

**POLICY AMENDMENT, ROAD CLOSURE & LAND USE AMENDMENT
PATTERSON - WARD 6
BETWEEN SOUTH END OF PROMINENCE HILL SW & PROMINENCE WAY SW
BYLAWS 4C2014 & 19D2014**

MAP 23W

EXECUTIVE SUMMARY

The applicant proposes redesignation of a 1.69 hectare site at 908 Prominence Hill SW in the community of Patterson Heights to accommodate an assisted living / residential care facility. The proposed facility will provide residents with individual living accommodations and shared amenities such as a dining room and outdoor space.

The subject site is currently designated Special Purpose – Future Urban Development (S-FUD) District. The applicant proposes to close a portion of Prominence Hill SW and redesignate the site to a DC Direct Control District, Special Purpose – Recreation (S-R) District and Special Purpose – Urban Nature (S-UN) District.

PREVIOUS COUNCIL DIRECTION

No direction has been provided by Council with respect to the subject site or application.

ADMINISTRATION RECOMMENDATION(S)

2014 January 16

That Calgary Planning Commission **APPROVE** the proposed Policy Amendments and **REFUSE** the proposed Land Use Amendment and Road Closure.

RECOMMENDATION S OF THE CALGARY PLANNING COMMISSION

That Council hold a Public Hearing on the proposed amendments to the Patterson Heights (Strathcona Cell "A") Revised Concept Plan and Bylaws 4C2014 and 19D2014; and

1. **ADOPT**, by Resolution, the proposed amendments to the Patterson Heights (Strathcona Cell "A") Revised Concept Plan, in accordance with the Corporate Planning Applications Group recommendation.
2. **ADOPT** the proposed closure of 0.10 hectares \pm (0.25 acres \pm) of road (Plan 1313149, Area A) adjacent to 908 Prominence Hill SW; and
3. Give three readings to the proposed Closure Bylaw 4C2014.
4. **ADOPT** the proposed redesignation of 1.69 hectares \pm (4.17 acres \pm) located at 908 Prominence Hill SW and the closed road (Plan 7375GO, Block P; Plan 1313149, Area A) from Special Purpose – Future Urban Development (S-FUD) District and Undesignated Road Right-of-Way **to** Special Purpose – Urban Nature (S-UN) District, Special Purpose – Recreation (S-R) and DC Direct Control District to accommodate an assisted living / residential care facility; and
5. Give three readings to the proposed Bylaw 19D2014.

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REASON(S) FOR RECOMMENDATION:

Although Administration is not opposed to the use proposed for this site, this application is **NOT** supported for the following reason:

The proposed DC Direct Control District does not meet the requirements set out in section 20 (2) of Part 2, Division 2 of the Land Use Bylaw 1P2007 which reads as follows:

Direct Control Districts must not be used:

- (a) in substitution of any other land use district in this Bylaw that could be used to achieve the same result either with or without relaxations of this Bylaw; or
- (b) to regulate matters that are regulated by subdivision or **development permit** approval conditions.

Administration takes the position that a standard Multi-Residential – Contextual Medium Profile (M-C2) District is appropriate for the use proposed for the site. Along with the proposed amendments to the Patterson Heights (Strathcona Cell “A”) Revised Concept Plan, Administration feels that by using the M-C2 District the applicant can achieve their desired outcome while fully addressing concerns expressed by the public through the development permit review process

CPC REASON(S) FOR RECOMMENDATION:

The members of Calgary Planning Commission recommend Approval of the application (LOC2013-0023) due largely to the opinion that the benefits provided by the proposed development outweigh remaining concerns expressed by some local residents. They indicated that although the use of a DC Direct Control District may impose certain limitations upon planners and local residents to influence specific aspects of building and site design, the DC does mitigate other concerns expressed by local residents such as intensity of use and traffic generation. They also argued that the use of a DC District will allow the applicant to ensure an assisted living / residential care facility is operational by 2015, meeting the requirements of a provincial grant for 72 provincially funded, full care beds.

