

LAND USE AMENDMENT
BRENTWOOD (WARD 7)
NORTHLAND DRIVE AND NORTHMOUNT DRIVE NW
BYLAW 194D2016

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EXECUTIVE SUMMARY

This land use amendment application seeks to redesignate 1.31 hectares (3.24 acres) located at 4820 Northland Drive NW commercial parcel from a DC Direct Control District to a DC Direct Control District to allow for additional uses and floor area. The Direct Control district currently in force places very specific restrictions on the gross floor areas of particular uses and these restrictions are limiting the continued viability of the development.

PREVIOUS COUNCIL DIRECTION

None.

ADMINISTRATION RECOMMENDATION(S)

2016 June 02

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 194D2016; and

1. **ADOPT** the proposed redesignation of 1.31 hectares ± (3.24 acres ±) located at 4820 Northland Drive NW (NW1/4 Section 31-24-1-5) from Direct Control District **to** Direct Control District to accommodate additional gross floor area, in accordance with Administration's recommendation; and
2. Give three readings to the proposed Bylaw 194D2016.

REASON(S) FOR RECOMMENDATION:

The proposed Direct Control land use district provides for flexibility to allow this retail centre to continue operating in its current form until such time that the site is ready for comprehensive redevelopment. The proposed district keeps in place the restrictions that have minimized negative impacts on the adjacent residential community while allowing the site to adapt to changing market conditions. The site is ideally situated for commercial uses and serves as an important centre for nearby residents. The continued use of this site for commercial uses is compatible due to the following reasons:

- proximity to senior's housing complex across the street;
- proximity to the nearby High School and Junior High School;

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- proximity to the public library across the street;
- the major transit links with stops at the site (Routes 10 and 43); and
- the adjacent bike lanes along Northland Drive NW.

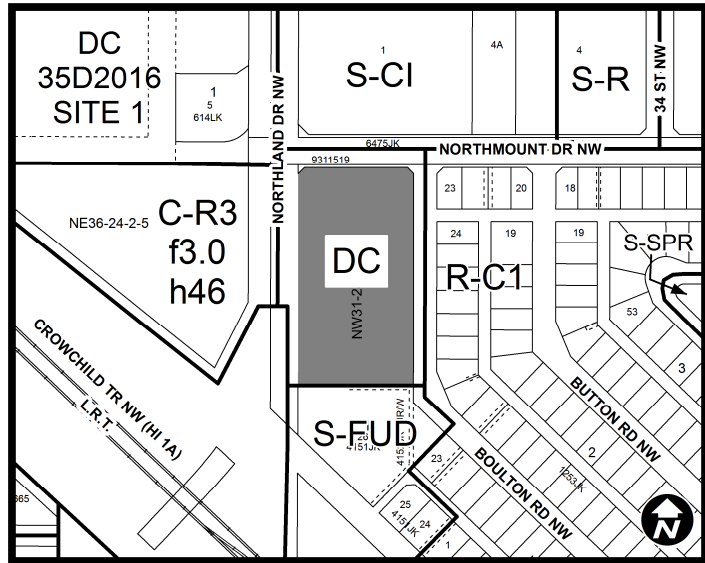
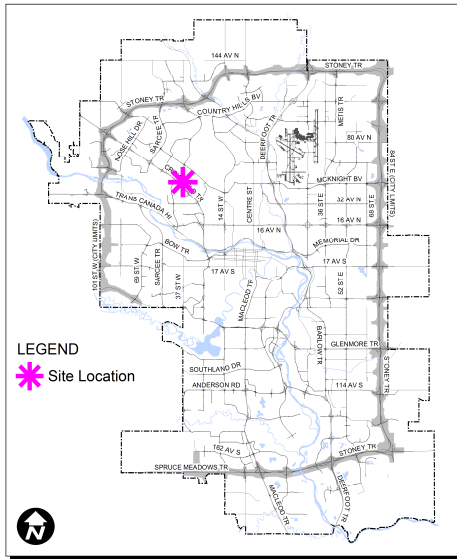
ATTACHMENT

1. Proposed Bylaw 194D2016

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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 1.31 hectares \pm (3.24 acres \pm) located at 4820 Northland Drive NW (NW1/4 Section 31-24-1-5) from Direct Control District to Direct Control District to accommodate additional gross floor area.

