

LAND USE AMENDMENT
MIDNAPORE (WARD 14)
MIDLAKE BOULEVARD SE & MIDPARK BOULEVARD SE
BYLAW 95D2016

MAP 34SS

EXECUTIVE SUMMARY

This application is for a land use amendment to a Direct Control District in order to create and add a new, defined “Pet Care and Boarding Service” use. The new use would allow for Pet Care Service functions, with the addition of overnight boarding of small animals.

PREVIOUS COUNCIL DIRECTION

None.

ADMINISTRATION RECOMMENDATION(S)

2016 March 10

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 95D2016; and

1. **ADOPT** the proposed redesignation of 3.61 hectares ± (8.92 acres ±) located at 208 and 240 Midpark Way SE (Plan 7911107, Block A and B) from Commercial – Community 2 (C-C2f1.0h10) District, Commercial – Community 2 (C-C2f0.43h18) District **to** DC Direct Control District to accommodate additional use of “Pet Care and Boarding Service”, in accordance with Administration’s recommendation; and
2. Give three readings to the proposed Bylaw 95D2016.

REASON(S) FOR RECOMMENDATION:

This proposal is consistent with the policies for a Major Activity Centre, as set out in the Municipal Development Plan for this site. The new “Pet Care and Boarding Service” use would introduce a new use to the site that could be considered an additional amenity to serve the residents of the area.

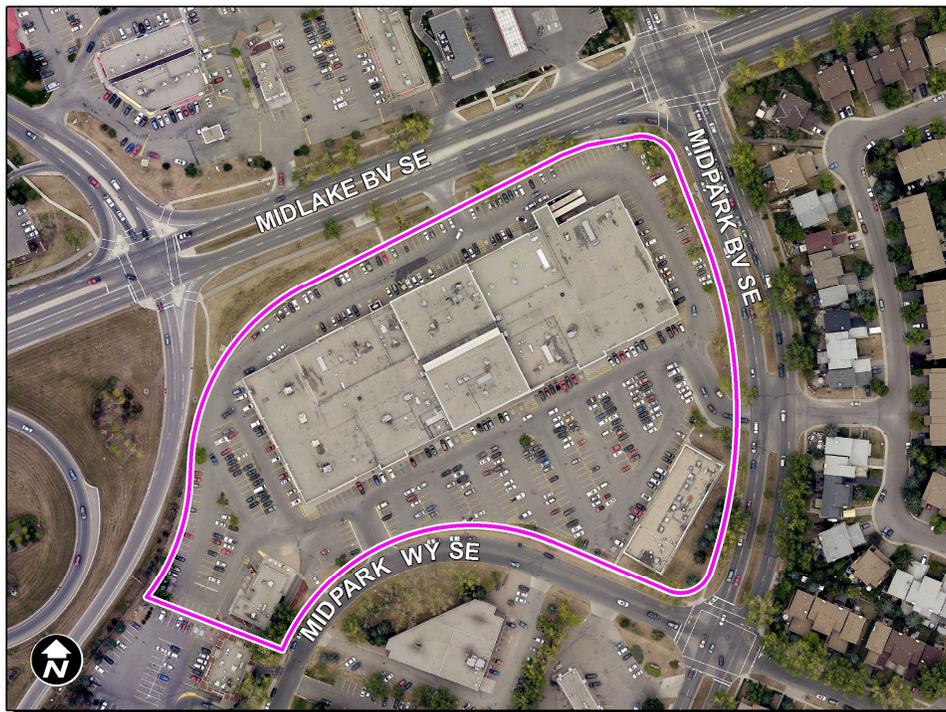
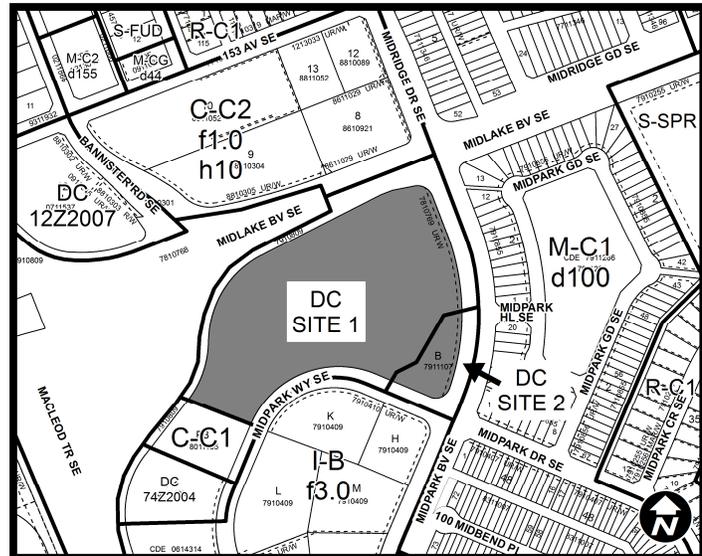
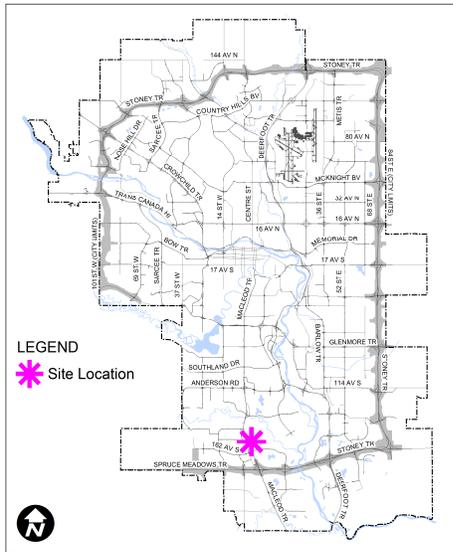
ATTACHMENTS

