

Multi-Purpose Rooms 1 & 2
Surrey Sport & Leisure Complex
16555 Fraser Highway
Surrey, B.C.
TUESDAY, JULY 5, 2005
Time: 5:00 p.m.

City of Surrey

Regular Council - Land Use

Minutes



Present:

Mayor McCallum
Councillor Tymoschuk
Councillor Steele
Councillor Bose
Councillor Higginbotham

Absent:

Councillor Villeneuve
Councillor Priddy
Councillor Watts
Councillor Hunt

Staff Present:

City Manager
City Clerk
General Manager, Planning & Development
General Manager, Engineering
General Manager, Finance, Technology & Human Resources
Manager, Area Planning & Development, North Division
Manager, Area Planning & Development, South Division
Manager, Land Development Engineering
City Solicitor

Councillors Entering Meeting as Indicated:

A. ADOPTION OF MINUTES

B. LAND USE APPLICATIONS

COMMERCIAL/INDUSTRIAL/AGRICULTURAL

SURREY CITY CENTRE/WHALLEY

**1. 7904-0301-00
12195 Industrial Road
3 Dimension Construction Design Inc./Irena Czerna-Put
Development Permit/Development Variance Permit**

Development Permit to permit the construction of a new industrial building. Development Variance Permit to relax the side yard setbacks.

The General Manager of Planning & Development submitted a report concerning applications for a Development Permit and a Development Variance Permit on property located at 12195 Industrial Road.

The applicant is proposing:

- a Development Permit; and
- a Development Variance Permit to vary the following by-law regulations:
 - to relax the northeast side yard setback of the IL Zone from 7.5 metres (25 ft.) to 1.5 metres (5 ft.); and
 - to relax the southwest side yard setback of the IL Zone from 7.5 metres (25 ft.) to 1.5 metres (5 ft.)

in order to permit the construction of a new industrial building and locate two pre-manufactured trailers in Bridgeview.

The General Manager of Planning & Development was recommending that the application be approved, subject to the conditions outlined in the report.

Delegation

The applicant was in attendance and commented that the purpose of the application was to provide a site for

collecting scrap metal. The building would be used to pack scrap metal in 35" x 60" bundles before shipping outside the country. The setback is required in order to provide room for a shipping container. It was noted that there would be two storage containers outside and they would be shipped out right away when they are full. The applicant is leasing the property and the proposed size of the building would be 1,200 sq. ft. The container would be an enclosed unit. The applicant provided his assurances that the scrap metal would not be stored outside.

It was

Moved by Councillor Bose
Seconded by Councillor Tymoschuk
That the application be referred to staff.
Carried

RES.R05-1696

RESIDENTIAL/INSTITUTIONAL

CLOVERDALE

2. 7905-0094-00

5550 - 188 Street/ 18869, 18891, 18931 and 18997 - 54 Avenue

Igor Zahynacz, New East Consulting Services Ltd./North Central Management Corporation; Brent Robarts; 431338 B.C. Ltd.; Sukhjinderjit Singh Bath; Mohan Singh Bachra; Eileen May Storzuk; Frey Home; Gerald John and Heather Lynn Hutchinson

OCP Amendment/Rezoning

OCP Amendment from Suburban to Urban. Rezone from RA to RF to create approximately 106 single family residential lots.

The General Manager of Planning & Development submitted a report concerning an application to amend the Official Community Plan, and a rezoning application on properties located at 5550 - 188 Street/ 18869, 18891, 18931 and 18997 54 Avenue.

To implement Council's previous decision granting approval to proceed to this project, the General Manager of Planning & Development was recommending that the application be approved, subject to the conditions outlined in the report.

It was

Moved by Councillor Higginbotham
Seconded by Councillor Tymoschuk
That:

1. a By-law be introduced to redesignate the property from Suburban to Urban and a date for Public Hearing be set.
2. 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*.
3. a By-law be introduced to rezone the property from "One-Acre Residential Zone (RA)" (By-law No. 12000) to "Single Family Residential Zone (RF)" (By-law No. 12000) and a date be set for Public Hearing.
4. Council instruct staff to resolve the following issues prior to final adoption:
 - (a) ensure that all engineering requirements and issues including restrictive covenants, and rights-of-way where necessary, are addressed to the satisfaction of the General Manager, Engineering;
 - (b) submission of a subdivision layout to the satisfaction of the Approving Officer;
 - (c) approval from the Ministry of Transportation;
 - (d) approval from the Department of Fisheries & Oceans;

