

LAND USE AMENDMENT
FOREST LAWN INDUSTRIAL (WARD 10)
17 AVENUE SE AND 60 STREET SE
BYLAW 26D2015

MAP 11E

EXECUTIVE SUMMARY

This land use redesignation application seeks to introduce Liquor Store as an additional discretionary use to the uses currently allowed under the site's existing direct control district. The existing DC Direct Control District (Bylaw 7D2013) is based on Land Use Bylaw 1P2007's Industrial – Commercial (I-C) District and specifically restricts Body Rub Centres under the Retail and Consumer Service use, reclassifies a number of I-C district permitted uses as discretionary and excludes Liquor Store as a use which is a standard discretionary use in the I-C district.

PREVIOUS COUNCIL DIRECTION

On 2013 January 14, Council gave first reading to Bylaw 7D2013 to redesignate this portion of the parcel from an Industrial – General (I-G) District to an I-C District. However, second and third reading of Bylaw 7D2013 was withheld and tabled by Council to allow Administration to develop amendments in response to Council directives to reclassify a number of permitted I-C uses within the district as discretionary.

On 2013 February 11, Administration returned to Council with proposed amendments to Bylaw 7D2013. The amendments, which necessitated a proposed direct control district design as identified in report C2013-0198, included the definition and restriction of Body Rub Centres and the reclassification of Beverage Container Drop-off Depot, Information and Service Provider, Pawn Shop and Vehicle Sales – Minor as discretionary uses. Prior to second and third reading, an additional amendment was carried by Council to exclude Liquor Store as a use from the district altogether.

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

That Council hold a Public Hearing on Bylaw 26D2015; and

1. **REFUSE** the proposed redesignation of 0.68 hectares ± (1.68 acres ±) located at 1803 – 60 Street SE (Portion of Plan 0913972, Block A, Lot 3) from DC Direct Control District to DC Direct Control District to accommodate a Liquor Store, in accordance with Administration's recommendation; and
2. **ABANDON** the proposed Bylaw 26D2015.

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REASON(S) FOR RECOMMENDATION:

The Corporate Planning Applications Group (CPAG) recommends refusal of this proposal as the use of a direct control district as set out in Land Use Bylaw 1P2007 is not believed to be appropriate. While CPAG acknowledges the Applicant's rationale for pursuing the application as proposed, particularly given Council's previous land use direction for the site, this recommendation is not based on the intent to introduce a Liquor Store as a discretionary use or on the technical composition of the proposed direct control district. The recommendation is based on the planning principles associated with Land Use Bylaw 1P2007's provisions for direct control districts. Namely, that direct control districts must only be used for the purpose of providing for developments that, due to their unique characteristics, innovative ideas or unusual site constraints, require specific regulation unavailable in other land use districts; and further, must not be used in substitution of any other land use district in the Bylaw that could be used to achieve the same result either with or without relaxations; or to regulate matters that are regulated by subdivision or development permit approval conditions.

While CPAG believes that a standard Land Use Bylaw 1P2007 district could be utilised to achieve the same desired land use objectives; it should be acknowledged that the proposed direct control district is also in keeping with land use policies in the Municipal Development Plan, is compatible with surrounding land use and development, and with the introduction of a Liquor Store use, bears greater resemblance to Land Use Bylaw 1P2007's standard I-C district which is the site's existing base district.

