



# Corporate Report

NO: L005

COUNCIL DATE: May 30, 2005

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## REGULAR COUNCIL – LAND USE

TO: Mayor & Council                      DATE: May 26, 2005  
FROM: General Manager, Planning and Development      FILE: 7904-0357-00  
SUBJECT: Proposed Commercial and Small Lot Development in  
Fraser Heights  
Rezoning from RA to CD and RF-12 – Application  
No. 7904-0357-00  
10777 – 160 Street  
By-law Nos. 15577A and 15577B

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## RECOMMENDATION

The Planning and Development Department recommends that Council:

1. Receive this report as information;
2. Approve amendments to Comprehensive Development By-law No. 15577A as documented in Appendix "F" to this report;
3. Authorize staff to draft a Development Permit for the proposed development, based on the drawings attached as Appendix "D" to this report;
4. Approve an amendment to Development Variance Permit No. 7904-0357-00, eliminating the variance for the minimum south side yard setback from 7.5 metres (25 feet) to 2.4 metres (8 feet) and instruct the City Clerk to proceed with Public Notification for Development Variance Permit No. 7904-0357-00, as amended;
5. Instruct the City Clerk to bring forward the By-law No. 15577A for the necessary actions by Council to amend the By-law in accordance with recommendation 2 and to set a date for the related Public Hearing; and
6. Instruct the City Clerk to forward a copy of this Corporate Report and the related Council resolution to the applicant and to the Fraser Heights Community Association.

## INTENT

The purpose of this report is to advise Council of revisions that have been made to the proposed commercial development to be located at 10777 - 160 Street in the southwest corner of the commercial node in Fraser Heights and to obtain Council approval for amendments to the related rezoning by-law.

## BACKGROUND

The subject application involves a rezoning, development permit, development variance permit and subdivision of the property at 10777 - 160 Street in Fraser Heights (see map attached to Planning Report - Appendix A). The site is designated Urban in the Official Community Plan ("OCP"). In the Fraser Heights Local Area Plan ("LAP") it is designated Retail Commercial, on the easterly part of the site, and Urban Residential, on the westerly part of the site.

The initial Planning Report (attached as Appendix A) was considered by Council at the November 15, 2004 Regular

Council - Land Use meeting at which time Council gave first and second readings to the rezoning by-law and set November 29, 2005 as the date for the related Public Hearing.

The applicant proposed to rezone the easterly part of the property (shown as Block B) from "One Acre Residential Zone (RA)" to "Comprehensive Development Zone (CD)" to permit the development of a neighbourhood commercial development (By-law No. 15577A) and to rezone the westerly part of the property (shown as Block A) from "One Acre Residential Zone (RA)" to "Single Family Residential - 12 (RF-12) Zone " to allow subdivision into approximately seven small single family lots (By-law No. 15577B). A Development Variance Permit application was also submitted to relax the minimum setback from the south property line from 7.5 metres (25 feet) to 2.4 metres (8 feet) for the more westerly proposed commercial building on the site.

At the Public Hearing on November 29, 2004, several concerns were raised by residents of Fraser Heights about the proposed rezoning, including concerns related to design incompatibility with the existing commercial development in the area, the area covered by the proposed commercial development, the maximum floor area permitted for individual commercial retail units (CRUs), tree retention and the consultation process held between the applicant and the community, prior to the Public Hearing (Appendix B provides the relevant excerpt from the Minutes of the November 29, 2004 Public Hearing).

After the Public Hearing, Council adopted the following resolution:

*"That the application be referred to staff to review the design concerns raised by the proponents and opponents, and that there be a clear consultation process between all parties" RES.R04-3251.*

Neither By-law No. 15577A (rezoning to CD) or By-law No. 15577B (rezoning to RF 12) was considered for Third Reading. As a result, consideration of Development Variance Permit No. 7904-0357-00 was also deferred.

## **DISCUSSION**

The subject property is zoned One-Acre Residential (RA) and is 1.4 hectares (3.5 acres) in area. The proposed rezoning consists of two components. The westerly 0.56-hectare (1.4-acre) portion of the site is proposed for rezoning to Single Family Residential (12) Zone (RF-12) to allow subdivision into seven small single family lots and a creek preservation area; four lots fronting 108 Avenue and three lots fronting 107A Avenue. The easterly 0.85-hectare (2.1-acre) portion of the site is proposed for rezoning to Comprehensive Development Zone (CD) to permit a neighbourhood-scale commercial development.

Since the November 29, 2004 Public Hearing, the applicant has modified the development proposal and, along with his consultants, has met with the Fraser Heights community residents at a public information meeting and representatives of the Fraser Heights Community Association executive; with some meetings attended by Planning and Development staff. The following provides a summary of the consultation process conducted by the applicant since the Public Hearing, the modifications proposed to the development and the responses from the community and from staff.

