

Bylaw 16322

A Bylaw to amend Bylaw 12800, as amended,
The Edmonton Zoning Bylaw
Amendment No. 1592

WHEREAS Lot 17, Block 25, Plan 4065AE; located at 11342 - 64 Street NW, Highlands, Edmonton, Alberta, is specified on the Zoning Map as (RF1) Single Detached Residential Zone; and

WHEREAS an application was made to rezone the above described property to (DC1) Direct Development Control Provision;

NOW THEREFORE after due compliance with the relevant provisions of the Municipal Government Act RSA 2000, ch. M-26, as amended, the Municipal Council of the City of Edmonton duly assembled enacts as follows:

1. The Zoning Map, being Part III to Bylaw 12800 The Edmonton Zoning Bylaw is hereby amended by rezoning the lands legally described as Lot 17, Block 25, Plan 4065AE; located at 11342 - 64 Street NW, Highlands, Edmonton, Alberta, which lands are shown on the sketch plan annexed hereto as Schedule "A", from (RF1) Single Detached Residential Zone to (DC1) Direct Development Control Provision.
2. The uses and regulations of the aforementioned DC1 Provision are annexed hereto as Schedule "B".

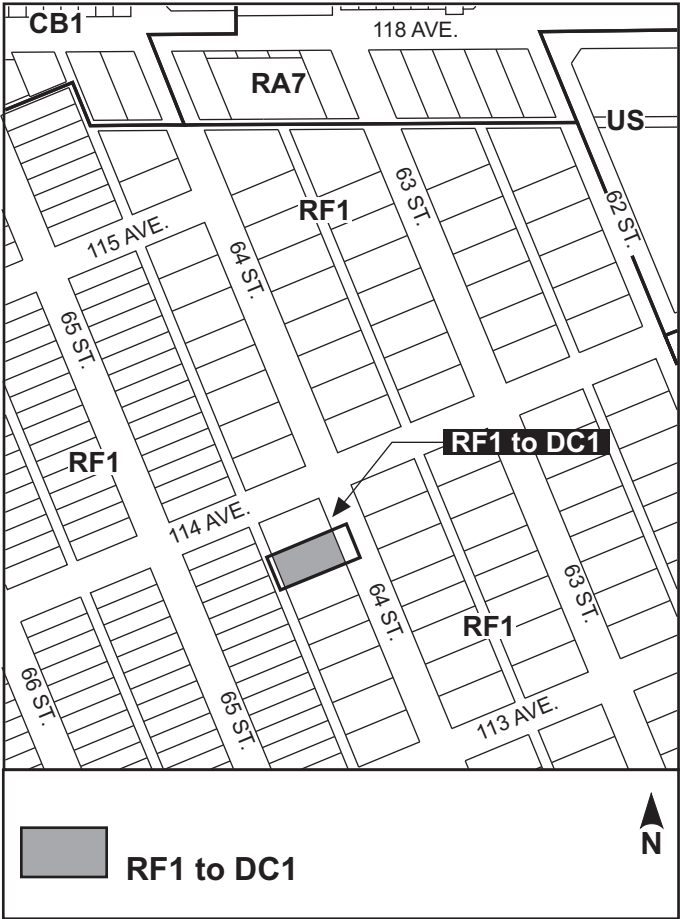
READ a first time this	day of	, A. D. 2013;
READ a second time this	day of	, A. D. 2013;
READ a third time this	day of	, A. D. 2013;
SIGNED and PASSED this	day of	, A. D. 2013.

THE CITY OF EDMONTON

MAYOR

CITY CLERK

BYLAW 16322



SCHEDULE “B”**(DC1) DIRECT DEVELOPMENT CONTROL PROVISION****1. Purpose**

This provision is designed to accommodate the use and preservation of the Marshall McLuhan Residence. This provision allows limited Residential, Commercial and Cultural Services uses within the Residence, while ensuring that any future alterations or construction are compatible with the architectural elements and historical significance of the Residence.

