

City of Surrey
PLANNING & DEVELOPMENT REPORT

File: 7906-0122-00

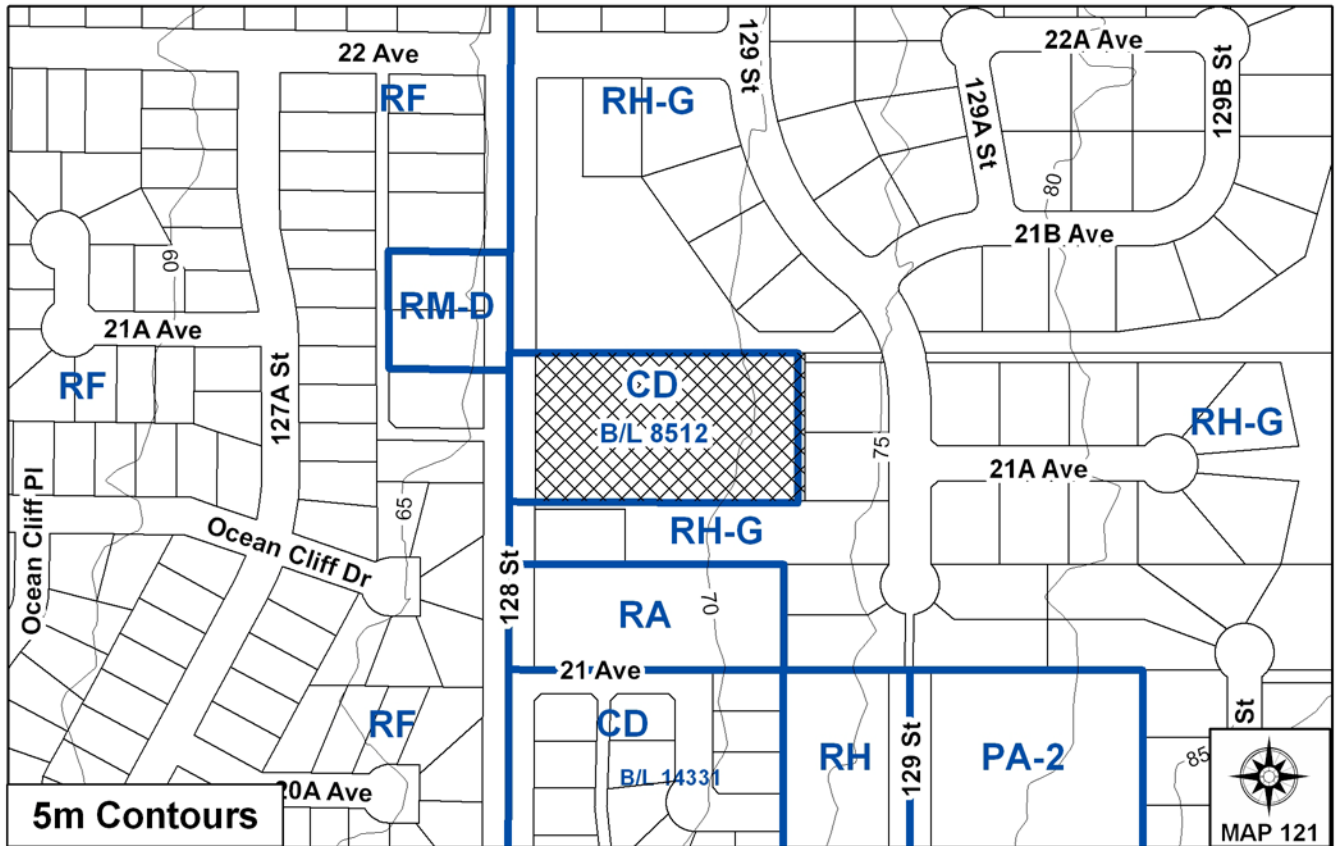
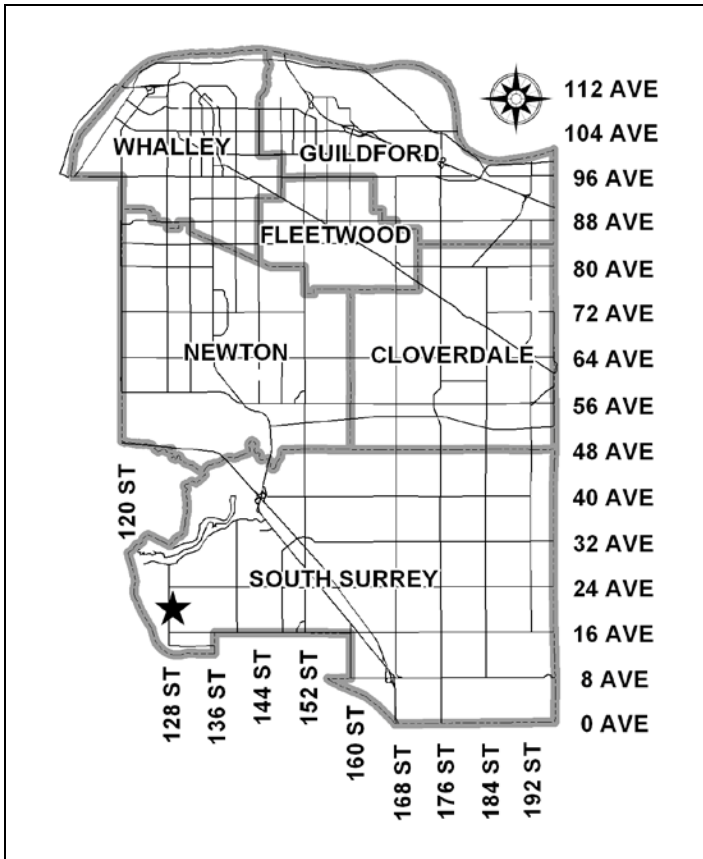
Planning Report Date: January 28, 2008

