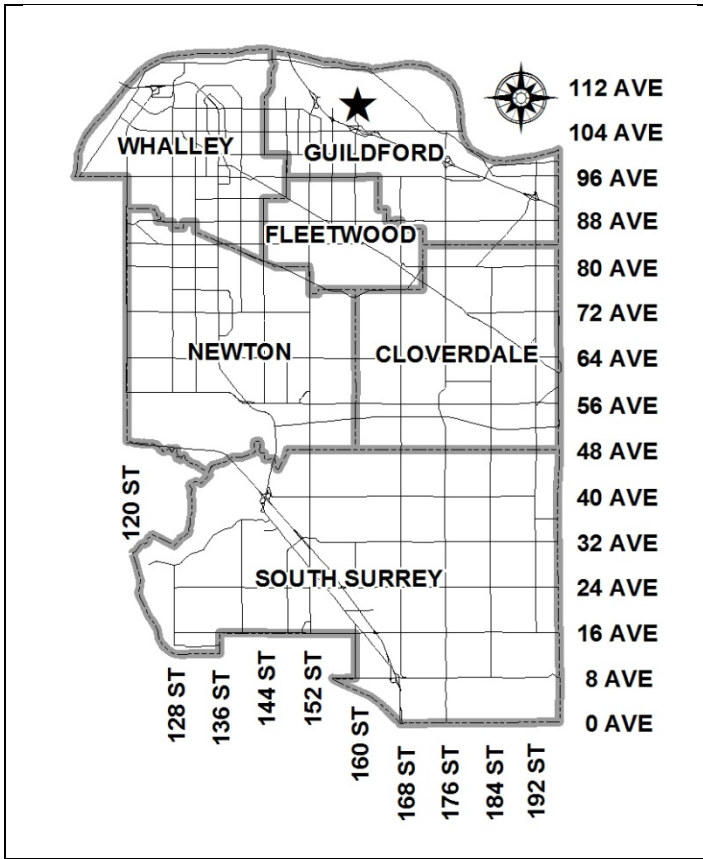


City of Surrey
PLANNING & DEVELOPMENT REPORT

File: 7912-0167-00

Planning Report Date: July 9, 2012



PROPOSAL:

- Amend CD By-law No. 11302, amended by By-law No. 15501

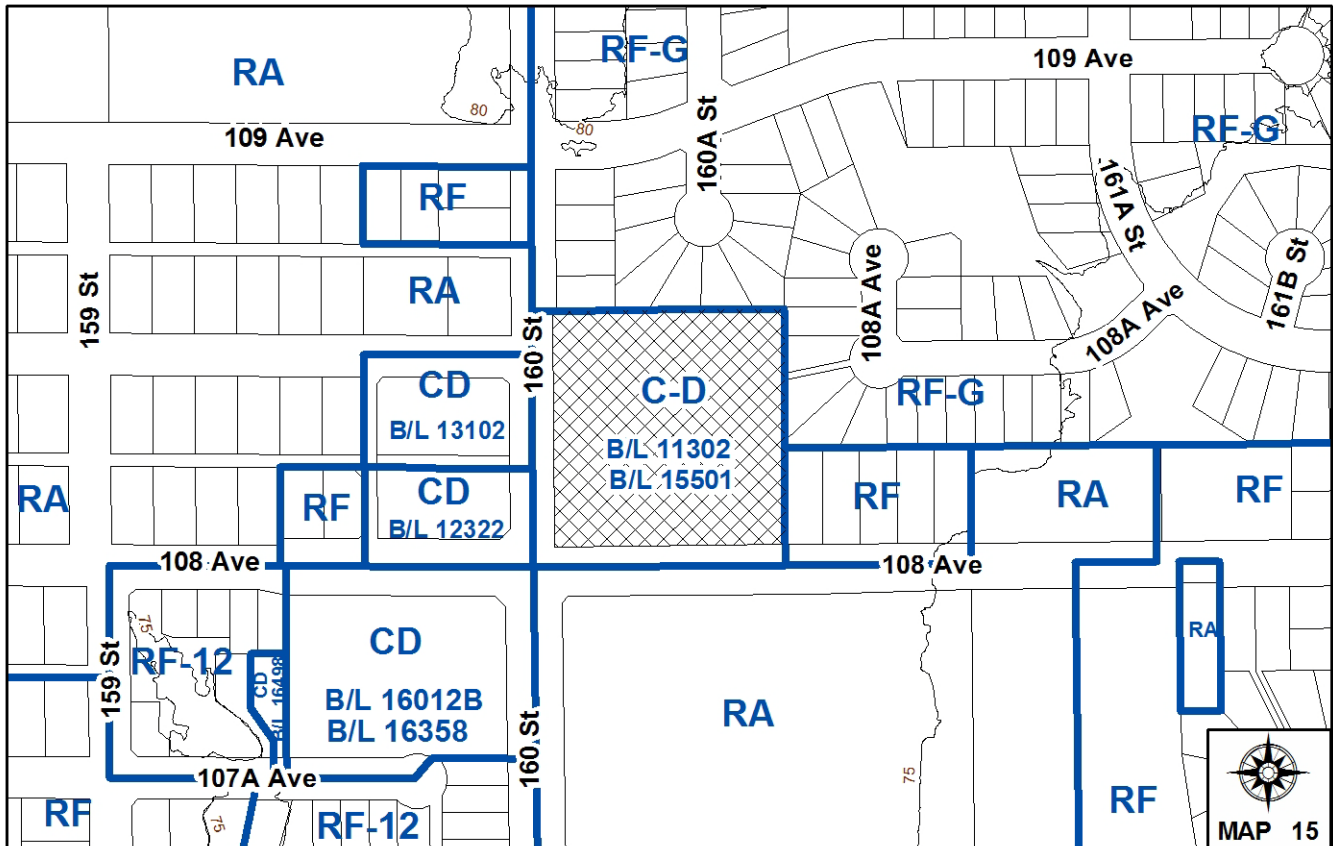
in order to permit the expansion of an existing food store.

