

RE: LETTER FROM MR. STAN FLOYD, MCPHERSON CONVENTION CENTRE LIMITED,
7325 MACPHERSON AVENUE, BURNABY, B.C., V5J 4N8
ZONING BYLAW TEXT AMENDMENT/REZONING REQUEST

MUNICIPAL MANAGER'S RECOMMENDATION

1. THAT the recommendations of the Director Planning & Building Inspection be adopted.

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MANAGER'S REPORT NO.	62
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TO: MUNICIPAL MANAGER PLANNING DEPARTMENT
FROM: DIRECTOR PLANNING & BUILDING INSPECTION 1981 DECEMBER 09
SUBJECT: ZONING BYLAW TEXT AMENDMENT/REZONING REQUEST
7325 MACPHERSON AVENUE

RECOMMENDATIONS:

1. THAT Council not give favourable consideration to the proposed Zoning Bylaw Text Amendment to permit the combination of P2 and M5 uses in the Comprehensive Development (CD) Zoning District.
2. THAT a copy of this report be sent to the delegation, Mr. Stan D. Floyd, 7325 MacPherson Avenue, Burnaby, B.C., V5J 4N8.

SUMMARY:

The Planning Department considers that the text amendment as requested by the delegation is inconsistent with the intent of the Burnaby Zoning Bylaw since it would permit the inappropriate combining of industrial with institutional uses and pre-empt the Municipality's important industrial land inventory. In addition, the Zoning Bylaw is intended to be applied on a Municipal-wide basis rather than for a specific or unusual purpose as proposed. Furthermore, text amendments of this nature will involve considerable expense for the Municipality and should be made only for the purposes of accomplishing a Municipal objective. Notwithstanding the foregoing negative recommendation, the Planning Department is prepared to continue working with the delegation towards meeting their objectives within the framework of the current Burnaby Zoning Bylaw.

REPORT

Appearing on the Council Agenda is a delegation from Mr. Stan Floyd, representing the MacPherson Convention Centre Ltd., regarding a proposal to amend the text of the Burnaby Zoning Bylaw in order to permit the above referenced site to be rezoned to accommodate a specific combination of land uses under the CD Comprehensive Development zoning designation.

1.0 BACKGROUND INFORMATION:

- 1.1 On 1981 November 17, Council gave favourable consideration to Rezoning Reference #54/80 which involved a proposal to rezone the subject property (the MacPherson Winter Club site) from C4, P2 and M1 to P2 Administration and Assembly District, in order to utilize the existing building for church and related community oriented uses (refer to attached report, Item #9, R.Z. #54/80). The bylaw amendment was advanced to a Public Hearing on 1980 December 16 and to Second Reading on 1980 December 22.

1.2 The subject property was subsequently purchased by a group of investors who wish to utilize the existing building for a variety of recreational, cultural, church and industrial uses. Planning Department staff have held numerous meetings with the owner/investor group to explore the specifics of their proposal and advised that through CD, Comprehensive Development zoning, a variety of land uses could be combined on the site subject to the incorporation of a number of criteria which are considered to form a compatible mix of uses appropriate for this location and the approval of the Municipal Council. However, it was pointed out that the current Burnaby Zoning Bylaw does not have a zoning district that permits such a combination which includes industrial uses. The group was then encouraged to evaluate the information given by staff and determine whether the CD approach was suitable for their purposes so that a specific rezoning application may be pursued.

1.3 Resulting from subsequent meetings, the investor group determined that although the CD approach appeared to be promising, it did not provide sufficient flexibility for their specific purposes. The group subsequently appeared as a delegation before Council on 1981 November 16 specifically requesting that the text of the CD Zoning District be amended to permit P2 Administration and Assembly District uses to be combined with the M5 Light Industrial District uses. A subsequent report from staff on this matter was expected.

1.4 Upon subsequent discussions with Planning Department staff, the investor group stated that should the text amendment as requested not be supported by Council, they would be prepared to either pursue rezoning to the CD District, based on the uses permitted in the P2, P5 and CD Districts, which are permitted under the current Zoning Bylaw; or, alternately, utilize the building under the prevailing C4 District zoning.

