

City of Surrey
PLANNING & DEVELOPMENT REPORT

File: 7910-0044-00

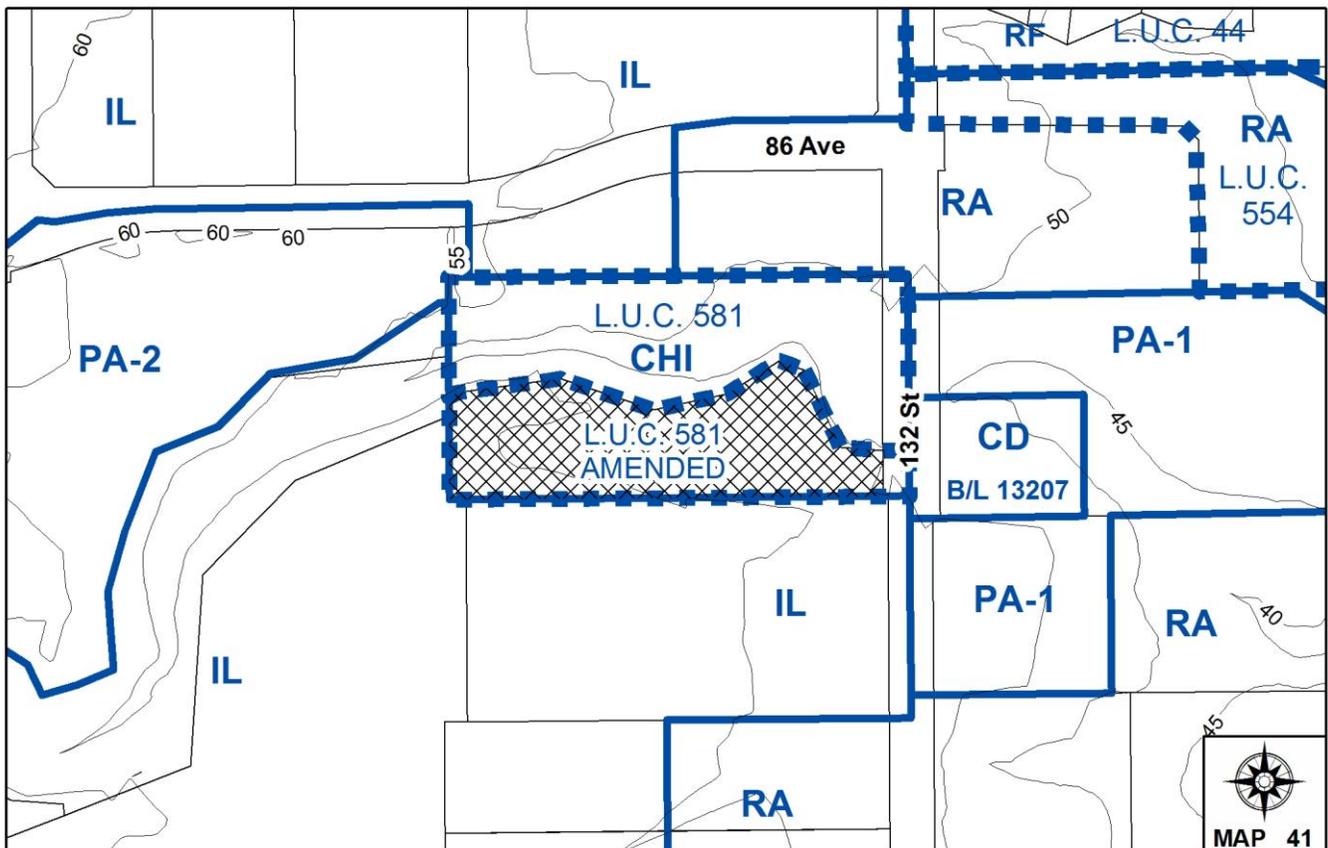
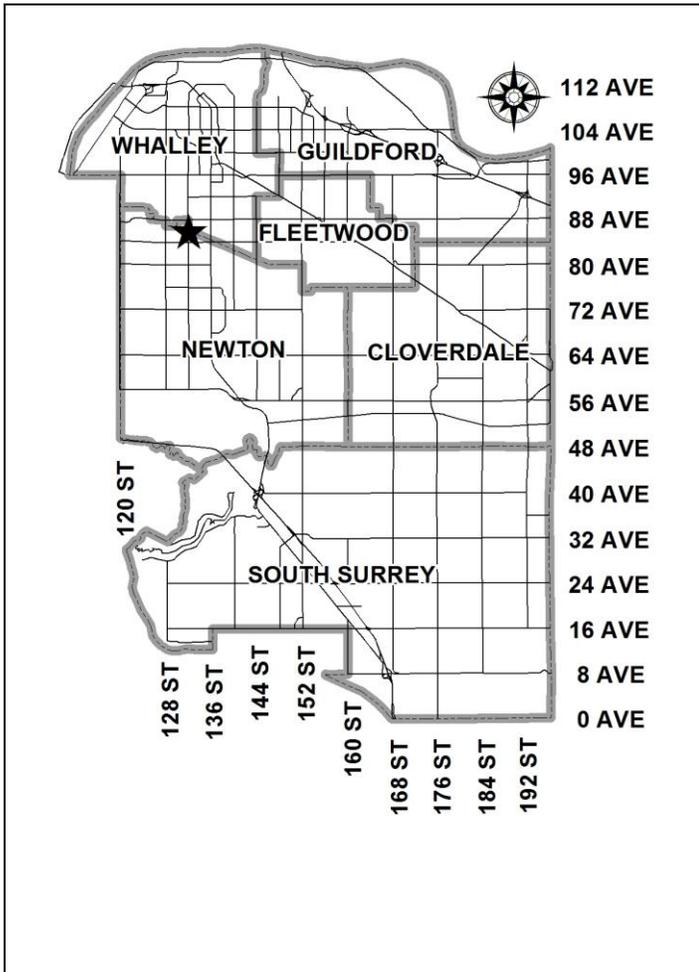
Planning Report Date: June 21, 2010