LOCATION: 16033 - 108 Avenue

OWNER: Kevington Building Corporation Ltd., Inc. #76173

ZONING: CD By-law No. 11302, amended by By-law No. 15501

OCP DESIGNATION: Commercial



RECOMMENDATION SUMMARY

- By-law Introduction and set date for Public Hearing for amending CD By-law No. 11302, as amended by By-law No. 15501.

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- None.

RATIONALE OF RECOMMENDATION

- Complies with Commercial designation in OCP.
- The proposal is consistent with existing uses on the site.
- The proposed food store expansion is modest in size and will still allow a mix of smaller commercial shops within the shopping centre.

RECOMMENDATION

The Planning & Development Department recommends that:

1. a By-law be introduced to amend Comprehensive Development By-law No. 11302, as amended, and a date be set for Public Hearing.

REFERRALS

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

SITE CHARACTERISTICS

Existing Land Use: Fraser Heights Shopping Centre.

Adjacent Area:

Direction	Existing Use	OCP Designation	Existing Zone
North:	Single family homes.	Urban	RF-G
East:	Single family homes.	Urban	RF-G and RF
South (Across 108 Avenue):	Fraser Heights Secondary School.	Urban	RA
West (Across 160 Street):	Gas station and small multi-tenant shopping centre.	Commercial and Urban	CD By-law No. 12322 and CD By-law No. 13102

DEVELOPMENT CONSIDERATIONSBackground

- On July 23, 1990, Council approved the rezoning of the site to C-R(1) under Zoning By-law No. 5942, to permit the development of a multi-building community shopping centre.
- On August 24, 1992, Council approved the rezoning of the site from C-R(1) to Comprehensive Development Zone (CD) By-law No. 11302 to permit an expansion to the existing food store to 1,190 square metres (12,800 sq. ft.).
- On October 18, 2004, the CD By-law was further amended under Council-initiative (By-law No. 15501) to permit liquor stores but only in conjunction with a liquor-primary establishment (Corporate Report No. R229, September 7, 2004).
- The subject site does not permit a liquor-primary establishment and therefore a private liquor store is not permitted.

