

BYLAW 37-17 PUBLIC HEARING

Purpose

The purpose of Bylaw 37-17 is to amend Land Use Bylaw 40-98 to allow the site specific discretionary use of Retail Store-Warehouse at 112 Southbank Boulevard (Units 1-5) within the South Business Industrial (I1S) District.

Readings

Bylaw 37-17 received first reading on October 30, 2017. Depending on the outcome of the Public Hearing, this bylaw is ready for second and third readings.

Public Hearing and/or Public Engagement/Communication Strategy

This Public Hearing was advertised in the Western Wheel on November 15 and 22, 2017 in accordance with the *Municipal Government Act*. No submissions from the public have been received at this time regarding the proposed bylaw.

Report, Analysis and Financial Implications

The application for a Land Use Bylaw amendment was made by the registered owner of Units 1 to 5, Plan 151 2605, Green Creek Development Corp.

Land Use Bylaw 40-98 defines a Retail Store-Warehouse as a development used for the retail sale of:

- (a) a limited range of bulky goods from within an enclosed building where the size and nature of the principal goods being sold typically require large floor areas for direct display to the purchaser, including but not limited to such bulky items as furniture, carpet, major appliances, and building materials; or
- (b) other retail goods where not more than 25% of the floor area is accessible to the purchaser and the public space is separated by a counter or wall. This use class includes but is not limited to goods such as small parts, paint and catalogue sales.

The subject lot was created as part of the Southbank Business Park, and designated as South Business Industrial (I1S) District on January 28, 2008, which established the I1S District and the adjacent CGATE District area, the Southbank Commercial Centre.

In 2015, Council adopted Bylaw 19-15 to amend the Land Use Bylaw by allowing Retail Store-Warehouse on a site-specific basis within the I1S District for the first floor of the north building located at 109 Southbank Boulevard, which is in close proximity to the subject site.

The subject site contains two existing buildings: a three-unit industrial building on the north end of the property, and an automotive repair and service shop on the south (front) of the site. Both buildings were approved by the Municipal Planning Commission (MPC) under Development Permit 111-14 on March 20, 2014. The front building was approved as an automotive repair and service shop, and the rear building approved for use as auction rooms, business support services, dry cleaning and fabric care plants, industrial service shops, manufacturing plants, office, pet care services, recreation facilities (private), recycling depots and veterinarian clinics (large

animal). Other listed uses of the I1S District may be considered subject to a development permit application.

On July 16, 2015, the MPC approved DP 136-15 for a vehicle rental facility in the rear building and site plan changes to accommodate more parking for rental vehicles. The remainder of the rear building retains a parking ratio of 1 space per 37m² of gross floor area.

Policy and Planning Considerations

The South Saskatchewan Regional Plan (SSRP) does not contain any specific direction that needs to be considered for this application.

The subject lands are identified within the southeast Commercial/Industrial Land Use Area under the Municipal Development Plan (MDP) (page 67, fig. 8), which specifies a commercial centre of approx. 16 net hectares and a surrounding high intensity employment (industrial) centre. The South Okotoks Area Structure Plan (SOASP) also identifies a commercial component and industrial lands in the southeast Okotoks area. The commercial centre in these plans specifically identifies the comprehensively designed Southbank Commercial Centre, with the adjacent lands (including the subject site) providing for high intensity employment industrial type uses.

The MDP Industrial Land Policies provide for a limited range of commercial uses in industrial park developments to serve persons employed in these developments or to provide for commercial developments not suitable elsewhere in Town. Retail Stores-Warehouse are well suited to commercial areas and there are other areas in Okotoks that allow retail stores-warehouse to be developed. The use is listed in three of five commercial districts (Highway Commercial [CHWY], Shopping Centre Commercial [CSC] and Gateway Commercial [CGATE]), and in two of the four industrial districts (General Industrial [I2] and Industrial [I3]). It should also be noted that there is vacant space in Town with the appropriate zoning to accommodate the use, and there are undeveloped lands within Town that are zoned to accommodate the requested use.

Under Land Use Bylaw 40-98, the purpose and intent of the I1S District is to provide for prestige, high quality, light to medium industrial and office development in a comprehensively planned industrial park consistent with the MDP, with perimeter parcels developed in a manner that is aesthetically compatible with adjacent land uses and public thoroughfares. Development within this district is to be characterized by pedestrian connections to and between buildings, minimal outdoor activities, and uses that contribute to a Sustainable Okotoks. The I1S District specifically excluded retail store-warehouses and other retail commercial development when it was adopted in 2007, in order to encourage industrial and office development in this area.

