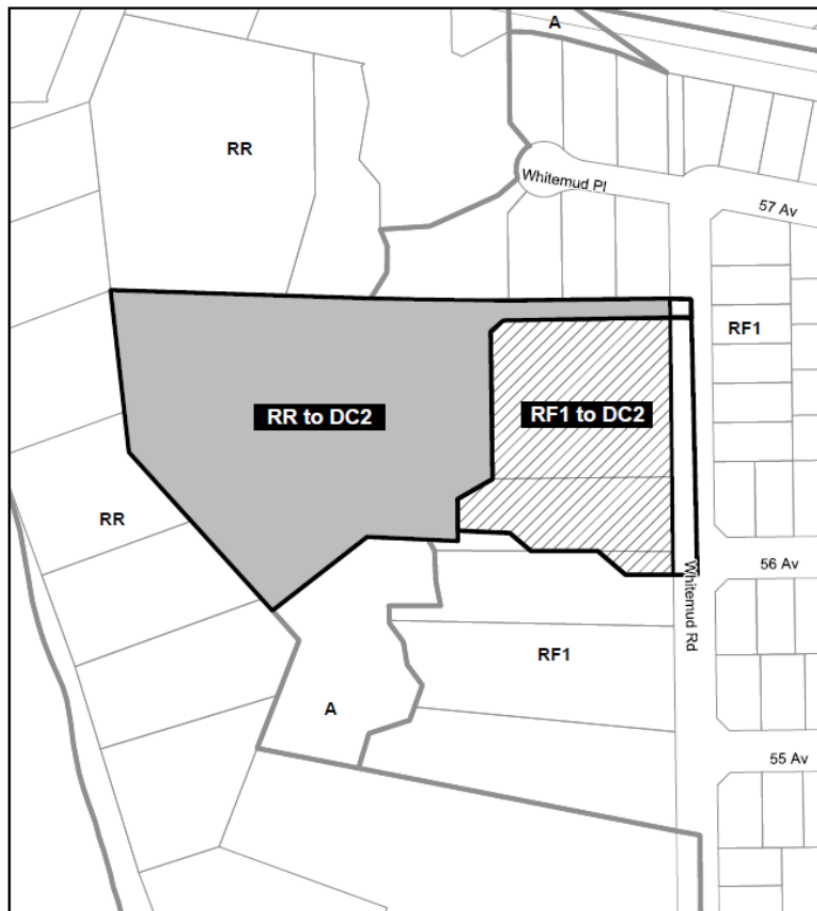


 **PLAN AMENDMENT AND REZONING APPLICATION**
BRANDER GARDENS

5604, 5608, 5610 AND 5620 WHITEMUD ROAD NW

To allow for multiple low rise apartment housing developments and a private natural area



RECOMMENDATION AND JUSTIFICATION

Sustainable Development is in SUPPORT of this application because:

- it supports residential infill in an established neighbourhood;
- it addresses land use compatibility with adjacent single detached housing in terms of massing, transition and visual screening; and
- it preserves a natural tree stand within the North Saskatchewan River Valley.

THE APPLICATION

1. BYLAW 17696 to amend the North Saskatchewan River Valley Area Redevelopment Plan (ARP).
2. BYLAW 17697 to amend the Zoning Bylaw from Rural Residential (RR) and Single Detached Residential (RF1) Zones to a Site Specific Development Control Provision (DC2). This bylaw also includes a provision to amend the Edmonton Zoning Bylaw section 811 North Saskatchewan River Valley and Ravine System Protection Overlay.

