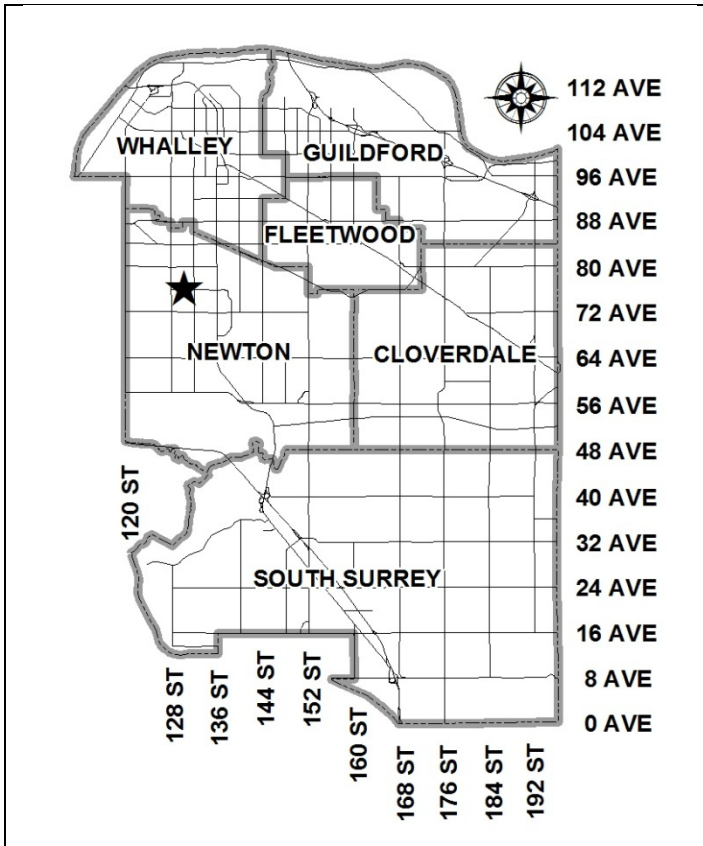


Planning Report Date: September 10, 2012



**PROPOSAL:**

- Amend CD By-law No. 15379 in order to permit a retail grocery store on Strata Lots 13 and 14.

**LOCATION:**

13033 and 13049 – 76 Avenue

**OWNERS:**

Imran Mohmedshafik Kandawala  
 Azizahmed Kandawala  
 Mohmedshafik Mehmud Kandawala

