



- rezoning the south-west portion from RF to C-5 and the north-east portion from RF to CD to allow a gas station and a convenience store (Appendix II);
- Development Permit;
- Development Variance Permit to relax setback requirements of the C-5 Zone; and
- lot consolidation and road closure/exchange.

The subject site consists of seven single family lots (created under LUC No. 256), which are proposed to be consolidated and, further, subdivided into two separate parcels (Appendix III). The following table summarizes the details of the current proposal:

	<b>Proposed Lot 1</b>	<b>Proposed Lot 2</b>
<b>Proposed Zoning</b>	CD Zone based on CG-2 Zone	C-5 Zone
<b>Proposed Uses</b>	Gas Station and Convenience Store	Retail, Offices (Building A) Retail (Building B)
<b>Proposed Floor Area</b>	240 m <sup>2</sup> (2,583 ft. <sup>2</sup> )	Building A: 1,856 m <sup>2</sup> (19,983 ft. <sup>2</sup> ) Building B: 434 m <sup>2</sup> (2,290 ft. <sup>2</sup> )
<b>FAR</b>	0.10	0.49
<b>Lot Coverage</b>	20%	36%
<b>Building Height</b>	6 m (20 ft.)	Building A: 8.8 m (29 ft.) Building B: 4.8 m (16 ft.)

### **Council Actions**

At its Regular Council Land Use meeting on May 13, 2002, Council gave the proposed LUC Discharge and Rezoning By-laws approval to proceed. However, Council adopted a motion directing the RCMP Traffic Section and the Engineering Department to prepare a report, prior to Public Hearing, advising Council on the impact of the proposed development on the traffic in the neighbourhood. The related Public Hearing was held on June 17, 2002.

Council received the following information at the Public Hearing:

- A traffic report from staff confirming that the proposed development will not significantly increase vehicular traffic on 88 Avenue;
- 231 signatures, 42 of which were opposed to the proposal;
- 553-name petition in support of the proposal;
- 49-name petition opposing the proposal; and
- 43 speakers, 28 of whom were opposed to the proposal.

Following the Public Hearing, at the same meeting, Council gave the LUC Discharge and Rezoning By-laws Third Reading.

At the Regular Council meeting on July 8, 2002 Council adopted a motion instructing staff to prepare a Corporate Report related to the subject development detailing how concerns, expressed at the Public Hearing and documented in subsequent correspondence to the City from area residents, will be addressed, prior to Final

Adoption.

Staff met with the applicants, advised of Council's direction and provided a list of the residents' concerns. The applicants were requested to further review the proposal in terms of community needs, building design, interface with the neighbouring properties, landscaping, internal pedestrian and vehicular circulation, access to and from the site and creek protection measures. The applicants responded with written comments regarding their findings and solutions to the identified concerns. The applicants also negotiated with the property owner to the west of the site to acquire additional lands to widen the 88 Avenue road allowance for the construction of an eastbound deceleration lane on 88 Avenue.

Staff also met with two of the area residents who were advised that staff was working with the applicants in resolving the concerns that they raised at the Public Hearing. Staff also communicated, on a regular basis, with two other area residents who were concerned that the applicants might request Final Approval without responding to the issues that were raised at the Public Hearing. Staff assured the residents that the applicants were aware that staff will not submit the related by-laws to Council for Final Adoption until Council has considered the requisite Corporate Report outlining how concerns raised at the Public Hearing will be addressed by the applicant.

## **DISCUSSION**

The following is a summary of the concerns that were raised by the residents opposing the proposal during and after the June 17, 2002 Public Hearing, the applicant's response to each concern and a comment by staff on each concern:

### **Land Use and Design Issues**

#### **1. There is no apparent need for this type of development including a gas station along King George Highway.**

Applicant's Comments:

- The proposed development has generated significant interest from professionals (doctors, dentists, lawyers) and firms seeking to locate their businesses on the site once it is developed, confirming that there is a need for this type of use in this particular neighbourhood.
- The proposed gas station site will be occupied by Shell Canada Products Limited, attesting to a market demand for this type of use at this location.

