

LAND USE AMENDMENT  
SHAWNEE SLOPES (WARD 13)  
JAMES MCKEVITT ROAD SW AND SHAWNEE STREET SW  
BYLAW 385D2017

Item # 8.1.16

MAP 4S

**EXECUTIVE SUMMARY**

This application is to replace the existing DC Direct Control District with a new DC Direct Control District that is identical to the existing DC but with the addition of a specific rule that was removed in error during the previous Land Use Amendment application and associated amendments to eliminate conflicts within the text. The rule in question and associated map reduces the building setback from 15.0 metres to 10.0 metres in one specific area.

**PREVIOUS COUNCIL DIRECTION**

None.

**ADMINISTRATION RECOMMENDATION(S)**

2017 October 19

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 385D2017; and

1. **ADOPT** the proposed redesignation of 7.46 hectares  $\pm$  (18.41 acres  $\pm$ ) located at 7, 9, 11, 13, 21, 23, 25, 33, 35, 37, 39, 41, 43, 45, 47, 49, 51, 53, 55, 57, 59, 61, 63, 65, 67, 69, 71, 73, 75 and 77 Shawnee Heath SW, 342 and 378 Shawnee Boulevard SW, 820 James McKeivitt Road SW, 995 Shawnee Drive SW and the common property (Condominium Plan 1711947, Units 1 to 30 and 38; Portion of Plan 1413460, Block G, Lot 2; Plan 8811677, Block D) from DC Direct Control District **to** DC Direct Control District to accommodate multi-residential development, in accordance with Administration's recommendation; and
2. Give three readings to the proposed Bylaw 385D2017.

**REASON(S) FOR RECOMMENDATION:**

The proposed redesignation enables the redevelopment of the site as it was presented in the previous application's communications and public engagement. It is in line with the Special Residential Area policies written for this redevelopment cell in the Revised Midnapore Phase 2 Area Structure Plan, and meets the Municipal Development Plan's call for moderate intensification of established residential communities.

