

LAND USE AMENDMENT
EAST SHEPARD INDUSTRIAL (WARD 12)
52 STREET SW & 124 AVENUE SW
BYLAWS 129D2014 AND 130D2014

MAP 10SE

EXECUTIVE SUMMARY

This land use amendment proposes to redesignate 16.83 hectares± (41.58 acres±) of land located within the Southeast Industrial Area Structure Plan from Special Purpose – Future Urban Development (S-FUD) and Industrial – General (I-G) to two DC Direct Control Districts and Special Purpose – City and Regional Infrastructure (S-CRI) within the Southeast Industrial Area Structure Plan to accommodate a vehicle sales facility and preserve the western parcels of the property for future intensification to accommodate Transit Oriented Development, supporting the future rapid transit investment in the immediate area.

PREVIOUS COUNCIL DIRECTION

None.

ADMINISTRATION RECOMMENDATION(S)

2014 September 25

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

RECOMMENDATION(S) OF THE CALGARY PLANNING COMMISSION

That Council hold a Public Hearing on Bylaws 129D2014 and 130D2014; and

1. **ADOPT** the proposed redesignation of 11.53 hectares ± (28.49 acres ±) located at 12725 and 12865 – 52 Street SE (SE 1/4 Section 10-23-29-4-LSD1; Plan 0510927, Area B) from Industrial – General (I-G) District and Special Purpose – Future Urban Development (S-FUD) District **to** Special Purpose – City and Regional Infrastructure (S-CRI) District and DC Direct Control District to accommodate TOD development, in accordance with Administration's recommendation; and
2. Give three readings to the proposed Bylaw 129D2014.
3. **ADOPT** the proposed redesignation of 5.30 hectares ± (13.09 acres ±) located at 12725 and (SE 1/4 Section 10-23-29-4-LSD1) from Special Purpose – Future Urban Development (S-FUD) District **to** DC Direct Control District to accommodate TOD development, in accordance with Administration's recommendation; and
4. Give three readings to the proposed Bylaw 130D2014.

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REASON(S) FOR RECOMMENDATION:

The proposed land uses are in alignment with the Area Structure Plan policies, the land is serviced and the transportation network can accommodate the proposed uses. As the site is within the 600 metre radius area of a future rapid transit station that currently is undergoing a planning study, the proposed land use for the western portion of the site allows for Administration to continue refinement of station area planning while providing for some limited interim uses. The development of an auto dealership – while not ideal – is an acceptable use in a future transit area and the proposed DC Direct Control Districts provide certainty as it pertains to initial building placement of the dealership facilities which provide a framework for future site intensification.

