

City of Surrey  
**PLANNING & DEVELOPMENT REPORT**

File: 7908-0111-00

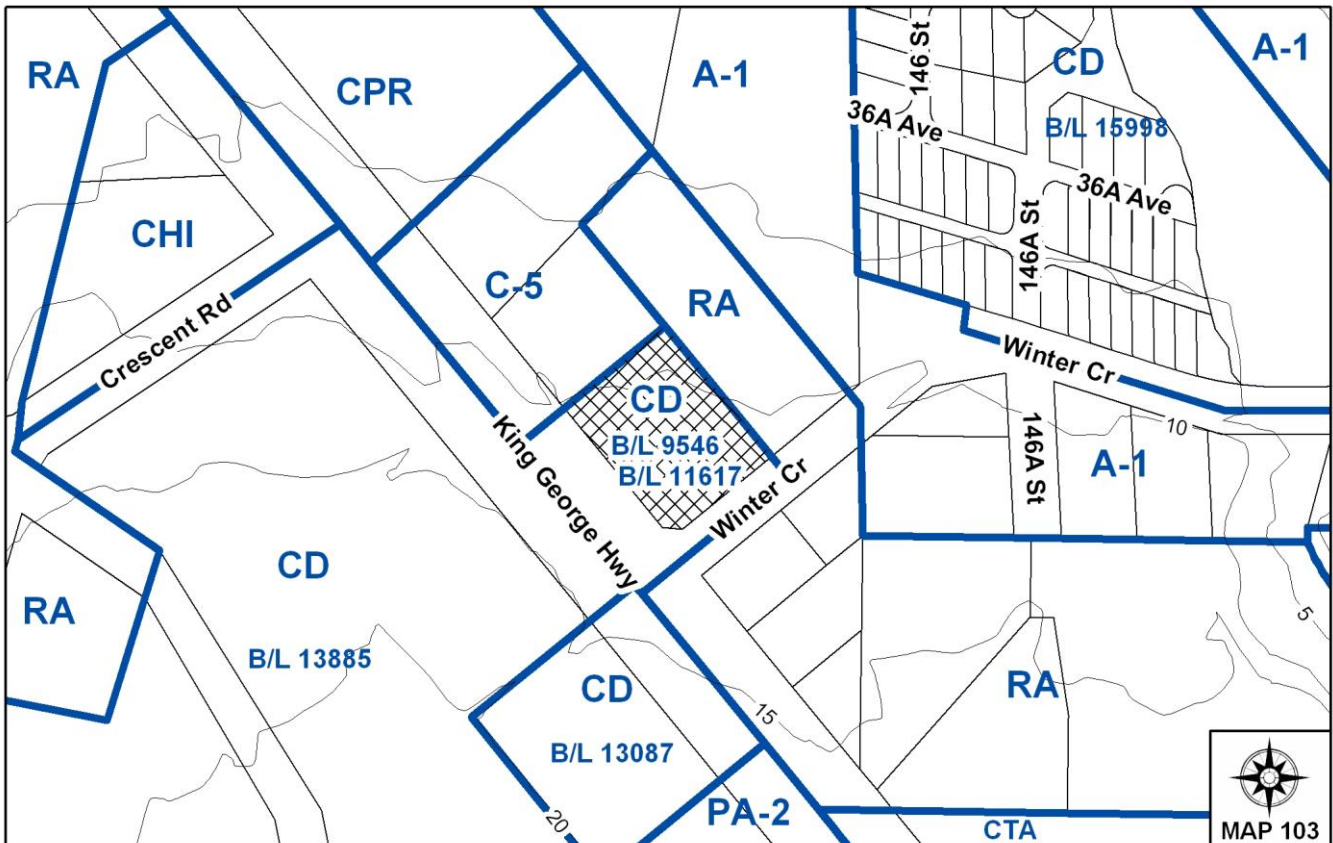
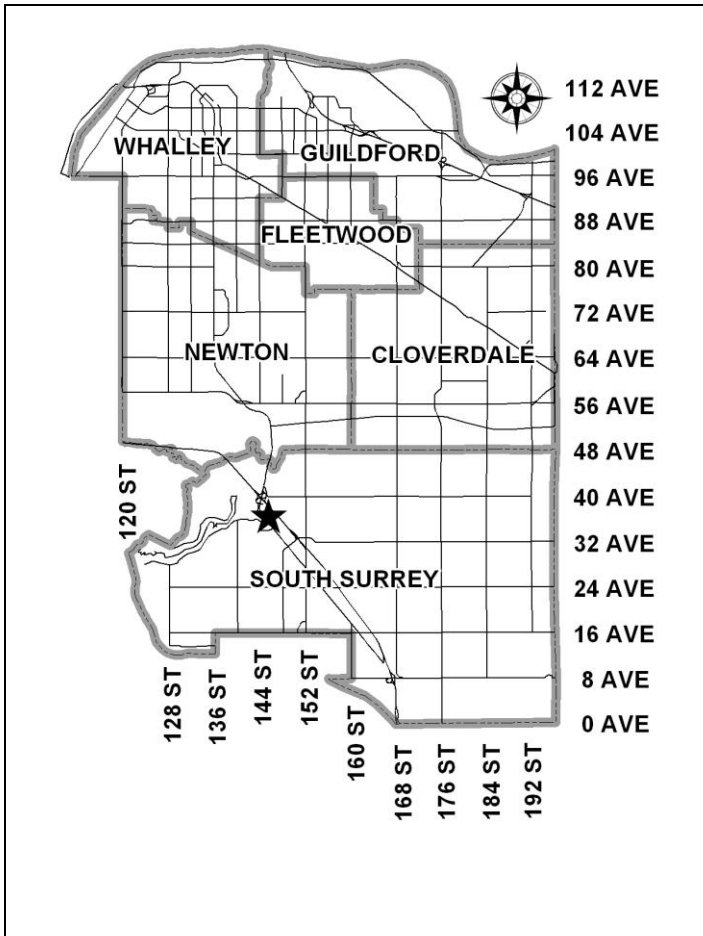
Planning Report Date: March 30, 2009

