

1992 FEBRUARY 25

A Public Hearing was held in the Council Chamber, Municipal Hall, 4949 Canada Way, Burnaby, B.C. on Tuesday, 1992 February 25 at 7:30 p.m.

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

ABSENT: Alderman D.G. Evans
Alderman D.A. Lawson

STAFF: Mr. D.G. Stenson, Deputy Director Planning and Building
Ms. M. Pasqua, Administrative Officer, Operations

The Public Hearing was called to order at 7:32 p.m.

1. FROM R1 RESIDENTIAL DISTRICT AND CD COMPREHENSIVE DEVELOPMENT DISTRICT (BASED ON P8 PARKING AND P5 COMMUNITY INSTITUTIONAL DISTRICT GUIDELINES) TO "AMENDED" CD COMPREHENSIVE DEVELOPMENT DISTRICT (BASED ON P8 PARKING DISTRICT AND P5 COMMUNITY INSTITUTIONAL DISTRICT GUIDELINES, AND IN ACCORDANCE WITH THE DEVELOPMENT PLAN ENTITLED "SITE PLAN FOR ADDITIONAL PARKING FOR NEW LIFE COMMUNITY CHURCH PREPARED BY D. DE KLEER")
"BURNABY ZONING BYLAW 1965, AMENDMENT BYLAW NO. 4, 1992" - BYLAW NO. 9692

Rezoning Reference #95/88

Lot 2, Block "B" of D.L. 10, Grp. 1, Plan 6980 exc.: firstly, Pcl. "A" (Expl. Plan 9604) and secondly, part subdivided by plan 12317 and thirdly, part subdivided by Plan 28760, NWD; Pcl. "A", D.L. 10, Grp. 1, NWD, Ref. Plan 83647

8760 Lougheed Highway/8765 Government Street

The purpose of the proposed rezoning bylaw amendment is to permit a portion of the property to be used for additional parking and improved access for the New Life Community Church.

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 8760 Lougheed Highway/8765 Government Street from R1 Residential District and CD Comprehensive Development District to "Amended" 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 #95/88 be now terminated."

CARRIED UNANIMOUSLY

2. FROM A2 SMALL HOLDINGS DISTRICT TO CD COMPREHENSIVE DEVELOPMENT DISTRICT (UTILIZING CENTRAL ADMINISTRATIVE AREA DEVELOPMENT CONCEPT GUIDELINES) "BURNABY ZONING BYLAW 1965, AMENDMENT BYLAW NO. 5, 1992" - BYLAW NO. 9693

Rezoning Reference #51/91

Lot 1 "A"; Rem. N-1/2 of 1; Rem. S-1/2 except 213' all of D.L. 80, Plan 792

4905 Canada Way, 4336 & 4456 Percival Avenue

The purpose of the proposed rezoning bylaw amendment is to rezone Corporation lands in the Central Administrative Area preparatory to their servicing and sale.

A letter dated 1992 February 24 was received from John Miller, 1703 - 4134 Maywood Street, Burnaby expressing opposition to the rezoning application for reasons that the development proposal would be incompatible with Burnaby's desire to preserve neighbourhoods. The writer stated that the proposal is fundamentally flawed as it cites a precedent that has no relation to the neighbourhood being discussed and it suggests a profile that is inconsistent with the surrounding areas. Other issues raised in opposition to the rezoning proposal were increased traffic volumes, parking and the adequacy of the 15 metre buffer.

A letter dated 1992 February 24 was received from Malcolm Coupe, 4916 Rowan Avenue, Burnaby requesting that the proposed development not go forward. The writer was of the opinion that the property in question represents an example of a neighbourhood woodlot and as such should be preserved.

Roy Finlay, 4507 Percival Avenue, Burnaby addressed Council on behalf of area residents and extended congratulations to Council and staff on new commercial developments in the municipality. While area residents are not against progress, the speaker felt that a number of issues needed to be addressed as part of the rezoning development process. Area residents are concerned regarding a potential change in traffic patterns, emergency access, parking and provision of some form of pedestrian walkway.

The speaker also alluded to the width of the proposed buffer zone and questioned the proposed method of landscaping and maintenance.

Betty-Anne Beharrell, 4350 Fitzgerald Avenue, Burnaby addressed Council with concerns that residents of Fitzgerald Avenue, Monarch Street and Spruce Street were not notified of the rezoning and the Public Hearing. Mrs. Beharrell directed her comments towards the preservation of the existing trees on the subject property and requested that they be preserved at all cost. The speaker stated her preference of designating the subject site for park purposes or, alternately, that Council consider including a very wide buffer zone and that the development be situated on the lower portion of the site in closer proximity to Iris Avenue.