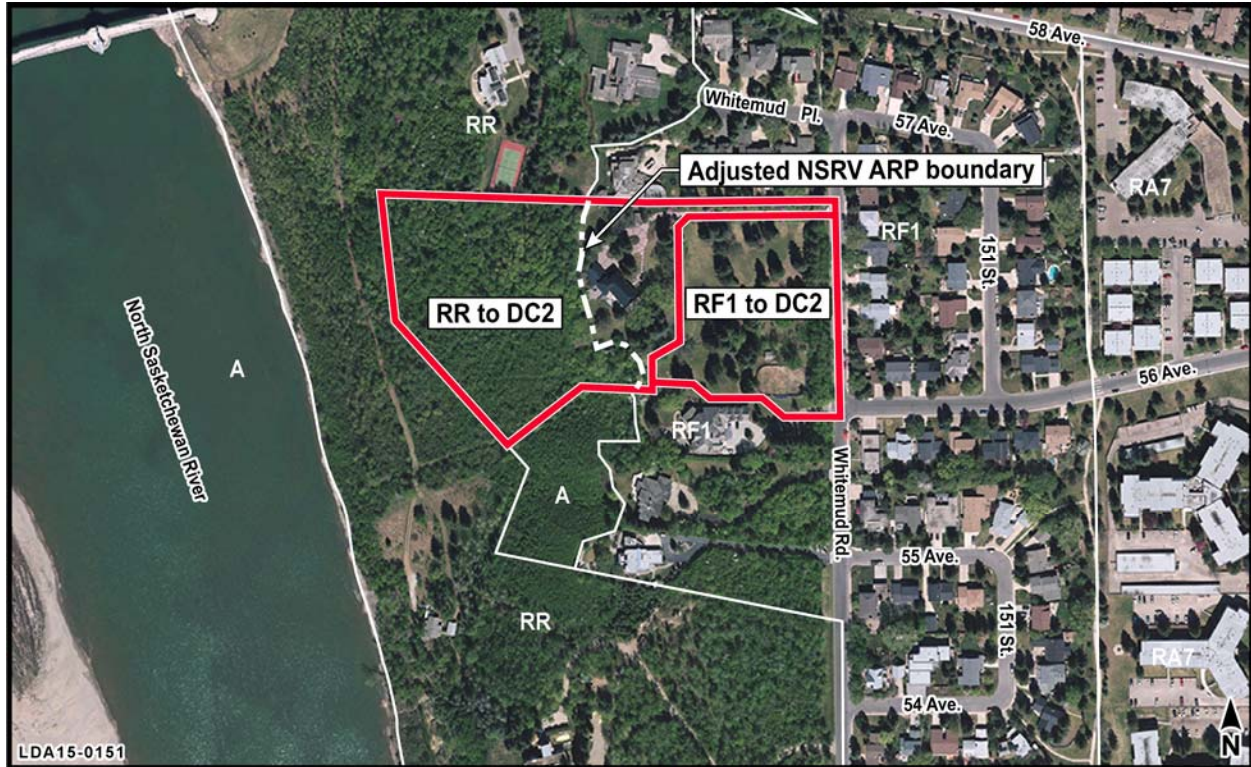
The proposed ARP map amendment realigns the ARP boundary to match a top of bank line recently surveyed by the City on the subject property connecting with the top of bank line in place north and south of the site.

The proposed rezoning includes two areas, A and B. Area A, the western 1.69 ha portion of the site, is proposed as a natural area treated as an environmentally preserved tree stand in the river valley with opportunity for limited accessory uses. Area B, which is 1.50 ha, above the top of bank is proposed to accommodate residential development of up to six, 16 m high apartment buildings that incorporate design elements including stepbacks, variation in articulation and orientation limitations that address transition to adjacent residential uses. Site specific landscaping, underground parking for residents and setbacks contribute to separation and screening of uses from adjacent low density development.

SITE AND SURROUNDING AREA

The subject site includes 2 partial lots and 3 full lots in Brander Gardens (north Riverbend). The western portion of the site below the top of bank is a heavily forested slope, similar in appearance to adjacent lands, which levels out toward the western edge of the site where it abuts forested lots extending further west to the North Saskatchewan River.

The eastern portion of the site above the top of bank line is developed with a single detached house overlooking the river valley, with an existing original trapper's cabin, and an outdoor skating rink at the southeast corner of it. A landscaped driveway leads from Whitemud Road to a large open yard and house at the back of the site. Numerous bushes and plants line the driveway and eastern edge of the site and there are a large number of mature deciduous and coniferous trees located throughout this portion of the site.



