

Re: Letter dated March 12, 1974 from Mr. F. Silveri
Custom Blacktop Co.
4886 Juneau Street, Burnaby

Appearing on the Agenda for the April 1, 1974 meeting of Council is a request from Mr. F. Silveri for an extension of time which he indicates is needed to resolve a zoning problem, or alternatively, to relocate his business to another location (the property in question is shown on the attached sketch). Following is a report from the Director of Planning on this matter.

RECOMMENDATION:

THAT the correspondent's request for a time extension for the illegal use not be granted, and that the correspondent be directed to bring the use of the property into conformity with the zoning bylaw.

PLANNING DEPARTMENT
MARCH 27, 1974

MR. M. J. SHELLEY,
MUNICIPAL MANAGER.

Dear Sir:

1.0 SUBJECT:

On 1 April, 1974, Council will consider a letter from Action Holdings Ltd. (Custom Blacktop Co.) dated 12 March, 1974, regarding the use of the property at 2812 Douglas Road (D.L. 74, Block 14, Parcel "B", Ref. Plan 6223, Plan 2603). The Municipal Clerk has requested that the Planning Department submit a report on this matter to be placed before Council in conjunction with the subject letter.

2.0 BACKGROUND:

The subject parcel is currently zoned Neighbourhood Commercial District (C1), a zoning district which does not accommodate the use to which the property has been put by Custom Blacktop Company.

Council will recall that this property, in conjunction with Lots 1,2,3, and "A" on the south, has been the subject of an application for rezoning (R.Z. #20/73) for quite some time. The following have been the major actions to date on the rezoning in relation to the points raised in the correspondent's letter.

2.1 Mid-March, 1973 - application was made on behalf of the then owners of Lots 1,2,3, "A" and Parcel "B" (the subject lot) by Ms. M. A. Ferguson (Kenyon Estates Real Estate Ltd.).

2.2 Mid-March, 1973 - the application was first placed before Council, and prerequisites were established among which were the consolidation of the properties into one legal lot without access from Douglas Road.

- 2.3 June, 1973 - Public Hearing and First and Second Readings were given the rezoning.
- 2.4 30 August, 1973 - Upon direction by Council, the Planning Department submitted a report on the topic of creating two industrial development sites from the area covered by R.Z. #20/73. It was stated that the geometry of the block, the difficulty of alternate access other than from Douglas Road, and the traffic problems associated with the Douglas Road/Regent Street intersection and the Freeway overpass, mediated against a multi-site redevelopment of the block (refer to noted portion of the 30 August report, attached). On the basis of these arguments, Council reaffirmed the prerequisite requirement of consolidating the lots into one site.
- 2.5 January/February, 1974 - Because the agent, Ms. Ferguson, had withdrawn the application in early January and then had reactivated it again in early February, 1974, she was requested to have herself reappointed as agent for the property owners involved (it was known that the subject parcel had changed hands). Soon thereafter, the required appointment of agent was submitted by Ms. Ferguson for Parcel "B" from the owners Action Holdings (Custom Blacktop Co.).

3.0 DISCUSSION:


As above discussed, the use instituted by Custom Blacktop cannot be accommodated on Parcel "B" under existing zoning. If the use is to remain, it requires its site to be rezoned. On the other hand, Council has on two occasions expressed that rezoning should only be undertaken on the basis of creating one industrial development site without access to Douglas Road (thereby not further frustrating the traffic conditions in the area). The correspondent, as stated in his letter, was aware at the time of purchase that the property was in the process of being rezoned to the industrial category (M1) but that that rezoning was not completed at that time. Moreover, the events and discussions that have been undertaken on R.Z. #20/73 and the prerequisites established by Council for the rezoning are and have always been a matter of the public record.

Consequently, it is felt that a continuation of the non-conforming use that has been instituted on the subject site by Custom Blacktop Co. will constitute a contravention of Council's prerequisite that one large consolidated site be created under R.Z. #20/73, that it will create a locking-in of the lots to the south because of Council's direction against Douglas Road access, that a two-site development configuration with access from Douglas Road would be the only available alternative, and that this situation could only frustrate the troublesome traffic conditions already existing in this area. Moreover, the necessary improvement of Norland Avenue that was to be part and parcel of R.Z. #20/73 would be delayed for some period of years.

