

LAND USE AMENDMENT
RESIDUAL SUB-AREA 12C (WARD 12)
146 AVENUE AND 84 STREET SE
BYLAW 82D2018

MAP 35SSE

EXECUTIVE SUMMARY

This application proposes to redesignate the subject lands from Special Purpose – Future Urban Development (S-FUD) District to Multi-Residential – Low Profile (M-1) District in order to facilitate the development of a Place of Worship – Medium. Administration is recommending refusal of the application as it is considered to be premature from a community development and leading infrastructure perspective.

PREVIOUS COUNCIL DIRECTION

None.

ADMINISTRATION RECOMMENDATION	2018 January 11
That Calgary Planning Commission recommends REFUSAL of the proposed Land Use Amendment.	
RECOMMENDATION(S) OF THE CALGARY PLANNING COMMISSION	
That Council hold a Public Hearing on Bylaw 82D2018; and	
1. ADOPT the proposed redesignation of 1.62 hectares ± (4.10 acres ±) located at 8585 - 146 Avenue SE (Plan 0214343, Block 2, Lot 2) from Special Purpose – Future Urban Development (S-FUD) District to Multi-Residential – Low Profile (M-1) District; and	
2. Give three readings to the proposed Bylaw 82D2018.	

REASON(S) FOR RECOMMENDATION:

This application is premature from a community development and leading infrastructure perspective. This area is planned for future new community development. The City approves new community development through Outline Plans and there is no Outline Plan for the area. In advance of neighbourhood scale planning, there is no way to determine if this application will ultimately support or hinder neighbourhood and community development objectives.

The subject site lacks a number of key leading infrastructure. There will be no City water or wastewater until such time as adjacent areas develop. In the interim, onsite servicing is being proposed for the site, including a water well and a pump-out septic tank. On site services are not supported by Administration. Stormwater may be managed onsite, but ideally stormwater would be managed by a more efficient area-wide system. A Transportation Impact Assessment

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was submitted and did not identify any constraints to the development of this site. The subject site is also located outside the Council's seven minute benchmark for emergency response coverage. The required leading infrastructure are not available to support this development and the application is therefore considered premature.

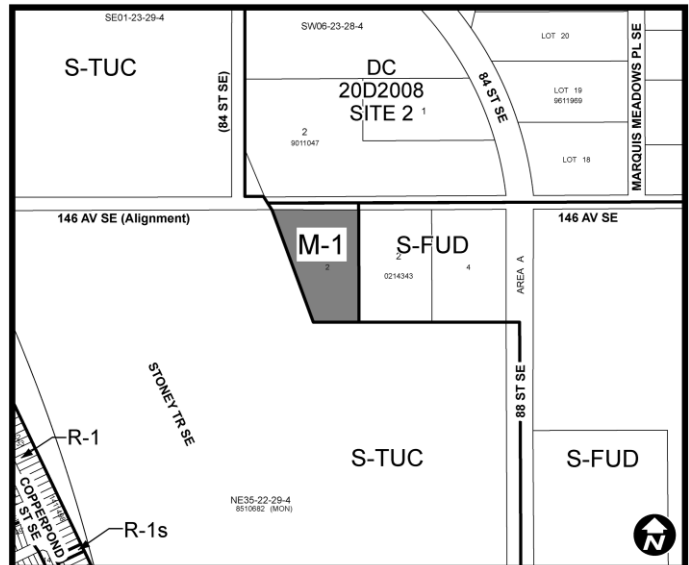
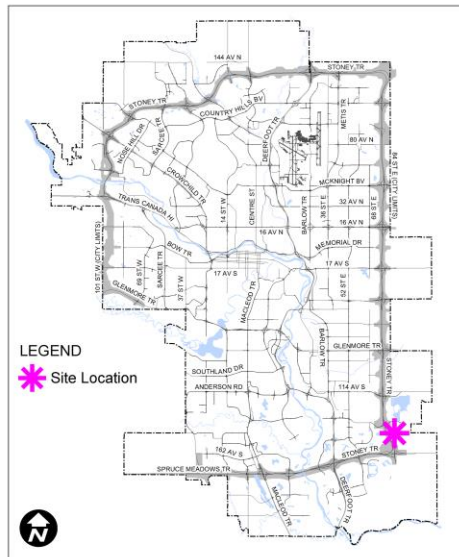
ATTACHMENT

1. Proposed Bylaw 82D2018

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LOCATION MAPS



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ADMINISTRATIONS RECOMMENDATION TO CALGARY PLANNING COMMISSION

Recommend that Council **REFUSE** the proposed bylaw to redesignate 1.62 hectares ± (4.10 acres ±) located at 8585 - 146 Avenue SE (Plan 0214343, Block 2, Lot 2) from Special Purpose – Future Urban Development (S-FUD) District **to** Multi-Residential – Low Profile (M-1) District.

