

**LAND USE AMENDMENT
RESIDUAL SUB - AREA 10A – WARD 10
STONE TRAIL SE & 17 AVENUE SE
BYLAW 26D2014**

MAP 13E, 18EE

EXECUTIVE SUMMARY

This land use amendment seeks to redesignate 33 hectares of land from Direct Control for a regional shopping centre currently under construction to a Direct Control District. The proposed land use amendment is based on the existing Direct Control land use with adjustments only to the retail ratio and size limits. There is no change in density, uses proposed or any other rules.

PREVIOUS COUNCIL DIRECTION

None

| | |
|---|------------------|
| ADMINISTRATION RECOMMENDATION(S) | 2014 February 27 |
| 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 26D2014; and | |
| 1. ADOPT the proposed redesignation of 33.86 hectares ± (83.66 acres ±) located at 8333 – 9 Avenue SE and 8410 – 17 Avenue SE (Plan 1212060, Block 2, Lot 1; Plan 1212061, Block 1, Lot 3) from DC Direct Control District to DC Direct Control District to accommodate Regional Commercial Development, in accordance with Administration's recommendation; and | |
| 2. Give three readings to the proposed Bylaw 26D2014. | |

REASON(S) FOR RECOMMENDATION:

The proposed amendment is in keeping with the Belvedere Area Structure Plan policies for commercial areas and provides opportunities for improved site design in alignment with these policies as well as following recent direction for improved shopping centre environments. The proposed adjustment to the land use allows for this to occur.

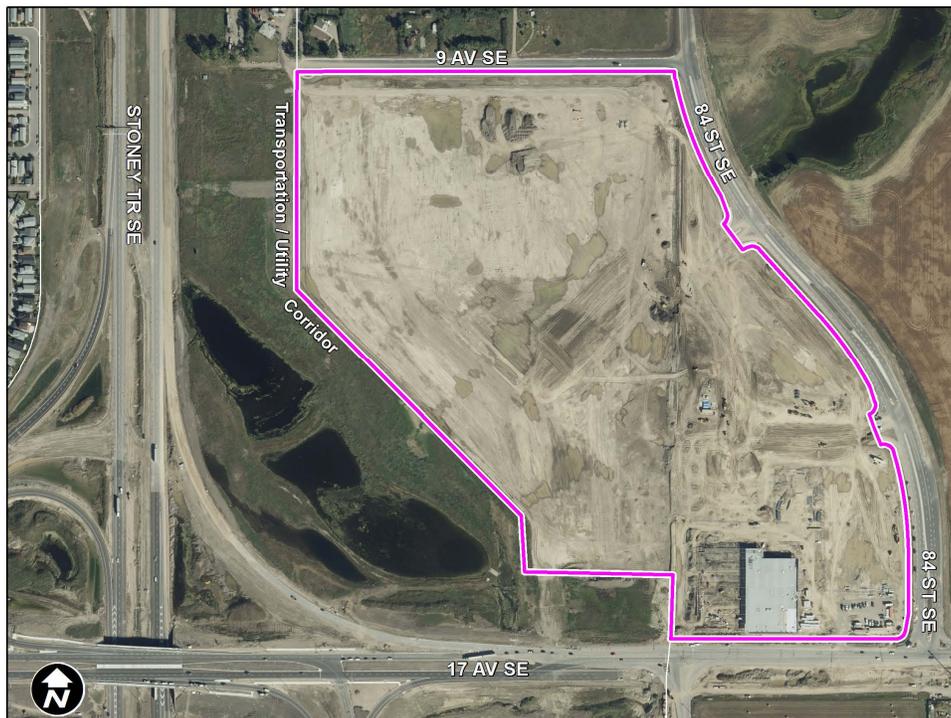
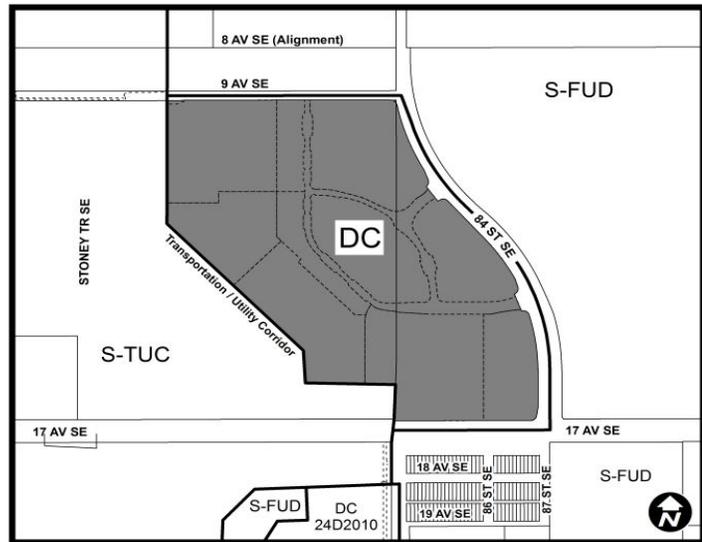
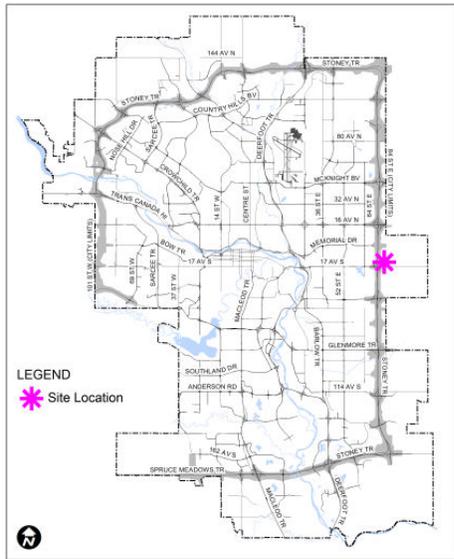
ATTACHMENT

