

TO: CITY MANAGER 2006 June 16

FROM: DIRECTOR PLANNING AND BUILDING

SUBJECT: REZONING REFERENCE #05-51
Area Rezoning -- North Fraser Way: Tillicum to Abbotsford
Big Bend Development Plan

ADDRESS: 7411, 7431, 7451, 7481, 7531, 7585, and 7635 North Fraser Way (formerly Mandeville Avenue), 7410, 7418 and 7426 Hugh Drive (See attached Sketches #1, #2 and #3)

LEGAL: See attached Schedule A

FROM: M3 and M3a Heavy Industrial District and M2 General Industrial District

TO: CD Comprehensive Development District (based on the M2 General Industrial District, M5 Light Industrial District and Big Bend Development Plan guidelines and in accordance with the development plan entitled "Comprehensive Plan of Development North Fraser Way – Tillicum Street to Abbotsford Street" prepared by Christopher Bozyk Architects Ltd. for the Canada Lands Company Ltd.)

APPLICANT: Canada Lands Company Ltd.
666 Burrard Street
Vancouver, B.C. V6C 2X8
Attention: Mr. Courtland Brewster
c/o Mr. Larry Morgan

PURPOSE: To seek Council authorization to forward this application to a Public Hearing on 2006 July 25.

RECOMMENDATIONS:

1. **THAT** the introduction of a Highway Closure Bylaw be authorized as outlined in Sections 4.0 and 5.0 of this report, contingent upon the granting by Council of Second Reading to the subject rezoning bylaw.
2. **THAT** Council approve the sale of the City-owned property and net road closure area for inclusion within the subject development site in accordance with the terms outlined in Section 5.0 of this report, and subject to the applicant pursuing the rezoning and re-subdivision/consolidation proposal to completion.

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2. **THAT** Council authorize the dedication of a required road right-of-way and the granting of any necessary statutory rights-of-way, covenants and easements with respect to the City lands at 7585 North Fraser Way included within the application, subject to granting of Second Reading to the subject rezoning bylaw.
4. **THAT** a Rezoning Bylaw be prepared and advanced to First Reading on 2006 July 10, and to a Public Hearing on 2006 July 25 at 7:30 p.m.
5. **THAT** the following be established as prerequisites to the completion of the rezoning:
 - a. The submission of a suitable plan of development.
 - b. The deposit of sufficient monies, including a 4% Engineering Inspection Fee, to cover the costs of all services necessary to serve the site and the completion of a servicing agreement covering all requisite services. All services are to be designed to City standards and constructed in accordance with the Engineering Design.
 - c. 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.
 - d. The completion of the necessary subdivision to create 4 lots, as shown on Sketch #3, **attached**.
 - e. The granting of any necessary statutory rights-of-way, easements and covenants.
 - f. The dedication of any rights-of-way deemed requisite.
 - g. The undergrounding of existing overhead wiring abutting the site on North Fraser Way and Tillicum Street.
 - h. Completion of the Highway Closure Bylaw for closure of the redundant portions of Hugh Drive and Abbotsford Street.
 - i. The completion of the sale of City property at 7585 North Fraser Way and redundant road closure area associated with Hugh Drive and Abbotsford Street.
 - j. The granting of a Section 219 Covenant respecting flood proofing requirements.
 - k. Submission of a site profile for all lands within the subdivision and resolution of any rising requirements.

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1. The submission of a suitable on-site stormwater management plan to the approval of the Director Engineering and the granting of a Section 219 Covenant and deposit of sufficient monies to guarantee its provision and continuing operation.

REPORT

1.0 REZONING PURPOSE

The purpose of the proposed rezoning bylaw amendment is to bring the subject lands into conformance with the adopted Big Bend Development Plan, to complete required servicing, and to provide a basis for future CD amendment rezoning applications for future specific development. (See Sketches #1, #2 and #3 **attached**.)