2.0 GENERAL DISCUSSION:

2.1 The general intent of the CD Zoning District (attached) is to provide for development of an area that can experience a combination of land use classifications that can be appropriately established in an integrated and compatible manner based upon a comprehensive development plan. The CD designation and the associated combination of uses and conditions as outlined in the regulations are intended to be applied on a Municipal wide basis and provide a suitable environment for a variety of land uses.

2.2 As specifically outlined in Section 700.1 (4), M1, M2, M3, M5 and M7 Districts are permitted to be combined with uses in P3 Park & Public Use District, P6 Regional Institutional District and P8 Parking District. It is the intent of the CD Zoning District to exclude the general combination of industrial uses with residential, commercial and most institutional uses on a comprehensive development basis. In this regard it is considered that industrial uses combined with residential, commercial or institutional uses would create an incompatible situation from an environmental point of view. Such inappropriate combination of uses would also contradict the intent of the Zoning Bylaw as outlined in Section 2 "Purpose" (attached as Schedule "B"). Furthermore, the combining of industrial uses with commercial, residential or institutional uses on sites which would otherwise be utilized primarily for industrial purposes would tend to pre-empt some of the Municipality's important industrial land inventory.

2.3 The CD regulations do permit, however, specific industrial-institutional combinations referred to in Section 2.2 in order to accomplish a number of worthwhile Municipal objectives. The permitted CD combination of industrial zones with P3 has been established to provide for the development of public park/open space in industrial projects for the purpose of developing park buffers, park/trail links or general park areas for the use and benefit of the industrial tenants as well as the Municipality as a whole. The P6 combination has been established for the purpose of permitting light manufacturing uses that are accessory to major research facilities to be included within the proposed unique large scale "Discovery Park" developments at Simon Fraser and B.C.I.T. The P8 combination permits the development of commercial parking facilities in association with major industrial projects in order to provide greater efficiency in land use and traffic movements and general economic savings through constructing one shared parking facility to serve a number of industrial tenants.

2.4 With reference to the legal procedure for amending the text of the Burnaby Zoning Bylaw as requested by this delegation, Council is advised that pursuant to a recent court decision, it would be necessary to treat the proposed text amendment in the same manner as a rezoning bylaw amendment. As a result, the procedure would be very time-consuming and expensive for the Corporation since all owners and occupants of lands subject to rezoning and within 30 metres thereof must be notified of the rezoning. The standard newspaper notices, etc., would also be required. This would involve all sites within the Municipality that possess CD Comprehensive Development zoning. It is therefore important to initiate text amendments to the Zoning Bylaw only when there is a specific overall objective of the Municipality to be accomplished.

2.5 In view of the foregoing information, the Planning Department is of the opinion that the requested text amendment is inappropriate and should not be supported by Council. A text amendment of this nature if approved would be inconsistent with the intent of the Burnaby Zoning Bylaw and the CD Zoning District by permitting the combining of industrial uses with institutional uses which would create incompatible environmental conditions and pre-empt the Municipality's important industrial land inventory. The proposed text amendment also contradicts the intent of the Zoning Bylaw whereby its application is intended to be made on a Municipal-wide basis as opposed to being tailored to suit a specific or unusual situation. This particular text amendment has been requested for a specific and limited purpose and if supported by Council would not only involve considerable expense for the Municipality as referenced in Section 2.4 above, but would set a precedent for further inappropriate text amendments of this type.

2.6 The Planning Department advises that the current Burnaby Zoning Bylaw provides a wide array of land use classifications that alone or in combination on a CD Comprehensive Development basis provide all the flexibility required to meet the needs of Burnaby's business community and residents while preserving the environmental quality and long-term objectives of the Municipality. Council is advised that the Planning Department would support the alternate CD rezoning proposal or utilization of the building under the prevailing zoning that the applicant is prepared to pursue, as outlined in Section 1.4, should this text amendment not be approved.

The Planning Department would be pleased to continue working with the owner/investor group towards full utilization of their property within the specific terms of reference provided by the prevailing regulations of the Burnaby Zoning Bylaw.

REZONING REFERENCE #54/80

Item # 9

1.0 GENERAL INFORMATION:

1.1 Applicant:

Mr. Stephen Knight,
17th Floor, 701 W. Georgia Street,
P.O. Box 10133,
Vancouver, B.C.

