

ITEM	9
MANAGER'S REPORT NO.	1
COUNCIL MEETING	92/01/06

TO: MUNICIPAL MANAGER 1991 December 31

FROM: DIRECTOR PLANNING AND BUILDING

SUBJECT: ROYAL OAK AVENUE BETWEEN STILL CREEK AND REGENT STREET
ROAD CLOSURE REFERENCE #2/87

PURPOSE: To provide Council with an update on discussions concerning the closure and disposition of Royal Oak Avenue between Still Creek and Regent Street.

RECOMMENDATIONS:

1. THAT Council authorize staff to pursue a land exchange with Galaxie Signs Ltd. involving the closure and sale of Royal Oak Avenue in exchange for the acquisition of land south of Regent Street adjacent to the Freeway, as outlined in Section 1.3 of this report.

2. THAT a copy of this report be sent to:

Messrs. William and Harold Friesen
Regent Repairs Ltd.
5211 Regent Street
Burnaby, B. C. V5C 4H4

Mr. Willi Strelau
Regent Trailers Limited
5175 Regent Street
Burnaby, B. C. V5C 4H4

Mr. John LeComte
Galaxie Signs Ltd.
5085 Regent Street
Burnaby, B. C. V5C 4H4

R E P O R T

1.0 BACKGROUND:

1.1 Since 1987, staff from the Planning and Building Department have received and reported to Council on several proposals involving the closure and sale of Royal Oak Avenue between Still Creek and Regent Street (see attached Sketch #1). This unopened road allowance has, for a number of years, been used as an unauthorized private truck storage/parking lot by the adjacent industrial developments.

1.2 The first proposal involved the potential sale in 1988, of half of the road allowance to each abutting property owner, Regent Trailers and Regent Repairs. Neither firm expressed an interest in pursuing the road closure and purchase at that time.

1.3 The next proposal involved the closure of the road allowance and its rezoning to the P8 category preparatory to its authorized use as a parking lot, in exchange for land south of Regent Street adjacent to the Freeway which is owned by Galaxie Signs (see Area "B" indicated on attached Sketch #2).

ITEM	9
MANAGER'S REPORT NO.	1
COUNCIL MEETING	92/01/06

On 1989 May 23 Council received a report which established the prerequisites of rezoning the subject road allowance and adopted the recommendations contained therein, including the preparation and introduction of the Highway Exchange Bylaw and the preparation and advancement of a rezoning bylaw to First Reading on 1989 May 29 and to Public Hearing on 1989 June 20 (Rezoning Reference #43/89).

On 1989 June 26 Council defeated the rezoning at Second Reading due to opposition expressed at the Public Hearing by the two immediate neighbouring property owners who had been using the road allowance for vehicle parking.

Staff have since noted that the land adjacent to the Freeway (owned by Galaxie Signs Ltd.) has been developed and is in use as a standard parking lot, without benefit of necessary municipal approval, but we have not, to date, received any complaints regarding this use.

1.4 Since the above date, the Planning and Building Department has pursued several different proposals by the owners of the the adjacent sites (Regent Trailers and Regent Repairs) involving the closure of the subject road allowance and its consolidation with the adjacent lots.

The first proposal involved the purchase of the west 19 feet and its consolidation with the lot owned by Regent Trailers Limited and the purchase of the east 47 feet and its consolidation with the lot owned by Regent Repairs Ltd.

A letter was sent by the Planning and Building Department on 1990 April 02 to both parties outlining the conditions under which it would be prepared to recommend the closure and sales to Council. Among the conditions identified was the granting of a public and servicing access right-of-way across the northerly edge of their lot directly adjacent to Still Creek in favour of Burnaby and the Greater Vancouver Sewerage and Drainage District for public access purposes and creek maintenance purposes respectively.

One of the parties, Regent Trailers Limited declined the purchase, however, as they were unwilling to relocate an existing compressor shed and grant a sufficiently wide right-of-way for the purposes described.

The second proposal involved the acquisition of either all of the road allowance or the east 47 feet thereof for consolidation with the site at 5211 owned by Regent Repairs Ltd.