2. Area of Application

This DC1 Provision shall apply to Plan 4065AE, Block 25, Lot 17, located at 11342 - 64 Street NW, Highlands, as shown on Schedule “A” attached to the Bylaw adopting this DC1 Provision.

3. Uses

- a. Boarding and Lodging Houses
- b. Community Recreation Services
- c. Creation and Production Establishments
- d. Professional, Financial and Office Support Services
- e. Single Detached Housing
- f. Secondary Suite
- g. Freestanding on-premises sign
- h. Fascia on-premises sign

4. Development Regulations

- a. All new development shall be accommodated within the existing Residence and to the rear of the property, and maintain the architectural character of the Marshall McLuhan Residence to the satisfaction of the Development Officer in consultation with the City of Edmonton Heritage Officer.
- b. All new development must permit the Residence to convert back to Single Detached Housing, in accordance with the (RF1) Single Detached Residential Zone, if required.
- c. Signs and Lighting for Signs shall be integrated into the historical character of the Marshall McLuhan Residence, and shall comply with the following regulations to the satisfaction of the Development Officer in consultation with the City of Edmonton Heritage Officer:
 - i. Fascia On-premises Signs shall not exceed 0.9 m².

- ii. Freestanding On-premises Signs shall not exceed 0.6 m² with no portion of the sign projecting beyond the property line. The maximum Height of the Freestanding On-premises Sign shall be 1.8 m, including embellishments.
- d. Vehicle and bicycle parking shall be provided in accordance with Section 54 of the Zoning Bylaw except that:
 - i. A minimum of two and a maximum of four off-street parking spaces shall be required;
 - ii. A minimum of two bicycle parking spaces shall be required if the site is used for Community Recreation Services, Creation and Production Establishments or Professional, Financial and Office Support Services uses. Bicycle parking shall be located to the rear of the property; and
 - iii. A loading space shall not be required.
- e. Modifications to the exterior of the Marshall McLuhan Residence shall only be made in the event of necessary structural reinforcement or repairs at the discretion of the Development Officer, in consultation with the City of Edmonton Heritage Officer.

5. Heritage Development and Design Regulations

Should the Marshall McLuhan Residence be designated as a Municipal Historic Resource, the following regulations shall apply to ensure that the design of structural reinforcement or repairs, cosmetic alterations, and code improvements will be sympathetic to the historical and architecturally significant façade (s) of the Marshall McLuhan Residence. Should the Residence be designated, the Development Officer, in consultation with the Heritage Officer, shall consider the following regulations when reviewing development applications for this site:

- a. Any future exterior development shall conform to Parks Canada's Standards and Guidelines for the Conservation of Historic Places in Canada;
- b. Any development shall conform to the requirements of the City of Edmonton Heritage Designation Bylaw pertaining to this property and to the General Guidelines for Rehabilitation in City Policy C-450B; and
- c. The design and appearance of any additions and/or alterations shall complement the original historical building in scale, proportion, architectural style, detail and materials to the satisfaction of the City of Edmonton's Development Officer and Heritage Officer.

**ATTACHMENT 2
BYLAW 16322
FILE: LDA12-0340
HIGHLANDS**

DESCRIPTION:	ZONING BYLAW AMENDMENT from (RF1) Single Detached Residential Zone to (DC1) Direct Development Control Provision; HIGHLANDS
LOCATION:	11342 – 64 Street NW; located south of 114 Avenue NW on the west side of 64 Street NW
LEGAL DESCRIPTION:	Lot 17, Block 25, Plan 4065AE
APPLICANT:	Arts Habitat Association of Edmonton Box #9, 10440 – 108 Avenue NW Edmonton, AB T5H 3Z9
OWNER:	Arts Habitat Association of Edmonton Box #9, 10440 – 108 Avenue NW Edmonton, AB T5H 3Z9
ACCEPTANCE OF APPLICATION:	September 14, 2012
EXISTING DEVELOPMENT:	Single detached dwelling (Marshall McLuhan Residence) and two Accessory Buildings (garage and canoe shed)
SUSTAINABLE DEVELOPMENT'S RECOMMENDATION:	That Bylaw 16322 to amend the Zoning Bylaw from (RF1) Single Detached Residential Zone to (DC1) Direct Development Control Provision be APPROVED.

