

Submission by Ing Developments 2009 Ltd

Re: The Access Closure Bylaw for Item 7.4 - 8775 17 Ave SE IP2023-0270 closes of my Access.

Dear Council members,

I am here today to oppose the Access Closure Bylaw until a workable and acceptable design is proposed for a proper access road on the west side (new 84 St).

An east access to my property that is proposed is not workable or reasonable. It is 1900 ft away from the house and there is no road, just dirt. Furthermore, that is where the wetlands are located, and it is flooded out in the spring and when there is heavy rain fall. (Nobody from the City ever discussed this with me.

Therefore, the access needs along the new 84 Street SE. The city has provided me with 2 access proposed locations how each time the access entrance and road were too close to my accessory building. As seen on Exhibit A where the road ends up within a couple feet away for the accessory building. I have attached as Exhibit B, a map of the parcel and the acceptable access locations.

As you can see from, Exhibit A, In their Feb 7 letter to me, the city has said they would put in a new access and road in along 84th Street SE.

Feb 8 Letter from the City

"This bylaw will only impact your western access and will not result in any alterations to your existing, right-in/right-out access onto 17th Avenue SE further east on your property. In order to ensure you continue to have access from all directions, a new driveway can be constructed for your property that accesses the new 84th Street SE, directly to the west of your property. This will provide access to all directions for you in a manner that is similar to the developments to the north of 17th Avenue SE. A potential design is as shown in the below drawing."

And then on April 28th, without prior notice, the city decided to change their minds and close off all access from 84th Street. On a Apr 28 letter, the city advised me that they we no longer going to install the 84th access since it would be too costly

Apr 28th letter from the City

If Council votes to approve the access closure via bylaw, the following sequence of events will take place:

- You will be issued a temporary access permit by the Director of Mobility, allowing you to continue to use the driveway until it is actually barricaded. A minimum of 10 days' notice will be given. We do not intend to close it until modifications have been made to your eastern driveway, to permit all-turns access. Further investigation has confirmed that, due to the grade difference between the new 84th Street and your property, a new access onto 84th Street for you would be challenging and costly, so the decision to allow all-turns at your eastern access was made.

Conclusion

I ask that Council,

To enforce the Feb 8th Letter from the city to construct a new access to my property

1) I would accept any access location that is 40 feet in any direction away (north or south) from the accessory building.

2) I would like a road built from the access road to the house that meets proper engineering standards and the road and grading to be designed so that the accessory buildings don't get flooded.

3) If possible, as compensation for the changes to my access road, I would like a set of services (sewer, water, storm) to be stubbed out at the property line before the road gets paved.

(Since the house is very old, The water well does not produce very good water).

