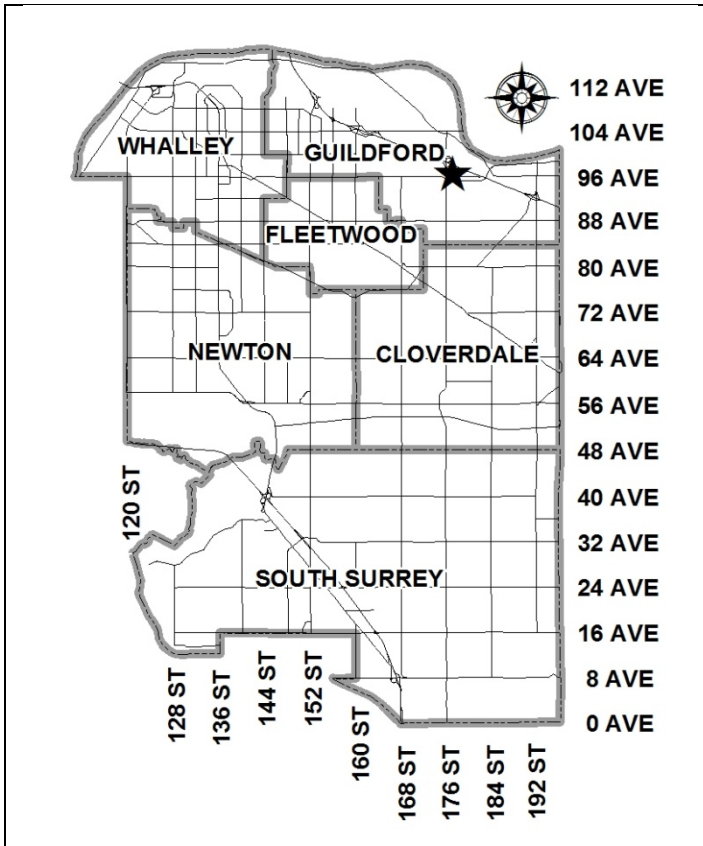


City of Surrey
PLANNING & DEVELOPMENT REPORT

File: 7912-0228-00

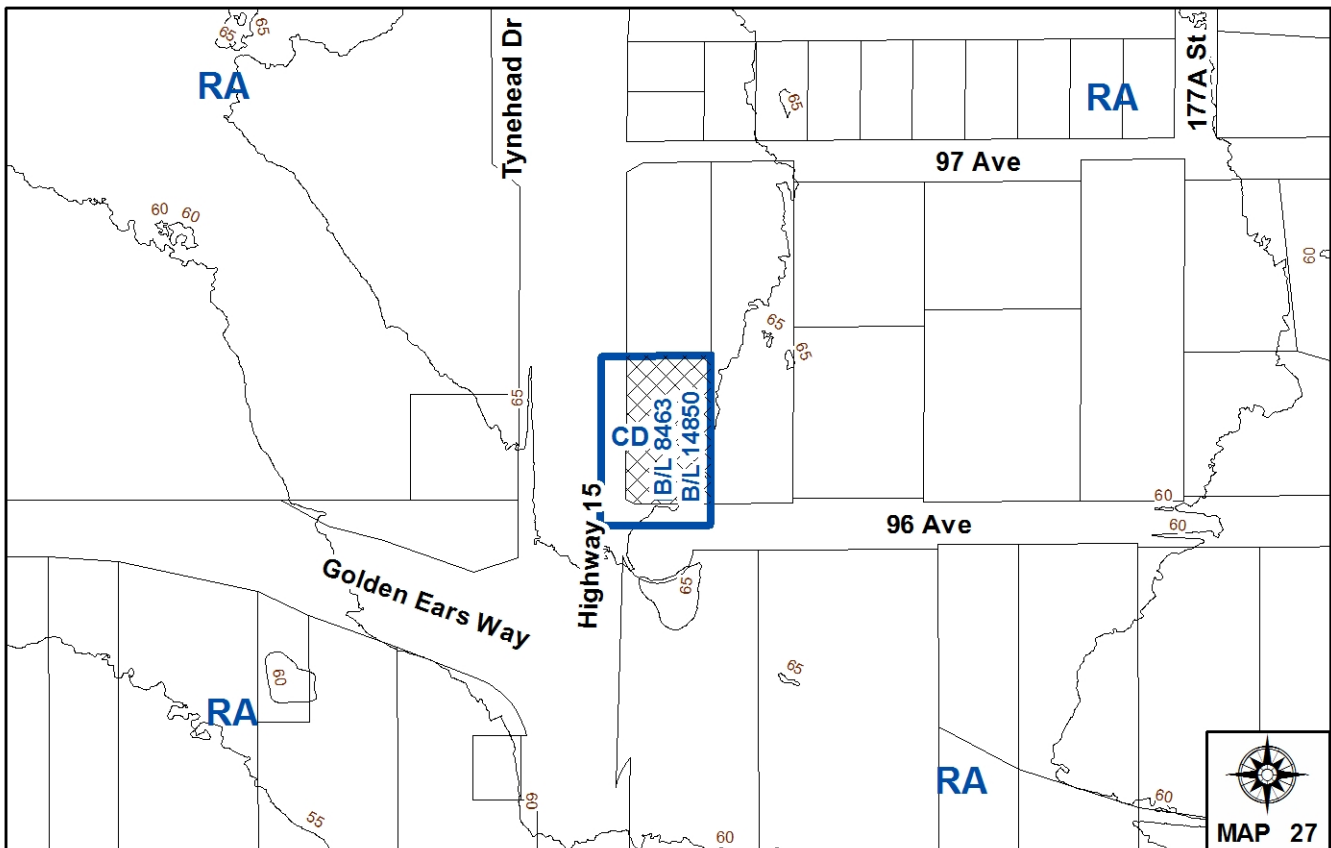
Planning Report Date: October 22, 2012



PROPOSAL:

- Amend CD By-law No. 8463, amended by By-law No. 14850 in order to allow child care centres as a permitted use.

LOCATION: 17619 - 96 Avenue
OWNER: Deertrail Homes Ltd.
ZONING: CD By-law No. 8463, amended by By-law No. 14850
OCP DESIGNATION: Suburban
NCP DESIGNATION: Light Industrial



RECOMMENDATION SUMMARY

- By-law Introduction and set date for Public Hearing for Amending CD By-law No. 8463, as amended.

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- None.

RATIONALE OF RECOMMENDATION

- Complies with OCP Designation.
- The proposed child care centre will allow for an additional use on a site that has limited access and is having difficulty securing tenants.
- The C-5 Zone, which is comparable to the existing CD By-law No. 8463, as amended, permits child care centres.

RECOMMENDATION

The Planning & Development Department recommends that:

1. a By-law be introduced to amend Comprehensive Development By-law Nos. 8463, as amended, and a date be set for Public Hearing.
2. Council instruct staff to resolve the following issues prior to final adoption:
 - (a) approval from the Ministry of Transportation & Infrastructure; and
 - (b) submission of building permit drawings that satisfactorily address Building Code requirements.

REFERRALS

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

Ministry of Transportation & Infrastructure (MOTI): MOTI has provided preliminary approval to the proposal.

SITE CHARACTERISTICS

Existing Land Use: Multi-tenant commercial building.

Adjacent Area:

Direction	Existing Use	OCP/NCP Designation	Existing Zone
North:	Single family dwelling.	Suburban/Light Industrial	RA
East:	Single family dwelling.	Suburban/Light Industrial	RA
South (Across 96 Avenue):	Vacant provincial land and Golden Ears Way.	Suburban/Light Industrial	RA
West (Across Highway No. 15):	Tynehead Park.	Conservation	RA

DEVELOPMENT CONSIDERATIONSBackground

- The subject site is 2,823 square metres (0.7 ac.) in area and located on 96 Avenue at Highway No. 15.

