

City of Surrey
PLANNING & DEVELOPMENT REPORT

File: 7904-0131-00

Planning Report Date: July 14, 2008

PROPOSAL:

- **Development Variance Permit**

in order to allow a lot line adjustment and consolidation of a portion of the closed 189 Street in Port Kells.

LOCATION:

9750 - 188 Street and a Closed Portion of 189 Street

OWNERS:

Kelfor Properties Inc. Inc. No. 477797 and City of Surrey

ZONING:

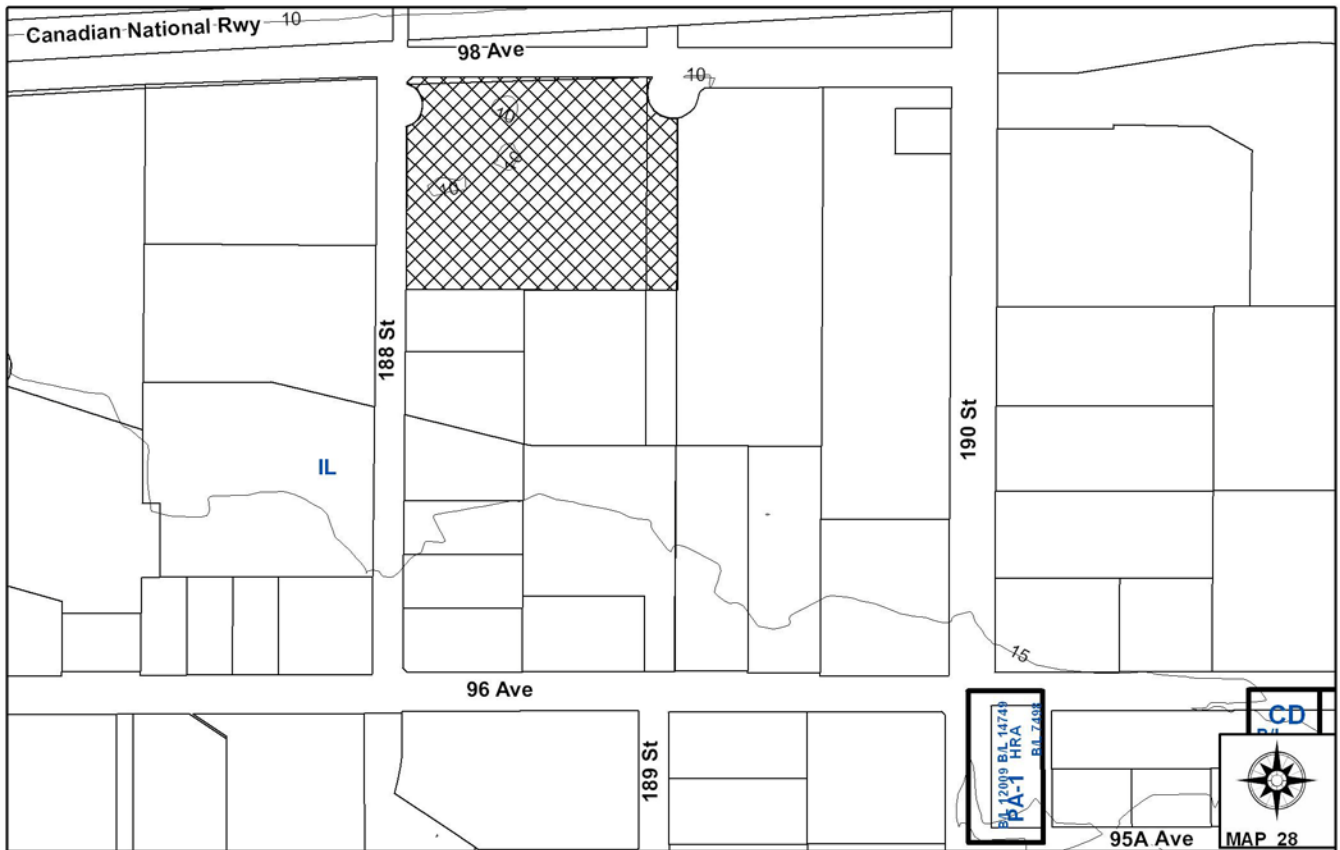
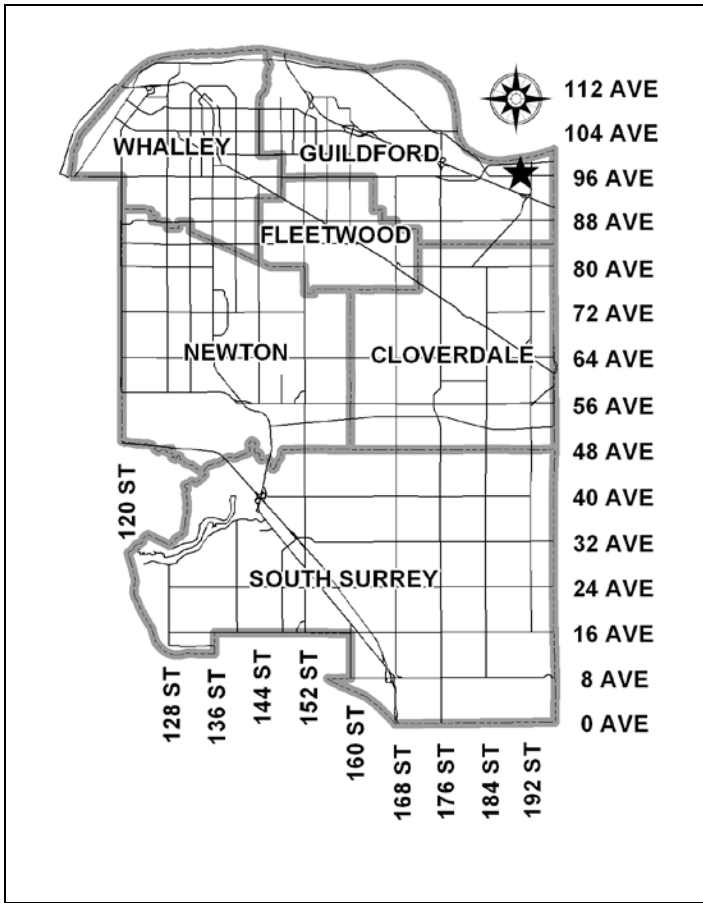
IL

