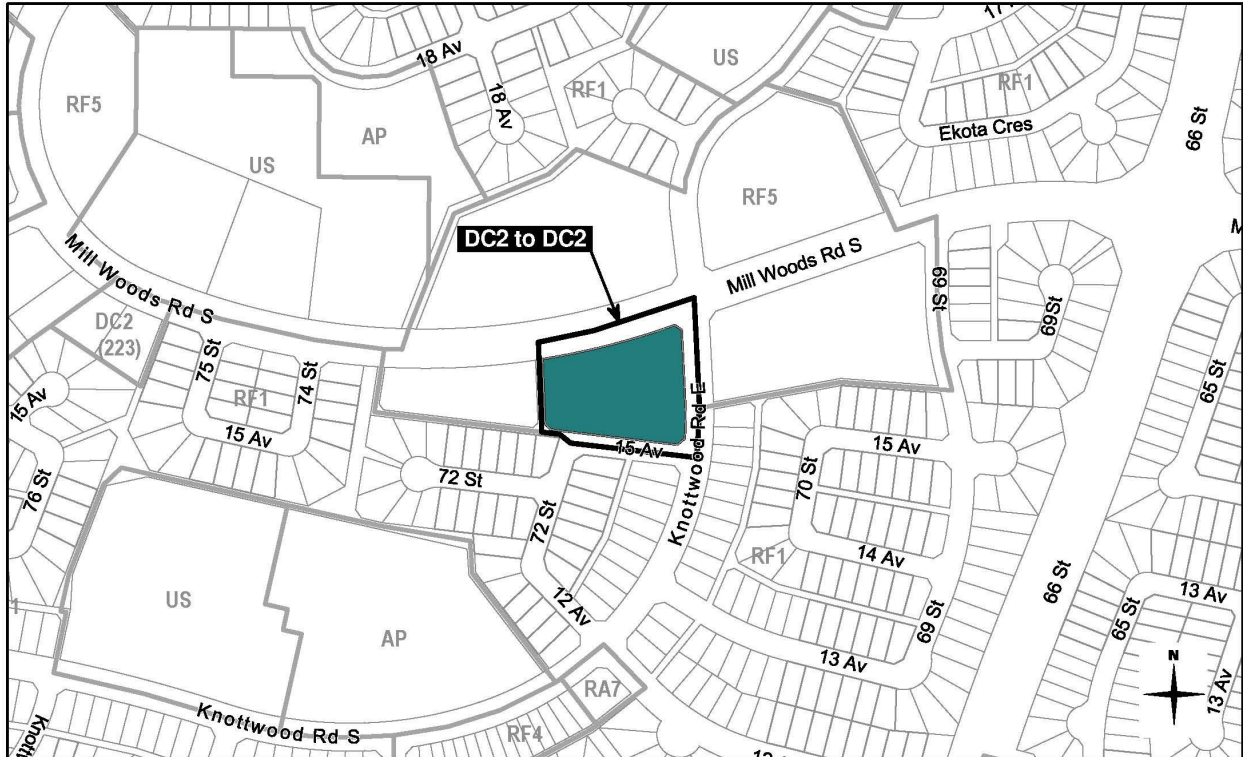




# ADMINISTRATION REPORT REZONING MENISA

## 1035 KNOTTWOOD ROAD EAST NW



**Recommendation:** That Charter Bylaw 19594 to amend the Zoning Bylaw from (DC2) Site Specific Development Control Provision to (DC2) Site Specific Development Control Provision be **APPROVED**.

Administration **SUPPORTS** this application because:

- the proposed zone will allow for additional neighbourhood-scale commercial uses;
- the site meets the locational requirements for Cannabis Retail Sales under Section 70 of the Zoning Bylaw; and
- the proposed provision conforms with the intent of the Mill Woods Development Concept Plan.

## Report Summary

This land use amendment was submitted by Eins Consulting on November 4, 2020 on behalf of Tricentre Acquisitions LP. The application proposes to rezone the site from (DC2) Site Specific Development Control Provision to (DC2) Site Specific Development Control Provision. The current (DC2) Provision allows for a range of small-scale commercial uses. The proposed (DC2) Provision will add Cannabis Retail Sales, Markets and Special Events to the list of uses allowed on site, and will update the language and terminology of the regulations to align with the current standards of the Zoning Bylaw.

