

LAND USE AMENDMENT  
STONE 3 (WARD 3)  
COUNTRY HILLS BOULEVARD AND 38 STREET NE  
BYLAW 66D2017

MAP 22NE

**EXECUTIVE SUMMARY**

The application proposes to redesignate a single parcel of land totalling 2.028 hectares located at 11281 - 38 Street NE from DC Direct Control District to Industrial-Commercial (I-C) District to accommodate additional commercial uses, and to bring the District up to current standards. Specific commercial uses are anticipated to include a retail store catering to industrial clientele.

**PREVIOUS COUNCIL DIRECTION**

None.

**ADMINISTRATION RECOMMENDATION(S)**

2016 December 15

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 66D2017; and

1. **ADOPT** the proposed redesignation of 2.03 hectares  $\pm$  (5.01 acres  $\pm$ ) located at 11281 – 38 Street NE (Plan 1512086, Block 1, Lot 3) from DC Direct Control District to Industrial – Commercial (I-C) District, in accordance with Administration's recommendation; and
2. Give three readings to the proposed Bylaw 66D2017.

**REASON(S) FOR RECOMMENDATION:**

The proposed Industrial – Commercial (I-C) District will allow for a greater number of commercial uses on the site, specifically a proposed retail tenant that caters to industrial customers. The adjacency of the site to Country Hills Boulevard NE provides for a compatible and appropriate opportunity for commercial uses. The existing DC District, based on the I-2 District of Bylaw 2P80 included considerable commercial uses, several of which will no longer be permitted or discretionary in the proposed land use district. The proposed I-C District best reflects the uses allowed in the existing land use.

The Area Structure Plan has policies that support non-industrial on the subject site. The proposed redesignation removes a Direct Control District based on Bylaw 2P80 and brings the subject site up to the current bylaw standard.