Allan Griffith, 4264 Fitzgerald Avenue, Burnaby addressed Council with a concern regarding a potential change in the traffic pattern as a result of the lane between Percival Avenue and Fitzgerald Avenue being cul-de-saced. The speaker advised that the lane is used by neighbouring children for various recreational activities and any traffic short cutting through the lane would create a hazardous situation.

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 4905 Canada Way and 4336/4456 Percival Avenue from A2 Small Holdings District to CD Comprehensive Development District.

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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 #51/91 be now terminated."

CARRIED UNANIMOUSLY

3. FROM CD COMPREHENSIVE DEVELOPMENT DISTRICT (BASED ON P2 DISTRICT GUIDELINES) TO "AMENDED" CD COMPREHENSIVE DEVELOPMENT DISTRICT (BASED ON P6 DISTRICT GUIDELINES, AND IN ACCORDANCE WITH THE DEVELOPMENT PLAN ENTITLED "AIRCARE VEHICLE INSPECTION CENTRE BC-4", PREPARED BY UMA ENGINEERING LTD.)
"BURNABY ZONING BYLAW 1965, AMENDMENT BYLAW NO. 6, 1992" - BYLAW NO. 9695

Rezoning Reference #43/91

Lot "C" exc. part subdivided by Plan 78056, D.L. 72, Plan 68136

4705 Wayburne Drive

The purpose of the proposed rezoning bylaw amendment is to permit development of a Vehicle Emissions Inspection Station and offices.

A letter dated 1992 February 23 was received from Allan and Lorraine Blackwell, 4754 Harken Drive, Burnaby advising they reside directly south of the subject site and therefore feel they would be directly affected by the rezoning. The writers expressed their opposition to the rezoning proposal due to the proposed hours of operation for the vehicle emissions inspection station, the potential queuing of cars waiting to be tested and a higher volume of traffic in and around the area.

An undated petition was received containing the signatures of 47 residents of Greentree Place, Fernglen Drive, Garden Grove Drive and Harken Drive who oppose the proposed rezoning application.

The content of the petition reads as follows:

"We, the undersigned ask you not to rezone 4705 Wayburne Drive to permit the location of 'Aircare Vehicle Inspection Centre B.C. - 4'.

We oppose this rezoning because such an inspection station would bring traffic and air pollution to our family oriented neighbourhood."

Alderman Drummond retired from the Council Chamber at 8:00 p.m.

David Fairey, 4778 Fernglen Place, Burnaby addressed Council advising that he has been a resident of the area for two years and during that period has witnessed increased traffic volumes and speeding along Moscrop Street.

Alderman Drummond returned to the Council Chamber at 8:05 p.m. and took his place at the Council table.

Mr. Fairey suggested that a traffic signal at the intersection of Moscrop and Wayburne is essential and that the speed limit on Moscrop Street should be reduced and enforced. The speaker was of the opinion that the proposed extended hours and Sunday operation of the vehicle emissions inspection station as suggested in the report was totally unacceptable and would only add to the existing traffic problems in the area. With respect to the proposed use of the land, Mr. Fairey advised that he had no objection to a vehicle emissions inspection station on the subject property.

Alderman Corrigan retired from the Council Chamber at 8:11 p.m.

Alderman Nikolai retired from the Council Chamber at 8:12 p.m.

In response to an inquiry from Council with respect to the proposed target date for traffic signal installation at Moscrop and Wayburne, Mr. D.G. Stenson, Deputy Director Planning and Building advised that the developer would be required to enter into a cost sharing agreement for the proposed traffic signal and that the signal is scheduled to be installed in conjunction with the Moscrop/Gilpin Connector.

Council agreed to refer the matters of traffic volume, speed and enforcement and the installation of a traffic signal at Moscrop and Wayburne to the Traffic Safety Division of the Traffic and Transportation Committee.

Bob Mason, 4145 Staulo Crescent, Vancouver addressed Council representing Intrawest Development Corporation who are responsible for providing the site to accommodate B.C.'s Aircare Program. In 1989, the B.C. government, in response to a widespread concern for the quality of our air, and acting upon a recommendation from the G.V.R.D. elected to mandate a vehicle emissions inspection program in the Lower Mainland. The program will consist of 12 testing stations comprising 42 lanes throughout various municipalities in the Lower Mainland. The speaker advised that the facility proposed for Burnaby will not only serve as an inspection station but also the headquarters for the entire program.