1.2 Subject:

Application for the rezoning of:
Lot 86, D.L. 98, Plan 40572

From: C4 Service Commercial District,
P2, Administration & Assembly District,
and M1 Manufacturing District
To: P2 Administration & Assembly District

1.3 Address:

7325 MacPherson Avenue

1.4 Location:

The subject site is located on the west side
of MacPherson Avenue between Beresford Street
and Irmin Street (refer to attached sketches
1 and 2).

1.5 Size:

The subject site is irregularly shaped with
an area of approximately 1.3 hectares (3.35
acres).

1.6 Services:

The Municipal Engineer has indicated that all
services are available and adequate to serve
the subject site.

1.7 Rezoning Intent:

The intent of the proposed bylaw is to utilize
the existing building for church and related
community oriented uses.

2.0 SITE OBSERVATIONS

A portion of the subject site is occupied by the MacPherson Winter
Club building which comprises a two and one-half storey industrial
type structure. The remainder of the site is occupied by a paved
surface parking lot associated with the Winter Club and an undeveloped
area. The site slopes from the north to the south. The MacPherson
Park Junior High School and community centre/park facility is located
to the south of the site. To the north, west and east lie a number of
industrial facilities many of which include outside storage areas.
Vehicular access is presently from MacPherson Avenue which is developed
to full municipal standards.

3.0 BACKGROUND INFORMATION:

3.1 On 1980 March 17 Council gave favourable consideration to
Rezoning Reference #3/80 requesting the rezoning of the subject

site to M1 Manufacturing for the purposes of utilizing the existing building to expand the plant facilities of the adjacent manufacturing business. The bylaw was advanced to a Public Hearing on 1980 April 15 and to Two Readings on 1980 April 21. The Bylaw was subsequently tabled pending the applicant's review of his negotiations with the owners of the subject property.

3.2 The former applicant has consequently abandoned his proposal.

4.0 GENERAL DISCUSSION

4.1 The subject site is situated within the southwesterly portion of an industrial area zoned M1 and M2 which extends south of Beresford Street to Irmin and Prenter Streets and east to Hawthorne Avenue (refer to zoning sketch #2). North of Beresford Street in this vicinity lies a relatively large M4 industrial area located generally between Kingsway and the B.C. Hydro right-of-way.

4.2 The MacPherson Winter Club is situated within that portion of the site that presently possesses a C4 Service Commercial designation which was introduced as a result of Council's adoption of the 1965 Burnaby Zoning By-law. The P2 portion of the site was zoned pursuant to Rezoning Reference #65/69 which was initiated as a result of a land sale between the Corporation and the owners of the winter club property. The subject site was consolidated into one legal parcel in 1971 pursuant to S.D. Ref. #175/70.

4.3 As illustrated in Sketch #1, a 66 ft. undeveloped road allowance (Antrim Diversion) is located adjacent to the site's southwest property line linking Antrim Avenue with MacPherson Avenue and Irmin Street. Although there is no scheduled date for construction, this connection is intended to provide additional vehicular circulation and access in this area. The applicant will not be responsible for constructing this connection since the site presently possesses adequate vehicular access and circulation via MacPherson Avenue.

4.4 The applicant has requested rezoning for the purposes of establishing a church facility for the Burnaby Christian Fellowship who will utilize a portion of the existing facility for Sunday congregations, permanent office space for their counselling staff and Sunday school classes. The remainder of the facility is intended to be sublet for related community oriented activities.

4.5 The site is proposed to be rezoned to the P2 Administration and Assembly District which essentially provides for the accommodation of governmental administrative, recreational cultural and related services and facilities which serve the Municipality. As such, the subject proposal suitably reflects the intent of this zoning designation. However, there are a number of uses permitted in the P2 category such as banks, motor hotels, restaurants etc that are not considered to be suitable to the subject site. It would therefore be appropriate to register a Restrictive Covenant under Section 215 of the Land Titles Act to exclude the establishment of such unsuitable uses from the site. The applicant has been advised of this situation and has indicated no objections.