PROPOSAL:

- **Land Use Contract** amendment

in order to permit relocation and expansion of a license retail store (liquor store) within an existing light industrial complex.

LOCATION: 8555 to 8593 - 132 Street
OWNER: Strata Lot Owners
ZONING: Land Use Contract No. 581
OCP DESIGNATION: Industrial
NCP/LAP DESIGNATION: Highway Commercial



RECOMMENDATION SUMMARY

- By-law Introduction and set date for Public Hearing for Land Use Contract Amendment.

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- None.

RATIONALE OF RECOMMENDATION

- The subject Land Use Contract (No. 581) permits a variety of retail and service commercial uses in addition to industrial uses.
- The Hook & Ladder pub and liquor store have been in operation on the site since the 1980s serving the surrounding business and residential communities. The proposed land use contract amendment is required in order to address the non-conforming status of the liquor store uses, and to allow the liquor store to be expanded and relocated to another unit within the same building. As such the proposal is in keeping with the established commercial uses already on the site.
- The existing parking supply is sufficient to accommodate the proposed expanded liquor store, given the possible tenancy variations and averaging of available parking supply that can be expected on the subject site over time based on the combination of uses permitted under the Land Use Contract (No. 581) and assuming shared use of parking stalls by uses occurring at different times of the day (e.g. fitness facility, pub, other commercial and industrial uses).
- Staff have received no concerns from neighbouring business owners or residents to the proposed Land Use Contract Amendment.

RECOMMENDATION

The Planning & Development Department recommends that:

1. a By-law be introduced to amend Land Use Contract No. 581 and a date for Public Hearing be set.

REFERRALS

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

Parks, Recreation & Culture: The Parks, Recreation & Culture Department has no objection to the project.

SITE CHARACTERISTICS

Existing Land Use: Strata titled industrial/complex with neighbourhood pub (Hook & Ladder), liquor store and a variety of service commercial/industrial businesses.

