

**LAND USE AMENDMENT
RESIDUAL SUB-AREA 10C (WARD 10)
84 STREET SE AND PEIGAN TRAIL SE
BYLAW 48D2017**

MAP 6EE

EXECUTIVE SUMMARY

This land use amendment seeks to redesignate the parcel from Special Purpose – Future Urban Development (S-FUD) District to a DC Direct Control District based on S-FUD with the additional uses of Vehicle Storage – Large and Equipment Yard as discretionary uses with temporary development permit time limits.

The parcel is located in an unserviced area in the city's southeast, east of Stoney Trail SE and north of Peigan Trail SE. The applicant has identified that servicing is not required for the operation of a Vehicle Storage – Large or Equipment Yard.

PREVIOUS COUNCIL DIRECTION

None.

ADMINISTRATION RECOMMENDATION

2016 December 01

That Calgary Planning Commission recommends **APPROVAL** of the proposed Land Use Amendment.

RECOMMENDATION(S) OF THE CALGARY PLANNING COMMISSION

That Council hold a Public Hearing on Bylaw 48D2017; and

1. **ADOPT** the proposed redesignation of 3.34 hectares \pm (8.25 acres \pm) located at 4000 – 84 Street SE (Plan 7510218;OT) from Special – Purpose – Future Urban Development (S-FUD) District **to** DC Direct Control District to accommodate Vehicle Storage – Large and Equipment Yard, in accordance with Administration's recommendation; and
2. Give three readings to the proposed Bylaw 48D2017.

REASON(S) FOR RECOMMENDATION:

The proposal is in keeping with applicable policies including the Municipal Development Plan (MDP) which advocates flexibility to accommodate the changing needs of business. The proposal is also aligned with the East Regional Context Study, which identifies proposed development to be premature prior to the formation of an Area Structure Plan, with the exception of temporary uses or uses that will not compromise future urban growth in any way.

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The proposed DC Direct Control District based on S-FUD allows for the additional uses of Vehicle Storage – Large and Equipment Yard with temporary development permit time limits. The additional uses are similar in operation to existing uses within S-FUD, including Vehicle Storage – Recreational and Vehicle Storage – Passenger, and are therefore not expected to compromise future urban growth in any way.

