

1981 OCTOBER 20

A Public Hearing was held in the Council Chamber, Municipal Hall, 4949 Canada Way, Burnaby, B.C., on Tuesday, 1981 October 20 at 19:30 h.

PRESENT:

Acting Mayor W.A. Lewarne, In the Chair  
Alderman D.N. Brown  
Alderman D.A. Lawson  
Alderman F.G. Randall  
Alderman V.V. Stusiak

ABSENT:

Mayor D.M. Mercier  
Alderman G.D. Ast  
Alderman D.P. Drummond  
Alderman A.H. Emmott

STAFF:

Mr. A.L. Parr, Director of Planning  
Mr. P.D. Sanderson, Planner I  
Mr. James Hudson, Municipal Clerk  
Mr. R.D. Seath, Committee Secretary

The Public Hearing was called to order at 19:30 h.

1. FROM SMALL HOLDINGS DISTRICT (A2) TO RESIDENTIAL DISTRICT (R2)

Rezoning Reference #118/81

Lot 4, Block 5, D.L. 59, Plan 12321

2907 Phillips Avenue - located on the west side of Phillips Avenue between the Loughheed Highway and Lawrence Street.

The intent of the proposed bylaw is to rezone the land herein described in order to permit the creation of two lots for new single family development based on the R2 Zoning District.

The Advisory Planning Commission submitted a report concerning this rezoning application.

The Advisory Planning Commission recommended:

- (1) THAT the Advisory Planning Commission concur with the rezoning of the property located at 2907 Phillips Avenue from Small Holdings District (A2) to Residential District (R2).

There were no further submissions received in connection with this rezoning application.

MOVED BY ALDERMAN STUSIAK:  
SECONDED BY ALDERMAN BROWN:

"THAT this Public Hearing relating to Rezoning Reference #118/81 be now terminated."

CARRIED UNANIMOUSLY

2. FROM SERVICE COMMERCIAL DISTRICT (C4) TO GASOLINE SERVICE STATION DISTRICT SELF SERVE (C6a)

Rezoning Reference #146/81

Lot 5, D.L. 151 and 153, Plan 36197

4238 Kingsway - located on the southwest corner of Kingsway and Olive Avenue.

The intent of the proposed bylaw is to rezone the land herein described in order to permit the conversion of the existing full-service gas station to a self-serve facility.

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The Advisory Planning Commission submitted a report concerning this rezoning application.

The Advisory Planning Commission recommended:

- (1) THAT the Advisory Planning Commission concur with the rezoning of the property located at 4238 Kingsway from Service Commercial District (C4) to Gasoline Service Station District Self Serve (C6a).

There were no further submissions received in connection with this rezoning application.

MOVED BY ALDERMAN STUSIAK:  
SECONDED BY ALDERMAN RANDALL:

"THAT this Public Hearing relating to Rezoning Reference #146/81 be now terminated."

CARRIED UNANIMOUSLY

3. FROM RESIDENTIAL DISTRICT (R5) TO MULTIPLE FAMILY RESIDENTIAL DISTRICT (RM2)

Rezoning Reference #150/81

Lots 1, 2, 3, 4 and 5, Block 49, D.L. 30

7480 and 7490 Kingsway and 7385, 7391 and 7395 Sixteenth Avenue - located north of the intersection of Sixteenth Avenue and Kingsway.

The intent of the proposed bylaw is to rezone the lands herein described in order to accommodate the development of a three storey apartment building.

Mr. Lee Sanders, 7505 Kingsway, then addressed the members of Council and advised that he was opposed to this rezoning application. Mr. Sanders stated that the existing traffic situation is out of control and that adding an additional 50 to 60 families will further compound the problem. Mr. Sanders further stated that he would like to see the zoning remain in its present state.

Mrs. Alice Prouse, 7416 17th Avenue, then addressed the members of Council and advised that she was not opposed to this rezoning application, but requested that answers to the following questions be provided.

