



# ADMINISTRATION REPORT

## REZONING

### Chappelle

## 3105C and 3130 - 141 Street SW

To allow for a mix of low-intensity commercial uses.



## RECOMMENDATION AND JUSTIFICATION

Administration is in **SUPPORT** of this application because it:

- allows for continued commercial opportunities on both sites;
- will split the current zoning into two separate DC2 zones (one for each side of 141 Street SW) to reflect that the site is physically separate and under different ownership; and
- will conform to the Chappelle Neighbourhood Area Structure Plan (NASP).

## THE APPLICATION

**CHARTER BYLAW 19386** proposes to rezone the subject site from (DC2) Site Specific Development Control Provision to (DC2) Site Specific Development Control Provision to allow for additional commercial uses (retail and services). The proposed rezoning would divide the existing Zoning into two separate DC2 Zones.

The DC2 for the property on the east (3105C - 141 Street SW) will retain the range of uses and regulations from the current DC2 and will add Child Care Services and Cannabis Retail Sales to the list of Uses. The proposed DC2 Zone requires that Cannabis Retail Sales comply with Section 70 of the Zoning Bylaw and Liquor Stores comply with Section 85. The DC2 for the property on the west (3130 - 141 Street SW) will retain the range of uses and regulations from the current DC2.

## SITE AND SURROUNDING AREA

The subject sites are located north of Chappelle Drive SW and on the east and west sides of 141 Street SW. The total area being rezoned is 1.34 hectares (the site on the east is 0.83 ha and the site on the west is 0.51 ha). Both sites are developed and function as an existing commercial node.



AERIAL VIEW OF APPLICATION AREA

	<b>EXISTING ZONING</b>	<b>CURRENT USE</b>
<b>SUBJECT SITE</b>	<ul style="list-style-type: none"> <li>(DC2.969) Site Specific Development Control Provision</li> </ul>	<ul style="list-style-type: none"> <li>Commercial</li> </ul>
<b>CONTEXT</b>		
North	<ul style="list-style-type: none"> <li>(RSL) Residential Small Lot Zone</li> <li>(RF4) Semi-detached Residential Zone</li> </ul>	<ul style="list-style-type: none"> <li>Single detached housing</li> <li>Semi-detached housing</li> </ul>
East	<ul style="list-style-type: none"> <li>(RPL) Planned Lot Residential Zone</li> </ul>	<ul style="list-style-type: none"> <li>Single Detached Housing</li> </ul>
South	<ul style="list-style-type: none"> <li>(CNC) Neighbourhood Convenience Commercial Zone</li> <li>(US) Urban Services Zone</li> </ul>	<ul style="list-style-type: none"> <li>Commercial</li> <li>School under construction</li> </ul>
West	<ul style="list-style-type: none"> <li>(RPL) Planned Lot Residential Zone</li> </ul>	<ul style="list-style-type: none"> <li>Single Detached Housing</li> </ul>

## PLANNING ANALYSIS

Development on the subject site is guided by the Chappelle Neighbourhood Area Structure Plan (NASP) which designates the area as neighbourhood commercial. It will meet the intent of NASP Objective 3.3.3.1 “for commercial needs to be met within the neighbourhood”.

The proposed rezoning to split the current zoning into two separate DC2 zones (one for each side of 141 Street SW) is appropriate given that each site is physically separated by 141 Street and under different ownership. The proposed DC2 provisions would be compatible with the surrounding low density residential properties to the west, north, and east and the Neighbourhood Commercial site to the southwest.

To ensure compatibility with the (US) Urban Services Zone to the southeast, where the Garth Worthington Public School (351 Chappelle Drive SW) is under construction, the draft DC2 provisions include additional regulations. The subject site located at 3105C - 141 Street SW is less than 100m from the School site boundary. Cannabis Retail Sales and Liquor Store separation distance regulations from Zoning Bylaw Section 70 and Section 85 are included within the DC2 Provisions to ensure compatibility with the school site. Cannabis Retail Sales is being added to allow for future commercial flexibility in case the surrounding sensitive land uses change. The subject site at 3130 - 141 Street SW is also less than 100m from the school. An existing Liquor Store will be able to continue to operate as an existing non-conforming use.

