



# **Corporate** NO: C401

# **Report** COUNCIL DATE: Nov. 9, 1998

## **COUNCIL-IN-COMMITTEE**

**TO: Mayor & Council**    **DATE: October 22, 1998**

**FROM: General Manager, Planning & Development**    **FILE: 7997-0054-00**

**SUBJECT: Proposed Rezoning of 11402 and 11410 - 142 Street**  
**(Zoning Amendment By-law No. 13225)**

## **RECOMMENDATION**

It is recommended that Council:

1. Grant Third Reading to Zoning Amendment By-law No. 13225; and
2. Require the applicant, prior to Council considering final adoption of Zoning Amendment By-law No. 13225:
  - (a) to reduce the number of lots being created to a maximum of 13;
  - (b) to revise the subdivision plan according to the "modified" residents' committee layout (Appendix IVa) which eliminates the proposed parkland, and includes the B.C. Hydro right-of-way as part of proposed residential lots, and a walkway to accommodate storm and sanitary sewer servicing; and
  - (c) to consult with the residents' committee and revise the proposed design guidelines to address concerns regarding house size, building massing and related design issues.

## **INTENT**

The purpose of this report is to advise Council of recommended revisions to a proposed single family subdivision which is proceeding in conjunction with a proposed rezoning to Single Family Residential Zone (RF) and to seek Third Reading for Zoning Amendment By-law No. 13225. The recommended subdivision layout is based on input received from the neighbourhood at the October 6, 1997 Public Hearing and three subsequent meetings with a residents' committee on November 26, 1997, January 20, 1998, and March 4, 1998.

## BACKGROUND

The subject site at 11402 and 11410 - 142 Street is located in the Port Mann area (Appendix I). Application was made on March 6, 1997 to rezone the subject site from One-Acre Residential Zone (RA) to Single Family Residential Zone (RF) to allow for subdivision into approximately 14 single family lots (Appendix II). The site and surrounding area is designated Urban in the Official Community Plan and Urban Residential in the Port Mann Local Area Plan. The areas surrounding the site have been developed into single family lots. However, there is a significant number of larger lots in the area which still retain subdivision potential.

Council gave first and second reading to Zoning Amendment By-law No. 13225 on September 9, 1997. Public Hearing was held on October 6, 1997 at which time several residents expressed concerns about the proposed development. Council postponed consideration of Third Reading of the rezoning by-law and instructed staff to address density and other concerns raised at the Public Hearing. In response, the Planning & Development Department has held three meetings with a residents' committee. This consultative process has resulted in several options being suggested for this development proposal.

## DISCUSSION

The proposed rezoning to Single Family Residential Zone (RF) will enable Urban single family development in this Port Mann neighbourhood. The applicant proposes a 14-lot subdivision with an overall density (discounting undevelopable B.C. Hydro right-of-way) of 13.8 units per hectare (5.6 units per acre). The applicant originally proposed to dedicate 0.37 hectares (0.92 acres) of the B.C. Hydro right-of-way as parkland (Appendix II).

### Concerns Expressed at the Public Hearing

Several concerns were raised about this proposed rezoning by residents at the October 6, 1997 Public Hearing. The concerns can generally be categorized into the following issues:

- Subdivision Layout / Development Density

The subdivision layout proposed at that time (Appendix II) included lots which are smaller in total area than existing development in the immediate vicinity of the subject site. In order to preserve the character of the area, residents oppose these smaller lots;

- Building Design Guidelines

Concerns were expressed regarding the size, massing, and spacing of homes to ensure that the new development fits in with the existing character of the neighbourhood;

- Drainage

Development of the subject site will exacerbate existing surface water run-off and drainage problems in the local area;

- Parkland

The proposed parkland is situated under a B.C. Hydro right-of-way and would offer little amenity to the neighbourhood. The residents are of the view that the park would therefore become a vacant lot which will attract transients or become a site for illegal refuse dumping;

- Traffic

142 Street is a quiet residential street and development of the site will generate more through traffic on 142 Street. Some residents questioned the safety of the proposed intersection of 142 Street and 114 Avenue;

- Tree Retention

Development of the subject site should attempt to retain as many trees as possible; and

- Schools

Local schools are crowded and new development will exacerbate this problem.

### **First Meeting with the Residents' Committee and the Applicant**

Following the Public Hearing, the applicant sent a letter to surrounding residents on November 3, 1997 to solicit comments on the proposed rezoning application. In response, a few local residents organized a meeting of fellow residents on November 12, 1997. Thirty-four residents attended the meeting, at which time a four-member residents' committee was formed.

