

City of Surrey
PLANNING & DEVELOPMENT REPORT

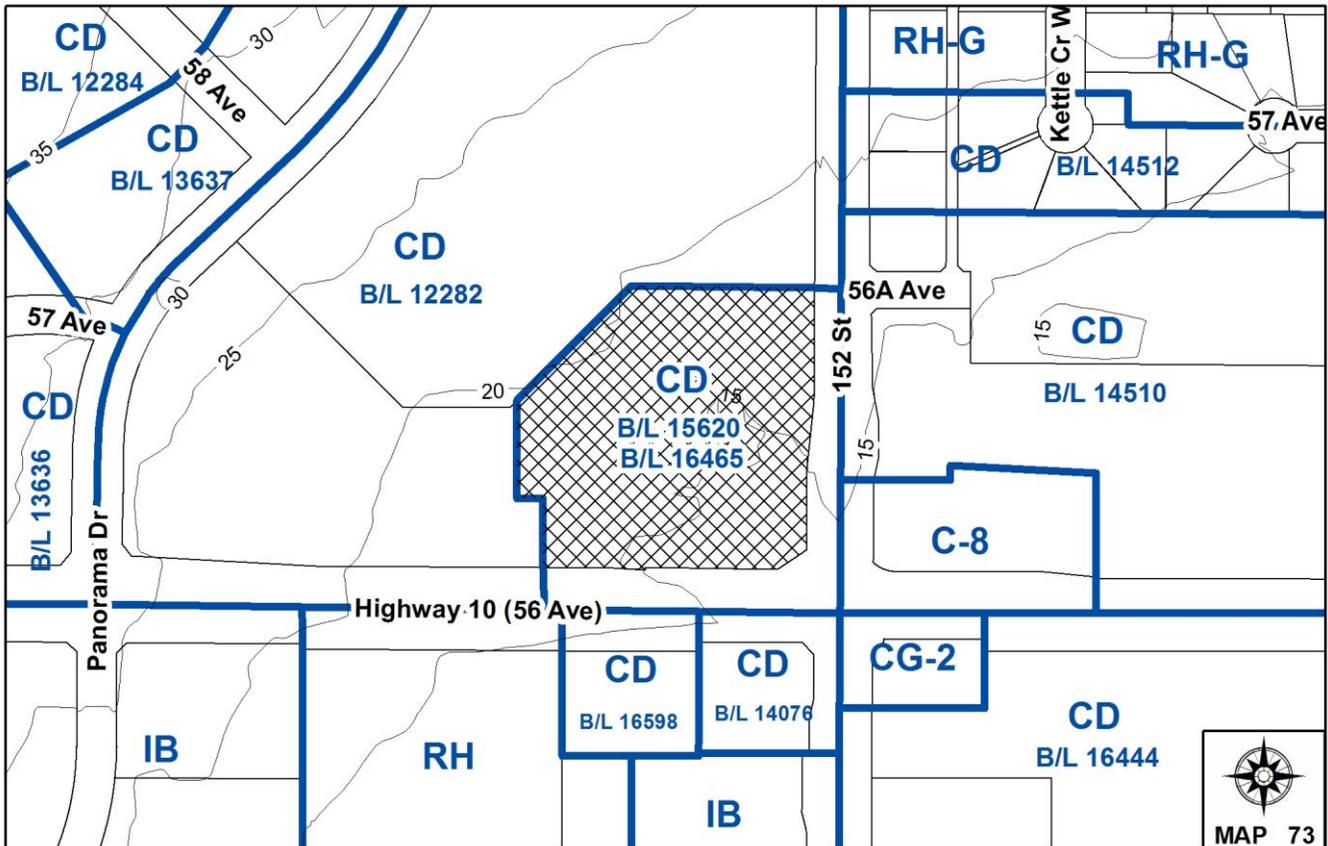
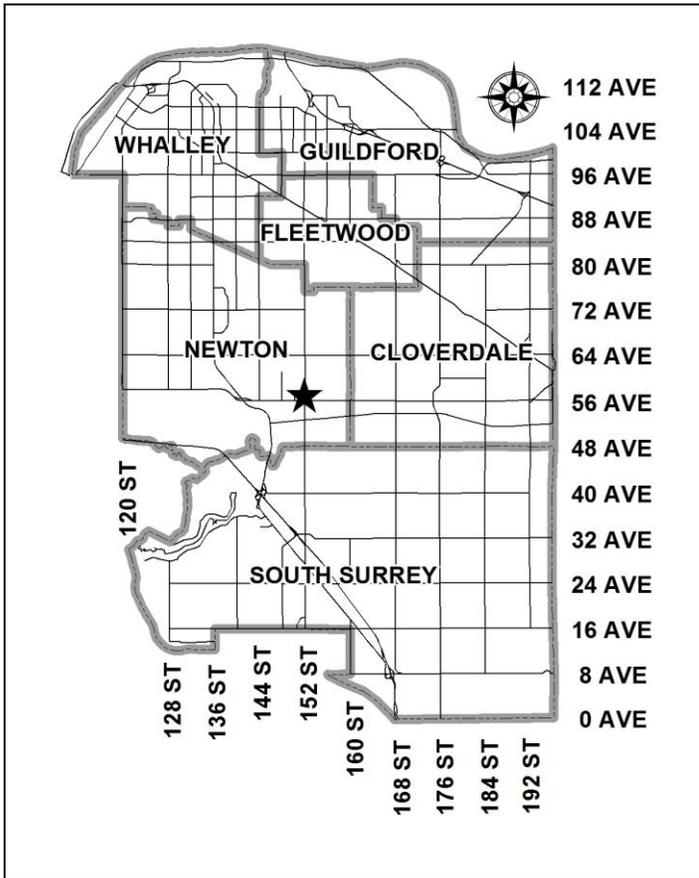
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Planning Report Date: September 14, 2009

