



A G E N D A



FOR THE *REGULAR MEETING OF RED DEER CITY COUNCIL*

TO BE HELD IN

THE COUNCIL CHAMBERS, CITY HALL

MONDAY, April 20, 2009

COMMENCING AT 3:00 P.M.



- (1) Confirmation of the Minutes of the Regular Meeting of Monday April 6, 2009.
- (2) **UNFINISHED BUSINESS**
- (3) **PUBLIC HEARINGS**
 1. Parkland Community Planning Services - *Re: Land Use Bylaw Amendment 3357/O-2009, Lot 6, Block 1, Plan 0522-4232 West QEII Business Park Area* ..1
(Consideration of Second and Third Readings)
 2. Land Agent and Parkland Community Planning Services - *Re:*
 - a) *Offer to Purchase and Road Closure Plan 4563NY and Road Closure Bylaw 3419/2009* ..8
(Consideration of Second and Third Readings)
 - b) *Land Use Bylaw Amendment 3357/B-2009 Closed Portion of Road Plan 872 1700 - Riverside Light Industrial Park* ..12
(Consideration of Second and Third Readings)

3. Parkland Community Planning Services – *Re: Neighbourhood Area Structure Plan Amendment 3217/C-2009 Lonsdale Neighbourhood Area Structure Plan Laebon Lands Ltd.*
(Consideration of Second and Third Readings) ..15
4. Parkland Community Planning Services – *Re: Land Use Bylaw Amendment 3357/E-2009*
 1. *C5 East Hill Town Centre Land Use district*
 2. *C6 Main Street/ Town Square Land Use District*
 3. *East Hill Town Centre Design Guidelines*
(Consideration of Second and Third Readings) ..21

(4) REPORTS

1. Land Agent and Parkland Community Planning Services – *Re:*
 - a) *Reserve Closure and Offer to Purchase Portion of Lot R-3, Block 1, Plan 762 1616* ..98
 - b) *Land Use Bylaw Amendment 3357/K-2009 Riverlands Business Area Lot R-3, Block 1, Plan 762 1616 Shunda Consulting and Construction* ..103
(Consideration of First Reading)
2. Land and Economic Development and Parkland Community Planning Services – *Re:*
 - a) *Aspen Heights Elementary School Land Exchange Lot 5, Block F, Plan 792 2627 (5705 71 Street)* ..105
 - b) *Land Use Bylaw Amendment 3357/J-2008 Aspen Heights Elementary School, Normandeau Neighbourhood Lot 5, Block F, Plan 792 2627* ..109
(Consideration of First Reading)
3. Major Projects Planner – *Re: North Highway Connector* ..111
4. Inspections, Enforcement and Building Supervisor and Legislative and Administrative Services Manager – *Re: Council Review Hearing of Orders issued to Mr. Dell Price* ..117
5. Parkland Community Planning Services – *Re: Land Use Bylaw Amendment 3357/Q-2009 Queens Business Park – Phase 1B* ..137

(5) **CORRESPONDENCE**

(6) **PETITIONS AND DELEGATIONS**

(7) **NOTICES OF MOTION**

(8) **ADMINISTRATIVE INQUIRIES**

(9) **BYLAWS**

1. **3357/O-2009** - Land Use Bylaw Amendment - Western RV Country is requesting the re-designation of Lot 6, Block 1, Plan 0522-4232 from I1 Industrial (Business Service) District to Direct Control District No. 24 (DC24)
(2nd and 3rd Readings) ..1
..139
2. **3419/2009** - Road Closure Bylaw - Closure and sale of 5,921 square feet, more or less, of Road Plan 4563NY
(2nd and 3rd Readings) ..8
..141
3. **3357/B-2009** - Land Use Bylaw Amendment - Closed Portion of Road Plan 872 1700 Riverside Light Industrial Park
(2nd and 3rd Readings) ..12
..142
4. **3217/C-2009** - Lonsdale Neighbourhood Area Structure Plan Amendment - Allow for Two-Storey Walkouts on 5 lots within the neighbourhood
(2nd and 3rd Readings) ..15
..144
5. **3357/E-2009** - Land Use Bylaw Amendment - Proposed East Hill Town Centre and Main Street / Town Square Land Use Districts and new land use districts for designated mixed use areas within the East Hill Major Area Structure Plan
(2nd and 3rd Readings) ..21
..147

6. **3357/K-2009** – Land Use Bylaw Amendment - Application from Shunda Consulting and Construction to rezone a 4.5m² portion of reserve land from A2 Environmental Preservation District to DC (21) Direct Control District, this is required to correct an existing encroachment ..103
 (1st Reading) ..162
7. **3357/J-2009** – Land Use Bylaw Amendment – application to rezone a 198M2 portion of undeveloped land from PS Public Service (Institutional or Government) District to P1 Parks and Recreation District as part of a recent school site expansion ..109
 (1st Reading) ..164
8. **3357/Q-2009** – Land Use Bylaw Amendment – Development of Phase 1B of the Queens Business Park industrial area. Rezoning is being sought for approximately 36.37hectares of land from A1 Future Urban Development District to I1 Business Services District, C4 Commercial (Major Arterial) and P1 Parks and Recreation District, in order to create 25 industrial lots, 3 commercial lots and 1 public utility lot ..137
 (1st Reading) ..165

Kim Woods

From: Elaine Vincent
Sent: April 06, 2009 8:59 AM
To: Kim Woods
Subject: FW: Request to Provide Info to Council

- not agenda item .
the Mayor to
speak to this
'Points of Information'

Elaine Vincent
Manager, Legislative and Administrative Services
The City of Red Deer
Phone: 403-342-8134
Fax: 403-346-6195
elaine.vincent@reddeer.ca

From: Craig Curtis
Sent: Monday, April 06, 2009 7:47 AM
To: Greg Scott
Cc: Elaine Vincent
Subject: RE: Request to Provide Info to Council

FILE COPY

Early Council item at next mtg.
C

From: Greg Scott
Sent: April 05, 2009 5:24 PM
To: Craig Curtis
Cc: Colleen Jensen; Barb McKee; Wendy Meeres
Subject: FW: Request to Provide Info to Council

The Olympic Torch Relay committee would like to make a short update presentation to public Council. This would not only bring Council up to speed but help enhance event profile which in turn should further increase community participation. As there is no actual Council decision being requested I was not sure how you wanted to handle this. I know for other significant events these updates have occurred (World Junior Hockey Championships, Canadian Briar etc.).

Please let me know your thoughts.

Greg S.

From: Barb McKee
Sent: April 03, 2009 1:04 PM
To: Greg Scott
Cc: Kay Kenny; 'Lyn Radford'; Wendy Meeres
Subject: Request to Provide Info to Council

Hi Greg,

The OTR Committee would like to be added to the April 20, 2009 City Council Agenda. They won't require more than 10 minutes and would like to:

- Lead off with the "Torch Relay" Video?
- Provide a general update on planning for our Community Celebration
- Inform Council of an opportunity to be involved with the nomination of our final community torch bearer

If you support this, could you please forward this request to LAS? Thanks.


PS. Wasn't last night fantastic? I was proud to be a City employee, a member of the OTR Committee and quite frankly,

Canadian. I just thought it was so well done.

Barb McKee

Collicutt Centre Supervisor

403.358.7520

 Please consider the environment before printing this email.

Box 5008

3031 30 Avenue

Red Deer, AB T4N 3T4

barb.mckee@reddeer.ca

www.reddeer.ca

Kim Woods

From: Elaine Vincent
Sent: April 06, 2009 9:00 AM
To: Kim Woods
Subject: FW: Request to Provide Info to Council

Elaine Vincent
Manager, Legislative and Administrative Services
The City of Red Deer
Phone: 403-342-8134
Fax: 403-346-6195
elaine.vincent@reddeer.ca

From: Greg Scott
Sent: Monday, April 06, 2009 8:09 AM
To: Craig Curtis; Barb McKee
Cc: Elaine Vincent; Wendy Meeres
Subject: RE: Request to Provide Info to Council

Thanks Craig.

Barb, Craig has agreed to place this item on the April 20th Council agenda. Please work through Elaine/Kim Woods (Leg. Services) in putting the information together including the plan for the presentation. Please CC me on what is going forward.

Greg S.

From: Craig Curtis
Sent: April 06, 2009 7:47 AM
To: Greg Scott
Cc: Elaine Vincent
Subject: RE: Request to Provide Info to Council

Early Council item at next mtg.

C

From: Greg Scott
Sent: April 05, 2009 5:24 PM
To: Craig Curtis
Cc: Colleen Jensen; Barb McKee; Wendy Meeres
Subject: FW: Request to Provide Info to Council

The Olympic Torch Relay committee would like to make a short update presentation to public Council. This would not only bring Council up to speed but help enhance event profile which in turn should further increase community participation. As there is no actual Council decision being requested I was not sure how you wanted to handle this. I know for other significant events these updates have occurred (World Junior Hockey Championships, Canadian Briar etc.).

Please let me know your thoughts.

Greg S.

From: Barb McKee
Sent: April 03, 2009 1:04 PM
To: Greg Scott
Cc: Kay Kenny; 'Lyn Radford'; Wendy Meeres

Subject: Request to Provide Info to Council

Hi Greg,

The OTR Committee would like to be added to the April 20, 2009 City Council Agenda. They won't require more than 10 minutes and would like to:

- Lead off with the "Torch Relay" Video?
- Provide a general update on planning for our Community Celebration
- Inform Council of an opportunity to be involved with the nomination of our final community torch bearer


If you support this, could you please forward this request to LAS? Thanks.

PS. Wasn't last night fantastic? I was proud to be a City employee, a member of the OTR Committee and quite frankly, Canadian. I just thought it was so well done.

Barb McKee

Collicutt Centre Supervisor

403.358.7520

 Please consider the environment before printing this email.

Box 5008

3031 30 Avenue

Red Deer, AB T4N 3T4

barb.mckee@reddeer.ca

www.reddeer.ca



Public Hearings Item No. 1

DATE: April 14, 2009
TO: City Council
FROM: Elaine Vincent, Legislative & Administrative Services Manager
SUBJECT: Land Use Bylaw Amendment 3357/O-2009
Lot 6, Block 1, Plan 0522-4232
West QEII Business Park Area

History:

At the Monday April 6, 2009 Council Meeting Land Use Bylaw Amendment 3357/O-2009 received first reading.

Land Use Bylaw Amendment 3357/O-2009 is a request from Western RV Country to re-designate Lot 6, Block 1, Plan 0522-4232 from I1 Industrial (Business Service) District to Direct Control District No. 24 (DC-24). The purpose of the request is to rezone one lot (1.57 hectares or 3.89 acres) within the West QEII Business Park area to direct control district, to allow the sale, service and storage of recreational vehicles, boats and motorcycles.

Public Consultation Process:

A Public Hearing has been advertised for Land Use Bylaw Amendment 3357/O-2009, to be held on Monday April 20, 2009 at 6:00 p.m. in Council Chambers, during Council's regular meeting.

Recommendation:

That following the Public Hearing, Council consider second and third readings of Land Use Bylaw amendment 3357/O-2009.



Elaine Vincent
Manager



**PARKLAND
COMMUNITY
PLANNING
SERVICES**

**Originally Submitted to
Council at the
Monday April 6 2009
Council Meeting**

Suite 404, 4808 Ross Street
Red Deer, Alberta T4N 1X5
Phone: (403) 343-3394
FAX: (403) 346-1570
e-mail: pcps@pcps.ab.ca
www.pcps.ca

Date: April 1, 2009

To: Elaine Vincent, Legislative and Administrative Services

From: Nancy Hackett, Parkland Community Planning Services

Re: Land Use Bylaw Amendment 3357/O-2009
Lot 6, Block 1, Plan 0522-4232
West QEII Business Park Area

Purpose

Western RV Country is requesting the re-designation of Lot 6, Block 1, Plan 0522-4232 from I1 Industrial (Business Service) District to Direct Control District No. 24 (DC-24). The purpose of this request is to rezone one lot (1.57 hectares or 3.89 acres) within the West QEII Business Park area to direct control district, to allow for the sale, service, and storage of recreational vehicles, boats, and motorcycles.

Land Use Bylaw

At present, the subject parcel is designated I1 Industrial (Business Service) District. The general purpose of this district is to provide for a range of light industrial, warehousing, storage, and industrial support services and for certain other businesses that are deemed compatible with industrial uses such as service stations, crematoriums, auction marts, or the sale of large trucks, construction equipment or machinery or cargo trailers. Based on the Land Use Bylaw, storage, rental, and servicing of recreation vehicles has been deemed to be permitted in the I1 District, but no commercial sales of recreational vehicles, boats, or motorcycles are allowed. For this reason, Western RV Country wishes to have the subject site rezoned to allow the sale of new and used motor vehicle and recreational vehicles as is permitted in the DC-24 district.

The Direct Control District No. 24 (DC-24) was specifically created to allow land uses that were existing or had development approval at the time that the land was annexed into the city and to allow potential expansion in a manner that is complementary to adjacent industrial uses and which recognizes the prime highway exposure. At present, the DC-24 District applies to only three parcels (Allan Dale Industries and future auto dealership property). These properties are situated approximately 0.8 kilometre (0.5 mile) north of the subject parcel.

All properties adjacent to the subject property are designated I1 Industrial (Business Service) District.

The current zoning matches the West QEII Major Area Structure Plan (MASP) for the area which shows the subject parcel as industrial land use. Normally, an applicant wishing for a land use designation that is not consistent with an Area Structure Plan would be required to apply to amend the Area Structure Plan prior to consideration of a Land Use Bylaw amendment.

Background

In 2006 when the West QEII MASP was adopted by Council, there was much discussion about allowing for some specialized commercial based uses within the area. The basis of the discussion was three fold; the previous land use designation under the Red Deer County bylaw allowed some forms of commercial development and some property owners were seeking to retain this opportunity, some lots contained existing development which could be considered commercial in nature rather than industrial and, properties fronting/backing onto Queen Elizabeth Highway 2 would have enhanced visibility and marketing potential desirable for commercial uses.

City Council opted to designate three lots in the West QEII area to allow existing uses and development approved by Red Deer County prior to the City annexing the land and to allow for potential expansion of the uses in a manner which is complementary to the adjacent uses while recognizing the highway exposure offered by the location. This was accomplished through a direct control district (DC-24).

At the same time, it was noted that additional lands within the area and fronting onto to the Queen Elizabeth Highway may also be suitable for such designation. However, additional research related to traffic impacts, compatibility and balance with industrial uses, area design, and related impacts was required. Parkland Community Planning Services committed to completing this research and bringing an amendment to the MASP forward to City Council. Given the complexity of the traffic generation expected in the area and the mix of existing land uses, as well as constraints around access to the area, the amendment to the MASP has taken several months longer than may initially have been expected.

In the meantime, Western RV Country has constructed a large, new building adjacent to the Queen Elizabeth Highway. The owners would now like the opportunity to sell recreational vehicles, boats, and motorcycles from the new building and therefore have applied for re-designation to DC-24 District.

Planning Analysis

There are several factors to consider when reviewing this application including statutory plans, other area land owners, and the economic and business outlook.

Statutory Plans

The proposed re-designation does not comply with the Major Area Structure Plan for the West QEII area. While amendments to the MASP are forthcoming which would consider expanding the DC District, these amendments have yet to be presented to the

area landowners or the public for input, have not had a final review from city departments, and have not been before Council for a decision. These steps are expected in the next few months. The potential MASP amendment could be subject to change or adjustment at any point in the above noted process. Therefore, to base a zoning decision on amendments that may come forward/may be approved would be premature. The existing MASP policies and direction remains in place until such time as it is amended by Council.

Legal council advises that under the Municipal Government Act, the Land Use Bylaw or any amendment to it does not have to comply with a statutory plan and takes precedence over a statutory plan where the two differ. There is no legal reason preventing consideration of this amendment.

Other Parcels

Western RV Country would not be the only DC-24 parcel in the West QEII area. Three other parcels, as mentioned, are zoned DC-24 and allow vehicles sales despite being adjacent to future industrial development. Their circumstances are slightly different in that the properties currently designated DC-24 contain development that had been approved by the county for permits or as development concepts and which would have been non-conforming without some type of specialized zoning once within the city boundary. Conversely, Western RV Country's development was approved with I1 zoning in place, and they now wish to include sales.

The applicant has suggested that in essence the I1 zoning allows many of the same uses or similar uses to what is proposed by the change in zoning. Both districts allow the storage of recreational or other types of vehicles, both districts allow for service and repair, both districts allow for rental of vehicles. The key difference is the sale of vehicles from the property. The applicant has suggested that the impact of simply adding sales to his one parcel will be minor in nature.

It should be noted that several other landowners within the West QE II area may also desire DC-24 District designation and these landowners are waiting for the MASP amendment which is expected to come before Council prior to the summer.

Further, if the MASP changes are not adopted to include a larger DC-24 area, this parcel will essentially be the only parcel zoned for commercial type uses surrounded by industrial properties. Commercial use amidst industrial properties could give rise to conflicts around parking, truck traffic, dust, noise, or other nuisances which are intrinsic to an industrial area but are potentially unacceptable in a commercial retail setting.

Economic Realities

The sale of recreational vehicles, boats, and motorcycles is largely related to the season, which in speaking with the applicant, generally peaks in the spring. Work to prepare an amendment to the existing MASP has been underway for some time and the owners of Western RV Country have tried to be patient but are extremely concerned that they may go many more months being unable to sell from their site. They feel this could mean the loss of the majority of their potential business for 2009.


The economic benefit of accommodating a new recreational vehicle dealership to the city should not be overlooked. In addition, the site appears to meet all requirements of the DC district and would likely be a good addition to Red Deer's economic well being.

Staff Recommendation

While Planning Staff acknowledge the difficult position that the applicant faces particularly based on the seasonal demand for their products, planning staff normally only recommend that City Council proceed with an amendment to the Land Use Bylaw if it meets the Major Area Structure Plan or once an amendment to the West QE II Major Area Structure Plan has been approved.

Staff have prepared Land Use Bylaw Amendment 3357/O-2009 should council wish to proceed with first reading to rezone of the parcel based on the expected minimal impact, the expected future amendment to the Major Area Structure Plan, and the recognition that other similar properties in the area have DC-24 zoning.

Sincerely,



Nancy C. Hackett, ACP, MCIP
Assistant City Planning Manager

Attachment

- c. Colleen Jensen, Community Services
Todd Plotnikoff, Western RV Country
Tony Lindhout, Parkland Community Planning Services

Proposed Amendment to Land Use Bylaw 3357/2006



North
Not to Scale



Affected Districts:

*11 - Industrial (Business Service) District
DC(24)- Direct Control District No. 24*

Change District from:

 **11 to DC(24)**

Proposed Amendment

Map: 6/2009

Bylaw: 3357/O-2009

Council Decision – April 20, 2009

FILE COPY

DATE: April 21, 2009

TO: Nancy Hackett, Parkland Community Planning Services
Tony Lindhout, Parkland Community Planning Services

FROM: Elaine Vincent, Legislative & Administrative Services Manager

SUBJECT: Land Use Bylaw Amendment 3357/O-2009
Lot 6, Block 1, Plan 0522-4232
West QEII Business Park Area

Reference Report:

Parkland Community Planning Services, dated April 1, 2009.
Legislative and Administrative Services Manager, dated April 14, 2009.

Bylaw Readings:

Land Use Bylaw Amendment 3357/O-2009 received first reading at the Monday April 6, 2009 Council Meeting. The bylaw was advertised. At the Monday April 20, 2009 Council Meeting, Land Use Bylaw Amendment 3357/O-2009 received second and third readings. A copy of the bylaw amendment is attached.

Report Back to Council: No.

Comments/Further Action:

Land Use Bylaw Amendment 3357/O-2009 is the result of a request from Western RV Country providing for the re-designation of Lot 6, Block 1, Plan 0522-4232 from I1 Industrial (Business Service) District to Direct Control District No. 24 (DC 24). The purpose is to rezone one lot (1.57 hectares to 3.89 acres) within the West QEII Business Park area to direct control district, to allow the sale, service and storage of recreational vehicles, bots and motorcycles.


Elaine Vincent
Manager

cc: Development Services Director
Corporate Services Director
Engineering Services Manager
Financial Services Manager
Assessment and Tax Manager
City Assessor
Inspections & Licensing Manager
Inspections & Licensing Supervisor
Land & Economic Development Manager
Leigh-Ann Butler, Graphics Supervisor
Property Assessment Technician
LAS FILE

BYLAW NO. 3357/O-2009

BEING a Bylaw to amend Bylaw No. 3357/2006, the Land Use Bylaw of the City of Red Deer.

COUNCIL OF THE CITY OF RED DEER, ALBERTA ENACTS AS FOLLOWS:

Bylaw No. 3357/2006 is hereby amended as follows:

- 1 The "Land Use District Map H19" contained in "Schedule A" of the Land Use Bylaw is hereby amended in accordance with the Land Use District Map No. 6 – 2009 attached hereto and forming part of the bylaw.

READ A FIRST TIME IN OPEN COUNCIL this 6th day of April 2009.

READ A SECOND TIME IN OPEN COUNCIL this 20th day of April 2009.

READ A THIRD TIME IN OPEN COUNCIL this 20th day of April 2009.

AND SIGNED BY THE MAYOR AND CITY CLERK this 20th day of April 2009.

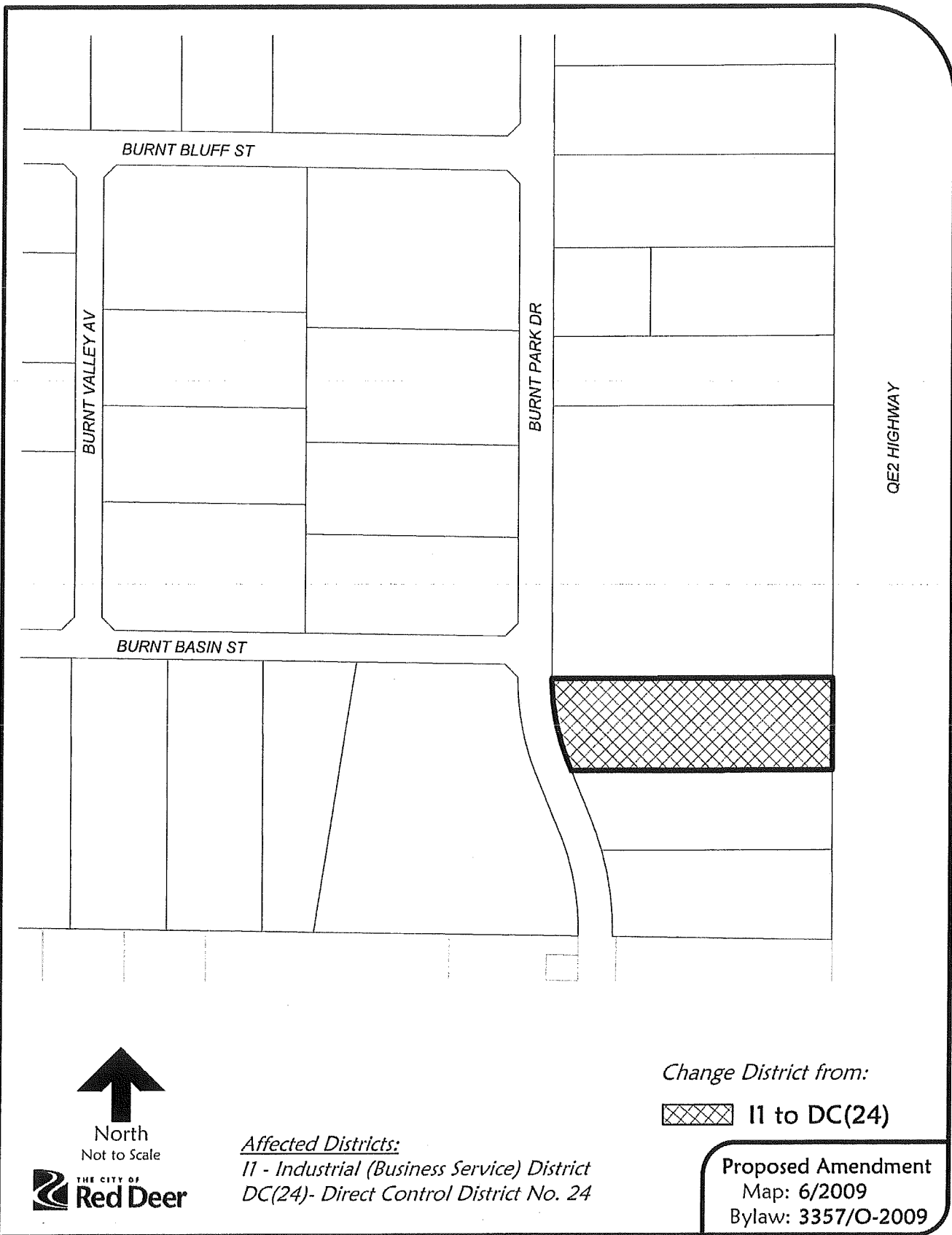
"Morris Flewwelling"

MAYOR

"Elaine Vincent"

CITY CLERK

Proposed Amendment to Land Use Bylaw 3357/2006





LEGISLATIVE & ADMINISTRATIVE SERVICES

FILE COPY

April 21, 2009

Western RV Country (Red Deer)
65 Burnt Park Drive
Red Deer, AB T4S 2L4

Attn: Todd Plotnikoff, General Manger

Dear Mr. Plotnikoff:

Re: Land Use Bylaw Amendment 3357/O-2009

At the City of Red Deer's Council meeting held Monday, April 20, 2009 a Public Hearing was held with respect to *Land Use Bylaw Amendment 3357/O-2009*. Following the Public Hearing, *Land Use Bylaw Amendment 3357/O-2009* was given second and third readings. For your information, a copy of the Bylaw is attached.

Land Use Bylaw Amendment 3357/O-2009 provides for the re-designation of Lot 6, Block 1, Plan 0522-4232 from I1 Industrial (Business Service) District to Direct Control District No. 24. The purpose of the request from Western RV Country is to rezone one lot (1.57 hectares or 3.89 acres) within the QEII Business Park area to direct control district, to allow the sale, service and storage of recreational vehicles, boats and motorcycles.

If you have any questions or require additional information, please contact me at 403.342.8132.

Sincerely,

Elaine Vincent
Legislative & Administrative Services Manager

cc: Parkland Community Planning Services

BYLAW NO. 3357/O-2009

BEING a Bylaw to amend Bylaw No. 3357/2006, the Land Use Bylaw of the City of Red Deer.

COUNCIL OF THE CITY OF RED DEER, ALBERTA ENACTS AS FOLLOWS:

Bylaw No. 3357/2006 is hereby amended as follows:

- 1 The "Land Use District Map H19" contained in "Schedule A" of the Land Use Bylaw is hereby amended in accordance with the Land Use District Map No. 6 – 2009 attached hereto and forming part of the bylaw.

READ A FIRST TIME IN OPEN COUNCIL this 6th day of April 2009.

READ A SECOND TIME IN OPEN COUNCIL this 20th day of April 2009.

READ A THIRD TIME IN OPEN COUNCIL this 20th day of April 2009.

AND SIGNED BY THE MAYOR AND CITY CLERK this 20th day of April 2009.

"Morris Flewwelling"

MAYOR

"Elaine Vincent"

CITY CLERK

Proposed Amendment to Land Use Bylaw 3357/2006




North
Not to Scale



Affected Districts:

*I1 - Industrial (Business Service) District
DC(24)- Direct Control District No. 24*

Change District from:

 **I1 to DC(24)**

Proposed Amendment
Map: 6/2009
Bylaw: 3357/O-2009

Kim Woods

From: Patti Murray
Sent: April 08, 2009 2:41 PM
To: Kim Woods
Subject: FW: MAILING ADDRESS

In case you needed this address for Western RV. I guess they moved, but we have this address with a number company owning it, not Western RV.

FILE COPY

Patti Murray
City of Red Deer
Assessment & Tax Services Steno/Clerk
403-342-8198 Fax #: 403-342-8199

From: Vanessa Connors **On Behalf Of** LASMailbox
Sent: April 08, 2009 1:53 PM
To: AssessmentMailbox
Subject: FW: MAILING ADDRESS

Is it you I send this to?

Vanessa

From: Nancy Coleman [mailto:ncoleman@westernrvcountry.com]
Sent: April 08, 2009 1:22 PM
To: LASMailbox
Subject: MAILING ADDRESS

PLEASE UPDATE OUR MAILING ADDRESS TO
65 BURNT PARK DRIVE

PLEASE DELETE FROM YOUR SYSTEM 357 28042 HWY 11

Thank you,

Nancy Coleman
Account Manager
Western Rv Country (Red Deer) Inc.
65 Burnt Park Drive
Red Deer, Alberta T4S 2L4
Phone (403) 356-9399
Fax (403) 356-9398

[This message has been scanned for security content threats, including computer viruses.]

2009/04/22

The City of Red Deer
Bylaw Readings

Moved by Councillor: Jefferies Seconded by Councillor: Wong

That Land Use Bylaw Amendment No. 3357/O-2009 providing for re-designation of Lot 6, Block 1, Plan 0522-4232 from I1 Industrial (Business Service) District to Direct Control District No. 24

BE READ A FIRST TIME THIS 6 DAY OF April, 2009.

BE READ A SECOND TIME THIS 20 DAY OF April, 2009.

BE READ A THIRD TIME THIS 20 DAY OF April, 2009.

REMINDER FOR COUNCIL MEMBERS: YOU MUST BE IN ATTENDANCE AT ALL OR A PORTION OF THE PUBLIC HEARING IN ORDER TO PARTICIPATE IN DEBATE AND VOTE ON 2ND AND 3RD READINGS OF THIS BYLAW.

**Land Use Bylaw Amendment 3357/O-2009
West QEII Business Park Area**

DESCRIPTION: redesignation of Lot 6, Block 1, Plan 0522-4232 from I1 Industrial
(Business Service) District to Direct Control District No. 24

(NOTE: This bylaw was fast tracked for advertising and Public Hearing)

FIRST READING: April 6, 2009

FIRST PUBLICATION: April 9, 2009

SECOND PUBLICATION: April 17, 2009

PUBLIC HEARING & SECOND READING: April 20, 2009

THIRD READING: April 20, 2009

LETTERS REQUIRED TO PROPERTY OWNERS: YES ☒ NO ☐

DEPOSIT: YES ☐ \$ _____ NO ☒

COST OF ADVERTISING RESPONSIBILITY OF: Western RV Country

ACTUAL COST OF ADVERTISING:

\$ 399.90 X 2

TOTAL: \$ 799.80

MAP PREPARATION:

\$ _____

TOTAL COST:

\$ _____

~~LESS DEPOSIT RECEIVED:~~

GSR \$ 39.99

AMOUNT OWING/ (REFUND):

\$ 839.79

INVOICE NO.:

235855

BATCH NO.:

993207

(Advertising Revenue to 180.5901)

Land Use Amendment Bylaw 3357/O -2009
West QE II Business Park Area

City Council proposes to pass Land Use Bylaw Amendment 3357/O-2009, which provides for the re-designation of Lot 6, Block 1, Plan 0522-4232 from I1 Industrial (Business Service) District to Direct Control District No. 24 (DC-24). The purpose of the request for Land Use Bylaw Amendment 3357/O-2009 is to rezone one lot within the QEII Business Park area to direct control district, to allow for the sale, service and storage of recreational vehicles, boats and motorcycles.

Map

The proposed bylaw may be inspected at Legislative & Administrative Services, 2nd Floor City Hall during regular office hours or for more details, contact Parkland Community Planning Services at 403-343-3394.

City Council will hear from any person claiming to be affected by the proposed bylaw at a Public Hearing on **Monday, April 20, 2009** at 6:00p.m. in Council Chambers, 2nd Floor at City Hall. If you want your letter or petition included on the Council agenda you must submit it to the Manager, Legislative & Administrative Services by **Monday April 20, 2009 at 12 noon**. Otherwise, you may submit your letter or petition at the Council meeting or you can simply tell Council your views at the Public Hearing. Council's Procedure Bylaw indicates that each presentation is limited to 10 minutes. Any submission will be public information. If you have any questions regarding the use of this information please contact the Manager, Legislative & Administrative Services at 403-342-8132.

(Publication Dates: April 10, 2009 and April 17, 2009)

Document Name: April 6 2009 Ad for LUB Amendment 3357/O-2009 Western RV
Document Number: 840557
Document Author: KIMW
Document Type: AD
Application: MS WORD

Invoice Journal

.....Document.....													Amounts.....				
Ty	Number	Co	Item	G/L Date Inv Date	Due Date	Co G/L Class	Address #	Customer Name Remark JE - Remark	PS	Gross Discount Available	G/L Distribution	Tax	Ty					
														LT	PC	Subledger	Ty	
Batch Number																		
993207		Type	IB	Date	User ID	Transaction Originator												
235855		0002	001	2009/05/06	2009/06/03	00002	1328243	WESTERN RV COUNTRY	A	839.79				39.99	V			
				2009/05/04		T		Land Use Amendment Advertising										
				180.5901		ADVERTISING RECOVERY		Land Use Amendment Advertising			799.80-			AA				
						Totals for Document		RI 235855 00002 Discount		839.79	799.80-		39.99					
						Totals for Batch		993207 Discount		839.79	799.80-		39.99					
						Totals for User ID		VANESSAC Discount		839.79	799.80-		39.99					
						Grand Total		Discount		839.79	799.80-		39.99					



Public Hearings Item No. 2 a) & 2 b)

DATE: April 14, 2009

TO: City Council

FROM: Elaine Vincent, Legislative & Administrative Services Manager

SUBJECT: Offer to Purchase and Road Closure Plan 4563NY and Road Closure Bylaw 3419/2009 and;
Land Use Bylaw Amendment 3357/B-2009
Closed Portion of Road Plan 872 1700 – Riverside Light Industrial Park

History:

At the Monday March 23, 2009 Council Meeting Road Closure Bylaw 3419/2009 and Land Use Bylaw Amendment 3357/B-2009 each received first reading.

Road Closure Bylaw 3419/2009 proposes a closure and sale of 5,921 square feet more or less to HIVO Enterprises Ltd. Land Use Bylaw Amendment 3357/B-2009 is proposing a rezoning of the closed portion of road plan 872 1700 to I1 Industrial (Business Service) District.

Public Consultation Process:

A Public Hearing has been advertised for Road Closure Bylaw 3419/ 2009 in conjunction with Land Use Bylaw Amendment 3357/B-2009, to be held on Monday April 20, 2009 at 6:00 p.m. in Council Chambers, during Council's regular meeting.

Recommendation:

That following the Public Hearing, Council consider second and third readings of Road Closure Bylaw 3419/2009 and Land Use Bylaw amendment 3357/B-2009.

A handwritten signature in purple ink that reads 'Elaine Vincent'.

Elaine Vincent
Manager



Originally Submitted to Council
at the Monday March 23, 2009
Council Meeting

Date: March 5, 2009

To: Elaine Vincent, Legislative Services Manager

From: Arminnie Good, Land Agent

RE: Offer to Purchase and Road Closure Plan 4563 NY and Road Closure Bylaw 3419/2009

Background:

HIVO Enterprises Ltd. (Griffin Construction) has expressed interest in purchasing part of the City Road Right of Way (Plan 4563 NY) as outlined as "Area A" on the attached Schedule A. HIVO Enterprises Ltd. own lands located to the west of the City Road Right of Way. The applicant wants the land to provide additional parking and storage to their adjacent parcel for industrial development. The property owner to the east has indicated, via a letter on file, that they have no interest in purchasing the property.

The Administration supports the closure and sale of this portion of road, as it is surplus to the City's needs, and the sale will provide opportunity for orderly redevelopment of this road. A report regarding the rezoning of this land appears elsewhere on this agenda.

Financial Implications:

Based on current market conditions and in recognition of the exceptional level of overhead and underground utility encumbrances imposed on this parcel which limit development to parking infrastructure, site storage and possible temporary buildings as approved by the Development Officer, Land and Economic Development have applied a discount rate resulting in a purchase price of \$3.50 per square foot and the purchaser has agreed to this value.

The approximate area of "Area A" road to be closed and sold is 5,921 square feet (0.055 ha), more or less. The final calculation of the purchase price will be adjusted based on the area as determined by a legal surveyor. The total proceeds of the sale of this parcel, approximately \$20,724.00, will be credited to the Road Right of Way Reserve.

Recommendation:

1. That City Council approve the closure and sale of 5,921 square feet, more or less, of Road Plan 4563 NY subject to the following conditions:
 1. The purchase price to be \$3.50 per square foot + GST for encumbered land with the final purchase price to be adjusted upon legal survey.
 2. Consolidation by plan of subdivision of the disposed area of Plan 4563 NY with Lot 17, Block 1, Plan 4563 NY.
 3. All costs associated with advertising, legal survey, and legal subdivision and consolidation to be the responsibility of the Purchaser.

4. The net proceeds of the sale to be credited to the Road Right of Way Reserve.
5. City Council approval for the rezoning of the portion of Road to be rezoned to I1 Industrial (Business Service) District.
6. City Council approval for the Disposal of Road Right of Way described as:
'All that portion of 60 Street as shown on Plan 4563 NY lying within the limits of Plan _____.'
7. Right-of-Way Agreement satisfactory to Engineering Services.
8. Land Sale Agreement satisfactory to the City Solicitor.



Arminnie Good
Land Agent



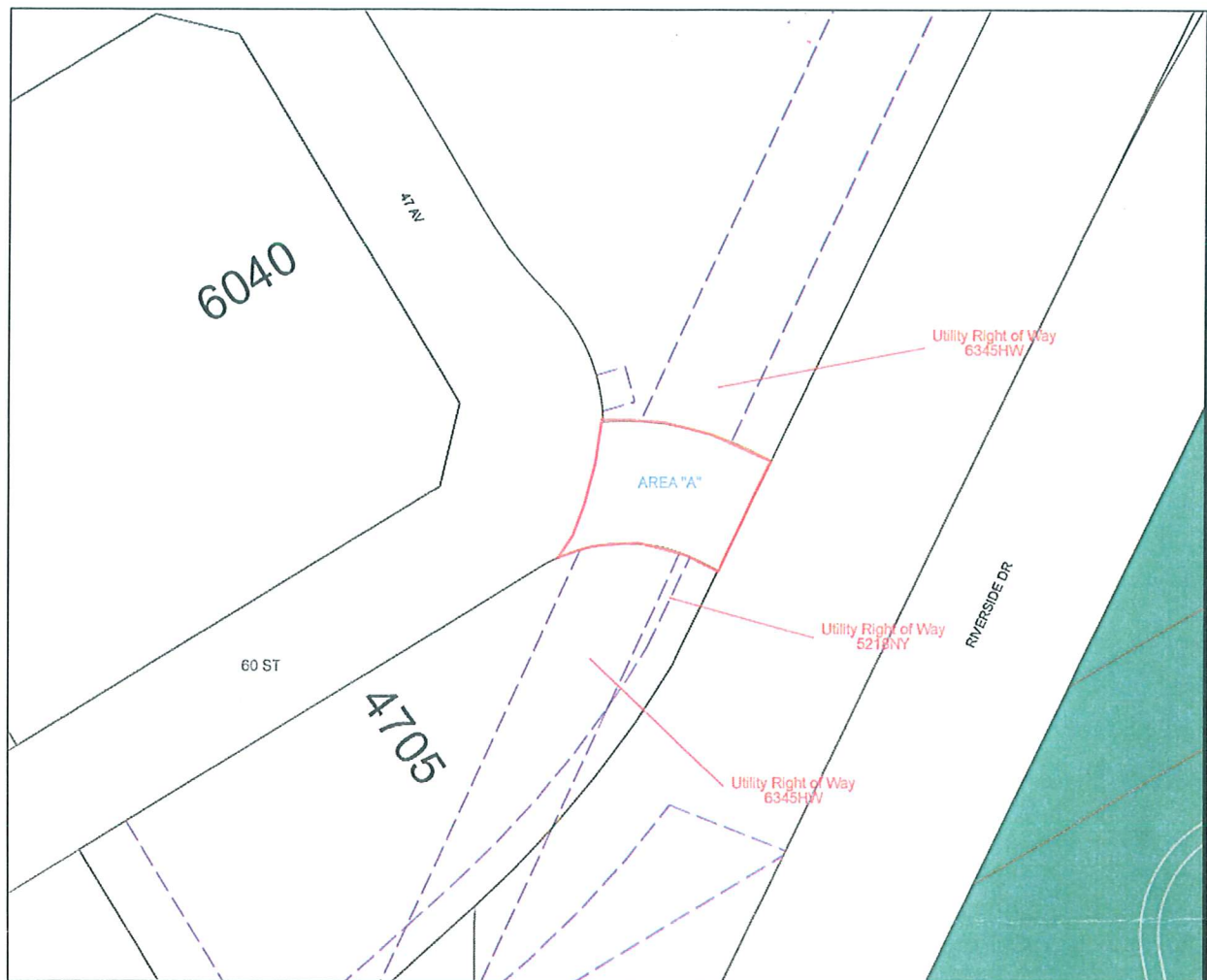
Rick Elm
Land Coordinator

Attach.

cc. Ron Wardner, Environmental Services Manager
Tom Warder, Engineering Services Manager
Brian Johnson, Customer Service Administrator
Dean Krecji, Financial Services Manager
Tony Lindhout, PCPS

SCHEDULE "A"

AREA A





Map Produced By The City of Red Deer

2009/03/18
Scale 1 : 5872

The City
the accu
Data to t
Copyright

Road Closure Bylaw 3419/2009
Land Use Bylaw Amendment 3357/B-2009

DESCRIPTION: Road Closure Bylaw 3419/2009 proposes all that portion of 60 Street as shown on Plan 4563NY is to be closed; and LUB 3357/B-2009 proposes rezoning a closed portion of road plan I1 Industrial (Business Service) District

FIRST READING: March 23, 2009

FIRST PUBLICATION: April 3, 2009

SECOND PUBLICATION: April 9, 2009

PUBLIC HEARING & SECOND READING: April 20, 2009

THIRD READING: April 20, 2009

LETTERS REQUIRED TO PROPERTY OWNERS: YES ☒ NO ☐

DEPOSIT: YES ☐ \$ _____ NO ☒

COST OF ADVERTISING RESPONSIBILITY OF: HIVO Enterprises
1255460

ACTUAL COST OF ADVERTISING:

\$ 319.30 X 2 **TOTAL:** \$ 638.60

MAP PREPARATION: \$ _____

TOTAL COST: \$ _____

~~**LESS DEPOSIT RECEIVED:**~~ GST \$ 31.93.

AMOUNT OWING/ (REFUND): \$ 670.53

INVOICE NO.: 235956
BATCH NO.: 993207

(Advertising Revenue to 180.5901)

Road Closure Bylaw 3419/2009
Land Use Bylaw Amendment 3357/B-2009

City Council proposes to pass Road Closure Bylaw 3419/2009 and Land Use Bylaw Amendment 3357/B-2009. Road Closure Bylaw 3419/2009 proposes all that portion of 60 Street as shown on Plan 4563 NY is to be closed and Land Use Bylaw Amendment 3357/B-2009 is proposing rezoning a closed portion of road plan to I1 Industrial (Business Service) District.

Map

The proposed bylaw may be inspected at Legislative & Administrative Services, 2nd Floor City Hall during regular office hours or for more details, contact Parkland Community Planning Services at 403-343-3394.

City Council will hear from any person claiming to be affected by the proposed bylaw at a Public Hearing on **Monday, April 20, 2009** at 6:00p.m. in Council Chambers, 2nd Floor at City Hall. If you want your letter or petition included on the Council agenda you must submit it to the Manager, Legislative & Administrative Services by **Tuesday, April 14, 2009**. Otherwise, you may submit your letter or petition at the Council meeting or you can simply tell Council your views at the Public Hearing. Council's Procedure Bylaw indicates that each presentation is limited to 10 minutes. Any submission will be public information. If you have any questions regarding the use of this information please contact the Manager, Legislative & Administrative Services at 403-342-8132.

(Publication Dates: April 3, 2009 and April 9, 2009)

Document Name: March 20 2009 Ad for 3419/2009 Road Closure Bylaw and LUB
3357/B-2009

Document Number: 837324

Document Author: KIMW

Document Type: AD

Application: MS WORD

Invoice Journal

.....Document.....									Amounts.....				
Ty	Number	Co	Item	G/L Date	Due Date	Co	G/L Class	Address #	Customer Name	PS	Gross Discount Available	G/L Distribution	Tax	Ty
				Inv Date	Account Number			Description	JE - Remark					
Batch Number														
993207			Type	IB	Date	User ID		Transaction Originator						
								VANESSAC						
RI	235855	00002	001	2009/05/06	2009/06/03		00002	1328243	WESTERN RV COUNTRY	A	839.79		39.99	V
				2009/05/04			T		Land Use Amendment					
				180.5901			ADVERTISING RECOVERY		Land Use Amendment			799.80-		AA
							Totals for Document		RI 235855 00002		839.79	799.80-	39.99	
									Discount					
RI	235956	00002	001	2009/05/06	2009/06/03		00002	1255460	HIVO ENTERPRISES LTD	A	670.53		31.93	V
				2009/05/04			T		LAND USE AMENDMENT					
				180.5901			ADVERTISING RECOVERY		LAND USE AMENDMENT			638.60-		AA
							Totals for Document		RI 235956 00002		670.53	638.60-	31.93	
									Discount					
							Totals for Batch		993207		1,510.32	1,438.40-	71.92	
									Discount					
							Totals for User ID		VANESSAC		1,510.32	1,438.40-	71.92	
									Discount					
							Grand Total				1,510.32	1,438.40-	71.92	
									Discount					

**The City of Red Deer
Bylaw Readings**

Moved by Councillor: Malder Seconded by Councillor: veer

That Bylaw No. 3419/2009 being a Bylaw to close portions of road in the City of the Red Deer

BE READ A FIRST TIME IN OPEN COUNCIL this 23rd day of March 2009.

BE READ A SECOND TIME IN OPEN COUNCIL this 20th day of april ~~May~~ 2009.

BE READ A THIRD TIME IN OPEN COUNCIL this 20th day of april 2009.

**The City of Red Deer
Bylaw Readings**

Moved by Councillor: FARKS Seconded by Councillor: MULDER

That Bylaw No. 3357/B-2009 being a Bylaw to amend Bylaw No. 3357/2006

BE READ A FIRST TIME IN OPEN COUNCIL this 23rd day of MARCH 2009.

BE READ A SECOND TIME IN OPEN COUNCIL this 20th day of APRIL 2009.

BE READ A THIRD TIME IN OPEN COUNCIL this 20th day of APRIL 2009.



**PARKLAND
COMMUNITY
PLANNING
SERVICES**

Originally Submitted to
Council at the Monday
March 23 2009 Council
Meeting

Suite 404, 4808 Ross Street
Red Deer, Alberta T4N 1X5
Phone: (403) 343-3394
FAX: (403) 346-1570
e-mail: pcps@pcps.ab.ca
www.pcps.ca

DATE: March 12, 2009

TO: Legislative and Administrative Services Manager

FROM: Martin Kvapil, Planning Assistant

RE: Land Use Bylaw Amendment No. 3357/B-2009
Closed Portion of Road Plan 872 1700 – Riverside Light Industrial Park
City of Red Deer

Proposal

Further to Land & Economics Development's applicable road closure bylaw report that appears elsewhere on this agenda, The City of Red Deer is seeking to rezone a closed portion of road plan to I1 Industrial (Business Service) District.

This 550 m² undeveloped portion of road is no longer required for present or future public travel. Upon closure, the portion of road would then be used by adjacent landowners to the west in order to provide parking and storage for the existing industrial development. The proposed portion of closed road should be consolidated with the adjacent parcel (Lot 17, Block 1, Plan 4563 NY).

Staff Recommendation

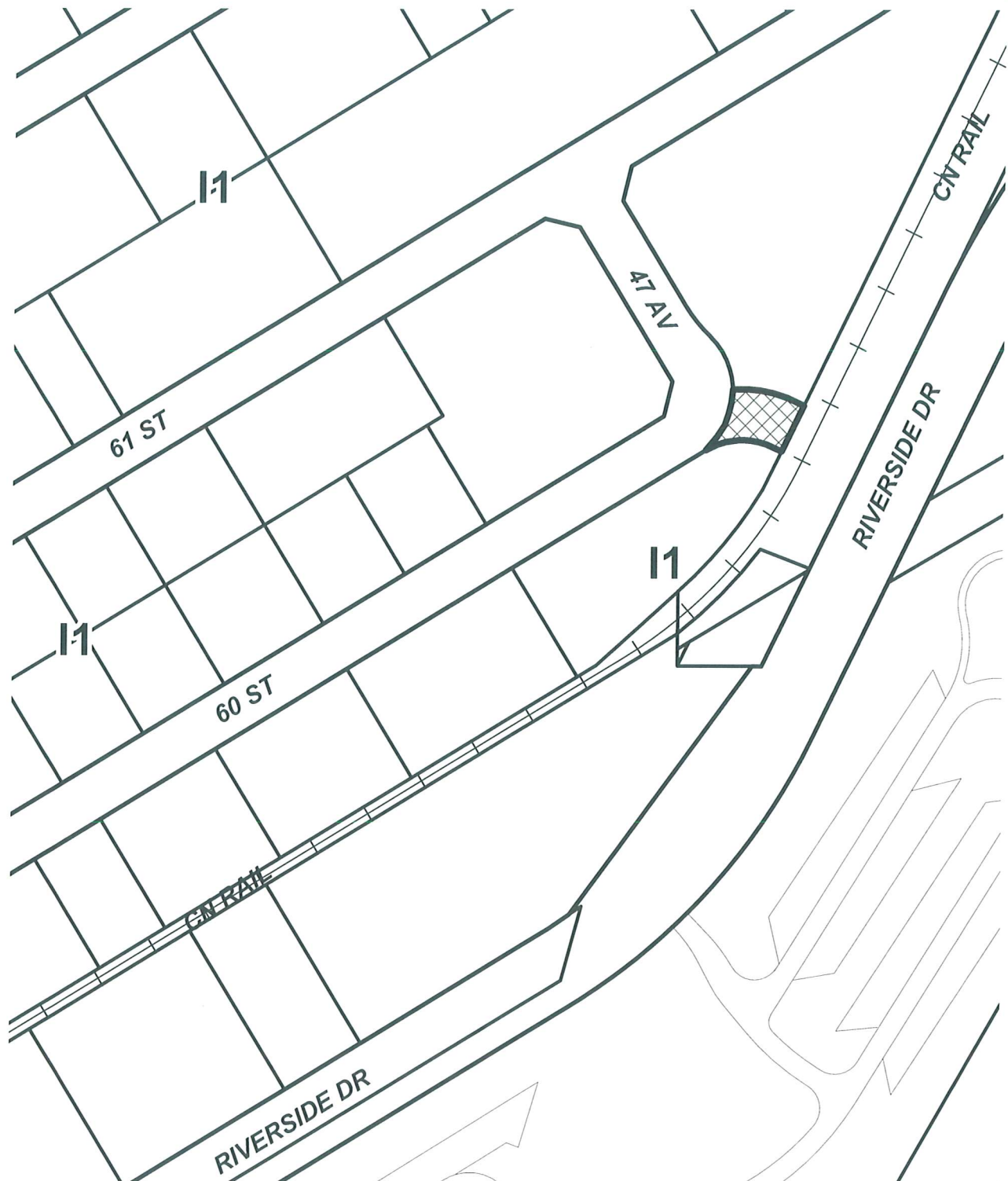
That City Council, subject to first reading of the applicable road closure bylaw, proceed with first reading of Land Use Bylaw Amendment No. 3357/B -2009.

Martin Kvapil
PLANNING ASSISTANT

Tony Lindhout
CITY PLANNING MANAGER

Attachments

Proposed Amendment to Land Use Bylaw 3357/2006



North
Not to Scale



Affected Districts:
I1 - Industrial (Business Service)

Change District from:



Road to I1

Proposed Amendment
Map: 2/2009
Bylaw: 3357/B-2009

Council Decision – April 20, 2009

FILE COPY

DATE: April 21, 2009

TO: Arminnie Good, Land Agent
Martin Kvapil, Parkland Community Planning Services

FROM: Elaine Vincent, Legislative & Administrative Services Manager

SUBJECT: Offer to Purchase and Road Closure Plan 4563 NY and
Road Closure Bylaw 3419/2009
Land Use Bylaw Amendment 3357/B-2009 Closed Portion of
Road Plan 872 1700 Riverside Light Industrial Park

Reference Report:

Land and Economic Development, Land Agent, dated March 5, 2009.
Parkland Community Planning Services, dated March 12, 2009.
Legislative and Administrative Services Manager, dated April 14, 2009.

Bylaw Readings:

Road Closure Bylaw 3419/2009 and Land Use Bylaw Amendment 3357/B-2009 both received first reading at the Monday March 23, 2009 Council Meeting. The Bylaws were advertised. At the Monday April 20, 2009 Council Meeting Road Closure Bylaw 3419/2009 and Land Use Bylaw Amendment 3357/B-2009 both received second and third readings, copies of the bylaws are attached.

Report Back to Council: No.

Comments/Further Action:

Road Closure Bylaw 3419/2009 proposes a closure and sale of 5,921 square feet more or less to HIVO Enterprises Ltd. Land Use Bylaw Amendment 3357/B-2009 provides for the rezoning of the closed portion of road plan 872 1700 to I1 Industrial (Business Service) District.



Elaine Vincent
Manager

cc: Development Services Director
Corporate Services Director
Engineering Services Manager
Financial Services Manager
Assessment and Tax Manager
City Assessor
Inspections & Licensing Manager
Inspections & Licensing Supervisor
Land & Economic Development Manager
Leigh-Ann Butler, Graphics Supervisor
Property Assessment Technician
LAS FILE

BYLAW NO. 3419/2009

Being a bylaw to close portions of road in the City of Red Deer, as described herein.

COUNCIL OF THE CITY OF RED DEER ENACTS AS FOLLOWS:

1 The following portions of roadway in the City of Red Deer are hereby closed:

All that portion of 60 Street as shown on Plan 4563 NY lying within the limits of Plan _____, Excepting thereout all mines and minerals.

READ A FIRST TIME IN OPEN COUNCIL this 23rd day of March 2009.

READ A SECOND TIME IN OPEN COUNCIL this 20th day of April 2009.

READ A THIRD TIME IN OPEN COUNCIL this 20th day of April 2009.

AND SIGNED BY THE MAYOR AND CLERK this 20th day of April 2009.

"Morris Flewwelling"

"Elaine Vincent"

MAYOR

CITY CLERK

BYLAW NO. 3357/B -2009

Being a bylaw to amend Bylaw No. 3357/2006, the Land Use Bylaw of the City of Red Deer.

COUNCIL OF THE CITY OF RED DEER, ALBERTA, ENACTS AS FOLLOWS:

1. That "Use District Map M17" contained within "Schedule A" of the Land Use Bylaw is hereby amended in accordance with Land Use District Map No. 2 attached hereto and forming part of the bylaw.

READ A FIRST TIME IN OPEN COUNCIL this 23rd day of March 2009.

READ A SECOND TIME IN OPEN COUNCIL this 20th day of April 2009.

READ A THIRD TIME IN OPEN COUNCIL this 20th day of April 2009.

AND SIGNED BY THE MAYOR AND CLERK this 20th day of April 2009.

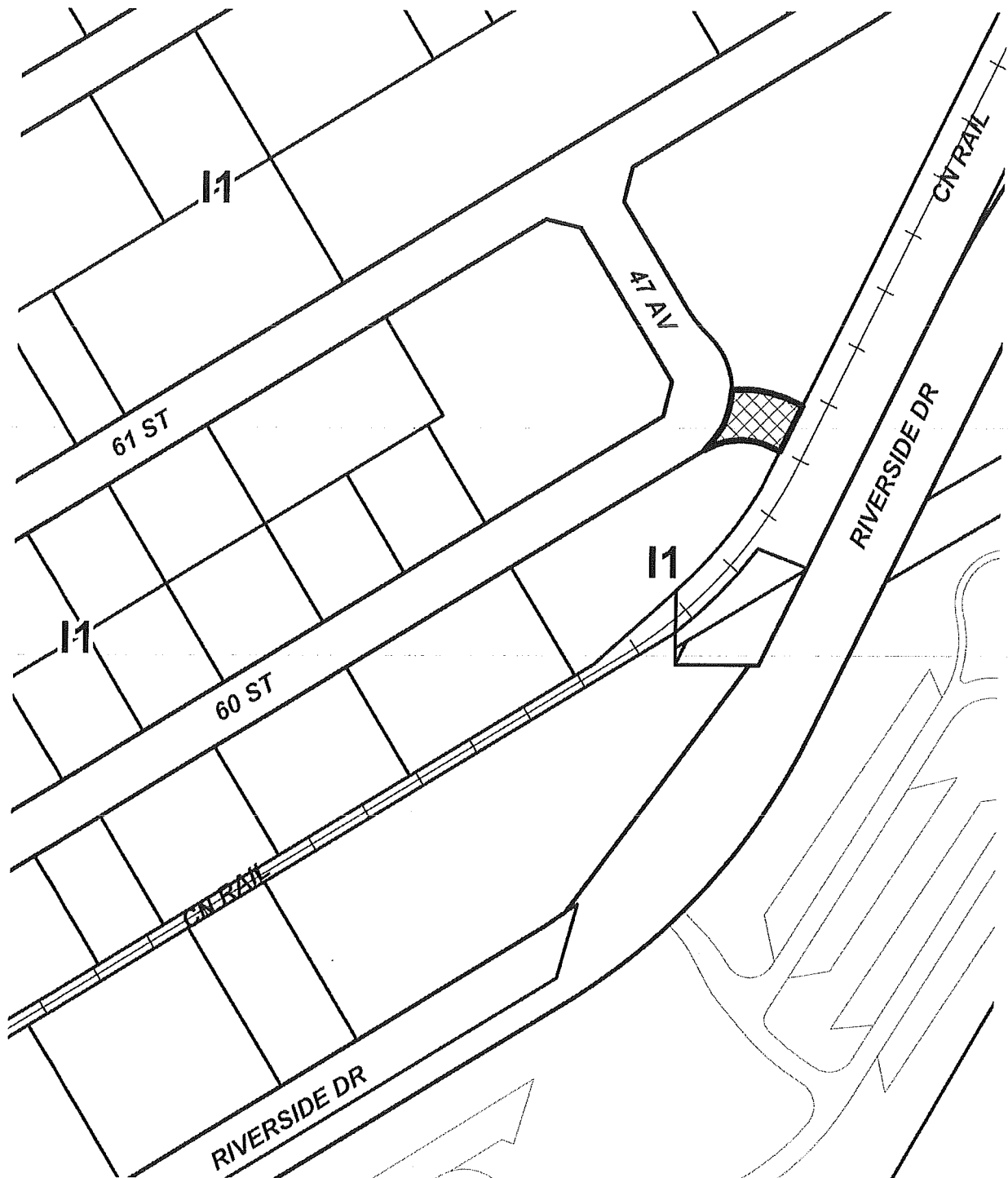
"Morris Flewwelling"

MAYOR

"Elaine Vincent"

CITY CLERK

Proposed Amendment to Land Use Bylaw 3357/2006



North
Not to Scale



Affected Districts:
11 - Industrial (Business Service)

Change District from:



Road to 11

Proposed Amendment
Map: 2/2009
Bylaw: 3357/B-2009



LEGISLATIVE & ADMINISTRATIVE SERVICES

FILE COPY

April 21, 2009

Via Regular Mail

Mr. Harry Griffin
HIVO Enterprises Ltd.
#4, 4705 60 Street
Red Deer, AB T4N 2N8

Dear Mr. Griffin:

**Re: 3419/2009 Road Closure Bylaw
3357/B-2009 Land Use Bylaw Amendment – Closed Portion of Road Plan 872 1700
Riverside Light Industrial Park**

At the City of Red Deer's Council meeting held Monday, April 20, 2009, a Public Hearing was held with respect to *Road Closure Bylaw 3419/2009* and *Land Use Bylaw Amendment 3357/B-2009*. Following the Public Hearing, *Road Closure Bylaw 3419/2009* and *Land Use Bylaw Amendment 3357/B-2009* were given second and third readings. For your information, copies of the Bylaws are attached.

Road Closure Bylaw 3419/2009 is closing all that portion of 60 Street as shown on Plan 4563 NY and *Land Use Bylaw Amendment 3357/B-2009* is rezoning a closed portion of road plan to I1 Industrial (Business Service) District.

Please contact Ms. Arminnie Good, City of Red Deer Land Agent, Land & Economic Development at 403.342.8106 if you have any questions or require additional information regarding the offer to purchase.

Sincerely,

Elaine Vincent
Legislative & Administrative Services Manager

cc: Parkland Community Planning Services

Legislative & Administrative Services 4914-48 Avenue Phone: 403.342.8132 Fax: 403.346.6195 E-mail: legislativeservices@reddeer.ca
The City of Red Deer Box 5008 Red Deer, AB T4N 3T4 www.reddeer.ca

BYLAW NO. 3419/2009

Being a bylaw to close portions of road in the City of Red Deer, as described herein.

COUNCIL OF THE CITY OF RED DEER ENACTS AS FOLLOWS:

1 The following portions of roadway in the City of Red Deer are hereby closed:

All that portion of 60 Street as shown on Plan 4563 NY lying within the limits of Plan _____, Excepting thereout all mines and minerals.

READ A FIRST TIME IN OPEN COUNCIL this 23rd day of March 2009.

READ A SECOND TIME IN OPEN COUNCIL this 20th day of April 2009.

READ A THIRD TIME IN OPEN COUNCIL this 20th day of April 2009.

AND SIGNED BY THE MAYOR AND CLERK this 20th day of April 2009.

"Morris Flewwelling"

MAYOR

"Elaine Vincent"

CITY CLERK

BYLAW NO. 3357/B -2009

Being a bylaw to amend Bylaw No. 3357/2006, the Land Use Bylaw of the City of Red Deer.

COUNCIL OF THE CITY OF RED DEER, ALBERTA, ENACTS AS FOLLOWS:

1. That "Use District Map M17" contained within "Schedule A" of the Land Use Bylaw is hereby amended in accordance with Land Use District Map No. 2 attached hereto and forming part of the bylaw.

READ A FIRST TIME IN OPEN COUNCIL this 23rd day of March 2009.

READ A SECOND TIME IN OPEN COUNCIL this 20th day of April 2009.

READ A THIRD TIME IN OPEN COUNCIL this 20th day of April 2009.

AND SIGNED BY THE MAYOR AND CLERK this 20th day of April 2009.

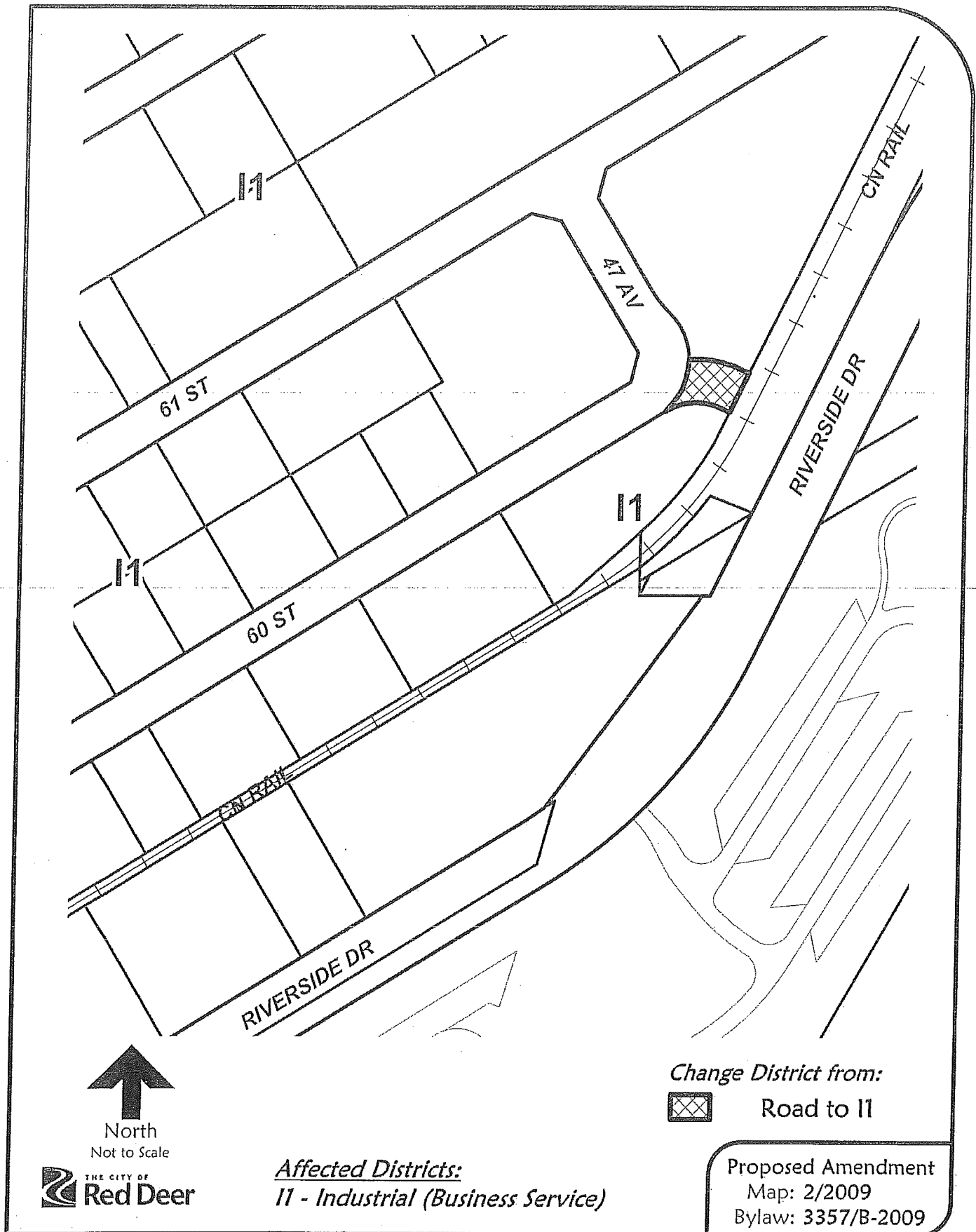
"Morris Flewwelling"

MAYOR

"Elaine Vincent"

CITY CLERK

Proposed Amendment to Land Use Bylaw 3357/2006





Public Hearings Item No. 3

DATE: April 14, 2009

TO: City Council

FROM: Elaine Vincent, Legislative & Administrative Services Manager

SUBJECT: Neighbourhood Area Structure Plan Amendment 3217/C-2009
Lonsdale Neighbourhood Area Structure Plan
Laebon Lands Ltd.