**ATTACHMENT**

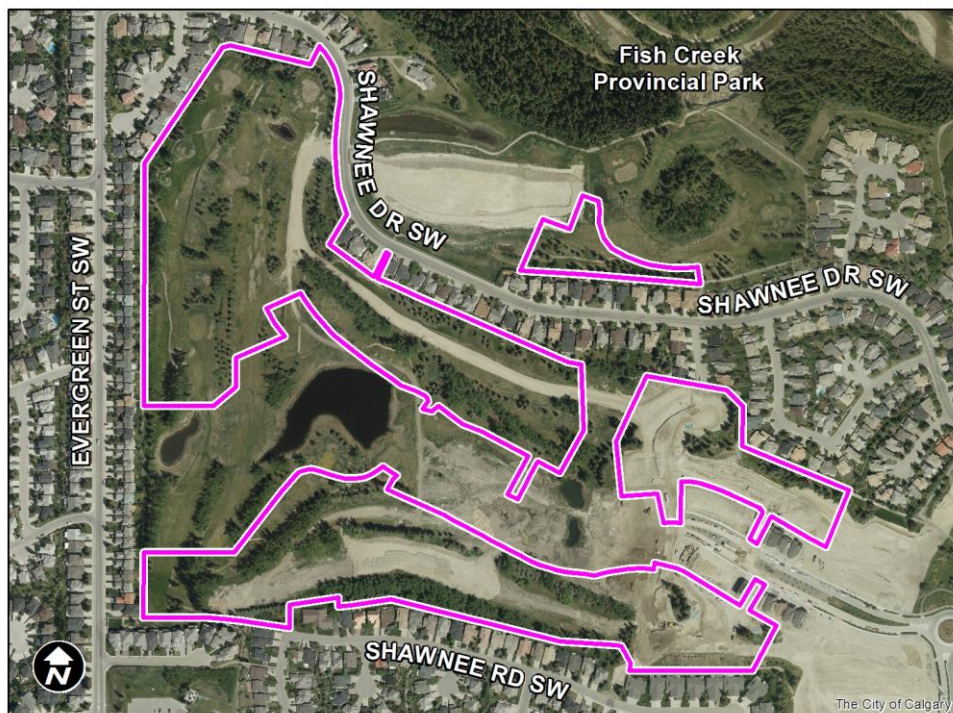
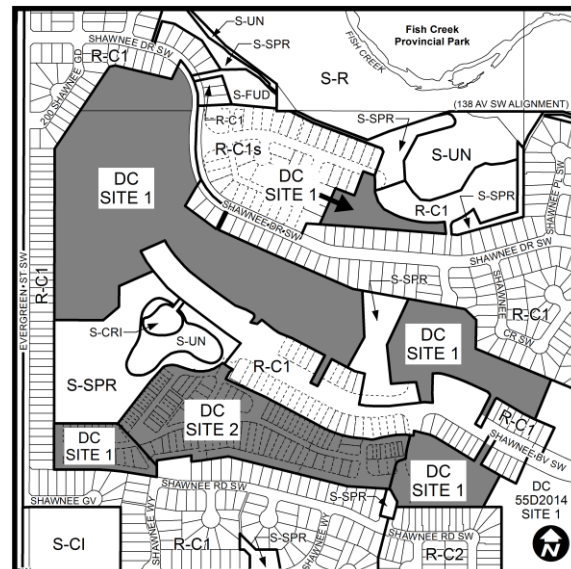
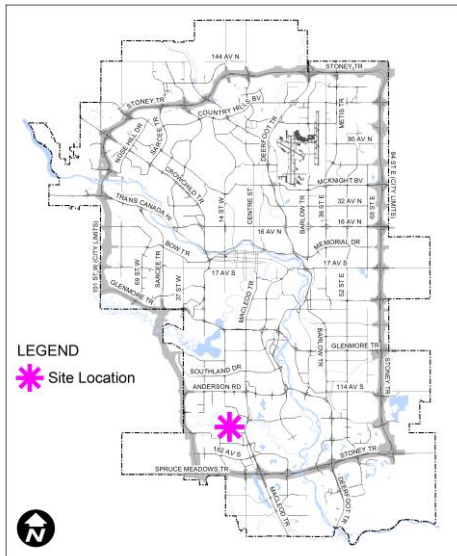
1. Proposed Bylaw 385D2017
2. Public Submissions

LAND USE AMENDMENT  
SHAWNEE SLOPES (WARD 13)  
JAMES MCKEVITT ROAD SW AND SHAWNEE STREET SW  
BYLAW 385D2017

Item # 8.1.16

MAP 4S

LOCATION MAPS



LAND USE AMENDMENT  
SHAWNEE SLOPES (WARD 13)  
JAMES MCKEVITT ROAD SW AND SHAWNEE STREET SW  
BYLAW 385D2017

Item # 8.1.16

MAP 4S

**ADMINISTRATIONS RECOMMENDATION TO CALGARY PLANNING COMMISSION**

Recommend that Council **ADOPT**, by bylaw, the proposed redesignation of 7.46 hectares  $\pm$  (18.41 acres  $\pm$ ) located at 7, 9, 11, 13, 21, 23, 25, 33, 35, 37, 39, 41, 43, 45, 47, 49, 51, 53, 55, 57, 59, 61, 63, 65, 67, 69, 71, 73, 75 and 77 Shawnee Heath SW, 342 and 378 Shawnee Boulevard SW, 820 James McKeivitt Road SW, 995 Shawnee Drive SW and the common property (Condominium Plan 1711947, Units 1 to 30 and 38; Portion of Plan 1413460, Block G, Lot 2; Plan 8811677, Block D) from DC Direct Control District **to** DC Direct Control District to accommodate multi-residential development with guidelines (APPENDIX II).