Staff Comments:

- While there are gas stations at 80 and 91 Avenues, serving the southbound traffic on King George

Highway, this type of use is not available on either side of 88 Avenue, between Scott Road and Fraser Highway. The proposed gas station conforms to the locational criteria approved by Council in 1987 for gasoline service stations.

**2. The interface between the proposed commercial buildings and the existing homes to the west is not attractive as a result of the reduced building setback (2.5 metres or 8 ft.) to Tulsy Crescent East.**

Applicant's Comments:

- The second floor of the proposed building, east of Tulsy Crescent East, is set back 1.52 metres (5 ft.) from the lower floor to lessen the impact on the neighbouring homes to the west. This second floor setback is in addition to the proposed setback of 2.5 metres (8.0 ft.) for the first floor of the building.
- Architectural features such as stone columns and simulated wood siding help soften the appearance of the building façade toward Tulsy Crescent East.
- A 3-ft. high berm planted with conifers and prickly shrubs will be installed east of the property line adjacent to Tulsy Crescent East to soften the interface condition.
- A combination of significant plantings consisting of evergreens and deciduous trees and an 8-ft. high privacy fence will be installed along the west side yard setback to provide a buffer to the existing home directly west of proposed Building B (the northerly commercial building as shown in Appendix IV).

Staff Comments:

- Staff considers the proposed combination of building setbacks, landscaping and architectural features to be acceptable in addressing interfacing issues as demonstrated in the attached cross-section (Appendix V).

**3. The proposal will set a potential precedent for the existing parcel at the north west corner of King George Highway and 88 Avenue.**

Applicant's Comments:

- The site at the northwest corner of the subject intersection has a relatively steep grade and is supported by significant retaining walls along King George Highway and 88 Avenue. These geographical constraints will make it very difficult to develop as a commercial development.

#### Staff Comments:

- While the site at the north-west corner of 88 Avenue and King George Highway is also designated Urban in the OCP and, as such, the same uses that are proposed on the subject site may also be accommodated at this site, staff would not support commercial development at this location for the following reasons:
  - The City's locational criteria governing gas stations indicate that this particular use should be located diagonally opposite to each other. A gas station at the north-west intersection would be directly across the proposed gas station at the south-west corner. Therefore, a gas station use at the north-west corner of the intersection would be in contravention of the established locational criteria; and
  - The retail and service needs of the neighbourhood on both sides of 88 Avenue, between 132 Street and west of King George Highway, will be adequately served by the proposed commercial development on the subject site.

#### 4. **The proposal will generate an increase in crime, prostitution, littering, and vandalism.**

#### Applicant's Comments:

- A comprehensive safety and crime management programme (based on CPTED principles) was prepared with input from the RCMP and submitted at the Public Hearing. The strategy includes, among other things, the following:
  - In consultation with the neighbourhood to the west, a gate at the walkway connecting Tulsy Crescent East and the subject site will be installed to restrict access to the site during late evenings;
  - Tree planting along the west property line abutting Tulsy Crescent East, will be undertaken in such a manner so as to afford a clear zone for visual surveillance, both from the road and the proposed building. A 3-ft. high berm will be installed in the setback area, with a 6-ft. high decorative fence erected near the crest. At the suggestion of staff, barberries and pyracantha (firethorn), which are prickly shrubs, will be planted along the edge of the proposed building to deter nuisance behaviour (e.g., graffiti, etc.);
  - Along the west property line abutting the residential lot as well as along the south property line, an 8-ft. high privacy fence will be installed in conjunction with hedges and shrubs to deter opportunities for graffiti and tagging works; and

- The proposed outdoor seating within the open plaza will encourage natural surveillance of the activities on the site.

Staff Comments:

- Staff are in agreement with the applicant's strategies to address crime and safety issues.