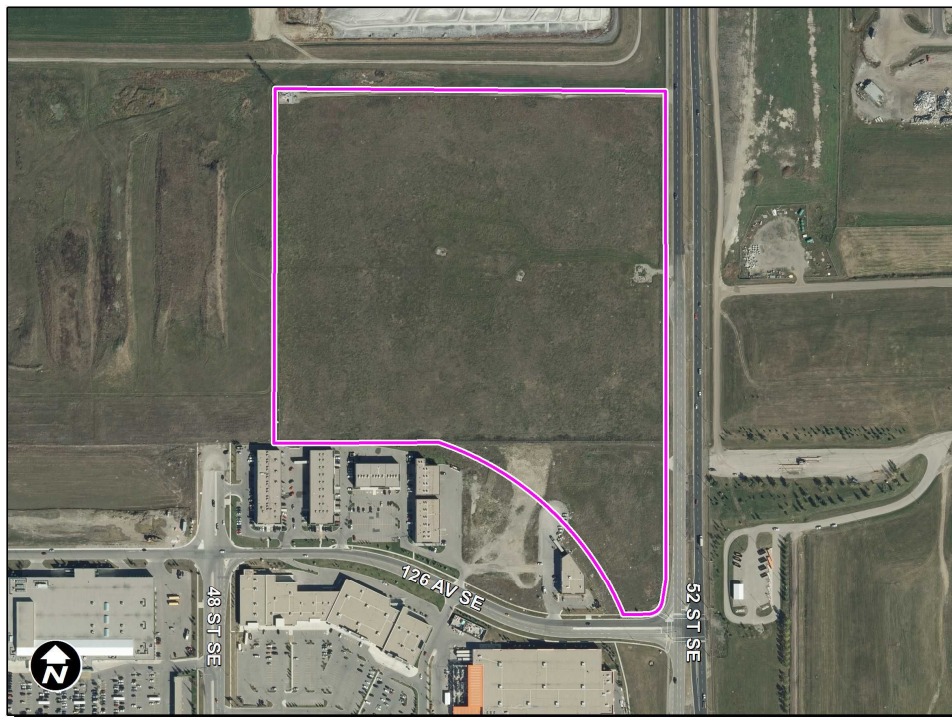
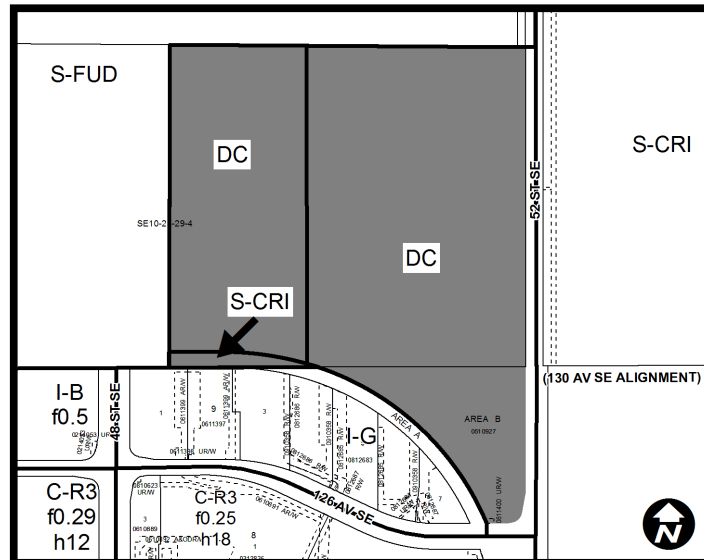
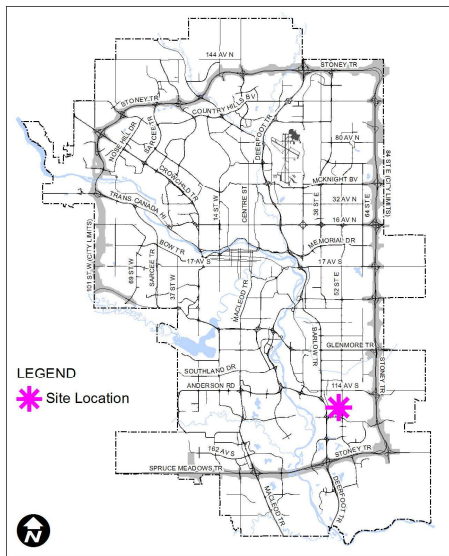
ATTACHMENTS

1. Proposed Bylaw 129D2014
2. Proposed Bylaw 130D2014

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LOCATION MAPS



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ADMINISTRATIONS RECOMMENDATION TO CALGARY PLANNING COMMISSION

1. Recommend that Council **ADOPT**, by bylaw, the proposed redesignation of 11.53 hectares \pm (28.49 acres \pm) located at 12725 and 12865 – 52 Street SE (Portion of SE 1/4 Section 10-23-29-4-LSD1; Plan 0510927, Area B) from Industrial – General (I-G) District and Special Purpose – Future Urban Development (S-FUD) District **to** Special Purpose – City and Regional Infrastructure (S-CRI) District and DC Direct Control District to accommodate TOD development.

Moved by: S. Keating

Carried: 6 – 0

Reasons for Approval from Ms. Wade:

- That consideration of open space in the TOD Green Line Study for employees and users of the LRT.
- It is important to identify green space in subsequent planning applications and policy for healthier work/employment areas in industrial areas.

2. Recommend that Council **ADOPT**, by bylaw, the proposed redesignation of 5.30 hectares \pm (13.09 acres \pm) located at 12725 – 52 Street SE (Portion of SE 1/4 Section 10-23-29-4-LSD1) from Special Purpose – Future Urban Development (S-FUD) District **to** DC Direct Control District to accommodate TOD development.

