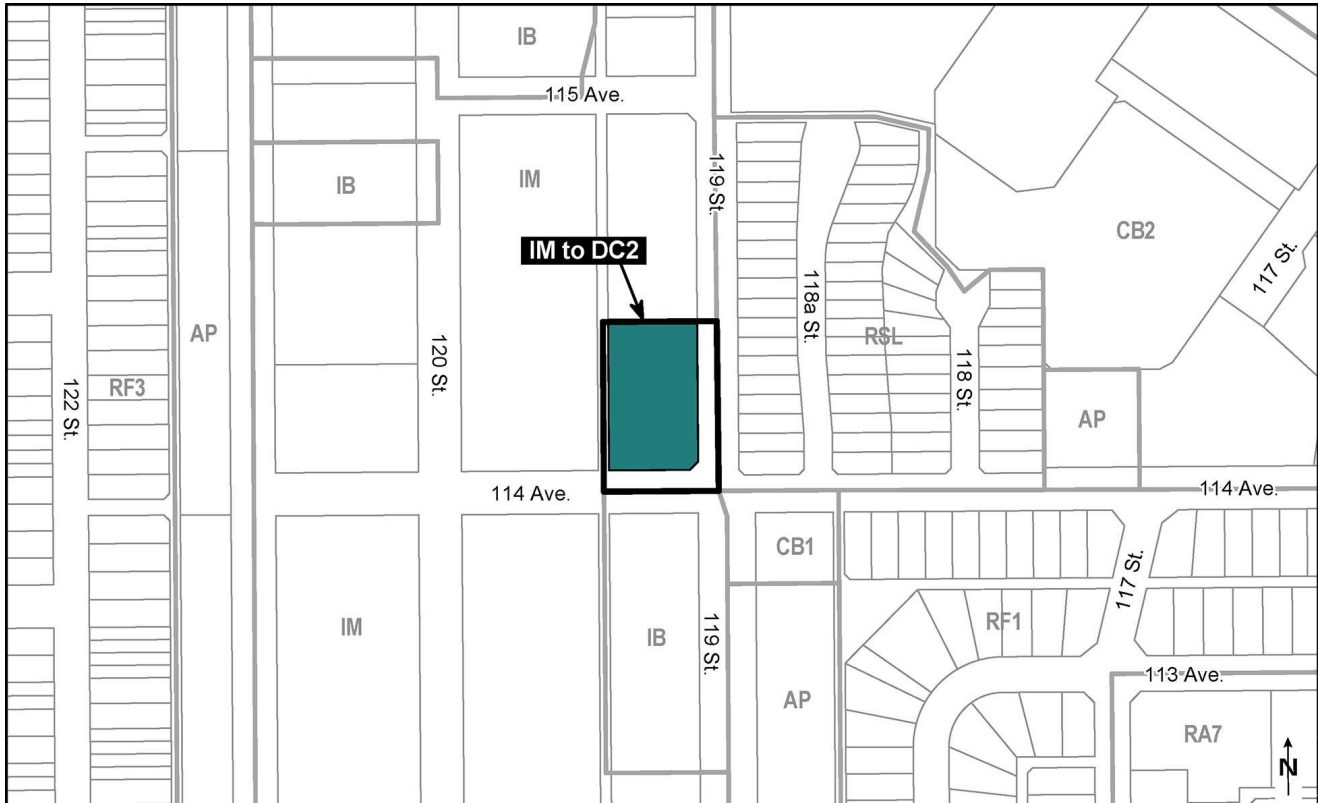


## 11406 - 119 Street NW

To allow for industrial and compatible non-industrial businesses, excluding crematoriums



**Recommendation:** That Charter Bylaw 20074 to amend the Zoning Bylaw from the (IM) Medium Industrial Zone to a (DC2) Site Specific Development Control Provision be **APPROVED**.

