

City of Surrey
PLANNING & DEVELOPMENT REPORT

File: 7907-0336-00

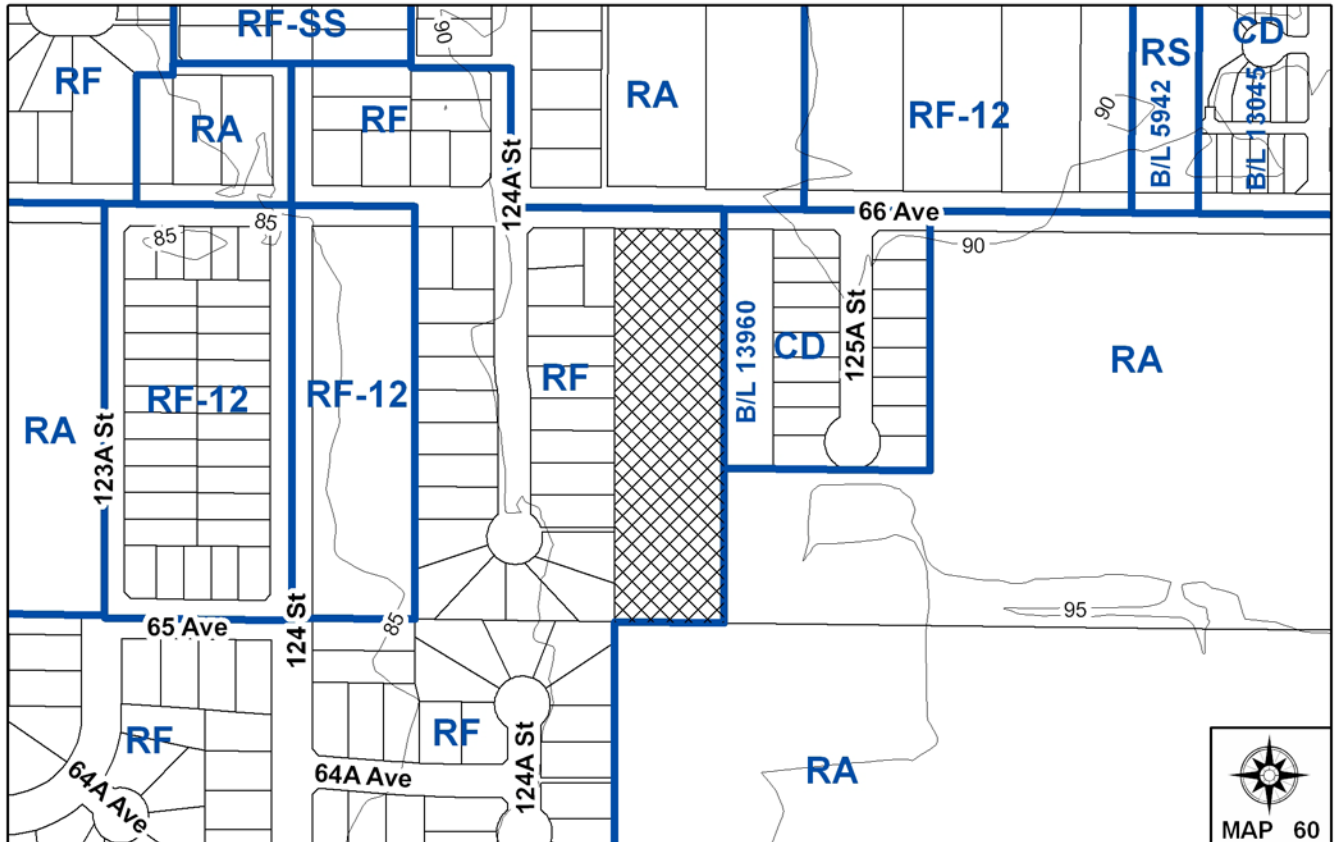
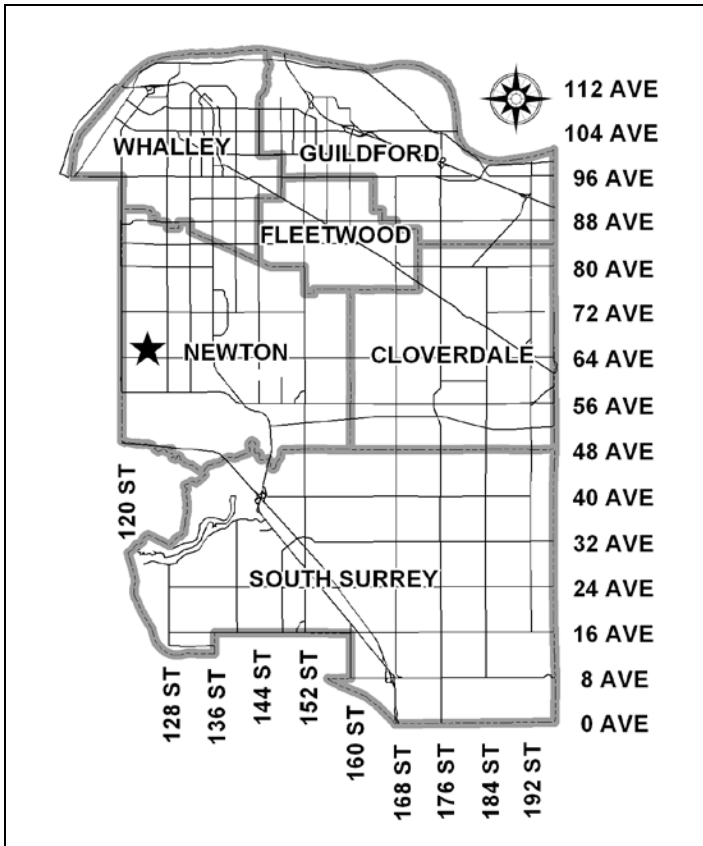
Planning Report Date: May 26, 2008
 (deferred to June 16, 2008)