Alderman Nikolai returned to the Council Chamber at 8:15 p.m. and took his place at the Council table.

Alderman Redman retired from the Council Chamber at 8:16 p.m.

The speaker advised that the staff of Ebco-Hamilton, the operators of the program, have worked very closely with Burnaby staff towards a design which substantially addresses all concerns.

As a final, more general comment Mr. Mason advised that before Intrawest became committed to providing the subject site for the program, there were two fundamental concerns: they did not want to get involved in a project which did not have a broad base of public support, and; that Ebco-Hamilton, the test station operators, would do a good job of meeting their responsibilities. The speaker advised that both concerns have been met beyond his expectations and that he was confident that it would be both an effective and efficient operation.

Dawn Lupton, 4720 Elmgrove Place, Burnaby addressed Council in opposition to the rezoning application. Ms. Lupton made reference to sections 4.2 and 4.3 of the Director Planning and Building's report regarding compatibility with the existing development in the area and vehicle access and egress to the site. The speaker was of the opinion that the proposals outlined in the report to mitigate some of the concerns raised were not acceptable and therefore requested Council to reconsider the rezoning application.

Jim Gougan, 2351 Larsen Road, Shawnigan Lake, B.C. addressed Council as the Manager of Portfolio Management, B.C. Buildings Corporation. Mr. Gougan advised of B.C. Building Corporation's support for the Provincial Government's initiative on vehicle emission testing. B.C. Building Corporation entered into a lease agreement with Ebco-Hamilton for the subject site and the lease is subject to the rezoning of the property in question.

Alderman Corrigan entered the Council Chamber at 8:26 p.m. and took his place at the Council table.

Morris Mennell, 375 Fairway Drive, North Vancouver addressed Council advising he was employed by the Greater Vancouver Regional District, Air Quality Management and that on behalf of the G.V.R.D., Mr. Mennell wished to express support for the rezoning application.

Alderman Young retired from the Council Chamber at 8:27 p.m.

Mr. Mennell further advised that the G.V.R.D. is in full support of the Aircare Program and that the Burnaby site is ideally situated in terms of its close proximity to the B.C.I.T. facility.

In concluding, Mr. Mennell provided Council with a brief technical overview of the impact of vehicle emissions on the environment.

John Ratel, 3994 Bow Road, Victoria, B.C. addressed Council as the Director of Government Affairs, B.C. Automobile Association. Mr. Ratel stated that, on behalf of the 648,000 members in British Columbia, there is full and complete support for the establishment of emission control inspection facilities. B.C.A.A. recognizes that automobiles contribute significantly to atmospheric problems and therefore inspection of all vehicles will assist in reducing the high level of pollution.

In concluding, Mr. Ratel encouraged Council to approve the rezoning application and suggested that any delay in the process would impact negatively on the proposed plans.

Alderman Redman returned to the Council Chamber at 8:36 p.m. and took her place at the Council table.

Alderman Corrigan retired from the Council Chamber at 8:36 p.m.

Alderman Young returned to the Council Chamber at 8:38 p.m. and took his place at the Council table.

Bill Meyerhoff, 4565 Elmgrove Drive, Burnaby addressed Council with a concern for environment and air quality control. The speaker stated that even though the proposed site is a convenient location for the vehicle emissions inspection station he did not feel that it was the best choice. Mr. Meyerhoff advised that the neighbourhood is predominantly people oriented and the convenience of locating the facility on this site was not a good enough reason to approve the rezoning application.

Jean Prior, 4874 Greentree Place, Burnaby addressed Council advising that she felt this was not a supportable development due to reasons of potential excessive traffic and the resulting air pollution.

Alderman Drummond retired from the Council Chamber at 8:55 p.m.

Ms. Prior suggested that if a traffic signal is installed at the intersection of Wayburne and Moscrop, traffic will queue back to Willingdon Avenue to the west and Royal Oak Avenue to the east and thereby encourage commuters to cut through the Garden Grove area to avoid congestion. In concluding, Ms. Prior requested Council reject the rezoning application and maintain the neighbourhood's liveability.

Clare Eraut, 2665 Dewdney, Victoria, B.C. addressed Council as the Director of Motor Vehicle Emissions Inspection and Maintenance, Province of British Columbia. Mr. Eraut advised that an extensive review of testing stations in other jurisdictions has been conducted in order to ensure that no burden is being brought upon any community. Mr. Eraut was confident that Ebco-Hamilton, operators of the facility, will maintain a very professional, effective and efficient operation at all times.

