

LAND USE AMENDMENT  
WEST SPRINGS(WARD 6)  
SOUTH OF OLD BANFF COACH ROAD SW AND EAST OF 85  
STREET SW  
BYLAW 209D2017

MAP 22W

**EXECUTIVE SUMMARY**

This application is a house-keeping amendment to adjust the boundaries of a private park space on the southeast portion of the site to accurately reflect existing conditions of an existing building. The total area of the park space will remain unchanged as a result of this boundary adjustment.

This application also proposes to change the DC district of this property to add the additional uses of Child Care Facility and Indoor Recreation Facility to the list of existing uses contained within the current land use.

**PREVIOUS COUNCIL DIRECTION**

No previous council direction.

**ADMINISTRATION RECOMMENDATION(S)**

2016 May 04

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 209D2017; and

1. **ADOPT** the proposed redesignation of 1.57 hectares  $\pm$  (3.87 acres  $\pm$ ) located at 722 – 85 Street SW (Portion of Plan 4740AK, Block 61) from Special Purpose – School, Park and Community Reserve (S-SPR) District and DC Direct Control District to Special Purpose – School, Park and Community Reserve (S-SPR) District and DC Direct Control District to accommodate the additional uses of Indoor Recreation Facility and Child Care Facility, in accordance with Administration's recommendation; and
2. Give three readings to the proposed Bylaw 209D2017.

**REASON(S) FOR RECOMMENDATION:**

1. The proposed district boundary adjustment will resolve an encroachment of an existing building onto S-SPR land and will not reduce the area of the S-SPR land.
2. The proposed addition of Child Care Facility and Indoor Recreation Facility uses will not have a negative impact on the site's shared parking area.

T. Schlodder

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3. Alberta Education is satisfied with the text allowing for the “kindergarten education curriculum” under the Child Care Facility use.
4. The proposal aligns with policy contained within the West Springs Area Structure Plan.

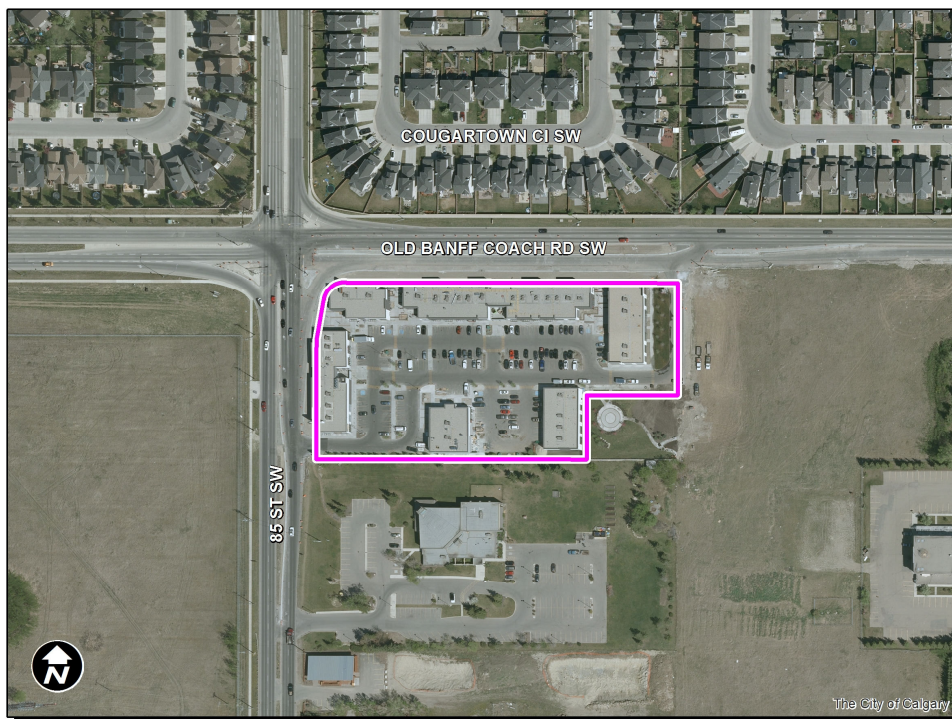
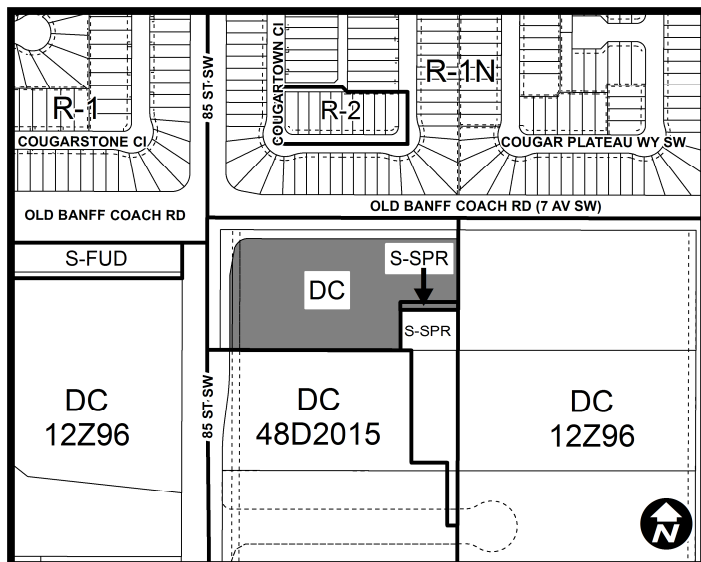
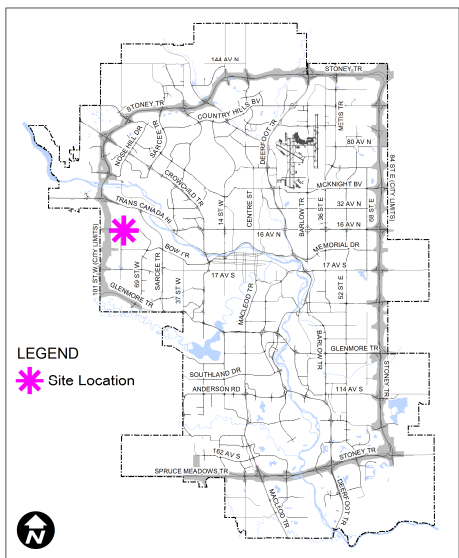
**ATTACHMENT**