**Moved by: S. Keating**

**Carried: 9 – 0**

LAND USE AMENDMENT  
SHAWNEE SLOPES (WARD 13)  
JAMES MCKEVITT ROAD SW AND SHAWNEE STREET SW  
BYLAW 385D2017

Item # 8.1.16

MAP 4S

**Applicant:**

The City of Calgary

**Landowner:**

Cardel Land Holdings Ltd  
Shawnee Lands Management Ltd

**PLANNING EVALUATION**

**SITE CONTEXT**

The subject site was historically the site of the Shawnee Slopes golf course. The privately-owned golf course was sold and closed in 2011 October and the land was subsequently redesignated to accommodate new residential developments under Land Use and Outline Plan application LOC2010-0005, approved by Council at the 2013 February 11 Public Hearing.

A further amendment to the Land Use was passed by Council on 10 June 2014 to satisfy a Notice of Motion to redesignate the corner of Shawnee Drive SW and 6 Street SW to a more Transit Oriented Development (TOD) appropriate use, in addition to some housekeeping amendments.

In November 2015, a land use amendment application was submitted by the Developer, most notably in response to their inability to meet the tree preservation requirements of the DC due to the damage that the on-site trees sustained from the snow storm in 2014 September, in addition to other minor changes to the DC rules. Throughout the review of that application, Administration (as well as the Developer) regularly met and communicated with the Shawnee-Evergreen Community Association, held a Public Open House, and sent notices to adjacent property owners. That Land Use Amendment was approved by Council at its 2016 July 5 Public Hearing.

<b>Shawnee Slopes</b>	
Peak Population Year	2002
Peak Population	1,658
2017 Current Population	1,625
Difference in Population (Number)	-33
Difference in Population (Percent)	-2%

**LAND USE DISTRICTS**

This application proposes a new DC Direct Control District that is identical to the existing DC with the exception of a minor change to reinstate a rule that was mistakenly omitted from LOC2015-0180 DC Bylaw 179D2016. Section 12(1)(a) in the proposed DC (APPENDIX II) contains the clause in question, which is the 10 metre building setback exception for a limited

**LAND USE AMENDMENT  
SHAWNEE SLOPES (WARD 13)  
JAMES MCKEVITT ROAD SW AND SHAWNEE STREET SW  
BYLAW 385D2017**

**Item # 8.1.16**

**MAP 4S**

area along the southern boundary of the Shawnee Park redevelopment site. Without this exception clause, the general 15 metre setback would be applied to this area.

In the original 2012 DC Bylaw (51D2012) that resulted from the original Outline Plan and Land Use application, there was an exemption for the area shown in Schedule D of the proposed DC (page 16 of this report) that the minimum building setback was 10 metres in this area only. The 20-metre landscape buffer area setback will still apply to this and all other perimeter areas, but if no trees are being preserved in this specific location, then building (including decks/patios and outdoor amenity space) may occur up to 10 metres from the property line with the existing residences.

Throughout the review and public consultation for LOC2015-0180 in 2016, that 10-metre building setback exception was retained and shown in all communications materials and open houses. However, the rule was unexpectedly removed from Bylaw 179D2016 as a result of a clerical error during the final stages of that land use amendment application and so this application proposes to reinstate that rule and the associated Schedule D, which visually depicts the area in question with the new proposed DC.

In order to eliminate any conflict in the subsections following 12(1)(a), subsection (6) has also been amended to reference the building setbacks as prescribed in subsection (1), rather than specifically referencing the 15-metre setback, as this would present a conflict in the Bylaw.

## **LEGISLATION & POLICY**

The changes proposed in this application will enable the site to be developed as envisioned, maintaining the developer's ability to meet the targets set out in the applicable policies for the area, detailed below.

### South Saskatchewan Regional Plan (SSRP)

The recommendation by Administration in this report has considered and is aligned with the policy direction of the South Saskatchewan Regional Plan (SSRP).