### **Meeting with Applicant, Applicant's Consultants, Community Association Representatives and Staff – January 7, 2005**

Following the Public Hearing, the applicant revised the development proposal, based on the concerns raised at the Public Hearing and met with City staff and representatives of the Fraser Heights Community Association in advance of arranging a Public Information Meeting ("PIM") in the community. This meeting with staff and the Fraser Heights Community Association representatives was to receive preliminary feedback on the modifications to the proposed development. The modifications included façade design changes, floor area changes to the commercial units and setback changes for the commercial component of the application.

### **Concerns Expressed at the Public Information Meeting – January 11, 2005**

After the January 7, 2005 meeting, the applicant made further minor adjustments to the proposed development, based on the feedback received at that meeting. This revised proposal was presented to the Fraser Heights community at a PIM held on January 11, 2005 at Bothwell Elementary School, located at 17070 – 102 Avenue.

The applicant mailed invitations to the PIM to the owners of properties that are within 100 metres (330 feet) of the

subject development site and to the Fraser Heights Community Association. The format of the PIM was an Open House, which included display boards. A questionnaire was distributed by the applicant to those who attended the Open House, on which individuals could submit written responses. The intent of the PIM was to solicit comments from the community on the modified development proposal. A City staff person was in attendance at the PIM, as an observer.

Over 180 people attended the PIM and a majority of attendees expressed strong concerns not only about the specifics of the application, but also about the public consultation process, in general. Residents wanted the applicant or his consultants to make a formal presentation to clearly identify the changes that had been made to the proposal since the Public Hearing. The public expressed the view that the venue was too small to accommodate those in attendance and that specific questions raised at the meeting, regarding the proposal, were left unanswered by the applicant.

Based on observations at the PIM, staff informed the applicant that another PIM would be appropriate and should involve a formal presentation by the applicant or his consultants, including a clear description of the proposed revisions to the development proposal since the Public Hearing.

The president of the Fraser Heights Community Association contacted Planning and Development Department staff on January 17, 2005 to discuss the next steps for this application. He was informed that the applicant was requested to hold another PIM for the project. The President of the Fraser Heights Community Association presented this information to the Association membership at a regular meeting of the Association and the Association membership decided that they did not want a second PIM. They indicated that the completed questionnaires sent to the applicant and to the Planning and Development Department after the first PIM adequately reflect the outstanding issues and concerns of the community with this application.

### **Public Information Meeting Questionnaire Results**

The questionnaire distributed by the applicant at the PIM solicited responses, regarding the building size/site planning; design and architecture; landscaping and trees; and whether or not there were any other issues or concerns with the revised proposal. The last question asked each respondent to indicate their level of support for the development proposal by choosing one of three options provided: in favour; neutral; or opposed. The residents were requested to submit their completed questionnaire directly into the comment box at the PIM or to fax it to McElhanney Consulting Services Ltd., the consultant for the applicant. City staff advised those in attendance that if residents preferred, they could fax their completed questionnaires to the Planning and Development Department in addition to providing them directly to the applicant.

The Planning and Development Department received 181 faxed responses of the applicant's questionnaire. The responses were from residents living throughout the Fraser Heights area. Based on staff's analysis of the questionnaires, 156 of the 181 respondents reside in the area bounded by Highway 1 (to the south), 152 Street (to the west), 168 Street (to the east) and 114 Avenue (to the north) and represent 100 households (see map attached as Appendix C). Beyond that area, 25 responses were received representing 17 households. Of the 156 responses, within the more immediate area, 154 respondents, representing 99 households, indicated their opposition to the proposal and two respondents, representing one household, were neutral. Of the 25 responses received, from beyond the immediate area, 24 respondents, representing 16 households, indicated opposition to the proposal and one respondent, representing one household, was in favour.

The applicant's summary of the PIM, provided to the Planning and Development Department, indicates that 178 residents signed the attendance log and a total of 100 questionnaire responses were received by the applicant. The following is a summary, provided by the applicant, of the main concerns identified by the community via the questionnaire.

#### **1. Design Incompatibility of Building #1**

Building #1 is the larger westerly building on the commercial component of the site. Serious concerns have been raised regarding the proposed design of Building #1, citing its incompatibility with the surrounding environment and "village" character already established within the existing commercial node in Fraser Heights. Specifically, concerns relate to the exterior finishing materials, height of the building and height and size of the proposed signage.

#### **2. Maximum Size Permitted for Individual Commercial Retail Units (CRUs)**

Respondents have significant concerns with the proposed size of Building #1. The majority of respondents believe that the commercial development and/or main tenant is too large and the maximum floor area permitted for the largest individual commercial retail unit (CRU) (the anchor tenant) should be capped at 1,190 square metres (12,800 square feet) to be consistent with the maximum floor area permitted in the CD Zone (By-law No. 11302) for the anchor tenant located at the north-east corner of 160 Street and 108 Avenue (i.e. Nestor's grocery store). All other CRUs should be capped at a floor area of 370 square metres (4,000 square feet) to maintain the village character of the commercial node.