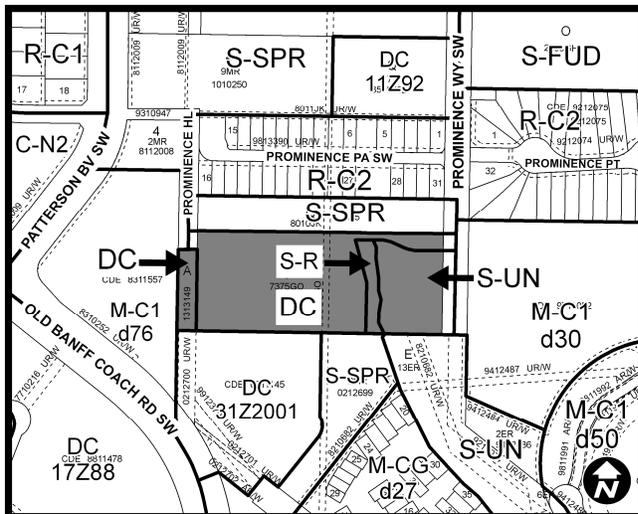
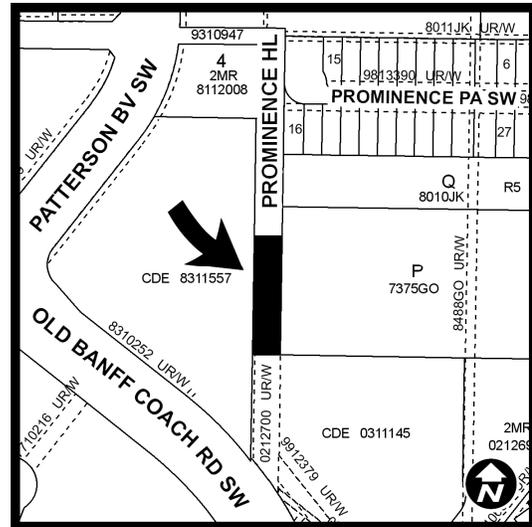
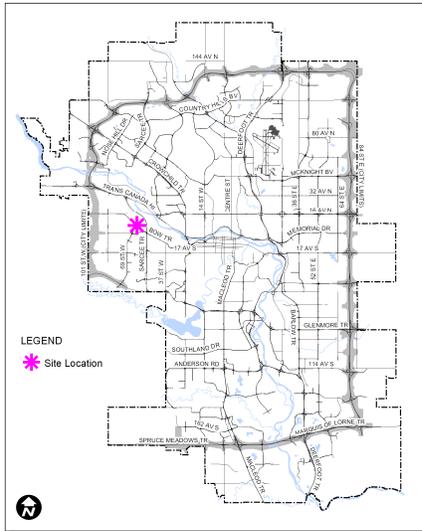
ATTACHMENTS

1. Proposed amendments to the Patterson Heights (Strathcona Cell “A”) Revised Concept Plan.
2. Proposed Bylaw 4C2014.
3. Proposed Bylaw 19D2014
4. **Public Submissions**

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ADMINISTRATIONS RECOMMENDATION TO CALGARY PLANNING COMMISSION

1. Recommend that Council **ADOPT**, by Resolution, the proposed amendments to the Patterson Heights (Strathcona Cell "A") Revised Concept Plan (APPENDIX II).

Moved by: R. Wright **Carried: 8 – 0**
2. Recommend that Council **ABANDON** the proposed bylaw to close 0.10 hectares \pm (0.25 acres \pm) of road (Plan 1313149, Area A) adjacent to 908 Prominence Hill SW.
3. Recommend that Council **ABANDON** the proposed bylaw to redesignate 1.69 hectares \pm (4.17 acres \pm) located at 908 Prominence Hill SW and the closed road (Plan 7375GO, Block P; Plan 1313149, Area A) from Special Purpose – Future Urban Development (S-FUD) District and Undesignated Road Right-of-Way **to** Special Purpose – Urban Nature (S-UN) District, Special Purpose – Recreation (S-R) and DC Direct Control District (APPENDIX IV) to accommodate an assisted living / residential care facility.

