

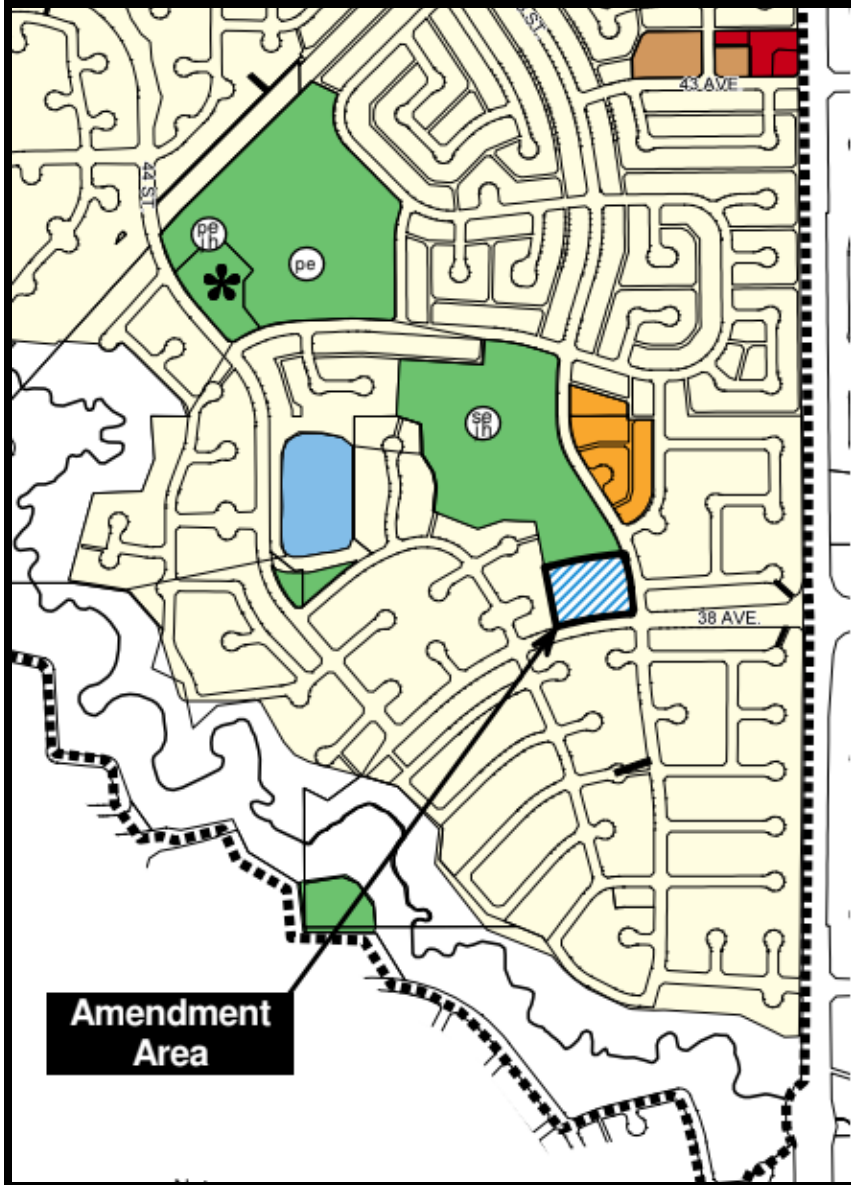


ADMINISTRATION REPORT REZONING & PLAN AMENDMENT KINISKI GARDENS

3804 - 38 Street NW

To allow for institutional uses on a surplus school site and park uses on a park site.





RECOMMENDATION AND JUSTIFICATION

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

- will allow for the continued use of open space;
- will allow for institutional land use opportunities that will be compatible with surrounding development on a surplus school site; and
- is in general alignment with the intent of the Burnewood Neighbourhood Area Structure Plan.

