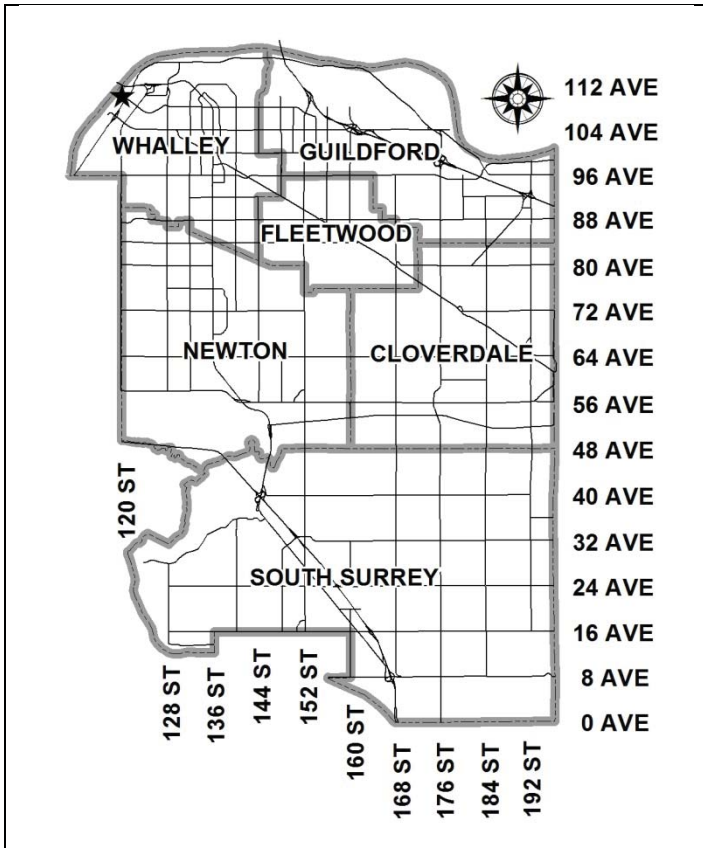


City of Surrey
PLANNING & DEVELOPMENT REPORT

File: 7916-0394-00

Planning Report Date: January 16, 2017



PROPOSAL:

- **Temporary Use Permit**

to allow for the storage, repair and sale of used grocery store equipment from shipping containers and semi-trailer units.

