

City of Surrey  
**PLANNING & DEVELOPMENT REPORT**

File: 7910-0086-00

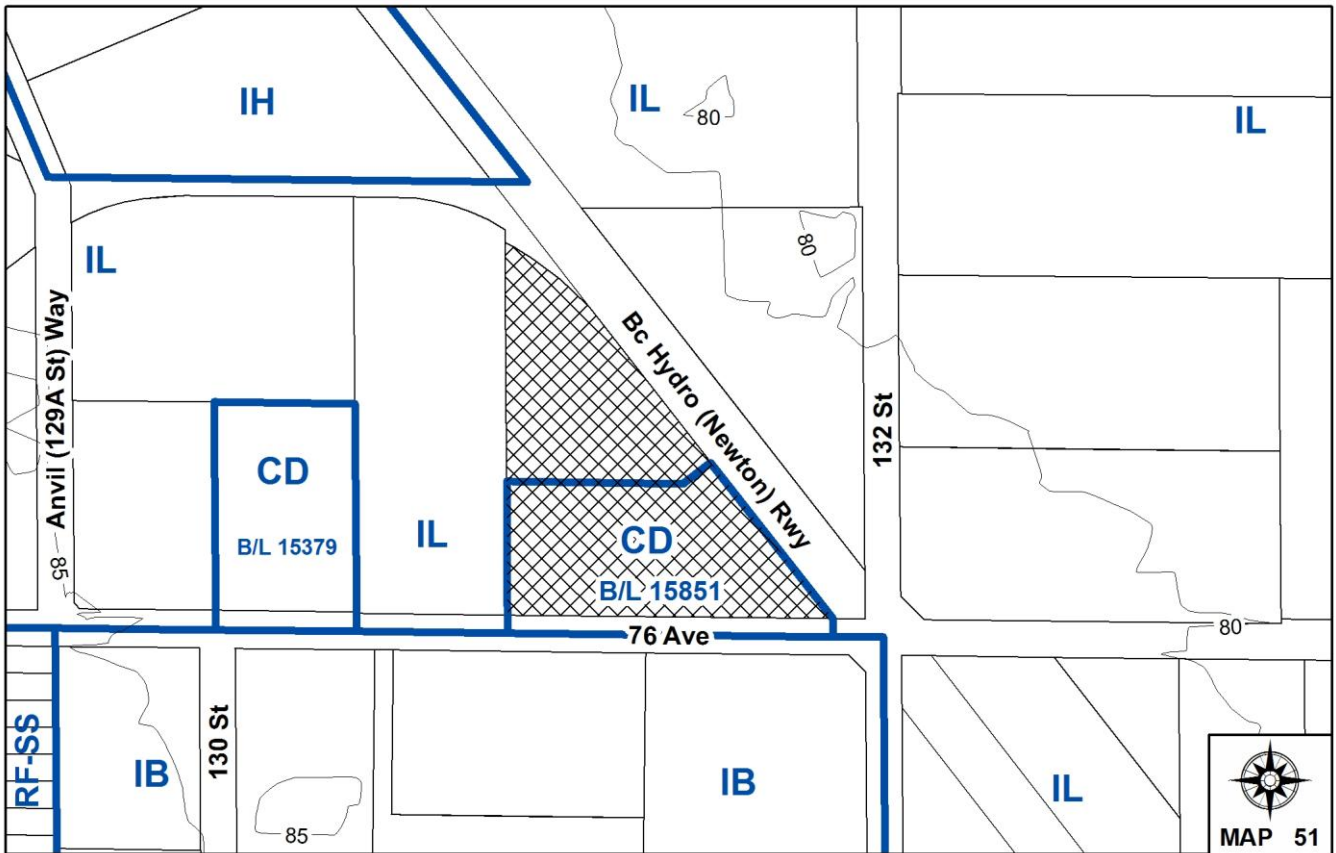
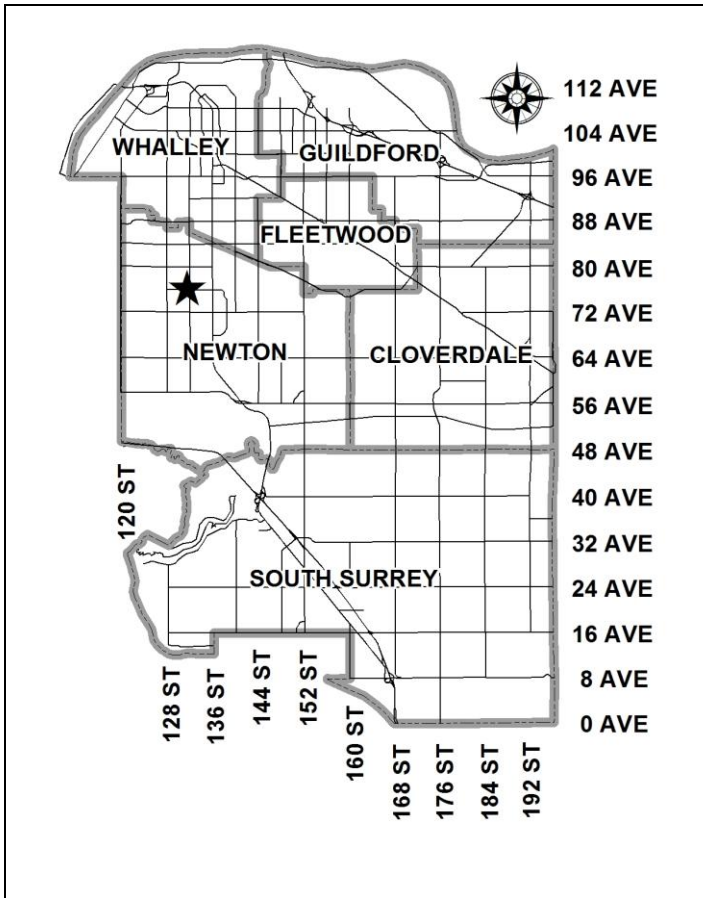
Planning Report Date: July 26, 2010

