

City of Surrey
PLANNING & DEVELOPMENT REPORT

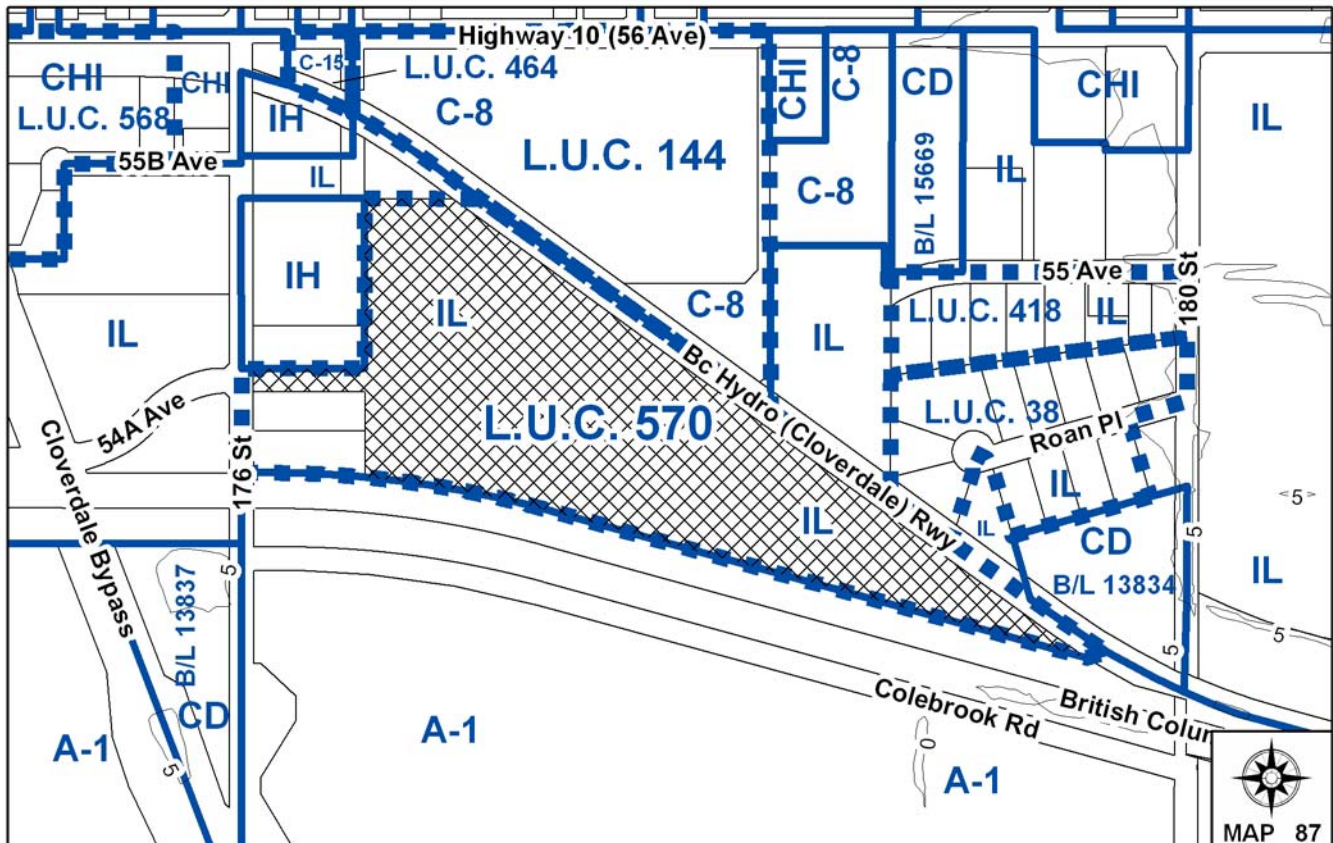
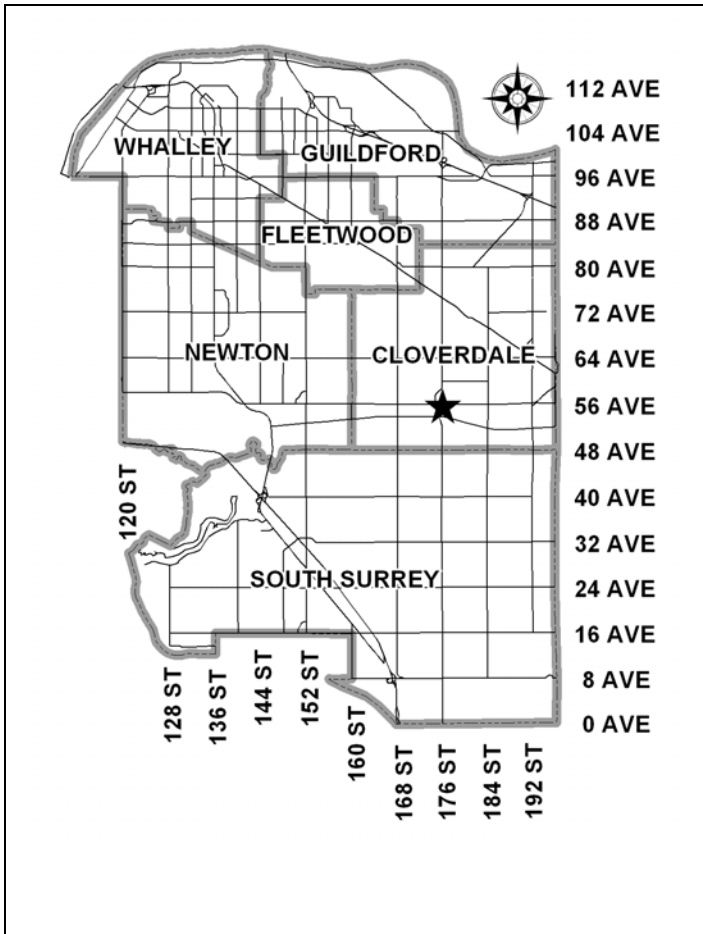
File: 7908-0088-00

