

1991 DECEMBER 17

A Public Hearing was held in the Council Chamber, Municipal Hall, 4949 Canada Way, Burnaby, B.C. on Tuesday, 1991 December 17 at 7:30 p.m.

PRESENT: Mayor W.J. Copeland (In the Chair)
Alderman D.P. Drummond
Alderman E. Nikolai
Alderman L.A. Rankin
Alderman J. Young

ABSENT: Alderman D.R. Corrigan
Alderman D.G. Evans
Alderman D.A. Lawson
Alderman C.M. Redman

STAFF: Mr. A.L. Parr, Director Planning & Building
Mrs. D.R. Comis, Deputy Municipal Clerk
Mrs. D. Campbell, Administrative Officer -
Communications Protocol

The Public Hearing was called to order at 7:36 p.m.

1. FROM M3 HEAVY INDUSTRIAL DISTRICT TO CD COMPREHENSIVE DEVELOPMENT DISTRICT (BASED ON P2 ADMINISTRATION AND ASSEMBLY DISTRICT GUIDELINES AND IN ACCORDANCE WITH THE DEVELOPMENT PLAN ENTITLED "WESTRIDGE CELL SITE SHELL OIL PROPERTY, BURNABY" PREPARED BY ROBERTSON KOLBEINS TEEVAN GALLAHER ASSOCIATES)
"BURNABY ZONING BYLAW 1965, AMENDMENT BYLAW NO. 52, 1991" - BYLAW NO. 9670

Rezoning Reference #39/91

Portion of 6511 Hastings Street

Portion of Blk. V Exc: Part On Plan with Bylaw filed A35693, D.L.'s 205, 206, 217 and 218, Grp. 1, N.W.D., Plan 28422

The purpose of the proposed amendment to the Zoning Bylaw is to permit the construction of cellular antennae and an equipment room.

No one appeared in connection with this rezoning application.

The Advisory Planning Commission wish to advise Council that following its consideration of this rezoning application, a decision was reached to SUPPORT the rezoning of a portion of 6511 Hastings Street from M3 Heavy Industrial District to CD Comprehensive Development District.

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

MOVED BY ALDERMAN DRUMMOND:
SECONDED BY ALDERMAN YOUNG:

"THAT this Public Hearing relating to Rezoning Reference #39/91 be now terminated."

CARRIED UNANIMOUSLY

2. FROM M6 TRUCK TERMINAL DISTRICT TO M2 GENERAL INDUSTRIAL DISTRICT
"BURNABY ZONING BYLAW 1965, AMENDMENT BYLAW NO. 53, 1991" - BYLAW NO. 9671

Rezoning Reference #41/91

Lot 96, D.L. 125, Plan 54267

5005 Still Creek Avenue

The purpose of the proposed amendment to the Zoning Bylaw is to permit the use of the property as a lumber storage yard.

A letter dated 1991 December 09 was received from M. Acres, Sales & Service Manager, Poulan/Weed Eater, 5027 Still Creek Avenue, Burnaby, B.C. expressing support for the proposed rezoning application.

Mr. V. Stusiak, 8338 Hollis Place, Burnaby, B.C., appeared before Council speaking on behalf of Standard Building Supplies Limited, applicants for the subject rezoning. Mr. Stusiak introduced his presentation by requesting Council rescind prerequisite 4.1(f) of the staff recommendation which requires the applicant to enter into a restrictive covenant prohibiting construction of any buildings or the provision of requiring parking or loading within a 20 foot strip along the west property line.

The speaker then proceeded to elaborate on the following three reasons for which the applicant's request to Council is based on:

- the restrictive covenant would be harmful to the applicant's present and future business plans; and
- the possible road alignment is not and has not been part of an approved municipal road or transportation plan; and
- the condition as approved did not meet requirements of the Municipal Act.

The Advisory Planning Commission wish to advise Council that following its consideration of this rezoning application, a decision was reached to SUPPORT the rezoning of the property at 5005 Still Creek Avenue from M6 Truck Terminal District to M2 General Industrial District.