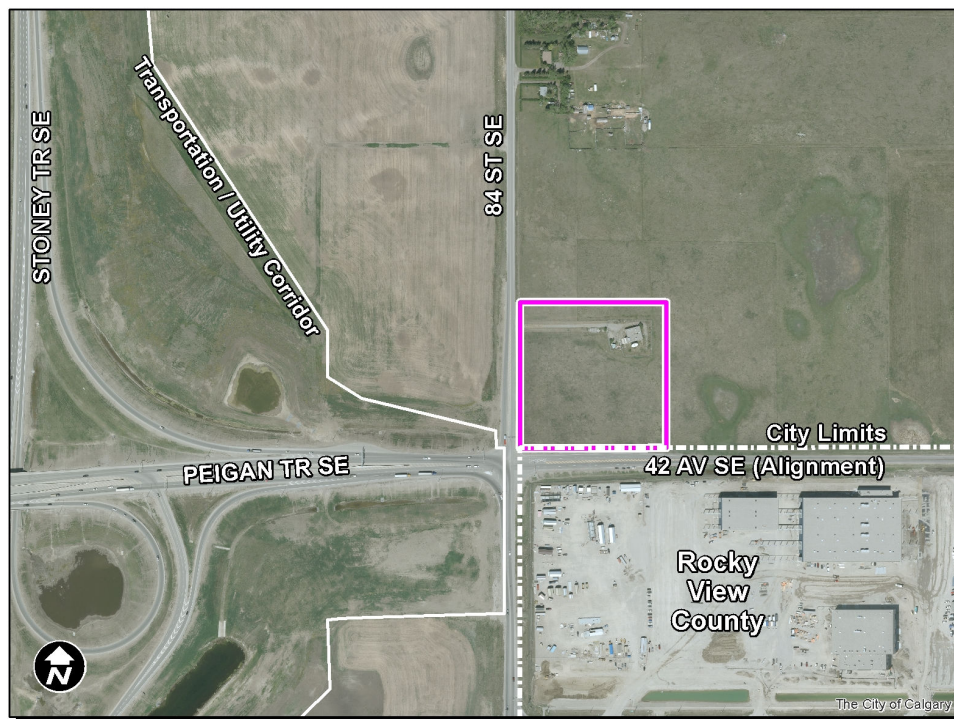
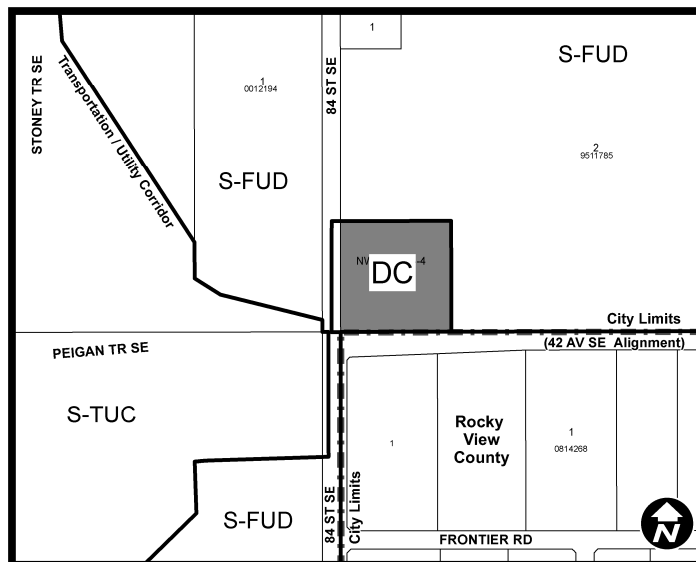
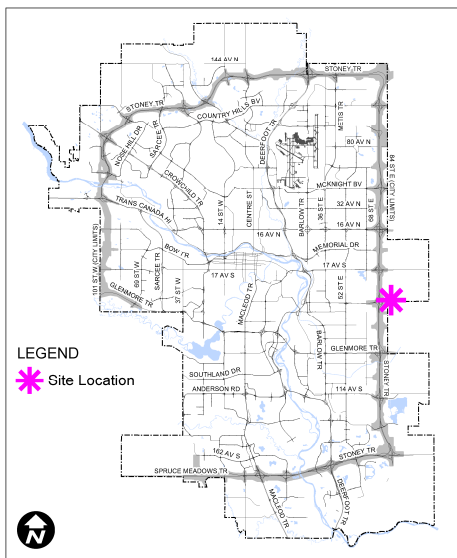
ATTACHMENT

1. Proposed Bylaw 48D2017

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LOCATION MAPS



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ADMINISTRATIONS RECOMMENDATION TO CALGARY PLANNING COMMISSION

Recommend that Council **ADOPT**, by bylaw, the proposed redesignation of 3.34 hectares \pm (8.25 acres \pm) located at 4000 – 84 Street SE (Plan 7510218;OT) from Special – Purpose – Future Urban Development (S-FUD) District **to** DC Direct Control District to accommodate Vehicle Storage – Large and Equipment Yard (APPENDIX II).

Moved by: A. Palmiere

Carried: 9 – 0

Comments from Mr. Wright:

- Still have concerns about groundwater contamination (vehicle leaks), but have been assured these issues will be addressed at the development permit stage.

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Applicant:

Deanna Helms

Landowner:

1804947 Alberta Ltd (Dave Helms and
Deanna Helms)

PLANNING EVALUATION

SITE CONTEXT

The site is located approximately 620 metres east of Stoney Trail SE, on the corner of 84 Street SE and Peigan Trail SE. The parcel is presently vacant, though was previously occupied by a Telus utility building which was demolished on 2016 November 08. Agricultural lands exist to the north, east and west of the parcel on land designated as S-FUD. Rocky View County limits are located directly south of the site across Peigan Trail SE, comprising industrial development.

