

## Applicant's Analysis



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### LAND USE AMENDMENT APPLICATION RATIONALE FROM DIRECT CONTROL DISTRICT 111Z2003 TO A STOCK LAND USE DISTRICT UNDER 1P2007

#### BACKGROUND

The site is home to a Mixed-use Transit Oriented Development and is currently designated DC 111Z2003 based on the C-4 district from the City of Calgary 2P80 Land Use Bylaw. Due to the fact that this DC bylaw is based on an old district and cannot be easily relaxed, added to or deleted from, the site is essentially “trapped” under outdated regulations. Therefore, the client is looking to amend the existing Land Use to align with the current City of Calgary Land Use Bylaw 1P2007; and be afforded the same opportunities of similar sites with 1P2007 land use designations.

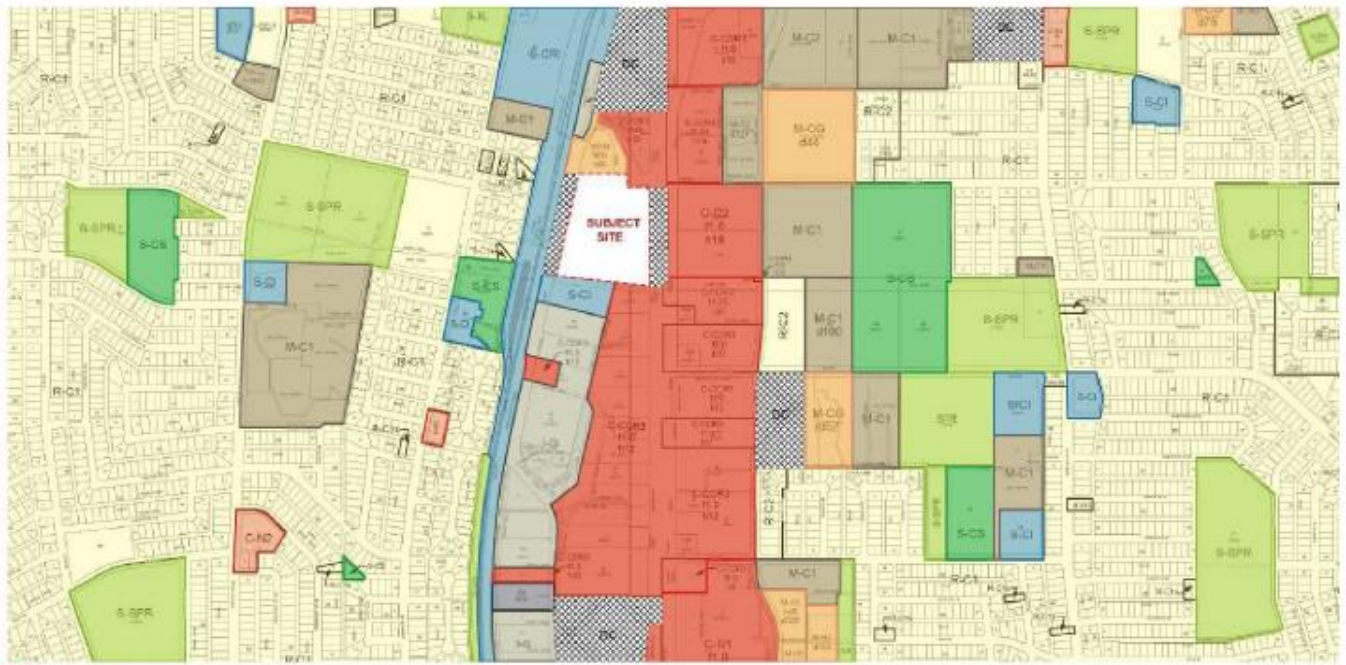
There will be no design alteration to the site, nor any increases in density/Floor to Area Ratio or change in height to be considered, as the proposed new Land Use would simply be required as a “refresh” of the existing Land Use so that it could align with 1P2007 and allow for updates to 1P2007, as amended from time to time, to be applicable to the site.

An approved Development Permit (DP2014-4684) currently exists on site for two additional residential towers and is in effect until March 26, 2020. The Prior to Release Conditions for this Development Permit have not been addressed and is still pending release.

