

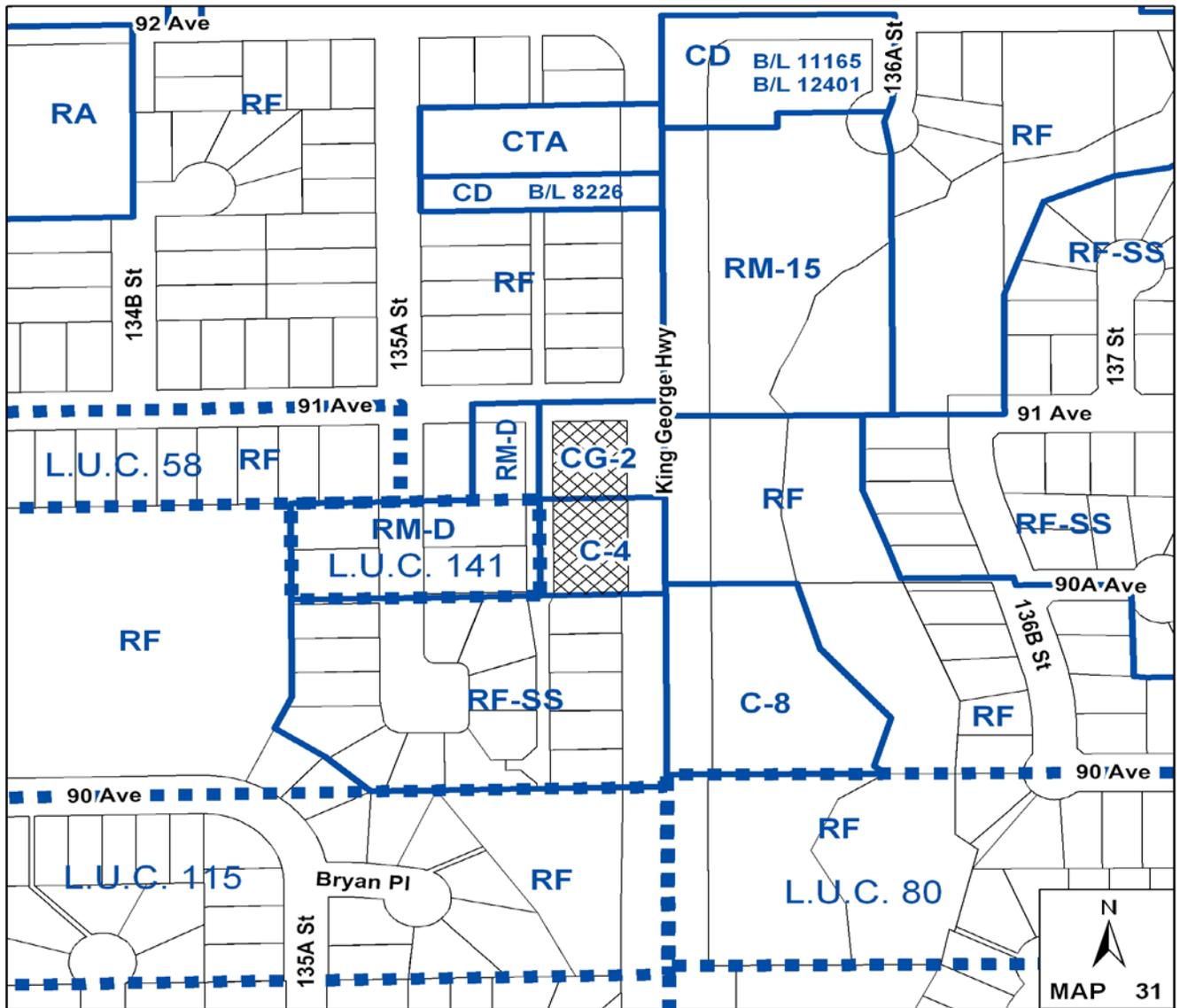
**Proposal:** Rezone from CG-2 and C-4 to C-5, Development Permit to permit the construction of a neighbourhood commercial complex and Development Variance Permit to relax side and rear yard setbacks and to reduce the length of the parking stalls.