Some respondents also indicated that they have a concern with the extent of the proposed commercial land use being too far west and that it should align with the lane on the north side of 108 Avenue.

### 3. Tree Preservation/Retention

Concerns have been raised regarding the lack of tree preservation on the site. Respondents want to ensure that the development of the subject site should attempt to retain as many mature trees as possible, and that there is a need for additional landscaping.

### 4. Traffic

Development of the site will generate more traffic in the area. In particular, along 160 Street, respondents indicated that traffic would become congested in the morning and afternoon if residents use the proposed parking lot to drop-off and pick up their children who attend Fraser Heights Secondary School, located immediately to the east.

Traffic calming measures should be introduced on 108 Avenue.

## **Meeting with the Applicant's Consultants and Community Association Representatives – February 1, 2005**

Based on the concerns identified by area residents by way of the completed questionnaires, the applicant's consultants held a meeting with several community representatives on February 1, 2005 to present further modifications to the development proposal that, in their opinion, addressed the input received through the questionnaires and to discuss any unresolved issues. The Fraser Heights Community Association representatives suggested further revisions and it was agreed that there would be a follow-up meeting once the suggested revisions were incorporated in the development proposal. City staff was neither invited to, nor aware of this meeting in advance and, therefore, were not in attendance.

## **Meeting with the Applicant's Consultants and Community Association Representatives – March 15, 2005**

The applicant's consultants presented a revised development proposal to those in attendance at the Fraser Heights Community Association regular membership meeting held on March 15, 2005, at Fraser Heights Secondary School. City staff was not aware of the meeting and, therefore, were not in attendance. The applicant's consultants advised staff after the meeting, that a minority of those in attendance were in favour of the proposal; however, the majority maintained that they could not support the proposal as the extent of the commercial land use was too far to the west. The applicant's consultants advised City staff after the meeting that other issues related to tree preservation, on-site traffic management, signage, building height and building design appear to have been satisfactorily addressed.

## **Meeting between the Applicant's Consultants, Community Association Representatives and City Staff – March 16, 2005**

A meeting was held at City Hall on March 16, 2005 between the developer's consultants, several Fraser Heights Community Association representatives and City staff. The meeting was focused on providing the developer's consultants an opportunity to make a presentation regarding the revised proposal to City staff and to the community representatives and to establish if there were any remaining unresolved concerns.

### Applicant's Revised Development Proposal – March 16, 2005

The applicant modified several aspects of the development proposal, based on issues raised at the Public Hearing, the PIM questionnaire results, two follow-up meetings held between the applicant's consultants and representatives of the

Fraser Heights community and discussions with staff (attached as Appendix D). Specifically, revisions were made to the design of Building #1 (the westerly commercial building), the floor area of the proposed commercial component and the maximum floor area permitted for the largest individual commercial retail unit (CRU), tree retention and traffic mitigation measures.

The following is a more detailed description of these modifications:

### 1. Design Incompatibility of Building #1 (the most westerly commercial building)

#### Exterior Finishing Materials:

The applicant has modified the exterior finishing materials from terra cotta coloured brick and stucco panels (in an off-white green grey colour) to hardi-plank horizontal siding in pearl ash and hardi-plank board and batten vertical siding with wood trim in burgundy, with sage-green trim and detailing, fabric awnings and red gooseneck light fixtures.

#### Building Height:

The building height has been reduced from 7 metres (23 feet) to the parapet and 9 metres (30 feet) to the top of the main sign to approximately 6.4 metres (21 feet) to the parapet and 7.3 metres (24 feet) to the top of the sign and roof gables.

#### Signage:

The signage has been reduced in size from 17.8 metres by 3.3 metres (59 feet by 11 feet) to 11.9 metres by 1.8 metres (39 feet by 6 feet). The type of signage has been modified from a large-scale sign box approximately 8.5 metres (28 feet) in height to face-mounted signage without a forward projection and with a height of approximately 7.3 metres (24 feet).

### 2. Maximum Floor Area Permitted for Individual Commercial Retail Units (CRUs) and Siting

- The applicant reduced the floor area of Building #1 from 1,816 square metres (19,551 square feet) to 1,508 square metres (16,234 square feet). The maximum floor area of the largest individual CRU had been reduced to 1,190 square metres (12,800 square feet). Building #1 had a second CRU with a floor area of approximately 264 square metres (2,843 square feet) and had an "in ground" basement underneath it with a floor area of approximately 232 square metres (2,500 square feet).
- Building #1, including the landscaped buffer, was moved to the east by approximately 7.8 metres (26 feet). The rear yard (west) setback between Building #1 and the proposed residential lots has been increased from 7 metres (23 feet) to approximately 14.8 metres (49 feet). The applicant indicated that the revision would allow for the creation of an additional RF-12 sized lot fronting 107A Avenue, subject to a subsequent rezoning application.
- The south side yard setback from 107A Avenue to Building #1 was increased from 2.4 metres (8 feet) to 5.8 metres (19 feet). However, the garbage enclosure remained at a distance of 2.4 metres (8 feet) from the south property line and is located within the parking area to the east of Building #1.

