

LAND USE AMENDMENT  
MARLBOROUGH PARK (WARD 10)  
4 AVENUE NE AND MADDOCK DRIVE NE  
BYLAW 301D2017

MAP 23E

**EXECUTIVE SUMMARY**

This land use amendment seeks to redesignate the subject parcel from a DC Direct Control District to a new DC Direct Control District to provide additional flexibility for the operation of an existing child care facility.

The current DC Direct Control District is based on the City's former Land Use Bylaw (2P80) and includes built-in restrictions on the overall number of children permitted in the facility (108) and the proportion of pre-school aged children (80) to school aged children (28) permitted. The proposed new DC Direct Control District would remove these restrictions and allow for additional flexibility in the amount of children and the age composition of children permitted within the facility. The amount and age proportion of children attending the facility would continue to be evaluated and regulated through the development permit process. The new DC Direct Control District is based on the Residential – Contextual One/Two Dwelling (R-C2) District such that the site can transition back to an appropriate residential use in the future.

**PREVIOUS COUNCIL DIRECTION**

None.

**ADMINISTRATION RECOMMENDATION(S)**

2017 July 27

That Calgary Planning Commission recommends **APPROVAL** of the proposed Land Use Amendment.

**RECOMMENDATION(S) OF THE CALGARY PLANNING COMMISSION**

That Council hold a Public Hearing on Bylaw 301D2017; and

1. **ADOPT** the proposed redesignation of 0.12 hectares  $\pm$  (0.28 acres  $\pm$ ) located at 6107 - 4 Avenue NE (Plan 1844LK, Block 8, Lots 44 and 45) from DC Direct Control District to DC Direct Control District to accommodate existing child care facilities, in accordance with Administration's recommendation; and
2. Give three readings to the proposed Bylaw 301D2017.

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**REASON(S) FOR RECOMMENDATION**

The recommended DC Direct Control District would bring the site into conformity with current methods of regulating Child Care Services by removing inherent limitations on the amount and age composition of students and deferring the consideration of appropriate intensity to the Development Permit stage.

The Municipal Development Plan recognizes child care service facilities as an integral part of complete communities and directs that these facilities are appropriate in residential settings such that they are conveniently located close to where people live. The site meets the location criteria set out in The City's Child Care Service Development Guidelines. These guidelines further direct that Direct Control Districts provide the appropriate framework to guide their development/operation in low density residential settings. The inclusion of the Residential – Contextual One/Two Dwelling (R-C2) District as the base district will allow for the site to transition back to appropriate residential use should the child care service use cease.

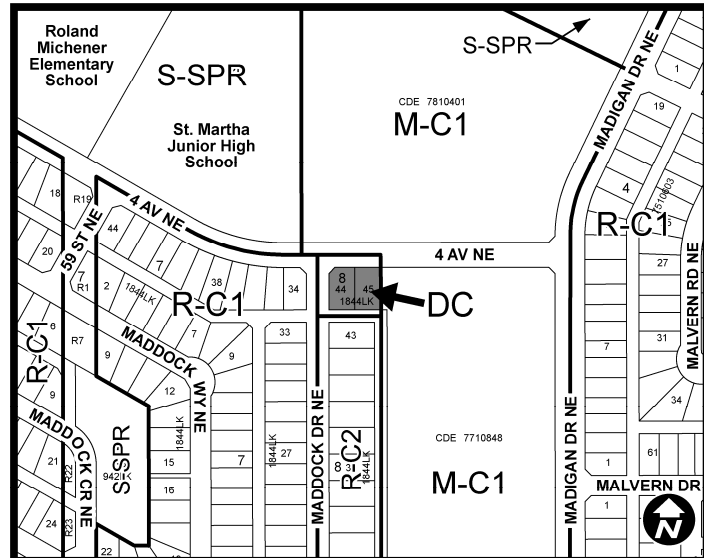
**ATTACHMENTS**

1. Proposed Bylaw 301D2017
2. Public Submission

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**LEGEND**

- \* Site Location



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**ADMINISTRATIONS RECOMMENDATION TO CALGARY PLANNING COMMISSION**

Recommend that Council **ADOPT**, by bylaw, the proposed redesignation of 0.12 hectares  $\pm$  (0.28 acres  $\pm$ ) located at 6107 - 4 Avenue NE (Plan 1844LK, Block 8, Lots 44 and 45) from DC Direct Control District **to** DC Direct Control District to accommodate existing child care facilities with guidelines (APPENDIX II).

