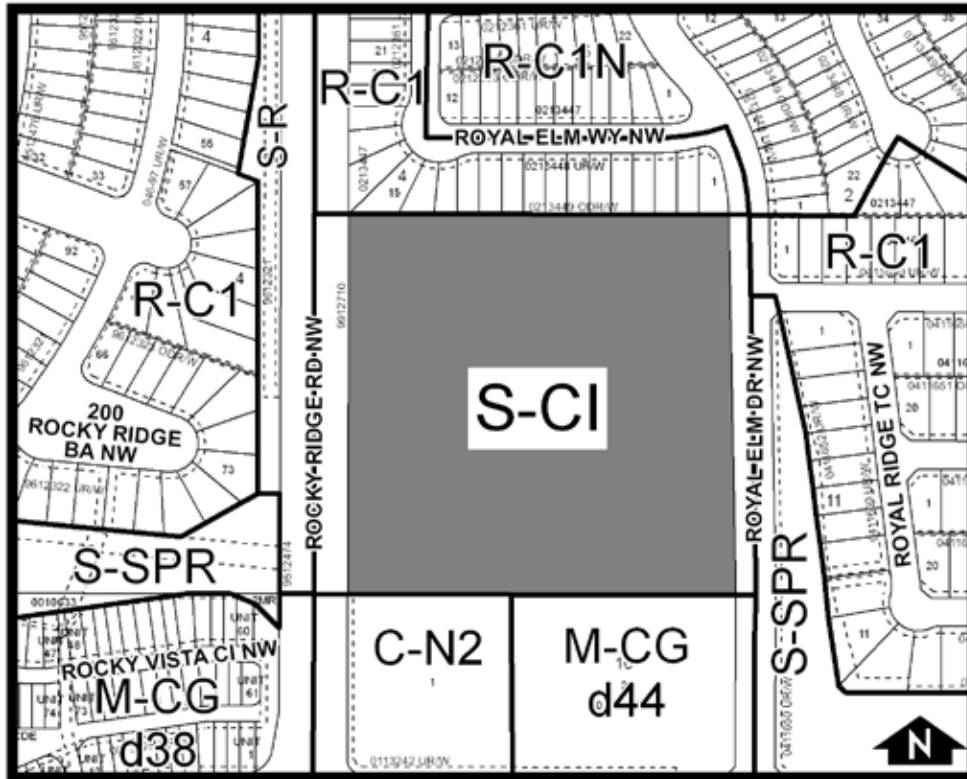


REPORT TO COUNCIL FROM CALGARY PLANNING COMMISSION

| | | |
|---------------------------|--------------------|------------------|
| LAND USE AMENDMENT | ITEM NO: 13 | |
| | FILE NO: | LOC2009-0074 |
| | CPC DATE: | 2009 November 26 |
| | COUNCIL DATE: | |
| | BYLAW NO: | |

ROYAL OAK
(Ward 1 - Alderman Hodges)



PROPOSAL:
 To redesignate 4.11 ha ± (10.15 ac ±) located at 81 Royal Elm Drive NW
 (Plan 0214387, Block 1, Lot 1) from DC – Direct Control District to S-CI
 Special Purpose – Community Institution District.
 (Map 21NW)

| | |
|--|--|
| APPLICANT: Tom Parker Realty | OWNER: The President of the Lethbridge Stake |
| CURRENT DEVELOPMENT: Place of Worship | |

ADJACENT DEVELOPMENT:

NORTH: Low density residential housing

SOUTH: Vacant, place of worship

EAST: Royal Elm Drive NW, Low density residential housing

WEST: Rocky Ridge Road NW, Low density residential housing

| SUMMARY OF CIRCULATION REFEREES | |
|---|---------------------------------------|
| SPECIAL REFEREE(S) Municipal District of Rockview | No objection |
| COMMUNITY ASSOCIATION Rocky Ridge Royal Oak Community Association | Objection (see letter in Appendix II) |

PLANNING EVALUATION

Introduction

This application seeks to redesignate the subject site from DC Direct Control District to a district which accommodates the development of a second place of worship on the subject site.