Yours truly

Bill Ing

Exhibit A

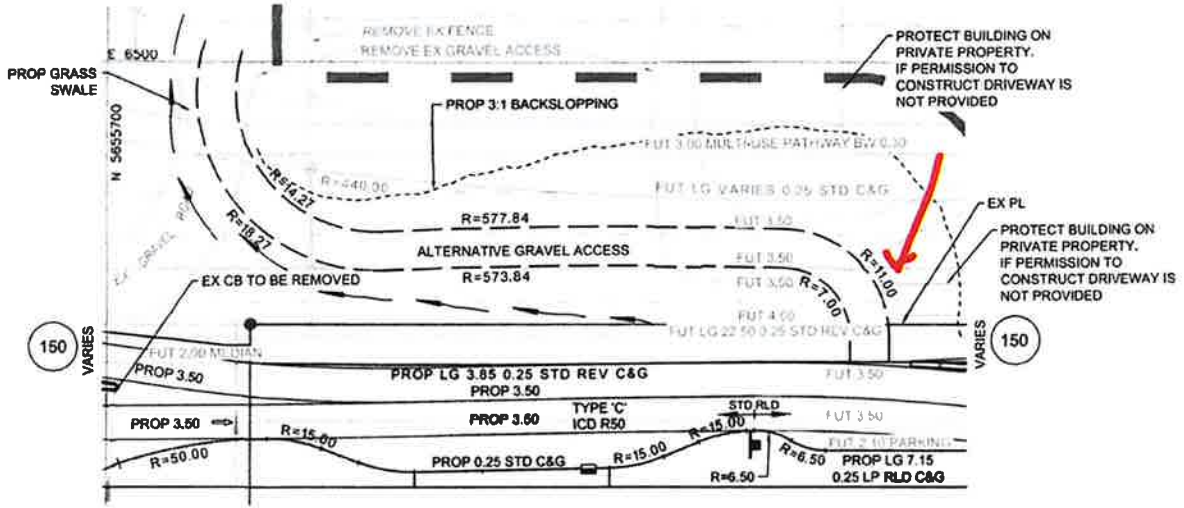
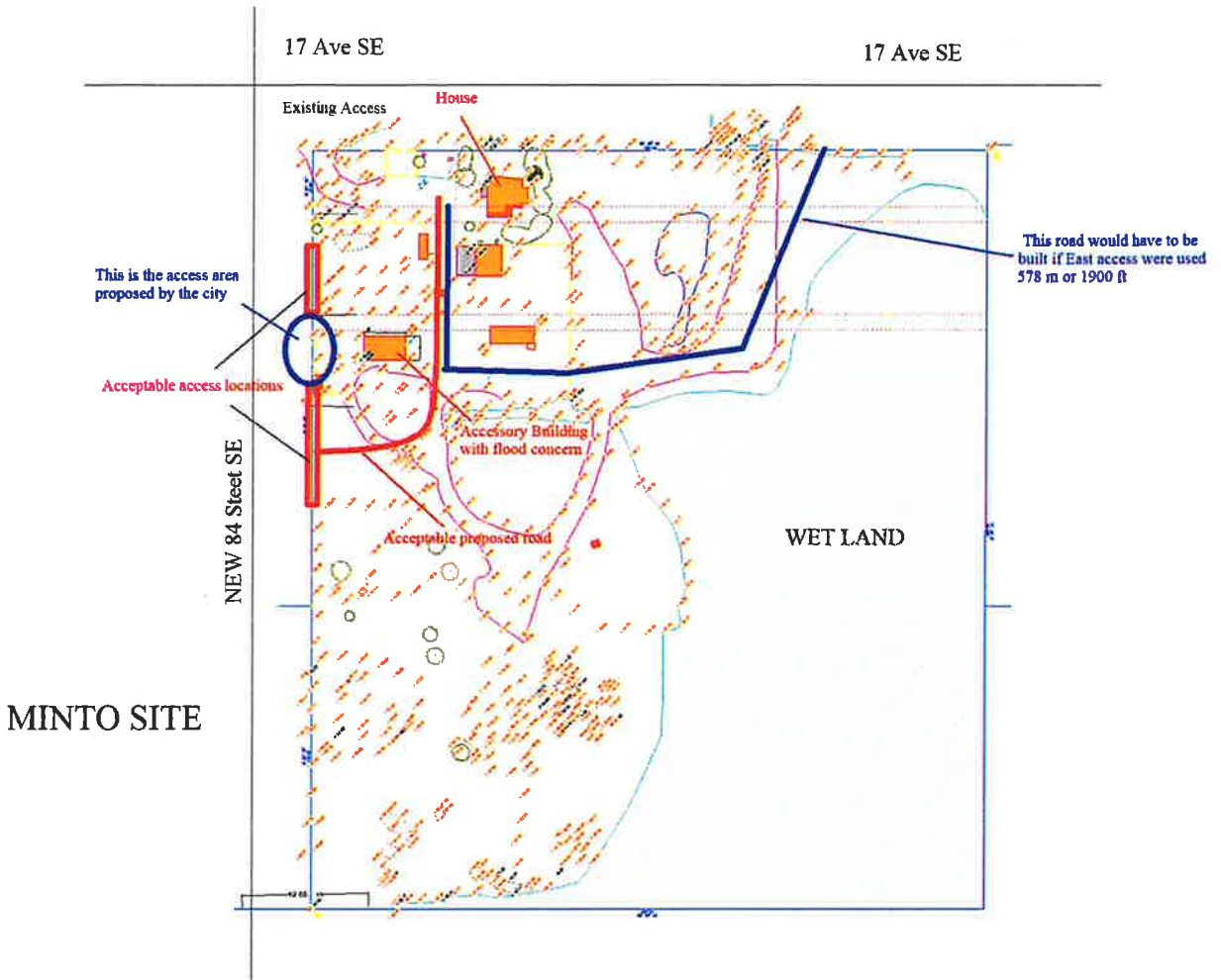


