

TO: CITY MANAGER

1998 JULY 27

FROM: DIRECTOR PLANNING AND BUILDING

SUBJECT: REZONING REFERENCE # 62/97
RESPONSE TO PUBLIC HEARING COMMENTS

PURPOSE: To provide a response to the concerns expressed at the Public Hearing for Rezoning Reference # 62/97 and to propose a process to accommodate changes to the plans for this project.

RECOMMENDATIONS:

1. **THAT** the City Solicitor be authorized to prepare a bylaw amending the Burnaby Zoning Bylaw to permit CD Comprehensive Development District zoning (based on C6 Gasoline Service Station District guidelines)
2. **THAT** upon Council granting Final Adoption to above text amendment, that a Rezoning Bylaw be prepared for this rezoning utilizing CD Comprehensive Development zoning.

R E P O R T

1.0 BACKGROUND INFORMATION:

- 1.1 On 1997 November 17 Council received a report on the subject request to rezone the property at 4177 Kingsway from C4 Service Commercial District to C6b Gasoline Service Station District to permit the redevelopment of the service station with a retail grocery store. At that time, Council adopted the recommendation that the rezoning be advanced to a Public Hearing on 1997 December 16.

The 1997 November 17 rezoning report (Rezoning Reference # 59/94) noted that on 1995 January 9 Council defeated a similar rezoning request for the subject site at Second Reading, after opposition to the rezoning was expressed at the Public Hearing. The opposition was mainly from representatives of the owner and occupants of the property to the east at 4211 Kingsway, which is known as Burnaby Centre. The primary reasons given for opposition

were the new convenience store screening the commercial uses in Burnaby Centre along Barker Street and creating a “canyon effect” along Barker Street, the partial closure of Barker Street reducing the amount of available on-street parking and the establishment of the convenience store having a detrimental effect on existing grocery stores in the area.

1.2 The 1997 November 17 Council report on the subject rezoning application stated that since Rezoning Reference # 59/94 was defeated, the applicant met with staff a number of times to discuss ways to address the concerns expressed at the Public Hearing for that rezoning. The report outlined the following modifications that were made for the subject rezoning proposal in an attempt to address 2 of the 3 main concerns stated at the 1994 Public Hearing:

- a) The applicant has endeavored to reduce the screening of the commercial space in Burnaby Centre on Barker Street by moving the convenience store to the north. The plan of development submitted shifted the convenience store as far north from Kingsway as possible, while still satisfying the pertinent setback requirements.

With regard to the concern about creating a “canyon effect” through Barker Avenue, the convenience store was sited approximately 14 feet further to the west than the store contemplated under Rezoning Reference # 59/94. The proposed convenience store is 5.4 m (17.7 ft.) high with a separation of approximately 57 feet between the store and Burnaby Centre, which is not considered to create a “canyon effect” on Barker Avenue.

- b) When the applicant first approached Burnaby regarding redevelopment of the site, staff indicated that pursuing a Highway Exchange Bylaw would be supported from a City perspective. The pursuance of the Highway Exchange Bylaw is recommended in order to acquire sufficient dedication along Kingsway to construct the north side of the street to a full standard, including a separated sidewalk and to discourage left turn movements at an unsignalized intersection from Barker Avenue on to Kingsway. Barker Street is not required for southward traffic circulation in the area and left turns at Barker/Kingsway are not supportive of the Primary Arterial designation of Kingsway in the Burnaby Transportation Plan.

In order to respond to concerns by Burnaby Centre about loss of on-street parking, the initial geometric plan for Barker Avenue was modified to retain parking along the east side of Barker Avenue, adjacent to Burnaby Centre.

- c) The 1997 November 17 report also stated that in terms of the final, but possibly most significant concern expressed at the previous Public Hearing regarding the store having a detrimental effect on existing grocery stores; in the report for Rezoning

Reference # 59/94, staff indicated that a 1,765 sq. ft. convenience store should not produce a negative impact on the existing grocery stores in light of the growth of the high density of residential development in the area.

It was considered unlikely that the proposed convenience store would have a serious impact on grocery stores in the area due to its small size and specialized market orientation. The gross floor area of the proposed convenience store was 154m² (1,657 sq. ft.), with the area devoted to actual retail selling space of only 79m² (850 sq. ft.). The convenience store would be primarily oriented towards the motoring public, while existing grocery stores are oriented to the surrounding residential developments.