The Calgary Planning Commission **FILED** the Corporate Planning Applications Group recommendation of **REFUSAL** and recommends that Council:

2. **ADOPT**, by bylaw, the proposed closure of 0.10 hectares \pm (0.25 acres \pm) of road (Plan 1313149, Area A) adjacent to 908 Prominence Hill SW, in; and

Moved by: R. Wright **Carried: 8 - 0**
3. **ADOPT**, by bylaw, the proposed redesignation of 1.69 hectares \pm (4.17 acres \pm) located at 908 Prominence Hill SW and the closed road (Plan 7375GO, Block P; Plan 1313149, Area A) from Special Purpose – Future Urban Development (S-FUD) District and Undesignated Road Right-of-Way **to** Special Purpose – Urban Nature (S-UN) District, Special Purpose – Recreation (S-R) and DC Direct Control District to accommodate an assisted living / residential care facility; and

Moved by: R. Wright

Carried: 8 - 0

Reasons for recommending Adoption from Mr. Wright:

- The proposed DC District is appropriate and therefore section 20 of the Land Use Bylaw is not applicable.
- The site has numerous constraints and limitations requiring sensitive development.
- The M-C2 district is too general, given the number of landscape, access, adjacency and land use issues.
- The DC district address range of uses (6 uses including 4 signs as compared to 47 uses) reduces the FAR substantially (from 2.5 to 1.4), limits residents (180 to no limit) and setbacks (significantly larger i.e.: east setback 70 metres as compared to 0 to 3 metres)

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- Therefore the DC district is appropriate as it addresses a complex set of issues as a package whereby that many variables in the M-C2 could result in inappropriate development.

Reasons for recommending Adoption from Mr. Battistella:

- There should be a match between the concept plan and the land use for the site. The DC bylaw provides that consistency
- The strength of the rules of the DC bylaw as provided by Sec. 641 of the MGA provides a higher degree of certainty for the future development permit for both the applicant and community.
- The discretionary uses of the DC are still subject to the review of Administration and to an appeal to SDAB by affected parties. If the uses were made permitted that would not be the case.

Reasons for recommending Adoption from Ms. Wade:

- Support the DC bylaw as it allows for the residents' concerns to best be represented while supporting the building design that meets the provincial grant requirements and allows for the financial model to support both private and public assisted living while fulfilling a great housing need in this area.

Reasons for recommending Adoption from Ms. Gondek:

- Based on the shadow studies conducted on the site, it appears that the impact of the proposed building is not greater than that of the existing multi-residential building to the west. Further the shadow studies for the proposed building indicate minimal difference in shadow effects between a 12 metres and 16 metres building.
- Given the requirement of building completion and open beds by 2015 to access the provincial grant, a DC district is most appropriate for certainty of securing the critically needed 72 full care beds. Calgary desperately needs to take advantage of care beds when they are offered

Reasons for recommending Adoption from Mr. Honsberger:

- On the whole for more benefits to community (certainly of use) and the City (needed assisted living beds), tax revenue and protection and connection of ravine and open space system, and water main link.

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Applicant:

Landowner:

Brown and Associates Planning Group

Patterson Real Estate Inc
 The City of Calgary

Planning Evaluation Content	*Issue?	Page
Density <i>Is a density increase being proposed?</i>	Yes	
Land Use Districts <i>Are the changes being proposed housekeeping or simple bylaw amendment?</i>	No	
Legislation and Policy <i>Does the recommendation create capital budget impacts or concerns?</i>	No	
Transportation Networks <i>Do different or specific mobility considerations impact this site?</i>	No	
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	
Environmental Issues <i>Other considerations eg. sour gas or contaminated sites</i>	No	
Growth Management <i>Does this site have the appropriate growth management direction?</i>	Yes	
Public Engagement <i>Were major comments received from the circulation?</i>	Yes	7

**Issue - Yes, No or Resolved*

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PLANNING EVALUATION

SITE CONTEXT

The subject site is located in the community of Patterson Heights, on Patterson Hill SW, just east of Patterson Boulevard SW. The site is gently sloping with the exception of a treed ravine that extends north and south through the east end of the parcel. Located to the west and to the south of the site are two- and three-storey multi-residential buildings. A small park and a cul-de-sac of semi-detached dwellings are situated to the north and to the east, across Patterson Way SW there are townhouses and semi-detached dwellings.