#### LOCATION/CONTEXT

The proposed site is located on a number of parcels located at 8710, 8740, 8835, 8850, 8855, and 8880 Horton Road SW. The site is bounded by Macleod Trail SE to its east and Horton Road and the Canadian Pacific Railway line to its west, located directly adjacent to the Heritage LRT Station within the community of Haysboro. The site is located within the LRT South Corridor Land Use Study and is bounded along its east by a series of Commercial Land Use Districts along both sides of Macleod Trail SE, and there is a M-H3, Multi-Residential high Density Rise District located to the site's immediate north. The site is also located within walking distance to the Heritage LRT Station which is located along Horton Road SW to its immediate west.

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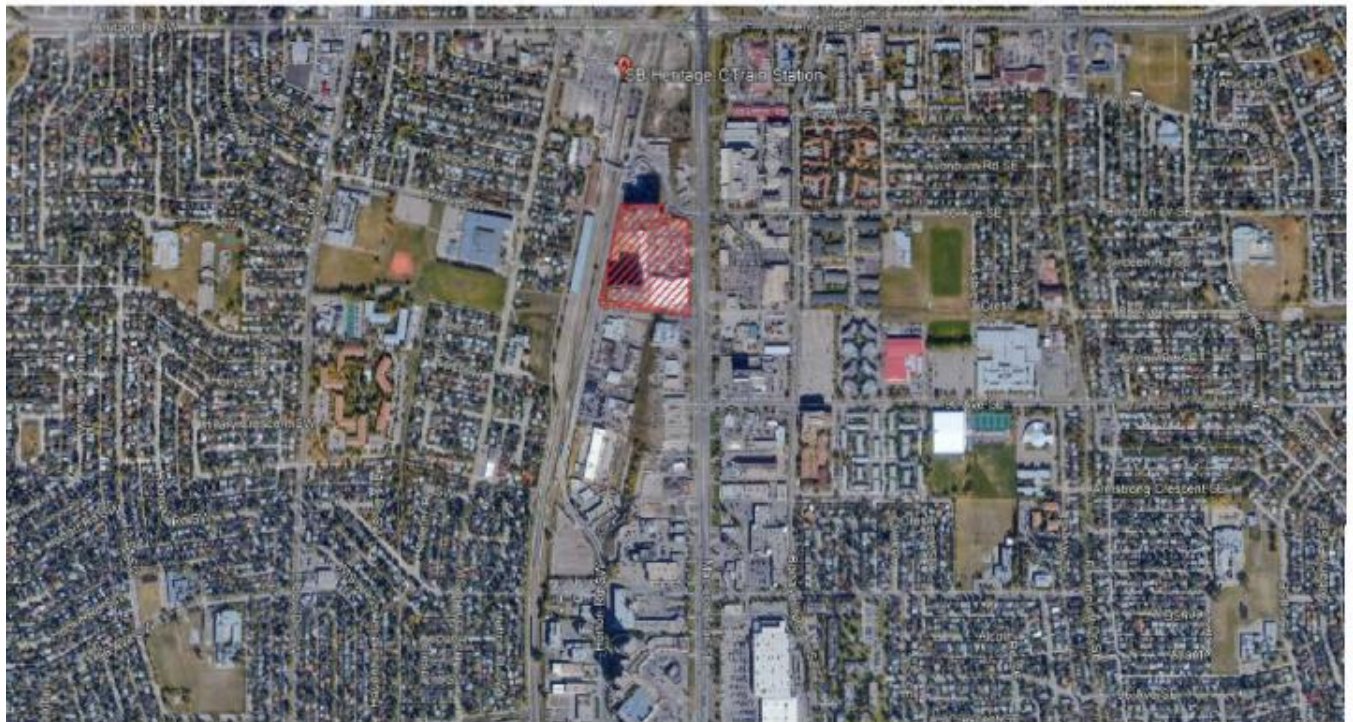


Subject Site Area = 42,500 sq. ft. (1.0 acre)

- DC - Direct Control
- S-CI - Special Purpose - Community Institution District
- S-SPR - Special Purpose - School, Park or Community Reserve District
- S-CS - Special Purpose - Community Service District
- S-CRI - Special Purpose - City and Regional Infrastructure District
- S-R - Special Purpose - Recreation District

- C-C1 - Commercial - Community 1 District
- C-N2 - Commercial - Neighbourhood 2 District
- C-CORJ - Commercial - Corridor 3 District
- C-C2 - Commercial - Community 2 District
- I-G - Industrial - General District
- I-B - Industrial - Business District