1. Proposed Bylaw 26D2014

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LOCATION MAPS



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ADMINISTRATIONS RECOMMENDATION TO CALGARY PLANNING COMMISSION

1. Recommend that Council **ADOPT**, by bylaw, the proposed redesignation of 33.86 hectares \pm (83.66 acres \pm) located at 8333 – 9 Avenue SE and 8410 – 17 Avenue SE (Plan 1212060, Block 2, Lot 1; Plan 1212061, Block 1, Lot 3) from DC Direct Control District to DC Direct Control District to accommodate Regional Commercial Development with guidelines (APPENDIX II).

Moved by: R. Wright

Carried: 6 – 1

Absent:

Ms. Wade left the room due to a conflict of interest and did not take part in the discussion or voting. Opposed: C-G. Carra

Reasons for opposition from Mr. Carra:

- My opposition stems from two significant inconsistencies associated with this report, a contravention of the original “deal” that drove the emergence of this project in advance of local area policy and a deep flaw in the planning rationale for this adjustment of the deal.
- Inconsistencies: 1) Administration claimed this change was being driven by the applicant; the applicant claimed the opposite.
2) Administration then claimed that Administration’s direction was on account of Council’s direction through the Belvedere ASP (what?)
- The deal: A comprehensive retail strategy was developed by the City for the 17 Avenue corridor that sought to protect a) the redevelopment viability of International Avenue and b) the development potential of the complete communities contemplated for the balance of future Belvedere Area. Gateway 17 was therefore determined to be for big box uses on the ring road to capture tax base that would otherwise go to the County and not for smaller formal or faux pedestrianism to prevent competition with the rest of the corridor.
- The planning rationale flaw: contrary to Administration’s position, making Gateway 17 slightly more pedestrian friendly with more smaller, formal retail will not make it demonstrably “better” and it could harm the policy intent for the rest of the corridor.

Comments from Ms. Gondek:

- Inclusion of the GRS report dealing with the market research conducted to justify this land use change would have been very useful. Specifically, there are at least 2 points that address the concerns of the International Avenue BRZ. Those are that: 1) Sunridge and Marlborough Malls will face greater impact than International Avenue, and 2) rents at this location are intended to be high to compensate for stagnant rents paid by larger retailers.
- Our usage of terminology like “pedestrian-oriented” and “high street” need to be revisited. This development is not pedestrian-oriented like International Avenue, nor is it a true high street. The rationale for pedestrian-friendliness at this location is to keep shoppers there longer.

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- We need to encourage more qualitative research to support or refute how we build our cities. If we continue to focus only on theories of planning, ignoring how people actually interact with what we build, we miss an opportunity to understand citizen preferences and needs. Applicants and Administration should look to existing research on consumer rationale for retail preferences, as well as commissioning more qualitative research to uncover how people live and interact with their cities.