### Municipal Development Plan (MDP)

The Municipal Development Plan identifies this area as a Developed Residential Area, characterized by predominantly low density residential development, and calling for moderate intensification that respects the scale and character of the neighbourhood. The current land use presents densities that integrate well with the surrounding communities and is therefore considered to be in line with the MDP's goals for moderate intensification in Developed Residential Areas.

### Area Structure Plan (ASP)

The Revised Midnapore Phase 2 Area Structure Plan (ASP) establishes the entire former golf course property as a Special Residential Area. Specific policies to guide the redevelopment of the site were developed concurrently with the Outline Plan and Land Use application in 2012. The ASP policies call for "*predominantly low density residential development, interfacing with adjacent established low density residential in the community.*" The policy also states that rules

**LAND USE AMENDMENT  
SHAWNEE SLOPES (WARD 13)  
JAMES MCKEVITT ROAD SW AND SHAWNEE STREET SW  
BYLAW 385D2017**

**Item # 8.1.16**

**MAP 4S**

---

for the preservation of existing trees must be guided by Direct Control Districts for this area, and calling for the sensitive integration of new development into the surrounding community.

## **TRANSPORTATION NETWORKS**

A Transportation Impact Assessment (TIA) was completed and approved as part of the original application from 2010 and remains in place, guiding this redevelopment. An updated Traffic Capacity Analysis was requested during the review of LOC2015-0180, and it indicated that due to the potential decrease in density on this redevelopment site, there are no anticipated traffic impacts associated with this application.

The changes proposed in this application will not affect the transportation network.

## **UTILITIES & SERVICING**

Servicing arrangements will comply with all appropriate City Standards and will be required to meet the conditions laid out in the approved Outline Plan for this site. This Land Use Amendment does not introduce any new utility or service demands.

## **ENVIRONMENTAL ISSUES**

None.

## **ENVIRONMENTAL SUSTAINABILITY**

The preservation of some of the existing trees in this area represents an effort to promote environmental sustainability.

## **GROWTH MANAGEMENT**

There are no Growth Management concerns for this application.

## **PUBLIC ENGAGEMENT**

### **Community Association Comments**

The Shawnee-Evergreen Community Association (SECA) was engaged prior to and during the review of this application, and are aware of the proposal but have responded to the circulation of this application with no comment.

**LAND USE AMENDMENT  
SHAWNEE SLOPES (WARD 13)  
JAMES MCKEVITT ROAD SW AND SHAWNEE STREET SW  
BYLAW 385D2017**

**Item # 8.1.16**

**MAP 4S**

---

**Citizen Comments**

Letters were sent by registered mail to the land owners of the properties directly adjacent to the affected area. The letters provided an explanation of what the proposed changes are, included the Development Permit plans for the area, and a letter of commitment from the Developer to build the new residences as they are shown on that plan and was intended throughout the land use amendment application and negotiations with LOC2015-0180.

Four letters of opposition were received from adjacent landowners citing their desire to retain the 15.0 metre building setback that is currently required by the DC Bylaw. After speaking with the landowners, their concerns related to the development of the site more so than the land use amendment itself, however their objections to this application are still considered.

**Public Meetings**

No public engagement events were held as part of this application. However, as mentioned previously, the amendments proposed by this application were included in the materials presented at the public engagement events held by both the Developer and Administration in 2015 September and 2016 February respectively.

**LAND USE AMENDMENT  
SHAWNEE SLOPES (WARD 13)  
JAMES MCKEVITT ROAD SW AND SHAWNEE STREET SW  
BYLAW 385D2017**

**Item # 8.1.16**

**MAP 4S**

---

## **APPENDIX I**

### **APPLICANT'S SUBMISSION**

The City of Calgary has recently discovered an error in the Direct Control District Bylaw (the land use/zoning) for the land at 820 James McKeivitt Road SW, the former Shawnee Slopes Golf Course.

