



Local Plan and Direct Control Item: Institutional

Electoral Division: 5

File: PL20200068, PL20190177 / 06507009

Date:	February 13, 2024		
Presenter:	Oksana Newmen, Senior Planner		
Department:	Planning		
Approved by:	<input checked="" type="checkbox"/> Executive Director / Director	and/or	<input checked="" type="checkbox"/> Chief Administrative Officer

REPORT SUMMARY

The purpose of this report is to assess two applications that would facilitate religious assembly and community uses on Lot 4, Plan 9010345 within SW-07-26-01-W05M:

- PL20200068 – To adopt the ‘Al-Makkah Community Hub’ Master Site Development Plan (MSDP), which provides a policy and operational framework for religious assembly and community uses.
- PL20190177 – To redesignate the subject lands from Residential, Rural district (R-RUR) to Direct Control district (DC) to facilitate religious assembly and community uses.

The subject parcel is located outside of an area structure plan; as such, the application was evaluated pursuant to the policies and regulations of the Rocky View County / City of Calgary Intermunicipal Development Plan (IDP), the Municipal Development Plan (County Plan), and the *Land Use Bylaw*.

The application was found to be inconsistent with Section 11.0 (Institutional and Community Land Use) of the County Plan, which encourages institutional uses to be located in hamlets, country residential communities, and business centres. Additionally, insufficient rationale was provided to support development at the proposed location, to demonstrate a benefit to the broader public, and to address compatibility and integration with the existing residential area. Finally, the submitted MSDP does not include all information required by Section 29 (Technical Requirements and Submissions) for MSDP documents.

With respect to consistency with the *Land Use Bylaw*, the application complies with the rationale for use of a DC district but is missing detail in the development of the Direct Control District and relevant requirements; therefore, the proposed Direct Control District was found not to be compliant.

ADMINISTRATION’S RECOMMENDATION

THAT application PL20200068 be refused.

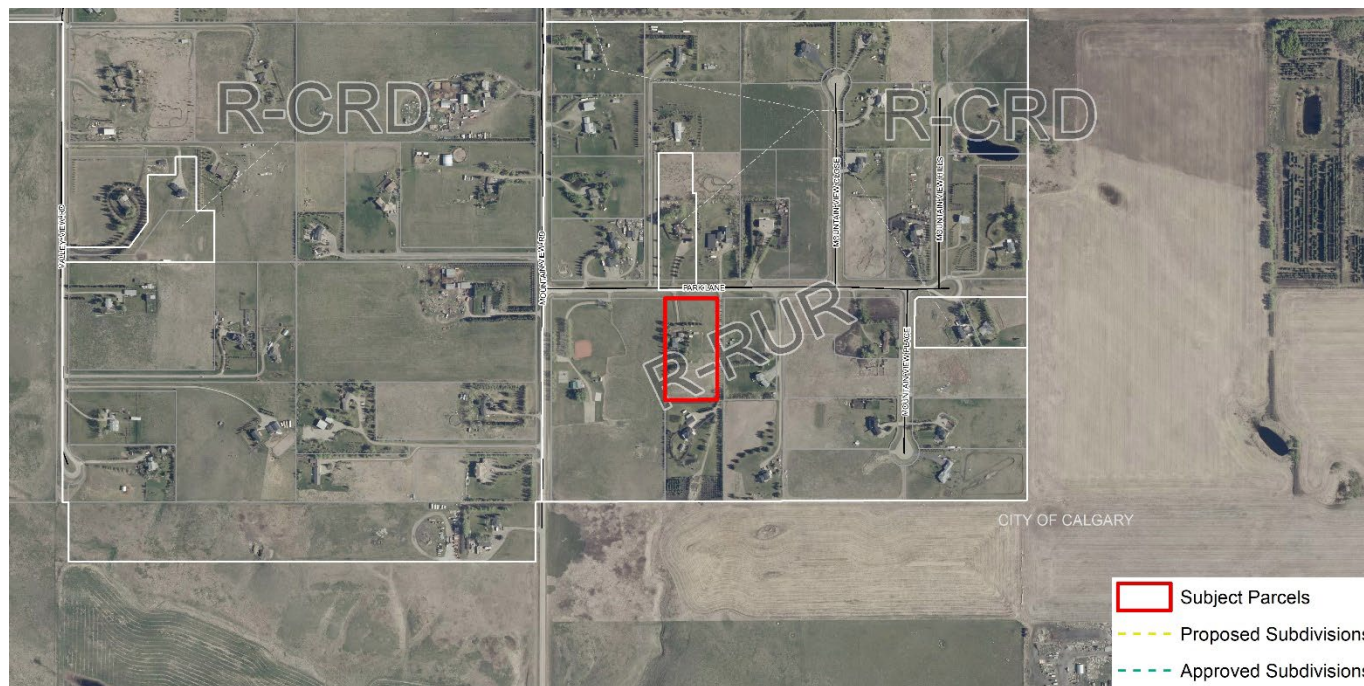
THAT application PL20190177 be refused.

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### BACKGROUND

#### Location (Attachment A)

Located approximately 0.50 miles (0.81 kilometres) north of the city of Calgary, located 0.75 miles (1.25 kilometres) south of Highway 566, and 0.13 miles (0.21 kilometres) east of Mountain View Road.



