

ITEM	5
MANAGER'S REPORT NO.	29
COUNCIL MEETING	May 3/76

Re: LETTER FROM PETITIONERS THAT APPEARED ON THE AGENDA FOR THE APRIL 20, 1976
MEETING OF COUNCIL (ITEM 41)
COMPLAINT REGARDING BUTTERWORTH'S MOVING AND STORAGE LTD.

Council, on April 20, 1976, received a petition containing a number of complaints about Butterworth's Moving and Storage Limited. Following is a joint report on this matter from the Director of Planning and the Chief Licence Inspector. Attached is a further report from the Chief Public Health Inspector.

RECOMMENDATION:

1. THAT a copy of this report be sent to those residents of the 7000 block Hillview Street who signed the petition dated April 9, 1976, and to Butterworth's Moving and Storage Limited, 6994 Greenwood Street.

* * * *

PLANNING DEPARTMENT
APRIL 28, 1976

TO: MUNICIPAL MANAGER
FROM: DIRECTOR OF PLANNING AND
CHIEF LICENCE INSPECTOR
SUBJECT: BUTTERWORTH'S MOVING & STORAGE LTD.
6994 GREENWOOD STREET, BURNABY

At the meeting of April 20, 1976 Council received a petition from residents of the 7000 block Hillview Street, Burnaby, referring to the outside parking of trucks and equipment, the storage of containers, and the noise and fumes associated with the activity being conducted at 6994 Greenwood Street.

This report deals with the parking of trucks and equipment and storage of containers. The Chief Public Health Inspector will report on the matter of noise and fumes.

Butterworth's Moving and Storage Ltd., engage in the moving and warehousing of household furniture and personal effects. In connection with their business they operate nine trucks, four single unit vans, four truck and trailer vans and one low-bed type truck-trailer. The single unit vans make daily collections and deliveries at the warehouse and move customers' goods direct from point to point throughout the Lower Mainland area. The tractor-trailer vans make collections and deliveries at the warehouse intermittently when they are in town. Out-of-town and inter-provincial trips last from several days to several weeks. The low-bed tractor-trailer is a unit designed for the transportation of specialized moving containers and makes collections and deliveries at the warehouse as required. A diesel powered fork-lift is used for the handling of goods within the warehouse and for the handling of containers. Additionally, other cartage companies and affiliated out-of-town haulers make collections and deliveries at the warehouse.

The company submitted application for a business licence to operate a warehouse at 6994 Greenwood Street on October 22, 1975. Between 1964 and that date, they had operated their warehouse from 2040 Alpha Avenue, Burnaby. The applicant was advised to submit application for Preliminary Plan Approval for their new location to the Planning Department.

Because the moving and storage business as proposed by Butterworth's combined the operation of a trucking facility with the operation of a warehouse, both as primary components of the business service, and as the former activity is not permitted as a principal use in the M5 Light Industrial District, the applicant was informed that his application could not be approved at 6994 Greenwood Street. The aspect of the Company's total operations relating to the dispatching of trucks, and the pick-up, transporting, and delivery of goods to and from other locations, constitutes a Cartage, Delivery, and Express facility or a truck terminal under the definitions contained in the Zoning By-law, depending on the vehicle size, and such operations are restricted to the M1/M2/M4 and M3/M6 Districts, respectively.

Upon discussion with the applicant, however, it was learned that he had already made lease commitments and occupied the premises at 6994 Greenwood on the basis of his application for a licence, and that he was prepared to limit the Company's activities at this site to strictly a storage building/warehousing/packing and crating facility, qualifying under Section 405.1(12) of the Zoning By-law, and would conduct the trucking dispatch, and vehicle parking functions from another site, in the M6 zone.

On this basis, Butterworth's Moving and Storage made a Preliminary Plan Approval Application for use of the property at 6994 Greenwood Street for storage purposes.

Upon receipt of satisfactory documentation to ensure that the trucking dispatch activities would not be conducted from this site, but rather from an M6 location, and the incorporation of necessary conditions to meet M5 regulations, Preliminary Plan Approval was granted on January 16, 1976. The attached letters of commitment dated October 31, 1975 and January 7, 1976 were made part of the Approval, and the following additional notes were appended as conditions:

1. No trucking dispatch activities to be conducted on or from this site.
2. No outside yard storage of goods or containers permitted. All storage to be conducted in a completely enclosed building.

