

TO: MUNICIPAL MANAGER 1991 APRIL 17

FROM: DIRECTOR PLANNING &  
BUILDING INSPECTION

SUBJECT: REZONING REFERENCE #71/90  
9500 ERICKSON DRIVE (SEE ATTACHED SKETCH #1)  
LOT 85, D.L. 4, PLAN 38877;

FROM: CD COMPREHENSIVE DEVELOPMENT DISTRICT  
(BASED ON RM4 MULTIPLE FAMILY RESIDENTIAL  
DISTRICT GUIDELINES)

TO: "AMENDED" CD COMPREHENSIVE DEVELOPMENT DISTRICT  
(BASED ON RM4 MULTIPLE FAMILY RESIDENTIAL DISTRICT,  
C1 NEIGHBOURHOOD COMMERCIAL DISTRICT AND C2  
COMMUNITY COMMERCIAL DISTRICT GUIDELINES, AND  
IN ACCORDANCE WITH THE DEVELOPMENT PLAN ENTITLED  
'PROPOSED TERRACE AT THE VILLAGE INN PUB FOR  
MRC CONSULTING' PREPARED BY TRITAN MANAGEMENT GROUP)

PURPOSE: To seek Council consideration to forward the rezoning application  
to a Public Hearing on 1991 May 28.

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RECOMMENDATIONS:

- 1) THAT a copy of this report be sent to the Liquor Control and Licensing Branch, 1019 Wharf Street, Victoria, B.C., V8V 1X4, upon Final Adoption of the rezoning bylaw, indicating that Council's favourable consideration is contingent upon the conditions noted in Section 3.2 of this report.
- 2) THAT a Rezoning Bylaw be prepared and advanced to First Reading on 1991 May 06 and to a Public Hearing on 1991 May 28 at 7:30 p.m., and that the following be established as prerequisites to the completion of the rezoning:
  - a) The submission of a suitable plan of development.
  - b) 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.
  - c) The granting of any necessary easements.
  - d) The approval of the Ministry of Transportation and Highways to the rezoning application.

SUMMARY:

The applicant has submitted a plan of development which is suitable for presentation to a Public Hearing.

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R E P O R T

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1.0 REZONING PURPOSE:

1.1 The purpose of the proposed rezoning bylaw amendment is to permit the establishment of an outdoor patio area in conjunction with the existing licensed residents' club.

2.0 BACKGROUND INFORMATION:

2.1 On 1991 January 21, Council received a report from the Director Planning and Building Inspection concerning the rezoning of the subject site. The report noted that on 1971 March 22, Council gave Reconsideration and Final Adoption to Rezoning Reference #84/69, which rezoned the site to CD Comprehensive Development District to permit the establishment of a mixed-use residential/commercial development. The commercial uses included a private residents' club which is located on the lower level of the commercial component of the development.

While the purpose of Rezoning Reference #84/69 was clearly stated to permit the establishment of a mixed-use residential/commercial development, including a number of retail and service commercial uses to serve the residents of the complex, the pertinent commercial zoning designations were not included as the basis for the CD Comprehensive Development District zoning at that time. It is apparent from the Public Hearing report for Rezoning Reference #84/69 that the commercial component was predicated on an orientation to the immediate residential area, which is consistent with the intent of the C1 Neighbourhood Commercial District. The residents' club is not, however, a permitted use in the C1 District, but rather is a permitted use in the C2 Community Commercial District.

Due to the pertinent commercial zoning designations not being specifically identified as the basis for the CD Comprehensive Development District zoning for this site at the time of the original rezoning, as an administrative matter, it was recommended that the subject site be rezoned to CD Comprehensive Development District (based on RM4 Multiple Family Residential District, C1 Neighbourhood Commercial District and C2 Community Commercial District guidelines), with the C2 District designation being required solely for the residents' club.

