

Planning & Development Report to
Calgary Planning Commission
2018 September 06

ISC: UNRESTRICTED
CPC2018-1046
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Land Use Amendment in Hounsfield Heights/Briar Hill (Ward 7) at 1505, 1507, 1509, 1511, 1513, 1515 – 19 Street NW, LOC2018-0124

EXECUTIVE SUMMARY

This application was submitted by Studio Inkognito on 2018 May 30 on behalf of the landowner Decco Holdings Ltd. This application proposes to redesignate the subject parcel from DC Direct Control District to a new DC Direct Control District. The proposed Direct Control District is intended to:

- Allow the use of Cannabis Store;
- Provide development guidelines consistent with the existing Direct Control District; and
- Be based on the rules of the Commercial – Neighbourhood 2 (C-N2) District of Bylaw 1P2007.

The proposal is in keeping with the applicable policies of the *Municipal Development Plan* and the *Hounsfield Heights Area Redevelopment Plan*.

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 0.34 hectares ± (0.84 acres ±) located at 1505, 1507, 1509, 1511, 1513, 1515 - 19 Street NW (Plan 1161GJ, Block 1, Lots 2 to 7) from DC Direct Control District **to** DC Direct Control District to accommodate a Cannabis Store, with guidelines (Attachment 3); and
2. Give three readings to the proposed bylaw.

RECOMMENDATION OF THE CALGARY PLANNING COMMISSION, DATED 2018 SEPTEMBER 06:

That Council hold a Public Hearing; and:

1. Adopt, by Bylaw the proposed redesignation of 0.34 hectares ± (0.84 acres ±) located at 1505, 1507, 1509, 1511, 1513, 1515 - 19 Street NW (Plan 1161GJ, Block 1, Lots 2 to 7) from DC Direct Control District to DC Direct Control District to accommodate a Cannabis Store, with guidelines; and
2. Give three readings to the proposed **Bylaw 267D2018**.

PREVIOUS COUNCIL DIRECTION / POLICY

None.

