

## **DISCUSSION**

### **1. The Overall Project**

This project has three components:

- Amend the Municipal Development Plan (MDP), Policy 3.15 within the Cluster Country Residential Section and Policy 10.25 within the Utilities Section for the consideration of an alternative servicing plan for water and sewer services, and to amend Policy 3.17(a-c) for the consideration of alternative Cluster Country Residential Criteria.
- Amend the Residential and Public Utilities and Municipal Services Sections of the Jackfish Mayatan Area Structure Plan (Bylaw No. 41-80) to allow for less than ½ acre parcel sizes, a variety of residential uses, and the consideration of privately owned communal piped water and sanitary sewer systems within the Pt. E1/2 4-53-2 W5M.
- Amend Land Use District Map 7 within the County's Land Use Bylaw (No. 20-2009) to re-district lands located at Pt. E1/2 4-53-2 W5M from the CR – Country Residential District to the CCR – Cluster (Conservation) Country Residential District as well as to amend Section 5.4 within the CCR District to accommodate the Fawn Meadows Development on a site specific basis.

### **2. Introduction**

On July 1, 2009, Council adopted Land Use Bylaw No. 20-2009 in which Council included a new residential district called CCR – Cluster (Conservation) Country Residential District which contemplates '*clustering of higher density smaller parcels (minimum 0.5 acres) to encourage the preservation of ecologically sensitive areas, historic sites, agricultural land, the rural community character or other unique characteristics of the land being subdivided, while promoting more sustainable provision of roads where municipally operated piped water and sewer systems are available*'.

The Municipal Development Plan, last significantly updated in September of 2007, provides policy direction for this form of development. These policies direct that the Cluster Country Residential developments should be serviced by municipally owned piped water and sewer systems, have a minimum lot size of 0.5 acre, and a lot density of 1.85 lots/hectare. As this proposed development will not be consistent with the policies included within the Municipal Development Plan, the developer has applied to amend the Municipal Development Plan to accommodate this proposed development. As such, Administration has reviewed the proposed application to amend the Municipal Development Plan and provides the following recommendations to Council.

In addition to the amendments for the Municipal Development Plan and the Jackfish Mayatan Area Structure Plan (Bylaw Nos. 33-2010 and 34-2010), the Fawn Meadows proposal also requires a further amendment to the County's Land Use Bylaw (LUB) to accommodate their proposed development.

The Developers for 'Fawn Meadows' are proposing an adult living community that will allow seniors to remain in a rural setting and maintain local ties with friends and family. Currently, this is the first proposal for this form of development in the County. The Land Use Bylaw amendment, a proposed amendment to the CCR District is site specific in nature to this individual site.

The proposed gated development will consist of 36 detached residential dwelling units, 24 semi-detached residential dwelling units, 56 duplex dwelling units, 140 supported living units/mixed use with the lower floor being possibly leased for retail/service and health care services. There will also be a community centre (for the condominium owners), recreational vehicle and residential storage, a convenience store, gas bar and restaurant onsite.

According to the revised March 2012 Outline Plan, the total number of units to be created will be 256 units with an estimated projected population of 512 people. The titled area for this development is roughly 51.12 ha (126.31 ac). As a result, the average unit density for this development is projected to be approximately 8.2 units per hectare of net developable land (excluding commercial and natural areas). This development is proposing a density that is approximately 4.4 times greater than is currently envisioned for a cluster country residential development within the Land Use Bylaw's Cluster Country Residential District. As well, the lot size will be reduced for the Fawn Meadows development by 0.1 of an acre.

### **3. Pre-Consultation with Affected landowners**

The Developer held two Open Houses related to the proposed Fawn Meadows development on April 18, 2009 and May 26, 2009 at the Carvel Community Hall to provide background information to area residents. Notification of the Open Houses was provided in the Examiner and the Reporter on February 13, 2009 and February 20, 2009. A number of public concerns were raised including, but not limited to impact of aquifer, sanitary sewer servicing, visual effects, traffic, and impact to adjacent landowners. The Fawn Meadows developers' summary provides responses and clarification to many of the topics raised at the Open House.

Administration is satisfied that the Developer satisfactory addressed Council's requirement to complete such pre-consultation with the surrounding community prior to making application to the County. Further consultation will be completed through the Public Hearing process should Council agree to complete first reading of Bylaw 35-2010.

