



Corporate Report

NO: R176

COUNCIL DATE: September 29, 2008

REGULAR COUNCIL

TO: Mayor & Council DATE: September 25, 2008
FROM: General Manager, Engineering FILE: 0910-30/124
SUBJECT: Road Closure Adjacent to 13752 to 13790 - 75A Avenue

RECOMMENDATION

The Engineering Department recommends that Council authorize the City Clerk to bring forward a by-law for consideration by Council to close and remove the dedication as highway of a portion of road being 75A Avenue, abutting to the north side of lots at 13752 through to and including 13790 - 75A Avenue having an estimated area of 9,956 ft.² (925 m²), all as illustrated in Appendix I attached to this report.

A. Property Location

The road proposed for closure is located in the Newton area immediately west of 138 Street. The immediate area to the west is developed with commercial properties (King's Crossing Mall). The immediate area to the north and south is primarily multi-residential development, while the areas to the east contains a mix of single family and low-density multi-family residential development.

B. Plan Designations, Zoning, and Land Uses

The southern half of the subject road closure area and the five properties to the south are zoned RA (Residential). The north half of the road closure area and the property to the north are zoned CD (Comprehensive Development) based on the RM-45 zone. The road closure area, the five properties to the south, and the property on the north are all designated Multi-Residential in the Official Community Plan. The entire road closure area will become part of Lot 1 of a proposed 2-lot subdivision. Lot 1 will have an area of 38,416 ft.². Lot 2 of the subdivision is to the southwest and will total 99,136 ft.². Upon approval, the two lots are anticipated to be developed to a total of 255 units of multi-residential housing in two 4-storey apartment style buildings.

C. Purpose of Road Closure

A developer has made application to the Planning and Development Department (Application No. 7907-0359-00) and is proposing to, concurrently with the proposed road closure, consolidate five existing RA lots to the south of the road closure into one lot and rezone that lot to a CD Zone based on RM-45 zoning to allow development of an apartment-style residential building. This lot is proposed Lot 1, see Appendix I. The same developer is also proposing to similarly rezone an existing lot to the south of the proposed Lot 1. The road closure allows the developer to proceed with the proposed 2-lot development application that will ultimately contain a 255-unit condominium/apartment complex. The first building to be constructed is proposed for Lot 2 (the southerly lot). This building will front a proposed new public 75A Avenue road dedication and is to contain approximately 156 units. Lot 1 (the northerly lot) will be developed in the future with a similar type of building that will contain approximately 99 dwelling units and will front 138 Street.

D. Land Value

The developer has agreed to provide compensation to the City equivalent to the market value as determined by a qualified professional staff appraiser. The developer will also be responsible for the cost of constructing a new (75A Avenue) public road between the two proposed lots to provide access to this development off 138 Street.

As required under Section 40(4) of the Community Charter, all utility companies potentially affected by the closing of this portion of road have been consulted.

E. Process

Prior to final approval of Council, a reference plan prepared at the applicant's expense will be submitted to the Legislative Services Department requesting Introduction and Adoption of a By-law to close and remove the dedication as highway. Prior to Final Adoption of the By-law, in conformance with Sections 40 (3) and 94 of the Community Charter, notice of the closure will be advertised for two consecutive weeks in a local newspaper, and a notice will be posted at City Hall. The advertisement provides information to the public at large on the details of the road closure and indicates that all pertinent data can be obtained from the Realty Services Division. All concerns from the public will be addressed prior to completion of the closure. Legislative Services will then forward the By-law to Council for Final Adoption. The By-law will then be registered at the Land Title Office. The Realty Services Division will then advertise the disposition of this portion of road in a local newspaper and will post a notice at City Hall as prescribed under Sections 26 and 94 of the Charter. The advertisement and notice will contain a description of the land. Upon completion of these items, a final report will be submitted to Council to approve the sale. Staff will then prepare transfer documents to transfer the portion of road to the applicant, and registration will take place at the Land Title Office. The road closure and lot consolidation that will result in dedication of a new public road will occur concurrently following necessary approvals.

CONCLUSION

The road closure allows the developer to proceed with a proposed 2-lot development application containing a 255 unit condominium/apartment complex in 4 storeys. The first building to be constructed is proposed for Lot 2 (the southernmost lot). The building to be constructed on this lot will front on the newly constructed 75A Avenue and is proposed to contain 156 units. Lot 1 (the northerly lot) will be developed in the future with a second, north building that is proposed to have 99 units front onto 138 Street.

The terms of the proposed closure are considered reasonable, and the Planning and Development Department supports this road closure in relation to planning considerations for the area.

Vincent Lalonde, P.Eng.
General Manager, Engineering

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Appendix I: Aerial Photograph of Site