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Applicant:

Civicworks Planning & Design

Landowner:

Hytel Corporation
Telsec Property Corporation

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 recommendation create capital budget impacts or concerns.</i>	No	5
Transportation Networks <i>Do different or specific mobility considerations impact this site</i>	Yes	6
Utilities & Servicing <i>Is the site in an area under current servicing review and/or has major infrastructure (water, sewer and storm) concern</i>	Yes	6
Environmental Issues <i>Other considerations eg. sour gas or contaminated sites</i>	No	7
Growth Management <i>Does this site have the appropriate growth management direction.</i>	Yes	7
Public Engagement <i>Were major comments received from the circulation</i>	No	7

*Issue - Yes, No or Resolved

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PLANNING EVALUATION

SITE CONTEXT

The Subject Site is located to the west of the Shepard Landfill Facility and is mostly located within the 450 metre active landfill setback area. It is located north of the commercial-retail area generally referred to as the South Pointe Shopping Centre, and south of the phosphogypsum settling ponds located within the general Shepard Industrial Area. To the west of the Subject Site is an undeveloped parcel currently owned by Viterra/Westco.

The Subject Site has direct access to north-south aligned 52 Street SE and the Outline Plan concept accommodates the construction of a portion of east-west aligned 124 Avenue SE. The Subject Site is partially within the 600 metre planning area of a future rapid transit station to be located at 48 Street SE and 124 Avenue SE.

From 1963 to 2012 the Canadian Broadcasting Corporations (CBC) owned and operated an AM Radio Tower on the site. Since acquisition of the lands, the AM Radio Tower and associated infrastructure have been removed. A cell phone communications tower exists in the northwest corner of the Subject Site currently and is anticipated to remain.

LAND USE DISTRICTS

The applicant's original submission requested stock districts of I-C and I-G to allow for the development of a large auto sales facility on the south-eastern parcel of the subject site. Through evaluation of this application and consultation across Administration departments, the recommendation was to develop a Direct Control District that would allow for Major Vehicle Sales and other automobile related activities as discretionary uses. The Direct Control further requires building placement along the public roads and that no parking lots may be along these roads, consistent with other Direct Controls developed around transit stations.

As the applicant has not specific development plans for the western parcels, a Direct Control District is proposed to allow for some limited discretionary temporary uses while further refinement of the station area planning efforts are finished.

LEGISLATION & POLICY

MDP (Municipal Development Plan) – The subject property is shown on the Urban Structure Map of the MDP (Map 1) as Standard Industrial which contains a mix of existing industrial uses at varying intensities. The Standard Industrial Area provides primarily for industrial uses, but allows for uses that support the industrial function of the area and cater to the day to day needs of area businesses and employees.

ASP (Area Structure Plan) – The subject property falls under the Southeast Industrial ASP and is designated as Proposed I-2 General Light Industrial District. The purpose of the general light industrial area is to provide for a range of light industrial and associated uses that are

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compatible with each other and do not adversely affect surrounding non-industrial uses. Land uses other than I-2 General Light Industrial that are consistent with the overall intent of the I-2 District will also be allowed in this area. Policy 4.1.2 a) states "That general light industrial development in the Southeast Industrial Area be in accordance with the I-2 General Light Industrial District rules included in the Calgary Land Use Bylaw 2P80."

Land Use Bylaw- The land use bylaw (1P2007) identifies the land at 12725 52 Street SE as Special Purpose – Future Urban Development (S-FUD) and the land at 12865 52 Street SE as I-G.

Application – This application represents a land use amendment from S-FUD and I-G to DC Direct Control District to allow for primarily a new Auto Sales facility on the south eastern parcel of the subject site. Stock land use districts are not proposed on these sites due to the unique geographic conditions. First, the subject site is within 600 metres of the future Shepard rapid transit station, warranting the desire to apply Transit Oriented Development principles to the subject site. Second, a 450 metre landfill setback applies to the entire subject site, restricting uses including Food Service, Residential, Educational and Medical uses. Lastly because of interest in this area due to the future rapid transit station area, interim uses that comply with the existing ASP that can be placeholders for future intensification were deemed appropriate with guidance on items like building placement and parking to provide a more pedestrian friendly environment than typical in industrial lands. The DC applied to the western parcels is to facilitate limited uses in the interim while Administration works with the landowner and other stakeholders in the area on a future station area plan.

