

Bylaw 50-2017 Amendment to Land Use Bylaw 6-2015 (Ward 6)

Applicant: Dnyanesh Deshpande
Owner: Sukhjot Singh Sekhon, Bhawjot Kaur & Sandhu Sukhdev
Legal Description: Lot H, Plan 5972 HW (1.2 hectares)
Pt. NW 22-52-23-W4
Location: South of Wye Road; East of Range Road 233
From: RCL Low Density Country Residential
To: RCS Country Residential Community Services

Report Purpose

To provide information to Council to make a decision on a bylaw that proposes to rezone approximately 1.2 hectares (3.0 acres) of land in Lot H, Plan 5972 HW from RCL Low Density Country Residential to RCS Country Residential Community Services to allow for consideration of religious assembly, minor; education, private and residential security/operator unit uses; Administration does not support this Bylaw.

Applicant Request*

1. THAT Bylaw 50-2017, a bylaw that proposes to rezone approximately 1.2 hectares (3.0 acres) of land in Lot H, Plan 5972 HW from RCL Low Density Country Residential to RCS Country Residential Community Services to allow for consideration of religious assembly, minor; education, private and residential security/operator unit uses, be given first reading.
2. THAT Bylaw 50-2017 be given second reading.
3. THAT Bylaw 50-2017 be considered for third reading.
4. THAT Bylaw 50-2017 be given third reading.

***Administration Position**

The proposal does not meet the intent and the policies of the Country Residential Area Concept Plan and Land Use Bylaw 6-2015; therefore Administration does not support the proposed bylaw.

Council History

March 10, 2015 – Council adopted Land Use Bylaw 6-2015, with an effective date of May 11, 2015.

May 29, 2012 – Council adopted the Country Residential Area Concept Plan Bylaw 58-2011.

May 29, 2007 – Council adopted the Municipal Development Plan (MDP) Bylaw 1-2007.

Strategic Plan Priority Areas

Economy: n/a

Governance: The Public Hearing provides Council with the opportunity to receive public input prior to making a decision on the proposed bylaw.

Social: n/a

Culture: n/a

Environment: n/a

Other Impacts

Author: Radhika Brown, Planning and Development Services
Director: Stacy Fedechko, Planning and Development Services
Associate Commissioner: Kevin Glebe, Infrastructure and Planning Services
Lead Department: Planning and Development Services

Policy: SER-008-022 Redistricting (Map Amendment) Bylaws. This policy ensures that Council has the opportunity to consider and address the social, financial and/or environmental impacts of a redistricting bylaw.

Legislative/Legal: The *Municipal Government Act* provides that Council may, by bylaw, amend the Land Use Bylaw.

Interdepartmental: The proposal was circulated to internal departments and external agencies. Land Development Planning, Land Development Engineering, and Transportation Planning and Engineering do not support the proposed rezoning.

Summary

The applicant is proposing to amend Land Use Bylaw 6-2015 (LUB) to rezone approximately 1.2 hectares (3.0 acres) of land within the High Density Area of the Country Residential Area Concept Plan (CR-ACP) from RCL – Low Density Country Residential to RCS – Country Residential Community Services. The proposed rezoning is in order to allow for consideration of religious assembly, minor; education, private and residential security/operator unit uses on the subject parcel within the existing single dwelling and the 200 m² addition to the dwelling. All three of the proposed uses are permitted uses in the RCS zoning district. Religious assembly, major is listed as a permitted use in the district; however the subject parcel does not meet the size requirement for a religious assembly, major use to be considered under the Land Use Bylaw as the site is less than 1.6 hectares.

As per Section 4.9 of the CR-ACP, institutional and community facilities including places of worship and schools will be considered in the Country Residential Policy Area of the Municipal Development Plan Bylaw 1-2007 (MDP) on a case-by-case basis, and the objective is to provide opportunities for the development of community services that are compatible with country residential land uses. As per Section 4.9.2 of the CR-ACP, community service related activities will:

- a) locate on properties that are highly accessible. In this regard community service land uses will occur on properties located at the intersections of rural roadways or highways;
- b) locate at the entrance of, and not internal to, a residential subdivision.

The proposed rezoning is for a parcel that is located at the intersection of rural roadways, and at the entrance to a residential subdivision as required under Section 4.9.2 of the CR-ACP. However, Section 4.9.3 of the CR-ACP indicates that in assessing any application for community service activities, the County will consider a range of matters to ensure the compatibility of the proposal including the scale of the proposal, number of patrons, potential impacts on County infrastructure, the potential effects arising from incompatible activities and the ability of the proposal to integrate and be compatible with country residential residences within the surrounding area, and the overall intent of the CR- ACP.

Section 4.9 of the CR- ACP also states that, "Institutional and community facilities are integral in the formation of communities as they provide opportunities for residents to congregate and socialize." This statement suggests that the intent of the CR-ACP is for institutional and community facilities to be developed within new country residential developments prior to residential development taking place, and not for these facilities to be developed within established country residential communities with existing residential development.

