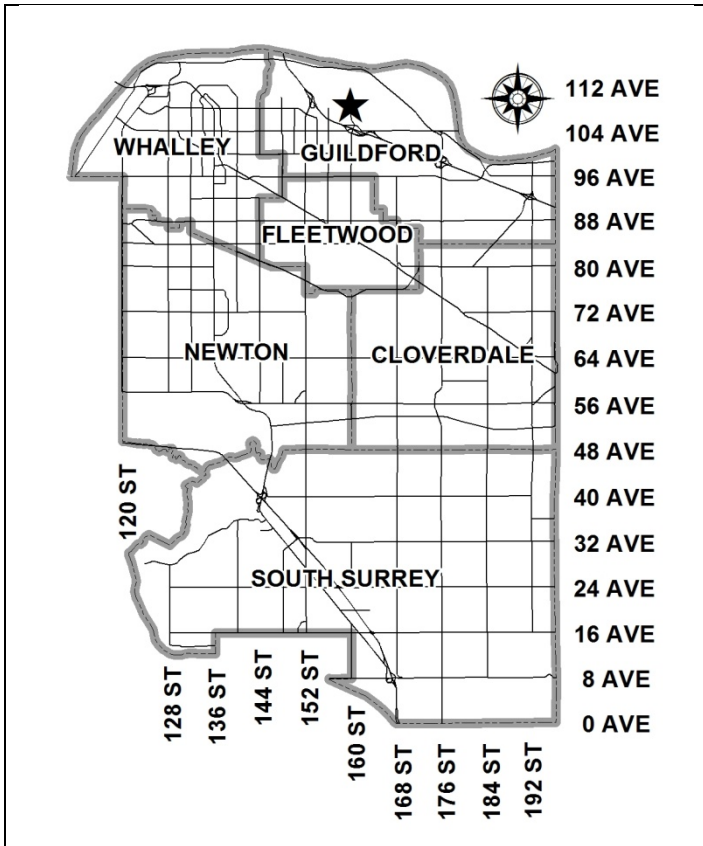


City of Surrey  
**PLANNING & DEVELOPMENT REPORT**

File: 7913-0051-00

Planning Report Date: April 22, 2013



**PROPOSAL:**

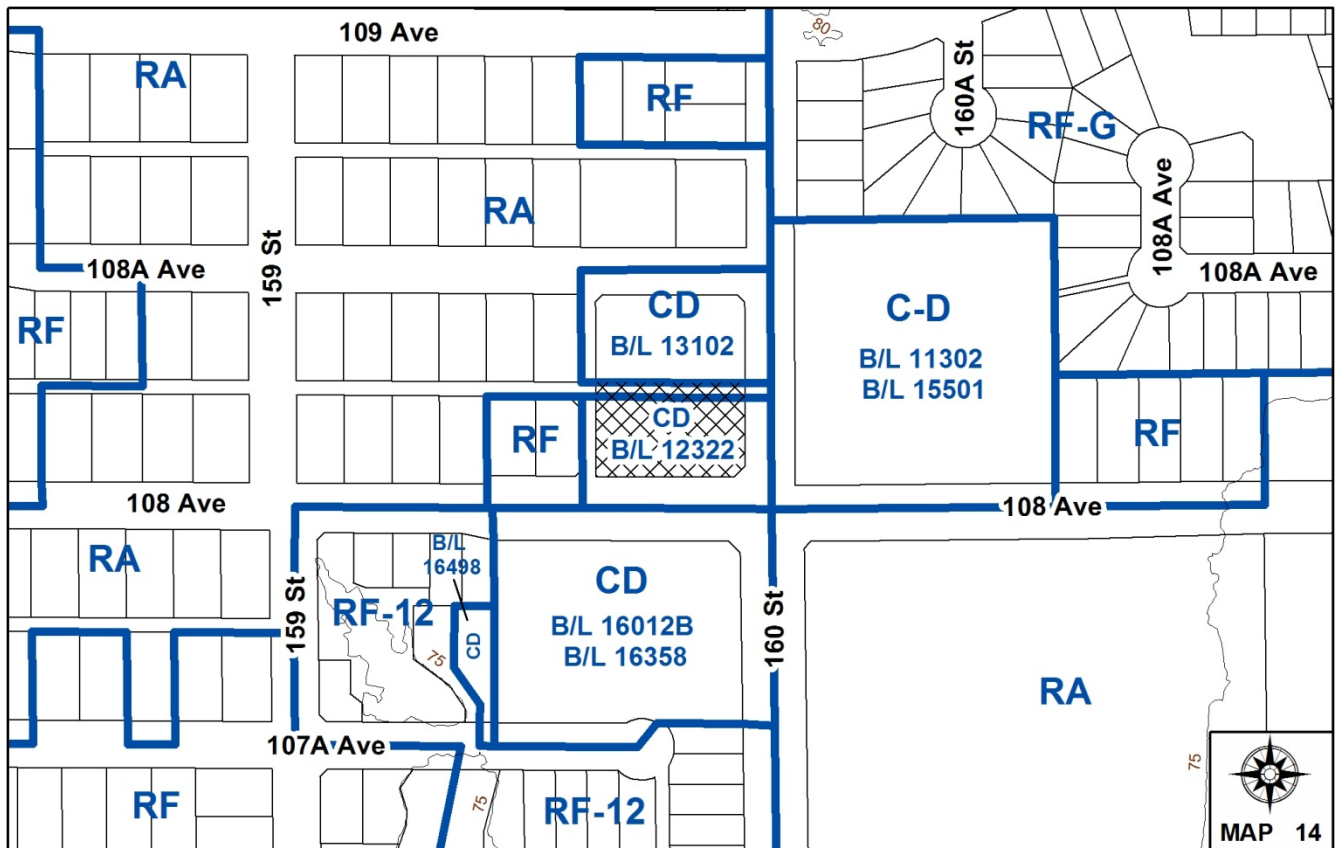
- **Rezoning** from RA and CD (By-law No. 12322) to CD (based on CG-2 and C-5) in order to allow indoor recreational facilities on a commercial property.

**LOCATION:** 15989 - 108 Avenue

**OWNER:** Kevington Bldg Corp Ltd

**ZONING:** RA and CD (By-law No. 12322)

**OCP DESIGNATION:** Commercial



RECOMMENDATION SUMMARY

- By-law Introduction and set date for Public Hearing for rezoning.

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- None.

RATIONALE OF RECOMMENDATION

- Complies with Commercial designation in OCP.
- The proposal accommodates the existing uses on the site and a proposed indoor recreational facility consisting of a hot yoga studio.
- The proposal reflects a change to the Neighbourhood Commercial Zone (C-5) which incorporated indoor recreational facilities as a permitted use.

RECOMMENDATION

The Planning & Development Department recommends that a By-law be introduced to rezone the subject site from "Comprehensive Development Zone (CD)" (By-law No. 12322) (Surrey Zoning By-law, 1993, No. 12000, Amendment By-law, 1994, No. 12322) and "One-Acre Residential Zone (RA)" to "Comprehensive Development Zone (CD)" (By-law No. 12000) and a date be set for Public Hearing.

REFERRALS

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

SITE CHARACTERISTICS

Existing Land Use: Mixed-use commercial area including gas station

Adjacent Area:

Direction	Existing Use	OCP Designation	Existing Zone
North:	Small multi-tenant shopping centre.	Urban	CD By-law No. 13102
East (Across 160 Street):	Multi-tenant shopping centre.	Commercial	CD By-law No. 11302, amended by By-law Nos. 15501 and 17706
South (Across 108 Avenue):	Multi-tenant shopping centre.	Urban	CD By-law No. 16012B, amended by By-law No. 16358
West (Across lane):	Single family home.	Urban	RF

DEVELOPMENT CONSIDERATIONSBackground

- The subject site is 2,498 square metres (0.6 ac.) in area and is located on the northwest corner of 108 Avenue and 160 Street in Fraser Heights.
- The property is designated "Commercial" in the Official Community Plan (OCP) and is zoned "Comprehensive Development Zone (CD)" By-law No. 12322 and "One-Acre Residential Zone (RA)".
- On December 5, 1994, Council approved Application No. 7991-0554-00 to rezone the entire site from "One-Acre Residential Zone (RA)" to CD By-law No. 12322 to permit the development of a multi-unit, neighbourhood scale, shopping centre.

