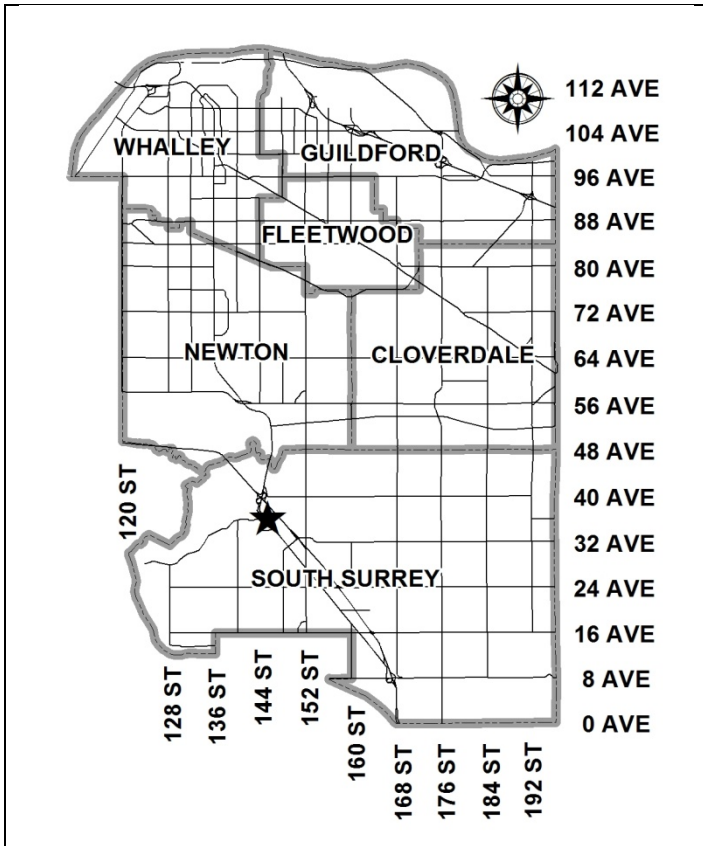


City of Surrey
PLANNING & DEVELOPMENT REPORT

File: 7912-0336-00

Planning Report Date: April 8, 2013



PROPOSAL:

- Rezoning from C-5 to CD
- Development Variance Permit

in order to allow a daycare/junior kindergarten facility to occupy the entire existing building.

