

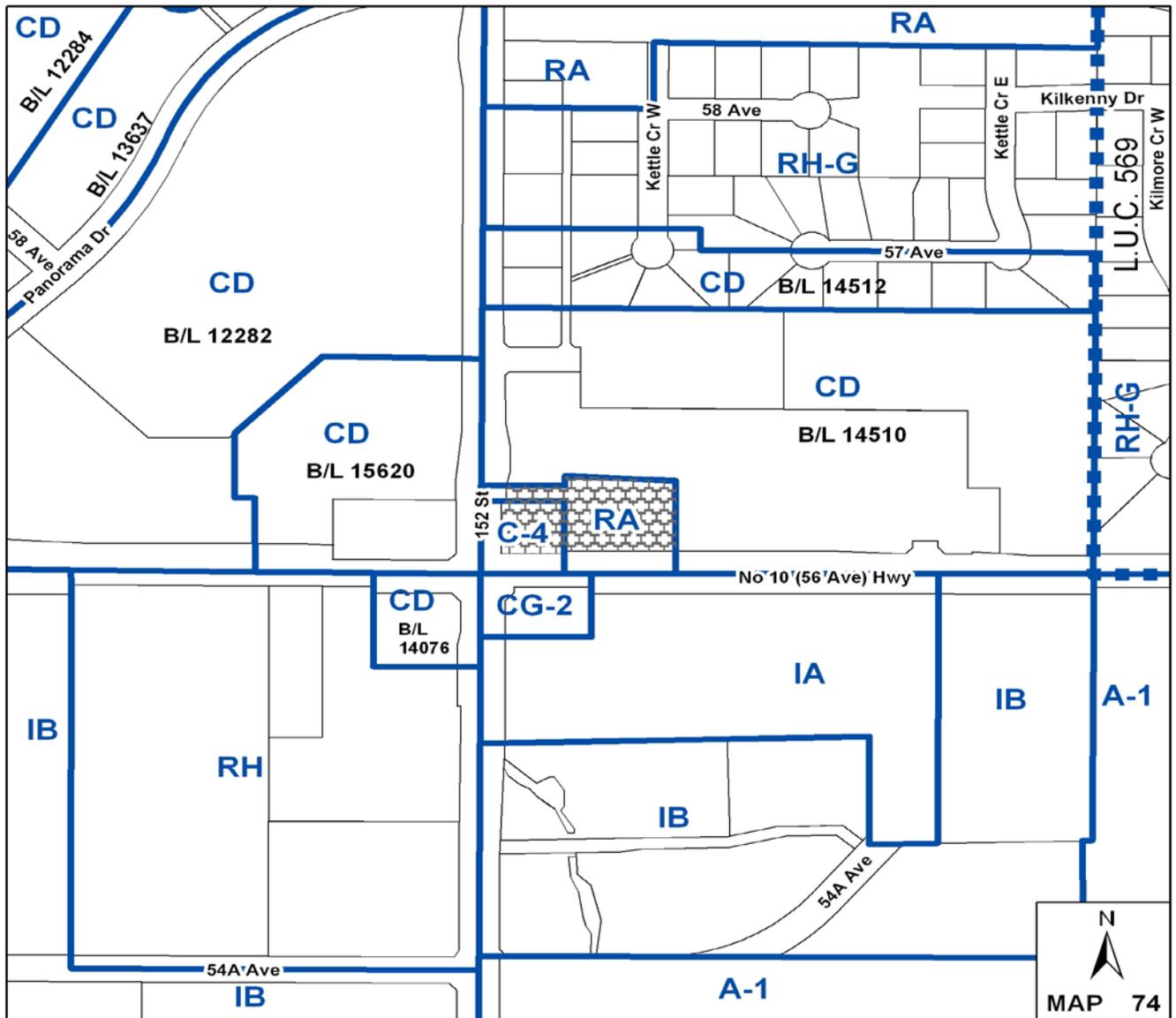
**Proposal:** OCP Amendment from Suburban to Commercial. Rezoning from C-4 and RA to C-8 and Development Permit to permit a commercial centre. Development Variance Permit to reduce front and flanking yard setbacks on the south and west sides.

