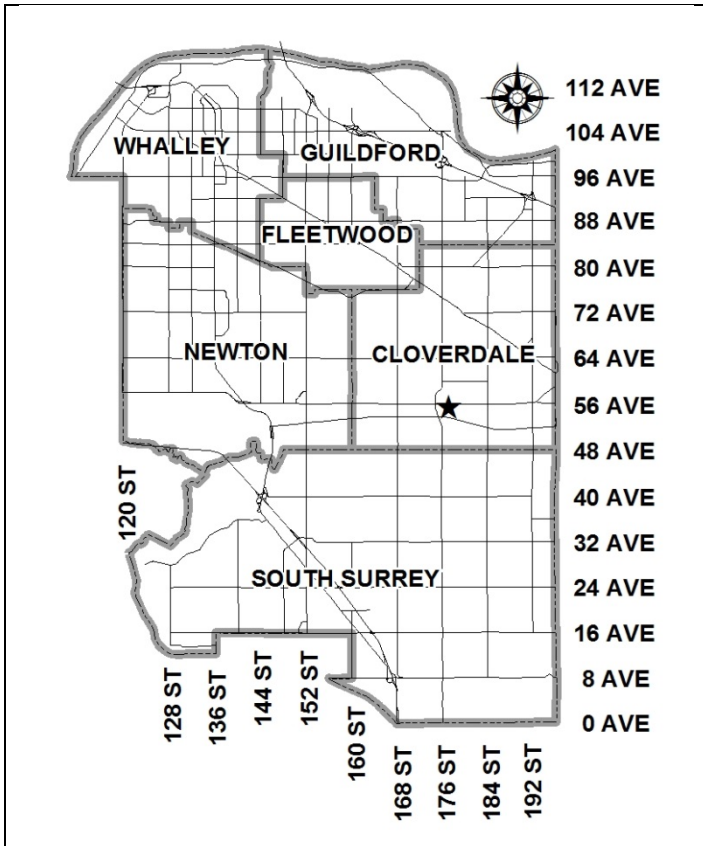


City of Surrey
PLANNING & DEVELOPMENT REPORT

File: 7914-0122-00

Planning Report Date: September 8, 2014

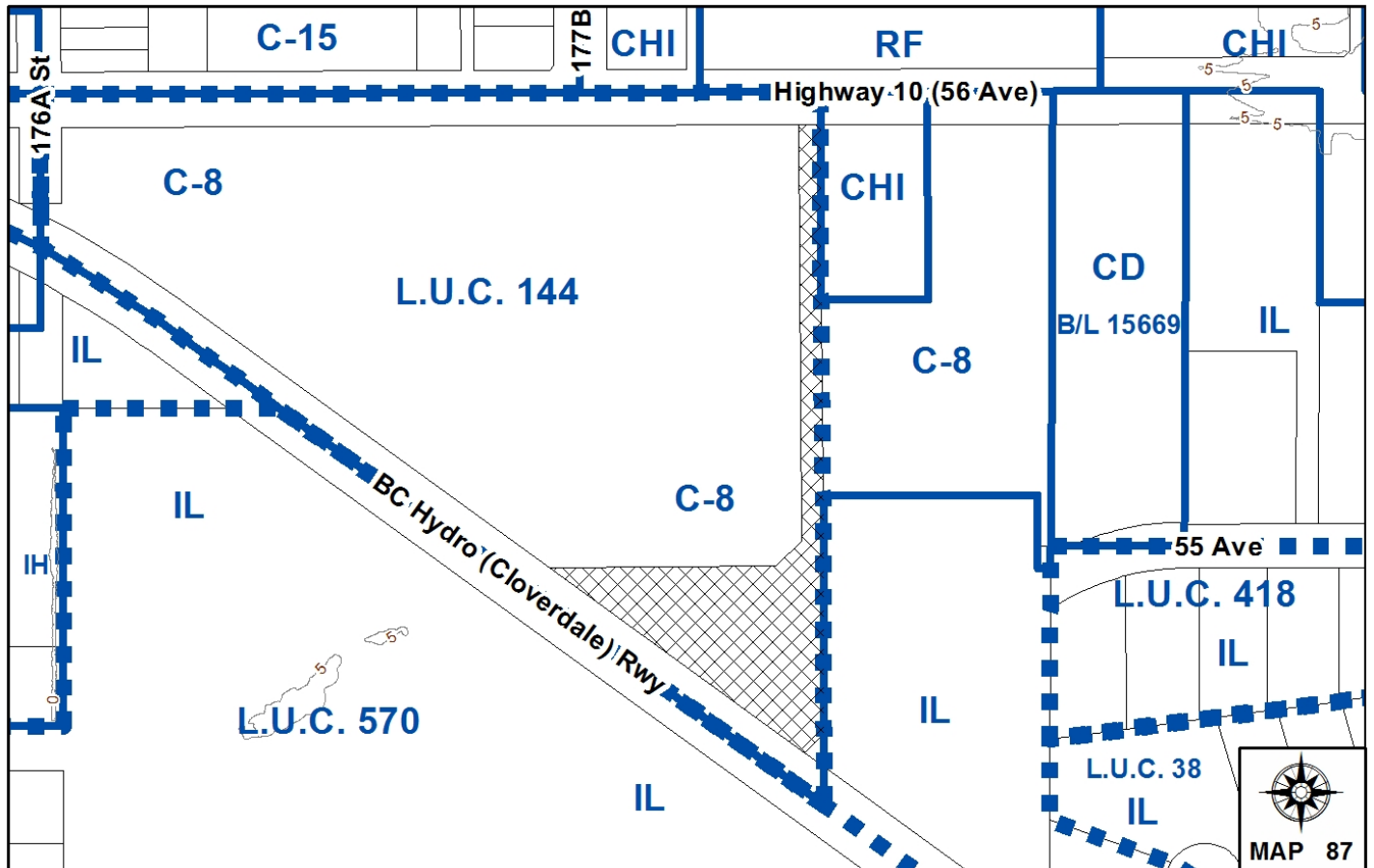


PROPOSAL:

- Partial Land Use Contract Discharge
- OCP Text Amendment
- Temporary Industrial Use Permit

in order to allow for truck parking for a period of three years.

LOCATION: 17824 – No. 10 (56 Avenue) Hwy.
OWNER: Suncor Energy Inc
ZONING: LUC No. 144 (underlying C-8)
OCP DESIGNATION: Commercial
TCP DESIGNATION: Commercial



RECOMMENDATION SUMMARY

- By-law Introduction and set date for Public Hearing for:
 - Partial Land Use Contract Discharge; and
 - OCP Text Amendment.
- Approval for Temporary Industrial Use Permit to proceed to Public Notification.

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- None.

RATIONALE OF RECOMMENDATION

- The site was previously used as a PetroCanada refueling commercial cardlock.
- The site is currently undergoing remediation in accordance with the Contaminated Sites Regulation of the Environmental Management Act.
- The proposed temporary truck parking facility will allow the interim use of the land until it receives a Certificate of Compliance from the Ministry of Environment, Contaminated Sites Branch and can be redeveloped.
- The site is in close proximity to two major truck routes (Highway Nos. 10 and 15).
- The applicant will be required to provide a right-of-way through the north portion of the site for the extension of 55 Avenue.

RECOMMENDATION

The Planning & Development Department recommends that:

1. Council introduce a By-law to partially discharge Land Use Contract No. 144 and a date for Public Hearing be set.
2. Council introduce a by-law to amend the OCP by declaring the subject site a Temporary Industrial Use Permit Area and a date for Public Hearing be set.
3. 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.
4. Council approve Temporary Industrial Use Permit No. 7914-0122-00 (Appendix IV) to proceed to Public Notification.
5. 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;
 - (b) approval from the Ministry of Transportation & Infrastructure;
 - (c) approval from Ministry of Environment, Contaminated Sites Branch to allow the Land Use Contract discharge to proceed to final adoption in advance of a Certificate of Compliance; and
 - (d) installation of a cedar hedge along the south property line.
6. Direct staff to bring forward this application 6 months from the date of approval to proceed (i.e. the first Council meeting after March 8, 2015) for consideration of filing if the landscaping requirements 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 II.
Ministry of Transportation & Infrastructure (MOTI):	The proposal has been referred to MOTI for their comments.
Ministry of Environment (MOE) Contaminated Sites Branch	The site is currently undergoing environmental remediation. A release will be required from MOE to allow the by-law to be adopted.