- The property is designated "Suburban" in the Official Community Plan (OCP) and "Light Industrial" in the Anniedale-Tynehead Neighbourhood Concept Plan (NCP). The property is currently regulated under a Comprehensive Development (CD) Zone (By-law No. 8463, as amended by By-law No. 14850).
- In 1978, a 891-square metre (9,590-sq. ft.), 2-storey, multi-unit commercial building was constructed on the site.
- The subject site was rezoned in 1986 under Development Application No. 5685-455, from Local Commercial (C-L) Zone (Zoning By-law No. 5942) to Comprehensive Development (CD) Zone (By-law No. 8463) in order to allow for a wider range of retail and service commercial uses and to increase the allowable floor area.
- In 2002, CD By-law No. 8463 was amended under a Council-initiated rezoning (By-law No. 14850) to prohibit liquor-licensed eating establishments in response to new Provincial liquor-licensing regulations (Corporate Report No. L011, November 4, 2002). This By-law amendment affected various CD-zoned sites around the City.
- The current CD By-law No. 8463, as amended, is comparable to the Neighbourhood Commercial Zone (C-5), which permits child care centres.

Current Proposal

- The subject site is located in an area designated "Light Industrial" in the Anniedale-Tynehead Neighbourhood Concept Plan (NCP) adopted by Council on April 23, 2012. This Light Industrial area forms a triangle that is bound by Highway No. 1 to the north, Highway No. 15 to the west, and Golden Ears Way to the south. Unfortunately, due to traffic volumes on these major regional transportation arteries, and other transportation considerations, vehicle access to this Light Industrial triangle area is severely restricted.
- The subject site fronts Highway No. 15 and, prior to the recent upgrading of Highway No. 15 by the Provincial Government, the subject site had right-in / right-out access to Highway No. 15 and direct right-in /right-out and left-in / left-out access to 96 Avenue.
- However, with the recent upgrades to Highway No. 15 and the opening of Golden Ears Way, access to the site is limited to a right-in / right-out from Highway No. 15 and to an access along 96 Avenue which no longer connects with Highway No. 15, but which ends in a cul-de-sac along the southern frontage of the subject site. Additionally, 96 Avenue can now be accessed from 180 Street only, which is located 735 metres (0.5 mile) to the east of the subject site.
- Due to the difficulty in accessing the site, the property owner is experiencing difficulties in retaining and attracting commercial tenants.
- Currently, the permitted uses in the CD By-law for the subject site include retail and service uses and certain office uses.
- The existing commercial building on the subject site has a total of 10 commercial retail units (CRUs): 5 units on the ground floor and 4 units on the upper floor (Appendix II). Six

units (100, 101, 103, 104, 105 and 200) are currently vacant. Unit 100 was being used by Parkside Market Convenience Store, but this store has recently closed.

- The remaining units are currently occupied by Child Evangelism Fellowship (Unit 202 & 206) and Action Pages (Unit 203), a publisher of telephone directories.
- A child care provider, KidZrock Childcare, has expressed interest in leasing three currently unoccupied units in the existing building, Units 103, 104 and 105, all of which have direct access to an outdoor area along the north side of the building that can be used as a play area for the children.
- KidZrock Childcare has demonstrated their interest in the site by engaging a consultant to liaise with Fraser Health Authority, the organization that licenses child care centres, and has undertaken Building, Electrical and Fire inspections of the portion of the building they wish to lease.
- However, under CD By-law 8463, as amended, which governs the subject site, child care centres are not a permitted use.
- As a result, the applicant is proposing to amend CD By-law No. 8463, as amended, to add child care centres as a permitted use.
- All other aspects of CD By-law No. 8463, as amended, will remain unchanged.
- As no modifications to the exterior of the building are proposed, with the exception of a play area, a Development Permit is not required as part of this proposal.

PRE-NOTIFICATION

Pre-notification letters were sent on September 12, 2012 and staff received no responses.

INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

Appendix I.	Lot Owners and Action Summary
Appendix II.	Site Plan and Building Plan
Appendix III.	Proposed CD By-law Amendment
Appendix IV.	CD By-law No. 8463, and Amendment By-law No. 14850

original signed by Judith Robertson

Jean Lamontagne
General Manager
Planning and Development

LM/kms

\\file-server1\net-data\csdc\generate\areaproduct\save\27009248016.doc
. 10/18/12 4:12 PM

OF 10 RODS ON THE WEST BOUNDARY OF 10 RODS ON THE SOUTH BOUNDARY, EXCEPT;
PART ON SRW PLAN 50683 N.W.D.

