

ITEM 13
MANAGER'S REPORT NO. 7
COUNCIL MEETING 88/01/25

RE: REZONING REFERENCE NO. 163/87
5912, 5924, 5938, 5946 & 5958 SPROTT STREET

MUNICIPAL MANAGER'S RECOMMENDATION:

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

* * * * *

TO: MUNICIPAL MANAGER 1988 JANUARY 20

FROM: DIRECTOR PLANNING & BUILDING INSPECTION

SUBJECT: REZONING REFERENCE #163/87
APPLICANT: Corporation of Burnaby
ADDRESS: 5912, 5924, 5938, 5946 & 5958 Sprott Street

LEGAL: Lot C exc.Pcl.1 (expl.pl.15931), Pcl.1 of Lot C
(expl.pl.15931), W.60 ft. of Lot D, Plan 5426,
Lots 60 & 70, Plan 30270, all of D.L. 80

From: R4 Residential District

To: R3 Residential District

RECOMMENDATION:

1. THAT a rezoning bylaw be prepared and advanced to First Reading on 1988 February 01 and to a Public Hearing on 1988 February 23 at 19:30 h and that the following prerequisite be established:
 - a) The approval of the Ministry of Transportation and Highways to the rezoning application.

R E P O R T

REZONING PURPOSE:

The purpose of the proposed rezoning bylaw amendment is to enable the creation of conforming single-family residential lots under the R3 District after the necessary lane has been dedicated.

BACKGROUND:

The subject properties are located within the Central Administrative Area Plan adopted by Council in 1974, which proposes future redevelopment under the P5 Community Institutional District.

However, in view of three subdivision applications, including one which was dealt with through the Courts regarding 5912 Sprott Street, it was necessary to report to Council to determine whether residential subdivision could be supported albeit that the properties were located in the Area Plan.

A copy of the 1987 September 08 (Item No. 21, Manager's Report No. 53) Report regarding this topic is attached for Council's information and additional background. The following recommendation was adopted at that time:

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"THAT the Director Planning & Building Inspection be authorized to initiate an application to rezone the properties at 5912, 5924, 5938, 5946 and 5958 Sprott Street from R4 Residential to R3 Residential to permit subdivision of 5912 Sprott Street at this time and ensure suitable subdivision potential for the balance of the residential properties in the future."

GENERAL COMMENTS:

The Solicitor for the owner of 5912 Sprott Street has been advised of the above recommendation. He has advised that the owner does wish to pursue subdivision based on an R3 zoning category and that the remaining owners may also wish to participate in subdividing concurrently.

CONCLUSION:

In view of the foregoing the rezoning application is now being advanced for all five residential properties in order that subdivision, including a required lane, can be submitted and processed accordingly.


A. L. Parr
DIRECTOR PLANNING &
BUILDING INSPECTION

CS/hr
Att.

RE: SUBDIVISION REFERENCE NO. 97/87
5912 SPROTT STREET

CENTRAL ADMINISTRATIVE AREA DEVELOPMENT CONCEPT

MUNICIPAL MANAGER'S RECOMMENDATION:

1. THAT the recommendation of the Approving Officer be adopted.

* * * * *

TO: MUNICIPAL MANAGER 1987 SEPTEMBER 02

FROM: APPROVING OFFICER

SUBJECT: SUBDIVISION REERENCE #97/87
5912 SPROTT STREET
CENTRAL ADMINISTRATIVE AREA DEVELOPMENT CONCEPT

RECOMMENDATION:

1.0 THAT the Director Planning & Building Inspection be authorized to initiate an application to rezone the properties at 5912, 5924, 5938, 5946 and 5958 Sprott Street from R4 Residential to R3 Residential to permit subdivision of 5912 Sprott Street at this time and ensure suitable subdivision potential for the balance of the residential properties in the future.