Exhibit B





Bill Ing <billing.ingdev@gmail.com>

Re: [External] Re: 84th Street and 17th Avenue SE

Bill Ing <billing.ingdev@gmail.com>
Reply-To: billing.ingdev@gmail.com
To: "Sydenham, Michael T." <Michael.Sydenham@calgary.ca>

Wed, May 3, 2023 at 6:45 PM

Hi Michael,

Further to your email on April 12th, after we discussed it I mentioned that the east entrance does not work because there is no road going from there to the house and therefore I could not get to the house without a road being built. Due to the high water table, the house is not accessible from that entrance through part of the year.

Also as discussed, the entrance you proposed does not work because the proposed entrance is too close to the existing shop and due to the sloping of the entrance road would for sure result in water flowing into the shop. The proposed access road would have to be a substantial distance away from the shop in order to avoid the water running towards the shop.

I had hoped that after our discussion you would go back to your engineers and discuss issues, and come back with another proposal that would address these issues.

There is no reason I should have to hire an engineer to figure a solution for this, it should be the City that bears the cost.

Since it is the city that needs these changes and not my request, I should not be incurring any cost as a result of this.

If you can come up with a workable solution to this, then please provide me with a new plan addressing these my concerns.

I have not hired legal counsel yet, however, if we can't come up with a solution that addresses these concerns and provides me with a reasonable access road, I will have to seek an injunction and damages claim.

I am available to meet anytime to discuss and try to find a solution.

Please call me.

Thanks

Bill Ing

On Fri, Apr 28, 2023 at 10:54 AM Sydenham, Michael T. <Michael.Sydenham@calgary.ca> wrote:

Hello Mr. Ing,

I am writing to confirm for you that the access closure bylaw for your driveway is scheduled to go to the May 10th Infrastructure and Planning Committee. At that meeting, the committee will be given a presentation and will vote on recommendations to bring the bylaw forward to Council. The Council date has not yet been confirmed, but is anticipated for mid-June. If you wish to speak or present to the Committee on May 10th, please see the instructions found on this website as to how to do so. Also note that it is this committee meeting when you will have the opportunity to present or speak to the issue, should you wish to do so. The Council meeting will not be a public hearing, and therefore there will not be an opportunity at that later date.

<https://www.calgary.ca/council/meetings/legislative-services.html>

If Council votes to approve the access closure via bylaw, the following sequence of events will take place:

- You will be issued a temporary access permit by the Director of Mobility, allowing you to continue to use the driveway until it is actually barricaded. A minimum of 10 days' notice will be given. We do not intend to close it until modifications have been made to your eastern driveway, to permit all-turns access. Further investigation has confirmed that, due to the grade difference between the new 84th Street and your property, a new access onto 84th Street for you would be challenging and costly, so the decision to allow all-turns at your eastern access was made.
- With the approval of the closure bylaw, Minto will be permitted to begin construction of new 84th Street. The new road will take some time to construct, and if your eastern driveway has not been modified by the time it is complete, the new road will remain barricaded until such time as the eastern driveway modifications have taken place.
- The developer on the north side of 17th Avenue, Tristar, intends to submit construction drawings in the coming week or so for their boundary obligation of the north half of 17th Avenue. It is through this construction drawing process that we will have the current

5/9/23, 4:20 PM

Gmail - Re: [External] Re: 84th Street and 17th Avenue SE

median modified and shifted west, to permit all-turns access out of your eastern driveway.

