

**Planning & Development Report to  
Calgary Planning Commission  
2018 October 18**

**ISC: UNRESTRICTED  
CPC2018-1153  
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## **Land Use Amendment in West Hillhurst (Ward 7) at multiple properties, LOC2018-0159**

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### **EXECUTIVE SUMMARY**

This application was submitted by Mediated Solutions on 2018 July 10 on behalf of the landowner Kensington Village Holdings Ltd. This application proposes to redesignate the subject parcel from a DC Direct Control District to Mixed Use – General (MU-1f2.0h10) District to accommodate a Cannabis Store.

The proposal is in keeping with the applicable policies of the *Municipal Development Plan* and will support the viability of local commercial development in close proximity to residents and City transit infrastructure.

A change of use development permit application for a Cannabis Store use was submitted and is currently on hold pending this application.

#### **ADMINISTRATION RECOMMENDATION:**

That Calgary Planning Commission recommend that Council hold a Public Hearing; and

1. **ADOPT**, by bylaw, the proposed redesignation of 0.18 hectares ± (0.44 acres ±) located at 106 and 110 - 19 Street NW and 1982 Kensington Road NW (Plan 8942GB, Block 19, Lots 13, 14, and 15) from DC Direct Control District to Mixed Use – General (MU-1f2.0h10) District; and
2. Give three readings to the proposed bylaw.

### **PREVIOUS COUNCIL DIRECTION / POLICY**

None.

### **BACKGROUND**

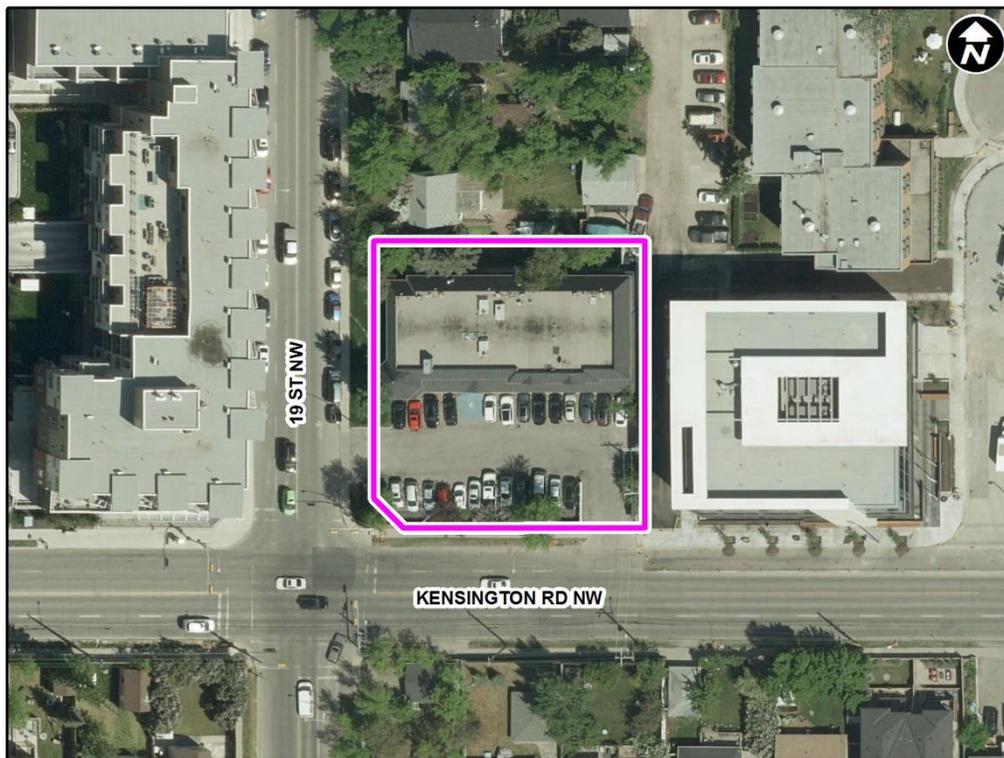
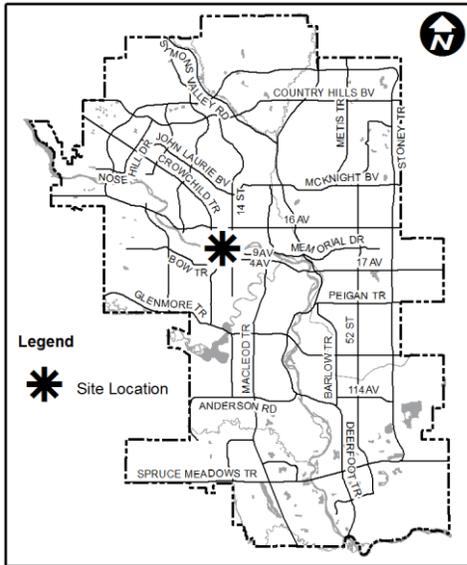
This land use amendment application was submitted to The City by Mediated Solutions Ltd. on behalf of the landowner Kensington Village Holdings Ltd. on 2018 July 10. As noted in the applicant's submission (Attachment 1), the applicant is intending to accommodate a proposed Cannabis Store use.