Proposal

- Under the provisions of CD By-law No. 11302, as amended by By-law No. 15501, which regulates the subject site, food stores are a permitted use.
- However, the maximum floor area of a food store permitted under the provisions of CD By-law No. 11302, as amended, is 1,190 square metres (12,800 sq. ft.). The existing food store (Nesters Market) is currently at the maximum floor area permitted under the provisions of CD By-law No. 11302, as amended.
- The applicant proposes to amend CD By-law No. 11302, as amended, to increase the maximum floor area of a food store from 1,190 square metres (12,800 sq. ft.) to 1,300 square metres (14,000 sq. ft.) to permit an expansion of the existing Nestors Market food store.
- The existing Nesters Market food store, which serves as the anchor tenant for the shopping centre, is located in the Commercial Retail Unit (CRU) on the northeast corner of the site.
- The proposed amendment will allow the existing food store to expand into the neighbouring CRU to the west, which is currently vacant (Appendix III).
- Additionally, Schedule A, which formed part of CD By-law No. 11302, as amended, and divides the site into Block 1 and Block 2, is proposed to be removed as part of the proposed CD By-law amendment for the following reasons:
 - The only difference between Blocks 1 and 2 is that Block 2 permits a larger food store (1,190 sq. m./12,800 sq. ft.) than is permitted in Block 1 (900 sq. m./9,700 sq. ft.).
 - The proposed CD By-law amendment will continue to restrict the size of a food store on the site.
- All other aspects of CD By-law No. 11302, as amended by By-law No. 15501, will remain unchanged.
- No modifications to the exterior of the building are proposed.

PRE-NOTIFICATION

Pre-notification letters were mailed on June 22, 2012. Staff received no comments.

INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

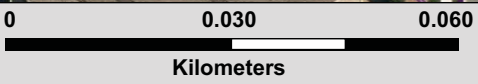
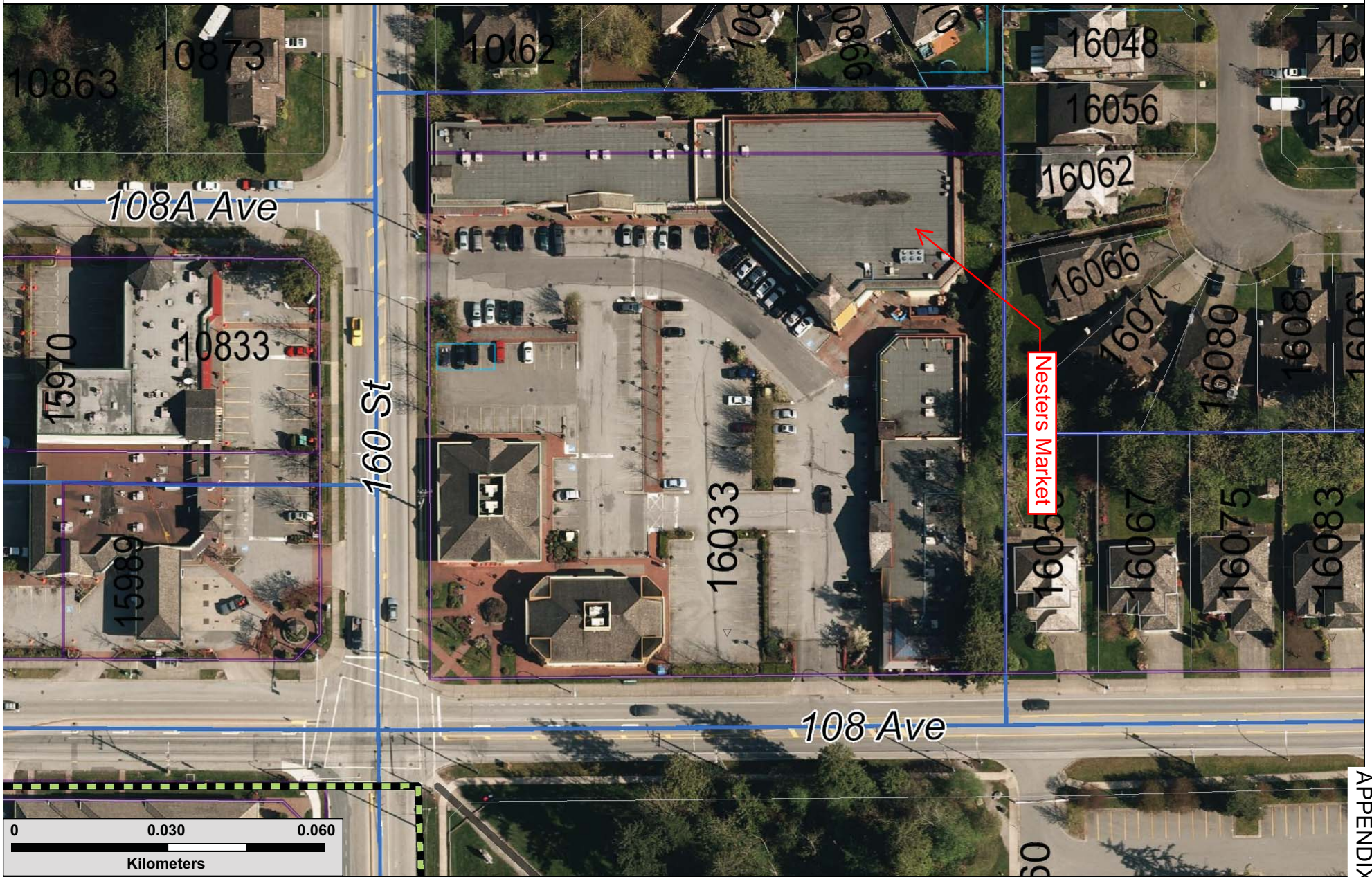
- Appendix I. Lot Owners and Action Summary
- Appendix II. Aerial Photo of Subject Site
- Appendix III. Area of Proposed Expansion
- Appendix IV. Proposed CD By-law Amendment
- Appendix V. CD By-law No. 11302, as amended

