

Planning & Development Report to  
Combined Meeting of Council  
2018 September 10

ISC: UNRESTRICTED  
C2018-0881  
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## **Report back on South Shepard Reports – Road Closure/Policy/Land Use Amendment (CPC2017-270) and Community & Street Name (CPC2017-276)**

### **EXECUTIVE SUMMARY**

This report re-introduces the two South Shepard Reports: CPC2017-270, the road closure, policy and land use amendment application (Attachment 1) and CPC2017-276, the proposed community and street naming application (Attachment 2), with updated recommendations that incorporate decisions made at the 2018 July 30 Combined Meeting of Council. The updated recommendations reflect a) Council's direction to remove a portion of the Growth Management Overlay within the South Shepard Area Structure Plan, and b) the current status of the Staged Master Drainage Plan for the proposed development.

A separate report, C2018-0983, that brings forward the Area Structure Plan amendments to remove the Overlay will be heard prior to the subject report at the Combined Meeting of Council on 2018 September 10. Once Council has reached a decision on the Overlay removal, Administration will recommend that the updated recommendations for CPC2017-270 and CPC2017-276 in this report be adopted.

### **ADMINISTRATION'S RECOMMENDATIONS:**

That Council:

1. **FILE and ABANDON** the Calgary Planning Commission recommendations of CPC2017-270;
2. (a) Hold a Public Hearing on bylaw 45P2017 (Attachment 4);
  - (b) **ADOPT** bylaw 45P2017, to amend the South Shepard Area Structure Plan, in accordance with Administration's recommendation;
  - (c) Give first reading only to bylaw 45P2017;
  - (d) **WITHHOLD** second and third reading of bylaw 45P2017 pending an approved Staged Master Drainage Plan for the plan area;
3. (a) Hold a Public Hearing on bylaw 10C2017 (Attachment 5);
  - (b) **ADOPT** the road closure bylaw 10C2017, to close 3.80 hectares  $\pm$  (9.39 acres  $\pm$ ) of road (Plan 1710701, Area A) adjacent to 15580, 15000 – 88 Street SE, and 9009 – 146 Avenue SE, in accordance with Administration's recommendation;
  - (c) Give first reading only to bylaw 10C2017;
  - (d) **WITHHOLD** second and third reading of bylaw 10C2017 pending an approved Staged Master Drainage Plan for the plan area;
4. (a) Hold a Public Hearing on bylaw 271D2017 (Attachment 6);

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- (b) **ADOPT** bylaw 271D2017, to redesignate 96.10 hectares  $\pm$  (237.60 acres  $\pm$ ) located at 15000, 15580, and 15994R – 88 Street SE, 9009 – 146 Avenue SE and 9100 Marquis of Lorne Trail SE and the closed road (Plan 9210090, Lot 1; Plan 9010548, Block 1, Lot 1; Plan 9112287, Block 2; Portion of W1/2 Section 36-22-29-4; Plan 1710701, Area A) from Special Purpose – Future Urban Development (S-FUD) District and Undesignated Road Right-of-Way to Residential – Low Density Mixed Housing (R-G) District, Residential – Low Density Mixed Housing (R-Gm) District, Multi-Residential – At Grade Housing (M-G) District, Multi-Residential – Low Profile (M-1d100) District, Multi-Residential – Medium Profile (M-2) District, Commercial – Community 1 (C-C1) District, Special Purpose – City and Regional Infrastructure (S-CRI) District, Special Purpose – School, Park, and Community Reserve (S-SPR) District, Special Purpose – Urban Nature (S-UN) District and DC Direct Control District to accommodate mixed-use development, in accordance with Administration's recommendation;
- (c) Give first reading only to bylaw 271D2017;
- (d) **WITHHOLD** second and third reading of bylaw 271D2017 pending an approved Staged Master Drainage Plan for the plan area;
- 5. **ADOPT**, by resolution, the proposed community name of Hotchkiss, in accordance with Administration's recommendation; and
- 6. **ADOPT**, by resolution, the proposed street name of Sora, in accordance with Administration's recommendation.