The Mill Woods Development Concept Plan is in effect for this area. The plan supports neighbourhood commercial sites along transit routes and at roadway intersections.

The Edmonton Public and Catholic School Boards disagree with City Administration's interpretation that the proposed rezoning satisfies the Cannabis Retail Sales separation distances required under Section 70 of the Zoning Bylaw. A summary of their arguments and City Administration's response is provided below.

All other comments from civic departments and utility agencies regarding this proposal have been addressed and are summarized below.

## The Application

**Charter Bylaw 19594** proposes to rezone the site from (DC2) Site Specific Development Control Provision to (DC2) Site Specific Development Control Provision.

The current (DC2) Provision allows for a range of small-scale commercial uses. The proposed (DC2) Provision will add Cannabis Retail Sales, Markets and Special Events to the list of uses allowed on site.

## Site and Surrounding Area

The site is 1 hectare in size and is developed with commercial uses. It is located south of Mill Woods Road South NW and west of Knottwood Road East NW.



AERIAL VIEW OF APPLICATION AREA

	<b>EXISTING ZONING</b>	<b>CURRENT USE</b>
<b>SUBJECT SITE</b>	(DC2) Site Specific Development Control Provision	Shopping Centre
<b>CONTEXT</b>		
North	(RF5) Row Housing Zone	Row Housing
East	(RF5) Row Housing Zone (RF1) Single Detached Residential Zone	Row Housing Single Detached Housing
South	(RF1) Single Detached Residential Zone	Single Detached Housing
West	(RF5) Row Housing Zone	Row Housing



VIEW OF THE SITE LOOKING SOUTHEAST FROM MILL WOODS ROAD SOUTH NW

## Planning Analysis

### PLANS IN EFFECT

The proposed (DC2) Provision conforms with the intent of the Mill Woods Development Concept Plan, which supports neighbourhood commercial sites along transit routes and at roadway intersections. The proposed (DC2) Provision is comparable in scale to regulations found under the (CNC) Neighbourhood Convenience Commercial Zone, as shown in the table below:

	<b>Proposed DC2 Provision</b>	<b>(CNC) Neighbourhood Convenience Commercial Zone</b>
<b>Maximum Height</b>	10.0 m	10.0 m
<b>Maximum Floor Area</b>	500 m <sup>2</sup>	275 m <sup>2</sup> (for a permitted use) 1000 m <sup>2</sup> (for a discretionary use)
<b>Setback from public road</b>	4.5 m (including Lanes)	4.5 m (excluding Lanes)
<b>Maximum Floor Area Ratio</b>	1.0	1.0

### LAND USE COMPATIBILITY

The proposed Provision will allow for additional compatible neighbourhood-scale commercial uses within walking distance of residential uses.

The site meets the locational requirements for Cannabis Retail Sales under Section 70 of the Zoning Bylaw. Section 70 will apply to the proposed (DC2) Provision in accordance with Section 69 (Special Land Use Provisions) which states:

“The Special Land Use Provisions apply to the Uses listed in any Zone or Direct Control Provision in which they are located. They shall take precedence and be applied in addition to the requirements of the Zone, except where a Zone, Direct Control Provision or Overlay specifically excludes or modifies these provisions with respect to any Use.”

## Technical Review

### Transportation

Vehicular accesses to the site are existing from Mill Woods Road South and Knottwood Road East. Any modifications to the existing accesses will require review and approval from Administration (Subdivision and Development Coordination team).

### **EPCOR Water**

There is a deficiency in on-street hydrant spacing adjacent to the property. The applicant is required to construct one new hydrant on Knottwood Road East NW and one new hydrant on Millwoods Road South NW.

Prior to the issuance of a Development Permit, the applicant must submit documentation that demonstrates 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.

