

City of Surrey
PLANNING & DEVELOPMENT REPORT

File: 7908-0020-00

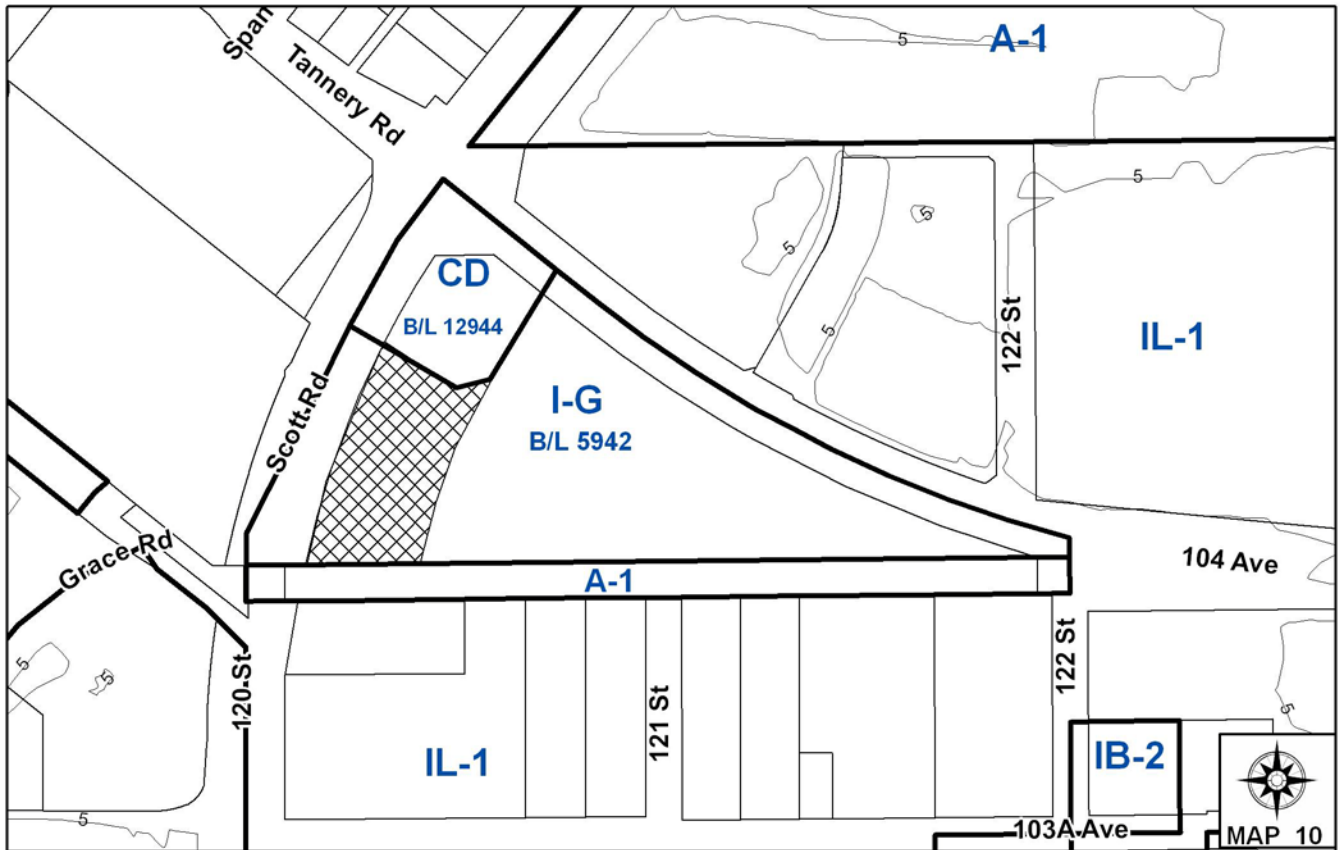
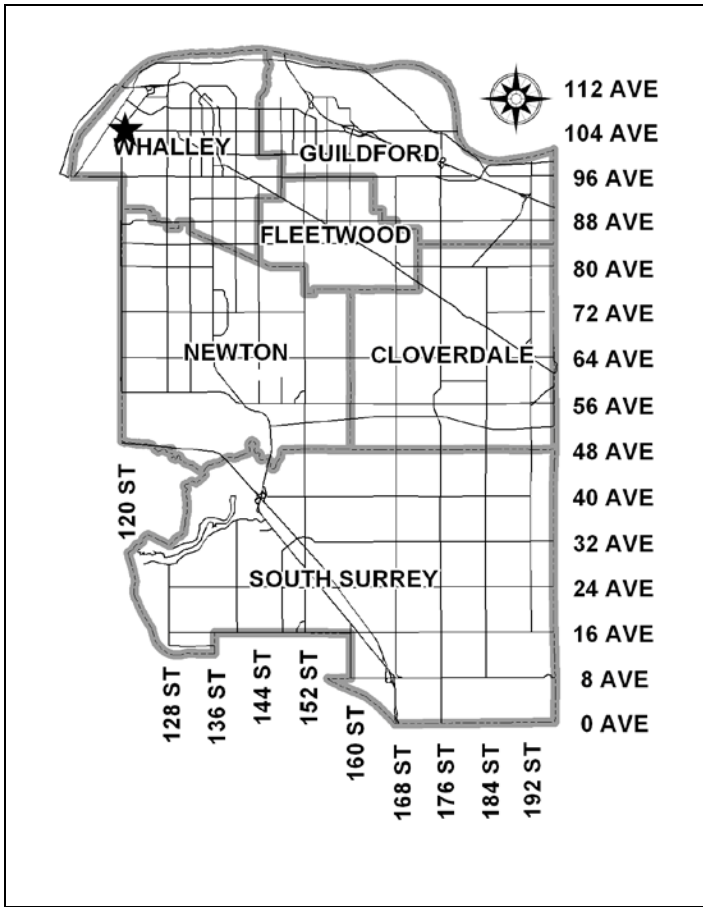
Planning Report Date: July 14, 2008

