

Applicant's Submission

LAND USE REDESIGNATION 1207 – 12 Avenue SW

Statement of Reasons for Direct Control District Application

Lands: 1207 – 12th Avenue SW (Site)
Current Land Use: CC-MHX
Requested Land Use: DC layered over CC-MHX with the addition of the use of Restaurant Neighbourhood as a permitted use in an existing building.
Current approved Uses: Restaurant: Food Service Only – Small (278 +/- sq. m. gross) and Convenience Food Store (286 +/- sq. m. gross)

History of Site:

In 1986 the Site was approved for a restaurant and convenience store with DP1986-1793 under 2P80 with a land use district of C-3 which did not dictate the size of a restaurant. In 1998 the policy of restricting the restaurant size, when a site was adjacent to or across the lane or street from a residential district, was incorporated in LUB 2P80 as a rule and thus could be relaxed.

Impact of 1P2007 on Site:

When LUB 1P2007 was approved by Council all land use designations were upgraded based on a city wide approach and not site specific unless a request for review was asked by the landowner. Many landowners were not aware of the complete details of how 1P2007 would affect their lands. In general a C-3 District was transitioned to a C-COR1 District – depending on its location. Within Section 16C for those lands south of the CP rail line that were C-3 or C-3(23) under 2P80 they appear to all have been transitioned to either C-COR1 or CC-COR except for the subject site which was designated CC-MHX.

C-COR1 – allows, as a permitted use, Restaurant Neighbourhood (public area of up to 150 sq. m.)

CC-COR – allows, as a discretionary use, Restaurant: Food Service Only – Medium (public area between 76 sq. m. and 300 sq. m.)

CC-MHX – only allows, as a discretionary use, Restaurant: Food Service Only – Small (public area up to 75 sq. m.)

Beltline Area Redevelopment Plan – December 2016 Printing:

Map 3B of the Beltline ARP shows the corner of 12th Avenue and 11th Street SW as a "non-residential use policy area" and Section 4.2.1 "Uses" supports the use of "restaurants" in Primarily Residential areas in the ARP.

Restaurant: Neighbourhood Use added 5P2015:

When Council passed, in 2015, the new definition of "Restaurant: Neighbourhood" it was on the recognition that for neighbourhood restaurants to be successful the public area needed to be larger than the 75 sq. m. yet smaller than 300 sq. m. and so this new use definition was incorporated into LUB 1P2007.

One of the main considerations for the addition of "Restaurant: Neighbourhood" use was to provide for a lower parking ratio when the public area was less than 150 sq. m. Since most CC districts did not require parking for a restaurant use, and in some cases prohibited it, those districts were not included in the policy to allow for the use "Restaurant: Neighbourhood" as either a permitted or discretionary use.

Direct Control Request:

The current restaurant operator has requested the expansion of the public area, within the existing space, in response to the increased neighbourhood clientele as a result of the increased density in the area. Since the Site is the only former C-3 parcel to be designated CC-MHX, thus not allowing it the benefit of either having a "Restaurant: Neighbourhood" or a "Restaurant: Food Service Only – Medium" this application is a request to create a Direct Control District with CC-MHX as the base for the Site to allow for the addition of "Restaurant: Neighbourhood" as a permitted use, in an existing building, in Section 1133 (2). This request would also require either an amendment to Section 1107(6.1) Centre City District General Rules by adding "Restaurant: Neighbourhood" to the list of uses or incorporating the language and intent of Section 1107(6.1) directly into the Direct Control District.