

**Land Use Amendment in Fairview Industrial (Ward 9) at 134 Forge Road SE,  
LOC2018-0166**

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**EXECUTIVE SUMMARY**

This land use amendment application was submitted by Rick Balbi Architect on behalf of the landowner, Central Organization for Jewish Education Lubavitch Alberta on 2018 July 16. This application proposes to redesignate the subject parcel from an Industrial – General (I-G) District to a Commercial – Corridor 2 (C-COR2 f2.0h24) District to allow for:

- commercial, residential, and place of worship development;
- a maximum building height of 24.0 metres (an increase from the current maximum of 16.0 metres);
- a maximum building floor area of 15,610 square metres (168,024 square feet) (an increase from the current maximum of 7,805 square metres (84,012 square feet)), based on a maximum floor area ratio (FAR) of 2.0.

Administration is not in support of this application because the proposed district conflicts with policy, is incompatible with surrounding land uses, and would result in a situation where development may be constrained by technical limitations.

The proposal is inconsistent with the applicable policies of the *Municipal Development Plan* for the following reasons:

- policy directs that industrial lands be preserved for industrial uses;
- policy directs that industrial lands should not be converted to residential nor regional commercial uses;
- multi-residential development on the site would not be compatible with existing and potential future industrial uses;
- multi-residential development on the site would not be near the Primary Transit Network;
- multi-residential development on the site would not be part of a complete community;
- there is no local area plan that would provide direction regarding higher-intensity development; and
- the site is inappropriate for tall buildings.

The proposal is also discouraged because the site is within a landfill setback where school, food establishment, and residential uses are prohibited.

There is no local area plan.

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**ADMINISTRATION RECOMMENDATION:**

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

That Council **refuse the adoption of the proposed redesignation** of 0.78 hectares  $\pm$  (1.93 acres  $\pm$ ) located at 134 Forge Road SE (Plan 1543JK; Block 2; Lots 1 and 2) from Industrial – General (I-G) District **to** Commercial – Corridor 2 (C-COR2 f2.0h24) District; and **abandon** the proposed Bylaw.

**PREVIOUS COUNCIL DIRECTION / POLICY**

None.

**BACKGROUND**

This land use amendment application was submitted to The City of Calgary by Rick Balbi Architect on behalf of the landowner, Central Organization for Jewish Education Lubavitch Alberta on 2018 July 16. As noted in the Applicant's Submission (Attachment 1), the landowner intends to develop a "Place of Worship" use and a mixed-use multi-residential and commercial development on the site.

On 2017 February 16, a temporary development permit was approved for a "Place of Worship – Large" for a two-year period.

On 2017 August 23, a pre-application (PE2017-01103) meeting was held with Community Planning and the landowner to discuss potential options to continue the "Place of Worship" use on the site beyond the temporary two-year development approval period. Submittal of a development permit for a permanent "Place of Worship – Large" and/or a land use redesignation to allow for a smaller "Place of Worship" use were discussed. The site's location within a landfill setback was identified by Community Planning.

On 2018 May 07, a pre-application (PE2018-00764) meeting was held with Community Planning, the landowner, and the applicant for the applicant to present an updated concept for the site which included a "Place of Worship", commercial, and multi-residential development. Community Planning advised that residential uses within industrial areas would not be supported.

On 2018 July 16, this land use redesignation application (LOC2018-0166), was submitted, proposing redesignation of the site from an Industrial – General (I-G) District to a direct control district based on the Commercial – Corridor 2 (C-COR2) District with omission of select commercial uses. The intent of the application was to allow for a "Place of Worship" of undetermined size and a 10-storey multi-residential development with main floor commercial uses. The proposed direct control district was based on C-COR2 with an floor area ratio of 3.0 and a maximum height of 32 metres.

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On 2018 July 26, an initial team review was sent to the Applicant identifying that the proposal did not meet *Land Use Bylaw 1P2007*'s test for use of a direct control district. Non-support for residential uses in industrial areas was also identified. In response, the applicant proposed redesignation to a standard *Land Use Bylaw 1P2007* district, with a lower floor area ratio and a lower maximum height.