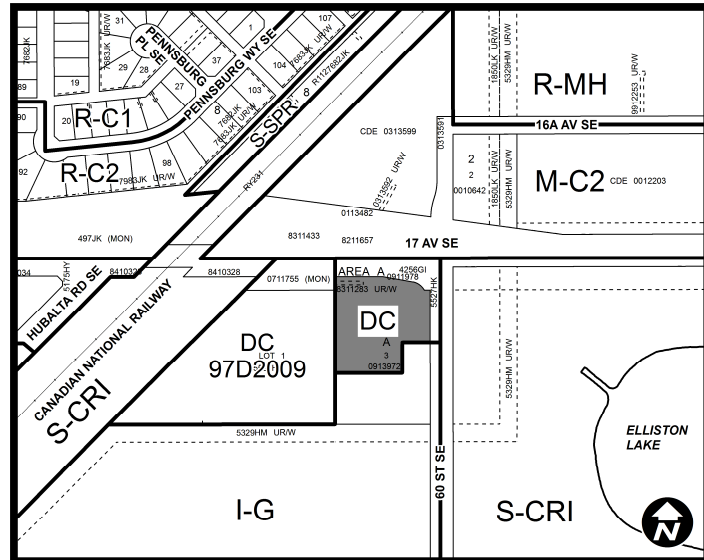
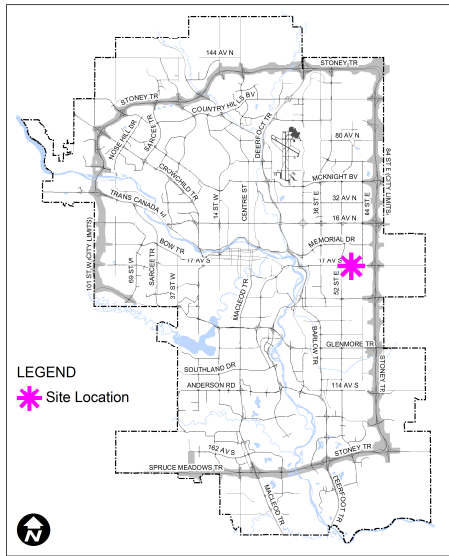
ATTACHMENT

1. Proposed Bylaw 26D2015

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LOCATION MAPS



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ADMINISTRATIONS RECOMMENDATION TO CALGARY PLANNING COMMISSION

Recommend that Council **ABANDON** the proposal to redesignate 0.68 hectares \pm (1.68 acres \pm) located at 1803 – 60 Street SE (Portion of Plan 0913972, Block A, Lot 3) from DC Direct Control District to DC Direct Control District to accommodate a Liquor Store with guidelines. (APPENDIX II).

Moved by: M. Logan

Carried: 9 – 0

Reasons for Approval of the Refusal recommendation from Ms. Gondek:

- If the applicant was will to re-apply as I-C, it would be a better way to address the issue. I cannot support changing a DC that will actually have it mirror the I-C District.

Reasons for Approval of the Refusal recommendation from Mr. Friesen:

- I support the Business Revitalization Zone in their contention that enough liquor stores are already in place.

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Applicant:

Collins Development Consultants

Landowner:

822771 Alberta Ltd (Mr. Raj Jeerh)

Planning Evaluation Content	*Issue	Page
Density <i>Is a density increase being proposed.</i>	No	6
Land Use Districts <i>Are the changes being proposed housekeeping or simple bylaw amendment.</i>	No	6
Legislation and Policy <i>Does the recommendation create capital budget impacts or concerns.</i>	No	7
Transportation Networks <i>Do different or specific mobility considerations impact this site</i>	No	8
Utilities & Servicing <i>Is the site in an area under current servicing review and/or has major infrastructure (water, sewer and storm) concern</i>	No	8
Environmental Issues <i>Other considerations eg. sour gas or contaminated sites</i>	Yes	8
Growth Management <i>Does this site have the appropriate growth management direction.</i>	Yes	9
Public Engagement <i>Were major comments received from the circulation</i>	Yes	9

*Issue - Yes, No or Resolved

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PLANNING EVALUATION

SITE CONTEXT

The parcel is located in an industrial area in the eastern portion of the community of Forest Lawn at the corner of 17 Avenue SE and 60 Street SE in Forest Lawn Industrial. The parcel is bound by 17 Avenue SE to the north and 60 Street SE to the east. The now vacant former Hub Oil refinery site is located immediately adjacent to the west, while Elliston Park is located to east across 60 Street SE. A four (4) storey multi-residential development exists to the north across 17 Avenue SE. General light industrial developments exist to the south. The southern portion of the parcel is designated with an I-G district designation. The northern portion of the parcel located adjacent to 17 Avenue SE and subject to this application, contains a direct control district designation based on the I-C district. The site is developed with two (2) single storey multi-bay buildings with associated surface parking.

LAND USE DISTRICTS

The purpose of this proposal is to allow for a Liquor Store as an additional discretionary use to the uses already allowed under the site's existing direct control district.

