



CITY OF RICHMOND
URBAN DEVELOPMENT DIVISION

REPORT TO COMMITTEE

TO: Planning Committee

TO PLANNING-JUNE 5, 2001
DATE: May 24, 2001

FROM: Joe Erceg
Manager, Development Applications

FILE:

8060-20-7104

RE: Application by Harry Hogler for an Extension to the Temporary Commercial Use Permit at 12751 Rice Mill Road

STAFF RECOMMENDATION

That the application from Harry Hogler for an extension to the Temporary Commercial Use Permit for property at 12751 Rice Mill Road be considered at the regular meeting of Council on June 25, 2001, and that the following recommendation be forwarded to that meeting for consideration:

"That Temporary Commercial Use Permit TU 98-153272 issued to Harry and Olga Hogler for property at 12751 Rice Mill Road be extended for a maximum two year period to expire no later than May 17, 2003".

Joe Erceg
Manager, Development Applications

HB:blg
Att. 1

<p>FOR ORIGINATING DIVISION USE ONLY</p> <p>CONCURRENCE OF GENERAL MANAGER</p>

STAFF REPORT

ORIGIN

In 1996, Mr. Harry Hogler applied to rezone 12751 Rice Mill Road from Agricultural District (AG1) to Golf Course District (AG2) in order to develop a golf driving range on the site (Rezoning Application RZ 96-042).

This application proceeded to third reading however was never adopted because the applicant did not want to dedicate a 20 m road right-of-way from Rice Mill Road to the Opus development to the north which was a condition of fourth and final reading.

Instead, Rezoning Application RZ 96-042 was abandoned and an application for a Temporary Commercial Use Permit was submitted in order to develop a temporary golf driving range on the site.

Council approved Temporary Commercial Use Permit TU 98-153272 on May 17, 1999.

According to the Local Government Act, a Temporary Commercial Use Permit is only valid for two years. Therefore, Temporary Commercial Use Permit TU 98-153272 expired on May 17, 2001.

Mr. Hogler has requested a two year extension to this Permit. In doing so, he has noted that they were unaware the first two years were up, as it took almost one year to complete the temporary golf driving range and opening day was May 5, 2000.

FINDINGS OF FACT

ITEM	EXISTING	PROPOSED
Owner	Harry & Olga Hogler	No Change
Applicant	Harry Hogler	No Change
Site Size	8 ha (20 ac.)	No Change
Land Uses	Harry's Golf Range	No Change
OCP Designation	Business and Industry	No Change
Zoning	Agricultural District (AG1)	No Change
ESA Designation	McDonald Slough (Hartnell Road right-of-way)	No Change

RELATED POLICIES & STUDIES

Richmond Temporary Commercial Use Permit Procedure Bylaw No. 5934 establishes the procedure with respect to applying for, issuing and renewing a Temporary Commercial Use Permit. According to this bylaw, "a request for renewal of a Temporary Commercial Use Permit shall be processed in the same manner as an application for a new Permit, provided however, that a Permit may be renewed only once".

The Local Government Act contains further provisions with respect to Temporary Commercial and Industrial Use Permits (e.g. notification procedures). It too clearly specifies that a Temporary Commercial Use Permit can only be extended once (for a maximum period of four years). However, it does not require an extension to go through the same notification procedure as a new Permit, whereas Bylaw No. 5934 does (i.e. require the notification of adjacent owners/tenants and advertisement in the newspaper prior to Council consideration).

STAFF COMMENTS

Staff have had no objections to the proposal to develop a temporary golf driving range on the site and recommend that the proposed extension be permitted on the clear understanding that Temporary Commercial Use Permit TU 98-153272 will expire on May 17, 2003 (not May 5, 2004 – four years after Harry's Golf Range opened).

ANALYSIS

Council has had no objection to the proposal to develop a golf driving range on the subject property either permanently (by Rezoning Application RZ 96-042) or temporarily (by Temporary Commercial Use Permit TU 98-153272).

It is recognized by both the applicant and the City that in the future, this area will become part of the Business Park Industrial District (I3) zone to the north. However, in the meantime, a golf driving range is a compatible interim use of the land.

Should the applicant wish to continue to operate Harry's Golf Range beyond May 17, 2003, an application for rezoning would be required (including the dedication of a 20 m road right-of-way between Rice Mill Road and the Opus development to the north).

It should be noted that the original Staff Report on this Temporary Commercial Use Permit application stated that Mr. Hogler "is also well aware that the Permit is only valid for two years and may be extended **once** for a further two years by Council".

Attached is a copy of Temporary Commercial Use Permit TU 98-153272, which includes an undertaking that the applicant has signed committing to remove any buildings or structures when the Permit expires.

FINANCIAL IMPACT

The cost of advertising this matter for the June 25, 2001 regular meeting of Council should be borne by the applicant so that there is no financial impact to the City. Harry Hogler has agreed to pay this estimated \$400.00 cost.

