

18. Re: Rezoning Reference #17/71
North 283 feet of Lot "P", D.L. 43, Plan 3227
Freightliner of Canada Limited

Appearing on the Agenda for the meeting of September 7th is a letter dated August 26, 1971 from Lawson, Lundell, Lawson and McIntosh asking Council to rezone the area from M1 to M2 or to amend the new M5 category to include assembly of trucks.

The Planning Department reported on the subject application at the May 20, 1971 meeting of Council. A copy of the Department's report of that date is attached for your reference. The Department recommended at that time that:

"this application for M2 zoning not be approved and that at an appropriate time in Council's deliberations on Winston Street area, the new Light Industrial District (M5) category be applied to those properties (which includes the subject property) contained in our earlier reports on the Winston Street area and in our detailed report on the M5 category to be presented to the May 25 Council meeting."

Council subsequently moved that the subject application be tabled pending further consideration by the Council of the Planning Department's report entitled "Proposed New Industrial Zoning Districts: Regulations, Areas and Implications."

Since that time, Council has given the By-laws creating the new industrial zoning districts and the By-laws implementing these districts First, Second and Third Readings.

In the interim, the Planning Department has held discussions with the applicants to determine whether the proposed expansion of the truck manufacturing plant could be accommodated under the proposed new M5 Light Industrial District zoning. The manufacturing and assembly of trucks would not be permitted as a principal use under M5, however, the Department did suggest a number of uses which could be accommodated under the M5 regulations, namely office facilities, storage buildings and employee and customer parking. In response the applicant submitted preliminary plans for the future development of the subject property. These proposals accommodate a number of the permitted uses, however, the principal use of the site would still be the manufacture and assembly of trucks. The actual manufacturing use would take place in a totally enclosed building at a significantly lower elevation than adjacent residential development, however, the Department feels that the proposal would still be in conflict with the aims of the Development Plan for the Winston Street Area to minimize conflicts between residential and industrial land uses. The Department has, therefore, reiterated its earlier recommendation that this application not be approved.

RECOMMENDATION:

THAT the property not be rezoned to M2; and
THAT it be left in the proposed M5 zone; and
THAT the permitted uses in the M5 zone not be changed to include assembly and manufacture of trucks.

THE CORPORATION OF THE DISTRICT OF BURNABY

Council Meeting Agenda
May 25/71
PLANNING DEPARTMENT

May 20, 1971

Rezoning Ref. #17/71

Item #3

SUBJECT: Application for the rezoning of:
The north 283' of Lot "P", D.L. 43, Plan 3227
From Manufacturing District (M1) to
General Industrial District (M2).

ADDRESS: 4242 Phillips Avenue.

LOCATION: The subject property is located on the east
side of Phillips Avenue approximately 360
feet south of its intersection with Winston
Street.

SIZE: The property under application has a frontage
of 283 feet and an area of 5.0 acres.

SERVICES: All Municipal services are available and
adequate for the proposed use.

APPLICANT'S
INTENTIONS: The applicants request rezoning in order that
they may expand their truck manufacturing
business.

SITE
OBSERVATIONS: The subject property is presently occupied
by a truck manufacturing plant, an inter-
city trucking firm depot and a moving and
storage company. The property immediately
to the north is vacant and undeveloped. The
property to the west is developed with an
industrial oxygen manufacturing plant. The
Great Northern Railway bounds the site on the
south. General industrial activities occupy
the properties to the east. These include a
dairy, a pump manufacturing firm and a glass
firm.

GENERAL
OBSERVATIONS: The subject property has split zoning, caused
by recent consolidation of two properties.
The northerly 283 feet (originally a separate
parcel) is zoned Manufacturing District (M1)
while the south portion is zoned General
Industrial District (M2). The applicant
requests that the M2 zoning be extended over
the entire site in order that the existing
truck assembly plant may be expanded.

Earlier this year the Planning Department submitted a Development Plan for the Government Winston Area in response to Council's concern about conflicts between industrial and residential land uses in this area. In particular, Council was interested in the location and functioning of Winston Street and in means by which industrial and residential uses could be made more compatible. The Development Plan which was approved in principle by Council fixes the location of Winston Street, outlines a logical land use plan and subdivision pattern, develops various landscaping and screening measures and proposes a number of Bylaw changes, including the creation of two new zoning districts. Council has accepted the new categories in principle but has asked for a detailed report (which will be available at the May 25, 1971, meeting of Council) on the implementation of the zones and the implications for specific properties and industries.

