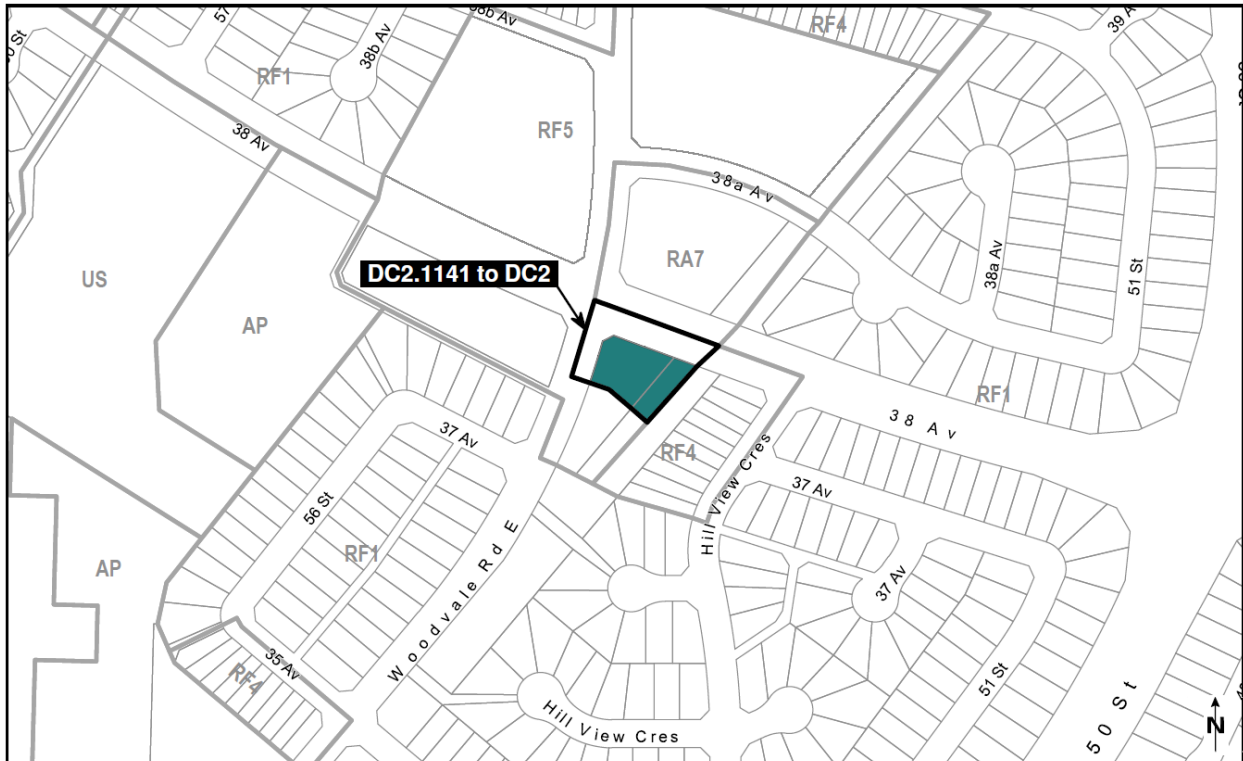




ADMINISTRATION REPORT REZONING HILLVIEW

5403 - 38 Avenue NW

To add Cannabis Retail Sales as an allowable use in the Direct Control Provision.



Recommendation: That Charter Bylaw 19963 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 it will:

- allow for an additional commercial opportunity on a corner site; and
- meet the locational requirements for Cannabis Retail Sales under Section 70 of the Zoning Bylaw.

The Application

CHARTER BYLAW 19963 proposes to amend the Zoning Bylaw from (DC2) Site Specific Development Control Provision to (DC2) Site Specific Development Control Provision. The current DC2 Provision allows for a limited range of commercial uses. The proposed DC2 Provision will add Cannabis Retail Sales to the list of uses allowed on the site and includes minor administrative updates to the development regulations.

This rezoning application was submitted by Sawan Dhaliwal on behalf of 534183 Alberta Ltd.

