



## ADMINISTRATION REPORT **REZONING** Strathcona

**10149 - SASKATCHEWAN DRIVE NW**

**10140C - 87 AVENUE NW**

To allow for Liquor Stores in an existing mixed use residential and commercial building.



## **RECOMMENDATION AND JUSTIFICATION**

Administration is in **NON-SUPPORT** of this application because the Liquor Store use is not compatible and contravenes City standards for separation distances with surrounding parks and public lands.

## THE APPLICATION

1. CHARTER BYLAW 19108 to amend the Zoning Bylaw from (DC2.869) Site Specific Development Control Provision to a new (DC2) Site Specific Development Control Provision.

The current DC2 Provision allows for a high-rise residential building with limited commercial uses on the main floor. The intent of the proposed DC2 Provision will allow this development to continue but also allow Liquor Stores to operate on the main floor of this mixed use residential and commercial building.

The proposed DC2 provision also adds an exemption clause that exempts this Site from requiring a minimum 100 m separation distance between a Liquor Store use and any Site being used for community or recreation activities, public or private education, or public lands as defined in section 85.4 of the Edmonton Zoning Bylaw.

Section 85.4 states:

4. *"Any Site containing a Liquor Store shall not be located less than 100 m from any Site being used for community or recreation activities, public or private education, or public lands at the time of the application for the Development Permit for the Liquor Store."*

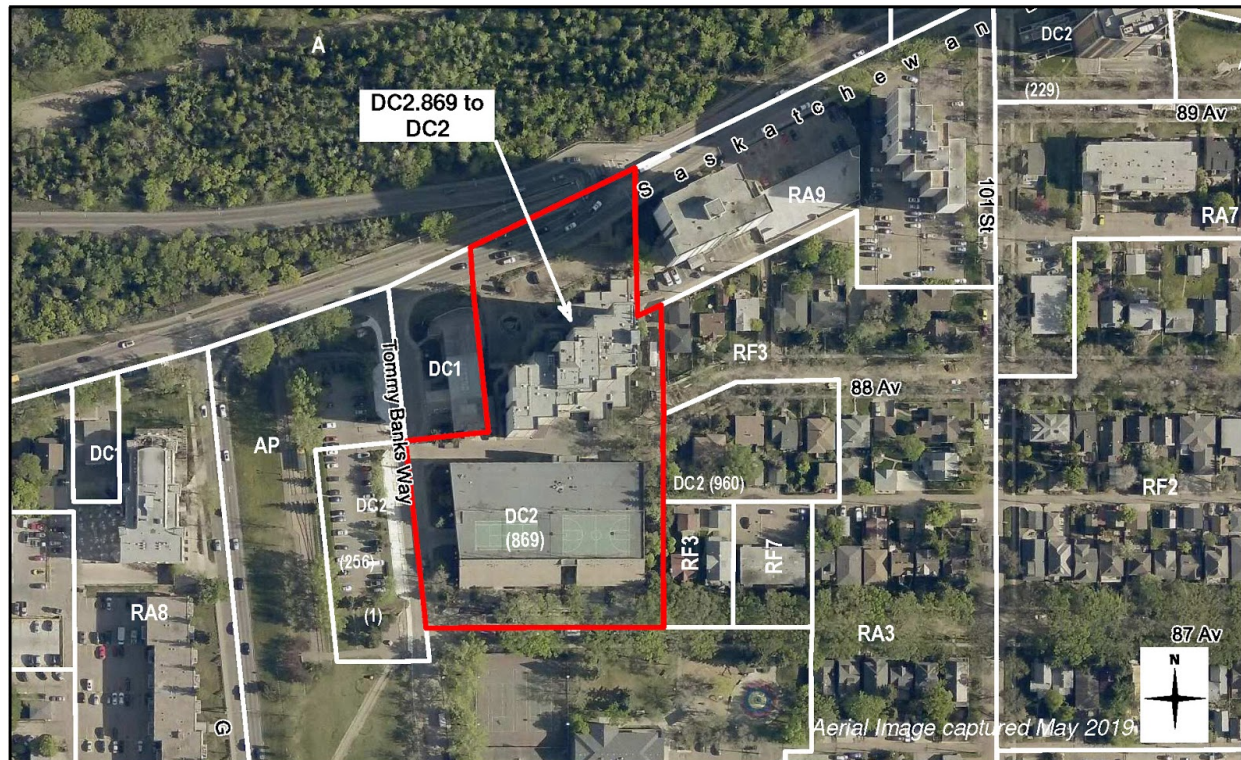
The applicant states that since 2014, the owners have sought out many different clients to fill the vacancy of a commercial unit without success. According to the applicant, the Liquor Stores use appears to be the most viable alternative for the commercial space.

