

20. Re: Proposed Subdivision - Cameron Street,
Noel Drive and Sullivan

Following is a report dated August 27, 1971, from the
Planning Director regarding the above.

RECOMMENDATION:

THAT if preliminary approval is granted to the
subdivision application and it is decided that the
existing houses are to remain, connection to
the sewer is mandatory within 30 days of the
issuance of such approval; and
THAT Mr. Butler be advised of the contents of
this report item.

PLANNING DEPARTMENT

August 27, 1971

MR. M. J. SHELLEY
MUNICIPAL MANAGER

DEAR SIR:

RE: PROPOSED SUBDIVISION - CAMERON STREET,
NOEL DRIVE AND SULLIVAN

On August 23rd, Council received a letter dated August 19th
from Mr. James E. Butler regarding the above described property
and directed that the Department submit a report on this matter.
We have reviewed our files on this property and would submit
the following comments on each of the points raised in Mr. Butler's
letter.

Statement:

"The owner, therefore, wishes to present to the Mayor
and Council a petition requesting a decision of the proposed
new road and permission to proceed with the subdivision
proposed, and further respectfully requests that since
this and other relating matters have been under negotiation
for four years without reaching a satisfactory, or any
conclusion, that this matter be given Council's earliest
attention."

Comment:

On November 27th, 1967, an application to subdivide this
property was received by the Planning Department. The
application was examined and on January 9th, 1968, the reply
set out below was forwarded to the applicant:

Mr. M. J. Shelley

-2-

August 27, 1971

Re: Proposed subdivision - Cameron Street,
Noel Drive and Sullivan

Planning Department
January 9, 1968

Mr. K. Lundstrom
Simon Fraser Realty Ltd.
1111-C Austin Avenue
Coquitlam, B. C.

Dear Sir:

Re: Lot "B", S.D. 1, Block 19 D.L. 3
S.D. Reference #279/67

In reply to your application for subdivision of the subject property, we can now provide further information.

There is a proposal for a collector road to run west into Noel Drive from the interior of the properties fronting on Sullivan and Cameron Streets. Although the exact alignment of this road has not yet been determined by survey, its approximate location will be as indicated on the attached sketch.

Our recent Apartment Study which has been approved in principle designates the area between the new collector road and Cameron Street for future low density multiple family development. For this reason, we would encourage subdivision that would ultimately be suitable for garden apartments or other low density multiple family uses.

The attached sketch with Lot "B" outlined in red, indicates a possible layout for the area based on that portion south of the new road becoming an R1 low density multiple family zone and that portion north remaining R2 single family. It would seem that development of several properties at once would be preferable to subdivision of a single property with the parcels south of the new road being consolidated into as large holdings as possible.

If you wish to proceed with subdivision on this basis or if you require further information, please contact this Department.

Yours truly,

"A. L. Parr"

A. L. Parr,
APPROVING OFFICER

On February 16th, 1968, an application to rezone the subject property and the property to the east was received by the Planning Department. Council on February 26th, 1968 considered this application and declined to rezone.

Mr. M. J. Shelley

-3-

August 27, 1971

Re: Proposed subdivision - Cameron Street,
Noel Drive and Sullivan

A comment on the subdivision and rezoning application was made in the Planning Department's letter of December 10, 1968 to the Municipal Manager which is reproduced below:

"Further to your memo of November 20, 1968, we have examined our files with regard to the two items raised by Mr. Morris and would comment as follows:

- (1) A rezoning application (RZ Ref. #21/68) was received from Simon Fraser Realty Limited on February 16, 1968 for the rezoning of two parcels of land extending from Cameron Street to Noel Drive (9237 and 9211 Cameron Street) from R2 Residential to RM2 Multiple Family. These properties cover a total area of approximately 1.94 acres and straddle the projected east-west collector road between Sullivan and Cameron.

This was one of the reasons for the application being turned down by the Council on February 26, 1968. In addition, the area had been designated for Stage II apartment development and was thus considered to have a future, rather than an immediate, potential for apartment use. The rezoning report went on to state that at such time as the Stage I area south of Cameron Street begins to fill up, adequate services are available to the north side of Cameron, the major road through the area is tied down and reasonable parcelling has taken place, this area could then be considered for apartment development.

- (2) The most recent subdivision application in this area was made on November 27, 1967 by Simon Fraser Realty Limited. A copy of a letter of January 9, 1968, which was sent as a result of this application, is attached for your information. No reply has, as yet, been received to this letter.