- CD By-law No. 12322, was based on a combination of the "Neighbourhood Commercial Zone (C-5)" and the "Combined Service Gasoline Station Zone (CG-2)".
- As part of the 1994 proposed development, the adjoining lane to the north of the site was closed and consolidated with the subject site. However, CD By-law No. 12322 did not include the closed lane portion as part of the zone and, as a result the site has split zoning, with CD By-law No. 12322 regulating the southern portion of the site, and the RA Zone regulating the northern portion of the site where the lane previously existed.
- The subject site has been developed with a one-storey, multi-tenant, commercial building, which contains an attached gas station and convenience store.
- The current tenants include Esso Gas Bar, Fresh Slice Pizza, Fraser Lifestyle Insurance and Chester's Chicken. The building currently has one vacant unit. The vacant unit was previously occupied by Coastal Mortgages.
- CD By-law No. 12322, which regulates the subject site, reflects the uses that were permitted in the C-5 Zone in 1994. In December 2010, Council approved an amendment to the C-5 Zone to allow indoor recreational facilities as a permitted use (Corporate Report No. R250).

#### Current Proposal

- The applicant wishes to lease the vacant unit in the existing commercial building for the use as a hot yoga studio. However, a hot yoga studio is considered an "indoor recreational facility" and "indoor recreational facilities" are not a permitted use under CD By-law No. 12322, which governs the subject site.
- As a result, the applicant applied to amend CD By-law No. 12322 to add indoor recreational facilities as a permitted use.
- However, as the subject site is split-zoned, as noted previously in the report, rather than amend CD By-law No. 12322 to incorporate an additional permitted use, it was determined appropriate to rezone the entire site from CD By-law No. 12322 and RA to a new CD Zone.
- The proposed CD Zone for the site will reflect CD By-law No. 12322, with the addition of indoor recreational facility as a permitted use.
- The adjoining site to the north is zoned CD By-law No. 13102, which allows indoor recreational facilities as a permitted use. As a result, the proposed use is consistent with uses permitted on the adjacent commercial development.
- No modifications to the exterior of the building are proposed to accommodate the proposed yoga studio.

#### Proposed CD Zone

- The existing CD By-law No. 12322 is based on the CG-2 Zone and the C-5 Zone. However, since CD By-law No. 12322 was adopted in 1994, there have been a few amendments to the C-5 Zone and these amendments are reflected in the proposed CD Zone.

- The proposed inclusion of indoor recreational facilities will permit any private fitness studio including yoga, martial arts, pilates and dance.
- Neighbourhood pubs and liquor stores are not allowed in the existing CD By-law No. 12322 and remain not permitted.
- Some uses are proposed to be specifically excluded to be consistent with the current C-5 Zone. The uses that are proposed to be excluded (i.e. are currently not excluded in CD By-law No. 12322) are auction houses, secondhand stores, pawnshops and methadone clinics.

### PRE-NOTIFICATION

Pre-notification letters were mailed on March 25, 2013. Staff received one phone call from the Fraser Heights Community Association who wanted more details, but had no concerns.

