



ADMINISTRATION REPORT

REZONING

Mill Woods Town Centre

6107 - 28 Avenue NW

2761 Hewes Way NW

To add Cannabis Retail Sales to an existing DC2 Provision.



RECOMMENDATION AND JUSTIFICATION

Administration does **NOT SUPPORT** this application because the subject site does not comply with the separation distances between Cannabis Retail Sales uses and public libraries.

THE APPLICATION

CHARTER BYLAW 19486 proposes to amend the Zoning Bylaw from (DC2) Site Specific Development Control Provision to (DC2) Site Specific Development Control Provision to add Cannabis Retail Sales as an allowed use to an existing DC2 Provision.

Section 70 of the Edmonton Zoning Bylaw regulates the Cannabis Retail Sales Use. The proposed rezoning would exempt this site from section 70.2 (a) of the Zoning Bylaw which requires that a Cannabis Retail Sales use have a separation distance of at least 200 metres from any public library site, as measured from site boundary to site boundary. The distance from the library site to the subject site is approximately 84 metres. The applicant proposes to add a notwithstanding clause to the regulations, such that the distance would be measured from door to door (a distance of 245 m).

Section 70.2 states:

2. Any Site containing Cannabis Retail Sales shall not be located less than:
 1. 200 m from any Site being used for a public library, at the time of the application for the Development Permit for the Cannabis Retail Sales; and
 2. 100 m from any Site being used for Community Recreation Services Use, a community recreation facility or as public lands at the time of application for the Development Permit for the Cannabis Retail Sales.

SITE AND SURROUNDING AREA

The subject site is located along the south side of 28 Avenue NW and east of Hewes Way NW. The site is currently developed with a one-storey commercial building, fronting North to 28 Avenue NW.



AERIAL VIEW OF APPLICATION AREA

	EXISTING ZONING	CURRENT USE
SUBJECT SITE	(DC2.662) Site Specific Development Control Provision	Variety of commercial uses
CONTEXT		
North	(DC2.661) Site Specific Development Control Provision	<ul style="list-style-type: none"> • Neighbourhood Shopping Centre
East	(PU) Public Utility Lot	<ul style="list-style-type: none"> • Public walkway • (SWMF) Stormwater Management Facility
South	<ul style="list-style-type: none"> • (PU) Public Utility Lot • (DC2.240) Site Specific Development Control Provision 	<ul style="list-style-type: none"> • (SWMF) Stormwater Management Facility • Commercial development
West	(DC1) Direct Development Control Provision	<ul style="list-style-type: none"> • Community Shopping Centre

PLANNING ANALYSIS

REGULATING CANNABIS RETAIL SALES

Charter Bylaw 18387, which established Section 70 Cannabis Retail Sales, was passed at the June 12, 2018, City Council Public Hearing following a comprehensive stakeholder engagement and public consultation process. A key component of the Bylaw's approach in regulating the sale of cannabis was to impose separation distances between Cannabis Retail Sales and schools, libraries and parks, due to the sensitive nature of this use. Regulating minimum distances from other sensitive land uses such as parks, schools and libraries, as well as regulating minimum distances between Cannabis Retail Sales uses, would help to establish an even distribution of opportunities across the city for cannabis store locations as well as provide the general public, the Development Authority and applicants certainty about where Cannabis Retail Sales would be allowed.

Section 70 of the Zoning Bylaw was further amended by Charter Bylaw 18720 on February 25, 2019, to make minor adjustments to land use regulations and reduce separation spaces distances on sites larger than 2.0 hectares. These further changes to Section have no bearing on this application as it is 0.7 hectares in size.

SEPARATION SPACE BETWEEN SCHOOLS, LIBRARIES AND PARKS

When Charter Bylaw 18387 was passed, the stated intent of the separation distances from sensitive uses, such as schools, libraries, parks and recreation centres, was to achieve a balance between managing the potential incompatibility of cannabis stores and places where minors typically gather, while still providing appropriate locations for cannabis stores. The distances were analyzed to ensure that when applied they provide enough locations so that cannabis stores will be accessible to adults and be distributed across the City.