1. Proposed Bylaw 209D2017

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LOCATION MAPS



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**ADMINISTRATIONS RECOMMENDATION TO CALGARY PLANNING COMMISSION**

Recommend that Council **ADOPT**, by bylaw, the proposed redesignation of 1.57 hectares  $\pm$  (3.87 acres  $\pm$ ) located at 722 – 85 Street SW (Portion of Plan 4740AK, Block 61) from Special Purpose – School, Park and Community Reserve (S-SPR) District and DC Direct Control District **to** Special Purpose – School, Park and Community Reserve (S-SPR) District and DC Direct Control District to accommodate the additional uses of Indoor Recreation Facility and Child Care Facility, with guidelines (APPENDIX II).

**Moved by: M. Foht**

**Carried: 7 – 0**

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**Applicant:**

Citytrend

**Landowner:**

Effi Holding Corp

**PLANNING EVALUATION**

**SITE CONTEXT**

In 2012 an Outline plan (LOC2011-0008) for the site was approved and identified an S-SPR district that is 0.19 hectares in size but did not specify dimensions. The park space was never subdivided from the larger parcel. The subsequent Development Permit (DP2013-1084) accommodated the 0.19 hectare S-SPR area but used different unspecified dimensions than what appears in the Outline Plan. As there were no dimensions stated in neither the Outline Plan nor the Development Permit, the issue was overlooked until a post-construction Development Inspection discovered it. The variance is too big to address administratively and requires a bylaw amendment to address the issue.

An existing Child Care Service and Indoor Recreation Facility have been operating on this site since development permit approval in 2015. The approval mistakenly omitted the Indoor Recreation Facility when both of these uses should have been listed.

**LAND USE DISTRICTS**

The proposed S-SPR boundary adjustments are a housekeeping amendment to correct for an existing building that has been constructed partially outside of the DC area and within the S-SPR area. This encroachment is the result of an error in the approved Development Permit that allowed for the construction of this building. The proposed boundary adjustment will not change the total area of either of the existing DC or S-SPR districts. Further, this adjustment will not impact the function of the existing commercial site.

The DC amendment to add a customized Child Care Facility use is in response to a requirement from Alberta Education for accreditation as a private Kindergarten (ECS) provider. In this instance, Alberta Education was not satisfied with Child Care Services use provision allowing for general educational programming. The proposed Child Care Facility use is based on Child Care Service use but includes a provision speaking directly to Kindergarten educational curriculum. Alberta Education has indicated that the proposed provision for Kindergarten education curriculum is satisfactory.