### 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.	Proposed CD By-law
Appendix IV.	CD By-law No. 12322

*original signed by Judith Robertson*

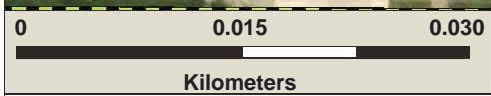
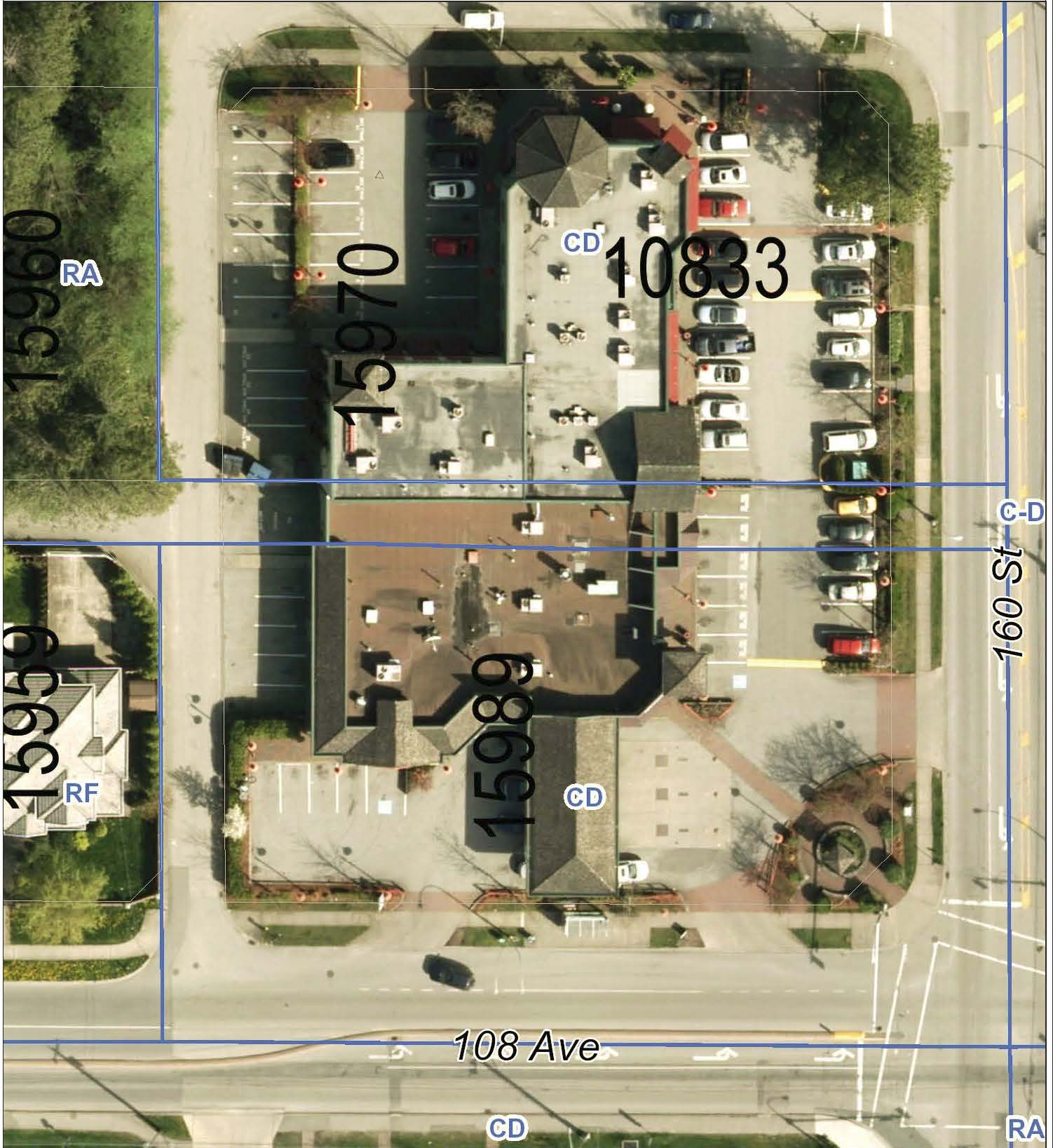
Jean Lamontagne  
General Manager  
Planning and Development

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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: 1:500  
Map created on: April-10-13

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: COMPREHENSIVE DEVELOPMENT ZONE (CD) BY-LAW NO. 12322  
 (SURREY ZONING BY-LAW, 1993, NO. 12000, AMENDMENT BY-LAW,  
 1994, NO. 12322) AND ONE-ACRE RESIDENTIAL ZONE (RA)

TO: COMPREHENSIVE DEVELOPMENT ZONE (CD)

Parcel Identifier: 019-131-003  
 Lot A Section 15 Block 5 North Range 1 West New Westminster District Plan LMP21100  
 15989 – 108 Avenue  
 (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 development of neighbourhood scale shopping node including a gasoline station.

