



# ADMINISTRATION REPORT

## REZONING

### Hillview

## 5403 - 38 Avenue NW

To add Liquor Stores to an existing DC2 Provision.



## RECOMMENDATION AND JUSTIFICATION

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

- It will allow for an additional commercial uses on a corner site;
- The site size and context provides adequate physical separation from other liquor stores and sensitive uses; and
- The proposed Provision conforms with the Millwoods Development Concept Plan.

## THE APPLICATION

**CHARTER BYLAW 19496** proposes to amend the Zoning Bylaw from (DC2.513) 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 Liquor Stores to the list of uses allowed on site.

## SITE AND SURROUNDING AREA

The site is 0.14 hectares in size and is developed with commercial uses. It is located south of 38 Avenue NW and east of Woodvale Road East NW.



AERIAL VIEW OF APPLICATION AREA

	EXISTING ZONING	CURRENT USE
<b>SUBJECT SITE</b>	(DC2.513) Site Specific Development Control Provision	<ul style="list-style-type: none"> <li>● Convince Retail Store</li> <li>● Gas Station</li> </ul>
<b>CONTEXT</b>		
North	(RA7) Low Rise Apartment Zone	Low Rise Apartments
East	(RF4) Semi-detached Residential Zone	Semi-detached Housing
West	(RF5) Row Housing Zone	Row Housing

## PLANNING ANALYSIS

Given the location of the site, internal to the 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. Currently the subject site is developed with a gas station, convenience store and food service. The applicant’s stated intent is to add the opportunity for the development of a liquor store.

Land uses for the area are guided by the Millwoods Development Concept Plan which designates the subject site for a variety of commercial uses, both “service and secondary” commercial uses. The subject site is a corner lot along a collector road, and is surrounded by both low and medium residential land uses.

Given the age of the current DC2 Provision (approved in 1999), additional administrative updates have also been made to the proposed regulations to align the language and terminology with the current standards of the Zoning Bylaw.

The proposal zoning conforms to the intent of the Millwoods Development Concept Plan by providing commercial uses intended to serve local residents in this location. In addition, the site provides good visibility from 38 Avenue NW and is compatible with surrounding uses.

## TECHNICAL REVIEW

The proposed change of use 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.

## PUBLIC ENGAGEMENT

<p><b>DC2 Pre-notification</b> June 3, 2020</p>	<ul style="list-style-type: none"> <li>● Number of recipients: 77</li> <li>● Number of responses in support: 6</li> <li>● Number of responses with concerns: 1</li> <li>● Concerns included:                         <ul style="list-style-type: none"> <li>○ The subject land is already overburdened with traffic from adjacent day care.</li> </ul> </li> </ul>
<p><b>ADVANCE NOTICE</b> August 14, 2020</p>	<ul style="list-style-type: none"> <li>● Number of recipients: 80</li> <li>● Number of responses in support: 0</li> <li>● Number of responses with concerns: 2</li> <li>● Common comments included:                         <ul style="list-style-type: none"> <li>○ Lack of parking due to the existing adjacent daycare, street congestion; and</li> <li>○ an attraction of transient people if a liquor store is added.</li> </ul> </li> </ul>
<p><b>PUBLIC MEETING</b></p>	<ul style="list-style-type: none"> <li>● Not held</li> </ul>

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**WEBPAGE**

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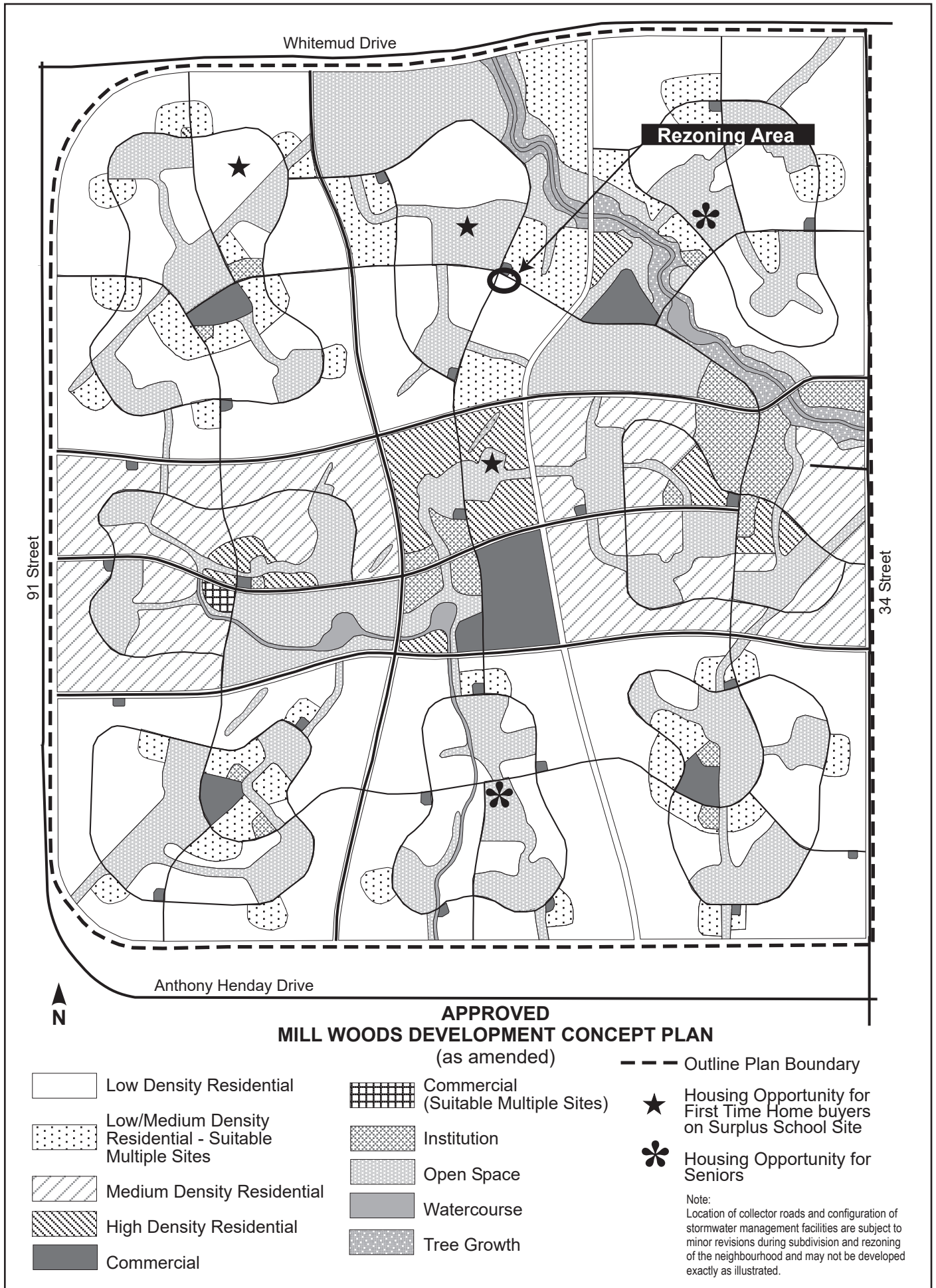
- [www.edmonton.ca/hillview](http://www.edmonton.ca/hillview)

