



Legislation Text

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

RECOMMENDATION(S)

That Bylaw 1/2017, being a bylaw to amend the Land Use Bylaw 9/2005, Schedule A, by redistricting 11 Mill Drive from Low Density Residential (R1) to Direct Control (DC), be read a first time.

PURPOSE OF REPORT

Administration has received an application to amend the Land Use Bylaw to change the districting of Plan 3159KS, Block 9, Lot 15 (municipally known as 11 Mill Drive), from Low Density Residential (R1) to Direct Control (DC) to accommodate a professional office use within the existing structure. The property is 0.07 hectares \pm (0.17 acres \pm). This report addresses both the Redistricting application and the Development Permit application.

BACKGROUND AND DISCUSSION

Note: Administration is not supportive of the proposed amendment, based on the reasons outlined in this report, and therefore does not recommend any additional readings of the Bylaw.

Existing Conditions

The parcel is located at mid block on the east side of Mill Drive in the established neighbourhood of Mission. The single family home at 11 Mill Drive is a brick house that was constructed in 1905. Also known as the Hebert Residence, it is catalogued on the St. Albert Heritage Inventory but is not protected as a designated heritage resource. As stated in the Heritage Inventory, the home is a one and a half storey vernacular style farmhouse, characterized by its exterior brick finish, steeply pitched roof, central front dormer, and wrap-around veranda. Photos are included as the attachment entitled Site Photos - 11 Mill Drive.

The lot fronts on, and has driveway access from 11 Mill Drive. There is currently no rear detached garage, or paved access from the laneway. The rear yard is grassy, with a chain link fence separating the yard from the laneway.

The lot is approximately 15 m (49 ft) wide by 45 m (147 ft) deep. The highest point of the property is 670.5 m in elevation at the Mill Drive frontage with a downward slope toward the laneway. The rear of the property is 668 m in elevation. Total elevation change on the property is 2.5 m. Due to the slope, runoff from the 11 Mill Drive lot drains to the laneway.

ASI Alternative Solutions Inc. acquired the lot in 2006. Yvette Laviolette and M. Thomson Hirst

acquired the lot in 2012 from ASI Alternative Solutions Inc., a company also owned by the landowners. Since that time it has been used as a rental property.

ASI Alternative Solutions Inc. currently has an office in the Grandin Tower on Sir Winston Churchill Avenue. This office space will no longer be available after 2016, which has prompted the owners to seek a new office location.

Applicant's Development Proposal

David Klippenstein & Associates Ltd. on behalf of landowners Yvette Laviolette and M. Thomson Hirst of ASI Alternative Solutions Inc., propose to redistrict 11 Mill Drive from Low Density Residential (R1) to Direct Control (DC). The location map and the proposed redistricting map are included as the attachments entitled Location Map - 11 Mill Drive and Proposed Redistricting Map - 11 Mill Drive.

The applicant proposes to redistrict the lot while retaining the appearance and general layout of the existing structure, seeking Council approval for an insurance adjustment business to operate on the premises. The business has up to five (5) employees: three (3) insurance adjusters, one (1) office manager, and one (1) support staff position. The applicant has indicated that clients do not come to the office because employees travel to visit clients.

The applicant has stated that there will be no expansion of the footprint of the existing structure, but there may be improvements and upgrading to maintain and enhance the condition of the exterior of the house. The proposed floor plan for the office use has been provided by the applicant and is included as the attachment entitled Floor Plan - 11 Mill Drive. This plan shows a reception area and two (2) offices on the ground floor. The existing ground floor bathroom and kitchen are also identified. The proposed floor plan shows three (3) bedrooms on the upper floor converted to offices, with two (2) bathrooms. The basement is identified as a storage area.

