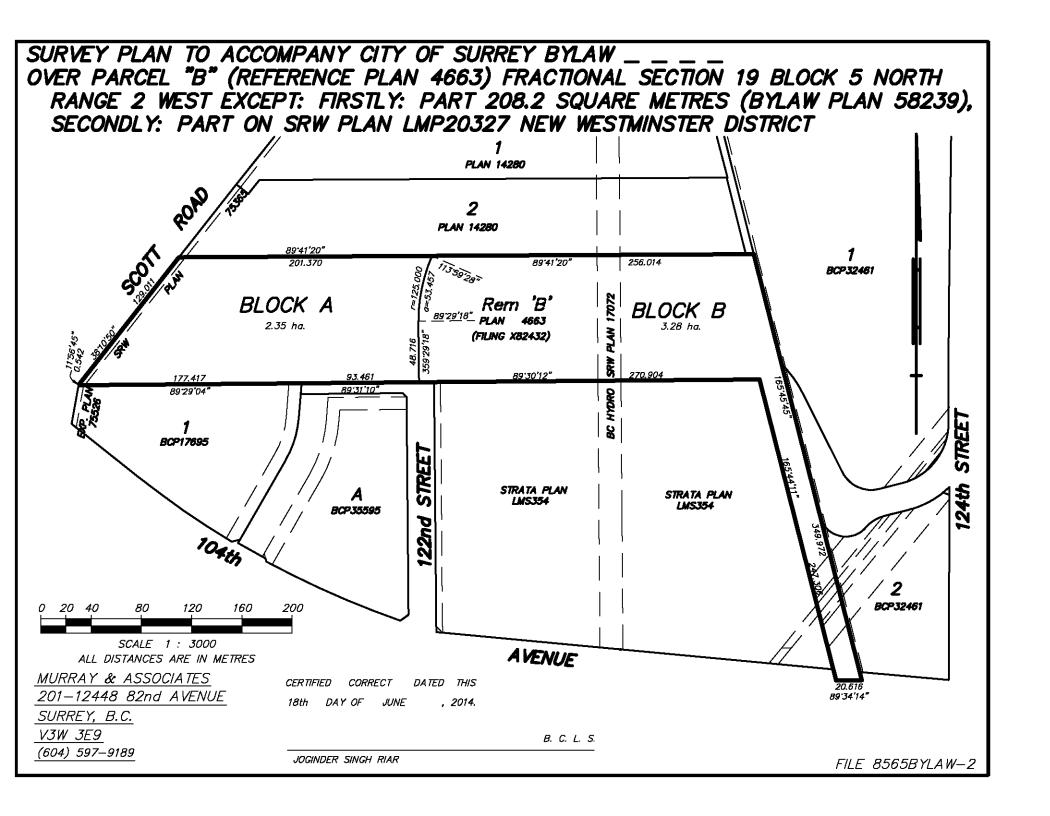
Firstly Part 208.2 Square Metres (By-law Plan 58239) Secondly: Part on SRW Plan

LMP20327 New Westminster District

3. Summary of Actions for City Clerk's Office

(a) Introduce an OCP Text Amendment By-law and set a date for Public Hearing.

(b) Proceed with Public Notification for Temporary Commercial Use Permit No. 7913-0217-00 and bring the Temporary Use Permit forward for an indication of support by Council. If supported, the Temporary Use Permit will be brought forward for issuance and execution by the Mayor and City Clerk once all outstanding conditions are satisfied.





Issued by: G

Groundworks Construction Supply Ltd.

