

**LAND USE AMENDMENT  
VARSITY (WARD 1)  
49 STREET NW AND 32 AVENUE NW  
BYLAW 81D2018**

**MAP 36W**

**EXECUTIVE SUMMARY**

The application proposes to redesignate a total area of 1.56 hectares ± (3.85 acres) in the community of Varsity in the southwest corner of the Market Mall Shopping Centre site.

The purpose of the proposed land use amendment is to redesignate the site from a Commercial – Corridor 2 (C-COR2 f3.0h46) District to a Direct Control District based on the rules of C-COR2 District to remove the use area maximums for Cinema and Supermarket uses and thereby allow for additional use size flexibility.

The proposal is a standalone land use redesignation. A development permit application has not been submitted at this time.

**PREVIOUS COUNCIL DIRECTION**

None.

|  |                 |
|--|-----------------|
| <b>ADMINISTRATION RECOMMENDATION</b>   | 2017 January 11 |
| That Calgary Planning Commission recommends <b>APPROVAL</b> of the proposed Land Use Amendment.  |                 |
| <b>RECOMMENDATION(S) OF THE CALGARY PLANNING COMMISSION</b>  |                 |
| That Council hold a Public Hearing on Bylaw 81D2018; and   |                 |
| <ol style="list-style-type: none"> <li><b>ADOPT</b> the proposed redesignation of 1.56 hectares ± (3.85 acres ±) located at 3412 – 49 Street NW (Plan 7004JK, Block D) from Commercial – Corridor 2 f3.0h46 (C-COR2 f3.0h46) District to DC Direct Control District to accommodate maximum use size increase, in accordance with Administration’s recommendation; and</li> <li>Give three readings to the proposed Bylaw 81D2018.</li> </ol> |                 |

**REASON(S) FOR RECOMMENDATION:**

The proposal allows for an additional use flexibility intended to support future redevelopment of this site. The proposed redesignation aligns with the rules of Land Use Bylaw 1P2007 and applicable policies, including the Municipal Development Plan (MDP) and South Shaganappi Community Area Plan (SSCAP).

**ATTACHMENTS**

- Proposed bylaw 81D2018
- Public Submission



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**ADMINISTRATIONS RECOMMENDATION TO CALGARY PLANNING COMMISSION**

Recommend that Council **ADOPT**, by bylaw, the proposed redesignation of 1.56 hectares ± (3.85 acres ±) located at 3412 – 49 Street NW (Plan 7004JK, Block D) from Commercial – Corridor 2 f3.0h46 (C-COR2 f3.0h46) District to DC Direct Control District to accommodate maximum use size, with guidelines (APPENDIX II).

**Moved by: A. Palmiere**

**Carried: 8 – 0**

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**Applicant:**

Dialog

**Landowner:**

Les Galeries D'Anjou Limitee

**PLANNING EVALUATION**

**SITE CONTEXT**

The subject site is located at the southwest corner of the Market Mall shopping centre site framed by 49 Street NW to the west and 32 Avenue NW to the south. The subject lands are bordered by the community of Montgomery to the south and University District to the southeast. Although the site forms part of the overall Market Mall shopping centre, the subject parcel has a separate title and land use.

The topography of the site is relatively flat. The property is currently developed with a standalone building supported by a surface parking lot accessed off 49 Street and 32 Avenue NW. The existing building is approximately 40,000 square feet in size and formally included two commercial tenants. Required permits for exterior renovations and demolition of a portion of the existing one-storey structure were granted in 2016 and 2017 respectively.

Adjacent land uses to the south and west consist of predominantly single detached and multi-residential uses. As mentioned, the subject site forms part of the Market Mall commercial shopping centre currently designed Direct Control District (Bylaw 66Z2001) based on the Land Use Bylaw 2P80.

**LAND USE DISTRICTS**

The existing land use designation is a Commercial – Corridor 2 f3.0h46 (C-COR2 f3.0h46) District of Land Use Bylaw 1P2007. The proposed DC Direct Control District (see APPENDIX II) is based on C-COR2 with modifiers referring to a floor area ratio of 3.0 and a height of 46 metres. The proposed DC is designed to retain the current provisions of the existing C-COR2 designation, but remove the following use area maximums to allow for additional use size flexibility:

- 550 square metres for a Cinema; and
- 2,500 square metres for a Supermarket.

While the future size of Cinema and Supermarket is unknown at this time, it is anticipated to be considerably larger than the existing use area maximums identified above. The proposed amount of use size flexibility is considered appropriate in the context of the Market Mall

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shopping centre with the understanding that:

- a comprehensive review will be required at the development permit stage to determine the size and location of individual uses on this site, as well as all other site planning considerations such as required motor vehicle parking, landscaping or site access; and
- the size and shape of the subject property as well off-site conditions such as access to transit or the conditions of the existing transportation network, may naturally limit the overall intensity of future uses on this site.

It should be also noted that relaxations to maximum use areas required by individual land use districts may be considered at the time of development permit review. Council endorsement of more substantial relaxations of particular rules through the use of a DC, however, is an available land use option, an option considered appropriate by Administration in the context of the Market Mall shopping centre.

## **LEGISLATION & POLICY**

### South Saskatchewan Regional Plan (SSRP)

The site is located within the “City, Town” area as identified on Schedule C: South Saskatchewan Regional Plan Map in the South Saskatchewan Regional Plan (SSRP). The SSRP makes no specific reference to this site.

