CITY COUNCIL
AGENDA REPORT

Subject: JENSEN LAKES ALLIANCE CHURCH
(1) BYLAW 2/2016 – ROAD CLOSURE OF SURPLUS ROADWAY ALONG VILLENEUVE ROAD
(2) BYLAW 3/2016 – LAND USE BYLAW AMENDMENT, SCHEDULE A

Recommendations

(1) Bylaw 2/2016 – Road Closure of Surplus Roadway Along Villeneuve Road

1. That Bylaw 2/2016 to close a portion of surplus roadway along Villeneuve Road, be read a first time.

2. That Bylaw 2/2016 be read a second time.

3. That unanimous consent be given for consideration of third reading of Bylaw 2/2016.

4. That Bylaw 2/2016 be read a third and final time.

5. That Council authorize the City Manager to dispose of the closed roadway under the terms and conditions provided for in the February 16, 2016 Agenda report entitled “Jensen Lakes Alliance Church – (1) Bylaw 2/2016 – Road Closure of Surplus Roadway Along Villeneuve Road (2) Bylaw 3/2016 - Land Use Bylaw Amendment, Schedule A”.

(2) Bylaw 3/2016 – Land Use Bylaw Amendment, Schedule A


2. That Bylaw 3/2016 be read a second time.


4. That Bylaw 3/2016 be read a third and final time.
**Purpose of Report**

The purpose of the report is to outline the proposed road closure and redistricting in the Jensen Lakes neighbourhood. The proposed road closure is for a portion of surplus roadway along Villeneuve Road. The proposed amendment to the Land Use Bylaw 9/2005 Schedule A is to redistrict the St. Albert Alliance Church site from Urban Reserve (UR) to Public and Private Service (PS).

**Council Direction**

The Jensen Lakes Area Structure Plan (ASP) Bylaw 1/2014 was approved by Council in May, 2014. Policy 17.3 in the Municipal Development Plan (MDP) requires ASPs to conform to the MDP. Policy 17.2 requires consistency between the MDP and the Land Use Bylaw 9/2005.

**Background and Discussion**

The Jensen Lakes neighbourhood is located north of Villeneuve Road and west of St. Albert Trail (Attachment 3, Location Map). The proposed road closure and redistricting are in compliance with the Municipal Development Plan and Jensen Lakes Area Structure Plan (Attachment 6, ASP Future Land Use Map).

The legal description of the subject road closure is:
   - All that portion of Service Road on Plan 9521746 shown contained within Area A Plan 162______
   - Excepting Thereout All Mines And Minerals

In accordance with the provisions of the Municipal Government Act, Part 3, Division 2, Roads, Section 22, a road may be closed by a Bylaw passed by City Council provided the bylaw is advertised and a person who claims to be affected prejudicially is given an opportunity to speak to Council before the bylaw is passed.

The portion of roadway to be closed was originally designated without compensation at the time of subdivision in 1995, when Villeneuve Road was still part of Sturgeon County and the intention was to widen the road. Now that it has been determined that Villeneuve Road will not be widened, the roadway is no longer needed. The road closure will not affect the function of Villeneuve Road, as the area being closed is north of the paved road, not the road itself (Attachment 4, Aerial Map). The roadway lands will be returned to the Alliance Church at no cost, as no compensation was provided to the landowner at the time of subdivision.

The legal descriptions and municipal addresses of the affected by the redistricting parcels are shown in Table 1.
Table 1: Legal Descriptions and Municipal Addresses of Parcels to be Redistricted

<table>
<thead>
<tr>
<th>Legal Description</th>
<th>Municipal Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>Part of Plan 952 1746, Block A</td>
<td>25416 S Hwy 633</td>
</tr>
<tr>
<td>Part of SW 17; Township 54; Range 25; W4M</td>
<td>25422 S Hwy 633</td>
</tr>
</tbody>
</table>

The Land Use Bylaw (LUB) amendment will redistrict the area from Urban Reserve (UR) District to Public and Private Service (PS) District (Attachment 2, Bylaw 3/2016). The Urban Reserve (UR) District is a holding district for areas designated for future urban development. The Public and Private Service (PS) District in this area will be used for a religious assembly. Basically, the Alliance Church is being reshaped and made smaller.

As shown below in Chart 1, the Subdivision Approving Authority requires a decision of Council on the Road Closure and Land Use Bylaw amendment before making a final decision on the plan of subdivision.

**CHART 1: PLANNING PROCESSES**

- Municipal Development Plan (MDP): Required by the Municipal Government Act (MGA) and sets out goals and policies for all aspects of the municipality’s development
- Area Structure Plan (ASP): Statutory plan which provides a framework for the build out of new development areas
- **Road Closure: For road right-of-way identified as not required**
- **Redistricting Application: A request by a property owner or applicant to change the land use district for a given property**

The proposed road closure, Land Use Bylaw amendment, and plan of subdivision were circulated to various stakeholders and property owners within a 100-metre radius of the subject property. The public hearing for February 16, 2016 was advertised in the St. Albert Gazette on January 30 and February 6, 2016.
addition, notices about the public hearing were circulated to properties within a 100-metre radius.

No objections were received from adjacent landowners.

No objections were received from internal or external stakeholders.