While Mr. Morris is correct in stating that a recent rezoning request has been denied, this is not the case with the subdivision application. Although, as stated in our memo of November 14, 1968, the provision of the collector road is the first step which should be taken in the "opening up" of the area for development, this department would be prepared to proceed with the subdivision of the area based on the pattern set out on Drawing #B2009, which shows the approximate route of this road.

A large scale proposal for low density apartment development which complied with the recommended basic road and subdivision pattern would also receive serious consideration, as in the case of the area south of Loughheed Highway which was also designated for Stage II development in the Apartment Study

In conclusion, we do not believe that the properties located between Cameron and Sullivan are frozen indefinitely in their present state of development. Economic considerations may have been a factor in slowing development in this particular area, but the maintenance of the present "status quo" for an indefinite period has never been the policy of this department."

Mr. M. J. Shelley

-4-

August 27, 1971

Re: Proposed subdivision - Cameron Street,
Noel Drive and Sullivan

Between the time of the above applications and the current application, discussions were held in 1970 with an architect who proposed an RM3 type scheme for the property. The scheme was at variance with the conceptual plan but did not materialize into an application.

To conclude the comment on this point, we have worked with the applicants on each of the applications submitted or proposals made but these have never been pursued or finalized by the applicant.

Statement:

- "1. That the owner is being required to connect to a sewer at his expense for property which may only be located on this site for a period of six months."

Comment:

In accordance with Council policy, the owner of this property was directed to connect to the Sanitary Sewer, by letter dated September 3, 1970. As there was no reply to this letter a registered letter was sent on November 12, 1970. As there was no reply to this letter, an information was sworn against the owner. This action prompted the reply reproduced below:

May 12, 1971

Pollution Control Committee
Clerks Office
494 Canada Way
Burnaby 2, B. C.

Dear Sirs:

Sewer Connections at 9211 Cameron Street and 9237 Cameron Street

On May 13, 1971, I was served with a summons asking me to appear on May 20 to explain why the sewer had not been connected. We would like to appeal for an extension as this property is in an area proposed by the City for apartments. We have signed an agreement with a Ken Rosencrous and he has made application for rezoning to apartments. Present lines will be removed and new lines put in at that time. We would very much like to avoid extra trouble and costs of putting in new lines that may have to be removed in the near future.

We are asking if we could receive some correspondence from you to take to the Magistrate when I appear.

Yours truly

Abe Epp

The reply noted below was forwarded the following day:

Mr. M. J. Shelley

-5-

Re: Proposed subdivision - Cameron Street,
Noel Drive and Sullivan

May 18, 1971

Mr. A. Epp
7469 Vivian Street
Vancouver, B. C.

Dear Sir:

Re: Sewer Connections--9211 Cameron Street and
9237 Cameron Street, Burnaby, B. C.

This will acknowledge your letter dated May 17, 1971,
which concerned the above captioned subject.

Unfortunately, at this date, it is too late to apply
for an extension of time in this matter.

We can only suggest that you explain to the Magistrate,
on May 20, 1971, the circumstances in this matter as explained
by you in your letter.

Yours truly

R. F. Norcliffe,
Secretary
POLLUTION COMMITTEE

RFN:mb1
cc: Municipal Engineer

At the appearance on May 20th, the Courts allowed an extension
until June 25th. The Corporation asked for a remand for 30 days
when the applicant did not appear on this date. Evidence given at
this hearing revealed that there was no application before the
Planning Department for rezoning. Subsequently, the Engineering
Department asked the Courts for an extension to August 27th. Follow-
ing receipt of Mr. Butler's letter, arrangements have been made with
the Municipal Solicitor for the matter before the Courts concerning
connection to the Sanitary Sewer to be laid over until the total
matter brought before Council is resolved.

STATEMENT:

" 2. That the owner has been refused permission to develop
the land in accordance with the plan proposed by the
Municipality."

COMMENT:

On July 8th 1971, the letter reproduced below was submitted
by Mr. Butler in which he asked that we approve the creation
of four 50' lots in a zoning district which requires a minimum
of 60' frontage.

Project Designs,
1905, 750 Jervis,
Vancouver 5, B.C.

683-7049

July 8th, 1971.

Planning Department,
Burnaby Municipal Hall,
Burnaby, B. C.

Dear Sir,

re: Proposed Single-Family Building

67

Mr. M. J. Shelle

-6-

LEWIS & CLARK'S REPORT NO. 53

COUNCIL MEETING NO. 07/1

Re: Proposed subdivision - Cameron Street,
Noel Drive and Sullivan

Following our discussion on Tuesday, I left a revised plan at the Reception Desk yesterday.