To rationalize the exemption from the requirements of the 100 metre separation from public lands and educational/community activities, the applicant indicates that the request to allow a liquor store is on the basis of the commercial space's context and placement within the Site. In their opinion, the commercial tenant spaces are screened visibly from the immediate park and school sites to the south and west of the property, and has limited direct access to the river valley located to the north. The applicant believes one of the implied objectives of Section 85.4 appears to be to mitigate the negative attributes of liquor sales from exposure to minors and claims the Site's uniqueness and the surrounding area being predominantly adult demographics also pose rationale to justify this proposal.

This application was placed on hold in January 2018 pending the discussion and results of the June 17, 2019 Public Hearing to amend the Liquor Store regulations of the Edmonton Zoning Bylaw under Charter Bylaw 18882. These recent amendments approved by Council included consolidating minor and major Alcohol Sales to one new use, Liquor Stores, aligning the parking requirements with those of general retail parking, and to improve the design regulations to enhance the appearance and safety of liquor stores.

## SITE AND SURROUNDING AREA

The 0.95 hectare site is located south of Saskatchewan Drive NW, east of Tommy Banks Way NW and bounded to the south by 87 Avenue NW. The site is currently developed as Multi-Unit Housing in the form of a high-rise residential tower and 3 storey townhouse style housing fronting 87 Avenue NW to the south. Commercial components of the development are found within the main floor of the Tower with a restaurant and currently vacant commercial space.



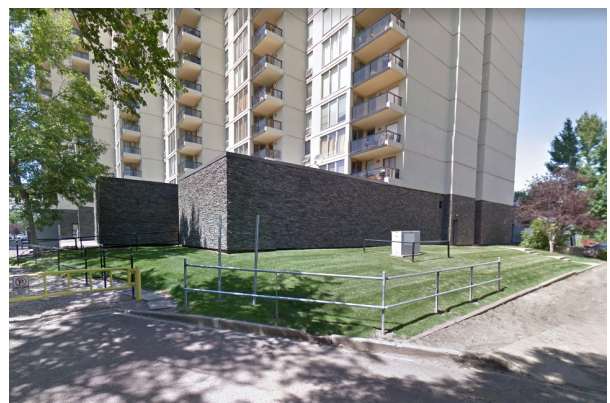
AERIAL VIEW OF APPLICATION AREA

	EXISTING ZONING	CURRENT USE(S)
<b>SUBJECT SITE</b>	<ul style="list-style-type: none"> <li>(DC2.869) Site Specific Development Control Provision Zone</li> </ul>	<ul style="list-style-type: none"> <li>Mixed use Multi-Unit Housing and limited commercial components in a high-rise building</li> </ul>
<b>CONTEXT</b>		
North	<ul style="list-style-type: none"> <li>(A) Metropolitan Recreation Zone</li> </ul>	<ul style="list-style-type: none"> <li>Public Park</li> </ul>
East	<ul style="list-style-type: none"> <li>(RA9) High Rise Apartment Zone</li> <li>(DC2.960) Site Specific Development Control Provision</li> <li>(RF3) Small Scale Infill Development Zone</li> </ul>	<ul style="list-style-type: none"> <li>Multi-Unit Housing in the form of a high-rise residential tower</li> <li>Approved Multi-Unit Housing in the form of a Low-rise residential building</li> <li>Single Detached House</li> </ul>

