



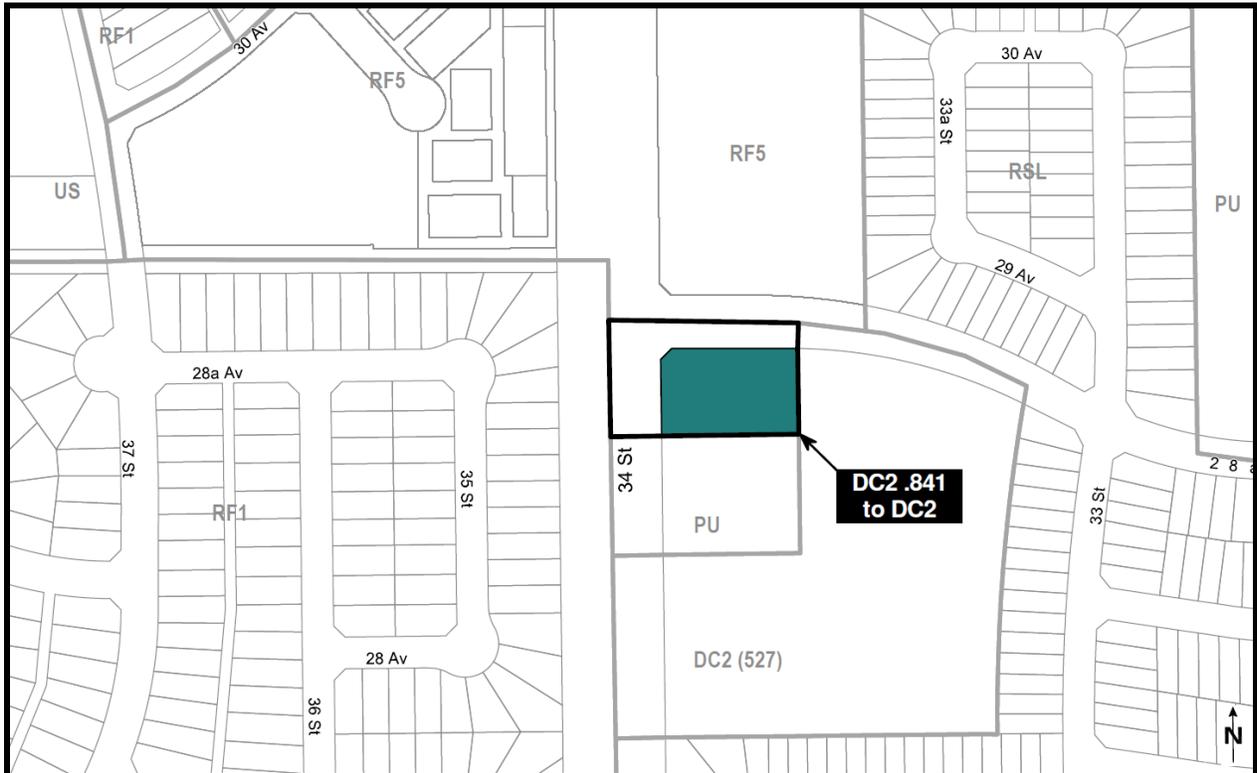
# ADMINISTRATION REPORT

## REZONING

### SILVER BERRY

## 3365 - 28A Avenue NW

To add Cannabis Retail Sales as an allowable use.



**Recommendation:** That Charter Bylaw 19929 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 site meets the locational requirements for Cannabis Retail Sales under Section 70 of the Zoning Bylaw; and
- the proposed DC2 Provision conforms with the Silver Berry Neighbourhood Structure Plan.

## Report Summary

This application was accepted from Amaan Hameed, on behalf of Palika Bazaar Inc., on August 19, 2021. The purpose of the application is to add Cannabis Retail Sales to the list of uses allowed on the site. All other development rights will not change.

The proposed rezoning conforms with the Silver Berry Neighbourhood Structure Plan (NSP) which designates the site for Commercial uses.

## The Application

**CHARTER BYLAW 19929** proposes to amend the Zoning Bylaw from (DC2.841) Site Specific Development Control Provision to (DC2) Site Specific Development Control Provision, to add Cannabis Retail Sales to the list of uses allowed on the site. This amendment will also update the text and terminology of the Provision to align with the current Zoning Bylaw standards.