THE APPLICATION

1. **BYLAW 19507** to amend the Neighbourhood Area Structure Plan (NASP) to designate a portion of this site for institutional uses. The proposed plan amendment includes a revised map and statistics.
2. **CHARTER BYLAW 19508** proposes to amend the Zoning Bylaw from (AGU) Agricultural Reserve Zone to (US) Urban Services Zone to (AP) Public Parks Zone. The proposed AP Zone will allow for the continued use of open space while the proposed US Zone will allow for a range of uses of an institutional or community service nature.
3. **RESOLUTION** proposes to remove the MR designation as defined in the Municipal Government Act (MGA), from a portion of Lot 91MR, Block 33, Plan 9221509, to allow for an alternative use of this land to be considered.

The portion of the site being proposed for US Zoning was deemed 'surplus' by the School Boards in 2009 and incorporated into City Policy C583 (*Guidelines for Development of the 2009 Surplus School Sites*) which directed Administration to pursue the development of this site for residential purposes. However, it was subsequently removed by Council on September 20, 2016 to pursue non-residential uses. Bylaw 19507 and Charter Bylaw 19508 facilitate institutional land use opportunities for the surplus school site.

A separate council report entitled "*Kiniski Gardens South Municipal Reserve Removal*" is being advanced concurrently with these Bylaws. The Municipal Government Act requires City Council to hold a public hearing on the removal of the Municipal Reserve designation on the site, prior to developing the site for an alternate use.

SITE AND SURROUNDING AREA

The 2.2 hectare site is located north of 38 Avenue and west 38 Street within the Kiniski Gardens neighborhood. The site is currently being used as open space as part of a school/park site. Of the 2.2 hectare site, 1.2 hectares were declared 'surplus' in 2009 by the School Boards. Apart from land to the north which is used as school/open space (St. Kateri Elementary School and Creek Crossing Park), the surrounding development in all other directions consists of single detached housing.



AERIAL VIEW OF APPLICATION AREA

	EXISTING ZONING	CURRENT USE
SUBJECT SITE	(AGU) Agricultural Reserve Zone	Vacant lot
CONTEXT		
North	(AP) Public Parks Zone	Public Park
East	(RF1) Single Detached Residential Zone (RPL) Planned Lot Residential Zone	Single Detached House Single Detached House
South	(RF1) Single Detached Residential Zone	Single Detached House
West	(RF1) Single Detached Residential Zone	Single Detached House

PLANNING ANALYSIS

Surplus School Sites

In 2009, the local School Boards declared 20 vacant school building sites to be surplus to their needs. Following an administrative review of these surplus lands, 17 sites were also declared surplus to City needs. Included among these sites was the vacant surplus school site that is the subject of this application, identified by the area proposed to be rezoned to the US Zone.

Though this site was previously part of City Policy C583 (Guidelines for Development of the 2009 Surplus School Sites) which directed Administration to pursue the development of this site for residential purposes, it was subsequently removed by Council on September 20, 2016 to pursue non-residential uses.

The Burnewood Neighbourhood Area Structure Plan (NASP)

The Burnewood NASP was originally adopted in 1980, and guides the land use direction for the neighbourhoods of Jackson Heights and Kiniski Gardens and designates the subject site for ‘school/park’ land use (see Appendix 1). As such, an amendment is required to redesignate the portion of this site from ‘school/park’ to ‘institutional’ to reflect the general purpose of the proposed US Zone (see Appendix 2). Land use statistics will also need to be amended to reflect this change, as indicated in the table below and on Appendices 3 and 4.

	Approved NASP	Proposed NASP	Difference between Approved & Proposed
Municipal Reserve (School Park)	22.62	21.42 ha	- 1.20 ha
Institutional	3.10	4.30 ha	+ 1.20 ha

Rezoning

The current AGU zoning allows for agricultural land uses and is generally used as a “holding zone” until such time as a proposed use has been identified. This AGU zoning is a remnant from the original zoning, prior to the area being redeveloped from what was rural farmland into the residential neighborhood we know today.