**5. The proposed pedestrian walkway presents more safety concerns than the existing walkway, as it will be located closer to a building.**

Applicant's Comments:

- The proposed walkway, originating at Tulsy Crescent East and located between the two buildings, provides for pedestrian safety and splits into two paths: one connecting to 88 Avenue along a covered sidewalk along the easterly edge of Building B; and the second connecting to King George Highway along a covered sidewalk along the northerly edge of Building A (Appendix VI). Proximity to those buildings will enable merchants and retail patrons to have "eyes on the street", a strategy that allows monitoring and surveillance of activities within the designated walkway areas.

Staff Comments:

- The existing walkway, connecting King George Highway to Tulsy Crescent East is 2.4 m (8.0 ft.) wide and 40 m (133 ft.) long. The proposed pedestrian connections to the neighbourhood are considered an improvement to the existing situation.

**6. There will be a lack of pedestrian safety on the site.**

Applicant's Comments:

- As noted under point 5, on-site pedestrian walkways will be provided that direct pedestrians to 88 Avenue and King George Highway where pedestrians may cross the highway to get to Bear Creek Park or proceed south to the bus stop.
- Internal driveways will be installed with speed bumps to "calm" vehicle speeds entering the site as well as to discourage "rat running" through the site.
- Stamped coloured concrete will be used to define pedestrian walkways crossing drive aisles to enhance pedestrian safety.

Staff Comments:

- The applicant's solutions to address pedestrian safety within the site are considered acceptable.

**7. The proposed development will result in the loss of the cul-de-sac, which currently provides a safe play area for the neighbourhood children.**

Staff Comments:

- A resident noted that the configuration of Tulsy Crescent East that turns into 87B Avenue is very dangerous and that motor vehicle accidents have occurred at this intersection. 87B Avenue terminates to the east in a cul-de-sac and provides street frontage for 7 single-family lots (the subject site). Removal of the cul de sac will not detract from vehicular safety and could even improve safety by eliminating the existing T-intersection of Tulsy Crescent East with 87A Avenue. There will now simply be a 90 degree corner at this location.

**8. Proposed hours of operation are still unknown.**

Applicant's Comments:

- The gas station and the convenience store will be a 24-hour a day operation.
- In discussion with the RCMP, it was noted that a 24-hour a day operation promotes security due to increased opportunity for surveillance during all hours of the day.
- The use of extensive glazing on the north and south faces of the proposed convenience store will assist in enhancing the security within the site.

Staff Comments:

- The RCMP has advised that they consider convenience stores with 24-hour operations a means of deterring nuisance behaviour. However, the downside to a 24-hour operation is the increased potential for more serious crimes to occur on the site against people and property.
- Should Council wish to limit the hours of operation from 24 hours to 18 hours so that the gas station and the convenience store would be closed from 12:00 midnight to 6:00 a.m., Council should resolve to direct staff to have a Restrictive Covenant registered on the title of the property

documenting such a restriction.

## **Engineering and Environmental Issues**

### **1. The gas station will create environmental impacts on Bear Creek.**

#### Applicant's Comments

- In collaboration with Shell Canada (the identified tenant of the proposed gas station site), the fuel storage tank that will be installed on the site will have the following technologically-advanced features:
  - corrosion resistant and fibreglass reinforced plastic materials;
  - double walls; and
  - leak detection system.

#### Staff Comments:

- In addition to the use of a leak-proof fuel storage tank system, staff requires the applicants to install an oil interceptor on the storm drainage outlet from the site so that oils and grease from motor vehicle activity on the site are intercepted prior to storm water being released from the site. The Engineering Department has advised the applicants to provide the appropriate legal documentation to secure installation, maintenance and monitoring of the required oil-interceptor. The City will be a signatory to this legal document, which will be registered on title to ensure compliance. It can only be discharged with the City's consent.

### **2. The 88 Avenue and King George Highway intersection is a high-accident area and the proposed driveway access at 88 Avenue will create more rear end collisions.**

#### Applicant's Comments:

- A 4-metre (13-ft.) wide area will be dedicated to widen the 88 Avenue road allowance and a right-turn lane will be constructed on 88 Avenue to accommodate traffic turning right into the proposed development.