### 3. Tree Preservation/Retention

- A grove of large conifers is located on the westerly portion of the subject site in the area proposed for RF-12 zoning and, more specifically, within the boundary of proposed Lot 1. The applicant proposed to reduce the size of proposed Lot 1 from 462 square metres (5,033 square feet) to 394 square metres (4,243 square feet) by moving the lot line southward as a means to preserve the grove of trees (a total of 10 trees, including Douglas Fir and Western Red Cedar trees) within the tree preservation area along the watercourse that runs through the development site. Fisheries and Oceans Canada (DFO) staff reviewed the proposal and support the revision to preserve the trees.
- A large cedar tree is located on the southeasterly portion of the subject site in close proximity to the cul-de-sac on 107A Avenue. The applicant revised the location of the proposed parking stalls and increased the distance between the parking stalls and the tree to provide additional area surrounding the tree as a means to enhance its viability within the development site.

- A 10 centimetre (4 inch) calliper Dawn Redwood is proposed to be planted within the corner plaza area of the site. The total landscaping materials proposed (including trees, shrubs and ground cover) has increased from 1,558 trees and shrubs to 1,572 trees and shrubs.

#### 4. Traffic

- Vehicular access to the proposed development from 160 Street is restricted to right-in, right-out and left-in, with a stipulation that a Restrictive Covenant is to be registered on the title to the property stating that the left turn into the site from 160 Street will be removed if the northbound left turn lane at the intersection of 160 Street and 108 Avenue needs to be lengthened, due to traffic volumes at that intersection.
- As was documented in the Planning Report to Council, dated November 15, 2005, there is uncertainty regarding the street connections at the 152 Street interchange on Highway 1, which is currently under review as part of the Gateway program. The applicant has agreed to construct a raised median along 160 Street to prohibit left turns out of the development onto 160 Street and to install security gates on the driveways serving the site that will be closed after businesses cease evening operation and will not be opened until 8:30 a.m. on school days. The Engineering Department supports the construction of a raised median, as proposed, provided that the design and construction of the median is at the developer's expense.
- The 120 parking spaces proposed on the commercial site more than satisfies the minimum requirement of 74 spaces as specified in the Zoning By-law.

#### 5. Building Design Guidelines (for Single Family Portion of the Application)

- Tynan Consulting Ltd. has developed building design guidelines for the single family residential component of the project and is the same consultant who developed the guidelines for the single-family residential project to the immediate south. The guidelines have been revised to indicate that no "in ground" basements will be permitted on any of the single-family lots. A basement was previously proposed for the dwelling on Lot 1 only).

#### 6. Hours of Operation (Commercial Component)

- The applicant maintains that the anchor tenant, Shoppers Drug Mart, is not intending to be a 24-hour store and has agreed to limit the hours of the operation for the commercial component of the development to the same hours permitted for the operators of the existing commercial plaza located at the northeast corner of 160 Street and 108 Avenue. Currently, there are no restrictions on the hours of operation for the existing commercial development at the northeast corner of 160 Street and 108 Avenue. Normally, hours of operation restrictions are registered on title by way of a Restrictive Covenant.

The above-described revised development proposal that was presented at the March 16, 2005 meeting, did not receive favourable consideration by the community representatives. The meeting resulted in an impasse between the community representatives, who want the revised development proposal denied and the applicant, who contends that the issues raised at the Public Hearing on November 29, 2005 have now been satisfactorily addressed by the revised proposal.

### **Current Development Proposal**

On April 8, 2005, the applicant advised staff that he was agreeable to prohibiting an "in ground" basement under any part of Building #1. This item was one of the concerns that had been raised by the public, with respect to the maximum floor area of the largest CRU in the commercial development.

The applicant formally submitted a revised development proposal to the Planning and Development Department on May 11, 2005. The current development proposal is illustrated on the drawings attached as Appendix "D" to this report. The modifications proposed by the applicant to the commercial development since the March 16, 2005 meeting include:

#### Maximum Floor Area for Individual Commercial Retail Units (CRUs) and Siting

1. The proposed basement under Building #1 has been removed and the applicant is now amenable to the site's zoning prohibiting any basement under Building #1, the more westerly commercial building.
2. The number of CRU's in the more easterly building has increased from four units to five units and the overall gross floor area of that building has increased from 797 square metres (8,577 square feet) to 951 square metres (10,233 square feet).
3. The overall gross floor area of the commercial buildings on the site is 2,459 square metres (26,466 square feet), which is less than floor area of 2,569 square metres (27,649 square feet) that was indicated in the development proposal that was before Council at the time of the Public Hearing.
4. The rear yard (west) setback between Building #1 and the proposed residential lots is 7 metres (23 feet).
5. The south side yard setback from 107A Avenue to Building #1 is 5.8 metres (19 feet). The applicant has also relocated the garbage enclosure outside of the setback area. The applicant has modified the fence along the south property line to ensure landscaping is planted and visible from 107A Avenue to soften the interface between the residential development on the south side of 107A Avenue and the proposed commercial land uses to the north of 107A Avenue.

