



## Legislation Text

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TAMRMS#: B06

### **Bylaw 18/2020 South Riel Land Use Bylaw Schedule A Amendment (2nd & 3rd Reading)**

Presented by: Eric Schultz, Planner, Planning & Development

#### **RECOMMENDATION(S)**

##### **(1) Bylaw 18/2020 Land Use Bylaw Schedule A Amendment**

1. That the Public Hearing on Bylaw 18/2020 be closed.
2. That Bylaw 18/2020, being amendment 178 to the Land Use Bylaw Schedule A, be read a second time.
3. That Bylaw 18/2020, being amendment 178 to the Land Use Bylaw Schedule A, be read a third time.

#### **PURPOSE OF REPORT**

This report discusses proposed amendments to the Land Use Bylaw Schedule A. The proposed amendment requires a public hearing and Council's approval, as per the requirements in the Municipal Government Act (MGA).

#### **ALIGNMENT TO PRIORITIES IN COUNCIL'S 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 Section 692(1) requires the subject matter of this report to go to Council, and that a public hearing be held.

This amendment conforms with the Municipal Development Plan, Policy 3.1 - Future Land Use Policy:

The City of St. Albert shall direct future growth and development in accordance with Map 2 - Future Land Use Policy and in keeping with the policies contained in CityPlan 2007.

## BACKGROUND AND DISCUSSION

On December 13, 2019, Invistec Consulting Ltd., on behalf of the owner, South Riel Development Ltd., applied to redistrict 10 hectares± (25 acres±) in the portion of the South Riel neighbourhood bounded to the north by the Altalink Transmission Powerline, to the south by Leclair Way, and to the east by the CN Railway. This is referred to as the “southern portion of Plan 082 8697; Block 1; Lot A”. This will bring the land uses into conformance with the approved South Riel Area Structure Plan (ASP) Bylaw 27/2015, as amended April 23, 2019 (see attachments *Location Map* and *Future Land Use Map*). The proposed redistricting is consistent with the Municipal Development Plan.

The legal description is Plan 082 8697; Block 1; Lot A, and the municipal address is 6 City Annex.

The proposed redistricting includes lands currently districted as Medium Density Residential (R3, R3A), Public Park (P), or Public and Private Service (PS). These lands will be redistricted as Midtown (MT) District and Public Park (P), except for two small parcels that are currently Public Park (P), and will remain so (see attachment *Proposed Redistricting Map*).

### Previous Redistricting Application

The lands subject to this application were part of a previous redistricting application.

On April 23, 2019, the following Bylaws went before Council.

The South Riel Area Structure Plan Bylaw 27/2015 was amended by **Bylaw 14/2019**. This amendment re-designated the subject lands to the new Midtown district, reconfigured the transportation network, redesigned the park space, and redistributed the density on the site. This amendment encapsulated all the lands contained within Plan 082 8697; Block 1; Lot A (see attachment *Schedule “A” to Bylaw 27/2015*).

The Land Use Bylaw (LUB) 9/2005 was amended by **Bylaw 15/2019**, to create a new land use district called Midtown (MT). This district applies specifically to Plan 082 8697; Block 1; Lot A in South Riel and it may not be used elsewhere in the city (see attachment *MT LUB Location Map*).

**Bylaw 16/2019** was a bylaw to redistrict 19 hectares± (47 acres±) of the South Riel neighbourhood. This application included redistricting of all of Plan 082 8697; Block 1; Lot A as described in attachment *MT LUB Location Map*. During the public hearing, a number of residents addressed Council regarding this Bylaw, to object to the proposed allowable heights of the buildings in the southern portion of the amendment area, citing concerns over loss of sunlight, loss of privacy, and increased density. Bylaw 16/2019 was subsequently amended during second reading, removing the applied for area south of the Altalink Transmission Powerline. The resulting approved redistricting was applied only to the northern portion of Plan 082 8697; Block 1; Lot A, as depicted in *Bylaw 19-2019 Approved Redistricting*.

### New Application

To support the redistricting application for the southern portion of Plan 082 8697; Block 1; Lot A, two

technical reports were prepared by RWDI: a Sun Shadow Study and a Wind Impact Statement. The studies were prepared based on the maximum allowable height, but actual development will be designed to achieve the densities prescribed in the South Riel Area Structure Plan and Midtown District. The report indicated only one (1) of the twelve (12) simulations created shadowing on the Heritage Lakes residential neighbourhood.

