

Planning & Development Report to  
Calgary Planning Commission  
2019 November 21

ISC: UNRESTRICTED  
CPC2019-1376

## Land Use Amendment in Stoney 3 (Ward 5) at 3730 – 108 Avenue NE, LOC2019-0131

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### EXECUTIVE SUMMARY

This land use amendment application was submitted by CivicWorks Planning + Design on behalf of landowner 2060708 Alberta LTD (Eagle Crest Construction) on 2019 August 20. This application proposes to change the designation of the subject site from Industrial – Business f1.0 (I-B f1.0) District to a DC Direct Control District based on the Industrial – Business (I-B) District with the additional permitted use of General Industrial – Light and the additional discretionary use of Cannabis Facility to allow for:

- high-quality buildings in a campus-like setting (e.g business park);
- a maximum building height of 12 metres (the same as the current maximum of 12 metres);
- a maximum building floor area of 12,125 square metres (the same as the current maximum of 12,125 square metres), based on a building floor to parcel area ratio (FAR) of 1.0; and
- the uses listed in the Industrial – Business (I-B) District with the additional uses of Cannabis Facility and General Industrial – Light.

The proposed land use amendment to DC Direct Control District is supported by Administration as it aligns with the applicable policies of the *Northeast Industrial Area Structure Plan* and the *Municipal Development Plan*.

No development permit application has been submitted at this time.

### ADMINISTRATION RECOMMENDATION:

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

1. **ADOPT**, by bylaw, the proposed redesignation of 1.21 hectares ± (2.99 acres ±) located at 3730 108 Avenue NE (Condominium Plan 1912139) from Industrial – Business f1.0 (I-B f1.0) District **to** DC Direct Control District to accommodate the additional uses of Cannabis Facility and General Industrial – Light, with guidelines (Attachment 2); and
2. Give three readings to the proposed Bylaw.

### PREVIOUS COUNCIL DIRECTION / POLICY

None.

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**BACKGROUND**

This land use amendment application was submitted by CivicWorks Planning + Design on behalf of landowner 2060708 Alberta LTD (Eagle Crest Construction) on 2019 August 20. No development permit application has been submitted at this time, although two buildings are currently approved under a previous Development Permit (DP2017-2566) and are under construction. The Applicant Submission notes that the applicant is looking to bring the approved non-conforming use of "Office and Warehouse" into conformity through the addition of General Industrial – Light to the suite of listed uses, and would also like to accommodate a new use, Cannabis Facility, as a discretionary use for a future tenant (Attachment 1).



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### Site Context

The subject site is located at the northeast corner of the intersection of 36 Street NE and 108 Avenue NE in the community of Stoney 3. It is directly east of the Calgary International Airport, and is approximately 250 metres south of Country Hills Boulevard NE. This site is approximately 120 metres by 100 metres and is 1.2 hectares (3 acres) in size. Two buildings are currently under construction and have been approved as office-warehouse spaces, but have not yet received occupancy.

The site is immediately surrounded by parcels designated as DC Direct Control District (Bylaw 15Z2007) with nearby parcels designated as Industrial – Commercial (I-C) District and Industrial – General (I-G) District. The DC District is based off the General Light Industrial (I-2) District in the 2P80 Land Use Bylaw and allows for a variety of commercial and light industrial, while providing additional development guidelines for outdoor storage along Metis Trail and next to the Calgary International Airport. Many of these parcels contain buildings that are also under construction for a variety of industrial and support commercial uses. The neighbouring I-C and I-G designated parcels are likewise developed with a mix of industrial and commercial uses, with many lots either undeveloped or under construction.

### INVESTIGATION: ALTERNATIVES AND ANALYSIS

This proposed land use amendment would enable a greater range of small-scale industrial uses on the site, and also allow an approved non-conforming use to become conforming. The proposed redesignation does not contemplate changes to the height or intensity of development on the site. The proposed redesignation was reviewed against the policies of the *Northeast Industrial Area Structure Plan* and *Municipal Development Plan*. Consideration was given to the fact that development on the site is currently under construction.

### Planning Considerations

As this application for a DC Direct Control District is proposing to keep the current base Industrial – Business (I-B) District and add two new uses to the suite of uses currently listed, planning considerations have been focused on how these align with the planning vision for the area and how they may interact with existing developments.

### Land Use

The current land use, Industrial – Business f1.0 (I-B f1.0) District, was approved in 2019 April 16, as it aligns with the *Northeast Industrial Area Structure Plan*, allowing for a variety of industrial uses and support commercial uses. The maximum allowable height (12 metres) and the floor area ratio of 1.0 FAR match the rules within DC Direct Control District (Bylaw 15Z2007), which surrounds the subject parcel, and was the previous designation prior to 2019 April 16.

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The proposed DC Direct Control District allows the current mix of commercial and business uses in the I-B District to remain and proposes to add two uses to the suite of listed uses, specifically General Industrial – Light and Cannabis Facility. Both uses are within the General Industrial Group in Schedule A of Land Use Bylaw 1P2007. Also, both uses are contained indoors, decreasing or eliminating impacts on neighbouring businesses and parcels. These uses are in alignment with the *Municipal Development Plan* and the *Northeast Industrial Area Structure Plan*, which is explored further in the Strategic Alignment Section.