1. Proposed Bylaw 95D2016
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 3.61 hectares \pm (8.92 acres \pm) located at 208 and 240 Midpark Way SE (Plan 7911107, Block A and B) from Commercial – Community 2 (C-C2f1.0h10) District, Commercial – Community 2 (C-C2f0.43h18) District **to** DC Direct Control District to accommodate additional use of “Pet Care and Boarding Service” with guidelines (APPENDIX II).

Moved by: M. Wade

Carried: 8 – 1

Opposed: J. Gondek

Reasons for Approval from Ms. Wade:

- Support the use as it fills an urban context, allows a service between a kennel and a veterinarian, to support boarding.
- I assume that dog walking would be part of the dog exercise program as there is no regulation restricting this.
- Operations and design of space needs to consider how sunlight can be incorporated to allow green space interior. Design of exercise, kennels and grooming spaces will need to be reviewed and the development permit stage with Animal Services and Business Licensing.

Reasons for Opposition from Ms. Gondek:

- I am quite surprised at the rather lax nature of the Direct Control Bylaw being proposed. We are extremely clear on size of facility in many other uses, but not here. Further, I am concerned that we’re essentially proposing a kennel use with no real appreciation of distance from residential uses. There is also no definition of “small” animal.
- While I am in agreement that pet owners should have choices, I am also interested in knowing that some review body is ensuring the well being of pets being boarded in a strictly indoor facility.

Comments from Mr. Wright:

- The Direct Control District guidelines are very loose in terms of defining “small” or “animal” and have no limits on size of the space. I reluctantly supported the amendment with the assumption other bodies (Alberta Health, Animal Bylaw Services, etc.) would regulate any potential health issues, noise and smell issues.

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Applicant:

Manu Chugh Architect

Landowner:

Midnapore Mall Ltd

PLANNING EVALUATION

SITE CONTEXT

The subject site consists of two parcels that function together as a large commercial development. The larger parcel (Site 1) currently contains the Midnapore Mall retail development, and the smaller parcel (Site 2) is developed with a smaller commercial building that currently contains 6 commercial-retail units.

The site is bounded on the west by the Macleod Trail interchange with Midlake Boulevard SE, which forms the northern boundary of the site with further commercial development on the north side of Midlake Boulevard SE. Midpark Way SE abuts a portion of the southern boundary of the site, with two fast food restaurants currently adjacent to this parcel on the southwestern side. Further south of this site, development consists of primarily office uses. Midpark Boulevard SE forms the eastern parcel boundary, with existing semi-detached residential development further east of the site, with lots backing Midpark Boulevard SE.

LAND USE DISTRICTS

The subject site is currently designated Commercial – Community 2 (C-C2) District with a floor area ratio (FAR) modifier of 1.0 on the larger site, and FAR modifier of 0.43 on the smaller site, as well as height modifiers of 10 metres on the larger site and 18 metres on the smaller site. The proposed Direct Control District retains all of the original FAR and Height modifier characteristics of the current land use, but adds one new, defined “Pet Care and Boarding Service” use as a Discretionary use.