Administration **SUPPORTS** this application because it:

- facilitates the continued transition of this industrial area to to a more commercial or business-industrial oriented area in support of The City Plan; and
- uses the customization offered by a DC2 Provision to address previous concerns raised by the community regarding the future use of this site.

## Application Summary

This application was accepted on December 14, 2021, from Clarity Development Advisory, on behalf of Commemorate Group. A previous application for the (IB) Industrial Business Zone at this site was rejected by City Council at a Public Hearing on March 16, 2021 after opposition from nearby residents. Those in opposition were mainly concerned with the potential for a crematorium to be built at this site if that zoning were approved.

**CHARTER BYLAW 20074** will amend the Zoning Bylaw, as it applies to the subject site, from the (IM) Medium Industrial Zone to a (DC2) Site Specific Development Control Provision. The proposed DC2 provision is based on the (IB) Industrial Business Zone, while specifically prohibiting crematoriums. It would allow for industrial and compatible non-industrial businesses that carry out their operations such that no nuisance is created or apparent outside an enclosed building to ensure compatibility with adjacent non-industrial area. The prohibition of crematoriums through the proposed DC2 Provision is designed to address the previous concerns raised while still allowing for a greater mix of non-industrial uses in the area.

The City Plan supports the continued transition of this heavier industrial area historically associated with the former CN Rail line to the west, to a more commercial or business-industrial oriented area.

## Community Insights

Based on the characteristics of this application the file was brought forward to the public using a basic approach. This approach was selected because the recent previous application to the (IB) Industrial Business Zone for this site already provided a clear picture of the issues and concerns in the community and this application was designed to address those concerns.

The basic approach included the following techniques:

- An advance notice sent to property owners within a 120 metre radius as well as affected community leagues and business associations
- Basic information on the application added to the “Prince Rupert Planning Applications” City of Edmonton Webpage
- A Rezoning Information Sign placed on the property with details of the proposed zoning change

**Advance Notice**, February 4, 2022

- Number of recipients: 79
- Number of responses in support: 1

- Number of responses with concerns: 14

### **Webpage**

- [edmonton.ca/princerupertplanningapplications](http://edmonton.ca/princerupertplanningapplications)

### **Common comments heard include:**

- Nearby residents remain concerned about the applicant's intentions and are worried they will still find a way to pursue a crematorium at this site, which is still strongly not desired
- There are concerns about other impacts of other non-cremation activities carried out by businesses under the Funeral, Cremation and Interment Services Use, such as:
  - Unpleasant/dangerous odours or emissions that are part of embalming and preparation of the dead for services or burial
  - High levels of traffic/parking impacts when funeral services are held
  - Mental health impacts of being aware that dead bodies are nearby
- Some are also worried about emissions from the potential Breweries, Wineries and Distilleries Use
- The potential for bright lights and excessive noise to create disruption off site
- The location of vehicle accesses and loading docks and their impact on traffic along 119 Street NW
- There is already a crematorium nearby and another one isn't needed
- No rezoning change should be made until after the Zoning Bylaw Renewal is complete and it is known what the zoning for this site would change to and whether that would allow crematoriums
- One respondent indicated the prohibition of a crematorium satisfied their concerns from the previous rezoning attempt

In response to the concerns raised, the proposed DC2 Provision was revised to include a regulation that provides an additional level of protection against the potential for a crematorium to be developed legally on this site. The proposed DC2 Provision also includes several regulations that normally apply to industrial developments within standard zones to address issues like light pollution, the location of loading and trash collection areas and improving aesthetic compatibility with nearby residential areas.

## **Site and Surrounding Area**

This site is within an area of Prince Rupert transitioning from a heavier industrial area historically associated with the former CN Rail line to the west, to a more commercial or business-industrial oriented area. 119 Street NW is an arterial road and frequent transit is accessible via Kingsway NW, approximately 400 metres to the north, or via 111 Avenue NW, approximately 600 metres to the south. The site is approximately 200 metres from a major north-south shared-use path connection along the former CN Rail line to the west.



