

City of Surrey
PLANNING & DEVELOPMENT REPORT

Application No.: 7920-0255-00

Planning Report Date: December 6, 2021

PROPOSAL:

- **Rezoning** from C-8 to CD (based on C-8)

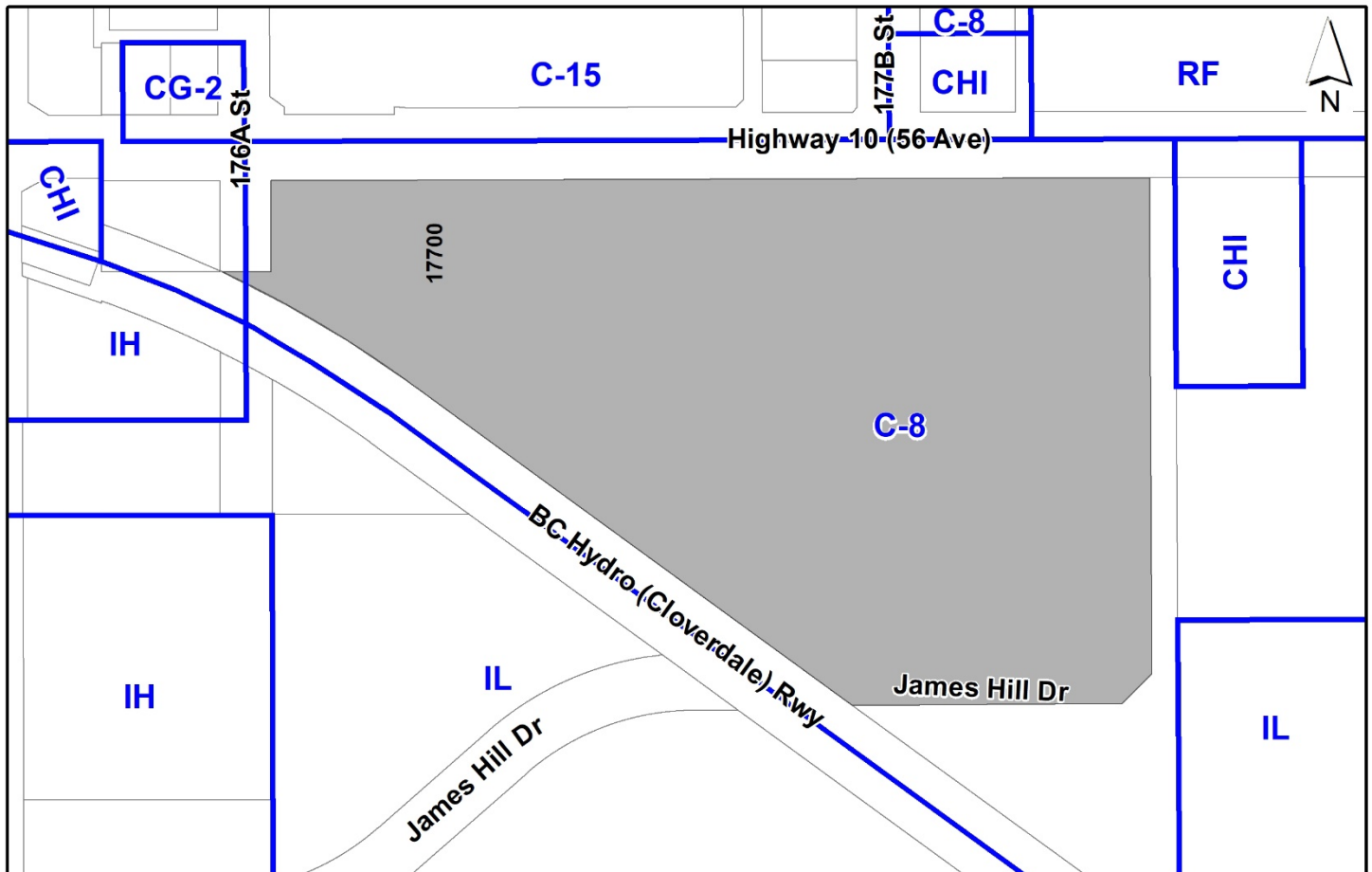
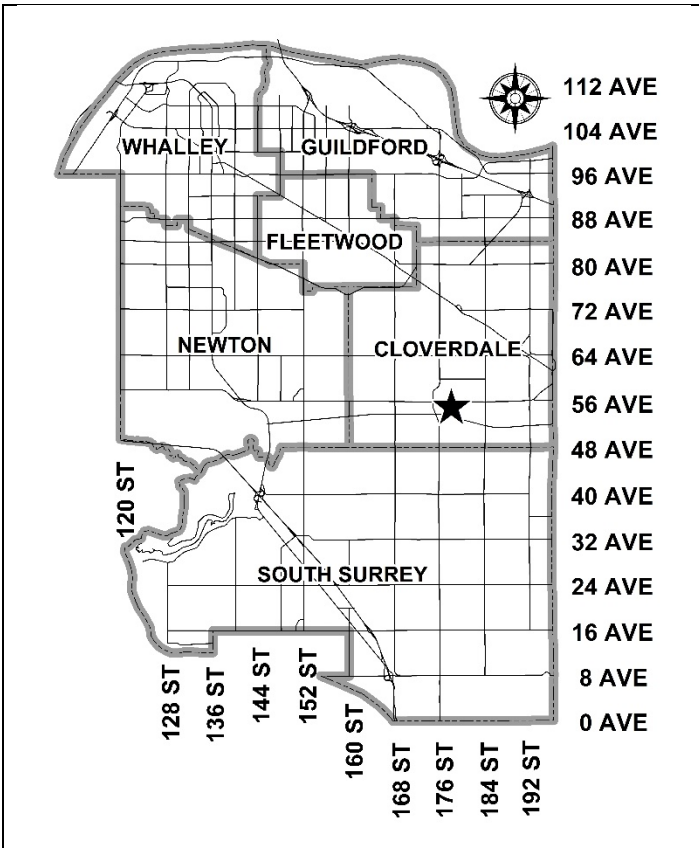
to permit several existing non-conforming land-uses that were previously allowed under the Land Use Contract (LUC No. 144).

