

LAND USE AMENDMENT
FAIRVIEW (WARD 9)
MACLEOD TRAIL SE AND HERITAGE DRIVE SE
BYLAW 95D2015

MAP 27S

EXECUTIVE SUMMARY

This application seeks to redesignate 1.43 hectares \pm (3.53 acres \pm) located at 30 Frobisher Boulevard SW from Multi-Residential – Contextual Medium Profile (M-C2) District to DC Direct Control District to accommodate an increase in building height.

PREVIOUS COUNCIL DIRECTION

None

ADMINISTRATION RECOMMENDATION(S)

2015 May 07

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 95D2015; and

1. **ADOPT** the proposed redesignation of 1.43 hectares \pm (3.53 acres \pm) located at 10 Frobisher Boulevard SE (Plan 2832HQ, Block 2, Lot A) from Multi-Residential – Contextual Medium Profile (M-C2) District **to** DC Direct Control District to accommodate an increase in building height, in accordance with Administration's recommendation; and
2. Give three readings to the proposed Bylaw 95D2015.

REASON(S) FOR RECOMMENDATION:

Administration considers that the proposed increase in height is appropriate in this particular situation. Administration also considers that the DC Direct Control District contains adequate safeguards to protect the amenities of the low density development to the north and would therefore be compatible with the established pattern of development.

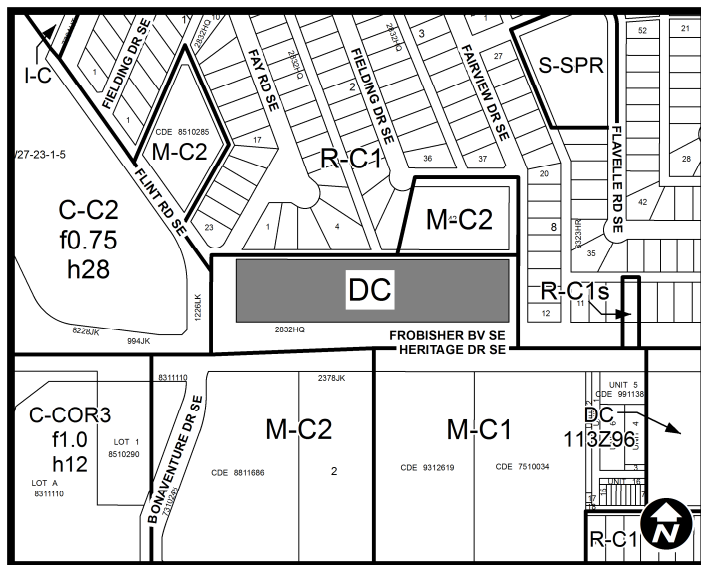
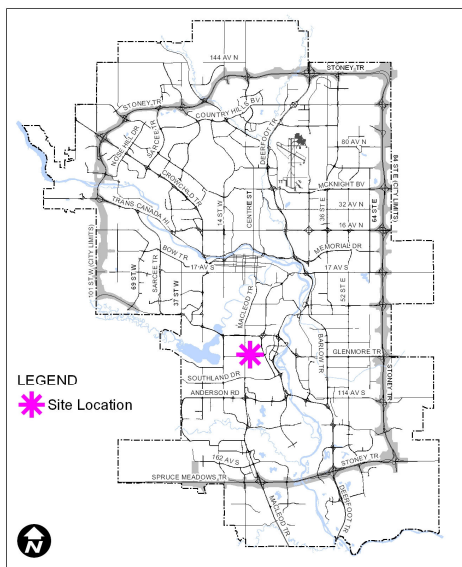
ATTACHMENT

1. Proposed Bylaw 95D2015
2. **Public Submission(s)**

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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 1.43 hectares \pm (3.53 acres \pm) located at 10 Frobisher Boulevard SE (Plan 2832HQ, Block 2, Lot A) from Multi-Residential – Contextual Medium Profile (M-C2) District **to** DC Direct Control District to accommodate an increase in building height, with guidelines. (APPENDIX II)

Moved by: J. Gondek
Absent: G.-C. Carra

Carried: 7 – 1
Opposed: R. Honsberger

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Applicant:

Manu Chugh Architect

Landowner:

729608 Alberta Ltd (Coastal Properties,
Nazir Meghani)
508548 Alberta Inc (Nawaz Hirji)

Planning Evaluation Content	*Issue	Page
Density <i>Is a density increase being proposed.</i>	No	5
Land Use Districts <i>Are the changes being proposed housekeeping or simple bylaw amendment.</i>	No	5
Legislation and Policy <i>Does the recommendation create capital budget impacts or concerns.</i>	No	6
Transportation Networks <i>Do different or specific mobility considerations impact this site</i>	Yes	7
Utilities & Servicing <i>Is the site in an area under current servicing review and/or has major infrastructure (water, sewer and storm) concern</i>	No	7
Environmental Issues <i>Other considerations eg. sour gas or contaminated sites</i>	No	7
Growth Management <i>Does this site have the appropriate growth management direction.</i>	Yes	7
Public Engagement <i>Were major comments received from the circulation</i>	Yes	8

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PLANNING EVALUATION

SITE CONTEXT

The site is located on Frobisher Boulevard SE, adjacent to Heritage Drive SE and approximately 200 metres from its intersection with Macleod Trail S, at its closest point. To the north and north east, surrounding the site are single family detached homes of the Fairview Community (Residential – Contextual One Dwelling District (R-C1)).

To the west is commercial strip mall (Commercial Community 2 District (C-C2)) characterized by being a comprehensively designed, larger commercial development on the boundary of several communities. In this particular case, those communities are Fairview, Haysboro, Arcadia and Kingsland.

On the south side of Heritage Drive SE are a mix of land uses, primarily Multi-Residential – Contextual Low Profile District (M-C1) and Multi-Residential – Contextual Medium Profile District (M-C2) around a Residential – Contextual One Dwelling District (R-C1) core.

The existing development on the site was constructed during the 1960's and represents a density of 0.9 Floor Area Ratio (FAR), however, the existing Land Use District (M-C2) would allow for a site density of 2.5 FAR.

The existing Land Use District would allow for a site density of 2.5 FAR and the applicant has proposed that the new Land Use District be restricted to 2.5 FAR.

LAND USE DISTRICTS

In Land Use Bylaw 2P80, the site was defined as Residential Medium Density Multi-Dwelling District (RM-5), the purpose of which was to provide for a variety of low profile residential building forms in a medium density range. A rule on building height stated that it should be a maximum of four storeys, not exceeding 12 metres at any eaveline. The density was expressed as being a maximum of 210 units per hectare.

Existing Land Use District

The existing land use is Multi-Residential – Contextual Medium Profile (M-C2) District. The purpose statement speaks to development at medium height and medium density with varied building height and front setback areas to reflect the immediate context. The District is specifically intended to be in close proximity to, or adjacent to, low density residential Development and is typically located at community nodes or transit and transportation corridors and nodes.

The district sets the maximum floor area ratio at 2.5, with no maximum density in terms of units per hectare. In addition it sets a maximum building height of 16 metres.

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Proposed Land Use District

The applicant has proposed to redesignate the site to DC Direct Control District to accommodate an increase in building height.

The base district would remain Multi-Residential – Contextual Medium Profile (M-C2) District, however the DC Direct Control District would allow for an increase of 2 metres over the existing 16 metres and adjust the cross section adjacent to a property line accordingly. The applicant has stated that since five existing buildings are structurally sound it is the intention to add two storeys to each making them 6 storeys in height. In addition the applicant would construct a new six storey multi-residential building on the vacant land, current private open space, within the parcel.

Since the existing buildings are approximately 10 metres in height, these additional 2 storeys could be adequately accommodated in the 8 metres allowed through the DC Direct Control District. In addition, were the site to be comprehensively redeveloped in the future, the 18 metre height would allow for 6 storey residential development with adequate consideration for the low density residential development to the north.

LEGISLATION & POLICY

Municipal Development Plan (2009)

The subject site is located in the *Residential – Developed - Established Area* as identified on Map 1 of the Municipal Development Plan (MDP). The *Developed Residential Areas* land use policies seek to retain the moderate intensification in a form and nature that respects the scale and character of the neighbourhood.

Redevelopment within these areas should be compatible with the established pattern of development and should support the revitalization of local communities.

