

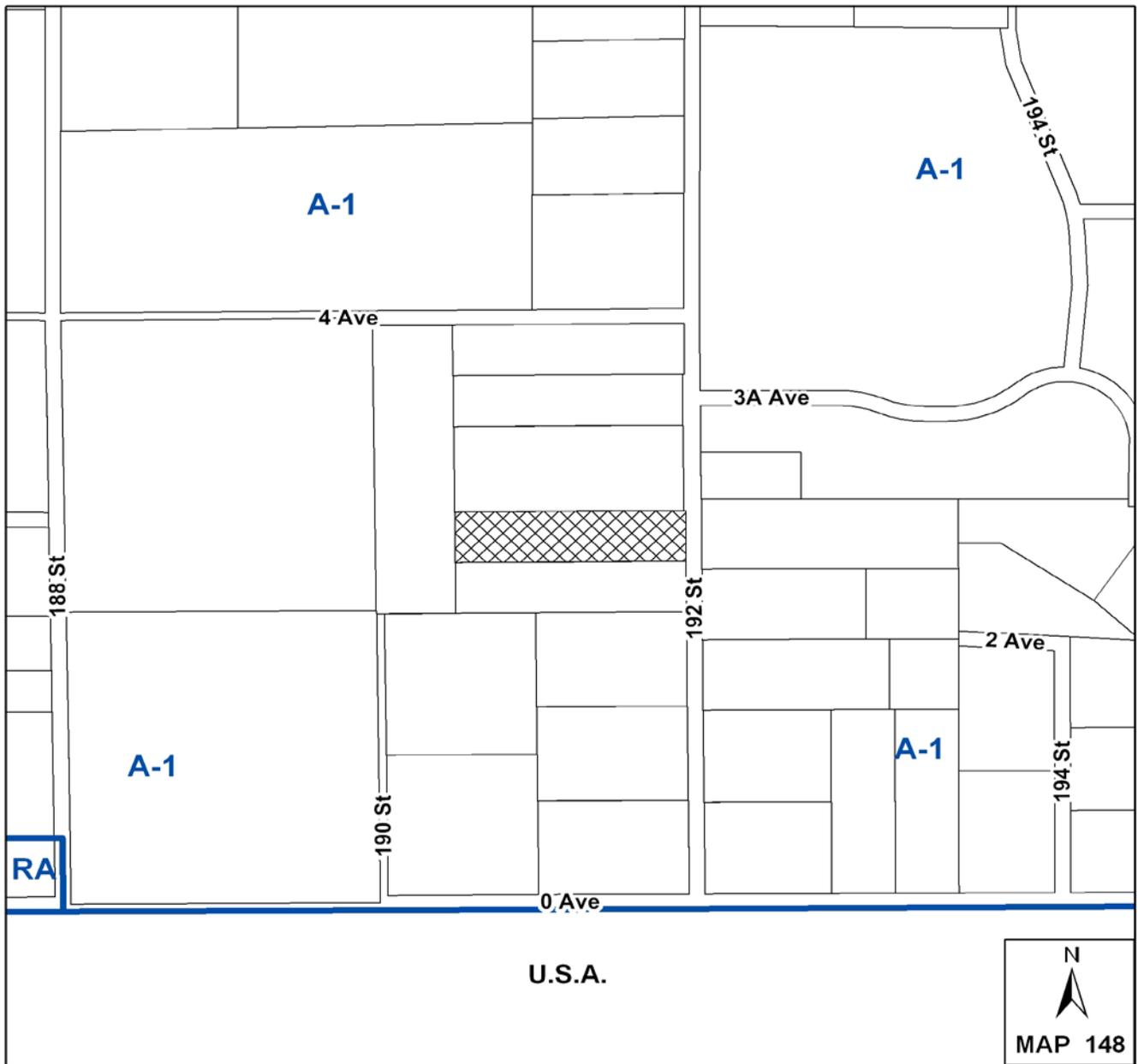
**Proposal:** Rezone from A-1 to CD to allow a childcare centre for 25 children and agricultural uses permitted in the A-1 Zone.

