

ITEM	5
MANAGER'S REPORT NO.	31
COUNCIL MEETING	93/05/10

TO: CITY MANAGER 1993 MAY 05

FROM: ACTING DIRECTOR PLANNING AND BUILDING

SUBJECT: REZONING REFERENCE #33/79
4054 FIRST AVENUE (SEE ATTACHED SKETCH)
REVISION OF PREREQUISITE CONDITIONS

PURPOSE: To seek Council authorization to abandon the original Bylaw for this rezoning, prepare a new Rezoning Bylaw and advance the Bylaw to a Public Hearing on 1993 June 15.

RECOMMENDATIONS;

1. **THAT** staff be authorized to bring forward for abandonment Amendment Bylaw # 45, 1979. Bylaw No. 7454, a predecessor of the current rezoning proposal after Second Reading has been granted for this new rezoning proposal.
2. **THAT** a Rezoning Bylaw be prepared and advanced to First Reading on 1993 May 25 and to a Public Hearing on 1993 June 15 at 7:30 p.m. and that the following be established as prerequisite to the completion of the rezoning.
 - a) The submission of a suitable plan of development.
 - b) 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.
 - c) The granting of any necessary easements.
 - d) The dedication of any rights-of-way deemed requisite.
 - e) The approval of the Ministry of Transportation and Highways to the rezoning application.
3. **THAT** a copy of this report be sent to the applicant, Mr. David Switzer, 4019 Hastings Street, Burnaby, B.C. V5C 2J1

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R E P O R T

1.0 BACKGROUND INFORMATION:

1.1 On 1979 November 13 Council made a recommendation that a rezoning bylaw be advanced to the 1979 December 11 Public Hearing and that three prerequisite conditions be established to the completion of the rezoning. The application was to rezone the property from P8 Parking District to M3 Heavy Industrial District in order to permit industrial development of the site in conjunction with 4058 and 4090 First Avenue (Lots 7, 8 and 9), which are immediately adjacent. The rezoning bylaw was given Second Reading on 1979 December 17, however, the applicant did not proceed with satisfying the prerequisite conditions.

1.2 As part of a follow-up on dormant rezoning applications, in December 1992, this Department reminded the applicant of Council's policy to abandon proposed amendments to the Zoning Bylaw covering rezonings when the prerequisites are not completed within one year from the date of the First Reading of the bylaw, unless cause is shown by the applicant that the bylaw should not be abandoned. The applicant was advised of this Council policy previously, but Rezoning Reference #33/79 was not included in a list of rezoning amendment bylaws abandoned by Council as the applicant advised that he wished to proceed with the rezoning.

For information, the Planning and Building Department will be submitting a report to Council regarding the abandonment of a significant number of inactive rezonings in the near future.

In response to the 1992 December letter from this Department, Mr. Switzer informed staff he wished to complete the rezoning, but that a number of circumstances had changed.

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2.0 GENERAL DISCUSSION:

- 2.1 The industrial area surrounding the subject site is predominantly zoned M3 Heavy Industrial District, consistent with the proposed zoning of the subject property. The rezoning is therefore, still considered supportable from a general land use perspective.
- 2.2 The applicant informed staff that he no longer wishes to consolidate the subject property with the adjacent lots to the east and has submitted a preliminary plan of development for a storage yard on the subject property. Storage yards are a permitted use in the M3 District.

