

Planning & Development Report to
Calgary Planning Commission
2020 July 16

ISC: UNRESTRICTED
CPC2020-0783

Land Use Amendment in the Residual Sub-Area 9K (Ward 9) at 5615 and 5717 – 84 Street SE, LOC2014-0196

EXECUTIVE SUMMARY

This land use amendment application, for two adjacent parcels, was submitted on 2014 December 11 by David Jacobs Consulting representing Empire Trucks Parts (1985) Ltd and Donna and Patrick Tracey. This application proposes to redesignate both parcels from Special Purposes – Future Urban Development (S-FUD) District to Industrial – General (I-G) District to allow for:

- a wide variety of small and mid-scale industrial uses;
- a limited number of support commercial uses;
- a maximum building height of 16 metres; and
- the uses listed in the I-G District.

The proposal is in keeping with applicable policies of the *Municipal Development Plan* (MDP) and the *Sheppard Industrial Area Structure Plan* (ASP).

The application was on hold for an extended period while the applicant addressed requirements with the Province of Alberta related to the disturbed wetlands located on the subject parcels. The proposed I-G District will result in the residential development on the site becoming non-conforming.

A development permit has not been submitted.

ADMINISTRATION RECOMMENDATION:

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

1. **ADOPT**, by bylaw, the proposed redesignation of 10.33 hectares ± (25.53 acres ±) located at 5615 and 5717 – 84 Street SE (Plan 4506AH, Blocks 41 and X) from Special Purpose – Future Urban Development (S-FUD) District to Industrial – General (I-G) District; and
2. Give three readings to the proposed bylaw.