There is also a pipeline corridor to the northwest. A Quantitative Risk Analysis for the Heritage Valley NASP 14 (prepared in January 2019) provided new information that stipulates a risk setback of 350 m is required for sensitive uses such as Commercial Schools and Child Care Services. The property on the east (3105C - 141 Street SW) will be able to accommodate these Uses on the southern portion of this site.

## TECHNICAL REVIEW

The proposed rezoning has been reviewed by all required technical agencies.

Edmonton Public Schools does not support the proposed DC2 zoning as it would add Cannabis Retail Sales and Liquor Sales to a DC2 Zone within 100 m of a school site. Administration determined that specifically requiring that Cannabis Retail and Liquor Stores comply with the separation distances in the Zoning Bylaw will provide the necessary guidance for separation distance if a development permit (for cannabis or liquor sales) is applied for in the future.

EPCOR Water determined that there is a spacing deficiency for the existing municipal hydrants serving the subject site and has conditioned the construction of one new hydrant. City Administration has requested for Fire Rescue Services to conduct an Infill Fire Protection Assessment (IFPA) to determine if alternate fire protection measures will be acceptable.

## PUBLIC ENGAGEMENT

<b>ADVANCE NOTICE</b> May 20, 2020	<ul style="list-style-type: none"><li>• Number of recipients: 182</li><li>• No responses received</li></ul>
<b>PUBLIC MEETING</b>	<ul style="list-style-type: none"><li>• Not held</li></ul>
<b>WEBPAGE</b>	<ul style="list-style-type: none"><li>• <a href="http://www.edmonton.ca/chappelle">www.edmonton.ca/chappelle</a></li></ul>

