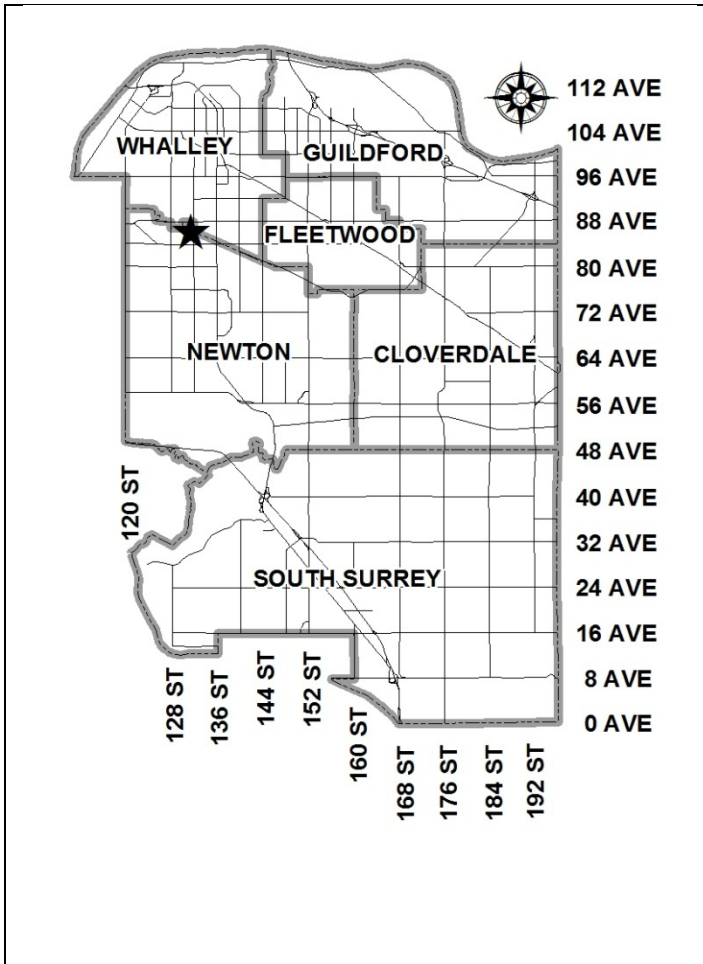


City of Surrey
PLANNING & DEVELOPMENT REPORT

File: 7911-0191-00

Planning Report Date: January 23, 2012



PROPOSAL:

- Partial Land Use Contract Discharge
- Rezoning from CHI to CD (based on IL)

in order to permit a wider range of office uses, general service uses, retail uses and assembly hall.

