



## PLANNING AND DEVELOPMENT SERVICES

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**TO:** Council  
**DATE:** October 27, 2020 **DIVISION:** 1  
**TIME:** Afternoon Appointment  
**FILE:** 03912039 **APPLICATION:** PL20190206  
**SUBJECT:** Redesignation Item – Residential, Rural District (R-RUR p4.0) to Residential, Rural District (R-RUR) and Commercial, Local Urban District (C-LUD)

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### POLICY DIRECTION:

The Greater Bragg Creek Area Structure Plan.

### EXECUTIVE SUMMARY:

The purpose of this application is to redesignate the subject land from Residential, Rural District (R-RUR p4.0) to Residential, Rural District (R-RUR) and Commercial, Local Urban District (C-LUD) to allow for future subdivision. The R-RUR portion will allow future subdivision of two residential lots, whereas the C-LUD portion will accommodate the existing business (veterinary clinic) and its associated parking area.

Council gave first reading to Bylaw C-8028-2020 on March 10, 2020.

The following is a summary of the application assessment:

- The application is largely consistent with the Greater Bragg Creek Area Structure Plan;
  - However, the proposed Commercial, Local Urban District would potentially introduce a range of commercial uses that may not be compatible with the surrounding area.
- All other technical matters required at this stage of the application process are satisfactory.

### ADMINISTRATION RECOMMENDATION:

Administration recommends tabling and revising the application in accordance with Option #2.

**DATE APPLICATION RECEIVED:** December 30, 2019  
**DATE DEEMED COMPLETE:** September 10, 2020

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**PROPOSAL:** To redesignate the subject land from Residential, Rural District (R-RUR p4.0) to Residential, Rural District (R-RUR) and Commercial, Local Urban District (C-LUD) to allow for future subdivision.

**LEGAL DESCRIPTION:** Lot 6, Block 3, Plan 1611299, within NE-12-23-05-W05M

**GENERAL LOCATION:** Located in the hamlet of Bragg Creek, west of Highway 22 and on the south side of Burney Road.

**APPLICANT:** Kimberley French

**OWNERS:** Judith Samson and Kimberley French

**EXISTING LAND USE DESIGNATION:** Residential, Rural District (R-RUR p4.0)

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### Administration Resources

Johnson Kwan, Planning and Development Services



**PROPOSED LAND USE DESIGNATION:** Residential, Rural District (R-RUR) and Commercial, Local Urban District (C-LUD)

**GROSS AREA:** ± 11.80 acres

**SOILS (C.L.I. from A.R.C.):** **Class 4, H** – Severe limitations due to temperature.

**PUBLIC & AGENCY SUBMISSIONS:**

The application was circulated to 179 adjacent landowners; eight letters in opposition were received (see Attachment 'D'). The application was also circulated to a number of internal and external agencies; responses are available in Attachment 'A'.

**HISTORY:**

**May 27, 2016** Subdivision Plan 161 1299 was registered at Land Titles Office creating Lot 6, Block 3 (the subject property) and Lot 5, Block 3 (Application PL20160007). Municipal Reserves have been collected by cash-in-lieu payment (Plan 9211278).

**January 29, 2016** Council approved Bylaw C-7518-2015 (Application PL20150072) to redesignate the subject land from Ranch and Farm District to Residential Two District (± 11.64 ac) and Residential Three District (± 12.56 ac) to allow for further subdivision.

**BACKGROUND:**

The Applicant indicated that the purpose of the application is to make the existing veterinary clinic a stand-alone parcel and to allow two residential parcels (one for the existing dwelling and the other with the accessory buildings).

All three proposed parcels are currently serviced by their own septic fields and water wells. As per the Applicant, there are no plans to add additional structures nor to remove any of the present structures. No additional roads are required nor is there any changes to the traffic flow.