R E P O R T

BACKGROUND:

The subject property at 5912 Sprott Street (see attachment #1) is located within the Central Administrative Area Plan adopted by Council in 1974, which proposes future redevelopment under the P5 Community Institutional District (see attachment #2).

On 1987 March 04, the owner's solicitor submitted survey plans which indicated a two-lot subdivision with lane dedication (see attachment #3). This plan was rejected on the basis of being located in the Area Plan and that proposed Lot 1 could not achieve the minimum area of 670 m² required under the existing R4 zoning category.

A further submission of formal survey plans indicating a two-lot subdivision was forwarded on 1987 March 31. That plan eliminated the lane dedication in order to achieve the minimum area for proposed Lot 1 under the R4 category (shown on attachment #3). Again, the plans were rejected on the basis of the existence of the Area Plan. Also addressed was the fact that even if subdivision were supported, the problem of minimum area could not be resolved by omitting the lane as its dedication and construction would be required in view of the primary arterial function of Sprott Street.

Rejection of this latter application was not acceptable by the owners and they instructed their solicitor to appeal the decision of the Approving Officer in the Courts. The petition by the owner was dismissed in Supreme Court Chambers on 1987 May 27. While the affidavit by the Approving Officer did allude to the Central Administrative Area Plan, the decision was based on the evidence presented regarding the statutory authority of the Approving Officer to require a lane dedication.

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CURRENT SITUATION:

The Planning and Building Inspection Department is now in receipt of a third submission of survey plans for this property. This current submission indicates a lane dedication which has been relocated southwards to ensure that proposed Lot 1 can achieve the minimum R4 lot area regulations and satisfy the requirement for a lane (see attachment #4). This new proposal includes 5924 Sprott Street (shown as Lot 3) via the consolidation of a portion of 5912 Sprott to ensure compliance for that lot as well.

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From a subdivision viewpoint, the current application is not considered acceptable due to the proposed location of the lane which does not reflect the depth of existing lots on Sprott Street nor provide adequate depth for lots which would front on Sunset Street. If subdivision is to be supported, an amendment from the existing R4 zoning district to the R3 residential category will be required. The purpose of this transaction would be to dedicate the lane according to the first submission which would enable Lot 1 to conform to the R3 regulations. The existing lots to the east (particularly Lot "1" and Lot 69) which are presently legally nonconforming under the R4 zoning, would also become conforming under the R3 district.

It is important to note that if subdivision occurs, the future subdivision potential of adjacent properties must be taken into consideration requiring the lane to be situated so as to ensure its future extension and use by adjacent owners.

GENERAL COMMENTS

It is advised that two large parcels at the easterly portion of this block have been rezoned to the P5 category in accordance with the Central Administrative Area Plan, upon which two churches have been constructed. However, there has been no active interest in developing this western portion under the P5 designation at this time.

CONCLUSION:

In view of the foregoing, and unless Council advises to the contrary, it is proposed that notwithstanding the Central Area Plan, a subdivision application be processed on the basis of amending the zoning from R4 Residential to R3 Residential with an appropriate layout which recognizes the subdivision potential of the remaining subdividable lots.

