



ADMINISTRATION REPORT

REZONING

KEHEEWIN

11007 - 23 Avenue NW & 2011 - 111 Street NW

To allow for the addition of Cannabis Retail Sales to an existing DC2 Provision.



Recommendation: That Charter Bylaw 19571 to amend the Zoning Bylaw from (DC2) Site Specific Development Control Provision to (DC2) Site Specific Development Control Provision be APPROVED.

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

- will allow a variety commercial uses on a shopping centre site that is prominently located at the intersection of two arterial roadways;
- is appropriately located on a site larger than 2.0 hectares and adequately separated from sensitive land uses; and
- is in conformance with the Keheewin Neighbourhood Area Structure Plan (NASP).

Report Summary

This application was submitted by Invistec Consulting Ltd. on behalf of Alliance MJ Developments Ltd, with authorization from the current landowners of these parcels. This application proposes to change the zoning of a commercial shopping centre site from (DC2) Site Specific Development Control Provision to (DC2) Site Specific Development Control Provision to allow for the addition of Cannabis Retails Sales as a listed use within the DC2 Provision.

Appropriately located at the intersection of two arterial roadways, the proposed DC2 provision will provide the site with further commercial opportunities through the addition of Cannabis Retails Sales as a listed use.

Though this site is located in close proximity to both a recreation facility and public park along its southern boundary, the site does meet criteria set forth by Section 70 of the Zoning Bylaw which allows an exemption to separation distance regulations for Cannabis Retail Sales uses from other sensitive land uses. The criteria for this exemption is as follows and is met by this proposed application:

- the site that is larger than 2 hectares in size;
- the site is zoned CSC or DC2; and
- the site does not contain a public library.

The proposed DC2 Provision is in alignment with the Keheewin NASP which designates this site as a Commercial Shopping Centre.

The Application

1. **CHARTER BYLAW 19571** to amend the Zoning Bylaw to rezone the subject site from (DC2) Site Specific Development Control Provision and (DC2) Site Specific Development Control Provision.

The purpose of this rezoning application is to add Cannabis Retail Sales to the existing uses allowed on this site. Administrative updates have also been included to update the Provision to reflect current terminology and development regulations.

SITE AND SURROUNDING AREA

The subject site is located at the southeast corner of the intersection of two arterial roadways (111 Street NW and 23 Avenue NW). It is bordered on its north and east sides by commercial development and multi-unit housing, while its west and south sides are bounded by single detached housing and the William Lutsky Family YMCA/Kinsmen Twin Arenas, respectively.



AERIAL VIEW OF APPLICATION AREA

	EXISTING ZONING	CURRENT USE
SUBJECT SITE	(DC2) Site Specific Development Control Provision	Commercial/Retail
CONTEXT		
North	(DC2) Site Specific Development Control Provision	Commercial/Retail
East	(DC2) Site Specific Development Control Provision (RA7) Low Rise Apartment Zone	Commercial/Retail Low Rise Apartments
South	(DC2) Site Specific Development Control Provision (AP) Public Parks Zone	Recreation Facility Rec Centre and Open Space
West	(RF1) Single Detached Residential Zone (AP) Public Parks Zone	Single Detached Housing



VIEW OF THE SITE LOOKING NORTHEAST FROM 111 STREET NW



VIEW OF THE SITE LOOKING SOUTHWEST FROM 23 AVENUE NW

Planning Analysis

Keheewin Neighborhood Area Structure Plan (NASP)

The Keheewin NASP is in effect for this area and guides growth and development for the neighborhood. The NASP designates the subject site as a "Commercial Shopping Center" with Site Specific Development Controls. In alignment with the NASP, the site will remain zoned under a DC2 Provision which allows for the site to continue to be used as a commercial shopping centre with the additional opportunity for Cannabis Retail Sales as a retail service.

Land Use Compatibility

Section 70 of the Zoning Bylaw imposes minimum separation distances from other sensitive land uses such as schools, parks, libraries, public recreation facilities and other Cannabis Retail Sales uses.