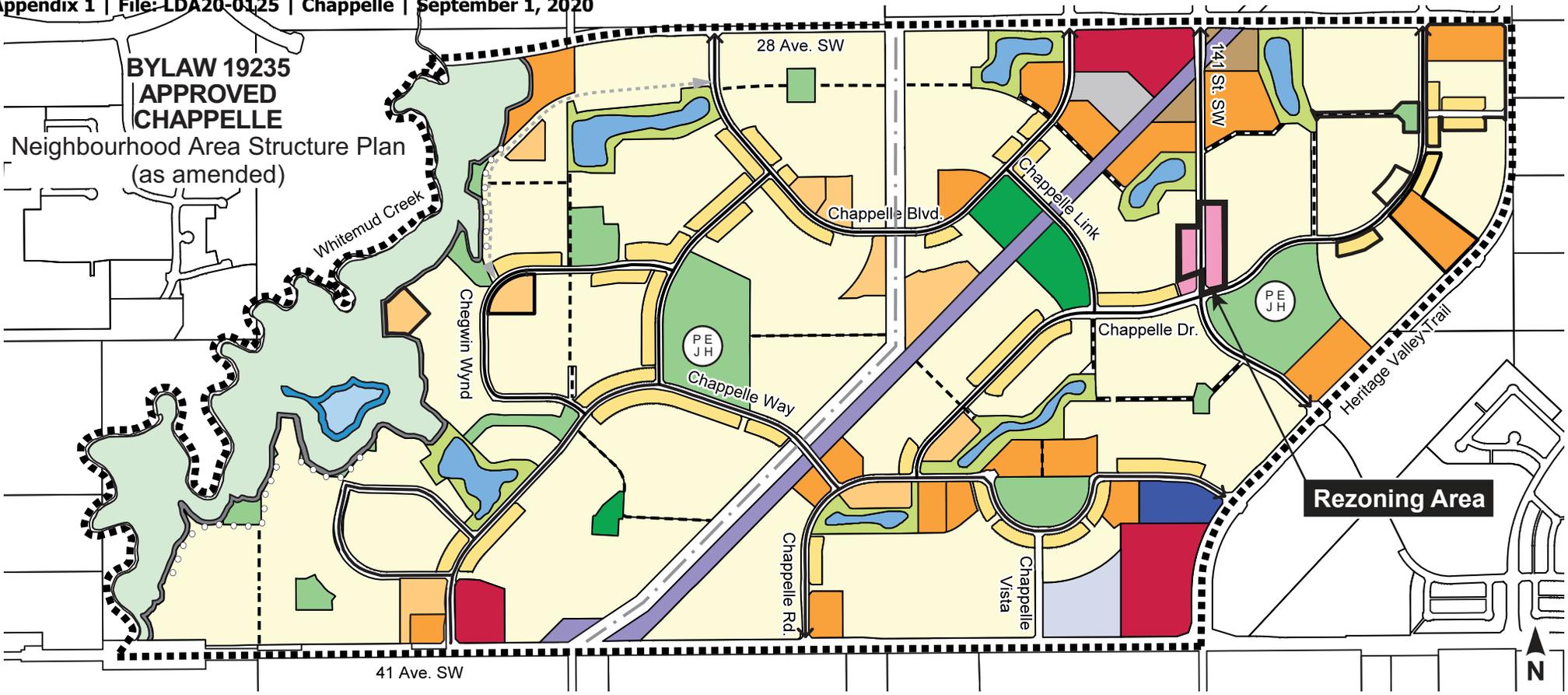
## CONCLUSION

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

## APPENDICES

- 1 Context Plan Map
- 2 DC2 Tracked Changes (3130-141 Street SW)
- 3 DC2 Tracked Changes (3105C-141 Street SW)
- 4 Application Summary

**BYLAW 19235  
APPROVED  
CHAPPELLE**  
Neighbourhood Area Structure Plan  
(as amended)



- |  |                             |   |                                |   |   |
|--|-----------------------------|---|--------------------------------|---|---|
|    | Low Density Residential     |    | School/Park                    |    | Greenways / Multi-Use Trail             |
|  | Street Oriented Residential |  | Public Elementary Junior High  |  | 11.5m Enhanced Local Roadway Connection |
|  | Town House                  |  | Urban Village Park             |  | Top of Bank Walkway                     |
|  | Low Rise Apartments         |  | Environmental Reserve          |  | Top of Bank Roadway                     |
|  | High Density Residential    |  | Constructed Wetland            |  | Pipeline R/W                            |
|  | Residents Association       |  | Stormwater Management Facility |  | Electrical Transmission                 |
|  | Commercial                  |  | Institutional Use              |  | Collector Roadway                       |
|  | Neighbourhood Commercial    |   |                                |  | NASP Boundary                           |
|  | Business Employment         |   |                                |   |   |

SUSTAINABLE DEVELOPMENT

Note: Location of collector roads and configuration of stormwater management facilities are subject to minor revisions during subdivision and rezoning of the neighbourhood and may not be developed exactly as illustrated.

## **(DC2) SITE SPECIFIC DEVELOPMENT CONTROL PROVISION**

### **Part IV Edmonton Zoning Bylaw**

#### ***Section DC2.969***

#### ***Bylaw 18160***

#### ***September 11, 2017***

### **1. General Purpose**

To accommodate the development of low-intensity Commercial Uses that are sensitive to the surrounding development.

### **2. Area of Application**

Lot 77, Block 3, Plan 1423886 ~~and Lot 91, Block 1, Plan 1620413~~, totaling ~~1.34~~ **0.51 ha** more or less; located in the Chappelle Neighborhood shown on Schedule “A” of the Bylaw adopting this Provision.

