

**LAND USE AMENDMENT
KILLARNEY/GLENGARRY (WARD 8)
36 STREET SW EAST OF 37 STREET AND SOUTH OF 26
AVENUE SW
BYLAW 205D2015**

MAP 7C

EXECUTIVE SUMMARY

This land use amendment proposes redesignation of a single residential parcel from a DC Direct Control District under the R-2 District of Bylaw 2P80 to Special Purpose – Community Institution (S-CI) District to allow for redevelopment under Bylaw 1P2007 and to accommodate the development of a Child Care Service (day care).

PREVIOUS COUNCIL DIRECTION

None.

ADMINISTRATION RECOMMENDATION(S)

2015 October 22

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 205D2015; and

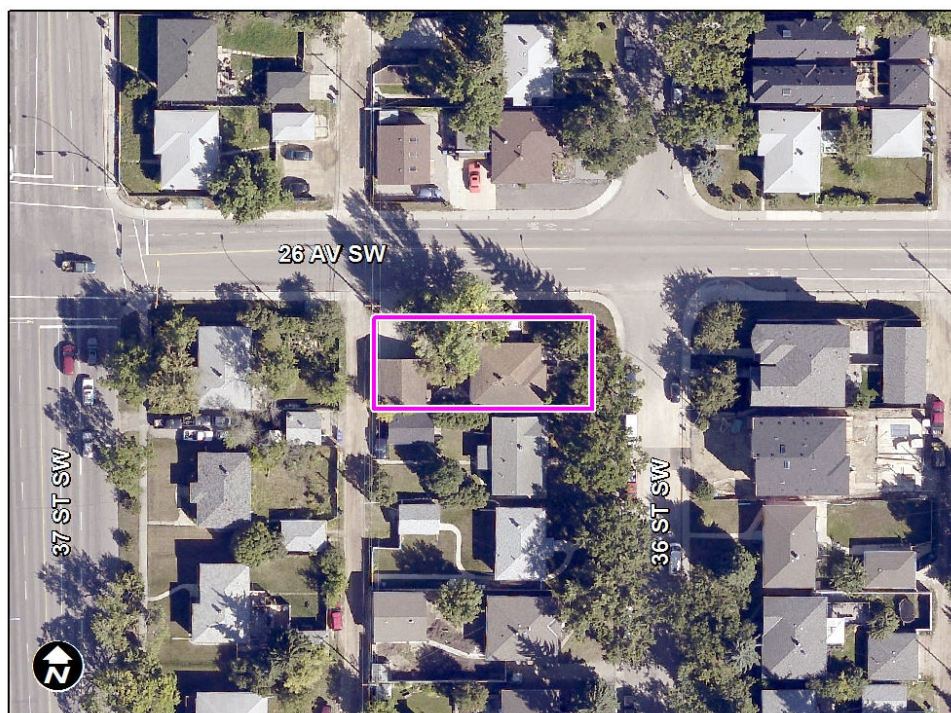
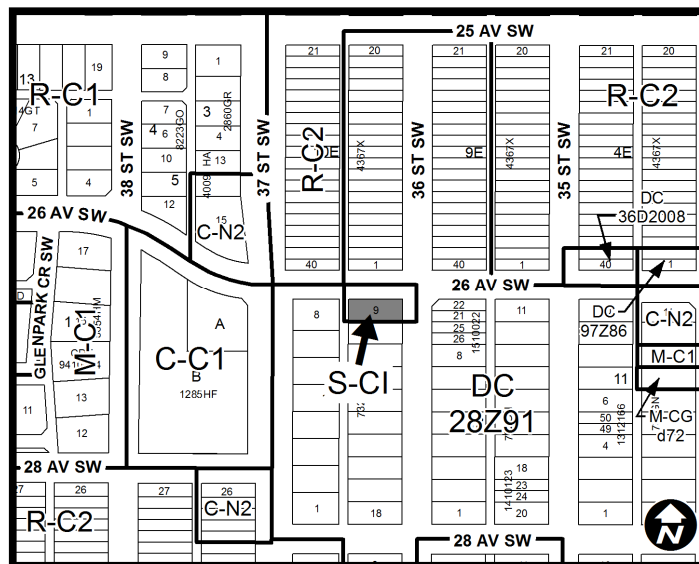
1. **ADOPT** the proposed redesignation of 0.06 hectares \pm (0.14 acres \pm) located at 2803 – 36 Street SW (Plan 732GN, Block 13, Lot 9) from DC Direct Control District **to** Special Purpose – Community Institution (S-CI) District, in accordance with Administration's recommendation; and
2. Give three readings to the proposed Bylaw 205D2015.

