

TO: CITY MANAGER

FROM: DIRECTOR PLANNING AND BUILDING

SUBJECT: REZONING REFERENCE #99-52
Increased Commercial Uses and Additional Parking

1999 DECEMBER 15

ADDRESS: 4501 North Road (see attached Sketch #1)

LEGAL: Strata Lots 5 - 118, D.L. 1, Group 1, NWD Strata Plan NW1901, together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on Form 1.

FROM: CD Comprehensive Development District (based on C1 Neighbourhood Commercial District, C3 General Commercial District and M5 Light Industrial District guidelines)

TO: Amended CD Comprehensive Development District (based on C1 Neighbourhood Commercial District, C3 General Commercial District and M5 Light Industrial District and in accordance with the development plan entitled "North Road Centre, Burnaby, B.C. Proposed Rezoning and Parking Plan" prepared by R. E. Lithmann & Associates Ltd.)

APPLICANT: Lawson Lundell Lawson & McIntosh
 1600 - 925 West Georgia Street
 Vancouver, B.C. V6C 3L2
 (Att: Mr. Randy Klarenbach)

PURPOSE: To seek Council authorization to forward this application to a Public Hearing on 2000 January 25.

RECOMMENDATIONS:

1. **THAT** a Rezoning Bylaw be prepared and advanced to First Reading on 2000 January 10 and to a Public Hearing on 2000 January 25 at 7:30 p.m.
2. **THAT** the following be established as prerequisites to the completion of the rezoning:
 - a. The submission of a suitable plan of development.
 - b. The granting of any necessary easements and covenants.

REPORT

1.0 REZONING PURPOSE

The purpose of the proposed rezoning bylaw amendment is to permit increased commercial uses and additional parking.

2.0 BACKGROUND

The background of previous rezoning applications is extensive and is outlined in the following Sections 2.1, 2.2 and 2.3.

- 2.1 On 1981 May 4, Council gave Final Adoption to Rezoning Reference #32/79, which involved the development of a three-storey warehousing/commercial complex on the subject site. The prevailing zoning is CD Comprehensive Development District with the original zoning designations/permitted uses for the site described as follows for this previous rezoning:

The ground floor level utilizes the M5 Light Industrial District guidelines permitting specified types of wholesale/retail businesses requiring relatively large floor areas.

The second and third levels of the complex are regulated by the M5 District permitted uses and the C1 Neighbourhood Commercial District uses, specifying certain permitted uses in specific portions of the complex.

The purpose of the specific land use designations in the Comprehensive Development District zoning of North Road Centre was to permit land uses complementary to the commercial town centre and yet not to imply development to the same scale or intensity as the rest of the town centre. Thus it was not considered an extension of, or a development in direct competition with the Loughheed Town Centre core development.

- 2.2 In the last several years, three further rezoning applications have been given Final Adoption by Council which have provided limited expansion of the permitted commercial uses on the ground floor of the complex. These are:
- a) Rezoning Reference #117/87 involved rezoning a portion of the ground floor to include certain C3 District uses to accommodate a health service centre, which is permitted only in the C3 and C4 Districts.
 - b) Rezoning Reference #31/91 involved rezoning a small portion of the ground floor to permit C1 District uses in addition to the permitted M5 District uses. The square footage rezoned to C1 District uses was made possible by the addition of parking spaces and additional enhanced landscaping.

- c) Rezoning Reference #62/94 involved rezoning the site to permit C1 District uses, and specifically a Woodwyn clothing store, within the former Canadian Tire tenant space. This rezoning was made possible through the approval of a Preliminary Plan Approval (PPA) application to facilitate an additional 32 parking spaces on the site.
- 2.3 On 1997 March 24, Council received a report from this Department regarding another rezoning application (Rezoning Reference #16/97) for this site. That application involved a request to permit the entire development to include commercial uses and to construct additional parking spaces. As part of that application, the applicant sought permission for a 12 lane bowling alley within the building. The additional 17 parking stalls achieved by reconfiguration were required to permit the spaces in the building which were based on M5 Light Industrial District zoning to be converted to permit retail use and the parking required for the bowling alley. At that time Council adopted the recommendation that the rezoning be advanced to the 1997 April 22 Public Hearing.

At the Public Hearing, opposition was expressed to that rezoning, largely by residents of the townhouse development to the north (Village Del Ponte). The concerns mainly focussed around traffic and parking problems and the bowling alley use. Council defeated Rezoning Reference #16/97 at Second Reading.

- 2.4 The subject site is within the revised Lougheed Town Centre Plan, which was adopted by Council in 1997, and is designated for high density multiple family residential development (see **attached** Sketch #2). This rezoning is very minor in nature, involving virtually no construction and therefore is not considered in conflict with the long term planning objectives for this area.
- 2.5 On 1999 November 22, Council received the report of the Planning and Building Department concerning the rezoning of the subject site and authorized the Department 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.