The portion of the site being rezoned to the AP Zone conforms with the NASP which will allow for the continued use of public park and open space. As such, this analysis will focus on the surplus school site being rezoned to the US Zone which requires an amendment to the NASP and will allow for a range of uses that are of an institutional or community service nature.

The surplus school site makes up the southern portion of a larger site that was originally assembled to accommodate two schools. However only one of these schools, the St. Kateri Elementary School which occupies the northern portion of this larger site, was built. With this in mind, the proposed US Zone will allow the surplus site to be developed for its original intent as a Public & Private Education Service (school) or as a similar institutional use that is of a community service nature. With regard to community service uses, the NASP provides the following development objective:

*To develop a community which is reasonably self-sufficient in terms of community services.
(Section 3.1 - Development Objectives)*

The proposed US Zone will facilitate additional community services to service current and future residents of the area. As such, Public & Private Education Services (schools) and other allowable uses within the US Zone such as Child Care Services, Public & Private Education Services and Religious Assembly, among others, are deemed compatible for this site as they provide similar functions and services and have similar land use impacts.

Any future building on this site will have to comply with the development regulations in the table below.

Regulation	AGU Zone (Current)	US Zone (Proposed)
Minimum front setback	7.5 m	6.0 m
Minimum rear setback	7.5 m	7.5 m
Minimum side setback	7.5 m	4.5 m
Maximum height	10.0 m	10.0 m

The minimum setbacks will keep the edges of any future building on this site at an appropriate distance from property lines. The maximum height of 10 meters is consistent with the existing surrounding zoning of AP and RF1 which also allow a maximum height of 10 m. Overall, the US Zone is compatible with surrounding land uses as it makes an appropriate use of land that was originally intended for an institutional use.

Urban Parks Management Plan

With regard to the provision and management of parkland, the Urban Parks Management Plan (UPMP) establishes the City’s standards for the assembly and provision of parks, sports fields and open space throughout Edmonton. The UPMP states: “*The City and school boards support temporary use of vacant school building envelopes as sports fields with the understanding that the use is temporary and may be lost in the future*”. In this case, the school/park site is already assembled. With the existing building envelope of the St. Kateri Elementary School to the north and future development within the proposed US Zone, the open space remains sufficient to the standards of the UPMP. However, during the circulation of this application, concerns were raised regarding the opportunity for the surplus site to be developed for Private Education Services and how this might impact the adjacent public open space.

In accordance, a subdivision application was submitted and conditionally approved by the Subdivision Authority on March 5, 2020 which will facilitate the surplus site as a separate parcel. Conditional to the Subdivision Authority's approval, a fence will be required to be erected between the new parcel and public open space to the north to clearly demarcate the public park use from the future institutional land use.

The City’s Urban Parks Master Plan provides the following target that should be met for access to municipal park space within an area when the City is considering reducing that park space through sale or other means:

- a minimum target of 2 ha / 1000 residents (excluding school envelopes)

Context of the Burnewood area:

- Three school/park/open spaces **less** school building envelopes = 21.42 ha
- Burnewood area population (2019 census) = 10,570

With the standard of the UPMP applied to the Burnewood area, it achieves an average of approximately 2.02 ha of municipal park space per resident, slightly above the recommended target.

TECHNICAL REVIEW

This application has been reviewed by all necessary City Departments and utility agencies. The proposed change in land use is minor in nature and can be accommodated by the planned civic and utility infrastructure. All comments from affected City Departments and utility agencies have been addressed.

PUBLIC ENGAGEMENT

A Virtual Open House was hosted on the Engaged Edmonton website from October 19, 2020 to November 6, 2020. A summary of responses received is provided in the chart below and elaborated on further in the "What We Heard" Report (Appendix 1). Of note, concerns have been expressed from the public regarding the loss of park and an increase in traffic and parking. This is common under such circumstances when a site has been under interim recreational use and available to the community for an extended length of time.