Based on the technical reports, the applicant stated that the proposed redistricting will have minimal impacts on adjacent properties. These reports were submitted to support the redistricting application (see attachments *Sun Shadow Study* and *Wind Impact Statement*).

The City contracted O2 Planning + Design to undertake a peer review of the sun shadow study on February 13, 2020. The City undertook the study as a complimentary measure to further understand sun shadow impacts on adjacent residences during additional hours of the day. The results matched those of the RWDI study. However, the RWDI study only provided shadow plots for 9 am, noon, and 3 pm. The OS Planning + Design study provided hourly plots into the evening that showed shadow footprints onto the Heritage Lakes residences directly east of the South Riel site (see *Sun Shadow Study - Peer Review*).

## **STAKEHOLDER COMMUNICATIONS OR ENGAGEMENT**

### Pre-notification

Invistec Consulting Ltd., on behalf of South Riel Development Ltd, distributed a pre-notification letter (see the attached *Pre-Notification Letter*) by mail on November 19, 2019. This letter was sent to all property owners within a 100 metre radius of 6 City Annex, to those who attended the public consultation meeting on November 1, 2018, and to those who attended the public hearing for Bylaw 16/2019 on April 23, 2019. The purpose of the letter was to notify residents of the proposed redistricting application, and to provide information on the technical studies that were completed with this application. Seven (7) responses were received expressing concerns about the impact of shadows on neighbouring residences, loss of privacy, decreases in property values, and an increase in crime due to higher densities.

### Circulation of Application

The proposed Land Use Bylaw amendment was circulated on December 23, 2019, to internal departments, external referral agencies, and property owners within a 100-metre radius. Comments were received from seven (7) residents who live in Heritage Lakes to the east of the redistricting area (see attachment *Public Comments*). The residents expressed concerns about the heights of buildings (loss of sunlight, lack of privacy), and about the increased density (increase in crime, loss of property values, and more traffic).

First reading occurred on April 20, 2020. Following first reading, the public hearing was posted on the City website. The public hearing will be advertised in CityLights on May 6 and May 13, 2020. A notification letter about the public hearing will be mailed to property owners within a 100 metre radius of the site, and to any attendees of a public meeting who provided their address.

The public hearing is scheduled for May 19, 2020.

## **IMPLICATIONS OF RECOMMENDATION(S)**

Financial:

None at this time.

Legal / Risk:

Council has provided development direction through the approval of the Bylaw 14/2019, the amendment to the South Riel Area Structure Plan. The ASP identifies the southern portion of Plan 082 8697; Block 1; Lot A as a Midtown Mixed Use Area C, which includes provision for mixed use buildings with building heights ranging from 6 to 12 storeys, and an overall density of 186 du/nrha. The existing Land Use District and accompanying regulations for the southern portion of Plan 082 8697; Block 1; Lot A is not currently consistent with the approved South Riel Area Structure Plan. Should Council not give Second and Third Reading to Bylaw 18/2020, the appropriate course of action to establish consistency between the ASP and the zoning provisions would be for Council to direct Administration to bring back amendments to the South Riel Area Structure Plan and the Land Use Bylaw's Midtown District for Council's consideration, to reduce the density/height requirements.

Program or Service:

As 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:

None at this time.

## **ALTERNATIVES AND IMPLICATIONS CONSIDERED**

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

1. Defeat second and third reading of Bylaw 18/2020. Should this occur, Administration recommends that Council then immediately pass a motion directing Administration to bring forward amendments to South Riel Area Structure Plan and the Midtown District of the Land Use Bylaw to reduce the intensity and density of development impacts on the Heritage Lakes community, and thereby restore consistency between the ASP and the relevant zoning provisions. An implication of defeating Bylaw 18/2020 would be that the applicant cannot re-apply within six months of the date of Council's vote.

Report Date: May 19, 2020

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Committee/Department: Planning & Development

Deputy Chief Administrative Officer: Kerry Hilts

Chief Administrative Officer: Kevin Scoble

