

**REPORT TO THE SUBDIVISION AND
DEVELOPMENT APPEAL BOARD**

DATE: September 16, 2021	APPEAL NO.: SDAB2021-0061 FILE NO.: DP2021-4228
APPEAL BY: Bill Lavergne	
FROM A DECISION OF THE DEVELOPMENT AUTHORITY for a Revision: Liquor Store (to DP2019-4791) was refused at <u>8575 19 Avenue SW</u> <u>(Building: 205 Spring Creek Common SW)</u>	LAND USE DESIGNATION: MU-1 f3.0h20 Discretionary
COMMUNITY OF: Springbank Hill	DATE OF DECISION: August 24, 2021
APPLICANT: Kelly Melton (Melton Design)	OWNER: Aspen Springs GP Ltd.

Notes:

- Notice has been given of the hearing pursuant to the *Municipal Government Act* and Land Use Bylaw, including notices to parties who may be affected by the appeal. The final determination of whether a party is an “affected person” will be made by the Board if required.
- This Report is provided as a courtesy only. The Board’s record may include additional materials, including notifications to affected parties and correspondence of a procedural or administrative nature.



NOTICE OF APPEAL

SUBDIVISION AND DEVELOPMENT APPEAL BOARD

CC 821 (R2014-01)

In accordance with Sections 678 and 686 of the Municipal Government Act and The City of Calgary Bylaw 25P95, as amended, an appeal to the Subdivision and Development Appeal Board must be filed within the legislated time frame and each Notice of Appeal must be accompanied by the legislated fee. For filing instructions and fee payment options, see the reverse side of this form.

ISC: Unrestricted

Online Store Information			
Confirmation Number 10387703	Order Number 35938444	Online Form Processed 2021-08-25 12:59:17 PM	
Site Information			
Municipal Address of Site Under Appeal 8575 19TH AVENUE SW		Development Permit/Subdivision Application/File Number DP2021-4228	
Appellant Information			
Name of Appellant BILL LAVERGNE		Agent Name (if applicable)	
Street Address (for notification purposes) 63 TIMBERLINE PT SW			
City CALGARY	Province ALBERTA	Postal Code T3H 6C8	Residential Phone # 403-819-1506
Business Phone #	Email Address billlavergne@outlook.com		

APPEAL AGAINST

Development Permit	Subdivision Application	Notice of Order
<input type="checkbox"/> Approval	<input type="checkbox"/> Approval	<input type="checkbox"/> Notice of Order
<input type="checkbox"/> Conditions of Approval	<input type="checkbox"/> Conditions of Approval	
<input checked="" type="checkbox"/> Refusal	<input type="checkbox"/> Refusal	

REASONS FOR APPEAL Sections 678 and 686 of the Municipal Government Act require that the written Notice of Appeal must contain specific reasons for the appeal.

<p>I do hereby appeal the decision of the Subdivision/Development Authority for the following reasons:</p> <p>Note: Additional and backup information will be provided by email. We believe there are numerous mitigating factors which support a relaxation of the existing 300m separation distance limitation. These mitigating factors include the following:</p> <p>The sole liquor store within the 300m radius is separated by a major thoroughfare (85th Street SW). There is no line of sight between the stores. Significant residential and commercial development is currently approved and underway in the NW quadrant of Springbank Hill. These developments are expected to add an additional 16,000 residents to the neighbourhood, representing an expected 160% increase to the current population of ~10,000 residents (2016 census).</p> <p>Similar requests have been approved throughout the City of Calgary setting a precedent for approval. Of note are exemptions to the separation distance limitation directly north of our proposed location and separated by the exact same street (85th street SW).</p> <p>The proposed location will be focused on wine sales, with staff trained and accredited with exceptional levels of wine knowledge and education. As such, the store will service a unique segment of alcohol sales in comparison to other Springbank Hill retail stores.</p>

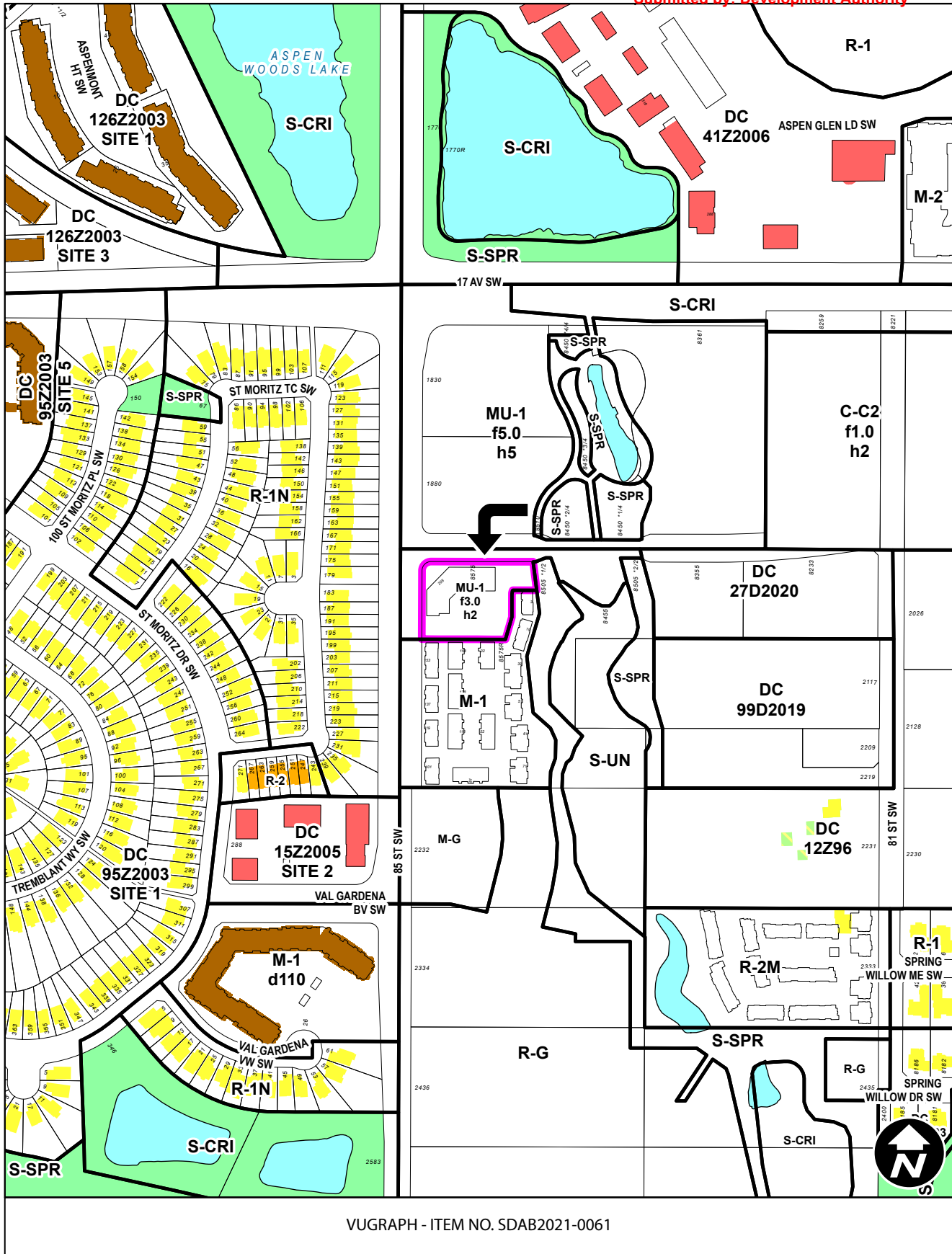
In order to assist the Board in scheduling, please answer the following questions to the best of your ability:

Estimated presentation time (minutes/hours) 30 MINUTES	Will you be using an agent/legal counsel? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Unknown
Do you anticipate any preliminary issues with your appeal? (i.e. jurisdiction, parties status as affected persons, adjournment, etc.) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown	
If yes, what are the issues?	
Do you anticipate bringing any witnesses/experts to your hearing? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown	If yes, how many will you be bringing? 1

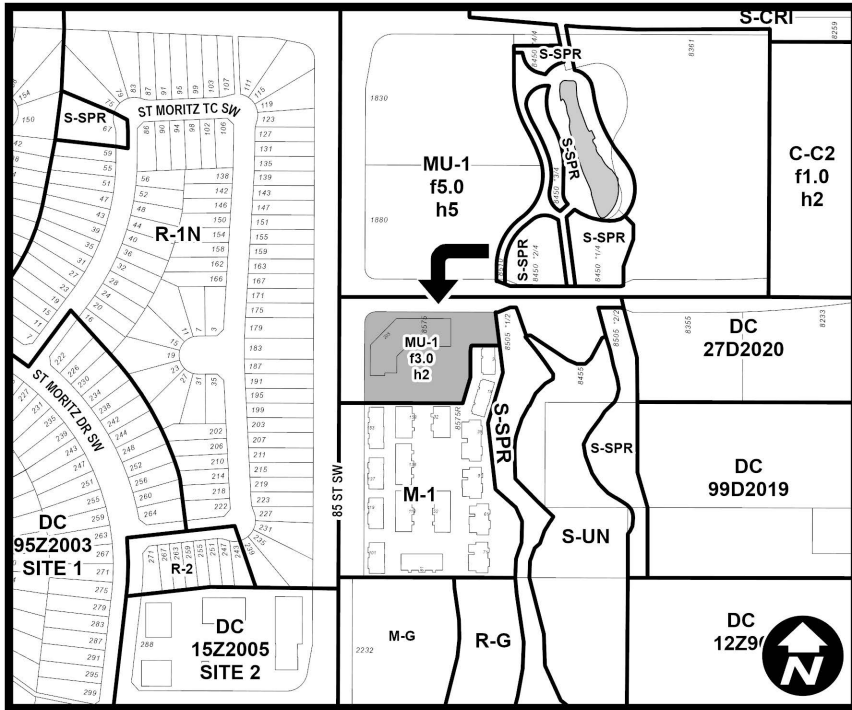
This personal information is collected under the authority of the Freedom of Information and Protection of Privacy Act, Section 33(c) and the Municipal Government Act, Sections 678 and 686. NOTE: THIS INFORMATION WILL FORM PART OF A FILE AVAILABLE TO THE PUBLIC. If you have any questions regarding the collection of this information, contact the City Appeal Boards at 403-268-5312 or PO Box 2100 Stn. "M", #8110, Calgary, AB, T2P 2M5.

FOR OFFICE USE ONLY				
Final Date of Appeal YYYY MM DD 2021 09 14	SDAB Appeal Number SDAB2021-0061	Fee Paid <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Hearing Date YYYY MM DD 2021 09 16	Date Received August 25, 2021

SDAB2021-0061



4



SDAB2021-0061



**DEVELOPMENT PERMIT
LAND USE BYLAW NO 1P2007**

DP2021-4228

This permit relates to land in the City of Calgary municipally described as:

8575 19 AV SW

#128 205 SPRING CREEK CM SW

Community: **Springbank Hill**

L.U.D.: **MU-1 f3.0h20**

and legally described as:

2110726;2;1

and permits the land to be used for the following development:

Revision: Liquor Store to DP2019-4791

The present owner and any subsequent owner of the above described land must comply with any attached conditions.

The development has been approved subject to any attached conditions and to full compliance with the approved plans bearing the stamp of approval and the above development permit number.

Decision By: **Development Authority**

Date of Decision: **August 24, 2021**

Development Authority **Maurie Loewen**

File Manager: **Melanie
Robinson**

Release Date: _____

This permit will not be valid if development has not commenced by:

This is NOT a Building Permit

In addition to your Development Permit, a Building Permit may be required, prior to any work commencing. For further information, you should contact the City of Calgary, Planning, Development & Assessment - Building Regulations Division.

WARNING

This permit does not relieve the owner or the owner's authorized agent from full compliance with the requirements of any federal, provincial or other municipal legislation, or the terms and conditions of any easement, covenant, building scheme or agreement affecting the building or land.

Applicant: **MELTON DESIGN**
Address: **#86 5810 PATINA DR SW**
City: **Calgary, Alberta, T3H 2Y6**
Phone: **4038315162**

Complete Address and Legal Description listing for Development Permit DP2021-4228

Address Type	Address	Legal Description
Building	205 SPRING CREEK CM SW	
Parcel	8575 19 AV SW	2110726;2;1
Suite	#128 205 SPRING CREEK CM SW	



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Reasons for Refusal for DP2021-4228

The Reasons for Refusal document is intended to provide a short summary of the development permit review and analysis. Attached to this document is supporting information about the application process; concerns raised by neighbours, other affected parties and the Community Association; the requested relaxations of the Land Use Bylaw; and other information in support of the decision.

Proposed Use

This application proposes a change of use for a Liquor Store to be in Suite 1110 288 ST Moritz Dr SW in the community of Springbank Hill. The subject parcel is designated Mixed Use – General District (MU-1) District under the City of Calgary Land Use Bylaw 1P2007. The Liquor Store land use is a discretionary use in this district.

Planning Review and Analysis

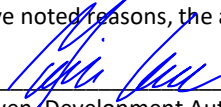
During the review, the Development Authority considered the Land Use Bylaw rules and the compatibility and impact of the proposed development on the site, and with respect to the neighbourhood. The application proposes to operate a Liquor Store within a multi storey mixed use building. The plans submitted with the application indicate that the proposed use is on the main floor and faces 85th Street.

The application seeks a relaxation for a liquor store to be located within 300 metres from another approved liquor store in the community, measured at 218 metres. The intent of the minimum 300 metre setback requirement for a liquor store is to prevent proliferation of the land use. Section 40 of the Land Use Bylaw explicitly instructs the Development Authority to refuse all development applications for prospective Liquor Stores when it is found that the separation distance to other approved Liquor Stores requires a variance of greater than 10.0 per cent.

In evaluating the application, the Development Authority applied section 40 of the Land Use Bylaw 1P2007, the Development Authority must refuse the proposed development due to the separation distance clearance to the nearest approved Liquor Store. Accordingly, the application is refused.

Decision

For the above noted reasons, the application is refused.


 Maurie Loewen, Development Authority

Aug 24, 2021

Date



Attachments for DP2021-4228

Site and Context

The proposed use is located within a new mixed-use building on a 0.52 hectare parcel. This parcel is located at the north west corner of 85th Street and 19th Avenue S.W. in the community of Springbank Hill. The parcel is under development and the Liquor Store is a revision to DP2019-4791. DP2019-4791 is pending receipt of the prior to released conditions issued by the Development Authority related to site servicing.

The development is a three-storey building that contains 15 dwelling units with commercial uses at grade. Indoor parking is located on the lower level accessed from the east side of the building within the parking lot. The parcel is accessed from 19th Avenue. At grade exterior parking is in the parking lot. Based on the submitted plans the loading area for the liquor store is in the parking spaces south of the liquor store.

Process

Circulation:

Circulated to Ward 6 Councillor – No comment received.
 Circulated to Business Licence – No comment received.
 Circulated to Springbank Hill Community Association – Questions, no comment received.
 Alberta Liquor & Gaming Commission - No objections.

Notice Posting: Notice Posting was completed as required under section 27 of the Land Use Bylaw 1P2007.

Comments from Notice Posting: None.

Bylaw Check: 218 metres (-82 metres) from the approved Liquor Store at 1110, 288 ST Moritz Dr SW, a 27.3% relaxation.

Support: None received.

Applicable Planning Policy Guidelines

Liquor Store Separation Distance Guidelines (adopted by Council May 13, 2015)

Objectives

To ensure opportunities for liquor stores are balanced with the cumulative impacts of traffic, parking, noise and aesthetics they may have on communities.
 The separation distance helps manage over concentration of liquor stores along corridors and in communities.

Guidelines

A request to reduce either the 300 metre minimum separation distance between a proposed liquor store and an existing liquor store, or the 150 metre minimum separation distance between a proposed liquor store and a school, up to 10 per cent of the minimum distance, may be approved by the development authority when:

1. The proposed liquor store is less than 300 metres from an existing liquor store, but located in and serving a different community or neighbourhood;
2. Only one liquor store or school is within the minimum separation distance;



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3. A major road or expressway separates the proposed liquor store from the other liquor store or school within the separation distance;
4. The proposed liquor store, or the existing liquor store that is within the minimum separation distance, is located in an enclosed shopping centre; or
5. The existing liquor store located within the minimum separation distance is in a land use district where the separation distances do not apply (e.g. a direct control district, regional commercial district or a downtown district).

General Planning Criteria for Liquor Stores (adopted by Council November 6, 2000)

In its capacity as Approving Authority, the Calgary Planning Commission directs the Corporate Planning Applications Group to take into account the following issues in addition to all other relevant planning matters, in assessing and making recommendations on Development Permit applications for liquor stores.

1. Location in Relation to Existing Liquor Stores

Where a proposed liquor store is within 300 metres radial distance of an existing liquor store, any cumulative impacts of the facilities on existing development within the area must be considered in evaluating the application.

Key Land Use Bylaw Rules

Section 36 of the City of Calgary Land Use Bylaw 1P2007 states, in part:

Discretionary Use That Does Not Comply

36 The **Development Authority** may approve a **development permit** application for a **discretionary use** where the proposed **development** does not comply with all of the applicable requirements and rules of this Bylaw if in the opinion of the **Development Authority**:

- (a) the proposed **development** would not unduly interfere with the amenities of the neighbourhood or materially interfere with or affect the use, enjoyment or value of neighbouring properties;

Section 40 of the City of Calgary Land Use Bylaw 1P2007 states, in part:

Applications the Development Authority Must Refuse

40 The **Development Authority** must refuse a **development permit** application when the proposed **development**:

- (h) is for a **Liquor Store** in any district, other than the C-R2, C-R3 and CR20-C20/R20 Districts, that requires more than a 10 per cent relaxation of a minimum separation distance specified in subsections 225(d) or 225(e), except where the **development permit** is for:
 - (ii) an existing approved **Liquor Store** that proposes to move to a new location not within a minimum separation distance specified in subsections 225(d) or 225(e), excluding the distance from the original location of the existing approved **Liquor Store**.