A 200 metre separation distance between cannabis stores and schools and libraries

will, in most cases, move potential cannabis stores out of sight of a school building or public library. Libraries are included with schools as they are also visited by a large number of children and youth.

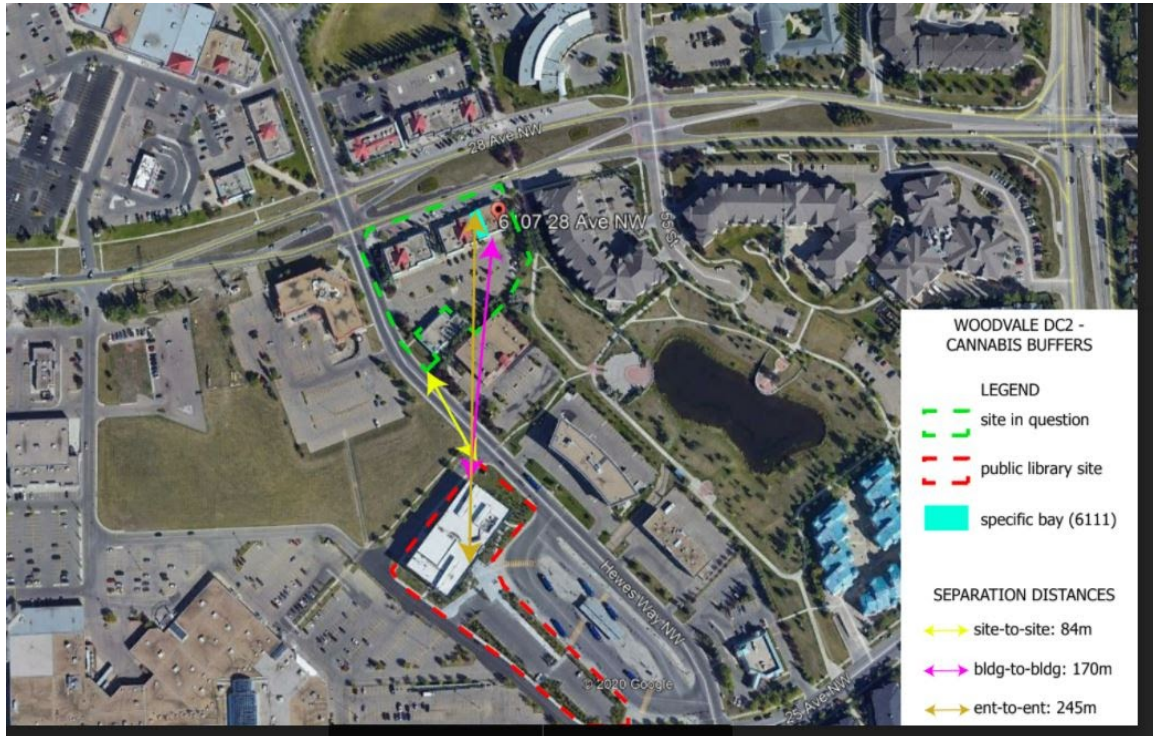


Figure 1 :Yellow Arrow shows 84 m site to site, Orange Arrow shows entrance to entrance 245 m

Central to this application’s request to exempt the subject site from Section 70.2 of the Zoning Bylaw by adding a clause in the DC2 that the distance from *entrance to entrance* of the proposed cannabis store location to the library is approximately 245 metres in distance (see Figure 1 in Planning Analysis). In contrast, the zoning bylaw states the separation distance is measured site to site, in which case it would be only 84 meters between the library site and commercial site. Through this rezoning application, the applicant is requesting an exemption from the separation space rule between Public Libraries in order to obtain a development permit to operate a Cannabis Retail Sales use at this location.

PLANS IN EFFECT

The site is within the boundaries of the Mill Woods Station Area Redevelopment Plan. This Plan was approved in September 2013. The site is located in an area designated for mixed use development, that is residential, commercial and institutional, and is surrounded by a variety of commercial and institutional uses.

TECHNICAL REVIEW

As this application represents a change of use only, it will not impact the planned or existing utility infrastructure in the area. All comments from affected City Departments and utility agencies have been addressed.