PROPOSAL:

- **Rezoning** portion from I-G (By-law No. 5942) to CHI (By-law No. 12000)
- **Development Permit**
- **Development Variance Permit**

in order to allow the construction of a drive-through restaurant and a separate highway commercial multi-tenant building.

LOCATION: Portion of 10390 Scott Road
OWNER: Tannery Park Development Corp.
ZONING: I-G (By-law No. 5942)
OCP DESIGNATION: Industrial
NCP DESIGNATION: Highway Commercial



RECOMMENDATION SUMMARY

- By-law Introduction and set date for Public Hearing for Rezoning.
- Approval to draft Development Permit.
- Approval for Development Variance Permit to proceed to Public Notification.

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- Needs variance to the Zoning By-law for reduced north side yard setback.
- Needs variance to the Sign By-law for additional fascia signs.

RATIONALE OF RECOMMENDATION

- Complies with OCP Designation.
- Complies with NCP Designation.
- Reduced setback optimizes the building area and vehicular circulation on the site.
- Requested variances to the Sign By-law are in keeping with the scale of the building and improve tenant visibility.

RECOMMENDATION

The Planning & Development Department recommends that:

1. a By-law be introduced to rezone a portion of the subject site from "General Industrial Zone (I-G) (By-law No. 5942) to "Highway Commercial Industrial Zone (CHI)" (By-law No. 12000) and a date be set for Public Hearing.
2. Council authorize staff to draft Development Permit No. 7908-0020-00 in accordance with the attached drawings (Appendix II).
3. Council approve Development Variance Permit No. 7908-0020-00, (Appendix IV) varying the following, to proceed to Public Notification:
 - (a) to reduce the minimum north side yard setback of the CHI Zone from 7.5 metres (25 ft.) to 4.4 metres (14.4 ft.) for proposed Lot 1 and to 5.88 metres (19.3 ft.) for proposed Lot 2; and
 - (b) to increase the number of fascia signs permitted in Surrey Sign By-law from 1 to 2 for proposed Lot 1 and from 1 to 2 for the tenants located in the end units of the buildings on proposed Lot 2.
4. 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 landscaping plan and landscaping cost estimate to the specifications and satisfaction of the City Landscape Architect;
 - (d) registration of a Section 219 Restrictive Covenant to protect the fisheries habitat area for Manson Canal;
 - (e) preparation and registration of a reciprocal access and shared drive aisle easement between proposed Lots 1 and 2;
 - (f) discharge of legal documents registered against the title, which are redundant or no longer required; and
 - (g) modification of the (reciprocal access agreement) and a ("No Build" covenant) registered against the title of the land.

