

Corporate Report

NO: L007

COUNCIL DATE: March 1, 2004



REGULAR COUNCIL - LAND USE

TO: **Mayor & Council** DATE: **February 26,
2004**

FROM: **General Manager,
Planning and Development** FILE: **7996-0076-00**

SUBJECT: **Division of Rezoning By-law No. 13294 into Two By-
laws to Allow the Related Project to be Developed in
Two Phases**

RECOMMENDATIONS

It is recommended that Council:

1. Rescind resolution R98-130 which gave third reading to Surrey Zoning By-law 1993, No. 12000, Amendment By-law 1997, No. 13294;
2. Approve the division of Surrey Zoning By-law, 1993, No. 12000, Amendment By law 1997, No. 13294 into two by-laws, By-law No. 13294A (Appendix I) and By-law No. 13294B (Appendix II), as outlined in this report and applying to the areas illustrated on Appendix IV, respectively;
3. Grant third reading to each of By-law No. 13294A and By-law No. 13294B; and
4. Authorize staff to draft replacement Development Permits No. 7996-0076-01 and 7996-0076-02.

INTENT

The intent of this report is to obtain Council approval for the proposed division of By law No. 13294 into two by-laws to allow the gas station and convenience store component of development proposed at the south-west corner of 72 Avenue and 152 Street to proceed separately from the remainder of the site, that includes a local commercial plaza and 14 single family residential lots.

BACKGROUND

An application was made in 1996 to rezone the subject site from RA to RF, C-5 and CD to permit development of 14 single family lots and a comprehensive neighbourhood commercial centre, including a gas station, convenience store and a small retail commercial plaza. A Development Variance Permit ("DVP") was also proposed to vary setbacks for the proposed commercial building. The application was considered by Council in December 1997 and, subsequent to a Public Hearing on January 19, 1998, Council granted third reading to Rezoning By-law No. 13294.

DISCUSSION

The subject application has been delayed for the last four years due to servicing constraints related to the provision of

sanitary sewer for the land in the vicinity of 152 Street and 72 Avenue. To address this issue, the applicant has now proposed to construct temporary servicing to advance the subdivision and development of the gas station component of the development. The Engineering Department, following recent discussions with the applicant and the Planning and Development Department, has indicated that they are prepared to allow the construction of a temporary pump station to service the gas station component of the subject site. Sanitary servicing will not be provided for the remainder of the site, which will be serviced when the ultimate sanitary sewer lift station is constructed to the east of 152 Street and gravity sewers are extended to the site from the south.

To allow the gas station component of the application to be subdivided from the remainder of the site and proceed independently, it is proposed that the current Rezoning By-law for the site (By-law No. 13294) be split into the following two Rezoning By-laws:

1. Rezoning By-law No. 13294A (gas station) and convenience store from "One Acre Residential Zone (RA)" to "Comprehensive Development Zone (CD)" (Appendix I);
2. Rezoning By-law No. 13294B (local commercial centre and 14 single family residential lots) from "One-Acre Residential Zone (RA)" to "Neighbourhood Commercial Zone (C-5)" and "Single Family Residential Zone (RF)" (Appendix II).

Appendix IV illustrates the area covered by each of these by-laws.

There are no changes to the intent, uses, density or content of the current Rezoning By law under the two replacement Rezoning By-laws. Therefore, a new Public Hearing on the replacement By-laws is not required. The current Development Permit (No. 7996 0076-00) will also be separated into two corresponding Development Permits (No. 7996-0076-01 and 7996-0076-02) to allow the gas station and convenience store component to proceed independently of the local commercial centre.

CONCLUSION

Based on the above, it is recommended that Council approve the proposed division of Rezoning By-law No. 13294, as outlined in this report, grant third reading to the new by laws (By-law No. 13294A and By-law No. 13294B) and authorize staff to draft a Development Permit for each phase of the proposed commercial development, which will facilitate the proposed phasing of the development, as requested by the applicant.

Murray Dinwoodie
General Manager
Planning and Development

DH/brb/kms/saw

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| Appendix I | By-law No. 13294A |
| Appendix II | By-law No. 13294B |
| Appendix III | Proposed Development |
| Appendix IV | By-law Nos. 13294A and 13294B Boundaries |

CITY OF SURREY

BY LAW NO. 13294A

A by law to amend Surrey Zoning By law, 1993, No. 12000,
as amended.

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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 903 of the Municipal Act R.S.B.C. 1996 Chapter 323, 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" under Part 3 of Surrey Zoning By law, 1993, No. 12000, as amended, as follows:

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

Parcel Identifier: 012-135-038, that portion of Lot 31 Except: Firstly: Parcel "A" (Explanatory Plan 16051) and Road; Secondly: Parcel "C" (Bylaw Plan 62484); Thirdly: Portions in Plan LMP20814, Section 15, Township 2, New Westminster District, Plan 1360, containing 0.532 hectares and called Block 'A', as shown in heavy outline on Survey Plan, certified correct by Grant Butler, B.C.L.S. on the 14th day of July, 1997, attached hereto and forming a part of this By-law.

(Portion of 15194 - 72 Avenue, hereinafter referred to as the "Lands").

2. The following regulations shall apply to the *Lands*:

A. Intent

This Zone is intended to accommodate and regulate the development of full service *gasoline stations* or combined full-service and self-service *gasoline stations* and *accessory uses* including *convenience store* and car wash facilities.