**Recommendation:** Approval to Proceed

**Location:** 9059/85 King George Hwy; **Zoning:** CG-2 and C-4 portion of lane allowance

**OCP Designation:** Urban

**LAP Designation:** Local Comm. **Owner:** Jagdish Gill et al



## PROJECT TIMELINE

Completed Application Submission Date: November 24, 2005  
Application Revision & Re-submission Date: May 14, 2007  
Planning Report Date: June 11, 2007

## PROPOSAL

The applicant is proposing:

- a rezoning from CG-2 and C-4 to C-5;
- a Development Permit; and
- a Development Variance Permit to vary the following by-law regulations:
  - to reduce the minimum flanking side yard (east) setback of the C-5 Zone from 7.5 metres (25 ft.) to 6.9 metres (22.7 ft.);
  - to reduce the minimum west side yard setback of the C-5 Zone from 7.5 metres (25 ft.) to 3.0 metres (9.8 ft.);
  - to reduce the minimum rear yard setback of the C-5 Zone from 7.5 metres (25 ft.) to 3.0 metres (9.8 ft.); and
  - to reduce the minimum length of parking stalls in Part 5 of the Zoning By-law from 5.5 metres (18 ft.) to 4.9 metres (16 ft.)

in order to permit redevelopment of the site into a neighbourhood commercial complex.

## RECOMMENDATION

The Planning & Development Department recommends that:

1. a By-law be introduced to rezone the site from "Local Commercial Zone (C-4)" (By-law No. 12000) and "Combined Service Gasoline Station Zone (CG-2)" (By-law No. 12000) to "Neighbourhood Commercial Zone (C-5)" (By-law No. 12000) and a date be set for Public Hearing (Appendix I).
2. Council authorize staff to draft Development Permit No. 7905-0011-00 generally in accordance with the attached drawings (Appendix III).
3. Council approve Development Variance Permit No. 7905-0011-00, (Appendix V) varying the following, to proceed to Public Notification:
  - (a) to reduce the minimum flanking side yard (east) setback of the C-5 Zone from 7.5 metres (25 ft.) to 6.9 metres (22.7 ft.);
  - (b) to reduce the minimum west side yard setback of the C-5 Zone from 7.5 metres (25 ft.) to 3.0 metres (9.8 ft.);

- (c) to reduce the minimum rear yard setback of the C-5 Zone from 7.5 metres (25 ft.) to 3.0 metres (9.8 ft.); and
- (c) to reduce the minimum length of parking stalls in Part 5 of the Zoning By-law, from 5.5 metres (18 ft.) to 4.9 metres (16 ft.).
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) completion of a road closure for a portion of the adjoining lane allowance;
- (d) submission of a landscaping cost estimate to the specifications and satisfaction of the City Landscape Architect;
- (e) submission of final design drawings to the satisfaction of the Planning and Development Department; and
- (f) discharge of M102648 (notation of Land Use Contract No. 141) from the title for the southern property at 9059/9061 King George Highway.

### 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 IV).

### SITE CHARACTERISTICS

- **Existing Land Use** Gas station; local commercial building.
- **East:** Across King George Highway, townhouses, zoned RM-15; single family dwelling, zoned RF, both designated Urban.
- **South:** Single family dwelling with secondary suite, zoned RF-SS, designated Urban.
- **West:** Across the lane, duplexes zoned RM-D, designated Urban.
- **North:** Across 91 Avenue, single family dwellings, zoned RF, designated Urban.

## PLAN AND POLICY COMPLIANCE

OCP Designation: Complies.

LAP Designation: Complies.

## DEVELOPMENT CONSIDERATIONS

### Background

- The subject site consists of two properties, 9059 and 9085 King George Highway. There are two buildings located on the site, a commercial building located on the south property and a gasoline service station and automotive repair centre on the north property. These structures will be removed in conjunction with the redevelopment of the site.
- The applicant had originally submitted a development application requesting rezoning to a CD in order to allow for the development of a service station, convenience store, and other automotive related services on this site. This application has now been amended. The applicant is now requesting rezoning to redevelop the property to allow for a neighbourhood commercial complex with no gas station or automotive-related uses.

### Current Proposal

- The current proposal is to rezone the subject property together with a portion of the lane located along the west side of the property from C-4 and CG-2 to C-5 to permit the construction of a two-storey commercial building with a floor area of 1,656 square metres (17,825 sq. ft.).
- In conjunction with the rezoning, Development Permit and Development Variance Permit application, the applicant has requested a road closure for a portion of the westerly lane, to allow it to be consolidated into the subject site.
- The lane along the westerly property line is currently 10 metres (33 ft.) in width, however under the current Engineering standards, a narrowing of this lane to 8 metres (26.24 ft) from 91 Avenue to the south side of the driveway from the lane satisfies the commercial lane, and then a further narrowing to 6.0 metres (20 ft.) which is a residential lane standard. The Transportation Division has reviewed this request and is supportive of the lane closure. In conjunction with the closure of the lane an additional 2.23 metres (7.3 ft.) of road widening will be requested along the King George Highway frontage.
- There is currently a notation on the land title that the southern subject property located at 9059/9061 King George Highway is affected by a Land Use Contract. The subject site was created in 1976. At that time, it was zoned C-3 under Zoning By-law No. 2265. Subsequently on August 9, 1976, Land Use Contract No. 141 was entered into to subdivide and regulate the four duplexes located to the east of the subject site. The LUC was registered against the parent property which included the subject site. As the LUC never regulated the use on the subject site, this notation can be removed from the title.