On 2018 June 13, DP2017-2566 approved two buildings under the 2P80 Land Use Bylaw rules, and under the use “Warehouse and Office,” which would be called General Industrial – Light today under the current Land Use Bylaw 1P2007 uses. General Industrial – Light is a use that allows for a variety of businesses that are industrial in nature and typically used for businesses with an office portion in the front for staff and the public and a warehouse or production area in the back. Adding this use to the district allows the approved Warehouse and Office use to be conforming under the current General Industrial – Light use, and allows for the approved use to expand or be added to bays for future tenants.

Cannabis Facility is currently only a listed use in the General – Industrial (I-G) District, and is proposed as a discretionary use in this DC Direct Control District. This use allows for cannabis to be grown, processed, packaged, tested, destroyed, or stored, and would be carried out indoors. It is a requirement that the facility must have equipment designed and intended to remove odours from the air where it is discharged from the facility as per the rules in Land Use Bylaw 1P2007. A Cannabis Facility may also include cannabis retail sales as an ancillary use.

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

Development Permit DP2017-2566 was approved on 2018 June 13 and construction is ongoing. The approval consists of two buildings oriented towards a central parking area with rear loading doors for industrial bays located on the north building and accessed by a private road. The approval occurred under the 2P80 Land Use Bylaw use “Warehouse and Office,” which, if this application is approved, would be considered conforming under the proposed General Industrial – Light use. To approve the additional proposed use of Cannabis Facility in a specific bay for a tenant, a development permit and business licence would be required. The rules of the I-B District, which the proposed DC Direct Control District is based on, will provide basic guidance for further future site development including landscaping, parking requirements and access.

### ***Environmental***

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

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### ***Transportation***

Pedestrian and vehicle access to the site is provided off 36 Street NE and 108 Avenue NE. Vehicle accesses are shared with the adjacent north and east parcels through access right-of-ways. A Transportation Impact Assessment was not required for this application.

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

A public water main is located within the adjacent public right-of-way (108 Avenue NE) and a public sanitary main is within an existing utility right-of-way within the easterly portion of the site. A bioswale system, as constructed by the area developer, is within the outer south and west edges of the site for storm water drainage and treatment. Development servicing was resolved at both the development permit and development site servicing plan stages, to the satisfaction of Administration.

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

In keeping with Administration's practices, this application was circulated to external stakeholders and notice posted on-site. Notification letters were sent to adjacent landowners and the application was advertised online. As Stoney 3 is an industrial and commercial area, no community association exists to comment on the application.

In response to the notifications, Administration received one letter of opposition with concerns over the potential odour of a cannabis facility operating near existing businesses. Rules within the Land Use Bylaw require Cannabis Facilities to include equipment designed to remove odours from the air where it is discharged. This requirement would be reviewed through a subsequent development permit application to accommodate a Cannabis Facility on the site. As such, Administration is comfortable including this use within the suite of uses.

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 (2014)***

The recommendation by Administration in this report has considered and is aligned with the policy direction of the *South Saskatchewan Regional Plan (SSRP)* which directs population growth in the region to Cities and Towns and promotes the efficient use of land.

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***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)***

Map 1: Urban Structure in the *Municipal Development Plan* identifies the subject parcel as being within the Standard Industrial Area Typology. This typology is intended to contain a mix of industrial uses at varying intensities while allowing for support commercial uses. This application is seeking to introduce two industrial uses back into the suite of uses available for the site, aligning with the intent of the typology and respecting the character of the neighbouring sites.

***Northeast Industrial Area Structure Plan (Statutory – 2007)***

The *Northeast Industrial Area Structure Plan* identifies the subject parcel as being within the Business Industrial Area. The plan notes that light industrial uses should be the predominant use of land, with various commercial uses being incorporated when appropriate. The proposed redesignation reintroduces the General Industrial – Light use back into the list of allowable uses on the site, and adds a new use Cannabis Facility, which is also an industrial use. The addition of these uses strengthens the industrial nature of the site, while the base Industrial – Business (I-B) District allows for uses that are more commercial in nature and support the industrial businesses.

***Calgary International Airport Vicinity Protection Area Regulation (Statutory – 2009)***

The subject site is located within the 35-40 Noise Exposure Forecast contour of the *Airport Vicinity Protection Area (AVPA)* land use regulations. The proposed General Industrial – Light and Cannabis Facility uses are generally allowable within the 35-40 NEF contour area. Future development permits would be circulated to the Airport and reviewed against the applicable regulations to ensure alignment and compliance.

**Social, Environmental, Economic (External)**

The proposed land use will allow for a wider range of industrial uses in addition to the industrial and commercial uses already allowed. This will help support local employment in the area and will improve the ongoing viability of the development as the owner will be able to attract a wider variety of tenants now and in the future.

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**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* and other applicable policies. The addition of these industrial uses strengthens the industrial base for the area and provides opportunities for a variety of businesses to operate in close proximity to one another with minimal impacts. As these uses are confined to the interior building uses, and do not have external operations, there would be few impacts to existing businesses in the area if these are added to the mix of uses already approved and under construction.

**ATTACHMENT(S)**

1. Applicant Submission
2. Proposed DC Direct Control District