### **4. Outline Plan Review**

This information was included as part of Administration's report to Council for Bylaw 33-2010. The same comments would apply to this amendment. Administration did note that the additional services that would accommodate the community centre, gas station, retail services, and mini storage have not been considered in the Outline Plan submitted in support of this application.

### **5. Analysis of the Proposed Amendments to the Cluster (Conservation) Country Residential (CCR) District**

\*\*Please note that Administration has revised the proposed amending Bylaw since first reading to ensure that the proposed amendments for this application are clearly defined as site specific. Administration added two paragraphs to the first page of the proposed Bylaw (bulleted numbers 1 and 2) in an effort to ensure that if the amendment was approved that only the land subject to this application would be effected.\*\*

\*Some changes have occurred in the Outline Plan that effect this Bylaw. For example, the developer is not proposing to change the storage use to RV and Residential Storage, not mini-storage. Administration believes that this is just a change in terminology by the same use would occur which is the storage of items that would not otherwise be used for day-to-day living for the residents of Fawn Meadows. Therefore, Administration does not think the change in terminology warrants consideration at this time as it still would be considered a non-compliant use when located immediately adjacent to residential dwellings whether they are part of the development or on a neighbouring parcel of land.\*

The Developer has proposed to amend the existing CCR District to accommodate the proposed Fawn Meadows project. This analysis was prepared so that Administration could address the principal concerns of the proposed amendment and make sure that these concerns were brought to Council's attention. There are several minor issues that will have to be addressed prior to Council moving forward for final adoption of this Bylaw amendment.

The replaced **Purpose Statement (Section 5.4.1)** has been amended to permit the development of Fawn Meadows specifically. However, this amended Purpose Statement may have to be revised. For example, with the high residential density already projected for the Fawn Meadows project, Council may not consider the Recreation Vehicle and Residential storage as a compatible use in the CCR District or any

other residential districts. Currently, the RV storage would require a minimum 500 foot separation from residential subdivisions. This separation has not been accommodated in the tentative plan of subdivision nor has the neighbouring residence on the same quarter section been considered for the 500 foot separation.

The revision of the Purpose Statement may include the elimination of the terminology “Mini-storage Lot” as the County already includes mini-storage within another defined use (Industrial Storage and Warehouse). The proposed mini-storage in its present form falls under the Industrial Storage and Warehouse definition and is only allowed in areas that are designated for an industrial or resource extraction related land use districts. Furthermore, the proposed mini-storage definition identifies certain goods that may be stored on-site, but the list is not an exhaustive list and other items could be stored at the discretion of the mini-storage operator. As a result, Administration recommends that the Mini-storage Lot be removed entirely from the proposed amended CCR District if Council were to approve this Bylaw amendment.

**Section 5.4.3 – Subdivision** will be removed entirely and replaced by new subdivision regulations that do not appropriately suite the Fawn Meadows project. For example, the “**Parcel Area Requirement**” does not define the parcel areas necessary to accommodate the Duplex (semi-detached) as identified in the Outline Plan attached with Council’s MDP Amendment package. Moreover, this section only sets out the minimum area of a lot/unit for single detached “housing” and is silent on any other minimum or maximum areas for other residential uses. Lot/unit areas for all residential uses should be set out in the proposed CCR District.

The “**Parcel Density Requirement**” contemplates a density for Fawn Meadows that, in Administration’s opinion, exceeds any densities that would maintain the rural characteristics for which Parkland County is known. For example, Section 5.4.3(c)(ii) will allow a density of 14.3 dwelling units per hectare (5.73 dwelling units per acre) which is significantly higher than what is already approved in the current CCR at 1 parcel (1 dwelling unit per parcel) per 1.2 hectares (1 dwelling unit per 3 acres). When reviewing the parcel density regulations in its entirety, Administration notes that the numbers of proposed dwelling units do not add up to the dwelling units and types of dwelling units as proposed in the Outline Plan and for under the reports submitted in support of the Fawn Meadows project.