The existing Direct Control Bylaw allows for two comprehensively designed place of worship complexes with a maximum building height allowance of 15 metres, with the exception of steeples, to a maximum of 22 metres from grade. Building height guidelines were based on the design concept anticipated at the time of passage of the bylaw. The existing place of worship building was constructed in accordance with the Direct Control requirements on the northeast quadrant of the subject lands. The second place of worship now being contemplated, for the northwest quadrant, does not comply with the existing Direct Control height provisions and a land use amendment is required.

Site Context

The subject site is located within the northwest quadrant of the City within the Community of Royal Oak. Rocky Ridge Road NW and low density residential housing exists west of the subject site. Royal Elm Drive NW and low density residential housing exists east of the subject site. Low density residential development exists to the north and directly adjacent to the subject site. Adjacent lands to the south contain a place of worship under a separate land use designation.

Proposed Land Use District

The original application was submitted with a request for a Direct Control District with height guidelines specific to the recently contemplated development. Administration has been provided with specific direction from Council through Bylaw 1P2007 as well as through Council approved guidelines on the use of Direct Control Districts. Accordingly, a Direct Control District is not required or appropriate in this case as the contemplated development can be accommodated on the site through a land use amendment to the S-CI district.

The S-CI Special Purpose – Community Institution District has specific provisions for height that varies depending on building location, such that maximum building height increases with distance from property lines and adjacent context. Bylaw 1P2007 also contains building height provisions to exempt “ancillary structures” from the building height requirements, including architectural features commonly associated with places of worship, i.e. steeples. As such, a Direct Control district is not necessary to facilitate a development decision for the contemplated development.

A place of worship is also a discretionary use within the S-CI district. The Development Authority therefore has the ability to exercise its discretion to minimize or mitigate the impact of any proposed development, including being more restrictive than standard district requirements or creating restrictions where none exist within the district. If revised designs are not forthcoming as a result, a proposed development can be refused. There is also no “certainty of use” within Bylaw 1P2007. Discretionary development proposals can be refused on the basis of use, regardless of whether it complies with district rules. The Development Authority may also approve a proposed development with relaxations of district requirements if it meets the test for relaxation within Bylaw 1P2007 regarding impact. All discretionary permits also require advertisement and are afforded the right of appeal.

For these reasons, the district being recommended by Administration is the S-CI Special Purpose - Community Institutional District.

Site Characteristics

The subject site is sloping to the south.

Legislation & Policy

The subject property is currently identified as Future General Urban Use by the Municipal Development Plan (Calgary Plan).

The subject property falls under the Rocky Ridge Area Structure Plan (ASP). The subject property is identified as "Residential and Related Uses" within the ASP. This policy area allows for single detached, semi-detached, duplex and multi-family dwellings along with related uses such as local commercial areas, neighborhood shopping centers, churches, child care facilities, police and fire stations, libraries and neighborhood parks.

Using a standard district recommendation complies with Section 20 of Bylaw 1P2007 concerning the use of Direct Control Districts as well as the associated guidelines for the use of Direct Control Districts.

Site Access & Traffic

Right-in right-out access is currently available from Rocky Ridge Road NW whereas all turns access is provided from Royal Elm Drive NW. These access requirements are contained within the existing Direct Control district. There is no requirement to incorporate further access specifics into the proposed land use. All future access will be reviewed at the time of development permit.

Parking

A parking study was not required for the purposes of this application.

Site Servicing for Utilities

No site servicing issues have been identified.

Environmental Site Assessment (ESA)

An ESA was not required for the purposes of this application.

Community Association Comments

The community association is not in support of the recommended land use district, as indicated in the attached letter (see Appendix II). However, the community association is in support of the contemplated development and the increased heights relative to the existing Direct Control guidelines.