REASON(S) FOR RECOMMENDATION:

This proposal conforms with the policies of the Municipal Development Plan and Child Care Service Policy and Development Guidelines.

ATTACHMENT

1. Proposed Bylaw 205D2015
2. Public Submissions

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ADMINISTRATIONS RECOMMENDATION TO CALGARY PLANNING COMMISSION

Recommend that Council **ADOPT**, by bylaw, the proposed redesignation of 0.06 hectares \pm (0.14 acres \pm) located at 2803 – 36 Street SW (Plan 732GN, Block 13, Lot 9) from DC Direct Control District **to** Special Purpose – Community Institution (S-CI) District.

Moved by: J. Gondek
Absent: G. Morrow and C. Friesen

Carried: 6 – 0

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Applicant:

Bakri Kronfol

Landowner:

Tina Voskoboinikov

Planning Evaluation Content	*Issue	Page
Density <i>Is a density increase being proposed (intensification).</i>	Yes	5
Land Use Districts <i>Are the changes being proposed housekeeping or simple bylaw amendment.</i>	Yes	5
Legislation and Policy <i>Does the application comply with policy direction and legislation.</i>	Yes	6
Transportation Networks <i>Do different or specific mobility considerations impact this site</i>	No	7
Utilities & Servicing <i>Is the site in an area under current servicing review and/or has major infrastructure (water, sewer, storm and emergency response) concerns.</i>	No	7
Environmental Issues <i>Other considerations eg. sour gas or contaminated sites</i>	No	7
Growth Management <i>Is there growth management direction for this site. Does the recommendation create capital budget impacts or concerns.</i>	No	8
Public Engagement <i>Were major comments received from the circulation</i>	No	8

*Issue - Yes, No or Resolved

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PLANNING EVALUATION

SITE CONTEXT

The subject site consists of a separate titled corner parcel located at 2803 - 36 Street SW east of 37 Street SW and south of and adjacent to 26 Avenue SW in the community of Killarney/Glengarry. The site slopes gently downward to the north and is currently developed with a one storey bungalow and detached garage. A rear lane is located to the west of the site.

Surrounding development on the subject block and street is characterized primarily by older single detached bungalows with the exception of four – two storey semi-detached dwellings across the street to the east. Community commercial (Glenbrook Shopping Centre) exists one block to the west on 37 Street SW and there is a local commercial node located 160 metres down the street on 26 Avenue SW to the east. At this local commercial node to the east, there is also a parcel at 3504 - 26 Avenue SW that is designated DC Direct Control District (Bylaw 97Z86), which is based on R-2 of Bylaw 2P80, and allows for a child care facility for up to and including 54 pre-school children and an additional 14 after school children. The day care facility at this location closed several years ago and the building has been used as a learning and educational/tutoring centre for school-aged children (kindergarten to grade 12), called Reading Town, since approximately 2009.

LAND USE DISTRICTS

The existing DC Direct Control District (Bylaw 28Z91), approved by Council in 1991, is based on the R-2 District of Land Use Bylaw 2P80. The existing DC allows for infill development in the form of single and semi-detached dwellings. The intent of the DC is to prevent subdivision of larger R-2 parcels (greater than 15 metres wide) through a minimum parcel width of 11 metres and a minimum parcel size of 348 square metres, specifically for single detached dwellings.