2.2 On 1976 April 28, Council gave favourable consideration to an application for a General (liquor) Licence to operate a private lounge facility with the Loughheed Village Apartment complex. The subject liquor facility is currently licensed as a Class "A" Lounge with a maximum seating capacity of 410 persons. The permitted hours of sale are 11:00 a.m. to 1:00 a.m., Monday to Saturday, and 11:00 a.m. to 12:00 midnight on Sundays.

2.3 The applicant is seeking permission to develop an outdoor patio area within a sloping landscaped area between the residents' club portion of the commercial development and a parking and driveway area.

On 1991 January 21, Council authorized staff to work with the applicant in the preparation of a suitable plan of development with the understanding that a further and more detailed report would be submitted at a later date.

The applicant has now submitted a plan of development suitable for presentation to a Public Hearing.

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3.0 GENERAL DISCUSSION:

3.1 The development proposal is for a licensed outdoor patio, approximately 1,040 sq. ft. in area, to be located immediately adjacent the existing residents' club. As was discussed in the 1991 January 21 Council report, the patio area would be visible from an eight-storey multiple-family residential dwelling to the north and a high-rise apartment tower to the west on the property at 9280 Loughheed Highway (refer to attached Sketch #2). Therefore, it is important that any licensed outdoor patio area be developed and operated in a manner which will not be a nuisance for, or create land-use conflicts with the adjacent apartment building residents.

Due to the slope of the landscaped area proposed to be developed as an outdoor patio, the patio area will be sunken and defined by retaining walls 4 ft. - 7 ft. high. The lower level of the patio, along with the proposed perimeter landscaping, will serve to provide a degree of enclosure for the patio which should allow it to blend in with the surrounding area better.

3.2 In light of the possible land use conflicts discussed above, the Planning and Building Inspection Department recommended that certain conditions be met and that Council's favourable consideration of this application be contingent upon satisfaction of these conditions. They were:

- a) The applicant originally proposed that the outdoor patio area have a maximum capacity of 60 seats. This was considered to be an excessively large number of people on an outdoor patio within close proximity to multiple-family residential dwellings. It was therefore recommended that favourable consideration be contingent upon the outdoor seating being limited to 40 seats.
- b) A further issue of concern over licensed outdoor seating areas which are adjacent residential dwellings is the hours of operation for the outdoor patio. The applicant has agreed that the outdoor patio area should be an amenity for the residents of the area without being a nuisance for the immediately adjacent residents and, to this end, the outdoor patio could close by 8:00 p.m. It was therefore recommended that Council's favourable consideration be contingent upon a latest closing for the outdoor patio area of 8:00 p.m., seven days per week.
- c) In addition, in order to maintain the daylight and seasonal nature of the patio area, no exterior lighting should be permitted on the patio.

It is therefore recommended that Council's favourable consideration be contingent upon compliance with the above-noted conditions, and that the Liquor Control and Licensing Branch be so advised.

3.3 The Director Engineering advises that a statutory right-of-way is required over the existing municipal storm sewer located on the subject site.

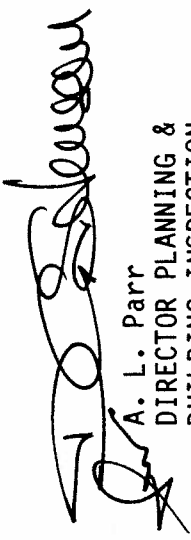
A cut/fill and utility easement is also required abutting the site along Loughheed Highway.

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**4.0 DEVELOPMENT PROPOSAL:**

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4.1 The development proposal is for an outdoor patio area, approximately 1,040 sq. ft. in size, to be located immediately west of the existing licensed residents' club. The outdoor patio will be defined by 4 ft. - 7 ft. high retaining walls and have a maximum seating capacity of 40 persons.

