

City of Surrey
PLANNING & DEVELOPMENT REPORT

File: 7906-0419-00

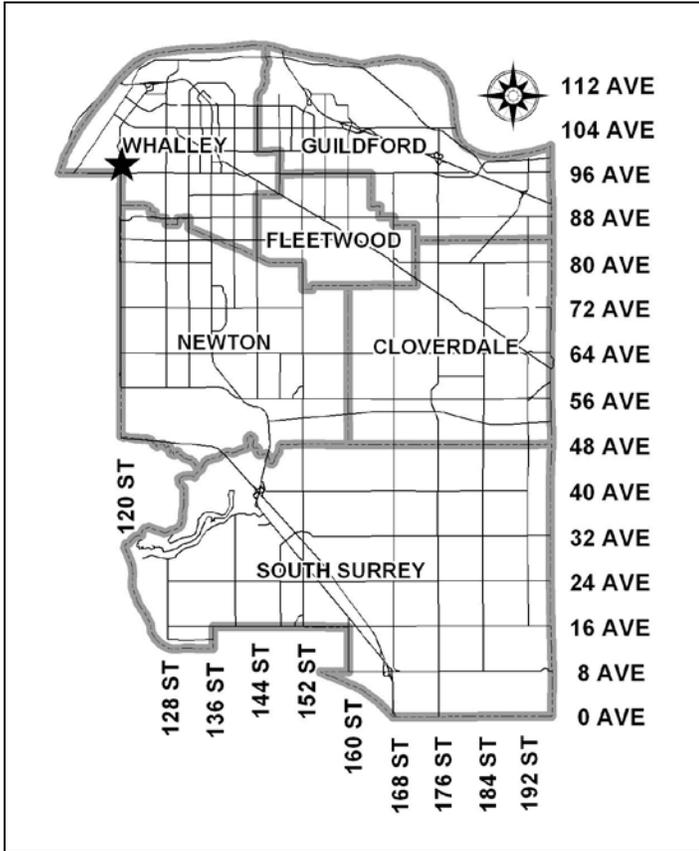
Planning Report Date: February 25, 2008

PROPOSAL:

- **Amending CD By-law (No. 12740)**
- **Rezoning** from CD (By-law No. 12740) to RF

in order to permit the construction of a single family dwelling.

LOCATION: 12028 - 99 Avenue
OWNER: BJP Enterprises Inc.
ZONING: CD (By-law No. 12740)
OCP DESIGNATION: Urban



RECOMMENDATION SUMMARY

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

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- None

RATIONALE OF RECOMMENDATION

- Complies with OCP Designation.
- Supports the local commercial businesses at 99 Avenue and 120 Street.
- Fits with the character of the surrounding residential neighbourhood to the south and east.

RECOMMENDATION

The Planning & Development Department recommends that:

1. **a By-law be introduced to amend Surrey Zoning By-law, 1993, No. 12000, Amendment By-law, 1995, No. 12740, Amendment By-law, 2002, No. 14852, to remove the following legal description and civic address and a date be set for Public Hearing.**

"Lot 18 Block 2 Section 21 Block 5 North Range 2 West New Westminster District Plan 673. (12028 - 99 Avenue)
2. a By-law be introduced to rezone the subject site from "Comprehensive Development Zone (CD)" (**Surrey Zoning By-law, 1993, No. 12000, Amendment By-law, 1995, No. 12740, Amendment By-law, 2002, No. 14852**) to "Single Family Residential Zone (RF)" (By-law No. 12000) and a date be set for Public Hearing.
3. 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 road dedication plan to the satisfaction of the Approving Officer; and
 - (c) submission of a finalized tree survey and a statement regarding tree preservation to the satisfaction of the City Landscape Architect.

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:

0 Elementary students at Cedar Hills Elementary School
0 Secondary students at L.A. Matheson Secondary School

(Appendix IV)

SITE CHARACTERISTICS

Existing Land Use: Vacant land zoned CD By-law No. 12740 (based on C-5) designated Urban in the OCP.