### **Edmonton Public and Catholic School Boards**

Both the Edmonton Public and Edmonton Catholic School Boards disagree with Administration's interpretation that the proposed rezoning satisfies the Cannabis Retail Sales separation distances required under Section 70 of the Zoning Bylaw. They feel that the school-site-proper and the abutting park should be interpreted as a single school site and therefore subject to the 200 m buffer requirement. The affected schools and parks are: Menisa School / Menisa Park and St. Clement School / Father Ivor Daniel Park.

Section 70 of the Zoning Bylaw states that Cannabis Retail Sales are to be located:

- a) a minimum of 200 m from a site being used for public or private education; and
- b) a minimum of 100 m from:
  - i) a site being used for community recreation services use or a community recreation facility;
  - ii) a site being used as public lands (sites zoned AP or A); and
  - iii) a site designated as school reserve or municipal and school reserve.

Administration has applied the 200 m buffer to the properties owned by the School Boards and the 100 m buffer to the park properties owned by the City of Edmonton as demonstrated in Figure 1 below. Administration has concluded that the proposed rezoning area satisfies the separation distances required by the Zoning Bylaw.

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



FIGURE 1

## Community Engagement

<p><b>DC2 PRE-NOTIFICATION</b> October 8, 2020</p>	<ul style="list-style-type: none"> <li>● Number of recipients: 234</li> <li>● No responses received</li> </ul>
<p><b>ADVANCE NOTICE</b> December 7, 2020</p>	<ul style="list-style-type: none"> <li>● Number of recipients: 267</li> <li>● Number of responses with concerns: 1</li> <li>● Summary of concerns:                         <ul style="list-style-type: none"> <li>○ Do not support cannabis retail in this neighbourhood.</li> <li>○ Did not support the Federal Government legalizing marijuana.</li> <li>○ There are lots of schools and children in the area.</li> </ul> </li> </ul>
<p><b>WEBPAGE</b></p>	<ul style="list-style-type: none"> <li>● <a href="http://edmonton.ca/menisaplanningapplications">edmonton.ca/menisaplanningapplications</a></li> </ul>