2.0 BACKGROUND

- 2.1 The subject properties are located on the south side of North Fraser Way between Tillicum Street and Abbotsford Street within the Big Bend Development Plan area. The site is rectangular in shape with an area of approximately 4.07 hectares (10 acres). The subject site is composed of 10 properties individually held by the Canada Lands Company Ltd., Manatee Investments Ltd., and the City, and unopened portions of the Hugh Drive and Abbotsford Street road right-of-way. The lands are currently vacant with the exception of an older development which contains a window manufacturing operation located on the property held by Manatee Investments Ltd. at 7481 North Fraser Way. (See Sketches #1, #2 and #3 **attached**)
- 2.2 Lands to the south, east and west of the subject site are largely developed for general and light industrial uses consistent with the Big Bend Development Plan designations. Lands opposite the subject site, on the north side of North Fraser Way, are to be retained within the Agricultural Land Reserve and are zoned to A1 Agricultural District consistent with the adopted Big Bend Development Plan.
- 2.3 On 2004 June 7, Council endorsed an approach in principle for a proposed cost sharing agreement for the upgrading of the subject North Fraser Way frontage and for the inclusion and sale of City lands and associate road closure area within the subject rezoning application. On 2005 November 28, Council received the Planning and Building Department report on the subject rezoning proposal and authorized staff to work with the applicant in preparing a suitable plan of development. The applicant has now submitted a plan of development suitable for presentation to a Public Hearing.

3.0 GENERAL COMMENTS

- 3.1 The purpose of the subject rezoning application is to apply the Comprehensive Development (CD) District to the subject lands to provide a basis for future amendment CD rezoning applications for a specific form of development on each proposed parcel, as

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shown on Sketch #3. The applicant has applied to rezone the subject property from the M3a Heavy Industrial District, M3 Heavy Industrial District and the M2 General Industrial District to a CD designation based on the M2 General Industrial and M5 Light Industrial Districts consistent with the adopted Big Bend Development Plan.

- 3.2 The currently developed lands held by Manatee Investments Ltd. are proposed to be rezoned to the CD District based on the M2 General Industrial and M5 Light Industrial Districts to recognize the existing window manufacturing operation, located at 7481 North Fraser Way, as a wholly conforming use. The proposed pattern of re-subdivision will add additional land area to this property that will be available for future development through a subsequent amendment CD rezoning process.
- 3.3 The Canada Lands Company Ltd. property, the City property and the developed property held by Manatee Investments Ltd. are to be re-subdivided into four lots, as illustrated on Sketch #3. The related subdivision application, Subdivision Reference #05-55, provides for the required road dedications from the abutting properties to accommodate the construction of North Fraser Way across the frontage to the finished standard, and for the provision of separated sidewalks and boulevard treatment on the North Fraser Way and Tillicum Street frontages, and any other necessary servicing. The North Fraser Way frontage is to be upgraded to the approval of the Director Engineering to a final standard to provide for a 15.2 metre wide curb to curb roadway, with cycle road provision, a separated sidewalk on the south side adjacent the industrial properties, undergrounding of existing overhead wiring, underground services, and boulevard grassing and street trees on both sides. The Tillicum Street frontage of the subject site is also to be finished with a separated sidewalk, undergrounding of any existing overhead wiring, provision of underground wiring and services and boulevard grassing and street trees.
- 3.4 Subsequent amendment CD rezoning applications would be advanced to Council for consideration to accommodate specific new development on each of the four re-configured lots. At this time, staff would expect that a current rezoning application (Rezoning Reference #99-61) for specific development of the lot at Tillicum Street and North Fraser Way, shown as Lot 1 on Sketch #3, would advance following completion of the subject application. This application has been held in abeyance pending completion of the required subdivision and servicing requirements under the subject application.
- 3.5 Submission of a Site Profile for the subject lands is required, and the applicant will resolve any arising requirements.
- 3.6 The applicant is to prepare a suitable overall on-site stormwater management plan to the approval of the Director Engineering, and register a covenant to provide for its future installation. Installation of stormwater management facilities in accordance with an accepted plan will be a requirement of any subsequent amendment CD rezoning approvals for new development on the reconfigured lots. The overall storm water management plan is to be prepared by the applicant to the satisfaction of the Director Engineering. A Section 219 Covenant in reference to future requirements for installation

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and ongoing use and maintenance in accordance with accepted stormwater management plan will be registered on the subject re-configured lots.