The City approved a Land Use Amendment in July 2016 for the land that was formerly the Shawnee Slopes Golf Course, now being developed by Cardel Homes as Shawnee Park. That 2016 Land Use Amendment changed some of the rules in the original development application, approved in 2012, mainly regarding the rules around tree preservation, as many trees were damaged by the snow storm in September 2014.

The 2016 application kept most of the rules that were included in the 2012 application, so the main focus during the 2016 application was to discuss the rules that were changing. However, during the last step, the decision stage in the 2016 application, one of the rules that was being carried over from 2012 was accidentally deleted from the Bylaw. Unfortunately, the omission only recently discovered. As a result, Administration is now putting forward a new Land Use Amendment Application to add that section back into the Bylaw.

As mentioned, the missing section was approved in the 2012 application, and also included during all of our consultation with the Shawnee-Evergreen Community Association, including the information shared at our Public Open House on February 23, 2016.



## APPENDIX II

### PROPOSED DIRECT CONTROL GUIDELINES

#### **Purpose**

- 1 The purpose of this Direct Control District is to:
- (a) allow for clustered residential **development** which respects and retains much of the character of the pre-development landscape, trees and topography;
  - (b) accommodate low **density** residential dwellings on comprehensively designed sites, under bare land condominium ownership;
  - (c) provide for specific interface conditions with **existing residential development**;
  - (d) ensure appropriate **densities**, built form and setbacks are achieved; and
  - (e) establish rules for tree preservation.

#### **Compliance with Bylaw 1P2007**

- 2 Unless otherwise specified in this Direct Control District, 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.

#### **General Definitions**

- 4 In this Direct Control District:
- (a) “**landscape buffer area**” means areas within 20.0 metres of a **property line** shared with **existing residential development**, as identified in Schedule C;
  - (b) “**existing residential development**” means **parcels** as identified in Schedule C;
  - (c) “**drip line**” means an area located directly under the outer circumference of the tree branches; and

LAND USE AMENDMENT  
SHAWNEE SLOPES (WARD 13)  
JAMES MCKEVITT ROAD SW AND SHAWNEE STREET SW  
BYLAW 385D2017

Item # 8.1.16

MAP 4S

- (d) “**existing trees**” means the trees existing on the date of approval of this Direct Control District that are located in the shaded areas identified as “DC Sites 1 and 2” on Schedule C.

**Permitted Uses**

**5** The following **uses** are **permitted uses** in this Direct Control District:

- (a) **Home Based Child Care – Class 1;**
- (b) **Home Occupation – Class 1;**
- (c) **Park;**
- (d) **Sign – Class A; and**
- (e) **Utilities.**

**Discretionary Uses**

**6** The following **uses** are **discretionary uses** in this Direct Control District:

- (a) **Accessory Residential Building;**
- (b) **Backyard Suite;**
- (c) **Bed and Breakfast;**
- (d) **Community Entrance Feature;**
- (e) **Duplex Dwelling;**
- (f) **Home Based Child Care – Class 2;**
- (g) **Home Occupation – Class 2;**
- (h) **Power Generation Facility – Small;**
- (i) **Residential Care;**
- (j) **Secondary Suite;**
- (k) **Semi-detached Dwelling;**
- (l) **Sign – Class B;**
- (m) **Sign – Class C;**
- (n) **Sign – Class D;**
- (o) **Sign – Class E;**
- (p) **Single Detached Dwelling;**
- (q) **Temporary Residential Sales Centre;**
- (r) **Townhouse; and**
- (s) **Utility Building.**

**Bylaw 1P2007 District Rules**

**7** Unless otherwise specified in this Direct Control District, the rules of the Multi-Residential – Contextual Grade-Oriented (M-CG) District of Bylaw 1P2007 apply.