History:

At the Monday March 23, 2009 Council Meeting Lonsdale Neighbourhood Area Structure Plan Amendment 3217/C-2009 received first reading.

Lonsdale Neighbourhood Area Structure Plan Amendment No. 3217/C-2009 is an application from Laebon Lands Ltd., proposing to amend the NASP in order to reallocate a portion of Larsen Crescent (5 R1 lots), which backs on to a storm detention pond, to allow for the possible future development of two-storey homes with walk-out basements. A NASP amendment is required, there is no requirement for a Land Use Bylaw Amendment or rezoning for this site.

Public Consultation Process:

A Public Hearing has been advertised for Lonsdale Neighbourhood Area Structure Plan Bylaw Amendment 3217/C-2009, to be held on Monday April 20, 2009 at 6:00 p.m. in Council Chambers, during Council's regular meeting.

Recommendation:

That following the Public Hearing, Council consider second and third readings of Lonsdale Neighbourhood Area Structure Plan Bylaw Amendment 3217/C-2009.



Elaine Vincent
Manager



**PARKLAND
COMMUNITY
PLANNING
SERVICES**

**Originally Submitted to
Council at the Monday
March 23 2009 Council
Meeting**

Suite 404, 4808 Ross Street
Red Deer, Alberta T4N 1X5
Phone: (403) 343-3394
FAX: (403) 346-1570
e-mail: pcps@pcps.ab.ca
www.pcps.ca

DATE: March 16, 2009

TO: Elaine Vincent, Legislative and Administrative Services Manager

FROM: Martin Kvapil, Planning Assistant

RE: **Neighbourhood Area Structure Plan Amendment No. 3217/C-2009
Lonsdale Neighbourhood Area Structure Plan
Laebon Lands Ltd.**

Proposal

A proposal has been received by The City of Red Deer to amend the *Lancaster East (Lonsdale) Neighbourhood Area Structure Plan* (NASP). The original NASP was adopted by Council in December 1997, and therefore, this proposed amendment is being considered and reviewed in accordance with the *Former Planning and Subdivision Guidelines*.

The applicant, Laebon Lands Ltd., is seeking to amend the NASP in order to:

Reallocate a portion of Larsen Crescent (5 R1 lots), which backs on to a storm detention pond, to allow for the possible future development of two-storey homes with walk-out basements.

This amendment is being proposed by the developer due to the realization that the existing topography is conducive for walk-out basement development for the five lots. Initially, the landowner of 26 Larsen Crescent was interested in developing a two-storey walkout dwelling; however, considering the existing NASP, the applicant was unable to commence such a development.

Although a NASP amendment is required to show the two-storey walkout locations, no land use bylaw amendment or rezoning of this site is required. The area will remain R1 Low Density Residential District.

Department Referral

City departments were provided with a referral for comments – and no objections were received.

Public Consultation

Due to the minor nature of the proposed amendment, in accordance with the *Former Planning and Subdivision Guidelines*, no public meeting is required. However, adjacent landowners were referred to for comment on the proposal and no comments or objections were received.

Planning Analysis

The proposed amendment will not increase the anticipated dwelling-unit-per-hectare density of the NASP area nor would any increase in vehicular traffic result. Furthermore, no other adverse land use planning impacts are anticipated considering the area's current minimal built-out conditions. The rationale for pre-determining lots with possible 2-storey walkout development is to identify lands with topographical features that would not create building sites where adjacent dwellings would be overwhelmed by the height of the 2-storey walkout. Presently, only three of the five lots have been developed.

Municipal Planning Commission


The City of Red Deer Municipal Planning Commission at its March 16, 2009 meeting supported the proposed amendment and recommended that City Council proceed with first reading of Neighbourhood Area Structure Plan Amendment Bylaw No. 3217/C-2009 to amend the *Lancaster East (Lonsdale) Neighbourhood Area Structure Plan*.

Recommendation

That City Council proceed with first reading of Neighbourhood Area Structure Plan Amendment Bylaw No. 3217/C-2009 to amend the *Lancaster East (Lonsdale) Neighbourhood Area Structure Plan*.

Respectfully submitted,



Martin Kvapil
PLANNING ASSISTANT

Nancy Hackett, MCIP, ACP
ASSISTANT CITY PLANNING MANAGER

Lonsdale Neighbourhood Area Structure Plan Amendment

Bylaw 3217/C-2009

DESCRIPTION: proposed reallocation of a portion of Larsen Crescent (5 R1 Lots), which backs onto a storm detention pond, to allow for the possible future development of two storey homes with walk out basements

FIRST READING: March 23, 2009

FIRST PUBLICATION: April 3, 2009

SECOND PUBLICATION: April 9, 2009

PUBLIC HEARING & SECOND READING: April 20, 2009

THIRD READING: April 20, 2009

LETTERS REQUIRED TO PROPERTY OWNERS: YES ☒ NO ☐

DEPOSIT: YES ☐ \$ _____ NO ☒

COST OF ADVERTISING RESPONSIBILITY OF: Laebon Lands/Homes Ltd.

ACTUAL COST OF ADVERTISING:

\$ 319.30 X 2

TOTAL: \$ 638.60

MAP PREPARATION: \$ _____

TOTAL COST: \$ _____

~~LESS DEPOSIT RECEIVED:~~ GST \$ 31.93

AMOUNT OWING/ (REFUND): \$ 670.53

INVOICE NO.: 236253
BATCH NO.: 994710

(Advertising Revenue to 180.5901)

**Neighbourhood Area Structure Plan Amendment Bylaw 3217/C -2009
Lonsdale**

City Council proposes to pass Neighbourhood Area Structure Plan Bylaw Amendment 3217/C-2009, which provides for the proposed reallocation of a portion of Larsen Crescent (5 R1 lots), which backs on to a storm detention pond, to allow for the possible future development of two story homes with walk-out basements. In the map below, the five lots are: #18, 22, 26, 30 and 34. There are two undeveloped lots: #26 & 34.

Map

The proposed bylaw may be inspected at Legislative & Administrative Services, 2nd Floor City Hall during regular office hours or for more details, contact Parkland Community Planning Services at 403-343-3394.

City Council will hear from any person claiming to be affected by the proposed bylaw at a Public Hearing on **Monday, April 20, 2009** at 6:00p.m. in Council Chambers, 2nd Floor at City Hall. If you want your letter or petition included on the Council agenda you must submit it to the Manager, Legislative & Administrative Services by **Tuesday, April 14, 2009**. Otherwise, you may submit your letter or petition at the Council meeting or you can simply tell Council your views at the Public Hearing. Council's Procedure Bylaw indicates that each presentation is limited to 10 minutes. Any submission will be public information. If you have any questions regarding the use of this information please contact the Manager, Legislative & Administrative Services at 403-342-8132.

(Publication Dates: April 3, 2009 and April 9, 2009)

THE CITY OF RED DEER

Invoice Journal

2009/05/18 00:04

Page - 1

.....Document.....										Amounts.....									
Ty	Number	Co	Item	G/L Date Inv Date	Due Date	Co	G/L Class Account Description	Address #	Customer Name Remark JE - Remark	PS	Gross Discount Available	G/L Distribution	LT	PC	Subledger	Ty			
Batch Number																			
994710			Type	IB	Date	2009/05/13	User ID	VANESSAC		Transaction Originator VANESSAC									
RI	236253	00002	001	2009/05/15	2009/06/12	00002	00002	1211889	LAEBON DEVELOPMENTS	A	670.53		31.93			V			
				2009/05/13		T			LAND USE AMENDMENT ADVERTISING			638.60-				AA			
				180.5901					ADVERTISING RECOVERY ADVERTISING			638.60-							
							Totals for Document		RI 236253 00002 Discount		670.53	638.60-				31.93			
							Totals for Batch		994710 Discount		670.53	638.60-				31.93			
							Totals for User ID		VANESSAC Discount		670.53	638.60-				31.93			
							Grand Total				670.53	638.60-				31.93			
									Discount										



OFFICE OF THE MAYOR

DATE: March 16, 2009
TO: Legislative and Administrative Services Manager
FROM: City of Red Deer Municipal Planning Commission
SUBJECT: Neighbourhood Area Structure Plan Amendment – Lonsdale Neighbourhood – Laebon Lands Ltd.

At the March 16, 2009 Red Deer Municipal Planning Commission meeting, the Commission considered an amendment to the Neighbourhood Area Structure Plan in order to reallocate a portion of Larsen Crescent (5 R1 lots), which backs on to a storm detention pond, to allow for the possible future development of two-storey homes with walk-out basements.

Following discussion, the following motion was introduced and passed:

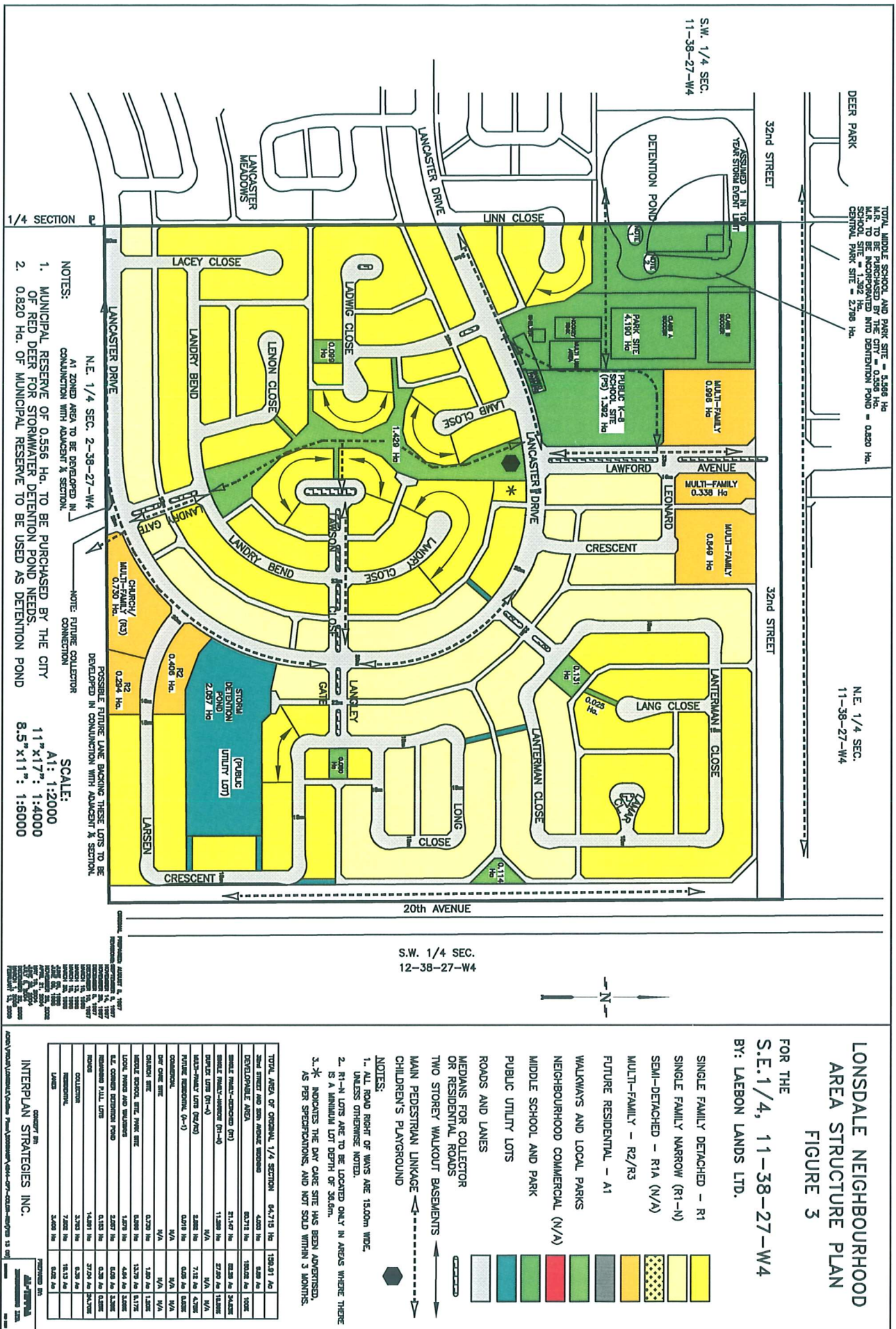
"Resolved that the Municipal Planning Commission recommends to City Council that it proceed with first reading of Neighbourhood Area Structure Plan Amendment Bylaw No. 3217/C-2009 to amend the Lancaster East (Lonsdale) Neighbourhood Area Structure Plan."

The above is submitted for Council's consideration.

Sincerely,



Mayor Morris Flewwelling
Chair for the Municipal Planning Commission of the City of Red Deer

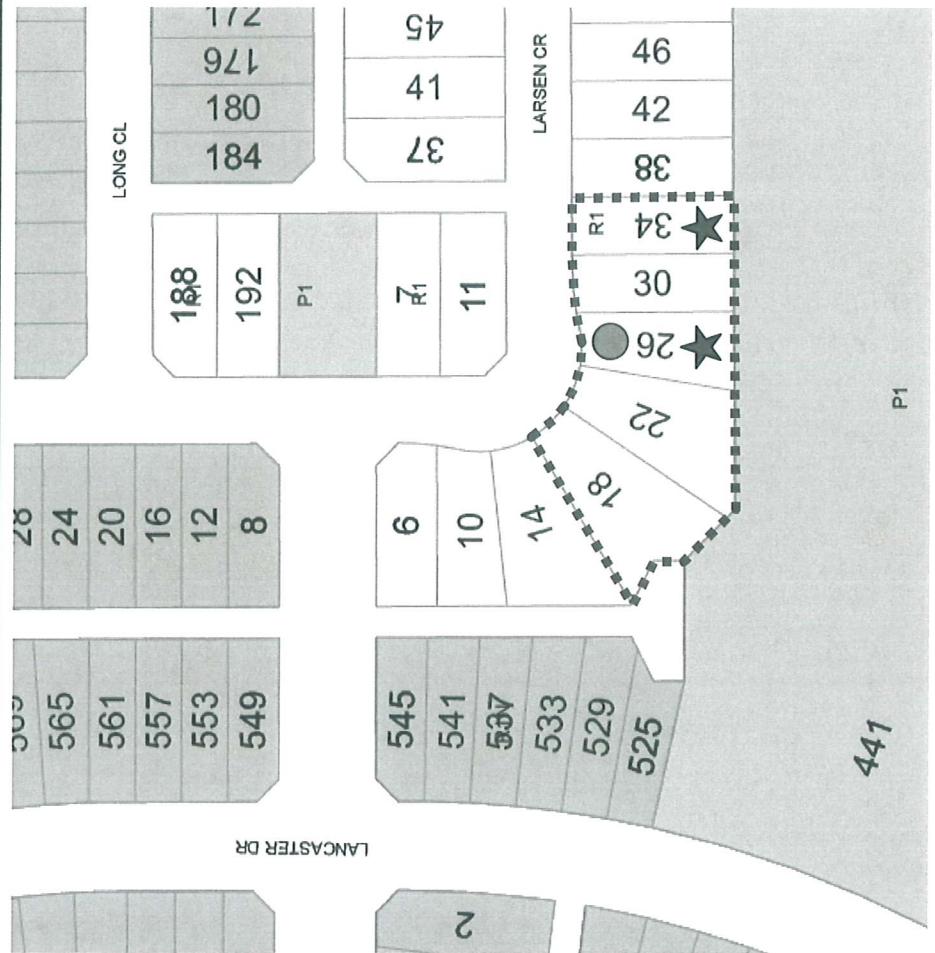


Lonsdale Neighbourhood Area Structure Plan Amendment No. 3217/C-2009

AREA LOT CONDITIONS

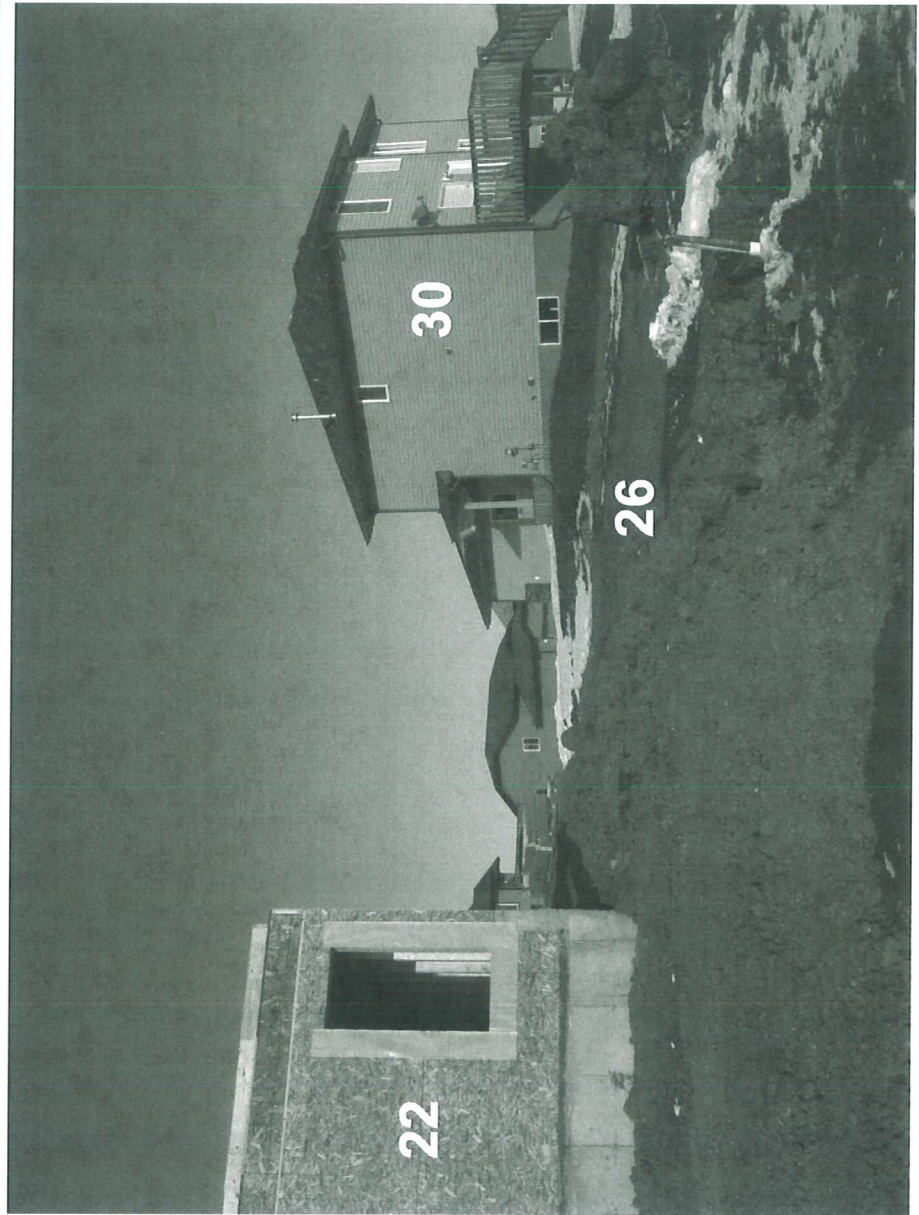
★ Undeveloped lots, no
construction begun

● Initiating lot



Lonsdale Neighbourhood Area Structure Plan Amendment No. 3217/C-2009

EXISTING DEVELOPMENT



Council Decision – April 20, 2009

FILE COPY

DATE: April 21, 2009
TO: Martin Kvapil, Parkland Community Planning Services
FROM: Elaine Vincent, Legislative & Administrative Services Manager
SUBJECT: Lonsdale Neighbourhood Area Structure Plan Amendment 3217/C-2009
Laebon Lands Ltd.

Reference Report:

Parkland Community Planning Services, dated March 16, 2009.
Legislative and Administrative Services Manager, dated April 14, 2009.

Bylaw Readings:

Neighbourhood Area Structure Plan Bylaw Amendment 3217/C-2009 received first reading at the Monday March 23, 2009 Council Meeting. The bylaw was advertised. At the Monday April 20, 2009 Council Meeting, Neighbourhood Area Structure Plan Bylaw Amendment 3217/C-2009 received second and third readings. A copy of the bylaw amendment is attached.

Report Back to Council: No.

Comments/Further Action:

Lonsdale Neighbourhood Area Structure Plan Bylaw Amendment 3217/C-2009 is an application from Laebon Lands Ltd., it will amend the NASP in order to reallocate a portion of Larsen Crescent (5 – R1 Lots), which back on to a storm detention pond, to allow for the possible future development of two-storey homes with walk-out basements. A NASP amendment is required, there is no requirement for a Land Use Bylaw Amendment or rezoning for this site.



Elaine Vincent
Manager

cc: Development Services Director
Corporate Services Director
Engineering Services Manager
Financial Services Manager
Assessment and Tax Manager
City Assessor
Inspections & Licensing Manager
Inspections & Licensing Supervisor
Land & Economic Development Manager
Leigh-Ann Butler, Graphics Supervisor
Property Assessment Technician
LAS FILE

BYLAW NO. 3217/C-2009

Being a bylaw to amend Bylaw No. 3217/98, the bylaw adopting the neighbourhood area structure plans as a bylaw of the City of Red Deer

COUNCIL OF THE CITY OF RED DEER, ALBERTA, ENACTS AS FOLLOWS:

That Bylaw No. 3217/98 is hereby amended:

1. By replacing Figure 3 within the current *Lancaster East (Lonsdale) Neighbourhood Area Structure Plan* with the attached Figure 3 (colour and grayscale versions).

READ A FIRST TIME IN OPEN COUNCIL this 23rd day of March 2009.

READ A SECOND TIME IN OPEN COUNCIL this 20th day of April 2009.

READ A THIRD TIME IN OPEN COUNCIL this 20th day of April 2009.

AND SIGNED BY THE MAYOR AND CLERK this 20th day of April 2009.
















"Morris Flewwelling"

MAYOR

"Elaine Vincent"

CITY CLERK

BY: LAEBON LANDS LTD.

	SINGLE FAMILY DETACHED - R1
	SINGLE FAMILY NARROW (R1-N)
	SEMI-DETACHED - R1A (N/A)
	MULTI-FAMILY - R2/R3
	FUTURE RESIDENTIAL - A1
	TWO STOREY WALKOUT BASEMENT - SINGLE DETACHED
	TWO STOREY WALKOUT BASEMENT - SEMI-DETACHED (N/A)
	WALKWAYS AND LOCAL PARKS
	NEIGHBOURHOOD COMMERCIAL (N/A)
	MIDDLE SCHOOL AND PARK
	PUBLIC UTILITY LOTS
	ROADS AND LANES
	MEDIANS FOR COLLECTOR ROADS
	HUMAN PEDESTRIAN LINKAGE
	CHILDREN'S PLAYGROUND

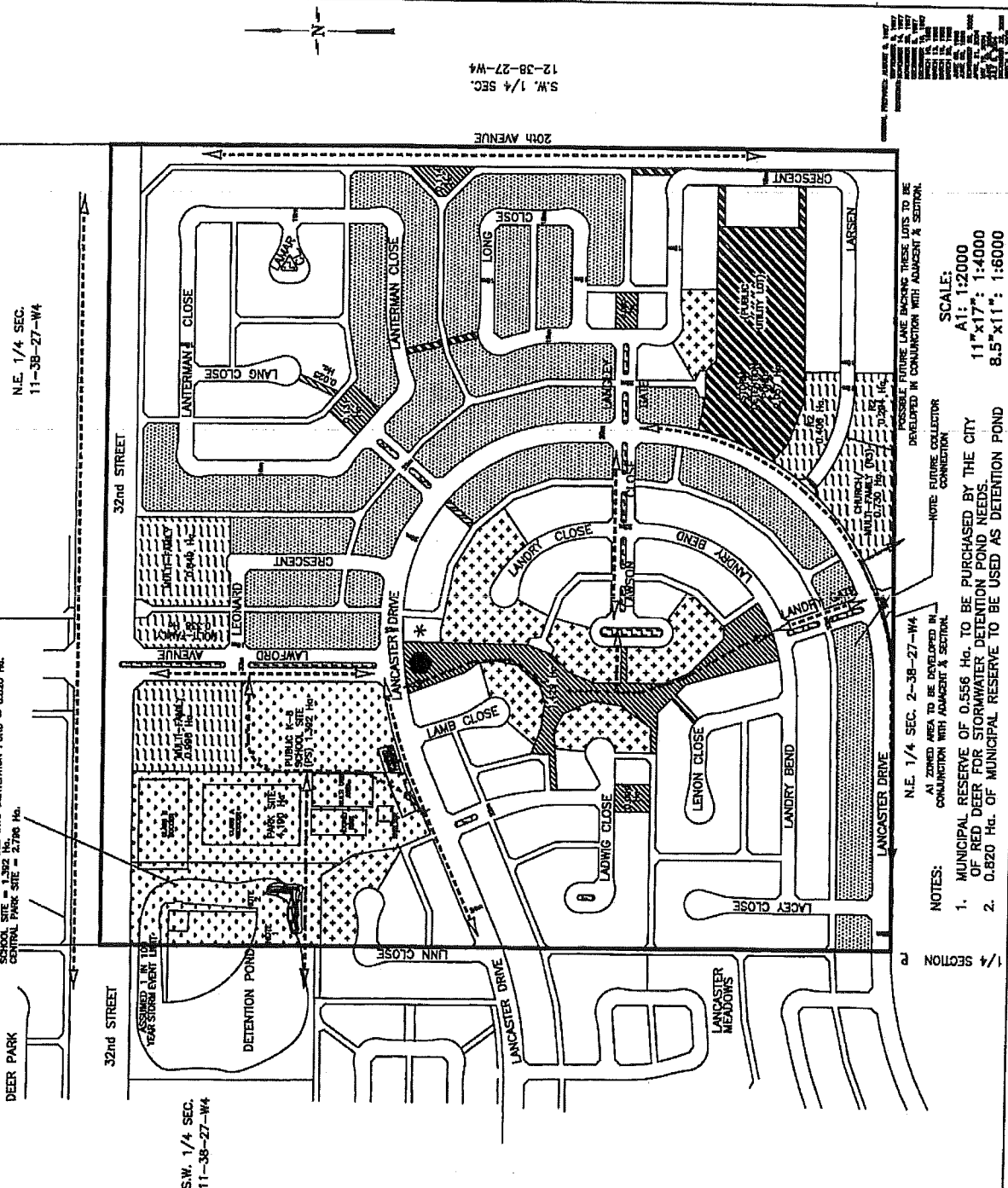
NOTES:

1. ALL ROAD RIGHT OF WAYS ARE 15.00m WIDE, UNLESS OTHERWISE NOTED.
2. R1-H LOTS ARE TO BE LOCATED ONLY IN AREAS WHERE THERE IS A MINIMUM LOT DEPTH OF 36.6m.
3. * INDICATES THE DAY CARE SITE HAS BEEN ADVERTISED, AS PER SPECIFICATIONS, AND NOT SOLD WITHIN 3 MONTHS.

TOTAL AREA OF ORIGINAL 1/4 SECTION	0.4375 HA	106.81 AC
2ND STREET AND 2ND MOORE TOWNSHIP	0.0031 HA	0.76 AC
POPELAVILLE AREA	0.0712 HA	17.66 AC
BRIDGE PAULS-REDFORD (P-1)	0.1477 HA	36.43 AC
BRIDGE PAULS-REDFORD (P1+2)	0.1188 HA	29.38 AC
BRIDGE PAULS LOT (P-3)	N/A	N/A
BRIDGE-PAULS LOT (P2+3)	2.8888 HA	715.94 AC
BRIDGE-PAULS LOT (P2+3)	0.0718 HA	17.80 AC
PURVIS REDEMPTION (P-1)	N/A	N/A
CONVENTION	N/A	N/A
2ND CHURCH SITE	N/A	N/A
CHURCH SITE	0.7229 HA	178.71 AC
BRIDGE SCHOOL SITE, MOORE TOWNSHIP	0.1278 HA	31.75 AC
BRIDGE SCHOOL SITE, MOORE TOWNSHIP	0.0018 HA	0.44 AC
BRIDGE SCHOOL SITE, MOORE TOWNSHIP	0.0018 HA	0.44 AC
2ND CHURCH EXTENSION (P2)	0.0027 HA	0.67 AC
2ND CHURCH EXTENSION (P2)	0.1153 HA	28.59 AC
MOORE PAULS LOT	0.4499 HA	111.49 AC
COLLECTION	3.3763 HA	835.27 AC
REDEMPTION	7.0888 HA	1751.51 AC
LANDS	5.6988 HA	1401.28 AC

INTERPLAN STRATEGIES INC.

© 1997, IBM Corp. 5639-427-1/97 IBM Corp. 5639-427-1/97 IBM Corp. 5639-427-1/97





LEGISLATIVE & ADMINISTRATIVE SERVICES

FILE COPY

April 21, 2009

Via Regular Mail

Mr. Gord Bontje
Laebon Developments Ltd.
5128 – 52 Street
Red Deer, AB T4N 6Y4

Dear Mr. Bontje:

Re: *Neighbourhood Area Structure Plan Amendment Bylaw No. 3217/C-2009*
 Lonsdale Neighbourhood Area Structure Plan Laebon Lands Ltd.

At the City of Red Deer's Council meeting held Monday, April 20, 2009, a Public Hearing was held with respect to *Neighbourhood Area Structure Plan Amendment Bylaw 3217/C-2009*. Following the Public Hearing, *Neighbourhood Area Structure Plan Amendment Bylaw 3217/C-2009* was given second and third readings. For your information, a copy of the bylaw is attached.

Neighbourhood Area Structure Plan Amendment Bylaw 3217/C- 2009 includes the reallocation of a portion of Larsen Crescent (5 R1 lots), which backs on to a storm detention pond, to allow for the possible future development of two storey homes with walk-out basements.

If you have any questions or require additional information, please contact me at 403.342.8132.

Sincerely,

Elaine Vincent
Legislative & Administrative Services Manager

cc: Parkland Community Planning Services

BYLAW NO. 3217/C-2009

Being a bylaw to amend Bylaw No. 3217/98, the bylaw adopting the neighbourhood area structure plans as a bylaw of the City of Red Deer

COUNCIL OF THE CITY OF RED DEER, ALBERTA, ENACTS AS FOLLOWS:

That Bylaw No. 3217/98 is hereby amended:

1. By replacing Figure 3 within the current *Lancaster East (Lonsdale) Neighbourhood Area Structure Plan* with the attached Figure 3 (colour and grayscale versions).

READ A FIRST TIME IN OPEN COUNCIL this 23rd day of March 2009.

READ A SECOND TIME IN OPEN COUNCIL this 20th day of April 2009.

READ A THIRD TIME IN OPEN COUNCIL this 20th day of April 2009.

AND SIGNED BY THE MAYOR AND CLERK this 20th day of April 2009.


















"Morris Flewwelling"

"Elaine Vincent"

MAYOR

CITY CLERK

FOR THE
S.E.1/4, 11-38-27-W4
BY: LAESON LANDS LTD.

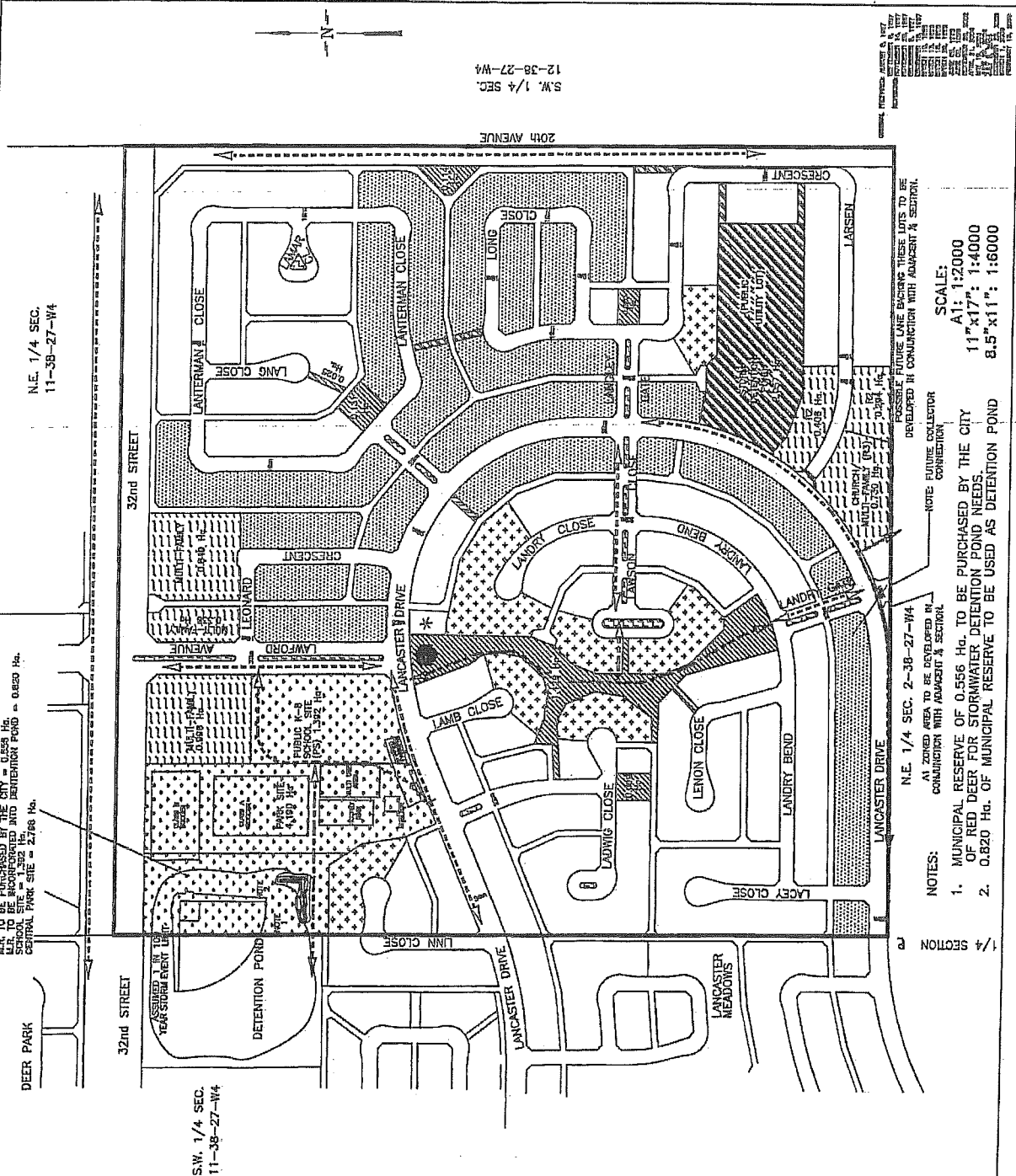
																
SINGLE FAMILY DETACHED - R1	SINGLE FAMILY NARROW (R1-N)	SEMI-DETACHED - RTA (N/A)	MULTI-FAMILY - R2/R3	FUTURE RESIDENTIAL - A1	TWO STOREY WALKOUT BASEMENT - SINGLE DETACHED	TWO STOREY WALKOUT BASEMENT - SINGLE DETACHED	TWO STOREY WALKOUT BASEMENT - SEMI-DETACHED (N/A)	WALKWAYS AND LOCAL PARKS	NEIGHBOURHOOD COMMERCIAL (N/A)	MIDDLE SCHOOL AND PARK	PUBLIC UTILITY LOTS	ROADS AND LANES	MEDIANS FOR COLLECTOR OR RESIDENTIAL ROADS	MAIN PEDESTRIAN LINKAGE	CHILDREN'S PLAYGROUND	

1. ALL ROAD RIGHT OF WAYS ARE 18.00m WIDE, UNLESS OTHERWISE NOTED.
2. B1-N LOTS ARE TO BE LOCATED ONLY IN AREAS WHERE THERE IS A MINIMUM LOT DEPTH OF 36.0m.
3. * INDICATES THE DAY CARE SITE HAS BEEN ADVISED, AS PER SPECIFICATIONS, AND NOT SO IN WRITING. * INDICATES










TOTAL AREA OF ORCHARD, 1/4 SECTION	94-718 Ha	1949-1 Acre
2ND STREET AND 1ST MAIN AVENUE INTERSECTION	4002 Ha	9816 Acre
CELESTIAL AVENUE	1871 Ha	4586 Acre
GRAND PRAIRIE-DEVELOPED LOT	2147 Ha	5289 Acre
GRAND PRAIRIE-DEVELOPED LOT-10	1129 Ha	2770 Acre
GRAND PRAIRIE LOT (10-1)	NO	NO
GRAND PRAIRIE LOT (10-2)	2685 Ha	6587 Acre
GRAND PRAIRIE-DEVELOPED LOT-1	608 Ha	1491 Acre
CONCRETE	NO	NO
GRAND PRAIRIE	NO	NO
GRAND PRAIRIE	6735 Ha	1659 Acre
MOORE DRIVE, 1ST, 10TH AND 11TH	6899 Ha	1679 Acre
1ST, 10TH AND 11TH	1479 Ha	3598 Acre
1ST CONCRETE DEVELOPMENT (10-2)	816 Ha	1996 Acre
1ST CONCRETE DEVELOPMENT (10-1)	6105 Ha	1491 Acre
INTERVIEW PALL LOT	14491 Ha	35470 Acre
INTERVIEW PALL LOT	629 Ha	1547 Acre
INTERVIEW PALL LOT	3193 Ha	7820 Acre
INTERVIEW PALL LOT	1812 Ha	4436 Acre
INTERVIEW PALL LOT	2699 Ha	6598 Acre

CONCEPT BY
INTERPLAN STRATEGIES INC.

© 1997 by The McGraw-Hill Companies, Inc. All rights reserved. Printed in the United States of America. This book is printed on acid-free paper.



BY: LAEBON LANDS LTD.

	SINGLE FAMILY DETACHED - R1
	SINGLE FAMILY NARROW (R1-N)
	SEMI-DETACHED - RTA (N/A)
	MULTI-FAMILY - R2/R3
	FUTURE RESIDENTIAL - A1
	WALKWAYS AND LOCAL PARKS
	NEIGHBOURHOOD COMMERCIAL (N/A)
	MIDDLE SCHOOL AND PARK
	PUBLIC UTILITY LOTS

ROADS AND LANES
MEDIAN FOR COLLECTOR
OR RESIDENTIAL ROADS
TWO STOREY WALKOUT BASE
MAIN PEDESTRIAN LINKAGE
CHILDREN'S PLAYGROUND

NOTES:
1. ALL ROAD RIGHT OF WAYS ARE 15.00m WIDE, UNLESS OTHERWISE NOTED.

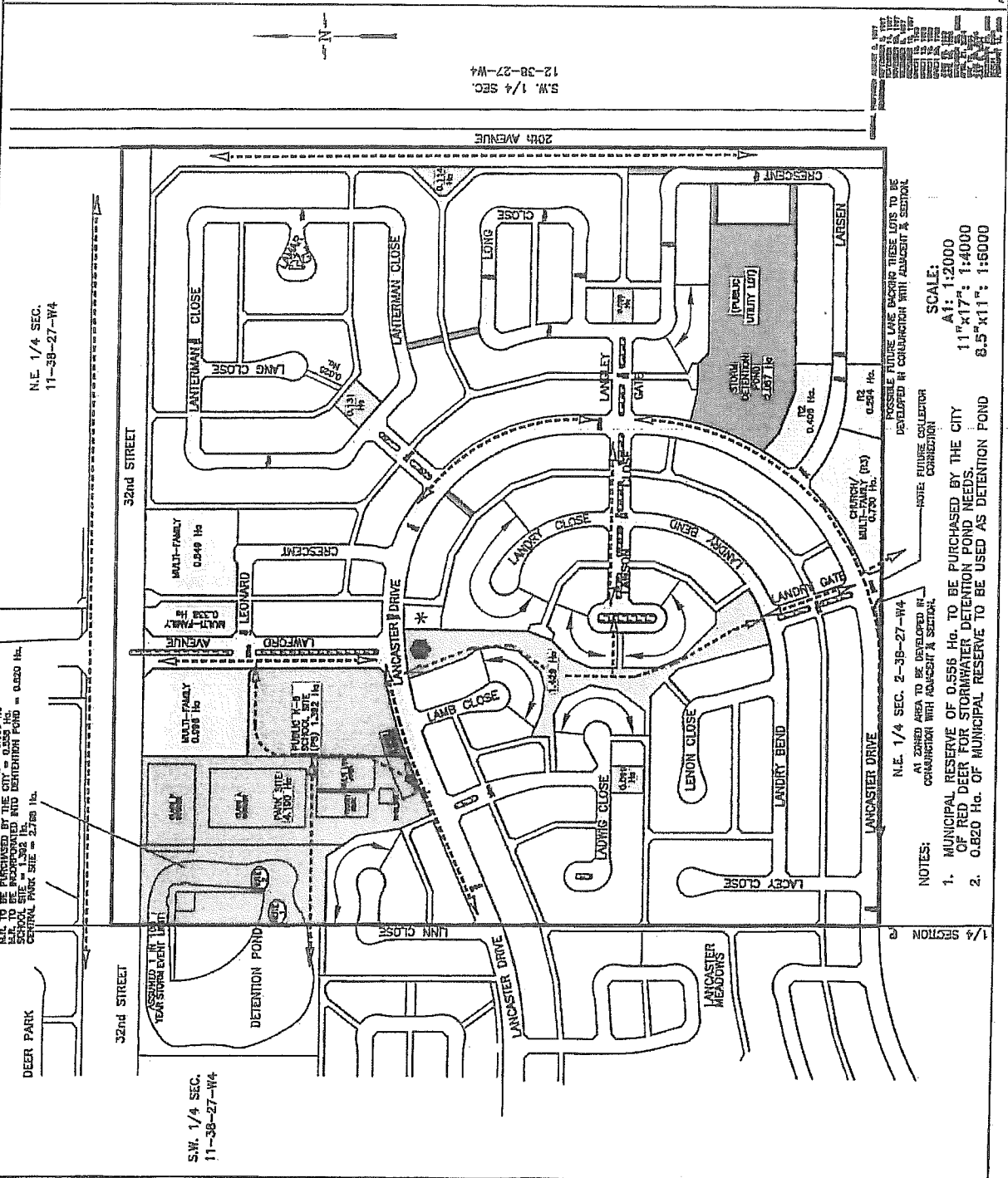
2- 11-IN LOTS ARE TO BE LOCATED ONLY IN AREAS WHERE THERE IS A MINIMUM LOT DEPTH OF 50.0m.

3.3* INDICATES THE DAY CARE SITE HAS BEEN ADVERTISED, AS PER SPECIFICATIONS, AND NOT SOLD WITHIN 3 MONTHS.

[illegible]

INTERPLAN STRATEGIES INC.

THE UNIVERSITY OF CHICAGO



**The City of Red Deer
Bylaw Readings**

Moved by Councillor: Rimm Seconded by Councillor: Watkinson/Zimmer

That Bylaw No. 3217/C-2009 being a Bylaw to amend Bylaw No. 3217/98

BE READ A FIRST TIME IN OPEN COUNCIL this 23 day of March 2009.

BE READ A SECOND TIME IN OPEN COUNCIL this 20 day of April 2009.

BE READ A THIRD TIME IN OPEN COUNCIL this 20 day of April 2009.



Public Hearings Item No. 4

DATE: April 14, 2009

TO: City Council

FROM: Elaine Vincent, Legislative & Administrative Services Manager

SUBJECT: Land Use Bylaw Amendment 3357/E-2009
1. C5 East Hill Town centre Land Use District
2. C6 Main Street/Town Square Land Use District
3. East Hill Town centre Design Guidelines

History:

Land Use Bylaw Amendment 3357/E-2009 provides for the proposed East Hill Town Centre and Main Street / Town Square Land Use Districts and new land use districts for designated mixed use areas within the East Hill Major Area Structure Plan.

At the Monday February 23, 2009 Council Meeting Land Use Bylaw Amendment 3357/E-2009 received first reading.

At the Monday March 9, 2009 Council Meeting the following resolution was passed related to Land Use Bylaw Amendment 3357/E-2009:

"Resolved that Council of the City of Red Deer having considered the report from the Legislative and Administrative Services Manager dated March 2, 2009 Re: Land Use Bylaw Amendment 3357/E-2009 – C5 East Hill Town Centre Land Use District / C6 Main Street / Town Square Land Use District / East Hill Town Centre Design Guidelines, hereby table consideration of Land Use Bylaw Amendment 3357/E-2009 to the April 20, 2009 Council Meeting."

Public Consultation Process:

A Public Hearing has been advertised for Land Use Bylaw Amendment 3357/E-2009, to be held on Monday April 20, 2009 at 6:00 p.m. in Council Chambers, during Council's regular meeting.

Recommendation:

That following the Public Hearing, Council consider:

- a) Tabling for an additional six weeks the districts and guidelines to allow administration to make changes to the districts and guidelines;
- b) Passing a resolution amending Land Use Bylaw Amendment 3357/E-2009;
- c) Second and third readings to Land Use Bylaw Amendment 3357/E-2009.

A handwritten signature in purple ink, appearing to read 'E Vincent'.

Elaine Vincent
Manager



**PARKLAND
COMMUNITY
PLANNING
SERVICES**

Suite 404, 4808 Ross Street
Red Deer, Alberta, T4N 1X5
Phone: (403) 343-3394
FAX: (403) 346-1570
E-mail: pcps@pcps.ab.ca

DATE: April 9, 2009
TO: Legislative and Administrative Services Manager
FROM: Emily Damberger, Planner
RE: Public Hearing - Land Use Bylaw Amendment No. 3357/E-2009
1. C5 East Hill Town Centre Land Use District
2. C6 Main Street/Town Square Land Use District
3. East Hill Town Centre Design Guidelines (by resolution)

Background

The proposed districts and guidelines for the East Hill Town Centre were presented to Council at the February 23 Council meeting. The districts and guidelines were tabled to address concerns raised by Melcor Developments and to provide clarification to issues raised by City Council.

This report provides clarification on three issues raised by Council members:

1. Do not create another South Point Common
2. Are there built examples of Town Centres in Alberta?
3. Townhouse developments are too low density to be considered in the Town Centre.

This report outlines the issues of concern raised by Melcor Developments with respect to the proposed Town Centre districts and guidelines, and proposes compromises reached between City Administration and Melcor Developments in a meeting following first reading. If City Council agrees to the proposed compromises, the bylaw will require future review and amendments, along with legal review prior to being brought back to Council for 2nd and 3rd reading.

Please find attached the original first reading report to Council on the proposed land use districts and guidelines, an amended Bylaw 3357/E-2009 containing minor wording changes following first reading and the letter received on March 23, 2009 from Melcor Developments.

Clarification of Issues raised by City Council

1. Planning staff and City Administration have heard from both City Councillors and the general public, "Do not create another South Point Common".

- Elements of concern with South Point Common:
 - Large parking areas lacking landscaping and pedestrian linkages to public sidewalks and bus stops
 - Large blank walls, lack of human/pedestrian scale and architectural design
 - Majority of Big Box retail, little opportunity for smaller scale retailers
 - Car orientated, unconnected pedestrian sidewalks
 - Lack of landscaping to provide shade, visual appeal
 - Isolated commercial pockets with little relationship to nearby residential consumers
 - Turning the backs of buildings and onto public streets, sidewalks, and residents

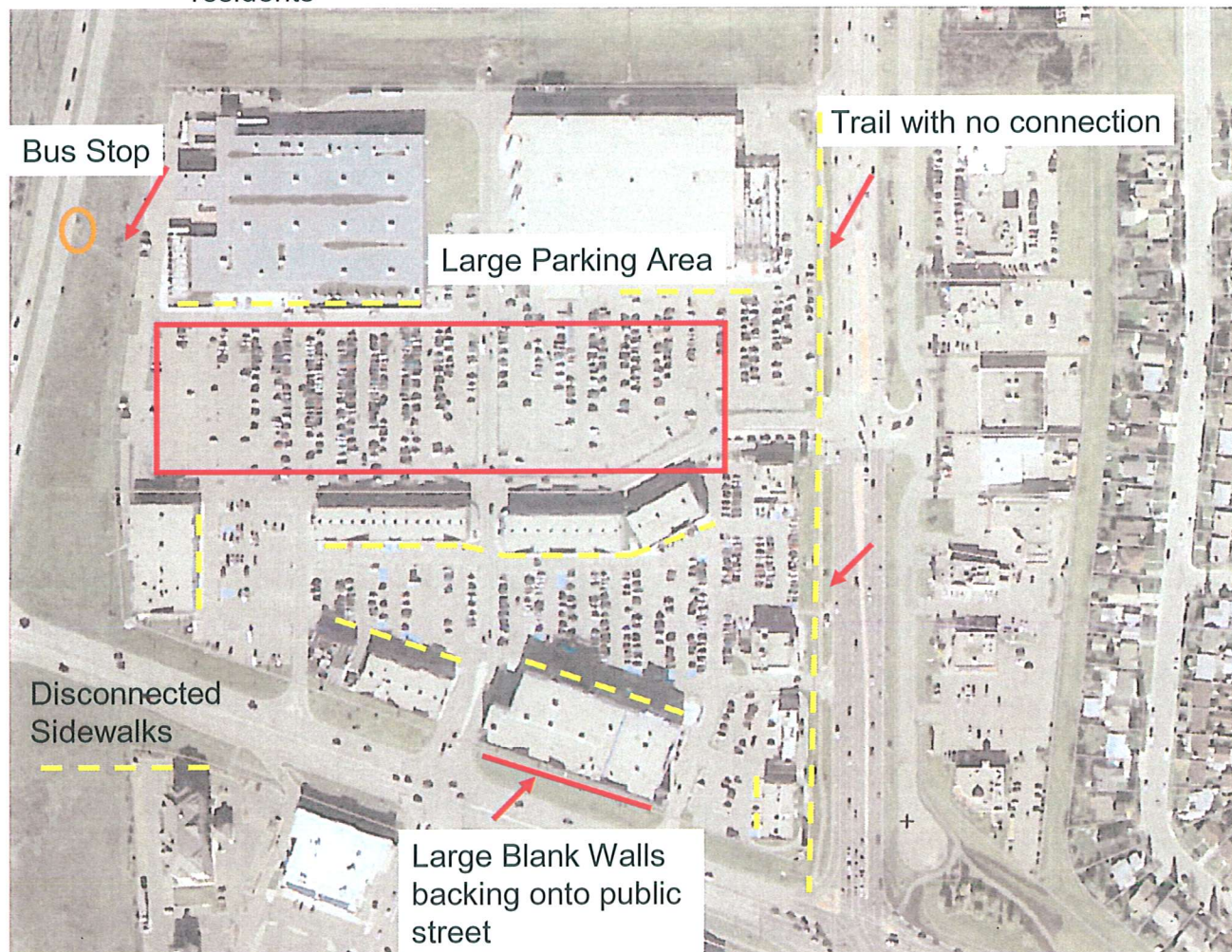


Figure 1: South Point Common

Proposed solutions to the issues of concern in South Point Common are incorporated through pedestrian friendly design principles implemented within the proposed districts and guidelines.

Pedestrian friendly principles/theories:

- Sustainable, healthy, environmentally friendly living by:
 - Encouraging alternative transportation, reduced vehicle emission - air quality
 - Encouraging active living through walking, cycling, or other active forms of transportation promoting healthy activity
 - Encouraging transit use reduce emission, reduce traffic congestion and need for parking
- Parking lot for pedestrians, not only cars:
 - Overcoming the conception that a parking lot is a place for cars only is critical to the creation of pedestrian orientated space by creating a "parking plaza" with community gathering places
- Minimize excessive parking:
 - Provide smaller, more dispersed parking areas
- Improve design of surface parking:
 - Parking should be minimized and where possible should be located behind a building
 - parking located along a commercial front where pedestrian traffic is desired lessens the attractiveness of the area and compromises safety of pedestrian along the street
- Honour human scale by creating a pedestrian friendly place:
 - Slowing speed and reducing the number of vehicle movements
 - Enhancing lighting, finishes and street furniture
 - Matching scale of development to human comfort
 - Ensuring users can easily navigate the area
 - Ensuring continuity of pedestrian-friendly, street-level activities
 - Incorporating art, architecture, and community icons
 - Providing gathering places for civic and cultural events
 - Providing on-street parking
 - Creating pedestrian linkages with interesting and enticing activities
 - Providing transportation choices (walking, cycling, transit)
- Short, safe and direct walking routes
 - Avoid creating inadequate pedestrian facilities, buffers, dangerous streets, and site designs oriented towards the automobiles which make the proximity of residents to shopping centres irrelevant, discouraged residents from walking to their errands, increasing traffic.
 - Avoid making the pedestrian travel a path longer than direct distances, a long walk beside a monotonous thoroughfare can be

- made uncomfortable by traffic, lack of shade, and a scarcity of interesting features along the way.
 - Avoid developments where once pedestrian has reached destination, bushes, berms, fences, a wide parking lot setback stands between the sidewalk and building entrance.
 - Learn from past mistakes of suburban commercial sites near residential area revealing locations where pedestrians have worn paths through landscaping, climbed through fences, over berms, due to inadequate sidewalk networks.
- Residential districts within walking distance of commercial
- Mixed uses will allow residents to live within walking distance of employment, services, and shopping, entertainment and transit services.
 - Place higher density housing close to commercial.
 - Minimize lot frontage, maximize building coverage and space between buildings to minimize walking distance
- Designing for people
- Orient building facades and entrances to the street, and not to parking areas, where necessary provide double entrances
 - Maintain pedestrian scale and orientation at street level storefronts, display windows, awnings, signs, avoid large blank walls.
 - Screen and landscape parking areas, separate parking aisles with tree strips, walkways
 - Site parking to the rear or side of buildings rather than the front
- Promote activity along street frontage and maximize pedestrian, cycling, and transit connectivity to, from and within the site.
- Compact building placement
 - Place public uses such as retail stores, services, restaurants at grade, parallel to the street to animate the street front, encourage pedestrian activity and improve personal security.
 - Locate building close to street to improve pedestrian access.
 - Include windows with transparent glass on all facades facing the street, whether they have entrances or not.
 - Locate primary building entrances on major pedestrian walkways, as opposed to vehicle lanes or parking areas.
- Large-format (big box or power centre) retail sites should contribute to the area's attractiveness and the safety of all patrons, regardless of their mode of transportation.
- Walkways through parking lots
 - Entrances to buildings close to sidewalks
 - Parking in the rear
 - Design parking to minimize pedestrian and vehicle crossing

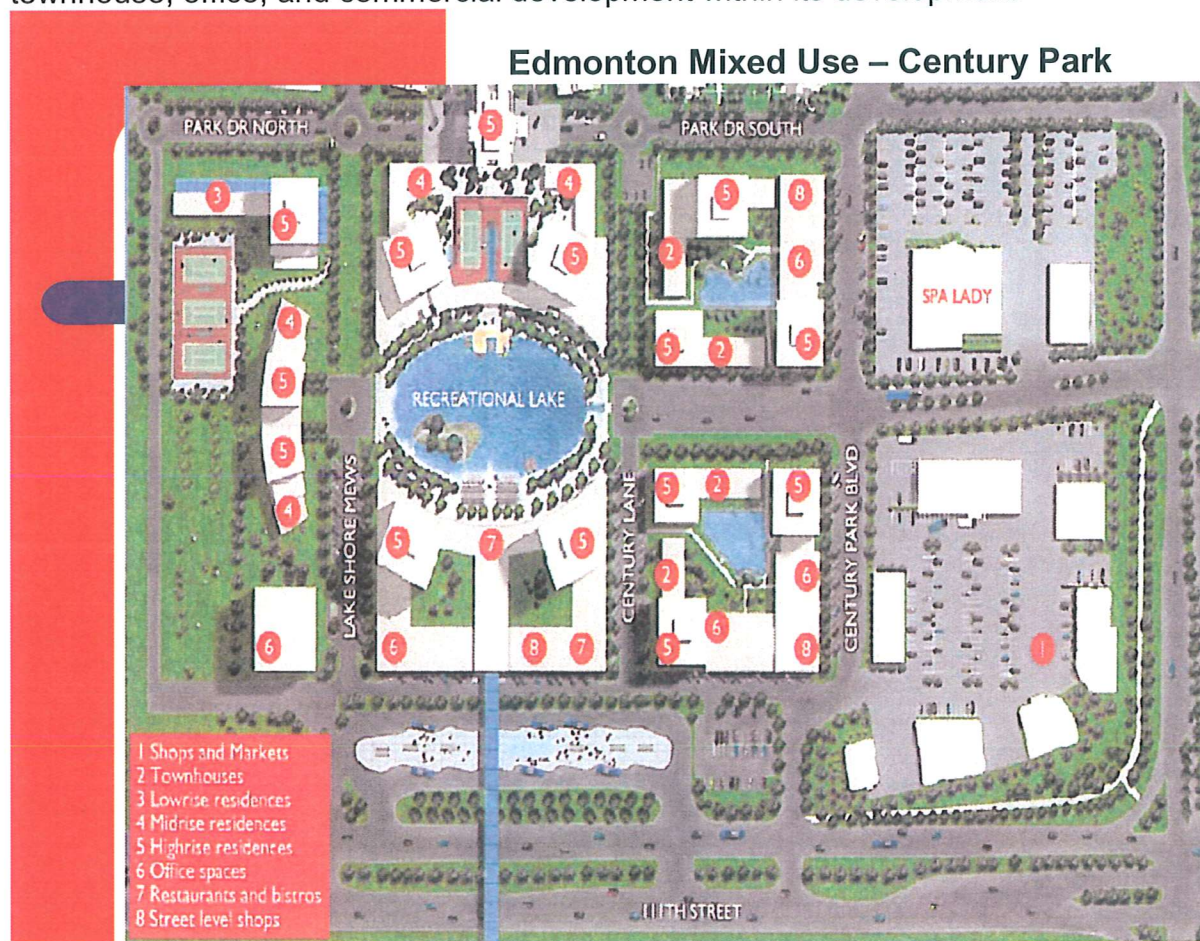
- Architectural Controls

2. Are there built examples of Town Centres in Alberta?

Several Alberta Municipalities are creating neighbourhoods with a Town Centre mixed use concept and have created specialized land use districts to implement the mixed use sustainable vision. Though the proposed Red Deer Town Centre Districts have many similarities to the districts created in other Alberta Municipalities the Red Deer Town Centre Districts are unique to Red Deer reflecting the City's land use needs and growth trends.

Both Edmonton and Calgary have similar forms of mixed use development in various stages of build out. Other municipalities have mixed use land use districts similar to Red Deer and are at various stages of development.

Edmonton has Century Park mixed use area which includes high density, townhouse, office, and commercial development within its development.



Calgary example is The Bridges, a mixed use area with a main street component, live work units and public amenity areas.

Calgary Mixed Use – Bridges



While these land use examples are unique to Edmonton and Calgary, they share common themes to the Red Deer proposed Town Centre of creating a community that provides places for people to work, live and play in a pedestrian friendly sustainable environment.

3. Some members of Council felt that townhouse developments are too low density to be considered within the Town Centre.

Administration feels that Townhouse developments are an important feature within the Town Centre area to:

- assist with providing a variety of housing types to meet the needs of all ages and income levels
- to provide a human scale development buffering high rise buildings adjacent to sidewalks
- minimum density requirements and minimum number of dwelling units are stated within the East Hill Major Area Structure Plan as well as the corresponding Timberlands and Clearview North NASPs to ensure a high density residential development is achieved.
- Many Alberta examples of Townhouses within Town Centre type developments.



3. Outcome of Meeting between Melcor Developments and City Administration

Melcor Developments is the landowner of the Town Centre area within the Clearview North Neighbourhood Area Structure Plan. Melcor Development stated they had no issues with the C6 Main Street/Town Square District and all concerns raised are with respect to the C5 Town Centre district.

The issues raised by Melcor in the letter submitted to City Council February 23, regarding the C5 district (with City Administration response) follows:

Melcor concerns yet to be resolved	City Administration Response
Drive thru (fast food, banks) requested as a permitted use	City Administration desires drive thru uses to remain discretionary to maintain the pedestrian focus of the area but to allow drive thru uses where it can be demonstrated they will not negatively affect pedestrian traffic.
Eliminate requirement to build to property line.	This is an issue which will have to be further addressed as part of the proposed compromise discussed below.

Melcor concerns yet to be resolved	City Administration Response
Requirement that primary entrances be onto the public street and concern with requirement for entrances to occur every 40 m on front and rear or side of building.	This is an issue which will have to be further addressed as part of the proposed compromise discussed below.
Concern that Guidelines adequately reflect intent of Main Street/Town Square C6 district but inadequately reflect Town Centre C5 district.	This is an issue which will have to be further addressed as part of the proposed compromise discussed below.
Melcor concerns which had been resolved prior to first reading	
Building height desired 6.5 m but not a 2 storey requirement	City Administration had previously (before first reading) made an amendment to the C5 District to state 6.5 m height or 2 storey, leaving flexibility in the options but ensuring a minimum height is maintained.
Parking to exceed bylaw parking with Development Approval	City Administration had previously (before first reading) made an amendment to the C5 District to allow parking to exceed maximum number subject to Development Authority approval.
Allow front parking	City Administration had previously (before first reading) made an amendment to the C5 District to allow minimal front parking subject to Development Authority approval.

Proposed Compromises

Following a meeting with Planning, Inspections and Licensing, and Land and Economic Development with Melcor Developments regarding their concerns compromises are proposed to the C5 Town Centre District which reflects maintaining a majority of City Administration's objectives of the vision of the Mixed Use area and satisfy the needs of the Developer. The proposed compromises intend to blend ideal planning theory and principles of a pedestrian friendly design with the reality and economics for developers and vendors when developing a mixed use town centre.

Pedestrian ideals which are proposed to be compromised	<i>Proposed Compromises where amendments to bylaw and guideline will be required</i>
<i>Design for People - Orient building facades and entrances to the street, and</i>	Proposed change to bylaw allowing a single entrance to building fronting onto

Pedestrian ideals which are proposed to be compromised	<i>Proposed Compromises where amendments to bylaw and guideline will be required</i>
<p><i>not to parking areas, where necessary provide double entrances</i></p> <p><i>Site parking to the rear or side of buildings rather than the front</i></p>	<p>internal private road and front parking, no entrance to neighbourhood public sidewalk adjacent to neighbourhood collector road</p> <p>Proposed to keep double frontage appearance, though no entrance to public sidewalk will have architectural treatment such as display windows, wall posters, awnings to maintain visual interest for the pedestrian, weather protection and to ensure buildings are not turning their back onto adjacent residential community.</p>
<p><i>Activity along the Street – Compact building placement</i></p> <p><i>Place public uses such as retail stores, services, restaurants at grade, parallel to the street to animate the street front, encourages pedestrian activity and improves personal security.</i></p> <p><i>Locate primary building entrances on major pedestrian walkways, as opposed to vehicle lanes or parking areas.</i></p>	<p>Activity along street public sidewalk will be limited due to lack of entrance; activity will be maintained along private internal roads.</p> <p>Buildings may not be placed compactly to allow for landscaped screened side loading areas.</p>

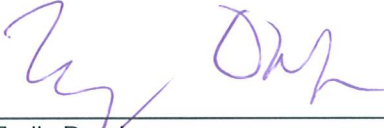
Planning, Land and Economic Development and Inspections and Licensing having discussed concerns with Melcor Developments are proposing compromises which are satisfactory to Melcor as solutions to their concerns.

The proposed C5 and C6 Districts and Guidelines will require a further review by City Administration after the public hearing to reflect the compromises within the bylaw. Administration wished to proceed with review of the bylaw and required amendments after the public hearing and presentation by Melcor Developments to City Council in order to make changes to the proposed bylaw based on discussion and direction of City Council at the April 20th public hearing for the Mixed Use area districts, C5 & C6.

City Council Options:

City Council may choose to proceed with one of the following two options:

1. Tabling the districts and guidelines to allow Administration to make changes to the districts and guidelines following the outcome and direction of City Council's discussions regarding the concerns raised by Melcor and the compromises proposed by City Administration.
2. Council proceeds with 2nd & 3rd reading of attached Bylaw 3357/E-2009. The attached bylaw has been amended from first reading to reflect minor wording changes as suggested by City Departments and clarification of the division of office space within the East Hill Town Centre. The attached bylaw does not reflect changes requested by Melcor Development and does not reflect the proposed compromises.



Emily Damberger
Planner

Nancy Hackett
Assistant Planning Manager



900, 10310 Jasper Avenue, Edmonton, Alberta T5J 1Y8
Phone: (780) 423-6931 Fax: (780) 426-1796 www.melcor.ca

February 23, 2009

Members of Council

City Council
PO Box 5008
Red Deer, Alberta T4N 3T4

Re: Bylaw to Amend Bylaw No. 3357/2006 – C5 and C6 Zoning

I would like to begin this letter by stating how much Melcor Developments Ltd. has appreciated the participation that the City of Red Deer has welcomed in the C5 and C6 land use planning process. To date we have found those involved in administration to be both reasonable and willing to discuss different ideas and approaches to reaching a final version of both districts that achieve what the City, the development community and retailers require. To that end we have made great strides, but I believe there is still work to be done.

