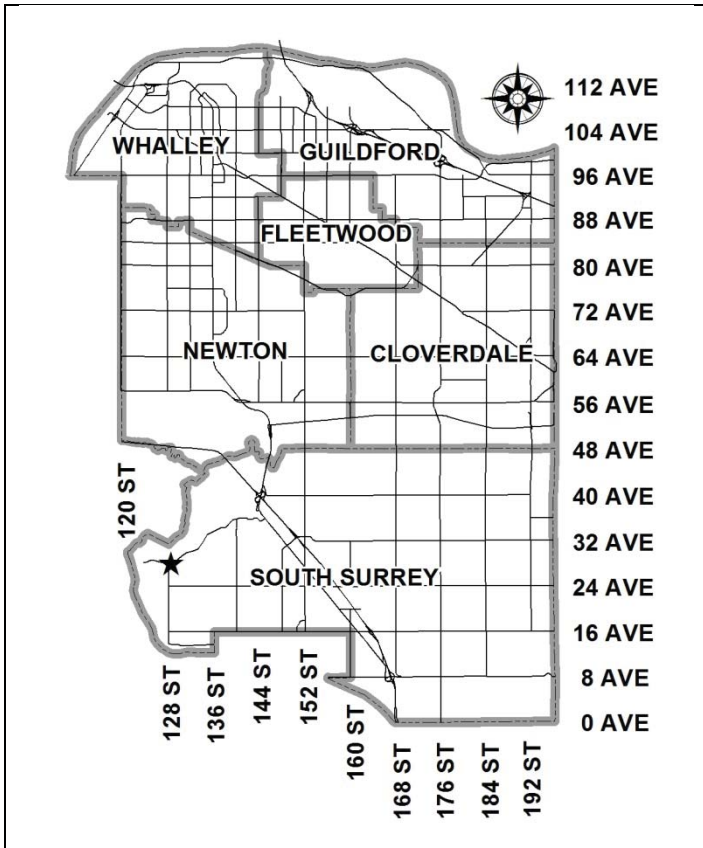


City of Surrey
PLANNING & DEVELOPMENT REPORT

File: 7915-0446-00

Planning Report Date: June 12, 2017



PROPOSAL:

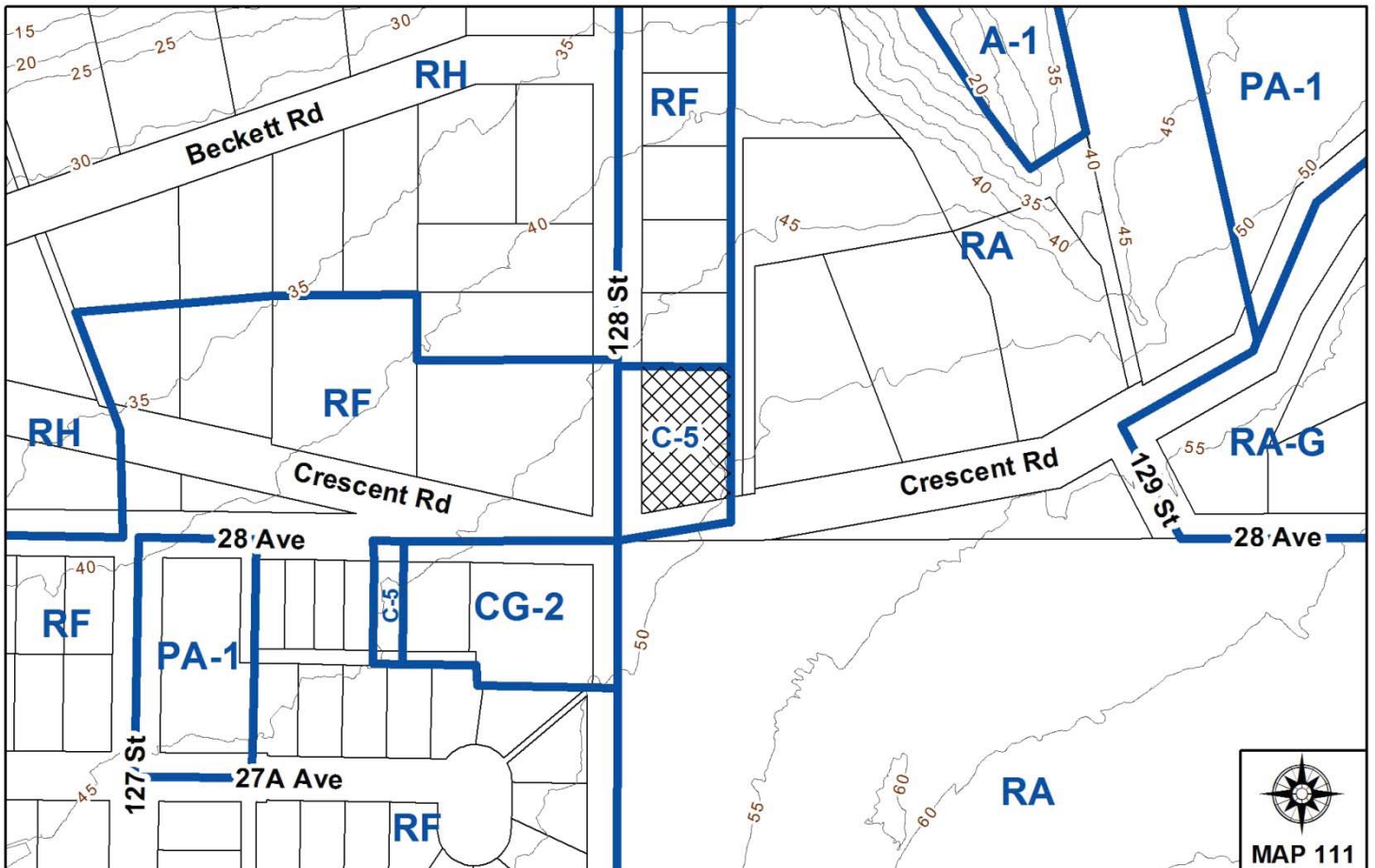
- **Rezoning** from C-5 to CD to permit a licensee retail store (private liquor store) in an existing commercial building.

