

City of Surrey
PLANNING & DEVELOPMENT REPORT
File: 7909-0001-00

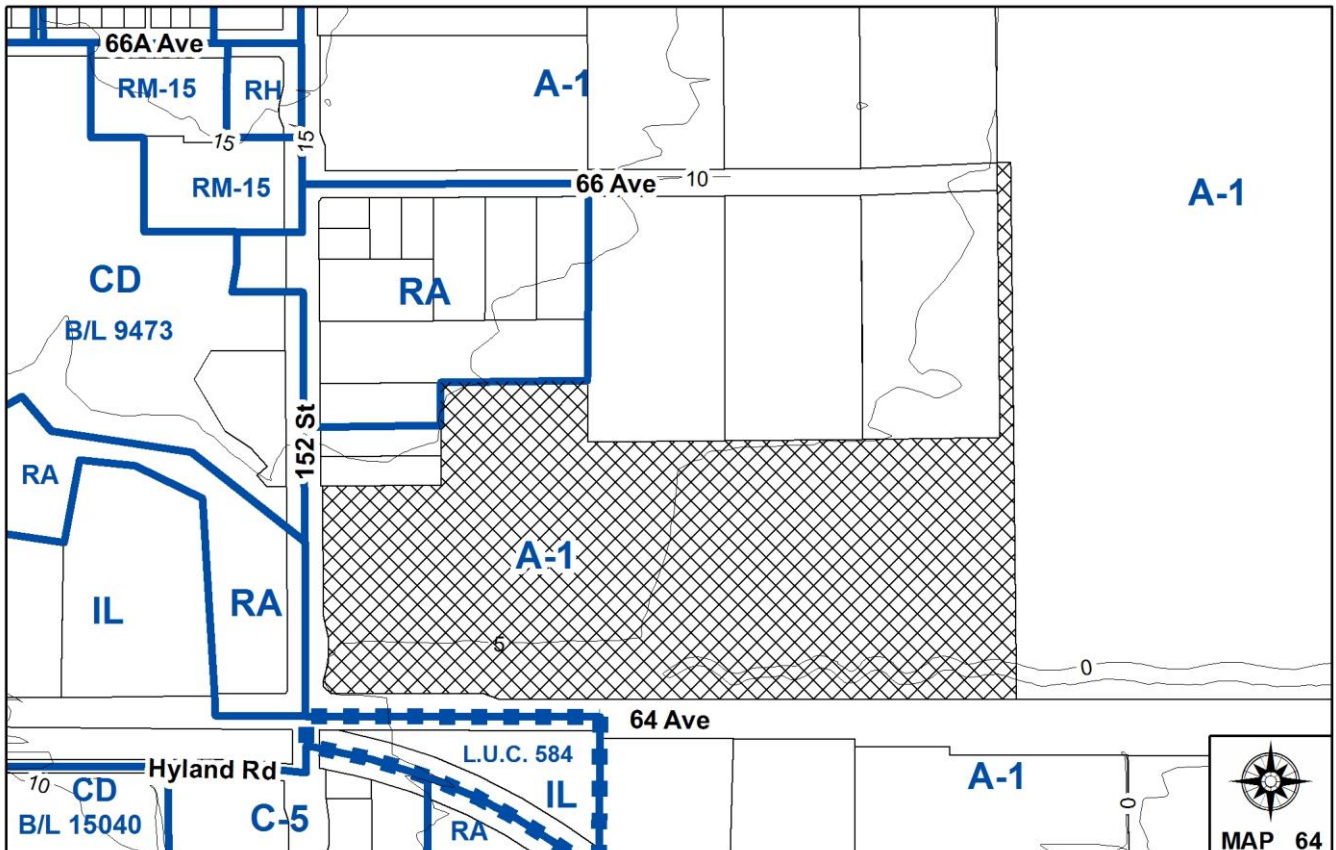
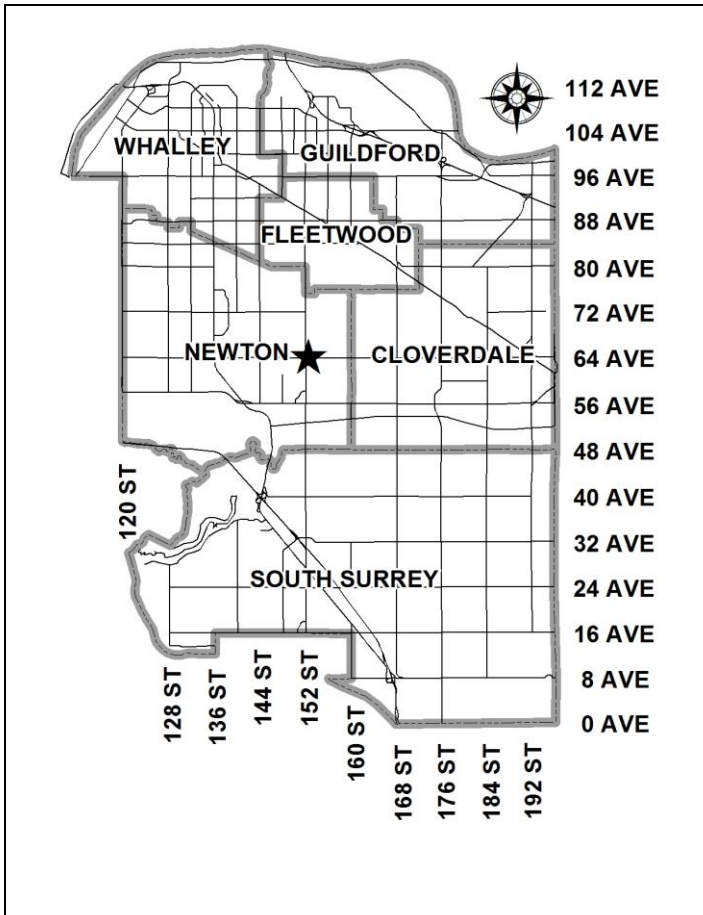
Planning Report Date: March 30, 2009