**PROPOSAL:**

- **Rezoning** from CD (By-law Nos. 9546 and 11617) to C-8
- **New Liquor Primary License**

in order to permit the development of a liquor primary establishment (wine bar) and liquor store on the existing Chateau Cargill banquet facility site.

**LOCATION:** 3550 King George Highway  
**OWNER:** 0782254 B.C. Ltd., Inc. No. BC0782254  
**ZONING:** CD (By-law Nos. 9546 and 11617)  
**OCP DESIGNATION:** Commercial  
**LAP DESIGNATION:** Commercial



### RECOMMENDATION SUMMARY

- By-law Introduction and set date for Public Hearing for Rezoning.
- Set date for a Public Information meeting in the form of a Public Hearing to solicit resident opinions on the proposed liquor primary establishment (wine bar).

### DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- None.

### RATIONALE OF RECOMMENDATION

- Complies with OCP Designation.
- Complies with the King George Highway Land Use Plan Designation.
- The proposed wine bar has been evaluated on the basis of the City's locational guidelines for neighbourhood pubs and is considered to have merits.
- A liquor store is considered an appropriate associated use to the proposed liquor primary establishment based on the City's regulatory framework.

## RECOMMENDATION

The Planning & Development Department recommends that:

1. a By-law be introduced to rezone the subject site from "Comprehensive Development Zone (CD)" (By-law Nos. 9546 and 11617) to "Community Commercial Zone (C-8)" (By-law No. 12000) and a date be set for Public Hearing.
2. a date for Public Hearing be set to solicit opinions from area residents regarding the proposed liquor primary establishment (wine bar).
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) the applicant enter into a "Good Neighbour Agreement" to ensure minimal impact to the surrounding neighbourhood; and
  - (c) submission of a formalized parking plan and financial securities to ensure the additional 5 required parking stalls are constructed on the site including reinstating landscaping.

## REFERRALS

Engineering:	The Engineering Department has no objection to the project subject to the completion of Engineering servicing requirements as outlined in Appendix III.
Ministry of Transportation & Infrastructure	Preliminary approval granted.
Building Division:	No concerns.
Surrey RCMP:	No concerns.
Surrey By-laws & Licensing Services:	No concerns.

## SITE CHARACTERISTICS

Existing Land Use: Chateau Cargill wedding and banquet facility with detached coach house.

