

TO: CITY MANAGER May 19, 1998

FROM: DIRECTOR PLANNING AND BUILDING OUR FILES: RZ 75/97
RZ 77/97

SUBJECT: Rezoning References Nos. 75/97 & 77/97;
Guy F. Atkinson Lands, (Commonwealth Construction), Big Bend Area

PURPOSE: To provide Council with information arising from a presentation made at the Public Hearing for the proposed rezoning of the subject properties.

RECOMMENDATION:

1. **THAT** Council receive this report for information and that copies be forwarded to:
 - A) Michael R. Williams
Columbia Manufacturing Co. Ltd.
4575 Tillicum Street
Burnaby, B.C. V5J 3J9
 - B) Grigor E. Cook
Guy F. Atkinson Holdings Ltd.
4599 Tillicum Street
Burnaby, B.C. V5J 3J9
 - C) Richard W. Paddack
Counsellor Consulting Services
2006 Quilchena Crescent
Vancouver, B.C. V6M 1E3

REPORT

1.0 BACKGROUND

On 1998 February 02 Council received two separate reports regarding the rezoning of portions of lands in the Big Bend which are owned by Guy F. Atkinson Holdings Ltd. which have historically been occupied by Commonwealth Construction, a subsidiary company (Rezoning References 75/97 and 77/97 as shown on Sketch # 1 *attached*). Rezoning Reference 75/97 is comprised of portions of two lots, as shown on Sketch #2 *attached*, with

the easterly lot zoned M3 Heavy Industrial District and the westerly lot zoned CD Comprehensive Development District using the M5 Light Industrial District and M1 Manufacturing District as guidelines. These lands, which are now vacant, have been used previously for the outside storage of new steel pipe and fittings and construction materials. Commonwealth no longer requires the property, and has entered into an agreement to sell it to a major development company. The purpose of this proposed rezoning bylaw amendment is to establish zoning provisions for the future development of these lands for light and general industrial use.

Rezoning Reference 77/97 involves lands which contain Commonwealth's office building, a warehouse, electrical building and loading dock/marshalling facilities as shown on Sketches #3 and 4 *attached*. The purpose of this proposed rezoning bylaw amendment is to establish this existing development encompassing the office building as a principal use, together with the defined associated general and heavy industrial components as the permitted use for the property.

While not directly related to the subject rezoning applications, additional lands not required by Commonwealth Construction (proposed Lots 1, 2, 3, and 4 on Sketch #5 *attached*) are also under a sale agreement to a major industrial developer and will be the subject of future rezoning applications for specific developments. Proposed Lot 7 on Sketch #5 is occupied by Mott Electric who have entered into an agreement to purchase the building and the proposed lot. Lands have previously been sold to the National Cheese Company for development as a warehouse/distribution facility. Lands were also sold and developed for Columbia Manufacturing's head office/assembly division as referenced on Sketch #5.

2.0 EXISTING SITUATION

A Public Hearing was held with respect to the subject rezoning applications on 1998 February 17, at which time Council received a submission from Mr. Michael Williams of Columbia Manufacturing Co. Ltd. Council gave Second Reading to both Rezoning Amendment Bylaws on 1998 March 02, at which time staff was requested to bring back a report on the matters raised by Mr. Williams. The following is provided as requested.

2.1 DESIGN GUIDELINES

Mr. Williams advised Council that he had participated with staff from Commonwealth Construction in the preparation of certain design guidelines which were to be incorporated into a Statutory Building Scheme. Mr. Williams felt that these guidelines established a minimum standard or level of development and should be applied to the lands as a condition of rezoning.

Staff have subsequently obtained a copy of this Building Scheme and have determined that it was registered as a charge against the subject properties in the Land Title Office on 1996 December 06 pursuant to Section 220 of the Land Title Act (Appendix A *attached*). As referenced in Section 220(3), the restrictions created render an owner, each purchaser, lessee and sublessee of all or part of the land as well as each successor in title, future purchaser, lessee and sublessee of the land subject to the restrictions and confers on them the benefits of the Building Scheme.