**Moved by: D. Hamilton**

**Carried: 8 – 0**

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**Applicant:**

Permit Masters

**Landowner:**

A Child's View Learning Centre

**PLANNING EVALUATION**

**SITE CONTEXT**

The subject site is 1150 square metres in size and is located at the southeast corner of 4 Avenue NE and Maddock Drive NE in the community of Marlborough Park in northeast Calgary. This corner site has approximately 30.5 metres of frontage on Maddock Drive NE and spans a depth of approximately 38.1 metres along 4 Avenue NE. The site contains an existing residential building which has been previously converted to accommodate a child care service use. A land use amendment was approved in July of 1995 which applied a DC Direct Control District to the subject site allowing for the establishment of the child care service with a maximum of 108 children and limits on the number of school aged and pre-school aged children at 28 and 80 respectively.

The site is physically separated from adjacent development to the north, west and south by existing streets and a rear lane and contains some existing mature trees. It is accessed from Maddock Drive NE via a side driveway which leads to an existing attached dual car garage.

From a land use perspective, lands to the north and east of the site consist of multi-residential developments designated M-C1 with R-C2 and R-C1 development located south and west of the site. Directly north of the subject site on the opposite side of 4 Avenue NE is an elementary and a catholic junior high school. Further north but within close proximity to the site is another elementary school as well as Big Marlborough Park which serves as the core of the park network for the broader Marlborough Park area.

**LAND USE DISTRICTS**

As noted in the preceding section of this report, the subject site is currently designated DC Direct Control District (Bylaw 68Z95). This DC district is tied to the City's former Land Use Bylaw 2P80 and is based on the rules of the R-2 Residential Low Density District with the additional discretionary use of child care facility. As was common practice with child care service implementation at the time, the DC District contains site specific development guidelines that place a maximum on the total number of children permitted (108) and the maximum of both preschool aged children (80) and school aged children (28).

It is important to note that this practice of imbedding intensity limitations directly within a site-specific land use district was common place during the 2P80 period but under the current Land Use Bylaw such limitations are normally evaluated and regulated at the Development Permit stage so as to allow for flexibility and discretion in the evolution of these facilities over time.

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Recent DC bylaws (since the introduction of the Child Care Service Policy and Development Guidelines, 2009) to allow for child care services in low density residential areas do not contain these restrictions.

This application proposes to redesignate the site to a new DC district based on the Residential – Contextual One/Two Dwelling (R-C2) District with the additional discretionary use of child care service. The use of the R-C2 as a base district is consistent with the designation of other properties in the same block, is consistent with the existing R-2 designation and would allow the site to convert back to appropriate residential uses should the child care service use cease to exist.

The new proposed DC District does not include inherent limitations on the maximum number of children or the age composition of children nor does it facilitate any expansion to the number of children in and of itself. The redesignation will, however, allow The City to evaluate future development permit applications to make changes to the number of children as the operation evolves. In this regard, the proposed amendment will allow for greater level of operational flexibility.

Section 20 of the Land Use Bylaw indicates that DC Districts must only be used for developments that, due to their unique characteristics, innovative ideas or unusual site constraints, require specific regulation unavailable in other land use districts. In this case, there is a desire to maintain a residential district as the base district while allowing for the additional use of child care service which is not allowable in the standard rules of the Residential – Contextual One/Two Dwelling (R-C2) District. This would allow for an easy transition back to residential uses should the child care service cease to exist. The Special Purpose – Community Institution (S-CI) District is sometimes used to regulate child care service uses in low density residential areas but it contemplates a broad range of large scale culture, worship and education related uses that may not be desirable for this site and could potential hinder a future transition back to residential uses.