3.0 **GENERAL DISCUSSION:**

- 3.1 This comprehensive development project functions largely as a commercial shopping centre in practice. Since the original development of the site, rezonings have been approved over time which increased the commercial focus on this site, which would appear to be a natural evolution for a site along the commercial corridor of North Road. However, as a result of both the involved nature of the original zoning of the development and the several rezonings

that have occurred since, the zoning of this property is quite complex and difficult to administer. The zoning of most of the tenant spaces is based on a combination of commercial (C1 and C3) and industrial (M5) zoning. However, the actual uses in the development appear almost exclusively commercial in nature. The zoning of the third floor of the building is based on M5 District guidelines, oriented to office use and there are approximately 22,000 sq.ft. of space on the ground floor for which the permitted uses are based on M5 District zoning. However, the office uses on the third floor would also be permitted under commercial zoning and the space on the ground floor which is currently based on M5 Zoning is either currently vacant or would be permitted under commercial zoning.

In light of the fact that the development realistically functions as a commercial shopping centre and the zoning of the property is complicated and perhaps unduly restrictive, the owners were encouraged prior to the 1997 rezoning to explore ways to simplify the zoning of the site and perhaps eliminate the M5 District zoning. This Department has received many enquiries about increasing the range of commercial opportunities in this development. One impediment to this, however, was the lack of sufficient parking on the property for a change to a greater proportion of retail use.

- 3.2 This Department has, once again, received an application to rezone this site to permit expansion of the commercial uses on the ground floor of the complex. There are, however, two differences from the last rezoning application. The first is that the application is not being advanced to accommodate a specific commercial use, such as the bowling alley proposal which also required the addition of C2 Community Commercial guidelines to the Comprehensive Development zoning to the site. The second difference is that the applicant is only requesting that a portion of the spaces which currently permit only M5 uses be rezoned to permit commercial uses. The reason for this is that since 1997, developments have been approved for this site through the Preliminary Plan Approval process which both reduced the parking available on the site and increased the parking requirements through change of use, with the result that it is not possible to increase the surface parking provided to correspond with the increased commercial spaces, to change all the current M5 floor areas to commercial C1 uses.

However, it is possible and proposed to construct seventeen additional parking stalls on site which, based solely on parking requirements, would permit the applicant to apply to rezone approximately 14,000 sq.ft. of the ground floor to permit commercial uses, thus leaving around 8,000 sq.ft. to be based on M5 guidelines on the ground floor level.

- 3.3 The intent of the rezoning is to simplify and rationalize the zoning of the property by basing the permitted uses on C1 Neighbourhood Commercial District zoning. If the rezoning is approved by Council, in addition to changing the base zoning of a portion of the ground floor

and all of the third floor from M5 to C1, the proposed zoning change includes eliminating the possibility of M5 uses for all those tenant spaces which currently have zoning based on both M5 and C1 or M5 and C3 District uses, with certain exceptions. The zoning of the centre will be based on simple C1 District uses, with the exception of the westerly tenant space, occupied by the health service centre (Spa Lady), which must remain based on C3 District zoning and the ground floor area which will remain based on M5 zoning. It is also noted that there is currently one smaller tenant (a print shop on the second floor) space which is permitted under the M5 zoning and that rezoning the proposed floor area to commercial zoning will make this use legally non-conforming.

The continuing operation of the existing print shop is not impeded through their legal non-conforming status but this legal non-conforming status would expire if the existing use is discontinued for a continuous period of six months. The applicant has been made aware of the resultant legally non-conforming status of this use and does not object.

- 4.4 In connection with this rezoning, the need for an easement along North Road has been identified in order to accommodate the SkyTrain.

5.0 DEVELOPMENT PROPOSAL:

- 5.1 Site Area: - 4.53 acres (197,340 sq.ft.)

5.2 Allocated Floor Area (areas approximate)

Area proposed to be governed solely by C1 uses:	- 9,559m ² (102,9000 sq.ft.)
Area proposed to be governed solely by C3 uses:	- 1,031m ² (11,100 sq.ft.)
Area to remain governed solely by M5 & C1 uses	- 743m ² (8,000 sq.ft.)
Total Floor Area:	- 11,333m² (122,000 sq.ft.)