- R-C1A - Residential - Contextual One Dwelling District
- R-C1 - Residential - Contextual One Dwelling District
- M-C1 - Multi-Residential - Contextual Low Profile District
- M-C2 - Multi-Residential - Contextual Medium Profile District
- M-H3 - Multi-Residential - High Density High Rise District
- M-CG - Multi-Residential - Contextual Grade-Oriented District





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### PURPOSE

The purpose of this proposal is to redesignate the site so that it aligns with the current Land Use Bylaw (1P2007) provisions in order to afford the site the same opportunities that most commercial sites possess. Otherwise, this site remains in a disadvantaged position as a result of being "trapped in time" due to its existing DC district. For example, uses such as Liquor sales and Cannabis Store, would remain unviable uses, even though they are allowed under nearly all the current commercial land use districts.

The underlying rationale is simply to select an existing Land Use District from 1P2007 that considers all of the present uses within the site, along with any other uses which may be feasible in the future and which fits into the existing context that could provide the highest degree of commercial flexibility for future tenants and the evolving market, while respecting the unique intent of the original DC district. We believe this can be achieved through one of the stock districts offered within 1P2007, without having to create a new DC district.

### PRE APPLICATION MEETING PE2018-01382

A previous Pre-App meeting was scheduled (PE2018-01382) on July 17, 2018 with the City of Calgary Planning Department along with the Client/Consultants. The Pre-App summary had indicated a series of requirements to be addressed prior to the Land Use Amendment submission. The analysis was to initially evaluate viable Multi-Residential, Mixed Use, and Commercial Districts in order to decide on a feasible Land Use District by evaluating the existing and potential future uses within the site. Next, once a stock district(s) was to be chosen, the analysis was to outline the unique characteristics contained within the existing Direct Control District 111Z2003 and compare the details within this district to the chosen stock land use district. This analysis included a comparison of the details contained within the potential Land Use Districts, existing Direct Control District as well as C-4 General Commercial District, in order to determine if any non-conforming components/uses were present and/or to highlight if any differences existed between the existing and newly-chosen Land Use Districts.

### ANALYSIS

Although not exhaustive, a range of specific Land Uses options have been considered as recommended by City of Calgary Planning Department and responding to the Pre-Application Meeting Comments. The Districts include two Commercial Districts (C-C2 and the C-COR2) - which offer a high degree of commercial flexibility while retaining the existing mixed-use character of the current site, two Multi-Residential Districts (M-H1 and M-H3) - which offer varied heights and commercial storefronts, and two Mixed-Use Districts (MU-1 and MU-2) - which allow for commercial and residential uses in street-oriented buildings. An evaluation of these Land Use Districts and the listed Permitted Uses that correspond to each Land Use District has been provided in the following table:

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## LAND USE DISTRICT USE ANALYSIS