REFERRALS

Engineering: The Engineering Department has no objection to the project as outlined in Appendix II.

SITE CHARACTERISTICS

Existing Land Use: Vacant.

Adjacent Area:

Direction	Existing Use	NCP Designation	Existing Zone
North:	Chevron gasoline service station.	Highway Commercial	CD (By-law No. 12944)
East (Across 122 Street):	Machine shop and metal fabricator.	Light Industrial/Business park	IL-1
South: Further South:	Manson Canal. Mixed automotive service uses, transportation industry uses and machine shops.	Parks and Open Spaces Light Industrial/Business Park	A-1 IL-1
West (Across Scott Road):	Auto salvage and vacant land under development application (No. 7907-0221-00) for business park and highway commercial uses (pre-Council).	Light Industrial/Business Park	IL-1

DEVELOPMENT CONSIDERATIONSBackground

- The subject site located at 10390 Scott Road was the subject of a previous development application to rezone the site to a Comprehensive Development Zone (CD) to permit the construction of a home improvement centre and a gasoline service station. The service station portion of the site was finalized, and a Chevron gasoline station was constructed on the site located at the intersection of 104 Avenue and Scott Road. The rezoning for the home improvement development was filed in July 2004 due to inactivity.
- As a requirement in the finalization of the CD Zone to permit the service station, reciprocal access agreements were registered between the properties to facilitate vehicular movement between the properties and to reduce the number of driveway access points to both Scott Road and 104 Avenue.

- The site was initially one lot, with "hooked" lots across 104 Avenue, connecting it to the site at 10472 Scott Road. Under Development Application No. 7904-0115-00 the "hooks" were broken and the site was consolidated to its current configuration.
- In conjunction with the subdivision of the site, a "No Build" Section 219 Restrictive Covenant was registered to ensure that no further development occurred on the site until such time as it was serviced in accordance with Surrey Subdivision and Development By-law, No. 8830.

Current Proposal

- The subject site is bounded by 104 Avenue to the north, Manson Canal to the south and Scott Road to the west.
- The subject site is currently zoned General Industrial Zone (I-G) (By-law No. 5942) and is located in the South Westminster Neighborhood Concept Plan (NCP). The South Westminster NCP designates the lands for Highway Commercial oriented uses.
- The current proposal is to rezone a portion of the site to Highway Commercial Industrial Zone (CHI), a Development Permit to permit the construction two commercial buildings, and a Development Variance Permit to relax various by-law requirements. The proposed development complies with the Highway Commercial designation in the South Westminster NCP.
- The easterly portion of the subject lot will remain zoned I-G (By-law No. 5942) and will require further rezoning prior to development.
- A subdivision application to create two CHI-zoned lots fronting Scott Road and one remainder I-G –zoned lot fronting 104th Avenue is being processed in conjunction with the rezoning and development permit applications (Appendix II).
- A Tim Hortons drive-through restaurant building is identified on proposed Lot 1 with a total floor area of 287 square metres (3,089 sq. ft.). The proposal represents a floor area ratio (FAR) of 0.10 and a lot coverage of 10% on proposed Lot 1. The proposed multi-tenant building on proposed Lot 2 will have a total floor area of 751 square metres (8,084 sq. ft.). The proposal represents a floor area ratio (FAR) of 0.19 and a lot coverage of 19% on proposed Lot 2. Both of these proposals are consistent with the maximum FAR of 1.0 and lot coverage of 50% permitted in the CHI Zone.
- Part 5 of Surrey Zoning By-law No 12000 requires ten parking spaces for every 100 square metres (1,075 sq. ft.) of gross floor area for a restaurant use and three spaces for every 100 square metres (1,075 sq. ft.) of gross floor area for retail space for employees and customers. As such, the proposed Lot 1 Tom Hortons requires 18 spaces, and the proposed Lot 2 building requires 33 spaces. A total of 29 and 33 parking spaces have been proposed on proposed Lots 1 and 2 respectively which satisfies the Zoning By-law requirements.
- Access to proposed Lots 1 and 2 is are provided from a shared driveway located along Scott Road, and share a common drive aisle between the two proposed lots. Prior to finalization of the rezoning and Development Permit applications, a reciprocal access agreement is required to secure this shared driveway arrangement.