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Applicant:

Brown & Associates Planning Group

Landowner:

Riotrin Properties (Calgary East) Inc.
 Riotrin Properties (Calgary East II) Inc
 2185278 Ontario Limited (Canada
 Pension Plan(Sharm Powell))

| Planning Evaluation Content | *Issue | Page |
|---|---------------|-------------|
| Density <i>Is a density increase being proposed.</i> | No | |
| 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 | 6 |
| Utilities & Servicing <i>Is the site in an area under current servicing review and/or has major infrastructure (water, sewer and storm) concern</i> | No | 6 |
| Environmental Issues <i>Other considerations eg. sour gas or contaminated sites</i> | No | 7 |
| Growth Management <i>Does this site have the appropriate growth management direction.</i> | Yes | 7 |
| Public Engagement <i>Were major comments received from the circulation</i> | Yes | 7 |

*Issue - Yes, No or Resolved

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PLANNING EVALUATION

SITE CONTEXT

The subject site is an area of land just east of Stoney Trail SE that has been set aside for a regional shopping centre. The East Regional Context Study, approved in 2009, indicates the site as a commercial/retail area. A land use amendment and outline plan for the site was approved in 2010, prior to the approval of the Belvedere Area Structure Plan in 2013. A Development Permit was approved for a portion of the lands by Calgary Planning Commission in 2012 October. A portion of that DP is nearing completion (Wal-Mart site).

The existing land use for the site includes specific limitations on the ratio of small stores to ensure it was primarily a big box retail project and did not compete with other commercial areas such as 17 Avenue SE corridor to the west as well as others in the region.

During review of the original shopping centre land use proposal, a Market Opportunity Assessment was conducted to determine if there was impact on other planned areas and informed the limitations set out in the existing approved land use district.

LAND USE DISTRICTS

The proposed land use amendment is based on the existing Direct Control land use with adjustments only to the retail ratio and size limits (see proposed Direct Control District in APPENDIX II). There is no change in density, uses proposed or any other rules.

Changes proposed are specifically as follows:

| Section | Rule | Existing | Proposed |
|---------|--|-----------------------------|-----------------------------|
| 10(1) | Minimum % of total GFA for larger stores | 70% | 60% |
| 10(1) | Minimum use size for large stores | 1850 sq.m (20,000 sq.ft) | 1115 sq.m (12,000 sq.ft) |
| 10(2) | Maximum % of total GFA for small stores | 10% | 15% |
| 10(2) | Maximum use size for small stores | 465 sq.m (5,000 sq.ft) | No change |

Based on a land area of 33.86 hectares and a maximum FAR of 0.272, the maximum achievable total gross floor area is approximately 92100 square metres (991,400 square feet). The effect of the above changes in terms of small store floor area and small store numbers are as follows:

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| | Existing | Proposed | Change |
|--|-------------------------------------|---|-------------------------------|
| 10(2) | Maximum 10% of GFA for small stores | Maximum 15% of total GFA for small stores | + 5% |
| Total GFA for small stores | 9210 sq.m (99,140 sq.ft) | 13815 sq.m (148,700 sq.ft) | + 4605 sq.m (49,600 sq.ft) |
| Number of small stores (max 465 sq.m) | 19 | 29 | + 10 |

The applicant/owner group in support of the proposed amendment submitted additional rationale and market information. This material concludes that “Any sales impact to existing retailers within the northeast sector, including International Avenue, would be imperceptible.”

LEGISLATION & POLICY

The Belvedere Area Structure Plan identifies the subject site as a Super Regional Retail Area, with the following principles and policies applicable:

- Retail Centres shall include significant area of publically accessible space available for a variety of uses and located to be activated by adjoining retail frontages.
- Open areas shall be prominently located and connected to one another by the network of pedestrian and cycle routes through the sites and adjacent communities.
- Small and Medium Format Retail shall be primarily placed and oriented toward the streets within Retail sites.
- Clearly located, landscaped pedestrian walkways connecting the street-oriented entries with rear parking areas are recommended at reasonable intervals along the street lengths.
- A high degree of unobstructed glazing with complete transparency will be required to contribute to the visual interest of exterior facades.

The proposed land use changes provide a greater ability to achieve a development that is more aligned with these principles and policies.

TRANSPORTATION NETWORKS

Not applicable. Minor adjustment to existing land use only.

UTILITIES & SERVICING

Not applicable. Minor adjustment to existing land use only.

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ENVIRONMENTAL ISSUES

Not applicable. Minor adjustment to existing land use only.

ENVIRONMENTAL SUSTAINABILITY

Not applicable. Minor adjustment to existing land use only. Increased small store numbers provides for a potential overall improvement in walkability between stores as well as a general improvement of overall design and functionality relative to a purely big box retail environment.

