



## Legislation Text

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**File #:** PH-19-004, **Version:** 1

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**TAMRMS#:** B06

**PH-Bylaw 17/2019 - Riel Road Closure Bylaw (2<sup>nd</sup> & 3<sup>rd</sup> Reading), Bylaw 14/2019 - Area Structure Plan Amendment - South Riel (2<sup>nd</sup> & 3<sup>rd</sup> Reading), Bylaw 15/2019 - Land Use Bylaw Text Amendment - South Riel (2<sup>nd</sup> & 3<sup>rd</sup> Reading), Bylaw 16/2019 - Land Use Bylaw Amendment - Redistricting in South Riel (2<sup>nd</sup> & 3<sup>rd</sup> Reading)**

Presented by: Lyndsay Francis, Planner, Planning & Development Department

### RECOMMENDATION(S)

1. That the public hearing on Bylaw 17/2019, Bylaw 14/2019, Bylaw 15/2019, and Bylaw 16/2019 be closed.
2. That Bylaw 17/2019 be read a second time.
3. That Bylaw 17/2019 be read a third and final time.
4. That Bylaw 14/2019 be read a second time.
5. That Bylaw 14/2019 be read a third and final time.
6. That Bylaw 15/2019 be read a second time.
7. That Bylaw 15/2019 be read a third and final time.
8. That Bylaw 16/2019 be read a second time.
9. That Bylaw 16/2019 be read a third and final time.
10. That Council authorize the Chief Administrative Officer to dispose of the closed roadway as per the City Council Policy C-ED-03, subject to Bylaw 17/2019, Bylaw 14/2019, Bylaw 15/2019, and Bylaw 16/2019 being passed.

### 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 ASP and LUB amendments require a public hearing and the road closure bylaw requires Council to hear from persons claiming to be affected prejudicially, as per the *Municipal Government Act* (MGA).

## ALIGNMENT TO COUNCIL STRATEGIC PRIORITY

N/A

## ALIGNMENT TO 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 requires the subject matter of this report to be dealt with by Council, and that a public hearing be held prior to second reading of the bylaws to amend the Area Structure Plan and the Land Use Bylaw.

## BACKGROUND AND DISCUSSION

Please refer to the attachment entitled: *1st Reading Agenda Report (Previously Distributed April 1, 2019)*.

For a comparison of the proposed Midtown District to existing Land Use Bylaw Regulations please refer to the attachment entitled: *Midtown District Comparison*.

City Administration met with the applicant and its consultant on April 4, 2019 after first reading of the proposed amending bylaws. The applicant raised four discussion items at that time:

- Townhousing in Area C;
- Stand alone commercial in Area C;
- Proposed Lot Widths; and
- Common Amenity Area Requirements.

Subsequently the applicant provided its detailed rationale in support of its position on each of these discussion items: please refer to the attachment entitled: *Discussion Items (Proponent)*.

The four discussion items were then addressed again by telephone conference call between the applicant, its consultant and the City Planning Department, on Friday April 12, 2019. At that time the Planning Department advised the applicant of Planning's position with respect to the discussion items:

- Planning does not agree with the applicant's request for second reading amendments concerning townhousing in Area C. Planning recommends that townhousing NOT be included as a permitted or discretionary use in Area C, and that the amending bylaw therefore remain unchanged in this respect. This is because in Planning's view the applicant did not demonstrate that the stacked product will achieve the agreed upon minimum density of 120 dh/ha required and

would not achieve the 6 storey height minimums. The 6 storey height minimums are designed to evenly distribute the heights and density across the plan area.

- Planning does not agree with the applicant's request for second reading amendments to include stand-alone commercial in Area C. Planning recommends that stand alone commercial be excluded from Area C. The vision for Midtown is to be a walkable neighbourhood and Planning has already agreed to recommend reduced commercial parking requirements in Midtown on this assumption. Stand alone commercial is by nature autofocused, and thus has higher parking requirements not contemplated within the proposed regulations as presented at first reading. In addition, the Municipal Development Plan (MDP) identifies this area as residential and allowing stand alone commercial would require an amendment to the MDP.
- Planning does not agree with the applicant's request for second reading amendments to change lot widths. Planning recommended that the lot widths remain as proposed at first reading. Engineering Department recommends that the Transportation Association of Canada standards be met on private roads.
- If the above recommendations of Planning are accepted by Council - i.e., to not accept the applicant's proposed second reading amendments in respect of townhousing in Area C, stand-alone commercial in Area C, or changes to lot widths - then Planning is prepared to recommend to Council that that second reading amendments be passed to reduce the required amount of common amenity area to a minimum of 500 sq. m instead of the 1,000 sq. m. as at first reading. The purpose of the common amenity area for this district is to compensate for the reduced lot sizes, increased lot coverages and generally high-density residential development, and to include space for pedestrian traffic. The change to 500 sq. m from 1000 sq. m would enable the proponent to proceed with their first stage of subdivision, while ensuring amenity areas for specific uses (examples include, but are not limited to, gazebo, urban gardening, play structure).

## **ALTERNATIVES AND IMPLICATIONS CONSIDERED**

If Council does not wish to close a public hearing, or if a motion to close a public hearing does not pass, consideration of the following alternative recommendations would be appropriate:

1. That the public hearing for Bylaw 17/2019, Bylaw 14/2019, Bylaw 15/2019, and Bylaw 16/2019 be adjourned to May 6, 2019.

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

1. Adjourn the public hearing for Bylaw 17/2019, Bylaw 14/2019, Bylaw 15/2019, and Bylaw 16/2019 to May 27, 2019 to allow time for the applicant and administration to finalize proposed second reading amendments to the South Riel Area Structure Plan and Land Use Bylaw.

[NOTE: as part of its written submissions to the public hearing, the applicant has proposed an extensive series of regulations specific to this development, and a new General Regulation concerning bare land condominiums; Planning Dept. has not had the opportunity to thoroughly

review these proposed new regulations.]

2. Defeat second and third reading of Bylaw 17/2019. The results of this alternative would be that the roadway is not closed. Recommend that Administration amend the ASP and LUB to align with the current road network.
3. Defeat second and third 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.
4. Defeat second and third 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.
5. Defeat second and third reading of Bylaw 16/2019 (LUB Schedule A). Recommend that Administration amend Schedule A to align with the current ASP an existing Land Use Districts. Implication - the ASP and LUB will Align.

If Council wishes to only redistrict a portion of 6 City Annex, the following alternatives could be considered:

1. That the public hearing on Bylaw 17/2019, Bylaw 14/2019, and Bylaw 15/2019 be closed.
2. That Bylaw 17/2019 be read a second time.
3. That Bylaw 17/2019 be read a third and final time.
4. That Bylaw 14/2019 be read a second time.
5. That Bylaw 14/2019 be read a third and final time.
6. That Bylaw 15/2019 be read a second time.
7. That Bylaw 15/2019 be read a third and final time.
8. Adjourn the public hearing for Bylaw 16/2019 to May 27, 2019 to allow time for administration to bring forward second reading amendments to Bylaw 16/2019 in order to reduce the area of the proposed Midtown (MT) District and redistrict the remainder of the parcel to align with the ASP. Implication - the ASP and LUB will then be in alignment.

Report Date: April 23, 2019  
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