

Corporate Report

NO: L011

COUNCIL DATE: November 29,

2004

REGULAR COUNCIL – LAND USE

TO: Mayor & Council DATE: November 26,
2004

FROM: General Manager, FILE: 7904-0112-00
Planning and Development 7904-0312-00

SUBJECT: Zoning Amendment By-law No. 15585 and Zoning
Amendment By-law No. 15586 Related to a Proposed
Shopping Centre at 24 Avenue and 160 Street

RECOMMENDATION

The Planning and Development Department recommends that Council:

1. Receive this report as information;
2. Approve amendments to Surrey Zoning By-law, 1993, No. 12000, Amendment By-law, 2004, No. 15585 ("By-law No. 15585"), as documented in Appendix I attached to this report;
3. Approve amendments to Surrey Zoning By-law, 1993, No. 12000, Amendment By-law, 2004, No. 15586 ("By-law No. 15586"), as documented in Appendix II attached to this report;
4. Rescind Council Resolution No. R04-3139 granting second reading to By law No. 15585;
5. Grant second reading to By-law No. 15585 with the amendments, as documented in Appendix I;
6. Rescind Council Resolution No. R04-3142 granting second reading to By law No. 15586;
7. Grant second reading to By-law No. 15586 with the amendments, as documented in Appendix II; and
8. Instruct the City Clerk to forward a copy of this Corporate Report and the related Council Resolution to First Professional Management (West) Inc. and Loblaw Properties West Inc., the proponents of the developments to which the subject by laws relate.

BACKGROUND

At the Regular Council - Land Use meeting on November 22, 2004, Council considered a Planning Report on Rezoning Application Nos. 7904-0112-00 and 7904-0312-00, both of which are related to the development of a shopping centre on properties in the vicinity of the intersection of 24 Avenue and 160 Street. At that same meeting, Council gave first and second readings to By-law No. 15585 and By-law No. 15586, in support of such development. The Public Hearing for the respective by-laws was set for Monday, December 6, 2004. After granting first and second readings to the rezoning by-laws, Council passed a further resolution (R04-3144) as follows:

"That the matter of outdoor storage of goods and setbacks be referred to staff for a report".

This report responds to this direction from Council.

DISCUSSION

Proposed Development

Development Application No. 7904-0112-00 involves an OCP amendment from Suburban to Commercial, a rezoning from Intensive Agriculture Zone (A-2), One-Acre Residential Zone (RA) and Golf Course Zone (CPG) to Comprehensive Development Zone (CD) and a Development Permit to allow the development of a shopping centre at the southwest, northwest and northeast quadrants of 24 Avenue and 160 Street. The proposed development includes a Wal-Mart store and other commercial uses located in the southwest quadrant, a Home Depot store and other commercial uses located in the northwest quadrant and smaller scale commercial uses located in the northeast quadrant.

The proposed CD By-law for Application No. 7904-0112-00 was drafted, based on the Community Commercial Zone (C-8) with some variations to accommodate the proposed development. By-law No. 15585 consists of three blocks. Block A and Block B allow for similar commercial uses to those permitted in the C-8 Zone, except that only one individual business can have a gross floor area more than 4,645 sq.m. (50, 000 sq.ft.) in each of the Blocks A and B, while in Block C, no individual business may have a gross floor area greater than 4,645 sq.m. (50,000 sq.ft.). On this basis, a large format retail store is permitted in each of Block A (Wal-Mart) and Block B (Home Depot).

Development Application No. 7904-0312-00 involves an OCP amendment from Suburban to Commercial, a rezoning from One-Acre Residential Zone (RA) to Comprehensive Development Zone (CD) and a Development Permit to allow the development of a shopping centre at the southeast quadrant of 24 Avenue and 160 Street. The proposed development includes a Real Canadian Superstore, a gas bar with car wash and other commercial uses.

The proposed CD By-law for Application No. 7904-0312-00 was drafted based on the Community Commercial Zone (C-8) with some variations to accommodate the proposed development. By-law No. 15586 consists of two blocks. Block D allows for one individual business with a gross floor area of more than 4,645 sq.m. (50, 000 sq. ft.) and Block E allows for a combined full-serve and self-serve gasoline station. Block D is proposed to accommodate the development of a Real Canadian Superstore.

All three of the large format retail stores have a garden centre associated with the retail premise. Under the Special Regulations Section of By-law Nos. 15585 and 15586, areas for outdoor storage or display of any goods, materials or supplies are permitted as an ancillary use to the retail premise, provided that the said area is used for seasonal storage and display of goods and shall not exceed 15% of the gross floor area of the associated retail premise. In addition, the outdoor storage or display of goods, materials or supplies, as permitted in the aforesaid situation, shall not be located between the building and Highway 99 and shall not be located within 10 metres (33 feet) from any highway or property line adjacent to any residential lot.