**PREVIOUS COUNCIL DIRECTION / POLICY**

At the Combined Meeting of Council on 2018 July 30, Council adopted the following recommendation:

*That the Administration Recommendations contained in Report C2018-0900, as amended, be further amended by amending 1 and adding new Recommendations 2d and 2e, as follows, and renumber accordingly:*

*1. Amend Attachment 4 to include South Shepard ASP (Hopewell/Melcor) to the list of communities in the recommended portfolio;*

*2 d. In 2022, use the Fiscal Sustainability Reserve (FSR), to a maximum of \$4 Million, to fund the cost of capital for the New Community Growth Strategy included in the One Calgary 2019-2022 budget, if required; and*

*2 e. Use the capacity that is created from the use of the FSR to fund, on a one time basis, the shortfall in operating cost in 2022 attributable to South Shepard*

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At the Combined Meeting of Council on 2018 July 23, as part of the Request for Reconsideration – South Shepard Reports, C2018-0929, Council adopted the following recommendations:

- 3) *Defer the South Shepard CPC2017-270 and CPC2017-276 to the 2018 September 10 Combined meeting of Council; and*
- 4) *Direct Administration to incorporate the decisions with respect to the New Community Growth Strategy: Investment Recommendation (report PFC2018-0678) in the reporting back on 2018 September 10 for CPC2017-270 and CPC2017-276.*

At the Strategic Meeting of Council on 2018 January 31, Council received a verbal report, New Community Growth Strategy, C2018-0122. Council's recommendation 2 deferred the reporting back on the South Shepard reports as follows:

*Moved by Councillor Demong, Seconded by Councillor Chahal, that with respect to Verbal Report C2018-0122, the following be adopted:*

*That Council:*

- 1) *Received the public presentation with respect to Verbal Report C2018-0122, for information;*
- 2) *Defer the South Shepard Reports, CPC2017-270 and PFC2017-0445, to be brought to the Priorities and Finance Committee in 2018 Q2, as part of the analysis of all business cases related to Growth Management Overlay recommendations; and*
- 3) *Direct that the confidential presentation and closed meeting discussions with respect to Verbal Report C2018-0122, remain confidential subject to Section 23 and 24 of the Freedom of Information and Protection of Privacy Act of Alberta, until such time that Administration brings forward recommendations for the Strategic Growth Decision Framework to a regular meeting of Council, through the 2018 February 22 Regular Meeting of the Priorities and Finance Committee.*

At the Combined Meeting of Council on 2017 July 31, Council directed that three reports be heard together, namely PFC2017-0445, Strategic Growth and Funding in the South Shepard Area Structure Plan, CPC2017-270, Policy Amendment, Road Closure and Land Use Amendment, and CPC2017-276, Proposed Community and Street Name. Council heard a presentation on report PFC2017-0445 but did not open the public hearing on reports PFC2017-0445 or CPC2017-270.

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Council referred reports PFC2017-0445 and CPC2017-270 back to Administration, as follows:

*REFER, AS AMENDED, Moved by Councillor Demong, Seconded by Councillor Chu, that Council refer Reports CPC2017-270 and PFC2017-0445, as amended, as follows:*

- 1) *To the Administration to be brought back no later than the Public Hearing in 2018 March, and direct Administration to:*
  - a. *Have the Fire Chief, in conjunction with Calgary Building Services and independent consulting, complete a review of the Calgary Fire Department's Service Level Response Time Target policy, including an assessment of the impacts of residential sprinklers in growth areas and report back to Council through the SPC on Planning and Urban Development no later than 2018 March; and*
  - b. *Have the Director of Calgary Building Services, in consultation with the Fire Chief, complete an analysis of best practices, policies and performance objectives for Fire response times in other Canadian Municipalities and provide a comparison in relation to National and Provincial Building Code standards to inform the Service Level Response Time Target policy review, and report back to Council through the SPC on Planning and Urban Development no later than 2018 March;*
  - c. *Incorporate the results of 1a and 1b, above, to inform the process for strategic growth analysis and decisions and revise recommendations on PFC2017-0445 and CPC2017-270, as necessary.*
- 2) *Direct Administration to undertake a review of the Calgary Fire Department medical response business model including relationship with Alberta Health Services, and return to Council through the Intergovernmental Affairs Committee no later than 2018 Q2.*