The applicants proposal is in conflict with the above measures related to the Winston Street area and it is therefore not possible to recommend the extension of the General Industrial zoning northward as it would mitigate against Council's efforts to bring industrial and residential land uses into a more harmonious relationship in this area. It is evident that the proposed use is not appropriate in close proximity to residential areas, and expansion of this use northward would be in opposition to the structure of the Zoning Bylaw which provides for a hierarchy of industrial classifications based on their compatibility with surrounding development.

RECOMMENDATION:

The Planning Department would recommend that this application for M2 zoning not be approved and that at an appropriate time in Council's deliberations on the Winston Street area, the new Light Industrial District Category (M5) be applied to those properties (which includes the subject property) contained in our earlier reports on the Winston Street area and in our detailed report on the M5 category to be presented to the May 25 Council meeting.

GP/bw
Attachments

c.c. Department of Highways

Lawson, Lundell, Lawson & McIntosh
Barristers and Solicitors

JAMES H. LAWSON, O.C. (1955)

OSCAR F. LUNDELL, O.C.
G. BUCHAN MCINTOSH
L. JOHN CREERY
R. J. L. WORTHINGTON
ROBERT J. MAIR
L. M. CANDIDO
DAVID E. GILLANDERS
CHARLES H. MCKEE
LORNE D. PETERSON
H. P. MCLAUGHLIN

DAVID A. LAWSON
HUGH P. LEGG
JOHN M. TENNANT
DAVID J. SMITH
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JOHN O. E. LUNDELL
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April 13th, 1971.

The Mayor and Council,
The Corporation of the
District of Burnaby,
4949 Canada Way,
BURNABY, B. C.

Dear Sirs:

Submission of Freightliner of
Canada Ltd.
- Rezoning Application - That
Portion of Lot "P" of District
Lot 43, Group 1, New Westminster
District, Plan 3227, formerly Lot
20, of District Lot 43, Group 1,
New Westminster District, Plan
3227.
4242 Phillips Avenue, Burnaby 2,
B. C.
Manufacturing District (M1) to
General Industrial District (M2)

We are submitting this report in conjunction with
our client, Freightliner of Canada Ltd.'s ("Freightliner")
application for rezoning of the above property from Manufac-
turing District (M1) to General Industrial District (M2).

This property is located to the south of the Winston
Street Industrial Collector Route in an area that has been the
subject of some controversy and is presently under considera-
tion by Council.

We understand the principal purpose of Council's
consideration is the compatibility of the two major land uses
in the area, that is residential and industrial, with a view to
the possible measures that are to be taken to reduce the inherent
land use conflict in the area and to improve the compatibility
between these two land uses.

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The Mayor and Council.

We further understand that the Planning Department has proposed changes both in the location of the Industrial Zones and the Uses Permitted in these zones.

While our client's requested zoning change is not in keeping with the letter of the changes suggested by the Planning Department and presently before Council we consider that it is in keeping with the principles and intent governing these changes.

Freightliner has been located in Burnaby at its present site for a period of eight years. Its predecessor company, Freightway Terminals Limited, formerly occupied this site for a period of three years using the site as a truck terminal. On the site Freightliner established its assembly plant for White-Freightliner Trucks for the whole of Canada. The trucks assembled at this plant and sold through White Motor Corporation of Canada Limited, White Truck Division in Malton, Ontario. Deliveries of these trucks to Malton, Ontario are handled through the Burnaby Branch of the White Truck Division.

Freightliner had a total work force in Burnaby as of December 31, 1970 of 180 people with a payroll of in excess of \$1,330,000.00. Of these employees 50 reside in Burnaby.

Freightliner's investment in land and equipment in Burnaby is in excess of \$1,100,000 and the Company in 1970 paid property taxes of \$17,816 and Business licence fees of \$3,256.

