

**LAND USE AMENDMENT  
WESTGATE (WARD 8)  
SOUTH OF WAVERLEY DRIVE SW AND WEST OF WINSLOW  
CRESCENT SW  
BYLAW 191D2015**

**MAP 13W**

**EXECUTIVE SUMMARY**

This is a proposed land use amendment for a 0.05 hectares  $\pm$  (0.13 acres  $\pm$ ) site south of Waverley Drive SW in the community of Westgate. The land use amendment is from Residential – Contextual One / Two Dwelling (R-C2) District to DC Direct Control District to accommodate a small-scale medical clinic (pediatric services – speech and language pathology) with guidelines on the subject site.

**PREVIOUS COUNCIL DIRECTION**

None

**ADMINISTRATION RECOMMENDATION(S)**

2015 September 24

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 191D2015; and

1. **REFUSE** the proposed redesignation of 0.05 hectares  $\pm$  (0.13 acres  $\pm$ ) located at 4 Winslow Crescent SW (Plan 6123HK, Block 9, Lot 40) from Residential – Contextual One / Two Dwelling (R-C2) District **to** DC Direct Control District to accommodate Medical Clinic use; and
2. **ABANDON** the proposed Bylaw 191D2015.

**REASON(S) FOR RECOMMENDATION:**

The proposed land use redesignation is to accommodate a Medical Clinic use (pediatric services – speech and language pathology) within an existing building. This application is in conformance with relevant policies in the Municipal Development Plan (MDP) and West LRT Land Use Study.

The proposed DC district will offer a mix of employment and housing choices in the existing building, and provide employment opportunities that are integrated into the community.

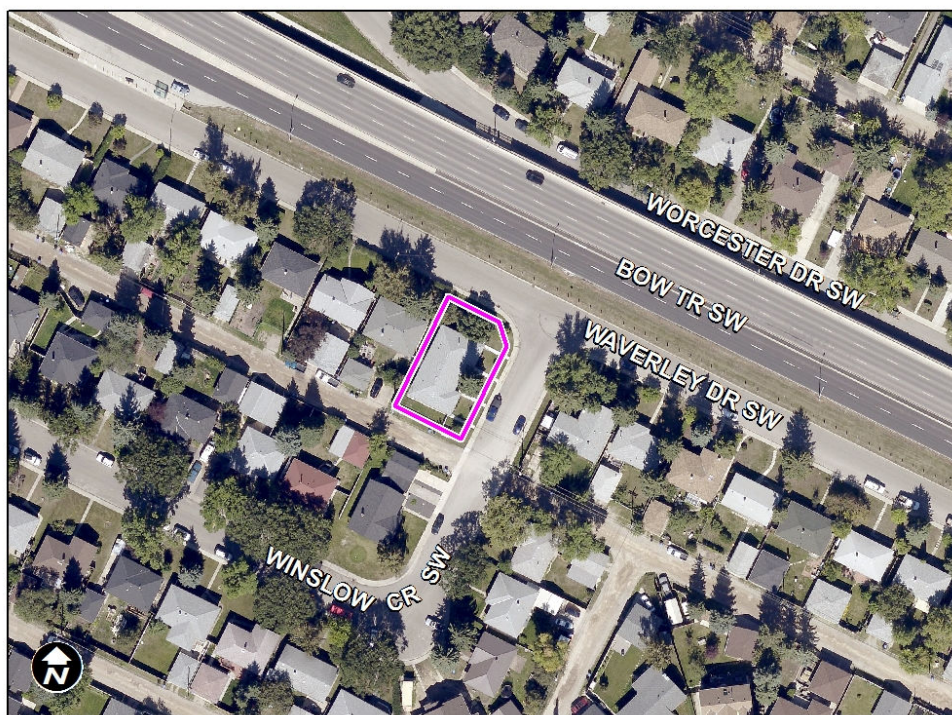
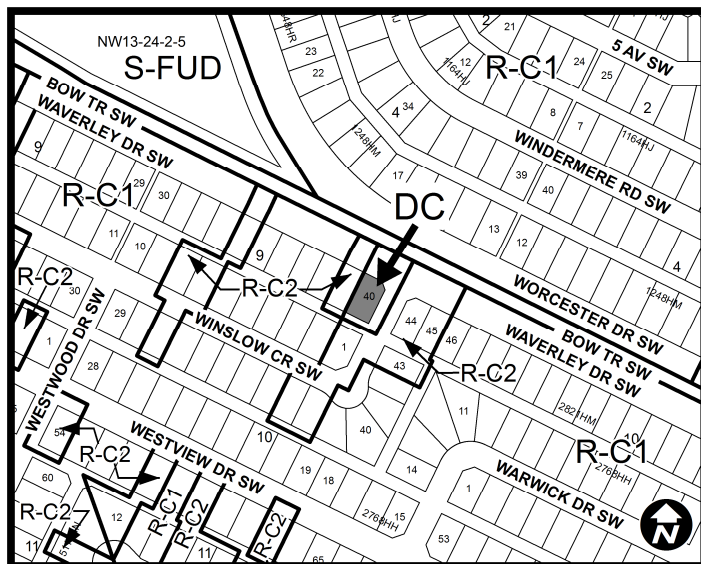
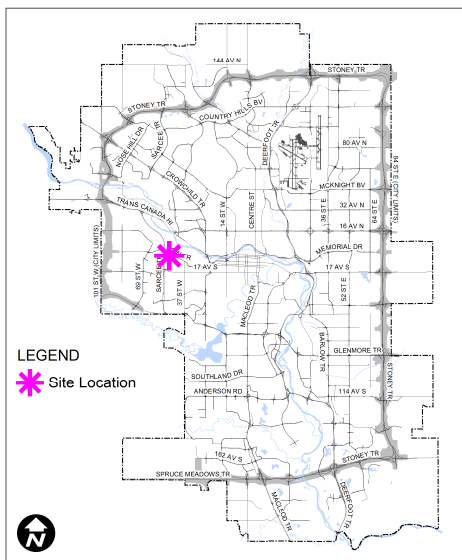
**ATTACHMENTS**

