#### CITY OF RICHMOND

### REPORT TO COMMITTEE

TO:

Planning Committee

FROM:

Alan Clark

Manager, Zoning

RE:

**Zoning and Development Bylaw 5300** 

**Amendment Bylaw 7218** 

TO PLANNING - MARCH 20, 2001 DATE: March 7, 2001

FILE:

8060 - 20 - 7218

#### **STAFF RECOMMENDATION**

That Bylaw 7218, which amends Zoning and Development Bylaw 5300 as it relates to the sale of outdoor plants and supplies as an accessory use to Household Furnishings and Appliances, be introduced and given first reading.

Alan Clark Manager, Zoning

Att.

| FOR ORIGINATING DIVISION USE ONLY |             |                                |
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| Law                               | Y D N D     | June                           |
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#### STAFF REPORT

#### ORIGIN

The Richmond Zoning and Development Bylaw 5300, Schedule 274. Limited Industrial Retail District (I4), permits Retail Sale of Building Materials, and Retail Sale of Household Furnishings and Appliances, but does not permit the sale of outdoor plants and supplies.

The Home Depot has made application to the City of Richmond for a text amendment to the Zoning and Development Bylaw to permit the retail sale of garden plants and landscaping supplies as an accessory use to the Retail Sale of Building Materials, and Retail Sale of Household Furnishings and Appliances. This report addresses the issue.

#### FINDINGS OF FACT

In the early 1990s, so-called "Warehouse" stores of all descriptions were relatively unknown quantities in Richmond. Their potential impact was of considerable concern to many types of established businesses.

When the owner of the Home Depot site requested permission to develop a major home improvement warehouse store in 1994, the City commissioned an economic impact study. That study concluded – as subsequent facts have bome out – that although such a store would have an immediate impact on small local retailers, most of these competitors would recover over time as the market continued to grow and they adapted to new market conditions. The study thus determined that a major home-improvement "warehouse" would not cause excessive damage to existing hardware and other similar businesses and would therefore be appropriate in a zone that already permitted a wide range of "home – related" retail uses – from IKEA to The Lighting Warehouse and Merit Kitchens.

Unfortunately for the Home Depot, until its arrival in the I4 zone, garden centres had never been contemplated in the City of Richmond under the same roof with other home-improvement merchandise. They were perceived as a traditional use, mainly associated with nursery production in the Agricultural Land Reserve. The I4 zoning bylaw simply makes no mention of garden centres as a permitted use.

Home Depot purchased the site and built its Richmond store, including a 25,000 square foot garden centre, under the impression that the zoning permitted the sale of garden plants and supplies as a "home-related" retail use.

Having built and opened its garden centre, the Home Depot attempted to resolve the restrictive interpretation of the bylaw in court, but the Supreme Court of BC confirmed that the current zoning in fact does not permit such merchandise.

Since 1996, the Richmond Home Depot store has operated the garden centre on a restricted basis, stocking only those garden-related products that the City deems to be either construction materials or garden supplies for indoor use. More than 500 distinct products for the garden use that are available at all other Home Depot stores in the lower mainland are thus unavailable to Richmond gardeners through the Richmond Home Depot store.

#### ANALYSIS

Are traditional garden centres, roadside stands, and nurseries threatened by mass merchandisers in general, or Home Depot in particular?

Gardening is the top-rated hobby in North America, and BC gardeners spend more per household each year on gardening products than most gardeners in Europe, including Britain, Holland, and Germany. BC's gardeners are ranked among the keenest in the world in their annual garden spending – up to \$346 – an increase of 18 per cent over the past four or five years, or 86 per cent since 1992. Projecting this number in Richmond yields an annual expenditure today of \$17,620,050.

As might be expected, the dramatic growth in consumer interest has not only resulted in the expansion and evolution of the traditional retail garden centre, but has also prompted a wide range of mass-merchandising chains in Richmond, Safeway, Save-On Foods, I.G.A., Zellers, Costco, Home Hardware, London Drugs, Canadian Tire, Super Store, and The Bay, to enter this market, which was traditionally served by specialty nurseries and garden centres. With such growth, Richmond's I4 zoning limitation on the sale of garden plants and supplies has become an inconvenience and disadvantage to many Richmond gardeners while no longer protecting nurseries or garden centre elsewhere in Richmond.