The applicant is interested in introducing a new use onto this site that would be nearly identical to the “Pet Care Service” use that is defined in Land Use Bylaw 1P2007, but that would also include overnight boarding of small animals, which is specifically excluded in the 1P2007 definition of “Pet Care Service”. The new, defined use “Pet Care and Boarding Service” would contain the provision for pet grooming and boarding, but rather than allowing boarding only during daytime hours, it would permit the overnight boarding of domestic animals, without any outdoor elements.

Overnight boarding of animals is currently only allowed under the “Kennel” use, which also includes outdoor enclosures, pens, runs or exercise areas. “Kennels” are, therefore, considered to be a more sensitive use and are required to be located a minimum of 150 metres away from residential districts.

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Due to the fact that this new, defined use incorporates overnight boarding of small animals, which is an element of the more controlled “Kennel” use, combined with the fact that residential development currently exists directly across Midpark Boulevard SE from the site, “Pet Care and Boarding Service” has been included only as a Discretionary use in this proposed Direct Control District. Having it as a Discretionary use will necessitate a Development Permit application to be made before the use can locate anywhere on the site, thus giving the Development Authority discretion over its placement and enabling the review of any other requirements (e.g. traffic, noise, design elements).

LEGISLATION & POLICY

Map 1 (Urban Structure) of the Municipal Development Plan identifies this site as forming part of a Major Activity Centre, characterized by a higher concentration of jobs and population, that “*provides opportunities for people to live, work, shop, recreate, be entertained and meet their daily needs*”. This proposal to add an overnight pet boarding function within closer proximity to where people live may be considered as an amenity, enhancing the services available to residents, and is therefore considered to be in line with the intent of the Municipal Development Plan.

TRANSPORTATION NETWORKS

A traffic analysis will be required at the Development Permit stage to ensure that adequate transportation networks are available to accommodate any changes on the site.

UTILITIES & SERVICING

This Land Use Amendment proposal does not impact servicing for the subject site. Any future changes to the development of the site that may impact servicing will be reviewed at the Development Permit stage.

ENVIRONMENTAL ISSUES

None.

ENVIRONMENTAL SUSTAINABILITY

None.

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GROWTH MANAGEMENT

There are no Growth Management concerns for this site.

PUBLIC ENGAGEMENT

Community Association Comments

The Mid-Sun Community Association was circulated the application, and responded to the circulation with "No Objection".

Citizen Comments

The proposal was circulated to adjacent property owners and no comments were received.

Public Meetings

No public meetings were required nor held in conjunction with this application.

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APPENDIX I

APPLICANT'S SUBMISSION

This land use amendment application is submitted on behalf of Midnapore Mall Ltd to redesignate the subject parcel located at 208 and 240 Midpark Way SE Block A & B Plan 791107 **from Commercial Community-2 C - C 2 DC Direct Control District** to accommodate an additional use to allow small animals/pets to be boarded overnight with specific use rules. 208 Midpark Way SE **From** commercial community 2 (C-C2 f 1.0 h 10) **to** DC with C-C F 1.0 h 10 guidelines to include Pet Care and Boarding Service. 240 Midpark Way SE **From** commercial community 2 (C-C2 f 0.43 h 18) **to** DC with C-C2 f 1.0 h 18 guidelines to include Pet Care and Boarding Service.

No increase in the existing FAR or any building height is part of the subject application.

This will enhance the Pet Care Service use which is under the current Land Use District allowed as a permitted use.

The subject parcel is 5 ha ± (8 acres ±) in area and currently developed with Midnapore Mall. The shopping complex was constructed in 1979 and opened to the public in 1981. For many years the Midnapore Mall was the southerly most retail shopping centre in the City.

Surrounding Land Uses

Midlake Boulevard S.E is an overhead interchange with Macleod Trail S.W. This separated grade access was constructed in about 2005. To the east, across Midpark Blvd is townhouse dwellings and to the south is the Midnapore Business Park that has a mixture of office, research industries and private schools. To the north, across Midlake Blvd, is commercial strip malls with retail and restaurant development.

Use Description

Over the past 8 years, the form of the Midnapore Mall Shopping Centre has changed as most tenants have direct access to the exterior and the process of “de-malling” or illuminating the exterior common area is almost complete. The owners of the mall wish to have a new concept in pet care **including overnight** stay which is modelled by the franchise “Dogtopia” as one of their tenant.