PREVIOUS COUNCIL DIRECTION / POLICY

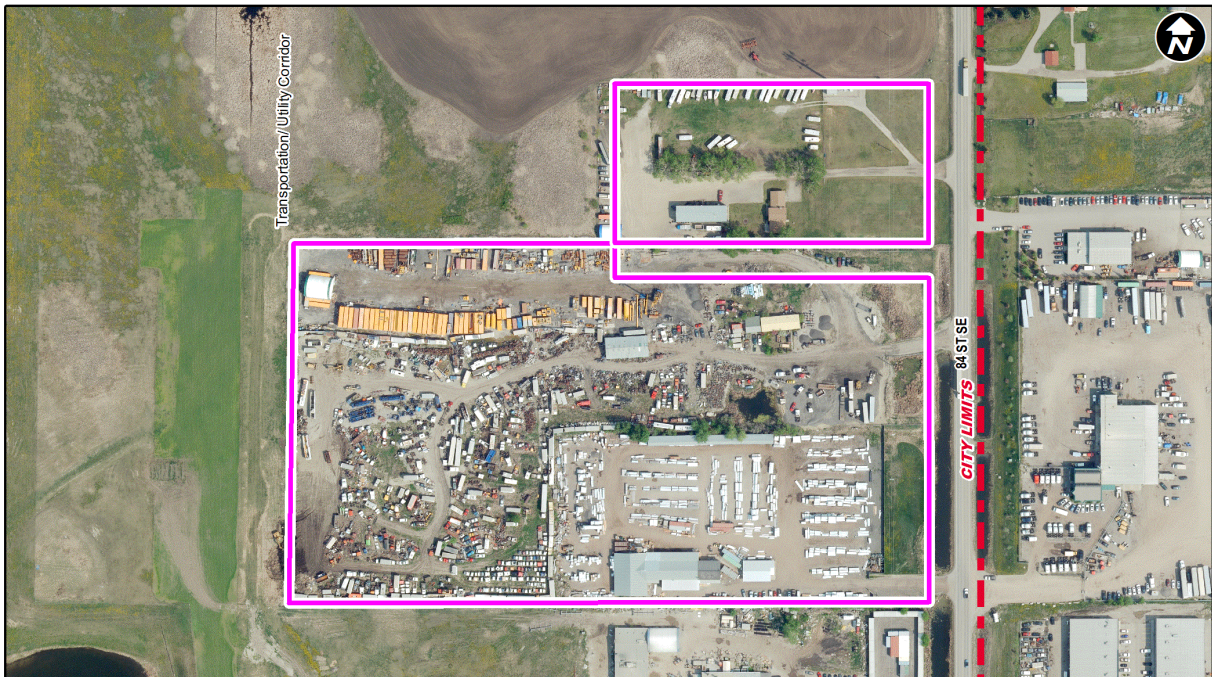
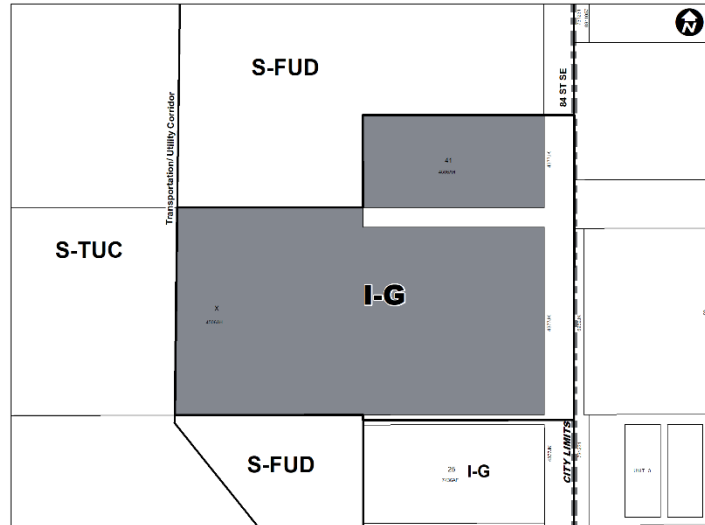
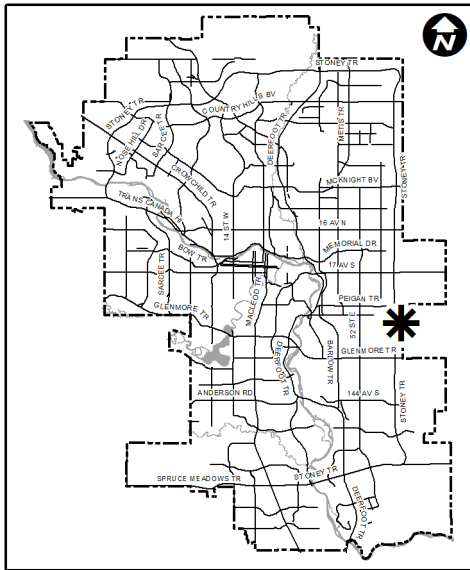
None.