PROPOSAL:

- **OCP Amendment** from Suburban to Urban
- **Amending CD By-law** No. 8512
- **Rezoning** portion of site from CD (By-law No. 8512) to CD
- **Development Variance Permit**

in order to allow subdivision into 7 oversized urban lots and reduce rear yard setbacks of the existing nursery.

LOCATION: 2124 - 128 Street
OWNER: Ocean Park Nurseries Ltd., Inc. No. 59836
ZONING: CD
OCP DESIGNATION: Suburban
LAP DESIGNATION: Suburban ½ Acre



RECOMMENDATION SUMMARY

- By-law Introduction and set date for Public Hearing for :
 - OCP Amendment; and
 - Rezoning.

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- Requires an OCP Amendment from Suburban to Urban.
- Requires an LAP Amendment from Suburban to Urban Residential in the Semiahmoo Peninsula Plan.
- Requires a Development Variance Permit to reduce the rear yard setbacks for the existing nursery.

RATIONALE OF RECOMMENDATION

- The proposed OCP and LAP amendments match the previous amendments approved on lands to the south and will complete this pocket in a consistent development form.
- The proposed large urban lots, as well as additional lot restrictions and landscaping requirements, will ensure the establishment of an appropriate interface between the subject lots and existing half-acre gross properties to the east.
- The reduction of the rear yard setbacks are required to accommodate existing greenhouses on the retail nursery site.

RECOMMENDATION

The Planning & Development Department recommends that:

1. a By-law be introduced to amend the OCP by redesignating the subject site from Suburban to Urban and a date for Public Hearing be set (Appendix VII).
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 amend Comprehensive Development Zone (Surrey Zoning By-law, 1979, No. 5942, Amendment By-law, 1986, No. 8512) and a date be set for Public Hearing (Appendix X).
4. a By-law be introduced to rezone a portion of the subject site, shown on the attached Survey Plan as Block B, from "Comprehensive Development Zone (CD)" (Surrey Zoning By-law, 1979, No. 5942, Amendment By-law, 1986, No. 8512) to "Comprehensive Development Zone (CD)" (By-law No. 12000) and a date be set for Public Hearing (Appendix IX).
5. Council approve Development Variance Permit No. 7906-0122-00 (Appendix XI) to proceed to Public Notification to reduce the minimum rear yard setback of CD Zone No. 8512 from 7.5 metres (25 ft.) to 2 metres (6.5 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) submission of a finalized tree survey and a statement regarding tree preservation to the satisfaction of the City Landscape Architect;
 - (d) submission of a landscaping plan and landscaping cost estimate to the specifications and satisfaction of the City Landscape Architect;
 - (e) registration of a Section 219 "no build" Restrictive Covenant to prohibit detached garages within a 7.5 metre (25 ft.) portion of the rear of Lots 1 to 5;
 - (f) survey plan that confirms existing greenhouse buildings are in compliance with the proposed Zone;
 - (g) registration of a Section 219 Restrictive Covenant and financial securities for the maintenance of a 1.5 metre (5 ft.) landscaping buffer along the rear lot line of Lots 1 - 5;

- (h) transference of the 4.5 metre (15 ft.) strip of land on the north portion of the site to Parks, Recreation and Culture; and
 - (i) registration of Section 219 Restrictive Covenants for tree preservation on Lots 1 and 2.
7. Council pass a resolution to amend the Semiahmoo Peninsula Local Area Plan to redesignate the land from Suburban ½ Acre to Urban when the project is considered for final adoption.