SITE CHARACTERISTICS

Existing Land Use: Vacant site undergoing environmental remediation with non-conforming truck parking.

Adjacent Area:

Direction	Existing Use	OCP/TCP Designation	Existing Zone
North (Across Highway No. 10):	Cloverdale Traditional Elementary School	TCP: Institutional	RF
East:	A & W Restaurant and Delta Controls (computer component manufacturer)	OCP: Commercial (north portion) and Industrial (south portion)	CHI, C-8 and IL
South (Across BC Hydro Rail line):	Vacant, under Development Application No. 7908-0088-00 to discharge LUC No. 517 to allow an IL-zoned subdivision (at Third Reading)	OCP: Industrial	LUC No. 570 (underlying IL)
West:	Clover Square Village Mall	TCP: Retail/ Service Commercial	LUC No. 144 (underlying C-8)

DEVELOPMENT CONSIDERATIONSBackground

- Land Use Contract (LUC) No. 144 was approved in 1978 and amended in 1985 to regulate the development of the subject lot and the Clova Square Village Mall site to the west.
- The 0.78-hectare (1.9-acre) subject site consists of one lot with direct access to Highway No. 10 from a long 9.9-metre (32 ft.) wide panhandle driveway.
- The property is regulated by LUC No. 144, but its underlying zoning is "Community Commercial Zone (C-8)" and is designated Commercial in the Official Community Plan (OCP).
- LUC No. 144 permits retail commercial, offices, service station, industrial and farm supply centre, bulk petroleum plant and ancillary uses in conformity with the General Business Zone (C-2) of Zoning By-law No. 2265.
- LUC No. 144 does not permit the parking of overweight vehicles on the site.
- The site was operated by PetroCanada as a refueling commercial card lock and was decommissioned approximately four years ago. The site is currently undergoing site remediation in accordance with the requirements of the Ministry of Environment, Contaminated Sites Branch.

- There are no buildings on the site. A Demolition Permit was issued in May 2010 for the removal of a building, three underground fuel storage tanks and a truck scale.
- The site has been used for the parking of trucks for approximately one year.
- The Local Government Act does not expressly allow Temporary Use Permits (TUPs) to be issued on properties which are regulated by a Land Use Contract. This has been confirmed with Surrey's Legal Services Division.

Current Proposal

- The applicant has requested a partial discharge of Land Use Contract No. 144, an OCP Text Amendment to declare the site a Temporary Industrial Use Permit Area, and a Temporary Industrial Use Permit to allow for a truck parking facility for a period of three years.
- With the proposed discharge of LUC No. 144 from the subject site, the underlying Community Commercial (C-8) Zone will come into effect.
- The C-8 Zone is intended for community shopping centres. The C-8 Zone permits parking facilities as a principal use but not parking facilities for vehicles weighing more than 5,000 kilograms (11,023 lbs.) GVW.
- The tenant for the site operates a trucking company and requires a site to park approximately 8 trucks, which are used to transport groceries to various local grocery stores. The tenant advised staff that his trucks leave in the early morning and are usually returned to the site in the early afternoon, Monday through Friday.
- A Temporary Use Permit (TUP) is proposed rather than a rezoning to a zone that permits truck parking, because no construction can occur on the site until the site remediation is complete to the satisfaction of the Ministry of Environment, Contaminated Branch. It may take a number of years to complete the site remediation.
- The site fronts Highway No. 10 and is in close proximity to Highway No. 15 (176 Street). Both highways are major trucking routes.
- The proposed truck parking facility would allow for an interim use on the land while the site is being remediated to provincial standards to allow for its future redevelopment.
- Driveway access to the site is from Highway No. 10 and the application has been referred to the Ministry of Transportation and Infrastructure for consideration.
- There are no authorized or in-stream applications for truck parking facilities in the immediate area (see Appendix V. Map of Licensed Permanent and Proposed Temporary Truck Parking Facilities in Cloverdale).