- (e) submission of an acceptable lot grading plan;
 - (f) submission of a finalized tree survey and statement regarding tree preservation to the satisfaction of the City Landscape Architect;
 - (g) submission of a landscaping cost estimate for the landscape buffer on proposed Lots 89 and 106 to the specifications and satisfaction of the City Landscape Architect;
 - (h) registration of a Restrictive Covenant on proposed Lots 96 to 106 to require mitigating measures to reduce the impact of external noise sources; and
 - (i) provision of community benefit to satisfy the OCP Amendment policy for Type 2 applications.
5. Council pass a resolution to amend the Cloverdale Local Area Plan from Suburban Residential (1/2 acre) to Urban Residential when the application is considered for final adoption.

RES.R05-1697

Carried

It was

Moved by Councillor Higginbotham
Seconded by Councillor Tymoschuk
That "Surrey Official Community Plan By law, 1996, No. 12900, No. 121 Amendment By-law 2005, No. 15793" pass its first reading.

RES.R05-1698

Carried

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The said By-law was then read for the second time.

It was

Moved by Councillor Higginbotham
Seconded by Councillor Tymoschuk
That "Surrey Official Community Plan By law, 1996, No. 12900, No. 121 Amendment By-law 2005, No. 15793" pass its second reading.

RES.R05-1699

Carried

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It was then

Moved by Councillor Higginbotham
Seconded by Councillor Tymoschuk
That the Public Hearing on "Surrey Official Community Plan By-law, 1996, No. 12900, No. 121 Amendment By-law 2005, No. 15793" be held at the Surrey Sport & Leisure Complex on July 25, 2005, at 7:00 p.m.

RES.R05-1700

Carried

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It was

Moved by Councillor Higginbotham
Seconded by Councillor Steele
That "Surrey Zoning By-law, 1993, No. 12000, Amendment By-law, 2005, No. 15794" pass its first reading.

RES.R05-1701

Carried

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The said By-law was then read for the second time.

It was

Moved by Councillor Higginbotham
Seconded by Councillor Steele
That "Surrey Zoning By-law, 1993, No. 12000, Amendment By-law, 2005, No. 15794" pass its second reading.

RES.R05-1702

Carried

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It was then

Moved by Councillor Higginbotham
Seconded by Councillor Steele
That the Public Hearing on "Surrey Zoning By-law, 1993, No. 12000, Amendment By-law, 2005, No. 15794" be held at the Surrey Sport & Leisure Complex on July 25, 2005, at

7:00 p.m.

RES.R05-1703

Carried

NEWTON

3. 7903-0412-00

6009, 6017, 6025 and 6033 - 127A Street

Eric Aderneck, Aplin & Martin Consultants Ltd./Kulwant Chohan and Charan Hayer

Development Variance Permit

Development Variance Permit to reduce the front yard setbacks.

The General Manager of Planning & Development submitted a report concerning an application for a Development Variance Permit on properties located at 6009, 6017, 6025 and 6033 - 127A Street.

The applicant is proposing:

- a Development Variance Permit to vary the following by-law regulations:
 - reduce the front yard setback on Lots 1 to 4 from 7.5 metres (25 ft.) to 6.0 metres (20 ft.) for 50% of the building and to 5.0 metres (16 ft.) for the remaining 50% of the building.

in order to allow for a larger building envelope.

The General Manager of Planning & Development was recommending that the application be approved, subject to the conditions outlined in the report.

It was

Moved by Councillor Higginbotham

Seconded by Councillor Tymoschuk

That:

1. Council approve Development Variance Permit No. 7903-0142-00 (Appendix V), varying the following, to proceed to Public Notification:
 - (a) to reduce the minimum front yard setback of the RF Zone from 7.5 metres (25 ft.) to 6.0 metres (20 ft.) for 50% of the building and to 5.0 metres (16 ft.) for the remaining 50% of the building on Lots 1 to 4.

RES.R05-1704

Carried

SOUTH SURREY

4. 7903-0222-00

14215 and 14241 Crescent Road and 3651 Elgin Road

Mark Ankenman, Ankenman Associates Architects Inc./Park Lane Ventures (Elgin) Ltd., Inc. No.