The entry of Home Depot and other mass merchandisers into the gardening marketplace over the past decade has apparently not displaced traditional nurseries and garden centres, which have proliferated with the gardening boom. In fact, given forecasted growth in the market, there should be sufficient incremental demand over the next five to ten years to support growth in existing establishments as well as absorb the sale of outdoor plant products at Home Depot.

Some Richmond businesses already benefit from Home Depot's participation in the retailing of garden plants at its other stores in the Lower Mainland. A Richmond grower – TSC Nurseries – is currently the largest single supplier of garden plants to the entire Lower Mainland chain of Home Depot stores, including products actually grown by other Richmond growers. Some of the other twenty nine Richmond based suppliers to Home Depot, such as CCI Industries which manufactures Landscape Brick, would likely benefit from the spin-off effects of permitting retail sales of garden plants and supplies at the Richmond store.

Staff are recommending that it would now be appropriate to amend the Limited Industrial Retail District (I4) to add the "Retail Sales of Garden Plants and Landscaping Supplies" as an accessory use to the Retail sale of Household Furnishings and Appliances. The accessory use being clearly incidental to that of the principal use of the building.

#### FINANCIAL IMPACT

None.

#### CONCLUSION

With the rapid evolution and expansion of the home gardening market place over the past five years, Richmond's I4 zoning limitation on the sale of garden plants and supplies has become an inconvenience to Richmond gardeners who arrive expecting the same selection and pricing of garden plants and supplies that are carried and advertised at all other Home Depot stores in the Lower Mainland. But they find that they must make separate trips to purchase such goods

elsewhere – either in Richmond, - or, mostly, at other Home Depot stores outside Richmond to take advantage of the advertised goods and prices.

Staff are recommending that it would now be appropriate to amend Zoning and Development Bylaw 5300, Schedule 274. Limited Industrial Retail District (I4), to permit the Retail sale of garden plants and landscaping supplies as an accessory use to the Retail Sale of Household Furnishings and Appliances.

Alan Clark

Manager, Zoning

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DATE: 03 | 02 | 01

To: Mgr, Zoning

Fax: 278-5139

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February 27, 2001

Planning Committee City of Richmond 6911 No. 3 Road Richmond, B.C. V6Y 2C1

Attention: Councilor Brodie and the Planning Committee

Dear Sirs/Madams:

# Re: Home Depot Rezoning Application

I support the proposal to allow Home Depot and others to sell garden plants in the 14 zone. As a taxpayer, I think Richmond is probably missing out on some extra tax revenue if gardeners looking for Home Depot discounts on plants have to travel outside Richmond to get them.

Yours truly,

Kar Mou Woo 4600 Garry Street

Richmond, B.C. V7E 2V3

Tel. 351-6622



Fax: 278-5139

February 27, 2001

Planning Committee City of Richmond 6911 No. 3 Road Richmond, B.C. V6Y 2C1

Attention: Councilor Brodie and the Planning Committee

Dear Sirs/Madams:

#### Re: Home Depot Rezoning Application

I am a resident of Richmond and a customer of the Home Depot store on Bridgeport Road. I was surprised to find that the current zoning bylaw does not permit this store to sell garden plants in its garden centre section.

This makes no sense to me. Everyone from Costco to Safeway and London Drugs sells garden plants in Richmond these days, why stop Home Depot? It's just an inconvenience to me, because I have to drive outside Richmond to another Home Depot store to get their prices.

Yours truly,

9531 Gilbert Crescent

Richmond, B.C. V7E 1H7

Tel. 271-2218

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February 27, 2001

Planning Committee City of Richmond 6911 No. 3 Road Richmond, B.C. V6Y 2C1 Fax: 278-5139

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Yours truly,

Joanna Ko

22260 McLean Avenue

Richmond, B.C. V6V 2P3

Tel. 522-7083



755-17-01 705 4010 711 ...