**PROPOSAL:**

- **Rezoning** from IL and CD (By-law No. 15851) to CD (based on IL and IB)
- **Development Variance Permit**

in order to include furniture store as a permitted use as well as relax the minimum rear yard setback for a proposed industrial building.

**LOCATION:** 13147 - 76 Avenue  
**OWNER:** 581486 B.C. Ltd., Inc. No. 581486  
**ZONING:** IL and CD (By-law No. 15851)  
**OCP DESIGNATION:** Industrial  
**LAP DESIGNATION:** General Industrial



### RECOMMENDATION SUMMARY

- By-law Introduction and set date for Public Hearing for Rezoning.
- Approval for Development Variance Permit to proceed to Public Notification.

### DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- The applicant is requesting a Development Variance Permit to reduce the minimum rear yard setback for a proposed industrial building (Building D).

### RATIONALE OF RECOMMENDATION

- By-law action was recently taken against two tenants in response to on-site retail uses which are currently not permitted under the existing CD By-law (By-law No. 15851). As a result, the proposed rezoning will bring the subject property into By-law compliance.
- The applicant proposes to remove general service use, personal service use and coffee shops from the allowable uses on-site in order to off-set the proposed addition of furniture store as a permitted use.
- The two existing tenants are furniture stores with large floor areas. The proposed CD By-law will stipulate a range of floor areas for the furniture store use in order to distinguish the use from other typical retail uses that occupy much smaller units while preventing any future expansion of the two existing furniture stores. The CD By-law also limits the number of furniture stores to two.
- The proposed setback relaxation will enable the applicant to construct a similar tilt-up concrete building which provides an additional 976 square metres (10,500 sq.ft.) of industrial space within the existing industrial complex.
- The applicant has demonstrated that proposed Building D will conform to the minimum requirements of the existing IL Zone in terms of lot coverage, floor area ratio, building height and on-site parking.
- The reduced building setback will have a negligible impact on the aesthetics of the existing industrial buildings, adjacent properties or BC Hydro railway corridor.

## RECOMMENDATION

The Planning & Development Department recommends that:

1. a By-law be introduced to rezone the subject site from "Light Impact Industrial Zone (IL)" (By-law No. 12000) and "Comprehensive Development Zone (CD)" (By-law No. 15851) to "Comprehensive Development Zone (CD)" (By-law No. 12000) and a date be set for Public Hearing.
2. Council approve Development Variance Permit No. 7910-0086-00, (Appendix IV) varying the following, to proceed to Public Notification:
  - (a) to reduce the minimum rear yard setback of the CD Zone from 7.5 metres (25 ft.) to 2.44 metres (8 ft.).
3. Council instruct staff to resolve the following issues prior to final adoption:
  - (a) ensure that all engineering requirements and issues including restrictive covenants, dedications and rights-of-way where necessary, are addressed to the satisfaction of the General Manager, Engineering;
  - (b) submission of a landscaping plan and landscaping cost estimate to the specifications and satisfaction of the City Landscape Architect;
  - (c) resolution of all urban design issues to the satisfaction of the Planning and Development Department; and
  - (d) the applicant amend the existing statutory right-of-way document registered on title (BA503794) in order to provide a 6 metre (19.7 ft.) wide greenway/pathway which extends north of the subject property along the adjacent railway corridor.