## **LEGISLATION & POLICY**

### South Saskatchewan Regional Plan (SSRP)

The recommendation by Administration in this report maintains the objectives of the South Saskatchewan Regional Plan (SSRP).

### Municipal Development Plan (MDP)

Map 1 “Urban Structure” of the MDP identifies the subject lands as being within an established residential area. In this case, the proposed land use amendment is intended to bring the site into conformity with 1P2007 rules but does not substantially alter the range of allowable uses. As such, the broad policy direction of the MDP provides limited direct guidance. However, it is worth noting that Section 2.3.1 of the MDP recognizes child care services as an integral part of complete communities and supports the accommodation of these services within residential communities.

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Child Care Service and Development Guidelines

In 2009 Council adopted the Child Care Service Policy and development Guidelines (M-2009-009) and subsequently aligned the Land Use Bylaw 1P2007 with the newly revised *Child Care Licensing Act*. The Policy and guidelines are intended to provide for development guidelines to manage the impact of child care services in low density residential areas and to aid in the siting of such uses.

While the child care service use already exists on the site and is permitted by the existing designation, it is important to note that the site meets many of the location criteria outlined for siting child care service uses within low density residential areas including:

- proximity to schools, recreation facilities and parks;
- location on a collector street; and
- location on a corner parcel.

**TRANSPORTATION NETWORKS**

Given the nature of the proposed land use change neither a Transportation Impact Assessment nor a Parking Study was required as part of the application review. Transportation Staff note that the existing child care service operation is deficient in parking and any future development permit application to increase the maximum number of children permitted within the facility will require the submission of a parking study.

**UTILITIES & SERVICING**

The subject site is located within an existing established area of Calgary with existing municipal services in place. The subject application does not introduce any additional demand for servicing capacity.

**ENVIRONMENTAL ISSUES**

None.

**GROWTH MANAGEMENT**

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

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**PUBLIC ENGAGEMENT**

**Community Association Comments**

The Marlborough Park Community Association responded indicating they have no objection to the recommended land use amendment.

**Citizen Comments**

Administration received one letter in opposition to the proposed amendment. The stated reasons for opposition included the potential for an increased number of children and associated traffic generated.

**Public Meetings**

No public meetings were conducted by the Applicant or Administration.



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**APPENDIX I**

**APPLICANT'S SUBMISSION**

This application proposes to redesignate (re-zone) the subject site from Direct Control District (DC68Z95) to a new Direct Control District in order to provide additional flexibility for the operation of the existing child care service facility.

The current Direct Control District that applies to the site is based on the City's former land use bylaw (2P80) and includes built in restrictions on:

- i. the overall number of children permitted; and
- ii. the proportion of pre-school aged children to school aged children permitted.

The proposed Direct Control District would remove these restrictions and allow for additional flexibility in the amount of children and age composition of children permitted within the facility. Subject to Council decision on this redesignation application, the age composition and overall number of children would be determined later at the development permit stage.

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## APPENDIX II

### PROPOSED DIRECT CONTROL GUIDELINES

#### **Purpose**

- 1 This Direct Control District is intended to:
  - (a) provide for the additional **use** of **Child Care Service** within a low density residential area.

#### **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 Residential – Contextual One/Two Dwelling (R-C2) District of Bylaw 1P2007 are the **permitted uses** in this Direct Control District.

#### **Discretionary Uses**

- 5 The **discretionary uses** of the Residential – Contextual One/Two Dwelling (R-C2) District of Bylaw 1P2007 are the **discretionary uses** in this Direct Control District with the addition of:
  - (a) **Child Care Service.**

#### **Bylaw 1P2007 District Rules**

- 6 Unless otherwise specified, the rules of the Residential – Contextual One/Two Dwelling (R-C2) District of Bylaw 1P2007 apply in this Direct Control District.