



Corporate *NO: L003*

Report *COUNCIL DATE: February 5, 2001_*

REGULAR COUNCIL - LAND USE			
TO:	Mayor & Council	DATE:	February 1, 2001
FROM:	General Manager, Planning & Development	FILE:	0065-012
SUBJECT:	Crescent Park Annex Property Owners Proposed Down-zoning from RF to RH		

RECOMMENDATION

The Planning & Development Department recommends that Council:

1. Receive this report as information;
2. Endorse Option 3 as outlined in this report as the approach for rezoning in the Crescent Park Annex area; and
3. Instruct the City Clerk to forward a letter that documents Council decision on this report and a copy of this report to the delegation from the Crescent Park Annex Property Owners who appeared before Council.

INTENT

The intent of this report is to analyze options available to rezone properties in the Crescent Park Annex area in relation to the request made by the Crescent Park Annex Property Owners when they appeared as a delegation before Council in November 2000.

BACKGROUND

On November 20, 2000 Mrs. Zdenka Gerkrath, Ms. Wendy Easton and Mr. Gary Falkirk, representatives of the Crescent Park Annex Property Owners, appeared before Council as a delegation. They requested that Council rezone the area between 124 Street and 128 Street, and between 22 Avenue and 24 Avenue from the current Single Family Residential (RF) Zone to the Half-Acre Residential (RH) Zone. The request was supported by a

petition signed by the owners of 89 properties in the area.

The delegation indicated that a recent single family subdivision in the area permitted under the existing RF Zone has changed the character of the neighbourhood. While most of the properties in the area have an average lot size of 2,000 to 2,200 square metres (22,000 to 23,000 sq.ft.), the RF Zone permits subdivision into lots with a minimum size of 560 square metres (6,000 sq.ft.). Rezoning from RF to RH is proposed by the delegation as a means to maintain the tranquil character of the area, with mature trees and wildlife and to prevent piecemeal redevelopment without a rezoning process. The Half Acre Residential (RH) Zone permits subdivision into lots with a minimum size of 1,858 square metres (20,000 sq. ft.).

DISCUSSION

The Crescent Park Annex Area

The Crescent Park Annex area encompasses properties on 22 Avenue, 23 Avenue and the south side of 24 Avenue between 124 Street and 128 Street (Appendix I). The Crescent Park School Annex is located at the north-west corner of this block of land. The area is designated Urban in the Official Community Plan (OCP). The properties in the area are zoned RF, except for seven lots which are zoned Duplex Residential (RM-D) and another lot which has a Comprehensive Development Zone (CD) that allows a higher maximum floor area (than that allowed in the RF Zone) to accommodate an existing 60-square metre (644 sq.ft.) accessory building located at the rear of the property.

North, west and south of the area are urban single family residential subdivisions, zoned RF and designated Urban in the OCP. East of 124 Street is a Suburban-designated residential area, including properties zoned Half-Acre Residential (RH), Half-Acre Residential Gross Density (RH-G) and One-Acre Residential (RA) (Appendix II).

Properties in the Petition

There are a total of 156 properties in the Crescent Park Annex Area, of which 130 properties, if consolidated with adjacent properties, have subdivision potential under the existing RF Zone. The petition submitted by the delegation represented 89 or 57% of all the properties within the Crescent Park Annex Area. However, if the properties which have no subdivision potential are excluded, then the petition represented 68% of the properties with subdivision potential in the area (Appendix I).

One of the 89 properties included in the petition is currently zoned Duplex Residential (RM-D), whereas all the others are zoned RF. While 82% of the petitioning properties have a lot area larger than 1,858 square metres (0.5 acre), the lot size of the remaining 18% of the properties ranges from 898 square metres (9,666 sq.ft. or 0.22 acre) to 1,781 square metres (0.44 acre).

CD Zone vs RH Zone

The existing lots within the subject area do not conform to the RH Zone. Some of the properties do not meet the minimum lot area requirement of 1,858 square metres (0.5 acre) while others, with a lot area larger than 0.5 acres, do not meet the minimum lot width requirement of 30 metres (100 ft.) of the RH Zone. Other non-conformities involve setbacks of existing buildings. As such, should a rezoning application proceed, a Comprehensive Development zone, tailor-made to address the concerns of the proponents that results in the least amount of non-conformity would be the most appropriate approach to rezoning in the area.