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

MOVED BY ALDERMAN DRUMMOND:
SECONDED BY ALDERMAN YOUNG:

"THAT this Public Hearing relating to Rezoning Reference #41/91 be now terminated."

CARRIED UNANIMOUSLY

3. FROM R5 RESIDENTIAL DISTRICT TO R5b RESIDENTIAL DISTRICT
"BURNABY ZONING BYLAW 1965, AMENDMENT
BYLAW NO. 54, 1991" - BYLAW NO. 9672

Rezoning Reference #45/91

Lot 6, D.L. 92, Plan 20131

6244 Ashworth Avenue

The purpose of the proposed amendment to the Zoning Bylaw is to permit a group day-care for up to ten children.

A letter dated 1991 December 09 was received from Gary Mak Wing Hoi and Mak Kin Hoi, owners of 6160-62 Ashworth Avenue, Burnaby, B.C., expressing opposition to the proposed rezoning application.

A Planning Department memorandum dated 1991 December 10 was received addressing one of the rezoning prerequisites which requires the planting of an evergreen hedge along the north property line of the subject property. The Director Planning and Building reported, in part, as follows:

"While the 1991 November 18 report from the Director Planning and Building recommended the rezoning be advanced to a Public Hearing, it also noted that the impact the increase in the permitted number of children at the daycare could have on the adjacent residence at 6224 Ashworth Avenue should be addressed. In this regard, it was stated that a suitable plan of development would be required as a prerequisite of rezoning, indicating the planting of an evergreen hedge along the north property line of the site. The purpose of this requirement was to provide an increased degree of buffering between the proposed group daycare's outdoor plan area and the single-family residence to the north for visual and noise attenuation purposes.

The applicant has subsequently stated that she would be unable to satisfy this requirement and has questioned the benefits of requiring a hedge. Staff, therefore, agreed to conduct an additional site visit and review the situation in more detail. During the site visit, it was observed that the adjacent residential property to the north is slightly lower than the subject site and that the solid wood fence between the properties is 6 feet high, thus eliminating any direct view into the outdoor play area and some of the potential noise. The deck at the rear of the neighbouring property is virtually at grade, which also minimizes potential impact. The daycare operator advises that changing the permitted number of children from seven to ten should have little impact and that because a group daycare requires two employees, compared to a family daycare for seven children or less, which requires one, children will be better supervised and less likely to create noise problems. For information, staff also spoke with the neighbouring resident at 6224 Ashworth Avenue, who did not express concern over either the rezoning of the subject property or the need to provide additional screening.

In light of the above information and the social benefits derived from the establishment of a group daycare, unless otherwise directed, staff will not require the planting of an evergreen hedge in connection with the suitable plan of development. A suitable plan of development would, however, still be required to demonstrate conformance with the Zoning Bylaw and the retention of the buffer area at the rear of the property noted in the rezoning report. If Council does not otherwise direct, it would be our intention to make a clarifying statement to this effect at the Public Hearing on 1991 December 17."

Mrs. Lorelei Lolua, 6518 Elgin Avenue, Burnaby, B.C. appeared before Council in support of the rezoning application as she felt it would address the need for daycare availability, particularly for those children three years of age and under.

The Advisory Planning Commission wish to advise Council that following its consideration of this rezoning application, a decision was reached to SUPPORT the rezoning of the property at 6244 Ashworth Avenue from R5 Residential District to R5b Residential District.

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

MOVED BY ALDERMAN DRUMMOND:
SECONDED BY ALDERMAN YOUNG:

"THAT this Public Hearing relating to Rezoning Reference #45/91 be now terminated."

CARRIED UNANIMOUSLY

4. FROM R5 RESIDENTIAL DISTRICT TO P1 NEIGHBOURHOOD INSTITUTIONAL DISTRICT
"BURNABY ZONING BYLAW 1965, AMENDMENT BYLAW NO. 55, 1991" - BYLAW NO. 9673

Rezoning Reference #50/91

North 132.2 ft. of Lot 2, D.L. 32, Plan 6123

6125 Nelson Avenue

The purpose of the proposed amendment to the Zoning Bylaw is to bring the existing church and day-care into legal conformity.