Moved by: A. Palmiere

LOST: 3 - 5

Opposed: C. Friesen, L. Juan,
J. Scott, M. Foht
and J. Gondek

2018 January 11

MOTION:

The Calgary Planning Commission **FILED** Administration's recommendation of **REFUSAL** and recommends that Council:

1. **ADOPT**, by bylaw, the proposed redesignation of 1.62 hectares ± (4.10 acres ±) located at 8585 - 146 Avenue SE (Plan 0214343, Block 2, Lot 2) from Special Purpose – Future Urban Development (S-FUD) District **to** Multi-Residential – Low Profile (M-1) District; and
2. Give three readings to the proposed Bylaw.

Moved by: M. Foht

Carried: 5 – 3

Opposed: A. Palmiere,
R. Vanderputten and
E. Woolley

Reasons for Support of the Adoption recommendation from Mr. Foht:

- I supported the Approval recommendation and favoured the overturning of Administration's Refusal recommendation. My support of the application is for the following reasons:
 - The M-1 land use is an appropriate land use considering the potential future land use of the adjacent lands.
 - The use is a good interim to long term use for the lands.
 - Being adjacent to Stoney Trail SE, a place of worship is a good use to transition to residential uses.
 - The detailed review triggered by a development permit will deal with the technical issues such as water, fire protection, etc.

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Reasons for Support of the Adoption recommendation from Mr. Scott:

- The applicant's proposed use of a Place of Worship is contextually appropriate given its location near the existing Shepard settlement, within the area identified as the "Shepard Residential Area" in the *South Shepard ASP (SSASP)*. The proposed use supports the provision of community-oriented institutional uses, and is of a relatively small scale.
- The challenges with respect to leading infrastructure raised by Administration are significant, and it is acknowledged subdivision and development within this area of the SSASP beyond single-detached dwellings is discouraged, however allowing an opportunity for the applicant to respond to technical and operational issues in greater detail at the Development Permit application stage permits a more comprehensive evaluation of infrastructure and servicing solutions.

Reasons for Support of the Adoption recommendation from Mr. Friesen:

- I did not support the administration recommendation for refusal and voted for approval of the land use. Although much planning needs to be done in the area and there are reasonable concerns regarding fit the applicant is offering a valuable amenity to the area which will have many further approvals to achieve before anything is built. There is ample opportunity for adjustment if the vision of the applicant is not perfect for that location.
- In some cases a community is planned with an empty green field as the starting point. In other cases communities are developed around existing conditions. A blank slate does not always lead to the best result. The facility the applicant is proposing is far better located in a residential area than the industrial or commercial areas they seem to end up in.

Reasons for Support of the Adoption recommendation from Ms. Juan:

- I did not support the refusal for land use. Many of the technical concerns of administration can be considered and flushed out at the development permit stage. I believe the proposed use, which intended is to be a community hub and place of worship within a future community, is an appropriate use for the area.

Reasons for Opposition for the Adoption recommendation from Mr. Palmiere:

- In the absence of an Outline Plan there is no way to determine the appropriateness of M-1 on this site. New communities benefit from

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comprehensive planning and re-designating a single irregular shaped parcel to M-1 may encumber logical development and use placement.

- While the applicant has expressed a desire to build a 'Place of Worship - Medium', M-1 provides an array of uses that could happen should development plans change. A DC based on S-FUD with the added discretionary use of 'Place of Worship - Medium' is more appropriate.
- The direction of the Growth Management overlay is clear and the interim servicing solutions are unacceptable to Administration. As such S-FUD or an S-FUD variant remains the most appropriate designation as the uses reflect current servicing constraints.
- While I am sympathetic to the position of Applicant, there is no Planning Rationale to support the land use amendment.

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Applicant:

CIMA+

Landowner:

The Pentecostal Assemblies of Canada

PLANNING EVALUATION

SITE CONTEXT

The subject site is located east of Stoney Trail SE and west of the Marquis Meadows development within the South Shepard area. To the immediate west and south of the site are large existing wetlands. To the north are country residential acreages with a typical lot size of approximately 1.62 hectares (4.1 acres). To the east is land currently in agricultural production.

