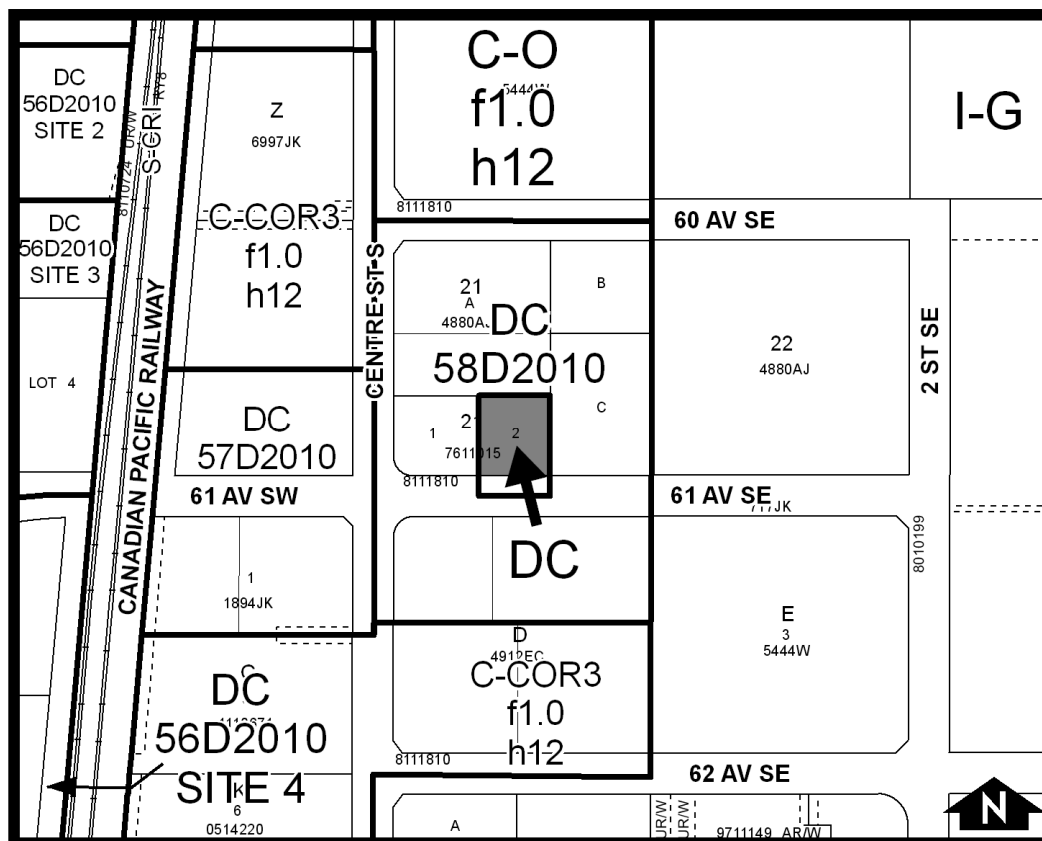


LAND USE AMENDMENT	ITEM NO: 07	
	FILE NO:	LOC2013-0061
	CPC DATE:	2013 October 10
	COUNCIL DATE:	2013 December 02
	BYLAW NO:	102D2013

MANCHESTER INDUSTRIAL  
(Ward 9 - Councillor Carra)



**RECOMMENDATION:**

**CALGARY PLANNING COMMISSION RECOMMENDATION TO COUNCIL:**

That Council:

1. **ADOPT** the proposed redesignation of 0.14 hectares  $\pm$  (0.34 acres  $\pm$ ) located at 108 – 61 Avenue SE (Plan 7611015, Block 21, Lot 2) from DC Direct Control District **to** DC Direct Control District to accommodate the additional use of Beverage Container Drop-Off Depot, in accordance with the Corporate Planning Applications Group recommendation; and
2. Give three readings to the proposed Bylaw.

**Moved by: R. Wright**

**Carried: 7 – 0**

**PROPOSAL:**

To redesignate 0.14 ha  $\pm$  (0.34 ac  $\pm$ ) located at 108 – 61 Avenue SE (Plan 7611015, Block 21, Lot 2) from DC Direct Control District to DC Direct Control District to accommodate the additional use of Beverage Container Drop-Off Depot.

(Map 34S)

**APPLICANT:**

Rick Balbi Architect

**OWNER:**

Jupiter Properties Inc

**CURRENT DEVELOPMENT:**

One storey Bottle Depot with associated parking  
(Bylaw 58D2010)

**ADJACENT DEVELOPMENT:**

**NORTH:** One storey warehouse (Bylaw 58D2010)

**SOUTH:** 61 Avenue SW, One storey warehouse (Bylaw 58D2010)

**EAST:** Vacant Lot One (Bylaw 58D2010)

**WEST:** One storey warehouse (Bylaw 58D2010)

**SUMMARY OF CIRCULATION REFEREES**

**ENVIRONMENTAL  
MANAGEMENT**

Not applicable.

