

**LAND USE AMENDMENT
TEMPLE (WARD 5)
37 AVENUE NE & 67 STREET NE
BYLAW 110D2014**

MAP 35E

EXECUTIVE SUMMARY

This land use application proposes the redesignation of a ± 0.06 hectare residential parcel in the community of Temple from a Residential – Contextual One Dwelling (R-C1) District to a DC Direct Control District to allow for the additional discretionary use of a Child Care Service.

PREVIOUS COUNCIL DIRECTION

No previous Council direction.

ADMINISTRATION RECOMMENDATION(S)

2014 August 28

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 110D2014; and

1. **ADOPT** the proposed redesignation of 0.06 hectares \pm (0.15 acres \pm) located at 3715 – 67 Street NE (Plan 8010406, Block 5, Lot 20) from Residential – Contextual One Dwelling (R-C1) District **to** DC Direct Control District to accommodate child care service, in accordance with Administration's recommendation; and
2. Give three readings to the proposed Bylaw 110D2014.

REASON(S) FOR RECOMMENDATION:

The proposal is in keeping with applicable policies in the Municipal Development Plan and complies with site selection criteria identified in the City's Child Care Service Policy and Development Guidelines. The land use provides an opportunity to develop child care services within a low density residential precinct and is compatible with adjacent land uses in the area.

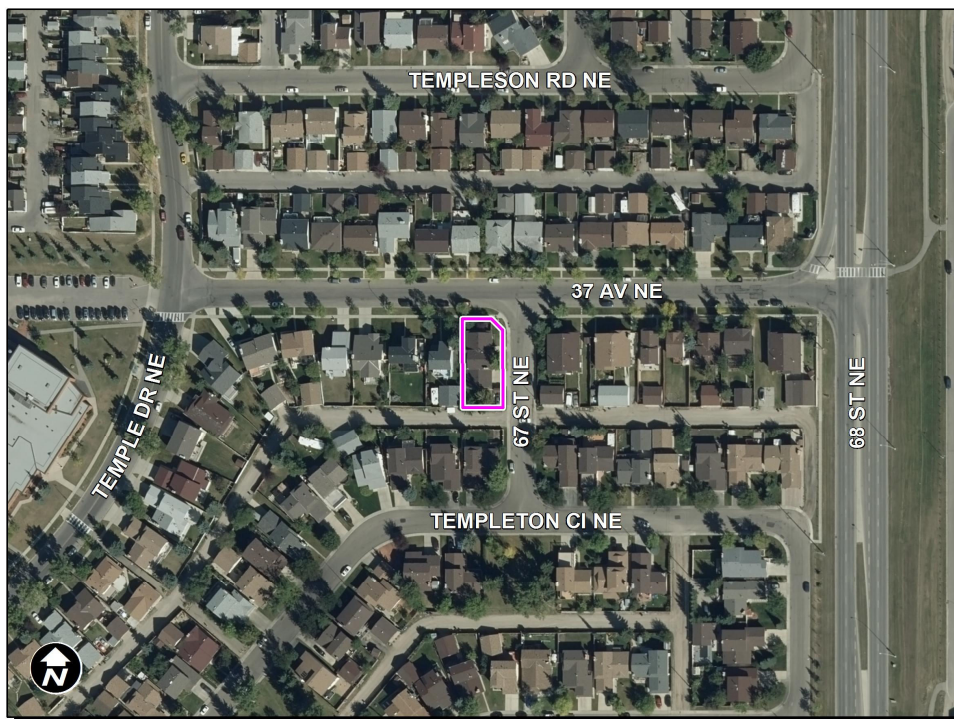
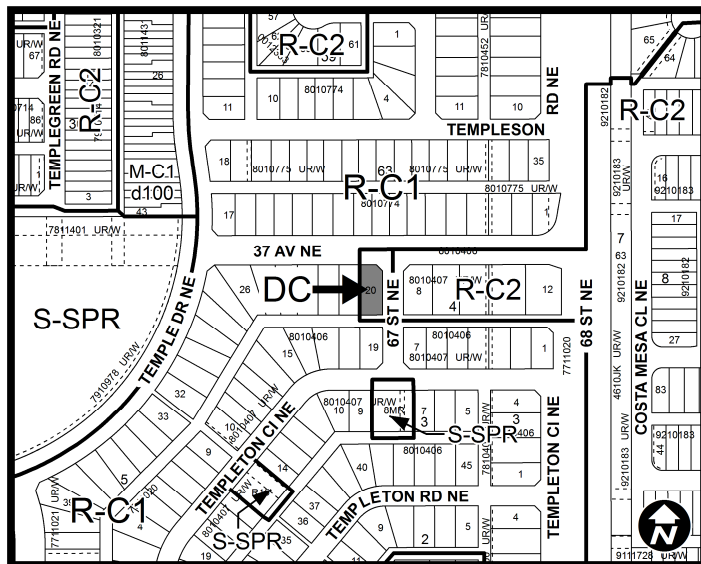
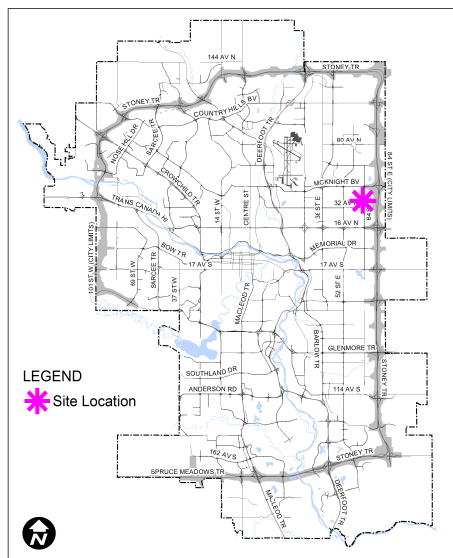
ATTACHMENT