Section 225 of the City of Calgary Land Use Bylaw 1P2007 states, in part:

225 “Liquor Store”

- (d) in all Districts, not including the C-R2, C-R3 and CR20-C20/ R20 Districts, must not be located within 300.0 metres of any other **Liquor Store**, when measured from the closest point of a **Liquor Store** to the closest point of another **Liquor Store**;
- (e) in all **commercial** and **industrial districts**, not including the C-R2, C-R3 and CR20-C20/R20 Districts, must not be located within 150.0 metres of a **parcel** that contains a **School – Private** or a **School Authority – School**, when measured from the closest point of a **Liquor Store** to the closest point of a **parcel** that contains a **School Authority – School** or a **School – Private**;

Bylaw Variances

Regulation	Standard	Provided
40 Applications the Development Authority Must Refuse	(h) is for a Liquor Store in any district, other than the C-R2, C-R3 and CR20-C20/R20 Districts, that requires more than a 10 per cent relaxation of a minimum separation	There is one approved Liquor Store use located within 300 metres from the subject unit:

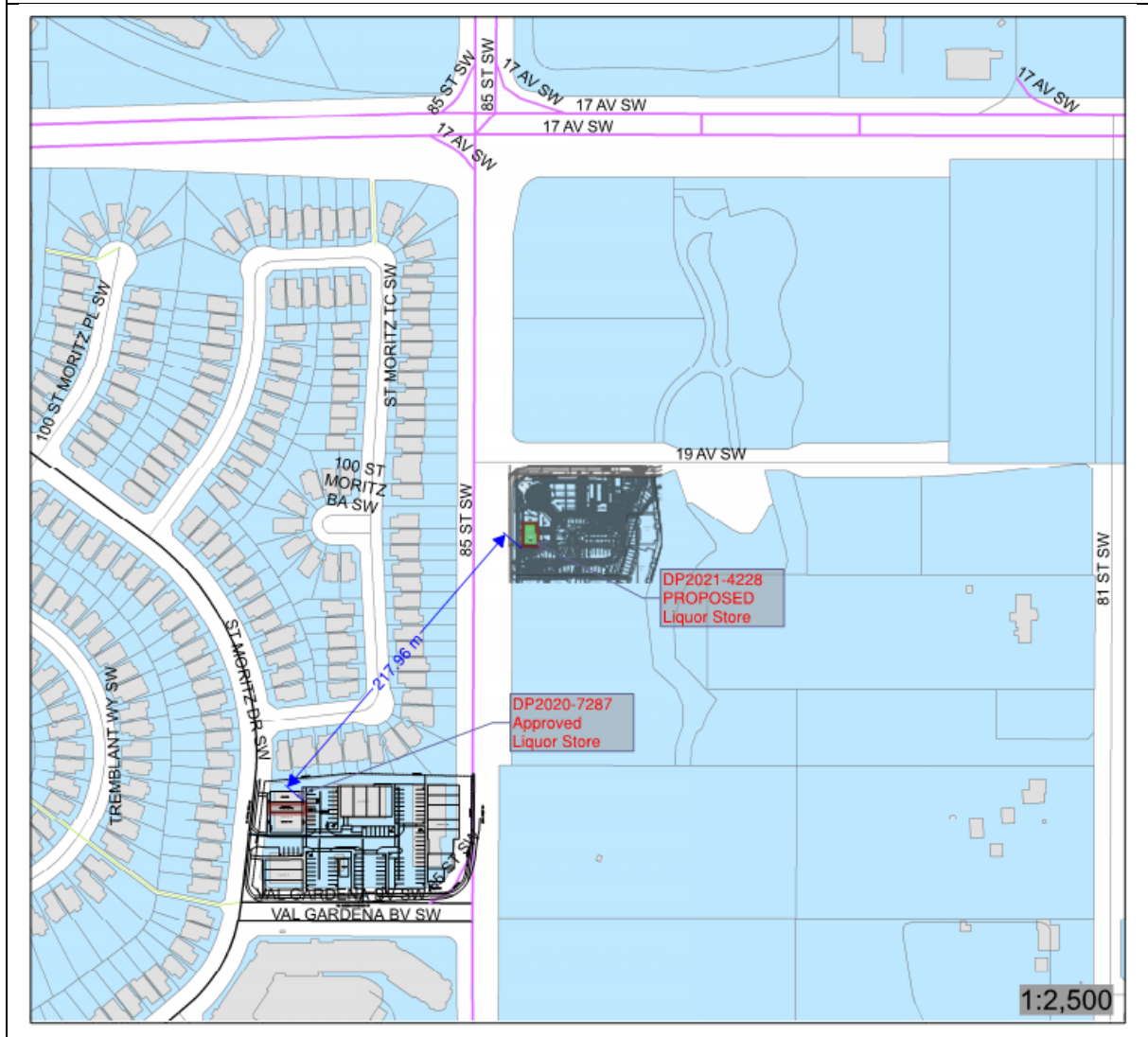


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	distance specified in subsections 225(d) or 225(e)...	<ul style="list-style-type: none"> 218 metres (-82 metres) from the approved Liquor Store at 1110, 288 ST Moritz Dr SW, a 27.3% relaxation.
225 Liquor Store	(e) in all Districts, not including the C-R2, C-R3 and CR20-C20/CR20 Districts, must not be located within 300.0 metres of any other Liquor Store, when measured from the closest point of a Liquor Store to the closest point of another Liquor Store;	

Maps





2021 August 24

MELTON DESIGN
KELLY MELTON
Landra@meltondesign.ca
(403) 616-3806

RE: Notification of Decision for DP2021-4228
Subject: Revision: Liquor Store (to DP2019-4791)
Address: 8575 19 AV SW

This is your notification of the decision by the Development Authority to refuse the above noted application on August 24, 2021. Enclosed are the Reasons for Refusal, along with an appeal form, in the event that you choose to appeal this decision.

An appeal along with reasons must be submitted, together with payment of \$200.00 fee, to the Subdivision and Development Appeal Board (4th floor, 1212 31 Avenue N.E., Calgary, AB T2E 7S8) within 21 days of receipt of this letter. An appeal may also be filed online at <http://www.calgarysdab.ca>. To obtain an appeal form, for information on appeal submission options or the appeal process, please call (403) 268-5312.

Should you have any questions or concerns, please contact me at (403) 333-5503 or by email at melanie.robinson@calgary.ca.

Sincerely,

MELANIE ROBINSON
Senior Planning Technician
Planning and Development



Development Permit Application

Online Submission

Application Information

Applicant Details

☐ Business Owner ☐ Property Owner ☒ Agent Representing Business or Property Owner

Applicant Name

KELLY MELTON

Representing Company (if applicable)

BKL Wine & Spirits

Business Trade Name

MELTON DESIGN

Business ID

12594263

Applicant Contact Information

Phone: [REDACTED]

Email: [REDACTED]

Mailing Address:

30 WEST CEDAR PL SW, CALGARY
Alberta Canada T3H5T9

Owner / Leaseholder Name

Bill Lavergne

Owner / Leaseholder Contact Information

Phone: [REDACTED]

Email: [REDACTED]

Business Location Details

☒ Commercial Based ☐ Home Based ☐ Based Out of Town ☐ Mobile ☐ Personal Services

Application Address

#128 205 SPRING CREEK CM SW

LUD

MU-1, Mixed Use - General

Existing Use(s)

Not Available

☒ First tenant in the space (Building is brand new and I am the first tenant)

☐ New tenant (There was a different business using this space, but the proposed business will be taking over)

☐ Existing tenant (I have pre-existing approval for this space but I am making changes to operations)

Is a school, child care facility, overnight medical facility, residence, or food, drink, and/or cannabis business proposed as either a primary or ancillary use?

☐ Yes ☒ No

Is a waste management, recycling, or wastewater treatment facility being proposed?

☐ Yes ☒ No

What was the last business to occupy the space (if known) None - new building	Total floor area 1455 ft ²	Floor of business Ground floor
Is any part of the business use taking place outside? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	If yes, what business activity will be taking place outside? N/A	
Will you be adding or increasing the size of a sign? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		

Business Activity Questionnaire

Activity type selected

Wine Store

Q1: In addition to alcohol, will you be selling any non-food products of any kind?

A1: No

Q2: Will you be selling any food products? (*NOTE* This does not include food items sold from vending machines.)

A2: No

Planning Terms Liquor Store	Licence Types LIQUOR STORE
<p>Have you previously applied for planning approval for how your business intends to use the space? (i.e. Deveopment Permit or Tenancy Change)</p> <p>No</p> <p>Do you know, or have you been advised, to apply for a Development Permit to change the use of the space you are occupying?</p> <p>Yes</p>	

Approvals Generated

Q1: Would you like to apply Business Licence now?

A1: No – I will apply at a later date or someone else will apply on my behalf

Q2: Would you like to apply Development Permit now?

A2: Yes - apply now

Q3: Would you like to apply Building Permit now?

A3: No – I will apply at a later date or someone else will apply on my behalf

Submitted Documents
Document Type: ARCHITECTURAL Document SubType: PLANS Document Name: BKL Wine and Spirits Site Plan_June 10th 2021 (2).pdf
Document Type: ARCHITECTURAL Document SubType: INFORMATION FORM Document Name: BKL Wine and Spirits_Space Plan_June 10th 2021.pdf
Document Type: SUPPORTING DOCUMENT Document SubType: OTHER Document Name: BKL Wine and Spirits use-questionnaire.pdf

The personal information obtained on this form is being collected under the authority of section 33(c) of the FOIP Act. This information is being collected for the purpose of our inspection processes (if required) and will be disclosed to relevant City Business Units, Federal and Provincial agencies, Utility companies, Community Associations/Groups/Organizations, Adjacent Municipalities, Municipal school boards and/or any agencies required for review as part of the application review process. It may also be used to conduct ongoing evaluations of services received from Planning & Development. The name of the applicant and the nature of the application will be available to the public, as authorized by the FOIP Act. You may direct questions about the collection, use or disclosure of your personal information by the City of Calgary at 800 Macleod Trail SE Calgary, Alberta in relation to this program by emailing the FOIP Program Administrator for Planning and Development at plngbldg@calgary.ca or by telephone at (403)268-5311.

Online Services Terms of Use

PLEASE REVIEW THESE TERMS OF USE CAREFULLY. BY ACCESSING AND USING THIS ELECTRONIC ONLINE SERVICES WEBSITE, YOU ACCEPT AND AGREE TO THE FOLLOWING TERMS OF USE. IF YOU DO NOT AGREE WITH THESE TERMS OF USE YOU ARE NOT AUTHORIZED TO USE THIS ONLINE SERVICES SITE AND MUST IMMEDIATELY DISCONTINUE USE OF THIS ONLINE SERVICES SITE.

1. Interpretation

These Online Application Consent and Confirmation of Applicant supplement, and shall be interpreted consistently with, the general Terms of Use for the City of Calgary's website, found at the bottom of each web page.

2. Accuracy of Information Submitted

You acknowledge and agree that your electronic submission of information to The City of Calgary ("The City") using this Online Application is true and accurate and is intended to be your permit application to The City.

3. Consent to Electronic Decision

I agree that The City can issue its formal decision to in electronic form (e.g. electronic mail) to the email address provided through the Online Application. If my email address changes I will advise The City of the new email address or provide a mailing address for the formal approval.

4. Electronic Submission

Except as may otherwise be required by The City, you must only submit, provide and accept information or records related to your application in electronic form and you will not re-submit your application in paper form. The City does not guarantee that the entire electronic permit application process will be completed electronically, and The City reserves the right in its sole discretion to require you to submit information and records relating to your application in paper form.

5. Complete Application

I acknowledge that The City may inactivate or cancel incomplete permit applications that do not contain all of the requested information at The City's sole discretion.

6. Changes to Site and Terms of Use

The City reserves the right to make changes to this Online Services Site, the Terms of Use and provide additional terms at any time without notice. The changes or additional terms are effective immediately upon

being posted to this Online Services Site. Your use of the Online Services Site will be subject to the Terms of Use posted on the Online Services Site at the time of use. In the event any of the provisions of the Terms of Use are determined to be invalid, void, or unenforceable for any reason, that provision will be deemed to be severable and will not affect the validity or enforceability of any remaining condition of the Terms of Use. You may be asked to agree to separate terms of use for other pages or applications used elsewhere on The City's website.

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Any information, including personal information, contained in a permit application submitted by using this site is being collected under the authority of The Calgary Building Permit Bylaw 64M94 (for Building Permits) or the Municipal Government Act, Section 640, and The City of Calgary Land Use Bylaw 1P2007 (Part 2) (for Development Permits) as well as the *Alberta Freedom of Information and Protection of Privacy Act* ("FOIP"), Section 33(a) and (c). This information will be used for The City's permit review and inspection processes and may be communicated to relevant City Business Units, utility providers, and Alberta Health Services for purposes related to these processes. Information may also be used by The City to conduct ongoing evaluations of services received from The City's Planning and Development Department. The name of the applicant and the nature of the permit will be made available to the public as authorized by FOIP. Please send inquiries by mail to the FOIP Program Administrator, Planning and Development, PO Box 2100, Station M, Calgary, AB T2P 2M5 or contact us by phone at 311.

9. Alberta Law

You agree to be bound by Alberta law when using this Online Services Site and agree that any court proceedings or other legal action will take place in Alberta.

10. No Damage or Modification of Site

You agree that you will not take any action to damage, modify, or breach the security of this Online Services Site, or cause the Online Services Site to no longer be available for use. You agree not to impersonate or misrepresent your association with any other person. You agree that you will not submit any information that is harmful, unlawful, or otherwise objectionable.

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12. Security of Account Information

You are responsible for protecting the confidentiality of any account information, user names, logins, passwords, security questions and answers, and other information you might need to access and use this Online Services Site. You are responsible for all activities occurring under your account, user name, or login. You agree to notify The City if you suspect that your account, user name, or login is not secure or is being used for an inappropriate purpose.

13. Violation of Terms of Use

Any rights you have to use this Online Services Site will terminate immediately upon any violation of these Online Services Terms of Use. The City may, in its sole discretion, temporarily or permanently terminate your access to and use of this Online Services Site, at any time, for any reason, without notice or liability to you. The City is not liable for any damages resulting from its termination of your access to, or use of, this Online Services Site.

14. Copyright

I acknowledge and understand that, as part of The City's process in reviewing, evaluating, and processing the permit application, The City will need to make available, in print and digital form, copies of the application materials to relevant City business units, members of City council, utility providers, other municipalities, municipal school Boards, relevant community associations/groups/organizations (including their boards of directors and planning committees), members of the general public, and any other external agencies or third parties whose input is required by The City in connection with the processing of your application. I hereby (i) consent to The City's copying, reproduction, distribution, and communication of the permit application materials, in any material form and via any medium, as required for the purpose of enabling The City to process your application; and (ii) certify that I am authorized and have the right to grant such consent.

15. Condominium Property

I have all authorizations required under the Condominium Property Act, RSA 2000, c C-22, as amended or replaced, the bylaws of the Condominium Corporation, and otherwise in law to apply for this application if it is respecting condominium property. I further agree to immediately notify The City, in writing, of any changes regarding this information.

Development Permit Application Requirements

I am authorized to apply for this permit in accordance with section 26 (1) of the Land Use Bylaw 1P2007 as amended.

Motor Vehicle Parking Bylaw Check

FILE: DP2021-4228

DATE RECEIVED: June 10, 2021

Not Applicable

Proposed Visitor Parking (Not Required)

Suite	Business Name	Use	GFA (m²)	GUFA (m²)	Public Area (m²)	# of Units	Section	Rate	Stalls Required
Address									
Not Applicable									

Address									
Main Floor									
Not Applicable									

Barrier Free Parking

Suite	Business Name	Use	GUFA (m²)	Section	Rate	Stalls Required
Address						
Main Floor						
		Liquor Store	141.83	121.1	4.00 100	5.67
Total Stalls Required						5.67
Total Stalls Required (Rounded)						6

Drop-Off / Pick-Up Parking (Not Required)

Suite	Business Name	Use	GFA (m²)	GUFA (m²)	Public Area (m²)	# of persons	Section	Rate	Stalls Required
Address									
Not Applicable									

Proposed Loading (Not Required)

Suite	Business Name	Use	GFA (m²)	GUFA (m²)	Public Area (m²)	# of Units	Section	Rate	Stalls Required
Address									
Not Applicable									

Proposed Residential Bicycple Parking - Class 1 (Not Required)

Suite	Business Name	Use	GFA (m²)	GUFA (m²)	Public Area (m²)	# of persons	Section	Rate	Stalls Required
Address									
Not Applicable									

Proposed Commercial Bicycle Parking - Class 1 (Not Required)

Suite	Business Name	Use	GFA (m²)	GUFA (m²)	Public Area (m²)	# of persons	Section	Rate	Stalls Required
Address									
Not Applicable									

Proposed Bicycle Parking - Class 2 (Not Required)

Suite	Business Name	Use	GFA (m²)	GUFA (m²)	Public Area (m²)	# of persons	Section	Rate	Stalls Required
Address									
Not Applicable									

Excess Motor Vehicle Parking Stalls (Not Required)

Suite	Business Name	Use	GFA (m²)	GUFA (m²)	Public Area (m²)	# of persons	Section	Rate	Stalls Required
Address									
Not Applicable									

Page 3			Mixed Use - Flexible (MU-1)		D.P. # 2021-4228	
Rule	Requirements		Evaluation			
		Notes	Provided/Variance			
1343 Internal Access to Uses	The uses listed in the Residential Group of Schedule A to this Bylaw, with the exception of a Hotel, may only share an internal hallway with any other use in the Residential Group of Schedule A to this Bylaw, with the exception of a hotel.		C	N/C	N/A	N/I
1372 Use Area	(1) The maximum use area of a Catering Service – Minor, or a Catering Service – Minor combined with any other use, is 300.0m²		N/A			
	(1) The maximum use area of a Catering Service – Minor, or a Catering Service – Minor combined with any other use, is 300.0m²		N/A			

Part 4 A to Z Use and Use Rules										D.P. #		2021-4228							
A	B	C	D	E	F	G	H	I	K	L	M	N	O	P	R	S	T	U	V
Section / Use		Type	Requirements									Evaluation							
225 Liquor Store	Compulsory	(a) means a use:	(a) means a use where alcoholic beverages are sold for consumption off the retail outlet premises, that has been licensed by the Alberta Gaming and Liquor Commission;									C	N/C	N/A	N/I				
			(c) in the C-N1 and C-N2 Districts must only be located on a parcel with a front property line on a major street or a primary collector street;									C	N/C	N/A	N/I				
	Rule	(d) in all Districts, not including the C-R2, C-R3 and CR20-C20/R20 Districts, must not be located within 300.0m of any other Liquor Store, when measured from the closest point of a Liquor Store to the closest point of another Liquor Store;									see map		#VALUE!						
		Address of Liquor Store within 300.0m, if applicable.																	
		(e) in all commercial, industrial and mixed use districts, not including the C-R2, C-R3 and CR20-C20/R20 Districts, must not be located within 150.0m of a parcel that contains a School – Private or a School Authority – School, when measured from the closest point of a Liquor Store to the closest point of a parcel that contains a School Authority – School or a School – Private;									N/A								
		Address of School Authority - School or School - Private within 150.0m, if applicable.																	
		(e.1) In all Centre City East Village Districts, Liquor Stores must not be located: (i) within 150.0m of a parcel that contains an Emergency Shelter, when measured from the closest point of a Liquor Store to the closest point of a parcel that contains an Emergency Shelter									N/A								
		Address of Emergency Shelter within 150.0m, if applicable.																	
		(e.1) In all Centre City East Village Districts, Liquor Stores must not be located: (ii) on parcels North of 5 Avenue SE and West of 4 Street SE									C	N/C	N/A	N/I					
		(e.2) in all Districts, not including the C-R2, C-R3 and CR20-C20/R20 Districts, must not:	(i) abut a Cannabis Store;				C	N/C	N/A	N/I									
			(ii) if not for one or more intervening actual side setback areas, abut a Cannabis Store; and				C	N/C	N/A	N/I									
			(iii) when located on the same parcel, if not for a vacant space between buildings, not including an internal road, abut a Cannabis Store				C	N/C	N/A	N/I									
40 Applications the Development Authority Must Refuse		(h) is for a Liquor Store in any district, other than the C-R2, C-R3 and CR20-C20/R20 Districts, that requires more than a 10.0% relaxation of a minimum separation distance specified in subsections 225(d) or 225(e), except where the development permit is for:							(i) the expansion or alteration of an existing approved Liquor Store or renewal of approval of a previously approved development permit for a Liquor Store; or			Applies		Does Not Apply					
									(ii) an existing approved Liquor Store that proposes to move to a new location not within a minimum separation distance specified in subsections 225(d) or 225(e), excluding the distance from the original location of the existing approved Liquor Store;			Applies		Does Not Apply					
									Note: If both (i) or (ii) Apply these values are Not Applicable		225(d)		#VALUE!		#VALUE!				
											225(e)		#VALUE!		#VALUE!				