DISCUSSION

1. The Application

This application proposes to rezone the subject site from (RF1) Single Detached Residential Zone to (DC1) Direct Development Control Provision. The proposed DC1 Provision provides for limited residential, commercial, and cultural services uses, while maintaining and protecting the architectural elements and historical significance of the Marshall McLuhan Residence. The applicant's stated intent is to use the building for arts-related uses such as office and workshop space for artists and arts-organizations, a meeting room with an interpretative area on Marshall McLuhan, and living space for visiting scholars. The proposed DC1 Provision ensures that any uses would allow the building to revert back to residential uses if desired.

The Marshall McLuhan Residence is listed in the Inventory of Historical Resources in Edmonton, and considered significant for its connection to Marshall McLuhan. The Residence was an early boyhood home of McLuhan and represents his connection to the Highlands Neighbourhood and the City of Edmonton. There is an associated application to designate this building as a Municipal Historic Resource, which will be before Council in the near future.

2. Site and Surrounding Area

The site is situated on 64 Street, between 114 Avenue NW and 113 Avenue NW, in the Highlands neighbourhood.

The lands surrounding the site are zoned (RF1) Single Detached Residential Zone and primarily developed with single detached residential uses. Land to the north along 118 Avenue NW is zoned (CB1) Low Intensity Business Zone and (RA7) Low Rise Apartment Zone and developed with commercial uses, residential uses, and a church. East of 62 Street land is zoned (AP) Public Parks Zone and (US) Urban Services Zone and developed with a school, community league hall, and a park. To the south, at the corner of 113 Avenue and 64 Street is the Highlands United Church.



View of site looking west from 64 Street



View of site from alley, showing Accessory Buildings (Canoe Shed and Garage)

ANALYSIS

1. Compliance with Approved Plans and Land Use Compatibility

This application supports the “Historic and Cultural Resources” objectives in *The Way We Grow* Municipal Development Plan by providing for the conservation and adaptive reuse of a historic resource. The proposed zoning protects the Marshall McLuhan Residence, while allowing for additional uses that suit the building’s history and provide for its ongoing maintenance and care.

The Highlands Neighbourhood Planning Study and Mature Neighbourhood Overlay apply to the area. A major theme identified in the Planning Study is the “preservation of the community's unique residential and historic character.” To address this theme, the Plan supports the preservation of single-family, low density residences that maintain the historic character of the neighbourhood. The Plan also recommends the preparation of regulations to protect architecturally or historically significant buildings.

The proposed DC1 meets the intent of the Plan and the Overlay, as the proposed Provision maintains the building’s low density, single-family appearance, while protecting its unique historical and cultural significance.

2. Transportation and Utilities

Transportation Services, the Drainage Branch of Infrastructure Services and Utilities, EPCOR Water, EPCOR Transmission and Distribution, ATCO Pipelines, ATCO Gas, and Telus expressed no objections to the proposed rezoning.

3. Parks and School Boards

The Parks Planning Section of Sustainable Development and the Edmonton Public School Board expressed no objections to the proposed rezoning.

4. Environmental Review

An Environmental Site Assessment was not required with this application.

5. Surrounding Property Owners’ Concerns

Advance Notification was sent to surrounding property owners, and the Highlands and District Community League, the Beacon Heights, Beverly Heights, Montrose, Newton, and Bellevue Community Leagues, as well as the Beverly Business Revitalization Zone Association on November 13, 2012 by Sustainable Development. Twelve responses were received in response to the notification. Seven responses supported the application commenting that the history of the home adds interest to the community and that the

nature of the proposed uses fit with the neighbourhood. One response requested clarification and had no further concerns.