OCP DESIGNATION:

Industrial

LAP DESIGNATION:

Industrial



RECOMMENDATION SUMMARY

- Approval for Development Variance Permit to proceed to Public Notification.

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- Existing 188 Street is not constructed to the current standards as set out in Subdivision and Development By-law No. 8830.

RATIONALE OF RECOMMENDATION

- 188 Street has been built to an old industrial standard with all lots fronting 188 Street currently occupied by buildings.

RECOMMENDATION

The Planning & Development Department recommends that:

1. Council approve Development Variance Permit No. 7904-0131-00, (Appendix III) varying the following, to proceed to Public Notification:
 - (a) to waive the requirement of the Subdivision and Development By-law to provide:
 - i. a 2.0 metre (6.5 ft.) dedication around the north portion of the 188 Street cul-de-sac; and
 - ii. pavement widening, curb, gutter street lighting and sidewalk construction and the undergrounding of overhead utilities along 188 Street.

REFERRALS

Engineering: The Engineering Department has no objection to the project (Appendix III).

SITE CHARACTERISTICS

Existing Land Use: Recently constructed industrial building.

Adjacent Area:

Direction	Existing Use	OCP Designation	Existing Zone
North (Across 98 Avenue and Rail Right-of-Way):	Sawmill and lumberyard.	Industrial	IL
East (Across the Closed Portion of 189 Street):	Lumber yard.	Industrial	IL
South:	Truck and trailer repairs; lumberyard.	Industrial	IL
West (Across 188 Street):	Machine shops, forklift company and wholesalers.	Industrial	IL

DEVELOPMENT CONSIDERATIONS

Background

- The subject site is included in a larger subdivision application which also includes 18946 - 98 Avenue and 18877 - 96 Avenue and a portion of 189 Street which has recently been closed by Council (By-law No. 16354 approved on May 28, 2007).
- The original application involved 18946 - 98 Avenue and 18877 - 96 Avenue to allow for a lot line adjustment which created a lot fronting 96 Avenue and a second lot which was linked across 189 Street. A Preliminary Layout Approval (PLA) letter was issued on August 4, 2004.
- The owner was using the unopened 189 Street, right-of-way, and the Engineering Department, as a condition of the lot line adjustment, required the owner to enter into a lease agreement for the use of this land or apply to purchase the surplus 189 Street right-of-way. The owner applied to close and purchase the unopened 189 Street road allowance.
- Subsequent to the issuance of the PLA, Kinder Morgan expropriated a portion of 18877 – 96 Avenue by statutory right-of-way Plan BCP23398, which effectively subdivided the parent parcel into two lots, with the north portion and south portion linked over the statutory right-of-way area. The expropriation, authorized by the BC Utilities Commission, was necessary to allow for the construction of a pump station for the oil pipeline.
- The subject lands underwent a further subdivision by the Golden Ears Bridge proponents to allow for the construction of frontage roads along the Golden Ears Bridge connector. This negotiation resulted in 98 Avenue being terminated at the west property line of 18946 - 98 Avenue, and terminated 188 Street into a cul-de-sac at the north end of 9750 - 188 Street.
- The 189 Street road closure has been completed, and a new lot has been created (Parcel 1, BCP30327). The owner has entered into an agreement for the acquisition of this road with the Realty Services Division of the Engineering Department.
- The owner has modified the subdivision request to include 9750 - 188 Street and to split the consolidation of the closed 189 Street between this lot and the property at 18946 - 98 Avenue in order to create two parcels of land.