Aerial view of application area

	EXISTING ZONING	CURRENT USE
<b>SUBJECT SITE</b>	(IM) Medium Industrial Zone	General Industrial Building
<b>CONTEXT</b>		
North	(IM) Medium Industrial Zone	Surface Parking & Self-Storage Building
East	(RSL) Residential Small Lot Zone	Single Detached Housing
South	(IB) Industrial Business Zone	Business-Industrial Strip Mall (Personal Service Shops, Health Services, Commercial School, Specialty Food Services, Professional, Financial and Office Support Services, etc.)
West	(IM) Medium Industrial Zone	General Industrial Buildings





View of the site looking southwest from 119 Street NW



View of the site looking northeast from 114 Avenue NW

## Planning Analysis

### Land Use Compatibility

It is very common for transitioning industrial areas to undergo incremental zoning changes from the (IM) Medium Industrial Zone to the (IB) Industrial Business Zone. This is because these transitioning industrial areas often have a growing residential component either within them or nearby and the IB Zone is considered a more sensitive and compatible zone to nearby non-industrial uses than the IM Zone. As an example, an IM to IB zoning change was approved in 2015 for the property just south of the subject rezoning site on the southwest corner of the intersection of 119 Street NW and 114 Avenue NW. A business-industrial strip mall was subsequently built that now contains a variety of small-scale businesses that serve the surrounding area and beyond.

In line with this transition, the proposed DC2 Provision effectively replicates the IB Zone, but uses the customization offered by a DC2 Provision to expressly prohibit crematoriums, which is normally possible within the IB Zone. Several other (mostly Discretionary) Uses found in the IB Zone that were considered potentially incompatible with the surrounding area were also not carried forward into the proposed DC2 Provision. Notable exclusions include Automotive and Equipment Repair Shops, Automotive and Minor Recreation Vehicle Sales/Rentals, Bars and Neighbourhood Pubs, Gas Bars, Major Service Stations, Nightclubs, Recycling Depots and Recycled Materials Drop-off Centres. General Retail Stores and Public Libraries and Cultural Exhibits are included in the proposed DC2 Provision, though not available within the IB Zone. Appendix 1 of this report contains a full list of the Uses in the current IM Zone, the IB Zone and the proposed DC2 Provision.

Administration considers the proposed DC2 Provision as sufficiently addressing community concerns about the compatibility with the surrounding area.