1. Proposed Bylaw 110D2014
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 0.06 hectares \pm (0.15 acres \pm) located at 3715 – 67 Street NE (Plan 8010406, Block 5, Lot 20) from Residential – Contextual One Dwelling (R-C1) District to DC Direct Control District to accommodate child care service with guidelines (APPENDIX II).

Moved by: R. Honsberger

Carried: 5 – 2

Opposed: R. Wright and M. Wade

Reasons for Opposition from Mr. Wright:

- The site presently allows for both class 1 and Class 2 child care, which requires someone living in the home (so it is still looks and “behaves” like residential use) while Class 1 allows up to six children with no DP and the Class 2 allows for up to 10 children with a discretionary use DP. Either one of those options would be considered reasonable. However, this application is attempting to create a defacto commercial use which is inappropriate given the purely residential nature of the area.

Reasons for Opposition from Ms. Wade:

- Community noted abundance of child care in the area. In designating Land Use for the purpose of child care we should understand the type of need and demand for child care in neighbourhoods.
- Current zoning (R-C1) permits child care for up to 10 kids. The DC allows for other uses at the time of DP. Concern about those uses on this area and the appropriateness of them.

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Applicant:

Josh Huang

Landowner:

Jianxin Josh Huang
Yan Yan Huang

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

*Issue - Yes, No or Resolved

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PLANNING EVALUATION

SITE CONTEXT

The site is a corner parcel located at 37 Avenue NE and 67 Street NE in the northeast community of Temple. The surrounding area is comprised predominantly by single detached dwellings on R-C1 designated parcels. A single detached dwelling with attached double vehicle garage fronting onto 67 Street NE exists on the site. Single detached dwellings exist to the north of the site across 37 Avenue NE and to the south across an unpaved rear lane. A two storey single detached dwelling exists immediately adjacent to the parcel to the west. A one storey semi-detached dwelling exists to the east of the site across 67 Street NE. A smaller public park exists approximately 50 metres to the south of the site along Templeton Circle NE.

Templegreen Park and two elementary school sites (Annie Foote School and St. Thomas More School) are located along Temple Drive NE approximately 130 metres to the east of the site along 37 Avenue NE. Two other child care service uses exist within the community which are located approximately 600 metres to the northeast and northwest of the site respectively.

LAND USE DISTRICTS

The proposed land use is a DC Direct Control District based on the R-C1 low density residential district with the additional discretionary use of Child Care Service. The City's Child Care Service Policy and Development Guidelines identify the two following land use options to accommodate Child Care Service uses in low density residential areas:

- *Where a residential use will be maintained on the parcel, in conjunction with the child care service, a Direct Control District should be considered as an appropriate land use district.*
- *Where there will be no dwelling unit on the parcel, the S-CI – Special Purpose – Community Institution District should be considered as an appropriate land use district.*

Although Administration generally discourages the use of DC Direct Control Districts, in this particular situation a DC Direct Control District is believed to be appropriate as:

- The site is located within an established low density residential area; and
- Should operation of a future Child Care Service use cease, be discontinued, or not be developed altogether, the proposed DC district unlike the S-CI district allows the site to continue to be utilised for residential purposes and/or other R-C1 uses. Additionally, a drawback with the use of the S-CI district is that a number of its allowable uses may be viewed as somewhat less compatible uses within established low density residential areas.