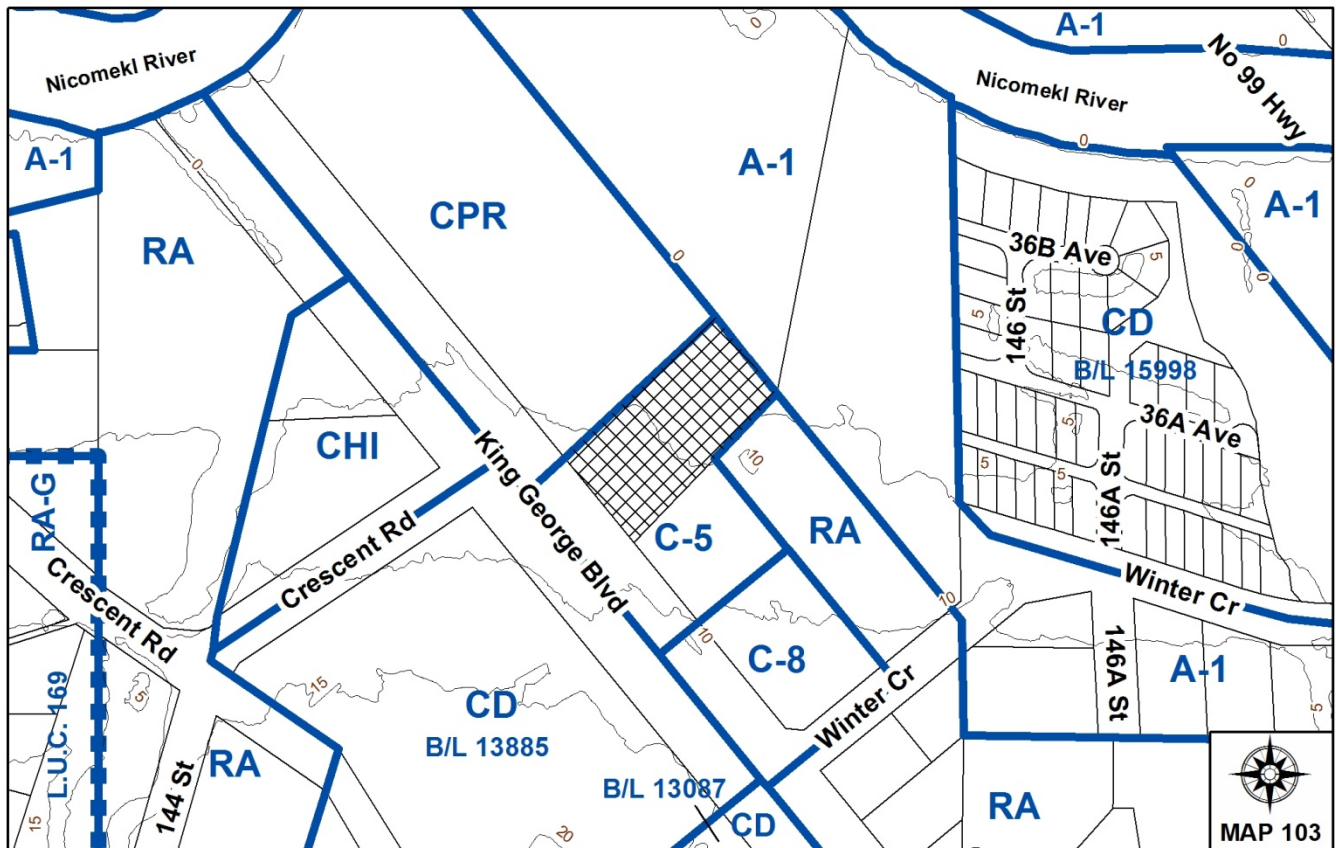
LOCATION: 3590 - King George Blvd

OWNER: Sagebrush Developments Ltd.

ZONING: C-5

OCP DESIGNATION: Commercial

LAP DESIGNATION: Commercial



RECOMMENDATION SUMMARY

- By-law Introduction and set date for Public Hearing for:
 - Rezoning.
- Approval for Development Variance Permit to proceed to Public Notification.

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- The applicant is seeking to vary the works and services requirement of the Subdivision and Development By-law until future redevelopment of the site.

RATIONALE OF RECOMMENDATION

- Complies with the Commercial designations of the OCP and the King George Highway Corridor Land Use Plan.
- The proposed CD Zone is identical to the existing C-5 Zone with the exception that child care centres are not limited to a maximum floor area of 370 m² (4,000 sq.ft.).
- A daycare/junior kindergarten is an appropriate interim use for the subject site in advance of future redevelopment.
- The existing parking lot provides adequate parking to accommodate a child care centre of this size.
- The applicant proposes to dedicate 20.0 metres (66 ft.) for Winter Crescent at this time. The works and services requirements of the Subdivision and Development By-law will be fulfilled upon future redevelopment of the site.

RECOMMENDATION

The Planning & Development Department recommends that:

1. a By-law be introduced to rezone the subject site from "Neighbourhood Commercial Zone (C-5)" (By-law No. 12000) to "Comprehensive Development Zone (CD)" (By-law No. 12000) and a date be set for Public Hearing.
2. Council approve Development Variance Permit No. 7912-0336-00 (Appendix IV) varying the following, to proceed to Public Notification:
 - (a) to vary the Subdivision & Development By-law, No. 8830, by deferring the road works and services for Winter Crescent until future development.
3. Council instruct staff to resolve the following issues prior to final adoption:
 - (a) ensure that all engineering requirements and issues including restrictive covenants, dedications, and rights-of-way where necessary, are addressed to the satisfaction of the General Manager, Engineering;
 - (b) submission of a finalized tree survey and a statement regarding tree preservation to the satisfaction of the City Landscape Architect;
 - (c) the applicant address the shortfall in tree replacement; and
 - (d) submission of a road dedication plan for Winter Crescent to the satisfaction of the Approving Officer.