Planning Report Date: October 19, 2009

PROPOSAL:

- Partial **Land Use Contract** discharge in order to allow the underlying IL Zone to regulate the site.

LOCATION: 5452 - 176 Street
OWNER: 0794275 B.C. Ltd.
ZONING: Land Use Contract No. 570 (underlying IL Zone)
OCP DESIGNATION: Industrial
LAP DESIGNATION: Industrial



RECOMMENDATION SUMMARY

- By-law Introduction and set date for Public Hearing for a partial Land Use Contract Discharge.

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- None.

RATIONALE OF RECOMMENDATION

- Complies with OCP Designation.
- The partial LUC discharge will allow the underlying IL Zone to come into effect and facilitate future Industrial development.
- The IL Zone is appropriate for this area and is consistent with the surrounding uses.

RECOMMENDATION

The Planning & Development Department recommends that:

1. a By-law be introduced to discharge Land Use Contract No. 570 from the subject lot and a date for Public Hearing be set.
2. 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) approval from the Ministry of Transportation and Infrastructure (MOTI);
 - (d) habitat compensation to the satisfaction of the Department of Fisheries and Oceans (DFO); and
 - (e) registration of a Restrictive Covenant regarding agricultural impacts.

REFERRALS

Engineering:	The Engineering Department has no objection to the project subject to the completion of Engineering servicing requirements as outlined in Appendix III.
Department of Fisheries and Oceans (DFO):	Following the February 20, 2008 meeting of the Environmental Review Committee, DFO agreed to consider the relocation of fisheries habitat on a portion of the property or on an alternate site in order to decommission the two red coded creeks. Submission of an environmental compensation plan to DFO's satisfaction will be a condition of final adoption.
Ministry of Transportation & Infrastructure (MOTI):	MOTI has granted preliminary approval.
Agricultural Advisory Committee (AAC):	This was reviewed at the September 3, 2009 AAC meeting. The AAC has no concerns provided a Section 219 Restrictive Covenant is registered against the title advising future owners of the potential of agricultural impacts.

SITE CHARACTERISTICS

Existing Land Use: Vacant.

