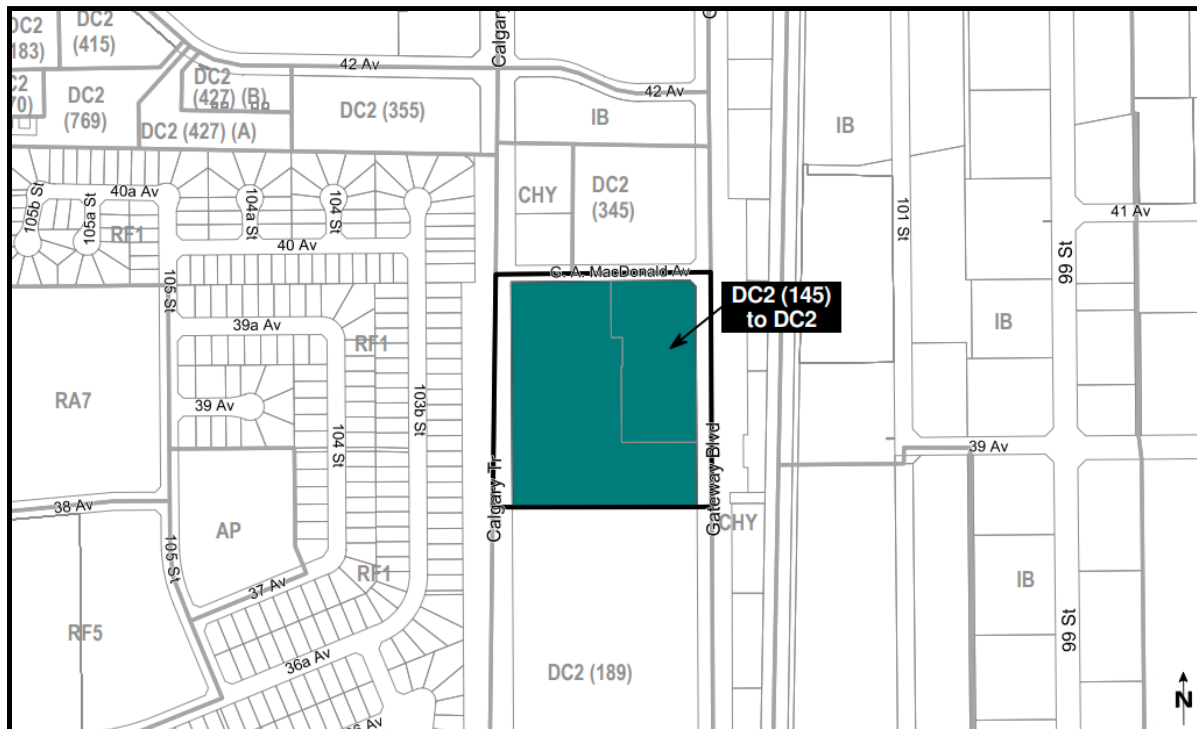




ADMINISTRATION REPORT **REZONING** Calgary Trail South

3940 Gateway Boulevard NW and 3803 Calgary Trail NW.

To add Cannabis Retail Sales as an allowable use.



Recommendation: That Charter Bylaw 19846 to amend the Zoning Bylaw from (DC2) Site Specific Development Control Provision to (DC2) Site Specific Development Control Provision be **APPROVED**.

Administration **SUPPORTS** this application because:

- the proposed DC Provision conforms with the Calgary Trail Land Use Study; and
- the site meets the locational requirements for Cannabis Retail Sales under Section 70 of the Zoning Bylaw.

Report Summary

This application was accepted from Dave Onishenko of Clarity Development Advisory Inc., on behalf of Lux Leaf Cannabis, on May 17, 2021. The purpose of the application is to add Cannabis Retail Sales to the list of allowed Uses in the existing Provision. The subject site is located at 3940 Gateway Boulevard NW and 3803 Calgary Trail NW.

The terminology and structure of the existing Provision will also be updated to current Zoning Bylaw standards. All other development rights will not change.

The proposed rezoning conforms with the Calgary Trail Land Use Study which designates the site for Transitional Commercial Uses.

The Application

CHARTER BYLAW 19846 proposes to amend the Zoning Bylaw from (DC2.145) Site Specific Development Control Provision to (DC2) Site Specific Development Control Provision to add Cannabis Retail Sales to the list of allowed uses on the site. This amendment will also update the text and terminology of the Provision to align with the current standards of the Zoning Bylaw.

