



PLANNING

TO: Council
DATE: July 12, 2022 **DIVISION:** 5
TIME: Morning Appointment
FILE: 06518002 **APPLICATION:** PL20220060/PL20210034
SUBJECT: Redesignation Item – Special Use, and Master Site Development Plan

APPLICATIONS:

- PL20220060 - To adopt the “Divine Mercy Centre Master Site Development Plan”, which provides a non-statutory policy framework for a religious assembly use.
- PL20210034 (Bylaw C-8167-2021) - To redesignate ± 2.09 hectares (5.17 acres) of the subject lands from Agricultural, General District (A-GEN) to Special, Public Service District (S-PUB) to accommodate a religious assembly use.

GENERAL LOCATION: Located some 3.28 kilometres (2.04 miles) north of the city of Calgary, to the northeast of the junction of Range Road 20 and Highway 566.

EXECUTIVE SUMMARY: Council gave first reading to Bylaw C-8167-2021 on April 27, 2021. The Bylaw has been amended since first reading to reduce the area proposed for redesignation.

A religious assembly use has been operating within the existing dwelling since 2015 without a Development Permit. Upon receiving a complaint in relation to the use, the Applicant was advised by Administration to apply for necessary approvals to bring the property into compliance.

The land use amendment application and supporting Master Site Development Plan (MSDP) were evaluated against the Rocky View County/City of Calgary Intermunicipal Development Plan (IDP), Municipal Development Plan (County Plan) and the Land Use Bylaw. The MSDP provides detailed information on the operation, transportation, servicing, landscaping, and public engagement.

Although the Application was found to be consistent with the IDP and Land Use Bylaw, the proposal does not align with Section 11.0 (Institutional and Community Land Use) of the County Plan. Specifically, it is considered that the use would not satisfy Policy 11.3 of the County Plan, which sets out criteria for institutional uses that are located outside of identified residential and business growth areas within the County. The criteria includes demonstrating justification of location, benefit to the broader public, compatibility with surrounding lands, and that sufficient infrastructure capacity exists.

Taking into account Policy 11.3, Administration is recommending refusal of the applications. The religious assembly use would better serve County residents within an established growth area that has the necessary infrastructure to accommodate it. As redesignation is proposed to the Special, Public Service District (S-PUB) and there are no proposed limitations on intensity of the use, this potentially would allow the opportunity for the site to expand in future, with associated adverse impacts on the surrounding agricultural area.

If Council is minded to support the existing religious assembly use on the subject lands, it is recommended that the applications be referred to Administration to work with the Applicant on the preparation of a Direct Control Bylaw to limit the allowed uses to only religious assembly. Regulations in the Direct Control Bylaw could also limit modification or expansion of the existing dwelling to ensure that the intensity of use does not increase over time.

Administration Resources

Xin Deng, Planning and Development Services



ADMINISTRATION RECOMMENDATION: Administration recommends refusal of the Master Site Development Plan (PL20220060 Option #2) and redesignation application (PL20210034 Option #3).

OPTIONS

Master Site Development Plan Application (PL20220060):

Option # 1: THAT the 'Divine Mercy Centre Master Site Development Plan' be approved as per Attachment 'D'.

Option # 2: That application PL20220060 be refused.

Redesignation Application (PL20210034):

Option #1: Motion #1 THAT Bylaw C-8167-2021 be amended by replacing Schedule 'A' of the bylaw with the revised version provided in Attachment 'D' of the staff report.

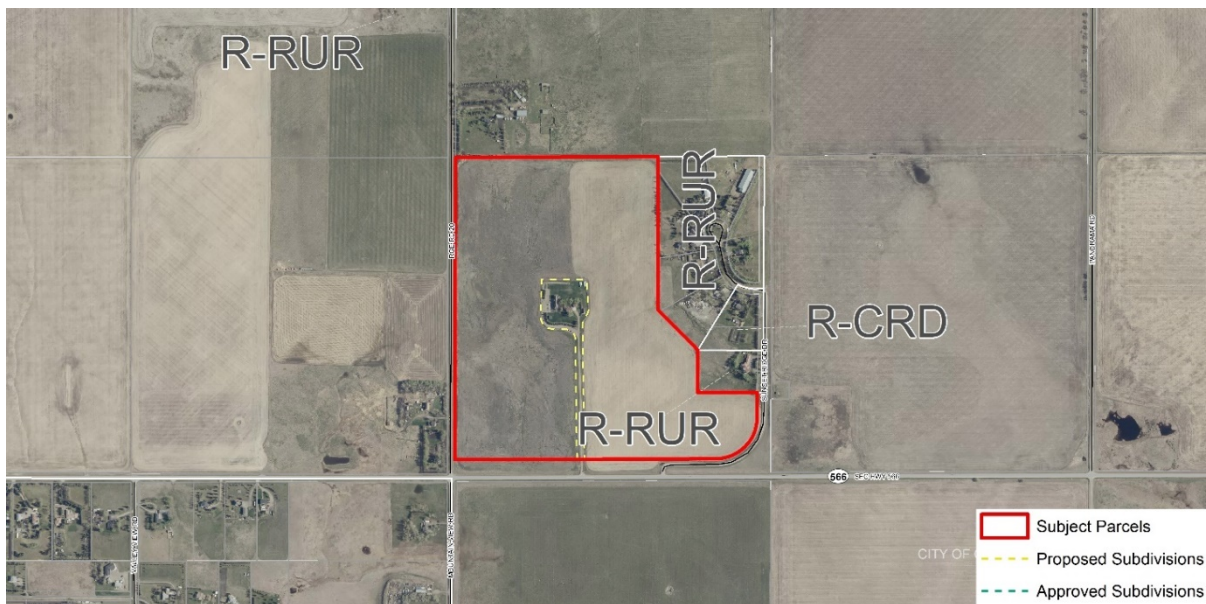
Motion #2 THAT Bylaw C-8167-2021 be given second reading, as amended.