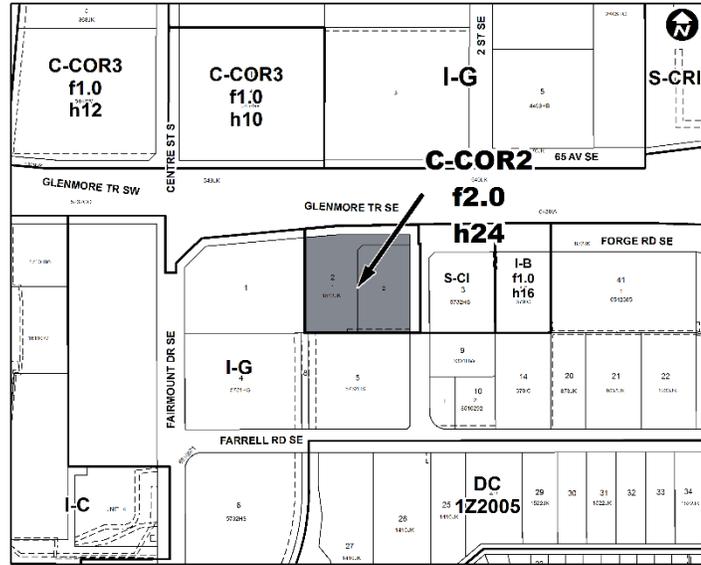
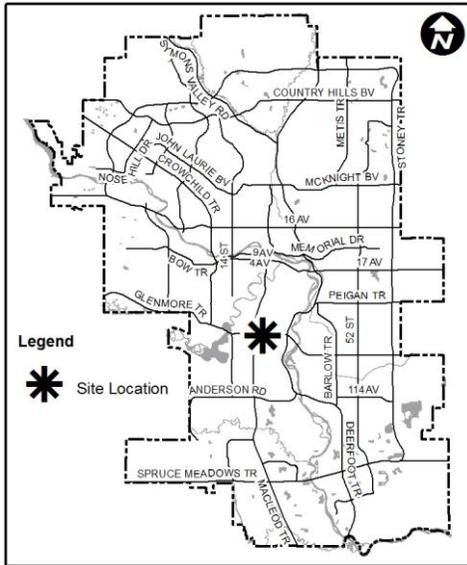
On 2018 October 11, a detailed team review was sent to the applicant. Non-support for the proposal was reiterated for policy, overall compatibility, and technical development reasons.

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Location Maps



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**Site Context**

The subject site is located in Fairview Industrial, which is located north of the residential community of Fairview. The site is located along Forge Road SE, and is bordered to the north by Glenmore Trail SE. Lands to the west and south contain one-to-two-storey light industrial developments that are designated Industrial – General (I-G) District. The parcel to the east, across Forge Road SE, is developed with a one-storey building that has contained a dance studio and a cultural organization since at least 1997 and is designated Special Purpose – Community Institution (S-CI) District.

The site is 0.78 hectares ± (1.93 acres ±) and developed with a two-storey building and freestanding third party advertising signage.

On 2017 February 16, a development permit (DP2016-4327) was approved for a “Place of Worship – Large” as a temporary use for a two-year period. “Place of Worship – Large” is an allowable use in the Industrial – General (I-G) District. To conform to the *Land Use Bylaw 1P2007* size requirements, the development was approved with a future expansion area that has not been developed. “Place of Worship – Small” and “Place of Worship – Medium” are not allowable uses in the Industrial – General (I-G) District.

**INVESTIGATION: ALTERNATIVES AND ANALYSIS**

This application proposes a commercial district on the site that allows for a range of commercial, residential, and institutional uses. The proposal is inconsistent with the applicable policies, as discussed in the Strategic Alignment section of this report.

Over the course of the application review, a range of land use district options, including direct control districts, were considered. As per the Applicant’s Submission, “The intent of this application is twofold; first, it seeks to maintain the existing approval for Chabad Lubavitch of Alberta as a “Place of Worship – Large”. Secondly, this application is intended to provide Chabad Lubavitch with opportunity for further growth through the development of multi-residential and complementary commercial uses that could include mixed-use residential, childcare, senior services, recreational facilities, related retail and restaurant components.”

**Planning Considerations**

The following sections highlight the scope of technical planning analysis conducted by Administration.