Four responses objected to the application, raising concerns regarding the increase of people and traffic, the introduction of commercial uses into a family-oriented residential area, the precedent that this could set, and the validity of the historic connection. In response to these concerns, Sustainable Development clarified that parking requirements had been reviewed by Transportation Services, and that four spaces could be provided on-site. As well, the scale of the proposed uses is limited due to the size of the building, and would not be inconsistent with residential patterns of use. Concerns regarding the introduction of non-residential uses into the neighbourhood were recognized. However, rezonings do not set precedents and this situation is relatively unique due to the profile of Marshall McLuhan, the broader interest in preserving his home, and the direct relation between the proposed uses and the ongoing preservation and maintenance of the building.

On November 8, 2012, prior to Sustainable Development's notification, the applicant held an Open House to discuss the proposal with community members. Approximately sixteen people attended the meeting. Common questions included the nature and operating hours of the proposed "public exhibition," how potential tenants would be screened and managed, landscaping plans for the property, and questions about parking on the site. Attendees also commented on the heritage value of the property, with questions about the funding of the property purchase and the strength of Marshall McLuhan's connection to Edmonton.

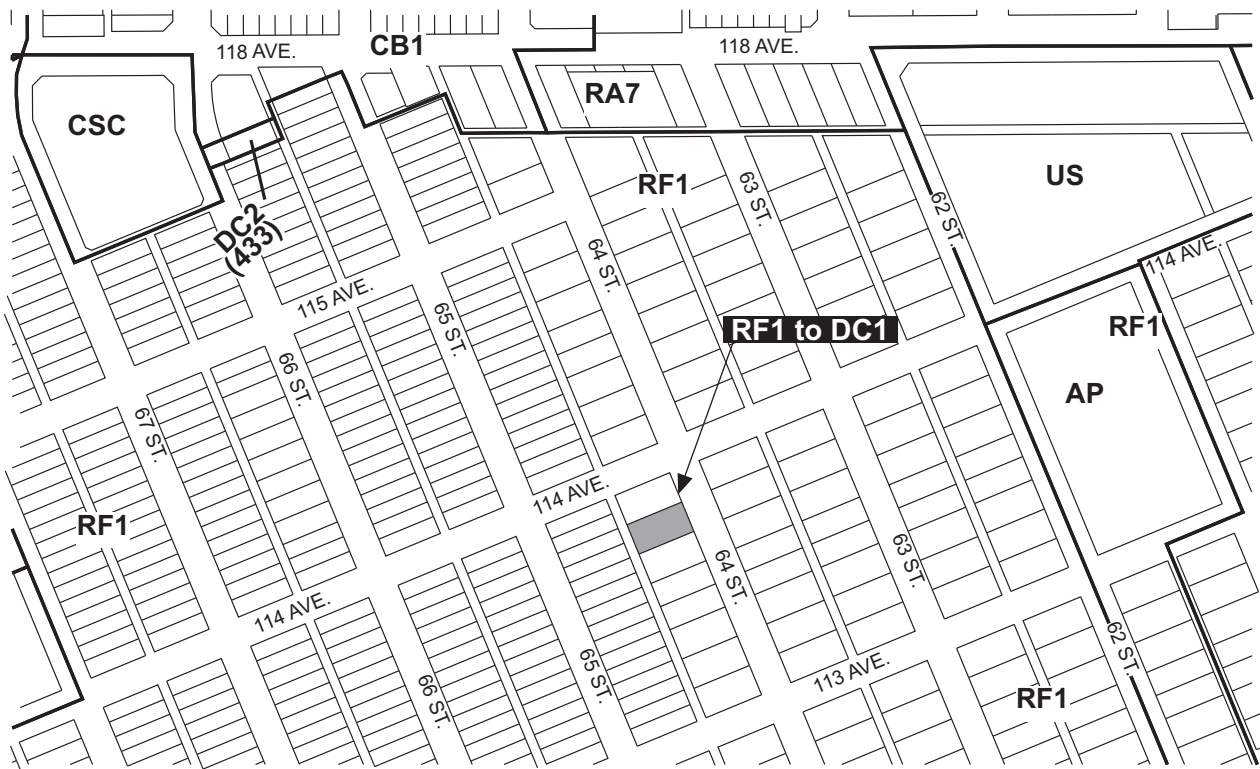
JUSTIFICATION

Sustainable Development recommends that Bylaw 16322 to amend the Zoning Bylaw from (RF1) Single Detached Residential Zone to (DC1) Direct Development Control Provision be APPROVED on the basis that the proposed rezoning supports the intent of *The Way We Grow* and Highlands Neighbourhood Planning Study, provides for the continuing use, preservation, and maintenance of an historically significant building, meets the technical requirements of the Civic Departments and utility agencies, and is compatible with the surrounding land uses.

ATTACHMENT

2a Maps

Written by: Sarah Ramey
Approved by: Cathy Raftis
Sustainable Development
February 4, 2013

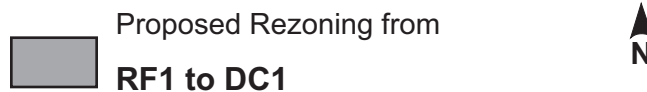
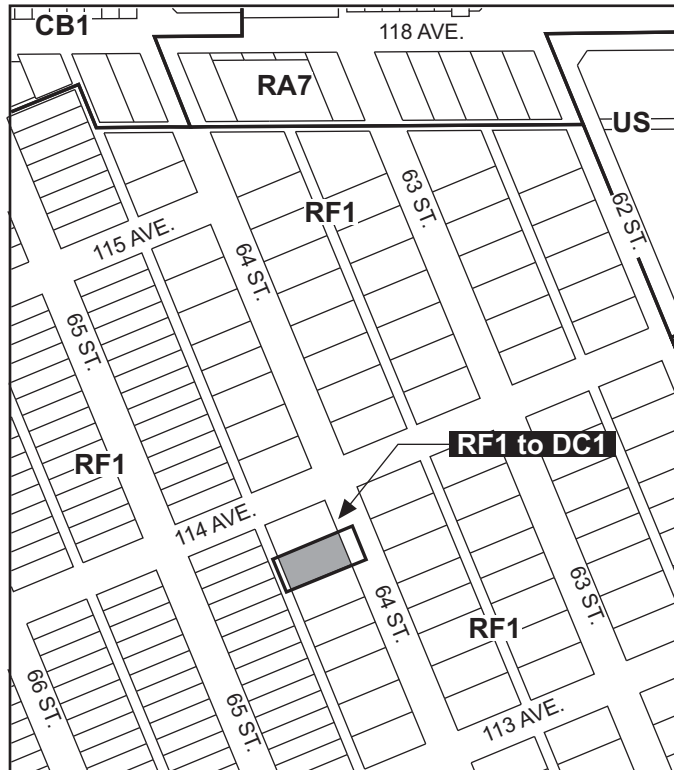


SURROUNDING LAND USE ZONES

FILE: LDA12-0340
DATE: February 4, 2013
BYLAW 16322



HIGHLANDS
BYLAW 16322
 Location: 11342 - 64 Street NW



The purpose of proposed Bylaw 16322 is to change the Zoning Bylaw from (RF1) single detached residential zone to (DC1) direct development control provision; Lot 17, Block 25, Plan 4065AE, as shown on the above sketch. The proposed DC1 Provision provides for limited residential, commercial and cultural services uses, while maintaining and protecting the architectural elements and historical significance of the Marshall McLuhan Residence. Sustainable Development supports this proposed bylaw.

PROPOSED REZONING