LOCATION: 17700 - No. 10 (56 Avenue) Highway

ZONING: C-8

OCP DESIGNATION: Commercial

TCP 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

- The subject property was previously regulated under Land Use Contract (LUC) No. 144. The LUC was terminated in April 2018 under Development Application No. 7917-0164-00. At the time, a number of land-uses on-site that were previously allowed under LUC No. 144 became non-conforming given these uses are not permitted in the underlying C-8 Zone.
- The proposed rezoning will streamline the Business License renewal process in future as the existing non-conforming land-uses will be permitted under the proposed CD Zone. In addition, the CD Bylaw will address the need to reduce the setback requirements for several existing commercial buildings along the north lot line (No. 10 Highway/56 Avenue) which do not comply with the minimum building setback requirements under the C-8 Zone.
- The proposed rezoning is supported by staff given there are no changes proposed in terms of Floor Area Ratio (FAR), lot coverage, building height, on-site parking, etc., and given that no new construction is proposed on the subject site under the current development application. The rezoning will also support the continuing operation of existing businesses.

RECOMMENDATION

The Planning & Development Department recommends that:

1. A By-law be introduced to rezone the subject site from "Community Commercial Zone (C-8)" to "Comprehensive Development Zone (CD)" and a date be set for Public Hearing.
2. Council instruct staff to resolve the following issues prior to final adoption:
 - (a) input and final approval from the Ministry of Transportation & Infrastructure;
 - (b) registration of a combined parking and access easement between the subject site and adjacent property at 17630 No. 10 Highway/56 Avenue until such time as the adjacent property redevelops and provides the minimum on-site parking required under the Zoning By-law; and
 - (c) discharge the existing parking and access easement between the subject site and 17630 No. 10 Highway/56 Avenue currently registered on title (BK202439).

