



Corporate Report

NO: L007

COUNCIL DATE: July 5, 2005

REGULAR COUNCIL – LAND USE

TO: Mayor & Council DATE: June 28, 2005

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

SUBJECT: Proposed Commercial Development at 24 Avenue and
160 Street (Grandview Corners) - OCP Amendment
By-laws No. 15583 and 15584 and Zoning Amendment
By-laws No. 15610 and 15611

RECOMMENDATION

It is recommended that Council receive this report as information.

INTENT

The purpose of this report is to advise Council on how the applicants have satisfied the conditions that Council established as precedent to final adoption of By-law Nos. 15583, 15584, 15610 and 15611, relating to the commercial development known as Grandview Corners, located in the four quadrants of the intersection of 24 Avenue and 160 Street and on the process for addressing subsequent detailed Development Permit applications for the subject development.

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 commercial buildings on properties situated in the four quadrants of the intersection of 24 Avenue and 160 Street. At that meeting, Council gave first and second reading to Rezoning By-law Nos. 15585 and 15586, in support of such development, and also granted first and second reading to Official Community Plan ("OCP") Amendment By-law Nos. 15583 and 15584 to establish the Highway 99 Corridor area as a Development Permit area in the OCP and to amend the Land Use designations contained in the OCP for the properties that are the subject of the applications. The Public Hearing for the respective By-laws was set for Monday, December 6, 2004.

At its Regular Meeting on November 29, 2004, Council amended By-law Nos. 15583 and 15584 to modify the restrictions on the amount of outdoor storage or display space permitted on three of the blocks of land covered by the By-laws.

At its Regular Meeting on December 8, 2004, the By-law dealing with Block B (the Home Depot store) was amended to create two Blocks, B-1 and B-2. This division into Blocks B-1 and B-2 will allow the subdivision of this area into two lots.

On December 13, 2004, Council filed Zoning Amendment By-law Nos. 15585 and 15586 and granted first and second reading to Zoning Amendment By-law No. 15610 to rezone the properties related to Application No. 7904-0112-00 from "Intensive Agriculture Zone (A-2)" (By-law No. 12000), "One-Acre Residential Zone (RA)" (By-law

No. 12000) and "Golf Course Zone (CPG)" (By-law No. 12000) to "Comprehensive Development Zone (CD)" (By-law No. 12000) (First Pro) and granted first and second readings to Zoning Amendment By-law No. 15611 to rezone the properties related to Application No. 7904 0312-00 from "One-Acre Residential Zone (RA)" (By-law No. 12000) to "Comprehensive Development Zone (CD)" (Loblaws). To ensure that the amendment was properly advertised to the public, a new public hearing date was set for January 19, 2005 and a new notice of public hearing was issued.

The Public Hearing for each of OCP Amendment By-laws No. 15583 and No. 15584 and Rezoning By-laws No. 15610 and No. 15611, was held on Wednesday, January 19, 2005 and Council granted third reading to all of the By-laws at that same meeting.

DISCUSSION

At the Regular Council – Land Use Meeting on November 22, 2004, Council instructed staff to resolve a number of issues, prior to final adoption of the subject OCP Amendment and Rezoning By-laws (Council Resolution R04-3131). The following is a list of the issues and below each issue is information as to how the issue has been addressed.

(a) Ensure that all engineering requirements and issues, including restrictive covenants and rights-of-way, where necessary, are addressed to the satisfaction of the General Manager, Engineering

An extensive development servicing design process has concluded and a Servicing Agreement is in place between the City and First Pro and Loblaws (together, First Pro and Loblaws are referred to as the "Developer"). The Servicing Agreement obligates the Developer to provide the roads, water, sewerage and drainage Works and Services necessary to support the proposed development in full accordance with the Highway 99 Corridor Local Area Plan and Surrey Subdivision By-law, 1986, No. 8830. The Servicing Agreement also requires the Developer to provide the associated rights-of-way, easements and restrictive covenants in conjunction with the Works and Services – the majority of which have already been provided. Further, the Developer has paid all associated fees and charges, as well as posted a Letter of Credit in the amount of \$21,288,266 to secure the obligations in the Servicing Agreement. The Developer has 12 months to complete the Works and Services.

With regard to drainage servicing, a storm water analysis has been submitted and reviewed by City staff. Some additional analysis has been requested to confirm the details of the drainage infrastructure requirements and this is in the process of being completed by the applicant. A "No Build" Restrictive Covenant has been secured to ensure that all necessary analysis is completed and the necessary works are fully incorporated in the design before any building permits are issued to allow development of the subject properties.