LOCATION: 12823 - Crescent Road

OWNER: Alldritt Development Limited.

ZONING: C-5

OCP DESIGNATION: Urban



RECOMMENDATION SUMMARY

- By-law Introduction and set date for Public Hearing for Rezoning.

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- The proposal does not comply with City Policy No. O-59, Locational Guidelines for Private Liquor Stores (Licensee Retail Stores), as the subject site is located within 400 metres of Crescent Park, which contains a public children's park.

RATIONALE OF RECOMMENDATION

- The site is over two (2) kilometres (1 mile) from any other liquor store.
- The Parks Recreation and Culture Department, By-laws and Licensing Department and South Surrey Community Policing Station have no concerns with the proposed private liquor store.
- The applicant has agreed to enter into a Good Neighbour Agreement to assist in mitigating any nuisance activities associated with the proposed liquor store.

RECOMMENDATION

The Planning & Development Department recommends that:

1. a By-law be introduced to rezone the subject site from "Neighbourhood Commercial Zone (C-5) to "Comprehensive Development Zone (CD)" and a date be set for Public Hearing.
2. Council instruct staff to resolve the following issue prior to final adoption:
 - (a) the applicant enter into a "Good Neighbour Agreement" for the proposed Licensee Retail Store (private liquor store).

REFERRALS

Engineering: The Engineering Department has no objection to the project (subject to the completion of Engineering servicing requirements) as outlined in Appendix III.

Parks, Recreation & Culture: No concerns.

Surrey RCMP: No concerns.

Surrey By-laws & Licensing Services: No concerns.

SITE CHARACTERISTICS

Existing Land Use: Two-storey commercial building containing a Veterinary office, coffee shop, bakery and deli.

Adjacent Area:

Direction	Existing Use	OCP/NCP Designation	Existing Zone
North:	Single family dwelling.	Urban	RF
East:	Single family dwelling.	Suburban	RA
South (Across Crescent Road):	Crescent Park.	Conservation and Recreation	RA
West (Across 128 Street):	Single family dwelling.	Urban	RF

DEVELOPMENT CONSIDERATIONS

Background

- The subject site is located at 12823 – Crescent Road on the north-east corner of 128 Street and Crescent Road. The site is designated "Urban" in the Official Community Plan (OCP) and is zoned "Neighbourhood Commercial Zone (C-5)".
- The "Neighbourhood Commercial Zone (C-5)" does not allow private liquor stores as a permitted use.
- On September 9, 2013, Council approved the recommendations in Corporate Report No. R172, regarding locational guidelines for private liquor stores, resulting in the approval of City Policy No. O-59 (see Appendix IV).
- The subject site consists of a two-storey commercial building containing a Veterinary office, coffee shop, bakery and deli.

