

Considered at October 22, 2019 Regular Council Meeting

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City of Port Moody Report/Recommendation to Council

Date: October 10, 2019
Submitted by: Planning and Development Department – Development Planning Division
Subject: Temporary Use Permit Application – 3015, 3033, 3093 Murray Street

Purpose

To present for consideration a Temporary Use Permit (TUP) application by Mosaic for a laydown area for construction materials, storage containers, and vehicle parking. As the temporary uses noted above are presently on-site, a temporary use permit is required to allow the existing use to continue operating at 3015, 3033, and 3093 Murray Street in the City of Port Moody.

Recommended Resolution(s)

THAT the requirement to refer Temporary Use Permit 3080-20-08 to the Community Planning Advisory Committee be waived as recommended in the report dated October 10, 2019 from Planning and Development Department – Development Planning Division regarding Temporary Use Permit Application – 3015, 3033, 3093 Murray Street;

AND THAT Temporary Use Permit 3080-20-08 be issued;

AND THAT the Mayor and Corporate Officer be authorized to execute the necessary legal documents required in support of this application.

Background

Mosaic Murray Master Holdings Ltd. owns three abutting properties at 3015, 3033, and 3093 Murray Street, west of Electronic Avenue. Mosaic Ltd. intends to submit a future development application for a mixed-use development on the subject lands but to date, no application has been received. A location map is included as **Attachment 1**.

The subject properties are currently being used as a laydown area for construction materials, storage containers, and parking for approximately 20-25 vehicles. The construction materials being stored consist of fibre optic cables, tools, wood poles, sand, gravel, and conduit. As the storage use does not conform to the Zoning Bylaw, a Temporary Use Permit is required.

Temporary Use Permit (TUP)

A TUP is required to allow for temporary uses that do not conform to the Zoning Bylaw. A TUP does not officially amend the land use of a property, but allows for a specified activity to be

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conducted on a property for a limited time. A temporary use permit may be issued for a period of up to three years and may be renewed once, at the discretion of Council, for an additional period of up to three years.

Official Community Plan (OCP)

The OCP states that TUPs will be considered by Council on a case-by-case basis within areas designated as Multi-family Residential, Mixed Use, Mixed Employment, General Industrial, Parks and Open Space, and Public and Institutional. The OCP designates the subject property as Mixed Employment. The property also falls within Development Permit Area 2:

Moody Centre, for the regulation of the form and character of development and Development Permit Area 5: Hazardous Lands due to potential soil liquefaction. These designations do not impact the temporary use of the subject lands.

Zoning

The current M1 Zone of the subject property permits a range of uses including light industrial uses, animal daycare, veterinary clinic, and commercial athletic and recreation uses. In addition, unenclosed storage, retail, and office are all permitted as secondary uses. Since there is no principal use on the subject property, unenclosed storage as a secondary use would not be permitted. Therefore, a TUP is required.

Discussion

Site and Conditions

The subject property is located on Murray Street on the west side of Electronic Avenue, east of the Moody Centre Station and is approximately 9,360.6m² (2.31ac) in size.

Project Description

The applicant has been using the subject lands to provide temporary storage for their tenants, Ledcor and Whitewater, as shown on the Site Plan included as **Attachment 2**. A letter from the applicant outlining the proposal is included as **Attachment 3**.

The temporary storage consists of four laydown areas, four parking areas, three trailers, two large storage containers, and two gravel stockpile areas. The materials being stored include fibre optic cables, construction tools, and materials and conduit. The site also accommodates approximately 20-25 parked vehicles during the day and between 15-20 vehicles in the evenings. The site also includes a drive aisle, which ranges in width from 5.0 to 14.8 metres. Vehicular access to the site is provided from Murray Street.

Form and character

As part of the TUP, the applicant is proposing a 1.8 -2.4m (6-8ft) high chain-link to provide screening from the temporary uses. Planning staff suggested that the screening include an artistic vinyl wrap showcasing the art work of local artists similar to that installed at 130 loco Road. The applicant has indicated that they do not propose to install any art work as part of this application at this time.