The proposed use and development for this site is a Child Care Service. The applicant initially applied for a land use redesignation to the M-C1 District of Bylaw 1P2007, however, given that M-C1 for this location would be contrary to the Killarney/Glengarry ARP and The City of Calgary Child Care Service Policy and Development Guidelines, Administration did not support this initial application. Administration directed the applicant to amend their application to propose redesignation to the Special Purpose – Community Institution (S-CI) District. The proposed land use, S-CI, is consistent with The City's Child Care Service Policy and Development Guidelines, which is outlined below. The use, Child Care Service, is a discretionary use in the S-CI district.

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LEGISLATION & POLICY

Municipal Development Plan (MDP) (2009 – statutory)

The subject site is identified within the Developed – Inner City area on Map 1 – Urban Structure of the Municipal Development Plan (MDP). The MDP does not specifically reference the parcel, however, the proposed land use amendment is in keeping with Policy 2.3.1(j) which encourages the inclusion of child care service facilities within residential communities:

- *Recognize child care services as an integral part of 'complete communities' and accommodate these services as appropriate within residential communities and workplace contexts.*

Killarney/Glengarry Area Redevelopment Plan (ARP) (1986 – statutory)

The Killarney/Glengarry ARP land use policy for the subject parcel is Low Density Dwelling – Conservation/Infill (Map 2 – Land Use Policy). No amendment to the ARP is required.

Child Care Service Policy and Development Guidelines (2009 – non-statutory)

This policy provides site selection criteria and development guidelines to manage the impact of child care services in low density residential areas. Policies A.4. and A.5. state, respectfully:

- *A child care service may be appropriate in a low density residential area depending on context. Sites for proposed child care services should be considered for land use redesignation provided the site meets the site selection criteria and development guidelines contained within this policy.*
- *For an application for a land use redesignation for a child care service in a low density residential area...where there will be no dwelling unit on the parcel, the Special Purpose – Community Institution (S-CI) district should be considered as an appropriate land use district.*

The proposed use, Child Care Service, was evaluated for conformance with the Site Selection Criteria, as follows:

- *C.2. Located in relationship to activity focus areas such as local commercial areas.*
 - The Glendale Shopping Centre is only one block (70 metres) to the west.
- *C.3. Provide sufficient staff parking and pick-up and drop-off parking.*
 - There is sufficient on-site parking for staff and curb-side pick-up and

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drop-off parking along 26 Avenue SW. The capacity of the day care and corresponding required on-site parking stalls will be determined at the development permit stage.

- *C.4. Located on sites large enough to accommodate outdoor play areas, as per provincial Child Care Licensing Regulation.*
- *C.5. Located on collector streets.*
 - *The site borders 26 Avenue SW which is a Collector Street.*
- *C.6. Located on corner parcels.*
 - *The site is a corner parcel.*
- *C.7. Consideration should be given to the amount of frontage to accommodate pick-up and drop-off parking.*
 - *Addressed in C.3. above.*
- *C.8. Concentration of child care services should be avoided.*
 - *The two nearest child cares are five blocks away (Teddy Bear at 3305 40 Street SW and Alpine Montessori at 3140 41 Street SW).*

Administration supports a land use amendment to the S-CI district given policy A.5. above and that the proposal conforms to the site selection criteria.

TRANSPORTATION NETWORKS

Administration is supportive of the creation of an on-street signed pick-up and drop-off area on 26 Avenue adjacent to the parcel, without shifting the existing curb alignment (i.e.: a lay-by).

The subject site is within approximately 50 metres of Route 6, Route 72/73 and Route 306 BRT bus routes, that connect with the Westbrook LRT station and Downtown.

UTILITIES & SERVICING

A water main and sanitary sewer are available to service the site. However, storm sewers are not available to service the site. A storm extension may be required at the development permit stage and is at the expense of the developer.

ENVIRONMENTAL ISSUES

None.

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ENVIRONMENTAL SUSTAINABILITY

Not applicable.

GROWTH MANAGEMENT

Not applicable.

PUBLIC ENGAGEMENT

Community Association Comments

The Killarney-Glengarry Community Association fully supports the proposed development of a child care service (day care facility) on this site (see APPENDIX II). The CA was not, however, supportive of the initial application which proposed redesignation to M-C1. Although the CA preferred redesignation to a Direct Control District based on R-2 guidelines to accommodate a day care, this is not in alignment with the Child Care Service Policy and Development Guidelines (Policy A.5.), which recommends the S-CI district.