3.7 The GVS & DD Sewerage Cost Charge will apply to future buildings and will be collected at the time of approval of further detailed amendment rezoning applications on the reconfigured lots.

4.0 ROAD CLOSURE AREA

4.1 On 2004 June 7, Council endorsed an approach to provide for the closure and sale of the redundant portions of Hugh Drive and Abbotsford Street to be included within the subject plan of subdivision/consolidation, as shown on Sketch #3. This report seeks Council authorization to introduce the required Road Closure Bylaw. The Canada Lands Company Ltd. would provide payment to the City for the market value of the net road closure area. As previously endorsed by Council on 2005 November 28, credit is to be given for a previous road dedication of 895 square metres on North Fraser Way which was provided by Canada Lands Company Ltd. to facilitate the City acquisition of the Commonwealth Construction Ltd. lands now included within the Burnaby Fraser Foreshore Park. Credit would also be given for any additional dedications provided from lands held by the Canada Lands Company and Manatee Investments Ltd. for the widening of North Fraser Way and Tillicum Street to the required standard.

5.0 SALE OF CITY LAND AND ROAD CLOSURE AREA

5.1 On 2004 June 7, Council adopted a recommendation authorizing the City Solicitor to negotiate with the Canada Lands Company Ltd. for the sale of the City-owned property at 7585 North Fraser Way and the associated redundant and un-constructed Hugh Drive and Abbotsford road closure areas, on a net basis, for inclusion in the proposed development site and subject to rezoning and subdivision approval.

5.2 The Legal and Lands Department has established a value for the subject City lands and road closure area of \$11.25 per square foot, on a serviced and without pre-load basis. The Canada Lands Company Ltd., in a letter dated 2006 May 5, has agreed with this valuation and confirmed its intent to purchase the lands as part of the requirements for completion of the subdivision and rezoning process. Subject to survey, the net site area of the subject City property at 7585 North Fraser Way is estimated at approximately 3,848 square metres (41,420.88 sq.ft.) in size. The total road closure area is estimated at approximately 3,083 square metres (33,186.22 sq.ft.) in size. Less the credit to be given for required and previous road dedications provided from the subject private development lands, the net area to be sold into the development is estimated at approximately 5,450 square metres (1.35 acres).

5.3 This report seeks Council authorization for the sale of the subject City lands and road closure area on a net basis at the agreed to value of \$11.25 per square foot and subject to completion of the subject rezoning, road closure and subdivision approval process.

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Subject to survey, the net area for sale into the development is estimated at approximately 5,450 square metres (58,664 sq.ft.) at a total value of approximately \$660,000

5.4 Council approval is also sought for minor dedications from the City lands to accommodate the required widening of North Fraser Way to be provided for through the plan of subdivision, as indicated on Sketch #3.

6.0 COST SHARE AGREEMENT

6.1 On 2004 June 7, Council endorsed an approach for a City cost share agreement for required road and servicing improvements across the North Fraser Way frontage of the subject area. Under the cost share agreement, the City would assume cost responsibility for servicing the frontage of the City lands associated with the City property at 7585 North Fraser Way and the Abbotsford Street frontage area, which are proposed to be sold at a serviced value to the Canada Lands Company Ltd. For the balance of the North Fraser Way frontage of the subject area, the City is contributing to 50% of the cost of the road improvement on North Fraser Way. This contribution is in recognition of the non-development ALR lands located on the north side of North Fraser Way, and will facilitate the completion of this section of the North Fraser Way industrial loop road in support of the Big Bend Development Plan objectives. On a frontage basis, the City's share represents approximately 58% of the North Fraser Way road improvement. This also takes into account the City's share of development lands on the south side of North Fraser Way that are proposed to be sold at serviced value. The development will pay the balance of the road and servicing improvements as well as provide for the undergrounding of the existing overhead wiring. The contribution for the frontage and servicing of Lot 3 is also being provided for by the development through agreement between Canada Lands Company Ltd. and Manatee Investments Ltd.