Melcor will make a formal presentation prior to second reading, but the purpose of this letter is to outline a number of points we would like Council to consider in its consideration of the C5 and C6 districts.

As a general summary we have absolutely no objection to a commercial development with significantly enhanced architectural controls and with a focus on pedestrian links, but this needs to be done in the context of also providing retailers with their specific requirements. To ignore those needs will result in a project that is unmarketable, unleaseable and unsaleable. To reiterate, staff has been excellent to this point in the process and we would like to commend the City of Red Deer for opening up dialogue and encouraging private input. However the following points are ones we are at an impasse on and we feel warrant serious consideration. We ask Council to consider the following requests. Most of our concerns revolve around the C5 district.

5.6.1 East Hill Town Centre District C5

(1)(a) Permitted Uses

Melcor would prefer drive through services be transferred from Discretionary Uses to Permitted Use. Drive through lanes can be shielded and buffered with landscaping, but they are an imperative component of all banks and most food services. We would feel much more comfortable knowing we can move forward with this type of tenant with the assurance that drive-throughs will be permitted.

(2)(b) Building Height

The minimum height of 6.5 meters is acceptable, but we request the requirement for "2 storeys" be eliminated. It is impracticable to put a second storey of development on a 5,000 s.f. stand-alone bank, for example.

(2)(b) Front Yard / Side Yard Setback

Please eliminate the need to build property line. In practice this will be impossible in the C5 zoning. It is possible in the C6 (main street), however.

(3)(k) We have absolutely no problem enhancing the rear architecture of our retail buildings, but in the C5 district it is unmanageable to have the primary entrance facing onto a public street. Again, this is achievable in the C6 district.

(4) Parking Lot and Pedestrian Circulation Regulations

This section needs far more attention in the C5 area. In subsection (a) we need, at minimum, the ability to exceed bylaw parking *with the approval of the Development Authority*. History has demonstrated that certain retailers such as national grocers require additional stalls.

In subsection (b) we agree that the overall mass of the parking lots can be broken up with the use of landscaping, but to deny retailers the opportunity to park in front of their stores is unrealistic in practice.

East Hill Town Centre Guidelines

We would also like Council to carefully consider the East Hill Town Centre Guidelines as they are written almost exclusively for the C6 district and do not apply to C5.

Melcor would like to propose that we, along with our architect and master planner, present council with a detailed presentation (complete with a draft master plan of our lands) prior to second reading (or by special meeting with council prior to second reading) to better explain the inconsistencies and errors in the land use as presently drafted. We are available at Council's request to do so.

We appreciate Council's time and attention in considering both the suggested amendments and our request for an additional meeting.

Yours truly,



Brian D. Baker
Vice President, Property Development Division
Melcor Developments Ltd.

Brian Baker

From: Darrell Halliwell [HalliwellD@cohos-evamy.com]
Sent: Monday, February 23, 2009 12:13 PM
To: Brian Baker
Subject: East Hill Town Centre

Brian

In reviewing all of the documentation please find below my comments for further discussion.

Bylaw

The bylaw captured most of your comments. One of the things to keep in mind is that they suggest a maximum parking ratio, subject to review of by the Development Officer (DO). This maybe somewhat contrary to what some of the major retailers would typically push for.

The most important item is the issue of the 'front and side yard' setbacks as they apply to the site. The perimeter of the site has 2 arterial roads and 2 divided collectors. If one is to interpret the bylaw literally then the front of the buildings would need to be at a zero setback for the most part and facing these streets. I am not sure if this was their intent as bylaws are written to cover a number of differing parcels of land. In addition, the buildings are also to front 'private' roads which in the case of this parcel of land would also be the internal roads and may contradict the 'public' roadway systems. There needs to be a discussion with the DO in this regard. I believe the buildings along internal 'private' roads will not be an issue but am concerned at the exterior of the site.

It is also unfortunate that they have set minimum residential densities above commercial as it would have been interesting to incorporate a couple levels of residential above commercial as a 'test' fit for a truly integrated mixed use development. We may still have the opportunity if Melcor is interested.

Design Guidelines

The Guidelines while intended as a map to guide developers through the process appear to be very focused on implementing the recommendations through the development. There are many good things within the guidelines that will make this a sustainable, pedestrian friendly environment. Just a word of caution in that the amount of architectural and both hard and soft landscape treatment will have an impact on the overall budget for this development. The guidelines are quite specific on building materials, building massing, landscaping treatments, etc., that will have premium dollar values associated.

Please let us know if you want us to start looking at the masterplan as we should have a quick meeting to discuss the scope. We have some thoughts that we could review but eventually will need answers to the building frontage/setback items noted above.

Regards

Darrell Halliwell, MArch, AAA
Partner

COHOS EVAMY
i n t e g r a t e d d e s i g n ™

10154 108 Street
Edmonton, AB T5J 1L3
780.429.1580 T
780.917.4689 D
780.429.2848 F
www.cohos-evamy.com

2/23/2009



**PARKLAND
COMMUNITY
PLANNING
SERVICES**

Originally Submitted
to Council at the
Monday February 23,
2009 Council Meeting

Suite 404, 4808 Ross Street
Red Deer, Alberta, T4N 1X5
Phone: (403) 343-3394
FAX: (403) 346-1570
E-mail: pcps@pcps.ab.ca

DATE: February 12, 2009
TO: Legislative and Administrative Services Manager
FROM: Emily Damberger, Planner
RE: Land Use Bylaw Amendment No. 3357/E-2009
1. C5 East Hill Town Centre Land Use District
2. C6 Main Street/Town Square Land Use District
3. East Hill Town Centre Design Guidelines (by resolution)

1. Background

The proposed East Hill Town Centre and Main Street/Town Square Land Use Districts are new land use districts for designated mixed use areas within the East Hill Major Area Structure Plan.

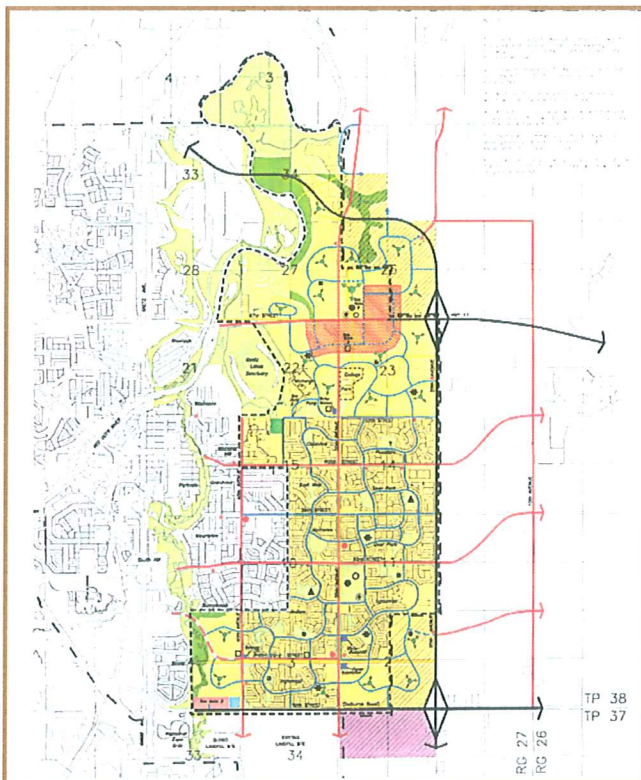


Figure 1: East Hill Major Area Structure Plan (MASP)

The goal and objective of the East Hill Major Area Structure Plan is:

"To provide a broad planning direction for the subdivision of lands in a manner which facilitates the economically, socially and ecologically sustainable building out of the plan area as a desirable place for healthy living, education, work and recreation for individuals and families of all ages and with varying needs and desires."

A quote from the East Hill MASP vision of the year 2025, the mixed use (Town Centre & Main Street) is identified in the East Hill MASP in the red hatched area:



Figure 2: East Hill Mixed Use Town Centre Area

"Transit service links the Town Centre with the surrounding neighbourhoods and the entire city. The architecture reflects elements of traditional prairie downtowns and contemporary designs. Recreation, social and cultural activities supplement viable commercial services, and shape the Town Centre as a focal point for the surrounding neighbourhoods and the larger East Hill community. The Town Centre main street is alive as residents and shoppers walk

along the pedestrian-friendly streets lined with shade trees, shops and the glitter of architectural lighting. Wide sidewalks and pedestrian trail linkages provide safe and convenient access to various facilities and amenities. Employment areas and buildings are designed to be compatible with adjacent residential areas and school sites."

The East Hill MASP provides general directions, commercial form options, and specific residential density requirements for each quarter section within the mixed use Town Centre area. The quarter sections within the mixed use Town Centre which have neighbourhood area structure plans in place are The City's neighbourhood, Timberlands and Melcor's Clearview North.

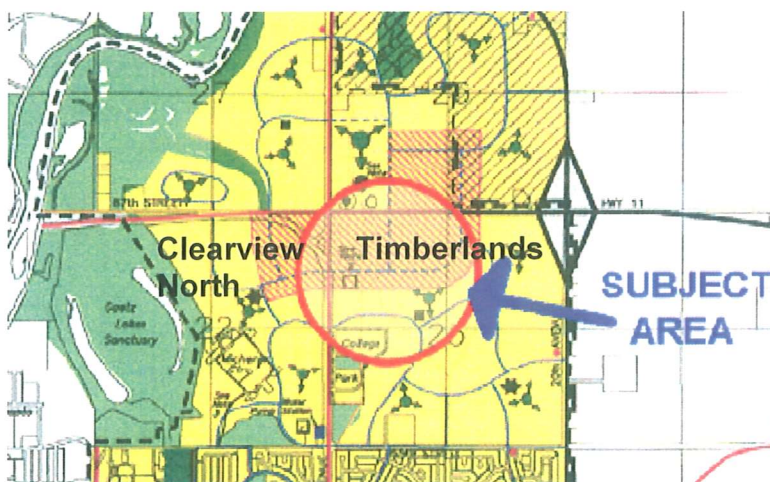


Figure 3: Timberlands & Clear View North NASP Location

The Timberlands NASP describes the Town Centre area as a pedestrian friendly, mixed use commercial with higher density residential and the ability for either stand alone multi-family residential buildings or residential above ground floor commercial. Within the mixed use area both Town Centre and Main Street/Town Square Districts are proposed.

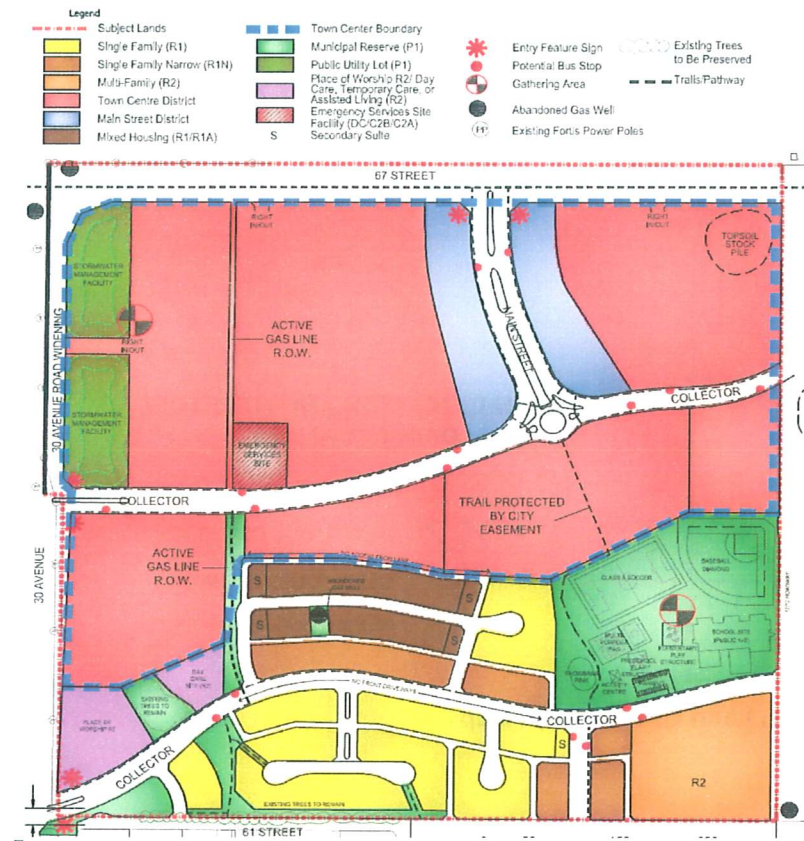


Figure 4: Timberlands NASP Land Use Concepts

The proposed East Hill Town Centre C5 District (red area) and the Main Street/Town Square District C6 (blue area) will be applied in the Timberlands Mixed use area.

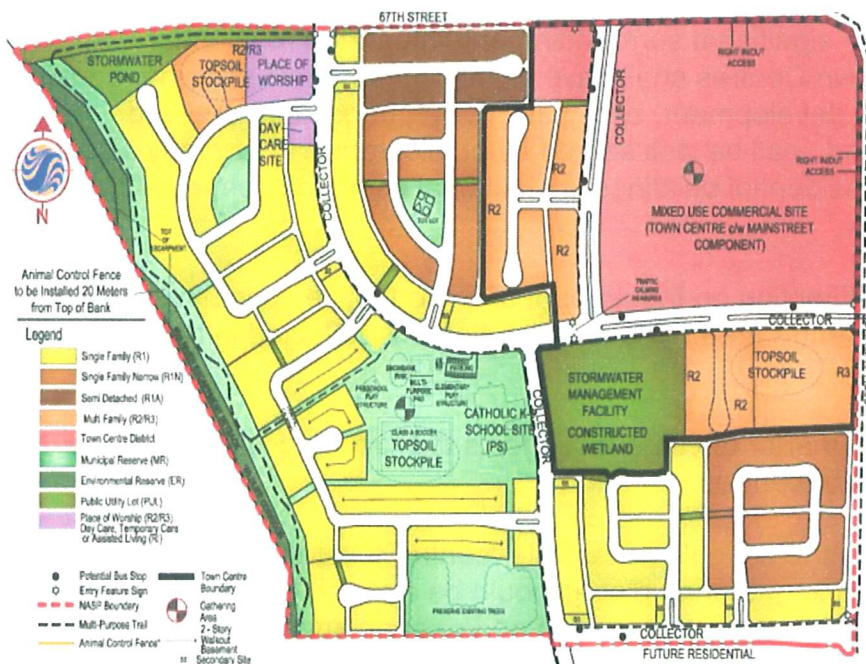


Figure 5: Clearview North NASP Land Use Concepts

The Clearview North NASP describes the Town Centre area as a pedestrian friendly, mixed use commercial with higher density residential and the ability for either stand alone multi-family residential buildings or residential above ground floor commercial. Within the mixed use area both Town Centre C5 and Main Street/Town Square C6

The City's Smart Growth Strategy and recently adopted City of Red Deer Municipal Development Plan provide guidance and support the development of a Town Centre.

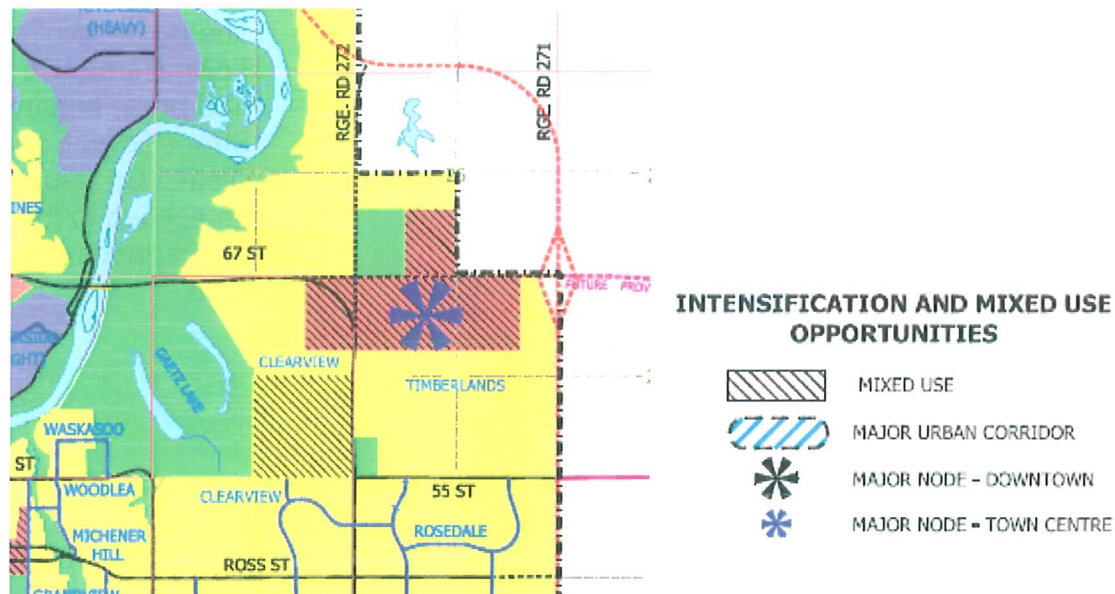


Figure 6: Municipal Development Plan Land Use Concept Map

The MDP states that:

"The City shall promote the Town Centre as shown on the Generalized Land Use Concept Map. These Town Centres, located strategically at major transportation nodes, are envisioned to be large scale mixed use focal points serving a large sector of the city and region in the midst of significant surrounding and integrated residential development. These Town Centres shall have significant amounts of higher density housing and commercial development, shall have strong pedestrian oriented streetscape elements, and shall be well served by public transit. They may also include mixed use commercial/residential buildings, institutional uses and community elements such as gathering places."

The MDP also provides direction on the amount of limited office space that could be developed in the Town Centre area. The amount stated is reflected in the proposed land use districts.

The Red Deer Growing Smarter document suggests the following with regards to neighbourhood commercial centres:

"Direct shops and services to a highly accessible "centre" located at an entrance to the neighbourhood, at least one gathering place should be a mixed use centre consisting of a cluster of commercial uses, leisure amenities and/or open space areas, transit stop and buildings that provide for meeting space or assemblies."

2. Examples of other Alberta Municipalities with Mixed Use Developments

The City of Edmonton Ambleside Urban Village Commercial Zone general purpose is to establish a high density, mixed use, pedestrian friendly urban village centre that will serve as a community gathering place in the Ambleside Neighbourhood, focusing on main street shopping, entertainment, office, and community facilities, and residential uses. The intent is to enhance the character of the area through the design of buildings and the pedestrian environment by incorporating pedestrian scaled architecture and amenities.

The City of Airdrie Commercial Mixed Use District (CMU) purpose is to allow for and encourage a variety of commercial, office, residential and other uses that serve the local community and that are integrated vertically and horizontally within a comprehensively-designed development area that emphasizes street-oriented, compact, and pedestrian-oriented urban development patterns in accordance with standards set forth within the City of Airdrie mixed use development performance criteria.

The City of Calgary has many mixed use districts in new areas such as Mackenzie Town with a main street component, and redevelopment areas that offer live-work units such as the Bridges, and Garrison Woods.

County of Strathcona, Emerald Hills Urban Village and the South Wye Direct Control District, areas are intended to create a complete community. Both are combining a range of residential densities with commercial uses, and the South Wye area is centered on a high street node (main street type development).

The City of St. Albert Direct Control Mixed Use Land Use District describes its purpose is to provide an area for a mixture of commercial, institutional and medium to high density residential land uses. The area will be compact, attractive, pedestrian-friendly and reasonably compatible with the surrounding areas. Developments within this area should provide a variety of housing options, the provision of commercial and residential uses within the same structure, and an appropriate ratio of non-residential uses to create a community where residents have the opportunity to live and work.

While these land use districts are unique, all share common themes of creating a community that provides places for people to work, live and play in a pedestrian friendly sustainable environment.

3. Research Findings

The Red Deer Growing Smarter (2002) document explored many sustainable development principles based on smart growth, these principles can be summarized as the following objectives for planning of Town Centres:

Smart Growth Principles	East Hill Town Centre & Main Street/Town Square Districts
Mix Land Uses	Proposing Commercial, Residential, Institutional, Office and Recreational Uses.
Compact Building Design	Proposing medium to high density residential uses, proposing a full range of commercial building sizes with larger big box stores being discretionary.
Range of Housing Choices	Within both Clearview North and Timberlands there are full ranges of single family housing to apartments or condo developments, including encouragement of affordable housing and mixed use including a Town Centre area.
Walkable neighbourhoods	Linkages, pedestrian friendly design through streets, parking lots and trails are required.
Distinctive and Attractive Places	The Main Street/Town Square and Town Centre areas will be a unique combination of a smaller downtown Main Street/Town Square and a larger pedestrian friendly commercial centre with residential opportunities. Design requirements ensure attractive buildings.
Preserve Open Space and Farmland	By creating higher density more farmland may be preserved in the future; stormwater wetlands in Timberlands will recreate open space.
Transportation Choices	The Districts are designed to allow for many transportation types, pedestrian, cyclist, and vehicle.
Predictable and Fair Decision Making	A focus group of City Administration will review applications in this area to ensure consistency of interpretation of the bylaw.
Community and Stakeholder participation	A stakeholder workshop and Public Open House were held to collect input prior to final draft of bylaw.

The Urban Land Institute has developed a document titled "*Ten Principles for Developing Successful Town Centres*", within this document they provide the following definition of a Town Centre:

"A Town Centre is an enduring, walkable, and integrated open-air, multiuse development that is organized around a clearly identifiable and energized public realm where citizens can gather and strengthen their community bonds. It is anchored by retail, dining and leisure uses, as well as by vertical or horizontal residential uses. At least one other type of development is included in a Town Centre, such as office, hospitality, civic, and cultural uses. Over time, a Town Centre should evolve into the densest, most compact, and most diverse part of a community, with strong connections to its surrounding."

The following principles have been applied to the C5 East Hill Town Centre and C6 Main Street/Town Square Districts:

Ten Principles for Town Centre	C5 East Hill Town Centre & C6 Main Street/Town Square Districts
Create an Enduring and Memorable Public Realm	Town Centre and Main Street/Town Square areas will be central places within each neighbourhood for the community, public realm features are encouraged through sidewalk and street design as well as exterior amenity requirements.
Respect Market Realities	Identified required square footage of commercial space through stakeholder workshop and provide for a variety of commercial opportunities. Likely will require a certain amount of big box stores to act as anchors to the Main Street/Town Square District.
Share the risk, Share the reward	Exploring public/private partnerships to provide enhanced public realm options. Districts are flexible to allow for diversity of building types and uses during development.
Plan for Development and Financial Complexity	Require an overall site plan to be submitted prior to development approvals; Land and Economic Development have several strategies for developing the Timberlands Town Centre.
Integrate Multiple Uses	Commercial, Residential, Office and Recreational uses, and mixed uses are proposed.

Ten Principles for Town Centre	C5 East Hill Town Centre & C6 Main Street/Town Square Districts
Balance Flexibility with Long-Term Vision	The Districts and Guidelines portray the long-term visions, while the regulations provide flexibility for phasing of the development.
Capture the Benefits that density offers	Provision for medium and high density housing supports walkability, affordability, helps expand transportation choices, and improves security (eyes on the street).
Connect to the Community	The Districts require a site plan that will address a base plan, roads, trails, sidewalks, transit and open space connections.
Invest for Sustainability	Guidelines encourage green built, energy and water conservation, walkable neighbourhood.
Commit to Intensive On-Site Management and Programming	Future topic of discussion for Recreation Parks and Culture, Land and Economic Development, Planning and private developers.

All applicable City departments reviewed the proposed Districts and Guidelines. These were discussed at a Development Review Committee (DRC consisting of City Department Managers) meeting and recommended changes were made following further discussions with departments. City departments support the proposed new land use Districts and Guidelines.

4. Proposed C5 East Hill Town Centre and C6 Main Street/Town Square Districts

The proposed Town Centre (C5) and Main Street/Town Square (C6) mixed used Districts are intended to assist development of the areas identified in the East Hill Major Area Structure plan in conjunction with the Town Centre Design Guidelines. Both the Districts and Guidelines will assist developers and City Administration to create the vision stated in the East Hill MASP and the MDP.

The new Districts will act as the “shall” clauses, with requirements for development stated in the regulations and the Guidelines are the “should” clauses which enhance the desired vision of the area and are directions City Administration would encourage and desire developers to adopt.

The overall Town Centre & Main Street/Town Square Districts vision is to create an area where people can work, live and play, with key development principles being:

- pedestrian friendly
- variety of commercial
- mixed use
- high residential density
- limited office
- design guidelines

Through the development process each quarter section within the East Hill Town Centre (identified in the East Hill MASP) will require a master plan/site plan to reflect overall vision for the Town Centre area as identified in the Guidelines and Districts.

Each area will contain a Town Centre and Main Street/Town Square District as required by the East Hill MASP.

C5 East Hill Town Centre District

The proposed Town Centre uses include the following:

- maximum square footage commercial 50,000 sq ft permitted, discretionary over 50,000 sq ft.
- commercial entertainment, service, recreation larger scale
- hotel, motel
- limited office
- restaurant
- retail sales larger scale
- mixed use building, residential and commercial
- stand alone residential apartments/condos

Uses not permitted are those that potentially conflict with areas having residents and pedestrians:

- manufacturing
- service and repair of goods

C5 regulations include:

- maximum 8 storeys conducive to surrounding neighbourhood residential scale
- above 3rd storey setback one meter to maintain pedestrian scale
- front yard setbacks: commercial built to property line with zero setback and residential having a 1.0 m setback



Figure 7: Residential Setback

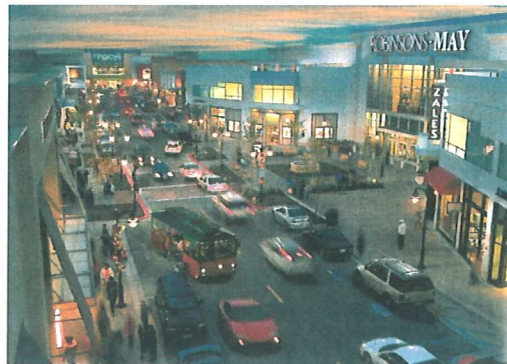


Figure 8: Commercial Built to Property line

- side yard setbacks - commercial built to property line with zero setback
- exterior amenity areas:
 - similar to amenity area requirements for R2 & R3, and Riverlands Area
 - includes public/private amenity areas which provide landscaping, sitting areas, playgrounds, pools, roof top gardens or patios
 - intended to provide the community with an active or passive recreational space for public or private use
 - may form part of or be entirely the 15% landscaping requirement



Figure 9: Example of Exterior Amenity Area



Figure 10: Example of Exterior Amenity Area

The MDP states the office limits within the Town Centre Area, the maximum amount of office space which may be allowed in the East Hill Mixed Use area as identified in the East Hill MASP shall be at total of 125,000 square feet of gross leasable area:

- limited to a total of four floors in any single building
- divided evenly between quarter sections identified as part of the Town Centre Mixed Use area in the East Hill MASP, 41,666 sq ft each
- not permitted on main floor fronting public or private street or sidewalk



Figure 11: Mixed use office building

C5 District General Design:

- large blank walls on “big box” or “power centres” will not be permitted as they lack aesthetic scale and discourage pedestrian activity
- instead of using landscaping adjacent to buildings to hide large blank wall, District and Guidelines encourage architectural design elements to improve visual appearance of the building
- landscaping will be used functionally along trails, sidewalks and pedestrian realm areas to provide weather protection and visual appeal



Figure 12: blank walls not permitted

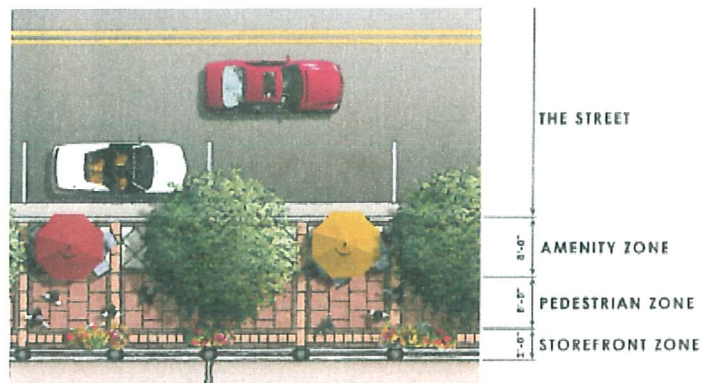


Figure 13: Street trees amenity area

- street trees shall occur between the public or private streets and sidewalks at intervals of no greater than 10m and may form a component of the 15% landscaping/exterior amenity area at the discretion of the Development Authority
- minimum 1.7 m sidewalks shall be provided on all public or private streets within the site area adjacent to all sides of a building linking public sidewalks, trails, transit stops, and all buildings within the Town Centre
- functional building entries shall occur every 40 m, on average, and along commercial or mixed use sites facing both public and private street fronts
- upper story decks, balconies or rooftop gardens shall be incorporated for residential uses



Figure 14: Residential balcony



Figure 15: Sidewalk linkages through parking lot

C5 Parking:

- parking will be clustered in side and rear lots within C5 & C6 Districts or as approved by the Development Authority
- parking lots shall be configured and designed to reduce the overall mass of paved surfaces



Figure 16: Shall not have mass parking lots



Figure 17: Bicycle parking provided

- the number of parking stalls shall not exceed the minimum required number of stalls stated in the land use bylaw parking regulations, fewer stalls may be considered
- shared parking agreements may be considered as fulfilling parking requirement by the Development Authority
- parking blocks where possible shall be oriented to facilitate pedestrian movement down, not across aisles
- parking lot aisles are not to exceed 60 m and lots containing more than 150 parking spaces shall be configured into smaller cells by use of landscaping
- minimum of one linked walkway shall be centrally located within a parking block
- bicycle parking spaces or bicycle storage capacity of no less than 15% of the number of parking spaces provided for the site area

C6 Main Street/Town Square District

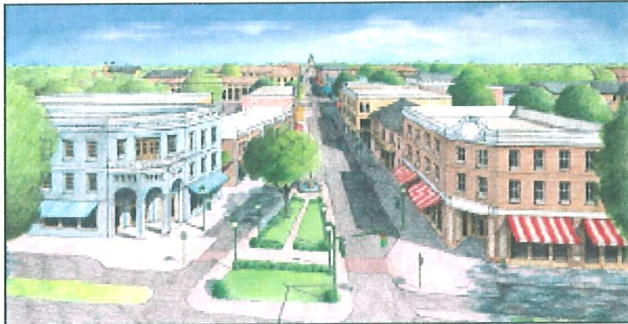


Figure 18: Main Street Concept

The C6 Main Street/Town Square District will have similar uses as the C5 Town Centre with small prairie town vision:

- smaller commercial, max 450 m2, opportunity for small business operators
- residential or office above ground floor commercial, opportunity for live-work units
- no drive through, in order to maintain pedestrian flow along Main Street/Town Square

Most regulations similar to C5 District, key differences:

- buildings to be constructed with 7.5 m wide modules
- minimum 2 storey or height equivalent and maximum of 5 storeys



Figure 19: Main Street awnings



Figure 20: commercial with residential above

- clear visual distinction between street level and upper floors - incorporated through the change of materials, colours, and/or canopies and awnings.
- no front driveways shall be permitted along Main Street/Town Square.
- loading/service areas including refuse/recycling enclosures shall be located out of public view when ever feasible and must not front onto Main Street/Town Square.

5. Proposed East Hill Town Centre Design Guidelines



Figure 21: Main Street/Town Square

The Guidelines are intended to enhance the vision of the area, to capture the idealized intent of development in the area. The Guidelines provide direction regarding design elements to compliment Town Centre and Main Street/Town Square Districts. The Guidelines contain “should” statements versus “shall” statements in Districts.

City Administration is proposing a development review committee that would use the design Guidelines, a master plan/site plan and the Districts to evaluate proposals. Each Town Centre development area will be required to submit a master plan/site plan that will be approved subject to design Guidelines and Districts.



Figure 22: Specifically Designed Walmart Example

The Guidelines present aesthetic suggestions to the following:

- General Site Design:
 - Setbacks
 - Orientation

- Parking:
 - Provisions
 - Landscaping
 - On-Street Parking
 - Off-Street Parking
- Public Gathering Spaces
- Site Furnishings
- Pedestrian Circulation
- Site Lighting
- Landscaping
- Safety and Graffiti Management
- Sustainability:
 - Minimum Bronze Built Green Certified
 - Water conservation
 - Building orientation maximize energy efficiency
 - Pedestrian connectivity fewer vehicle emissions
- Building Design
 - Corporate Design
- Building Entryways
- Façade
- Ground Floor Uses
- Material & Colour
- Lighting
- Building Utility & Service Areas
- Town Centre District
 - Building Design
 - Building Entryways
 - Parking
 - Signage
- Main Street/Town Square District
 - Building Design
 - Architectural Character
 - Building Doors & Windows
 - Awnings & Canopies
 - Lighting
 - Signage
 - Parking
 - Streetscape



Figure 23: Residential Design

6. Stakeholders Workshop & Public Open House

Attached to this report are the comments collected at both the stakeholder workshop and the public open house.

The main comments from the workshop were overall positive regarding the vision of the area. The comments were presented to the Development Review Committee (DRC

consisting of City Department Managers) for Administration response to concerns. Issues of concern are the following:

Issue of Concern	Developer's View	DRC Response
Rear and side yard parking and double fronting access for buildings.	Would like to see rear and side yard parking only apply to Main Street/Town Square and not Town Centre, to allow front parking in the Town Centre area.	District states preferred rear and side parking with double fronting access along major collector roads, but will have flexibility of subject to Development Authority approval. Prefer to keep building accessible and adjacent to public roads and not promote a front yard of parking.
2 storey height minimum	2 storey too high for Main Street/Town Square, should allow for single storey.	To ensure the availability of work/live areas within the same building will require two storeys, residential only permitted on second storey.
Limiting pedestrian friendly requirements	Could split Town Centre into a small area (Main Street/Town Square) that is pedestrian focus and the rest of the area could be vehicle focused.	City Administration would like the focus throughout entire area to be pedestrian friendly.
Public Realm	Need public realm development as a stimulus for commercial development.	Guidelines encourage developers to submit creative proposals, potential cost sharing projects or for example a business improvement District could be considered.

Planning Analysis

The proposed Districts and Guidelines were created to reflect and implement the mixed use Town Centre vision stated in the East Hill Major Area Structure Plan and the Municipal Development Plan. Both Timberlands and Clearview North NASP land use concepts reflect the Town Centre vision of the East Hill MASP.

Various planning theories and smart growth principles support mixed use, higher density developments to create a complete sustainable neighbourhood where people can work, live and play.

Several Alberta Municipalities are creating neighbourhoods with a Town Centre mixed use concept and have created specialized land use districts to implement the mixed use sustainable vision. Though the proposed Districts have many similarities to the districts created in other Alberta Municipalities the Districts are a unique to Red Deer reflecting the City's land use needs and growth trends.

City departments are in support of the Districts and Guidelines and though there are a few issues in which developers have concerns (double fronting buildings and parking being preferred in the side and rear yards) City Administration feel it is important to maintain these regulations to create the desired pedestrian friendly vision.

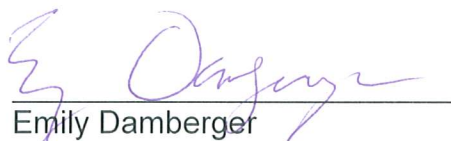
The Town Centre District will provide an area for mixed uses, larger commercial site, and public realm potential and pedestrian linkages enhanced by landscaping. The Main Street/Town Square District will provide opportunity for smaller scale commercial operations, reflecting a small town prairie Main Street/Town Square, potential for live-work units, and a pedestrian scale design.

The Guidelines support the East Hill MASP Town Centre Mixed Use area vision and compliment the Districts. The Guidelines will assist developers in their site design and City Administration in the evaluation of development proposals.

City Administration supports these Districts as a tool to implementing a more sustainable community and future for the City of Red Deer.

Recommendation

1. That Council of the City of Red Deer proceeds with first reading of Land Use Bylaw 3357/E-2009.
2. That Council of the City of Red Deer proceeds with adoption by resolution of the East Hill Town Centre Design Guidelines.


Emily Damberger
Planner


Tony Lindhout City Planning Manager

cc: Paul Meyette
Tom Warder
Colleen Jensen
Don Simpson



FILE COPY

LEGISLATIVE & ADMINISTRATIVE SERVICES
April 21, 2009

Via Regular Mail & Fax 403.346.7510

Mr. Brian Baker
Vice President, Melcor Developments
502, 4901 – 48 Street
Red Deer, AB T4N 6M4

Dear Mr. Baker:

Re: Land Use Bylaw Amendment 3357/ E-2009
1. C5 East Hill Town Centre Land Use District
2. C6 Main Street / Town Square Land Use District
3. East Hill Town Centre Design Guidelines

At the City of Red Deer's Council meeting held Monday, April 20, 2009, a Public Hearing was held with respect to *Land Use Bylaw Amendment 3357/E-2009*. Following the Public Hearing, *Land Use Bylaw Amendment 3357/E-2009* was tabled for two weeks to consider the Administration amendments to Land Use Bylaw Amendment 3357/E-2009. As well, *Land Use Bylaw Amendment 3357/E-2008* and the *East Hill Town Centre Design Guidelines* will be brought forward for consideration to the June 1, 2009 regular Council Meeting. For your information, a copy of Land Use Bylaw Amendment 3357/E-2009 and the East Hill Town Centre Design Guidelines are located on our website: www.reddeer.ca / City Government/City Council/ 2009 Council Agendas.

Land Use Bylaw Amendment 3357/E-2009 provides for the proposed East Hill Town Centre and Main Street / Town Square Land Use Districts and new land use districts for designated mixed use areas within the East Hill Major Area Structure Plan.

If you have any questions or require additional information, please contact me at 403.342.8132.

Sincerely,

Elaine Vincent
Legislative & Administrative Services Manager

cc: Parkland Community Planning Services

* * * Communication Result Report (Apr. 22. 2009 3:18PM) * * *

1) LEGISLATIVE SERVICES
2)

Date/Time: Apr. 22. 2009 3:11PM

File No. Mode	Destination	Pg(s)	Result	Page Not Sent
8438 Memory TX	4033467510	P. 2	E-3) 3)	P. 1-2

Reason for error

E. 1) Hang up or line fail

E. 3) No answer

E. 5) Exceeded max. E-mail size

E. 2) Busy

E. 4) No facsimile connection



P.O. Box 5008, Red Deer, Alberta T4N 3T4
Web Site: www.reddeer.ca

Legislative & Administrative Services (403) 342-8132
Email: legislativeservices@reddeer.ca

DATE: April 22, 2009

OUR FAX NO: (403) 346-6195

NUMBER OF PAGES INCLUDING THIS PAGE: 2

FAX TO: Brian Baker - Melcor

ATTENTION:

THEIR FAX NO: 403-346-7510

FROM: Elaine Vincent

DEPARTMENT: L.A.S.

PHONE #: (403) 342-8132

MESSAGE AREA (if required):

Confidentiality Notice

This communication is directed in confidence solely to the person named above and may not otherwise be distributed, copied or disclosed. It may contain information that is confidential or subject to legal privilege. Further disclosure or use of this communication in whole or in part, by any other person, in any manner, may be an offence under the Freedom of Information and Protection of Privacy Act. If you received this fax in error please telephone us immediately. Thank you for your assistance.

ORIGINAL TO FOLLOW:

BY MAIL ☒BY COURIER ☐

NO ORIGINAL WILL BE FORWARDED:

IF YOU DO NOT RECEIVE ALL OF THE PAGES, PLEASE CONTACT SENDER AT THE PHONE NUMBER SHOWN ABOVE. THANK YOU.

FILE COPY

DATE: April 21, 2009

TO: Emily Damberger, Parkland Community Planning Services

FROM: Elaine Vincent, Legislative & Administrative Services Manager

SUBJECT: Land Use Bylaw Amendment 3357/E-2009
1. C5 East Hill Town Centre Land Use District
2. C6 Main Street/Town Square Land Use District
3. East Hill Town Centre Design Guidelines

Reference Report:

Parkland Community Planning Services, dated February 12, 2009.

Parkland Community Planning Services, dated April 9, 2009.

Legislative and Administrative Services Manager, dated April 14, 2009.

Resolution:

"Resolved that Council of the City of Red Deer hereby agrees to tabling consideration of second and third readings of Land Use Bylaw Amendment 3357/E-2009 and the East Hill Town Centre Design Guidelines for an additional six weeks for Administration to consider further changes to Land Use Bylaw Amendment 3357/E-2009 after consideration of Melcor Developments proposed changes to the East Hill Town Centre Land Use District and Main Street Town Square Land Use District and East Hill Town Centre Design Guidelines."

Motion Carried

Report Back to Council: Yes – May 4, 2009 Bylaw Amendments to be brought forward.
Yes – June 1, 2009 Report to be brought forward from Parkland Community Planning Services after consulting with Melcor Developments on the design guidelines related to the Market Square concept, C6.

Comments/Further Action:

Land Use Bylaw Amendment 3357/E-2009 provides for the proposed East Hill Town Centre and Main Street / Town Square Land Use Districts and new land use districts for designated mixed use areas within the East Hill Major Area Structure Plan.



Elaine Vincent
Manager

cc: Development Services Director
Corporate Services Director
Engineering Services Manager
Financial Services Manager
Assessment and Tax Manager
City Assessor
Inspections & Licensing Manager
Inspections & Licensing Supervisor
Land & Economic Development Manager
Leigh-Ann Butler, Graphics Supervisor
Property Assessment Technician
LAS FILE

Kim Woods

From: Emily Damberger
Sent: February 26, 2009 11:54 AM
To: Kim Woods
Subject: RE: 3357/E-2009

Thank you sounds good.

FILE COPY

From: Kim Woods
Sent: February 26, 2009 11:48 AM
To: Emily Damberger
Cc: Lisa Perkins; Nancy Hackett; Tony Lindhout
Subject: 3357/E-2009

Hi Emily:

I just checked with Lisa Perkins and she has the same information I do. The resolution (guidelines) were tabled and the Bylaw was not.

Therefore I will wait for the date of the meeting, between Melcor and your office.

My deadline for placing the ad is Wednesday 9am March 4th. Publication dates are: March 6 & 13. Then public feedback deadline for the agenda is March 17 2009.
All for the March 23rd Council Meeting.

If the Melcor meeting date is late in the month of March, The LAS department will place a memo on the March 9th agenda requesting tabling of Bylaw 3357/E-2009 for more administrative processing time - to the April 6th or even April 20th Council Agenda.

Thank you,

Kim

Kim Woods

Council Services Coordinator

The City of Red Deer

Legislative & Administrative Services

Phone: 403.342.8201

Email: kim.woods@reddeer.ca

Website: www.reddeer.ca

→ ? admin process
table resolution / by-law.

Originally Submitted to
Council at the Monday
February 23, 2009 Council
Meeting



East Hill Town Centre

Town Center Design Guidelines

East Hill Town Centre — Design Guidelines

CONTRIBUTING PROFESSIONALS

CITY OF RED DEER SENIOR STAFF



Howard Thompson, Land & Economic Development
Frank Colosimo, Engineering
Emily Damberger, Planning PCPS

VISIONING WORKSHOP ATTENDEES

Kevin Joll, City of Red Deer
Tom Warder, City of Red Deer
Pam Ralston, City of Red Deer
Sheila Sikora, City of Red Deer
Howard Thompson, City of Red Deer
Paul Meyette, City of Red Deer
Emily Damberger, City of Red Deer
Greg Scott, City of Red Deer
Paul Goranson, City of Red Deer
Joyce Boon, City of Red Deer
Colleen Jensen, City of Red Deer
Frank Colosimo, City of Red Deer
Jack MacDonald, City of Red Deer

Brad Currie, Stantec (Red Deer)
Patricia Glanville, Stantec (Red Deer)
Chris Jennings, Stantec (Red Deer)
Jacqueline Joyce, Stantec (Calgary)
Ryan Mortson, Stantec (Calgary)
Drew Ferrari, Stantec (Calgary)

CONSULTING TEAM



Stantec Consulting Ltd.
Brad Currie, Engineering (Red Deer)
Chris Jennings, Planning (Red Deer)
Gordon Lau, Planning (Red Deer)
TJ Hartel, Graphics (Red Deer)
Drew Ferrari, Graphics (Calgary)



Hudema Consulting Group Limited
Blake Hudema
James Smerdon



EAST HILL TOWN CENTRE

TABLE OF CONTENTS

1. INTRODUCTION	1	4.13 Main Street/Town Square Commercial	20
2. VISION PRINCIPLES	2	4.13.1 Building Designs	20
3. GOALS STATEMENT	2	4.13.2 Architectural Character	20
4. GENERAL SITE DESIGN		4.13.3 Buildings Doors & Windows	23
4.1 Setbacks & Orientation	3	5. BUILDING DESIGN	
4.1.1 Setbacks	3	5.1 Building Design	24
4.1.2 Orientation	3	5.1.1 Corporate & Franchise Designs	24
4.2 Parking	4	5.2 Building Entryways	25
4.2.1 Parking Provisions	5	5.3 Façade	26
4.2.2 On-Street Parking	5	5.4 Ground Floor Uses	26
4.2.3 Off-Street Parking	5	5.5 Materials & Colour	27
4.2.4 Landscape Treatment	6	5.5.1 Materials	27
4.2.5 Vehicle Access and Circulation	7	5.5.2 Colour	27
4.2.6 Pedestrian Circulation	7	5.6 Building Utility & Service Areas	28
4.2.7 Lighting	8	5.7 Town Centre District	29
4.2.8 Site Grading	8	5.8 Main Street/Town Square Commercial District	29
4.2.9 Snow Storage	8		
4.3 Public Gathering Spaces	9		
4.4 Site Furnishings	11		
4.5 Pedestrian Circulation	12		
4.6 Landscaping	13		
4.7 Site Lighting	15		
4.8 Site Signage	16		
4.9 Awnings & canopies	17		
4.10 Signage	17		
4.11 Safety & Security	18		
4.11.1 Graffiti Management	18		
4.12 Sustainability	19		
4.12.1 Water Conservation	19		



East Hill Town Centre — Design Guidelines

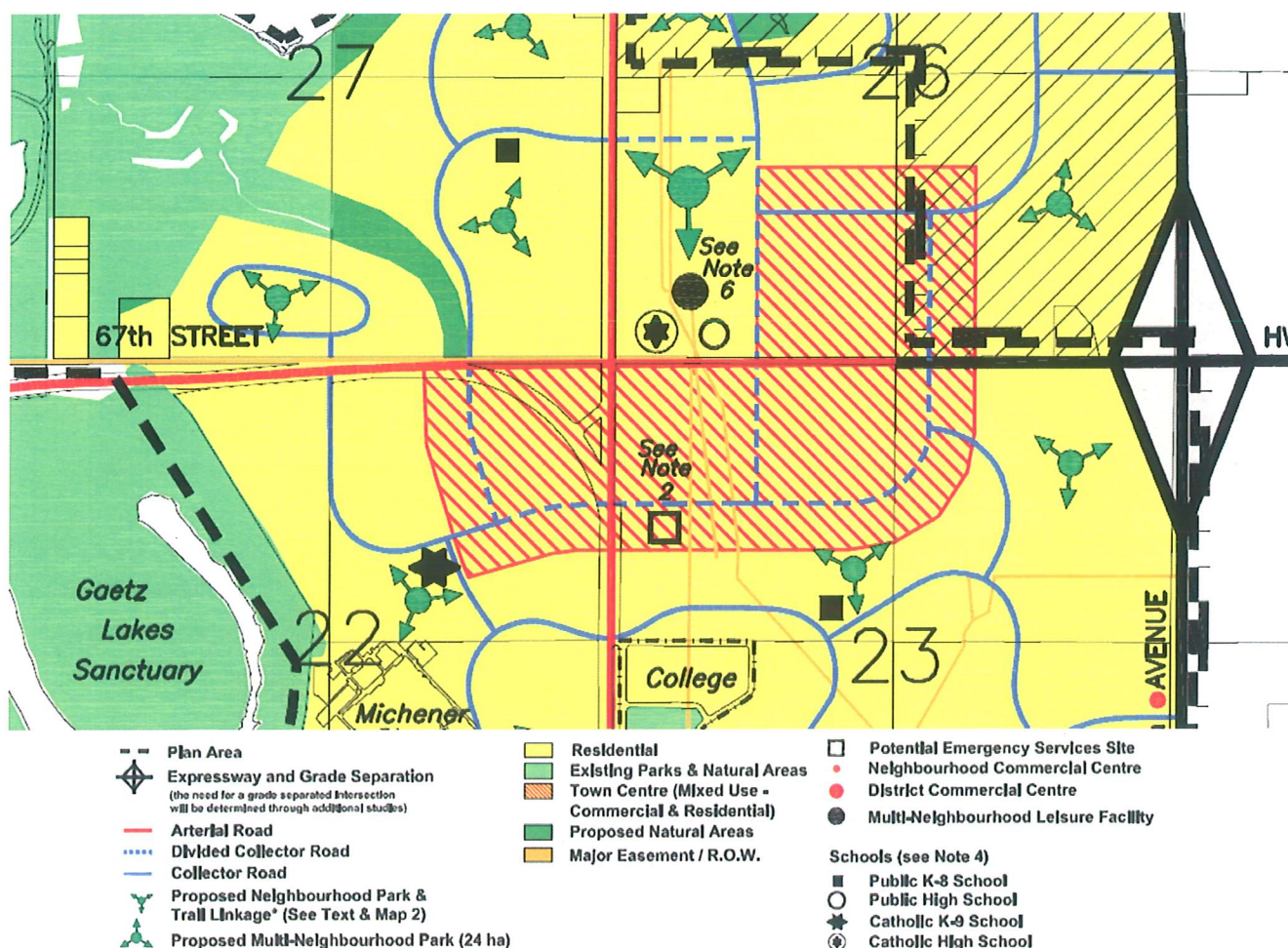
1. INTRODUCTION

The East Hill Town Centre will be the heart of the surrounding East Hill communities. This area will be developed to reflect a unique image and character through careful design, with a focus on walkable streets, diverse range of land uses, and solid integration of commercial, residential and civic uses and activities.

Commercial sites for retail, entertainment and office space, as outlined within the East Hill Major Area Structure Plan and the City of Red Deer Municipal Development Plan, will anchor the town centre development. These elements will provide goods and services for the East Hill community, as well as serving a regional market. Vital and dynamic commercial "main streets" will provide pedestrian friendly and convenient access to various facilities and amenities while allowing

for more specialized independent commercial opportunities. The sites may include public squares and distinctive features at carefully selected locations that will function as community focal points, orientation guides, and gathering spaces.

Direct pedestrian and open space linkages among neighbourhoods, commercial sites, natural areas, parks, school sites and other community gathering places, will establish an active pedestrian network and highly accessible to all abilities destinations. Transit service will link the town centre with the surrounding neighbourhoods and the entire city of Red Deer. A supporting hierarchy of interconnected streets and efficient access to parking will acknowledge the presence of the automobile.



East Hill Town Centre — Design Guidelines

2. VISION PRINCIPLES

The vision statements of the East Hill Major Area Structure Plan helps guide the East Hill Town Centre into a vibrant and unique focal point.

"East Hill communities are easily identified by their compact land use pattern, pleasant environment, walkable streets and green spaces linking neighbourhoods to commercial sites, natural areas, parks, school sites and other community gathering places."

"the surrounding region support a regional commercial centre that has developed from individual commercial developments initially into a vibrant town centre."

"the Main Street architecture reflects elements of traditional prairie downtowns and contemporary designs."

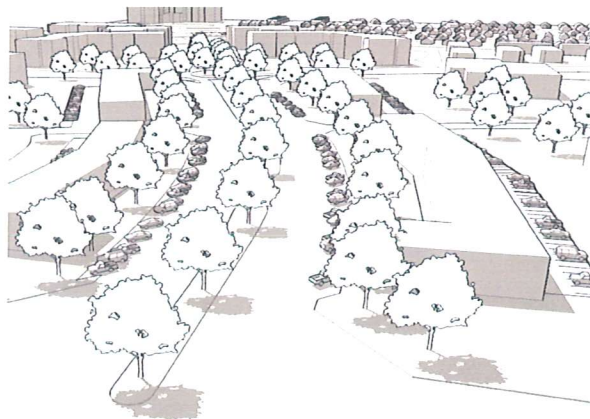
'recreation, social and cultural activities supplement viable commercial services, and shape the town centre as a focal point for the surrounding neighbourhoods and larger East Hill community.'

3. GOALS STATEMENT

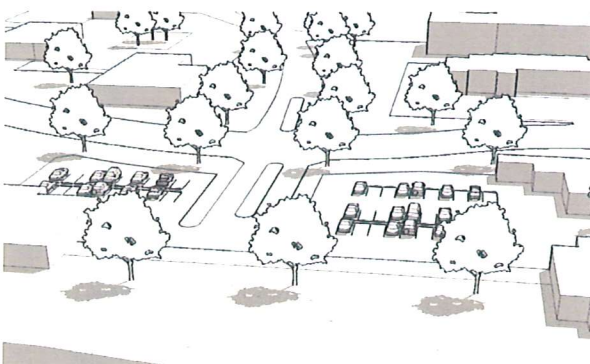
The East Hill Town Centre Design Guidelines have been developed to ensure a high standard of design, quality, and appearance for the mixed use commercial and residential developments including the public realms.

These guidelines are intended to be used in conjunction with the East Hill Town Centre (C5) and Main Street (C6) Land Use Districts as identified in the City of Red Deer Land Use Bylaw. They are to be used to help guide the direction of design and development of the Town Centre early in the planning process. Landowners, builders, and tenants will use these guidelines in order to assist in achieving a coordinated whole. Alternative solutions may be considered where it can be clearly demonstrated that the intent of the guidelines can be met or exceeded.

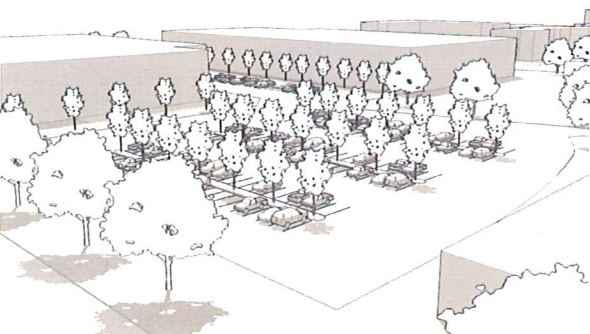
These guidelines shall become a part of the established approval process prior to issue of any permits. The East Hill Town Centre review committee will require a Master Site Plan to be submitted, by developers of East Hill Town Centre. The review Committee will use these guidelines the C5/C6 Districts and the Master Plan submitted to approve the overall development concept.



View of Main Street District



View of Neighbourhood Commercial District



View of 'big box' stores within Neighbourhood Commercial District



East Hill Town Centre — Design Guidelines

4. GENERAL SITE DESIGN

The following section describes general site attributes and qualities of the East Hill Town Centre.

The East Hill Town Centre Design Guidelines will enrich and accentuate the requirements of East Hill Town Centre (C5) and Main Street (C6) Districts as identified in the City of Red Deer Land Use Bylaw.

4.1 Setbacks & Orientation

4.1.1 Setbacks

The overall intent of setbacks and orientations of within the Town Centre is to have all commercial buildings to be placed on the property line abutting a public/private sidewalk or trail in order to provide a continuously appealing walkable environment. Storefronts will be appealing, visible through large glass windows for the walk by window shoppers. Building will be permitted to setback a portion of their building to include an exterior amenity area that will serve as a seating area for a café or other such public/private recreational uses.

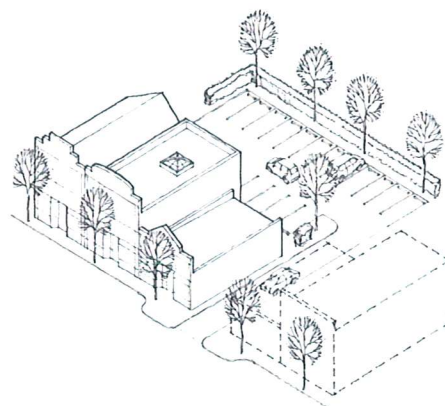
Within the Town Centre, buildings should be located adjacent to each other with no side yard setback to create a continuous wall of buildings. However, if a break in the side yard is proposed, the area will contain a trail connection to a public/private sidewalk with landscaping that meets CPTED regulation of the City of Red Deer Land Use Bylaw. If a side yard setback is provided, sides of the buildings adjacent to trail locations should be designed to compliment front and rear design with the inclusion of windows on main floors.

Within the main street, buildings shall be located adjacent to each other with no side yard setback in order to create a continuous wall of buildings reflecting the design of a traditional small town prairie main street.

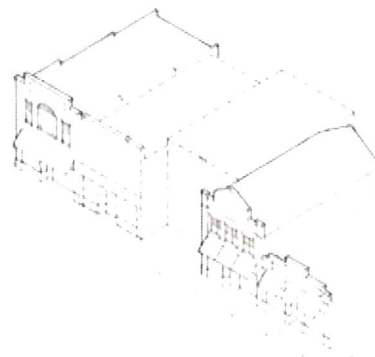
4.1.2 Orientation

Buildings are intended to be located along public and private streets with the majority of parking to be located in the rear and sides of buildings along private roads. Buildings should be orientated to have equal architectural treatment on all sides adjacent to the public or private road and providing access from public sidewalks, even when parking is located in the rear or side yard.

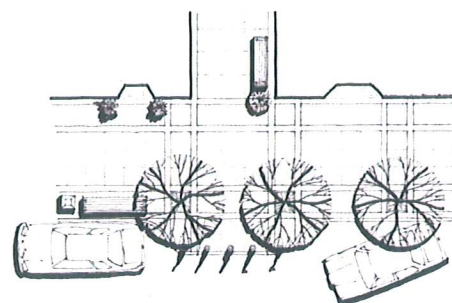
All buildings along Main Street Should have a primary entrances facing onto the public street. Secondary accesses to 2nd floor office or residential along Main Street may be at the rear or side (where a courtyard or amenity) has been established.



Example of off-street shared rear parking.



Equal setbacks create 'wall of buildings.' Interesting gathering spaces are created by occasional "setting back."



Example of landscape opportunities on Main Street

East Hill Town Centre — Design Guidelines

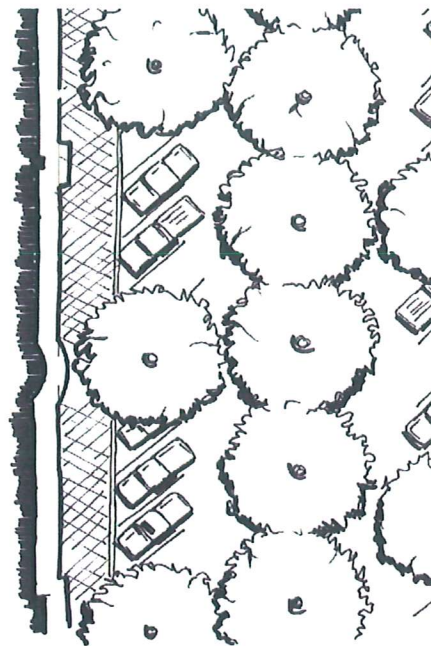
4.2 Parking

Parking in the Town Centre should adequately serve the users without detracting from the compact design that makes it a successful pedestrian focused commercial centre.

When functional requirements are the only objectives considered in parking lot design, the design outcome is generally undesirable, with poor quality landscaping, unattractive streetscapes and a lack of pedestrian safety, comfort and amenity.

Traditional parking lot surfaces prevent rainwater and snowmelt from being absorbed into the soil to replenish groundwater. During storms and winter thaws, impermeable pavement can produce rapid run-off which poses flooding hazards and the risk of carrying pollutants directly into out lakes, rivers and streams. Dark surfaces can also increase the temperature of stormwater run-off, disrupting water quality in receiving areas.

It is important for there not be a perception of a “sea of parking”. As such, landscape islands should be located at the ends of all parking rows and planting islands incorporated into the design of the parking area, or otherwise broken into smaller areas. Where possible, parking areas should be provided in the rear of buildings.



Angled parking is a possibility on Main Street

Parking lots should be buffered with landscaping, berming, and where acceptable, low fencing to assist in the screening of these areas from adjacent properties. Parking lots should be designed to enhance pedestrian safety and comfort, increasing shade, enhancing the quality of landscaping, encouraging on-site stormwater management, and promoting the use of sustainable materials and technologies.

Before planning and building surface parking lots, the feasibility of alternatives, such as underground or structured parking, should be considered. When these preferred alternatives are not feasible, surface parking lots should be carefully designed to enhance the urban design and environmental conditions.

Surface parking lot design should reflect the following objectives:

- respect the existing or planned context
- enhance the safety and attractiveness of the public realm (adjacent streets, parks and open spaces)
- create direct, comfortable and safe pedestrian routes
- provide shade and high-quality landscaping
- mitigate the urban heat island effect
- manage stormwater quality and quantity on-site
- incorporate sustainable materials and technologies



Landscape islands and planters should be incorporated into parking lot designs



Trees should be utilized to screen parking where possible



East Hill Town Centre — Design Guidelines

4.2.1 Parking Provisions

- all parking areas must adhere to the City of Red Deer standards for both quantity and layout design.
- where possible, parking areas should be provided in the rear of buildings or else situated completely within the interior of a complex of buildings.
- shared parking plans will be considered to manage the retail parking demands during daytime and more restaurant/theatre availability in evening.
- Covered bike racks should be placed so that they do not obstruct the flow of pedestrians, are easily identifiable, visible and convenient to customer entrances.

4.2.2 On-Street Parking

- traditional downtown areas typically include on-street parking which offers the benefits of visitor convenience, separation between street and pedestrians, traffic slowing, and adding to the life of the street.
- street parking generally serves the short-term, convenience parking needs of customers.
- angled parking is a potential on Main Street

4.2.3 Off-Street Parking

Off-street parking areas can typically accommodate greater volumes of vehicles than on-street solutions and helps maintain a streetscape that emphasizes a direct connection between pedestrians, buildings, and the landscape.

- parking areas available to the general public should be clearly identified by a coordinated signage system and designed to be accessible for all users.
- clear signage should direct visitors to off-street parking, as well as direct pedestrians from their vehicles to building entrances.
- Alternate parking in the form of underground, roof top, multi-storey parkade and parking ramps is encouraged.
- parking areas should be well-lit for safety and security, and lighting fixtures selected for their resistance to vandalism and "dark sky" lighting characteristics.



Typical angled parking



Multi-Storey Parkade

East Hill Town Centre — Design Guidelines

4.2.4 Landscape Treatment

- landscaped buffers (including vegetation, screen, berms, and/or fencing) should be used to separate or screen parking areas from public and private spaces.
- the layout of parking areas should consider the solar orientation to provide shade for vehicles.
- plants should be selected for their hardiness in this environment, be low enough to maintain driver visibility, and non-destructive to vehicles (e.g. sap).
- trees should have a high canopy height in order to facilitate strong sight lines/traffic visibility.
- distribute landscaping throughout the site to soften and screen parking lot edges, reinforce circulation routes, create pedestrian conditions and maximize shade and stormwater benefits.
- where possible, collect rainwater from rooftops and other surface for plant irrigation.
- ensure overhanging branches of trees or shrubs adjacent to pedestrian pathways maintain a clear headspace.
- coordinate tree planting with the location of light standards and other utilities.
- landscaped areas should be designed to accommodate the following:
 - trees should be planted away from the curb, sidewalks, driveways and other hard surfaces.
 - all plant material should have a setback from any curb edge to protect from vehicle overhang and mechanical damage.
 - high-branching deciduous shade trees should be planted to establish continuous canopy coverage.
- For parking lot edges adjacent to streets, parks or other public open space, provide the following:
 - at least one row of shade trees, spaced evenly for the length of the parking lot edge.
 - screening, consisting of planting, alone or in combination with other landscaped features.
 - A coordinated appearance with the streetscape treatment.



Examples of landscape treatment in Parking lots



East Hill Town Centre — Design Guidelines

4.2.5 Vehicle Access and Circulation

- provide access to surface parking lots from secondary streets or laneways whenever possible.
- share driveway access between adjacent sites where feasible
- define street access driveways and internal vehicle routes with curbed landscaped areas, tree planting and lighting. Explore opportunities to include public art.
- size vehicle circulation routes according to use. Avoid using over-sized driveways, drive aisle and turning radii.
- where circulation routes require wider driveways and turning radii (i.e fire lanes, service areas), coordinate the location of these routes with major drive aisles.
- provide continuous circulation throughout the site. Avoid dead end driveways and turnaround specifications.
- ensure unobstructed motorist and pedestrian sight distance and provide clearly marked crossings at all intersections between vehicle routes and pedestrian pathways.

