

**ROAD CLOSURE AND LAND USE AMENDMENT
ALTADORE (WARD 11)
SOUTH OF 46 AVENUE BETWEEN 17 AND 19 STREET SW
BYLAWS 2C2017 AND 145D2017**

MAP 5C

EXECUTIVE SUMMARY

This application is to close a portion of undeveloped laneway adjacent to 1925 – 46 Avenue SW and to redesignate the closed road from Undesignated Road Right-of-Way to Residential – Contextual One / Two Dwelling (R-C2) District.

The City of Calgary Real Estate and Development Services is in negotiations with the adjacent land owner to close and purchase the westerly portion of undeveloped road right-of-way for consolidation with their parcel 1925 – 46 Avenue SW. The subject road closure area is neither paved nor functioning as a road right-of-way. The physical lane does not sit fully within the road right-of-way reserved for the lane. A portion of the easterly lots 38 and 49 has been paved and has been functioning as a laneway. To correct the misalignment, The City of Calgary Real Estate & Development Services has been working with the Parks Department regarding registering a road plan for the portions of lot 38 and 49. The road plan would be registered concurrently with the road closure to ensure the paved area continues to operate as a laneway.

PREVIOUS COUNCIL DIRECTION

None.

ADMINISTRATION RECOMMENDATION(S)

2017 March 09

That Calgary Planning Commission recommends **APPROVAL** of the proposed Road Closure and Land Use Amendment.

RECOMMENDATION(S) OF THE CALGARY PLANNING COMMISSION

That Council hold a Public Hearing on Bylaws 2C2017 and 145D2017; and

1. **ADOPT** the proposed closure of 0.02 hectares \pm (0.04 acres \pm) of road (Plan 1710401, Area A) adjacent to 1925 and 1912 – 46 Avenue SW, 4747 – 17 Street SW, in accordance with Administration's recommendation; and
2. Give three readings to the proposed Closure Bylaw 2C2017.
3. **ADOPT** the proposed redesignation of 0.02 hectares \pm (0.04 acres \pm) of closed road (Plan 1710401, Area A) adjacent to 1925 and 1912 – 46 Avenue SW, 4747 – 17 Street SW from Undesignated Road Right-of-Way to Residential – Contextual One / Two Dwelling (R-C2) District, in accordance with Administration's recommendation; and
4. Give three readings to the proposed Bylaw 145D2017.

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REASON(S) FOR RECOMMENDATION:

The proposed land use redesignation of Residential – Contextual One / Two Dwelling (R-C2) District is consistent with the adjacent lands to be consolidated with. The road closure and new road plan registration for portions of lots 38 and 49 will see that the current laneway continue to function as it had been developed.

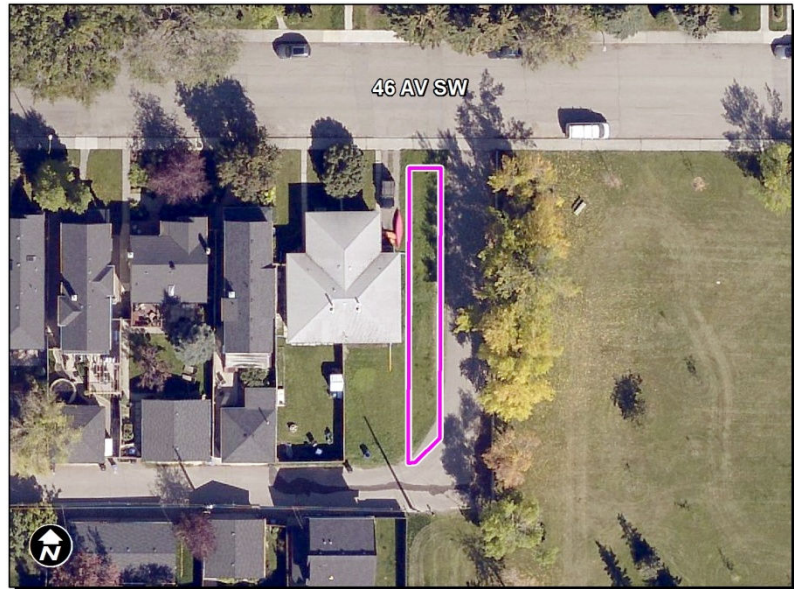
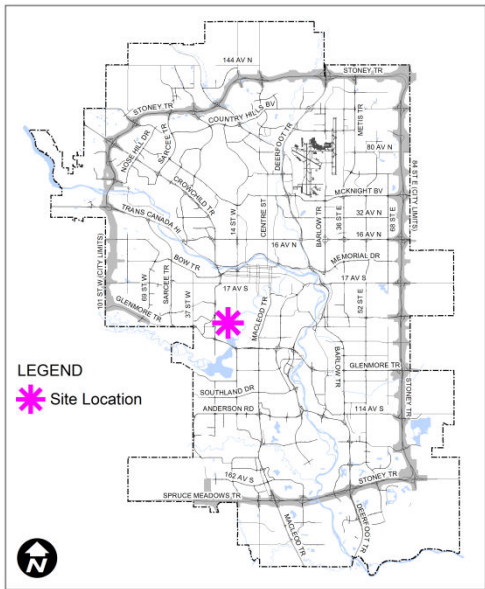
ATTACHMENTS

