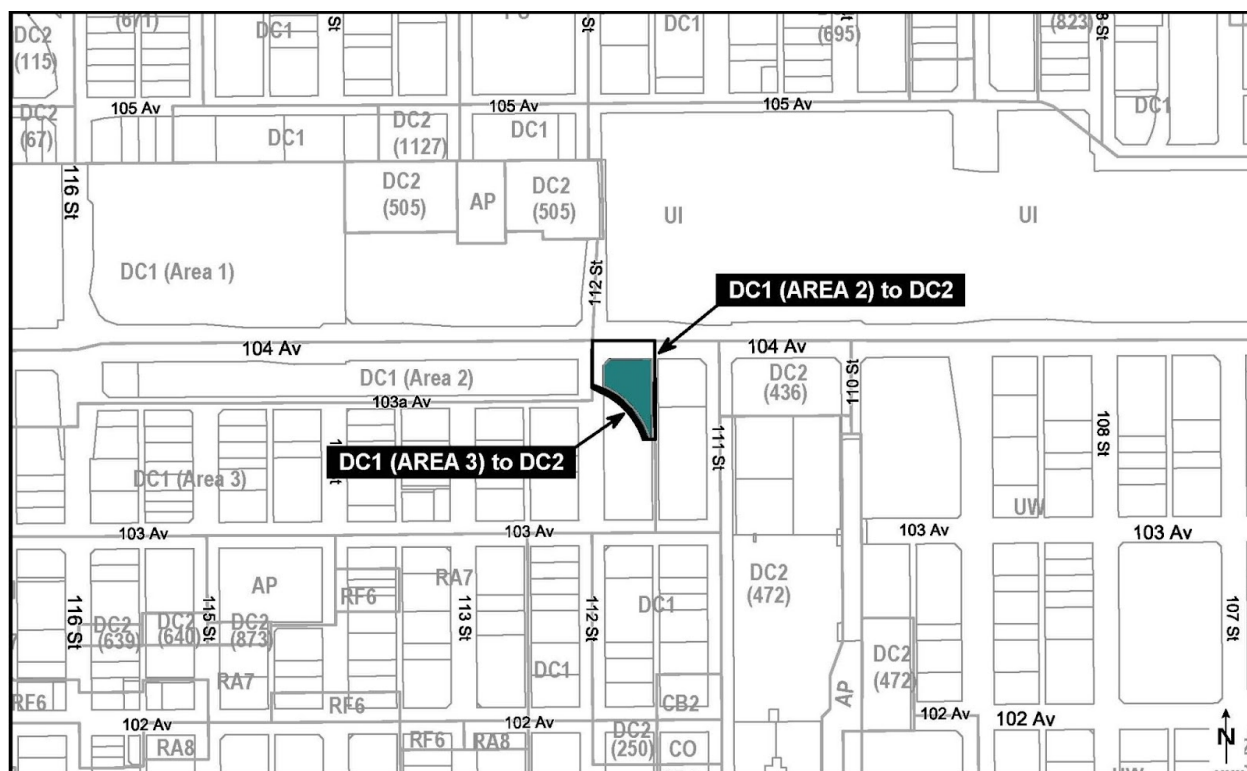




## ADMINISTRATION REPORT **REZONING** Oliver

### 10371 and 10365 112 Street NW

To allow Cannabis Retail Sales as a listed use.



**Recommendation:** That Charter Bylaw 19830 to amend the Zoning Bylaw from (DC1) Direct Development Control Provisions to (DC2) Site Specific Development Control Provision be APPROVED.

Administration is in **SUPPORT** of this application because the additional use class:

- will help utilize and activate an existing commercial property; and
- is compatible with the surrounding land uses and objectives of the 104 Avenue Corridor Area Redevelopment Plan.

## Report Summary

This application was submitted by WSP Canada on December 22, 2020 on behalf of owners, Marco Investments (Alberta) Ltd.

The site is currently split zoned (DC1) Direct Development Control Provision - 104 Corridor Area, Area 2 within the majority of the site and (DC1) Direct Development Control Provision - 104 Corridor Area, Area 3 located along the southernmost edge of the property.

