

City of Surrey
PLANNING & DEVELOPMENT REPORT

File: 7906-0368-00

Planning Report Date: October 18, 2010

PROPOSAL:

- **Development Variance Permit**

in order to relax the works and services requirement for a new portion of 172 Street.

LOCATION:

5574/5490 - 168 Street and 17236 Highway No. 10

OWNER:

Thomas Maddocks

ZONING:

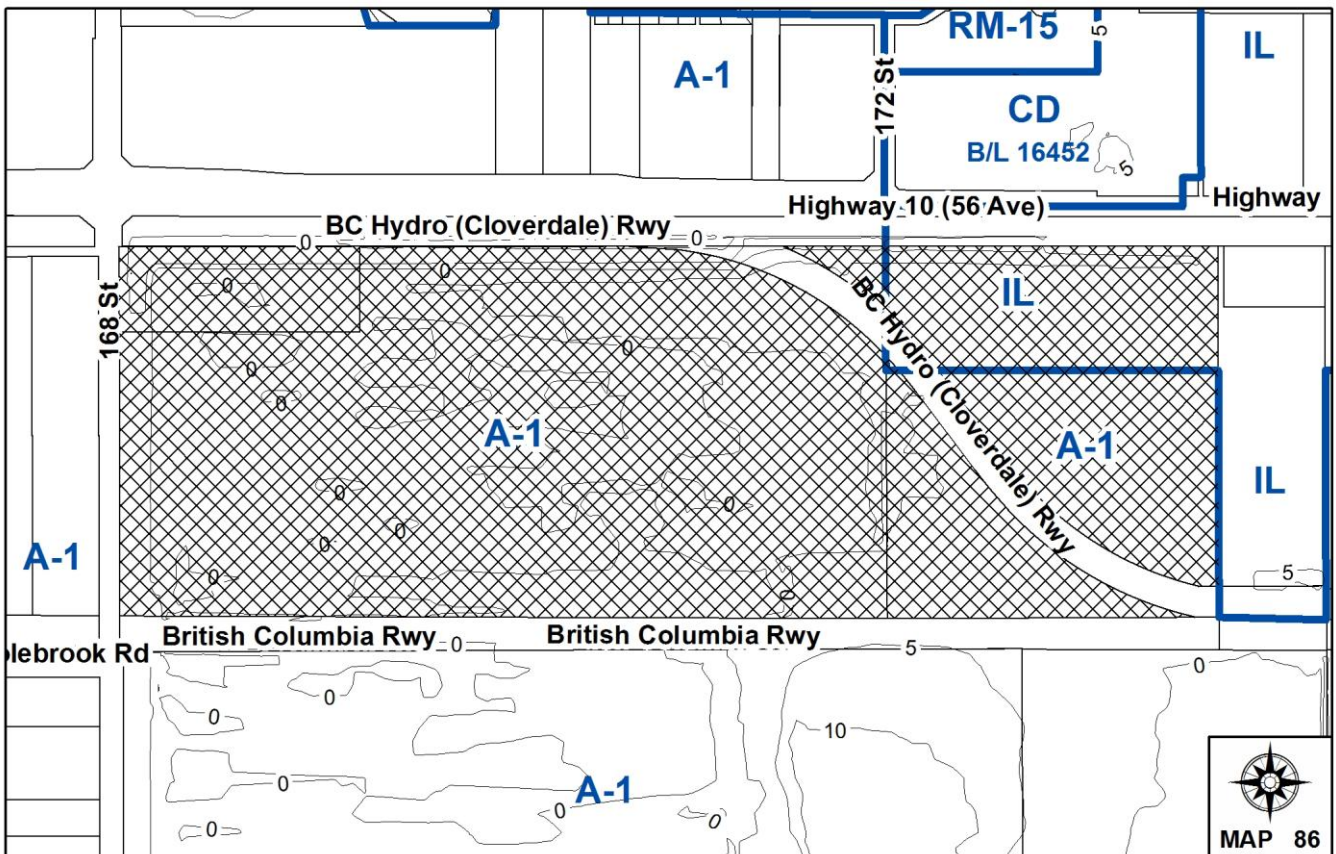
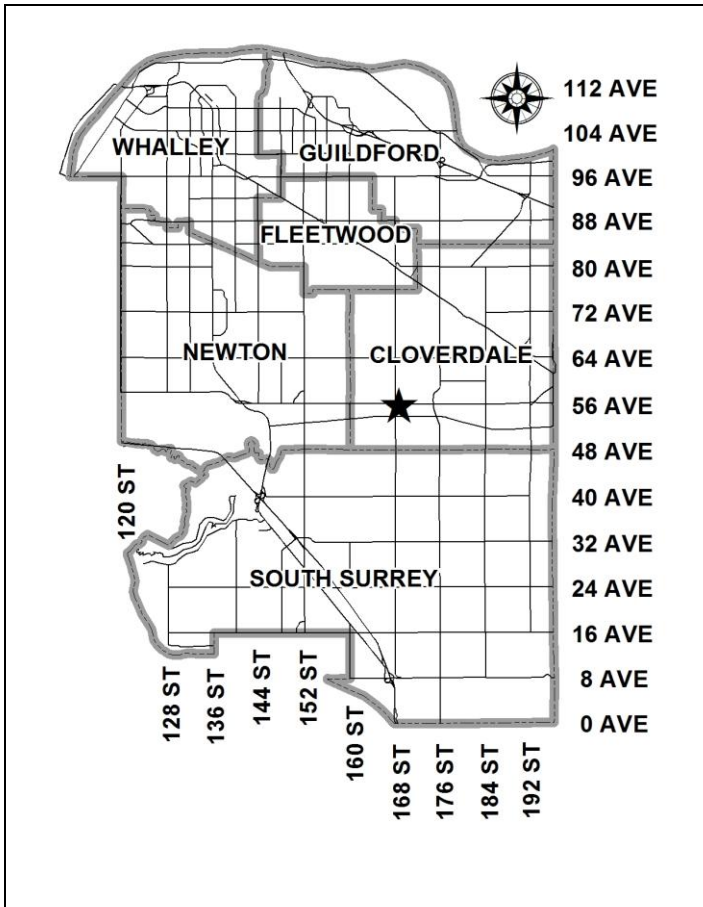
A-1 and IL