- With the development of the Chevron service station located at the corner of 104th Avenue and Scott Road, a reciprocal access agreement was registered through the subject property to facilitate vehicle circulation through the sites. With the adjustment of the drive aisle for the current proposal, the existing easement plan will have to be modified to reflect the new driveway alignment.
- Manson Canal is a red-coded creek and is located parallel to the south property line. A few years ago, the City commissioned a review of the setback requirements for Manson Canal, Robson Creek and Collier's Creek. As a result of the study, a total 25-metre (82 ft.) setback is required from the centre line of Manson Canal, which has been reflected on the site plan. Prior to finalizing the development application for this site, preparation and registration of a Section 219 Restrictive Covenant is required to protect the canal.
- There are numerous covenants registered against the title which are now redundant with the current development. They are as follows:
 - Two "No Build Covenants"
 - A working easement impacting the property on the north side of 104 Avenue (originally part of the hooked lot across 104 Avenue).
 - An easement for a future road property on the north side of 104 Avenue (originally part of the hooked lot across 104 Avenue).
 - A "No Build Covenant" until the property is serviced.
- Prior to finalization of the development applications, these documents are to be discharged and/or amended to reflect the current development on the site.

PRE-NOTIFICATION

In accordance with Council policy, a Development Proposal Sign was erected on the subject property and pre-notification letters were sent on February 26, 2008. To date, Planning staff have not received any comments with respect to the proposal.

DESIGN PROPOSAL AND REVIEW

- The buildings are proposed to be finished with acrylic stucco painted light tan, with accent red brick veneers. Accenting horizontal acrylic stucco banding painted medium brown are proposed to add interest along the façade. The front facades incorporate commercial glazing.
- The proposed buildings on proposed Lots 1 and 2 are 4.9 metres (16 ft.) and 6.86 metres (22.5 ft.) respectively in height, which is within the 9 metres (30 ft.) permitted in the CHI Zone.
- The applicant has proposed downward cast building lighting and site lighting to assist in providing surveillance during the evening hours.

- The applicant has requested a free-standing sign, one on each property for tenant signage. The free-standing sign for proposed Lot 1 is proposed to be located in a landscaping island breaking the parking lot along the Scott Road frontage. The second free-standing sign for proposed Lot 2 is proposed to be located in a landscaping island mid way through the parking area along the Scott Road frontage.
- Both free-standing signs are proposed to be mounted on a brick veneer base, and are proposed to be a maximum of 2.5 metres (8 ft.) in height which satisfies the maximum height permitted in the Special Sign Area of the Surrey Sign By-law.
- Both free-standing signs are proposed to have a 2.0- metre (6.5 ft.) setback from the respective property lines, which satisfies the Surrey Sign By-law requirement.
- The applicant has proposed illuminated channel lettering fascia signage for business identification purposes along the road frontage.
- Roof top screening details have been provided which will conceal the mechanical equipment from the up-lying residential properties.
- The applicant is proposing landscaping along the Scott Road frontage, which ranges in width from 3.0 metres (10 ft.) at the narrowest point to 4.1 metres (13.7 feet) at the widest point. This landscaping incorporates both deciduous and coniferous, flowering and non-flowering trees and shrubs.

ADVISORY DESIGN PANEL

This application was not referred to the ADP but was reviewed by Planning and Development staff and was found to be acceptable.

BY-LAW VARIANCES AND JUSTIFICATION

(a) Requested Variance:

- To reduce the north side yard setback from 7.5 metres (25 ft.) to 4.4 metres (14.4 ft.) for proposed Lot 1 and to 5.88 metres (19.3 ft.) for proposed Lot 2.

Applicant's Reasons:

- The drive-through component of the restaurant constrains the overall site development on proposed Lot 1. The building has been sited to maximize the number of vehicles that can be queued through the drive-through. The landscaping located on the Chevron site has been augmented to screen the drive-through, however, at the closest point the building does not comply with the minimum setback required by the zone.
- The building on proposed Lot 2 has been sited next to the driveway that is shared between proposed Lots 1 and 2, maximizing the building area.

Staff Comments:

- Staff concur the applicant's reasons and have no concerns with the requested variance.

(b) Requested Variance:

- To vary the Sign By-law to increase the number of fascia signs from 1 to 2 for the single tenant building on proposed Lot 1 and from 1 to 2 for the tenant end units for the building on proposed Lot 2.