PUBLIC ENGAGEMENT

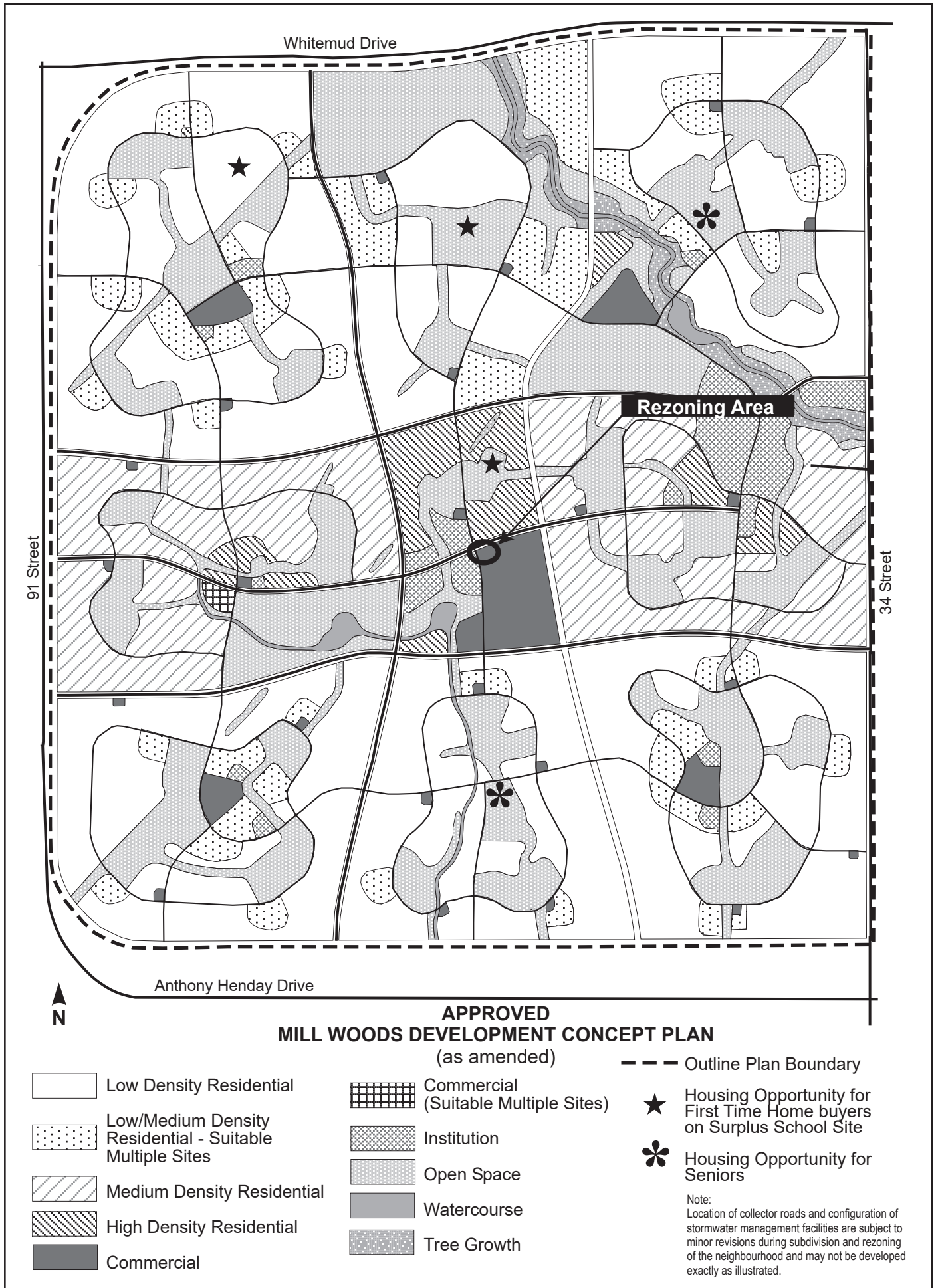
<p>DC2 PRE-APPLICATION NOTICE July 29, 2020, 2020</p>	<ul style="list-style-type: none"> ● Number of recipients: 119 ● One response was received, in the form of an informal petition signed by 44 residents from one building. ● Number of responses with concerns: 44 ● Common comments included: <ul style="list-style-type: none"> ○ There is a high population of seniors in the area; ○ there is a small park near the site proposed for rezoning that occupants/owners feel that the proximity of a cannabis retail store would invite improper use of the park (air quality, aesthetics); and ○ that the EPL Mill Woods Branch is within a short distance of the site.
<p>ADVANCE NOTICE August 17, 2020</p>	<ul style="list-style-type: none"> ● Number of recipients: 119 ● Number of responses in support: 0 ● Number of responses with concerns: 4 ● Common comments included: <ul style="list-style-type: none"> ○ An email was received stating the same 44 person petition still applied as noted under the pre-application notice, ○ one email of general opposition, concerns about increased traffic/noise on adjacent balconies of residential condo; and ○ a third letter stating cannabis should not be near seniors.
<p>PUBLIC ENGAGEMENT SESSION</p>	<ul style="list-style-type: none"> ● Not held ● Note: the Applicant reached out to the petition group, but they chose not to respond/engage. The File Planner forwarded information from the Applicant on his behalf.
<p>WEBPAGE</p>	<ul style="list-style-type: none"> ● www.edmonton.ca/millwoodstowncentre