GROWTH MANAGEMENT

Not applicable. Minor adjustment to existing land use only.

PUBLIC ENGAGEMENT

Community Association Comments

No comments received at time of writing report.

International Avenue Business Revitalization Zone Comments

Although the subject site is outside the BRZ boundary, it was circulated for comments given the history of the original land use amendment and outline plan. International Avenue BRZ comments are attached in APPENDIX III. In summary the BRZ objects to the proposed change on the basis of impacts on the 17 Avenue SE corridor area as a result of competing stores and high street areas.

Citizen Comments

No comments received at time of writing report.

Public Meetings

No public meetings occurred involving City staff.

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APPENDIX I

APPLICANT'S SUBMISSION

Trinity Development Group Inc. is currently developing a regional shopping centre on a 33.9 hectare (83.7 acre) site located at the intersection of 17th Avenue SE and Stoney Trail SE in the Belvedere area. The site was designated DC(C-R3) in March 2010. Through the redesignation, a DC District guideline was applied to the regional shopping centre site addressing the Retail Use Ratio of development within the centre. The intent of the guideline was to ensure that the commercial centre would function as a regional scale centre with predominantly larger to medium format retail stores and services; and, in doing so, would complement the unique form and character of International Avenue to the west, and not detract from its long term viability.

The City's Municipal Development Plan (MDP) has recently been approved, and this plan places a strong emphasis through its objectives and policies on achieving a more walkable and concentrated form of shopping centre development. As well, as part of CPAG's and CPC's deliberations on the development permit for the initial stage of the shopping centre, Trinity was directed to create a more "urban design" for the balance of the centre. In response to this direction, and having regard to emerging market trends and consumer preference, Trinity has incorporated a strong and well-defined pedestrian corridor within the regional shopping centre, characterized by smaller-scale businesses aligned along a central "High Street". This design is the subject of a Development Permit application (DP2013-2983) that has been supported by the Corporate Planning Applications Group.

In order to approve the development, Trinity is requesting that some adjustments be made to the Retail Use Ratios and Use Areas in the original DC District. These adjustments are considered to be minor and will allow for a reduction in the number of the medium and large format retail establishments (from 70% to 60%), a redefinition of small format use areas (from 1850 m² to 1115 m² in size) and a slight increase in the number of smaller format retail uses (from 10% to 15%) within the project.

The net effect of these adjustments will be to allow for a higher proportion of smaller format retail uses on the site, which is essential to the High Street concept, and a corresponding lower proportion of larger format retail uses on the site.

Trinity has provided design plans to illustrate how the revised Retail Use Ratios will be effectively incorporated into the project. Trinity has also submitted a report providing the planning and market rationale for the adjustment, which includes a Market Impact Analysis. This analysis concludes that the adjustment will have an imperceptible sales impact on the retailers in the northeast sector of the City.

Trinity is respectfully requesting approval of the adjustment to the DC guideline by Council, in order to facilitate the approval of the proposed development permit for the shopping centre by the Development Authority

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APPENDIX II

DIRECT CONTROL GUIDELINES

Purpose

- 1 This Direct Control District is intended to accommodate **development** that is characterized by:
- (a) comprehensively planned and designed **development** with multiple **buildings**;
 - (b) opportunities for a variety of **building** sizes and **use areas**;
 - (c) **buildings, uses**, vehicle access and pedestrian features on a site that link with each other and adjacent **parcels**;
 - (d) pedestrian access from public transit, to and between **buildings** and pedestrian amenities;

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 Bylaw, 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 Commercial – Regional 3 (C-R3) District of Bylaw 1P2007 are the **permitted uses** in this Direct Control District with the exclusion of:
- (a) **Supermarket.**

Discretionary Uses

- 5 The **discretionary uses** of the Commercial – Regional 3 (C-R3) District of Bylaw 1P2007 are the **discretionary uses** in this Direct Control District, with the addition of:
- (a) **Supermarket.**

Bylaw 1P2007 District Rules

- 6 Unless otherwise specified in this Direct Control District, the rules of the Commercial – Regional 3 (C-R3) District of Bylaw 1P2007 apply in this Direct Control District.

Use Area

- 7 The maximum **use area** of a **Supermarket**, or a **Supermarket** which may be combined with any other **uses** is 3716.0 square metres (40,000 sq. ft.) within this Direct Control District.