SITE CONTEXT & BACKGROUND

Direction	Existing Use	OCP/TCP Designation	Existing Zone
Subject Site	Multi-tenant commercial buildings	Commercial/Commercial	C-8
North (Across No. 10 Highway/ 56 Avenue):	Surrey Museum, Surrey Archives, commercial buildings and Cloverdale Traditional Elementary School	Town Centre and Urban/Institutional and Low-Rise Mixed-Use	C-15, CHI & RF
East:	Commercial, business park and outdoor storage	Commercial and Industrial/Commercial and Industrial Business Park	CHI, C-8 & IL
South:	Vacant parcel, truck parking facilities and B.C. Hydro railway corridor	Industrial/Industrial Business Park	C-8 & IL
West (Across 176A Street):	Neighbourhood pub and Fraser Valley Heritage Railway	Commercial/Commercial	C-15 & IH

Context & Background

- The subject site, located at 17700 No. 10 Highway (56 Avenue), is approximately 5.03 hectares in total area and presently occupied by several single and multi-tenant commercial buildings which form part of the "Clover Square Village" development.

- The property is designated "Commercial" in the Official Community Plan (OCP) as well as the Cloverdale Town Centre Plan and is currently zoned "Community Commercial Zone (C-8)".
- The subject property was previously regulated under Land Use Contract (LUC) No. 144. The LUC was terminated by Council in April, 2018 under Development Application No. 7917-0164-00, at which time the underlying C-8 Zone came into effect.
- Subsequent to Council's decision to terminate LUC No. 144, the applicant appealed to the Board of Variance (BOV) and received approval to extend the expiry date of LUC No. 144 until June 30, 2024. This extension allowed several existing legal non-conforming businesses on the site to remain in operation until such time as the applicant was prepared to move forward with a rezoning application.
- Given that several of the existing non-conforming businesses on-site are not permitted in the C-8 Zone, the applicant has applied to rezone the subject site in order to allow these land-uses, support the ongoing operation of these businesses, and further streamline the Business License renewal process.
- An access and parking easement is currently registered on title which requires the subject site to provide a total of 68 parking spaces for the benefit of the adjacent property owner at 17630 No. 10 Highway/56 Avenue. The access and parking easement (BK202439) will expire on May 1, 2028. As such, the applicant has volunteered to register a new access and parking easement on title thereby ensuring these 68 parking spaces will be available to 17639 No. 10 Highway/56 Avenue until such time as the adjacent property redevelops and provides the minimum on-site parking required under the Zoning By-law.

DEVELOPMENT PROPOSAL

Planning Considerations

- The applicant is proposing to rezone the subject site from "Community Commercial Zone (C-8)" to "Comprehensive Development Zone (CD)" (based on the C-8 Zone) in order to legalize a number of existing land-uses on-site that were previously permitted under LUC No. 144.

	Proposed
Lot Area	
Gross Site Area:	N/A
Road Dedication:	N/A
Undevelopable Area:	N/A
Net Site Area:	50,329 sq. m.
Number of Lots:	1
Floor Area Ratio (FAR):	0.29
Total Floor Area:	14,363 sq. m.

Referrals

Engineering:	The Engineering Department has no objection to the proposal.
Ministry of Transportation & Infrastructure (MOTI):	Ministry of Transportation and Infrastructure (MOTI) comments are pending. The applicant will be required to address any MOTI requirements prior to final approval.
Cloverdale Community Association (CCA):	The Cloverdale Community Association supports the proposal.
Cloverdale Business Improvement Association (BIA):	The Cloverdale BIA supports the proposal.
Cloverdale Chamber of Commerce:	The Cloverdale Chamber of Commerce supports the proposal.

POLICY & BY-LAW CONSIDERATIONS

Regional Growth Strategy

- The subject property is designated "General Urban" in the Regional Growth Strategy (RGS).
- The proposed rezoning complies with the General Urban RGS designation.

Official Community Plan

Land Use Designation

- The subject site is designated "Commercial" in the Official Community Plan (OCP).
- The proposed rezoning complies with the Commercial designation in the OCP.

Themes/Policies

- The proposal will support various policies, outlined in the OCP, including the following:
 - The proposed rezoning supports the concept of locating community-serving retail and commercial land-uses within close proximity to the Town Centre thereby maximizing accessibility and minimizing the impacts on adjacent residential areas.
 - The proposed rezoning encourages collocating or clustering complementary businesses and/or service uses within close proximity to the Town Centre which supports compact employment areas so as to reduce the need for multiple trips to access these services.
 - The proposed rezoning supports the broader regional economy given that these local-serving businesses are located at the crossroads of two major Provincial highways (No. 10 Highway/56 Avenue and No. 15 Highway/176 Street).