LAND USE DISTRICTS

A DC Direct Control District with a base designation of Multi-Residential – Contextual Medium Profile (M-C2) District is proposed for the majority of the site to accommodate an assisted living / residential care facility. The proposed DC District would restrict the use to an assisted living / residential care facility and provide relaxations from the base M-C2 District for building design elements such as height and setbacks.

The standard M-C2 District lists Assisted Living and Residential Care as Discretionary Uses.

The applicant proposes redesignation of the ravine and an adjacent buffer zone to Special Purpose – Urban Nature (S-UN) and Special Purpose – Recreation (S-R) respectively.

LEGISLATION & POLICY

The Patterson Heights (Strathcona Cell “A”) Revised Concept Plan (“The Plan”) currently identifies the subject site as part of a Low Density Single Family Semi-Detached Area (6-8 Units/Acre). An amendment is proposed for The Plan, specifying the site for use as an assisted living / residential care facility (APPENDIX II).

The Municipal Development Plan calls for communities to provide a wider range of housing choice that will allow residents to remain in their own neighbourhood as their housing needs change through their lifetime. To this end, the proposed amendment to The Plan will allow the site to be used for an assisted living / residential care facility.

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TRANSPORTATION NETWORKS

Primary access to the subject site is proposed via Prominence Way SW. A secondary access for delivery and emergency vehicles is proposed via Prominence Hill SW.

Should Council wish to approve the proposed closure of a portion of 908 Prominence Hill SW, Administration recommends that Council do so subject to the standard conditions (APPENDIX III).

UTILITIES & SERVICING

The site can be serviced to the standards of the City of Calgary.

ENVIRONMENTAL ISSUES

A Phase 1 Environmental Site Assessment was submitted as part of the application package. It indicates that there are no areas of environmental concern on the subject site.

ENVIRONMENTAL SUSTAINABILITY

Issues of sustainable building and site design will be reviewed through the Development Permit process.

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.

PUBLIC ENGAGEMENT

Public Meetings

Two public meetings were held by the applicant in April and August of 2013. An additional open house was held by the City of Calgary in November 2013. Several issues were identified and resolved as a result of these meetings, some of which have been resolved through discussion between Administration, the applicant and the public.

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Community Association Comments

The Coach Hill / Patterson Heights Community Association provided comments to Administration in regard to the proposed redesignation. Among the concerns expressed are:

- Ensuring the more intense uses proposed for the site are limited to assisted living / residential care only
- Limiting the west site access to emergency vehicles only
- Building height proposed and shadowing effects
- Ensuring adequate parking on the site
- Protection of the ravine on the east side of the site

The letter sent by the Community Association has been included in APPENDIX V.

Citizen Comments

Concerns expressed by individual members of the public are reflected in the comments received from the Community Association.

Administration's response to comments

Administration has reviewed the concerns highlighted by the Coach Hill / Patterson Heights Community Association and feels the issues have been addressed adequately.

- The proposed Concept Plan amendment ensures the site is used for an assisted living / residential care facility. This approach allows a reasonable increase the intensity of use from previous policy.
- Access issues, building heights and parking can be dealt with through the review associated with a future development permit application.
- Parks Planning is satisfied that the environmental integrity of the ravine will be protected appropriately through the land use redesignation to S-UN and S-R.

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APPENDIX I - APPLICANT'S SUBMISSION

Signature Retirement Living (SRL) proposes to redesignate ± 4 acres of land in southwest Calgary and more specifically, within the Community of Patterson Heights. The land is legally described as Plan 7375GO Block P and is addressed as 908 Prominence Hill SW. At the request of Administration the application also includes a closure of Prominence Hill SW.