Finally, the proposed the terminology used for site area covered by buildings should be consistent with other residential districts and use the term “**parcel coverage**”. The proposed coverage for the parcels is quite high at 80% to 90% this does not leave much land undeveloped. Parkland County has regulations in place in two residential districts that limit the parcel coverage to a maximum of 40% (Lakeshore Residential (LSR) and Rural Centre (RC) Districts) where the parcel coverage/site coverage is only 40%. The 80% to 90% parcel coverage is not justified in this instance. Additionally, in Section 5.4.5(e) – Other Development Regulations, the Developer has proposed “a maximum of 50% of the building pocket may be developed including all structures, driveways, and landscaping” which contradicts the earlier proposed site/parcel coverage at 80% to 90%. This deficiency will have to be addressed if Council decides to give First Reading to the proposed amendment.

**Section 5.4.4 – Development** is to be retained with its current regulations including setbacks.

**Section 5**, which addresses **Other Development Controls**, requires some revision. The building pocket regulations as currently contemplated in the proposed CCR District are confusing and lack of clarity. Administration also notes that the proposed maximum height for the Supportive Living Complex will be 18.3 metres (60 feet). The Supportive Living Complex foot print will be significant as it will house 140 condominium units as well as supplementary services. It is Administration’s opinion that this type of complex, and the entire project, is not in keeping with the surrounding rural characteristics of the area and would visually and physically impact Carvel’s pastoral setting. The proposed structures are not in keeping with the existing rural setting in this part of the County where the surrounding developments are

agriculture and traditional residential acreage type subdivisions with individual private water and sewer services. It is Administration's view that Fawn Meadows would not maintain the overall existing rural character of the surrounding Carvel area and the County as the development is proposing a significantly higher population and parcel density.

The parking requirements have been somewhat addressed through the proposed amendment. However, at this time Parkland County requires at least 2 parking stalls for each dwelling unit including the supportive living complex. The Outline Plan submitted in support of the Fawn Meadows project does propose a reduced number of parking stalls that will be needed for this type of senior's development as not everyone will choose to own a vehicle. Administration recommends that the Fawn Meadows project and the CCR District simply be compliant with Section 14 (Parking and Loading) of the County's Land Use Bylaw.

Finally, the gas bar and convenience store have not be addressed through this proposed amendment to the CCR District. The use "Convenience Retail" should be included as a discretionary use only for the Fawn Meadows lands if this amendment application is to be approved by Council.

### **JUSTIFICATION**

Administration does not support Bylaw 35-2010 and recommends that Council defeat the Bylaw at second reading.

As a result of Administration's full review and analysis of the proposed CCR District, Administration does not recommend that Council support this Bylaw amendment application. Such developments like Fawn Meadows would be more appropriate within an area of the County which contemplates a higher density with mixed uses, such as within a hamlet or the Capital Region's Priority Growth Areas rather than in the County's agricultural region. These areas are well-serviced with municipal services and would be more sustainable for the long term horizon of this project. It is Administration's opinion that the Fawn Meadows project would not maintain the rural characteristics of the Carvel area.

It is Administration's view that the proposed CCR district regulations are in need of revision so that the subdivision and development controls as well as the permitted and discretionary uses within the district can be properly drafted to accommodate and regulate the uses contemplated for the Fawn Meadows Development and be in line with the Outline Plan and subsequent reports (housing types, density, and dwelling units).

As a result, Administration believes that this Land Use Bylaw Amendment application does not effectively regulate the development and uses of Fawn Meadows project. The lack of consistency between the Outline Plan, reports and the regulations for the proposed CCR District will prove to be challenge for Parkland County and the future Condominium Association to properly administer and enforce.

*Please Note: If Council wishes to provide second reading to Bylaw No. 35-2010, Council may wish to have Administration draft General Regulations for the County's Land Use Bylaw to govern Supportive Living Complexes to ensure comprehensive compliance with municipal and provincial regulations as well as developing consistency for any similar future projects. The draft General Regulations would be presented to Council prior to public hearing of this Bylaw*

The inconsistencies make enforcement of the proposed CCR District difficult for Parkland County and for the future Condominium Association. Additionally, there are no provisions within the proposed CCR District nor the list of permitted or discretionary uses to accommodate or regulate any additional retail, service, or commercial uses as contemplated for the Supportive Living Complex's ground floor or in other areas of the Fawn Meadows development.

The County's Subdivision Authority and Development Authority in consultation with the County's Engineering Department will evaluate and consider the Outline Plan and future tentative plan of subdivision in combination

with the proposed condominium plans at the subdivision and development stages, should Council agree to all of the necessary amendments.

Should the Fawn Meadows applicants have comments regarding Administration's recommendation, they shall bring forth those comments through the Public Hearing process.

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