

City of Surrey
PLANNING & DEVELOPMENT REPORT

File: 7909-0199-00

Planning Report Date: March 1, 2010

PROPOSAL:

- **Development Permit**
- **Development Variance Permit**

in order to allow the construction of a sales office for an automobile dealership.

LOCATION:

12757 King George Boulevard and
 12760 - 112A Avenue

OWNER:

Fozia Ishtiaq

ZONING:

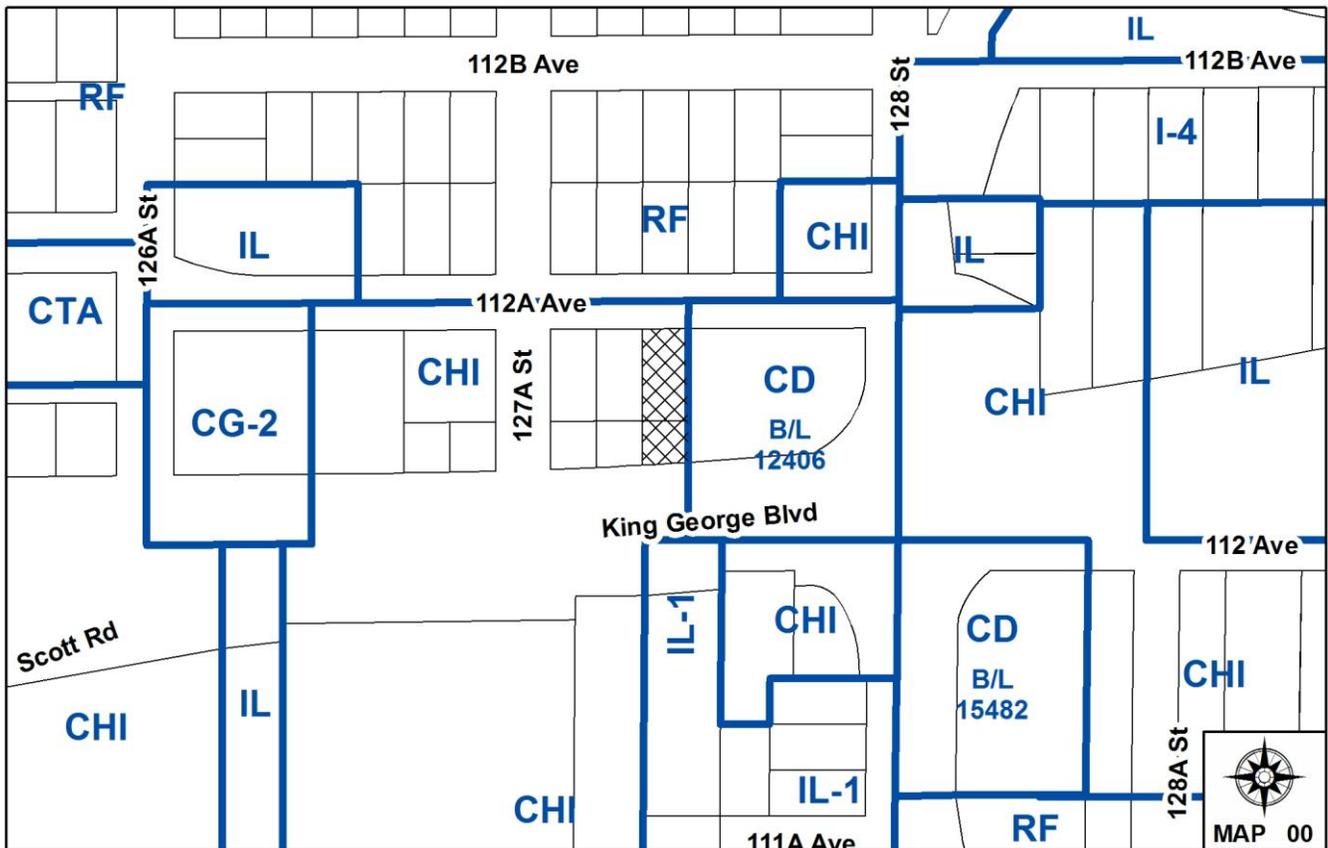
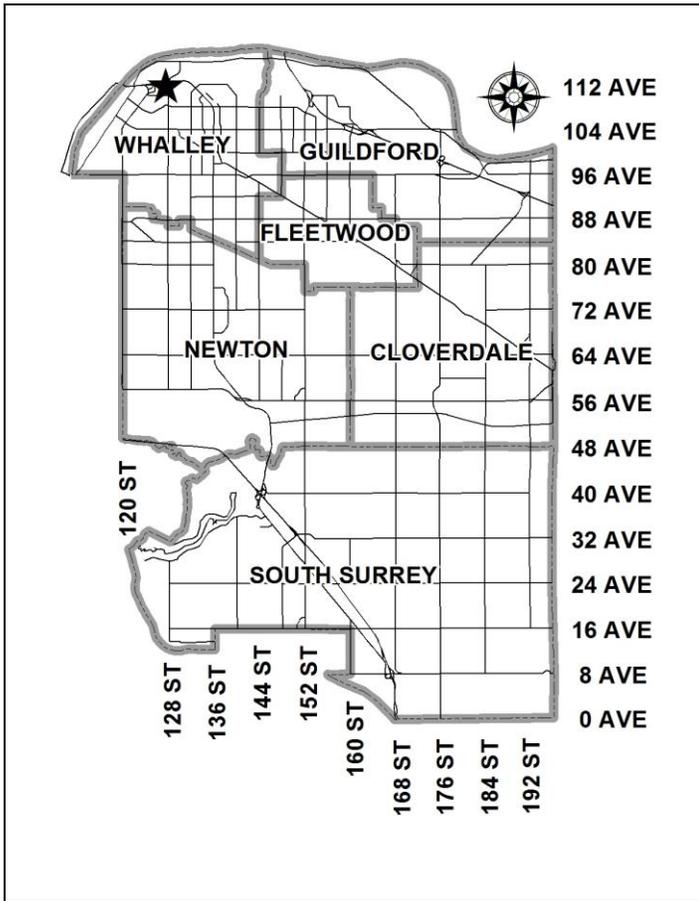
CHI

