

**LAND USE AMENDMENT  
BOWNESS (WARD 1)  
BOWRIDGE DRIVE NW WEST OF BOWRIDGE CRESCENT NW  
BYLAW 176D2016**

**MAP 34W**

**EXECUTIVE SUMMARY**

This land use redesignation proposes a DC Direct Control District in order to accommodate a Beverage Container Drop-Off Depot use and provide use specific rules such as size, location, and potential other uses on the parcel.

**PREVIOUS COUNCIL DIRECTION**

None

**ADMINISTRATION RECOMMENDATION(S)**

2016 May 19

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 176D2016; and

1. **ADOPT** the proposed redesignation of 1.07 hectares  $\pm$  (2.64 acres  $\pm$ ) located at 60 Bowridge Drive NW (Plan 5565AH, Block 46, Lot 27) from DC Direct Control District to DC Direct Control District to accommodate office, retail and beverage container drop-off depot, in accordance with Administration's recommendation; and
2. Give three readings to the proposed Bylaw 176D2016.

**REASON(S) FOR RECOMMENDATION:**

The existing Direct Control district for this site relates to the Highway Commercial area as outlined in the Bowness Area Redevelopment Plan (ARP) which reads "The purpose of this land use district is to provide for certain commercial uses which, in order to serve the motoring public, located on streets with heavy traffic volumes and a high level of exposure".

Given that the parcel is not located on a road directly adjacent to the Trans-Canada Highway, rather further to the south abutting the escarpment it is not considered to be truly Highway Commercial. Administration has drafted the DC Direct Control District to address screening the Beverage Container Drop-Off Depot with office and retail uses, not allowing external storage and requiring a minimum quantity of parking to accommodate the use.

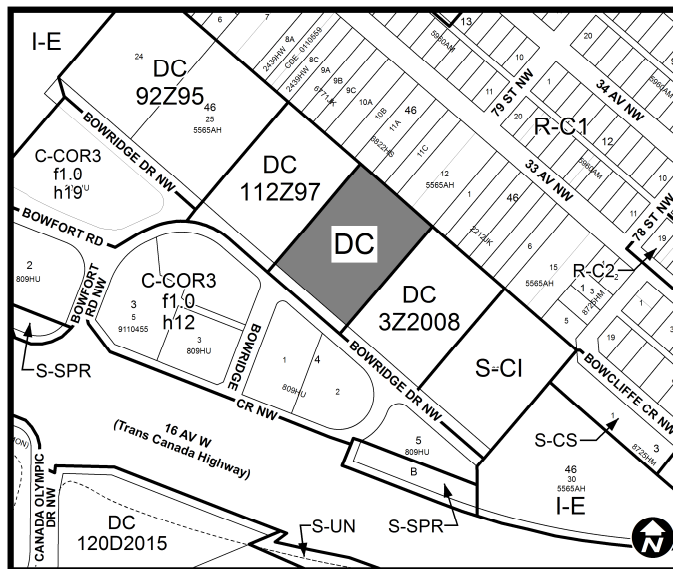
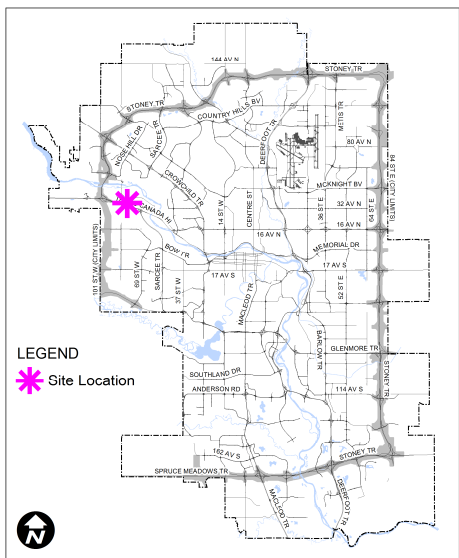
**ATTACHMENTS**

1. Proposed Bylaw 176D2016
2. Public Submission

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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 1.07 hectares  $\pm$  (2.64 acres  $\pm$ ) located at 60 Bowridge Drive NW (Plan 5565AH, Block 46, Lot 27) from DC Direct Control District **to** DC Direct Control District to accommodate office, retail and beverage container drop-off depot with guidelines (APPENDIX II).