**Land Use**

The current land use district for the site is the Industrial – General (I-G) District. The Industrial – General (I-G) District is intended to be characterized by a wide variety of light and medium general industrial uses, a limited number of support commercial uses, and a limited number of non-industrial uses that may be appropriate due to building or parcel requirements generally

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found in industrial areas. Uses and buildings in the Industrial – General (I-G) District may have little or no relationship to adjacent parcels.

On 2011 December 05, the “Place of Worship - Large” use was added to the Industrial – General (I-G) District in recognition that large places of worship may be constrained by such factors as cost of land and parcel size requirements with the added uncertainty of having to apply for a land use redesignation to S-CI prior to submitting a development permit.

Based on the area’s existing development, land use, and transportation context, the Industrial - General (I-G) is appropriate for this site.

The C-COR2 District is intended for areas with commercial development on both sides of the street, with development that is set back at varying distances from the street. The Permitted and Discretionary uses allowed in the C-COR2 District include commercial uses, limited automotive-related uses, residential uses, and, as specified by subsection 798(4) of *Land Use Bylaw 1P2007*, “Place of Worship” uses of all sizes. The proposed district (C-COR2 f2.0h24 District) would allow for a maximum building height of 24 metres (up to seven storeys) and a maximum floor area ratio of 2.0.

The proposed district’s uses and modifiers present policy conflicts, use and built form incompatibility issues, and would result in a situation where development may be constrained by technical feasibility and environmental regulation associated with landfill setbacks. Furthermore, the proposed district includes no industrial uses.

The proposed land use is intended to allow for place of worship, commercial, and residential development. The following subsections discuss the uses allowable in the proposed district.

### **Place of Worship Uses**

“Place of Worship” uses are allowable in most land use districts in Calgary, including most low density residential, multi-residential, commercial, centre city, and mixed-use districts. As well, the Special Purpose – Community Institution (S-CI) District is specifically designed for “Place of Worship” uses. “Place of Worship” uses are not allowed in industrial areas due to incompatibility issues, however, with the exception of “Place of Worship - Large” uses in the Industrial – General (I-G) District and the Industrial – Edge (I-E) District, which was allowed in recognition that large places of worship may be constrained by such factors as cost of land and parcel size requirements with the added uncertainty of having to apply for a land use redesignation to S-CI prior to submitting a development permit.

### **Commercial Uses**

Certain commercial uses are allowable within industrial areas in commercially-oriented industrial districts, including the Industrial – Commercial (I-C) District and the Industrial – Business (I-B) District. However, there are no “Place of Worship” uses in these districts.

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The proposed C-COR2 District is a commercial district that does not allow industrial uses and has uses that may be incompatible with nearby industrial development.

### **Multi-Residential Uses**

Multi-residential uses are allowable in multi-residential districts, centre city districts, mixed-use districts, and a range of commercial districts.

There are no industrial districts that allow for multi-residential uses.

### ***Development and Site Design***

The surrounding area's built form consists of one-to-two-storey light industrial developments that do not relate to each other. Surface parking areas serving these buildings are located at various locations on the sites and vehicular accesses to the sites are from the street.

To achieve redevelopment that is complementary to and does not interfere with development in the surrounding area, and development that is consistent with the industrial policies of the *Municipal Development Plan*, the built form of the site should be low density industrial development that is similar in scale to neighbouring and nearby sites.

The applicant provided comprehensive redevelopment concepts for the site, however no development permit applications have been submitted at the time of writing this report. Detailed site design would be assessed during the review of development permit application(s).