Moved by: R. Wright

Carried: 6 – 0

Reasons for Approval from Mr. Foht:

- I supported the recommendation for the following reasons:
 - The additional uses are reasonable to include; the retail market is dynamic and changes are to be expected.
 - As a preference DC Land Use should be discouraged and in this context a C-C1 would be preferable despite transportation concerns. The development permit process should be allowed to run its course.

Comments from Mr. Wright:

- While supportive of the application, I would like to see a more rigorous testing of whether DC Districts are the most appropriate. The use of discretion through the normal review process should be able to address any issues that are now included in the DC.

Comments from Ms. Gondek:

- I believe we are trying to use DC versus a standard district to provide certainty to community groups. In this case, the access from Boulton Road NW is a concern and the DC provides the community with assurance that access will not be provided. The same could be provided through the discretionary process during the development permit review, if we let the process take its course.

2016 June 02

MOTION:

The Calgary Planning Commission accepted correspondence from:

- Certus Development Inc. received 2016 May 27;

as distributed, and directs it to be included in the report in APPENDIX IV.

Moved by: M. Tita

Carried: 6 – 0

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Applicant:

Certus Developments

Landowner:

Certus Developments

PLANNING EVALUATION

SITE CONTEXT

Located adjacent to the low density residential community of Brentwood, the site is located at the intersection of Northland Drive NW and Northmount Drive NW. It is just north of Crowchild Trail NW. The parcel is developed with three commercial buildings that cater to local needs. Northland Mall is located just northwest of the site and a church, library, senior's centre, and city pool are located across the street to the north. The site incorporates a public plaza with an integrated transit stop along Northmount Drive NW.

LAND USE DISTRICTS

The site is currently governed by a Direct Control District (Bylaw 87Z96) developed in 1996 based on the C-1A district from Land Use Bylaw 2P80. The Direct Control District currently in force prescribes very specific caps on the amount of gross floor area allowed for certain commercial uses. It also does not permit access to the site from Boulton Road NW or signage along that road.

The applicant originally applied to change the land use to the Commercial – Community 1 (C-C1) District. However, this district was not supported by Administration due to concerns around traffic and parking and the potential that district would bring for the site to comprehensively redevelop into a single-use commercial site. Administration and the applicant agreed that creating a new Direct Control District to govern the site was the preferable approach.

The proposed Direct Control District still includes caps on gross floor area but it increases the amount of gross floor area allowed for a Medical Clinic and for a Restaurant: Licensed Small and Restaurant: Licensed Medium, as per the Applicant's request. However, the proposed district keeps the same caps for the total gross floor area allowed, as well as the gross floor area for a Specialty Food Store and a Liquor Store.

With the potential addition of a new Light Rail Transit station in the vicinity ("Northland Station"), significant redevelopment expected at the Northland Mall site, and the proximity of many services in the area, it is acknowledged that this is a prime redevelopment site with the potential for comprehensive, mixed-use redevelopment. However, the Applicant has no plans to

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comprehensively redevelop the site at this time and this proposed Direct Control District is intended to keep the site viable in its current configuration until such time that it is ready for comprehensive redevelopment.

It is acknowledged that the proposed Direct Control District still contains a number of unusually restrictive requirements and limits the type of uses to a greater degree than what would typically be included in a Direct Control District today. However, given that the Applicant is not looking to comprehensively redevelop the site at this time, in this specific circumstance it makes sense to keep in place most of the restrictions but to change those that are specifically limiting the continued viability of the site.

LEGISLATION & POLICY

Municipal Development Plan (2009):

The subject site is located within the *Established Area* as identified on Map 1: Urban Structure of the Municipal Development Plan (MDP).

No Local Area Plan is in effect for the site.

TRANSPORTATION NETWORKS

Pedestrian and vehicular access is available from Northland Drive and Northmount Drive NW. Calgary Transit buses stop at a stop integrated into the development and provide direct service to Brentwood and Dalhousie Stations.

UTILITIES & SERVICING

Water, sanitary and sewer services are available and can accommodate the potential additional gross floor area without the need for off-site improvements at this time. Adjustments to on-site servicing may be required depending on the nature of future development proposals. This aspect would be determined at the development permit stage.