Current Proposal

- The applicant is proposing to rezone the subject site to a "Comprehensive Development Zone (CD)" in order to add a liquor store use.
- The proposed liquor store is intended to occupy a vacant commercial retail unit (CRU), fronting Crescent Road, which is approximately 159 square metres (1,711 sq.ft.) in size.
- The applicant is proposing to relocate an existing Licensee Retail Store (LRS) license from elsewhere in Surrey.
- The proposed liquor store use is considered a retail use for the purposes of parking calculations. There is sufficient on-site parking to accommodate the existing and proposed uses.
- The proposed hours of operation are from 9:00 am to 11:00 pm, in accordance with Provincial regulations.

Proposed CD By-law

- The proposed CD By-law (Appendix V) is identical to the C-5 Zone, with the addition of a liquor store use.
- No other changes are proposed to the C-5 Zone.

PRE-NOTIFICATION

- Pre-notification letters were sent on November 24, 2016 to 40 households within 100 metres (328 ft.) and at least within 3 lots in all directions of the subject site. To date, staff have received 17 emails and one phone call in opposition to the proposal. Opposition is based on the following issues:
 - access to alcohol in proximity to the beach and parks (nefarious activity, underage drinking, littering, etc.) (15 residents mentioned this); and
 - traffic and parking (along 128 Street, shortcutting along Beckett Road, the 4-way stop at 128 Street and Crescent Road) (10 residents mentioned this).
- In addition, staff was notified of an [on-line petition](#) with approximately 100 "signatures" against the proposal. The petition cites concerns about increased impaired driving, public disturbances, vandalism, crime and violence as a result of liquor availability at this location. No addresses or signatures are provided so it is not possible to verify all of the respondents, therefore staff requested that the applicant hold a Public Information Meeting (PIM) and invite those residents within 100 metres of the subject site.
- The applicant held a Public Information Meeting (PIM) on March 14, 2017 at Beecher Place, at 12160 - Beecher Street.
- PIM notices were sent to 40 residents within 100 metres and at least within 3 lots in all directions of the subject site. A total of 13 residents signed in at the meeting.
- Attendees were invited to complete a comment sheet. Of the 13 attendees, 11 filled out comment sheets. All of the comments were in opposition to the proposed liquor store use, with the majority of residents opposed on the basis of increased local traffic and parking as the main issues. Three (3) attendees expressed direct issue with the lack of a traffic light at 128 Street and Crescent Road and three (3) voiced concern about the potential risk of increased alcohol access to park/beachgoers.
- The Crescent Beach Property Owners Association (CBPOA) voted 18 in favour and 4 opposed to the proposed liquor store use at their December 2, 2015 quarterly meeting. It should be noted that some concerns were raised about liquor store hours and the consumption of alcohol at the beach.
- The applicant also submitted a petition in favour of the proposed liquor store use, containing 269 signatures, however only approximately 5 of the signatories live within 200 metres of the subject site.
- Parking and traffic conditions are pre-existing and are not a result of the proposal. As part of the application, the applicant will be required to improve 128 Street along their frontage, which will include pavement widening to accommodate two-way travel and on-street parking and construction of a curb, boulevard, and sidewalk. The installation of a traffic signal at 128 Street and Crescent Road is currently a Long Term Priority Project in Engineering's 10 year servicing plan (the timeline for these projects is typically 7-10 years).

- The traffic associated with the proposed liquor store use is similar to other retail uses currently permitted on the subject site under the site's existing C-5 Zoning.
- There is sufficient off-street parking (28 spaces in the parking lot) to accommodate all of the existing uses as well as the proposed liquor store use. The peak hours for parking for the liquor store are 5-10 pm while the peak hours for the Bakery and Deli are between 10 am and 2 pm.
- The Liquor Control and Licensing Branch (LCLB) has strict rules to prohibit the sale of alcohol to minors and monitors accordingly.
- The applicant has agreed to enter into a Good Neighbour Agreement to assist in mitigating any impact the proposed liquor store may have on the surrounding neighbourhood.