BACKGROUND

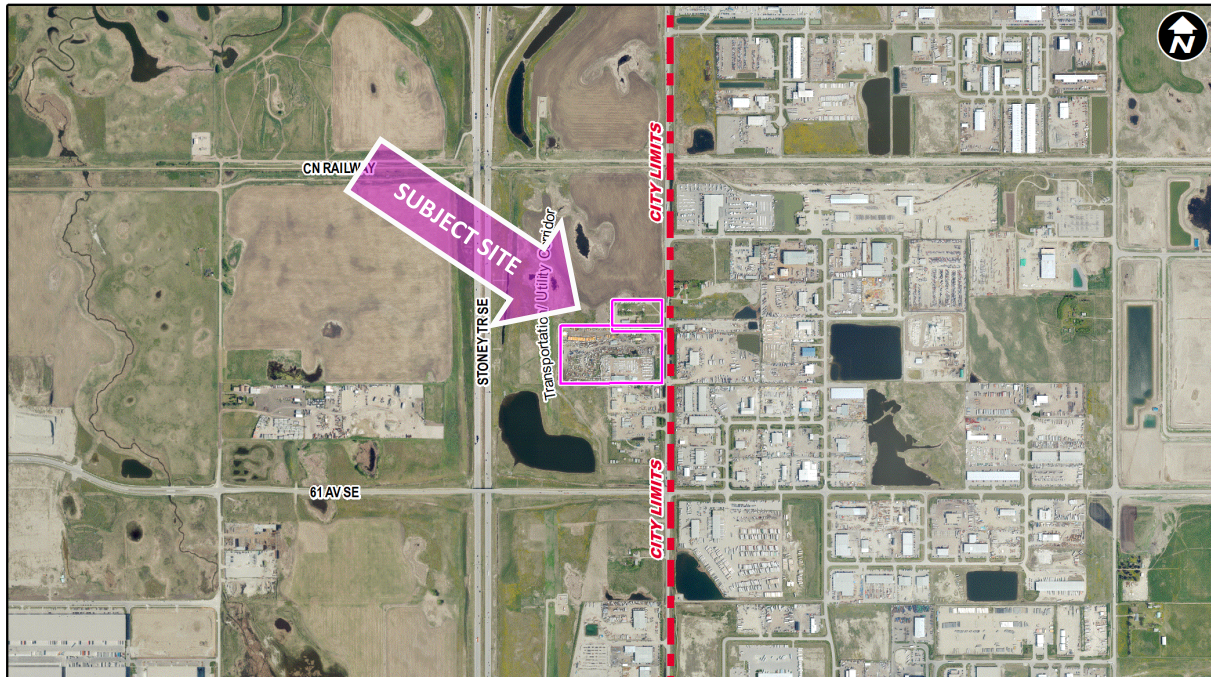
This land use amendment application was submitted by the applicant David Jacobs Consulting, representing Empire Trucks Parts (1985) Ltd – owner of Block X and Donna and Patrick Tracey owners of Block 41, on 2014 December 11. As noted in the Applicant Submission (Attachment 1), the application is intended to increase development opportunities under the proposed I-G District.

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Location Maps



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Site Context

The two parcels included in this application are located in Residual Sub-Area 9K. The parcels were annexed to The City of Calgary in 1989 from Rocky View County. At that time, 84 Street SE became the boundary between the two municipalities in this area. The area is flat with a few wetlands and drainage courses. Some of these natural features have been disturbed by development throughout the years.

The parcels are bound to the north with a vacant S-FUD parcel. Stoney Trail SE (Transportation and Utility Corridor) is located west of the parcels. To the south, Block X bounds with a parcel designated as I-G District and a parcel designated as S-FUD. The I-G parcel is occupied by industrial development and is accessible by 84 Street SE. To the west, the parcels are bound by the Janet Industrial Area in Rocky View County.

A portion of 56 Avenue SE is located between the subject parcels. This road right-of-way will likely not be required anymore. As part of this application, there were initial discussions to explore the opportunity to purchase the road right-of-way and proceed with a road closure and redesignation of such land. Discussions did not proceed further. This opportunity could be pursued by the owner(s) in the future, if they choose to.

There are currently two businesses on the southern parcels (Block X): Empire Truck Parts (1985) Ltd and McLean Lumber Sales. The northern parcel (Block 41) is occupied

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by a family residence and their livestock hauling trucking business, devoted mostly to transporting horses.

There is no residential population data in Residual Sub-Area 9K.

INVESTIGATION: ALTERNATIVES AND ANALYSIS

This land use amendment will allow for a wide range of industrial uses on the site. As discussed in the Land Use section of this report, the existing residential use/development is not a listed use in the proposed I-G District, and this redesignation will result in this use becoming non-conforming. Nevertheless, the proposal meets the objectives of applicable policies as discussed in the Strategic Alignment section of this report. The application was on hold for an extensive period due to concerns related to the disturbed wetlands on site. This triggered the need to inform the Province and follow their processes to resolve the issues as discussed in the Environmental Consideration section of this report.

Land Use

When under the jurisdiction of Rocky View Country District 44, the subject parcels were designated as DC Direct Control District Rural Industrial – Bylaw C-1990-86 to allow for various industrial uses and developments. When the parcels were annexed into the city, they transitioned to the Urban Reserve (UR) District, and when the [Land Use Bylaw 1P2007](#) was introduced, the parcels transitioned to the Special Purpose – Future Urban Development (S-FUD) District.

