



CITY PLANNING REPORT

REZONING and PLAN AMENDMENT

McCauley

10767 - 95 STREET NW

To allow for the addition of cannabis retail sales use to the list of allowed uses.



RECOMMENDATION AND JUSTIFICATION

City Planning is in **SUPPORT** of this application because :

- the proposed additional use is complimentary and compatible with the existing commercial uses of the site and surrounding area; and
- the proposal aligns with the Boyle Street / McCauley Area Redevelopment Plan (ARP).

THE APPLICATION

CHARTER BYLAW 18811 to amend the Zoning Bylaw from (DC2) Site Specific Development Control Provision to (DC2) Site Specific Development Control Provision for the purpose of adding Cannabis Retail Sales as a listed use.

The DC2 Provision is also updated to reflect current Use Classes within the Edmonton Zoning Bylaw and removes location criteria from Uses where regulated through separate provisions.

SITE AND SURROUNDING AREA

The site is located on 95 Street NW, south of 108 Avenue NW. The existing mixed-use building was constructed in 2015 and is not expected to redevelop in the near future. The subject site is bordered by single detached housing to the east, and low rise apartments with ground floor commercial uses to the west. Neighbourhood commercial uses are located to the north and south of the site.



AERIAL VIEW OF APPLICATION AREA

EXISTING ZONING		CURRENT USE
SUBJECT SITE	(DC2) Site Specific Development Control Provision	Mixed Use building with ground floor commercial and residential above.
CONTEXT		
North	(CNC) Neighbourhood Commercial Zone	Commercial retail stores
East	(DC1) Direct Development Control Provision - Low Density Residential & Compatible Infill	Single Detached Housing
South	(CNC) Neighbourhood Commercial Zone	Commercial retail stores
West	(DC2) Site Specific Development Control Provision	Mixed Use building with ground floor commercial/residential building.



LOOKING EAST FROM 95 STREET NW



LOOKING SOUTH FROM 108 AVENUE NW

PLANNING ANALYSIS

The proposed rezoning to a revised DC2 Provision will add the Cannabis Retail Sales use and expand the opportunities for commercial uses within the recently constructed building. The proposed rezoning is within Neighbourhood Commercial Sub-Area 2 of the Boyle Street McCauley Area Redevelopment Plan (ARP) and in general alignment with the plan. Low intensity business and neighbourhood convenience commercial uses are encouraged to minimize land use conflicts with adjacent residential areas. Cannabis Retail Sales, like all other commercial uses within the existing DC2, would only be permitted within the commercial space on the ground floor of the existing mixed-use building. Section 70 of the Edmonton Zoning Bylaw, regulating the Cannabis Retail Sales Use, will apply to the development of this use on the site.

Appendix 1 of this report identifies and explains the changes to the DC2 Provision proposed with this application.

TECHNICAL REVIEW

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

PUBLIC ENGAGEMENT

PRE-APPLICATION NOTICE December 20, 2018	<ul style="list-style-type: none">• Number of recipients: 192 (120 m radius) <p><u>As reported by applicant</u></p> <ul style="list-style-type: none">• Number of responses: 3• Two respondents had concerns about adding cannabis retail sales use• one respondent asked for additional time to provide their response
ADVANCE NOTICE February 8, 2019	<ul style="list-style-type: none">• Number of recipients: 47 (61 m radius)• Number of responses: 0
PUBLIC MEETING	<ul style="list-style-type: none">• Not held
WEBPAGE	<ul style="list-style-type: none">• www.edmonton.ca/mccauley

CONCLUSION

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

APPENDICES

- 1 Track Changes DC2 Provision
- 2 Application Summary

(DC2) SITE SPECIFIC DEVELOPMENT CONTROL PROVISION

1. General Purpose

To accommodate a five storey mixed use commercial/residential development with opportunity for a limited range of ~~convenience~~ commercial uses on the ground floor, residential use on next three floors and limited green space amenities on the fifth floor, with site specific development controls to achieve a pedestrian friendly environment and the development objectives in the Italian Village Commercial Sub-area.

Comment [CP1]: The reference to "convenience" commercial uses is removed since the Zone also allows Restaurants and Child Care Services as well as Bars and Neighbourhood Pubs.