**Recommendation:** Approval to Proceed

**Location:** 257 - 192 Street      **Zoning:** A-1

**OCP Designation:** Agricultural

**LAP Designation:** Agricultural      **Owner:** Cameron and Lorelei Sobolik



## PROJECT TIMELINE

Completed Application Submission Date: October 12, 2005  
Application Revision & Re-submission Date: May 2, 2006  
Planning Report Date: July 10, 2006

## PROPOSAL

The applicant is proposing:

- a rezoning from A-1 to CD

in order to permit the development of a child care facility to accommodate a maximum of 25 children and to permit all uses allowed in the A-1 Zone.

## RECOMMENDATION

The Planning & Development Department recommends that:

1. a By-law be introduced to rezone the property from "General Agriculture Zone (A-1)" (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:
  - (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, including funding by the applicant for traffic safety signage ;
  - (b) approval and licensing from the Ministry of Health;
  - (c) submission of building permit drawings that satisfactorily address Building Code requirements;
  - (d) submission of a report by a Structural Engineer to address Building Code requirements for the building permit submission;
  - (e) completion of the necessary technical studies and approvals from the City and Fraser Health respecting water supply and septic service; and
  - (g) removal of the illegal suite in the existing barn.

## 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 V).
Fraser Health Authority:	Support (Appendix VI).
Agricultural Advisory Commission:	Support (Appendix VII).

## SITE CHARACTERISTICS

- **Existing Land Use** Single family dwelling.
- **Significant Site Attributes** Single family dwelling with barn/garage and an accessory building used as a licensed in-home day care for 8 children. The site contains a hobby farm sloping site that contains some multiple trees that will be protected.
- **East, South, North and West:** Single family dwellings on large rural properties, zoned A-1, designated Agricultural in the OCP.

## PLAN AND POLICY COMPLIANCE

OCP Designation:	Complies.
LAP Designation:	Complies.

## DEVELOPMENT CONSIDERATIONS

- The applicant proposes to rezone the subject property at 257 – 192 Street from the Agriculture One (A-1) Zone to a Comprehensive Development (CD) Zone in order to expand the existing Child Care facility located from a eight (8) children to twenty –five (25) and to retain the existing uses and requirements of the A-1 Zone.
- The proposed rezoning conforms to the OCP Agricultural land use designation for this area and the Agricultural designation of the South-east Surrey Local Area Plan.
- The subject site, while designated in the OCP as Agricultural, is located outside of the Agricultural Land Reserve and contains a new dwelling and several outbuildings, including the previous dwelling now being used as the pre-school (Appendix III).

- The building containing the Child Care facility is located in a single storey, 50 year old house that has been renovated with Building Permit approval to accommodate this operation. The building contains four rooms for daycare activities, two bathrooms, a kitchen, storage space, and office, cloak room and two exits (Appendix IV).
- A previous owner built a new home on the back of the property in 1999. A Restrictive Covenant was required by the City to ensure that the existing dwelling was removed or converted to a use conforming to City by-laws once the new dwelling had been approved for occupancy. A Change of Use Permit was issued by the Building Division on January 27, 1999 to convert the existing dwelling to a storage building. According to the permit, all plumbing and electrical facilities were removed and the building was not to be used as "habitable" living area. A bond was posted to provide a guarantee of this conversion.
- When the property was purchased by the current owners, they applied to the Ministry of Health to use the existing dwelling as a child care facility. Subsequently, the Ministry of Health approved a license for this activity in 2004.
- Since issuing the license, Fraser Health staff have conducted unscheduled inspections as part of an ongoing monitoring function and have found that the current preschool facility is safe, well maintained and operating in compliance with the regulations.
- The existing child care facility was licensed effective August 4, 2004 for a maximum capacity of eight children under the Community Care and Assisted Living Act.
- On-site parking is provided on the development site for visitors and staff members in two locations. Two visitor parking spaces are located at the front of the day care building near the 192 Street driveway entrance and other spaces are located on the north side of the driveway opposite the day care facility. A turnaround located in the middle of the property that allows for vehicles to exit the site safely.
- Parents park their vehicles in the parallel spaces located along the north side of the driveway and escort children to the rear entrance of the day care building. Children are retrieved by parents at the rear of the building located away from 192 Street.
- A fenced grassed play area is located behind the day care building that contains a play apparatus.
- Among the activities provided in the current day care program is the feeding of small farm animals including goats and llamas that pasture in the fenced area adjacent to the day care play area. The agricultural theme of the child care operation is intended to be continued with the proposed rezoning of the property.
- The applicant has provided consulting studies and approvals from Fraser Health for proposed expansion to the septic field and water supply (well) systems. Engineering has reviewed the consultants' reports and find them acceptable.
- The Transportation Engineer and staff visited the subject site and note that there are no hazards associated with the driveway location. Signage is to be provided on 192 Street by the applicant cautioning drivers of the driveway location.