CONCLUSION


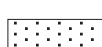



Administration recommends that City Council **REFUSE** this application.






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

DC2.1 General Purpose

To establish a Site Specific Direct Control Provision to accommodate retail uses and a limited range of general commercial uses, with site development regulations that will ensure compatibility with adjacent land uses and comply with the development objectives of the Mill Woods Station Town Centre Area Redevelopment Structure Plan for the "Main Street" commercial component.

DC2.2 Area of Application

This DC2 Provision shall apply to Unit 1 and 2, Plan 1021680 Lot 5, Block 7, Plan 912 1024, as shown on the sketch plan to the Bylaw adopting this DC2 Provision; Mill 2. Business Support Services

3. Cannabis Retail Sales
4. Child Care Services
5. Commercial Schools
6. Convenience Retail Stores Woods Town Centre.

DC2. 3 Uses

1. Bars and Neighbourhood Pubs
7. General Retail Stores
8. Government Services
9. Health Services
10. Household Repair Services
11. Indoor Participant Recreation Services
12. ~~Minor Alcohol Sales~~ Liquor Stores
13. Minor Amusement Establishments
14. ~~Minor Veterinary Clinics~~
15. Personal Service Shops
16. Professional, Financial and Office Support Services
17. Restaurants
18. Specialty Food Services
19. Veterinary Services
20. Fascia on-premises signs
21. Freestanding on-premises signs
22. Projecting on-premises signs
23. Temporary on-premises signs

DC2.4 Development Criteria

1. The general site lay out and development shall be substantially in general accordance

with the site plan as illustrated in Appendix I to this Provision.

