



## **PLANNING POLICY**

<b>TO:</b>	Council	
<b>DATE:</b>	June 22, 2021	<b>DIVISION:</b> 8
<b>FILE:</b>	05618459	<b>APPLICATION:</b> PL20200050-1
<b>SUBJECT:</b>	Damkar Applications – Request to Waive Six Month Waiting Period for Re-Application	

### **POLICY DIRECTION:**

By resolution, Council may waive the six month waiting period for re-applications. The proposal was evaluated against Section 48 of the *Land Use Bylaw*.

### **EXECUTIVE SUMMARY:**

On May 18, 2021, Council held a public hearing and considered two applications for the Damkar project; a land use redesignation (PL20200050) and conceptual scheme amendment (PL20200051). The public hearing was closed and both applications were refused.

On June 7, 2021, a request was received by the Applicant to waive the six month waiting period for re-application of an amending bylaw (redesignation). In order for the Applicant to re-apply for the same or similar applications, a Council decision to waive the six month waiting period is required in accordance with Section 48 of the *Land Use Bylaw*; as the six month waiting period does not conclude until November 18, 2021, a Council decision is required to waive this waiting period to allow for immediate re-application as the Applicant intends.

Section 48 of the *Land Use Bylaw C-8000-2020* states:

**48** *If a proposed Amending Bylaw has been refused by Council, the same or similar application shall not be resubmitted for at least six (6) months after the date of refusal, unless, in the opinion of the Development Authority, the reasons for refusal have been adequately addressed or the circumstances of the application have changed significantly.*

A redesignation application is an amending bylaw as the effect is to amend the *Land Use Bylaw*; however, Council does not give reasons for refusal when passing a motion for refusal. Therefore, the Applicant has proposed amendments to the previous proposal based on the commentary provided during the public hearing and subsequent discussions of Council. The Applicant's anticipated amendments include:

- A reduction in overall maximum number of units proposed from 350 to 200.
- The replacement of the three (3) multi-family 'senior's-oriented' buildings within the western portion of the Appendix 9 area with forty (40) villa-style duplexes.
- An overall reduction in maximum number of units within the dedicated Senior's Building from 180 to 160.

If, in the opinion of Council, the reasons for the refusal have been adequately addressed, the six month waiting period may be waived by resolution per Option #1 below. The new applications would be recirculated to adjacent landowners and agencies for comment; new bylaws would also be presented to Council for first reading and later public hearings as required. If the reasons are not adequately addressed, the Applicant may re-apply in six months per Option #2.

### **Administration Resources**

Jessica Anderson, Planning Policy



ROCKY VIEW COUNTY

**BUDGET IMPLICATIONS:**

None.

**OPTIONS:**

- Option #1:                THAT the requirement of a six month waiting period for re-application under Section 48 of Land Use Bylaw C-8000-2020 be waived by resolution.
- Option #2:                THAT the waiver of the six month waiting period for re-application be denied.

Respectfully submitted,

Concurrence,

“Brock Beach”

“Kent Robinson”

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Acting Executive Director  
Community Development Services

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Acting Chief Administrative Officer

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**ATTACHMENTS:**

ATTACHMENT ‘A’: Applicant Request Letter