CITY OF SURREY, P.I.D. 012-893-269

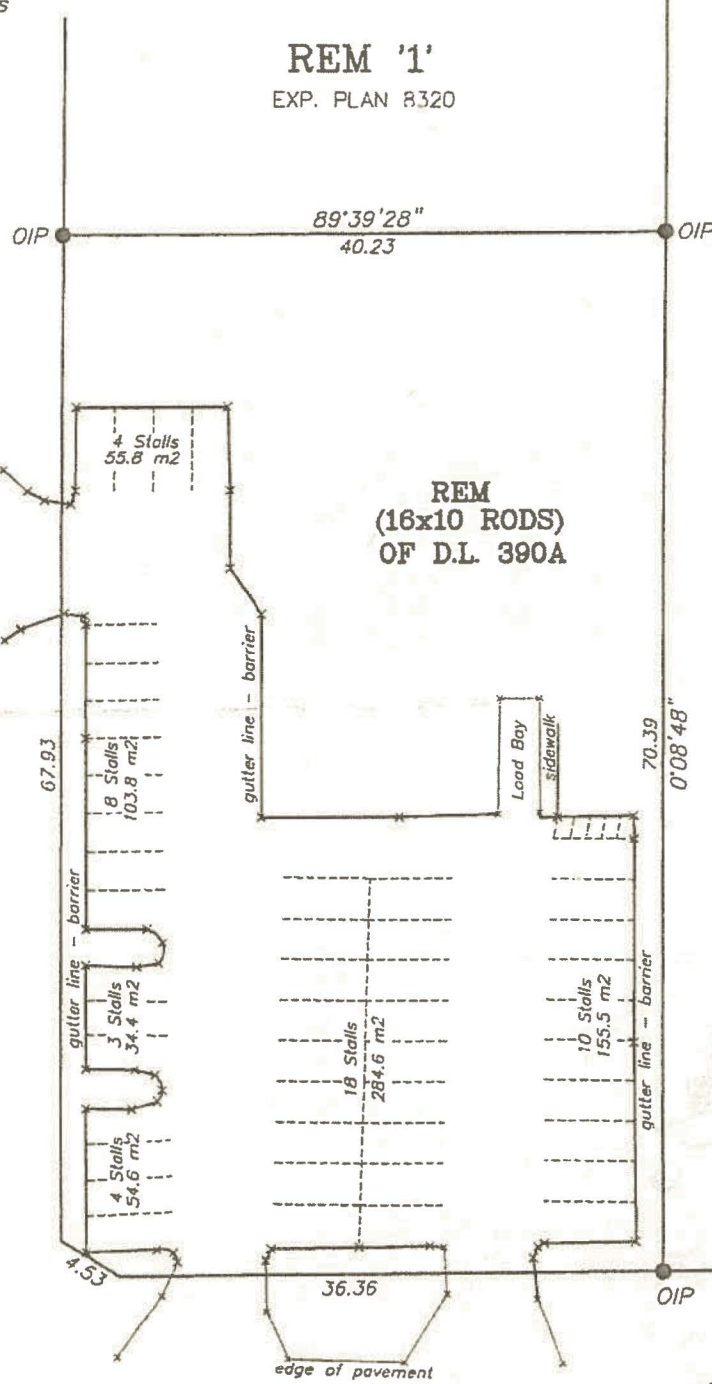


SCALE - 1 : 500
All distances are in metres

Civic Address:
17619 96th AVENUE,
SURREY, B.C.



176th STREET



REM '1'
EXP. PLAN 8320

REM
(16x10 RODS)
OF D.L. 390A

2
EXP. PLAN 10525

BOOK OF REFERENCE	
DESCRIPTION	TOTAL
Parking Stalls	47
Parking Stall Area	689 m ²