AERIAL VIEW OF APPLICATION AREA

	EXISTING ZONING	CURRENT USE
SUBJECT SITE Areas A and B	<ul style="list-style-type: none"> • (RR) Rural Residential • (RF1) Single Detached Residential 	<ul style="list-style-type: none"> • Single Detached House • Forested Natural Area
CONTEXT North and West of Area A	<ul style="list-style-type: none"> • (RR) Rural Residential 	<ul style="list-style-type: none"> • Single Detached House • Forested Natural Area
South of Area A	<ul style="list-style-type: none"> • (A) Metropolitan Recreation 	<ul style="list-style-type: none"> • Forested Natural Area
North, East and South of Area B	<ul style="list-style-type: none"> • (RF1) Single Detached Residential 	<ul style="list-style-type: none"> • Single Detached Houses



LOOKING NORTH TO SUBJECT PROPERTY



EXISTING HOUSE AND YARD

PLANNING ANALYSIS

Brander Gardens does not have an associated Neighbourhood Structure Plan nor is it included within an Area Structure Plan, Outline Plan or Area Redevelopment Plan. Taking this into account, this application was measured against the Municipal Development Plan (MDP) and other city policies.

NORTH SASKATCHEWAN RIVER VALLEY ARP

As rezoning applications are considered for sites along the river valley edge, it is an opportunity to better define and articulate the boundaries of the North Saskatchewan River Valley ARP (NSRV ARP). The proposed mapping revision to the NSRV ARP follows the top-of-bank line dividing the valley lands to the west from the proposed developable upland area to the east, as determined by a recent walk conducted by the City. The proposed Natural Area meets the intent of the NSRV ARP policy by preserving the Natural Area for recreational, scenic and ecological purposes as well separating it from development through a setback requirement. It does not meet the NSRV ARP in terms of public access and public enjoyment.

TOP OF BANK (TOB) POLICY C542

The proposal respects the City's Top Of Bank Policy by providing a setback for development from the crest of the valley to protect the slope and valley. However, the proposal does not meet the policy's stated purpose to maximize access to continuous circulation along the top of bank for local residents and the general public.

The mechanism for the City to acquire TOB public access is typically triggered through the subdivision process or negotiated through a public access easement. Since a subdivision is not being proposed at this time (and likely will never be) and lots along the valley edge in this area are developed with privately owned single detached housing without top of bank public access in place, it is more reasonable and practical for the City to address the provision of a top of bank circulation in the future, when affected lots are proposed to be subdivided.

TOB policy also emphasizes public connection to the river valley park system. Rather than propose a connection through the site, the proposal includes providing funds to the City to assist with the construction of an off-site future public pedestrian connection linking the river valley walkway system at the bottom of the slope with a top of bank access point in Brander Gardens. The timing of the walkway improvement is dependent on the City concluding negotiations with the University of Alberta on the former Mactaggart land, south of the subject site, in concert with developing a larger concept plan for this link.

The application proposes that a maximum of two accessory structures such as pergolas, gazebos or maintenance facilities be permitted below the TOB. City policy typically directs that accessory structures not be located within or below the TOB unless they are for public use; however, the regulations in place ensure that the structures can only be located in locations recommended by a geotechnical report, shall not exceed 4 m in height, shall not exceed 16 m² in floor area, and must be unserviced. Taking all this into consideration, potential safety or bank stability issues will have been addressed.

RESIDENTIAL INFILL GUIDELINES LAND USE COMPATIBILITY

The proposal includes a number of regulations that address transition to and compatibility with adjacent low density development. The site size sufficiently provides setbacks and landscaping elements proposed around the edges of the site.

Although the City's Residential Infill Guidelines were designed for "mature" neighbourhoods and Brander Gardens is an "established" neighbourhood, the application meets the following objectives: Infill contribution to physical renewal, efficient use of infrastructure and community facilities and minimizing traffic and parking impacts.

A number of built form infill guidelines respecting visual impact, integration, overlook, parking, landscaping and transition are addressed through proposed DC2 regulations.