692721

Rezoning

Rezone from A-1 and RA to CD for the development of a 72-unit single family detached residential complex.

The General Manager of Planning & Development submitted a report concerning an application for rezoning on properties located at 14215 and 14241 Crescent Road and 3651 Elgin Road.

The applicant is proposing:

- a rezoning from A-1 and RA to CD

in order to allow subdivision into 72 single detached residential bare land strata lots.

Delegation

The applicant's representative was in attendance and commented that there had been three formal proposals for

the site: the original plan was for town homes and an apartment building for a total of 134 units. He noted that after the first public information meeting, the project was pared down to 129 units. He added that most of the town homes were in a duplex configuration except those units facing the buffer area along Crescent Road. He continued that the project would feature fourplexes and 47 units in the apartment building.

Discussion ensued with respect to topography and the delegation commented that Crescent Road is approximately 10 meters at this location and the internal road would be at 5 meters. He continued that the site goes from 5 meters to 2.75 meters at the existing dyke at the river and that the north-western portion of the site is at 0.8 meters at the lowest point. He added that the north-western quarter is fairly flat and stated that the site had been filled over the last years.

He continued that they are trying to replicate the Crescent Beach interface along the river with the trail along Elgin Road and that a significant buffer of trees would be retained along Crescent Road. He noted that the homes along the Nicomekl River would feature a minimum of 20 foot rear yard setbacks. In addition, he stated that there would be some parkland, a foreshore trail completing the Nicomekl Greenway, and feature low fencing similar to Crescent Beach with individual connections from yards to trail.

He added that they are debating internally whether Park Lane would build homes on site or have half a dozen builders on site to ensure a variety of development; that Park Lane may build some custom homes; and that there would be an eclectic mix of homes adding to a "village" feel.

The Project Arborist was also in attendance and commented that the site is relatively vacant of trees because of past land uses. He added that the section along Crescent Road is heavily-treed, mixed forest that would be retained in its entirety, with the exception of hazardous tree mitigation only. He noted that within the site there were three areas found to have trees in suitable condition to be retained.

He continued that the following trees would be retained: 5 trees located in the open space along the eastern section of the site; 4 cedar trees along the property line in the south-western section, 1 tree within the building envelope; and a grove of 3 additional trees as reviewed with neighbourhood groups and the Heritage Advisory Commission.

He stated that a number of trees in the north-western and central sections of the site are dying as a result of past disturbance, fill, livestock grazing, and motor-cross activity. There are 169 by-law trees, 99 of which are being retained, including a frontage selection of 16 trees within the site itself.

Discussion ensued relative to moving and replanting trees of by-law size. It was stated that it is difficult and expensive to move larger trees and there is a low success rate. He noted that there are some trees below 12" in diameter that could be considered for transplant, dependent upon condition, type of tree, and soil. He added that four trees (yellow cedar, diadora, and oak trees) would be good candidates and the developer had been advised and will consider their relocation. He summarized that there are 469 trees being planted on the site and a total of 70 trees being removed.

The statement was made that the roundabout feature would be treated as a common area and the site would feature a public walkway that runs along the site, acting as a buffer. The comment was made that the project is not a gated development, and discussions have taken place relative to an access agreement allowing people to walk on the site and for city staff to access the dykes for maintenance purposes. The delegation commented that landscaping would be maintained to a higher level; that the City of Surrey had acquired a right-of-way along the river; and that there is an agreement in place with the adjacent Nico Wynd development, that the Nico Wynd Strata Council would deal with the completion of the foreshore trail.

The General Manager of Planning & Development was recommending that the application be approved, subject to the conditions outlined in the report.

It was
Moved by Councillor Tymoschuk
Seconded by Councillor Steele
That:

1. a By-law be introduced to rezone the property from "General Agriculture Zone (A-1)" and "One-Acre Residential Zone (RA)" (By-law No. 12000) to "Comprehensive Development Zone (CD)" (By-law

No. 12000) and a date be set for Public Hearing.