**COMMUNITY  
ASSOCIATIONS  
Meadowlark Park ,  
Kingsland,  
Fairview, and  
Windsor Park.**

The Kingsland Community Association and Meadowlark Park Community Association have no objections with the proposed land use district. The remaining CA's did not provide comments at time of writing this report.

**PLANNING EVALUATION**

**Introduction**

This land use application seeks to redesignate approximately 0.13 hectares of land from a Direct Control district to a Direct Control district to accommodate a temporary use of Beverage Container Drop-Off Depot.

## Parcel History

The following outlines the parcel history resulting in the subject land use redesignation application:

### 2008 March

- The City approves DP2007-4371 for a temporary *Bottle Return Depot*. The Development Permit is issued with a maximum 5 year timeline.
- Existing land use district was I-2 General Light Industrial District (Land Use Bylaw 2P80).
- *Bottle Return Depot* was listed as a discretionary use in the I-2 district.

### 2008 June

- Land Use Bylaw 1P2007 becomes effective
- The land use district on the subject parcel transitions from the former I-2 district to the Industrial General (I-G) district.
- The Chinook Station Area Plan (SAP) is adopted by Council (CPC M-2008-026).
- Landowners are engaged during preparation of the Chinook SAP prior to Council adoption, including:
  - Four mail outs;
  - Two Open Houses; and
  - a City website, dedicated to the project.
- Council instructs Administration to undertake City initiated land use redesignations in accordance with the policies of the Chinook SAP.

### 2010 May

- Council approves Direct Control districts to implement the Chinook ARP. The DC's replace land use districts for all properties fronting 61 Avenue and properties designated Industrial General (I-G) district to prevent new development that would not be compliant with the Chinook SAP.
- Affected land owners and adjacent property owners were notified of the public hearing by letter and advertised in the newspaper (legislated under the Municipal Government Act).
- The existing Direct Control district on the subject parcel (Bylaw 58D2010) is approved by Council and is a result of the Chinook Station Area Plan process.
- The direct control district provides for Industrial Business (I-B) district uses (high quality manufacturing, research and office development that supports transit use) and does not provide for a *Bottle Return Depot* use.

### 2013 March

- The Development Permit for a temporary *Bottle Return Depot* expires. Due to the expiration of the use, the use can no longer exist and cannot be treated as a legally non-conforming use.

### 2013 May

- A pre-application meeting with the City and land owner occurs to discuss a possible land use redesignation.

The resulting land use application is to add the additional use *Beverage Container Drop-Off Depot* to the existing Direct Control district and will allow the existing use to continue on a temporary basis until the site is redeveloped.

## **Site Context**

The subject site is located in the community of Manchester Industrial, east of the Chinook LRT station, on the north side of 61 Avenue SE. The surrounding lands include a mix of low rise and standalone commercial and industrial uses.

## **Proposed Land Use District**

The existing DC Direct Control District was a City initiated land use redesignation specifically written to implement the vision and policies of the Chinook Station Area Plan. The proposed DC retains the rules of the existing land use and introduces an additional temporary use (up to five years) Beverage Container Drop-Off Depot within the existing building.

There are two key components to the proposed DC Direct Control District that are critical to ensure the successful implementation of the Chinook SAP:

1. The use is only allowed as an added use with the existing building (i.e., for the life of the building or when it is removed for redevelopment);
2. A temporary Development Permit is required to ensure the use is appropriately managed over time.

This allows a balanced approach that lets the use continue while still encouraging future redevelopment as well as ensuring the use does not continue in a fashion that precludes achieving the vision of the plan. The Development Authority could refuse or reduce a development permit timeline for any of the following reasons, including, but not limited to:

- The use is not managed well. Noise, odour, heat, high illumination levels or waste become disruptive to adjacent uses.
- An application for a comprehensive redevelopment project including the subject site is submitted;
- The existing use and site development does not positively contribute to road improvement upgrades on 61 Avenue SW;
- And other reasons where the continuation of the use does not implement or prevents effective implementation of the SAP.

In addition to the above key elements, the DC Direct Control District also recognizes the existing non conforming building (Section 16 of the proposed Direct Control district).