CS:hr
Atts.
cc: Municipal Solicitor

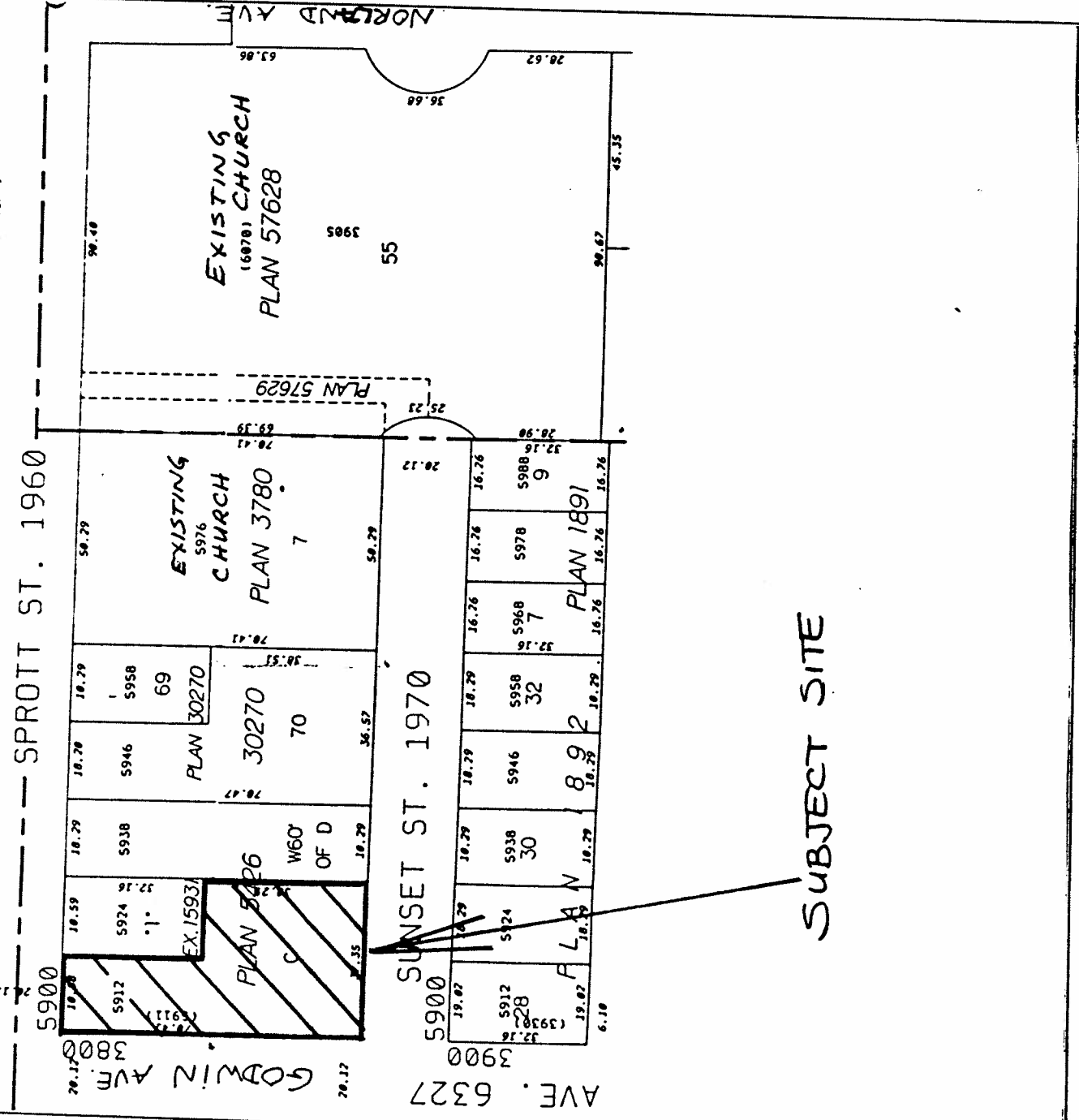

A. L. Parr
APPROVING OFFICER

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	P	L	A	M	B	8	5	+
20.12	20.12	20.12	20.12	20.12	20.12	20.12	20.12	20.12
21.95	18.79	20.12	20.12	20.12	20.12	20.12	20.12	20.12
PLAN 22224	P	L	A	M	15	8	5	
20.12	20.12	20.12	20.12	20.12	20.12	20.12	20.12	20.12
5909	5929	5949	5969	5989	6011	6079	6069	6089
21.95	18.79	20.12	20.12	20.12	20.12	20.12	20.12	20.12
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SCALE 1:1000

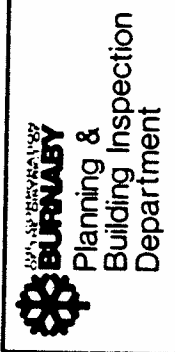


SUBJECT SITE

Date: 1987 SEPT.