A meeting was held on November 26, 1997 at City Hall with the residents' committee, the applicant, the applicant's engineering consultant and design consultant and staff. Issues related to subdivision layout/development density; building design guidelines; drainage; parkland; traffic; tree retention; and schools were discussed at this meeting. From these discussions, the following issues were resolved:

1. Specific mechanisms will be included in the design guidelines to control massing. For example, the upper floor of homes shall not exceed 75% of the main floor. Second storey front wall lines must be set back a minimum of 1.2 metres (4.0 feet) from the first storey front wall lines, unless the vertical wall line is broken with a porch or roof element. A restriction will also be included to ensure basements are a minimum 65% below finished grade;
2. An engineering servicing agreement will ensure that the proposed development will properly manage drainage run-off from the site and will not introduce additional run-off onto downstream properties;
3. The subdivision layout will be revised to incorporate the B.C. Hydro right-of-way as part of the private residential lots. With this change, the applicant will be required to pay the 5% cash-in-lieu for park space (pursuant to Section 941 of the *Municipal Act*) before the final subdivision plan is approved; and
4. It was explained that the application was referred to the School District. The School District advises that overcrowding is minimal and the anticipated impact of 14 single family homes would be five elementary and three secondary students. No further concerns about school impacts were raised by the residents' committee.

The issues related to density, residential character, traffic and lot layout remained unresolved.

### **Revised Proposed Subdivision Layout**

In response to the concerns raised by the residents' committee at the first consultative meeting, the applicant submitted a revised proposed subdivision layout on January 8, 1998 (Appendix III). The revised layout is similar to the original layout except that no parkland is proposed in the B.C. Hydro right-of-way. Rather, proposed Lots 1, 10, and 11 were enlarged to include portions of the B.C. Hydro right-of-way. The balance of

lots in the revised proposed layout are unchanged from the original layout. Lot widths and lot sizes in the revised 14-lot layout range from 15.0 metres (50 feet) and 560 square metres (6,000 square feet) to 729 square metres (7,850 square feet) respectively, with the exception that the 3 lots containing the B.C. Hydro right-of-way are substantially larger, with a maximum lot width of 103.0 metres (340 feet) and a maximum lot size of 2,587 square metres (27,850 square feet).

In order to ensure that the B.C. Hydro right-of-way is properly maintained and forms a functional part of the proposed lots, the revised layout proposes a landscape plan (including fences, hedges and trees) for the perimeter of the B.C. Hydro right-of-way.

### **Second Meeting with the Residents' Committee**

A subsequent meeting was held with the residents' committee and staff on January 20, 1998 to review the applicant's revised proposed subdivision layout. Knowing that the area is predominately zoned RA, the residents' committee indicated they do not support the rezoning of the subject site from RA to RF. Unknown to the residents' committee, however, was that most RA-zoned lots in the area are non-conforming. The RA Zone requires a minimum lot size of 4,047 square metres (1 acre) and a minimum lot width of 50 metres (164 feet). Very few lots in this area of Port Mann satisfy these dimensional requirements even though most are zoned RA. Therefore, despite the proposed zoning being different, the proposed rezoning of the subject site from RA to RF conforms with the existing development in the area.

With regard to the revised proposed layout (Appendix III), the residents' committee indicated a preference for a layout which does not include a majority of lots which are, on average, smaller in area than the surrounding development. In addition, the residents' committee believes the revised proposed layout does not adequately address their concern about traffic generated by the proposed ten lots accessing the 114 Avenue cul-de-sac. The residents' committee prefers a layout which disperses traffic throughout the local road network. In addition, the residents' committee holds the opinion that the proposed revised layout does not provide sufficient visitor street parking. For these reasons, the residents' committee does not endorse the revised proposed layout.

### **Third Meeting with the Residents' Committee and the Applicant**

In an attempt to negotiate a resolution, the then General Manager, Planning & Development chaired a meeting on March 4, 1998 with the residents' committee and the applicant. At this meeting, the residents' committee presented a preferred 12-lot subdivision layout for the subject site (Appendix IV). This layout features six lots fronting 142 Street which incorporate the B.C. Hydro right-of-way into the front yards of each lot.

The residents' committee contends that this layout is preferable because it will replicate the established pattern of development north of the subject site, it will create lots which are more comparable in size to existing development, it will reduce visitor parking problems within the 114 Avenue cul-de-sac, and it will increase the number of lots fronting 142 Street which will disperse traffic throughout the neighbourhood.

In response, the applicant argued that their revised 14-lot subdivision layout shown in Appendix III (without parkland dedication) provides a lot yield and lot configuration which makes the proposal economically viable. The applicant is of the view that residential lots configured around the proposed 114 Avenue cul-de-sac will be more marketable than lots fronting 142 Street. Therefore, they do not accept the 12-lot subdivision layout preferred by the residents' committee.

### **Staff's Recommended Subdivision Layout**

An impasse was reached with regard to selecting a subdivision layout which could be supported by both the residents' committee and the applicant. With the exception of larger lots which have future subdivision potential, the pattern of development adjacent to the subject site includes lots which range in width from 15.2 metres (50 feet) to 18.2 metres (60 feet) and have an average lot size of 1,016 square metres (10,940 square feet). In addition, the B.C. Hydro right-of-way is incorporated into front yards of lots situated north of the subject site. In view of these established development patterns, staff are inclined to support the residents' committee's preferred layout.

However, in order to reach a compromise on the issue of development density, staff have developed a "modified" 13-lot subdivision layout which is based upon the residents' preferred layout (Appendix IVa). An additional lot is provided on 142 Street by narrowing the lots widths to 15.0 metres (50 feet). At 994 square metres (10,700 square feet) in size, the seven lots fronting 142 Street will be comparable in size to surrounding development. Moreover, the provision of an additional lot should address the applicant's concerns about the economic viability of the proposed subdivision.