original signed by Judith Robertson

Jean Lamontagne
General Manager
Planning and Development

JD/kms

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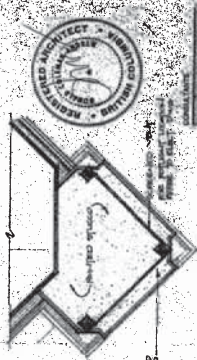
The data provided is compiled from various sources and is NOT warranted as to its accuracy or sufficiency by the City of Surrey. This information is provided for information and convenience purposes only. Lot sizes, legal descriptions and encumbrances must be confirmed at the Land Title Office. Use and distribution of this map is subject to all copyright and disclaimer notices at cosmos.surrey.ca.

Enter Map Description

Scale: 1: 1,000
Map created on: June-26-12

KEY PLAN
M.T.S.

NO.	DATE	DESCRIPTION
1	1/23/12	ISSUED FOR PERMITS
2	1/23/12	ISSUED FOR PERMITS
3	1/23/12	ISSUED FOR PERMITS



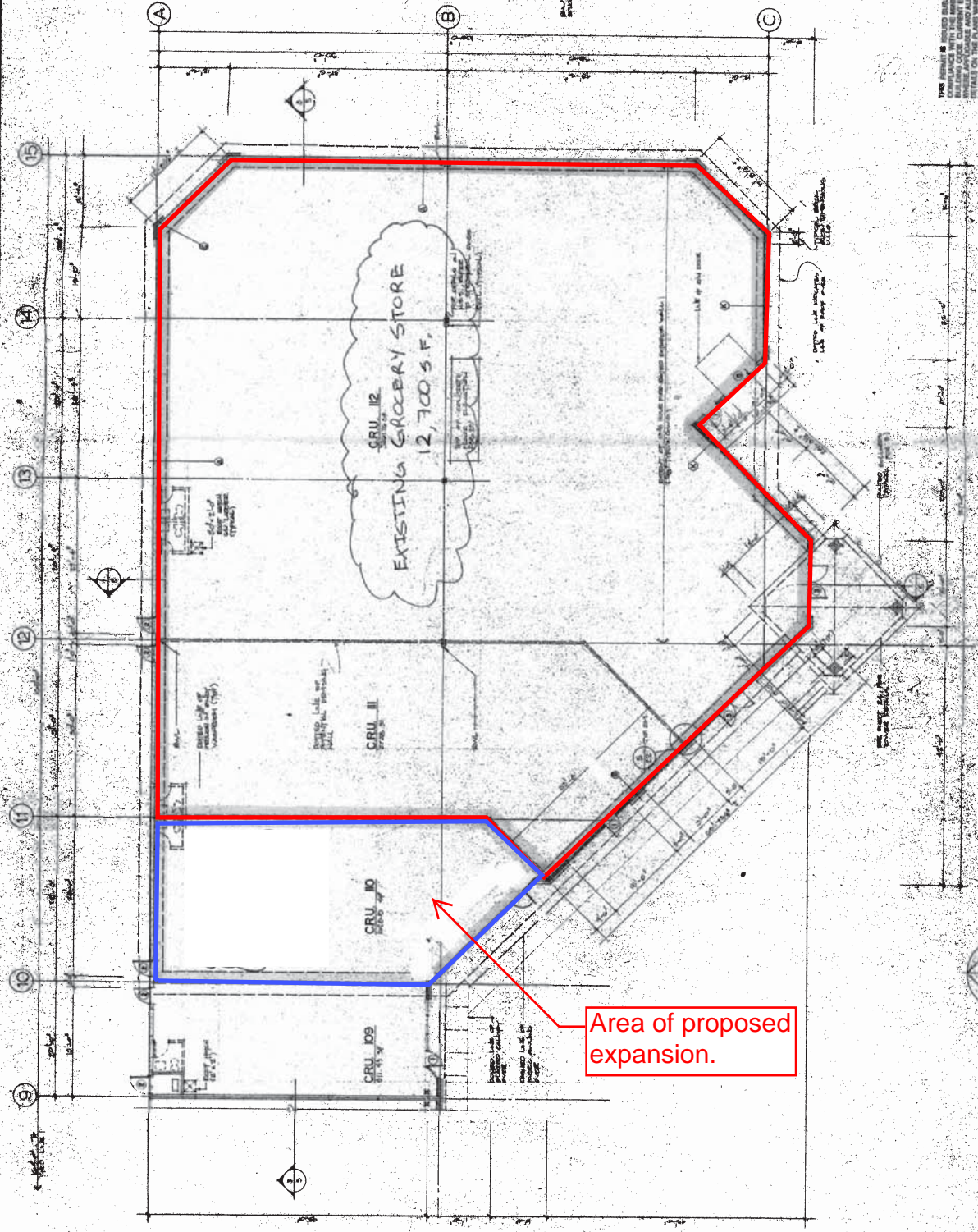
LOWER ROFFET

FRASER HEIGHTS VILLAGE CENTRE
BUILDING A - EAST FLOOR PLAN

CHANGES AUTHORITY

THIS DRAWING IS SUBJECT TO THE PLANS AND SPECIFICATIONS OF THE BUILDING CODE, CURRENT EDITION, AND ALL APPLICABLE REGULATIONS. ALL MATERIALS AND METHODS OF CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE BUILDING CODE, CURRENT EDITION, AND ALL APPLICABLE REGULATIONS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.

JAN 23 2012



Area of proposed expansion.

BUILDING A - (EAST) FLOOR PLAN
SCALE: 1/8" = 1'-0"

CITY OF SURREYBY-LAW NO. _____

A by-law to amend Surrey Zoning By-law, 1979, No. 5942, Amendment By-law, 1992, No. 11302, Amendment By-law, 2004, No. 15501

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

1. Surrey Zoning By-law, 1979, No. 5942, Amendment By-law, 1992, No. 11302, Amendment By-law, 2004, No. 15501 is hereby amended as follows:
 - (a) Section 2.B is amended by deleting the heading and words "Block 1: (the area as shown on the site plan attached as Schedule "A" to this By-law)"
 - (b) Section 2.B.1 is amended by deleting "Grocery stores, food stores, meat market, fruit and vegetable stores, and retail bakeries" and inserting the following in its place:

"Meat market, fruit and vegetable stores, and retail bakeries."
 - (c) Section 2.B.6 is deleted and replaced with the following:

"6. Only one grocery or food store not exceeding 1,300 square metres [14,000 sq. ft.] in gross floor area."
 - (d) Section 2.B.7 is amended by deleting the heading "Blocks 1 and 2:"
 - (e) Schedule "A" is deleted
2. This By-law shall be cited for all purposes as "Surrey Zoning By-law, 1979, No. 5942, Amendment By-law, 1992, No. 11302, Amendment By-law, 2004, No. 15501, Amendment By-law, 2012, 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

THE CORPORATION OF THE DISTRICT OF SURREY

Amended by BL 15501, 10/18/04

BY-LAW NO. 11302

A by-law to amend "Surrey Zoning By-law, 1979, No. 5942."

.....

THE MUNICIPAL COUNCIL of The Corporation of the District of Surrey, in open meeting assembled, ENACTS AS FOLLOWS:

1. "Surrey Zoning By-law, 1979, No. 5942," as amended, is hereby further amended, pursuant to the provisions of Section 963 of the "Municipal Act," and the classification of the following parcels of land, presently shown upon the maps designated as the "Zoning Maps" and marked as Schedule "A" under PART III of the said By-law No. 5942, is hereby amended as follows:

FROM "RETAIL COMMERCIAL ZONE ONE (C-R(1))" TO
"COMPREHENSIVE DEVELOPMENT ZONE (C-D)"

Lot 104, Section 14, Block 5 North, Range 1 West, New Westminster District, Plan LMP1259.