**Moved by: S. Keating**

**Carried: 7 – 0**

Comments from Mr. Wright:

- Page 57 talks of a “second tier” behind the highway commercial that was generally zoned I-2. I would suggest the intent of this document was to allow industrial type uses including storage. Bottle depots fit that general intent and should be supported.

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**Applicant:**

Manu Chugh Architect

**Landowner:**

1447743 Alberta Ltd  
(Kulwant Singh Dhillon)

**PLANNING EVALUATION**

**SITE CONTEXT**

The site is located south of an escarpment which runs along the south edge of the parcels that face onto the south side of 33 Avenue NW. Surrounding development consists of Self-Storage Facilities to the west and east, residential to the north, and a hotel and other commercial developments to the south.

**LAND USE DISTRICTS**

The proposed DC allows for the inclusion of Beverage Container Drop-Off Depot as a use while requiring site specific details that limit the potential impact it may have on the surrounding residential development. Administration considered a variety of land use districts but determined that Industrial Edge (I-E) District is the most appropriate for the site. The purpose statement within this district most accurately complies to the potential future use. Though it does not accommodate Beverage Container Drop-Off Depot as a use, other districts would require deletion of a number of discretionary uses that would not be appropriate.

**LEGISLATION & POLICY**

The subject parcel is located within the "Commercial Highway" district in Map 2: Land Use Policy Areas of the Bowness Area Redevelopment Plan. This area requires any new development to be setback from the escarpment at least to the minimum stated in the Calgary General Municipal Plan.

No amendment to the Bowness ARP is required as the document does not reference specific Direct Control districts.

The application complies with the main objectives of the Highway Commercial area as noted in the Bowness ARP. If approved, the type of development would not negatively impact on the escarpment lands, vegetation and wildlife, and would have to meet the required setback from the escarpment. It is Administration's view that the application as proposed is not in conflict with the ARP.

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Within the definition of Beverage Container Drop-Off Depot in the Land Use Bylaw, there are specific requirements when located within 300 metres to a parcel designated as a residential district. As there is residential located below the escarpment, they would not be allowed to have outside storage, allow for loading or movement of recyclable material from the premise between the hours of 9:00pm-7:00am and not have compaction of materials occurring outside of a building.

### **TRANSPORTATION NETWORKS**

The site is located approximately 980 metres from the transit stop, servicing the Route 40 and 407, and offers service to the Crowfoot and Brentwood LRT station respectively.

There are no parking restrictions in the area. Parking should be provided at the time of a Development Permit.

### **UTILITIES & SERVICING**

To support the proposed development a watermain upgrade will be required.

### **ENVIRONMENTAL ISSUES**

At the Development Permit stage a Slope Stability Report will be required.

### **ENVIRONMENTAL SUSTAINABILITY**

Storm water sewer upgrades may be required at the Development Permit stage at the expense of the developer.

### **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**

The Community Association commented in objection to the application (see APPENDIX III)

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**Citizen Comments**

Nine letters of objection were received, concerns include:

- Lower property values;
- privacy and quality of life;
- increased pressure on parking;
- impact on escarpment;
- increased vandalism and petty crime;
- not integrating with surrounding uses;
- magnified sound due to escarpment; and
- any development should respect the ARP.

**Public Meetings**

Five meetings were held with adjacent land owners from December 2015 to February 2016.

A public open house was held on 2016 March 07.

Issues raised in the public engagement process were:

- Noise Created by bottle depot operation.
  - The restrictions built into the DC district as well as the Land Use Bylaw Beverage Container Drop-Off Depot definition will limit potential noise impacts.
- Inappropriate next to residential areas.
  - Though it is adjacent to a residential area, the adjacent escarpment acts as a buffer and limits impact on the residential use.
- Escarpment should not be accessible to public.
  - The escarpment is not accessible to the public; rather, is owned by the property owners, including the setback area. Accessing the escarpment lands would be considered trespassing.
- Increased traffic.
  - There is potential for increased traffic with any type of development however a Beverage Container Drop-Off Depot is not an intensive use compared to other uses that would be considered for this area.
- Odour from operation.
  - There may be the potential for odour internal to the building; however given the DC and Beverage Container Drop-Off Depot restrictions in proximity to residential, this will be limited.

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- Reduction of property values.
  - This is not a planning concern, nor is there any factual evidence that proves that proximity to Beverage Container Drop-Off Depots affects property values.

