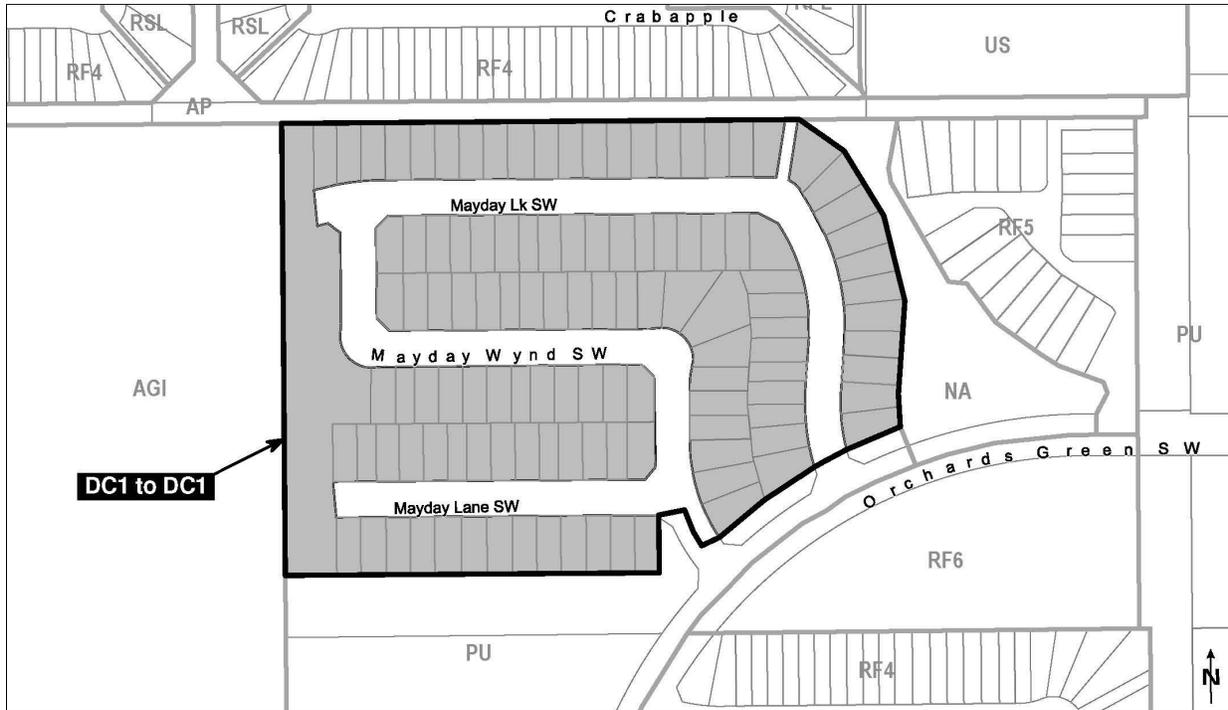




ADMINISTRATION REPORT **REZONING** THE ORCHARDS AT ELLERSLIE

To allow for the development of Single Detached Dwellings.



Recommendation: That Charter Bylaw 19887 to amend the Zoning Bylaw from (DC1) Direct Development Control Provision to (DC1) Direct Development Control Provision be **APPROVED**.

Administration is in **SUPPORT** of this application because:

- it is compatible with surrounding and planned land uses; and
- it conforms with the Orchards at Ellerslie Neighbourhood Structure Plan.

Report Summary

This application was submitted by Stantec on June 29, 2021. This application proposes to change the designation of 117 parcels from a (DC1) Direct Development Control Provision to a new (DC1) Direct Development Control Provision.

The proposed DC1 Provision will change the development regulations for five properties:

- 8314 & 8344 - Mayday Link SW;
- 8611 & 8629 - Mayday Wynd SW; and
- 8722 - Mayday Lane SW

which are currently occupied by single detached homes. These dwellings were constructed in contravention of the required setbacks and this application is intended to resolve these issues by acknowledging reduced setbacks for these five properties.

The development rights for the remaining properties will remain unchanged.

The Application

CHARTER BYLAW 19887 to amend the Zoning Bylaw from a (DC1) Direct Development Control Provision to a new (DC1) Direct Development Control Provision intended to provide for shallow lot, Single Detached Housing with attached garages setback from the street to reduce their prominence.

The application conforms with the Orchards at Ellerslie Neighbourhood Structure Plan, which designates the subject site for "Low Density Residential" land uses.

Site and Surrounding Area

The subject site is a collection of 117 properties all zoned (DC1) Direct Development Control Provision in 2016 to accommodate the development of shallow lot, single detached housing. These properties are located north of Orchards Green SW and west of Orchards Boulevard SW.

Surrounding the site is a public walkway to the north, a protected wetland to the east, and a stormwater management facility to the south. To the west is agricultural land which is intended for future industrial uses. Beyond these immediate surroundings are residential uses with duplex to the north, row housing to the east and future medium density development to the south.



