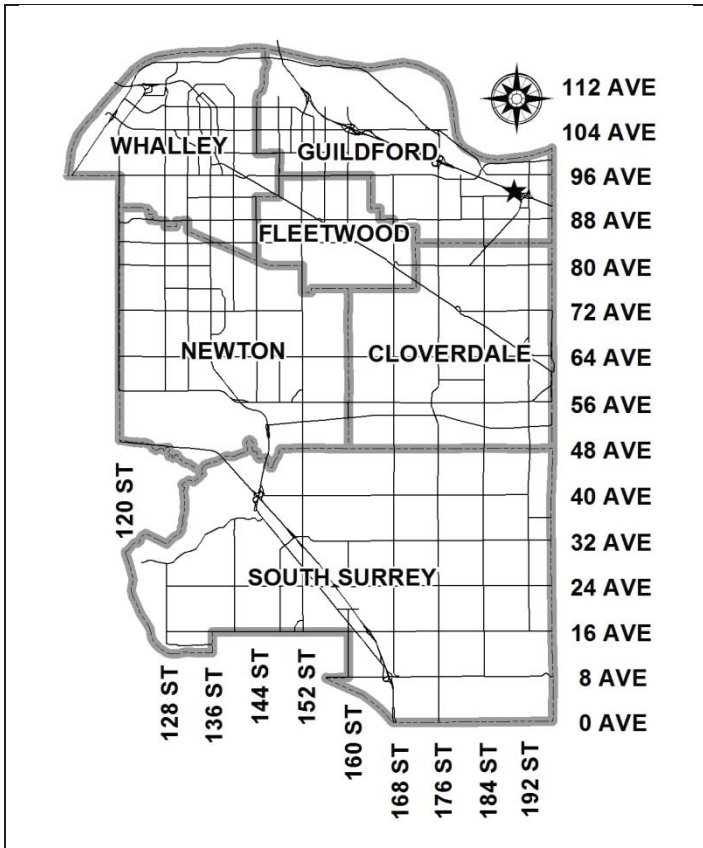


City of Surrey
PLANNING & DEVELOPMENT REPORT

File: 7917-0477-00

Planning Report Date: December 4, 2017



PROPOSAL:

- **Temporary Use Permit**

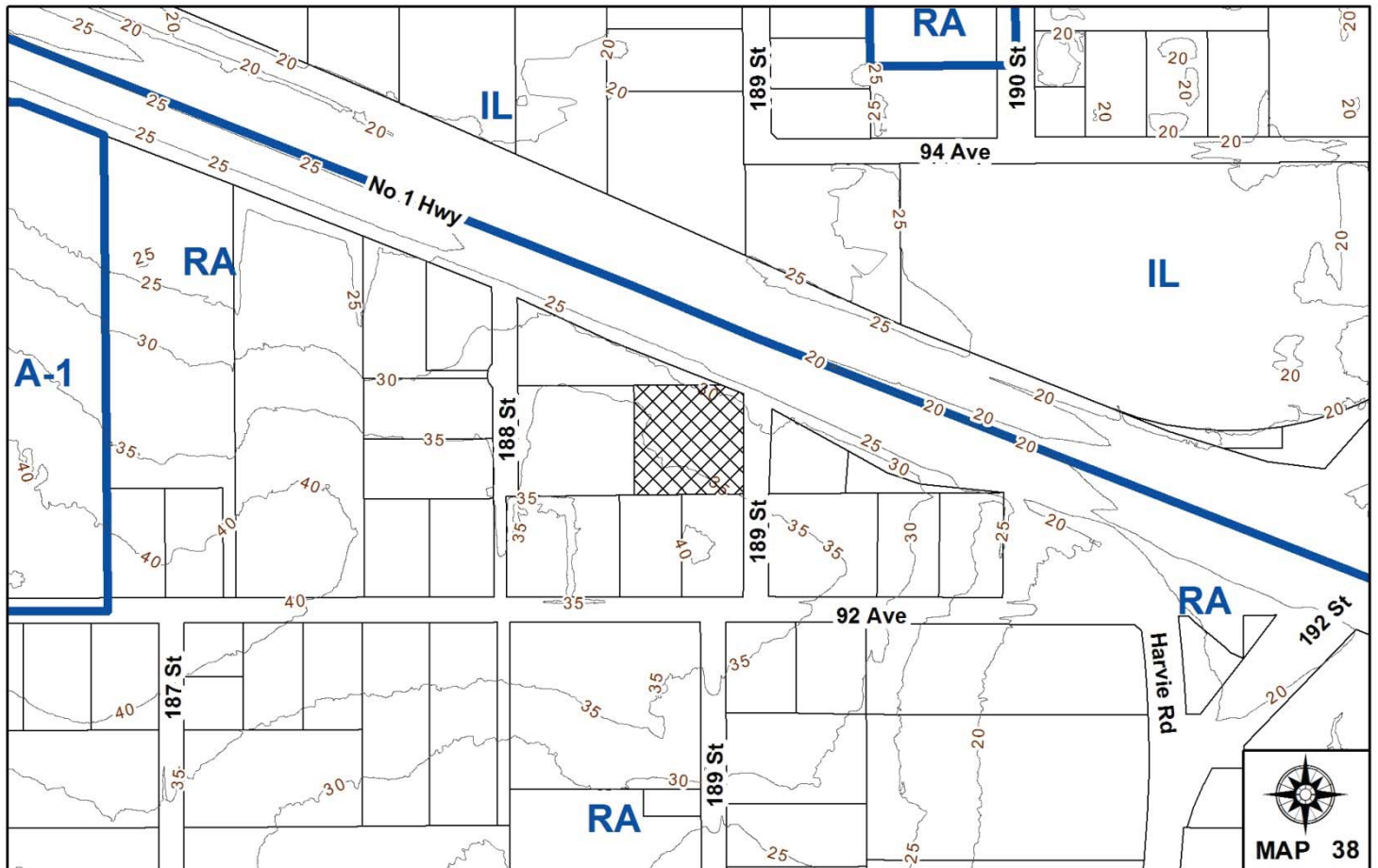
to allow the outdoor storage of construction materials and vehicles associated with a general construction business operating out of the single family dwelling on the lot.

LOCATION: 9257 - 189 Street

ZONING: RA

OCP DESIGNATION: Mixed Employment

NCP DESIGNATION: Industrial Business Park (Anniedale-Tynehead)



RECOMMENDATION SUMMARY

- The Planning and Development Department recommends that the request for a Temporary Use Permit (TUP) be denied.

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- The storage of construction equipment, materials and vehicles associated with a general contracting business does not comply with the Official Community Plan (OCP) designation ("Mixed Employment"), Neighbourhood Concept Plan (NCP) designation ("Industrial Business Park") or current zoning ("One-Acre Residential Zone (RA)") of the subject property.

RATIONALE OF RECOMMENDATION

- The proposal does not comply with the "Mixed Employment" designation of the OCP.
- The proposal does not comply with the "Industrial Business Park" designation of the Anniedale-Tynehead Neighbourhood Concept Plan (NCP).
- The proposal does not comply with the current zoning of the subject property, which is "One-Acre Residential Zone (RA)".
- The storage of construction equipment, materials and commercial vehicles is an industrial use and, therefore, is not in keeping with the current residential character of the surrounding area.
- There are currently no in-stream or approved Temporary Use Permit (TUP) applications in the Anniedale-Tynehead area, south of Golden Ears Way.
- Area residents have raised objections to the proposal.

RECOMMENDATION

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

If, however, Council sees 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 to draft the Temporary Use Permit for consideration by Council.

REFERRALS

Engineering: Should Council refer the application back to staff, Engineering will be requested to provide detailed comments with respect to the proposal. Transportation Engineering will require the portion of 189 Street north of 92 Avenue to be upgraded to 8 metres (26 ft.) of pavement capable of supporting the proposed vehicle types. Storm water mitigation measures will also be required.

