

LAND USE AMENDMENT
STONEY 4 (WARD 3)
144 AVENUE NE AND 36 STREET NE
BYLAW 25D2015

MAP 34NE

EXECUTIVE SUMMARY

This land use amendment seeks to redesignate portions of a larger parcel from Special Purpose – Future Urban Development (S-FUD) District to a DC Direct Control District based on S-FUD with the addition of an Aggregate, Sod, Concrete and Asphalt Recycling Facility as a discretionary use with temporary development permit time limits.

The parcel is located in an unserviced area in the city's northeast, north of Stoney Trail NE. The Applicant is proposing that water to service the Aggregate, Sod, Concrete and Asphalt Recycling Facility use be supplied via a well, however, The City of Calgary does not permit new wells within city limits.

PREVIOUS COUNCIL DIRECTION

None.

ADMINISTRATION RECOMMENDATION(S)	2014 December 18
That Calgary Planning Commission recommends REFUSAL of the proposed Land Use Amendment.	
RECOMMENDATION(S) OF THE CALGARY PLANNING COMMISSION	
The Calgary Planning Commission FILED Administration's recommendation of REFUSAL and recommends that Council hold a Public Hearing on Bylaw 25D2015; and	
<ol style="list-style-type: none">1. ADOPT the proposed redesignation of 3.47 hectares ± (8.57 acres ±) located at 13880 – 36 Street NE (portions of NW 1/4 Section 34-25-29-4) from Special Purpose – Future Urban Development (S-FUD) District to DC Direct Control District to accommodate an Aggregate, Sod, Concrete and Asphalt Recycling Facility; and2. Give three readings to the proposed Bylaw 25D2015.	

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REASON(S) FOR RECOMMENDATION:

The proposal is not supported as, at the Applicant's request, the definition of Aggregate, Sod, Concrete and Asphalt Recycling Facility in the proposed DC District contains a provision whereby water required to service the use may be supplied via a well. This provision is not supported by Administration as The City does not permit interim servicing measures, such as new wells, within city limits.

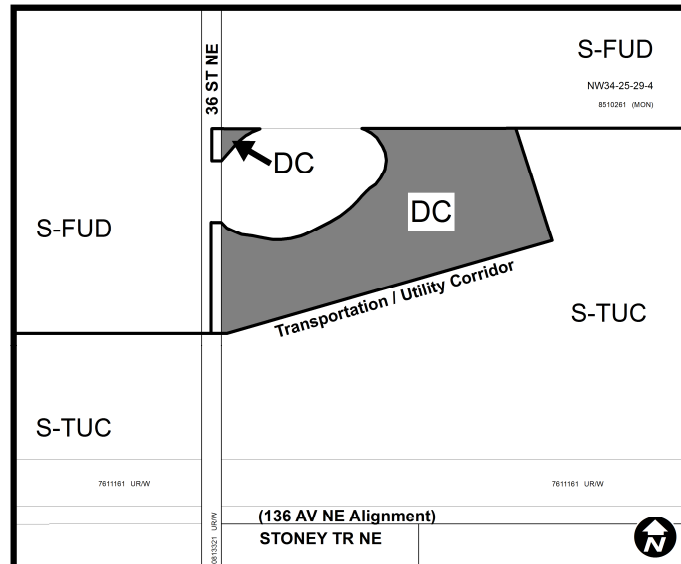
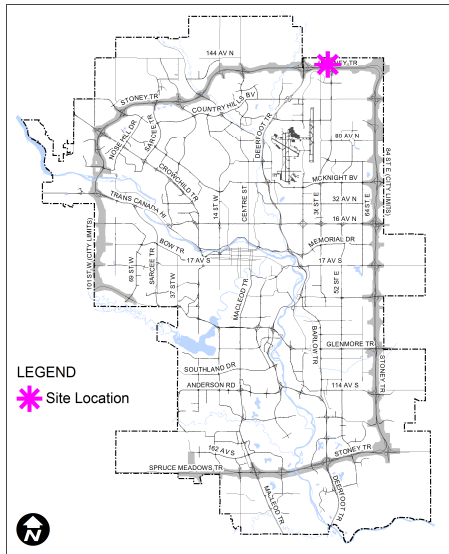
ATTACHMENT

1. Proposed Bylaw 25D2015

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LOCATION MAPS



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ADMINISTRATIONS RECOMMENDATION TO CALGARY PLANNING COMMISSION

Recommend that Council **ABANDON** the proposed bylaw to redesignate 3.47 hectares \pm (8.57 acres \pm) located at 13880 – 36 Street NE (portions of NW 1/4 Section 34-25-29-4) from Special Purpose – Future Urban Development (S-FUD) District **to** DC Direct Control District to accommodate an Aggregate, Sod, Concrete and Asphalt Recycling Facility with guidelines (APPENDIX II).