#### Staff Comments:



- An independent consultant's report identified the provision of a 3-metre (10 ft.) wide right turn bay for the 88 Avenue driveway to address this concern, in addition to the 4-metre (13-ft.) widening of the 88 Avenue road allowance (refer to Appendix III).
- The clearing of the site and the proposed site works will improve motorist sight lines at the south-west corner of the intersection, which should improve safety at this intersection.

### **3. The proposal will generate additional traffic.**

Applicant's Comments:

- The Traffic Consultant's report indicates that the traffic demand that will be generated by the proposed commercial project will not negatively impact the existing traffic conditions at the 88 Avenue and King George Highway intersection.
- The net additional traffic during peak hours is anticipated to be between 2% and 4% of existing traffic volumes, which is typical for this type of commercial project.

Staff Comments:

- Staff accept the findings of the Traffic Consultant.

### **4. There will be a loss of on-street parking spaces for the residents and potential parking on the neighbourhood streets by the future patrons and employees of the proposed commercial development.**

Applicant's Comments:

- If required by the local residents, parking restrictions on local streets could be adopted by the City.

Staff Comments:

- The number of parking stalls being provided on the development site meets the City's Zoning By-law requirements, which have been set to accommodate both staff and customer parking demand.
- There is no direct vehicular access from the adjacent neighbourhood to the site. Therefore, patrons are not likely to use the local streets to access the site.

- Should staff parking on the local streets become a problem that cannot be resolved by the store owners, parking restrictions, such as a maximum parking duration during a specific time period on local streets west of the site, could be implemented by the City's Engineering Department at the request of the residents.

**5. There is a need for a traffic light at the intersection of 88 Avenue and 133A Street.**

Applicant's Comments:

- The subject application will not exacerbate the existing traffic conditions at the subject intersection. The proposal removes 7 single-family lots from within the subdivision, effectively reducing the vehicular traffic originating from the subdivision.
- The proposed commercial site does not have vehicular access from the single family neighbourhood to the west. Therefore, the proposed commercial development will not contribute to traffic at the 88 Avenue and 133A Street intersection.

Staff Comments:

- A traffic signal at 88 Avenue and 133A Street is not warranted by the existing traffic volume generated from this neighbourhood, which will not be affected by the proposed commercial development.
- Installation of a traffic signal would create traffic back ups at the 88 Avenue/ King George Highway intersection, resulting in safety problems.

**6. Acquisition of additional right-of-way requirement for deceleration purposes on 88 Avenue has not been achieved.**

Applicant's Comments:

- The applicants have now acquired the property directly west of the site (Lot 182 Plan 51409) through a purchase agreement. The acquisition will facilitate the dedication of an additional 4-metre (13-ft.) width of right-of-way along 88 Avenue to allow for the construction of a right turn lane for east bound traffic on 88 Avenue. The additional dedication will be reflected in the final Subdivision Plans (Appendix III).

Staff Comments:

- The additional dedication and right-of-way for deceleration purposes on 88 Avenue will enhance traffic safety for vehicles entering the subject site as well as for vehicles heading in both directions on King George Highway and east on 88 Avenue. The dedication and the right-of-way satisfy one of the subject conditions for final adoption of the rezoning by-law.

## CONCLUSION

The applicants have addressed the concerns pertaining to land use, design, engineering and environmental issues that were raised during and after the Public Hearing for the subject development proposal. Staff agree with the applicant's proposed measures to address the concerns raised by the area residents.

The applicants are currently in the process of completing the servicing requirements and other related documentation in support of the proposed development. Upon completion of the requirements, staff will forward the associated by-laws to Council, for consideration of final adoption.

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JDM/kms/saw

### Attachments:

- Appendix I Subject Site
- Appendix II Portions of Site Being Rezoned
- Appendix III Plans Showing Additional Dedication and Right-of-Way for Deceleration Purposes
- Appendix IV Proposed Landscaping
- Appendix V Cross Section of Landscape Treatment on Site Adjacent to Tulsy Crescent East
- Appendix VI Proposed Site Plan

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