A change of use development permit application (DP2018-3500) for a Cannabis Store use was submitted on 2018 July 20 and is currently on hold pending this application. At this time the applicant is not considering redevelopment of this site.

On 2018 April 05, Council approved a new definition for Cannabis Store in Land Use Bylaw 1P2007. This new use is not contemplated in any pre-1P2007 Bylaw DC Districts. The existing Direct Control District is based on Land Use Bylaw 2P80 and no new uses can be added to it, as Bylaw 2P80 is not being updated.

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Location Maps



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### Site Context

The subject site is located along Kensington Road NW in the northwest community of West Hillhurst. To the north of the site are low density residential uses. To the west across 19 Street NW is a mixed-use multi-residential building with commercial uses at grade. To the south across Kensington Road NW are low density residential uses. To the east is a mixed use commercial and office development.

Kensington Road NW is a Main Street and a well-established shopping and business destination for local residents and visitors. Local engagement was conducted in 2014-2015 and the proposal is aligned with preferences expressed by residents for small cohesive commercial areas and redevelopment along the north side of the street.

The site is currently developed with an auto-oriented strip mall with parking in front of the building. Local commercial uses are located at grade and offices are located on the second floor. The building was constructed in the early 1990s. It remains in good condition and no redevelopment is contemplated in the foreseeable future. Vehicular access is from Kensington Road NW and 19 Street NW. The site is located along a Primary Transit Network Bus Rapid Transit route, with a transit stop located within approximately 60 metres walking distance.

### INVESTIGATION: ALTERNATIVES AND ANALYSIS

The proposal is to allow for a Cannabis Store in the existing commercial development. The Mixed Use – General (MU-1f2.0h10) District has been proposed by the applicant in order to accommodate the desired use at present, and to allow for potential future redevelopment of the subject site that is appropriate for the mixed-use context of the immediate area.

### Planning Considerations

The primary planning consideration of this application consisted of determining the most appropriate land use district. The applicant originally proposed the Commercial – Neighbourhood 1 (C-N1) District; however, this is not considered to be an optimal district for the subject site nor to be in alignment with the Main Streets engagement undertaken with local residents. A range of districts were discussed with the applicant and the Mixed Use – General (MU-1) District was selected to provide maximum flexibility in a future redevelopment scenario.

### Land Use

This application is to redesignate the site from the existing DC Direct Control District (Bylaw 21Z91). The existing 1991 DC Direct Control District is based on Land Use Bylaw 2P80 C-1 Local Commercial District. The Direct Control District sets customized rules for setbacks, floor area, parking, landscaping, and lighting.

The proposed Mixed Use – General (MU-1f2.0h10) District will allow for the Cannabis Store use, and establishes the most appropriate land use District for the site along a Main Street, and its immediate context. The floor area ratio and height modifiers are based on the approximate site conditions at this time.