- Parallel to the south property line is a rail spur for the storing of grain cars for the grain re-loader located at 5330 180 Street as well as a decommissioned rail line. The decommissioned rail line is still in seasonal operation by the Heritage Rail Society for access between their heritage station and the active Burlington Northern Sante Fe rail line located parallel to and north of Colebrook Road.
- A site inspection revealed that the subject property will be visible to the passengers on the Heritage Railway, and the applicant was requested to install a cedar hedge along the south property line to screen the truck parking on the site.
- The applicant has agreed to this request, and prior to the Temporary Industrial Use Permit being forwarded to Council for final consideration, the applicant will be required to install this landscaping.
- The site is fully enclosed with a chain link fence and there is a locking chain link gate on the panhandle driveway access, located approximately 14 metres (137 ft.) south of Highway No. 10. The asphalt on the property has been removed to allow for the site remediation, and the site is currently finished in hard packed gravel.

Future Collector Road

- There is an industrial collector road planned between 196 Street and 172 Street, south of Highway No. 10 and north of the rail line. Portions of this collector road are open between 192 Street and 196 Street, and between approximately 188 Street and 184 Street.
- Across the decommissioned rail right-of-way, there is development application to discharge LUC No. 570 to allow the underlying Light Impact Industrial Zone (IL) to regulate the use on the site and a proposed subdivision to dedicate an east-west road and subdivide the parent property into two parcels. This proposed road dedication terminates at the rail right-of-way to the west of the subject property.
- In the future, this road is to be extended and connect with 55 Avenue to the east of the subject property. To protect the City's interest in acquiring this future road connection, the Engineering Department has requested the registration of a statutory right-of-way along the north portion of the subject land.

PRE-NOTIFICATION

In accordance with Council policy, pre-notification letters were sent on June 17, 2014, and a development proposal sign was erected on the property. Planning staff received one phone call requesting information on the proposal, and once the proposal was explained he had no concerns.

PUBLIC CONSULTATION PROCESS FOR OCP AMENDMENT

Pursuant to Section 879 of the Local Government Act, 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.

TREES

- There are no trees on this site.

INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

Appendix I.	Lot Owners and Action Summary
Appendix II.	Engineering Summary
Appendix III.	OCP Text Amendment By-law
Appendix IV.	Temporary Industrial Use Permit No. 7914-0122-00
Appendix V.	Map of Licensed Permanent and Proposed Temporary Truck Parking Facilities in Cloverdale
Appendix VI.	Future Road Network

original signed by Judith Robertson

Jean Lamontagne
General Manager
Planning and Development

LAP/da

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TO: **Manager, Area Planning & Development
- North Surrey Division
Planning and Development Department**

FROM: **Development Services Manager, Engineering Department**

DATE: **September 3, 2014**

PROJECT FILE: **7814-0122-00**

RE: **Engineering Requirements (Commercial/Industrial)
Location: 17824 No 10 (56 Ave) Hwy**

OCP AMENDMENT/LUC AMENDMENT

There are no engineering requirements relative to the OCP Amendment/LUC Amendment.

TEMPORARY USE PERMIT (INDUSTRIAL)

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

- Provide on-site 2.0 m wide statutory rights-of-way (SROW) along north property line (longer length one) for future 55 Avenue; and
- Provide on-site 22.0m wide statutory rights-of-way (SROW), mainly within panhandle section of the site, for future 55 Avenue.

A Servicing Agreement is required for this TUP.



Rémi Dubé, P.Eng.
Development Services Manager

HB

CITY OF SURREY
BY-LAW NO. _____

A by-law to amend the provisions of Surrey Official
Community Plan By-law, 1996, No. 12900, as amended

.....

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 Industrial Use Permit Areas, by adding the following section immediately following Temporary Industrial Use Permit Area No.

Temporary Industrial Use Permit Area No.

Truck Parking

Purpose: To allow the development and operation of a temporary truck and trailer parking facility for vehicles exceeding 5,000 Kg. [11,023 lbs.] gross vehicle weight.

Parcel Identifier: 001-898-051

Location: Lot 1 Section 5 Township 8 New Westminster District Plan 69815
17825 – No. 10 (56 Avenue) Highway

- 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.
 - 2. **Landscaping Requirements**
 - (a) All required landscaping works and planting materials must be maintained for the life of the Temporary Use Permit; and
 - (b) The City’s Landscape Architect will inspect the site, or require inspection of the site by a registered landscape architect, to ensure the work is completed and to approve the landscaping prior to issuance of a Temporary Use Permit.