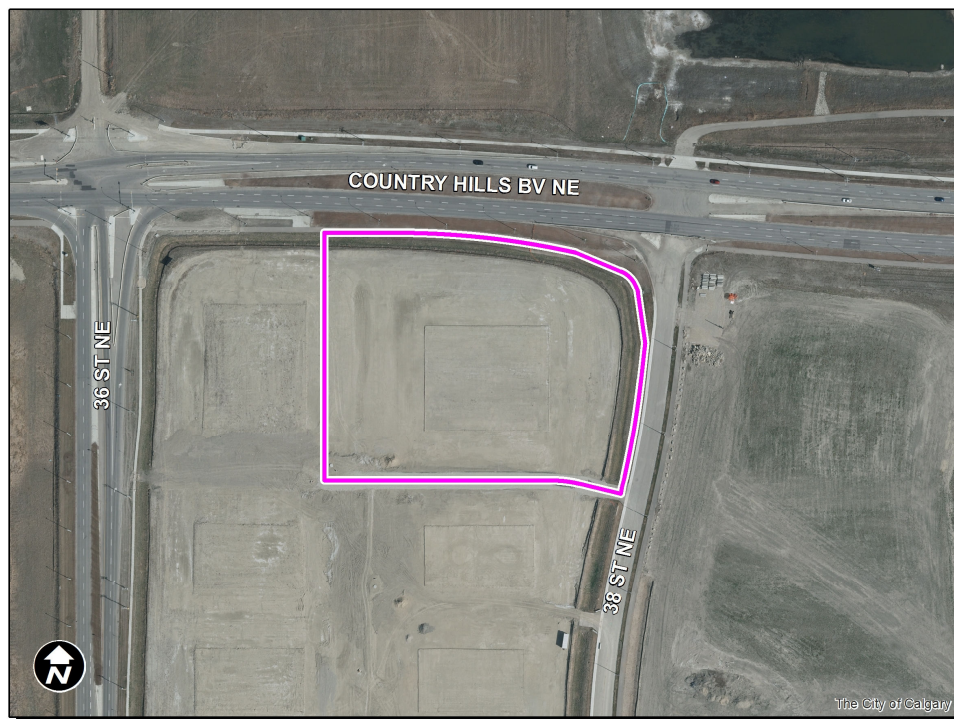
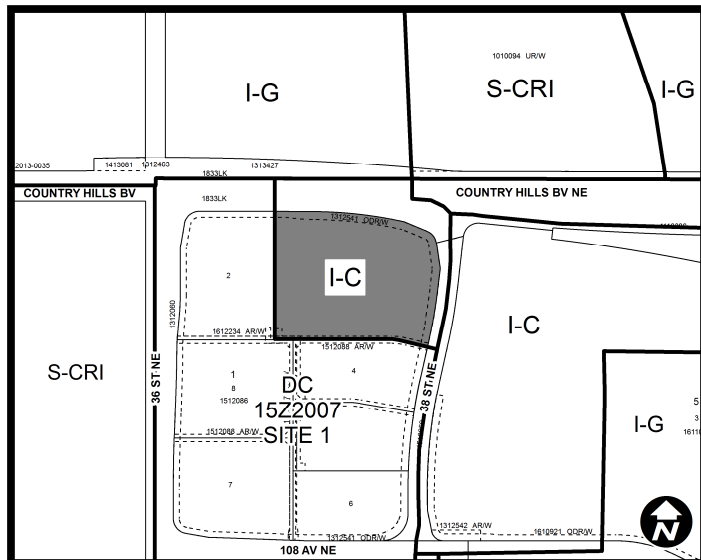
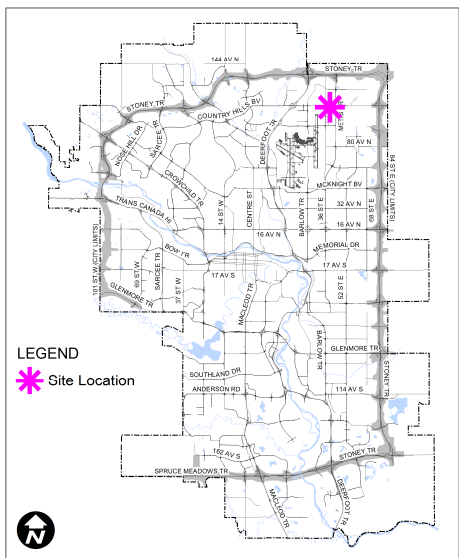
**ATTACHMENT**

1. Proposed Bylaw 66D2017

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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 2.03 hectares  $\pm$  (5.01 acres  $\pm$ ) located at 11281 – 38 Street NE (Plan 1512086, Block 1, Lot 3) from DC Direct Control District to Industrial – Commercial (I-C) District.

**Moved by: S. Keating**

**Carried: 6 – 3**

Opposed: G.-C. Carra, R. Wright  
and D. Leighton

Reasons for Opposition from Mr. Leighton:

- My reasons for opposing of this application are:
  - a) This represents a conversion of land identified for future industrial use to a “big box” commercial/retail;
  - b) This is in conflict with the Area Structure Plan;
  - c) There are other, better located, appropriately zoned sites for this “big box” retail use;
  - d) Converting industrial zoned land to retail increases property values in the area; thereby discouraging or penalizing legitimate industrial/employment uses.

Reasons for Opposition from Mr. Wright:

- I am concerned with the continued erosion of an industrial district with commercial uses outbidding industry. Given its location and incredible infrastructure (Airport, Deerfoot Trail and Country Hills Boulevard interchange), this is another lost opportunity that does not take advantage of such infrastructure.

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**Applicant:**

Shepard Jacksonport Ltd

**Landowner:**

Shepard Jacksonport Ltd

**PLANNING EVALUATION**

**SITE CONTEXT**

The site is located on the southwest corner of Country Hills Boulevard and 38 Street NE, directly to the east of the new airport runway. The site consists of one parcel of seven within a large block between Country Hills Boulevard and 108 Avenue NE and 36 Street and 38 Street NE. The parcels share access via private roads accessed from 38 Street NE. The entire block is currently zoned as a DC based on the I-2 District of Bylaw 2P80.