South	<ul style="list-style-type: none"> <li>• (AP) Public Parks Zone</li> <li>• (US) Urban Services Zone</li> </ul>	<ul style="list-style-type: none"> <li>• Public Park</li> <li>• Community Recreation Services (Strathcona Centre Community League Hall)</li> <li>• Public Education Services (King Edward Elementary School)</li> </ul>
West	<ul style="list-style-type: none"> <li>• (DC1) Direct Development Control Provision</li> <li>• (DC2.256) Site Specific Development Control Provision</li> <li>• (AP) Public Parks Zone</li> </ul>	<ul style="list-style-type: none"> <li>• Professional, Financial and Office Support Services</li> <li>• Non-Accessory Parking Lot</li> <li>• Public Park</li> </ul>



View of the site looking south from Saskatchewan Dr.



View of the site looking northwest from 88 Avenue NW

## PLANNING ANALYSIS

Separation distances from liquor stores were introduced in 1993 during the transition from government run alcohol sales facilities to privatization of liquor stores. During this time, the amendments to the Land Use Bylaw 5900 were being made to introduce the Major and Minor Alcohol Sales uses and their associated special land use provisions including separation distances. (See Appendix 1 - History of Zoning Bylaw 12800 Alcohol Sales Regulations). The separation distances between Liquor Stores and Parks have remained over the decades into the current Edmonton Zoning Bylaw despite the recent June 2019 amendments of Charter Bylaw 18882 that simplify and clarify the provisions for Liquor Stores. During the review that led to passing Charter Bylaw 18882, engagement with stakeholders indicated a strong support for retaining the 100 metre separation distance requirements from parks and schools, to the extent that this provision would be 'non-negotiable' to stakeholder members and remained intact after council approved the other amendments.

A spatial analysis found in Appendix 2 - Liquor Stores Context Map, shows this Site in relation to any surrounding community, recreational, educational or public lands, and how the application is not in alignment with the 100 metre separation distances as outlined in Section 85.4 of the Edmonton Zoning Bylaw. The site is less than 100 metres from (AP) Public Park zoned parcels to the north, south and west; located approximately 30 metres south of Queen Elizabeth Park,



18 metres from Big Miller/End of Steel Park to the west and 18 meters to the south across 87 Avenue NW is the Strathcona Park where the Strathcona Community League building is located. Farther south is the King Edward Elementary school just outside the 100 metre separation distance, with 116 metres between the school site and the subject property.

Due to the conflicts with maintaining separation distances that have been enforced since 1993, Planning Coordination will not recommend or support the proposal to add Liquor Stores as a listed use in this direct control provision.

Although the applicant states limited visibility from the west and south of the site to be the justification to exempt this site from the required separation, proximity, in addition to visibility, to these sensitive areas should be taken into consideration. Since the passing of the Minor and Major Alcohol Sales regulations in 1993, the regulations intended to protect public park sites were meant to limit impacts of social disorder and drinking in surrounding public lands despite the concealed visibility of the tenant spaces.

Further, despite no direct access to Queen Mary Park and North Saskatchewan River to the north, shared use trails and newly constructed lookout points form part of the river valley network found directly across Saskatchewan Drive. Due to the Site's proximity to these trails and features across Saskatchewan Drive, identical concerns of social disorder and drinking on public lands may also prove detrimental to those lands north of the subject property.

## PLANS IN EFFECT

The site is within the High Rise Apartment Area of the Strathcona Area Redevelopment Plan (ARP) where medium and high density residential development are supported and further commercial development is to be accessory to high rise residential development.

There are no policies limiting the Liquor Store use.

## TECHNICAL REVIEW

All comments from affected City Departments and utility agencies have been addressed and there are no outstanding technical concerns regarding this application.

