



Legislation Text

File #: PH-21-020, Version: 1

9.1

Bylaw 36/2021 Land Use Bylaw Amendment (Direct Control District) - 23B Akins Drive (2nd and 3rd readings)

Presented by: Adryan Slaght, Director, Planning & Development

RECOMMENDED MOTIONS

1. That the Public Hearing on Bylaw 36/2021 be closed;
2. That Bylaw 36/2021 be read a second time;
3. That Bylaw 36 2021 be amended by striking out sections 1, 2 and 3, and substituting in their place the following:
 - 1.. *The Land Use Bylaw is hereby amended.*
 - 2.. *That portion of the lands legally described as Plan 8220558, Block 7 Lot 37B excepting thereout all mines and minerals, and municipally described as 23B Akins Drive, that is currently occupied by the business known as LB's Pub, is redistricted to Direct Control.*
 - 3.. *Schedule "A", the Land Use District Map, is amended to show the lands described in Section 2 of this Bylaw as a Direct Control district.*
4. That Bylaw 36/2021 as amended be read a third time;
5. That upon passage of Bylaw 36/2021, and upon receipt of an application by an authorized person for expansion of the business premises of LB's pub to include an outdoor patio where patrons may consume alcoholic beverages subject to all other City requirements and provincial approvals, the Development Authority is instructed to issue such a development permit valid until the end of 2021 stipulating that the outdoor patio area shall be no larger than 10.5m x 6m in dimension. Any application to renew the patio development permit after 2021 shall be brought back to Council for direction at that time.

PURPOSE OF REPORT

The report discusses a proposed amendment to Schedule A of the Land Use Bylaw (LUB), which would remove the legal non-conforming status of the drinking establishment located at 110 23B Akins

Drive, and allow approval of a patio of a maximum size of 10.5m x 6m. The proposed amendments require a public hearing and Council's approval, as per the requirements in the Municipal Government Act (MGA).

ALIGNMENT TO PRIORITIES IN COUNCIL'S STRATEGIC PLAN

N/A

ALIGNMENT TO LEVELS OF SERVICE DELIVERY

Service Component

Current Planning Application Processing:

Processing and coordination of the approval of Statutory plans and amendments, subdivision and condominiums applications.

ALIGNMENT TO COUNCIL DIRECTION OR MANDATORY STATUTORY PROVISION

Section 692(1) of the MGA requires that the subject matter of this report go to Council, and that a public hearing be held before giving second reading to the bylaw.

BACKGROUND AND DISCUSSION

Please refer to Attachment 1, entitled *Previously Distributed*, which includes the 1st Reading report from May 17, 2021.

As noted in Attachment 1, the intent of the proposed bylaw is to remove the legal non-conforming status of LB's Pub, which operates as a "drinking establishment" as defined in the Land Use Bylaw, in order to enable LB's Pub to apply to construct and operate a patio. This would allow this business to increase patron capacity that has been limited by COVID restrictions. The ability to maintain a patio under the proposed redistricting to Direct Control would be for an indefinite time and would therefore extend past the time when the pandemic ends -- unless Council stipulates a time limit on the validity of the patio permit. To avoid such a grandfathered approval situation, Recommendation 5 has been worded so that the patio approval would initially be for 2021 only, with Council deciding on whether to approve a renewal for 2022 if that is sought.

Following 1st Reading, upon additional review, it was determined that the mechanism with the least impact to other tenants within the 23B Akins Drive "Appleyard Square" strip mall, would be to redistrict only the tenant space itself (#110 23B Akins Drive) to Direct Control, rather than redistricting the entire 23B Akins Drive property to Direct Control. Accordingly, second reading amendments to limit the scope of the bylaw in this way are also being recommended.

STAKEHOLDER COMMUNICATIONS OR ENGAGEMENT

Notice of this item was mailed to property owners within 100m of 23B Akins Drive, and posted in the St. Albert Gazette for two consecutive weeks prior to the public hearing. The public hearing serves as the engagement for this item.

IMPLICATIONS OF RECOMMENDATION(S)

Financial:

None at this time

Legal / Risk:

See *Attachment 1*

Program or Service:

None at this time

Organizational:

None at this time

ALTERNATIVES AND IMPLICATIONS CONSIDERED

If Council does not wish to support the recommendation, the following alternatives could be considered:

1. Defeat Bylaw 36/2021, which will have the following implication:
 - The drinking establishment at #110 23B Akins Drive will remain a legally non-conforming use, and will not be able to have an accessory use such as a patio.
2. Provide Administration direction to bring back language pursue one of the other options considered.

Report Date: June 8, 2021

Author: Adryan Slaght

Department: Planning & Development

Deputy Chief Administrative Officer: Kerry Hilts

Chief Administrative Officer: Kevin Scoble

Attachment 1: Previously Distributed Report, dated May 17, 2021

Attachment 2: Bylaw 36/2021 Redline Copy

Attachment 3: Bylaw 36/2021 Clean Copy