Site and Surrounding Area

The commercial site is located east of Calgary Trail NW and south of G. A. MacDonald Avenue NW in the Calgary Trail South neighbourhood. It is approximately 5.2 ha and is fully developed.



AERIAL VIEW OF APPLICATION AREA

	EXISTING ZONING	CURRENT USE
SUBJECT SITE	<ul style="list-style-type: none"> (DC2.145) Site Specific Development Control Provision 	<ul style="list-style-type: none"> Commercial Uses (South Park Shopping Center, Walmart, restaurants, Toys "R" US)
CONTEXT		
North	<ul style="list-style-type: none"> (CHY) Highway Corridor Zone (DC2.345) Site Specific Development Control Provision 	<ul style="list-style-type: none"> Commercial Uses (Restaurants including New Century Buffet) Commercial Use (Alberta Motor Association offices)
East	<ul style="list-style-type: none"> (CHY) Highway Corridor Zone 	<ul style="list-style-type: none"> Commercial Uses (Restaurant, Motels: Derrick Motel, and Economy Inn)
South	<ul style="list-style-type: none"> (DC2.189) Site Specific Development Control Provision 	<ul style="list-style-type: none"> Commercial Uses (including South Park Centre Shopping Mall and JYSK)
West	<ul style="list-style-type: none"> (RF1) Single Detached Residential Zone 	<ul style="list-style-type: none"> Single Detached Housing

Planning Analysis

The proposed DC2 Provision conforms with the **City Plan**. The site is within the Gateway Boulevard/Calgary Trail Primary Corridor and the Whitemud District. The proposed change will expand the range of commercial services available on the site, and help meet the needs of people within the district and beyond.

The proposed DC2 Provision conforms with the **Calgary Trail Land Use Study** (LUS). The LUS establishes three zones along the corridor:

1. No access/"free flow" Highway zone,
2. Transitional Highway zone, and
3. Urban Arterial Roadway zone

The site falls within Zone 2 (Transitional Highway zone) which functions as a transition from the open free-flow highway to the urban arterial roadway zone. The proposal complies with the policies of this zone because it will continue to have good access and maintain a balance between highway and retail / commercial functions.

The development regulations regarding height, scale, and other allowed uses will remain unchanged and will be sensitive in scale and compatible with surrounding land uses.

Adding Cannabis Retail Sales as an allowed use to this DC2 Provision will not grant any special exemptions to the separation distances required by the Zoning Bylaw, as the separation regulations apply to all zones, including DC Provisions. The site currently meets the locational requirements for Cannabis Retail Sales under Section 70 of the Zoning Bylaw.

Technical Review

Transportation and Transit

Administration supports the proposed rezoning and advises the following:

- ETS provides on-site bus service through a License Agreement that allows buses to operate on privately owned roads.

Drainage

Administration supports the proposed rezoning and advises the following:

- The proposed change will not significantly impact the existing sewer system.

EPCOR Water

EPCOR Water Services supports the proposed rezoning and advises the following:

- There are deficiencies in on-street hydrant spacing adjacent to 3803 Calgary Trail NW and 3940 Gateway Boulevard NW.
- Prior to the issuance of a Development Permit, the applicant must submit documentation that the fire flows and water servicing to the site will be adequate for the building. New hydrants may be required to be constructed.

Administration has requested an Infill Fire Protection Assessment (IFPA) to determine if alternate methods of fire protection are sufficient. The IFPA results may nullify the need for hydrant construction.