Moved by: M. Logan

LOST: 3 – 6

Opposed: M. Wade, C. Friesen,
R. Wright, S. Keating,
R. Honsberger and
J. Gondek

MOTION:

The Calgary Planning Commission **FILED** Administration's recommendation of **REFUSAL** and recommends that Council:

1. **ADOPT**, by bylaw, the proposed redesignation of 3.47 hectares \pm (8.57 acres \pm) located at 13880 – 36 Street NE (portions of NW 1/4 Section 34-25-29-4) from Special Purpose – Future Urban Development (S-FUD) District **to** DC Direct Control District to accommodate an Aggregate, Sod, Concrete and Asphalt Recycling Facility; and
2. Give three readings to the proposed Bylaw.

Moved by: M. Wade

Carried: 6 – 3

Opposed: G. Morrow, G.-C. Carra
and M. Logan

Reasons for Adoption recommendation from Cllr. Keating:

- There needs to be a discussion on the issue of a well.

Reasons for Adoption recommendation from Ms. Wade:

- Support the land use for this area this use allows recycling to expand and continue supporting sustainability.
- Due to that lack of City services in this area but the necessity for water in the operation of this land use requires considerations of a well until such time as City services reach this area. Understand Director of Water Resources has the ability to review this situation.
- These fringe areas have a variation of approaches to how both land uses and servicing such as wells and septic are utilized.

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- In order support the land use in these fringe areas consideration to servicing both permanent and temporary to assist in the success of land uses such as those proposed by the applicant.

Reasons for Adoption recommendation from Ms Gondek:

- Relocation of this facility to this area is appropriate from its current inner city setting. The area in question has been carefully assessed by Administration and is suited to this use. The issue is whether or not to allow a well. Given the setting in the urban-rural nexus, a well is a viable temporary source of water for this temporary use.

Reasons for Adoption recommendation from Mr. Honsberger:

- Facilitates relocation of inner city (Inglewood) industrial land use to the periphery of the City.
- Opens up current Inglewood site for redevelopment (west of SoBow project).
- An appropriate peripheral and interim land use.
- A well is better environmentally and sustainably then trucking in water.

Reasons for Adoption recommendation from Mr. Wright:

- The proposed land use is appropriate and can be controlled through temporary development permits. The addition of well water, to ensure this use can function properly, assists in the sustainability component (i.e. trucking of water, recycling of construction material).

Reasons for Adoption recommendation from Mr. Friesen:

- Simply put I believe that enough safeguards will be in place to protect the city against the risks of this use. I would like more information on this issue but in spite of the little I know I am not concerned.

Reasons for Opposition of the Adoption recommendation from Mr. Logan:

- The environmental impact potential to the adjacent to wetlands have not been assessed or resolved. Recycling action could drain into and destroy these bodies of water.

Reasons for Opposition of the Adoption recommendation from Mr. Morrow:

- No information on the environmental impact of water runoff.

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2014 December 18

MOTION: The Calgary Planning Commission **REFERRED** the proposed redesignation of 3.47 hectares \pm (8.57 acres \pm) located at 13880 – 36 Street NE (portions of NW 1/4 Section 34-25-29-4) from Special Purpose – Future Urban Development (S-FUD) District **to** DC Direct Control District to accommodate an Aggregate, Sod, Concrete and Asphalt Recycling Facility back to the Administration, sine die, to process the land use amendment concurrently with a development permit.

