

# CHRISTOPHER DAVIS LAW

*Defining Development for Albertans*



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File: 2776.001

July 23, 2018

His Worship Mayor Nenshi & Members of Calgary City Council  
Historic City Hall and Municipal Building  
800 Macleod Trail S.E.  
Calgary, Alberta



Dear Mayor Nenshi and Members of City Council:

**RE: Policy and Land Use Amendment in Killarney/Glengarry (Ward 8) at 2639 – 29 Street SW, LOC2018-0078, Bylaws 47P2018 and 221D2018, CPC2018-0693**

Magnat Development Inc. has retained Christopher Davis Law to provide planning and legal comments on the proposed policy and land use amendment for 2639 – 29 St SW. Magnat Development Inc. own's 2635 – 29 St SW, directly north of and adjacent to the proposed redesignation site. Magnat Development Inc. has several concerns about the application and therefore opposes the proposed land use change.

The application proposes to redesignated one parcel of land located at 2639 – 29 St SW from R-C2 district to C-N1 district. An amendment to the Killarney/Glengarry Area Redevelopment Plan (ARP) is required to accommodate the proposed land use redesignation.

### *Site Criteria and Development Policies*

The subject site is identified as a Conservation/Infill in the ARP and surrounding developments primarily consist of single detached and semi-detached dwellings.

The ARP does not identify the subject site as an area appropriate for commercial development. Administration noted that they are in the early stages of renewing the ARP and seeking engagement to better assess policy direction. A new ARP may eventually identify 26<sup>th</sup> Avenue SW as an area appropriate for commercial development; however, currently there is no policy in the ARP that supports the proposed land use designation. Additionally, 26<sup>th</sup> Avenue SW is not identified as one of the City's Main Street projects that encourage mixed use development.

The Municipal Development Plan ("MDP") provides general policies regarding the development of complete communities, creating neighbourhood commercial in close proximity to residential developments, revitalization of local communities by adding population. However, these policies directly support the City's Main Street project to revitalization through mixed use commercial and residential development. The MDP policies do not support spot zoning commercial development into residential communities.

This application is premature as there are no current development policies that support this the proposed land use amendment for this specific site.

#### *Magnat Development Site*

In April, 2017, Magnat asked the City about redesignating 2635 – 29 St SW to allow for a 4-unit development. This proposal aligned with the MDP policy of increased densification in the inner city. However, the ARP did not identify the proposed site for multi-unit development. The City discouraged Magnat from moving forward with a land use amendment application. As a result of the City's current development policies, Magnat decided to move forward with a semidetached development instead of the 4-unit development.

The redesignation of 2639 – 29 St SW to commercial will negatively impact Magnat's site. The C-N1 land use allows for a larger developed area then the R-C2, which immediately adjacent to the subject site will result in massing, shadowing, and privacy concerns for our client's property.

Magnat is concerned about the impact increased traffic, and parking access will have on the adjacent property. 26<sup>th</sup> Avenue SW is a dedicated bike lane that will restrict any on-street parking for the commercial development and force parking into the residential community. Magnat. is also concerned about the potential noise caused by a proposed automated parking system and garbage collection to a commercial site.

Finally, there are already two commercial developments on two corners at 26<sup>th</sup> Avenue and 29<sup>th</sup> Street SW. A third commercial development at this intersection will add to the proliferation of commercial developments in the heart of a residential neighbourhood.

#### *Conclusion*

Magnat requests that City Council not support this application and vote against the proposed land use amendment. Current City of Calgary policies do not support the spot zoning of a commercial land use into a residential area. The application is pre-mature and should wait until a revised ARP can provide policy direction for commercial development in the Killarney/Glengarry area. Finally, the proposed land use will negatively affect adjoining residential properties.

Magnat would support the redesignation to a multi-unit row house as this form of use is more desirable and appropriate for the community.

Thank you for taking the time to consider Magnat Development Inc.'s comments and concerns.

Sincerely,

**CHRISTOPHER DAVIS LAW**

A handwritten signature in black ink, appearing to read 'Chris Davis', with a stylized flourish at the end.

Per: Christopher S. Davis  
Barrister & Solicitor



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