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**APPENDIX I**

**APPLICANT'S SUBMISSION**

This Land Use Amendment application is submitted on behalf of 1447743 Alberta Ltd to re-designate Plan: 5565 AH, Block: 46, Lot: 27, located at 60 Bowridge Drive N.W. in the community of Bowness. The proposal would re-designate the subject parcel being 1.07 ha± from DC Direct Control Bylaw 91 Z 95 to DC Direct Control Bylaw to accommodate a Beverage Container Drop-off Depot with the base land use district of Industrial – Edge.

The reason for this land use amendment application is to develop a mixed use building on the subject parcel containing an office, retail and beverage container drop off depot. The owner of the parcel has made two unsuccessful attempts, over the past 4 years, to secure a development permit, both development permit applications were approved by the Development Authority but subsequently refused by the Sub-division and Development Appeal Board. Currently this parcel is the only parcel that is vacant in the area.



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## APPENDIX II

### PROPOSED DIRECT CONTROL GUIDELINES

#### **Purpose**

- 1 This Direct Control District is intended to:
- (a) accommodate a **Beverage Container Drop-Off Depot** as a *use*; and
  - (b) provide *use* specific rules such as size, location for **Beverage Container Drop-Off Depot**.

#### **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 Industrial Edge (I-E) District of Bylaw 1P2007 are the *permitted uses* in this Direct Control District.

#### **Discretionary Uses**

- 5 The *discretionary uses* of the Industrial Edge (I-E) District of Bylaw 1P2007 are the *discretionary uses* in this Direct Control District with the addition of:
- (a) **Beverage Container Drop-Off Depot**.

#### **Bylaw 1P2007 District Rules**

- 6 Unless otherwise specified, the rules of the Industrial Edge (I-E) District of Bylaw 1P2007 apply in this Direct Control District.

#### **Rules for Beverage Container Drop-Off Depot**

- 7
- (1) The maximum cumulative *gross floor area* for a **Beverage Container Drop-Off Depot** is 85 per cent of a *building* in which it is located.
  - (2) The minimum number of *motor vehicle parking stalls* for a **Beverage Container Drop-Off Depot** is 20.
  - (3) A **Beverage Container Drop-Off Depot** must not have outdoor storage.

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**Location of Uses**

- 8 With the exception of **Beverage Container Drop-Off Depot**, all *uses* must front onto Bowridge Drive NW.

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**APPENDIX III**

**LETTERS SUBMITTED**

The Bowness Community Association is not in support of this application. We have participated in two previous applications regarding this development and have made it very clear that we will not support a bottle depot at this location. The SDAB has supported our appeal of the Development Authority's decision to support the development and have supported the validity of our ARP. It appears that they are prepared to respect the time and efforts that have gone into the ARP while the city seems reluctant to. If the city finds fault with the ARP, or no longer wishes to refer to the sound planning practices evident in the ARP, we request that the City implement a review of the ARP in collaboration with the community.

Clarification on what exactly the application is for would be helpful. Is it asking CPC to change the DC Direct Control District permitted uses or is it asking to change or remove this Direct Control District from the Bowness ARP that specifies "the uniqueness of this area due to barriers created by the escarpment along its northerly boundary, the topography to the west and the Trans Canada Highway to the south"?

The objectives – Highway Commercial as listed on page 57 include:

Continue to establish the area fronting the Trans Canada Highway as a commercial area catering primarily to the travelling public.

Integrate the land uses in this area with those to the west and south and de-emphasize linkages to the rest of Bowness.

Ensure that new developments do not negatively impact on the escarpment lands, vegetation and wildlife.

Policies – Highway Commercial as listed on page 59 include:

In the Highway Commercial area as defined on Map 6, uses that provide service to the travelling public from the Trans Canada Highway are to be supported.

New development (including parking/storage) referred to in Policy #2 should be set back from the escarpment at least to the minimum stated in the Calgary General Municipal Plan (60 feet). Any new development should not be a prominent feature when viewed from the valley floor.

Redevelopment of the escarpment area is strongly discouraged. Any development that may impact on the slopes may be subject to soil stability/environmental impact studies at the request of the City Engineer prior to any approvals being granted.

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The Bowness Community Association is disappointed that we will potentially be required to put more time and energy into an issue that we have fought twice and won twice. It is imperative that the Development Authority respect the decision of the SDAB, the Provincial Court of Appeal and the residents of the community of Bowness.

If you have any questions please contact the undersigned at [planning@mybowness.com](mailto:planning@mybowness.com)