The applicant has applied for four (4) parking spaces to be accommodated on the lot. A preferred parking option and an alternate parking option were submitted for consideration by Administration. Potential parking locations are shown on the attached map entitled Parking Plan - 11 Mill Drive. Parking Option 1 would have four vehicles parked in tandem along the existing side drive. Under this option, the existing side drive would be extended three to four metres into the back yard, with no parking off the rear lane. Since Administration does not support tandem parking, the alternate parking option proposed by the applicant is to provide two parking spaces on the existing side drive and two additional spaces with access from the rear lane.

The applicant has stated that no change to the grading of the site will be necessary, except for the provision of additional parking. If two parking spaces off the rear lane were permitted, these spaces would drain directly to the lane.

Direct Control District and Development Permit

The purpose of the DC District is to provide for a specialized approach to development on a particular site that does not fit with approved land use districts, but still meets the requirements of the statutory planning in place, good planning principles, and the intent for the community's development.

Under Section 10.5 of the Land Use Bylaw, Council determines the land uses that may be allowed in a DC district; and may impose such standards and conditions it considers appropriate to regulate that

use.

If Council wishes to support the redistricting from Low Density Residential (R1) to Direct Control (DC), regulations for the site would be included as conditions of the Development Permit. Such regulations, and the permitted uses, are generally based on a corresponding land use district that is already in existence. Since this application involves a single-family dwelling, the R1 District regulations would generally be used as a basis for developing the DC regulations, with variations, as needed, to accommodate the proposed unique use.

Based on typical permits, some conditions that might be placed on a Development Permit include restrictions on:

- number of parking stalls
- on-site signage
- future development or alterations
- change of use
- hours of operation
- number of clients per day and per week
- number of employees

Administration's Position on the Proposed Development

Administration does not support this application for the following reasons:

1. Non-compliance with the Municipal Development Plan (MDP)

At this time, the Infill policies within the Municipal Development Plan and associated infill guidelines, specifically refer to Residential Uses within Residential Districts (MDP Policy 4.10). As this Direct Control application is considering a commercial use that exceeds the Home Based Business regulations within a Residential District, it is interpreted that this proposed use is not supported by existing St. Albert policy (MDP Policy 7.6). As this is a "one-off" redistricting application, approval of such an application could provide a future precedent for additional spot redistricting, without providing supportive policies regarding the sensitive integration of commercial uses within Low Density Residential Neighbourhoods.

As such, it is interpreted that this application does not support the MDP Housing and Neighbourhood Design and Commercial Development goals of:

- *Encouraging the development of well-planned and attractive neighbourhood which provides a broad range of housing types with varying densities, sizes, tenure and prices; and*
- *Providing for appropriate growth of the commercial sector by maintaining planned commercial and urban village centre areas throughout the community.*

2. Incompatibility with the Mission Neighbourhood

The proposed redistricting is considered incompatible with the surrounding low density residential properties, especially given its mid block location. Commercial uses may be more appropriate on corner lots or in areas where they would provide a transition between higher intensity commercial uses and residential properties.

3. Home Occupation Regulations

In August 2015, the current landowners requested that the property at 11 Mill Drive be converted from a residential use to an exclusively commercial use. The request for a change of use was not approved by Planning and Development.

Certain home occupations are approved under the regulations of the Low Density Residential (R1) Land Use District as a discretionary use. A home occupation means an accessory development in a dwelling unit, or its garage, for a business that is operated by a permanent resident of the dwelling unit. Some common home occupations are Massage Therapy or Aesthetics businesses. However, the Land Use Bylaw does not permit the use of a residential property as a non owner-occupied business. This ensures that properties remain primarily residential in character and function even if a home occupation is also located on site. The owners of 11 Mill Drive did not intend to use the property as a residence, therefore the proposed change of use was considered incompatible with the residential neighbourhood.

4. Drainage, Parking, and Traffic Impacts

Administration is not supportive of Parking Option 1 in which four vehicles would be parked in tandem along the side driveway. The applicant indicated that if needed, the existing side driveway could be extended through to the back lane to address issues related to tandem parking. However, this option would still result in some employee vehicles being blocked in. Employees would have to shuffle vehicles from the driveway to the street and back to allow a blocked in vehicle to exit. The alternate parking option would have two vehicles parked in tandem along the side driveway, with two additional parking spots provided off the rear lane.