Adjacent Area:

Direction	Existing Use	OCP/NCP Designation	Existing Zone
North (With majority across abandoned rail right-of-way):	Developed and vacant land and Cloverdale Shopping Centre and recently closed card lock.	Industrial south of abandoned rail right-of-way. Commercial in the OCP and Retail Service Commercial in the Cloverdale Town Centre Plan north of abandoned rail right-of-way	IL and LUC No. 144
East (Across abandoned Rail Right-of-Way):	Mixed industrial uses.	Industrial in the OCP	IL, LUC No. 38 and CD By-law No. 13834
South (Across Rail Right-of-Way and Colebrook Road):	Cornfield with east portion of the property under development Application No. 7908-0076-00 to allow for the BC SPCA animal shelter.	Agricultural in the OCP	A-1
West:	Mixed industrial uses.	Industrial in the OCP	LUC No. 570, IH and IL

DEVELOPMENT CONSIDERATIONSBackground

- The subject site, as well as five properties to the west fronting 176 Street were initially regulated under Land Use Contract No. 570. Currently, only the subject property and two other properties are regulated by LUC No. 570, and the underlying zoning is "Light Impact Industrial Zone (IL)". The subject property and surrounding properties are all designated Industrial in the Official Community Plan.
- LUC No. 570 was adopted on January 2, 1979 and regulated the subdivision, servicing, land use and density on six lots. Four of the properties had the LUC discharged and three have been consolidated. Under LUC No. 570, the subject property, identified as Lot 7 in the LUC, does not have any permitted uses until a subdivision plan is submitted to the satisfaction of the Municipal Planner, at which time the uses permitted in the I-1 Zone of Surrey Zoning By-law, 1964, No. 2265 shall apply (see Appendix IV).
- The subject property is currently vacant.

Current Proposal

- The applicant proposes to discharge Land Use Contract (LUC) No. 570 from the subject property and allow the underlying "Light Impact Industrial Zone (IL)" to regulate the property.

- To help facilitate industrial development and in accordance with the process approved by Council in Corporate Report No. R1854 on May 3, 1999, which supports the pre-zoning of industrial land, design drawings were not submitted as part of the partial LUC discharge application.
- Prior to building permit issuance, a Development Permit will be required to regulate the form and character of the proposed buildings as the site is within 100 metres of the Agricultural Land Reserve (ALR).
- In accordance with LUC No. 570, a subdivision is proposed at this time consisting of two lots and a new east-west road (Appendix II).

Road Concept Plan

- The restriction on the uses on Lot 7 in LUC No. 570 was to ensure that further subdivision of the property was completed, and a road would be dedicated through the site.
- The road concept plan for this area shows the dedication of a road to connect 176 Street with 55 Avenue (Appendix II). This is part of a larger road network which will eventually connect the South Cloverdale industrial area from 172 to 192 Streets.
- The active rail line has been relocated to the south portion of the property, and the portion of the rail line along the north-east property line has been abandoned. It may at some point become part of the Heritage Rail Line to provide passenger service from Chilliwack through the Surrey area. As this rail right-of-way (ROW) is no longer active, the applicant has amended the drawing to realign the road to the northern portion of the site, to cross the rail ROW at an oblique angle.
- The proposed road concept has been reviewed by Southern Railway who support the relocation of the 55 Avenue road alignment further to the north as it reduces the impact on the support track to service the P & H Cloverdale Grain transload business, located at 5330 - 180 Street. The proposed road alignment is also acceptable to the Engineering Department.
- In conjunction with the partial discharge of LUC No. 570, the applicant is required to submit a subdivision plan dedicating the new east-west road.