(b) Submission of a subdivision layout and road dedication plan to the satisfaction of the Approving Officer

A subdivision layout and road dedication plan has been submitted for each quadrant and is generally acceptable to the Approving Officer, and the Preliminary Layout Approval ("PLA") letter has been issued.

(c) Approval from the Ministry of Transportation

Rezoning By-law Nos. 15610 and 15611 were approved by the Ministry of Transportation on March 16, 2005, pursuant to Section 52(3)(a) of the *Transportation Act*, subject to the conditions that there be no direct access to Highway 99 and all storm water be directed to a municipally-maintained storm drainage system. These conditions are satisfied in the design of the proposed development.

(d) Approval from the Department of Fisheries & Oceans ("DFO")

The DFO has advised that they have no objection to the OCP amendment and rezoning process proceeding. DFO will issue authorizations for works affecting habitat under Section 25.2 of the *Fisheries Act* when it is demonstrated that such works comply with the *Act*. Although the City usually obtains sign-off from the DFO prior to final adoption, in this circumstance, given the above-noted position of the DFO, the drainage analysis, both completed and continuing, and a "No Build" Restrictive Covenant related to drainage issues, will ensure that DFO authorizations are issued before development is permitted on the subject properties.

DFO will issue authorizations on this project when the final storm water analysis and detailed designs are completed by the proponent and are satisfactory to DFO.

For the City to discharge the drainage "No-Build" Restrictive Covenant, DFO will also have to agree to such a discharge.

(e) **Approval from BC Hydro**

BC Hydro confirmed, on May 10, 2005, that they have no objection to the rezoning requirements for the development. Review of all developments within their right of way is on going and final technical approvals will be given as the detailed construction drawings are submitted for their review.

(f) **Approval from the Fire Department**

The applicant (First Pro) has deleted the outdoor storage area under the hydro right of-way in the southwest quadrant of 24 Avenue and 160 Street (Wal-Mart site). The applicant (Loblaws) has agreed to register a Restrictive Covenant requiring that a sprinkler system be installed as part of the gasoline station building or any accessory use buildings, including the gas pump canopy in the southeast quadrant of the development (Superstore site). The Fire Department confirmed, on May 31, 2005, that this would be acceptable to them.

(g) **Submission of a revised Traffic Impact Study by the applicant that addresses the transportation impacts and upgrading requirements for the development, and implementation of the Traffic Impact Study recommendations to the satisfaction of the General Manager, Engineering**

The Traffic Impact Study ("TIS") has undergone extensive review and revision and was accepted by the Engineering Department on November 29, 2004. The TIS was posted on the City website and many copies of the TIS were distributed to interested parties, prior to the Public Hearing. The majority of the \$21.3 million worth of Works and Services contained in the Servicing Agreement noted in (a) above, are road improvements, both adjacent to the development site as well as off site, all in accordance with the TIS requirements.

(h) **Incorporation and resolution of the Advisory Design Panel recommendations for development and implementation of the master plan, to the satisfaction of the Planning and Development Department**

The applicant has submitted a revised overall site plan for review. The design guidelines were also revised to incorporate Advisory Design Panel recommendations and Planning and Development Department comments. Both the overall site plan and design guidelines will be submitted as part of the General Development Permit for approval by Council, subsequent to final adoption of the OCP Amendment and Rezoning By-laws. It is expected that the General Development Permit will be submitted for Council approval and issuance by the end of July 2005. A detailed Development Permit for each building within the development will follow the approval of the General Development Permit.

(i) **Submission of an arborist report and a statement regarding tree preservation**

An arborist report has been submitted by MGF Horticultural Inc., which provided preliminary tree assessment comments on the site. The City Landscape Architect has reviewed the report and has advised that the report is satisfactory to allow the Rezoning By-laws to proceed to final adoption. The arborist will submit additional details, with respect to tree removal and replacement, before the General Development Permit is forwarded to Council for approval.

(j) **Submission of a master landscaping plan and landscaping details to the specifications and satisfaction of the City Landscape Architect**

A master landscaping plan and landscaping details have been submitted for review to the City Landscape Architect. The plans will be incorporated as part of the General Development Permit that will be forwarded to Council for approval, subsequent to the adoption of the Rezoning By-laws. The master landscaping plan will be implemented through the approval by Council and issuance of detailed Development Permits for each of

the buildings in the proposed development.