#### **Primary Unresolved Issues**

An e-mail message from the President of the Fraser Heights Community Association was received by the Planning and Development Department on March 22, 2005. This communication outlines the official position of the Association membership, regarding the application. The main unresolved issues that are documented in the communication are discussed below:

##### **1. Overall Size of the Commercial Component of the Development**

The Fraser Heights Community Association does not want the footprint and size of the commercial component of the site to expand to the west beyond the public lane that parallels the west side of 160 Street, north of 108 Avenue. Such a limit would be consistent with the commercial area on the north side of 108 Avenue.

The applicant has indicated that the Fraser Heights Local Area Plan identifies the 108 Avenue and 160 Street intersection as a village centre with commercial and residential land uses intended to serve the Fraser Heights area. The plan originally envisioned approximately 11.8 acres of commercial uses on three corners of the intersection. Currently, 4.2 acres have been developed for commercial uses: 1.2 acres at the northwest corner and 3 acres at the northeast corner. The proposed commercial development at the southwest corner involves 2 acres of land. The property owners immediately adjacent to the north and south sides of the proposed commercial development have not indicated any objections to the application (see map attached as Appendix C).

The area of lands that would be developed with commercial uses, including the current development proposal and existing commercial uses to the north of 108 Avenue, represents approximately half of the area originally allocated for commercial uses in the Fraser Heights Local Area Plan. Based on the Local Area Plan, the westerly boundary for the commercial area south of 108 Avenue aligns with the westerly wall of the most westerly proposed commercial building. The 7.5 metre (25 feet) setback from the proposed westerly boundary of the commercially zoned lands is proposed to be a landscaped buffer area. In comparison to the Fraser Heights Local Area Plan, the proposed development represents a significant reduction in the total commercially designated land in this commercial node (i.e., 6.2 acres in comparison to 11+ acres).

##### South Side Yard Setback:

The Fraser Heights Community Association is of the view that the south side yard setback should remain at 7.5 metres (25 feet) as per the minimum requirements for commercial buildings stipulated in all standard commercial zones in the Zoning By-law.

The Planning and Development Department did not support the requested variance to south side yard setback, due to the commercial-residential interface along the south property line (107A Avenue) and recommended that the standard setback of 7.5 metres (25 feet) be required to reduce any potential conflict in land uses. The applicant has adjusted the development proposal to allow a 5.8-metre (19 feet) south side yard from 107A Avenue to Building #1; and is augmenting the side yard setback with additional landscaping to act as a buffer. The proposed revised siting and landscaping is a considerable improvement in comparison to the original proposal and is acceptable to staff.

## 2. Maximum Size Permitted for the Anchor Commercial Retail Unit (CRU)

The Fraser Heights Community Association is opposed to the overall size of Building #1, which is approximately 1,508 square metres (16,234 square feet) in floor area. They are concerned that the smaller CRU, which is approximately 264 square metres (2,843 square feet) in area, will be a sub-tenant of the proposed Shoppers Drug Mart, the proposed larger tenant. They were also concerned about the addition of a basement under the smaller CRU in this building; however, the applicant has now agreed not to incorporate a basement under Building #1.

## 3. Traffic Mitigation Measures

The community wants traffic calming measures, including a raised pedestrian crosswalk and raised median on 108 Avenue. The Engineering Department cannot support the raised pedestrian crosswalk on 108 Avenue as 108 Avenue is currently designated as an arterial road. Although 108 Avenue may be redesignated to a major collector road in the future, it functions as one of the main roads into the Fraser Heights neighbourhood and is intended to reduce traffic on local roads.

The developer has submitted a Traffic Impact Study that assesses the impact of the proposed commercial development on traffic in the area. The Traffic Impact Study states that the proposed development will generate 139 trips in and 139 trips out in the p.m. peak hour, which amounts to 23% more traffic in the p.m. peak hour on 108 Avenue and 10% more traffic on 160 Street. Staff from the Transportation Section have reviewed the Traffic Impact Study and are in agreement with the information presented and that the level of service on the street system in the area will not be significantly affected by the proposed development, subject to the access restrictions mentioned previously in this report. Current traffic volumes on 108 Avenue are relatively low.

## OPTIONS FOR CONSIDERATION

In response to Council's resolution after the Public Hearing, and due to the impasse between the Fraser Heights Community Association and the applicant, staff has examined two alternatives regarding the subject development application.