## PRE-NOTIFICATION

In accordance with Council Policy, a Development Proposal sign was erected on the property and pre-notification letters were sent on November 9, 2006. To date, staff have not received any comments with respect to the proposal.

## DESIGN PROPOSAL AND REVIEW

- The proposed commercial building will be facing King George Highway with a 2.0-metre (6 ft.) wide landscape area separating the parking lot from the property line. Planning staff encourage commercial buildings along major roads to have a minimum 3.0-metre (10 ft.) wide landscape area, however, this cannot be achieved due to the narrowness of the site and the additional road dedication required along King George Highway.
- Proposed access to the site will be provided by a driveway from King George Highway at the southern half of the site and a second driveway access from the lane, at the north end of the site.
- The building will be finished in metal siding with a gavalume finish. Accent colours include wood siding, wood columns, and trim painted a medium rust colour. A second accent colour of black is proposed for the horizontal wood trim, the metal gates and the store front trims. Glazing is proposed along the street-oriented elevations. The lane elevation has incorporated office windows along the second storey to allow for surveillance of the lane area.
- Signage for the individual units is proposed to be channel letters mounted on a horizontal element. A free-standing sign is not requested for this development, as adequate signage of the individual stores is provided on the face of the building.
- The applicant's architect incorporated a corner element consisting of a wood post and beam structure which provides for visual interest at the intersection.
- All road and lane frontages have incorporated landscaping which includes flowering and non-flowering trees and shrubs. Along the south property line is a statutory right-of-way. A new wooden fence is proposed between the commercial site and the adjoining residential use to the south. The right-of-way area does not permit the planting of trees or shrubs, therefore, this area will be grassed. Security gates will be constructed to ensure that this area remains secure.
- The applicant has proposed wall-mounted, downward cast lighting along the east and south walls to increase the surveillance in these areas during the evening areas. The second storey is accessed by exterior stairs and will be protected using metal gates which can be closed during non-business hours.
- The applicant has requested variances to the C-5 Zone, which will be discussed in the By-law Variance Section.

### ADVISORY DESIGN PANEL

ADP Meeting Date: May 24, 2007

The Design Panel complimented the Architect on the design and use of materials and had no significant recommendations, except the following which will be addressed prior to the Development Permit being issued:

- A distinctive sidewalk treatment should be used, perhaps with a colour compatible to the building.
- Open up the second storey railing to provide more visibility;
- That the planting area along the laneway at the rear of the building provide a natural tapestry of planting material; and
- That a second let down be provided for disabled customers at the north end of the sidewalk.

### BY-LAW VARIANCES AND JUSTIFICATION

(a) Requested Variance:

- To reduce the minimum flanking side yard (east) setback of the C-5 Zone from 7.5 metres (25 ft.) to 6.9 metres (22.7 ft.)

Applicant's Reasons:

- The strict application of 7.5-metre (25 ft) setbacks from all property lines would render the site undevelopable for commercial development. The building has been sited as far from King George Highway as possible, while maintaining the floor plate which will attract tenants. The area between the building face and the road has been landscaped.

Staff Comments:

- This has been a difficult site to develop due to the existing site configuration. The applicant has requested a 0.6 metre (2 ft) relaxation, which staff can support.

(b) Requested Variance:

- To relax the minimum west side yard setback of the C-5 Zone from 7.5 metres (25 ft.) to 3.0 metres (9.8 ft).

Applicant's Reasons:

- This lane provides alternate access from King George Highway to the five residential lots to the south of the subject property. The relaxation will not impact the use or visibility of this lane. The area between the face of the building and the new property line will be downward

lit, and landscaped with thorny bushes to deter some of the criminal element which currently uses this area.

Staff Comments:

- The proposed building is well designed and appropriate for the neighbourhood. The relaxations requested allows for the functional, attractive neighbourhood commercial complex. Planning staff have worked with the applicant on the overall development concept for the site and therefore support the requested variance.

(c) Requested Variance:

- To relax the minimum rear yard setback of the C-5 Zone from 7.5 metres (25 ft.) to 3.0 metres (9.8 ft.).

Applicant's Reasons:

- There are existing municipal rights-of-way registered along the rear (south) property line. The building setback reflects the width of the right-of-way and allows the building area to be maximized, while maintaining a separation from the residential use to the south.

Staff Comments:

- Staff have worked with the applicant on the setbacks in order to allow the development of the site. The right-of-way prohibits construction over the right-of-way area. The right-of-way area will be enclosed between a new fence to the south, the rear building face and two gates at either end, and will not be visible from the lane or King George Highway. Staff supports the requested variance.