A Liquor Store use is a discretionary use where alcoholic beverages are sold for consumption off the retail outlet premises that has been licensed by the Alberta Gaming and Liquor Commission. In addition to standard parking requirements and specific location requirements within commercial neighbourhood oriented districts, this use contains specific minimum separation rules. These rules include that a Liquor Store must not be located within 300.0 metres of any other Liquor Store, when measured from the closest point of a Liquor Store to the closest point of another Liquor Store; and that in all commercial and industrial districts, with the exception of certain regionally oriented commercial districts, that this use must not be located within 150.0 metres of a parcel that contains a School - Authority - School or a School - Private use, when measured from the closest point of a Liquor Store to the closest point of a parcel that contains a School - Authority - School or a School - Private.

Although, this land use proposal would only allow for the possibility of a Liquor Store use to be considered on the site via a development permit process, the Applicant has indicated that, if a Liquor Store use was currently proposed that it would not be in contravention of any of the above minimum use separation requirements.

As identified previously, CPAG is not unsupportive of the Applicant's intent to introduce this use, but rather is not in support of a proposed direct control district to achieve this objective. Upon receipt of this application, CPAG advised the Applicant and owner that although there may be planning merit associated with the proposal, that it was in contravention to previous Council direction for the site where Liquor Store was specifically removed from the district. The Applicant and owner acknowledged previous Council direction and directed Administration to proceed with a full review of the proposal. During the course of the review, Administration did

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offer that a standard land use district to achieve these objectives be considered. However, this approach was declined by the Applicant and owner in an effort to be respectful of previous Council direction for the site.

LEGISLATION & POLICY

Municipal Development Plan (MDP) (Statutory - 2009)

This site is located within a Standard Industrial area in the MDP. Standard Industrial areas are intended to primarily allow for industrial uses while also allowing for other support uses that cater to the day-to-day needs of area businesses and their employees. Standard Industrial areas are expected to contain a mix of industrial uses at varying intensities.

The site and this portion of 17 Avenue SE are also located within the eastern edge of an area identified as an Urban Corridor in the MDP. Urban Corridors are intended to emphasize walkable pedestrian environments and should contain a broad range of employment, commercial and retail uses.

Eastfield Area Structure Plan (ASP) (Statutory - 1978)

The site is located within an area in this ASP identified as a Restricted Light Industrial/Commercial land use area. The intent of this land use area is to allow for high quality restricted light industrial/commercial development. Commercial developments within this area are expected to be limited to complementary uses for the surrounding industrial area.

Forest Lawn – Forest Heights/Hubalta Area Redevelopment Plan (ARP) (Statutory – 1995)

The site is not within this ARP plan area with the boundary of the plan area located to west of the site.

Southeast 17 Corridor: Land Use and Urban Design Concept (Non-Statutory 2010)

The site is located to the east of this study's eastern boundary which terminates at the CN Rail corridor crossing at 17 Avenue SE. Although, this study is non-statutory and not directly applicable to the site, the proposal is consistent with land use direction for lands contained within the study's boundaries.

Alberta Environmental Protection and Enhancement Act (1993)

The site is located adjacent to the former Hub Oil Used Oil Refinery site. An Environmental Protection and Enhancement Act approval has been issued by the Province for the reclamation of the Hub Oil facility. Ongoing remediation, groundwater monitoring and reclamation

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requirements are outlined within the approval. This approval is for the adjacent property and does not impact the site for which this land use is being contemplated.

Municipal Government Act (MGA): Subdivision and Development Regulations (2002)

The site is within 300 metres of an operating landfill setback area as identified in the MGA's Subdivision and Development Regulations. These regulations prohibit the Development Authority from approving a development permit or an application for subdivision for schools, hospitals, food establishments or residential uses within a setback area.

The current proposal, which is based on the I-C district does not include, schools, hospitals or residential as allowable uses but does allow for food establishments as discretionary uses. These Provincial regulations supersede the municipal land use bylaw and as such, these uses would not be approved. The Applicant and owner are aware of these restrictions.

