



## Legislation Details (With Text)

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**Title:** Bylaws 7/2021, 8/2021 & 9/2021 Oakmont Area Structure Plan (1st Reading)  
Presented by: Suzanne Bennett, Planner, Planning & Development

**Sponsors:**

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**Attachments:** 1. Bylaw 7/2021 - Oakmont ASP amendment, 2. Oakmont ASP - clean version, 3. Bylaw 8/2021 - LUB Redistricting, 4. Bylaw 9/2021 - DCMU text changes & Schedule F Amendment, 5. Oakmont ASP - TRACKED CHANGES, 6. DCMU District -Redline Changes Tracked, 7. Location Map, 8. Amendment map, 9. Conceptual Site Plan, 10. Public Meeting Transcript -October 6, 2020, 11. Public Correspondence, 12. Fiscal Impact Assessment Summary, 13. Construction Phasing

Date	Ver.	Action By	Action	Result
4/19/2021	1	City Council	adopted	

TAMRMS#: B06

### Bylaws 7/2021, 8/2021 & 9/2021 Oakmont Area Structure Plan (1<sup>st</sup> Reading)

Presented by: Suzanne Bennett, Planner, Planning & Development

### RECOMMENDATION(S)

1. Bylaw 7/2021 Oakmont Area Structure Plan Amendment  
That Bylaw 7/2021, being amendment 5 to the Oakmont Area Structure Plan Bylaw 12/97, re-designating the subject lands from Commercial and Low Density Residential to Mixed Use, be read a first time.
2. Bylaw 8/2021 Land Use Bylaw Schedule A Amendment  
That Bylaw 8/2021, being amendment 186 to the Land Use Bylaw 9/2005, to redistrict the subject property from Direct Control to Direct Control Mixed Use, be read a first time.
3. Bylaw 9/2021 Land Use Bylaw Text and Schedule F Amendment  
That Bylaw 9/2021, being amendment 187 to the Land Use Bylaw 9/2005, to enact textual changes to the Direct Control Mixed Use District, and amendments to Schedule F 'Building Heights for Redevelopment' be read a first time.
4. Public Hearing  
That a Public Hearing for Bylaws 7/2021, Bylaw 8/2021, and Bylaw 9/2021 be scheduled on May 18, 2021 at 9:00 a.m. MDT.

### PURPOSE OF REPORT

This report discusses proposed amendments to the Oakmont Area Structure Plan, and the Land Use

Bylaw. The amendments include the creation of a Mixed-Use Designation within the Oakmont ASP, and the re-designation of lands to this Mixed-Use designation. The Land Use Bylaw amendments include redistricting the site from Direct Control (DC) to Direct Control Mixed Use (DCMU), textual changes to the Direct Control Mixed Use (DCMU) District, and the addition of a height schedule.

These amendments have been written as three bylaws. Each of these bylaws require a Public Hearing and three Readings to be enacted. All three bylaws can be reviewed in the same Public Hearing.

### ALIGNMENT TO PRIORITIES IN COUNCIL’S STRATEGIC PLAN

*St. Albert Council Strategic Plan*

Strategic Priority #5: Housing: Enhance housing options.

Facilitate an increase in the variety of housing types in St. Albert to respond to market demands and accommodate the diverse needs of residents.

### ALIGNMENT TO LEVELS OF SERVICE DELIVERY

Current Planning Application Processing: Processing and coordination of the approval of Statutory plans and amendments, subdivision, and condominiums applications.

### ALIGNMENT TO COUNCIL DIRECTION OR MANDATORY STATUTORY PROVISION

The Municipal Government Act, Planning Bylaws, Section 692(1) states:

*Before giving second reading to...*

*(b) a proposed bylaw to adopt a municipal development plan,*

*(c) a proposed bylaw to adopt an area structure plan,*

*(d) a proposed bylaw to adopt land use bylaw*

*(e) a proposed bylaw amending a statutory plan or land use bylaw referred to in clauses (a) to (e)*

...

