

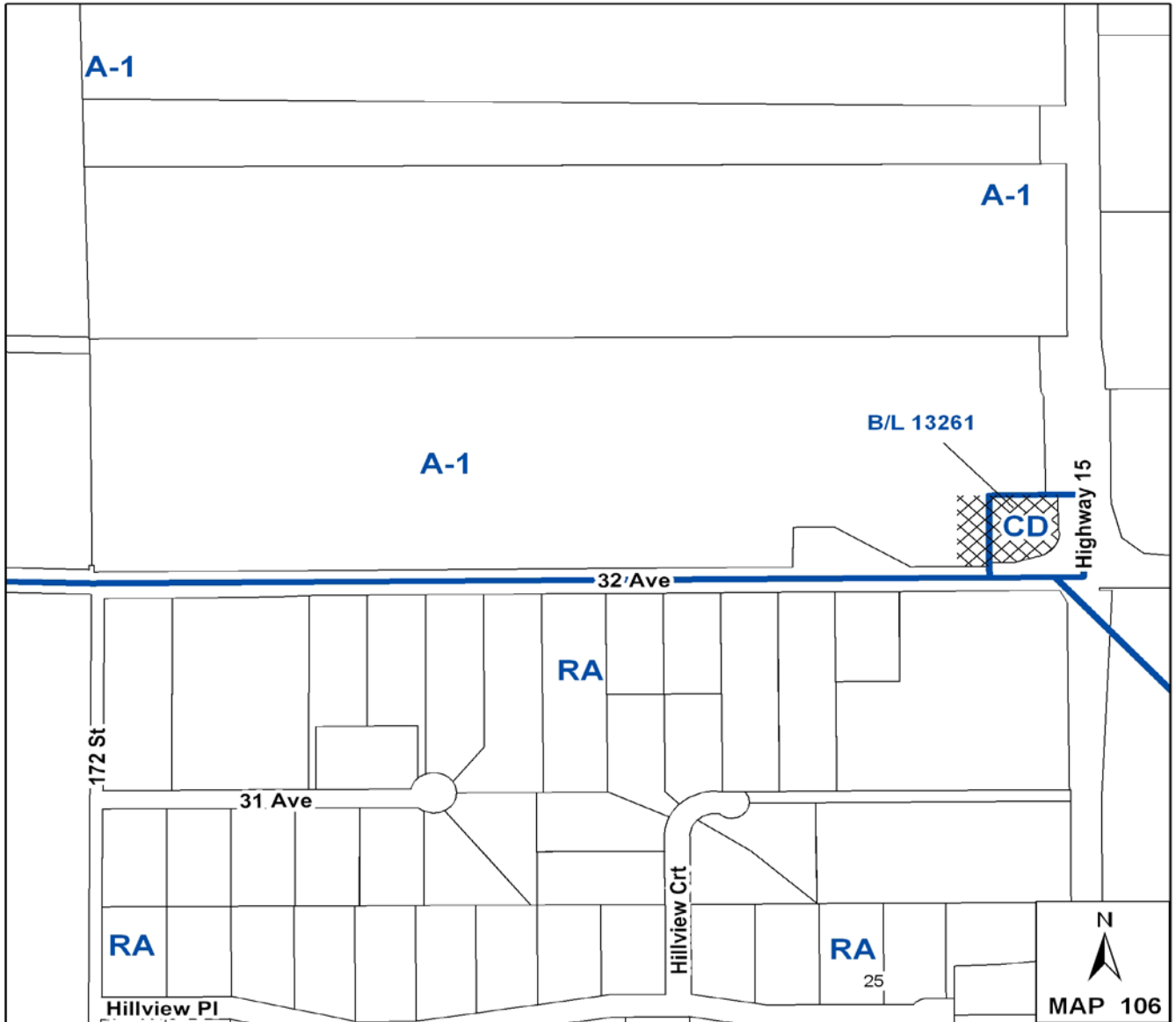
**Proposal:** Subdivision and non-farm use in the ALR. Rezone from A-1 and CD (By-law No. 13261) to CD and a DP to allow a gas station, convenience store and drive-through restaurant. DVP to relax the extension of City sanitary servicing.

