

	<p align="center">City of Lloydminster Request for Decision (RFD)</p>
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<p>Subject Matter: Bylaw No. 25-2022, Text Amendment to Land Use Bylaw No. 5-2016 – C1</p>
<p>Department: Operations</p>
<p>Presented By: Terry Burton</p>
<p>Council Meeting Date: November 21, 2022</p>

Recommendation:

That Council grant second reading to Bylaw No. 25-2022, a Text Amendment to Land Use Bylaw No. 5-2016.

That Council grant third and final reading to Bylaw No. 25-2022, a Text Amendment to Land Use Bylaw No. 5-2016.

Issue: To amend Land Use Bylaw No. 5-2016 (LUB) to add Drive-through Vehicle Services as a Discretionary Use within the C1 – Central Commercial District.

Background: Administration informed the Committee during the September 12, 2022, Governance and Priorities Committee meeting that an application to amend Land Use Bylaw No. 5-2016 (LUB) was submitted for a text amendment to the C1 – Central Commercial District. The application submitted is to add Drive-through Vehicle Services as a Discretionary Use.

C1 – Central Commercial Districts, per the LUB Section 7.1.1. states:

The purpose of this District is to provide for pedestrian-orientated, high density commercial, office, residential, and institutional uses in the traditional and extended Central Business District.

Drive-through Vehicle Services is defined as per LUB Section 1.5.6.23 as:

Development providing rapid cleaning, lubrication, maintenance, or repair services to motor vehicles.

A text amendment to the LUB, will not affect only one single parcel districted as C1 – Central Commercial, it will affect all current and future lands districted as C1 – Central Commercial (see attached C1 Lands-Location Sketch).

All other provisions of the LUB will still apply to the District. This text amendment will be reviewed against the Municipal Development Plan, Downtown Area Redevelopment Plan and any other applicable City Bylaws and Policies.

Communication / Public Engagement: Referrals were circulated to internal departments, external agencies and adjacent landowners with the referral period ending September 30, 2022. Comments received pertaining to the application are as identified below. Should they not be listed here, a response stating “no concerns” was submitted.

1. Planning and Engineering – concerns pertaining to the associated queuing requirements of this use were noted. This concern will be addressed through the Development Permit review and issuance to confirm compliance with all requirements of Land Use Bylaw No. 5-2016.
2. Economic Development – the proposed amendment was shared with the Downtown Area Redevelopment Committee (DARC). The DARC noted that through review, Planning Administration would continue to allow consideration for existing land uses, and the intended character and planned functions within the Downtown. Further to this, that the Downtown Area Redevelopment Plan (DARP) would possibly permit development of this nature on some sites, while discouraging it on others.

The majority of lands dedicated as C1 – Central Commercial fall within the Core Mixed Use Area as identified with the Downtown Area Redevelopment Plan (Bylaw No. 7-2020) (DARP). The Objective and Land Use Policies pertaining to this area can be found within Section 4.3.1. (see Attachment 'A').

Should Bylaw No. 25-2022 be approved by Council, Uses listed as a Discretionary Use, are not a guaranteed approval or refusal of the Use. Discretionary Uses are subject to a further review in accordance with Section 2.14 (see Attachment 'B') Discretionary Use Evaluation Considerations as amended to the Land Use Bylaw No. 5-2016 in 2021.

Once deemed complete, a Discretionary Use Application is circulated to all property owners within 30 meters of the subject lands (minimum adjacent landowners) and an ad is placed in the local paper allowing fourteen (14) days for anyone with concerns to submit in writing to the Development Officer. The Planning Department reviews the application and all concerns submitted, if any, following the 14-day referral period expiration. As part of the review, the Planning Team reviews any Special Regulations identified in the LUB that is relevant to the project and confirm compliance with statutory and non-statutory documents including but not limited to, the LUB, Municipal Development Plan, Downtown Area Redevelopment Plan (DARP) and the Municipal Development Standards.

Where the application complies to all of the guiding documents, statutory or otherwise, the Planning Department continues the review paying specific attention to the Discretionary Use Evaluation Considerations. This will include, for example, any submitted or requested studies or assessments (TIA, Parking Study, or Shadow Study) to support the proposed use on the specific site. Questions of consideration include but are not limited to:

- Was an alternative location provided justifying the current selection?
- Will this Use in this location be a detriment to the health, safety, or general welfare to those in the immediate vicinity?
- Where we have the authority to relax or reduce a requirement is it in the best interest of the public and will it create an unsafe property (parking).
- Does the development as a whole fit on the site or are there too many variances requested?

When a Decision is rendered the draft Notice of Decision is circulated to the Planning Department to ensure all the conditions noted are as per the collective review and that nothing was inadvertently left out. All property owners within thirty (30) meters from the site are sent a letter advising them of the decision of the Development Authority and providing information on where to submit an appeal if they wish. Additionally, an ad is placed in the local paper allowing for a 21-day appeal period should the public wish to appeal the decision, or if the Applicant wishes to appeal any or all of the conditions, or a refusal.

Based on the review of the Planning Department of the text amendment posed within Bylaw No. 25-2022 against the Downtown Area Redevelopment Plan Bylaw No. 7-2020, Drive-through Vehicle Services would be supported on some sites as a Discretionary Use but not all.

Since first reading of Bylaw No. 25-2022 on October 24, 2022 there have been no changes to the bylaw. A Public Hearing was held during the November 21, 2022 Regular Council Meeting.

Options:

1. That Council approve all motions as indicated in the Recommendation above.
2. That Council not approve Bylaw No. 25-2022, a Text Amendment to Land Use Bylaw No. 5-2016.
3. That Council request further information and that the item be brought forward to a future Regular Council Meeting for decision.

Alignment with Strategic Plan: This item is in alignment with the following strategic area: Building Economic Resilience and Delivering Good Governance through the implementation of the Downtown Area Redevelopment Plan (Bylaw No. 7-2020).

Legal Review: N/A

Governance Implications: N/A

Budget/Financial Implications: N/A

Environmental Implications: N/A

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Report Approval Details

Document Title:	Bylaw No. 25-2022, Text Amendment to Land Use Bylaw No. 5-2016 - C1 - Second, Third and Final Readings.docx
Attachments:	<ul style="list-style-type: none"> - Bylaw 25-2022 LUB Amendment - C1.docx - Attachment 'A' Downtown Area Redevelopment Plan Bylaw 07-2020_4.3.1.pdf - Attachment 'B' - Section 2.14.docx - C1 Lands-Location Sketch (1).pdf
Final Approval Date:	Nov 14, 2022

This report and all of its attachments were approved and signed as outlined below:

Task assigned to Don Stang was completed by delegate Doug Rodwell

Doug Rodwell

Dion Pollard