Alderman Drummond returned to the Council Chamber at 9:06 p.m. and took his place at the Council table.

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The speaker advised that special consideration was given to the Burnaby site to ensure that the area would not be over burdened with excessive increases in traffic.

Allen Soltan, Davis & Company, 2800 Park Place, 666 Burrard Street, Vancouver addressed Council advising he was the appointed Counsel for Royal Oak College and was at the Public Hearing to request an adjournment of rezoning reference #43/91 for the property located at 4705 Wayburne Drive. Mr. Soltan distributed a letter to Council which set out the reasons for requesting the adjournment and advised that his client is not critical of an emission control program but rather it was a simple issue of short notification of the Public Hearing. Royal Oak College President, Mr. Beverage was unable to attend the Public Hearing due to travel commitments out of the country and the speaker felt that he should be granted a reasonable opportunity to make presentation to Council regarding this rezoning application.

Mr. Soltan advised Council that he had prepared a preliminary submission which addresses the impact of the rezoning proposal on the Royal Oak College. The speaker then provided an overview of the submission as presented to Council.

The preliminary submission provided general information regarding Royal Oak College, background to the zoning of the College's property and the subject property, the impact on the College of the proposed rezoning and the disposition of the proposed plan of development.

Mr. Soltan advised that Royal Oak College does not support the rezoning application due to the close proximity of the traffic lanes to the dormitories and cafeteria areas of the College. Hours of operation including late night and Sunday opening was also an issue that the College objected to.

Alderman Young retired from the Council Chamber at 9:35 p.m.

In concluding, Mr. Soltan, on behalf of Royal Oak College, requested Council not approve the rezoning application but rather adjourn the Public Hearing to 1992 March 24 in order to allow the President of Royal Oak College to come forward and make a submission to Council.

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 4705 Wayburne Drive from Comprehensive Development District to Amended Comprehensive Development District.

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

Alderman Young returned to the Council Chamber at 9:42 p.m. and to his place at the Council table.

MOVED BY ALDERMAN DRUMMOND:
SECONDED BY ALDERMAN YOUNG:

"THAT this Public Hearing relating to Rezoning Reference #43/91 be now terminated."

CARRIED UNANIMOUSLY

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4. FROM C4 SERVICE COMMERCIAL DISTRICT TO CD COMPREHENSIVE DEVELOPMENT DISTRICT (BASED ON RM4 AND C2 DISTRICT USE AND DENSITY, AND IN ACCORDANCE WITH THE DEVELOPMENT PLAN ENTITLED "BURNABY CITY CLUB TOWER" PREPARED BY CORNERSTONE ARCHITECTS)
"BURNABY ZONING BYLAW 1965, AMENDMENT BYLAW NO. 7, 1992" - BYLAW NO. 9696

Rezoning Reference #49/91

Lot 23 exc. part on Plan with Bylaw filed A29338, D.L. 95, Plan 556
7026 Kingsway

The purpose of the proposed rezoning bylaw amendment is to permit development of a mixed-use commercial/residential development.

A letter dated 1992 February 25 was received from Scott M. Kennedy, Cornerstone Architects, 408 - 611 Alexander Street, Vancouver providing details regarding the subject rezoning application. The writer advised that the current project is intended to replace a former application which received third reading in 1989 and has been redesigned as a single tower containing small suites which is in response to current market conditions.

The most notable features of the project are affordability without sacrificing quality and the introduction of a reflecting pond separating the commercial restaurant component from the residential component. The project has been designed in full accordance with the provisions of the Community Plan and requirements stemming from the previous application.

The writer further advised that the Public Hearing for the previous rezoning proposal heard objections from neighbouring businesses regarding the Planning Department's plans for Greenford over the short term. The previous Council ordered a report from staff on the matter and adjustments to the property were made to better accommodate the needs of the neighbouring businesses. These adjustments were adopted at third reading. The current proposal meets all requirements stemming from this process and the writer believed that the matter has been satisfactorily resolved through a democratic process and should not be re-opening at this time. In concluding the writer requested Council cooperation in efficient passage of the proposed rezoning.

Norm Enridge, 1204 - 7275 Salisbury Avenue, Burnaby addressed Council advising that he has been in business in Burnaby for 37 years. In 1962 he purchased two lots being 7243 Greenford Avenue and 6958 Kingsway and in 1963 he constructed a 7,300 square foot building on the Greenford property. In around 1965, Mr. Enridge applied for the widening of Greenford Avenue to provide access and egress to the property.