Notwithstanding that the M-C2 Land Use District is specifically intended to transition from R-C1, which forms the surrounding established development, Administration considers that the proposed increase in height is appropriate in this particular situation. Administration also considers that the DC Direct Control District contains adequate safeguards to protect the amenities of the low density development to the north and would therefore be compatible with the established pattern of development.

Heritage Station Area Plan (1980)

The Heritage Station Area Plan provides an opportunity for a node of higher intensity development straddling Macleod Trail that is linked to the L.R.T, but acknowledges that it must be sensitive to the transition in scale and character with the adjacent, stable low density residential communities.

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The Generalized Land Use Concept Plan identifies the application site as a “continuation of existing land use designation”

The Recommended Land Use and Development Guidelines contained in the document identify that the established residential communities should be respected and retained.

Administration acknowledges that the Heritage Station Area Plan uses a 400 metre radius from the Heritage L.R.T. station and that the application site would straddle a 600 metre radius line currently used as base in T.O.D development.

Notwithstanding the catchment radius, the proposed DC Direct Control District would comply with the principles of the Heritage Station Area Plan.

TRANSPORTATION NETWORKS

A Transportation Impact Assessment was not required.

UTILITIES & SERVICING

A sanitary servicing study will be required at the Development permit stage. The study will determine the pre-development sanitary pipe flow and available downstream pipe capacity to the nearest 375 millimetre pipe. This will be used to verify if the post development sanitary flow is within the available downstream pipe capacity or if upgrades will be required, which would be at the expense of the developer.

ENVIRONMENTAL ISSUES

Not Applicable.

ENVIRONMENTAL SUSTAINABILITY

Not Applicable.

GROWTH MANAGEMENT

This application does not present any concerns with regard to the City of Calgary's Growth Management policies and does not require an adjustment of the capital budget.

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PUBLIC ENGAGEMENT

Community Association Comments

Although many concerns have been raised about this property over the course of our public engagement, these concerns are mostly addressed at the development permit stage. Therefore Fairview Community Association has no formal objection to the land use redesignation of this property, but requests that the applicant addresses the shade impact to the adjacent residents on Fairview Drive SE.

Citizen Comments

There were 17 letters of objection received, including the following issues:

- Inadequate parking
- Insufficient waste provision
- Loss of green space
- Inappropriate density

Public Meetings

The Fairview Community Association confirmed that two public engagement sessions were held (2014 May 14 and 2014 June 12). Approximately 60 residents attended the first session and approximately 35 attended the second.

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APPENDIX I

APPLICANT'S SUBMISSION

April 17, 2015

The subject application being submitted on behalf of Coastal properties Ltd., seeks to re-designate a parcel of land (described below) located in the community of Fairview in the South East quadrant of the city from its current M-C2 (multi-residential – contextual medium profile) land use district to Direct Control District to accommodate an increase in building height for the site to be developed to its potential.

The subject property is located at 30, Frobisher Blvd. S.E.

30 Frobisher Blvd S.E.
Lot A: Block 2:
Plan 2832HQ

The subject property is located close to the north east corner of the intersection of Macleod Trail and Heritage Drive S.E. in the Community of Fairview. The parcel is located at the southern edge of the community along Heritage Drive S.E. The surrounding land uses are Single Detached Dwelling to the north across the lane, commercial to the west across Flint Road and a parcel of M-C2-Multi-Residential. To the east is single detached dwellings, and to the south of Heritage Dr., are apartment buildings.

The subject parcel is within 500 metre radius of the Heritage L.R.T station and located on major bus routes with frequent bus services. There is a current development permit for the parcel at the S.W. corner of Macleod Tr. and Heritage Dr. S.W. which will be the catalyst for an elevated cross walk over Macleod Trail.

The subject parcel is 1.43 ha (3.53 acres) and was developed about 40 years ago with 5 apartment buildings. Each building is 4 storeys high with 30 units only. There is a total of 150 units existing. These units are approximately 900 sq ft or (80 sq m) which is large in today's market. These units are for rent and will remain on the rental market. These apartment buildings were constructed of concrete and are structurally sound.

The owners intend to add two (2) more storeys to each of the five (5) existing building using a structural steel construction method thereby reusing the existing structure while upgrading the buildings by adding elevators, handicapped accessible features, and upgrading of the public spaces. The main floor residential units would be redesigned to have an individual separate and direct access to grade in accordance with the requirements of the Municipal Development Plan (MDP). In addition the owners also intend to construct a new apartment building, with underground parking that would also be 6 storeys.