Scale: Not To Scale

Drawn By: C.S.



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SUBDIVISION REFERENCE # 97/87

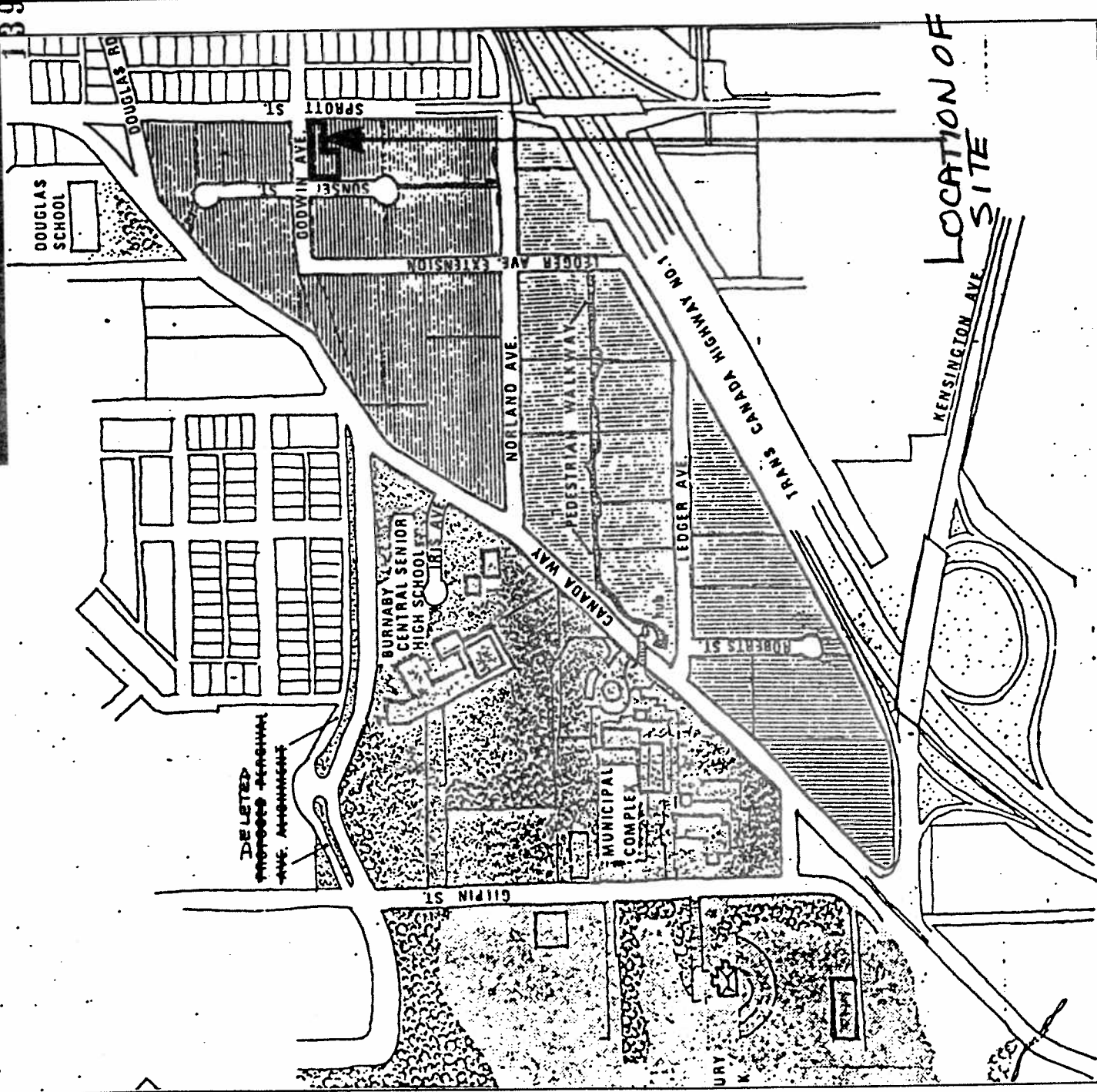
PROPERTY LOCATED AT

5912 SPROTT STREET

ATTACHMENT #1

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DEVELOPMENT PLAN CONCEPT									
<table border="0"> <tr> <td>OFFICE</td> <td>PROPOSED LAND USE</td> </tr> <tr> <td>Administrative</td> <td>Public</td> </tr> <tr> <td>Community</td> <td>Parkland</td> </tr> <tr> <td>Institutional</td> <td></td> </tr> </table>	