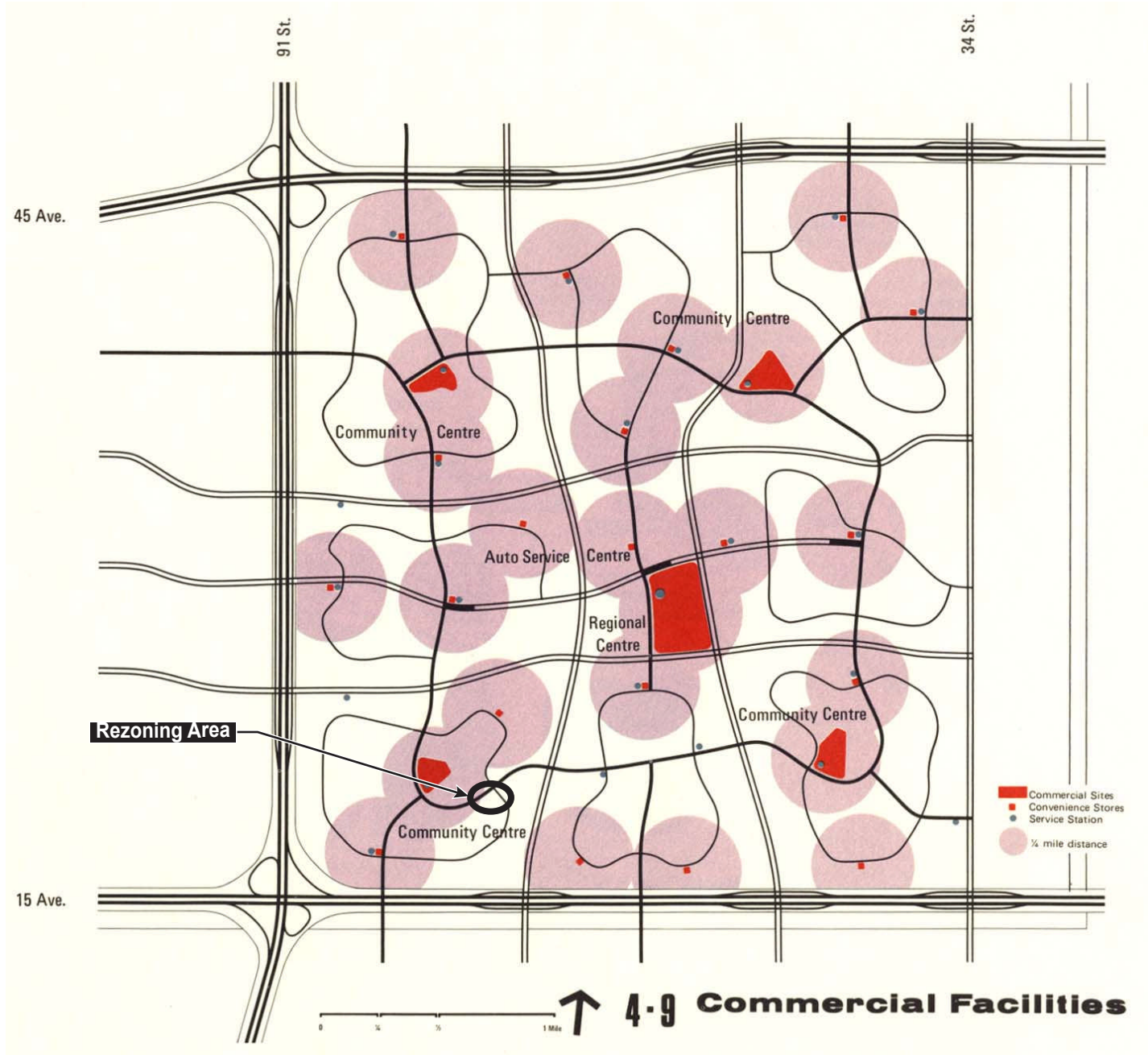
## Conclusion

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

## Appendices

- 1 Context Plan Map
- 2 DC2 Track Changes

### 3 Application Summary





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

The purpose of this provision is to provide for convenience commercial uses ~~including minor alcohol sales and personal service uses~~, which are intended to serve the day-to-day needs of residents within the neighbourhood.

### **DC2.2. Area of Application**

This provision shall apply to Lot 1, Block 27, Plan 7621268, located west of Knottwood Road East **NW** and south of Millwoods Road South **NW**, as shown in Schedule "A" of ~~the~~ Bylaw, adopting this Provision, Menisa.

### **DC2.3 Uses**

1. ~~Apartment Housing~~
2. Bars and Neighbourhood Pubs, ~~for less than 100 occupants and 120 m2 of Public Space~~
3. **Cannabis Retail Sales**
4. Child Care Services
5. Commercial Schools
6. Convenience Retail Stores
7. General Retail Stores
8. Health Services
9. Indoor Participant Recreation Services
10. ~~Minor Alcohol Sales~~ **Liquor Stores**
11. **Market**
12. Minor Amusement Establishments
13. ~~Minor Second Hand Stores, with a Floor Area less than 275 m2~~
14. Minor Service Stations
15. **Multi-unit Housing**
16. Personal Service Shops
17. Professional, Financial and Office Support Services
18. Public Libraries and Cultural Exhibits
19. Religious Assemblies
20. Restaurants, ~~for less than 100 occupants and 120 m2 of Public Space~~
21. **Special Event**
22. Specialty Food Services, ~~for less than 100 occupants and 120 m2 of Public Space~~
23. Veterinary Services
24. Fascia On-premises Signs
25. Freestanding On-premises Signs
26. Projecting On-premises Signs
27. Roof On-premises Signs
28. Temporary On-premises Signs

### **DC2.4. Development Regulations**

1. The ~~development Site layout and building locations~~ shall be in general accordance with Appendix 1 - **Site Plan**.