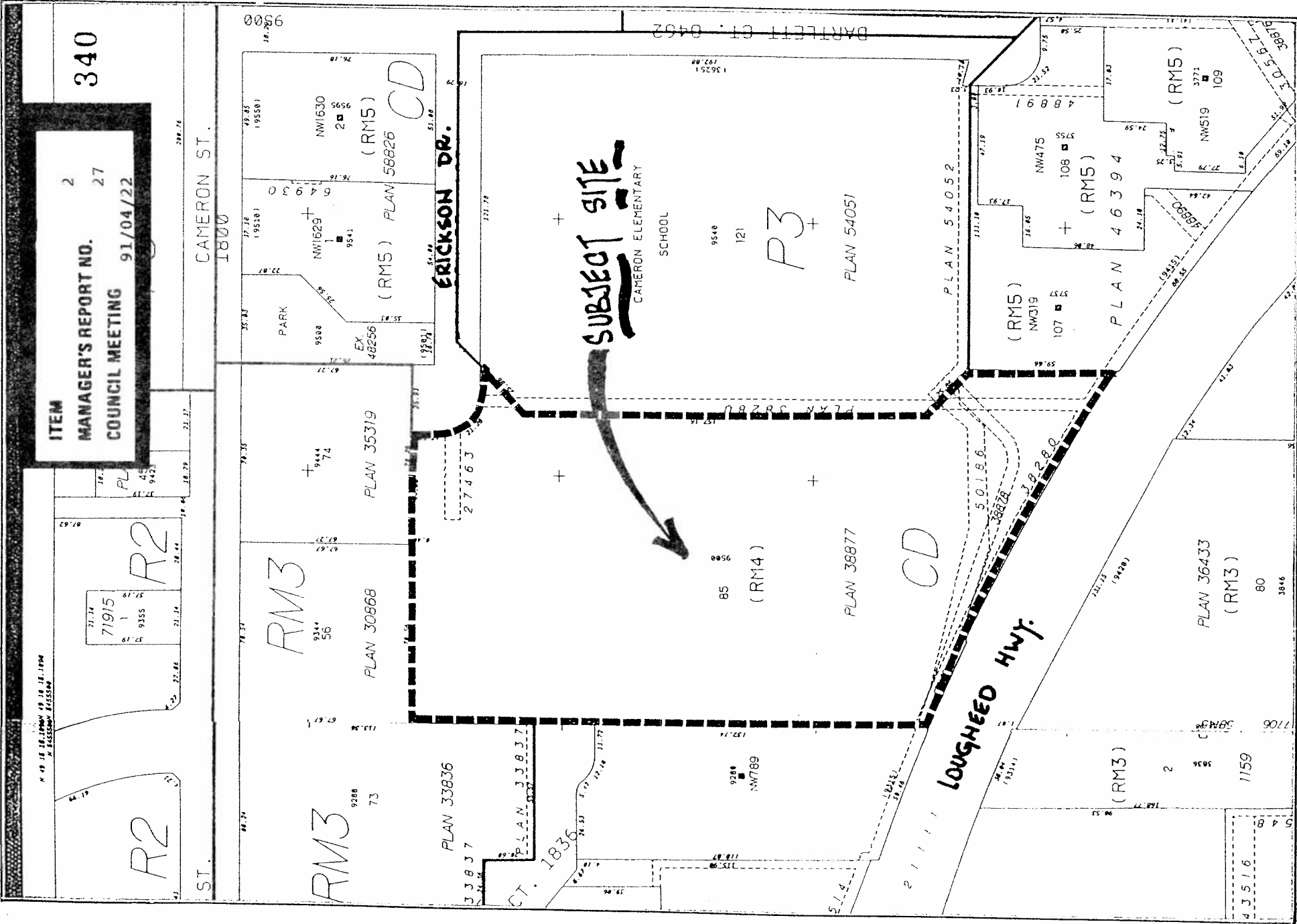


A. L. Parr  
DIRECTOR PLANNING &  
BUILDING INSPECTION

BW:ap

Attach.

c.c. Municipal Clerk  
Director Engineering



Date: April 1991  
 Scale: 1:2000  
 Drawn By: J.P.C.