4.0 RECOMMENDATION:

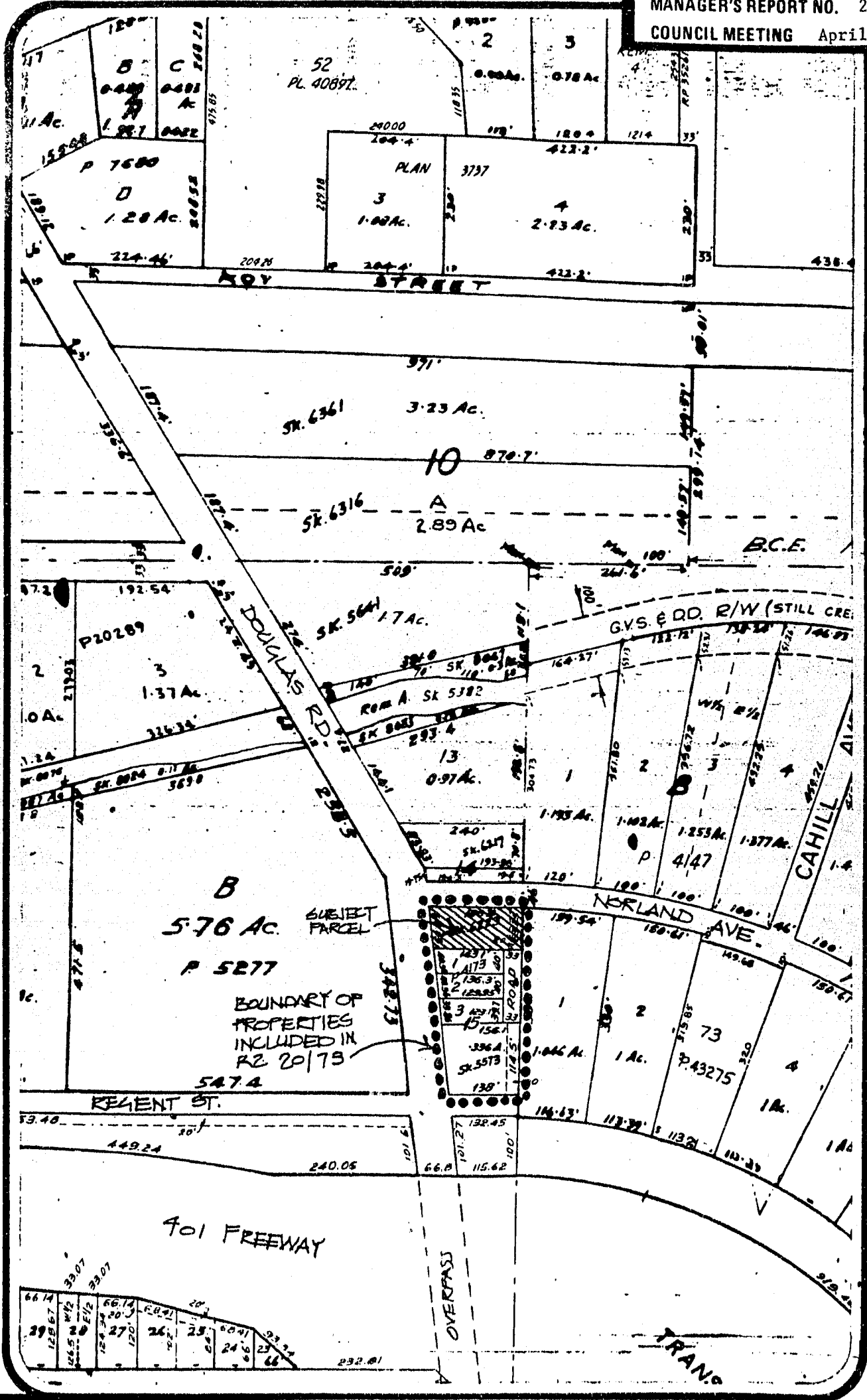
It is recommended that the correspondents' request for a time extension for the illegal use not be granted, and that the correspondent be directed to bring the use of the property into conformity with the zoning bylaw.

Respectfully submitted,


A. L. Parr,
DIRECTOR OF PLANNING.


LBB:bp
Attach.