A building permit is required for two trailers located at 3033 and 3093 Murray Street. These trailers are also to be relocated entirely onto the subject property.

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No landscaping is being proposed with this TUP.

Access

The site would only be utilized by employees and staff and no visitors or customers are anticipated. Based on the nature of the use, there are no concerns related to impacts on existing traffic conditions along Murray Street.

Sediment and Erosion Control:

As the site is not surfaced with a durable material and the proposal includes open stockpiles of sand and gravel, the applicant is required to provide and implement an erosion and sediment control plan to ensure the stockpiled materials do not enter the City's storm system and nearby streams. This is included as a condition of the Temporary Use Permit.

CPAC referral

Under the City's Development Procedure Bylaw, No. 2918, a temporary use permit (TUP) application would be presented at a Community Planning and Advisory Committee (CPAC) meeting. Given the limited timeline, scope, and impact of the project, staff recommend that this requirement be waived.

Concluding Comments

Staff are supportive of the TUP for the following reasons:

- it is in line with OCP policy that permits Council to consider such applications on a case by case basis in areas designated Mixed Use; and
- the temporary use is not anticipated to become a permanent fixture as a redevelopment application is expected in the near future.

A copy of the draft TUP is included as **Attachment 4**. Prior to permit issuance, a refundable security in the amount of \$5,000 will ensure the removal of the temporary use once the permit has expired.

Other Options

1. THAT the application for a Temporary Use Permit be referred to the November 5, 2019 Community Planning Advisory Committee for further advice and recommendation.
2. THAT the application for Temporary Use Permit 3080-20-08 be denied.
3. THAT Temporary Use Permit 3080-20-08 be authorized subject to the applicant committing to screening of the site, including art panels.

Financial Implications

There are no financial implications to the City.

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Communications / Civic Engagement

In accordance with Development Approval Procedures Bylaw, 2011, No. 2918, a notification sign was posted on the property and notification of the TUP consideration at the October 22, 2019 Council meeting was mailed to all owners and occupants within 140m of the subject property. Advertisements of the Council meeting were placed in the October 10, 2019 and October 17, 2019 editions of the Tri-City News.

As part of the recommendation is to waive the CPAC meeting requirement for this application, advertising for CPAC consideration was not prepared. Should Council wish to refer this application to a future meeting of CPAC, the date will be advertised on the notification sign that is currently posted on the property.

Council Strategic Plan Objectives

The proposal is consistent with the goals of the 2019-2022 Council Strategic Plan as they relate to Community Evolution and ensuring community growth is carefully considered under the Official Community Plan.

Attachments:

1. Location Map.
2. Letter from Applicant.
3. Site Plan.
4. Draft Temporary Use Permit 3080-20-08.

Report Author

Dejan Teodorovic
Planning Technician

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Report Approval Details

Document Title:	3015, 3033 and 3093 Murray Street TUP.docx
Attachments:	- Attachment 1 - Location Map.PDF - Attachment 2 - Letter of Intent.PDF - Attachment 3 - Site Plan.PDF - Attachment 4 - Draft Temporary Use Permit.pdf
Final Approval Date:	Oct 15, 2019

This report and all of its attachments were approved and signed as outlined below:

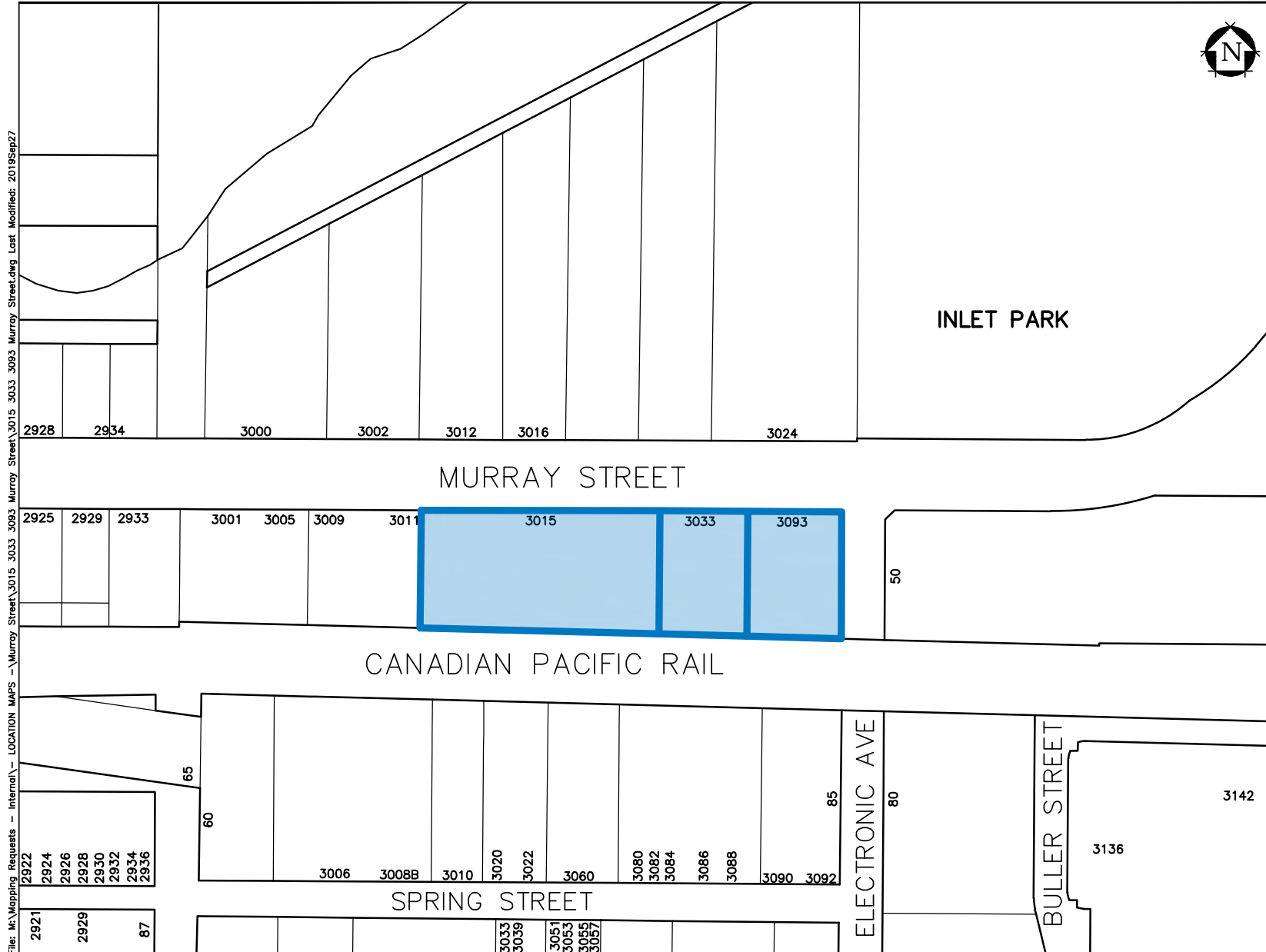
Tim Savoie

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LOCATION MAP - 3015, 3033, 3093 Murray Street

 SUBJECT PROPERTY



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MOSAIC

September 4th, 2019

BY EMAIL: wwoo@portmoody.ca

Wesley Woo
Senior Development Planner, City of Port Moody
100 Newport Drive
Port Moody, BC, V3H 5C3

Dear Wesley,

RE: Temporary Use Permit Application / 3015, 3033, 3093 Murray Street, Port Moody

Mosaic Avenue Developments Ltd. is applying for a Temporary Use Permit on lots 3015, 3033, 3093 Murray Street, Port Moody. Lot 3015 and 3093 are currently zoned Comprehensive Development and Lot 3033 is zoned REM 6.