Current Proposal

- As a result in the change in the subdivision application to include the property at 9750 - 188 Street, the Engineering Department requested the upgrading of 188 Street to satisfy current engineering standards. This includes the dedication of a 2.0-metre (6.5 ft.) statutory right-of-way around the cul-de-sac bulb at 188 Street, and the provision of curb, gutter and sidewalks, the widening of the pavement, installation of street lights and under-grounding of the overhead wiring along the portion of 188 Street fronting this property.
- The applicant has requested a Development Variance Permit to relax these engineering requirements (see By-law Variance section).

BY-LAW VARIANCE AND JUSTIFICATION

(a) Requested Variance:

- To relax the Engineering works and services for the portion of 188 Street fronting 9750 – 188 Street, including road dedication, pavement widening, underground wiring and the installation of sidewalks, curbs and gutters.

Applicant's Reasons:

- 188 Street is an opened road, providing access to the businesses north of 96 Avenue. The road was constructed by the City of Surrey in accordance with the standards in effect when Surrey pre-serviced the Port Kells industrial lands to facilitate industrial development. The upgrading of the fronting street in accordance with current standards is cost prohibitive for an opened road.

Staff Comments:

- The fronting street has been adequate for the businesses along this portion of road. 188 Street has been built to an old industrial standard with all lots fronting 188 Street currently occupied by buildings and there are no plans to widen or improve 188 Street by the City in the foreseeable future. The Engineering Department has reviewed the request, and supports the requested variance.

INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

Appendix I.	Lot Owners, Action Summary and Project Data Sheets
Appendix II.	Proposed Subdivision Layout
Appendix III.	Engineering Summary
Appendix IV.	Development Variance Permit No. 7904-0131-00

Jean Lamontagne
General Manager
Planning and Development

LAP/kms

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Information for City Clerk

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

1. (a) Agent: Name: Kelfor Properties
 Address: 18946 - 98 Avenue
 Surrey, BC
 V4N 3R6
 Tel: 604-888-4242

2. Properties involved in the Application
 - (a) Civic Addresses: 9750 - 188 Street and a Closed Portion of 189 Street

 - (b) Civic Address: 9750 - 188 Street
 Owner: Kelfor Properties Inc., Inc. No. 477797
 PID: 009-478-019
 Lot 1 Except: Firstly: Parcel A (Statutory Right of Way Plan BCP26891)
 Secondly; Part Dedicated Road on Plan BCP29944 Section 4 Township 9 New
 Westminster District Plan 76618

 - (c) Civic Address: Closed Portion of 189 Street
 Owner: City of Surrey
 PID: 027-087-905
 Parcel 1 (Bylaw Plan BCP30327) Section 4 Township 9 New Westminster
 District Dedicated Road on Plan 519

3. Summary of Actions for City Clerk's Office
 - (a) Public Notification of Development Variance Permit No. 7904-0131-00.

SUBDIVISION DATA SHEET

Proposed Zoning: IL

Requires Project Data	Proposed
GROSS SITE AREA	
Acres	
Hectares	
NUMBER OF LOTS	
Existing	4
Proposed	3
SIZE OF LOTS	
Range of lot widths (metres)	70 - 100 metres
Range of lot areas (square metres)	4,290 m ² - 33,000 m ²
DENSITY	
Lots/Hectare & Lots/Acre (Gross)	
Lots/Hectare & Lots/Acre (Net)	
SITE COVERAGE (in % of gross site area)	
Maximum Coverage of Principal & Accessory Building	60%
Estimated Road, Lane & Driveway Coverage	
Total Site Coverage	60%
PARKLAND	
Area (square metres)	n/a
% of Gross Site	
	Required
PARKLAND	
5% money in lieu	NO
TREE SURVEY/ASSESSMENT	NO
MODEL BUILDING SCHEME	NO
HERITAGE SITE Retention	NO
BOUNDARY HEALTH Approval	NO
DEV. VARIANCE PERMIT required	
Road Length/Standards	NO
Works and Services	NO
Building Retention	YES
Others	NO