CPC2017-276, was also referred back to Administration, as follows:

*REFER, Moved by Councillor Stevenson, Seconded by Councillor Jones, that Council refer Report CPC2017-276 to the Administration to return to Council in conjunction with Reports CPC2017-270 and PFC2017-0445.*

**BACKGROUND**

On 2016 April 20, an application (CPC2017-270) proposing a road closure, policy and land use amendment within the South Shepard Area Structure Plan (ASP) was submitted by B&A Planning Group, on behalf of the landowners, Hopewell Hotchkiss Land Corporation, Wide Sky Investments Ltd, 1803742 Alberta Ltd (Jim Berg) and the City of Calgary.

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Within the ASP, the lands are subject to the Growth Management Overlay (Overlay). The Overlay policies ensure the coordination of growth and the associated servicing and funding. The policy states that the Overlay should only be removed when solutions for municipally financed infrastructure and services have been determined. The ASP also states that a land use redesignation should not be approved until the portion of the Overlay is removed, even if the design and land use pattern proposed through the redesignation is considered to be satisfactory.

On 2016 September 23, the same applicant submitted CPC2017-276, the associated community and street naming application for the Hopewell lands and the lands known as Sora (owned by South Shepard Communities Inc.). CPC2017-276 and CPC2017-270 were reviewed at the same Calgary Planning Commission (CPC) meeting and then forwarded to Council on 2017 July 31.

Two reports related to development in South Shepard were brought forward to the Combined Meeting of Council on 2017 July 31, and to the Strategic Meeting of Council on 2018 January 31. At these meetings, Council deferred CPC2017-270 and CPC2017-276 to be heard as part of the analysis of all business cases related to Overlay recommendations.

With regards to the Overlay, at the Priorities and Finance Committee (PFC) on 2018 June 28, *New Community Growth Strategy: Investment Recommendations* (report PFC2018-0678) was presented. In this report, Administration recommended a portfolio of new communities in which to invest at this time. The Overlay within the South Shepard ASP was not recommended for removal in accordance with PFC2018-0678. The recommendations from PFC2018-0678 directed that the report be forwarded to the 2018 July 30 Combined Meeting of Council. Further, on 2018 June 28, PFC directed Administration to determine if any communities that had not been previously identified could meet the strategic alignment and market demand criteria, and as such be accommodated within the approved indicative tax rate range. If so, committee directed Administration to bring forward recommendations to approve these communities to the 2018 July 30 Combined Meeting of Council.

At the Combined Meeting of Council on 2018 July 30, *The New Community Growth Strategy 2018: Further Review and Analysis Directed through PFC2018-0678* (supplementary report C2018-0900) was heard. Council approved 14 new communities, as per amended Attachment 4 of C2018-0900. The approved communities for Overlay removal includes the Hopewell and Melcor lands within South Shepard ASP (see Attachment 3). Further information on the New Community Growth Strategy considerations, recommendations and processes can be found in PFC2018-0678, and the further review and analysis directed by PFC2018-0678 can be found in report C2018-0900.

**INVESTIGATION: ALTERNATIVES AND ANALYSIS**

With Council's support for the removal of the Overlay for the South Shepard lands on 2018 July 30, Administration is bringing forward CPC2017-270 (Attachment 1) and CPC2017-276 (Attachment 2) with updated recommendations. Although Administration did not support the proposed road closure, policy and land use amendment application in 2017 July, Administration

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did support the overall land use and subdivision design. The reasons for not supporting the application at the time are listed below, as well as, the latest updates that impact this application:

1. The Overlay was not recommended for removal at that time.

Update:

Since Council's deferral on 2017 July 31, Council has recommended that portion of the Overlay in the ASP affecting the subject site be removed on 2018 July 30. A separate report (C2018-0983) for the Overlay removal and the associated bylaw ASP amendments were directed to be forwarded to the Combined Meeting of Council on 2018 September 10.