2. The maximum Floor Area of any individual business premises ~~not restricted as to Floor Area in Section 3 or elsewhere in the Zoning Bylaw~~ shall not exceed 500 m<sup>2</sup> except:
  - a. A grocery store or supermarket may be permitted a Floor Area of up to 800 m<sup>2</sup>;
  - b. Bars and Neighbourhood Pubs, Restaurants and Specialty Food Services shall not exceed a capacity of 100 Occupants or 120 m<sup>2</sup> of Public Space; and
  - c. The maximum Floor Area for Secondhand Stores shall be 275 m<sup>2</sup>.
3. The maximum Floor Area Ratio shall be 1.0.
4. The maximum ~~b~~Building Height shall not exceed 10.0 m ~~nor 2 1/2 Storeys~~.
5. A minimum Setback of 4.5 m shall be required where the Site ~~A~~abuts a public roadway, including ~~L~~anes (on the south, north, east and west Lot Lines). ~~Parking shall be provided and located to the satisfaction of the Development Officer and the Transportation Department.~~
6. No parking, loading, storage, trash collection, outdoor service or display area shall be permitted within a Setback, except where identified on ~~the - s~~Site Plan.
7. Loading, storage and trash collection areas shall be located to the rear or sides of the principal building and shall be screened from view from any adjacent Sites, ~~or public roadways or Light Rail Transit lines~~ in accordance with the provisions of ~~subsection~~ Section 55.4 of ~~this~~ Zoning Bylaw, as amended.
8. If the rear or sides of the Site are used for parking, an outdoor service display area or both, and ~~A~~abut a Residential Zone or a Lane serving a Residential Zone, such areas shall be screened in accordance with the provisions of ~~subsection~~ Section 55.4 of ~~this~~ Zoning Bylaw, as amended.  
~~Minor Alcohol Sales shall comply with the regulations found in Section 85. Vehicular Oriented Uses shall comply with the regulations found in Section 72.~~
9. Where ~~Uses Classes~~, 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 Classes~~ 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 the ~~Zoning~~ Bylaw, as amended; 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.
10. Signs shall comply with the regulations found in Schedule 59D of the Zoning Bylaw, as amended.  
~~Landscaping shall comply with the regulations found in Section 55.~~
11. That the owner may be required to enter into an ~~Municipal Improvement~~ Agreement with the City of Edmonton for off-site improvements necessary to serve the development, such improvements to be constructed at the owner's cost, and to the satisfaction of the Development Officer in consultation with Subdivision and Development Coordination (Transportation). Improvements to be addressed in the Agreement include but are not limited to the following:
  - a. Reconstruction of the existing 9.0 m commercial crossing access to Millwoods Road South, located approximately 33 m east of the west property line;
  - b. Repair of any damage to the ~~A~~butting roadways, sidewalks and/or boulevards resulting from construction of the development, ~~to~~ the satisfaction of

~~Subdivision and Development Coordination (Transportation) Transportation Services. The site must be inspected by Transportation Services prior to the start of construction and once again when construction is complete.~~

13. The following regulations shall apply to ~~Multi-unit Apartment~~ Housing developments:

- a. ~~Multi-unit Apartment~~ Housing shall be permitted only in buildings where the first Storey is used for commercial purposes; and
- b. the housing component shall have access at ~~ground level~~ grade, which is separate from the access for ~~the commercial premises purposes, and~~
- c. ~~if a development contains two or more Dwellings, a minimum of 7.5 m2 of Amenity Area is required per Dwelling, in accordance with the provisions of Section 46 of this Bylaw.~~

## APPLICATION SUMMARY

### INFORMATION

Application Type:	Rezoning
Charter Bylaw:	19594
Location:	South of Mill Woods Road South NW and west of Knottwood Road East NW
Address:	1035 - Knottwood Road East NW
Legal Description:	Lot 1, Block 27, Plan 7621268
Site Area:	1 hectare
Neighbourhood:	Menisa
Notified Community Organizations:	Knottwood Community League and Mill Woods Presidents Council (MWPC) Area Council
Applicant:	Ryan Eidick, Eins Consulting

### PLANNING FRAMEWORK

Current Zone:	(DC2.803) Site Specific Development Control Provision
Proposed Zone:	(DC2) Site Specific Development Control Provision
Plan in Effect:	Mill Woods Development Concept Plan
Historic Status:	None

Written By:	Michelle Neilson
Approved By:	Tim Ford
Branch:	Development Services
Section:	Planning Coordination