

**LAND USE AMENDMENT, WESTGATE (WARD 8), SOUTH OF WAVERLEY DRIVE SW AND
WEST OF WINDSLOW CRESCENT SW, BYLAW 191D2015, CPC2015-195**

EXECUTIVE SUMMARY

LOC2015-0084 was presented to Calgary Planning Commission (CPC) on 2015 September 24 and was referred to Council with a recommendation for refusal on 2015 November 09. Council referred this report and proposed bylaw back to Administration to amend the proposed text in the Bylaw to address issues raised (medical use, traffic, parking, etc.) at the Combined Meeting of Council on 2015 November 09, and return to Council on 2015 December 07.

ADMINISTRATION RECOMMENDATION(S)

That Council:

1. Give first reading to Bylaw 191D2015;
2. Amend Bylaw 191D2015 as per the text contained in Attachment 1; and
3. Give second and third Readings (as amended) to Bylaw 191D2015.

PREVIOUS COUNCIL DIRECTION / POLICY

On 2015 November 09, Council referred CPC2015-196, moved by Councillor Chabot, Seconded by Councillor Farrell, to Administration to work on issues raised at the Combined Meeting of Council on 2015 November 09 in relation to Bylaw 191D2015 and to return to the 2015 December 07 Combined Meeting of Council.

BACKGROUND

Administration presented LOC2015-0084 to CPC on 2015 September 24, and recommended approval of the proposed Bylaw 191D2015. Administration deemed the proposed Direct Control (DC) district in conformance with relevant policies in the *Municipal Development Plan (MDP)* and the West LRT Land Use Study, to offer a mix of employment and housing choices in the existing building with low impacts to the surrounding communities. CPC filed Administration's recommendation of approval and recommended to abandon the proposed bylaw (CPC2015-195). CPC raised concerns with the Medical Clinic use, and the potential traffic and parking impacts of this use.

It should be noted that the Speech-Language Pathology clinic had been operating on the subject site without the appropriate land use designation. This proposal was made to enable the business to operate legally.

On 2015 November 09, Council public hearing was held for the proposed land use redesignation. Council referred report CPC2015-195 back to Administration to work on issues raised at the public hearing and return to the 2015 December 07 Combined Meeting of Council. In order to address some of the issues raised at the public hearing, Administration has replaced the Medical Clinic use with a more specific use of Speech-language Pathology Service. A new definition for Speech-language Pathology Service has been developed and the revised DC District also defines further restrictions on vehicle parking, number of patients and number of employees.

INVESTIGATION: ALTERNATIVES AND ANALYSIS

During the process of reviewing potential amendments to Bylaw 191D2015, Administration asked the applicant to identify how they would provide vehicle parking on site and how many

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employees and patients would be attending the site at one time. The applicant provided a plan for two parallel parking stalls that could be accommodated on the existing rear yard area. Three angled parking stalls could be accommodated if a minor relaxation was granted for parking stall depth. A maximum of two patients may receive treatment at one time and a maximum of two employees may provide services at one time. The proposed operation would provide services to paediatric patients by appointment only. The proposed amendments to Bylaw 191D2015 (Attachment) provide a new definition for Speech-language Pathology Service use, and provides defined vehicle parking, number of patients and employees requirements.

Stakeholder Engagement, Research and Communication

Since this item was presented at Council, Administration contacted the Westgate Community Association (CA) to clarify outstanding questions about the existing use. The CA was informed how to make an official complaint regarding the current use.

Strategic Alignment

Municipal Development Plan (Statutory/Approved by Council – 2009)

The parcel is located within a Residential, Developed – Established Area as identified on Map 1: Urban Structure of the MDP. The MDP does not specifically reference the parcel; however, the proposed land use amendment is in keeping with a number of overarching MDP policies, as outlined below:

- *Complete Communities* policies (section 2.2.4) encourage diversified employment opportunities that are integrated into the community or easily accessible by a number of modes of travel.
- *Community Service and Facilities* policies (section 2.3.6) encourage optimizing the availability of community facilities, including areas for public engagement, personal growth, health and learning.

West LRT Land Use Study (Non-Statutory/Adopted by Council – 2009)

- *Guiding Principles* (section 3.2) promotes a mixture of uses to achieve complete communities & diverse destinations.

Social, Environmental, Economic (External)

Social

It is important that to provide opportunities for businesses that provide guidance to persons with medical challenges and this is achieved with minimal impacts to the surrounding community.

Environmental

An Environmental Site Assessment was not required as per CPC2015-195. There are no environmental concerns.

Economic

Developing a new use definition to accommodate Speech-language pathology supports The City's policies of being open to innovation and providing flexibility to accommodate the changing needs of businesses and accommodating a variety of employment opportunities, as well as supporting healthcare.

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Financial Capacity

Current and Future Operating Budget:

None

Current and Future Capital Budget:

None

Risk Assessment

There is no risk to The City if the bylaw is abandoned as per CPC's Recommendations. The risk associated with not approving this bylaw lies with the business owner who would either continue to operate the business illegally or be forced to relocate to a building/parcel that contained the appropriate designation.

REASON(S) FOR RECOMMENDATION(S):

Administration is satisfied that the revised DC can accommodate the specific business being proposed by the applicant and provides specific measures to address the anticipated impacts raised at the public hearing.

ATTACHMENT(S)

1. Proposed Bylaw 191D2015
2. Proposed amendments to Bylaw 191D2015