No development density increase is being proposed. The proposed DC bylaw text has been copied from the existing bylaw so as to avoid creating non-conforming issues, with only three additions:

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- Addition of a new “Child Care Facility” use in section 5, which is identical to the stock use of “Child Care Service” but includes an additional clause allowing the operator to teach kindergarten education curriculum; and
- Additional Discretionary Uses of Child Care Facility and Indoor Recreation Facility, specified in section 7

The proposed DC bylaw has been included as APPENDIX II of this report.

**LEGISLATION & POLICY**

West Springs Area Structure Plan

The proposed DC bylaw amendment and boundary adjustments conform to the West Spring Area Structure Plan.

**TRANSPORTATION NETWORKS**

All of the parking stalls within the site are collectively shared by the tenants. At the request of Transportation, the Applicant provided a Parking Study completed by a Professional Transportation Engineer to investigate the stall availability within this site at various times of the day. Transportation is satisfied by the report’s conclusion that there are an adequate number of parking stalls to support parking required by both the new and existing uses within this site.

**UTILITIES & SERVICING**

Water, sanitary and storm sewer are available to the site and no offsite improvements are required.

**ENVIRONMENTAL ISSUES**

The proposed amendments do not trigger any Environmental concerns.

**ENVIRONMENTAL SUSTAINABILITY**

The proposed amendments do not include any significant site plans changes and therefore no environmental sustainability matters have been reviewed.

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**GROWTH MANAGEMENT**

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

**PUBLIC ENGAGEMENT**

**Community Association Comments**

No comments received by CPC Report submission date.

**Citizen Comments**

No comments received by CPC Report submission date.

**Public Meetings**

No public meetings have been held by either the City or the Applicant.

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## **APPENDIX I**

### **APPLICANT'S SUBMISSION**

This application is seeking to address to land use issues on the subject site located at 722 85 Street SW. They are:

1. Adjusting the boundaries of the Special Purpose – School, Park and Community Reserve District (S-SPR) on the southeast portion of the site to accurately reflect existing conditions

The Outline Plan for the commercial development was approved in 2012. The Plan identified Municipal Reserve of 0.19ha on the south east portion of the site. A .0.19 parkette currently exists on site, satisfying the MR requirement, though not to the dimensions that was originally approved. Previous City approvals on the site did not identify this issue. The resulting concern is that the adjacent commercial building is in two land use districts – S-SPR and DC42D2012.

2. Adding the additional use of Indoor Recreation Facility to the existing Direct Control District to accommodate the activities of a current tenant, “Joso’s Play and Learn”.

“Joso’s Play and Learn” has existed on site since March 26, 2015. In the original Development Permit approval, the business was incorrectly reviewed and approved solely as a Child Care Service. The DP approval failed to include the Indoor Recreation Facility use, which is an integral part of the business. As the Indoor Playground has existed since “Joso’s Plan and Learn” opened it is not expected that the approval of the use will generate more traffic or activity in the development.

3. Adding the use of Child Care Facility to allow “Joso’s Play and Learn” to operate a Kindergarten program.

We are also proposing a Child Care Facility use, which is based on Child Care Service but includes more specific language around Kindergarten education. This use would allow “Joso’s Play and Learn” to operate an Early Childhood Services (ECS) Kindergarten program under proper approval from Alberta Education.



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## APPENDIX II

### PROPOSED DIRECT CONTROL GUIDELINES

#### **Purpose**

- 1 This Direct Control District is intended to be characterized by:
- (a) neighborhood-scale, mixed-use **development** that allows for intensification over time;
  - (b) **buildings** that are close to the **street** and the public sidewalk;
  - (c) **development** that has limited **use** sizes and types;
  - (d) **development** that uses site and **building** design to integrate and interface with the adjacent **street**, **special purpose district parcels** and nearby residential area;
  - (e) a high quality of **building** design, function, **landscaping**, materials and site design;
  - (f) opportunities for residential and **Office uses** to occur on upper floors of **buildings** that contain commercial **uses**; and
  - (g) opportunities for stand-alone residential **buildings**.

#### **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.

#### **General Definitions**

- 4 In this Direct Control District;
- (a) “**animating features**” are defined as architectural features on **buildings** and within the public realm that create and encourage the use of the area by pedestrians and cyclists that include, but are not limited to, **patios**, **decks**, entranceways, plazas, awnings, seating areas, **bicycle parking stalls**, pathways, transparent and semi-transparent windows.

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- (b) “**internal street**” means the private **street** that provides access within the immediate site and may be extended to provide access to the adjacent **parcels**.

