

City of Surrey  
**PLANNING & DEVELOPMENT REPORT**

File: 7909-0128-00

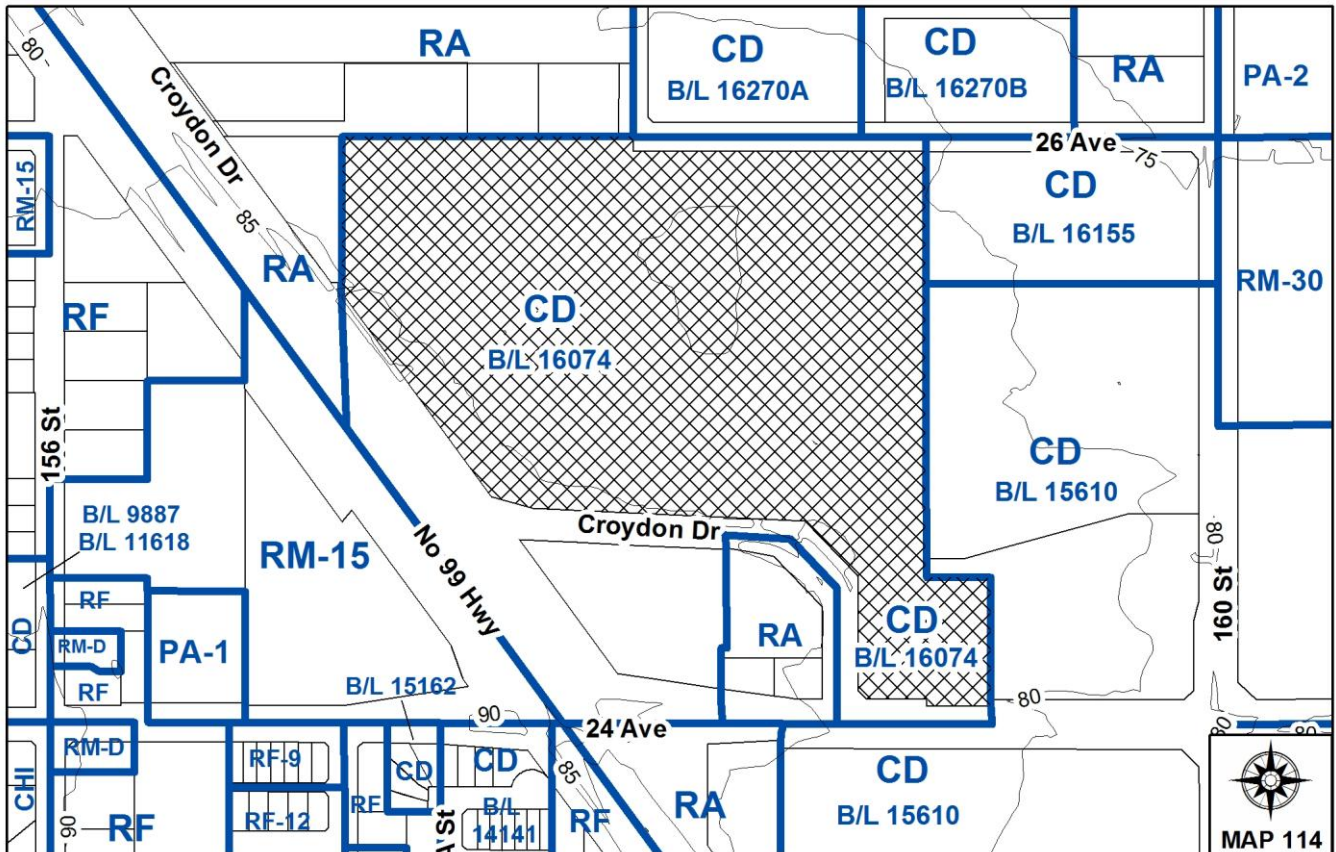
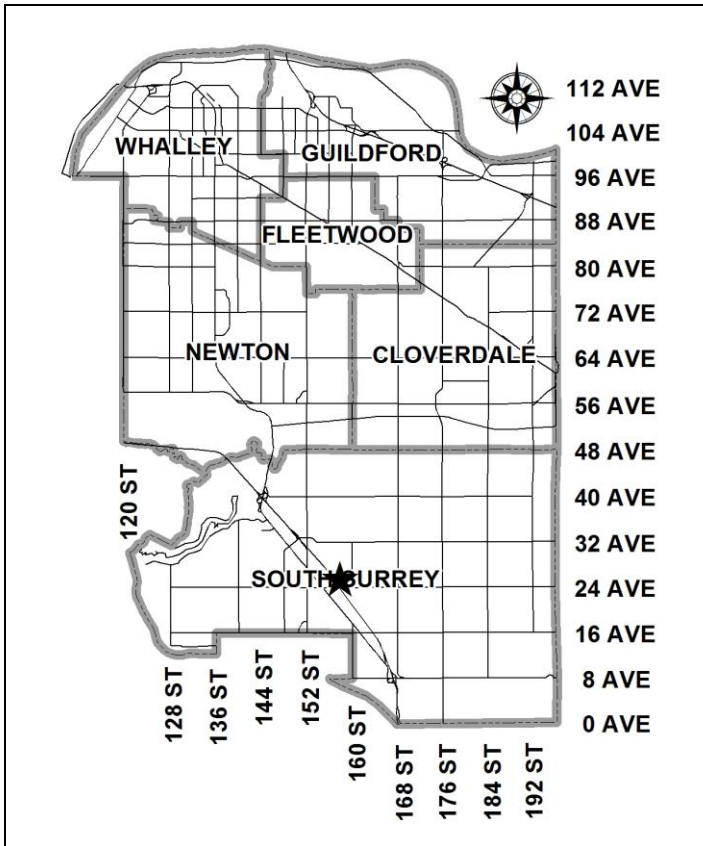
Planning Report Date: July 27, 2009