USE	COMMERCIAL DISTRICT		MULTI RESIDENTIAL		MIXED USE DISTRICT		Listed Use	Non-Listed Use
	C-C2	C-COR2	MH-2	MH-3	MU-1	MU-2		
Accessory Food Service	█	█			█	█		
Accessory Liquor Service	█	█			█	█		
Addiction Treatment	█	█			█	█		
Amusement Arcade	█	█			█	█		
Artist's Studio	█	█			█	█		
Assisted Living	█	█			█	█		
Auction Market-Goods	█	█			█	█		
Auto Service - Major	█	█			█	█		
Auto Service Minor	█	█			█	█		
Beverage Container quick Drop Facility	█	█			█	█		
Billiard Parlor	█	█			█	█		
Brewery, Winery & Distillery	█	█			█	█		
Cannabis Counseling Business	█	█			█	█		
Cannabis Store	█	█			█	█		
Car Wash Multi Vehicle	█	█			█	█		
Car Wash Single Vehicle	█	█			█	█		
Catering Service Minor	█	█			█	█		
Child Care Service	█	█			█	█		
Cinema	█	█			█	█		
Computer Games Facility	█	█			█	█		
Conference & Event Facility	█	█			█	█		
Convenience Food Store	█	█			█	█		
Counseling Services	█	█			█	█		
Custodial Care	█	█			█	█		
Dinner Theatre	█	█			█	█		
Drinking Establishment Medium	█	█			█	█		
Drinking Establishment Small	█	█			█	█		
Drive Through	█	█			█	█		
Dwelling Unit	█	█			█	█		
Evacuation Striping & Grading	█	█			█	█		
Financial Institution	█	█			█	█		Royal Bank
Fitness Centre	█	█			█	█		
Food Production	█	█			█	█		
Funeral Home	█	█			█	█		
Health Service Lab - with Clients	█	█			█	█		
Health Service Lab - No Clients	█	█			█	█		
Home Based Child Care - Class 1	█	█			█	█		
Home Occupation - Class 1	█	█			█	█		
Hotel	█	█			█	█		
Indoor Rec facility	█	█			█	█		
Info and Service Provider	█	█			█	█		
Instructional Facility	█	█			█	█		
Library	█	█			█	█		
Liquor Store	█	█			█	█		
Live Work Unit	█	█			█	█		
Market - Minor	█	█			█	█		
Medical Clinic	█	█			█	█		London Medical, Prestig Health, DJ Ledrew, Chrysalis, Lasik, Dental, Optometric
Medical Marijuana counselling	█	█			█	█		
Motion Picture Filming location	█	█			█	█		
Multi-Residential Development	█	█			█	█		
Multi-Residential Development-Minor	█	█			█	█		
Museum	█	█			█	█		
Offices	█	█			█	█		Childrens Unit, Boley Washib, The One Travel, Avat,
Outdoor Café	█	█			█	█		
Park	█	█			█	█		
Parking Lot Grade	█	█			█	█		Parking Lot Grade
Parking Lot Structure	█	█			█	█		Parking Lot Structure
Pawn Shop	█	█			█	█		
Payday Loan	█	█			█	█		
Performing Arts Centre	█	█			█	█		
Pet Care Service	█	█			█	█		
Place of Worship - large	█	█			█	█		
Place of worship - medium	█	█			█	█		
Place of worship - small	█	█			█	█		
Post secondary learning	█	█			█	█		
Power Gen Facility - Med	█	█			█	█		
Power Gen Facility - Small	█	█			█	█		
Print Centre	█	█			█	█		
Protective and Emerg Servie	█	█			█	█		
Public Transit System	█	█			█	█		
Radio and Television Studio	█	█			█	█		
Recy. Coll. Construction Material	█	█			█	█		
Recy Material Drop off Depot	█	█			█	█		
Residential Care	█	█			█	█		
Restaurant Food Service - Lrg.	█	█			█	█		
Restaurant Food Service - Med.	█	█			█	█		Tim Markens, JusFruit
Restaurant Food Service - Sm.	█	█			█	█		
Restaurant Licensed - Lrg	█	█			█	█		
Restaurant Licensed - Med	█	█			█	█		Cedars Deli, Lot 209, WCA
Restaurant Licensed - Sm	█	█			█	█		
Restaurant Neighborhood	█	█			█	█		
Retail and Consumer Services	█	█			█	█		Pat Vokes, Strydoms, Fabrian, Jack's Classic Halls, Clifton Sales, Tommy Guss
Seasonal Sales Area	█	█			█	█		
Service Organization	█	█			█	█		
Signs - Class A	█	█			█	█		
Signs - Class B	█	█			█	█		
Signs - Class C	█	█			█	█		
Signs - Class D	█	█			█	█		
Signs - Class E	█	█			█	█		
Signs - Class F-3rd Party Adv.	█	█			█	█		
Social Org.	█	█			█	█		
Special Function Class 1	█	█			█	█		
Special Function Class 2	█	█			█	█		
Specialty Food Store	█	█			█	█		Save-On
Supermarket	█	█			█	█		
Take Out Food Service	█	█			█	█		
Utilities	█	█			█	█		
Utilities - Linear	█	█			█	█		
Utility Building	█	█			█	█		
Vehicle Rental - Major	█	█			█	█		
Vehicle Rental - Minor	█	█			█	█		
Vehicle Sales - Major	█	█			█	█		
Vehicle Sales - Minor	█	█			█	█		
Veterinary Clinic	█	█			█	█		

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The analysis demonstrates that given the existing uses within the site currently (highlighted in red), the most feasible Land Use Districts include the Commercial Districts (C-C2 and C-COR2) as these two Land Use Districts currently permit all the existing uses within the site. Both the M-H1 and M-H2 districts lack the uses that are integral to the existing development and therefore were eliminated from consideration. The MU-1 and MU-2 districts possess a broader use list, but the intent of the MU districts do not match the characteristics of this development and therefore were also eliminated from consideration.