In concluding, Mr. Enridge advised that he had no objection to the development on the Kingsway property but requested that Greenford Avenue be left as is with no restrictions.

Alderman Drummond retired from the Council Chamber at 10:00 p.m.

Lloyd S. Bray, President, Middlegate Honda, 6984 Kingsway, Burnaby addressed Council and read from a prepared submission which was circulated to Council at the Public Hearing. The writer advised that Middlegate Honda has met in a spirit of cooperation with both the current developer and their architect and that as recently as the morning of the Public Hearing a meeting was held with representation from the Planning Department, the developer and the architect and Mr. Arnold Armstrong, a 50 percent shareholder of Middlegate Honda.

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The concerns of Middlegate Honda fall into two distinct categories, being the short and long term effects of the rezoning proposal. In the short term, concern was expressed regarding the access to their property. There was previously two means of access to the location but since that time the only practical exit off of Kingsway onto the Middlegate Honda property is at Greenford Avenue. The present proposal is to reduce the width of Greenford to two lanes of traffic plus the addition of a boulevard. The writer advised that this proposal has serious implications on his business in that any impedance or restriction for customers to reach the lane leading to their service department puts the company in jeopardy. It was Mr. Bray's conviction that the removal of one lane on Greenford might back up traffic onto Kingsway with the potential consequence of serious rear end accidents at the intersection of Kingsway at Greenford Avenue. As a result of a recent meeting with the developer, it was agreed to have a five foot width walkway inside the western property line of the proposed site. This would eliminate any reduction in the curb width of Greenford and was considered to be an excellent solution in the short term for all parties concerned.

In the long term, the writer advised that a letter of intent had been entered into outlining an agreement to jointly develop their respective properties together which would follow closely with the present Community Plan, excluding the cul-de-sac. In essence, the proposal made to the Planning Department in this regard would have the development taking place from the north to the south rather than the present Community Plan which is from the east to the west of Greenford Avenue and would eliminate the necessity of a cul-de-sac.

Alderman Drummond returned to the Council Chamber at 10:05 p.m. and took his place at the Council table.

Alderman Redman retired from the Council Chamber at 10:09 p.m.

Les Blackburn, 6159 Malvern Avenue, Burnaby, addressed Council in opposition to the rezoning application for reasons stated in his correspondence submitted to Council at the onset of the Public Hearing. The writer advised that he had purchased his property which is located to the west of the proposed rezoning site in 1949 and successfully operated a business until 1975 at which time he retired. Mr. Blackburn suggested that he is now facing a very critical situation which is going to decrease the attractiveness of the property to the detriment of the Middlegate Honda business.

The writer, in his correspondence, stated the following four objections to the rezoning application:

1. In 1975 when the property was first leased there was a wide access to the site from Kingsway. Burnaby demanded that this access be closed which meant that the only access currently existing is the one from Greenford Avenue. If the rezoning goes ahead as planned access to the property will be severely restricted.
2. Middlegate Honda has just renewed their lease on this property for a five year term with an option for an additional five years. Had they known about the proposed rezoning, the writer was confident they would not have completed a substantial renovation approximately five years ago.
3. Other commercial property owners on Kingsway have one or two accesses from Kingsway and the writer questioned if he was being penalized because he heeded to Burnaby's demand and closed the second access to the property from Kingsway.
4. Taxes have been paid for various improvements to the road, one of which was having Greenford Avenue paved.

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Alderman Redman returned to the Council Chamber at 10:16 p.m. and took her place at the Council table.

Scott Kennedy, representing Cornerstone Architects, applicant for the rezoning, 408 - 611 Alexander Street, Vancouver addressed Council providing an overview of the development proposal. Mr. Kennedy advised that he was fully prepared to cooperate with staff in the development process but cautioned that it was important to proceed in a timely manner for financial reasons.

In response to an enquiry regarding Mr. Kennedy's position on the option of providing a five foot walkway easement inside the property line and whether this would be a possible solution without detracting from the F.A.R. on the subject site, Mr. Kennedy advised that the current proposed public walkway is in fact on an easement which is on the subject site. To create an easement the Planning Department planned to close Greenford for a width of 2.59 metres and offer that to the applicant who would in turn return the 3.3 metres which would maintain all of the F.A.R. calculations. The speaker suggested that if Council felt Middlegate Honda had a valid point, they would ask that the property lines remain the same and agree to a slight increase in the 3.3 metre easement to accommodate not only the original Greenford alignment but a sidewalk as well as to ensure that the public will have access.