No one appeared in connection with this rezoning application.

The Advisory Planning Commission wish to advise Council that following its consideration of this rezoning application, a decision was reached to SUPPORT the rezoning of the property at 6125 Nelson Avenue from R5 Residential District to P1 Neighbourhood Institutional District.

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

MOVED BY ALDERMAN DRUMMOND:
SECONDED BY ALDERMAN NIKOLAI:

"THAT this Public Hearing relating to Rezoning Reference #50/91 be now terminated."

CARRIED UNANIMOUSLY

A D J O U R N M E N T

MOVED BY ALDERMAN DRUMMOND:
SECONDED BY ALDERMAN NIKOLAI:

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

CARRIED UNANIMOUSLY

The Public Hearing (Zoning) adjourned at 7:55 p.m.

Confirmed:

Certified Correct:


MAYOR


ADMINISTRATIVE OFFICER
OPERATIONS

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

TUESDAY, 1991 DECEMBER 17 AT 7:30 P.M.

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 M3 HEAVY INDUSTRIAL DISTRICT TO CD COMPREHENSIVE DEVELOPMENT DISTRICT (BASED ON P2 ADMINISTRATION AND ASSEMBLY DISTRICT GUIDELINES AND IN ACCORDANCE WITH THE DEVELOPMENT PLAN ENTITLED "WESTRIDGE CELL SITE SHELL OIL PROPERTY, BURNABY" PREPARED BY ROBERTSON KOLBEINS TEEVAN GALLAHER ASSOCIATES)
"BURNABY ZONING BYLAW 1965, AMENDMENT BYLAW NO. 52, 1991" - BYLAW NO. 9670
Rezoning Reference #39/91
Portion of 6511 Hastings Street
Portion of Blk. V Exc: Part On Plan with Bylaw filed A35693, D.L.'s 205, 206, 217 and 218, Grp. 1, N.W.D., Plan 28422
The purpose of the proposed amendment to the Zoning Bylaw is to permit the construction of cellular antennae and an equipment room.
2. FROM M6 TRUCK TERMINAL DISTRICT TO M2 GENERAL INDUSTRIAL DISTRICT
"BURNABY ZONING BYLAW 1965, AMENDMENT BYLAW NO. 53, 1991" - BYLAW NO. 9671
Rezoning Reference #41/91
Lot 96, D.L. 125, Plan 54267
5005 Still Creek Avenue
The purpose of the proposed amendment to the Zoning Bylaw is to permit the use of the property as a lumber storage yard.
3. FROM R5 RESIDENTIAL DISTRICT TO R5b RESIDENTIAL DISTRICT
"BURNABY ZONING BYLAW 1965, AMENDMENT BYLAW NO. 54, 1991" - BYLAW NO. 9672
Rezoning Reference #45/91
Lot 6, D.L. 92, Plan 20131
6244 Ashworth Avenue
The purpose of the proposed amendment to the Zoning Bylaw is to permit a group day-care for up to ten children.
4. FROM R5 RESIDENTIAL DISTRICT TO P1 NEIGHBOURHOOD INSTITUTIONAL DISTRICT
"BURNABY ZONING BYLAW 1965, AMENDMENT BYLAW NO. 55, 1991" - BYLAW NO. 9673
Rezoning Reference #50/91
North 132.2 ft. of Lot 2, D.L. 32, Plan 6123
6125 Nelson Avenue
The purpose of the proposed amendment to the Zoning Bylaw is to bring the existing church and day-care into legal conformity.

All persons who deem their interest in property affected by the proposed bylaws who wish to register an opinion may appear in person, by attorney or by petition at the said Hearing. Submissions will not be accepted after termination of the Public Hearing.

Copies of the Director Planning and Building Inspection's reports and related information respecting the subject rezoning applications are available for public examination at the offices of the Planning Division, 3rd floor, in the Burnaby Municipal Hall.

Copies 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 Tuesday, 1991 November 26 to 4:30 p.m. on Tuesday, 1991 December 17.

C.A. Turpin
MUNICIPAL CLERK