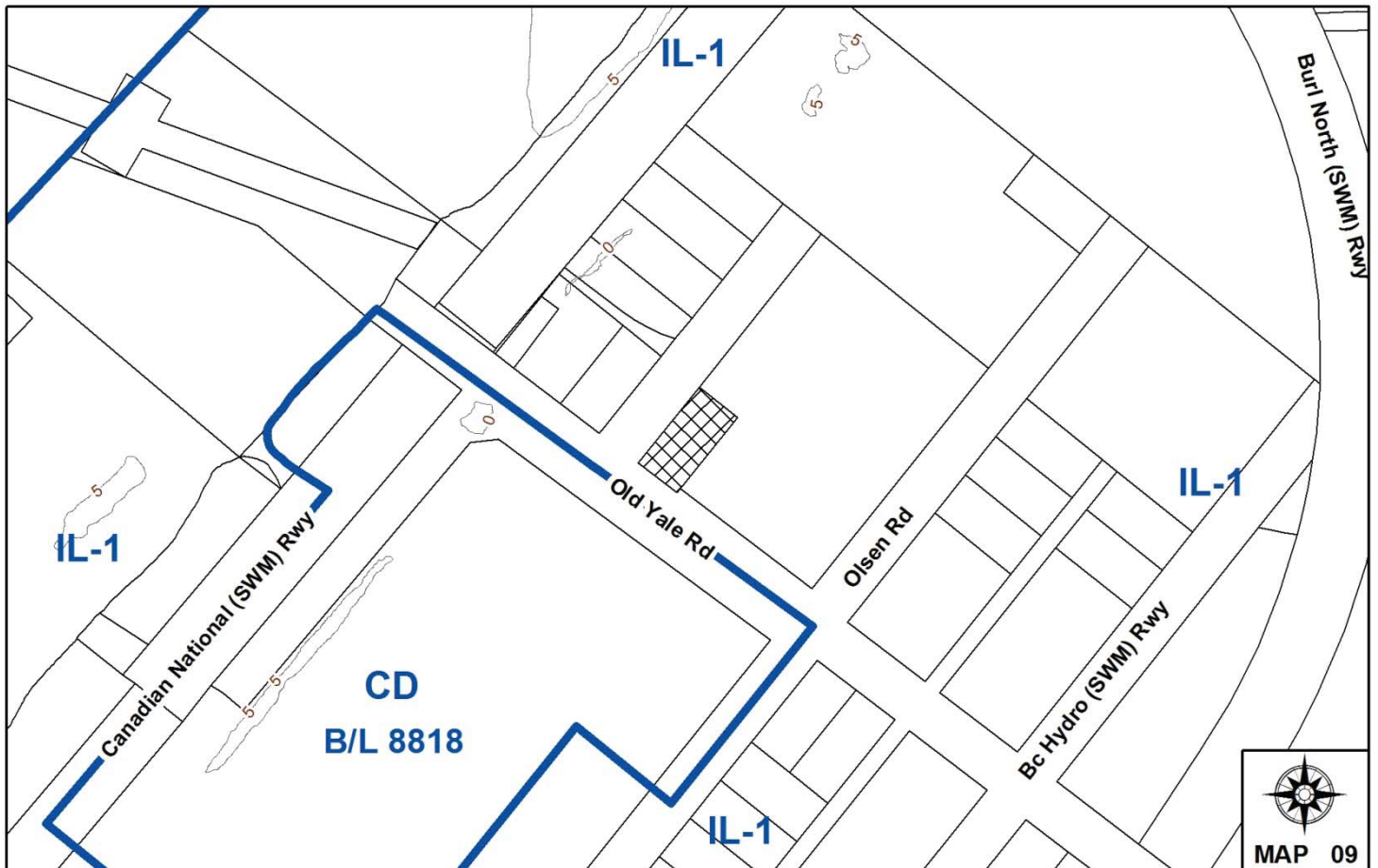
LOCATION: 11955 - Old Yale Road

OWNERS: Cindy Ring
 Janik Thompson
 Lori Sangha

ZONING: IL-1

OCP DESIGNATION: Commercial

NCP DESIGNATION: Retail/Residential



RECOMMENDATION SUMMARY

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

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- Contrary to the South Westminster NCP and the IL-1 Zone.
- The applicant has been unwilling to install a development proposal sign.
- No authorization has been obtained from the City to utilize a portion of the unopened road right-of-way that flanks the western side lot line.

RATIONALE OF RECOMMENDATION

- The applicant has been unwilling to provide required information to properly assess the Temporary Use Permit (TUP) application such as a dimensioned site plan showing truck turning movements, or to install the standard development proposal sign.
- The TUP application is intended to permit the business that exists on the site, for a 3-year period.
- The existing business involves the repair, sale and recycling of used grocery store equipment (such as coolers and freezers) that is stored on site in shipping containers and semi-trailers.
- There are a number of used tires piled on site as well as other small items randomly stored outside.
- The recycling component of the business should be performed within a building and not within shipping containers due to safety and environmental concerns due to potential leaking of chemicals.
- The existing business is unsightly and the subject site is highly visible from the SkyTrain. The SkyTrain guideway is located approximately 15 metres (50 ft.) to the north of the subject site.
- The existing, unauthorized business partially encroaches on the unopened road right-of-way immediately to the west. No permits have been sought to utilize the unopened road right-of-way.
- The storage, repair, and retail of used grocery store equipment could be accommodated in the Highway Commercial Industrial Zone (CHI) provided the business is contained within a building.
- Given the reluctance of the applicant in providing the necessary information and the current unsightliness of this high profile site, staff recommend the application be denied by Council without delay.