Mr. D.G. Stenson, Deputy Director Planning and Building suggested that the options discussed by Mr. Kennedy should be addressed by staff in terms of determining whether or not that portion of the travelled roadway being on a privately held site is permitted.

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 7026 Kingsway from C4 Service Commercial District to CD Comprehensive Development District.

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

MOVED BY ALDERMAN RANKIN:
SECONDED BY ALDERMAN YOUNG:

"THAT staff submit a report to Council, prior to second reading of the bylaw, addressing the proposed options as presented by Mr. Scott Kennedy of Cornerstone Architects."

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN DRUMMOND:
SECONDED BY ALDERMAN YOUNG:

"THAT this Public Hearing relating to Rezoning Reference #49/91 be now terminated."

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN RANKIN:
SECONDED BY ALDERMAN YOUNG:

"THAT this Public Hearing do now recess."

CARRIED UNANIMOUSLY

The Public Hearing recessed at 10:30 p.m.

The Public Hearing reconvened at 10:38 p.m. with Aldermen Corrigan, Evans and Lawson absent.

5. FROM C2 COMMUNITY COMMERCIAL DISTRICT TO R5 RESIDENTIAL DISTRICT
"BURNABY ZONING BYLAW 1965, AMENDMENT
BYLAW NO. 8, 1992" - BYLAW NO. 9697

Rezoning Reference #52/91

Lot 17, D.L. 158, Plan 908

5221 Neville Street

The purpose of the proposed rezoning bylaw amendment is to permit residential use of the property.

A memorandum dated 1992 February 24 was received from the Director Planning and Building providing clarification on the impact of Rezoning Reference #52/91 on the setback requirements of abutting existing commercial properties.

The memorandum reads as follows:

"The 1992 January 27 Initial Report to Council on Rezoning Reference #52/91 noted that one of the C2 Commercial District zoned properties to the west, 7676 Royal Oak Avenue lacks an adequate side yard abutting the subject rezoning.

Upon review, since this property is on a corner, the inadequacy could be considered the rear yard. At present, the building on this property is legally non-conforming with respect to the easterly setback. Were this property to be redeveloped, since it is a corner lot, there would be a choice of siting option, with either a side yard or a rear yard being required between this property and the subject site.

The other abutting property to the west, 7658 Royal Oak Avenue, appears to have an adequate existing rear yard of at least 6 m (19.69 ft.).

This information does not affect the recommended advancement of the subject rezoning, but is requested to be placed on the record at the scheduled Public Hearing on 1992 February 25. It is also requested that this information be given to Mayor W.J. Copeland and Aldermen."

Joginder Singh Dhalla, 5266 Beresford Street, Burnaby addressed Council as the rezoning applicant and expressed his support for the development proposal. Mr. Dhalla alluded to dialogue between himself and the abutting property owners regarding a proposed purchase of their properties in order to consolidate for commercial development.

Clayton J. Campbell, 13490 - 104th Avenue, Surrey addressed Council advising that he had been engaged by Mr. J. Chow, the registered owner of commercial property located at 7696, 7680 and 7676 Royal Oak Avenue and 5221 Neville Street being four commercial tenancies and one residential tenancy and Mr. and Mrs. Ho who are the registered owners of commercial property located at 7658 Royal Oak Avenue which is a commercial property. Mr. Campbell advised that he was accompanied by Lana Ho, daughter of Mr. and Mrs. Ho.

Mr. Campbell advised that his clients object to the proposed rezoning from C2 to R5 for the following reasons:

1. The highest and best use of their two properties and the most beneficial form of development for the community is likely to be achieved by way of a Comprehensive Development of their two properties and the property situated at 5221 Neville Street.
2. Additional commercial services are required to support the neighbourhood commercial centre which could be located at the property at 5221 Neville Street and which opportunity will be lost by zoning that property for residential purposes.

3. Upon the lot situated at 5221 Neville Street being zoned for residential purposes, Mr. Campbell's clients may, upon redevelopment of their property, be required to provide side yards and/or expanded rear yards which may reduce the development potential for their properties.

Alderman Drummond retired from the Council Chamber at 10:55 p.m.

Mr. Campbell also advised that he was submitting correspondence from Steve and Alma Bezan, 5249 Neville Street who express their opposition to the rezoning proposal which would limit future development of the adjacent commercial properties as well as reduce the value of adjoining residential properties. Mr. Campbell advised that he was further submitting a petition containing 25 signatures of residents on Neville Street, Clinton Street, Rumble Street and Royal Oak Avenue who are opposed to the rezoning application.