**Recommendation:** Approval to Proceed

**Location:** 5610/5620 - 152 Street      **Zoning:** C-4 and RA

**OCP Designation:** Suburban

**LAP Designation:** Retail      **Owner:** Gerald Maxwell Hayes  
 Commercial



## PROJECT TIMELINE

Completed Application Submission Date: October 15, 2005  
Application Revision & Re-submission Date: December 7, 2005  
Planning Report Date: December 12, 2005

## PROPOSAL

The applicant is proposing:

- an OCP amendment from Suburban to Commercial;
- a rezoning from C-4 and RA to C-8;
- a Development Variance Permit to vary the following by-law regulations:
  - front yard (west) and flanking side yard (south) setbacks from 7.5 metres (25 ft.) to 6 metres (20 ft.)

in order to permit the development of two commercial buildings for office and retail purposes.

## RECOMMENDATION

The Planning & Development Department recommends that:

1. a By-law be introduced to redesignate the property in the Official Community Plan from Suburban to Commercial 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 "Local Commercial Zone (C-4)" (By-law No. 12000) and "One-Acre Residential Zone (RA)" (By-law No. 12000) to "Community Commercial Zone (C-8)" (By-law No. 12000) and a date be set for Public Hearing.
4. Council authorize staff to draft Development Permit No. 7905-0291-00 in accordance with the attached drawings (Appendix III).
5. Council approve Development Variance Permit No. 7905-0291-00 , varying the following, to proceed to Public Notification:
  - (a) to reduce the required minimum front yard setback of the C-8 Zone along 152 Street (west) from 7.5 metres (25 ft.) to 6.0 metres (20 ft.); and

- (b) to reduce required the minimum flanking side yard setback of the C-8 Zone along Highway No. 10 (south) from 7.5 metres (25 ft.) to 6 metres (20 ft.).
6. 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) submission of an acceptable tree survey and a statement regarding tree preservation;
  - (e) submission of a landscaping plan and landscaping cost estimate to the specifications and satisfaction of the City Landscape Architect;
  - (f) registration of a Restrictive Covenant to ensure removal of the temporary right-in access on 152 Street by no later than February 1, 2010 and to provide notice to future owners, leases and tenants of this future closure;
  - (g) submission of financial securities for the removal of the temporary right-in driveway access and conversion to a permanent right-out only and associated reinstatement of curbing and landscaping; and
  - (h) registration of a reciprocal access agreement with the adjacent shopping centre site to ensure unrestricted cross movement on both properties.

### REFERRALS

- Engineering: Engineering expressed concern about allowing the access from 152 Street at this location and will allow a right-in/right-out on a temporary basis to be removed in 2010, and converted at that time to a permanent right-out access only. The Engineering Department has no objection to the project subject to the completion of Engineering servicing requirements and resolution of grieving distance as identified in the attached (Appendix IV).
- Ministry of Transportation: No concerns (Appendix V).

### SITE CHARACTERISTICS

- **Existing Land Use** The site contains the Rodeo Drive-In Restaurant.
- **Significant Site Attributes** The site is generally flat and devoid of vegetation.
- **East:** The site is currently being developed as a commercial centre, zoned CD (By-law No. 14510), designated Commercial in the OCP.
- **South:** Across Highway No. 10, gas stations are located on the two south corners of the intersection, zoned CG-2, designated Industrial in the OCP.
- **West:** Across 152 Street, the site has recently been approved for a commercial shopping centre. Panorama Village Shopping Centre Phase II, zoned CD (By-law No. 15620), designated Commercial, in the OCP.
- **North:** Commercial development under construction, zoned CD (By-law No. 14510), designated Commercial in the OCP.

### PLAN AND POLICY COMPLIANCE

OCP Designation: Needs amendment from Suburban to Commercial.

LAP Designation: Retail Commercial.

### JUSTIFICATION FOR PLAN AMENDMENT

- The site is currently the location of a commercial use (the Rodeo Drive-In).
- The Newton Local Area Plan designates the site as "Retail Commercial".
- The site is surrounded by commercial development and there is commercial development on all other corners of this intersection.
- This intersection is extremely busy and unsuitable for residential development.

### DEVELOPMENT CONSIDERATIONS

- The subject site is located at the northeast corner of the intersection of 152<sup>nd</sup> Street and Highway No. 10.
- The site is designated Suburban in the OCP and zoned C-4 (Local Commercial) and RA (One Acre Residential).
- The site is currently the location of the Rodeo Drive In, a restaurant that has been in that location for some time.

- The site adjacent to the north and east is currently being developed as a commercial retail shopping centre with low/medium density residential on the periphery to transition with the Sullivan Station single family residential neighbourhood.
- The application is for an OCP Amendment from Suburban to Commercial, a rezoning from C-4 and RA to C-8 (Community Commercial) to allow the development of two buildings that are proposed to accommodate office and retail uses.
- The application includes a Development Permit and a Development Variance Permit. The DVP is intended to reduce the setbacks for the building at the southwest corner of the site, and is discussed later in this report.