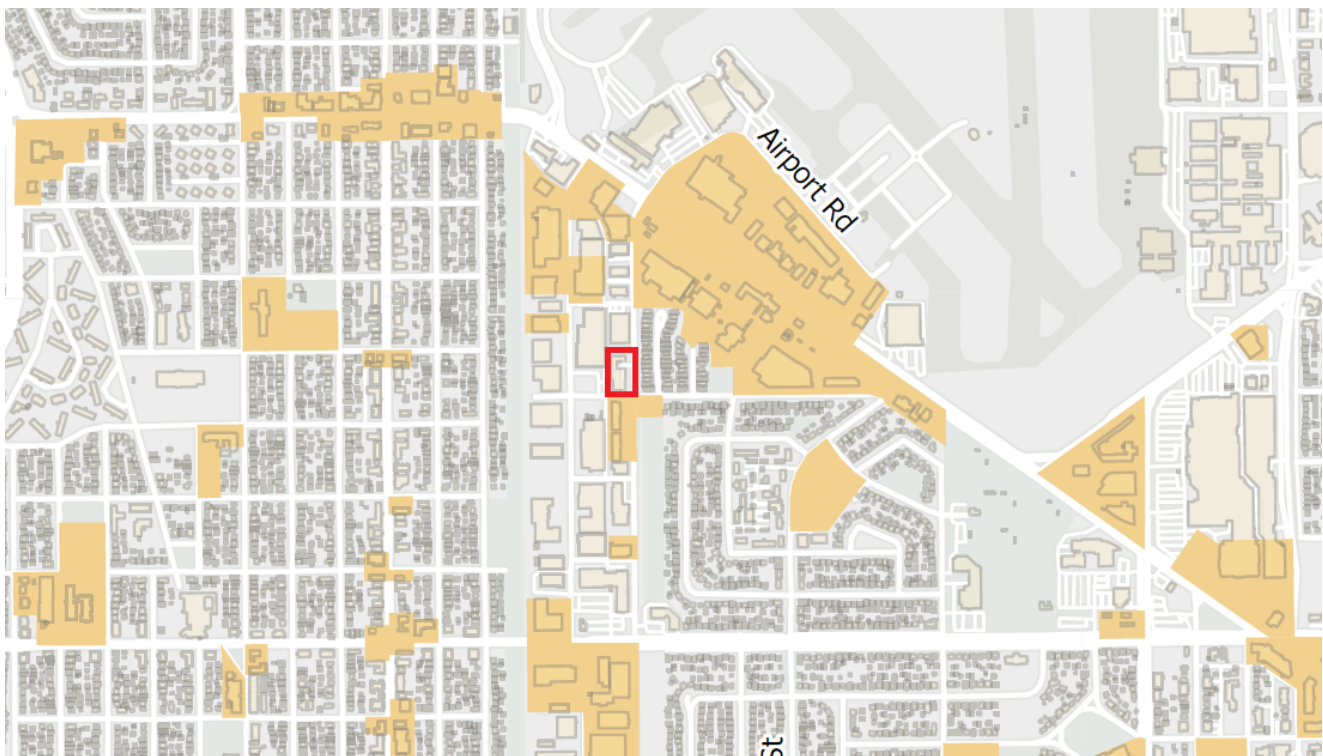
## Potential for Crematoriums

Within the proposed DC2 Provision, a Development Permit sought for a crematorium would be refused by City Administration. This is ensured in two ways within the proposed DC2 Provision:

1. In the list of allowable Uses, it states:  
“Funeral, Cremation and Interment Services, not including crematoriums.”
2. Under Development Regulations, it states:  
“Funeral, Cremation and Interment Services Uses shall not engage in the reduction of the human body, and/or companion animal remains, by heat to ashes (cremation).”

While the defined Use name (Funeral, Cremation and Interment Services) cannot be changed, the above ensures the direction is clear that the cremation component would not be allowed.

The potential for a crematorium currently exists in 11 different zones within the Zoning Bylaw, as a Discretionary Use. The map below shows other sites in the area where a crematorium could currently be developed without any decision or action from City Council. These include the aforementioned IB Zone to the south of this rezoning site as well as the existing CB1 Zone located diagonally across the same intersection.



Locations where the Funeral, Cremation and Interment Services Use (including crematoriums) is Discretionary within Standard or Special Area Zones (current rezoning site outlined in red).

## **Compatibility of the Funeral, Cremation and Interment Services Use**

While this rezoning application is not an application specifically for the Funeral, Cremation and Interment Services Use, the potential impact of this use is still at the forefront of the minds of nearby residents. This is one of the 37 allowable Uses in the proposed DC2 Provision, and could still be pursued, as long as the Use does include a Crematorium or engage in the reduction of the human body, and/or companion animal remains, by heat to ashes (cremation), as regulated by the proposed DC2 Provision.

The Funeral, Cremation and Interment Services Use, especially without a crematorium, is not something that Administration considers to need any kind of special land use provisions to address potential compatibility conflicts. Preparation of the dead for burial, the keeping of bodies other than in a cemetery, and the holding of associated Services are not seen as activities that have many noticeable off-site impacts.

In most ways, superior legislation regulates this industry. While there is always a risk of the improper conduct of a business, Land Use regulation operates under the assumption that the activity permitted within the Use is carried out in full compliance with superior legislation and regulators, when such superior legislation exists. A review of some existing non-cremation funeral and interment sites in Edmonton found no record of any complaints being made to the City about unpleasant/dangerous odours or emissions. However, if this were to be a future issue, the Community Standards Bylaw includes a section on “Odours and Emissions”, which could be enforced if there are future issues in this regard.