**ZONING:**

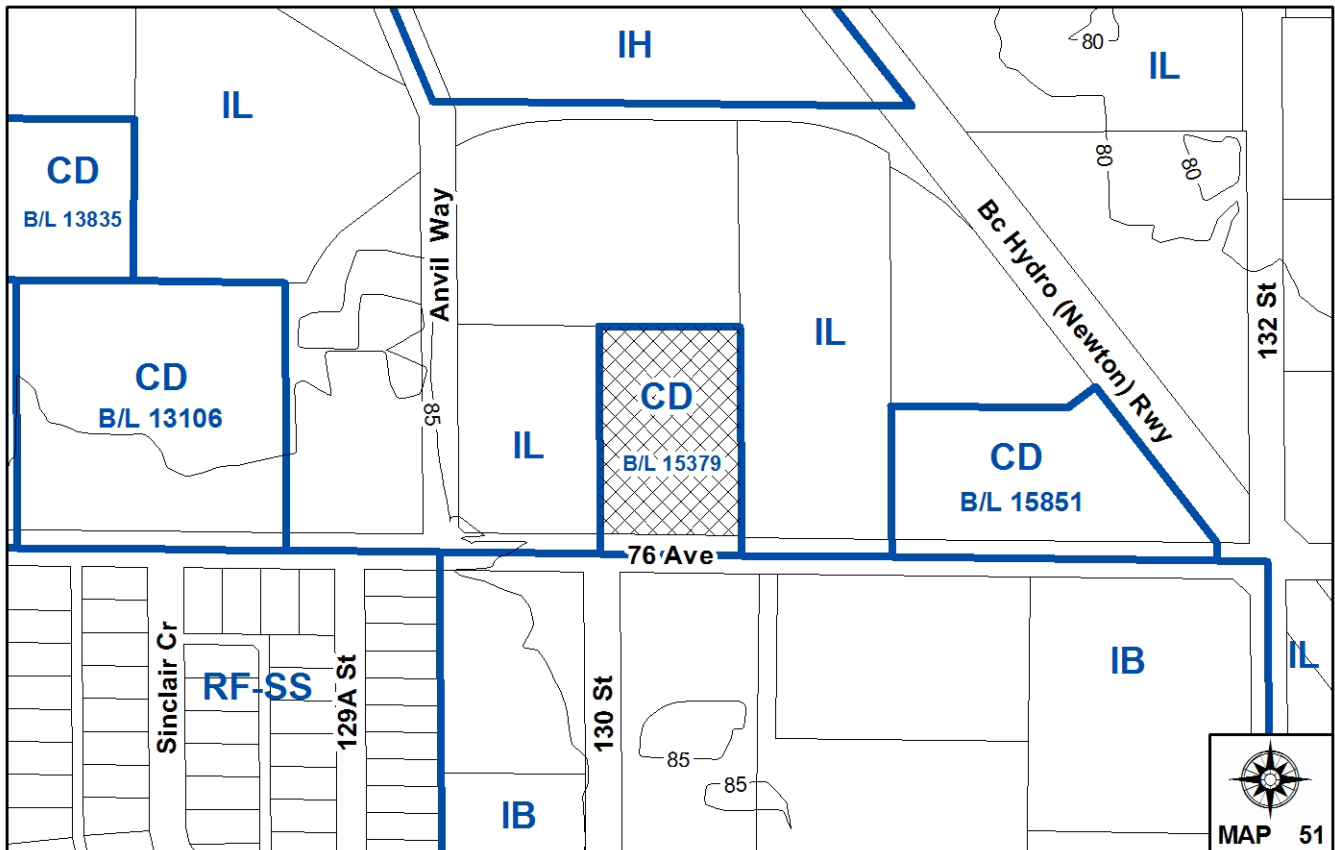
CD (By-law No. 15379)

**OCP DESIGNATION:**

Industrial

**LAP DESIGNATION:**

General Industrial



### RECOMMENDATION SUMMARY

- The Planning & Development Department recommends that the rezoning proposal be denied.

### DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- The proposed rezoning would allow a retail land-use not currently permitted on industrial designated properties. In addition, the existing CD By-law (No. 15379) prohibits retail uses.

### RATIONALE OF RECOMMENDATION

- The intent of the "Industrial" designation in the Official Community Plan (OCP) and "General Industrial" designation in the Central Newton Local Area Plan (LAP) is to ensure the subject property is primarily reserved for industrial activities.
- The Employment Lands Strategy Study (2008) states that: "Industrial land shall be protected for industrial use." In addition, the strategy would encourage the type of uses sought by the applicant within Newton along major transportation corridors (e.g. King George Boulevard, No. 10 Highway and Scott Road/120 Street) as well as Newton Town Centre.
- The subject property and surrounding neighbourhood are primarily industrial in nature and presently zoned "Light Impact Industrial (IL)", "Business Park Zone (IB)" or "Comprehensive Development (CD)" (based on IL and/or IB). The majority of properties north of 76 Avenue are currently zoned IL which prohibits retail land-uses. In contrast, the majority of properties south of 76 Avenue are designated "Industrial Park" in the Central Newton LAP and zoned IB.
- The subject property is presently zoned CD (By-law No. 15379) and permits land-uses in the IL Zone (Block A) and IB Zone (Block B). However, the IB uses are restricted to office-related and service uses but specifically excludes the following: [1] eating establishment; [2] transportation industry; [3] assembly hall; as well as [4] retail sales as part of a light impact industrial business.
- The proposed rezoning, if approved, would erode the industrial land base along 76 Avenue and permit further encroachment of retail land uses not considered appropriate for industrial designated properties within the surrounding neighbourhood.

RECOMMENDATION

The Planning & Development Department recommends the proposed rezoning be denied.

Should Council allow the proposed development to proceed, the application should be referred back to staff to draft an appropriate CD By-law.

REFERRALS

Engineering: The Engineering Department has no objection to the project subject to the completion of Engineering servicing requirements as outlined in Appendix III.

SITE CHARACTERISTICS

Existing Land Use: Multi-tenant industrial buildings.