**Recommendation:** Approval to Proceed

**Location:** 3233 and Portion of 3255 - 176 Street      **Zoning:** A-1 & CD (By-law No. 13261)

**OCP Designation:** Agricultural

**LAP Designation:** Agricultural      **Owners:** Malhi Brother Enterprises Ltd., et al



## PROJECT TIMELINE

Completed Application Submission Date: December 9, 2005  
Application Revision & Re-submission Date: May 15, 2006  
Planning Report Date: March 12, 2007

## PROPOSAL

The applicant is proposing:

- non-farm use and subdivision within ALR under Section 20(3) and 21(2) of the ALC Act;
- a rezoning from A-1 and CD (By-law No. 13261) to CD;
- a Development Permit; and
- a Development Variance Permit to vary the following regulations:
  - to relax the Subdivision By-law to allow an on-site septic treatment system

in order to permit the development of a gas station, convenience store and a drive-through restaurant serviced by an on-site septic field.

## RECOMMENDATION

The Planning & Development Department recommends that:

1. Council authorize referral of the application to the Agricultural Land Commission.
2. a By-law be introduced to rezone the property from "Comprehensive Development Zone (CD)" (By-law No. 13261) and "General Agricultural Zone (A-1)" (By-law No. 12000) to "Comprehensive Development Zone (CD)" (By-law No. 12000) and a date be set for Public Hearing.
3. Council authorize staff to draft Development Permit No. 7905-0387-00, generally in accordance with the attached drawings (Appendix III).
4. Council approve Development Variance Permit No. 7905-0387-00, (Appendix VII) varying the following, to proceed to Public Notification:
  - (a) in Surrey Subdivision By-law, 1979, No. 5944, Section 24(a) Servicing Requirements is varied to allow an on-site septic treatment system.

5. 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) approval from the Soil Contamination Branch, Ministry of the Environment;
  - (e) submission of a landscaping cost estimate to the specifications and satisfaction of the City Landscape Architect;
  - (f) resolution of site plan and architectural issues to the satisfaction of City staff;
  - (g) registration of a Section 219 Restrictive Covenant limiting vehicle access to the site to right-in/right-out movements only; and
  - (h) approval from the Agricultural Land Commission for subdivision and a non-farm use in the ALR.

### 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).
Agricultural Advisory Committee (AAC):	The proposal to rezone the subject property was reviewed and accepted by the AAC on June 1, 2006 provided that a waster water treatment center be researched and that the subject property be landscaped, buffered and fenced (Appendix V).
Ministry of Transportation (MOT):	The Ministry provided a preliminary assessment of the application and has no concerns (Appendix VI).

### SITE CHARACTERISTICS

- **Existing Land Use** Vacant site, formerly used as a gas station, within the Agricultural Land Reserve (ALR).
- **East, West and North:** Agricultural properties, zoned A-1, designated Agricultural in the OCP and within the ALR.
- **South:** Across 32 Avenue, large residential acreage, zoned RA, designated Suburban in the OCP. These lands are designated "Proposed One Acre Residential" in the North Grandview Heights NCP.

## PLAN AND POLICY COMPLIANCE

OCP Designation: Agriculture. Requires referral to the ALC as a non-farm use application.

South-East Surrey LAP Designation: Agricultural. Complies.

## DEVELOPMENT CONSIDERATIONS

### Background

- The subject site is located within the Agricultural Land Reserve (ALR) and was used for a gas station between 1972 and 1994. An application was submitted in 1994 to re-build the gas station on the subject site (File Nos. 6794-0194-00 and 5694-0194-00, Appendix IX). This application was approved in October 1999 for the following:
  - Rezoning from CG-1 to a CD Zone to permit the construction of a combined full service/self service gas station with a retail convenience store.
  - The development was permitted to proceed without City Sanitary Service as per the Policy No. H-49 "Sewer Connections to Properties Outside of the Fraser Sewerage Area" (FSA) stating:

"For properties outside of the FSA, no sewer extension will be supported by the City to go forward for a request to GVS&DD to extend the FSA except where an established existing building has a failed septic disposal system that is beyond repair and where an on-site treatment system has been considered thoroughly and found not feasible (and is confirmed by the Regional Health Board)"