The subject site is comprised of approximately 1.6 hectares (4 acres) that was subdivided in 2002 when the lands were in Rocky View County jurisdiction. The site was annexed in 2007 to reserve land for future urban development. The South Shepard Area Structure Plan was adopted for the area in 2013.

LAND USE DISTRICTS

The subject site is currently designated Special Purpose – Future Urban Development (S-FUD) District. The applicant is proposing to redesignate the parcel to Multi-Residential – Low Profile (M-1) District in order to facilitate the development of a Place of Worship – Medium.

Existing Land Use District

The current S-FUD District is intended to:

- (a) be applied to lands that are awaiting urban development and utility servicing;
- (b) protect lands for future urban forms of development and density by restricting premature subdivision and development of parcels of land;
- (c) provide for a limited range of temporary uses that can easily be removed when land is redesignated to allow for urban forms of development; and
- (d) accommodate extensive agricultural uses prior to development to urban uses.

The S-FUD District also has provisions that allow for the continuance of uses that were approved in another jurisdiction prior to annexation. The effect of this is to allow for landowners to continue using their land as they have been until the area is ready for full urban development.

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Proposed Land Use District

The proposed M-1 District is intended to:

- (a) be applied to the Developing Area;
- (b) has Multi-Residential Development that will have higher numbers of Dwelling Units and more traffic generation than both low density residential dwellings and the M-G District;
- (c) provides for Multi-Residential Development in a variety of forms;
- (d) has Multi-Residential Development of low height and medium density;
- (e) is intended to be in close proximity or adjacent to low density residential development;
- (f) requires that Multi-Residential Development achieves a minimum density; ...

The M-1 District has Place of Worship – Medium as a discretionary use. Place of Worship – Medium means a use where people assemble for religious or spiritual purposes and where the largest assembly area of the use is greater than 300.0 square metres and less than 500.0 square metres. The site may also have rooms for the administrative functions of the use a child care service within the building and may have a food preparation area, kitchen and seating area available for the users of the use.

Suitability of the Proposed M-1 District

Without an Outline Plan for the subject site and surrounding area, Administration is unable to determine if the M-1 District is the ideal land use for the site in the long run. This is because good neighbourhood design forms a pattern. This is a stand-alone land use amendment application in a future development area. While it is not possible to say if this will integrate well with the ultimate design of the neighbourhood, approval of this application will limit future options for neighbourhood design. Furthermore, without the presence of urban services (described below) this application represents a premature conversion of land.

LEGISLATION & POLICY

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

Map 1: Urban Structure of the Municipal Development Plan identifies the subject lands as Developing: Planned Greenfield with Area Structure Plan (ASP). As such, the policies of the South Shepard ASP apply in the evaluation of this application.

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South Shepard Area Structure Plan (SSASP)

The SSASP's Map 5: Land Use & Transportation Concept includes the subject lands within the Residential Redevelopment Area policy category. Section 3.8.2.b supports community-oriented institutional uses within this area, so the medium size place of worship being proposed is a suitable use for the area. Since no subdivision is being proposed, this application does not trigger the comprehensive planning requirements of Section 3.8.3 of the SSASP.

The requirements of Section 8.4 - Urban Growth Policies are addressed below.

TRANSPORTATION NETWORKS

A Transportation Impact Assessment was submitted in support of the proposal. The proposed access to the area is via Highway 22X / 104 Street SE to 146 Avenue and /or via 84 Street SE to 146 Avenue SE. The proposed vehicular site access is located at the south west corner of the intersection of 84 Street SE and 146 Avenue SE. The TIA identified that as a result of the proposed development, intersection improvements are required at 104 Street SE and Highway 22X.

This area is currently not served by Calgary Transit and the existing active modes infrastructure in the vicinity of the proposed site is limited.

UTILITIES & SERVICING

The applicant and Administration both prefer for the site to be fully serviced with City utilities. Those utilities are not currently available to the site. Development of infrastructure within the proposed Hotchkiss Outline Plan is necessary to extend utilities to a point near the site. The timeframe for development of that Outline Plan area is unknown at this point.