TRANSPORTATION NETWORKS

The site is located adjacent to 52 Street SE, a Divided Arterial which is designated as part of the Primary Cycle network and Primary Transit network. This development will construct 124 Avenue through the site, which will eventually connect to 48 Street and to 40 Street when land is acquired from the affiliated land owner. A new road, named 124 Avenue SE, will be constructed as a Custom Divided Industrial Arterial roundabout corridor, which has been developed to maintain the roadway needs in accordance with the Southeast Industrial ASP, while enhancing the active modes facilities to address the Transit Oriented Design requirements for the Shepard LRT Station area. The Divided roadway with roundabouts is required in order to meet operational needs for all-turns access in the plan area, access management requirements, and to provide sufficient fire access routes. A Multi-Use pathway along 124 Avenue SE will provide a cycling and pedestrian connection between the Regional Pathway on 52 Street SE and the Shepard LRT station.

A Transportation Impact Assessment (TIA) was submitted to and approved by the City.

The site is almost entirely within the 600m radius of the future Shepard LRT station, to be located on the northwest corner of 48 Street at 126 Avenue SE. Interim Bus Rapid Transit stops will be located at the intersection of 48 Street at 126 Avenue SE. Additionally, high

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frequency transit routes are expected to be introduced along 52 Street, in accordance with 52 Street's designation as a Primary Transit route. Given the context of this site with respect to the high quality & high frequency near term and long term Transit service, Transit Oriented Design Principles are to be applied.

UTILITIES & SERVICING

Servicing is provided through connections to existing or approved mains, and does not fall within an area that is under current servicing review. Infrastructure required has been identified and is reflected in the relevant Conditions of Approval in this report.

ENVIRONMENTAL ISSUES

A Phase 2 Environmental Site Assessment, Groundwater Monitoring Report, and Hazardous Materials Survey were completed for the Subject Site. No environmental issues were identified regarding the current or historical land uses.

The Subject Sites within a 450 metre setback restriction area due to its proximity to an active landfill. Current Municipal Government Act Subdivision and Development Regulations in Section 13 restrict development in these setback locations. No Schools, Hospitals, Residences or Food Establishments can be developed in this setback. The 450 metre setback could reduce to 300 metres once the landfill ceases operation. This setback permanently restricts these uses.

GROWTH MANAGEMENT

No Growth Management issues have been identified.

PUBLIC ENGAGEMENT

Community Association Comments

No Community Association is in this area.

Citizen Comments

No comments were received from Citizens.

Public Meetings

Public meetings were not required for this application.

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APPENDIX I

APPLICANT'S SUBMISSION

The Subject Site is located within the Southeast Shepard Area Structure Plan and is comprised of two (2) contiguous parcels of a combined total size of approximately 16.83 ha. (41.59 ac.). The first parcel is located at 12725 - 52 Street SE, is 36.61 ac. (14.81 ha.) in size, and is proposed to be Redesignated from Special Purpose - Future Urban Development (S-FUD) District to a combination of Industrial - General (I-G) and Industrial - Commercial (I-C) Districts. The second parcel is located at 12865 - 52 Street SE, is 4.99 ac. (2.02 ha) in size, and is proposed to be Redesignated from I-G to I-C, in a similar manner as the contiguous parcel to the north.

The Land Use Redesignation and Outline Plan strategy for the Subject Site proposes a comprehensively-planned and fully-serviced mix of light-industrial and commercial uses (compatible with and complementary to light-industrial uses). Commercial uses will be restricted by the applicable 300 meter setback from the Shepard Landfill Facility. The regulations for development within the setback substantially affect the range of available commercial oriented land uses, including food establishments, hospitals, medical, educational and residential land uses. The strategy for the Subject Site has contemplated a highest and best use development scenario both in the short and long-term.

The short-term development scenario is one that establishes a mix of light-industrial uses with that of I-C discretionary commercial uses of a complementary nature and in the form of Vehicle Sales - Major (a use similar and permitted under General Light Industrial I-2 District, under Bylaw 2P80). The strategy supporting this scenario proposes establishing a new Major Road (124 Avenue SE) connection east-west aligned through the site and which connects with the north-south aligned Industrial Arterial (52 Street SE). All new parcels are proposed to have direct transportation and servicing access via 124 Avenue SE, and the strategy proposes the create of four (4) parcels overall - two (2) I-G parcels and two (2) I-C parcels. Further, the strategy provides for a standard right-of-way dedication, Special Purpose - City and Regional Infrastructure (S-CRI) District, to facilitate the long-term development scenario of the SETWAY.