CONCLUSION

It is recommended that a two year extension (until May 17, 2003) to Temporary Commercial Use Permit TU 98-153272 be issued to Harry and Olga Hogler for Harry's Golf Range (the existing golf driving range) at 12751 Rice Mill Road.



Holger Burke, MCIP
Development Coordinator

HB:blg



CITY OF RICHMOND

TEMPORARY COMMERCIAL USE PERMIT

NO. TU 98-153272

TO THE HOLDER: Harry and Olga Hogler
PROPERTY ADDRESS: 12751 Rice Mill Road
ADDRESS: 13060 Steveston Highway
Richmond, BC
V8W 1A3

1. This Temporary Commercial Use Permit is issued subject to compliance with all of the Bylaws of the City applicable thereto, except as specifically varied or supplemented by this Permit.
2. This Temporary Commercial Use Permit applies to and only to those lands shown cross-hatched on the attached Schedule "A" and any and all buildings, structures and other development thereon.
3. The subject property may be used for a temporary golf driving range.
4. Any temporary buildings, structures and signs shall be demolished or removed and the site and adjacent roads shall be maintained and restored to a condition satisfactory to the City of Richmond, upon the expiration of this permit or cessation of the use, whichever is sooner.
5. As a condition of the issuance of this Permit, Council is holding the security set out below to ensure that development is carried out in accordance with the terms and conditions of this Permit. Should any interest be earned upon the security, it shall accrue to the Holder if the security is returned. The condition of the posting of the security is that should the Holder fail to carry out the development hereby authorized, according to the terms and conditions of this Permit within the time provided, the City may use the security to carry out the work by its servants, agents or contractors, and any surplus shall be paid over to the Holder, or should the Holder carry out the development permitted by this permit within the time set out herein and comply with all the undertakings given in Schedule "B" attached hereto, the security shall be returned to the Holder.

There is filed accordingly:

An Irrevocable Letter of Credit in the amount of \$2,000.00.

6. The land described herein shall be developed generally in accordance with the terms and conditions and provisions of this Permit and any plans and specifications attached to this Permit, which shall form a part hereof.

April 7, 1999

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TU 98-153272

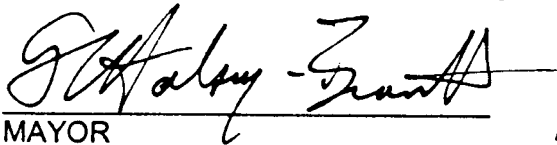
7. If the Holder does not commence the construction permitted by this Permit within 24 months of the date of this Permit, this Permit shall lapse and the security shall be returned in full.

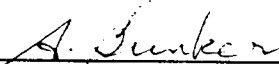
This Permit is not a Building Permit.

AUTHORIZING RESOLUTION NO. R99/4-5
OF MAY , 1999.

