

Planning & Development Report to  
Calgary Planning Commission  
2019 February 07

ISC: UNRESTRICTED  
CPC2019-0133

## Land Use Amendment in Whitehorn (Ward 10) at 4525 – 52 Street NE, LOC2018-0253

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### EXECUTIVE SUMMARY

This application was submitted by Rick Balbi Architect on 2018 November 16 on behalf of the landowner, Moga Holdings Corp. The application proposes to change the designation of this property from DC Direct Control District to Commercial – Neighbourhood 1 (C-N1) District to allow for:

- small-scale commercial developments (e.g. strip malls, 1 or 2 storey commercial buildings);
- a maximum building height of 10 metres (equal to the current maximum of 10 metres);
- a maximum floor area ratio of 1.0 (a decrease in the maximum allowable floor area on this site from 8,500 square metres to approximately 3,900 square metres); and
- the uses listed in the proposed C-N1 District.

This proposal conforms to the applicable policies of the *Municipal Development Plan*. A change of use development permit application for a Cannabis Store use was submitted on 2018 April 24 and is currently on hold pending approval of this application.

#### ADMINISTRATION RECOMMENDATION:

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

1. **ADOPT**, by bylaw, the proposed redesignation of 0.39 hectares ± (0.95 acres ±) located at 4525 – 52 Street NE (Plan 9911272, Lot 10) from DC Direct Control District to Commercial – Neighbourhood 1 (C-N1) District; and
2. Give three readings to the proposed bylaw.

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#### RECOMMENDATION OF THE CALGARY PLANNING COMMISSION, 2019 FEBRUARY 07:

That Council hold a Public Hearing; and

3. **ADOPT**, by bylaw, the proposed redesignation of 0.39 hectares ± (0.95 acres ±) located at 4525 – 52 Street NE (Plan 9911272, Lot 10) from DC Direct Control District to Commercial – Neighbourhood 1 (C-N1) District; and
4. Give three readings to **Proposed Bylaw 73D2019**.

### PREVIOUS COUNCIL DIRECTION / POLICY

None.

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**BACKGROUND**

This application was submitted by Rick Balbi Architect on 2018 November 16 on behalf of the landowner Moga Holdings Corp. 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 (DP2018-1724) for a Cannabis Store use was submitted on 2018 April 24 and is currently on hold pending approval of this application. No further redevelopment of the subject site is contemplated at this time.

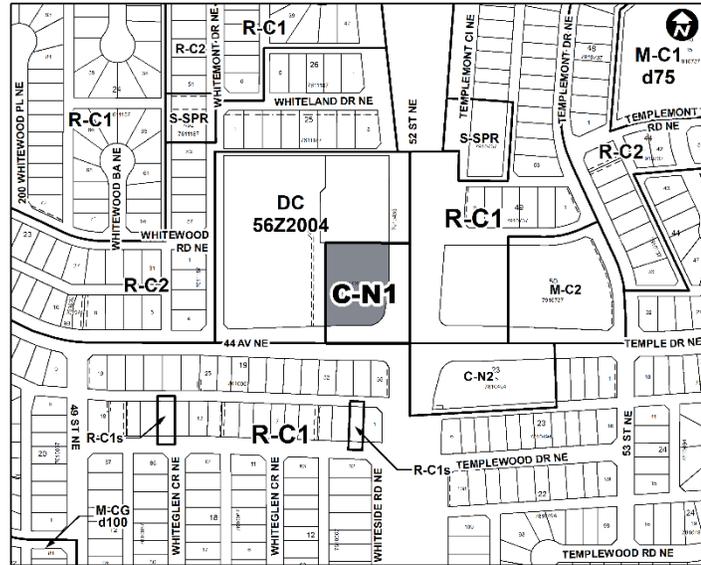
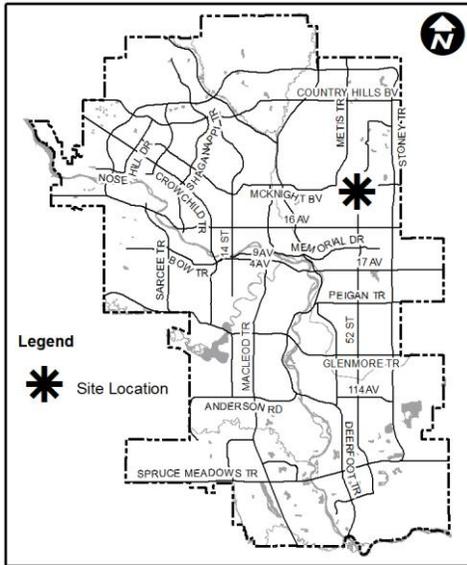
On 2018 April 05, Council approved a new definition for Cannabis Store in Land Use Bylaw 1P2007. This new use is not contemplated in any of the existing DC Direct Control Districts that pre-date 1P2007. The existing DC District applicable to this site is based on the previous Land Use Bylaw 2P80. New uses are not being added to DC Districts based on Bylaw 2P80 and the approach from Administration has been to work with applicants to find suitable 1P2007 districts to guide future development on these sites.

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Location Maps



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### Site Context

The subject site is located at the northwest corner of 52 Street NE and 44 Avenue NE in the community of Whitehorn. The site is approximately 0.39 hectares in size, and is currently developed with a single-storey auto-oriented commercial strip mall. The existing strip mall building contains nine (9) commercial bays and has a gross floor area of approximately 1,134 square metres.

The site located directly to the north and west of the subject site accommodates an existing three-storey assisted living facility. Lands to the south, across 44 Avenue NE, are developed with low density residential uses. The site southeast of 52 Street NE and 44 Avenue NE contains another single-storey auto-oriented commercial strip mall. The site directly east across 52 Street NE accommodates a City of Calgary fire hall. The broader area is predominantly characterized by low density residential land uses.

