

# REPORT TO COUNCIL



**Date:** October 16, 2017

**RIM No.** 1250-30

**To:** City Manager

**From:** Community Planning Department (PMc)

**Application:** OCP14-0027 / Z14-0059      **Owner:** Garoslav Joseph & Catherine Margaret Maruszczak

**Address:** 505-525 Snowsell St.      **Applicant:** Eric Huber

**Subject:** OCP Amendment & Rezoning Application – Extension Request

Existing OCP Designation: Single/Two Unit Residential (S2RES)

Proposed OCP Designation: Commercial (COMM)

Existing Zone: C1 – Local Commercial

Proposed Zone: C2 – Neighbourhood Commercial

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## 1.0 Recommendation

That in accordance with Development Application Procedures Bylaw No. 10540, the deadline for the adoption of Official Community Plan Amending Bylaw No. 11105 and Rezoning Amending Bylaw No. 11106, be extended from July 14, 2017 to July 14, 2018.

## 2.0 Purpose

To extend the deadline for adoption of Official Community Plan Amending Bylaw No. 11105 and Rezoning Amending Bylaw No. 11106 to July 14, 2018.

## 3.0 Community Planning

Section 2.12.1 of the City's Procedure Bylaw No. 10540 states that:

In the event that an application made pursuant to this bylaw is one (1) year old or older and has been inactive for a period of six (6) months or greater:

- a) The application will be deemed to be abandoned and the applicant will be notified in writing that the file will be closed;
- b) Any bylaw that has not received final adoption will be of no force and effect;

- c) In the case of an amendment application, the **City Clerk** will place on the agenda of a meeting of **Council** a motion to rescind all readings of the bylaw associated with the Amendment application.

Section 2.12.2 of the Procedure Bylaw makes provision that upon written request by the applicant prior to the lapse of the application, **Council** may extend the deadline for a period of twelve (12) months by passing a resolution to that affect.

By-law No. 11105 and 11106 received second and third readings on July 14, 2015 after the Public Hearing held on the same date. The applicant has received a 12 month extension in 2016 and is seeking an additional extension in order to keep the application open for an additional twelve (12) months to complete the conditions of adoption. The request would provide extension to July 14, 2018.

The applicant is proposing to redevelop the subject property with a new gas bar and convenience store facility. The applicant is continuing to address the site contamination issues related to the gas station that was previously in operation on the property, and received permission from the Province to proceed with Development Permit consideration of this application (see MoE letter attached). The outstanding issues related to obtaining a "certificate of compliance" for the site will be addressed as part of the Building Permit application, as the existing buildings will have to be demolished to access the potentially contaminated soils identified. The additional time will allow the applicant to sort out the outstanding issues associated with the application and proceed with a Development Permit application.

Given the recent activity on this application, and extension to July 14, 2018 is supported.

#### **4.0 Background**

There has been a convenience store and gas bar in the location of the intersection of Scenic Road and Glenmore Road for many years. However, this location was a critical component of the relocation and upgrade of Glenmore Road (the Glenmore Bypass). The owners of the property had been involved in many design reviews with City staff regarding the design and proposed location of the "Glenmore Bypass" as well as the potential impact on the store site.

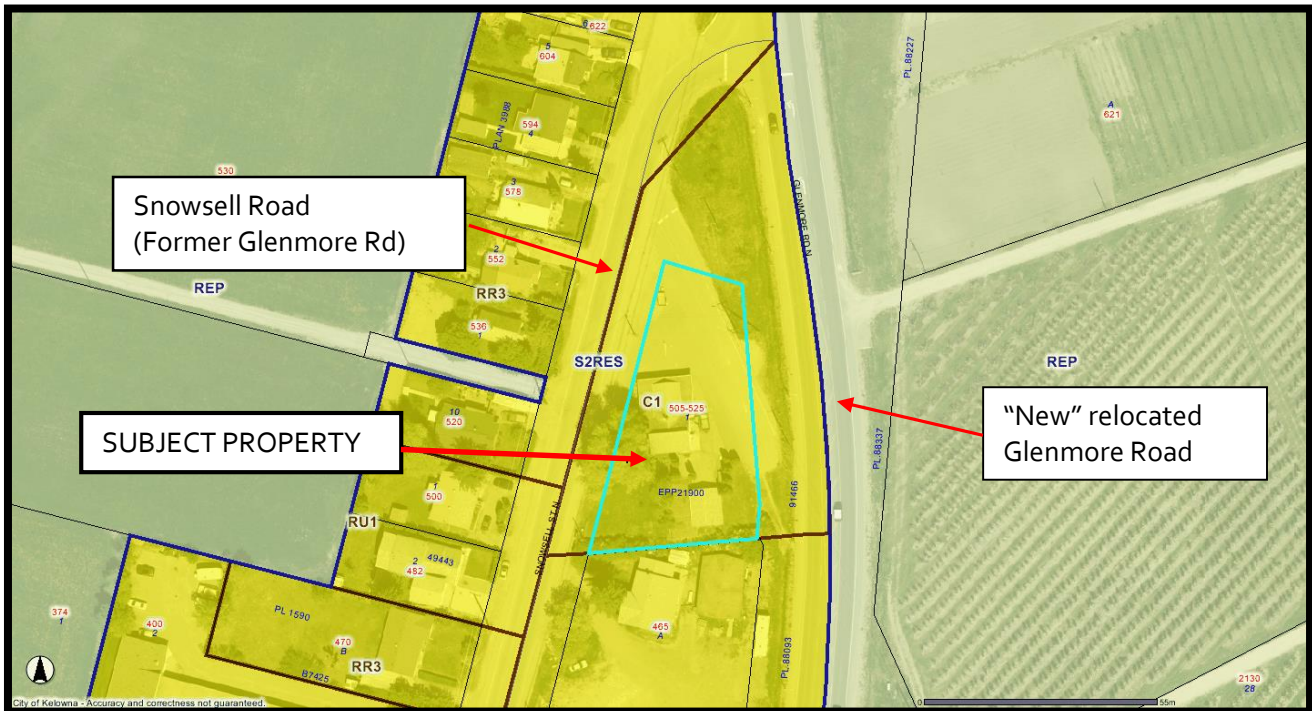
The construction of the "Glenmore Bypass" in this location commenced in 2009. In preparation for that activity, the fuel storage tanks were removed and that portion of the property was decontaminated in preparation for road construction activity. The business license for the gas pumps was left to lapse in 2011. It is because of the lapsed business license that the legal non-conforming status of the gas bar and convenience store operating in the C1 – Local Commercial zone was lost, and the application was made to rezone the property to the C2 – Neighbourhood Commercial zone, a zone that allows for the gas bar use.

There had been a level of contaminated site clean-up done on the property as part of the road construction project. However, it was also identified that there was possible contamination under the buildings located on the property. The applicant wishes to have a level of support for the change in zoning prior to the demolition of the buildings on the site to facilitate the remainder of the site decontamination.

#### **4.1 Site Context**

The subject property is located south of the intersection of Snowsell Road N. and Glenmore Rd. The property was amended by the consolidation of a surplus closed road dedication in 2012, as part of the adjacent Glenmore Bypass project.

**Subject Property Map: 505-525 Snowsell St. N.**



**5.0 Application Chronology**

Date of Application Received: June 4, 2017  
Date MoE letter issued: May 23, 2017

Report prepared by: Paul McVey – Urban Planner  
Reviewed by: Terry Barton, Urban Planning Manager  
Approved for Inclusion: Ryan Smith, Community Planning Department Manager

**Attachments:**

- Site Plan
- Building Elevations
- Ministry of Environment Letter (dated May 23, 2017)