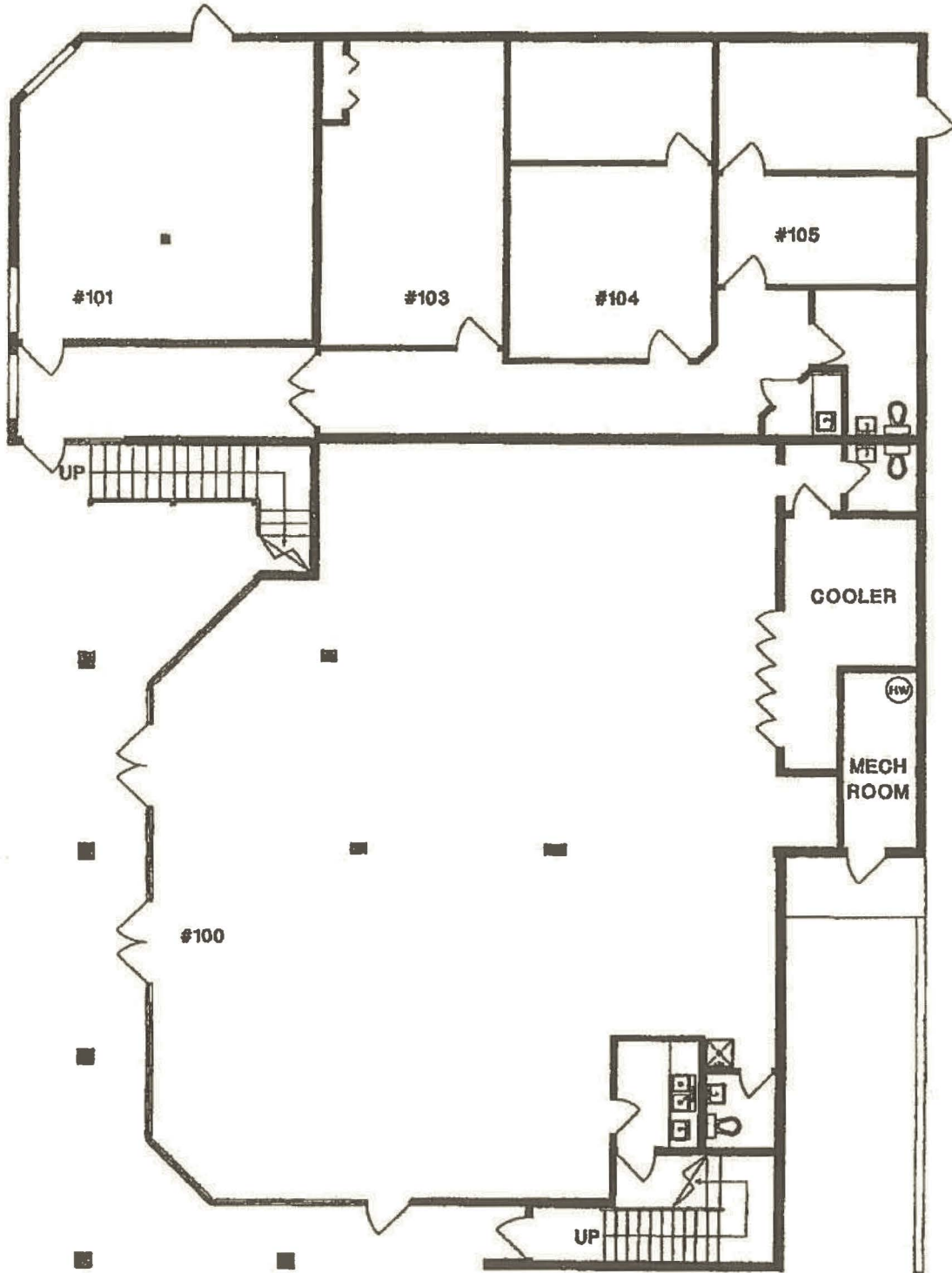
96th AVENUE



This document shows the relative location of the surveyed structures and features with respect to the boundaries of the parcel described above. This document shall not be used to define property lines or property corners.

17619 96TH AVENUE
SURREY, B.C.

