

2003 February 18

A Public Hearing (Zoning) was held in the Council Chamber, City Hall, 4949 Canada Way, Burnaby, B.C. on Tuesday, 2003 February 18 at 7:30 p.m.

PRESENT: Mayor D. R. Corrigan (In the Chair)
Councillor P. Calendino
Councillor S. Dhaliwal
Councillor D.G. Evans
Councillor D.N. Johnston
Councillor C. Jordan
Councillor C.M.H. Redman, Arrived 7:40 pm
Councillor N. M. Volkow

ABSENT: Councillor L. Rankin

STAFF: Mr. Jack Belhouse, Director Planning & Building
Mrs. Ann Lorentsen, Administrative Officer Operations
Ms. G. McCaskie, Administrative Officer I

The Public Hearing (Zoning) was called to order at 7:30 p.m.

1. "BURNABY ZONING BYLAW 1965, AMENDMENT
BYLAW NO. 5, 2003" - BYLAW NO. 11501

Rez. #02-37

4250, 4278 & 4292 Sardis Street and 5625 Halley Avenue

Parcel "A" (Exp. Pl. 8842) of Lots 6 & 7 Except: Part Subdivided by Plan 49891; East 50 ft. of the North Half of Lot 7, North Half of Lot 8 Except: South 50 ft. , Parcel "A" (Exp. Pl. 13003) Lot 8 Except: Part Subdivided by Plan 49891, Blk 34, D.L. 34, Group 1, NWD Plan 1355

From: R5 Residential District and RM3 Multiple Family Residential District

To: CD Comprehensive Development District (based on RM3 Multiple Family Residential District and Metrotown Development Plan guidelines and in accordance with the development plan entitled "Sardis Street Townhouse Project" prepared by T. Yamamoto Architect Inc.)

The purpose of the proposed rezoning bylaw amendment is to permit the construction of a 36-unit stacked townhouse project with underground parking.

The Advisory Planning Commission advised Council that following its consideration of this rezoning application, a decision was reached to SUPPORT Rez. #02-37, Bylaw No. 11501.

Lorraine Perkins, 4345 Capilano Drive, North Vancouver appeared before Council advising she was representing the owners of 4232 Sardis Street, the adjacent property. The speaker informed Council the owners are in favour of the subject application; however, they are concerned about what affect construction will have on the parkade retaining wall on their property. Ms. Perkins advised the owners want assurance that the structural integrity of the retaining wall will be maintained during the construction of the proposed townhouse project. If this project is approved, inquired Ms. Perkins, who is she to liaise with and when is construction scheduled to begin?

In response to the speaker's inquiries, Mr. Jack Belhouse, Director Planning and Building informed the speaker that appropriate construction procedures will be required to ensure structural integrity of the adjacent building and that should the speaker have any concerns she should contact the Planning Department and will be put in touch with the an appropriate person. If Council approves of the subject zoning change, it is expected that the application would take three to four months to finalize and it would then be up to the applicant to set a construction schedule, noted Mr. Belhouse.

Aldina Isbister, 4237 Sardis Street, Burnaby appeared before Council members advising that while she is in favour of the subject rezoning application she does have concerns about the location of the driveway proposed for the site. Ms. Isbister believes the proposal to locate access to the underground parking adjacent the access to the existing underground parking for the neighbouring property, combined with a retaining wall blocking visibility between the two driveways, could lead to serious accidents on Sardis Street. The speaker suggested consideration be given to locating the driveway either onto Halley Avenue or the lane south of the site.

Ms. Isbister also requested that Council ensure the developer completes landscaping in the manner promised in the development plan and that the trees and shrubs be of adequate health and quality that they won't die within just a few years. Lastly, the speaker questioned what effect this development will have on the taxes of neighbouring single family residences? and what effect will it have on services in the area? In particular, Ms. Isbister noted water pressure is already a problem for area residents.

** Councillor Redman arrived at the Public Hearing at 7:37 p.m.

Mrs. Wilson, 4275 Grange Street, Burnaby appeared before Council members advising that she was concerned about the height and roof lines of the proposed development. The speaker noted that her building and others in the neighbourhood have flat roofs and she is concerned about this development being too high and the impact this could have on future re-sale of her property. Mrs. Wilson suggested that developments with higher roof lines should be limited to sites that slope down and won't impact on the views from neighbouring buildings.

Mr. Jack Belhouse, Director Planning and Building advised that the height of the proposed development is permitted under the existing zoning of the neighbourhood and that the style of roof a matter of choice by the developer and not enforced through the zoning bylaw

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

MOVED BY COUNCILLOR EVANS:
SECONDED BY COUNCILLOR JOHNSTON:

"THAT this Public Hearing relating to Rez.#02-37, Bylaw No. 11501 be now terminated."