(16033 - 108 Avenue)

2. The following regulations shall apply to the land herein:

A. INTENT

This zone is intended to accommodate and regulate the development of a combination of small scale retail commercial, personal service facilities and grocery stores oriented to pedestrians.

B. PERMITTED USES

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

Block 1: (the area as shown on site plan attached as Schedule "A" to this By-law)

1. Retail stores provided that the gross floor area of an individual store shall not exceed nine hundred (900) square metres:

- Automotive parts (new) sales
- Book stores and stationery stores
- Clothing stores and footwear stores
- Drug stores
- Florist's shop
- Furniture and appliance stores
- Grocery stores, food stores, meat market, fruit and vegetable stores, and retail bakeries
- Hardware stores and equipment stores
- Hobby brewing stores, providing that the brewing room does not exceed fifty (50) square metres [540 sq. ft.] and that the storage/warehouse facilities do not exceed one hundred (100) square metres [1,080 sq. ft.].
- Jewellery stores and gift shops
- Liquor stores and tobacconists
- Pet shops
- Sporting goods stores
- Variety stores
- Other similar retail stores compatible with the uses permitted in this zone

2. Services except automotive services:

- Animal hospital
- Barber and beauty parlours
- Business schools, dancing schools
- Dry cleaners and laundromats
- Funeral Parlour
- Health spa
- Hotel
- Licensed premises
- Pools hall
- Restaurants and coffee shops
- Shoe repair shops and jewellery repair shops
- Social escort service
- Theatres and cinemas

- Tool repair and tool rental
- Other similar services and repair shops not requiring the operation of heavy machinery, and compatible with the uses permitted in this zone.

3. Offices:

- Banks and other finance offices
- Data processing centres
- Doctors' offices, dentists' offices and other medical or related offices
- General business offices
- Law offices, accountants' offices and other professional offices
- Real estate agencies and insurance agencies
- Taxi dispatch office providing, however, that such use does not permit associated car repair service or car storage
- Travel agencies and travelers' clubs
- Government offices

4. Parking structure or surface parking provided however that where surface parking is provided, such surface shall be treated with asphalt, concrete, or similar pavement to provide a dust-free, weed-free surface suitable for parking, and further provide that the surface shall be so graded and drained as to properly dispose of all water.

5. Accessory Uses:

(a) One dwelling unit provided that:

(i) The dwelling unit is within the principal building, and

(ii) The dwelling unit is occupied by the owner or his employee for the protection of the business permitted on the property.

(b) Accessory buildings provided that they are located at the rear of the principal building.

6. Block 2: (the area as shown on site plan attached as Schedule "A" to this By-law)

In addition to the preceding uses, land and structures may also be used for the following:

- Grocery or food store not exceeding 1,190m² (12,700 sq. ft.) in gross area

7. Blocks 1 and 2:

Notwithstanding the above noted uses, the following uses are specifically not permitted:

- Neighbourhood pubs
- Video arcades
- 24 hour grocery stores

C. LAND DEVELOPMENT

Notwithstanding any other provision of this zone, the uses permitted by Section B shall be conditional upon the immediate availability and adequacy of those Municipal facilities and services hereinafter set forth to serve each parcel of land and each unit of every building, structure and use to be erected, placed or carried on thereon. No use of land and no use of any building or structure thereon shall be deemed to be authorized by Section B of this zone, and all uses otherwise permitted by this By-law are hereby prohibited unless and until all of the following services and facilities have been provided and are immediately available and are adequate therefor to the standards set out as follows:

1. Sanitary sewer, waterworks and drainage works shall be provided and constructed to the standards set out for the C-H zone in "Surrey Subdivision By-law, 1986, No. 8830" and amendments thereto.
2. All highways abutting and serving the land including boulevards, street lighting, underground wiring, sidewalks, transit service facilities shall be provided and constructed to the standards set out for the C-H zone in "Surrey Subdivision By-law No. 8830" and amendments thereto.

D. DENSITY

The maximum density shall not exceed a floor area ratio of one (1.00); provided however that this floor area ratio may be increased as hereinafter set forth:

1. Where all of the required off-street parking is provided underground or within the outermost walls of a building or a structure, the floor area ratio may be increased by zero decimal five (0.5), amounting to a total floor area ratio of one decimal five (1.5).
2. Where a portion of the required off-street parking is provided underground or within the outermost walls of a building or structure, the floor area ratio may be increased by the proportion of required parking so provided multiplied by zero decimal five (0.5).