These options take into consideration Council's direction to review the design concerns and comments expressed at the Public Hearing, comments received subsequent to the Public Hearing, policies approved by Council (OCP policies, in particular) and the merits of the development. The following provides a description of each option, followed by an evaluation of the option and actions to implement the option:

### **Option 1 – Deny the rezoning application in its entirety.**

#### Pros:

- Resolves the concerns of the neighbourhood.
- Consistent with the position of the Fraser Heights Community Association.

#### Cons:

- Contrary to Council's business development thrust related to encouraging business investment in the City.
- Inconsistent with the Fraser Heights Local Area Plan, which identifies commercial development at this



quadrant of the intersection of 160 Street and 108 Avenue.

### Actions to Implement Option 1

If Council chose to follow this option, both By-law Nos. 15577A and 15577B should be filed. In accordance with current procedures, no new application could be submitted for this site for at least six months, unless the proposal was significantly different from the subject application.

**Option 2** - *Amend CD By-law No. 15577A to reflect the applicant's revised development proposal (i.e., limit the size of the largest CRU to 1,190 square metres (12,800 square feet), prohibit basements, limit the floor area ratio to 0.30, limit the lot coverage to 30%, limit the height of the buildings to 6.7 metres (22 feet), establish the minimum building setback along the south property line to 5.8 metres (19 feet)) and schedule a Public Hearing.*

Pros:

- Consistent with Council's business development thrust for the City.
- Allows the community and the applicant an opportunity to voice their positions on the revised development proposal directly to Council through a second Public Hearing.
- This option is acceptable to the applicant.

Cons:

- Contrary to the position of the Fraser Heights Community Association, that has stated their position that the application should be denied.

### Actions to Implement Option 2

The applicant's modified proposal illustrates a reduced floor area for Building #1 from 1,816 square metres (19,551 square feet) to 1,508 square metres (16,234 square feet) and a reduced floor area for the largest CRU within Building #1 from 1,629 square metres (17,535 square feet) to 1,190 square metres (12,800 square feet). The applicant has also agreed that basements be prohibited on the commercial site.

Currently, the CD By-law restricts each individual business unit in the commercial development to 370 square metres (4,000 square feet), except one business may have a floor area up to a maximum of 1,830 square metres (19,700 square feet). In ground basements are excluded from the calculation of floor area, which is consistent with the regulatory requirements contained in the Zoning By-law. The current CD By-law allows the principal building to have a maximum height of 9 metres (30 feet). To restrict the floor area of the largest CRU to a maximum of 1,190 square metres (12,800 square feet) and restrict the height of buildings to a maximum of 6.7 metres (22 feet), the CD By-law should be amended to include these provisions and further amended to limit the floor area ratio (FAR) to 0.30 rather than 0.31, as was included in the original proposal and the lot coverage from 31% to 30% to reflect the reduced overall floor area and site coverage of the revised development proposal.

Currently, there is a Development Variance Permit that proposes to vary the access provisions for the four proposed RF-12 lots fronting 108 Avenue and to reduce the minimum setback requirement from the south property line to Building #1 and to the garbage enclosure on the commercial site from 7.5 metres (25 feet) to 2.4 metres (8 feet). The applicant's revised proposal is to increase the proposed setback from the south property line to Building #1 to 5.8 metres (19 feet). The siting of the garbage enclosure has been revised so that a setback variance is no longer necessary. The change to the south side yard setback can be incorporated into the amendment to CD By-law No. 15577A. However, Council must then approve an amendment to Development Variance Permit No. 7904-0357-00, eliminating the variance to the south side yard setback (Appendix G). Public Notification will then be required for the amended Development Variance Permit.

After considering the extensive communications that have taken place between the various parties in relation to this application since the Public Hearing and the changes that have been made to the proposal, Legal Services has advised that a new Public Hearing is necessary before Council determines whether to grant or deny third reading to the By law. Legal Services has also advised that further public notification must be undertaken with respect to the amended Development Variance Permit.

Option 2 will also require that the Development Permit related to the commercial component of the proposed development be revised to reflect the revisions that have been to the proposal since the November 2004, Public

Hearing. Council will need to authorize staff to draft a Development Permit, based on the revised development drawings that are attached as Appendix D to this report.

#### Results of Evaluation:

The revised development proposal addresses most of the issues raised at the first Public Hearing, including compatibility of the façade of the proposed commercial development with the façade treatment of existing development in the area and a restriction on the maximum floor area of the largest CRU in the commercial development to 1,190 square metres (12,800 square feet). Although the community has indicated that they do not want the commercial development to proceed as far west along 108 Avenue as is proposed, the proposal is generally consistent with the Fraser Heights Local Area Plan and the immediately adjacent property owners to the north and south have voiced no objections to the commercial development. The community has also expressed concerns with respect to traffic congestion in the area being made significantly worse by the proposed development. The traffic impact study related to the proposed development has been reviewed by staff and it has been concluded that traffic generated by the proposed development can be effectively managed through the construction of some minor on street improvements and driveway turning movement restrictions. The single family residential component of the development proposal is consistent with the Fraser Heights Local Area Plan and is designed to be compatible with surrounding residential development. On this basis, staff recommends that Council authorize staff to proceed on the basis of Option 2.