LAND USE DISTRICTS

The proposed land use district is a DC Direct Control District based on the Special Purpose – Future Urban Development (S-FUD) District of Land Use Bylaw 1P2007. Section 20 of the Land Use Bylaw indicates that DC Direct Control Districts must only be used for developments that, due to their unique characteristics, innovative ideas or unusual site constraints, require specific regulation unavailable in other land use districts. A DC District has been used for this application to maintain the land use district of S-FUD, thereby complying with the provisions of the East Regional Context Study, while allowing for the additional interim uses of Vehicle Storage – Large and Equipment Yard. These uses are aligned with the allowable uses in S-FUD, specifically Vehicle Storage – Passenger and Vehicle Storage – Recreational.

In addition to allowing for Vehicle Storage – Large and Equipment Yard as discretionary uses, the DC Direct Control District has a number of rules specific to the additional uses:

- It does not allow vehicles or equipment stored or rented to be serviced, cleaned, tested or repaired on-site;
- It does not allow the incidental sale of used vehicles, derelict equipment or construction material; and
- It does not allow for the storage or dilapidated vehicles, dilapidated equipment or construction material.

Furthermore, both additional uses are allowed to be approved on a temporary basis only, for a period of time not greater than five years, thus upholding the provisions of the East Regional Context Study.

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LEGISLATION & POLICY

South Saskatchewan Regional Plan (2014 – Statutory)

The parcel is located within the “City, Town” area as identified on Schedule C: South Saskatchewan Regional Plan (SSRP) Map. The SSRP makes no specific reference to this site. The land use proposal is consistent with the SSRP policies including the Land Use Patterns policies (subsections 8.11 - 8.18).

Municipal Development Plan (2009 – Statutory)

The parcel is located within the Developing – Future Greenfield Area as identified on Map 1: Urban Structure, of the Municipal Development Plan (MDP). Both *City-Wide* policies and *Future Greenfield Area* policies apply. Future Greenfield Areas are recognized as large land areas in the city identified for future urban development that do not have an approved Area Structure Plan (ASP) in place.

In general, the *City-Wide* and *Future Greenfield Area* policies encourage flexibility to accommodate the changing needs of business while not compromising the developability of the land for future urban purposes.

The application is in keeping with the relevant MDP policies as the proposed land use redesignation will allow for development on a limited basis, therefore protecting the *Future Greenfield Area* from future urban development.

Rocky View County / City of Calgary Intermunicipal Development Plan (IDP) (2012 – Statutory)

The subject site is located within the *Rocky View/Calgary Intermunicipal Development Plan (IDP)* Policy Area. The Policy Area contains lands immediately adjacent to the shared border. The site is located within the Peigan Trail Extension key focus area. Section 4.6 of the IDP states that lands north of Peigan Trail SE will be residential land uses within the City of Calgary, while lands to the south will remain industrial land uses within Rocky View County. As the land use redesignation will maintain the base district of S-FUD and is for temporary development permit time limits only, the proposed DC District is a suitable interim use for the site.

As per the inter-municipal circulation and referral process, the application was circulated to the MD of Rocky View for comments.

East Regional Context Study (ERCS)

The parcel is located within a planning area identified as Planning Cell C (Map 2), and is identified in Map 3 as Residential Area. The ERCS provides a framework for the preparation of more detailed ASP's within the ERCS area and involves transportation, environmental, land use

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and servicing studies and input from landowners, other stakeholder groups and general public consultation.

The Growth Management Recommendation in the RCS provides a recommended sequencing of growth; however, it does not provide a timeline for the commencement of future ASP's in the ERCS area beyond those for Cell A and B (Future Planning Cell Map 2). The ERCS identifies that as part of the growth management analysis, the timing of subsequent ASP's should consider the availability of the land supply on the east side of the City, in relation to residential growth and the ability to finance the cost of extending services into the ASP cells.

According to the ERCS' sequencing of ASP's, it is recommended that the preparation of ASP's in the ERCS area proceed in a sequential manner beginning with Cell A and B. It is recommended that either Cell C, D or E be the next ASP to proceed after Cell B. The decision to commence an ASP requires Council direction and an analysis of the City's Growth Management Principles and Core Criteria.

The ERCS identifies that for development in an area prior to an ASP, applications for land use amendments and development permits will be considered premature, with possible exceptions for temporary uses or uses that will not compromise future urban growth in any way.

All temporary uses should be subject to a limited time frame, to be determined at the time of application. As such, the proposed additional uses of Vehicle Storage – Large and Equipment Yard are limited to temporary development permit time limits no greater than five years.