DP2021-4228

Liquor Store Separation

300m DP2020-7287 Liquor Store 217.96 m from proposed location

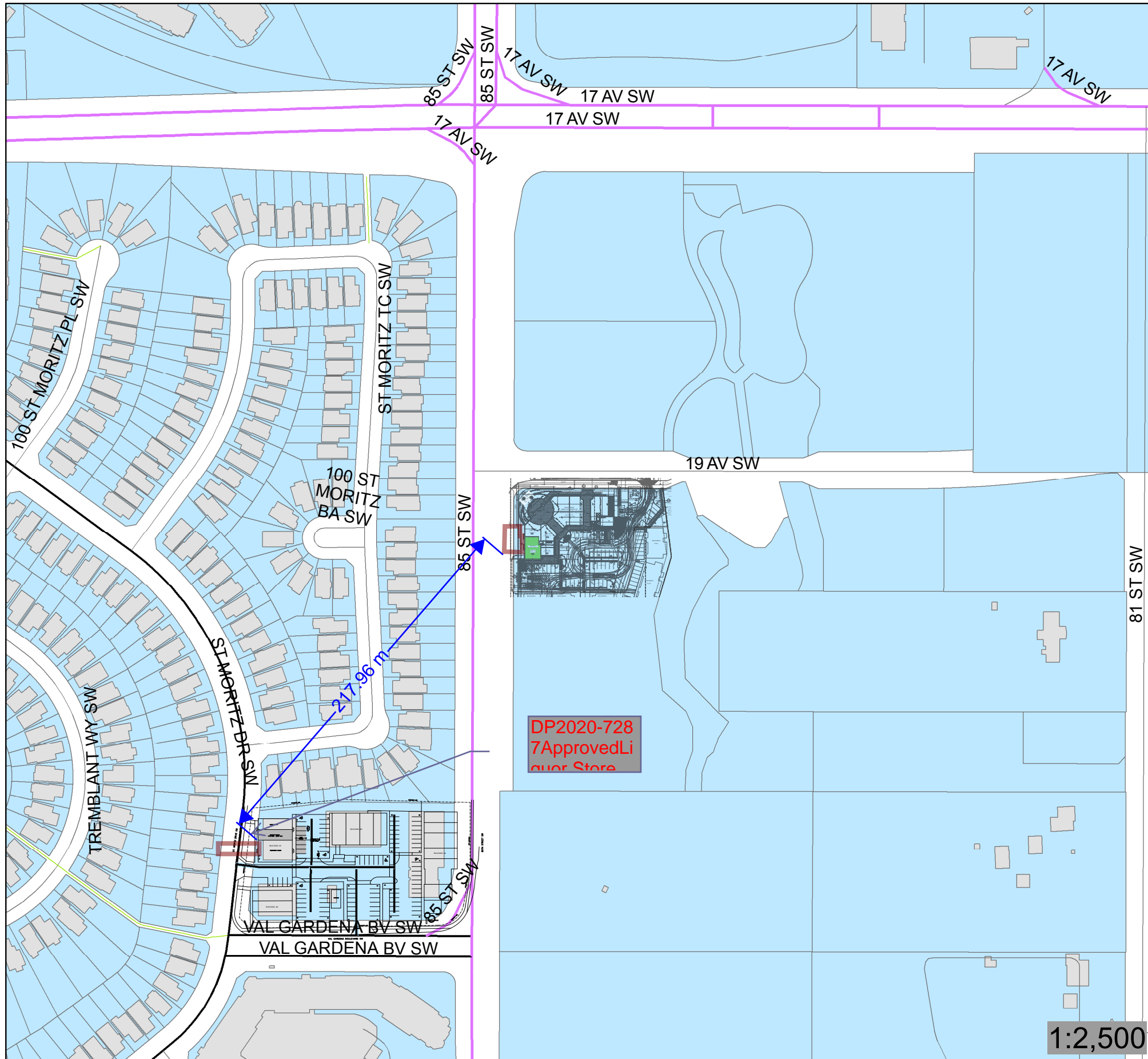
School Separation

150m No Schools located within

Emergency Shelter Separation

150m (only applicable in Centre City East Village Districts) No Emergency Shelters within

150m Cannabis Store Separation No Cannabis Stores abutting



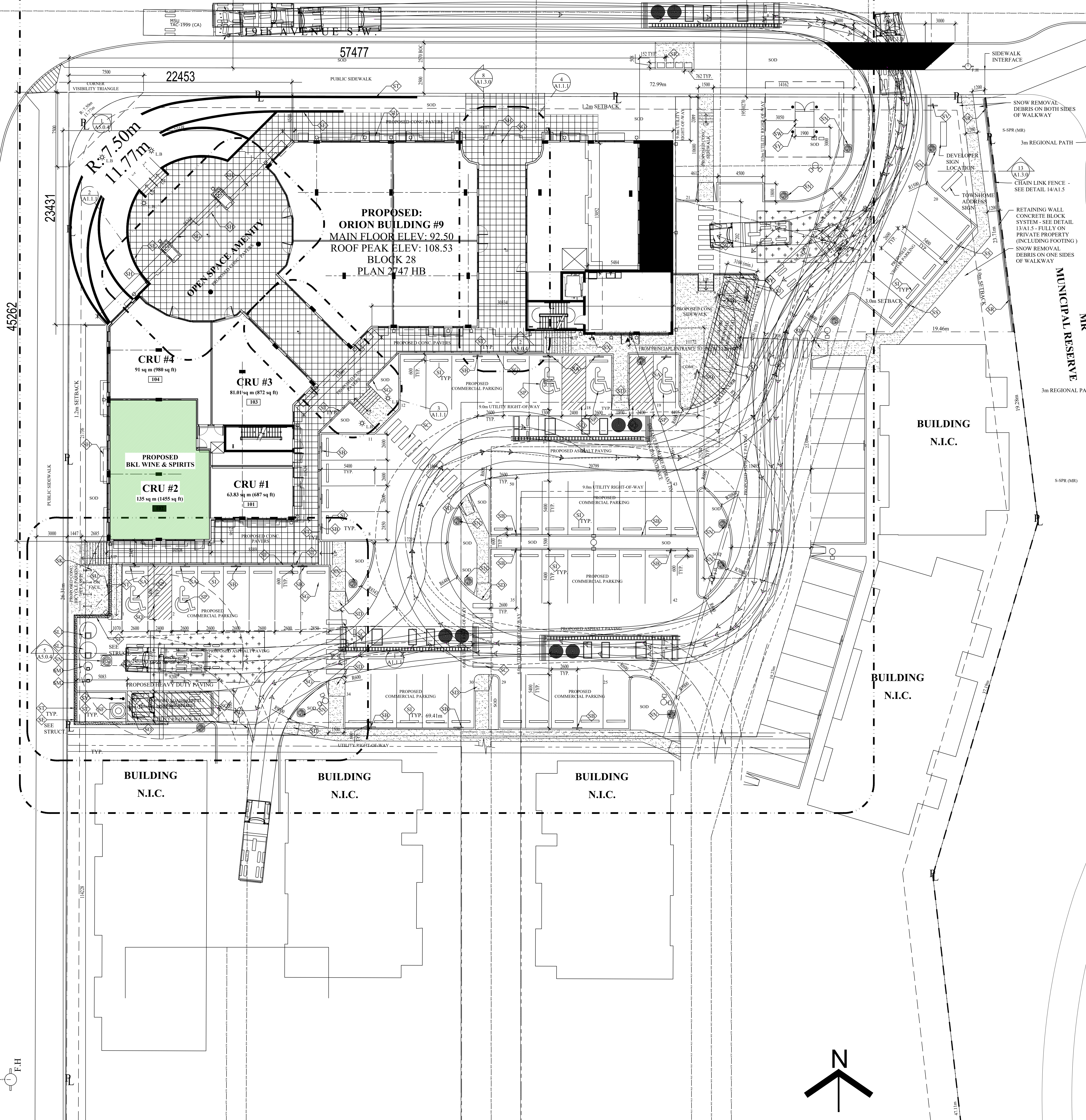
Legend

Date: 2021-07-08

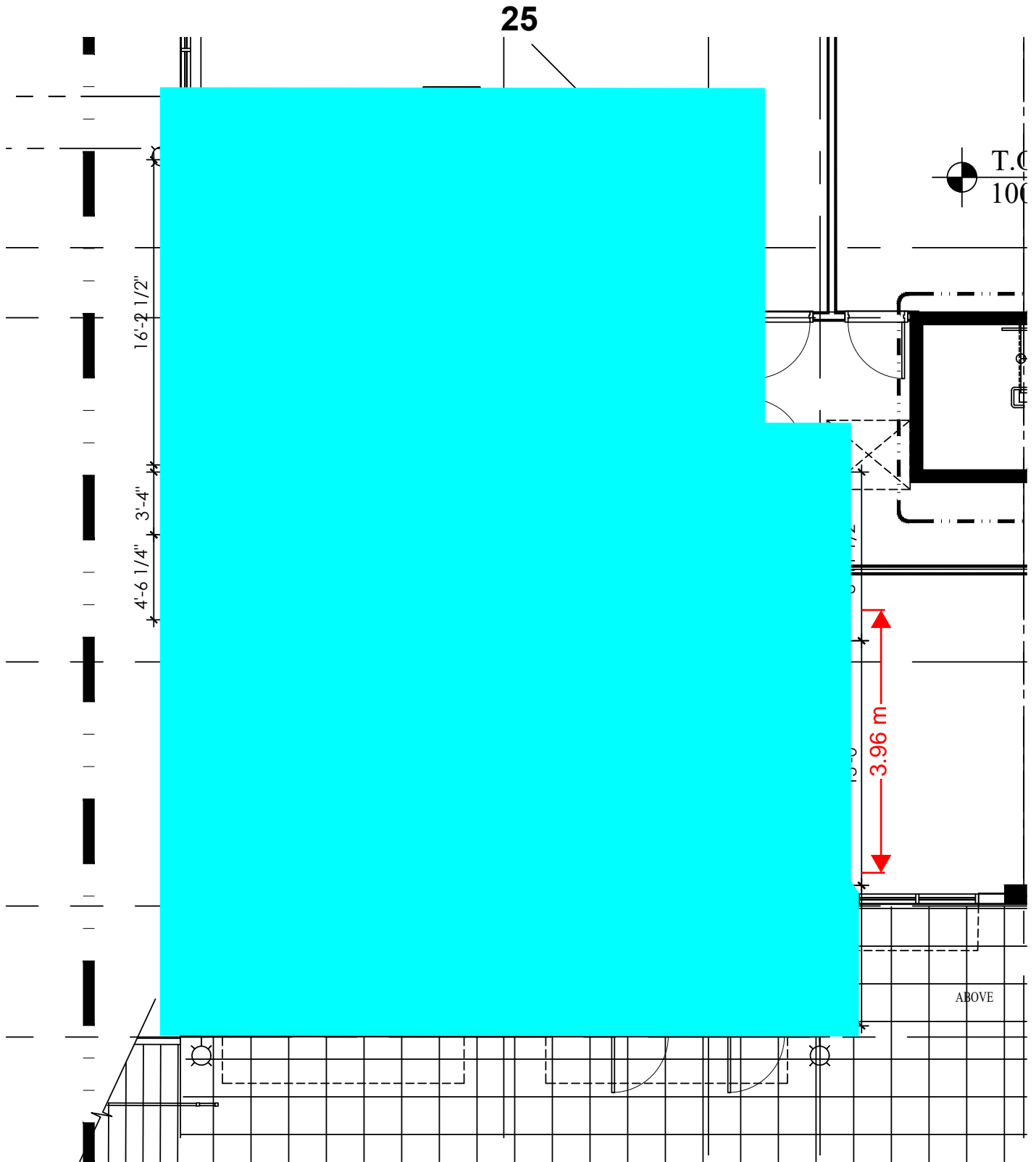
85th STREET S.W.

19th AVENUE S.W.

1
A1.1.0



PROPOSED CHANGE OF USE FOR - BKL WINE AND SPIRITS
Unit 128 205 Spring Creek Common SW (CRU #2)
PLAN 2110726 BLOCK 2 LOT 1



CONTACT:
KELLY MELANSON
kelly@meltondesign.ca
403-831-5162

BKL WINE AND SPIRITS
Unit 128 205 Spring Creek Common SW

SPACE PLAN OPTION # 1

ISSUED FOR:

PRELIMINARY SPACE PLAN
JUNE 10TH 2021

SK1
PRELIMINARY

SDAB2021-0061

From: [Robinson, Melanie](#)
To: ["Landra Trevis"](#)
Subject: RE: [EXT] Re: Action Required - Detailed Review for DP2021-4228 at 8575 19 AV SW (Liquor Store)
Date: Thursday, July 29, 2021 7:55:00 AM
Attachments: [image.png](#)
[image.png](#)
[image.png](#)
[image.png](#)

Hi,

Ok, I will prepare the application for refusal.
 Once the application is prepared I will submit it for vetting and approval.
 This process can take a few weeks.

Once the refusal status is updated to 'complete' you will receive the information by email.

In the email it will give you instructions for how to file the appeal.
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 You can go to this website www.calagrysdab.ca to get some information about the appeal hearing.

Melanie Robinson, AT
 Senior Planning Technician
 Technical Planning
 Community Planning
T 403.333.5503 | **E** melanie.robinson@calgary.ca
 ISC: Unrestricted



We are online! Check out www.calgary.ca/pdmap to learn more about the development activity in your community.

From: Landra Trevis <landra@meltondesign.ca>
Sent: Wednesday, July 28, 2021 3:27 PM
To: Robinson, Melanie <Melanie.Robinson@calgary.ca>
Subject: Re: [EXT] Re: Action Required - Detailed Review for DP2021-4228 at 8575 19 AV SW (Liquor Store)

Hello Melanie,

Yes, we would like to file the appeal. Could you please let me know how I proceed to the next steps?

Thank you.

Landra

Landra Trevis (Melton) - M.Sc., P.Eng., MBA

Partner - General Manager - Artist

MELTON DESIGN

Email: landra@meltondesign.ca

Website: www.meltondesign.ca

Cell: 403.616.3806

On Wed, Jul 28, 2021 at 2:54 PM Robinson, Melanie <Melanie.Robinson@calgary.ca> wrote:

Hi Landra,

Thank-you for your very detailed response. I am sorry but my hands are tied we do not have discretion in section 40. This section of the bylaw is clear and explicitly describes "Applications the Development Authority must Refuse".

The Subdivision and Development Appeal Board can and has overturned our decision.

Since you have prepared this response I gather you want to file the appeal once the application is in refused status.

Please confirm you want me to refuse this application?

Melanie Robinson, AT

Senior Planning Technician

Technical Planning

Community Planning

T 403.333.5503 | **E** melanie.robinson@calgary.ca

ISC: Unrestricted



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From: Landra Trevis <landra@meltondesign.ca>

Sent: Wednesday, July 28, 2021 1:53 PM

To: Robinson, Melanie <Melanie.Robinson@calgary.ca>

SDAB2021-0061

Cc: Kelly Melanson <kelly@meltondesign.ca>

Subject: [EXT] Re: Action Required - Detailed Review for DP2021-4228 at 8575 19 AV SW (Liquor Store)

Hello Melanie,

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Please let us know if you have any questions about the document. Please also confirm that emailing this to you directly is the correct procedure - do I need to submit this online as well?

Thank you, I hope your afternoon is going well.

Landra

Landra Trevis (Melton) - M.Sc., P.Eng., MBA
Partner - General Manager - Artist

MELTON DESIGN

Email: landra@meltondesign.ca

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Good Day,

The detailed review for your Development Permit has been completed and we require additional information before we are able to proceed to a decision.

cid:image002.png@01D58FE9.6E6914F0



This email contains the following information:

- Detailed Review

For more information about the Development Permit process please visit www.calgary.ca/dpprocess.

For status updates and more information on your specific Development Permit please visit www.calgary.ca/pdmap.

Please contact me if you have any questions or concerns about your Development Permit.

Thank You,

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Senior Planning Technician
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July 20, 2021

MELTON DESIGN
MELTON, KELLY
Landra@meltondesign.ca
(403) 616-3806

Dear Sir/Madam:

RE: Detailed Review (DR)

Development Permit Number: DP2021-4228

Based on the plans received, your application has been reviewed in order to determine compliance with the Land Use Bylaw and applicable City policies. Any variance from the Land Use Bylaw or City policies may require further discussion or revision prior to a decision being rendered.

A written response to the Prior to Decision issues in this DR is required from the Applicant by the end of the thirty (30) calendar day response due date. In the event that the response due date expires, the application may be inactivated subject to a fifteen (15) calendar day reactivation timeline. In the case of a non-responsive or incomplete application, the General Manager – Planning, Development and Assessment may cancel the application as per Section 41.1 of Land Use Bylaw 1P2007.

Should you have any questions or concerns, please contact me at (403) 333-5503 or by email at melanie.robinson@calgary.ca.

Sincerely,

A handwritten signature in black ink, appearing to read "M. Robinson", written over a light blue horizontal line.

MELANIE ROBINSON
Senior Planning Technician



Detailed Review 1 – Development Permit

Application Number:	DP2021-4228
Application Description:	Revision: Liquor Store (to DP2019-4791)
Land Use District:	Mixed Use - General
Use Type:	Discretionary
Site Address:	8575 19 AV SW
Community:	SPRINGBANK HILL
Applicant:	MELTON DESIGN
Date DR Sent:	July 20, 2021
Response Due Date:	August 20, 2021
Senior Planning Technician:	MELANIE ROBINSON - (403) 333-5503 - melanie.robinson@calgary.ca

General Comments

During the review, the Development Authority considered the Land Use Bylaw rules and the compatibility and impact of the proposed development on the site, and with respect to the neighbourhood. The application proposes to operate a Liquor Store within a multi storey mixed use building. The plans submitted with the application indicate that the proposed use is on the main floor and faces 9th Street.

The application seeks a relaxation for a liquor store to be located within 300 metres from another approved liquor store in the community, measured at 217.96 metres. The intent of the minimum 300 metre setback requirement for a liquor store is to prevent proliferation of the land use. Section 40 of the Land Use Bylaw explicitly instructs the Development Authority to refuse all development applications for prospective Liquor Stores when it is found that the separation distance to other approved Liquor Stores requires a variance of greater than 10 percent.

In evaluating the application, the Development Authority determined that the location of the proposed liquor store is inappropriate. According to section 40 of the Land Use Bylaw 1P2007, the Development Authority must refuse the proposed development due to the separation distance clearance to the nearest approved Liquor Store. Accordingly, the application is refused.

Comments on Relevant City Policies

Liquor Store Separation Distance Guidelines (adopted by Council May 13, 2015)

Objectives

To ensure opportunities for liquor stores are balanced with the cumulative impacts of traffic, parking, noise and aesthetics they may have on communities.

The separation distance helps manage over concentration of liquor stores along corridors and in communities.

Guidelines

A request to reduce either the 300 metre minimum separation distance between a proposed liquor store and an existing liquor store, or the 150 metre minimum separation distance between a proposed liquor store and a school, up to 10 per cent of the minimum distance, may be approved by the development authority when:

1. The proposed liquor store is less than 300 metres from an existing liquor store, but located in and serving a different community or neighbourhood;
2. Only one liquor store or school is within the minimum separation distance;
3. A major road or expressway separates the proposed liquor store from the other liquor store or school within the separation distance;
4. The proposed liquor store, or the existing liquor store that is within the minimum separation distance, is located in an enclosed shopping centre; or
5. The existing liquor store located within the minimum separation distance is in a land use district where the separation distances do not apply (e.g. a direct control district, regional commercial district or a downtown district).

General Planning Criteria for Liquor Stores (adopted by Council November 6, 2000)

In its capacity as Approving Authority, the Calgary Planning Commission directs the Corporate Planning Applications Group to take into account the following issues in addition to all other relevant planning matters, in assessing and making recommendations on Development Permit applications for liquor stores.

1. Location in Relation to Existing Liquor Stores

Where a proposed liquor store is within 300 metres radial distance of an existing liquor store, any cumulative impacts of the facilities on existing development within the area must be considered in evaluating the application.

Bylaw Variances		
Regulation	Standard	Provided
40 Applications the Development Authority Must Refuse	(h) is for a Liquor Store in any district, other than the C-R2, C-R3 and CR20-C20/R20 Districts, that requires more than a 10 per cent relaxation of a minimum separation distance specified in subsections 225(d) or 225(e)...	There is one approved Liquor Store use located within 300 metres from the subject unit: <ul style="list-style-type: none"> • 217.96 metres from the approved Liquor Store at 1110, 288 St Moritz DR SW, a 27.4% relaxation.