(d) Requested Variance:

- To relax the minimum length of parking spaces from 5.5 metres (18 ft.) to 4.9 metres (16 ft.).

Applicant's Reasons:

- The configuration of the site has made it difficult to design a commercial complex which will be viable at this location. The parking stall extends into the landscape area, which will be planted with low growing Kinnicknick, which will allow for vehicle overhang into this area.

Staff Comments:

- This practice of allowing parking spaces to overhang into the landscape area is common in other municipalities, however, has been discouraged in Surrey, except in exceptional circumstances. Because of the site configuration, staff can support this requested variance.

INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

Appendix I.	Lot Owners, Action Summary, Project Data Sheets and Survey Plan
Appendix II.	Contour Map
Appendix III.	Proposed Subdivision Layout, Site Plan, Typical Floor Plans and Elevations, Landscape Plans and Perspective
Appendix IV.	Engineering Summary
Appendix V.	ADP Comments and Applicant's Response
Appendix VI.	Development Variance Permit No. 7905-0011-00

INFORMATION AVAILABLE ON FILE

- Detailed Engineering Comments dated March 13, 2007.

How Yin Leung  
Acting 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:                      Ankeman & Associates  
                         Address:                      12321 Beecher Street  
                                                              Surrey, B.C.  
                                                              V4A 3A7  
                         Tel:                                      604-536-1600
  
2.      Properties involved in the Application
  - (a)      Civic Addresses:      9059 and 9085 King George Highway and Portion of lane
  
  - (b)      Civic Address:              9059 King George Highway  
                 Owner:                      Outside Investments Ltd.  
                 PID:                              004-938-178  
                 Lot 233 Section 32 Township 2 New Westminster District Plan 51486
  
  - (c)      Civic Address:              9085 King George Highway  
                 Owner:                      Jagdish Gill  
                 PID:                              000-948-829  
                 Lot 5 Section 32 Township 2 New Westminster District Plan 19543
  
  - (d)      Civic Address:              Portion of lane dedicated under Plan 51486
  
3.      Summary of Actions for City Clerk's Office
  - (a)      Introduce a By-law to rezone the site (and a portion of road allowances).
  
  - (b)      Proceed with Public Notification for Development Variance Permit No. 7905-0011-00.

## DEVELOPMENT DATA SHEET

**Proposed Zoning: C-5**

Required Development Data	Minimum Required / Maximum Allowed	Proposed
<b>LOT AREA*</b> (in square metres)		
Gross Total		3,069.5 m <sup>2</sup>
Road Widening area		209.1 m <sup>2</sup>
Undevelopable area (Statutory ROW)		104.6 m <sup>2</sup>
Partial Lane Closure		455.3 m <sup>2</sup>
Net Total		3,315.7 m <sup>2</sup>
<b>LOT COVERAGE</b> (in % of net lot area)		40%
Buildings & Structures	50%	40%
Paved & Hard Surfaced Areas		80%
Total Site Coverage		
<b>SETBACKS</b> ( in metres)		
Front (91 Avenue)	7.5 m	20.0 m
Rear	7.5 m	3.0 m
Side #1 (West)	7.5 m	3.0 m
Side #2 (East)	7.5 m	6.9 m
<b>BUILDING HEIGHT</b> (in metres/storeys)		
Principal	9.0 m	
Accessory	4.0 m	n/a
<b>NUMBER OF RESIDENTIAL UNITS</b>	1	n/a
Bachelor		
One Bed		
Two Bedroom		
Three Bedroom +		
Total		
<b>FLOOR AREA: Residential</b>		
<b>FLOOR AREA: Commercial</b>		
Retail		951.1 m <sup>2</sup>
Office		705.6 m <sup>2</sup>
Total	1,657.8 m <sup>2</sup>	1,656.7 m <sup>2</sup>
<b>FLOOR AREA: Industrial</b>		
<b>FLOOR AREA: Institutional</b>		
<b>TOTAL BUILDING FLOOR AREA</b>	1,657.8 m <sup>2</sup>	1,656.7 m <sup>2</sup>

*\* If the development site consists of more than one lot, lot dimensions pertain to the entire site.*

## 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)	0.50	0.50
AMENITY SPACE (area in square metres)		
Indoor		
Outdoor		
PARKING (number of stalls)		
Commercial and Office	42	46
Industrial		
Residential Bachelor + 1 Bedroom		
2-Bed		
3-Bed		
Residential Visitors		
Institutional		
Total Number of Parking Spaces	42	46
Number of disabled stalls	1	1
Number of small cars		
Tandem Parking Spaces: Number / % of Total Number of Units	11	11
Size of Tandem Parking Spaces width/length		

Heritage Site	NO	Tree Survey/Assessment Provided	NO
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CONTOUR MAP FOR SUBJECT SITE