As this site is located in close proximity to both a recreation facility and a public park along its southern boundary, these uses would typically require a 100 meter buffer and would otherwise impact a portion of this site for which no Cannabis Retail Sales use would be allowed. However, Section 70 also sets forth criteria which, if met, exempts certain sites from these separation distance regulations. The criteria for this exemption is as follows and is met by this application:

- the site that is larger than 2 hectares in size;
- the site is zoned CSC or DC2; and
- the site does not contain a public library.

By meeting this criteria, the subject site is deemed to be a self contained commercial site of appropriate size and scale, and is an appropriate location for a Cannabis Retail Sales use.

TECHNICAL REVIEW

Transportation

The proposed zoning change will not impact the surrounding road network and can be accommodated by the existing roadways.

Drainage

The proposed change will not impact the area's drainage system and can be accommodated by the existing storm and sanitary services within 110 Street NW.

EPCOR Water

EPCOR Water has reviewed the proposed rezoning and has deemed that proposed change can be accommodated by the existing water service within 110 Street NW. A deficiency in hydrant spacing was noted along the southside of 23 Avenue NW. Should the existing shopping centre site undergo significant redevelopment or expansion, this deficiency will need to be addressed at that time.

All other comments from affected City Departments and utility agencies have been addressed.

Community Engagement

Pre-application notification October 28, 2020	<ul style="list-style-type: none">• Number of recipients: 84• Number of responses with concerns: 2<ul style="list-style-type: none">◦ Concerns included the concentration of cannabis stores in a small area and the capacity of the existing parking lot for additional vehicles.
Advance Notice November 25, 2020	<ul style="list-style-type: none">• Number of recipients: 84• Number of responses received: 0
WEBPAGE	<ul style="list-style-type: none">• edmonton.ca/keheewin

With regards to the concern heard during the pre-application notification period that this application would yield an unwanted concentration of Cannabis Retail Sales uses in the area, it should be noted that there is one other Cannabis Retail Sales use operating in the general area, along 23 Avenue NW. However, it is separated by a distance of approximately 250 metres from this site, which meets the minimum separation distance between Cannabis Retail Sales uses (200 meters) required by Section 70 of the Zoning Bylaw.