OCP DESIGNATION:

Agricultural/Industrial

TCP DESIGNATION:

Agricultural/Industrial



RECOMMENDATION SUMMARY

- Approval for Development Variance Permit to proceed to Public Notification.

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- To defer the works and services requirements of the Subdivision and Development By-law.

RATIONALE OF RECOMMENDATION

- Allows for the economical completion of a subdivision in the ALR.
- Future road construction and installation of City services to be completed upon the ultimate development of the proposed lot (i.e. industrial parcel).
- Does not increase the burden on the City.

RECOMMENDATION

The Planning & Development Department recommends that:

1. Council approve Development Variance Permit No. 7906-0368-00, (Appendix IV) varying the following, to proceed to Public Notification:
 - (a) to defer the requirement of the Subdivision & Development By-law No. 8830 to provide works and services for the new portion of 172 Street.

REFERRALS

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

Agricultural Land Commission (ALC): At its July 17, 2010 meeting, ALC indicated support for the proposed subdivision from three to two lots, and has no objection to the proposed dedication of 172 Street.

SITE CHARACTERISTICS

Existing Land Use: Berry farm, residence on the south and west sides of the rail right-of-way; fallow agricultural land on the north and east sides of the rail right-of-way.

Adjacent Area:

Direction	Existing Use	OCP/TCP Designation	Existing Zone
North (Across Highway No. 10):	Fallow land and farm on the west side of 172 Street and an approved unconstructed commercial development (Furniture Village) on the west side of 172 Street.	Agricultural and Industrial in TCP	A-1 and CD (By-law No. 16452)
East:	Mixed use industrial.	Industrial in TCP	IL
South (Across BC Rail Right-of-Way):	Mound Farm and agricultural land.	Agricultural in OCP	A-1
West (Across 168 Street):	Farm	Agricultural in OCP	A-1

DEVELOPMENT CONSIDERATIONS

Background

- The subject site consists of three properties and encompasses an area of 39.8 hectares (98 acres.) It is designated Agricultural (predominantly) and Industrial (north-east portion) in the Official Community Plan (OCP) and is currently zoned A-1 and IL. The portion designated Agriculture is within the Agricultural Land Reserve (ALR).
- On December 14, 2009, Council considered a Planning Report on the land development application (7906-0368-00) to subdivide the existing three lots into two lots and the dedication of road right-of-way for the extension of 172 Street through the subject site. Council subsequently passed a resolution to forward the application to the Agricultural Land Commission (ALC) for its consideration (Resolution R09-2265)

Current Proposal

- The Engineering Department has identified the construction of 172 Street to the collector road standard (12.2 metre/40 ft. of pavement) as a condition of the proposed subdivision of 3 lots into 2 lots and 172 Street road dedication.
- The applicant is requesting a Development Variance Permit to defer the requirement to construct the portion of 172 Street, including the installation of services, until such time as the industrial lands on the north-east side of the future 172 Street are ready for development, or a further application is considered.