4.6 In order to ensure that an appropriate interface is maintained between the subject site and the adjacent school/park site and to provide a general physical upgrading of the site, the applicant will be required to bring the property up to the prevailing P2 standards.

5.0 CONCLUSIONS

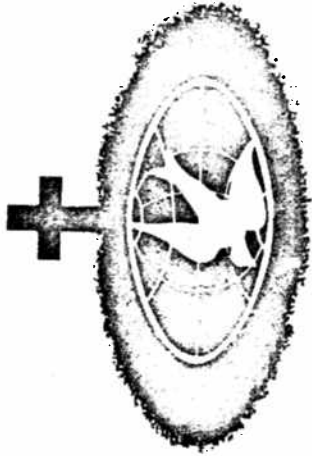
The Planning Department considers that the requested rezoning for the proposed church and related community oriented uses will provide for an effective reutilization of the existing building and the introduction of activities that will well serve the residents of the community. The proposed institutional activities will also provide a complementary and supportive land use relative to the adjacent school and community centre/park. It is therefore recommended that Council give favourable consideration to this rezoning request.

6.0 RECOMMENDATION

- 6.1 THAT a rezoning bylaw be prepared and advanced to First Reading on 1980 December 1 and to a Public Hearing on 1980 December 16 at 19:30 h.
- 6.2 THAT the following be established as prerequisites to the completion of rezoning.
- a) The submission of a suitable plan of development illustrating the manner in which the site and existing building will be utilized and to include the general upgrading as outlined in Section 4.6
 - b) The deposit of sufficient monies to cover the costs of all services necessary to serve the site. One of the conditions for the release of occupancy permits will be the completion of all requisite services.
 - c) The granting of any rights-of-way deemed requisite.
 - d) The granting of any necessary easements.
 - e) The installation of all electrical, telephone and cable servicing, and all other wiring underground throughout the development, and to the point of connection to the existing service where sufficient facilities are available to serve the development.
 - f) The registration of a Restrictive Covenant under Section 215 of the Land Titles Act to exclude the establishment of inappropriate uses on the subject site as outlined in Section 4.5 of this report.

APL
PDS/g1

Attachments



BURNABY CHRISTIAN FELLOWSHIP

"Harmony House" (offices)
80 E. 10th Ave.
New Westminster, B.C., V3L 4R5
525-8855

Sunday Services at:
4333 Ledger Street, Burnaby, B.C.

October 31, 1980

Municipality of Burnaby,
Planning Department,
4949 Canada Way,
Burnaby, B.C.

Attention: Mr. Tony Parr

Dear Sirs:

Re: REZONING APPLICATION
7325 MacPherson Ave.,
Burnaby, B.C.

We have been asked to apply information concerning our intended use of the above property, the acquisition of which we are currently negotiating. I submit the intended useage in list form and will then add some further relevant information.

1. To accommodate growing Sunday services. We are now compelled to hold two services in our present rental facility, the total number of people being approximately 700. Our expectation would be to provide an auditorium seating about 1,000.
2. Permanent office space for the staff of Burnaby Christian Fellowship including our growing Counselling Staff.
3. Sunday School rooms which can be utilized in other ways during the week-days.
4. The sub-letting of part of this spacious facility to suitable tenant(s). Especially the basement level. The two-level parking facility makes this very practical.
5. The exploration and development of community-related programs which would ensure the maximum benefit from the building and its facilities. In short, we do not anticipate an ecclesiastical structure with an exclusive sort of application and use.

MINISTERING TEAM:

ROBERT BIRCH
931-7347

505-8855
BRUCE ROBERTSON
248-6677

PADDY DUCKLOW
921-9543

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6. The use of the parking space for the convenience of the congregation, tenants, others attending events, programs, etc.

Burnaby Christian Fellowship continues to pursue its original objectives as a community-related, very open and accepting Christian community. Though greatly hampered by lack of space, we have registered a rapid growth not only in the size of our congregation, but also in the compassionate ministries offered beyond our four walls.

We will actively seek co-operative action with other agencies and groups in the community and can envision an auditorium in the MacPherson building suitable for community musical events, banquets, conventions, etc.