The items in the Statutory Building Scheme include building setbacks and heights, site coverages and allowable uses. Parking and off-street loading is regulated, as are construction materials, general architectural design and the screening of exterior equipment. Outdoor storage of any kind is not permitted without specific approval, which will, in any event, require screening either by approved building materials or otherwise. Provision is made to further regulate fencing, exterior lighting, signs and graphics. Landscape standards are established.

The Agreement provides for the submission of plans and specifications to and approval by Guy F. Atkinson Holdings Ltd. It should, however, be recognized that the City is not a party to the Building Scheme; it is a private agreement registered as a charge against the properties.

The security requested by Mr. Williams appears, therefore, to be in place. Notwithstanding the foregoing, it is the intent to rezone the lands to CD Comprehensive Development to establish further zoning provisions for the future development of the undeveloped lands for light and general industrial use to ensure compatibility with the development objectives for the area, including compatibility with the adjacent Foreshore Park. Further amendment rezoning applications will be required for each detailed individual project. Similarly, any future redevelopment of the lot which will house the Commonwealth Construction facilities will also be the subject of a further amendment zoning application and the attendant Public Hearing process will allow input from adjacent owners including Columbia Manufacturing.

2.2 SCREENING OF EXISTING BUILDINGS ON NORTH SIDE OF LOWLAND DRIVE

Mr. Williams advised in his presentation that his company purchased its site with the understanding that both large green buildings on the Commonwealth property would be painted and that an office component would be built in front of each building to clean up the appearance of the property. He further proposed that a solid 12-15 foot high wall should be constructed to shield all storage uses, and that the large steel uprights in front of the Mott Electric building be removed and the building itself painted and upgraded. Mr. Williams concluded by stating that a landscaped berm

higher than 4 feet and tree planting in front of both Commonwealth Construction and Mott Electric is essential to minimize the impact of these buildings.

With regard to the foregoing, staff does not believe it is appropriate to attempt to require the construction of office additions to the front of the existing buildings as a condition of initiating zoning provisions which simply establish the existing development as permitted uses for the property, which in turn, allows the subdivision of the Commonwealth office building on a separate site as a principal use together with defined associated general and heavy industrial components. Notwithstanding this fact, we have been advised by Mr. Mott that it is his intention to construct an office component in the future and we have reviewed the general parameters for this future endeavour with him. Moreover, staff have specifically initiated provisions as a condition of the proposed subdivision of this property to provide for a landscaped berm in front of the property which reflects the future construction of this office addition. Provision is to be made for bonding to ensure the satisfactory completion of this work. A single driveway access is to be provided to serve both the Mott and Commonwealth sites with reciprocal access easements to further reduce sight lines into the properties. Arrangements have also now been made for the removal of the two overhead crane rail beams extending out from the front of the Mott building.