### DESIGN PROPOSAL AND REVIEW

- The development proposal consists of two buildings with a total of 3298 square metres (35,500 square feet). Building A at the southwest corner of the site, is proposed to be a one-storey bank building at 8 m (26 ft.) in height. Building B in the center of the site is proposed to be a three storey commercial office/retail mix (retail on the main floor). Building B is proposed to be 12 metres (39 ft) in height. A total of 90 parking spaces are being provided, which exceeds the amount required by the Zoning By-law (80).
- Access for the site is from 152 Street and internally through the adjacent development at the northeast corner of the subject site. The access at 152 Street will be temporarily allowed to be a right-in/right-out, but due to safety and operational concerns of this access so close to this major intersection, the right-in will be removed no later than February 2010. The applicant has agreed to register the appropriate agreements on title to effect this removal and will be required to submit security for the reconstruction of this access to be a right-out only (Appendix VIII). Reinstatement of additional parking along this access will be permitted at that time in accordance with the City's standards.
- The access located further north on 152 Street or east on Highway No. 10 will allow permanent access to the site through the adjacent commercial development. An easement over the adjacent site has already been established as part of the rezoning of that site.
- Pedestrian movement on the site will be facilitated by well-connected pedestrian sidewalks through the site with raised pedestrian crosswalks over the drive aisles and into the adjacent sites. To increase the pedestrian friendly nature of the site, a trellis type of corner feature with planting bed is being proposed for the corner of 152 Street and Highway No. 10.
- Building materials include painted tilt up concrete and metal inverted canopies. The rooflines are a mix of inverted pitch and flat roof tops. The blue glazing of some of the building exterior is to be enhanced by white sign bands and the building will have black frames. A red brick feature element is proposed at the corner of Building A. Additional materials and features will be required to be incorporated into the final plans to interface with the treatments appropriately on the other corners of this major intersection in the City. Additional landscaping details and enhancements will also be undertaken as part of the completion of the final plans. The applicant has agreed to complete these changes and resolve outstanding items prior to final adoption of the rezoning by-law.

### ADVISORY DESIGN PANEL

ADP Meeting Date: Thursday, November 17, 2005

Most of the ADP suggestions have been satisfactorily addressed except the following which will be addressed before final approval:

- Detailed materials, interface and landscaping issues need to be fully addressed; and,
- Signage and lighting needs to be resolved.

### PRE-NOTIFICATION

Pre-notification letters were sent on October 20, 2005. There were approximately 100 pre-notification letters sent. Staff received 2 phone calls and 1 letter. The main concern expressed was the height of the proposed buildings and how the buildings on the adjacent commercial site (north and east) have been restricted to one storey.

- Concern that this proposal is showing three storeys while the neighbouring commercial development could only build one storey and that residents were told that the commercial development would be one storey.

*(The adjacent commercial centre was established as a result of the previous rezoning to a specific CD Zone and OCP Amendment under which townhouses were also established to the north and east as a basis for an appropriate interface to Suburban Residential lots to the immediate north. Due to this residential interface, the adjacent shopping centre was restricted in height to one-storey along the residential interface. The subject development does not have a residential interface and abuts Highway No. 10, therefore increased height can be supported. The proposed C-8 Zone allows building heights to 12 metres (3 storeys), however, the building at this corner is only 1 storey in height (Building A). The 3-storey building (Building B) has been located as far south as possible along Highway No. 10, and will not impact residential uses in the surrounding area.)*

The applicant held a Public Information Meeting on November 24, 2005. Five people attended the meeting, held at the YMCA in close proximity to the site. Two comment sheets were left at the Public Information Meeting noting the concern about the three-storey height noted above.

### PUBLIC CONSULTATION PROCESS FOR OCP AMENDMENT

Pursuant to Section 879 of the *Local Government Act*, it was determined that it was not necessary to consult with any persons, organizations or authorities with respect to the proposed OCP amendment, other than those contacted as part of the pre-notification process.

BY-LAW VARIANCE AND JUSTIFICATION

## (a) Requested Variance:

- A reduction in front yard setback (west) from 7.5 metres (25 ft.) to 6.0 metres (20 ft.) and the flanking side yard setback (south) from 7.5 metres (25 ft.) to 6.0 metres (20 ft.)

