

**LAND USE AMENDMENT
RESIDUAL SUB-AREA 12A (WARD 12)
ON 84 STREET SE, BETWEEN ROCHON AND 114 AVENUE SE
BYLAW 112D2017**

MAP 18SEE

EXECUTIVE SUMMARY

This application proposes to redesignate the subject parcel from Special Purpose – Future Urban Development (S-FUD) District to Residential – One Dwelling (R-1s) District. The applicant is contemplating the future use of a Place of Worship – Small and is seeking the redesignation to provide flexibility for future redevelopment.

The R-1s District allows for predominately Single Detached Dwelling, Secondary Suite, and Backyard Suite. A limited set of small-scale discretionary uses that are compatible with and complementary to low density residential are also allowed. This includes the care group of uses, such as Assisted Living, Residential Care and Place of Worship – Small. The proposal is in keeping with the Municipal Development Plan (MDP) and the South Shepard Area Structure Plan (ASP).

PREVIOUS COUNCIL DIRECTION

None.

ADMINISTRATION RECOMMENDATION

2017 February 09

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

RECOMMENDATION(S) OF THE CALGARY PLANNING COMMISSION

That Council hold a Public Hearing on Bylaw 112D2017; and

1. **ADOPT** the proposed redesignation of 0.14 hectares \pm (0.34 acres \pm) located at 11344 – 84 Street SE (Plan 4729L, Block A, Lots 1 to 3) from Special Purpose – Future Urban Development (S-FUD) District **to** Residential – One Dwelling (R-1s) District, in accordance with Administration's recommendation; and
2. Give three readings to the proposed Bylaw 112D2017.

REASON(S) FOR RECOMMENDATION:

The proposal is in keeping with the applicable policies of the Municipal Development Plan and the South Shepard Area Structure Plan. It provides opportunities for a broader range of low density residential uses and specialized accommodation and care uses, as well as, Place of Worship – Small. The proposal helps to increase housing choices to support a complete community and allows support services that fit well with the scale and context of the residential area.