6.3 On completion of the engineering design by the applicant's engineer, the Director Engineering will provide a final cost estimate for the road works to be completed by the applicant and determine the detailed total City share of these costs for works attributable to North Fraser Way under the Major Roads Component of the 2006 - 2010 Annual Capital Program. At that time, a further report will be prepared to seek Council authorization for execution of the cost share agreement with Canada Lands Company Ltd. and to authorize the preparation of the required Capital Expenditure Bylaw. The subject works would be undertaken by the applicant with the City contributing payments for completed works. Any risks or cost overruns associated with completion of the project, based on the finalized approved design and estimate and cost sharing agreement, would be assumed by the applicant. Costs associated with the finishing of the Tillicum Street frontage are not part of the proposed cost sharing agreement and will be provided for by the applicant.

6.4 A sufficient budget allocation for this project was approved by Council within the 2006 – 2010 Annual Capital Program under the North Fraser Way line item of the Major Roads component. Recovery of a portion of the proposed cost share component would occur

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through the market value sale of this City property to the Canada Lands Company Ltd., as outlined above.

7.0 DEVELOPMENT PROPOSAL

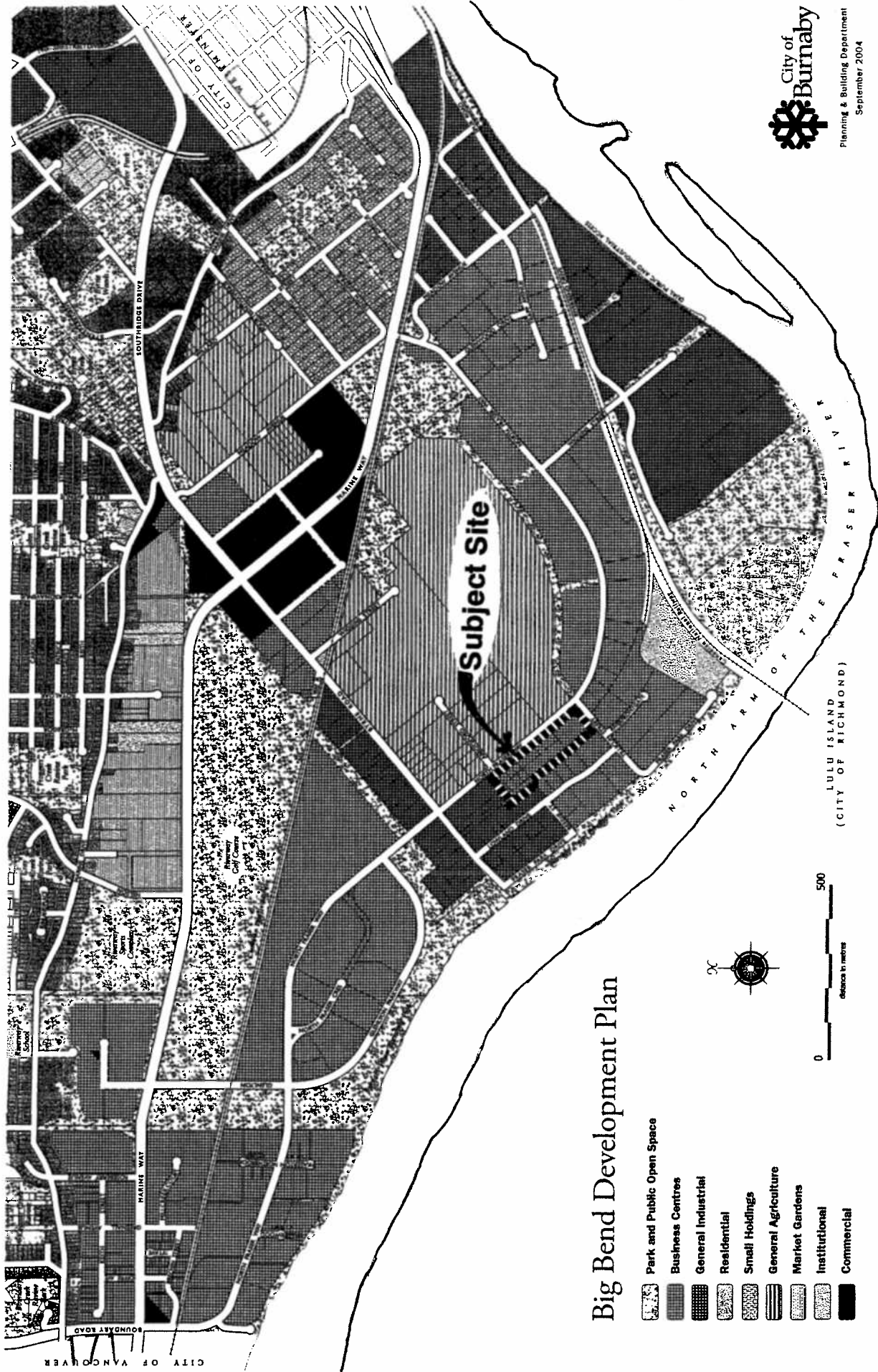
Development of the subject Lots 1, 2, 3 and 4 shown on Sketch #3 will be the subject of future amendment CD rezoning applications to accommodate a specific form of development. The subject CD rezoning proposal will recognize the existing window manufacturing development on Lot 3, held by Manatee Investments Ltd., as a wholly conforming use under the proposed CD (M2/M5) designation. The contribution for the frontage and servicing of Lot 3 is being provided for by the development through agreement between Canada Lands Company Ltd. and Manatee Investments Ltd. Future proposals for new development or change of use on this lot will also be the subject of future amendment CD rezoning approval. At this time, staff expect that a suitable plan of development for Lot 1 under Rezoning Reference #99-61 will be prepared for consideration at a subsequent Public Hearing date.

