

ITEM 26
MANAGER'S REPORT NO. 87
COUNCIL MEETING 1978 12 11

RE: LETTER FROM EATON'S WHICH APPEARED ON THE AGENDA FOR
THE 1978 DECEMBER 04 MEETING OF COUNCIL (12h)
EATON'S AUTOMOTIVE CENTER
NORTH-EAST CORNER OF WILLINGDON AVENUE AND LOUGHEED HIGHWAY

Appearing on last week's agenda was a letter from Mr. G. M. Horton, Manager for Eaton's Brentwood Store, regarding a service station facility on the north-east corner of Willingdon and Lougheed. Following is a report from the Director of Planning on this matter.

RECOMMENDATION:

1. THAT a copy of this report be sent to Mr. G. M. Horton, Manager for Eaton's Brentwood Store, 4567 Lougheed Highway, Burnaby, B.C. V5C 3Z7.

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TO: MUNICIPAL MANAGER
FROM: DIRECTOR OF PLANNING
SUBJECT: EATON'S AUTOMOTIVE CENTRE
NORTH-EAST CORNER OF WILLINGDON AVENUE AND LOUGHEED HIGHWAY

PLANNING DEPARTMENT
1978 December 06

RECOMMENDATION:

1. THAT this report be received as information.

REPORT

1.0 INTRODUCTION

Appearing on the 1978 December 04 Council Agenda is a letter from a Mr. G.M. Horton, Manager of Eaton's Brentwood, regarding a request to sublet the automotive repair facilities in their service station to independent automobile repair operators such as Minit-Tune and Brighthouse Brake and Wheel.

2.0 GENERAL COMMENTS

- 2.1 The applicant has directed his letter towards appealing an interpretation given by the Burnaby Planning Department of the C6a Zoning District Regulations. Upon consultation with the Municipal Solicitor, Council is advised that a Municipal Council may not provide interpretation of its bylaws as requested. Section 709(1)(a) of the Municipal Act provides that the Board of Variance shall hear and determine any person aggrieved by a decision of any official charged with the enforcement of the zoning bylaw insofar as that decision relates to an interpretation of the bylaw or any portion thereof. As a result, the Planning Department considers that the requested Council interpretation is not permitted in this case and that the appeal should be directed to the Board of Variance in the usual manner.

Re: Eaton's Automotive Centre - Cont'd.

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- 2.2 Pursuant to the regulations and intent of the 1965 Burnaby Zoning Bylaw, the Planning Department has considered that the type of automobile repair specialists such as Minit-Tune, Midas Muffler, Budget Brake and Wheel are best located and suited to properties zoned C4 Service Commercial District, M1, M2, M3 and M4. Such business enterprises require high volume sales and, as a result, depend upon maintaining a high profile operation that is achieved by abundant advertising and exposure. The C4 zoning designation has been specifically designed to accommodate vehicular oriented commercial uses such as the ones proposed. Such appropriately zoned sites are usually found along major arterial routes within the Municipality and have appeared to be very successful without creating problems with its surrounding, more passive, land uses. Similarly, the industrially zoned properties offer some of the same qualities, but most importantly appropriately accommodates a variety of industrial uses that are compatible with one another.
- 2.3 The C6 Gasoline Service Station District and the C6a Self-Serve Station District (which the subject property is zoned) is intended to provide a rational pattern of service station outlets to adequately serve the requirements of the Municipality in harmony with surrounding development. These facilities essentially permit the retail sale of motor fuels and lubricants and which may include the servicing and minor repairing of motor vehicles and the sale of automobile accessories. The regulations of the C6 District have been designed to allow service stations to be integrated into a residential setting without creating undue noise and visual problems for its neighbours. In so doing, numerous service stations are located in residential areas and thereby provide a localized convenience service.
- 2.4 The subject site was recently the topic of a rezoning application (RZ #36/77) requesting conversion of the former full serve station zoned C3 to the self-serve C6a category. Their intent at that time was to convert all of the pump islands to self-serve with retention of the service bay facilities. There was no indication that the pumps as well as the service station would then become available to be sublet to three individual operators as has been proposed.
- 2.5 The Planning Department has, pursuant to Council's request, obtained a legal opinion on this matter from the Solicitor. He has concluded that the definition of conventional and self-serve gas stations would permit the proposed uses which would fall within the following terms of reference: "may include the servicing and minor repair of motor vehicles and the sale of automobile accessories". As a result, he is of the opinion that the proposed uses would be permitted in the C6 and C6a designations contrary to the practice and intent of the Zoning Bylaw as administered by the Planning Department.
- 2.6 Upon further assessment of this matter, the Planning Department has investigated the implications of permitting these individual automotive repair specialists to establish themselves on any of the sites zoned C6 or C6a within the Municipality quite independent of the gas dispensing operators. Should the gas dispensing operation become uneconomical to maintain, as evidenced in the recent market conditions, the automobile specialist could then become a principal, non-conforming use of the property. The resultant effect would permit a high profile automotive repair business to locate in many cases within a residential neighbourhood. The Planning Department considers that the nature of this type of use would be incompatible in a residential context and would contradict the intent of the C6 and C6a zoning category as outlined in Section 2.3 above.