## Site and Surrounding Area

The commercial site is located east of 34 Street NW and south of 28A Avenue NW in the Silver Berry neighbourhood. It is approximately 0.34 hectares in area and is fully developed.



AERIAL VIEW OF APPLICATION AREA

|                     | <b>EXISTING ZONING</b>                                | <b>CURRENT USE</b>     |
|---------------------|---|------------------------|
| <b>SUBJECT SITE</b> | (DC2.841) Site Specific Development Control Provision | Commercial uses        |
| <b>CONTEXT</b>      |   |                        |
| North               | (RF5) Row Housing Zone                                | Multi-unit Houses      |
| East                | (DC2.527) Site Specific Development Control Provision | Religious Assembly     |
| South               | (PU) Public Utility Zone                              | Fire Station           |
| West                | (RF1) Single Detached Residential Zone                | Single Detached Houses |

## Planning Analysis

The proposed DC2 Provision conforms with the City Plan. The site is within the Mill Woods and Meadows District. The proposal will expand the range of commercial services available on the site, and help meet the needs of the district's residents.

The proposed DC2 Provision conforms with the Silver Berry Neighbourhood Structure Plan (NSP) which designates the site for Commercial Use.

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:

- the proposal will not impact the overall transportation network.
- 34 Street NW is an existing District Connector Route in the Edmonton Bike Plan.

### 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 is a deficiency in on-street hydrant spacing along 34 Street 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