Track your application on-line with VISTA. Go to: www.calgary.ca/vista and enter your JOB ACCESS CODE (JAC) from the application form or call Planning Services Counter at (403) 268-5311.

225 Liquor Store	(e) in all Districts, not including the C-R2, C-R3 and CR20-C20/CR20 Districts, must not be located within 300.0 metres of any other Liquor Store, when measured from the closest point of a Liquor Store to the closest point of another Liquor Store;	
------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--

Prior to Decision Requirements

The following issues must be addressed by the Applicant through a written submission and amended plans prior to a decision by the Approving Authority:

1. The development, as proposed, is not supported for the following reasons:
 - separation distance to another liquor store.

Indicate, in writing, the manner in which the application will proceed:

(A) Request **cancellation** of the application. Any applicable fee refund will be determined at the time of cancellation.

(B) **Pursue** the application, as proposed, with a decision of refusal by the Development Authority. The refusal will be based on the comments listed above.

From: [Robinson, Melanie](#)
To: ["Landra Trevis"](#)
Subject: RE: [EXT] Development Permit DP2021-4228 Question
Date: Thursday, July 15, 2021 10:16:00 AM
Attachments: [image003.jpg](#)
[image004.png](#)

Hi Landra,

Precedence does not set a standard for the separation distance for liquor stores. The Development Authority cannot approve a liquor store that does not comply with the separation rules.

I do not know what happened with that situation below, could be one of those stores appealed the Development Authorities decision, or it was a mistake.

This section in the Land Use Bylaw guides the Development Authority decision in situations where there is a separation distance more than 10%. As you can read below we have no other option.

PART 2: ADMINISTRATION

Division 6: General Provisions Relating to Development Permits

Applications the Development Authority Must Refuse

40 The [Development Authority](#) must refuse a [development permit](#) application when the proposed [development](#):

- (h) is for a [Liquor Store](#) in any district, other than the [C-R2](#), [C-R3](#) and [CR20-C20/R20](#) Districts, that requires more than a 10 per cent relaxation of a minimum separation distance specified in subsections 225(d) or 225(e), except where the [development permit](#) is for:
 - (i) the expansion or alteration of an existing approved [Liquor Store](#) or renewal of approval of a previously approved [development permit](#) for a [Liquor Store](#); or
 - (ii) an existing approved [Liquor Store](#) that proposes to move to a new location not within a minimum separation distance specified in subsections 225(d) or 225(e), excluding the distance from the original location of the existing approved [Liquor Store](#);

The parcel is located in MU-1

This application is not through the circulation process, the detailed review with a complete explanation will go out on July 20.

Melanie Robinson, AT
 Senior Planning Technician

SDAB2021-0061

Technical Planning
Community Planning

T 403.333.5503 | E melanie.robinson@calgary.ca

ISC: Unrestricted



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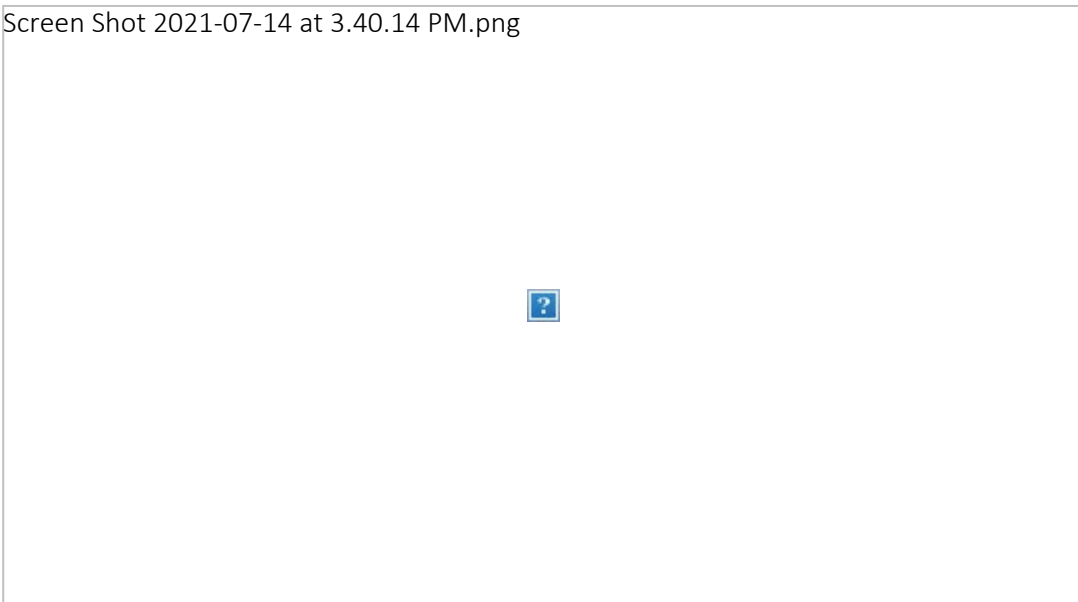
From: Landra Trevis [REDACTED] >

Sent: Wednesday, July 14, 2021 4:11 PM

To: Robinson, Melanie <Melanie.Robinson@calgary.ca>

Subject: Re: [EXT] Development Permit DP2021-4228 Question

Screen Shot 2021-07-14 at 3.40.14 PM.png



Hello Melanie,

Could you please look at the attached example image and give me your feedback? I have looked into the 300m buffer for wine stores and it seems that there is a strong precedent that if the wine stores are separated by a major road such as 85th Street that smaller separating distances are allowed. Before you send out your official report I would like to discuss this with you.

Please give me a call to discuss further.

Thank you,

Landra

Landra Trevis (Melton) - M.Sc., P.Eng., MBA

SDAB2021-0061

Partner - General Manager - Artist

MELTON DESIGN

Email: [REDACTED]

Website: www.meltondesign.ca

Cell: 403.616.3806

On Tue, Jul 13, 2021 at 9:55 AM Robinson, Melanie <Melanie.Robinson@calgary.ca> wrote:

Hello,

The application is currently in the circulation process which will be complete July 19.

I anticipate the following schedule:

Notification of Approval July 20 * Building Permit can be applied for on this date.

Ad July 22

Appeal July 22 to midnight Aug 12

Release on or after Aug 16.

Melanie Robinson, AT
Senior Planning Technician
Technical Planning
Community Planning
T 403.333.5503 | **E** melanie.robinson@calgary.ca
ISC: Unrestricted



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From: Landra Trevis <[REDACTED]>
Sent: Wednesday, July 7, 2021 3:41 PM
To: Robinson, Melanie <Melanie.Robinson@calgary.ca>
Cc: Kelly Melanson <[REDACTED]>
Subject: [EXT] Development Permit DP2021-4228 Question

Hello Melanie,

I submitted a permit on behalf of our client for a new wine store in SW Calgary a few weeks ago.

DP2021-4228-87626

SDAB2021-0061

I am wondering what you think the timeline will be for when we know if this permit is released? I have checked VISTA but am wondering if you have any information on a timeline more specific than what I can see on VISTA.

Thank you so much for working on this permit with us. I hope you are having a great day.

Landra

Landra Trevis (Melton) - M.Sc., P.Eng., MBA
Partner - General Manager - Artist

MELTON DESIGN

Email: [REDACTED]

Website: www.meltondesign.ca

Cell: 4 [REDACTED]

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From: [Robinson, Melanie](#)
To: "Landra Trevis"
Cc: [Kelly Melanson](#)
Subject: RE: [EXT] Re: Action Required - Detailed Review for DP2021-4228 at 8575 19 AV SW (Liquor Store)
Date: Wednesday, July 28, 2021 2:54:00 PM
Attachments: [www.calgary.ca](#)
[image.png](#)
[image.png](#)
[image.png](#)

Hi Landra,

Thank-you for your very detailed response. I am sorry but my hands are tied we do not have discretion in section 40. This section of the bylaw is clear and explicitly describes "Applications the Development Authority must Refuse".

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Since you have prepared this response I gather you want to file the appeal once the application is in refused status.

Please confirm you want me to refuse this application?

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 Technical Planning
 Community Planning
T 403.333.5503 | **E** melanie.robinson@calgary.ca
 ISC: Unrestricted



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Cc: Kelly Melanson <kelly@meltondesign.ca>
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Thank you, I hope your afternoon is going well.

Landra

Landra Trevis (Melton) - M.Sc., P.Eng., MBA
Partner - General Manager - Artist

MELTON DESIGN

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Website: www.meltondesign.ca

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- Detailed Review

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Thank You,

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To: ["Landra Trevis"](#)
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Date: Thursday, July 29, 2021 7:55:00 AM
Attachments: [image001.jpg](#)
[image002.jpg](#)
[image003.jpg](#)
[image004.jpg](#)

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 This process can take a few weeks.

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Partner - General Manager - Artist

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Email: landra@meltondesign.ca

Website: www.meltondesign.ca

Cell: 403.616.3806

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Community Planning

T 403.333.5503 | **E** melanie.robinson@calgary.ca

ISC: Unrestricted



We are online! Check out www.calgary.ca/pdmap to learn more about the development activity in your community.

From: Landra Trevis <landra@meltondesign.ca>

Sent: Wednesday, July 28, 2021 1:53 PM

To: Robinson, Melanie <Melanie.Robinson@calgary.ca>

SDAB2021-0061

Cc: Kelly Melanson <kelly@meltondesign.ca>

Subject: [EXT] Re: Action Required - Detailed Review for DP2021-4228 at 8575 19 AV SW (Liquor Store)

Hello Melanie,

Thank you for taking the time to review our DP application (**DP2021-4228**) for the high end wine store proposed for Springbank Hill. We have attached our written response for the Prior to Decision Review.

Please let us know if you have any questions about the document. Please also confirm that emailing this to you directly is the correct procedure - do I need to submit this online as well?

Thank you, I hope your afternoon is going well.

Landra

Landra Trevis (Melton) - M.Sc., P.Eng., MBA
Partner - General Manager - Artist

MELTON DESIGN

Email: landra@meltondesign.ca

Website: www.meltondesign.ca

Cell: 403.616.3806

On Tue, Jul 20, 2021 at 9:35 AM Robinson, Melanie <Melanie.Robinson@calgary.ca> wrote:

Good Day,

The detailed review for your Development Permit has been completed and we require additional information before we are able to proceed to a decision.

cid:image002.png@01D58FE9.6E6914F0



This email contains the following information:

- Detailed Review

For more information about the Development Permit process please visit www.calgary.ca/dpprocess.

For status updates and more information on your specific Development Permit please visit www.calgary.ca/pdmap.

Please contact me if you have any questions or concerns about your Development Permit.

Thank You,

Melanie Robinson, AT
Senior Planning Technician
Technical Planning
Community Planning
T 403.333.5503 | E melanie.robinson@calgary.ca
ISC: Unrestricted



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From: [Briegel, Michael J.](#)
To: [DP Circ](#); [DP Circ](#)
Cc: [Robinson, Melanie](#)
Subject: RE: Electronic Submission for DP2021-4228 - 8575 19 AV SW
Date: Wednesday, June 30, 2021 8:43:38 AM

No issues from business licence.

MICHAEL BRIEGEL

Chief Licence Inspector
 Compliance Services
 P.O. Box 2100, Stn. M, #128
 Calgary, AB Canada T2P 2M5
 T 403-648-6341
michael.briegel@calgary.ca
 ISC: Protected

From: DP.circ@calgary.ca <DP.circ@calgary.ca>
Sent: Tuesday, June 29, 2021 3:33 PM
To: DP Circ <DP.Circ@calgary.ca>
Cc: Robinson, Melanie <Melanie.Robinson@calgary.ca>
Subject: Electronic Submission for DP2021-4228 - 8575 19 AV SW



Good day,

A Development Permit application has been submitted to The City.
 Applications received by The City on or after June 1 may include plans that can be viewed and shared through the Development Map.

To see if plans are available online check out: [DP2021-4228](#)

While our Circulation Team is still accepting comments via [DP.circ@Calgary.ca](#) we are requesting community associations to comment online through the [Development Map](#).

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development applications.

We're also proud to share the recent launch of our [Development Map Landing Page](#)! This website is a wonderful resource for people to learn how to use the Development Map to effectively comment on applications that matter to them. Please share Calgary.ca/development with anyone you feel would benefit from this information.

To support this exciting initiative, you will notice some improvements to the circulation packages. These changes include:

- The phasing out of plans attached to the circulation email. This process will take some time as we move plans and renderings online.
- The need to submit feedback to our circulation team.
- The removal of specific private information from plans.

The circulation team will be able to better assist you, by providing up-to-date plans on the Development Map. Plus, you can view the original plans, revised plans and approved plans to see how the proposal developed over time.

Thanks in advance for taking this step forward with us. We would like to hear your feedback on the new resources and ideas on how to continue to supporting your needs appropriately. We're here to create a more streamlined system and support you in your participation.

Sincerely,

The Circulation Team

DP.circ@calgary.ca

From: [Marshall Naruzny](#)
To: [Robinson, Melanie](#)
Cc: [Kwan, Johnson](#); [Dsouza, Rayner S.](#); [planning](#)
Subject: [EXT] Re: Electronic Submission for DP2021-4228 - 8575 19 AV SW
Date: Wednesday, July 14, 2021 11:51:15 AM
Attachments: [image001.jpg](#)
[image004.jpg](#)

Thanks for the further information melanie

As a community association we attempt to engage with affected residence. One of the issues we have had, with the incredible amount of construction and signage in the area - things get missed. 8 days seems like a very short time for display of signage....did you get any comments from effected residence to the west ?

Thanks again

Marshall

From: "melanie robinson" <Melanie.Robinson@calgary.ca>
To: "Marshall Naruzny" <[REDACTED]>
Cc: "Johnson Kwan" <ManHoJohnson.Kwan@calgary.ca>, "Rayner S. Dsouza" <Rayner.Dsouza@calgary.ca>, "planning" <planning@springbankhill.org>
Sent: Wednesday, July 14, 2021 11:33:40 AM
Subject: RE: Electronic Submission for DP2021-4228 - 8575 19 AV SW

Hello,

If the liquor store meets the relaxation distance of 10% or less we can approve it.

The distance between liquor stores is measured from unit to unit as the crow flies.

Discretionary means it is left to the development authority to make the decision, we would review all the information and make an informed decision to approve or refuse any discretionary application.

The notice posting signs were placed on the parcel on each street side. These postings were placed on June 30 and removed July 8.

If you are with the planning committee please note that Community Planning expects comments related to the surrounding area. Comments related to our bylaw review are not required from your group as this is outside of your scope for comment.

Melanie Robinson, AT
 Senior Planning Technician
 Technical Planning
 Community Planning
 T 403.333.5503 | E melanie.robinson@calgary.ca
 ISC: Unrestricted



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From: Marshall Naruzny [REDACTED] >
Sent: Sunday, July 11, 2021 12:18 PM
To: Robinson, Melanie <Melanie.Robinson@calgary.ca>
Cc: Kwan, Johnson <ManHoJohnson.Kwan@calgary.ca>; Dsouza, Rayner S. <Rayner.Dsouza@calgary.ca>; Bishoff, Melanie M. <Mel.Bishoff@calgary.ca>; planning <planning@springbankhill.org>
Subject: [EXT] Re: Electronic Submission for DP2021-4228 - 8575 19 AV SW

Hi Melanie

Just thought i would touch base on this as i haven't anything further from you on this matter.
 Also - shouldn't the applicant be posting a sign ? While i realize that the area is under construction and 19th ave does not exist yet - a sign could easily be posted along 85th street.
 No signage exists at the moment.

Thanks

Marshall

From: "Marshall Naruzny" [REDACTED] >
To: "melanie robinson" <Melanie.Robinson@calgary.ca>
Cc: "Johnson Kwan" <ManHoJohnson.Kwan@calgary.ca>, "Rayner S. Dsouza" <Rayner.Dsouza@calgary.ca>, "Melanie M. Bishoff" <Mel.Bishoff@calgary.ca>, "planning" <planning@springbankhill.org>
Sent: Wednesday, June 30, 2021 3:17:16 PM
Subject: Re: Electronic Submission for DP2021-4228 - 8575 19 AV SW

Hi Melanie

Ok so you are referring to

40 The **Development Authority** must refuse a **development permit** application when the proposed **development**:

(h) is for a Liquor Store in any district, other than the [C-R2](#), [C-R3](#) and [CR20-C20/R20](#) Districts, that requires more than a 10 per cent relaxation of a minimum separation distance specified in subsections 225(d) or 225(e), except where the **development permit** is for:

the expansion or alteration of an existing approved Liquor Store or renewal of approval of a previously approved **development permit** for a Liquor Store; or

an existing approved Liquor Store that proposes to move to a new location not within a minimum separation distance specified in subsections 225(d) or 225(e), excluding the distance from the original location of the existing approved Liquor Store;

So that means then with the 10 per cent relaxation - they can be within 270 metres, instead of 300 metres.

When is the bylaw review completed ?

How is the actual distance measured ?

Are there any other discretionary approvals that would allow another liquor store to be development in the proposed retail development if within 270 metres ?

And i am on the SBHCA planning group - just gathering information, as we have had concerns in the neighborhood in regards to liquor store placement and want to ensure i have the relevant information

Also will signage be posted requesting this change ?

Given that the actual location is in the middle of a construction zone is their a requirement for the signage to be in a location that affected residents to the west and south can actually see the signage ?

Thanks

Marshall

From: "melanie robinson" <Melanie.Robinson@calgary.ca>
To: "Marshall Naruzny" <[REDACTED]>
Cc: "Johnson Kwan" <ManHoJohnson.Kwan@calgary.ca>, "Rayner S. Dsouza" <Rayner.Dsouza@calgary.ca>, "Melanie M. Bishoff" <Mel.Bishoff@calgary.ca>, "planning" <planning@springbankhill.org>
Sent: Wednesday, June 30, 2021 12:58:12 PM
Subject: RE: Electronic Submission for DP2021-4228 - 8575 19 AV SW

Hi Marshall,

Without having a completed bylaw review I cannot comment on that distance. This is part of the review included in all development permit applications.

Please keep section 40 (h) in mind.

What is your interest in this application if I may ask, resident or community association?

Thank-you,

Melanie Robinson, AT
 Senior Planning Technician
 Technical Planning
 Community Planning
T 403.333.5503| **E** melanie.robinson@calgary.ca
 ISC: Unrestricted



We are online! Check out www.calgary.ca/pdmap to learn more about the development activity in

SDAB2021-0061

your community.

From: Marshall Naruzny <[REDACTED]>
Sent: Wednesday, June 30, 2021 12:27 PM
To: Robinson, Melanie <Melanie.Robinson@calgary.ca>
Cc: Kwan, Johnson <ManHoJohnson.Kwan@calgary.ca>; Dsouza, Rayner S. <Rayner.Dsouza@calgary.ca>; Bishoff, Melanie M. <Mel.Bishoff@calgary.ca>; planning <planning@springbankhill.org>
Subject: [EXT] Re: Electronic Submission for DP2021-4228 - 8575 19 AV SW

Hi Melanie

Thanks for this ... bit of a followup then

1 : There is currently a liquor store in

Shoppes of St Moritz 288 St Moritz Dr SW, Calgary, AB T3H 5X8 which using goggle maps is pretty close to 300 meters away

2 : Am i correct in assuming - if this is approved a liquor store would not be allowed in Ronmor's retail development at 17th / 19 ave and 81st street - which would seem a much better location but is well within the 300 meters.

