



Corporate *NO: R179*

Report *COUNCIL DATE: September 3, 2002*

REGULAR COUNCIL			
TO:	Mayor & Council	DATE:	August 30, 2002
FROM:	General Manager, Planning & Development	FILE:	7902-0150-00
SUBJECT:	Proposed Commercial, Industrial and Residential Development at 12725/41/49/59 76 Avenue By-law Nos. 14745 and 14746		

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. 7902-0150-00 and of By-law Nos. 14745 and 14746.

BACKGROUND

On July 8, 2002. Council received a report from the Planning & Development Department (attached as Appendix "A") regarding the proposed rezoning and development of properties at 12725, 12741, 12749 and 12759 127 Street. The proposal involved the rezoning of the northern portion of the consolidated site from "One Acre Residential Zone (RA)" to "Light Impact Industrial Zone (IL)" and rezoning of the southern portion of the site from "Single Family Residential Zone (RF)" and "One Acre Residential Zone (RA)" to "Neighbourhood Commercial Zone (C-5)". An Official Community Plan (OCP) amendment was also required to make a relatively minor adjustment to the "Urban" and "Industrial" boundary to accommodate the proposed commercial rezoning. The applicant proposed to develop a 2,812 square metre (30,269 sq.ft.) industrial building and a 2,796 square metre (30,093 sq.ft.) commercial building on the north and south portions of the site respectively. The westerly 15 metres (50 ft) of the site was to be set aside for future subdivision with the adjacent property at 12711 76 Avenue to create approximately 8 single-family lots fronting 127 Street.

The Planning report concluded that the proposal had merit based on the existing Newton Local Area Plan in relation to industrial and residential aspects of the development. Further, the proposed commercial use appeared to represent a

logical extension of an existing commercial node already at 76 Avenue and 128 Street and is support by the economic development objectives of the Official Community Plan. The Planning report however did identify that a number of residents and property owners in the area of the development raised concerns with respect to the proposal's potential negative impacts on crime, safety and traffic as well as whether there was a need for additional commercial floor space at this location. Based on an evaluation of the advantages and disadvantages of the proposal, the Planning & Development Department recommended that the project had sufficient merit to be supported. After consideration of the Planning Report, Council granted first and second reading to the related By-laws (Nos. 14745/46) and set the Public Hearing date for July 22, 2002.

At the Public Hearing, a number of residents spoke both in favour and in opposition to the proposed development. A majority of speakers opposed the commercial component of the proposal. The residents speaking against the proposal cited the following issues/concerns:

1. Traffic: Several residents expressed concerns regarding the additional traffic volumes that would occur along 76 Avenue and 127 Street should the development proceed. The concern was focused specifically on the traffic generated by the proposed commercial development. Some of the residents cited problems with vehicles speeding along 127 Street as a concern that might be further exacerbated by the proposed commercial development. It was noted in the Planning report to Council that 76 Avenue is major collector road.

2. Pedestrian Safety: Concern regarding pedestrian/vehicle conflicts at the entry to the proposed commercial development was raised, particularly in view of the fact that the school catchment for D. Sinclair Elementary School located at 7480 - 128 Street extends north to 80 Avenue. This requires elementary students to cross 76 Avenue (major collector) and 128 Street (arterial). Newton Athletic Park also exists on the south side of 76 Avenue. Residents have suggested that the additional commercial traffic generated by the site could pose additional dangers to pedestrian using the north side of 76 Avenue en route to the school and park to the south of the site.

3. Crime: Concerns were raised regarding the potential increase in crime due to the addition of the proposed commercial plaza. It was noted that there are currently problems associated with Newton Athletic Park as well as in some of the industrial areas in the neighbourhood and it was stated that any commercial development would add to an existing problem.

4. Land Use: Several speakers commented that they opposed the proposed change in land use from residential to commercial. These residents maintain that the proposed commercial portion of the site should remain for residential uses as contemplated in the Newton Local Area Plan.

Following the Public Hearing, Council passed the following Resolution (R02-1776): *"That the matter be referred to staff to have the applicant arrange a Public Information Meeting and work with the neighbourhood to resolve traffic and security issues"*.

DISCUSSION

Prior to holding a Public Information meeting with area residents, the applicant met with staff to discuss a process by which Council's direction could be undertaken. It was agreed that the applicant should have a Traffic Impact Study prepared and that revisions to the proposed plans be considered prior to holding a Public Information Meeting. The purpose of the Public Information meeting would be to review and discuss the revisions to the proposal, made in response to concerns raised at the Public Hearing.