1. Proposed Bylaw 2C2017
2. Proposed Bylaw 145D2017
3. **Public Submission**

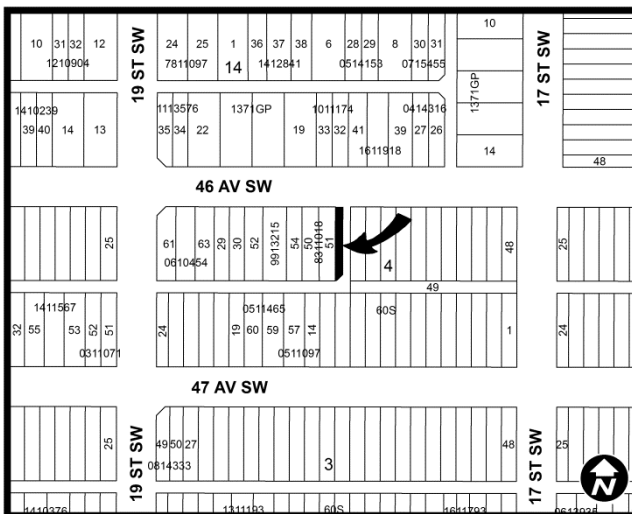
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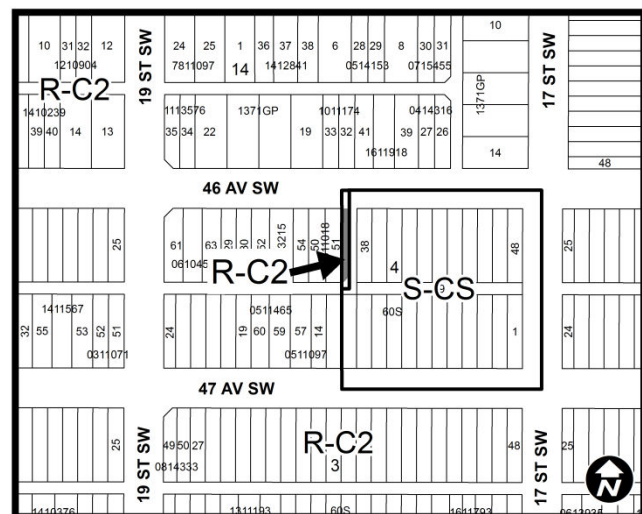
LOCATION MAPS



Road Closure Map



Land Use Amendment Map



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ADMINISTRATIONS RECOMMENDATION TO CALGARY PLANNING COMMISSION

1. Recommend that Council **ADOPT**, by bylaw, the proposed closure of 0.02 hectares \pm (0.04 acres \pm) of road (Plan 1710401, Area A) adjacent to 1925 and 1912 – 46 Avenue SW, 4747 – 17 Street SW with conditions (APPENDIX II).