The questions as stated by Mrs. Prouse are as follows:

- (1) When the portion of Sylvan Drive ending on 16th Avenue is turned over to the developers could this not be replaced by part of the property at the end of the development (No. 5 on sketch 342) thereby leaving an outlet for Sylvan Drive on 16th Avenue? This would alleviate the additional traffic from Sylvan Court we will be subject to on 17th Avenue and in the lane between 17th Avenue and 16th Avenue by the complete closure of Sylvan Drive at 16th Avenue.

If this is not done it is going to cause great inconvenience to those of us on 17th Avenue who use Sylvan Drive to walk to the bus stop on Kingsway. I, myself, will have to walk twice as far each day. If nothing else, could arrangements be made for a footwalk access to 16th Avenue in this area?

The Director of Planning, Mr. A.L. Parr, advised that this request would have to be examined in greater detail and that the proposal put forward by the Planning Department had not considered the extension of Sylvan Drive.

- (2) At what point would the suggestion to make a dead end of 17th Avenue and the lane between 16th Avenue and 17th Avenue be implemented? Would the property owners on 17th Avenue be given a chance to voice their objections to being hemmed in in this way?

The Director of Planning, Mr. A.L. Parr, advised that this would be done at the time that other properties in the area are consolidated for further development.

- (3) Are the developers of the apartment building being required to provide a playground area for children as Sylvan Court does?

The Director of Planning, Mr. A.L. Parr, advised that the Planning Department has not received any indication from the developer that a substantial play area will be provided, however, the regulations of the RM2 District require that there be a certain amount of open usable space on the property that would not be for the surrounding residents, but just for the occupants of the new apartment development.

His Worship, Acting Mayor W.A. Lewarne, requested the Director of Planning to reply in writing to those questions raised by Mrs. Prouse at the Hearing this evening.

Mrs. Bernice Birzneck, 7403 16th Avenue, then addressed the members of Council and advised that she was also very concerned about the parking in the area. Mrs. Birzneck requested that a study be conducted of the parking and traffic situation in the area.

His Worship, Acting Mayor W.A. Lewarne, advised that the Municipality of Burnaby has conducted origin and destination studies and traffic flows for all the major arterials in the municipality.

Mrs. Birzneck further advised that the lane and street continually have cars parked on both sides all the time.

The Director of Planning, Mr. A.L. Parr, advised that this rezoning application would have to meet the parking requirements as defined in the Zoning Bylaw.

His Worship, Acting Mayor W.A. Lewarne, requested the Director of Planning to reply in writing to those concerns expressed by Mrs. Birzneck.

The Advisory Planning Commission submitted a report concerning this rezoning application.

The Advisory Planning Commission recommended:

- (1) THAT the Advisory Planning Commission concur with the rezoning of the property located at 7480 and 7490 Kingsway and 7385, 7391 and 7395 16th Avenue from Residential District (R5) to Multiple Family Residential District (RM2).

There were no further submissions received in connection with this rezoning application.

MOVED BY ALDERMAN STUSIAK:  
SECONDED BY ALDERMAN BROWN:

"THAT this Public Hearing relating to Rezoning Reference #150/81 be now terminated."

CARRIED UNANIMOUSLY

4. FROM RESIDENTIAL DISTRICT (R1) TO PARK AND PUBLIC USE DISTRICT (P3)

Rezoning Reference #157/81

Lots 2 and 3, Block "R", D.L. 79/85, Plan 8860; E½ of Lot 5 except Ref. Plan 31543, Block "R", D.L. 85, Plan 11109.

5017, 5047 and 5067 Dale Avenue - located on the south side of Canada Way between Dale Avenue and a lane that runs parallel to Dale Avenue.

The intent of the proposed bylaw is to rezone the lands herein described in order to provide the appropriate zoning to reflect the Corporation-owned lands designation as public park lands and to accommodate future expansion of Heritage Village.