**Specific Rules for Landscaped Areas**

**8** A minimum of 40.0 per cent of the area of a **parcel** must be a **landscaped area**.

LAND USE AMENDMENT  
SHAWNEE SLOPES (WARD 13)  
JAMES MCKEVITT ROAD SW AND SHAWNEE STREET SW  
BYLAW 385D2017

Item # 8.1.16

MAP 4S

**Tree Protection**

- 9 (1) Subject to subsection (2), a minimum of 28.0 per cent of **existing trees** must be preserved.
- (2) A minimum of 65.0 per cent of **existing trees** with trunks located entirely within the **landscape buffer area** must be preserved.
- (3) A **development permit** is required to alter landscaping, including removal of an **existing tree** located within a **landscape buffer area**.
- (4) No portion of any **buildings, streets** or **lanes** are allowed within or between the outer **drip line** of an **existing tree** located in the **landscape buffer area**, as it exists at the date of **development permit** approval, or existed on the date of approval of this Direct Control District.
- (5) The **drip line** perimeter of an area identified for tree preservation on a **development permit** must be fenced while any area **adjacent** to it is being excavated, stripped or graded, or is under construction.

**Tree Replacement**

- 10 (1) Subject to subsections (2) and (3), when an **existing tree** is removed, it must be replaced by at least one tree according to the minimum size requirements as follows:
- (a) deciduous canopy trees must have a minimum **caliper** of 75.0 millimetres at the time of planting;
  - (b) deciduous ornamental trees must have a minimum **caliper** of 60.0 millimetres at the time of planting; and
  - (c) coniferous trees must have a minimum height of 3.0 metres at the time of planting.
- (2) Where an **existing tree** that is deciduous is removed in the **landscape buffer area** and has a **caliper** of 225.0 millimetres or more at the time of removal, it must be replaced by a minimum of two trees according to the minimum size requirements as follows:
- (a) deciduous canopy trees must have a minimum **caliper** of 75.0 millimetres at the time of planting;
  - (b) deciduous ornamental trees must have a minimum **caliper** of 75.0 millimetres at the time of planting; and

LAND USE AMENDMENT  
SHAWNEE SLOPES (WARD 13)  
JAMES MCKEVITT ROAD SW AND SHAWNEE STREET SW  
BYLAW 385D2017

Item # 8.1.16

MAP 4S

- (c) coniferous trees must have a minimum height of 3.0 metres at the time of planting.
- (3) Where an **existing tree** that is coniferous is removed and has a height of 9.0 metres or more at the time of removal, it must be replaced by a minimum of two trees according to the minimum size requirements as follows:
  - (a) deciduous canopy trees must have a minimum **caliper** of 75.0 millimetres at the time of planting;
  - (b) deciduous ornamental trees must have a minimum **caliper** of 75.0 millimetres at the time of planting; and
  - (c) coniferous trees must have a minimum a minimum height of 3.0 metres at the time of planting.
- (4) Poplar trees must not be planted within the Direct Control District.
- (5) The requirement for the provision of two trees is met where:
  - (i) a deciduous tree has a minimum **caliper** of 225.0 millimetres; and
  - (ii) a coniferous tree has a minimum height of 9.0 metres.

**Planting Requirements**

- 11
- (1) Trees required by this section may be provided through the planting of new trees or the preservation of **existing trees**.
  - (2) A minimum of one tree must be provided for every two **bare land units** and must be located between the **building** and **street**, according to the minimum tree size requirements as follows:
    - (a) deciduous canopy trees must have a minimum **caliper** of 75.0 millimetres at the time of planting;
    - (b) deciduous ornamental trees must have a minimum **caliper** of 60.0 millimetres at the time of planting; and
    - (c) coniferous trees must have a minimum height of 3.0 metres at the time of planting.
  - (3) **Existing trees** may be transplanted within this Direct Control District if the following requirements are met:

LAND USE AMENDMENT  
SHAWNEE SLOPES (WARD 13)  
JAMES MCKEVITT ROAD SW AND SHAWNEE STREET SW  
BYLAW 385D2017

Item # 8.1.16

MAP 4S

- (a) the tree has a **caliper** of less than 200.0 millimetres;
- (b) the tree is classified as healthy by a qualified Arborist;
- (c) an adequate tree spade size is locally available as confirmed by a qualified landscaping contractor;
- (d) the tree is accessible and is not expected to experience damage as a result of transplantation, as confirmed by a qualified landscaping contractor; and
- (e) the transplantation occurs in the spring (April- May) or fall (September- October).