ADVANCE NOTICE

Date: April 14, 2020

- Number of recipients: 4402
 - Number of responses in support: 3
 - would like to see more commercial uses but not large builds
 - could revitalize the neighbourhood
 - a high school is needed in the area
 - Number of responses with concerns: 10
 - Common comments included:
 - loss of open space and playing fields
 - increased traffic
 - safety concerns
 - cars are double park
 - illegal parking in alleys
 - no on street parking in close proximity to open space
 - moved to the area for the open space
 - do not have a high school in close proximity
 - this site is heavily used for recreational purposes
 - traffic backs up during school drop offs
 - numerous commercial development in close proximity
 - do not want a religious assembly use
-

<p>VIRTUAL OPEN HOUSE October 19, 2020 to November 6, 2020</p>	<p>https://engaged.edmonton.ca/kiniskigardens</p> <ul style="list-style-type: none"> ● Aware: 365 ● Informed: 142 ● Engaged: 47 (explanation of these categories in “What We Heard” Report) ● Support: 3 ● Neutral: 7 ● Mixed: 4 ● Opposed: 33 ● Common themes included: <ul style="list-style-type: none"> ○ Increased concerns about parking and traffic congestion ○ Desire for the site to remain as park space ○ a desire for information on what exactly will be built, if the rezoning is approved ○ concern about institutional uses such as churches, schools, day cares, etc. ● See Appendix 1 for a full “What We Heard” Report
<p>WEBPAGE</p>	<ul style="list-style-type: none"> ● Kiniski Gardens Webpage

CONCLUSION

Administration recommends that City Council **APPROVE** this application.

APPENDICES

- 1 “What We Heard” Public Engagement Report
- 2 Approved NASP – Bylaw 17261
- 3 Proposed NASP – Bylaw 19507
- 4 Approved NASP Land Use and Population Statistics – Bylaw 17261
- 5 Proposed NASP Land Use and Population Statistics – Bylaw 19507
- 6 Application Summary



WHAT WE HEARD REPORT

Online Public Engagement Feedback Summary

LDA19-0561 - Kiniski Gardens (Surplus School Site)

PROJECT ADDRESS: 3804 - 38 Street NW

PROJECT DESCRIPTION: There are three components to this application: a rezoning and plan amendment and removal of Municipal Reserve designation.

Rezoning

The rezoning will change the existing zone from [\(AGU\) Urban Reserve Zone](#) to [\(US\) Urban Services Zone](#) and [\(AP\) Public Parks Zone](#). The proposed AP Zone will allow for the continued use of open space while the proposed US Zone will allow for a range of uses of an institutional or community service nature on a surplus school site.

Plan Amendment

The plan amendment will amend the [Burnewood Neighbourhood Area Structure Plan](#) (NASP) to designate the surplus school site for institutional uses.

Municipal Reserve Designation Removal

The removal of the Municipal Reserve designation on the surplus school site will allow for institutional or community services uses to be considered on this site.

PROJECT WEBSITE: https://www.edmonton.ca/residential_neighbourhoods/neighbourhoods/kiniski-gardens-planning-applications.aspx

ENGAGEMENT FORMAT: Online Engagement Webpage - Engaged Edmonton:
<https://engaged.edmonton.ca/kiniskigardens>

ENGAGEMENT DATES: October 19 - November 9, 2020

NUMBER OF VISITORS:

- Engaged: 47
- Informed: 142
- Aware: 365

See “Web Page Visitor Definitions” at the end of this report for explanations of the above categories.

ABOUT THIS REPORT

The information in this report includes feedback gathered through the Online Engagement web page on the Engaged Edmonton platform from October 19 - November 9, 2020. Because of public health issues related to COVID-19, the City wasn't able to host an in-person public engagement event to share information and collect feedback, as we normally would have done.

Input from Edmontonians will be used to inform conversations with the applicant about potential revisions to the proposal to address concerns or opportunities raised. Feedback will also be summarized in the report to City Council when the proposed rezoning goes to a future City Council Public Hearing for a decision.

This report is shared with all web page visitors who provided their email address. This summary will also be shared with the applicant and the Ward Councillor.