PROPOSAL:

- **Restrictive Covenant** discharge

in order to allow staff to process an application on the subject site for ALR exclusion, OCP Amendment, Rezoning and Development Permit

LOCATION: 6480 - 152 Street
OWNER: Alavi Enterprises Ltd.
ZONING: A-1
OCP DESIGNATION: Agricultural
NCP/LAP DESIGNATION: Open Space and Agricultural in the East Newton Local Area Plan



RECOMMENDATION SUMMARY

- Approval to discharge restrictive covenant.

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- The subject property was part of a lot-line adjustment application that was completed in September, 2004. As part of the lot-line adjustment, a restrictive covenant was placed on the property to prohibit any application for rezoning or ALR exclusion for a period of five years. The property owner now wishes to make application, and in order to process this application the restrictive covenant must be discharged.

RATIONALE OF RECOMMENDATION

- The restrictive covenant was originally registered at the applicant's suggestion.
- The five year time period will conclude in September, 2009, which is less than six months from now. The discharge of the restrictive covenant will allow the owner to pursue a development application on the site before September 2009.

RECOMMENDATION

The Planning & Development Department recommends that:

1. Council approve a Restrictive Covenant discharge in order to allow a development application on the subject property to proceed.

REFERRALS

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

SITE CHARACTERISTICS

Existing Land Use: Vacant agricultural lot.

Adjacent Area:

Direction	Existing Use	OCP/NCP Designation	Existing Zone
North:	Single family and agricultural properties.	Live/Work or Business Park, Park and buffer in the East Newton Business Park NCP	RA and A-1
East:	Agricultural land within the ALR.	Agricultural in the OCP	A-1
South (Across 64 Avenue):	Agricultural land and one industrial lot all within the ALR.	Agricultural in the OCP	A-1 and IL (LUC No. 584)
West (Across 152 Street):	Forested area containing a red-coded watercourse.	Urban in the OCP	RA and CD

DEVELOPMENT CONSIDERATIONS

- The subject site is located on the northeast corner of 152 Street and 64 Avenue. The site is designated "Agricultural" in the Official Community Plan (OCP). It is designated "Open Space" and "Agricultural" in the East Newton Local Area Plan. The site is located immediately south of the East Newton Business Park NCP.
- The subject site is currently zoned "General Agriculture Zone" (A-1) and is located within the Agricultural Land Reserve (ALR). The applicant wishes to exclude the lands from the ALR and rezone the property to "Business Park Zone" (IB), creating a continuation of the industrial lands to the north. This proposal cannot be considered until an existing restrictive covenant is discharged from the title of the property.

Application History

- In 2001, an application was made to adjust the lot line between two large agricultural properties lying north of 64 Avenue, east of 152 Street and west of the Serpentine River (see Appendix II for the previous layout and Appendix III for the new layout reflecting the existing property line). The proposal for the lot line adjustment was forwarded to Surrey's Agricultural Advisory Committee at that time and was supported.
- As part of the lot line adjustment application, the property owner stated that he would not apply for the property to be excluded from the Agricultural Land Reserve or rezoned for a period of five years. This restriction was formalized in a restrictive covenant and registered on title at the time the lot line adjustment was completed in September 2004. The restriction was volunteered by the applicant and was not a City requirement.

Current Proposal

- The property owner has now submitted a development application that includes a proposed ALR exclusion and a rezoning, as well as an Official Community Plan amendment and a development permit. The owner has also applied to discharge the restrictive covenant that prohibits consideration of the application until September 2009. City staff cannot process the development application until the restrictive covenant has been discharged.
- In light of the current global economic situation, staff think that it is appropriate to offer some flexibility to the applicant in terms of the timing of the application process. The applicant would be obligated to wait until September 2009 before staff could process the application if the restrictive covenant remains in place. In either case, the development proposal will be evaluated based on its merits, and staff do not feel that a delay of up to six months is necessary.

INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

Appendix I.	Lot Owners and Action Summary a
Appendix II.	Layout of Subject Property and Neighbouring Property Prior to Lot Line Adjustment
Appendix III.	Current Layout of Subject Property and Neighbouring Property Reflecting Lot Line Adjustment

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: Berezan Management (BC) Ltd.
 Address: #210, 19988 - 84 Avenue
 Langley, BC
 Tel: 604-882-0808

2. Properties involved in the Application

(a) Civic Address: 6480 - 152 Street

(b) Civic Address: 6480 - 152 Street
 Owner: Alavi Enterprises Ltd.
 PID: 026-064-634
 Lot A Section 14 Township 2 New Westminster District Plan BCP13644

3. Summary of Actions for City Clerk's Office