The purpose of the proposed (DC2) Site Specific Development Control Provision is to allow for the opportunity to develop and operate a Cannabis Retail Sales facility at the southeast corner of 104 Avenue and 112 Street and to consolidate the zoning for the two-parcelled site which are owned by the same entity. The proposed DC2 rezoning includes provisions from the (DC1) Direct Development Control Provision - 104 Avenue Corridor Area, Area 2 and introduces Cannabis Retail Sales as an allowed use.

This application conforms with the policies of 104 Avenue Corridor Area Redevelopment Plan (ARP) by retaining the same regulations of the current DC1 which encourages the development of a pedestrian friendly and transit-supportive area that is characterized by its mix of commercial and residential uses.

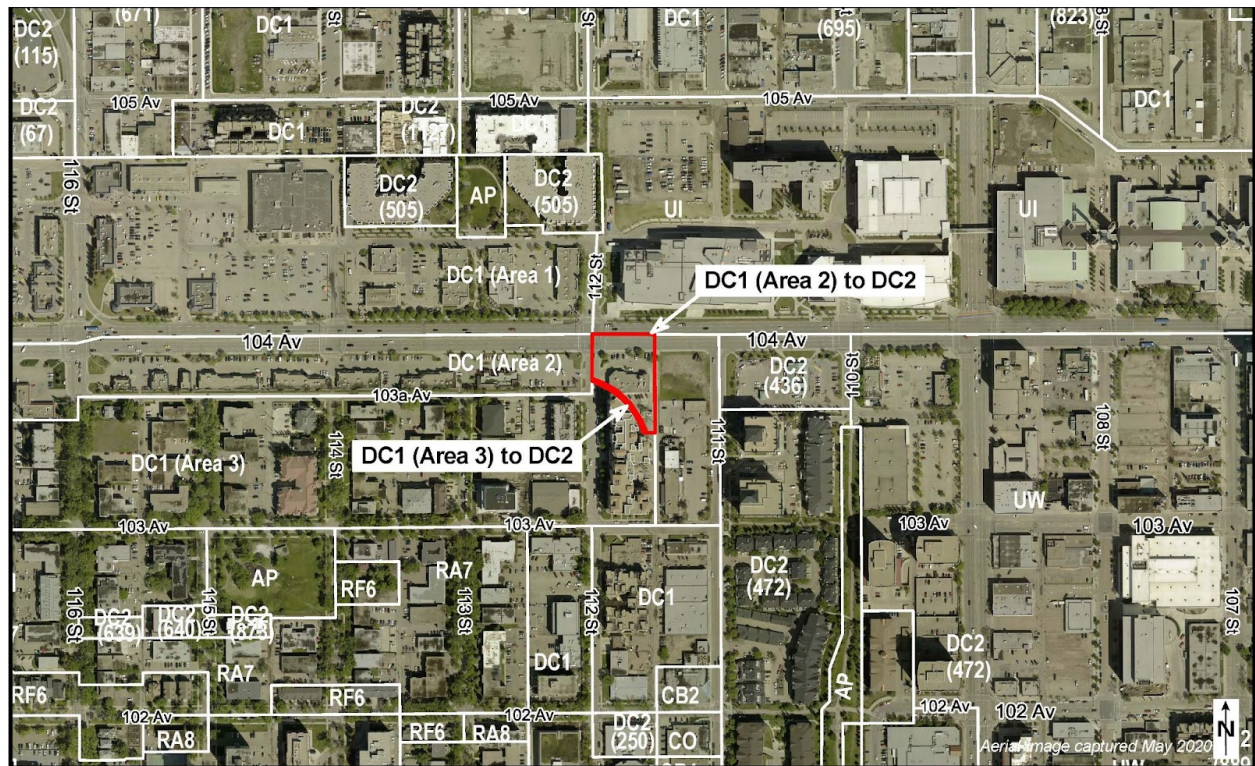
## The Application

CHARTER BYLAW 19830 proposes to amend the Zoning Bylaw to rezoning from (DC1) Direct Development Control Provisions to a (DC2) Site Specific Development Control Provision to allow for the opportunity to develop and operate a Cannabis Retail Sales facility at the southeast corner of 112 Street and 104 Avenue.

