

**LAND USE AMENDMENT  
WEST SPRINGS- WARD 6  
9 AVENUE SW & 85 STREET SW  
BYLAW 60D2014**

**MAP 21W**

**EXECUTIVE SUMMARY**

This land use amendment proposal seeks to redesignate a developed parcel from its existing Direct Control District (Bylaw 7Z2007) designation based on Land Use Bylaw 2P80's C-5 Shopping Centre Commercial District to Land Use Bylaw 1P2007's Commercial – Community 2 f0.3 h15 (C-C2f0.3h15) District to allow for a limited amount of additional on-site development and a wider and more current range of community oriented commercial uses.

**PREVIOUS COUNCIL DIRECTION**

No previous Council direction.

**ADMINISTRATION RECOMMENDATION(S)**

2014 May 08

That Calgary Planning Commission recommend **APPROVAL** of the proposed Land Use Amendment.

**RECOMMENDATION(S) OF THE CALGARY PLANNING COMMISSION**

That Council hold a Public Hearing on Bylaw 60D2014; and

1. **ADOPT** the proposed redesignation of 2.19 hectares  $\pm$  (5.41 acres  $\pm$ ) located at 873 – 85 Street SW (Plan 0715024, Block 38, Lot 1) from DC Direct Control District **to** Commercial – Community 2 f0.3h15 (C-C2f0.3h15) District, in accordance with Administration's recommendation; and
2. Give three readings to the proposed Bylaw 60D2014.

**REASON(S) FOR RECOMMENDATION:**

The C-C2f0.3h15 District is a standard Land Use Bylaw 1P2007 land use district that is comparable to the intent of the existing DC Direct Control District based on former Land Use Bylaw 2P80's C-5 Shopping Centre Commercial District. The C-C2f0.3h15 District is in keeping with policies contained within the Municipal Development Plan and West Springs Area Structure Plan and is a land use district that is anticipated to align with future projected site uses allowing for a measured and appropriate evolution of the site over time.

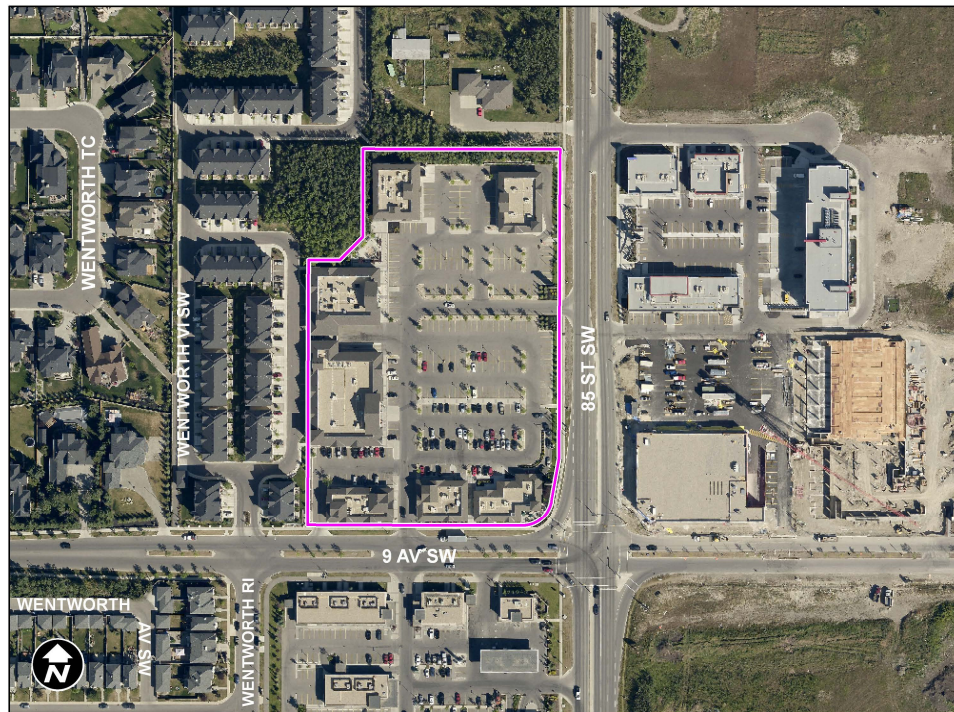
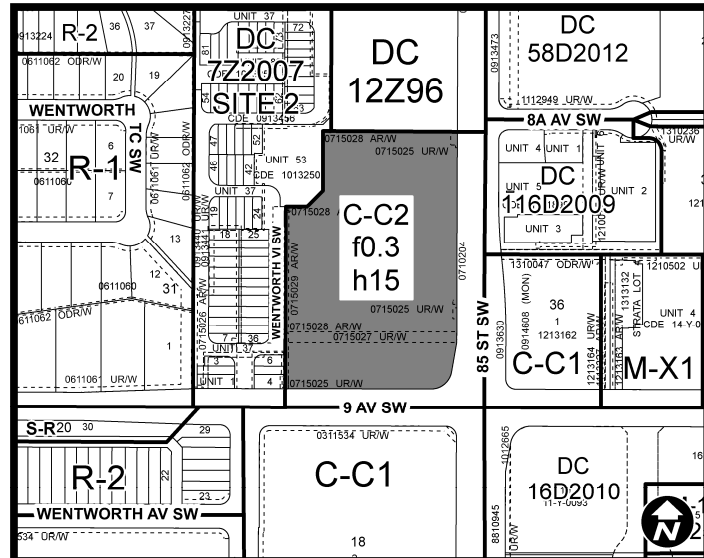
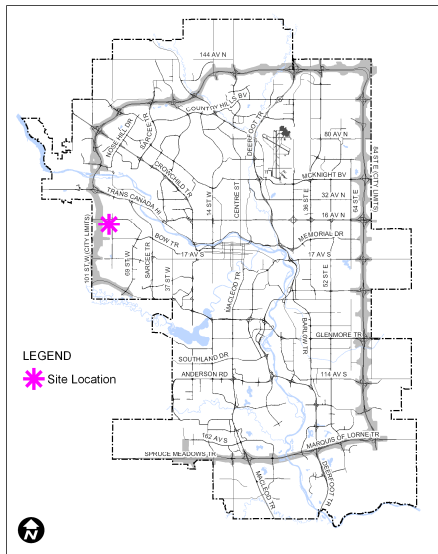
**ATTACHMENT**