Land Use Contract No. 570 and Underlying IL Zone

- Section B, Permitted Uses in LUC No. 570 makes reference to the Industrial Zone Number One (1) Zoning (Zoning By-law No 2265). A comparison of the I-1 Zone and the Light Impact Industrial Zone (IL) is as follows:

Use	I-1 Zone	IL Zone
Building materials yard, including sale of rock gravel sand and cement	Permitted	Not Permitted
Retail lumber yard	Permitted	Not Permitted
Contractor's storage yard	Permitted	Permitted
Tow Yard	Permitted	Permitted
Sale of new and used cars and trucks	Permitted	Only vehicles over 5,000 kg GVW
Sale and rental of trailers and campers	Permitted	Not Permitted
Sale and rental of tools and equipment	Permitted	Permitted
Warehouses	Permitted	Permitted
Auction grounds	Permitted	Not Permitted
Bus and trucking terminals	Permitted	Permitted
Agricultural and horticultural uses	Permitted	Not Permitted
Manufacturing	Permitted	Permitted
High Impact industry	Permitted	Not Permitted
Motor vehicle repair shop	Permitted	Permitted
Processing	Permitted	Permitted
Limited Office	Not Permitted	Permitted
Trade Schools	Not Permitted	Permitted

- LUC No. 570 permits a range of industrial and manufacturing uses. However, some of the permitted uses such as rendering plants, petroleum refining and cement plants may be incompatible with the commercial uses to the north and the cleaner surrounding industrial uses. The underlying IL Zone on the other hand accommodates a wide range of light impact industrial uses, while also allowing limited offices and general service uses, including trade schools.

Watercourse Issues

- There are two red-coded creeks which traverse the property, and a green-coded ditch which runs parallel to the west property line.
- The environmental report submitted by the applicant was reviewed by the Environmental Review Committee (ERC) on February 20, 2008. The applicant had requested the removal of these two watercourses, and the relocation of the habitat compensation from the subject property to another property located at 4947 – 192 Street, at a location between the dyke and the Nikomekl River within the ALR.
- This concept was approved by the ERC, provided that the Agricultural Advisory Committee (AAC) and the Agricultural Land Commission (ALC) support the application for the non-farm use for the fish habitat. At the May 1, 2008, Agricultural Advisory Committee meeting, the AAC recommended that this concept not be supported as it would, in essence, remove land from the ALR (Appendix V).

- Further discussions concerning potential sites for the habitat relocation were held between City staff, DFO and the proponent. As the majority of sites adjacent to the Nikomekl River are located in the Agricultural Land Reserve (ALR), DFO has agreed to allow the habitat compensation to be placed on City-owned lands adjacent to the Serpentine River, located at 5719 – 164 Street and within the ALR.
- The proposed LUC discharge and proposed habitat compensation were reviewed by the Agricultural Advisory Committee (AAC) on September 3, 2009. The AAC has no concerns with the proposed LUC discharge, provided a Section 219 Restrictive Covenant is registered against the title of the land advising future owners about the potential impact agricultural practice. The AAC expressed no concerns with the site for the proposed habitat relocation (Appendix V).

PRE-NOTIFICATION

Pre-notification letters were sent on April 28, 2008 and staff have not received any correspondence or inquiries with respect to the proposal.

INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

Appendix I.	Lot Owners and Action Summary
Appendix II.	Proposed Subdivision Layout
Appendix III.	Engineering Summary
Appendix IV.	Excerpt from LUC No. 570
Appendix V.	Agricultural Advisory Committee Minutes
Appendix VI.	Partial LUC Discharge By-law

Jean Lamontagne
General Manager
Planning and Development

LAP/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: Fraser Park Realty Ltd.
 Address: 1777 West 75 Avenue
 Vancouver, BC
 V6P 6P2
 Tel: 604-264-1405

2. Properties involved in the Application
 - (a) Civic Address: 5452 - 176 Street

 - (b) Civic Address: 5452 - 176 Street
 Owner: 0794275 B.C. Ltd., Inc. No. BC0794275
 Director Information:
 Ralph Berezan

 No Officer Information Filed
 PID: 009-307-893
 Lot A Except: Firstly: Part on Statutory Right of Way Plan 41339 and
 Secondly: Part Subdivided by Plan 57265; Section 5 Township 8 New
 Westminster District Plan 10311

3. Summary of Actions for City Clerk's Office
 - (a) Introduce a By-law to partially discharge LUC No. 570.

 - (b) Application is under the jurisdiction of MOTI.
 MOT File No. 2009-03658