The subject parcel's current Land Use Designation M-C2 allows for a F.A.R. of 2.5 and a building height of 16 metres. The subject parcel is underdeveloped with a F.A.R of 0.95. The proposed re-development would add 15 to 20 units to each of the 5 buildings, thus adding between 75 to 100 units. The new 6 storey building would have approximately 60 to 70 units. The total number of dwelling units would then range between 285 to 320. The number of dwelling units would almost be doubled.

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The building height is the major reason for the change of Land Use Designation. The current land use district allows for a maximum building height of 16 metres while the re-development would require a maximum building height of 18 metres. A shadow study has been conducted, attached to the submission, which indicates minimal shadowing on the front yards of 4 houses on Fairview Drive and on the rear yards of 5 houses across the lane to the north.

The subject parcel is large enough and the buildings are located with such a large setbacks that the parcel provides its own buffering and its own transition from low density residential dwellings. The subject buildings have a height that is lower than the maximum allowed on the adjacent commercial lands which is 28 metres.

In examining any impact of the height of apartment building shadowing on nearby single detached dwellings is critical.

As noted in the shadow study any impact is minimal. The buildings have generous setbacks and Frobisher Blvd which is parallel to Heritage Dr., acts as a sole access. and as a buffer along Heritage Dr. Heritage Dr., is designated as an "urban corridor" in the MDP and taller buildings with higher density are envisioned.

Open houses were conducted on May 14 and June 12, 2014, allowing residents to review the project and make comments. The major issue revolved around the maintenance of the buildings and property. There was a discussion about shadowing of the proposed additions to buildings. The residents and Community Association are in agreement with the project, letter attached.

Ward Councillor Carra was in attendance at the meeting on June 12, 2014 and facilitated the proceedings

The proposed land use designated would enable the following:

1. Re-use and rejuvenate the older apartment buildings on the site.
2. Provide for sensitive intensification of density on a parcel that is situated within 500 to 600 metres of the Heritage LRT station and along a frequent bus services route and the edge of the community.
3. Increase building height does not impact any nearby single detached dwellings because the parcel is large and the buildings are placed in such a manner that the parcel buffers itself from adjacent parcels and uses.
4. The amendment to the existing land use district provides for varying building height within the allowed density thereby, having a conforming building without any relaxation of any other proposed Land Use District's rules.
5. The proposed land use and sensitive re-development reinforces the goals and objectives of the MDP.

In conclusion the proposed Land Use Amendment allows for a more efficient use of existing development and infrastructure located on a busy corridor.

The site has the ability to accommodate the proposed development that meets the goals of intensification as identified in the Municipal Development Plan.

We respectfully request Corporate Planning Application Group's Calgary Planning Commission's and the Council's support and approval for the subject Land Use Amendment.

R. Mounty

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APPENDIX II

PROPOSED DC DIRECT CONTROL DISTRICT GUIDELINES

Purpose:

- 1 This Direct Control District is intended to:
 - (a) provide for an increase in **building height**; and
 - (b) ensure the **building height** cross section is proportional to the height increase.

Compliance with Bylaw 1P2007

- 2 Unless otherwise specified, the rules and provisions of Parts 1, 2, 3 and 4 of Bylaw 1P2007 apply to this Direct Control District.

Reference to Bylaw 1P2007

- 3 Within this Direct Control District, a reference to a section of Bylaw 1P2007 is deemed to be a reference to the section as amended from time to time.

Permitted Uses

- 4 The **permitted uses** of the Multi-Residential Contextual Medium Profile (M-C2) District of Bylaw 1P2007 are the **permitted uses** in this Direct Control District.

Discretionary Uses

- 5 The **discretionary uses** of the Multi-Residential Contextual Medium Profile (M-C2) District of Bylaw 1P2007 are the **discretionary uses** in this Direct Control District.

Bylaw 1P2007 District Rules

- 6 Unless otherwise specified, the rules of the Multi-Residential Contextual Medium Profile (M-C2) District of Bylaw 1P2007 apply in this Direct Control District.