Thanks

Marshall

From: "melanie robinson" <Melanie.Robinson@calgary.ca>
To: "Marshall Naruzny" <[REDACTED]>
Cc: "Johnson Kwan" <ManHoJohnson.Kwan@calgary.ca>, "Rayner S. Dsouza" <Rayner.Dsouza@calgary.ca>, "Melanie M. Bishoff" <Mel.Bishoff@calgary.ca>, "planning" <planning@springbankhill.org>
Sent: Wednesday, June 30, 2021 11:20:17 AM
Subject: RE: Electronic Submission for DP2021-4228 - 8575 19 AV SW

Hi Marshall,

The Land Use Bylaw 1P2007 has very clear rules for minimum distance requirements to other liquor stores. You can search "Liquor Stores" in [this link](#) to obtain this information.

If there are other liquor stores within the minimum setback, the application will not be supported.

Melanie Robinson, AT
 Senior Planning Technician
 Technical Planning
 Community Planning
 T 403.333.5503 | E melanie.robinson@calgary.ca
 ISC: Unrestricted



We are online! Check out www.calgary.ca/pdmap to learn more about the development activity in your community.

From: Marshall Naruzny <mnaruzny@shaw.ca>
Sent: Wednesday, June 30, 2021 9:10 AM
To: Robinson, Melanie <Melanie.Robinson@calgary.ca>
Cc: Kwan, Johnson <ManHoJohnson.Kwan@calgary.ca>; Dsouza, Rayner S. <Rayner.Dsouza@calgary.ca>; Bishoff, Melanie M. <Mel.Bishoff@calgary.ca>; planning <planning@springbankhill.org>
Subject: [EXT] Re: Electronic Submission for DP2021-4228 - 8575 19 AV SW

Thanks Melanie

What's the bylaws on liquor stores, and proximity to others liquor stores ?
 Given that this area is a major construction zone at the moment - what is the policy of setting up signage clearer indicating what this is

Thanks again

Marshall

From: "melanie robinson" <Melanie.Robinson@calgary.ca>
To: "Marshall Naruzny" <mnaruzny@shaw.ca>
Cc: "Johnson Kwan" <ManHoJohnson.Kwan@calgary.ca>, "Rayner S. Dsouza" <Rayner.Dsouza@calgary.ca>, "Melanie M. Bishoff" <Mel.Bishoff@calgary.ca>, "planning" <planning@springbankhill.org>
Sent: Wednesday, June 30, 2021 8:45:44 AM
Subject: RE: Electronic Submission for DP2021-4228 - 8575 19 AV SW

Hello,

According to the initial DP
Dwelling Units, Retail and Consumer Service, Restaurant: Licensed - Medium were approved.

This liquor store is replacing one of the uses approved in that initial application. I do not know which unit has which use because those plans do not indicate this detail.

According to the plans for DP2021-4228 the liquor store is located on the SW corner facing 85th Street.

Melanie Robinson, AT
 Senior Planning Technician
 Technical Planning
 Community Planning
T 403.333.5503 | **E** melanie.robinson@calgary.ca
 ISC: Unrestricted



We are online! Check out www.calgary.ca/pdmap to learn more about the development activity in your community.

From: Marshall Naruzny [REDACTED] >
Sent: Tuesday, June 29, 2021 8:24 PM
To: Robinson, Melanie <Melanie.Robinson@calgary.ca>
Cc: Kwan, Johnson <ManHoJohnson.Kwan@calgary.ca>; Dsouza, Rayner S. <Rayner.Dsouza@calgary.ca>; Bishoff, Melanie M. <Mel.Bishoff@calgary.ca>; planning <planning@springbankhill.org>
Subject: [EXT] Re: Electronic Submission for DP2021-4228 - 8575 19 AV SW

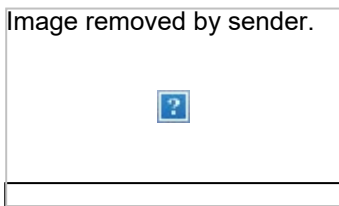
Hi Melanie

could you please provide an overview of what changes are being proposed over the original DP2019-4791

Thanks

Marshall

From: "DP Circ" <DP.circ@calgary.ca>
To: "DP Circ" <DP.circ@calgary.ca>
Cc: "melanie robinson" <melanie.robinson@calgary.ca>
Sent: Tuesday, June 29, 2021 3:32:55 PM
Subject: Electronic Submission for DP2021-4228 - 8575 19 AV SW



Good day,

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Sincerely,

The Circulation Team

DP.circ@calgary.ca

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Development Authority Response to Notice of Appeal

Appeal number: SDAB2021-0061

Development Permit number: DP2021-4228

Address: 8575 19 AV SW

Description: Revision: Liquor Store (to DP2019-4791)

Land Use: Mixed Use – General (MU–1f3.0h20)

Community: Springbank Hill

Jurisdiction Criteria:

Subject to National Resources Conservation Board, Energy Resources Conservation Board, Alberta Energy Regulator, Alberta Energy and Utilities Board, Alberta Utilities Commission or Minister of Environmental and Parks license, permit, approval, or other authorization: No

DA Attendance: No

Use: Discretionary

Notice Posted: Yes

Objections: No

Support: No

Bylaw relaxations:

The development, requires the following relaxations of the rules of the Land Use Bylaw:

Bylaw Variances		
Regulation	Standard	Provided
40 Applications the Development Authority Must Refuse	(h) is for a Liquor Store in any district, other than the C-R2, C-R3 and CR20-C20/R20 Districts, that requires more than a 10 per cent relaxation of a minimum separation distance specified in subsections 225(d) or 225(e)...	<p>There is one approved Liquor Store use located within 300 metres from the subject unit:</p> <ul style="list-style-type: none"> 218 metres (-82 metres) from the approved Liquor Store at 1110, 288 ST Moritz Dr SW, a 27.3% relaxation.
225 Liquor Store	(e) in all Districts, not including the C-R2, C-R3 and CR20-C20/CR20 Districts, must not be located within 300.0 metres of any other Liquor Store, when measured from the closest point of a Liquor Store to the closest point of another Liquor Store;	

Applicable ARP, ASP or Design Brief (in addition to the MDP):

- East Springbank Area Structure Plan (ASP)
- Liquor Store Separation Distance Guidelines

Additional factors, considerations and rationale for the decision:

1. Please see the Reasons for Refusal
2. The application proposes a change of use withing a commercial building which is still under construction:
 - a. at the time of decision, the Development Completion Permit had not yet been issued
 - b. the development has therefore been described as a revision, so that if approved by the SDAB, the commencement of development dates set out in the Land Use Bylaw will align with that of the commercial building and not expire before the building is completed

Appeal Board Received: September 7, 2021
Submitted by: L. Trevis, Applicant Team

Appeal by Melton Design Inc. on behalf of BKL Wine Merchants

Calgary Appeal Boards

Subdivision and Development Appeal Board
P.O. Box 2100, Station M,
Calgary AB T2P 2M5

Supplemental Information – Appeal of DP Refusal

RE:

Appeal Number:	SDAB2021-0061
DP Application Number:	DP2021-4228
Application Description:	Revision: Liquor Store (to DP2019-4791)
Land Use District:	Mixed Use – General
Use Type:	Discretionary
Site Address:	8575 19 Avenue SW, Calgary
Applicant:	Bill Lavergne (owner) / with support from Melton Design Inc.
Date DR sent:	July 20, 2021
Receipt of Decision:	August 24, 2021
Hearing Date:	Thursday, September 16, 2021, 9AM

To whom it may concern,

Melton Design Inc. is in receipt of the Prior to Decision review sent on July 20, 2021, and the Notification of Decision received from the Planning and Development Group on August 24, 2021. In consultation with our client, we wish to appeal the decision. We acknowledge that the proposed store will be within 300m of a store which opened in April of 2021, and this is the sole reason for refusal of our application. The requested relaxation of 82m exceeds the 10% allowance allowable under Section 40 (h) of the City of Calgary Land Use Bylaw 1P2007. We believe there are numerous mitigating factors which support a further relaxation of the existing 300m separation distance limitation. These mitigating factors include the following:

- The sole liquor store within the 300m radius is separated by a major thoroughfare (85th Street SW). There will be no line of sight between the stores, and the existing store cannot be seen from 85th street SW. As such, it is our belief that the existing store services its own unique community on the west side of 85th street (Summit of Montreux).
- We do not believe the proposed store location will negatively impact the surrounding community. Significant residential and commercial development is currently approved and

SDAB2021-0061

underway in the NW quadrant of Springbank Hill. These developments are expected to add an additional 16,000 residents to the neighbourhood, representing an expected 160% increase to the current population of ~10,000 residents (2016 census). This project will go beyond the minimum standard set by building code requirements for accessibility. We believe this is of note when there is an approved Assisted Living development directly north of our location.

- Similar requests have been approved throughout the City of Calgary setting a precedent for approval. Of note are exemptions to the separation distance limitation to the north of our proposed location and separated by the exact same thoroughfare (85th street SW).
- The proposed location will be focused on wine sales, with staff trained and accredited with exceptional levels of wine knowledge and education. As such, the store will service a unique segment of alcohol sales in comparison to other Springbank Hill area retail stores.

Separation by Major Thoroughfare

The sole location within the 300m radius restriction is Always Liquor, located at 288 St. Moritz Drive SW in a distinct subsection of Springbank Hill called Summit of Montreux. Always Liquor is the only liquor store in the area west of 85th street, and one of two liquor stores currently servicing the entirety of Springbank Hill. The proposed location is east of 85th street SW, with major improvements planned to 85th street as part of approved development plans in the area. These improvements include widening the road allowance, a median strip, and multi-use pathways. Please reference the areal map of the two store locations in **Appendix A** and the planned improvements to 85th street in **Appendix B**.

There is no line of site between the two stores, and additionally there is no line of site from any point on 85th street SW to the existing store.

Community Impact & Future Development

The entirety of the NW quadrant of Springbank Hill is currently under varying phases of development with over 6,000 new homes planned for the area and the addition of 16,000 new residents (Source – City of Calgary – see **Appendices C and D**).

The proposed wine store location will be in the approved “Aspen Spring Community” project and developed by Slokker Homes. The Slokker development includes a total of 90 townhomes and 48 condominiums with the requested liquor store location part of a retail complex on the ground floor of a four-story condominium. Over 40 parking locations are reserved for the nine retail locations in this development, providing ample parking without congestion. Accessible parking spaces are available directly in front of the store entrance. Store inventory will arrive directly through the main entrance with two wide parking stalls designated for such activity.

Directly adjacent developments include estate homes with additional condominiums and townhomes spread over 24 acres. These developments are centered around a lake just south of 17th avenue and between 81st and 85th streets SW. **Appendix E** provides a map showing a general description of approved developments planned in the immediate area surrounding the proposed liquor store location.

There are no schools in the immediate vicinity of the proposed store, with the closest Springbank Hill school 500m away (Rundle College).

The location will exceed building code requirements for accessibility. We believe this is of note when there is an approved Assisted Living development directly north of our location (reference **Appendix E**). The store will be designed to adhere to requirements in the NBC 2019 – AB Edition Section 3.8 Accessibility. It will have automated door opening and extra wide aisles (1.3m+) with a design intent to allow a person with mobility issues unrestricted movement throughout the store.

The development includes numerous trees and paths connecting to a protected ravine, creating a distinctive multi-use site with retail stores, high/low-density housing, and a central pond/lake. We are convinced that there will be no negative impact on the neighbourhood, contrarily we expect to enhance it by providing a unique service in an area soon to have a large influx of new residents. The proximity of the store to surrounding residents will reduce vehicular traffic for those desiring access to boutique wine store offerings.

Please reference **Exhibit N** which shows the developer's landscape plans and an outline of the nine retail locations in the complex.

With reference to the above comments on community impact and the scale of development currently underway in Springbank Hill, we believe the location meets all requirements for relaxation of regulations as defined in Section 687 (3d) of the Municipal Government Act.

Finally, we note that the store and suite will be owned and operated by a Springbank Hill resident and will employ multiple staff.

Prior Approvals of a Similar Nature

There are many examples of liquor stores throughout Calgary which contravene the 300m radius requirement by more than the potentially allowable 10% variance. Most of these contravening approvals are similar in nature to our request – they are across a major roadway (yet many also lie within the same subdivision). Specifically, some examples include:

- **Appendix F**

Aspen Wine & Spirits, 366 Aspen Glen Landing SW #130
&
Highlander Wine & Spirits, 10 Aspen Stone Blvd SW

Separation Distance ~ 202m

Subdivision for both stores – Aspen Springs
Separated by 85th Street SW

- **Appendix G**

Spirits of Kensington, 20 14 St NW
&

Kensington Wine Market, 1257 Kensington Rd NW

Separation Distance ~ 182m

Same subdivision *and* no major road separating

Prior Approvals of a Similar Nature (cont.)

▪ **Appendix H**

Vine Styles, 1127b Kensington Rd NW

&

Kensington Wine Market, 1257 Kensington Rd NW

Separation Distance ~ 280m

Within 10% variance, however same subdivision *and* no major road separating

▪ **Appendix I**

17th Avenue Liquor Boutique, 519 17 Ave SW

&

4th Street Liquor & Wine, 1809 4 St SW

Separation Distance ~ 126m

Same subdivision *and* no major road separating

▪ **Appendix J**

Preferred Alberta Liquor Store, 11012 Macleod Trail SE

&

Willow Park Wine & Spirits, 10801 Bonaventure Dr SE

Separation Distance ~ 139m

Same subdivision *and* no major road separating

▪ **Appendix K**

PJ Liquor, 9935 Elbow Dr SW

&

Liquor Depot, 10233 Elbow Dr SW #90

Separation Distance ~ 230m

▪ **Appendix L**

Liquor Depot, #100 825 12 Avenue SW

&

Metrovino Fine Wines, 722 11 Ave SW

Separation Distance ~231m

▪ **Appendix M**

Coop Wine & Spirits, 1003 11 St SW #102
&
Edinburgh Liquor Store, 1239 12 Ave SW

Separation Distance ~221m

Unique Market Served

Our proposed boutique wine store will focus primarily on the sale of smaller production, high quality wines. A smaller component of sales will be high end spirits and local craft beers. As a result of the sales being targeted towards a unique subset of the liquor purchasing market, the expectation is that only a small portion of inventory would be in common with the Always Liquor location (<10%).

Furthermore, the owners intend to obtain an Import license in Alberta, ensuring a unique inventory from other stores in Calgary. The Import license will drive additional sales to licensed restaurants throughout Alberta. As such, we believe the locations will not be competitive and the proposed wine and spirits store will be selling to a clientele which is currently not fully serviced in the Springbank Hill area.

Summary

The proposed store, although within the 300m distance limitation for liquor stores set by City of Calgary regulations, is separated by a major thoroughfare and will be constructed in a new and distinct development. With unique wine offerings to meet the needs of new and existing residents, ample parking, and a well-designed community development plan we suggest that there will be no negative impact on the surrounding neighbourhood. Contrarily, the store is expected to provide products and services that are not currently available in this rapidly expanding area. As such, we respectfully request that our application be approved despite the single limiting factor of distance to another liquor store. Please advise if we can provide any additional information to supplement our application.

Sincerely,

Landra Trevis, P.Eng.
MELTON DESIGN INC.
Email:landra@meltondesign.ca
Cell: 403.616.3806

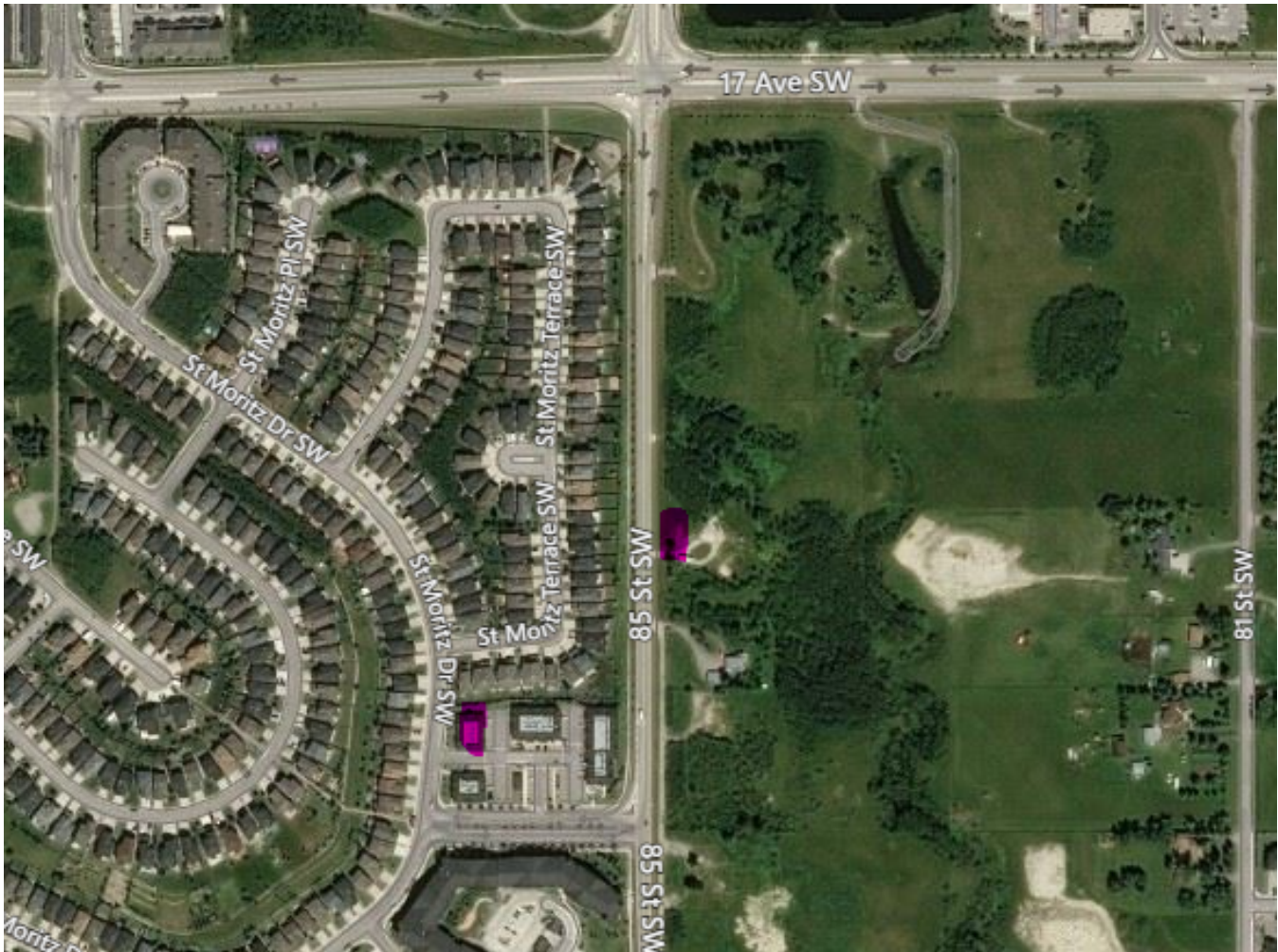
Supplementary Attachments

DP2021-4228 - PERMIT - NOTIFICATION OF DECISION - REFUSAL - 2021-8-24

DP2021-4228 - PERMIT - REASONS FOR REFUSAL - 2021-8-24

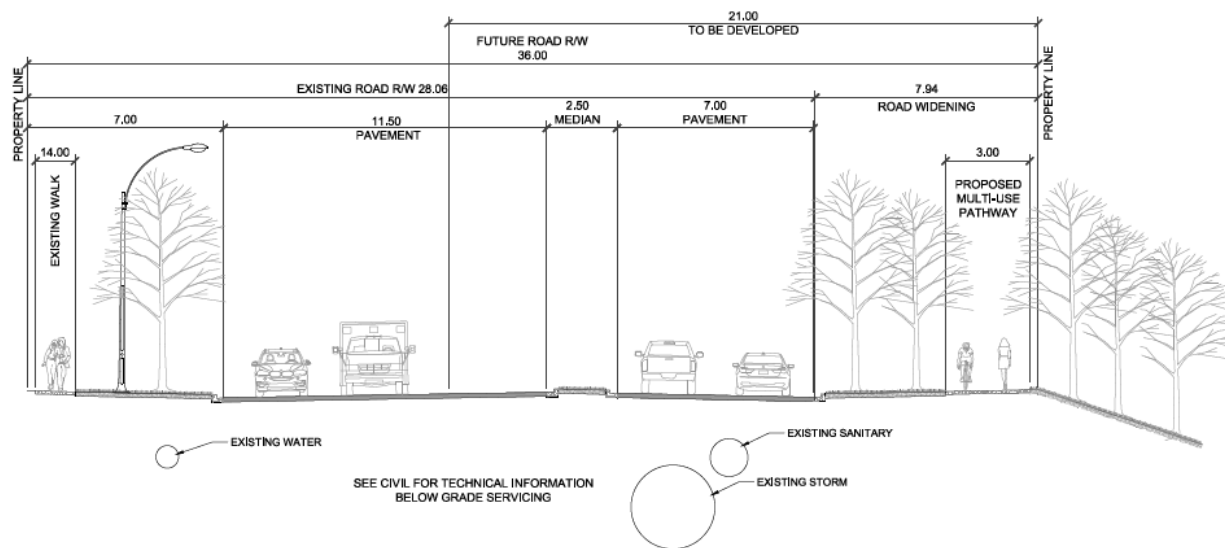
SDAB2021-0061

APPENDICES

APPENDIX A - Areal Map View 85th Street SW

Store locations highlighted on either side of 85th Street SW.