The short-term development scenario enables the redevelopment to the long-term scenario, which is contemplated as triggered and supported by the construction of the SETWAY to a light-rail transit (LRT) standard and the construction of the Shepard Station. With LRT access through the immediate proximity to the Shepard Station, it is anticipated that there will be significantly increased attractiveness to redevelop to a higher and better use, of greater intensity in a mixed-use format and in accordance City-wide Transit Oriented Development (TOD) policies, of the day.

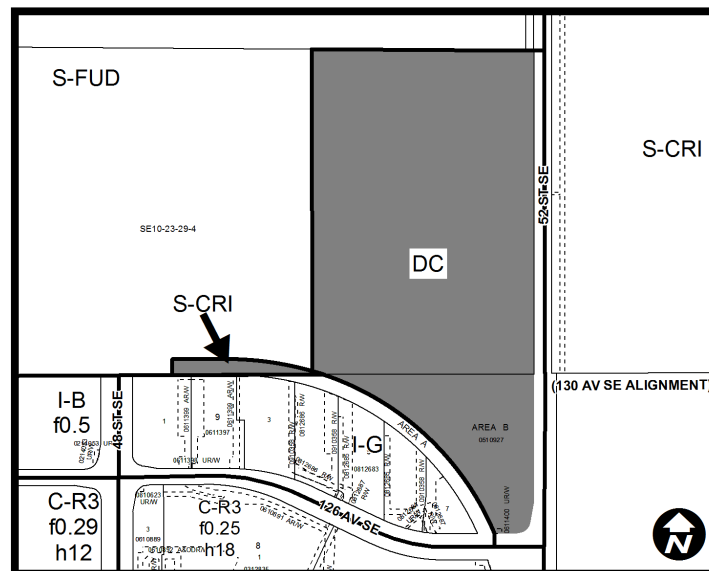
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APPENDIX II

PROPOSED DC DIRECT CONTROL DISTRICT GUIDELINES

(Bylaw 1): (DC based on Industrial - Commercial (I-C) District)



Purpose

1 This Direct Control District is intended to accommodate:

- (a) light industrial **uses** that are unlimited in size;
- (b) small scale commercial **uses** that are compatible with and complement light industrial **uses**;
- (c) **developments** that provide a transition between other land use districts and the Industrial – General District or between highly visible industrial **parcels** and the Industrial – General District;
- (d) setbacks, **screening**, landscaping and **building** design that addresses aesthetic concerns associated with highly visible locations; and
- (e) a **development** that provides active pedestrian environments located near rapid transit stations.

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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 (1) The following **uses** are **permitted uses** in this Direct Control District:

- (a) **Park;**
- (b) **Power Generation Facility – Small;**
- (c) **Sign – Class A;**
- (d) **Sign – Class B;**
- (e) **Sign – Class D; and**
- (f) **Utilities.**

- (2) The following **uses** are **permitted uses** in this Direct Control District if they are located within existing approved **buildings**:

- (a) **Artist's Studio;**
- (b) **Beverage Container Drop-Off Depot;**
- (c) **Building Supply Centre;**
- (d) **Dry-cleaning and Fabric Care Plant;**
- (e) **Financial Institution;**
- (f) **Fitness Centre;**
- (g) **General Industrial – Light;**
- (h) **Health Services Laboratory – With Clients;**
- (i) **Indoor Recreation Facility;**
- (j) **Information and Service Provider;**
- (k) **Office;**
- (l) **Pawn Shop;**
- (m) **Pet Care Service;**
- (n) **Print Centre;**
- (o) **Radio and Television Studio;**
- (p) **Service Organization; and**
- (q) **Veterinary Clinic.**

Discretionary Uses

- 5 (1) **Uses** listed in subsection 4(2) are **discretionary uses** if they are located in new **buildings** or new additions to existing **buildings** in this Direct Control District.