If Council selects Option 2, the necessary amendments to the CD By-law will include:

- One commercial unit (within Building #1) may have a floor area up to 1,190 square metres (12,800 square feet);
- Basements will be prohibited;
- The floor area ratio shall be 0.30;
- Lot coverage shall be 30%;
- The maximum building height shall not exceed 6.7 metres (22 feet); and
- The minimum setback along the south property line shall be 5.8 metres (19 feet) for the commercial building.

These amendments are documented in Appendix F.

## CONCLUSION

Based on the above discussion, in accordance with Option 2, it is recommended that Council:

- Approve amendments to Comprehensive Development By-law No. 15577A as documented in Appendix F to this report;
- Authorize staff to draft a Development Permit for the proposed development, based on the drawings attached as Appendix D to this report;
- Approve an amendment to Development Variance Permit No. 7904-0357-00, eliminating the variance for the minimum south side yard setback from 7.5 metres (25 feet) to 2.4 metres (8 feet) and instruct the City Clerk to proceed with Public Notification for Development Variance Permit No. 7904-0357-00, as amended;
- Instruct the City Clerk to bring forward the By-law No. 15577A for the necessary actions by Council to

amend the By-law in accordance with recommendation 2 and to set a date for the related Public Hearing; and

- Instruct the City Clerk to forward a copy of this Corporate Report and the related Council resolution to the applicant and to the Fraser Heights Community Association.

Murray Dinwoodie  
 General Manager  
 Planning and Development

KR/kms/saw

Attachments:

- Appendix A - Planning Report dated November 15, 2004
- Appendix B - Excerpt from Minutes of November 29, 2004 Public Hearing
- Appendix C - Map of Residents Opposed and In Favour of the Proposal (based on responses received by the Planning and Development Department)
- Appendix D - Revised Proposal, Landscape Plans and Perspective
- Appendix E - Comparison of Proposal Presented at Public Hearing and Current Proposal
- Appendix F - Amendment to CD By-law No. 15577A
- Appendix G - Development Variance Permit No. 7904-0357-00, as amended

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**Appendix E**

<b>Proposed Commercial and Small Lot Development in Fraser Heights</b>	<b>Proposal at Public Hearing</b>	<b>Applicant's Proposal at March 16, 2005 Meeting</b>	<b>Applicant's Current Proposal</b>
<b>Block A – RF-12 Component</b>			
<b>Proposed Lot 1</b>	<u>Lot Area</u> <u>Lot Width</u> <u>Lot Depth</u>	<u>Lot Area</u> <u>Lot Width</u> <u>Lot Depth</u>	<u>Lot Area</u> <u>Lot Width</u> <u>Lot Depth</u>
- <b>Reconfigured</b> proposed Lot 1 to preserve a grove of large conifers within the tree preservation area	462 m <sup>2</sup> (5,033 ft <sup>2</sup> ) 12.6 m (41 ft.) 36.2 m (118 ft.)	394 m <sup>2</sup> (4,243 ft <sup>2</sup> ) 18.1 m (59 ft.) 26 m (85 ft.)	394 m <sup>2</sup> (4,243 ft <sup>2</sup> ) 18.1 m (59 ft.) 26 m (85 ft.)
- <b>10 conifers</b> (Douglas-Fir and Western Red Cedar) are to be <b>preserved</b>	- All existing trees within the developable area to be removed	- 10 conifers located within the northwestern portion of proposed Lot 1 to be preserved	10 conifers located within the northwestern portion of proposed Lot 1 to be preserved
- <b>Basement removed</b> for Lot 1	- Basement proposed on Lot 1 only	- No basements proposed	No basements proposed
<b>Proposed Lot Yield</b>			

