



Corporate NO: R099

Report COUNCIL DATE: May 13, 2002

REGULAR COUNCIL			
TO:	Mayor & Council	DATE:	May 6, 2002
FROM:	General Manager, Planning and Development	FILE:	7900-0176-00

SUBJECT: By-law No. 14428Rezoning Application No. 7900-0176-00(Elgin Park Estates)

RECOMMENDATION

The Planning & Development Department recommends that Council:

1. Rescind Third Reading of Rezoning By-law No. 14428;
2. Amend Rezoning By-law No. 14428, as shown on Appendix III;
3. Grant Third and Final Reading to Rezoning By-law No. 14428, as amended (Appendix III); and
4. Amend the Semiahmoo Peninsula Local Area Plan to redesignate the lands from Half Acre Gross Density and One Acre to Suburban Residential (two units per Acre).

BACKGROUND

On June 26, 2000, Progressive Construction Ltd. submitted an application for rezoning and subdivision of 10 properties comprising approximately 21 Ha (52 Acres) into approximately 108 single-family dwelling lots (Surrey Project No. 7900-0176-00). At the Public Hearing held on February 19 and 20, 2001, Council reviewed and tabled the Rezoning By-law (No. 14334) and directed staff to work with the developer and the community to address specific concerns, including the need for 34 Avenue, impact on Elgin Creek, tree preservation and landfill contamination issues. A public consultation process was subsequently initiated by staff to address the issues identified by Council.

On May 22, 2001, an amended development plan was presented to Council. Council subsequently filed the original Rezoning By-law (No. 14334) and introduced and granted First and Second Reading to a new Rezoning By-law (No. 14428) based on the revised development plan.

On June 4, 2001, Council held a Public Hearing to consider Rezoning By-law No. 14428 and, subsequently, resolved as follows:

"That the by-law be amended to eliminate all driveways on 32 Avenue by accessing the lots from the internal cul-de-sacs, and in order to achieve the removal of driveways on 32 Avenue, the lot yield may be reduced by two to three lots."

Council then granted Third Reading to the By-law. In addition, Council passed an additional motion requesting that the developer have an arborist available onsite during construction to save as many trees as possible and that the developer offer the use of permeable driveways.

DISCUSSION

Revised Subdivision Plan

An amended subdivision plan has been submitted in accordance with Council's instructions (Appendix I). The plan features the following:

- A reduction in total lots from 108 to 106, to be developed in several phases;
- Lots abutting 32 Avenue are provided with access from internal cul-de-sacs only;
- Tree Retention has not been affected;
- Open Space dedication involving 31% of the site area has been maintained; and
- Creek preservation areas have been maintained.

The main change involves the lots along 32 Avenue, which have now been re-oriented to back on to 32 Avenue and will be accessed via internal cul-de-sacs, as per Council's request. Two other changes involve minor adjustments to a walkway and open space configuration and will not impact open space, tree retention, or creek preservation areas.

Amended Comprehensive Development Zone

An amended Comprehensive Development (CD) Zone has been prepared to accommodate the revised subdivision plan (Appendix III). Two amendments to the CD By-law are proposed, as follows:

1. The maximum number of lots has been reduced from 108 to 106.
2. The minimum lot width (frontage) provision for lots backing on 32 Avenue has been reduced from 24 m (80 ft) to 15 m (50 ft) to address the procedure for measuring lot widths for double-fronting lots.

[Although proposed lots backing on 32 Avenue all exceed the minimum half-acre gross density requirements, as measured from 32 Avenue (1,120 sq. m/12,000 sq. ft. area; 24 m/80 ft width; 30 m/100 ft depth), the Zoning By-law requires the measurement of lot width at the front lot line, or from the cul-de-sacs; the width of these pie-shaped lots ranges from approximately 15 to 17 metres (50 to 56 feet) at the cul-de-sac, therefore, a reduced lot width requirement is necessary to accommodate these lots.]

The proposed amendments to the Rezoning By-law No. 14428 have resulted in a density decrease. Therefore a new Public Hearing is not required as part of this By-law amendment.

To formally adopt the amendments, it is necessary that Council rescind Third Reading of By-law 14428, approve the proposed amendments as noted in Appendix III and grant Third and Final Reading to the amended By-law.

