



Item
Meeting 2012 October 22

COUNCIL REPORT

TO: CITY MANAGER 2012 October 17

FROM: DIRECTOR PLANNING AND BUILDING

SUBJECT: REZONING REFERENCE #12-17

ADDRESS: Portion of 2801 Ellerslie Avenue (see *attached* Sketch #1)

LEGAL: That portion of the common property of NWS3294, DL 59 and 78, Group 1, NWD, located north of Ellerslie Ave

FROM: CD Comprehensive Development District (based on RM1 Multiple Family Residential District)

TO: R2 Residential District

APPLICANT: Pacific Land Group
Suite 101 – 7485 130th Street
Surrey, BC V3W 1H8
(Attention: Oleg Verbenkov)

PURPOSE: To seek Council authorization to forward this application to a Public Hearing on 2012 November 27 at 7:00 p.m.

RECOMMENDATIONS:

1. **THAT** a Rezoning Bylaw be prepared and advanced to First Reading on 2012 November 05, and to a Public Hearing on 2012 November 27 at 7:00 p.m.
2. **THAT** the following be established as prerequisites to the completion of the rezoning:
 - a. The submission of a suitable plan of development.
 - b. The completion of the necessary subdivision to create 2 lots.
 - c. The deposit of sufficient monies including a 4% Engineering Inspection Fee to cover the costs of all services necessary to serve the site and the completion of a servicing agreement covering all requisite services. All services are to be designed to City standards and constructed in accordance with the Engineering Design. One of the conditions for the release of occupancy permits will be the completion of all requisite services.

- d. The granting of any necessary statutory rights-of-way, easements and/or covenants deemed requisite.
- e. The retention of the existing watercourse in an open condition over the subject site in its existing alignment, to the approval of the Acting Director Engineering.
- f. The owner enter into a covenant restricting vehicular access to Mawhinney Close.
- f. The deposit of the applicable Parkland Acquisition Charge.
- g. The deposit of the applicable GVS & DD Sewerage Charge.
- h. The deposit of the applicable School Site Acquisition Charge.

REPORT

1.0 REZONING PURPOSE

The purpose of the proposed rezoning bylaw amendment is to permit a two-lot R2 Residential District single-family subdivision.

2.0 BACKGROUND

2.1 In 1990, under Rezoning Reference #10/89, the subject property was developed under the Comprehensive Development District, utilizing the RM1 Multiple Family Residential District as guidelines, to permit the construction of a low-rise multiple family residential development on the south side of Ellerslie Avenue. The remnant portion of the subject property to the north of Ellerslie Avenue, which is the subject of this rezoning application, was held in a vacant condition until such time that the site could be developed in accordance with the R2 District subdivision guide plan for the area.

It is noted that the subject portion of the property is encumbered by a statutory right-of-way for BC Hydro and a right-of-way for the City of Burnaby for sanitary services, both of which run east-west along the southern half of the subject site.

It is also noted that there is a covenant registered on title which currently restricts the building of any structures on this portion of the subject property, to preserve its single-family development potential pending rezoning and subdivision in accordance with the R2 District.

2.2 The subject remnant portion of the property to the north of Ellerslie Avenue is currently vacant. To the south, across Ellerslie Avenue, are low-rise multiple family dwellings constructed on the southern portion of the subject lot. To the north, west and east are

single-family dwellings. It is noted that Pollywog Tributary 1 (a tributary of Pollywog Creek), which is a Class B watercourse, passes through the subject property adjacent to the western property line. Vehicular access to subject site is available from Mawhinney Close (see *attached* Sketch #1).

- 2.3 The subject portion of the property is located north of the Bainbridge Urban Village area within an established single-family residential neighbourhood. To the west is an R9 Residential District enclave of single-family dwellings (Rezoning Reference #06-41). To the east are 26 single-family residential dwellings constructed under Comprehensive Development zoning (based on R2 District guidelines).

This area generally serves as a transition between the Bainbridge Urban Village area and the established R2 Residential District neighbourhood north of Broadway. The subject portion of the property is designated within the Official Community Plan (OCP) as Single-Family Suburban, which is characterized by single-family development.

- 2.4 Council, on 2012 July 30, received the initial report of the Planning and Building Department concerning the rezoning of the subject site and authorized the Department to work with the applicant in preparation of a suitable plan of development with the understanding that a further and more detailed report would be submitted at a later date.

The applicant has now submitted a plan of development (subdivision plan) suitable for presentation to a Public Hearing.

3.0 GENERAL COMMENTS

- 3.1 The proposal is for a two-lot R2 District single-family residential subdivision. The proposed subdivision of the subject site would create two single-family lots in line with the single-family suburban designation of the OCP, and would conform to the provisions of the R2 District, including minimum lot area and width requirements.

Given the site's proximity to the Pollywog Tributary, a 15-metre streamside protection and enhancement area (SPEA) measured from the top of bank is applicable to the western portion of the overall site, and will require the registration of a non-disturbance Section 219 restrictive Covenant. The Covenant will require implementation of the restoration and enhancement strategy, including but not limited to, the restoration and enhancement of the SPEA with native planting, removal/control of invasive species, and installation of protective fencing along the SPEA boundary.

- 3.2 This site has been fully serviced to single-family residential standards. Any further servicing required in conjunction with this rezoning application and/or the required subdivision application will be to the approval of the Acting Director Engineering.
- 3.3 No road dedication is required as part of this rezoning application.

