



Proposal: Rezone from CHI to C-8. Development Variance Permit to relax the side yard setbacks for an existing commercial building.

Recommendation: Approval to Proceed

Location: 5632 - 177B Street **Zoning:** CHI

OCP Designation: Town Centre

NCP Designation: Retail/Service Commercial **Owner:** Asklepios Enterprises Ltd. & Methers Properties Ltd.

PROJECT TIMELINE

Completed Application Submission Date: August 18, 2004
Planning Report Date: September 27, 2004

The applicant is proposing:

- a rezoning from CHI to C-8; and
- a Development Variance Permit to vary the following Zoning By-law regulations:
 - to relax the north side yard setback of the C-8 Zone from 7.5 metres (25 ft.) to 6.0 metres (20 ft.); and
 - to relax the south side yard setback of the C-8 Zone from 7.5 metres (25 ft.) to 0 m

in order to bring the existing commercial uses and siting into conformity and to allow a cosmetic laser treatment centre.

The Planning & Development Department recommends that:

1. a By-law be introduced to rezone the property from "Highway Commercial Industrial Zone (CHI)" (By-law No. 12000) to "Community Commercial Zone (C-8)" (By-law No. 12000) and a date be set for Public Hearing.
2. Council approve Development Variance Permit No. 7904-0314-00, varying the following, to proceed to Public Notification:
 - (a) to reduce the minimum north side yard setback of the C-8 Zone from 7.5 metres (25 ft.) to 6.0 metres (20 ft.); and
 - (b) to reduce the minimum south yard setback of the C-8 Zone from 7.5 metres (25 ft.) to 0 metre.
3. Council instruct staff to resolve the following issues prior to final adoption:
 - (a) approval from the Ministry of Transportation; and
 - (b) registration of an easement to provide reciprocal access with the adjacent properties to the south and north.

REFERRALS

Engineering: The Engineering Department has no objection to the project subject to the completion of Engineering servicing requirements as identified in the attached (Appendix III).

SITE CHARACTERISTICS

- **Existing Land Use** Medical building.
- **East:** Across the lane, Cloverdale Elementary School, zoned RF, designated Commercial and Urban.
- **South:** Restaurant, zoned CHI, designated Town Centre.
- **West:** Across 177B Street, mixed commercial, zoned C-15, designated Town Centre.
- **North:** Single family lot, zoned RA, designated Town Centre.

PLAN AND POLICY COMPLIANCE

OCP Designation: Complies.

Town Centre Plan Designation: Complies.

DEVELOPMENT CONSIDERATIONS

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Background

- The building permit for the medical office building located on the subject property was issued in 1975. Tenant improvement permits were subsequently issued for a restaurant and a medical clinic.
- In 1975, the subject site was zoned Neighbourhood Service Zone (C-3) under Surrey Zoning By-law No. 2265. This zone permitted limited uses including appliance store, bakery, banks, grocery stores, medical and dental offices, professional offices and retail stores. The minimum side yard requirements were 20 ft. (6 m.) for the north side yard (being adjacent a residential zone) and 0 ft. for the south side yard.
- With the adoption of Surrey Zoning By-law No. 5942 in 1979, the site was converted to Highway Commercial Zone (C-H) which effectively rendered the existing uses (medical office and pharmacy) and siting of the building as legally non-conforming.
- With the adoption of Surrey Zoning By-law No. 12000 in 1993, the subject site was converted to Highway Commercial Industrial Zone (CHI) from the C-H Zone. Under the CHI Zone, the existing uses and building setbacks remain legally non-conforming.