THE CORPORATION OF  
**BURNABY**  
 Planning &  
 Building Inspection  
 Department

RZ REFERENCE # 71/90

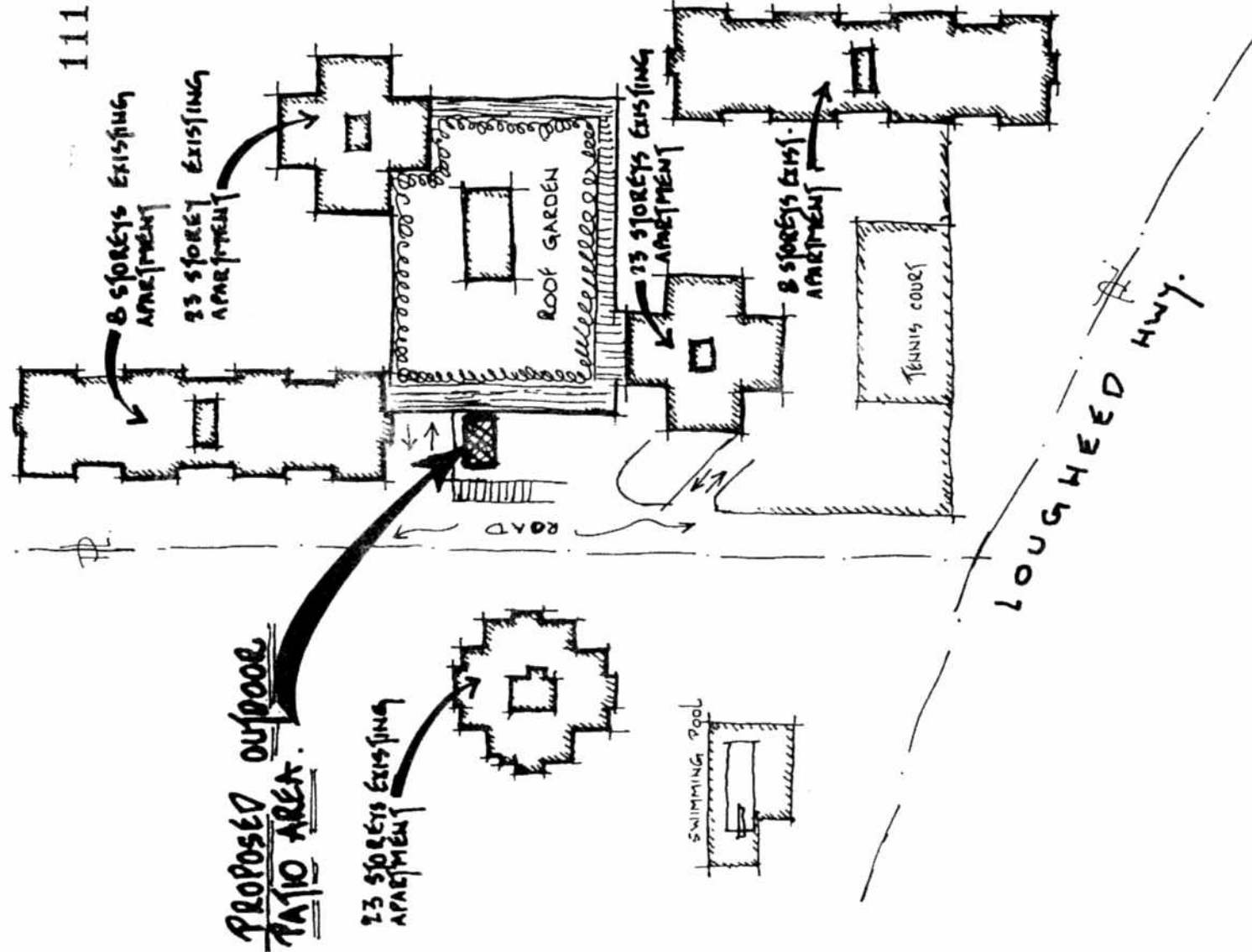


North

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sketch # 1

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Planning &  
 Building Inspection  
 Department



Date:  
**April 1991**

Scale:  
 N.F.S.

Drawn By:  
 J.P.C.

REZONING REFERENCE #71/90

SKETCH # 2.