

Applicant's Submission

May 6, 2020

On behalf of Brookfield Properties, Urban Systems is applying for a land use redesignation application to amend a portion of land in the Seton Retail District that is within DC Site 1 of the DC Bylaw 47Z2004 to Commercial – Corridor 2 (C-COR 2). This redesignation is to facilitate a “Cannabis Store” use which is not allowed under the DC district, and to accommodate a proposed tenant for this business.

The subject parcel is located at 19587 Seton Crescent and is designated as DC 47Z2004 (Site 1). This district was created specifically for the Seton development and is based on C-5 uses from the (now rescinded) City of Calgary Land Use Bylaw 2P80. The C-5 district allowed for a wide range of retail, commercial and services uses, but does not allow for any cannabis-related retail as it was not legally contemplated at the time of the bylaw adoption in 2004. Because “Cannabis Store” is not currently a listed use, a redesignation to C-COR 2 is warranted to support such a proposed use in this building. This district lists a greater range of uses that supports the viability of the commercial development on site (see attached for summary), while staying consistent with the uses and guidelines in the adjacent DC areas.

In evaluating the listed uses of each commercial district in the Land Use Bylaw 1P2007, C-COR 2 will be the best fit based on the context of the subject site. The C-COR 2 district is the most scale-appropriate district to support the proposed use in the existing building and offers the flexibility of allowing for a variety of different uses that may be proposed in the future. This portion of the Seton Retail District includes commercial on both sides of the internal streets, has strong pedestrian connections and parking is being provided along the rear of the building, which also meet the C-COR2 purpose statements.

Other commercial districts in 1P2007 were considered but were deemed not suitable due to the purpose statements not being applicable, minimum parcel size, or other district parameters were not feasible.

Our review of the C-COR2 district purpose statements concluded there is a strong correlation between the intent of the redesignation and the current DP (DP2013-2613), to this district's intentions. For example, there is commercial development on both sides of the street, limited automotive uses, parking at the front and rear, and strong pedestrian connectivity from public sidewalks, to and between buildings

This land use amendment application is supported by the following rationale:

- The approach of designating the site to a Land Use Bylaw 1P2007 commercial district will create more adaptable zoning that will provide better alignment to the applicant and the City that future city wide changes be seamlessly implemented rather than pursuing specific redesignations each time it is needed.
- The subject site and building has an approved development permit (DP 2013-2613) . The building can easily accommodate a cannabis store as the appearance and design, access, landscaping, parking, loading, garbage, etc. details have been addressed. Allowing for the cannabis store under a new bylaw could be considered similar to a change of use permit, as all other land use and DP parameters are met.

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- According to the Land Use Bylaw 1P2007, a cannabis store cannot be located within 300m of an existing cannabis store, within 100m of a public park or public school, and within 150m of a parcel that contains an emergency shelter or private school. We confirm that there are currently no other cannabis stores located within the separation distances listed, so no conflict is evident.
- There is a proposed lease agreement, subject to obtaining a successful redesignation, between Brookfield Residential and Spirit Leaf Cannabis. As mentioned above, Land Use Bylaw 1P2007 lists "Cannabis Store" within the commercial districts as a discretionary use, but DC Bylaw 47Z2004 does not include "Cannabis Store" under listed uses because it was not legally allowed during that time. Unfortunately, once a DC bylaw is approved, it cannot be adjusted or modernized for new criteria after the fact; a Council approved new bylaw is required for any changes to a DC district.
- A large proportion of the Seton Retail District has been either developed or approved under DP's. Associated with the existing tenants are complex lease and tenancy agreements which are often tied to the current DC land use bylaw. To open that up with a comprehensive redesignation for all of Site 1 would be very complex and lengthy. To accommodate the cannabis store in one building is a more efficient and reasonable approach.
- A similar proposal was recently supported by the City of Calgary on a small site in Deerfoot Meadows (corner of 11th Street SE and Heritage Meadows Way SE). This site was approved under Direct Control Bylaw 27Z2006 for the entire Deerfoot Meadows development and was later redesignated to C-COR2 in order to accommodate a "Cannabis Store" use. Rather than redesignating the large DC district, City Council supported the small area being changed to a Land Use Bylaw 1P2007 C-COR 2 district to allow a change of use to "Cannabis Store".