### **3. Uses**

- a. Bars and Neighbourhood Pubs
- b. Business Support Services
- c. Child Care Services
- d. Commercial Schools
- e. Convenience Retail Stores
- f. Drive-in Food Services
- g. Gas Bars
- h. General Retail Stores
- i. Health Services
- j. Liquor Stores**  
~~Minor Alcohol Sales~~
- k. Personal Service Shops
- l. Professional, Financial and Office Support Services
- m. Rapid Drive-through Vehicle Services
- n. Restaurants
- o. Specialty Food Services
- p. Veterinary Services
- q. Fascia On-premises Signs
- r. Freestanding On-premises Signs
- s. Projecting On-premises Signs
- t. Temporary On-premises Signs

#### 4. Development Regulations

- a. The maximum Building Height shall not exceed 10.0 meters.
- b. A minimum Building Setback of 3.0 m shall be required.
  - i. Notwithstanding regulation 4(b), the minimum Building Setback from the north Property Line for Child Care Services and Commercial Schools shall be 20 m for Lot 77, Block 3, Plan 1423886, ~~and 13 m for Lot 91, Block 1, Plan 1620413.~~
- c. The Floor Area Ratio shall not exceed 0.25.
- d. The maximum Floor Area for any individual business premises for a Use be 275 m<sup>2</sup>, except that:
  - i. the maximum Floor Area for Child Care Services shall be 500 m<sup>2</sup>.
  - ii. the maximum Floor Area of each Rapid Drive-through Vehicle Services and Personal Service Shops Use shall not exceed 1,000 m<sup>2</sup>.
  - iii. the maximum Floor area for General Retail Stores shall be 1,000 m<sup>2</sup>.
  - iv. Restaurants shall be for less than 100 occupants and 120 m<sup>2</sup> of public Space.
  - v. Specialty Food Services shall be for less than 100 occupants and 120 m<sup>2</sup> of Public Space.
  - vi. Bars and Neighbourhood Pubs shall be for less than 100 occupants and 120 m<sup>2</sup> of Public Space.
- e. The following regulations shall apply to Rapid Drive-through Vehicle Services developments:
  - i. The total number of bays shall not exceed four for any given Site; and
  - ii. All operations and mechanical equipment associated with this Use Class shall be located within an enclosed building.
- f. Liquor Stores shall comply with Section 85 of the Zoning Bylaw. Without limiting the generality of the forgoing, Liquor Stores shall comply with the separation distance regulations in sections 85(1) and 85(4) of the Zoning Bylaw.**
- g. Child Care Services and Minor Alcohol Sales shall be limited to Lot 77, Block 3, Plan 1423886.
- h. Signs shall comply with Section 59D of the Zoning Bylaw.

#### 5. Site Design Regulations

- a. Buildings shall be located to the rear of each Site in general accordance with Appendix 1, Site Plan.
- b. No parking, loading, storage, trash collection, outdoor service or display area shall be permitted within a Setback.
- c. Where Uses, that may in the opinion of the Development Officer, create negative impacts such as noise, light or odours which may be noticeable on adjacent properties, and where the Site containing such Uses is directly adjacent to Sites used or zoned for residential activities, the Development Officer may, at the Development Officer's discretion, require that these potential impacts be minimized or negated. This may be achieved through a variety of measures including: Landscaping; berming or screening, which may exceed the requirements of Section 55 of this Bylaw; noise attenuation measures such as structural soundproofing; downward direction of all exterior lighting on to the proposed development; and any other measures as the Development Officer may deem appropriate.
- d. Vehicle parking, loading, storage and trash collection areas shall not be permitted to the rear of the principal building.
- e. All setbacks abutting a residential Site shall be fenced to provide visual screening and prevent vehicle access. Space between fencing panels may be permitted to provide pedestrian access to the Site.
- f. The site shall include entry features to contribute to the identity of the development and the overall sense of place.
- g. Any canopies, or other attached building features shall be contained within the property and may be placed within the required setback.
- h. All exterior lighting of the site shall be designed to prevent light pollution by ensuring that illumination shall not extend beyond the boundaries of the site nor upwards into the sky to the satisfaction of the Development Officer.