The applicant took steps to comply with these terms, in arranging for the truck parking and dispatch functions to be conducted elsewhere to ensure that visiting out-of-town units as well as his own units would not be present on the Greenwood Street site except for the purpose on each given occasion of introducing goods to, or removing goods from, the warehouse. As in most warehousing applications, the temporary overnight or over-weekend parking of vehicles using the warehouse is to be expected from time to time, but this is to occur only in conjunction with the pickup from, or delivery of goods to the warehouse by that unit on the immediately previous or succeeding working day. In any event, the longer-term outdoor storage of vehicles or containers at this location is strictly prohibited.

Periodic inspections have been carried out by Licence and Planning Department staff, both to ascertain that the terms of Preliminary Plan Approval were being observed, and in response to objections from residents of the nearby residential area. On these occasions, it was apparent that in general, the management was attempting to observe the conditions of occupancy; wherever infractions were

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observed, they were brought to the attention of the operators and assurances received that the situations would be corrected. The information lists furnished by residents outlining outside storage activities during January and February were checked out and the reported violations were discussed with Company management; satisfactory explanations were provided in some instances, while in other cases the objections were valid and agreement was reached to correct improper practices, and in still others, the reports were inconclusive.

On the basis of the new information offered by the petitioners however, it has become evident that the Company is continuing to allow some vehicles and containers to remain outside the building in an open storage situation for extended periods, contrary to the terms of occupancy and to the expressed agreement received from the Company's management when this type of violation was last brought to their attention. Hence, while the general mode of operation is legitimately classed as warehousing, a permitted use in this district, the practice of allowing certain truck units and the containers themselves to remain on the site, outdoors, for extended periods, violates the provisions of M5 use, and cannot be permitted to continue.

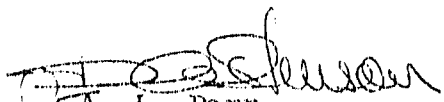
It must be recognized by all concerned that the property in question is in fact industrially zoned, and that as a normal part of the day-to-day use of a permitted warehouse operation and other uses permitted in the M5 Zone, there will be truck movement to and from the facility. Moreover, the operation of equipment such as the forklift unit is a common and necessary part of such industrial installations. In the present instance, we are satisfied that the truck terminal dispatch aspect of the Company's total operation has been restricted to another, conforming location by the terms of the Preliminary Plan Approval, and that the valid objections that are now being raised have to do with non-observance of conditions of use relating to outdoor storage of vehicles and container units in the M5 zone.

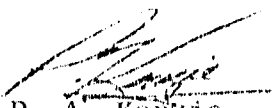
The business licence applied for by the Company has been withheld pending final clearance by other departments and compliance with the conditions of Preliminary Plan Approval. The Licence Inspector will proceed to take the appropriate steps to have the unlawful outside storage use discontinued and to ensure that the conditions of occupancy of the Preliminary Plan Approval obtained by Butterworth's Moving and Storage Limited are observed prior to issuance of the Business Licence; if compliance cannot be achieved in this way, then legal action may be necessary.


This is for the information of Council.

RECOMMENDATION

It is recommended THAT a copy of this report be directed to those residents of the 7000 block Hillview Street who signed the petition dated April 9, 1976, and to Butterworth's Moving and Storage Limited, 6994 Greenwood Street.


A. L. Parr,
DIRECTOR OF PLANNING.


P. A. Kenzie,
CHIEF LICENCE INSPECTOR


DGS: PAK:cm
Attach.
c.c. Municipal Treasurer
Chief Public Health Inspector

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LOCAL AND LONG DISTANCE MOVING
Butterworth's
CRATING · SHIPPING · PACKING · STORAGE

MOVING & STORAGE LTD.

2040 ALPHA AVENUE, BURNABY, B.C. V5C 5K7
PHONES 299-7488 OR 298-8222
TELEX - 043-54527

October 31, 1975

OKANAGAN
KOOTENAY
CARIBOO
VANCOUVER IS.
U.S.A.
ALL POINTS EAST
OVERSEAS

Corp. of the Municipality
of Burnaby,
Burnaby, B. C.

Attention: Mr. D. Stenson
Planning Dept.

Dear Sirs:

Re: Transfer of location for business licence
for Butterworth's Moving & Storage from 2040
Alpha Ave. to 6994 Greenwood St., Burnaby, B.C.

Enclosed please find the site and building drawings
required to support our application.

Below please find a listed resume of the activities
we intend to carry on in conjunction with the operation of our
business at this address:

- 1) Storage of household goods and personal effects,
- 2) The pickup and receiving of household goods and
personal effects for storage at this address,
- 3) The delivery of household goods and personal
effects from above,
- 4) The receiving of containered goods from overseas
shipments for storage at the above.