**PROPOSAL:**

- Amend **CD By-law No. 16074**

in order to allow subdivision into two air space parcels and a remainder lot for the Morgan Crossing Lifestyle Village development.

**LOCATION:** 15735 Croydon Drive  
**OWNER:** Morgan Crossing Properties Ltd.  
**ZONING:** CD (By-law No. 16074)  
**OCP DESIGNATION:** Commercial  
**NCP DESIGNATION:** Mixed-Commercial/Residential



### RECOMMENDATION SUMMARY

- By-law Introduction and set date for Public Hearing for amendment to CD By-law No. 16074.

### DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- The subject site is presently under development for a mixed commercial/residential development involving multiple buildings which are near completion. The owner seeks to create two (2) air space parcels comprising the upper residential floors of 9 buildings and two (2) underground parking areas, in order to separate the residential portion of the site from the commercial. The CD By-law (No. 16074) did not anticipate this subdivision, therefore, the creation of the air space parcel will necessitate amendment of the density, lot coverage, subdivision and setback provisions of the CD By-law (No. 16074) in order to conform to the proposal.

### RATIONALE OF RECOMMENDATION

- The proposed amendment will not affect the intended use or anticipated site development as approved under the CD By-law (No. 16074). The proposed amendment will not result in the alteration of the character of the building; hence not have a negative impact on the character of the nearby area.
- All physical aspects of the buildings remain unchanged.
- The applicant will be required to complete the necessary agreements, easements, and covenants to ensure that the air space parcel and the remainder lot are operated as one building for the purpose of life and safety systems, structural requirements and building support, access, maintenance, emergency response, amenity space, common utilities and services.

RECOMMENDATION

The Planning & Development Department recommends that:

1. a By-law be introduced to amend Comprehensive Development By-law No. 16074 and a date be set for Public Hearing.

REFERRALS

Engineering: Subject to registration of a Section 219 Restrictive covenant and blanket easement (for access, utilities, building support, etc.), there are no engineering requirements relative to the Rezoning and/or Air space Subdivision applications.

SITE CHARACTERISTICS

Existing Land Use: Mixed-use buildings under construction.