1. Proposed Bylaw 191D2015
2. Public Submissions

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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 0.05 hectares  $\pm$  (0.13 acres  $\pm$ ) located at 4 Winslow Crescent SW (Plan 6123HK, Block 9, Lot 40) from Residential – Contextual One / Two Dwelling (R-C2) District **to** DC Direct Control District to accommodate Medical Clinic use, with guidelines (APPENDIX II).

**2015 September 24**

**MOTION:** The Calgary Planning Commission accepted correspondence from:

- Pathways Pediatric Services dated 2015 September 23;

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

**Moved by: M. Tita**

**Carried: 5 – 2**

Opposed: M. Wade and R. Wright

**MOTION:** The Calgary Planning Commission **FILED** Administration's recommendation of **APPROVAL** and recommends that Council:

1. **REFUSE** the proposed redesignation of 0.05 hectares  $\pm$  (0.13 acres  $\pm$ ) located at 4 Winslow Crescent SW (Plan 6123HK, Block 9, Lot 40) from Residential – Contextual One / Two Dwelling (R-C2) District to DC Direct Control District to accommodate Medical Clinic use; and
2. **ABANDON** the proposed Bylaw.

**Moved by: R. Wright**

**Carried: 7 – 0**

Reasons for support of the Refusal recommendation from Ms. Gondek:

- It was painful to recommend refusal for this item. While I agree that more speech-language pathology service providers are desperately needed in Calgary, the proposed land use is problematic. If Council can direct Administration to find a way to accommodate this use as something other than "Medical Clinic", that would be a great option.

Reasons for support of the Refusal recommendation from Ms. Wade:

- Medical Clinic as land use is inappropriate for this residential use as it generates traffic and parking congestion on an awkward site which impacts the residents.

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- The proposed Medical use perhaps needs to be reviewed to a use that is more aligned with speech pathology.
- Home based business and Live-Work uses appear to not fit the proposed use – perhaps some exploration on how the regulations can be amended for more flexibility could be undertaken to address this use and context.
- Concerned about housing unit being removed from residential use.

Reasons for support of the Refusal recommendation from Mr. Wright:

- Inappropriate infiltration of a residential precinct, with a high traffic generation commercial use that does not contribute to the betterment of the neighbourhood. The site also cannot accommodate residential office staff and clients demand for parking.

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**Applicant:**

Michael Sloane

**Landowner:**

Michael Sloane  
Tanya Sloane

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

\*Issue - Yes, No or Resolved

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## **PLANNING EVALUATION**

### **SITE CONTEXT**

Located in the southwest quadrant of Calgary in the community of Westgate, the subject site is a corner parcel south of Waverley Drive SW and west of Winslow Crescent SW. Waverley Drive SW is a service road parallel to Bow Trail SW. The site is relatively flat and currently developed with a one storey Semi-detached Dwelling. A rear lane is located to the south of the site.

The subject site is surrounded by low-density residential dwellings, with access to Bow Trail SW through Waverley Drive SW from 45 Street SW and 46 Street SW. There are no parking restrictions in the area.