Alderman Drummond returned to the Council Chamber at 10:55 p.m. and took his place at the Council table.

The content of the petition reads as follows:

"We, the undersigned petition to Burnaby Council to deny the proposed rezoning of the subject property from C2 to R5. We believe that the rezoning of the property will limit the development potential of the properties situated at 7690, 7680, 7676 and 7658 Royal Oak Avenue.

John Molyneux, 4576 Neville Street, Burnaby addressed Council as a tenant of the abutting commercial properties for the past 11 years. Mr. Molyneux advised that he was not directly affected by the proposed rezoning but believed that if the rezoning proceeded the building which he occupies would become non-conforming. If a disaster were to take place the non-conformity would preclude the owner from rebuilding on the site which then would directly affect Mr. Molyneux's business. In concluding Mr. Molyneux felt that it is not equitable to rezone for the benefit of the property owner when it would be detrimental to all abutting owners.

Eileen Kernaghan, 5512 Neville Street, Burnaby addressed Council advising that she operates a commercial business on Royal Oak Avenue and is one of the signators of the petition submitted by Mr. Campbell. Ms. Kernaghan shared the same concerns as Mr. Chow and Mr. Ho and felt that because there is very little business in the area it would be appropriate to encourage more commercial development rather than discourage it.

Joginder Singh Dhalla, applicant for the rezoning again addressed Council suggesting that he would be agreeable to develop commercially with a residential use on the upper floor.

In response to the speaker's suggestion, Mr. D.G. Stenson, Deputy Director Planning and Building advised that residential uses are not permitted in a C2 Commercial District.

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 5221 Neville Street from C2 Community Commercial District to R5 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 #52/91 be now terminated."

CARRIED UNANIMOUSLY

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6. FROM A3 TRUCK GARDENING DISTRICT TO A1 AGRICULTURAL DISTRICT
"BURNABY ZONING BYLAW 1965, AMENDMENT
BYLAW NO. 9, 1992" - BYLAW NO. 9698

Rezoning Reference #55/91

Portion of North 139.5 ft. Lot B, D.L. 162, Plan 4255

Portion of 8678 Royal Oak Avenue

The purpose of the proposed rezoning bylaw amendment is to permit the reconstruction of a single-family dwelling.

A letter dated 1992 February 23 was received from Mr. Douglas S. Porter, 3782 Thurston Street, Burnaby advising that he was in support of the proposed rezoning application.

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 8678 Royal Oak Avenue from A2 Truck Gardening District to A1 Agricultural 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 #55/91 be now terminated."

CARRIED UNANIMOUSLY

A D J O U R N M E N T

MOVED BY ALDERMAN DRUMMOND:
SECONDED BY ALDERMAN YOUNG:

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

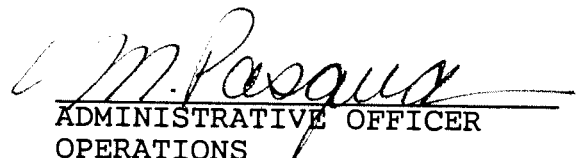
CARRIED UNANIMOUSLY

The Public Hearing (Zoning) adjourned at 11:16 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, 1992 FEBRUARY 25 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 R1 RESIDENTIAL DISTRICT AND CD COMPREHENSIVE DEVELOPMENT DISTRICT (BASED ON P8 PARKING AND P5 COMMUNITY INSTITUTIONAL DISTRICT GUIDELINES) TO "AMENDED" CD COMPREHENSIVE DEVELOPMENT DISTRICT (BASED ON P8 PARKING DISTRICT AND P5 COMMUNITY INSTITUTIONAL DISTRICT GUIDELINES, AND IN ACCORDANCE WITH THE DEVELOPMENT PLAN ENTITLED "SITE PLAN FOR ADDITIONAL PARKING FOR NEW LIFE COMMUNITY CHURCH PREPARED BY D. DE KLEER")
"BURNABY ZONING BYLAW 1965, AMENDMENT BYLAW NO. 4, 1992" - BYLAW NO. 9692

Rezoning Reference #95/88

Lot 2, Block "B" of D.L. 10, Grp. 1, Plan 6980 exc.: firstly, Pcl. "A" (Expl. Plan 9604) and secondly, part subdivided by plan 12317 and thirdly, part subdivided by Plan 28760, NWD; Pcl. "A", D.L. 10, Grp. 1, NWD, Ref. Plan 83647

8760 Lougheed Highway/8765 Government Street

The purpose of the proposed rezoning bylaw amendment is to permit a portion of the property to be used for additional parking and improved access for the New Life Community Church.