ENGAGEMENT FORMAT

The Engaged Edmonton webpage included three videos, written text and documents available for download. Two tools were available for participants: one to ask questions and one to leave feedback.

The comments are summarized by the main themes below with the number of times a similar comment was made by participants recorded in brackets following that comment. The questions asked and their answers are also included in this report.

WHAT WE HEARD

Support: 3

Neutral: 7

Mixed: 4

Opposed: 33

Comments

Not enough information provided

- The video was thorough enough in its explanation (1x)
- Description of the application is vague (4x)
- More information is needed on who the applicant is (1x)

Current use of the site

- Desire for the site to remain as park space (24x)
- Support for the AP zoning to allow for the continued use of park space (3x)

Future use of the site

- Concern for this site being used as a service station or restaurant (1x)
- Concern for the land becoming a strip mall (5x)
- Concern of the land being used for religious assembly / church (7x)
- Concerns for the land being used for a school (x4)

- Concern regarding some of the discretionary uses under the proposed US Zone, including Detention and Correction Services, Extended Medical Services, Group Homes, and Temporary Shelter Services (1x)
- This space should be redesigned for families under AP zoning (2x)
- Support for coffee/bistro shop (2x)
- Support for a small business (1x)
- Support for a playground (1x)
- Support for a recreation centre (1x)
- Support for institutional uses (3x)
- Support for community service uses (1x)
- Rezoning to for residential purposes under the RMD, RF6 or RA8 zones would be more practical(1x)

Traffic / Parking

- Concern over increased traffic in the area (13x)
- Safety concerns for pedestrians, namely children, using the adjacent intersection (5x)
- Any future development on this site should consider ample off street parking (1x)

General / Other

- Concern over garbage and loitering (2x)
- There are already schools and community services in the area (4x)
- Concern over the surplusing of the land by a previous alderman (1x)
- Support for the generation of new jobs (1x)
- Surrounding landowners can provide additional feedback once a development permit is submitted (1x)

Questions & Answers

1. What specific type of business, or real estate is projected to go on this new area?
 - This rezoning proposes to change the site from (AGU) Urban Reserve Zone to [\(US\) Urban Services Zone](#) and [\(AP\) Public Parks Zone](#). A future landowner of

the surplus school site will have the opportunity to pursue any of the uses, either permitted or discretionary, within the proposed US Zone. Details about the exact use of the site emerge at the Development Permit stage, at which point if/when a Permit is approved, may allow an opportunity for appeal by surrounding landowners (depending upon the circumstances). A full list of permitted and discretionary uses can be found by clicking on these links.

2. I very much appreciate being able to view this background and the planning process. I am curious as to what types of businesses fall into the US Zone. Are we looking at a Tim Hortons drive-through, a cannabis store or a child care facility? Where is that information available?

- This rezoning proposes to change the site from (AGU) Urban Reserve Zone to [\(US\) Urban Services Zone](#) and [\(AP\) Public Parks Zone](#). A full list of permitted and discretionary uses can be found by clicking on these links. Drive-throughs and Cannabis stores are not permitted, however, Child Care Services is a permitted use.

Web Page Visitor Definitions

Aware

An aware visitor, or a visitor that we consider to be 'aware', has made one single visit to the page, but not clicked any further than the main page.

Informed

An informed visitor has taken the 'next step' from being aware and clicked on something. We now consider the visitor to be informed about the project. This is done because a click suggests interest in the project.