RECOMMENDATION

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

If, however, Council considers there is merit in the application, Council may refer the application back to staff to complete the application review process, once the necessary documentation is provided by the applicant and the development proposal sign is installed.

REFERRALS

Engineering: Engineering has been unable to complete their review, as requested information has not been submitted.

Fire: Fire has no concerns with the proposed TUP but the applicant should adhere to the Provincial Shipping Container Safety bulletin, which deals with issues around flammable goods stored within containers.

Ministry of Transportation & Infrastructure (MOTI): MOTI has no objections to the proposed TUP.

TransLink: No flammable materials are to be stored within 5 metres (16 ft.) of the SkyTrain guideway dripline. As the subject property is approximately 15 metres (50 ft.) away from the SkyTrain guideway TransLink has no concerns.

SITE CHARACTERISTICS

Existing Land Use: Unauthorized storage of approximately 12 shipping containers, semi-trailer units, and flatbed trailers as well as a recreational vehicle, used tires and other items.

Adjacent Area:

Direction	Existing Use	NCP Designation	Existing Zone
Northwest (Across unopened road):	Brownsville Bar Park	Parks and Open Spaces	IL-1
North and East:	SkyTrain guideway as well as Canwest Tanks and Ecological Systems	Retail/Residential	IL-1
Southwest (Across Old Yale Road):	Brownsville mobile home park and pub.	Retail/Residential	CD (By-law No. 8818)

DEVELOPMENT CONSIDERATIONS

Background

- The subject lot is located at 11955 - Old Yale Road and is 20 metres (66 ft.) wide and approximately 800 square metres (8,609 sq. ft.) in size. The lot is designated Retail/Residential in the South Westminster Neighbourhood Concept Plan (NCP), zoned "Light Impact 1 Zone (IL-1)" and designated Commercial in the OCP.
- A 20-metre (66 ft.) wide unopened road right-of-way flanks the western side yard, with the parking lot for Brownsville Bar Park immediately adjacent.
- The site is located approximately 15 metres (50 ft.) to the south of the SkyTrain guideway and is a highly visible location for passengers entering Surrey and for users of Brownsville Bar Park.
- The subject lot is devoid of any permanent buildings or structures. The lot has been primarily vacant since 2000 with a few by-law infractions for unauthorized storage of semi-trailers and vehicles between approximately 2011 and 2013. The applicant moved his business to the site in the fall of 2016, relocating from Coquitlam.

Current Proposal

- The applicant proposes a Temporary Use Permit (TUP) to allow for the storage of approximately 12 shipping containers, cube trucks, and semi-trailer units and a recreational vehicle (i.e. camper) to be used as a guard office/residence.
- The applicant's primary business is selling used grocery store equipment such as freezers and coolers which are stored in shipping containers, semi-trailer units and cube trucks. The applicant also reportedly breaks down and recycles some of the equipment on site. Based on the applicant's description of the business, the use appears to be a combination of equipment storage, repair, recycling and retail.
- The applicant has made a TUP application as the retail use is not allowed in the IL-1 Zone. In addition, outdoor storage of any containers, goods, materials, or supplies is not permitted in the IL-1 Zone without a building.
- Although repeatedly requested, the applicant has not provided a dimensioned site plan that includes the location of all structures and the truck turning movements. The applicant has asked that staff use photographs (Appendix II) taken by staff on December 7, 2016 from SkyTrain, in lieu of a dimensioned site plan.
- The photographs indicate and the applicant has confirmed that the following are located on the subject site:
 - Six shipping containers;
 - Four, 45-foot semi-trailer units;
 - Two cube trucks;
 - One recreational vehicle; and
 - Outdoor storage of used tires.

