

LAND USE AMENDMENT
OGDEN (WARD 9)
NORTH OF GLENMORE TRAIL SE AND WEST OF OGDEN ROAD
SE
BYLAW 72D2017

MAP 36S

EXECUTIVE SUMMARY

This application proposes to redesignate a portion of a parcel from a Residential – Contextual One / Two Dwelling (R-C2) District to a Commercial – Neighbourhood 2 (C-N2) District, to allow for local-oriented commercial development. Currently, the parcel has split zoning and this land use redesignation would allow for land use uniformity across the entire parcel.

PREVIOUS COUNCIL DIRECTION

None.

ADMINISTRATION RECOMMENDATION(S)	2016 December 15
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 72D2017; and	
<ol style="list-style-type: none">1. ADOPT the proposed redesignation of 0.03 hectares ± (0.07 acres ±) located at 1916 – 62 Avenue SE (Plan 2515AM, Block 7, Lot 22) from Residential – Contextual One / Two Dwelling (R-C2) District to Commercial – Neighbourhood 2 (C-N2) District, in accordance with Administration's recommendation; and2. Give three readings to the proposed Bylaw 72D2017.	

REASON(S) FOR RECOMMENDATION:

This application will allow for land use uniformity across the entire parcel. The C-N2 district, which allows for locally oriented commercial uses, is compatible with the surrounding residential area. The proposal is in keeping with existing municipal policies.

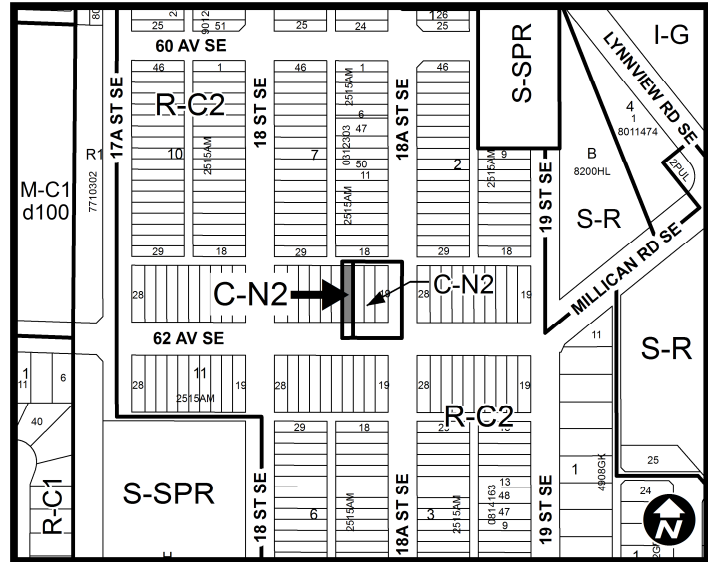
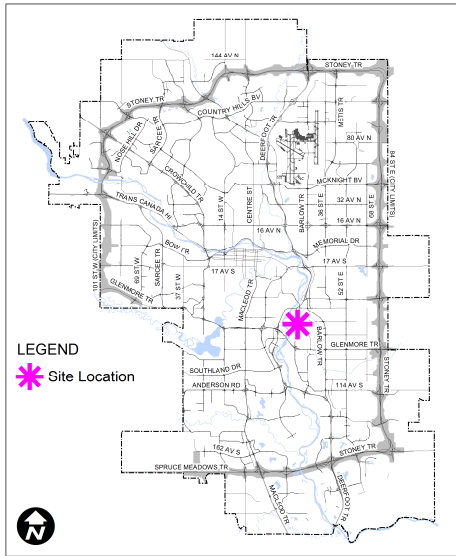
ATTACHMENT

1. Proposed Bylaw 72D2017
2. Public Submission

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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 0.03 hectares \pm (0.07 acres \pm) located at 1916 – 62 Avenue SE (Plan 2515AM, Block 7, Lot 22) from Residential – Contextual One / Two Dwelling (R-C2) District to Commercial – Neighbourhood 2 (C-N2) District.

Moved by: G.-C. Carra

Carried: 9 – 0

2016 December 15

MOTION:

The Calgary Planning Commission accepted correspondence from:

- Millican-Ogden Community Association dated 2016 December 12;
- as distributed, and directs it to be included in the report in APPENDIX III.

Moved by: G.-C. Carra

Carried: 9 – 0

MOTION ARISING:

That CPC **DIRECT** Administration to bring the development permit to Calgary Planning Commission to act as the approving authority, in the event of a significant redevelopment of this site in advance of the anticipated City-initiated land use redesignation along this corridor.