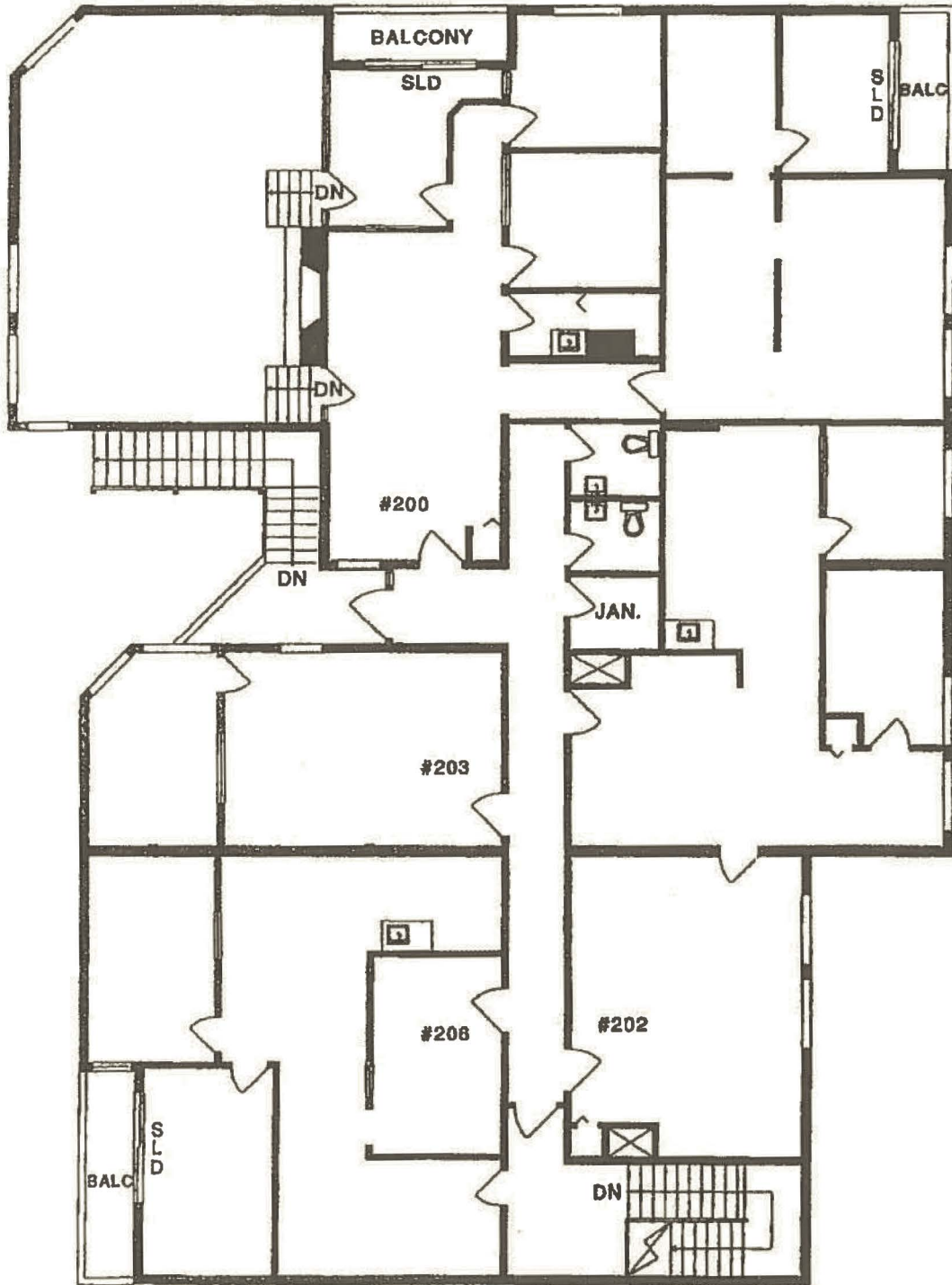
FIRST FLOOR



↑ N
1" = 8'
SCALE
NW RELIABLE MASTERS
COMMERCIAL DESIGN
(604) 529-0218
TRADE ONLY SHOP

17319 96TH AVENUE
SURREY, B.C.