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3.4 The registration of any statutory rights-of-way, easements and covenants deemed requisite including, but not limited to:

- Section 219 Covenant limiting vehicular access for Proposed Lots A and B to Mawhinney Close; and
- Section 219 Covenant protecting a 15 metre streamside enhancement and protection area,

3.5 The release of covenant Filing No. AD17112 restricting the building of any structures on the subject portion of the property will be required.

3.6 Applicable Development Cost Charges include:

- a) Parkland Acquisition Charge of \$6,521.00 per lot
- b) GVS & DD Sewerage Charge (Fraser) of \$1,731.00 per unit
- c) School Site Acquisition Charge of \$1,000.00 per unit.

4.0 DEVELOPMENT PROPOSAL

4.1 Site Area (Portion of 2801 Ellerslie Avenue):

Gross Site Area - 0.316 ha (0.78 acres)

4.2 Lot Yield - 2

4.3 Lot Size

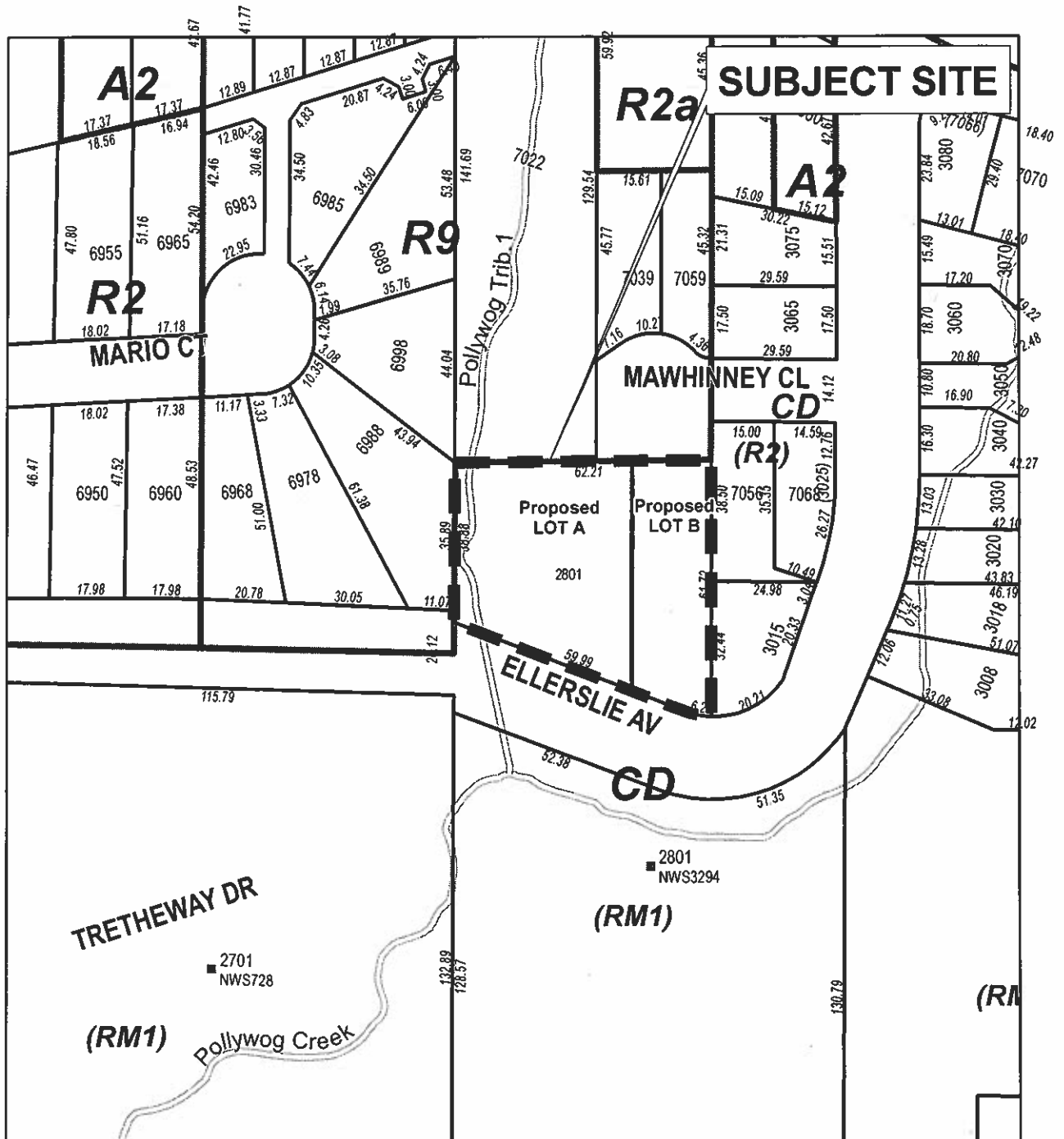
Proposed Lot A - 1,084 m² (11,668 sq. ft.) (single-family dwelling)

Proposed Lot B - 2,080 m² (22,389 sq. ft.) (single-family dwelling)


Lou Pelletier, Director
PLANNING AND BUILDING

GT:tn
Attachment

cc: Acting Director Engineering
Acting City Clerk
City Solicitor



City of Burnaby

PLANNING & BUILDING DEPARTMENT



DATE:
OCT 16 2012

SCALE:
1:1,500

DRAWN BY:
AY

 Subject Site

REZONING REFERENCE #12-17
PORTION OF 2801 ELLERSLIE AVE

Sketch #1