- 5.3 Total Parking Required: - 292 spaces
Current Parking Provided: - 275 spaces
Additional Parking Proposed: - 17 spaces
- Total Parking Provided:** - **292 spaces**

6.0 CONCLUSION:

North Road Centre basically functions as a commercial shopping centre, but has experienced significant leasing problems over the years, partially due to the restrictive M5 zoning of part of the centre. In light of the opportunity to at least partially rationalize and simplify the zoning of this site in accordance with the essential commercial nature of this shopping centre,

City Manager
Rezoning Reference #99-52
1999 December 15 Page 6

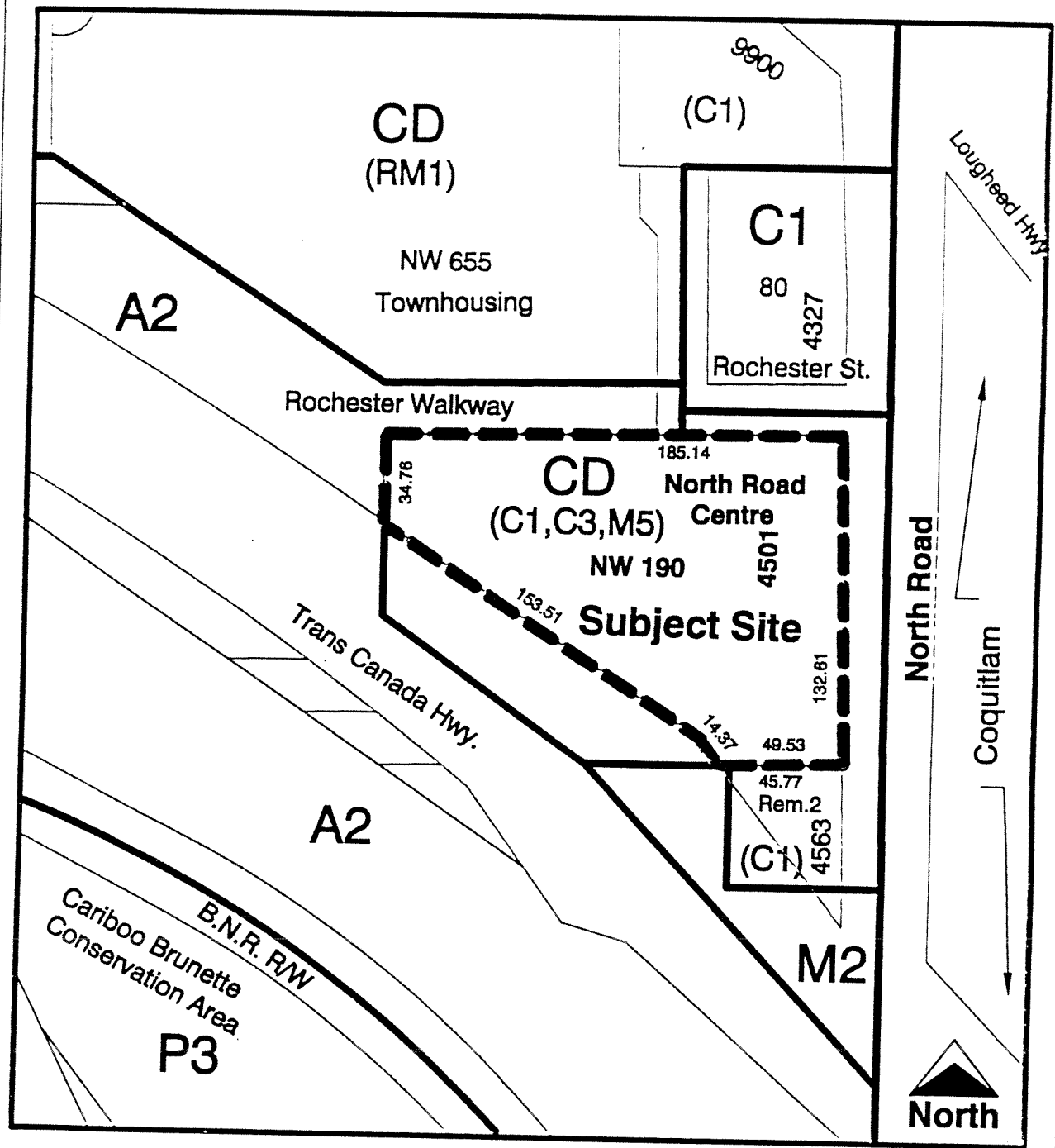
through reduction of the M5 designated floor area as a component of the CD Comprehensive Development zoning of the property and the use of the C1 District as the primary guideline zoning for as much of the floor area as possible, this Department supports this rezoning request. C3 District zoning will be retained to accommodate the Spa Lady health service centre. As part of this rezoning, seventeen additional parking spaces will be provided on this site, which are considered beneficial to the functioning of this site.



D. G. Stenson
Director Planning and Building

BW:gk
Attach

cc: City Clerk
City Solicitor
Chief Licence Inspector



Planning And Building Department

Scale: 1 = 2500

Drawn By: J.P.C.

