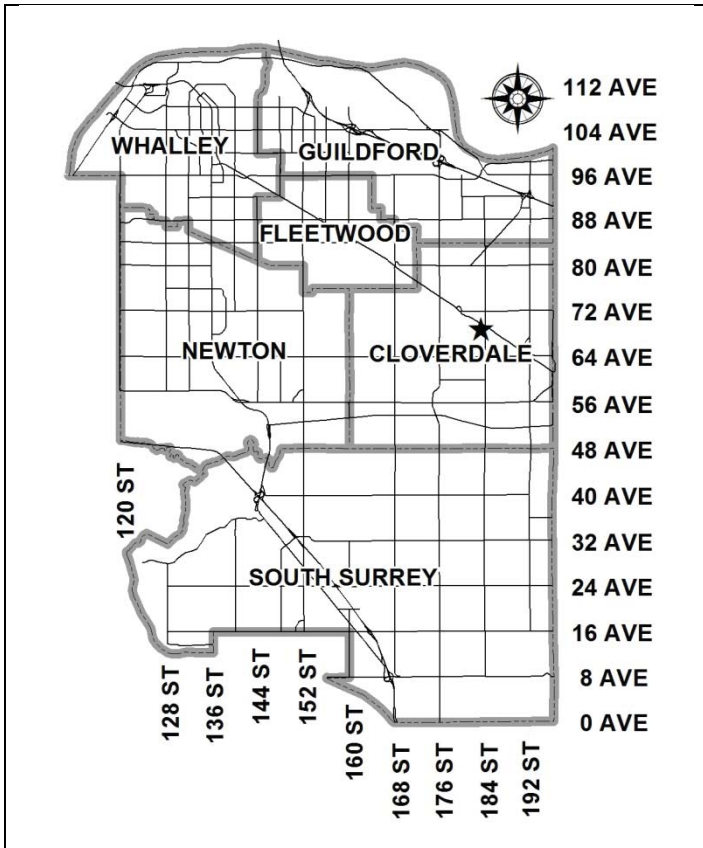


City of Surrey
PLANNING & DEVELOPMENT REPORT

File: 7917-0033-00

Planning Report Date: April 24, 2017



PROPOSAL:

- **Terminate Land Use Contract No. 515**

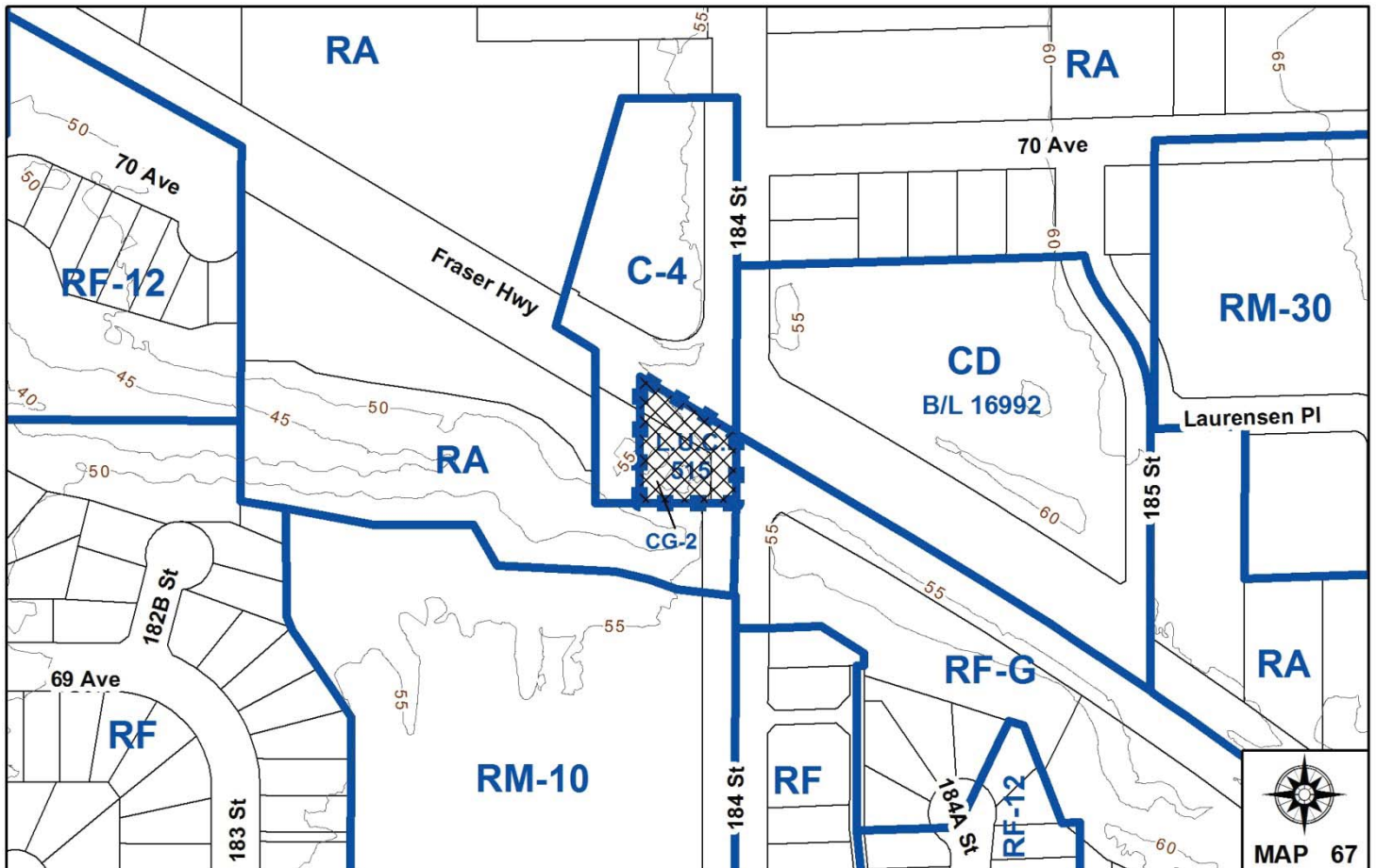
to permit the existing underlying CG-2 Zone to come into effect.

LOCATION: 18398 - Fraser Highway

LUC AND UNDERLYING ZONING: LUC No. 515
 (CG-2 Zone underlying)

OCP DESIGNATION: Urban

NCP DESIGNATION: Commercial/ Special Urban Design Area



RECOMMENDATION SUMMARY

- By-law Introduction and set date for Public Hearing to terminate LUC No. 515.

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- None

RATIONALE OF RECOMMENDATION

- In 2014, the Provincial Government adopted changes to the *Local Government Act* that terminate all Land Use Contracts (LUCs) in the Province on June 30, 2024. However, the legislation also permits municipalities to undertake early termination of LUCs in advance of 2024.
- On June 15, 2015, City Council endorsed the recommendations in Corporate Report No. R122, which outlined a process with respect to the early termination of LUCs in Surrey.
- LUC No. 515 was adopted by Authorization By-law, 1978, No. 5710 on December 4, 1978.
- LUC No. 515 permits a gasoline service station and customary accessory uses only.
- In accordance with the legislation, the LUC Termination By-law must include an effective date that is no less than one year from adoption of the by-law, resulting in a grace period.
- Once LUC No. 515 is terminated and the one-year grace period ends, the current underlying "Combined Service Gasoline Station Zone (CG-2)" will automatically come into effect and will regulate the one (1) subject lot.
- The "Combined Service Gasoline Station Zone (CG-2)" permits a full-service or a combined full-service and self-service gasoline station and accessory uses including convenience store and automotive service.
- If the land owner feels that the termination of the LUC will cause undue hardship, the property owner has the right to appeal to the City's Board of Variance (BOV). The application to the BOV must be received by the BOV within 6 months after the LUC Termination By-law has been adopted by City Council.

RECOMMENDATION

The Planning & Development Department recommends that a By-law be introduced to terminate Land Use Contract No. 515 and a date be set for Public Hearing.