OCP DESIGNATION:

Commercial

LAP DESIGNATION:

Commercial



RECOMMENDATION SUMMARY

- Approval to draft Development Permit.
- Approval for Development Variance Permit to proceed to Public Notification.

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- Seeking setback variances for the southern lot:
 - The front yard setback is reduced from 7.5 metres (25 ft.) to 0.54 metre (1.7 ft.).
 - The rear yard setback is reduced from 7.5 metres (25 ft.) to 0.66 metre (2.1 ft.).
 - The east side yard setback is reduced from 7.5 metres (25 ft.) to 0.
- Seeking reduction in the landscaping strip along King George Boulevard and along 112A Avenue from 1.5 metres (5 ft.) to 0.

RATIONALE OF RECOMMENDATION

- The relaxations allow for construction of a new building using a similar footprint to the building that was removed and does not negatively impact neighbouring properties.
- The proposed front yard setback of the building does not allow the installation of any landscape strip along King George Boulevard.
- A no-build Restrictive Covenant will prohibit any further development on the northern lot, therefore, deferral of any landscaping along 112A Avenue is justified.

RECOMMENDATION

The Planning & Development Department recommends that:

1. Council authorize staff to draft Development Permit No. 7909-0199-00 in accordance with the attached drawings (Appendix II).
2. Council approve Development Variance Permit No. 7909-0199-00, (Appendix IV) varying the following, to proceed to Public Notification:
 - (a) to reduce the minimum front yard setback of the CHI Zone for 12757 King George Boulevard from 7.5 metres (25 ft.) to 0.54 metres (1.7 ft.);
 - (b) to reduce the minimum rear side yard setback of the CHI Zone for 12757 King George Boulevard from 7.5 metres (25 ft.) to 0.66 metres (2.1 ft.);
 - (c) to reduce the minimum east side yard setback of the CHI Zone for 12757 King George Boulevard from 7.5 metres (25 ft.) to 0 metres;
 - (d) to vary the CHI Zone to reduce the minimum landscape requirements along road frontages from 1.5 metres (5 ft.) to 0; and
 - (e) to vary the Zoning By-law to reduce the minimum floor area of a commercial building from 100 m² (1,075 sq.ft.) to 78 m² (840 sq.ft.) for 12757 King George Boulevard.
3. Council instruct staff to resolve the following issues prior to approval:
 - (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) resolution of all urban design issues to the satisfaction of the Planning and Development Department;
 - (c) registration of a reciprocal access and parking agreements and easement for building maintenance between the two subject lots (12757 King George Boulevard and 12760 – 112A Avenue);
 - (d) registration of a Section 219 Restrictive Covenant to indemnify the City from liability in the event of a flood;
 - (e) registration of a Section 219 'No Build' Restrictive Covenant to prohibit construction on the northern lot (12760 – 112A Avenue); and
 - (f) issuance of Development Variance Permit No. 7909-0199-00.

REFERRALS

Engineering: The Engineering Department has no objection to the project subject to the completion of Engineering servicing requirements as outlined in Appendix III.

SITE CHARACTERISTICS

Existing Land Use: Automobile dealership operating under a temporary business license, using a temporary buildings sited on the southerly lot.

Adjacent Area:

Direction	Existing Use	OCP/NCP Designation	Existing Zone
North (Across 112A Avenue):	Single family dwellings.	Commercial in OCP	RF
East:	Chevron gasoline service station.	Commercial in OCP	CD (By-law No. 12406)
South (Across King George Boulevard):	Auto auction business.	Industrial in OCP/Business Park/Residential	IL-1
West:	Automobile dealership	Commercial in OCP	CHI

DEVELOPMENT CONSIDERATIONSBackground

- The subject business, Pak Can Motors was previously located at 13323 King George Boulevard in City Centre, which was zoned Highway Commercial Industrial Zone (CHI). Zoning By-law Amendment By-law No. 13774 adopted in July 1999, amended Schedule B, Permitted Uses in the CHI Zone for lands in City Centre and deleted automotive service uses as a permitted use. The licensed automotive sales business on the site was rendered legally non-conforming as a result of this by-law amendment adoption.
- The building on the property in City Centre at 13323 King George Boulevard was destroyed in a fire. As the use on the site was legally non-conforming, and the building was destroyed more than 75% of its value above the foundations, the use had to be discontinued on the site.
- Consequently, the owner purchased the subject land in January 2009 to relocate his auto sales business from his previous location. The subject site is zoned Highway Commercial Industrial Zone (CHI) which permits automotive sales. There was a small commercial building located on the southerly lot which had sustained some fire damage to the rear portion of the structure.

- The business licensing process requires a building inspection prior to the issuance of a new business license. During the building inspection, the building inspector determined that significant upgrades to the building were required in order to satisfy the BC Building Code for the intended automotive sales office use.
- Staff from Engineering, Building and Area Planning and Development discussed the proposed upgrade to the building, and it was determined that provided that 25% of the value of the structure was retained, the existing non-confirming building could be upgraded without triggering the requirement of a Development Permit, satisfying the flood proofing regulations, upgrading the sanitary sewer and requiring a Development Variance Permit to relax various by-law requirements.
- During the removal of the siding and fire damaged area of this structure, the building began to lean to one side, and the building inspector instructed the owner/contractor to demolish the structure as it was structurally unsound.
- As 25% of the value of the existing structure could not be retained, the applicant is requesting a Development Permit and a Development Variance Permit to permit development of a sales office for a car lot.