OFFICE	PROPOSED LAND USE	Administrative	Public	Community	Parkland	Institutional		
OFFICE	PROPOSED LAND USE								
Administrative	Public								
Community	Parkland								
Institutional									

BURNABY
 Planning &
 Building Inspection
 Department

Date: 1987 SEPT.
 Scale: NOT TO SCALE

Drawn By:

LOCATION OF 5912 SPROTT STREET
 WITHIN CENTRAL ADMINISTRATIVE
 AREA PLAN.
ATTACHMENT #2

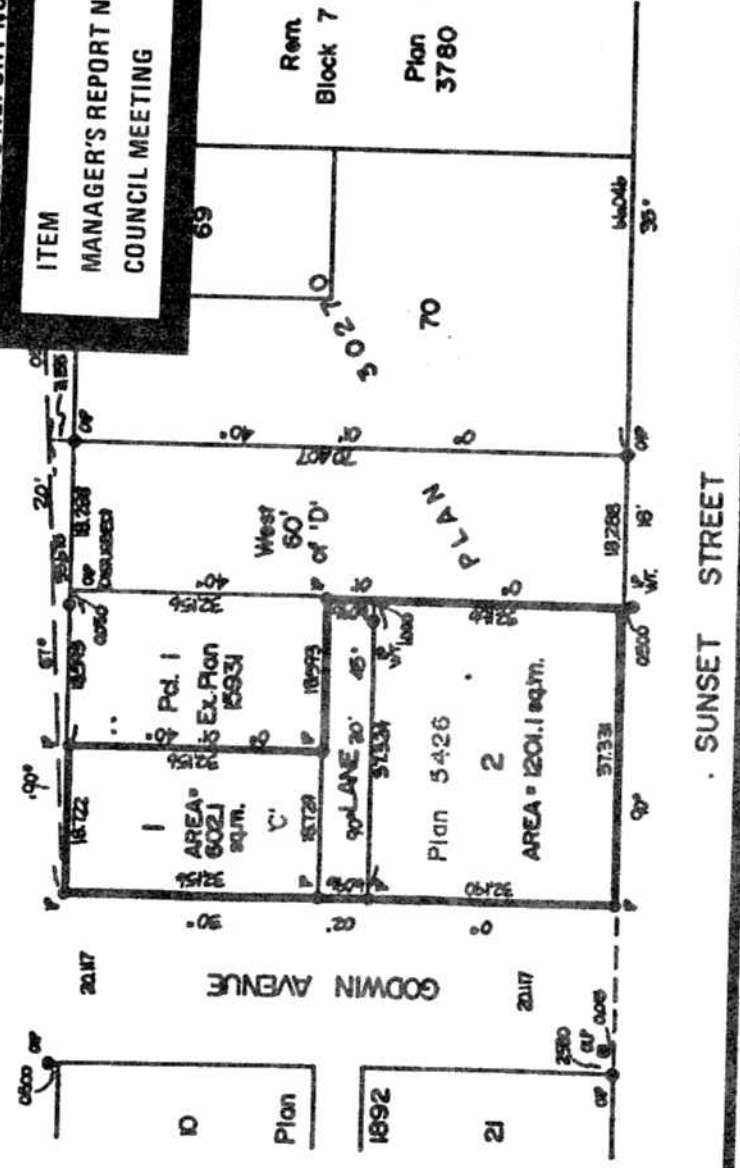
FIRST SUBMISSION - 1987 MARCH 04:

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SPROTT STREET

(OCM DTS 357 DESTROYED)

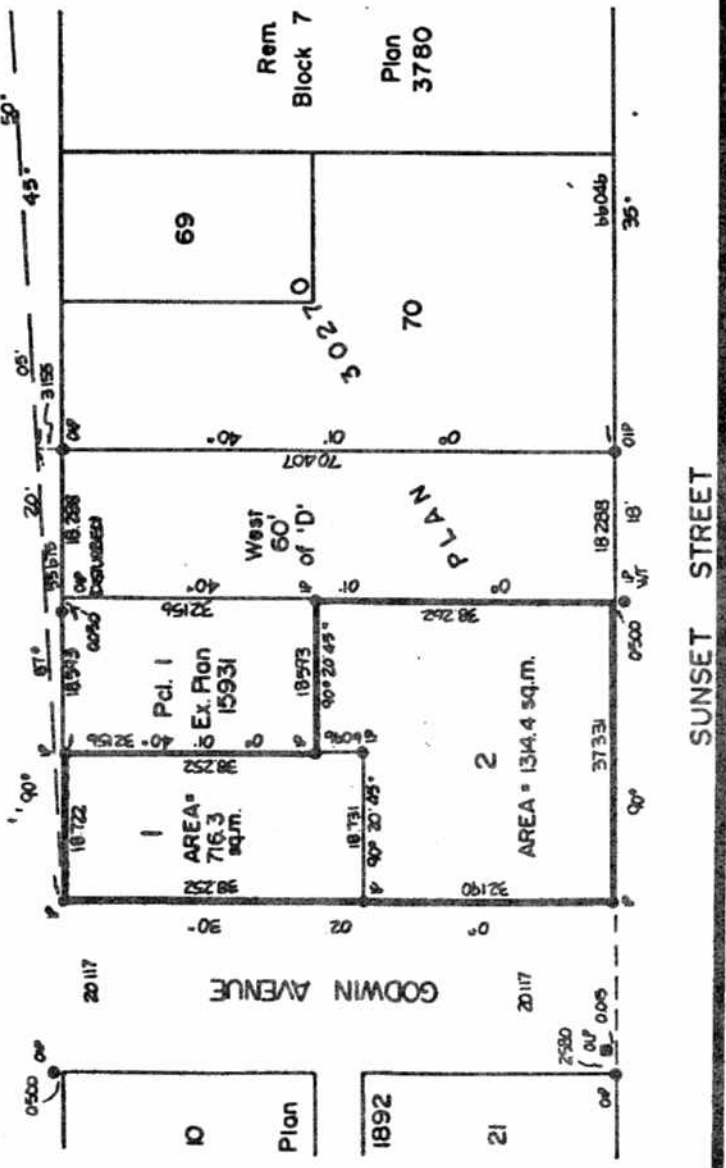


SUNSET STREET

SECOND SUBMISSION - 1987 MARCH 31:

(OCM DTS 357 DESTROYED)

SPROTT STREET



SUNSET STREET



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Date: 1987 SEPT.

Scale: Not To Scale

Drawn By:

LAYOUTS SUBMITTED FOR FIRST AND SECOND SUBMISSIONS OF SUBDIVISION PLANS FOR 5912 SPROTT STREET ATTACHMENT #3

40 50 60 70

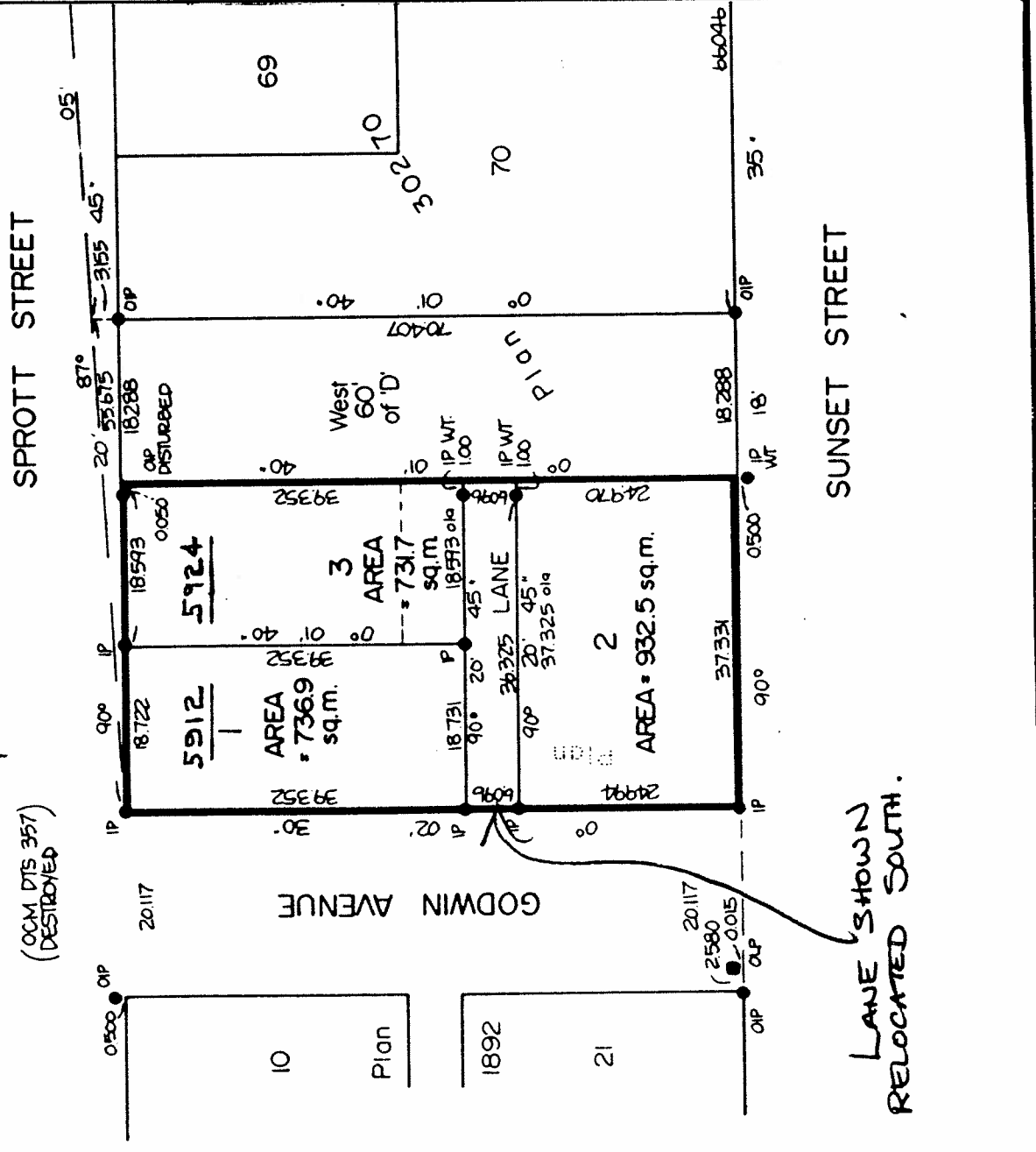
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'B'
Plan
70205
OP
WT
0030

(OCM DTS 357)
(DESTROYED)



LANE SHOWN
RELOCATED SOUTH.



Date: 1987 SEPT.

Scale: 1: 750

Drawn By:

CURRENT SUBMISSION FOR
SUBDIVISION OF
5912 SPROTT STREET.
(S.D. REF. #97/87) ATTACHMENT #4