



Legislation Details (With Text)

**File #:** PH-17-010    **Version:** 1    **Name:**  
**Type:** Public Hearing    **Status:** Agenda Ready  
**File created:** 1/31/2017    **In control:** City Council  
**On agenda:** 2/27/2017    **Final action:**  
**Title:** Bylaw 1/2017 - 11 Mill Drive Application for Redistricting  
Presented by: Jessi Fry, Planner

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Bylaw 1.2017 - Mill Drive Redistricting, 2. 11 Mill Drive Agenda Report for the Council Meeting of January 23, 2017 (previously distributed), 3. Draft Development Permit Conditions, 4. Municipal Heritage Resource Designation - Building Preservation Ensured, 5. Redistricting: No Guarantee for Building Preservation, 6. St. Albert Heritage Inventory Significance Evaluation, 7. Submissions received prior to January 23 Public Hearing

Date	Ver.	Action By	Action	Result
2/27/2017	1	City Council	closed Public Hearing	Pass
2/27/2017	1	City Council	denied	Fail

**TAMRMS#: B06**

**Bylaw 1/2017 - 11 Mill Drive Application for Redistricting**  
Presented by: Jessi Fry, Planner

**RECOMMENDATION(S)**

1. That the public hearing on Bylaw 1/2017 be re-opened.
2. That the Public Hearing on Bylaw 1/2017 be closed.
3. That Bylaw 1/2017 be read a second time.  
<Note that Administration recommends that Council defeat this motion.>

However, should Council pass second reading of Bylaw 1/2017, the following Recommendations have been provided for Council consideration:

4. That Administration amend the proposed conditions of the Development Permit for a professional office use at 11 Mill Drive based on the "Draft Development Permit Conditions" included in the "Rationale for Development Permit Conditions", provided as an attachment to the February 27, 2017 agenda report entitled "Bylaw 1/2017 - 11 Mill Drive Application for Redistricting" prior to third reading.
5. That third reading of Bylaw 1/2017 be brought to Council for consideration on March 20, 2017 in order to allow the applicant and members of Council to review the proposed conditions of the

Development Permit.

## PURPOSE OF REPORT

At the January 23, 2017 Regular Meeting of City Council Bylaw 1/2017 was given first reading. The following report addresses questions raised during the January 23 Public Hearing as well as information requested by Council including Development Permit conditions for a Direct Control (DC) District and a legal opinion on options for heritage preservation for this site.

## BACKGROUND

### Administration's Position on the Proposed Redistricting

As described in the 11 Mill Drive Agenda Report for the Council Meeting of January 23, 2017, (provided as an attachment to this agenda report) Administration does not support the proposed redistricting because it is incompatible with the existing mature neighbourhood and does not comply with the City's long range policies as set out in the Municipal Development Plan and Land Use Bylaw.

While the Municipal Development Plan encourages heritage preservation, this application proposes to change the District and use of the 11 Mill Drive property without pursuing a bylaw for Municipal Heritage Designation that would permanently protect the existing structure.

Redistricting 11 Mill Drive from Low Density Residential (R1) to Direct Control (DC) as proposed would allow Council to impose such standards and conditions as it considers appropriate for the site, but would not guarantee enduring preservation of the building.

### Land Owner's Options Under the Current Low Density Residential (R1) District

In a written submission to Council dated January 17, 2017, the applicant indicated that there are two solutions for the property. Proposed Solution 1 was to redistrict the property to Direct Control (DC) to enable a professional office use. Proposed Solution 2 was to replace the building with a new multi-family infill.

There are several other options available to the owner of 11 Mill Drive if the property retains its Low Density Residential (R1) District. These options include sale of the property, renovation, use as a rental property, and redevelopment.

As outlined below, a multi-family redevelopment would not be permitted under the current Low Density Residential (R1).

If redeveloped, the R1 District would permit a new single-detached house with a basement suite in this location. Duplexes and semi-detached housing are discretionary uses in the R1 District, however minimum lot width requirements limit options for redevelopment.

A duplex means a single building on a single lot containing two dwelling units, both entirely above finished grade, each having a separate direct entrance from the exterior. Semi-detached housing means a single building containing two side-by-side dwelling units each with its own land title and direct connection to finished grade and separated from each other by a party wall extending from foundation to roof.

It is important to note, that at just over 15 m wide, the 11 Mill Drive lot is wide enough for a duplex, but not wide enough for a semi-detached house.

A building with 3 or more units would be considered a multi family building and would not be permitted under the existing district. The development of any multi-family infill with 3 or more dwelling units on this site would require redistricting the property to Medium Density Residential (R3 or R3A). The 11 Mill Drive lot is not large enough to support either of these districts.