- With the review and approval of the Tristar construction drawings, it is anticipated actual construction work will take place this summer/fall, including the modification of the median to permit all-turns from your eastern driveway.
- Once the median has been modified, you will receive the 10 days notice for your temporary use permit for your western access, and upon the end of the 10 days, barriers will be placed in front of the driveway, allowing the new 84th Street to open.

Thank you,

Michael Sydenham, P.Eng

Senior Development Engineer – Mobility Specialist

Development Engineering | Community Planning

C: 587.224.8014 | calgary.ca

From: Sydenham, Michael T.

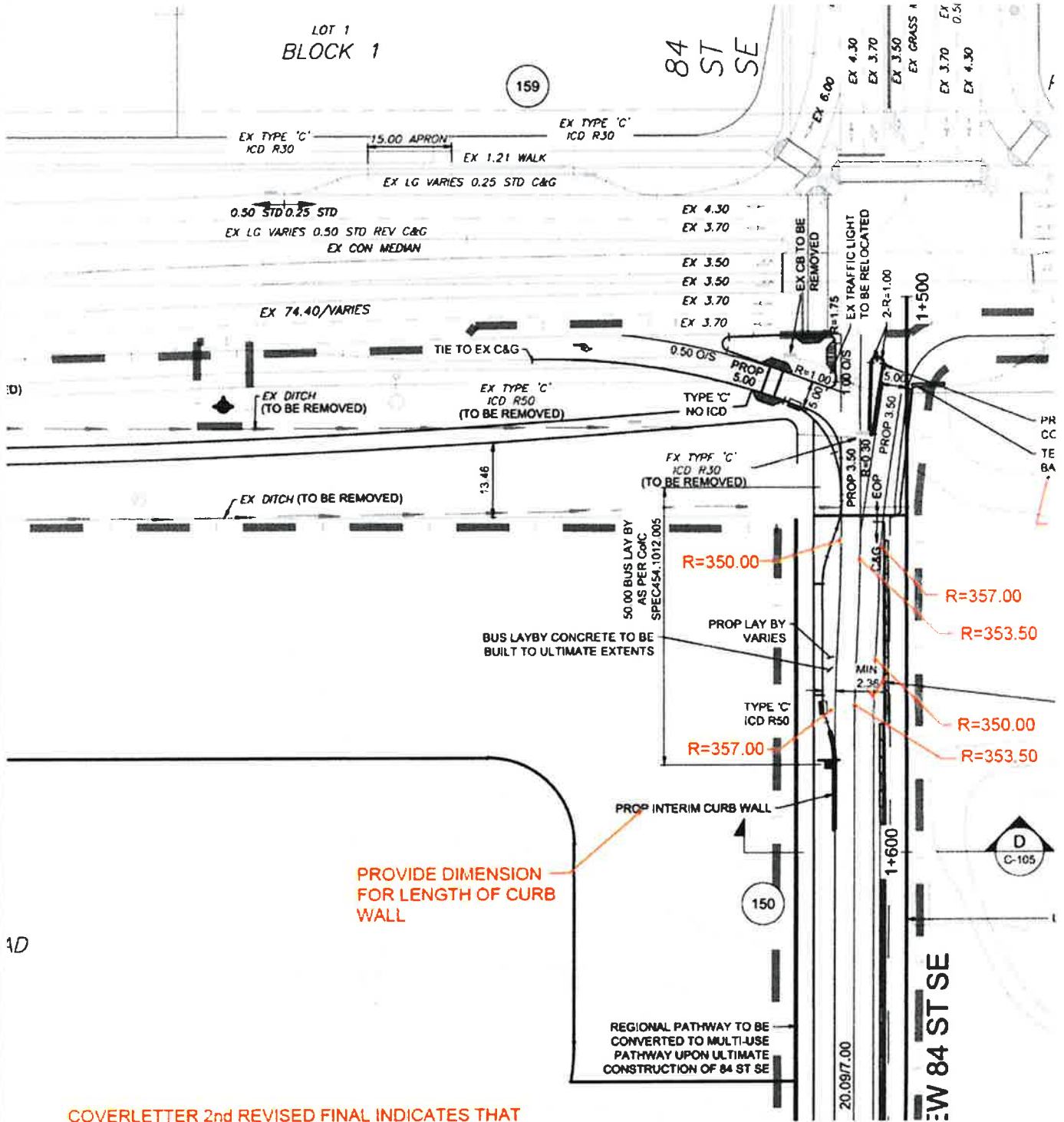
Sent: Thursday, February 16, 2023 8:28 AM