Proposed Outdoor Storage and Display Area

In consideration of Council's direction, staff has further reviewed the information provided by the applicants, with respect to outdoor storage and display area related to each of the three large format retail premises. The following is a synopsis of that review.

1. *Wal-Mart (Block A) – Appendix III*

The total building area proposed for the Wal-Mart store is approximately 12,298 sq.m. (132,375 sq.ft.), excluding future expansion area. A garden centre is proposed in the front of the building along the east elevation, north of the main entrance. The total area of this garden centre is about 743 sq.m. (8,000 sq.ft.), representing about 6% of the gross floor area of the retail store. This garden centre will be fenced, but not covered. A site plan and building elevation are attached in Appendix III.

2. *Home Depot (Block B) – Appendix IV*

The total building area proposed for the Home Depot store is approximately 10,956 sq.m. (117,934 sq.ft.). A garden centre is proposed on the west side of the building, with a total area of about 1,737 sq.m. (18,700 sq.ft.). About 994 sq.m. (10,700 sq.ft.) of this proposed garden centre is covered, either by a canopy or a roof extending from the main building. The remainder, amounting to 743 sq.m. (8,000 sq.ft.) of the garden centre, is not covered. The garden centre represents approximately 18% of the gross floor area of the building. The covered area is approximately 10% of the gross floor area of the store and the open area is approximately 8% of the gross floor area of the store. The garden centre is intended to be used year round, as is the case with other Home Depot stores in the City. A site plan and building elevation are attached in Appendix IV.

3. *Real Canadian Superstore (Block D) – Appendix V*

The total building area proposed for the Real Canadian Superstore is 16,586 sq.m. (178,536 sq.ft.), excluding future expansion. A garden centre is proposed on the west building elevation, between the two main entrances to the store, with a total area of 1,038 sq.m. (11,178 sq.ft.). This area is under the mezzanine floor of the building and, therefore, is covered. The area amounts to about 6.3% of the total gross floor area of the retail store. The applicant indicates that this area will be used for approximately six to eight months of the year. A site plan and building elevation are attached in Appendix V.

Proposed Amendments – Outdoor Storage & Display Area Regulations

To address the amount and location of outdoor storage and display areas, amendments to By-law Nos. 15585 and 15586 are proposed, to incorporate the following:

1. *Zoning Amendment By-law No. 15585 (Appendix I)*

- In both Blocks A and B, outdoor storage and display of goods, materials and supplies is permitted, provided that the area used for this purpose is ancillary to and directly connected to a retail store having a gross floor area of more than 4,645 sq.m. (50,000 sq.ft.);
- In Block C, the northeast quadrant, the by-law is proposed to be revised to specifically prohibit outdoor storage and display areas;

- In Block A, where the Wal-Mart store is located, the total area for outdoor storage and display will not exceed a maximum of 8% of the gross floor area of the retail store. This percentage will allow the proposed garden centre, as shown on the current site plan (8,000 sq.ft.) as submitted by the applicant and will allow for some future expansion;
- In Block B, where the Home Depot store is located, the total area for outdoor storage and display will not exceed 1,737 sq.m. (18,700 sq.ft.), with a further restriction that at least 50% of the outdoor storage and display area must be covered. Due to the nature of the products marketed, Home Depot requires a more sizable area for their garden centre;
- In each of Block A and B, the outdoor storage or display area must be directly connected to the retail store building and enclosed by a decorative metal fence of not less than 2.5 metres (8 feet) in height, which is designed to be architecturally consistent with the building to which it is attached. The details and design of the outdoor storage and display area will be addressed as part of the Development Permit for each building; and
- In the case of Block A, the outdoor storage or display area cannot be located between the building and Highway 99 or located within 30 metres (100 feet) of any other public street. In the case of Block B, the outdoor storage or display area cannot be located within 30 metres (100 feet) of any public street.

The above listed by-law amendments are documented in Appendix I.

2. ***Zoning Amendment By-law No. 15586 (Appendix II)***

- In Block D, within which the Real Canadian Superstore is proposed, outdoor storage and display of goods, materials and supplies is permitted, provided that the area used for these purposes is ancillary to and directly connected to a retail store having a gross floor area of more than 4,645 sq.m. (50,000 sq.ft.);
- The total area for outdoor storage and display will not exceed a maximum of 8% of the gross floor area of the retail store. This allowance will adequately address the garden centre proposed in the site plan for the Superstore (11,178 sq.ft.) and will allow for some future expansion;
- The outdoor storage and display area must be integrated with the retail store building and enclosed by a decorative metal fence of not less than 2.5 metres (8 feet) in height that is designed to be architecturally consistent with the building to which it is connected. The design details will form part of the Development Permit for the Superstore building;
- The outdoor storage or display area cannot be located within 30 metres (100 feet) from any public street; and
- In Block E (gas station), no outdoor storage or display is permitted.