ISSUED BY THE COUNCIL THE 17TH DAY

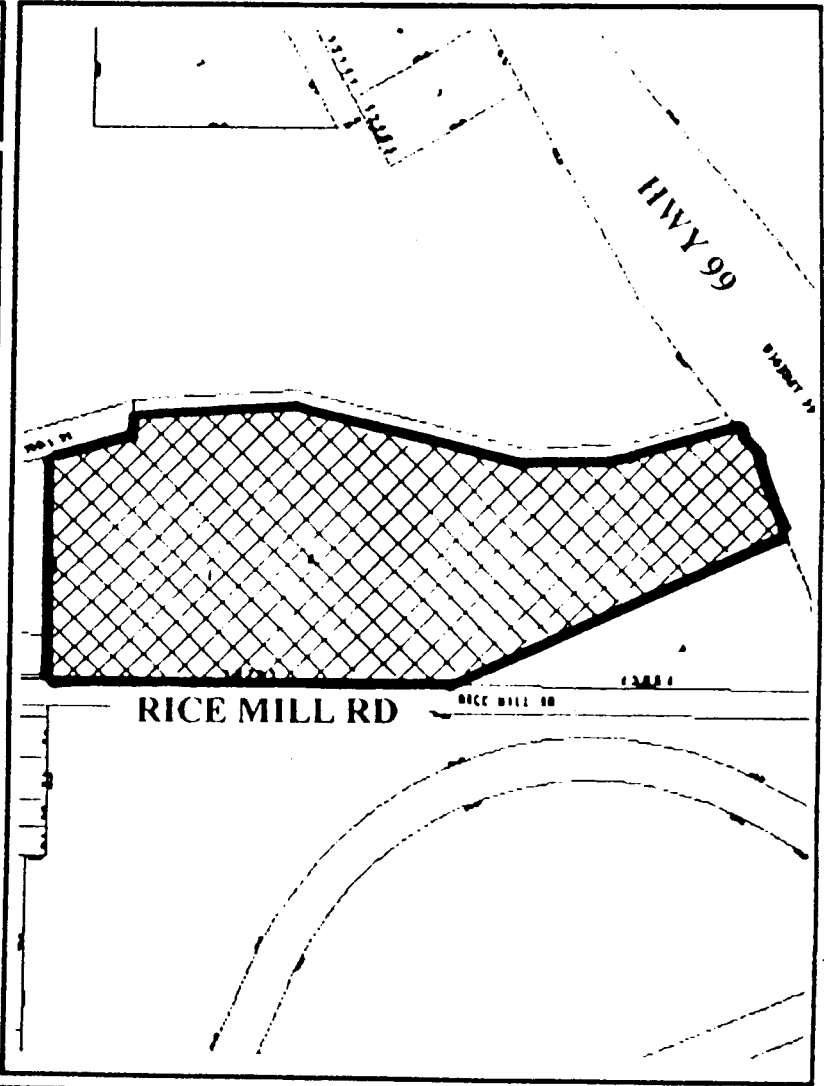
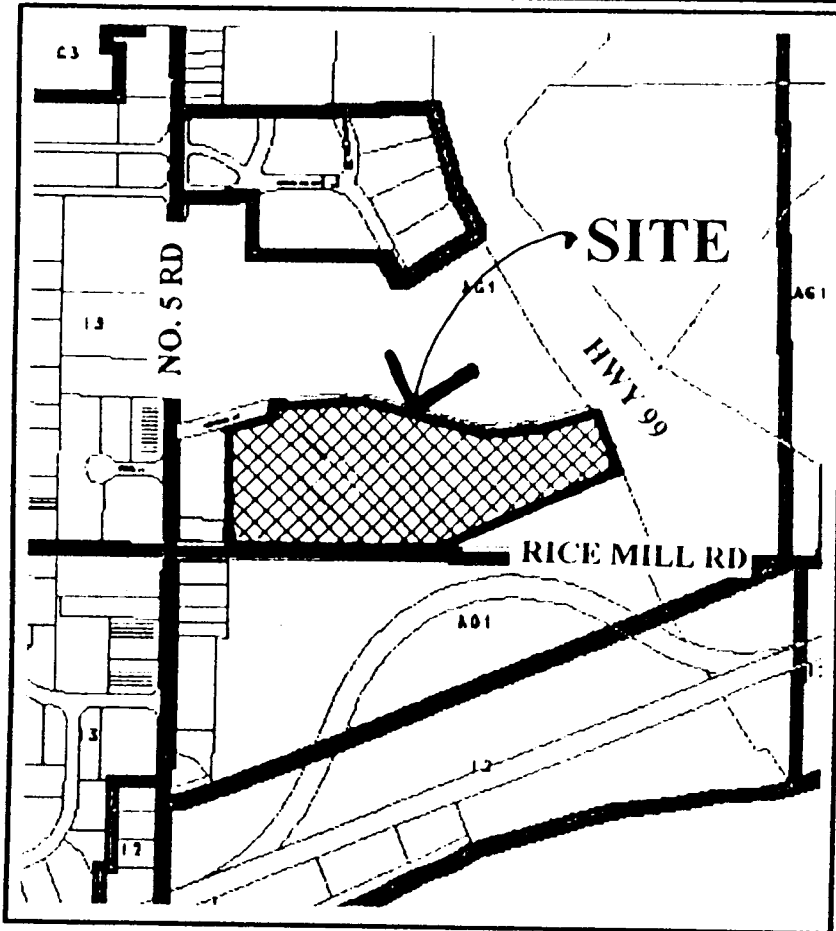
DELIVERED THIS 9TH DAY OF JUNE , 19 99.


MAYOR
GREG HALSEY-BRANDT

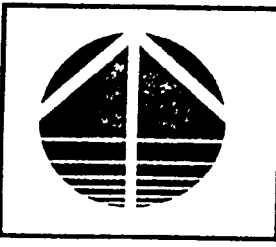

ACTING CITY CLERK
ANN BUNKER



City of Richmond



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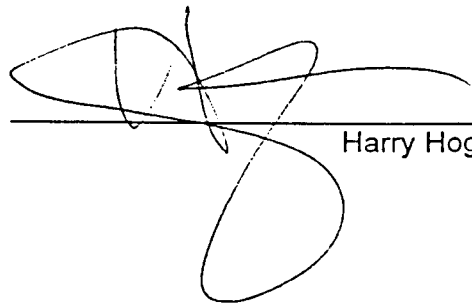
TU 98 - 153272
 SCHEDULE "A"

Original Date: 04/08/99
 Revision Date:
 Note: Dimensions are in METRES

UNDERTAKING

In consideration of the City of Richmond issuing the Temporary Commercial Use Permit, we the undersigned hereby agree to demolish or remove any temporary buildings, structures and signs; to restore the land described in Schedule A; and to maintain and restore adjacent roads, to a condition satisfactory to the City of Richmond upon the expiration of this Permit or cessation of the permitted use, whichever is sooner.

Harry and Olga Hogler
by its authorized signatory



Harry Hogler