2. The maximum floor area ratio shall be 0.5. The allowable floor area for the site shall be distributed among a number of separate buildings, generally in accordance with the site plan attached as Appendix I.
3. The freestanding developments at the corners of Hewes Way and 28 Avenue shall be permitted a maximum gross floor area of 750 m². For the balance of the site, any individual business premise shall be allowed a maximum gross floor area of 370 m² provided that, in the opinion of the Development Officer, the scale of the business would not prejudice the achievement of the "Main Street Commercial" character for the site as a whole.
4. The maximum building height shall not exceed 8 m nor one storey except that roofline architectural features such as cupolas, steeples or clock towers, may be allowed a maximum overall height of 12 m.
5. A landscaped yard, a minimum of 6.0 m in width shall be provided along Hewes Way. Landscaping treatment therein shall consist of three mature coniferous trees and three mature deciduous trees and 20 shrubs for each 30 m of lineal yard, which shall be provided to the satisfaction of the Development Officer.
6. Buildings facing 28 Avenue shall have a varied setback of between 0 m to 6.0 m in accordance with the site plan. Within this setback area, landscaped areas will be required adjacent to the freestanding buildings at the corner of Hewes Way and 28 Avenue in accordance with the site plan attached as Appendix I, to the satisfaction of the Development Officer. The boulevard adjacent to the 28 Avenue curb and parking area shall be landscaped at the expense of the owner with a minimum of 30 mature deciduous trees spaced at an interval of 8 m along the north and south boulevards of 28 Avenue. The boulevard and that portion of the site between the setback for buildings facing onto 28 Avenue and the property line adjacent to the boulevard shall be hard surfaced at the expense of the owner. This hard surfacing shall achieve a varied texture and pattern of finish through the use of a variety of hard surface materials, which may include lockstone, brick pavers, tiles, and patterned concrete. In addition, the owner shall provide benches and waste receptacles within this boulevard area.
7. A 3 m landscaped yard shall be provided adjacent to the east property line and a 2 m landscaped yard shall be provided adjacent to the south property line. The landscape treatment for these yards shall consist of three mature deciduous and three mature coniferous trees for each 40 m of lineal yard, to the satisfaction of the Development Officer. Landscaping within the interior of the site shall be provided substantially in accordance with the site plan attached as Appendix I.
8. A detailed landscaping plan for the entire project incorporating the requirements of clause 4(5e), (6f), ~~(g)~~, ~~(h)~~ and (7i) above shall be submitted to and approved by the Development Officer prior to the approval of any development permit. These plans

shall include details of pavement materials, fencing details, exterior lighting and street furniture elements, pedestrian seating areas, sizes and species of new plantings, exits to parking lots, and soil depth including special provisions to facilitate natural plant growth, for the entire project. Where the landscape provisions of this Provision require mature trees, deciduous trees shall have a minimum caliper of 8 cm and coniferous trees shall have a minimum height of 3 m.

9. The Development Officer shall require, as a condition of approval, that the applicant provide an irrevocable letter of credit, in the amount of 100% of the established landscaping cost, the conditions of a security being that:
 - a. if the landscaping is not completed in accordance with the provisions of this Provision 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
 - b. 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 two growing seasons after completion of the landscaping.
10. Vehicular access and egress to and from the site shall not be permitted from 28 Avenue. Access and egress from Hewes Way will be restricted to the general location and type identified in Appendix I to this Provision, with the final location and geometric details to be to the satisfaction of the General Manager of the Transportation Department.
11. No parking, loading, storage, trash collection, outdoor service or display areas shall be permitted within a required yard. Loading, storage and trash collection areas shall be located to the sides or rear of the principal buildings and shall be screened from view from any adjacent sites or public roadways, in accordance with Section 55.4 of the Zoning Bylaw.
12. Development in this Provision shall be in accordance with the following architectural guidelines, to the satisfaction of the Development Officer:
 - a. the design of the project shall establish a single architectural theme or period architecture and the principal design elements, finishing materials, colours and roof style shall be applied to each building, with minor variations, regardless of the staging sequence of the project;
 - b. all buildings along 28 Avenue shall have a pedestrian orientation to 28 Avenue with direct entrances to each retail use provided at grade;
 - c. the roofline of buildings shall consist of sloped roofs of varying pitches, and may include gable ends, dormers or steeples, and be finished with cedar shakes, clay tiles or metal roof materials having a similar texture and