Ministry of Transportation & Infrastructure (MOTI): No objection.

SITE CHARACTERISTICS

Existing Land Use: Single family dwelling and detached accessory building (garage). Unauthorized storage of approximately ten (10) commercial vehicles, shipping containers and construction material (scaffolding, etc.) associated with a general contracting business operating out of the home on the lot.

Adjacent Area:

Direction	Existing Use	OCP/NCP Designation	Existing Zone
North (Across No. 1 Highway):	New-Line Hose and Fittings (light industrial manufacturing)	Industrial in the OCP	IL

Direction	Existing Use	OCP/NCP Designation	Existing Zone
East (Across 189 Street):	Vacant City-owned lot	Mixed Employment in the OCP; Industrial Business Park and Landscape Buffer in the Anniedale-Tynehead NCP	RA
South:	Single family dwellings	Mixed Employment in the OCP; Industrial Business Park in the Anniedale-Tynehead NCP	RA
West:	Single family dwelling	Mixed Employment in the OCP; Industrial Business Park in the Anniedale-Tynehead NCP	RA

DEVELOPMENT CONSIDERATIONS

Background and Current Proposal

- The subject property is located at 9257 -189 Street in Anniedale-Tynehead. The site is designated "Mixed Employment" in the Official Community Plan, "Industrial Business Park" and "Landscape Buffer" in the Anniedale-Tynehead Neighbourhood Concept Plan (NCP) and zoned "One-Acre Residential Zone (RA)".
- The property has been under current ownership since 2014 and the unauthorized storage of construction equipment and material started in 2015. Since 2015, one single family dwelling and one accessory building (detached garage) have been constructed on the western portion of the site and a gravel parking lot, approximately 2,000 square metres (22,000 sq.ft.) in area, has been installed on the eastern portion.
- No valid permits were issued by the City for the construction of any buildings or structures or the placement of fill on the subject property.
- The current owners are operating with a valid "Home Occupation" Business License, which prohibits the storage of vehicles or equipment associated with the home occupation.
- 189 Street terminates just north of the subject property at the Trans-Canada Highway (No. 1 Highway). A gate was installed by the City in 2014 just south of the subject property, on 189 Street, at the request of the current property owner in order to stop illegal dumping occurring in the area. The gate provides access to the subject site and is not locked.
- Although the installation of the gate and fencing within the road right-of-way was approved by the City, the applicant has not sought any approvals for utilizing the 189 Street right-of-way for the storage of vehicles and equipment (see Aerial Photo, Appendix III).

- The applicant has requested a Temporary Use Permit (TUP) in order to allow the continued outdoor storage of equipment, materials and vehicles associated with a general construction company operating out of the single family dwelling on the lot, including the following items:
 - Construction equipment (construction tools and scaffolding equipment);
 - Construction materials (lumber, plywood sheathing, insulation panels);
 - Vehicles (Boom lift, Bin truck (2,700 kg GVW) with five shipping containers, commercial truck (3,000 kg GVW), two utility trailers); and
 - Two temporary fire-rated tents (Quonset huts), each approximately 250 square metres (2,700 sq.ft.) in size.
- The applicant proposes to retain the existing gravel surface for the outdoor storage portion of the site.
- There are currently no in-stream or approved Temporary Use Permit (TUP) applications within the Anniedale-Tynehead area, south of Golden Ears Way.

PRE-NOTIFICATION

Pre-notification letters were sent on October 25, 2017 to 44 property owners within 100 metres (330 ft.) of the subject property and a Development Proposal Sign was installed on the subject property on November 17, 2017. To date, staff have received comments from four (4) households in opposition to the proposal. Their concerns include:

- Proximity to existing single family dwellings on acreage lots;
- The outdoor storage of construction material, equipment and vehicles associated with a general contracting business is not an appropriate use on a residential lot; and
- Increased traffic and noise generated by the current operation.