TRANSPORTATION NETWORKS

A Transportation Impact Assessment (TIA) was not required for this phase of the proposal. Vehicular access to the site is available via 84 Street SE and is limited to right-in/right-out only. Direct vehicular access will not be permitted to Peigan Trail SE. The intersection of Peigan Trail S and 84 Street SE is signalized and operates within acceptable operating parameters. There is no transit service nor pathway systems available in the area at this time.

UTILITIES & SERVICING

Water, sanitary and storm servicing are not available for the site. It is anticipated that servicing for the proposed use will not be required at this time and therefore servicing obligations would be deferred into the future.

ENVIRONMENTAL ISSUES

An Environmental Site Assessment (ESA) was not required for this application.

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GROWTH MANAGEMENT

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

PUBLIC ENGAGEMENT

Community Association Comments

A Community Association does not yet exist in the community of Residual Ward 10 – Sub Area 10C.

Citizen Comments

Administration did not receive any letters in response to this application.

Public Meetings

No public meetings were held by the Applicant or Administration.

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APPENDIX I

APPLICANT'S SUBMISSION

- This parcel is currently zoned S-FUD and with the economy the way it is we would certainly like to utilize the property and at the same time help out the industrial district with their storage needs;
- Adjacent neighbors are industrial: Frontier Industrial Park is located to the South side just across Peigan Trail;
- Under S-FUD zoning vehicle storage is permitted so the large vehicle storage will only change the permitted use slightly as we try and accommodate the storage needs of the industrial business that are close to the parcel;
- With the properties location on the corner of 84th street and Peigan trail the access is ideal;
- There are no services or buildings required and we would not be creating any noise or contamination as vehicles for storage will be checked over; and
- This lot was previously used by Telus for a commercial office site and ¼ of an acre is still under contract with us for a 20 year lease for a cell tower; therefore this lot has been used for commercial land previously and would definitely be a perfect location for a gas bar/ Tim Horton's location in the near future.

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APPENDIX II

PROPOSED DIRECT CONTROL GUIDELINES

Purpose

- 1 This Direct Control District is intended to:
- (a) allow for **Vehicle Storage – Large** and **Equipment Yard** with temporary **development permit** time limits;
 - (b) allow for a limited range of temporary **uses** that can easily be removed when land is redesignated to allow for urban forms of **development**; and
 - (c) protect lands for future urban forms of **development** and **density** by restricting premature subdivision and **development**.

Compliance with Bylaw 1P2007

- 2 Unless otherwise specified, the rules and provisions of Parts 1, 2, 3 and 4 of Bylaw 1P2007 apply to this Direct Control District.

Reference to Bylaw 1P2007

- 3 Within this Direct Control District, a reference to a section of Bylaw 1P2007 is deemed to be a reference to the section as amended from time to time.

Permitted Uses

- 4 The **permitted uses** of the Special Purpose – Future Urban Development (S-FUD) District of Bylaw 1P2007 are the **permitted uses** in this Direct Control District.

Discretionary Uses

- 5 The **discretionary uses** of the Special Purpose – Future Urban Development (S-FUD) District of Bylaw 1P2007 are the **discretionary uses** in this Direct Control District with the addition of:

- (a) **Equipment Yard**; and
- (b) **Vehicle Storage – Large**.

Bylaw 1P2007 District Rules

- 6 Unless otherwise specified, the rules of the Special Purpose – Future Urban Development (S-FUD) District of Bylaw 1P2007 apply in this Direct Control District.

Rules for Vehicle Storage – Large and/or Equipment Yard

- 7 (1) Vehicles and equipment stored or rented within **Vehicle Storage – Large** or **Equipment Yard** must not be serviced, cleaned, tested or repaired on-site.

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- (2) **Vehicle Storage – Large and Equipment Yard** must not involve the incidental sale of used vehicles, derelict equipment or construction material.
 - (3) **Vehicle Storage – Large and Equipment Yard** must not involve the storage of *dilapidated vehicles*, dilapidated equipment or construction material.
 - (4) **Vehicle Storage – Large and Equipment Yard** must not be approved for a period exceeding five (5) years.