3.0 CONCLUSIONS

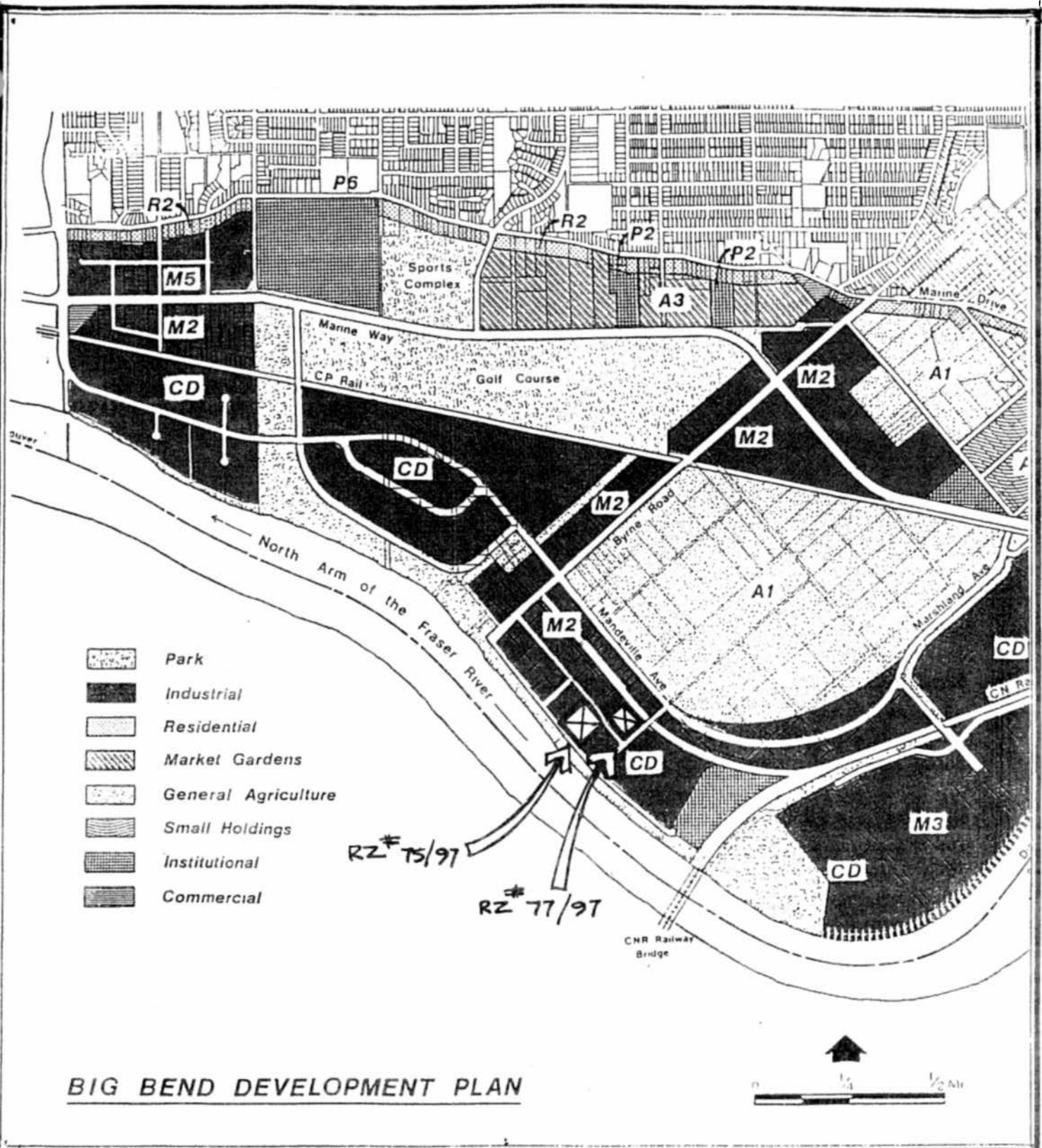
By way of general comment, staff supports the intent of Mr. Williams' submission which is intended to ensure an appropriate level of development in the subject area. It should nonetheless be recognized that the area is in transition and is being redeveloped on a phased basis. The subject rezoning applications are intended to allow the subdivision and transfer of lands no longer required by Commonwealth Construction and to put appropriate zoning provisions in place for the future redevelopment of these lands. The specific building and site use design criteria will be reviewed with future CD amendment rezonings. Once the applicants have satisfied the prerequisites to the completion of the subject rezonings, unless otherwise directed by Council, they will be brought forward for Third Reading and Final Adoption.



D.G. Stenson, Director
PLANNING AND BUILDING

Attachments
PB\sk

cc: City Clerk
Director Engineering



Date:
1998 JAN. 26

Scale:
NTS

Drawn By:
PB

 City of Burnaby
Planning & Building Dept

SKETCH # 1

PROPOSED REZONINGS

FORMER CNR R/W

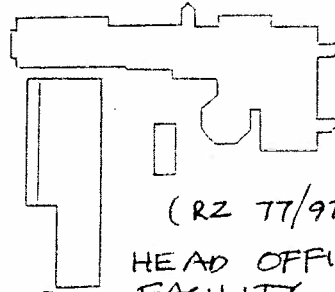
HUGH DRIVE R/W

MOTT ELECTRIC
(SD 74/97)

COMMONWEALTH CONSTRUCTION

DEVELOPED

VACANT
(SD 80/97)



(RZ 77/97)
HEAD OFFICE FACILITY.

