



Corporate NO: R107

Report COUNCIL DATE: May 8, 2000_

REGULAR COUNCIL

TO: Mayor & Council **DATE: May 4, 2000**

FROM: General Manager, Planning & Development **FILE: 0525-026**
7999-0153-00

SUBJECT: Baron von Mackensen House, 9564 - 192 Street

RECOMMENDATION

The Planning & Development Department recommends that Council:

1. Receive this report as information;
2. Approve the extension of the temporary protection period for the Baron von Mackensen House for a further 60 days from May 15, 2000 to July 14, 2000, in accordance with the signed Agreement attached as Appendix B;
3. Defer the introduction of a Heritage Designation By-law for the Baron von Mackensen House for a further 60 days in order to permit the owner/applicant to continue working on a proposed development that would incorporate the House and to ensure that it is restored and maintained to its original heritage character; and
4. Instruct staff to bring forward the Rezoning and Development Permit application and appropriate protection mechanism for the Baron von Mackensen House prior to the expiry of the extended temporary protection on July 14, 2000.

INTENT

This report is to update Council on the actions that the owner has taken on the proposed development and, at the request of the owner, to seek Council approval to extend the temporary protection to the House and surrounding property for an additional 60 days, until July 14, 2000.

BACKGROUND

The Baron von Mackensen House (the House), located at 9564 - 192 Street has been noted for its architectural and historical significance that made it a candidate for the Heritage Register. A development application, No. 7999-0153-00, was received on August 4, 1999 to rezone this property from Light Impact Industrial Zone (IL) to Comprehensive Development Zone (CD) for a mixed use development consisting of warehouses, offices and limited commercial facilities.

On January 17, 2000, Corporate Report R010 was presented to Council in response to the demolition permit application of the House and Council approved the following recommendations:

1. To pass a resolution to order temporary protection of the Baron von Mackensen House and subject property.
2. To instruct Planning & Development staff to draft a Heritage Designation By-law to protect the House and an appropriate portion of the site.
3. To instruct staff to report on and recommend a course of action to achieve continuing heritage protection of the House on the site.

On March 6, 2000, Corporate Report R052 was presented to Council requesting an extension of the temporary protection of the House as a result of negotiations with the owner. Council approved the following recommendations:

1. To defer the introduction of a Heritage Designation By-law for the Baron von Mackensen House for a further 60 days in order to permit negotiations to continue with the applicant on incorporating the House in the proposed development and to ensure that it is maintained and restored to its original heritage character.
2. To instruct staff to bring forward the appropriate protection mechanism for the Baron von Mackensen House prior to the expiry of the extended temporary protection on May 15, 2000.

DISCUSSION

Since Council's consideration of Corporate Report R052 on March 6, 2000, the applicant was expected to revise the scope of the rezoning application to retain and protect the House as part of a mini-storage use on the site, and to submit a Development Permit application to prescribe the heritage character of the House to be protected and maintained.

On March 27, 2000, Planning & Development staff forwarded a detailed project schedule to the applicant which would allow the proposal to be submitted to Regular Council - Land Use on May 1, 2000 provided that the applicant submitted their Development Permit application by Monday April 3, 2000.

On April 7, 2000, Planning & Development staff were advised by the applicant's consultant that the owner of the property was approached by a third party and was considering an alternative proposal for the use of the property. At that time, the owner was still reviewing the alternative proposal and was not in a position to submit a Development Permit application. The owner was aware that this would significantly delay the processing of the application and indicated that they would be prepared to enter into an extension of the

temporary protection to accommodate the revised time table.

On April 28, 2000, the owner submitted a Development Permit application along with design drawings to develop the property as a mini-warehouse facility of approximately 3,756 square metres (40,433 sq.ft.). The existing house will be retained and used as an office and caretaker's residence. The owner is aware that the temporary protection will expire on May 15, 2000 and is willing to extend the temporary protection to the House and surrounding property for an additional 60 days, until July 14, 2000.

Options for Continuing Temporary Protection

The temporary protection for the House and surrounding property will expire on May 15, 2000. Since the necessary Development Permit application was only submitted on April 28, 2000, an extension to the temporary protection will be required to allow time to review the revised proposal and to resolve the details of how long term protection of the House and surrounding property can be achieved within the redevelopment of the site through a Comprehensive Development Zone and Development Permit.

As indicated in Corporate Report R052, two options for continuing heritage protection are available for Council's consideration. A Heritage Designation By-law could be introduced immediately to provide continuing protection of the site. Alternatively, the owner/applicant can agree to an extension to the temporary heritage protection for a specific period of time.

The owner is requesting to extend the temporary protection to the House and surrounding property for an additional 60 days, until July 14, 2000. An agreement has been prepared and signed by the owner to provide this assurance of temporary protection (Appendix B). With the owner's consent to extend the temporary heritage protection, introduction of the Heritage Designation By-law may be deferred while details of the application are being resolved between staff and the applicant.

CONCLUSION

The agreement of the owner to extend temporary heritage protection of the Baron von Mackensen House and surrounding property for a further 60 days will allow additional time for staff and the applicant to work on the detailed proposed development plans which were submitted on April 28, 2000. It is anticipated that the rezoning and Development Permit application for the mini-warehouse proposal can be submitted for consideration by Council before the expiry of the temporary protection on July 14, 2000. Should the owner change the proposal and consider an alternative proposal, Council would still have the prerogative of introducing a Heritage Designation By-law prior to July 14, 2000.

Murray D. Dinwoodie

General Manager

Planning & Development Department

GK/bea

Appendix A: Application Site and Location of Existing House

Appendix B: Copy of Agreement Signed by Owner to Extend Temporary Protection

c.c. - City Solicitor

- Heritage Advisory Commission

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