2806 Grandview Highway

Vancouver, BC V5M 2C9

Telephone:

604-322-6790

Fax:

604-437-6793

Site:

10566 Scott Road, Surrey, BC

To:

Planning & Development Department

14245 – 56 Avenue

Surrey, BC V3X 3A2

Telephone:

604-591-4441 (main)

Fax:

604-591-2507

Regarding:

Land Development Application

Temporary Use Premit

LANDSCAPE DEPOT - Concept Visualization Layout - Aerial View - Annotated





2806 Grandview Highway

Vancouver, BC V5M 2C9

Telephone:

604-322-6790

Fax:

604-437-6793

Site:

10566 Scott Road, Surrey, BC

To:

Planning & Development Department

14245 - 56 Avenue

Surrey, BC V3X 3A2

Telephone:

604-591-4441 (main)

Fax:

604-591-2507

Regarding:

Land Development Application

Temporary Use Premit

LANDSCAPE DEPOT - Concept Visualization Flyover - Looking North





2806 Grandview Highway

Vancouver, BC V5M 2C9

Telephone:

604-322-6790

Fax:

604-437-6793

Site:

10566 Scott Road, Surrey, BC

To:

Planning & Development Department

14245 – 56 Avenue

Surrey, BC V3X 3A2

Telephone:

604-591-4441 (main)

Fax:

604-591-2507

Regarding:

Land Development Application

Temporary Use Premit

LANDSCAPE DEPOT - Concept Visualization

Flyover - Looking South





2806 Grandview Highway

Vancouver, BC V5M 2C9

Telephone:

604-322-6790

Fax:

604-437-6793

Site:

10566 Scott Road, Surrey, BC

To:

Planning & Development Department

14245 – 56 Avenue

Surrey, BC V3X 3A2

Telephone:

604-591-4441 (main)

Fax:

604-591-2507

Regarding:

Land Development Application

Temporary Use Premit

LANDSCAPE DEPOT - Concept Visualization Flyover - Looking East Over Scott Road Entrance





2806 Grandview Highway

Vancouver, BC V5M 2C9

Telephone:

604-322-6790

Fax:

604-437-6793

Site: 10566 Scott Road, Surrey, BC

To:

Planning & Development Department

14245 - 56 Avenue

Surrey, BC V3X 3A2

Telephone:

604-591-4441 (main)

Fax:

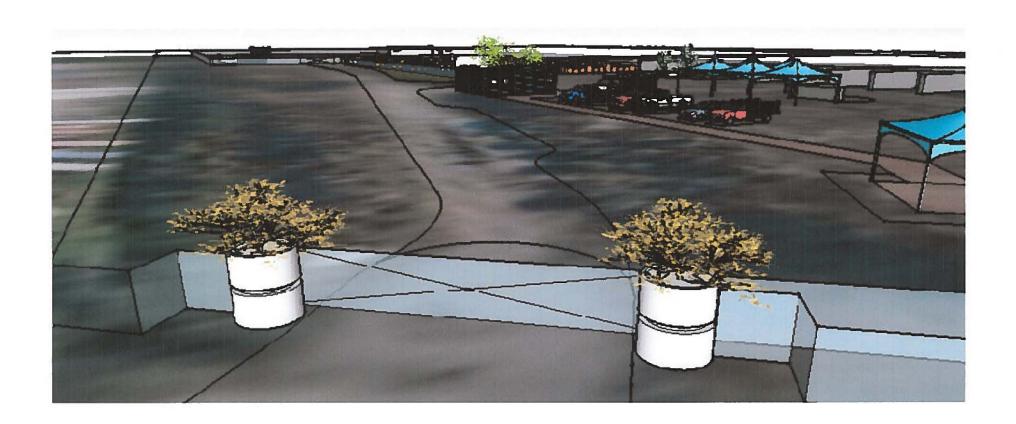
604-591-2507

Regarding:

Land Development Application

Temporary Use Premit

LANDSCAPE DEPOT - Concept Visualization Flyover - Looking East Over Scott Road Entrance - Closeup





2806 Grandview Highway

Vancouver, BC V5M 2C9

Telephone:

604-322-6790

Fax:

604-437-6793

Site:

10566 Scott Road, Surrey, BC

To:

Planning & Development Department

14245 - 56 Avenue

Surrey, BC V3X 3A2

Telephone:

604-591-4441 (main)

Fax:

604-591-2507

Regarding:

Land Development Application

Temporary Use Premit

LANDSCAPE DEPOT - Concept Visualization
Flyover - Looking North-East - Closeup B





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Planning & Development Department

14245 – 56 Avenue

Surrey, BC V3X 3A2

2806 Grandview Highway Vancouver, BC V5M 2C9

604-322-6790 604-437-6793 Telephone:

604-591-4441 (main)

Fax:

To:

604-591-2507

Regarding:

Land Development Application

Temporary Use Premit

Site:

Fax:

Telephone:

10566 Scott Road, Surrey, BC

LANDSCAPE DEPOT - Concept Visualization

Flyover - Site Office (location only, actual structure may differ from image) & Landscape Depot Gate





2806 Grandview Highway

Vancouver, BC V5M 2C9

Telephone:

604-322-6790

Fax:

604-437-6793

Site:

10566 Scott Road, Surrey, BC

To:

Planning & Development Department

14245 – 56 Avenue

Surrey, BC V3X 3A2

Telephone:

604-591-4441 (main)

Fax:

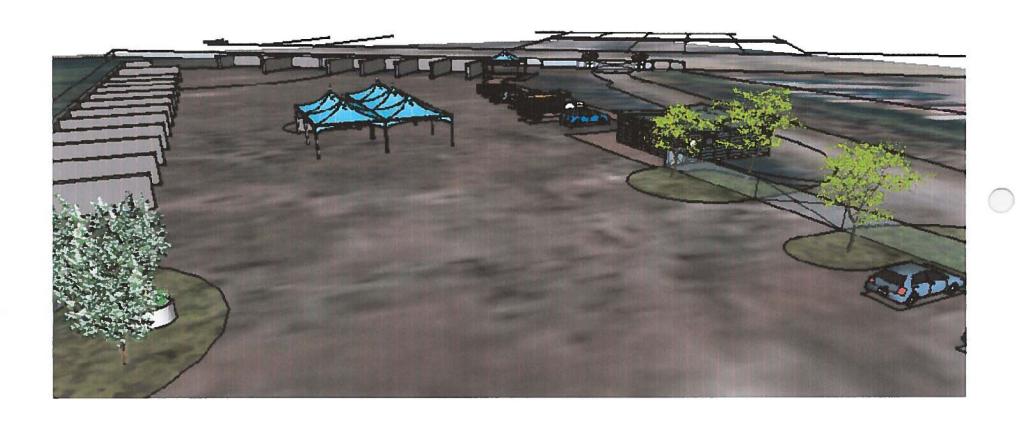
604-591-2507

Regarding: Land

Land Development Application

Temporary Use Premit

LANDSCAPE DEPOT - Concept Visualization Flyover - Looking North-West - Closeup B





Appendix III INTER-OFFICE MEMO

TO:

Manager, Area Planning & Development

- North Surrey Division

Planning and Development Department

FROM:

Development Services Manager, Engineering Department

DATE:

March 5, 2014

PROJECT FILE:

7813-0217-00

RE:

Engineering Requirements (Commercial/Industrial)

Location: 10566 Scott Road

OCP AMENDMENT

There are no engineering requirements relative to the OCP Amendment.

TEMPORARY USE PERMIT

The following issues are to be addressed as a condition of issuance of the Temporary Use Permit:

- Register a restrictive covenant for right-in/right-out access restriction;
- Ensure no sediment laden waters enter the Class A & Class C watercourses and manage runoff onsite; and
- If sanitary sewer connection is required, construct low pressure sanitary sewer system, (Servicing Agreement will be required) and register restrictive covenant for maintenance of pumped connection.

A Servicing Agreement is not required prior to TUP unless the sanitary sewer connection is required.

Rémi Dubé, P.Eng. Development Services Manager

sk

CITY OF SURREY

BY-LAW NO.

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THE CITY COUNCIL of the City of Surrey, in open meeting assembled, ENACTS AS FOLLOWS:

1.	Surrey Official Community Plan By-law 1996, No. 12900, as amended, is hereby further
	amended as follows:

Division A. Schedule B *Temporary Use Permit Areas*, under the heading *Temporary Commercial Use Permit Areas*, by adding the following section immediately following Temporary Commercial Use Permit Area No. ____

Temporary Commercial Use Permit Area No. ____

Landscape Supply Sales

<u>Purpose:</u> To allow the development and operation of a temporary landscape

supply business for a period not to exceed three years

<u>Legal Description</u>: Portion of 013-197-754

Parcel "B" (Reference Plan 4663) Section 19 Block 5 North Range 2 West Except Firstly Part 208.2 Square Metres (By-law Plan 58239) Secondly: Part on SRW Plan LMP20327 New Westminster District as shown A on the Survey Plan attached hereto and forming part of this Bylaw as Schedule A, certified correct by Joginder Sngh Riar, B.C.L.S. on the 18 th day of June 2014 containing 2.35 hectares, called

Block A.