Moved by: **G.-C. Carra**

WITHDRAWN

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Applicant:

Rick Balbi Architect Ltd

Landowner:

1233170 Alberta Ltd (Slade Stephenson)
840405 Alberta Ltd (Ken Welter)
840495 Alberta Ltd (Dean Bottolfs)

Planning Evaluation Content	*Issue	Page
Density <i>Is a density increase being proposed.</i>	No	5
Land Use Districts <i>Are the changes being proposed housekeeping or simple bylaw amendment.</i>	No	5
Legislation and Policy <i>Does the application comply with policy direction and legislation.</i>	No	5
Transportation Networks <i>Do different or specific mobility considerations impact this site.</i>	Yes	7
Utilities & Servicing <i>Is the site in an area under current servicing review and/or has major infrastructure (water, sewer, storm and emergency response) concerns.</i>	Yes	7
Environmental Issues <i>Other considerations eg. sour gas or contaminated sites.</i>	Yes	7
Growth Management <i>Is there growth management direction for this site. Does the recommendation create capital budget impacts or concerns.</i>	Yes	7
Public Engagement <i>Were major comments received from the circulation.</i>	No	8

*Issue - Yes, No or Resolved

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PLANNING EVALUATION

SITE CONTEXT

The site is located approximately 200 metres north of Stoney Trail NE, on 36 Street NE. A wetland is located on the northwest corner of the site and the remainder of the site has historically been utilized for agricultural purposes. Agricultural lands exist to the west, north and east of the site and a temporary recreational vehicle storage facility exists adjacent to the south boundary of the site.

LAND USE DISTRICTS

The proposed DC Direct Control District (APPENDIX II) is based on the rules and guidelines of the S-FUD District with the addition of an Aggregate, Sod, Concrete and Asphalt Recycling Facility as a discretionary use with Industrial – General (I-G) District rules and temporary development permit time limits. The Applicant has submitted required information to demonstrate viability of the proposed use, however, at the Applicant's request, the definition of Aggregate, Sod, Concrete and Asphalt Recycling Facility in the proposed DC District contains a provision whereby water required to service the use may be supplied via a well.

The provision contained in the DC District to supply water for the use via a well, and therefore the DC District, is not supported by Administration as the Water Utility Bylaw stipulates that no person shall use any source of water other than the Water System without the written consent of the Director of Water Resources. Water Resources is not supportive of allowing intensification of unserviced lands through the use of wells. Section 6 of Land Use Bylaw 1P2007 identifies that compliance with the Land Use Bylaw does not exempt any person from the requirements of any legislation, approval process, licensing or permitting regime.

LEGISLATION & POLICY

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

The parcel is located within the IDP's policy plan area, to the south of an area identified as an industrial growth corridor. The IDP indicates that City of Calgary strategic policies shall provide direction in tandem with a detailed Administrative review of the proposal's impacts on existing and future planned uses in the vicinity.

Municipal Development Plan (MDP) (Statutory – 2009)

The parcel is within an area the MDP identifies as a Standard Industrial on Map 1: Urban Structure. Standard Industrial Areas typically consist of existing planned areas that contain a mix of industrial uses at varying intensities. These areas are intended to allow for a broad variety of industrial uses and as these areas redevelop over time, their industrial character should be maintained. Land use policies for these areas encourage the retention of a broad

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range of industrial uses and a variety of industrial parcel sizes. Supporting MDP mobility policies encourage road networks that allow for efficient movement of trucks, goods and services throughout these areas.

Northeast Residual Area Policy Plan (Non-statutory – 2005)

The Northeast Residual Area Policy Plan embodies the following guiding principles: industrial development based on available infrastructure capacity, compatible development, conservation of environmentally significant areas and effective growth management. These guiding principles are reflected in the policies of the Plan. Unlike an Area Structure Plan, the Northeast Residual Area Policy plan does not imply that municipal utilities or roadways will be extended to the area. Rather, the Plan provides a framework for future growth, with the timing of such growth to be determined through an evaluation of land use, transportation, servicing, financial and other factors.

The Plan is divided into three planning cells which form the basic unit of analysis within the area in which comprehensive and coordinated planning should occur. This may be achieved through the submission of a concept plan, servicing plan and financial plan in conjunction with an Outline Plan/Land Use Amendment application for the balance of lands within a planning cell. The parcel is located within a planning identified as a limited industrial area. The purpose of this area is to allow for the development of light industrial uses in the western portion of the Plan area within the context of a limited serviced light industrial area.