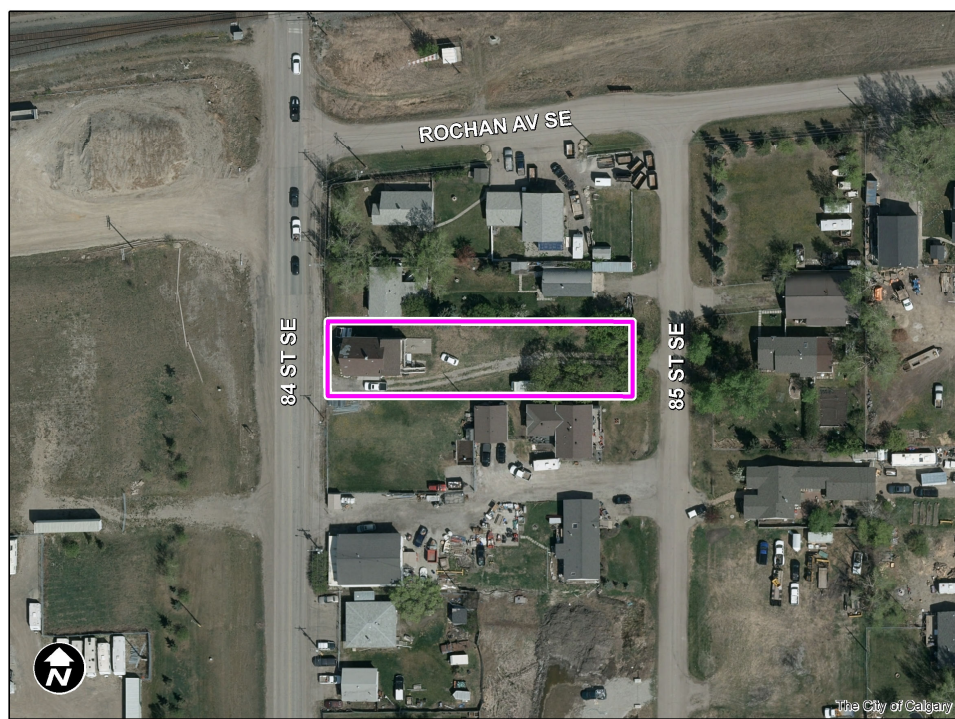
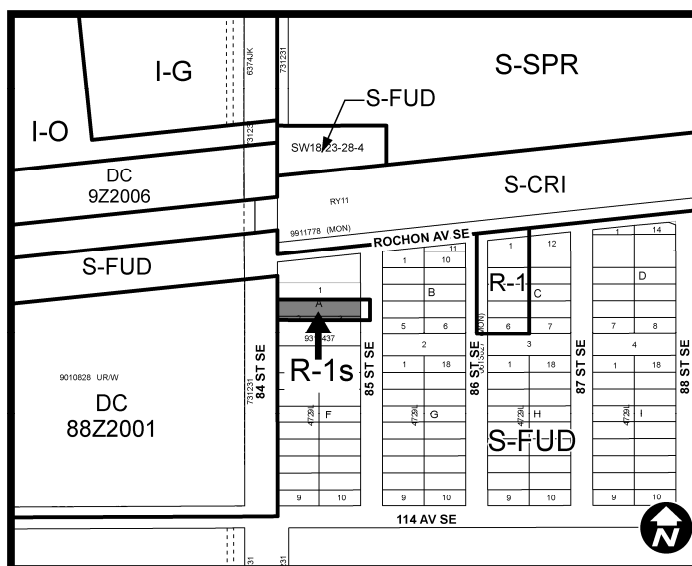
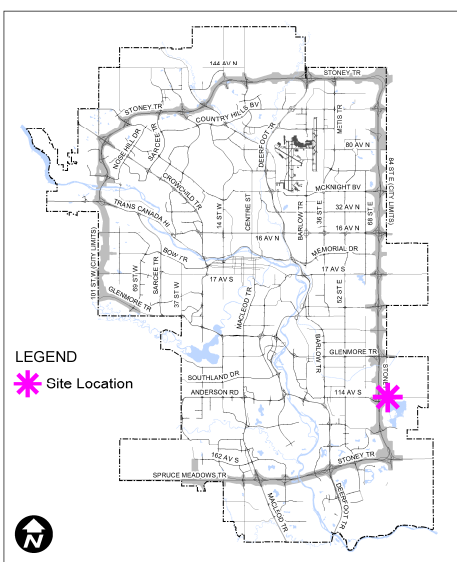
ATTACHMENT

1. Proposed Bylaw 112D2017
2. Public Submission

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LOCATION MAPS



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ADMINISTRATIONS RECOMMENDATION TO CALGARY PLANNING COMMISSION

Recommend that Council **ADOPT**, by bylaw, the proposed redesignation of 0.14 hectares \pm (0.34 acres \pm) located at 11344 – 84 Street SE (Plan 4729L, Block A, Lots 1 to 3) from Special Purpose – Future Urban Development (S-FUD) District **to** Residential – One Dwelling (R-1s) District.

Moved by: S. Keating

Carried: 7 – 1
Opposed: R. Wright

Reasons for Opposition from Mr. Wright:

- The S-FUD District is used often when servicing is not available. Increasing the intensity of use without adequate servicing (especially life safety issues, such as firefighting) is inappropriate. While those issues can be dealt with at development permit or building permit stages, I feel land use is also appropriate to deal with increasing intensity. Therefore, I am not prepared to support the application.