Environmental Issues

Key environmental issues, related to creek protection (Elgin Creek and tributaries) and soil remediation, associated with the previous landfill site, were identified and have now been satisfactorily resolved. A Certificate of Compliance, respecting site remediation was issued on January 21, 2002 by the Provincial Environment Management Branch to enable reclamation of the previous landfill site to Urban Park standards. Approval from the Provincial and Federal environmental agencies (Ministry of Water, Land & Air Protection; Department of Fisheries and Oceans) has also been obtained for all aspects of the development, including stream and wildlife protection.

32 Avenue Landscaping and Access Restrictions

The proposed amendments to the subdivision plan are intended to reduce impact to the existing neighbourhood south of 32 Avenue by eliminating all direct vehicular access driveways to the site from 32 Avenue, thereby minimizing tree removal along 32 Avenue. The proposed layout also provides the opportunity to preserve some of the existing vegetation and establish a landscaped buffer along the rear of lots backing on 32 Avenue.

Revised tree information (Arborist Report, Tree Retention Plan and Tree Planting Plan) on the revised subdivision plan, has been submitted confirming additional tree retention along 32 Avenue and proposing additional planting in the form of a landscape buffer. Access restrictions to 32 Avenue have been incorporated into both the Landscape Buffer and Building Scheme Restrictive Covenants. A 5 m (16 ft) wide landscape buffer will be registered concurrently with the subdivision plan to ensure provision and maintenance of landscaping along the entire length of 32 Avenue, fronting the subdivision. Securities for tree replacement, including the landscape buffer, have been submitted to the satisfaction of the City.

Arborist Present During Construction

Council passed a motion requiring the developer have a registered arborist on site to monitor tree retention during construction.

To address Council's instructions, the developer has agreed to have a registered arborist onsite, at all times, during the clearing of the site to ensure tree retention, in accordance with the approved Tree Preservation Plan and to allow additional tree preservation, wherever possible. In addition, the developer has also agreed to have a second arborist, chosen by the community, to be present during land clearing, in order to confirm compliance with the Tree Preservation Plan.

Preliminary meetings between City staff, the developer, both arborists and community representatives, were held onsite to review tree cutting and replacement issues and this cooperative framework will continue to be utilized as part of the site clearing and development process. To ensure this issue is addressed to the satisfaction of Council and the surrounding community, tree cutting permit(s) issued for the site will allow land clearing only, on the condition that an arborist be present onsite to confirm tree preservation, based on the approved plan.

Building Scheme

The Building Scheme, which is filed with the City Clerk in registrable form, has been developed by an approved Design Consultant, based on a character study of the surrounding neighbourhood. This Building Scheme will be registered concurrently with the subdivision plan, pursuant to Section 220 of the *Land Title Act*. A Section 219 Restrictive Covenant will also be registered to tie the Building Scheme to the land.

To address Council's instructions, the developer has revised the Building Scheme to allow permeable driveways to be employed on the lots within the development. In addition, design restrictions have been added to ensure sensitively designed rear street-facing elevations for dwellings on lots backing on 32 Avenue.

SUMMARY

In response to Council's instructions, the applicant has submitted a revised subdivision plan that reduces the total number of lots from 108 to 106, eliminates all driveways to 32 Avenue and maintains the open space, tree retention and environmental areas, as previously proposed. Minor changes to the CD Zone are proposed to accommodate the revised subdivision plan.

Additional conditions, identified by Council, have also been completed, including environmental approvals, submission of revised tree information (Arborist Report, Tree Planting Plan, Tree Replacement Plan), establishment of access restrictions and creation and maintenance of a landscape buffer along 32 Avenue, Building Scheme amendments for house design and use of permeable driveways and restrictions on tree cutting without the presence of a registered arborist onsite.

All outstanding issues and Council requirements of the rezoning application have now been completed, including environmental (creek protection and soil contamination) approvals. The proposed amendments to the Rezoning By-law (No. 14428) have been accepted by the owner/developer and result in a density decrease. Therefore, a new Public Hearing is not required as part of this By-law amendment.

It is recommended that Council rescind Third Reading of Rezoning By-law No. 14428, approve the proposed amendments, as noted in Appendix III and grant Third and Final Reading to the amended By-law. It is also recommended that Council approve an amendment to the Semiahmoo Peninsula Local Area Plan, to redesignate the lands from Half Acre Gross Density and One Acre to Suburban Residential (two units per Acre).

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Appendices:

Appendix I: Amended Subdivision Plan

Appendix II: Previous Subdivision Plan

Appendix III: Proposed Amendments to CD Zone (Rezoning By-law No. 14428)

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