TRANSPORTATION NETWORKS

A Transportation Impact Assessment or parking study was not required for this application. A Transportation Impact Assessment in support of the previous land use proposal was reviewed to the satisfaction of Transportation Planning. The site is currently accessed by two all-turns access points on 60 Street SE and one right-in/right-out access onto 17 Avenue SE.

With future development, including change of use development, the owner will be responsible for contributing 50 percent of the costs for signalization and intersection geometry at the intersections of 17 Avenue SE and 60 Street SE and 23 Avenue and 52 Street SE respectively. These upgrades shall be to the satisfaction of the Director of Transportation Planning.

UTILITIES & SERVICING

Water, sanitary and sewer services are available. Any additional upgrades would be determined at a future development permit stage.

ENVIRONMENTAL ISSUES

A detailed environmental assessment was not conducted or required in response to this application. With the previous land use redesignation, Environmental Safety Management reviewed existing environmental reports associated with the site and found that the existing soils met commercial criteria. An Environmental Site Assessment was not required as the proposed land use does not contemplate residential uses.

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As the site is adjacent to the former Hub Oil Used Oil Refinery site and within the East Calgary landfill setback area, all development shall comply with applicable regulations and/or related setback requirements.

GROWTH MANAGEMENT

This land use proposal does not require additional capital infrastructure investment and therefore, no growth management concerns have been identified at this time. The proposal is in alignment with the MDP references associated with growth management.

PUBLIC ENGAGEMENT

Community Association Comments

Not required as there is no community association associated with Forest Lawn Industrial.

Citizen Comments

Three letters of objection were received. These letters cited concerns with allowing for a Liquor Store use at this location given the amount of other existing liquor stores in the vicinity. One letter also identified a concern that a Liquor Store use could act as an attractant for activities associated with prostitution. The International Avenue Business Revitalization Zone was also circulated for comment and identified non-support for the proposal with a number of concerns (please see circulation response letter contained in APPENDIX III).

Public Meetings

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

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APPENDIX I

APPLICANT'S SUBMISSION

On Behalf of 822771 Alberta Ltd., I respectfully submit an application for a Land Use Redesignation amendment to a DC Land Use Bylaw, for the purpose of allowing for Liquor Store as a discretionary use at 1803 – 60 Street S.E. (the property described as Lot 3, Block A, Plan 0913972).

The parcel is located in the eastern portion of the community of Forest Lawn at the corner of 17 Avenue SE to the north and 60 Street SE to the east. The now vacant former Hub Oil refinery site is located immediately adjacent to the site to the west, while Elliston Park is located to the east of the parcel across 60 Street SE. A four (4) storey multi-residential development exists to the north of the site across 17 Avenue SE, general light industrial developments exist to the south of the parcel.

We respectfully request a Liquor Store as a discretionary use. The DC (Direct Control) with base I-C is an ideal location for a liquor store. From a planning perspective the location being on the east end of the 17th Ave. corridor will cause no planning impact in the pre-existing industrial area and 17th avenue strip. Conversely we believe it will offer a retail convenience use in and otherwise industrial area, serving the needs of the public.

In conclusion, we humbly request Land Use and Planning Policy, C.P.A.G., Calgary Planning Commission and the City Council's support and approval.

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APPENDIX II

PROPOSED DC DIRECT CONTROL GUIDELINES

Purpose

- 1 This Direct Control District is intended to:
- (a) Reclassify a number of ***permitted uses*** contained within the Industrial Commercial (I-C) District to ***discretionary uses***; and
 - (b) Limit the range of allowable activities within **Retail and Consumer Service**.

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.

General Definitions

- 4 In this Direct Control District,
- (a) ***“Body Rub Centre”*** constitutes the meaning described in the Body Rub License Bylaw (Bylaw 53M2012).

Defined Uses

- 5 In this Direct Control District,
- (a) ***“Retail and Consumer Service”*** means a **Retail and Consumer Service use** as defined in Bylaw 1P2007, with the exception that it does not contain the following activities:
 - (i) ***Body Rub Centre***.