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Applicant:

Superior Computer Drafting & Design

Landowner:

Kamaljit Khamba
Karamjeet Khamba

PLANNING EVALUATION

SITE CONTEXT

The subject site is located within the northern edge of the 'Shepard Residential Area'. The Shepard Residential Area is bounded on the west by 84 Street SE, on the north by Rochon Avenue SE and the CPR tracks and on the south by the original alignment of 114 Avenue SE. The existing residential settlement town pattern of roads and lots was registered in 1906 and remains very similar to the current layout today.

The area was a former Hamlet within Rocky View County until 2007 July when it was annexed by The City. The existing Shepard Settlement Area has a small-town rural character and predominately consists of existing single detached dwellings under the Special Purpose – Future Urban Development (S-FUD) land use designation. A number of dwellings also contain home-based businesses. A large parcel designated Direct Control (Bylaw 88Z2001) exists to the west across 84 Street SE and is being used as recreational vehicle storage and automotive service. Land to the north of the CPR tracks is designated Special Purpose – School, Park and Community Reserve (S-SPR) District and contains the Shepard Community Hall building and its associated parking area.

LAND USE DISTRICTS

Following the annexation in 2007, The City was directed to proceed with the comprehensive City initiated redesignation of the annexed lands. At the time, the existing Shepard Area Structure Plan (2001) was undergoing a review. The S-FUD District was put in place for the lands in the Shepard Residential Area until the comprehensive review of the ASP was approved by City Council and further direction was provided by Council. It was believed that other districts within Land Use Bylaw 1P2007 would create further fragmentation and increase the number of uses in the area, which in effect, would limit potential redevelopment opportunities that may be directed as a result of the ASP review.

The proposed redesignation is to the Residential – One Dwelling (R-1s) District. The intent of this district is to allow for primarily low density Single Detached Dwelling, Secondary Suite, and Backyard Suite uses in the developing area of the city. A limited set of small-scale discretionary uses that are compatible with and complementary to low density residential (including Assisted Living, Residential Care, and Place of Worship – Small) are also allowed.

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The applicant's submission indicated an interest in developing the site into a Place of Worship – Small. This is defined as having an assembly area of 300 square metres or less and would be allowed in the R-1s District as it is an allowed discretionary use in all low density and multi-residential districts (except Residential – Manufactured Home (R-MH) District). Based on the small scale and nature of the use, it is considered to be a compatible use in the low and multi-residential context. Potential for increased transportation activity, additional on-site parking demands, and greater number of people utilizing the site for Place of Worship – Small will be reviewed in detail at the development permit stage. Site specific regulations and development conditions may also apply when determining such applications.

LEGISLATION & POLICY

South Saskatchewan Regional Plan (SSRP)

The high-level scale and/or scope of the South Saskatchewan Region Plan policies are not relevant to this application.

Municipal Development Plan (MDP)

The subject site is located within the *Planned Greenfield with Area Structure Plan (ASP)* area as identified under Map 1: Urban Structure Map of the MDP. Planned Greenfield Areas comprise residential communities that have been planned since the 1990s and are still being developed. The completed ASPs for Planned Greenfield Areas are recognized as appropriate policies to provide specific direction for development of the local community. The South Shepard Area Structure Plan was approved by Council on 2013 May for this area. The ASP has been developed to implement the strategic goals and objectives set out in the MDP.

East Regional Context Study (East RCS) (Adopted by Council 2009)

The purpose of the East RCS (completed in 2009), is to provide a level of strategic planning (non-statutory) between the Municipal Development Plan and Area Structure Plans. The purpose of this strategic planning is to identify key land use and transportation components and establish the sequencing of subsequent Area Structure Plan preparation.

The subject site is identified for residential purpose on the Land Use Concept & Transportation Map. Recreational, institutional, public, local commercial and accessory uses may be permitted within the residential area where determined to be compatible and complimentary to residential development.