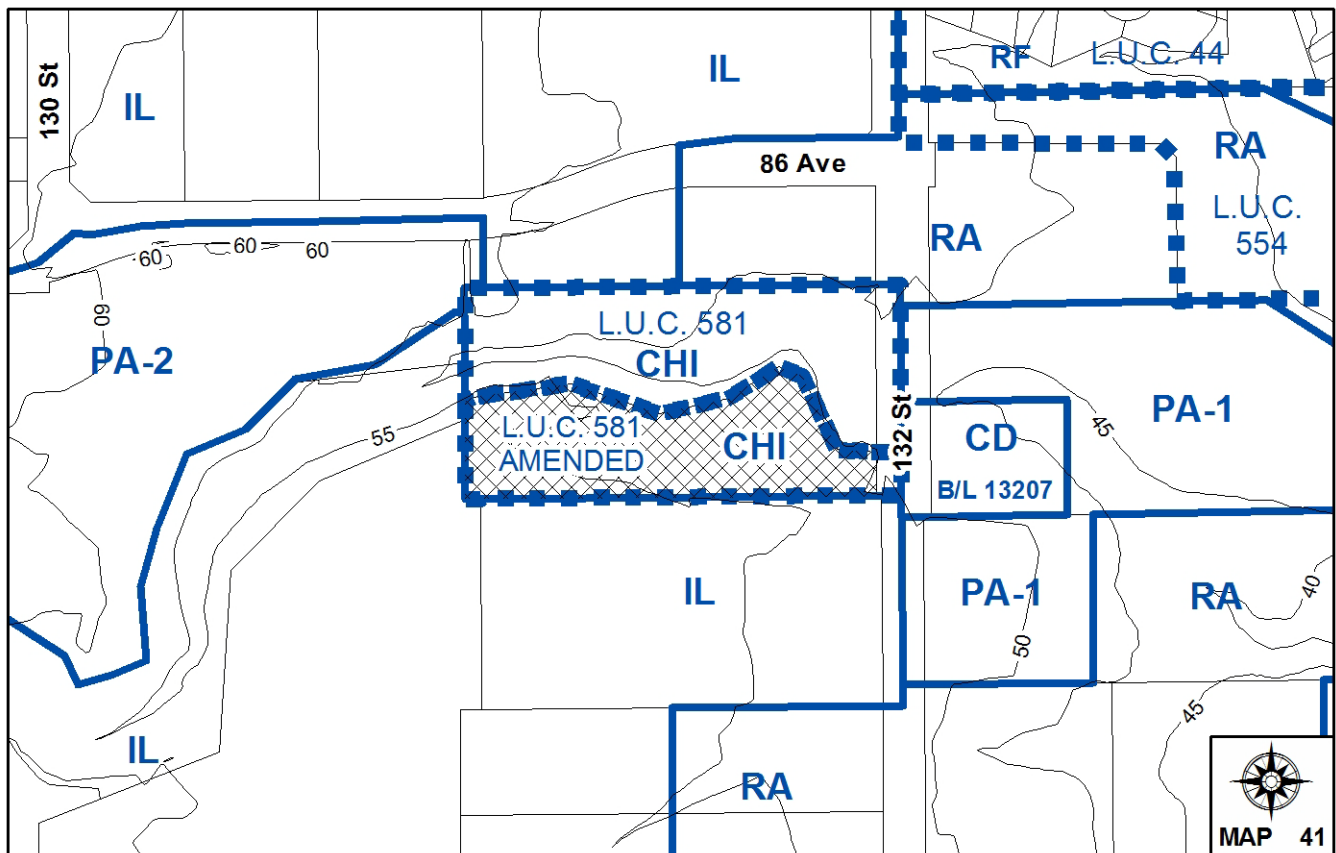
LOCATION: 8593, 8591, 8585, 8565, 8557 and 8555 - 132 Street

OWNER: Ellard J. Whalen
 Hook & Ladder Pub Ltd.
 Universal Fitness Centre Ltd.
 Frank A. Nosek
 Western Pride Developments Ltd.

ZONING: L.U.C. No. 581

OCB DESIGNATION: Industrial

LAP DESIGNATION: General Industrial and Open Space



RECOMMENDATION SUMMARY

- The Planning & Development Department recommends that the request to permit accounting office and collector stamp business uses be denied.
- By-law Introduction and set date for Public Hearing for Partial Land Use Contract Discharge and Rezoning from CHI to CD (based on IL).

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- The applicant requests the inclusion of accounting office and collector stamp business uses in the CD Zone. Both uses are considered not appropriate in this predominantly IL industrial area.

RATIONALE OF RECOMMENDATION

- The existing Land Use Contract No. 581 on the site does not permit a broad range of office uses, general service uses, retail uses or assembly hall. The applicant proposes to discharge L.U.C. No. 581 and rezone to CD (based on IL) in order to expand the range of permitted uses and thereby allow several existing on-site businesses to remain in operation.
- The majority of existing on-site uses are industrial in nature. In addition, the Land Use Contract expressly prohibits office uses or retail uses with the exception of sales outlets for goods produced as part of a manufacturing, processing or service use currently permitted on-site.
- As a result, City staff recommend introducing a CD By-law (based on IL) which includes existing allowable uses and other proposed uses that are in line with the IL industrial nature of the area.
- City staff do not support the inclusion of office and collector stamp business uses in the CD Zone because both of these uses are considered not appropriate in this predominantly IL industrial area.

RECOMMENDATION

The Planning & Development Department recommends that:

1. Council deny the proposal to permit accounting office and collector stamp business uses.
2. a By-law be introduced to partially discharge Land Use Contract No. 581 from the subject property at 8555 to 8593 – 132 Street and a date for Public Hearing be set.
3. a By-law be introduced to rezone the subject site from "Highway Commercial Industrial Zone (CHI)" (By-law No. 12000) to the attached "Comprehensive Development Zone (CD)" (By-law No. 12000) and a date be set for Public Hearing (Appendix III).