Adjacent Area:

Direction	Existing Use	OCP Designation	Existing Zone
North (Across 99 Avenue):	BC Hydro transformer station.	Urban	RF
East:	Single family dwelling.	Urban	RF

Direction	Existing Use	OCP Designation	Existing Zone
South:	Single family dwellings.	Urban	RF
West:	Local commercial business.	Urban	CD By-law No. 12740 based on C-5

DEVELOPMENT CONSIDERATIONS

Background and Proposal

- The subject site located at 12028 – 99 Avenue is currently zoned CD By-law No. 12740, and is designated Urban in the Official Community Plan (OCP). CD By-law No. 12740 is intended to accommodate and regulate small-scale commercial services, and was approved on February 12, 1996.
- The subject property is currently a vacant lot. The property was to be developed in the future with neighbourhood commercial services, comparable to those on the adjacent properties to the west. A reciprocal access agreement currently exists for a shared driveway between the subject property and this abutting property at 9886 – 120th Street.
- The applicant is proposing to rezone the subject property to RF to allow the construction of one (1) single family dwelling. The property will be an over-sized RF lot at 805 m² (8,665 ft²) with a lot width of 20 metres (65 ft), which is consistent with residential lots in the neighbourhood.
- In order to retain usage of the existing reciprocal access with the neighbouring commercial property (9886 – 120th Street), the opening to the garage for the proposed dwelling will be modified to face west, while the front of the proposed dwelling will face north. Therefore, vehicular access onto the subject site will be maintained via the existing reciprocal access. A new driveway onto 99th Avenue will not be required. Additional windows and design considerations will be installed on the side of the garage (facing 99th Avenue) to ensure it is aesthetically pleasing.
- There has been minimal interest in developing the subject property for commercial uses since the properties were rezoned for commercial purposes in 1996. The proposed rezoning will preserve and maintain the existing commercial businesses on the abutting properties to the west and provide a much better interface to the existing single family home on the RF-zoned property to the east.
- The applicant was required to canvass the neighbourhood to garner support for the proposed rezoning. As a result, a total of nine (9) letters of support from local neighbours were collected and submitted by the applicant.

Building Guidelines, Lot Grading and Tree Preservation

- Apex Design Group Inc. conducted a character study of the area and recommended a Neo-Heritage house style.
- The design and style of the future dwelling on the subject lot will be regulated with a Restrictive Covenant.
- Preliminary lot grading plans were produced and submitted by Mainland Engineering Corporation, dated January 28, 2008. The plans were reviewed by staff and found acceptable.
- The applicant proposes an in-ground basement on the subject lot. The basement will be achieved with minimal cut or fill.
- C. Kavolinas & Associates Inc. prepared the Arborist Statement and Tree Preservation / Replacement Plans. They have been reviewed by City staff and a number of minor revisions are to be made prior to final acceptance.
- According to the arborist report, three (3) undersized trees are identified along 99th Avenue on the subject site. No other trees are located on the subject property.

<u>Tree Species</u>	<u>Total No. of Trees</u>	<u>Total Proposed for Retention</u>	<u>Total Proposed for Removal</u>
Maple (undersized)	3	3	0
TOTAL-	3	3	0

- The arborist has requested these three (3) trees be relocated to the rear (southern portion) of the subject property, due to driveway construction. However, as a new driveway is no longer required, City staff have requested that these three (3) trees remain in their current locations. The tree preservation plan will be revised to reflect this, prior to consideration of final approval of the rezoning.

PRE-NOTIFICATION

Pre-notification letters were sent on May 11 2007, and staff received the following comment on the current application.

- One (1) letter was received from a neighbour expressing concern for the rezoning. The individual believes that any future development on the subject site should be commercial, in order to complement the existing businesses and services to the west. Additionally, they were concerned about the potential complaints and disagreements between the existing commercial complex to the west and the proposed residential dwelling on the subject site.

(Staff believe that the subject site is more suitable for residential use, as the surrounding area is largely a single family residential neighbourhood. There has been minimal interest in developing the subject site for commercial use since the property was rezoned for commercial uses in 1996. Furthermore, given that the subject property is located behind the existing commercial complex at 9886 – 120th Street (away from 120th Street),

it may be additionally challenging to develop the subject site into a successful business venture. Staff wish to support the businesses and services that currently exist on the property to the west).

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 Lot Layout
- Appendix III. Engineering Summary
- Appendix IV. School District Comments
- Appendix V. Proposed House Style

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: Mr. Avnash Banwait (Mainland Engineering Corp.)
 Address: Unit 206, 8363 - 128 Street
 Surrey, BC
 V3W 4G1
 Tel: 604-543-8044

2. Properties involved in the Application

(a) Civic Address: 12028 - 99 Avenue

(b) Civic Address: 12028 - 99 Avenue
 Owner: BJP Enterprises Inc., Inc. No. 0750731
 PID: 001-401-581
 Lot 18 Block 2 Section 31 Block 5 North Range 2 West New Westminster
 District Plan 673

3. Summary of Actions for City Clerk's Office

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