<u>Location:</u> Portion of 10566 Scott Road

Conditions: 1. **Zoning By-law Requirements**

- (a) The Zoning By-law requirement for the construction of a permanent *building*, including washroom facilities, with a minimum area of 100 square meters (1,076 sq. ft.) is waived; and
- (b) The Zoning By-law requirement for paving the parking area with asphalt, concrete or other similar pavement is modified to allow the use of other surfacing materials suitable for traffic as approved by the General Manager of Engineering.

2. By-law and Licensing Requirements

(a) Site must be kept clean and maintained.

3.

3.	Engineering Services Requirements						
	(a) Ensure no increase in storm runoff through onsite storm water management controls; and						
4.	General Requirements						
	(a) The subject lands are to be used in accordance with the provisions of the Temporary Commercial Use Permit.						
<u> </u>	e Temporary Commercial Use Permit will remain in effect until e earlier of the following:						
(a)	The date specified in the Temporary Commercial Use Permit; or						
(b)	Three years after the Temporary Commercial Use Permit was issued or if the site becomes unsightly to the Manager of By-law & Licensing Services.						
	This By-law shall be cited for all purposes as "Surrey Official Community Plan By-law, 1996, No. 12900, Text NoAmendment By-law, 2014, No. "						
PASSED FIRST AND SECOND READING on the, day of							
PUBLIC HEARING HELD thereon	PUBLIC HEARING HELD thereon on the, day of						
PASSED THIRD READING on the	e day of						
	•						

RECONSIDERED AND FINALLY ADOPTED, signed by the Mayor and Clerk, and sealed with the Corporate Seal on the day of,

- 	MAYOR
	CLERK

CITY OF SURREY

(the "City")

TEMPORARY COMMERCIAL COMMERCIAL USE PERMIT

NO.: 7913-0217-00

Issued To: ANGELO TESTA

("the Owner")

Address of Owner: 3049 - Bainbridge Avenue

Burnaby, BC V5A 2S9

- 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:

Portion of Parcel Identifier: 013-197-754

Parcel "B" (Reference Plan 4663) Section 19 Block 5 North Range 2 West Except: Firstly Part 208.2 Square Metres (By-law Plan 58239) Secondly: Part on SRW Plan LMP20327 New Westminster District

Portion of 10566 - Scott Road

(the "Land")

- The Land has been designated as a Temporary Commercial Use Permit Area in Surrey Official Community Plan, 1996, No. 12900, as amended.
- 4. The temporary use permitted on the Land shall be: the operation of a landscaping supply business on the portion of Land identified as Block "A" on Schedule "A" which is attached to and forms part of this Permit.
- 5. The temporary use shall be carried out according to the following conditions:
 - (a) The Zoning By-law requirement for the construction of a permanent *building*, including washroom facilities, with a minimum area of 100 square meters (1,076 sq. ft.) is waived;
 - (b) The Zoning By-law requirement for paving the parking area with asphalt, concrete or other similar pavement is modified to allow the use of other surfacing materials suitable for traffic as approved by the General Manager of Engineering;

- (c) Site must be kept clean and maintained;
- (d) Ensure no increase in storm runoff through onsite storm water management controls; and
- (e) The subject lands are to be used in accordance with the provisions of the Temporary Commercial Use Permit.
- 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 ten	nporary use per	mit shall lapse on or l	pefore three year	rs from date of	fissuance
AUTHORIZING	G RESOLUTION	I PASSED BY THE CO	DUNCIL, THE	DAY OF	, 20 .
ISSUED THIS	DAY OF	, 20 .			
				T 347	
			Mayor – Dian	ne L. Watts	
			City Clerk – Ja	ne 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)