REFERRALS

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

School District: **Projected number of students from this development:**

5 Elementary students at Crescent Park School
2 Secondary students at Elgin Park School

Parks, Recreation & Culture: (Appendix IV)
Parks is to acquire a 4.5 metre strip of land adjacent to the Ocean Park Terrace site.

SITE CHARACTERISTICS

Existing Land Use: Retail nursery.

Adjacent Area:

Direction	Existing Use	OCP Designation	Existing Zone
North:	City-owned parkland.		RH-G
East:	Single family home.	Suburban	RH-G
South:	Single family home on large lots (Development Application No. 7906-0118-00).	Suburban	RH-G
West (Across 128 Street):	Single family homes.	Urban	RF

JUSTIFICATION FOR PLAN AMENDMENT

- The subject site is being proposed for development jointly with Development Application No. 7906-0188-00 immediately to the south. Both applications require an OCP and LAP amendment to allow the creation of 16 larger single family lots under the RF zone. Both applications propose larger urban lots to provide an effective transition to the suburban designated RH-G lots to the east.
- Both the subject application and the companion project to the immediate south (7906-0118-00) is intended to be developed in the same manner as the recently developed site further to the south (Genex), located immediately south of 21 Avenue. The Genex development was approved by Council in March 2006, and required redesignation of the OCP from "Suburban" to "Urban" to create 19 large urban lots of approximately 660 square metres (7,100 sq.ft.) in size.
- During the review and approval process of the Genex application, a land use concept was developed to illustrate a transitional land use pattern to interface with the existing half acre gross density area to the north and east (Appendix XII).
- This transitional land use between the "Suburban" and "Urban" areas is achieved by creating larger urban lots and appropriate interface conditions along the edges.
- This development conforms with the transitional land use interface concept.

DEVELOPMENT CONSIDERATIONS

- The subject site is 0.90 ha (2.23 ac.) and is zoned "Comprehensive Development Zone (CD)" (By-law No. 8512) and operates as a retail nursery and garden centre.
- The proposed development is to subdivide the site in order to retain the nursery, under the existing CD zone, and to rezone and subdivide the remaining portion in order to create 7 large urban lots.
- A CD zone is proposed for the single family lots in order to ensure that specific lot areas, building restrictions, landscaping and tree preservations requirements are established.
- The minimum lot area is 660 square metres (7,100 sq.ft.) and Lots 1 and 2, which abut the existing RH-G zoned lots, are 697 square metres (7,500 sq.ft.) and 712 square metres (7,660 sq.ft.). This matches the lot sizes approved for the Genex development to the south.
- In consultation with several adjacent neighbours to the east, special provisions have been established in order to create an appropriate interface along the RH-G zoned properties to the east.

Suburban Interface Conditions

- A 7.5 metre (25 ft.) "no-build" area along the rear yards of Lots 1 to 5 will be secured by a restrictive covenant in order to prevent construction of detached garages in the rear yard.
- A 1.5 metre (5 ft.) landscaping buffer will be installed and maintained along the rear property lines of Lots 1 to 5 in order to ensure that there is permanent screening of these lots. This provision has been included in the CD Zone and will also be secured by a restrictive covenant, at the request of the two (2) adjacent neighbours. Securities for the landscape buffer will also be secured.
- The urban residential type zones in Zoning By-law No. 12000 outline a 7.5 metre (25 ft.) rear yard setback with a provision that 50% of the building can be reduced to a 6.0 metre (20 ft.) rear yard setback. The suburban type zones require that a strict 7.5 metre (25 ft.) setback be maintained. In order to respect the RH-G zoned interface along the eastern edge, a strict 7.5 metre (25 ft.) setback (no encroachment) requirement has been provided for in the CD Zone for Lots 1 to 5.
- No detached garages are permitted on lots 1 to 5 in order to maintain open space within the rear yard.