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Although suggested by Administration, increases to the density and height modifiers are not proposed at this time, as the applicant is not considering redevelopment in the foreseeable future, and is not prepared to engage in discussions about the potential intensification of the site. Utilization of the Mixed Use – General (MU-1f2.0h10) District does, however, establish a land use district which is far more flexible than the existing DC Direct Control District, and establishes a more appropriate land use district to base future modifier increases on. It is expected that in a future redevelopment scenario the modifiers will be increased as appropriate based on a range of factors including market conditions, local engagement, technical studies as necessary, and policy framework

### ***Development and Site Design***

A discretionary change of use development permit application for a Cannabis Store at the subject site is currently on hold, subject to Council's decision on this land use redesignation. No redevelopment of the site is being contemplated at this time.

### ***Environmental***

There are no noteworthy environmental conditions on the subject site, and an Environmental Site Assessment was not required for this application.

### ***Transportation***

A Transportation Impact Assessment (TIA) and parking study were not required as part of this land use amendment. At the development permit stage, site access, parking, and loading are intended to continue as per the existing site conditions. A transit stop served by Bus Rapid Transit is located approximately 60 metres from the subject site on Kensington Road NW.

### ***Utilities and Servicing***

Water, sanitary, and storm sewer mains are available and can accommodate the potential redevelopment of the subject site without the need for off-site improvements at this time.

### **Stakeholder Engagement, Research and Communication**

In keeping with Administration's standard practices, this application was circulated to relevant stakeholders and notice posted on-site. Notification letters were sent to adjacent land owners and the application has been advertised online. No public meetings were held by the applicant or Administration.

The West Hillhurst Community Association submitted comments (Attachment 2) and has no objection to redesignation of the subject site to allow a Cannabis Store. The Community Association expressed hope that future redevelopment will take a more appropriate form. In separate correspondence the Community Association indicated that it does not support increases of allowable height and density on the site until appropriate public engagement has taken place.

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No public comments were received at the time of report submission.

Following Calgary Planning Commission, notifications for the Public Hearing of Council will be posted on-site and mailed out to adjacent landowners. In addition, Commission's recommendation and the date of the Public Hearing will be advertised.

### Strategic Alignment

#### ***South Saskatchewan Regional Plan (Statutory, 2014)***

The site is located within the 'City, Town' area as identified on Schedule C: South Saskatchewan Regional Plan Map in the *South Saskatchewan Regional Plan (SSRP)*. While the SSRP makes no specific reference to this site, the proposal is consistent with policies on Land Use Patterns as this application proposes a more flexible land use designation along a Main Street that serves as a commercial destination for local residents and visitors.

#### ***Municipal Development Plan (Statutory, 2009)***

The site is located in the 'Inner City' as identified on Map 1: Urban Structure Map in the *Municipal Development Plan (MDP)*. The proposed redesignation would allow the maintenance of local commercial development that provides retail and service uses in close proximity to residents and City transit infrastructure in keeping with MDP policy. The subject site is located on the Kensington Road NW Main Street, which is identified as a location for urban intensification along the Primary Transit Network. Main Streets are intended to incorporate a greater share of new growth in form of compact, mixed-use, high-quality urban developments, optimizing use of existing transit and other infrastructure. The proposal is in alignment with the applicable policies of the *Municipal Development Plan*.

There is no local area plan for the community of West Hillhurst.

### Social, Environmental, Economic (External)

The recommended land use district will help to implement policy goals of providing more complete communities with a variety of shops and services that meet daily needs. The district will allow for an appropriate range of uses, supporting a variety of neighbourhood shops and services and increasing the market viability of the commercial space.

### Financial Capacity

#### ***Current and Future Operating Budget:***

There are no known impacts to the current and future operating budgets at this time.

#### ***Current and Future Capital Budget:***

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

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**Risk Assessment**

There are no significant risks associated with this proposal.

**REASON(S) FOR RECOMMENDATION(S):**

The redesignation will bring the subject site into alignment with Land Use Bylaw 1P2007 and allow a broader range of uses in response to changing community needs. The proposal is consistent with the applicable policies of the *Municipal Development Plan* and will support the future viability of the Kensington Road NW Main Street.

**ATTACHMENT(S)**

1. Applicant's Submission
2. West Hillhurst Community Association's Comments