## Site and Surrounding Area

The 0.24 hectare (2,407 m<sup>2</sup>) site is located on the southeast corner of 102 Avenue and 112 Street in the northeast portion of the Oliver neighborhood. The property is occupied by a single storey commercial building with 6 tenant spaces and a surface parking lot to serve the site. The property fronts onto the 104 Avenue corridor which supports a broad mix of uses including commercial, retail, and industrial uses. South of this commercial corridor includes a mix of residential housing units predominantly in the form of low to high rise apartments.

The future MacEwan Arts/112 Street LRT Stop of the Valley Line West will be located directly north of the subject site along 104 Avenue, which also serves as a frequent bus route for Edmonton Transit Service.



AERIAL VIEW OF APPLICATION AREA

	EXISTING ZONING	CURRENT USE
<b>SUBJECT SITE</b>	(DC1) Direct Development Control Provisions - 104 Avenue Corridor Area, Areas 2 and 3	Commercial Use Building
<b>CONTEXT</b>		
North	(UI) Urban Institutional Zone	Public Education Services - MacEwan University
East	(DC1) Direct Development Control Provision	<ul style="list-style-type: none"> <li>• Vacant Parcel</li> <li>• Two Commercial Use Buildings</li> </ul>
South	(DC1) Direct Development Control Provision	Multi Unit Housing
West	(DC1) Direct Development Control Provision	Commercial Use Building





VIEW OF THE SITE LOOKING SOUTHEAST FROM 104 AVENUE NW AND 112 STREET NW

## Planning Analysis

### LAND USE COMPATIBILITY

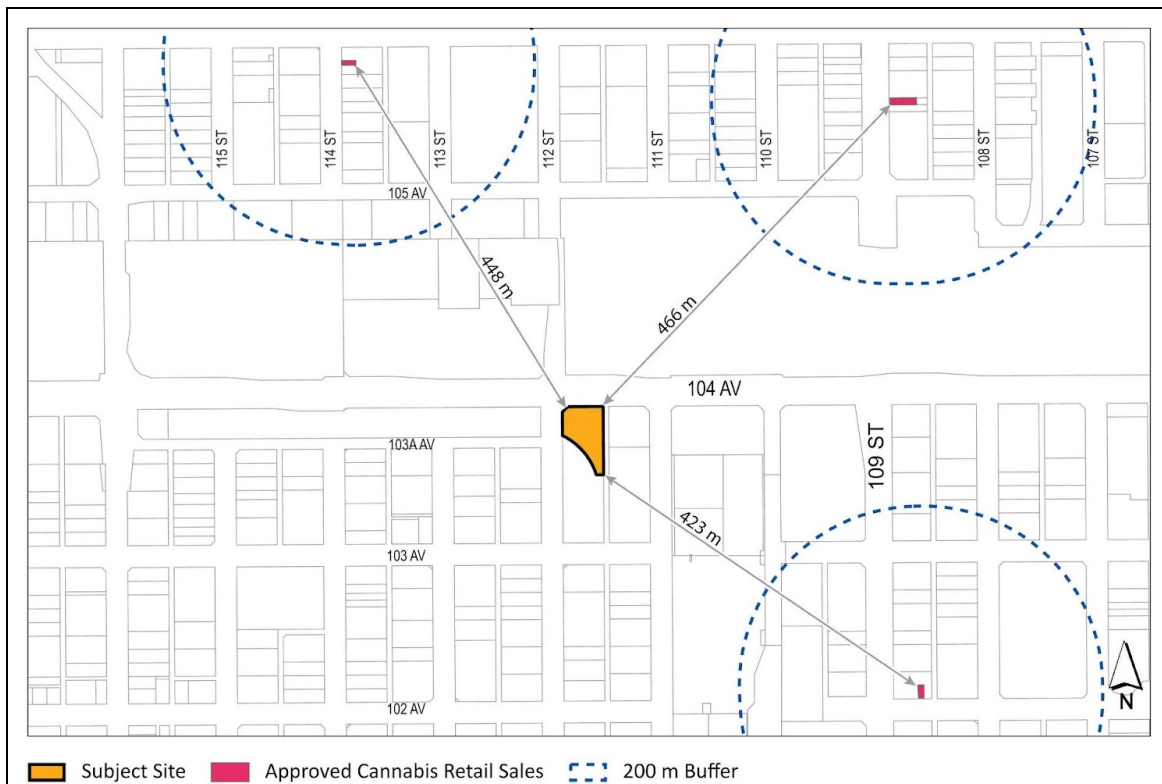
The current DC1 Provisions applied to the site accommodates a range of commercial uses to help activate the 104 Avenue commercial corridor. It is anticipated that Cannabis Retail Sales will have similar land use impact as the existing uses permitted within these provisions. Other currently listed commercial uses in the existing zoning include convenience and general retail stores, Bars and Neighborhood Pubs and Liquor Stores which are compatible with this proposed addition of cannabis sales to the property. Currently five of the six tenant spaces are occupied by three Specialty Food Services uses and two Personal Service Shops. One space previously occupied by a Specialty Food Service is currently vacant.