4.2.6 Pedestrian Circulation

- all pedestrian routes will include curb cuts for ease of mobility aids and stroller travel.
- establish a direct and continuous pedestrian network within and adjacent to parking lots to connect building entrances, parking spaces, public sidewalks, transit stops, other pedestrian destinations and alternative transportation.
- provide at least one pedestrian route between the main building entrance and the public sidewalk that us uninterrupted by surface parking and driveways.
- in larger parking lots or where parking lots serve more than one building or destination, provide designated pedestrian pathways for safe travel through the parking lot.
- the width, number and orientation of pedestrian routes should match the anticipated flow of pedestrian traffic through the site. Consider the space requirements for equipment related to parking lot use, such as shopping carts, strollers and mobility aids, when planning the width and location of pedestrian routes
- all pedestrian routes within a parking lot should include:
 - shade trees along one or both sides of the pathway.
 - pedestrian-scale lighting to illuminate and define the route; and



Pedestrian Circulation Options

East Hill Town Centre — Design Guidelines

4.2.7 Lighting

- provide a comprehensive Lighting Plan for the parking lot site. Lighting should create an identity for the parking lot, enhance adjacent streets and pedestrian environments and be appropriate to the location, context and scale of the areas being lit.
- select different luminaries with a coordinated appearance to light pedestrian pathways, parking spaces, drive aisles, building and site entrances and other relevant parking lot features.
- balance the need for safety and security with the reduction of energy consumption and light pollution.
- provide Pedestrian-scaled lighting, such as bollards or lower-scale pole fixtures along pedestrian routes.
- consider lighting elements for their aesthetics and design value, not simply their lighting function or ease of maintenance.
- coordinate the location of lighting with pedestrian clearways, tree planting and other landscaping.

4.2.8 Site Grading

- ensure that any grade changes at the edge of surface parking lots provide a subtle transition to surroundings areas.
- avoid significant changes in grade (greater than 4% slope) between the public sidewalk and pedestrian access and circulation routes. Ensure universally accessible routes are provided across and grade changes.
- limit the maximum grade on landscaped areas to 33% (3:1) or less to ensure that grassed slopes can be maintained.
- limit the use of retaining walls particularly along street frontages, parks, ravines and other areas of the public realm.
- when appropriate, use the existing site grading to enhance the screening of parking lots.
- provide a site grading plan compatible with the stormwater management approach selected for the site.

4.2.9 Snow Storage

- snow storage areas should be identified on the Landscape Plan and have a minimum dimensions to accommodate snow pilling from a typical plough blade.
- provide snow storage areas away from public streets and other areas where motorist/pedestrian sight distance and continuous landscape screening are essential.
- sodded areas or portions of landscaped areas may be identified for snow storage with plant material selected accordingly.
- hard surfaced areas used for snow storage are encouraged to have permeable paving to retain snowmelt on-site.



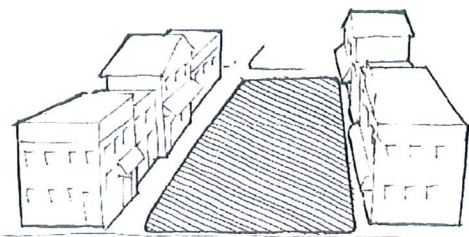


East Hill Town Centre — Design Guidelines

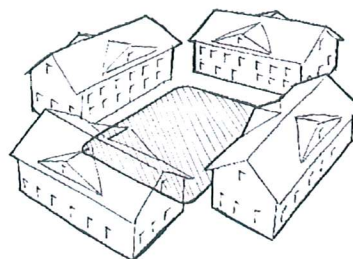
4.3 Public Gathering Spaces/Exterior Amenity Areas

One of the key features in the East Hill Town Centre, as identified early in the visioning process, is the inclusion of public gathering spaces. As outlined in the visioning workshop, these spaces should not be identified solely as additional retail areas, but rather as clear civic/public space for active and passive recreational uses. That is not to say that retail activities may not occur in these areas, but that they should be seasonal and/or portable. These should be areas where people gather to experience their surroundings rather than to specifically shop.

- These gathering spaces may take the form of plazas and courtyards within the Town Centre, and extend out into the residential community as open space areas and playgrounds.
- The City encourages developers to invest in the creation of public/private gathering spaces, exterior amenity areas, funded either by the developer or through creative potentially cost-sharing public amenity proposals. The creation of a business improvement district, for example, could be considered in order to maintain public realm infrastructure.



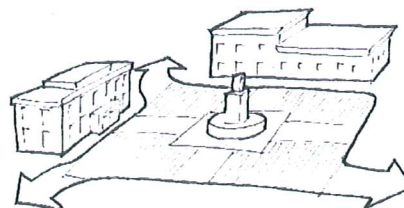
Where possible, pedestrianize spaces between buildings, and detail the spaces so that they are clearly identified as public space.



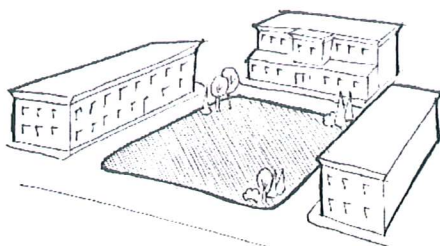
Siting of buildings can assist in the creation of outdoor public "rooms"



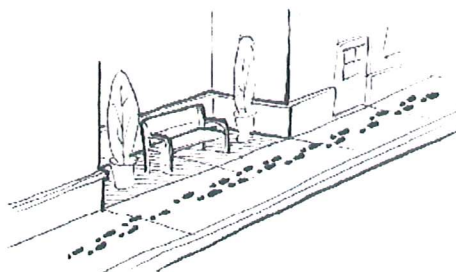
Take advantage of 'leftover' space to contribute to the shared public realm



Circulation routes should be located at the edges of shared public spaces



Careful arrangement of building forms can shape positive outdoor space



Setbacks in building facades can offer outdoor amenity space out of the way of busy pedestrian travel paths

East Hill Town Centre — Design Guidelines

Public gathering areas should be located in focal areas that are easily accessible. General site guidelines for public gathering areas include:

- integration of public art into the public spaces where possible.
- use of building architecture, such as low walls, pergolas, and archways to define the public area.
- public areas should include places to rest, play, and dine in outdoor areas.
- the area be defined with specialty paving and/or other high quality architectural materials.
- all public areas are to be fully accessible.
- the area should be provided with benches, waste receptacles, directory maps and other site furnishings.
- consideration be made for taking advantage of prevailing winds and solar orientation for pedestrian comfort.
- that provision be made for night lighting strategies that afford public comfort and safety.



Courtyards and public spaces can offer a variety of experiences: formal or informal; intimate or expansive; sheltered or exposed; active or passive



East Hill Town Centre — Design Guidelines

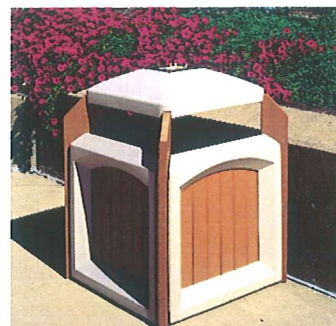
4.4 Site Furnishings

Site furnishings that may be incorporated into the Town Centre include but are not limited to the following; benches, tables, umbrellas, ash/trash receptacles, bicycle racks, water fountains, ornamental light standards, ornamental planters/pots, bollards, dog leash stays, shade structures, public art, tree grates, etc. While there are several stock options identified by The City of Red Deer available, it may be advisable to consider fixtures of a custom nature to enhance a distinctive sense of place within the Town Centre.

- site furnishing such as benches and tables should be provided at entrances to buildings, plazas and within open spaces, and arranged into conversational groupings. A portion of elements may be seasonal and thus portable.
- furnishings shall be positioned to face towards areas of pedestrian activity or focal points of interest. Site furnishings should be positioned to avoid obstructing pedestrian access or visibility to focal spaces and/or building entrances.
- site furnishings selected shall be manufactured of durable materials that are resistant to a combination of harsh weather and vandalism.
- site furnishings should be consistent in style and selected based on the theme and design of the Town Centre.
- Should be CPTED friendly



Custom Bench



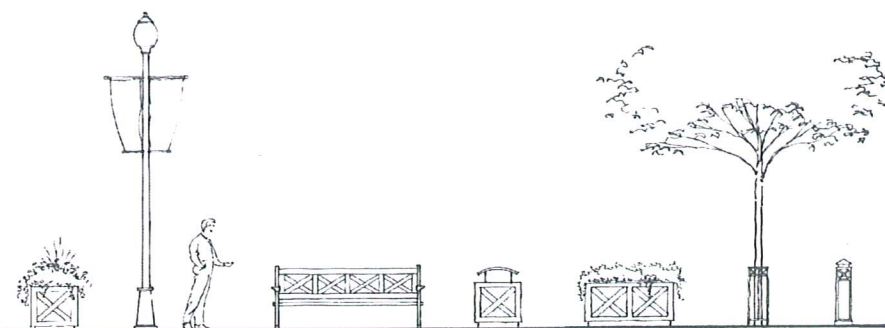
Custom trash receptacle



A coordinated trash receptacle and planters



Movable site furnishing



A coordinated series of custom site furnishings may be used in East Hill Town Centre.



Custom tree grate

East Hill Town Centre — Design Guidelines

4.5 Pedestrian Circulation

It is essential to the intent of the East Hill Town Centre that logical pedestrian movement is maintained and enhanced. Wide sidewalks will allow adequate space for pedestrians, wheelchairs, strollers, bicycles, rollerblades, sleighs, etc. to safely travel, and avoid conflicts with fixtures in the public realm such as newspaper boxes, lamp standards, and signposts.

In addition to guidelines stated in Parking, all pedestrian pathways should be made obvious through the consistent use of textured and/or coloured materials. Landscaping, lighting fixtures and benches will also help to delineate pathways.

Pathway and sidewalk surfaces should be comprised of materials which are stable, durable, and slip-resistant

under various weather conditions. Pedestrian surfaces should be fully accessible, with maximum grades of 6%.

The East Hill Town Centre should encourage pedestrian circulation through proper scaling within the Town Centre. Scaling the Town Centre for people rather than cars will encourage the use of trails and sidewalks. Most services should be located within proximity to businesses, schools, parks and residential homes.

Scaling should also be considered for the buildings, site furnishings and walkways. The surrounding should be designed to human scale in order to enhance the environment with a sense of safety and comfort.



Wide comfortable sidewalks allow for safe and inviting pedestrian usage



Unique and inviting streetscape encourage pedestrian circulation



East Hill Town Centre — Design Guidelines

4.6 Landscaping

Landscaping should be considered as an integral part of the overall design for the East Hill Town Centre.

- a consistent palette of planting materials should be used throughout the development to create a feeling of sense of place.
- similar street trees should be used on major roadways to create a consistent boulevard treatment while parking lots should be landscaped to lessen the impact of pavement, and gathering places should be planted to create a level of textural detail.
- plantings should include a mix of evergreen and deciduous shrubs to provide variation in plant textures and to ensure foliage during the winter months.
- landscaped areas should be provided to screen and/or buffer views of loading, trash areas and service entries.
- large expanses of groundcover mulch are not desirable.
- defined planting beds and/or container plantings should be encouraged at storefront walkways and plazas, and should incorporate ornamental and shade trees in planting beds or in tree grates.
- select street tree species that have high, sparse canopies that will not cover storefront signage and that will still provide enough shade for pedestrians.
- materials, soil amendments and selective plant materials should be used as a means to limit dependence upon additional watering, maintenance and fertilizing.



East Hill Town Centre — Design Guidelines



Example of landscape treatments



Landscape options for sides of building



Street and median planting



Low planting options near crosswalks



Street planting provides shade and shelter for pedestrians



Landscape treat add visual appeal and function to pedestrian areas



East Hill Town Centre — Design Guidelines

4.7 Site Lighting

Light poles and fixtures should be in scale with proposed or surrounding buildings. Consider using pedestrian scale lights in bollards (3 to 4 foot high posts) where appropriate.

Light and illumination should also be in scaled in order to insure proper lighting is given. Exterior lighting shall take into account background lighting and lighting from other sources to only provide the minimal amount of lighting needed.

Site lighting, security lighting, and architectural/landscape lighting should provide the user with illumination levels appropriate for the designed activity (i.e. parking, walking, outdoor dining).

Site lighting should strive to minimize glare. Light trespass beyond property lines shall be controlled by shielding or aiming fixtures away from residential properties.

Similarly, lighting should not shine upward, and will maintain the night sky as dark as possible. The East Hill Town Centre Dark Sky Initiative aims to reduce light pollution through the use of proper lighting fixtures in order to limit and reduce the “over spill” of light that diminishes our dark, night skies and ability to see stars.

LED lighting is recommended for all Street trees due to their low consumption on electricity. LED lights also provide a concentrated, focused light with little “over spill.”

- use lighting to accentuate the architectural features of the buildings.
- building and signage lighting must be indirect, with the light source(s) hidden from direct pedestrian and motorist view.
- for exterior sign illumination, shaded gooseneck lamps are encouraged.
- when located adjacent to residential areas all fixtures shall be equipped with light shields to cutoff unnecessary light trespass to neighboring residential uses.
- all pedestrian/public areas are to be well illuminated.
- light pole design should be of neighbourhood scale and character style within the commercial and pedestrian areas.



Custom lighting options add to the overall design by supporting the colours and material of the area



East Hill Town Centre — Design Guidelines

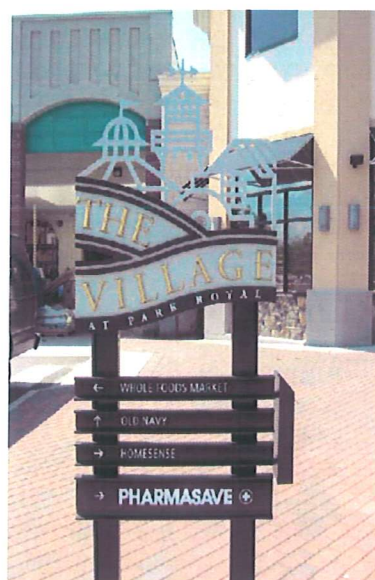
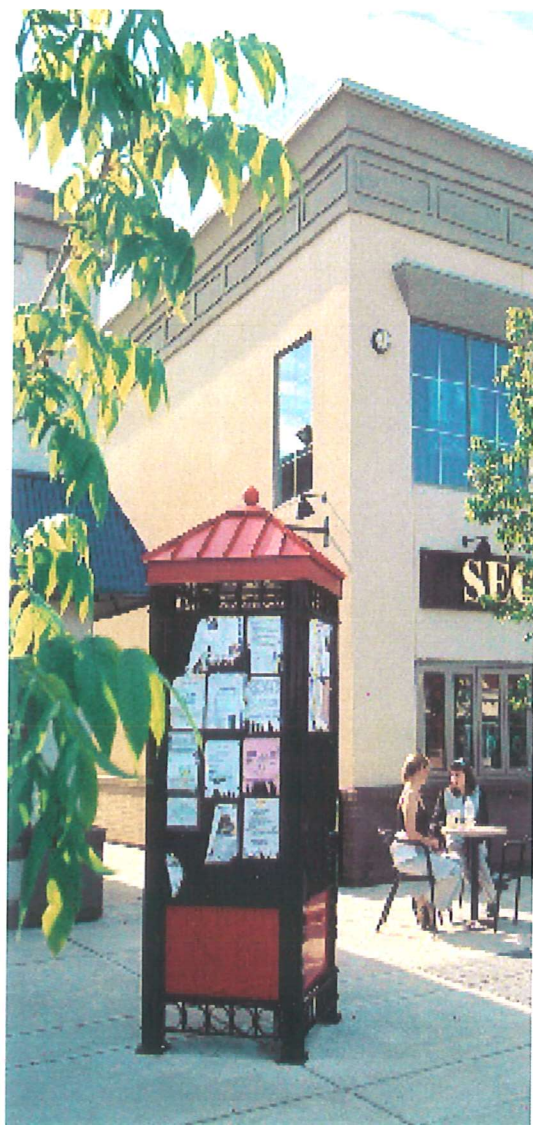
4.8 Site Signage

Site signage will provide for directions, signs and advertisement space. Signage should complement the community character, furnishings and design of the Town Centre.

Signage should be an integral part of the design of the building and streetscapes rather than added as an after-thought.

Signs for multiple storefronts within the same building should align with each other.

Provide small scale “directory” signage as needed within commercial areas to aid in orientation for drivers and pedestrians.



Site signage provides a practical use while reinforcing the style, colours and materials of the area.

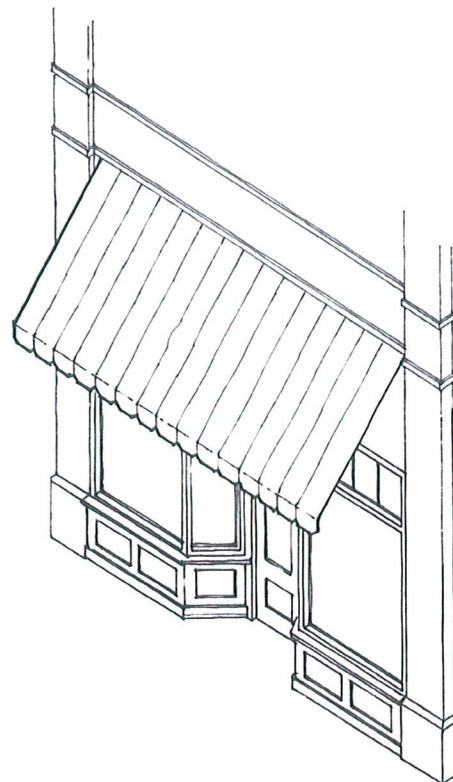


East Hill Town Centre — Design Guidelines

4.9 Awnings & Canopies

The use of awnings and canopies should be encouraged to enhance the sense of "small-town" traditional streetscape, shelter pedestrians, and provide visual interest.

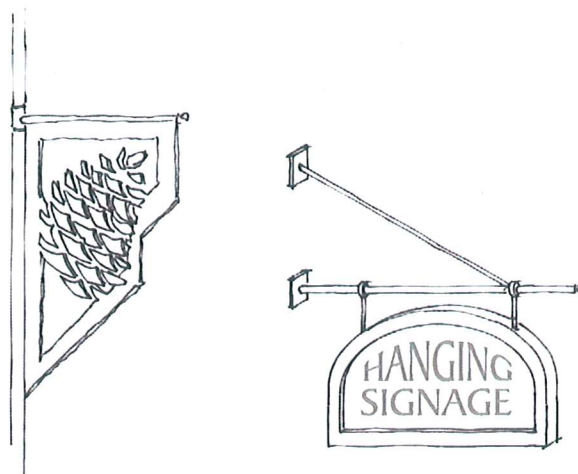
- awnings should be front-lit only, rather than internally lit
- awnings and canopies can provide a natural location for signage
- simple awning patterns are encouraged for buildings which are of a more decorative or highly detailed nature, while more decorative awnings may be appropriate for buildings with simpler lines.
- awnings and canopies which are self-supporting are strongly encouraged.
- fabric awnings and canopies may be either fixed (rigid) or retractable.
- structural/architectural awnings and canopies are permitted if they are consistent with the architectural style of the building to which they are attached.
- long expanses of awning should be broken into segments that reflect the door or window openings beneath them.
- awnings should project a minimum of 3 feet (1m) from the face of the building.
- awnings and canopies should allow a minimum of 10 feet (3m) vertical clearance from the sidewalk below.



4.10 Signage

Signage types permitted include fabric canopy, sandwich boards, fascia wall, and multi-tenant (especially for second and third levels for office space).

- signage should be consistent with the scale of the other signs. Signs should be mounted no more than one storey above the sidewalk level.
- artwork, icons, logos, and simple messages to enhance the friendliness of the sign should be considered.
- professionally fabricated signage in metal, plastic, glass, or some combination of these materials, as well as in stone or wood shall be used.
- glass etching or adhesive letters on the windows is acceptable, but avoid cluttering the view from the sidewalk.
- under marquee and blade signs are permitted.



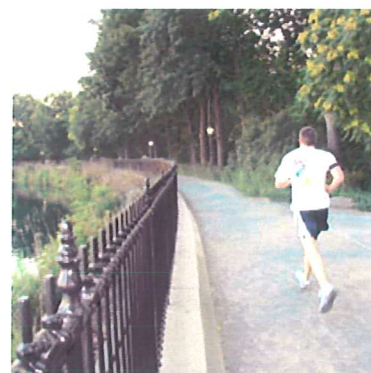
Examples of signage and awnings

East Hill Town Centre — Design Guidelines

4.11 Safety & Security

The intent of this section is to outline guidelines that will create a street that is not only safe, but also *feels* safe, 24 hours a day, allowing people to fully engage in the activities that abound there. Research has shown that spaces and buildings which invite activity subsequently discourage undesirable activity, and reduce incidents of vandalism, graffiti, and public crime.

- every streetscape, open space, and building design should incorporate lighting, lines of sight and other elements that support a safe environment.
- provide adequate lighting levels for pedestrians to survey their environment.
- incorporate mixed uses (retail, commercial, & residential) to encourage the presence of people throughout the day. With these extra “eyes on the street”, there is an added sense of safety in mixed-use developments.
- designs should take into account four distinct seasons in which safety factors change for drivers and pedestrians.
- designs should have clarity that identifies where it is safe to go, and what are public, private and semi-public spaces.
- Proper design and effective use of the built environment can reduce crime through the main principles of Crime Prevention Through Environmental Design and should incorporate the following elements:
 - Access Control
 - Natural Surveillance
 - Territorial Reinforcement
 - Maintenance

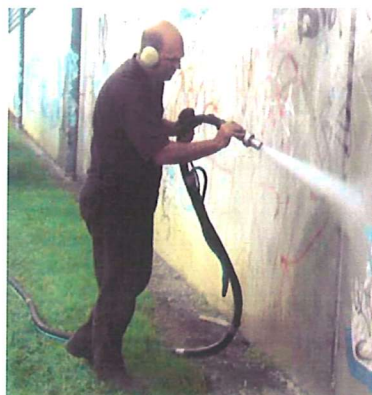


Safety is achieved through good design principles and proper land use

4.11.1 Graffiti Management

Graffiti-abatement strategies should be integrated in the design of buildings and associated public spaces, including:

- Potential use of murals on long, uninterrupted walls
- planting climbing vines or thorny plants along building walls
- protect walls & fences with a commercially available protective coating
- paint surfaces in dark colours
- have a building maintenance schedule in place



Graffiti should be discouraged and cleaned as soon as possible

The most important step to take in order to keep graffiti off of property is to be vigilant and remove graffiti as soon as possible. The faster graffiti is removed the less likely it will reoccur. The longer graffiti stays on a property, the harder it becomes to remove and the more additional graffiti it attracts. In instances of graffiti occurring:

- remove graffiti as soon as possible, 24 to 72 hours
- paint over graffiti with appropriate paint type
- use environmentally safe removal products
- engage professionals to remove the graffiti

Community Standards Bylaw will be enforced to ensure that no graffiti is placed



East Hill Town Centre — Design Guidelines

4.12 Sustainability

All new development within East Hill Town Centre and NW Timberlands should consider the full range of measures and sustainable building practices, products and landscaping that will minimize impact on the natural environment and conserve resources needed for construction and occupancy. Built Green principles should be applied through:

- All buildings within the East Hill Town Centre are encouraged to have a minimum Bronze Built Green Certification level.
- All buildings should utilize insulation, house wrap and materials that meet Built Green certification.
- All windows and doors installed should be Built Green Certified.
- Energy Star materials and products should be encouraged.
- Low-flow toilets and water conservation faucets should be encouraged
- Architectural Planning and design should take advantage of energy efficiency (i.e. natural heating and/or cooling, sun and wind exposure, etc.)

Special consideration may be given to developments which can demonstrate a commitment to sustainable construction and which employ green design practices.

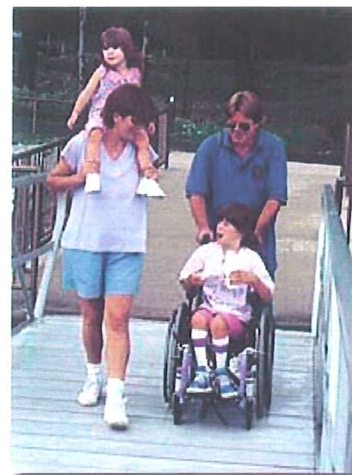
4.12.1 Water Conservation

Materials, soil amendments and selective plant materials should be used as a means to limit dependence upon additional watering. Additional methods of water conservation should include:

- Xeriscaping
- Rain Gardens
- Bio Swales
- Water Collection Systems



Bio Swales is not only functional but can also be visually pleasing



Paths and sidewalk encourages all abilities transportation



Solar lighting options are a great alternative to traditional lighting



Rain Barrels come in various styles, shapes and sizes

East Hill Town Centre — Design Guidelines

4.13 Main Street/Town Square Commercial

4.13.1 Building Design

Building façades should have a clearly defined “base”, “middle”, and “cap” development. In the case of three storey buildings the “middle” would be both the second and third floors. Typically, the main floor has higher ceiling heights than upper floors.

Main Street/Town Square should encourage integrated outdoor restaurant space, retail areas and pedestrian amenities such as benches, waste receptacles, and lighting to bring life to the street.

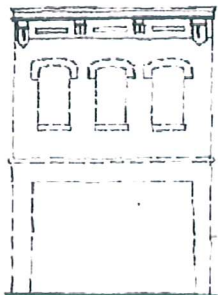


4.13.2 Architectural Character

Massing & Proportions

- differentiate a primary façade with significant setbacks in the wall plane
- setback variations in façade treatment may be continued through the structure, including the roofline, front and rear façades to reduce the perceived mass of the building.
- larger buildings should be broken up into subordinate elements to reduce the apparent overall size, especially for buildings on large parcels. For human scale and visual interest, the mass of the building should be subdivided horizontally and vertically, into a hierarchy of volumes.
- alternately, large lots may be developed with several buildings, rather than a single structure
- the spaces between buildings should also be considered with respect to how they can contribute to the overall positive open space of the site.
- setbacks in building façades and spaces between buildings shall be designed to create distinct “places” and create opportunities for outdoor activity, and may include amenities such as benches, sitting areas, or outdoor eating areas.
- where possible, orient such spaces to take advantage of the sun and shield from prevailing winds (modify micro-climate).
- buildings should be designed to include prominent focal features
- to break up the monotonous appearance of long façades, a building more than 45 feet (13.7m) in width should be divided into increments of no more than 40 feet (12.2m) through articulation of the façade. This can be achieved through combinations of the following techniques:
 - divisions or breaks in materials
 - window bays
 - separate entrances and entry treatments
 - variation in roof lines
 - building setbacks
- traditional commercial façades have a three-part horizontal layering:

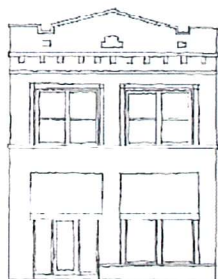
East Hill Town Centre — Design Guidelines



Cornice - traditional building cornice, made of stone, brick, wood, metal, or other materials; serves to visually cap the facade.

Upper Facade- the upper facade, constructed of brick, stone, stucco, or pressed tin; typically has a symmetrical design; and is characterized by regularly-spaced window openings.

Storefront- the traditional building store front characteristics are markedly different from both the upper facade and the cornice. The storefront is primarily composed of large display windows, surrounded by enframing piers and a storefront cornice. Provides a strong visual base to the building.

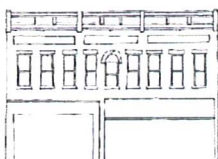


Primary Facades - elevations or front facades that are oriented toward the primary street.

Primary facades should employ an overall building design strategy exhibiting a.) three-part horizontal layering; b.) overall verticality; c.) hierarchy; and d.) a balanced composition.

Storefront & display windows should be included in all retail developments.

Entryways should be highlighted by the design and arrangement of facade elements.



Secondary Facades- elevations or facades of corner buildings that do not face the primary street that are oriented toward the primary street.

- secondary facades should contain display windows and/or secondary storefronts.
- secondary facades should contain upper storey windows.
- secondary facades should be balanced in design and shall provide a distinction between lower and upper sections of the building.
- secondary facades should not directly compete with the primary facade.

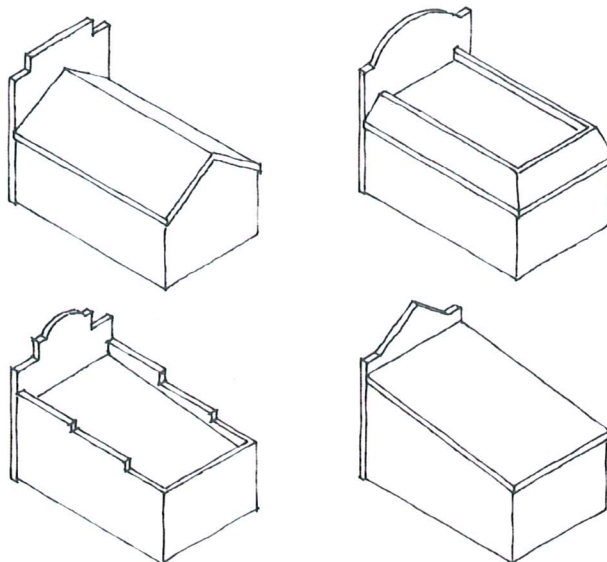
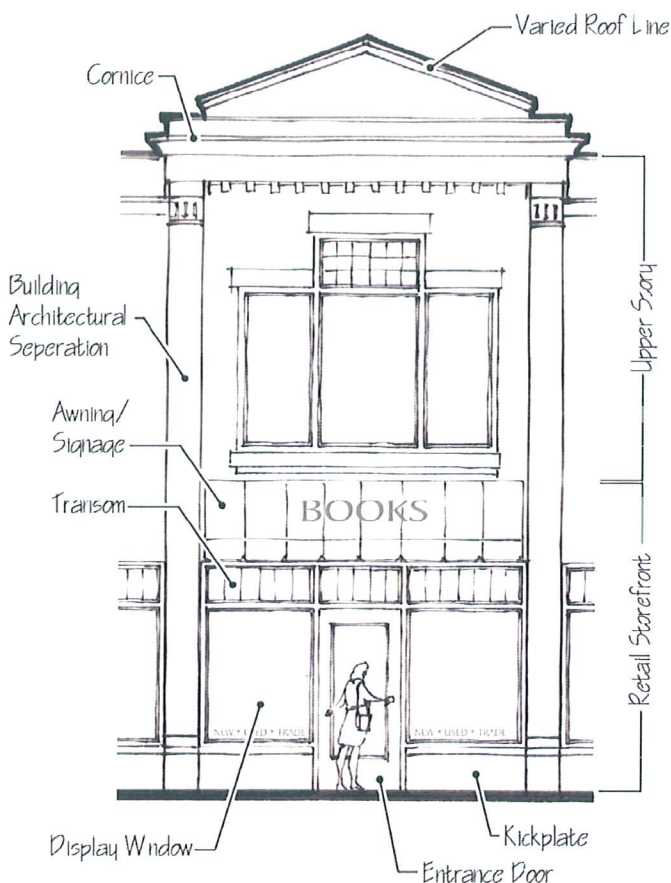
Buildings should have a sense of unity & balance. In the example above, the second storey windows and ornamentation create a pattern through their matching shapes and rhythmic spacing. Although there are two different stores at street level, the strength of the second storey gives the building unity.

Buildings with multiple storefronts within a larger frontage should be compatible from storefront to storefront.

East Hill Town Centre — Design Guidelines

Rooflines & Parapets

- rooflines should mimic the separate, yet complementary rhythm of historic Main Street buildings.
- flat roofs (slightly sloped to drain) are preferred with parapets that articulate the rhythm of the buildings. Parapets should be embellished with brick detailing and stepped or sloped to achieve a visually interesting yet harmonious sequence along the building façade.
- align prominent parapet heights and cornices on adjacent buildings and use historically inspired cornice and parapet details at roof level
- sloped roofs may be used on top of a multi-story building to help reduce the overall height of the façade and define the residential character of the upper floors.
- long ridgelines parallel to the street shall be broken up by dormers, turrets, setbacks, or other means
- unbroken ridge lines generally should not be longer than one and one-half times the height of the building.
- gable, hip, and shed roofs are suitable and may be used in combination with expanses of flat roof



Example of roof lines



East Hill Town Centre — Design Guidelines

4.14.3 Building Doors & Windows

Windows and doors are some of the most important character defining features of Main Street structures. They give scale to buildings and provide visual interest to the composition of individual facades. Distinct window and door designs in fact help define many historic building styles.

Doors

- the style of the door should be compatible with the façade of the building and the general style of the streetscape.
- doors should contain a lot of glass to increase visibility into the store from the sidewalk and street.
- doorway areas recessed into the main facade line shall be encouraged over doorways flush with the facade. This allows the creation of a retail 'threshold'.
- retail entry doors should also incorporate glazing that is complementary to the display area glazing. The use of ornamental door hardware is also encouraged (e.g. kick plates, hinges, handles)

Windows

- on upper floors, the windows should be vertically oriented. Arched tops, columns framing the windows and decorative lintels are encouraged.
- large glazed areas should be subdivided by metal or wood frames/joints. Storefront panes should be divided vertically to establish a rhythm along the street.
- main floor commercial glazing should follow a traditional pattern of solid base skirting incorporating a sill max. 3 feet (0.9m) in height, glazed display area, and a transom above display windows and entry



Doors and windows add visual appeal

Upper-Story Windows

- the upper stories are clearly visually separated from the storefront level of the building.
- while the storefront level has large areas of glass and small areas of opaque materials, upper stories reverse the pattern with small areas of glass and a predominance of opaque materials.
- the upper-story window pattern is extremely important because it provides a sense of unity and symmetry to the entire building facade.

Transparency

- main facades shall have sufficient glazing to provide casual surveillance of the adjacent street, and provide interest to the building mass.
- windows should be large to provide maximum visibility into the store.
- reflective glazing should be avoided to allow better visual contact between interior and exterior.
- Reflective glass may be considered on upper floors where there may be architectural merit in reflective or deep colour tints.



East Hill Town Centre — Design Guidelines

5. BUILDING DESIGN

5.1 Building Design

Site design, above all, should recognize, relate and create a strong relationship to adjacent streetscapes and architectural buildings with the intent of reading as a comprehensive development. A variety of building forms is encouraged as long as all elements read well together. Architectural massing and detailing should include a variety of forms, materials, colors and textural choices.



Long building fronts without articulation in massing shall not be approved. The architecture shall not only be varied in plan view but also with changing roof heights and wall planes that appear to be a part of the main building and not a pseudo applied architectural element.

5.1.1 Corporate & Franchise Designs



To maintain the unique character of East Hill Town Centre, buildings should not be branded using the architectural style of a particular company.

Should national chains or franchise companies wish to construct in East Hill Town Centre, they will be required to do so in a manner that reinforces the design character of the community.

Bright logo colours which contrast too sharply with an established palette of the East Hill Town Centre development will not be allowed over vast areas of a building.



Façade materials must be selected which complement the palette of materials in the East Hill Town Centre.

The use of stock building plans or typical corporate designs are not permitted unless they are compatible with other buildings within the Town Centre. Designs must be compatible with the character of the East Hill Town Centre.



Corporate & Franchise stores can coincide with the themes and styles of town centers

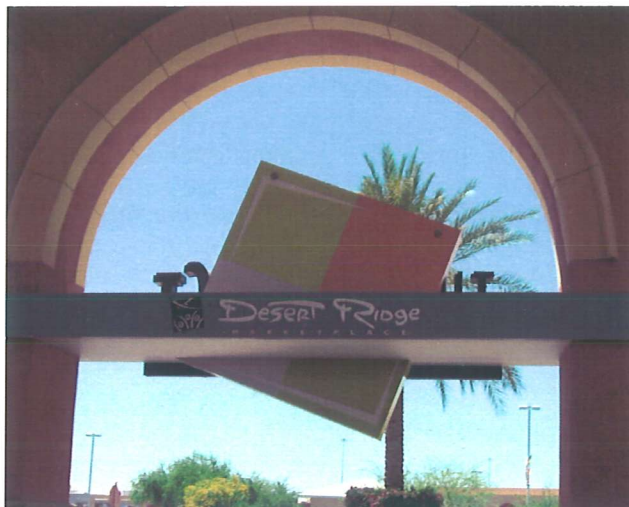


East Hill Town Centre — Design Guidelines

5.2 Building Entryways

Building entrances should be easily identified and may be recessed for weather protection, visual interest, and to provide additional window display space. Clearly defined customer entrances marked by architectural details such as canopies, overhangs, arcades, articulated roof forms, outdoor amenities/furniture/planters, upgraded store-front/windows and upgraded sidewalk patterns would be expected. In addition:

- On primary frontages, operable doorways should occur, on average, every 15 meters (50 feet) for the length of that frontage.
- all retail space should be easily accessible to the general public and maintain universal access for the disabled.
- in general, retail entrances should face the street upon which they are addressed, and be clearly visible to passersby.
- overhanging signage, awnings, canopies, pediments or other architectural expression should be used to emphasize entrances.



Visually interesting entryways draws pedestrian attention while adding to the style and characteristics of the town centre



East Hill Town Centre — Design Guidelines

5.3 Facade

Items to consider when developing building facades include the following:

- building facades should be designed to create an aesthetically pleasing appearance. Architectural detailing should include a variety of materials, forms, and colors. Architectural elements such as cornice lines, transom windows, etc. should be used.
- principle facades of buildings visible from a public street should be constructed in a combination of good quality materials which is consistent with site standards and creates architectural interest.

5.4 Ground Floor Uses

Orient ground floor commercial-retail uses toward the street with appropriate awnings/canopies for weather protection and enhancement of pedestrian scale.

Windows at street level should be sufficiently large to expose goods and activity within shops, and establish a strong retail presence.



View of various facades from street



Building façade of a 3 storey building



3 storey building incorporating signage, cornice and commercial ground floor.



Example of lower cornice and signage



East Hill Town Centre — Design Guidelines

5.5 Materials & Colours

Select materials for ease of use, durability, maintenance and design appropriateness. The use of quality local materials is encouraged, as a means of inspiring the design with local character, and a sense of regionality.

Care shall be taken to avoid nostalgic reproductions, but to use the materials in an authentic and meaningful manner. Materials selection shall consider limited use of non-renewable resources.

5.5.1 Materials

A high level of design and architectural detail is preferred.

Traditional materials including brick, stone (including cast stone) and stucco should be used as the primary building materials

Tile, stone, glass block, copper flashing, metal and wood should be considered for accent materials.

Materials shall be compatible between the elevations of main floors and upper floors, as well as consistent on all primary facades or elevations which are visible from the street.

Sloped roofs visible from public rights of way should be of slate, tile, standing seam metal, or other similar materials.

Material changes may also occur horizontally. In these cases, heavier material should generally appear below the lighter.

The following materials are not allowed on the façades or sides of buildings adjacent to public right of ways:

- aluminum, vinyl or fiberglass siding or roofing materials
- materials that attempt to mimic traditional materials (an example would be fiberglass panels that are molded to look like brick)
- the painting of unpainted brick is not allowed

Building material changes should always occur at inside corners to give the materials a sense of permanence and thickness. A change at an exterior corner does not provide this sense and additionally, may create an unprotected seam vulnerable to damage and peeling. In most cases, it is recommended that primary facade materials turn corners at exterior corners.

5.5.2 Colour

East Hill Town Centre encourages a varied but complimentary use of colours.

The colour of buildings should complement those of adjacent buildings. The colour of brick or other natural building materials should dictate the colour family choice. Bricks in the red and brown tones are encouraged.

Buildings should use primarily earth tones with light and bright colours used only as minor accents. The accent colours should complement the primary color.



Example of different textures, colours and material on the side of a building



Predefined colours create consistency and similarities throughout the town centre.

East Hill Town Centre — Design Guidelines

5.6 Building Utility & Service Areas

The following are to be considered in the treatment of utility and service areas:

- mechanical equipment should not vent to the street side of a building, nor should air intakes be located near parking or loading areas.
- window air conditioning units are not permitted.
- where possible, loading areas should be located on the side or rear of buildings where they are not visible directly from the street, nor in the sightlines of adjacent residential development.
- all utility areas should be attempted to be screened from adjacent residential uses with either architectural materials or landscaping that blends well with the design of the surrounding area.
- alternately, fully enclose within a service shed or integrate within the body of the building.
- truck loading and maneuvering areas should not conflict with or block pedestrian or vehicular access points or parking areas.



Trash storage and recycling enclosed in fenced area



Examples of loading areas





East Hill Town Centre — Design Guidelines

5.7 Town Centre District

The following are examples of potential treatment of the Town Centre District.



5.8 Main Street/Town Square Commercial District

The following are examples of potential treatment of Main Street/Town Square District development.



Originally presented to
Council on February 23
2009

BYLAW NO. 3357/E-2009

Being a Bylaw to amend Bylaw No. 3357/2006, the Land Use Bylaw of The City of Red Deer.

COUNCIL OF THE CITY OF RED DEER, ALBERTA, DULY ASSEMBLED,
ENACTS AS FOLLOWS:

1. Delete Section 5.7(1)(a) and replace with the following text:

“Within C1, C1A, C2A, C2B, C3, C4, C5 and C6 Districts the site plan, the relationship between buildings, structures and open space, the architectural treatment of buildings, the provision and architecture of landscaped open space, and the parking layout, shall be subject to approval by the Development Authority;”
2. Delete Section 5.7 (3)(b)(i) and replace with the following text:

“In C1, C1A, C2A, C2B, C3, C4, C5 and C6 Districts, one loading space opposite each loading door with a minimum of one shall be provided.”
3. Delete Section 5.7 (5)(b) excluding subsections (i) and (ii) and replace with the following text:

“Where access from a lane adjacent to an R1, R1A, R1N, R2, R3, or R4 District is required to give access to a commercial use in a C1, C1A, C2A, C2B, C3, C4, C5 or C6 land use district adjacent to such lane, the Development Authority may require the owner of such commercial site, as a condition of the granting of the development permit or as a provision of a development agreement.”
4. Delete Section 3.4(1)(b) excluding subsections (i) and (ii) and replace with the following text:

“A-board Signs placed on City property within a C1, C1A or C6 District.”
5. Delete Section 3.4(6)(h)(iii) and replace with the following text:

“in the C1, C2A, C2B, C1A, C5, C6, I1, and I2 Districts is 12.0 m²,”
6. Delete Section 3.4(6)(i)(ii) and replace with the following text:

“in the C1, C2A, C2B, C1A, C5, C6, I1, I2 and DC(2) Districts is 9.0 m;”

7. Delete Section 3.4(9)(b)(i) and replace with the following text:

“Subject to the provisions of this part, portable signs are a permitted use in C1, C1A, C3, C4, C5, C6, and discretionary in all other Districts.”

8. Delete Section 3.7(1)(a) and replace with the following text:

“In C1, C1A, C2A, C2B, C3, C4, C5 and C6 Districts, one loading space opposite each loading door with a minimum of one shall be provided.”

9. Add the following text to Part 5 Commercial Districts and Regulations to appear in order after Section 5.6:

5.6.1 East Hill Town Centre District C5

General Purpose

C5

The purpose and intent of the Town Centre District is to allow for and encourage a variety of commercial, limited office, residential and other uses that serve the local and regional community and that are integrated vertically and/or horizontally within a comprehensively-designed development area that emphasizes sustainability, compact, and pedestrian friendly urban development. Transition areas on the fringe of the Town Centre are intended to provide space for intensified mixed-use and/or residential character while also serving as a physical and land use transition to the surrounding residential neighbourhoods. The district is intended to complement the East Hill Town Centre Design Guidelines.

(1) C5 Permitted and Discretionary Uses Table

(a) Permitted Uses	
(i)	Commercial Buildings under 4645 m ² (50,000 sq. ft)
(ii)	Commercial Entertainment Facility.
(iii)	Commercial Recreation Facility.
(iv)	Commercial Service Facility without drive through services.
(v)	Day Care Facility.
(vi)	Home Music Instructor/Instruction (two students), subject to section 4.7 (10).
(vii)	Home Occupations which, in the opinion of the Development Officer, will not generate additional traffic.
(viii)	Hotel or Motel.
(ix)	Merchandise Sales excluding industrial goods, vehicle related sales and

- services, sale of liquor, adult only, sale of consignment goods.
- (x) Multi-Attached Residential Building above ground floor commercial minimum density 35 dwelling unit/hectare.
 - (xi) Multiple Family Residential Building above ground floor commercial minimum 35 dwelling unit/hectare.
 - (xii) Multi-Attached Residential Building minimum density 35 dwelling unit/hectare.
 - (xiii) Multiple Family Residential Building minimum density 35 dwelling unit/hectare.
 - (xiv) Park.
 - (xv) Restaurant without drive through.
 - (xvi) Signs(subject to section 3.3 and 3.4):
 - (1) Awning and Canopy Signs,
 - (2) Fascia Signs

(b) Discretionary Uses

- (i) Accessory Building or Use.
- (ii) Assisted Living Facility minimum density 35 dwelling units per hectare (du/ha).
- (iii) Assisted Living Facility above ground floor commercial minimum density 35 du/ha.
- (iv) Commercial Buildings over 4645 m² (50,000 sq. ft).
- (v) Commercial Service Facility with drive through services.
- (vi) Drinking Establishment (adult entertainment prohibited).
- (vii) Hostel.
- (viii) Institutional Service Facility.
- (ix) Office subject to section 5.6.1 (2)(d)
- (x) Liquor Store.
- (xi) Merchandise Sales and/or Rental allowing vehicle related services, liquor, sale of consignment goods
- (xii) Outdoor Display of Goods.
- (xiii) Parking Lot/Parking Structure.
- (xiv) Restaurant with drive through
- (xv) Signs(subject to section 3.3 and 3.4):
 - (1) Portable Signs,
 - (2) Free Standing Signs,
 - (3) Neighbourhood Identification Signs,
 - (4) Painted Wall Signs,
 - (5) Projecting Signs,
 - (6) Under Canopy Signs,
 - (7) Wall Signs.

(2) C5 East Hill Town Centre District Regulations

(a) All development permit applications for this district must be consistent with the Town Centre Design Guidelines and must include but will not be limited to the following:

- (i) An overall site plan/master plan of the Town Centre and Main Street/Town Square areas;
- (ii) A plan showing detailed landscaping, exterior amenity areas, pedestrian trail/sidewalk linkages and an overall signage plan; and
- (iii) Comments from the Town Centre Development Review Committee.

(b) Table 5.6.1 C5 Regulations

Regulations	Requirements
Building Height	<p>Minimum – 2 storeys or 6.5 m Maximum – 8 storeys or 38.5 m, except where adjacent to single family buildings 4 storeys or 19.2 m</p> <p>For the fourth storey and above the façade of buildings fronting onto a public or private street, sidewalk or park shall be stepped back a minimum of 1 metre from the lower storeys;</p>
Floor Area Minimum	<p>Residential - Multi-attached: 60.0 m² Multiple Family: 37.0 m² Unit in assisted living facility: 23.0 m²</p>
Front Yard setback	<p>Commercial – Built to property line, unless providing an amenity area subject to subsection (3)(d) or parking area subject to subsection 4(b) and to Development Authority approval.</p> <p>Residential – Built to property line, if residential above ground floor</p> <p style="padding-left: 40px;">commercial minimum 1.0 m maximum 3.0 m, unless providing an amenity area subject to subsection (3)(d) subject to Development Authority approval.</p>
Side Yard Minimum setback	<p>Commercial – Built to property line, or 6 m if providing a sidewalk or trail connection with treed landscaping and connection to a public/private sidewalk or trail, or unless providing an amenity area subject to subsection (3)(d) or parking area subject to subsection 4(b) and to Development Authority approval.</p>

Regulations	Requirements
	Residential: Built to property line, if residential above ground floor commercial Multi-attached (without side entry) – 1.8 m Multi-attached (with side entry) – 2.4 m Multi-family – 3.0 m. Notwithstanding the setbacks noted above, where the building flanks a public or private roadway, the setback on the flanking side shall be in accordance with Part 3, Figure 2 or 2B.
Rear Yard Minimum setback	6.0 m
Exterior Amenity Area Minimum	15% of site area, includes landscaping subject to section 3.6
Parking	Subject to sections 3.1 & 3.2 public or private street parking may be considered in calculating parking requirements as approved by the Development Authority.
Loading Spaces Minimum	One opposite each loading door with a minimum of one per building subject to section 5.7 (3).
Site Area Minimum	750.0 m ²
Frontage Minimum	Commercial and Residential above ground floor Commercial - 7.5 m Residential - 6.0 m or less subject to development authority approval.
Lot Depth Minimum	30.0 m

(c) Indoor Amenity Areas:

The developers of the following types of facilities shall be required to provide indoor amenity areas with the minimum dimensions shown:

- (i)** Multiple Family buildings - a minimum of 4.5 m² per dwelling unit.
- (ii)** Assisted Living Facility or Temporary Care Facility – a minimum of 15 m² per dwelling unit.

For the purpose of this section, the term “Indoor Amenity Area” means an area which provide residents with an active or passive form of recreational space within the multi-unit complex, and includes sitting rooms, dining rooms, entertainment rooms, and screened patios, but does not include other common areas of the building, such as spaces for onsite or visiting health care professionals, accessory retail and accessory services, and storage areas.

(d) Exterior Amenity Areas:

The developers of all buildings shall be required to provide exterior amenity areas. For the purpose of this section, the term “Exterior Amenity Area” means an area which provides an active or passive form of recreational or living space and includes areas which provide landscaping, sitting areas, playgrounds, pools, roof top gardens or patios.

(e) Office

Notwithstanding section 2.7(b) the Development Authority may not vary the following limitations for office development. In this district, office development is limited to the following regulations listed in the City of Red Deer Municipal Development Plan:

- (i) The maximum amount of office space which may be allowed in the East Hill Town Centre shall be 125,000 square feet of gross leasable area, this area shall be divided as follows between three major Town Centre quarter sections, NE 22, NW23, SW26 of 38-27-4 each being allowed to develop 41,666 square feet of office space.
- (ii) Office use shall be limited to a total of four floors in any single building; and
- (iii) Office shall not be located in area fronting a public or private street or sidewalk, offices shall primarily be located above the ground floor.

(3) General Design

The Development Authority may impose, as a condition of approval of any development, such standards as are reasonably necessary to ensure that the development will create the character of the envisioned Town Centre and achieve the following objectives:

- (a) be consistent with the East Hill Major Area Structure Plan and the corresponding neighbourhood area structure plans within the mixed use area;
- (b) reflect the objective of capturing a blend of mixed residential, higher density residential and commercial in a pedestrian friendly environment;
- (c) Design of front and rear façade shall be of comparable architectural treatment where public entrances to private/public sidewalks are located;

Commercial Building Design

- (d) Ground floor facades that face public or private streets shall incorporate display windows, entry areas, awnings, or other such elements for at least 50% of the façade width. At least 85 % of the exterior cladding (excluding glass) of exterior walls of all structures fronting or visible from public or private streets shall be of

- a masonry material such as stone, face brick, stucco or architecturally finished concrete panels. No more than three different siding materials may be used on any one structure;
- (e) A minimum of 60% of the main floor building façade facing a public or private street between two feet and eight feet in height must be comprised of clear windows that allow views of indoor space or product display areas;
 - (f) Continuous awning or canopy shall be placed on commercial buildings as weather protection for pedestrian traffic adjacent to any public or private sidewalk;
 - (g) Large blank walls on “big box” or “power centres” will not be permitted as they lack aesthetic scale and discourage pedestrian activity;
 - (h) Mechanical systems shall be placed on roofs and/or sides/rear of buildings in inconspicuous locations. All roof equipment must be screened from public view;
 - (i) Functional building entries shall occur at least every 40 m, on average, and along commercial or mixed use sites facing both public and private street fronts;
 - (j) Buildings with the same or similar façade on adjoining frontages must be separated by a minimum of two lots or 30m, which ever is the lesser of the two, in both directions, using different colour and/or material composition;
 - (k) Primary entrances shall face onto a public street where available and secondary entrances may face a private street;

Exterior Amenity Area Design

- (l) Architectural walls and fencing may be used to create a defined outdoor commercial space such as an area for dining or seating. These shall not exceed 1.5 m in height and be semi-transparent. Materials used in the building of these shall be a consistent style, height, material, and colour to that of the surrounding architecture;
- (m) No more than a quarter of a commercial storefront building shall be set back for a courtyard. Where portions of a building are set back from the sidewalk, the areas must be treated as a plaza or courtyard;

Residential Buildings

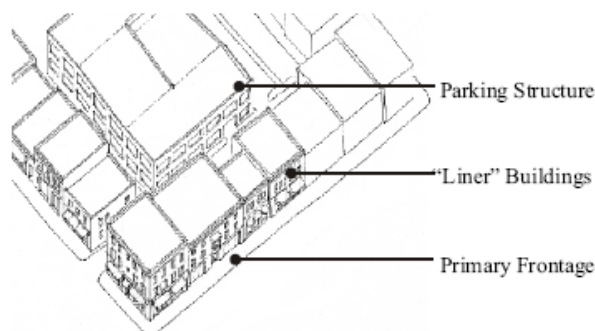
- (n) All ground floor dwelling units, fronting onto a public or private street, sidewalk or park shall provide an individual entrance with direct access to grade. All residential buildings adjacent to a front yard shall incorporate a high degree of visual interest through the provision of design features such as porches, balconies, bay windows, roof dormers, and/or pitched roofs;
- (o) Upper story decks, balconies or rooftop gardens shall be incorporated for residential uses;

- (i) Balconies on the front façade to be located and designed to minimize potential conflicts with pedestrian traffic on sidewalks below.
- (ii) Balconies shall be appropriately scaled and incorporated into the overall design of the building.
- (iii) Projecting balconies shall not obscure visibility of signs or storefronts.

(4) **Parking Lot & Pedestrian Circulation Regulations**

Where the following regulations conflict with parking regulations in section 3.2.1 the following regulations will apply for this district:

- (a) The number of parking stalls shall not exceed the required number of stalls stated in the land use bylaw parking regulations without the consent of the Development Authority, however fewer parking stalls may be considered if shared parking or rationale for fewer stalls is acceptable to the Development Authority;
- (b) Parking lots shall be configured and designed to reduce the overall mass of paved surfaces. On site surface parking will be clustered only in side and rear lots however minimal front yard parking may be approved by the Development Authority if orientation of building location does not permit side or rear yard parking;
- (c) All Multiple Family Residential or residential with ground floor commercial parking shall be located, above or below ground floor, visitor parking may be located on site at ground floor level in the rear or side yards;
- (d) Structured Parking lot placement – Parking structures shall be set back a minimum of 15 m (50 ft) from the property lines of all adjacent streets to reserve room for liner buildings between parking structures and the lot frontage. The liner building shall be no less than two stories in height. Parking structures with main floor commercial do not require a setback. Liner Buildings may be detached from or attached to parking structures;



- (e) Parking blocks where possible shall be oriented to facilitate pedestrian movement down not across aisles, perpendicular to the main building entrances;
- (f) Notwithstanding section 3.2.1 (g) “small car only/compact car” parking spaces being a minimum of 2.3m x 5.0 m in size may comprise of up to 20% of total number of parking spaces required;
- (g) Parking at or above grade shall be transitioned through appropriate landscaping and/or fencing for pedestrians and neighbours. Depending on the specific site, this shall include measures to avoid noise to dwelling units above, appropriate lighting, architecturally treated surfaces, and landscaping to reduce impacts on adjacent dwelling units;
- (h) All commercial, or multifamily residential buildings shall provide bicycle parking spaces or bicycle storage capacity of no less than 15% of the number of parking spaces provided for the site area. Bicycle parking spaces shall be located within 250 m of a building entrance;
- (i) Street trees shall occur between the public or private street and sidewalk at intervals of no greater than 10 m and may form a component of the 15% landscaping/exterior amenity area at the discretion of the Development Authority;
- (j) An on-site direct and continuous pedestrian circulation walkway network measuring a minimum of 1.7 m in width and containing street trees every 10m, located between the walkway and the street, shall be provided on all properties to provide access between all building entrances and:
 - 1. all other buildings in the Town Centre and linked to the Main Street/Town Square area;
 - 2. Public or private sidewalks, walkways, and trails;
 - 3. Parking areas that serve the building; and
 - 4. Buildings on adjacent properties.
 - 5. Through all connected and adjacent parking cells.
- (k) Notwithstanding section 3.2.1(a) and (d) parking lot aisles shall not exceed 60 m and lots containing more than 150 parking spaces shall be configured into smaller cells by use of landscaped islands.
- (l) A minimum of one linked walkway shall be centrally located within a larger parking block cell and shall be uninterrupted by surface parking.
- (m) On-site pedestrian walkways that cross a parking lot or driveway shall be clearly marked through the use of paint or a change in paving materials, distinguished by their colour, texture or height.
- (n) Negative impacts of vehicular entrance and/or loading area parking ramps

and service areas shall be minimized through proper treatment such as enclosure, screening, high quality finishes, sensitive lighting and landscaping.

(5) Site Development

All development standards, site plan, site access, the relationship between buildings, structures and open space, the architectural treatment of any building, the provision and architecture of landscaped areas, and the parking layout shall be subject to approval by the Development Authority.

(6) Landscaping

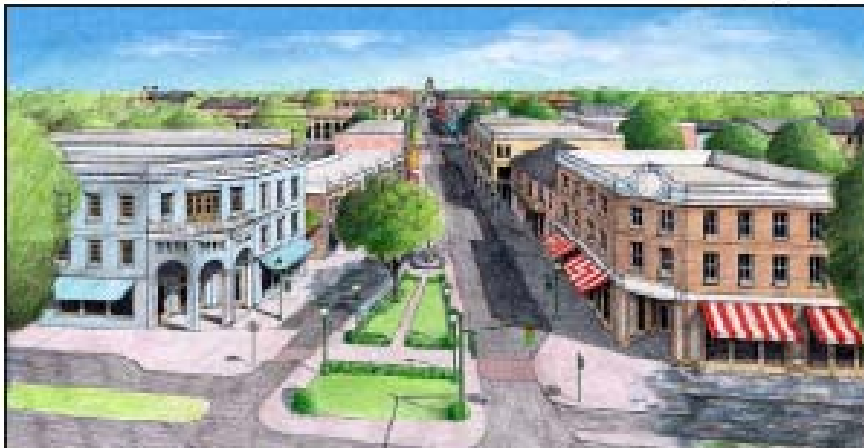
Notwithstanding section 3.6 (7), this section shall only apply to buildings proposed to have a front or side yard setback where landscaping will be preferred along sidewalks and trails.

5.6.2 Main Street/Town Square District C6

General Purpose

C6

The district will facilitate the development of the East Hill Town Centres as a sustainable, healthy, mixed use area integrating street level commercial and residential above, with a pedestrian friendly focus, serving the neighbourhood, the community and the region. This district is intended to complement the East Hill Town Centre Design Guidelines, in order to incorporate the intended smaller retail Main Street or Town Square vision.



(1) C6 Permitted and Discretionary Uses Table

(a) Permitted Uses	
(i)	Commercial Entertainment Facility maximum floor area of 450 m ²
(ii)	Commercial Recreation Facility maximum floor area of 450 m ²
(iii)	Commercial Service Facility maximum floor area of 450 m ²
(iv)	Home Music Instructor/Instruction (two students), subject to section 4.7(10).
(v)	Home Occupations.
(vi)	Merchandise Sales excluding industrial goods, vehicle related sales and services, sale of liquor, adult only, consignment goods.
(vii)	Multi-Attached Residential Building above ground floor commercial
(viii)	Multiple Family Residential Building above ground floor commercial
(ix)	Park.
(x)	Residential dwelling units above ground floor commercial.
(xi)	Restaurant – maximum floor area of 450 m ² , excluding kitchen area and no drive through.
(xii)	Signs(subject to section 3.3 and 3.4):
	(3) Awning and Canopy Signs,
	(4) Fascia Signs
(b) Discretionary Uses	
(i)	Accessory Building or Use.
(ii)	Assisted Living above ground floor commercial.
(iii)	Commercial Entertainment Facility.
(iv)	Commercial Recreation Facility.
(v)	Commercial Service Facility.
(vi)	Day Care Facility above ground floor commercial.
(vii)	Drinking Establishment (adult entertainment prohibited), maximum of 150 persons subject to section 5.7 (8)
(viii)	Hotel, Motel, or Hostel.
(ix)	Institutional Service Facility.
(x)	Office subject to section 5.6.1 (2)(d)
(xi)	Merchandise Sales and/or Rental allowing vehicle related services, liquor, consignment goods.
(xii)	Outdoor display of goods.
(xiii)	Parking lot/parking structure.
(xiv)	Restaurant no drive through.
(xv)	Signs(subject to section 3.3 and 3.4):
	(1) Freestanding Signs,
	(2) Neighbourhood Identification Signs,
	(3) Portable Signs,
	(4) Painted Wall Signs,
	(5) Projecting Signs,
	(6) Under Canopy Signs,
	(7) Wall Signs.

(2) C6 Main Street/Town Square District Regulations

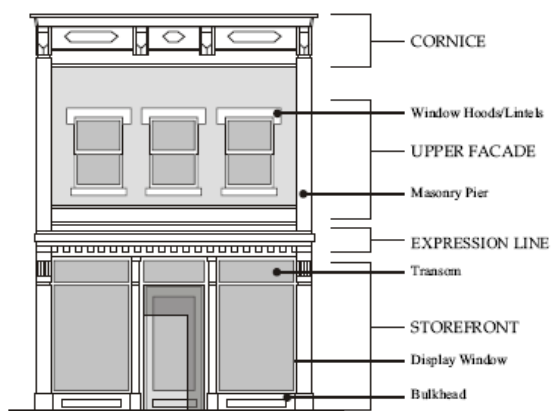
(e) Table 5.6.2 C6 Regulations

Regulations	Requirements
Building Site Coverage Minimum	One third of site area
Floor Area	Maximum - Commercial establishment not exceed 1000.0 m ² Residential Minimum – Multi-attached: 60.0 m ² Multiple Family: 37.0 m ² Unit in assisted living facility: 23.0 m ²
Building Height	Minimum – 2 storeys or 6.5 m Maximum – 5 storeys or 24.0 m
Front Yard	Commercial – Built to property line, unless providing an amenity area subject to subsection (3) (c)
Side Yard Minimum	Built to property line
Rear Yard Minimum	Built to property line, unless providing onsite parking
Exterior Amenity Area Minimum	15% of site area
Parking	Subject to sections 3.1 & 3.2, as well as addition regulations stated within this district. Parking may be provided on or off site to the satisfaction of the Development Authority.
Loading Spaces Minimum	One opposite each loading door with a minimum of one.
Frontage Minimum	7.5 m
Lot Depth Minimum	30.0 m

(f) Indoor Amenity Areas: subject to section 5.6.1 (2)(c)

(g) Exterior Amenity Areas: subject to section 5.6.1 (2)(d)

(3) General Design



Main Street/Town Square architecture shall be a mix of one to five storey commercial and/or mixed use blocks with a highly decorated front. This commercial type is oriented towards creating a pedestrian-friendly environment and may include residential and/or limited office development on a potential second floor.

The Development authority may impose, as a condition of approval of any development, such standards as are reasonably necessary to ensure that the development will create the character of the envisioned Main Street/Town Square and achieve the following objectives:

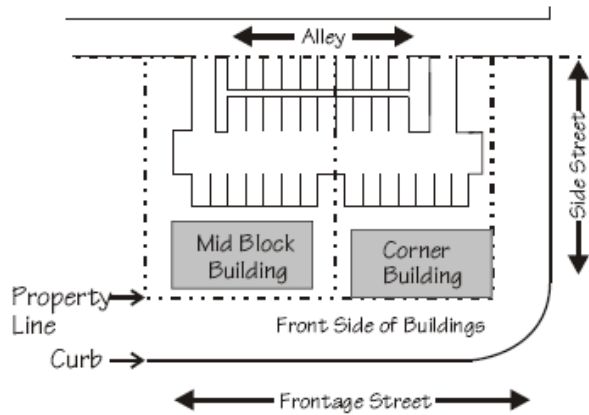
- (a) Subject to C5 Commercial Town Centre General Design Section 5.6.1(3);
- (b) Buildings to be constructed with 7.5 m modules, with a clear visual distinction between street level and upper floors shall be incorporated through the change of materials, colours, and/or canopies and awnings;
- (c) Continuous awning or canopy shall be placed on buildings as weather protection for pedestrian traffic adjacent to any public or private sidewalk;

(4) Site Development

- (a) All development standards, site plan, site access, the relationship between buildings, structures and open space, the architectural treatment of any building, the provision and architecture of landscaped areas, and the parking layout shall be subject to approval by the Development authority;
- (b) New construction and infill buildings must maintain the alignment of facades along the sidewalk edge. Exceptions may be granted if the setback is pedestrian-oriented and contributes to the quality and character of streetscape;
- (c) No front driveways shall be permitted along Main Street/Town Square;

(5) Parking and Loading Regulations

- (a) Parking regulations subject Section 5.6.1 (4), with the exception of subsection (b) and (c);
- (b) Parking spaces shall not be located between the front façade line of a building and a street edge, all parking shall be located in the rear yard;
- (c) Loading/service areas including refuse/recycling enclosures shall be located out of public view when ever feasible and must not front onto Main Street/Town Square;



(d) Access to Off-Street Parking:

- i.** Lanes or secondary roads shall be the primary source of access to off-street parking.
- ii.** Parking along Lanes may be head-in, diagonal or parallel.
- iii.** Lanes may be incorporated into parking lots as standard drive aisles.

READ A FIRST TIME IN OPEN COUNCIL this 23rd day of February 2009.

READ A SECOND TIME IN OPEN COUNCIL this day of 2009.

READ A THIRD TIME IN OPEN COUNCIL this day of 2009.

AND SIGNED BY THE MAYOR AND CITY CLERK this day of 2009.

MAYOR

CITY CLERK



Reports Item No. 1 a)

Date: March 13, 2009

To: Elaine Vincent, Legislative Services Manager

From: Arminnie Good, Land Agent

RE: **Reserve Closure and Offer to Purchase
Portion of Lot R-3, Block 1, Plan 762 1616**

Background:

Shunda Consulting & Construction Ltd. has expressed interest in purchasing part of the City Municipal Reserve (Lot R-3, Block 1, Plan 762 1616) as outlined as "Area A" on the attached Schedule A.