REFERRALS

| | |
|---|--|
| Engineering: | The Engineering Department can support the rezoning and the issuance of the Development Variance Permit subject to the completion of Engineering servicing requirements as outlined in Appendix III. |
| Parks, Recreation & Culture: | A Statutory Right-of-Way is required for the extension of the Pioneer Greenway. |
| Ministry of Transportation & Infrastructure (MOTI): | Preliminary Approval is granted for the rezoning for one year pursuant to section 52(3)(a) of the <i>Transportation Act</i> . |

SITE CHARACTERISTICSExisting Land Use: Golf Pro-ShopAdjacent Area:

| Direction | Existing Use | OCP / LAP Designation | Existing Zone |
|--|---------------------------|---|-----------------------|
| North West: | Golf Driving Range | Agricultural / Golf Course | CPR |
| North East: | Golf Driving Range | Agricultural / Golf Course | A-1 |
| South West (Across King George Boulevard): | Low-density multi-family. | Urban / Clustering at Urban Single Family Density (8 upa) | CD (By-law No. 13885) |
| South East: | Wellness Centre | Suburban / Commercial | C-5 and RA |

DEVELOPMENT CONSIDERATIONSBackground

- The subject property is 0.48 hectares (1.19 acres) and is located on King George Boulevard, just south of the Crescent Road intersection.
- The site is designated "Commercial" in the Official Community Plan (OCP), "Commercial" in the King George Highway Corridor Land Use Plan, and is zoned "Community Commercial Zone (C-5)".
- Under the C-5 Zone, commercial uses are limited to a maximum of 370 m² (4,000 sq.ft.).

Current Proposal

- The applicant is proposing to rezone the subject property from "Neighbourhood Commercial Zone (C-5)" to "Comprehensive Development Zone (CD)" (based on C-5) in order to allow a child care centre to occupy the entire existing building, which has a total floor area of 449 m² (4,833 sq.ft.).
- The use currently proposed is a daycare / junior kindergarten, which requires the use of the entire building in order to accommodate 56 children and 11 staff.
- The proposed CD Zone is identical to the C-5 Zone with the exception that child care centres are not limited to a maximum floor area.
- The applicant has agreed to dedicate Winter Crescent through the subject property concurrent with the rezoning. Upon dedication of Winter Crescent, the subject site will become a 'hooked lot' (Appendix II). This will be an interim condition until future redevelopment of the site.

- The existing parking lot provides 22 on-site parking spaces and meets the requirements of a child care centre in Part 5 Off-Street Parking and Loading/Unloading of Surrey Zoning By-law 1993, No. 12000, as amended.
- The location of the subject site (on King George Boulevard) makes it appropriate for a large daycare/junior kindergarten because drop-off/pick-up traffic does not conflict and with the residential uses that surround it.

Trees and Landscaping

- An Arborist Report was prepared by Norm Hol of Arbortech Consulting Ltd. to examine the impact of the proposed playground construction on the existing on-site trees. There are seventy-two (72) mature (by-law protected) trees on site and fifty-two (52) are proposed to be retained. Twenty (20) on-site trees are proposed to be removed for the following reasons:
 - they are in the proposed playground area, which requires fill in order to construct; and
 - seventeen (17) trees are in poor condition and are unsuitable for retention.

| Species | Total | Removed | Retained |
|-------------------|-----------|-----------|-----------|
| Grand Fir | 1 | 1 | 0 |
| Deodar Cedar | 5 | 0 | 5 |
| Lawson Cypress | 1 | 0 | 1 |
| Douglas Fir | 41 | 1 | 40 |
| Western Redcedar | 4 | 2 | 2 |
| Bigleaf Maple | 2 | 0 | 2 |
| Red Alder | 7 | 7 | 0 |
| Flowering Dogwood | 2 | 0 | 2 |
| Black Cottonwood | 7 | 7 | 0 |
| English Oak | 1 | 1 | 0 |
| Weeping Willow | 1 | 1 | 0 |
| Total | 72 | 20 | 52 |

- Despite the removal of trees on the subject site, the applicant will be required to replant the trees on a 2 to 1 replacement basis for coniferous trees and a 1 to 1 replacement for deciduous trees.
- This will require a total of 26 replacement trees on the subject site. The applicant proposes to provide a cash-in-lieu payment of \$7,800, representing \$300 per tree, to the City's Green Fund in accordance with the City's Tree Protection By-law prior to final approval of this application.

