



Corporate *NO: L004*

Report *COUNCIL DATE: March 25, 2002*

REGULAR COUNCIL - LAND USE			
TO:	Mayor & Council	DATE:	March 21, 2002
FROM:	General Manager, Planning & Development	FILE:	7901-0233-00
SUBJECT:	Proposed Neighbourhood Commercial Plaza at 14413 and 14467 - 72 Avenue - By-law No. 14602		

RECOMMENDATION

The Planning & Development Department recommends that Council:

1. Receive this report as information; and
2. Provide direction to staff, with respect to the further processing of Application No. 7901-0233-00 and of Rezoning By-law No. 14602.

BACKGROUND

On December 10, 2001, Council considered a report (attached as Appendix "A") from the Planning & Development Department regarding a proposed rezoning of properties at 14413 and 14467 - 72 Avenue to Neighbourhood Commercial Zone (C-5) and Single Family Residential Zone (RF) to permit development of a 3,397 square metre (36,566 sq.ft.) neighbourhood commercial plaza and two single family lots (see Appendix "A"). The proposed commercial rezoning represented a change to the land use concept in the approved East Newton North Neighbourhood Concept Plan (NCP) which presently designated that portion of the site for "Townhouses". Staff concluded that the proposed commercial rezoning had merit based on the site location, market demand for neighbourhood retail commercial space, as described in a Market Study prepared on behalf of the developer and the economic development objectives of the Official Community Plan. However, the Planning Report also identified the fact that there was a significant level of community concern with the proposed commercial rezoning. Staff recommended that the application proceed to the Public Hearing stage. After consideration of the report, Council gave first and second readings to the related Rezoning By-law No. 14602 and set the Public Hearing date for January 21, 2002.

At the Public Hearing held on January 21, 2002, although there were several residents who spoke in support of the proposed commercial plaza, a number of other residents spoke in opposition citing strong concerns including:

1. Change in Land Use: Currently, the NCP designates the site for "Townhouse". Area residents bought into the neighbourhood with the expectation of future townhouses at this location.
2. The Need for Commercial Floor Space: Residents felt that they were adequately served by businesses in the Newton Town Centre, which presently has vacant commercial floor space. The proposed additional floor space was considered, by some, to be unwarranted.
3. Traffic: Both 72 Avenue and 144 Street are sub-standard major arterial roads. Some individuals advised that the proposed commercial complex would result in traffic/pedestrian safety problems and added traffic noise.
4. Crime: The proposed commercial project could add unwanted loitering and criminal activity into the neighbourhood, which would not be otherwise associated with a townhouse project as envisioned in the NCP. The proposed commercial plaza could exacerbate crime and safety concerns given the walkway connection to the residential neighbourhood as indicated in the NCP.
5. Interface/Noise: Residents of the Townhouse complex to the north of the subject site expressed concerns regarding the design and land use interface, stating that townhouse, in accordance with the NCP, represented the most appropriate interface. Noise from air conditioning units, long-term maintenance of the commercial property and impacts on property values were raised as interface impacts associated with the proposal.

Following Public Hearing, Council passed a resolution (R02-161) referring the proposal back to staff to work with the applicant and the community and report back to Council.

DISCUSSION

Public Consultation Process

To facilitate a meaningful and productive public consultation process, a neighbourhood advisory group came together to represent the East Newton North neighbourhood. The group ("Chimney Heights Residents Group") was made up of 13 residents, some of whom had made presentations opposing the development at the Public Hearing. The group included representation from the townhouse complexes to the north of the subject site and from the single-family residential neighbourhood area to the north east of the subject site.

The applicant initiated discussion with this advisory group. A Planning & Development Department staff member attended all meetings between the applicant and the group, acting as an observer and resource person.

The applicant organized two meetings; one on January 30, 2002 and another on February 13, 2002. Both meetings were held at the Chimney Ridge Townhouse common building (i.e., the townhouse development immediately to the north of the subject site). A third follow-up meeting was held between staff and the residents advisory group on February 28, 2002, at City Hall.

At the first meeting held on January 30, 2002, the residents reiterated their comments and concerns regarding the proposal as it was presented at the January 10, 2002, Public Hearing. In addition, a general outline of the

consultation process was discussed and agreed to by all parties. The applicant indicated that some options for a revised project design would be brought forward to the next meeting for discussion. The second meeting occurred on February 13, 2002. At this meeting, the applicant and the project architect presented two new options to the neighbourhood advisory group.

