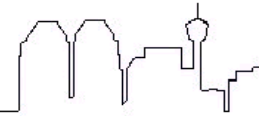


Applicant Submission

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Attention (File Manager) LISETTE BURGA GHERSI

LOC 2014-0196 Update

David Jacobs Consulting was engaged by Empire Truck Parts (1985) LTD. and Pat and Donna Tracey to undertake a land use redesignation from S-FUD to I-G. The properties are located at 5717 and 5615 - 84 St SE (west side of 84 St just north of Stoney Trail and the 61 Ave SE intersection.) The legal descriptions are Plan 4506 AH Block X and Block 41 respectively. The sites are 18.38 and 5.44 acres in size. The Shepard Industrial ASP that was approved by City Council on June 22, 2009 indicates these lands are to become Industrial/Business (I-G)

Prior to being annexed into the City of Calgary in 1989, these lands were in the MD of Rocky View and zoned DC - Rural Industrial (see attached Bylaw C-1990-86 approved in December 1986). The DC - Rural Industrial allowed for the lumber yard and ancillary outdoor storage. Once annexed into the City the land use district ("zoning") was changed in 1990 to UR Urban Reserve. The clauses on the annexation agreement allow for the existing business ("use") to be expanded regardless of zoning limitations but did not grandfather the full range of uses that may have been allowed prior to annexation under the Rocky View Land Use Bylaw. In 2007, the land use district changed to S-FUD with the introduction of the Land Use Bylaw 1P2007.

There are two businesses on Block X: Empire Truck Parts (the owner) occupies 13.38 acres and uses that land for truck part storage. There is an abandoned Atco trailer and a large heated shed (3200 sq. ft.). The other business, McLean Lumber Sales rents 5 acres for a lumber yard. They have a small office building (1700 sq. ft.) and an open shed for sawing lumber. If the land use redesignation is successful the Empire portion will be cleaned up (removal of trucks, parts and existing buildings) and the site will be prepared for equipment storage yard and a new building (all subject to a future DP). There will be no changes to the McLean Lumber portion of the site.

The Tracey's have their personal single family residence on Block 41 as well as their livestock (mostly horse) hauling trucking business with a 3000 square foot maintenance building and storage yard. On a year round basis there is an average of less than 5 truck movements a week (more in the summer and less in the winter) with personal car trips about 1 return trip a day

The purpose of this land use is to increase the range of permitted and discretionary uses that can occur on site. The limited range of S-FUD uses restricts the number of potential tenants or prospective purchasers that can use the land.

Under 1p2007 the maximum gross floor area of all buildings on a parcel that is not serviced by City water and sewer is 1600.0 m² (17222 sq. ft.). There may be additional built space on the sites as a result of this proposed land use and a subsequent development permits however it is understood that the total developed space will remain under 1600.0 m² per site.

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The single-detached dwelling located in Block 41 owned and occupied by the Tracey's 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 Tracey's are aware that the structure can 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 Tracey's have been made aware of the rules that apply to non-conforming buildings such as some minor alterations of the house would be allowed but additions to the building or intensification of the use would not be allowed, also when the house is un-occupied for six months or more or is demolished, the non-confirming use will be discontinued. They are aware and accept those conditions.

Without a doubt the biggest obstacle in getting this item to move forward to CPC and Council was the DTR1 comments relating to the wetlands on site. Planning, Transportation and Engineering had no comments or concerns about moving forward with the Land Use. Parks was concerned with wetland issues and required signoff from the Province (Alberta Environment) that they would not be claiming any of the wetlands as crown owned. Furthermore Parks had noted there was disturbance of some of the wetlands and required the owners to contact Alberta Environment AESRD to make them aware of the situation and bring the properties back in compliance

Clearly there were 6 years of delays dealing with Alberta Environment (AE) and subsequent requests to the City for extensions to the land use application. We faced innumerable obstacles in getting a decision out of AE. For the first 3 years (2016-2018) we faced staff turnover (maternity leave and deaths) at AE. In 2018 there were policy changes that left AE staff and the wetland and biological consulting world scrambling as a result of changes in wetland and environment study requirements. When the new requirements were clarified it was clear many of the studies could only be done in during the summer or fall. Two environmental and wetlands consultants and I spent a lot of time and sadly our clients' money trying to move this file forward through AE. We knew going in this would be a laborious and time consuming adventure, unfortunately we never contemplated this 6 year journey.

To that end two reports were prepared and submitted to Alberta Environment. Copies of the reports were also provided to the City. Suffice to say we have made the Province aware of the disturbed wetlands and we are working with them to rectify the situation. We are waiting for their response on how they would like to bring the properties into compliance. The two options are wetlands rehabilitation or a payment to enhance another wetlands. Regardless of what option the Province chooses, we believe we have satisfied Park's concern two areas of concern.

Throughout this entire ordeal we have been fortunate to have the same file manager who has been patient and helpful, more than we could ever hope for

David Jacobs