Adjacent Neighbour Comments

A number of letters of opposition were received with the following concerns:

- traffic congestion
- regional not local draw
- parking
- inappropriate land use adjacent to residential
- height
- façade colour
- construction noise
- obstruction of views
- garbage disposal
- hours of operation
- lighting

CONCLUSION:

The proposal is supported for the following reasons:

1. The proposed land use is in compliance with the existing Rocky Ridge Area Structure Plan.
2. The proposed land use is compatible with adjacent land uses.
3. The proposed land use allows for appropriate use and development of the site, both now and in the future, that is compatible with adjacent development through the discretionary development process.

CORPORATE PLANNING APPLICATIONS GROUP RECOMMENDATION: APPROVAL

Recommend that Council **ADOPT**, by bylaw, the redesignation of 4.11 hectares ± (10.15 acres ±) from DC Direct Control District to S-CI Special Purpose – Community Institution District.

David Galoska
2009/November

APPLICANT'S SUBMISSION

EXISTING LAND USE DESIGNATION

The existing land use designation is DC with Permitted and Discretionary Use Rules of the PS Public Service District with added guidelines to allow "two comprehensively designed Churches" with maximum roof height of 15 meters and a church steeple of 22 meters maximum height. This amendment was approved by City Council in June 2003 to accommodate the first of the two churches, and was written specifically for the Church (Meetinghouse) that was proposed, as the second Church building (Temple) had not yet been designed. The existing Meetinghouse Church building is a 1,530 sq. meter, single storey Church that meets the guidelines of the current land use designation.

PROPOSED LAND USE DESIGNATION

The Church of Jesus Christ of Latter-day Saints (Owner) has now designed the second of the "two approved churches", designated by the Owner as a Temple, which is two storeys above grade with a foot print area above grade of 826 sq. meters (below grade area is 1,047 sq. meters). The building takes advantage of the existing sloping grade with a walk out basement area opening to the south. The roof/parapet height is approximately 16 meters above existing grade and the Church steeple is a total of approximately 36 meters above existing grade. To accommodate this proposed design it is the Owner's desire to amend the existing DC Discretionary Rules to allow the increased roof height and steeple height and has applied for a new DC District. The City Planning Department, Land Use Amendment Services, after reviewing the application, has recommended the re-designation of re-zoning the site to the new By-law S-CI District to accommodate the design intent referred to above. The owner and the community would prefer Direct Control designation to allow the proposed development of the second Church.

November 11, 2009

Subdivision Secretary
Development and Building Approvals #8072
PO Box 2100 Station M
Calgary, AB T2P 2M5

Via email – david.galoska@calgary.ca

Noting the recent e-mail communication from David Galoska, the Rocky Ridge Royal Oak Community Association wishes to comply with the comment that this is a Land Use Amendment Application not a development application; however the original application is wretched in development terms. As a Direct Control District these conditions were permissible.

It would appear that the requested change from Direct Control to Special Purpose – Community Institution does not carry the same control over the development related clauses written in the original Bylaw 50Z2003 Amendment LOC2002-0116.

The Rocky Ridge Royal Oak Community Association does not support the change to an S-CI district.

In particular, in Part 9 Division 6, 1057 (5) seems to indicate that "there is no restriction on building height". Notwithstanding the extant LOC2002-0116 amendment clauses on building height we believe rolling back the designation to S-CI could permit a loop hole for relaxation of these restrictions.

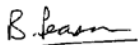
Referring again to the amendment LOC2002-0116 there is a clause titled "Access", in which development references are made. We recommend either removing these access controls or amending them to permit left in and left out access from Rocky Ridge Road. If these restrictions are in the Land Use Bylaw the community will have difficulty in future recourse to challenge this access issue during the Development Application stage.

Referring to the building height and steeple height relaxations implied by LOC2009-0074 the Rocky Ridge Royal Oak Community Association has not objected to those changes in previous correspondence on this matter, nor wishes to object at this time.

If you have any further questions please feel free to call me at 730-1362 (work) or 547-5899 (home).

Yours sincerely

Rocky Ridge Royal Oak Community Association
Planning and Development Committee



Brian Pearson,
Chair

cc:

Alderman Dale Hodges – dale.hodges@calgary.ca

Tom Parker – tomparker@shaw.ca