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MANAGER'S REPORT NO.	58
COUNCIL MEETING	94/10/17

TO: CITY MANAGER 1994 OCTOBER 12

FROM: DIRECTOR PLANNING AND BUILDING

SUBJECT: REZONING REFERENCE #17/94
PUBLIC HEARING CONCERNS

PURPOSE: To provide Council with information on the concerns expressed at the Public Hearing for the subject rezoning.

RECOMMENDATION:

1. THAT a copy of this report be forwarded to Mr. Ron Owsamski, 5113 Smith Avenue, Burnaby, B.C. V5G 2W8; Mrs. Elizabeth Wainwright, 3754 Brandon Street, Burnaby, B.C. V5G 2P2; Mr. & Mrs. Low, 3777 Burke Street, Burnaby, B.C. V5H 1A4 and Mr. & Mrs. Charlton, 5149 Lorraine Avenue, Burnaby, B.C. V5G 2S3.

REPORT

1.0 BACKGROUND:

1.1 On 1994 August 22 Council received a report on Rezoning Reference #17/94, which involves a request to rezone a number of properties on Brandon Street, Burke Street and Lorraine Avenue (see *attached* Sketch #1) to R9 Residential District to permit a small lot subdivision. The report advised that since the initial rezoning report the applicant has added an additional property and revised the subdivision layout to show vehicular access from a new cul-de-sac off Burke Street. While the subdivision layout is actually smaller in overall site size than was originally proposed, it appears from preliminary analysis to be generally acceptable in terms of satisfying the R9 District regulations, subdivision requirements and Engineering standards for the proposed new road and lanes.

At that time Council adopted the recommendation to advance the rezoning to the 1994 September 27 Public Hearing. At the Public Hearing a number of concerns and questions were raised by some residents of the area and a report was requested addressing these concerns.

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This report responds to the concerns and questions raised at the Public Hearing.

2.0 GENERAL DISCUSSION:

2.1 The following are the significant concerns/questions raised at the Public Hearing and the responses:

1. An adjacent resident asked the question whether people would have a say if the plan changes.

- After the Public Hearing for the rezoning and prior to Final Adoption of the rezoning and registration of the subdivision plan, if the subdivision plan were to change, the public would have an opportunity to provide input under the following circumstances. If the density or the land area covered by the zoning amendment bylaw were to be increased or if the use were altered, then a new Public Hearing would need to be held. Additionally, if the subdivision layout were to be significantly altered, such as utilizing a different primary vehicular access point and the general information provided to the original Public Hearing was thereby contradicted, staff would also recommend that the altered scheme be presented to a new Public Hearing, at which time nearby residents could comment on the new scheme.

2. The owners of the property at 3754 Brandon Street inquired as to whether they could rezone later if they were left out at this time.

- The area that is the subject of rezoning includes only a small portion of the property at 3754 Brandon Street. A 3.66m (12 ft.) wide strip along the west property line is included in order to have sufficient right-of-way to construct a lane that would provide vehicular access for the new small lots along Lorraine Avenue and the future small lots abutting the proposed cul-de-sac (see *attached* Sketch #2). Providing vehicular access via a lane to narrower lots is considered beneficial from a design viewpoint in terms of the location of the garage and in terms of street parking, especially in the case of the narrow frontage of small lots on a cul-de-sac. If the properties along Lorraine Avenue were not included at this time, the overall site area would not meet the R9 District minimum site area of two acres and the rezoning would not be able to proceed.

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In terms of rezoning the remainder of 3754 Brandon Street in the future to permit small lot subdivision, rezoning is not necessary. As was noted in the Public Hearing report, the properties at 3754 and 3762 Brandon Street would qualify for R5 Single Family Dwelling-Small zoning and small lot subdivision, provided the current rezoning is finalized and small lots are created fronting the 3700-block Brandon Street pursuant to it. See *attached* Sketch #2 for the future subdivision potential of these properties, under their prevailing zoning.

3. The owner of the property at 5113 Smith Avenue expressed concern with being at the middle of a T-lane intersection and proposed an alternative subdivision layout.

- The new lane referred to is the lane between the new small lots along Brandon Street and the small lots on the cul-de-sac. As was previously stated vehicular access through a rear lane is considered important on small lot developments. If lanes are constructed, it is appropriate to require a restrictive covenant to be registered on the new lots limiting vehicular access to the lane.

The alternative subdivision layout presented at the Public Hearing by the owner of 5113 Smith Avenue does not have dimensions, but on a preliminary basis would appear to have merit *if* all the properties between Brandon and Burke Streets and the north/south lanes were included in the rezoning. The property at 3762 Brandon Street is not, however, included in this rezoning. Without this property, the new road could not be built through to Brandon Street and therefore a subdivision could not be achieved providing the standards required for residential streets. Utilizing the alternative subdivision layout presented, this rezoning would not be able to proceed at this time. It is also noted that the alternative scheme would create fewer lots than the conceptual subdivision configuration shown on Sketch #2.

4. The owners of the property at 3777 Burke Street expressed concerns about the adjacent new road related to noise, pollution and taxes, which were previously noted in the Public Hearing report. A new concern raised was that of the grade of the road and its geometric relationship to their property.


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- Staff conducted a site visit and observed an approximately 3-4 foot high retaining wall in the rear yards of 3773 Burke Street, where the new road would be constructed, and 3777 Burke Street. Utilizing the aerial photographs and topographic maps, as well as visual observations, it is estimated that the grade over the first 28 meters (91 ft.) of the property, prior to the slope becoming more gradual, is approximately 7%. This is within the accepted Engineering standards for road grades. The issue which will need to be addressed through Engineering design drawings is the relationship between the road elevation and the abutting properties. It will be recommended that the grade change be distributed over the rear of the properties as well, to minimize the elevation change along the west property line of 3777 Burke Street to reduce the visual impact of the road as much as possible, while retaining access to new lots off the internal lanes. The grade change to the west of the new road on 3765 Burke Street is more gradual and should be similar to the grade of the road. While care would need to be exercised to create a suitable relationship between the new road and the adjacent properties, it appears that a suitable Engineering design could be submitted.

3.0 CONCLUSION:

- 3.1 The above comments address the questions raised at the Public Hearing. It has been determined through this review process that the Engineering design drawings would need to be carefully reviewed to ensure a suitable relationship between the new road and the abutting properties.

This is for the information of Council.


D.G. Stenson, Director
Planning and Building

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Attach.

cc: Director Engineering