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(2) The following *uses* are *discretionary uses* in this Direct Control District:

- (a) Auto Body and Paint Shop;
- (b) Auto Service – Major;
- (c) Auto Service – Minor;
- (d) Car Wash – Multi-Vehicle;
- (e) Car Wash – Single Vehicle;
- (f) Gas Bar;
- (g) Large Vehicle and Equipment Sales;
- (h) Large Vehicle Service;
- (i) Large Vehicle Wash;
- (j) Power Generation Facility – Medium;
- (k) Recreational Vehicle Sales;
- (l) Recreational Vehicle Service;
- (m) Restored Building Product Sales Yard;
- (n) Self Storage Facility;
- (o) Sign – Class C;
- (p) Sign – Class E;
- (q) Sign – Class F;
- (r) Sign – Class G;
- (s) Special Function – Class 2;
- (t) Utility Building;
- (u) Vehicle Rental – Minor;
- (v) Vehicle Sales – Minor;
- (w) Vehicle Rental – Major;
- (x) Vehicle Sales – Major; and
- (y) Wind Energy Conversion System – Type 1.

Bylaw 1P2007 District Rules

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

Front Setback Area

7 The *front setback area* must have a minimum depth of 3.0 metres.

Building Orientation

8 (1) The primary *public entrance* for *uses* located on ground floor must face the *street*.

(2) *Motor vehicle parking stalls* and *loading stalls* must not be located between a *building* and *street*.

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- (3) The rules in subsections (1) or (2) may be relaxed by the ***Development Authority*** provided the test for relaxation in Bylaw 1P2007 is met.
- (4) ***Buildings*** must be located along the ***street***.

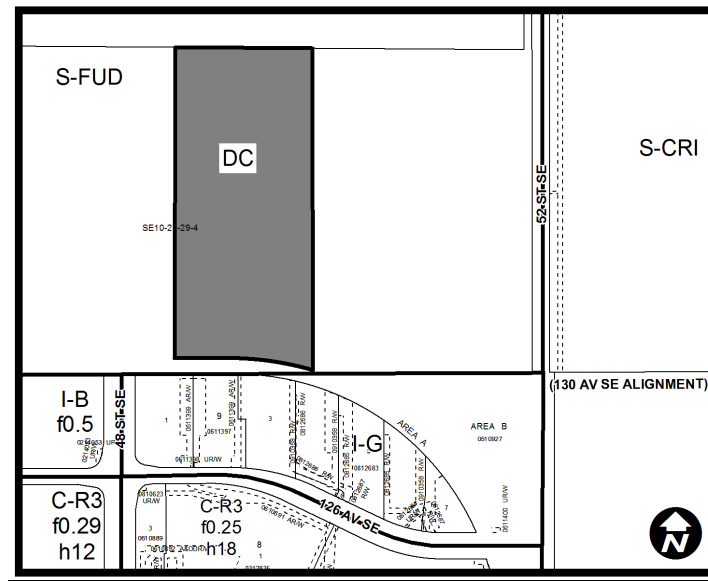
Motor Vehicle Parking Requirements

- 9 The minimum ***motor vehicle parking stall requirements*** for each ***use*** is the maximum ***motor vehicle parking stall requirement*** provided for each ***use***.

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(Bylaw 2): (DC based on Special Purpose – Future Urban Development (S-FUD) District)



Purpose

- 1 This Direct Control District is intended to accommodate:
- (a) lands that are awaiting urban **development** and utility servicing;
 - (b) land protection for future urban forms of **development** and density restricting premature subdivision and **development** of **parcels** of land; and
 - (c) for a limited range of temporary **uses** that can easily be removed when land is redesignated to allow for urban forms of **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.

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Permitted Uses

4 The following *uses* are *permitted uses* in this Direct Control:

- (a) **Power Generation Facility – Small;**
- (b) **Sign – Class A;**
- (c) **Sign – Class B;**
- (d) **Sign – Class D; and**
- (e) **Utilities.**

Discretionary Uses

5 The following *uses* are *discretionary uses* in this Direct Control District:

- (a) **Outdoor Recreation Area;**
- (b) **Parking Lot – Grade (temporary);**
- (c) **Power Generation Facility – Medium;**
- (d) **Sign – Class C;**
- (e) **Sign – Class F;**
- (f) **Sign – Class G;**
- (g) **Utility Building; and**
- (h) **Vehicle Storage – Passenger.**

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.