Adjacent Area:

<b>Direction</b>	<b>Existing Use</b>	<b>OCP/NCP Designation</b>	<b>Existing Zone</b>
North:	Single family dwelling and medical office building.	Suburban, Urban & Commercial/Clustering at 8 upa, Recreational Residential and Commercial	A-1, RA and C-5
East (Across Winter Crescent):	Single family dwellings.	Urban/Clustering at 8 upa	RA
South and West (Across King George Highway):	Townhouses and gas station.	Urban/Clustering at 8 upa and Commercial	CD (By-laws 13885 and 13087)

## DEVELOPMENT CONSIDERATIONS

### Background and Site Context

- The subject site (3590 King George Highway) is located on the northeast side of King George Highway, just north of Winter Crescent. The site is currently occupied by the Chateau Cargill Wedding Reception and Special Event Facility (Chateau Cargill) and a detached coach house. The Chateau Cargill is a 3-storey building which includes banquet and conference rooms, a wedding chapel, kitchen and laundry facilities, and a caretaker residence. The detached coach house includes a double car garage with a loft area above.
- The subject site is designated "Commercial" in the Official Community Plan (OCP), and is zoned CD.
- The rezoning application which permitted construction of the Chateau Cargill was completed in 1988. The site was rezoned from "Suburban Residential Zone (RS)" (By-law No. 5942) to "Comprehensive Development Zone (CD)" (By-law No. 9546). The CD Zone permits a combination of those uses permitted under the "Highway Commercial Zone (C-H)" (By-law No. 5942)" and the "Assembly Hall Zone (P-A)" (By-law No. 5942), but specifically prohibits:
  - Pool halls, bowling alley or amusement devices;
  - Theatres and cinemas;
  - Automotive sales and rentals (new and used);
  - Sales and distribution of damaged goods;
  - Trailer sales and rentals;
  - Automotive, boat and appliance repair shops;
  - Warehouses;
  - General contractor storage yard; and
  - Industrial uses.
- The CD Zone was amended in 1993 under By-law No. 11617 to include retail sales and rental of wedding supplies as a permitted use, provided that the area of retail display of said wedding supplies does not exceed fifty (50) square metres. In 1995, the site was designated "Commercial" within the King George Highway Corridor Land Use Plan.

- The Chateau Cargill is currently licensed under a Food Primary Liquor License. The Food Primary License permits food and alcoholic beverage service to a maximum of 175 persons. The permitted hours of operation are from 10:00 am to midnight Monday to Saturday and 11:00 am to midnight on Sunday.

#### Proposed Liquor Primary Liquor License and Licensee Retail Store

- The owner of the Chateau Cargill wishes to expand upon the services they provide onsite by adding a boutique style wine bar and a private liquor store. The wine bar is proposed to be located within the existing Chateau Cargill building and would have a capacity of 20 persons. The proposed hours of operation of the wine bar are 10:00 am to midnight on Monday to Saturday and 11:00 am to midnight on Sunday. The private liquor store is proposed to be located within the existing detached coach house building. No new buildings, structures, exterior renovations or signage are proposed at this time.
- The existing CD zoning does not permit a neighbourhood pub (liquor primary) use or a liquor store and as such the owner proposes to rezone the subject site from "Comprehensive Development Zone (CD) (Bylaw No. 9545 and 11617) to "Community Commercial Zone (C-8). The C-8 Zone would allow the Chateau Cargill facility to be retained as a permitted assembly hall use, and would also permit the proposed neighbourhood pub (wine bar) and liquor store.

#### Evaluation of proposed rezoning from CD to C-8

- From a land use and impact perspective, the proposed C-8 Zone is highly comparable to the existing CD Zone. The existing CD Zone is based on a combination of two zones under the previous Surrey Zoning By-law No. 5942; C-H and P-A, but specifically prohibits certain uses that were not considered appropriate for the subject site. These include the following:
  - Pool halls, bowling alley or amusement devices;
  - Theatres and cinemas;
  - Automotive sales and rentals (new and used);
  - Sales and distribution of damaged goods;
  - Trailer sales and rentals;
  - Automotive, boat and appliance repair shops;
  - Warehouses;
  - General contractor storage yard; and
  - Industrial uses.

With the exception of pool halls, bowling alleys, theatres and cinemas, the proposed C-8 Zone would not permit any of the above-mentioned uses. In addition, the recreational uses permitted under C-8 are not likely to be developed on the subject site given its small size (0.75 acres) and the significant parking requirements associated with these types of uses. The only use permitted under the proposed C-8 Zone, which is not currently permitted under the existing CD Zone, with the exception of the proposed neighbourhood pub and liquor store, is a child care centre. Child care centres are now permitted in nearly all commercially zoned sites under Surrey Zoning By-law No. 12000, with the exception of local small scale commercial developments.