AERIAL VIEW OF APPLICATION AREA (RED);
 PROPERTIES WITH PROPOSED CHANGES TO DEVELOPMENT REGULATIONS (YELLOW)

	EXISTING ZONING	CURRENT USE
SUBJECT SITE	<ul style="list-style-type: none"> (DC1) Direct Development Control Provision 	<ul style="list-style-type: none"> Single detached housing
CONTEXT	<ul style="list-style-type: none"> 	<ul style="list-style-type: none">
North	<ul style="list-style-type: none"> (RF4) Single Detached Residential Zone 	<ul style="list-style-type: none"> Duplex housing
East	<ul style="list-style-type: none"> (RF5) Row Housing Zone (NA) Natural Areas Protection Zone 	<ul style="list-style-type: none"> Row housing development Protected wetlands
South	<ul style="list-style-type: none"> (PU) Public Utility Zone (RF6) Medium Density Multi Family Zone 	<ul style="list-style-type: none"> Stormwater management facility Vacant
West	<ul style="list-style-type: none"> (AGI) Industrial Reserve Zone 	<ul style="list-style-type: none"> Agricultural

Planning Analysis

The site is currently zoned (DC1) Direct Development Control Provision which is intended to allow for residential development that is comparable to the (RSL) Residential Small Lot Zone with reductions in minimum site depth and site area to allow for development of shallower lots. Additionally, front setback requirements are increased to reduce the prominence of front attached garages on these smaller lots.

Since the approval of zoning, construction of homes on Mayday Wynd, Mayday Link and Mayday Lane has commenced with many properties receiving occupancy in the last two years. Through the submission of Real Property Reports for these completed homes, it was identified that five

properties had been incorrectly constructed within the required setbacks. As a result, these developments are not compliant with the approved Development Permits.

Because Development Officers are unable to issue variances to regulations within Direct Control provisions, Development Permits to “leave as built” were refused, and the Applicant was required to submit a rezoning application to acknowledge reduced side setbacks for these five properties.

LAND USE COMPATIBILITY

The proposed DC1 Provision specifically seeks to reduce required side setbacks from a minimum 1.05 metres to a minimum of 0.9 metres for the five impacted properties within the DC1 boundary. While this reduction in side setbacks creates buildings which are closer together than expected in both standard zones and comparable DC provisions, it is recognised that this application is attempting to resolve conditions with houses that have already been constructed and with residents living in them.

While these homes are very close to one another, the current and proposed DC1 requires that easements are registered on the property when side setbacks are less than 1.2 metres in width. These easements ensure access to maintain the adjacent property, and restrict the development of fences. Easements for all five properties have already been registered to allow for access.

Overall, this application represents a minor reduction in setbacks where the impacts of the proposal are felt primarily by the landowners of the 5 properties and their adjacent neighbours.

As a DC1 was used to regulate land use in this area, all properties (even those which were not constructed within required setbacks) are required to be rezoned to a new DC1 to resolve the issues of the five properties mentioned above. While all the properties are being rezoned, there are no changes being proposed to the development regulations of the unaffected properties.

ZONING COMPARISON SUMMARY

	DC1 Regulations <i>Current</i>	Regulations for the Five Impacted Properties <i>Proposed</i>
Height	10.0 m	10.0 m
Site Coverage	55%	55%
Front Setback	4.0 m 5.5 m for Garages	4.0 m 5.5 m for Garages
Interior Side Setback	0.75 m* / 1.05 m	0.75 m* / 0.9 m
Flanking Side Setback	2.4 m	2.4 m
Rear Setback	7.5 m	7.5 m

Notes:

* Minimum side setbacks may be reduced to 0.75 m where the other side setback is a minimum of 1.05 m which results in a building to building separation of 1.95 m. Where setbacks are less than 1.2 private maintenance easements are required to ensure adequate access for maintenance.

PLANS IN EFFECT

The **Orchards at Ellerslie Neighbourhood Structure Plan** designates this site as appropriate for “Low Density Residential” uses as shown on Appendix 1. The proposed DC1 Provision conforms with objectives of the plan.

The proposed rezoning aligns with the **City Plan** by accommodating future growth to a population of 1.25 million within Edmonton’s existing boundaries.

Technical Review

All comments from affected City Departments and utility agencies have been addressed.