*a council must hold a public hearing with respect to the proposed bylaw in accordance with section 230 after giving notice of it in accordance with section 606.*

### BACKGROUND AND DISCUSSION

The subject lands of this application are 230 and 250 Bellerose Drive, and 300 Orchard Court. A previous application on these same lands was brought to a Public Hearing on June 22, 2020. Within this public hearing, Council unanimously defeated the amendments proposed at the time.

Boudreau Communities has applied to amend the Oakmont Area Structure Plan (ASP) to allow for Mixed Use future development on the lands, as well as to redistrict to Direct Control Mixed Use (DCMU), and to make text changes to the DCMU District to allow, for these lots only, building heights over the current maximum of 25 metres.

Address	Legal Description	ASP Land Use		Land Use Bylaw Zone	
		Current	Proposed	Current	Proposed
230 Bellerose Dr	Plan 122 4934 Block 1, Lot 5	Commercial	Mixed Use	DC	DCMU

250 Bellerose Dr	Plan 122 4934 Block 1, Lot 1B	Commercial	Mixed Use	DC	DCMU
300 Orchard Crt	Plan 102 1490 Block 1, Lot 2A	Low Density Residential	Mixed Use	DC	DCMU

The development site area is located between Bellerose Drive and the Sturgeon River, and east of Boudreau Road, and is approximately 4 hectares (9.8 acres±) in total. See the attached *Location Map*.

The attached *Conceptual Site Plan* shows the following:

- up to 360 residential units with an expected population of 640 residents
  - assuming the average household size of 1.76 residents per multi-family unit
  - assuming the average household size of 2.23 residents per townhouse
- 6,481 m<sup>2</sup> (69,760 ft<sup>2</sup>) of commercial floor space
- 13 townhouses on 300 Orchard Court;
- Heights to a maximum of 15 m near Orchard Court;
- Mixed Use buildings (residential and commercial) of 40 (approx. 12 storeys) and 50 metres (approx. 15 storeys) in height.

Although the amending bylaws are not an application for development approval, the Applicant is asking Council to make these amendments as the necessary legislative foundation for future development. If the bylaws are passed, the Applicant is expected to seek a development permit for a mixed-use development that reflects the amendments.

The Applicant's concept for the development of the lands is illustrated within the attached *Conceptual Site Plan*. It is important to note that what is presented now is a concept which will be refined in the Development Permit application. Therefore, what Council is now being asked to consider is whether the subject site is suitable for this style of development and the proposed building heights in these general locations.

The following documents were provided to the City of St. Albert by the Applicant, per the Area Structure Plan Terms of Reference:

- Conceptual Site Plan and Aerial Images
- Oakmont Area Structure Plan (ASP) Technical Report
- Land Use Redistricting map
- Proposed text amendments to the DCMU District
- Proposed height schedule
- Sun/Shadow Study
- Fiscal Impact Assessment (FIA)
- Topographical Survey
- Slope Stability Analysis
- Traffic Impact Assessment (TIA)
- Servicing Design Brief
- Environmental Site Assessment Level 1
- Open house transcript.

Some of these documents provided were revisions or addendums to the documents provided on the previous application for the same lands. The Traffic Impact Assessment utilized traffic counts from June 2019, prior to the COVID-19 public health threat.

#### Site History:

These lands are locally known as the Hole family homestead, and were annexed into the City of St Albert in 1980. A 1990 Area Structure Plan designated the properties as single-family residential and commercial.

Prior to 2009, the subject lands were a mix of General Commercial (C2), Low Density Residential (R1), and Urban Reserve (UR) Districts. In 2009, the subject lands, as well as the land developed as Botanica residences and the Shops at Boudreau, were districted by Bylaw 12/2009 as Direct Control (DC). Through Bylaws 13/2013 and 16/2013, the shops of Boudreau were districted to Medium/High Density Residential (R4) and General Commercial (C2).

#### Administration Analysis of Conformance to Statutory Plans:

##### **EMRB Growth Plan**

The proposed amendments did not require circulation to the EMRB. The application submitted would result in anticipated development of greater intensity than what exists, and the subject lands are outside of the 400 m radius surrounding future LRT alignment. This amendment can be supported by some of the ERMB Growth Plan policies.