Option A (see Appendix "B")

This option consists of 3,007 square metres (32,361 sq.ft.) of commercial floor area in three separate buildings arranged in an "L-shaped" configuration, with a corner building at the 72 Avenue/144 Street corner. This option represents a reduction of 390 square metres (4,198 sq.ft.) of floor area relative to the original proposal. The proposed site plan includes two semi-enclosed patio areas, which divide the building massing appearance along the 72 Avenue elevation. These patio areas are separated from the north yard setback by walls or building elements to address Crime Prevention Through Environmental Design (CPTED) concerns. Building architecture, heights and setbacks have remained unchanged from the design presented at Public Hearing.

Option B (see Appendix "C")

Option B consists of 3,016 square metres (32,468 sq.ft.) of commercial floor area in three separate buildings arranged in an "L-shaped" configuration with a corner building at the 72 Avenue/144 Street corner of the site. This option represents a reduction of 381 square metres (4,101 sq.ft.) relative to the original proposal and is virtually identical in terms of floor area to Option A. The difference between the two options is found in the location of open patio areas. Unlike Option A, Option B provides one larger patio area at the northeast corner of the site. Option B also provides for a reduction in building massing relative to the original proposal presented at the January 10, 2002, Public Hearing. As with Option A, the proposed architecture, building heights and setback are unchanged from the original proposal.

In addition to the layout/design modifications, as described in both Options, the applicant made commitments to the residents group to seek a deletion of the pedestrian walkway between the site and 145A Street, shown in the East Newton North NCP, to establish a 24 hour security guard to monitor the site and to explore further hours of operation restrictions for businesses on the site. These commitments would apply to both design Options submitted by the applicant.

Results

Both options were discussed between the neighbourhood group, the applicant and their architect at the February 13, 2002 meeting. Subsequently the Options were discussed between the citizens group and staff on February 28, 2002. The general opinion, of 12 of the 13 neighbourhood representatives, was that although the project design was pleasing, the options presented did not address their concerns relative to the proposed land use. Specifically, the residents group reiterated their position that they were opposed to the land use amendment, due to potential impacts on traffic, noise and crime. Further, it was stated that negative impacts associated with the proposed land use (i.e. traffic, safety, noise) may be beyond the applicant's ability to mitigate over the longer term. The residents expressed no preference between the two options presented. A letter confirming the majority position, regarding the proposed Design Options, was received by staff on March 6, 2002. The letter was signed by 12 of the 13 neighbourhood representatives. One representative supported the proposed commercial land use, provided that issues such as road/sidewalk improvements are completed by the City and developer, concurrently with project construction.

The developer remains strongly committed to the project and holds the view that the project will be attractive and will provide for needed commercial services in the area. The developer is also of the opinion that there is support for the project in some parts of the surrounding communities, despite the relatively strong negative opinions of the advisory committee.

Given the results of the public consultation process, Council could consider one of the following alternate courses of action in dealing with the matter.

1. Defeat Third Reading of By-law No. 14602

Pros

- Consistent with the wishes of the Chimney Heights Residents Group, representing the adjacent community to the north and north east, who hold the view that the proposed C-5 commercial plaza is not appropriate at this location, due to the potential negative impacts associated with commercial development, such as traffic, noise, crime, etc.

Cons

- Contrary to the wishes of some of the East Newton North neighbourhood residents, who were supportive of the proposed commercial plaza;
- Contrary to the Economic Development objectives of the recently adopted Official Community Plan; and
- Residents in the area will need to travel farther for some neighbourhood commercial services that would otherwise be located on the subject site.

2. Determine that commercial development will be supported at this location and refer the application back to staff to work with the applicant and the community, to deal with the design of the project to address the concerns of the adjacent neighbourhood and provide a report back to Council.

Pros:

- Provides clear direction to both the applicant and the community representatives about the question of land use and will focus the collective energy of the parties on ensuring that the design is an effective design;
- Supports the economic development objectives of the OCP; and
- Will provide neighbourhood commercial services to the adjacent community.

Cons:

- Is contrary to the wishes of the Chimney Heights Residents Group, representing the community to the north and north east of the subject site.

CONCLUSION

On January 10, 2002, after the Public Hearing related to By-law 14602, Council referred the related development proposal back to staff to work with the applicant and the community and report back to Council. Over the past two months, the applicant has engaged in a public consultation process with a group of neighbourhood representatives. As part of this process, two development options were put forward for consideration by the group of residents. Both options were considered to be unacceptable by the residents group. It is apparent that the significant majority of residents group holds a relatively strong view that commercial development should not be permitted at the subject location. Three options for dealing with this application are outlined in this report for Council's consideration. It is recommended that Council provide

direction to staff regarding the further process of the subject application and the related Rezoning By-law No. 14602.

Murray D. Dinwoodie

General Manager

Planning & Development Department

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Appendix "A" - Original Design Submission

Appendix "B" - Option A - Site Plan

Appendix "C" - Option B - Site Plan

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