Additionally, given the context of the site as it currently exists with a large section of Commercial Land Use Districts located to its east, the Commercial Districts (C-C2 and C-COR2) appear to be the most appropriate Land Use District options.

### LAND USE DETAIL ANALYSIS

From this evaluation, an additional matrix was created in order to compare and investigate the differences outlined within the existing DC 111Z2003 Land Use Bylaw as it compares to the proposed Commercial (C-C2 and C-COR2) as well as the Mixed Use (MU-1 and MU-2) Land Use Districts as well as how they compared to the original C-4 General Commercial District from the City of Calgary Land Use Bylaw 2P80 from which Direct Control District 111Z2003 was originally crafted. The intent of this exercise is to demonstrate the elimination of any "non-conforming" components both within in the existing development as well as within the approved Development Permit which exists on the site. Supplementary Commercial Corridor Land Use Districts within the City of Calgary Land Use Bylaw including C-C1, C-COR1, C-COR3 were initially included and filtered out based upon their inability to allow for all the permitted uses within the existing site. The remaining Commercial Land Use Districts (C-N1, C-N2, C-O, C-R1, C-R2, C-R3) were not considered based on their misalignment within the existing site context and inability to suite the existing development on site as well as inability to allow for similar size and scale. The following table summarizes this investigation:

GENERAL	C-C2	C-COR2	MU-1	MU-2	DC 111Z2003	City of Calgary Commercial Districts
Max. Parcel Area	12 ha	1.3ha	not listed	not listed	not listed	not listed
Max Floor Area Ratio	4 (see DC 111Z2003)	4 (see DC 111Z2003)	The maximum floor area ratio for parcels designated MU-1 is the number following the letter "F" indicated on the Land Use District Maps.	The maximum floor area ratio for parcels designated MU-2 is the number following the letter "F" indicated on the Land Use District Maps.	4, density is transferred as subdivision to min 0.5 FAR, common areas + parking lot required to maintain 0.5 FAR, parking below grade not included in FAR	a maximum of 4 times the density.
Max Building Height	80m (see DC 111Z2003)	80m (see DC 111Z2003)	Unless otherwise referenced in subsections (2), (3) and (4) the maximum building height is the number following the letter "H" when indicated on the Land Use District Maps.	Unless otherwise referenced in subsections (2), (3) and (4) the maximum building height is the number following the letter "H" when indicated on the Land Use District Maps.	80m	46m
Min Lot Area & Density	600 sq. m. (supermarket 700 sq.m., clothing 100 sq.m.)	930 sq.m. (retailing 200sq.m., office 150 sq.m., supermarket 1700 sq.m.)	The minimum lot area of a catering service + liquor, or a catering service + liquor combined with any other use, is 200 square metres. The maximum density for parcels designated MU-1 is the number following the letter "D" indicated on the Land Use District Maps, expressed in units per hectare.	The minimum lot area of a catering service + liquor, or a catering service + liquor combined with any other use, is 200 square metres. The maximum density for parcels designated MU-2 is the number following the letter "D" indicated on the Land Use District Maps, expressed in units per hectare.	not listed	<p><b>Necessary Road:</b> minimum gross floor area of 1.5 square metres. <b>Outdoor Caffe:</b> there is a site abutting a residential district or a local street or a lane separating the site from a residential district, a minimum gross floor area of 22 square metres. <b>Drinking Establishment/Restaurant:</b> there is a site abutting a residential district or a local street or a lane separating the site from a residential district, a minimum net floor area of 78 square metres, including kitchen area. <b>Take-out Food Service:</b> A maximum net floor area of 15 square metres, including kitchen area. <b>Swimming Pool:</b> in a building, no swimming pool shall be located unless any other use for commercial purposes. <b>Swimming pools:</b> shall have an entrance separate from the entrance to any commercial component of the building. <b>The maximum density of residential units shall not exceed 330 units per hectare.</b></p>
Location of Uses	dwelling + use/uses on ground floor	min of 10% of City must be commercial, dwelling + additional building + residential minimum area not on ground floor	not listed	not listed	not listed	Commercial: A maximum of 25 percent of the total gross floor area of the building or buildings on the site shall be used for commercial purposes.
Min. Height Above Neighb. Street	not listed	not listed	length of the building facade that faces a street containing an individual use on the floor closest to grade is a maximum of 9.3 metres. For an individual drinking establishment – small, restaurant; food service only – medium, restaurant; food service only – small, restaurant; neighbourhood, restaurant; licensed – medium, restaurant; licensed – small, retail and consumer service or supplemental use located on the floor closest to grade, the length of the building facade that faces a street may be increased to 39.6 metres. The length of the building facade that faces a street containing an individual cannabis counselling, office or payday loan use on the floor closest to grade is a maximum of 9.3 metres.	length of the building facade that faces a street containing an individual use on the floor closest to grade is a maximum of 15.0 metres. For an individual drinking establishment – small, restaurant; food service only – medium, restaurant; food service only – small, retail and consumer service or supplemental use located on the floor closest to grade, the length of the building facade that faces a street may be increased to 39.6 metres. The length of the building facade that faces a street containing an individual cannabis counselling, office or payday loan use on the floor closest to grade is a maximum of 9.3 metres.	not listed	not listed