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BACKGROUND

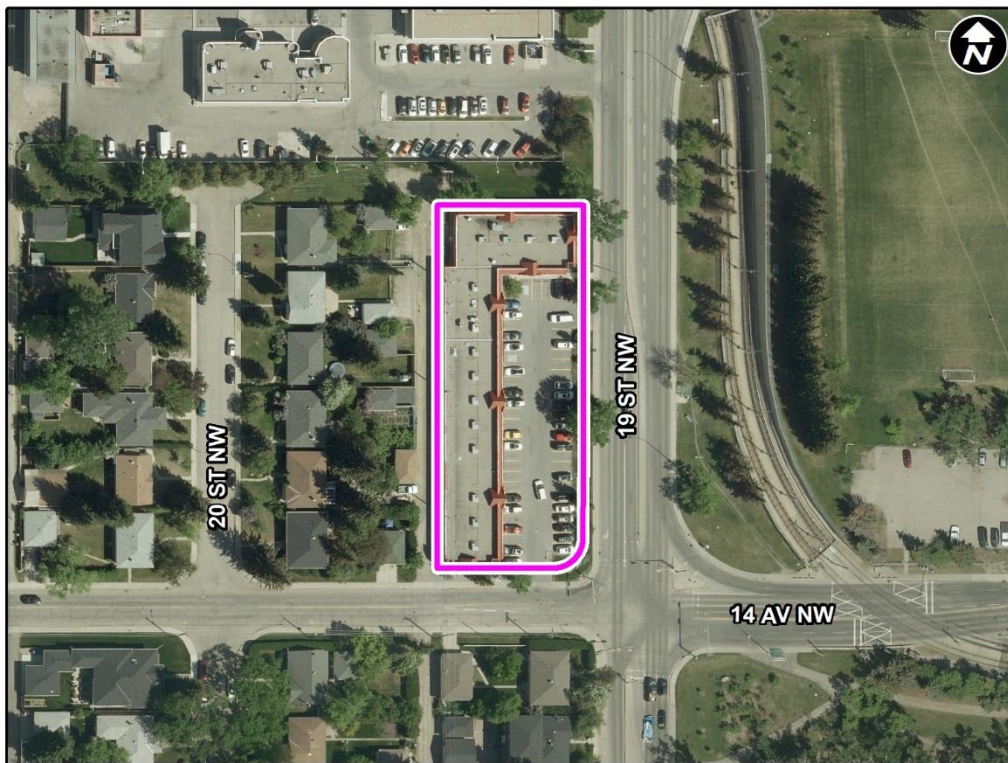
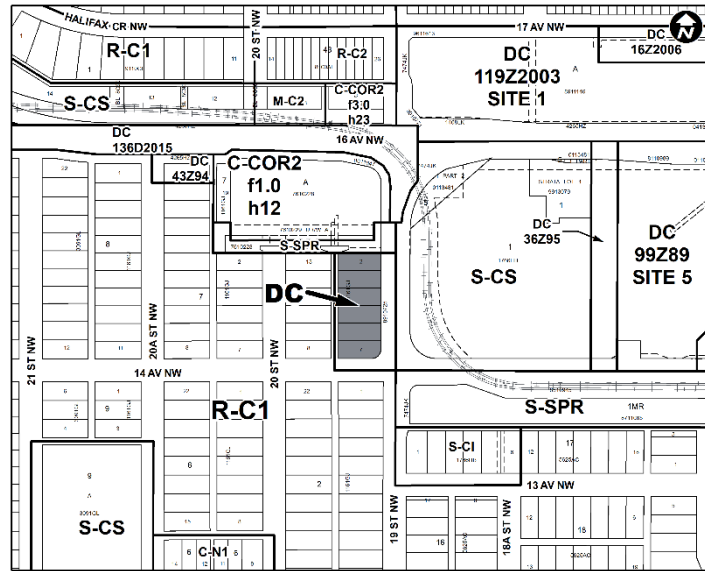
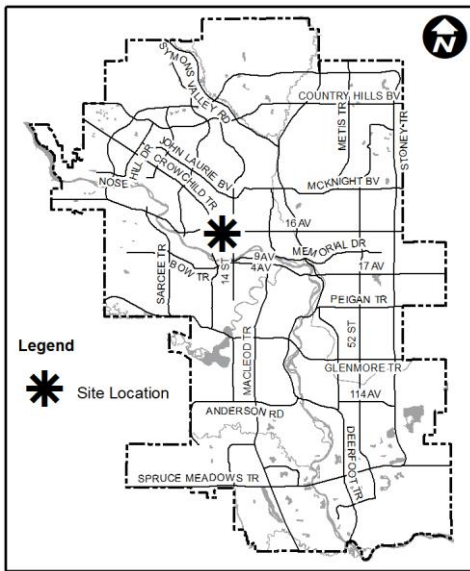
This land use amendment application was submitted to The City of Calgary by Studio Inkognito on behalf of the landowner, Decco Holdings Ltd. on 2018 May 30. As noted in the Applicant's Submission (Attachment 1), the applicant is intending to accommodate a proposed Cannabis Store use.

A change of use development permit application (DP2018-1763) for a Cannabis Store use was submitted on 2018 April 24 and is currently on hold pending this application. At this time the applicant is not considering redevelopment of the 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 the west side of 19 Street NW, across from a Special Purpose – Community Service (S-CS) District containing the Louise Riley Library, Hounsfield Heights/Briar Hill Community Association building, and a Calgary Fire Department Station. To the south and west of the subject site are single detached dwellings. To the north of the subject site is a commercial development. The parcel is located within approximately 190 metres walking distance to the Lions Park LRT station. The site is developed with a single storey commercial building with 52 surface parking stalls.

INVESTIGATION: ALTERNATIVES AND ANALYSIS

The proposal is to allow for a Cannabis Store in the existing commercial development. Review of the appropriateness of a new land use district included an assessment of the merits of a stock Land Use Bylaw District in providing flexibility in a future redevelopment scenario, versus a more customized approach available through a Direct Control District. A Direct Control District was chosen to follow through on past planning decisions on the site and in response to local community pressure. Further information is provided below.