Parks and Open Space

- A 4.5 metre (15 ft.) strip along the northern property line is being acquired by Parks in order to extend Ocean Park Terrace Park.

CD Zone

- As part of the proposed rezoning of the rear of the property, a corresponding amendment to the existing CD Zone is required in order to exclude the rear portion from the zone, reflect the new legal description of the property, the new lot size and reduced setbacks in order to accommodate the existing greenhouses (Appendix X).
- The CD Zone is based on the "Single Family Residential Zone (RF)" with increased minimum lot areas, restricted uses, increased setbacks and special landscaping requirements.
- The minimum lot area is 660 square metres (7,100 sq.ft.), which is greater than the 560 square metres (6,000 sq.ft.) minimum lot area requirement of the RF Zone.
- As noted above, a 7.5 metre (25 ft.) rear yard setback requirement for Lots 1 to 5 has been included which is based on the requirement of suburban zones, including the RH-G Zone. The remainder of the lots will be permitted to have a portion of the rear building face setback 6.0 metres (20 ft.) from the rear property line, which is consistent with the RF Zone.
- A 1.5 metre (5 ft.) landscaping buffer requirement along the rear property lines of Lots 1 to 5 has been included in order to ensure that there is permanent screening of these lots.
- No detached garages are permitted on Lots 1 to 5 in order to maintain open space within the rear yard; the remainder of the lots will be permitted to have detached garages.

Tree Retention

- Randy Greenizan from Clark Kavolinas & Associates Inc., prepared the Arborist Report and Tree Preservation/Replacement Plans for the subject site (Appendix VII). The plans have been reviewed by the City Landscape Architect and are generally acceptable, however some revisions are required some revisions in order to be approved.
- The report identifies 32 mature trees, which include Douglas Fir, Redwood, Cedar, Spruce and Pine. A total of 27 trees are proposed for retention. Five (5) trees are proposed for removal. The majority of the trees are located on Lots 1, 2 and 3 and the future nursery site. Most of these trees are being retained.
- Lots 1 and 2 require Section 219 Restrictive Covenants to be registered to restrict building envelopes in order to preserve the trees on these lots.
- The report indicates that 10 replacement trees are proposed. Securities for both the replacement trees and retained trees will be provided.

Tree Species	Total No. of Protected Trees	Total Proposed for Retention	Total Proposed for Removal
Pine	5	5	0
Cedar (Redwood)	13	10	3
Spruce	3	3	0
Douglas Fir	3	2	1
Oak	1	0	1
Catalpa	1	1	0
Elm	1	1	0
Laburnum	1	1	0
Maple	1	1	0
London Plane	2	2	0
Alder Clump	1	1	0
TOTAL	32	27	5

Lot Grading

- The preliminary lot grading plan has been reviewed and found to be acceptable at this time. As much as 1.6 metres (5 ft.) of fill is proposed on a portion of the site, however, no fill is proposed abutting the existing RH-G properties. The lot grading and fill must be amended to reflect the setbacks required for tree retention.

Building Design

- The style of the proposed homes include "Neo-Traditional", "Neo-Heritage", "Rural Heritage" or "Traditional English".
- Proposed homes are consistent with the recent Genex development just south of 21 Avenue.

- The massing of the rear elevations will be reduced by offsetting the upper floor back from the lower floor, or by the use of shed or gable roof forms at the lower floor that extend up and conceal upper floor wall mass.
- Provisions for the 7.5 metre (25 ft.) rear yard setback, the 1.5 metre (5 ft.) landscaping buffer and restriction of detached garages on Lots 1 to 5 have been included in the building scheme.
- All homes will have single storey entrances.
- The primary exterior materials will include hardiplank siding with wood and stone accents and shake profile asphalt roofs. No vinyl siding is permitted.
- No basement entry homes are permitted.

PRE-NOTIFICATION

- As mentioned previously in this report, the subject site is immediately south of Development Application No. 7906-0122-00 and these projects are being presented to Council concurrently. As a result of pre-notification, responses were received from 23 property owners who were opposed to the proposed developments. The 23 responses are applied to both of the development applications as the proposals are based on similar density, zoning, lot sizes, landscaping and house designs. The concerns expressed related to increased density, lot sizes, inappropriate interface with existing "Half-Acre Residential Gross Density Zone (RH-G)" properties, tree preservation and landscaping, traffic and the negative impact on Ocean Park neighbourhood.