Adjacent Area:

<b>Direction</b>	<b>Existing Use</b>	<b>OCP/NCP Designation</b>	<b>Existing Zone</b>
North:	Newly approved IB building under construction, townhouses across 26 Avenue and a single family dwelling.	Industrial/Multiple Residential and Suburban	CD (By-law Nos. 16734A, 16734B and 15876) and RH
East:	Apartments and Home Depot Retail Warehouse	Multiple Residential and Commercial	CD (By-laws Nos. 15876 and 15610)
South (Across Croydon Drive):	Vacant lot with a display shade (future Best-Buy site and vacant lot).	Commercial and Suburban	CD (By-law No. 16074) and RA
West (Across Highway No. 99):	Townhouses.	Urban	RM-15

DEVELOPMENT CONSIDERATIONSBackground & Land Use Rationale

- The subject site is designated "Commercial" in the OCP and "Mixed-Commercial/Residential" in the King George Highway Land Use/Development Concept Plan and Morgan Heights NCP.
- The subject site was rezoned in 2006, to allow the construction of Morgan Crossing, a lifestyle village development in the Morgan Heights area.
- There are multiple mixed-use buildings on the property which are nearing completion.

- The applicant has submitted an air space subdivision application to create two (2) fee simple air space parcels comprising the three (3) residential levels, two (2) parking areas and service corridors through the commercial levels of each building, to separate the commercial portion of each building from the residential levels.
- Since an air space subdivision was not anticipated during the rezoning process, the CD By-law No. 16074 was not written to accommodate an air space subdivision. In order to facilitate air space subdivision and meet the density, lot coverage, subdivision and setback provisions of the CD Zone, an amendment to the CD is needed. The amendment will adjust the By-law to reflect the setback distance between two lots within a building and to treat the density (FAR) and site coverage as though a subdivision had not occurred (i.e. treat the lots as a single site).
- The proposed amendment will not affect the total intended use, density, lot coverage and setback intent of the CD By-law No. 16074 over the entire site.
- The proposed amendment will not result in the alteration of the character of the building; hence not have a negative impact on the character of the nearby area.
- All physical aspects of the buildings will remain unchanged.
- Easements and covenants to ensure that the air space parcels and the remainder lot within a single building are operated as one building for the purpose of life and safety systems, building support and access for the purpose of maintenance and emergency responses are required as a condition of approval of the final adoption of approval of subdivision.

#### PRE-NOTIFICATION AND DEVELOPMENT SIGN

- The proposed amendment does not alter the overall intent of the CD Zone, therefore, pre-notification letters were not sent to the nearby residents or community associations in the nearby area. However, a Development Sign that advertised the proposed air space subdivision and CD By-law amendment is posted on the property.

#### 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 Air space Subdivision Layout
Appendix III.	Proposed CD Amendment By-law

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:                 Art Phillips  
                                Address:             #300 - 100 Park Royal South  
    West Vancouver, BC  
    V7T 1A2  
                                Tel:                    604-925-8218
  
2.      Properties involved in the Application
  - (a)      Civic Address:            15735 Croydon Drive
  
  - (b)      Civic Address:            15735 Croydon Drive  
                        Owner:                    Morgan Crossing Properties Ltd., Inc. No. BC074937  
                        PID:                        027-169-782  
                        Lot 1 Section 23 Township 1 New Westminster District Plan BCP31949,  
                        Except Part in Plan BCP31950
  
3.      Summary of Actions for City Clerk's Office
  - (a)      Introduce a By-law to amend CD By-law No. 160746

## SUBDIVISION DATA SHEET

**Existing Zoning: CD (By-law No. 16074)**

Requires Project Data	Proposed
<b>GROSS SITE AREA</b>	
Acres	25.69 ac
Hectares	10.41 ha
<b>NUMBER OF LOTS</b>	
Existing	1
Proposed	3 (2 air space and 1 remainder)
<b>SIZE OF LOTS</b>	
Range of lot widths (metres)	n/a
Range of lot areas (square metres)	n/a
<b>DENSITY</b>	
Lots/Hectare & Lots/Acre (Gross)	n/a
Lots/Hectare & Lots/Acre (Net)	n/a
<b>SITE COVERAGE (in % of gross site area)</b>	
Maximum Coverage of Principal & Accessory Building	29.4%
Estimated Road, Lane & Driveway Coverage	19.4%
Total Site Coverage	48.8%
<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>	
	NO
<b>MODEL BUILDING SCHEME</b>	
	NO
<b>HERITAGE SITE Retention</b>	
	NO
<b>BOUNDARY HEALTH Approval</b>	
	NO
<b>DEV. VARIANCE PERMIT required</b>	
Road Length/Standards	NO
Works and Services	NO
Building Retention	NO
Others	NO