



Legislation Text

File #: BL-19-007, **Version:** 1

TAMRMS#: B06

Bylaw 17/2019 - Riel Road Closure Bylaw (1st Reading), Bylaw 14/2019 - Area Structure Plan Amendment - South Riel (1st Reading), Bylaw 15/2019 - Land Use Bylaw Text Amendment - South Riel (1st Reading), Bylaw 16/2019 - Land Use Bylaw Amendment - Redistricting in South Riel (1st Reading)

Presented by: Lyndsay Francis, Planner

RECOMMENDATION(S)

(1) Bylaw 17/2019 Road Closure Bylaw

1. That Bylaw 17/2019, be read a first time.
2. That a non-statutory public hearing on Bylaw 17/2019, be held at the regularly scheduled Council meeting on April 23, 2019.

(2) Bylaw 14/2019 South Riel Area Structure Plan Amendment

1. That Bylaw 14/2019, being amendment 2 to the South Riel Area Structure Plan 29/2015, be read a first time.
2. That a public hearing on Bylaw 14/2019, be held at the regularly scheduled Council meeting on April 23, 2019.

(3) Bylaw 15/2019 Land Use Bylaw, Text Amendment

1. That Bylaw 15/2019, being amendment 168 to the Land Use Bylaw 9/2005, be read a first time.
2. That a public hearing on Bylaw 15/2019, be held at the regularly scheduled Council meeting on April 23, 2019.

(4) Bylaw 16/2019 Land Use Bylaw, Schedule A Amendment

1. That Bylaw 16/2019, being amendment 169 to the Land Use Bylaw 9/2005, be read a first time.
2. That a public hearing on Bylaw 16/2019, be held at the regularly scheduled Council meeting on April 23, 2019.

PURPOSE OF REPORT

This report discusses proposed amendments to the South Riel Area Structure Plan, a new Land Use

District, an amendment to Schedule A of the Land Use Bylaw, and a road closure. All amendments require a public hearing and Council's approval as per the requirements in the *Municipal Government Act* (MGA).

ALIGNMENT TO COUNCIL STRATEGIC PRIORITY

N/A

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 MGA requires the subject matter of this report to go to Council.

The MGA, Planning Bylaws, Section 692(1) states:

Before giving second reading to

(a) a proposed bylaw to adopt an intermunicipal development plan,

(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, or

(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

Invistec Consulting Ltd. on behalf of the landowner, South Riel Development Ltd., submitted an application that proposes amendments to the South Riel Area Structure Plan and the Land Use Bylaw. The legal descriptions are:

- Plan 082 8697, Block 1, Lot A, with municipal address of 6 City Annex,
- Plan 7310AG, Block OT, with municipal address 110C Riel Drive, and
- Plan 2648MC, Block RW, Lot 53, with municipal address 50 Levasseur Road.

These lands are located west of the CN Railway and Heritage Lakes, south of Levasseur Road, east of Riel Drive, and north of LeClair Way. The amendment area is 18.96 hectares (46.85 acres) in size.

History

The subject site in South Riel Area Structure Plan (ASP) was last amended on September 28, 2015. At that time, there was no amendment made to the Land Use Bylaw (LUB), which resulted in land

use districts that did not align with the ASP areas, leaving only a portion of 6 City Annex able to be developed. An amendment to the ASP, LUB, or both are required to fully develop the site.

The Developer has chosen to name this development “Midtown”, however as it is within the South Riel Area Structure Plan, all City owned roads will be named in accordance with the Municipal Naming Policy (starting with an "R").

This proposal represents a significant shift from the existing built form within St. Albert and the Edmonton Metropolitan Region (Region). There is no example existing or proposed within the Region. As such, Administration identified concerns with the proponent’s implementation (specifically around the small lot sizes and density allocation) and has incorporated changes to the regulations to address the conflicts. Please refer to the attached *Massing Renderings*. However, Administration is not certain of the full impacts the proposed regulations may have on the built environment due to a reduced evaluation time, lack of similar product within the Region, and the applicant providing vague information.

Administration has worked closely with the applicant to create a new Land Use District to apply to the Midtown site, and to amend the South Riel Area Structure Plan. These regulations are intended to enable the applicants’ vision. There are three character areas on the site. Areas A & B will provide a medium density residential development with a variety of housing options and greenspace distributed throughout. The mixed-use development in Area C will include high density housing, while enabling the provision of neighbourhood shops, service amenities, and employment that meet the daily needs of residents. The interconnected greenspaces will provide connections within the neighbourhood and to surrounding neighbourhoods, supporting the use of active transportation.