During the process of subdivision and registration of a condominium plan for the proponents' building located at 5551 45 Street, the surveyor became aware of an encroachment of the existing building (circa 1978) that is situated immediately north of the above noted reserve lands. The total encroachment area amounts to **4.15 square meters** of Municipal Reserve. This encroachment needs to be resolved in order to move forward with registration of the condominium plan.

This proposal has been circulated to all affected city departments and there are no unresolved objections on file. The Parks department supports this request providing the area to be closed and sold is restricted to the encroachment area footprint. A report regarding the rezoning of this land appears elsewhere on this agenda.

Financial Implications:

Based on current assessed value of the Municipal Reserve lands and the neighboring lands zoned DC21, Land and Economic Development have applied a blended market rate of \$19.15 per square foot and the purchaser has agreed to this value.

The approximate area of "Area A" reserve to be closed and sold is forty-five (45) square feet (4.15m²), more or less. The final calculation of the purchase price will be adjusted based on the area as determined by a legal surveyor. The total proceeds of the sale of this parcel, approximately \$855.00, will be credited to the Public Reserve Trust Fund.

Recommendation:

1. That City Council approve the closure and sale of 45 square feet, more or less, of Municipal Reserve subject to the following conditions:
 1. The purchase price to be \$19.15 per square foot + GST for with the final purchase price to be adjusted upon legal survey.
 2. Consolidation by plan of subdivision of the disposed area of Lot R-3, Block 1, Plan 762 1616 with Lot 1A, Block 1, Plan 772 3012.

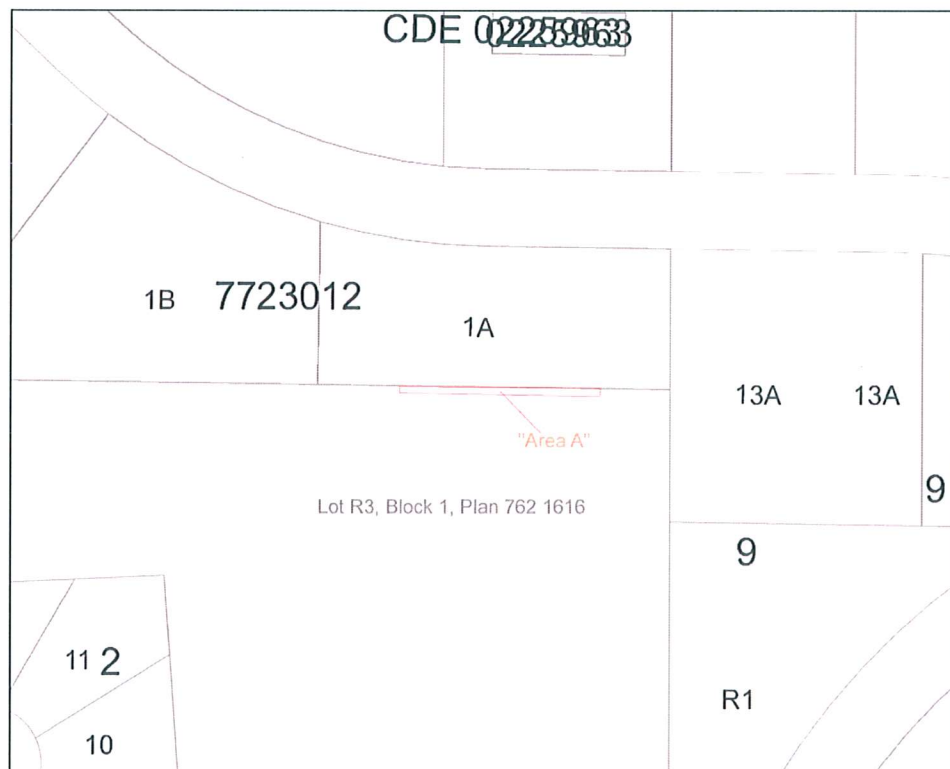
3. All costs associated with advertising, legal survey, and legal subdivision and consolidation to be the responsibility of the Purchaser.
4. The net proceeds of the sale to be credited to the Public Reserve Trust Fund.
5. City Council approval for the rezoning of the portion of Reserve to DC21.
6. City Council approval for the Closure and Disposal of Municipal Reserve described as:
'All that portion of Lot R-3, Block 1, Plan 762 1616 lying within the limits of Plan _____.'
7. Land Sale Agreement satisfactory to the City Solicitor.

Arminnie Good
Land Agent

Howard Thompson
Land & Economic Development Manager

Attach.

cc. Trevor Poth, Parks Superintendent
Greg Scott, RP&C Manager
Dean Krecji, Financial Services Manager
Tony Lindhout, PCPS



Schedule A



Comments:

We support the recommendations of the Land and Economic Development Land Agent and Parkland Community Planning Services and that Council consider first reading of the Land Use Bylaw Amendment 3357/K-2009. A Public Hearing will be held on Tuesday May 19, 2009 at 6:00 p.m. in Council Chambers during Council's regular meeting.

"Morris Flewwelling"
Mayor

"Craig Curtis"
City Manager



**PARKLAND
COMMUNITY
PLANNING
SERVICES**

Reports Item No. 1 b)

Suite 404, 4808 Ross Street
Red Deer, Alberta T4N 1X5
Phone: (403) 343-3394
FAX: (403) 346-1570
e-mail: pcps@pcps.ab.ca
www.pcps.ca

DATE: April 7, 2009

TO: Elaine Vincent, Legislative and Administrative Services Manager

FROM: Martin Kvapil, Planning Assistant

RE: Land Use Bylaw Amendment No. 3357/K-2008
Riverlands Business Area
Lot R-3, Block 1, Plan 762 1616
Shunda Consulting & Construction, City of Red Deer

Proposal

This report is further to Land & Economic Development's land exchange report that appears elsewhere on this agenda.

The applicant is seeking to rezone a 4.5 m² (5 cm x 82.97 m) portion of reserve land from A2 Environmental Preservation District to DC (21) Direct Control District. The subject rezoning, and concurrent reserve disposal, are required to correct an existing encroachment situation. The encroachment of the existing building into an adjacent reserve parcel was discovered during the subdivision process to create a condominium plan.

No objections or concerns were received from any City department.

Staff Recommendation

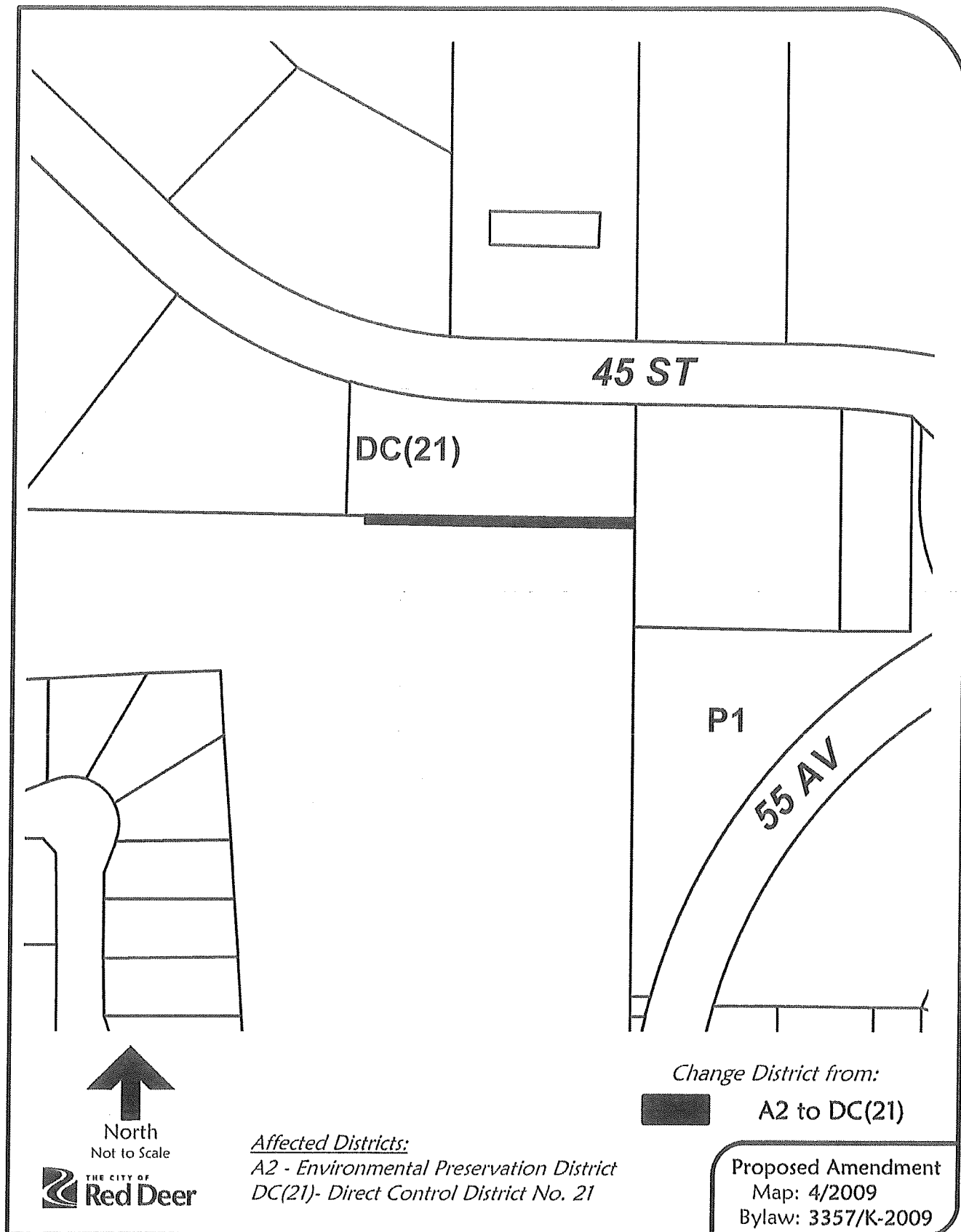
That City Council, subject to the applicable reserve disposal, proceed with first reading of Land Use Bylaw Amendment No. 3357/K -2009.

Martin Kvapil
PLANNING ASSISTANT

Tony Lindhout, MCIP, ACP
CITY PLANNING MANAGER

Attachments

Proposed Amendment to Land Use Bylaw 3357/2006



Council Decision – April 20, 2009

FILE COPY

DATE: April 21, 2009

TO: Arminnie Good, Land Agent
Martin Kvapil, Parkland Community Planning Services

FROM: Elaine Vincent, Legislative & Administrative Services Manager

SUBJECT: Reserve Closure and Offer to Purchase
Portion of Lot R-3, Block 1, Plan 762 1616
Land Use Bylaw Amendment 3357/K-2009
Riverlands Business Area
Shunda Consulting & Construction

Reference Report:

Land and Economic Development, dated March 13, 2009.
Parkland Community Planning Services, dated April 7, 2009.

Resolution:

“Resolved that the Council for the City of Red Deer hereby tables consideration of the Report from Land and Economic Development, dated March 13, 2009 Re: Reserve Closure and Offer to Purchase Portion of Lot R-3, Block 1, Plan 762 1616 and the report from Parkland Community Planning Services, dated April 7, 2009 Re: Land Use Bylaw Amendment 3357/K-2009 Riverlands Business Area Lot R-3, Block 1, Plan 762 1616 and first reading for Land Use Bylaw Amendment 3357/K-2009 for administration to consider further changes to the reports.”

Bylaw Readings:

Land Use Bylaw Amendment 3357/K-2009 is tabled to the Monday May 4, 2009 Council Meeting. There will be no advertising at this time.

Report Back to Council: Yes – Monday May 4, 2009.

Comments/Further Action:

Land Use Bylaw Amendment 3357/K-2009 is the result of an application from Shunda Consulting and Construction to rezone a 4.5M² portion of reserve land from A2 Environmental Preservation District to DC 21 Direct Control District, this is required to correct an existing encroachment. Administration is directed to provide an updated report providing for more area to be added for an easement allowance, if required.



Elaine Vincent
Manager

cc: Development Services Director
 Corporate Services Director
 Engineering Services Manager
 Financial Services Manager
 Assessment and Tax Manager
 City Assessor
 Inspections & Licensing Manager
 Inspections & Licensing Supervisor
 Land & Economic Development Manager
 Leigh-Ann Butler, Graphics Supervisor
 Property Assessment Technician
 LAS FILE



FILE COPY

LEGISLATIVE & ADMINISTRATIVE SERVICES

April 21, 2009

Shunda Consulting & Construction Ltd.
6204 46 Ave.
Red Deer, AB T4N 7A2

ATTN: Mr. Ben Meyer

Dear Mr. Meyer:

**Re: Land Use Bylaw Amendment 3357/K-2009 Riverlands Business Area
Reserve Closure and Offer to Purchase Portion of: Lot R-3, Block 1, Plan 762 1616**

Red Deer City Council was presented with *Land Use Bylaw Amendment 3357/K-2009 at the City of Red Deer's Council Meeting* along with the report from Land and Economic Development related to the Reserve Closure and Offer to Purchase on Monday, April 20, 2009. The *Land Use Bylaw Amendment 3357/K-2009* did not receive first reading and the accompanying Resolutions were not considered. The report from Land and Economic Development for the Reserve Closure and Offer to purchase and Land Use Bylaw Amendment 3357/K-2009 will be considered at the Monday May 4, 2009 regular Council Meeting.

Land Use Bylaw Amendment 3357K-2009 is proposing rezoning a 4.5 m² portion of reserve land from A2 Environmental Preservation District to Direct Control District No. 21, this is required to correct an existing encroachment.

After first reading on the May 4, 2009 Council must hold a Public Hearing before giving second and third readings to the Bylaw, the date for the Public Hearing is Monday June 1, 2009.

Prior to the Public Hearing, you are responsible for the advertising costs and will be invoiced for this cost which we estimate to be approximately \$800.00. If you are not in agreement with paying this cost, please notify me by 10:00 A.M. on Friday May 1, 2009.

If you have any questions or require additional information, please contact me at 403.342.8132.

Sincerely,

Elaine Vincent

Legislative & Administrative Services Manager

cc: Parkland Community Planning Services

Date: March 13, 2009

To: Elaine Vincent, Legislative Services Manager

From: Arminnie Good, Land Agent

RE: **Reserve Closure and Offer to Purchase
Portion of Lot R-3, Block 1, Plan 762 1616**

ORIGINAL

Background:

Shunda Consulting & Construction Ltd. has expressed interest in purchasing part of the City Municipal Reserve (Lot R-3, Block 1, Plan 762 1616) as outlined as "Area A" on the attached Schedule A.

During the process of subdivision and registration of a condominium plan for the proponents' building located at 5551 45 Street, the surveyor became aware of an encroachment of the existing building (circa 1978) that is situated immediately north of the above noted reserve lands. The total encroachment area amounts to **4.15 square meters** of Municipal Reserve. This encroachment needs to be resolved in order to move forward with registration of the condominium plan.

This proposal has been circulated to all affected city departments and there are no unresolved objections on file. The Parks department supports this request providing the area to be closed and sold is restricted to the encroachment area footprint. A report regarding the rezoning of this land appears elsewhere on this agenda.

Financial Implications:

Based on current assessed value of the Municipal Reserve lands and the neighboring lands zoned DC21, Land and Economic Development have applied a blended market rate of \$19.15 per square foot and the purchaser has agreed to this value.

The approximate area of "Area A" reserve to be closed and sold is forty-five (45) square feet (4.15m²), more or less. The final calculation of the purchase price will be adjusted based on the area as determined by a legal surveyor. The total proceeds of the sale of this parcel, approximately \$855.00, will be credited to the Public Reserve Trust Fund.

Recommendation:

1. That City Council approve the closure and sale of 45 square feet, more or less, of Municipal Reserve subject to the following conditions:
 1. The purchase price to be \$19.15 per square foot + GST for with the final purchase price to be adjusted upon legal survey.
 2. Consolidation by plan of subdivision of the disposed area of Lot R-3, Block 1, Plan 762 1616 with Lot 1A, Block 1, Plan 772 3012.

3. All costs associated with advertising, legal survey, and legal subdivision and consolidation to be the responsibility of the Purchaser.
4. The net proceeds of the sale to be credited to the Public Reserve Trust Fund.
5. City Council approval for the rezoning of the portion of Reserve to DC21.
6. City Council approval for the Closure and Disposal of Municipal Reserve described as:
'All that portion of Lot R-3, Block 1, Plan 762 1616 lying within the limits of Plan _____.'
7. Land Sale Agreement satisfactory to the City Solicitor.



Arminnie Good
Land Agent

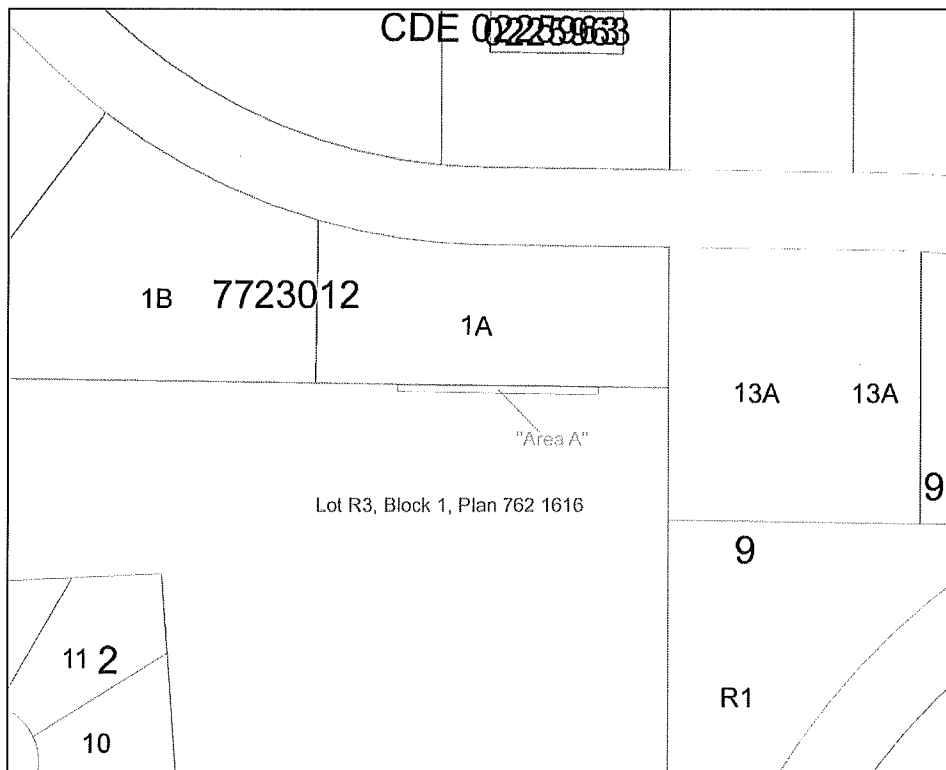


Howard Thompson
Land & Economic Development Manager

Attach.

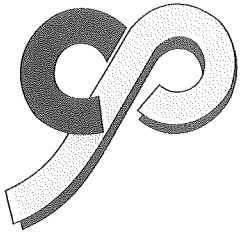
cc. Trevor Poth, Parks Superintendent
Greg Scott, RP&C Manager
Dean Krecji, Financial Services Manager
Tony Lindhout, PCPS

SCHEDULE A



Schedule A





**PARKLAND
COMMUNITY
PLANNING
SERVICES**

Suite 404, 4808 Ross Street
Red Deer, Alberta T4N 1X5
Phone: (403) 343-3394
FAX: (403) 346-1570
e-mail: pcps@pcps.ab.ca
www.pcps.ca

DATE: April 7, 2009
TO: Elaine Vincent, Legislative and Administrative Services Manager
FROM: Martin Kvapil, Planning Assistant
RE: Land Use Bylaw Amendment No. 3357/K-2008
Riverlands Business Area
Lot R-3, Block 1, Plan 762 1616
Shunda Consulting & Construction, City of Red Deer

ORIGINAL

Proposal

This report is further to Land & Economic Development's land exchange report that appears elsewhere on this agenda.

The applicant is seeking to rezone a 4.5 m² (5 cm x 82.97 m) portion of reserve land from A2 Environmental Preservation District to DC (21) Direct Control District. The subject rezoning, and concurrent reserve disposal, are required to correct an existing encroachment situation. The encroachment of the existing building into an adjacent reserve parcel was discovered during the subdivision process to create a condominium plan.

No objections or concerns were received from any City department.

Staff Recommendation

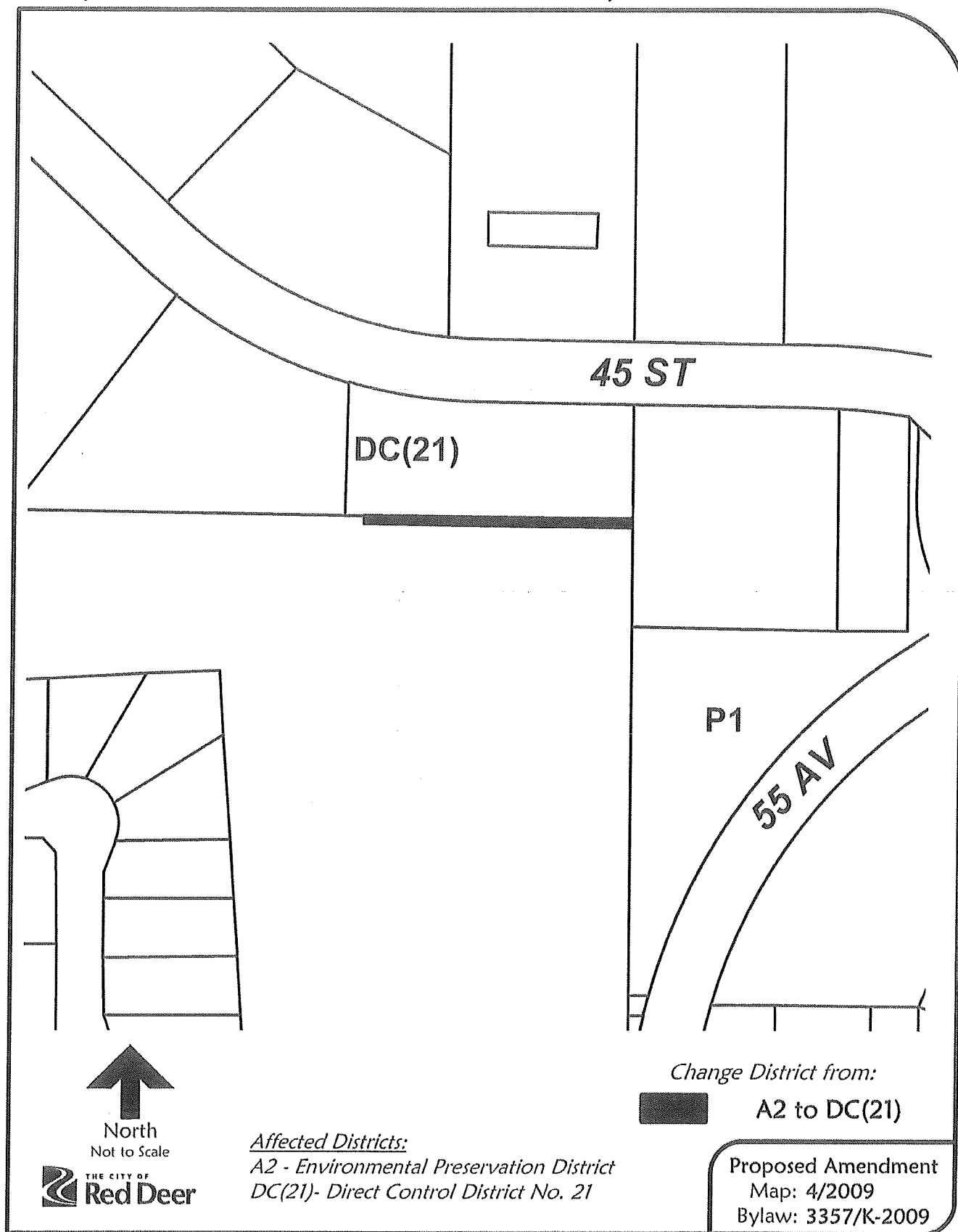
That City Council, subject to the applicable reserve disposal, proceed with first reading of Land Use Bylaw Amendment No. 3357/K -2009.

Martin Kvapil
PLANNING ASSISTANT

Tony Lindhout, MCIP, ACP
CITY PLANNING MANAGER

Attachments

Proposed Amendment to Land Use Bylaw 3357/2006





Reports Item No. 2 a)

DATE: April 9, 2009

TO: Elaine Vincent, Legislative Services Manager

FROM: Arminnie Good, Land & Economic Development

RE: Aspen Heights Elementary School Land Exchange
Lot 5, Block F, Plan 792 2627 (5705 71 Street)

Background:

There is a current agreement in place with the Red Deer Public School District (RDPSD), (circa 1979) allowing the encroachment of a temporary building onto City parks lands at the Aspen Heights Elementary School in the Normandeau area. RDPSD has initiated the approval process to erect a permanent structure on the site and as such, requires additional lands to accommodate the permanent placement of the building.

Land and Economic Development have received a request from RDPSD, to reshape and exchange part of Lot G, Plan 2175 H.W. (Parcel A on the attached Schedule A) – PS (Public Service) lands, for an equivalent area of the City of Red Deer owned P1 (Parks and Recreation) land at Lot 5, Block F, Plan 792 2627 (Parcel B as shown on the attached Schedule A). Total area to be exchanged is 2,120 square feet more or less.

This proposal has been circulated to all affected city departments and there are no unresolved objections on file. The Recreation Parks and Culture Department supports this request as there is a zero-net loss of parks land as a result.

There will be no monetary amount exchanged as the area of lands to be exchanged are of equal area and value.

Recommendation:

That City Council approves a land exchange with the Red Deer Public School District subject to the following conditions:

1. The area to be dedicated as Public Service land within Lot G, Plan 2175 H.W. must be equal to or larger than the Parks and Recreation land to be disposed of in Lot 5, Block F, Plan 792 2627;
2. The Purchaser is to be responsible for all costs associated with this transaction including but not limited to: Legal Survey costs, the cost of advertising and

Aspen Heights School Land Exchange
Page 2

other costs related to holding public hearings required for the parks land disposal and rezoning;

3. The Purchaser to provide approval by the Minister of Education for the disposition of school lands;
4. The Purchaser to enter into a Letter Agreement satisfactory to the City's legal counsel; and
5. The disposal of Parks and Recreation lands described as:

"All that portion of Lot 5, Block F, Plan 792 2627 lying within Plan ____".
Excepting thereout all mines and minerals.

Arminnie Good
Land Services Specialist

Howard Thompson
Land & Economic Development Manager

Attach.

cc. Greg Scott, Recreation, Parks & Culture Manager
Dean Krejci, Financial Services Manager
Tony Lindhout, PCPS

Schedule A



Comments:

We support the recommendations of the Land and Economic Development Land Agent and Parkland Community Planning Services and that Council consider first reading of the Land Use Bylaw Amendment 3357/J-2009. A Public Hearing will be held on Tuesday May 19, 2009 at 6:00 p.m. in Council Chambers during Council's regular meeting.

"Morris Flewwelling"
Mayor

"Craig Curtis"
City Manager

DATE: April 21, 2009

TO: Arminnie Good, Land and Economic Development, Land Agent
Martin Kvapil, Parkland Community Planning Services

FROM: Elaine Vincent, Legislative & Administrative Services Manager

SUBJECT: Aspen Heights Elementary School Land Exchange
Lot 5, Block F, Plan 792 2627 (5705 71 Street)
Land Use Bylaw Amendment 3357/J-2008
Aspen Heights Elementary School / Normandeau Neighbourhood

Reference Report:

Land and Economic Development, dated April 9, 2009.

Parkland Community Planning Services, dated March 13, 2009.

Resolution:

“Resolved that Council of the City of Red Deer after considering the report from the Land Agent, dated April 9, 2009, Re: Aspen Heights Elementary School Land Exchange Lot 5, Block F, Plan 792 2627 (5705 71 Street) with the Red Deer Public School District, hereby approves the land exchange with the Red Deer Public School District, subject to the following conditions:

1. The area to be dedicated as Public Service land within Lot G, Plan 2175 H.W. must be equal to or larger than the Parks and Recreation land to be disposed of in Lot 5, Block F, Plan 792 2627;
2. The Purchaser is to be responsible for all costs associated with this transaction including but not limited to: Legal Survey costs, the cost of advertising and other costs related to holding public hearings required for the parks land disposal and rezoning;
3. The Purchaser to provide approval by the Minister of Education for the disposition of school lands;
4. City Council Approval of Land Use Bylaw Amendment 3357/J-2009;
5. The Purchaser to enter into a Letter Agreement satisfactory to the City’s legal counsel; and
6. The disposal of Parks and Recreation lands described as:
‘ All that portion of Lot 5, Block F, Plan 792 2627 lying within Plan _____.’ Excepting thereout all mines and minerals.

Motion Carried

Bylaw Readings:

Land Use Bylaw Amendment 3357/J-2009 received first reading at the Monday April 20, 2009 Council Meeting.

Report Back to Council: Yes – Tuesday May 19, 2009.

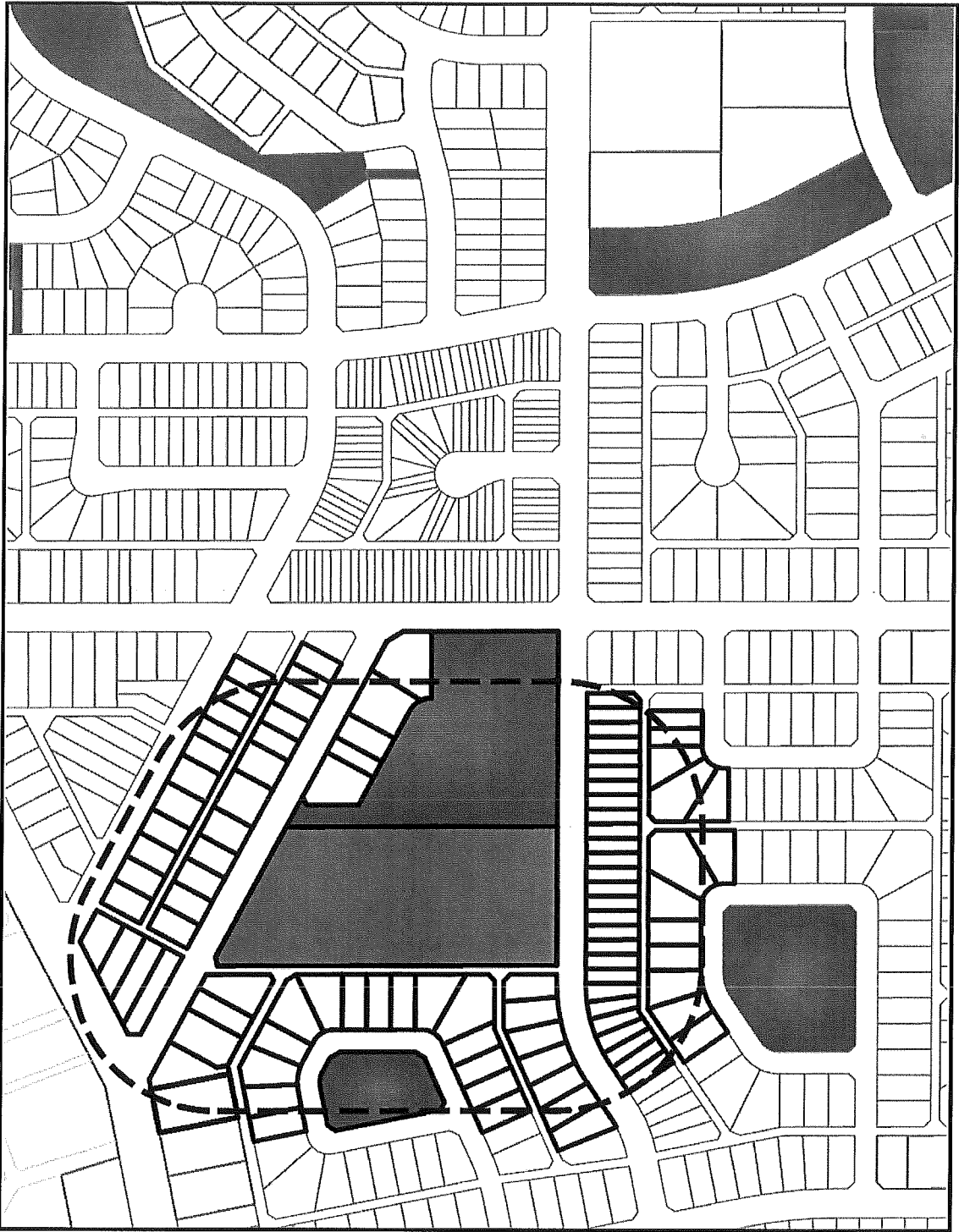
Comments/Further Action:

A Public Hearing will be held on Tuesday May 19, 2009 at 6:00 p.m. in Council Chambers during Council's regular meeting. This office will now proceed with advertising Land Use Bylaw Amendment 3357/J-2009. Land Use Bylaw Amendment 3357/J-2008 proposes the rezoning of 198 m² portion of undeveloped land from PS Public Service (Institutional or Governmental) District to P1 Parks and Recreation District as part of a recent school site expansion. The subject rezoning would reflect a recent subdivision approval and land exchange agreement between the City and the school. The proposed expansion is supported by Recreation, Parks and Culture.



Elaine Vincent
Manager

cc: Development Services Director
 Corporate Services Director
 Engineering Services Manager
 Financial Services Manager
 Assessment and Tax Manager
 City Assessor
 Inspections & Licensing Manager
 Inspections & Licensing Supervisor
 Land & Economic Development Manager
 Leigh-Ann Butler, Graphics Supervisor
 Property Assessment Technician
 LAS FILE



Common
♦ Mail Outs


Binoculars .
- find address

Then
Common
♦ Mailouts.

Then right click
~~on~~ Buffer zone

Export Data to Excel

more items

 Export Data To Excel

Parcels Touching The Buffer Zone 100 Meters Around					
Address	Prime Owner Name	Owner Address 1	Owner Address 2	Owner Address 3	Owner Address 4
67 NORTHEY AV	J W DOUGLAS BEATTY	210-9016 51 AVE	EDMONTON, AB T6E 5X4		
65	ARSENIO M &	25 RALSTON	RED DEER,		

Buffer Zone

NORTHEY AV	ESTRELLA V ALCON	CRES	AB T4P 3Y5		
63 NORTHEY AV	MERLE & PATRICIA ELLSWORTH	BOX 18 SITE 5 RR 4 LCD 1	RED DEER, AB T4N 5E4		
61 NORTHEY AV	JAYSON EDWARD SNELL	61 NORTHEY AVE	RED DEER, AB T4P 1R3		
59 NORTHEY AV	VALERIE SMART	20 ABBOTT AV	RED DEER, AB T4R 1B5		
57 NORTHEY AV	VALERIE SMART	20 ABBOTT AV	RED DEER, AB T4R 1B5		
55 NORTHEY AV	JEAN & RENE CADORETTE	55 NORTHEY AVE	RED DEER, AB T4P 1R3		
53 NORTHEY AV	AGATHA SCHULTZ	53 NORTHEY AVE	RED DEER, AB T4P 1R3		
51 NORTHEY AV	ARSENIO S & MAURICIA R PADILLA	200 DIXON CR	RED DEER, AB T4R 2H4		
49 NORTHEY AV	HUYEN NGUYEN	49 NORTHEY AVE	RED DEER, AB T4P 1R3		
47 NORTHEY AV	BRADLEY G LAYDEN & DANIELLE BELLROSE	47 NORTHEY AVE	RED DEER, AB T4P 1R3		
45 NORTHEY AV	L ALLAN & ANGELA L SUTHERLAND	45 NORTHEY AVE	RED DEER, AB T4P 1R3		
43 NORTHEY AV	SAI & KWAN LEE	48 BERMONDSEY COURT NW	CALGARY, AB T3K 1V7		
41 NORTHEY AV	RAYMOND WALTER & JESSIE EVA HOOVER	41 NORTHEY AVE	RED DEER, AB T4P 1R3		
39 NORTHEY AV	CINDY THOMAS	39 NORTHEY AVE	RED DEER, AB T4P 1R3		
37 NORTHEY AV	JUDY STRATFORD	18210 97A AVE NW	EDMONTON, AB T5T 3A9		
36 NORTHEY AV	GREGOR & MONA LEE KELLY	36 NORTHEY AVE	RED DEER, AB T4P 1R4		
35 NORTHEY AV	JUAN OTMARO & DULCE MARIA QUIJADA	35 NORTHEY AVE	RED DEER, AB T4P 1R3		

5840 69 ST DR	DENNIS G SHEPHERD	5840 69 STREET DR	RED DEER, AB T4P 1C4		
5837 69 ST DR	CECILIA POHL	6781 40 AV	RED DEER, AB T4N 3M4		
5836 69 ST DR	LESLIE DEAN WEISMILLER & LOUISE ANGELINE ROGER	5836 69 STREET DR	RED DEER, AB T4P 1C4		
5834 69 ST DR	DANIEL & VILMA LOPEZ	5834 69 STREET DR	RED DEER, AB T4P 1C4		
5832 69 ST DR	SHARON F LEGEAR	5832 69 ST DR	RED DEER, AB T4P 1C4		
5831 69 ST DR	ALFRED B & SANDRA M BALLUM	5831 69 STREET DR	RED DEER, AB T4P 1C3		
BMT 5825 69 ST DR	WAIRD D C LAIRD	5825 69 STREET DR	RED DEER, AB T4P 1C3		
5825 69 ST DR	WAIRD D C LAIRD	5825 69 STREET DR	RED DEER, AB T4P 1C3		
6913 59 AV	HUMPHREY ASSOCIATES FEDERATION	OF BUSINESS INTERESTS LTD	25 MUNRO CR	RED DEER, AB T4N 0H8	
6909 59 AV	LEE SLATER	6909 59 AV	RED DEER, AB T4P 1B5		
6905 59 AV	B JACK & LOIS DOBBS	6905 59 AVE	RED DEER, AB T4P 1B5		
6901 59 AV	ALIE SMALL	6901 59 AV	RED DEER, AB T4P 1B5		
9 6829 59 AV	STEPHEN EDWARD &	AUDREY FELICIA LIGHTBOWN	25 FOX CRESCENT	RED DEER, AB T4N 4X8	
8 6829 59 AV	STEPHEN EDWARD &	AUDREY FELICIA LIGHTBOWN	25 FOX CRESCENT	RED DEER, AB T4N 4X8	
7 6829 59 AV	STEPHEN EDWARD &	AUDREY FELICIA LIGHTBOWN	25 FOX CRESCENT	RED DEER, AB T4N 4X8	
6 6829 59 AV	STEPHEN EDWARD &	AUDREY FELICIA LIGHTBOWN	25 FOX CRESCENT	RED DEER, AB T4N 4X8	
5 6829 59 AV	STEPHEN EDWARD &	AUDREY FELICIA LIGHTBOWN	25 FOX CRESCENT	RED DEER, AB T4N 4X8	
4 6829 59	STEPHEN	AUDREY	25 FOX	RED DEER,	

AV	EDWARD &	FELICIA LIGHTBOWN	CRESCENT	AB T4N 4X8	
3 6829 59 AV	STEPHEN EDWARD &	AUDREY FELICIA LIGHTBOWN	25 FOX CRESCENT	RED DEER, AB T4N 4X8	
2 6829 59 AV	STEPHEN EDWARD &	AUDREY FELICIA LIGHTBOWN	25 FOX CRESCENT	RED DEER, AB T4N 4X8	
10 6829 59 AV	STEPHEN EDWARD &	AUDREY FELICIA LIGHTBOWN	25 FOX CRESCENT	RED DEER, AB T4N 4X8	
1 6829 59 AV	STEPHEN EDWARD &	AUDREY FELICIA LIGHTBOWN	25 FOX CRESCENT	RED DEER, AB T4N 4X8	
6829 59 AV	STEPHEN EDWARD &	AUDREY FELICIA LIGHTBOWN	25 FOX CRESCENT	RED DEER, AB T4N 4X8	

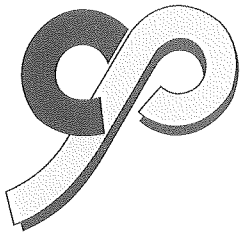
CL	DEMINCHUK	CLOSE	AB T4P 1T8		
50 NEVILLE CL	CITY OF RED DEER	BOX 5008	RED DEER, AB T4N 3T4		
49 NEVILLE CL	EUGENE BRIAN JOSEPH NIEDZIELSKI	49 NEVILLE CLOSE	RED DEER, AB T4P 1T8		
45 NEVILLE CL	KEITH V & BONNIE J SPADY	45 NEVILLE CLOSE	RED DEER, AB T4P 1T8		
41 NEVILLE CL	ALICK T & SHARON E NEWTON	41 NEVILLE CLOSE	RED DEER, AB T4P 1T8		
37 NEVILLE CL	MALKIT SINGH	26 GLASS CLOSE	RED DEER, AB T4P 2L5		
33 NEVILLE CL	RONALD SWEN & NELLIE RUTH NORGREN	33 NEVILLE CLOSE	RED DEER, AB T4P 1T8		
29 NEVILLE CL	NEAL RICHARD & DIANA G. TOEWS	29 NEVILLE CLOSE	RED DEER, AB T4P 1T8		
25 NEVILLE CL	TIMOTHY & JANICE SEKORA	25 NEVILLE CLOSE	RED DEER, AB T4P 1T8		
21 NEVILLE CL	KEVIN H & LYNNETTE M JOHANSEN	21 NEVILLE CLOSE	RED DEER, AB T4P 1T8		
17 NEVILLE CL	GARY T STROME	17 NEVILLE CLOSE	RED DEER, AB T4P 1T8		
5707 71 ST	CITY OF RED DEER	BOX 5008	RED DEER, AB T4N 3T4		
5877 70 ST DR	RODNEY R L & CAROLYN P SNOW	5877 70 STREET DR	RED DEER, AB T4P 1C5		
5873 70 ST DR	WAYNE A HARNAHA & BARBARA E NELSON	5873 70 ST DRIVE	RED DEER, AB T4P 1C5		
5869 70 ST DR	BRADLEY G MURPHY	5869 70 STREET DR	RED DEER, AB T4P 1C5		
5865 70 ST DR	P J DONNELLY PROFESSIONAL CORPORATION	4917 46 ST	RED DEER, AB T4N 1N2		
5857 70 ST DR	TIM MCKINNEY & TRAN N LUONG MCKINNEY	5857 70 STREET DR	RED DEER, AB T4P 1C5		
5853 70 ST DR	DAVID J HIEBERT & DAWN C LOWIS	5853 70 STREET DR	RED DEER, AB T4P 1C5		

5847 70 ST DR	HEATHER ANNE SUTHERLAND	5847 70 STREET DR	RED DEER, AB T4P 1C5		
5843 70 ST DR	BHUPINDER & SARVJEET SINGH	7 HILL CRES	RED DEER, AB T4N 6B3		
5841 70 ST DR	DAVID MISNER	5 KILBURN CRESCENT	RED DEER, AB T4P 3V1		
5837 70 ST DR	BLAINE ASHLEY RAYMOND MISNER	5837 70 ST DR	RED DEER, AB T4P 1C5		
5835 70 ST DR	DENISE C BEGIN	5835 70 ST DR	RED DEER, AB T4P 1C5		
5883 69 ST DR	WILLIAM FREDERICK & SHARON ELOISE SCHLINKER	PO BOX 445 LCD 1	MEDICINE HAT, AB T1A 7G2		
5879 69 ST DR	DAVID & LORETTA GRAHAM	5879 69 STREET DR	RED DEER, AB T4P 1C3		
5876 69 ST DR	BENJAMIN THOMAS PYPER	5876 69 ST DR	RED DEER, AB T4P 1K9		
5875 69 ST DR	KEVIN WESLEY & JOANNE LEE WHITE	5875 69 STREET DR	RED DEER, AB T4P 1C3		
5872 69 ST DR	ELKMAR SCHRAG	5872 69 STREET DR	RED DEER, AB T4P 1C4		
5871 69 ST DR	MARK R MEYERS & BRENDA E GOULET	64 NORTON AVE	RED DEER, AB T4P 2H3		
5869 69 ST DR	RED DEER PUBLIC SCHOOL	BOARD #104	4747 53 ST	RED DEER, AB T4N 2E6	
5868 69 ST DR	RAYMOND NOVAK	5868 69 ST	RED DEER, AB T4P 1C4		
5864 69 ST DR	DARREN SAUNDERS	PO BOX 22035	RED DEER, AB T4N 6X4		
5858 69 ST DR	GLORIA LENA MCCULLOUGH	5858 69 STREET DR	RED DEER, AB T4P 1C4		
5854 69 ST DR	PETER A KOCHER	5854 69 STREET DRIVE	RED DEER, AB T4P 1C4		
5848 69 ST DR	KURT LEE- LARRY ROEDER	28006 HIGHLAND GR	RED DEER, AB T4N 7C2		
5845 69 ST DR	ENROTH J. JOHNSON	5845 69 STREET DR	RED DEER, AB T4P 1C3		
5844 69 ST DR	1270486 ALBERTA LTD	5843 70 STREET DR	RED DEER, AB T4P 1C5		
5841 69 ST DR	KRISTY ROY & CHRIS LOHNES	5841 69 ST DR	RED DEER, AB T4P 1C3		

33 NORTHEY AV	ELLERBY BUILDING LTD	R R 1 SITE 7	RED DEER, AB T4N 5E1		
32 NORTHEY AV	RONALD A & ROSEMARIE F SOMERVILLE	32 NORTHEY AV	RED DEER, AB T4P 1R4		
31 NORTHEY AV	BRETT & KAREN BAUDAIS	31 NORTHEY AVE	RED DEER, AB T4P 1R3		
29 NORTHEY AV	JASON & NATALIE ARNUSCH	BOX 906	BENTLEY, AB T0C 0J0		
28 NORTHEY AV	MATTHEW REAY	28 NORTHEY AVE	RED DEER, AB T4P 1R4		
27 NORTHEY AV	ERNST & KRISTA MARSIG	200-2572 VANDORF ROAD	GORMLEY, ON L0H 1G0		
25 NORTHEY AV	KARL WAELEDE	1140 5 AVE NW	CALGARY, AB T2N 0R6		
24 NORTHEY AV	DANIEL & LORRAINE SCHEWALJE	24 NORTHEY AVE.	RED DEER, AB T4P 1R4		
23 NORTHEY AV	CHAD BARRIE MCDONALD & RENEE ALGAR	23 NORTHEY AV	RED DEER, AB T4P 1R3		
21 NORTHEY AV	JASON YUE & THI THI LU	2602-77 HARBOUR SQ	TORONTO, ON M5J 2S2		
20 NORTHEY AV	ROBBIE LESTER REID	20 NORTHEY AV	RED DEER, AB T4P 1R4		
19 NORTHEY AV	JEFF J SHELKE & SHELLEY J BIFFERT	19 NORTHEY AVE	RED DEER, AB T4P 1R3		
17 NORTHEY AV	MARTA DELGADO	17 NORTHEY AVE	RED DEER, AB T4P 1R3		
16 NORTHEY AV	JOHN LESLIE DUNSEITH	16 NORTHEY AVE	RED DEER, AB T4P 1R4		
15 NORTHEY AV	LESLIE & LINDA ANKERSTEIN	15 NORTHEY AVE.	RED DEER, AB T4P 1R3		
12 NORTHEY AV	BRUCE & DONNA DUNHAM	5647 45 ST	INNISFAIL, AB T4G 1K9		
95 NORRIS CL	JAMES R BAIRD	95 NORRIS CLOSE	RED DEER, AB T4P 1R2		
91					

Buffer Zone

NORRIS CL	GRAHAM R BARCLAY	91 NORRIS CLOSE	RED DEER, AB T4P 1R2		
87 NORRIS CL	DEAN D DAWSON	87 NORRIS CLOSE	RED DEER, AB T4P 1R2		
83 NORRIS CL	FERNANDO C & KAREN BUSTAMANTE	83 NORRIS CLOSE	RED DEER, AB T4P 1R2		
79 NORRIS CL	LARRY D & KAREN L MARGETTS	27 NORRIS CLOSE	RED DEER, AB T4P 1R2		
75 NORRIS CL	GORDON C CAMERON	75 NORRIS CLOSE	RED DEER, AB T4P 1R2		
71 NORRIS CL	RODWAY V & ANNA M PLATO	71 NORRIS CLOSE	RED DEER, AB T4P 1R2		
67 NORRIS CL	KEITH A & LINDA A SORSDAHL	67 NORRIS CLOSE	RED DEER, AB T4P 1R2		
75 NEWTON CR	DARRYL E WILSON	14 DURIE CL	RED DEER, AB T4R 3G4		
71 NEWTON CR	MARJORIE REEVES	71 NEWTON CRES	RED DEER, AB T4P 1P3		
67 NEWTON CR	ERIC LEE BOWMAN	67 NEWTON CRESCENT	RED DEER, AB T4P 1P3		
63 NEWTON CR	GRANT BALDRY	63 NEWTON CRES	RED DEER, AB T4P 1P3		
59 NEWTON CR	TIM A HAWTHORN	59 NEWTON CRES	RED DEER, AB T4P 1P3		
73 NEVILLE CL	ROBERT GERALD BERARD	73 NEVILLE CL	RED DEER, AB T4P 1T8		
69 NEVILLE CL	JAMES CLINTON & KENDEL RYAN	69 NEVILLE CLOSE	RED DEER, AB T4P 1T8		
65 NEVILLE CL	JOHN & SUSAN BONTJE	65 NEVILLE CLOSE	RED DEER, AB T4P 1T8		
61 NEVILLE CL	JOHN C. & SUSAN R. BARKER	61 NEVILLE CLOSE	RED DEER, AB T4P 1T8		
57 NEVILLE CL	KIMBERLY CLARE ALEXANDER	57 NEVILLE CLOSE	RED DEER, AB T4P 1T8		
53 NEVILLE	GREGORY P & DELPHINE M	53 NEVILLE	RED DEER,		



**PARKLAND
COMMUNITY
PLANNING
SERVICES**

Suite 404, 4808 Ross Street
Red Deer, Alberta T4N 1X5
Phone: (403) 343-3394
FAX: (403) 346-1570
e-mail: pcps@pcps.ab.ca
www.pcps.ca

DATE: March 13, 2009
TO: Elaine Vincent, Legislative and Administrative Services Manager
FROM: Martin Kvapil, Planning Assistant
RE: Land Use Bylaw Amendment No. 3357/J-2008
Aspen Heights Elementary School, City of Red Deer
Normandeau Neighbourhood
Lot 5, Block F, Plan 792 2627

ORIGINAL

Proposal

This report is further to Land & Economic Development's land exchange report that appears elsewhere on this agenda.

The applicant is seeking to rezone a 198 m² (1.5 m x 146 m) portion of undeveloped land from PS Public Service (Institutional or Governmental) District to P1 Parks and Recreation District as part of a recent school site expansion. The subject rezoning would reflect a recent subdivision approval and land exchange agreement between The City and the school. A portion of the land exchange area was previously rezoned under Bylaw 3357/K-2008.

The proposed expansion is supported by Recreation, Parks and Culture.

The proposed expansion was previously discussed with the Aspen Heights/Normandeau Community Enhancement Association and no concerns were expressed.

Staff Recommendation

That City Council proceed with first reading of Land Use Bylaw Amendment No. 3357/J -2009.

Martin Kvapil
PLANNING ASSISTANT

Nancy Hackett, MCIP, ACP
ASSISTANT CITY PLANNING MANAGER

Attachments

Kim Woods

From: Arminnie Good
Sent: March 17, 2009 8:47 AM
To: Kim Woods
Cc: Liz Soley
Subject: RE: Other item for council - Aspen Heights School

Hi Kim,

The contact info for the Aspen Heights School land exchange is as follows:

Red Deer Public School District No. 104
C/o Cody McClintock
Assistant Superintendent Building Services
4747-53 Street
Red Deer, AB T4N 2E6

Let me know if you needed anything else. Thanks.

Arminnie

Phone: 403.356.8891

From: Kim Woods
Sent: March 16, 2009 10:59 AM
To: Liz Soley
Cc: Arminnie Good
Subject: RE: Other item for council - Aspen Heights School

sure

Kim Woods

Council Services Coordinator
The City of Red Deer
Legislative & Administrative Services
Phone: 403.342.8201
Email: kim.woods@reddeer.ca
Website: www.reddeer.ca

From: Liz Soley
Sent: March 16, 2009 10:40 AM
To: Kim Woods
Cc: Arminnie Good
Subject: Other item for council - Aspen Heights School

Good day, I am going to let Arminnie answer your questions regarding the Aspen Heights School exchange – as there are a few different parties involved since the beginning. There are two different survey companies and I would be more comfortable with her giving you details.....

She is back tomorrow – is that soon enough??

Liz Soley

Land Sales Clerk

ORIGINAL

FILE COPY

Kim Woods

From: Arminnie Good
Sent: March 30, 2009 11:12 AM
To: Kim Woods
Subject: RE: Other item for council - Aspen Heights School

Apr 9/08
Yes - coming to
Council
April 20/09

We won't go on the 6th for sure. But the 20th is a possibility. Why the early deadline of the 9th? I'll get my info to you asap. Thanks Kim.

Arminnie

Phone: 403.356.8891

FILE COPY

From: Kim Woods
Sent: March 30, 2009 11:02 AM
To: Arminnie Good
Subject: RE: Other item for council - Aspen Heights School

Hi Arminnie:

I need the report by today at 4:30 for it to be placed on the April 6th agenda. Our next Council meeting is April 20th and the deadline for that agenda is April 9th.

Thanks,

Kim

Kim Woods

Council Services Coordinator

The City of Red Deer

Legislative & Administrative Services

Phone: 403.342.8201

Email: kim.woods@reddeer.ca

Website: www.reddeer.ca

From: Arminnie Good
Sent: March 30, 2009 10:48 AM
To: Kim Woods
Subject: RE: Other item for council - Aspen Heights School

I am having a meeting with Martin Kvapil and Don Simpson, so there may be. I will advise as soon as we are able to meet. Thanks.

Arminnie

Phone: 403.356.8891

From: Kim Woods

Sent: March 30, 2009 8:42 AM
To: Arminnie Good
Subject: RE: Other item for council - Aspen Heights School

Are there any changes to your report?

Kim Woods

Council Services Coordinator
The City of Red Deer
Legislative & Administrative Services
Phone: 403.342.8201
Email: kim.woods@reddeer.ca
Website: www.reddeer.ca

From: Arminnie Good
Sent: March 30, 2009 8:35 AM
To: Kim Woods
Subject: RE: Other item for council - Aspen Heights School

Hi Kim,

We will consider this for the April 20th council please. Thanks.

Arminnie

Phone: 403.356.8891

From: Kim Woods
Sent: March 30, 2009 8:23 AM
To: Arminnie Good
Subject: FW: Other item for council - Aspen Heights School

Hi Arminnie:

We pulled this report from the March 23rd agenda. I am wondering if you are planning on having this report be considered for the April 6th agenda.

Thank you,

Kim

Kim Woods

Council Services Coordinator
The City of Red Deer
Legislative & Administrative Services
Phone: 403.342.8201
Email: kim.woods@reddeer.ca
Website: www.reddeer.ca

From: Arminnie Good
Sent: March 17, 2009 8:47 AM
To: Kim Woods
Cc: Liz Soley

Subject: RE: Other item for council - Aspen Heights School

Hi Kim,

The contact info for the Aspen Heights School land exchange is as follows:

Red Deer Public School District No. 104
C/o Cody McClintock
Assistant Superintendent Building Services
4747-53 Street
Red Deer, AB T4N 2E6

Let me know if you needed anything else. Thanks.

Arminnie

Phone: 403.356.8891

From: Kim Woods
Sent: March 16, 2009 10:59 AM
To: Liz Soley
Cc: Arminnie Good
Subject: RE: Other item for council - Aspen Heights School

sure

Kim Woods

Council Services Coordinator
The City of Red Deer
Legislative & Administrative Services
Phone: 403.342.8201
Email: kim.woods@reddeer.ca
Website: www.reddeer.ca

From: Liz Soley
Sent: March 16, 2009 10:40 AM
To: Kim Woods
Cc: Arminnie Good
Subject: Other item for council - Aspen Heights School

Good day, I am going to let Arminnie answer your questions regarding the Aspen Heights School exchange – as there are a few different parties involved since the beginning. There are two different survey companies and I would be more comfortable with her giving you details.....

She is back tomorrow – is that soon enough??

Liz Soley

Land Sales Clerk
Land & Economic Development
liz.soley@reddeer.ca
phone 403.342.8127
fax 403.342.8260

DATE: April 9, 2009

TO: Elaine Vincent, Legislative Services Manager

FROM: Arminnie Good, Land & Economic Development

RE: Aspen Heights Elementary School Land Exchange
Lot 5, Block F, Plan 792 2627 (5705 71 Street)

ORIGINAL

Background:

There is a current agreement in place with the Red Deer Public School District (RDPSD), (circa 1979) allowing the encroachment of a temporary building onto City parks lands at the Aspen Heights Elementary School in the Normandeau area. RDPSD has initiated the approval process to erect a permanent structure on the site and as such, requires additional lands to accommodate the permanent placement of the building.

Land and Economic Development have received a request from RDPSD, to reshape and exchange part of Lot G, Plan 2175 H.W. (Parcel A on the attached Schedule A) – PS (Public Service) lands, for an equivalent area of the City of Red Deer owned P1 (Parks and Recreation) land at Lot 5, Block F, Plan 792 2627 (Parcel B as shown on the attached Schedule A). Total area to be exchanged is 2,120 square feet more or less.

This proposal has been circulated to all affected city departments and there are no unresolved objections on file. The Recreation Parks and Culture Department supports this request as there is a zero-net loss of parks land as a result.

There will be no monetary amount exchanged as the area of lands to be exchanged are of equal area and value.

Recommendation:

That City Council approves a land exchange with the Red Deer Public School District subject to the following conditions:

1. The area to be dedicated as Public Service land within Lot G, Plan 2175 H.W. must be equal to or larger than the Parks and Recreation land to be disposed of in Lot 5, Block F, Plan 792 2627;
2. The Purchaser is to be responsible for all costs associated with this transaction including but not limited to: Legal Survey costs, the cost of advertising and

other costs related to holding public hearings required for the parks land disposal and rezoning;

3. The Purchaser to provide approval by the Minister of Education for the disposition of school lands;
4. The Purchaser to enter into a Letter Agreement satisfactory to the City's legal counsel; and
5. The disposal of Parks and Recreation lands described as:

"All that portion of Lot 5, Block F, Plan 792 2627 lying within Plan ____".
Excepting thereout all mines and minerals.



Arminnie Good
Land Services Specialist



Howard Thompson
Land & Economic Development Manager

Attach.

cc. Greg Scott, Recreation, Parks & Culture Manager
Dean Krejci, Financial Services Manager
Tony Lindhout, PCPS



LEGISLATIVE & ADMINISTRATIVE SERVICES

FILE COPY

April 21, 2009

Red Deer Public Schools
4747-53 Street
Red Deer, AB T4N 2E6

ATTN: Cody McClintock, Associate Superintendent Business Services

Dear Mr. McClintock:

**Re: Land Use Bylaw Amendment 3357/J-2009 Lot 5, Block F, Plan 792 2627
Aspen Heights Elementary School, Normandeau Neighbourhood**

Red Deer City Council gave first reading to *Land Use Bylaw Amendment 3357/J-2009* at the City of Red Deer's Council Meeting held Monday, April 20, 2009. For your information, a copy of the Bylaw is attached.

Land Use Bylaw Amendment 3357/J- 2009 is proposing a rezoning of 198m² portion of undeveloped land from PS Public Service (Institutional or Government) District to P1 Parks and Recreation District as part of a recent school site expansion.

Council must hold a Public Hearing before giving second and third readings to the Bylaw. This office will now advertise for a Public Hearing to be held on Tuesday, May 19, 2009 at 6:00 p.m. in Council Chambers during Council's regular meeting.

You are responsible for the advertising costs and will be invoiced for this cost which we estimate to be approximately \$800.00. If you are not in agreement with paying this cost, please notify me by **10:00 A.M. on Tuesday, April 28, 2009.**

If you have any questions or require additional information, please contact me at 403.342.8132.

Sincerely,

Elaine Vincent
Legislative & Administrative Services Manager

cc: Parkland Community Planning Services

Bylaws Item No. 7

BYLAW NO. 3357/J -2009

Being a bylaw to amend Bylaw No. 3357/2006, the Land Use Bylaw of the City of Red Deer.

COUNCIL OF THE CITY OF RED DEER, ALBERTA, ENACTS AS FOLLOWS:

1. That "Use District Map K18" contained within "Schedule A" of the Land Use Bylaw is hereby amended in accordance with Land Use District Map No. 3 attached hereto and forming part of the bylaw.

READ A FIRST TIME IN OPEN COUNCIL this day of 2009.

READ A SECOND TIME IN OPEN COUNCIL this day of 2009.

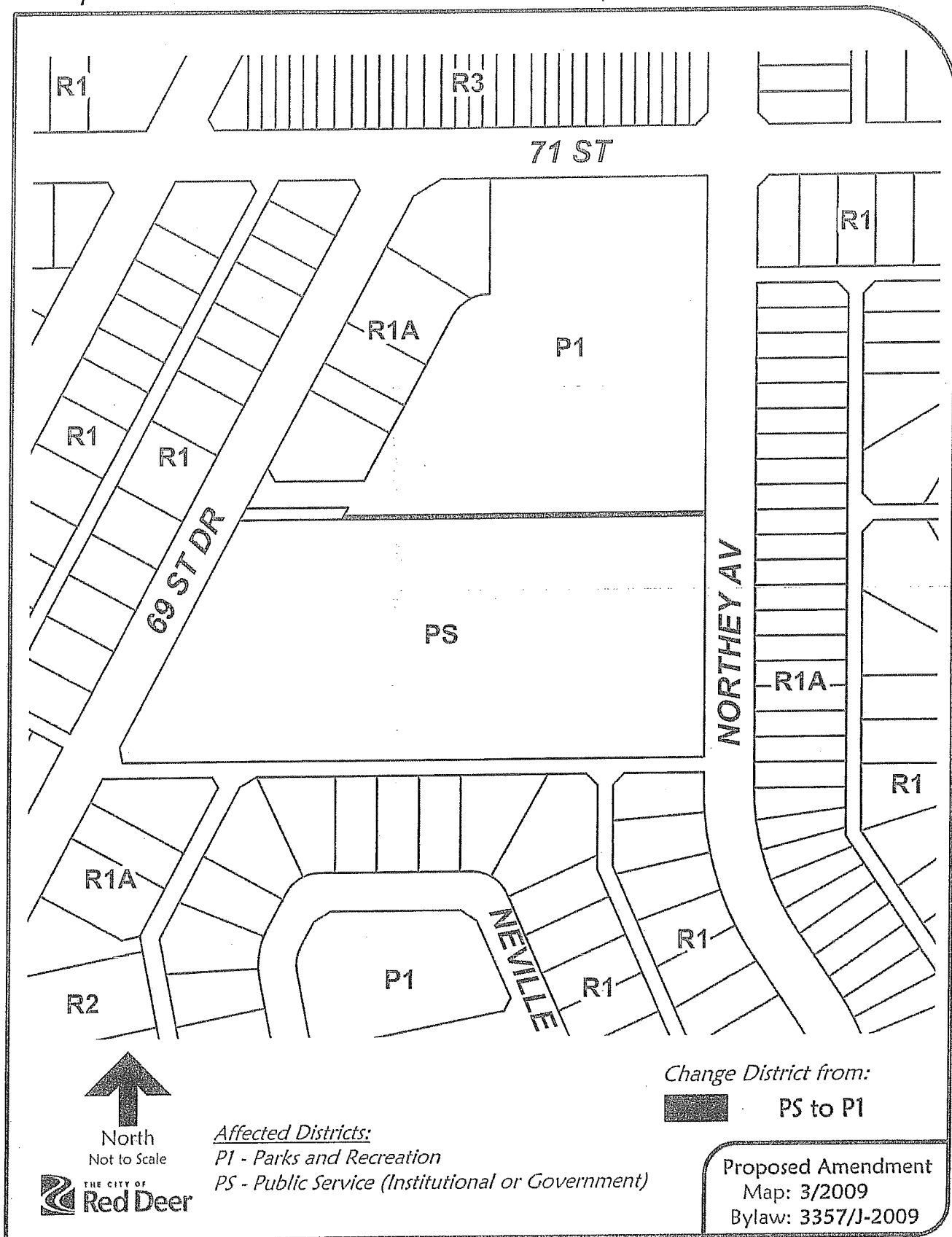
READ A THIRD TIME IN OPEN COUNCIL this day of 2009.

AND SIGNED BY THE MAYOR AND CITY CLERK this day of 2009.

MAYOR

CITY CLERK

Proposed Amendment to Land Use Bylaw 3357/2006



Land Use Amendment Bylaw 3357/J -2009
Rezoning portion of undeveloped land from PS to P1
Aspen Heights Elementary School Land Exchange

City Council proposes to pass Land Use Bylaw Amendment 3357/J-2009, which provides for the rezoning of 198M2 portion of undeveloped land from PS Public Service District to P1 Parks and Recreation District as part of a recent school site expansion.

Map

The proposed bylaw may be inspected at Legislative & Administrative Services, 2nd Floor City Hall during regular office hours or for more details, contact Parkland Community Planning Services at 403-343-3394.

City Council will hear from any person claiming to be affected by the proposed bylaw at a Public Hearing on **Tuesday, May 19, 2009** at 6:00p.m. in Council Chambers, 2nd Floor at City Hall. If you want your letter or petition included on the Council agenda you must submit it to the Manager, Legislative & Administrative Services by **Tuesday May 12, 2009**. Otherwise, you may submit your letter or petition at the Council meeting or you can simply tell Council your views at the Public Hearing. Council's Procedure Bylaw indicates that each presentation is limited to 10 minutes. Any submission will be public information. If you have any questions regarding the use of this information please contact the Manager, Legislative & Administrative Services at 403-342-8132.