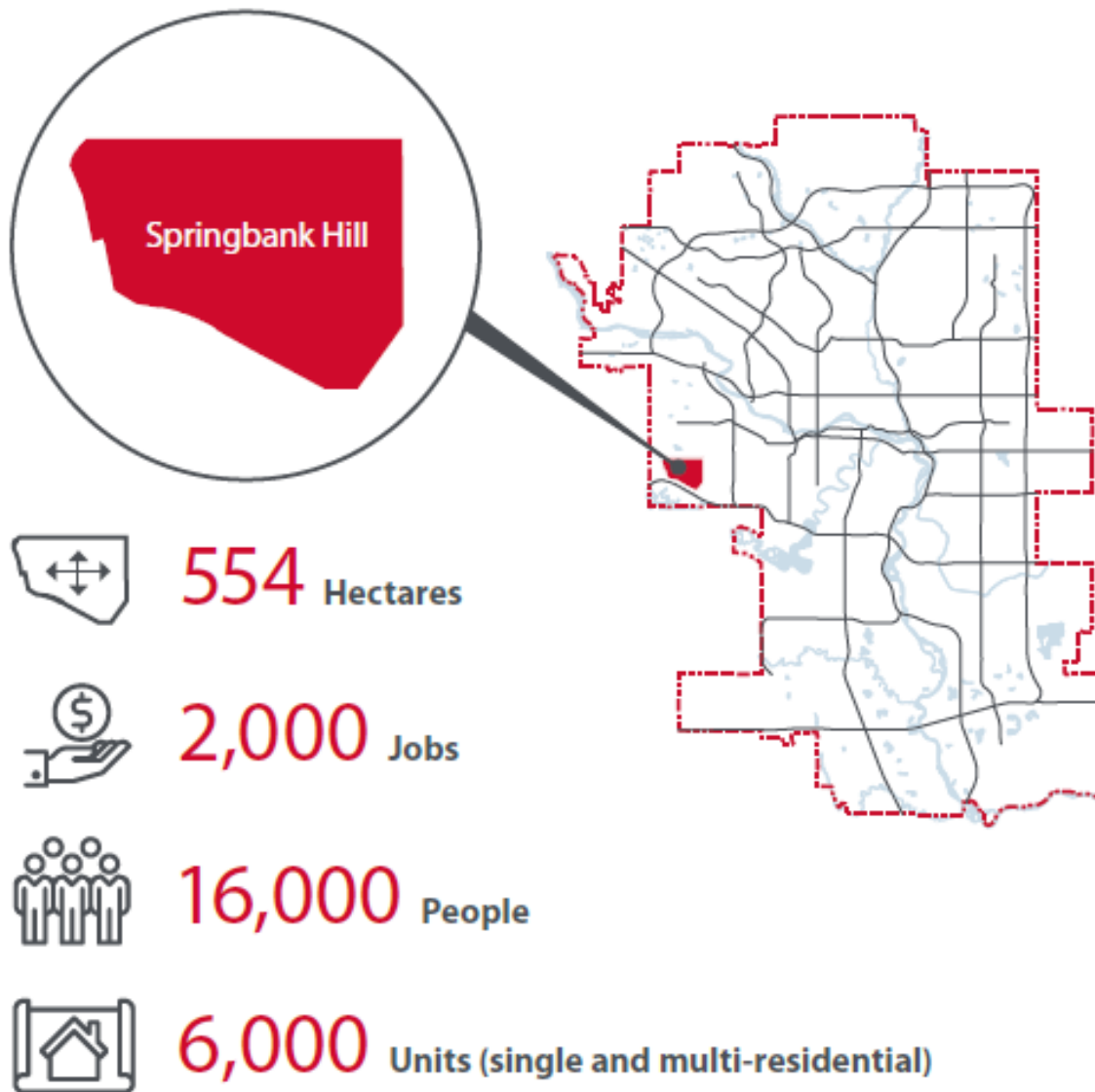
APPENDIX B – 85th Street Widening



Source: <https://www.calgary.ca/pda/pd/current-studies-and-ongoing-activities/springbank-hill-active-applications.html>

APPENDIX C – Planned Developments

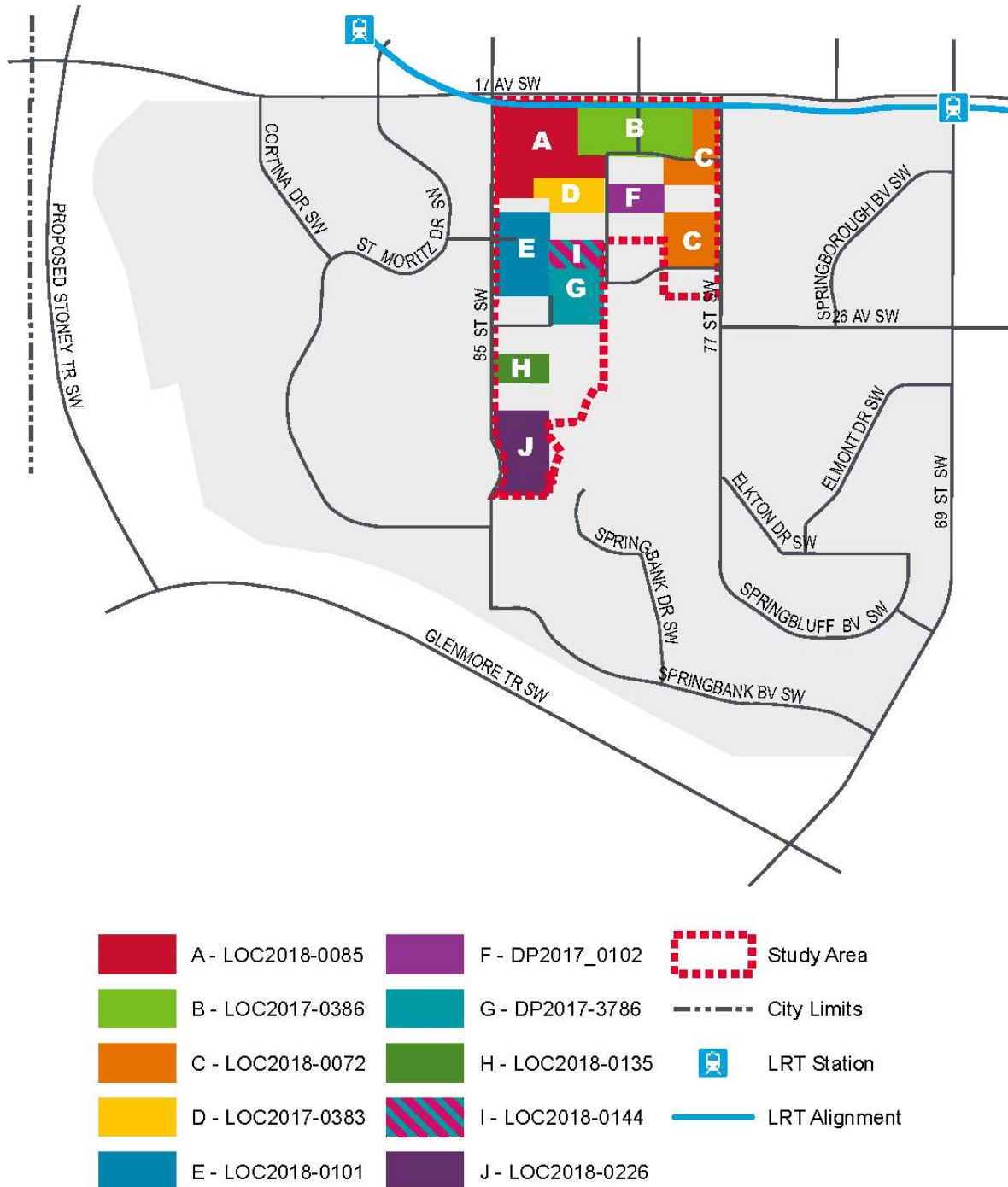
▼ Figure 2: Plan Area Projections



Note: Jobs and population are estimates only and represent a blended development scenario which assumes 50 per cent of the Mixed-Use area will be non-residential. A lower than typical developable area has been factored due to topography constraints.

Source: <https://publicaccess.calgary.ca>

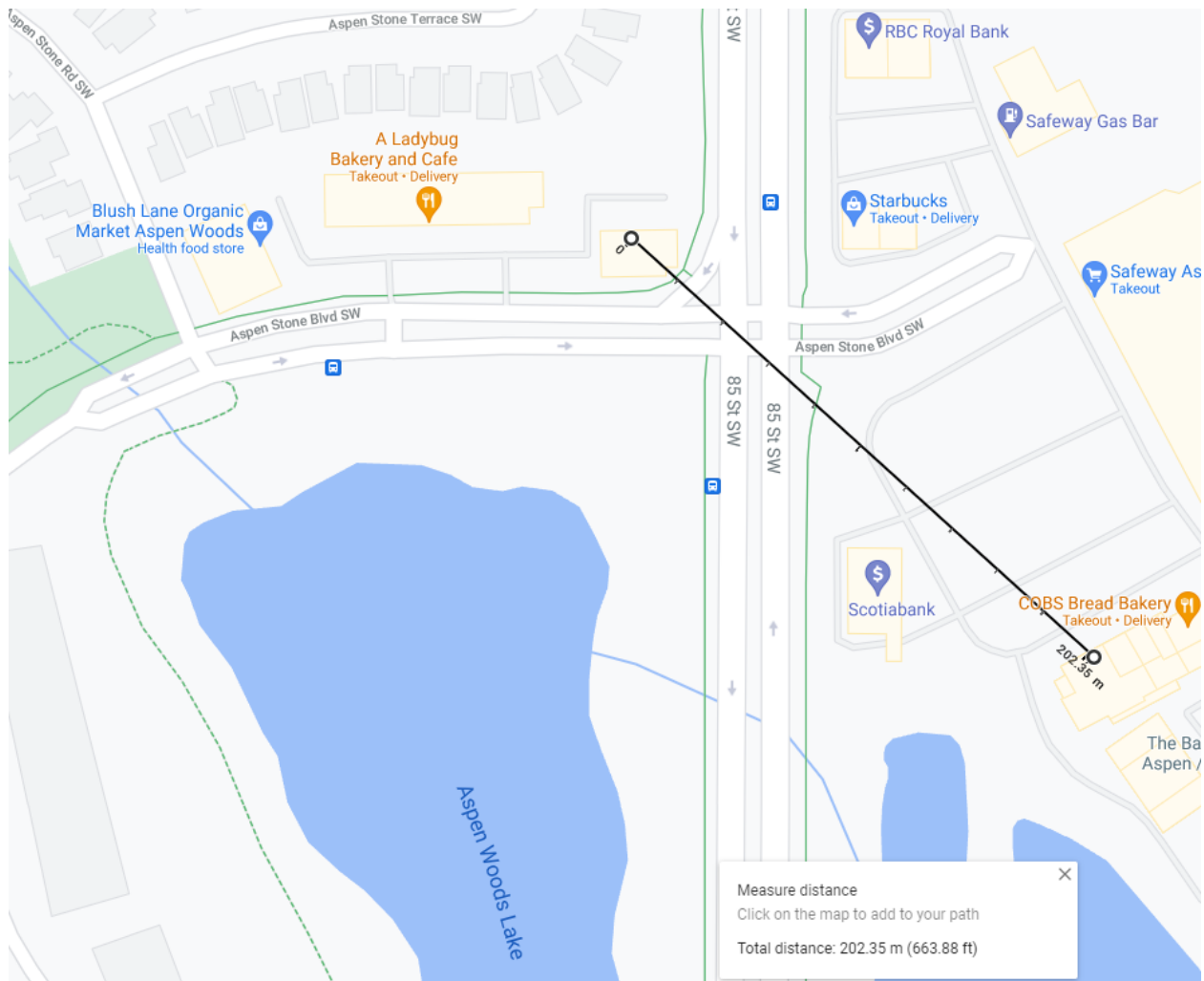
APPENDIX D – Developments Approved/Pending



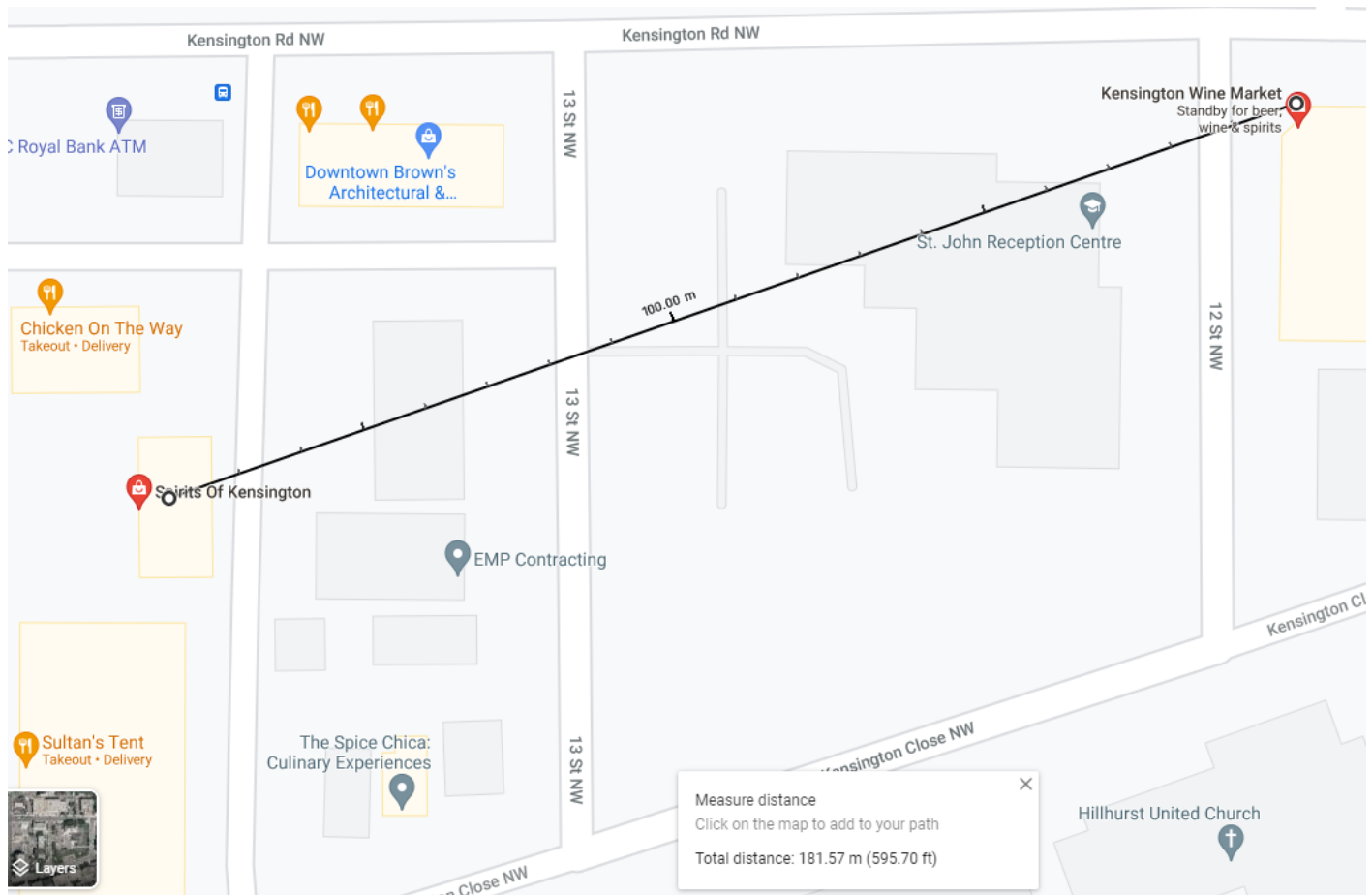
APPENDIX E – Partial Map of Planned Developments East of 85th Street SW