## **Legislation & Policy**

### Municipal Development Plan (MDP) (Approved by Council, 2009)

The subject site falls within a Major Activity Centre (MAC). MAC's provide for the highest concentration of job and population outside of the centre city area. These areas should be developed to function as an "urban centre" for sub-region of the city and provide opportunities for people to work, live shop, recreate and be entertained.

### Chinook Station Area Plan (Adopted by resolution, 2008)

The subject parcel lies within the Office/Commercial/Light Industrial land use boundary. This area should transition into a wide range of employment-intensive uses and accommodate the development of larger floor plate commercial or light-industrial building typologies.

This parcel is also located in conceptual Block T (Map 3.2). Here, a minimum Floor Area Ratio of 1.0 has been set in order to ensure that new development will contribute sufficient activity to the area and to ensure that the building mass will be large enough to contribute to an appropriate streetwall. A density bonus system is also included to balance the higher density development with the provision of appropriate public benefits and amenities.

### **Site Layout & Building Design**

The application is not tied to plans.

### **Site Access & Traffic**

The subject site is within a 200 metre walking distance to the Chinook LRT station, and a bus stop accommodating twelve bus routes.

### **Parking**

A parking study was not required.

### **Site Servicing for Utilities**

Site servicing is available for the proposed land use.

### **Environmental Site Assessment**

An Environmental Site Assessment was not required for this land use application.

### **Community Association Comments**

There is no community association in the Manchester Industrial area. As such, the application was circulated to all adjacent Community Associations, including Windsor Park, Meadowlark Park, Kingsland, and Fairview. The Kingsland Community Association and Meadowlark Park Community Association have no objections with the proposed land use district. The remaining CA's did not provide comments at time of writing this report.

### **Adjacent Neighbour Comments**

No comments were received at time of writing this report.

### **CONCLUSION:**

The proposal is supported for the following reasons:

1. The proposed district is in conformance with and implements the policies of the Municipal Development Plan and the Chinook Station Area Plan.
2. The proposed district restricts auto-oriented uses, implementing a key strategic direction of Council to create complete communities around LRT stations.
3. The proposed district allows for an interim temporary use to operate on the subject parcel while still encouraging future redevelopment that achieves the vision of the Chinook Station Area Plan.

**CORPORATE PLANNING APPLICATIONS GROUP RECOMMENDATION:      APPROVAL**

Recommend that Council **ADOPT**, by bylaw, the proposed redesignate 0.14 hectares  $\pm$  (0.34 acres  $\pm$ ) located at 108 – 61 Avenue SE (Plan 7611015, Block 21, Lot 2) from DC Direct Control District **to** DC Direct Control District to accommodate the additional use of Beverage Container Drop-Off Depot with the following guidelines:

**Purpose**

- 1** This Direct Control District is intended to accommodate:
- (a) land **uses** that support transit use including a wide range of transit services, civic functions and amenities;
  - (b) prestige, high quality, manufacturing, research and **Office developments**;
  - (c) activities contained within **buildings**;
  - (d) a limited range of small **uses** that provide services to the **Office** and industrial **uses** within the immediate area;
  - (e) pedestrian pathway connections to and between **buildings** and to transit;
  - (f) a minimum and a maximum **floor area ratio**;
  - (g) the opportunity to earn additional **floor area ratio**, over and above the minimum base **floor area ratio** through the contribution to a **community investment fund**, or the provision of **publicly accessible private open space**; and
  - (h) a temporary **Beverage Container Drop-Off Depot** within the existing **building**.

**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) “**average land value**” means the average land value per square metre of buildable floor area for the area, or areas, approved by **Council** and as amended from time to time;
  - (b) “**community amenity space**” means the floor area made available within the proposed **development**, in perpetuity to the **City**, in a form acceptable to the **City** for not for profit community purposes.
  - (c) “**community investment fund**” means the fund, as established by **Council**, used for projects related to public realm improvements, including but not limited to park acquisition, park design, redevelopment or enhancement, streetscape design and improvements within **City** rights-of-way, implementation of urban design strategies and public art on public land.
  - (d) “**publicly accessible private open space**” means a portion of a private **development parcel** that is made available to the public through a legal agreement approved by the **Development Authority**, and is in a location, form, configuration and constructed in a manner approved by the **Development Authority**.

### Permitted Uses

- 5 The **permitted uses** of the Industrial – Business (I-B) District of Bylaw 1P2007 are the **permitted uses** in this Direct Control District.