To manage off-site impacts and maximize land-use compatibility with surrounding properties, Cannabis Retail Sales are regulated by special land use provisions under Section 70 of the Edmonton Zoning Bylaw. Section 70 dictates that Cannabis Sales Facilities are separation distances of 100 metres from other sensitive land uses such as parks, public libraries and school sites governed by the Education Act. Although Macewan University is located across 104 Avenue to the north, Section 70 is meant to separate cannabis from children and not from university-aged individuals. Within the University, MacEwan's library has borrowing limitations to MacEwan's students, staff and faculty, retirees and alumni, and therefore does not qualify as a public library for the purposes of enforcing Section 70. The below map, Figure 1, depicts the location of the site in relation to the nearby sensitive areas. These areas are highlighted in green and are located more than 100 metres from the subject property.

FIGURE 1: SEPARATION DISTANCES BETWEEN SITE AND NEARBY SENSITIVE USES



FIGURE 2: SEPARATION DISTANCES BETWEEN SITE AND APPROVED CANNABIS RETAIL SALES FACILITIES



Further, Section 70 regulates a separation distance of 200 metres from other Cannabis Retail Sales facilities in recognition of the sensitive nature of this use and to avoid clustering of Cannabis Retail Sales establishments in a particular area. At the time this report was written, the closest Cannabis Retail Sales use was located on the east side of 109 Avenue and north of 102 Avenue, approximately 423 metres from the subject property, meeting the required 200 metre separation from the subject site as shown above, in Figure 2. The applicant has been advised that a development permit to operate Cannabis Retail Sales shall adhere to the provisions under Section 70 - Cannabis Retail Sales of the Zoning Bylaw and of the risk that a Development for Cannabis Retail Sales facilities or sensitive uses within this vicinity may be submitted and reviewed before a Development Permit for the subject site is reviewed.

## **PLANS IN EFFECT**

### The City Plan

Within the City Plan, Oliver is located within the Centre City of Edmonton which serves as Edmonton's distinct cultural, economic, institutional and mobility hub with highest density and mix of land uses. The Centre City is also meant to accommodate mid rise buildings and high rise buildings with urban design elements that contribute towards a welcoming and attractive atmosphere that connects with other buildings, streets, local areas and makes use of available transit and cycling infrastructure found within the vicinity. The proposed DC2 allows for redevelopment of the site allowing high rise built forms with these urban design features abutting onto 104 Avenue within short walking distance to ample transit opportunities. This site is seen as ideal for higher density redevelopment at this location as required by the current DC1 and proposed DC2. No specific policies are found within the City Plan with regards to Cannabis Retail Sales.