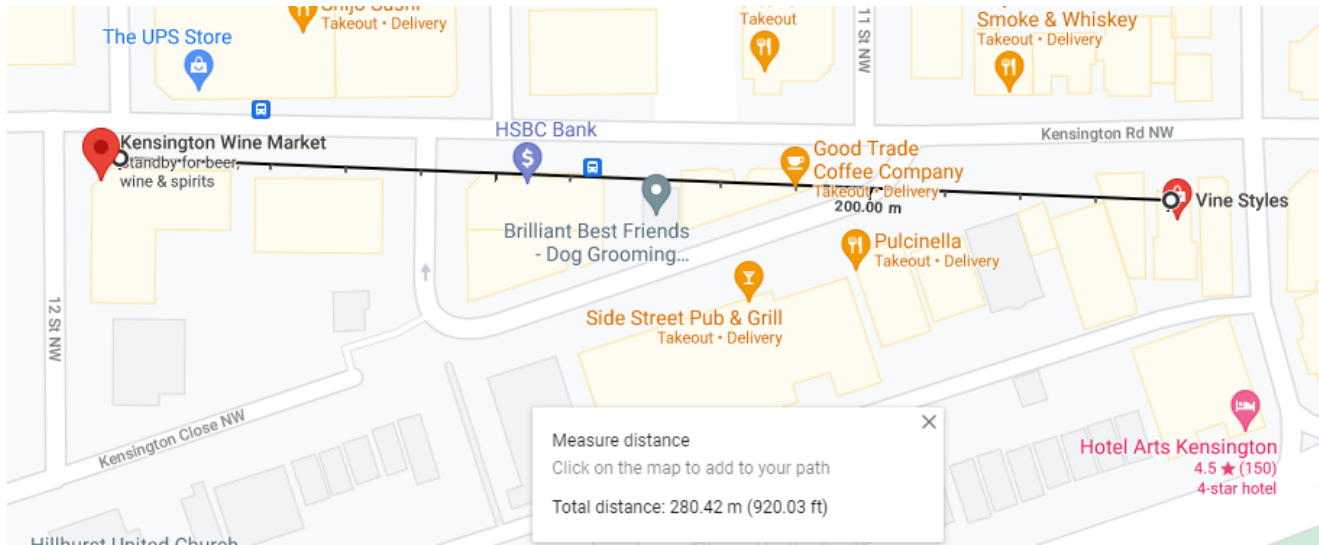


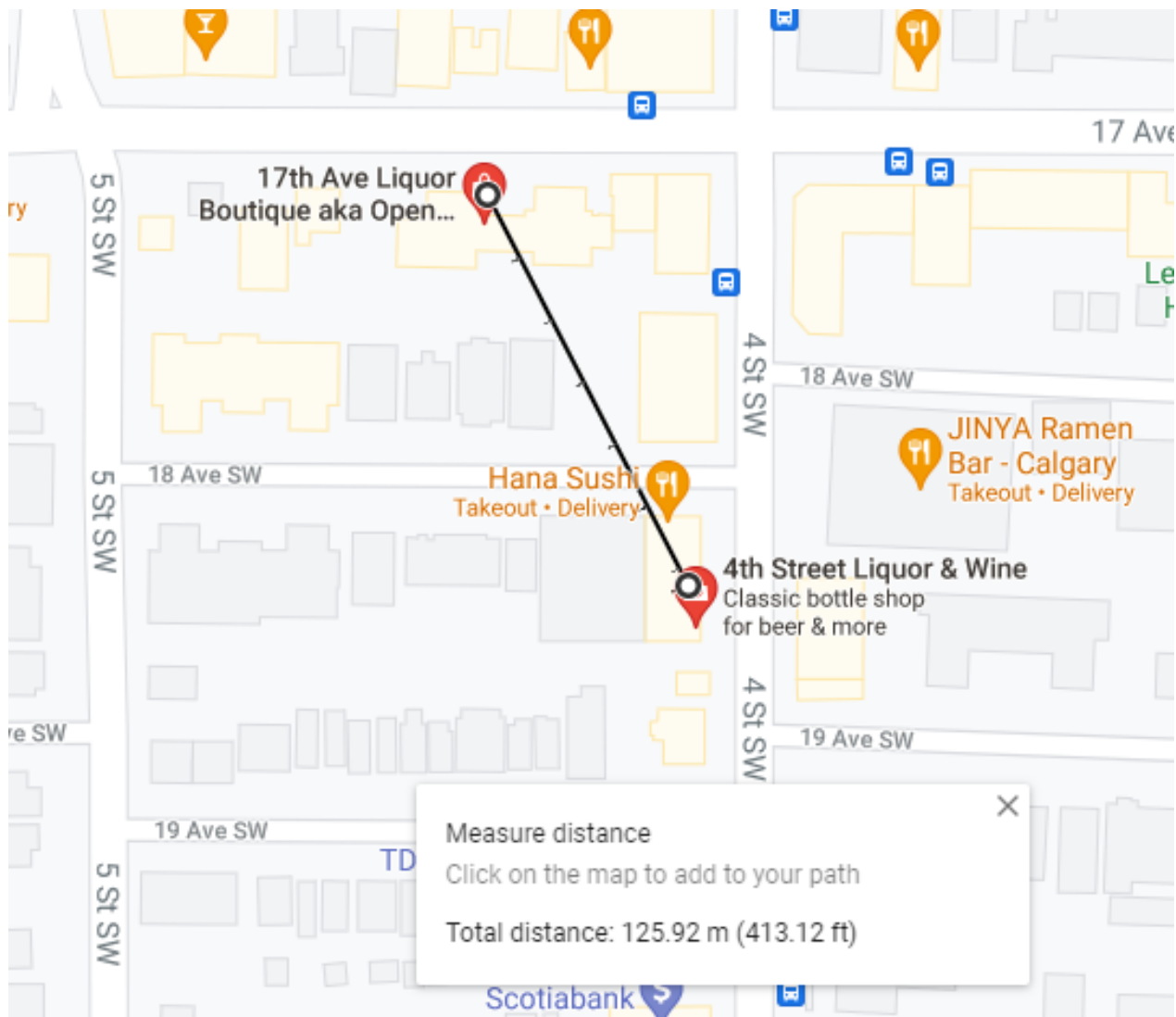
APPENDIX F - Aspen Wine & Spirits/Highlander Wine & Spirits

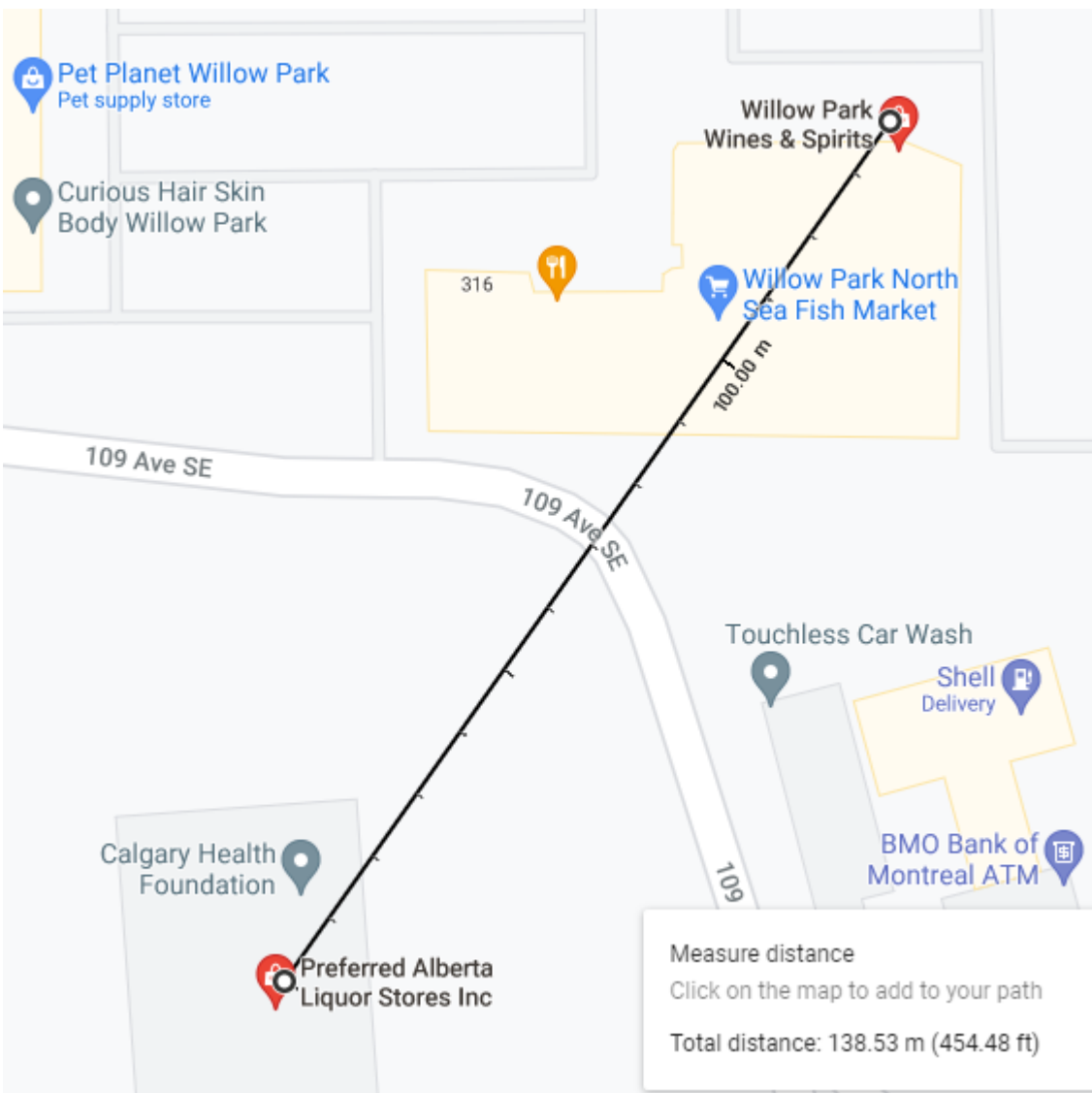


APPENDIX G – Spirits of Kensington/Kensington Wine Market

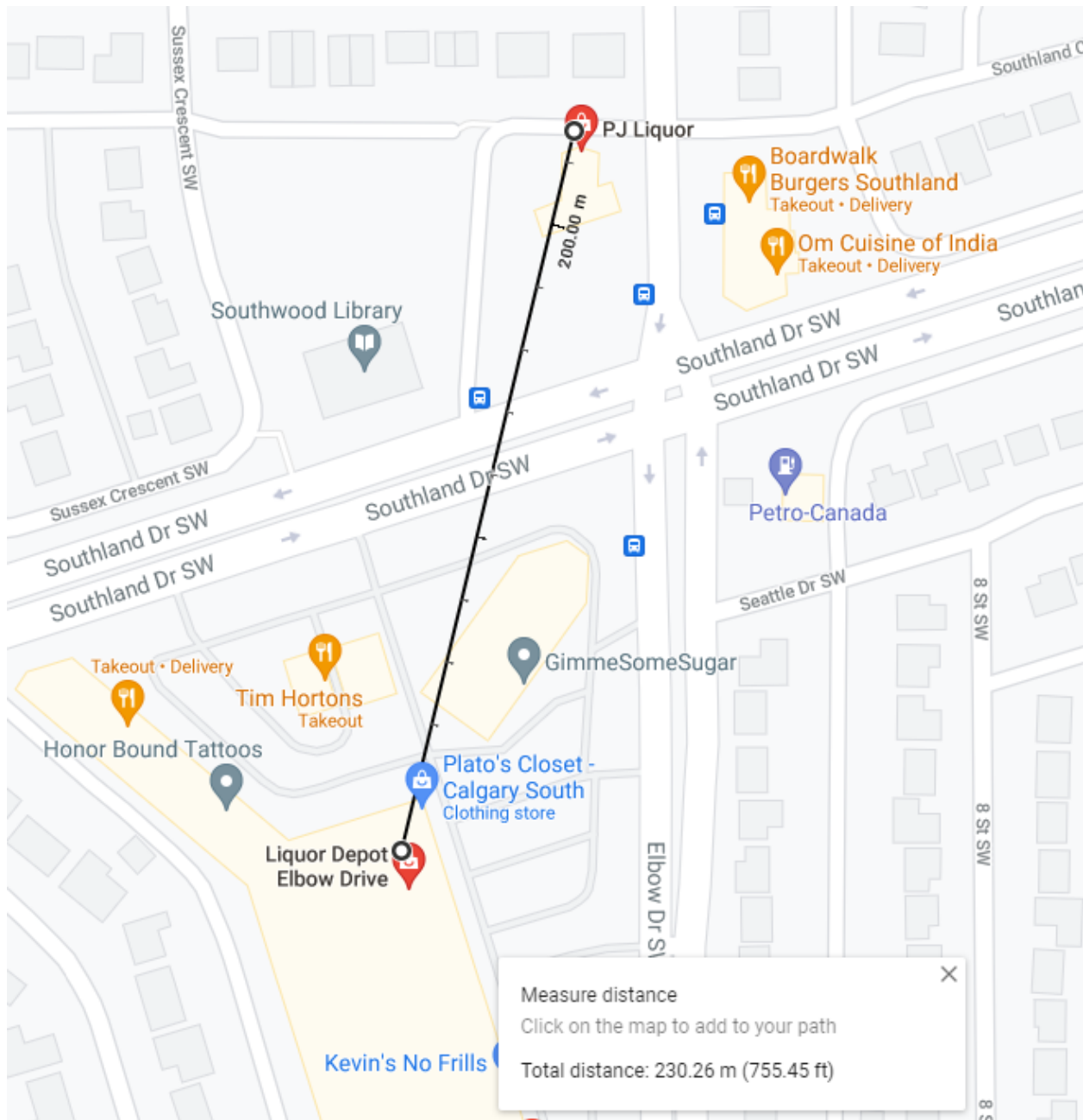


APPENDIX H – Kensington Wine Market/Vine Styles

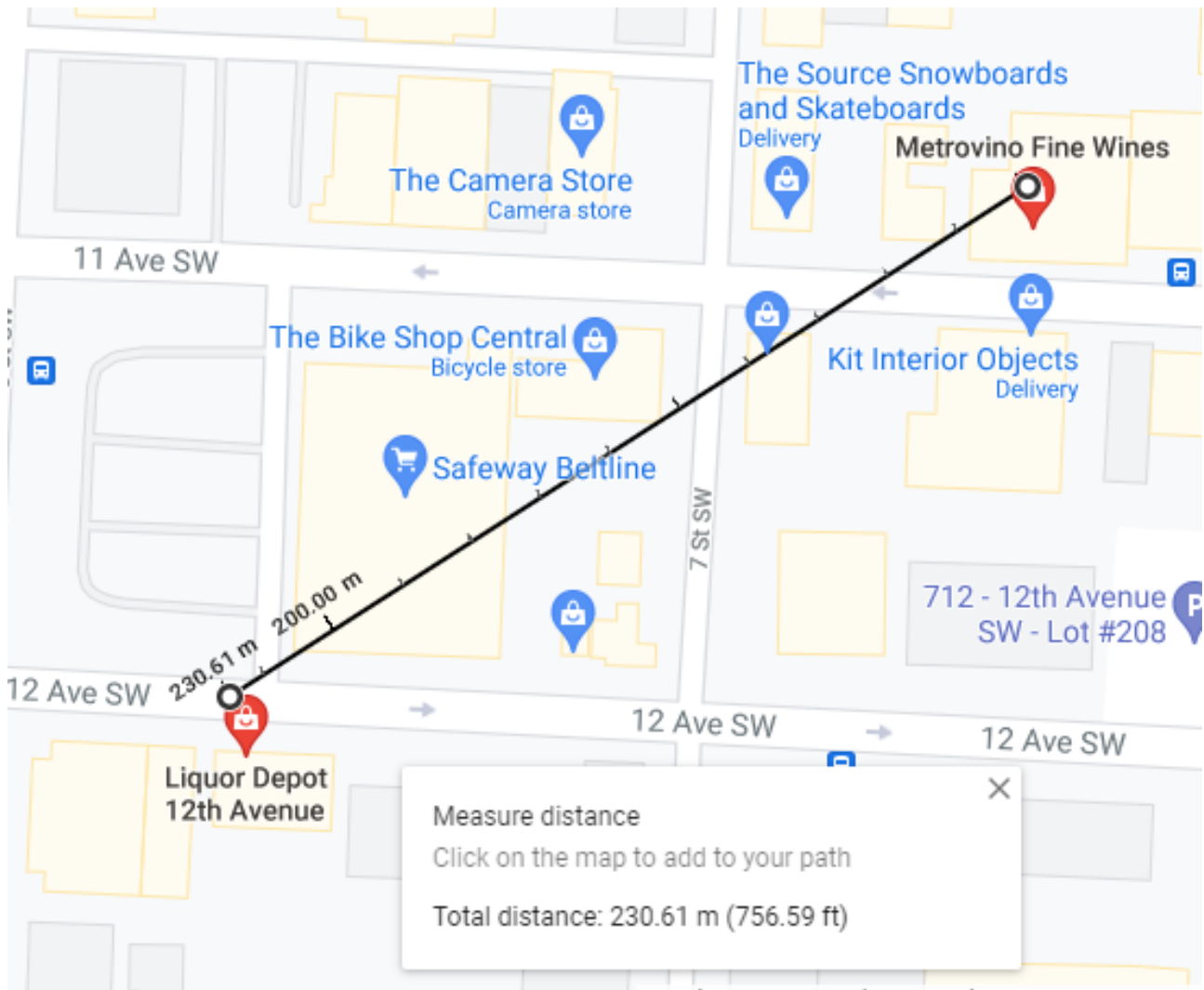
APPENDIX I – 17th Avenue Liquor Boutique/4th Street Liquor & Wine

APPENDIX J – Preferred Alberta Liquor Store/Willow Park Wine & Spirits

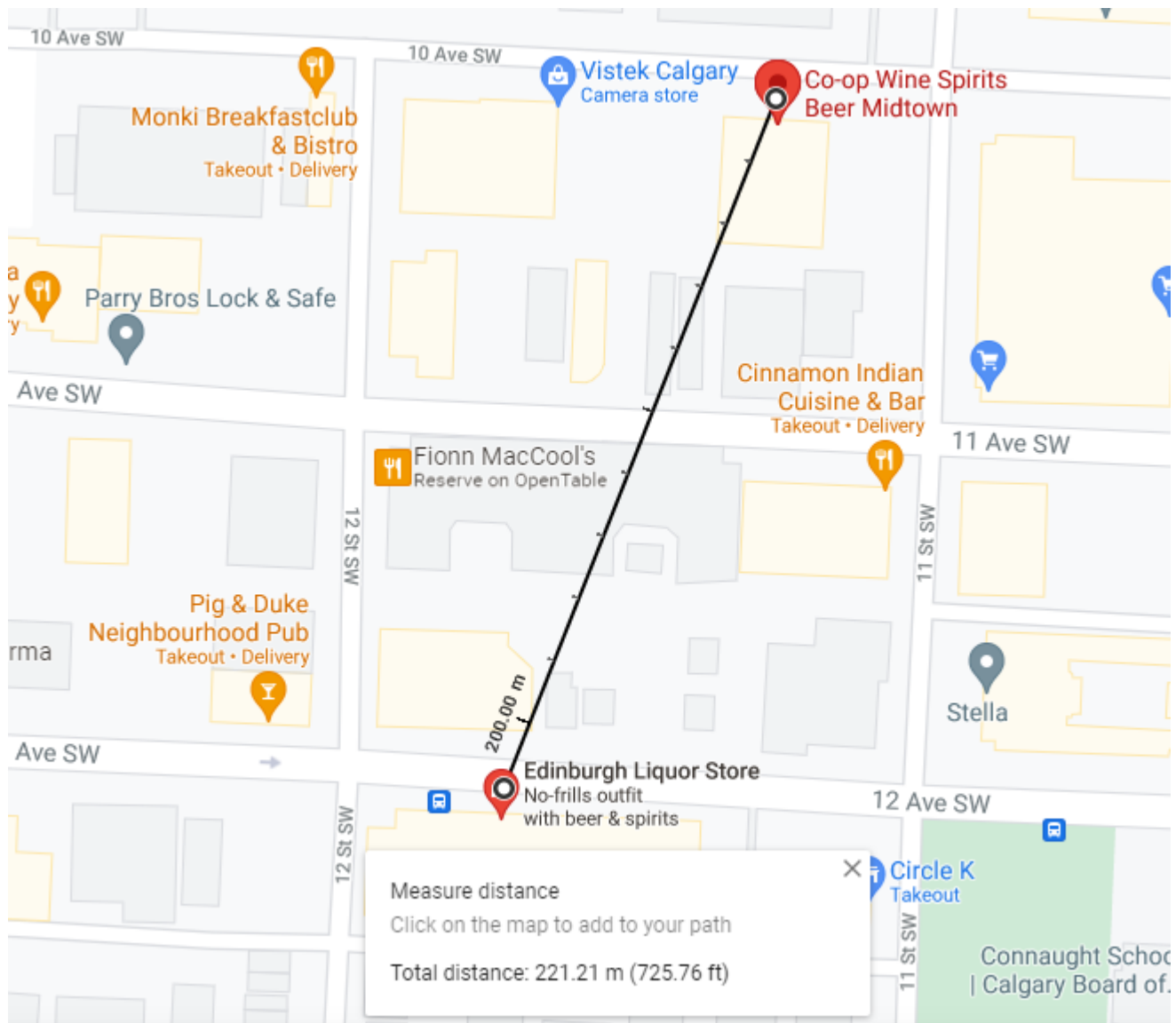
APPENDIX K – PJ Liquor/Liquor Depot



APPENDIX L – Liquor Depot/Metrovino Fine Wines



APPENDIX M – COOP Wine & Spirits/Edinburgh Liquor Store



APPENDIX N – Developer's Landscape Plan





2021 August 24

MELTON DESIGN
KELLY MELTON
Landra@meltondesign.ca
(403) 616-3806

RE: Notification of Decision for DP2021-4228
Subject: Revision: Liquor Store (to DP2019-4791)
Address: 8575 19 AV SW

This is your notification of the decision by the Development Authority to refuse the above noted application on August 24, 2021. Enclosed are the Reasons for Refusal, along with an appeal form, in the event that you choose to appeal this decision.