Administration has noted that additional hard surfacing on the property could impact existing drainage conditions. As runoff from the property drains to the lane, some properties on the west side of Mount Royal Drive that share the lane could be impacted by a change in water flow. An engineered drainage plan was requested of the applicant. A graphic showing direction of drainage on the property was provided and is included as an attachment entitled Drainage Plan - 11 Mill Drive.

The applicant has stated that there are no client visits to the office because employees drive to the client's location. However, Administration has concerns about how street parking would be impacted as a result of the proposed redistricting.

5. Legal Permanence of a Professional Office Use

Under the City of St. Albert Land Use Bylaw, a professional office means an office use providing professional services, but does not include health service or government service. Typical uses include offices providing accounting, architectural, employment, engineering, insurance, investment, legal, real estate, town planning, secretarial and travel agent services. The insurance adjustment business that is proposed for this site would be considered a professional office use.

The applicant has stated that the professional office land use shall apply to the existing single-detached house only. In the event that the dwelling is demolished or destroyed, the professional office land use shall be terminated and development of a new structure for a professional office shall not be permitted. However, since land use districts are tied to parcels of land rather than the

buildings on them, Administration has advised the applicant that it would not be legal to approve a particular Land Use District that is only valid for the life of the existing structure on the site, expiring on demolition. This raises the concern that an office could be built on the site in the future if the existing single-detached house were demolished or destroyed.

6. Heritage Preservation and Building Code Considerations

The applicant has stated that a change to a business use will increase the likelihood that the residence will be maintained and sustained due to private sector investment. However, it is not clear why the maintenance and preservation of the heritage home could not occur under the existing residential land use district. The applicant has indicated that the layout of the house is not functional as a residence. The City does receive applications for renovations to older homes.

Administration recommended that the owners of 11 Mill Drive engage a Building Code consultant to conduct a review of the property. Changes to the property that may be required include provision of a fire resistance rating between floor levels, suitable exits and exit width, functional ventilation, investigating the presence of hazardous substances such as lead and asbestos, exit signage, emergency lighting, barrier free access, and stairs, guards and headroom in conformance with Code requirements for a commercial use.

STAKEHOLDER COMMUNICATIONS OR ENGAGEMENT

The applicant held a public consultation meeting on June 15, 2016 to inform neighbours about the proposed redistricting. Eight residents were in attendance. A number of these residents voiced concerns regarding parking, drainage, and potential changes to the building's appearance and the character of the street. A record of the public consultation meeting is included as an attachment entitled Public Meeting Transcript - 11 Mill Drive.

Standard circulation included landowners located within 100 metres of the subject parcel and relevant internal and external stakeholders.

During the circulation period, two emails and a letter from members of the public were received that opposed the redistricting. Neighbouring residents cited the importance of retaining Mission's residential character. One common concern was that changing uses and adding parking would negatively impact the function and social structure of the neighbourhood. These residents also felt that the neighbourhood would not see any benefits as a result of the change. Written feedback received from residents is included as the attachment entitled Resident Feedback - 11 Mill Drive.

IMPLICATIONS OF RECOMMENDATION(S)

Financial: n/a

Legal / Risk: A professional office use cannot be allowed temporarily under a Direct Control District. If permitted, this use would be permanent unless a subsequent bylaw amendment makes the permitted use "non-conforming".

Program or Service: n/a

Organizational: n/a

ALTERNATIVES AND IMPLICATIONS CONSIDERED

1. If Council wishes to support the Land Use Bylaw Amendment as proposed by the applicant, staff would need to write the Development Permit to establish conditions on the professional office use. As the district would be Direct Control (DC), Council would need to approve the conditions of the Development Permit by resolution.

STRATEGIC CONNECTIONS

The application is not viewed as meeting goals within the City's Long Term Plans or Corporate Objectives.

Report Date: January 23, 2016

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