Applicant's Reasons:

- The tenant for proposed Lot 1 (Tim Hortons) has requested to have one fascia sign along the Scott Road elevation and one along the south elevation to identify access into the building.
- At this time, tenants have not been secured for the building on proposed Lot 2, however, the increase to the number of fascia signs provides more visibility from 120 Street for the two end tenants.

Staff Comments:

- The requested variance is reasonable given the orientation of the building in relation to Scott Road and the access driveway to the south.
- The Sign By-law permits one fascia sign for each premise frontage. The applicant proposes to have one fascia sign over the main entrance to each of the units in the building on proposed Lot 2 plus a second fascia sign on the north and south building elevations. The proposed signage is architecturally integrated with the building design.
- Staff have no concerns with 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 and Survey Plan
Appendix II.	Proposed Subdivision Layout, Site Plan, Building Elevations and Landscape Plans
Appendix III.	Engineering Summary
Appendix IV.	Development Variance Permit No. 7908-0020-00

Jean Lamontagne
General Manager
Planning and Development

LAP/kms

v:\wp-docs\planning\plncom08\07041411.lap.doc
KMS 7/4/08 2:45 PM

Information for City Clerk

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

1. (a) Agent: Name: Urban Design Group Architects
 Address: 600 - 1140 West Pender Street
 Vancouver, BC
 V6E 4G1
 Tel: 604-687-2334

2. Properties involved in the Application
 - (a) Civic Address: 10390 Scott Road

 - (b) Civic Address: 10390 Scott Road
 Owner: Tannery Park Development Corporation, Inc. No.
 718718
 PID: 026-290-685
 Lot 2 Section 19 block 5 North Range 2 West New Westminster District Plan
 BCP17695

3. Summary of Actions for City Clerk's Office
 - (a) Introduce a By-law to rezone a portion of the property.

 - (b) Proceed with Public Notification for Development Variance Permit No. 7908-0020-00.

DEVELOPMENT DATA SHEET

Proposed Zoning: CHI

Required Development Data	Minimum Required / Maximum Allowed	Proposed Lot 1	Proposed Lot 2
LOT AREA (in square metres)			
Gross Total			
Road Widening area			
Undevelopable area			
Net Total		2,897 m ²	3,999 m ²
LOT COVERAGE (in % of net lot area)			
Buildings & Structures	50%	10%	19%
Paved & Hard Surfaced Areas		74.6%	44.9%
Total Site Coverage		84.5%	63.6%
SETBACKS (in metres)			
Front	7.5 m	17.9 m	24.8 m
Rear	7.5 m	15.9 m	15.5 m
Side #1 (South)	7.5 m	4.4 m*	5.88 m*
Side #2 (North)	7.5 m	27.9 m ²	19.7 m
BUILDING HEIGHT (in metres/storeys)			
Principal	9.0 m	4.9 m	6.86 m
Accessory	9.0 m	n/a	n/a
NUMBER OF RESIDENTIAL UNITS	1	n/a	n/a
Bachelor			
One Bed			
Two Bedroom			
Three Bedroom +			
Total			
FLOOR AREA: Residential			
FLOOR AREA: Commercial	2,897 m ²	287 m ²	751 m ²
Retail			
Office			
Total	2,897 m ²	287 m ²	751 m ²
FLOOR AREA: Industrial			
FLOOR AREA: Institutional			
TOTAL BUILDING FLOOR AREA	2,897 m ²	287 m ²	751 m ²

* *Variance required.*

Development Data Sheet cont'd

Required Development Data	Minimum Required / Maximum Allowed	Proposed Lot 1	Proposed Lot 2
DENSITY			
# of units/ha /# units/acre (gross)			
# of units/ha /# units/acre (net)			
FAR (gross)			
FAR (net)	1.0	0.10	0.19
AMENITY SPACE (area in square metres)	n/a		
Indoor			
Outdoor			
PARKING (number of stalls)			
Commercial	29/18	33	32
Industrial			
Residential Bachelor + 1 Bedroom			
2-Bed			
3-Bed			
Residential Visitors			
Institutional			
Total Number of Parking Spaces	29/18	33	32
Number of disabled stalls			
Number of small cars			
Tandem Parking Spaces: Number / % of Total Number of Units			
Size of Tandem Parking Spaces width/length			

Heritage Site	NO	Tree Survey/Assessment Provided	NO
---------------	----	---------------------------------	----