B. Permitted Uses

Land 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 one full-service hose shall be available on the same *lot*.
2. *Accessory uses* including the following:
 - (a) *Retail stores* limited to the following:
 - i. *Convenience store* provided that the total sales and display area open to the public is not more than 110 square metres [1,184 sq. ft.]; and
 - ii. Sale of automotive accessories.
 - (b) *Automotive service uses* limited to car wash *facilities*.

C. Lot Area

Not applicable to this Zone.

D. Density

The maximum *density* shall not exceed a *floor area ratio* of 0.30.

E. Lot Coverage

The maximum *lot coverage* shall be 30%.

F. Yard And Setbacks

Buildings and structures shall be sited in accordance with the following minimum *setbacks*:

Use	Setback Yard (152 St.)	Front Yard (West)	Rear Yard (West)	Side Yard on Flanking Street (72 Ave.)	Side Yard on Flanking Street (71A Ave.)
<i>Principal and Accessory Buildings and Structures excluding Pump Islands, Kiosks, or Canopies</i>	12.0 m	1.8 m	4.0 m	9.5 m	
<i>Pump Islands and Kiosk*</i>	[40 ft.]	[6 ft.]	[13 ft.]	[31 ft.]	
<i>Canopies</i>	4.5 m	4.0 m	4.0 m	4.5 m	
	[15 ft.]	[13 ft.]	[13 ft.]	[15 ft.]	
	2.0 m	2.0 m	2.0 m	2.0 m	
	[7 ft.]	[7 ft.]	[7 ft.]	[7 ft.]	

Measurements to be determined as per Part 1 Definitions, of the Surrey Zoning By-law, 1993, No. 12000, as amended.

* The kiosk shall not exceed a gross floor area of 5 square metres [50 sq. ft.]

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 building and Pump Island Canopies: The *building height* shall not exceed 6.0 metres [20 feet].

2. Accessory buildings and structures: The *building height* shall not exceed 4.8 metres [16 feet].

H. Off-Street Parking

Refer to Part 5 Off-Street Parking, of the Surrey Zoning By-law, 1993, 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 a *lot* which abuts 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 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

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>
1,400 sq. m [15,000 sq. ft.]	30 metres [100 ft.]	30 metres [100 ft.]

Dimensions shall be measured in accordance with Section E.21, Part 4 General Provisions, of the Surrey Zoning By-law, 1993, No. 12000, as amended.

L. Other Regulations

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

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 Zone as set forth in 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, of Surrey

Zoning By-law, 1993, No. 12000, as amended.

5. *Sign* regulations are as set out in Part 6 Signs, of Surrey Zoning By-law, 1993, No. 12000, 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, 1987, No. 9011, as amended, and the Surrey Development Cost Charge By-law, 1993, No. 11951, as amended, and the development cost charges shall be based on the CG-2 Zone.
8. Surrey Tree Preservation By-law, 1996, No. 12880, as amended.
9. Development permits may be required in accordance with the Surrey *Official Community Plan* By-law, 1996, 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, 1997, No. 13294A".

PASSED FIRST AND SECOND READING on the 2nd day of December, 1997.

PUBLIC HEARING HELD thereon on the 19th day of January, 1998.

PASSED THIRD READING on the day of , .

RECONSIDERED AND FINALLY ADOPTED, signed by the Mayor and Clerk, and sealed with the Corporate Seal on the day of , 2004.

_____MAYOR

_____CLERK

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APPENDIX II

CITY OF SURREY

BY LAW NO. 13294B

A by law to amend Surrey Zoning By law, 1993, No. 12000,
as amended.

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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 903 of the Municipal Act R.S.B.C. 1996 Chapter 323, 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" under Part 3 of Surrey Zoning By law, 1993, No. 12000, as amended, as follows:

(a) FROM "ONE-ACRE RESIDENTIAL ZONE (RA)"
TO "NEIGHBOURHOOD COMMERCIAL ZONE (C-5)"

Parcel Identifier: 012-135-038, that portion of Lot 31 Except: Firstly: Parcel "A" (Explanatory Plan 16051) and Road; Secondly: Parcel "C" (Bylaw Plan 62484); Thirdly: Portions in Plan LMP20814, Section 15, Township 2, New Westminster District, Plan 1360, containing 0.160 hectares and called Block 'C', as shown in heavy outline on Survey Plan, certified correct by Grant Butler, B.C.L.S. on the 14th day of July, 1997, attached hereto and forming a part of this By-law.

(Portion of 15194 - 72 Avenue)

(b) FROM "ONE-ACRE RESIDENTIAL ZONE (RA)"
TO "SINGLE FAMILY RESIDENTIAL ZONE (RF)"

Parcel Identifier: 012-135-038, that portion of Lot 31 Except: Firstly: Parcel "A" (Explanatory Plan 16051) and Road; Secondly: Parcel "C" (Bylaw Plan 62484); Thirdly: Portions in Plan LMP20814, Section 15, Township 2, New Westminster District, Plan 1360, containing 1.053 hectares and called Block 'B', as shown in heavy outline on Survey Plan, certified correct by Grant Butler, B.C.L.S. on the 14th day of July, 1997, attached hereto and forming a part of this By-law.

(Portion of 15194 - 72 Avenue)

2. This By law shall be cited for all purposes as "Surrey Zoning By law, 1993, No. 12000, Amendment By law, 1997, No. 13294B".

PASSED FIRST AND SECOND READING on the 2nd day of December, 1997.

PUBLIC HEARING HELD thereon on the 19th day of January, 1998.

PASSED THIRD READING on the _____ day of _____, _____.

RECONSIDERED AND FINALLY ADOPTED, signed by the Mayor and Clerk, and sealed with the Corporate Seal on the _____ day of _____, 2004.

_____MAYOR

_____CLERK

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