Fax: 278-5139

February 27, 2001

Planning Committee City of Richmond 6911 No. 3 Road Richmond, B.C. V6Y 2C1

Attention: Chair and Planning Committee Members

Dear Sirs/Madams:

#### Re: Home Depot Rezoning Application

I and a lot of my friends and neighbours shop at Home Depot and know the people who work there. Many of them live in Richmond too. I understand that Home Depot also buys its plants locally. If they were allowed to sell plants at the Richmond store, they would probably buy more from local Richmond nurseries.

I urge the planning committee to approve this application.

Yours truly,

Daniel Wong

22491 McClinton Avenue

Richmond, B.C. Tel. 808-8758



February 27, 2001

Planning Committee City of Richmond 6911 No. 3 Road Richmond, B.C. V6Y 2C1 Fax: 278-5139

Fax: 278-5139

Attention: Councilor Brodie and the Planning Committee

Dear Sirs/Madams:

#### Re: Home Depot Rezoning Application

I am writing to express my opinion as a Richmond resident and gardener about the proposal to permit the sale of garden plants and supplies in the I4 zone along Bridgeport Road.

I support this proposal because the garden business is booming these days. The prices at the specialty stores have gone sky high for many items. These stores hardly need protection these days - they need more competition.

Yours truly,

Bosco Yain )
22260 McLean Avenue

Richmond, B.C. V6V 2P3

Tel. 522-7083



Fax: 278-5139

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March 1, 2001

Planning Committee City of Richmond 6911 No. 3 Road Richmond, B.C. V6Y 2C1

Attention: Members of the Planning Committee

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Yours truly,

Rosamy Lo

10548 Yarmish Drive

Richmond, B.C. V7E 5E7

Tel. 275-5645



Fax: 278-5139

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March 1, 2001

Planning Committee City of Richmond 6911 No. 3 Road Richmond, B.C. V6Y 2C1

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Yours truly,

David Lo

10548 Yannish Drive

Richmond, B.C. V7E 5E7

Tel. 275-5645



#### Lois and Jeff Jenken

11219 Daniels Road Richmond, B.C. V6X 1M5 Home & Fax Phone 1-604-207-1041 Email jjenken@home.com Zoning for IRM

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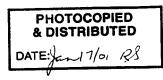
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January 08, 2001

Planning Committee City of Richmond 6911 No. 3 Road Richmond, British Columbia V6Y 2C1



#### Members of the Planning Committee

We are writing to express our opinions as Richmond residents and avid gardeners about the proposal to permit the sale of garden plants and supplies in the 14 zone along Bridgeport Road.

We are customers of the Home Depot store on Bridgeport Road as they are only 10 minutes away and we use them for most of our home improvement needs. We find they host many workshops and children's activities which is excellent for the community. We were surprised when we went there to get some grass seed and fertilizer to find that the current zoning bylaw does not permit this store to sell garden plants or garden supplies in its garden centre section. We ended up going to Home Depot in Surrey to obtain these goods as we knew the specific brand we wanted was carried by them.

This makes no sense to us. Everyone from Costco to Safeway and London Drugs sells garden plants in Richmond these days so why stop Home Depot or other home improvement stores? We find it very inconvenient as we have to drive outside Richmond to another Home Depot store to get their prices. Richmond is losing out in tax revenue besides the boost to their local economy.

We believe that the current zoning restriction that prevents home improvement stores like the Richmond Home Depot from selling garden plants, etc. is anti-competitive and bad for the consumer. We should have as much choice as possible where we buy our bedding plants and hanging baskets so that this competition proves to be good for the consumer. A garden centre is a more logical extension of home improvement than for example grocery, drug or department stores so it makes no sense to stop these businesses from selling plants if they want to.

We find Home Depot staff to be extremely knowledgeable in all other areas as well as the indoor plants area and feel that our outdoor gardening questions would be answered promptly and with expertise. They stand behind their products with a store guarantee which we believe is as good or better than other present garden vendors.

In conclusion, we as tax payers urge the planning committee to approve this application.