Adjacent Area:

Direction	Existing Use	OCP Designation	Existing Zone
North:	Dedicated parkland (Greenbelt)	Industrial	LUC No. 581
East (Across 132 Street):	Single family dwelling.	Urban	CD (By-law No. 13207)
South:	Industrial building.	Industrial	IL
West:	Industrial building and dedicated parkland (Greenbelt).	Industrial	IL

DEVELOPMENT CONSIDERATIONSBackground and Site Context

- The subject site is located on the west side of 132 Street, just south of 86 Avenue. The site is under Land Use Contract No. 581, which permit a variety of light industrial and both retail and service commercial uses, including a neighbourhood pub. The site is designated Industrial in the Official Community Plan (OCP) and Highway Commercial in the Newton Local Area Plan (LAP).
- The site contains a 3,382 square metre (36,000 sq.ft.) building which has been stratified into 6 strata lots. Strata Lots 1 and 2 are occupied by the Hook & Ladder Pub and attached licensee retail store (liquor store). Strata Lots 3 through 5 are occupied by a variety of commercial and industrial businesses. Strata Lot 6 is currently vacant.

- The Hook and Ladder Pub, is approximately 313 square metres (3,400 sq.ft.) in size, and has been in operation since 1982. The pub has a capacity of 85 persons and hours of operation of 11:00 am to 1:00 am Monday to Saturday, and 11:00 am to midnight on Sunday. The liquor store, is approximately 267 square metres (2,900 sq.ft.) in size, and has been in operation since 1987. The liquor store has hours of operation of 9:00 am to 11:00 pm every day of the week. Both the pub and liquor store have valid licenses through the Liquor Control and Licensing Branch (LCLB) and valid City of Surrey business licenses.

2003 Surrey Zoning By-law Amendments Related to Liquor Stores

- In 2003, Council approved amendments to the Surrey Zoning By-law, 1993, No. 12000 to address the changes made in 2002 to the Provincial regulations related to the distribution of liquor and corresponding policy. The purpose of these amendments was to adopt a regulatory framework to control the location of liquor primary establishments (neighbourhood pubs) and liquor stores (licensee retail stores) in the City.
- To implement these regulation changes, the Surrey Zoning By-law, 1993, No. 12000, was amended by creating a new definition for "Liquor Store", adding a new definition for "Retail Store" which specifically excludes a liquor store as a retail store and adding "liquor store" as a permitted use but only in combination with (on the same site as) a liquor-primary licensed establishment in the "Community Commercial" (C-8) Zone and the "Town Centre Commercial" (C-15) Zone.

Proposed Land Use Contract (No. 581) Amendment

- The Land Use Contract (No. 581) which regulates the subject property includes neighbourhood pub as a permitted use, but does not include a liquor store as a permitted use. At the time the liquor store on the subject site was opened in 1987, a liquor store was considered a normally permitted retail use accessory to the Hook & Ladder neighbourhood pub. In 2003, when the Surrey Zoning By-law was amended, and liquor store was distinguished from other retail uses, the liquor store on the subject site became a legal non-conforming use.
- The owner of the Hook & Ladder Pub and liquor store is seeking to relocate the liquor store from its current location (Strata Lot 2) to the currently vacant Strata Lot 6. Strata Lot 6 has better exposure to 132 Street and is a larger unit (604 square metres/6,500 sq.ft.). Under the Local Government Act a legal non-conforming use of land is not permitted to be continued on a scale or to an extent or degree greater than when it was made non-conforming. The subject proposal involves relocation and expansion to a larger unit, therefore the proposal cannot be accommodated under the existing Land Use Contract, as a non-conforming use cannot be expanded. As such, the owner is requesting to amend Land Use Contract No 581 to add a liquor store as a permitted use thereby allowing the request.

Evaluation of Proposal

- Staff have evaluated the proposed land-use contract amendment and consider the proposal to have merits based on the following:
 - Although typically a neighbourhood pub and liquor store would not be considered an appropriate use of Industrial designated land, the subject Land Use Contract (No. 581) already permits the neighbourhood pub and liquor store, and also permits a variety of retail and service type commercial uses in addition to industrial uses.