3. **General Requirements**

- (a) The following activities are prohibited on the lot: truck washing, vehicle maintenance truck fuel storage or refuelling, storage of waste petroleum fluids, parking or storage of vehicles containing Dangerous Goods as defined by the Transport of Dangerous Goods Act. This requirement shall be placed as a condition in the Temporary Use Permit; and
- (b) The subject lands are to be used in accordance with the provisions of the Temporary Use Permit.

Expiration:

The Temporary Industrial Use Permit will remain in effect until the earlier of the following:

- (a) The date specified in the Temporary Industrial Use Permit; or
- (b) Three years after the Temporary Industrial Use Permit was issued.

2. This By-law shall be cited for all purposes as "Surrey Official Community Plan By-law, 1996, No. 12900, Text No. Amendment By-law, 2014, No. "

PASSED FIRST AND SECOND READING on the, day of 2014.

PUBLIC HEARING HELD thereon on the, day of 2014.

PASSED THIRD READING on the day of 2014.

RECONSIDERED AND FINALLY ADOPTED, signed by the Mayor and Clerk, and sealed with the Corporate Seal on the day of , 2014.

_____ MAYOR

_____ CLERK

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CITY OF SURREY

(the "City")

TEMPORARY INDUSTRIAL USE PERMIT

No.: 7914-0122-00

Issued To: SUNCOR ENERGY INC.
(Incorporation No A77905)

("the Owner")

Address of Owner: PO Box 2844 Station M
150 - 6th Avenue, SW
Calgary Alberta T2P 3E3

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: 001-898-051
Lot 1 Section 5 Township 8 New Westminster District Plan 69815
17824 No 10 (56 Ave) Hwy

(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: truck parking for 8 overweight vehicles as shown on Schedule A.
5. The temporary use shall be carried out according to the following conditions:
 - (a) City staff to perform a site inspection to ensure that all site requirements have been met prior to issuance of the Temporary Industrial Use Permit;
 - (b) Adequate washroom facilities are to be provided on site to the satisfaction of the General Manager of planning and Development but in any case there shall be a minimum of one such facility on site;

- (c) The following activities are prohibited on the lot: truck washing, vehicle maintenance, truck fuel storage or refuelling, storage of waste petroleum fluids, parking or storage of vehicles containing dangerous goods as defined by the Transport of Dangerous Goods Act; and
 - (d) The subject lands are to be used in accordance with the provisions of the Temporary Industrial Use Permit.
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 three years from date of issuance

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

ISSUED THIS DAY OF , 20 .

Mayor - Dianne L. Watts

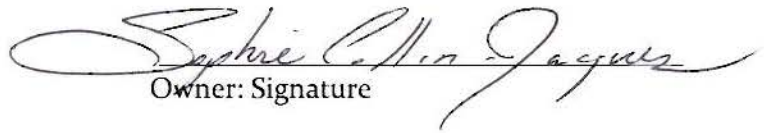
City Clerk - Jane Sullivan

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.