- After the application was approved, the Ministry of Transportation (MOT), through the Highway No. 15 Project – Border Infrastructure Program, required the acquisition of 543 square metres (15,845 sq.ft.) of additional property from the subject site to allow for road widening of Highway No. 15 (176 Street). This information was not available at the time the original application was approved. After the road widening impact was factored in, the subject site became unviable to utilize because it could no longer contain the required on-site septic system to support the previously approved development. As a result, the applicant was forced to abandon the original application and submitted the subject application in December 2005.
- The subject application is to allow for the construction of an ESSO gas station along with an On the Run convenience store and a Tim Horton's drive-through restaurant. The new requires consolidation of the subject site with a small portion of the adjacent property, which is also in the ALR to accommodate an on-site septic system and disposal field. Prior to forwarding the application to the Agricultural Land Commission (ALC) for their review and consideration, a resolution from Council supporting the application must be passed.

### Site Characteristics:

- The site is located on the Northwest corner of 32 Avenue and 176 Street (Highway No. 15).
- 32 Avenue is classified as an arterial roadway in the OCP and 176 Street is classified as a Provincial Highway (Highway No. 15). Both of the routes are used heavily by vehicular traffic and 176 Street serves as the main truck route for access into the United States.
- The site is bordered to the north, to the west and to the east by farming activity; these lands are in the ALR.
- South, across 32 Avenue is designated "Suburban" in the OCP, are low-density residential properties. The area to the south falls within the North Grandview Heights NCP and is designated for One Acre Residential development.

### Land Capability

- This site is classified as a mixture of Class 2 and Class 3 soils, which suggests there are no real limits to its agricultural capability.

### Agricultural Issues

- The site is in the ALR; however it is doubtful whether the site has ever been cultivated and has been a gas bar for numerous years. The site has been granted a non-farm use historically as part of the original gas station approval.
- Approval from the ALC is required in order to allow a non-farm use and subdivision on a portion of the adjacent site, 3255 - 176 Street, in order to increase the size of the subject site to accommodate a septic disposal system. This additional land will replace the land lost through the Highway No. 15 Project- Border Infrastructure Program widening.
- The non-farm use and subdivision in the ALR affects only a 25 metre (82 ft.) wide strip of land, comprising a total area of 1,620 square metres (0.4 acre) of the adjacent site, and is not expected to significantly impact the agricultural potential of that parcel, which is 15.11 ha (37.34 acres) in total area.
- The subdivision is necessary to ensure the sewage disposal system is on the same site as the proposed use, which is an engineering requirement.
- While subdivision and non-farm uses in the ALR are not normally encouraged or supported, the subject proposal is a unique situation due to the historical approvals on the site for a gas station and associated commercial uses, and the impact of the Highway No. 15 widening on the site, which has rendered it unserviceable without expansion.
- The site is utilizing an onsite treatment plant and the proposed additional land is considered the minimum required to accommodate a septic field endorsed by the engineers to mitigate any effluent discharge and contamination issues.

- The application was referred to the Agricultural Advisory Committee on June 1, 2006 (Appendix V).
- A buffer area shall be incorporated within the Development Permit through landscaping requirements.
- On the basis of the above, staff can support the proposed subdivision and non-farm use in the ALR.

### Comprehensive Development Zone

- The following is a table outlining the differences between the CG-2 Zone, the existing CD Zone (By-law 13261) and the proposed CD Zone:

	<b>CG-2 Zone</b>	<b>Existing CD Zone</b>	<b>Proposed CD Zone</b>
Permitted Uses	Retails Stores limited to: convenience stores of 28 sq m	The following uses limited to a total of 245 sq m (2,637 sq.ft.): retail stores limited to convenience stores, video rental and florist shop; eating establishments excluding drive through restaurants; and personal service uses limited to barbershops, beauty parlours, cleaning and repair of clothing and shoe repair.	The following uses are limited to a total of 245 sq m (2,637 sq.ft.): retail stores limited to convenience stores and eating establishments including drive-through restaurants.
Minimum Setbacks	Front yard-12 m Rear yard- 4 m Side yard- 4 m Side yard on Flanking Street- 12 m	Front yard-7.5 m Rear yard- 7.5 m Side yard- 6 m Side yard on Flanking Street- 7.5 m	Front yard-14 m Rear yard- 29 m Side yard- 19 m Side yard on Flanking Street- 18m
Height of Buildings	6 m	Same as GC-2 Zone	6.6 m

- In comparison to the existing CD Zone, the proposed CD Zone will reduce the number of permitted uses and will exceed the setback requirements of the nearest conventional zone (CG-2). The height of the building is proposed to be increased from 6.0m to 6.6m in order to allow a more architecturally sensitive canopy, which includes a sloped roof, thus increasing the height measurement.