REFERRALS

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

Fire Department: No concerns.

SITE CHARACTERISTICS

Existing Land Use: Multi-tenant industrial building

Adjacent Area:

Direction	Existing Use	OCP/LAP Designation	Existing Zone
North:	Greenbelt.	Industrial/Open Space	L.U.C. No. 581
East (Across 132 Street):	Single family dwelling and home-based light impact industrial business.	Urban/General Industrial and Open Space	CD (B/L 13207)
South:	Multi-tenant industrial building and greenbelt.	Industrial/General Industrial	IL
West:	Multi-tenant industrial building	Industrial/Light Impact Industrial and Open Space	IL

DEVELOPMENT CONSIDERATIONSBackground

- The subject property is presently designated "Industrial" in the Official Community Plan (OCP) as well as "General Industrial" and "Open Space" in the Central Newton Local Area Plan (LAP).
- The property is located on the west side of 132 Street and presently occupied by a 3,351 square metre (36,069 sq. ft.) multi-tenant industrial building regulated under Land Use Contract No. 581.

- Land Use Contract No. 581 allows a range of light impact industrial type uses which include the following:
 - Manufacture, processing, assembly and service of: [1] electrical equipment; [2] electronic equipment; [3] clothing and garments; [4] dairy products; [5] furniture; [6] hardware; [7] medical and dental supplies; [8] paper products; [9] beverage processing and bottling; [10] pottery/ceramic products; [11] textile/leather products; and [12] bulk foods.
 - Service uses including: [1] general contractor; [2] printing and publishing; [3] machine shop; [4] food catering; [5] sheet metal shop; [6] trade school; and [7] welding shop.
 - Warehouse and general storage provided all storage is fully enclosed within a building.
 - Rental and sales outlet for products of manufacturing, processing or service uses allowed under Land Use Contract No. 581.
- The Land Use Contract was subsequently amended to permit a liquor retail store in addition to an existing neighbourhood pub which was allowed in the original Land Use Contract.
- While the majority of businesses located on-site provide a light impact industrial-related service, several businesses are currently not permitted under Land Use Contract No. 581 and include the following: [1] firearms training academy (business school); [2] accounting office; and [3] assembly hall. In addition, the applicant proposes to add retail uses to permit a collector stamp business in conjunction with the accounting office use.

Proposed Land Use Contract Discharge/Rezoning

- The applicant proposes to discharge Land Use Contract No. 581 and rezone the property from CHI to CD (based on IL) in order to permit several existing on-site uses that are not allowed under the Land Use Contract.
- Due to the complexity of Land Use Contracts, the discharge of Land Use Contracts, wherever possible, is considered good practice to simplify the administration of land-use regulations.
- The following four uses are proposed to be added to the current regulation to legitimize their existing uses on the site:
 1. Firearm Training Academy;
 2. Assembly Hall as an accessory use;
 3. Accounting office; and
 4. Collector stamp business.

Land Use Evaluation

- The subject property and surrounding neighbourhood are primarily industrial in character and presently zoned "Light Impact Industrial (IL)". The remaining properties are zoned "Assembly Hall 1 (PA-1)" or "Assembly Hall 2 (PA-2)" and occupied by banquet hall facilities or community service buildings. In addition, several nearby One-Acre Residential (RA) zoned properties to the

south have not yet developed and are presently vacant, occupied by single family dwellings or currently operated as truck park facilities.

- The proposed Firearm Training Academy and Assembly Hall uses are supportable because both uses are allowed under the IL Zone.
- However, the accounting office and collector stamp business are not supportable because the accounting office use is not allowed in the IL Zone and the collector stamp business is considered to be a retail use. Both of these uses are considered not appropriate in this predominantly IL industrial area.
- The proposed CD By-law attached to this report only includes the uses supported by City staff and will meet the minimum on-site parking requirements identified in Zoning By-law No. 12000.
- Should Council allow the proposed rezoning to include accounting office and collector stamp business uses, the application should be referred back to staff to prepare an appropriate CD By-law.

PRE-NOTIFICATION

Pre-notification letters were sent on September 13, 2011 and staff received no responses.

