

**Calgary Planning Commission Report to
Public Hearing Meeting of Council
2018 June 11**

**ISC: UNRESTRICTED
CPC2018-0421
Page 1 of 9**

**Land Use Amendment in Belvedere (Ward 9) at 8500 23 Avenue SE,
LOC2017-0374, Bylaw 169D2018**

EXECUTIVE SUMMARY

This application was submitted by QuantumPlace Developments on 2017 December 07 on behalf of the landowner Jagroop Singh Dhaliwal. The application proposes to redesignate this property from a Special Purpose - Future Urban Development (S-FUD) District to a DC Direct Control District to allow for an additional discretionary use of Vehicle Storage – Large.

The proposal is based on the S-FUD district and is intended to allow for a limited range of temporary uses that can be easily removed until such time that the land is ready for future urban development. The DC District has provisions to limit development approval for the additional use on a temporary three year basis. The proposal is in keeping with the applicable policies of the Belvedere Area Structure Plan (ASP) and the Municipal Development Plan (MDP).

ADMINISTRATION RECOMMENDATION:

That Calgary Planning Commission recommend that Council hold a Public Hearing; and

1. **ADOPT**, by bylaw, the proposed redesignation of 2.94 hectares \pm (7.26 acres \pm) located at 8500 – 23 Avenue SE (Plan 9611786, Lot 1) from Special Purpose - Future Urban Development (S-FUD) District **to** DC Direct Control District to accommodate the additional use of Vehicle Storage – Large with guidelines; and
2. Give three readings to the proposed bylaw.

Moved by: L. Juan
Opposed: A. Palmiere

Carried: 7 – 1

RECOMMENDATION(S) OF THE CALGARY PLANNING COMMISSION

That Council hold a Public Hearing on Bylaw 169D2018; and

1. **ADOPT** the proposed redesignation of 2.94 hectares \pm (7.26 acres \pm) located at 8500 – 23 Avenue SE (Plan 9611786, Lot 1) from Special Purpose - Future Urban Development (S-FUD) District **to** DC Direct Control District to accommodate the additional use of Vehicle Storage – Large, in accordance with Administration's recommendation; and
2. Give three readings to the proposed Bylaw 169D2018.

PREVIOUS COUNCIL DIRECTION / POLICY

None.

**Land Use Amendment in Belvedere (Ward 9) at 8500 23 Avenue SE,
LOC2017-0374, Bylaw 169D2018**

BACKGROUND

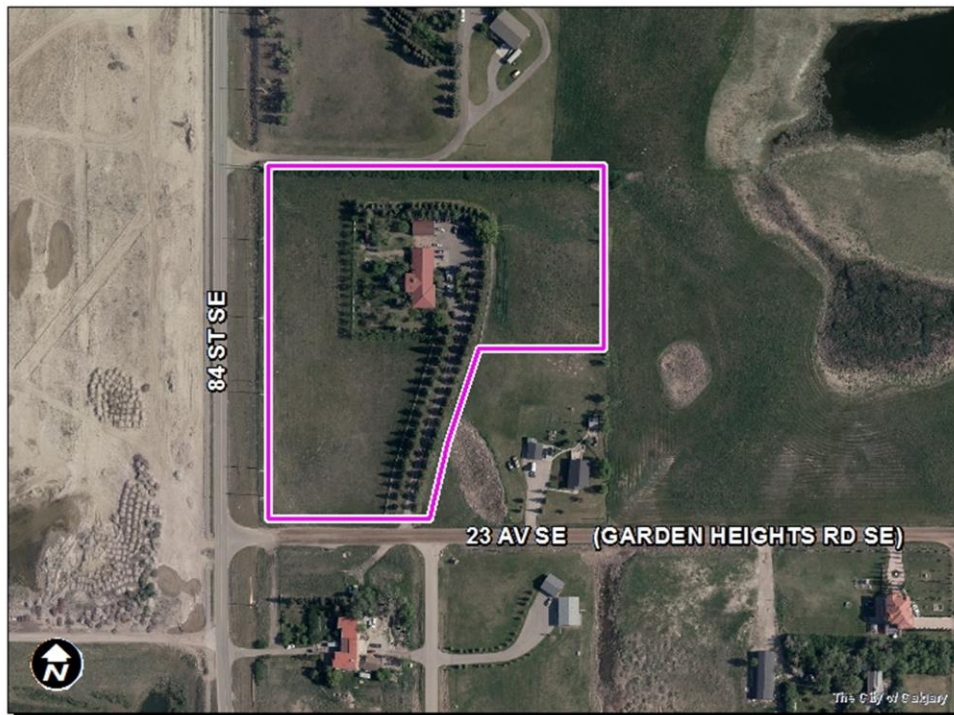
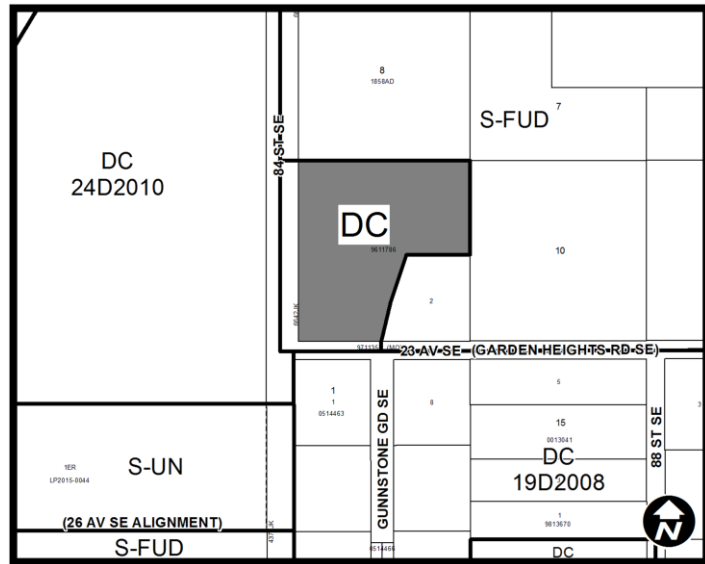
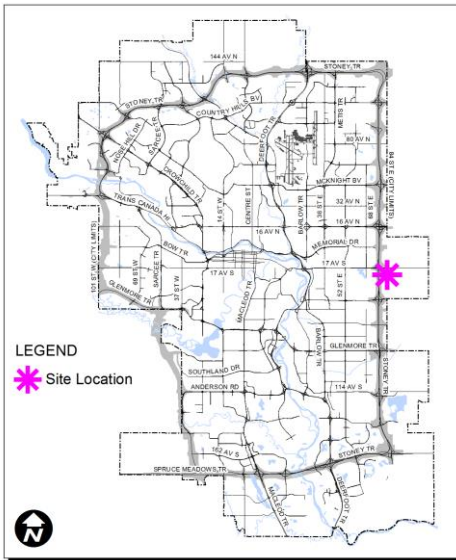
Site Context