In 1966 Freightliner purchased Lot 20 for the purpose of allowing the Company to expand its assembly operation at some future date. When Freightliner expanded its operation in May of 1969 it was asked by the Planning Department of Burnaby to consolidate Lot 20 with Lot 21 in order to obtain a building permit. This consolidation created the present Lot "P" of which the five acre portion formerly Lot 20 is zoned M1 and the eight acre portion formerly Lot 21 is zoned M2 and was necessitated by the requirement to move a portion of Chapman Terminal's parking lot on to Lot 20 to make room for the expansion of the assembly facilities on Lot 21. It should be noted that Chapman Terminals which operates a trucking terminal, as distinct from a truck assembly plant, is merely a tenant of Freightliner on a year to year basis and will be required to move when further expansion of the truck manufacturing facilities of Freightliner warrant it.

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Freightliner's existing use of the property is the assembly of trucks. This use is a General Industrial Zone (M2) use. (Subsection 7(a) of Section 402.1 of the Burnaby Zoning By-law). It however is not a use which would become an annoyance or nuisance to the surrounding areas by reason of unsightliness, the emission of odors, liquid effluents, dust, fumes, smoke, vibration, noise or glare, nor will it cause a health, fire or explosion hazard, electrical interference or undue traffic congestion.

The assembly is carried on completely within an enclosed one storey plant, there is little outside storage and it is an industry that does not emit odors, effluents, dust, fumes or smoke. The plant handles only the assembly of the vehicles which are then sold through the White Truck Division of White Motor Corporation of Canada Limited. No repairs or maintenance are presently carried on or propose to be carried on at the plant. Therefore little truck traffic is generated by the Company operating from the site. The present truck traffic as a result of the assembly plant is approximately two trucks a day.

Care should be taken not to confuse the operations and use of the site by Freightliner, which is solely the assembly of trucks with that of Chapman Terminals, a truck terminal which is presently operating from a portion of the site under a year to year lease arrangement with Freightliner. When Freightliner requires this area for expansion Chapman Terminals will be required to locate elsewhere.

Freightliner plans to expand its facilities in Canada and Lot 20 was purchased for this purpose. The Company fully recognizes the Municipality's concern for the amenities of the area and Freightliner is prepared to proceed with its expansion in conjunction with the Municipal Planning Department making every effort to locate the office and employee parking areas on Lot 20. A portion of Lot 20 however will be required for the assembly plant and accordingly M2 zoning is needed. The topography of the site is such that proper development of the site would involve cutting away the bank on the northerly part of Lot 20 which would have the effect of lowering the level of the buildings on the site so that they would be screened by a natural tree break therefore causing little effect to the amenities of the area.

Freightliner's present office area is attractively landscaped and the Company intends to landscape its revised office area at the time it is constructed.

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LAWSON, LUNDELL, LAWSON & McINTOSH

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In addition it should be noted that there is a further five acre portion of land together with a triangular portion of land at the south east corner of Winston Street and Phillips Avenue which the Planning Department recommends be rezoned to M1 separating Lot 20 from the Winston Street Industrial Collector Route.

In summary we consider Freightliner's proposed use of the property is in keeping with the intent of the development of the area. It is a use while contained in the M2 category that would not give rise to many of the annoyances and nuisances normally associated with that zoning category. Freightliner is prepared in its expansions to more than exceed the Bulk Regulations with respect to landscaping set out in the report of the Planning Department to the Municipality dated January 29, 1971. Even with this requested zoning change there would still be an ample M1 area between Lot 20 and the Winston Street Industrial Collector Route. Freightliner is an important corporate citizen of Burnaby plans to live up to its responsibilities as such and hopes to expand. Lot 20 is crucial to such expansion and M2 zoning is required.

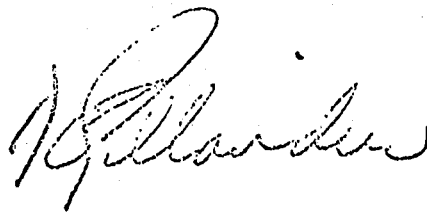
For the foregoing reasons we would be pleased if you would give favourable consideration to Freightliner's application to rezone Lot 20 from M1 to M2.