This application is the second Seniors Facility for Signature Retirement Living within Calgary. Their first facility is located within the Rocky Ridge Community in Northwest Calgary. The proposal is for Seniors Care Facility with associated uses. Signature Retirement Living is proposing this use under a DC (M-C2) land use designation, with uses specific to Assisted Living and Residential Care.

Signature Retirement Living and its consultant team have met with the Coach Hill Patterson Heights (CHPH) Community Association and adjacent residents on numerous occasions throughout the application process. Dialogue began approximately 1.5 years ago, 8 months in advance of a formal application. Two Developer led open houses were held in April and August and a City led open house is November 2013. Signature Retirement Living will continue to work favorably with everyone during the subsequent applications. Since the outset it was very clear from the CA and residents that a seniors facility would be a compatible use. Through pre-application comments, circulation comments and open house feedback the CHPH CA has indicated their support of the seniors use but not support of a standard multi-family district. Signature Retirement Living was more than willing to reduce the flexibility on the site in order to address the concerns of its potential neighbours. Since the beginning, and also at the request of Administration, a DC land use was proposed and circulated for the proposed application.

Prior to submission, the Signature Retirement Living Team worked for 6 months on the design and positioning of a building that respected shadows, setbacks and created a synergy between its neighbours. It should be recognized that development within existing communities is always a challenge. Once a mutually agreeable design was reached, a formal application was submitted to the City for the subject lands. During the entire application process, and as late as November 6th, the Administration was in support of a DC land use for the proposed site, as witnessed within the Detailed Team Review #2. When further vetted, late last week, it was determined by Administration that Section #20 of Bylaw 1P2007 indicates that 'if' a standard use will work for a project then it should be used instead of a Direct Control. We recognize the desire of Administration to offer flexibility over time for a parcel of land, however, in this situation SRL agrees to reduced flexibility in order to provide security to its future neighbours, as this was a top concern for the CHPH CA and residents.

The non-statutory Patterson Heights Concept Plan identifies the subject site as residential with a density range of between 1 and 6 units per acre. Administration has identified that a Minor Concept Plan Amendment is required to allow multi-family densities on the proposed site, and an Amendment is running tandem with the proposed application. The Land Use Bylaw Group, confirmed, through recent changes to Bylaw 1P2007, that assisted living/residential care (seniors) facilities are not subject to density limitations due to the unique nature of the use. Therefore, the Amendments are minor in nature.

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The proposed site has remained in future urban reserve (S-FUD) for many years, containing a home and associated residential components. Signature Retirement Living is confident they can provide a facility that would be of great benefit to the community and residents.

The application is not proposing a subdivision. As such, Signature Retirement Living has had numerous discussions with the Parks Department and is willing to dedicate (through land use redesignation only) the ravine area (approximately 1/4 of the site) as S-UN and S-SPR adjacent to the ravine. This land will not be on title to the City of Calgary and Signature Retirement Living will be responsible for maintaining it. In addition, SRL is prepared to provide public access easements, where needed. Signature Retirement Living recognizes the importance of natural areas and the direction of Parks to maintain continuous ravine systems, where possible. They are committed to ensuring these lands will be properly cared for and maintained. In addition to enhancements on site, SRL has proposed to enhance two adjacent City owned Municipal Reserve parcels north (currently undeveloped) and south (minor existing components) of the subject land. Additionally, SRL will provide landscaping between their building and the property line of the adjacent neighbours to the south with specific vegetation to enhance visual appeal and buffering.

The subject land will be serviced from Patterson Way SW into the existing network for all resident, employee and visitor access. Prominence Hill SW will be used for deliveries and emergency access. To address community concerns there will be no opportunity for passenger vehicles to access the main entrance from Prominence Hill SW, those trips will be required to come from Prominence Way SW.