Improving Calgary's Entranceways (Non-statutory – 2012)

The parcel is located near a number of entranceways including Stoney Trail NE, Métis Trail NE and Deerfoot Trail NE. This Plan provides policy guidance for the evaluation of the visual impacts of Outline Plan/Land Use Amendment applications and Development Permit applications adjacent to Calgary's Entranceways. The DC District uses the rules of the I-G District for an Aggregate, Sod, Concrete and Asphalt Recycling Facility which contains provisions to ensure a minimum aesthetic is met.

The Water Utility Bylaw (Statutory – 2006)

The Bylaw stipulates that no person shall use any source of water to supply water to any residential, commercial, industrial or institutional premises through a plumbing system, other than the Water System without the written consent of the Director of Water Resources. A private well is not considered part of the Water System.

Calgary International Airport Vicinity Protection Area (AVPA) Regulation (Statutory – 2009)

The parcel is located within the 30-35 Noise Exposure Forecast Contour area associated with the Calgary International Airport and is subject to the Municipal Government Act's AVPA regulations which prohibit a range of uses from taking place on parcels located within AVPA affected areas. Many of the prohibited uses within the 30-35 Contour area are not allowable uses within the proposed district.

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TRANSPORTATION NETWORKS

A Transportation Impact Assessment was submitted and reviewed to the satisfaction of Transportation Planning. The site is currently accessed from 36 Street NE via 144 Avenue NE, which are unpaved rural roads. Any necessary upgrades would be determined at the development permit stage and be at the developer's expense.

UTILITIES & SERVICING

Site services for utilities are not available. At the Applicant's request, the proposed DC District contains a provision whereby water required, to service, the use may be supplied via a well. This provision is not supported by Administration as the Water Utility Bylaw stipulates that no person shall use any source of water other than the Water System without the written consent of the Director of Water Resources. The use of wells is not regulated by The City of Calgary and in general Water Resources is not supportive of allowing intensification of unserved lands through the use of wells. The intended use of these lands is for interim development until such time as the area is planned and developed comprehensively. Any interim servicing would require review and approval by Water Resources at the time of development. A Deferred Services Agreement would also be required as well as stormwater management with all stormwater being contained on site with zero discharge.

ENVIRONMENTAL ISSUES

The Northeast Residual Policy Plan identifies that a wetland exists on the parcel. As such, a Biophysical Impact Assessment and Phase I Environmental Site Assessment were submitted and reviewed to Administration's satisfaction. The Biophysical Impact Assessment identifies the wetland as a Class III seasonal wetland. To ensure that the wetland will not be disturbed, the proposal provides a 30 metre setback buffer around the wetland, in which the S-FUD District designation is retained.

GROWTH MANAGEMENT

The site is not within a priority growth area for the provision of municipal services or infrastructure at this time. As identified in the Northeast Residual Area Policy Plan, the site may be appropriate for limited serviced light industrial uses subject to adherence to corporate standards and Development Authority support. The Applicant's request to supply water via a well does not adhere to corporate servicing standards.

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PUBLIC ENGAGEMENT

Community Association Comments

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

Citizen Comments

One letter was received in support of the proposed Land Use Amendment.

Public Meetings

There were no public meetings held by the Applicant or Administration.

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APPENDIX I

APPLICANT'S SUBMISSION

This application is for a proposed Land Use Re-designation in the NE Stoney 4 Community of Calgary, from Special- Purpose Future Urban Development (S-FUD) to Direct Control (DC) based on the S-FUD District with additional discretionary "Aggregate, Sod, Concrete and Asphalt Recycling Facility" as a defined use.

This 5.23-hectare parcel is located in far northeast Calgary, to the west of 36th Ave NE and immediately north of the Stoney Trail Transportation and Utility corridor (TUC) and south of 144th Ave, the Calgary City limit. The parcel itself is currently vacant and undeveloped, while the lands immediately adjacent on the south and east, (within this TUC) are being used for RV Storage. The parcels to the west are primarily agricultural with one single-family dwelling. The parcel to the immediate north is also S-FUD, and was agricultural, but it appears it is being prepared for development, as it has recently been stripped and graded.