- appearance;
 - d. both rooflines and building facades shall include design elements and variations that will reduce the perceived mass and linearity of large buildings and add architectural interest;
 - e. the predominant exterior finishing materials shall consist of light, earth-toned brick, stucco, stone or other masonry materials having a similar character, with cedar or metal trim restricted to accents, having regard to the objective of ensuring that the development is of a high quality that is compatible with the Mill Woods Town Centre Architectural Design Guidelines;
 - f. all exposed sides of the buildings shall be finished in a consistent harmonious manner; and
 - g. all mechanical equipment on the roof of any building shall be completely screened or incorporated in the roof envelope.
13. Appropriate lighting of the project shall be undertaken to provide security and to add visual interest. Lighting shall be directed away from the adjacent roadways.
14. A Comprehensive Sign Design Plan and Schedule consistent with the overall intent of Section 59.3 of the Zoning Bylaw shall be prepared for each phase of the Development to be approved by the Development Officer, having regard to the following additional requirements:
- a. freestanding signs shall be used for identification of the centre and not for tenant identification with the exception of the freestanding buildings at the corners of Hewes Way and 28 Avenue; and shall be limited to two pedestal type signs for the centre and one each for the freestanding buildings not exceeding a height of 3.5 m and a sign area of 4.5 m² ; no part of a freestanding sign shall extend beyond the property line and each sign shall have a separation distance of at least 20 m;
 - b. no permanent or temporary sign shall be allowed above the roofline;
 - c. only one permanent window business identification sign shall be allowed per window per business and the area of the sign shall not exceed twenty five percent (25%) of the window in which it is located. A business may display permanent window signs at the first level only;
 - d. individual business identification signs located on the facade shall be similar as to proportion, construction materials and placement. The design, placement and scale of the signs shall be as to the satisfaction of the Development Officer, so as to ensure that signage does not detract from the overall appearance of the development and that signage is not obtrusive.
5. Temporary signs, including portable signs of a freestanding nature, shall be allowed

in accordance with Section 59 of the Zoning Bylaw, subject to the following criteria;

- a. One temporary freestanding sign, designed to the satisfaction of the Development Officer, may also be used for Real Estate Advertising purposes, such sign shall not exceed a maximum height of 3.0 m nor a sign area of 2.97 m² and shall be used for a period of 90 consecutive days, after the completion of each phase of the project.
- b. Real Estate leasing signs shall be restricted to one window sign per business premise, located at the ground level of buildings. Such signs shall not cover more than 25 percent of the area of the window where the sign is displayed.

DC2. 5 Additional Development Criteria for Specific Uses

1. Indoor Participant Recreation Services shall be limited to athletic clubs and health fitness centres, and may be permitted in a single commercial building.

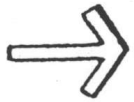
2. Child Care Services shall be developed in accordance with Section 80 of the Zoning Bylaw and shall be located such that direct access at grade can be provided to an outdoor play area. A site design indicating facilities and landscaping shall be provided for any outdoor play area. This design shall be reviewed and approved by the Development Officer in consultation with the appropriate members of the Citizen Services Department General Manager of Community and Family Services and the Community Services Departments. The play area shall be located away from vehicular-oriented uses and from parking and loading areas on the site and shall be enclosed by building walls or a screen fence, a minimum of 1.8 m high.

3. Financial institutions may be permitted a drive-through access provided that such access is located at the rear of the building and does not adversely affect the pedestrian orientation of the development to 28 Avenue, to the satisfaction of the Development Officer.

4. Notwithstanding Section 70(2)(a) and 70(3)(a) of the Zoning Bylaw, Cannabis Retail Sales shall be permitted on Site provided that:

a) Any Cannabis Retail Sales shall not be located less than 200 m from a public library. The 200 m separation distance shall be measured from the entrance of the Cannabis Retail Sales Use to the entrance of the public library; and,