Date: Oct. 1999

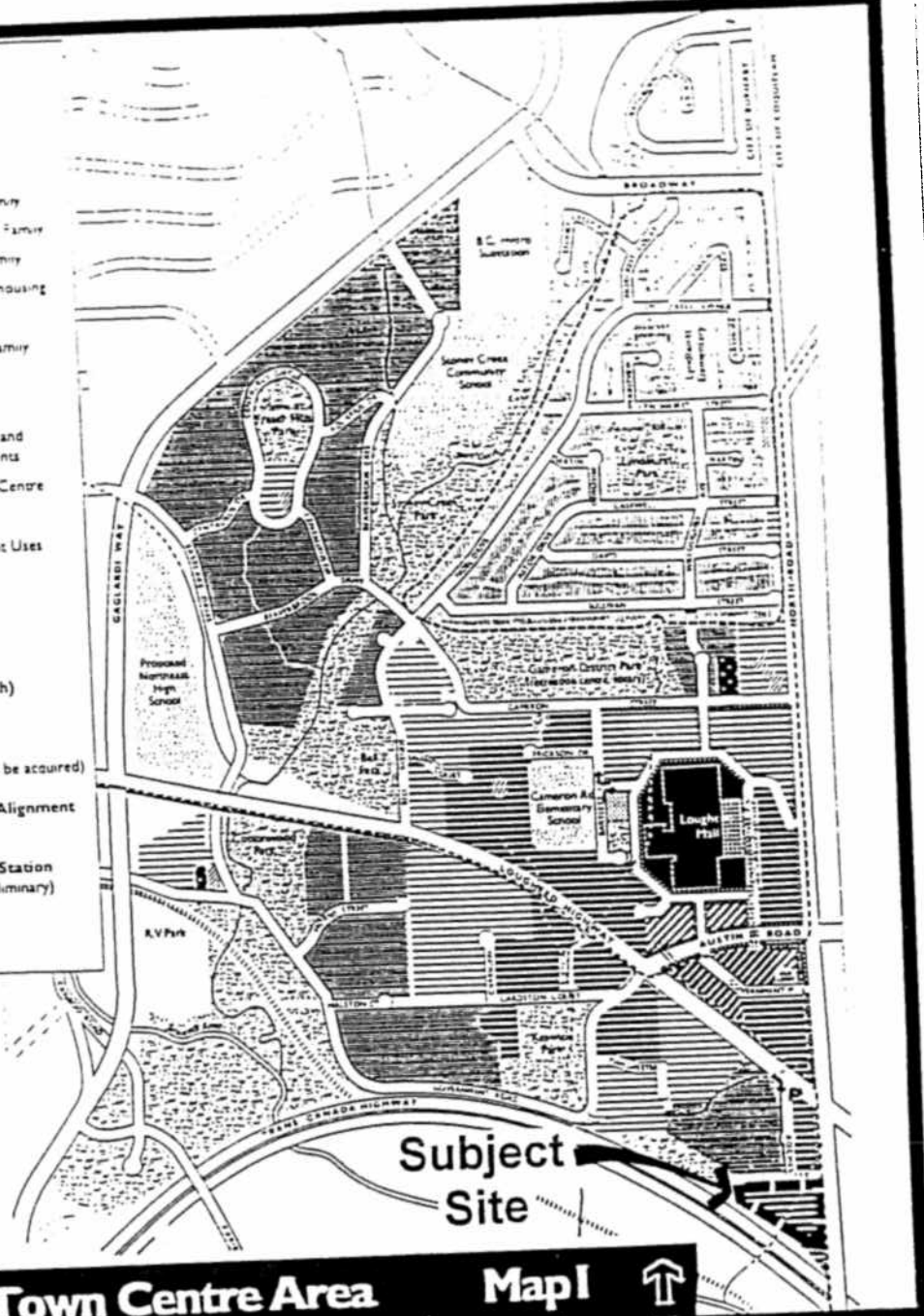
REZONING REFERENCE 99 - 52

Sketch # 1

Land Use Concept

- Residential**
 - High Density Multiple Family
 - Medium Density Multiple Family
 - Low Density Multiple Family
 - Ground Oriented Townhousing
 - Single Family
 - Sullivan Heights Single Family Review Area
- Commercial**
 - Lougheed Mall, Facade and Streetscape Improvements
 - Hotel and Convention Centre
 - Major Office
 - Commercial Streetfront Uses
 - Local Commercial
- Public/Civic Uses**
 - Institutional (church)
 - School
 - Park (existing and to be acquired)
- Light Rail Transit Alignment (preliminary)**
- Light Rail Transit Station and Bus Loop (preliminary)**
- Land Bridge**

Updated 98 04 06



Lougheed Town Centre Area

Map I



Planning And Building Department

Scale: N.T.S.

Drawn By: J.P.C.

Date: Oct.1999

REZONING REFERENCE 99 - 52

Sketch #2