BACKGROUND

- In the early 1970s the Provincial Government adopted changes to the *Municipal Act* (now called the *Local Government Act*) that allowed local governments to enter into Land Use Contracts (LUCs) with land owners and/or developers that incorporated zoning, development control and servicing issues into one document. As a result, on lands within an LUC, the LUC became the governing land use control and, in some instances, the subdivision and development control as well.
- Although LUCs are an agreement between the City and land owners/and developers, all LUCs were adopted by By-law. The first LUC in Surrey was adopted by City Council by By-law on August 7, 1972.
- In the late 1970s the Provincial Government adopted changes to the *Municipal Act* (now called the *Local Government Act*), eliminating the ability of municipalities to enter into LUCs.
- Approximately 370 LUCs were adopted in Surrey, most of which remain in effect.
- In 2014, the Provincial Government adopted changes to the *Local Government Act* that terminate all Land Use Contracts (LUCs) in the Province on June 30, 2024. However, the legislation also permits municipalities to undertake early termination of LUCs in advance of 2024, should they choose to do so.
- On June 15, 2015, Council approved the recommendations in Corporate Report No. R122, which outlined a proposed process with respect to the early termination of LUCs in Surrey. Over three-quarters of the LUCs in Surrey have now been presented to Council for early termination.
- As a result, City staff are moving forward with the termination of LUC No. 515 in accordance with the approved process.

PUBLIC NOTIFICATION

Early termination of LUCs is a Council-initiated project that does not require the consent of landowners within the LUC being terminated. A Development Proposal Sign has not been installed and no pre-notification letters have been mailed.

However, the LUC Termination By-law is required to have its own Public Hearing. As a result, the Public Hearing Notice will be delivered to all owners and tenants of properties within LUC No. 515, informing them that Council is considering terminating the LUC. In addition, the Public Hearing notice will be published in two consecutive issues of the Surrey Now-Leader.

SITE CHARACTERISTICS

Existing Land Use: Husky gas station

Adjacent Area:

Direction	Existing Use	OCP/NCP Designation	Existing Zone
North (Across Fraser Highway):	Vacant lot	Commercial in OCP; Mixed-Use Commercial/Residential in West Clayton Neighbourhood Concept Plan (NCP)	C-4
East (Across 184 Street):	City-owned Park (North Creek Park)	Urban in OCP; Open Space in North Cloverdale East NCP	RF-G
South:	City-owned Park (North Creek Park)	Urban in OCP; Creek Area in North Cloverdale West NCP	RA
West:	Two-storey commercial building	Urban in OCP; Commercial in North Cloverdale West NCP	C-4

DISCUSSION

- LUC No. 515 was adopted by Authorization By-law, 1978, No. 5710 on December 4, 1978.
- LUC No. 515 currently regulates one (1) commercial lot in the North Cloverdale West Neighbourhood Concept Plan (NCP) area, at 18398 - Fraser Highway.
- The subject site is designated as "Urban" under the Official Community Plan (OCP) with an underlying "Combined Service Gasoline Station Zone (CG-2)" under Surrey Zoning By-law, 1993, No. 12000 as amended.
- LUC No. 515 permits a gasoline service station, along with customary accessory uses.

- In accordance with the legislation, the LUC Termination By-law must include an effective date that is no less than one year from adoption of the by-law, resulting in a grace period. The subject Termination By-law has a one-year grace period.
- Once LUC No. 515 is terminated and the one-year grace period ends, the current underlying "Combined Service Gasoline Station Zone (CG-2)" will come into effect and will regulate the one (1) commercial lot.
- The "Combined Service Gasoline Station Zone (CG-2)" permits a full-service or a combined full-service and self-service gasoline station and accessory uses including convenience store and automotive service.
- If the land owner feels that the termination of the LUC will cause undue hardship, the property owner has the right to appeal to the City's Board of Variance (BOV). The application to the BOV must be received by the BOV within 6 months after the LUC Termination By-law has been adopted by City Council.

INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

- Appendix I. Copy of Part 41 "Combined Service Gasoline Station Zone (CG-2)" of Surrey Zoning By-law, 1993, No. 12000, as amended

INFORMATION AVAILABLE ON FILE

- Land Use Contract No. 515.

original signed by Judith Robertson

Jean Lamontagne
General Manager
Planning and Development

RT/da



Combined Service Gasoline Station Zone

Part 41 - CG-2, Combined Service Gasoline Station Zone

Part 41

CG-2

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 automotive repair.