To: billing.ingdev@gmail.com

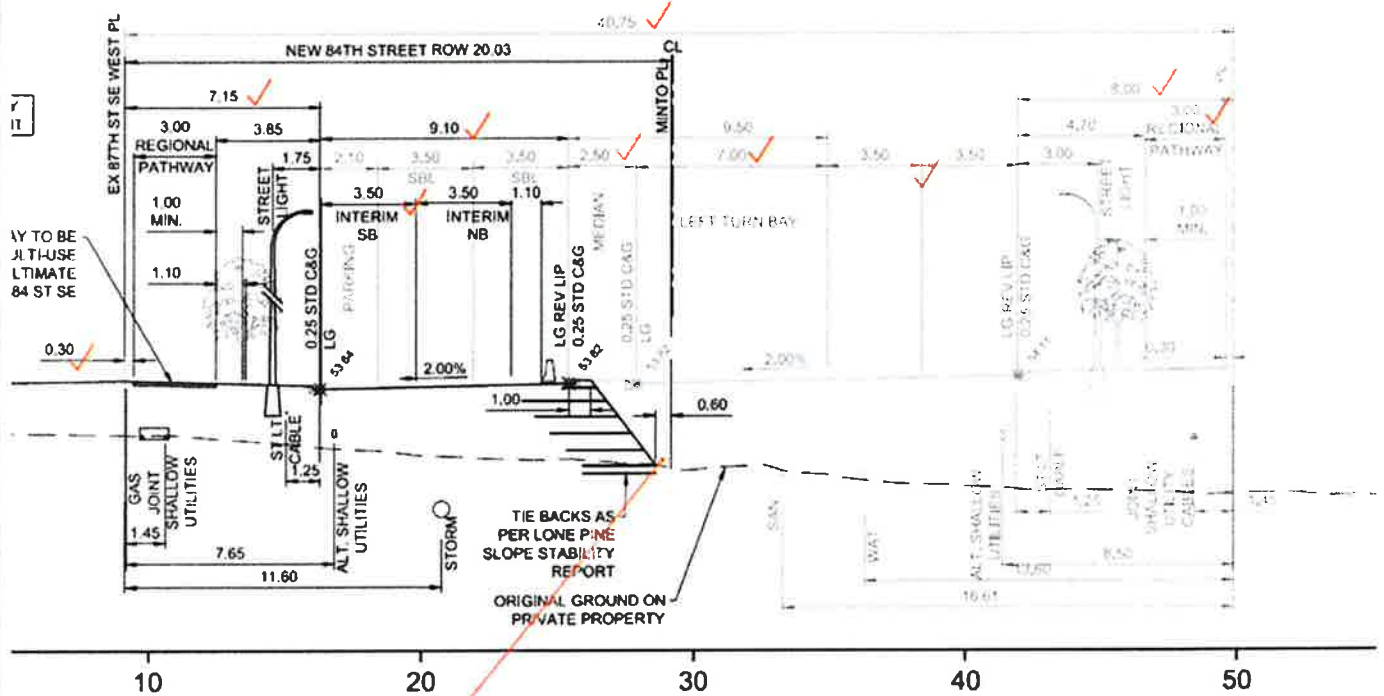
Subject: RE: [External] Re: 84th Street and 17th Avenue SE

Good Morning Bill,

Please see the below images that depict the design that will be used for Minto's portion of 84th Street.