## Applicant's Reasons:

- The site is constrained by size, road dedication and access. The variance is justified by adding substantial landscaping, glazing on the building and the provision of a substantial corner feature in order to provide a human scale to the busy intersection.

## Staff Comments:

- The site is a remnant parcel and is constrained due to both size and configuration, as well as access location restrictions on this busy corner. Therefore, this setback reduction can be supported by staff given the proposed landscaping and building features identified in this report.

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.	Contour Map
Appendix III.	Proposed Subdivision Layout, Site Plan, Typical Floor Plans and Elevations, Landscape Plans and Perspective
Appendix IV.	Engineering Summary
Appendix V.	Ministry of Transportation
Appendix VI.	ADP Comments and Applicant's Response
Appendix VII.	Development Variance Permit No. 7905-0291-00
Appendix VIII.	Ultimate Driveway and Parking Plan

INFORMATION AVAILABLE ON FILE

- Detailed Engineering Comments dated December 7, 2005.
- Soil Contamination Review Questionnaire prepared by Alex Polacco dated September 16, 2005.

Murray Dinwoodie  
General Manager  
Planning and Development

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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:                    Richard Coulter/Alex Polacco, Terrox Real Estate Group  
                         Address:                   Suite 300, Windsor Square  
   1959 - 152 Street  
   Surrey, B.C. V4A 9E3  
                         Tel:     604-542-4800

2.      Properties involved in the Application

(a)      Civic Address:                   5610 and 5620 - 152 Street

(b)      Civic Address:                   5610 - 152 Street  
            Owner:                                   Gerald Maxwell Hayes  
            PID:     002-176-815  
            Parcel E Section 11 Township 2 New Westminster District Plan 6845

(c)      Civic Address:                   5620 - 152 Street  
            Owner:                                   Gerald Hayes  
            PID:     025-830-040  
            Lot 4 Section 11 Township 2 New Westminster District Plan BCP8751

3.      Summary of Actions for City Clerk's Office

(a)      Introduce a By-law to amend the Official Community Plan to redesignate the property.

(b)      Introduce a By-law to rezone the property.

(c)      Application is under the jurisdiction of MOT.

File No. 1-6-22944

(d)      Proceed with Public Notification for Development Variance Permit No. 7905-0291-00.

## DEVELOPMENT DATA SHEET

Proposed/Existing Zoning: C-8

Required Development Data	Minimum Required / Maximum Allowed	Proposed
LOT AREA* (in square metres)	n/a	
Gross Total		6,227 m <sup>2</sup>
Road Widening area		495 m <sup>2</sup>
Undevelopable area		
Net Total	n/a	5,725 m <sup>2</sup>
LOT COVERAGE (in % of net lot area)		
Buildings & Structures	50%	1,302 m <sup>2</sup>
Paved & Hard Surfaced Areas		3,346 m <sup>2</sup>
Total Site Coverage	50%	4,648 m <sup>2</sup>
SETBACKS ( in metres)		
Front (West - 152 Street)	7.5 m	6.0 m
Rear	7.5 m	7.5 m
Side #1 (South - Highway No. 10)	7.5 m	6.0 m
Side #2 (East)	7.5 m	7.5 m
BUILDING HEIGHT (in metres/storeys)		
Principal	12 m	12.0 m
Accessory		n/a
NUMBER OF RESIDENTIAL UNITS	n/a	
Bachelor		
One Bed		
Two Bedroom		
Three Bedroom +		
Total		
FLOOR AREA: Residential	n/a	
FLOOR AREA: Commercial	n/a	
Retail		1,303 m <sup>2</sup>
Office		1,620 m <sup>2</sup>
Total		2,923 m <sup>2</sup>
FLOOR AREA: Industrial	n/a	
FLOOR AREA: Institutional	n/a	
TOTAL BUILDING FLOOR AREA		2,923 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	n/a	
# of units/ha /# units/acre (gross)		
# of units/ha /# units/acre (net)		
FAR (gross)		
FAR (net)	.80	.58
AMENITY SPACE (area in square metres)	n/a	
Indoor		
Outdoor		
PARKING (number of stalls)		
Commercial	80	90
Industrial	n/a	
Residential Bachelor + 1 Bedroom	n/a	
2-Bed		
3-Bed		
Residential Visitors	n/a	
Institutional	n/a	
Total Number of Parking Spaces	80	90
Number of disabled stalls	1	2
Number of small cars	20	19
Tandem Parking Spaces: Number / % of Total Number of Units	n/a	
Size of Tandem Parking Spaces width/length	n/a	

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