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No additional rules have been included in the proposed DC Direct Control District. While this proposal does not necessarily represent an increase to overall site density, increased use intensity is expected in association with a Child Care Service use (e.g. potential increased transportation activity, potential additional on-site parking demands, and greater amounts of individuals utilising the site).

The overall intensity of a future Child Care Service use (e.g. amount of children and staff, amount of on-site motor vehicle parking and pick-up and drop-off stalls and overall facility design, etc.) would be determined at the development permit stage. In addition to Land Use Bylaw 1P2007 provisions, a number of key facility design aspects are also guided by the provincial Child Care Licensing Act and Regulation.

LEGISLATION & POLICY

Municipal Development Plan (MDP) (Adopted by Council 2009)

The parcel is located within an area identified as a Developed – Established Area on Map 1: Urban Structure of the MDP. Developed –Established Areas are comprised by residential communities that were planned and developed between the 1950s and 1990s. These areas are primarily residential and contain a mix of low and medium density housing with support retail in relatively close proximity. The road network in these areas are a blend of modified-grid and curvilinear. These are stable residential communities with limited redevelopment potential over the next 30 years. In many of these areas populations may have declined from their peak and housing stock is generally in good condition.

The MDP contains General – Developed Residential Area (Section 3.5.1) and specific Established Area (Section 3.5.3) land use policies that are applicable to this proposal. Namely that redevelopment of these areas should support the revitalization of local communities by adding population and a mix of commercial and service uses.

The MDP's City-wide policies (Creating great communities: Section 2.3) are also supportive of child care services, with specific reference direction to:

Recognize child care services as an integral part of 'complete communities' and accommodate these services as appropriate within residential communities and workplace contexts (Section 2.3.1 (j)).

Child Care Service Policy and Development Guidelines

In June of 2009, Council adopted the Child Care Service Policy and Development Guidelines (M-2009-009) and subsequently aligned Land Use Bylaw 1P2007 with the newly revised Provincial *Child Care Licensing Act*.

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The Child Care Service Policy and Development Guidelines provide direction for the development of accessible child care services of different sizes in a variety of land use districts as well as site selection criteria and guidelines for low density residential areas.

The site selection criteria encourage the following:

- Corner sites - The site is a corner parcel. A dual frontage typically provides additional space for pick-up and drop-off as well as parking and access opportunities. Furthermore, corner parcels typically only share one property line with adjacent residential parcels.
- Locations near or directly on collector streets - The site is located on a collector street.
- Proximity to activity areas (e.g. school site, park) – The site is within walking distance (approximately 130 metres) from a public park site where two local elementary schools are also located. A smaller public park is also located (approximately 50 metres) to the south of the site.
- Adequate on-site outdoor space dedicated for a play area – The parcel is 602 square metres in size, and includes an existing rear and front yard amenity space. The availability of an outdoor space has a direct influence on the overall number of children in any child care facility. Adequate outdoor space dedicated for a play area is controlled by provincial regulations. The required amount of on-site outdoor play area space will be determined by the Development Authority at a future development permit stage in conjunction with provincial authorities.
- Sufficient on-site parking – The site has the capacity to accommodate on-site parking as per the Child Care Service Policy and the requirements of Land Use Bylaw 1P2007. Specific on-site parking requirements will be determined by the Development Authority at a future development permit stage based on the proposed intensity of the use.

TRANSPORTATION NETWORKS

A Transportation Impact Assessment was not required in support of the proposal. The site is located at the corner of 37 Avenue NE and 67 Street NE, with 37 Avenue NE classified as a collector street. Calgary Transit service exists in the area with an eastbound bus stop for two bus routes (25 and 555) located approximately 85 metres to the west of the site along 37 Avenue NE. A southbound bus stop for route 38 also exists approximately 135 metres to the west of the site along Temple Drive NE.

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UTILITIES & SERVICING

Water, sanitary and sewer services are available. It is anticipated that these services will have the capacity to accommodate redesignation of the site to allow for an additional Child Care Service use without the need for off-site improvements at this time. Any necessary upgrades to support future redevelopment will be determined at the development permit stage.

ENVIRONMENTAL ISSUES

An Environmental Site Assessment was not required.

