



Corporate

NO: R063

Report

COUNCIL DATE: March 26, 2001



REGULAR			
TO:	Mayor & Council	DATE:	March 22, 2001
FROM:	General Manager, Planning & Development	FILE:	17674-05800
SUBJECT:	The Q Palace Internet Cafe/Billiards at 17674 - 58 Avenue (Mr. Grant Hein)		

RECOMMENDATION

The Planning & Development Department recommends that Council:

1. receive this report as information; and
2. authorize the City Clerk to forward a copy of this report to Mr. Grant Hein and Mr. Richard Dunn both of whom appeared before Council regarding the subject business.

PURPOSE

The purpose of this report is to provide information to Council regarding options available to Mr. Hein to address parking concerns related to a proposed business called The Q Palace located at 17674 - 58 Avenue in Cloverdale (see Appendix I).

BACKGROUND

At a Council-in-Committee meeting on February 26, 2001, Council received a delegation from Mr. Grant Hein regarding his concerns related to the City's parking requirements relative to a business named The Q Palace which he is proposing to open at 17674 - 58 Avenue in Cloverdale. Mr. Hein advised that the proposed business is focussed at providing low cost activities for youth in the Cloverdale area and will include 8 pool

tables, computer stations for games and Internet access and a small coffee shop. He stated that the patrons of his business will predominantly walk to the site rather than drive and, therefore, no more than 9 parking spaces are required to satisfy the parking demand created by the business. He further stated that the business is not a pool hall but rather an indoor recreational facility and if the City were to recognize it as an indoor recreational facility, the 9 parking spaces provided on the site satisfy the provisions of the Zoning By-law for this type of use.

The building within which the proposed business is to be located at 17674 - 58 Avenue is a single tenancy building constructed an estimated fifty years ago. There are no records of the original construction of the building in the City's records. The site is zoned Commercial C-15, which permits a wide range of commercial uses including pool halls, indoor recreational facilities and eating establishments. On this basis, the proposed business is a permitted use on the property.

On November 15, 2000, Mr. Hein submitted a tenant improvement building permit application for the subject building to the City. The building permit application stated that a pool hall was the intended use in the building. The only use illustrated on the plans associated with the building permit application was 8 pool tables. No other use or occupancy was indicated. The application noted that 9 parking spaces were available for the use in the building. The Surrey Zoning By-law requires that a minimum of 2 parking spaces be provided for each pool table for "pool/billiard halls". As such, the 9 parking spaces available for the subject application were sufficient for up to a maximum of 4 pool tables. Staff discussed the situation with the applicant and the available options were explained. Mr. Hein's decision was to reduce the number of pool tables in the business. A building permit was issued on January 15, 2001, allowing the use of up to 4 pool tables in the business until the applicant could arrange additional parking.

Subsequently, to obtaining the building permit, Mr. Hein made application to the City for a business licence that included, in addition to pool tables, a coffee shop, several video machines and Internet access stations. Further, the business licence application indicated that the business was a youth centre rather than a pool hall as was indicated on the building permit application.

City inspection staff attended the building and confirmed that a coffee shop, video machines and Internet terminals had been, or were in the process of being installed. Inspection staff also observed that 8 pool tables were in use rather than 4 as were approved under the tenant improvement permit issued by the Building Division. A Stop Work Order was posted and Mr. Hein was directed to install barriers to make 4 of the pool tables inaccessible as required by the building permit.

On February 12, 2001, after further discussion with staff regarding the operation of the business, a revised building permit was issued to Mr. Hein for 3 pool tables and a small coffee shop which complied with the Zoning By-law requirements for the site including parking. The 9 parking spaces on the site were sufficient for the combination of uses.

Second Delegation:

On March 12, 2001, Mr. Richard Dunn appeared before Council-in-Committee as a delegation representing property owners and neighbourhood residents opposed to the establishment of the subject business. Mr. Dunn made reference to a petition that was submitted to the City from property owners and residents in the area as well as several other petitions from residents in the immediate area. The petitions document several concerns that the neighbours have regarding the potential impacts of the subject business on the neighbourhood including:

- effect on residents' parking;
- potential vandalism and theft;
- noise;
- drug dealing;
- alcohol consumption;
- consequent depreciation of property values; and
- adverse influence on children and effect on seniors.