Guidelines for the future development of the subject properties, in accordance with the Big Bend Development Plan, will be based on the M5 Light Industrial District and M2 General Industrial District uses and M5 development standards. All uses will be contained with completely enclosed buildings and will provide for suitable front, side and rear yard landscape treatment with 2 storey glazed office building treatment on the North Fraser Way frontage consistent with the prevailing Business Centre designation.

J. S. Belhouse
for J. S. Belhouse
Director Planning and Building

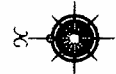
LP/gk
Attachments (4)

cc: Director Engineering
Director Parks, Recreation and Cultural Services
City Clerk
City Solicitor
Chief Building Inspector

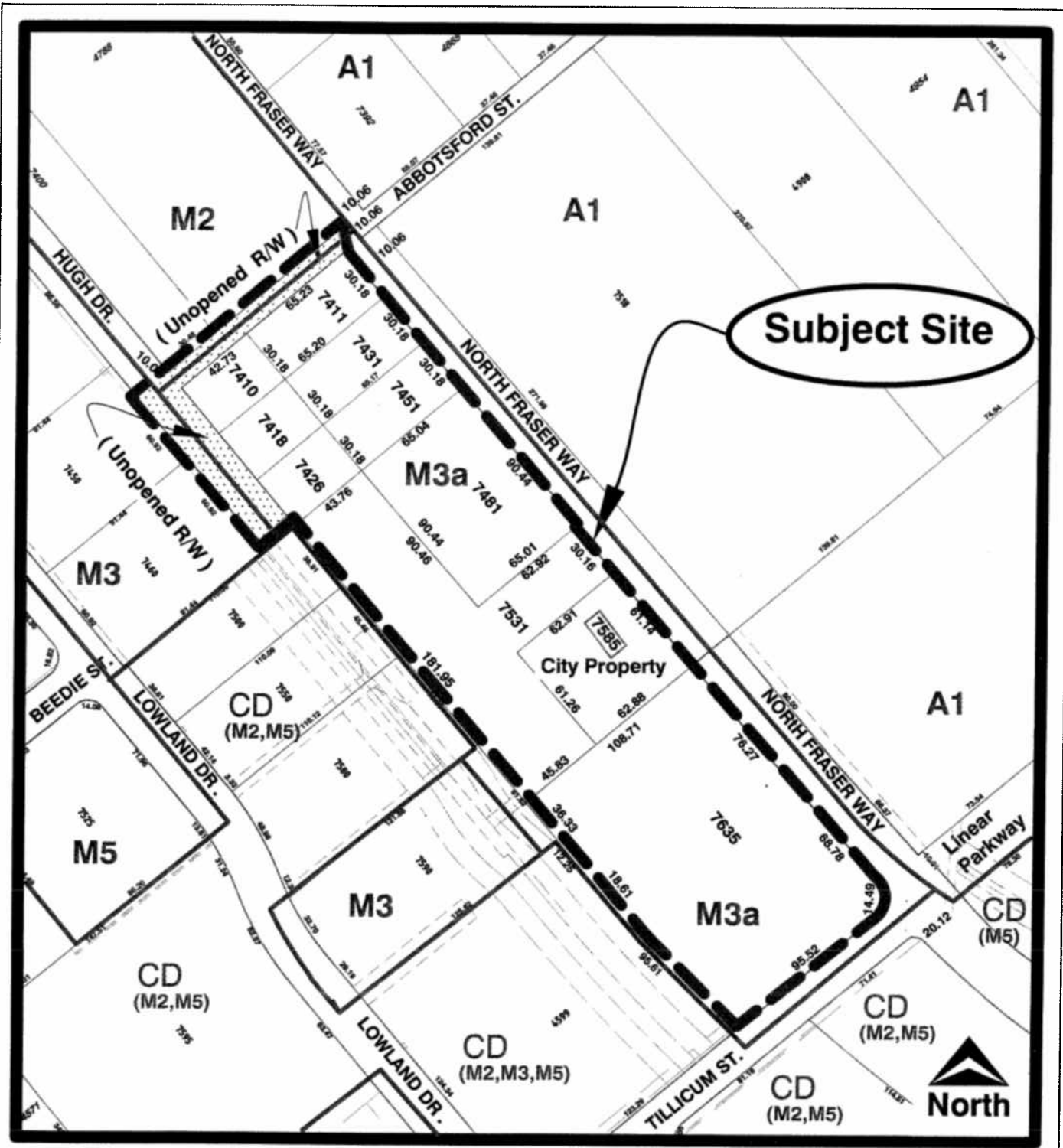


Big Bend Development Plan

- Park and Public Open Space
- Business Centres
- General Industrial
- Residential
- Small Holdings
- General Agriculture
- Market Gardens
- Institutional
- Commercial



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 North Fraser Way, Tillicum to Abbotsford