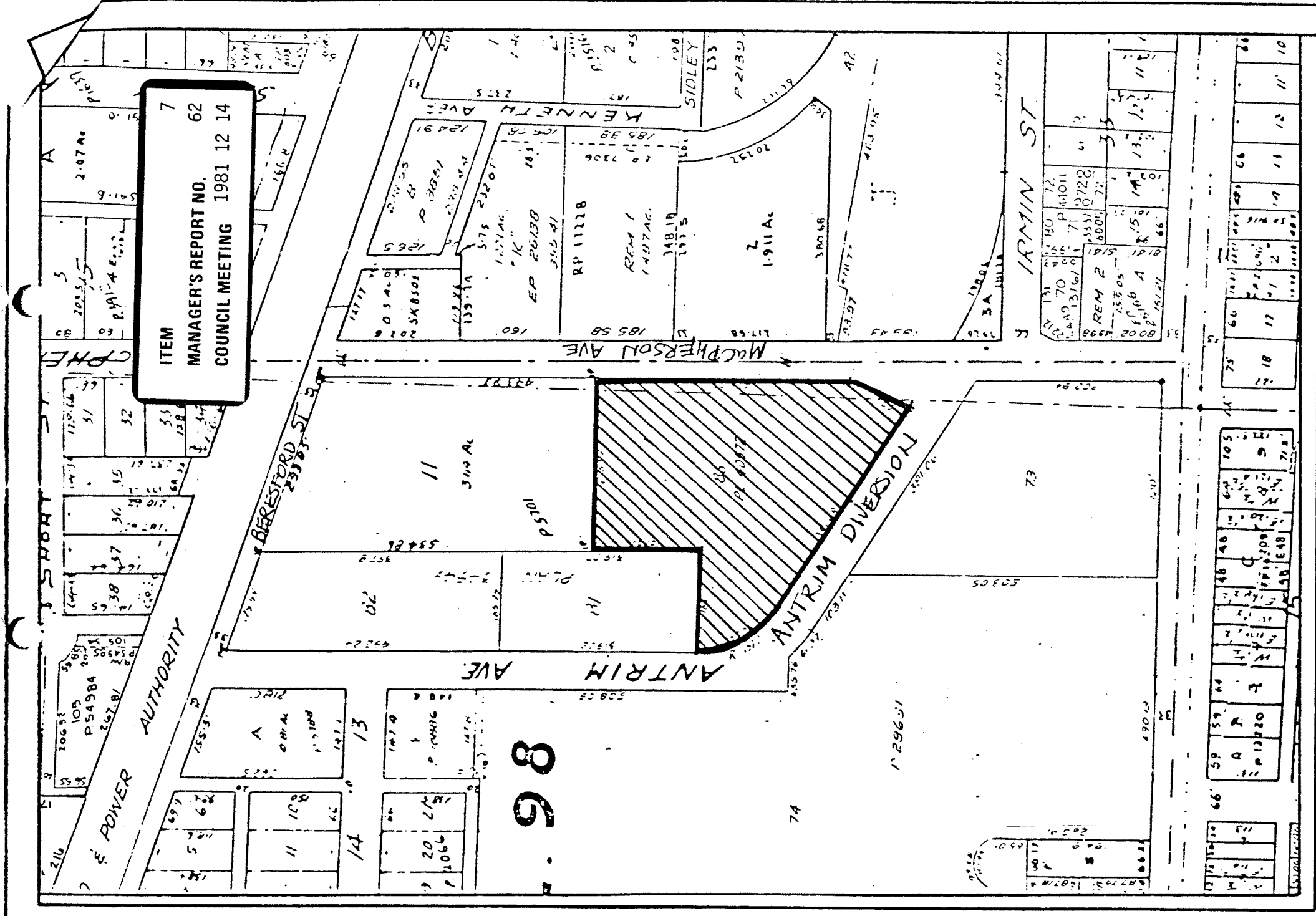
In closing, let me add that the courteous, patient and obliging attitude of Burnaby Planning Department during our period of search and inquiry has been greatly appreciated.

Thankyou very much,
Yours sincerely,



(Bruce Robertson)
Pastor

Encl. Cheque in the amount, \$1,016.58 to cover cost of application.



