

Planning & Development Report to
Calgary Planning Commission
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ITEM: 7.2.1 CPC2021-0055
Distribution
CITY CLERK'S DEPARTMENT

ISC: UNRESTRICTED
Corrected CPC2021-0055
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Policy Amendment and Land Use Amendment in Beltline (Ward 8) at 1422 – 17 Avenue SW, LOC2019-0100

RECOMMENDATION(S):

That Calgary Planning Commission recommends that Council:

1. Refuse the proposed bylaw for the amendments to the Beltline Area Redevelopment Plan (Attachment 2).
2. Refuse the adoption of the proposed bylaw for the redesignation of 0.22 hectares ± (0.55 acres ±) located at 1422 – 17 Avenue SW (Plan A1, Block 116, Lots 3 to 8) from Centre City Commercial Corridor District (CC-COR) to DC Direct Control District to accommodate the additional use of Drive Through, and abandon the proposed Bylaw (Attachment 3).

HIGHLIGHTS

- This application seeks to redesignate the subject property to a DC Direct Control District to formally recognize the existing drive through on site and accommodate future redevelopment with the additional use of Drive Through.
- The existing drive through is a legal non-conforming use, as Drive Through is not a listed use in the existing CC-COR District. The CC-COR District is intended to be characterized by storefronts along a continuous block face and is supported by existing policy.
- Administration is recommending the refusal of the proposed DC Direct Control District, and associated policy amendment required to allow for a drive through at this location, as the proposal is in contravention of the *Land Use Bylaw 1P2007, Beltline Area Redevelopment Plan* (ARP), the *Centre City Plan* (CCP) and the *Municipal Development Plan* (MDP).
- What does this mean to Calgarians? Refusal of this proposal is consistent with the previous direction provided by Council for Main Streets and development of pedestrian-oriented mixed-use areas in the Beltline. The integrity of the Main Street should be upheld to create a walkable, pedestrian focused retail and residential experience. Drive Through facilities are not encouraged on Main Streets in Calgary nor are they typically encouraged within high density neighbourhoods across Canada and North America.
- Why does this matter? The proposal does not support a pedestrian-oriented environment, or reflect the approximately \$46 million investment already made by The City to implement the **17 Avenue SW Construction Project**. Though a drive through may be supported elsewhere in the city, it is not appropriate in this location. Calgary Police Services have noted, through a Crime Prevention Through Environmental Design (CPTED) review, that a drive through has crime, nuisance and safety related issues connected to its operations and location within the Beltline.
- Administration advises both CPC and Council that should a new drive through be supported, a referral back to Administration is required to determine and draft land use bylaw regulations as well as an amendment to the *Beltline ARP*, to address at a minimum:
 - the impacts of a drive through on 16 and 17 Avenues SW;
 - noise impacts on adjacent residences;

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- the width, design, and number of driveway crossings to limit impact on the pedestrian environment, and optimize pedestrian safety;
- design and location of surface parking; and
- ensure that redevelopment of this site contributes to the pedestrian-oriented character of the street.
- There is no previous Council direction regarding this proposal.
- Strategic Alignment to Council's Citizen Priorities: A city of safe and inspiring neighbourhoods

DISCUSSION

This land use amendment in the Beltline community was submitted by IBI Group on 2019 June 25, on behalf of the landowners, McDonald's Restaurants of Canada Limited. The 0.22 hectare site is located mid-block on the north side of 17 Avenue SW, just east of 14 Street SW.

The proposed DC Direct Control District is based on the CC-COR District with the additional discretionary use of Drive Through. The existing site is developed with a one-storey stand-alone building operating as a Restaurant Food Service Only with a non-conforming drive through. The drive through was approved in 1984 as a drive-in facility when the land use district of C-3 from Bylaw 2P80 included this use. The *Beltline ARP* was adopted in 2006 with a policy specifically to not permit drive through uses in Urban Mixed-Use Areas, including this site. With the adoption of the 1P2007 Land Use Bylaw, the parcel was redesignated CC-COR District in alignment with the *Beltline ARP*, and the drive through became a legally existing non-conforming use. The *Municipal Government Act* states that a non-conforming use may continue, but if it is discontinued for more than 6 months or the site is significantly redeveloped, the use of the land or building must conform with the Land Use Bylaw.