The S-FUD District applies to those lands which are awaiting urban development and utility servicing. The district allows for a limited range of temporary uses that can be easily removed when lands redevelop. The existing uses, previously approved by Rocky View County District 44, were carried on as discretionary uses as part of the annexation process.

The proposed I-G District will open a range of opportunities for redevelopment of the parcels. The proposed land use allows for small and mid-scale industrial developments and limited scale support commercial uses. The maximum building height is 16 metres.

The single-detached dwelling located on Block 41 will become a non-conforming development/use under the proposed I-G District, as “dwelling unit” is not a listed use in that district. The structure could remain on site and be occupied subject to the rules for non-conforming uses under the [Municipal Government Act](#) and the *Land Use Bylaw 1P2007*. The rules would allow for minor alterations of the house. Additions to the building or intensification of the use would not be allowed and, when the house is unoccupied for six months or more or is demolished, the non-conforming use will be discontinued. The applicant and landowners understand and agree with this situation as noted in the supporting statement included in Attachment 1.

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Development and Site Design

No development permit was submitted in relation to this application. The northern parcel (Block 41) includes a two-storey single family home, a one-storey maintenance building and outdoor storage area. The southern parcel (Block X), where two businesses are located, includes a small one-storey office building, two sheds and outdoor storage areas. Based on the information obtained, the uses and developments on site existed prior to the parcels being annexed to the City of Calgary, except for a minor addition on one of the buildings on Block X (approved under DP2015-4380).

The supporting statement included in Attachment 1 indicates that the applicant is interested in exploring redevelopment opportunities under the proposed I-G District. A development permit will be required for change of use or redevelopment of either parcel. The overall development impact, use area, required parking and any other site planning consideration would be evaluated as part of any future development permit review.

As the parcels are not serviced by City water and sewage, future development on either parcel will be limited to 1,600 square metres as noted in the proposed I-G District. Also, the Province's decision in relation to the disturbed wetlands will be required before a decision can be rendered in any future planning application including outline plans, and development permits.

Transportation

Access to these parcels is available from 84 Street SE, which is classified as an Arterial Road in the *Sheppard Industrial ASP*. Pending substantial redevelopment in the area, upgrades will be required to construct it to its ultimate cross section.

A Transportation Impact Assessment may be required at the development permit stage for major redevelopment.

Environmental Site Considerations

The subject parcels include five wetlands that have been disturbed without Water Act approval from the Province of Alberta. Subsequently, and as part of the application review, the applicant was required to self-report the disturbance to Alberta Environment and Parks (AEP) to come back into compliance. The AEP decision could entail restoration of the wetlands back to their pre-disturbance state or compensation payments.

As some of the wetlands are Class III or higher, the applicant had to contact Public Lands to determine whether any of the wetlands are crown-owned. When wetlands are identified as crown-owned, the wetlands and their associated setbacks are to be protected as "conservation area".

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Since 2015, the applicant provided the following reports required either by The City or by the Province:

- On October 2015 a “Preliminary Natural Site Assessment (PNSA)” report was submitted to The City;
- On February 2020, “Wetland Compliance Report (reference number 324268)” was completed and submitted to the Province; and
- On January 2020, “Empire Truck-Tracey Wetland Identification and Delineation” was completed and submitted to the Province.

These reports provide fundamental information for The City in reviewing the file, and for the Province in making their decisions on future status of the wetlands. With the submission of the two wetland reports, the applicant has made the Province aware of the disturbed wetlands and is working with them to rectify the situation. On 2020 June 05, the applicant received a decision from Public Lands that the Province will not be claiming the wetlands for the Crown, the final decision on how to proceed is yet to be made by the Province.