**B. Permitted Uses**

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

1. *Gasoline station* provided that where self-service hoses are available, at least in equal number of full-service hoses shall be available on the same lot, and *accessory uses* including the following:
  - (a) One *convenience store* provided the *gross floor area* does not exceed 230 square metres [2,500 sq. ft.]; and



(b) Sale of automotive accessories

2. 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 service 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) Office uses excluding *social escort services* and *methadone clinics*;

(e) *General service uses* excluding funeral parlours, *drive-through banks* and *vehicle rentals*;

(f) *Indoor recreational facilities*; and

(g) *Community services*.

**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 in accordance with the following minimum setbacks:

<b>Use</b>	<b>Setback</b>	<b>Front Yard</b>	<b>Rear Yard</b>	<b>Side Yard</b>	<b>Side Yard on Flanking Street</b>
<i>Principal and Accessory Buildings and Structures</i>		12.0 m. [40 ft.]	4.0 m. [13 ft.]	0.0 m. [0 ft.]	12.0 m. [40 ft.]
<i>Pump Island</i>		4.5 m. [15 ft.]	4.0 m. [13 ft.]	4.0 m. [13 ft.]	4.5 m. [15 ft.]
Canopies		2.0 m. [7 ft.]	2.0 m. [7 ft.]	2.0 m. [7 ft.]	2.0 m. [7 ft.]

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 excluding Pump Island Canopies*: The *building height* shall not exceed 9 metres [30 ft.].
2. *Pump Island Canopies*: The *building height* shall not exceed 6.0 metres [20 ft.].
3. *Accessory buildings and structures*: The *building height* shall not exceed 4.0 metres [13 ft.].

## H. Off-Street Parking

Refer to Table C.2 of Part 5 Off-Street Parking and Loading/Unloading of Surrey Zoning By-law, 1993, No. 12000, as amended.

## 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. Except in those portions where a *building* abuts the *lot line*, screen planting at least 1.5 metres [5 ft.] high in a strip at least 1.5 metres [5 ft.] wide and a solid decorative fence at least 1.5 metres [5 ft.] high shall be provided along all *lot lines* separating the developed portion of the *lot* from any *residential lot*.
4. Garbage containers and *passive recycling containers* shall be screened 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**

Not applicable to this Zone.

**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>
2,500 sq. m. [26,910 sq.ft.]	42 metres [138 ft.]	59 metres [194 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 CG-2 and C-5 Zones 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.
8. *Building* permits shall be subject to Surrey 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.
9. Tree regulations are set out in Surrey Tree Protection By-law, 2006, No. 16100, as amended.
10. Development permits may be required in accordance with the Surrey *Official Community Plan*, 1996, By-law No. 12900, as amended.

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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APPENDIX IV

CITY OF SURREY

BY-LAW NO. 12322

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

The 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 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 3 of the said By-law No. 12000, is hereby amended as follows:

FROM "ONE-ACRE RESIDENTIAL ZONE (RA)" TO  
"COMPREHENSIVE DEVELOPMENT ZONE (CD)"

Lots 10, 11 and 12, all of Block 5, Section 15,  
Block 5 North, Range One West, New Westminster  
District, Plan 2368.

(10813 - 160 Street, 15979 - 108 Avenue  
and 15969 - 108 Avenue)

(hereinafter referred to as "the lands")

- 2. The following regulations shall apply to the lands herein:

**A. Intent**

This Comprehensive Development Zone is intended to accommodate and regulate the development of neighbourhood scale shopping node including a gasoline station and accessory uses and convenience store.