Conclusion

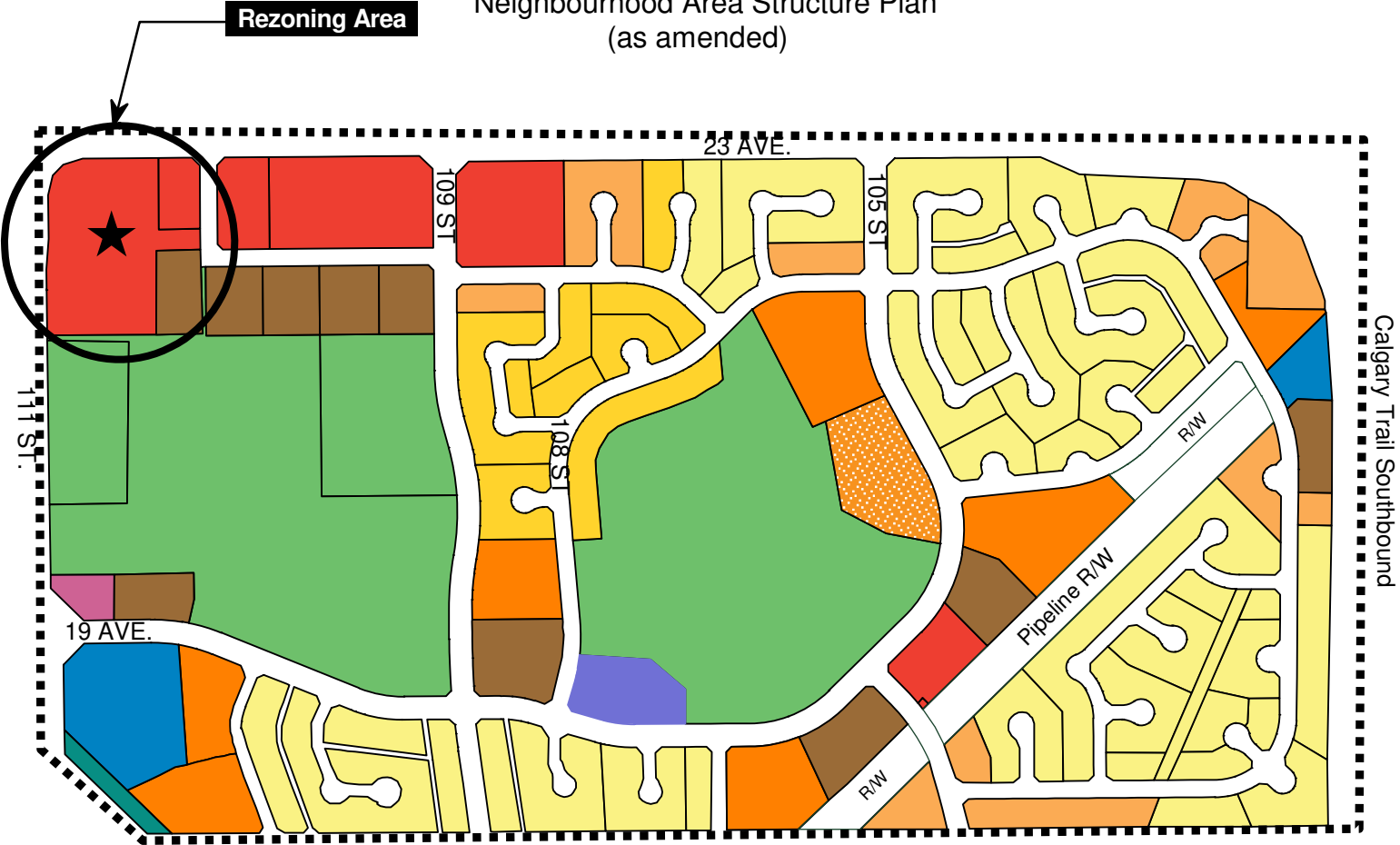
Administration recommends that City Council **APPROVE** this application.

APPENDICES

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

**BYLAW 19118
KEHEEWIN**

**Neighbourhood Area Structure Plan
(as amended)**



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 DC2.191~~

~~DC2.191.1.~~ General Purpose

To establish a Site Specific Development Control District for a shopping centre such that, by limiting the range of uses and establishing specific site development criteria, a compatible relationship with surrounding land uses will be achieved.

~~DC2.191.2.~~ Area of Application

This Provision Direct Control District shall apply to Lots 3 and 4, Block 1, 872 0395 and Lot 13, Block 1, 8720395 located on the southeast corner of 111 Street NW and 28 Avenue NW, as shown on as shown on the sketch plan, being Schedule "A", of the Charter Bylaw adopting this Provision to the Bylaw adopting this Direct Control District, Keheewin Kaskitayo. ~~This Direct Control District shall apply to Lots 3 and 4, Block 1, 872 0395 as shown on the sketch plan, being Schedule "A", to the Bylaw adopting this Direct Control District, Keheewin, Kaskitayo.~~

~~DC2.191.3.~~ Uses

- a. Bars and Neighbourhood Pubs; for less than 100 occupants
- ~~b. Broadcasting and Motion Picture Studios~~
- c. Business Support Services
- d. Cannabis Retail Sales
- e. Childcare Services
- f. Commercial Schools
- g. Convenience Retail Stores
- h. Drive-in Food Services
- i. Gas Bars
- j. General Retail Stores
- k. Government Services
- l. Health Services
- m. Indoor Participant Recreation Services
- n. Liquor Stores
- o. Media Studios
- ~~p. Major Alcohol Sales~~
- ~~q. Minor Alcohol Sales~~