**Implications of Recommendations**

a) Financial:
   - None at this time.

b) Legal / Risk:

In reference to the road closure and transfer, under normal circumstances, a municipality must either dispose of land at market value, or advertise its intent to dispose of the land at less than market value [MGA section 70(1)]. Further, the City’s Land Transactions Policy (C-ED-03) requires most land dispositions to proceed at market value or higher. However, the proposed disposition of the land to the Alliance Church may proceed as intended for the following reasons:

   - a municipality is not required to advertise a proposed sale where the prospective purchaser is a non-profit organization [MGA section 70(2)];

   - for land that is undevelopable on its own and must be consolidated with an adjacent parcel, open market value is arguably negligible (conditions of sale will reflect the requirement to consolidate);

   - the Policy further recognizes that where the surplus land was gratuitously transferred to the City, it may be re-conveyed to the original owner (presumably at no cost). As noted above, the land was originally dedicated and converted to road right of way without compensation being paid by the County.

c) Program or Service:
   - None at this time.

d) Organizational:
   - To enable development, Planning and Engineering will be required to review subdivision plans and engineering drawings, as well as negotiate development agreements. Various departments may need to conduct inspections and be involved in meetings with the developer/consultants.
Alternatives and Implications Considered

If Council does not wish to support the recommendation, the following alternatives could be considered:

a) Refuse the road closure and/or redistricting. Implication would be that the applicant would need to reapply again after six months with an alternative proposal.

b) Direct Administration to negotiate alternate financial arrangements for the land transaction regarding the closed roadway.

Strategic Connections

a) Council’s Strategic Outcomes and Priorities
   • CULTIVATE ECONOMIC PROSPERITY: A diversified, robust and resilient economic foundation to support growth and community service delivery.

b) Long Term Plans
   • Municipal Development Plan
   • Jensen Lakes ASP
   • Land Use Bylaw

c) Corporate Objectives
   • Ensure our customers are very satisfied

d) Council Policies
   • N/A

e) Other Plans or Initiatives
   • N/A

Attachment(s)

1. Bylaw 2/2016 – Proposed Road Closure
2. Bylaw 3/2016 – Amendment 129 to Land Use Bylaw 9/2005, Schedule A
3. Location Map, Jensen Lakes Stage 5
4. Aerial Map, Jensen Lakes Stage 5
5. Future Land Use, Jensen Lakes Area Structure Plan

<table>
<thead>
<tr>
<th>Originating Department(s):</th>
<th>Planning &amp; Engineering</th>
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</thead>
<tbody>
<tr>
<td>Author(s):</td>
<td>Robin Beukens, Planner</td>
</tr>
<tr>
<td>General Manager Approval:</td>
<td>Gilles Prefontaine, Chief Community Development Officer</td>
</tr>
</tbody>
</table>

City Manager Signature: Date:
NOW THEREFORE the Council of the City of St. Albert, duly assembled, hereby ENACTS AS FOLLOWS:

1. That the City of St. Albert close a portion of Service Road Plan 952 1746 located north of the Villeneuve Road, as shown on the sketch below and legally described as follows:

All that portion of Service Road on Plan 9521746 shown contained within Area A Plan 162
Excepting Thereout All Mines and Minerals
READ a first time this _______ day of ______________, 2016.

READ a second time this _______ day of ______________, 2016

READ a third time this _______ day of ______________, 2016

SIGNED AND PASSED this _______ day of ______________ 2015.

_____________________________________________
MAYOR

_____________________________________________
CHIEF LEGISLATIVE OFFICER
NOW THEREFORE the Council of the City of St. Albert, duly assembled, hereby ENACTS AS FOLLOWS:

1. Schedule “A”, being the Land Use District Map to Land Use Bylaw 9/2005, is amended by this Bylaw.

2. The lands described and shown on the map below shall be redistricted from Urban Reserve (UR) Land Use District to Public and Private Services (PS) Land Use District.

<table>
<thead>
<tr>
<th>Municipal Address</th>
<th>Legal Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>25416 S HWY 633</td>
<td>Part of Block A; Plan 952 1746</td>
</tr>
<tr>
<td>25422 S HWY 633</td>
<td>Part of SW-17-54-25-4</td>
</tr>
<tr>
<td></td>
<td>Part of Service Road on Plan 9521746</td>
</tr>
</tbody>
</table>

![Map showing the redistricted lands]
3. The Chief Administrative Officer is authorized to consolidate Bylaw 9/2005.

READ a first time this _________ day of ______________, 2016.

READ a second time this _________ day of ______________, 2016.

READ a third time this _________ day of ______________, 2016.

SIGNED AND PASSED this ______ day of ________________, 2016.

_____________________________________________________
MAYOR

_____________________________________________________
CHIEF LEGISLATIVE OFFICER
Proposed Redistricting and Road Closure

Location Map
Jensen Lakes Stage 5
NOTES:
Circulation pattern does not constitute subdivision design and is subject to change (excepting collectors and arterials.) Fowler Way alignment is yet to be determined and may impact development statistics. Proposed trail alignment is subject to change.

Location and details relating to the proposed stormwater management facilities will be subject to geotechnical testing to the satisfaction of the City of St. Albert and the Province of Alberta.

G:\MAPS\Area Structure Plans\JensenLakes\ASP Figures\Fig2_FutureLandUse.mxd

Figure 2
Jensen Lakes
Area Structure Plan

Figure 4
Proposed Stage 5
Redistricting

Low Density Residential  
Medium Density Residential  
Medium/ High Density Residential  
Commercial  
Institutional (Church)  
Walkway  
Park  
Park / School  
Stormwater Management  
Private Lake  
Private Walkway  
Private Beach