- The Hook & Ladder pub and liquor store have been in operation on the site since the 1980s serving the surrounding business and residential communities. The proposed land use contract amendment is to accommodate relocation of the liquor store to another unit within the same building and as such is in keeping with the established service pattern.
- The proposed expansion of the liquor store from 267 square metres (2,900 sq.ft.) to 604 square metres (6,500 sq.ft.) increases the required number of parking stalls by 10 (from 8 stalls to 18 stalls). This additional required parking can be accommodated on the site. An analysis of the existing parking supply indicates that there are currently 74 parking stalls on the subject site. In addition, the Hook & Ladder pub has use of an additional 62 parking stalls located on the adjacent City owned property to the north (8613 – 132 Street) through a lease agreement with the City. The lease agreement was initiated in September 1999 and has three, 5 – year renewals. This parking supply is sufficient to accommodate tenancy variations and averaging of parking supply requirements that can be expected on the subject site over time based on the combination of uses permitted under the Land Use Contract (No. 581) and assuming shared use of parking stalls by uses occurring at different types times of the day. For example, the fitness facility and neighbourhood pub have different peak parking demand than the light industrial and retail/service commercial uses on the site.
- The hours of operation of the Hook & Ladder pub, which are 11:00 am to 1:00 am Monday to Saturday, and 11:00 am to 12:00 midnight on Sunday, are in keeping with Council's Council's policy on hours of operation for liquor primary establishments in the City. The policy 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. The hours of operation of the liquor store are from 9:00 am to 11:00 pm daily. These hours are in keeping with the owners prescribed by the Liquor Control and Licensing Branch (LCLB) for licensee retail stores.
- Staff have received no concerns from neighbouring business owners or residents to the proposed Land Use Contract Amendment.

PRE-NOTIFICATION

- Pre-notification letters were sent out on April 28, 2010. In addition, a development proposal sign was erected on the property. Staff received no comments in response to the pre-notification letters or development proposal sign.

INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

- Appendix I. Lot Owners, Action Summary and Project Data Sheets and Survey Plan
- Appendix II. Site Plan
- Appendix III. Proposed Land Use Contract Amendment By-law

Jean Lamontagne
General Manager
Planning and Development

RG/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: Sandi Drew, Aplin & Martin Consultants Ltd.
 Address: 12448 – 82 Avenue
 Surrey, BC
 V3W 3E9
 Tel: 604-597-9058

2. Properties involved in the Application
 - (a) Civic Addresses: 8555 to 8593 – 132 Street

 - (b) Civic Address: 8555 to 8593 – 132 Street
 Owner: Strata Lot Owners
 PIDs: 002-183-374, 000-952-508, 000-964-778, 000-960-870,
 000-964-816 and 000-949-558
 Strata Lots 1 to 6 Section 29 Township 2 New Westminster District Plan
 NW2086 Together with An Interest In the Common Property in Proportion to
 the Unit Entitlement of the Strata Lot as Shown on Form 1

3. Summary of Actions for City Clerk's Office
 - (a) Introduce a By-law to amend Land Use Contract No. 581.

DEVELOPMENT DATA SHEET

Existing Zoning: LUC No. 581

Required Development Data	Minimum Required / Maximum Allowed	Proposed
LOT AREA* (in square metres)		
Gross Total		
Road Widening area		
Undevelopable area		
Net Total		
LOT COVERAGE (in % of net lot area)		
Buildings & Structures		
Paved & Hard Surfaced Areas		
Total Site Coverage	Per Site Plan	
SETBACKS (in metres)	Per Site Plan	
Front		
Rear		
Side #1 (N,S,E, or W)		
Side #2 (N,S,E, or W)		
Side #3 (N, S, E or W)		
BUILDING HEIGHT (in metres/storeys)	Per Site Plan	
Principal		
Accessory		
NUMBER OF RESIDENTIAL UNITS		
Bachelor		
One Bed		
Two Bedroom		
Three Bedroom +		
Total		
FLOOR AREA: Residential		
FLOOR AREA: Commercial	Per Site Plan	
Retail		
Office		
Total		
FLOOR AREA: Industrial		
FLOOR AREA: Institutional	Per Site Plan	
TOTAL BUILDING FLOOR AREA	Per Site Plan	

** 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)	Per Site Plan	
AMENITY SPACE (area in square metres)		
Indoor		
Outdoor		
PARKING (number of stalls)		
Commercial		
Industrial		
Residential Bachelor + 1 Bedroom		
2-Bed		
3-Bed		
Residential Visitors		
Institutional		
Total Number of Parking Spaces	136	136
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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