In 2016 a review of the listed uses in the I1S District was undertaken, which resulted in additional permitted and discretionary uses being introduced to the I1S District through Bylaw 21-16 to provide greater flexibility for development while still maintaining the purpose and intent of the district. Retail Store-Warehouses were not considered as one of the uses proposed for addition to the district.

Although there is an existing site specific use for a nearby site, Administration is concerned with the addition of uses into the I1S District that move away from the

industrial and office uses that are intended for the area. The subject site is near the edge of the I1S District but there are no special circumstances that warrant site-specific uses at this location. The subject site was designed and built within a comprehensively planned greenfield area. The listed uses of the district were known to the Developer prior to site development.

There are limited industrial lands within the Town that do not already have compatibility issues for industrial businesses. For example, retail stores are a listed discretionary use in the General Industrial (I2) District, and conflict between retail uses and pure industrial uses has occurred and continues to be an issue. The inclusion of retail stores-warehouse in the I1S District would be part of the shift away from industrial businesses locating within the Town. This amendment is the third application for a use that is not consistent with the intent of the I1S District. Inquiries regarding further expansion of listed uses have been received from other site developers in this district, resulting in the 2016 review mentioned earlier in this report.

If additional uses are to be considered in the district, Council may wish to once again consider a more comprehensive review in the context of the entire district and not on a site-specific basis. It should be noted that administration will be developing a new Land Use Bylaw in 2018 for consideration that will, among other matters, evaluate the performance of all existing districts.

The proposed land use redesignation was circulated internally on September 20, 2017. External circulation was not required.

Summary

Administration does not support the application for site-specific amendment to add Retail Store-Warehouse to the I1S District for the following reasons:

1. There is no compelling planning reason to add the use on a site-specific or general basis to the I1S District. The lands were planned and developed under the current planning framework and I1S District provisions. There are no specific constraints or economic benefit to the Town for Retail Stores-Warehouse to be developed at this location.
2. The proposed use of Retail Store-Warehouse does not meet the purpose and intent of the I1S District, which is to provide for prestige, high quality light to medium industrial and office development.
3. Parking needs and added vehicle volumes of Retail Stores-Warehouse were not considered in the design of the site or the adjacent roadway and nearby intersections. The adjacent roadway at this location was constructed to an industrial and not a commercial standard. The introduction of additional commercial uses on the site has the potential to put additional pressure on the road network, which was designed to accommodate the lower volumes associated with business industrial uses. There is no on-street parking permitted to accommodate overflow needs.
4. The site was not designed with loading spaces to accommodate the needs of large delivery vehicles that may be expected for delivery of bulky goods such as may be expected for a Retail Store-Warehouse. The drive aisle on the north end of the site, where the loading doors are located, is 20% narrower than the minimum width standard, compromising manoeuvring space for large vehicles.

5. The site was designed to a parking standard of 1 space per 37m² of gross floor area, and the recommended parking requirement for the use is 1 space per 25m² in accordance with similar uses and approvals in the district.
6. There is vacant space available in other land use districts where the use is listed, e.g. CHWY, CSC, CGATE, I2, I3
7. This application demonstrates the issue of precedent for additional requests for more commercial oriented service uses in the I1S District lands.

The applicant was advised of Administration's concerns with the proposed amendment and has opted to proceed with the application.

At its regular meeting on October 19, 2017, the Okotoks Municipal Planning Commission passed a motion directing "that Council be advised that the Municipal Planning Commission supports Bylaw 37-17 as proposed for a land use bylaw amendment to the South Business Industrial (I1S) District to allow a Retail Store-Warehouse on a site specific basis within Units 1 to 5, Plan 151 2605."

Administration does not support Bylaw 37-17 as proposed for a land use bylaw amendment to the I1S District to allow a Retail Store-Warehouse on a site-specific basis within Units 1 to 5, Plan 151 2605 for the reasons outlined in the summary to this report.

Financial Implications

n/a

Strategic Plan Goals

| | | | |
|-------------------------------------|--|--------------------------|-----------------------------------|
| <input checked="" type="checkbox"/> | Manage Community Growth | <input type="checkbox"/> | Provide Strong Governance |
| <input type="checkbox"/> | Provide Quality Community Infrastructure | <input type="checkbox"/> | Healthy and Safe Community |
| <input type="checkbox"/> | Maintain Organizational Excellence | <input type="checkbox"/> | Foster Economic Vitality |
| | | <input type="checkbox"/> | Promote Environmental Stewardship |

Alternatives for Consideration

n/a

CAO Comments

I support the recommendation of Administration. The Town has an adequate land supply for the "commercial" type of zoning that is being requested and therefore I do not support the request for a site specific zoning change.

Attachment(s)

1. Bylaw 37-17 First Reading Version
2. Southbank Outline Plan (Tristar)
3. DP136-15 Site Plan
4. Applicant's Submission