Adjacent Area:

Direction	Existing Use	OCP/LAP Designation	Existing Zone
North and West:	Industrial buildings.	Industrial/ High Impact Industrial	IL
East:	Municipal towing yard.	Industrial/ High Impact Industrial	IL
South (Across 76 Avenue):	Industrial buildings.	Industrial/Industrial Park	IB

DEVELOPMENT CONSIDERATIONSBackground

- The property is located on the north side of 76 Avenue between Anvil Way and the B.C. Hydro (Newton) railway corridor. The subject property is designated "Industrial" in the OCP, "General Industrial" in the Central Newton LAP and presently zoned CD (By-law No. 15379).
- The property was previously rezoned from "Light Impact Industrial (IL)" to "Comprehensive Development (CD)" (By-law No. 15379) on November 22, 2004. The development application included a Development Permit (No. 7904-0066-00) in order to allow the construction of two multi-tenant industrial buildings with a gross floor area of 4,895 square metres (52,700 sq. ft.).
- The subject property is presently zoned CD (By-law No. 15379) and permits land-uses in the IL Zone (Block A) and IB Zone (Block B). However, the IB uses are restricted to office-related and service uses but specifically excludes the following: [1] eating establishment; [2] transportation industry; [3] assembly hall; as well as [4] retail sales as part of a light impact industrial business.

Business License Information

- The current business operating in Strata Lot 13 and 14 (Zahiba Foods Ltd.) is located within "Block B" which permits a broader range of office and service uses but specifically prohibits retail sales. The business previously operated at 7795 – 128 Street (IL Zone) and obtained a

business license under the category of "warehouse". The business subsequently relocated to 13049 – 79 Avenue in May, 2010 and obtained another business license under the category of warehouse. However, the business license clearly stated no retail sales are permitted on-site.

- By-laws & Licensing Division issued a Zoning Inquiry letter in June, 2010 that clearly indicates no retail sales are permitted on-site under the existing CD Zone (By-law No. 15379). Following an investigation by By-laws & Licensing Division in March, 2011 regarding possible retail sales, the applicant contacted the Planning & Development Department in June, 2011. At that time, City staff informed the applicant the proposed rezoning would not likely be supported given retail uses are not considered appropriate for industrial designated properties. Although staff advised the applicant to consider relocating the business to a more suitable zone, the applicant decided to submit a rezoning application (File No. 7911-0202-00) in August, 2011 and finally installed the Development Proposal Sign in August, 2012 thereby allowing City staff to proceed to Council.

#### Arguments in Support of Rezoning

- The proposed CD amendment would allow retail uses on-site and thereby permit the existing business (Zahiba Foods Ltd.) to continue operating in Strata Lot 13 and 14 at 13049 – 76 Avenue.

#### Arguments Against Rezoning

- The intent of the "Industrial" designation in the Official Community Plan (OCP) and "General Industrial" designation in the Central Newton Local Area Plan (LAP) is to ensure the subject property is primarily reserved for industrial activities. In contrast, the applicant has proposed to amend the CD By-law (By-law No. 15379) in order to permit retail sales on-site which City staff feel are better suited to commercial designated properties.
- The Employment Lands Strategy Study (2008) states that: "Industrial land shall be protected for industrial use." In addition, the strategy would encourage the type of uses sought by the applicant within Newton along major transportation corridors (e.g. King George Boulevard, No. 10 Highway and Scott Road/120 Street) as well as Newton Town Centre.
- The subject property and surrounding neighbourhood are primarily industrial in nature and presently zoned "Light Impact Industrial (IL)", "Business Park Zone (IB)" or "Comprehensive Development (CD)" (based on IL and/or IB). The majority of properties north of 76 Avenue are currently zoned IL which prohibits retail land-uses. In contrast, the majority of properties south of 76 Avenue are designated "Industrial Park" in the Central Newton LAP and zoned IB.
- The proposed rezoning, if approved, would erode the industrial land base along 76 Avenue and permit further encroachment of retail land uses not considered appropriate for industrial designated properties within the surrounding neighbourhood.
- Should Council allow the proposed development to proceed, the application should be referred back to staff to draft an appropriate CD By-law.