Bylaw 17/2019 - Road Closure Bylaw

The bylaw is to close a portion of Riel Drive, with an area of 0.017 hectares (0.042 acres). This road closure is being proposed to close a former planned access to the Midtown site. The revised accesses into the Midtown site are shown in the South Riel ASP amendment Bylaw 14/2019. Bylaw 16/2019 will redistrict the former access to Midtown (MT) District. Once the road is closed, it can be sold to South Riel Development Ltd., at market rate. The developer has plans to assemble the subject area to form a larger parcel for other development plans in the future. The value of the land is to be determined through an appraisal. Please refer to the attached *Bylaw 17/2019, Road Closure Bylaw and Road Closure Map*.

The application proposes a bylaw to close part of Road Plan 092 2420 (Riel Drive) legally described as follows:

- Shown within Area ‘A’, Plan 192 _____,
Excepting thereout all mines and minerals

Bylaw 14/2019 - South Riel Area Structure Plan Amendment

The amendment to the South Riel ASP has proposed new land use designations including Midtown Residential Area A, Midtown Residential Area B, and Midtown Mixed-Use Area C. Please refer to the attached *Bylaw 14/2019, Figure 2 Future Land Use ASP*.

The proposed changes to the Land Use Concept Figure 2 include:

- Re-designating the subject lands from Medium Density Residential, Medium/High Density Residential, Mixed-Use, and Park to Midtown Residential Area A, Midtown Residential Area B, Midtown Mixed-Use Area C, and Park.
- Reconfiguring the transportation network.
- Redesigning the size, shape, and/or location of parks.
- Re-distributing density on the site.

The South Riel ASP amendment can only occur following a decision on the Road Closure Bylaw.

For more details on text changes to the ASP, please see below ASP & LUB Considerations.

Bylaw 15/2019 - Land Use Bylaw, Text Amendment

The amendment is to create a new land use district specifically for the subject site (not to be applied elsewhere in the City). This district will be for the development of bare land condominiums and conventional condominiums. It will include a variety of housing types (semi-detached, duplex, townhousing, apartments, assisted living), reduced lot sizes, reduced parking regulations, density ranges of 40 - 250 du/nrha, and mixed uses. Please refer to the attached *Bylaw 15/2019, Land Use Bylaw, Text Amendment*.

Land Use Bylaw text amendment can only occur following a decision on the South Riel ASP amendment.

The application proposes an amendment to the Land Use Bylaw including:

- Creating a new Land Use District, Midtown (MT) District, to be added to the Land Use Bylaw.

Bylaw 16/2019 - Land Use Bylaw, Schedule A Amendment

The amendment is to redistrict the Midtown site to the newly created Midtown (MT) district, which would be added to the LUB by the text amendment (Bylaw 15/2019, Land Use Bylaw, Text Amendment) mentioned above. Please refer to the attached *Bylaw 16/2019, Land Use Bylaw, Schedule A Amendment*.

Land Use Bylaw Schedule A amendment can only occur following a decision on the South Riel ASP amendment and Land Use Bylaw text amendment.

The application proposes an amendment to the Land Use Bylaw including:

- Re-districting 6 City Annex from Medium Density Residential (R3) District, Medium Density Residential (R3A) District, Medium/High Density Residential (R4) District, Public Park (P) District, and Public and Private Service (PS) District to Midtown (MT) District and Public Park (P) District.
- Re-districting 110C Riel Drive from Medium Density Residential (R3A) District to Midtown (MT) District.

ASP & LUB Considerations

There are some challenges and components that Administration is concerned about. Listed below are key components of the application that should be considered before approval.

- **MUNICIPAL DEVELOPMENT PLAN (MDP) ALIGNMENT** - The MDP designates Midtown as Residential. This application supports several of the MDP residential policies, however, the MDP does lack direction for strategic locations for high density residential development. With the advent of a new MDP, a review of the ASP may be required.
- **DENSITY** - The proposal does not change the amount of density (81 du/nrha); however, the density is relocated within the site. High density development as proposed is now located in Area C, while Areas A & B will be medium density. The concentration of high-density development in Area C keeps the overall density from decreasing, which means that the ASP amendment application does not need to be referred to the EMRB.

Within the Midtown site, the number of dwelling units proposed is 410 medium density units and 359 high density units. Area A is proposed to have an overall density of 40 du/nrha. Area B is proposed to have an overall density of 60 du/nrha. Area C is proposed to have an overall density of 186 du/nrha. The population projection for Midtown is 1,826.

Within the Midtown District the density ranges are:

Area A 40 - 54 du/nrha

Area B 40 - 94 du/nrha

Area C 120 - 250 du/nrha

If Areas A & B were developed at the minimum 40 du/nrha, Area C will have to be developed at 242 du/nrha to meet the overall site density of 81 du/nrha. This would result in Area C being developed at the maximum building height of 12 storeys. A similar comparison would be Grandin Park (the Amacon site in downtown St. Albert) which is 250 du/nrha and includes 25 storey towers. (Please refer to attachment *Examples of Density Correlated to Height*.)