**Building Setbacks**

- 12 (1) The minimum **building setback** from a **property line** shared with an **existing residential development**:
- (a) for the areas identified on Schedule D, is 10.0 metres;
  - (b) for **Townhouses**, is 30.0 metres; and
  - (c) in all other cases is 15.0 metres.
- (2) The minimum **building setback** from a **property line** shared with a **low density residential district** is 6.0 metres.
- (3) The minimum **building setback** from a **property line** shared with a **street** is 3.0 metres.
- (4) In all other cases, the minimum **building setback** is 1.2 metres.
- (5) Outdoor **amenity space**, including **patios**, may be located within the **landscape buffer area**.
- (6) Outdoor **amenity space**, including **patios**, must not be located within the **building setback** identified in subsection (1).

**Fencing Rules**

- 13 In addition to the rules in section 571 of Bylaw 1P2007, the following rules apply:

LAND USE AMENDMENT  
SHAWNEE SLOPES (WARD 13)  
JAMES MCKEVITT ROAD SW AND SHAWNEE STREET SW  
BYLAW 385D2017

Item # 8.1.16

MAP 4S

- (a) a permanent **fence** must not be located within 15.0 metres from a **property line** shared with an **existing residential development**, excepting a **fence** along the perimeter **property line**
- (b) a **fence** must be located in the **landscape buffer area** at a minimum of 15.0 metres from a **property line** shared with **existing residential development**; and
- (c) a **fence** abutting or within the **landscape buffer area** must be chain-link, wrought iron or other transparent style of **fence**.

**Excavation, Stripping & Grading**

- 14 (1) A **development permit** is required for all excavation, stripping or grading within a **landscape buffer area**.
- (2) A **development permit** is required for all excavation, stripping or grading of land greater than 50.0 square metres that is not part of the **landscape buffer area**.
- (3) No excavation, stripping or grading is allowed prior to approval of a landscape plan and site plan as part of a **development permit**.

**Single Detached, Semi-Detached, Duplex Dwellings and Secondary Suites Rule**

- 15 Section 573 of Bylaw 1P2007 does not apply in this Direct Control District.

**Relaxations**

- 16 The **Development Authority** may relax the rules in sections 9(1), 9(2) and 13(b) provided that the test for relaxation in sections 31 or 36 of Bylaw 1P2007 is met.

**Site 1 (16.68 ha/41.22 ac)**

- 17 The provisions in sections 18 through 19 apply only to Site 1.

**Density**

- 18 The maximum **density** is 20.0 **units** per hectare.

**Height**

- 19 (1) Subject to subsection (2), the maximum **building height** is 11.0 metres.

LAND USE AMENDMENT  
SHAWNEE SLOPES (WARD 13)  
JAMES MCKEVITT ROAD SW AND SHAWNEE STREET SW  
BYLAW 385D2017

Item # 8.1.16

MAP 4S

---

- (2) The maximum **building height** is 10.0 metres for **parcels adjacent** to the **landscape buffer area**.