CARRIED UNANIMOUSLY

2. "BURNABY ZONING BYLAW 1965, AMENDMENT
BYLAW NO. 6, 2003" - BYLAW NO. 11502

Rez. #02-39

7350 and 7438 Salisbury Avenue

Lot 1, D.L. 95, Group 1, NWD Plan LMP22219 and Lot 166, D.L. 95, Group 1, NWD Plan 30087

From: R5 Residential District

To: CD Comprehensive Development District (based on RM3 Multiple Family Residential District and Edmonds Town Centre Plan, and in accordance with the development plan entitled "Salisbury Avenue" prepared by Gomberoff Bell Lyon Architects Group Inc.)

The purpose of the proposed rezoning bylaw amendment is to permit the development of a low-rise apartment building with a row of townhouses facing Salisbury Avenue.

The Advisory Planning Commission advised Council that following its consideration of this rezoning application, a decision was reached to SUPPORT Rez.#02-39, Bylaw No. 11502.

Marion Jean Fillis, #106 - 7377 Salisbury Avenue, Burnaby appeared before members of Council advising she had been in contact with the Planning Department regarding this application for rezoning. Ms. Fillis noted while she does approve of the subject application, she has a number of concerns regarding the volume and speed of traffic on Salisbury Avenue. The speaker suggested Council put a cul-de-sac on Salisbury Avenue but noted speed bumps, although slowing down the traffic, will not address the problem with volume. Ms. Fillis also noted that very few of the units in her building face Salisbury Avenue; however her apartment does and she would like something done. A copy of the speaker's presentation is on file in the Office of the City Clerk.

John O'Donnell, Ledingham McAllister Homes Ltd., 800 - 1199 W. Hastings Street, Vancouver appeared before Council members advising he is the rezoning applicant and that he and representatives of the architectural consultant were available to answer questions.

Julie Robin, 7440 Salisbury Avenue, Burnaby appeared before members of Council to inquire how long the rezoning process will take and what notice she will receive, as she is a tenant on the subject site?

The Director Planning and Building, Mr. Jack Belhouse, advised he expects the rezoning, if approved, to be complete within two to three months time and that after that it is up to the developer to set a construction schedule.

Mr. John O'Donnell, the rezoning applicant, again appeared before Council advising that they hope to receive building permits in July. With regard to notice, Mr. O'Donnell noted they will work with the current landlord on this matter.

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

MOVED BY COUNCILLOR EVANS:

SECONDED BY COUNCILLOR JOHNSTON:

"THAT this Public Hearing relating to Rez.#02-39, Bylaw No. 11502 be now terminated."

CARRIED UNANIMOUSLY

3. "BURNABY ZONING BYLAW 1965, AMENDMENT
BYLAW NO. 7, 2003" - BYLAW NO. 11503

Rez. #02-45

Ptn. of 7525 Lowland Drive

Ptn. of Lot 2, D.L. 166A, Group 1, NWD Plan LMP36023

From: M5 Light Industrial District

To: M5"r" Light Industrial District

The purpose of the proposed rezoning bylaw amendment is to permit a restaurant oriented to the surrounding industrial area.

A letter dated February 13, 2003 was received from the General Manager, National Cheese Co. (Western) Ltd., the rezoning applicant, providing Council with copies of 32 letters of support for the application from businesses in the surrounding industrial park.

The Advisory Planning Commission advised Council that following its consideration of this rezoning application, a decision was reached to SUPPORT Rez. #02-45, Bylaw No. 11503.

Anton Heggen, 4663 Byrne Road, Burnaby appeared before Council members advising he is the owner of a restaurant in the vicinity of the subject site and is opposed to the application. Mr. Heggen noted that he has owned his business for several years, considerable time and research had gone into finding an appropriate site and he had hopes of building up and expanding his business; however, since he has been in operation he has become very discouraged because the market base is very limited and too much competition has been allowed into the area.

Allowing National Cheese to have indoor seating will only make business worse for those operations already struggling in this area, noted Mr. Haggan. It would be better to increase the amount of indoor seating in a few years when further development has occurred in the business park, he suggested. National Cheese is a large corporation, he is a small business owner noted the speaker and a similar situation in Glenlyon Business park has resulted in the small business changing ownership 4 times in the past five years.

In response to a query from Council regarding his hours of business, Mr. Heggen advised he is open at 4 am for breakfast, closing at 2:30 pm, his restaurant is open six days a week and closed on Sunday. He has tried to be very creative in attracting new business, not the speaker, however he has seen what has happened to other businesses who try to compete with a large corporation and he fears what will happen to his business.