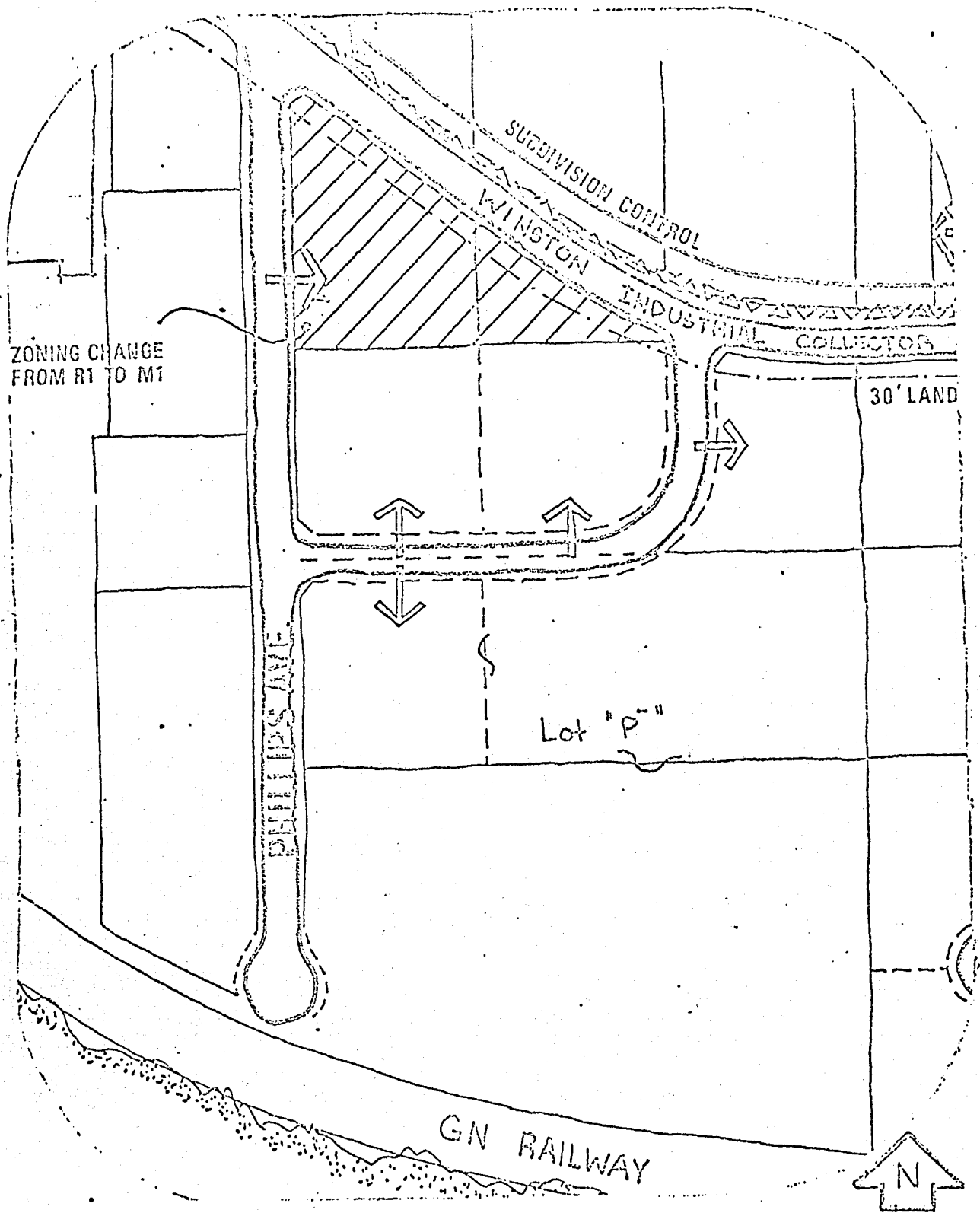
If we can be of further assistance do not hesitate to contact the writer or Mr. P. N. Howard of this office.

Respectfully Submitted,

LAWSON, LUNDELL, LAWSON & McINTOSH

Per:





PLANNING DEPARTMENT	CORPORATION OF THE DISTRICT OF BURNABY
SCALE 1:200	WINSTON DEVELOPMENT PLAN
DRAWN C.P.	REZONING REFERENCE 17/71
DATE MAY 71	