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
Appendix III.	Proposed CD By-law

original signed by Nicholas Lai

Jean Lamontagne
General Manager
Planning and Development

MRJ/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: Rick Lang
 Address: 8561 – 132 Street
 Surrey, BC V3W 4N8
 Tel: (604) 596-1114

2. Properties involved in the Application
 - (a) Civic Address: 8593, 8591, 8585, 8565, 8557 and 8555 - 132 Street

 - (b) Civic Address: 8593 - 132 Street
 Owner: Ellard J. Whalen
 PID: 002-183-374
 Strata Lot 1 Section 29 Township 2 New Westminster District Strata 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

 - (c) Civic Address: 8591 - 132 Street
 Owner: Ellard J. Whalen
 PID: 000-952-508
 Strata Lot 2 Section 29 Township 2 New Westminster District Strata 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

 - (d) Civic Address: 8585 - 132 Street
 Owner: Universal Fitness Centre Ltd.
 PID: 000-964-778
 Strata Lot 3 Section 29 Township 2 New Westminster District Strata 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

 - (e) Civic Address: 8565 - 132 Street
 Owner: Frank A. Nosek
 PID: 000-960-870
 Strata Lot 4 Section 29 Township 2 New Westminster District Strata 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

 - (f) Civic Address: 8557 - 132 Street
 Owner: Western Pride Developments Ltd.
 PID: 000-964-816
 Strata Lot 5 Section 29 Township 2 New Westminster District Strata 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

- (g) Civic Address: 8555 - 132 Street
Owner: Hook & Ladder Pub Ltd.
PID: 000-949-558
Strata Lot 6 Section 29 Township 2 New Westminster District Strata 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 partially discharge Land Use Contract No. 581.
- (b) Introduce a By-law to rezone the property.

DEVELOPMENT DATA SHEET

Proposed Zoning: CD (based on IL)

Required Development Data	Minimum Required / Maximum Allowed	Proposed
LOT AREA* (in square metres)		
Gross Total	N/A	N/A
Road Widening area		
Undevelopable area		
Net Total	N/A	N/A
LOT COVERAGE (in % of net lot area)		
Buildings & Structures		
Paved & Hard Surfaced Areas		
Total Site Coverage	37%	37%
SETBACKS (in metres)		
Front	7.5 m.	39.2 m.
Rear	7.5 m.	0.6 m.
Side #1 (N)	7.5 m.	2.35 m.
Side #2 (S)	7.5 m.	0.45 m.
BUILDING HEIGHT (in metres/storeys)		
Principal	18 m.	
Accessory	6 m.	
NUMBER OF RESIDENTIAL UNITS	N/A	N/A
Bachelor	N/A	N/A
One Bed	N/A	N/A
Two Bedroom	N/A	N/A
Three Bedroom +	N/A	N/A
Total	N/A	N/A
FLOOR AREA: Residential	N/A	N/A
FLOOR AREA: Commercial	N/A	N/A
Retail	N/A	N/A
Office	N/A	N/A
Total	N/A	N/A
FLOOR AREA: Industrial	3,355 sq. m.	3,355 sq. m.
FLOOR AREA: Institutional	N/A	N/A
TOTAL BUILDING FLOOR AREA	3,355 sq. m.	3,355 sq. m.