South Shepard Area Structure Plan (ASP) (Approved May 2013)

The South Shepard ASP was approved 2013 May: It supersedes the Shepard ASP (2001). As shown on the Land Use & Transportation Concept (Map 5), the subject parcel is identified as part of the Shepard Residential Area. The Shepard Residential Area consists of both the

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existing Shepard Settlement Area and parcels to the south and the west – the Future Expansion Area as shown on Map 6: Shepard Residential Area. It is envisioned that over time the Shepard Residential Area will become a complete residential community with a range of dwelling types, parks, pathways, transit and commercial services. As defined in section 3.4(1) (a) of the ASP, “residential uses shall be the predominant land use (by area) within the Existing Shepard Settlement Area, and any other uses should be compatible with and complementary to the residential character of the area.” This policy, as well as the definition of ‘predominant’ in the ASP, was set out to preserve the residential character of this area. ‘Predominant’ is defined as the main component of an item, thing, or area in question, comprising no less than 80 percent of the total quantity.

The proposed R-1s District is primarily a residential district that is in keeping with the policy. As the R-1s District allows for a range of uses, when a non-residential use, such as Place of Worship – Small is proposed at the development permit stage, Administration will evaluate the application and ensure the ASP policies are met. For this land use amendment application, Administration has conducted an analysis of the existing non-residential uses in the area based on current approved development permit applications, and confirms the ratio of non-residential uses is under 20 percent.

The ASP policies support additional forms of housing types. Although not specifically listing Secondary Suites and Backyard Suites, the ASP policy states that a variety of housing types are encouraged to meet the housing affordability and lifestyle needs of all ages, including but not necessarily limited to single detached on existing parcels, semi-detached, duplexes, and ground-oriented multi-residential development. Furthermore, community oriented institutional uses, recreational uses, public uses and other similar accessory uses may also be allowed for the benefit of the local area.

The proposed land use redesignation would allow for a broader range of low density residential uses and care uses on this site that are in keeping with the policies of the ASP, until comprehensive redevelopment of the Shepard Settlement Area occurs in the future.

TRANSPORTATION NETWORKS

A Transportation Impact Assessment was not required for the purpose of this application. The subject site has street frontages on both 84 Street SE and 85 Street SE. Access to the subject site can be provided from both street frontages. Eighty-fourth Street SE is designated as an arterial road adjacent to the subject property. It is situated along the west property line of the subject site and intersects with the industrial arterial, 114 Avenue SE to the south. Access to the Shepard Residential Area is provided from both roadways. All future parking requirements will be required to be accommodated on site.

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UTILITIES & SERVICING

Water, sanitary, and storm mains are not available to service the subject site at this time and there are no plans for servicing this area in the near future. At the development permit stage, in lieu of extending municipal services to this location, it is anticipated that a Deferred Servicing Agreement would be required and the site would continue to operate on an appropriate interim servicing arrangement. Any private servicing solutions are subject to Alberta Health Services' approval.

As per the ASP, when municipal water and sewer services are extended nearby in the future, Administration may consider appropriate approaches, such as, but not necessarily limited to a Local Improvement Bylaw to implement municipal servicing in this area, or Developer funded main extensions, in conjunction with a large scale redevelopment application.

ENVIRONMENTAL ISSUES

An Environmental Site Assessment (ESA) was not required.

ENVIRONMENTAL SUSTAINABILITY

An analysis of sustainability measures to be incorporated into the development will occur at the development permit stage.

GROWTH MANAGEMENT

The subject site is not located in an area covered by the ASP's Growth Management Overlay. The proposed land use amendment does not trigger capital infrastructure investment and therefore there are no growth management concerns at this time.

PUBLIC ENGAGEMENT

Community Association Comments

The land use amendment application was circulated to the Shepard Community Association. The Shepard Community Association has expressed concerns regarding this proposal including parking, increased number of non-residential uses in the community and illegal use of the dwelling without proper approvals in place. See APPENDIX II.

