

RE: LETTER FROM MR. HERBERT R. KARRAS
5459 CHAFFEY AVENUE, BURNABY, B.C. V5H 2S1
SUBDIVISION REFERENCE #82/79 - SHELBY COURT

ITEM	19
MANAGER'S REPORT NO.	85
COUNCIL MEETING	1979 12 17

Appearing on the agenda for the 1979 December 17 meeting of Council is a letter from Mr. Herbert R. Karras regarding the requirement for a lane as a condition of approval for subdivision.

Due to the lack of a lane system in this general area, and the location of existing development, the initial tentative discussions on this subdivision made no reference to the need for a lane on the assumption that in due course a complete lane system if required would be installed through municipal acquisition and development.

However, upon representation from the Municipal Engineer that notwithstanding the situation in the surrounding area current subdivisions should be required to dedicate and construct their portion of the needed lane system, the Approving Officer changed his initial stance, and made provision through the requirement of a restrictive covenant to protect the future lane system, in order to ensure that the Municipality, when it came time to acquire the right-of-way and build the lane, would not be faced with the additional cost of acquiring new buildings.

The question before Council therefore is whether or not a lane is required now or in the future. If required now, the land should be dedicated and the lane constructed as part of the subdivision. If required in the future, the right-of-way should be protected by a restrictive covenant.

The only way that these two alternatives can both be deleted is if Council decides that a lane is not required either now or in the future. Such a policy decision would provide the necessary guidance to the Approving Officer.

The Municipal Manager concurs with the general feelings of the Municipal Engineer as expressed in his attached report relative to a provision for lanes on properties that are adjacent to major arterials. Decisions on such matters are, in accordance with the Municipal Act, within the authority of the Approving Officer to make, although Council can establish a policy on provision of lanes by which the Approving Officer would be guided. Under these circumstances, the Municipal Manager is prepared to recommend that the restrictive covenant be required for possible future provision of a lane.

RECOMMENDATION:

1. THAT a future lane be required in this subdivision and that the requirement for this lane be protected with a restrictive covenant.

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TO: MUNICIPAL MANAGER

79 12 13

FROM: MUNICIPAL ENGINEER

SUBJECT: SUBDIVISION REFERENCE NO. 82/79 - SHELBY COURT
(KARRAS/PENNER)

RECOMMENDATION:

1. THAT this report be received for information purposes.

REPORT

The Engineering Department had requested the Approving Officer to require, as a condition of subdivision, to provide all lanes in the subdivision for the following reasons:

1. To provide the properties fronting on Canada Way with an alternative primary access to the use of Canada Way in order, in the long run, to avoid the type of problems we are experiencing on other parts of Canada Way. (The problem of course is not confined to Canada Way only but such a requirement should be standard policy on all urban arterials such as Canada Way.)
2. To provide all properties in the subdivision with access to the rear of the lots. It has always been the contention of the Engineering Department that all "normal" sized lots would benefit greatly from having rear access mainly for the provision of an alternative to the parking of boats, trailers, campers, and the like in front driveways, front yards, and street boulevards.

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The Approving Officer had developed the concept of a restrictive covenant requirement as an alternative to the dedication and construction of lanes within the proposed subdivision. The Engineering Department believes that the dedication and construction of the lane is viable and does not consider the restrictive covenant to be an acceptable alternative to a constructed lane.

Although it is realized that the portion of Canada Way fronting on this proposed subdivision does not have the volumes of traffic that exist on the portion of Canada Way east of Kensington Avenue, it was nonetheless considered advisable to request that lane construction be required because of inevitable growth of traffic volumes and also because of the frustration presently being experienced with property owners near Hazzard Street and Canada Way which results from the lack of having provided lanes for those particular properties.

This is for the information of Council.


MUNICIPAL ENGINEER

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