1. Proposed Bylaw 60D2014

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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 2.19 hectares  $\pm$  (5.41 acres  $\pm$ ) located at 873 – 85 Street SW (Plan 0715024, Block 38, Lot 1) from DC Direct Control District **to** Commercial – Community 2 f0.3h15 (C-C2f0.3h15) District.

**Moved by: R. Honsberger**

**Carried: 8 – 1**

Opposed: M. Logan

Reasons for Opposition from Mr. Logan:

- The existing on site uses heavily occupy the current parking supply. In the absence of analysis of the surplus parking supply. I am not prepared to support the intensification.

**2014 MAY 08**

**MOTION:** The Calgary Planning Commission accepted correspondence from Maxam Design International Inc dated 2014 May 05, as distributed.

**Moved by: J. Gondek**

**Carried: 7 – 2**

Opposed: R. Wright and J. Sturgess

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**Applicant:**

Maxam Design International

**Landowner:**

First Capital Holdings (ALB)  
Corporation  
Sun Life Assurance Company of  
Canada

Planning Evaluation Content	*Issue	Page
<b>Density</b> <i>Is a <b>density increase</b> being proposed.</i>	Yes	5
<b>Land Use Districts</b> <i>Are the changes being proposed <b>housekeeping</b> or <b>simple bylaw amendment</b>.</i>	No	5
<b>Legislation and Policy</b> <i>Does the recommendation create <b>capital budget</b> impacts or concerns.</i>	No	6
<b>Transportation Networks</b> <i>Do different or specific <b>mobility considerations</b> impact this site</i>	No	7
<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 and storm) concern</i>	No	7
<b>Environmental Issues</b> <i>Other considerations eg. sour gas or contaminated sites</i>	No	7
<b>Growth Management</b> <i>Does this site have the appropriate <b>growth management</b> direction.</i>	Yes	7
<b>Public Engagement</b> <i>Were <b>major comments</b> received from the circulation</i>	Yes	8

\*Issue - Yes, No or Resolved

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**PLANNING EVALUATION**

**SITE CONTEXT**

Located in the southwest part of the City in the community of West Springs, the site is a  $\pm 2.19$  hectare parcel that is developed as a commercial retail shopping centre. The site is located at the northwest corner of 9 Avenue SW and 85 Street SW and contains a total of seven (7) low scale commercial retail buildings (1 and 2 storeys) with support surface parking areas. The area surrounding the site is a predominantly lower density residential setting. A three (3) storey multi-residential townhome complex is located adjacent to the site to the west. A single detached residential dwelling on a  $\pm 1.86$  hectare parcel is located immediately to the north of the site. Lower scale commercial shopping sector retail developments exist to both the south of the site across 9 Avenue SW and to the east of the site across 85 Street SW.

**LAND USE DISTRICTS**

The Commercial – Community 2 District is intended to be characterized by larger scale commercial developments with a wide range use sizes and types that are often comprehensively designed with several buildings and located on the boundary of several communities. The C-C2 district allows for mixed-use commercial, office and residential development with varying building density and heights established through maximum density and height modifiers. This proposal seeks a maximum floor area ratio modifier of 0.3 which would allow for a total approximate floor area of 6,570 square metres and a maximum building height modifier of 15 metres. As the site is currently developed with approximately 5,574 square metres of existing floor area, this land use proposal would only allow for an additional approximate 996 square metres of additional floor area beyond that which currently exists.