PRE-NOTIFICATION

- Pre-notification letters were sent on January 18, 2013 to 142 residents within 100 metres (328 ft.) of the subject site. One (1) letter was received in response to pre-notification. The concerns include traffic congestion and the potential of setting a precedent for further commercial development in the area between the subject site and Highway 99.

Staff have reviewed the impact of the proposed daycare/junior kindergarten and, based on industry standard trip rates, this site is anticipated to generate a minimal amount of peak

hour traffic compared to existing King George Boulevard traffic volumes. Additionally, the ultimate widening of King George Boulevard is in the City's Ten Year Servicing Plan and scheduled for completion in 2014 or 2015 which should relieve some of the congestion experienced at the intersection. Furthermore the subject site will ultimately have an access point to the future planed extension of Winter Crescent which will help to disperse traffic on the surrounding road network.

A child care centre is currently a permitted use on the subject site, though it is limited to a maximum floor area. The rezoning to allow the proposed daycare/junior kindergarten to occupy a larger floor area does not set a precedent for future commercial development as no new commercial uses are being added.

BY-LAW VARIANCE AND JUSTIFICATION

(a) Requested Variance:

- To vary the Subdivision and Development By-law, No. 8830, by:
 - Deferring, until future redevelopment of the subject site, the works and services for Winter Crescent.

Applicant's Reasons:

- The requirements of the Subdivision and Development By-law (construction of Winter Crescent road works and construction of storm, sanitary, and water main within Winter Crescent) are triggered by the proposed rezoning.
- The proposed rezoning is simply to accommodate a single tenant on the subject site until future redevelopment.

Staff Comments:

- A daycare/junior kindergarten is an appropriate interim use for the subject site in advance of future redevelopment.
- Securing the dedication of Winter Crescent as part of this rezoning application is desirable for the City as it is one step closer to completion of the ultimate Winter Crescent road alignment.
- The works and services requirements of the Subdivision and Development By-law will be fulfilled upon future, more intensive, redevelopment of the site.
- Staff support this Development Variance Permit application.

INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

| | |
|---------------|--|
| Appendix I. | Lot Owners, Action Summary and Project Data Sheets and Survey Plan |
| Appendix II. | Proposed Road Dedication Plan |
| Appendix III. | Engineering Summary |
| Appendix IV. | Development Variance Permit No. 7912-0336-00 |
| Appendix V. | Proposed CD By-law |

original signed by Nicholas Lai

Jean Lamontagne
General Manager
Planning and Development

TH/da

\\file-server1\net-data\cscd\generate\areaproduct\save\8586985059.doc
DRV 4/4/13 3:26 PM

Information for City Clerk

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

1. (a) Agent: Name: William Christie Architect
 Address: 835 - Huber Drive
 Port Coquitlam, BC V3B 2T1

 Tel: 604-603-6462

2. Properties involved in the Application
 - (a) Civic Address: 3590 - King George Boulevard

 - (b) Civic Address: 3590 - King George Boulevard
 Owner: Sagebrush Developments Ltd
 PID: 001-658-735
 Lot 2 District Lot 165 Group 2 New Westminster District Plan 20826

3. Summary of Actions for City Clerk's Office
 - (a) Introduce a By-law to rezone the property.

 - (b) Proceed with Public Notification for Development Variance Permit No. 7912-0336-00 and bring the Development Variance Permit forward for issuance and execution by the Mayor and City Clerk.



