

ITEM 18

MANAGER'S REPORT NO. 57

COUNCIL MEETING Sept. 3/74

Re: Rezoning Reference #66/73
Cloverdale Investments Ltd. (Vogel)
(Item 33 (Supplementary), Report No. 55, August 19, 1974)

On August 19, 1974, Mr. W.M. Vogel in an appearance before Council stated that he had experienced considerable difficulty in receiving information and replies on Rezoning Reference #66/73 from personnel in the Planning Department. Council tabled a report on the matter pending submission of additional information on the allegations that were made by the applicant.

A detailed account of the negotiations that have taken place between staff and representatives of Cloverdale Investments Ltd. is contained in the following report from the Director of Planning:

"On August 19, Council heard a delegation from Cloverdale Investments Ltd. concerning its rezoning application for the property at 5800 Barker Avenue, at which time plans were presented for the commercial development of the single lot facing Kingsway. On that occasion, several references were made to a lack of communication on the part of the Planning Department with respect to the applicant's effort to prepare a suitable plan of development for the site.

The Planning Department provided its report on the matter presented by Mr. Vogel (Item 33 (Supplementary), Manager's Report No. 55 dated August 19, 1974), in which both the recent history of the application and the Department's comments on the current proposal were given. In response to Council's further request for additional information on the alleged lack of communication, we trust the following will be helpful.

On the 19th of November, 1973, the Council adopted a recommendation that the Community Plan for this area be reaffirmed and that the application for rezoning of Lot 27 not be favourably considered. The applicant was subsequently notified of Council's decision, and on December 17 approached Council with an appeal that the decision be reconsidered in light of the firm's past ownership of the property and the fact that it had up to that point been unable to commence development of the property for its purposes. After discussion of the property's role in relation to the development of the balance of the Community Plan area, and the necessity for development in conjunction with the abutting properties, Council resolved to refer the matter to the Planning Department, to consult with the applicant with a view to arriving at a suitable solution which would be compatible with the future development of abutting properties.

On January 7th, as related by Mr. Vogel, Mr. Parr and Mr. Stenson met with R.H. and W.M. Vogel to discuss the means of arriving at such a solution. At that meeting, the staff laid particular stress on the need to view the Site (Lot 27 together with the properties to the south) on a comprehensive design basis, in order that a detailed design of a first stage, commercial development at the north end of the block might be assured of being properly integrated. It was clearly understood that this approach did not call for acquiring the adjacent lands and consolidating the entire site at one time, but rather that a design solution accounting for the ultimate development be worked out in general terms, demonstrating that an independent first stage could be successfully integrated.

General objectives were outlined, and it was agreed that specific, technical information would be furnished by the Planning Department. Because of the emphasis that was placed on the applicant securing the assistance of a competent urban architect or planner to aid him in dealing with this rather complex problem, we had expected to be contacted by such a consultant to deal with the technical matters. The first contact by any designer engaged by the applicant, to our knowledge, was on July 25, when the wife of the operator of a small design service submitted sketch plans to the Department. The response to this contact was set out in our letter initially typed August 7, to the applicant, which because of changes and additions was delayed in mailing until August 14. It had been hoped that this letter, in response to the first professional contact for solving the problem, would provide the technical information required by the applicant's consultant.

Re: Rezoning Reference #66/73
 Cloverdale Investments Ltd. (Vogel) - Cont'd.

"Mr. Vogel mentioned at the August 19 Council meeting that the Department's letter was posted the same date on which he submitted his letter and plans to the Clerk's office, suggesting that there was some connection. We would reaffirm the response made at the Council meeting that there was indeed absolutely no connection, as the Department's letter was posted prior to our receipt of the applicant's material.

Following receipt of the August 13 letter to Council, and discussion with the Manager's office, it was felt that the submission and examination of a design proposal for this site was a matter that would properly be handled administratively, consistent with Council's direction in working toward a suitable plan for subsequent report by the Director of Planning. For this reason, it was agreed that Mr. Beasley would contact Mr. Vogel to inform him that the staff was prepared to deal with his consultant's plans in the normal way, as directed, and as stated in our letter, and suggesting that on this basis he might wish to withdraw his proposal rather than presenting a scheme which could not be recommended. In telephone conversation on Friday morning, Mr. Vogel responded to Mr. Beasley that he did not wish to withdraw his proposal, and that he in effect wished to have this particular scheme considered in Council.

We are unable to corroborate Mr. Vogel's claims that he was unable to contact staff by telephone or to arrange appointments. An examination of our files, however, has revealed that the letter of January 17 from Cloverdale Investments regarding a request for information was indeed received. We are unable to satisfactorily explain why this was not answered, and our apologies are due to the applicant in this regard.

We can assure that there has been no unwillingness on the part of the Department to cooperate in arriving at a suitable solution to this problem. It is evident that the Vogels had a different understanding concerning the contact by a professional consultant than Planning Department staff had received, and that owing to our response to the applicant's designer's first contact being delayed and crossing in the mails, this matter has arisen.

The Planning Department is hopeful at this time that the applicant will make arrangements for the assistance of a suitable competent architect to produce the solution that had been anticipated, and that a constructive relationship will be restored.

Concerning the proposal submitted at the August 19 Council meeting, the Department has pointed out that the scheme fails to solve the problem to any appreciable extent, and does not demonstrate any positive relationship to the ultimate development of abutting properties in a development commensurate with a key location in the emerging Town Centre. We trust that Council will appreciate the vital importance of assuring compatible urban development, and will not accept the single lot proposal that has been submitted as a suitable premise for rezoning of Lot 27."

RECOMMENDATIONS:

THAT the proposal submitted on August 13, 1974 not be accepted, as it fails to achieve the objectives earlier defined or to conform to either Community Plan guidelines or Zoning Bylaw requirements; and

THAT the earlier decision to not approve of separate commercial development of Lot 27 in isolation from the rest of the designated site be reaffirmed; and

THAT the applicant be invited to secure the assistance of a consultant with appropriate training and experience in urban planning and design to prepare a suitable overall scheme in which the initial commercial space would be wholly integrated if he wishes to have the matter further considered by Council; and

THAT a copy of this report be sent to Messrs. W.M. and R.H. Vogel.