BY-LAW VARIANCE AND JUSTIFICATION

(a) Requested Variance:

- To vary the Subdivision and Development By-law No. 8830 by deferring the road works and services for the new portion of 172 Street.

Applicant's Justification:

- The proposed subdivision is to allow for two parcels to be created: one located on the south side of the rail right-of-way and the second to the north side of the rail right-of-way. The subdivision will allow for the sale of the southerly portion to the current tenant who has planted a blueberry crop. The north portion of the site will be subject to a future development application for consideration by Council at a later date.
- The requirement to construct 172 Street at this time, to facilitate the agricultural consolidation, is too onerous on the owner.
- The north portion of the site located to the north of the rail right-of-way is currently zoned Light Impact Industrial Zone (IL). A "No build" restrictive covenant will be a requirement of the subdivision to ensure that no construction occurs on the land until the servicing is constructed.

- The development of the industrial land will be economically able to bear the cost of the road and servicing construction.

Staff Response:

- With any development, Planning and Engineering staff review the road network requirements for the immediate and future needs of the City's transportation system. The reconfiguration of these lands provides an opportunity to achieve the dedication of the Highway No. 10 future road network to connect between 172 Street and 192 Street, south of Highway No. 10.
- This portion of road is unique from other dedications in that in most developments the cost of road construction is shared between two developments, each bearing half of the cost. In this situation, there is only one owner to benefit from the road due to its alignment with the rail line, and the owner is required to construct the entire road allowance.
- As a requirement of subdivision approval, the applicant will register a "No Build" Section 219 Restrictive Covenant, so that no construction may occur on the eastern subject lands until the associated works and services for 172 Street road alignment are designed and constructed.
- As there is future development potential for the subject property located on the north side of the rail right-of-way, both Planning and Engineering staff support the requested variance.

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.	Proposed Subdivision Layout
Appendix III.	Engineering Summary
Appendix IV.	Development Variance Permit No. 7906-0368-00

Jean Lamontagne
General Manager
Planning and Development

LAP/kms

v:\wp-docs\planning\plncom10\10121149lap.doc
. 10/12/10 11:55 AM

Information for City Clerk

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

1. (a) Agent: Name: Oleg Verbenkov, Pacific Land Group
 Address: #101 – 7485 – 130 Street
 Surrey, BC
 V3W 1H8
 Tel: 604-501-1624

2. Properties involved in the Application
 - (a) Civic Address: 5574 and 5490 – 168 Street and 17236 Highway No. 10

 - (b) Civic Address: 5574 – 168 Street
 Owner: Thomas Keith Maddocks
 PID: 013-249-061
 Parcel "A" (Reference Plan 1337) North Half of the North West Quarter Section 6
 Township 8 New Westminster District

 - (c) Civic Address: 5490 – 168 Street
 Owner: Thomas Keith Maddocks
 PID: 011-641-851
 North Half of the North West Quarter Section 6 Township 8 Except: Firstly: Part
 on Plan 22160 Secondly: Parcel "A" (Reference Plan 1337) Thirdly: Parcel "One"
 (see E26880), Fourthly; Part on Plan BCP24932 New Westminster District

 - (d) Civic Address: 17236 Highway No. 10
 Owner: Thomas Keith Maddocks
 PID: 011-642-025
 Parcel "C" (Plan with Fee Deposited 14248F) District Lot 363 Group 2 Except:
 Firstly: Part on Plan 22160 Secondly: Parcel "One" (Reference Plan 6369) Thirdly:
 Part on Plan BCP24931 New Westminster District

3. Summary of Actions for City Clerk's Office
 - (a) Proceed with Public Notification for Development Variance Permit No. 7906-0368-00.