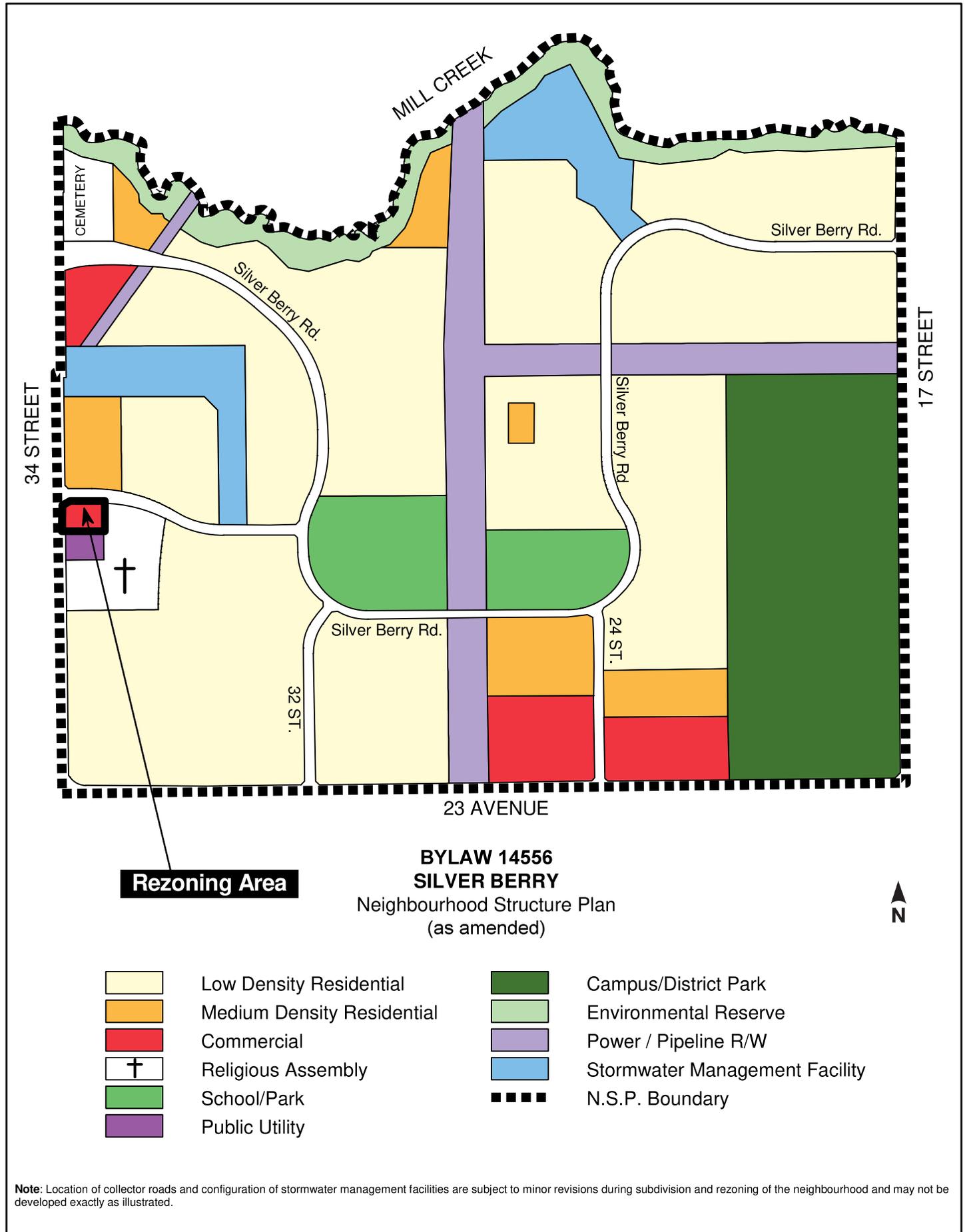
|  |  |
|--|--|
| <p><b>PRE-APPLICATION NOTICE</b><br/>July 22, 2021</p> | <ul style="list-style-type: none"> <li>● Number of recipients: 91</li> <li>● Number of responses in support: 0</li> <li>● Number of non-support responses: 3</li> <li>● Reasons for non-support include:                         <ul style="list-style-type: none"> <li>➢ there are cannabis stores in the area including one approximately 1 to 2 blocks north of the site;</li> <li>➢ there is a daycare in the stripmall;</li> <li>➢ Parking at the strip mall is already congested;</li> <li>➢ there is already a liquor store, adding a cannabis store will bring undesirable traffic endangering the children of the daycare; and</li> <li>➢ it will lower my property value.</li> </ul> </li> </ul> |
| <p><b>ADVANCE NOTICE</b><br/>September 15, 2021</p>    | <ul style="list-style-type: none"> <li>● Number of recipients: 219</li> <li>● Number of responses in support: 0</li> <li>● Number of non-support responses: 1</li> <li>● Reasons for non-support include:                         <ul style="list-style-type: none"> <li>➢ there are a lot of people misusing cannabis; and</li> <li>➢ they do not need another cannabis store in an area with lots of young people and schools.</li> </ul> </li> </ul>  |
| <p><b>WEBPAGE</b></p>                                  | <ul style="list-style-type: none"> <li>● <a href="https://www.edmonton.ca/residential_neighbourhoods/neighbourhoods/silver-berry-planning-applications">https://www.edmonton.ca/residential_neighbourhoods/neighbourhoods/silver-berry-planning-applications</a></li> </ul>  |

## Conclusion

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

## APPENDICES

- 1 Context Plan Map
- 2 DC2 Tracked changes
- 3 Site Plan and Street Elevation Plan
- 4 Application Summary



## (DC2) SITE SPECIFIC DEVELOPMENT CONTROL PROVISION

### 1. General Purpose

To establish a Site Specific Development Control Provision to accommodate limited neighbourhood convenience commercial and personal service uses. ~~including minor alcohol sales, which are intended to serve the day-to-day needs of residents within the neighbourhood.~~

### 2. Area of Application

This provision shall apply to ~~a 0.34 ha site, legally described as~~ Lot 130, Block 1, Plan 0820890, located east of 34 Street NW and south of 28A Avenue NW, as shown on Schedule “A” of the Bylaw adopting this Provision, Silver Berry.