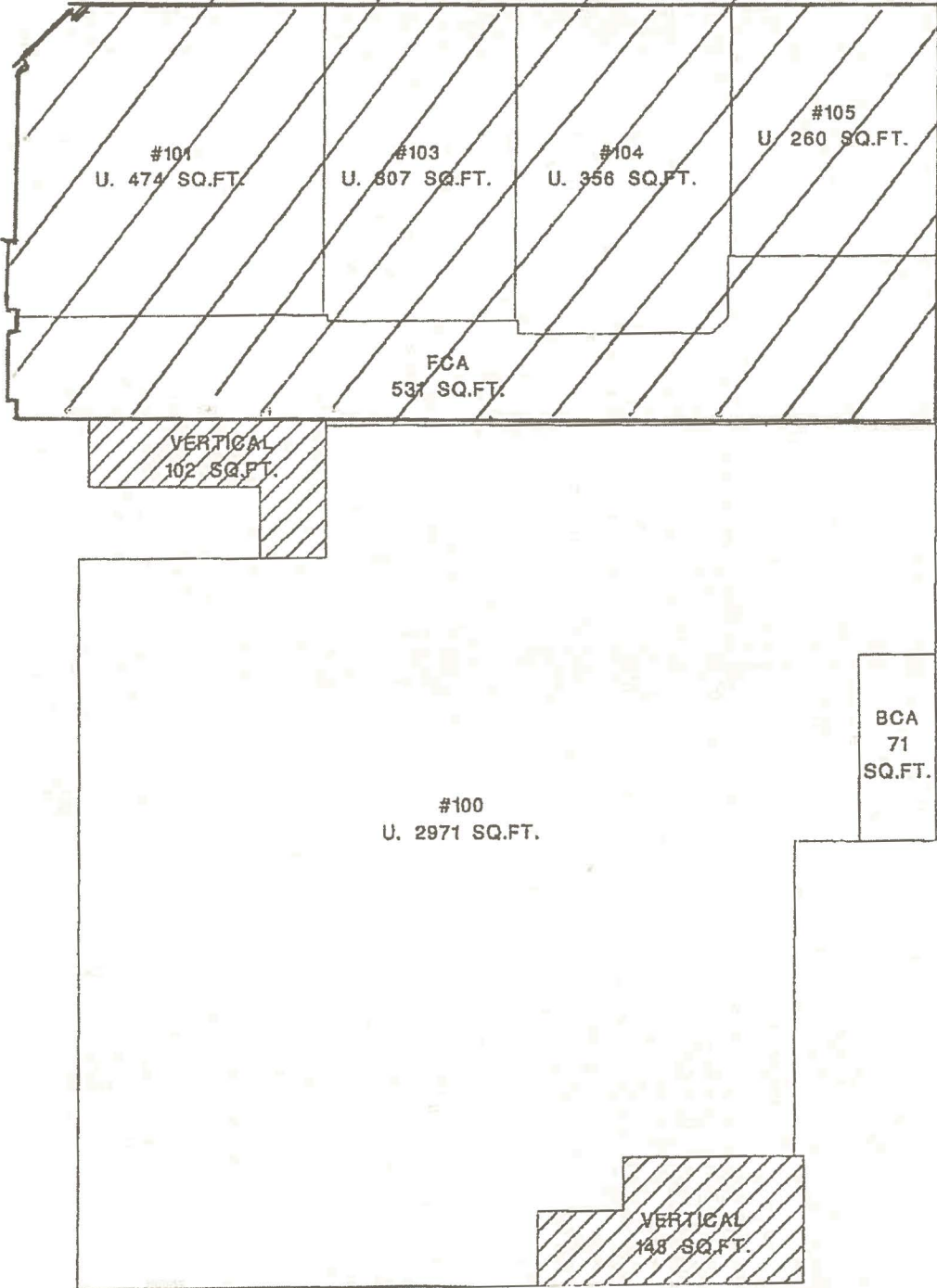
SECOND FLOOR



A north arrow pointing upwards is located above a scale bar. The scale bar is marked with '1' and '5' feet. Below the scale bar is the company logo for 'MEASUREMENTS CONSULTANTS INC.' with the phone number '(604) 531-8288' and the website 'www.mci.ca'.

17619 96TH AVENUE
SURREY, B.C.

FIRST FLOOR



← Childcare centre

*BOMA OFFICE
AND RETAIL



MEASURE MASTERS
SURVEYING & MAPPING
(800) 650-9288

GROSS MEASURED AREA 5220 SQ.FT.

CITY OF SURREY

BY-LAW NO. _____

A by-law to amend "Surrey Zoning By-law, 1993, No. 12000, Amendment By-law, 1985, No. 8463"

.....