- The applicant proposes to retain the existing gravel surface for the site.
- The site is secured by a gate and a chain link fence which wraps around the perimeter of the site including a portion of the unopened road right-of-way to the north-west.
- The applicant has not sought any approvals for utilizing the adjacent unopened road right-of-way. The unauthorized encroachment has almost doubled the size of the site.
- For added security, the applicant advises that a couple live on site in the recreational vehicle. As the site is not serviced, the recreational vehicle reportedly has two holding tanks; one for sanitary waste and the other for potable water.
- In response to staff's request for a proposed landscaping plan, the applicant recently removed blackberry bushes and planted a cedar hedge along the Old Yale Road frontage, to better screen the site and provide improvements along Old Yale Road (see Appendix IV).

Site Access and Old Yale Road

- The site is accessed from Old Yale Road. The applicant claims that the existing containers semi-trailers and cube trucks on the site are sufficient for his business operations and that he primarily uses a pickup truck and trailer to operate his business. Trip visits are expected to be a few trips a week.
- The applicant has been unwilling to provide a site plan which demonstrates on-site truck turning movements or a geotechnical report on the condition of Old Yale Road and therefore Engineering and Transportation staff are unable to thoroughly review the application. The geotechnical report is required to determine the pavement quality of Old Yale Road and the extent of upgrades required.
- To meet industrial road standards, the applicant has been advised that Engineering will require that the pavement on Old Yale Road be widened from approximately 5.5 metres (18 ft.) to 8 metres (26 ft.) across the lot frontage and to the south-east to the intersection with the South Fraser Perimeter Road (SFPR), a distance of approximately 300 metres (984 ft.). Widening is required to have the road meet industrial standards, which is a minimum 8 metres (26 ft.) pavement width.
- The applicant argues that the road requirements are excessive, given his business generally involves just a pick-up truck (as the containers, semi-trailers and cube trucks are already on site) and is proposed for only a 3-year period.
- Engineering will require that the existing driveway be paved, which is a standard requirement for all industrial TUPs, to prevent any dirt and debris from tracking onto the roadway. The applicant has agreed to paving the driveway.

Future Plans

- The applicant is not the land owner. The applicant advises that he has leased the land on a month to month basis.

- The applicant has advised staff that the site is proposed as a temporary location for his business and will only be used for three years at which point it will be vacated.

PRE-NOTIFICATION

- Contrary to the standard application requirement, the applicant has not installed a development proposal sign.
- Pre-notification letters were sent to surrounding property owners on December 19, 2016 and, to date, staff have not received any responses.

PROJECT EVALUATION

Applicant's Justification:

- At the pre-application meeting with staff, the applicant claims that staff did not provide a comprehensive list of requirements to complete the application.
- Since initial meetings, the applicant has relocated more items onto the subject site.
- The applicant has stated that if they receive approval for a 3-year TUP, they do not intend to seek an extension.
- The applicant has met with staff and confirmed that they want to run the business properly but feel many of the requirements to assess the application are highly onerous.
- The applicant contends that submission of a geotechnical report to determine the current condition of Old Yale Road and the widening of a portion of Old Yale Road are highly onerous and unfair as there are other much heavier trucks that utilize Old Yale Road, including the unauthorized truck park at the eastern end of Old Yale Road, that will not have to pay for the road.
- The applicant has already invested resources in removing blackberry bushes and planting a cedar hedge along the Old Yale Road frontage, to better screen the site (see Appendix IV).

Staff Comments:

- The applicant has refused to install a development proposal sign, which is a requirement for all Temporary Use Permits to elicit comments from the community.
- The applicant has not provided staff with a dimensioned site plan and has asked that photographs of the site taken from SkyTrain (Appendix II) be used instead.
- The applicant has also not provided a geotechnical report to determine the current condition of Old Yale Road. The geotechnical report has been requested to determine the extent of upgrades to Old Yale Road that will be required.