It has been a long-standing municipal directive to obtain sufficient right-of-way on privately-owned properties adjacent to Still Creek for public access and maintenance purposes through the development process. The securing of this right-of-way is more critical on the site owned by Regent Trailers than on the site owned by Regent Repairs because of the close proximity of the existing creek channel, as well as the future widened creek channel, to Regent Trailers' site. Neither the first nor the second proposals would have achieved the granting of the required public and servicing access right-of-way across the rear portion of the Regent Trailers site. A considerable amount of filling has occurred immediately north of Regent Repairs' site which has eliminated the need to obtain this right-of-way on their lot. The disposal of all or a portion of the road allowance in favour of Regent Repairs would not, as noted above, produce the needed right-of-way on Regent Trailers' site.

Furthermore, if the east 47 feet were closed and sold to Regent Repairs and the west 19 feet were left open, it is expected that the unauthorized private parking use would continue on the open portion.

For these reasons, staff has been unable to recommend proceeding along the lines of either of these proposals.

ITEM	9
MANAGER'S REPORT NO.	1
COUNCIL MEETING	92/01/06

2.0 EXISTING SITUATION

2.1 Galaxie Signs Ltd. has again expressed a desire to enter into the land exchange proposal described in Section 1.3 above, or, in lieu of this, issuance of Preliminary Plan Approval for the parking area constructed on Area "B".

The Planning and Building Department, in reviewing the situation once again, has concluded that several options are available which could be pursued. These are as follows:

- a) Option 1 - leave the road allowance open and the Municipality advise the neighbours to discontinue the unauthorized parking use, and
 - retain the road allowance as a dedicated right-of-way providing future access to Still Creek and as a corridor to protect existing and future utilities.
- b) Option 2 - Municipality close and take title to road allowance and lease portions to the three interested property owners, namely, Galaxie Signs Ltd., Regent Repairs Ltd., and Regent Trailers Limited, subject to the appropriate rights-of-way.
- c) Option 3 - enter into a land exchange with Galaxie Signs Ltd., as requested, with the Municipality retaining appropriate rights-of-way to protect public access and utilities requirements on the present road allowance.

It is noted that Options 2 and 3 would entail rezoning the present road allowance to the P8 Parking District.

2.2 Recognizing the desirability of acquiring ownership of the privately-owned portion of the land south of Regent Street for future road-widening purposes, and the right of the present owner to Preliminary Plan Approval under present ownership and zoning, the preferred option recommended by the Planning and Building Department is Option 3.

Completion of this land exchange will realize the following desirable objectives:

- a) the existing unauthorized use of the subject road allowance as a private truck storage/parking lot will be eliminated.
 - b) the area between the Freeway and Regent Street (Area "B" shown on Sketch #2) will come into Municipal control for buffering use for the present time and road widening purposes in the future.
 - c) the existing unauthorized use of Area "B" as a parking lot will be eliminated.
- 2.3 Unconfirmed reports have been passed on to staff that either one or both of the sites abutting the road allowance may be for sale. There is the potential that new owners may have uses for these sites which do not include reliance on this road allowance. In any event, it is important to establish at this time that, notwithstanding the previous unauthorized occupancy of the public road allowance, these neighbouring properties do not have the right to continued trespass of the unopened road allowance.

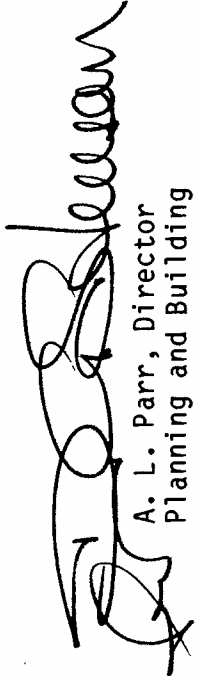
RE: ROYAL OAK BET. STILL CREEK & REGENT
ROAD CLOSURE REFERENCE #2/87
1991 December 31 PAGE 4

ITEM	9
MANAGER'S REPORT NO.	1
COUNCIL MEETING	92/01/06

3.0 CONCLUSIONS:

120

In order to achieve the most desirable objectives in connection with the disposition of the subject road allowance, the Planning and Building Department recommends the land exchange proposal outlined in Section 1.3 of this report. If Council authorizes this approach, a further report will be forwarded outlining the conditions of the land exchange at the conclusion of discussions with Galaxie Signs Ltd.



A. L. Parr, Director
Planning and Building

CMM:hr
Atts.

cc: Municipal Solicitor
Director Engineering
Transportation Planning