If the current Low Density Residential (R1) District is retained, redevelopment options for the land owner are therefore limited to a duplex or a single detached house with a basement suite.

#### Legal Analysis on Redistricting and Historic Preservation

Legal Services has indicated that unless a redistricting would result in a property being newly subject to specifically-designated "municipal historic area" regulations under a land use bylaw, an application to redistrict a property must be considered independently from the historic preservation of that property. A Direct Control (DC) District and Development Permit can impose certain standards and conditions on the use of the land, but would not be an appropriate means by which to achieve enduring preservation of a historic property. As noted in the *Historic Resources Act*, the appropriate means is through designation of the property under a Municipal Historic Resource Bylaw.

The proponent has applied to redistrict 11 Mill Drive, but has not applied to designate this property as a Municipal Historic Resource. A summary of the process for the current application is included as the attachment entitled "Redistricting: No Guarantee for Building Preservation".

#### Draft Development Permit Conditions

While Administration is not supportive of the proposed bylaw, the Development Branch has drafted conditions for the Development Permit for 11 Mill Drive for discussion if Council moves forward with second reading of Bylaw 1/2017. The "Draft Development Permit Conditions" are included in the attachment entitled "Rationale for Development Permit Conditions" and are based on the Business Operating Plan submitted by the applicant. Notably, Administration is of the opinion that the imposition of conditions relating to historic preservation of the property are not proper planning considerations and therefore, conditions of that nature have not been included in the "Draft Development Permit Conditions".

#### Municipal Historic Resource Designation Process

The attachment entitled "Municipal Heritage Resource Designation: Building Preservation Ensured" describes the process for designating the property a Municipal Historic Resource. This option would protect the building through a law that prohibits physically altering or demolishing it without the municipality's written permission. This is accomplished by passing a Municipal Historic Resource Bylaw that is registered against the land title. This designation protects the building even if ownership of the property changes.

Council may consider passing a Municipal Historic Resource Bylaw to protect the structure at 11 Mill Drive. However, as noted in the *Historic Resources Act*, the City would have to compensate the land owner for any demonstrable decrease in the economic value of the property resulting from the designation.

Although the *Historical Resources Act* enables a Council to pass a Municipal Historic Resource Bylaw without the consent of the owner, this is rarely done as a result of the costs required for

compensation. Private land owners almost always pursue a Municipal Historic Resource Designation voluntarily in order to take advantage of incentives provided by the municipality. Currently the City of St. Albert has no formal process or program to facilitate the Municipal Historic Resource Designation for privately owned properties.

#### 11 Mill Drive Heritage Evaluation

The Hébert Residence at 11 Mill Drive is listed on the St. Albert Heritage Inventory that was completed in 2010. This Inventory includes 20 St. Albert properties that were identified as the most significant Places of Interest based on criteria that rated each site on significance and integrity. The Inventory includes 14 single-family residences as well as a number of churches and public buildings. Each listing on the Inventory is deemed to be equally significant.

The St. Albert Heritage Inventory listing for the Hébert Residence at 11 Mill Drive is included as the attachment entitled "St. Albert Heritage Inventory Significance Evaluation".

#### City of Edmonton Historic Resources Management Program

Administration conducted research on the City of Edmonton's Historic Resources Management Program to better understand the implications of designating Municipal Historic Resources.

The City of Edmonton's program includes a Policy to Encourage Designation of Municipal Historic Resources. This policy outlines the process for Municipal Historic Resource designation as well as an annual budget allocation that is used to support grants. Two grants are available to land owners who agree to designate their properties: a one-time rehabilitation grant and a renewable maintenance grant. At the time of designation, land owners sign an agreement stating that by accepting a rehabilitation grant they will forego any further compensation.

Through the rehabilitation grant, the City of Edmonton covers up to 50% of rehabilitation costs for the exterior of a designated home to a maximum of \$75,000. Through the maintenance grant, owners may apply once every 5 years for funding to cover up to one third of maintenance costs to a maximum of \$10,000.

The City of Edmonton program requires that every property that is designated a Municipal Historic Resource be rezoned to Direct Development Control (DC1). However, the rezoning always occurs after the designation protecting the property is in place. This allows the City of Edmonton to tailor a district to the use proposed by the applicant, allowing some relaxations while ensuring that the historic building is protected.

The City of Edmonton's program has been very successful, with over 130 buildings protected as Municipal Historic Resources and over 1,000 listed on the Inventory. However, 10-12 buildings listed on the Inventory are demolished every year as some land owners choose to redevelop the property instead of pursuing a designation.

Report Date: February 27, 2017  
Author(s): Jessi Fry, Planner  
Committee/Department: Development Services  
General Manager: Gilles Prefontaine  
City Manager: Kevin Scoble