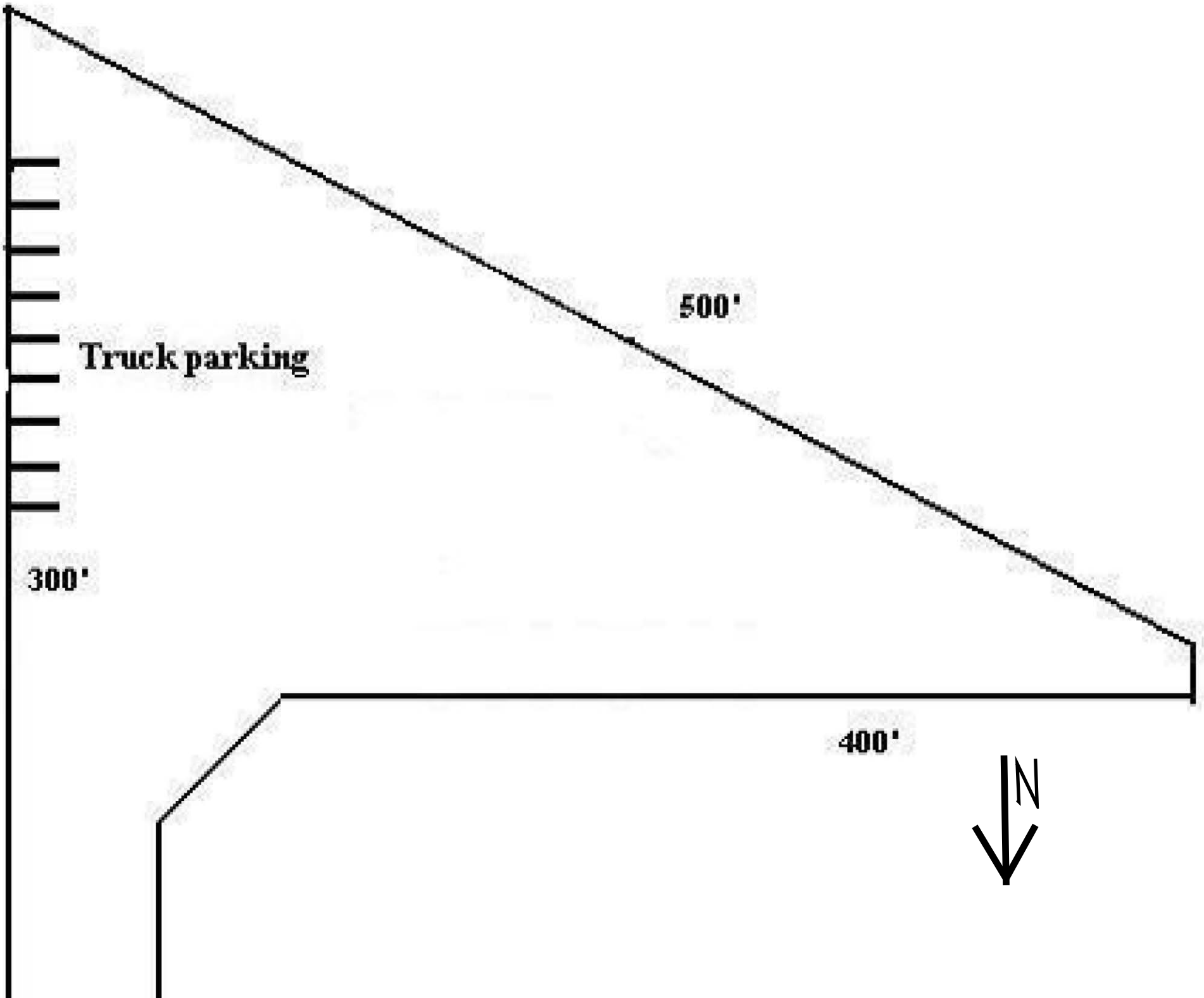
Authorized Agent: Signature

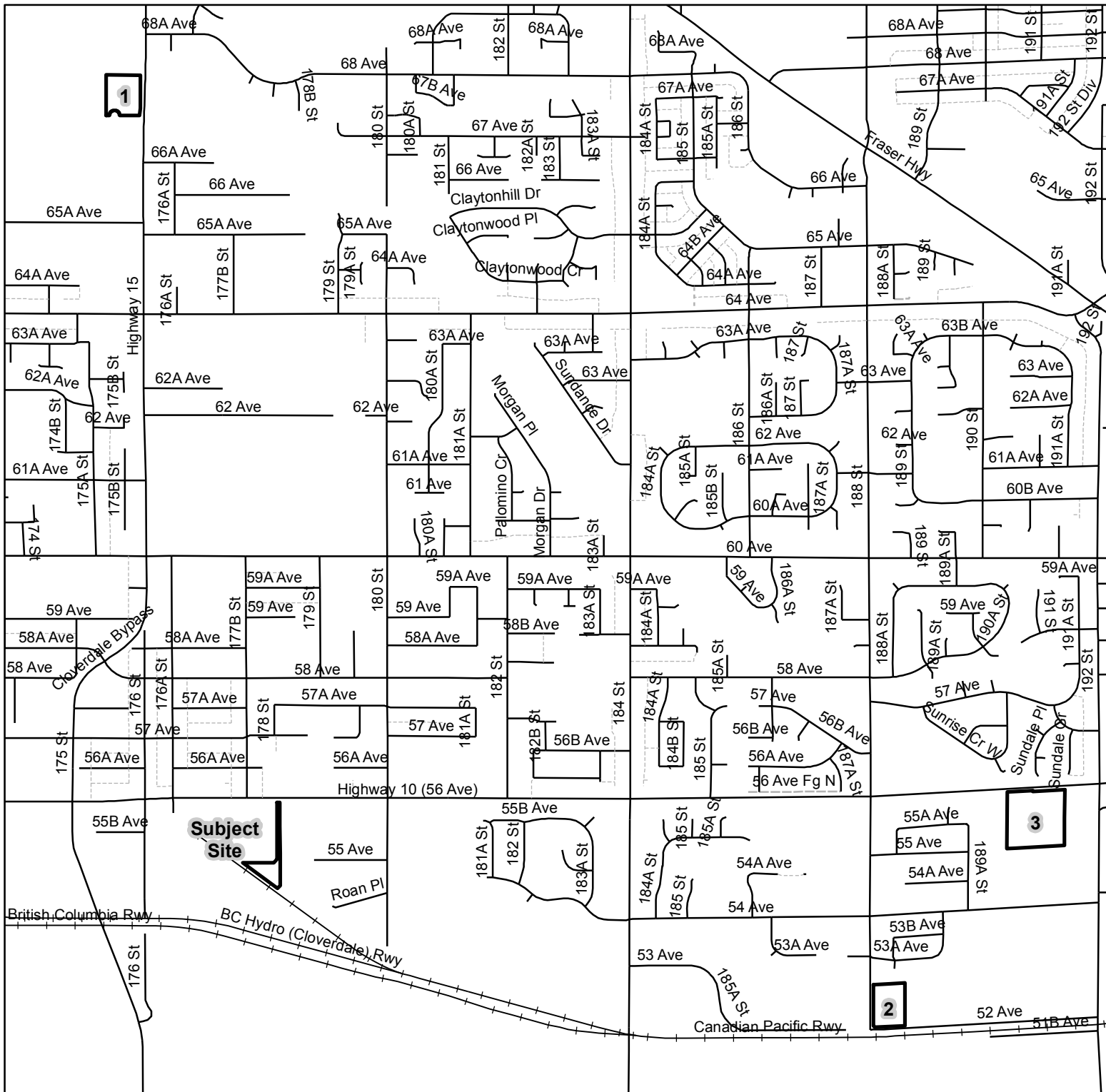
Name (Please Print)

OR


Owner: Signature

Sophie Collin-Jacques
Name: (Please Print)