Mr. Lee Palmer, 5075 Deer Lake Avenue, then addressed the members of Council and advised that the plans for Heritage Village are of interest to him. Mr. Palmer then queried whether the proposed rezoning reflects future or immediate plans for the expansion of Heritage Village.

The Director of Planning, Mr. A.L. Parr, advised that this particular rezoning application is related specifically to allowing Heritage Village to expand and include the creek area. Further, it does not establish any zoning in relation to the long term plans of Heritage Village, and that Heritage Village is in the process of developing long term plans for the Village.

Mr. Palmer advised that he was not opposed to this rezoning application.

The Advisory Planning Commission submitted a report concerning this rezoning application.

The Advisory Planning Commission recommended:

- (1) THAT the Advisory Planning Commission concur with the rezoning of the property located at 5017, 5047 and 5067 Dale Avenue from Residential District (R1) to Park and Public Use District (P3).

There were no further submissions received in connection with this rezoning application.

MOVED BY ALDERMAN STUSIAK:  
SECONDED BY ALDERMAN BROWN:

"THAT this Public Hearing relating to Rezoning Reference #157/81 be now terminated."

CARRIED UNANIMOUSLY

5. FROM RESIDENTIAL DISTRICT (R5) TO RESIDENTIAL DISTRICT (R3)

Rezoning Reference #158/81

6007-6548 Malvern Avenue, 7421 and 7375 Stanley Street and 7370 and 7378 Morley Street - the subject area includes those properties flanking both sides of Malvern Avenue from a point 74.7 metres south of Burris Street extending to a point approximately 76 metres north of Imperial Street.

The intent of the proposed bylaw is to rezone the lands herein described in order to prohibit the further development of two family dwellings and to preserve the predominantly single family residential character of the area.

Mr. Bob Roxborough, representing the Browndale Care Society which owns 7378 Morley Street, then addressed the members of Council and advised that the Browndale Care Society operates a treatment home at 7378 Morley Street for the treatment of emotionally disturbed children. It is the philosophy of the Browndale Care Society that emotionally disturbed children have the right to live in the community. It is the opinion of the Browndale Care Society that this rezoning application threatens the continued use of this property by the Browndale Care Society as a support to children and their families. Should the proposed rezoning proceed, the property at 7378 Morley Street would be subject to Section 722 of the Municipal Act, which places certain restrictions on the continued use of the property. For example, Section 722 of the Municipal Act states, "That should we fail to use the property as a home for emotionally disturbed children for a period of greater than thirty (30) days we would forfeit our right to non-conforming use", therefore, Mr. Roxborough, on behalf of the Browndale Care Society, requested a specific exemption from rezoning for as long as the Browndale Care Society, or any other non-profit society, serving children owns and operates a facility for children and families at 7378 Morley Street.

In response to a query from Alderman Stusiak regarding property ownership, Mr. Roxborough advised that the Browndale Care Society is the owner of the property at 7378 Morley Street.

Mr. Roxborough's concern is that if the Browndale Care Society ceased to use the property at 7378 Morley Street in accordance with Section 722 (2) of the Municipal Act, that the property would revert to R3 zoning. At present, the property is vacated for approximately sixty (60) days each summer in order that the residents can attend a summer camp and, as noted, violates the time limit of thirty (30) days as stipulated in the Municipal Act.

The Director of Planning, Mr. A.L. Parr, advised that the sixty (60) day absence to attend the summer camp would not prompt the revoking of the licence to operate the Browndale Care Society at 7378 Morley Street.

His Worship, Acting Mayor W.A. Lewarne, requested the Planning Department to clarify in writing the concern expressed by Mr. Roxborough on behalf of the Browndale Care Society.

Mr. Roxborough advised that he was in favour of the rezoning application.

Mr. Denis Ottewell, 6174 Malvern Avenue, then addressed the members of Council and advised that he was representing the Malvern property owners who support the continued use of the property at 7378 Morley Street by the Browndale Care Society.