** If the development site consists of more than one lot, lot dimensions pertain to the entire site.*

Development Data Sheet cont'd

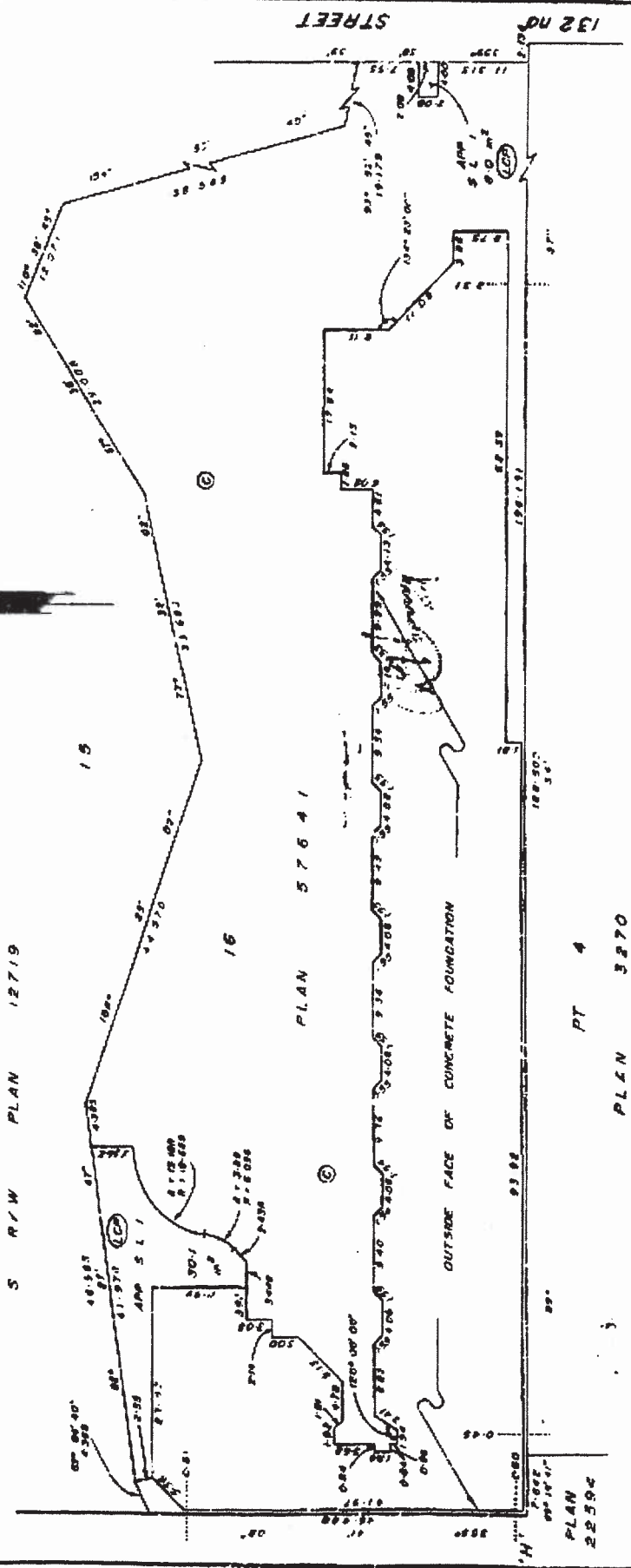
Required Development Data	Minimum Required / Maximum Allowed	Proposed
DENSITY		
# of units/ha /# units/acre (gross)	N/A	N/A
# of units/ha /# units/acre (net)	N/A	N/A
FAR (gross)	N/A	N/A
FAR (net)	0.37	0.37
AMENITY SPACE (area in square metres)		
Indoor	N/A	N/A
Outdoor	N/A	N/A
PARKING (number of stalls)		
Commercial		
Industrial		
Residential Bachelor + 1 Bedroom		
2-Bed		
3-Bed		
Residential Visitors		
Institutional		
Total Number of Parking Spaces	~105 stalls	~130 stalls
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	N/A
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STRATA PLAN NW 2086

NOTE: ALL ANGLES ARE 45° OR 90° UNLESS OTHERWISE NOTED

LOCATION PLAN AND DIMENSIONS SCALE 1"=500'



MARCH 8, 1983

CITY OF SURREY

BY-LAW NO. _____

A by-law to amend Surrey Zoning By-law, 1993, No. 12000, as amended
.....

THE CITY COUNCIL of the City of Surrey, in open meeting assembled, ENACTS AS FOLLOWS:

- 1. Surrey Zoning By-law, 1993, No. 12000, as amended, is hereby further amended, pursuant to the provisions of Section 903 of the Local Government Act, R.S.B.C. 1996 c. 323, as amended by changing the classification of the following parcels of land, presently shown upon the maps designated as the Zoning Maps and marked as Schedule "A" of Surrey Zoning By-law, 1993, No. 12000, as amended as follows:

FROM: HIGHWAY COMMERCIAL INDUSTRIAL (CHI)

TO: COMPREHENSIVE DEVELOPMENT ZONE (CD)

Parcel Identifier: 002-183-374

Strata Lot 1 Section 29 Township 2 New Westminster District Strata 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

8593 - 132 Street

Parcel Identifier: 000-952-508

Strata Lot 2 Section 29 Township 2 New Westminster District Strata 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