The Facility is proposing as a 4 storey structure containing 180 unit Assisted Living and Residential Care units. SRL was in receipt of a Provincial Grant in summer of 2013, which offers 72 provincial care beds within the proposed facility. These beds can only be accommodated in a 4-story building, and would be lost if the application were revised to a 3-story maximum. The addition of these provincial beds is a significant benefit to the Patterson Heights Community. Residents have the ability to make use of the Seniors Suites until a time they require 24/7 care, and at that time they can transition within the building without having to leave the community. The City of Calgary is underserved with care beds and SRL is thrilled to have been selected by the Province. There currently exists no 'full care beds' within the community, nor the west side of Calgary. It is SRL's hope that they can accept this grant and provide this level of care to the community. The retirement home will be sensitive to the neighbourhood with its building design and SRL is certain the 4 storey building will be constructed to become a seamless addition to the community.

Signature Retirement Living appreciates the continued effort made by the CHPH CA and residents over the past year and a half since our first meeting, SRL acknowledges the committees and board of directors for all of their efforts on this proposed application. SRL is committed to providing a 'top-notch' facility, like their Rocky Ridge Retirement Home, and hopes the community and residents can support the proposed facility, most specifically the ability to contain Provincial Beds.

Signature Retirement Living seeks the support of Administration, Calgary Planning Commission and City Council on their redesignation from S-FUD to DC(M-C2), S-SPR and S-UN.

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APPENDIX II - PROPOSED POLICY AMENDMENT

Proposed amendments to the Patterson Heights (Strathcona Cell "A") Revised Concept Plan includes:

- (a) Add a new of section 3.10 as follows:

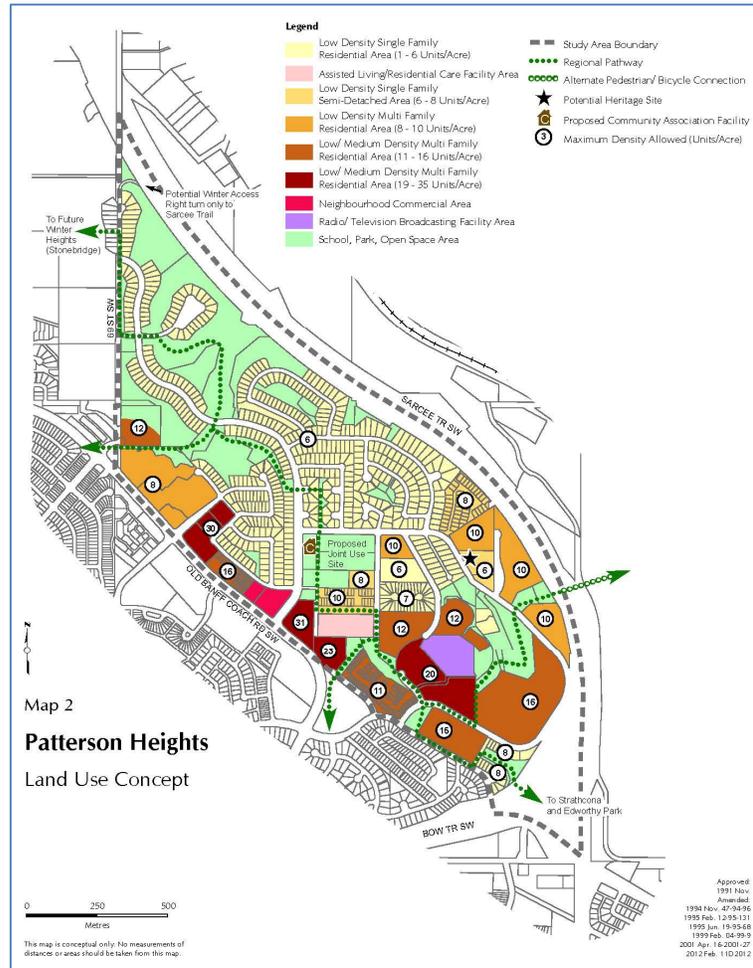
"3.10 Assisted Living / Residential Care Facility Area

The purpose of this institutional area is to accommodate a low-profile assisted living and residential care facility. Site development should preserve natural features and provide connectivity to the local pathway system."