PROPOSAL:

- **Rezoning from RF to CD** (based on C-5)

in order to permit the development of a nursery, landscaping and plant retail business on the site.

LOCATION: 12490 - 66 Avenue
OWNER: Jagir Kaur
ZONING: RF
OCP DESIGNATION: Urban
LAP DESIGNATION: Open Space



RECOMMENDATION SUMMARY

The Planning and Development Department recommends that this application be denied.

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- The proposed land use does not comply with the Newton Local Area Plan or fit the character of this single family dwelling neighbourhood.

RATIONALE OF RECOMMENDATION

- Does not comply with the Newton Local Area Plan Designation.
- The proposed business operation is not compatible with the single family nature of the surrounding area.
- 66 Avenue is a local road and is not a commercial thoroughfare.

RECOMMENDATION

The Planning & Development Department recommends that this application be denied.

REFERRALS

- Engineering:** The Engineering Department has no objection to the project as outlined in Appendix II
- Parks, Recreation and Culture:** Parks has concerns about the impact the proposed development on the Serpentine Greenway pathway, which lies adjacent to the subject site.
- BC Hydro:** The site is fully encumbered by the BC Hydro right-of-way and the vertical distance between the hydro wires and the ground is not sufficient to allow vehicle access. In addition, fully serviced and habitable buildings are not permitted in the right-of-way. The current re-fabricated building on the site is not supported by BC Hydro.

SITE CHARACTERISTICS

Existing Land Use: There is an office trailer and some storage of landscaping materials and equipment on the site.

Adjacent Area:

Direction	Existing Use	OCP/LAP Designation	Existing Zone
North (Across 66 Avenue):	BC Hydro right-of-way over most of the area, also a single family dwelling in non-BC Hydro ROW area.	Urban/Open Space	RA
East):	Open space area with a multi-use pathway.	Urban/Open Space	CD (By-law No. 13960) and RA
South:	Tamanawis Park, open space, multi-purpose pathway.	Urban/Open Space	RA
West:	Single family residential.	Urban/Urban Residential	RF

DEVELOPMENT CONSIDERATIONSBackground

- The subject site is located at 12490 – 66 Avenue and is 1.08 hectares (2.68 acres) in size. The site is zoned "Single Family Residential Zone (RF)" and is designated "Open Space" in the Newton Local Area Plan (LAP) and "Urban" in the Official Community Plan (OCP).