2. Council instruct staff to resolve the following issues prior to final adoption/approval:
 - (a) ensure that all engineering requirements and issues including restrictive covenants, and rights-of-way where necessary, are addressed to the satisfaction of the General Manager, Engineering;
 - (b) submission of a subdivision layout to the satisfaction of the Approving Officer;
 - (c) input from the Ministry of Transportation;
 - (d) final approval from the Fraser River Estuary Management Program;
 - (e) submission of a finalized tree survey and a statement regarding tree preservation to the satisfaction of the City Landscape Architect and the Parks Division;
 - (f) finalized design guidelines to the satisfaction of the City to be registered on title;
 - (g) finalized park and trail design to the satisfaction of the Parks Division;
 - (h) registration of a Section 219 Restrictive Covenant for "no build" on Lot 73 until future consolidation with the adjacent property (14293 Crescent Road and related site access agreements);
 - (i) registration of a Section 219 Restrictive Covenant for "no build" on the rear of proposed Strata Lots backing Crescent Road to ensure 15 metres (49 ft.) of buffer are maintained along Crescent Road;
 - (j) registration of a Section 219 Restrictive Covenant to prevent building within 5 metres (16.4 ft.) of the lot lines adjacent to the riverside park;
 - (k) applicant adequately address the proximity of eagle nesting on the adjacent site by using Best Management Practices for development near wildlife habitat;
 - (l) the issue of the lots backing on to the golf course and potential of balls entering the property to be resolved to the satisfaction of the City;
 - (m) registration of a Section 219 Restrictive Covenant to prevent the erection of building or structures on the common property and ensure the maintenance/retention of the existing trees and landscaping within the buffers and green spaces; and
 - (n) registration of the geotechnical reports on title.
3. Council pass a resolution to amend the King George Highway Corridor Land Use Development Concept Plan to redesignate a portion of the land from Commercial/Residential to Clustering at Single Family Density (8 upa) when the project is considered for final adoption.

RES.R05-1705

Carried with Councillor Bose against.

It was

Moved by Councillor Higginbotham
Seconded by Councillor Tymoschuk
That "Surrey Zoning By-law, 1993, No. 12000, Amendment By-law
2005, No. 15795" pass its first reading.

RES.R05-1706

Carried with Councillor Bose against.

The said By-law was then read for the second time.

It was

Moved by Councillor Higginbotham
Seconded by Councillor Tymoschuk

That "Surrey Zoning By-law, 1993, No. 12000, Amendment By-law 2005, No. 15795" pass its second reading.

RES.R05-1707

Carried with Councillor Bose against.

It was then

Moved by Councillor Higginbotham
Seconded by Councillor Tymoschuk
That the Public Hearing on "Surrey Zoning By-law, 1993, No. 12000, Amendment By-law 2005, No. 15795" be held at the Surrey Sport & Leisure Complex on July 25, 2005, at 7:00 p.m.

RES.R05-1708

Carried

C. CORPORATE REPORTS

- 1. The Corporate Reports under date of July 5, 2005 were considered and dealt with as follows:

Item No. L007 Proposed Commercial Development
at 24 Avenue and 160 Street (Grandview Corners) -
OCP Amendment By-laws No. 15583 and 15584 and
Zoning Amendment By-laws No. 15610 and 15611
File: 7904-0112-00; 7904-0312-00

The General Manager of Planning & Development, and the General Manager, Engineering submitted a report to advise Council on how the applicants have satisfied the conditions that Council established as precedent to final adoption of By-law Nos. 15583, 15584, 15610 and 15611, relating to the commercial development known as Grandview Corners, located in the four quadrants of the intersection of 24 Avenue and 160 Street and on the process for addressing subsequent detailed Development Permit applications for the subject development.

The General Manager of Planning & Development, and the General Manager, Engineering were recommending that the report be received for information.

It was

Moved by Councillor Tymoschuk
Seconded by Councillor Steele
That Application Nos. 7904-0112-00 and 7904-0312-00 be received for

information.

RES.R05-1709

Carried

Note: See By-laws 15583/84, & 15610/11, Items H.4/5/6/7.

D. ITEMS TABLED BY COUNCIL

E. DELEGATIONS

F. CORRESPONDENCE

G. NOTICE OF MOTION

H. BY-LAWS

FINAL ADOPTIONS

1. "Surrey Zoning By-law, 1993, No. 12000, Amendment By-law, 1999, No. 13872"

7999-0105-00 - Ajit and Amargit Gill, c/o Douglas R. Johnson Architect Ltd.