Furthermore, the stated purpose of the RCS zoning district in the LUB is to support community-oriented service facilities that are compatible with country residential development, on serviced lots located within the CR- ACP.

The religious assembly, minor use is proposed for a maximum of 45 attendees approximately 10 times per year (on weekends) for religious occasions. The education, private use is proposed for approximately 10-15 students to attend weekend language and music lessons from 4:00-7:00 p.m. and for approximately six - eight students to attend language lessons on weekday evenings from 6:30-8:00 p.m.

However, as religious assembly, minor is a permitted use in the RCS district, an assessment of the compatibility of this use with existing adjacent country residential development as well as the potential impacts on County infrastructure must consider the maximum possible intensity of the religious assembly, minor use. As defined in the LUB,

RELIGIOUS ASSEMBLY, MINOR means a building where people regularly assemble for worship and related religious, philanthropic or social activities that is maintained and controlled for public worship. Religious assembly is minor where the seating capacity does not exceed 250 seats or the maximum size of the building or structure does not exceed 930 m². This includes churches, chapels, mosques, temples and synagogues. It also includes accessory manses or rectories.

As per Section 2.2.4 of the LUB, a bylaw amendment application may include documentation of the opinions and concerns of adjacent property owners and residents obtained through a public engagement program. Comments from affected landowners were received following the Landowner Meeting that was held by the applicant on February 16, 2016 prior to application submission. The comments from a large number of affected landowners in Campbelltown Heights did not support the proposed rezoning due to the potential impacts that the permitted uses listed within the proposed RCS zoning district would have on their community in the future. Concerns were expressed primarily regarding potential impacts on traffic and servicing capacity in the neighbourhood resulting from the maximum possible 250 attendees for a religious assembly, minor.

In response to these concerns, the applicant submitted a Traffic Impact Assessment (TIA) and Servicing Analysis to County Administration for review. The Servicing Analysis did not identify any major concerns with the proposal. The TIA supported the proposal for a religious assembly accommodating a maximum of 45 attendees approximately 10 times per year (on weekends) for religious occasions as well as the proposal for an education, private use for approximately 10-15 students to attend language and music lessons on weekends and weekday evenings. However, the TIA found that the 250 attendee maximum for a religious assembly, minor use could not be accommodated by the existing road infrastructure.

The LUB does not currently contain regulatory mechanisms which can be used to ensure that a development is compatible with the adjacent land uses when dealing with permitted uses. Religious assembly, minor is a permitted use within the RCS zoning district of the LUB. Therefore, although 45 people attending the religious assembly ten times a year can be supported by the existing road infrastructure based on the findings of the TIA, rezoning the subject property to the RCS zoning district would limit the County's ability to ensure that any additional intensification of the religious assembly, minor use would not adversely affect adjacent land uses. Additionally, in the case of permitted uses, adjacent landowners do not

have the ability to comment on any development permit applications or appeal any approvals if they feel they are adversely impacted by a proposed development.

As the policies of both the LUB and the CR-ACP state that community service facilities such as those proposed be compatible with country residential development, and since the proposal would not allow the County or affected landowners the ability to limit the intensity of the proposed religious assembly use, it was indicated to the applicant that Administration would not be able to support the proposal. Administration further provided the applicant with the following two alternative options to the current proposal that could be supported and that would still allow for consideration of a religious assembly use on the subject parcel, provided that it is limited to the intensity of use that could be supported by the existing road infrastructure as determined by a TIA:

- 1) The rezoning application is put on hold until Administration prepares an amendment to the RCS zoning district that proposes to re-classify some or all of the permitted uses in that district as discretionary uses. Furthermore, Administration would add regulations within the Specific Use Regulations for religious assemblies to ensure that religious assembly developments do not adversely impact adjacent land uses.
- 2) The applicant proposes a Direct Control District, with regulations that would allow the County to address the intensity of the proposed uses so as to not adversely impact adjacent land uses.

The applicants indicated that they did not currently wish to pursue either of these options.

The applicant has proposed an interim right-in, right-out access to the subject property from Range Road 233 until the planned road improvements alleviate traffic concerns. Improvements to Range Road 233 are not in the current five-year plan. Based on discussions with Transportation Planning and Engineering, the County would not be able to support the proposed interim access as:

- 1) there would be no mechanism to ensure that traffic exiting the property would not turn left onto Range Road 233;
- 2) the proposed access and intersection spacing would not meet the County's design standards;
- 3) no analysis was provided by the applicant with respect to where the right-turning traffic exiting the site would proceed as they go north; and
- 4) most importantly, the proposed interim access does not fit into the functional plan for Range Road 233.

Given the above, Administration's position is that the proposal does not conform to the policies of the County's CR-ACP and LUB and therefore, Administration does not support the proposed bylaw. The applicant has been provided Administration's position in writing.

Communication Plan

Newspaper advertisement, letter

Enclosures

- 1 Bylaw 50-2017
- 2 Rural Location Map
- 3 Location Map
- 4 Air Photo
- 5 Notification Map