### Discretionary Uses

- 6 (1) The **discretionary uses** of the Industrial – Business (I-B) District of Bylaw 1P2007 are the **discretionary uses** in this Direct Control District with the exclusion of:
- (a) **Drive Through;**
  - (b) **Gas Bar;**
  - (c) **Parking Lot – Grade;**
  - (d) **Parking Lot – Structure;** and
  - (e) **Self Storage Facility.**
- (2) The following **uses** are **discretionary uses** in this Direct Control District if they are located within the **building** existing at the date of passage of this Direct Control District Bylaw:
- (a) **Beverage Container Drop-Off Depot.**

### Bylaw 1P2007 District Rules

- 7 Unless otherwise specified in this Direct Control District, the rules of Industrial – Business (I-B) District of Bylaw 1P2007 apply in this Direct Control District.

### Front Setback Area

- 8 There is no minimum requirement for **front setback area**, but where a **front setback area** is provided, it must have a maximum depth of 4.0 metres.

### Rear Setback Area

- 9 There is no minimum requirement for **rear setback area**, but where a **rear setback area** is provided, it must have a maximum depth of 4.0 metres.

### Side Setback Area

- 10 There is no minimum requirement for **side setback area**, but where a **side setback area** is provided, it must have a maximum depth of 4.0 metres.

### Restricting Large Parking Areas

- 11 The total surface area containing the required drive aisles, **motor vehicle parking stalls** and vehicular access for a **development** must not exceed 2500.0 square metres.

### Floor Area Ratio

- 12 (1) The minimum **floor area ratio** is 1.0.
- (2) Subject to subsection 12(3) the maximum **floor area ratio** is 2.0.
- (3) The maximum **floor area ratio** specified in subsection 12(2) may be increased by a maximum of 1.0 **floor area ratio** in accordance with the bonus provisions contained in section 14.



### Building Height

- 13 (1) The minimum **building height** is 7.5 metres.
- (2) The maximum **building height** is 30.0 metres.

### Bonus Floor Area Ratio Earning Items

- 14 Any of the following items or combination thereof may be used to earn a density bonus:

- (a) provision of **publicly accessible private open space** within the **development**, where the allowable bonus floor area in square metres is equal to the total construction cost (excluding land costs) of the **publicly accessible private open space**, divided by the **average land value** per square metre buildable floor area multiplied by 0.75, such that:

Allowable bonus floor area = total construction cost / (**average land value** x 0.75);

- (b) provision of **community amenity space** within the **development**, where the allowable bonus floor area in square metres is equal to the total construction cost (excluding land costs) of the **community amenity space**, divided by the **average land value** per square metre buildable floor area multiplied by 0.75, such that:

Allowable bonus floor area = total construction cost / (**average land value** x 0.75); and

- (c) contribution to a **community investment fund** where the allowable bonus floor area in square metres is equal to the contribution to the **community investment fund**, divided by the **average land value** per square metre of buildable floor area, such that:

Allowable bonus floor area = contribution / (**average land value**).

### Development Permit

- 15 A **development permit** for a **Beverage Container Drop-Off Depot** must not be approved for a period exceeding 5 years.

### Existing Building

- 16 Sections 8, 9, 10, 12 and 13 in this Direct Control District Bylaw do not apply to the **building** existing on the **parcel** at the date of passage of this Direct Control District Bylaw.

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## APPLICANT'S SUBMISSION

This application is for a proposed Land Use Redesignation in the Manchester Industrial Community, from Direct Control (I-B) to Direct Control (I-B), for the sole purpose of the inclusion of **Beverage Container Drop-Off Depot** as an additional discretionary use.

The site is located at 108 – 61 Avenue SE and has a total site area of approximately 0.34 acres. The site is currently occupied by the Chinook Bottle Depot, and is surrounded by primarily stand-alone industrial and some commercial uses in all directions, which transition to primarily commercial at Macleod Trail, approximately five blocks to the West. The Chinook LRT station is located approximately two blocks to the West of the subject site.

The site is currently identified within the Chinook Station Area Plan, and has recently been subject to land use redesignation to support the future vision of the Chinook Station area. It is anticipated that new development in the immediate area will reflect a variety of uses that compliment a mixed use environment and provide employment opportunity with office, commercial or light industrial uses. The Chinook Station Area Plan is underway, with redevelopment of the Chinook Station itself almost complete.

The Chinook Bottle Depot has existed for years in its current location, and prior to its recent redesignation, was a listed use. Like many of its neighbours, it is no longer supported by its land use designation, but at this time is in a suitable location for its operation, with good proximity to transit and to major roads. It is expected that as the area redevelops, that the use will be discontinued and new development will occur as it becomes a more viable and attractive option for the site.

This application seeks to add the discretionary use of Beverage Container Drop-Off Depot to accommodate the existing Chinook Bottle Depot in the interim, until the use is discontinued. Given the relatively static nature of the area at this time, we would request your support of this application.



**Aerial Photo: Site Location**