### ***Environmental***

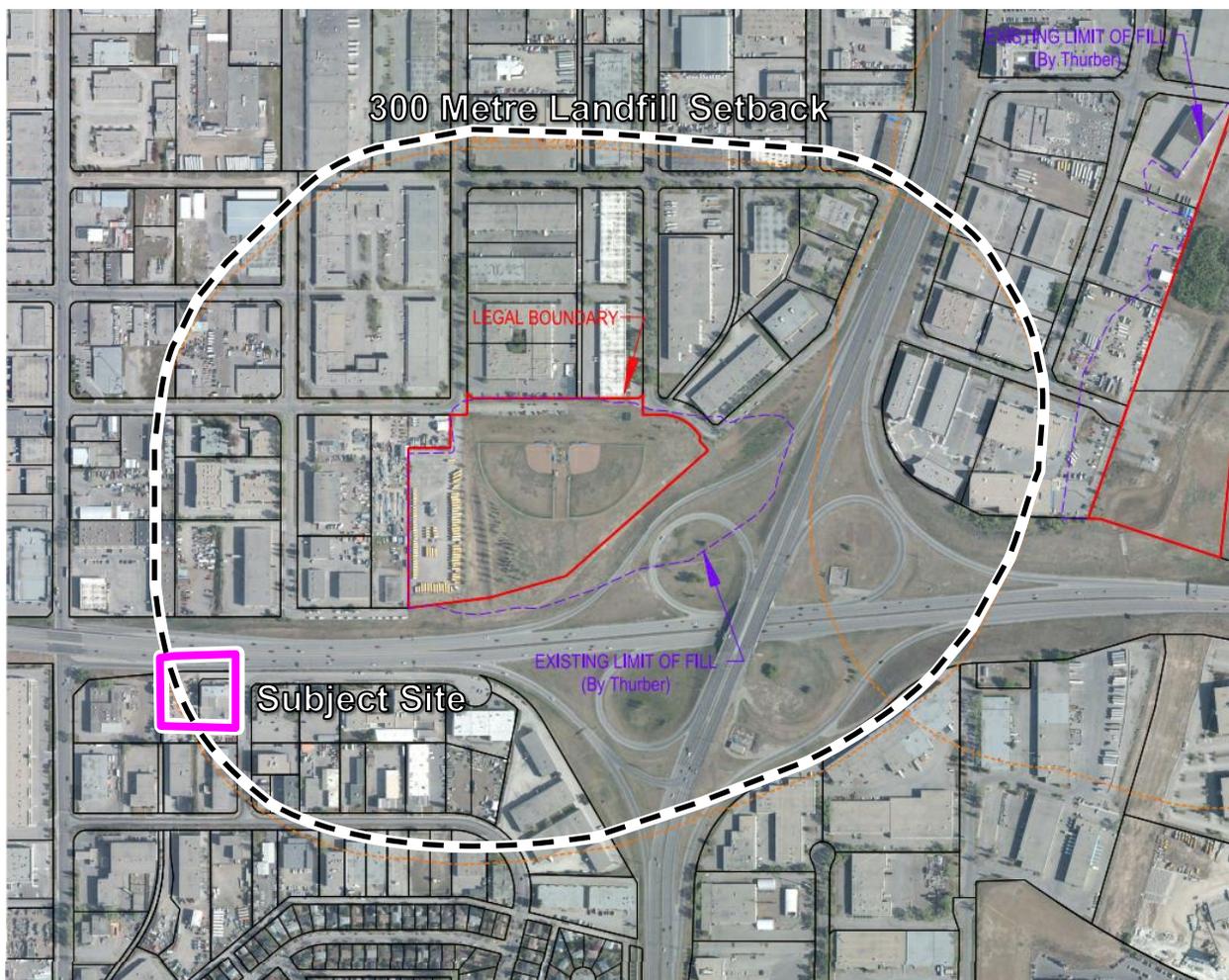
An environmental site assessment was not required for this land use redesignation application, however the applicant provided a phase one environmental site assessment.

A portion of the site is within a 300-metre landfill setback from the non-operating Springbank Landfill, as depicted in **Figure 1**. Development on the subject lands may be subject to section 13 (Distance from landfill, waste sites) of the Province of Alberta *Subdivision and Development Regulation* if a school, hospital, food establishment or residence is proposed on the site. Subsection 13(3)(b) of the *Subdivision and Development Regulation* states, "(3) Subject to subsection (5), a development authority shall not issue a development permit for a school, hospital, food establishment or residence, nor may a school, hospital, food establishment or residence be constructed if the building site is within 300 metres of the disposal area of an operating or non-operating landfill."

Subsection 13(5) of the *Subdivision and Development Regulation* states, "The requirements contained in subsections (1) to (4) may be varied by a subdivision authority or a development authority with the written consent of the Deputy Minister of Environment and Parks."