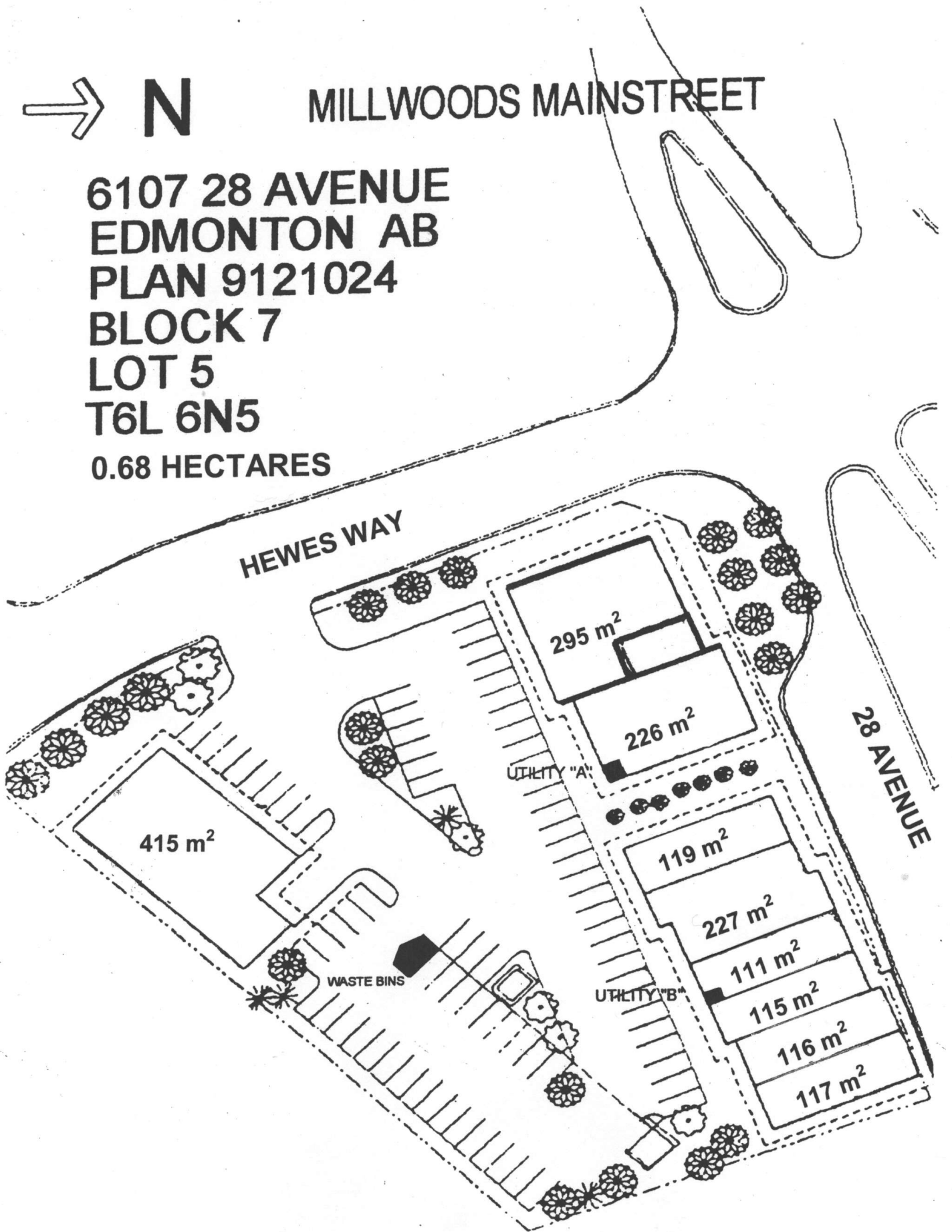
b) Any Cannabis Retail Sales use shall not install signage or advertise in any way that is visible from the public library.



N

MILLWOODS MAINSTREET

**6107 28 AVENUE
EDMONTON AB
PLAN 9121024
BLOCK 7
LOT 5
T6L 6N5
0.68 HECTARES**



APPLICATION SUMMARY

INFORMATION

Application Type:	Rezoning
Charter Bylaw:	19486
Location:	South of 28 Avenue NW and east of Hewes Way NW
Addresses:	2761 Hewes Way NW, 6107 28 Avenue NW
Legal Descriptions:	Unit 2, Plan 1021680 Unit 1, Plan 1021680
Site Area:	Approximately 0.7 ha
Neighbourhood:	Mill Woods Town Centre Development Concept Plan, Mill Woods Station ARP
Notified Community Organization:	The Woodvale Community League
Applicant:	EINS Consulting

PLANNING FRAMEWORK

Current Zone and Overlay:	(DC2) Site Specific Development Control Provision and Main Streets Overlay
Proposed Zone and Overlay:	(DC2) Site Specific Development Control Provision and Main Streets Overlay
Plans in Effect:	Mill Woods Development Concept Plan, Mill Woods Station Area Redevelopment Plan
Historic Status:	None

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