The site is located at the eastern edge of the city at the northeast corner of the intersection of 84 Street SE and 23 Avenue SE in the developing area of Belvedere. The surrounding developments within the general vicinity include low density residential dwellings and commercial outdoor vehicles storage. The S-FUD district is the predominant land use designation surrounding this site. The sites south of 23 Avenue SE are designated as Direct Control District (Bylaw 19D2008) and are based on the S-FUD land use district. The site west of 84 Street SE is a Direct Control District (Bylaw 24D2010) and is based on the Commercial – Regional 3 (C-R3) District.

The site is approximately ±2.94 hectare (±7.26 acre) in size, is generally flat with minimal slope and it has vehicular access from 23 Avenue SE. The applicant has indicated that it is the owner's intent to maintain the site as an S-FUD district until such time that ultimate development can occur in the area. It has been indicated that the existing residential use on the site is to remain and vehicles are intended to be stored on the western portion of the site.

Land Use Amendment in Belvedere (Ward 9) at 8500 23 Avenue SE,
LOC2017-0374, Bylaw 169D2018

LOCATION MAPS



**Land Use Amendment in Belvedere (Ward 9) at 8500 23 Avenue SE,
LOC2017-0374, Bylaw 169D2018**

INVESTIGATION: ALTERNATIVES AND ANALYSIS

The proposed DC Direct Control District allows for an additional use of Vehicle Storage – Large while keeping the intent of the Special Purpose - Future Urban Development (S-FUD) District. Further information on how this proposal aligns with applicable policies is found in the Strategic Alignment section of this report.

Land Use

The proposed DC Direct Control District is based on the site's current Special Purpose – Future Urban Development (S-FUD) District with the additional discretionary use of Vehicle Storage – Large. The intent of the DC District is to protect the site from premature development and allow Vehicle Storage - Large as a temporary use. The DC has provisions to limit development approval for the use on a temporary, three year basis.

Land Use Bylaw 1P2007 has regulations for the Vehicle Storage – Large use:

- It does not allow vehicles to be serviced, cleaned, tested or repaired on-site.
- It does not allow storage of any equipment or any dilapidated vehicles.
- It does not allow production, display or sale of vehicles.

The proposed DC District has additional rules to regulate the use and to provide screening for the use:

- It is to provide berm and fence to screen the stored vehicles.
- Vehicles stored onsite must not encroach into the setback areas.

The proposed DC Bylaw has rules to allow the development authority to request an operational management plan to be reviewed at the future development permit stage to ensure the proposed Vehicle Storage – Large use can mitigate any potential impacts to the surrounding residential uses.