- r. Minor Amusement Establishments
- s. Minor Service Stations
- ~~t. Minor Secondhand Stores with a gross floor area of less than 275 m² (2,960.07 sq. ft.)~~
- ~~u. Minor Veterinary Services~~
- v. Personal Service Shops
- w. Professional, Financial and Office Support Services
- x. Private Clubs
- y. Public Libraries and Cultural Exhibits
- z. Rapid Drive-through Vehicle Services
- aa. Religious Assembly
- bb. Residential Sales Centre
- cc. Restaurants
- dd. Secondhand Stores
- ee. Specialty Food Services
- ff. Veterinary Services
- gg. Fascia On-premises Signs
- hh. Freestanding On-premises Signs
- ii. Projecting On-premises Signs
- jj. Temporary On-premises Signs

~~DC2.191.4.~~ Development Criteria

- a. The maximum floor area ratio shall be 0.83.
- b. A landscaped yard, a minimum of 4.5 m (14.76 ft.) in width shall be provided adjacent to the north, east and west property lines of the site. The landscaped treatment for the yard adjacent to the west and north property lines shall include a berm of an average height of 1 m and the planting of three mature deciduous trees (a minimum caliper of 8 cm), two evergreen trees (a minimum of 2.5 m in height) and 10 shrubs for each 35 m of frontage, with the planting to be grouped in modules not greater than 25 m in length. The landscape treatment for the portion of the eastern yard adjacent to the walkway, shall include the planting of mature evergreen trees (a minimum of 3.0 m in height) and mature deciduous trees (a minimum caliper of 8 cm) with the planting intervals not to be greater than 4.5 m in length. To ensure that a high standard of appearance is achieved, detailed landscaping plans shall be submitted with the initial development permit application for approval by the Development Officer in consultation with the Parks and Recreation Department.

c. Uniform screen fencing of a solid design and a minimum of 1.8 m in height shall be provided along the south property line and along the property line where the site abuts the walkway right-of-way to the east.

d. ~~No parking, loading, storage and trash collection shall be permitted to the rear of buildings backing onto the walkway on the eastern perimeter of the site, starting at the southeastern corner of Lot 4 and extending up the eastern boundary of Lot 4 to the point parallel with the southern boundary of 21 Avenue.~~ Loading and trash collection may be permitted at the southeastern corner of the site at a minimum distance of 15 m from the eastern property line provided that the service area is screened from the apartment site by a wall, a minimum of 2.4 m in height. Any service lane in the aforementioned section, will be limited to a one-way single lane not to exceed 9 m in width which shall be used solely for through circulation purposes.

e. A minimum building setback of 13.5 m shall be required for all buildings, structures and accessory parking garages other than at grade parking lots where the site is adjacent to the walkway along the eastern perimeter. This minimum building setback may be reduced to the minimum yard requirements at the discretion of the Development Officer, where, in his opinion, the provision of landscaping, fencing, berming, building facade treatment or other design features adequately protect the amenities of nearby residential areas.

f. A minimum building setback of 7.5 m shall be required from the west property line of the site, provided that this minimum building setback shall be increased to 23 m for any buildings 1,000 m² or greater in gross floor area, and further provided that a minimum building setback of 44 m shall be required for any building greater than 10 m or two storeys in height.

g. The maximum building height shall not exceed 14 m ~~not four storeys~~, subject to the building setback requirements of Clause f) above.

h. Development shall be in accordance with the following architectural guidelines, to the satisfaction of the Development Officer:

- i. all exterior finishing materials must be of good quality, durable and attractive in appearance and all exposed building faces shall have consistent and harmonious exterior finishing materials and the treatment of the rear elevation of buildings adjacent to the walkway along the eastern perimeter of the site shall be consistent with that of the front elevation.
- ii. all mechanical equipment on the roof of any building on the site shall be completely screened or incorporated within the building roof. ~~Developments in this district shall be evaluated with respect to compliance with the~~

~~Development Regulations of Sections 40 through 61 inclusive, of the Zoning Bylaw.~~