E. SITE COVERAGE

The maximum site coverage shall be fifty (50) per cent; provided however that this site coverage may be increased as hereinafter set forth:

1. Where all of the required off-street parking is provided underground or within the outermost walls of a building or structure, the site coverage may be increased by thirty (30) per cent, amounting to a total site coverage of eighty (80) per cent.
2. Where a portion of the required off-street parking is provided underground or within the outermost walls of a building or structure, the site coverage may be increased by the proportion of the required parking so provided multiplies by zero decimal three (0.3).

F. SUBDIVISION

1. Lot size: The minimum lot size shall be one thousand (1,000) square metres [10,800 sq. ft.]
2. Frontage: The minimum frontage shall be twenty-five (25) meters.

G. HEIGHT OF STRUCTURES

1. Principal buildings: The height of principal buildings shall not exceed three (3) storeys or twelve (12) metres.
2. Accessory buildings: The height of accessory buildings shall not be four decimal five (4.5) metres.

H. YARDS & SETBACKS

Buildings and structures shall be situated as hereinafter set forth:

1. Front yard: The uniform setback along the front property line shall be two(2) metres, provided however that an additional setback may be created anywhere along the front property line not exceeding five (5) metres from the front property line and further provided that the width of such additional setback shall not exceed fifty (50) per cent of the lot frontage.
2. Side yard: The minimum side yard shall be seven decimal five (7.5) metres except in the event that a property adjoins other properties of the same zone, no side yard is required. Where the side property line fronts onto a flanking street, the same setback requirements set forth in Clause H.1 above shall apply on the said side property line.

3. Rear setback: The minimum rear yard shall be seven decimal five (7.5) metres.

4. Setback requirements for accessory buildings:

(a) Side setback: The minimum side setback shall be one (1) metres, provided however that the side setback shall be increased to not less than seven decimal five (7.5) metres on the side property line fronting onto a flanking street.

(b) Rear setback: The minimum rear setback shall be one decimal five (1.5) metres.

I. LANDSCAPING

Any building or structure being erected, enlarged or increased in capacity shall make provision for landscaping as hereinafter set forth:

1. All portions of the site not covered by buildings, structures and circulations spaces shall be landscaped; provided however that landscaping shall cover not less than five (5) per cent of developed site area.

2. Except in those portions where a building abuts the property line, screen planting at least one decimal five (1.5) metres high in a strip at least one decimal five (1.5) metres wide, or a solid decorative fence at least one decimal five (1.5) metres high shall be provided along all property lines separating the developed portion of the site from any residentially zoned property.

3. Loading areas or trucking yards shall be screened from adjacent residentially zoned property to a height of at least two decimal five (2.5) metres by buildings, a landscaping screen, a solid decorative fence, or a combination thereof.

4. The boulevard areas of highways abutting the site shall be seeded or sodded with grass on the side of the road abutting the site except at driveways.

5. Substantial landscaping shall be provided in the areas of front yards and setbacks.

J. OFF-STREET PARKING

No off-street parking shall be allowed in the required front yards.

3. This by-law shall be cited for all purposes as "Surrey Zoning By-law, 1979, No. [5942](#), Amendment By-law, 1992, No. 11302."

READ A FIRST AND SECOND TIME on the 4th day of May, 1992.

PUBLIC HEARING HELD thereon on the 1st day of June, 1992.