### **LAND USE DISTRICTS**

The proposed land use is a DC Direct Control District based on Residential – Contextual One / Two Dwelling (R-C2) District, with the additional use of a medical clinic (pediatric services – speech and language pathology). Only one unit of the Semi-Detached Dwelling is proposed to be used as a medical clinic and the other unit will keep the residential use. The proposed Medical Clinic use must be located within the building existing on the parcel at the time of adoption of this bylaw and the maximum gross usable floor area for Medical Clinic use must remain less than 90 square metres. This change in land use is to add a small-scale Medical Clinic use to a residential district without a significant change in land use or density.

Administration recognizes that direct control districts must only be used for development proposals that require specific regulation unavailable in other land use districts. The districts in the Land Use Bylaw that allow for Medical Clinic Use outside of the Centre City are the Commercial Districts. Based on the low-density residential context of the subject site, Commercial Districts that allow various commercial uses are deemed inappropriate. Given that this proposed land use is a commercial use in a residential area, the DC with a R-C2 base approach was taken in order to (1) ensure compatibility with adjacent residential lands and (2) ensure beneficial small-scale employment opportunities are available on the parcel within the existing building.

### **LEGISLATION & POLICY**

#### **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 Municipal Development Plan (MDP). The MDP does not specifically

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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.

**TRANSPORTATION NETWORKS**

The site is located approximately 400 metres from the transit stop, which services the #412 bus route and offers service to the Westbrook and 45 Street LRT station. The subject parcel is 280 metres from the transit stop serving the 70 bus route westbound and eastbound respectively. Bus route 70 offers service to Downtown.

- There are no parking restrictions in the area.
- Parking should be provided at the time of a Development Permit.
- A parking study may be required at the time of the Development Permit.

**UTILITIES & SERVICING**

Water, sanitary and sewer services are available and can accommodate the potential addition of medical clinic use without the need for off-site improvements at this time.

**ENVIRONMENTAL ISSUES**

An Environmental Site Assessment was not required.

**ENVIRONMENTAL SUSTAINABILITY**

Not applicable to this land use amendment application.

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**GROWTH MANAGEMENT**

The proposed land use amendment does not trigger capital infrastructure investment and therefore there are no growth management concerns at this time.

**PUBLIC ENGAGEMENT**

**Community Association Comments**

Westgate Community Association was circulated on 2015 July 21 and comments with non support were received (APPENDIX III). The community association (CA) considers the proposed land use redesignation to accommodate a Medical Clinic to be a significant change that the community is not prepared to support. The following are the summaries of the CA comments and how they are considered by the Administration:

- Parking requirements: the CA assumes the gross usable floor area for the Medical Use is around 185 square metres, which would require 11 parking stalls.
- Administration consideration: After communicating with the applicant, the proposed Direct Control guidelines requires the maximum gross usable floor area must be kept under 90 square metres. Therefore, 6 parking stalls are required for the medical clinic as per Land Use Bylaw 1P2007. Parking should be provided at the time of a Development Permit. A parking study may be required at the time of the Development Permit.

**Citizen Comments**

No comments received by CPC Report submission date.

**Public Meetings**

No meetings were held by the Applicant or Administration.



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**APPENDIX I**

**APPLICANT'S SUBMISSION**

Please accept this application for our change of use request to the City of Calgary for #4 Winslow Crescent SW, in the community of Westgate. This building is a duplex and is owned by Tanya & Mike Sloane as of May 1 2015, the other unit (#6) is occupied. After meeting with city officials from the Planning, Development & Assessment department it has been recommended that we proceed with our request to change the use of this property to a Direct Control (DC) designation.

Pathways is a private pediatric clinic that is owned and operated by Tanya & Michael Sloane. Tanya is a Speech-Language Pathologist who provides services to children and their families in several communities in the SW, including Westgate. Our business offers predominantly Speech and Language Pathology (SLP) services. We also offer some adjunct Occupational Therapy (OT) services to children who need assistance with both communication skills (SLP) and motor, feeding or sensory skills (OT). Tanya Sloane has been a practising SLP in SW Calgary for the past 15 years.

There will be no changes to the building or landscape with the exception of general household and landscaping improvements.

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APPENDIX II

PROPOSED DIRECT CONTROL GUIDELINES

**The Purpose**

1 This Direct Control District is intended to:

- (a) accommodate a **Medical Clinic** within an existing **Semi-detached Dwelling**.

**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 Residential – Contextual One / Two Dwelling (R-C2) District of Bylaw 1P2007 are the **permitted uses** in this Direct Control District.