Citizen Comments

Five letters of objection to the proposed redesignation were received from neighbours. The reasons for opposition include:

- Increased traffic and shortage of on-street parking;
- Children and pedestrian safety adjacent to and crossing a busy intersection;
- Negative impact on surrounding property values;
- Does not fit within residential neighbourhood context;
- Noise issues from outdoor play area; and
- Homeless people frequent the area due to a nearby bottle dept.

Administration has considered these comments as part of evaluation of the application. Although not all comments are planning matters, the rationale for the approach taken by Administration is outlined in the Site Context, Land Use Districts, Legislation and Policy and Transportation Networks sections above.

Public Meetings

The applicant met with the community association prior to submission of the application. The results of the meeting are summarized under Community Association Comments above and can be found in APPENDIX II.

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APPENDIX I

APPLICANT'S SUBMISSION

The location of the designated parcel (2806 36 Street SW) is on the corner of 36 Street and 26 Avenue SW. It is a prime location between residential area east and the major residential / commercial 37 Street west.

This project will help to answer the growing need for child care in this neighbourhood. The parcel is close to Killarney School (K-6) and Holy Name School (French Immersion K-6); Families that require before and after school childcare could benefit from this development.

We applied for Land Use Redesignation to change this property from DC28Z91 to S-CI.

We trust that the city will find the application appropriate to the site and beneficial to the neighbourhood.

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APPENDIX II

LETTERS SUBMITTED

From: KNH [REDACTED]
Sent: Monday, April 20, 2015 9:52 PM
To: Wishlow, Kristen D.
Cc: Woolley, Evan V.; Executive Assistant Ward 8; [REDACTED]; Mike Cundall
Subject: LOC2015-0035 - Comments from the Killarney-Glengarry Community Association

Importance: High

Kristen:

The Killarney-Glengarry Community Association Development Committee met with the applicant and reviewed drawings for a day care facility proposed for 2803 - 36 Street SW. Here are the comments from the KGCA:

We are **opposed** to the proposed zoning change from the parcel's current **DC28Z91** to **M-C1** for the following reasons:

- We fully support the proposed use as a daycare facility on this particular site.
 - The site is on a through road that is close to transit routes along 37th Street and along 26th Avenue
 - There is ample room on the site to provide surface parking, and open play space
 - There is opportunity to provide a pull-in area on the south side of 26th Avenue to facilitate short term parking for drop off and pick up without significantly disrupting the adjoining neighbours.
 - The building would not be occupied outside of business hours, allowing the surrounding residents the quiet in the evenings that they are accustomed to.
 - We have no concerns about having a second child care facility within a block of the existing facility as we feel that there is ample business to support both.
- At the time we met with the applicant we discussed designing the building so that it could be adapted to different uses in the future, ie. as an office. We did not contemplate the potential future use of the site for a multi-residential complex. M-C1 Multi-Residential on this site on this corridor has the potential to be too tall, and is a too intense use for this location. We specifically pointed out that the building in the drawings as presented was higher than the current R-2 envelope and too tall for the location.
- Therefore we would **support** redesignation of the parcel from **DC28Z91** to a new **Direct Control** zoning with similar wording to the current DC36D2008, shown below:

"This Direct Control District is intended to:

"(a) accommodate existing residential development and contextually sensitive redevelopment in the form of Duplex Dwellings, Semi-detached Dwellings and Single Detached Dwellings in the Developed Area; and

(b) allow for an Office use within the building that exists on the parcel as of the date of passage of this Bylaw."

- The KGCA supports zoning that permits a building to be constructed on this parcel to the same proportions as a semi-detached dwelling outlined in the 1P2007 bylaw that would be up to 10 meters in height (two or three stories) but no more, and up to 45% lot coverage, but no more, that could be used as a day care and that could potentially be converted in the future to an office or to a live-work space. We do not support rezoning to M-C1.

Keren Houlgate
Director, Development
Killarney Glengarry Community Association
[REDACTED]

B. Seymour