## **The City Plan**

In The City Plan, this site is not within any identified node or corridor though it is near the Blatchford-NAIT-Kingsway Major Node and the nearby Kingsway NW, 124 Street NW and 111 Avenue NW are all identified as Primary Corridors. Administration sees a transition away from historical industrial uses to more business and commercially focused uses, or even future residential development, as appropriate.

## **Technical Review**

### **Transportation**

Vehicle accesses from the site to 114 Avenue NW and 119 Street NW currently exist but do not meet City standards and appear to be in poor condition. With redevelopment of the site, these accesses will require reconstruction and/or relocation.

Curb ramps and connector sidewalks have recently been installed at the intersection of 114 Avenue NW and 119 Street NW. The need for further upgrades, including crosswalk markings and controls, will be based on data collection at a later date by the City's Safe Mobility Section. The crossing will be reviewed

again at the Development Permit stage, and the owner may be required to contribute to required improvements should a demonstrated need be made.

### **Drainage**

Development allowed under the proposed zone would not have a significant impact on existing drainage infrastructure.

### **EPCOR Water**

There is a deficiency in hydrant spacing adjacent to the site. According to City standards, the maximum allowable spacing between fire hydrants is 90 metres for the proposed zoning. The hydrant spacing adjacent to the site along 119 Street NW is approximately 96 metres. To meet the City standards, the construction of one new hydrant on 119 Street NW would normally be required. However, an Infill Fire Protection Assessment (IFPA) by Edmonton Fire Rescue Services (EFRS) was conducted which applied a risk-based application of the fire protection standards. This assessment resulted in a low risk score and the site is therefore functionally compliant with the City standards for hydrant spacing. Therefore, upgrades to existing municipal on-street fire protection infrastructure are not required.

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

## **Appendices**

- 1 List of Uses
- 2 Application Summary



List of Uses (Not Including Signs)