- The proposed rezoning to C-8 complies with the site's commercial designation under both the Official Community Plan (OCP) and the King George Highway Corridor Land Use Plan, which was approved by Council in 1995. The C-8 Zone is also considered appropriate for this location given its location on a highway in a developing residential community.
- The neighbouring properties to the immediate west of the site are zoned "Neighbourhood Commercial Zone" (C-5) which permits Neighbourhood Pubs. As such, the proposed neighbourhood pub use is not considered to be out of context with surrounding land uses. The neighbourhood pub use itself is also subject to a separate approval process which includes public consultation and a review of specific locational criteria established by the City for evaluating potential pub locations, as will be described later in this report.
- One of the fundamental elements of the regulatory framework adopted by the City to deal with the potential proliferation of licensee retail stores (LRS) in the City is to require liquor stores to be in conjunction (i.e. in the same building or on the same lot) with a liquor-primary establishment. The purpose of this restriction is to limit the potential locations for an LRS in the City to those sites that have a liquor primary establishment and already have liquor sales. Since a neighbourhood pub is considered an appropriate use at this location, an associated LRS is also considered appropriate given this regulatory approach.

#### Evaluation of proposed Wine Bar

- The proposed liquor primary establishment is small, with a proposed capacity of only 20 persons. The owner's intent is to create a unique boutique style wine bar, which they believe will be complementary to the existing wedding and special event services provided at Chateau Cargill. Wine tastings, and food and wine pairing educational seminars, with a focus on local wineries, are some of the services the owner is contemplating for this establishment.

#### Liquor Licensing Approval Procedure, Criteria and Evaluation

- On December 2, 2002, the Provincial Government enacted new regulations with respect to liquor licensing. Under the new procedures, the applicant initially contacts the Provincial Liquor Control and Licensing Branch (LCLB) to obtain a sign-off for the filing of the required application(s). Once LCLB determines the application is complete, and the establishment and the applicant are eligible for licensing, a summary report is prepared by LCLB and forwarded to the local government. Staff have received the LCLB summary report for the proposed wine bar (Appendix IV). LCLB now requires that the applicant secure Local Government endorsement before the application can be considered for approval by LCLB.
- LCLB requires that Council comment on how the site satisfies a specified list of criteria to ensure that adequate consideration has been given to the application by the local government. The analysis of the criteria for this site is provided as follows:

##### *The Location of the Establishment*

- The City's long-standing locational guidelines for neighbourhood pubs (now known as liquor primary establishments) are as follows:
  - Select a site close to a residential area but not surrounded by a residential area;

- Select a site that is adjacent to or in a local commercial node;
  - Do not select a site on a provincial highway; and
  - Locate further than 400 metres (1,310 ft.) from a school, children's park, or playground.
- The subject site satisfies the majority of these locational guidelines for neighbourhood pubs.
  - The subject site is located within a grouping of three (3) commercially zoned and designated properties that serve a growing residential community. The surrounding properties to the north and east of the site are designated under the King George Highway Corridor Land Use Plan for new residential development in a variety of forms and densities. Some of these new developments have already been constructed. While the site is immediately adjacent to residential uses, the site is already occupied by a licensed assembly hall use. As such, the proposed 20 person wine bar is not expected to generate much additional impact.
  - The subject site is not on a Provincial Highway.
  - The subject site is not within 400 metres (1,310 ft.) of any school, children's park or playground.
  - Under the locational criteria established by the City, a new liquor primary license should not locate within 1.6 kilometres (1 mile) of an existing liquor primary license. There is one existing liquor primary establishment within 1.6 kilometres (1 mile) of the site and that is the Forest Pub (3140 King George Highway), which is 1.0 kilometres (0.62 mile) from the site. However; the new wine bar will have a small capacity of only 20 persons and will provide a different type of food and beverage service (wine-oriented), and is focused to a different clientele than the Forest Pub.