- To meet industrial road standards, Engineering will require that the pavement on Old Yale Road be widened from approximately 5.5 metres (18 ft.) to 8 metres (26 ft.) across the lot frontage and to the south-east to the intersection with the South Fraser Perimeter Road (SFPR), a distance of approximately 300 metres (984 ft.). Engineering will also require that the existing driveway be paved to minimize dirt and debris from tracking onto the roadway.
- There are a number of additional items stored and activities occurring on the site that have not been included in the application, such as the storage of used tires and the recreational vehicle being used as a residence.
- The applicant's business encroaches approximately 14 metres (46 ft.) onto an unopened road right-of-way (see Appendices II and III) to the northwest of the site.
- The advantages and benefits of allowing this application to proceed are as follows:
 - The proposal will accommodate an existing business (albeit unauthorized) for a 3-year period;
 - The applicant is running a recycling business, selling used equipment from grocery stores to small businesses, such as restaurants and small scale supermarkets;
 - The business assists in diverting waste from landfills;
 - There is a need to accommodate recycling businesses in Surrey;
 - Outside storage, if done properly, is a good interim use of land;
 - The site has good access from the South Fraser Perimeter Road;
 - The City could generate some revenue from leasing the unopened road right-of-way to the applicant; and
 - The site will likely not develop to its ultimate use for a considerable time.
- The disadvantages and problems of allowing this application to proceed are as follows:
 - The subject site is unsightly and highly visible from SkyTrain and the adjacent Brownsville Bar Park;
 - The applicant breaks down coolers and freezers for recycling, which is a use that should be performed in a building;
 - The proposed use does not comply with the NCP, which envisions this area along Old Yale Road for commercial / residential uses;
 - Due to the scale of the development, it is unlikely that road upgrades to Old Yale Road will be feasible;
 - The applicant has been operating the business without authorization and has demonstrated a reluctance to work with staff; and

- The applicant has not provided the requested documentation to enable a full review by Engineering to determine the impact of the application on City infrastructure.

CONCLUSION

- In considering the advantages and disadvantages of the proposed Temporary Use Permit, and the reluctance of the applicant in providing the necessary information, staff recommend the application be denied by Council without delay.
- If Council believes that the merits of the application are sufficient to allow the proposal to proceed, the application should be referred back staff to complete the application review process, once the necessary documentation is provided by the applicant and the development proposal sign is installed.

INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

Appendix I.	Lot Owners and Action Summary
Appendix II.	Photographs of Site Taken from SkyTrain, dated December 7, 2016
Appendix III.	Aerial Map of Subject Area
Appendix IV.	Photo of Recently Planted Cedar Hedge

original signed by Judith Robertson

Jean Lamontagne
General Manager
Planning and Development

JKS/dk

Information for City Clerk

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

1. (a) Agent: Name: David Aubin
 Address: 543 - Gatensbury
 Coquitlam, BC V3J 5G1