### 104 Avenue Corridor Area Redevelopment Plan

The proposed development further supports the ARP's land use concept for the 104 Avenue corridor as it provides for the opportunity of either a mixed-use building and active at grade uses through its retention of the DC1 provisions in the proposed (DC2) Site specific development Control Provisions. Although there are no policies directly related to the use of Cannabis Retail Sales, the land use objectives of the ARP encourages the mixture of commercial uses to meet the needs of the surrounding neighbourhood. This additional commercial use supports the ARP objective.

## **Technical Review**

### **Transportation**

Transportation Planning indicates that the proposed development to include Cannabis Retail Sales to the site is not expected to impact the overall transportation network.

The applicants and owners are advised that LRT development within this area is meant to activate improved pedestrian connections with the policies of the 104 Avenue Corridor Area

Redevelopment Plan and that pedestrian and other active modes implemented for connectivity will be reviewed with any future redevelopment of the site and surrounding areas.

### Drainage

Drainage Planning has reviewed this proposal and concludes the proposed Cannabis Retail Sales use for the existing structure will not significantly impact the sewer infrastructure.

In the event of redeveloping the site, the applicant is advised that onsite water management requirements shall apply with the property and shall include water storage provisions to accommodate excess runoff equivalent to an outfall rate of 35 litres per second per hectare. Other requirements for drainage purposes including lot grading plans, erosion and sedimentation control plans and mechanical site plans shall be required and reviewed at the permit stages for any proposed redevelopment.

All other comments from affected City Departments and utility agencies have been addressed.

## Community Engagement

<b>PRE-APPLICATION NOTIFICATION</b> March 10, 2021	<ul style="list-style-type: none"> <li>• Number of recipients: 207</li> </ul> <p>As reported by the applicant:</p> <ul style="list-style-type: none"> <li>• Number of responses in support: 0</li> <li>• Number of responses with concerns: 7</li> <li>• Common comments included: <ul style="list-style-type: none"> <li>o Inappropriate location next to residential area x3</li> <li>o Inappropriate location next to MacEwan University</li> <li>o Negative impacts to property values x2</li> <li>o preference to allow for restaurants or coffee shop instead of a cannabis store</li> <li>o Cannabis is tied with nuisance odours, which is already an issue in the area.</li> </ul> </li> </ul>
<b>ADVANCE NOTICE</b> May 27, 2021	<ul style="list-style-type: none"> <li>• Number of recipients: 207</li> <li>• Number of responses in support: 0</li> <li>• Number of responses with concerns: 1</li> <li>• Comments included: <ul style="list-style-type: none"> <li>o Inappropriate location</li> <li>o Negative impacts to property value</li> </ul> </li> </ul>
<b>WEBPAGE</b>	<ul style="list-style-type: none"> <li>• <a href="https://www.edmonton.ca/residential_neighbourhoods/neighbourhoods/oliver-planning-applications">https://www.edmonton.ca/residential_neighbourhoods/neighbourhoods/oliver-planning-applications</a></li> </ul>

## Conclusion

Administration recommends that City Council **APPROVE** this application.