#### *The Proximity of the Establishment to Social or Recreational Facilities and Public Buildings*

- The closest public building to the subject site is the Elgin Centre which is approximately 220 metres (722 ft.) away. The Elgin Centre is on the opposite side of King George Highway behind a townhouse complex and is not expected to be impacted by this proposal. There is the Semiahmoo Trail in addition to some greenbelts and natural areas in the vicinity, but no active parks, playgrounds or schools in the area.

#### *The Person Capacity and Hours of Liquor Service of the Establishment*

- The applicant is proposing an indoor occupant load of 20 persons. No outdoor occupancy is being proposed.
- The applicant has requested the following hours of operation for both the interior and the outdoor patios:
  - 10:00 a.m. to 12:00 midnight on Monday to Saturday; and
  - 11:00 a.m. to 12:00 midnight on Sunday.

- Council's policy on hours of operation for liquor primary establishments specifies maximum hours of operation from 11:00 am to 1:00 am Sunday through Thursday and 11:00 am to 2:00 am on Friday and Saturday. While opening at 10:00 am on Monday to Saturday is 1 hour earlier than specified under the Council policy, it is the same opening time as currently permitted under Chateau Cargill's existing Food Primary Liquor License. In addition, the establishment will close 1-2 hours earlier than specified under the Council policy.

*The Number and Market Focus or Clientele of Liquor Primary Licensed Establishments Within a Reasonable Distance of the Proposed Location.*

- The applicant's objective is to create a small boutique style wine bar to complement the existing wedding and special event services provided by the Chateau Cargill. This use is seen as complementary to the existing banquet facility. Wine tastings and educational seminars on the growing local wineries are some of the events contemplated for this establishment. It is expected that the proposed wine bar will predominantly serve local residents but will also generate some outside visitor activity with its highly visible location along King George Highway and the wedding and special event services already provided on site.
- The nearest competing liquor primary establishment is the Forest Pub (3140 King George Highway) which is 1.0 kilometres (0.62 mile) from the subject site. While both establishments will serve the same residential neighbourhood, the proposed wine bar will have a small capacity of only 20 persons and will provide a different type of food and beverage service (wine-oriented) than the Forest Pub.

*Traffic, Noise, Parking and Zoning*

- The subject site currently has driveway access off of Winter Crescent. No direct access to King George Highway is permitted. The proposed combination of uses (assembly hall, liquor primary, liquor store) have been reviewed by the Engineering Department and are not expected to negatively impact traffic flow in the area.
- The Chateau Cargill has been in operation for several years and has held numerous events. It is not expected that the small wine bar will generate much additional noise than currently observed. The owner has advised staff that they are committed to minimizing noise generated by their establishment and are willing to work with neighbours to address any concerns that may arise. As per the recently approved Good Neighbour Agreement Policy, the applicant will be required to enter into a Good Neighbour Agreement as a condition of receiving a business license for the proposed liquor primary establishment.
- The Chateau Cargill currently provides 52 on-site parking stalls. Based on the proposed combination of uses (assembly hall, liquor primary establishment, liquor store) the required number of parking spaces is 57. The applicant has demonstrated that the additional five (5) stalls can easily be accommodated on the site and will be required to submit financial securities prior to final adoption of the rezoning by-law to ensure the stalls are constructed and surrounding landscaping reinstated.
- Should Council support the associated rezoning from CD to C-8, then a neighbourhood pub will be a permitted use under the zoning.



### *Population, Population Density and Population Trends*

- The current population in the South Surrey community is 73,298. The City's Long Range Planning Division has projected, based on Surrey Building Permit and BC Assessment Information, that the population in the South Surrey area will grow to 97,009 by 2016.

### *The Impact on the Community if the Application is Approved*

- There is little expected community impact if the application is approved. The proposal is for a small boutique wine bar which will be ancillary to the existing assembly hall operations. The proposed wine bar will close by 12:00 midnight daily which is an earlier closing time than permitted for liquor primary establishments under Council policy. Comments from By-laws & Licensing and the RCMP have indicated no concerns with the proposed liquor primary establishment.
- As per the recently approved Good Neighbour Agreement Policy, the applicant will be required to enter into a Good Neighbour Agreement as a condition of receiving a business license for the proposed liquor primary establishment. The Good Neighbour Agreement will ensure that various measures are implemented to ensure that potential impacts on the surrounding community are minimized.