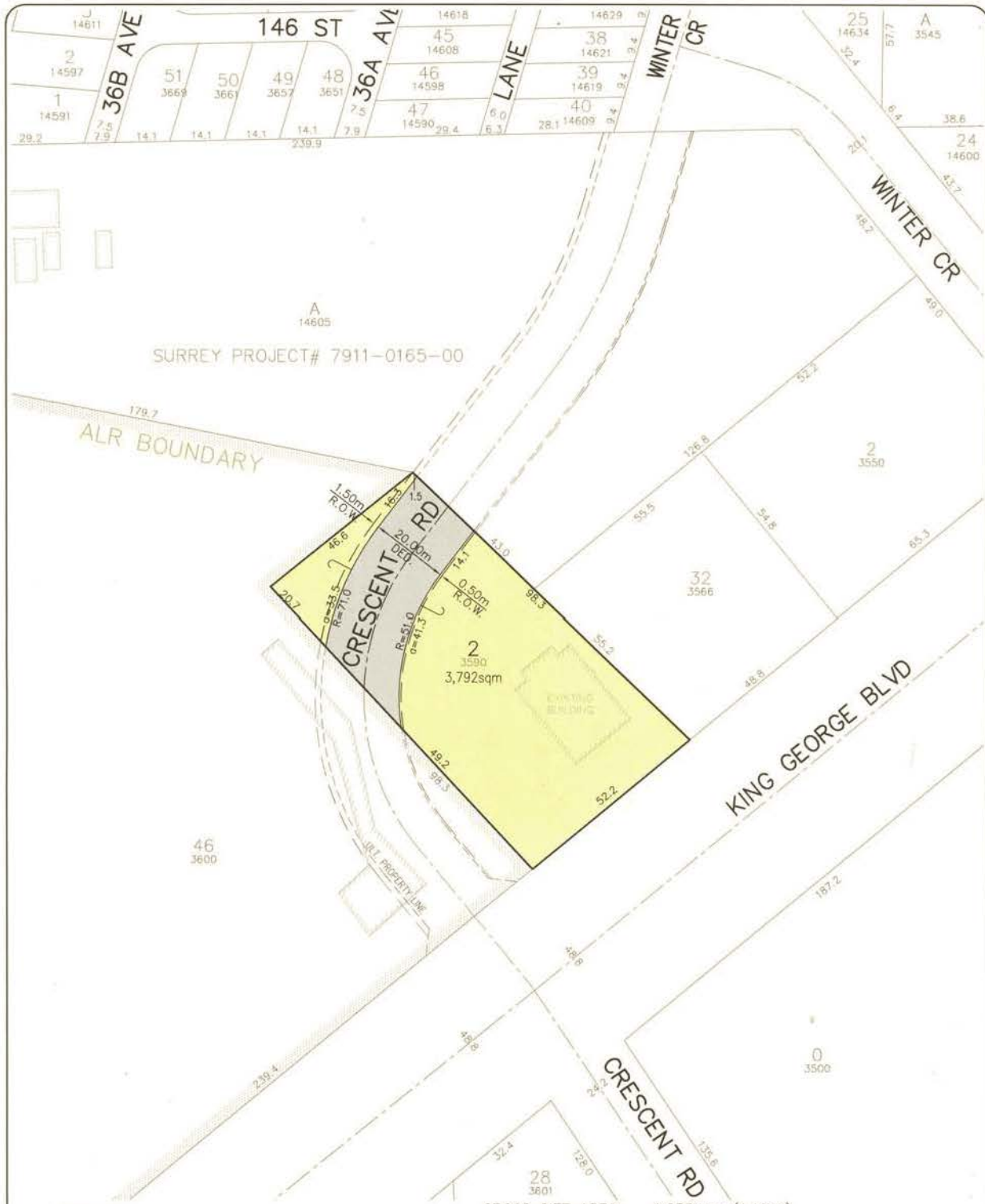
PROPOSED SUBDIVISION LAYOUT

Planning & Development Department
14245 - 56 Avenue, Surrey,
British Columbia, Canada V3W 1K2
Tel. (604) 591-4441 Fax. (604) 591-2507

File No: 7912-0336-00
MAP #: 103
EXIST. ZONE: C5
PROP. ZONE: C5



CIVIC ADDRESS: 3590 KING GEORGE BLVD., SURREY, BC
LEGAL: LOT 2, DISTRICT LOT 165, N.W.D., PLAN 20826



H.Y. ENGINEERING LTD.