## APPENDICES

- 1 Section 70 - Cannabis Retail Sales
- 2 Application Summary



## Edmonton Zoning Bylaw, Section 70 - Cannabis Retail Sales

1. Any Cannabis Retail Sales shall not be located less than 200 m from any other Cannabis Retail Sales. For the purposes of this subsection only:
  - a. the 200 m separation distance shall be measured from the closest point of the Cannabis Retail Sales Use to the closest point of any other approved Cannabis Retail Sales Use;
  - b. A Development Officer shall not grant a variance to reduce the separation distance by more than 20 m in compliance with Section 11; and
  - c. The issuance of a Development Permit which contains a variance to separation distance as described in 70(1)(b) shall be issued as a Class B Discretionary Development.
2. Any Site containing Cannabis Retail Sales shall not be located less than:
  - a. 200 m from any Site being used for a public library, at the time of the application for the Development Permit for the Cannabis Retail Sales; and
  - b. 100 m from any Site being used for Community Recreation Services Use, a community recreation facility or as public lands at the time of application for the Development Permit for the Cannabis Retail Sales.
3. For the purposes of subsection 2:
  - a. separation distances shall be measured from the closest point of the subject Site boundary to the closest point of another Site boundary, and shall not be measured from Zone boundaries or from the edges of structures;
  - b. the term "public library" is limited to the collection of literary, artistic, musical and similar reference materials and learning resources in the form of books, electronic files, computers, manuscripts, recordings and films for public use, and does not include private libraries, museums or art galleries.
  - c. the term "community recreation facilities" means indoor municipal facilities used primarily by members of the public to participate in recreational activities conducted at the facilities, as per the Municipal Government Act; and
  - d. the term "public lands" is limited to Sites zoned AP, and Sites zoned A.
4. Subsection 105(3) of the *Gaming, Liquor and Cannabis Regulation*, is expressly varied by the following:
  - a. any Site containing a Cannabis Retail Sales shall not be located less than:

***Public or private education***

    - i. 200 m from a Site being used for public or private education, at the time of the application for the Development Permit for the Cannabis Retail Sales;

***Provincial health care facility***

    - ii. 100 m from a Site being used for a provincial health care facility at the

time of the application for the Development Permit for the Cannabis Retail Sales; and

***School reserve or municipal and school reserve***

- iii. 100 m from a Site designated as school reserve or municipal and school reserve at the time of the application for the Development Permit for the Cannabis Retail Sales.

***Measurement of Separation Distances***

- b. For the purposes of this subsection, separation distances shall be measured from the closest point of the subject Site boundary to the closest point of another Site boundary, and shall not be measured from Zone boundaries or from the edges of structures.

***Sites Greater than Two Hectares***

- c. For Sites that are greater than 2.0 ha in size and zoned either CSC or DC2, that do not contain a public library at the time of application for the Development Permit for the Cannabis Retail Sales:
    - i. Subsection 70(2), and 70(4)(a) shall not apply; and
    - ii. the distances referred to in Subsection 105(3) of the *Gaming, Liquor and Cannabis Regulation* shall be expressly varied to 0 m.
  - d. For the purposes of subsection 70(4)(a)(i), the term "public or private education" means a school as defined in subsection (1)(y)(i) and (1)(y)(ii) of the *School Act (as amended from time to time)*.
5. Notwithstanding Section 11 of this Bylaw, a Development Officer shall not grant a variance to subsection 70(2), 70(3)(a) or 70(4).

**Design Requirements**

- 6. Cannabis Retail Sales shall include design elements that readily allow for natural surveillance to promote a safe urban environment, where applicable and to the satisfaction of the Development Officer, including the following requirements:
  - a. customer access to the store is limited to a storefront that is visible from the street other than a Lane, or a shopping centre parking lot, or mall access that allows visibility from the interior of the mall into the store;
  - b. the exterior of all stores shall have ample transparency from the street;
  - c. Any outdoor lighting shall be designed to ensure a well-lit environment for pedestrians and illumination of the property; and
  - d. Landscaping shall be low-growing shrubs or deciduous trees with a high canopy at maturity to maintain natural surveillance.

## APPLICATION SUMMARY

### INFORMATION

Application Type:	Rezoning
Charter Bylaw:	19830
Location:	Southwest corner of 104 Avenue NW and 112 Street NW
Addresses:	10371 & 10365 - 112 Street NW
Legal Descriptions:	Lot 118A, Block 11, Plan 1282RS and Block OT, Plan 8422477
Site Area:	2,407.1 m <sup>2</sup>
Neighbourhood:	Oliver
Notified Community Organizations:	Oliver Community League; Queen Mary Park Community League
Applicant:	WSP Canada

### PLANNING FRAMEWORK

Current Zone:	(DC1) Direct Development Control Provision
Proposed Zone:	(DC2) Site Specific Development Control Provision
Plan in Effect:	104 Avenue Corridor Area Redevelopment Plan
Historic Status:	None

Written By:  
Approved By:  
Branch:  
Section:

Marty Vasquez  
Tim Ford  
Development Services  
Planning Coordination