The Temporary Use Permit would allow the current tenants Ledcor and Whitewater to use the site as a laydown area for construction materials over the three lots while a development permit is being prepared. The type of construction material that is being placed on site consists of fibre optic cables, tools, nuts, bolts, wood poles, sand, gravel and conduit. There are also approximately between 20 to 25 vehicles parked on the site during the day, and between 15 to 20 vehicles in the evenings. The vehicles range from pick up trucks to purpose built Telstra trucks that carry fibre reels. At this time, no current project work is being carried out in Port Moody. There are two mobile trailers and one washroom trailer located on Lots 3033 and 3093.

Mosaic Avenue Development Ltd. is looking to submit a rezoning/ development application by October 2019 for a multi-family mixed-use project for the aforementioned lots.

In this application please find enclosed:

1. Application Fee – Re-submitted
2. Certificate of Titles - Submitted
3. Site Survey - Submitted
4. Site Plan – Revised Attached

Thank you for your consideration of this permit request and we look forward to working with you on this development in the coming months. If you have any further questions or concerns please don't hesitate to contact me.

Sincerely,

Mosaic Avenue Developments Ltd.

Gerry Reibling
VP Development
Mosaic Homes
604.685.3888

ORIGINAL SURVEY PRODUCED BY OLSEN & ASSOCIATES

NOTES:

GROUND ELEVATIONS ON THIS PLAN ARE NOT TO BE USED FOR CONSTRUCTION BENCHMARK PURPOSES.

DIMENSIONS OF PARKING AREAS IN USE ARE APPROXIMATE BASED ON AN AVERAGE OF 30 VEHICLES ON A DAILY BASIS. UNMARKED AREAS ON THIS PLAN INDICATE MANOEUVERING SPACE.

CONSTRUCTION MATERIAL STORED INCLUDES FIBRE CABLE, TOOLS, COMPANY VEHICLES, WOOD POLES, SAND, GRAVEL, AND CONDUIT.

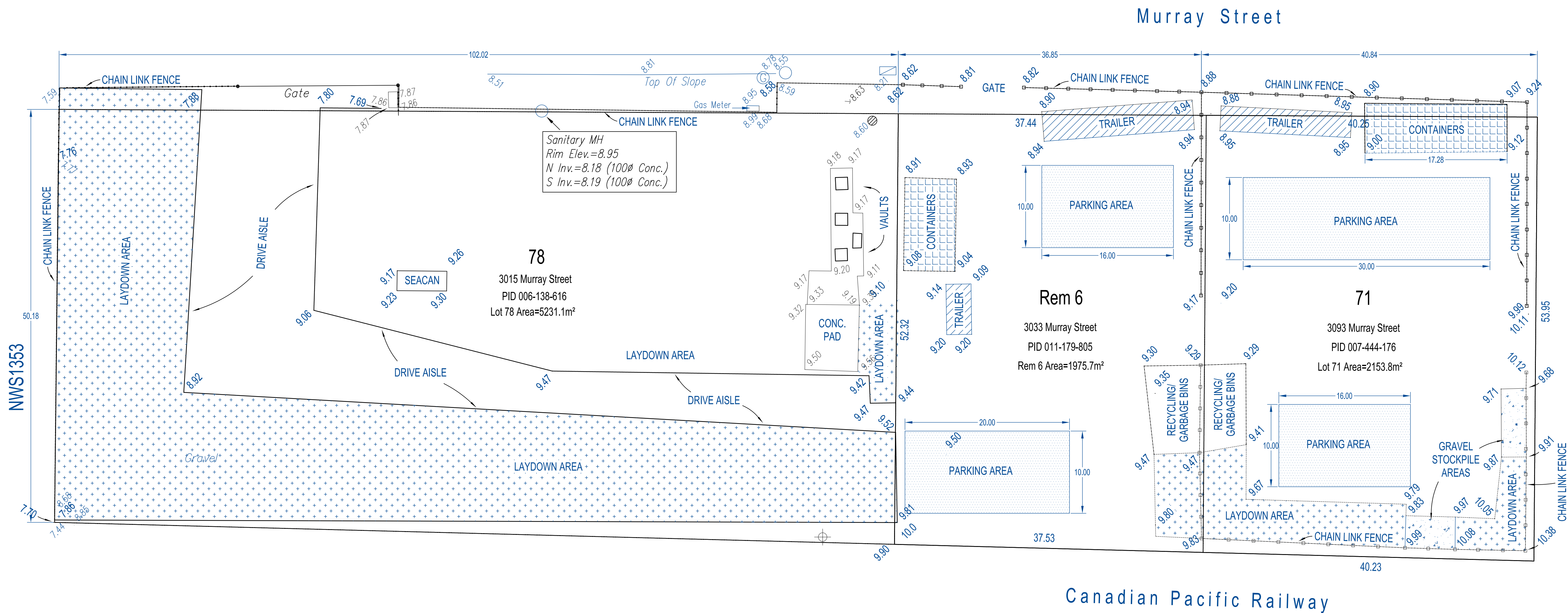
THIS PLAN DOES NOT CONSTITUTE A RESURVEY OF THE LEGAL BOUNDARIES OF THE TITLED LOT OR LOTS, IT IS COMPILED FROM FIELD TIES AND LAND TITLE OFFICE RECORDS