DISCUSSION

Regulations, Policies and Site Evaluation

- In 2009, the Liquor Control and Licensing Branch (LCLB) implemented a number of policy changes. One of these policy changes included the elimination of the requirement that the operator of a Licensee Retail Store (LRS) (i.e. private liquor store) also own and operate a qualifying liquor primary establishment (i.e. neighbourhood pub).
- On October 1, 2012, to correspond with the LCLB's change in policy, Surrey Zoning By-law No. 12000 was amended to allow private liquor stores as a permitted use in the C-8 and C-15 Zones without having to be associated with a liquor primary licensed establishment (i.e. neighbourhood pub) on the same lot.
- The C-5 Zone does not allow a private liquor store as a permitted use, and as such rezoning is required to accommodate a private liquor store on the subject site.
- The LCLB requires that there be a minimum of one kilometre (one-half mile) separation distance between existing or proposed private liquor stores, and that the proposed location be in compliance with the zoning requirements.

Arguments Against the Proposed Rezoning

- A number of residents have raised concerns about access to alcohol in proximity to the beach and parks and traffic and parking in the area and are opposed to the proposed liquor store use.
- The City of Surrey's Locational Guidelines for Private Liquor Stores (Policy No. O-59) requires that a private liquor store not be located within 400 metres (one-quarter mile) of a school, public children's park, public playground, public library or public recreation centre.
- The proposed liquor store does not comply with City Policy No. O-59, Locational Guidelines for Private Liquor Stores (Licensee Retail Stores), as the subject site is located within 400 metres of Crescent Park, which contains a public children's park.

Arguments for the Proposed Rezoning

- The closest private liquor store to the subject site is a BC Liquor Store located approximately 2 kilometers south of the subject site at 12881 – 16 Avenue.
- Although the subject site is within 400 metres (1/4 mile) of a public children's playground "as the crow flies", because the size of Crescent Park and the interior location of the children's playground within the park, there is no direct way to access the playground and all 3 possible routes to the playground are in excess of 400 metres (1/4 mile).
- The Parks Recreation and Culture Department, By-laws and Licensing Department and South Surrey Community Policing Station have no concerns with the proposed private liquor store.
- The Liquor Control and Licensing Branch (LCLB) has strict rules to prohibit the sale of alcohol to minors and monitors accordingly.
- The applicant has agreed to enter into a Good Neighbour Agreement to assist in mitigating any impact the proposed liquor store may have on the surrounding neighbourhood.
- Pre-existing parking and traffic conditions may be improved through the improvements to 128 Street that the applicant is required to complete along their frontage.
- The proposed liquor store use does not generate more parking than other retail uses that are permitted under the C-5 Zone. There is sufficient off-street parking (28 spaces in the parking lot) to accommodate all of the existing uses as well as the proposed liquor store use.
- The Crescent Beach Property Owners Association (CBPOA) is generally supportive.

Conclusion

The concerns raised by area residents with regard to traffic and parking are not as a result of the proposal. The proposed liquor store use does not generate more parking than other retail uses that are permitted under the C-5 Zone and there is sufficient off-street parking to accommodate all of the existing uses as well as the proposed liquor store use. Existing traffic conditions may be improved through the improvements to 128 Street that the applicant is required to complete along their frontage.

The concerns raised by area residents with regard to alcohol consumption in proximity to the beach and parks are addressed through the LCLB's strict rules and monitoring on the prohibition of the sale of alcohol to minors. Further, the applicant has agreed to enter into a Good Neighbour Agreement to assist in mitigating any impact the proposed liquor store may have on the surrounding neighbourhood.

Based on the above, staff is of the view that there is sufficient merit to the proposal, and accordingly, recommends that Council allow the application to proceed to Public Hearing.

INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

Appendix I.	Lot Owners, Action Summary and Project Data Sheets
Appendix II.	Site Plan
Appendix III.	Engineering Summary
Appendix IV.	City Policy No. O-59
Appendix V.	Proposed CD By-law

original signed by Ron Hintsche

Jean Lamontagne
General Manager
Planning and Development

TH/da

Information for City Clerk

Legal Description and Owners of all lots that form part of the application:

1. (a) Agent: Name: Oleg Verbenkov
 Pacific Land Group
 Address: 12992 - 76 Avenue, Unit 212
 Surrey, BC V3W 2V6

2. Properties involved in the Application
 - (a) Civic Address: 12823 - Crescent Road

 - (b) Civic Address: 12823 - Crescent Road
 Owner: Alldritt Development Limited
 PID: 001-265-628
 Lot "A" (T39291E) Section 20 Township 1 New Westminster District Plan 7834

3. Summary of Actions for City Clerk's Office
 - (a) Introduce a By-law to rezone the site.

INTER-OFFICE MEMO

TO: **Manager, Area Planning & Development
- South Surrey Division
Planning and Development Department**