Community Engagement

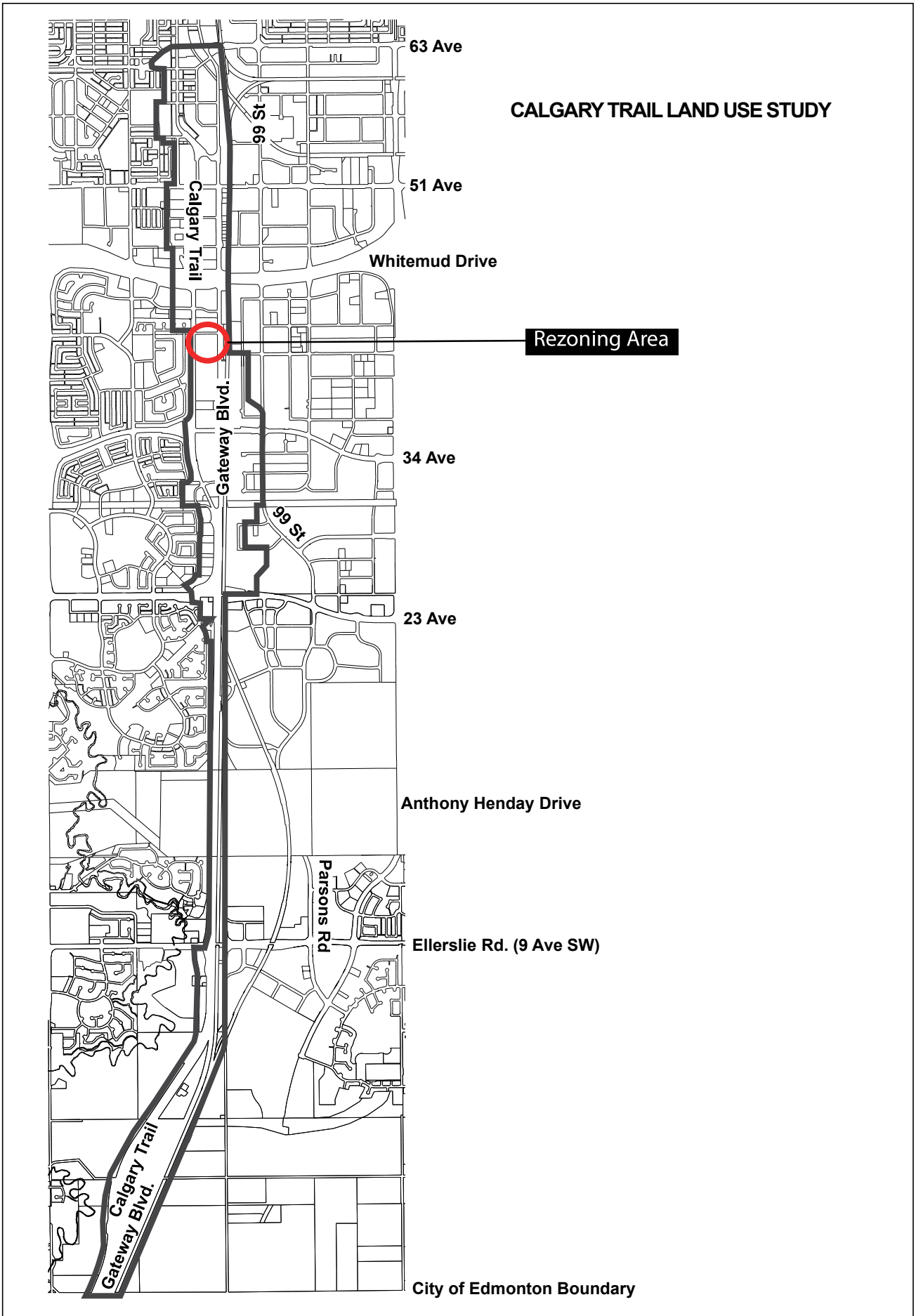
PRE-APPLICATION NOTICE April 19, 2021	<ul style="list-style-type: none">• Number of recipients: 49• No responses were received.
ADVANCE NOTICE July 6, 2021	<ul style="list-style-type: none">• Number of recipients: 121• No responses have been received.
WEBPAGE	<ul style="list-style-type: none">• edmonton.ca/industrialplanningapplications

Conclusion

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

Appendices

- 1 Context Map
- 2 DC2 Tracked changes
- 3 Application Summary



SCHEDULE “B”

(DC2) SITE SPECIFIC DEVELOPMENT CONTROL PROVISION

1. General Purpose

To establish a Site Specific Development Control ~~District Provision~~ for retail commercial and office uses, ~~such by establishing specific site development criteria, a compatible relationship with surrounding land uses will be achieved.~~ and to establish site development regulations that will ensure compatibility with surrounding land uses.