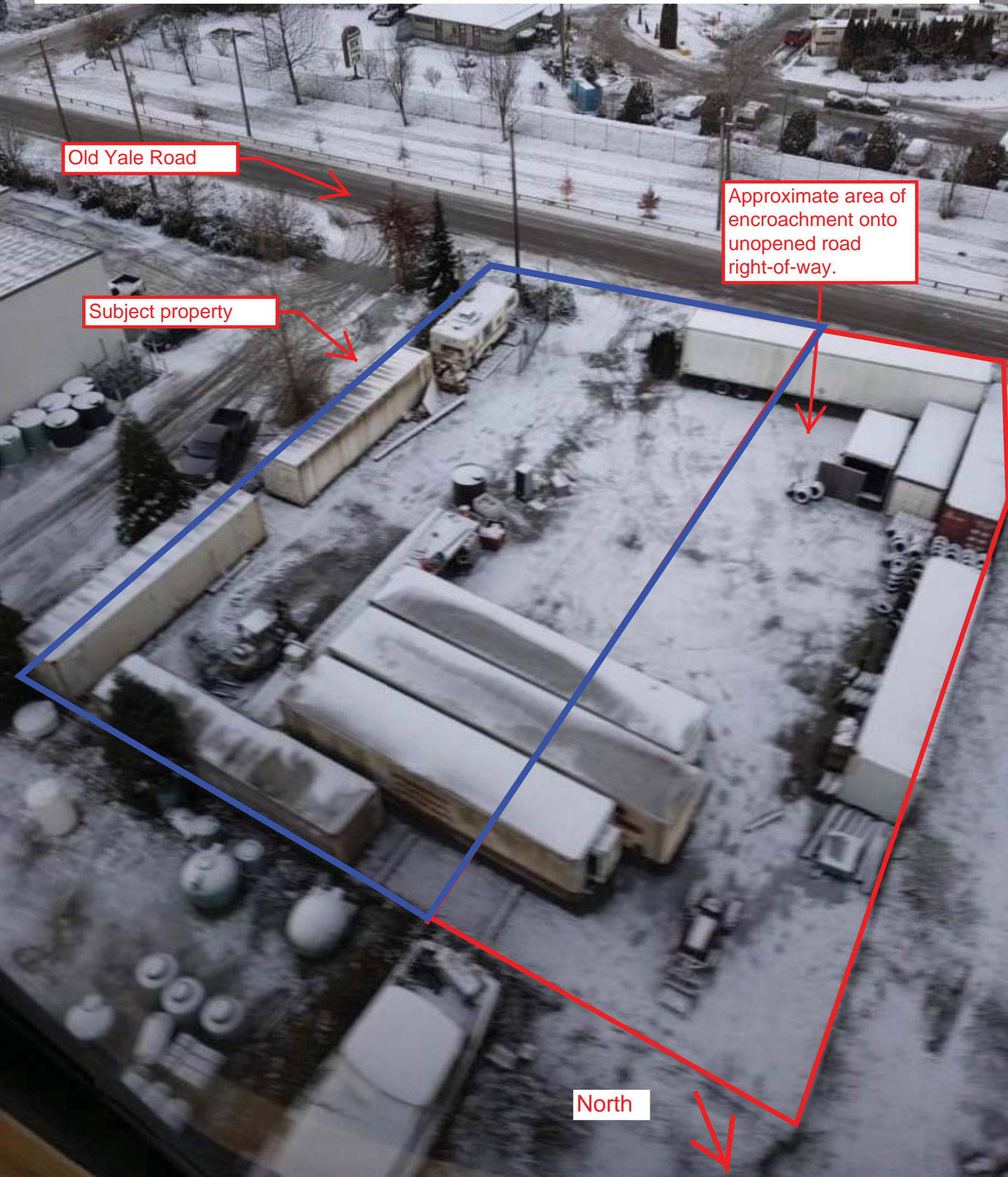
2. Properties involved in the Application

- (a) Civic Address: 11955 - Old Yale Road

- (b) Civic Address: 11955 - Old Yale Road
 Owners: Lori R Sangha
 Janik G Thompson
 Cindy S Ring
 PID: 011-928-077
 Lot 1 Block 2 District Lots 3 and 4 Group 2 New Westminster District Plan 886