There has been a continuous increase in the consumer demand to have a service that would, in addition to, care for pet dogs during the day that includes grooming, exercise boarding and recreation offer overnight boarding also. In response to the increase in demand, the business of pet care is common in commercial areas where “doggie day care” and pet grooming services are provided in a neighborhood setting. The idea of dogs staying in a commercial bay or a building during the day is well established.

The dogtopia concept has over the last decade proven to be very successful in major cities in United States and Canada and one such franchised business, (Dogtopia), operates in the North East Calgary industrial area as a tenant in a multi – tenant building. The bay is sound proof, quiet, clean, and there are no outdoor dog runs.

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All activities for dogs are provided in indoor exercise rooms and separate space used to wash, cut and groom dogs. **In this facility dogs are kept overnight with supervision where they sleep in dog crates.**

All dogtopia staff is police checked, insured and, pet first aid trained and certified.

Using this model for caring and grooming dogs, the next step of providing overnight care within the same space would have no impact on adjacent tenants.

Rational for your due consideration and your support

- The subject property is a large island parcel with large setback to edge which is separated from other Land Use District (residential/commercial) by major roads with minimal residential houses within 150m radius on the east side only.
- The proposed use is self-contained use in a soundproof environment with no outdoor runs or activities not covered or allowed under “pet care services” except for overnight boarding of pets. **Dogtopia is a doggy daycare boarding and spa.**
- The proposed Land Use Amendment provides for a slight fundamental shift in dog/pet care from traditional agricultural setting to urban environment where the use is contained within a building or part thereof with no outdoors runs gone are the days when dog stayed outside and played, now it’s family.

As part of our “public engagement” process I have had a preliminary discussion with the president of the “mid-sun community association” and following his discussion/review with his board members he has advised me that they do not see any problem with our “proposal” and would be prepared to provide us with a letter of support without any hesitation.

I also have had a preliminary discussion with Ward Councillor Demong and he also has indicated his support for the proposal.

Based on the above, we humbly request Calgary Planning Application Group (CPAG), Calgary Planning Commission (CPC) and Calgary City Council’s support and approval.

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APPENDIX II

PROPOSED DIRECT CONTROL GUIDELINES

Purpose

- 1 This Direct Control District is intended to:
- (a) allow for community commercial **uses**;
 - (b) accommodate a **Pet Care and Boarding Service** with guidelines; and
 - (c) allow for the care and overnight boarding of small animals without outdoor amenities.

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.

Defined Uses

- 4 In this Direct Control District,
- (a) **“Pet Care and Boarding Service”** means a use:
 - (i) where small animals are washed, groomed, trained or boarded;
 - (ii) where small animals may be boarded overnight or for periods greater than 24 hours;
 - (iii) that may have the incidental sale of products relating to the service provided by the **use**; and
 - (iv) that must not have any outside enclosures, pens, runs or exercise areas.

Permitted Uses

- 5 The **permitted uses** of the Commercial – Community 2 (C-C2) District of Bylaw 1P2007 are the **permitted uses** in this Direct Control District.

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Discretionary Uses

6 The *discretionary uses* of the Commercial – Community 2 (C-C2) District of Bylaw 1P2007 are the *discretionary uses* in this Direct Control District with the addition of:

- (a) **Pet Care and Boarding Service.**

Bylaw 1P2007 District Rules

7 Unless otherwise specified, the rules of the Commercial – Community 2 (C-C2) District of Bylaw 1P2007 apply in this Direct Control District.

Pet Care and Boarding Service

8 A **Pet Care and Boarding Service use:**

- (a) requires a minimum of 4.0 *motor vehicle parking stalls* per 100.0 square metres of *gross usable floor area*;
- (b) does not require *bicycle parking stalls- class 1*; and
- (c) requires a minimum of 1.0 *bicycle parking stalls- class 2* per 250.0 square metres of *gross usable floor area*.

Site 1 (3.33 ha/8.23 ac)

8 The provisions in sections 9 and 10 apply only to Site 1.

Floor Area Ratio

9 The maximum *floor area ratio* is 0.43.

Building Height

10 The maximum *building height* is 18.0 metres.

Site 2 (0.28 ha/0.68 ac)

11 The provisions in sections 12 and 13 apply only to Site 2.

Floor Area Ratio

12 The maximum *floor area ratio* is 1.0.

Building Height

13 The maximum *building height* is 10.0 metres.