**Defined Uses**

**5** In this Direct Control District,

- (a) “**Child Care Facility**” means a **use**:
- (i) where temporary care and supervision is provided to seven or more children:
    - (A) under the age of 13 years, or children of 13 or 14 years of age who, because of a special need, require child care; and
    - (B) for periods of less than 24 consecutive hours;
  - (ii) that may provide programming for the social, creative, educational and physical development of children; and
  - (iii) that includes day cares, pre-schools, out of school care and other programs where the primary purpose is the care of children;
  - (iv) where the operator may teach students the kindergarten education curriculum pursuant to the *School Act*.
- (b) must have **screening** for any outdoor play areas;
- (c) requires a minimum of 1.0 **motor vehicle parking stalls** per two (2) employees at the **use** at any given time, or 1.0 stalls per 10 children, whichever is greater;
- (d) requires a minimum of 1.0 **pick-up and drop-off stalls** per 10 children;
- (e) does not require **bicycle parking stalls – class 1**; and
- (f) requires a minimum of 1.0 **bicycle parking stalls – class 2** per 2000.0 square metres of **gross usable floor area**.

**Permitted Uses**

**6** The **permitted uses** of the Commercial – Neighbourhood 1 (C-N1) District of Bylaw 1P2007 are the **permitted uses** in this Direct Control District.

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**Discretionary Uses**

7 The **discretionary uses** of the Commercial – Neighbourhood 1 (C-N1) District of Bylaw 1P2007 are the **discretionary uses** in this Direct Control District with the addition of:

- (a) **Child Care Facility;**
- (b) **Indoor Recreation Facility;**
- (c) **Restaurant: Food Service Only – Medium;**
- (d) **Restaurant: Licensed – Large;**
- (e) **Restaurant: Licensed – Medium; and**
- (f) **Veterinary Clinic.**

**Bylaw 1P2007 District Rules**

8 Unless otherwise specified, the rules of the Commercial – Neighbourhood 1 (C-N1) District of Bylaw 1P2007 apply in this Direct Control District.

**Building Location and Orientation**

- 9 (1) The maximum **building setback** for a **building** facing a **street** is 3.0 metres.
- (2) The maximum **building setback** for a **building** from a **property line** shared with a **special purpose district** is 3.0 metres.
- (3) **Motor vehicle parking stalls** and **loading stalls** must not be located between a **building** and a **street** or between a **building** and park space.

**Building Façades**

- 10 (1) The total combined length of all **building** façades that face a **street** must be a minimum of 60.0 percent of the length of the **property line** of a **parcel**.
- (2) **Animating features** must be provided along 60.0 percent of a **building** façade that faces 85 Street SW or the **internal street**.

**Building Height**

11 The maximum **building height** is 16.0 metres.

**Density**

12 The maximum **density** is 50 **units**.

**Edge Treatments**

- 13 (1) Parking areas must be visually screened from the **street** with **soft surfaced landscaping**.
- (2) One principle pedestrian entrance to the site must be located on the northwest corner and include **hard** or **soft surfaced landscaping**.

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- (3) The **internal street** must provide curbs, gutters, sidewalks and street trees.
- (4) The area between a **building** and a **property line** shared with a **street** must include a **hard surfaced landscaped area** and may include the following **uses**:
  - (a) **Outdoor Café.**
- (5) The area between a **building** and an **internal street** must:
  - (a) be **hard** or **soft surfaced landscaped**; and
  - (b) have a sidewalk along the length of the **building**; and
  - (c) a pedestrian connection between the **building** and the **internal street**.

**Use Area**

- 14** (1) Unless otherwise referenced in subsections (2), the maximum **use area** for each **use** is 465.0 square metres.
- (2) The following **uses** do not have a **use area** restriction:
- (a) **Assisted Living**;
  - (b) **Custodial Care**;
  - (c) **Dwelling Units**; and
  - (d) **Residential Care**.

**Location of Uses within Buildings**

- 15** (1) Except when located in a stand-alone **building**, the following **uses** must not be located on the ground floor of a **building**:
- (a) **Addiction Treatment**;
  - (b) **Assisted Living**;
  - (c) **Custodial Care**; and
  - (d) **Residential Care**.
- (2) **Outdoor Cafés** may be located above the first storey of a commercial **building** provided that the **use** is completely separated from a **residential district** by a **building** or an intervening **major street**.
- (3) **Dwelling Units** may be located in a stand-alone **building** where:
- (a) there are more than 25 **units** in a single **building**; and
  - (b) **motor vehicle parking stalls** are accommodated underground.