**B. Permitted Uses**

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

1. Gasoline station provided that where self-service hoses are available, at least an equal number of full-service hoses shall be available on the same lot.

(a) Accessory uses including the following:

- i. One convenience store provided gross floor area does not exceed 230 square metres (2,500 sq.ft.); and

ii. Sale of automotive accessories;

2. 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;

(b) Personal service 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) Office uses excluding social escort services;

(e) General service uses excluding funeral parlours, drive-through banks and vehicle rentals; and

(f) Community services.

**C. Lot Area**

Not applicable to this Zone.

**D. Density**

The maximum density shall not exceed a floor area ratio (FAR) of 0.50.

**E. Lot Coverage**

The maximum lot coverage shall be 50%

**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	Side Yard on Flanking Street
Principal and Accessory Buildings and Structures		12.0m [40 ft.]	4.0m* [13 ft.]	0.0m [0 ft.]	12.0m [40 ft.]
Pump Island		4.5m [15 ft.]	4.0m* [13 ft.]	4.0m* [13 ft.]	4.5m [15 ft.]
Canopies		2.0m [7 ft.]	2.0m [7 ft.]	2.0m [7 ft.]	2.0m [7 ft.]

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

\* The rear yard setback and side yard setback shall be a minimum of 4.5 metres [15 ft.] if the rear yard or side yard abuts a highway.

**G. Height of Buildings**

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

1. Principal building: The height shall not exceed 9 metres [30 ft.].

2. Pump Island: The height shall not exceed 6.0 metres [20 ft.].
3. Accessory buildings and structures: The height shall not exceed 4.0 metres [13 ft.].

#### H. Off-Street Parking

1. Refer to Part 3 Off-Street Parking, of Surrey Zoning By-law No. 12000, as amended.

#### I. Landscaping

1. All 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. Except in those portions where a building abuts the lot line, screen planting at least 1.5 metres [5 ft.] high in a strip at least 1.5 metres [5 ft.] wide and a solid decorative fence at least 1.5 metres [5 ft.] high shall be provided along all lot lines separating the developed portion of the lot from any residential lot.

5. Loading areas, garbage containers and passive recycling containers shall be screened from any adjacent residential lot, 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**

Not applicable to this Zone.

**K. Subdivision**

Not applicable to this Zone.

**L. Other Regulations**

In addition, land use regulations including the following are applicable:

1. Prior to any use, lands must be serviced as set out in Part 2 Uses Limited, of Surrey Zoning By-law No. 12000, as amended and in accordance with the servicing requirements for the CG-2 and C-5 Zones as set forth in "Surrey Subdivision and Development By-law", as amended.
2. General provisions on use are as set out in Part 4 General Provisions of Surrey Zoning By-law No. 12000, as amended.
3. Additional off-street parking requirements are as set out in Part 5 Off-Street Parking, of Surrey Zoning By-law No. 12000, as amended.

- 4. Sign regulations are as set out in Part 6 Signs, of Surrey Zoning By-law No. 12000, as amended.
  - 5. Special building setbacks are as set out in Part 7 Special Building Setbacks, of Surrey Zoning By-law No. 12000, as amended.
  - 6. Building permits shall be subject to the "Surrey Building By-law", as amended, and the "Surrey Development Cost Charge By-law", as amended, and the development costs charge shall be based on the Commercial Zone.
  - 7. Development permits may be required in accordance with the Official Community Plan, as amended.
3. This By-law shall be cited for all purposes as "Surrey Zoning By-law, 1993, No. 12000, Amendment By-law, 1994, No. 12322."

READ A FIRST AND SECOND TIME on the 13th day of June, 1994.

PUBLIC HEARING HELD thereon on the 18th day of July, 1994.

READ A THIRD TIME on the 25th day of July, 1994.

RECONSIDERED AND FINALLY ADOPTED, signed by the Mayor and Clerk, and sealed with the Corporate Seal on the 5th day of December, 1994.

Robert T. Bosc MAYOR  
Deanna Keamy CLERK

CLKBLW 2655