The following people then addressed the members of Council and advised that they were in favour of the rezoning application:

<u>Mr. Hasham Karin</u>	7380 Burreis Street
<u>Mr. James E. Robertson</u>	6140 Malvern Avenue
<u>Mrs. Wen Stephens</u>	6539 Malvern Avenue
<u>Mr. Tom Tagami</u>	6423 Malvern Avenue
<u>Mrs. Shirley Ottewell</u>	6174 Malvern Avenue
<u>Mrs. K. Posnikoff</u>	6211 Malvern Avenue
<u>Mr. John Posnikoff</u>	6211 Malvern Avenue
<u>Mr. J.F. Gunn</u>	6312 Malvern Avenue
<u>Mr. &amp; Mrs. Doug Dean</u>	6331 Malvern Avenue
<u>Mr. &amp; Mrs. Norman Walters</u>	6271 Malvern Avenue
<u>Mr. John Yurick</u>	6041 Malvern Avenue
<u>Mr. Angus Gillon</u>	6025 Malvern Avenue
<u>Mr. Leslie W. Blackburn</u>	6159 Malvern Avenue
<u>Mrs. Leta P. Blackburn</u>	6159 Malvern Avenue
<u>Mr. Zvonks Petricevic</u>	6167 Malvern Avenue
<u>Mr. &amp; Mrs. C.R. Shantz</u>	5987 Malvern Avenue
<u>Mr. &amp; Mrs. G. Owen</u>	7430 Stanley Street

Mr. Bruce Miller, 6150 Malvern Avenue, then addressed the members of Council and queried how the municipality plans to consider the existing duplexes in the area.

The Director of Planning, Mr. A.L. Parr, advised that the existing duplexes would be classified as legally non-conforming structures.

Mr. Miller advised that he was opposed to this rezoning application.

The Advisory Planning Commission submitted a report concerning this rezoning application.

The Advisory Planning Commission recommended:

- (1) THAT the Advisory Planning Commission concur with the rezoning of the property located at 6007-6548 Malvern Avenue, 7421 and 7375 Stanley Street and 7370 and 7378 Morley Street from Residential District (R5) to Residential District (R3).

A letter dated 1981 October 14 was received from Mr. R.M. Peterman, 6008 Leibly Avenue, expressing support for this rezoning application.

There were no further submissions received in connection with this rezoning application.

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MOVED BY ALDERMAN STUSIAK:  
SECONDED BY ALDERMAN BROWN:

"THAT this Public Hearing relating to Rezoning Reference #158/81 be now terminated."

CARRIED UNANIMOUSLY

All petitions, letters and prepared texts submitted in connection with all of the rezoning applications appearing on the agenda for tonight's Hearing are on file in the office of the Municipal Clerk.

MOVED BY ALDERMAN STUSIAK:  
SECONDED BY ALDERMAN RANDALL:


"THAT this Public Hearing (Zoning) do now adjourn."

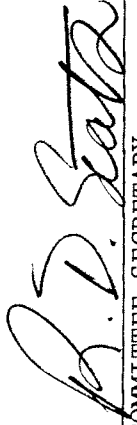
CARRIED UNANIMOUSLY

The Public Hearing adjourned at 20:00 h.

Confirmed:

Certified Correct:

  
\_\_\_\_\_  
MAYOR

  
\_\_\_\_\_  
COMMITTEE SECRETARY



THE CORPORATION OF THE DISTRICT OF BURNABY

ZONING BYLAW AMENDMENTS

PUBLIC HEARING

The Council of The Corporation of the District of Burnaby hereby gives notice that it will hold a Public Hearing on

TUESDAY, 1981 OCTOBER 20 at 19:30 h

in the Municipal Hall, 4949 Canada Way, Burnaby, B.C., V5G 1M2 to receive representation in connection with the following proposed amendments to "Burnaby Zoning Bylaw 1965":

