

ITEM 13
MANAGER'S REPORT NO. 66
COUNCIL MEETING Oct. 16/72

13. Proposed Warehouse Sales Facility Regulations
Amendment to Zoning By-Law
(Item 2, Report No. 58, September 18, 1972)

A report on the above subject, a copy of which is attached, appeared on the agenda of the September 18, 1972 Council meeting. The Council referred the report to the Advisory Planning Commission for review. However, the October meeting of the Commission, at which this subject was to be considered, has been cancelled.

A number of proposed developments are being held in abeyance pending a decision on this matter. In order to avoid further undue delay, it is recommended that Council approve the Zoning By-law amendment proposals of this report to be included in a Public Hearing at 6:45 p.m. On October 30, 1972. Final consideration could then await the receipt of the Commission's comments by the Council.

RECOMMENDATION:

THAT the Zoning By-law amendment proposals in the attached report be included in a Public Hearing at 6:45 p.m. on October 30, 1972.

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MANAGER'S REPORT NO. 66

COUNCIL MEETING Oct. 16/72

PLANNING DEPARTMENT
11 SEPTEMBER, 1972
Our File: #700.1, 02.240.

RE: THE REGULATING OF WAREHOUSE SALES FACILITIES

A. BACKGROUND

During Council's consideration of the report, "Proposed Warehouse Sales Facility" on 31 July, 1972, it was suggested that the objectives put forward for controlling this type of development might be achieved through the land use contract provisions of the Municipal Act. A report on the feasibility of employing such an approach was requested from this department.

B. LAND USE CONTRACTS

Section 702A of the Municipal Act provides the authority for Council to designate land within an existing zoning district as a development area. Under this legislation, the Council may, upon the application of an owner of land within the development area, enter into a land use contract containing such terms and conditions as are mutually agreed upon. Thereafter, the use and development of the land must be in accordance with the provisions of the land use contract.

The section also specifies that such a contract will have the force and effect of a restrictive covenant running with the land and be registered in the Land Registry Office by the Municipality. A further provision makes mandatory the holding of a public hearing prior to entering into a land use contract.

C. PLANNING CONSIDERATIONS

This department is not opposed to the use of land use contracts in special circumstances, but would not recommend their widespread use as a means of developing land in the Municipality since they would supersede the Zoning By-law regulations, and could result in a lowering of development standards and encouragement of "spot zoning". This is also new legislation, which is relatively untested, and we are uncertain at this time of all of its possible ramifications. Further, the Zoning By-law, in our opinion, provides adequately for almost all types of development.

However, there is no provision under the existing Zoning By-law regulations, for the development of a "dual-use" such as the warehouse sales facility in either commercial or industrial districts. There are a number of warehousing establishments in some of the neighbouring municipalities, particularly Vancouver, which, in addition to their storage and warehouse function, also provide facilities for the retail sale of commodities to the public. Many of these are associated with major department store outlets. The items offered for sale generally include furniture, floor coverings, household appliances, etc., although this type of operation also occurs in the case of firms engaged in the storage and sale of heating and plumbing equipment, automotive parts and accessories, and building materials.

There have been recent enquiries from developers concerning the possibility of locating major warehouse sales facilities in Burnaby. Similar enquiries have been received from firms wishing to establish smaller combined retail sale and warehouse outlets, particularly those engaged in the handling of tires and related automotive parts and accessories.

Most warehouse sales facilities feature the internal display of the commodities offered for sale, as opposed to the external advertising which characterizes retail stores and other similar commercial enterprises. The amount of floor area devoted to warehousing is also generally considerably greater than that occupied by the retail function. In other respects, the appearance and general character of warehouse sales facilities has a close similarity to industrial type usage rather than commercial.

The introduction of regulations into the Zoning By-law that would take account of these characteristics and designate the retail sales function as a secondary or accessory part of the warehouse sales operation would, in our opinion, provide the best means of giving non-discretionary recognition to a form of development which has already become established in the Lower Mainland, and would also permit the dual use, irrespective of size of establishment, (a shortcoming of our earlier report).

Such an approach would permit the addition of this type of use to almost all of the industrial categories, since it would remove the danger of the industrially zoned sections of the Municipality becoming "commercialized" and prevent the external display and advertising of commodities which characterize commercial areas.

The implementation of this proposal would involve the amendment of the "accessory buildings and uses" clauses (which already permit the retail sale of goods produced on the premises) to include the retail sale of goods stored on the premises. It is also desirable that the retail area be made subject to commercial type parking standards in order to properly accommodate the increased traffic that could be attracted to this type of facility.

D. RECOMMENDATIONS

It is recommended that the Council approve in principle, and forward to a Public Hearing, the following proposed Zoning By-law text amendments:

- (1) The deletion of the existing "accessory buildings and uses" clauses from the Uses Permitted sections of the M1 (Clause (15), Section 401.1), M2 (Clause (12), Section 402.1), M3 (Clause 16, Section 403.1), M4 (Clause (13), Section 404.1), and M5 Districts (Clause (14), Section 405.1).

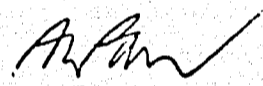
- (2) The replacement of these clauses in the above noted zoning districts by the following:

"Accessory buildings and uses, including the internal display, internal storage and internal retail sale of goods produced or stored on the premises".

- (3) The addition of the following to Clause (24) of Section 800.4 (Required off-street Parking Spaces):

"plus -
1 for each 500 square feet of floor area used for internal display or internal retail sales purposes".

Respectfully submitted,


A. L. Parr
DIRECTOR OF PLANNING

RBC:ea

- c.c. Chief Building Inspector
- Chief Licence Inspector
- Municipal Clerk
- Municipal Solicitor
- Senior Planner