



Corporate NO: R105

Report COUNCIL DATE: May 7, 2001

REGULAR COUNCIL

TO: Mayor & Council **DATE: May 2, 2001**

FROM: General Manager, Planning & Development **FILE: 7999-0208-00**

SUBJECT: City-Initiated Rezoning of CG-1 and CG-2 Zoned Properties at 7216 and 7272 King George Highway

RECOMMENDATION

The Planning & Development Department recommends that Council:

1. receive this report as information;
2. authorize the introduction of a By-law to rezone the property located at 7216 King George Highway from Self-Service Gasoline Station Zone (CG-1) (By-law No. 12000) to Community Commercial 8 Zone (C-8) (By-law No. 12000) and a date be set for Public Hearing;
3. authorize the introduction of a By-law to rezone the property located at 7272 King George Highway from Combined Service Gasoline Station Zone (CG-2) to Community Commercial 8 Zone (C-8) and a date be set for Public Hearing; and
4. instruct staff to resolve the following issues prior to final adoption:
 - (a) registration of a restrictive covenant to prohibit any buildings and construction on these two properties unless a development permit has been issued by the City, and all issues related to land development including but not limited to soil contamination, engineering servicing, road dedication, access, and related works and services have been addressed to the satisfaction of the City and other appropriate agencies.

BACKGROUND

Council in considering an application from Imperial Oil to rezone properties located at the south-west corner of King George Highway and 72 Avenue from Self-Service Gasoline Station Zone (CG-1) and Community Commercial Zone (C-8) to Comprehensive Development Zone (CD) to permit development of a combined full and self-service gas station with 3 pump islands and an accessory convenience store and car wash (File 7999-0208-00), passed a resolution "that the gas station at the north-east corner be decommissioned". The north-east corner refers to a non-operating Esso site at 7216 King George Highway.

Council also requested a report from staff on the possibility of rezoning the Self-Service Gasoline Station (CG-1) zoned property at 7216 King George Highway and the Combined Service Gasoline Station (CG-2) zoned portion of property at 7272 King George Highway (this property is split-zoned CG-2 and C-8) to another zone that would not permit gas station development (Appendix I). The rezoning by-law for File 7999-0208-00 (By-law No. 14066) is currently at Third Reading.

This report advises Council on the agreement reached between the Planning & Development Department and Imperial Oil, the owner of the two gas station zoned properties at 7216 and 7272 King George Highway, on the possibility of rezoning these properties.

DISCUSSION

The Planning & Development Department has had numerous meetings and discussions with Imperial Oil on the possibility of rezoning the two non-operating gas station zoned sites at 7216 and 7272 King George Highway, and after considering a number of alternatives, Imperial Oil has finally consented to a Council-initiated rezoning of these two properties.

Site Characteristics/Plan and Policy Review

7216 King George Highway

This site is located at the north-east corner of 72 Avenue and King George Highway and was operated as a self-service Esso station until early last year when it was closed by Imperial Oil. A demolition permit to remove the canopy, kiosk, and underground storage tanks was issued on December 1, 2000 and these structures have now been removed. We have been advised by Imperial Oil that this site will remain permanently closed and that it will be transferred to its property management /disposal group, Devon Estates Limited (Devon Estates is the real estate arm of Imperial Oil and its mandate is to secure all environmental approvals and permits from the Ministry of Environment and to resell the site for non-petroleum uses).

This property is designated Town Centre in the Official Community Plan and is shown as Commercial/Office in the Newton Town Centre Plan (Appendix II). Surrounding land uses include a retail commercial building zoned C-8 to the east, a shopping centre across 72 Avenue to the south zoned C-8, a Petro-Canada gasoline service station zoned CG-1 to the west, and a furniture store zoned C-8 to the north.

7272 King George Highway

This site is located mid-block between 72 Avenue and 74 Avenue and has not been operated as a gas station for quite a few years. The east portion of this property is zoned Community Commercial Zone (C-8). The buildings and storage tanks used for the previous gas station have been removed. A previous rezoning application (File 5694-0294-00) to rezone the property to Community Commercial Zone (C-8) and Town

Centre Commercial Zone (C-15) was granted Third Reading by Council but subsequently closed at the request of the applicant.

This property is designated Commercial in the Official Community Plan and is shown as Commercial/Office in the Newton Town Centre Plan (Appendix II). Surrounding land uses include a neighbourhood pub/cabaret zoned C-R(1) (By-law No. 5942) to the north, a furniture store zoned C-8 to the south, a sporting goods store and muffler shop across King George Highway to the west zoned C-8 and CHI, respectively, and a surface parking lot across 137 Street to the east zoned C-8.

Based upon the preceding land use and plan/policy review, the Community Commercial Zone (C-8) appears to be an appropriate zone for these two properties.

Restrictive Covenant for Engineering Servicing, Road Dedications, Soil Contamination, and Related Works

While the Council-initiated rezoning of these two properties completely eliminates the possibility of gas stations reopening at these two properties, Council may lose "leverage" in obtaining engineering services, additional rights-of-way for future road widening, and achieving other urban design and landscape objectives. To alleviate this concern, Imperial Oil has agreed to registering a restrictive covenant against both properties such that Engineering servicing requirements, additional rights-of-way for future road widening, applicable Provincial requirements regarding contaminated soils, and other works and services requirements are resolved at the development permit stage. In other words, Engineering, contaminated soils, and other issues typically resolved prior to Final Adoption of a rezoning by-law will be resolved prior to final development permit approval. This arrangement has been reviewed with the Assistant City Solicitor and found to be appropriate.

CONCLUSION

Imperial Oil has consented to the Council-initiated rezoning of the two properties located at 7216 and 7272 King George Highway to another zone that would not permit gas station development. Based upon a review of the existing land uses and land use plans/policies for this part of the Newton Town Centre, the Planning & Development Department recommends that these two properties be rezoned to the Community Commercial Zone (C-8). To ensure that the opportunity to obtain engineering servicing, road dedication, contaminated soils, and other works and services typically obtained through the rezoning process will not be lost, Imperial Oil has agreed to register a restrictive covenant to address such items through the development permit process.

As soon as Third Reading has been granted to these Council initiated rezoning by-laws and Imperial Oil has provided an executable legal document for the restrictive covenant, Council may consider final adoption of By-law No. 14066 for the gas station development at the south-west corner of 72 Avenue and King George Highway.

Murray D. Dinwoodie
General Manager
Planning & Development Department

GF/kms

Appendices

- I. Location Map
- II. Newton Town Centre Plan

v:\wp-docs\planning\01data\apr-june\05011616.gf.doc
S 5/3/01 8:01 AM