Planning Considerations

Land Use

This application is to redesignate the site from the existing Direct Control District (Bylaw 34Z90) to a new Direct Control District. The existing 1990 DC is based on the Land Use Bylaw 2P80 C-1 Local Commercial District, and was developed through extensive community consultation. The existing Direct Control District restricts the allowable commercial uses, particularly food-related uses, and sets development guidelines meant to enhance compatibility with adjacent low-density residential uses. Guidelines limit the architectural character, height, and vehicular access locations.

The proposed Direct Control District is intended to:

- allow the use of Cannabis Store;
- provide development guidelines consistent with the existing Direct Control District; and
- be based on the rules of the Commercial – Neighbourhood 2 (C-N2) District of Bylaw 1P2007.

Review of this application considered the relative merits of a stock Land Use Bylaw district versus a Direct Control District. The existing development form is most comparable to the Commercial – Neighbourhood 2 (C-N2) District, and this option was discussed with the applicant. A Direct Control District was chosen based on the following reasons:

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- The *Hounsfield Heights/Briar Hill Area Redevelopment Plan* references the subject site as having special design guidelines developed in consultation with the community, and the proposed Direct Control District is aligned with this policy and the existing Direct Control District design guidelines;
- Redevelopment of the site is not being contemplated at this time and the sole purpose of this application is to allow the use of Cannabis Store, however, redesignation to a Direct Control District based on the Commercial – Neighbourhood 2 (C-N2) District does update and align the regulations with the current Land Use Bylaw provisions;
- The Community Association expressed a strong preference for retaining the design guidelines of the existing Direct Control District through preparation of a new Direct Control District; and
- The applicant's preference is for a Direct Control District.

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.

The built form of the subject site is an auto-oriented strip mall development with entrances facing 19 Street NW. Parking is located in front of the building and access is from 19 Street NW and 14 Avenue NW. There is no access from the rear lane.

No redevelopment of the site is being contemplated at this time. When redevelopment of the site is under consideration a more exhaustive review, including further consultation with local stakeholders, will be undertaken to determine the redevelopment potential of the site. Reconsideration of site access, development intensity, and built form will be reviewed at such a time.

Environmental

An Environmental Site Assessment was not required for this application.

Transportation

A Transportation Impact Assessment (TIA) and parking study was not required as part of this land use amendment. At the development permit stage, site access, parking, and loading is intended to continue as per the existing site conditions. Nineteenth Street NW is classified as a primary collector street type. A transit stop served by routes 19, 105, 404, and 414 is located approximately 50 metres from the subject site on 19 Street NW. The parcel is also located within approximately 190 metres walking distance to the Lions Park LRT station.

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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 Hounsfield Heights/Briar Hill Community Association submitted a letter of support for the proposed land use redesignation in a document dated 30 May 2018 (Attachment 2). Administration also received sixteen letters in response to the notice posting. One letter indicated support for additional local commercial uses in the area. Fifteen letters expressed opposition, summarized as follows:

- Objection to a Cannabis Stores being located near the Alberta Health Services North Hill Health Centre or other health and wellness uses in the plaza;
- Concern about additional demand on parking;
- Perception that a Cannabis Store will draw transients and undesirables into the community; and
- Concerns about the health impact of second hand cannabis smoke.

Following Calgary Planning Commission, notifications for the Public hearing of Council will be posted on-site and mailed out to adjacent land owners. 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.

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.

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Hounsfield Heights/Briar Hill Area Redevelopment Plan (Statutory, 1989)

The site is located within the 'Neighbourhood Commercial' area as identified on Map 3: Land Use Policy Areas of the *Hounsfield Heights/Briar Hill Area Redevelopment Plan (ARP)*. The ARP specifically references the subject site as having development guidelines created in consultation with local residents to ensure an appropriate interface with adjacent residential uses. The proposed redesignation is aligned with the applicable ARP policies.

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.

Risk Assessment

There are no significant risks associated with this proposal.

REASON(S) FOR RECOMMENDATION(S):

The proposal is consistent with the applicable policies of the *Municipal Development Plan* and the *Hounsfield Heights/Briar Hill Area Redevelopment Plan*. The redesignation will support a greater mix of uses to serve changing community needs.

ATTACHMENT(S)

1. Applicant's Submission
2. Community Association Letter
3. Proposed DC Direct Control District Bylaw 267D2018
4. **Public Submissions**