- Guiding Principle #4 - “Achieve compact growth that optimizes infrastructure investment. We will make the most efficient use of our infrastructure investments by prioritizing growth where infrastructure exists and optimizing use of new and planned infrastructure”.
  - The subject site is outside of the 400 m radius around the planned LRT alignment. The LRT alignment runs along the St. Albert Trail, which is prioritized for high-density infill development. A bus transit route runs along the north side of the site, on Bellerose Drive. The proposal utilizes existing available utility infrastructure.
- Objective 3.2 - Plan for and promote a range of housing options
  - The concept proposed does provide a type of high-density housing not widely available in St. Albert at this time, thereby supporting this objective.
- Table 1B - Metropolitan Area - Growth Directions
  - Encourage intensification of built-up urban areas including brownfield sites to optimize existing and planned infrastructure;
    - proposal supports this policy by utilizing existing infrastructure and localizing intensification.
- Policies:
  - 3.2.1 - Housing will be planned and developed to address the changing demographics in the Region by including housing that offers a diversity of types, forms, and levels of affordability to support a variety of lifestyle options, income levels, and to meet to meet the needs of all residents.
    - Proposal supports this policy.
  - 3.2.2 - Within the built-up urban area and centres, infill development, more compact housing forms, and increased density will be encouraged to achieve a more diverse housing stock in the Region.

- Proposal supports this policy by providing high-density residential and commercial infill.
- 3.2.3 - The greatest density and diversity of housing in terms of type, form and availability, including row housing and low, mid and high-rise buildings, will be directed to centres and areas with existing or planned regional infrastructure, transit and amenities, at a scale appropriate to the community.
  - In MDP CityPlan, the subject is outside of current intensification zones such as the downtown core and TOD centre.
  - In MDP Flourish, Map 3 'Urban Structure and General Use' depicts the site as a Mixed Use Node.
- 4.2.2 - Intensification will be directed to rural centres, sub regional centres, urban centres, TOD centers, the metropolitan core and downtown Edmonton, brownfield sites and along transit corridors at a form and scale appropriate to the community and corresponding level of service.
  - In MDP CityPlan, the subject is outside of current intensification zones such as the downtown core and TOD centre.
  - In MDP Flourish, Map 3 'Urban Structure and General Use' depicts the site as a Mixed-use Node.
- Schedule 6 - Aspirational Intensification target:
  - 17% (dwellings to Built-Up Urban Areas) is measured as the percentage of new dwelling units that are constructed within the built-up area each year.

## **Municipal Development Plan (MDP): MDP CityPlan**

The Future Land Use Map 2 of the CityPlan MDP depicts the area where built form intensification should be directed to. Per section 4.12 of the MDP, these nodes are where medium and high-density residential should be centralized. The subject site of the proposed amendment is not identified as an intensification point on the Future Land Use map.

### **Policy 4.11 Neighbourhood Design Principles**

The proposed application conforms with this policy, as the application ensures that the neighbourhood includes a minimum of 30% of the dwelling units as medium and or high density residential. The application is proposing to maintain the ravine and tree stand within the development, and provides a focal point for interaction within the site.

### **Policy 4.12 Locations for Medium and High-Density Residential**

The MDP identifies evaluation criteria for medium-density residential sites within Section 4.12. The City is to consider the criteria when recommending locations for medium and high density residential locations.

When applying the criteria, the application supports the following:

- Proximity to open space, shopping, and commercial and community facilities,
- Compatibility with the existing Botanica/Shops at Boudreau, and
- Minimizing traffic impacts
- Proximity to public transportation

However, it should be noted that the application does not support other aspects of policy 4.12 criteria, specifically “Location in downtown, urban village centres, and neighbourhood activity centres”.

#### Policy 13.1 Provisions for New Developments

The City of St. Albert shall ensure that new development is consistent with the efficient, economic, and coordinated provision of municipal infrastructure, human services, and public utilities. This application supports this policy within the MDP.