PROPOSAL:

- **Rezoning** from CD to CD (based on C-8) in order to permit a bottle return depot within Phase 2 of the Panorama Shopping centre.

LOCATION: 15157 Highway No. 10
OWNER: Investors Group Trust Co.
ZONING: CD (By-law Nos. 15620 & 16456)
OCP DESIGNATION: Commercial
NCP DESIGNATION: Commercial



RECOMMENDATION SUMMARY

- By-law Introduction and set date for Public Hearing for Rezoning.

RATIONALE OF RECOMMENDATION

- Complies with OCP Designation.
- Complies with NCP Designation.
- A Bottle Return Centre is a permitted use under the C-8 Zone, which is appropriate for community shopping centres such as the Panorama Shopping Centre.
- The Comprehensive Development Zone that was adopted for the site in January 2005 when the Panorama Shopping Centre was developed did not include a bottle return use because the applicants did not request this use at that time.
- The applicant, Trilogy Properties on behalf of Encorp Pacific, is committed to operating a state of the art facility with the highest levels of customer service standards for the type of operation. The applicants have agreed to enter into a Good Neighbour Agreement to ensure the operator satisfies community objectives.
- There have been numerous concerns expressed by the surrounding residents with respect to the proposed use, such as cleanliness, noise, and negative impacts on the community of the facility. The majority of the issues raised by the neighbours are being addressed by the applicant through the design and high standard of the proposed facility.
- The use in the Panorama Shopping Centre is consistent with the location of these uses in Community Shopping centres and will provide a valuable service to the community by facilitating recycling at the neighbourhood level.

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 No. 12000) to "Comprehensive Development Zone (CD)" (By-law No. 12000) and a date be set for Public Hearing.
2. Council instruct staff to resolve the following issue prior to final adoption:
 - (a) the applicant enter into a Good Neighbour Agreement with the City to maintain a high standard of service for this facility.

REFERRALS

Engineering: The Engineering Department has no objection to the project.

Ministry of Transportation & Infrastructure (MOTI): The Ministry of Transportation & Infrastructure have no concerns.

SITE CHARACTERISTICS

Existing Land Use: Commercial shopping centre (professional and retail uses).