### 3. Uses

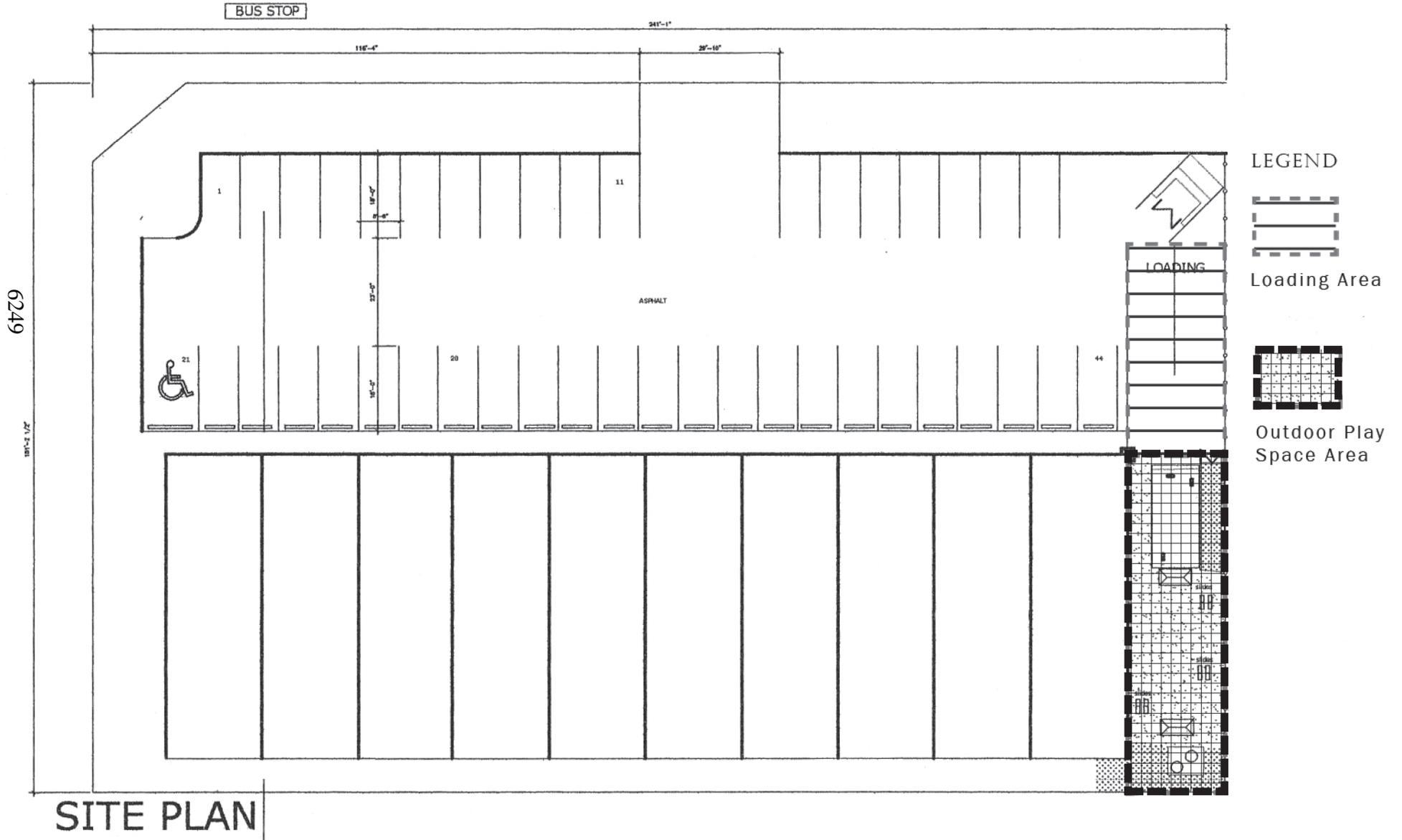
- a. Cannabis Retail Sales
- b. Child Care Services
- c. Commercial Schools
- d. Convenience Retail Stores
- e. General Retail Stores, limited to the retail sale of groceries, beverages, household goods, furniture and appliances, hardware, printed matter, confectionery, tobacco, pharmaceutical and personal items, automotive parts and accessories, office equipment, stationery and similar goods, minor public services.
- f. Health Services
- g. Indoor Participant Recreation Services
- h. Liquor Stores
- ~~i. Minor Alcohol Sales~~
- j. Minor Amusement Establishments
- k. Personal Service Shops limited to barber shops, hairdressers, beauty salons, tailors, dressmakers, shoe repair shops, dry cleaning establishments, and Laundromats.
- l. Professional, Financial and Office Support Services
- m. Restaurants, for less than 100 occupants and 120 m<sup>2</sup> of Public Space.
- n. Specialty Food Services, for less than 100 occupants and 120 m<sup>2</sup> of Public Space
- o. Veterinary Services
- p. Fascia On-premise signs
- q. Freestanding On-premise signs
- r. Projecting On-premise signs