Considering the applicant’s recent developments with Alberta Environment and Parks regarding the wetlands on the subject properties, Administration is satisfied and has informed the applicant that a decision from the Province regarding the rehabilitation/compensation of the disturbed wetlands must be obtained before submitting any further development plans or subdivision applications in the future. The applicant and landowners understand and agree with this requirement.

Utilities and Servicing

No water, sanitary or storm servicing is available for this site. The landowners have entered into a deferred servicing agreement for the site with The City of Calgary. No City water mains exist for fire protection or domestic use. Private water supply has been verified with Calgary Fire for fire protection on the site.

The area’s overland drainage is to drain to the 84 Street SE road side ditch. An allowable release rate will be determined at the development permit stage.

Climate Resilience

The applicant has not identified any specific climate resilience measures as part of this application. Further opportunities to align future development on this site with applicable climate resilience strategies may be explored and encouraged at the development permit stage.

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Stakeholder Engagement, Research and Communication

In keeping with Administration's practices, this application was circulated to stakeholders and notice posted on-site. Notification letters were sent to adjacent landowners including Rocky View County, and the application was advertised online. There is no community association in the area. Response to circulation did not raise any concerns related to the applications.

Following a meeting of the Calgary Planning Commission's recommendation and the date of the Public Hearing will be advertised, posted on-site and mailed out to adjacent landowners.

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.

Interim Growth Plan (2018)

The recommendation aligns with the policy direction of the Calgary Metropolitan Regional Board's [Interim Growth Plan](#) (IGP). The proposed land use amendment builds on the principles of the IGP by means of promoting efficient use of land, regional infrastructure, and establishing strong, sustainable communities.

Municipal Development Plan (Statutory – 2009)

The parcels subject to this application are identified as Greenfield Industrial Area in [Map 1: Urban Structure](#) of the [Municipal Development Plan](#). The Greenfield Industrial Areas are future industrial areas located at the edge of the city. These areas provide land for future industrial growth.

Section 2.6 of the MDP, Greening the City, includes policies related to green infrastructure; water conservation; and reduction of demand for non-renewable energy resources (amongst others). This consideration will be discussed during future planning applications.

Climate Resilience Strategy (2018)

The [Climate Resilience Strategy](#) identifies programs and actions intended to reduce Calgary's greenhouse gas emissions and to mitigate climate risks. This application does not include any actions that specifically meet objectives of this plan, however, opportunities to align development of this site with applicable climate resilience strategies may be explored at subsequent development approval stages.

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Shepard Area Structure Plan (Statutory – 2009)

The parcels are in an area identified as an Industrial / Business Area in the [Shepard Industrial ASP](#). This area provides for a wide variety of general industrial and business uses within the context of a fully-serviced industrial business park.

Provisions for a variety of temporary and permanent industrial, business and local commercial uses are listed as acceptable uses in this area. The I-G District is considered a compatible district for the Industrial / Business Area.

Subdivision of lands to create a new parcel not serviced by City water and sewage is not permitted within the policy area unless it is for agricultural uses or to solve ownership issues.

The parcels back onto Stoney Trail (Transportation Utility Corridor – TUC). The right-of-way for the TUC includes a regional pathway system that runs north-south. Classified as an Arterial (Major Street) Road, the 84 Street SE right-of-way includes provisions for a two metre wide sidewalk on both sides, and a tree-lined boulevard. The proposed redesignation is in keeping with the policies in the Shepard industrial ASP.

Social, Environmental, Economic (External)

The proposed land use district supports the provision of a wider range of industrial uses to allow for redevelopment of the parcels.

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

Risk Assessment

Prior to any future planning application including stripping and grading, the process with the Province must be completed. The Province will decide rehabilitation or compensation requirements for the disturbed wetlands. The applicant and landowners are aware of this requirement.

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REASON(S) FOR RECOMMENDATION(S):

The proposal is in keeping with applicable policies in the *Municipal Development Plan* and the *Shepard Industrial Area Structure Plan* and provides for redevelopment opportunities for the parcels.

ATTACHMENT

1. Applicant Submission