Yours truly,

Lois Jenken &

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DATE: Masson RS

March 2, 2001

Planning Committee City of Richmond 6911 No. 3 Road Richmond, B.C. V6Y 2C1 for appropriate action
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Fax: 278-5139

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Attention: Councilor Brodie and the Planning Committee

Dear Sirs/Madams:

# Re: Home Depot Rezoning Application

As a Richmond resident and taxpayer, I believe that the current zoning restriction that prevents home improvement stores like the Richmond Home Depot from selling garden plants, etc. is anti-competitive and bad for the consumer.

Competition is good for the consumer. We should have as much choice as possible where we buy our bedding plants and hanging baskets.

Yours truly,

Peter Chan #8-8111 General Currie Road Richmond, B.C. V6Y IL9 Tel. 231-9985



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To: Manager, Zoning for appropriate action **DW** X.Y AS 03

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March 1, 2001

Planning Committee City of Richmond 6911 No. 3 Road Richmond, B.C. V6Y 2C1

Fax: 278-5139

Attention: Councilor Brodie and the Planning Committee

Dear Sirs/Madams:

#### Re: Home Depot Rezoning Application

I am writing to support the proposal to permit the Home Depot and other home improvement stores in the I4 zone to sell garden plants.

I understand that some of the smaller stores may fear this move. But it seems to me that dozens of independent specialty garden-centres around in the Lower Mainland have survived and even expanded since the other Home Depot stores opened.

Yours truly,

Annie Wong

Annie Wong

3418 Deering Island Place

Vancouver BC

Tel. 261-6808

#### HAROLD HUDD

Telephone: (604) 277-5668

InterNet: haroldh@pacificcoast.net

6751 Whiteoak Drive Richmond, B.C. V7E 4Z7

February 28, 2001

Planning Committee City of Richmond 6911 No. 3 Road Richmond, B.C. V6Y 2C1 To: Manger, Zoning for appropriate action

Dear Members of the Committee:

I wish to support the proposal currently before you to permit Home Depot and other home improvement stores to sell outdoor plants. As a pensioner I have to shop carefully and the advantage of buying plants at Home Depot and other major outlets lies in the ability to seek redress for sub-standard product which is not available from roadside stores.

**PHOTOCOPIED** 

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I have always been satisfied with the range of plants available at the Home Depot outlets and hope their application will be approved so that I may shop at the Richmond store for bedding plants this Spring.

Yours very truly,



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DATE: Marinala PS

February 22, 2001

Planning Committee City of Richmond 6911 No. 3 Road Richmond, BC

Canada V6Y 2C1

To: Manager, Zonny for appropriate action

> 6680 Gibbons Drive Richmond, BC V7C 2E1

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Attn: Members of the Planning Committee

Dear Sir,

#### Re: Home Depot Applying for Selling Outdoor Plants

We are residents of Richmond for over 12 years. We would like to support Home Depot to supply outdoor plants to residents in Richmond. By allowing them to do this, it provides us competitive prices as well as convenience when we shop in Home Depot. I do not support restriction in area 14. Hope our city can consider their application.

Thanks for your attention.

Yours truly,

Kari Leoganda



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To: Manager, Zoning for appropriate action ACTING DITY SLERK

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February 27, 2001

Planning Committee City of Richmond 6911 No. 3 Road Richmond, B.C. V6Y 2C1

Attention: Councilor Brodie and the Planning Committee

Dear Sirs/Madams:

#### Re: Home Depot Rezoning Application

I support the zoning proposal to permit stores like the Home Depot on Bridgeport Road to sell outdoor plants. It is inconvenient and costly to Richmond gardeners who must travel outside Richmond to get the discounts on garden supplies that Home Depot offers everywhere else in the Lower Mainland.

Yours truly,

Chui Yen Lau

10051 Hollycroft Gate

Richmond, B.C.

Tel. 241-0395



P.03

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DATE: Mar 05/01RS

March 2, 2001

Planning Committee City of Richmond 6911 No. 3 Road Richmond, B.C. V6Y 2C1 To: Manager, Zoning for appropriate action

Fax: 278-5139

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Attention: Councilor Brodie and the Planning Committee

Dear Sirs/Madams:

Re: Home Depot Rezoning Application

As a Richmond resident and taxpayer, I believe that the current zoning restriction that prevents home improvement stores like the Richmond Home Depot from selling garden plants, etc. is anti-competitive and bad for the consumer.