Owner: Signature

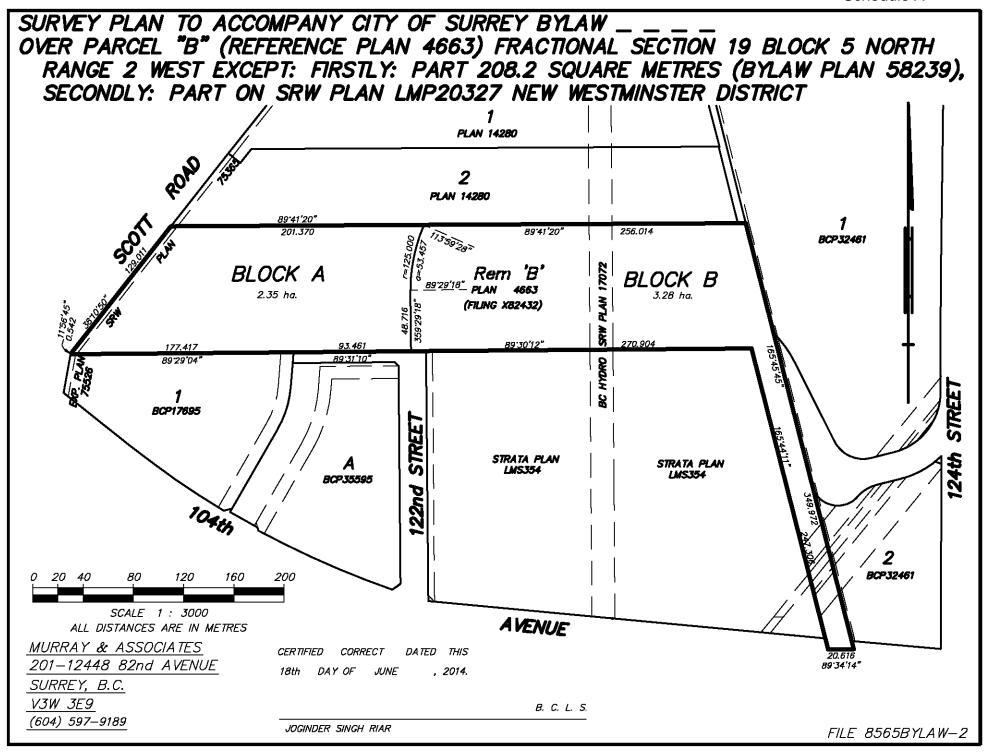
Name: (Please Print)

OR

(Witness)

TO THE CITY OF SURREY:

I,	David Kiraly	(Name of Owner)							
Except: Fir		nce Plan 4663) Section 19 Block 5 North Range 2 West res (By-law Plan 58239) Secondly: Part on SRW Plan (Legal Description)							
known as	10566 Sc	ott Road (Civic Address)							
hereby un	dertake as a condition of is	suance 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 whic permit.	h shall be done not later th	an the termination date set out on the temporary use							
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.									
		· //.							
	Susan Wilson 13450 - 104th Avenue Surrey, BC V3T 1V8 A Commissioner for taking Affida	Susan a Wilson							



Pre-Servicing Requirements for Temporary Commercial Use Permit No. 7913-0217-00 (Landscape Supply)

Landscaping Requirements

- Submission of landscaping plans to the satisfaction of the City Landscape Architect for the area long the front property line (Scott Road).
- Installation of approved landscaping before issuance of the Temporary Commercial Use Permit.

Engineering Services Requirements

- Registration of a restrictive covenant for right-in/right-out access.
- Ensure no sediment laden waters enter the Class A and Class C watercourses and manage runoff onsite.
- An area of asphalt or concrete paving shall be provided on the site in the area where its driveway meets the road to prevent tracking of dirt or mud onto the public street, to the satisfaction of the General Manager, Engineering.

Planning Requirements

• Adequate washroom facilities are to be provided on the site to the satisfaction of General Manager, Planning and Development, but in any case there shall be a minimum of one such facility on the site.

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