8591 - 132 Street

Parcel Identifier: 000-964-778

Strata Lot 3 Section 29 Township 2 New Westminster District Strata 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

8585 - 132 Street

Parcel Identifier: 000-960-870

Strata Lot 4 Section 29 Township 2 New Westminster District Strata 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

8565 - 132 Street

Parcel Identifier: 000-964-816
Strata Lot 5 Section 29 Township 2 New Westminster District Strata 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

8557 - 132 Street

Parcel Identifier: 000-949-558
Strata Lot 6 Section 29 Township 2 New Westminster District Strata 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

8555 - 132 Street

(hereinafter referred to as the "*Lands*")

2. The following regulations shall apply to the *Lands*:

A. Intent

This Comprehensive Development Zone is intended to accommodate and regulate the *comprehensive design* of businesses consisting of *light impact industry*, limited *general service uses*, *neighbourhood pub*, *liquor store* and limited *accessory uses*.

B. Permitted Uses

The *Lands* and *structures* shall be used for the following uses only, or for a combination of such uses:

1. *Light impact industry*.
2. *General service uses* limited to the following:
 - (a) Driving schools;
 - (b) *Industrial equipment rentals*;
 - (c) Taxi dispatch offices;
 - (d) Industrial first aid training;
 - (e) Trade schools;
 - (f) Business schools; and
 - (g) Custom upholstery and repair of furniture.
3. *Warehouse uses*.
4. *Distribution centres*.

5. Office uses limited to the following:
 - (a) Architectural and landscape architectural offices;
 - (b) Engineering and surveying offices;
 - (c) General contractor offices;
 - (d) Government offices; and
 - (e) Utility company offices.
6. *Neighbourhood pub.*
7. *Liquor store*, permitted only in conjunction with a “liquor-primary” licensed establishment, with a valid license issued under the regulations to the Liquor Control and Licensing Act, R.S.B.C. 1996, chapter 267, s. 84, as amended.
8. *Accessory uses* limited to the following:
 - (a) *Coffee shops* provided that the seating capacity shall not exceed 35 and the said *coffee shop* is not licensed by the Liquor Control and Licensing Act, R.S.B.C. 1996, chapter 267, as amended.
 - (b) *Recreation facilities*, excluding go-kart operations, drag racing and rifle ranges;
 - (c) *Community services*; and
 - (d) *Assembly halls* limited to *churches*, provided that:
 - i. The *church* does not exceed a total floor area of 700 square metres (7,500 sq. ft.);
 - ii. The *church* accommodates a maximum of 300 seats; and
 - iii. There is not more than one *church* within a strata plan.

C. Lot Area

Not applicable to this Zone.

D. Density

The *floor area ratio* shall not exceed 0.37.

E. Lot Coverage

The *lot coverage* shall not exceed 37%.

F. Yards and Setbacks

Buildings and structures shall be sited in accordance with the following minimum *setbacks*:

Use	Setback	Front Yard	Rear Yard	Side Yard
<i>Principal Buildings and Accessory</i>		7.5 m	7.5 m	7.5 m*
<i>Buildings and Structures</i>		[25 ft.]	[25 ft.]	[25 ft.]

Measurements to be determined as per Part 1 Definitions of Surrey Zoning By-law, 1993, No. 12000, as amended.

* Minimum *side yard setback* for any *buildings and structures* may be reduced to 0.45 m [1.5 ft.] along the south *lot line*.

G. Height of Buildings

Measurements to be determined as per Part 1 Definitions of Surrey Zoning By-law, 1993, No. 12000, as amended.

1. *Principal building*: The *building height* shall not exceed 18 metres [60 ft].
2. *Accessory buildings and structures*: The *building height* shall not exceed 6 metres [20 ft].

H. Off-Street Parking

1. Refer to Table C.3, Part 5 Off-Street Parking and Loading/Unloading of Surrey Zoning By-law, 1993, No. 12000, as amended.
2. *Tandem parking* may be permitted for company fleet *vehicles*.

I. Landscaping

1. All developed portions of the *lot* not covered by *buildings, structures* or paved areas shall be landscaped including the retention of mature trees. This *landscaping* shall be maintained.