#### Policy 18.4 Residential Densities

The City of St. Albert requires that the developments meet the Edmonton Metropolitan Growth Plan density targets for new development. The intent of these density targets is to reduce the amount of land consumed by low-density residential development and reduce the need to consume undeveloped lands prematurely. The density proposed within the amendment subject area is 98.6 du/nrha (dwelling units per net residential hectare), resulting in an overall increase of the Oakmont ASP density from 21.5 du/nrha to 25.57 du/nrha. This application supports the residential density policy within the MDP.

#### **MDP Flourish**

The application was received under MDP CityPlan and evaluated against those policies that existed at the time of application. However, as the draft of MDP Flourish was available and under review, some policies which the current application aligns with have been listed below. Map 3: Urban Structure and General Land Use indicates a Mixed-use Node at the subject site.

Mixed-use Node is an area that contains a range of commercial uses, apartment buildings, townhouses, and community services, all arranged within a cohesive, pedestrian-oriented network of streets and open spaces.

6.1.6. Encourage the redevelopment and revitalization of commercial shopping areas, transforming them into mixed-use sites with new residential development and complementary uses.

7.1.8. Accommodate a greater mix of housing forms in existing Neighbourhoods that respect the existing scale and character of the area.

7.1.9. Require new high- and medium-density, multi-unit residential development to provide common private amenity spaces.

12.3.1. Ensure general consistency of scale in developments within existing Neighbourhoods through complementary built form, while encouraging a greater range of higher density built form in and around areas planned for intensification.

12.3.2. Ensure appropriate built form and density transitions between existing Neighbourhoods and priority areas for growth, as identified on Map 4.

12.3.3. Encourage apartment, office, and institutional buildings within existing commercial or planned mixed-use areas to include commercial or public uses on the ground floors along public streets.

14.1.3. Locate and design buildings that facilitate public access to Major Open Spaces and to existing and planned trail systems.

14.1.4. Ensure that development along Major Open Spaces facilitates a connected, sensitive, and complementary relationship between buildings and Major Open Spaces.

14.1.7. Encourage high quality, visually attractive built form, development standards, and landscaping along Major Open Spaces.

14.5.1. Ensure a range of uses in Mixed-use Nodes, such as retail, restaurants, personal and businesses services, medium-density housing, institutions, parks, and public spaces.

14.5.4. Encourage vertical mixed-use buildings to have commercial or institutional uses on the ground floor and residential dwellings or office space on upper floors.

14.5.5. Ensure Mixed-use Nodes can be easily accessed from adjacent neighbourhoods by walking or cycling and are designed to have a compact, pedestrian-friendly form that encourages active transportation. Buildings should be oriented to and have their main entrances on a public street.

### **Bylaw 7/2021 - Oakmont Area Structure Plan Amendment**

Within the current Oakmont ASP, the subject lands are designated as Low Density Residential on 300 Orchard Court, and Commercial on both 230 & 250 Bellerose Drive (see attached *Amendments Map*). The parcel designated as Low Density Residential is 2.16 hectares. A typical low-density development of 39 dwellings per hectare on this site would produce up to 84 dwellings. The remaining 1.87 hectares, per the ASP, could be constructed as a commercial development.

The Oakmont ASP does not currently have a Mixed-Use designation. The proposed amendment, attached as *Oakmont ASP - Redline - Changes Tracked*, has the proposed new designation included within the text, and revised maps have been provided to show the entire subject site as the Mixed-Use designation.

The Applicant is proposing that the development would accommodate 360 residential units, 13 of which are townhouses, and the rest as apartment style units. This results in a projected population of 640 residents. The previous application for this site contained 466 residential units, all of which were apartment style units, and projected a population of 820 residents. The proposed amendment would alter the existing development statistics, and these have been revised to include the new designation. Administration has also added an Aerial Map and Former Historic River Lots to the figures.

### **Bylaw 8/2021 - Land Use Bylaw Schedule 'A' Amendment**

The current districting on all three lots, being 230 & 250 Bellerose Drive and 300 Orchard Court is Direct Control (DC) District. This District is intended to “enable Council to exercise particular control over the use and development of land or buildings within the area so designated”. As such, land uses as well as development standards and conditions for development applications are at the full discretion and authority of Council, so long as the Municipal Development Plan and the Area Structure Plan are complied with. There is virtually no scope for any appeal once Council has made a lawful decision about what will happen, and on what conditions, in a DC District.