3. Summary of Actions for City Clerk's Office

Photographs of Site Taken from SkyTrain, dated December 7, 2016

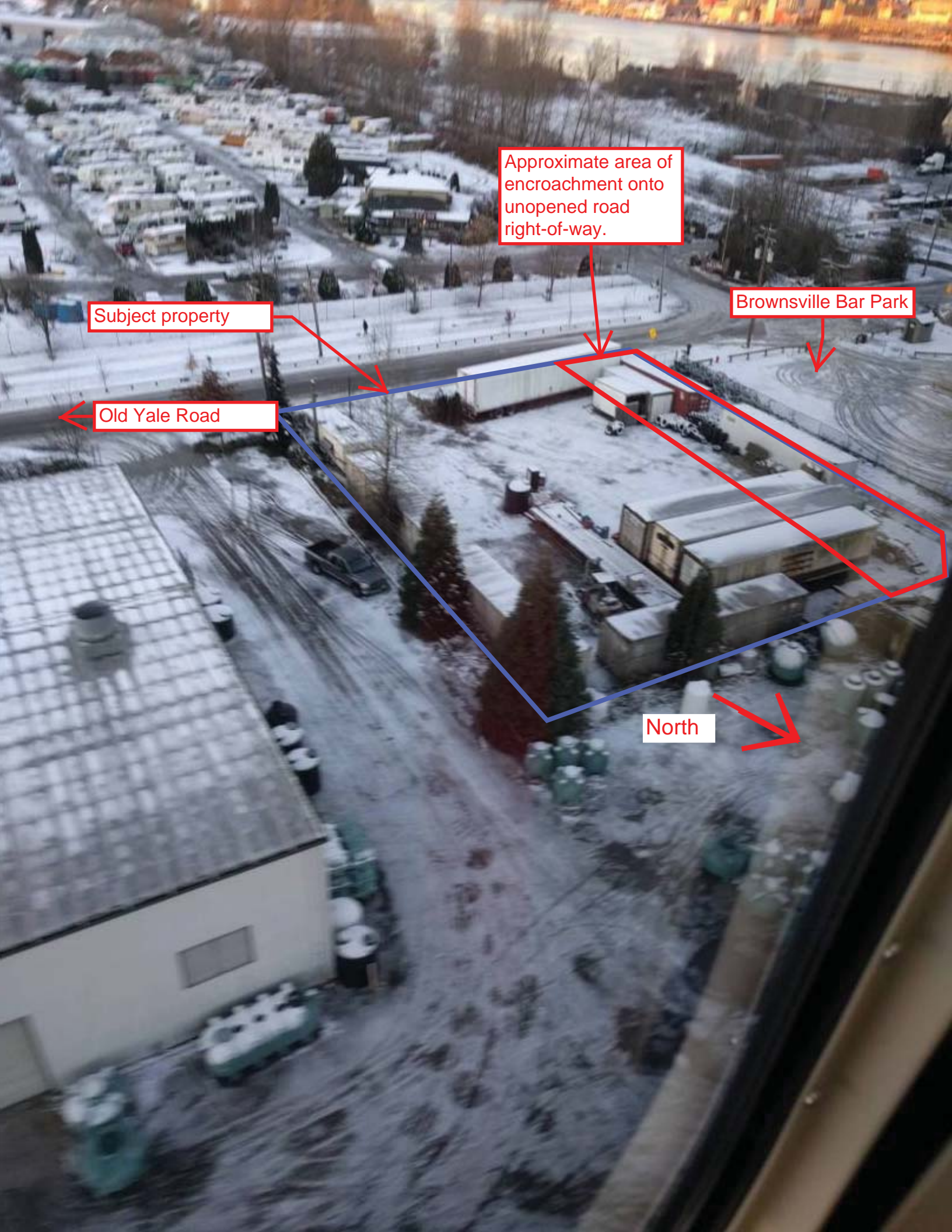


Old Yale Road

Approximate area of encroachment onto unopened road right-of-way.