Additional Consultation and Public Information Meeting

- The property and nursery owners met with the two (2) RH-G property owners immediately east, canvassed the surrounding area, and hosted an informal public information meeting to provide information to any area residents who attended. The two adjacent property owners to the immediate east were, and remain, opposed to the subdivision primarily because they feel that the lots should be RH-G type lots. A meeting was held between the two residents, the applicants, their consultant and City staff to discuss the concerns. In response to the concerns, specific measures are proposed as discussed in the Suburban Interface Conditions section of this report.
- Of the other surrounding residents that were consulted by the applicant, two (2) expressed opposition to the proposed development and the remaining 29 were not opposed to the development. This information was provided to the City by the applicant.

(In order to address the concerns of the two (2) immediately adjacent residents, City staff responded to: 1) lot sizes and lot interface, 2) lot design and house design, 3) landscaping and buffering and 4) tree preservation and replanting.)

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:

- The CD Zone prescribes a 7.5 metre (25 ft.) rear yard setback and a small portion of the existing greenhouse is setback 2 metres (6.5 ft.) from the future rear property line. The remaining portion of the existing greenhouse is about 4.5 metres to 5.3 metres away from the future rear property line.

Applicant's Reasons:

- A Development Variance Permit (DVP) is required to reduce the rear yard setback requirements outlined in the CD Zone in order to accommodate existing greenhouse structures.

Staff Comments:

- The existing retail nursery site is zoned "Comprehensive Development Zone (CD)" (By-law No. 8512), which requires an amendment in order to accommodate the subdivision of the lands, the new legal description and the new lot size.
- The DVP will be applied to the existing greenhouse structures only. Future buildings will be required to adhere to the 7.5 metre (25 ft.) setback outlined in the CD Zone.

INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

Appendix I.	Lot Owners, Action Summary and Project Data Sheets and Survey Plan
Appendix II.	Proposed Subdivision Layout, Site Plan, Building Elevations Landscape Plans and Perspective
Appendix III.	Engineering Summary
Appendix IV.	School District Comments
Appendix V.	Building Design Guidelines Summary
Appendix VI.	Summary of Tree Survey and Tree Preservation

- Appendix VII. OCP Redesignation Map
- Appendix VIII. Map of Comments from Area Residents
- Appendix IX. Proposed CD By-law
- Appendix X. CD By-law (No. 8512) Amendment
- Appendix XI. Development Variance Permit No. 7906-0122-00
- Appendix XII. Land Use Concept

Jean Lamontagne
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: Hunter Laird Engineering Ltd.
 Address: 65 Richmond Street, Suite 300
 New Westminster, BC
 V3L 5P5
 Tel: 604-525-4651

2. Properties involved in the Application
 - (a) Civic Address: 2124 - 128 Street

 - (b) Civic Address: 2124 - 128 Street
 Owner: Ocean Park Nurseries Ltd. Inc. No. 59836
 PID: 024-940-259
 Lot 3 Section 17 Township 1 New Westminster District Plan LMP48660

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) Introduce a By-law to amend Surrey Zoning By-law, 1979, No. 5942, No. 8512.

SUBDIVISION DATA SHEET

Proposed Zoning: CD

Requires Project Data	Proposed
GROSS SITE AREA	
Acres	2.24 ac
Hectares	0.905 ha
NUMBER OF LOTS	
Existing	1
Proposed	7 + 1 remainder lot
SIZE OF LOTS	
Range of lot widths (metres)	15.0 m - 70.4 m
Range of lot areas (square metres)	660 m ² - 3,300 m ²
DENSITY	
Lots/Hectare & Lots/Acre (Gross)	12.17
Lots/Hectare & Lots/Acre (Net)	4.93
SITE COVERAGE (in % of gross site area)	
Maximum Coverage of Principal & Accessory Building	40%
Estimated Road, Lane & Driveway Coverage	15%
Total Site Coverage	55%
PARKLAND	
Area (square metres)	
% of Gross Site	
	Required
PARKLAND	
5% money in lieu	NO
TREE SURVEY/ASSESSMENT	
	YES
MODEL BUILDING SCHEME	
	YES
HERITAGE SITE Retention	
	NO
BOUNDARY HEALTH Approval	
	NO
DEV. VARIANCE PERMIT required	
Road Length/Standards	NO
Works and Services	NO
Building Retention	NO
Others	NO