IM Zone Current	IB Zone	DC2 Provision Proposed
<p><u>Permitted Uses</u></p> <ul style="list-style-type: none"><li>• Animal Hospitals and Shelters</li><li>• Breweries, Wineries and Distilleries</li><li>• Equipment Rentals</li><li>• Fleet Services</li><li>• General Contractor Services</li><li>• General Industrial Uses</li><li>• Vehicle and Equipment Sales/Rentals</li><li>• Land Treatment</li><li>• Recycling Depots</li><li>• Recycled Materials Drop-off Centres</li><li>• Special Event</li><li>• Temporary Storage</li><li>• Urban Indoor Farms</li></ul> <p><u>Discretionary Uses</u></p> <ul style="list-style-type: none"><li>• Auctioneering Establishments</li><li>• Automotive and Equipment Repair Shops</li><li>• Creation and Production Establishments</li><li>• Market</li><li>• Natural Resource Developments</li><li>• Residential Sales Centres</li><li>• Urban Gardens</li><li>• Urban Outdoor Farms</li></ul>	<p><u>Permitted Uses</u></p> <ul style="list-style-type: none"><li>• Business Support Services</li><li>• Breweries, Wineries and Distilleries</li><li>• Cannabis Retail Sales</li><li>• Creation and Production Establishments</li><li>• Equipment Rentals</li><li>• Gas Bars</li><li>• General Industrial Uses</li><li>• Liquor Stores</li><li>• Major Service Stations</li><li>• Minor Service Stations</li><li>• Professional, Financial and Office Support Services</li><li>• Special Event</li><li>• Specialty Food Services</li></ul> <p><u>Discretionary Uses</u></p> <ul style="list-style-type: none"><li>• Animal Hospitals and Shelters</li><li>• Auctioneering Establishments,</li><li>• Automotive and Equipment Repair Shops</li><li>• Automotive and Minor Recreation Vehicle Sales/Rentals</li><li>• Bars and Neighbourhood Pubs</li><li>• Child Care Services</li><li>• Commercial Schools</li><li>• Convenience Retail Stores</li><li>• Convenience Vehicle Rentals</li><li>• Drive-in Food Services</li><li>• Fleet Services</li><li>• Funeral, Cremation and Interment Services</li><li>• Greenhouses, Plant Nurseries and Garden Centres</li><li>• Health Services</li><li>• Indoor Participant Recreation Services</li><li>• Limited Contractor Services</li><li>• Market</li><li>• Media Studios</li><li>• Minor Amusement Establishments</li><li>• Mobile Catering Food Services</li><li>• Nightclubs</li><li>• Outdoor Participant Recreation Services</li><li>• Personal Service Shops</li><li>• Private Clubs</li><li>• Rapid Drive-through Vehicle Services</li><li>• Recycling Depots</li><li>• Recycled Materials Drop-off Centres</li><li>• Religious Assembly</li><li>• Residential Sales Centres</li><li>• Restaurants</li><li>• Truck and Mobile Home Sales/Rentals</li><li>• Urban Gardens</li><li>• Urban Indoor Farms</li><li>• Urban Outdoor Farms</li><li>• Warehouse Sales</li><li>• Vehicle and Equipment Sales/Rentals</li><li>• Veterinary Services</li></ul>	<ul style="list-style-type: none"><li>• Animal Shelters and Hospitals</li><li>• Auctioneering Establishment</li><li>• Breweries, Wineries and Distilleries</li><li>• Business Support Services</li><li>• Cannabis Retail Sales</li><li>• Child Care Services</li><li>• Commercial Schools</li><li>• Convenience Retail Stores</li><li>• Creation and Production Establishments</li><li>• Equipment Rentals</li><li>• Funeral, Cremation and Interment Services, not including Crematoriums.</li><li>• General Industrial Uses</li><li>• General Retail Stores</li><li>• Greenhouses, Plant Nurseries and Garden Centres</li><li>• Health Services</li><li>• Indoor Participant Recreation Services</li><li>• Limited Contractor Services</li><li>• Liquor Stores</li><li>• Market</li><li>• Media Studios</li><li>• Minor Amusement Establishments</li><li>• Minor Service Stations</li><li>• Mobile Catering Food Services</li><li>• Personal Service Shops</li><li>• Private Clubs</li><li>• Professional, Financial and Office Support Services</li><li>• Public Libraries and Cultural Exhibits</li><li>• Religious Assembly</li><li>• Residential Sales Centres</li><li>• Restaurants</li><li>• Special Event</li><li>• Specialty Food Services</li><li>• Urban Gardens</li><li>• Urban Indoor Farms</li><li>• Urban Outdoor Farms</li><li>• Warehouse Sales</li><li>• Veterinary Services</li></ul>

## Application Summary

### Information

<b>Application Type:</b>	Rezoning
<b>Charter Bylaw:</b>	20074
<b>Location:</b>	Northwest corner of 119 Street NW and 114 Avenue NW
<b>Address:</b>	11406 - 119 Street NW
<b>Legal Description:</b>	Lot C, Block 194, Plan 1184TR
<b>Site Area:</b>	4202 m <sup>2</sup>
<b>Neighbourhood:</b>	Prince Rupert
<b>Ward:</b>	O-day'min
<b>Notified Community Organizations:</b>	Prince Rupert Community League Kingsway Business Association
<b>Applicant:</b>	Clarity Development Advisory

### Planning Framework

<b>Current Zone:</b>	(IM) Medium Industrial Zone
<b>Proposed Zone:</b>	(DC2) Site Specific Development Control Provision
<b>Plan in Effect:</b>	None
<b>Historic Status:</b>	None

Written By:  
Approved By:  
Branch:  
Section:

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Development Services  
Planning Coordination