ITEM 10
 MANAGER'S REPORT NO. 25
 COUNCIL MEETING April 1/74



SCALE	1" = 200'
DRAWN	lbb
DATE	MARCH '74



BURNABY PLANNING DEPARTMENT
 SKETCH # 1



ITEM 10

MANAGER'S REPORT NO. 25

COUNCIL MEETING April 1/74

X Re: Rezoning Reference #20/73
(a) Pcl. "B", Ref. Plan 6223, Blk. 14, D.L. 74, Plan 2603
(b) Lots 1, 2 and 3, Blk. 15, D.L. 74N $\frac{1}{2}$, Plan 4173
(c) Lot "A", Sk. 5573, Blk. 15, S.Part, D.L. 74N $\frac{1}{2}$, Plan 2603
(Item 5, Manager's Report No. 64, August 27, 1973)

COUNCIL MEETING Sept. 17/73

Council, at its meeting of August 27, 1973 received the above-noted Report and tabled further consideration pending receipt of the Planning Director's opinions on the matter of consolidating the subject properties and re-subdividing them into two sites rather than the one site as recommended with the above-noted Report.

Council is advised that the Deputy Municipal Clerk has received a letter dated August 27, 1973 from Miss S.R. Bowie, 2878 Douglas Road indicating that she is opposed to rezoning of the subject properties from Neighbourhood Commercial District (C1) to General Industrial District (M2) if the lots are to be consolidated into one site. Miss Bowie's concern is in possible loss of access to Douglas Road from her property should consolidation take place as presently proposed.

Following is the report dated August 30, 1973 from the Planning Director.

RECOMMENDATIONS:

THAT the recommendations as contained within the report of the Planning Director be approved; and
THAT a copy of this report be provided to Miss S.R. Bowie.

PLANNING DEPARTMENT
AUGUST 30, 1973

MR. M. J. SHELLEY,
MUNICIPAL MANAGER.

Dear Sir:

RE: REZONING REFERENCE #20/73
(a) PCL. "B", REF. PLAN 6223,
BLK. 14, D.L. 74, PLAN 2603
(b) LOTS 1, 2 AND 3, BLK. 15,
D.L. 74 N 1/2, PLAN 4173
(c) LOT "A", SK. 5573, BLK. 15
S. PART, D.L. 74 N 1/2, Plan 2603

BACKGROUND:

Council on August 27 tabled a Planning Department report requesting the establishment of a fifth prerequisite condition in connection with the captioned rezoning application, pending the presentation of a report on the topic of creating two parcels for development, rather than one. The properties are located on the east side of Douglas Road south of Norland Avenue, and rezoning from the C1 category to the M2 General Industrial District is being requested.

DISCUSSION:

During the preliminary examination of the request for rezoning, prior to the first report to Council, the matters of access and manoeuvring with respect to commercial vehicles using the proposed development site were considered in some detail. The properties are located immediately north of the Trans-Canada Highway overpass and in the vicinity of an intersection where serious manoeuvring, congestion, and vision difficulties have been experienced over the years, the intersection of Douglas and Regent. Because of the potential problems resulting from the introduction of further commercial-vehicle turning movements at this location, it was recommended that access to the site be granted only from Norland Avenue, and that neither Douglas nor the substandard street end of Regent Street be utilized for direct access.



This condition, in combination with the geometric shape of the site for rezoning, suggested that a single parcel be created by consolidation of the various properties represented in the rezoning application, and by cancellation and incorporation of an isolated portion of redundant road allowance. The single parcel would have an area of 41,505 square feet, which is reasonable in an industrial area where the majority of sites are one acre or larger, and which tends to be an attractive area figure for warehouse development.

To permit the creation of two or more M2 development sites within the area to be rezoned would require the establishment of either one of two conditions:

- (a) accept direct vehicular access from Douglas to one or more sites or from the substandard portion of the Regent Street end, a proposition which neither the Planning Department nor the Engineering Department can support, or
- (b) require the creation of an industrial cul-de-sac for vehicular access to the southerly site(s) from Norland Avenue. Clearly, this would be an unattractive alternative due to the dedication of land required to create such an access to normal industrial standards.

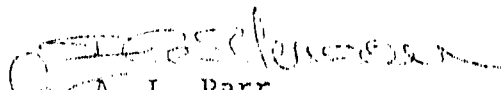
It is considered that the alternatives to the creation of a single site are neither desirable nor viable, from a planning, traffic, and site utilization point of view, and that a single site would be best suited to the warehouse development being proposed.

RECOMMENDATION:

It is recommended that:

1. Council reaffirm the present conditions requiring the creation of a single site by consolidation, with vehicular access to be only from Norland Avenue, and
2. Council approve the recommendation advanced under Item #5, Manager's Report #64, dated August 27, approving a further condition for a ten-foot widening of Norland Avenue.

Respectfully submitted,


A. L. Parr,
DIRECTOR OF PLANNING.

DGG:bp