(Publication Dates: May 1, 2009 and May 8, 2009)

Document Name: April 20 2009 Ad for LUB 3357/J-2009 Land Exchange with RDPSD
Document Number: 844235
Document Author: KIMW
Document Type: AD
Application: MS WORD

Schedule A



Schedule A





**PARKLAND
COMMUNITY
PLANNING
SERVICES**

Reports Item No. 2 b)

Suite 404, 4808 Ross Street
Red Deer, Alberta T4N 1X5
Phone: (403) 343-3394
FAX: (403) 346-1570
e-mail: pcps@pcps.ab.ca
www.pcps.ca

DATE: March 13, 2009

TO: Elaine Vincent, Legislative and Administrative Services Manager

FROM: Martin Kvapil, Planning Assistant

RE: Land Use Bylaw Amendment No. 3357/J-2008
Aspen Heights Elementary School, City of Red Deer
Normandeau Neighbourhood
Lot 5, Block F, Plan 792 2627

Proposal

This report is further to Land & Economic Development's land exchange report that appears elsewhere on this agenda.

The applicant is seeking to rezone a 198 m² (1.5 m x 146 m) portion of undeveloped land from PS Public Service (Institutional or Governmental) District to P1 Parks and Recreation District as part of a recent school site expansion. The subject rezoning would reflect a recent subdivision approval and land exchange agreement between The City and the school. A portion of the land exchange area was previously rezoned under Bylaw 3357/K-2008.

The proposed expansion is supported by Recreation, Parks and Culture.

The proposed expansion was previously discussed with the Aspen Heights/Normandeau Community Enhancement Association and no concerns were expressed.

Staff Recommendation

That City Council proceed with first reading of Land Use Bylaw Amendment No. 3357/J -2009.

A handwritten signature in blue ink, appearing to read 'Martin Kvapil', is written over a horizontal line.

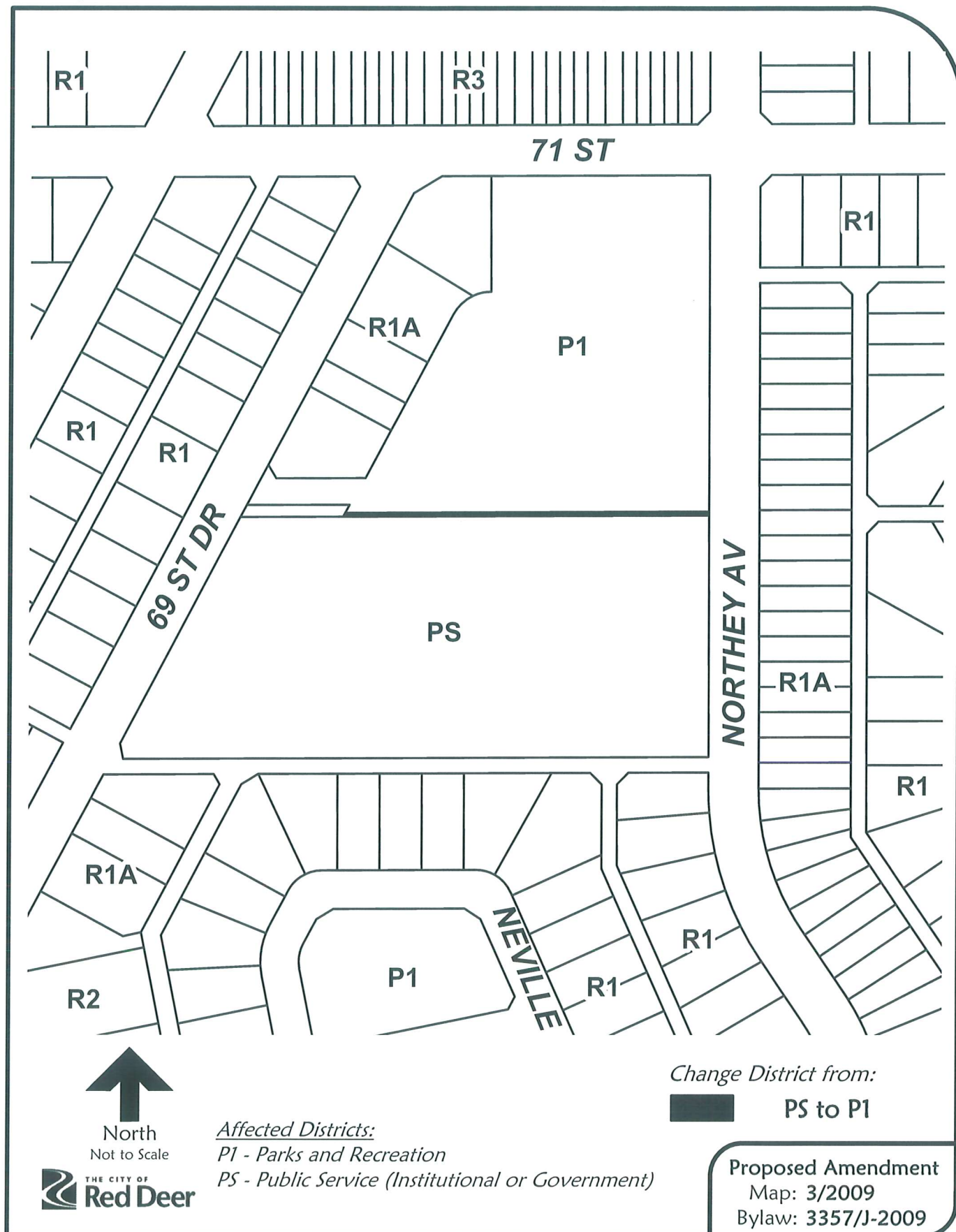
Martin Kvapil
PLANNING ASSISTANT

A handwritten signature in blue ink, appearing to read 'Nancy Hackett', is written over a horizontal line.

Nancy Hackett, MCIP, ACP
ASSISTANT CITY PLANNING MANAGER

Attachments

Proposed Amendment to Land Use Bylaw 3357/2006





Reports Item No. 3

Engineering Services

Date: April 14, 2009

To: Legislative & Administrative Services Manager

From: Major Projects Engineer
Engineering Services Manager

Re: Northland Drive / 20 Avenue
Functional Planning Study

Engineering Services has completed the functional planning study for the Northland Drive/20 Avenue Project. Copies of the Executive Summary and the Public Consultation reports are included with this report to council to serve as additional information related to this large and comprehensive project.

A. Background

Northland Drive and 20th Avenue have been identified as a major transportation route around the city for many years. The public and local landowners have been well informed of this roadway alignment through many past studies. The proposed Northland Drive alignment has been presented to the public in planning documents such as the 1996 Transportation Plan, 2004 Growth Study, the 2005 East Hill Major Area Structure Plan, and the City of Red Deer 2003/2004 Transportation Plan Update.

In 2007, the City of Red Deer retained the services of Stantec Consulting Ltd. to prepare a Functional Planning Study for the Highway 11A/ Northland Drive/ 20th Avenue / Mckenzie Road corridors from Highway QE2 north to Highway QE2 south. The Functional Planning Study will form the foundation for design and construction of these segments of roadway. The portion of the alignment south of 19th Street, currently located in Red Deer County, is being reviewed in a joint City/County study to determine the future alignment and tie-in point of the ring road.

B. Study Objectives

Functional design is a key part of the overall process to plan and construct new roads serving the community. It includes detailed investigations and decisions regarding such things as the number and type of traffic lanes, design of intersections, placement of traffic signals, possible alignments for both shallow and deep utilities, location of

Legislative & Administrative Services Manager
April 14, 2009
Page 2

sidewalks, pedestrian and bicycle facilities and the amount of land needed to fit the future roadway into.

For this project, some key issues that were investigated included two railway overpasses, a new bridge over the Red Deer River, road construction within the river valley, construction across significant wildlife corridors and possible grade separated interchanges.

The purpose of this study was to develop a functional plan for the alignment of Highway 11A, Northland Drive, 20th Avenue and McKenzie Road as a ring road around the east side of the City. The objectives of the study include:

- Identify a bypass route from the Queen Elizabeth II Highway around the east side of the City linking Highways 11, 11A, 2A and 595 (19th Street);
- Provide an additional transportation corridor across the Red Deer River linking residential and industrial growth areas;
- Increase the efficiency of the City's traffic network by alleviating traffic congestion at major intersections and roadways;
- Staged roadway design to minimize throw away costs and accommodate traffic and budget constraints;
- Minimize environmental and wildlife impacts; and,
- Incorporate pedestrian & bicycle facilities into the design.

The functional study identifies the roadway needs in stages to accommodate the current (85,000), interim (115,000) and ultimate (188,000) population horizons. It should be noted that the 115,000 and 188,000 population horizons represent approximately 10 years and 30 years city growth respectively.

C. Public Consultation

A comprehensive public consultation program was undertaken as part of this functional study. The public consultation program served to inform both stakeholders and the general public of the project and to obtain their comments and concerns for the consideration during the design process. During the process, the Project team met with representatives from Red Deer County, the Red Deer River Naturalists and Re-think Red Deer. A general landowner meeting was held in addition to many one on one landowner meetings.

A public open house meeting was widely advertised through the City's website, press releases and newspaper advertisements. Door to door delivery of flyers was undertaken for 500 houses in the built neighborhoods within 100m of 20th Avenue. A separate letter notice was also sent to all those invited to the earlier landowner meetings.

Legislative & Administrative Services Manager
April 14, 2009
Page 3

During the study, the project team held two Internal Stakeholder meetings to gain an understanding of the various concerns that other city departments had regarding the project. In addition, numerous inter-departmental discussions were held during the study. Many of the inter-departmental discussions occurred after the public open house and various interest groups concerns were received.

The following major themes were derived from the collective input received as part of the public consultation process and were considered during the design process:

- Alignment of the expressway;
- Providing for pedestrians, cyclists and transit;
- Wildlife corridors;
- Commitment to pay for offsetting measures;
- Process to acquire land in the future;
- Value of properties;
- Physical impact on properties; and,
- Noise and visual impacts and quality of life.

The Public Consultation Report that was prepared for this functional study addresses the comments related to these eight major themes by providing additional information and/or solutions that have been incorporated in the functional design or will be followed up in later stages of the project.

D. Ultimate Design

The ultimate design (the 188,000 population horizon) to be staged over approximately the next 30 years for Highway 11A, Northland Drive, 20th Avenue and McKenzie Road will be developed to accommodate a 6-lane expressway with a combination of at-grade intersections and grade separated interchanges. The ultimate design will provide for a posted speed limit of 80 kph. In addition to the expressway's alignment, the functional design also includes arterial roadway connections with 67 Street, 30 Avenue, Ross Street and 32 Street. Figure 1.1, attached, illustrates the expressway alignment and includes interchanges, rail crossings, creek crossings and the Red Deer River bridge location.

The typical right of way width for the expressway is expected to be 90m, but will vary depending on location (e.g. varies from 60m to 200 m within the river valley depending on adjacent land uses and embankment/excavation limits). In addition, the proposed 90m wide right of way could be narrowed to about 70m in areas adjacent to commercial and industrial development (i.e. along McKenzie Road) where sound attenuation is not required. Figure 3.2 illustrates a typical cross section for the ultimate 6 lane expressway.

Legislative & Administrative Services Manager
April 14, 2009
Page 4

E. Phase 1 – North Highway Connector (NHC)

The functional study identifies the following roadway segments as Phase 1 of the project, which are highlighted on the attached Figure 1.2 and listed below:

- Northland Drive from Gaetz Avenue to 30 Avenue;
- 30 Avenue from Northland Drive to 61 Street; and
- reconstruction of the intersection at 67 Street and 30 Avenue.

Initial modeling results indicated that Northland Drive from Gaetz Avenue to 30 Avenue should be constructed as a 4-lane roadway. However, due to budget constraints, additional design, modeling and analysis was completed for a 2-lane roadway option for the initial stage.

The NHC is required for a variety of reasons including:

- the ability to accommodate a regional wastewater main;
- accommodation of storm and sanitary trunks from the Northeast city growth area allowing access to developable lands;
- provide improved access to currently developing subdivisions;
- accommodation of increasing traffic demands being placed on other major corridors throughout the City's transportation network (e.g. Gaetz Avenue, 67 Street); and
- to serve as a highway bypass route for regional traffic.

There is an immediate need for the initial stage of the project and as such, preliminary design has already been initiated. The initial phase will require a CN Rail overpass, a grade separated interchange at the intersection of Northland Drive and 40th Avenue, and a new bridge structure crossing the Red Deer River. In total, four pedestrian / wildlife crossings will be provided within the river valley; one separate wildlife structure, one under each end of the river bridge, and one beneath the railway bridge.

Based on the Functional Design, a budget of \$128.6 million was included in the City's 2009 Capital Budget (plus inflation in later years). Budget approval assumes that a significant portion of this cost will be funded by the province; the status of which is currently unknown. The current project schedule for Phase 1 (subject to funding approval) indicates an anticipated construction start in the summer of 2009 and a project completion in late 2012.

Legislative & Administrative Services Manager
April 14, 2009
Page 5

F. Recommendation

We respectfully recommend that City Council accept the functional design as the basis for moving forward with the detailed design.



Lee Birn, P.Eng.
Major Projects Engineer



Tom C. Warder, P.Eng.
Engineering Services Manager

LB/ldr

- c. Paul Goranson, Director of Development Services
Russ Wlad, Stantec Consulting Ltd.
Frank Colosimo, Public Works Manager
Charity Dyke, Communications Coordinator
Ken Haslop, Major Projects Engineer

Comments:

At this time approximately \$27 million of City Funding is available in the Capital Budget. Provincial and Federal funding is therefore required for the construction project to proceed.

At this stage City Council has authorized acquisition of the right-of-way which will be funded from the Capital Budget. Council will need to consider whether to advance with any phases of the construction project in 2009, when details of Provincial and Federal funding becomes available.

The issue before Council in this report is to authorize administration to proceed with detailed design.

“Morris Flewwelling”
Mayor

“Craig Curtis”
City Manager

Attachment A is included with your agenda package if you did not receive a copy of this attachment please access a copy on our website at:

www.reddeer.ca/Keeping You Informed/Projects & Initiatives/Northland Drive

Attachment B is a copy of the Public Consultation Report April 2009 and a copy has been included in each agenda package.

Council Decision – April 20, 2009

FILE COPY

DATE: April 21, 2009

TO: Lee Birn, Major Projects Engineer
Frank Colosimo, Engineering Services Manager

FROM: Elaine Vincent, Legislative & Administrative Services Manager

SUBJECT: North Highway Connector

Reference Report:

Engineering Services Manager and Major Projects Engineer, dated April 14, 2009.

Resolution:

"Resolved that Council of the City of Red Deer after considering the report from the Major Projects Engineer and the Engineering Services Manager, dated April 14, 2009 Re: Northland Drive / 20 Avenue Functional Planning Study, hereby tables the Report to the Monday May 4, 2009 Council Meeting."

Motion Carried

Report Back to Council: Yes – May 4, 2009.



Elaine Vincent
Manager

cc: Development Services Director
Financial Services Manager
Charity Dyke, Communications Coordinator
Ken Haslop, Major Projects Engineer



Engineering Services

Date: April 14, 2009

To: Legislative & Administrative Services Manager

From: Major Projects Engineer
Engineering Services Manager

Re: Northland Drive / 20 Avenue
Functional Planning Study

ORIGINAL

Engineering Services has completed the functional planning study for the Northland Drive/20 Avenue Project. Copies of the Executive Summary and the Public Consultation reports are included with this report to council to serve as additional information related to this large and comprehensive project.

A. Background

Northland Drive and 20th Avenue have been identified as a major transportation route around the city for many years. The public and local landowners have been well informed of this roadway alignment through many past studies. The proposed Northland Drive alignment has been presented to the public in planning documents such as the 1996 Transportation Plan, 2004 Growth Study, the 2005 East Hill Major Area Structure Plan, and the City of Red Deer 2003/2004 Transportation Plan Update.

In 2007, the City of Red Deer retained the services of Stantec Consulting Ltd. to prepare a Functional Planning Study for the Highway 11A/ Northland Drive/ 20th Avenue / McKenzie Road corridors from Highway QE2 north to Highway QE2 south. The Functional Planning Study will form the foundation for design and construction of these segments of roadway. The portion of the alignment south of 19th Street, currently located in Red Deer County, is being reviewed in a joint City/County study to determine the future alignment and tie-in point of the ring road.

B. Study Objectives

Functional design is a key part of the overall process to plan and construct new roads serving the community. It includes detailed investigations and decisions regarding such things as the number and type of traffic lanes, design of intersections, placement of traffic signals, possible alignments for both shallow and deep utilities, location of

sidewalks, pedestrian and bicycle facilities and the amount of land needed to fit the future roadway into.

For this project, some key issues that were investigated included two railway overpasses, a new bridge over the Red Deer River, road construction within the river valley, construction across significant wildlife corridors and possible grade separated interchanges.

The purpose of this study was to develop a functional plan for the alignment of Highway 11A, Northland Drive, 20th Avenue and McKenzie Road as a ring road around the east side of the City. The objectives of the study include:

- Identify a bypass route from the Queen Elizabeth II Highway around the east side of the City linking Highways 11, 11A, 2A and 595 (19th Street);
- Provide an additional transportation corridor across the Red Deer River linking residential and industrial growth areas;
- Increase the efficiency of the City's traffic network by alleviating traffic congestion at major intersections and roadways;
- Staged roadway design to minimize throw away costs and accommodate traffic and budget constraints;
- Minimize environmental and wildlife impacts; and,
- Incorporate pedestrian & bicycle facilities into the design.

The functional study identifies the roadway needs in stages to accommodate the current (85,000), interim (115,000) and ultimate (188,000) population horizons. It should be noted that the 115,000 and 188,000 population horizons represent approximately 10 years and 30 years city growth respectively.

C. Public Consultation

A comprehensive public consultation program was undertaken as part of this functional study. The public consultation program served to inform both stakeholders and the general public of the project and to obtain their comments and concerns for the consideration during the design process. During the process, the Project team met with representatives from Red Deer County, the Red Deer River Naturalists and Re-think Red Deer. A general landowner meeting was held in addition to many one on one landowner meetings.

A public open house meeting was widely advertised through the City's website, press releases and newspaper advertisements. Door to door delivery of flyers was undertaken for 500 houses in the built neighborhoods within 100m of 20th Avenue. A separate letter notice was also sent to all those invited to the earlier landowner meetings.

During the study, the project team held two Internal Stakeholder meetings to gain an understanding of the various concerns that other city departments had regarding the project. In addition, numerous inter-departmental discussions were held during the study. Many of the inter-departmental discussions occurred after the public open house and various interest groups concerns were received.

The following major themes were derived from the collective input received as part of the public consultation process and were considered during the design process:

- Alignment of the expressway;
- Providing for pedestrians, cyclists and transit;
- Wildlife corridors;
- Commitment to pay for offsetting measures;
- Process to acquire land in the future;
- Value of properties;
- Physical impact on properties; and,
- Noise and visual impacts and quality of life.

The Public Consultation Report that was prepared for this functional study addresses the comments related to these eight major themes by providing additional information and/or solutions that have been incorporated in the functional design or will be followed up in later stages of the project.

D. Ultimate Design

The ultimate design (the 188,000 population horizon) to be staged over approximately the next 30 years for Highway 11A, Northland Drive, 20th Avenue and McKenzie Road will be developed to accommodate a 6-lane expressway with a combination of at-grade intersections and grade separated interchanges. The ultimate design will provide for a posted speed limit of 80 kph. In addition to the expressway's alignment, the functional design also includes arterial roadway connections with 67 Street, 30 Avenue, Ross Street and 32 Street. Figure 1.1, attached, illustrates the expressway alignment and includes interchanges, rail crossings, creek crossings and the Red Deer River bridge location.

The typical right of way width for the expressway is expected to be 90m, but will vary depending on location (e.g. varies from 60m to 200 m within the river valley depending on adjacent land uses and embankment/excavation limits). In addition, the proposed 90m wide right of way could be narrowed to about 70m in areas adjacent to commercial and industrial development (i.e. along McKenzie Road) where sound attenuation is not required. Figure 3.2 illustrates a typical cross section for the ultimate 6 lane expressway.

E. Phase 1 – North Highway Connector (NHC)

The functional study identifies the following roadway segments as Phase 1 of the project, which are highlighted on the attached Figure 1.2 and listed below:

- Northland Drive from Gaetz Avenue to 30 Avenue;
- 30 Avenue from Northland Drive to 61 Street; and
- reconstruction of the intersection at 67 Street and 30 Avenue.

Initial modeling results indicated that Northland Drive from Gaetz Avenue to 30 Avenue should be constructed as a 4-lane roadway. However, due to budget constraints, additional design, modeling and analysis was completed for a 2-lane roadway option for the initial stage.

The NHC is required for a variety of reasons including:

- the ability to accommodate a regional wastewater main;
- accommodation of storm and sanitary trunks from the Northeast city growth area allowing access to developable lands;
- provide improved access to currently developing subdivisions;
- accommodation of increasing traffic demands being placed on other major corridors throughout the City's transportation network (e.g. Gaetz Avenue, 67 Street); and
- to serve as a highway bypass route for regional traffic.

There is an immediate need for the initial stage of the project and as such, preliminary design has already been initiated. The initial phase will require a CN Rail overpass, a grade separated interchange at the intersection of Northland Drive and 40th Avenue, and a new bridge structure crossing the Red Deer River. In total, four pedestrian / wildlife crossings will be provided within the river valley; one separate wildlife structure, one under each end of the river bridge, and one beneath the railway bridge.

Based on the Functional Design, a budget of \$128.6 million was included in the City's 2009 Capital Budget (plus inflation in later years). Budget approval assumes that a significant portion of this cost will be funded by the province; the status of which is currently unknown. The current project schedule for Phase 1 (subject to funding approval) indicates an anticipated construction start in the summer of 2009 and a project completion in late 2012.

F. Recommendation

We respectfully recommend that City Council accept the functional design as the basis for moving forward with the detailed design.



Lee Birn, P.Eng.
Major Projects Engineer



Tom C. Warder, P.Eng.
Engineering Services Manager

LB/ldr

- c. Paul Goranson, Director of Development Services
Russ Wlad, Stantec Consulting Ltd.
Frank Colosimo, Public Works Manager
Charity Dyke, Communications Coordinator
Ken Haslop, Major Projects Engineer



Reports Item No. 4

DATE: April 14, 2009
TO: City Council
FROM: Elaine Vincent, Legislative & Administrative Services Manager
SUBJECT: Review Hearing – April 20, 2009
Orders issued to Mr. Dell Price

History:

The following information is attached for your consideration:

- 1) Correspondence from Legislative and Administrative Services rescheduling the Council Review Hearing.
- 2) Acknowledgement of the request from Mr. Price and Mr. Haunholter for a Review Hearing on February 9, 2009.
- 3) A File Summary from the Inspections, Enforcement and Buildings Supervisor
- 4) The three orders issued on January 22, 2008.

At the time of printing the agenda there has been no written material submitted from either Mr. Price or Mr. Haunholter.

Discussion:

In our correspondence on March 31, 2009 Administration for the City of Red Deer stated that they would be opposed to any further adjournment of the matter.

Recommendation:

That Council proceed with the review hearing.



Elaine Vincent
Manager



LEGISLATIVE & ADMINISTRATIVE SERVICES

March 31, 2009

FILE COPY

Via Fax and Original Mail

Haunholter Labour Consulting Services
68 Halden Crescent
Spruce Grove, Alberta T7X 2V6
(780) 946-6868 Phone
(780) 946-6034 Fax
Attention: Mr. John T. Haunholter

Dell G.S. Price
c/o Castle Rock Concrete
#311, 4819C-48th Avenue
Red Deer, Alberta T4N 3T2

Dear Mr. Haunholter and Mr. Price:

Re: Re-Scheduling of Council Review Hearing to Monday April 20, 2009
Remedial Orders re. 5328-44 Avenue and 3710- 44 Street

As you requested in your email dated March 31, 2009 the City has agreed to rescheduled the City Council review of the above orders to the Council meeting of **Monday April 20, 2009**. Please note that as this matter has been rescheduled on a number of occasions, City administration will oppose any request for a further adjournment.

We request that you provide to us not later than noon on **Tuesday April 14, 2009** a copy of your written submission regarding the 3 Orders to Remedy so that it may be distributed to Council ahead of time. The hearing will be in Council Chambers at City Hall in Red Deer and all information discussed and presented at the meeting is public information.

This Review by Council will deal only with the 3 Stop Orders of January 22, 2009. All other matters prior to or unrelated to the Stop Orders will not be heard by Council.

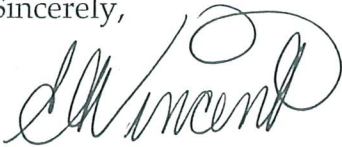
*Letter to Mr. Haunholter – Review by Council - Reschedule
March 31, 2009
Page 2*

The procedure to be followed at the Council Meeting is as follows:

1. The Chair will introduce the parties, and describe the hearing process.
2. a) Opening remarks and presentation by applicant, 10 minute maximum.
b) Questions to applicant by Council.
c) City of Red Deer Administration opening remarks and presentation, ten minute maximum.
d) Questions to City Administration by Council.
e) Applicant rebuttal and summation, 5 minute maximum.
f) City Administration rebuttal and summation, 5 minute maximum.

If you do not attend the Council Meeting at 3:00 p.m. on Monday April 20, 2009 the review may proceed in your absence.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Elaine Vincent', written in dark ink.

Elaine Vincent
City Clerk

cc. City Solicitor



LEGISLATIVE & ADMINISTRATIVE SERVICES

March 17, 2009

FILE COPY

Via Fax and Original Mail

Haunholter Labour Consulting Services
68 Halden Crescent
Spruce Grove, Alberta T7X 2V6
(780) 946-6868 Phone
(780) 946-6034 Fax

Dell G.S. Price
c/o Castle Rock Concrete
#311, 4819C-48th Avenue
Red Deer, Alberta T4N 3T2

Attention: Mr. John T. Haunholter and Mr. Dell Price

Dear Mr. Haunholter and Mr. Price:

Re: Review by Council of 3 Orders to Remedy relative to 5328-44 Avenue and 3710-44 Street
Review Hearing Date: Scheduled for Monday April 6, 2009

Further to your request dated February 9, 2009, the City has scheduled a review of the above orders for the City Council meeting of **Monday April 6, 2009** to be held in the Council Chambers at City Hall.

We ask you to provide the following, no later than **Monday March 30, 2009**, at noon a written summary of issues you wish Red Deer City Council to consider, related to the 3 Orders to Remedy. If we have not received your information by the date indicated, the review may proceed without such information.

Please note that all information discussed and presented at the meeting is public information.

This Review by Council will deal only with the 3 Stop Orders of January 22, 2009. All other matters prior to or unrelated to the Stop Orders will not be heard by Council.

*Letter to Mr. Haunholter – Review by Council
March 17, 2009
Page 2*

The procedure to be followed at the Council Meeting is as follows:

1. The Chair will introduce the parties, and describe the hearing process.
2. a) Opening remarks and presentation by applicant, 10 minute maximum.
b) Questions to applicant by Council.
c) City of Red Deer Administration opening remarks and presentation, ten minute maximum.
d) Questions to City Administration by Council.
e) Applicant rebuttal and summation, 5 minute maximum.
f) City Administration rebuttal and summation, 5 minute maximum.

If you do not attend the Council Meeting at 3:00 p.m. on Monday April 6, 2009 the review may proceed in your absence.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Elaine Vincent', written in dark ink.

Elaine Vincent
City Clerk

cc. City Solicitor



FILE COPY

LEGISLATIVE & ADMINISTRATIVE SERVICES

February 9, 2009

Via Fax and Original Mail

Haunholter Labour Consulting Services
68 Halden Crescent
Spruce Grove, Alberta T7X 2V6
(780) 946-6034

Dell G.S. Price

c/o Castle Rock Concrete
#311, 4819C-48th Avenue
Red Deer, Alberta T4N 3T2

Attention: Mr. John T. Haunholter and Mr. Dell Price

Dear Mr. Haunholter and Mr. Price:

Re: Review by Council of 3 Orders to Remedy dated: January 22, 2009 relative to 5328-44 Avenue and 3710- 44 Street

This office is in receipt of Mr. Haunholter's letter of February 9, 2009 and Mr. Price's official request for a review before The City of Red Deer City Council with respect to: the 3 orders issued on January 22, 2009. The City accepts the request as being within the time limits set out in the Municipal Government Act.

We ask you to provide the following, no later than Friday February 13, 2009, at noon;

- A) The reason for the request to review the orders dated January 22, 2009.
- B) Daytime contact phone number of the applicant.
- C) The address to which documents relating to the review hearing may be delivered.

We have scheduled a time on the Red Deer City Council meeting of Monday February 23, 2009 at 3:00 p.m. to conduct the review. This is a public meeting.

Procedure to be followed is as follows:

1. The Chair: introduce the parties, describe the hearing process.



DATE: February 13, 2009

TO: Lisa Perkins – Acting Legislative & Administrative Services Manager

FROM: Russ Pye - Inspections, Enforcement & Buildings Supervisor

RE: Council Review of Orders Issued To Mr. Dell Price

The City regulates the development of land and prohibits certain activities that have a negative impact on the surrounding neighborhood and people through the Land Use Bylaw and the Community Standards Bylaw. The role of the Inspections & Licensing Department Compliance officers is to enforce the sections of these bylaws that involve private property.

Despite efforts to gain voluntary compliance, orders have been issued under Section 545 of the MGA related to non-compliance issues involving two properties owned by Mr. Dell Price. Mr. Price has since requested a Council review of these orders.

One property is located at 3710 – 44 Street with an order issued for non-compliance with the Community Standards Bylaw.

The other property is located at 5328 – 44 Avenue and two orders were issued, one regarding Land Use Bylaw issues and the other concerning the Community Standards Bylaw. This property has a ongoing history of non-compliance and despite the effort of several compliance officers over at least four years the situation has not improved. It has in fact deteriorated to the point where the accumulation of items has expanded to the adjacent lot (5324 - 44 Avenue) owned by the City of Red Deer and to the areas in front and back of his property.

While this council review does not include dealing with the issue of the encroachment on to the City lot, Mr. Price has been given notice from the City solicitors regarding his trespass on City property.

Please find attached a copy of the orders and related documents including solicitors letters and site photos.

File Summery Sheet: February 11, 2009

Dell George Silk Price / 5328 44 AV Red Deer, AB.

Date: 2005, June 17; Letter from D.C. Richardson Compliance Officer to Dell Price

Contents Summery: Commercial vehicles exceeding 4500 kg and smaller on property.. Adjoining property being cleared for use as parking for commercial vehicles. Vehicles are also being parked on roadway in violation of Traffic Bylaws.

Date: 2005, July 19; Reply to Mr. Price from Officer Richardson

Letter states that matter of the rental property (3710 44 ST) has been sent to City solicitor. Also a thank you for the prompt action on moving vehicles at 5328 44AV.

Date: 2005, October 20; Letter to Mr. Price from Officer Richardson

Vehicles back on site at 5328 and 5324 44 AV. Commercial vehicles also parked on city property. Tree stumps and loose construction material littering property.

Date: 2007, May 30; Application for Home Occupation License

License for home office at 5328 44 AV.

Date: 2008, March 3; Letter to Dell Price from Randy Smith Compliance Officer

Derelict/dilapidated Pepsi and Arrowhead Spring Water vehicles on site as well as loose metal and other items.

Date: 2008, March 18; Letter from Dell Price to Randy Smith Compliance Officer

Questions as to where the complaint came from and explanations as to what dilapidated vehicles are. Photo's included.

Date: 2008, March 18; Letter to Mr.Price from Officer Smith

Community Standards letter listing trucks and material in yard, no change from the time last letter was sent.

Date: 2008, April 02; Letter from Mr. Price to Officer Smith

Letter states that Mr. Price wants to know who complained, also it states that the trucks etc. have been there for 10 years and are used for storage. He is upset that his questions were not answered before the second letter was sent.

Date: 2008, April 11; Response to Mr. Price from Officer Smith

Answers to Mr. Price's questions from April 2 as well as a note that the property was cleaner. Both trucks are still on site, and a large area of the property has now been covered by a tarp.

Date: 2008, July 25; E-mail from Wes VanBavel to Les Kolibaba Compliance Officer

Fire crews were out and noted some concerns at 5328 44 Av. There was no house address posted, as well as vehicles and yard full of things. There concern was that they would have a very hard time fighting a fire should it start in the property.

Date: 2008, August 5; Nuisance letter to Mr. Price from Officer Kolibaba

Letter requesting that the yard be cleaned up and brought into compliance with the Bylaw. Also that the address be posted on the house.

Date: 2008, August 14; Second letter sent to Mr. Price.

Failure to comply letter and clean up order issued to Mr. Price as there was no change in the property on inspection that day. A ticket was issued as stated in the bylaws also.

Date: 2008, August 14; Letter to Mr. Price from Officer Kolibaba

Letter issued outlining a detailed list of what needed to be cleaned up at 5328 44 AV.

Date: 2008, August 28; Letter to Mr. Price from Officer Kolibaba

Failure to comply letter sent to Mr. Price indicating that a clean-up by City staff would be conducted on September 10, 2008

Date: 2008, September 8; Letter from Bruce Buckley

Buckley Law Office notification that they have been retained to deal with the problem at 5328 44 av.

Telephone conversation with Bruce Buckley resulted in an agreement to delay the cleanup.

Discussions also involved the benefits of having an itemized list of the contents of the area that were considered a nuisance under the bylaw

Date: 2008, September 9; E-mail to Officer Kolibaba from Karen Tolonen

Work order for the cleanup of 5328 44 AV by City of Red Deer work crew.

Date: 2008, September 12; Letter to City of Red Deer from Buckley Law Office.

Mr. Price acknowledged that anything on his property constitutes a nuisance as defined by the Bylaw. He is willing to do some things in regard to the property at his time line. Also the city is informed that Mr. Price will hold the City liable if the cleanup is started on his property.

Date: 2008, September 22; Letter to Mr. Price

Notification to Mr. Price under section 16 of the Community Standards Bylaw that the inspectors will attend his property on September 24, 2008. The purpose is to inspect the yard and list what needs to be done to bring it into compliance.

Date: 2008, September 24; Complaint from resident on 44 AV to the Compliance Officer

Complaint that there are several commercial vehicles parked on 44 AV. This is making it hard to move through the area.

Date: 2008, September 24; Field notes Officer Kolibaba and Paganelli

Notes on what happened when Compliance officers attended 5328 44 AV to inspect it. Officers were not allowed to enter the property by Mr. Price.

Date: 2008, September 25; Letter to Council from Buckley Law Office

Request for more time to deal with the issued at 5328 44 AV.

Date: 2008, September 24; Fax and letters from Haunholter Consulting

Notice to City that Haunholter Consulting Services has been retained by Dell Price to deal with the issues at 5328 44 AV.

Mr. Haunholter was advised to deal with our solicitor as the matter had been forwarded to them.

Date: 2008, September 25; Fax to City of Red Deer from Mr. Haunholter

Request for meeting

Date: 2008, October 2; Letter from Chapman Riebeek to Mr. Haunholter

Notice to Mr. Haunholter that City will proceed with matter.

Date: 2008, October 2; Letter from Mr. Haunholter to City of Red Deer

Request for copies of ticket and letters to Mr. Price.

Date: 2008, October 3; Request to access information.

Alberta Freedom of Information Access Request form, also a form stating Authority to Act from Dell Price.

Date: 2008, October 6; Letter from Access and Privacy Coordinator to Russ Pye

Request to find information on 5328 44 AV and send it to the coordinator.

Date: 2008, October 7: Letter and tickets to Mr. Price

Letter to Mr. Price informing him that he had violated section 16(3) and 16(4) of the community Standards Bylaw. Two tickets for \$500.00 each issued with this letter.

Date: 2008, October 8; Letter from Chapman Riebeek to Mr. Haunholter

Notice to Mr. Haunholter that summonses will be served on Mr. Price

Date: 2008, October 9;; Memo from Kobie Bylsma to Access and Privacy Coordinator

Memo to advise that information requested in FOIP order has been sent.

Photo's included August 24, November 28, 2008 also extra photo's of the site

Date: 2008, December 5: RPR produced by Beta Surveys Ltd to identify encroachment onto City lot – 5324- 44 Avenue

Date: 2008, December 8: letter from Chapman Riebeek to Mr. Haunholter advising of encroachment, use of City lot for parking and changes to City property

Date: 2008, December 11: letter from Chapman Riebeek to Mr. Haunholter agreeing to meet to discuss the issue of a timing commitment

Date: 2008, December 16: Letter from Mr. Haunholter to Chapman Riebeek indicating he was unable to attend a scheduled meeting and a response indicating that Chapman Riebeek would be able to meet in the early new year.

Date: 2009, January 28: the following items were served on Mr. Price at 5328, 44 Avenue:

- Three orders, dated January 22, 2009,
- A letter from Chapman Riebeek regarding the trespassing on City property, and
- A copy of the real property report showing the lot boundaries of 5324, 44 Avenue


Note: Mr. Price refused to come to the door and Peace officer had to phone him and discuss the orders over the phone.


Orders over the phone.

Orders were left at the door of the residence.


Date: 2009 January 28: letter and copies of the information served on Mr. Price were sent by Chapman Riebeek to Mr. Haunholter


Date: 2009, February 9: Notice from Mr. Haunholter requesting review by council

 THE CITY OF Red Deer	<p align="center">ORDER</p> <p align="center">Inspections & Licensing Department P.O. Box 5008 Red Deer, AB T4N 3T4 Phone: (403) 342-8190 Fax: (403) 342-8200</p>
Date of Issue	January 22, 2009
Person(s) upon whom the Order is being issued	Dell George Silk Price
Address of Person(s) upon whom the Order is being issued	5328 44 AV Red Deer Alberta, T4N 3T2
Authority under which the Order is being issued	Municipal Government Act: Chapter M-26, Part 13, Division 4, Section 545
What is being contravened	<p>Bylaw: Community Standards</p> <p>Section(s):12 - as outlined in section 11 (f) the storage or accumulation of or failure to dispose of discarded or dilapidated furniture or household appliances, loose garbage, rubbish, packaging material, scrap metals, scrap lumber, tires, parts of disassembled machinery, equipment or appliances and motor vehicle parts;</p> <p>(k) the storage or accumulation of dilapidated or derelict vehicles or the storage of unregistered vehicles in excess of two vehicles on any residential or commercial site except vehicles that are stored in an approved accessory or temporary building;</p> <p>(l) the failure to maintain an accessory building, structure or fence such that it deteriorates, becomes unsightly or becomes a safety hazard;</p> <p>Section: 16 -Refusing to allow the Licence and inspections Manager access to carry out an inspection.</p>
Required Action	<p>1) Permit inspection of property, to list items needed to be removed to bring property into compliance.</p> <p>2) Remove items seen in photo's which violate section 11(f). Also any items listed in the inspection report.</p> <p>3) Removal of the old Pepsi truck and trailer seen in the photo's as well as any other derelict vehicles noted in the inspection report.</p> <p>4) Repair buildings and fence as seen in photo's.</p>
Time frame for Compliance	Time to comply with this order will be 14 days from the date of personal service.


Action to be taken by Municipality to gain compliance	<p>If the person does not comply with this order within the specified time, the municipality:</p> <ul style="list-style-type: none"> • will take the action or measure at the expense of the person. • may register a caveat under the <i>Land Titles Act</i> in respect to this order against the certificate of title for the land that is the subject of this order.
Municipal address and legal description of the property upon which the thing, process or activity that is the subject matter of the Order is located	<p>Address: 5328 44 AV Lot 11B Block E Plan 7520274</p>
Identification of Issuing Officer	<p><u>Les Kolibaba</u> Issuing Officer </p>
Employer of Issuing Officer	<p>Employed by The City of Red Deer</p>
Order Served by	<p>Personal service</p>

Procedure for requesting a review/appeal of the Order	<p>Review</p> <p>A person who receives this order may by written notice request council to review the order within:</p> <ul style="list-style-type: none"> • 14 days after the date the order is received or • any longer period as specified by bylaw. <p>Appeal</p> <p>A person affected by the decision of council may appeal to the Court of Queen's Bench if the procedure required to be followed by this Act is not followed, or the decision is patently unreasonable.</p> <p>The appeal must be made within 30 days after the date the council decision is served on the person affected by the decision and the application for the appeal must state the reasons for the appeal.</p>
--	---

 THE CITY OF Red Deer	<p align="center">ORDER</p> <p align="center">Inspections & Licensing Department P.O. Box 5008 Red Deer, AB T4N 3T4 Phone: (403) 342-8190 Fax: (403) 342-8200</p>
Date of Issue	January 22, 2009
Person(s) upon whom the Order is being issued	Dell George Silk Price
Address of Person(s) upon whom the Order is being issued	5328 44 AV RedDeer, AB T4N 3T2
Authority under which the Order is being issued	Municipal Government Act: Chapter M-26, Part 13, Division 4, Section 545
What is being contravened	<p>Bylaw: Land Use</p> <p>Section(s):3.20(3)</p> <p>(3) A fence in a residential district or other district in which the principle use is residential, must meet the following requirements:</p> <p>(a) the portion of a fence which is located between the front of the building and the rear property line or along the rear property line may not exceed 2.0 m in height;</p> <p>(b) the portion of a fence which is located between the front of the building and the front property line may not exceed 0.9 m in height.</p> <p>(4) For the purpose of subsection (3) the height of a fence is measured from ground level to the top of the fence, except where the fence is located on a retaining wall, in which case the height of the fence shall include the height of the retaining wall.</p>
Required Action	Portion of fence from house to 44 AV including front fence on 44 AV must be brought down to 0.9 meters as stated in the Bylaw.
Time frame for Compliance	14 days from the date of personal service of this order.
Action to be taken by Municipality to gain compliance	<p>If the person does not comply with this order within the specified time, the municipality:</p> <ul style="list-style-type: none"> • will take the action or measure at the expense of the person.

	<ul style="list-style-type: none"> may register a caveat under the <i>Land Titles Act</i> in respect to this order against the certificate of title for the land that is the subject of this order.
Municipal address and legal description of the property upon which the thing, process or activity that is the subject matter of the Order is located	<p>Address: Lot 11B Block E Plan 7520274</p>
Identification of Issuing Officer	<p><u>L:es Kolibaba</u> Issuing Officer </p>
Employer of Issuing Officer	<p>Employed by The City of Red Deer</p>
Order Served by	<p>Personal service</p>

Procedure for requesting a review/appeal of the Order	<p>Review</p> <p>A person who receives this order may by written notice request council to review the order within:</p> <ul style="list-style-type: none"> 14 days after the date the order is received or any longer period as specified by bylaw. <p>Appeal</p> <p>A person affected by the decision of council may appeal to the Court of Queen's Bench if the procedure required to be followed by this Act is not followed, or the decision is patently unreasonable.</p> <p>The appeal must be made within 30 days after the date the council decision is served on the person affected by the decision and the application for the appeal must state the reasons for the appeal.</p>
--	---

 THE CITY OF Red Deer	<p align="center">ORDER</p> <p align="center">Inspections & Licensing Department P.O. Box 5008 Red Deer, AB T4N 3T4 Phone: (403) 342-8190 Fax: (403) 342-8200</p>
Date of Issue	January 22, 2009
Person(s) upon whom the Order is being issued	Dell George Silk Price
Address of Person(s) upon whom the Order is being issued	5328 44 AV Red Deer, AB.
Authority under which the Order is being issued	Municipal Government Act: Chapter M-26, Part 13, Division 4, Section 545
What is being contravened	<p>Bylaw: Community Standards</p> <p>Section(s): 11(f) the storage or accumulation of or failure to dispose of discarded or dilapidated furniture or household appliances, loose garbage, rubbish, packaging material, scrap metals, scrap lumber, tires, parts of disassembled machinery, equipment or appliances and motor vehicle parts;</p>
Required Action	Clean up yards of all cement and up rooted bushes, old fencing, car tires, car parts, and loose garbage.
Time frame for Compliance	14 days from the service of this order
Action to be taken by Municipality to gain compliance	<p>If the person does not comply with this order within the specified time, the municipality:</p> <ul style="list-style-type: none"> • will take the action or measure at the expense of the person. • may register a caveat under the <i>Land Titles Act</i> in respect to this order against the certificate of title for the land that is the subject of this order.
Municipal address and legal description of the property upon which the thing, process or activity that is the subject matter of the Order is located	Address: 3710 44 ST Lot 4 to 5 Block 23 Plan 5555AF
Identification of Issuing Officer	<u>Les Kolibaba</u> Issuing Officer
Employer of Issuing Officer	Employed by The City of Red Deer
Order Served by	Personal service

Procedure for requesting a review/appeal of the Order	<p>Review</p> <p>A person who receives this order may by written notice request council to review the order within:</p> <ul style="list-style-type: none">• 14 days after the date the order is received or• any longer period as specified by bylaw. <p>Appeal</p> <p>A person affected by the decision of council may appeal to the Court of Queen's Bench if the procedure required to be followed by this Act is not followed, or the decision is patently unreasonable.</p> <p>The appeal must be made within 30 days after the date the council decision is served on the person affected by the decision and the application for the appeal must state the reasons for the appeal.</p>
--	--

3710-44 St. / Feb 13/09



5328-44 AVE.



DATE: April 21, 2009
TO: Russ Pye, Inspections, Enforcement and Buildings Supervisor
FROM: Elaine Vincent, Legislative & Administrative Services Manager
SUBJECT: Council Review of Orders Issued to Mr. Dell Price

Reference Report:

Inspections and Licensing Department, February 13, 2009.

Legislative and Administrative Services Manager, dated April 14, 2009.

Resolution:

“Resolved that Council of the City of Red Deer having conducted a Review pursuant to Section 547 of the *Municipal Government Act* with respect to:

- (a) An Order dated January 22, 2009 relative to Lot 11B Block E Plan 7520274, a contravention of City of Red Deer Land Use Bylaw with respect to fence requirements;
- (b) An Order dated January 22, 2009 relative to 3710-44th Street, dealing with contraventions of the Community Standards Bylaw and the requirement to clean up the yard with respect to cement, uprooted bushes, old fencing, car tires, car parts and loose garbage;
- (c) An Order dated January 22, 2009 with respect to 5328-44th Avenue, relative to a contravention of the Community Standards Bylaw pertaining to the storage or accumulation of various items on the property, the failure to maintain accessory building, structures or fences and refusing to allow the License and Inspection Manager access to carry out an inspection.

Council for the City of Red Deer

- (a) confirms the aforesaid Orders and directs Dell George Silk Price, the person upon whom the Orders have been issued to comply with said Orders by noon, June 19, 2009, failing which thereafter in accordance with the *Municipal Government Act*, Administration are directed to take whatever actions or measures are necessary to ensure compliance with the said Orders.”

Motion Carried

Report Back to Council: No.

A handwritten signature in cursive script, appearing to read "Elaine Vincent". The signature is written in dark ink and is positioned above the printed name.

Elaine Vincent
Manager

cc: City Solicitor
Inspections and Licensing Manager
Inspections and Licensing Supervisor



LEGISLATIVE & ADMINISTRATIVE SERVICES

FILE COPY

April 21, 2009

Via Fax and Original Mail

Haunholter Labour Consulting Services
68 Halden Crescent
Spruce Grove, Alberta T7X 2V6
(780) 946-6868 Phone
(780) 946-6034 Fax
Attention: Mr. John T. Haunholter

Dell G.S. Price
c/o Castle Rock Concrete
#311, 4819C-48th Avenue
Red Deer, Alberta T4N 3T2

Dear Mr. Haunholter and Mr. Price:

At the Monday April 20, 2009 Council Meeting the following resolution was passed:

“Resolved that Council of the City of Red Deer having conducted a Review pursuant to Section 547 of the *Municipal Government Act* with respect to:

- (a) An Order dated January 22, 2009 relative to Lot 11B Block E Plan 7520274, a contravention of City of Red Deer Land Use Bylaw with respect to fence requirements;
- (b) An Order dated January 22, 2009 relative to 3710-44th Street, dealing with contraventions of the Community Standards Bylaw and the requirement to clean up the yard with respect to cement, uprooted bushes, old fencing, car tires, car parts and loose garbage;
- (c) An Order dated January 22, 2009 with respect to 5328-44th Avenue, relative to a contravention of the Community Standards Bylaw pertaining to the storage or accumulation of various items on the property, the failure to maintain accessory building, structures or fences and refusing to allow the License and Inspection Manager access to carry out an inspection.

Council for the City of Red Deer

- (a) confirms the aforesaid Orders and directs Dell George Silk Price, the person upon whom the Orders have been issued to comply with said Orders by noon, June 19, 2009, failing which thereafter in accordance with the *Municipal Government Act*, Administration are directed to take whatever actions or measures are necessary to ensure compliance with the said Orders.”

Motion Carried

If you have any questions or require additional information, please contact me at 403.342.8132.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Elaine Vincent', written in black ink.

Elaine Vincent
Legislative & Administrative Services Manager

cc: City Solicitor
Inspections & Licensing Manager
Inspections, Enforcement and Building Supervisor

* * * Communication Result Report (Apr. 22. 2009 3:44PM) * * *

1) LEGISLATIVE SERVICES
2)

Date/Time: Apr. 22. 2009 3:43PM

File No. Mode	Destination	Pg (s)	Result	Page Not Sent
8441 Memory TX	17809466034	P. 3	OK	

Reason for error

E. 1) Hang up or line fail

E. 3) No answer

E. 5) Exceeded max. E-mail size

E. 2) Busy

E. 4) No facsimile connection



P.O. Box 5008, Red Deer, Alberta T4N 3T4
Web Site: www.reddeer.ca

Legislative & Administrative Services (403) 342-8132
Email: legislativeservices@reddeer.ca

DATE: April 22, 2009

OUR FAX NO: (403) 346-6195

NUMBER OF PAGES INCLUDING THIS PAGE: 3

FAX TO: Haunholter Labour Consulting Services

ATTENTION: Mr. John T. Haunholter

THEIR FAX NO: 780-946-6034

FROM: Elaine Vincent

DEPARTMENT: LAS

PHONE #: (403) 342-8132

MESSAGE AREA (if required):

Confidentiality Notice

This communication is directed in confidence solely to the person named above and may not otherwise be distributed, copied or disclosed. It may contain information that is confidential or subject to legal privilege. Further disclosure or use of this communication in whole or in part, by any other person, in any manner, may be an offence under the Freedom of Information and Protection of Privacy Act. If you received this fax in error please telephone us immediately. Thank you for your assistance.

ORIGINAL TO FOLLOW: BY MAIL ☒
NO ORIGINAL WILL BE FORWARDED: ☐

BY COURIER ☐

IF YOU DO NOT RECEIVE ALL OF THE PAGES, PLEASE CONTACT SENDER AT THE PHONE NUMBER SHOWN ABOVE. THANK YOU.







LEGISLATIVE & ADMINISTRATIVE SERVICES

March 31, 2009

Via Fax and Original Mail

FILE COPY

Haunholter Labour Consulting Services
68 Halden Crescent
Spruce Grove, Alberta T7X 2V6
(780) 946-6868 Phone
(780) 946-6034 Fax
Attention: Mr. John T. Haunholter

CONFIDENTIAL

Dell G.S. Price
c/o Castle Rock Concrete
#311, 4819C-48th Avenue
Red Deer, Alberta T4N 3T2

Dear Mr. Haunholter and Mr. Price:

Re: Re-Scheduling of Council Review Hearing to Monday April 20, 2009
Remedial Orders re. 5328-44 Avenue and 3710- 44 Street

As you requested in your email dated March 31, 2009 the City has agreed to rescheduled the City Council review of the above orders to the Council meeting of **Monday April 20, 2009**. Please note that as this matter has been rescheduled on a number of occasions, City administration will oppose any request for a further adjournment.

We request that you provide to us not later than noon on **Tuesday April 14, 2009** a copy of your written submission regarding the 3 Orders to Remedy so that it may be distributed to Council ahead of time. The hearing will be in Council Chambers at City Hall in Red Deer and all information discussed and presented at the meeting is public information.

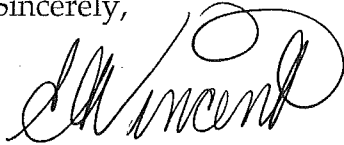
This Review by Council will deal only with the 3 Stop Orders of January 22, 2009. All other matters prior to or unrelated to the Stop Orders will not be heard by Council.

The procedure to be followed at the Council Meeting is as follows:

1. The Chair will introduce the parties, and describe the hearing process.
2. a) Opening remarks and presentation by applicant, 10 minute maximum.
b) Questions to applicant by Council.
c) City of Red Deer Administration opening remarks and presentation, ten minute maximum.
d) Questions to City Administration by Council.
e) Applicant rebuttal and summation, 5 minute maximum.
f) City Administration rebuttal and summation, 5 minute maximum.

If you do not attend the Council Meeting at 3:00 p.m. on Monday April 20, 2009 the review may proceed in your absence.

Sincerely,

A handwritten signature in black ink, appearing to read 'Elaine Vincent', with a large, stylized loop at the end.

Elaine Vincent
City Clerk

cc. City Solicitor



LEGISLATIVE & ADMINISTRATIVE SERVICES

March 17, 2009

FILE COPY

Via Fax and Original Mail

Haunholter Labour Consulting Services
68 Halden Crescent
Spruce Grove, Alberta T7X 2V6
(780) 946-6868 Phone
(780) 946-6034 Fax

Dell G.S. Price
c/o Castle Rock Concrete
#311, 4819C-48th Avenue
Red Deer, Alberta T4N 3T2

Attention: Mr. John T. Haunholter and Mr. Dell Price

Dear Mr. Haunholter and Mr. Price:

Re: Review by Council of 3 Orders to Remedy relative to 5328-44 Avenue and 3710-44 Street
Review Hearing Date: Scheduled for Monday April 6, 2009

Further to your request dated February 9, 2009, the City has scheduled a review of the above orders for the City Council meeting of **Monday April 6, 2009** to be held in the Council Chambers at City Hall.

We ask you to provide the following, no later than **Monday March 30, 2009**, at noon a written summary of issues you wish Red Deer City Council to consider, related to the 3 Orders to Remedy. If we have not received your information by the date indicated, the review may proceed without such information.

Please note that all information discussed and presented at the meeting is public information.

This Review by Council will deal only with the 3 Stop Orders of January 22, 2009. All other matters prior to or unrelated to the Stop Orders will not be heard by Council.

The procedure to be followed at the Council Meeting is as follows:

1. The Chair will introduce the parties, and describe the hearing process.
2. a) Opening remarks and presentation by applicant, 10 minute maximum.
b) Questions to applicant by Council.
c) City of Red Deer Administration opening remarks and presentation, ten minute maximum.
d) Questions to City Administration by Council.
e) Applicant rebuttal and summation, 5 minute maximum.
f) City Administration rebuttal and summation, 5 minute maximum.

If you do not attend the Council Meeting at 3:00 p.m. on Monday April 6, 2009 the review may proceed in your absence.

Sincerely,

A handwritten signature in black ink, appearing to read 'Elaine Vincent', with a large, stylized loop at the end.

Elaine Vincent
City Clerk

cc. City Solicitor

LEGISLATIVE & ADMINISTRATIVE SERVICES

February 9, 2009

Via Fax and Original Mail

Haunholter Labour Consulting Services
68 Halden Crescent
Spruce Grove, Alberta T7X 2V6
(780) 946-6034

Dell G.S. Price
c/o Castle Rock Concrete
#311, 4819C-48th Avenue
Red Deer, Alberta T4N 3T2

Attention: Mr. John T. Haunholter and Mr. Dell Price

Dear Mr. Haunholter and Mr. Price:

Re: Review by Council of 3 Orders to Remedy dated: January 22, 2009 relative to 5328-44 Avenue and 3710- 44 Street

This office is in receipt of Mr. Haunholter's letter of February 9, 2009 and Mr. Price's official request for a review before The City of Red Deer City Council with respect to: the 3 orders issued on January 22, 2009. The City accepts the request as being within the time limits set out in the Municipal Government Act.

We ask you to provide the following, no later than Friday February 13, 2009, at noon;

- A) The reason for the request to review the orders dated January 22, 2009.
- B) Daytime contact phone number of the applicant.
- C) The address to which documents relating to the review hearing may be delivered.

We have scheduled a time on the Red Deer City Council meeting of Monday February 23, 2009 at 3:00 p.m. to conduct the review. This is a public meeting.

Procedure to be followed is as follows:

1. The Chair: introduce the parties, describe the hearing process.

7903 2117
Letter to Mr. Haunholter – Review by Council
February 9, 2009
Page 2

2. a) Opening remarks and presentation by applicant, 10 minute maximum.
- b) Questions to applicant by Council.
- c) City of Red Deer Administration opening remarks and presentation, ten minute maximum.
- d) Questions to City Administration by Council.
- e) Applicant rebuttal and summation, 5 minute maximum.
- f) City Administration rebuttal and summation, 5 minute maximum.

If you are not in attendance on Monday February 23, 2009 at 3:00 p.m., the review may proceed in your absence. If we are not in receipt of your information on the date indicated the review may proceed without such information.

This Review by Council will deal with the 3 stop orders of January 22, 2009 only. All other matters prior to or unrelated will not be heard by Council.

Sincerely,



Lisa Perkins
Acting Manager

cc. Mr. Riebeek, City Solicitor



DATE: February 13, 2009

TO: Lisa Perkins – Acting Legislative & Administrative Services Manager

FROM: Russ Pye - Inspections, Enforcement & Buildings Supervisor

RE: Council Review of Orders Issued To Mr. Dell Price

The City regulates the development of land and prohibits certain activities that have a negative impact on the surrounding neighborhood and people through the Land Use Bylaw and the Community Standards Bylaw. The role of the Inspections & Licensing Department Compliance officers is to enforce the sections of these bylaws that involve private property.

Despite efforts to gain voluntary compliance, orders have been issued under Section 545 of the MGA related to non-compliance issues involving two properties owned by Mr. Dell Price. Mr. Price has since requested a Council review of these orders.

One property is located at 3710 – 44 Street with an order issued for non-compliance with the Community Standards Bylaw.

The other property is located at 5328 – 44 Avenue and two orders were issued, one regarding Land Use Bylaw issues and the other concerning the Community Standards Bylaw. This property has a ongoing history of non-compliance and despite the effort of several compliance officers over at least four years the situation has not improved. It has in fact deteriorated to the point where the accumulation of items has expanded to the adjacent lot (5324 - 44 Avenue) owned by the City of Red Deer and to the areas in front and back of his property.

While this council review does not include dealing with the issue of the encroachment on to the City lot, Mr. Price has been given notice from the City solicitors regarding his trespass on City property.

Please find attached a copy of the orders and related documents including solicitors letters and site photos.

File Summery Sheet: February 11, 2009

Dell George Silk Price / 5328 44 AV Red Deer, AB.

Date: 2005, June 17; Letter from D.C. Richardson Compliance Officer to Dell Price

Contents Summery: Commercial vehicles exceeding 4500 kg and smaller on property.. Adjoining property being cleared for use as parking for commercial vehicles. Vehicles are also being parked on roadway in violation of Traffic Bylaws.

Date: 2005, July 19; Reply to Mr. Price from Officer Richardson

Letter states that matter of the rental property (3710 44 ST) has been sent to City solicitor. Also a thank you for the prompt action on moving vehicles at 5328 44AV.

Date: 2005, October 20; Letter to Mr. Price from Officer Richardson

Vehicles back on site at 5328 and 5324 44 AV. Commercial vehicles also parked on city property. Tree stumps and loose construction material littering property.

Date: 2007, May 30; Application for Home Occupation License

License for home office at 5328 44 AV.

Date: 2008, March 3; Letter to Dell Price from Randy Smith Compliance Officer

Derelict/dilapidated Pepsi and Arrowhead Spring Water vehicles on site as well as loose metal and other items.

Date: 2008, March 18; Letter from Dell Price to Randy Smith Compliance Officer

Questions as to where the complaint came from and explanations as to what dilapidated vehicles are. Photo's included.

Date: 2008, March 18; Letter to Mr.Price from Officer Smith

Community Standards letter listing trucks and material in yard, no change from the time last letter was sent.

Date: 2008, April 02; Letter from Mr. Price to Officer Smith

Letter states that Mr. Price wants to know who complained, also it states that the trucks etc. have been there for 10 years and are used for storage. He is upset that his questions were not answered before the second letter was sent.

Date: 2008, April 11; Response to Mr. Price from Officer Smith

Answers to Mr. Price's questions from April 2 as well as a note that the property was cleaner. Both trucks are still on site, and a large area of the property has now been covered by a tarp.

Date: 2008, July 25; E-mail from Wes VanBavel to Les Kolibaba Compliance Officer

Fire crews were out and noted some concerns at 5328 44 Av. There was no house address posted, as well as vehicles and yard full of things. There concern was that they would have a very hard time fighting a fire should it start in the property.

Date: 2008, August 5; Nuisance letter to Mr. Price from Officer Kolibaba

Letter requesting that the yard be cleaned up and brought into compliance with the Bylaw. Also that the address be posted on the house.

Date: 2008, August 14; Second letter sent to Mr. Price.

Failure to comply letter and clean up order issued to Mr. Price as there was no change in the property on inspection that day. A ticket was issued as stated in the bylaws also.

Date: 2008, August 14; Letter to Mr. Price from Officer Kolibaba

Letter issued outlining a detailed list of what needed to be cleaned up at 5328 44 AV.

Date: 2008, August 28; Letter to Mr. Price from Officer Kolibaba

Failure to comply letter sent to Mr. Price indicating that a clean-up by City staff would be conducted on September 10, 2008

Date: 2008, September 8; Letter from Bruce Buckley

Buckley Law Office notification that they have been retained to deal with the problem at 5328 44 av.

Telephone conversation with Bruce Buckley resulted in an agreement to delay the cleanup.

Discussions also involved the benefits of having an itemized list of the contents of the area that were considered a nuisance under the bylaw

Date: 2008, September 9; E-mail to Officer Kolibaba from Karen Tolonen

Work order for the cleanup of 5328 44 AV by City of Red Deer work crew.

Date: 2008, September 12; Letter to City of Red Deer from Buckley Law Office.

Mr. Price acknowledged that anything on his property constitutes a nuisance as defined by the Bylaw. He is willing to do some things in regard to the property at his time line. Also the city is informed that Mr. Price will hold the City liable if the cleanup is started on his property.

Date: 2008, September 22; Letter to Mr. Price

Notification to Mr. Price under section 16 of the Community Standards Bylaw that the inspectors will attend his property on September 24, 2008. The purpose is to inspect the yard and list what needs to be done to bring it into compliance.

Date: 2008, September 24; Complaint from resident on 44 AV to the Compliance Officer

Complaint that there are several commercial vehicles parked on 44 AV. This is making it hard to move through the area.

Date: 2008, September 24; Field notes Officer Kolibaba and Paganelli

Notes on what happened when Compliance officers attended 5328 44 AV to inspect it. Officers were not allowed to enter the property by Mr. Price.

Date: 2008, September 25; Letter to Council from Buckley Law Office

Request for more time to deal with the issued at 5328 44 AV.

Date: 2008, September 24; Fax and letters from Haunholter Consulting

Notice to City that Haunholter Consulting Services has been retained by Dell Price to deal with the issues at 5328 44 AV.

Mr. Haunholter was advised to deal with our solicitor as the matter had been forwarded to them.

Date: 2008, September 25; Fax to City of Red Deer from Mr. Haunholter

Request for meeting

Date: 2008, October 2; Letter from Chapman Riebeek to Mr. Haunholter

Notice to Mr. Haunholter that City will proceed with matter.

Date: 2008, October 2; Letter from Mr. Haunholter to City of Red Deer

Request for copies of ticket and letters to Mr. Price.

Date: 2008, October 3; Request to access information.

Alberta Freedom of Information Access Request form, also a form stating Authority to Act from Dell Price.

Date: 2008, October 6; Letter from Access and Privacy Coordinator to Russ Pye

Request to find information on 5328 44 AV and send it to the coordinator.

Date: 2008, October 7: Letter and tickets to Mr. Price

Letter to Mr. Price informing him that he had violated section 16(3) and 16(4) of the community Standards Bylaw. Two tickets for \$500.00 each issued with this letter.

Date: 2008, October 8; Letter from Chapman Riebeek to Mr. Haunholter

Notice to Mr. Haunholter that summonses will be served on Mr. Price

Date: 2008, October 9;; Memo from Kobie Bylsma to Access and Privacy Coordinator

Memo to advise that information requested in FOIP order has been sent.

Photo's included August 24, November 28, 2008 also extra photo's of the site

Date: 2008, December 5: RPR produced by Beta Surveys Ltd to identify encroachment onto City lot – 5324- 44 Avenue

Date: 2008, December 8: letter from Chapman Riebeek to Mr. Haunholter advising of encroachment, use of City lot for parking and changes to City property

Date: 2008, December 11: letter from Chapman Riebeek to Mr. Haunholter agreeing to meet to discuss the issue of a timing commitment

Date: 2008, December 16: Letter from Mr. Haunholter to Chapman Riebeek indicating he was unable to attend a scheduled meeting and a response indicating that Chapman Riebeek would be able to meet in the early new year.

Date: 2009, January 28: the following items were served on Mr. Price at 5328, 44 Avenue:

- Three orders, dated January 22, 2009,
- A letter from Chapman Riebeek regarding the trespassing on City property, and
- A copy of the real property report showing the lot boundaries of 5324, 44 Avenue


Note: Mr. Price refused to come to the door and Peace officer had to phone him and discuss the orders over the phone.