## PUBLIC ENGAGEMENT

<b>ADVANCE NOTICE</b> November 7, 2017	<ul style="list-style-type: none"><li>• Number of recipients: 514</li><li>• Number of responses in support: 0</li><li>• Number of responses with concerns: 7</li></ul>
<b>WEBPAGE</b>	<ul style="list-style-type: none"><li>• <a href="https://www.edmonton.ca/residential_neighbourhoods/neighbourhoods/strathcona-planning-applications.aspx">https://www.edmonton.ca/residential_neighbourhoods/neighbourhoods/strathcona-planning-applications.aspx</a></li></ul>

Several members of the public have specified opposition to this rezoning application. This feedback has included concerns with the social, safety and property value impacts to residents within and around the Water's Edge condominium building.

## CONCLUSION

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

## APPENDICES

- 1 History of Zoning Bylaw 12800 Alcohol Sales Regulations
- 2 Liquor Stores Context Map
- 3 Application Summary

## History of Zoning Bylaw 12800 Alcohol Sales Regulations

**September 2, 1993:**

Privatization of liquor stores in Alberta announced.

**November 15, 1993:**

Land Use Bylaw 5996 amended (Bylaw 10581) to introduce definitions and Special Land Use Provisions for Major and Minor Alcohol Sales, including the 100 metre separation distance requirements between liquor stores and parks, community/recreation service activities, and schools.

**March 5, 1994:**

Privatization fully implemented

**October 9, 1995:**

Land Use Bylaw 5996 amended (Bylaw 11066) to provide clarification of the Special Land Use Provisions for Major and Minor Alcohol Sales and the separation from, and definition of, schools, parks, and community and recreation activities.

**August 24, 1998:**

Land Use Bylaw 5596 amended (Bylaw 11832) to provide clarification of the Special Land Use Provisions for Major and Minor Alcohol Sales, that the separation from schools, parks, and community and recreation activities is required from any site containing a Major and/or Minor Alcohol Sales Use.

**March 12, 2007:**

Zoning Bylaw 12800 amended (Bylaw 14547) to introduce the 500 metre separation distance between liquor stores implemented as part of the Major Alcohol Sales and Minor Alcohol Sales use definitions, thereby eliminating the ability for the Development Officer and the Subdivision and Development Appeal Board to grant a variance to the regulation. Bylaw 14547 renders 60 percent of the existing liquor stores in Edmonton legal non-conforming uses.

**October 29, 2012:**

Zoning Bylaw 12800 amended (Bylaw 15520) to remove the 500 metre separation distance requirement from the definitions for Major Alcohol Sales and Minor Alcohol Sales, to provide variance powers to the Development Officer and Subdivision and Development Appeal Board, with the intent to allow liquor stores to relocate within their 500 metre separation distance at the discretion of the Development Officer, in order enable existing stores to renovate, relocate and expand.