The proposed map change to Schedule A is changing Direct Control (DC) to Direct Control Mixed Use District (DCMU). Direct Control Mixed Use District (DCMU) regulations specify permitted and discretionary land uses which may be approved by the Development Officer. Any use not listed in

either of these sections may be approved at the discretion of Council, so long as it is consistent with the ASP and MDP.

As with any redistricting application, the DCMU district provides regulations for development setbacks, building and site design, and land uses. The purpose of the DCMU district is to provide an area for a mixture of commercial, institutional and medium to high density residential land uses.

**Bylaw 9/2021 - Land Use Bylaw Text and Schedule F Amendment**

Bylaw 9/2021 contains the applied-for textual changes to the Direct Control Mixed Use (DCMU) District, and the addition of Map 2 to Schedule F ‘Building Heights for Redevelopment’.

The standard height allowance within the DMCU District is 25 metres. A height exception was written into the DCMU District for the Grandin developments, located within downtown St. Albert. These heights are written into Section 9 of the DCMU District and depicted within Schedule F of the Land Use Bylaw. The Applicant is requesting that a similar exception be written into the DCMU District, and that a second map be added to Schedule F to allow for increased heights on specific portions of the site.

The DCMU District allows a maximum floor area that is 3.21 times the size of the parcel and requires a minimum of 25% of this floor area must be dedicated to commercial purposes. The Applicant proposed a reduction of the maximum floor area ratio to 1.9 times the parcel size and lowering the minimum commercial to residential ratio from 25% to 5%, on these three properties.

**Other Considerations:**

The internal roadways are proposed to be condominium common property. There is still a right-in/right-out access and egress at the north east portion of the site, onto Bellerose Drive. Internal roadways will connect across the site to the access of Botanica and Shops at Boudreau, which intersects with Bellerose Drive and sits across from Evergreen Drive.

The Transportation Department indicated that a safety assessment of the Boudreau Road/Bellerose Drive intersection had been carried out by Administration, separate from any landowner applications. This safety assessment came to similar conclusions as the Traffic Impact Analysis of the previous application made by Boudreau Communities. However, as the previous application was denied, Administration continued to pursue providing appropriate upgrades to the Boudreau Road/Bellerose Drive intersection without developer collaboration. St. Albert opened an invitation to tender on February 10, 2021.

The site plan indicates a “Utility Corridor” on the City-owned land at 290 Orchard Court, which was a matter of concern for some residents. There is a Utility Right of Way registered on 290 Orchard Court, by the City and for the City. There have been no discussions of the Applicant placing utilities or services on City-owned land, and there are no services depicted crossing 290 Orchard Court in the Servicing Report.

**Heights**

Direct Control	DCMU - as written	June 2020 Proposal	Current Proposal
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Height regulations are not described	25 m max. Exceptions for Grandin Park	83 m towers 31 m seniors apartments 15 m & 20 m bases	40 m & 50 m towers 15 m seniors apartments 20 m & 25 m bases
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### Sun / Shadow

A Sun/Shadow study was delivered by the Applicant to show the shadow effects of the proposal at various times of day, on both equinoxes and solstices. This report was made available to the public via the *Cultivate the Conversation* platform. The lower building heights proposed show to reduce the offsite shadow impacts by the shadow study provided. Most shadows remain on the site, or fall on Bellerose Drive.

### Fiscal Impact Analysis (FIA)

Economic Development has indicated that the development will provide significant tax benefit to the City of St. Albert, as it is estimated to contribute approximately \$1.6 million in municipal taxes annually. This is equal to roughly 1.5% of the City's total annual taxes.

The density of this development is also beneficial from a municipal tax and financial sustainability perspective, providing an estimated over \$12 million in assessment per acre and \$160,000 in taxes per acre annually. This represents almost double the assessment per acre of most high-density industrial areas.

### Construction Phasing Plan

The Applicant has provided a Construction Phasing Plan. The phasing plan identifies the order which the proposed developments will be constructed in, as well as the locations of trades worker parking, and laydown yards. The Constructure Phase Plan includes dirt and mud mitigation measures to reduce the amount of dirt and mud tracked off the construction site by vehicles and equipment.

