

City of Surrey
PLANNING & DEVELOPMENT REPORT

Application No.: 7921-0022-00

Planning Report Date: May 10, 2021

PROPOSAL:

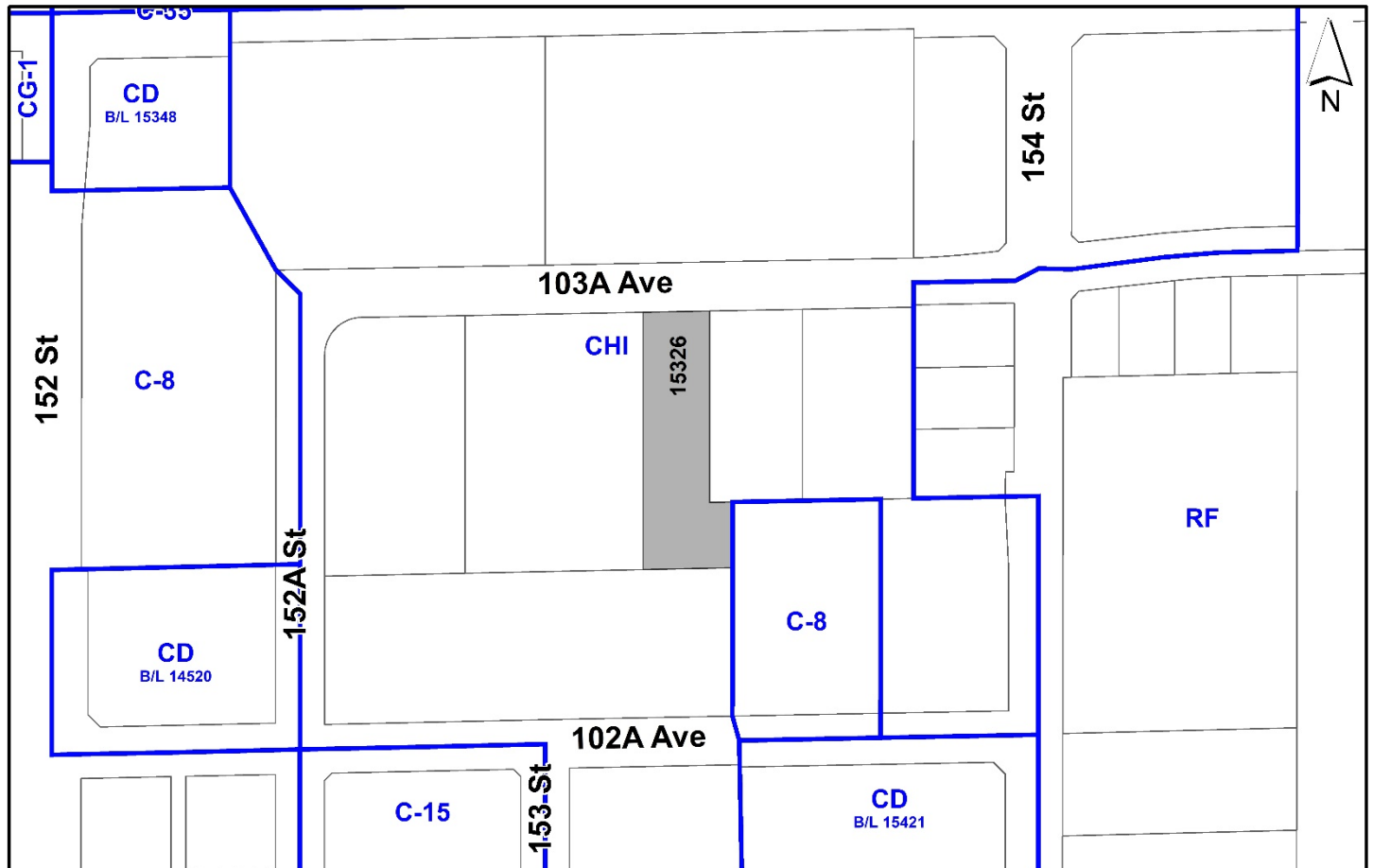
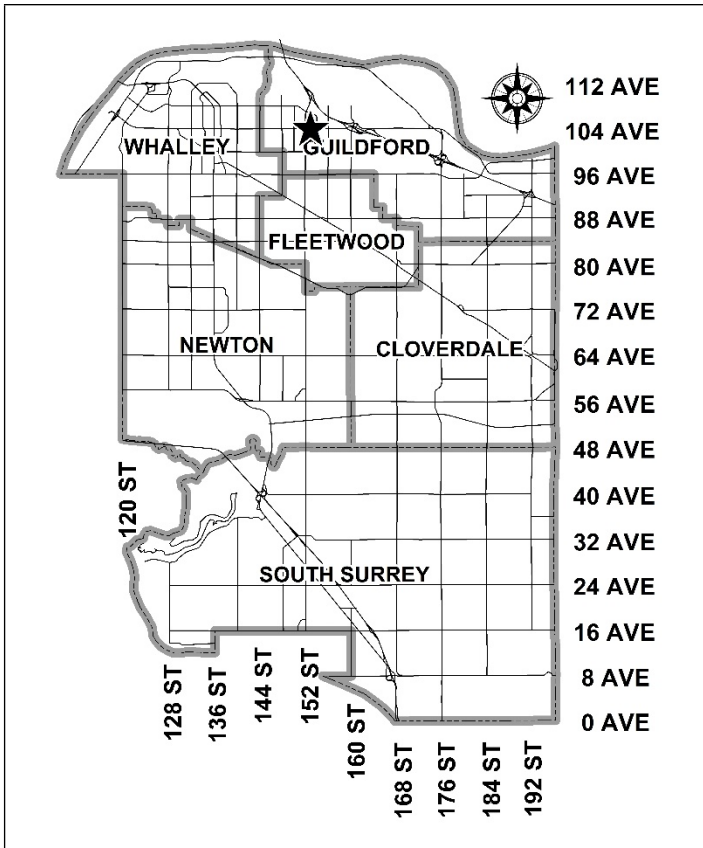
- Partial LUC 342 discharge to allow the underlying CHI Zone to regulate the site.