Mr. Dunn also took issue with the contention that youth facilities were lacking in the area, and listed existing suitable facilities at some length. It was emphasized that the immediate area surrounding the proposed location for the business was a quiet area containing a number of senior's housing developments. Mr. Dunn concluded that the proposed location for the business was the wrong location for a facility of this sort.

DISCUSSION

Mr. Hein's argument is that his facility should be classified as an 'indoor recreational facility' as defined in the Zoning By-law rather than a 'pool hall' as stated in his initial building permit application. The parking requirement in the Zoning By-law for an indoor recreational facility is 3 parking spaces per 100 square metres (1000 sq. ft.) of gross floor area. The building within which Mr. Hein's business is located is approximately 340 sq. m (3400 sq. ft.) in area. As such, if the "indoor

recreational facility" parking space requirement was applied it would reduce the number of spaces for the subject business to approximately 10 spaces.

Table C-5 in the Zoning By-law lists the parking requirements for 15 specific recreational uses including a specific requirement for pool and billiard halls. At the end of the table is a general category named "Other indoor recreational facilities". This general category is a "catch all" category for any recreational uses that are not specifically mentioned in Table C-5. As such, since "pool halls" are specifically identified in the table and since half of the floor space in Mr. Hein's business is being dedicated to pool tables the application of the parking requirements for a pool hall use is considered to be appropriate. It should be noted that the parking requirements for pool halls are based on 2 parking spaces per pool table without reference to floor area occupied.

Based on discussions with Mr. Hein, staff understand that he wants to operate the business with 8 pool tables and have a small coffee shop along with computer terminals for Internet access and video games. To satisfy the requirements of the Zoning By-law, 19 parking spaces are required (i.e., 2 spaces for each pool table plus 3 spaces for the coffee shop). Therefore, the site on which the proposed business is located is deficient by 10 parking spaces.

Staff identified a number of options available to Mr. Hein to assist him in resolving his concerns with parking for his business. These options are listed below:

1. Apply for a Development Variance Permit: Mr. Hein could apply to the City for a DVP to vary the parking requirements of Zoning By-law from 19 spaces to 9 spaces. The DVP process requires notification of the neighbouring property owners to provide them with an opportunity to provide input to the City regarding the variance. All variance applications must go before Council for a decision. The DVP application fee is \$800 and the processing of the application takes approximately 5 to 6 weeks to complete including giving the neighbours sufficient opportunity to respond to the notification. Given the feedback received to date from the neighbourhood, it is probable that the neighbours will object to any relaxation in the parking requirements for the proposed business and, as such, this may not be an effective approach to resolving the parking concerns.

2. Buy the right to parking spaces from the City's Cloverdale parking authority: The City has set up a parking authority in Cloverdale for the purposes of augmenting private on-site parking spaces with some common City-owned and operated facilities in the Cloverdale Town Centre. This was done in recognition of the fact that many existing commercial properties in the Cloverdale Town Centre do not have sufficient parking on site to allow for changes in use of the existing buildings. The City sells parking spaces in the common parking lots at \$900 per parking space. Any spaces that are purchased by an individual property owner are then included in the total parking space count for the relevant site for the purposes of satisfying the requirements of the Zoning By-law.

3. Continue to operate the business with 3 pool tables and a small coffee shop: The building permit that was issued contemplates 3 pool tables and a small coffee shop. This use and related on-site parking complies with the Zoning By-law and, as such, a business licence could be issued for such a scale of business subject to completion of the building permit requirements.

CONCLUSION

A number of options have been identified that could assist Mr. Hein in addressing the parking deficiency associated with his proposed business operation. It is recommended that Council receive this report as information and authorize staff to forward a copy to Mr. Hein. It is further recommended that a copy of this report be forwarded to Mr. Dunn who appeared before Council expressing concerns about the subject business.

Murray D. Dinwoodie
General Manager
Planning & Development Department

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