ENVIRONMENTAL ISSUES

An Environmental Site Assessment was not required.

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GROWTH MANAGEMENT

This land use proposal does not require additional capital infrastructure investment and therefore, no growth management concerns have been identified at this time. The proposal is in alignment with the MDP references associated with growth management matters.

PUBLIC ENGAGEMENT

Community Association Comments: The Brentwood Community Association did not comment on the application.

Citizen Comments: A number of citizens contacted the file manager and expressed concerns regarding parking, traffic, access, and density.

Public Meetings: No public meetings were held by the Applicant or Administration.

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APPENDIX I

APPLICANT'S SUBMISSION

The above noted property is a single level retail center of approximately 35,000 sf. Which is currently governed from a land use perspective by 20 year old Direct Control By-Law No. 87Z96 Amendment No. 96/062. (Council Approval September 26, 1996). This Direct Control By-Law has selected premises area restrictions on certain uses (CAPS) that may have made sense in 1996 but in todays changed retail world, they no longer seem to be applicable.

This DC by-law therefore puts numerous restrictions on both the existing and the future tenant mix. The applicant, Certus Developments Inc., feels that this land use designation, being some 20 years old, has lost some relevance and that the uses permitted under said DC by-law do not reflect today's ever changing retail commercial environment and the expectations and needs of an ever changing consumer demographic.

To that end we are seeking a change of use to re-designate the property as C-C1. We feel that the C-C1 would accommodate the current uses without any need for a use relaxation. We also believe that the current uses area all conforming uses. We have 15 tenants including a mix of medical, food, financial institution, and other retail.

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APPENDIX II

PUBLIC SUBMISSIONS

No formal public submissions were received. However, many adjacent residents expressed concerns regarding:

- potential loss of the public plaza (which is not permitted under the proposed DC);
- increased traffic in the area;
- the potential incorporation of apartments on the site (which is not permitted under the proposed DC); and
- increased parking on nearby residential streets.

The Brentwood Community Association did not submit comments on the application.

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APPENDIX III

PROPOSED DIRECT CONTROL DISTRICT GUIDELINES

Purpose

- 1 This Direct Control District is intended to:
 - (a) accommodate small to mid-scale commercial **developments**;
 - (b) provide for a variety of commercial **uses** while minimizing impact on the **adjacent** residential community; and
 - (c) allow for **uses** in existing **buildings** until the site is comprehensively redeveloped.

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 insert Commercial – Community 1 (C-C1) district of Bylaw 1P2007 are the **permitted uses** in this Direct Control District with the exclusion of:
 - (a) **Convenience Food Store**;
 - (b) **Fitness Centre**;
 - (c) **Health Services Laboratory – With Clients**;
 - (d) **Information and Service Provider**;
 - (e) **Instructional Facility**;
 - (f) **Library**;
 - (g) **Museum**;
 - (h) **Pet Care Service**;
 - (i) **Print Centre**;
 - (j) **Radio and Television Studio**;
 - (k) **Supermarket**; and
 - (l) **Vehicle Rental – Minor**.

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Discretionary Uses

5 The **discretionary uses** of the Commercial – Community 1 (C-C1) district of Bylaw 1P2007 are the **discretionary uses** in this Direct Control District with the exclusion of:

- (a) **Amusement Arcade;**
- (b) **Auto Service – Minor;**
- (c) **Beverage Container Drop-Off Depot;**
- (d) **Beverage Container Quick Drop Facility;**
- (e) **Billiard Parlour;**
- (f) **Car Wash – Single Vehicle;**
- (g) **Computer Games Facility;**
- (h) **Custodial Care;**
- (i) **Drinking Establishment – Small;**
- (j) **Drinking Establishment – Medium;**
- (k) **Gas Bar;**
- (l) **Indoor Recreational Facility;**
- (m) **Payday Loan;**
- (n) **Place of Worship – Small;**
- (o) **Seasonal Sales Area;**
- (p) **Social Organization;**
- (q) **Vehicle Sales – Minor; and**
- (r) **Veterinary Clinic.**

Bylaw 1P2007 District Rules

6 Unless otherwise specified, the rules of the Commercial – Community 1 (C-C1) district of Bylaw 1P2007 apply in this Direct Control District.