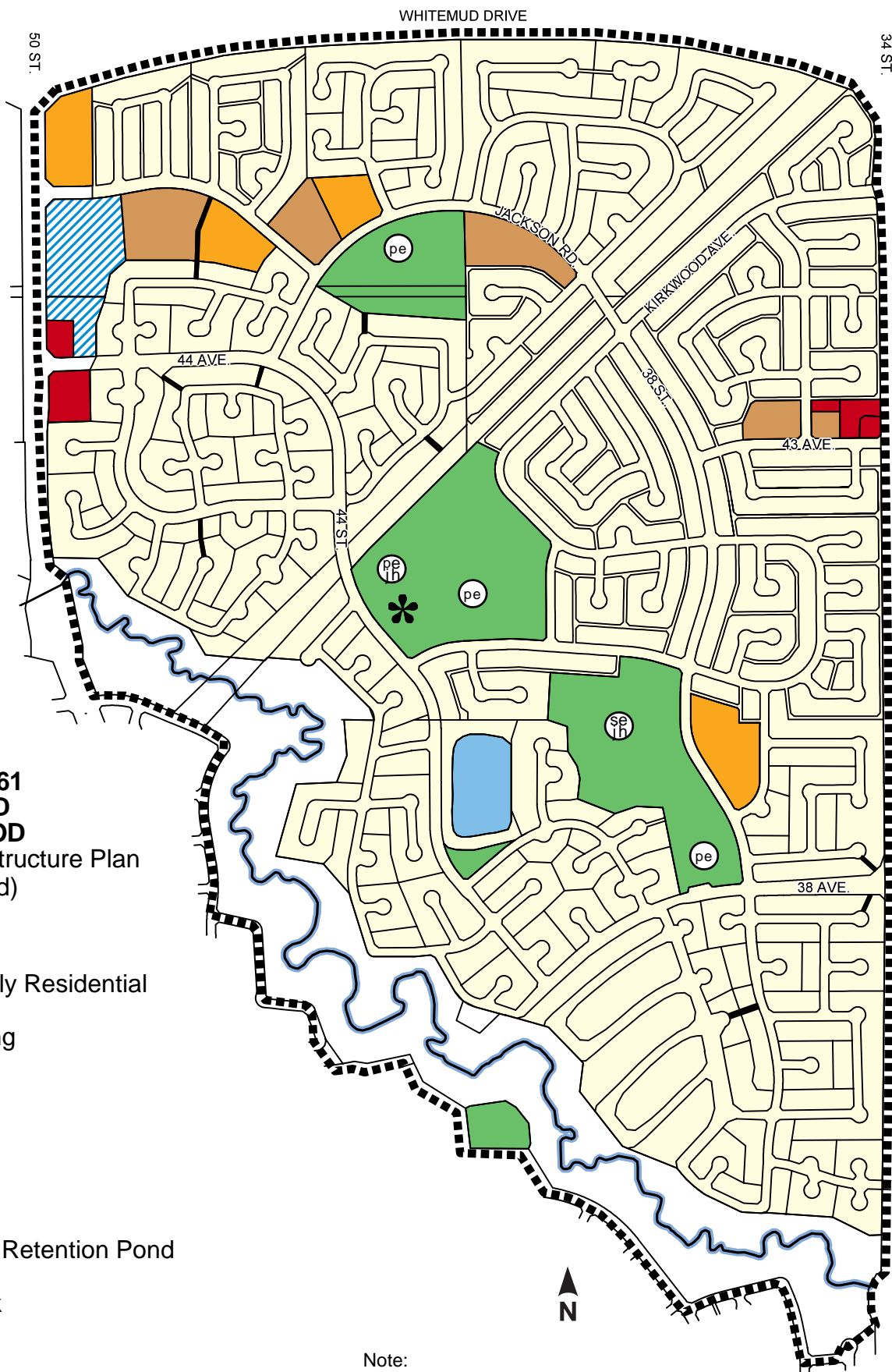
Engaged

Every visitor that contributes on the page, either by asking questions or leaving a comment, is considered to be 'engaged'.

Engaged and informed are subsets of aware. That means that every engaged visitor is also always informed AND aware. In other words, a visitor cannot be engaged without also being informed AND aware. At the same time, an informed visitor is also always aware.