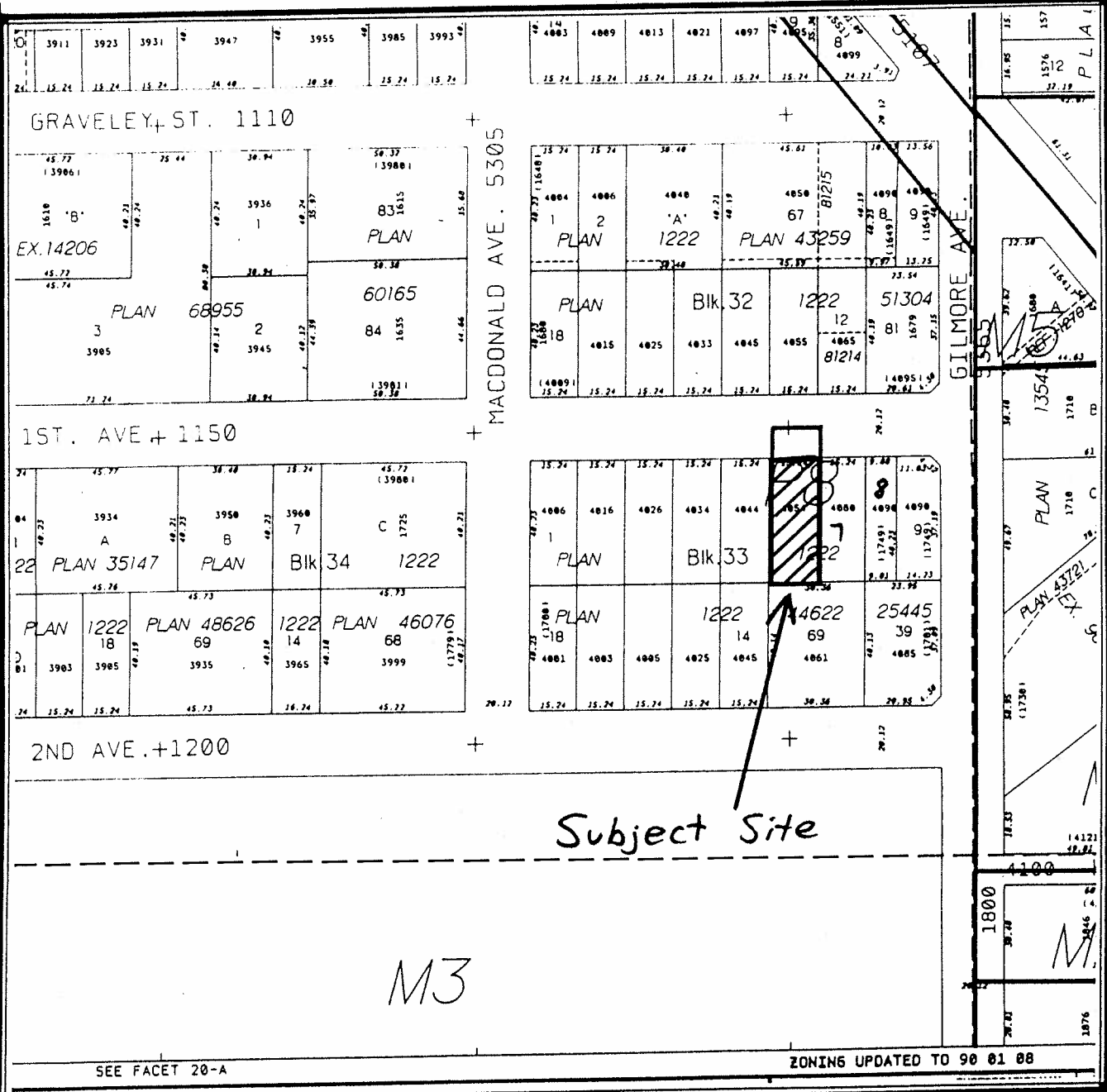
In addition, the applicant also advised that surplus parking spaces would no longer be required in conjunction with this rezoning, as discussed in the 1979 November 13 Council report, for the property at 1679 Gilmore Avenue. In 1992, 1679 Gilmore Avenue was consolidated with 4065 First Avenue and Preliminary Plan Approval #10635 was issued for additional parking on the site, which is sufficient for the approved uses on the site.

- 2.3 The City Solicitor advises that it would be appropriate to advance this rezoning to a new Public Hearing in recognition of the changes in the proposed development from that presented to the 1979 December 11 Public Hearing. The City Clerk recommends that in consideration of the passage of time from the original application, that the original Rezoning Bylaw be abandoned and replaced by a new Bylaw that would be advanced to First Reading and a Public Hearing. Accordingly, it is recommended that the rezoning be advanced to First Reading and the 1993 June 15 Public Hearing.


 D.G. STENSON
 ACTING DIRECTOR
 PLANNING AND BUILDING

BW:rm
 Attach.
 cc: CITY CLERK
 CITY SOLICITOR

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Date:
 1993 May
 Scale:
 1:2000
 Drawn By:

City of Burnaby
 Planning & Building Dept.
 Rezoning Reference # 33/79

NORTH ↑