



## REQUEST FOR DECISION

**MEETING DATE:** September 13, 2021

**TITLE:** C-1168-21 – Land Use Bylaw Amendment – Drive Through Business, Plan 142 2641, Block 1, Lot 1 – First Reading

**DIVISION:** Planning & Infrastructure

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### **SUMMARY:**

First reading of Bylaw C-1168-21 is being brought forward for consideration by Council. This bylaw is a site specific Land Use Bylaw text amendment to Section 125 C3 - Neighbourhood Retail and Service District, to add Drive Through Business as a discretionary use to the district, site specific to a portion of Plan 142 2641, Block 1, Lot 1.

Administration supports this Bylaw.

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### **PROPOSED MOTION:**

That first reading be given to Bylaw C-1168-21 - Land Use Bylaw Amendment – Drive Through Business, Plan 142 2641, Block 1, Lot 1.

### **BACKGROUND/ANALYSIS:**

The developer of the future commercial site located at Plan 142 2641, Block 1, Lot 1 (386 Jennifer Heil Way) has made an application for a site specific text amendment to the Land Use Bylaw, Section 125 C3 – Neighbourhood Retail and Service District. The amendment proposes the addition of Drive Through Businesses as a discretionary use for the future commercial site at 386 Jennifer Heil Way. In addition to the added discretionary use, several site specific development regulations are being proposed to ensure compatibility with the developing residential areas to the south and east.

#### *Land Use Bylaw*

The subject site is currently districted UR – Urban Reserve, but is the subject of a concurrent redistricting bylaw, C-1170-21, that proposes to redistrict the site to C3 – Neighbourhood Retail and Service District.

As identified in Section 125 (1) of the Land Use Bylaw, the general purpose of the C3 - Neighbourhood Retail and Service District is to provide for the development of commercial and personal service uses serving the day-to-day needs of residents within a residential neighbourhood.

At present, the Drive Through Businesses use is not included as a permitted nor discretionary use within the C3 District. The planning rationale for this use not being included within this district is twofold:

1. The district is meant to service the neighbourhood with day-to-day commercial and service needs. The use of drive through services would potentially attract vehicular traffic from locations beyond the local neighbourhood and bring that traffic into the neighbourhood.
2. To prevent potential negative impacts from the proximity of drive through lanes with residential uses.

In regard to the first point, the subject site is located on and will have access off of a busy arterial road (Jennifer Heil Way) and a collector road with a signalized intersection at the connection to Jennifer Heil Way. With these access / egress points, traffic will be able to enter and leave the site without travelling through the interior of the neighbourhood.

Numerous land use bylaws for other urban Alberta municipalities have been reviewed and it was found that a large majority provide for drive through businesses within their neighbourhood type commercial districts. Several have specific regulation to help provide buffering and separation for this use from adjacent residential uses.

Administration has worked with the developer in drafting specific requirements to help mitigate potential noise, light, and odour impacting the future adjacent residential development. These requirements include:

1. The construction of a berm, minimum height of 1.0m;
2. The installation of a 1.8m sound attenuation fence;
3. A minimum grade separation between the drive through lane and the top of fence; and,
4. A lighting plan to minimize or prevent light pollution.

These additional requirements, together with other standard landscaping, parking/queueing, and setback regulations within the Land Use Bylaw will work together to help ensure a satisfactory transition or buffer between the proposed Drive Through Businesses use at this site and the future adjacent residential uses.

**OPTIONS / ALTERNATIVES:**

This bylaw is being brought forward for first reading only. Discussion and consideration of changes to the bylaw may be made at second reading, which may occur after a public hearing is held on the matter. Alternatively, Council may defeat the motion for first reading and choose not to give consideration to this bylaw.

**CONSULTATION / ENGAGEMENT:**

A statutory public hearing will be held prior to second reading. Advertising of the public hearing will satisfy the requirements of the *Municipal Government Act*.

**IMPLEMENTATION / COMMUNICATION:**

If approved, the Land Use Bylaw will be updated to reflect the proposed text amendment.

**IMPACTS:**

If approved, the proposed amendment would allow the discretionary development of the Drive Through Businesses use at 386 Jennifer Heil Way.

**FINANCIAL IMPLICATIONS:**

n/a

**STRATEGIC VISION ELEMENT:**

Where People Choose to Grow a Business - A strong, diversified business centre

**RELATED GOAL:**

The City maintains a constant inventory of available land, both developed and developable, to ensure businesses can find properties that meet their needs.