The site is currently vacant, and has no improvements other than stripping and grading.

The site immediately to the east was similarly redesignated from the same Direct Control District based on I-2 to a combination of I-C and I-G. The northern portion (that is closest to the subject site), being designated I-C (Bylaws 2C2016 and 12D2016). The Bylaw was passed by Council on 2016 January 11.

**LAND USE DISTRICTS**

The current land use designation for the subject site is a Direct Control District based on the I-2 District of Land Use Bylaw 2P80, and the subject site is part of Site 1 of the Direct Control District. The Direct Control maintained the uses of the I-2 District, except for the exclusion of liquor stores and warehouse stores, restricted outdoor storage and included design requirements for Shopping Centre Uses.

The changes proposed consist primarily of changes to the permitted and discretionary uses in the district. A summary of the existing and proposed permitted and discretionary uses can be found in APPENDIX II.

There is no change to the allowable FAR on the site. There is no change to the allowable height.

**LEGISLATION & POLICY**

**Northeast Industrial Area Structure Plan (ASP)**

The subject site is located in the Northeast Industrial Area Structure Plan (ASP). The ASP defines several commercial uses included Local, Retail, Secondary and Service commercial uses. The proposed retail store fits closest into the definition of a secondary commercial use,

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due to the “extensive indoor or outdoor areas for storage or display or carrying out the activity” and that it may include “warehouse stores”. The subject site is identified as part of the Business/Industrial Area in the land use concept. These areas are intended to have light industrial uses as the predominate use of land, but allow for various commercial uses (including secondary commercial) where determined to be compatible and appropriate. While specific policies are contained in the ASP that pertain to the location of local and service commercial areas, secondary commercial areas do not have location policies. Therefore, it can be determined that secondary commercial uses are appropriate throughout the Business/Industrial area.

South Saskatchewan Regional Plan (SSRP)

The recommendation by Administration in this report has considered and is aligned with the policy direction of the South Saskatchewan Regional Plan (SSRP).

**TRANSPORTATION NETWORKS**

Vehicle access to the subject site is via 38 Street NE and the Access Right-of-way from the west property of Lot 2 from 36 Street NE only. Access to Country Hills Boulevard NE is restricted. A Transportation Impact Assessment will be required at the development permit stage.

**UTILITIES & SERVICING**

Utility and servicing considerations will be determined at the development permit stage.

**ENVIRONMENTAL ISSUES**

No environmental issues were identified as part of this application.

**ENVIRONMENTAL SUSTAINABILITY**

No environmental sustainability issues were identified as part of this application.

**GROWTH MANAGEMENT**

There are no growth management aspects to consider.

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**PUBLIC ENGAGEMENT**

**Community Association Comments**

Not required as there is no Community Association in this area.

**Citizen Comments**

No comments received by CPC Report submission date

**Public Meetings**

No public meetings were held for this application.

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**APPENDIX I**

**APPLICANT'S SUBMISSION**

The subject parcel is currently owned by Shepard Jacksonport Ltd. The property is located in the northeast quadrant of the City of Calgary adjacent to the Calgary International Airport. The lands are bounded by Country Hills Boulevard NE to the north, 38<sup>th</sup> Street NE to the east, and 36<sup>th</sup> Street NE to the West.

The subject parcel has a current land use designation of DC15Z0007. The current application proposes an IC Land Use. The main reason for application is to conform to our clients request requiring the IC Land Use designation.

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**APPENDIX II**

**LAND USE TABLE**

\* Due to the discrepancy of use definitions between bylaw 2P80 and bylaw 1P2007, the table below represents the best approximation of congruity between use definitions of the two bylaws. Uses included in the existing Direct Control District that are not included in the proposed I-C District are highlighted in red. Uses included in the proposed I-C District that are not included in the existing Direct Control District are highlighted in green. In some cases, new use definitions in 1P2007 did not exist in bylaw 2P80. These cases are marked with an asterisks.