2. Area of Application

~~This Provision shall apply to Lots 21 and -22 of Block 19, Plan RN 23, located east of 95 Street and south of 108 Avenue, McCauley RN23, as shown on Schedule "A" of the Bylaw adopting this Bylaw Provision, McCauley.~~

Comment [CP2]: Standard format for Area of Application

3. Uses

- a. Apartment Housing
- b. Bars and Neighbourhood Pubs, for less than ~~78 occupants and~~ 93 m² of Public Space
- c. Cannabis Retail Sales
- ~~d. Child Care Services~~
- ~~e. Commercial Schools~~
- ~~f. Convenience Retail Stores~~
- ~~g. General Retail Stores~~
- ~~h. Health Services~~
- ~~i. Minor Alcohol Sales, where located no less than 500 metres from any other Major or Minor Alcohol Sales Use.~~
- ~~j. Major and Minor Amusement Establishments, limited to a maximum of two electronic and two table games~~
- k. Minor Amusement Establishments
- ~~l. Minor Secondhand Stores with a floor area less than 275 m²~~
- m. Personal Service Shops
- n. Professional, Financial and Office Support Services
- ~~o. Public Libraries and Cultural Exhibits~~
- ~~p. Restaurants, for less than 78 occupants and~~ 93 m² of Public Space
- q. Secondhand Stores with a Floor Area less than 275 m²

Comment [CP3]: The Use riders for the numbers of occupants in Bars and Neighbourhood Pubs and Restaurants have been removed. The Zoning Bylaw cannot regulate people, and relies instead on Floor Area or Public Space.

Comment [CP4]: Application to add Cannabis Retail Sales

Comment [CP5]: Locations for Minor Alcohol Sales are regulated under Section 85 of the Zoning Bylaw

Comment [CP6]: Two electronic and two table game limits are included in the Zoning Bylaw definition of Minor Amusement Establishments

Comment [CP7]: "Minor" Secondhand Stores is not defined in the Zoning Bylaw. The Floor Area is used to limit this Use

- ~~b.r.~~ Fascia On-premises Signs
- ~~e.s.~~ Freestanding ~~On-premises~~ Signs
- ~~e.t.~~ Projecting On-premises Signs
- ~~p.u.~~ Temporary On-premises Signs

Comment [CP8]: "On-premises" added to refer to defined Use in the Zoning Bylaw

4. Development Regulations

- a. Development shall be in general accordance with the Site Plan and Elevations illustrated in Appendix 1, and the following regulations.
- b. The maximum Floor Area Ratio shall be 3.0.
- c. The maximum number of ~~dwelling~~~~s~~ ~~Dwellings~~ shall be twenty one (21).
- d. Bed-sitting Rooms shall be 37 m² (400 ft²) +/- 10% in size.
- e. Commercial and non-residential uses shall only be permitted on the ~~First Floor~~ ~~first~~ ~~floor~~.
- f. Apartment Housing shall only be permitted above the First Floor.
- g. Apartment Housing shall have access provided at grade separate from access for commercial purposes.
- h. The maximum Height shall not exceed 18m or 5 stories. The ~~5th-fifth floor~~ ~~Floor~~ is limited to the development of roof top gardens and Greenhouses. If a Greenhouse is not constructed, then the roof of the 4th floor must still be developed as additional landscaped amenities for building occupants.
- i. Yards shall be provided as shown on the Site Plan, except that the minimum building setback on the ~~First Storey~~ ~~first storey~~ (west elevation) adjacent to 95 Street shall be 0.61 m, as shown on the Site Plan.
- j. Building ~~setback~~ ~~Setback~~ for development on the fifth storey, if constructed, shall be a minimum of 4.5m from the building faces along 95 Street, 108 Avenue and the ~~abutting~~ ~~Abutting~~ lane.
- k. The maximum Public Space associated with any combination of Restaurant, Bars and Neighbourhood Pubs and Specialty Food Service shall not exceed ~~78-occupants~~ ~~and~~ 93 m² of Public Space.
- l. Vehicular Parking shall be provided in accordance with Section 54 of the Zoning Bylaw to the satisfaction of the Development Officer, the Transportation Department and the following:
 - i. The minimum number of parking spaces per ~~bed-sitting-room~~ ~~dwelling~~ ~~Dwelling~~ shall be 0.33.
 - ii. Visitor parking shall be provided at grade, at the rear of the building. -All onsite surface parking shall be screened with landscaping and/or fencing along 108 Avenue and the south property line, to the satisfaction of the

Comment [CP9]: Defined terms in the Zoning Bylaw are capitalized

Comment [CP10]: The terms "floor" and "storey" are not defined terms in the Zoning Bylaw and are not Capitalized.

Development Officer.

- iii. Vehicular access to the ~~site~~Site shall be determined at the Development Permit stage.
- iv. For underground parking, the driveway ramp must be at grade at the property line and must not exceed a slope of 6% for a distance of 4.5 m inside the property line.

~~m.v.~~ Loading, recycling and garbage collection areas shall be located at the rear of the building, as illustrated in Appendix 1. Recycling and Garbage collection areas shall be screened from view from adjacent sites and 108th Avenue in accordance with the provisions of Section 55 of the Zoning Bylaw.