B. Permitted Uses

Amendments: 12333, 07/25/94; 17703, 07/23/12

Land and *structures* shall be used for the following uses only, or for a combination of such uses:

1. *Gasoline station* provided that:
 - (a) *Alternative fuel infrastructure* shall be available on the same *lot*; and
 - (b) Where self-service hoses are available, at least an equal number of full-service hoses shall be available on the same *lot*.
2. *Accessory uses* including the following:
 - (a) *Automotive service uses of vehicles* less than 5,000 kilograms [11,023 lbs.] *G.V.W.*;
 - (b) *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 28 square metres [300 sq.ft.]; and
 - ii. Sale of automotive accessories.

C. Lot Area

Not applicable in this zone

D. Density

Amendments: 13155, 02/09/98; 18414, 03/23/15

1. In Neighbourhood Concept Plan and Infill Areas as described and outlined on the maps attached as Schedule F attached to this By-law, the maximum *density* shall not exceed a *floor area ratio* of 0.01 or a *building area* of 15 square metres [161 sq. ft.] whichever is smaller. The maximum *density* may be increased to a maximum *floor area ratio* of 0.30 if amenities are provided in accordance with Schedule G of this By-law.
2. In areas other than the ones in Sub-section D.1 of this Zone, the maximum *density* shall not exceed a *floor area ratio* of 0.30.

E. Lot Coverage

The maximum *lot coverage* shall be 30%.

F. Yards and Setbacks

Amendments: 17471, 10/03/11

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

Use	<i>Setback</i>	<i>Front Yard</i>	<i>Rear Yard</i>	<i>Side Yard</i>	<i>Side Yard on Flanking Street</i>
<i>Principal and Accessory Buildings and Structures</i>		12.0 m. [40 ft.]	4.0 m.* [13 ft.]	4.0 m.* [13 ft.]	12.0 m. [40 ft.]
<i>Pump Islands and Kiosk**</i>		4.5 m. [15 ft.]	4.0 m.* [13 ft.]	4.0 m.* [13 ft.]	4.5 m. [15 ft.]
Canopies		2.0 m. [7 ft.]	2.0 m. [7 ft.]	2.0 m. [7 ft.]	2.0 m. [7 ft.]

Measurements to be determined as per Part 1 Definitions, of this By-law.

- * The *rear yard setback* and *side yard setback* shall be a minimum of 4.5 metres [15 ft.] if the *rear yard* or *side yard* abuts a *highway* or 12 metres [40 ft.] if the *rear yard* or *side yard* abuts any *residential lot*.
- ** 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 this By-law:

1. Principal building and Pump Island Canopies: The *height* shall not exceed 6.0 metres [20 ft.].
2. Accessory buildings and structures: The *height* shall not exceed 4.0 metres [13 ft.].

H. Off-Street Parking and Loading/Unloading

Amendments: 13774, 07/26/99; 18719, 05/30/16

1. Refer to Table C.1, Part 5 Off-Street Parking and Loading/Unloading of this By-law.
2. *Tandem parking* may be permitted as specified:

For company fleet vehicles in all commercial, industrial and mixed-use developments (where commercial or industrial uses are part of the development) required *parking spaces* may be provided as *tandem parking*.

I. Landscaping

Amendments: 16957, 06/29/09

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 the *lot* which abuts a *highway*, a continuous *landscaping* strip of not less than 3 metres [10 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 any 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 this By-law.

L. Other Regulations

Amendments: 13657, 03/22/99; 13774, 07/26/99

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

1. Prior to any use, lands must be serviced as set out in Part 2 Uses Limited, of this By-law and in accordance with the "Surrey Subdivision and Development By-law".

2. General provisions on use are as set out in Part 4 General Provisions, of this By-law.
3. Additional off-street parking requirements are as set out in Part 5 Off-Street Parking and Loading /Unloading of this By-law.
4. Sign regulations are as provided in Surrey Sign By-law No. 13656.
5. Special *building setbacks* are as set out in Part 7 Special Building Setbacks, of this By-law.
6. *Building* permits shall be subject to the "Surrey Building By-law" and the "Surrey Development Cost Charge By-law".
7. Development permits may be required in accordance with the *Official Community Plan*.