Competition is good for the consumer. We should have as much choice as possible where we buy our bedding plants and hanging baskets.

Yours truly,

#8-8111 General Currie Road Richmond, B.C. V6Y 1L9

Tel. 231-9985



#### Mrs. Sheila M. Gow

Tel: (604) 274-6510

7631 Steveston Hwy. #110 Richmond, British Columbia Canada V7A 4L7

January 28, 2001

Chairman
Planning Committee
City of Richmond
691'1 No. 3 Road
Richmond, BC
V6Y 2C1

Dear Sir:

I have been a resident of Richmond for some 20 years and am an ardent gardener, having won first place in the 1999 Richmond Landscape & Garden Contest (Community Garden - Allotment Plots).

I am writing to express my disappointment that Home Depot on Bridgeport Road is not permitted to sell garden plants because the current zoning bylaw does not permit this.

I am at a loss to understand why this should be so, in view of the fact that Safeway, Save-On Foods & Drugs, London Drugs, Costco, etc. are permitted to sell annuals and perennials. There is already healthy competition; surely Home Depot joining the list can do no harm.

I support a proposal to allow Home Depot to sell garden plants. Why should I have to seek out a Home Depot store outside Richmond to benefit from their discount?

Yours sincerely,

Aheila Me. Jon-

Pamela Gibson #41 - 8491 Ryan Road Richmond, B.C. V7A 2E8

March 1, 2001

Planning Committee

City of Richmond

6911 No. 3 Road

Richmond, B.C.

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DATE: Mar Goi as

Manager, Zoning

Manager, Zoning

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ATTN:

V6Y 2C1

Councilor Brodie,

Chairman of the Committee

Dear Councilor Brodie:

SUBJECT: Home Depot, Richmond

Proposal to Sell Outdoor Plants

I believe that the Richmond Home Depot store should be allowed to sell outdoor plants. Since Richmond consumers can purchase outdoor plants from other large chains such as Safeway, Canadian Tire, and Save-On-Foods, it is unfair that Home Depot is restricted from doing the same.

Preventing Richmond residents from purchasing our outdoor plants at the Richmond Home Depot store does not force us to buy from local nurseries. It only causes us to spend extra time and expense driving to a neighbouring community to purchase reasonably priced plants from the Home Depot there. The Richmond consumer is not benefiting from this restriction, and neither are the Richmond nurseries. The old proverb "You can lead a horse to water, but you can't make him drink" certainly applies in this instance.

I understand that Home Depot stores purchases their bedding plants from local nurseries. If the Richmond Home Depot store were allowed to sell outdoor plants, the Richmond nurseries would benefit by supplying Home Depot with bedding plants. In my opinion, that would be a "win-win" situation.

I ask that the Planning Committee reconsider, and remove the restrictions that have been placed on the Home Depot in Richmond. Competition is a good thing, from which both consumers and businesses benefit.

Sincerely,

Pamela Gibson

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CLERK'S OFFICIAL COLORS

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March 6, 2001

Planning Committee City of Richmond 6911 No. 3 Road Richmond, B.C. V6Y 2C1

Fax: 278-5139

To: Munager, Zaning for appropriate action

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Attention: Councilor Brodie and the Planning Committee

Dear Sirs/Madams:

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DATE: Mar 1/01 QS

Re: Home Depot Rezoning Application

I support the proposal to allow Home Depot and others to sell garden plants in the I4 zone. As a taxpayer, I think Richmond is probably missing out on some extra tax revenue if gardeners looking for Home Depot discounts on plants have to travel outside Richmond to get them.

Yours truly,

Lorna Shum

9451 Glenbrook Drive Richmond, B.C. V7A 1X9

Tel. 275-8970



To: Manager, Zoning for appropriate action

PHOTOCOPIED & DISTRIBUTED

DATE: 120-801 RS

March 5, 2001

Planning Committee City of Richmond 6911 No3 Road Richmond, BC V6Y 2C1

Mr Brodie,

I fully support Home Depot's proposal to sell outdoor plants and believe that the restriction makes no sense. Home Depot is being singled out while other big boxes and supermarkets (such as Costco, Canadian Tire and Save-On Foods) have no problems selling outdoor plants. Why should there be one rule for those stores and another for Home Depot? All the other Home Depot stores can sell them so why should Richmond miss out?