Secondary Plans

Land Use Designation

- The subject property is designated "Commercial" in the Cloverdale Town Centre Plan (TCP).
- The proposed rezoning complies with the Commercial designation in the TCP.

Themes/Objectives

- The proposed rezoning will provide additional employment opportunities and support the existing commercial businesses currently operating on-site while offering residents a wider variety of commercial and retail uses within close proximity to Cloverdale Town Centre.

Proposed CD By-law

- The applicant proposes to rezone the subject site from "Community Commercial Zone (C-8)" to "Comprehensive Development Zone (CD)" (based on the C-8 Zone) in order to ensure that a number of existing non-conforming land-uses, previously allowed under the Land Use Contract, but not permitted in the C-8 Zone, are able to continue operating on-site in future.
- A comparison of the permitted land-uses and minimum building setbacks allowed under the C-8 Zone and the proposed CD Bylaw are illustrated in the following table:

Zoning	C-8 Zone (Part 36)	Proposed CD Zone
Unit Density:	N/A	N/A
Floor Area Ratio:	0.80	0.80
Lot Coverage:	50%	50%
Yards and Setbacks		
North:	7.5 metres	4.4 metres
East:	7.5 metres	7.5 metres
South:	7.5 metres	7.5 metres
West:	7.5 metres	7.5 metres
Principal Building Height:	12 metres	12 metres
Permitted Uses	Retail Stores Personal Service Uses General Service Uses Beverage Container Return Centres Eating Establishments (excluding Drive-Through Restaurants)	Retail Stores Personal Service Uses General Service Uses (including Drive-Through Banks) Eating Establishments (including Drive-Through Restaurants)

Zoning	C-8 Zone (Part 36)	Proposed CD Zone
Permitted Uses	Neighbourhood Pubs Liquor Store Office Uses Parking Facilities Automotive Service Uses (in conjunction with a Retail Store) Indoor Recreational Facilities Entertainment Uses Assembly Halls Community Services Child Care Centres Cultural Uses Caretaker Unit (Accessory Use)	Neighbourhood Pubs Office Uses Automotive Service Uses Indoor Recreational Facility Gasoline Service
Amenity Space	N/A	N/A
Parking (Part 5)	Required	Existing
Number of Commercial Stalls:	504 spaces	689 spaces

- The proposed CD Bylaw is based on the "Community Commercial Zone (C-8)" with several modifications to the permitted land-uses and minimum building setbacks in order to allow for a number of existing non-conforming businesses to continue operating on-site as well as address the need to vary the minimum building setback along the north lot line.
- The addition of the following land-uses to the CD Bylaw will enable and support the existing businesses to continue operating into the future by streamlining the Business License renewal process, given these will become permitted land-uses on the subject site:
 - Drive-Through Restaurant;
 - Drive-Through Bank;
 - Automotive Service Use; and
 - Gasoline Station.
- The proposed variance to the minimum building setback along the north lot line (No. 10 Highway/56 Avenue) will address the existing commercial buildings which are currently located within the minimum building setback requirement, under the C-8 Zone.
- The CD Bylaw is tailored to reflect the existing land-uses on-site and those land-uses allowed under the previous Land Use Contract (LUC No. 144). No further changes are anticipated with respect to Floor Area Ratio (FAR), lot coverage, minimum building setbacks, building height or on-site parking given that no new construction is proposed as part of the subject application.

PUBLIC ENGAGEMENT

- Pre-notification letters were sent on December 8, 2020, and the Development Proposal Signs were installed on December 11, 2020. To date, staff have received a total of three (3) responses from local area residents. All three residents asked for additional information on the proposal. No concerns or opposition were expressed to City staff regarding the proposed rezoning.

CONCLUSION

As the proposed rezoning is intended to legalize a number of existing non-conforming land-uses on the subject site that were previously permitted under Land Use Contract No. 144, and support the ongoing operation of existing businesses, staff are in support of the development proposal.

INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

- Appendix I. Site Plan
- Appendix II. Engineering Summary

approved by Ron Gill

Ron Gill
Acting General Manager
Planning and Development

MRJ/cm