## REFERRALS

Engineering:	The Engineering Department has no objection to the project subject to the completion of Engineering servicing requirements as outlined in Appendix III.
Parks, Recreation & Culture:	Support. Parks, Recreation and Culture has no concerns regarding the proposed Development Variance Permit as the greenway will continue parallel to the BC Hydro corridor beyond the subject property.
Surrey Fire Department:	No concerns.

SITE CHARACTERISTICS

Existing Land Use: Industrial complex.

Adjacent Area:

Direction	Existing Use	OCP/LAP Designation	Existing Zone
North and West:	Industrial	Industrial/High Impact Industrial	IH and IL
South (Across 76 Avenue):	Industrial	Industrial/High Impact Industrial	IB
East:	Industrial and BC Hydro Corridor.	Industrial/High Impact Industrial	IL

DEVELOPMENT CONSIDERATIONSBackground

- The subject property is located on the north side of 76 Avenue between 129A Street and 132 Street. The property is currently split-zoned with the northerly portion of the property zoned "Light Impact Industrial (IL)" while the southern portion of the subject property is zoned "Comprehensive Development (CD)" (By-law No. 15851). The site is designated "Industrial" in the Official Community Plan (OCP) and "General Industrial" in the Central Newton Local Area Plan (LAP).
- The southern portion of the subject property was previously rezoned to CD, based on IL, with several uses permitted in the "Business Park Zone (IB)" excluding the following: [1] assembly hall; [2] eating establishment; [3] transportation industry; as well as [4] retail display and sale of goods produced on-site. The northern portion of the subject property remained zoned IL (Appendix V).
- Three multi-tenant industrial buildings presently occupy the subject property. Council issued the Development Permit (No. 7905-0205-00) in May, 2006. The industrial buildings comprise a total floor area of 7,249 square metres (78,031 square feet) reserved primarily for light impact industrial and limited office uses. The buildings are not stratified. In addition, the applicant was required to register a 6.0 metre (20 ft.) statutory right-of-way for public passage along the eastern property line for the future Newton Town Centre Greenway along the adjacent railway corridor.

Proposed Rezoning

- In response to recent by-law action against two tenants, the applicant submitted a development application to rezone the site from IL and CD to CD in order to add furniture store as a permitted use. The proposed rezoning, if approved, will bring the subject property into By-law compliance.
- The two existing furniture store tenants have long-term leases with the owner. In order to address the issue of proliferating retail uses within the industrial area, the applicant proposes to limit the use to "furniture stores" with a maximum floor area (2,923 sq.m./31,470 sq.ft. and 1,491 sq.m./16,062 sq.ft.) for Buildings A and B.

- The maximum floor area prescribed for the CD Zone will ensure that the existing furniture stores will not be expanded while maintaining the large format of the retail operation. The CD Zone also allows only 2 furniture stores.
- The applicant also proposes to remove general service use, personal service use and coffee shops from the range of uses currently allowed within the IL and CD Zones (By-law No. 15851) in order to off-set the addition of furniture store as a permitted use.
- The existing CD By-law (No. 15851) allows uses based upon the "Light Impact Industrial Zone (IL)" (Block A and Block B) as well as limited uses permitted under the "Business Park Zone (IB)" (Block B).
- The proposed rezoning will continue to prohibit the following uses in Block B: [1] assembly hall; [2] eating establishment; [3] transportation industry; as well as [4] retail display and sale of goods produced on-site. In addition, the proposed rezoning will eliminate the following land uses in Block A and Block B: [1] general service uses; [2] personal service uses; and [3] coffee shops.

#### Proposed Building D

- The applicant is proposing to construct a fourth multi-tenant industrial building (Building D). The additional building will provide a further 976 square metres (10,500 square feet) of industrial space on-site.
- A Development Permit is not required as proposed Building D will be located more than 100 metres (300 ft.) from the southern boundary of the subject property and, therefore, not visible from 76 Avenue.
- The applicant has ensured coordination between the existing Newton Town Centre Greenway statutory right-of-way and proposed Building D and will register legal documents at Land Titles Office that re-orient the Newton Town Centre Greenway to ensure it continues parallel to the railroad corridor, as per the Engineering Department requirements (Appendix VII).
- The applicant is required to amend the current site plan and provide further details on what particular works, outside of Building D, are required to relocate several on-site features (e.g. drive aisle, paving, etc.) which presently encroach into the Newton Town Centre Greenway. The completion of the suggested on-site works is to be addressed at Building Permit stage, as per the Engineering Department requirements.