COVERLETTER 2nd REVISED FINAL INDICATES THAT



REVISED FINAL COVER LETTER,
 : OF SLOPE A DITCH WILL BE
 IAT WILL DIRECT WATER
 KISTING WETLAND



NEW 84 ST SE

SCALE 1:200 STA 1+600.000
 MODIFIED ARTERIAL
 (Horizontal Design criteria based on Urban Boulevard
 and Road Structure based on Arterial Road)

NOTE THAT ROAD D&P STRONGLY RECOMMENDS TO

While I am not able to locate a topographical map, the City's 3D scan map will allow you to see an elevation profile using the ground elevation profile tool:

[3D Digital Calgary | City of Calgary map gallery](#)

The design images are from the construction drawing package submitted by Minto to The City. If you want to see more details from the package, please reach out to Charles Boechler of Minto. His e-mail address is cboechler@minto.com

Michael Sydenham, P.Eng

Senior Development Engineer – Mobility Specialist

Development Engineering | Community Planning

C: 587.224.8014 | calgary.ca

From: Bill Ing <billing.ingdev@gmail.com>
Sent: Tuesday, February 14, 2023 2:33 PM
To: Sydenham, Michael T. <Michael.Sydenham@calgary.ca>
Subject: [External] Re: 84th Street and 17th Avenue SE

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Hi Michael,

Can I please get a plan for the new 84 Street road and intersection so the I can see how it impacts my property?
I'd also like to see a topo plan so I know the elevations in relation to mine.

On Tue, Feb 7, 2023 at 1:56 PM Sydenham, Michael T. <Michael.Sydenham@calgary.ca> wrote:

Hello Mr. Ing,

As you will recall from our phone conversation on December 28th, I am the Senior Mobility Engineer with The City of Calgary that is working on files within the Belvedere area. You are also likely aware that the Calgary Planning Commission and City Council gave approval to Minto's development application, LOC2018-0275, in spring 2020. The road network within that application matches the road network contained within the Council approved Belvedere Area Structure Plan (approved May 2013), and it is required in order to serve Minto's development, as well as subsequent developments in the area as part of the overall mobility network.

As indicated to you with other staff members, and Minto, during a meeting on your property in the first half of 2021, the location of the driveway accessing your property in the NW corner of your parcel will create a safety issue with the approved roadway, as the spacing between the south leg of the intersection and your driveway is insufficient and would create conflict points along vehicle turning paths, potentially leading to collisions. As a result, this driveway will need to be closed, to permit the construction of the public roadway. Please be advised that pursuant to section 28 of the Highways Development and Protection Act, S.A.2004, c. -8.5' (the "Act") a bylaw to remove this direct physical access is being prepared to bring forward to Council for approval. It is scheduled to go to the Infrastructure and Planning Committee of Council on May 10, 2023. If you wish to speak to this item or submit any materials regarding it, please see the instructions in the following link:

<https://forms.calgary.ca/content/forms/af/public/public/public-submission-to-city-clerks.html>

This bylaw will only impact your western access and will not result in any alterations to your existing, right-in/right-out access onto 17th Avenue SE further east on your property. In order to ensure you continue to have access from all directions, a new driveway can be constructed for your property that accesses the new 84th Street SE, directly to the west of your property. This will provide access to all directions for you in a manner that is similar to the developments to the north of 17th Avenue SE. A potential design is as shown in the below drawing.

5/9/23, 4:20 PM

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