We trust this will meet with your approval.

Yours very truly,

BUTTERWORTH'S MOVING & STORAGE

B. K. Reynolds, General Manager.

BKR/PL
Encls.

MOVING WITH CARE EVERYWHERE

"ACROSS THE CITY

ACROSS THE COUNTRY"

MEMBER C.W.A., A.T.A., C.G.W.A., F.I.D.I., C.E.T.I.

UNITED VAN LINES (CANADA) LTD.

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2479
C. H. B.

LOCAL AND LONG DISTANCE MOVING
Butterworth's
 CRATING · SHIPPING · PACKING · STORAGE

MOVING & STORAGE LTD.

2040 ALPHA AVENUE, BURNABY, B.C. V5C 5K7
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OKANAGAN
 KOOTENAY
 CARIBOO
 VANCOUVER IS.
 U.S.A.
 ALL POINTS EAST
 OVERSEAS

January 7, 1976.

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The Corporation of the District
 of Burnaby,
 Municipal Hall,
 4949 Canada Way,
 Burnaby, B.C. V5G 1M2

ATTENTION: Mr. A. L. Parr
 Director of Planning

Dear Sir:

Re: Preliminary Plan Approval 3479
6994 Greenwood Street

Further to your letter of December 16, my letter of December 17, and your letter of December 22, 1975.

This will advise you that the dispatch and employee services related to our business, and when not in conjunction with the removal of goods to or from the above address, will be carried out from the M6 Zoned Area on Norland Street, Burnaby.

We trust that this addendum to the contents of our letter of December 17 will meet with your approval and that you will now be in a position to complete our Application.

Yours very truly,
 BUTTERWORTH'S MOVING & STORAGE

B. K. Reynolds
 B. K. REYNOLDS,
 General Manager.

BKR/jfb

BURNABY PLANNING DEPARTMENT
 SHEET

OF 4

ACROSS THE COUNTRY

ACROSS THE CITY

16 Jan 76

P.P.A.

NOTE: NO TRUCKING DISPATCH ACTIVITIES TO BE CONDUCTED ON OR FROM THIS SITE.

NO OUTSIDE YARD STORAGE OF GOODS OR CONTAINERS PERMITTED - ALL STORAGE TO BE CONDUCTED IN A COMPLETELY ENCLOSED BUILDING.

April 22, 1976.

Mr. M.J. Shelley
Municipal Manager
Corporation of Burnaby

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Dear Sir:

Re: LETTER OF COMPLAINT
BUTTERWORTH'S MOVING AND STORAGE LIMITED
6994 GREENWOOD STREET, BURNABY

Further to the letter of complaint, as received from residents of the 7000 Block Hillview Street, relating to the above-noted premises, we would submit the following report.

Three noise complaints have been received by this Department since January 2nd, 1976. The complaints were as follows:

- (1) Complaint No. 31-100 dated January 2nd, 1976, from Mr. Murdoch, 7016 Hillview Street. Mr. Murdoch complained of the broadcasting of music over a yard paging system.

The complaint was investigated and a discussion held with Mr. Barry Reynolds, Company Manager, who stated that this activity would cease.

- (2) Complaint No. 31-371 dated March 3rd, 1976, from Mr. Weddell, 7017 Hillview Street. Mr. Weddell complained of the movement of large trucks within the yard during night and early morning hours.

The complaint was investigated and Mr. Barry Reynolds was advised of the requirements of the Burnaby Noise or Sound Abatement By-law 1972, #6052, with the request that his company operation comply with these requirements.

- (3) Complaint No. 31-425 dated March 17th, 1976, from Mrs. Hayes, 7006 Hillview Street. Mrs. Hayes complained of the pick-up of a bulk garbage container at 11 p.m.

The complaint was discussed with Mr. Barry Reynolds, who stated that he was not aware of this practise, but would contact the garbage contractor and request a more suitable time of removal.

In the course of investigating these three complaints, mention was made by the complainants of a noisy diesel forklift. This subject was discussed with Mr. Barry Reynolds with emphasis on the fact that this machine was not to be left idling for lengthy periods of time when not engaged in actual work.

We were of the opinion that the level of noise emission from this operation had diminished, however, in view of the petition we have scheduled this operation for noise survey in the near future.

This is for the information of Council.

Respectfully submitted,

GHA/pm


G.H. Armon, C.P.H.I. (C)
CHIEF PUBLIC HEALTH INSPECTOR

c.c. Director of Planning
Chief Licence Inspector