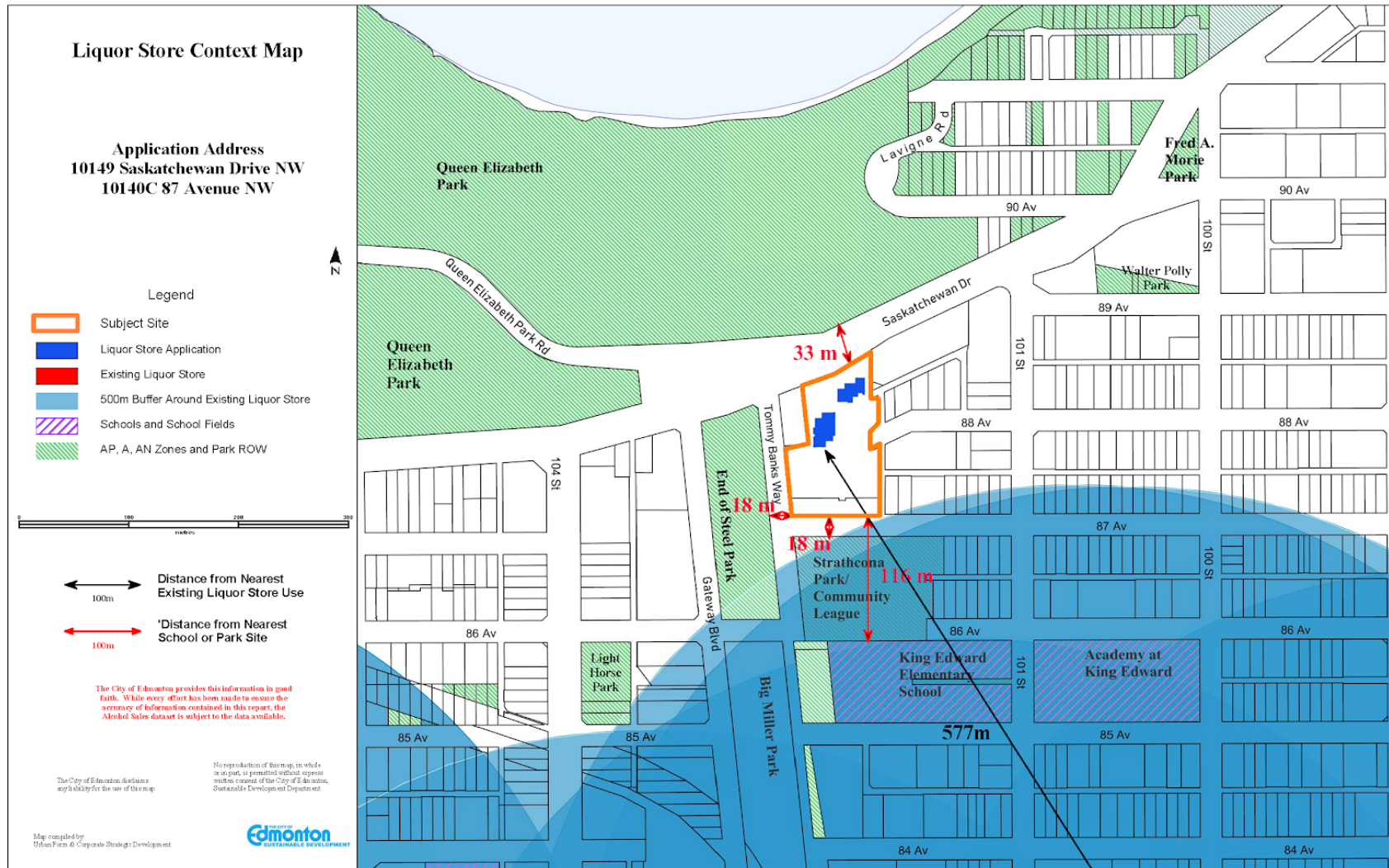
**December 12, 2016:**

Zoning Bylaw 12800 amended (Bylaw 17836) to allow exemptions of separation distances for liquor stores in suburban areas, and to clarify variance limitations.

**June 17, 2019:**

Zoning Bylaw 12800 amended (Charter Bylaw 18882) to consolidate Minor and Major Alcohol Sales to one new use, Liquor Stores, aligning the parking requirements with those of general retail parking, and to improve the design regulations to enhance the appearance and safety of liquor stores.

## Liquor Store Context Map





## APPLICATION SUMMARY

### INFORMATION

Application Type:	Rezoning
Charter Bylaw:	19108
Location:	South of Saskatchewan Drive NW and east of Tommy Banks Way NW
Addresses:	10149 - Saskatchewan Drive NW and 10140C - 87 Avenue NW
Legal Description(s):	Units 1-211, Condominium Plan 8222909 and Units 1-10, Condominium Plan 1723300
Site Area:	0.95 ha
Neighbourhood:	Strathcona
Notified Community Organization:	Strathcona Community League
Applicant:	Don Grumble

### PLANNING FRAMEWORK

Current Zone:	(DC2.869) Site Specific Development Control Provision
Proposed Zone:	(DC2) Site Specific Development Control Provision
Plan in Effect:	Strathcona Area Redevelopment Plan
Historic Status:	None

Written By:	Marty Vasquez
Approved By:	Tim Ford
Branch:	Development Services
Section:	Planning Coordination