ConSite, a concrete infrastructure and service company, has purchased the land for the purpose of moving their expanding operation out of the inner city (Inglewood) and into a more suitable space at the edge of the city. This site is well suited because it is large enough to accommodate their operation in an area that is intended for future industrial uses, while the nature of the development will preserve the parcel future redevelopment and subdivision. The proposed land district includes development provisions, (such as screening) and limitations on approval terms (temporary 5 or 10 years).

The application for redesignation is to allow for a General-Industrial use to be defined within the Direct Control in order to mitigate impacts associated with the use, while satisfying the intent of the S-FUD district to "provide for a limited range of temporary uses that can easily be removed when land is redesignated to allow for urban forms of development". There is currently no ASP for this area, and it is unknown when one will be implemented. This area is identified within the Municipal Development Plan (MDP) as "Future Industrial" and in the Intermunicipal Development Plan (IDP) as an "Industrial Growth Corridor".

The Northeast residual area policy plan, provides a framework for the future growth that envisions this area of the city "transformed into a successful industrial and business area that generates employment opportunities, provides goods and services for the surrounding communities". The proposed use of the parcel aligns with this vision to logically, compatibly and sustainably develop this area, as the

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operation would provide materials for sustainable infrastructure while creating employment opportunities. Furthermore, this land-use complies with the NE Residual Area Policy Plan's vision for this industrial area to initially function with limited services and provide for an appropriate interim use. ConSite is aware of the lack of services and is prepared to supply and manage their own water and sanitary system and enter into a deferred services agreement.

The site has vehicle access via 36th Street from the north, a private gravel road that connects to 144th Ave NE. A Traffic Impact Assessment (TIA) was provided and determined that the current road can accommodate the amount of traffic generated by the use of the site. The owners of the property would work with the adjacent landowners and users of this road to maintain it in good condition. The policy plan also states that the existing and future road network supports the land use concept contained in this plan, which coincides with this proposed land use redesignation.

Given that this area is currently zoned Special-Purpose Future Urban Development and the Northeast Residual Area policy plan directs this development towards industrial uses, and the proposed redesignation to S-FUD with additional discretionary "Aggregate, Sod, Concrete and Asphalt Recycling Facility" is compatible with the intent of this area, we would request the support of this application.

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APPENDIX II

DIRECT CONTROL GUIDELINES

Purpose

- 1 This Direct Control District is intended to:
- (a) allow for an **Aggregate, Sod, Concrete and Asphalt Recycling Facility** 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.

Defined Uses

- 4 In this Direct Control District:

“Aggregate, Sod, Concrete and Asphalt Recycling Facility”

- (a) means a **use**:
 - (i) where sod is stored and composted;
 - (ii) where concrete and asphalt are crushed, sorted and stockpiled;
 - (iii) where part of the process associated with the **use** may be located entirely within a **building**, or partially outside of a **building**, or entirely outdoors.
 - (iv) where there may be conveyor belts, cranes, piping, silos, or any other machinery necessary for the processing of the **use**;
 - (v) where water required to service the **use** may be supplied via well;

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- (vi) that may accommodate the packaging or shipping of the materials generated as part of the **use**;
- (vii) that may have a **building** for administrative functions associated with the **use**;
- (b) that is not a **Salvage Processing – Heat and Chemicals, Salvage Yard, Storage Yard or Waste Disposal and Treatment Facility use**;
- (c) that requires a minimum number of **motor vehicle parking stalls** that is the greater of:
 - (i) 1.0 stalls per 100.0 square metres of **gross usable floor area**; or
 - (ii) 1.0 stalls per three (3) employees based on the maximum number of employees at the **use** at any given time; and
- (d) that does not require **bicycle parking stalls**.

Permitted Uses

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

Discretionary Uses

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

- (a) **Aggregate, Sod, Concrete and Asphalt Recycling Facility.**

Bylaw 1P2007 District Rules

- 7 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 an Aggregate, Sod, Concrete and Asphalt Recycling Facility

- 8 (1) Unless otherwise specified, the rules of the Industrial – General (I-G) District of Bylaw 1P2007 apply for an **Aggregate, Sod, Concrete and Asphalt Recycling Facility use**.
- (2) The minimum **parcel area** for this **use** is 5.24 hectares.
 - (3) A **development permit** must not be approved for a period greater than 10 years.