

RE: REZONING REFERENCE NO. 25/87
4881 CANADA WAY

ITEM	2
MANAGER'S REPORT NO.	40
COUNCIL MEETING	87/06/08

MUNICIPAL MANAGER'S RECOMMENDATION:

1. THAT the recommendation of the Director Planning & Building Inspection be adopted.

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TO: MUNICIPAL MANAGER 1987 JUNE 02

FROM: DIRECTOR PLANNING & BUILDING INSPECTION

SUBJECT: REZONING REFERENCE #25/87
4881 CANADA WAY

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RECOMMENDATION:

1. THAT Council establish the following as a further prerequisite condition of Rezoning Reference #25/87:
 - (h) The registration of a Covenant under Section 215 of the Land Title Act in respect to use of the land for group home purposes as outlined on the Comprehensive Development Plan.

R E P O R T

On 1987 04 23, the subject rezoning bylaw, from the R2 District to Comprehensive Development District CD (based on R4 Residential District Guidelines), was presented to a Public Hearing.

One of the concerns that was voiced by several of the speakers at that time relates to the potential for future use of the property for group home purposes differing from the present proposal, in the event that the Willingdon Church were to discontinue its intended operation at some time. The Public Hearing was informed by staff that it is intended that the proposed use parameters be spelled out quite distinctly on the Comprehensive Development Plan, so that any significant change in use would necessitate consideration of an amendment to the zoning, and would involve a further Public Hearing.

Arising from further discussions with the applicant in this regard, agreement has been reached on the wording for the notation on the CD Plan. The general wording that is intended to be used in this regard is the following:

"Property use to be restricted to a single-family dwelling or a group home as defined in the Burnaby Zoning Bylaw, Bylaw #4742, for not more than seven (7) expectant mothers and/or up to three (3) newborn infants, in a residential setting and under the care and supervision of resident group home parents."

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Additionally, the Willingdon Church has signified its willingness to enter into a registered Covenant under Section 215 of the Land Title Act to place on the property title a restriction to the same effect. The purpose of such a covenant is not to take the place of the zoning control, but rather to serve as notice to any prospective purchaser that the property is subject to a specific-use restriction.

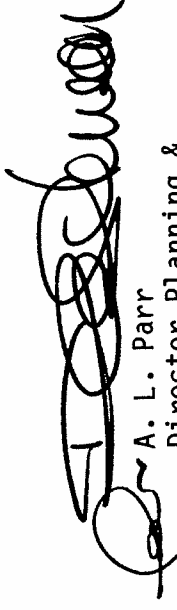
In order to document this arrangement it would be appropriate to adopt the above recommendation, to establish this further condition as a prerequisite to Final Adoption of the rezoning bylaw.

The applicant is proceeding with fulfillment of the various prerequisite conditions and this Department is continuing to seek Ministry of Transportation & Highways approval to the rezoning application. When the conditions have been substantially fulfilled, staff will request that the Bylaw be returned for Third Reading.

And

DGS:1f

cc: Chief Public Health Inspector
Municipal Solicitor



A. L. Parr
Director Planning &
Building Inspection