Subsequent to meeting with the applicant, staff met with a group of residents, who were representing many of the residential properties in the vicinity of the proposed development. This group of representatives raised new issues

regarding whether there was a need for additional commercial floor space at this location and the process by which this application was brought forward to Council. Staff responded to the latter concern by advising that the proposal went through all the required/normal procedural steps prior to being presented to Council. The residents also submitted an 84 name petition, representing 71 properties objecting the proposed development. A map showing the location of properties involved in the petition against the proposal (received on August 2, 2002) is included as Appendix "B".

Traffic Impact Study

The applicant retained Ward Consulting Group to prepare a Traffic Impact Study to more accurately quantify the traffic impacts of the proposal. The Traffic Impact Study concluded that the peak PM trip generation would be 280 (140 trips inbound, 140 trips outbound) for weekdays and 395 (205 inbound, 190 outbound) on Saturdays. According to the Engineering Department, the traffic volume increase due to the proposed commercial development equates to approximately 10% of the peak hourly traffic volume at the 128 Street/76 Avenue intersection. The Traffic Impact Study also noted that a significant portion, up to 60% of the trips would be 'pass-by' traffic (i.e. traffic that is already on the road and simply drops in to the site, does their business and continues on using the same streets). The traffic volume on 76 Avenue after the development will be approximately 20,000 vehicles per day and based on the traffic count data provided in the Traffic Impact Study, 76 Avenue will be at approximately 64% of its practical vehicle capacity.

In addition to reviewing the impact on 76 Avenue, the study indicated that delivery vehicles appeared to use 127 Street as a short cut route between 76 Avenue and 80 Avenue. As 127 Street is straight, speeding also appeared to be an issue on this residential through-local road. The study recommended appropriate signage, enforcement and possibly speed humps as possible responses to the issue of shortcutting and excessive speed along 127 Street. The Engineering Department recommended that signage and speed humps (approximately 7) be installed along 127 Street between 76 and 80 Avenue should the applicant wish to address this issue. It is the Engineering Department's normal practice to proceed with traffic calming measures only if at least 67% of the residents on the street on which the measures are to be installed are in favour of the proposed measures. The Engineering Department further recommended that shared access between the subject site and lands to the east be established should these lands re-develop at a future date. The applicant has committed to providing a reciprocal access arrangement with the property to the east and to install traffic calming measures at their expense as a condition of approval for the proposed development provided there is the necessary level of resident support for the traffic calming. A copy of the Traffic Impact Study prepared by Ward Consulting Group is attached as Appendix "C".

Revised Proposal

To respond to the issues of crime, the applicant proposed revisions to the design of the commercial project to delete some second floor office space and to include a caretaker suite. The proposed caretaker suite will provide for additional after-hours site surveillance. The applicant has also committed to prohibit adult video stores and any establishment from retailing alcohol such as a beer and wine store.

The scope of the project was also changed to include the adjacent, westerly property at 12711 - 76 Avenue. The applicant is proposing to subdivide this site into 8 single family residential lots as part of the overall development. Since this westerly property is currently zoned "Single Family Residential (RF)", the in-stream rezoning by-laws are not impacted by the inclusion of this property as a part of the overall subdivision plan. With the expansion of the scope of the project, the applicant hopes to mitigate some of the concerns regarding land use, by defining the maximum westerly limit of the proposed commercial use. Furthermore, the inclusion of 12711 - 76 Avenue will allow the applicant to complete construction of 127 Street to its full cross section. This street currently exists as a half-road along the frontage of the subject property.

A copy of the revised development proposal is attached as Appendix "D".

Public Consultation Process

A group of property owners representing a significant portion of residential properties was formed. This group chose not to meet directly with the applicant to discuss the proposal but instead expressed their issues and concerns directly to staff and presented a new petition having 84 signatures representing owners/tenants of 71 properties. The concerns and issues raised in the petition were also forwarded to the applicant by staff .

The applicant and his consultants organized a Public Information Meeting on August 20, 2002, at the "Moghul Gardens Restaurant" at #106 – 12827 76 Avenue. Staff provide the applicant with mail-out labels and the applicant mailed the invitations on August 7, 2002 to a total of 266

properties within the 100 metre (300 ft.) notification radius of the subject property.

Results

The Public Information Meeting was held in an "open house" format with presentation boards set up for the public to read and observe. The applicant's agent, the project architect and the applicant's Traffic Engineer was in attendance to answer questions regarding the materials on display and the project in general. A Planning & Development Department staff member was also in attendance throughout the meeting.

A total of 116 people registered their attendance at the meeting. All people signing in received a questionnaire of which a total of 116 questionnaires were returned at the end of the Open House. An additional 11 questionnaires and one letter were received by the Planning & Development Department subsequent to the meeting.