1. FROM SMALL HOLDINGS DISTRICT (A2) TO RESIDENTIAL DISTRICT (R2)  
"BURNABY ZONING BYLAW 1965, AMENDMENT  
BYLAW NO. 121, 1981" - BYLAW NO. 7783  
 Rezoning Reference 118/81  
 Lot 4, Block 5, D.L. 59, Plan 12321  
 2907 Phillips Avenue - located on the west side of Phillips Avenue between the Lougheed Highway and Lawrence Street.  
*The intent of the proposed bylaw is to rezone the land herein described in order to permit the creation of two lots for new single family development based on the R2 Zoning District.*
2. FROM SERVICE COMMERCIAL DISTRICT (C4) TO GASOLINE SERVICE STATION DISTRICT  
SELF SERVE (C6a)  
"BURNABY ZONING BYLAW 1965, AMENDMENT  
BYLAW NO. 122, 1981" - BYLAW NO. 7784  
 Rezoning Reference #146/81  
 Lot 105, D.L. 151 and 153, Plan 36197  
 4238 Kingsway - located on the southwest corner of Kingsway and Olive Avenue.  
*The intent of the proposed bylaw is to rezone the land herein described in order to permit the conversion of the existing full-service gas station to a self-serve facility.*
3. FROM RESIDENTIAL DISTRICT (R5) TO MULTIPLE FAMILY RESIDENTIAL DISTRICT (RM2)  
"BURNABY ZONING BYLAW 1965, AMENDMENT  
BYLAW NO. 123, 1981" - BYLAW NO. 7785  
 Rezoning Reference #150/81  
 Lots 1, 2, 3, 4 and 5, Block 49, D.L. 30  
 7480 and 7490 Kingsway and 7385, 7391 and 7395 Sixteenth Avenue - located north of the intersection of Sixteenth Avenue and Kingsway.  
*The intent of the proposed bylaw is to rezone the lands herein described in order to accommodate the development of a three storey apartment building.*
4. FROM RESIDENTIAL DISTRICT (R1) TO PARK AND PUBLIC USE DISTRICT (P3)  
"BURNABY ZONING BYLAW 1965, AMENDMENT  
BYLAW NO. 124, 1981" - BYLAW NO. 7786  
 Rezoning Reference #157/81  
 Lots 2 and 3, Block "R", D.L. 79/85, Plan 8860; E½ of Lot 5, except Ref. Plan 31543, Block "R", D.L. 85, Plan 11109.  
 5017, 5047 and 5067 Dale Avenue - located on the south side of Canada Way between Dale Avenue and a lane that runs parallel to Dale Avenue.  
*The intent of the proposed bylaw is to rezone the lands herein described in order to provide the appropriate zoning to reflect the Corporation-owned lands designation as public park lands and to accommodate future expansion of Heritage Village.*

5. FROM RESIDENTIAL DISTRICT (R5) TO RESIDENTIAL DISTRICT (R3)

"BURNABY ZONING BYLAW 1965, AMENDMENT  
BYLAW NO. 125, 1981" - BYLAW NO. 7787

Rezoning Reference #158/81

6007-6548 Malvern Avenue, 7421 and 7375 Stanley Street and 7370 and 7378 Morley Street - the subject area includes those properties flanking both sides of Malvern Avenue from a point 74.7 meters south of Burris Street extending to a point approximately 76 meters north of Imperial Street.

*The intent of the proposed bylaw is to rezone the lands herein described in order to prohibit the further development of two family dwellings and to preserve the predominantly single family residential character of the area.*

All persons who deem their interest in property affected by the proposed bylaws and who wish to register an opinion may appear in person, by attorney or by petition at the said Hearing.

A copy of the proposed bylaws may be inspected at the office of the Municipal Clerk at 4949 Canada Way, Burnaby, B.C. during regular business hours from Friday, 1981 October 02 at 12:00 h up to 16:30 h on Tuesday, 1981 October 20.

J. Hudson  
MUNICIPAL CLERK