### PRE-NOTIFICATION

Pre-notification letters were sent on March 13, 2006 and staff received one letter of support and a second letter requesting information about the functioning of the proposed septic system.

*(The on-site septic system will need to be designed in accordance with the regulations of Fraser Health Authority and the applicant will need to demonstrate that the septic systems meets all applicable regulations.)*

## DESIGN PROPOSAL AND REVIEW

- The convenience store/drive-through restaurant building is 242 sq.m. (2,605 sq.ft.) in total floor area and faces out towards 176 Street (Highway No. 15). The building materials consist of stucco, hardi-panel and metal cladding in grey tones.
- Two vehicular accesses are proposed to the site, one from 176 Street and one from 32 Avenue. Both accesses will be restricted to right in/ right out only. A Section 219 Restrictive Covenant will be registered on the title for this property to restrict access to right in/ right out movements only. A drive-through restaurant is proposed with 13 vehicles queuing spots in advance of the drive-through pick up window. This exceeds the minimum Zoning By-law requirement of 8 vehicle queuing spots. The Zoning By-law requires 5 parking stalls and the applicant is proposing 7 parking stalls including one handicapped parking stall.
- Mike Fadum, ISA Certified Arborist of MGF Horticultural Inc. Vegetation Consultants conducted a tree survey of the property on May 9, 2006 and determined that there are no trees protected by the City of Surrey's Tree Preservation By-law.
- This application was not referred to the ADP but was reviewed by the City Architect and found to be generally satisfactory. There are detailed design and architectural issues that will need to be resolved by the applicant before final approval of this application.

The following is a list of outstanding design and architectural items that will need to be addressed prior to final approval:

- Revisions to the landscaping drawings to the satisfaction of the City Architect and the City Landscape Architect, especially acknowledging 176 Street as a Street Beautification Area;
- The corner feature needs to be more prominent and not so linear;
- Create a pedestrian route through the site to meet the street;
- Show all proposed signs and demonstrate compliance of all proposed signage to the provisions of the Sign By-law;
- Clarify all materials and colours - it is recommended that commercial quality materials and colours be used;
- Provide roofline details and the building elevations need more glass and more articulation; and
- Provide lighting, fencing and garbage enclosure details.

## BY-LAW VARIANCE AND JUSTIFICATION

(a) Requested Variance:

- Vary the Subdivision By-law in order to allow an on-site septic system.

Justification for Variance:

- A septic system was previously approved on the subject site with File Nos. 6794-0194-00 & 5694-0194-00 (Appendix IX).

- The subject site is located outside of the Fraser Sewerage Area and in accordance with City Policy No. H-49, the City will not extend a sewer connection to service the property. As such, the Engineering Department has found it acceptable that this site be serviced by a private on-site septic system.

### INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

Appendix I.	Lot Owners, Action Summary and Project Data Sheets, Survey Plan
Appendix II.	Contour Map
Appendix III.	Proposed Site Plan and Elevations
Appendix IV.	Engineering Summary
Appendix V.	Agricultural Advisory Committee (AAC)
Appendix VI.	Ministry of Transportation
Appendix VII.	Development Variance Permit No. 7905-0387-00
Appendix VIII.	CD By-law
Appendix IX.	Previous Application File Nos. 6794-0194-00 and 5694-0194-00 Site Plan

### INFORMATION AVAILABLE ON FILE

- Detailed Engineering Comments dated August 31, 2006.
- Soil Contamination Review Questionnaire prepared by Sukhdev Malhi dated December 9, 2005 and Blair Wallace dated May 26, 2006.
- Site Profile prepared by Blair Wallace dated May 26, 2006.