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Citizen Comments

In response to the notice posting on site and circulation, a total of eight (8) objection letters were received. The comments are as follow:

- Residents indicate they do not support any uses other than a residence;
- There are already two properties operating as a place of worship;
- Concerns that the subject property is very run down and not cared for and that the property owner had not been a good neighbour;
- Concerns that the property had already been operating as a place of worship prior to approvals;
- One resident commented they observed up to 48 people with up to 39 vehicles using the property for place of worship;
- The proposed land use change is not compatible with the South Shepard ASP;
- Concerns with overflow parking onto the adjacent narrow streets;
- Residents have observed vehicles parked too close to 84 and 85 Street SE;
- Counted as many as 19 vehicles at one time parked on the property;
- The yard has a septic tank, a cistern tank, and a septic field. There will not be room for parking on the property without damaging the septic system and damaging the septic field would be a major health concern;
- The lot is too small for use as a public meeting place;
- The lot is too narrow without separation from adjacent properties;
- Concerns with music or noise generated from the use;
- The Shepard Community Hall is a new facility that could be rented for large assembly and has available parking for the use; and
- The ASP only allows for maximum of 20 percent land area for non-residential uses and this area should have been fulfilled.

Administration has completed a comprehensive review of the proposal against the ASP, as outlined in the Legislation and Policy section above and believes many of the concerns raised should be dealt with through the enforcement process. It is reasonable to conclude that future site modifications for required parking could be achieved, based on the parcel size, and this will be reviewed by the subsequent development permit process.

Public Meetings

No public meetings were held as part of this application.

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APPENDIX I

APPLICANT'S SUBMISSION

Please find attached this application for Land use redesignation for lot 11344 - 84 St SE, Legal description: The S. 50 feet of lot 1, N. 11 feet of lot 2 & N. 11 feet of Lot 3 Block A, Plan 472p L. The proposed use of the property is a small place of worship using the existing facilities with no redevelopment of the site in the near future. The current designation is S-FUD and we are requesting that the property be redesignated as R-1s.

The existing building is being used as a small place of worship and has been for many years. The existing building is a converted two storey residence that is used primarily on weekends for religious services lasting about 5 hours maximum each day. The typical attendance to these services is about 15 with a maximum of about thirty attendees on special occasions. During weekdays there is typically no one on site.

The purpose of this rezone application is to bring the current use in line with the required zoning and provide the ability for future redevelopment. There are no plans to replace the existing facility in the near future.

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APPENDIX II

COMMUNITY ASSOCIATION COMMENTS

From: sandra weir [REDACTED]
To: Leung, Christine N.; info@shepardcommunityhall.ca
Cc:
Subject: Application # LOC 2016-0250

Sent: Wed 11/2/2016 5:05 PM

Please be advised that the community of Shepard is NOT IN FAVOUR OF this application ...

At this time this community already has 2 churches in it. 1 church is established , and the other has had their development permit granted . These buildings are within 3 blocks of each other ...

They state that they are not planning to any development in the near future , however for several months there was a 4 X 8 billboard standing on the property stating that finances for the development of this property was being provided by some financial institution .. The sign is still there but not standing at this time it has been pushed over .

This is a residential community and we want to keep it this way .

- My understanding that this issue regarding this building has come up before and Alderman Keating addressed a bunch of issue at the time stating the community was not in favour of it being used as a church .. This was originally a general store . it then became a single residence when we were in the MD of Rockyview , and at this time it is still a single family residence , but several years ago they did some development and added a back exterior staircase and entrance . I believe when Alderman Keating was involved there were some issues with the building itself .

This application will bring more traffic into our area, and due to the parking limitations some folks may be forced into parking on the sides of 84th Street which is a very busy thoroughfare with no legal "on street parking" availability .

We know that for sometime it has been used as a "flop house". and we certainly do not want to encourage that in our home community . We are finding that slowly our community is becoming "light industrial " with lots of home businesses being set up with out any approval or development applications being sought ..

Please re examine all the issue and do not allow this application to be passed .

thank you

Sandra Weir

President of Shepard Community Association
[REDACTED]