#### Site Context (Attachment B)

The subdivision creating the subject parcel as part of a four-lot subdivision was registered at land titles on February 21, 1990.

The subject parcel currently contains a single-family dwelling built in 1973, a detached garage building built in 1975, and a two-storey accessory building built in 2020. The 1,612 square foot accessory building was subsequently renovated without a permit, then was brought into compliance. This structure, which includes four toilets (water closets) and four vanities, has not been included in the application, MSDP, or any supporting documentation.

On November 23, 2010, Council refused an application (2007-RV-490) to redesignate the parcel from residential to Public Service District for development of a religious assembly.

The Applicants applied for redesignation to a Direct Control District in December 2019, and for the MSDP in June 2020, with multiple revisions until June 2023.

#### Intermunicipal and Agency Circulation (Attachment C)

The application was circulated to all necessary intermunicipal neighbours, internal and external agencies.

This application was circulated to The City of Calgary in accordance with the Rocky View County / City of Calgary Intermunicipal Development Plan. The City responded with no concerns regarding the application so long as the proposed direct control district would have a size restriction of the current parcel size to prevent future subdivision.

Alberta Transportation and Economic Corridors was circulated on the applications but has not provided comments.

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### Landowner Circulation (Attachment D)

The application was circulated on June 26, 2020, to 72 recipients, and on March 16, 2022, to 63 adjacent landowners in accordance with the *Municipal Government Act* and County Policy C-327 (Circulation and Notification Standards); in total, 39 letters in support (29 of which were either outside of the circulation area or the location could not be determined, of which 8 were from elected officials from other jurisdictions), and 25 letters in opposition were received. Three parcels had both opposition and support, as the lands were sold in the intervening period from application to public hearing. Note also that in some cases, multiple letters from individual parcels were received. Of three parcels in opposition, two letters were received from each; and of six names/addresses in support, two letters were received from each.

## ANALYSIS

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### MSDP Overview

The MSDP proposes a place of worship and a community centre/hub. It states that the existing building and parking area will serve 25 to 30 people. The community hub's goal is "for families to come together to have healthy discussion and engage youth in healthy activities", interfaith dialogue, and provide guidance to new entrepreneurs, residents, and youth new to the country. The MSDP does not include any reference to the use of the existing accessory building, nor does it meet the requirements of the County Plan.

### DC Overview

The DC District proposes a religious assembly and community/youth hub, based on the Special, Public Services District (S-PUB) of the Land Use Bylaw C-8000-2020 (LUB). The DC includes listed uses of religious assembly, occupancy, dwelling unit accessory to the principal use, community centre, and community hub. There are no definitions for community centre or community hub in either the LUB or the DC, and no additional development regulations. The proposed DC District does not align with other previously approved DC Districts or established land use districts within the LUB.

### Policy Review (Attachment E)

The application was reviewed pursuant to Section 5.0 (Municipal Planning Considerations), Section 8.0 (Growth Corridors/Areas and Annexation), and Section 15.0 (Plan Implementation) of the IDP and was found to be compliant.

The application was principally reviewed pursuant to Section 11.0 (Institutional and Community Land Use) of the County Plan. The application was found to be inconsistent with Policies 11.1 and 11.2, which encourage institutional uses to be located in hamlets, country residential communities, and business centres. For proposals outside of these preferred areas, Policy 11.3 provides potential support for locating outside of these areas, subject to demonstrating a valid rationale for the location, identifying benefit to the broader public, and compatibility and integration with the existing residential area. The Applicant has failed to satisfy the criteria set out within Policy 11.3; therefore, the application is inconsistent with Policy 11.3 and the wider intent of Section 11.0 of the County Plan.

Section 29 and Policy 11.5 of the County Plan set out the technical and operational items that must be addressed through submission of an MSDP for institutional uses including providing details on facility hours, specific uses, and parking requirements. The Applicant has only partially met these requirements with some deficiencies and gaps noted to be present, such as providing information regarding the compatibility of the use with adjacent land uses, and detail regarding the development scale and size.

Finally, the application was reviewed pursuant to Sections 297 and 302 of the *Land Use Bylaw* regarding Direct Control District applications. The application complies with the rationale of the use of a DC district, but due to the lack of detail in the development of the Direct Control, was found to be non-compliant.

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### COMMUNICATIONS / ENGAGEMENT

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Consultation was conducted in accordance with statutory requirements and County Policy C-327.

### IMPLICATIONS

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#### Financial

No financial implications identified at this time.

### STRATEGIC ALIGNMENT

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This report is a statutory obligation under the *Municipal Government Act*.

### ALTERNATE DIRECTION

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Should Council wish to support the application they may wish to consider referring the application back to Administration to provide the necessary updates to the MSDP and proposed Direct Control District in order to align with the County Plan and Land Use Bylaw C-8000-2020.

THAT Council refer the applications PL20190177 and PL20200068 back to Administration to work with the Applicants on necessary amendments to the Direct Control District and MSDP to align with the County Plan and Land Use Bylaw C-8000-2020.

### ATTACHMENTS

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- Attachment A: Map Set
- Attachment B: Application Information
- Attachment C: Application Referral Responses
- Attachment D: Public Submissions
- Attachment E: Policy Review
- Attachment F: Draft Bylaw C-8455-2023 (Direct Control District)
- Attachment G: Draft Master Site Development Plan