### Trail Development

Recreation and Parks is undertaking a feasibility assessment on the Oakmont portion of the Red Willow Trail system. If the application is approved by Council, Recreation and Parks are willing to enter into discussions with the Applicant to bring that segment of trail above the top of bank, onto the Applicant's site.

## STAKEHOLDER COMMUNICATIONS OR ENGAGEMENT

Based upon the City of St. Albert's public participation requirements, the Applicant held a virtual public meeting (Zoom), on the evening of October 6, 2020. Based on public feedback collected, the Applicant discussed changes made to the June 22, 2020 application that Council heard. The online meeting was recorded and posted on the Applicant's website. A copy of the recording was also provided to Administration, which was placed on the *Cultivate the Conversation* website. The Applicant accepted comments for one week after the event.

The application was submitted to Administration in November of 2020. However, the application was not deemed complete and suitable for circulation until December 23, 2020. The application was

circulated to property owners within a 100 m radius. A further notification letter was sent to residents outside of the 100 m radius, who had participated in the public engagement of the previous application. This included all attendees of open houses, and those who provided their mailing address in written comments.

The circulation period started on December 23, 2020, and all the documents which would normally be available in person at the Planning office were uploaded to the *Cultivate the Conversation* website. A standard circulation period for Area Structure Plan amendments would be 21 days. The notification letters were mailed on December 23, 2021, however due to the winter holidays, the 21-day timeline was initiated on January 4, 2021. The initial comment period lasted until January 25, 2021, with an extension being agreed upon between the Applicant and Administration, which lasted until February 2, 2021. It should be noted that the comment period was extended beyond the normal City processes due to the interest in the application. Further, the 21 days notification period is not a legislative requirement but an internal process for good planning practice.

From December 23, 2020 to February 2, 2021, Administration received 170 responses from the public via email and through Cultivate the Conversation website. Of the responses received by Administration, the most prevalent comments are listed below. The percentages provided are the calculation of the number of responses received which included each of the identified concerns. Many of the responses received from the public contained multiple concerns:

The proposed concept will exacerbate traffic and congestion issues	73.5%
The heights of the development proposal are too tall	52.3%
The density of the development proposal is too high for the area	40.6%
The development will cast excessive shadows on surrounding properties	20.6%
The development will negatively effect the environmental health and public use of the river and banks	40%
Property values will be negatively affected	6.5%

Of the correspondence received, 25.9% indicated that the proposal was not sufficiently different from the previous application, and had not addressed the concerns raised by the public. Of the correspondence received, 5.3% were in support of the proposed development.

The responses received from the public are provided as *Public Correspondence* attachment. The personal information such as names and addresses have been removed as per Freedom of Information (FOIP) to protect the privacy of individuals.

## IMPLICATIONS OF RECOMMENDATION(S)

Administration is recommending at this time that all three bylaws representing the proposed amendments be given First Reading and taken to Public Hearing, as to follow the legislative process.

Within the report of the previous application, which was reviewed by Council in a public hearing June 22, 2020, Administration indicated that there was concern that the proposed development did not adequately transition to the surrounding development. The Applicant have addressed the concerns raised by Administration in the previous reports.

### Financial:

Economic Development Department has indicated that the development will provide significant tax benefit to the City of St. Albert, as it is estimated to contribute approximately \$1.6 million in municipal taxes annually.

Legal / Risk:

None at this time.

Program or Service:

None at this time.

Organizational:

None at this time.

## **ALTERNATIVES AND IMPLICATIONS CONSIDERED**

There are no alternatives to giving these bylaws first reading, since an Applicant has a right to have Council consider their proposals for amendments to the Oakmont Area Structure Plan and the Land Use Bylaw, affecting their property. First reading is simply a mechanism to move the matter to the stage where such consideration occurs: public hearing and second reading.

Report Date: April 19, 2021

Author: Suzanne Bennett

Committee/Department: Planning & Development

Deputy Chief Administrative Officer: Kerry Hilts

Chief Administrative Officer: Kevin Scoble