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The proposed district contains uses that are prohibited within landfill setbacks. In accordance with the City of Calgary *Waste Management Facilities: Setback Variance Protocol*, whereas “Place of Worship” uses are not independently prohibited within landfill setbacks, ancillary food-related and “Child Care Service” uses are prohibited within landfill setbacks. Food-related commercial uses are also prohibited within landfill setbacks. Residential uses are prohibited within landfill setbacks.



**Figure 1:** Springbank Landfill 300 Metre Setback

***Transportation Networks***

Transportation impact assessments, parking studies, and noise studies were not required for this land use redesignation application. Transportation impact assessments, parking studies, and noise studies may be required for future development permit applications, depending on the proposed uses and intensities of the proposed development.

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Vehicular access to the site is available from Forge Road SE. Vehicular access to the site is prohibited from Glenmore Trail SE. There is no rear lane.

The site is approximately 350 metres walking distance from a Calgary Transit bus stop location on Fairmount Drive SE that is served by route 10.

The site is approximately 1.1 kilometres walking distance from the Chinook Station on the “Skeletal Light Rail Transit (LRT) Network”, according to the Primary Transit Network Map (Map 2) of the MDP. The site is approximately 1.4 kilometres walking distance from a “Primary Transit Network” bus route, according to the Primary Transit Network Map (Map 2) of the MDP. Therefore, the site is not within proximity of the Primary Transit Network, and therefore the site is not within the scope of the MDP’s transit-oriented development intensification policies, which apply to areas within 400 metres of the Primary Transit Network.

### ***Utilities and Servicing***

Sanitary sewers, water mains, and storm sewers are available to service the site. Sanitary servicing studies and fire flow calculation letters must be submitted with future development permit applications on the subject site, depending on the proposed uses and intensities of the proposed development, to determine whether upgrades are required to the existing public infrastructure.

### **Stakeholder Engagement, Research and Communication**

Consistent with Administration’s standard practices, this application was circulated to relevant stakeholders and notice posted on-site for three weeks. Notification letters were sent to adjacent landowners and the application has been advertised online.

One letter of support was received from the public by the Calgary Planning Commission report submission date.

A letter of support was received from the Fairview Community Association (Attachment 3).

An applicant-led open house was held on 2018 October 17. An engagement summary report is attached (Attachment 2).

Following Calgary Planning Commission, notifications for a Public Hearing of Council will be posted on-site and mailed out to adjacent landowners. In addition, Calgary Planning Commission’s recommendation, the date of the Public Hearing and options for providing feedback will be advertised to the public.

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**Strategic Alignment**

***South Saskatchewan Regional Plan (Statutory, 2014)***

The site is located within the City, Town area of the Schedule C: South Saskatchewan Regional Plan Map in the *South Saskatchewan Regional Plan (SSRP)*. The SSRP sets the expectation that lands are developed in an orderly, efficient, compatible, safe and economical manner, while contributing to a healthy environment, a healthy economy and a high quality of life. Further, the SSRP sets an expectation that municipalities minimize potential conflict of land uses adjacent to natural resource extraction, manufacturing and other industrial developments. While the SSRP makes no specific reference to this site, the proposal is inconsistent with policies on Land Use Patterns.

***Municipal Development Plan (Statutory, 2009)***

The subject site is located within a Standard Industrial area, according to the Urban Structure Map (Map 1) of the *Municipal Development Plan (MDP)*. Standard Industrial areas are intended to contain a mix of industrial uses at varying intensities. These areas continue to offer a broad variety of industrial uses and as these areas redevelop, their industrial character should be maintained. The C-COR2 District does not allow for any industrial uses.

The MDP directs that industrial lands should be protected primarily for industrial uses, and that stand-alone office, regional commercial, and residential uses should be discouraged. Subsection 2.1.2.o. of the MDP states, "Protect appropriately located industrial areas from undue encroachment by residential development in cases where the nature of that industrial activity requires separation from residential uses." Whereas, the MDP does support proposed commercial uses that are intended to support the surrounding industrial area, proposed residential uses are inconsistent with the applicable policies.

Subsection 3.7.1.f of the MDP states, "Portions of the Standard Industrial Areas may be appropriate for redevelopment as non-industrial or mixed-residential business areas, given their proximity to existing communities and the Primary Transit Network. Any proposal for such a change will require an amendment to relevant Local Area Plans or, if there is no Local Area Plan, an amendment to the MDP to indicate the area is no longer required for Standard Industrial Area purposes."