LOCATION: 15326 - 103A Avenue

ZONING: LUC 342 (CHI underlying)

OCP DESIGNATION: Town Centre

TCP DESIGNATION: Low to Mid Rise Apartment



RECOMMENDATION SUMMARY

- By-law Introduction and set date for Public Hearing for Partial LUC discharge.

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- Does not comply with the Stage 1 Guildford Town Centre – 104 Avenue Corridor Plan designation

RATIONALE OF RECOMMENDATION

- Council has embarked on a process to discharge Land Use Contacts (LUC) before the 2024 sunset date as prescribed under the *Local Government Act*. LUC 342 is one of the final LUC's to proceed through the termination process due to its size and complexity.
- It is anticipated that the report for the termination LUC 342 will be forwarded for Council's consideration in the fall of 2021.
- The proposed partial discharge of LUC 342 will allow for the property to be used in compliance with the underlying Highway Commercial Industrial Zone (CHI) until such time as it is economical to redevelop the property in accordance with the Guildford Town Centre – 104 Avenue Corridor Plan.
- The partial LUC discharge will provide clarity about the permitted uses on the property, as well as providing the opportunity to lease the existing building to a childcare operator, as is currently being contemplated.

RECOMMENDATION

The Planning & Development Department recommends that a By-law be introduced to partially discharge LUC 342 to allow the underlying CHI Zone to regulate the subject property, and a date be set for Public Hearing.

SITE CONTEXT & BACKGROUND

Direction	Existing Use	TCP Designation	Existing Zone
Subject Site	General service uses	Low to Mid Rise Apartment	LUC 342 (CHI underlying)
North (Across 103A Ave):	Retail/wholesale business	Mid to High Rise apartment	CHI
East :	Automotive service uses	Low to Mid Rise Apartment	LUC 342 (CHI underlying)
South (Across future road):	ICBC claim centre	Park	CHI
West	Mixed use retail and office	Low to Mid Rise Apartment	LUC 342 (CHI underlying)

Context & Background

- In the early 1970s the Provincial Government adopted changes to the *Municipal Act* (now called the *Local Government Act*) that allowed local governments to enter into Land Use Contracts (LUCs) with landowners and/or developers that incorporated zoning, development control and servicing issues into one document. As a result, on lands within a LUC, the LUC became the governing land use control and, in some instances, the subdivision and development control as well.
- LUC 342 was entered into in May 1977 and regulated future land use of the properties on the north east corner of 104 Avenue, and various properties around 152A Street to west, 154 Street to the east, 103A Avenue to the north and 101 Avenue to the south. Each of these properties was subject to a further Development Agreement which would delineate the servicing and specific site requirements such as parking, setbacks, landscaping, signage and building form and character.
- Development Agreement 342-4 for the subject property was entered into in June 1978 to regulate the form and character of the building, parking and landscaping.

DEVELOPMENT PROPOSAL

Planning Considerations

- The applicant is requesting to discharge LUC 342 from the subject property to allow for the underlying Highway Commercial Industrial Zone (CHI) to regulate the property.

- The existing building on the property has had a variety of tenants over the years, with the two most recent tenants being a children's martial arts studio and a children's' dance studio. With the current pandemic and the Public Health orders, which limit gathering, and indoor recreation uses, both of these businesses have closed, and the building is currently vacant.
- The owner has secured a new tenant who wishes to open a childcare centre, as a single tenant in this building.
- In the late 1970's, childcare facilities were located in single family dwellings, and were supported by a Council resolution. Childcare facilities were not commonly located in commercial buildings at that time, and as such a childcare centre is not included as a permitted use on the subject property under LUC 342.
- Currently, the majority of the commercial zones within Surrey Zoning By-law No. 12000 permit childcare facilities as a principal use. This includes the Highway Commercial Industrial Zone (CHI) which is the underlying Zone on this subject site.
- Discharging Land Use Contract 342 from the subject property will allow the CHI Zone to come into effect and thereby render a childcare centre a permitted use on the property.