Subject property

North



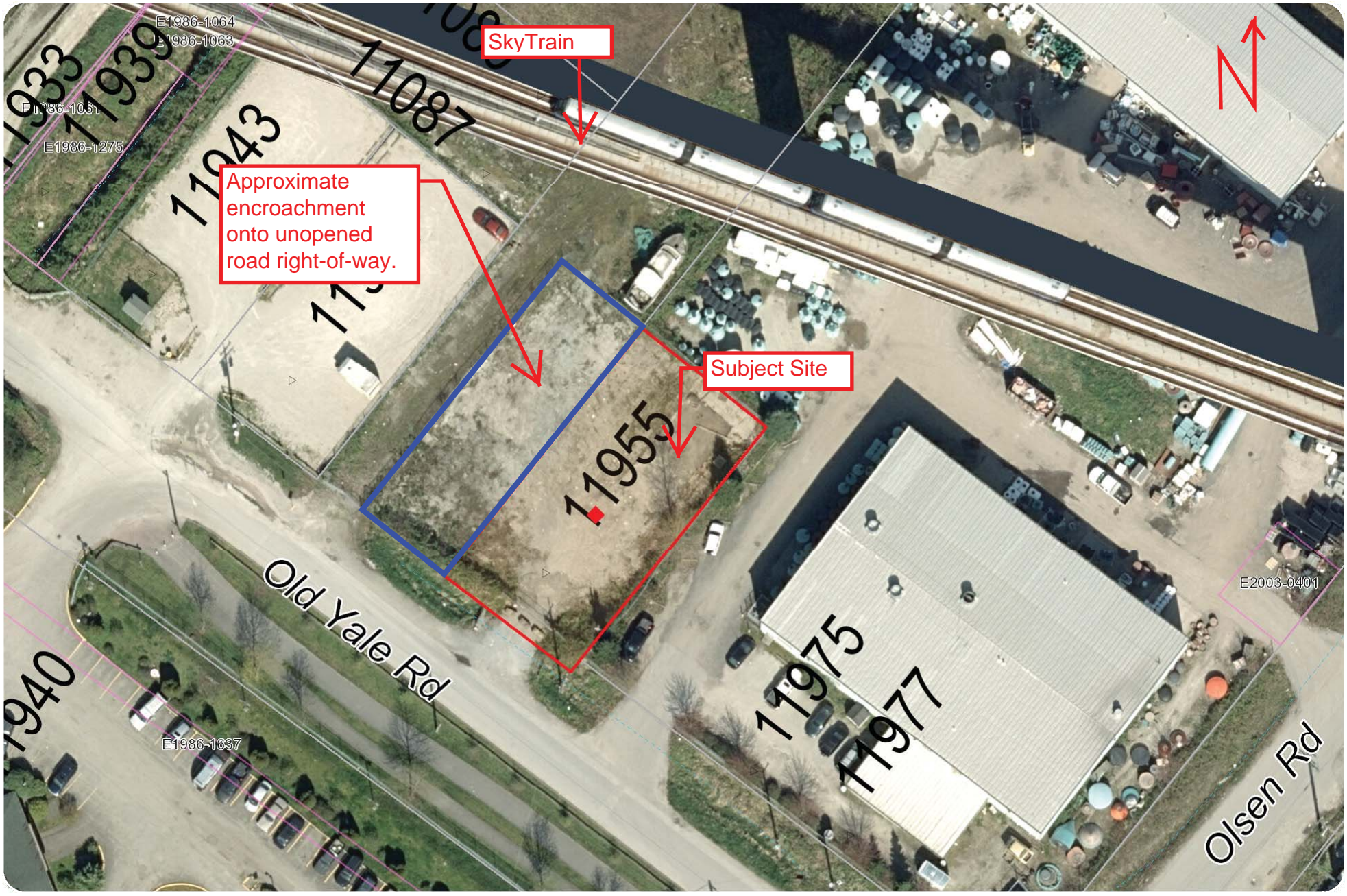
Approximate area of encroachment onto unopened road right-of-way.

Subject property

Brownsville Bar Park

Old Yale Road

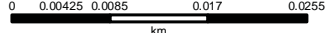
North



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The data provided is compiled from various sources and is NOT warranted as to its accuracy or sufficiency by the City of Surrey. This information is provided for information and convenience purposes only. Lot sizes, legal descriptions and encumbrances must be confirmed at the Land Title Office. Use and distribution of this map is subject to all copyright and disclaimer notices at cosmos.surrey.ca



Map created on: 21/12/2016

Photograph of Recently Planted Cedar Hedge