Vehicular Access

7 No direct vehicular access is allowed to or from Boulton Road NW.

Loading Facilities

8 All **loading stalls** must be located on the **parcel**.

Gross Floor Area

- 9 (1) The maximum cumulative **gross floor area** for commercial **uses** within this Direct Control District is 3345.0 square metres.
- (2) The maximum **gross floor area** for **Medical Clinic** is 600.0 square metres.
- (3) The maximum **gross floor area** for **Restaurant: Licensed – Small** and **Restaurant: Licensed – Medium** is 700.0 square metres.

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- (4) The maximum **gross floor area** for **Specialty Food Store** is 140.0 square metres.
- (5) The maximum **gross floor area** for **Liquor Store** is 116.0 square metres.
- (6) In addition to the maximum cumulative **gross floor area** of 3345.0 metres, a maximum of 140.0 square metres of additional **gross floor area** may be provided for garbage storage structures or the storage of landscape maintenance equipment.
- (7) Where this section refers to commercial **uses**, it refers to the listed **uses** in sections 739 and 740 of Bylaw 1P2007, other than **Addiction Treatment, Assisted Living, Custodial Care, Dwelling Unit, Live Work Unit and Residential Care**.

Signs

10 **Signs** must not be located along Boulton Road NW.

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APPENDIX IV



Developments Inc.

Ian Cope,
Principal Planner
Secretary to Calgary Planning Commission
The City of Calgary
Mail code #8062
P.O. Box 2100, Stn. M
Calgary, Alberta, Canada
T2P 2M5

**Re: LOC2015-0148 – 4820 Northland Drive NE – Land Use Amendment
Application by Certus Developments Inc.**

Dear Mr. Cope,

My name is Ron Ghitter and I am one of the principles of Certus Developments Inc. Certus is the applicant in the above noted Land Use Amendment application.

The information below is provided in support of this application.

The property is a single level retail center of approximately 35,000 s.f. which was constructed by Certus in the late 1990s. The site is currently governed from a land use perspective by 20 year old Direct Control By-Law No. 87Z96 Amendment No. 96/062. (Council Approval September 26, 1996). This Direct Control By-law has selected premises area restrictions on certain uses (CAPS) that may have made sense in 1996 but in todays changed retail world, they no longer seem to be applicable.

By example, the medical permissions at the time may have been suitable to accommodate a dentist and a doctor's office. However, the evolution of retail has seen the advent of dedicated eye ware retail stores (with optician services), hearing aid stores, and storefront chiropractic uses, all in demand by our aging demographic. These all now fall under medical uses.

This DC by-law therefore puts numerous restrictions on both the existing and the future tenant mix. The applicant, Certus Developments Inc., feels that this land use designation, being some 20 years old, has lost some relevance and that the uses permitted under said DC by-law do not reflect todays ever changing retail commercial environment and the expectations and needs of an ever changing consumer demographic.

No.210, 815-10th Avenue S.W.
Calgary, AB Canada T2R 0B4
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J. Sonogo

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To that end we are seeking a Land Use Amendment that would revise the current Direct Control land use district to permit some flexibility to our tenant mix and allow us to meet the demands of an ever-changing retail environment.

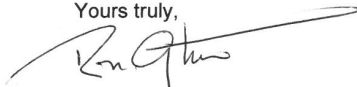
We currently have 15 tenants including a mix of medical, food, financial institution, and other retail. We would like some flexibility to be able to expand the medical uses to serve the demands of the surrounding community. As well, we would like to be able to have some flexibility for expanding the restaurant uses. We do agree that the current access restrictions should stay in place as well as the public park that we, as developer, provided at the time of the original construction of the project.

We do recognize that long term this site may be suitable for a larger and more comprehensive redevelopment. However, with current long term leases in place, we do not see this redevelopment opportunity being feasible in the foreseeable future.

It is worth noting that we have met with the Area Councilor as well as Community representation. Both were in support of this application for the project.

We trust that you will find the above to provide the necessary rationale for our application. We are seeking the support of the City of Calgary in this application.

Yours truly,



Ron Ghitter
Certus Developments Inc.