2. Area of Application

~~This DC5 District shall apply to Lot A, Block 32, Plan 802 0231 and Area "G" of a portion of Calgary Trail Northbound to be closed are as shown on the sketch plan appended to the bylaw adopting this DC5 District, Calgary Trail South Duggan. This Provision shall apply to Lot 1, Block 32, Plan 8821667 and the northern portion of Lot 5, Block 32, Plan 0021129, as shown on Schedule “A” of the Bylaw adopting this Provision; Calgary Trail South.~~

3. Uses

- a. Auctioneering Establishments, provided that all goods and equipment to be auctioned are stored and displayed within an enclosed building
- b. Automotive and Equipment Repair Shops
- c. Automotive and Minor Recreational Vehicle Sales/Rentals
- d. Bars and Neighbourhood Pubs
- e. ~~Broadcasting and Motion Picture Studios~~
- f. Business Support Services
- g. Cannabis Retail Sales
- h. Commercial Schools
- i. Convenience Retail Stores
- j. Convenience Vehicle Rentals
- k. ~~Cremation and Interment Services~~
- l. Drive-in Food Services
- m. Equipment Rentals, provided that all equipment and goods for rent are contained within an enclosed building
- n. Funeral, Cremation and Interment Services
- o. Gas Bars
- p. General Retail Stores with a maximum gross Floor Area of 9750 m² ~~(104,951 ft.2)~~

- q. Government Services
- r. Greenhouses, Plant Nurseries and Garden Centres
- ~~s. Greenhouses and Plant Nurseries~~
- t. Health Services
- u. Indoor Participant Recreation Services
- v. Limited Contractor Services
- w. Liquor Stores
- ~~x. Major Alcohol Sales~~
- ~~y. Major and Minor Eating and Drinking Establishments~~
- z. Major Service Station
- ~~aa. Major and Minor Service Stations~~
- bb. Media Studios
- ~~cc. Minor Alcohol Sales~~
- dd. Minor Service Station
- ee. ~~Minor~~ Veterinary Services
- ff. Nightclubs
- gg. Outdoor Participant Recreation Services
- hh. Personal Service Shops
- ii. Private Clubs
- jj. Professional, Financial and Office Support Services
- kk. Public Library and Cultural Exhibits
- ll. Rapid Drive-through Vehicle Services
- mm. Restaurants
- nn. Specialty Food Services
- oo. Urban Outdoor Farms
- pp. Warehouse Sales
- qq. Fascia Off-premises Signs
- rr. Fascia On-premises Signs
- ss. Freestanding On-premises Signs
- tt. Minor Digital On-premises Signs
- uu. Projecting On-premises Signs
- vv. Roof On-premises Signs
- ww. Temporary On-premises Signs

4. Development ~~Criteria~~ Regulations

- a. The maximum Floor Area Ratio shall be 1.5.
- b. A landscaped Yard of 3 m in width shall be provided adjacent to ~~Calgary Trail~~
~~Northbound and Southbound~~, Calgary Trail NW, Gateway Boulevard NW, 39A

~~Avenue NW~~ G A MacDonald Avenue NW, and along any future public roadways.

The landscape treatment for these Yards shall include four mature deciduous trees (a minimum caliper of 8 cm) and four evergreen trees (a minimum of 3.0 m in Height) along with a minimum of 20 shrubs for each 35 m of frontage, with the planting to be grouped in modules not greater than 25 m in length. The landscaping along ~~Calgary Trail Northbound and Southbound~~ Calgary Trail NW and Gateway Boulevard NW shall include a discontinuous undulating berm not to exceed 1 m in Height. Notwithstanding the landscaped treatment specified above, a minimum of 35 spruce trees not less than 3 m in Height shall be planted along ~~Calgary Trail Northbound~~ Gateway Boulevard NW.

- c. The maximum building Height shall not exceed 15 m ~~nor four (4) storeys, excluding mechanical units and penthouses;~~ except that the maximum Height for office buildings shall not exceed 40 m. ~~nor 10 storeys.~~ Any buildings in excess of 15 m ~~four (4) storeys~~ shall be located not closer than 105 m from the property line adjacent to Calgary Trail NW.
- d. No parking, loading, storage, trash collection, outdoor service or display area shall be permitted within a required Yard, and loading, storage, parking and trash collection areas shall be screened from view from any adjacent sites and public roadways. ~~in accordance with the provisions of Section 69.3 of the Zoning Bylaw.~~
- e. Development shall be in accordance with the following guidelines, to the satisfaction of the Development Officer:
 - i. all exterior finishing materials must be of good quality, durable and attractive in appearance, and all exposed building faces shall have consistent and harmonious exterior finishing materials;
 - ii. on-site security and building lighting must be situated and designed such that the illumination is directed downwards and no direct rays of light are directed outward from the site;
 - iii. all mechanical equipment on the roof of any building shall be concealed by screening in a manner compatible with the architectural character of the building, or concealed by incorporating it within the building roof; and
 - iv. that any buildings with a wall exceeding 30 m in length shall comply with the following guidelines:
 - A. the roof-line and building facade shall include design elements and variations that reduce the perceived mass of the building and add architectural interest;
 - B. the exterior wall finishing materials shall be predominately composed of light earth tone or muted colours and consist of brick, pre-cast concrete, textured concrete, stone, glazing or stucco, with pre-finished metal or