- **DENSITY ALLOCATION** - While Midtown was always envisioned to contain 81 du/ha for this portion of the ASP, the new layout will focus a significant number of housing units to the southern side of the development site, rather than distributing the density more evenly across the site. This will result in high density, tower style development south of the AltaLink utility right-of-way. As this area is not identified as an Urban Village Centre within the Municipal Development Plan, the area must be built to accommodate auto-focused development. As such, Administration remains concerned with this high concentration of units, as there is limited opportunity to provide additional municipal services associated with such a high-density development (like public transit) within the Midtown development.
- **GEOTECHNICAL & NOISE/VIBRATION STUDIES** - The geotechnical report was last updated in 2007. An updated geotechnical study may be required at time of development, because the Alberta Building Code was amended in 2015, which allowed wood frame construction of up to six (6) storeys in height and the existing geotechnical studies were limited in scope to buildings of up to four (4) storeys. Additionally, the proposed heights have increased to a maximum of 12 storeys. These factors may require new technical studies assessing the soil conditions as well as noise and vibration studies for larger buildings and deeper foundations,

prior to Development Permit issuance. If future geotechnical investigations conclude that the development can not accommodate the additional height anticipated, the ASP must be amended before development can proceed.

- **HOUSING MIX** - Area A includes predominantly townhouses with a mix of duplex and semi-detached dwelling units. Area B includes the housing mix of Area A, as well as apartments. Area C may consist of up to ten apartments with a range of heights from six (6) to twelve (12) storeys and potential for assisted living complex(es).
- **COMMERCIAL MIX** - Area C will include commercial uses as well as residential. As the MDP has identified the site as Residential, commercial uses will only be permitted as part of a mixed-use development. The commercial uses may include retail such as coffee shops, restaurants, personal services, and specialty shops geared to cater to the residents in the South Riel neighbourhood. There is opportunity for office use, ideally on the second and third floors of mixed-use buildings.
- **BUILDING HEIGHT** - Area A is proposed at a maximum of four (4) storeys, Area B is proposed at a maximum of five (5) storeys, and Area C is proposed at a range of six (6) to twelve (12) storeys. Please refer to attachment *Examples of Density Correlated to Height*. Administration is concerned about the impact that the 12 storey heights (35 m maximum) in Area C could have on the adjacent neighbourhoods and would prefer to see shorter building heights in Area C. This would require the density to be more evenly distributed throughout the site or a reduction in density which would have to be approved by the Edmonton Metropolitan Region Board.
- **ROAD NETWORK/ALTALINK CROSSING** - One neighbourhood residential road is proposed to go through the Midtown site. This road is proposed to cross the AltaLink utility right-of-way. AltaLink has requirements that must be met before they approve a crossing. If AltaLink denies a crossing, the ASP will need to be amended before development can proceed. The remainder of the roads will be private condominium roads, which are not anticipated to meet Complete Streets Criteria (e.g. narrow road widths, no on street parking, no boulevards, sidewalks replaced by paths on common property), and will not be owned or maintained by the City.
- **RELOCATED ROADWAY ACCESS** - This proposal relocates the middle roadway access on Riel Drive farther north. The access shown north of Area A was originally aligned with the north access on the Bellevue Village site. It is now aligned with the south Enjoy Centre access. The Engineering department has identified operational challenges with the relocated access. This relocation prevents the ability to add any traffic signalization to the Plan Area along Riel Drive. The accesses north and south of this access are too close to other signalized intersections to accommodate signalization. The City does not signalize accesses for a single commercial site (Enjoy Centre); thus, limiting signalization at this access. To address safety concerns at this intersection, the applicant proposed widening the road to include turning lanes. The proposal was reviewed by Engineering and it was concluded that the proposed widening addresses the safety concerns. However, Engineering remains concerned with the future operation of the intersection, due to lack of signalization, and traffic congestion and would prefer that the access remain as shown on the currently approved ASP.

Please refer to attachment *Changes in Road Network Map*.