Implementation

This application is not tied to plans. The applicant has indicated the intent to pursue a development permit application for a temporary Vehicle Storage – Large use on this site. The overall size of the operation, required parking and any other site planning considerations will be evaluated at the development permit stage subject to Council's decision on this land use redesignation application. Drainage from the subject site to the adjacent wetlands will not be permitted and setback from the adjacent wetlands with appropriate naturalized buffers will be required at the development permit stage

**Land Use Amendment in Belvedere (Ward 9) at 8500 23 Avenue SE,
LOC2017-0374, Bylaw 169D2018**

Infrastructure

Transportation Networks

Eighty-fourth Street SE is classified as an arterial street and 23 Avenue SE is a rural collector road. Currently, the site is not serviced by transit nor is there a pedestrian pathway network. A future road alignment design concept for 84 Street SE, from 17 Avenue SE to 33 Avenue SE, has been determined as per the approved 17 Avenue SE Corridor Study – Stoney Trail to East City Limits. Land from the subject parcel will be required for the realignment of 84 Street SE and the final roads rights of way requirements for the future 84 Street SE road alignment will be determined at the future subdivision and/or development permit stage.

The proposed use, Vehicle Storage – Large, could be easily removed, would not require additional infrastructure servicing and would be subject to temporary development approvals. In addition, the future development is not anticipated to have permanent structures and will be subject to the future alignment of 84 Street SE. A Transportation Impact Assessment (TIA) was not required for this application. However, a TIA may be required by Transportation Planning at the development permit stage. Future upgrades and paving to 23 Avenue SE may be required at the development permit stage and the Developer is responsible for any upgrades upon future review. No new access to 84 Street SE will be permitted.

Utilities and Servicing

Water, sanitary, and storm mains are available from 84 Street SE to service the site. However, given the nature of the proposed temporary use, servicing may not be required at this time and could be deferred to the future. If servicing is proposed at the development permit stage, the developer will be obligated to pay all outstanding development levies and fees owing on the property as well as fulfilling cost sharing obligations on the existing utilities. In conjunction with a development permit application, a stormwater management report will be required to ensure the site is designed to conform with City of Calgary guidelines and specifications to prevent any stormwater impacts to adjacent properties, roads, or wetlands.

Growth Management

This site is located within the Growth Management Overlay area as per the Belvedere ASP (Map 4 - Growth Management Overlay). However, this land use proposal will continue to have an S-FUD base and the use is not anticipated to require utilities and servicing upgrades. As such, the proposal does not require removal of the overlay and would not require additional capital infrastructure investment. Therefore, no growth management concerns have been identified at this time.

Stakeholder Engagement, Research and Communication

In keeping with Administration's standard practices, this application was circulated to relevant stakeholders and notice posted onsite. Notification letters were sent to adjacent land owners and the application has been advertised online.

**Land Use Amendment in Belvedere (Ward 9) at 8500 23 Avenue SE,
LOC2017-0374, Bylaw 169D2018**

Following Calgary Planning Commission, notifications for Public Hearing of Council will be posted onsite and mailed out to adjacent land owners. In addition, Commission's recommendation and the date of the Public Hearing will be advertised online.

There are no community associations in this area. Administration received letters of objection and a petition against the application. Reasons stated for opposition are summarized below:

- **Incompatible use concerns** – The areas surrounding this site have residential uses and the proposed use would not be compatible with the residential uses. If the existing dwelling is removed, there might be additional vehicles that can be stored on the site.
- **Traffic and road maintenance concerns** – Additional vehicular traffic will be generated in the area. 23 Avenue SE may not be able to handle the additional traffic capacity and the road may require regular maintenance.
- **Drainage concerns** – The gravel parking area may potentially create drainage issues and may cause additional runoff onto the adjacent residential property and nearby wetlands.
- **Visual concerns** – The landscape and fence screening may not be sufficient to screen the vehicles stored onsite.
- **Health and Safety concerns** – The large vehicles may create unsafe traffic conditions for pedestrians walking in the area. The large vehicles may have leakages that could potentially pollute the local underground water supply in the area.
- **General nuisance concerns** – The large vehicle storage operation will likely to create nuisance such as:
 - dust generated by the ongoing moving of trucks in the gravel parking area;
 - noise from the continuous movement of trucks accessing the site;
 - constant traffic movements in this area during all times of the day; and
 - garbage and debris from the large vehicles spilling from the site onto the surrounding areas.

Administration has taken the citizen comments into consideration through the review process. To assist with mitigation of these concerns, and in addition to the 1P2007 Land Use Bylaw rules related to the use Vehicle Storage – Large, the DC guideline includes additional rules related to screening by requiring berming and fencing. In addition, vehicles must not encroach into the setbacks areas and future development of the use must demonstrate how noise, dust, and debris are controlled on site. The future operation must also adhere to relevant community bylaw standards and business bylaw regulations.