Lisa Kelly, General Manager, National Cheese Co., 7525 Lowland Drive, Burnaby appeared before Council advising she represents the rezoning applicant. Ms. Kelly advised that currently they are operating a take-out only deli, serving soup, sandwiches and salads and that this application is to cater to a small demand for seating. Ms. Kelly informed Council that they do not consider themselves to be competition to a café such as Mr. Heggens' because they do not have such an extensive menu, nor do they serve breakfast. It is their intention to complement existing food services in the area, not to compete with them, noted the speaker and as they would like to continue to offer the service they are now providing.

Sylvia Heggen, 4663 Byrne Road, Burnaby appeared before Council advising that she was the wife and co- owner of the café owned by Anton Heggen. Ms. Heggen informed Council that business has not been good lately and she feels that they are suffering from too much competition for the limited number of employees who work in the industrial park. Ms. Heggen noted that many of the National Cheese employees no longer come to their café since the deli at National Cheese has expanded its service and this application was put forward.

Mr. Anton Heggen also appeared before Council with his wife to stress to Council that the application has been a strain for his family and their business as they are struggling to keep their business viable. Mr. Heggen expressed concern that a representative of the applicant had requested they sign a letter of support for the application.

Dena Campbell, 7689 Rosewood Street, Burnaby appeared before Council in support of the application as a member of the family who owns National Cheese. Ms. Campbell noted that National Cheese is a family-owned operation and as such they understand the difficulties faced by the smaller neighbouring café; however they believe there is enough business for everyone and feel there should be mutual support between the businesses. Ms. Campbell informed Council that until recently her family had often frequented the café owned by the Heggens' and they had simply requested they sign a letter of support as other neighbouring businesses have done.

Mr. Shawn Wade, 6010 - 10th Avenue, Burnaby appeared before members of Council to inquire about the source of the statistics, regarding the number of lunches served per day at the deli/restaurant, quoted in the Director Planning and Building's report on the application.

Mr. Jack Belhouse, Director Planning and Building advised the statistics were provided by the restaurant itself.

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

MOVED BY COUNCILLOR EVANS:

SECONDED BY COUNCILLOR JOHNSTON:

"THAT this Public Hearing relating to Rez.#02-45, Bylaw No. 11503 be now terminated."

CARRIED UNANIMOUSLY

4. "BURNABY ZONING BYLAW 1965, AMENDMENT
BYLAW NO. 8, 2003" - BYLAW NO. 11504

Rez. #02-46

8525 Baxter Place

Lot A (BL209640) Except: Part in Plan LMP38012, D.L. 56, Group 1, NWD Plan LMP1598

From: CD Comprehensive Development District (based on M5 Light Industrial and M3 Heavy Industrial District)

To: Amended CD Comprehensive Development District (based on M5 Light Industrial District and M3 Heavy Industrial District and in accordance with the development plan entitled "Skysigns for Production Court" prepared by Orbis Architecture Inc.)

The purpose of the proposed rezoning bylaw amendment is to permit the installation of two sky-signs.

The Advisory Planning Commission advised Council that following its consideration of this rezoning application, a decision was reached to SUPPORT Rez.#02-46, Bylaw No. 11504.

Mr. Raymond Littmann, representing Orbis Architecture, #620 - 789 W.Pender Street, Vancouver appeared before Council advising he is the applicant for the rezoning and is available to answer any questions Council members may have.

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

MOVED BY COUNCILLOR EVANS:
SECONDED BY COUNCILLOR JOHNSTON:

"THAT this Public Hearing relating to Rezoning #02-46, Bylaw No. 11504 be now terminated."

CARRIED UNANIMOUSLY

5. "BURNABY ZONING BYLAW 1965, AMENDMENT
BYLAW NO. 9, 2003" - BYLAW NO. 11505

Rez. #02-50

5090 Victory Street

Lot A, D.L. 98, Group 1, NWD Plan 11632

From: P5 Community Institutional District

To: R5 Residential District

The purpose of the proposed rezoning bylaw amendment is to permit subdivision for two residential lots and construction of two two-family dwellings.

The Advisory Planning Commission advised Council that following its consideration of this rezoning application, a decision was reached to SUPPORT Rez.#02-50, Bylaw No. 11505.

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

MOVED BY COUNCILLOR EVANS:
SECONDED BY COUNCILLOR JOHNSTON:

"THAT this Public Hearing relating to Rezoning #02-50, Bylaw No. 11505 be now terminated."

CARRIED UNANIMOUSLY

6. "BURNABY ZONING BYLAW 1965, AMENDMENT
BYLAW NO. 10, 2003" - BYLAW NO. 11506

Rez. #02-51

3993 Henning Drive (Unit 116)

Strata Lot 16, D.L. 118, Group 1, NWD Strata Plan LMS3884, together with an interest in the common property in proportion to the unit entitlement of the Strata Lot as shown on Form 1.