If you have questions about this application please contact:

Stuart Carlyle, Planner
780-496-6068
stuart.carlyle@edmonton.ca

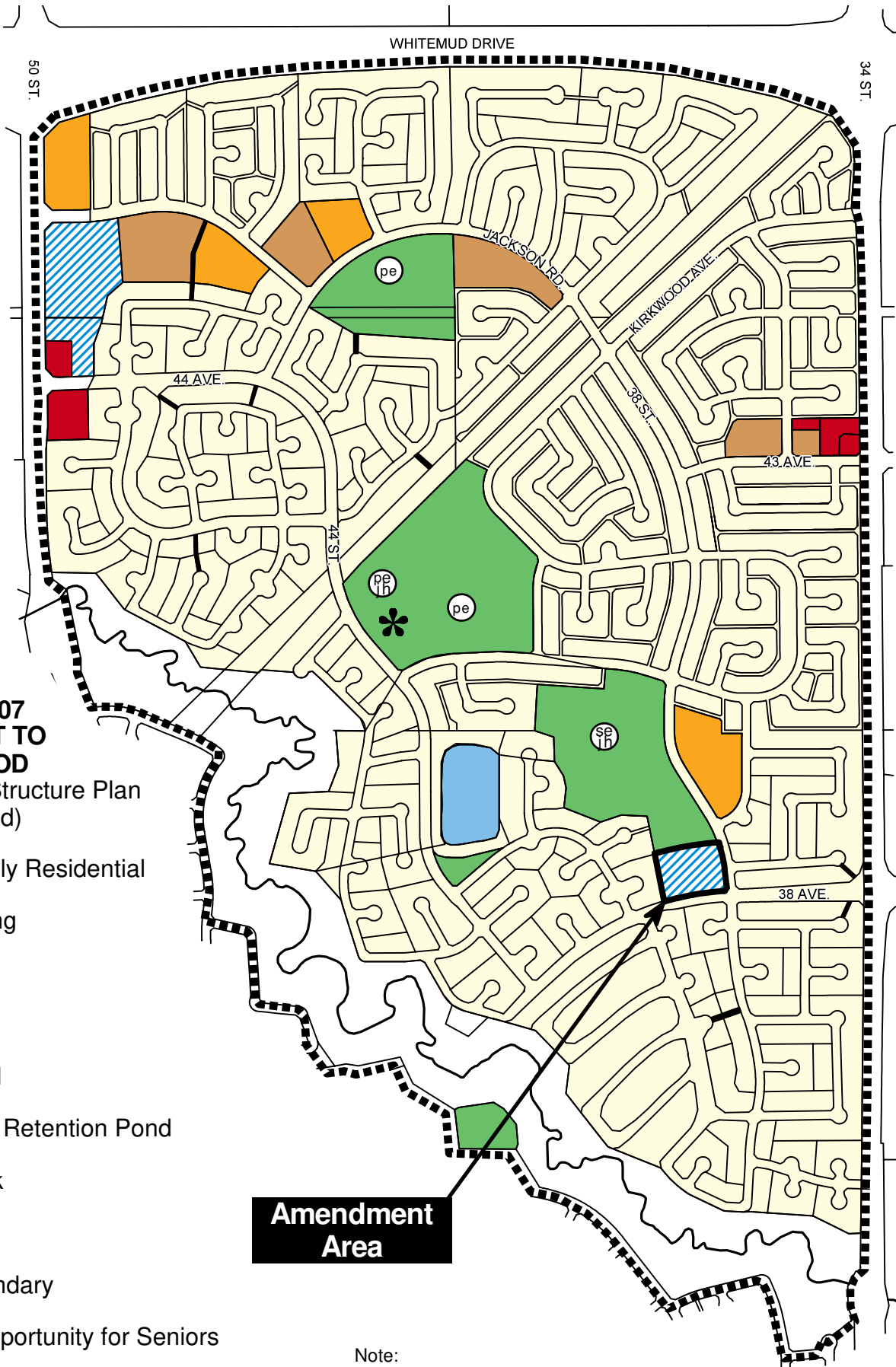


**BYLAW 17261
APPROVED
BURNEWOOD**

Neighbourhood Area Structure Plan
(as amended)














- Single Family Residential
- Townhousing
- Apartments
- Institutional
- Commercial
- Stormwater Retention Pond
- School/Park
- Walkways
- N.S.P. Boundary
- ✱ Housing Opportunity for Seniors

Note:
Location of collector roads and configuration of stormwater management facilities are subject to minor revisions during subdivision and rezoning of the neighbourhood and may not be developed exactly as illustrated.