Transportation Considerations

- Access to the site is provided from 103A Avenue. The childcare facility will require the conversion of some parking spaces into outdoor play area for the children. The parking calculations and outdoor play area will be evaluated during the building permit circulation.

POLICY & BY-LAW CONSIDERATIONS

Official Community Plan

Land Use Designation

- The OCP currently designates this property as Town Centre. The partial discharge of LUC 342 provides the owner with flexibility for leasing the site and generating revenue until such time as it is economically feasible to redevelop the property for a Town Centre use.

Themes/Policies

- The termination of the LUC 342 provides certainty in securing tenants until redevelopment occurs. There is a demand for childcare space in Surrey, and this tenant will provide additional childcare spaces to help address that need.

Secondary Plans

Land Use Designation

- The Stage One Guildford Town Centre – 104 Avenue Corridor Plan designates this property for future Low to Mid Rise Apartments. Redevelopment of this area of Guildford is not being pursued at this time, as many of the properties have viable businesses. The LUC discharge will provide revenue to the owner until such time as redevelopment of this block in Guildford is initiated.

INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

Appendix I. Schedule B Permitted Uses of LUC 342

approved by Ron Gill

Jean Lamontagne
General Manager
Planning and Development

LAP/cm

THE CORPORATION OF THE DISTRICT OF SURREY
LAND USE CONTRACT NUMBER 342

SCHEDULE "B"

SCHEDULE OF PERMITTED LAND USE

Lots 25, 27 and 39 (only):

Land and structures shall be developed and may be used for any of the following uses:-

Appliance Repair Shop
Appliance Store
Assembly Hall
Auction Room
Automotive Parts (new) Sales
Bakery, as part of retail operation
Bank
Barber Shop and Beauty Parlor
Billiards
Bowling Alley
Butcher Shop
Candy Manufacturing, as part of retail operation
Cafe
Clubrooms
Convention Centre
Curling Rink
Dance Hall and Cabaret
Drugstore
Dry Cleaner
Dwelling Units
Engraving
Grocery Store
Hardware Store
Health Studio
Hotels
Ice Rink
Jewellery Manufacturing, as part of retail operation
Laboratory
Laundromat
Laundry, Cleaning and Dyeing Establishments
Licensed Premises
Medical-Dental Building
Offices
Off-street Parking
Pet Shop
Restaurants
Retail Stores (new or used goods for sale or rental)
Roller Rink
Shoe Repair or Manufacturing, as part of retail operation
Tailor Shop (Retail)
Theatre, excluding drive-in
Upholstering
Veterinarian Office (for small domestic animals)
Together with customary permitted accessory uses thereto.

Lot 43 and Blocks 12, 13 and 14 (only):

Land and structures shall be developed and may be used for all of those uses hereinbefore set out for Lots 25, 27 and 39 (only), in addition thereto, may include the following uses:

- Adult Educational Institute (training centre)

SCHEDULE "B"

Lot 43 and Blocks 12, 13 and 14 (only):

Air Conditioning Equipment, sales and service
Animal Hospital
Automotive Repair Shop
Automotive Sales and Rental (new and used).
Bakery
Book Binding
Building Supplies (wholesales and retail)
Business Machines, Sales, Service and Manufacturing
Cafe
Clothing and Garment Manufacturing
Cold Storage Plant
Electrical and Electronic Appliances, Tools,
Equipment and Accessories
Feed and Seed (Retail) (no outside storage permitted)
Fire Protection Equipment, sales, service and manufacturing
Food Handling Equipment, sales, service and manufacturing
Heating Equipment, sales, service and manufacturing
Hospital and Medical Equipment,
sales, service and manufacturing
Instrument Manufacturing
Jewellery Manufacturing
Lithographing
Motion Picture and Television Studios
Professional Scientific Photographic and Optical
Instruments and Accessories
Refrigeration Equipment, sales, service and manufacturing
Scientific Research Laboratory
Sign Manufacturing
Tent, Awning and Allied Products Manufacturing
Time Recording Equipment, sales, service and manufacturing
Wholesale Establishments
Wholesale Storage Warehouses

together with customary permitted accessory uses thereto.

For the purposes of this Schedule, "Manufacturing" shall be construed to mean the assembling and putting together of component parts manufactured elsewhere, in order to produce a finished product.

SPECIAL CONDITIONS OF USE

All uses authorized hereby shall be subject to the following conditions:

1. There shall be no toxic or objectionable dust, dirt, odor, gas, fumes, smoke, vibration, heat, glare, liquid or solid effluent or electrical interference or noise pollution emitted from the site which in any way may constitute any hazard or nuisance to the surrounding area.
(save and except Automotive Repair Shop & Automotive Sales & Rental (new and used))
2. All permitted uses, including storage, shall be contained within a completely enclosed building, except for required off-street parking and off-street loading facilities. *file*
3. Any accessory building must be located to the rear of the principal building and shall not be located within any required yard. *file*