From: CD Comprehensive Development District (based on M5 Light Industrial District)

To: Amended CD Comprehensive Development District (based on M5"r" Light Industrial District guidelines and in accordance with the development plan entitled "Suzette's Deli" prepared by Tvrtko Grubisic)

The purpose of the proposed rezoning bylaw amendment is to permit the establishment of a restaurant oriented to the surrounding industrial area.

A letter dated February 10, 2003 was received from Operations Manager, Bridge Park Holdings Ltd., owner of property at 3997 Henning Drive, requesting that Council deny the subject rezoning application. The letter notes two points of objection: 1. the negative impact on traffic and parking in the area and 2. the negative impact on the existing coffee shop operation at 3999 Henning Drive.

A letter dated February 17, 2003 was received from the Owner/Operator of RC Café & Deli, #103 - 3999 Henning Drive, Burnaby objecting to the restaurant proposed in the subject rezoning application. The letter notes the rezoning report does not mention their café as an existing business in the area and does not acknowledge the negative impact this new restaurant would have on their business.

The Advisory Planning Commission advised Council that following its consideration of this rezoning application, a decision was reached to SUPPORT Rez.#02-51, Bylaw No. 11506.

James Law, 5388 Rugby Street, Burnaby appeared before Council members in support of the rezoning application. Mr. Law advised he is often in this business park and prefers to eat in this particular deli as he really likes the food served there.

Terrence Power, 6040 Vivien Avenue, Burnaby appeared before members of Council to express his support for the subject rezoning request. The speaker noted concerns about increased traffic are not valid as most deli customers are foot traffic from neighbouring businesses. Mr. Power noted his wife is employed at the subject deli and he has been impressed by their good product and knows they have a good customer base.

Sabrina Wei, 3941 Nithsdale Street, Burnaby appeared before Council members to advise she is both a customer of and a business consultant for Susanne Banovic, the owner of the deli, and supports the proposed zone change. Ms. Wei noted that this business had been operating as a deli and serving soup and sandwiches when it was discovered that they did not have the correct zoning to allow the assembly and serving of sandwiches and soup - they would very much like to resume operating this portion of the business to meet the need of area customers. Ms. Wei assured Council that no cooking takes place at the site, only the assembly of sandwiches.

In response to an inquiry from Council regarding the licencing of RC Café & Deli, the Director Planning advised that the café is an ancillary use in the building and is not designated with an "r" restaurant use. With regard the café only being for tenants of the IKON building, Mr. Belhouse noted the building is open to the public and anyone may use the café, however, outside signage is not permitted.

Susanne Banovic, 3993 Henning Drive, Burnaby appeared before Council members, advising she is the owner of the subject deli, and requested Council support her application. The speaker noted that when working with planning staff on this application she had been told that the RC Café & Deli were also not permitted to be making sandwiches on their site and further they should not be impacted by her establishment as they were to service the needs of the IKON building and were not to be a drawing customers into the building.

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

MOVED BY COUNCILLOR EVANS:

SECONDED BY COUNCILLOR JOHNSTON:

"THAT this Public Hearing relating to Rezoning #02-51, Bylaw No. 11506 be now terminated."

CARRIED UNANIMOUSLY

7. "BURNABY ZONING BYLAW 1965, AMENDMENT
BYLAW NO. 11, 2003" - BYLAW NO. 11507

Rez. #02-55

Ptn. of 6390 Darnley Street

Ptn. of Parcel "A", Lot 9, Blk E, D.L. 75, Group 1, NWD Plan 4147

From: M2 General Industrial District

To: M2r General Industrial District

The purpose of the proposed rezoning bylaw amendment is to permit the establishment of a restaurant oriented to the surrounding industrial area.

The Advisory Planning Commission advised Council that following its consideration of this rezoning application, a decision was reached to SUPPORT Rez.#02-55, Bylaw No. 11507.

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

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MOVED BY COUNCILLOR EVANS:
SECONDED BY COUNCILLOR JOHNSTON:

"THAT this Public Hearing relating to Rezoning #02-55, Bylaw No. 11507 be now terminated."

CARRIED UNANIMOUSLY

ADJOURNMENT

MOVED BY COUNCILLOR JOHNSTON:
SECONDED BY COUNCILLOR VOLKOW:

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

CARRIED UNANIMOUSLY

The Public Hearing (Zoning) adjourned at 8:55 p.m.

Confirmed:

Certified Correct:


MAYOR


ADMINISTRATIVE OFFICER OPERATIONS