RF (BL 12000) to CD (BL 12000) - 13716 - 102 Avenue - to permit the development of a 10-unit stacked rowhouse development in Surrey City Centre.

Approved by Council: October 18, 1999

Note: A Development Permit (7999-0105-00) on the site is to be considered for Final Approval under Item I. 1(a).

Note: The Public Hearing on this application was held on November 15, 1999. As more than two years have passed since the Public Hearing, Council may wish to hold a new Public Hearing.

- * Planning & Development advise that the reason for the delay in bringing this application to Final Adoption was due to the application being on hold pending an improvement in the real estate market in Surrey City Centre.

It was

Moved by Councillor Higginbotham

Seconded by Councillor Tymoschuk

That "Surrey Zoning By-law, 1993, No. 12000, Amendment By-law, 1999, No. 13872" be finally adopted, signed by the Mayor and Clerk, and sealed with the Corporate Seal.

RES.R05-1710

Carried

2. "Surrey Zoning By-law, 1993, No. 12000, Amendment By-law, 2005, No. 15680"

7904-0434-00 - 3532 Investments Ltd., c/o Davidson Yuen Simpson Architects

C-35 (BL 12000) to CD (BL 12000) - 13618 - 100 Avenue and 9887 East Whalley Ring Road and Portions of King George Highway and 100 Avenue - to permit the development of a high density, mixed-use residential/commercial development in Surrey City Centre.

Approved by Council: February 21, 2005

The Mayor noted that Item H.2 was not in order for consideration at this time.

3. "Surrey Zoning By-law, 1993, No. 12000, Amendment By-law, 2005, No. 15746"

7904-0407-00 - Leonard Klassen, KFR 2004 Trust, c/o Hunter Laird Engineering Ltd. (Clarence Arychuk)

RF (BL 12000) to RF-O (BL 12000) - 1755 Ocean Park Road - to permit the development of a larger single family dwelling.

Approved by Council: May 18, 2005

- * Planning & Development advise that (see memorandum dated June 30, 2005 in by-law backup) there is not a registered building scheme, however, the house plans and geotechnical report are being registered on title.

It was

Moved by Councillor Tymoschuk

Seconded by Councillor Higginbotham

That "Surrey Zoning By-law, 1993, No. 12000, Amendment By-law, 2005, No. 15746" be finally adopted, signed by the Mayor and Clerk, and sealed with the Corporate Seal.

RES.R05-1711

Carried

- 4. "Surrey Official Community Plan By-law, 1996, No. 12900, Text No. 47 Amendment By-law, 2004, No. 15583"

3900-20-15583 (Highway 99 Corridor) Council Initiated Text Amendment

"Surrey Official Community Plan By-law, 1996, No. 12900" as amended, is hereby further amended as follows:

- (a) Division A is amended by replacing Figure 27 - Map Showing Recently Approved Secondary Plans; and
- (b) Division A, Schedule C. Development Permit Area Guidelines is amended under Designated Development Permit Areas by deleting the period at the end of 3(c) and inserting "; or" and adding new sub-section 3(d) as follows:
 - "(d) which is located within the boundary of the Highway 99 Corridor Secondary Plan area as illustrated on Figure 27."

These amendments are necessary to add the Highway 99 Corridor Local Area Plan area to Figure 27 and to designate the entire Highway 99 Corridor Local Area Plan as a Development Permit Area pursuant to the provisions of the Official Community Plan.

Approved by Council: November 22, 2004

This By-law is proceeding in conjunction with By-laws 15584, 15610, and 15611.

Note: This By-law is proceeding in conjunction with Corporate Report Item No. L007.

A motion by Councillor Bose to defer Items H. 4, 5, 6, and 7 to the next full Council meeting received No Secunder.

It was Moved by Councillor Steele
Seconded by Councillor Tymoschuk
That "Surrey Official Community Plan By law, 1996, No. 12900, Text
 No. 47 Amendment By-law, 2004, No. 15583" be finally adopted, signed by the Mayor and Clerk, and sealed
 with the Corporate Seal.

RES.R05-1712

Carried

Councillor Bose left the meeting at 5:50 p.m.

The Mayor noted that due to Councillor Bose absenting himself from the meeting, there was insufficient quorum to carry on business, therefore the meeting was adjourned.

The Regular Council- Land Use meeting adjourned at 5:51 p.m.

Certified Correct:

City Clerk

Mayor