The restriction is a great inconvenience to the hundred of gardeners like me who shop at Home Depot on a regular basis but have to go elsewhere for our plants. As a result many of us are driving away from Richmond to other Home Depot stores where we can do our shopping in one stop.

Yours Truly,

5060 Merganser Drive

Richmond, BC

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2 May. 2001

Dear Councilor Brodie

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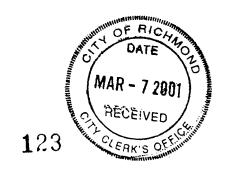
rules thus discriminating against them. It is
a great place to shop + should sell outdoor plants

and soil, just like Knapp's (sp) where there
are rip-off prices. I proper to do (virtually)
all my shopping at Home Depot + (ostro.

Same Rules seems reasonable doesn't it?!!

Thanks.

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March 7, 2001

Planning Committee City of Richmond 6911 No. 3 Road Richmond, B.C. V6Y 2C1 Fax: 278-5139

Attention: Councilor Brodie and the Planning Committee

Dear Sirs/Madams:

Re: Home Depot Rezoning Application

I am a resident of Richmond and a customer of the Home Depot store on Bridgeport Road. I was surprised to find that the current zoning bylaw does not permit this store to sell garden plants in its garden centre section.

This makes no sense to me. Everyone from Costco to Safeway and London Drugs sells garden plants in Richmond these days, why stop Home Depot? It's just an inconvenience to me, because I have to drive outside Richmond to another Home Depot store to get their prices.

Yours truly,

Orson Chan

10520 Southdale Road Richmond, B.C. V7A 2W7

Tel. 214-2058

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To: Manager, Zoning for appropriate action

March 1, 2001

Planning Committee City of Richmond

6911 No. 3 Road

Richmond, B.C.

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Attention: Councilor Brodie and the Planning Committee

Dear Sirs/Madams:

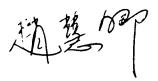
#### Re: Home Depot Rezoning Application

Respecting the proposal to allow the Home Depot and other home improvement stores to sell garden plants as supermarkets, drug stores and department stores do.

A garden centre is a more logical extension of home improvement, so it makes no sense to stop businesses like Home Depot or Home Hardware from selling plants if they want to.

Yours truly,

Wai Hing Chiu 5195 Turquoise Drive Richmond, B.C. V7C 4Z6 Tel. 241-4783





FROM: Lydya Ling

PHONE NO.: 2746268

MAR. 09 2001 10:44AM P1

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FOR appropriate action

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Fax: 278-5139

March 7, 2001

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Yours truly,

Lydia Ling

4571 Pendlebury Road Richmond, B.C. V7E 1E6

Tel. 274-6268



#### **CITY OF RICHMOND**

# **BYLAW 7218**

# RICHMOND ZONING AND DEVELOPMENT BYLAW 5300 AMENDMENT BYLAW 7218

The Council of the City of Richmond enacts as follows:

| 1.    | Richmond Zoning and Development Bylaw 5 274 Limited Industrial Retail District (I4) 2 Household Furnishings and Appliances, the following | 74.1 Permitted Uses after Retail Sale | 200,<br>of                          |
|-------|---|---------------------------------------|-------------------------------------|
|       | "Including Garden Plants and Landscaping Su   | oplies as an Accessory Use"           |                                     |
| 2.    | This Bylaw is cited as "Richmond Zoning ar Bylaw 7218".   | nd Development Bylaw 5300, Amendm     | ent                                 |
| FIRST | T READING   |                                       | - CITY OF RICHMOND                  |
| SECC  | OND READING   |                                       | APPROVED for content by             |
| THIR  | D READING   |                                       | originating<br>debt.                |
| ADOF  | PTED  |                                       | APPROVED for legality by Solilottor |
|       | MAYOR   | CITY CLERK                            |                                     |