Motion #3 THAT Bylaw C-8167-2021 be given third and final reading, as amended.

Option #2: THAT application PL20210034 be referred to Administration to work with the Applicant on the preparation of Direct Control Bylaw for religious assembly use only.

Option #3: THAT application PL20210034 be refused.

AIR PHOTO & DEVELOPMENT CONTEXT:





APPLICATION EVALUATION:

The Applicant submitted a redesignation application (PL20210034) in February 2021. After further discussion on the requirements of Section 11.0 of the County Plan, a Master Site Development Plan application (PL20220060) was submitted in April 2022; the MSDP provides more detailed information to support the proposed development. These applications were evaluated based on the applicable policies and regulations.

APPLICABLE POLICY AND REGULATIONS: <ul style="list-style-type: none"> • <i>Municipal Government Act</i>; • Subdivision and Development Regulations; • Rocky View County / City of Calgary Intermunicipal Development Plan (IDP); • Municipal Development Plan (County Plan); • County Servicing Standards. 	TECHNICAL REPORTS SUBMITTED: <ul style="list-style-type: none"> • N/A
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MASTER SITE DEVELOPMENT PLAN OVERVIEW:

Background Information

The subject land was formerly used for horse riding stables. The Roman Catholic Bishop of the Diocese of Calgary purchased this property in 2006. At that time, the site already contained two dwellings and other accessory buildings. In 2015, the Divine Mercy Centre began to operate within one of two dwellings on-site, providing religious services, including prayer gatherings, counselling, and spiritual guidance to the region's Catholic community. The Chapel is operated by two nuns who live on the property.

Development Concept

The Applicant proposes to continue providing religious services on-site with no expansion on the use currently being undertaken. Current uses include the following:

- Winter events are organized indoors in the Chapel twice a week (typically on Fridays and Saturdays). Summer events are planned outdoors two or three times a week. There are no overnight stays. The daily number of visitors are typically from zero to five from Mondays to Thursdays, and up to 20 total on Fridays and Saturdays.
- Three times a year, small prayer gatherings and retreat conferences are held for various age groups for the Divine Mercy Family, which consists of up to 20 people.
- An Annual Outdoor Divine Mercy Family gathering is usually held in September, with approximately 100 people, typically attending from 10:00 am to 4:00 pm.

The site provides eight parking stalls in front of the main dwelling, which also contains decorative lamp posts for moderate lighting. Overflow parking for approximately 50 cars for special events is provided on the north side of the property.

A number of trees and shrubs exist both within and surrounding the site, which provides visual buffering. In addition, the proposed development is located at the centre of the subject site, providing some setback from neighbouring residential properties.

Transportation

The development is accessed from the existing paved approach off Highway 566. In a regular week, there are up to five vehicle visits a day from Monday to Thursday, and a maximum of ten vehicle visits a day on Fridays and Saturdays. The traffic generated by the site does not warrant a Traffic Impact Assessment (TIA).



Water Supply

The dwellings are currently serviced by a water well. Additional water is provided as needed by water trucks for special events. It is noted that a potable water line runs parallel to Highway 566 to service the nearby Sunset Ridge community. Administration has recommended that the applicant connect to the potable waterline; however, Administration would not require this as a condition of a future development permit, unless directed by Council, due to the following reasons:

- The development would continue operating within the existing buildings and no new buildings are proposed.
- The development primarily operates as a residence on an Agriculture General district parcel approximately ± 45.37 hectares (112.1 acres) in size, and no subdivision is proposed at this time.
- The applicant proposes to provide trucked in water service for special events, which is consistent with the County's practices.

As a condition of future development permit, the Applicant would be required to address all fire suppression requirements, in accordance with the Alberta Building Code, County Servicing Standards, NFPA 1142 and all applicable County standards and bylaws. The applicant would be required to demonstrate water servicing in accordance with the County's policies and practices at future subdivision.

Wastewater Treatment

A piped wastewater system is not available in the area. The house is serviced by the existing septic tanks that are regularly pumped out. Additional portable restrooms, handwashing stations, and sanitizer stands would be provided for the outdoor group events. Administration does not require any further demonstration of wastewater servicing due to the following reasons:

- The development would continue operating within the existing buildings and no new buildings are proposed.
- The development primarily operates as a residence on an Agriculture General district parcel approximately ± 45.37 hectares (112.1 acres) in size, and no subdivision is proposed at this time.