## **6. Building Design Regulations**

- a. Façade treatment and general building design shall provide a similar architectural theme on all sides.
- b. All buildings on the Site shall comply with the following criteria:
  - i. The roof line and building façade shall include design elements and add architectural interest; and
  - ii. Landscaping adjacent to exterior walls shall be used to minimize the perceived mass of a building and to create visual interest.

- c. All mechanical equipment, including roof mechanical units, shall be concealed by screening in a manner compatible with the architectural character of the building or concealed by incorporating it within the building.

## **(DC2) SITE SPECIFIC DEVELOPMENT CONTROL PROVISION**

### **1. General Purpose**

To accommodate the development of low-intensity Commercial Uses that are sensitive to the surrounding development.

### **2. Area of Application**

Units 18 and 19, Condominium Plan 1922086 totaling 0.83 ha more or less; located in the Chappelle Neighborhood shown on Schedule “A” of the Bylaw adopting this Provision.

### **3. Uses**

- a. Bars and Neighbourhood Pubs
- b. Business Support Services
- c. Cannabis Retail Sales**
- d. Child Care Services**
- e. Commercial Schools
- f. Convenience Retail Stores
- g. Drive-in Food Services
- h. Gas Bars
- i. General Retail Stores
- j. Health Services
- k. Liquor Stores**
- l. Personal Service Shops
- m. Professional, Financial and Office Support Services
- n. Rapid Drive-through Vehicle Services
- o. Restaurants
- p. Specialty Food Services
- q. Veterinary Services
- r. Fascia On-premises Signs
- s. Freestanding On-premises Signs
- t. Projecting On-premises Signs
- u. Temporary On-premises Signs

### **4. Development Regulations for Uses**

- a. The maximum Floor Area for each non-Residential-Related Use shall be 275m<sup>2</sup>,

except that:

- i. the maximum Floor Area of each Rapid Drive-through Vehicle Services and Personal Service Shops Use shall be 1,000 m<sup>2</sup>.
- ii. the maximum Floor area for General Retail Stores shall be 1,000 m<sup>2</sup>.
- b. Each Bar and Neighbourhood Pub, Specialty Food Service, and Restaurant Use shall be limited to 120 m<sup>2</sup> of Public Space excluding exterior patio/deck space.
- c. The following regulations shall apply to Rapid Drive-through Vehicle Services developments:
  - i. The total number of bays shall be four; and
  - ii. All operations and mechanical equipment associated with this Use Class shall be located within an enclosed building.
- d. Cannabis Retail Sales shall comply with Section 70 of the Zoning Bylaw. Without limiting the generality of the forgoing, Cannabis Retail Sales uses shall comply with the separation distance regulations in Sections 70(1), 70(2) and 70(4) of the Zoning Bylaw.
- e. Liquor Stores shall comply with Section 85 of the Zoning Bylaw. Without limiting the generality of the forgoing, Liquor Stores shall comply with the separation distance regulations in sections 85(1) and 85(4) of the Zoning Bylaw.
- f. Child Care Service and Commercial School Use shall be contained within the southernmost portion of the Site. Specifically, these Uses shall only be contained within 116m from the southernmost point of Site Boundary as shown on Appendix -1 Site Plan.
- g. Signs shall comply with Section 59D of the Zoning Bylaw.

## **5. Development Regulations for Site Layout and Built Form**

- a. The development shall be in general conformance with the attached Appendices to the satisfaction of the Development Officer.

- b. The maximum Height shall be 10.0 m.
- c. The maximum Floor Area Ratio shall be 0.25.
- d. The minimum Setback shall be 3.0 m from the north, south, west, and east Lot lines.