Current Proposal

- The existing building has three tenants and one vacancy. The existing tenants consist of a doctor's office, a medical laboratory and a pharmacy.
- The applicant has secured a new tenant, for the vacant space, whose business is to perform cosmetic laser treatment. Under the Definitions Section in Surrey Zoning By-law No. 12000, cosmetic laser treatments are classified as a personal service use which means "a commercial establishment which provides for the care and appearance of the body or the cleaning and repair of personal effects". Personal service uses are not permitted in the CHI Zone.
- The applicant has requested rezoning from CHI to C-8 in order to legitimize the existing non-conforming businesses located on the site, and to permit a cosmetic laser treatment business.
- The site is designated Town Centre in the OCP, and Retail/Service Commercial in the Cloverdale Town Centre Plan. The requested rezoning to Community Commercial Zone (C-8) is in keeping with the future vision for this area of Cloverdale.
- The C-8 Zone requires a 7.5-metre (25 ft.) setback from all property lines. The existing building is sited without a setback from the south property line and a 6-metre (20 ft.) setback from the north property line. The applicant has requested a Development Variance Permit to accommodate the existing structure (see Development Variance Permit Section).
- The existing medical office and existing medical laboratory uses require a higher parking ratio than the proposed laser treatment centre and the existing pharmacy. The Zoning By-law requires a total of 15 spaces be provided for the existing and proposed uses in the building which have been provided on site.
- The Engineering Department has requested that the applicant negotiate with the owners of the properties immediately to the north and south, in order to secure a reciprocal access easement between the properties. The owner of the restaurant to the south has already advised the applicant that he will not enter into such an easement. The property to the north is currently zoned RA and has a single family dwelling on it. Prior to final adoption, the applicant is to register an easement document to secure for a future reciprocal access agreements, which will come into effect at the time that either of the properties, to the north or south, redevelop.

PRE-NOTIFICATION

In accordance with Council policy, pre-notification letters were sent on August 30, 2004. One telephone call was received from one of the neighbours requesting more information about the proposal. There were no concerns expressed about the rezoning.

BY-LAW VARIANCE AND JUSTIFICATION

(a) Requested Variance:

- To relax the north side yard setback from 7.5 metres (25 ft.) to 6.0 metres (20 ft.) and the south side yard setback from 7.5 metres (25 ft.) to 0.

Applicant's Reasons:

- The requested side yard variances reflect the existing siting of the building.

Staff Comments:

- The proposed variances will only apply to the current building. At the time of re development, all by-law requirements at that time will apply.
- Staff support the requested variances.

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.	Site Plan
Appendix III.	Engineering Summary
Appendix IV.	Development Variance Permit No. 7904-0314-00

INFORMATION AVAILABLE ON FILE

- Detailed Engineering Comments dated September 8, 2004.

Murray Dinwoodie
General Manager
Planning and Development

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APPENDIX I

Rear	7.5 m	7.62 m
Side #1 (South)	7.5 m	0*
Side #2 (North)	7.5 m	6.09 m*
BUILDING HEIGHT (in metres/storeys)		
Principal	12.0 m	5.182 m
Accessory	4.5 m	3.658 m
NUMBER OF RESIDENTIAL UNITS		
Bachelor	1	0
One Bed		
Two Bedroom		
Three Bedroom +		
Total		
FLOOR AREA: Residential		
	8	n/a
FLOOR AREA: Commercial		
	884 m ²	402.1 m ²
Retail		
Office		
Total		
FLOOR AREA: Industrial		
FLOOR AREA: Institutional		
TOTAL BUILDING FLOOR AREA		
	884 m ²	402.1 m ²

* *Variance requested.*

Development Data Sheet cont'd

Required Development Data	Minimum Required / Maximum Allowed	Proposed
DENSITY		
# of units/ha /# units/acre (gross)		
# of units/ha /# units/acre (net)		
FAR (gross)		
FAR (net)	0.80	0.36
AMENITY SPACE (area in square metres)		
Indoor		
Outdoor		
PARKING (number of stalls)		
Medical Office	10	10
Pharmacy	3	3
Personal Service	2	2
Residential Bachelor + 1 Bedroom		

2-Bed		
3-Bed		
Residential Visitors		
Institutional		
Total Number of Parking Spaces	15	15
Number of disabled stalls		1
Number of small cars		2
Tandem Parking Spaces: Number / % of Total Number of Units		
Size of Tandem Parking Spaces width/length		

Heritage Site	NO	Tree Survey/Assessment Provided	NO
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