How Yin Leung  
Acting General Manager  
Planning and Development

CL/kms



Information for City Clerk

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

1. (a) Agent:      Name:                      John Ho, John H. Ho Architect  
                         Address:                      1125 Marine Drive  
    North Vancouver, B.C.  
                         Tel:                              604-913-8932
  
2.      Properties involved in the Application:
  - (a)      Civic Addresses:      3233 – 176 Street and Portion of 3255 – 176 Street
  
  - (b)      Civic Address:              3233 – 176 Street  
            Owner:                      Malhi Brother Enterprises Ltd., Inc. No. 681889  
            PID:                        007-693-010  
            Parcel "One" (Explanatory Plan 10550) South East Quarter Section 30  
            Township 7 New Westminster District, Except Part in Plan BCP18359
  
  - (c)      Civic Address:              Portion of 3255 – 176 Street  
            Owners:                      Saba Singh and Robert John Baba Mangat  
            PID:                        Portion of 013-258-958  
            Parcel A (Explanatory Plan 3758) South East Quarter Section 30 Township 7  
            New Westminster District Except: Firstly; Parcel One (Explanatory Plan  
            10550) Secondly; Part Dedicated Road on Plan LMP32297 Thirdly; Part  
            Dedicated Road on Plan BCP20792
  
3.      Summary of Actions for City Clerk's Office
  - (a)      Introduce a By-law to rezone the property.
  
  - (b)      Application is under the jurisdiction of MOT.
  
  - (c)      Proceed with Public Notification for Development Variance Permit No. 7905-0387-00.
  
  - (d)      Refer the application for subdivision and non-farm use to the Agricultural Land  
            Commission.

## SUBDIVISION DATA SHEET

**Proposed Zoning: CD**

Requires Project Data	Proposed
<b>GROSS SITE AREA</b>	
Acres	1.56 acres
Hectares	.63 ha
<b>NUMBER OF LOTS</b>	
Existing	2
Proposed	2
<b>SIZE OF LOTS</b>	N/A
Range of lot widths (metres)	
Range of lot areas (square metres)	
<b>DENSITY</b>	N/A
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	8%
<b>PARKLAND</b>	N/A
Area (square metres)	
% of Gross Site	
	<b>Required</b>
<b>PARKLAND</b>	
5% money in lieu	NO
<b>TREE SURVEY/ASSESSMENT</b>	NO
<b>MODEL BUILDING SCHEME</b>	NO
<b>HERITAGE SITE Retention</b>	NO
<b>SEPTIC APPROVAL required</b>	YES
<b>DEV. VARIANCE PERMIT required</b>	
Road Length/Standards	NO
Works and Services (sanitary sewer)	YES
Building Retention	NO
Others	NO

## DEVELOPMENT DATA SHEET

**Proposed Zoning: CD (Based on CG-2)**

Required Development Data	Minimum Required / Maximum Allowed	Proposed
<b>LOT AREA*</b> (in square metres)		
Gross Total		6,320 sq. m.
Road Widening area		543 sq. m.
Undevelopable area		5,777 sq. m.
Net Total		
<b>LOT COVERAGE</b> (in % of net lot area)	30%	8%
Buildings & Structures		
Paved & Hard Surfaced Areas		
Total Site Coverage		
<b>SETBACKS</b> ( in metres)		
Front	12 m.	14.0 m.
Rear	12 m.	29.5 m.
Side #1 (North)	4 m.	19.2 m.
Side #2 (South)	4 m.	18.0 m.
<b>BUILDING HEIGHT</b> (in metres/storeys)		
Principal	6.6 m.	6.6 m.
Accessory	4.0 m.	n/a
<b>FLOOR AREA: Commercial</b>		
Drive through restaurant		143 sq. m.
Convenience store / gas service station		99 sq. m.
Total	245 sq. m.	242 sq. m.
<b>TOTAL BUILDING FLOOR AREA</b>		242 sq. m.
<b>DENSITY</b>		
FAR (net)	0.30	0.08
<b>PARKING</b> (number of stalls)		
Commercial	5	7
Total Number of Parking Spaces	5	7

Heritage Site	NO	Tree Survey/Assessment Provided	NO
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*\* If the development site consists of more than one lot, lot dimensions pertain to the entire site.*

CONTOUR MAP FOR SUBJECT SITE