An appeal along with reasons must be submitted, together with payment of \$200.00 fee, to the Subdivision and Development Appeal Board (4th floor, 1212 31 Avenue N.E., Calgary, AB T2E 7S8) within 21 days of receipt of this letter. An appeal may also be filed online at <http://www.calgarysdab.ca>. To obtain an appeal form, for information on appeal submission options or the appeal process, please call (403) 268-5312.

Should you have any questions or concerns, please contact me at (403) 333-5503 or by email at melanie.robinson@calgary.ca.

Sincerely,

MELANIE ROBINSON
Senior Planning Technician
Planning and Development



Reasons for Refusal for DP2021-4228

The Reasons for Refusal document is intended to provide a short summary of the development permit review and analysis. Attached to this document is supporting information about the application process; concerns raised by neighbours, other affected parties and the Community Association; the requested relaxations of the Land Use Bylaw; and other information in support of the decision.

Proposed Use

This application proposes a change of use for a Liquor Store to be in Suite 1110 288 ST Moritz Dr SW in the community of Springbank Hill. The subject parcel is designated Mixed Use – General District (MU-1) District under the City of Calgary Land Use Bylaw 1P2007. The Liquor Store land use is a discretionary use in this district.

Planning Review and Analysis

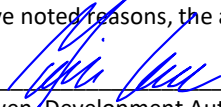
During the review, the Development Authority considered the Land Use Bylaw rules and the compatibility and impact of the proposed development on the site, and with respect to the neighbourhood. The application proposes to operate a Liquor Store within a multi storey mixed use building. The plans submitted with the application indicate that the proposed use is on the main floor and faces 85th Street.

The application seeks a relaxation for a liquor store to be located within 300 metres from another approved liquor store in the community, measured at 218 metres. The intent of the minimum 300 metre setback requirement for a liquor store is to prevent proliferation of the land use. Section 40 of the Land Use Bylaw explicitly instructs the Development Authority to refuse all development applications for prospective Liquor Stores when it is found that the separation distance to other approved Liquor Stores requires a variance of greater than 10.0 per cent.

In evaluating the application, the Development Authority applied section 40 of the Land Use Bylaw 1P2007, the Development Authority must refuse the proposed development due to the separation distance clearance to the nearest approved Liquor Store. Accordingly, the application is refused.

Decision

For the above noted reasons, the application is refused.


 Maurie Loewen, Development Authority

Aug 24, 2021

Date



Attachments for DP2021-4228

Site and Context

The proposed use is located within a new mixed-use building on a 0.52 hectare parcel. This parcel is located at the north west corner of 85th Street and 19th Avenue S.W. in the community of Springbank Hill. The parcel is under development and the Liquor Store is a revision to DP2019-4791. DP2019-4791 is pending receipt of the prior to released conditions issued by the Development Authority related to site servicing.

The development is a three-storey building that contains 15 dwelling units with commercial uses at grade. Indoor parking is located on the lower level accessed from the east side of the building within the parking lot. The parcel is accessed from 19th Avenue. At grade exterior parking is in the parking lot. Based on the submitted plans the loading area for the liquor store is in the parking spaces south of the liquor store.

Process

Circulation:

Circulated to Ward 6 Councillor – No comment received.
 Circulated to Business Licence – No comment received.
 Circulated to Springbank Hill Community Association – Questions, no comment received.
 Alberta Liquor & Gaming Commission - No objections.

Notice Posting: Notice Posting was completed as required under section 27 of the Land Use Bylaw 1P2007.

Comments from Notice Posting: None.

Bylaw Check: 218 metres (-82 metres) from the approved Liquor Store at 1110, 288 ST Moritz Dr SW, a 27.3% relaxation.

Support: None received.

Applicable Planning Policy Guidelines

Liquor Store Separation Distance Guidelines (adopted by Council May 13, 2015)

Objectives

To ensure opportunities for liquor stores are balanced with the cumulative impacts of traffic, parking, noise and aesthetics they may have on communities.
 The separation distance helps manage over concentration of liquor stores along corridors and in communities.

Guidelines

A request to reduce either the 300 metre minimum separation distance between a proposed liquor store and an existing liquor store, or the 150 metre minimum separation distance between a proposed liquor store and a school, up to 10 per cent of the minimum distance, may be approved by the development authority when:

1. The proposed liquor store is less than 300 metres from an existing liquor store, but located in and serving a different community or neighbourhood;
2. Only one liquor store or school is within the minimum separation distance;



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3. A major road or expressway separates the proposed liquor store from the other liquor store or school within the separation distance;
4. The proposed liquor store, or the existing liquor store that is within the minimum separation distance, is located in an enclosed shopping centre; or
5. The existing liquor store located within the minimum separation distance is in a land use district where the separation distances do not apply (e.g. a direct control district, regional commercial district or a downtown district).

General Planning Criteria for Liquor Stores (adopted by Council November 6, 2000)

In its capacity as Approving Authority, the Calgary Planning Commission directs the Corporate Planning Applications Group to take into account the following issues in addition to all other relevant planning matters, in assessing and making recommendations on Development Permit applications for liquor stores.

1. Location in Relation to Existing Liquor Stores

Where a proposed liquor store is within 300 metres radial distance of an existing liquor store, any cumulative impacts of the facilities on existing development within the area must be considered in evaluating the application.

Key Land Use Bylaw Rules

Section 36 of the City of Calgary Land Use Bylaw 1P2007 states, in part:

Discretionary Use That Does Not Comply

- 36** The **Development Authority** may approve a **development permit** application for a **discretionary use** where the proposed **development** does not comply with all of the applicable requirements and rules of this Bylaw if in the opinion of the **Development Authority**:
- (a) the proposed **development** would not unduly interfere with the amenities of the neighbourhood or materially interfere with or affect the use, enjoyment or value of neighbouring properties;

Section 40 of the City of Calgary Land Use Bylaw 1P2007 states, in part:

Applications the Development Authority Must Refuse

- 40** The **Development Authority** must refuse a **development permit** application when the proposed **development**:
- (h) is for a **Liquor Store** in any district, other than the C-R2, C-R3 and CR20-C20/R20 Districts, that requires more than a 10 per cent relaxation of a minimum separation distance specified in subsections 225(d) or 225(e), except where the **development permit** is for:
 - (ii) an existing approved **Liquor Store** that proposes to move to a new location not within a minimum separation distance specified in subsections 225(d) or 225(e), excluding the distance from the original location of the existing approved **Liquor Store**.

Section 225 of the City of Calgary Land Use Bylaw 1P2007 states, in part:

225 “Liquor Store”

- (d) in all Districts, not including the C-R2, C-R3 and CR20-C20/ R20 Districts, must not be located within 300.0 metres of any other **Liquor Store**, when measured from the closest point of a **Liquor Store** to the closest point of another **Liquor Store**;
- (e) in all **commercial** and **industrial districts**, not including the C-R2, C-R3 and CR20-C20/R20 Districts, must not be located within 150.0 metres of a **parcel** that contains a **School – Private** or a **School Authority – School**, when measured from the closest point of a **Liquor Store** to the closest point of a **parcel** that contains a **School Authority – School** or a **School – Private**;

Bylaw Variances

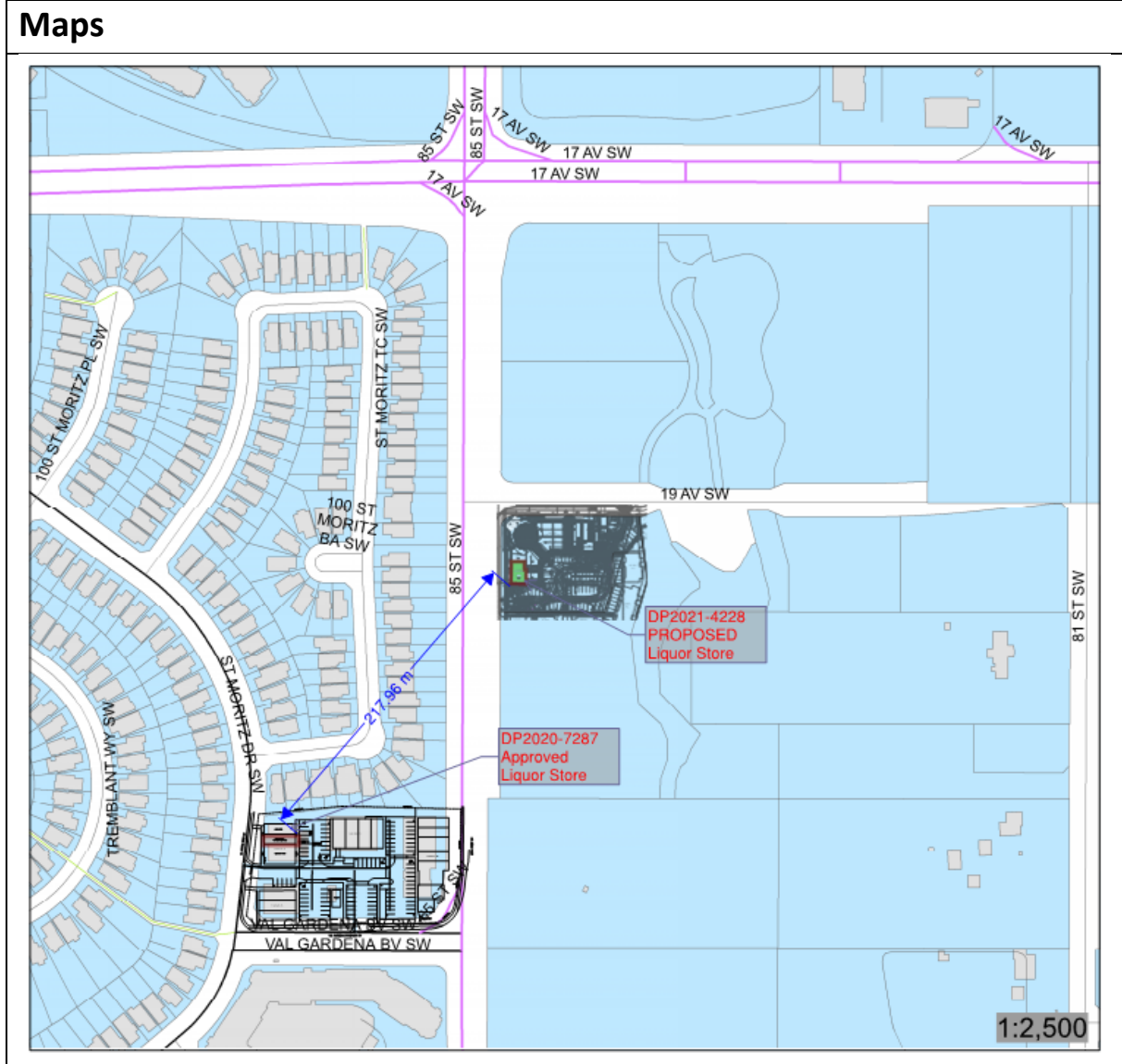
Regulation	Standard	Provided
40 Applications the Development Authority Must Refuse	(h) is for a Liquor Store in any district, other than the C-R2, C-R3 and CR20-C20/R20 Districts, that requires more than a 10 per cent relaxation of a minimum separation	There is one approved Liquor Store use located within 300 metres from the subject unit:



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	distance specified in subsections 225(d) or 225(e)...	<ul style="list-style-type: none"> 218 metres (-82 metres) from the approved Liquor Store at 1110, 288 ST Moritz Dr SW, a 27.3% relaxation.
225 Liquor Store	(e) in all Districts, not including the C-R2, C-R3 and CR20-C20/CR20 Districts, must not be located within 300.0 metres of any other Liquor Store, when measured from the closest point of a Liquor Store to the closest point of another Liquor Store;	

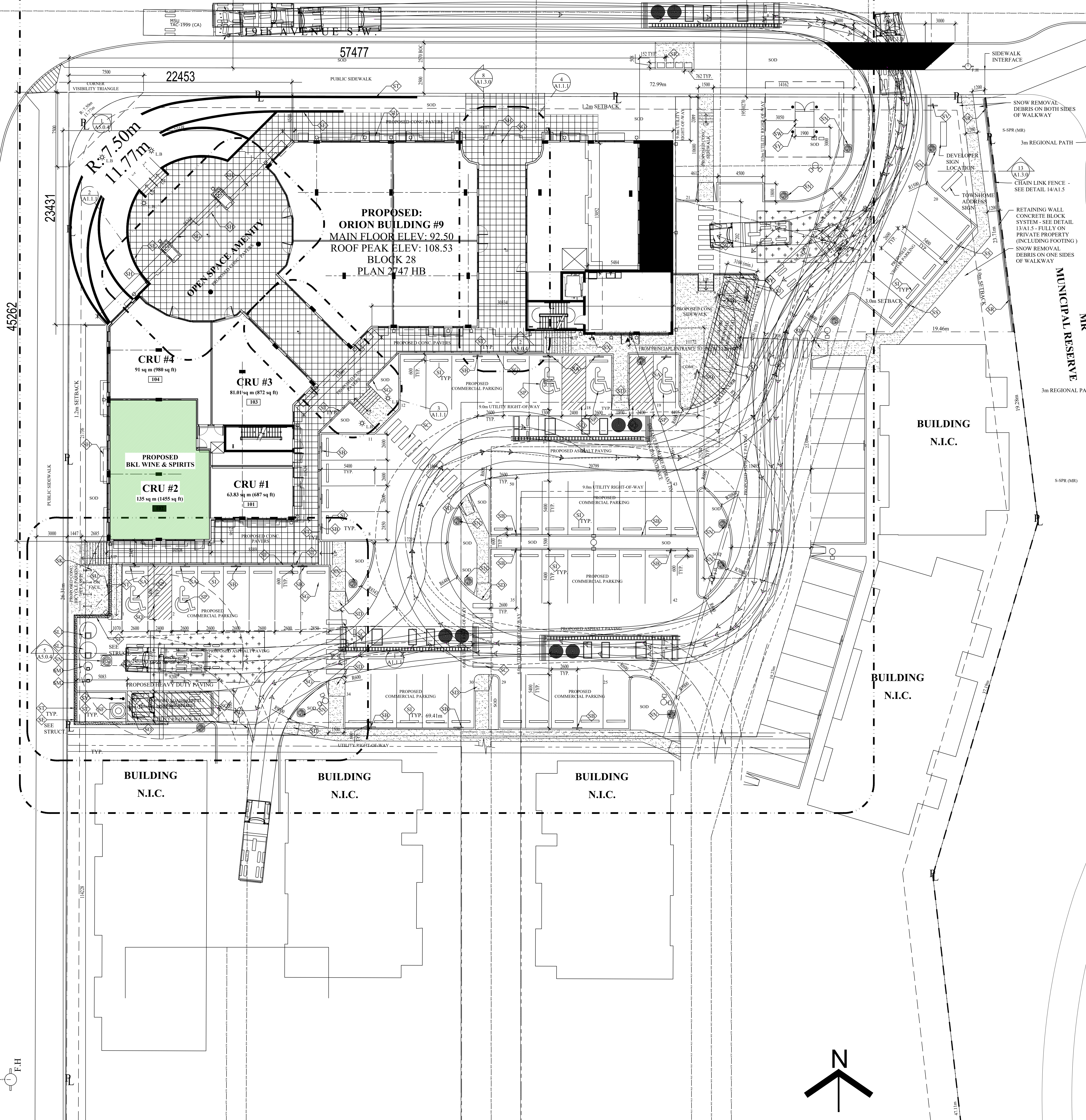
Maps



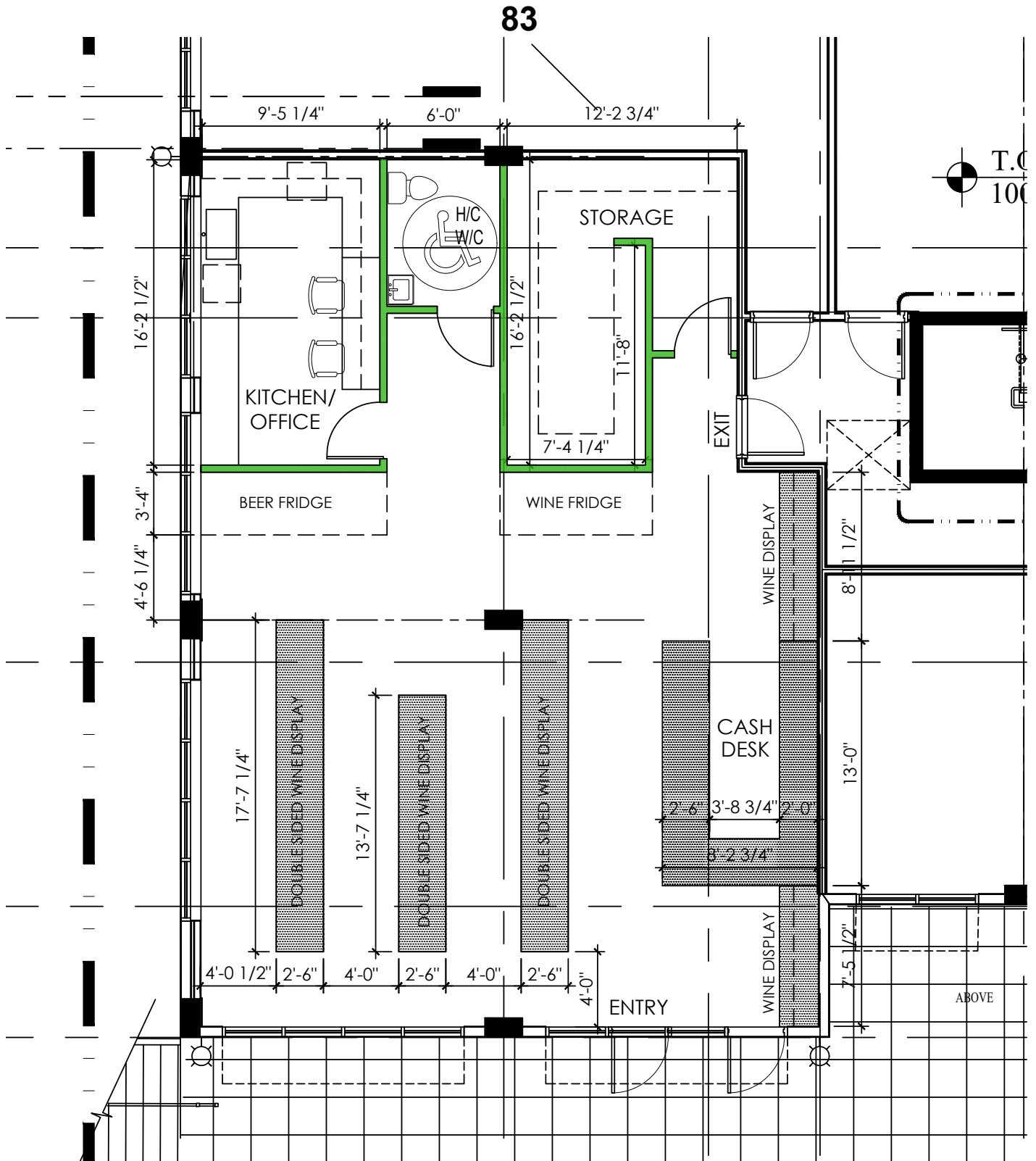
85th STREET S.W.

19th AVENUE S.W.

1
A1.1.0



PROPOSED CHANGE OF USE FOR - BKL WINE AND SPIRITS
Unit 128 205 Spring Creek Common SW (CRU #2)
PLAN 2110726 BLOCK 2 LOT 1



CONTACT:
KELLY MELANSON
kelly@meltondesign.ca
403-831-5162

BKL WINE AND SPIRITS
Unit 128 205 Spring Creek Common SW

SPACE PLAN OPTION #1

ISSUED FOR:

PRELIMINARY SPACE PLAN
JUNE 10TH 2021

SK1
PRELIMINARY

SDAB2021-0061