Permitted Uses

- 6 The ***permitted uses*** of the Industrial - Commercial (I-C) District of Bylaw 1P2007 are the ***permitted uses*** in this Direct Control District with the exclusion of:
- (a) **Beverage Container Drop-Off Depot;**
 - (b) **Information and Service Provider;**
 - (c) **Pawn Shop; and**
 - (d) **Vehicle Sales – Minor.**

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Discretionary Uses

7 The *discretionary uses* of the Industrial - Commercial (I-C) District of Bylaw 1P2007 are the *discretionary uses* in this Direct Control District with the addition of:

- (a) **Beverage Container Drop-Off Depot;**
- (b) **Information and Service Provider;**
- (c) **Pawn Shop; and**
- (d) **Vehicle Sales – Minor.**

Bylaw 1P2007 District Rules

8 Unless otherwise specified, the rules of the Industrial - Commercial (I-C) District of Bylaw 1P2007 apply in this Direct Control District.

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APPENDIX III

LETTERS SUBMITTED



August 25, 2014

RE: LOC2014-0015
Planning, Development and Assessment
City of Calgary
PO Box 2100, Stn. M,
Calgary, AB

Land Use Amendment to accommodate a liquor store at 1803 60 Street SE

Dear Mr. Gripton:

The International Avenue Business Revitalization Zone's mandate is to promote, improve and create a more pleasant environment in which to live and shop. Poor decisions now will negatively impact the entire redevelopment area for many years to come which is why we are requesting a refusal.

The area is more than well served by this type of business and does not add to the vitality of the area and will negatively impact the community overall. The area has an over saturation of liquor stores with ten stores already present within the Avenue and a new one just located past 68 Street. Our community is already heavily proliferated with this use and we have found that this contributes to the negative stigma of the area and increase in social issues which impact both businesses and residents. If a bottle depot is also included this would be a further problem towards increasing social issues.

The Forest Lawn ARP section 3.2.3.8 states, "commercial uses associated with high crime activities are to be discouraged". An increase in alcohol density will negatively impact the community and quality of life issues. Alcohol density is shown to directly affect the volume and severity of alcohol-related problems within a specific area. The area has a number of liquor stores and when bars in the near vicinity are included in the analysis, it is of a serious concern.

The Safe Streets, Safe City Greater Forest Lawn Crime Prevention Report ⁽¹⁾ states in Section 2.2 under Community Perceptions: " residents and community leaders recognized the public safety challenges that they face in Greater Forest Lawn. They appeared to have a good understanding for what criminal activity is happening in the community and where it is concentrated. They identified a number of community related issues that need to be addressed in addition to crime, including poor housing conditions, a preponderance of liquor stores and pawn shops " p. 17

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Another section of the Safe Streets, Safe City Report Section 4.2 on dealing with the problem of Consumption of Alcohol in Public Places states;" reducing over time, the number of liquor stores by denying development approvals to new operators. At any given time, there are as many as ten liquor stores on a 25 block strip of 17 Avenue. Banning new liquor stores would be a first step towards controlling the problem, as the number of liquor stores on the Avenue would decline through attrition." p. 26

I also wanted to comment on a OE2003-36 Planning Impacts of Liquor Stores Report created by the City of Calgary. This clearly states in the document that although it did not conduct a formal local study of policing issues or crime statistics in areas where liquor stores are located. It did look at the impacts of crime on liquor stores. There is an important distinction to make here in that the impact studied was on the liquor stores being victims of robberies or crime. In no way was their data investigating the socio economic impact to the community. We have done that in our community with the aforementioned Safe Streets report. Moreover, the data is very clear in a number of US studies in predominately lower income diverse communities that the severity of crime is indeed increased based on the availability of alcohol within the said community.

In terms of the site, Section 33 (7)(d) of the Land Use Bylaw speaks to minimizing any impact to the residential community.... Directly across from the proposed liquor store is residential and the impact will be significant to those residents in way of late night traffic. When you factor in increased signage and the negative visual impact it will create the use should be disallowed.

Thank you for the opportunity to comment.

Best Regards,



Alison Karim-McSwiney, BA, MIPM (UK)
Executive Director

1. Safe Streets –Safe City, A Public Safety and Community Building Strategy for the Communities of Greater Forest Lawn, Lyons Venini a