

## Proposed Amendment to Zoning Agreement – 1006 College Drive and 421 Clarence Avenue North

### APPLICATION SUMMARY

North Prairie Developments Ltd. submitted an application to amend the existing Zoning Agreement for 1006 College Drive and 421 Clarence Avenue North, which forms part of [Bylaw No. 8770, Zoning Bylaw, 2009](#) (Zoning Bylaw). The purpose of the amendment is to accommodate an interior rooftop amenity space, along with other minor changes, as part of a multiple-unit residential development on the property.

### RECOMMENDATION

That this report be submitted to City Council recommending that, at the time of the Public Hearing, City Council considers Administration's recommendation that the amendment to Bylaw No. 8770, Zoning Bylaw, 2009, to amend the Zoning Agreement for 1006 College Drive and 421 Clarence Avenue North, as outlined in this report, be approved.

### BACKGROUND

In January 2019, City Council approved an application to amend the Official Community Plan Land Use Map to change the land use designation of the subject site from "Medium Density Residential" and "Office/Institutional" to "High Density Residential." A corresponding application to rezone, from RM4 – Medium/High Density Multiple-Unit Dwelling District and M2 – Community Institutional Service District, to M3 – General Institutional Service District, subject to a Zoning Agreement, was also approved (see Appendix 1 for Location Plan).

The 2019 decision on the rezoning of this site predates the [College Corridor Plan](#), which is currently underway for this area.

In January 2023, North Prairie Developments Ltd. applied to amend the Zoning Agreement (Agreement) for reasons outlined in this report.

### DISCUSSION

The existing Agreement provides for a 12-storey multiple-unit dwelling with a maximum of 171 units (see Appendix 2). The proposal includes a mix of dwelling units, at-grade units with individual street-oriented entrances, secure bicycle parking, vehicle access to the site from the rear lane as well as 232 underground vehicle parking spaces.

#### Changes to Development Proposal

Since the 2019 rezoning, the applicant has made minor changes to the proposal. The primary change is the addition of an interior/exterior rooftop amenity for use by building residents (see Appendix 3).

A main entry and lobby have been added to the northeast corner of the building facing College Drive, which is an identified Bus Rapid Transit corridor. This change is noted for its alignment with the [Corridor Transformation Plan](#), which encourages primary building entrances to be visible from and interact with the street. Other changes include reconfiguration of select units and exterior balconies.

The proposal has not changed in terms of the building's overall height, size and maximum number of dwelling units.

#### Proposed Amendments to Zoning Agreement

A zoning agreement is a legal agreement which establishes site-specific regulations for how a property may be developed and used. The changes proposed to the development are in compliance with the Agreement, except for the interior space of the rooftop amenity.

The Agreement currently limits development to a maximum of 12 storeys, while allowing for an enclosed mechanical penthouse on the roof above the twelfth storey. Enclosed mechanical penthouses are not counted as a storey, nor as part of building height, when they occupy a limited area of a rooftop and are only used for housing the mechanical equipment necessary for building operations. One of the proposed changes is for a portion of the enclosed mechanical space to be developed into interior space as part of the rooftop amenity. Given the functional change from mechanical to amenity, the space is now considered a thirteenth storey, and an amendment to the Agreement is required for it to be allowed. The overall height of the building is not proposed to increase, although the maximum permitted height in the Agreement needs to change to reflect the top of the 13<sup>th</sup> storey, being the mechanical and amenity space, instead of the roofline of the 12<sup>th</sup> storey. The outdoor portion of the rooftop amenity is permitted, regardless of an amendment, given the Agreement and general regulations of the Zoning Bylaw do not limit the development of outdoor rooftop space in this manner.

In addition to allowing a 13<sup>th</sup> storey, other amendments to the Agreement are required to accommodate the interior amenity space, including an adjustment to gross floor space ratio (see Appendix 4). Clarification of permitted ground floor accessory uses is being proposed to ensure the provision of instructed fitness classes is in line with the original intent for uses on this floor. The site plan and building elevations are also proposed to be updated.

#### Comments from Other Departments

No concerns were identified through the administrative review process which would preclude this application from proceeding to a public hearing.

### **COMMUNICATIONS AND ENGAGEMENT**

Notification of this application was provided to area residents and the general public in the following ways:

1. On March 29, 2023, a public notice outlining proposed changes to the development was mailed to 170 property owners within approximately 200 metres of the development site.
2. An Engage Page for the application was included on the City's website, on March 29, 2023, with information on proposed changes to the development, the application process and anticipated timeline; and
3. Email notification was sent to the Ward Councillor (Ward 6), Community Development, the Varsity View Community Association and the Nutana Community Association on March 29, 2023.

To date, correspondence from four individuals has been received with questions about changes to the College Drive right-of-way through the College Corridor Plan, as well as parkade ramp slopes for the development and infill development in the general area. Specific to the proposed development, the concerns expressed relate to the potential for noise issues from the outdoor amenity space. As noted, the current Agreement and general regulations of the Zoning Bylaw do not limit development of an outdoor rooftop space. Enforcement to address excessive noise, causing an unreasonable disturbance in a neighbourhood, may occur through the provisions of [Bylaw No. 8244, the Noise Bylaw, 2003](#).

### **PUBLIC NOTICE**

Public notice is required for consideration of this matter, pursuant to Section 11(a) of Policy C01-021, the Public Notice Policy.

Once this application has been considered by the Municipal Planning Commission, it will be advertised in accordance with Policy C01-021, the Public Notice Policy, and a date for a public hearing will be set. A notice will be placed in [The StarPhoenix](#) two weeks prior to the public hearing.

### **APPENDICES**

1. Location Plan – 1006 College Drive and 421 Clarence Avenue North
2. Site Plan and Building Rendering
3. Interior/Exterior Rooftop Amenity Space
4. Proposed Changes to Zoning Agreement

### **REPORT APPROVAL**

Written by: Brent McAdam, City Centre Planner, Planning and Development  
Reviewed by: Lesley Anderson, Director of Planning and Development  
Approved by: Lynne Lacroix, General Manager, Community Services