- 1.3 At the 1997 December 16 Public Hearing for the subject rezoning, concerns were raised, once again, about issues relating to the partial closure of Barker Avenue and the loss of street parking, the siting of the proposed store and the visual effect in terms of screening that it could have on Burnaby Centre and the effect the store could have on existing grocery stores in the area.

On 1998 January 12 Council tabled Second Reading of the rezoning and directed staff to discuss the concerns expressed at the December 1997 Public Hearing with the applicant and report back with any possible positive responses to the concerns.

This report provides information on the further modifications that have been made and recommends a process in order to address the concerns.

2.0 GENERAL DISCUSSION:

- 2.1 The first concern that was raised related to the partial closure of Barker Avenue and the effect it could have on traffic circulation and parking in the area. As reviewed in Section 1.2 b) above, staff support a Highway Exchange in order to acquire sufficient dedication along Kingsway to construct the north side of the street to a full standard, including a separated sidewalk and to discourage left turn movements at an unsignalized intersection from Barker Avenue on to Kingsway. Barker Avenue is not required for southbound traffic circulation in the area and left turns at Barker/Kingsway are not supportive of the Primary Arterial designation of Kingsway in the Burnaby Transportation Plan.

However, in light of the concerns about loss of street parking in the area, staff have further refined the geometric design for the partial closure of Barker Avenue. The revised geometric design is based on the closure of 15 feet of Barker Avenue for inclusion in the development site, which is 13 feet less of road closure than was previously proposed. Through reducing

the amount of Barker Avenue to be closed, the road design can be modified to accommodate 7 street parking spaces , which is one more than the 6 parking spaces currently available.

It can therefore be stated that changes have been made to the proposal and road designs that fully address parking concerns. It should also be made clear that it is not practically possible for Burnaby to acquire the road right-of-way along Kingsway to construct the street to a full standard and for this development proposal to proceed without the closure of any of Barker Avenue. If the necessary dedication is provided along Kingsway without any additional land being included in the development site from road closure, the site will not meet the C6b District minimum lot area requirement.

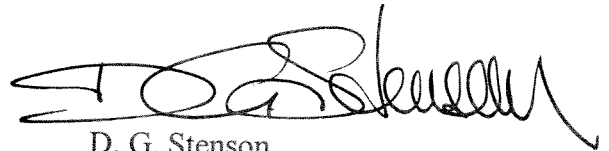
- 2.2 Since the Public Hearing on this project, the applicant has reduced the massing of the building by removing mechanical equipment and related screening from the roof of the building and has improved the landscaping along Kingsway near Barker Avenue by removing a surplus parking stall.
- 2.3 One effect of the reduction in the amount of Barker Avenue road right-of-way to be closed for inclusion in the site is that what is already a very constrained site becomes more restrictive, offering little flexibility for site planning and addressing the neighbors' concerns about screening. As the site is considered double fronting on both Kingsway and Grange Street and the required setback on Barker Avenue is also 6m (20 ft.), large amounts of the site are not permitted for development or parking. The proposed net site would be approximately 1,450m² (15,608 sq. ft.) in size with approximately 950m² (10,226 sq. ft.) contained within required setback areas.

The most appropriate method to deal with the constraints of this site, reflecting the need for flexible site planning and sensitive design, is to utilize CD Comprehensive Development zoning. Through Comprehensive Development zoning on this site, parking and loading can be permitted in a front yard in accordance with a submitted suitable plan, and assurances can be obtained that the design solutions presented at the Public Hearing will be adhered to.

- 2.4 While a Comprehensive Development zoning approach to this site would appear to be the logical solution, CD Comprehensive Development zoning (based on C6b Gasoline Service Station District guidelines) is not currently permitted by the Burnaby Zoning Bylaw. It is therefore recommended that the City Solicitor be authorized to prepare a bylaw amending the zoning Bylaw to permit CD Comprehensive Development District zoning (based on C6 Gasoline Service Station District guidelines).

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If Council grants Final Adoption to the above text amendment, a further report would be submitted to Council outlining the details of the development proposal which would be based on C6 Gasoline Service Station District guidelines and recommending that the subject rezoning, incorporating a more fully refined design respecting the previously expressed concerns and providing a net increase in available on-street parking, be advanced to Public Hearing, based on CD Comprehensive Development District zoning.



D. G. Stenson
Director Planning and Building

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cc: City Solicitor
City Clerk

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