### Parking

- The Zoning By-law requires one (1) parking space for every employee as required in the Community Care Act and an equal number of parking spaces for drop-off with a minimum of two (2) parking spaces.
- The applicant proposes to provide a total of 20 parking spaces as follows:
  - two (2) spaces located in front of the day care building; and
  - 18 parallel parking spaces located adjacent to the play area behind the day care building.
- A turn-around is located next to the barn that will allow patrons to safely exit the site onto 192 Street.

### Social Planning Considerations

- Upon examining the inventory of child care facilities in Surrey, it is found that only one operation exists in the Hazelmere Valley area, that being the applicant's business.
- The closest care facility in south Surrey is located to the west of Highway No. 99.
- Other child care operations exist in South Langley. Through an investigation of these operations, it has been found that they are all close to capacity with low vacancies.
- Information provided on a list by the applicant indicates that children who could attend an expanded child care facility at this location live in South Surrey, most in the area east of Highway No. 99. All of the children who would attend an expanded facility would need to be driven to this location.
- The existing child care facility on this five acre parcel provides an agricultural based location and learning experience for the children who are in attendance. This theme is proposed to continue with the proposed expanded facility.
- The proposed child care facility is intended to provide service for eight (8) children on a full day basis from 7:00 a.m. until 6:00 p.m. Additionally, fifteen (15) children will be accommodated for a morning session between 9:00 a.m. and 12:00 p.m. A separate group of fifteen (15) children will attend an afternoon child care program between 1:00 p.m. and 4:00 p.m.
- A maximum of 23 children would be in attendance at any given time during the program time that extends between 7:00 a.m. and 5:00 p.m.
- A total of three staff persons will operate the child care programs.
- From a social planning perspective, given that there is no other child care facility located within this area of South Surrey, the additional spaces provided by this proposed operation will contribute to addressing the gap in licensed child care facilities in this part of Surrey.

### Agricultural Issues

- The Agricultural Advisory Commission dealt with this application at its March 1, 2006 meeting and concluded that the proposed rezoning application is an acceptable use that would not detract from the agricultural and rural nature of this area.
- The development site is located outside of the Agricultural Land Reserve. The proposed rezoning for an expanded child care operation will have no impact upon agricultural operations in the ALR.

### PRE-NOTIFICATION

Pre-notification letters were sent on December 13, 2005 and staff received eight (8) phone calls, nine (9) letters and attended one meeting regarding this application.

#### (a) Support for Proposal

Two of the phone calls were from local residents who supported the application commenting that there are no problems with the parents dropping off the children and that the facility provides an excellent rural educational opportunity for the children. Additionally, the applicant submitted two letters of support from parents whose children attend the day care.

#### (b) Opposition/Concern about the Proposal

A total of six (6) local residents wrote and nine (9) residents phoned with concerns or opposition to this proposal. The applicants hosted a public information meeting for neighbours on May 11, 2006 in order to explain the proposal.