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

1. "Surrey Zoning By-law, 1993, No. 12000, Amendment By-law 1985, No. 8463" is hereby amended as follows:

Part 1, Section B. Permitted Uses is amended by inserting new sub-section 3 immediately following sub-section 2 as follows:

"3. *Child care centres*, provided that such centres:

(a) Do not constitute a singular use on a *lot*; and

(b) Are located with direct access to an *open space* and play area within the *lot*.

2. This By-law shall be cited for purposes as "Surrey Zoning By-law, 1993, No. 12000, Amendment By-law 1985, No. 8463, Amendment By-law, 2002, No. 14850, Amendment By-law, 2012, No. _____."

PASSED FIRST AND SECOND READING on the _____ th day of _____, 20 .

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

PASSED THIRD READING 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

EXCERPT OF ZONING BYLAW

THE CORPORATION OF THE DISTRICT OF SURREY

BY-LAW NO. 8463

A By-law to amend "Part 1 of 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. "Part 1 of Surrey Zoning By-law, 1979, No. 5942" as amended, is hereby further amended pursuant to the provisions of Section 716 of the "Municipal Act" and the classification of the following parcel 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 "LOCAL COMMERCIAL ZONE (C-L)" TO
"COMPREHENSIVE DEVELOPMENT ZONE NUMBER TWENTY
(C-D(20))"

South West Sixteen by Ten (SW 16 x 10) Rods of District Lot Three Hundred Ninety "A" (DL 390A), (Except Right-of-Way Plan Fifty Thousand Six Hundred Eighty-Three (50683)), New Westminster District

(17619 - 96 Avenue)

The above described land shall be developed in accordance with the provisions of "Part XXXVIII - C-L, LOCAL COMMERCIAL ZONE" OF "Part 2 of Surrey Zoning By-law, 1979, No. 5942," as amended, and all other provisions of By-law No. 5942 which relate to "Part XXXVIII - C-L, LOCAL COMMERCIAL ZONE," SAVE AND EXCEPT Section B. PERMITTED USES, which is hereby deleted and the following section shall apply to the land:

Section B. PERMITTED USES

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

1. Retail and service commercial uses; provided however that the total floor area for all commercial uses on a site shall not exceed eight hundred and ninety-four (894) square metres [9,625 sq. ft.]:

- Appliance repair shop
- Appliance store
- Bakery
- Bank
- Barber shops and beauty parlours
- Butcher shop
- Drug store
- Dry cleaners
- General business office
- Grocery stores
- Hardware store
- Laundromat
- Medical dental office
- Professional office
- Real Estate office
- Restaurants, cafes and delicatessens
- Retail bakeries
- Retail nurseries
- Retail store
- Shoe repair
- Variety stores and gift shops

2. 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 businesses permitted on the property.

(b) Accessory buildings.

All lands zoned for the aforesaid uses are hereby designated as a development permit area.

2. "Part 1 of Surrey Zoning By-law, 1979, No. 5942", as amended, is hereby further amended pursuant to the provisions of Section 717 of the "Municipal Act", and that area of land within the Municipality of Surrey, which is contained within the described boundaries as outlined in Section One (1) of this By-law, is hereby designated as a development permit area.

CITY OF SURREY

BY-LAW NO. 14850

A by-law to amend Part 1 of Surrey Zoning By-law, 1979, No. 5942,
Amendment By-law, 1985, No. 8463

.....

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

1. Part 1 of Surrey Zoning By-law, 1979, No. 5942, Amendment By-law, 1985, No. 8463 is hereby amended as follows:

Amend Sub-section 1.B.1 by:

deleting "Restaurants, cafes and delicatessens" and replacing with "Restaurants, cafés and delicatessens, provided that the said businesses are not licensed by the Liquor Control and Licensing Act, R.S.B.C. 1996, chapter 267, as amended."

2. This By-law shall be cited for all purposes as "Part 1 of Surrey Zoning By-law, 1979, No. 5942, Amendment By-law, 1985, No. 8463, Amendment By-law, 2002, No. 14850."

PASSED FIRST AND SECOND READING on the 4th day of November, 2002.

PUBLIC HEARING HELD thereon on the 18th day of November, 2002.

PASSED THIRD READING on the 18th day of November, 2002.

RECONSIDERED AND FINALLY ADOPTED, signed by the Mayor and Clerk, and sealed with the Corporate Seal on the 18th day of November, 2002.

MAYOR

CLERK