The Applicant has proposed a number of interim site servicing measures. These include:

- Potable Water:
The applicant is proposing to ultimately connect to The City's water supply via a water main developed as part of Hotchkiss Outline Plan application to the south of the site. If the Hotchkiss Outline Plan water main not proceed at this time, this area of The City does not have an available potable water supply so the applicant anticipates that the subject site would be serviced by a well. Should this alternative not be feasible, water service for the development would be via a cistern and trucked in water.

The interim measures are not an accepted City method of servicing.

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- Fire Protection:
Fire protection for the building, should the Hotchkiss Outline Plan water main not be available, is proposed to be via a dry hydrant system attached to the site's storm water retention pond. An on-site fire pond for fire protection would have to be engineered built to meet fire code requirements. The site is not within the 7 minute benchmark time for emergency response.

The interim measures are not a City standard and there is risk associated with utilizing an untested measure.

- Sanitary Sewer:
Once the Hotchkiss community is developed, it is anticipated that sanitary sewer mains will be available at the corner of 146 Avenue and 88 Street, which the site could tie in to. This area of The City does not yet have sanitary sewage transmission lines available to the site, so the applicant is proposing that the site would be serviced by a pump out septic tank at this time. The sanitary sewage would be transported for disposal at City sewage receiving stations.

The interim measures are not an accepted City method of servicing.

- Stormwater Management:
Since this site is located within the Shepard drainage area, the applicant has proposed a large on-site stormwater retention pond.

Employment of on-site storm water management practices is supported by The City.

With the exception of the employment of on-site storm water management practices, Development Engineering is not in support of the proposed interim servicing measures.

Administration is not supportive of interim servicing solutions. The servicing proposed by this application is generally not supported by Section 7.1.1.a. of the SSASP which states: "Urban development within the Plan Area will be serviced with municipal water, sanitary sewer and a stormwater system and shallow utilities..." Section 7.1.2.a of the SSASP, does allow for the possibility of interim servicing:

"2. Interim Servicing

- a. Interim servicing in advance of ultimate utility infrastructure is normally discouraged, but The City may consider it on an individual and limited basis where deemed viable within the Plan Area, at the sole discretion of The City.
- b. Interim servicing shall be aligned with priorities and infrastructure timing set through the Corporate Framework for Growth and Change and shall adhere to applicable City policies, principles, and

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City specified technical performance requirements. Developers may be required to enter into an agreement with The City, to the satisfaction of The City.”

Given the uncertainty of full City utility servicing, Administration does not believe that the application meets SSASP policy and technical standards.

ENVIRONMENTAL ISSUES

The property is adjacent to a large significant wetland identified in the SSASP. A wetland assessment by a qualified wetland specialist must be completed prior to site development.

GROWTH MANAGEMENT

The subject site is currently covered by a Growth Management Overlay (GMO) in the South Shepard ASP. The policy states that the Overlay should only be removed when solutions for municipally financed infrastructure and services have been determined. Section 8.4.1.c of the SSASP indicates that a land use redesignation should not be supported until the portion of the Overlay, including the lands subject to a redesignation application is removed, even if the design and land use pattern proposed through the redesignation is satisfactory.

The subject site is located outside of Council’s seven minute benchmark for emergency response service. There is no approved funding for the required capital and operating costs for fire and emergency services in City capital and operating budgets. Council’s Service Level Response Time Target policy is currently under review by Administration. The following direction was provided by Council at the 2017 July 31 Combined Meeting of Council:

“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

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.”

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The applicant has proposed developer funded interim servicing for utilities, however this is not supported by Water Resources.

A Growth Management Overlay should only be removed once there is a solution to service the area with municipal water, sanitary sewer and a stormwater system. Given that Water Resources does not support the interim servicing proposal, and in order to allow for the review of the emergency response benchmark to conclude, Administration does not support GMO removal at this time.

PUBLIC ENGAGEMENT

Citizen Comments

One letter of concern was submitted; however, issues were not specified.

Public Meetings

No public meetings were held with respect to the application. Standard notifications for land use amendment applications (notice posting and letters to adjacent properties) were used to ensure the local neighbourhood was made aware of the application.

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APPENDIX I

APPLICANT'S SUBMISSION

This application covers land use re-designation from the existing S-FUD (Special Purpose – Future Urban Development District) to M-1 (Multi-Residential Low Profile District) for an area of ±1.6 hectares (±4acres). The M-1 land use was chosen as it allows for medium size places of worship as a discretionary use, within a residential neighbourhood.