### PRE-NOTIFICATION

In accordance with Council Policy, pre-notification letters were sent on May 15, 2008 and 2 development proposal signs were erected on the property. As a result of the notification process, staff received the following calls and correspondence with respect to the proposal:

- Staff received 2 phone calls from neighbouring property owners concerned about the vehicular access location off Winter Crescent and the amount of parking provided on the site for the proposed uses, as well as vandalism and littering that they have observed during past events held at the Chateau Cargill.

*(Vehicular access to the site is currently from Winter Crescent and that is not proposed to be changed. Vehicular access from King George Highway is not permitted. There will be 57 parking stalls provided on site which meets the By-law requirements for the existing assembly hall as well as the proposed wine bar and liquor store. The applicant will be required to enter into a Good Neighbour Agreement as a condition of receiving a business license for the proposed wine bar. The Good Neighbour Agreement will ensure that various measures are implemented to ensure that potential impacts on the surrounding community are minimized.)*

### Licensee Retail Store (Liquor Store) Approval Process

- Should Council support the proposed rezoning to C-8, and proposed liquor primary license, the proposed liquor store would be a permitted use and the Liquor Control and Licensing Branch (LCLB) would not require further local government approval to issue the liquor store license.

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. Site Plan and Floor Plans
- Appendix III. Engineering Summary
- Appendix IV. LCLB Summary Report

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:            Rebecca Hardin, Berezan Management  
                  Address:         #210, 19988 - 84 Avenue  
                                      Langley, BC  
                                      V2Y 3C2  
                  Tel:             604-882-0808

2.     Properties involved in the Application

- (a)    Civic Address:         3550 King George Highway
- (b)    Civic Address:         3550 King George Highway  
       Owner:                 0782254 B.C. Ltd., Inc. No. BC0782254  
                                  Director Information:  
                                  Ralph Berezan

No Officer Information:

PID:                            011-771-810  
Lot 2 Except: Part Subdivided by Plan 86721, District Lot 165 Group 2 New  
Westminster District Plan 78617

3.     Summary of Actions for City Clerk's Office

- (a)    Introduce a By-law to rezone the property.
- (b)    Application is under the jurisdiction of MOTI.  
       MOTI File No. 1-6-25392

**Liquor Applications**

- (c)    That a date be set for a Public Hearing to solicit public opinion with respect to a liquor-primary license application.

## DEVELOPMENT DATA SHEET

**Proposed Zoning: C-8**

Required Development Data	Minimum Required / Maximum Allowed	Proposed
<b>LOT AREA*</b> (in square metres)		
Gross Total		
Road Widening area		
Undevelopable area		
Net Total		3,893 m <sup>2</sup>
<b>LOT COVERAGE</b> (in % of net lot area)		
Buildings & Structures	50%	14%
Paved & Hard Surfaced Areas		
Total Site Coverage		
<b>SETBACKS</b> ( in metres)		
Front	7.5 m	18.4 m
Rear	7.5 m	13.7 m
Side #1 (North)	7.5 m	13.7 m
Side #2 (South)	7.5 m	16.7 m
<b>BUILDING HEIGHT</b> (in metres/storeys)		
Principal	12 m	9 m
Accessory	4.5 m	4.5 m
<b>NUMBER OF RESIDENTIAL UNITS</b>		
Bachelor		
One Bed		
Two Bedroom		
Three Bedroom +		
Total		
<b>FLOOR AREA: Residential</b>		
<b>FLOOR AREA: Commercial</b>		
Retail		
Office		
Total	3,114 m <sup>2</sup>	1,010 m <sup>2</sup>
<b>FLOOR AREA: Industrial</b>		
<b>FLOOR AREA: Institutional</b>		
<b>TOTAL BUILDING FLOOR AREA</b>	3,114 m <sup>2</sup>	1,010 m <sup>2</sup>

*\* If the development site consists of more than one lot, lot dimensions pertain to the entire site.*

## Development Data Sheet cont'd

Required Development Data	Minimum Required / Maximum Allowed	Proposed
DENSITY		
# of units/ha /# units/acre (gross)		
# of units/ha /# units/acre (net)		
FAR (gross)		
FAR (net)	0.80	0.26
AMENITY SPACE (area in square metres)		
Indoor		
Outdoor		
PARKING (number of stalls)		
Commercial	57	57
Industrial		
Residential Bachelor + 1 Bedroom		
2-Bed		
3-Bed		
Residential Visitors		
Institutional		
Total Number of Parking Spaces	57	57
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
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