Floor Area Ratio

- 7 The maximum **floor area ratio** is 2.5.

Building Height

- 8 (1) Unless otherwise referenced in subsection (2) the maximum **building height** is 18.0 metres.
 - (2) Where a **parcel** shares a **property line** with a **parcel** designated with a **low density residential district** or M-CG District, the maximum **building height**,
 - (a) is 11.0 metres measured from **grade** at the shared **property line**; and

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- (b) increases proportionately to a maximum of 18.0 metres measured from **grade** at a distance of 5.0 metres from the shared **property line**.
- (3) Where a **parcel** shares a **property line** with a **street**, the maximum **building height** is:
 - (a) 12.0 metres measured from **grade** within 3.0 metres of the shared **property line**; and
 - (b) 18.0 metres measured from **grade** at a distance greater than 3.0 metres from the shared **property line**.
- (4) The maximum area of a horizontal cross section through a **building** at 18.0 metres above **average grade** must not be greater than 40.0 per cent of the maximum area of a horizontal cross section through the **building** between **average grade** and 12.0 metres.

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APPENDIX III

COMMUNITY ASSOCIATION COMMENTS



Fairview Community Association

c/o Box 78053, 383 Heritage Drive SE
Calgary, AB T2H 2Y1

June 25, 2014

Circulation Control
Development and Building Approvals #8201
P.O. Box 2100 Station M
Calgary, AB T2P 2M5

Attention: Gary Wilson

To Whom it May Concern,

In February 2014, a land use redesignation was submitted for the low-rise apartment buildings at 10-50 Frobisher Blvd S.E. in our community of Fairview by Manu Chugh Architect Ltd. on behalf of the owners of the property, Coastal Properties. This redesignation would allow a height relaxation, allowing the owners to maintain the existing structures, but add an additional two stories to each existing building for a total of six stories. No relaxation in the allowable density on this property has been requested. An additional L-shaped, six-storey building in the currently unused portion of the property is also planned.

The Fairview Community Association and the applicant have been communicating since immediately before the application was formally submitted. The applicant has been forthcoming with information and eager to involve the community residents through public engagement sessions as well as allowing a significant extension on comment submission from April 10th to the end of June. Two such public sessions were held in our community: the first on Wednesday, May 14th at the In-Definite Arts Centre (8038 Fairmount Drive S.E.); the second on Wednesday, June 12th at the Fairview Baptist Church. About 60 residents and the applicant's team attended the former and about 35 residents, our ward City Councillor, the property owner, property manager, traffic study team and the applicant team attended the latter. Official attendance records are available upon request.

R. Mounty

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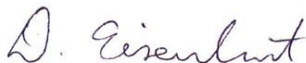
Through these meetings, many concerns were raised, most of them focusing on property maintenance and traffic/parking. Although we support most of these concerns raised by residents, these issues are mainly addressed at the development permit stage. More specifically, these concerns included: garbage on the property, garbage blowing onto neighbouring properties, overflowing dumpster garbage and lack of appropriate/enough garbage facilities, vandalism, vagrancy, abandoned shopping carts on the property, abandoned vehicles, on-street parking volumes, the potential loss of children play areas, traffic volumes at the points of exit from the community, shade impact of the taller buildings, the length of the proposed construction and resulting impact on quality of life of adjacent residents and many of these problems not being addressed in a timely fashion by the property manager. This is not an exhaustive list.

One concern, however, did fall under the current land use redesignation and height relaxation and that is the shade impact on adjacent residents, particularly on Fairview Drive. We feel that this concern is valid and we request that the applicant addresses this issue through modified building design on the easternmost building. We feel that these residents have been more than accommodating of this neighbour for many years, tolerating many problems with minimal complaint and that it would be in good faith for the applicant to accommodate their development to alleviate their concerns in an appropriate fashion.

Statement:

Although many concerns have been raised about this property over the course of our public engagement, these concerns are mostly addressed at the development permit stage. Therefore, the Fairview Community Association has no formal objection to the land use redesignation of this property, but requests that the applicant addresses the shade impact to the adjacent residents on Fairview Drive.

Sincerely,



David Eisenbart
President, Fairview Community Association

Web: www.fairviewcommunity.ca
Email: office@fairviewcommunity.ca
Phone / Fax: 403 252 5424