- Number of single family lots <b>unchanged</b>	- Seven (7) small single family lots proposed	- Eight (8) small single family lots proposed (no plans submitted)	Seven (7) small single family lots proposed
<b>Block B – Commercial Component</b>			
<b>Total Gross Floor Area decreased</b> by approximately 110 square metres (1,184 sq. ft.)	Total gross floor area proposed 2,569 square metres (27,649 sq. ft.)	Total gross floor area proposed 2,305 square metres (24,811 sq. ft.)	Total gross floor area proposed 2,459 square metres (26,466 sq. ft.)
<b>Pad #1 (at northeast corner of site)</b>			
- <b>Increased</b> number of CRUs by <b>one</b> and floor area by approximately 199 square metres (2,135 sq. ft.)	- 4 commercial retail units ranging in size from 123 square metres (1,325 sq. ft.) to 314 square metres (3,382 sq. ft.) for a total floor area of approximately 752 square metres (8,098 sq. ft.)	- 4 commercial retail units ranging in size from 131.3 square metres (1,414 sq. ft.) to 368.6 square metres (3,968 sq. ft.) for a total floor area of approximately 797 square metres (8,577 sq. ft.)	- <b>5</b> commercial retail units ranging in size from 131.3 square metres (1,414 sq. ft.) to 368.6 square metres (3,968 sq. ft.) for a total floor area of approximately 951 square metres (10,233 sq. ft.)
<b>Building #1</b>			
- <b>Decreased</b> in size by approximately 308 square metres (3,318 sq. ft.)	- 2 commercial retail units ranging in size from 187 square metres (2,016 sq. ft.) to 1,629 square metres (17,535 sq. ft.) for a total floor area of approximately 1,816 square metres (19,551 sq. ft.)	- 2 commercial retail units ranging in size from 264 square metres (2,843 sq. ft.) to 1,190 square metres (12,800 sq. ft.) in size for a total floor area of approximately 1,508 square metres (16,234 sq. ft.)	- 2 commercial retail units ranging in size from 290 square metres (3,126 sq. ft.) to 1,190 square metres (12,800 sq. ft.) in size for a total floor area of approximately 1,508 square metres (16,234 sq. ft.)
- <b>No basement permitted</b>	- No basement proposed	- Basement approximately 232 square metres (2,500 sq. ft.) in size proposed (includes washroom facilities, staff/lunch room, 2 offices, mechanical/electrical room and storage area)	- No basement proposed
- <b>Decreased</b> building height	- Height of building approximately 7 metres to top of parapet and 9 metres (30 ft.) to top of sign	- Height of building approximately 6.4 metres to top of parapet and 7.3 metres (24 ft.) to top of sign	- Height of building approximately 6.4 metres to top of parapet and 7.3 metres (24 ft.) to top of sign
- <b>Decreased</b> height and size of proposed sign	- Large-scale sign box approximately 8.5 metres (28 ft.) high: 17.8 x 3.3 metres (59 x 11 ft.)	- Face mounted signage with no forward projection approximately 7.3 metres (24 ft.) high: 11.9 x 1.8 metres (39 x 6 ft.)	- Face mounted signage with no forward projection approximately 7.3 metres (24 ft.) high: 11.9 x 1.8 metres (39 x 6 ft.)
- Rear yard (west) setback <b>unchanged</b>	- Rear yard (west) setback proposed at 7 metres (23 ft.)	- Rear yard (west) setback proposed at 14.8 metres (49 ft.)	- Rear yard (west) setback proposed at 7 metres (23 ft.)
- South side yard setback	- South side yard setback of 7.5 metres (25 ft.)	- South side yard setback approximately 5.8 metres	- South side yard setback approximately 5.8 metres

<b>increased</b> to approximately 5.8 metres (19 ft.)	required in proposed CD By-law, however a variance to 2.4 metres (8 ft.) was requested (107A Avenue)	(19 ft.), excluding garbage enclosure	(19 ft.), with garbage enclosure eliminated from setback area
- Number of parking stalls <b>decreased</b> by approximately 7 stalls	- 129 spaces proposed (78 spaces required)	- 112 spaces proposed (70 spaces required)	- 120 spaces proposed (74 spaces required)
- Lot coverage <b>decreased</b> by approximately 1.6%	- Lot coverage proposed 30.6% (31% permitted in CD By-law)	- Lot coverage proposed 27.4% (27.4% permitted)	- Lot coverage proposed 29% (30% proposed in CD By-law amendment permitted)
- <b>FAR decreased</b>	- FAR proposed 0.306 (0.31 permitted)	- FAR proposed 0.274 (0.31 permitted)	- FAR proposed 0.287 (0.30 proposed in CD By-law amendment and basements prohibited)
<b>Landscaping Plant Schedule Revised</b> - One cedar to be preserved - 10 cm cal. Dawn Redwood to be planted	Plant Schedule Proposed - 120 trees - 968 shrubs - 470 ground cover  Total planting material: <b>1,558</b>  All existing trees within the developable area to be removed	Plant Schedule Proposed - 105 trees - 1,104 shrubs - 363 ground cover  Total planting material: <b>1,572</b>  - One cedar tree located in the southern portion to be preserved - A 10 cm cal. Dawn Redwood to be planted within the corner plaza area	Plant Schedule Proposed - 107 trees - 1,224 shrubs - 513 ground cover  Total planting material: <b>1,844</b>  - One cedar tree located in the southern portion to be preserved - A 10 cm cal. Dawn Redwood to be planted within the corner plaza area
<b>Building #1 Schedule of Finishes Revised</b>	- Terra cotta coloured brick - Stucco panels - Illuminated channel letter signage	- Exterior finishing material to include hardi-plank horizontal siding and hardi-plank board and batten vertical siding - Wood trim - Fabric awning - Gooseneck light fixtures	- Exterior finishing material to include hardi-plank horizontal siding and hardi-plank board and batten vertical siding - Wood trim - Fabric awning - Gooseneck light fixtures