As you will see I have suggested four 50'0" lots facing Noel Drive with the lane relocated as discussed. I do not know whether an exchange can be arranged with the adjoining owner on Noel Drive, but before approaching him on this matter I think it would be appropriate to obtain your approval, in principle, to the other proposals indicated on the drawing.

I have indicated 50'0" lots instead of 60'0" for two reasons. Firstly, so as to allow the owner some compensation for the delay in future re-zoning, the acquisition of the land for the new road and the re-alignment of the lane. Secondly, because it seems to me that the transition from existing lots to low-density multiple family is better served by a strip of slightly higher density.

Your comments and early consideration would be appreciated because the Engineering Department require the sewer connection to be put in hand on, or before, the 26th July, 1971.

Yours truly

James E. Butler.

This request was examined and it became apparent that a field survey would be necessary to determine the alignment and the nature and width of the right of way which would be determined by field conditions. On July 22nd, this information was requested from the Engineering Department and Mr. Butler was advised of this in a letter dated July 27th, which is reproduced below.

July 27th, 1971

Project Designs,
2058 Highview,
College Park,
Port Moody, B. C.

Attention: Mr. J. Butler

Dear Sir:

Re: Lot "B" E.P. 15372, S.D. 1 & 2
Blk. 19, D.L. 6, Plan 6105
Subdivision Reference #132/71

In connection with your application for approval to subdivide the subject property and further to your discussion with Mrs. Best on July 20, 1971, we would advise that the Engineering Department has been requested to establish the centre line of the proposed road in the field and to determine what width of right-of-way will be necessary.

Preliminary Approval of the subdivision will not be possible until the road requirements are established determining the amount of land available for the R2 single family development.

Yours truly,

Lynn H. Armstrong
For A. L. Parr,
APPROVING OFFICER.

68

Re: Proposed subdivision - Cameron Street,
Noel Drive and Sullivan

The Engineering Department examined the request and advised that it would not be possible to provide the necessary information prior to the next scheduled Court appearance. Mr. Butler was so advised by telephone.

In conclusion, it is apparent from the foregoing that the application has not been refused. Basic information is not yet available which will allow either an approval or a rejection.

STATEMENT:

- "3. That the location of the road to the North of the site has been indicated but that no definite ruling upon its size, or exact location, is available."

COMMENT:

As noted in the previous point, this statement is correct. In order to finalize the current subdivision application, it is necessary for the Engineering Department to carry out a certain amount of work to define more accurately the location of the proposed road and its tie-in with Beaverbrook Drive west of Noel Drive. With the current heavy program of construction and its requirements on their surveyors and designers, the Engineering Department will be unable to determine the required information until approximately September 15th, 1971. As soon as the information is available, the subdivision application will be processed in the normal manner.

STATEMENT:

- "4. That the proposed road has not been agreed to by Council and though proposed by the Planning Department is thought to be, by its location, too expensive by the Engineering Department."

COMMENT:

The road was proposed by the Planning Department and adopted in principle by Council as part of the overall road system necessary for this area. The dedication of Beaverbrook Drive, the acquisition of two houses on Noel Drive and construction of Beaverbrook Drive and bridge over Stoney Creek are all a part of this road link.

The Engineering Department reports that they did not make a statement that the proposed road is deemed "too expensive", but rather that information was supplied to the applicant concerning the acquisition of property and construction of the road as it appears in our Six Year C.I.P. document. These were simply statements of fact and no subjective opinions were offered.

STATEMENT:

- "5. That because of Items 2, 3 and 4 above, Item 1 cannot justifiably be considered as fair or equitable."

COMMENT:

As noted above, Court proceedings have been delayed until this matter has been dealt with by Council.

Mr. M. J. Shelley

-8-

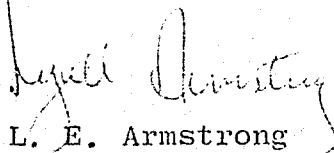
Re: Proposed subdivision - Cameron Street,
Noel Drive and Sullivan

SUMMARY:

1. In accordance with Council direction, a sewer hook up was requested and when no action was taken, the matter was placed before the Courts.
2. An application to subdivide has not been refused. As soon as the necessary physical data is available, an approval or rejection will be forwarded to the applicant.

RECOMMENDATION:

It is recommended that if a preliminary approval is granted to the subdivision application and the existing houses are to remain, that connection to the sewer be mandatory within 30 days of such approval.


L. E. Armstrong
for A. L. Parr,
DIRECTOR OF PLANNING.

LEA:bp