The Applicant would be required to demonstrate wastewater servicing in accordance with the County's policies and standards at future subdivision stage.

Stormwater

As there are no changes being proposed that would affect drainage; a stormwater management plan is not required. In the event a development permit is submitted in the future for new parking, new building(s) or other site changes, a stormwater management report would be required.

Public Consultation

Through circulation of redesignation application (PL20210034), three letters in opposition were received. The Applicant provided responses within the MSDP to address the concerns raised and one adjacent landowner has withdrawn their opposition letter, leaving two letters in opposition. The Applicant provided letters of support from 16 properties in the surrounding area.

POLICY ANALYSIS:

Rocky View County / City of Calgary Intermunicipal Development Plan (IDP)

The land is located in a City of Calgary Residential Growth Corridor within the IDP. Policy 8.1.1 states that County growth corridors should be governed by the County's statutory and local area plans; therefore, the proposal was principally assessed against the County Plan.

The land falls within the area that is identified as future residential use, the proposed institutional use is operating within the existing residential building, and the appearance of the building and the



proposed institutional use are compatible with adjacent agricultural and residential uses. However, the overall use does not comply with Section 11.0 of the County Plan, so the proposal is also not consistent with the IDP.

The City of Calgary indicated that they have no comments on the development.

County Plan

As the subject lands are not located within the bounds of an area structure plan, the application was evaluated under the County Plan. Specifically, the goals of Section 11.0 pertaining to Institutional and Community Land Use are to provide opportunities for institutional and community uses that serve the broader public interest, while ensuring they are compatible with surrounding land uses.

Policy 11.1 indicates that institutional and community land uses shall be encouraged to locate in hamlets, country residential communities, and business centres, and shall be developed in accordance with the policies of the relevant area structure plan or conceptual scheme.

- The proposal is located outside of an existing community and area structure plan, which is inconsistent with the policy. The purpose of this policy is to encourage development of new institutional uses within planned growth areas, to take advantage of existing infrastructure and provide services to the highest density population areas. The dispersed location of institutional and other uses outside of the County's planned communities has the potential to cumulatively increase the cost of service and infrastructure provision. Supporting services such as religious assembly uses outside of planned County growth areas also has the potential to hinder the full build-out of established communities by encouraging further residential development to co-locate in these agricultural areas.

Policy 11.3 states that proposals for institutional and community land uses that are not within hamlets, country residential communities, or business centres may be considered if the required criteria covering justification of location, a benefit to the broader public, compatibility with surrounding lands, and availability of appropriate infrastructure.

- The Applicant asserts that the location of the property offers a quiet rural location, near an existing highway, and that the use offers a local service to nearby country residential properties. However, the location of the site, remote from any planned residential growth area, means that it would not maximize community benefit and the use may actually compete with institutional uses within these established areas.
- Although the site is well-established with mature landscaping and the religious assembly use would continue to be undertaken within the existing buildings, the potential for the use to intensify could result in adverse impacts upon surrounding residents.
- The Applicant has largely demonstrated that the site can accommodate the proposed use in relation to water and wastewater servicing; however, the use would be better served within an existing planned growth area where comprehensive servicing can be more readily accessed. Dispersed location of such uses in the agricultural area also counters the goal of planning for efficient use of infrastructure.
- The Applicant has provided a Master Site Development Plan to outline the detailed information on the operation, landscaping, parking, servicing, and transportation and so has met the requirement to address the development review criteria set out within Section 29.0 of the County Plan.

Overall, Administration considers that the submitted applications have not sufficiently demonstrated alignment with Policy 11.3 of the County Plan.



ROCKY VIEW COUNTY

Land Use Bylaw

The purpose of the Special, Public Service District (S-PUB) is to provide for the development of Institutional, Educational, and Recreational uses; Religious Assembly is a discretionary use. The proposal meets the parcel size, set back, and building height requirements.

It is noted that the S-PUB district allows for a range of institutional and community uses, and although the MSDP guides the planning framework for the site, there is the potential for the Applicant to diversify uses and increase intensity on the property, especially given the non-statutory nature of the MSDP.

At the future Development Permit stage, the Chapel within the principal dwelling would be converted to a religious assembly facility. The Applicant would continue using the rest of the house for residential purposes. The second vacant dwelling on-site could also remain and would be considered a legally non-conforming building under the S-PUB land use designation.

Respectfully submitted,

Concurrence,

“Brock Beach”

“Dorian Wandzura”

Acting Executive Director
Community Development Services

Chief Administrative Officer

XD/rp

ATTACHMENTS:

ATTACHMENT ‘A’: Application Information

ATTACHMENT ‘B’: Application Referrals

ATTACHMENT ‘C’: Bylaw C-8167-2021 and Schedule A

ATTACHMENT ‘D’: Revised Schedule A of Bylaw C-8167-2021

ATTACHMENT ‘E’: The proposed “Divine Mercy Center Master Site Development Plan”

ATTACHMENT ‘F’: Map Set

ATTACHMENT ‘G’: Public Submissions