Site and Surrounding Area

The subject site is approximately 0.14 ha in area, is located south of 38 Avenue NW and east of Woodvale Road East NW, and is developed with commercial uses.



AERIAL VIEW OF APPLICATION AREA

	EXISTING ZONING	CURRENT USE
SUBJECT SITE	<ul style="list-style-type: none"> (DC2.1141) Site Specific Development Control Provision 	<ul style="list-style-type: none"> Convenience Retail Store Gas Bar
CONTEXT		
North	<ul style="list-style-type: none"> (RA7) Low Rise Apartment Zone 	<ul style="list-style-type: none"> Low Rise Apartments
East	<ul style="list-style-type: none"> (RF4) Semi-detached Residential Zone 	<ul style="list-style-type: none"> Semi-detached Housing
South	<ul style="list-style-type: none"> (RF5) Row Housing Zone 	<ul style="list-style-type: none"> Row Housing
West	<ul style="list-style-type: none"> (RF5) Row Housing Zone 	<ul style="list-style-type: none"> Row Housing



VIEW OF THE SITE LOOKING EAST FROM WOODVALE ROAD EAST

Planning Analysis

The subject site is located internally within the Hillview neighbourhood. The applicant proposes to retain the small-scale commercial character while providing a broader range of commercial uses to serve the local neighbourhood residents at this location. The site is currently developed with a gas bar, convenience store, and food service. The applicant is seeking to add the opportunity for a Cannabis Retail Store.

The proposed change will conform with Section 70 of Zoning Bylaw 12800, which regulates separation distances between Cannabis Retail Stores, as well as between Cannabis Retail Stores and other sensitive land uses.

Technical Review

The proposed rezoning will not impact the utility services within the neighbourhood and can be accommodated by the existing infrastructure. All comments from affected City Departments and utility agencies have been addressed.

Community Insights

<p>DC2 PRE-NOTIFICATION September 15, 2021</p>	<ul style="list-style-type: none"> ● Number of recipients: 76 ● Number of responses with support: 1 ● Number of responses with concerns: 2 <ul style="list-style-type: none"> ○ Common comments included: Proximity to Daycare and Schools
<p>ADVANCE NOTICE December 7, 2021</p>	<ul style="list-style-type: none"> ● Number of recipients: 76 ● Number of responses with concerns: 1 <ul style="list-style-type: none"> ○ Concerned about potential for crime and vandalism and proximity to a Child Care center
<p>WEBPAGE</p>	<ul style="list-style-type: none"> ● edmonton.ca/hillviewplanningapplications

Conclusion

Administration recommends that this application be **APPROVED**.

APPENDICES

- 1 DC2 - Track Changes
- 2 Application Summary

SCHEDULE “B”

DC2 Site Specific Development Control Provision

1. General Purpose

To establish a Site Specific Development Control District to accommodate a limited number of commercial uses and to ensure compatibility with surrounding land uses.

2. Area of Application

This District shall apply to Lot 53B, Block 18, Plan 912 0984; located on the southeast corner of 38 Avenue and Woodvale Road East, as shown on Schedule "A" appended to the Bylaw adopting this DC2 District, Hillview.

3. Uses

a. [Cannabis Retail Sales](#)

~~a.b.~~ b. Convenience Retail Stores

~~b.c.~~ c. Gas Bars

~~e.d.~~ d. Specialty Food Services

~~d.e.~~ e. Restaurants

~~e.f.~~ f. Bars and Neighbourhood Pubs for less than 100 Occupants

~~f.g.~~ g. Liquor Stores

~~g.h.~~ h. Fascia On-premises Signs

~~h.i.~~ i. Freestanding On-premises Signs

~~i.j.~~ j. Projecting On-premises Signs

~~j.k.~~ k. Temporary On-premises Signs

4. Development Criteria

a. The maximum floor area for the Convenience Retail Store shall be 200 m²

b. A landscaped yard a minimum of 3 m in width shall be provided adjacent to 38 Avenue and Woodvale Road East. Landscaping shall consist of four deciduous trees (a minimum of 8 cm in caliper), four coniferous trees (a minimum of 3.0 m in height), and 20 shrubs for every 30 m of frontage, with the plant material being grouped in modules not greater than 25 m in length.

c. A landscaped yard of 3 m in width shall be provided adjacent to the south property line. Within this yard a combination of continuous screen fencing, 1.8 m in height, and a continuous row of shrubs, 1.0 m in height shall be provided. The screen fence shall be located in the east portion of the landscaped yard while the

row of shrubs shall be located on the west portion of the site so as to achieve a distinct landscaped break between any parking lots and/or access driveways on the site and the site to the south. The location of the screen fence and the shrubs shall be to the satisfaction of the Development Officer.