Community Insights

ADVANCE NOTICE August 3, 2021	<ul style="list-style-type: none">• Number of recipients: 150• One response was received requesting more information on the application.
WEBPAGE	edmonton.ca/orchardsatellerslieplanningapplications

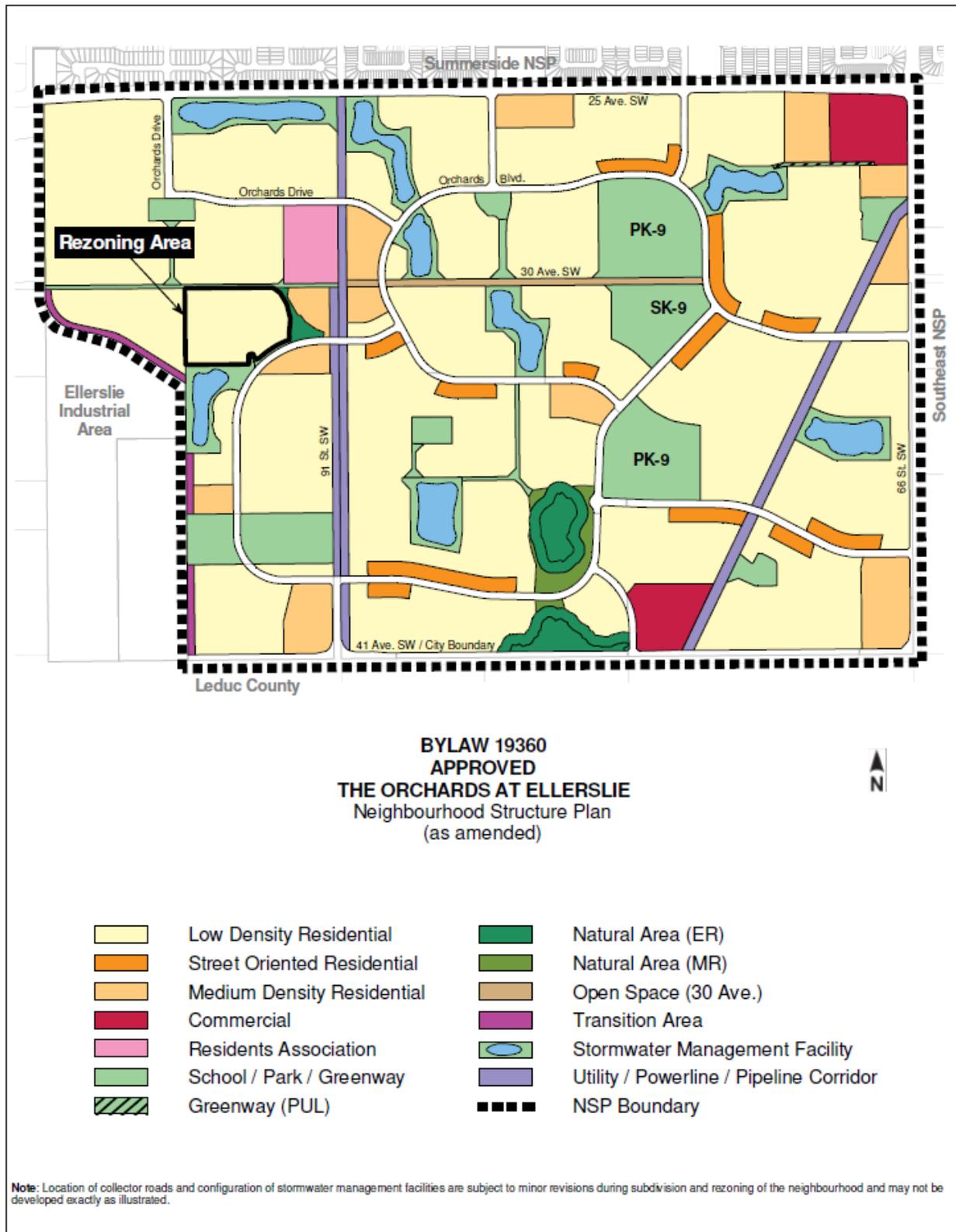
Conclusion

Administration recommends that this application be **APPROVED**.

APPENDICES

- 1 Context Plan Map
- 2 Application Summary

CONTEXT PLAN MAP



APPLICATION SUMMARY

INFORMATION

Application Type:	Rezoning
Charter Bylaw:	19887
Location:	generally bounded by Orchards Green SW, 30 Avenue SW, 91 Street SW, and 90 Street SW
Address(es):	Multiple - Refer to Schedule B of Charter Bylaw 19887
Legal Description(s):	Multiple - Refer to Schedule B of Charter Bylaw 19887
Site Area:	57,855.68 m ²
Neighbourhood:	The Orchards At Ellerslie
Notified Community Organization:	Horizon Community League
Applicant:	Stantec Inc.

PLANNING FRAMEWORK

Current Zone:	(DC1) Direct Development Control Provision
Proposed Zone:	(DC1) Direct Development Control Provision
Plan in Effect:	Orchards at Ellerslie Neighbourhood Structure Plan
Historic Status:	None

Written By: Andrew Sherstone
Approved By: Tim Ford
Branch: Development Services
Section: Planning Coordination