Engagement

No public meetings were held by the applicant or Administration in relation to this application. Administration provided updates to concerned residents during the review of the application as requested.

**Land Use Amendment in Belvedere (Ward 9) at 8500 23 Avenue SE,
LOC2017-0374, Bylaw 169D2018**

Strategic Alignment

South Saskatchewan Regional Plan (Statutory, 2014)

The site is located within the 'City, Town' area as identified on Schedule C: South Saskatchewan Regional Plan Map in the *South Saskatchewan Regional Plan (SSRP)*. While the SSRP makes no specific reference to this site, the land use proposal generally aligns with some of the SSRP policies, by having efficient use of land with an interim use that minimizes the need for new or expanded infrastructure.

Municipal Development Plan (Statutory, 2009)

The subject site is identified in the Municipal Development Plan (MDP) as a planned greenfield with Area Structure Plan (Map 1 Urban Structure). The MDP provides guidance for the development through the Belvedere Area Structure Plan. The proposed plan generally meets the MDP city wide policies for a creating a city attractive to business (section 2.1.2) and ensuring a sustainable economy (section 2.1.3). The proposed Direct Control (DC) District provides flexibility to accommodate an additional use that does not require additional infrastructure while protecting the land from both premature development and investment in municipal infrastructure.

Belvedere Area Structure Plans (Statutory, 2013)

The Belvedere Area Structure Plan (BASP) identifies this site as a 'Special Study Area' as the subject site is located within the landfill setback of a non-operating landfill (Map 5 Land Use Concept). The Municipal Government Act – Subdivision Development Regulation (MGA-SDR) prohibits the development of schools, hospitals, food establishments, or residences within the development setback of a landfill. Vehicle Storage – Large is not a restricted use and complies with the ASP.

The land use concept map indicates that the general land uses surrounding this site are primarily 'Neighbourhood Area'. The site is in proximity to key nodes including a future Bus Rapid Transit stop, Community Retail Centre and Neighbourhood Activity Centre. The proposed DC Direct Control District is based on the existing S-FUD district which is intended for lands awaiting future development. The DC guideline has provision to limit development approval so as the temporary use would not restrict future planning on this site.

Social, Environmental, Economic (External)

The proposed DC Direct Control District aligns with the intent of the uses of the existing S-FUD district and the use does not require additional infrastructure. Given a limited term approval of three years, the proposal respects the local policy by not hindering future planning and development in this area. The proposed DC District has additional rules to control the use and screening of activities.

**Land Use Amendment in Belvedere (Ward 9) at 8500 23 Avenue SE,
LOC2017-0374, Bylaw 169D2018**

An Environmental Site Assessment was provided and no significant environmental risks were identified on the property. Historically the site was used for agricultural purposes as well as a residential home and accessory buildings. The proposed use is not a restricted use as per the Municipal Government Act – Subdivision Development Regulation (MGA-SDR). As such, the proposed land use redesignation will not require an amendment to the Belvedere Area Structure Plan.

Financial Capacity

Current and Future Operating Budget:

There are no known impacts to the current and future operating budgets at this time.

Current and Future Capital Budget:

The DC Direct Control District retains an S-FUD base, does not require servicing and the additional use can be easily removed. In addition, the proposed land use redesignation will not require the removal of the Growth Management Overlay. As such, the proposed application does not trigger capital infrastructure investment and therefore there are no growth management concerns at this time.

Risk Assessment

There are no significant risks associated with this proposal. The proposal would offer flexibility of an additional use that aligns with the allowable uses within the existing district, and the DC District limits the term of approval of the development permit which will not hinder future development.

REASON(S) FOR RECOMMENDATION(S):

The proposed DC Direct Control District is based on the current Special Purpose – Future Urban Development (S-FUD) District which is intended for lands awaiting future urban development. The proposal aligns with the intent of the S-FUD district. The proposed use, Vehicle Storage – Large, could be easily removed, would not require additional infrastructure servicing and would be subject to temporary development approvals.

The DC District has rules to mitigate the activities associated with the use and it allows the development authority to request an operational management plan to be reviewed at the future development permit stage. The proposal conforms with the Belvedere Area Structure Plan and Municipal Development Plan.

Calgary Planning Commission Report to

**Public Hearing Meeting of Council
2018 June 11**

**Item #5.1.17
ISC: UNRESTRICTED
CPC2018-0421
Page 9 of 9**

**Land Use Amendment in Belvedere (Ward 9) at 8500 23 Avenue SE,
LOC2017-0374, Bylaw 169D2018**

ATTACHMENT(S)

1. Applicant's Submission
2. Proposed Direct Control District
3. Letters Received by Calgary Planning Commission
4. Calgary Planning Commission Motions and Amendments
5. Calgary Planning Commission Member Comments
6. Proposed Bylaw 169D2018
7. Public Submissions