The results of the questionnaires received at the Public Information combined with subsequent submissions show that a majority of residents (62%) continue to oppose the proposed commercial component of the development, citing concerns related to traffic, pedestrian safety and crime as the main issues. All but 8 (4 in favour and 4 opposed) of the individuals who submitted questionnaires were within the 100 metre notification radius of the site. Two properties had a split opinion on the proposal; however, this may be due to a different viewpoint between the property owners and the tenants on the two RF-SS zoned properties in question. It is noted that the majority (71%) of residential properties are opposed to the proposed commercial development. By contrast, a number of businesses along 128 Street appeared to support the addition of commercial floor space to the area. The map of the area attached as Appendix D, illustrates the properties whose owners/residents support the revised proposal and those who oppose the revised proposal.

Based on the observations of staff, the August 20, 2002 Public Information Meeting was not conducive to open discussion on the development. In spite of the applicant's efforts to organize a meeting to discuss changes made to the proposal with area residents, the atmosphere of the meeting was somewhat confrontational. As a result, the applicant was not able to discuss the revisions with those residents who attended the meeting.

Alternatives Available for Council Consideration:

The following alternative courses of action are available for Council consideration:

Option 1: Defeat By-law Nos. 14745 and 14746

Pros

- Consistent with the position of the majority of area residents based on information gathered to date from the Pre-Notification process, Public Hearing, petitions and Public Information Meeting.
- Consistent with the Central Newton Local Area Plan.

Cons

- Contrary to the Official Community Plan objectives relating to enhanced economic development opportunities within the community.
- Contrary to the wishes of the minority of area residents who are supportive of the development, including the Neighbourhood Commercial (C-5 Zone) plaza.

Option 2: Grant Third Reading to By-law Nos. 14745 and 14746 with revisions to the scope of the project as noted in Appendix "D"

Pros

- Consistent with the Official Community Plan in terms of supporting economic development within the community.
- Allows the proposed residential and industrial uses that the majority of the neighbourhood supports.

Cons

- Contrary to the position of the majority of area residents based on information gathered to date from the Pre-Notification process, Public Hearing, petitions and Public Information Meeting
- Not consistent with the Newton Local Area Plan in terms of the commercial aspect of the development.

Option 3: Determine that commercial development is not supportable at this location but allow the industrial and residential components of the proposal to proceed through appropriate amendments to By-law No. 14745 prior to giving it Third Reading and filing By-law No. 14746

Pros

- Consistent with the position of majority area residents based on information gathered to date from the Pre-Notification process, Public Hearing, petitions and the Public Information Meeting.
- Allows the industrial component of the project to proceed which is consistent with economic objectives of the OCP.

Cons

- Reduces the local economic development impact of the project through the deletion of the commercial component.
- Creates an awkward Industrial/Residential interface with a strip of "Industrial" designated land that is not being considered as a part of this phase of development. The opportunity for a comprehensively designed development may be lost as a result of only the northern portion of this project proceeding at this time. **On this basis staff are not supportive of this option.**

Option 4: Determine that commercial uses at this location have merit and instruct the applicant to work further with the neighbourhood to find an acceptable compromise prior to consideration of Third Reading of By-law Nos. 14645 and 14746.

Pros

- Consistent with the Official Community Plan in terms of supporting economic development opportunities within the community

Cons

- Contrary to the position of the majority of the area residents based on information gathered to date from the Pre-Notification process, Public Hearing, petitions and Public Information Meeting
- It doesn't appear likely that any process aimed at seeking compromise will be successful and may further increase tensions between the applicant and the neighbourhood residents.
- This option is not considered by the applicant to be a practical option.

CONCLUSION

On July 23, 2002, after the Public Hearing related to By-law Nos. 14745 and 14746, Council referred the development proposal back to staff to work with the applicant and the neighbourhood to resolve issues related to traffic and security. Since the Public Hearing, the applicant has engaged a Traffic Engineer (Ward Consulting Group) to review the traffic issues and to formulate recommendations. The applicant has also made changes to the scope and nature of the development in an attempt to address security and land use concerns. A revised proposal was presented at a Public Information Meeting held on August 20, 2002. The revised proposal was not supported by a majority of people attending this meeting. It is apparent that in spite of efforts by the applicant, the majority of residents hold a strong view that the commercial development should not be permitted at this location. Four options for dealing with this application are outlined in this report for Council's consideration. It is requested that Council provide direction to staff regarding the further processing of the subject application and the related rezoning By-law No. 14745 and OCP Amendment By-law No. 14746.

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General Manager

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c.c - General Manager, Engineering Department

Appendix "A" – Planning Report dated July 8, 2002.

Appendix "B" – Petition Results (Received August 2, 2002)

Appendix "C" – Traffic Impact Study dated August 7, 2002

Appendix "D" – Revised Project Design

Appendix "E" - Public Information Meeting Results

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