**Site 2 (5.03 ha/12.43 ac)**

**20** The provisions in sections 21 through 22 apply only to Site 2.

**Density**

**21** The maximum **density** is 25.0 **units** per hectare.

**Height**

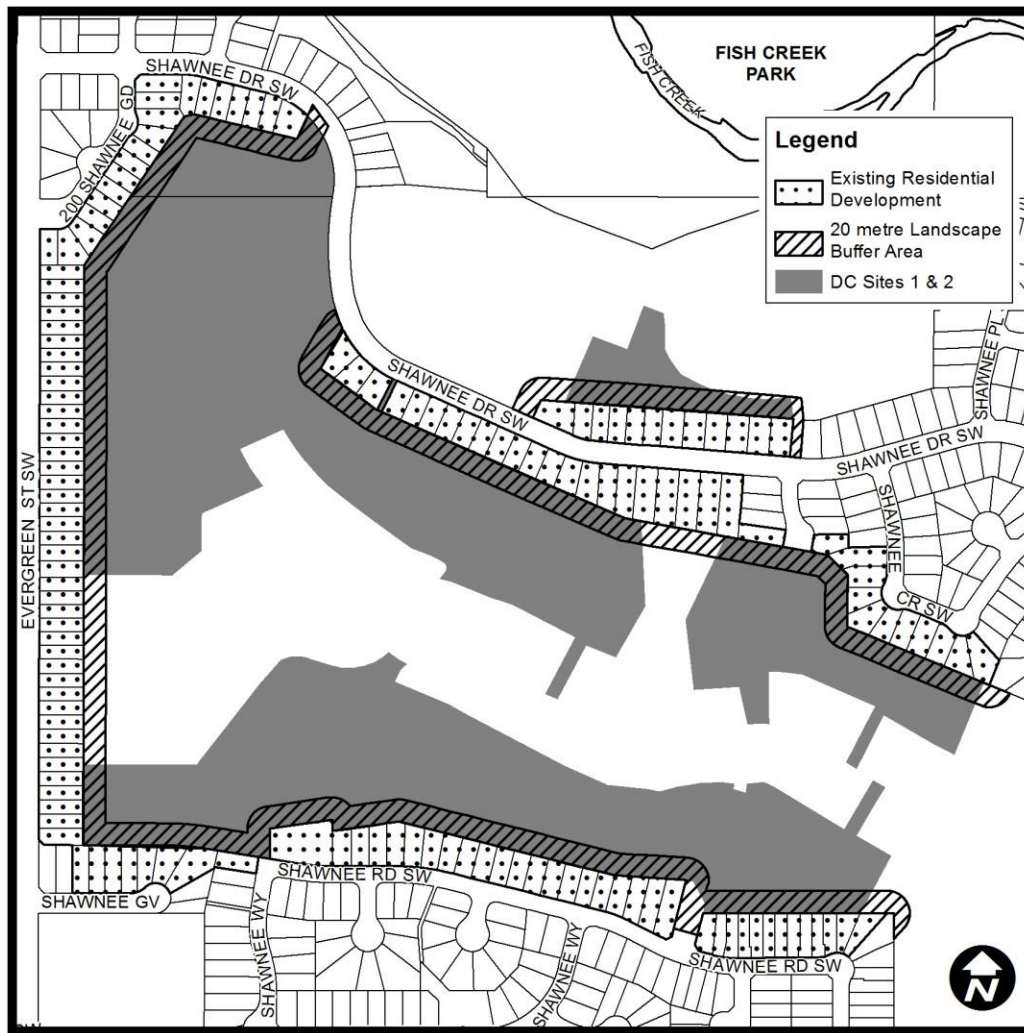
- 22** (1) Subject to subsections (2) and (3), the maximum **building height** is 11.0 metres.
- (2) The maximum **building height** is 10.0 metres for **parcels adjacent** to the **landscape buffer area**.
- (3) The maximum **building height** for **Townhouses** with a **property line** shared with a **parcel** designated as Special Purpose – School, Park and Community Reserve (S-SPR) District is 13.0 metres.

LAND USE AMENDMENT  
SHAWNEE SLOPES (WARD 13)  
JAMES MCKEVITT ROAD SW AND SHAWNEE STREET SW  
BYLAW 385D2017

Item # 8.1.16

MAP 4S

**SCHEDULE C**





LAND USE AMENDMENT  
SHAWNEE SLOPES (WARD 13)  
JAMES MCKEVITT ROAD SW AND SHAWNEE STREET SW  
BYLAW 385D2017

Item # 8.1.16

MAP 4S

**SCHEDULE D**