## **CONCLUSION**

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

## **APPENDICES**

- 1 Context Plan Map
- 2 DC2 Tracked Changes
- 3 Application Summary



**APPROVED  
MILL WOODS DEVELOPMENT CONCEPT PLAN  
(as amended)**

- Low Density Residential
- Low/Medium Density Residential - Suitable Multiple Sites
- Medium Density Residential
- High Density Residential
- Commercial

- Commercial (Suitable Multiple Sites)
- Institution
- Open Space
- Watercourse
- Tree Growth

- Outline Plan Boundary
- Housing Opportunity for First Time Home buyers on Surplus School Site
- Housing Opportunity for Seniors

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.**

##### **DC2.1. General Purpose**

To establish a Site Specific Development Control District to accommodate a **limited number of commercial uses** ~~convenience food store, a take-out restaurant and a gas bar facility~~ and to ensure compatibility with surrounding land uses.

##### **DC2.2. 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 DC5 District, **Hillview**.

##### **DC2.3. Uses**

1. Convenience Retail Stores
2. Gas Bars
3. Minor Eating and Drinking Establishments
4. Restaurants
5. Bars and Neighbourhood Pubs for less than a 100 Occupants
6. Liquor Stores
7. Fascia On-premises Signs
8. Freestanding On-premises Signs
9. Projecting On-Premises Signs
10. Temporary On-Premises Signs

##### **DC2.4. Development Criteria.**

- a. The maximum floor area for the Convenience Retail Store shall be 200 m<sup>2</sup>.
- 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 this 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 development which are approved after ~~August 24, 1999 the date of the passage of this Bylaw~~, 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 in accordance with the provision of Section 69.3 of the Land Use Bylaw.
- g. Development in the District shall comply with the following architectural guidelines
  - 1. 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;
  - 2. 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;
  - 3. all finishing materials must be of good quality, durable and attractive in appearance, with consistent treatment on all faces of the building;
  - 4. 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
  - 5. 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 the Transportation and Streets Department.
- j. Signs shall comply with the regulations found in ~~may be allowed in this District in accordance with~~ Schedule 59D ~~79D and in accordance with the general provisions of~~ Section ~~79.1 to 79.9 inclusive of the Land Use Bylaw~~.
- ~~k. Development in the District shall be evaluated with respect to compliance with the General Development Regulations of Sections 50 – 79 of the Land Use Bylaw.~~
- l. Notwithstanding Sections 11.35 and 11.46 of the Land Use Bylaw, the Development Officer shall not grant any variance to the requirement of Section 4(f) of this Bylaw.
- ~~m. The Development Officer may grant relaxations to Sections 50 – 79 of the Land Use Bylaw and provisions of this District, if, in his opinion, such variance would be in keeping with the general purpose of this District and would not affect the amenities, use and enjoyment of neighbouring properties.~~

- ~~n. The Development Officer shall require, as a condition of approval of a development permit, that the applicant provide an irrevocable letter of credit in the amount of 100% of the established landscaping cost, the conditions of the security being that:~~
- ~~1. if the landscaping is not completed in accordance with the provisions of this District and the landscaping plan, within one growing season after the completion of the development, then the amount fixed shall be paid to the city, for its use absolutely; and~~
  - ~~2. the Development Officer shall not release the letter of credit until an inspection of the site has demonstrated that the landscaping has been well maintained and is in a healthy condition one growing season after completion of the landscaping.~~

**DC2.5. Additional Development Criteria for Specific Uses**

1. Any gGas bBar development shall adhere to the following regulations:
  - a. 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
  - b. 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:	19496
Location:	South of 38 Avenue NW and east of Woodvale Road E NW
Address:	5403 - 38 Avenue NW
Legal Description:	Lot 53B, Block 18, Plan 9120984
Site Area:	0.14 Ha
Neighbourhood:	Hillview
Notified Community Organizations:	Woodvale Community League; and Millwoods Presidents Council (MWPC) Area Council
Applicant:	Zeenat Virk

### PLANNING FRAMEWORK

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

Written By: Kerry Girvan  
Approved By: Tim Ford  
Branch: Development Services  
Section: Planning Coordination