Planning and Building Department

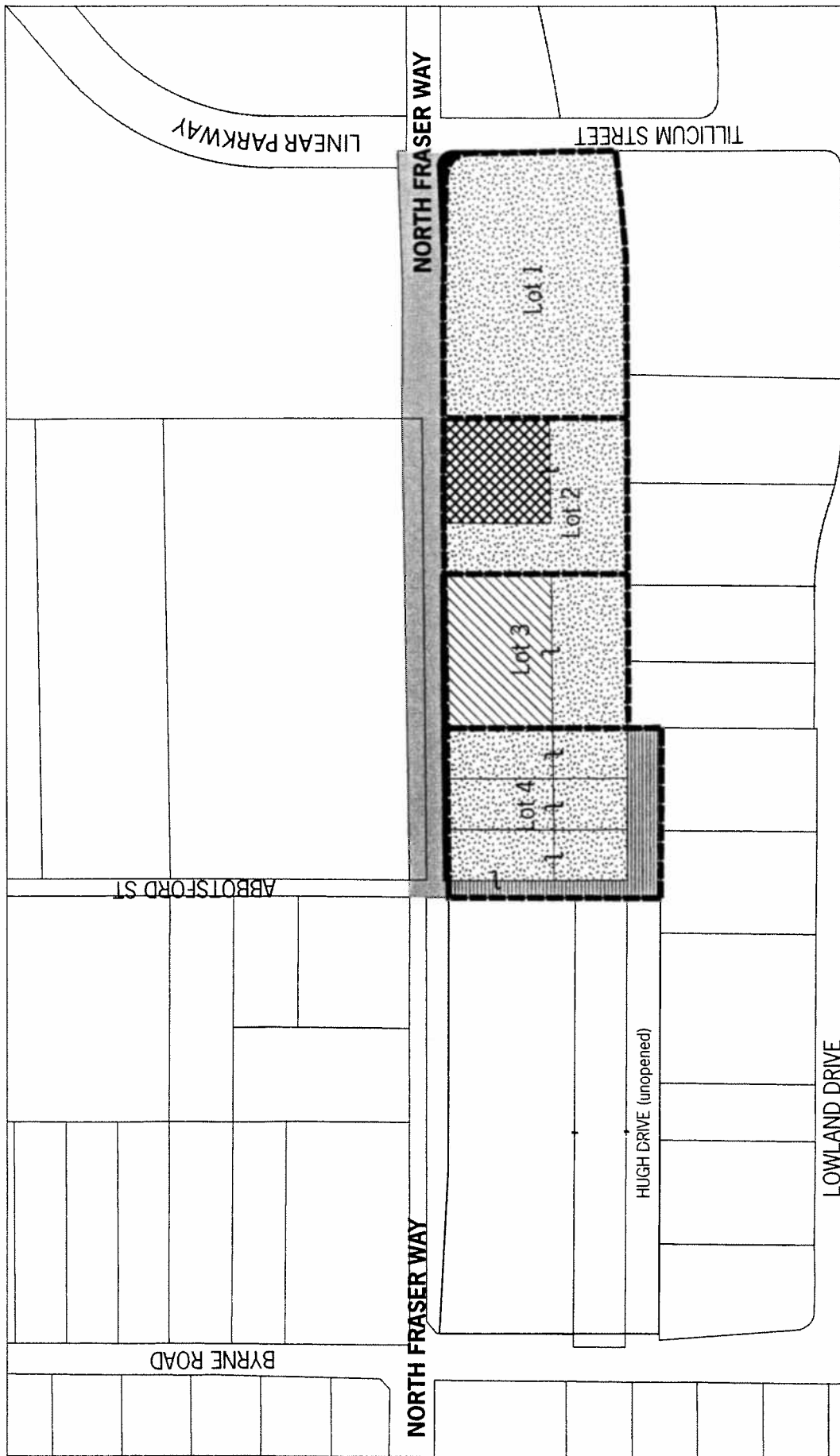
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
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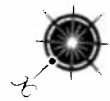
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Sketch # 2



Sketch 3 Plan of Reconsolidation/Subdivision

-  Proposed Plan of Subdivision
-  North Fraser Way Upgrade
-  Dedications
-  City Lands
-  Manatee Investments Ltd.
-  Canada Lands Company Ltd.
-  Road Closure (Hugh Drive/Abbottsford St.)



Rezoning Reference #05-51 Schedule A

7411 North Fraser Way	Lot 1, D.L. 166A, Group 1, NWD Plan 1751
7431 North Fraser Way	Lot 2, D.L. 166A, Group 1, NWD Plan 1751
7451 North Fraser Way	Lot 3, D.L. 166A, Group 1, NWD Plan 1751
7481 North Fraser Way	Lot 19, D.L. 166A, Group 1, NWD Plan 41494
7531 North Fraser Way	Lot C, D.L. 166A, Group 1, NWD Plan LMP40691
7585 North Fraser Way	Lot D, D.L. 166A, Group 1, NWD Plan LMP40691
7635 North Fraser Way	Lot E, D.L. 166A, Group 1, NWD Plan LMP40691
7410 Hugh Street	Lot 18 Except: Part on Plan 5734, District Lot 166A, Grp 1, NWD Plan 1751
7418 Hugh Street	Lot 17 Except: Part on Plan 5734, District Lot 166A, Grp 1, NWD Plan 1751
7426 Hugh Street	Lot 16 Except: Part on Plan 5734, District Lot 166A, Grp 1, NWD Plan 1751