The above listed by-law amendments are documented in Appendix II.

The proposed by-law amendments have been reviewed by the Legal Services Division and are acceptable.

As the land use and density provisions in the subject by-laws are not affected by the proposed amendments, should Council adopt the amendments, the Public Hearing for these by-laws can remain as Monday, December 6, 2004 at 7:00 p.m.

CONCLUSION

Based on the above, it is recommended that Council:

- Approve amendments to By-law No. 15585, as documented in Appendix I, attached to this report;
- Approve amendments to By-law, No. 15586, as documented in Appendix II, attached to this report;
- Rescind Council Resolution No. R04-3139, granting second reading to By law No. 15585;
- Grant second reading to By-law No. 15585, with the amendments, as documented in Appendix I;
- Rescind Council Resolution No. R04-3142 granting second reading to By law No. 15586;
- Grant second reading to By-law No. 15586, with the amendments, as documented in Appendix II; and
- Instruct the City Clerk to forward a copy of this Corporate Report and the related Council Resolution to First Professional Management (West) Inc. and Loblaw Properties West Inc., the proponents of the developments to which the subject by laws relate.

Murray Dinwoodie

General Manager
Planning and Development

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Attachments

- Appendix I - Proposed Amendments to By-law No. 15585
- Appendix II - Proposed Amendments to By-law No. 15586
- Appendix III - Site Plan and Building Elevations for Wal-Mart
- Appendix IV - Site Plan and Building Elevations for Home Depot
- Appendix V - Site Plan and Building Elevations for Real Canadian Superstore

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Appendix I

**Proposed Amendments to Surrey Zoning By-law, 1993, No. 12000,
Amendment By-law, 2004, No. 15585**

The following amendments are proposed to Surrey Zoning By-law, 1993, No. 12000, Amendment By-law, 2004, No. 15585:

1. Delete the paragraphs 2 and 3 under Section J. Special Regulations and replace with the following:
 - "2. The following provisions with respect to outdoor storage or display of any goods, materials or supplies shall apply to each Block:
 - (a) **Block A**
 - (i) Outdoor storage or display of any goods, materials or supplies is permitted provided that:
 - a. Such area is ancillary to a *retail store* having a *gross floor area* of more than 4,645 square metres (50,000 sq.ft.);
 - b. The total area shall not exceed a maximum of 8% of the *gross floor area* of the associated *retail store*;
 - c. The outdoor storage and display area must be attached to and integrated with the *retail store building* and enclosed by a decorative metal fence of not less than 2.5 metres (8 ft.) in height that is architecturally consistent with the *retail store building*; and
 - d. The outdoor storage or display area shall not be located between the *building* and Highway 99 and shall not be located within 30 metres (100 ft.) of any other *highways*.
 - (b) **Block B**
 - (i) Outdoor storage or display of any goods, materials or supplies may be permitted provided that:
 - a. Such area is ancillary to a *retail store* having a *gross floor area* of more than 4,645 square metres (50,000 sq.ft.);
 - b. The total area shall not exceed 1,737 square metres (18,700 sq.ft.) with a further restriction that at least 50% of this outdoor area shall be covered;
 - c. The outdoor storage and display area must be attached to and integrated with the *retail store building* and enclosed by a decorative metal fence of not less than 2.5 metres (8 ft.) in height that is architecturally consistent with the *retail store building*; and
 - d. The outdoor storage or display area shall not be located within 30 metres (100 ft.) of any *highway*.
 - (c) **Block C**

The outdoor storage or display of any goods, materials or supplies is specifically prohibited in this Block."
 2. Renumber paragraph 4 to paragraph 3.
 3. Renumber paragraph 5 to paragraph 4.

Proposed Amendments to Surrey Zoning By-law, 1993, No. 12000, Amendment By-law, 2004, No. 15586.

1. Delete the paragraphs 2 and 3 under Section J. Special Regulations and replace with the following:
 - "2. The following provision with respect to outdoor storage or display of any goods, materials or supplies shall apply to each Block:
 - (a) Block D
 - (i) Outdoor storage or display of any goods, materials or supplies is permitted provided that:
 - a. Such area is ancillary to a *retail store* having a *gross floor area* of more than 4,645 square metres (50,000 sq.ft.);
 - b. The total area shall not exceed a maximum of 8% of the *gross floor area* of the associated *retail store*;
 - c. The outdoor storage and display area must be attached to and integrated with the *retail store building* and enclosed by a decorative metal fence of not less than 2.5 metres (8 ft.) in height that is architecturally consistent with the *retail store building*; and
 - d. The outdoor storage or display area shall not be located within 30 metres (100 ft.) of any *highway*.
 - (b) Block E

The outdoor storage or display of any goods, materials or supplies is specifically prohibited in this Block."
2. Renumber paragraph 4 to paragraph 3.
3. Renumber paragraph 5 to paragraph 4.









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