PUBLIC CONTRIBUTIONS

The proposed DC2 includes the following community benefits:

- \$50,000 for a public amenity, offered to the Riverbend Community League;
- the existing Trappers Cabin offered to the City as a potential historical asset; and
- \$50,000 earmarked as a contribution toward a future off-site staircase connection between the existing river valley walkway and Whitemud Road.
- City Policy C582, "Developer Sponsored Affordable Housing," has been omitted because it has been supplanted by comparable public benefits.

TECHNICAL REVIEW

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

It was noted that most of the utility services for the subject site will require upgrading from a rural to urban standard at the development permit stage. A number of more detailed technical reports required by the City at the development permit stage include the following:

- a possible environmental site assessment;
- a geotechnical report prepared by a professional engineer that is compared to the geotechnical investigation and slope stability analysis submitted at rezoning;
- analyses of on-site drive aisles and standards for service vehicle access, water supply, fire protection, discharge and surface drainage capacities; and
- water conservation strategies and energy efficiencies.

A traffic study was submitted to the City. Existing local roads were deemed able to accommodate the anticipated increase in traffic generated, without need for upgrading, noting existing traffic congestion around the school and park sites during peak hours.

PARKING AND VEHICULAR ACCESS

Two way vehicular access into the site and the parkade is proposed along the southern edge of the site aligned with 56 Avenue and a one way exit for service vehicles provided along the northern edge of the site to Whitemud Road. All resident required parking is proposed below grade with some surface visitor parking located internal to the site.

PUBLIC ENGAGEMENT

The following chart provides a summary of formal public engagement steps taken.

The majority of input received expressed opposition to the application for not meeting City policies or infill guidelines, increasing traffic and parking, lack of privacy, insufficient river valley and tree protection, adding stress on city utilities, incomplete technical information, and insufficient community contribution. Concerns were also received about the public involvement process as not inclusive or extensive enough. A more detailed summary of the input received about the application and responses to the input are summarized on Attachment 2a.

<p>APPLICANT PRE-APPLICATION NOTICE AND MEETINGS December 8, 2015 - April 1, 2016</p>	<ul style="list-style-type: none"> • 38 pre-notice responses, 80 meeting attendees; a number of 1:1 meetings between owner and citizen representatives (which also continued once a formal application was submitted to the City).
<p>ADVANCE NOTICE May 2, 2016</p> <p>PUBLIC MEETING May 17, 2016</p> <p>PUBLIC INQUIRIES Prior to July 18, 2016</p>	<ul style="list-style-type: none"> • notice to adjacent property owners and affected community league organizations • 100 meeting attendees; 29 response forms returned expressed non-support/concern • Over 50 calls and e-mails received before during and after the public meeting asked for more information or expressed non-support/concern
<p>SIGN POSTED May 9, 2016</p>	<ul style="list-style-type: none"> • 1 citizen response expressed a need for two signs given the site size
<p>PUBLIC MEETING INPUT SUMMARY REPORT AND PROJECT UPDATE June 6, 2016</p>	<ul style="list-style-type: none"> • Sent to interested public meeting attendees; two responses appreciated the update and a few provided additional comments

CONCLUSION

Sustainable Development recommends that City Council APPROVE this application.

ATTACHMENTS

- 2a Public Concerns and Responses
- 2b Application Summary

PUBLIC CONCERNS AND RESPONSES

TOPIC	CONCERNS	RESPONSE
Land Use Compatibility	Out of Character with adjacent single family dwellings or townhouses	DC2 regulations and drawings depict quality materials, variations in plane for each building and includes elements found on a number of single detached houses in the neighbourhood: flat roof lines, modern architectural elements. Site and building design guidelines –setbacks, screening and transition in built form from a max of 16 m high in the centre of each building tapering down toward edges, to a max of 10 m high on the northwest corner of the site next to adjacent RF1 uses. Unit size is similar in square footage to adjacent RF1 housing .
	Lack of privacy for surrounding dwellings	Setbacks, stepbacks, massing and privacy screening have been embedded into the DC2. Orientation of certain windows are away from adjacent property lines to reinforce privacy.
	Too much density	The density of Brander Gardens is 22 units/net residential ha. Broader municipal policies state that more growth should be concentrated in mature and established areas. The density of this development is approx. 31 units/ net residential ha.
	Gated enclave does not foster community inclusiveness	This proposal is intended to be gated as it is now.
	Not family oriented	The large unit sizes may attract families.