The proposed C-C2f0.3h15 district is believed to be a comparable and appropriate standard Land Use Bylaw 1P2007 district that is in keeping with the overall intent of the site's existing DC Direct Control District (Bylaw 7Z2007) based on former Land Use Bylaw 2P80's C-5 Shopping Centre Commercial District.

While the proposed C-C2f0.3h15 district does allow for more auto-oriented uses than the existing DC Direct Control District and would also remove specific existing maximum use size limitations for retail food stores and licensed restaurant and drinking establishments, these aspects are not believed to be of considerable risk, particularly in light of the overall increased use flexibility associated with the proposed district. The above identified risks are not believed to be as considerable due to Development Authority discretionary capacity and existing policy direction for this area contained within the local area plan which this proposal does not contemplate amendment.

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## LEGISLATION & POLICY

### Municipal Development Plan (MDP) (Approved by Council 2009)

The parcel is located within an area in the MDP identified as a *Developing - Planned Greenfield with Area Structure Plan* (Map 1: Urban Structure). *Developing - Planned Greenfield Areas* are comprised by residential communities that have been planned since the 1990s and are still being developed. These areas are typically characterized by relatively low-density residential neighbourhoods containing single detached dwellings, smaller pockets of multi-residential and locally oriented retail in the form of strip development located at the edges of communities.

MDP land use policy for these areas identify that local Area Structure Plans (ASP) in existence prior to the adoption of the MDP are to be recognized as appropriate policies to provide specific direction for development of these local communities (Part 3.6.1(a), p.3-19). Any future reviews of, and amendments to, ASPs are required to align with the policies of the MDP.

The proposed C-C2f0.3h15 district is in keeping with the intent of the MDP and local area planning direction is provided by the West Springs Area Structure Plan.

### West Springs Area Structure Plan (ASP) (Approved by Council 2012)

The parcel is located within the West Springs (ASP) in a land use area identified as the *Community Core* (Map 2: Land Use and Transportation Concept, p 13).

The *Community Core* is intended to function as the centre of public activity in the community of West Springs accommodating a comprehensively planned community node consisting of a mix of retail, office and residential with transit facilities. Key *Community Core* policies in Section 5.2 identify that 9 Avenue SW shall be the focus of street oriented building design with auto-oriented uses prohibited on this frontage and that 85 Street SW may only locate auto oriented uses away from the street frontages. Clear pedestrian connections through all sites and to adjacent streets is emphasized in addition to the overall coordination of architectural and urban design elements to provide a cohesive and unified character for the core.

While the proposed C-C2f0.3h15 district would introduce some more auto-oriented uses such as Drive Through and Gas Bar uses, these uses are discretionary and their overall feasibility and potential design and site placement may be determined and regulated at the development permit stage.

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The ASP also identifies parameters for the composition and density of the *Community Core* (Section 5.2.2 and 5.2.3) including a total retail floor space limit of 18,580 square metres (200,000 square feet), and a grocery store floor area limit to not exceed 4,645 square metres (50,000 square feet). Maximum building limits of three (3) storeys for developments abutting low density residential uses transitioning up to a maximum of four (4) storeys are also identified as well as provisions for institutional uses and the encouragement of second storey residential development within the core.

The proposed C-C2f0.3h15 district has a maximum use area size of 6000 square metres with the exception of a Supermarket with a 7500 square metre maximum size, a Catering Service—Minor with a 300 square metre maximum and a and Hotel use with no maximum size limit. While these use maximums exceed the ASP's recommended maximum use sizes, maximum use areas may be reviewed and regulated at the development permit stage.

As such, Administration believes that the proposed C-C2f0.3h15 land use is an appropriate standard Land Use Bylaw 1P2007 district that meets the intent of the ASP.

**TRANSPORTATION NETWORKS**

Motor vehicle access to the site exists via one right-in/right-out access on 85 Street SW and one all-turns access and a right-in/right-out access on 9 Avenue SW. Pedestrian sidewalks exist along both 85 Street SW and 9 Avenue SW respectively. The area is also serviced by Calgary Transit with bus stops located adjacent to the site on 85 Street SW and 9 Avenue SW. A vehicle trip generation assessment statement and a parking study were submitted in support of this proposal to the satisfaction of Transportation Planning.

**UTILITIES & SERVICING**

Utilities and site services are in place to service the existing on-site developments. It is not anticipated that additional off-site utility and servicing upgrades will be necessary to support additional on-site development that may result from this proposed land use. On-site adjustments to existing servicing may be required depending on proposed additional site development with this aspect determined at the development permit stage.