wood limited to use as an accent; and

C. the provision of landscaping to minimize the perceived mass of the building and create visual interest.

- d. Signs shall comply with Section 59 and Schedule 59F of the Zoning Bylaw, except that Minor Digital On-premises Signs shall be limited to an area of 8 square meters. ~~Signs shall be allowed in this District as provided for in Schedule 79D and in accordance with the general provisions of Sections 79.1 to 79.9 inclusive of the Zoning Bylaw.~~
- ~~e. Developments in this district shall be evaluated with respect to compliance with the General Development Regulations of Sections 50 to 79 inclusive of the Zoning Bylaw. Notwithstanding Section 69.2.7, the Development Officer shall not release the Landscaping Bond until an inspection of the site has demonstrated that the landscaping has been well-maintained and in a healthy condition two growing seasons after completion of the landscaping.~~
- ~~f. The Development Officer may grant relaxations to the regulations contained in Sections 50 through 79 of the Zoning Bylaw and the provisions of this District if, in his opinion, such a variance would be in keeping with the General Purpose of the District and would not adversely affect the amenities, use and enjoyment of neighbouring properties.~~
- ~~g. The Development Officer shall require, as a condition of approval, that the applicant provide an irrevocable letter of credit or a performance bond, in the amount of 100% of the established landscaping cost, the conditions of a security being that:
 - ~~i. if the landscaping is not completed in accordance with the provisions of this District and the landscaping plan, within one growing season after the completion of the development, then the amount fixed shall be paid to the City, for its use absolutely;~~
 - ~~ii. the Development Officer shall not release the Landscaping Bond until an inspection of the site has demonstrated that the landscaping has been well maintained and is in a healthy condition two growing seasons after completion of the landscaping.~~~~

5. Additional Development Regulations for Specific Uses

- ~~a. Gas Bars, Minor Service Stations, Rapid Drive-Through Vehicle Services and Drive-In Food Services shall be developed in accordance with Section 72 of the Zoning Bylaw.~~
- b. Automotive and Minor Recreational Vehicle Sales/Rentals and Convenience Vehicle Rentals developments shall comply with the following criteria:
 - ~~i. all storage, display or parking areas shall be hard surfaced in accordance with Section 67.3 of this Bylaw;~~
 - ii. lighting for the display areas shall be mounted on lamp standards and no exposed

- bulbs or strings of lights shall be used; and
- iii. the size, locations, screening and landscaping of the outdoor vehicular display area shall be subject to the approval of the Development Officer who shall ensure that development of the site is compatible with the appearance and site design of surrounding developments and appropriate to the City entrance location of this site.
 - c. Warehouse Sales establishments shall not be less than 1000 m² unless at least fifty percent of the gross Floor Area of the establishment is used for warehousing or storage of goods sold or distributed from the establishment.
 - ~~d. Major and Minor Alcohol Sales shall be developed in accordance with Section 98 of the Zoning Bylaw.~~
 - e. Notwithstanding Section 720.3.2 of the Zoning Bylaw, no site plan is appended to this Provision.

APPLICATION SUMMARY

INFORMATION

Application Type:	Rezoning
Charter Bylaw(s):	19846
Location:	East of Calgary Trail NW, and South of G. A. MacDonald Avenue NW
Address(es):	3940 Gateway Boulevard NW, and 3803 Calgary Trail NW
Legal Description(s):	Lot 1, Block 32, Plan 8821667; and a portion of Lot 5, Block 32, Plan 0021129
Site Area:	5.2 hectares
Neighbourhood:	Calgary Trail South
Notified Community Organization(s):	Duggan Community League, and Southwest Area Council of Community Area Council
Applicant:	Dave Onishenko of Clarity Development Advisory Inc. on behalf of Lux Leaf Cannabis

PLANNING FRAMEWORK

Current Zone(s) and Overlay(s):	(DC2.145) Site Specific Development Control Provision
Proposed Zone(s) and Overlay(s):	(DC2) Site Specific Development Control Provision
Plan(s) in Effect:	Calgary Trail Land Use Study
Historic Status:	None

Written By:
Approved By:
Branch:
Section:

Gilbert Quashie-Sam
Tim Ford
Development Services
Planning Coordination