**BYLAW 19507
AMENDMENT TO
BURNEWOOD**

Neighbourhood Area Structure Plan
(as amended)

-  Single Family Residential
-  Townhousing
-  Apartments
-  Institutional
-  Commercial
-  Stormwater Retention Pond
-  School/Park
-  Walkways
-  N.S.P. Boundary
-  Housing Opportunity for Seniors
-  Primary Elementary
-  Primary Elementary Junior High
-  Amendment Boundary

**Amendment
Area**

Note:
Location of collector roads and configuration of stormwater management facilities are subject to minor revisions during subdivision and rezoning of the neighbourhood and may not be developed exactly as illustrated.

**BURNEWOOD NEIGHBOURHOOD AREA STRUCTURE PLAN
LAND USE STATISTICS
BYLAW 17261**

	Area (ha)	% of GDA
Gross Area	305.62	
PUL (Pipeline Corridor)	6.67	
Environmental Reserve	38.64	
Gross Developable Area	260.31	100.00
Municipal Reserve (Schools and Parks)	22.62	8.69
Institutional	3.10	1.19
Commercial	1.99	0.76
Roadways	65.56	25.19
PUL (Stormwater Retention Pond)	3.16	1.21
Total Non-Residential Area	96.43	37.04
Net Residential Area	163.88	62.96

Residential Land Use	Area (ha)	Units/ha	Units	People/Unit	% of Total Units	Population
Low Density Residential	152.00	20	3,040	3.51	75.5	10,670
Row Housing	6.00	42	252	2.87	6.3	723
Low Rise Apartments	5.88	125	735	2.05	18.2	1,507
Total Residential	163.88		4,207		100.0	12,900

Gross Population Density: 42.2 persons per gross hectare

**BURNEWOOD NEIGHBOURHOOD AREA STRUCTURE PLAN
LAND USE STATISTICS
BYLAW 19507**

	Area (ha)	% of GDA
Gross Area	305.62	
PUL (Pipeline Corridor)	6.67	
Environmental Reserve	38.64	
Gross Developable Area	260.31	100.00
Municipal Reserve (Schools and Parks)	21.42	8.23
Institutional	4.30	1.65
Commercial	1.99	0.76
Roadways	65.56	25.19
PUL (Stormwater Retention Pond)	3.16	1.21
Total Non-Residential Area	96.43	37.04
Net Residential Area	163.88	62.96

Residential Land Use	Area (ha)	Units/ha	Units	People/Unit	% of Total Units	Population
Low Density Residential	152.00	20	3,040	3.51	75.5	10,670
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Total Residential	163.88		4,207		100.0	12,900

Gross Population Density: 42.2 persons per gross hectare

APPLICATION SUMMARY

INFORMATION

Application Type:	Resolution Plan Amendment Rezoning
Bylaw:	19507
Charter Bylaw:	19508
Location:	North of 38 Avenue NW and East of 38 Street NW
Address:	3804 - 38 Street NW
Legal Description:	Lot 91MR, Blk 33, Plan 9221509
Site Area:	2.22 Ha
Neighbourhood:	Kiniski Gardens
Notified Community Organization(s):	Burnewood Community League Edmonton Federation of Community Leagues Ridgewood Community Leagues
Applicant:	Bwale Bwalya, Real Estates Services

PLANNING FRAMEWORK

Current Zone:	(AGU) Urban Reserve Zone
Proposed Zones:	(US) Urban Services Zone (AP) Public Parks Zone
Plan in Effect:	Burnewood Neighbourhood Area Structure Plan
Historic Status:	None

Written By:	Vivian Gamache
Approved By:	Tim Ford
Branch:	Development Services
Section:	Planning Coordination