TILlicum ST.

LOWLAND DRIVE

DEVELOPED

NATIONAL CHEESE
(RZ 2/97)

SUBJECT SITE
M3

COLUMBIA MANUFACTURING

VACANT

147.51

CD

134.11

146.84

FRASER PARK DR. R/W

FRASER FORESHORE PARK

← FRASER RIVER →



Date:
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SKETCH # 2

Drawn By:

REZONING REFERENCE # 75/97

FORMER CNR R/W

HUGH DRIVE R/W

VACANT
(SD 80/97)

MOTT
ELECTRIC

(SD 76/97)

COMMONWEALTH
CONSTRUCTION'S
HEAD OFFICE

SUBJECT
SITE

LOWLAND DRIVE

NATIONAL
CHEESE
(RZ 2/97)

VACANT

VACANT
(RZ 75/97)

COLUMBIA
MANUFACTURING

TILlicum STREET

PARK

RIVERFRONT BUSINESS

FRASER PARK DR. R/W

PARK

PARK

PARK

PARK

← FRASER RIVER →

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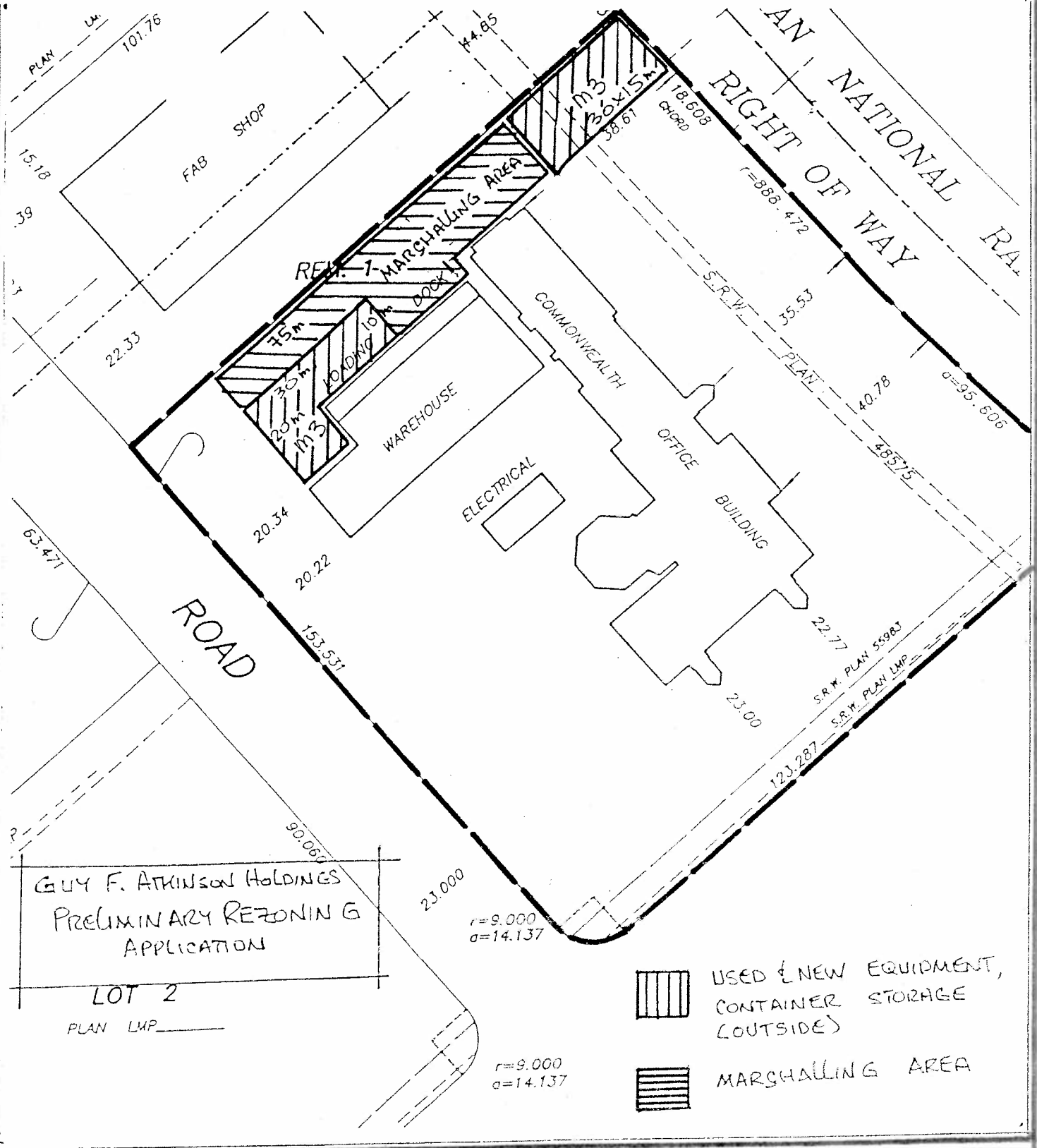
City of
Burnaby