The Engineering Department has reviewed the various layout options considered for this application. Although there are storm and sanitary sewer servicing issues which need to be resolved, these issues are common to all layout options. The Engineering Department has negotiated a servicing concept plan with the applicant which will include a 6.0-metre (20 foot) storm and sanitary servicing right-of-way between 114 Avenue and 114A Avenue capped with a 2.4-metre (8-foot) wide paved walkway. Therefore, the Engineering Department concurs with the decision to support the "modified" residents' committee layout (Appendix IVa).

### **Applicant's Final Position**

The Planning & Development Department notified the applicant on March 11, 1998 of the decision to support the residents' committee's preferred subdivision layout "modified" to allow 13 lots. In response, the applicant requested a delay in sending a report to Council in order to assess their development proposal. On June 2, 1998 the applicant made a submission in which they request that Council give Third Reading to their original development proposal with 14 RF zoned lots and with the dedication of parkland along 142 Street (Appendix II).

The applicant believes that the "modified" residents' committee's layout (Appendix IVa) will create lots which will encourage parking and storage uses in front and side yard areas. Moreover, the applicant believes this layout, with seven additional driveways intersecting 142 Street, will create more traffic congestion than would be generated by their original proposal.

However, the applicant has also submitted an alternative 13-lot subdivision layout (Appendix V). Reluctantly, the applicant has prepared this layout to address concerns about proposed parkland within the B.C. Hydro right-of-way. As a variation of their previously revised layout (Appendix III), this layout creates three over-sized lots (proposed lots 1, 9, 10) incorporating the B.C. Hydro right-of-way. Although the applicant wishes to pursue their original 14-lot subdivision proposal with parkland dedication (Appendix II), if Council decides to limit the development density of the subject site to 13 RF lots, the applicant proposes the alternative layout (Appendix V).

Although the applicant's revised 13-lot layout (Appendix V) does incorporate the B.C. Hydro right-of-way into private lots, the revised layout retains several inherent disadvantages. For example, the layout does not replicate the established pattern of lots fronting 142 Street, as exists north of the subject site. The layout provides a majority of lots which are substantially smaller in area than surrounding development. In addition, the layout does not adequately address residents' concerns regarding traffic generated by the proposed nine lots accessing the 114 Avenue cul-de-sac and the provision of sufficient visitor street parking for the lots fronting the cul-de-sac.

## Summary of the Development Options for the Subject Site

The applicant has asked Council to consider two layout options, the original 14-lot layout with parkland dedication (Appendix II) and the revised 13-lot layout with no parkland dedication (Appendix VI). The residents' committee has presented a preferred 12-lot subdivision layout (Appendix IV), but they have also indicated a willingness to accept a compromise in terms of the number of lots which can be developed at the subject site. Therefore, as previously described, staff support the subdivision layout preferred by the resident's committee which is modified to permit 13-lots and a servicing walkway (Appendix IVa). This layout is supported for the following reasons:

1. The layout replicates the pattern of existing development north of the subject site whereby the B.C. Hydro right-of-way becomes the front yard for lots facing 142 Street;
2. The layout creates lots which are more comparable in overall size to existing development in the neighbourhood;
3. The layout minimizes the amount of traffic from the proposed 114 Avenue cul-de-sac;
4. The number of driveways accessing 142 Street is acceptable;
5. The layout accommodates more on-street parking on the 114 Avenue cul-de-sac due to fewer driveways;
6. The layout does not create over-sized lots within the B.C. Hydro right-of-way as suggested in the applicant's alternative proposal;
7. The layout addresses servicing concerns raised by the Engineering Department; and
8. The capability of retaining existing trees on the subject site should be improved because the layout will, on average, provide larger lots. As a normal request, the applicant will be requested to prepare a revised arborist report which maximizes tree retention on the subject site.

## CONCLUSION

As instructed by Council, staff reviewed density and other concerns raised at the Public Hearing concerning rezoning to RF the subject site in Port Mann. Three meetings were subsequently held with a residents' committee to consider proposed revisions to the development scheme. As a result of this extensive consultation process, the Planning & Development Department recommends granting Third Reading to Zoning Amendment By-law No. 13225 on condition that the applicant prepare subdivision plans based on the layout preferred by the residents' committee which was "modified" by staff to include 13 lots and a servicing walkway, attached as Appendix IVa.

In addition, as the recommended subdivision layout differs substantially from the layout originally proposed by the applicant, the Planning & Development Department recommends that Council instruct the applicant to consult with the residents' committee prior to final adoption of the rezoning by-law to revise the building design guidelines to address concerns regarding house size, building massing, and house design features.

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CTS/ln

c.c. - Acting General Manager, Engineering Department

Appendices

- I Location Map
- II Applicant's Original Layout
- III Applicant's Revised Proposed Layout
- IV Residents' Committee's Preferred Subdivision Layout
- IVa Modified Residents' Committee Subdivision Layout
- V Applicant's Proposed Alternative Layout

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