DISCUSSION

Applicant's Rationale

- The applicant has provided the following rationale for the proposed Temporary Use Permit (TUP):
 - The current owners are actively looking for an industrial property in which to relocate the general contracting business. A Temporary Use Permit (TUP) allowing for short-term continued operation on the subject property would facilitate this transition;

- Additional work vehicles used by the general contracting company are stored off-site by individual employees and many of the on-site vehicles (i.e., boom lift and 3-tonne truck) do not leave the subject property. Construction materials are delivered directly to the individual work sites in order to limit disturbance to adjacent neighbours; and
- The property is well screened from neighbouring properties and located at the terminus of 189 Street, a Limited Local road that is only accessed by one other adjacent property (18917 – 189 Street);

Staff Evaluation

- Staff have the following concerns with the TUP proposal to allow the storage of construction materials and commercial vehicles on the subject site:
 - The proposal is not consistent with the "Mixed Employment" designation in the OCP and the outdoor storage of equipment and vehicles is not permitted under the RA Zone;
 - The subject site is located in an existing, suburban residential area at the terminus of a dead end road (189 Street). The storage of construction equipment and materials, as well as commercial vehicles is considered an industrial use and is not in keeping with the current residential character of the surrounding area;
 - Temporary fire-rated tents (Quonset huts) are not permitted for the proposed use, as there are no provisions in the BC Building Code to allow issuance of a building permit for their use;
 - The existing storage area is in close proximity to a steep slope area and a Class C (green-coded) watercourse. Staff have indicated that additional top-of-slope setbacks as well as storm water management features may be required to prevent both slope stability and downstream contamination issues;
 - The owner has undertaken building construction and filling on the site without proper permits;
 - While the current owners are operating with a 'home occupation' Business License, the scope of the current operation does not conform to the home occupation use. Although the Zoning By-law allows a Type I or Type II home occupation in any zone permitting a single family dwelling or duplex, no evidence of the home occupation, such as the storage of vehicles or equipment, is allowed on or near the lot;
 - The outdoor storage use is not consistent with the ultimate land use in the Anniedale-Tynehead NCP, which calls for a high-quality business park in an attractive, clean, quiet campus setting where no outside storage is permitted; and
 - Area residents have expressed opposition to the proposed TUP in response to the pre-notification process.
- Planning staff therefore recommend that the proposed TUP application be denied.

- The northeastern portion of the subject property contains steep slopes in excess of 20% grade and, therefore, the property would be subject to a Hazard Lands Development Permit for Steep Slopes if the proposed TUP application were to be supported by Council.
- The City's COSMOS mapping system has identified a Class C (green-coded) watercourse running parallel to the north property line of the subject lot, adjacent to No. 1 Highway. If the proposed TUP application is supported by Council, the applicant will be required to retain a Qualified Environmental Professional (QEP) to confirm the designation of the watercourse and determine if any additional setbacks or protection measures are required.

INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

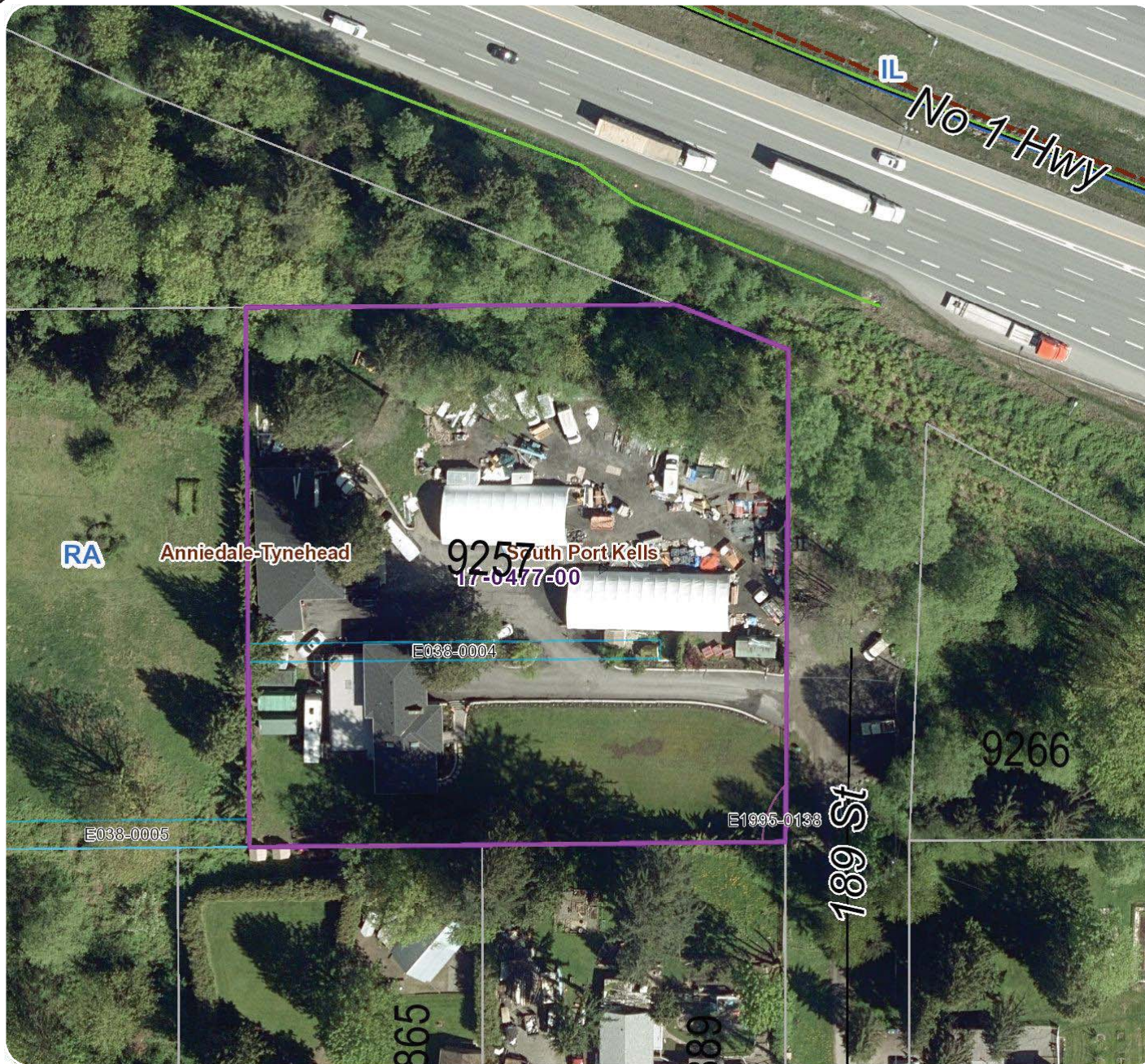
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| Appendix I. | Lot Owners and Action Summary (Confidential) |
| Appendix II. | Site Plan |
| Appendix III. | Aerial Photo (COSMOS, May 2017) |

original signed by Ron Gill

Jean Lamontagne
General Manager
Planning and Development

CRL/da

APPENDIX I HAS BEEN
REMOVED AS IT CONTAINS
CONFIDENTIAL INFORMATION



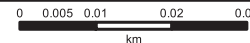
Legend

- Light Rail Transit Route
- Early Copy Lots**
- Early Copy Lots
- Light Rail Transit Stations
- Road Names250_1000
- Buildings (labels)
- Dog-Off-Leash Area (labels)
- Park (labels)
- Plaza/Square (labels)
- Address Search
- ▲ Address Points
- Road Centrelines**
- Access Lane
- Frontage Road
- Highway Interchange
- Railway
- Road
- Street Lane
- Trails and Paths
- Fish Class (Open Channels)**
- A
- AO
- B
- C
- Unknown
- Fish Class (Water Bodies)**
- A
- AO
- B
- C
- Unknown
- Water Courses**
- River
- Creek

Enter Map Description

Scale: 1:1,000

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: 2017-10-24