- The subject site was created in 1993 as a result of Rezoning and Subdivision Application No. 7991-0486-00, which created the cul-de-sac subdivision to the west and left the subject site as a remainder lot that is fully encumbered by BC Hydro right-of-way for transmission lines.
- The subject site was purchased by the applicant in June 2005 and in November 2005 the City received complaints that the subject site was being used as a storage yard for building and landscaping materials. The By-law Department contacted the owner and informed the owner that the landscaping business use on the site didn't comply with the RF zoning.
- By-law enforcement proceeded with respect to the activities occurring on the site and the applicant made application (the current application) for rezoning on October 30, 2007.

Current Application

- The applicant is proposing a rezoning from RF to "Comprehensive Development Zone (CD)" to allow for the operation of a nursery, landscaping and plant retail business. The site currently contains an office trailer (mobile home) and some storage of landscaping materials and equipment.
- All persons wishing to place a mobile home (outside of mobile home parks) are required to apply for a permit under the *Surrey Mobile Homes and Trailer Regulation and Control By-law*, 1980, No. 6142. The applicant has not made application for a permit to enable this structure to be legally on the site.
- The proposed uses (i.e. operating a nursery business, storage of landscaping supplies, sale of plants and related materials) are not permitted in the RF Zone. However, for sites that are encumbered with utility right-of-ways, the Zoning By-law, Part 4, does permit certain activities, such as agricultural uses (growing crops and raising certain types of livestock) and horticultural uses (growing plants). As this site is fully encumbered with a BC Hydro right-of-way, these activities are permitted. However, the proposed uses do not comply with these allowed uses.
- BC Hydro has provided comment on the proposed rezoning and indicated that the vertical distance between the hydro wires and the ground is not sufficient to allow vehicle access. In addition, fully-serviced and habitable buildings are not permitted in the right-of-way. The current pre-fabricated building on the site is not supported by BC Hydro.
- The proposed use is not in conformance with the "Open Space" designation of the Newton LAP or the existing RF zoning on the subject site.
- The Parks Recreation & Culture Department has concerns about the proposed development and any potential impacts on the existing Serpentine Greenway pathway, which is adjacent to the subject site.
- The site is located within a single family residential neighbourhood and the introduction of commercial uses into this area is not desirable for several reasons:
 - no commercial enterprises were planned for the site and area residents have purchased homes in the area with the expectation that the area would maintain its residential character;

- the activities and noise generated by a landscaping and plant retail business would affect the existing adjacent single family residences;
 - the premises is unsightly (landscaping materials and yard waste are stored on the site) (Appendix IV); and
 - a landscaping and plant retail business would generate increased traffic in the neighbourhood and 66 Avenue is a local road.
- In light of the above, staff recommend that this application be denied.

PRE-NOTIFICATION

Pre-notification letters were sent January 14, 2008 and staff received the following comment:

- One caller, who lives adjacent to the subject site, indicated that they did not support the proposal and do not want a greenhouse/landscaping operation to be located adjacent to them. They did not want a commercial use in such close proximity to their home.

(Staff advised the caller that staff did not support the proposed rezoning to allow for commercial uses.)

- On May 13, 2008 staff received a petition from the applicant in support of the proposal. There are a total of 122 signatures, representing 68 properties in the petition. One hundred twenty-one (121) of the responses are in support of the proposed development and one (1) respondent is undecided. All of the properties were within 400 metres (437 yards) of the subject site (Appendix III).

(Staff received the petition and note that the proposed land use is not in keeping with the character of the area for the reasons outlined above.)

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.	Engineering Summary
Appendix III.	Map Showing Petition Respondents
Appendix IV.	Photos of the Subject Site

Jean Lamontagne
General Manager
Planning and Development

KB/kms

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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: Roger Jawanda, CitiWest Consulting Ltd.
 Address: 3101, 9030 King George Highway
 Surrey, BC
 V3V 7Y3
 Tel: 604-591-5518

2. Properties involved in the Application

- (a) Civic Address: 12490 - 66 Avenue
- (b) Civic Address: 12490 - 66 Avenue
 Owner: Jagir Kaur
 PID: 018-201-091
 Lot 22 Section 18 Township 2 New Westminster District Plan LMP9853

3. Summary of Actions for City Clerk's Office