



REQUEST FOR DECISION

MEETING DATE: October 12, 2021

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

DIVISION: Planning & Infrastructure

SUMMARY:

Second and third reading of Bylaw C-1168-21 are 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 Plan 142 2641, Block 1, Lot 1.

Administration supports this Bylaw.

PROPOSED MOTION:

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

THAT third 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 Business 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 Business 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 Business use at this site and the future adjacent residential uses.

OPTIONS / ALTERNATIVES:

This bylaw is brought forward for consideration of second and third reading. Based on information provided at the public hearing, discussion and consideration of changes to the bylaw may be made. Alternatively, Council may defeat the motion for second or third reading and choose to defeat this bylaw.

CONSULTATION / ENGAGEMENT:

A statutory public hearing was held on October 12, 2021, prior to consideration of second reading. Advertising of the public hearing was placed in the Spruce Grove Examiner on September 24 and October 1, 2021 as per the requirements of the *Municipal Government Act*. In addition, letter notification was mailed to all registered landowners within 30m of the proposed redistricting.

IMPLEMENTATION / COMMUNICATION:

If approved, the Land Use Bylaw will be updated to reflect the proposed text amendment per Bylaw C-1167-21 and published on the City's website.

IMPACTS:

If approved, the proposed amendment would allow the discretionary development of the Drive Through Business 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.