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SKETCH # 3



REZONING REFERENCE # 77/97



GUY F. ATKINSON HOLDINGS
PRELIMINARY ZONING
APPLICATION

LOT 2

PLAN LMP

-  USED & NEW EQUIPMENT, CONTAINER STORAGE (OUTSIDE)
-  MARCHALLING AREA

Date:
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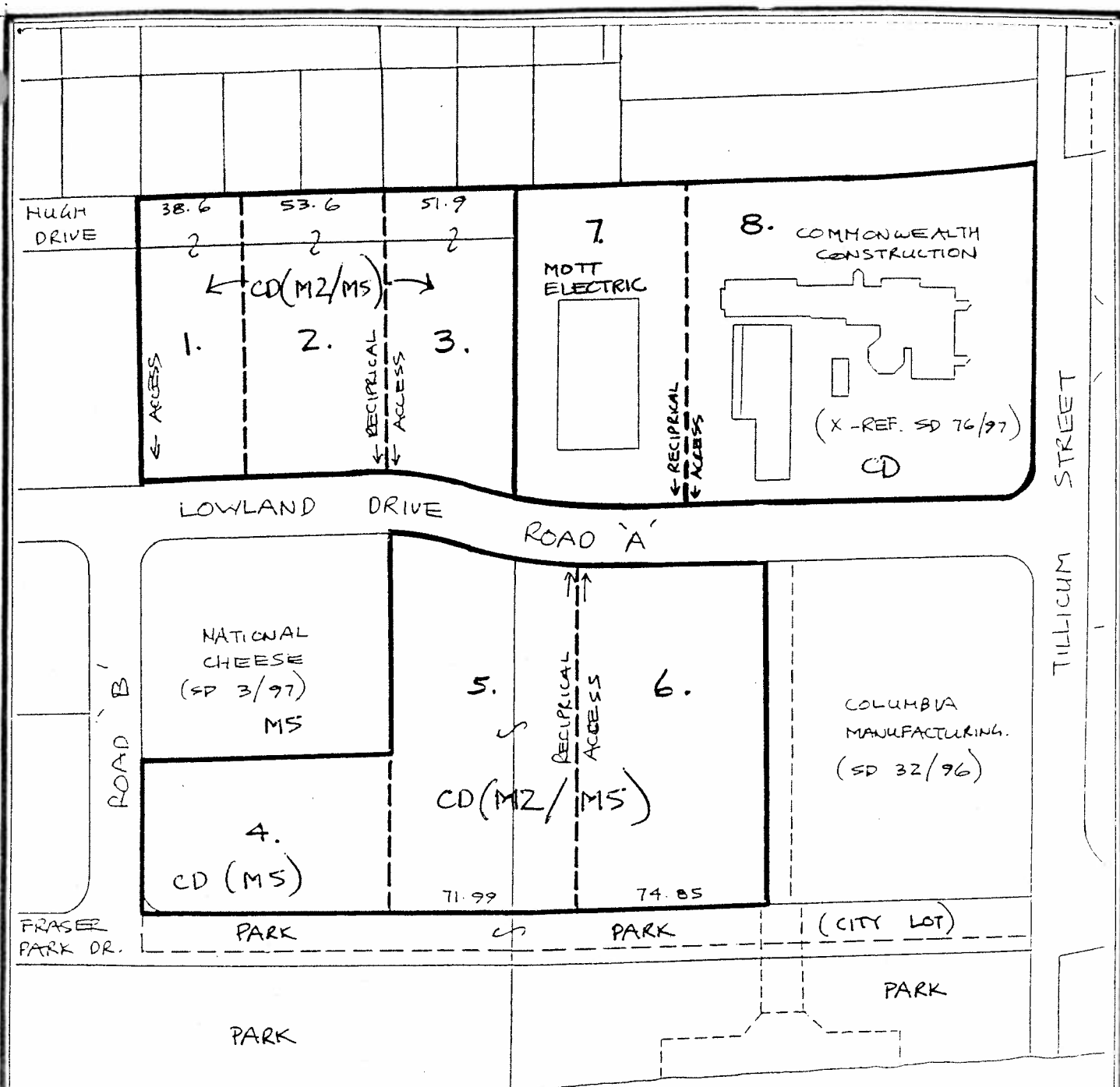
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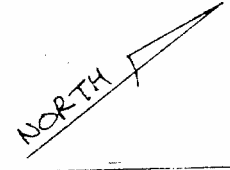
SKETCH # 4