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 the MDP references associated with growth management matters.

PUBLIC ENGAGEMENT

Community Association Comments

The Community Association initially responded to the proposal citing no objections on Administration's request for comment review form. A subsequent request for comment form from the Community Association was also received which referenced an attached citizen letter in opposition to the proposal.

Citizen Comments

There were a number of citizen inquiries and comments in response to this proposal. Nine (9) citizen letters of objection were received. These letters cited a range of concerns with the proposal including:

- Concerns that there were inaccuracies with the Applicant's proposal materials;
- Concerns regarding the Applicant's engagement with community members and area residents;
- Concerns that a Child Care Service use in this location would not be contextually appropriate and/or compatible with the residential character of the area;
- Concerns regarding potential increases to vehicular traffic in the area as a result of a Child Care Service use;
- Concerns that the surrounding road network already experiences significant traffic volumes;
- Concerns regarding the safety of future Child Care Service patrons (children) in this location due to high volumes of vehicular traffic in the area;

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- Concerns associated with potential vehicular impacts on adjacent properties associated with the pick-up and drop-off of children;
- Increased noise impacts in the area;
- That an abundance of Child Care Service uses already exist in the area; and
- Devaluation of area property values.

Public Meetings

There were no public meetings for this land use proposal.

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APPENDIX I

APPLICANT'S SUBMISSION

As a growing city, Calgary added around 5000 new-born every year since 2008, also the province of Alberta has realized that there is a huge children service shortage in this province as well as city of Calgary. Parents are desperate in finding a daycare spot and some of the daycare waiting list as long as 50 children.

Children are our future. Child care service is essential for all the children growing up, as well as for family well being. A good quality childcare service can make a significant difference in the lives of families and their children. This in turn enables these children to make a profound, valued and long lasting contribution to society. Professional childcare service and Early Childhood Education have been accepted world wide as the most important education for human beings by UNESCO & WHO. Building a better foundation developmentally and emotionally for all the children we serve is our first priority.

According to the survey conducted by Children's Service, 53% of the parents surveyed, choose daycare close to home, while 41% prefer to leave their loved one close to work. The rest are undecided on the matter. Hundreds and hundreds of families find the need to drive their loved ones outside of the community looking for this service. Some parents have simply given up their opportunity for working, which in turn causes undue financial strain and stress on these families.

The property, 3715 67 Street, in the corner of the collect road, one block off the main road – 68 Street, other side of two elementary schools, across the Community Association building and fairly close to the public land across 68 Street. With an area of 602 Square meters. Defined as a corner lot by the city. The property is located at corner of 37 Ave and 67 Street, which lead to another collect road temple drive, it will not cause any undue traffic with the road has been designed to accommodate two primary schools. With visiting the neighbouring units and getting their consent of the proposal, I would like to send this application in to request to redesignate the parcel from R-C1 to DC Direct Control to accommodate a daycare facility.

Property location: off the main road in the corner lot of collect road. With drop-off and pick up area around. There are 10 potential parking space available within the property line after development. There is a backyard and front yard with an area of 158.48 square meters which can be use as out door space. Also there is a developed concrete ready in front of garage are for out door purpose as well as drop off and pick up. And some play ground in front of the property will be developed upon the approval from the city. A visiting to the community also get a supportive response. Area surround the property can be utilized as drop-off and pick up area with minimum affect to the local traffic and residents. With an area after developing the house. Total usable indoor area is 254 square meters for children activity area.

We have started another property with childcare service in the city and all the space were filled within half a year with all the families are very happy with our services.

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APPENDIX II

PROPOSED DIRECT CONTROL GUIDELINES

Purpose

- 1 This Direct Control District is to allow for:
- (a) the additional **use** of **Child Care Service** in a low density residential district.

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 Dwelling (R-C1) District of Bylaw 1P2007 are the ***permitted uses*** in this Direct Control District.

Discretionary Uses

- 5 The ***discretionary uses*** of the Residential – Contextual One Dwelling (R-C1) District of Bylaw 1P2007 are the ***discretionary uses*** in this Direct Control District with the addition of:
- (a) **Child Care Service**.

Bylaw 1P2007 District Rules

- 6 Unless otherwise specified, the rules of the Residential – Contextual One Dwelling (R-C1) District of Bylaw 1P2007 apply in this Direct Control District.

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APPENDIX III

LETTERS SUBMITTED

There was no formal letter submitted by the Community Association. See Community Association Comments in the Public Engagement Section of this report.