**ENVIRONMENTAL ISSUES**

A Phase I Environmental Site Assessment (ESA) was submitted and reviewed to the satisfaction of Urban Development.

**GROWTH MANAGEMENT**

This land use proposal does not require additional capital infrastructure investment and therefore, no growth management concerns have been identified at this time. The proposal is in alignment with MDP references associated with growth management.

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**PUBLIC ENGAGEMENT**

**Community Association Comments**

The West Springs / Cougar Ridge Community Association (CA) identified an understanding of the rationale for this proposal. However, the CA also identified concerns associated with future on-site parking availability and overall compatibility and scale of future on-site development. Please see the CA's response in APPENDIX II of this report.

**Citizen Comments**

There were no citizen comments received at the time of writing this report.

**Public Meetings**

There were no public meetings held by the Applicant or Administration in association with this proposal.



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**APPENDIX I**

**APPLICANT'S SUBMISSION**

This is to confirm that the attached application proposes to reclassify the existing property currently defined by DC 7Z2007, Site 1, to a C-C2f0.3h15 land use category.

The current land use category reflects specific restrictions that were imposed on the site in 2007 that no longer reflect the reality of the site use and the surrounding development. These include a limit to 5,575 m<sup>2</sup> (60,000 s.f) of gross leasable area, and 75m<sup>2</sup> (807 s.f.) limits on the maximum net floor area in buildings adjacent to the north or west property lines.

Over time through a Development Permit process the GLA limit has previously been exceeded so that the actual approved GLA exceeds the DC limit. In addition, building D as noted on the attached Existing Site Plan exceeds the 75m<sup>2</sup> limit on the net floor area noted in the existing DC bylaw.

It is also the intention of the property owners to construct a new 464.5 m<sup>2</sup> (5,000 s.f) restaurant or retail building in the current, underutilized parking area adjacent to 85<sup>th</sup> Street. The addition of this new building along with the current over limit on total floor area will mean that the gross floor for the site will further exceed the existing bylaw limit.

As a result, the site clearly no longer meets the intent of the original DC land use and as such, should be reclassified to a more appropriate, contemporary land use category. We recommend C-C2f0.3h15 as the category that most closely reflects the current and projected site uses and that will allow for a measured, appropriate evolution of the site over time.

The C-C2f0.3h15 category requires rear and front yard setbacks of 6m, consequently a relaxation of these setbacks for the existing approved buildings will be required.

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**APPENDIX II**

**LETTERS SUBMITTED**



**West Springs / Cougar Ridge  
Community Association**

Dec 06, 2013

**City of Calgary  
Development Authority  
c/o Amber Osadan-Ullman  
Lead Planner, Planning Implementation**

Application for Land Use Amendment, LOC 2013-0085  
First Capital Holding,  
873-85th Street SW,  
City of Calgary (Community of Westsprings)

The Community Association has reviewed the above application to change the parcel from DC to C-C2 f028 h15. It is our understanding, that the applicant argues, that the current parcel is underutilized, especially within the parking lot. As well, that the intent is to align the land-use designation with the current zoning by-laws. The applicant is seeking a relaxation towards the rear and side back, as the existing buildings are not meeting the zoning requirements.

Generally, in our growing community it makes sense to designate the current parcel to C-C2, especially as part of the core area and similar land-uses around the aforementioned lot. Through conversations with the City, we were made aware, that the applicant is allowed to build to a maximum footprint of 462 sqm, in addition to the existing 5670.17 sqm and that during the development stage the existing buildings to the rear and back will be considered non-compliant buildings, which requires a new building permits with changes of uses. The other impact on the allowable size of the new building could be the parking stall calculations, which potential decrease the size further or limits its use.

As per our own opinion, as current users of the parking lot, parking space availability appears to be rather tight, especially in the evening re mostly occupied with restaurant, Starbucks or Shoppers visitors. During the day, the parking spot availability appears to be a little bit better. We would not support the idea, that there is a lack of underutilization at this time.

It might be more beneficial, to leave the Direct Control Designation, so that the community is being kept in the loop with applications. The C-C2 zoning opens the potential of a large single retail building on this lot in the future, which we would not encourage, because of the proximity to adjacent residential use. If a new building will be constructed, we would support a thoughtful designed retail building matching the current architectural standard in our community with a strong visual connection to 85<sup>th</sup> Street. Main entrances should face the main roadway with a

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secondary entrance from the parking lot and windows shall not be obscured towards the street.

We hope you find our comments useful. Please contact us, if you have any more questions.

Sincerely,

Andrea Haake  
Chair of Planning,  
West Springs Cougar Ridge Community Association

cc: Richard Pootmans, Alderman Ward 6  
Amber Osadan-Ullman– Planner, Land Use Amendments  
Lars Lehmann – President, West Springs Cougar Ridge CA