#### Access and Parking

- The subject property is accessed by vehicles from two separate entries off 76 Avenue.
- The Surrey Zoning By-law No. 12000 requires one parking space for every 100 square metres (1,075 square feet) of gross floor area for light impact industrial uses. Therefore, proposed Building D is required to provide ten (10) parking stalls for employees and customers. As the applicant is proposing to construct ten (10) parking spaces, proposed Building D will comply with the zoning by-law.
- In order to meet the minimum parking requirements necessary to accommodate the two existing furniture stores, a total of 199 parking spaces will be provided on-site which includes two spaces for persons with disabilities. The amount of parking exceeds the minimum requirements under Zoning

By-law No. 12000 (189 stalls) based on a combination of retail, light impact industrial and limited office uses.

#### BY-LAW VARIANCE AND JUSTIFICATION

(a) Requested Variance:

- To vary the minimum rear yard setback of the IL Zone from 7.5 metres (25 ft.) to 2.44 metres (8 ft.).

Applicant's Reasons:

- The geometric configuration of the subject property has prevented the applicant from designing a functional and marketable warehouse building.
- The rear parking lot currently attracts significant after-hour vandalism. By combining the existing solid fence presently located along the eastern lot line with a higher-security gate between proposed Building D and the railway corridor would limit access thereby preventing future criminal activity.
- The proposed Building D would reduce criminal activity thereby keeping with Crime Prevention Through Environmental Design (CPTED) principles.

Staff Comments:

- The existing statutory right-of-way, located within the rear yard setback, conflicts with proposed Building D and prevents the applicant from achieving a suitable building envelope.
- The Engineering Department as well as Parks, Recreation & Culture have confirmed the Newton Town Centre Greenway can be relocated in order to extend north of the subject property along the adjacent railway corridor. The requested variance further reduces conflicts between the established greenway and proposed Building D which enables the owner to maximize the available floor area.
- The applicant is proposing to introduce additional landscaping, located within the 2.44 metre (8 ft.) rear yard setback, in order to eliminate interface concerns between the adjacent greenway and proposed Building D.

#### 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, Building Elevations, Landscape Plans and Colour Elevation Drawings
Appendix III.	Engineering Summary
Appendix IV.	Development Variance Permit No. 7910-0086-00

- Appendix V. Block Plan
- Appendix VI. Proposed CD By-law
- Appendix VII. Explanatory Plan for Statutory Right-of-Way (Newton Town Centre Greenway)

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:                Samuel Chan, Ionic Architecture Inc.  
                         Address:            5500 – 152 Street  
   Surrey, BC  
   V3S 5J9  
                         Tel:                        778-571-0618

2.      Properties involved in the Application

- (a)      Civic Addresses:      13147 – 76 Avenue
  - (b)      Civic Address:      13147 – 76 Avenue  
            Owner:                    581486 B.C. Ltd., Inc. No. 581486  
   Director Information:  
   Surinder Dhaliwal  
  
   Officer Information as at March 12, 2009  
   Surinder Singh Dhaliwal (President, Secretary)
- PID:                                001-614-924  
Lot 39 Section 20 Township 2 New Westminster District Plan 35187

3.      Summary of Actions for City Clerk's Office

- (a)      Introduce a By-law to rezone the property.
- (b)      Proceed with Public Notification for Development Variance Permit No. 7910-0086-00.



## DEVELOPMENT DATA SHEET

Proposed Zoning: CD

Required Development Data	Minimum Required / Maximum Allowed	Proposed
LOT AREA* (in square metres)		
Gross Total		20,377 m <sup>2</sup>
Road Widening area		
Undevelopable area		1,813 m <sup>2</sup>
Net Total		18,564 m <sup>2</sup>
LOT COVERAGE (in % of net lot area)		
Buildings & Structures	41%	40.3%
Paved & Hard Surfaced Areas		
Total Site Coverage		
SETBACKS ( in metres)		
Front	See Multiple	See Multiple
Rear	Buildings Data	Buildings Data
Side #1 (N,S,E, or W)	Sheet	Sheet
Side #2 (N,S,E, or W)		
Side #3 (N, S, E or W)		
BUILDING HEIGHT (in metres/storeys)	See Multiple	See Multiple
Principal	Buildings Data	Buildings Data
Accessory	Sheet	Sheet
NUMBER OF RESIDENTIAL UNITS		
Bachelor		
One Bed		
Two Bedroom		
Three Bedroom +		
Total		
FLOOR AREA: Residential		
FLOOR AREA: Commercial		
Retail		
Office		
Total		
FLOOR AREA: Industrial		
FLOOR AREA: Institutional		
TOTAL BUILDING FLOOR AREA		9,894 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)	0.5	0.48
AMENITY SPACE (area in square metres)		
Indoor		
Outdoor		
PARKING (number of stalls)		
Commercial	133	
Industrial	50	
Residential Bachelor + 1 Bedroom		
2-Bed		
3-Bed		
Residential Visitors		
Office	6	
Total Number of Parking Spaces	189	199
Number of disabled stalls	2	2
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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