

ITEM	12
MANAGER'S REPORT NO.	1
COUNCIL MEETING	1980 01 07

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

RECOMMENDATIONS:

1. THAT a future lane be required in this subdivision and that the requirement for this lane be protected with a restrictive covenant; and
2. THAT a copy of this report be sent to Mr. Herbert R. Karras, 5459 Chaffey Avenue, Burnaby, B.C. V5H 2S1

REPORT

Appearing on the agenda for the 1980 January 07 meeting of Council is a letter from Mr. Herbert R. Karras regarding the requirement for a lane as a condition of approval for subdivision. The following excerpt from the minutes explains the action that was taken when this same letter came forward for consideration by Council at the last meeting on 1979 December 17:

"His Worship, Mayor Mercier, advised Council that Mr. Herbert R. Karras wished to withdraw as a delegation this evening.

MOVED AND SECONDED

THAT Mr. Herbert H. Karras be authorized to withdraw as a delegation this evening.

CARRIED UNANIMOUSLY"

Council on December 17 neither received nor took any action on a related report from staff (Item 19, Report No. 85, a copy of which is attached).

The Municipal Engineer has advised that the comments contained in Item 19, Report No. 85 reflects his current thoughts on the matter, and that he has nothing further to add at this time. It is therefore appropriate for the recommendation in that report to be brought forward again for Council's consideration.

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ITEM 12
MANAGER'S REPORT NO. 1
COUNCIL MEETING 1979 01 07

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

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

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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 not only for the provision of an alternative

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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

EEO/ch