Current Proposal

- The applicant is requesting a Development Permit and Development Variance Permit to construct a 78-square metre (840 sq. ft.) sales office at 12757 King George Boulevard. The CHI-zoned property located immediately to the north at 12760 – 112A Avenue, is also used for the operation of the automobile sales business.
- The southern lot has a lot area of 217 square metres (2,336 sq. ft.) and will contain the building. The northern lot at 12760 – 112 Avenue has a lot area of 465 square metres (5,005 sq. ft) and will provide for parking and the auto sales lot. This northerly lot is currently vacant; however, it contains the statutory right-of-way that allows connection to the vacuum sewer system for the southerly lot.
- Engineering practise requires any new development or subdivision in the Bridgeview or South Westminster areas to provide the ultimate sewer to service the development. This would then require the owner to construct an ultimate low pressure sewer approximately 545 metres (1,790 ft.) in length which is cost prohibitive for this small development.
- As the demolition of the structure on the site was not initiated by the owner, but ordered by City staff, the Engineering Department has agreed to allow development on this lot without providing the ultimate low pressure sewer, provided that:
 - The new building shall have the same or a similar foot print as the previous building;
 - The building should be constructed on the same lot as the previous structure (12757 King George Boulevard); and
 - The owner will be required to enter into a Section 219 Restrictive Covenant with the City for a temporary connection to the vacuum sewer system, and to pay for their share of the costs of the ultimate sewer system when it is available.

- Engineering staff have further advised that they would not support the consolidation of the two properties or construction of any buildings on the northerly lot.
- To ensure that the northerly is retained for parking for the auto sales business, a Section 219 "No-build" Restrictive Covenant will be required to prohibit construction on the northern lot.
- The site is located within a floodplain. The Zoning By-law requires a minimum 2.75-metre (9 ft.) floodproofing elevation. Recent changes to the legislation regarding floodproofing elevations now require a minimum elevation of 4.4 metres (14.4 ft.).
- The applicant has requested a relaxation of the 4.4-metre (14.4 ft.) elevation, otherwise it would render the property undevelopable.
- Access to the subject site is via right-in/right-out driveway from King George Boulevard and through the northerly lot from 112A Avenue. A reciprocal access agreement will be required to secure the access between the two properties.
- The proposed building has a floor area of 78 square metres (840 sq. ft.). This represents a floor area ratio (FAR) of 0.34 and a lot coverage of 34% which satisfies the maximum FAR of 1.0 and lot coverage of 60% in the CHI Zone.
- Part 4 General Provisions of Surrey Zoning By-law No. 12000, requires a minimum building area of 100 square metres (1,075 sq. ft.) in order to operate a commercial or industrial business. The applicant has requested a relaxation of this requirement (see By-law Variance Section).
- Based on Surrey Zoning By-law requirements, a total of 3 parking spaces are required. There is insufficient area on the southerly lot to provide these spaces, and the applicant has requested that these spaces be provided on the northerly lot, adjacent to the rear of the building. These spaces will be secured through the registration of a Section 219 Restrictive Covenant.

PRE-NOTIFICATION

- In accordance with Council policy, a Development Proposal sign has been erected on the property. To date, staff have not received any comments with respect to the proposal.

DESIGN PROPOSAL AND REVIEW

- The proposed building will be constructed with split-faced concrete block painted grey, with substantial glazing along the south and west elevations. Corrugated siding will be used as contrast on the lower level, with dark blue aluminum used on the upper level. Stylized red painted steel piping will accent the horizontal elements, and the upper pipe will have gooseneck lights to illuminate the fascia signage.
- The fascia signage is proposed on the metal lattice work which extends beyond the face of the structure.

- Due to the size of the site and the limitation on the location of the structure, no landscaping is proposed along the King George Boulevard frontage (see By-law Variances and Justification section).

ADVISORY DESIGN PANEL

- This application was not referred to Advisory Design Panel but was reviewed by staff and was found satisfactory.

BY-LAW VARIANCES AND JUSTIFICATION

(a) Requested Variance:

- To relax the following setbacks in the CHI Zone for the southerly lot at 12757 King George Boulevard:
 - The front yard setback is reduced from 7.5 metres (25 ft) to 0.54 metre (1.7 ft.);
 - The rear yard setback is reduced from 7.5 metres (25 ft.) to 0.66 metre (2.1 ft.); and
 - The east side yard setback is reduced from 7.5 metres (25 ft.) to 0.