Moved by: G.-C. Carra

Carried: 8 – 1

Opposed: M. Tita

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Applicant:

Digitalworld Mapping Inc

Landowner:

Digitalworld Mapping Inc

PLANNING EVALUATION

SITE CONTEXT

The parcel is located near the northwest intersection of 62 Avenue SE and 18a Street SE in the community of Ogden. The parcel is surrounded by single detached dwellings on R-C2 lands to the north, south and west, while the corner parcel immediately adjacent to the east is designated as C-N2 and contains a neighbourhood convenience store. Currently, a single detached dwelling containing office uses is located on the subject parcel and is accessed by the rear lane. A park exists to the southwest on 18 Street SE.

The future Lynnwood/Millican Greenline Light Rail Transit (LRT) station will be located approximately 450 metres walking distance of this site, allowing for the site to be within the future transit-oriented development area.

LAND USE DISTRICTS

The site is currently under a split zoning, with the east half of the site being under the R-C2 district, while the west half is under the C-N2 district. The R-C2 district allows for residential development and contextually sensitive redevelopment in the form of Duplex Dwellings, Semi-Detached Dwellings and Single Detached Dwellings in the Developed Areas. The R-C2 district also allows for Backyard and Secondary suites.

The C-N2 district is intended to be characterized by small scale commercial developments with development that has limited use sizes and types and limited automotive uses. Commercial buildings should be in keeping with the scale of nearby residential areas. Storefront commercial should be oriented towards the street, lanes for motor vehicle access to parking areas and buildings. There are also opportunities for residential uses to occur on the upper floors of buildings that contain commercial uses. The C-N2 district has a maximum height of 10 metres and a maximum Floor Area Ratio of 1.0.

As this parcel is located in a future transit-oriented area, auto-oriented uses which are allowed under the C-N2 district will likely not be supported. If the C-N2 district is approved across the entire parcel, redevelopment of the site or a Change of Use would be considered at the development permit stage.

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LEGISLATION & POLICY

South Saskatchewan Regional Plan (SSRP)

The recommendation by Administration in this report has considered and is aligned with the policy direction of the South Saskatchewan Regional Plan (SSRP).

Municipal Development Plan (MDP) (2009)

The site is within an “Inner City; Developed Area” on Map 1 (Urban Structure) of the Municipal Development Plan (MDP). Developed Inner City Areas are comprised of residential communities that were primarily subdivided and developed prior to the 1950s. Key features include a grid road network, older housing stock in the form of low to moderate housing densities and a finer mix of land uses along many of the edge streets.

MDP policies encourage sites within the Inner City area to intensify, and to maintain and expand local commercial development that provides retail and service uses in close proximity to residents. Buildings should maximize front door access to the street and principle public areas to encourage pedestrian activity and at-grade retail is also highly encouraged.

Millican-Ogden Area Redevelopment Plan (ARP) (1999)

The Millican-Ogden Area Redevelopment Plan (ARP) identifies this area as within the Low Density Conservation area. The policies of this ARP promote the preservation and rehabilitation of existing low density residential housing. A wide variety of housing types are to be maintained and provided within this area. It is anticipated that this ARP will be replaced with the forthcoming Millican-Ogden Area Redevelopment Plan, which is anticipated to go forward to City Council in 2017.

As this application is providing clarity to a parcel that currently has split zoning, an ARP Amendment is not believed to be required.

Draft Millican-Ogden Area Redevelopment Plan (ARP)

The Draft Millican-Ogden Area Redevelopment Plan (ARP) is expected to be presented to the Calgary Planning Commission and City Council Public Hearing in 2017, and will replace the existing Millican-Ogden ARP.

TRANSPORTATION NETWORKS

Neither a Transportation Impact Assessment (TIA) nor a Parking Study was required for this land use amendment application. As one of the main accesses into the north end of the community, 62 Avenue SE is a residential collector road which is also designated as an on-street bicycle route. This section of 62 Avenue SE carries about 3,000 vehicles each day. Calgary Transit bus stops are located 100 metres away serving Routes 24, 36, 735, 770 and

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851. The future Lynnwood/Millican LRT station will be located approximately 450 metres walking distance from the subject parcel, along Ogden Road SE.

The subject parcel has rear lane access, and unrestricted on-street parking is currently allowed.