- s. Temporary On-premise signs

#### 4. Development Regulations

- a. Site layout and building design shall generally be in accordance with the Site Plan and Elevations as illustrated in Appendices I and II of this provision.
- b. The maximum Floor Area for any individual business premise shall not exceed 275 m<sup>2</sup>.
- c. The maximum Floor Area Ratio shall be 0.5.
- d. A minimum landscaped Yard of 4.5 m shall be required where a Site abuts a public roadway, other than a Lane, except where identified in Appendix I:
- e. A minimum building Setback of 6.35 m shall be required from the east property line and a minimum building Setback of 3.05 m shall be required from the south property line. Setback areas shall be landscaped.
- f. No parking, loading, storage, trash collection, outdoor service or display area shall be permitted within a required Yard, except for the loading spaces and trash collection allowed along the east property line as illustrated in Appendix I.
- g. Notwithstanding sections 4.e. and 4.f. of this bylaw, an outdoor play space will be permitted within the east side yard setback as illustrated in Appendix I.
- h. Loading, storage, and trash collection areas shall be screened from view from any residential Sites, public roadways or Light Rail Transit lines in accordance with the provisions ~~of subsection 55.4~~ of the Zoning Bylaw. If the rear or sides of a Site are used for parking, an outdoor service display area or both, and abut a Residential Zone or a Lane serving a Residential Zone, such areas shall be screened in accordance with the provisions ~~of subsection 55.4~~ of the Zoning Bylaw.
- i. The maximum Building Height shall not exceed 10.0m ~~nor 2 ½ Storeys~~.
- j. The second floor of the building shall be located at the west end of the building adjacent to 34 Street NW as illustrated in Appendices I and II.
- k. ~~Signs shall comply with the regulations found in Schedule 59D.~~ Signs shall comply with Section 59 and Schedule 59D of the Zoning Bylaw.
- l. No side yard or fencing shall be required for the parking and loading zones abutting the east property line. That portion of the east property line lying to the south of the parking and loading zones shown on Appendix I shall be fenced.
- m. ~~Minor Alcohol Sales shall comply with the regulations found in Section 85.~~

# APPENDIX I





NORTH ( 28A AV )



WEST ( 34 ST )

STREET ELEVATIONS

## APPLICATION SUMMARY

### INFORMATION

|                                     |  |
|-------------------------------------|--|
| Application Type:                   | Rezoning   |
| Charter Bylaw(s):                   | 19929  |
| Location:                           | East of 34 Street NW and south of 28A Avenue NW  |
| Address(es):                        | 3365 - 28A Avenue NW   |
| Legal Description(s):               | Lot 130, Block 1, Plan 0820890   |
| Site Area:                          | 0.34 hectares  |
| Neighbourhood:                      | Silver Berry   |
| Ward:                               | Sspomitapi   |
| Notified Community Organization(s): | <ul style="list-style-type: none"> <li>● The Ridgewood Community League;</li> <li>● The Meadows Community League Association; and</li> <li>● The Mill Woods Presidents Council Area Council</li> </ul> |
| Applicant:                          | Amaan Hameed on behalf of Palika Bazaar Inc.   |

### PLANNING FRAMEWORK

|                    |   |
|--------------------|---|
| Current Zone:      | (DC2.841) Site Specific Development Control Provision                         |
| Proposed Zone:     | (DC2) Site Specific Development Control Provision                             |
| Plan(s) in Effect: | Silver Berry Neighbourhood Structure Plan;<br>The Meadows Area Structure Plan |
| Historic Status:   | None  |

|              |                       |
|--------------|-----------------------|
| Written By:  | Gilbert Qaushie-Sam   |
| Approved By: | Tim Ford              |
| Branch:      | Development Services  |
| Section:     | Planning Coordination |