## **6. Development Regulations for Building Design and Features**

- a. The development shall incorporate a prominent entrance through architectural treatment and signage to the satisfaction of the Development Officer.
- b. All buildings on the Site shall comply with the following criteria to the satisfaction of the Development Officer:
  - i. Building Façades shall have consistent and harmonious exterior finishing materials;
  - ii. Canopies and other attached architectural features may be allowed to project into a required Setback;
  - iii. The roof lines and building Façades shall be consistent in concept, detail, and material, and shall provide articulation and visual interest by a combination of variation of material, colour or other design methods; and
  - iv. All mechanical equipment, including roof mechanical units, shall be concealed by screening in a manner compatible with the architectural character of the building or concealed by incorporating it within the building.
- c. Where a Use, that may in the opinion of the Development Officer, create negative impacts such as noise, light or odours which may be noticeable on adjacent properties, and where such Use Abuts a Site zoned to allow Single Detached Housing as a Permitted Use, the Development Officer may, at the Development Officer's discretion, require that these potential impacts be minimized or negated. This may be achieved through a variety of measures including:
  - i. Landscaping; berming or screening, which may exceed the requirements of the Zoning Bylaw;
  - ii. noise attenuation measures such as structural soundproofing; downward direction of all exterior lighting on to the proposed development; and
  - iii. any other measures as the Development Officer may deem appropriate.
- d. All Setbacks Abutting a Site zoned to allow Single Detached Housing as a

Permitted Use shall be fenced to provide visual screening and prevent vehicle access. Space between fencing panels may be permitted to provide pedestrian access to the Site.

**7. Development Regulations for Parking, Loading, Storage and Access**

- a. Vehicular parking, loading, storage, waste collection, outdoor services, and display areas shall not be located within a required Setback.
- b. Vehicular parking, loading, storage and waste collection areas shall not be permitted to the rear of the building.

**8. Development Regulations for Landscaping and Lighting**

- a. Landscaping adjacent to exterior walls shall be used to minimize the perceived mass of a building and to create visual interest.
- b. Exterior lighting associated with the development shall be designed such that it has no negative impact on an adjacent property.
- c. Night-time light pollution shall be reduced by avoiding over-illumination of the development and by using exterior lighting fixtures that are full cut-off in design which direct light downward, to ensure illumination does not extend beyond the boundaries of the development Site.

**9. Other Regulations**

- a. Prior to the issuance of a Development Permit, except for Development Permits for demolition, excavation, shoring or signage, the applicant shall submit documentation that demonstrates, to the satisfaction of the Development Officer in consultation with Fire Rescue Services and EPCOR Water Services, that the fire flows and water servicing to the Site will be adequate for the proposed building and construction type, and be in accordance with the City of Edmonton Design and Construction Standards. The Development Officer shall verify that any infrastructure upgrades or systems required to ensure these standards are met shall be implemented in the design of the building and/or through off-site improvements.

## APPLICATION SUMMARY

### INFORMATION

Application Type:	Rezoning
Charter Bylaw:	19386
Location:	North of Chappelle Drive SW and east and west of 141 Street SW
Addresses:	East Property - 3105C - 141 Street SW; West Property - 3130 - 141 Street SW
Legal Descriptions:	Unit 18 and 19, Condominium Plan 1922086; Lot 77, Block 3, Plan 1423886
Site Area:	0.83 ha & 0.51ha
Neighbourhood:	Chappelle
Notified Community Organization:	Chappelle Community League
Applicant:	Marcelo Figueira, Green Space Alliance

### PLANNING FRAMEWORK

Current Zone:	(DC2) Site Specific Development Control Provision
Proposed Zone:	(DC2) Site Specific Development Control Provision
Plan in Effect:	Chappelle Neighbourhood Area Structure Plan (NASP)
Historic Status:	None

Written By:	Marco Melfi
Approved By:	Tim Ford
Branch:	Development Services
Section:	Planning Coordination