Administration's recommendation for refusal is based on the following:

1. Support for a drive through use along a Neighbourhood Main Street contradicts the City's current policies. The proposal does not comply with the applicable rules and policies of the Land Use Bylaw, MDP, CCP or the *Beltline ARP*. The proposed application would severely limit the site's potential to achieve a walkable, pedestrian focused retail and residential experience through redevelopment of the site if a drive through should be redeveloped on the site. The proposed application is in contravention of the following:
 - *Beltline ARP*, Policy 4.3.2.i, states that no new drive through facilities are permitted in Urban Mixed-Use Areas;
 - CCP, Policy 4.2.12, recognizes the impact that noise has on residential liveability and consider measures to minimize the impact;
 - MDP, Policy 3.4.3.g, states that auto-oriented uses and designs that generate high volumes of traffic, consume large amounts of land in a low-density form, require extensive surface parking, drive throughs or create negative impacts for pedestrian travel and access should be discouraged; and
 - Land Use Bylaw, the proposed base district of CC-COR is intended to have storefronts along a continuous block face.

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2. The proposal does not meet the intent of the base district (CC-COR District) which is characterized by storefronts along a continuous block face and a drive through on this site may require significant relaxations due to its proximity to a multi-residential district.
3. The subject site is located on 17 Avenue SW, one of Calgary's Neighbourhood Main streets, and proposed developments should complement the pedestrian realm.

No development permit application has been submitted at this time. However, the applicant has prepared a development concept for a Restaurant Food Service Only - Medium with Drive Through that has been shared with Administration and the community (Attachment 4). This concept is subject to change.

A detailed planning evaluation of the application, including location maps and site context, is provided in Attachment 1, Background and Planning Evaluation.

STAKEHOLDER ENGAGEMENT AND COMMUNICATION (EXTERNAL)

- Outreach was undertaken by the Applicant
- Public/Stakeholders were informed by Administration

Applicant-Led Outreach

As part of the review of the proposed land use amendment application, the applicant was encouraged to use the [Applicant Outreach Toolkit](#) to assess which level of outreach with public stakeholders and the Neighbourhood Association was appropriate. The Applicant Outreach Summary can be found in Attachment 7.

City-Led Outreach

In keeping with Administration's practices, this application was circulated to stakeholders, notice posted on-site and published [online](#), and notification letters were sent to adjacent landowners.

The Beltline Neighbourhood Association provided letters in opposition on 2020 June 10 and 2021 January 18 (Attachment 5) identifying the following concerns:

- the *Beltline ARP* prohibits new drive through facilities as they do not fit with the pedestrian-focused vision for 17 Avenue SW or the Beltline;
- the CC-COR District specifically does not include drive through as the district is intended to be characterized by storefronts along a continuous block face;
- the location of the drive through speaker would be in close proximity to residential uses;
- concerns with the double order boards and queuing overflowing onto adjacent streets; and
- vehicular access across the pedestrian realm on 17 Avenue SW causes a dangerous disruption to pedestrian movements, particularly near 14 Street SW.

Administration has considered the relevant planning issues specific to the application and has determined the proposal to be inappropriate.

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Following Calgary Planning Commission, notifications for Public Hearing of Council will be posted on-site and mailed to adjacent landowners. In addition, Commission's recommendation and the date of the Public Hearing will be advertised.

IMPLICATIONS

Social

The proposed application does not meet the vision of the *Beltline ARP* to provide a pedestrian-oriented Main Street for the community. The development concept has been reviewed for Crime Prevention Through Environmental Design (CPTED) principles by Calgary Police Service at the pre-application and land use stage, who have raised concerns that the location and operations of a drive through creates crime, noise and safety impacts for adjacent residents.

Environmental

This application does not include any features that specifically address objectives of the *Climate Resilience Strategy*. The proposed land use enables development that would be contrary to active transportation objectives, which can deliver climate and GHG reduction benefits through low or zero emission transportation modes.

Economic

This application seeks to allow for the development of a drive through on the subject site which is not supported by existing Council policy. Allowing for an auto-oriented use would be a less efficient use of infrastructure and services than a more intensive redevelopment of this site with a pedestrian-oriented frontage.

Service and Financial Implications

No anticipated financial impact

RISK

There are no known risks associated with this proposal.

ATTACHMENT(S)

1. **Revised** Background and Planning Evaluation
2. Proposed Amendment to the Beltline Area Redevelopment Plan
3. Proposed DC Direct Control District
4. Applicant Submission
5. Neighbourhood Association Letter
6. Urban Design Review Panel Comments
7. Applicant Outreach Summary

Department Circulation

| General Manager (Name) | Department | Approve/Consult/Inform |
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