

Proposed Bylaw 2014-27 amendment to Land Use Bylaw 20-2009

**Introduction:**

Proposed Bylaw 2014-27 is a Land Use Bylaw amendment to redistrict the following four parcels of land from the CR – Country Residential District to the LC-Local Commercial District:

- 0.202 ha (0.50 ac) of land known as Plan 6967KS, Block 1, Lot 2;
- 0.202 ha (0.50 ac) of land known as Plan 6967KS, Block 1, Lot 3;
- 0.307 ha (0.76 ac) of land known as Plan 8521716, Block 1, Lot 6; and
- 0.137 ha (0.34 ac) of land known as 3040TR, Block 1, Lot 4

**Facts (Background Information):****Property History**

Beach Corner Store, Beach Corner Liquor, Beach Corner Quick Stop and the Beach Corner Restaurant have been in operation on these properties for several years. Under Parkland County's previous 1994 and 2000 Land Use Bylaws Convenience Retail Services and Liquor Sales/Distribution Services were discretionary uses within the Country Residential Core District. A site specific amendment was added to the general regulations for Liquor Sales/Distribution Services to allow for the Liquor stores located at Lot 4, Block 1, Plan 3040TR and Lot 6, Block 1, Plan 852 1716, Beach Corner, Pt. SW 8-53-1-W5M which back onto a multi-parcel subdivision. These amendments were removed from the current Land Use Bylaw No. 20-2009 on July 1, 2009.

These properties are districted under the CR - Country Residential District in the current Land Use Bylaw which does not allow for Convenience Retail or Liquor Sales Services. Therefore these properties are legal non-conforming. Section 643 of the Municipal Government Act, states that a non-conforming use may not be added to, rebuilt or structurally altered except in accordance with the current Land Use Bylaw. The land owners have made applications for rezoning from the CR-Country Residential District to the LC-Local Commercial District to bring the properties into a conforming state.

**Capital Region Board**

Bylaw 2014-27 does not require referral to the Capital Region Board as Land Use Bylaw amendments are not a requirement under the Regional Evaluation Framework. The Beach Corner Businesses are located immediately north of the Highway 16A Transportation corridor. Good access is available from the highway system to support these local businesses.

**Municipal Development Plan (MDP)**

The proposed amendment is consistent with MDP Policy 5.3 that states: *"Highway commercial development shall be encouraged to locate and/or expand within the commercial nodes designated on Map 2 where safe access and egress is feasible without disrupting the function of the highway by locating on service roads."* Beach Corner has been identified as a Commercial Node within MDP Map 2.

**Glory Hills Area Structure Plan (ASP)**

The subject lands are governed by the Glory Hills ASP. The Land Use Section (Pg. 3) of the Plan states that *"high density country residential and public recreation are the land uses identified as being best suited to the Glory Hills Area. No other land uses will be considered except commercial neighbourhood services which will be on a limited scale"*. Beach Corner businesses provide these local neighbourhood services to the Glory Hills area as well as other adjacent rural areas of the County.

## **Land Use Bylaw**

The purpose of the LC – Local Commercial District is consistent with the existing businesses: *“To permit a variety of small scale, local, day to day retail and service commercial outlets requiring minimal services and accessible to rural locations.”* The LC - Local Commercial District can accommodate all of the existing commercial uses at Beach Corner:

- Convenience Retail Services and Indoor Eating Establishment are both permitted uses; and
- Liquor Sales/Distribution Services is a discretionary use.

## **Outline Plan**

As there is no subdivision or increased development of the existing businesses associated with this application, Administration is of the opinion that an outline plan is not necessary in this instance.

Without the proposed amendments the property owners within the subject area will not be able to consider applications at a future time for expansion or change of commercial use. Further, the landowners are concerned it may also be hard to market a business for sale in a non-conforming state. No development permit applications for expansion or change of use is included as part of requested amendment application.

Therefore, Administration supports the following amendment to Land Use Bylaw 20-2009:

1. That Map 7 of Bylaw No. 20-2009, and amendments thereto, being the Parkland County Land Use Bylaw No. 20-2009 is amended by redistricting:
  - a) 0.202 ha (0.50 ac) of land known as Plan 6967KS, Block 1, Lot 2 (Linc No: 15645858);
  - b) 0.202 ha (0.50 ac) of land known as Plan 6967KS, Block 1, Lot 3 (Linc No: 12899936);
  - c) 0.307 ha (0.76 ac) of land known as Plan 8521716, Block 1, Lot 6 (Linc No: 11009701); and
  - d) 0.137 ha (0.34 ac) of land known as Plan 3040TR, Block 1, Lot 4 (Linc No: 19389858).

from the CR – Country Residential District to the LC - Local Commercial District as shown on Schedule “A”, attached to and forming part of this Bylaw.

### **Alternatives:**

1. Council could table Bylaw No. 2014-27 and request additional information from Administration, the Applicant, or request that referrals to adjacent landowners and potentially affected agencies be completed prior to consideration of first reading; or
2. Council could amend Bylaw No. 2014-27 prior to first reading; or
3. Council could defeat Bylaw No 2014-27 at first reading; or
4. Upon providing first reading to Bylaw 2014-27, Council could schedule a Public Hearing for a date and/or time other than September 23, 2014 at 10:00 a.m.

### **Conclusion/Summary:**

The Applicants request to amend the Land Use Bylaw to redistrict the four parcels of land from the CR – Country Residential District to the LC-Local Commercial District is supported by Administration. The application is consistent with the capital Region Growth Plan, the County's Municipal Development Plan Bylaw 37-2007, and the Glory Hills Area Structure Plan Bylaw 7-79. Further, Bylaw No. 2014-27 is consistent with Goal 1 under the Economy Section of Parkland County Council's Strategic Plan: "Parkland County has a prosperous and sustainable economy". Therefore, Administration supports the proposed amendment to Land Use Bylaw 20-2009 as presented.

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