Traffic and Parking	Will lead to traffic increase on Whitemud Road and 56 Avenue. Already too much traffic with school drop offs in morning and afternoon.	The proposal will lead to an estimated 262 vehicle trips per day. Transportation has advised that the existing road design can handle this additional traffic.
	Nearby medium density developments cause congestion problems with on-street parking	The proposal exceeds the minimum amount of on-site resident parking and meets the prescribed amount of visitor parking.
	No LRT or transit close by which will force residents to use cars. Goes against infill guidelines	The proposal is located approximately 400m from the nearest transit stop. Infill guidelines recommend higher density developments be located in close proximity to LRT and transit service.
River Valley and Mature Trees	Condo development will compromise the stability of the bank	The DC2 site plan identifies a 10 m building setback from the TOB. The slope stability analysis report has indicated that the risk of slope failure is within accepted guidelines in this location for this development. An additional geotechnical report at development permit stage will be reviewed in terms of confirming this.
	The natural area should be dedicated as environmental reserve for the public to use as well	Section 664 of the MGA states that land may be provided as environmental reserve (ER) as the subject of a proposed subdivision. The applicant is not subdividing so it is not mandatory for them to provide land below the top of bank as ER; although, strongly encouraged by City Policy. In lieu of a public easement through the site the applicant is contributing money to an offsite river valley pedestrian connection instead.

	Mature Trees will not survive the relocation	The applicant is taking steps to reach a higher probability of tree survival by using a large tree spade. The relocated trees are subject to a maintenance program for 3 growing seasons and a letter of credit for \$180,000 which will be held for 5 growing seasons.
Other	The project could remain unfinished like the Glenora Skyline	The City does not have a mechanism to ensure this does not happen.
	Decrease in property values	Many factors are considered when determining property values. The effects of higher density developments next to lower density developments are inconclusive. Landscaping and screening is proposed.
	Stress to existing infrastructure and servicing	Preliminary technical responses have shown that the existing infrastructure can handle the amount of estimated usage from this proposal. More detailed analysis will be required at development permit stage.
	Public contributions are not enough	The \$50,000 toward the Community League is comparable to other DC2 rezonings of this unit count. The \$50,000 the applicant is willing to contribute toward the river valley connection is a fraction the City's cost estimate. The contribution of a trapper's cabin could potentially be installed at Fort Edmonton Park or John Walter Museum.

APPLICATION SUMMARY

INFORMATION

Application Type:	Plan Amendment, Rezoning
Bylaw(s):	17696, 17697
Location:	North of 56 Avenue west of Whitemud Road
Address(es):	5604, 5608, 5610, 5620 Whitemud Road NW
Legal Description(s):	Portions of Lots 7 and 8, Block 19, Plan 9524467; Lots B and 1A, Block 19, Plan 9424146; Lot 2, Block G, Plan 1454AF
Site Area:	Total area 3.19 ha Developable area 1.5 ha
Neighbourhood:	Brander Gardens
Ward - Councillor:	Ward 9 - Bryan Anderson
Notified Community Organization(s):	Riverbend Community League Terwillegar Riverbend Advisory Council Southwest Area Council of Community Area Council
Applicant:	Kennedy

PLANNING FRAMEWORK

Current Zone(s) and Overlay(s):	(RR) Rural Residential Zone (RF1) Single Detached Residential Zone
Proposed Zone(s) and Overlay(s):	(DC2) Site Specific Development Control Provision
Plan(s) in Effect:	North Saskatchewan Area Redevelopment Plan
Historic Status:	Trappers Cabin pending review of designation

Written By:	Beatrice McMillan/Marco Beraldo
Approved By:	Tim Ford
Department:	Sustainable Development
Section:	Planning Coordination