ELEVATIONS ON THIS PLAN ARE GEODETIC AND ARE DERIVED FROM CITY OF PORT MOODY BENCHMARK #80H3138 LOCATED AT MURRAY ST 340m EAST OF MOODY ST. ELEVATION = 5.664m

MICHAEL GREEN ARCHITECTURE
1535 W 3RD AVENUE, VANCOUVER BC
CANADA V6J 1J8



MURRAY STREET
3015, 3033, 3093 MURRAY STREET
PORT MOODY, BC
2018-012



1
A000 1:250
TEMPORARY USE PLAN

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CITY OF PORT MOODY

TEMPORARY USE PERMIT NO. 3080-20-08

ISSUED BY: CITY OF PORT MOODY

A municipal corporation pursuant to the *Community Charter*, S.B.C. 2003, c26
with offices at 100 Newport Drive, Port Moody, BC V3H 5C3
(the "City")

TO:

MOSAIC MURRAY MASTER HOLDINGS LTD., INC. NO. BC1128915
500 – 2609 Granville Street
Vancouver, BC V6H 3H3
(the "Owner")

WHEREAS:

- A. City of Port Moody, Official Community Plan Bylaw, 2014, No. 2955 includes a provision whereby Council may consider temporary commercial and industrial use permit applications; and
- B. The Owner has submitted an application for a temporary use permit to allow for temporary unenclosed storage and parking uses at 3015, 3033 and 3093 Murray Street on the property described as:

Lot 6 Except: Firstly, the East 20 Feet (Plan with Bylaw Filed 37048), Secondly: Part Subdivided by Plan 44466, Thirdly: Part Subdivided by Plan 46958 District Lot 190 Group 1 New Westminster District Plan 6245

PID: 011-179-805

Lot 71 District Lot 190 Group 1 New Westminster District Plan 44466

PID: 007-444-176

Lot 78 District Lot 190 Group 1 New Westminster District Plan 46958;

PID: 006-138-616

NOW THEREFORE, the Council for the City hereby issues a Temporary Use Permit in respect of the lands, as follows:

- 1. This Temporary Use Permit is issued subject to all requirements contained in the City's Bylaws, except where specifically supplemented by this Temporary Use Permit.