UTILITIES & SERVICING

Site services, including water and sanitary sewer mains are available to service the site.

ENVIRONMENTAL ISSUES

An Environmental Site Assessment was not required as part of this Land Use Amendment application.

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

Administration received a letter of objection from the Millican-Ogden Community Association (CA), attached as APPENDIX II to this report. The CA has concerns with the potential encroachment of commercial development into the residential community. During discussions between the CA and City Administration, the CA asked that the Applicant consider a Direct Control District, to limit uses found within the C-N2 district. However, the Applicant was not interested in pursuing a Direct Control District approach, nor would have there necessarily been Administrative support for a Direct Control District.

Citizen Comments

Administration did not receive any responses from citizens.

Public Meetings

No public meetings were held by the Applicant or Administration.

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APPENDIX I

APPLICANT'S SUBMISSION

The parcel # 099012205 is comprised of Lots 21 & 22, Block 7, Plan 2515AM.

We seek to amend the zoning of Lot 22 to C-N2 to match the current zoning of Lot 21.

The parcel is currently assessed by City of Calgary Assessment as Non-Residential (100%), the Assessed Use is Commercial and the Land Use Designation is both Commercial – Neighbourhood 2 and Residential – Contextual One / Two Dwelling.

DigitalWorld Mapping Inc has used this house conversion as an office since April of 2010 within the Scope of the Land Use Bylaw 1P2007 as it applies to C-N2 zoning within the Bylaw. DigitalWorld Mapping Inc would like to resolve the confusion of this “split-zoning” to bring Lot 22 into compliance with this Bylaw.

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APPENDIX II

COMMUNITY ASSOCIATION LETTER



February 11, 2016

City of Calgary
Planning, Development & Assessment

Re – Comments of the Millican Ogden Community Association
Re: Land Use Change Application LOC2016-0015
1916 – 62nd Avenue SE, Calgary [Ogden]

This letter is in response to the circulation for comments for this application for Land Use change.

This property first came to the attention of the Millican Ogden Community Association in April, 2015. The property had been listed for sale for some time but without success. We were contacted by the owner asking for input into the concern that had become evident – that the dwelling on the site sat across two separate lots that each carried a different Land Use designation – one residential, one commercial. The building on the site was originally built and occupied as a home and remains looking very similar to the other residential units on the street, but several years ago it was purchased by the current owner and occupied as a commercial office for a digital mapping company. There have never been any complaints about this business operation out of this location.

We are now aware that the owner has submitted an application to change the residentially zoned lot to commercial so there is consistency in zoning between the two lots on which this dwelling sits. We absolutely understand that the owner has a significant problem with the current zoning status of the two lots on which sits a single dwelling unit, but we also understand the objective of this owner is to put this property in a better position to be remarketed and sold. We understand that they no longer have a use for this location as an office. With that in mind, the Millican Ogden Community Association has a number of concerns ---

1. Why change the westerly lot [lot 22] to Commercial, instead of Lot 21 to residential ? The structure on the property looks very much like a typical residential single family dwelling and fits well into the balance of the street. While the interior was remodeled to some degree, it remains in a condition that would serve well as a residence.
2. Is a Commercial Land Use Designation the highest and best use for this property? We recognize that the property to the east of this [Lots 19 and 20] is currently zoned commercial and is the site of one of the last remaining true neighbourhood corner stores. It is an older structure with a

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building that accommodates both the store and a residence. This neighborhood corner store business has operated at this location for decades but obviously we expect that at some point that will come to an end with community redevelopment. Re-designating Lot 22 to Commercial creates a situation of four [4] consecutive lots carrying a commercial zoning and we have to wonder if this is the most suitable circumstance for this location. What type of commercial development could possibly fit into this location and be compatible with the neighbourhood?

3. Assuming that current owner is intending to complete a sale of the property which we understand is the case, the community is concerned about his intended purchaser? Is the property intended to be marketed as a commercial site? We accept that the current owner's use as an office has not caused any issues with nearby residents, but we are concerned about the types of business uses that might fit within the C-N2 District which is being applied for and how a new business might impact the neighbourhood.
4. This location is within walking distance of the future Lynnwood LRT Station which is to be located at Ogden Road and Millican Road. MOCA envisions this site as more suitable to higher density residential should a developer wish to consolidate four consistently zoned lots. As the Greenline project becomes closer to being a reality, the Millican Ogden Community Association is interested in encouraging re-development that is compatible.