(k) **Successful completion of closure of a portion of the 161 Street road right of way and acquisition of the property at 2284 – 161 Street from the City**

The 161 Street road closure and disposition, along with the sale of City property at 2284 – 161 Street, have been approved by Council and as part of the agreement with the developer, will be concluded immediately upon final adoption of the Rezoning By-laws.

(l) **Registration of a Section 219 Restrictive Covenant for the purpose of establishing an access easement to the following adjoining properties from the application site:**

- **15834/44 – 24 Avenue, at the southwest quadrant of 24 Avenue and 160 Street;**
- **15909 – 24 Avenue and 15891 – 24 Avenue, at the northwest quadrant of 24 Avenue and 160 Street;**
and
- **2208 – 160 Street at the southeast quadrant of 24 Avenue and 160 Street**

Restrictive Covenants for access easements with the subject adjoining properties have been submitted by the applicant, having been executed and in registrable form, along with a letter of undertaking from a solicitor, committing to register the documents concurrently with the subdivision plans. The documents have been reviewed by the City's Legal Services Division, who has advised that the legal documents are satisfactory.

(m) **Removal of all existing dwellings and accessory structures to the satisfaction of the Building Division**

Except for five properties noted below, all existing dwellings and accessory structures on the application sites have been removed. To ensure removal of the remaining buildings, a "No-Build" Restrictive Covenant has been executed and will be registered on title that stipulates that no building permits will be issued until the applicant has posted a Letter of Credit in the amount of \$30,000 to secure the owner's obligation to demolish the building(s) at each of the listed addresses, by no later than the date that is shown opposite the address, respectively:

- | | |
|---------------------|---|
| • 2457 – 160 Street | July 30, 2005 |
| • 2493 – 160 Street | July 30, 2005 |
| • 2500 – 160 Street | August 30, 2005 |
| • 15862 – 24 Avenue | October 20, 2005 |
| • 16087 – 24 Avenue | One year from the date of execution of the Restrictive Covenant |

In any event, the applicants have agreed that the City will not be obligated to complete the final inspection to allow occupancy of any building unless the listed buildings have been demolished and removed from the site.

Process for Detailed Development Permit Applications

Subject to Council granting final adoption to the OCP Amendment and Rezoning By laws, as referenced previously in this report, the applicant will be required to complete a General Development Permit that will form the basis for preparing Development Permits for each individual building within the proposed development. The General Development Permit will be finalized and forwarded to Council for approval by the end of July 2005. A detailed Development Permit for each individual building within the development will be forwarded to Council for approval, prior to issuance of a building permit for the building.

In response to the feedback and comments from the community during the Public Hearing on January 19, 2005, the applicant made a commitment to work with the community groups and City staff, as part of the Development Permit process, to address site and design issues, including building articulation, environmental considerations, providing a more substantive corner and gateway feature to each quadrant of the development, developing a more pedestrian-friendly environment, incorporating sustainable development elements and enhancing natural habitat. In this regard, the applicants are in the process of arranging a public meeting in July 2005, regarding the development permit for development of the southeast quadrant (i.e., the quadrant that will contain the Superstore). To ensure reasonable notification and public consultation prior to any detailed Development Permit application being forwarded to Council for consideration, the applicants will be required to undertake all of the following:

1. Installation of a Development Proposal Sign on each street frontage of the building site, pursuant to current Council policy;
2. Notification letters are to be forwarded to owners of surrounding properties using the pre-notification criteria for rezoning applications (i.e., properties within 100 metres (300 feet) from application site, but in any case, a minimum of three lots in any direction from the building site) and to respective Residents Associations and community groups; and
3. A Public Information Meeting will be held to present the development plans and obtain feedback from the community on those plans in relation to large buildings and may be held in relation to other buildings, depending on the feedback received through the above-referenced notification process.

Both First Pro and Loblaws have agreed to undertake further consultation with the community, as described above.

CONCLUSION

The conditions precedent to final adoption of OCP Amendment By-law Nos. 15583 and 15584 and Rezoning By-law Nos. 15610 and 15611 have been satisfied or secured to the extent necessary to allow final adoption of the subject By-laws. The subject By-laws are included for final adoption on the same Regular Council – Land Use agenda as this report.

Subject to Council granting final adoption to the subject By-laws, a General Development Permit for the subject development will be forwarded to Council for final approval during July 2005. Subsequent to the adoption of the General Development Permit, a detailed Development Permit will be forwarded to Council for approval for each building in the proposed development, in accordance with the process outlined in this report that will include additional community consultation.

Murray Dinwoodie
General Manager,
Planning and Development

Paul Ham
General Manager, Engineering

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