- No objections to the daycare proposal, but opposed to rezoning as the property is in an agricultural area and want to avoid destroying the character of this rural neighbourhood.

*(The proposed expanded childcare operation will be contained within the existing building and will not visually involve any changes in the appearance of the subject property or the surrounding neighbourhood.)*

- A number of local residents raised concerns about the potential for changes in traffic volumes from the proposed increase from 8 to 25 children in this facility.

*(The owner and operator of the childcare facility mentioned that all of the children who would attend the expanded day care operation would be driven to this facility. However, not all of the children would be arriving or leaving the property at the same time. The owner advises that eight (8) children would arrive at 7:00 a.m. and be picked up at 5:00 p.m. for care during the whole day. Fifteen (15) children are proposed to participate in a morning program (arriving at 9:00 a.m. and leaving at 12:00 noon). Fifteen other children are proposed to be in the afternoon program and would arrive at 1:00 p.m. and be picked up at 4:00 p.m. The Transportation Engineer advises that the overall anticipated increase in traffic volume on 192 Street is minor.)*

- Concerns about safety for the children and parents delivering children to the day care as traffic speeds are high in this area along 192 Street. The driveway access to the property is on a steep hill.

*(Following an inspection of the site, the Transportation Engineer indicated that the driveway's location is acceptable from a safety perspective and should be maintained where it is. It was recommended that the property owners pay to have a traffic control sign be erected on 192 Street to caution motorists about the driveway.)*

- Concerns that tenants are occupying a suite in the barn.

*(The property owners have been required to eliminate this suite that is used by their farm employees. The owner believes that a second dwelling for farm employees was permitted on their A-1 zoned property. They were advised that this is only possible for A-1 zoned properties that have a minimum area of 10 acres (the owner's site is 5 acres). The suite will be removed and then By-law Enforcement staff will inspect the barn before final adoption of the rezoning by-law.)*

- A neighbour is concerned that the existing septic field would not safely deal with the burden from the proposed increase in the number of children who would attend the daycare.

*(The owners have retained a consulting Engineer who has submitted a revised septic field plan designed to accommodate the increased load from the increased number of children attending the childcare facility. Fraser Health and has reviewed and approved the proposed plans for the upgraded septic field.)*

- Concerns that the increase in the number of people using a larger septic field would add significant stress to the aquifer, both through the septic field and the well. Additionally, concern was expressed that the aquifer could be contaminated.

*(Fraser Health has reviewed the applicant's plans for a revised septic field and the well system and has granted approval for both services.)*

- The former property owners built the large home on the back of the property with the stipulation from Surrey that the homestead was to be removed when the new home was completed. This was not done, and instead the previous owners asked the City to keep it for storage. Concerns were expressed that Surrey did not enforce the removal of the old home and request that this building be removed.

*(The Building Division required the previous owner remove the suite that was located in this building. Further, the previous owners were required to register a Restrictive Covenant on the property stating that the subject building would not be used as a suite and that it must be used as an accessory use. The suite was removed and the building was subsequently used by the previous owner as a storage building. Following this, the present owners purchased the property and successfully applied for a child care facility license from the Fraser Health Authority in 2004. The building containing this facility complies with the licensing provisions for a childcare facility).*

- Concerns that the proposed rezoning for expanding the daycare could eventually expand again to become a school or larger facility.

*(The owners were requested to clarify if they intend to expand the proposed day care operation to a school in the future. They indicated that they have no intention of expanding the day care beyond the proposed maximum capacity of 25 children. The proposed CD By-law will establish the maximum capacity of the day care facility at 25 children).*

### 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 Site Plan
Appendix IV.	Floor Plan
Appendix V.	Engineering Summary
Appendix VI.	Agricultural Advisory Commission Minutes
Appendix VII.	Day Care License
Appendix VIII.	Letter from Fraser Health Authority
Appendix IX.	Comprehensive Development Zone

### INFORMATION AVAILABLE ON FILE

- Detailed Engineering Comments dated December 23, 2005.
- Letter from Fraser Health Authority dated June 27, 2006
- Information Package from Applicant dated May 2, 2006
- Soil Contamination Review Questionnaire prepared by Lorelei Sobolik dated October 10, 2005.