2. The Staged Master Drainage Plan for the site was not approved in 2017 July. The approval is contingent on approval from Alberta Environment and Parks (AEP) for disposition of Crown-owned wetlands. If this approval is not granted, the Staged Master Drainage Plan will not be approved, and another solution to manage stormwater over the site will be required, resulting in significant layout changes to the land use boundary, outline plan, and servicing scheme.

Update:

Administration has reached out to the applicant at the time of finalizing this report to obtain an update on their wetland application. To date, the Province has not provided their written support for the wetland application. In the event that approval is not forthcoming, the land use districts and outline plan layout will need to be revisited as there is no alternative to the current Staged Master Drainage Plan proposal. Without an approval of the Staged Master Drainage Plan, Administration is recommending that only first reading be given at this time.

At CPC on 2017 June 15, Administration brought forward LOC2016-0090 (CPC2017-270) with a recommendation to refer the proposed outline plan back to Administration and to return at a future CPC meeting after Council had reached a decision on the Overlay removal.

Administration will bring the outline plan back to CPC for review on 2018 September 06.

Administration is intending to provide a summary of CPC's recommendation on the outline plan on 2018 September 10 as part of Administration's presentation.

**Stakeholder Engagement, Research and Communication**

In keeping with Administration's standard practices, CPC2017-270 and CPC2017-276 were circulated to relevant stakeholders during the review process. Additional information on public engagement for CPC2017-270 can be found in Attachment 1. Notifications for the Public Hearing of Council were advertised, posted on-site, and mailed out to adjacent land owners.

**Strategic Alignment**

The information in this report has considered the relevant Council approved policies in effect,

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including, but not limited to the Municipal Development Plan (MDP) and South Shepard ASP. This report has also considered the relevant streams of work related to new community growth.

**Social, Environmental, Economic (External)**

Social, economic, and environmental implications have been considered in the recommendations.

**Financial Capacity**

***Current and Future Operating Budget:***

There are significant operating budget requirements for the One Calgary (2019-2022) service plan and budget and for future budget cycles as a result of new community growth. These impacts have been identified in detail in report PFC2018-0678 and C2018-0900.

***Current and Future Capital Budget:***

There are significant capital budget requirements for the One Calgary (2019-2022) service plan and budget and for future budget cycles as a result of new community growth. These impacts have been identified in detail in report PFC2018-0678 and C2018-0900.

**Risk Assessment**

If Administration's recommendation to give first reading only is upheld, there are no significant risks associated with this proposal. If Council elects to give first, second and third reading to the road closure, land use and policy amendment, there is a risk that the Province will not dispose of the Crown-owned wetland on site, rendering the Staged Master Drainage Plan unable to be approved, and ultimately resulting in significant and complex changes to the land use designations recommended as part of CPC2017-270. Resubmission of a new land use amendment and outline plan application would be required.

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**REASONS FOR RECOMMENDATIONS:**

This report provides updated recommendations for CPC2017-270 and CPC2017-276 based on Council's latest direction on 2018 July 30, as well as the status of the Staged Master Drainage Plan for the proposed development.

Administration supports the land use and subdivision design of the proposed neighbourhood of Hotchkiss and has updated the recommendations for CPC2017-270 based on Council's recent direction for removal of the Overlay and the most up to date status of the Staged Master Drainage Plan for the proposed development. Administration recommends that Council give first reading to the proposed road closure, policy and land use amendment and withhold second and third reading until the Staged Master Drainage Plan for the site is approved. The Bylaws (Attachment 4, 5, 6) were advertised on 2018 July 12.

Administration also recommends the proposed community and street naming application, CPC2017-276, be adopted. Thus, there are no proposed changes to the original recommendations to approve the proposed community and street names in CPC2017-276.

**ATTACHMENTS**

1. Report CPC2017-270
2. Report CPC2017-276
3. Hopewell and Melcor lands within the South Shepard Area Structure Plan
4. Proposed Bylaw 45P2017
5. Proposed Bylaw 10C2017
6. Proposed Bylaw 271D2017