FROM: **Development Services Manager, Engineering Department**

DATE: **May 31, 2017** PROJECT FILE: **7815-0446-00**

RE: **Engineering Requirements (Commercial/Industrial)
Location: 12823 Crescent Road**

REZONE

Property and Right-of-Way Requirements

- Dedicate 5.0 m x 5.0 m corner cut at the intersection of 128 Street and Crescent Road.
- No additional road dedication is required at this time. ***However, any future development application on the subject property will trigger dedication requirements along Crescent Road to the 27.0 m ultimate Collector Road allowance as identified in the City Of Surrey Road Allowance Map.***

Works and Services

- Construct east side of 128 Street to Local Road standard with 11.0 m pavement width and sidewalk.
- Confirm age and condition of existing storm, water and sanitary service connections and upgrade if required.

A Servicing Agreement is required prior to Rezone.

LIQUOR PERMIT

There are no engineering requirements relative to issuance of the Liquor License Permit beyond the items listed above.



Rémi Dubé, P.Eng.
Development Services Manager
IK1

City of Surrey

Policy

No. O-59

Policy Title:	Locational Guidelines for Private Liquor Stores (Licensee Retail Stores)
Approval Date:	2013 SEP 09 (RES. 13-1895)
History:	NEW
Department:	PLANNING & DEVELOPMENT

Policy Guidelines

The following locational guidelines for private liquor stores (licensee retail stores) will be used as part of the analysis of determining the suitability of a site for a private liquor store when such a use is pursued through a rezoning application process.

1. Private liquor stores should not be located:
 - 1.1 Within 1 kilometre (0.6 mile) of another private liquor store; or
 - 1.2 Within 400 metres (1/4 mile) of a school, a public children's park, a public children's playground, a public library or a public recreation centre;
2. Where a private liquor store is proposed to be relocated within 400 metres of its current location, the new location for the private liquor store should be no closer to a school, a public children's park, a public children's playground, a public library or a public recreation centre than it was at its former location.

This policy is subject to any specific provisions of the Local Government Act, or other relevant legislation or Union agreement.

CITY OF SURREY

BYLAW NO. _____

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

THE CITY COUNCIL of the City of Surrey ENACTS AS FOLLOWS:

- 1. Surrey Zoning By-law, 1993, No. 12000, as amended, is hereby further amended, pursuant to the provisions of Section 479 of the Local Government Act, R.S.B.C. 2015 c. 1, as amended by changing the classification of the following parcels of land, presently shown upon the maps designated as the Zoning Maps and marked as Schedule "A" of Surrey Zoning By-law, 1993, No. 12000, as amended as follows:

FROM: NEIGHBOURHOOD COMMERCIAL ZONE (C-5)

TO: COMPREHENSIVE DEVELOPMENT ZONE (CD)

Parcel Identifier: 001-265-628
Lot "A" (T39291E), Section 20 Township 1 New Westminster District Plan 7834

12823 - Crescent Road

(hereinafter referred to as the "*Lands*")

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

A. Intent

This Comprehensive Development Zone is intended to accommodate and regulate the development of a neighbourhood scale shopping node.

B. Permitted Uses

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

- 1. The following uses are permitted provided that the *gross floor area* of each individual business does not exceed 370 square metres [4,000 sq.ft.]:
 - (a) *Retail stores* excluding *adult entertainment stores*, auction houses and *secondhand stores* and *pawnshops*;
 - (b) *Personal service uses* limited to the following:
 - (i) Barbershops;

- (ii) Beauty parlours;
 - (iii) Cleaning and repair of clothing; and
 - (iv) Shoe repair shops.
- (c) *Eating establishments* excluding *drive-through restaurants*;
 - (d) *Neighbourhood pub*;
 - (e) *Liquor store*;
 - (f) Office uses excluding *social escort services* and *methadone clinics*;
 - (g) *General service uses* excluding funeral parlours, *drive-through banks* and *vehicle rentals*;
 - (h) *Indoor recreational facilities*;
 - (i) *Community services*; and
 - (j) *Child care centres*.
2. One *dwelling unit* per lot provided that the *dwelling unit* is:
- (a) Contained within the *principal building*; and
 - (b) Occupied by the owner or the owner's employee, for the protection of the businesses permitted on the *lot*.

C. Lot Area

Not applicable to this Zone.

D. Density

The maximum *density* shall not exceed a *floor area ratio* of 0.50.