- **MUNICIPAL RESERVE (MR)** - This proposal changes the shape and location of MR dedicated throughout the site. There is a deferred reserve caveat on title for 6 City Annex in the amount of 6.4 ha±. Of the 6.4 ha±, 0.8 ha± has been paid as cash-in-lieu leaving 5.6 ha± owing. MR will be paid in a combination of land and cash-in-lieu. The proposal dedicates 2.4 ha± of land as MR, which is consistent with the current ASP and is greater than 10% of the site, which is the amount dedicated when there is no deferred reserve caveat. Cash-in-lieu is required at time of subdivision based upon fair market value for 3.2 ha± of land.
- **COMMON AMENITY AREA** - In addition to private amenity area, common amenity area is required throughout the Midtown site. This will accommodate reduced lot sizes, increased lot coverages, high-density residential development, and provide space for pedestrian traffic that is not included on the proposed private roads. Common amenity area requirements have been based off preliminary site plans provided by the applicant and comparisons to the Greater Toronto Area. The Greater Toronto Area was used as there is no product similar within the Region and the applicant referred to housing product in the Greater Toronto Area.
- **LOT DEPTHS & WIDTHS** - Currently in St. Albert the minimum lot depths are 30 m. The proposal has significantly smaller lot depths of 12 m and 16 m. The reduced lot depths also have proposed reduced lot widths. The originally proposed lot widths for corner lots did not incorporate enough space to include a parking stall and 6.0 m corner cut. Staff has revised the lot widths for corner lots in order to meet Transportation Association of Canada standards. Please refer to attachment *Lot Size*.
- **BUILDING SEPARATION** - Due to the small lot sizes, a minimum building separation of 10 m (from rear or front wall to any other wall) is required in Areas A, B, & for townhousing in Area C. All other buildings in Area C will require a 7.5 m building separation. These building separations will ensure there is room for common amenity area and pedestrian connectivity. Please refer to attachment *Common Amenity Areas*.
- **TENURE** - These regulations allow bare land condominium and conventional condominium development. Fee simple has been excluded, as fee simple lots must be on public roadways, and must be built to City standards. The applicant has implemented private roadways and lanes. This was done to enable reduced engineering standards (narrow road widths and no sidewalks), therefore the internal road network is not delineated. As there is no access enabled off the public roadway, fee simple lots are excluded. Administration has always required developments with reduced engineering standards be implemented as condominium product in order to reduce risk to the City.
- **PARKING** - The private streets in this development will be narrow (7.3 m vs 18 m right-of-way), and may have frequent driveway cuts that will not enable on-street parking other than on the neighbourhood residential road. Additionally, the number of parking stalls required has been decreased for some uses (mainly commercial) in this proposed Land Use District. A parking study can be provided at time of development in order to further reduce parking. However, further reduced parking may not be supported by Administration.

STAKEHOLDER COMMUNICATIONS OR ENGAGEMENT

The applicant held two public consultation meetings. The pre-application meeting was held on February 13, 2018, with 18 public attending. A second public consultation meeting was held to provide the public with more details regarding the Land Use Bylaw amendment on November 1, 2018, with 15 public attending. Please see attached table *Public Concerns and Comments* which indicates the issues expressed by the public, whether or not they had been addressed by the applicant, or by the City.

IMPLICATIONS OF RECOMMENDATION(S)

Financial:

None at this time.

Legal / Risk:

None at this time.

Program or Service:

When development proceeds:

- Engineering drawing reviews, development agreements, and inspections of infrastructure.
- Planning and Development will have subdivision plans and development permits to review and provide decisions on.
- Safety Codes will have building plans to review and buildings to inspect.
- Recreation Services will have park planning and development.
- Public Works will have maintenance of infrastructure.
- Fire Services, Community & Social Development, Transit, and other departments will have services to a new area of the City.

Organizational:

The approval of Bylaw 14/2019 for the South Riel ASP within this agenda report will have immediate impact on the Planning and Engineering Department, as there are operational road issues that must be addressed before development can proceed. Subdivision plans and engineering drawings will have to be reviewed and development agreements negotiated to enable development. There will also be an immediate impact on Development as development permit applications need to be reviewed. It is likely there will be continued meetings with the developer/consultants.

ALTERNATIVES AND IMPLICATIONS CONSIDERED

If Council does not wish to support the recommendations, the following alternatives could be considered:

1. Defeat first reading of Bylaw 17/2019. The results of this alternative would be that the roadway is not closed.
2. Defeat first reading of Bylaw 14/2019 (South Riel ASP). An implication would be that the applicant cannot re-apply within six months. The current Land Use Designations in the South Riel ASP will continue.
3. Defeat first reading of Bylaw 15/2019 (LUB Text Amendment). An implication would be that the applicant cannot re-apply within six months and no new Midtown Land Use District will exist.
4. Defeat first reading of Bylaw 16/2019 (LUB Schedule A). Recommend that Administration amend Schedule A to align with the current ASP. Implication - the ASP and LUB will Align.

If Council wishes for changes to the proposed bylaws, the following alternatives could be considered:

1. Delay the public hearing date to allow Administration the opportunity to discuss with the Applicant and to revise documents.

Report Date: April, 2019

Author(s): Lyndsay Francis

Committee/Department: Planning & Development Department

Chief Administrative Officer: Kevin Scoble