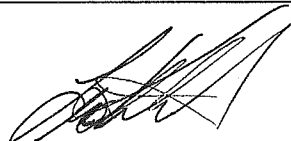
Orders over the phone.

Orders were left at the door of the residence.


Date: 2009 January 28: letter and copies of the information served on Mr. Price were sent by Chapman Riebeek to Mr. Haunholter

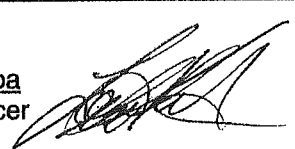
Date: 2009, February 9: Notice from Mr. Haunholter requesting review by council

 THE CITY OF Red Deer	<p align="center">ORDER</p> <p align="center">Inspections & Licensing Department P.O. Box 5008 Red Deer, AB T4N 3T4 Phone: (403) 342-8190 Fax: (403) 342-8200</p>
Date of Issue	<p align="center">January 22, 2009</p>
Person(s) upon whom the Order is being issued	<p align="center">Dell George Silk Price</p>
Address of Person(s) upon whom the Order is being issued	<p align="center">5328 44 AV Red Deer Alberta, T4N 3T2</p>
Authority under which the Order is being issued	<p align="center">Municipal Government Act: Chapter M-26, Part 13, Division 4, Section 545</p>
What is being contravened	<p align="center">Bylaw: Community Standards</p> <p>Section(s):12 - as outlined in section 11 (f) the storage or accumulation of or failure to dispose of discarded or dilapidated furniture or household appliances, loose garbage, rubbish, packaging material, scrap metals, scrap lumber, tires, parts of disassembled machinery, equipment or appliances and motor vehicle parts;</p> <p>(k) the storage or accumulation of dilapidated or derelict vehicles or the storage of unregistered vehicles in excess of two vehicles on any residential or commercial site except vehicles that are stored in an approved accessory or temporary building;</p> <p>(l) the failure to maintain an accessory building, structure or fence such that it deteriorates, becomes unsightly or becomes a safety hazard;</p> <p>Section: 16 -Refusing to allow the Licence and inspections Manager access to carry out an inspection.</p>
Required Action	<p>1) Permit inspection of property, to list items needed to be removed to bring property into compliance.</p> <p>2) Remove items seen in photo's which violate section 11(f). Also any items listed in the inspection report.</p> <p>3) Removal of the old Pepsi truck and trailer seen in the photo's as well as any other derelict vehicles noted in the inspection report.</p> <p>4) Repair buildings and fence as seen in photo's.</p>
Time frame for Compliance	<p>Time to comply with this order will be 14 days from the date of personal service.</p>


Action to be taken by Municipality to gain compliance	<p>If the person does not comply with this order within the specified time, the municipality:</p> <ul style="list-style-type: none"> • will take the action or measure at the expense of the person. • may register a caveat under the <i>Land Titles Act</i> in respect to this order against the certificate of title for the land that is the subject of this order.
Municipal address and legal description of the property upon which the thing, process or activity that is the subject matter of the Order is located	<p>Address: 5328 44 AV Lot 11B Block E Plan 7520274</p>
Identification of Issuing Officer	<p><u>Les Kolibaba</u> Issuing Officer </p>
Employer of Issuing Officer	<p>Employed by The City of Red Deer</p>
Order Served by	<p>Personal service</p>

Procedure for requesting a review/appeal of the Order	<p>Review</p> <p>A person who receives this order may by written notice request council to review the order within:</p> <ul style="list-style-type: none"> • 14 days after the date the order is received or • any longer period as specified by bylaw. <p>Appeal</p> <p>A person affected by the decision of council may appeal to the Court of Queen's Bench if the procedure required to be followed by this Act is not followed, or the decision is patently unreasonable.</p> <p>The appeal must be made within 30 days after the date the council decision is served on the person affected by the decision and the application for the appeal must state the reasons for the appeal.</p>
--	---

 THE CITY OF Red Deer	<p align="center">ORDER</p> <p align="center">Inspections & Licensing Department P.O. Box 5008 Red Deer, AB T4N 3T4 Phone: (403) 342-8190 Fax: (403) 342-8200</p>
Date of Issue	<p align="center">January 22, 2009</p>
Person(s) upon whom the Order is being issued	<p align="center">Dell George Silk Price</p>
Address of Person(s) upon whom the Order is being issued	<p align="center">5328 44 AV RedDeer, AB T4N 3T2</p>
Authority under which the Order is being issued	<p align="center">Municipal Government Act: Chapter M-26, Part 13, Division 4, Section 545</p>
What is being contravened	<p>Bylaw: Land Use</p> <p>Section(s):3.20(3)</p> <p>(3) A fence in a residential district or other district in which the principle use is residential, must meet the following requirements:</p> <p>(a) the portion of a fence which is located between the front of the building and the rear property line or along the rear property line may not exceed 2.0 m in height;</p> <p>(b) the portion of a fence which is located between the front of the building and the front property line may not exceed 0.9 m in height.</p> <p>(4) For the purpose of subsection (3) the height of a fence is measured from ground level to the top of the fence, except where the fence is located on a retaining wall, in which case the height of the fence shall include the height of the retaining wall.</p>
Required Action	<p>Portion of fence from house to 44 AV including front fence on 44 AV must be brought down to 0.9 meters as stated in the Bylaw.</p>
Time frame for Compliance	<p align="center">14 days from the date of personal service of this order.</p>
Action to be taken by Municipality to gain compliance	<p>If the person does not comply with this order within the specified time, the municipality:</p> <ul style="list-style-type: none"> • will take the action or measure at the expense of the person.

	<ul style="list-style-type: none"> may register a caveat under the <i>Land Titles Act</i> in respect to this order against the certificate of title for the land that is the subject of this order.
Municipal address and legal description of the property upon which the thing, process or activity that is the subject matter of the Order is located	<p>Address: Lot 11B Block E Plan 7520274</p>
Identification of Issuing Officer	<p><u>Les Kolibaba</u> Issuing Officer </p>
Employer of Issuing Officer	<p>Employed by The City of Red Deer</p>
Order Served by	<p>Personal service</p>

Procedure for requesting a review/appeal of the Order	<p>Review</p> <p>A person who receives this order may by written notice request council to review the order within:</p> <ul style="list-style-type: none"> 14 days after the date the order is received or any longer period as specified by bylaw. <p>Appeal</p> <p>A person affected by the decision of council may appeal to the Court of Queen's Bench if the procedure required to be followed by this Act is not followed, or the decision is patently unreasonable.</p> <p>The appeal must be made within 30 days after the date the council decision is served on the person affected by the decision and the application for the appeal must state the reasons for the appeal.</p>
--	---

 THE CITY OF Red Deer	<p align="center">ORDER</p> <p align="center">Inspections & Licensing Department P.O. Box 5008 Red Deer, AB T4N 3T4 Phone: (403) 342-8190 Fax: (403) 342-8200</p>
Date of Issue	January 22, 2009
Person(s) upon whom the Order is being issued	Dell George Silk Price
Address of Person(s) upon whom the Order is being issued	5328 44 AV Red Deer, AB.
Authority under which the Order is being issued	Municipal Government Act: Chapter M-26, Part 13, Division 4, Section 545
What is being contravened	<p>Bylaw: Community Standards</p> <p>Section(s): 11(f) the storage or accumulation of or failure to dispose of discarded or dilapidated furniture or household appliances, loose garbage, rubbish, packaging material, scrap metals, scrap lumber, tires, parts of disassembled machinery, equipment or appliances and motor vehicle parts;</p>
Required Action	Clean up yards of all cement and up rooted bushes, old fencing, car tires, car parts, and loose garbage.
Time frame for Compliance	14 days from the service of this order
Action to be taken by Municipality to gain compliance	<p>If the person does not comply with this order within the specified time, the municipality:</p> <ul style="list-style-type: none"> • will take the action or measure at the expense of the person. • may register a caveat under the <i>Land Titles Act</i> in respect to this order against the certificate of title for the land that is the subject of this order.
Municipal address and legal description of the property upon which the thing, process or activity that is the subject matter of the Order is located	Address: 3710 44 ST Lot 4 to 5 Block 23 Plan 5555AF
Identification of Issuing Officer	<u>Les Kolibaba</u> Issuing Officer
Employer of Issuing Officer	Employed by The City of Red Deer
Order Served by	Personal service

<p>Procedure for requesting a review/appeal of the Order</p>	<p>Review</p> <p>A person who receives this order may by written notice request council to review the order within:</p> <ul style="list-style-type: none"> • 14 days after the date the order is received or • any longer period as specified by bylaw. <p>Appeal</p> <p>A person affected by the decision of council may appeal to the Court of Queen's Bench if the procedure required to be followed by this Act is not followed, or the decision is patently unreasonable.</p> <p>The appeal must be made within 30 days after the date the council decision is served on the person affected by the decision and the application for the appeal must state the reasons for the appeal.</p>
---	---



P.O. Box 5008, Red Deer, Alberta T4N 3T4
Web Site: www.reddeer.ca

Legislative & Administrative Services (403) 342-8132
Email: legislativeservices@reddeer.ca

DATE:

OUR FAX NO: (403) 346-6195

NUMBER OF PAGES INCLUDING THIS PAGE: 3

FAX TO:

780-946-6034

ATTENTION:

John T. Haunholter

THEIR FAX NO:

FROM:

Legislative + Administrative Services

DEPARTMENT:

A Elaine Vincent

PHONE #:

(403) 346-8132

MESSAGE AREA (if required):

Confidentiality Notice

This communication is directed in confidence solely to the person named above and may not otherwise be distributed, copied or disclosed. It may contain information that is confidential or subject to legal privilege. Further disclosure or use of this communication in whole or in part, by any other person, in any manner, may be an offence under the Freedom of Information and Protection of Privacy Act. If you received this fax in error please telephone us immediately. Thank you for your assistance.

ORIGINAL TO FOLLOW:

BY MAIL

BY COURIER

NO ORIGINAL WILL BE FORWARDED:

IF YOU DO NOT RECEIVE ALL OF THE PAGES, PLEASE CONTACT SENDER AT THE PHONE NUMBER SHOWN ABOVE. THANK YOU.

* * * Communication Result Report (Mar. 18. 2009 1:39PM) * * *

1) LEGISLATIVE SERVICES
2)

Date/Time: Mar. 18. 2009 1:38PM

File No. Mode	Destination	Pg(s)	Result	Page Not Sent
8260 Memory TX	17809466034	P. 3	OK	

Reason for error

E. 1) Hang up or line fail

E. 3) No answer

E. 5) Exceeded max. E-mail size

E. 2) Busy

E. 4) No facsimile connection



P.O. Box 5008, Red Deer, Alberta T4N 3T4
Web Site: www.reddeer.ca

Legislative & Administrative Services (403) 342-8132
Email: legislativeservices@reddeer.ca

DATE:

OUR FAX NO: (403) 346-6195

NUMBER OF PAGES INCLUDING THIS PAGE: 3

FAX TO: 780-946-6034

ATTENTION: John T. Haunholter

THEIR FAX NO:

FROM: Legislative & Administrative Services

DEPARTMENT: Elaine Vincent

PHONE #: (403) 346-8132

MESSAGE AREA (if required):

Confidentiality Notice

This communication is directed in confidence solely to the person named above and may not otherwise be distributed, copied or disclosed. It may contain information that is confidential or subject to legal privilege. Further disclosure or use of this communication in whole or in part, by any other person, in any manner, may be an offence under the Freedom of Information and Protection of Privacy Act. If you received this fax in error please telephone us immediately. Thank you for your assistance.

ORIGINAL TO FOLLOW: BY MAIL ☐ BY COURIER ☐
NO ORIGINAL WILL BE FORWARDED: ☐

IF YOU DO NOT RECEIVE ALL OF THE PAGES, PLEASE CONTACT SENDER AT THE PHONE NUMBER SHOWN ABOVE. THANK YOU.

Kim Woods

From: Nick Riebeek
Sent: February 20, 2009 11:07 AM
To: Lisa Perkins; Kim Woods
Subject: PRICE REVIEW OF ORDERS

Hello Both, I am working from my home office today but am "online" if needed.

Mr. Haunholter confirms that April 6th. would work for them, so I recommend we re-schedule the review for then. I am wondering if we should do this (rescheduling) in open Council? Probably not necessary and can be done on a purely administrative basis.

I am away on vacation for most of March but will be back for this meeting so the scheduling probably works quite well from that perspective as well albeit Don could very adequately handle this in my absence.

cheers

nick

2009/03/17

* * * Communication Result Report (Mar. 31. 2009 3:12PM) * * *

1) LEGISLATIVE SERVICES
2)

Date/Time: Mar. 31. 2009 3:05PM

File No. Mode	Destination	Pg(s)	Result	Page Not Sent
8323 Memory TX	17809466034	P. 3	OK	

Reason for error

E. 1) Hang up or line fail
E. 3) No answer
E. 5) Exceeded max. E-mail size

E. 2) Busy
E. 4) No facsimile connection



P.O. Box 5008, Red Deer, Alberta T4N 3T4
Web Site: www.reddeer.ca

Legislative & Administrative Services (403) 342-8132
Email: legislativeservices@reddeer.ca

DATE: March 31, 2009

OUR FAX NO: (403) 346-6195

NUMBER OF PAGES INCLUDING THIS PAGE:

FAX TO: Mr. John Naunholder
ATTENTION:
THEIR FAX NO: 780-946-6034
FROM: Kim Woods
DEPARTMENT: LAS Department
PHONE #: (403) 342-8201

MESSAGE AREA (if required):

Confidentiality Notice

This communication is directed in confidence solely to the person named above and may not otherwise be distributed, copied or disclosed. It may contain information that is confidential or subject to legal privilege. Further disclosure or use of this communication in whole or in part, by any other person, in any manner, may be an offence under the Freedom of Information and Protection of Privacy Act. If you received this fax in error please telephone us immediately. Thank you for your assistance.

ORIGINAL TO FOLLOW: BY MAIL ☒ BY COURIER ☐
NO ORIGINAL WILL BE FORWARDED: ☐

IF YOU DO NOT RECEIVE ALL OF THE PAGES, PLEASE CONTACT SENDER AT THE PHONE NUMBER SHOWN ABOVE. THANK YOU.

Kim Woods

From: Don Simpson
Sent: March 31, 2009 3:23 PM
To: Kim Woods
Cc: Paul Meyette
Subject: RE: Dell Price / Haunholter Review

Attachments: 839478 - March 31 2009 Letter confirming the New Council Date of April 20 to D Price and Haunholter - 1.DOC



839478 - March 31
2009 Letter ...

Hi Kim:

I reviewed your letter and suggest some minor wording revisions as per the attached.

Paul Meyette has indicated he will oppose any further requests for adjournment, so I included that in the letter as well.

I will be in touch with Mr. Haunholter by phone to tell him your letter is coming and to ask him some questions Paul put to me.

(P.S. I think you are following the correct process for a section 547 review, by having the City Clerk respond to the applicant in a section 547 review, subject to input from Inspections and Licensing and the City Solicitor.)

Don Simpson
Chapman Riebeek LLP
Barristers and Solicitors
300, 4808 Ross Street
Red Deer, AB T4N 1X5
TEL: 403-346-6603
FAX: 403-340-1280

-----Original Message-----

From: Kim Woods
Sent: Tue 2009/03/31 12:16 PM
To: Don Simpson
Subject: Dell Price / Haunholter Review

Hi Don:

Here is a draft letter confirming the rescheduling of the hearing. I feel it is important to document everything so there are no misinterpretations - the next Council meeting is April 20th not 23rd.

Please have a look at the letter and change what we need to and then email back and this office will mail out and fax.

Thanks,

Kim

<<839478 - March 31 2009 Letter confirming the New Council Date of April 20 to D Price and Haunholter - 1.DOC>>

Kim Woods
Council Services Coordinator
The City of Red Deer
Legislative & Administrative Services



P.O. Box 5008, Red Deer, Alberta T4N 3T4
Web Site: www.reddeer.ca

Legislative & Administrative Services (403) 342-8132
Email: legislativeservices@reddeer.ca

DATE: March 31, 2009

OUR FAX NO: (403) 346-6195

NUMBER OF PAGES INCLUDING THIS PAGE:

FAX TO: Mr. John Haunholter .

ATTENTION: _____

THEIR FAX NO: 780.946.6034

FROM: Kim Woods

DEPARTMENT: LAS Department

PHONE #: (403) 342.8201

MESSAGE AREA (if required):

Confidentiality Notice

This communication is directed in confidence solely to the person named above and may not otherwise be distributed, copied or disclosed. It may contain information that is confidential or subject to legal privilege. Further disclosure or use of this communication in whole or in part, by any other person, in any manner, may be an offence under the Freedom of Information and Protection of Privacy Act. If you received this fax in error please telephone us immediately. Thank you for your assistance.

ORIGINAL TO FOLLOW: BY MAIL ☒ BY COURIER ☐
NO ORIGINAL WILL BE FORWARDED: _____

IF YOU DO NOT RECEIVE ALL OF THE PAGES, PLEASE CONTACT SENDER AT THE PHONE NUMBER SHOWN ABOVE. THANK YOU.

Kim Woods

From: Elaine Vincent
Sent: March 31, 2009 11:05 AM
To: Elaine Vincent; 'Don Simpson'; Craig Curtis; Paul Meyette; Joyce Boon; Russ Pye; Kim Woods
Cc: Kim Woods; Brian Simpson; Colleen Jensen
Subject: RE: Dell Price and City of Red Deer

If only my fingers could match my thoughts... That should say april 20th.

Thanks for catching....

Elaine Vincent
Manager, Legislative and Administrative Services
The City of Red Deer
Phone: 403-342-8134
Fax: 403-346-6195
elaine.vincent@reddeer.ca

-----Original Message-----

From: Elaine Vincent
Sent: Tuesday, March 31, 2009 11:02 AM
To: 'Don Simpson'; Craig Curtis; Paul Meyette; Joyce Boon; Russ Pye; Kim Woods
Cc: Kim Woods; Brian Simpson; Colleen Jensen
Subject: RE: Dell Price and City of Red Deer

I have confirmed with administration that the delay to April 23 is acceptable... We would like it noted that we have moved this date three times and feel any further delays beyond April 23 are unacceptable.

Elaine Vincent
Manager, Legislative and Administrative Services
The City of Red Deer
Phone: 403-342-8134
Fax: 403-346-6195
elaine.vincent@reddeer.ca

-----Original Message-----

From: Don Simpson [mailto:dsimpson@chapmanriebeek.com]
Sent: Tuesday, March 31, 2009 10:31 AM
To: Elaine Vincent; Craig Curtis; Paul Meyette; Joyce Boon; Russ Pye; Kim Woods
Subject: FW: Dell Price and City of Red Deer
Importance: High

Hi Kim/Elaine:

Further to Kim's inquiry as to whether we had heard anything from Dell Price or Haunholter, I phoned and emailed yesterday. Below is the response we have received, requesting that the matter be further adjourned. Mr. Haunholter has the date of the next council meeting wrong - I assume that an adjournment to April 20 would be satisfactory to them.

If this adjournment is acceptable, then I think you have the option of pulling it from the agenda and we would confirm the new date to them in writing.

Another choice would be to present the matter to Council on Monday along with the request for adjournment or tabling to the April 20th meeting.

If the adjournment is not acceptable, we should advise them as soon as possible.

Please let me know how you wish me to respond to Mr. Haunholter.

----- Forwarded Message

From: John Haunholter <haunholter@shaw.ca>
Date: Tue, 31 Mar 2009 09:52:24 -0600
To: Don Simpson <dsimpson@chapmanriebeek.com>
Subject: Re: Dell Price and City of Red Deer

Hi Don,

Thank you very much for following up on this. I have been held up longer in Ottawa, and now in Vancouver for work that I am doing for the Public Service Alliance of Canada, and am going to have to request, with your indulgence, that this matter go to the Council meeting on April 23. That would enable me to have a written submission readied that Mr. Riebeek might be able to have prior in time as well, and not to have to hurriedly review. The initial intention for the 6th has been affected by matters beyond my control, and I would appreciate giving this matter the justice it deserves, albeit in the short presentation, which I would like to be precise, and supported by equally concise supporting materials. I would be grateful for your favourable consideration of this request, and my apologies for inconvenience occasioned as a consequence.

John Haunholter

On 30-Mar-09, at 15:35 , Don Simpson wrote:

> Mr. Haunholter:

>

> I would confirm that the review of the Stop Orders issued by the
> City of Red

> Deer against Dell Price is scheduled to be heard at the council
> meeting of
> April 6, 2009.

>

> As my partner Nick Riebeek is away, the City has asked me to
> confirm with

> you that you and your client will be attending the hearing. Could
> you also

> please advise whether it is your intention to submit any written
> documents

> to council ? If you wish these to be circulated ahead of time, please
> provide us with copies at your early convenience.

>

> I look forward to hearing from you.

>

> Yours truly,

>

> Don Simpson

> c/o Chapman Riebeek LLP

> Barristers and Solicitors

> 300, 4808 Ross Street

> Red Deer, Alberta T4N 1X5

> TEL: (403) 346-6603

> FAX: (403) 340-1280

>

>

----- End of Forwarded Message

[This message has been scanned for security content threats, including computer viruses.]

[Please consider the environment before printing this e-mail.]

Kim Woods

From: Don Simpson [dsimpson@chapmanriebeek.com]
Sent: March 31, 2009 10:31 AM
To: Elaine Vincent; Craig Curtis; Paul Meyette; Joyce Boon; Russ Pye; Kim Woods
Subject: FW: Dell Price and City of Red Deer

Importance: High

Attachments: E-SignatureNEW2.jpg



E-SignatureNEW2.j
pg (24 KB)

Hi Kim/Elaine:

Further to Kim's inquiry as to whether we had heard anything from Dell Price or Haunholter, I phoned and emailed yesterday. Below is the response we have received, requesting that the matter be further adjourned. Mr. Haunholter has the date of the next council meeting wrong - I assume that an adjournment to April 20 would be satisfactory to them.

If this adjournment is acceptable, then I think you have the option of pulling it from the agenda and we would confirm the new date to them in writing.

Another choice would be to present the matter to Council on Monday along with the request for adjournment or tabling to the April 20th meeting.

If the adjournment is not acceptable, we should advise them as soon as possible.

Please let me know how you wish me to respond to Mr. Haunholter.

----- Forwarded Message

From: John Haunholter <haunholter@shaw.ca>
Date: Tue, 31 Mar 2009 09:52:24 -0600
To: Don Simpson <dsimpson@chapmanriebeek.com>
Subject: Re: Dell Price and City of Red Deer

Hi Don,

Thank you very much for following up on this. I have been held up longer in Ottawa, and now in Vancouver for work that I am doing for the Public Service Alliance of Canada, and am going to have to request, with your indulgence, that this matter go to the Council meeting on April 23. That would enable me to have a written submission readied that Mr. Riebeek might be able to have prior in time as well, and not to have to hurriedly review. The initial intention for the 6th has been affected by matters beyond my control, and I would appreciate giving this matter the justice it deserves, albeit in the short presentation, which I would like to be precise, and supported by equally concise supporting materials. I would be grateful for your favourable consideration of this request, and my apologies for inconvenience occasioned as a consequence.

John Haunholter

On 30-Mar-09, at 15:35, Don Simpson wrote:

> Mr. Haunholter:

>

> I would confirm that the review of the Stop Orders issued by the
> City of Red

> Deer against Dell Price is scheduled to be heard at the council

> meeting of
> April 6, 2009.
>
> As my partner Nick Riebeek is away, the City has asked me to
> confirm with
> you that you and your client will be attending the hearing. Could
> you also
> please advise whether it is your intention to submit any written
> documents
> to council ? If you wish these to be circulated ahead of time, please
> provide us with copies at your early convenience.
>
> I look forward to hearing from you.
>
> Yours truly,
>
> Don Simpson
> c/o Chapman Riebeek LLP
> Barristers and Solicitors
> 300, 4808 Ross Street
> Red Deer, Alberta T4N 1X5
> TEL: (403) 346-6603
> FAX: (403) 340-1280
>
>

----- End of Forwarded Message

[This message has been scanned for security content threats, including computer viruses.]

[Please consider the environment before printing this e-mail.]

Kim Woods

- Need to contact

RCMP

From: Don Simpson
Sent: March 18, 2009 11:01 AM
To: Kim Woods
Cc: Elaine Vincent; Sanja Milinovic
Subject: RE: PRICE REVIEW OF ORDERS

Hi Kim:

Can you please give me a call so we can discuss. Thanks

Don Simpson
Chapman Riebeek LLP
Barristers and Solicitors
300, 4808 Ross Street
Red Deer, AB
T4N 1X5

Both Solicitors
@ April 6, 2009

TEL: 346-6603
FAX: 340-1280

-----Original Message-----

From: Kim Woods
Sent: Tue 2009/03/17 11:34 AM
To: Don Simpson
Cc: Elaine Vincent; Sanja Milinovic
Subject: FW: PRICE REVIEW OF ORDERS

mtg about

Hi Don:

I see that Nick is away until April 6th, I am sure Nick has briefed you on this item. Please see below.

Thank you,

Kim
Kim Woods
Council Services Coordinator
The City of Red Deer
Legislative & Administrative Services
Phone: 403.342.8201
Email: kim.woods@reddeer.ca
Website: www.reddeer.ca

From: Kim Woods
Sent: March 17, 2009 11:33 AM
To: Nick Riebeek
Cc: Elaine Vincent; Sanja Milinovic
Subject: RE: PRICE REVIEW OF ORDERS

Hi Nick:

I want to confirm with you two items, with regard to the review hearing with Mr. Price:

1) This was tabled to March 23rd, from a previous Topics Meeting - this was an opportunity for you to brief Council on the process, the Mayor is away on March 23, 2009 and has requested that you provide the update on April 6th when he is present, as he will be chairing the meeting.

2) LAS will send a letter out to Mr. Price and Mr. Haunholter confirming your verbal (or was it in writing?) agreement to proceed with the hearing on April 6th. Elaine and I have spoken and agreed that the deadline for submissions from either party is requested for March 30, 2009 at noon, and will be public information. If I receive the information on that date or prior to that date I will forward to your office immediately.

I will cc' you on the letter that we are drafting today.

If you have any concerns and/or questions, please let us know.

Kim

Kim Woods
Council Services Coordinator
The City of Red Deer
Legislative & Administrative Services
Phone: 403.342.8201
Email: kim.woods@reddeer.ca
Website: www.reddeer.ca

From: Nick Riebeek
Sent: February 20, 2009 11:07 AM
To: Lisa Perkins; Kim Woods
Subject: PRICE REVIEW OF ORDERS

Hello Both, I am working from my home office today but am "online" if needed.

Mr. Haunholter confirms that April 6th. would work for them, so I recommend we re-schedule the review for then. I am wondering if we should do this (rescheduling) in open Council? Probably not necessary and can be done on a purely administrative basis.

I am away on vacation for most of March but will be back for this meeting so the scheduling probably works quite well from that perspective as well albeit Don could very adequately handle this in my absence.

cheers

nick <mailto:Nick.Riebeek@reddeer.ca>

*Stop order -
• appeal to Council*

Kim Woods

From: Morris Flewwelling
Sent: February 19, 2009 10:19 AM
To: 'Nick Riebeek'; Lisa Perkins; Kim Woods; Craig Curtis; Russ Pye; Paul Meyette
Subject: RE: PRICE STOP ORDERS - COUNCIL REVIEW

Agree fully. I am not sure that we needed such a long and involved rationale for his request to adjourn the matter to March 23, however, he obviously felt it necessary to let us know that he was a very busy man. I think we have his attention .

Sincerely, Morris

From: Nick Riebeek [mailto:nriebeek@chapmanriebeek.com]
Sent: February 19, 2009 9:54 AM
To: Lisa Perkins; Kim Woods; Craig Curtis; Morris Flewwelling; Russ Pye; Paul Meyette
Subject: FW: PRICE STOP ORDERS - COUNCIL REVIEW

Please see the following for your information.

I see no particular issue with the Adjournment and I would recommend we agree to this.

I do see some issue with the process he anticipates but I can address that with him.

Please let me know your thoughts on this.

nick

From: John Haunholter [mailto:haunholter@shaw.ca]
Sent: Thursday, February 19, 2009 9:26 AM
To: Nick Riebeek
Cc: dell gs price; dellgsprice@rogers.com
Subject: Re: PRICE STOP ORDERS - COUNCIL REVIEW

Thank you for this an also your telephone call.

I should indicate that while I very much appreciate that the City has finally provided an indication that it is prepared to hear Mr. Price's concerns, it is regrettable that no one contacted myself prior to scheduling this date. We all have calendars and I think in fairness deference has been made to people's other commitments. At this point in my calendar I would have appreciated some consultation or more reasonable notice. I know of no attempt at that. You appreciate no doubt for me that it effectively takes my day, and regrettably I find myself asking if this matter might be re-scheduled to March 23.

The following are concerns that I raise and ask that you consider:

- 1) I had just returned from being away in Yellowknife on Friday to see the mailed notice of the meeting;
- 2) I am coming off a week where I will have been in an arbitration hearing through to the end of this Friday (tomorrow);
- 3) Am committed to prep on another one set to go next week, which leaves me really no time to meet with Mr. Price prior, and moreover it was our intention to have a neighbourhood show of support present for Mr. Price when this was to be heard, and that I can not garner with reasonable notice to attend for those residents;
- 4) I have some concerns respecting the process set out that I wish to address and I would like to do so in writing to yourself and Council prior to the day of the meeting;
- 5) I would like to respect the process of putting the issues before the panel in writing, and would like the opportunity to do that anew, in light of the current action of the City; and,

2009/02/19

6) I am required in Yellowknife and then Ottawa for the first three weeks of March, but could be ready to proceed on Monday, March 23 at a hour of your choosing.

I am without an individual contact at the City Clerk's office and would be obliged if you might convey my request for a deferral of this matter to that person, and I would be grateful if the City and yourself would see yourselves clear to giving this your favourable consideration in having this placed on the agenda for the requested date. Your courtesy is appreciated and I look forward to your confirmation.

John Haunholter

On 17-Feb-09, at 13:10 , Nick Riebeek wrote:

Dear Sir,

Could you confirm that you and Mr. Price will be ready to proceed with the Review set for next Monday?
The City has not as yet received any materials from you or Mr. Price in support of your request for a Review.

I am advised by the City that the municipal address shown on the Order pertaining to the Land Use Bylaw (fence) is incorrect, however the Legal Description is correct.
We will make the corrections at the commencement of the Review unless you have an issue with this. This email is notification of the discrepancy.

I would be pleased to discuss these matters prior to the Review if this might be of assistance to you.

Yours truly,

Nick Riebeek
Chapman Riebeek LLP
City Solicitor



John T. Haunholter



HAUNHOLTER
LABOUR CONSULTING SERVICES

68 Halden Crescent | Spruce Grove, Alberta T7X 2V6 | phone: (780) 946-6868 | cell: (780) 221-5248 | fax: (780) 946-6034 | e-mail: haun

[This message has been scanned for security content threats, including computer viruses.]

[Please consider the environment before printing this e-mail.]

2009/02/19



Inspections & Licensing Department
Compliance Officer Section

October 29, 2008

File Number: 6291

Subdivision: EV

Dell Price
311-4819C 48 AV
Red Deer, AB. T4N 3T2

Dear Sir or Madam:

RE: 3710 44 ST- COMMUNITY STANDARDS BYLAW – RED DEER, AB

The City of Red Deer is committed to ensuring a high quality of life for all its citizens, through its programs, services, and bylaws. The Community Standards Bylaw contains the following provision(s):

Section 11 of the Community Standards Bylaw states:

“Nuisance” for the purpose of this bylaw includes any use of or activity upon any property which is offensive to any person, or has or may have a detrimental impact upon any person or other property in the neighbourhood, and without limiting the generality of the foregoing, includes the following:

- (a) the failure to cut grass, weeds, shrubs, trees or other landscaping features incidental to a landscaped area;
- (b) the failure to maintain grass, weeds, shrubs, trees or other landscaping features incidental to an approved landscaped area in a commercial, industrial, institutional, government or multifamily development;
- (c) the failure to destroy restricted weeds, control noxious weeds, or prevent the spread or scattering of nuisance weeds;
- (d) the growth of trees or shrubs in such a manner that they interfere with or endanger visibility to street signage or sidewalk roadway clearance;
- (e) the accumulation of any material that creates unpleasant odours, any material that attracts pests or any animal remains, parts of animal remains or animal feces;
- (f) the storage or accumulation of or failure to dispose of discarded or dilapidated furniture or household appliances, loose garbage, rubbish, packaging material, scrap metals, scrap lumber, tires, parts of disassembled machinery, equipment or appliances and motor vehicle parts;
- (g) the causing of opaque or dense smoke and permitting such smoke to be emitted into the atmosphere for a period in excess of 6 minutes in any one hour, or at a point

- other than the opening to the atmosphere of the flue, stack or chimney, unless specifically authorized by Council;
- (h) the generation of excessive dust and permitting such dust to escape from the property;
 - (i) the use of any pesticide or herbicide which has significant detrimental or environmental effects on surrounding areas;
 - (j) the failure to control or eliminate insect pests harmful to the growth and development of trees and shrubs or any vegetable or plant life;
 - (k) the storage or accumulation of dilapidated or derelict vehicles or the storage of unregistered vehicles in excess of two vehicles on any residential or commercial site except vehicles that are stored in an approved accessory or temporary building;
 - (l) the failure to maintain an accessory building, structure or fence such that it deteriorates, becomes unsightly or becomes a safety hazard;
 - (m) the failure to fence or secure an excavation, drain, ditch or other depression so that it does not become a danger to public safety;
 - (n) the posting or exhibiting of posters, signs, billboards, placards, writings or pictures upon any fence or wall on any property, where the same are accumulated and become in a dilapidated and unsightly condition;
 - (o) Burning anything other than dry untreated clean wood in a residential wood fireplace.

The following item(s), observed at the above noted property, contravene Section 11(f) of the Community Standards Bylaw:

Piles of dirt, concrete, lumber, lumber, old fencing, in front and back yards.

The specified penalty for contravening this Section of the Community Standards Bylaw is:
Appendix "A" – Section 12

Permitting a nuisance on Private Property	\$200.00
a) second offence within 1 year	\$400.00
b) third and subsequent offences within 1 year	\$600.00.

The City is providing you with an opportunity to comply with the Community Standards Bylaw without penalty by correcting the identified item(s) and providing the City with written verification of compliance within **10** days from the date of this letter.

If you fail to comply with the provisions of the Community Standards Bylaw within the specified time, a violation ticket will be issued to you for contravening Section 11 of the Community Standards Bylaw. You will receive no further warning notices regarding this contravention, and continued or future non-compliance will result in further action under the provisions of the bylaw and/or the Municipal Government Act.

Once you have corrected the identified item(s), you are requested to sign, date and provide a copy of the Verification of Compliance form (attached hereto) to the City of Red Deer.

If you have any questions about the Community Standards Bylaw or its related penalties, please do not hesitate to access our website at www.reddeer.ca. Alternatively, please phone the Inspections and Licensing Department at **(403) 342-8190**.

Yours truly,

Les Kolibaba,
Compliance Officer
City of Red Deer
Inspections & Licensing Department



Inspections & Licensing Department
Compliance Officer Section

Verification of Compliance

City of Red Deer
Inspections & Licensing Department

Attention: Compliance Officer

File # 6291

RE: 3710 44 ST – COMMUNITY STANDARDS BYLAW – RED DEER, AB

Further to the above noted property, I confirm that the items identified in the City of Red Deer letter dated (include date of the letter and File No.) have all been corrected.

Name (please print)

Date

Signature

This signed declaration may be e-mailed, faxed or mailed to the City of Red Deer.



Inspections & Licensing Department
Compliance Officer Section

November 10, 2008

File Number: 6291

Subdivision: EV

Dell Price
311-4819C 48 AV
Red Deer, AB

Dear Sir or Madam:

RE: FAILURE TO COMPLY WITH BYLAW REQUIREMENTS AS PER LETTER OF October 29, 2008

Please be advised that a re-inspection on November 10, 2008 revealed that correction of the non-compliance issue(s) outlined in our previous correspondence did not occur within the time frame provided.

As indicated in the previous correspondence, a violation ticket for "\$150.00" under the Land Use Bylaw has therefore been issued. Please find ticket # F000330 enclosed.

Also enclosed is an order issued under the Municipal Government Act (MGA).

Failure to comply with this order will result in the City of Red Deer taking the necessary action to gain compliance at the expense of the person.

You are also advised that a person who does not comply with this order is guilty of an offence and subject to the penalty provisions of the MGA.

Once you have completed the item(s), you are requested to sign and return a copy of the verification of compliance to the City of Red Deer as detailed below.

If you have any questions about the bylaw or its related penalties, please do not hesitate to access our website at www.reddeer.ca. Questions can also be addressed by telephone to (403) 342-8190.

Yours truly,

Les Kolibaba,
Compliance Officer
City of Red Deer
Inspections & Licensing Department

Page 1 of 2



Inspections & Licensing Department
Compliance Officer Section

Verification of Compliance

City of Red Deer
Inspections & Licensing Department

Attention: Compliance Officer

As requested, the item(s) outlined in you letter (File Number 3710 44 st) have been resolved within the time frame provided.

Name (please print)

Date

Signature

This signed declaration may be e-mailed, faxed or mailed to the City of Red Deer.

Part 2 – Nuisance, Unsightly Premises, Graffiti

- 11 "Nuisance" for the purpose of this bylaw includes any use of or activity upon any property which is offensive to any person, or has or may have a detrimental impact upon any person or other property in the neighbourhood, and without limiting the generality of the foregoing, includes the following:
- (a) the failure to cut grass, weeds, shrubs, trees or other landscaping features incidental to a landscaped area;
 - (b) the failure to maintain grass, weeds, shrubs, trees or other landscaping features incidental to an approved landscaped area in a commercial, industrial, institutional, government or multifamily development;
 - (c) the failure to destroy restricted weeds, control noxious weeds, or prevent the spread or scattering of nuisance weeds;
 - (d) the growth of trees or shrubs in such a manner that they interfere with or endanger visibility to street signage or sidewalk roadway clearance;
 - (e) the accumulation of any material that creates unpleasant odours, any material that attracts pests or any animal remains, parts of animal remains or animal feces;
 - (f) the storage or accumulation of or failure to dispose of discarded or dilapidated furniture or household appliances, loose garbage, rubbish, packaging material, scrap metals, scrap lumber, tires, parts of disassembled machinery, equipment or appliances and motor vehicle parts;
 - (g) the causing of opaque or dense smoke and permitting such smoke to be emitted into the atmosphere for a period in excess of 6 minutes in any one hour, or at a point other than the opening to the atmosphere of the flue, stack or chimney, unless specifically authorized by Council;
 - (h) the generation of excessive dust and permitting such dust to escape from the property;
 - (i) the use of any pesticide or herbicide which has significant detrimental or environmental effects on surrounding areas;

- (j) the failure to control or eliminate insect pests harmful to the growth and development of trees and shrubs or any vegetable or plant life;
- (k) the storage or accumulation of dilapidated or derelict vehicles or the storage of unregistered vehicles in excess of two vehicles on any residential or commercial site except vehicles that are stored in an approved accessory or temporary building;
- (l) the failure to maintain an accessory building, structure or fence such that it deteriorates, becomes unsightly or becomes a safety hazard;
- (m) the failure to fence or secure an excavation, drain, ditch or other depression so that it does not become a danger to public safety;
- (n) the posting or exhibiting of posters, signs, billboards, placards, writings or pictures upon any fence or wall on any property, where the same are accumulated and become in a dilapidated and unsightly condition;
- (o) Burning anything other than dry untreated clean wood in a residential wood fireplace.

12 No person being the owner, agent of the owner, lessee or occupier of any property within the City shall permit such property, or the activities upon such property to be or remain a nuisance or safety hazard.

Graffiti

- ²13
- (a) No person shall place graffiti or cause it to be placed on any property.
 - (b) Every property owner shall ensure that graffiti placed on their premises is removed, painted over, or otherwise permanently blocked from public view.
 - (c) A property owner who breaches the provisions of Section 13(b) where, following the issuance of and failure to comply with an Order under section 545 of the Municipal Government Act, shall liable to payment of a penalty as prescribed in Schedule "A".
 - (d) In prosecuting for an offence under this Part, the consent of the property owner of any premises to place graffiti shall not be a defense under this bylaw.

Nuisance Enforcement

- 16 (1) The Inspections & Licensing Manager may, after giving reasonable notice to the owner or occupier of the premises, enter upon the said premises and carry out an inspection.
- (2) Upon completion of the inspection, the Inspections & Licensing Manager may direct the owner or occupant of the property to:
- (a) cease the activity which causes the nuisance;
 - (b) change the way in which such person is carrying out any activity;
 - (c) direct any person to take any action or measure necessary to compel the elimination or abatement of the nuisance, including:
 - (i) the removal of any thing or matter from the property, which constitutes the nuisance; and
 - (ii) the construction or installation of a garbage bin or enclosure or the repair of an existing garbage enclosure;
 - (iii) enter into a cleanliness agreement in a form to the satisfaction of the Inspections & Licensing Manager.
 - (d) specify the time within which such person must comply with the directions contained in the notice; and
 - (e) notify the owner or occupant that, if compliance with the notice is not effected within a specified time, the municipality will take the actions or measures specified in the notice to abate the nuisance, at the expense of the owner or occupier;
 - (f) offer the owner or occupant of the property an opportunity to enter into any other voluntary agreement with the City to keep the premises clean, tidy and free of nuisances.
- (3) Any person who refuses to allow an inspection of the premises under Section 16(1) is guilty of an offence.
- (4) Any person who fails to comply with a direction made under Section 16(2) is guilty of an offence.

- (b) shall be illuminated, or
 - (c) shall exhibit or display any advertising.
- (2) Satellite dish antennas greater than 0.8 m in diameter may not be erected in any residential district in such a manner that any part thereof is more than 3.0 m above the grade level, without the approval of the Development Authority.
- (3) Satellite dish antennas 0.8 m in diameter or less:
 - (a) in the case of a residential structure with a pitched roof, no portion of the satellite dish antenna may be located above the highest point of the pitched roof, without the approval of the Development Authority,
 - (b) in the case of a residential structure with a flat roof, may be attached to the building's fascia or soffit or any lower location.

3.18 Utility Regulation Stations

- (1) The Commission may approve the erection of a gas, electricity or waterworks pumping, regulating, transformer or storage building or equipment, on a site, notwithstanding that such development does not conform to the area or side yard requirements of this Bylaw.

3.19 Electrical Overhead Wiring Separation Distance

- (1) No building which exceeds 4.4 m in height may be constructed so that any part of it is closer than 4.3 m to a boundary which is adjacent to existing overhead wiring.
- (2) No building which is less than 4.4 m in height may be constructed so that any part of it is closer than 2.5 m to a boundary which is adjacent to existing overhead wiring.
- (3) In order to accommodate electrical wiring and equipment, the Development Authority may require the registration of an easement as a condition of the issuance of a development permit.
- (4) Where there is a difference between the setback required under this section and the setback required under Parts 4-8 of this Bylaw, the greater distance shall prevail.

3.20 Fence Regulations

- (1) No person shall erect or cause to be erected or shall have or maintain on any property located in the City of which he is the owner, occupant, tenant or lessee:

(a) any barbed wire fence or other barbed wire structure or any fence which is surmounted by nails, sharpened spikes, broken glass or other dangerous objects or materials; or

(b) any electrified fence.

(2) Subsection (1)(a) shall not apply:

(a) where barbed wire is placed on a fence at a height of not less than 1.83 m above the level of ground on a fence in a non residential district;

(b) where the fence is located on land designated A-1 Future Urban Development District under this land use bylaw.



(3) A fence in a residential district or other district in which the principle use is residential, must meet the following requirements:

(a) the portion of a fence which is located between the front of the building and the rear property line or along the rear property line may not exceed 2.0 m in height;

(b) the portion of a fence which is located between the front of the building and the front property line may not exceed 0.9 m in height.

(4) For the purpose of subsection (3) the height of a fence is measured from ground level to the top of the fence, except where the fence is located on a retaining wall, in which case the height of the fence shall include the height of the retaining wall.

(5) The Development Authority may grant a relaxation to the height requirement set out in subsection 3.20 (3).

(6) No development permit is required for a fence in a residential district or other district in which the primary use is residential except unless a height relaxation under section 3.30 (5) is requested.

(7) No development permit is required for a fence in a non residential district.

3.21 Cremation Regulations

(1) The use of a crematorium, retort or cremation chamber must not result in any noise, odor, smoke or other nuisance which emanates beyond the boundaries of the premises on which the use takes place.

December 9, 2008

TO: City Solicitor Nick Riebeek
FROM: Engineering Department

RE: 5328 & 5324 – 44 Avenue
Lot 11B & 11C, Block E, Plan 752-0274

The following letter addresses the comments for the Engineering Department concerning the above mentioned properties.

1. A fence has been constructed in the front yard of 5328 & 5324 – 44 Avenue and is encroaching on a 4.57m city boulevard. There is also a garbage bin that has been built within this boulevard (See picture 1).

City Traffic By-law 3186/97, Section 81(1) states that “no person shall place, or cause to be placed, upon any roadway (lane), any snow, ice, dirt, or other obstruction other than snow from the immediately adjacent sidewalk.”

These objects must be removed immediately. Care is to be taken in the removal of these objects as there is a storm and gas main located in this boulevard.

2. Wood pillars have been placed in the lane behind 5328 – 44 Avenue (See picture 2). This is not allowed and we would ask for them to be removed.

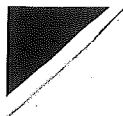
City Traffic By-law 3186/97, Section 81(1) states that “no person shall place, or cause to be placed, upon any roadway (lane), any snow, ice, dirt, or other obstruction other than snow from the immediately adjacent sidewalk.”

3. The fence on the south side of the property is encroaching 11.37m onto the city owned lot 5324 – 44 Avenue without permission. (See picture 3) This is not allowed. We would suggest that the City Land & Economic Development Department make comment to this issue.

4. The landscaping on the neighboring city lot 5324 – 44 Avenue has been altered significantly (See picture 4). As you are encroaching upon city owned property without proper legal authority, our Land & Economic Development Department provided the following information.

As the property was in natural vegetative state prior to a road being constructed through the property and the vegetation removed, the following would be a requirement to restore the property:

- Remove all unnatural material from the property.
- Re-vegetate with same species as those removed.

- 
- Remove the present road and parking area and restore to natural state and grade.
 - 5. We would also like to note that the fence at the back of 5328 – 44 Avenue is encroaching onto the city laneway and should be moved back to property line.
 - 6. Due to the number of automobiles and other items stored on city lot 5324 – 44 Av we are concerned about possible soil contamination.

Chris Mork T.T.
Development Technician

CM/
Attach.



Map Produced By The City of Red Deer

2008/12/03
Scale 1 : 773

The City
the accu
Data to t

Copyright

AFFIDAVIT OF SERVICE

Fill in:

your name and address;

I name

Simon Butler

occupation

Park's enforcement

of address

City of Red Deer Bylaw

☐ Make oath and say that:

☒ Solemnly affirm that:

the name of the party or other person served;

I served

the date service took place

on

28 January 09.

date

the address or location service took place.

at

5328 44 Ave

Tell what was served. Check appropriate box.

with

☐ a copy of the "Summons to a Payment Hearing" attached.

☐ a copy to the "Summons to a Default Hearing" attached.

☒ left copies at his address in the door jam.

as he wouldn't answer the door but spoke with him on the phone at above address

Tell how service took place

by

☐ leaving a copy of it with him or her.

☐ as directed by the court by

Do not sign your affidavit until a commissioner for the taking affidavits is present.

A commissioner for the taking of affidavits will witness your signature

Sworn/affirmed before me on

28 January 09

date

at

Red Deer ALTA.

location where affidavit is sworn

signature of commissioner for taking affidavits for British Columbia - ALTA.

 Joan Marie Henfrey
 A Commissioner for Oaths
 in and for the Province of Alberta.
 My Commission expires February 4, 2011

AFFIDAVIT OF SERVICE

CHAPMAN RIEBEEK LLP

Barristers & Solicitors

NICK P. W. RIEBEEK*
LORNE E. GODDARD, Q.C.
SUZANNE M. ALEXANDER-SMITH
MICHELLE A. BAER**

DONALD J. SIMPSON*
NANCY A. BERGSTROM*
BRADLEY J. MULDER*

GARY W. WANLESS*
GAYLENE D. BOBB*
MAURICE C. COLLARD

*Denotes Professional Corporation
**Denotes Student-at-Law

Your file:
Our file: 5240

January 27, 2009

VIA PERSONAL SERVICE

Mr. Dell G.S. Price
c/o Castle Rock Concrete
#311, 4819C-48th Avenue
Red Deer, AB T4N 3T2

Dear Sir:

RE: Stop Orders and Trespass on City Property

You will have received for service upon you three (3) Stop Orders issued January the 22nd, 2009, relative to 5328-44th Avenue and 3710-44th Street.

Additionally, as solicitors for the City of Red Deer we advise you that as shown on the attached Alberta Land Surveyor's Real Property Report you are trespassing on adjacent City land, namely, 5324-44th Avenue or Lot C, Block E, Plan 7520274.

As you can see from the Surveyor's Report, your fence is well into City land and you have materials and items referred to in the Report as "miscellaneous improvements" on City land. Similarly, it appears that your rear garbage bin as well as fence and front garbage bin and fence storage area also trespass on City property.

We hereby give notice that you are to remove all items trespassing upon City land within fourteen (14) days from the date of receipt of this correspondence, failing which the City will be at liberty to remove all trespass from its property; and will charge the cost of such removal to you.

Yours truly,

CHAPMAN RIEBEEK LLP

Per:

NICK P. RIEBEEK

NPR/hcj
Encl.

cc. John T. Haunholter (780) 946-6034

300, 4808 Ross Street Red Deer, Alberta T4N 1X5

Telephone: (403) 346-6603

Fax: (403) 340-1280

Email: info@chapmanriebeek.com

CHAPMAN RIEBEEK LLP

Barristers & Solicitors

NICK P. W. RIEBEEK*
LORNE E. GODDARD, Q.C.
SUZANNE M. ALEXANDER-SMITH
MICHELLE A. BAER**

DONALD J. SIMPSON*
NANCY A. BERGSTROM*
BRADLEY J. MULDER*

GARY W. WANLESS*
GAYLENE D. BOBB*
MAURICE C. COLLARD

*Denotes Professional Corporation
**Denotes Student-at-Law

Your file:
Our file: 5240

January 27, 2009

VIA FAX (780) 946-6034

Haunholter Labour Consulting Services
68 Halden Crescent
Spruce Grove, AB T7X 2V6

Attention: John T. Haunholter

Dear Sir:

RE: Dell George Silk Price

As a courtesy to you, please find attached hereto the most recent Stop Orders which are in the process of being served on Mr. Price, along with my correspondence to him as it relates to these Orders and his trespass on City property.

Yours truly,

CHAPMAN RIEBEEK LLP

Per:


NICK P. RIEBEEK

NPR/hcj
Encl.

300, 4808 Ross Street Red Deer, Alberta T4N 1X5

Telephone: (403) 346-6603

Fax: (403) 340-1280

Email: info@chapmanriebeek.com

ALBERTA LAND SURVEYOR'S
REAL PROPERTY REPORT

LEGAL DESCRIPTION:

LOT 11C BLOCK E PLAN 752 0274

CIVIC ADDRESS:

5324 - 44th AVENUE, RED DEER, ALBERTA.

CLIENT:

CITY OF RED DEER

I hereby certify that this report, which includes the attached plan and related survey, was prepared and performed under my personal supervision and in accordance with the Manual of Standard Practice of the Alberta Land Surveyors' Association and supplements thereto. Accordingly within those standards and as of the date of this report, I am of the opinion that:

1. The plan illustrates the boundaries of the property, the improvements as defined in Part D, Section 7.6 of the Alberta Land Surveyors' Association's Manual of Standard Practice, Registered Easements and Right-of-Way affecting the extent of the title to the property;
2. The improvements are entirely within the boundaries of the property,
3. No visible encroachments exist on the property from any improvements situated on an adjoining property,
*Except as shown with regards to fence.
4. No visible encroachments exist on registered easements or Right-of-Way affecting the extent of the property,

Notes:

All measurements shown are in metres.
All distances on curves are arc distances.
Eave measurements are to the outside face of the fascia.
Dimensions are to the foundation walls unless noted otherwise.
Fences are within 0.20m of property lines unless shown otherwise.

Purpose: This Report and related plan have been prepared for the benefit of the Property owner, subsequent owners and any of their agents for the purpose of (a land conveyance, support of a subdivision application, a mortgage application, a submittal to the municipality for a compliance certificate etc.) Copying is permitted only for the benefit of these parties, and only if the plan remains attached. Where applicable, registered easements and utility right of way affecting the extent of the property have been shown on the attached plan. Unless shown otherwise, property corner markers have not been replaced during the survey for this report. The attached plan should not be used to establish boundaries due to risk of misinterpretation or measurement error by the user. The information shown on the Real Property Report reflects the status of this property as of the date of survey only. Users are encouraged to have the Real Property Report updated for future requirements.

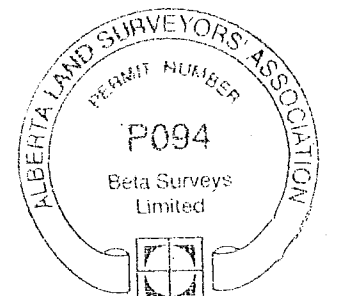
DATE OF SURVEY: DECEMBER 5, 2008.

DATE OF TITLE SEARCH: DECEMBER 5, 2008.

DATED AT RED DEER, ALBERTA
DECEMBER 5, 2008.

ALBERTA LAND SURVEYOR

© WAYNE W. FAWCETT, A.L.S., 2008.



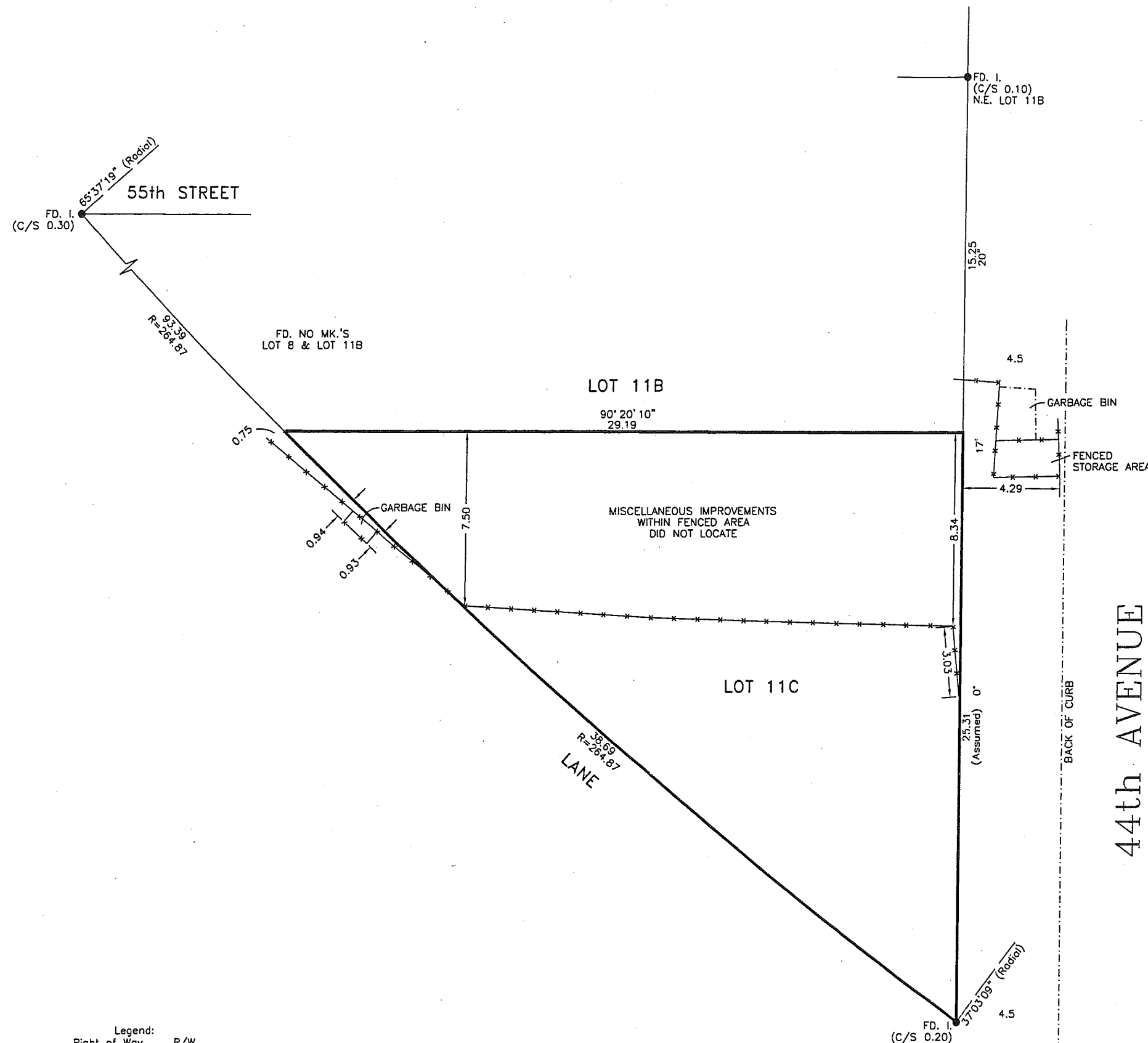
THIS DOCUMENT IS NOT VALID UNLESS IT BEARS AN ORIGINAL
SIGNATURE IN BLUE INK AND A PERMIT STAMP IN RED INK.

SCALE: 1:200

OUR FILE: RPR-15429

BETA SURVEYS LIMITED

4605B - 63rd STREET, RED DEER, ALBERTA



Legend:
Right of Way R/W
Found Iron Post FD. I.
Found No Mark FD. NO MK.
Metre m
Countersunk C/S
Fenceline * * *

3710 44st. / Feb 13/09



5328-44 AVE.



FILE COPY

April 3, 2009

To Whom it May Concern,

I am writing this letter in reference to Mr. Dell Price, who resides in the 5300 block of 44th Avenue, Red Deer, in the Province of Alberta.

I have known Mr. Dell price for approximately twenty-three (23) years, since I moved to my residence on 44th Avenue. My impression of this individual has not changed since I first met him!

I have always found Dell Price to be a very honest and kind person. He is and always was willing to help anyone in the neighborhood with any concerns or problems that they may encounter with their property maintenance to snow removal with his bobcat in winter, etc. etc. If someone in the neighborhood needs assistance with a certain task, Dell is definitely willing to help. He does not care who the person or persons are, if they need help, he will be the first one to offer his assistance.

Dell has been renovating and building on to his home on 44th Avenue, and has greatly improved the appearance of his property. Like everyone else who works on a regular basis for a living, extra duties and repairs often must be done on one's own time, and more often than not come second in line. Dell maintains a concrete business as his main source of livelihood, and has a select season for work completion. A person only has to see the results of his work to understand his dedication to his task, whatever it may be.

Dell sometimes has some equipment etc on his property that he is using to renovate his house as he continues to work on it in his time off from his regular business duties. He ensures that his everything is put away inside his fenced yard at the end of the day. Although portions of some of the items can be seen at times from outside the fence, the neighbors know and understand what he is doing, and that he trying to finish renovating his home. I do not know of anyone who has a problem with Dell Price, or the condition of his property. I have not heard any individuals of the neighborhood complain of the appearance, as they know what he is attempting to do on an ongoing basis. Anyone who has lived in the neighborhood for any length of time knows Dell and what kind of person he is.

Dell is a good neighbor in Woodlea!

Respectfully
Frank and Doris Maley

Karren JACKSON

April 16 2009

To Whom It MAY CONCERN:

Del Price has lived on the property directly north of my own property for the past 30 years. We have been neighbors for that time and have been aware of the time and energy he has invested in building his home there.

In our neighborhood we attempt to live peacefully with each other and we have great respect for the individuality, the dignity and the liberty of each other.

We all need to have more appreciation of each other and concern for each others well being.

Sincerely yours
Karren Jackson

Bruce A. Buckley
4424 – 53rd Street Crescent
Red Deer, Alberta
T4N 2G2

April 15, 2009

To Whom It May Concern:

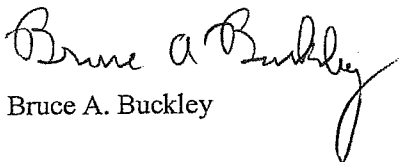
Re: Dell Price – 5328 – 44 Street, Red Deer, Alberta

With regard to the above captioned matter I am writing to express support for Dell Price, and to comment on the situation at this property. My residence is immediately south of this property, and our back yard is across the alley from the Price property. Because of the elevation of my back yard I have a good view of the exterior of the Price property.

I have resided with Dell Price as my neighbour for slightly more than 17 years. In that time I have come to know Dell as friendly, open, helpful and concerned about the neighbourhood generally. On the rare occasions when I have had a concern, I approached Dell directly and found him to be willing and prompt to resolve any issues. I have no concerns at present and I am confident that if something arose I could speak to Dell and resolve any matter as we have in the past. He is a good neighbour and I am happy to have him.

As indicated above I have been well aware of the exterior appearance of this property for years. The property has changed over the years with various additions, including a new fence, and changes to that fence within the last year or so. I have no concerns with the view of this property from mine. I hope this information is useful in resolving this dispute.

Sincerely,


Bruce A. Buckley



Reports Item No. 5

Suite 404, 4808 Ross Street
Red Deer, Alberta T4N 1X5
Phone: (403) 343-3394
FAX: (403) 346-1570
e-mail: pcps@pcps.ab.ca
www.pcps.ca

DATE: April 14, 2009

TO: Elaine Vincent, Legislative and Administrative Services Manager

FROM: Martin Kvapil, Planning Assistant

RE: Land Use Bylaw Amendment No. 3357/Q-2009
Queens Business Park – Phase 1B
The City of Red Deer

Proposal

The City of Red Deer is proposing to develop Phase 1B of the Queens Business Park industrial area. Rezoning is being sought for approximately 36.37 ha (89.9 ac.) of land from A1 Future Urban Development District to I1 Business Service District, C4 Commercial (Major Arterial) and P1 Parks and Recreation District in order to create 25 industrial lots, 3 commercial lots and 1 public utility lot. The proposed land use districts of Bylaw 3357/Q-2008 conform with the Queens Business Park Industrial Area Structure Plan.

Staff Recommendation

That City Council proceed with first reading of Land Use Bylaw Amendment No. 3357/Q -2009.

A handwritten signature in blue ink, appearing to read 'Martin Kvapil', written over a horizontal line.

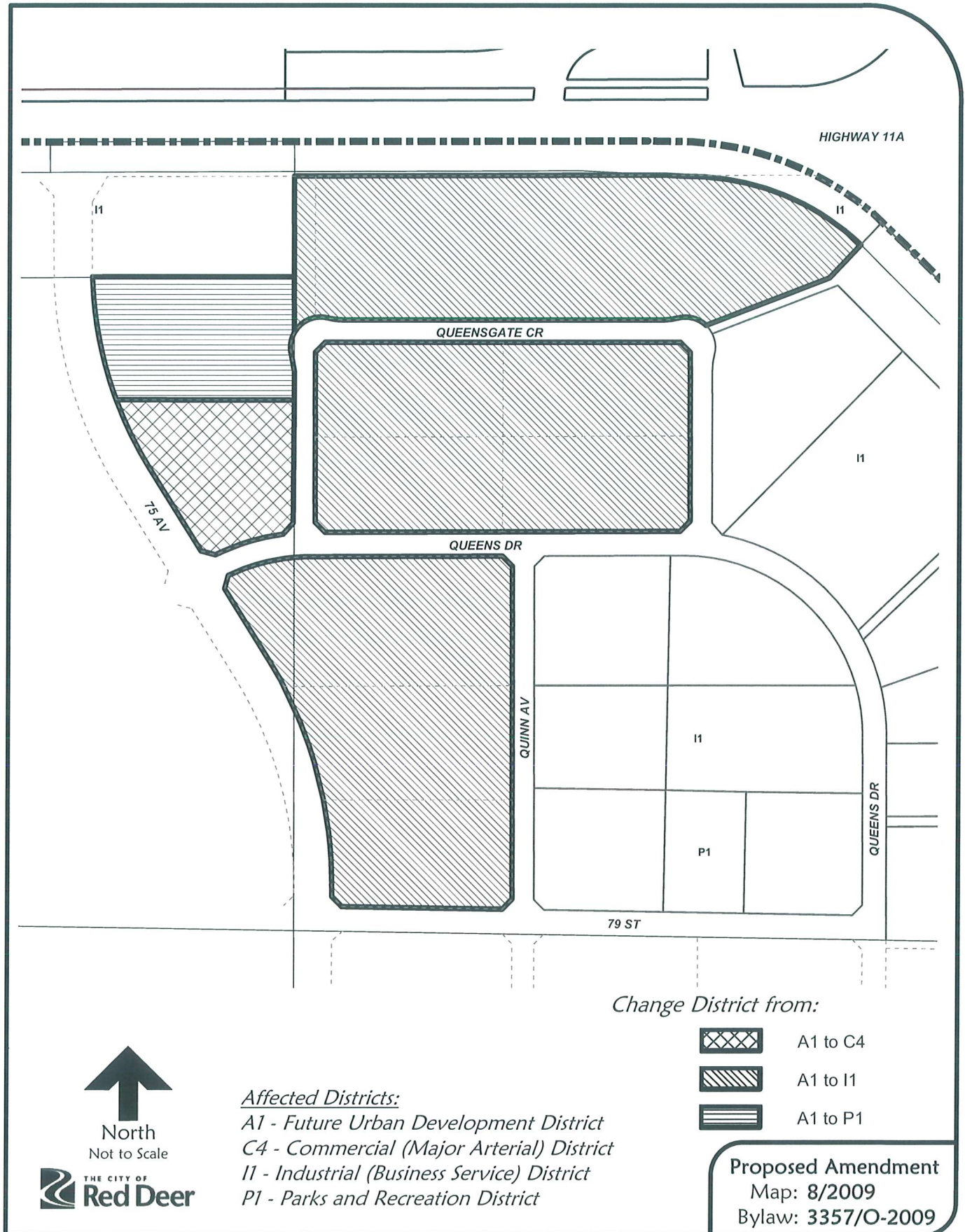
Martin Kvapil
PLANNING ASSISTANT

A handwritten signature in blue ink, appearing to read 'Nancy Hackett', written over a horizontal line.