• #200-9128-152nd, ST, Surrey, BC V3R 4E7 • TEL 604-583-1616
• Website: www.hyengineering.com • FAX 604-583-1737

NOTE: ALL EXISTING ONSITE STRUCTURES ARE TO REMAIN UNLESS NOTED OTHERWISE

| | | | |
|--------------|----------------|-----------------|----------------|
| H.Y.#:123608 | ALTERNATIVE#01 | DATE: 23 JAN/13 | SCALE : 1:1000 |
|--------------|----------------|-----------------|----------------|

Please dimension lot frontages & areas, name existing roads and indicate north
Preferred scales: 1:500, 1:1000, 1:2500, 1:10,000 Metric
Larger format drawings may be attached as required.

H.Y. ENG. No. E:\PROJECTS\123608\PLANNING\ALTD1.DWG

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

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

DATE: **April 2, 2013** PROJECT FILE: **7812-0336-00**

RE: **Engineering Requirements (Commercial/Industrial)
Location: 3590 King George Blvd**

REZONE

Property and Right-of-Way Requirements

- Dedicate 20.000 metres for new Winter Crescent/Crescent Road.
- Provide 0.500 metres wide statutory right-of-way on the south side of new Winter Crescent/Crescent Road for sidewalk and city service connections; and
- Provide 1.500 metres wide statutory right-of-way on the north side of new Winter Crescent/Crescent Road for Pioneer Greenway.
- Provide 8.000 metre wide statutory right-of-way along north property line for interim alignment of sanitary sewer trunk.

Works and Services

- Provide cash-in-lieu for the construction of a new driveway and drive aisle located at the south corner of the site;
- Provide cash-in-lieu for the construction of future access on Winter Crescent Road;
- Provide a blanket access easement for 3566 King George Boulevard to allow flexibility in providing alternate access for the site;
- Register a Restrictive Covenant for right-in/right-out (RIRO) on King George Boulevard;
- Register a Working Easement between the future access and the existing parking lot;
- Register a Restrictive Covenant for future removal of existing access at the west corner of the site;
- Register a Restrictive Covenant for water quality/sediment control facility.
- Pay Sanitary Connection Fee.

Engineering also notes that the construction of new Winter Crescent/Crescent Road, storm sewer main, sanitary sewer main and water main within this new road will be required upon any future rezone or subdivision of the site.

A Servicing Agreement is required prior to Rezone.



Rémi Dubé, P.Eng.
Development Services Manager

HB

CITY OF SURREY

(the "City")

DEVELOPMENT VARIANCE PERMIT

NO.: 7912-0336-00

Issued To: SAGEBRUSH DEVELOPMENTS LTD.

("the Owner")

Address of Owner: 304, 15292 - Croydon Drive
Surrey, BC V3S 0Z5

1. This development variance permit is issued subject to compliance by the Owner with all statutes, by-laws, orders, regulations or agreements, except as specifically varied by this development variance permit.

2. This development variance permit applies to that real property including land with or without improvements located within the City of Surrey, with the legal description and civic address as follows:

Parcel Identifier: 001-658-735

Lot 2 District Lot 165 Group 2 New Westminster District Plan 20826

3590 - King George Blvd

(the "Land")

3. Surrey Subdivision and Development By-law, 1986, No. 8830, as amended is varied as follows:

(a) In Part V - Highway Dedication, Servicing and Construction Standards, Section 24(a), the requirement to provide vehicular highway systems, pedestrian highway systems, water supply, sanitary sewer, drainage works, underground wiring, and street lighting systems is deferred until future redevelopment of the Land.

4. This development variance permit applies to only the portion of the Land shown on Schedule A which is attached hereto and forms part of this development variance permit.

5. The Land shall be developed strictly in accordance with the terms and conditions and provisions of this development variance permit.