#### PRE-NOTIFICATION

Pre-notification letters were sent on October 14, 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. | Engineering Summary                                |
| Appendix IV.  | Block Plan   |

*original signed by Nicholas Lai*

Jean Lamontagne  
General Manager  
Planning and Development

MRJ/kms

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. 9/6/12 9:40 AM

Information for City Clerk

Legal Description and Owners of all lots that form part of the application:

1. (a) Agent:      Name:                    Oleg Verbenkov  
   Pacific Land Group  
   Address:                7485 – 130 Street, Unit #101  
   Surrey, BC  
   V3W 1H8  
   Tel:                        604-501-1624
  
2.      Properties involved in the Application
  - (a)      Civic Addresses:            13033 and 13049 – 76 Avenue
  
  - (b)      Civic Address:                13033 – 76 Avenue  
   Owner:                    Azizahmed Kandawala  
   Mohmedshafik Mehmud Kandawala  
   Imran Mohmedshafik Kandawala  
   PID:                        026-814-145  
   Strata Lot 14 Section 20 Township 2 New Westminster District Plan BCS2031 Together  
   with an Interest in the Common Property in Proportion to the Unit Entitlement of the  
   Strata Lot as shown on Form V
  
  - (c)      Civic Address:                13049 – 76 Avenue  
   Owner:                    Azizahmed Kandawala  
   Mohmedshafik Mehmud Kandawala  
   Imran Mohmedshafik Kandawala  
   PID:                        026-814-137  
   Strata Lot 13 Section 20 Township 2 New Westminster District Plan BCS2031 Together with  
   an Interest in the Common Property in Proportion to the Unit Entitlement of the Strata  
   Lot as shown on Form V
  
3.      Summary of Actions for City Clerk's Office

## DEVELOPMENT DATA SHEET

Proposed Zoning: CD

Required Development Data	Minimum Required / Maximum Allowed		Proposed	
LOT AREA* (in square metres)				
Gross Total				
Road Widening area				
Undevelopable area				
Net Total	N/A		9,066.1 sq. m.	
LOT COVERAGE (in % of net lot area)	Block A	Block B	Block A	Block B
Buildings & Structures	60%	45%	40%	37%
Paved & Hard Surfaced Areas			38%	40%
Total Site Coverage			78%	77%
SETBACKS ( in metres)				
Front	7.5 m.	7.5 m.	93 m.	21.48 m.
Rear	0 m.	7.5 m.	0 m.	58 m.
Side #1 (East)			0 m.	15 m.
Side #2 (West)			0 m.	21.6 m.
BUILDING HEIGHT (in metres/storeys)				
Principal	12 m.	18 m.		
Accessory	6 m.	6 m.		
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				

*\* 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	
	Building A	Building B	Building A	Building B
DENSITY				
# of units/ha /# units/acre (gross)				
# of units/ha /# units/acre (net)				
FAR (gross)				
FAR (net)	1.0	0.75	0.45	0.62
AMENITY SPACE (area in square metres)				
Indoor				
Outdoor				
PARKING (number of stalls)				
Commercial	19 stalls	95 stalls	19 stalls	123 stalls
Industrial				
Residential Bachelor + 1 Bedroom				
2-Bed				
3-Bed				
Residential Visitors				
Institutional				
Total Number of Parking Spaces	116 stalls		144 stalls	
Number of disabled stalls	2 stalls		2 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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INTER-OFFICE MEMO

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TO: **Manager, Area Planning & Development  
- South Surrey Division  
Planning and Development Department**

FROM: **Development Services Manager, Engineering Department**

DATE: **October 31, 2011**

PROJECT FILE: **7811-0202-00**

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RE: **Engineering Requirements (Commercial/Industrial)  
Location: 13033 76 Ave.**

**REZONE**

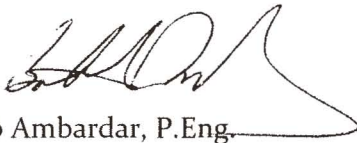
***Property and Right-of-Way Requirements***

- dedicate 2,500 metres on 76<sup>th</sup> Avenue

***Works and Services***

- Relocate existing water metre chamber

A Servicing Agreement is required prior to Rezone.