Adjacent Area:

Direction	Existing Use	OCP/NCP Designation	Existing Zone
North:	Vacant.	Commercial (designated Institutional in South Newton NCP)	CD By-law No. 12282
East (Across 152 Street):	Commercial/Retail	Commercial	C-8 and CD By-law No. 14510
South (Across Highway No. 10):	Industrial/Gas Station	Industrial	CD (By-law No. 15620 and 16420)
West:	Existing Commercial / Panorama Shopping Centre (Phase 1)	Commercial	CD (By-law No. 12282)

DEVELOPMENT CONSIDERATIONS

Background

- The subject property located at 15157 Highway No. 10 is designated as "Commercial" in the Official Community Plan (OCP) and in the South Newton Neighbourhood Concept Plan (NCP). The site is zoned Comprehensive Development (CD) Zone, (By-law No. 15620 and No. 16465.)
- Council approved the rezoning of the subject site in 2005, and subsequently approved a Development Permit for the Phase 2 portion of the site in October 2007 under Project No. 7907-0107-00. The site is nearing completion and is already home to a number of businesses including Starbucks, a Shopper's Drug Mart, Canadian Imperial Bank of Commerce, White Spot (opening in the fall), and other commercial businesses.
- The applicant, Trilogy Properties, proposes to rezone the subject site to permit "Beverage Container Return Centre"

Rezoning Application – Bottle Return Centre Use

- The applicants have applied to rezone the subject site from CD to CD Zone to add "Beverage Container Return Centre" within the shopping centre (Unit 112).
- Trilogy Properties (the applicants) were approached by Encorp Pacific (the proposed tenant), to open a storefront bottle return recycling centre in the Panorama Centre. Bottle return centres are permitted in the Commercial Shopping Centre (C-8) Zoned Sites.
- Encorp Pacific is a not-for-profit corporation with the mandate to recover beverage containers from consumers to ensure they are recycled as opposed to disposed or burned. Encorp Pacific contracts out to private operators of Beverage Return Depots who operate each individual store as a "for-profit" business.
- Encorp proposes to establish and operate a high quality bottle return centre – a '5-star Return-it-depot' that meets a number of strict site requirements, customer service needs, and cleanliness standards. Specifics of this facility include automatic double doors, ceramic tile flooring and touchless clean up area with automatic air drying facilities.
- The facility will operate on the same hours as most of the commercial development:
 - Monday to Saturday: 9 am – 5 pm
 - Sunday: 11 am – 5 pm
 - Holidays: Closed
- Encorp Pacific has advised the City by way of a written letter, dated February 9, 2009, that all of their bagging, storage, counting, and loading operations will occur within the building. No uses will occur outside of the building. Additionally, the site will be staffed by two to four trained individuals at any given point in time. This letter is attached as Appendix IV.

Proposed CD Zone

- The applicant proposes to rezone the subject site from CD to CD to add the proposed Beverage Return Centre as a permitted use.
- The proposed Zoning for the subject site is based on the C-8 Neighbourhood Commercial Zone and the site was the second phase of the Panorama Shopping Centre. The site was zoned CD to be consistent with the adjacent project (7997-0227-00) and to accommodate minor modifications to the setbacks on the west property line, and adjustments to the maximum permitted heights for Principal Building and Accessory Buildings for architectural and design purposes. This included a significant urban design feature constructed on the South East portion of the site.

PRE-NOTIFICATION

- Pre-notification letters were sent on May 20, 2009. As a result of the pre-notification, Staff received numerous phone calls and letters opposing the addition of a Bottle Return Depot as a permitted use.
 - Several phone calls and letters addressed the concern of nuisance issues associated with the potential for noise, broken glass and litter, and related visible impacts from the proposed Beverage Return Depot. Callers were advised that as per the City's Zoning By-law, all operations of a Beverage Container Return Centre are to be fully enclosed within a structure, or a portion of a structure, thereby minimizing any noise and aesthetic concerns.
 - Several concerns related to the possibility of glass being processed (glass grinding) on-site and the associated negative health impacts related to the grinding of glass and the processing of materials on-site. The City By-law related to the operations of a Beverage Return Depot specifically prohibits any processing of the raw materials such as glass on-site. The applicant has confirmed that glass will not be processed on site.
- As a result of the feedback and responses from the pre-notification notice, opposing the Bottle Return Depot as a permitted use, Staff requested that the applicant undertake a Public Information Meeting.
 - A Public Information Meeting was held on July 6th in a commercial retail unit at the Panorama Ridge Shopping Centre (next door to the proposed location of the bottle return depot).
 - Attendees included representatives from Trilogy Properties, Encorp Pacific, the proposed owners and operators of the beverage return depot, and City staff.
 - 425 Letters were sent out advising of the Public Information Meeting.
 - 47 people attended the Public Information meeting.