Nancy Hackett, MCIP, ACP
ASSISTANT CITY PLANNING MANAGER

Attachments

Proposed Amendment to Land Use Bylaw 3357/2006



Council Decision – April 20, 2009

FILE COPY

DATE: April 21, 2009
TO: Martin Kvapil, Parkland Community Planning Services
FROM: Elaine Vincent, Legislative & Administrative Services Manager
SUBJECT: Land Use Bylaw Amendment 3357/Q-2009
Queens Business Park – Phase 1B

Reference Report:

Parkland Community Planning Services, dated April 14, 2009.

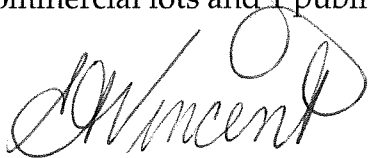
Bylaw Readings:

Land Use Bylaw Amendment 3357/Q-2008 received first reading at the Monday April 20, 2009 Council Meeting.

Report Back to Council: Yes – Tuesday May 19, 2009.

Comments/Further Action:

A Public Hearing will be held on Tuesday May 19, 2009 at 6:00 p.m. in Council Chambers during Council's regular meeting. This office will now proceed with advertising Land Use Bylaw Amendment 3357/Q-2009. Land Use Bylaw Amendment 3357/Q-2009 is proposing to develop Phase 1B of the Queen's Business Park industrial area. Rezoning is being sought for approximately 36.37 ha of land from A1 Future Urban Development District to I1 Business Service District, C4 Commercial (Major Arterial) and P1 Parks and Recreation District in order to create 25 industrial lots, 3 commercial lots and 1 public utility lot.



Elaine Vincent
Manager

cc: Development Services Director
Corporate Services Director
Engineering Services Manager
Financial Services Manager
Assessment and Tax Manager
City Assessor
Inspections & Licensing Manager
Inspections & Licensing Supervisor
Land & Economic Development Manager
Leigh-Ann Butler, Graphics Supervisor
Property Assessment Technician
LAS FILE

Land Use Amendment Bylaw 3357/Q -2009
Queens Business Park – Phase 1B

City Council proposes to pass Land Use Bylaw Amendment 3357/Q-2009, which provides for the development of Phase 1B of the Queen's Business Park industrial area. Rezoning is being sought for approximately 36.37 ha of land from A1 Future Urban Development District to I1 Business Service District, C4 Commercial (Major Arterial) and P1 Parks and Recreation District in order to create 25 industrial lots, 3 commercial lots and 1 public utility lot.

Map

The proposed bylaw may be inspected at Legislative & Administrative Services, 2nd Floor City Hall during regular office hours or for more details, contact Parkland Community Planning Services at 403-343-3394.

City Council will hear from any person claiming to be affected by the proposed bylaw at a Public Hearing on **Tuesday, May 19, 2009** at 6:00p.m. in Council Chambers, 2nd Floor at City Hall. If you want your letter or petition included on the Council agenda you must submit it to the Manager, Legislative & Administrative Services by **Tuesday May 12, 2009**. Otherwise, you may submit your letter or petition at the Council meeting or you can simply tell Council your views at the Public Hearing. Council's Procedure Bylaw indicates that each presentation is limited to 10 minutes. Any submission will be public information. If you have any questions regarding the use of this information please contact the Manager, Legislative & Administrative Services at 403-342-8132.

(Publication Dates: May 1, 2009 and May 8, 2009)

Document Name: April 20 2009 Ad for LUB 3357/Q-2009 Queens Business Park Phase 1B

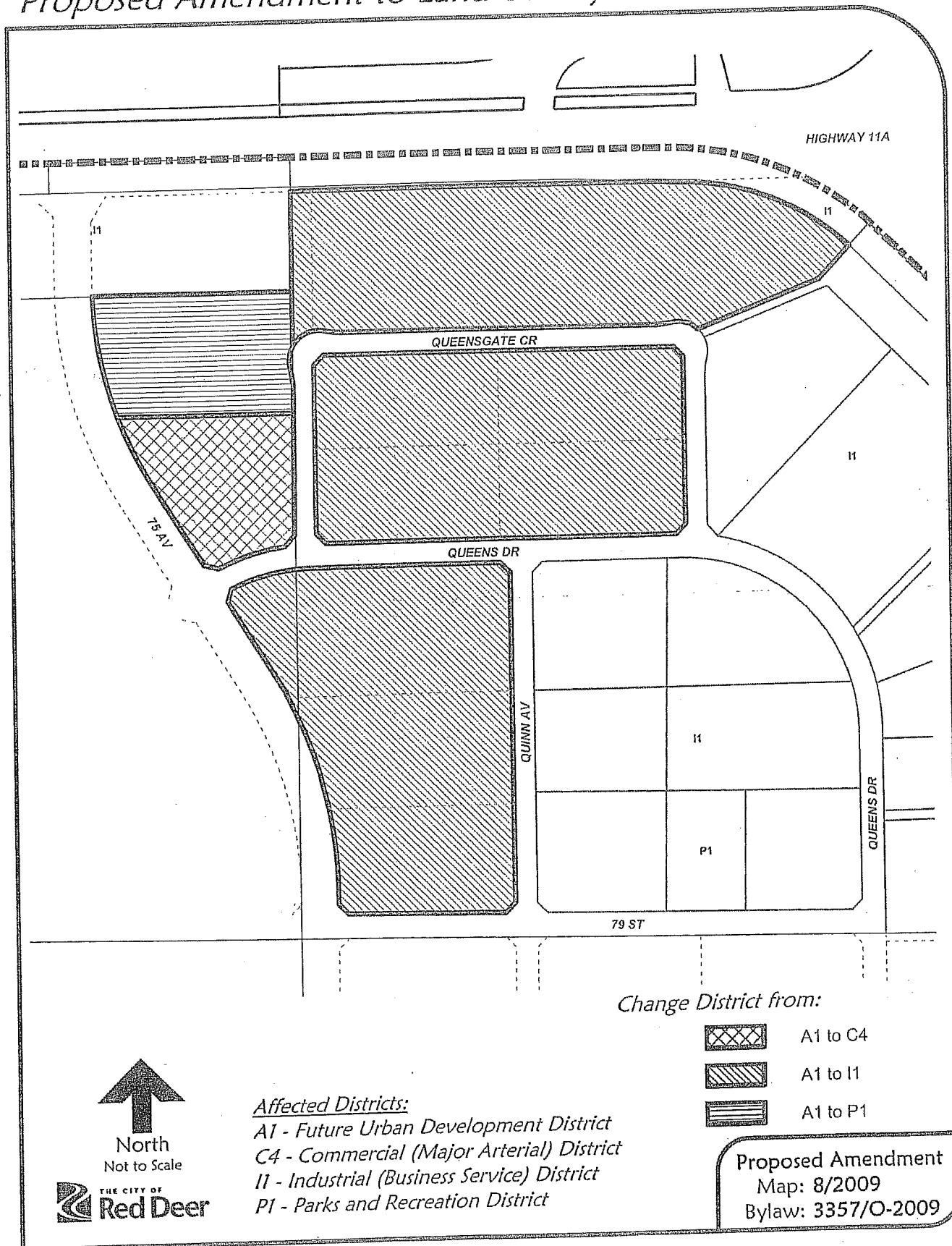
Document Number: 844251

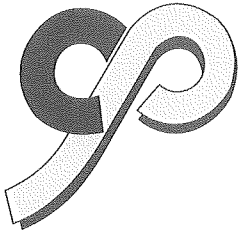
Document Author: KIMW

Document Type: AD

Application: MS WORD

Proposed Amendment to Land Use Bylaw 3357/2006





**PARKLAND
COMMUNITY
PLANNING
SERVICES**

Suite 404, 4808 Ross Street
Red Deer, Alberta T4N 1X5
Phone: (403) 343-3394
FAX: (403) 346-1570
e-mail: pcps@pcps.ab.ca
www.pcps.ca

DATE: April 14, 2009
TO: Elaine Vincent, Legislative and Administrative Services Manager
FROM: Martin Kvapil, Planning Assistant
RE: Land Use Bylaw Amendment No. 3357/Q-2009
Queens Business Park – Phase 1B
The City of Red Deer

ORIGINAL

Proposal

The City of Red Deer is proposing to develop Phase 1B of the Queens Business Park industrial area. Rezoning is being sought for approximately 36.37 ha (89.9 ac.) of land from A1 Future Urban Development District to I1 Business Service District, C4 Commercial (Major Arterial) and P1 Parks and Recreation District in order to create 25 industrial lots, 3 commercial lots and 1 public utility lot. The proposed land use districts of Bylaw 3357/Q-2008 conform with the Queens Business Park Industrial Area Structure Plan.

Staff Recommendation

That City Council proceed with first reading of Land Use Bylaw Amendment No. 3357/Q -2009.

Martin Kvapil
PLANNING ASSISTANT

Nancy Hackett, MCIP, ACP
ASSISTANT CITY PLANNING MANAGER

Attachments

BYLAW NO. 3357/Q -2009

Being a bylaw to amend Bylaw No. 3357/2006, the Land Use Bylaw of the City of Red Deer.

COUNCIL OF THE CITY OF RED DEER, ALBERTA, ENACTS AS FOLLOWS:

1. That "Use District Map H21" contained within "Schedule A" of the Land Use Bylaw is hereby amended in accordance with Land Use District Map No. 8 attached hereto and forming part of the bylaw.

READ A FIRST TIME IN OPEN COUNCIL this day of 2009.

READ A SECOND TIME IN OPEN COUNCIL this day of 2009.

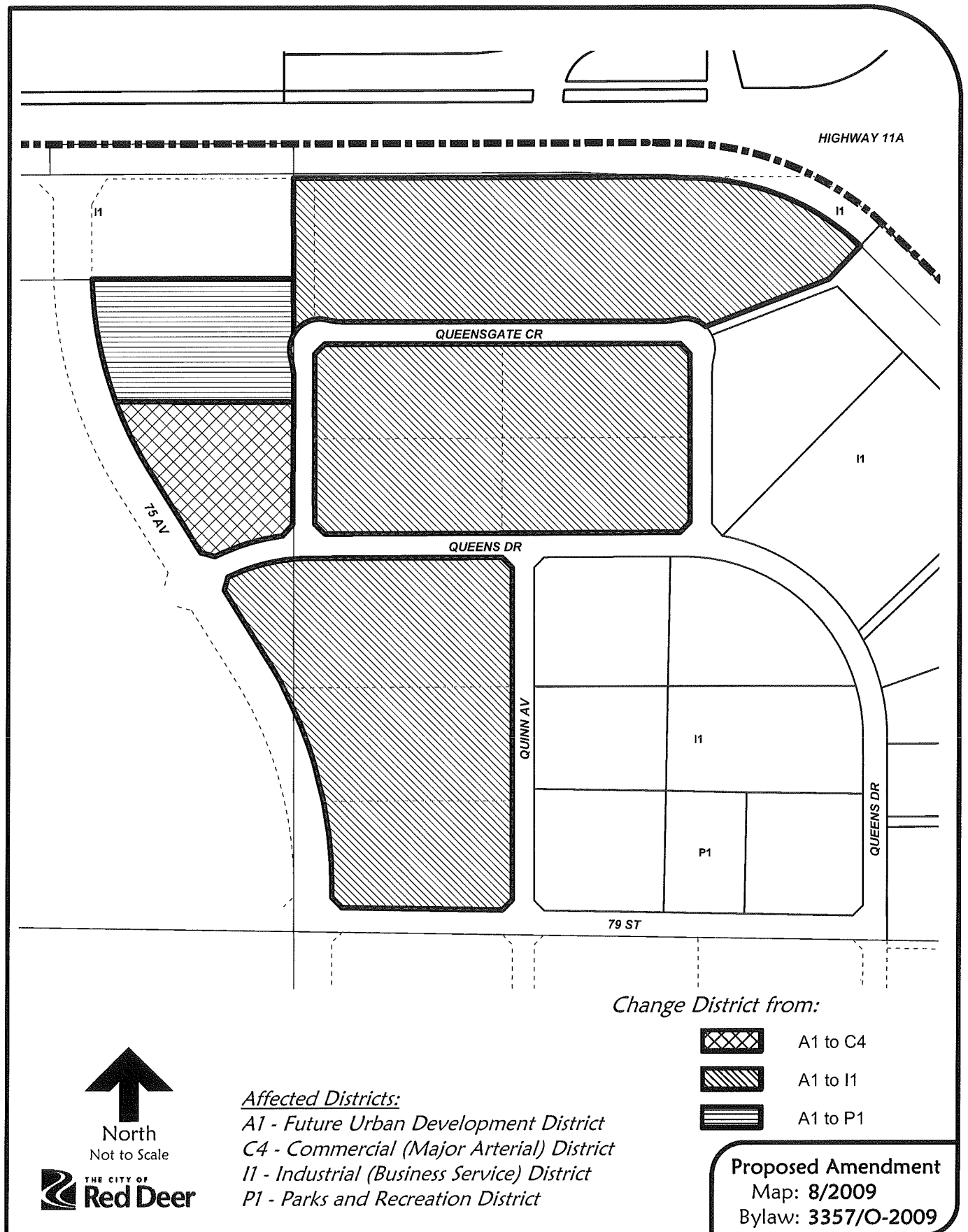
READ A THIRD TIME IN OPEN COUNCIL this day of 2009.

AND SIGNED BY THE MAYOR AND CITY CLERK this day of 2009.

MAYOR

CITY CLERK

Proposed Amendment to Land Use Bylaw 3357/2006



Bylaws Item No. 1

BYLAW NO. 3357/O-2009

BEING a Bylaw to amend Bylaw No. 3357/2006, the Land Use Bylaw of the City of Red Deer.

COUNCIL OF THE CITY OF RED DEER, ALBERTA ENACTS AS FOLLOWS:

Bylaw No. 3357/2006 is hereby amended as follows:

- 1 The "Land Use District Map H19" contained in "Schedule A" of the Land Use Bylaw is hereby amended in accordance with the Land Use District Map No. 6 – 2009 attached hereto and forming part of the bylaw.

READ A FIRST TIME IN OPEN COUNCIL this 6th day of April 2009.

READ A SECOND TIME IN OPEN COUNCIL this day of 2009.

READ A THIRD TIME IN OPEN COUNCIL this day of 2009.

AND SIGNED BY THE MAYOR AND CITY CLERK this day of 2009.

MAYOR

CITY CLERK

Proposed Amendment to Land Use Bylaw 3357/2006



North
Not to Scale



Affected Districts:

*11 - Industrial (Business Service) District
DC(24)- Direct Control District No. 24*

Change District from:

 **11 to DC(24)**

Proposed Amendment

Map: 6/2009

Bylaw: 3357/O-2009

Bylaws Item No. 2

BYLAW NO. 3419/2009

Being a bylaw to close portions of road in the City of Red Deer, as described herein.

COUNCIL OF THE CITY OF RED DEER ENACTS AS FOLLOWS:

1 The following portions of roadway in the City of Red Deer are hereby closed:

All that portion of 60 Street as shown on Plan 4563 NY lying within the limits of Plan _____, Excepting thereout all mines and minerals.

READ A FIRST TIME IN OPEN COUNCIL this 23rd day of March 2009.

READ A SECOND TIME IN OPEN COUNCIL this day of 2009.

READ A THIRD TIME IN OPEN COUNCIL this day of 2009.

AND SIGNED BY THE MAYOR AND CLERK this day of 2009.

MAYOR

CITY CLERK

Bylaws Item No. 3

BYLAW NO. 3357/B -2009

Being a bylaw to amend Bylaw No. 3357/2006, the Land Use Bylaw of the City of Red Deer.

COUNCIL OF THE CITY OF RED DEER, ALBERTA, ENACTS AS FOLLOWS:

1. That "Use District Map M17" contained within "Schedule A" of the Land Use Bylaw is hereby amended in accordance with Land Use District Map No. 2 attached hereto and forming part of the bylaw.

READ A FIRST TIME IN OPEN COUNCIL this 23rd day of March 2009.

READ A SECOND TIME IN OPEN COUNCIL this day of 2009.

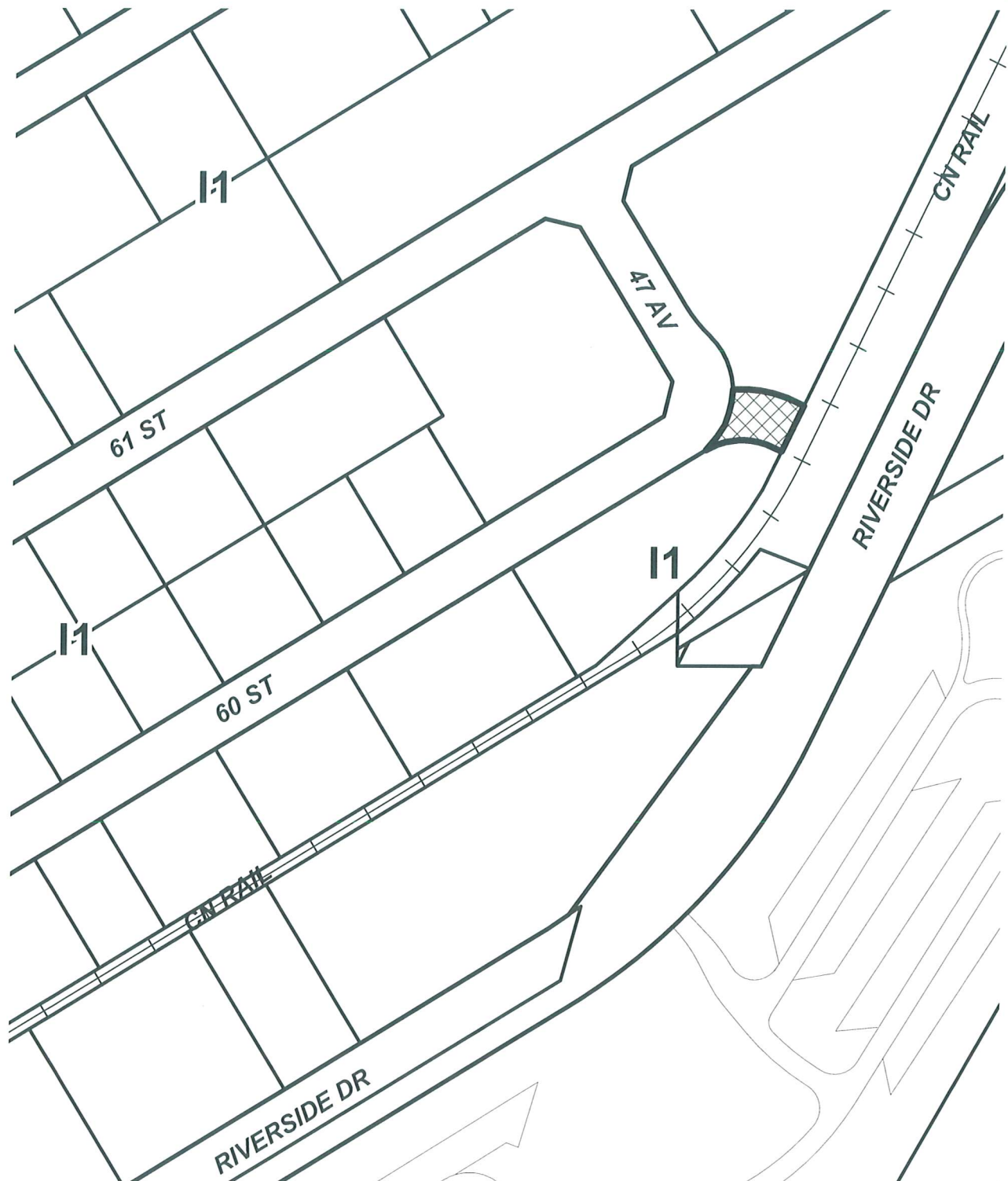
READ A THIRD TIME IN OPEN COUNCIL this day of 2009.

AND SIGNED BY THE MAYOR AND CLERK this day of 2009.

MAYOR

CITY CLERK

Proposed Amendment to Land Use Bylaw 3357/2006



North
Not to Scale



Affected Districts:
I1 - Industrial (Business Service)

Change District from:



Road to I1

Proposed Amendment
Map: 2/2009
Bylaw: 3357/B-2009

Bylaws Item No. 4**BYLAW NO. 3217/C-2009**

Being a bylaw to amend Bylaw No. 3217/98, the bylaw adopting the neighbourhood area structure plans as a bylaw of the City of Red Deer

COUNCIL OF THE CITY OF RED DEER, ALBERTA, ENACTS AS FOLLOWS:

That Bylaw No. 3217/98 is hereby amended:

1. By replacing Figure 3 within the current *Lancaster East (Lonsdale) Neighbourhood Area Structure Plan* with the attached Figure 3 (colour and grayscale versions).

READ A FIRST TIME IN OPEN COUNCIL this 23rd day of March 2009.

READ A SECOND TIME IN OPEN COUNCIL this day of 2009.

READ A THIRD TIME IN OPEN COUNCIL this day of 2009.

AND SIGNED BY THE MAYOR AND CLERK this day of 2009.

MAYOR

CITY CLERK

BY: LAEBON LANDS LTD.

TOTAL AREA OF ORIGINAL 1/4 SECTION	8-17.15 HS	8-17.15 HS	16-81.1 AC
3RD STREET AND 2ND AVE. WARDING	6.0071 HS	6.0071 HS	8.89 AC
DEVELOPABLE AREA	16.7178 HS	16.7178 HS	10.89 AC
SINGLE (PMA)-RENDERED (P)	21.1427 HS	21.1427 HS	14.28 AC
SINGLE (PMA)-HARDEN (P)-4	11.2828 HS	27.824 AC	18.48 AC
SINGLE (PMA) LOT (P)-3	N/A	N/A	N/A
HAZED-PMA-LOTS (P)-2	2.0000 HS	2.01 AC	N/A
FUTURE REZONING (P)-1	0.0176 HS	0.0176 HS	0.01 AC
CONVERSION	N/A	N/A	N/A
50' C&G LOT SIZE	N/A	N/A	N/A
CHARCH LOT	0.2720 HS	1.80 AC	1.22 AC
MOBILE PARKING, 2ND, 3RD, 4TH	0.8000 HS	1.67 AC	0.1178
LOT, 1ST AND 2ND LOTS	1.8776 HS	4.65 AC	3.0000
5.5' COTAGE STAKE, 2ND FORD	2.2527 HS	5.28 AC	3.2000
RE-CONSTRUCT, 3RD LOTS	6.1153 HS	8.38 AC	0.1100
PAVED	14.4001 HS	27.21 AC	16.47 AC
COLLECTOR	3.7473 HS	8.39 AC	
RESIDENTIAL	7.2000 HS	16.13 AC	

[illegible]

FOR THE
S.E.1/4, 11-38-27-W4
BY: LAEBON LANDS LTD.

-
- Diagram illustrating the relationship between building types, their frequency, and their linkage to children's playgrounds:
- Building Types (represented by colored squares):**
 - Single Family Detached (R1)
 - Single Family Narrow (R1-N)
 - Semi-Detached (R1A)
 - Multi-Family (R2/R3)
 - Future Residential (A1)
 - Walkways and Local Parks
 - Neighbourhood Commercial (N/A)
 - Middle School and Park
 - Public Utility Lots
 - Roads and Lanes
 - Frequency (indicated by the number of squares):**
 - Single-Family Detached (R1): 1 square
 - Single-Family Narrow (R1-N): 1 square
 - Semi-Detached (R1A): 1 square
 - Multi-Family (R2/R3): 1 square
 - Future Residential (A1): 1 square
 - Walkways and Local Parks: 1 square
 - Neighbourhood Commercial (N/A): 1 square
 - Middle School and Park: 1 square
 - Public Utility Lots: 1 square
 - Roads and Lanes: 1 square
 - Linkage to Children's Playground (indicated by a dashed arrow):**
 - Single-Family Detached (R1)
 - Single-Family Narrow (R1-N)
 - Semi-Detached (R1A)
 - Multi-Family (R2/R3)
 - Future Residential (A1)
 - Walkways and Local Parks
 - Neighbourhood Commercial (N/A)
 - Middle School and Park
 - Public Utility Lots
 - Roads and Lanes
 - Medians for Collector or Residential Roads
 - Two Storey Walkout Basements
 - Main Pedestrian Linkage
 - Children's Playground

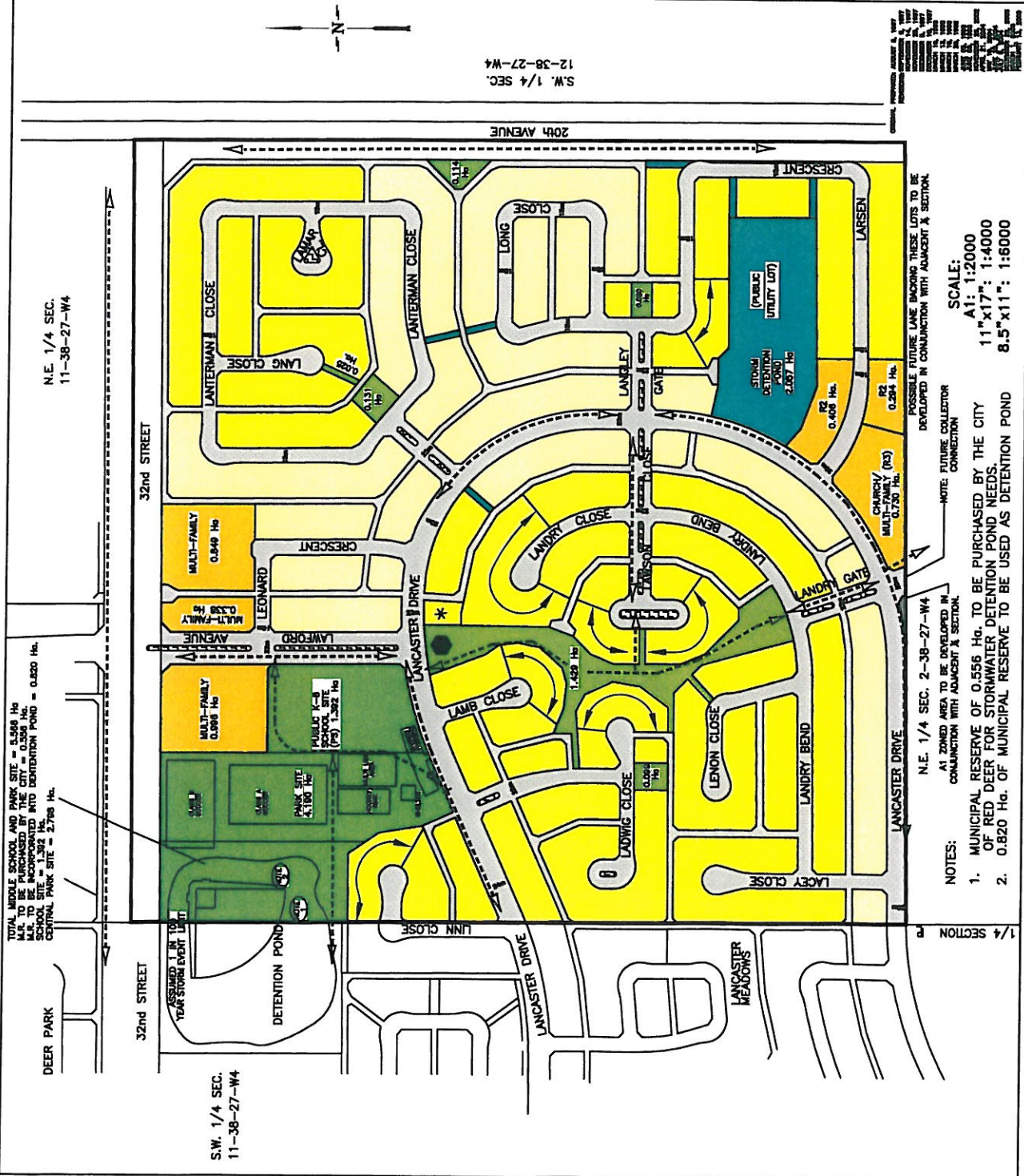
NOTES:

1. ALL ROAD RIGHT OF WAYS ARE 15.00m WIDE, UNLESS OTHERWISE NOTED.
2. RI-N LOTS ARE TO BE LOCATED ONLY IN AREAS WHERE THERE IS A MINIMUM LOT DEPTH OF 36.0m.
3. * INDICATES THE DAY CARE SITE HAS BEEN ADVERTISED, AS PER SPECIFICATIONS, AND NOT SOLD WITHIN 3 MONTHS.

[illegible]

CONCEPT INC.
INTERPLAN STRATEGIES INC.

2025-07-20 10:10:10



Bylaws Item No. 5**BYLAW NO. 3357/E-2009**

Being a Bylaw to amend Bylaw No. 3357/2006, the Land Use Bylaw of The City of Red Deer.

COUNCIL OF THE CITY OF RED DEER, ALBERTA, DULY ASSEMBLED,
ENACTS AS FOLLOWS:

1. Delete Section 5.7(1)(a) and replace with the following text:

“Within C1, C1A, C2A, C2B, C3, C4, C5 and C6 Districts the site plan, the relationship between buildings, structures and open space, the architectural treatment of buildings, the provision and architecture of landscaped open space, and the parking layout, shall be subject to approval by the Development Authority;”
2. Delete Section 5.7 (3)(b)(i) and replace with the following text:

“In C1, C1A, C2A, C2B, C3, C4, C5 and C6 Districts, one loading space opposite each loading door with a minimum of one shall be provided.”
3. Delete Section 5.7 (5)(b) excluding subsections (i) and (ii) and replace with the following text:

“Where access from a lane adjacent to an R1, R1A, R1N, R2, R3, or R4 District is required to give access to a commercial use in a C1, C1A, C2A, C2B, C3, C4, C5 or C6 land use district adjacent to such lane, the Development Authority may require the owner of such commercial site, as a condition of the granting of the development permit or as a provision of a development agreement.”
4. Delete Section 3.4(1)(b) excluding subsections (i) and (ii) and replace with the following text:

“A-board Signs placed on City property within a C1, C1A or C6 District.”
5. Delete Section 3.4(6)(h)(iii) and replace with the following text:

“in the C1, C2A, C2B, C1A, C5, C6, I1, and I2 Districts is 12.0 m²,”
6. Delete Section 3.4(6)(i)(ii) and replace with the following text:

“in the C1, C2A, C2B, C1A, C5, C6, I1, I2 and DC(2) Districts is 9.0 m;”

7. Delete Section 3.4(9)(b)(i) and replace with the following text:

“Subject to the provisions of this part, portable signs are a permitted use in C1, C1A, C3, C4, C5, C6, and discretionary in all other Districts.”

8. Delete Section 3.7(1)(a) and replace with the following text:

“In C1, C1A, C2A, C2B, C3, C4, C5 and C6 Districts, one loading space opposite each loading door with a minimum of one shall be provided.”

9. Add new section 5.7 (12) & 6.4 (7):

In all commercial districts, garbage and recycling sites to be located subject to the satisfaction of the Development Authority.

10. Add the following text to Part 5 Commercial Districts and Regulations to appear in order after Section 5.6:

5.6.1 East Hill Town Centre District C5

General Purpose

C5

The purpose and intent of the Town Centre District is to allow for and encourage a variety of commercial, limited office, residential and other uses that serve the local and regional community and that are integrated vertically and/or horizontally within a comprehensively-designed development area that emphasizes sustainability, compact, and pedestrian friendly urban development. Transition areas on the fringe of the Town Centre are intended to provide space for intensified mixed-use and/or residential character while also serving as a physical and land use transition to the surrounding residential neighbourhoods. The district is intended to complement the East Hill Town Centre Design Guidelines.

(1) C5 Permitted and Discretionary Uses Table

(a) Permitted Uses	
(i)	Commercial Buildings under 4645 m ² (50,000 sq. ft)
(ii)	Commercial Entertainment Facility.
(iii)	Commercial Recreation Facility.
(iv)	Commercial Service Facility without drive through services.
(v)	Day Care Facility.
(vi)	Home Music Instructor/Instruction (two students), subject to section 4.7 (10).
(vii)	Home Occupations which, in the opinion of the Development Officer, will not generate additional traffic.
(viii)	Merchandise Sales and/or rental, excluding industrial goods, and excluding all uses where the primary focus is adult oriented merchandise and/or entertainment, consignment goods, motor vehicles, machinery, fuel and liquor, beer or wine sales.
(ix)	Multi-Attached Residential Building above ground floor commercial minimum density 35 dwelling unit/hectare.
(x)	Multiple Family Residential Building above ground floor commercial minimum 35 dwelling unit/hectare.
(xi)	Multi-Attached Residential Building minimum density 35 dwelling unit/hectare.
(xii)	Multiple Family Residential Building minimum density 35 dwelling unit/hectare.
(xiii)	Park.
(xiv)	Restaurant without drive through.
(xv)	Signs(subject to section 3.3 and 3.4):
	(1) Awning and Canopy Signs,
	(2) Fascia Signs
(b) Discretionary Uses	
(i)	Accessory Building or Use.
(ii)	Assisted Living Facility minimum density 35 dwelling units per hectare (du/ha).
(iii)	Assisted Living Facility above ground floor commercial minimum density 35 du/ha.
(iv)	Commercial Buildings over 4645 m ² (50,000 sq. ft).
(v)	Commercial Service Facility with drive through services.
(vi)	Drinking Establishment (adult entertainment prohibited).
(vii)	Hotel, Motel, or Hostel.
(viii)	Institutional Service Facility.
(ix)	Office subject to section 5.6.1 (2)(d)
(x)	Merchandise Sales and/or rental allowing motor vehicle related services, sale of fuel, liquor, sale of consignment goods, but excluding agricultural or industrial motor vehicles or machinery.
(xi)	Outdoor Display of Goods.

- (xii) Parking Lot/Parking Structure.
- (xiii) Restaurant with drive through
- (xiv) Signs(subject to section 3.3 and 3.4):
 - (1) Portable Signs,
 - (2) Free Standing Signs,
 - (3) Neighbourhood Identification Signs,
 - (4) Painted Wall Signs,
 - (5) Projecting Signs,
 - (6) Under Canopy Signs,
 - (7) Wall Signs.

(2) C5 East Hill Town Centre District Regulations

- (a) All development permit applications for this district must be consistent with the East Hill Town Centre Design Guidelines and must include but will not be limited to the following:
 - (i) An overall site plan/master plan of the Town Centre and Main Street/Town Square areas;
 - (ii) A plan showing detailed landscaping, exterior amenity areas, pedestrian trail/sidewalk linkages and an overall signage plan; and
 - (iii) Comments from the Town Centre Development Review Committee.

(b) Table 5.6.1 C5 Regulations

Regulations	Requirements
Building Height	<p>Minimum – 2 storeys or 6.5 m</p> <p>Maximum – 8 storeys or 38.5 m, except where adjacent to single family buildings 4 storeys or 19.2 m</p> <p>To maintain a human scale for the fourth storey and above the façade of buildings adjacent to a public or private, sidewalk or park shall be stepped back a minimum of 1 metre from the lower storeys;</p>
Floor Area Minimum	<p>Residential - Multi-attached: 60.0 m²</p> <p>Multiple Family: 37.0 m²</p> <p>Unit in assisted living facility: 23.0 m²</p>
Front Yard setback	<p>Commercial or Mixed use with ground floor commercial – Built to property line, unless providing an exterior amenity area or parking area.</p> <p>Residential – minimum 1.0 m</p> <p>maximum 3.0 m, unless providing an exterior</p>

Regulations	Requirements
	amenity area subject to Development Authority approval.
Side Yard Minimum setback	<p>Commercial or Mixed use with ground floor commercial – Built to property line, or a setback approved by the Development Authority if providing a sidewalk or trail connection with treed landscaping and connection to a public/private sidewalk or trail, or unless providing an exterior amenity, parking area or loading area.</p> <p>Residential: Multi-attached (without side entry) – 1.8 m Multi-attached (with side entry) – 2.4 m Multi-family – 3.0 m.</p> <p>Notwithstanding the setbacks noted above, where the building flanks a public or private roadway, the setback on the flanking side shall be in accordance with Part 3, Figure 2 or 2B.</p>
Rear Yard Minimum setback	6.0 m
Exterior Amenity Area Minimum	15% of site area, includes landscaping subject to section 3.6
Parking	Subject to sections 3.1 & 3.2 public street parking may be considered in calculating parking requirements as approved by the Development Authority.
Loading Spaces Minimum	One opposite each loading door with a minimum of one per building subject to section 5.7 (3). Area to be located as to minimally impact adjacent residential uses and screened from view. A noise assessment may be required by the Development Authority as to potential impact on adjacent residential uses.
Site Area Minimum	750.0 m ²
Frontage Minimum	Commercial and Residential above ground floor Commercial - 7.5 m Residential - 6.0 m or less subject to development authority approval.
Lot Depth Minimum	30.0 m

(c) Indoor Amenity Areas:

The developers of the following types of facilities shall be required to provide indoor amenity areas with the minimum dimensions shown:

- (i) Multiple Family buildings - a minimum of 4.5 m² per dwelling unit.
- (ii) Assisted Living Facility or Temporary Care Facility – a minimum

of 15 m² per dwelling unit.

For the purpose of this section, the term “Indoor Amenity Area” means an area which provide residents with an active or passive form of recreational space within the multi-unit complex, and includes sitting rooms, dining rooms, entertainment rooms, and screened patios, but does not include other common areas of the building, such as spaces for onsite or visiting health care professionals, accessory retail and accessory services, and storage areas.

(d) Exterior Amenity Areas:

The developers of all buildings shall be required to provide exterior amenity areas. For the purpose of this section, the term “Exterior Amenity Area” means an area which provides an active or passive form of recreational or living space and includes areas which provide landscaping, sitting areas, playgrounds, pools, roof top gardens or patios.

(e) Office

Notwithstanding section 2.7(b) the Development Authority may not vary the following limitations for office development. In this district, office development is limited to the following regulations listed in the City of Red Deer Municipal Development Plan:

- (i) The maximum amount of office space which may be allowed in the East Hill Town Centre shall be 125,000.00 square feet of gross leasable area, this area shall be divided as follows between the East Hill Town Centre quarter sections based on land development stated in the East Hill Major Area Structure Plan:
 - (1) NE22-38-27-W4: 31,250.00 sq ft
 - (2) NW23-38-27-W4: 50,000.00 sq ft
 - (3) NE23-38-27-W4: 6,250.00 sq ft
 - (4) SE26-38-27-W4: 6,250 sq ft
 - (5) SW26-38-27-W4: 31,250 sq ft
- (ii) Office use shall be limited to a total of four floors in any single building; and
- (iii) Office shall not be located in area fronting a public or private street or sidewalk, offices shall primarily be located above the ground floor.

(3) General Design

The Development Authority may impose, as a condition of approval of any development, such standards as are reasonably necessary to ensure that the development will create the character of the envisioned Town Centre and achieve the following objectives:

- (a) be consistent with the East Hill Major Area Structure Plan and the corresponding

- neighbourhood area structure plans within the mixed use area;
- (b) reflect the objective of capturing a blend of mixed residential, higher density residential and commercial in a pedestrian friendly environment;
 - (c) Design of front, side and rear façade shall be of comparable architectural treatment where adjacent to private/public sidewalks;

Commercial, Residential & Mixed Use Building Design

- (d) Commercial ground floor facades that face public or private sidewalks shall incorporate display windows, entry areas, awnings, or other such elements pedestrian visual amenities for at least 50% of the façade width.
- (e) At least 85 % of the exterior cladding (excluding glass) of exterior walls of all structures fronting or visible from public or private streets shall be of a masonry material such as stone, face brick, stucco, architecturally finished concrete panels or comparable quality materials. No more than three different siding materials may be used on any one structure;
- (f) A minimum of 60% of the commercial main floor building façade facing a public or private sidewalk between two feet and eight feet in height must be comprised of clear windows that allow views of indoor space or product display areas;
- (g) Continuous awning or canopy shall be placed on commercial buildings as weather protection for pedestrian traffic adjacent to any public or private sidewalk;
- (h) Large blank walls on will not be permitted as they lack aesthetic scale and discourage pedestrian activity;
- (i) Mechanical systems shall be placed on roofs and/or sides/rear of buildings in inconspicuous locations. All roof equipment must be screened from public view;
- (j) Functional building entries shall occur at least every 40 m, on average, facing both public and private street fronts;
- (k) Buildings with the same or similar façade on adjoining frontages must be separated by a minimum of two lots or 30m, which ever is the lesser of the two, in both directions, using different colour and/or material composition;
- (l) Primary entrances shall face onto a public street where available and secondary entrances may face a private street;

Commercial, Residential & Mixed Use Exterior Amenity Area Design

- (m) Architectural walls and fencing may be used to create a defined outdoor commercial space such as an area for dining or seating or residential exterior amenity area. These shall not exceed 1.5 m in height and be semi-transparent. Materials used in the building of these shall be a consistent style, height, material,

and colour to that of the surrounding architecture;

- (n) No more than 25% of a building shall be set back for a courtyard. Where portions of a building are set back from the sidewalk, the areas must be treated as a plaza or courtyard;

Residential Buildings

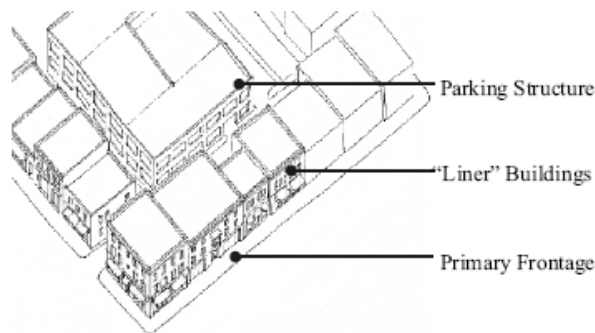
- (o) All ground floor dwelling units, fronting onto a public or private street, sidewalk or park shall provide an individual entrance with direct access to grade. All residential buildings adjacent to a front yard shall incorporate a high degree of visual interest through the provision of design features such as porches, balconies, bay windows, roof dormers, and/or pitched roofs;
- (p) Upper story decks, balconies or rooftop gardens shall be incorporated for residential uses:
 - (i) Balconies on the front façade to be located and designed to minimize potential conflicts with pedestrian traffic on sidewalks below.
 - (ii) Balconies shall be appropriately scaled and incorporated into the overall design of the building.
 - (iii) Projecting balconies shall not obscure visibility of signs or storefronts.

(4) Parking Lot & Pedestrian Circulation Regulations

Where regulations conflict with parking regulations in section 3.2.1 the following regulations will apply for this district:

- (a) The number of parking stalls shall not exceed the required number of stalls stated in the land use bylaw parking regulations without the consent of the Development Authority, however fewer parking stalls may be considered if shared parking or rationale for fewer stalls is acceptable to the Development Authority;
- (b) Parking lots shall be configured and designed to reduce the overall mass of paved surfaces. On site surface parking will be clustered only in side and rear lots however minimal front yard parking may be approved by the Development Authority if orientation of building location does not permit side or rear yard parking;
- (c) All Multiple Family Residential or residential with ground floor commercial parking shall be located, above or below ground floor, visitor parking may be located on site at ground floor level in the rear or side yards;
- (d) Structured Parking lot placement – Parking structures shall be set back a minimum of 15 m (50 ft) from the property lines of all adjacent streets to reserve room for liner buildings between parking structures and the lot

frontage. Parking structures with main floor commercial do not require a setback. Liner Buildings may be detached from or attached to parking structures;



- (e) Parking blocks where possible shall be oriented to facilitate pedestrian movement down not across aisles, perpendicular to the main building entrances;
- (f) Notwithstanding section 3.2.1 (g) “small car only/compact car” parking spaces being a minimum of 2.3m x 5.0 m in size may comprise of up to 20% of total number of parking spaces required;
- (g) Parking at or above grade shall be transitioned through appropriate landscaping and/or fencing for pedestrians and neighbours. Depending on the specific site, this shall include measures to avoid noise to dwelling units above, appropriate lighting, architecturally treated surfaces, and landscaping to reduce impacts on adjacent dwelling units;
- (h) All commercial, or multifamily residential buildings shall provide bicycle parking spaces or bicycle storage capacity of no less than 15% of the number of parking spaces required for use or site area. Bicycle parking spaces shall be located within 250 m of a building entrance;
- (i) Street trees shall occur adjacent to trails or sidewalks between the public or private street and sidewalk at intervals of no greater than 10 m and may form a component of the 15% landscaping/exterior amenity area at the discretion of the Development Authority;
- (j) An on-site direct and continuous pedestrian circulation walkway network measuring a minimum of 1.7 m in width and containing street trees every 10 m, located between the walkway and the public or private street, shall be provided on all properties to provide access between all building entrances and:
 1. all other buildings in the Town Centre and the Main Street/Town Square area;

2. Public or private sidewalks, walkways, and trails;
3. Parking areas that serve the building; and
4. Buildings on adjacent properties.
5. Through all connected and adjacent parking cells.

- (k) Notwithstanding section 3.2.1(a) and (d) parking lot aisles shall not exceed 60 m and lots containing more than 150 parking spaces shall be configured into smaller cells by use of landscaped islands.
- (l) A minimum of one linked walkway shall be centrally located within a parking block cell greater than 125 parking spaces and shall be uninterrupted by surface parking.
- (m) On-site pedestrian walkways that cross a parking lot or driveway shall be clearly marked through the use of paint or a change in paving materials, distinguished by their colour, texture or height.
- (n) Negative impacts of vehicular entrance and/or loading area parking ramps and service areas shall be minimized through proper treatment such as enclosure, screening, high quality finishes, sensitive lighting and landscaping.

(5) Site Development

All development standards, site plan, site access, the relationship between buildings, structures and open space, the architectural treatment of any building, the provision and architecture of landscaped areas, and the parking layout shall be subject to approval by the Development Authority.

(6) Landscaping

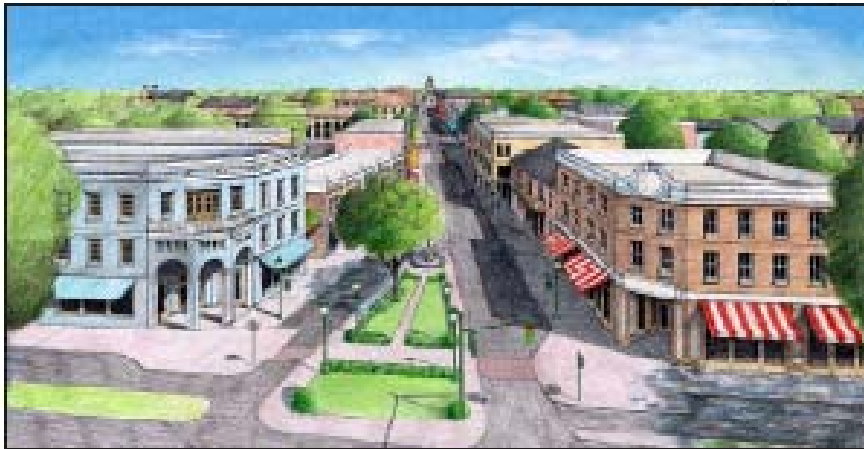
Notwithstanding section 3.6 (7), this section shall only apply to buildings proposed to have a front or side yard setback where landscaping will be preferred along sidewalks and trails and exterior amenity areas.

5.6.2 Main Street/Town Square District C6

General Purpose

C6

The district will facilitate the development of the East Hill Town Centres as a sustainable, healthy, mixed use area integrating street level commercial and residential or office above, with a pedestrian friendly focus, serving the neighbourhood, the community and the region. This district is intended to complement the East Hill Town Centre Design Guidelines, in order to incorporate the intended smaller retail Main Street or Town Square vision.



(1) C6 Permitted and Discretionary Uses Table

(a) Permitted Uses	
(i)	Commercial Entertainment Facility maximum floor area of 450 m ²
(ii)	Commercial Recreation Facility maximum floor area of 450 m ²
(iii)	Commercial Service Facility maximum floor area of 450 m ²
(iv)	Home Music Instructor/Instruction (two students), subject to section 4.7(10).
(v)	Home Occupations.
(vi)	Merchandise Sales excluding industrial goods, vehicle related sales and services, sale of liquor, adult only, consignment goods.
(vii)	Multi-Attached Residential Building above ground floor commercial
(viii)	Multiple Family Residential Building above ground floor commercial
(ix)	Park.
(x)	Residential dwelling units above ground floor commercial.
(xi)	Restaurant – maximum floor area of 450 m ² , excluding kitchen area and no drive through.
(xii)	Signs(subject to section 3.3 and 3.4):
(3)	Awning and Canopy Signs,
(4)	Fascia Signs
(b) Discretionary Uses	
(i)	Accessory Building or Use.
(ii)	Assisted Living above ground floor commercial.
(iii)	Commercial Entertainment Facility.
(iv)	Commercial Recreation Facility.
(v)	Commercial Service Facility.
(vi)	Day Care Facility above ground floor commercial.

- (vii) Drinking Establishment (adult entertainment prohibited), maximum of 150 persons subject to section 5.7 (8)
- (viii) Hotel, Motel, or Hostel.
- (ix) Institutional Service Facility.
- (x) Office subject to section 5.6.1 (2)(d)
- (xi) Merchandise Sales and/or Rental allowing liquor, or consignment goods.
- (xii) Outdoor display of goods.
- (xiii) Parking lot/parking structure.
- (xiv) Restaurant no drive through.
- (xv) Signs(subject to section 3.3 and 3.4):
 - (1) Freestanding Signs,
 - (2) Neighbourhood Identification Signs,
 - (3) Painted Wall Signs,
 - (4) Projecting Signs,
 - (5) Under Canopy Signs,
 - (6) Wall Signs.

(2) C6 Main Street/Town Square District Regulations

- (a) All development permit applications for this district must be consistent with the East Hill Town Centre Design Guidelines and must include but will not be limited to the following:
 - i. An overall site plan/master plan of the Town Centre and Main Street/Town Square areas;
 - ii. A plan showing detailed landscaping, exterior amenity areas, pedestrian trail/sidewalk linkages and an overall signage plan; and
 - iii. Comments from the Town Centre Development Review Committee.
- (b) Table 5.6.2 C6 Regulations

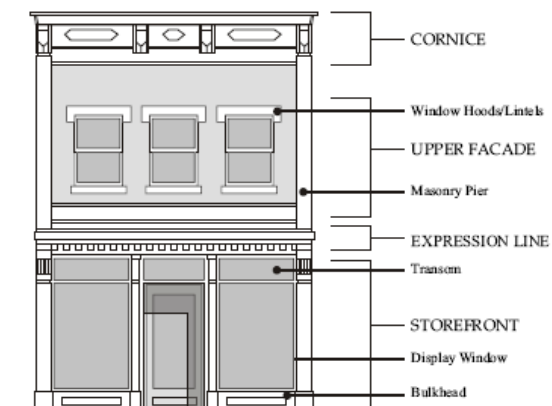
Regulations	Requirements
Building Site Coverage Minimum	One third of site area
Floor Area	Maximum - Commercial establishment not exceed 1000.0 m ² Residential Minimum – Multi-attached: 60.0 m ² Multiple Family: 37.0 m ² Unit in assisted living facility: 23.0 m ²
Building Height	Minimum – 2 storeys or 6.5 m Maximum – 5 storeys or 24.0 m
Front Yard	Commercial – Built to property line, unless providing an amenity area subject to subsection (3) (c)
Side Yard Minimum	Built to property line
Rear Yard Minimum	Built to property line, unless providing onsite parking
Exterior Amenity Area	15% of site area

Regulations	Requirements
Minimum	
Parking	Subject to sections 3.1 & 3.2, as well as addition regulations stated within this district. Parking may be provided on or off site to the satisfaction of the Development Authority.
Loading Spaces Minimum	One opposite each loading door with a minimum of one.
Frontage Minimum	7.5 m
Lot Depth Minimum	30.0 m

(c) Indoor Amenity Areas: subject to section 5.6.1 (2)(c)

(d) Exterior Amenity Areas: subject to section 5.6.1 (2)(d)

(3) General Design



Main Street/Town Square architecture shall be a mix of two to five storeys commercial and/or mixed use blocks with a highly decorated front. This commercial type is oriented towards creating a pedestrian-friendly environment and may include residential and/or limited office development on upper floors.

The Development authority may impose, as a condition of approval of any development, such standards as are reasonably necessary to ensure that the development will create the character of the envisioned Main Street/Town Square and achieve the following objectives:

(a) Subject to C5 Commercial Town Centre General Design Section 5.6.1(3)

(b) Buildings to be constructed with 7.5 m modules, with a clear visual distinction between street level and upper floors shall be incorporated through the change of materials, colours, and/or canopies and awnings;

(4) Site Development

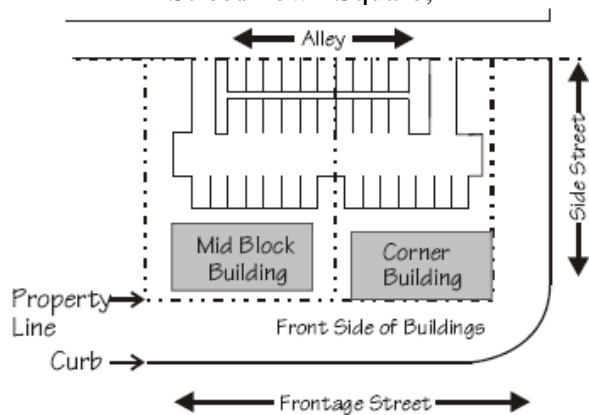
(a) All development standards, site plan, site access, the relationship between buildings, structures and open space, the architectural treatment of any

building, the provision and architecture of landscaped areas, and the parking layout shall be subject to approval by the Development authority;

- (b) New construction and infill buildings must maintain the alignment of facades along the sidewalk edge. Exceptions may be granted if the setback is pedestrian-oriented and contributes to the quality and character of streetscape;
- (c) No front driveways shall be permitted along Main Street/Town Square;

(5) Parking and Loading Regulations

- (a) Parking regulations subject Section 5.6.1 (4), with the exception of subsection (b) and (c);
- (b) Parking spaces shall not be located between the front façade line of a building and a street edge, all parking shall be located in the rear yard;
- (c) Loading/service areas including refuse/recycling enclosures shall be located out of public view whenever feasible and must not front onto Main Street/Town Square;



(d) Access to Off-Street Parking:

- i.** Lanes or secondary roads shall be the primary source of access to off-street parking.
- ii.** Parking along lanes may be head-in, diagonal or parallel.
- iii.** Lanes may be incorporated into parking lots as standard drive aisles.

READ A FIRST TIME IN OPEN COUNCIL this day of 2009.

READ A SECOND TIME IN OPEN COUNCIL this day of 2009.

READ A THIRD TIME IN OPEN COUNCIL this day of 2009.

AND SIGNED BY THE MAYOR AND CITY CLERK this day of 2009.

MAYOR

CITY CLERK

Bylaws Item No. 6

BYLAW NO. 3357/K -2009

Being a bylaw to amend Bylaw No. 3357/2006, the Land Use Bylaw of the City of Red Deer.

COUNCIL OF THE CITY OF RED DEER, ALBERTA, ENACTS AS FOLLOWS:

1. That “Use District Map K14” contained within “Schedule A” of the Land Use Bylaw is hereby amended in accordance with Land Use District Map No. 4 attached hereto and forming part of the bylaw.

READ A FIRST TIME IN OPEN COUNCIL this day of 2009.

READ A SECOND TIME IN OPEN COUNCIL this day of 2009.

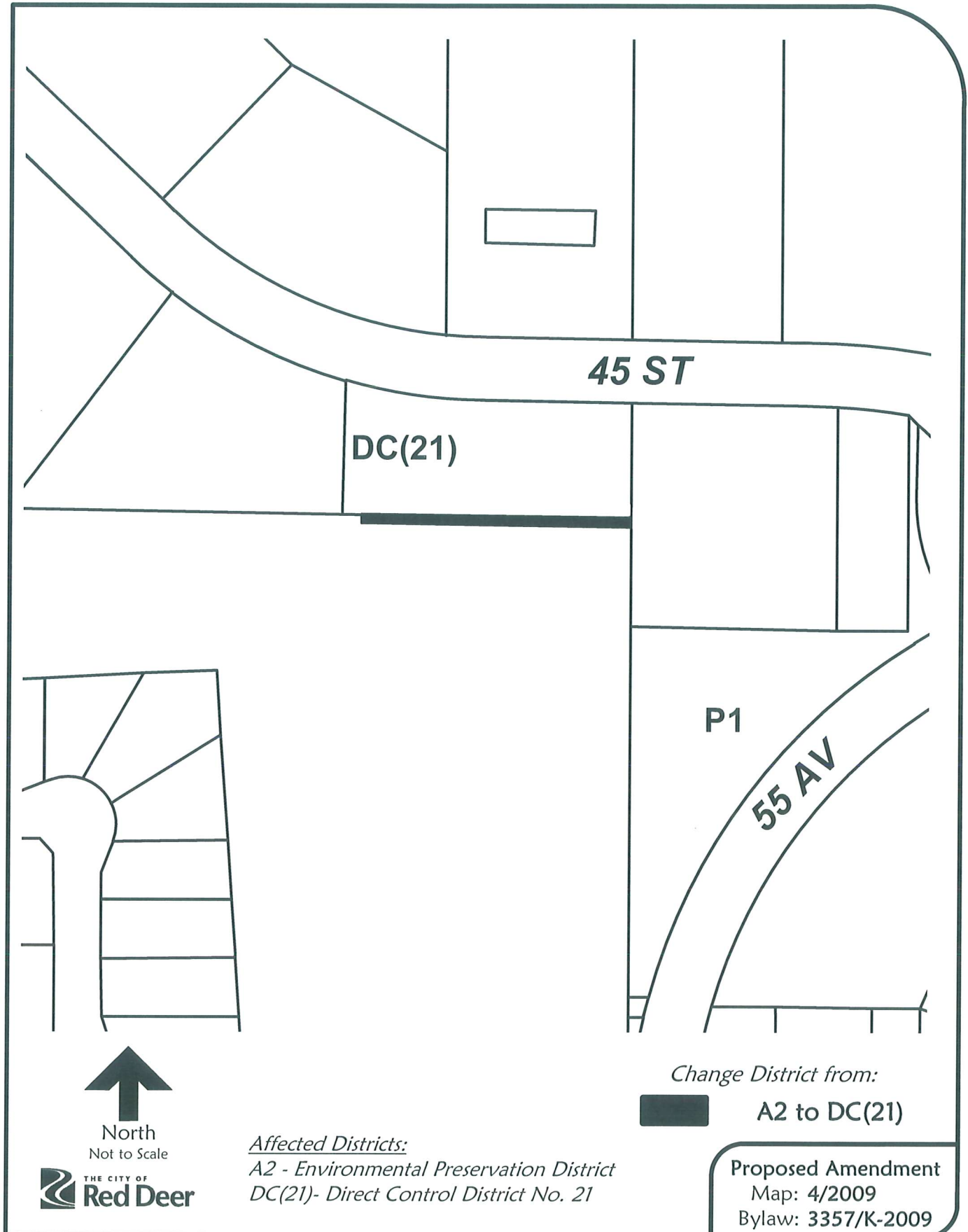
READ A THIRD TIME IN OPEN COUNCIL this day of 2009.

AND SIGNED BY THE MAYOR AND CITY CLERK this day of 2009.

MAYOR

CITY CLERK

Proposed Amendment to Land Use Bylaw 3357/2006



Bylaws Item No. 7

BYLAW NO. 3357/J -2009

Being a bylaw to amend Bylaw No. 3357/2006, the Land Use Bylaw of the City of Red Deer.

COUNCIL OF THE CITY OF RED DEER, ALBERTA, ENACTS AS FOLLOWS:

1. That "Use District Map K18" contained within "Schedule A" of the Land Use Bylaw is hereby amended in accordance with Land Use District Map No. 3 attached hereto and forming part of the bylaw.

READ A FIRST TIME IN OPEN COUNCIL this day of 2009.

READ A SECOND TIME IN OPEN COUNCIL this day of 2009.

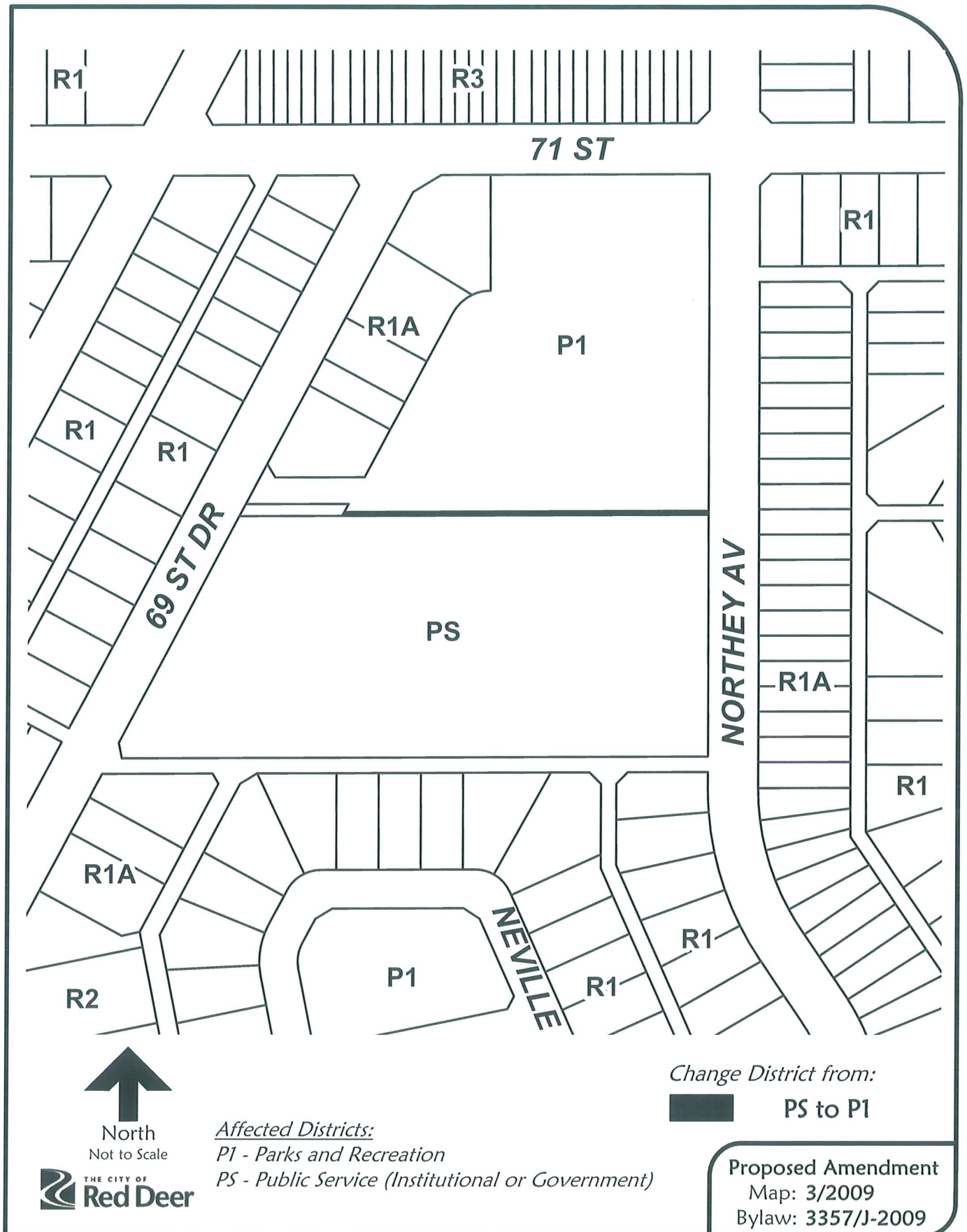
READ A THIRD TIME IN OPEN COUNCIL this day of 2009.

AND SIGNED BY THE MAYOR AND CITY CLERK this day of 2009.

MAYOR

CITY CLERK

Proposed Amendment to Land Use Bylaw 3357/2006



Bylaws Item No. 8

BYLAW NO. 3357/Q -2009

Being a bylaw to amend Bylaw No. 3357/2006, the Land Use Bylaw of the City of Red Deer.

COUNCIL OF THE CITY OF RED DEER, ALBERTA, ENACTS AS FOLLOWS:

1. That "Use District Map H21" contained within "Schedule A" of the Land Use Bylaw is hereby amended in accordance with Land Use District Map No. 8 attached hereto and forming part of the bylaw.

READ A FIRST TIME IN OPEN COUNCIL this day of 2009.

READ A SECOND TIME IN OPEN COUNCIL this day of 2009.

READ A THIRD TIME IN OPEN COUNCIL this day of 2009.

AND SIGNED BY THE MAYOR AND CITY CLERK this day of 2009.

MAYOR

CITY CLERK

Proposed Amendment to Land Use Bylaw 3357/2006