Bob Ambardar, P.Eng.  
Development Project Engineer

BA

**SURVEY PLAN TO ACCOMPANY CITY  
OF SURREY BYLAW No. \_\_\_\_\_  
OVER LOT B SECTION 20 TOWNSHIP 2  
NEW WESTMINSTER DISTRICT PLAN BCP4688  
FOR THE PURPOSE OF REZONING**

B.C.G.S 926.016  
CITY OF SURREY

**LEGEND**

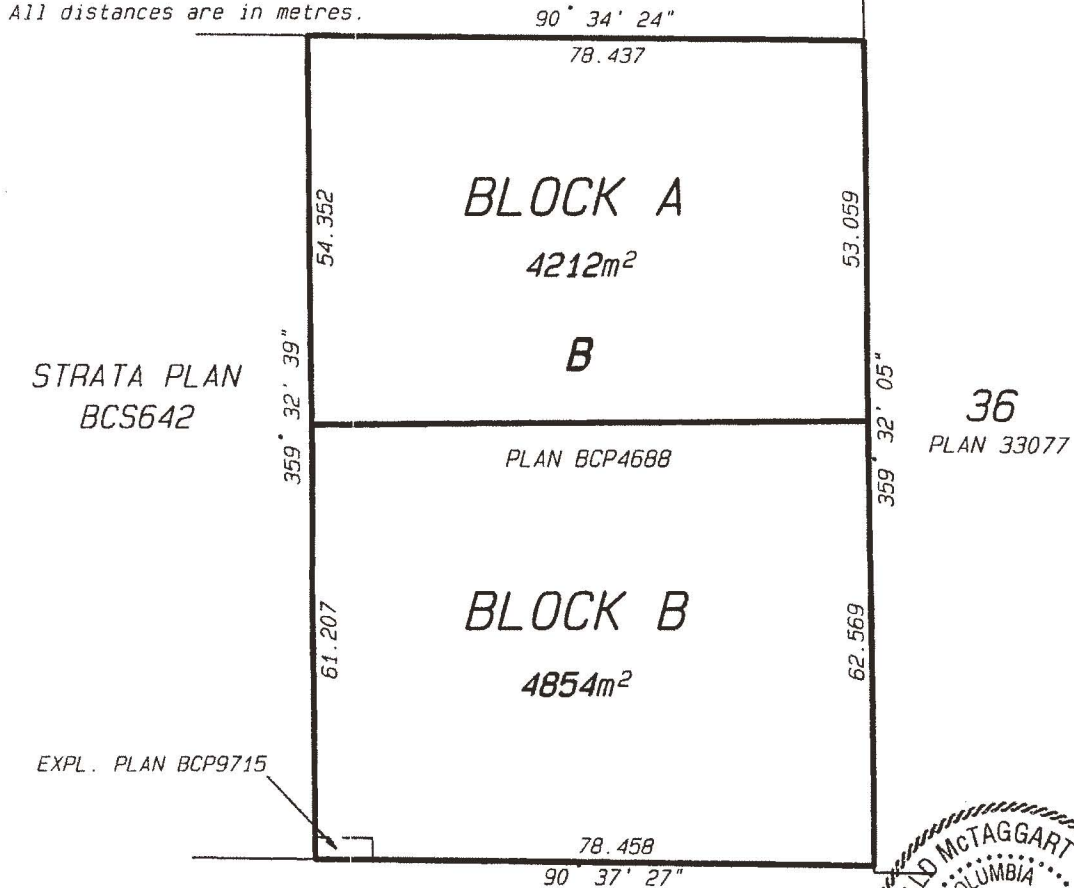
SCALE 1: 1000

1

PLAN LMP42360



All distances are in metres.



**76th AVENUE**

DHALIWAL & ASSOCIATES  
PROFESSIONAL LAND SURVEYING INC.  
121-13140 80th Avenue  
Surrey, B.C.  
V3W 3B2  
(ph) 501-6188  
(fx) 501-6189  
File: 0405001.201

This Plan lies within the  
Greater Vancouver Regional District.

CERTIFIED CORRECT ACCORDING TO FIELD SURVEY.  
DATE: 21st DAY OF FEBRUARY 2004.  
  
Bruce McTaggart, B.C.L.S.

THIS DOCUMENT IS NOT VALID UNLESS  
ORIGINALLY SIGNED AND SEALED

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