2. Along the developed sides of the *lot* which abut a *highway*, a continuous *landscaping* strip of not less than 1.5 metres [5 ft.] in width shall be provided within the *lot*.
3. The boulevard areas of *highways* abutting a *lot* shall be seeded or sodded with grass on the side of the *highway* abutting the *lot*, except at driveways.
4. Loading areas, garbage containers and *passive recycling containers* shall be screened from 132 Street, to a height of at least 2.5 metres [8 ft.] by *buildings*, a *landscaping* screen, a solid decorative fence, or a combination thereof.

J. Special Regulations

1. Land and *structures* shall be used for the uses permitted in this Zone only if such uses:
 - (a) Constitute no unusual fire, explosion or safety hazard;
 - (b) Do not emit noise in excess of 70 dB measured at any point on any boundary of the *lot* on which the use is located; and
 - (c) Do not produce heat or glare perceptible from any *lot line* of the *lot* on which the use is located.
2. Outdoor storage of any goods, materials or supplies is specifically prohibited.
3. Garbage containers and *passive recycling containers* shall not be located within the *front yard setback* on 132 Street.

K. Subdivision

Lots created through subdivision in this Zone shall conform to the following minimum standards:

<i>Lot Size</i>	<i>Lot Width</i>	<i>Lot Depth</i>
9,025 sq. m. [2.2 acres]	46 metres [151 ft.]	196 metres [643 ft.]

Dimensions shall be measured in accordance with Section E.21 of Part 4 General Provisions of Surrey Zoning By-law, 1993, No. 12000 as amended.

L. Other Regulations

In addition to all statutes, by-laws, orders, regulations or agreements, the following are applicable, however, in the event that there is a conflict with the provisions in this Comprehensive Development Zone and other provisions in

Surrey Zoning By-law, 1993, No. 12000, as amended, the provisions in this Comprehensive Development Zone shall take precedence:

1. Definitions are as set out in Part 1 Definitions, of Surrey Zoning By-law, 1993, No. 12000, as amended.
2. Prior to any use, the *Lands* must be serviced as set out in Part 2 Uses Limited, of Surrey Zoning By-law, 1993, No. 12000, as amended and in accordance with the servicing requirements for the IL Zone as set forth in the Surrey Subdivision and Development By-law, 1986, No. 8830, as amended.
3. General provisions are as set out in Part 4 General Provisions of Surrey Zoning By-law, 1993, No. 12000, as amended.
4. Additional off-street parking requirements are as set out in Part 5 Off-Street Parking and Loading/Unloading of Surrey Zoning By-law, 1993, No. 12000, as amended.
5. Sign regulations are as set out in Surrey Sign By-law, 1999, No. 13656, as amended.
6. Special *building setbacks* are as set out in Part 7 Special Building Setbacks, of Surrey Zoning By-law, 1993, No. 12000, as amended.
7. Floodproofing regulations are as set out in Part 8 Floodproofing, of this By-law.
8. *Building* permits shall be subject to the Surrey Building By-law, 1987, No. 9011, as amended.
9. *Building* permits shall be subject to Surrey Development Cost Charge By-law, 2011, No. 17330, as may be amended or replaced from time to time, and the development cost charges shall be based on the IL Zone.
10. Tree regulations are set out in Surrey Tree Protection By-law, 2006, No. 16100, as amended.
11. Development permits may be required in accordance with the Surrey *Official Community Plan*, 1996, By-law No. 12900, as amended.
12. Provincial licensing of *neighbourhood pubs* is regulated by the Liquor Control and Licensing Act, R.S.B.C. 1996, Chapter 267, as amended.

13. Safety regulations are as set out in the Health Act, R.S.B.C. 1979, c. 161 and the "Surrey Fire Prevention By-law".

3. This By-law shall be cited for all purposes as "Surrey Zoning By-law, 1993, No. 12000, Amendment By-law, _____, No. _____."

READ A FIRST AND SECOND TIME on the _____ th day of _____, 20 .

PUBLIC HEARING HELD thereon on the _____ th day of _____, 20 .

READ A THIRD TIME ON THE _____ th day of _____, 20 .

RECONSIDERED AND FINALLY ADOPTED, signed by the Mayor and Clerk, and sealed with the Corporate Seal on the _____ th day of _____, 20 .

MAYOR

CLERK

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