2. FROM A2 SMALL HOLDINGS DISTRICT TO CD COMPREHENSIVE DEVELOPMENT DISTRICT (UTILIZING CENTRAL ADMINISTRATIVE AREA DEVELOPMENT CONCEPT GUIDELINES)
"BURNABY ZONING BYLAW 1965, AMENDMENT BYLAW NO. 5, 1992" - BYLAW NO. 9693

Rezoning Reference #51/91

Lot 1 "A"; Rem. N-1/2 of 1; Rem. S-1/2 except 213' all of D.L. 80, Plan 792

4905 Canada Way, 4336 & 4456 Percival Avenue

The purpose of the proposed rezoning bylaw amendment is to rezone Corporation lands in the Central Administrative Area preparatory to their servicing and sale.

3. FROM CD COMPREHENSIVE DEVELOPMENT DISTRICT (BASED ON P2 DISTRICT GUIDELINES) TO "AMENDED" CD COMPREHENSIVE DEVELOPMENT DISTRICT (BASED ON P6 DISTRICT GUIDELINES, AND IN ACCORDANCE WITH THE DEVELOPMENT PLAN ENTITLED "AIRCARE VEHICLE INSPECTION CENTRE BC-4", PREPARED BY UMA ENGINEERING LTD.)
"BURNABY ZONING BYLAW 1965, AMENDMENT BYLAW NO. 6, 1992" - BYLAW NO. 9695

Rezoning Reference #43/91

Lot "C" exc. part subdivided by Plan 78056, D.L. 72, Plan 68136

4705 Wayburne Drive

The purpose of the proposed rezoning bylaw amendment is to permit development of a Vehicle Emissions Inspection Station and offices.

4. FROM C4 SERVICE COMMERCIAL DISTRICT TO CD COMPREHENSIVE DEVELOPMENT DISTRICT (BASED ON RM4 AND C2 DISTRICT USE AND DENSITY, AND IN ACCORDANCE WITH THE DEVELOPMENT PLAN ENTITLED "BURNABY CITY CLUB TOWER" PREPARED BY CORNERSTONE ARCHITECTS)
"BURNABY ZONING BYLAW 1965, AMENDMENT BYLAW NO. 7, 1992" - BYLAW NO. 9696

Rezoning Reference #49/91

Lot 23 exc. part on Plan with Bylaw filed A29338, D.L. 95, Plan 556
7026 Kingsway

The purpose of the proposed rezoning bylaw amendment is to permit development of a mixed-use commercial/residential development.

5. FROM C2 COMMUNITY COMMERCIAL DISTRICT TO R5 RESIDENTIAL DISTRICT
"BURNABY ZONING BYLAW 1965, AMENDMENT BYLAW NO. 8, 1992" - BYLAW NO. 9697

Rezoning Reference #52/91

Lot 17, D.L. 158, Plan 908
5221 Neville Street

The purpose of the proposed rezoning bylaw amendment is to permit residential use of the property.

6. FROM A3 TRUCK GARDENING DISTRICT TO A1 AGRICULTURAL DISTRICT
"BURNABY ZONING BYLAW 1965, AMENDMENT BYLAW NO. 9, 1992" - BYLAW NO. 9698

Rezoning Reference #55/91

Portion of North 139.5 ft. Lot B, D.L. 162, Plan 4255
Portion of 8678 Royal Oak Avenue

The purpose of the proposed rezoning bylaw amendment is to permit the reconstruction of a single-family dwelling.

All persons who deem their interest in property affected by the proposed bylaw who wish to register an opinion may present letters and/or petitions addressed to the Mayor and Council, c/o Burnaby Municipal Clerk's Department, 2nd Floor, 4949 Canada Way, Burnaby, B.C., V5G 1M2 prior to the Public Hearing or appear in person, by attorney or 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 application are available for public examination at the offices of the Planning Division, 3rd floor, in the Burnaby Municipal Hall.

Copies of the proposed bylaw may be inspected at the office of the Municipal Clerk at 4949 Canada Way, Burnaby, B.C. during regular business hours from Tuesday, 1992 February 04 to 4:30 p.m. on Tuesday, 1992 February 25.

C.A. Turpin
MUNICIPAL CLERK