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2. The Owner shall comply with all Permits applicable to the Lands, and with all applicable building regulations.
3. Whenever the singular or masculine is used in this Permit, the same shall be deemed to include the plural, or the feminine, or the body politic, or corporate as the context so requires, and every reference to each party shall be deemed to include the heirs, executors, administrators, successors, and assigns of such party whenever the context or the parties so require.
4. The Owner has agreed to comply with the following conditions of Temporary Use Permit 3080-20-08 (3015, 3033 and 3093 Murray Street):
 - (a) The temporary use allowed includes off-street parking, storage containers and unenclosed storage for construction materials, but excludes construction waste.
 - (b) The uses shall generally be in accordance with the site plan in Schedule A, attached to and forming part of this permit.
 - (c) Any on-site alterations should stay clear of any knotweed infested areas.
 - (d) The site shall include a 1.8m (6ft) high chain-link fence with mesh privacy screens around the perimeter of the property.
 - (e) Access to the site shall not impede the flow of traffic on Murray Street. Any impacts due to queueing on-site are to be mitigated through the relocation of the proposed gates.
 - (f) A building permit shall be issued for all trailers which shall be relocated to be entirely within the property lines as necessary.
 - (g) An Erosion and Sediment Control Plan shall be prepared in accordance with Bylaw No.2407, "Stream and Drainage System Protection Bylaw for acceptance by staff to ensure stockpiled material (e.g. sand and gravel) does not enter the City's storm system and nearby streams. The ESC plans must include details for site monitoring and reporting by a qualified professional.
 - (h) All required engineering plans relating to this application shall be prepared in compliance with the requirements of the City of Port Moody Subdivision and Development Servicing Bylaw (SDSB) 2010, No. 2831, and applicable Engineering Standards and must be signed and sealed by a Professional Engineer, certifying that all of the proposed works comply with the City's standards.
 - (i) The property should be regularly maintained during the period of the permit.
 - (j) At the time of expiration of the Temporary Use Permit, the Owner undertakes to

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either apply for an extension to the permit, or complete the following to the satisfaction of staff:

- (a) remove the temporary fencing; and
 - (b) ensure the property is free of debris at the end of the term.
- (k) A Letter of Credit in the amount of \$5,000 shall be submitted to the City as security for removal of the unenclosed storage uses, and the restoration of any on-site and off-site temporary construction following the temporary use.
- (l) The expiry date of this permit is October 31, 2022.

AUTHORIZED BY COUNCIL RESOLUTION _____.

CITY OF PORT MOODY, by its authorized signatories:

Rob Vagramov, Mayor

Dorothy Shermer, Corporate Officer

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Schedule A

MGA

ORIGINAL SURVEY PRODUCED BY OLSEN & ASSOCIATES

NOTES:

GROUND ELEVATIONS ON THIS PLAN ARE NOT TO BE USED FOR PURPOSES OTHER THAN THE PURPOSES FOR WHICH MARKED.

DIMENSIONS OF BUILDINGS ARE BY USE AS APPROXIMATE BASED ON AN AVERAGE OF 30 VEHICLES ON A DAY. VEHICLE UNMARKED ARE ON THE BASIS OF AN AVERAGE OF 30 VEHICLES ON A DAY.

CONTRACT TO MATERIAL STORED INCLUDES: FIBRE CABLE, POLES, COMPANY VEHICLES, WOOD POLES, SAND, GRAVEL, AND CONCRETE.

THIS PLAN DOES NOT CONSTITUTE A WARRANTY OF THE LEGAL RIGHTS OF THE LAND. THE LOT OR LOTS IS TO BE COMPLETED FROM THE THIS AND LAND TITLE OFFICE RECORDS.

ELEVATIONS ON THIS PLAN ARE GROUND LEVEL AND ARE DERIVED FROM THE DATUM OF THE CANADIAN NATIONAL REFERENCE DATUM (CNRD) AT MURRAY ST 345m EAST OF WOODY ST. ELEVATION = 3.165m.

MICHAEL GREEN ARCHITECTURE
2550 BRIMLEY AVE. W. SUITE 201
CANADA V6L 3J1

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2500 W. BRIMLEY STREET
VANCOUVER, B.C. V6L 3J1
2019/02/27