~~i. Notwithstanding Section 720.3.2. no site plan is required.~~

~~j. The Development Officer may grant relaxations to the regulations contained in Sections 50 through 79 and the provisions of this District if, in his opinion, such a variance would be in keeping with the General Purpose of the District and would not adversely affect the amenities, use and enjoyment of neighbouring properties.~~

~~k. The Development Officer may grant relaxations to the regulations contained in Sections 50 through 79 and the provisions of this District if, in his opinion, such a variance would be in keeping with the General Purpose of the District and would not adversely affect the amenities, use and enjoyment of neighbouring properties.~~

~~l. Signs shall be allowed in this District as provided for in Schedule 79D and in accordance with the general provisions of Sections 79.1 to 79.9 inclusive, of the Land Use Bylaw.~~

~~m. The Development Officer shall require, as a condition of approval, that the applicant provide an irrevocable letter of credit or a performance bond, in the amount of 100% of the established landscaping cost, the conditions of the security being that:~~

- ~~i. 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~~
- ~~ii. the Development Officer shall not release the Landscaping Bond 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.~~

~~DC2.191.5.~~ Additional Development Criteria for Specific Uses

~~a. Gas Bars, Minor Service Stations, Rapid Drive-through Vehicle Services and Drive-in Food Services shall be developed in accordance with Section 72 of the Zoning Bylaw and shall be oriented such that their primary business exposure and access is not directed towards 111 Street.~~

~~b. The seating capacity of Minor Eating and Drinking Establishments, Specialty Food Services, Restaurants and Private Clubs shall be limited to 200 persons, except that the seating capacity of facilities primarily intended for the provision of theatre, dancing or cabaret entertainment shall be limited to 100 persons. Private Clubs shall be oriented such that their primary business exposure and access is not directed towards 111 Street.~~

c. Signs shall be developed in accordance with Schedule 59H.

d. Where the gross floor area of an individual business premise for a General Retail Store exceeds 1860 m², such businesses premises shall be oriented so that their primary business exposure and access is not directed towards 111 Street.

~~e. Where the gross floor area of an individual business premise for a General Retail Store or Warehouse Sales establishment exceeds 1860 m², such businesses premises shall be oriented so that their primary business exposure and access is not directed towards 111 Street.~~

~~f. Daytime Child Care Services shall be generally sited in accordance with the site plan attached hereto as Appendix I, unless an alternate location is agreed to by the Development Officer in consultation with Community and Family Services. Daytime Child Care Services shall be developed in accordance with Section 93 of the Land Use Bylaw and shall be located such that direct access at grade can be provided to an outdoor play area. The outdoor play area, which shall be approved by the Development Officer in consultation with the General Manager of Community and Family Services, shall be located away from vehicular-oriented uses and from loading areas on the site and shall be enclosed by building walls or a screen fence, a minimum of 1.8 m high and include two gates to provide emergency access.~~

~~g. Major and Minor Alcohol Sales shall be developed in accordance with Section 98 of the Land Use Bylaw.~~

APPLICATION SUMMARY

INFORMATION

Application Type:	Rezoning
Charter Bylaw:	19571
Location:	Southeast corner of 111 Street NW and 23 Avenue NW
Addresses:	11007 - 23 Avenue NW 2011 - 111 Street NW
Legal Descriptions:	Lots 3 and 4, Block 1, 872 0395 Lot 13, Block 1, 8720395
Site Area:	3.5 hectares
Neighbourhood:	Keheewin
Notified Community Organizations:	Ermineskin Community League Yellowbird Community League Southwest Area Council of Community Area Council
Applicant:	Invistec Consulting Ltd.

PLANNING FRAMEWORK

Current Zone:	(DC2) Site Specific Development Control Provision
Proposed Zone:	(DC2) Site Specific Development Control Provision
Plans in Effect:	Keheewin Neighbourhood Area Structure Plan Kaskitayo Outline Plan
Historic Status:	n/a

Written By:
Approved By:
Branch:
Section:

Stuart Carlyle
Tim Ford
Development Services
Planning Coordination