The Millican Ogden Community Association recognizes that the current owner has a problem with two lots where the land use designations do not match, but we understand that the ultimate objective of this application exercise is to put this property into a position where it can be better marketed for sale. We ask the Calgary Planning and Development to be extremely cautious in their review of this application in respect of whether the proposed use – Commercial – Neighbourhood 2 [CN-2] District is the highest and best use for this site. I can explain that the Millican Ogden Community Association is concerned that expanding the commercial zoning at this location, only serves to leave the neighbourhood with a degree of uncertainty as to what they might expect in the way of future redevelopment, and we respectfully request that this application for Land Use change be refused.

Thank you



Ray Jasper
Vice President Millican Ogden Community Association
Chair Civic Affairs Committee

Cc - Councillor Gian-Carlo Carra

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APPENDIX III



December 12, 2016

City of Calgary
Planning, Development & Assessment

Re – Comments of the Millican Ogden Community Association
Re: Land Use Change Application LOC2016-0015
1916 – 62nd Avenue SE, Calgary [Ogden]
Applicant – DigitalWorld Mapping Inc

This letter is in response to recent information that this applicant now wishes to proceed with his application.

As explained in earlier correspondence, this property first came to the attention of the Millican Ogden Community Association in April, 2015. The property had been listed for sale for some time but without success. We were contacted by the owner asking for input into the concern that had become evident – that the dwelling on the site is sitting across two separate lots that each carry a different Land Use designation – one residential, one commercial. The building on the site was originally built and occupied as a home and remains looking very similar to the other residential units on the street, but several years ago it was purchased by the current owner and occupied as a commercial office for a digital mapping company. There have never been any complaints about this business operation out of this location.

We are aware that the owner has no plans to develop this property, but rather the primary objective at this time is to sell this property. The Millican Ogden Community Association's concerns that were expressed at the original application stage about extending the commercial zoning remain unchanged. Our primary concern is that there is no plan should the change to C-N2 be approved. As explained, the structure on this property was built as a home – it looks like a home, and fits in with all of the other homes on the street. If this Land Use change is approved, it is unlikely that the property will be marketed to a potential home buyer but rather to a commercial developer. The C-N2 designation contains many uses that the Community Association feels would not be suitable to that location. We had requested that the applicant and the City consider a Direct Control designation for both lots that would identify those commercial uses that would be compatible to a primarily residential street, but more importantly to remove those uses that would not be welcome in the neighborhood. Unfortunately the City planners have advised that this application does not qualify under the City's regulations for Direct Control.

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MOCA's primary concern is that the C-N2 designation is quite intensive in its list of allowable uses, and if approved, and, without an indication of what a prospective purchaser might have in mind for the property, our only recourse would be through the development permit process which really is more after-the-fact.

To be clear, we understand and sympathize with the applicant's predicament of trying to sell a building that sits over two lots with different land use designations, and we understand that consistency in zoning would be better for a sale. We also understand that the neighboring property to the east is currently zoned C-N2 and is currently occupied as a neighborhood convenience store. Our struggle at this time is allowing the expansion of commercial uses into a residential street without an indication of what is being proposed. Also we have no information that the applicant has actually spoken with his neighbors to make them aware of what his plans are with respect the land use change. If selling the property is the primary objective here, we would suggest that a residential use on both lots [ie: R-C2] would make the property more marketable in the short term, and should a commercial developer in the future come with an indication of what was being proposed for the site, we would be pleased to consider such an application at that time.

As a reminder, this location is within walking distance of the future Lynnwood/Millican LRT Station which is to be located at Ogden Road and Millican Road. MOCA envisions this site as more suitable to higher density residential and as the Greenline project becomes closer to being a reality, the Millican Ogden Community Association is interested in encouraging re-development that is compatible.

Again, the Millican Ogden Community Association recognizes that the current owner has a problem with two lots where the land use designations do not match, but we understand that the ultimate objective of this application exercise is to put this property into a position where it can be better marketed for sale. We ask the Calgary Planning and Development, to be extremely cautious in their review of this application in respect of whether the proposed use – Commercial – Neighbourhood 2 [CN-2] District is the highest and best use for this site. The Millican Ogden Community Association is concerned that expanding the commercial zoning at this location, only serves to leave the neighbourhood with a degree of uncertainty as to what they might expect in the way of future commercial redevelopment, and we respectfully request that this application for Land Use change be refused.

Thank you



Rick Smith
President, Millican Ogden Community Association

Cc - Councillor Gian-Carlo Carra