6. This development variance permit shall lapse if the Owner does not substantially start any construction with respect to which this development variance permit is issued, within two (2) years after the date this development variance permit is issued.
7. The terms of this development variance permit or any amendment to it, are binding on all persons who acquire an interest in the Land.
8. This development variance permit is not a building permit.

AUTHORIZING RESOLUTION PASSED BY THE COUNCIL, THE DAY OF , 20 .
ISSUED THIS DAY OF , 20 .

Mayor – Dianne L. Watts

City Clerk – Jane Sullivan

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: NEIGHBOURHOOD COMMERCIAL ZONE (C-5)

TO: COMPREHENSIVE DEVELOPMENT ZONE (CD)

Parcel Identifier: 001-658-735
Lot 2 District Lot 165 Group 2 New Westminster District Plan 20826

3590 - King George Blvd

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

A. Intent

This Comprehensive Development Zone is intended to accommodate and regulate the development of neighbourhood scale commercial services including *child care centres*.

B. Permitted Uses

- 1. The following uses are permitted provided that the *gross floor area* of each individual business does not exceed 370 square metres [4,000 sq.ft.]:
 - (a) *Retail stores* excluding *adult entertainment stores*, auction houses and *secondhand stores* and *pawnshops*.
 - (b) *Personal services uses* limited to the following:
 - i. Barbershops;
 - ii. Beauty parlours;

- iii. Cleaning and repair of clothing; and
- iv. Shoe repair shops.
- (c) *Eating establishments* excluding *drive-through restaurants*.
- (d) *Neighbourhood pub*.
- (e) Office uses excluding *social escort services* and *methadone clinics*.
- (f) *General service uses* excluding funeral parlours, *drive-through banks* and *vehicle rentals*.
- (g) *Indoor recreational facilities*.
- (h) *Community services*.
- 2. *Child care centres*.
- 3. One *dwelling unit* per *lot* provided that the *dwelling unit* is:
 - (a) *An accessory use*;
 - (b) Contained within the *principal building*; and
 - (c) Occupied by the owner of the owner's employee, for the protection of the businesses permitted on the *lot*.

C. Lot Area

Not applicable to this Zone.

D. Density

The *floor area ratio* shall not exceed 0.50.

E. Lot Coverage

The *lot coverage* shall not exceed 50%.

F. Yards and Setbacks

Buildings and *structures* shall be sited not less than 7.5 metres [25 ft.] from all *lot lines* (measurements to be determined as per Part 1 Definitions of Surrey Zoning By-law, 1993, No. 12000, as amended).

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 buildings: The *building height* shall not exceed 9 metres [30 ft.].
2. Accessory buildings and structures: The *building height* shall not exceed 4 metres [13 ft.].

H. Off-Street Parking

1. Refer to Table C.2 of 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*.

J. Special Regulations

1. Garbage containers and *passive recycling containers* shall not be located within any required *setback* adjacent any *residential lot*.
2. The outdoor storage or display of any goods, materials or supplies is specifically prohibited, notwithstanding any other provision in this Zone.
3. *Child care centres* shall be located on the *lot* such that these centres have direct access to an *open space* and play area within the *lot*.

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> |
|------------------------------|------------------------|------------------------|
| 4,831 sq. m. [1.19 acres] | 52 metres [170 ft.] | 98 metres [321 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 C-5 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. *Building* permits shall be subject to the Surrey Building By-law, 2012, No. 17850, as amended, and Development Cost Charge By-law, 2013, No. 17856 as may be amended or replaced from time to time and the development cost charges shall be based on the C-5 Zone.
8. Development permits may be required in accordance with the Surrey *Official Community Plan*, 1996, By-law No. 12900, as amended.
9. Provincial licensing of *child care centres* is regulated by the Community Care and Assisted Living Act R.S.B.C. 2002. c. 75, as amended, and the Regulations pursuant thereto including without limitation B.C. Reg 319/89/213.

10. Provincial licensing of *neighbourhood pubs* is regulated 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 "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

\\file-server1\net-data\csdc\generate\areaproduct\save\9897110033.doc
. 4/3/13 12:31 PM