Moved by: M. Foht
Absent: S. Keating

Carried: 7 – 0

2. Recommend that Council **ADOPT**, by bylaw, the proposed redesignation of 0.02 hectares \pm (0.04 acres \pm) of closed road (Plan 1710401, Area A) adjacent to 1925 and 1912 – 46 Avenue SW, 4747 – 17 Street SW from Undesignated Road Right-of-Way to Residential – Contextual One / Two Dwelling (R-C2) District.

Moved by: M. Foht
Absent: S. Keating

Carried: 7 – 0

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Applicant:

Lindsay Louise Mitchell

Landowner:

The City of Calgary

PLANNING EVALUATION

This application is to close a portion of undeveloped laneway adjacent to 1925 – 46 Avenue SW and to redesignate the closed road from Undesignated Road Right-of-Way to Residential – Contextual One / Two Dwelling (R-C2) District.

The City of Calgary Real Estate & Development Services is in negotiations with the adjacent land owner to close and purchase the westerly portion of undeveloped road right-of-way for consolidation with their parcel 1925 – 46 Avenue SW. The subject road closure area is neither paved nor functioning as a road right-of-way. The physical lane does not sit fully within the road right-of-way reserved for the lane. A portion of the easterly lots 38 and 49 has been paved and has been functioning as a laneway. To correct the misalignment, The City of Calgary Real Estate and Development Services has been working with the Parks Department regarding registering a road plan for the portions of lot 38 and 49. The road plan would be registered concurrently with the road closure to ensure the paved area continues to operate as a laneway.

The road closure and land use amendment application was circulated to the stakeholders and no objections were received.

The road closure is compatible with the adjacent land use.

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APPENDIX I

APPLICANT'S SUBMISSION

My husband and I are applying to request the closure of the unused portion of the lane easement east of 1925 46 Avenue SW, and the subsequent re-zoning of this land to R-C2. We recently purchased 1925 46 Avenue SW in the community of Altadore for the purpose of building a home for our growing family. (We also purchased the attached duplex at 1927 46 Avenue SW, which we plan to sell once the current building has been removed. During the house purchase process, it was advertised that a portion of the adjacent land was offered for sale by the City of Calgary to the previous owners (who did not pursue the purchase). The ability to acquire this land, making 1925 46 Avenue SW a wider lot, is what prompted us to proceed with purchase.

Over the last three weeks, we have been in contact with the (Acting) Manager of Real Estate Sales and Marketing who has confirmed the City's intent to sell the property in question. We understand that this parcel was deemed surplus land last year. The parcel in question is a portion of the lane easement on which a lane was never constructed. It is located between the existing, paved lane and 1925 46 Ave SW. The parcel is approximately 16.4 feet wide (5 m), with an area of approximately 1660 square feet. The acquired land would be consolidated with 1925 46 Avenue SW (27.5 feet wide) to form a single parcel for development (i.e., a total of up to 44 feet wide). To be clear, the existing 7 metre-wide lane (which is wider at the turn to accommodate waste and recycling vehicles) would continue to remain operational. Only the undeveloped land would be acquired.

This land is currently a mix of grass, mud and weeds (no trees), used occasionally for parking by the tenants occupying 1925 - 46 Ave SW, it has been maintained (i.e. grass cut) and used by the previous owner as though it was a continuous lot. We wish to lawfully acquire the land and build our home, contributing positively to the neighbourhood. In doing so, we wish to improve the appearance of the area, building a home that fits contextually with the surrounding homes and by landscaping the lot.

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APPENDIX II

PROPOSED ROAD CLOSURE CONDITIONS

1. That all costs associated with the closure be borne by the applicant;
2. That protection and/or relocation of any utilities be at the applicant's expense and to the appropriate standards;
3. That a road plan for a portion of Lot 38 and 49, Block 4, Plan 60S, be registered concurrently or prior to the subject closure to insure the laneway is to the Development Authority and Transportation Department standards;
4. That the closed road right-of-way be consolidated with the adjacent lands located at 1925 – 46 Avenue SW;