**POLICY ANALYSIS:**

Greater Bragg Creek Area Structure Plan

The subject land is located in the Greater Bragg Creek Area Structure Plan's hamlet expansion area. The ASP envisions that this area would accommodate an appropriate range of residential uses, with the potential for institutional uses that support the local community (Policy 7.2.5 c).

At the time of this report, the County is preparing the Bragg Creek Hamlet Expansion Strategy, which proposes residential development as the predominant use in the area. Existing businesses (i.e. the veterinary clinic) can continue to operate in the area; nonetheless, expansion of existing businesses and future business developments are to be directed to the hamlet core along Balsam Avenue and White Avenue (Highway 758).

The intent of the application is consistent with the existing ASP given the proposal is to accommodate future residential subdivision and the existing veterinary care business; however, a range of other commercial uses may be introduced into the area by redesignating a portion of the property to Commercial, Local Urban District. These new commercial uses may not be compatible with the surrounding area, and would be subject to review at the development permit stage.

If Council wishes to limit the range of commercial uses on the site, an alternative solution would be to redesignate the entire parcel to Residential, Rural District (R-RUR) without the parcel size modifier. This alternative option would:

- allow the existing business to remain onsite as a discretionary use;



- allow future subdivision of the property into three approximately 3.95 acre lots; and
- to ensure that no other commercial uses are being introduced into the residential area.

This alternative option was presented to the Applicant for consideration. The Applicant requested to proceed with the current proposal (R-RUR and C-LUD) rather than adjusting the application. For this reason, the alternative option is included in the report for Council's consideration.

#### Land Use Bylaw

The Applicant proposed Residential, Rural District (R-RUR) for  $\pm$  10.8 acre of the subject land, which is intended to accommodate a 4 acre lot with the existing dwelling to the west and a 6.8 acre lot with the existing accessory buildings to the east.

The existing dwelling meets all minimum setback requirements. The existing accessory buildings would become non-conforming buildings due to minimum side yard setback requirement from Highway 22 (minimum 60 m) and minimum rear yard setback requirement from the adjacent property to the south (minimum 7 m).

Commercial, Local Urban District (C-LUD) allows the existing veterinary clinic to continue its operation on site under the existing permits (1999-DP-8337 and PRDP20180376). The commercial land use designation would also introduce a range of other uses on the one (1) acre portion, including:

- Alcohol Production;
- Auctioneering;
- Automotive Services (minor);
- Cannabis Retail Store;
- Care Facility (Child), Care Facility (Clinic), Care Facility (Group);
- Establishment (Eating), Establishment (Drinking);
- Office;
- Outdoor Storage;
- Recreation (Culture & Tourism), Recreation (Private), Recreation (Outdoor);
- Recycling/Compost Facility;
- Retail (Small), Retail (Grocery), Retail (General), Retail (Restricted);
- Religious Assembly; and
- Special Function Business.

Any new commercial uses proposed on the property will be subject to a new development permit application.

#### **OPTIONS:**

- Option # 1:    Motion #1        THAT Bylaw C-8028-2020 be amended in accordance with Appendix B.
- Motion #2        THAT Bylaw C-8028-2020 be given second reading.
- Motion #3        THAT Bylaw C-8028-2020 be given third and final reading.
- Option # 2:    THAT consideration of application PL20190206 be tabled sine-die to allow revision of the application to propose redesignation of the entire property to Residential, Rural District (R-RUR).
- Option # 3:    THAT application PL20190206 be refused.



ROCKY VIEW COUNTY

Respectfully submitted,

“Theresa Cochran”

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Executive Director  
Community Development Services

JKwan/llt

Concurrence,

“Al Hoggan”

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Chief Administrative Officer

**ATTACHMENTS**

ATTACHMENT ‘A’: Application Referrals

ATTACHMENT ‘B’: Bylaw C-8028-2020 and Schedule A

ATTACHMENT ‘C’: Map Set

ATTACHMENT ‘D’: Public Submissions