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### C-C2 AND C-COR2 COMMERCIAL LAND USE DISTRICT COMPARISON

A further analysis was conducted in order to bring to light some of the specific details which differed between the two proposed Commercial Land Use Districts C-C2 and C-COR2. This exercise was necessary in order to suggest the most applicable Land Use District both for the existing conditions and uses within the site, but more importantly to allow for the site to be as flexible as possible in its ability to consider the largest range of tenants to provide services for the future.

As a result of the comparison between the C-C2 and C-COR2, it was determined that the C-C2 Commercial Land Use District would be the most appropriate stock Land Use District, both for the existing site as well as approved Development Permit (DP2014-4684). The vital detail which made C-C2 the logical choice included the limitation under C-COR2 related to the Maximum Use Area limit for a Supermarket of 2500 sq. m. (where the existing Save-On-Foods on site has an area of above 4000 sq. m.). Additionally, C-COR2 also contains a provision which requires the percentage of Commercial Use to be a minimum of 20% of total Gross Floor Area. With the extent of the residential towers approved on this TOD, this ratio is not appropriate.

### APPROVED DP2014-4684 AND C-C2 COMMERCIAL LAND USE DISTRICT COMPARISON

The final investigation included examining the ability for the approved Development Permit DP2014-4684 to align within the stock Commercial C-C2 Land Use District and demonstrate that all existing features of the existing and proposed development are conforming and that no issues or conflicts were identified.

Development Permit DP2014-4684 is comprised of Phase 6 + 7 (Buildings 2 and 3) of the Heritage Station Site Development by Westcorp. This Development Permit proposal, which was approved within the DC-111Z2003 Land Use District, coupled with the existing development approved under the same DC, appears to comply with the C-C2 district.

After an initial investigation of DP2014-4684 with the guidelines of the C-C2 Commercial Land Use District, it was determined that the Commercial C-C2 Land Use District can readily accommodate the existing and approved future development and aligns with the intent of the original approval and Direct Control Land Use District.

### COMMUNITY ASSOCIATION

A meeting was held between Westcorp, IBI Group, and the Haysboro Community Association members on October 10, 2018 to review the Land Use Amendment as well as discuss future Phase 6 + 7 developments which have been approved through DP2014-4684. No objections were expressed and a positive dialogue ensued between the developer and the Community Association as many ideas for improving the site, community and vision for the future development were expressed. The development of future phases was recognized as a positive step forward by the community association members and both community and developer look forward to enhancing and augmenting the area in the future.

### CONCLUSION

C-C2 Commercial Land Use District has been identified as the most viable Land Use District as it allows the ability to retain the existing Save-On-Foods supermarket, provides the fewest limitations and/or restrictions for any future developments to occur within the site, and allows the existing Development Permit DP2014-4684 to be accommodated with no foreseeable adjustments or issues within the site. Therefore it is our recommendation that the existing Direct Control DC111Z2003 Land Use District be redesignated to Commercial – Community 2 Land Use District with multipliers f4.0h80 (C-C2f4.0h80) within the Calgary Land Use Bylaw 1P2007.