How Yin Leung  
Acting General Manager  
Planning and Development

MD/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:                 Mr. Cameron Sobolik  
                         Address:                 257 - 192 Street  
   Surrey, B.C. V3S 9R9  
                         Tel:                         604-626-1111
  
2.      Properties involved in the Application
  - (a)      Civic Address:                 257 - 192 Street
  
  - (b)      Civic Address:                 257 - 192 Street  
                 Owners:                         Cameron and Lorelei Sobolik  
                 PID:                                 008-578-737  
                 Lot 2 Section 4 Township 7 New Westminster District Plan 10703
  
3.      Summary
  - (a)      Introduce a By-law to rezone the property.

## SUBDIVISION DATA SHEET

**Proposed Zoning: CD**

Requires Project Data	Proposed
<b>GROSS SITE AREA</b>	
Acres	4.99 ac
Hectares	2.02 ha
<b>NUMBER OF LOTS</b>	
Existing	1
Proposed	1
<b>SIZE OF LOT</b>	
Lot Widths (metres)	68 m
Lot Depth (metres)	293 m
<b>DENSITY</b>	
Lots/Hectare & Lots/Acre (Gross)	
Lots/Hectare & Lots/Acre (Net)	
<b>SITE COVERAGE (in % of gross site area)</b>	
Maximum Coverage of Principal & Accessory Building	
Estimated Road, Lane & Driveway Coverage	
Total Site Coverage	
<b>PARKLAND</b>	
Area (square metres)	
% of Gross Site	
	<b>Required</b>
<b>PARKLAND</b>	
5% money in lieu	NO
<b>TREE SURVEY/ASSESSMENT</b>	
<b>MODEL BUILDING SCHEME</b>	
	NO
<b>HERITAGE SITE Retention</b>	
	NO
<b>BOUNDARY HEALTH Approval</b>	
	YES
<b>DEV. VARIANCE PERMIT required</b>	
Road Length/Standards	NO
Works and Services	NO
Building Retention	NO
Others	NO

## DEVELOPMENT DATA SHEET

**Proposed Zoning: CD**

Required Development Data	Minimum Required / Maximum Allowed	Proposed
<b>LOT AREA*</b> (in square metres)		
Gross Total		
Road Widening area		
Undevelopable area		
Net Total		
<b>LOT COVERAGE</b> (in % of net lot area)		
Buildings & Structures		
Paved & Hard Surfaced Areas		
Total Site Coverage		
<b>SETBACKS</b> ( in metres)		
Front		
Rear		
Side #1 (N,S,E, or W)		
Side #2 (N,S,E, or W)		
Side #3 (N, S, E or W)		
<b>BUILDING HEIGHT</b> (in metres/storeys)		
Principal		
Accessory		
<b>NUMBER OF RESIDENTIAL UNITS</b>		
Bachelor		
One Bed		
Two Bedroom		
Three Bedroom +		
Total	1	1
<b>FLOOR AREA: Residential</b>		
<b>FLOOR AREA: Commercial</b>		
Retail		
Office		
Total		
<b>FLOOR AREA: Industrial</b>		
<b>FLOOR AREA: Institutional</b>		
<b>TOTAL BUILDING FLOOR AREA</b>		

*\* 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)		
AMENITY SPACE (area in square metres)		
Indoor		
Outdoor		
PARKING (number of stalls)		
Commercial (Child Care)	2	
Industrial		
Residential Bachelor + 1 Bedroom		
2-Bed		
3-Bed		
Residential Visitors		
Institutional		
Total Number of Parking Spaces	2	
Number of disabled stalls		
Number of small cars		
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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CONTOUR MAP FOR SUBJECT SITE