As identified in *Figure 1*, the community of Whitehorn reached a peak population of 12,421 residents in 2015. As of 2018, the community had 11,955 residents.

| Whitehorn                          |        |
|------------------------------------|--------|
| Peak Population Year               | 2015   |
| Peak Population                    | 12,421 |
| 2018 Current Population            | 11,955 |
| Difference in Population (Number)  | -466   |
| Difference in Population (Percent) | -3.75% |

Source: *The City of Calgary 2018 Civic Census*

Additional demographic and socio-demographic information can be obtained online through the [Whitehorn](#) community profile.

### INVESTIGATION: ALTERNATIVES AND ANALYSIS

This application proposes the conversion of an existing DC Direct Control District which is based on Land Use Bylaw 2P80 to a Commercial District of Land Use Bylaw 1P2007 in order to slightly broaden the range of allowable neighbourhood-scale commercial uses (including Cannabis Store). The following analysis considers the appropriateness of the new range of uses and updated development standards in the context of relevant policy and sound planning principles.

### Planning Considerations

The primary planning considerations relate to the range of uses allowable under the proposed C-N1 District and whether they support the long term vision for the area, complement the surrounding land uses, and can be serviced by existing and planned infrastructure.

## **Land Use Amendment in Whitehorn (Ward 10) at 4525 - 52 Street NE, LOC2018-0253**

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### ***Land Use***

The existing DC Direct Control District is based on the 2P80 Land Use Bylaw C-1 Local Commercial District. The purpose of this district is to provide for retail commercial and personal service uses which do not rely on patronage from beyond immediate neighbourhoods. The DC Direct Control District (Bylaw 67Z95) excludes a small list of uses normally found in the C-1 district (retail food stores, automotive services, billiard parlours, commercial schools, and dwelling units) and stipulates that commercial access and egress shall be right turns only on 52 Street NE.

The proposed C-N1 District is characterized by small-scale commercial developments with buildings that are oriented towards the street and the public sidewalk. The range of allowable uses are similar to that allowed by the existing DC Direct Control District and includes Cannabis Store as a discretionary use. The C-N1 District will allow for the continued operation of the existing neighbourhood commercial site and enable some opportunity for future redevelopment that fits with the scale and character of the surrounding community.

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

The subject site is currently developed with a single-storey commercial strip mall building. As noted in the applicant's submission (Attachment 1), the primary intent of this application is to allow for a Cannabis Store within the existing commercial building. The rules of the proposed C-N1 District will provide basic guidance for the future site development including appropriate uses, building height and massing, landscaping, and parking requirements; however, minimal changes are expected as the proposed Cannabis Store use is intended to be located in one of the existing commercial units of the building.

### ***Environmental***

No environmental issues have been identified through the consideration of this application. An environmental site assessment was not required for this application.

### ***Transportation***

Pedestrian and vehicular access to the site is available from 52 Street NE and 44 Avenue NE. The subject site is served by a number of transit routes (23, 38, 43, 303, 555, 798, and 799) with a bus stop located directly adjacent to the site along 44 Avenue NE. Neither a Transportation Impact Assessment nor a Parking Study were required for the proposed land use amendment.

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

Water, sanitary and storm sewer mains are available adjacent to the site and can accommodate potential redevelopment of the site within the parameters of the proposed C-N1 District without the need for off-site improvements at this time.

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### Stakeholder Engagement, Research and Communication

In keeping with Administration's standard practices, this application was circulated to relevant external stakeholders (Calgary Airport Authority, Enmax, Community Association, etc.) and notice was posted on-site. Notification letters were sent to adjacent landowners and the application was advertised online.

The Whitehorn Community Association reviewed this application and indicated through email correspondence that they have no concerns. Administration received one letter of support for the proposed redesignation, as well as three letters of objection and a petition signed by 58 residents of the adjacent assisted living complex. The comments received are summarized as follows:

- perception that a cannabis store will generate crime and nuisance; and
- concern regarding increased traffic and demand for on-site parking.

Administration considered the relevant planning issues specific to the proposed redesignation and has determined the proposal to be appropriate. The design compatibility of discretionary uses with respect to the surrounding neighbourhood and parking requirements will be reviewed at the development permit stage.

Following this Calgary Planning Commission meeting, notifications for 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. No public meetings were held by the Applicant or Administration.

### Strategic Alignment

#### ***South Saskatchewan Regional Plan (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.

#### ***Interim Growth Plan (2018)***

The recommendation aligns with the policy direction of the Interim Growth Plan. The proposed land use amendment builds on the principles of the Interim Growth Plan by means of promoting efficient use of land, regional infrastructure, and establishing strong, sustainable communities.

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

The subject site is located within the "Developed – Established" area as identified on Map 1: Urban Structure of the Municipal Development Plan (MDP). There is no local area plan in place to provide more detailed policy guidance for land use and development on this site. Section

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3.5.3 of the MDP relating to Established Areas supports the provision of neighbourhood-scale commercial uses and retail activity in close proximity to residential areas. The proposed redesignation will allow for the maintenance and evolution of a local commercial site that provides retail and service uses for residents of Whitehorn and Temple in close proximity to transit.

### ***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 proposed district allows 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 in keeping with the applicable policies of the *Municipal Development Plan*. The redesignation will bring the subject site into alignment with Land Use Bylaw 1P2007 and will allow for some additional flexibility in the range of allowable commercial uses to respond to evolving community needs. The proposed C-N1 District allows for a scale of development that is generally consistent with the existing DC District applicable to the site and is compatible with the scale of surrounding residential uses.

### **ATTACHMENT(S)**

1. Applicant's Submission
2. **Proposed Bylaw 73D2019**
3. **Public Submissions**