E. Lot Coverage

The maximum *lot coverage* shall be 50%.

F. Yards and Setbacks

Buildings and structures shall be sited not less than 7.5 metres [25 ft.] from all *lot lines* (measurements to be determined as per Part 1 Definitions, of Surrey Zoning By-law, 1993, No. 12000, as amended”

G. Height of Buildings

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

1. Principal buildings: The *building height* shall not exceed 9 metres [30 ft.].
2. Accessory buildings and structures: The *building height* shall not exceed 4 metres [13 ft.].

H. Off-Street Parking

1. Refer to Table C.1, Part 5 Off-Street Parking and Loading/Unloading of Surrey Zoning By-law, 1993, No. 12000, as amended.
2. *Tandem parking* may be permitted for company fleet *vehicles*.

I. Landscaping

1. All developed 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 abut a *highway*, a continuous *landscaping* strip of not less than 1.5 metres [5 ft.] in width shall be provided within the *lot*.
3. The boulevard areas of *highways* abutting a *lot* shall be seeded or sodded with grass on the side of the *highway* abutting the *lot*, except at *driveways*.
4. 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 *lot*, to a height of at least 2.5 metres [8 ft.] by *buildings*, a *landscaping* screen, a solid decorative fence, or a combination

J. Special Regulations

1. Garbage containers and *passive recycling containers* shall not be located within any required *setback* adjacent any *lot*.
2. The outdoor storage or display of any goods, materials or supplies is specifically prohibited, notwithstanding any other provision in this Zone.
3. *Child care centres* shall be located on the *lot* such that these centres have direct access to an *open space* and play area within the *lot*.

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>
2,000 sq. m. [0.5 acre]	30 metres [100 ft.]	30 metres [100 ft.]

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

L. Other Regulations

In addition to all statutes, bylaws, orders, regulations or agreements, the following are applicable, however, in the event that there is a conflict with the provisions in this Comprehensive Development Zone and other provisions in Surrey Zoning By-law, 1993, No. 12000, as amended, the provisions in this Comprehensive Development Zone shall take precedence:

1. Definitions are as set out in Part 1 Definitions of Surrey Zoning By-law, 1993, No. 12000, as amended.
2. Prior to any use, the *Lands* must be serviced as set out in Part 2 Uses Limited, of Surrey Zoning By-law, 1993, No. 12000, as amended and in accordance with the servicing requirements for the C-5 Zone as set forth in the Surrey Subdivision and Development By-law, 1986, No. 8830, as amended.
3. General provisions are as set out in Part 4 General Provisions of Surrey Zoning By-law, 1993, No. 12000, as amended.
4. Additional off-street parking requirements are as set out in Part 5 Off-Street Parking and Loading/Unloading of Surrey Zoning By-law, 1993, No. 12000, as amended.
5. Sign regulations are as set out in Surrey Sign By-law, 1999, No. 13656, as amended.
6. Special *building setbacks* are as set out in Part 7 Special Building Setbacks, of Surrey Zoning By-law, 1993, No. 12000, as amended.
7. *Building* permits shall be subject to the Surrey Building Bylaw, 2012, No. 17850, as amended.
8. *Building* permits shall be subject to Surrey Development Cost Charge Bylaw, 2016, No. 18664, as may be amended or replaced from time to time, and the development cost charges shall be based on the C-5 Zone.

9. Tree regulations are set out in Surrey Tree Protection Bylaw, 2006, No. 16100, as amended.
 10. Provincial licensing of *child care centres* is regulated by the Community Care and Assisted Living Act S.B.C. 2002, c. 75, as amended, and the Regulations pursuant thereto including without limitation B.C. Reg 319/89/213.
 11. Provincial licensing of *neighbourhood pubs* is regulated by the Liquor Control and Licensing Act, R.S.B.C. 1996, c. 267, as amended.
3. This By-law shall be cited for all purposes as "Surrey Zoning By-law, 1993, No. 12000, Amendment By-law, _____, No. _____."

PASSED FIRST READING on the _____ th day of _____, 20__ .

PASSED SECOND READING on the _____ th day of _____, 20__ .

PUBLIC HEARING HELD thereon on the _____ th day of _____, 20__ .

PASSED THIRD READING on the _____ th day of _____, 20__ .

RECONSIDERED AND FINALLY ADOPTED, signed by the Mayor and Clerk, and sealed with the Corporate Seal on the _____ th day of _____, 20__ .

_____ MAYOR

_____ CLERK