

LAND USE AMENDMENT
MIDNAPORE (WARD 14)
WEST OF JUNCTION OF MIDPARK BOULEVARD AND
MIDPARK WAY SE
BYLAW 40D2015

MAP 34SS

EXECUTIVE SUMMARY

In 2008 June 1 the transition of land use designations from the Land Use Bylaw 2P80 to Land Use Bylaw 1P2007 successfully redesignated the majority of parcels in the City.

However, for this parcel the transition resulted in the incorrect land use being applied Commercial –Neighbourhood 2 (C-N2) District. The proposed redesignation to Commercial – Community 1 (C-C1) District will, therefore, correct this discrepancy.

PREVIOUS COUNCIL DIRECTION

None

ADMINISTRATION RECOMMENDATION(S)

2015 February 12

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 40D2015; and

1. **ADOPT** the proposed redesignation of 0.40 hectares \pm (0.99 acres \pm) located at 248 Midpark Way SE (Plan 8011195, Block P3) from Commercial – Neighbourhood 2 (C-N2) District **to** Commercial – Community 1 (C-C1) District, in accordance with Administration's recommendation; and
2. Give three readings to the proposed Bylaw 40D2015.

REASON(S) FOR RECOMMENDATION:

The proposed redesignation proposes a corrective Land Use Bylaw amendment as a result of the incorrect transition from Land Use Bylaw 2P80.

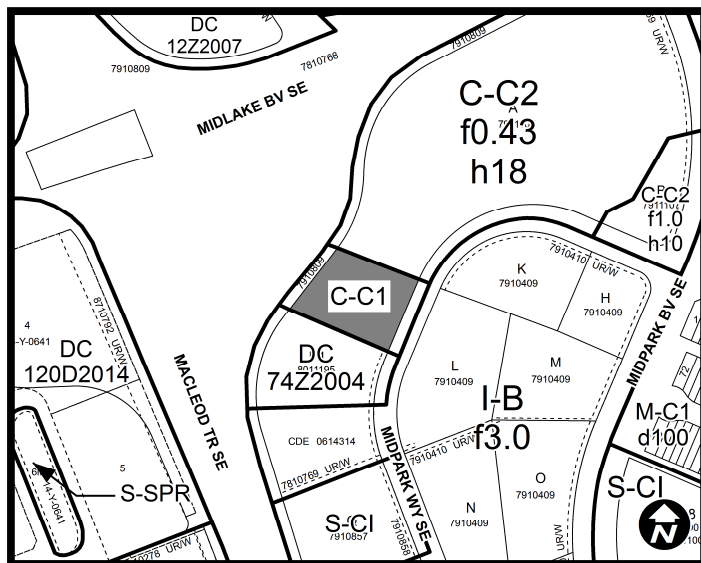
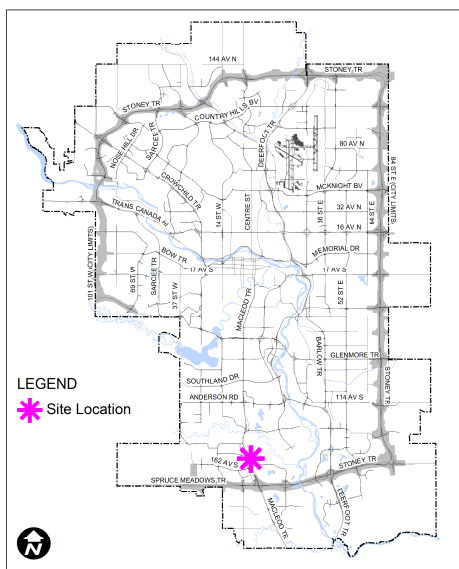
ATTACHMENT

1. Proposed Bylaw 40D2015

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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 0.40 hectares \pm (0.99 acres \pm) located at 248 Midpark Way SE (Plan 8011195, Block P3) from Commercial – Neighbourhood 2 (C-N2) District **to** Commercial – Community 1 (C-C1) District.

Moved by: M. Logan

Carried: 9 – 0

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Applicant:

IBI Group

Landowner:

McDonald's Restaurants of Canada
Limited

Planning Evaluation Content	*Issue	Page
Density <i>Is a density increase being proposed.</i>	No	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	5
Transportation Networks <i>Do different or specific mobility considerations impact this site</i>	No	5
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	6
Environmental Issues <i>Other considerations eg. sour gas or contaminated sites</i>	No	6
Growth Management <i>Is there growth management direction for this site. Does the recommendation create capital budget impacts or concerns.</i>	No	6
Public Engagement <i>Were major comments received from the circulation</i>	No	6

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PLANNING EVALUATION

SITE CONTEXT

The site contains a 430 square metre purpose built, commercial building used as a McDonald's restaurant. The site was originally designated a Direct Control District under Land Use Bylaw 2P80, which permitted a 'Restaurant – Food Service Only' use. With the transition to Bylaw 1P2007, this site was designated C-N2, Commercial – Neighbourhood 2 District. This allowed 'Restaurant: Food Service Only – Small' as a permitted use, however, it restricted the public area to 75 square metres or less.

The restaurant has been present on the parcel since the mid 1990's, with a public area amounting to 230 square metres. This falls within the 'Restaurant: Food Service Only – Medium' use, which is not a listed use within the C-N2 category.

As the parcel was incorrectly transitioned in 2008, Administration proposes a redesignation to C-C1, Commercial – Community 1 District to correct the error made.

LAND USE DISTRICTS

The proposed land use redesignation represents the best possible translation of the Bylaw 2P80 land use district that had applied prior to the introduction of Bylaw 1P2007. A standard 1P2007 district is available to accommodate this corrective redesignation.

LEGISLATION & POLICY

Municipal Development Plan

The subject parcel is classified as within a Major Activity Centre on Map 1: Urban Structure of the Municipal Development Plan (MDP). Although the MDP does not make specific reference to this parcel, the proposed land use amendment is in keeping with the MDP policies for Activity Centres.

The Midnapore 1 Design Brief 1975 is the non-statutory document relevant to this parcel. It does not make specific reference to this parcel.

TRANSPORTATION NETWORKS

The application does not present any concerns with regard to the existing transportation network.

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UTILITIES & SERVICING

The subject site currently has adequate servicing to support the proposed C-C1 designation proposed in the land use redesignation.

ENVIRONMENTAL ISSUES

This application does not present any concerns with regard to environmental issues.

GROWTH MANAGEMENT

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

PUBLIC ENGAGEMENT

Community Association Comments

The Mid-Sun Community Association has confirmed that they have no objections to the proposed land use amendment.

Citizen Comments

No comments received by CPC report submission date.

Public Meetings

No public meetings were held for this application.

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APPENDIX I

APPLICANT'S SUBMISSION

The proposed land use redesignation and development complies with the intentions of the C-C1 district. Specifically, the McDonald's restaurant is a mid-scale commercial development and it includes a connection to the public sidewalk across the drive through exit. In addition, the building location, setback areas and landscaping will limit its affect on nearby commercial development.

The reason for this proposed change is to increase the speed-of-flow, capacity and efficiency of the drive through. This is in accordance with 738(1) of the Land Use Bylaw, which states that the C-C1 district is intended to be characterized by small to mid-scale commercial developments; developments located along a commercial street; with motor vehicle access to the site; and pedestrian connection from the public sidewalk to buildings. Furthermore, as per section 746(1) of the 1P2007 bylaw, the maximum use area in the C-C1 district is 1,400 m². In consideration, the proposed development will support the intentions of the Land Use Bylaw for the subject site.