Applicant's Reasons:

- The site is 15.24 metres (50 ft.) in width and 13.88 metres (45.5 ft.) in depth. The imposition of 7.5-metre (25 ft.) setback requirements from all property lines would render the site undevelopable.
- The Engineering Department has requested that the building be sited in the same footprint as the previous structure on the site; therefore, the variances are requested.

Staff Comments:

- The lot dimensions render the site undevelopable if the minimum setback requirements of the CHI Zone are imposed. Staff have further stipulated that the building must occupy a similar footprint as the previous structure on the site. Staff therefore support the requested relaxation.
- An easement will be required between the two subject lots, to allow maintenance of the rear of the building.

(b) Requested Variance:

- To relax the minimum 1.5-metre (5 ft.) wide landscaping requirement in the CHI Zone along the King George Boulevard frontage.

Applicant's Reasons:

- The proposed structure is sited in accordance with the previous structure on the site. There is insufficient room to provide landscaping along the road frontage.

Staff Comments

- Because staff have requested that the building be sited in a similar location as the previous structure on the site, there is insufficient room to plant a landscaping strip. Staff have worked with the applicant to create an interesting building facade along this road frontage.

(c) Requested Variance:

- To relax the minimum 1.5-metre (5 ft.) wide landscaping requirement of the CHI Zone, along the 112A Avenue frontage.

Applicant's Reasons:

- The northern lot is currently paved and no further improvements are proposed as part of this application.
- There currently is a driveway access to 112A Avenue.
- Currently, there is a grass boulevard along the 112A Avenue

Staff Comments:

- A "No-build" Restrictive Covenant will be required on the northern lot and, therefore, deferral of any landscaping along 112A Avenue is reasonable.

(d) Requested Variance:

- To vary the Zoning By-law to reduce the minimum floor area of a commercial building from 100 square metres (1,075 sq. ft.) to 78 square metres (840 sq. ft.) on the southerly lot at 12757 King George Boulevard.

Applicant's Reasons:

- The Engineering staff have requested that the proposed building not occupy an area greater than the building that was removed. The proposed building occupies a similar footprint as the previous structure, and due to the restriction imposed by the Engineering staff, and the lot configuration, a larger building cannot be constructed on the site.

Staff Comments:

- Staff concur with the applicant. The variance is therefore supported.

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. Proposed Site Plan, Building Elevations, Landscape Plans and Perspective
- Appendix III. Engineering Summary
- Appendix IV. Development Variance Permit No. 7909-0199-00

Jean Lamontagne
General Manager
Planning and Development

LAP/kms

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DEVELOPMENT DATA SHEET

Existing Zoning: CHI

Required Development Data	Minimum Required / Maximum Allowed	Proposed on South Lot
LOT AREA* (in square metres)		
Gross Total		
Road Widening area		
Undevelopable area		
Net Total		223.64 m ²
LOT COVERAGE (in % of net lot area)		
Buildings & Structures	50%	34.9%
Paved & Hard Surfaced Areas		
Total Site Coverage		
SETBACKS (in metres)		
Front	7.5 m	0.54 m*
Rear	7.5 m	0.66 m*
Side #1 (East)	7.5 m	0 m*
Side #2 (West)	7.5 m	8.8 m
BUILDING HEIGHT (in metres/storeys)		
Principal	9.0 m	4.5 m
Accessory	9.0 m	n/a
NUMBER OF RESIDENTIAL UNITS	1	n/a
Bachelor		
One Bed		
Two Bedroom		
Three Bedroom +		
Total		
FLOOR AREA: Residential		
FLOOR AREA: Commercial	223.64 m ²	78 m ²
Retail		
Office		
Total		
FLOOR AREA: Industrial		
FLOOR AREA: Institutional		
TOTAL BUILDING FLOOR AREA	223.64 m ²	78 m ²

* 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)	1.0	0.34
AMENITY SPACE (area in square metres)		
Indoor		
Outdoor		
PARKING (number of stalls)		
Commercial	1	3
Industrial		
Residential Bachelor + 1 Bedroom		
2-Bed		
3-Bed		
Residential Visitors		
Institutional		
Total Number of Parking Spaces	1	3
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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