**Discretionary Uses**

- 5 (1) The **discretionary uses** of the Residential – Contextual One / Two (R-C2) District of Bylaw 1P2007 are the **discretionary uses** in this Direct Control District.
- (2) The following **use** is a **discretionary use** in this Direct Control District if it is located within the **building** existing on the **parcel** at the time of adoption of this Direct Control bylaw:
- (a) **Medical Clinic**.

**Bylaw 1P2007 District Rules**

6 Unless otherwise specified, the rules of the Residential – Contextual One / Two Dwelling (R-C2) District of Bylaw 1P2007 apply in this Direct Control District.

**Use Area**

7 The maximum cumulative **gross usable floor area** for **Medical Clinic** in this Direct Control District is 90.0 square metres.

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APPENDIX III

LETTERS SUBMITTED

Yuping Wang  
File Manager  
City of Calgary

20<sup>th</sup> July 2015

Re: LOC 015-0084

Further to the above noted application Westgate Community Association is not supportive of the re-zoning. The Applicant met with Westgate Community Association a few months back. At the time WCA Board did not endorse the proposal, we asked for further details, unfortunately the only information received is the limited details in the above application.

We consider the change of use and re-zoning to accommodate a Medical Clinic to be a significant change that as a community we are not prepared to support.

According to residents the Applicant is currently operating the business without approval or the re-zoning approved. Apparently the Applicant has undertaken renovations to the building – a Permit has not been displayed.

The applicant has advertized summer camps operating at the location for July and August 2015 (see attachment and on their website) again without the proper zoning in place. With the summer camps there is more traffic than we were advised: 5 families delivering and picking up clients four times a day, perhaps parking on the street for the duration of the child's visit. Westgate CA is asking for additional information as to the number of treatment rooms, hours of operation, number of staff and clients. This was not included in the application does the Planning Department have these details? We note there is no parking provided for staff or clients.

Access to the site is somewhat restricted, clients travelling west on Bow Trail will be required to access via residential streets. As parking has not been provided by the facility, how will they accommodate parking? Medical use "requires a minimum of 6.0 **motor vehicle parking stalls** per 100.0 square metres of **gross usable floor area**" (directly from LUB 1P2007). Assuming half the duplex is 1000 sq ft and the basement the same, that's 2000 sq ft or 185 sq m which would require 11 parking spaces. If the rezoning requires up to 11 parking spaces, as we have deduced, this is not an appropriate location for the clinic. As it stands, it doesn't meet the minimal requirements for the type of zoning requested by the applicants.

As a community, we are unable to support this application due to lack of information submitted to us with the application and incorrect information provided to us by the applicant.

For and on behalf of Westgate Community Association  
Pat Guillemaud,  
President

Y. Wang

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APPENDIX IV



September 23, 2015

Attention;  
Calgary City Planning Commission  
Care of: Yuping Wang

Re: Land use Amendment – **LOC2015-0084**

To whom it may concern,

We apologise for not being able to attend, as previous commitments have us elsewhere on this day.

With respect to the community of Westgate; we have been committed to an open business plan from the beginning, the following outlines our communication with the community to date.

We met with the CA in early February to discuss our plans, at the meeting we were told that *"a decision could not be made until they receive the "Package" from the city"*. We thanked them and left with an offer to call upon us at any time during this process, including an offer to visit our premises via an email invitation to their President Patricia Guillemaud some months later. We did not hear from any CA representation until Yuping shared their letter of refusal to support with us in mid-July. We will once again offer an invitation to the CA as well as our neighbours to join us at our open house that will be held in the month of October, with the hope being to educate about the positive impact we will bring to the community through our family centred services.

Our immediate neighbours have all been included in our planning and we have their full support. Also, please see attached letter of support from our neighbours to our immediate west at 5007 Waverley Drive, the only property we share land with.

Sincere Regards,  
Tanya & Mike Sloane

**Pathways Pediatric Services**

20 Wentworth Manor | Calgary | Alberta | T3H 5K5 | 403-690-2445  
[www.pathwayspediatrics.ca](http://www.pathwayspediatrics.ca)

Y. Wang

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September, 22<sup>nd</sup> 2015

To Whom it may concern;

We live on the property directly west of number 4 & 6 Winslow Crescent, and have been fully advised of the plans of Mike & Tanya Sloane/Pathways Pediatric Services to operate a Speech Clinic out of unit # 4. They have been upfront and honest with their intentions since our introduction to each other in early May of this year, and we support their efforts in bringing this family based service to our community.

Sincerely,

Handwritten signatures of Laurel and Brad O'Leary in blue ink, separated by a plus sign.

Laurel & Brad O'Leary

5007 Waverley Drive, SW  
Calgary, AB T3C 2P6