



## STAFF REPORT

**Title:** Bylaw No. 796-LU-23 - Bylaw to Amend Land Use Bylaw No. 766-LU-23 (PH)

**Meeting Date:** September 12, 2023

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### **Executive Summary:**

Proposal to rezone lands described as Plan 1221080, Block 1, Lots 38, 38, 40 and 41 from R1A-Residential (Single detached) District to R3-Medium Density Residential District. Bylaw No. 796-LU-23 received first reading at the August 8<sup>th</sup>, 2023 Regular Council meeting.

### **Background:**

The City has received an application to rezone the lands described as Plan 1221080, Block 1, Lots 38, 38, 40 and 41 from R1A-Residential (Single detached) District to R3-Medium Density Residential District. The purpose of the proposed rezoning is to allow for an increase in low-density residential housing in the City of Cold Lake.

The subject lands are bordered by developed R1A-Residential (Single detached) District properties to the north, east, and south of the proposed rezoning, and one PS-Public Service District lot located to the west of the proposed re-zoning. This PS zoned property is the City's Public Works building.

### **Compatibility with Surrounding Neighbourhood and Land Uses**

In accordance with Land Use Bylaw No. 766-LU-23 as amended, the rezoning and future consolidation of the proposed lots would conform to the lot requirements of the R3-Medium Density Residential. The proposed lots in the rezoning exceed the minimum lot size requirements for the R1A-Residential (Single detached) District, and also exceed the minimum requirements for the R3-Medium Density Residential District. Therefore, these lots would be suitable for development, as they are in accordance with the minimum lot size requirements under the Land Use Bylaw No. 766-LU-23, as amended.

Administration is of the opinion that the proposed rezoning would be compatible with the existing and proposed land uses in the surrounding neighbourhood, and would encourage gentle density. Prior to the adoption of the Land Use Bylaw (766-LU-23), these lands were zoned R2-Residential (Duplex) lots, and were changed to R1A with the adoption of the new Land Use Bylaw. Administration is of the opinion that the proposed rezoning continues the original intent of gentle density in the area, and compliments the established developments within the immediate area.



Further to the above, 16<sup>th</sup> street is a collector highway/ arterial road, and in most urban settings, higher density development typically takes place along these roadways to provide buffers to single-family homes. Administration is of the opinion that this rezoning that allows for higher density development to take place, will provide buffers between the residential activity and the non-residential activity (highway traffic and noise caused by the Public Works Shop).

### **Municipal Development Plan and Policies**

Administration is of the opinion that the proposed rezoning complies with the policies of the Municipal Development Plan (MDP):

- 5.5.2: Intensification
- 5.5.5: contiguous Development
- 5.7.6: Multi-Unit Residential and Low-Density Residential Mix
- 5.7.7: Specific Housing Needs
- 5.7.8: Multi-Unit Residential Site Location

There is no Area Structure Plan for the area, however Administration is of the opinion that with the alignment with the Municipal Development Plan, and the continued intent of allowing gentle density in this area, the rezoning is compatible with the area.

Administration sent Public Hearing notices to 28 property owners within 60m of the proposed rezoning area. Administration also sent notice to various referral agencies and utility partners, and a Public Hearing notice was also posted to the City's website on August 11, 2023.

Administration received two general inquiries from the public, clarifying what the type of development is permitted to take place under the R3 Zoning. Administration would like to clarify that in accordance with the Land Use Bylaw (766-LU-23, as amended), the R3-Medium Density Residential lists "Dwelling, Multiplex" and "Dwelling, Row Housing" as permitted uses.



## B2.5 R3 Medium Density Residential District

(1) Purpose

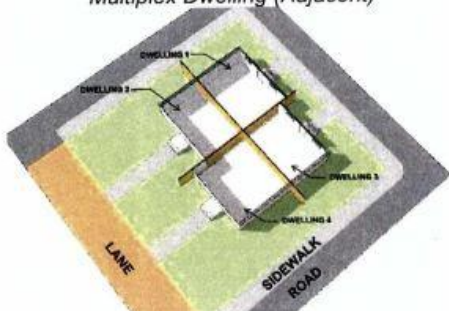
To provide for multi-unit residential development in variable formats and building forms. The district also provides for a limited range of complementary uses that are compatible with residential uses in a setting of this density.

Permitted Uses	Discretionary Uses
<ul style="list-style-type: none"> <li>• Accessory Building or Use to a Permitted Use</li> <li>• Dwelling, Multiplex</li> <li>• Dwelling, Row Housing</li> <li>• Home-Based Business, Minor</li> <li>• Public Park</li> <li>• Public Utility</li> <li>• Residential Sales Centre</li> <li>• Solar Collector</li> </ul>	<ul style="list-style-type: none"> <li>• Accessory Building or Use to a Discretionary Use</li> <li>• Apartment (Maximum 2 Storeys)</li> <li>• Child Care Facility</li> <li>• Communication Tower</li> <li>• Family Day Home</li> <li>• Home-Based Business, Major</li> <li>• Public Building or Service</li> <li>• Religious Assembly</li> <li>• Short Term Rental Accommodation</li> <li>• Supportive Living Accommodation</li> <li>• Temporary Building</li> <li>• Urban Garden</li> </ul>

“Dwelling, Multiplex” is defined as: *Means a building containing three (3) or more dwelling units located immediately adjacent to each other and sharing a common wall or with dwellings placed over the others (up-down) in whole, or in part and each having a separate entrance to grade.*

An example of a “multiplex” may be a “4-plex”, whereby there are 2 units on the upper level, and 2 units on the lower level; or, one unit occupying each corner of the building:

*Multiplex Dwelling (Adjacent)*



*Multiplex Dwelling (Up-Down)*





“Dwelling, Row Housing” is defined as: *Means a building designed and built to contain three (3) or more dwelling units in a single row situated side-by-side. Each dwelling shall be separated from the adjoining by no more than two common walls. No part of a dwelling unit is placed over another in part or in whole and each dwelling shall have separate, individual and direct access to grade.*

An example of “row housing” may be “townhouses”:



**Dwelling, Single Detached** means a residential building containing one (1) dwelling unit and may include a modular home.

Administration also provided a list of existing R3 residential lots in Cold Lake to provide more context and clarity on where this type of zoning already exists:

- 701-709 Rocky Way
- Land on 16 Street, adjacent to 11 Ave and 13 Ave
- 1102 – 1212 13 Street
- Land adjacent to 16 Street and 16 Ave and Crestview Way
- 802 – 830 Schooner Drive
- 4621, 4619, 4601, 4603 Lily Court
- 4537 – 4501 50 Ave
- 4413 50 Ave

Administration presented this information to the citizen inquiries, and received no further comments or feedback regarding the proposed rezoning at the time of this Council report.

Administration referred the rezoning application to local authorities and utility partners and received no objections or comments prior to the Council report deadline. Environmental Services responded to the referral by stating that “since the parcels are currently serviced for duplex dwellings, that one of the services may need to be altered



or capped, and servicing plans may be required to review at the time of development to ensure they meet City standards". Administration would like to note that this was communicated with the applicant at the time of the rezoning application.

No further comments or feedback was received prior to the Council report deadline.

**Alternatives:**

Public Hearing

**Recommended Action:**

Public Hearing

**Budget Implications (Yes or No):**

No

**Submitted by:**

Kevin Nagoya, Chief Administrative Officer