REZONING REFERENCE # 77/97





- LOTS 1, 2, 3 & 4 ARE PROPOSED FOR REDEVELOPMENT & WILL BE THE SUBJECT OF FUTURE REZONING APPLICATIONS.
- LOT 7 IS THE SUBJECT OF A SEPARATE SUBDIVISION APPLICATION.



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SKETCH # 5

SUBDIVISION GUIDE PLAN.

Statutory building scheme and letting scheme

- 220 (1) If a registered owner in fee simple intends to sell or lease or a registered lessee intends to sublease 2 or more parcels and to impose restrictions consistent with a general scheme of development, the registered owner may register a Declaration of Creation of Building Scheme in the prescribed form, herein referred to as the declaration of building scheme, as a charge against the land defined in the declaration of building scheme.
- (2) On receiving the declaration of building scheme, the registrar must make an endorsement of it in the appropriate register.
- (3) From the date of the endorsement, the restrictions created by the declaration of building scheme run with and bind all the land affected and every part of it without further registration, but subject to this section and to the provisions of an applicable lease or sublease, render
- (a) the owner,
 - (b) each purchaser, lessee and sublessee of all or part of the land, and
 - (c) each successor in title, future purchaser, lessée and sublessee of the land
- subject to the restrictions and confer on them the benefits of the building scheme, unless in the declaration of building scheme the owner in fee simple or the registered lessee expressly reserves the right to exempt that part of the land remaining undisposed of at the time the exemption takes effect from all or any of the restrictions and benefits.
- (4) The owners for the time being of the land defined in the declaration of building scheme may consent to a modification or discharge of all or part of the registration, and the registrar, on application and on production of evidence satisfactory to the registrar, must amend the records accordingly.
- (5) Section 221 applies to the declaration of building scheme.
- (6) A declaration of a building scheme or a modification or discharge of it is not registrable in respect of land that is subject to a charge unless
- (a) the holder of the charge consents to the registration and grants priority to the scheme or the modification of it or consents to the discharge of it, or
 - (b) the registrar orders that the holder of the charge is not required to consent or grant priority or to do either.
- (7) A declaration of building scheme registered under this section may be referred to as a statutory building or a statutory letting scheme.
- (8) After October 30, 1979, no instrument creating a building scheme in a manner other than that provided by this section is registrable, but the registrar may allow the registration of the instrument on the ground that refusal to register would cause hardship or economic loss.
- (9) Section 35 of the *Property Law Act* applies to a declaration of building scheme registered under this section.