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Height

8 The maximum *building height* is 18.0 metres.

Additional Building Orientation and Design

9 In addition to the requirements of Section 887 of the C-R3 District of Bylaw 1P2007:

- (1) **Buildings** must be designed to provide architectural diversity, including articulated facades, variations in glazing, and varying setbacks to breakup building massing and scale.
- (2) **Buildings** must be designed to address **streets** and pedestrian corridors and grouped and connected by sidewalks.
- (3) Drive aisles associated with a **Drive Through** must not be located adjacent to site boundary **streets**.

Retail Use Ratio

- 10
- (1) A minimum of 60.0 percent of the total **gross floor area** contained within the Direct Control District shall be developed for retail uses with a minimum **use area** of 1115.0 square metres (12,000 sq. ft.) for each **use area**.
 - (2) A maximum of 15.0 percent of the total **gross floor area** contained within the Direct Control District, may be developed for **retail uses** with a **use area** of less than 465.0 square metres (5,000 sq. ft.) for each **use area**.

Floor Area Ratio

11 The maximum **floor area ratio** is 0.272.

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LETTERS SUBMITTED



Feb. 6, 2014

Martin Siddles
Coordinator, Land Use Amendment Section
Land Use Policy and Planning
Planning, City of Calgary
PO Box 2100, Stn. M,
Calgary, AB, T2P 2M5
Re: LOC 2013-0019

Dear Mr. Siddles:

I am writing to outline a number of concerns regarding this application.

History

The redesign of the International Avenue has been a long and arduous process. For over 15 years we have promoted a vision to change the area into a vibrant pedestrian orientated high street concept. We have a long history of working with residents in creating a neighborhood planning model of co-operation and cohesion. After the awarding of the prestigious Charter Award by the Congress of New Urbanism to the then International Avenue Design Initiative in 2005, the City of Calgary began moving forward with the process for the Southeast 17 Plan in 2007. This plan was approved in 2010. Funding has now been secured for the redesign of the street beginning 2017.

High Street Concept

The inclusion of a high street into the Trinity site directly competes with our approved direction. As the area is a key corridor it makes us question why another high street concept would be promoted by the City of Calgary. How many high streets can one area have? The new regional centre philosophy is good going forward but the original agreed upon intention of this development has changed dramatically. The Planning Department's about- turn from an agreed upon modus operandi of a regional shopping

M. Siddles

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centre to a now high street concept will directly impact the redevelopment potential and investment in the corridor. As previously mentioned, the City of Calgary recently approved the funding for the redesign of the street through the Transit Corridor Prioritization and Funding Update (C2014-0081) on January 31, 2014.

Original Concept

In 2007 our organization, submitted a letter regarding LOC 2007-0047 to Calgary Planning Commission outlining some concerns about East Hill's development. The hindering of the revitalization of the 17th Avenue SE was certainly a concern expressed by our organization then. However, we were confident that at the time the East Hills model was to be auto oriented vs. the pedestrian oriented strategy ultimate vision embraced by International Avenue thus would create a much needed complimentary/co-operative retail destination in East Calgary.

Context

The International Avenue BRZ is sympathetic to Trinity Development's issues. However, the plan to change from the original agreed upon complementary auto orientated regional shopping complex to one that will incorporate a "highly pedestrian-oriented design component" is a direct impact to the approved City vision and direction of the International Avenue urban boulevard. This approved Plan for International Avenue is in alignment with Council's "Sustainability Principles, the Municipal Development Plan (MDP), the Calgary Transportation Plan (CTP) and the Southeast 17 Corridor Transportation Plan." Context is incredibly important in considering the regional auto-orientated centre, which makes sense as it is next to the Stoney Trail TUC and on a secondary highway. It does not make sense to incorporate a pedestrian high street when a residential community is not planned for a long time.

Change in retail store ratios

We note that the Global Retail Strategies (GRS) report dated Nov 4, 2009 under the section of the Control Mechanisms for Trinity East Hills recommended the following:

Retail mix by Unit Size: 10% < 5,000 s.f.
 20% 5 - 20,000
 30% 20 - 50,000
 40% 50-000 -100,000

This is substantially different from the current requested amendment of retail store size ratios. This begs the question was the MOA updated since then?

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The report submitted by GRS talks specifically to the square footage bays not the design concept change which is a real concern.

It should also be noted that the residential component deemed to support the Trinity project is a long way away. The 17th Avenue SE corridor will be affected and as such we are not in favour of the proposed amendment to retail square footage percentages.

For this and all the aforementioned reasons, the International Avenue BRZ is not in favour of this application. Thank you for the opportunity to comment on this land use amendment.

Best Regards,



Alison Karim-McSwiney, BA, MIPM (UK)
Executive Director

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