Existing DC (base I-2 in 2P80)	Proposed I-C
<i>Permitted Uses</i>	
Essential public services	Park;
Parks and playgrounds	Power Generation Facility – Small;
Utilities	Sign – Class A;
	Sign – Class B;
	Sign – Class D; and
	Utilities.
<i>Permitted Uses within existing buildings</i>	
Accessory food services	Artist's Studio;*
Accessory uses	Beverage Container Drop-Off Depot;
Ancillary commercial uses	Beverage Container Quick Drop Facility;
Athletic and recreational facilities	Building Supply Centre;
Auction halls	Counselling Service;*
Auto body and paint shops	Dry-cleaning and Fabric Care Plant;
Automotive sales and rentals	Financial Institution;
Automotive services	Fitness Centre;
Automotive specialties	General Industrial – Light;
Cleaning, servicing, testing or repairing	Health Services Laboratory – With Clients;*
Crematoriums and columbariums	Indoor Recreation Facility;
Greenhouses and nurseries	Information and Service Provider;*
Grocery stores	Instructional Facility;
Laboratories	Medical Clinic;
Manufacturing, fabricating, processing, assembly, disassembly, production or packaging of materials, goods or products	Office;
Mechanical reproduction and printing establishments	Pawn Shop;*
Motion picture production facilities	Pet Care Service;*
Offices	Print Centre;
Parking areas and structures	Protective and Emergency Service;
Power Generation Facility, Small-scale	Radio and Television Studio;
Radio and television studios	Restaurant: Food Service Only – Medium;



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Recreational and commercial vehicle repair, service, sales and rental	Restaurant: Food Service Only – Small;
Signs – Class 1	Retail and Consumer Service;
Signs - Class 2 - freestanding identification only	Service Organization;*
Veterinary clinics	Specialty Food Store;*
Veterinary hospitals	Take Out Food Service;
	Vehicle Rental – Minor;
	Veterinary Clinic
<i>Discretionary Uses</i>	
Amusement arcades	Auction Market – Other Goods;
Billiard parlours	Auction Market – Vehicles and Equipment;
Bottle return depots	Auto Body and Paint Shop;
Child care facilities	Auto Service – Major;
Commercial schools	Auto Service – Minor;
Custodial quarters	Brewery, Winery and Distillery;*
Drinking establishments	Car Wash – Multi-Vehicle;
Entertainment establishments	Car Wash – Single Vehicle;
Flea markets	Child Care Service;
Financial institutions	Convenience Food Store;*
Gaming establishment – bingo	Custodial Quarters;
Hotels and motels	Drinking Establishment – Small;
Intensive agricultural uses	Drive Through;*
Kennels	Gas Bar;*
Outdoor cafe	Large Vehicle and Equipment Sales;
Power Generation Facility, Mid-scale	Large Vehicle Service;
Private clubs and organizations	Large Vehicle Wash;
Private schools	Liquor Store;
Public and quasi-public buildings	Medical Marijuana Counselling;*
Restaurants-food service only	Outdoor Café;
Restaurants-licensed	Payday Loan;*
Signs – Class 2 – except for freestanding identification	Power Generation Facility – Medium;
Special function tents (commercial)	Recreational Vehicle Sales;
Take-out food services	Recreational Vehicle Service;
Utility Building	Restaurant: Licensed – Medium;
	Restaurant: Licensed – Small;
	Restored Building Product Sales Yard;*
	Self Storage Facility;*
	Sign – Class C;
	Sign – Class E;
	Sign – Class F;*
	Sign – Class G;*
	Special Function – Class 2;
	Utility Building;
	Vehicle Rental – Major;

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	Vehicle Sales – Major; and
	Wind Energy Conversion System – Type 1.*