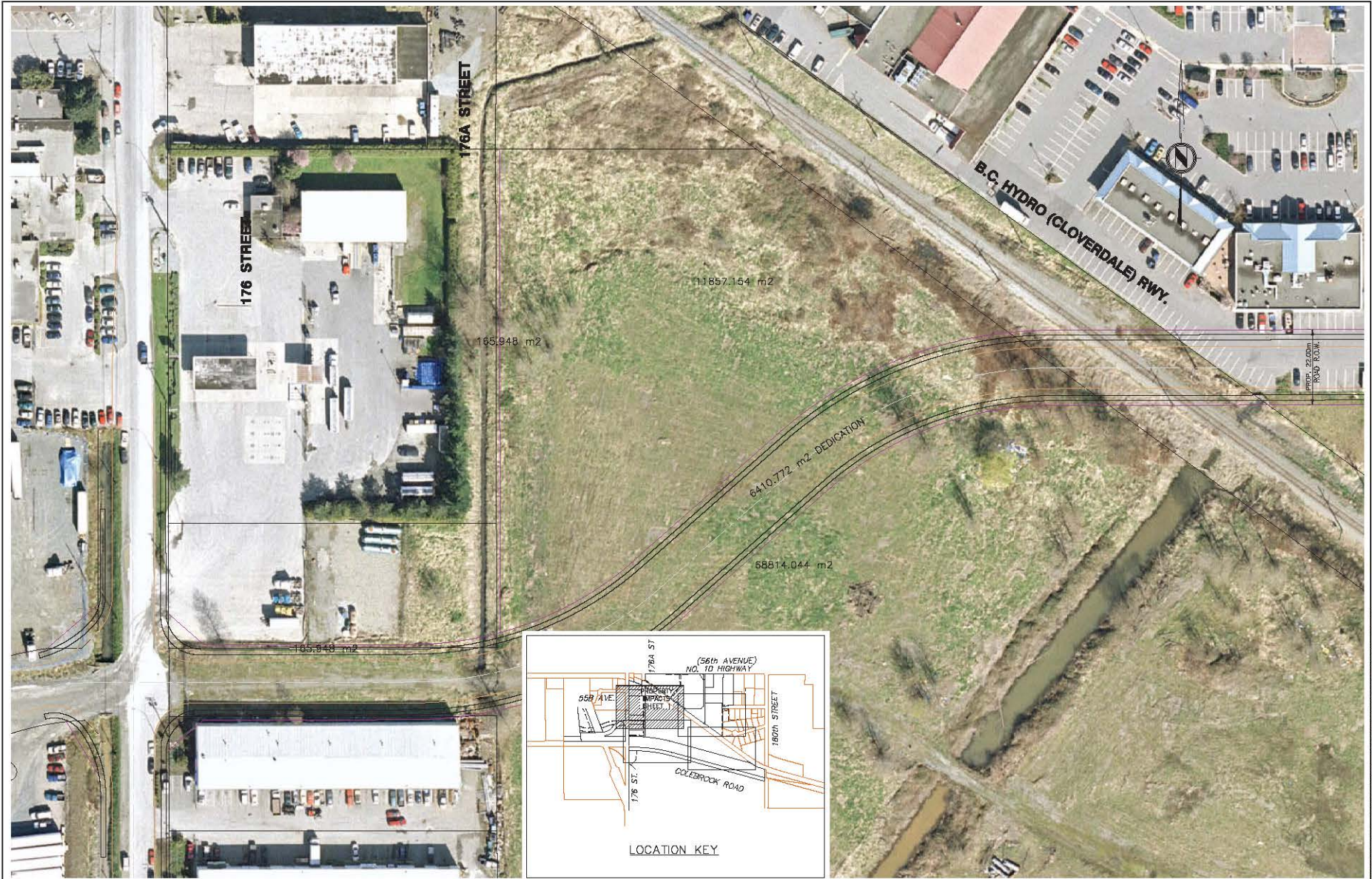




Licensed Permanent & Proposed Temporary Truck Parking Facilities

1. AR-Way Enterprises Ltd.
6739 176 St Surrey BC
2. 7913-0196-00
Support for TUP
given on Nov. 23, 2013
3. 7909-0080-00
19060 Highway #10
Proposed Pre Council





LEGAL DESCRIPTION:

ELEVATIONS ARE DERIVED

REV. NO.	DESCRIPTION	DR	CH	DATE	APP

APLIN & MARTIN
CONSULTANTS LTD

251 - 12440 80 Avenue, Surrey, B.C. Canada V3W 3E9
Tel: (604) 587-9058, Fax: (604) 587-6981, E-mail: general@aplinmartin.com

CLIENT: **RALPH BEREZAN**
210 - 19998 - 84 AVENUE LANGLEY, B.C. V2Y 3Z2

PROJECT: **BY-PASS SERVICE ROAD**

DESIGNER'S NOTE: This drawing is for informational purposes only. It is not to be used for any other purpose without the written consent of A & M. The user assumes all liability for any errors or omissions. The user shall indemnify and hold A & M harmless from and against all claims, damages, costs and expenses, including reasonable attorneys' fees, arising out of or from the use of this drawing.

TITLE: **PROPERTY IMPACTS SHEET ONE**

PROJECT NO. _____

DRAWING NO. _____

SCALE: HORIZ. 1:500
VERT. 3/4"

A & M DRAWING NO. **28012-800**

DESIGN: R.C.W. CHECK: R.C.W.
DRAWN: M.L.C. APPR: _____

A & M FILE: **28012**

DRAWING DATE: **APRIL 2008**

SHEET NO.	REV.
800	