Subsection 2.2.2.b of the MDP states, "Increase development densities in proximity of the Primary Transit Network by targeting residential and employment intensities within 400 metres of transit stops, in areas deemed appropriate through the Local Area Planning process and in accordance with the Typology thresholds identified in Part 3." Based on subsection 2.2.2.b of the MDP, the standard used for proximity to the Primary Transit Network for the purpose of this report is 400 metres walking distance. Due to the site's distance from the Primary Transit Network, justification for intensification of this site is with respect to the MDP policies for intensification in proximity to public transit is not applicable.

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There is concern that this proposal establishes the possibility of residential development on this site, which is inconsistent with the MDP's objectives and policies for complete communities. The MDP defines a complete community as "A community that is fully developed and meets the needs of local residents through an entire lifetime. Complete communities include a full range of housing, commerce, recreational, institutional and public spaces. A complete community provides a physical and social environment where residents and visitors can live, learn, work and play." The site is isolated and not well connected from existing residential areas, amenities, and services.

There is no local area plan, and therefore no local area plan to be amended. As per correspondence between Administration and the Applicant on 05 June 2018, a policy amendment to the Urban Structure Map (Map 1) of the MDP, the scope appears too small to be considered for an amendment because the Urban Structure Map (Map 1) of the MDP is intended to be a high-level concept, rather than a map that describes the intent for individual parcels.

Secondary to the above, the proposed district height of 24.0 metres would allow for a building that is defined as a "tall building" as per the MDP. Subsection 2.4.2 of the MDP states, "A tall building is generally defined as a building whose height is greater than the width of the right-of-way of the street that it fronts." The width of Forge Road SE is approximately 17 metres wide, which is less than the proposed 24.0 metre maximum height. Subsection 2.4.2.e of the MDP states, "Tall buildings are appropriate in the Centre City, Major Activity Centres, or Community Activity Centres and Urban Main Streets where deemed appropriate through a Local Area Plan." The site is not within the Centre City, Major Activity Centre, or Community Activity Centre, nor Urban Main Street, and therefore tall buildings are not appropriate in the Standard Industrial area, and therefore tall buildings should not be located in this area.

While the MDP makes no specific reference to this site, for the reasons identified above, the proposal is inconsistent with the applicable policies.

***Local Area Plan***

There is no local area plan.

The site is in an area bounded by Glenmore Trail to the north, the Bow River to the east, Anderson Drive to the south, and 14 Street SW, and the Glenmore Reservoir to the west. Administration will be developing a local growth plan for the larger area, which includes the subject site.

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**Social, Environmental, Economic (External)**

The site is not within walking distance of amenities and is not served by frequent public transit. Development of multi-residential in areas that are not with walking distance of amenities and that are not served by frequent public transit is contrary to City of Calgary sustainability policies that direct higher-intensity uses to locate in areas that are within walking distance of amenities and frequent transit services.

**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 proposed amendment does not trigger capital infrastructure investment and therefore there are no growth management concerns at this time.

**Risk Assessment**

There are potential liabilities to The City of Calgary if The City of Calgary approves the proposed land use district within landfill setbacks that are prohibited by the *Subdivision and Development Regulation*.

MDP policies that direct that industrial lands be preserved for industrial uses and that industrial lands should not be converted to residential nor regional commercial uses would be not be upheld if The City of Calgary approves this land use amendment. Also, MDP policies regarding discouraging incompatible uses in industrial areas and sustaining an affordable industrial land market would be not be fulfilled if The City of Calgary approves the proposed land use district may not be realized.

MDP policies regarding incorporating multi-residential development near the Primary Transit Network and residential uses in general within complete communities may not be realized if the City approves the proposed land use district. Redevelopment of this site may be premature due to non-existing local area policy, which could provide direction regarding higher-intensity development.

**REASON(S) FOR RECOMMENDATION(S):**

The proposed district conflicts with policy, is incompatible with surrounding land uses, and would result in a situation where development may be constrained by technical limitations.

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**ATTACHMENT(S)**

1. Applicant's Submission
2. Engagement Report
3. Letter from the Fairview Community Association