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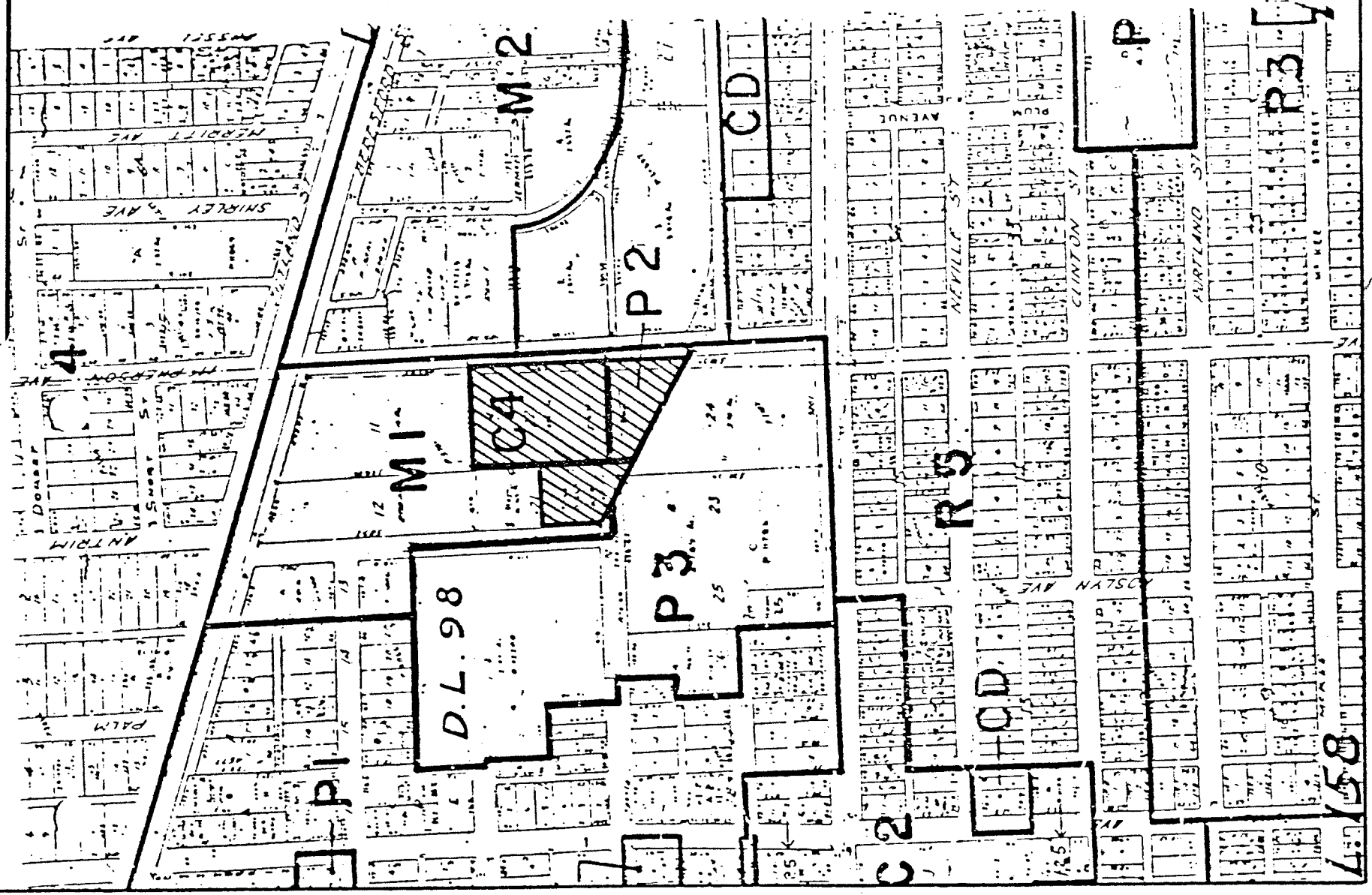
 Burnaby Planning Department

Date 1980/NOV
 Scale 1:2400
 Drawn By

RZ REF #54/80 SKETCH #1

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 Burnaby Planning Department

RZ REF# 54/80 SKETCH # 2

Date	1980/NOV
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The Reeve and Council of The Corporation of the District of Burbany, duly assembled, enacts as follows:

SECTION 1 SHORT TITLE

This Bylaw may be cited for all purposes as the "Burbany Zoning Bylaw, 1965"

SECTION 2 PURPOSE

The Burbany Zoning Bylaw regulates within the Corporation of the District of Burbany, the development and use of land and the location and use of buildings and structures erected thereon, having due regard to:

- (1) The promotion of health, safety, convenience, and welfare of the public.
- (2) The prevention of the overcrowding of land, and preservation of the amenities peculiar to any zone.
- (3) The securing of adequate light, air and access.
- (4) The value of the land and the nature of its present and prospective use and occupancy.
- (5) The character of each zone, the character of the buildings already erected and the peculiar suitability of the zone for particular uses.
- (6) The conservation of property values.

SECTION 3 DEFINITIONS

In this Bylaw unless the context otherwise requires:

- "ACCESSORY BUILDING" means
- (1) a building, the use or intended use of which is ancillary to that of a principal building situated on the same lot, or
 - (2) a building which is ancillary to a principal use being made of the lot upon which such building is located.
- "ACCESSORY USE" means
- (1) a use which is ancillary to a principal building, or use of a principal building, situated on the same lot, or

700. COMPREHENSIVE DEVELOPMENT DISTRICTS (CD)

These Districts provide for the development of an area embracing one or more land use classifications as an integrated unit based upon a comprehensive development plan.

700.1 Uses Permitted:

- (1) Uses permitted in R or RM Districts.
- (2) Uses permitted in C1, C2, C3 or C5 Districts. (B/L No. 6101-72-05-01)
- (3) Uses permitted in P1, P2, P3, P4, P5, P6, P8 or P9 Districts. (B/L No. 6449-76-04-05)
- (4) Uses permitted in M1, M2, M3, M5 or M7 Districts, either alone or in combination with uses in P3, P6 or P8 Districts. (B/L No. 7500-80-04-28)

700.2 Conditions of Use:

- (1) Any permitted uses shall conform to the regulations and intent of the Districts in which they are normally permitted, provided that all buildings and uses, and the density of such development shall be compatible with abutting land uses and provide a desirable and stable environment in harmony with that of the surrounding area.
- (2) Exceptions to the applicable bulk regulations of this Bylaw may be permitted, provided that the floor area ratio and density for the development as a whole are in conformity with the applicable requirements of this Bylaw, and that such exception results in an improved relationship between the various parts of the proposed development.

700.3 Comprehensive Development Plan:

Every applicant for comprehensive development district zoning shall submit the following information to Council:

- (1) A comprehensive plan, including the following:
 - (a) A site plan or plans, including legal descriptions of the area to be developed, showing the location of all existing and proposed buildings, streets, lanes, highways, driveways, parking and loading areas, sidewalks, street lighting, utilities and utility easements, streams and other topographical features of the site.
 - (b) Preliminary architectural plans for any proposed buildings.
 - (c) Existing and proposed grades and their relation to the elevations on adjoining properties.
 - (d) The location, size, height, colour, lighting and orientation of all signs.

- (e) The location and treatment of open spaces, landscaping fences and walls.
- (f) A statement of uses.
- (2) A statement of ownership of land and interest of the applicant therein.
- (3) The estimated commencement date and proposed schedule of construction.
- (4) A statement of financial responsibility, including the posting of bonds or cash, to assure the installation of the improvements required by the Municipality as a condition to development.

700.4 Plan to be Part of Bylaw:

All buildings, structures and uses shall comply with the size, shape and siting as designated on the approved comprehensive development plan, which shall be attached to and form part of this Bylaw.

700.5 Community Plans as a Comprehensive Development Plan:

- (1) In any development permit area designated by Council pursuant to section 71(3) of the Municipal Act, R.S.B.C. 1979, a Community Plan adopted by Council by resolution for the said development permit area shall be deemed to be a Comprehensive Development Plan, and in such case every development in the said development permit area shall satisfy all the requirements of the said Community Plan.
- (2) A Community Plan, for the purpose of this section, may be expressed in maps, plans, reports or in any combination thereof. (B/L No. 7527-80-07-07)

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SCHEDULE "B" ATTACHMENT