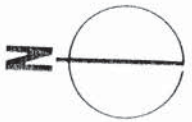
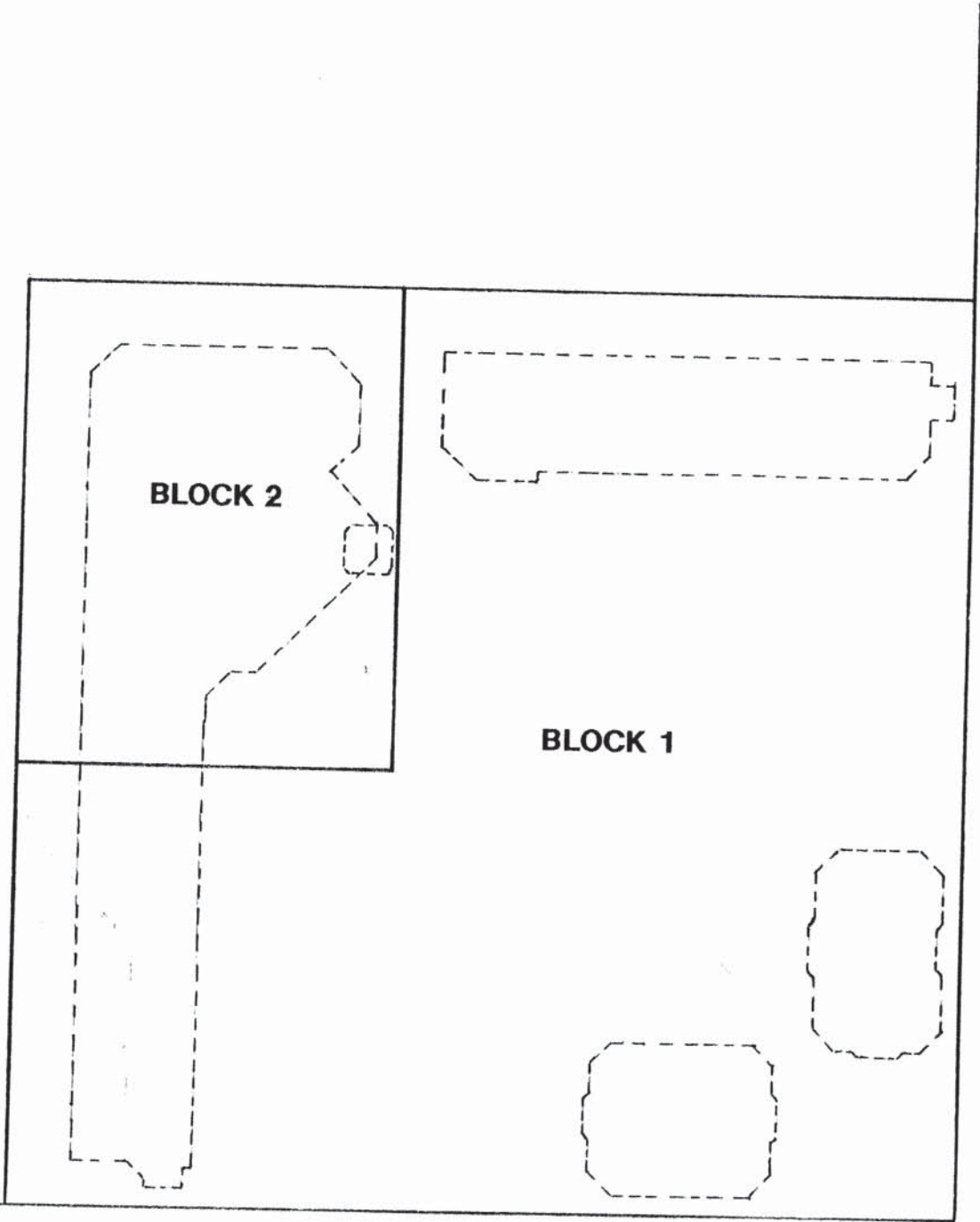
READ A THIRD TIME ON THE 15th day of June, 1992.

RECONSIDERED AND FINALLY ADOPTED, signed by the Mayor and Clerk, and sealed with the Corporate Seal on the 24th day of August, 1992.

_____MAYOR

_____CLERK

SCHEDULE "A"



160 STREET

108 AVENUE

CITY OF SURREY

BY-LAW NO. 15501

A by-law to amend "Surrey Zoning By-law, 1979, No. 5942, Amendment By-law, 1992, No. 11302".

.....

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

1. "Surrey Zoning By-law, 1979, No. 5942, Amendment By-law, 1992, No. 11302" is hereby amended as follows:
 - (a) Sub-section 2.B.1 is amended by deleting "- Liquor stores and tobacconists" and inserting the following in its place:

"- *Liquor Store*, permitted only in conjunction with a liquor-primary establishment, with a valid license issued pursuant to the Liquor Control and Licensing Act, R.S.B.C. 1996, chapter 267, s. 84, as amended and regulations thereto."
2. This By-law shall be cited for purposes as "Surrey Zoning By-law, 1979, No. 5942, Amendment By-law, 1992, No. 11302, Amendment By-law, 2004, No. 15501."

PASSED FIRST AND SECOND READING on the 13th day of September, 2004.

PUBLIC HEARING HELD thereon on the 18th day of October, 2004.

PASSED THIRD READING on the 18th day of October, 2004.

RECONSIDERED AND FINALLY ADOPTED, signed by the Mayor and Clerk, and sealed with the Corporate Seal on the 18th day of October, 2004.

_____ MAYOR

_____ CLERK