~~n.m.~~ A detailed Landscaping Plan shall be prepared in accordance with the landscape concept shown on the Site Plan and the requirements of Section 55 of the Zoning Bylaw, and shall be submitted to and approved by the Development Officer prior to the approval of any development Permit. The Plan shall include details of the landscaped amenity area on the fifth floor, other amenity areas, pavement materials in the building ~~setback~~Setback area along 95 Street, exterior lighting, pedestrian seating areas and sizes and species of new planting for the entire ~~site~~Site, to the satisfaction of the River Valley, Forestry and Environmental Services Branch, Asset Management and Public Works Department and the Development Officer.

~~o.n.~~ A Crime Prevention Through Environmental Design Assessment shall be provided to the Development Officer and approved prior to development approval to ensure that development provides a safe urban environment in accordance with the guidelines and principles established in the Design Guide for a Safer City.

~~p.o.~~ A minimum ~~amenity area~~Amenity Area of 7.0 m² per ~~dwelling~~Dwelling unit shall be provided in the form of balconies, accessed directly from each individual unit. Additional ~~amenity areas~~Amenity Areas may be provided on the fifth floor or at the main level as part of common ~~amenity areas~~Amenity Areas.

~~q.p.~~ Signs shall comply with the regulations in Section 59D of the Zoning Bylaw, except that Freestanding On-premises sign shall be limited to one sign with a maximum height of 3.0m and a sign face 6m², designed to reflect the Italian Village theme. Backlit or neon signs are prohibited. Identification Signage for the Restaurant (~~Trattoria~~) may be placed on the south façade of the Building, to the satisfaction of the Development Officer.

~~r.q.~~ Development on this ~~site~~Site must reflect elements and materials associated with the Italian Village theme, designed in accordance with the following architectural guidelines, to the satisfaction of the Development Officer:

- i. The overall development must be designed to reduce the perceived mass of the building, add architectural interest and promote the pedestrian scale of the abutting streets using such design techniques as articulation of façades,

recessions, projections such as canopies, bay windows, entrance features cornices, pilasters and sign bands.

- ii. The development shall address 95th Street with individual entrances that are clearly visible and provide direct access to the sidewalk to lend a sense of occupancy and pedestrian scale to the street. In this regard, the primary entrance to the commercial space must address both 95 Street and 108 Avenue in a prominent manner, and the façade treatment shall wrap around the side of the building to provide a consistent profile facing both public roadways in accordance with the ~~Pedestrian Commercial Shopping Street~~Main Streets Overlay, ~~Section 819~~ of Zoning Bylaw.
- iii. Architectural treatment of all facades of the building must create a unified building exterior. The exterior finishes shall be based on the elevations shown and will generally consist of materials such as glass and glazed window wall systems, brick, concrete block and cement or acrylic stucco. ~~The use vinyl siding is not permitted.~~
- iv. Main building entrances for any Use shall be designed for universal accessibility. Level changes from the sidewalk to entrances of buildings shall be minimized.
- v. The west elevation on the main floor Commercial (~~trattoria~~/bar/restaurant) may have roll-up windows in support of a pedestrian oriented shopping street.
- vi. Development on the ~~site~~Site shall incorporate functional and decorative lighting to enhance the appearance of the building during winter months.
- vii. The roof of the fourth storey must be developed as green spaces to include such features as landscaped gardens or patios to improve rooftop aesthetics and provide additional amenity space for building occupants. Greenhouses may be developed, in which case the Roof will be considered a ~~Storey~~storey.
- viii. A decorative mural reflecting the history of the area or Italian Village theme for the ~~trattoria~~Restaurant may cover approximately 30% on the south blank party wall of the development, at the discretion of the Development Officer.
- ix. 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.

Comment [CP11]: "Main Streets Overlay" replaced the previous "Pedestrian Commercial Shopping Street Overlay"

Comment [CP12]: All references to "Trattoria" are replaced with "Restaurant".

APPLICATION SUMMARY

INFORMATION

Application Type:	Rezoning
Bylaw and Charter Bylaw:	18811
Location:	South of 108 Avenue NW and east of 95 Street NW
Address:	10767 - 95 Street NW
Legal Description:	Lots 21 and 22 of Block 19, Plan RN23
Site Area:	749.9 m ²
Neighbourhood:	McCauley
Notified Community Organizations:	McCauley Community League
Applicant:	Beljan Development

PLANNING FRAMEWORK

Current Zone and Overlay:	(DC2) Site Specific Development Control Provision
Proposed Zone:	(DC2) Site Specific Development Control Provision
Plan in Effect:	Boyle Street / McCauley Area Redevelopment Plan
Historic Status:	None

Written By:
Approved By:
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