- A feedback form was provided at the Public Information Meeting. Of the 28 feedback forms received at the meeting and after the meeting, 26 sheets were submitted stating opposition to the proposed use. Two (2) responses were undeclared and there were no letters submitted in support of the application.
- The main issues and concerns identified on the comments sheets included the following:

Concern	Number of Responses for each Concern.
Wrong Location (use should be located in an industrial area and not a residential area)	18
Less desirable element (increased prevalence of homeless in community)	17
Cleanliness, Storage, and Rodent Concerns	8
Negative effect on parking in the Shopping Centre	2
Lower neighbouring property values	2

- The responses to the concerns expressed by the neighbours is detailed in the Applicant's letter (Appendix IV)
- The applicant has committed to the following to address the concerns expressed.
 - 5-Star (High Quality design and operation);
 - No glass breakage or grinding on-site; and
 - Customer friendly lighting, glazing, tile, and high levels of cleanliness.

Evaluation of Proposed Use

- A "Beverage Container Return Centre" is a permitted use in the Community Commercial Zone (C-8) therefore these facilities are normally permitted outright in community shopping centres. Community shopping centres are intended to serve a community of several neighbourhoods such as the area around Panorama Ridge. It is noted that Bottle Return Centres are not permitted outright in either local or neighbourhood shopping centres (Zones C-4 and C-5) which are much smaller in scope or size.
- It is noted that similar to the C-8 Zone, the proposed CD Zone will limit the maximum gross floor area of the "Beverage Container Return Centre" to 279 m² (3,003 sq.ft.) and the use is confirmed to an enclosed building.
- Encorp Pacific operates a number of similar facilities through the Metro Vancouver region including 10 bottle return depots within the City of Surrey. There is no similar facility located in the vicinity of Panorama Ridge with the closest Encorp facility being located in Cloverdale, and a "Choices" bottle return depot (associated with Save-On-Foods) in the South Pointe Development at 152 Street and 32 Avenue.
- The location of a bottle return service in community shopping centres is considered appropriate and provides a valuable public service by encouraging recycling at the local level. The subject site is a community shopping centre and the omission of a bottle return centre from the original CD Zone when it was first approved is considered an oversight, as the applicant did not specifically request this use at the time.

- Given that the use is typically permitted in C-8 zoned shopping centres, there is justification for the proposed rezoning. The applicant (Encorp) is committed to establishing a high quality facility in keeping with this shopping centre, which further supports the proposed use.
- The majority of the issues and concerns raised by the public are operational and technical in nature that is being addressed by the applicant through the design and high standard of the facility. Other concerns related to the possible clientele of the facility are a function of community perception and are less easily dealt with or managed.
- The applicant is willing to enter into a Good Neighbour Agreement to deal with these issues to the satisfaction of both the community and the City. The Good Neighbour Agreement will ensure that the 5-star standard is maintained at this location and that any issues related to nuisances or clientele are promptly and properly addressed by the operator.

INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

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| Appendix I. | Lot Owners, Action Summary and Project Data Sheets and Survey Plan |
| Appendix II. | Proposed Subdivision Layout, Site Plan, Building Elevations Landscape Plans and Perspective |
| Appendix III. | Proposed CD By-law |
| Appendix IV. | Encorp Letter Dated July 9, 2009 |

Jean Lamontagne
General Manager
Planning and Development

GM/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: Dan LaFlamme, Trilogy Properties
 Address: Suite 1268, 550 Burrard
 Box 42, Bentall 5
 Vancouver, BC
 Tel: 604-601-2756

2. Properties involved in the Application
 - (a) Civic Address: 15157 Highway No. 10 (56 Avenue)

 - (b) Civic Address: 15157 Highway No. 10 (56 Avenue)
 Owner: Investors Group Trust Co. Ltd., Inc. No. A33060
 PID: 027-428-389
 Lot 1 Section 10 Township 2 New Westminster District Plan BCP35145

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 the Ministry of Transportation & Infrastructure.
 MOTI File No. 2009-03060.