- d. Continuous screen fencing of a solid and durable design, 1.82 m in height, shall be provided adjacent to the east property line prior to any surface disturbances being undertaken adjacent to this property line.
- e. For developments which are approved after the date of August 24, 1999, a development setback of 7.5 m for all buildings, structures and underground storage tanks shall be provided adjacent to the east property line (pipeline right-of-way).
- f. No parking, loading, storage, trash collection, outdoor service, or display area shall be permitted within a required yard. Parking, loading, storage, and trash collection areas shall be located in such a manner as to be screened from view from all adjacent sites and public roadways.
- g. Development in the District shall comply with the following architectural guidelines:
 - i the siting of the buildings and the placement of the windows shall be oriented so as to minimize opposing views to the adjacent residential areas to the east of this site;
 - ii the perceived massing of the building when viewed from the adjacent residential areas to the west, north and east shall be minimized through the use of building setbacks, the articulation of building facades and roof lines, and the choice and colour of finishing materials, all to the satisfaction of the Development Officer;
 - iii all finishing materials must be of good quality, durable and attractive in appearance, with consistent treatment on all faces of the building;
 - iv an architectural and landscaping theme compatible with the adjacent residential neighbourhood shall be created through the exterior treatment of buildings on the site and through the use of landscaping techniques and planting materials; and
 - v all mechanical equipment on the roof of the building shall be completely screened or incorporated in the building roof.
- h. All exterior lighting for the site shall be designed so that such lighting is directed away from any adjacent residential development, and the intensity of illumination shall not extend beyond the boundaries of the site.
- i. Access to the site shall be provided from 38 Avenue and Woodvale Road to the satisfaction of [Subdivision and Development Coordination \(Transportation\)](#) ~~the Transportation and Streets Department~~.
- j. Signs shall comply with the regulations found in Schedule 59D.
- k. Notwithstanding Sections 11.3 and 11.4 of the Land Use Bylaw, the Development Officer shall not grant any variance to the requirement of Section 4(f) of this Bylaw.

5. Additional Development Criteria for Specific Uses

- a. Any Gas Bar development shall adhere to the following regulations:
 - i the design, finishing, and siting of gas pump islands and shall be to the satisfaction of the Development Officer having regard to achieving a consistent and compatible relationship with the overall design and finishing of the project, ensuring a high standard of appearance when viewed from adjacent public roadways, and minimizing traffic circulation conflicts both off and on-site; and
 - ii any canopy located over the gas pump islands shall be designed and finished in a manner consistent with the design and finishing of the principal building, with the overall height and scale of the canopy to be to the satisfaction of the Development Officer, such that the canopy is not obtrusive and is lower than, or maintains the consistency with, the eave line or parapet of the principal building.

APPLICATION SUMMARY

INFORMATION

Application Type:	Rezoning
Charter Bylaw:	19963
Location:	South of 38 Avenue NW and east of Woodvale Road East
Address:	5403 - 38 Avenue NW
Legal Description:	Lot 53B, Block 18, Plan 9120984
Site Area:	0.14 ha
Neighbourhood:	Hillview
Ward:	Karhiio
Notified Community Organization:	Woodvale Community League
Applicant:	Sawan Dhaliwal; 534183 Alberta Ltd.

PLANNING FRAMEWORK

Current Zone:	(DC2) Site Specific Development Control Provision
Proposed Zone:	(DC2) Site Specific Development Control Provision
Plans in Effect:	None
Historic Status:	None

Written By: Sean Conway
Approved By: Tim Ford
Branch: Development Services
Section: Planning Coordination