- (b) Delete existing Map 2 entitled "Patterson Heights Land Use Concept" and replace with revised Map 2 entitled "Patterson Heights Land Use Concept" as follows:

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APPENDIX III – PROPOSED ROAD CLOSURE CONDITIONS

- a. All existing access to the affected properties in the area is to be maintained or alternative access to be constructed at the developer's expense.
- b. The developer is responsible for all costs associated with the closure including all necessary physical construction, removal, rehabilitation utility relocations, etc.
- c. All existing utilities within the right-of-way are to be protected by easements or be relocated at the developer's expense
- d. That the road to be closed will be consolidated with the adjacent lands.

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APPENDIX IV – APPLICANT’S PROPOSED DIRECT CONTROL GUIDELINES

Purpose

- 1 This Direct Control District is intended to accommodate an **Assisted Living** and **Residential Care Facility** within a **Developed Community**.

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 Bylaw, 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 following **uses** are **permitted uses** in this Direct Control District:
- (a) **Sign – Class A;**
 - (b) **Park;** and
 - (c) **Utilities.**

Discretionary Uses

- 5 The following **uses** are **discretionary uses** in this Direct Control District:
- (a) **Assisted Living;**
 - (b) **Residential Care;**
 - (c) **Sign – Class B;**
 - (d) **Sign – Class C;**
 - (e) **Sign – Class D;** and
 - (f) **Sign – Class E.**

Bylaw 1P2007 District Rules

- 6 Unless otherwise specified in this Direct Control District, the rules of 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 1.40.

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Units

- 8 The maximum cumulative number of **units** in **Dwelling Units** for **Assisted Living** and residential care rooms in **Residential Care** is 180.

Setback Area

- 9 The minimum depth of all **setback areas** must be equal to the minimum **building setback** required in Section 10 of this Direct Control District Bylaw.

Building Setbacks

- 10 The minimum **building setback** is:
- (a) 70 metres from the east **property line**;
 - (b) 1.2 metres from the west **property line**;
 - (c) 10 metres from the north **property line**; and
 - (d) 5 metres from the south **property line**.

Landscaped Areas

- 11 (1) Any part of the **parcel** used for **motor vehicle access**, **motor vehicle parking stalls**, **Loading stalls** and garbage or recycling facilities must not be included in the calculation of a **landscaped area**.
- (2) A minimum of 38.0 per cent of the area of a **parcel** must be a **landscaped area**.
- (3) The maximum hard surfaced **landscaped area** must be 60.0 per cent of the required **landscaped area**.

Building Height

- 12 The maximum **building height** is 16.0 metres.

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APPENDIX V - LETTERS SUBMITTED



Coach Hill Patterson Heights Community Association

PO Box 74132, 148-555 Strathcona Blvd. SW
Calgary, AB. T3H 3B6

Monday 6 January 2014

LOC-2013-0023 Land Designation change and Prominence Hill Road Closure

CHPH supports the city of Calgary's proposal to re-designate the above mentioned site from a S-FUD to a MC-2d-154.

CHPH does not support the DC Direct Control District designation proposed by the developer, as it does not allow appeals during the permitting stage.

As the proposed amendment to the Patterson Heights Concept plan would provide some protection against the possible development of a high density single family or a high rise condo complex should this developer decide not to proceed.

Also:

CHPH supports the closure of Prominence Hill. But suggests that a barrier be placed across the access so that it can only be used by emergency vehicles and not by delivery trucks or be a right of way for workers, residents or for visitors to the Seniors residence.

Coach Hill Patterson Heights Community Association (CHPH) would like to reiterate that it is very supportive of a Seniors Assisted Living Residence being built on this site.

CHPH supports the amendment to the current Patterson Heights (Strathcona Cell "A") (May 2006) Revised Concept Plan by attaching the "the assisted living/residential care notation to this site. As it agrees with the Concept plan which envisioned that this area be kept to low density development of between 1 and 6 units per acre. The plan also recognised that the area has an overabundance of high density development. It was also noted in the plan that further developments should be compatible with adjacent residential developments and designed and sited in a manner sensitive to adjacent and existing developments.

CHPH Board
Shauna Baty, President
Vivienne Edwards, Director of Expansion and Development

To: David Couroux

Cc: Richard Pootmans, Lorraine McGowan and board, Glenn Hamilton and board

D. Couroux