Options to Initiate Rezoning

Option 1: Council-initiated Area Rezoning

Under this option, Council would initiate a rezoning process to rezone all properties in the Crescent Park Annex area (as outlined in Appendix I) to CD. The implications of this option are as follows:

- The subject area in its entirety is rezoned to one zone eliminating the possibility of further subdivision without another rezoning process thus maintaining the status quo and ensuring uniformity and compatibility of land use and subdivision pattern;
- Council chooses to exercise its zoning authority as allowed in the Local Government Act;
- Private property rights are being subordinated to the “public interest”;
- This action of Council could be against the wishes of some of the property owners in the area; and
- The City bears all costs of rezoning including staff time in processing the rezoning and drafting of the CD By-law, and public hearing fees.

Option 2: Council-initiated Rezoning of Properties Only with Consent of Owners

Under this option, Council will initiate a process to rezone to an appropriate CD zone only those properties where the owners consent to such a rezoning. The implications of this option are as follows:

- With the owners' consent, the CD Zone is not forced upon the owners against their wishes, and City staff will be able to obtain strong support for the drafting of the new CD Zone in the rezoning process;
- There will be sporadic, small pockets of the existing RF Zone remaining in the area;
- Depending on the extent of the rezoning, the lack of a consistent zoning in the area may not be desirable, as neighbourhood conflicts may arise when property owners in the RF Zone apply for subdivision; and
- The City bears all costs of the rezoning process including staff time in processing the rezoning application and drafting of the CD By-law along with public hearing fees.

Option 3: Collective Rezoning Application by Owners

Under this option, all owners who wish to rezone their properties will submit as a group a rezoning application to the City and pay the appropriate rezoning application fees. The implications of this option include:

- Only those owners who consent to the rezoning will apply;
- In this option, the City will take and be perceived to be taking an impartial position in the rezoning process;
- Similarly to Option 2, there may be small enclaves of RF-zoned properties remaining in the area; which may give rise to neighbourhood conflicts when these properties are proposed for subdivision;
- The merits of the rezoning will be assessed in relation to the extent of properties involved, the new zone being proposed, and its impacts on the adjacent properties and the neighbourhood as a whole;
- Instead of the City bearing the costs, the property owners share the costs involved in processing the

rezoning application; thus the higher the number of properties included in the application, the smaller the amount of the cost to any individual property owner involved in the application; and

- The property owners would need to appoint a representative to coordinate the application among themselves and liaise with City staff during the rezoning process.

At this point in time, it cannot be predicted with certainty the number or exact location of properties that will be involved in and the level of support for the proposed rezoning. A new CD Zone will need to be drafted, with various regulations, such as maximum floor area ratio, maximum house size, and minimum setback requirements, which will need to be reviewed with the property owners who are interested in participating.

Compared to the first two options, Option 3 allows the City:

- To take an impartial role, rather than an advocacy role (as may be perceived under either of the first two options) in the evaluation and decision-making process;
- To demonstrate that the application has gone through a fair process;
- To spend staff time in assessing the merits of the application and resolving issues with the representative of the applicants, without the need to make extra efforts to undertake coordination among the property owners; and
- To have the fees and other costs involved in the rezoning application (including the rezoning application fee, public hearing fee and development proposal sign costs) borne by the proponents.

Recommended Option:

Based on the above considerations, it is recommended that such a rezoning be pursued on the basis of Option 3.

Costs of the Rezoning Application:

Under Option 3, the costs of the rezoning application including the Public Hearing fee would be approximately \$3900 plus \$65 per existing lot involved in the application. As such, if 80 lots were involved in the application the fee would be approximately \$115 per lot.

CONCLUSION

A delegation of the Crescent Park Annex Property Owners requested that Council rezone their neighbourhood from RF to RH as a means by which to maintain the existing character of the area. The delegation was concerned with the potential for subdivision of the lots in the area to a much smaller size than the existing lots with the potential negative effects this would have on the community. Since the existing lots in the area do not conform to all the minimum specifications of the RH Zone, if rezoning is proposed, it would be appropriate to pursue a CD Zone tailor-made for the area. An evaluation of three options regarding a reasonable approach to the rezoning has been completed and Option 3 as outlined in this report is recommended to Council for consideration. It is further recommended that the decision of Council related to this report along with a copy of this report be forwarded to the delegation of Crescent Park Annex Property Owners who appeared before Council.

Murray D. Dinwoodie
General Manager
Planning & Development Department

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Appendix I Properties Included in the Petition for Down-zoning

Appendix II OCP Designation and Zoning of the Crescent Park Annex and Surrounding Areas

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