### Municipal Development Plan (2009 – statutory)

The Market Mall shopping centre area is identified as a Community Activity Centre (CAC) on the Urban Structure Map of the MDP (Map 1). CACs are located central to a number of residential communities or business areas, often on current shopping centre sites or around a specific employment area. CACs provide for a concentration of jobs and population in strategic locations throughout the city, and represent a local destination for multiple communities.

### South Shaganappi Communities Area Plan (2011 – non-statutory)

The South Shaganappi Communities Area Plan (SSCAP) provides the local area plan policy for the subject lands. This non-statutory plan provides a vision and policy framework for development within the SSCAP study area and further promotes the MDP. The SSCAP recognizes and supports the development of the Market Mall shopping centre site and its alignment with the MDP. The plan cites specific reference to the site as a CAC providing concentration of jobs and population in a strategic location, adjacent to the University and local communities.

The proposal meets the intent and aligns with the relevant policies.

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**TRANSPORTATION NETWORKS**

No Traffic Impact Assessment (TIA) or parking study was required for this application. Depending on the scope and intensity of future development on this site, a TIA or a parking study may be required at the development permit stage.

**UTILITIES & SERVICING**

Water, sanity and sewer services are available and can accommodate the proposed land use amendment without the need for off-site improvement at this time.

**ENVIRONMENTAL ISSUES**

An Environmental Site Assessment was not required. No environmental issues have been identified at this time.

**ENVIRONMENTAL SUSTAINABILITY**

There are no green technology or building aspects proposed as part of the land use amendment.

**GROWTH MANAGEMENT**

The proposed amendment does not trigger capital infrastructure investment and therefore there are no growth management concerns at this time.

**PUBLIC ENGAGEMENT**

**Community Association Comments**

Although, there were no official comments received by the Calgary Planning Commission (CPC) Report submission date, City Administration actively attends and updates the South Shaganappi Area Strategic Planning Group (SSASPG) every month, which includes the Varsity Community Association as a stakeholder. The Varsity CA is aware of the application and did not present any concerns at SSASPG.

**Citizen Comments**

No comments received by CPC Report submission date.

**Public Meetings**

No public meetings were held.

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**APPENDIX I**

**APPLICANT'S SUBMISSION**

The site, located adjacent to Market Mall, 3412 49 ST NW, is currently zoned C-COR2. This zoning was applied by the City of Calgary with the adoption of the current Land Use Bylaw. Currently the site is occupied by a single storey building, originally a Beaver Lumber store. The approximately 40,000 SF building has been subdivided into two tenants (HomeSense and Staples). The HomeSense store is relocating to Market Mall and their existing space has recently been leased to a large tenant and a Development Permit obtained for this change and a facade renovation. The balance of space will be redeveloped.

The current Land Use is appropriate for the site with the exception of use area restrictions for the main floor, theatre and grocery store uses. The existing building does not conform to these requirements and the releasing of the HomeSense space extends the non-conformity.

To provide flexibility for future development and in recognition of the existing tenant use area, we ask that the Bylaw be modified to remove the use area restrictions.

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## APPENDIX II

### PROPOSED DIRECT CONTROL GUIDELINES

#### Purpose

- 1 This Direct Control District is intended to:
  - (a) align with the provisions of Commercial – Corridor 2 (C-COR2 f3.0h46) District of the Land Use Bylaw 1P2007; and
  - (b) remove the maximum **use area** for **Cinema** and **Supermarket** to allow for specific **development**.

#### Compliance with Bylaw 1P2007

- 2 Unless otherwise specified, the rules and provisions of Parts 1, 2, 3 and 4 of Bylaw 1P2007 apply to this Direct Control District.

#### Reference to Bylaw 1P2007

- 3 Within this Direct Control District, a reference to a section of Bylaw 1P2007 is deemed to be a reference to the section as amended from time to time.

#### Permitted Uses

- 4 The **permitted uses** of the Commercial – Corridor 2 (C-COR2) District of Bylaw 1P2007 are the **permitted uses** in this Direct Control District.

#### Discretionary Uses

- 5 The **discretionary uses** of the Commercial – Corridor 2 (C-COR2) District of Bylaw 1P2007 are the **discretionary uses** in this Direct Control District.

#### Bylaw 1P2007 District Rules

- 6 Unless otherwise specified, the rules of the Commercial – Corridor 2 (C-COR2) District of Bylaw 1P2007 apply in this Direct Control District.

#### Floor Area Ratio

- 7 The maximum **floor area ratio** is 3.0.

#### Building Height

- 8 The maximum **building height** is 46.0 metres.

#### Use Area

- 9 (1) Unless otherwise referenced in subsection (3) or (4), the maximum **use area** for **uses** on the ground floor of **buildings** is 930.0 square metres.

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- (2) Unless otherwise referenced in subsection (3), there is no maximum **use area** for **uses** located on upper floors.
- (3) The maximum **use area** of a **Catering Service – Minor**, or a **Catering Service – Minor** combined with any other **use** is 300.0 square metres.
- (4) The following **uses** do not have a **use area** restriction:
- (a) **Addiction Treatment;**
  - (b) **Assisted Living;**
  - (c) **Cinema;**
  - (d) **Custodial Care;**
  - (e) **Hotel;**
  - (f) **Residential Care;** and
  - (g) **Supermarket.**