

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Tuesday, 9:00 A.M.
June 30, 2015**

**Hearing Room No. 3
Churchill Building,
10019 - 103 Avenue NW,
Edmonton, AB**

**SUBDIVISION AND DEVELOPMENT APPEAL BOARD
HEARING ROOM NO. 3**

I	9:00 A.M.	SDAB-D-15-139	Construct a General Industrial and Commercial Use Building 1803 - 91 Street SW Project No.: 167470392-001
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LUNCH BREAK

II	1:00 P.M.	SDAB-S-15-006	Create two (2) Semi-detached Residential units by Bare Land Condominium 12720 - 127 Avenue NW Project No.: 165755357-001
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NOTE: *Unless otherwise stated, all references to "Section numbers" refer to the authority under the Edmonton Zoning Bylaw 12800.*

ITEM I: 9:00 A.M.

FILE: SDAB-D-15-139

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER BY
ADJACENT PROPERTY OWNERS

APPLICATION NO.:	167470392-001
APPLICATION TO:	Construct a General Industrial and Commercial Use Building
DECISION OF THE DEVELOPMENT AUTHORITY:	Approved with Conditions
DECISION DATE:	May 20, 2015
DATE OF APPEAL(S):	June 4, 2015 and June 8, 2015
NOTIFICATION PERIOD:	May 26, 2015 through Jun 8, 2015
MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY:	1803 - 91 Street SW
LEGAL DESCRIPTION:	Plan 0729580 Blk 1 Lot 45
ZONE:	EIB Ellerslie Industrial Business Zone
OVERLAY:	Special Area Ellerslie Industrial Overlay
STATUTORY PLAN(S):	Ellerslie Area Structure Plan Summerside Neighbourhood Structure Plan

DEVELOPMENT OFFICER'S DECISION

APPROVED - The proposed development is approved subject to the following conditions:

1. PRIOR TO THE RELEASE OF DRAWING FOR BUILDING PERMIT REVIEW, the applicant or property owner shall pay a Lot Grading Fee of \$220.00.
2. PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the applicant or property owner shall pay a Sanitary Sewer Trunk Charge (SSTC) fee of \$5719.48. All assessments are based upon information currently available to the City. The SSTC is applicable to the entire property of 0.7242 ha at the rate of \$7,152/ha. The SSTC charge is quoted at year 2015 rate. However, the final SSTC is based on the prevailing rate at the time the applicant/owner makes payment at the 5th Floor cashiers, Sustainable Development, 10250-101 Street, NW.

DRAINAGE ADVISEMENTS:

- The above assessment is made based on information currently available to our Department.
- Should such information changes in the future, a new assessment will have to be made.
- In addition to the above items, if required, the applicant/owner shall pay for the installation cost of sewer services to property line. For detail, please contact Derek Kucy of Public Services Section at 780-496-5450.
- More information about PAC, EA, and SSTC assessments can be found on the City of Edmonton's website: www.edmonton.ca

3. PRIOR TO THE RELEASE OF DRAWING FOR BUILDING PERMIT REVIEW, the owner must enter into a Municipal Improvement Agreement with the City for the following improvements:

- a) Construction of an 8m curb return access including curb ramps, located approximately 8.5m north of the south property line;
- b) Removal/Relocation of two existing boulevard trees.

The Municipal Improvement Agreement must be signed PRIOR to the release of the drawings for Building Permit review. The Agreement must be signed by the property owner and returned to Transportation Services to the attention of Mohammed Bashir (780-496-1799) including an irrevocable Letter of Credit in the amount of \$40000.00 to cover 100% of construction costs. The Agreement will be forwarded directly to the owner for his signature. Once signed, the owner is required to have a Civil Engineer submit stamped engineering drawings for approval by the Transportation Services.

TRANSPORTATION ADVISEMENTS:

- Arterial Roadway Assessments were previously paid for this site, and therefore are not owed under this development application.

8) Landscaping shall be in accordance to the approved landscape plan, Section 55 and to the satisfaction of the Development Officer. PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the applicant or property owner shall provide a guaranteed security to ensure that landscaping is provided and maintained for two growing seasons. The Landscape Security may be held for two full years after the landscaping has been completed. This security may take the following forms:

- a) cash to a value equal to 100% of the established landscaping costs; or
- b) an irrevocable letter of credit having a value equivalent to 100% of the established landscaping costs.

Any letter of credit shall allow for partial draws. If the landscaping is not completed in accordance with the approved Landscape Plan(s) within one growing season after completion of the development or if the landscaping is not well maintained and in a healthy condition two growing seasons after completion of the landscaping, the City may draw on the security for its use absolutely. Reference Section 55.6.

9) The off-street parking, loading and unloading (including aisles or driveways) shall be hardsurfaced, curbed, drained and maintained in accordance to Section 54.6 of the Edmonton Zoning Bylaw.

10) Bicycle parking shall be provided in accordance to Section 54.3 and to the satisfaction of the Development Officer.

11) Any outdoor lighting for any development shall be located and arranged so that no direct rays of light are directed at any adjoining properties, or interfere with the effectiveness of any traffic control devices in accordance with Section 51 of the Edmonton Zoning Bylaw.

NOTES:

1) This Development Permit is NOT valid until the Notification Period expires in accordance to Section 21.1. (Reference Section 17.1)

2) This Development Permit is not a Business Licence. A separate application must be made for a Business Licence.

3) Signs require separate Development Applications.

4) A Building Permit is Required for any construction or change in use of a building. For a building permit, and prior to the Plans Examination review, you require construction drawings and the payment of fees. Please contact the 311 Call Centre for further information.

5) The City of Edmonton does not conduct independent environmental checks of land within the City. If you are concerned about the suitability of this property for any purpose, you should conduct your own tests and reviews. The City of Edmonton, in issuing this Development Permit, makes no representations and offers no warranties as to the suitability of the property for any purpose or as to the presence or absence of any environmental contaminants on the property.

6) An approved Development Permit means that the proposed development has been reviewed only against the provisions of the Edmonton Zoning Bylaw. It does not remove obligations to conform with other legislation, bylaws or land title instruments such as the Municipal Government Act, the ERCB Directive 079, the Edmonton Safety Codes Permit Bylaw or any caveats, covenants or easements that might be attached to the Site.

VARIANCE:

1) Variance of Section 54.2. Schedule 1 - overall required off-street parking reduced from 95 spaces to 84 spaces.

APPELLANT'S SUBMISSION

Ninety-One Business Park Inc:

I think parking is a very important concern. We ensured we met the requirement when developing our site. We already have people parking in our lot from an adjacent site and don't want to compound the problem.

Perry Signature Homes:

Suburban office park requires adequate parking given the nature of vehicle traffic.

We have developed 3 separate office projects located on 91 Street SW.

Each of our developments has over 4 parking stalls per 1,000 square feet of office/warehouse and we often find ourselves short of parking stalls.

SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER'S COMMENTS

A **General Industrial Use** is a Permitted Use in the EIB Ellerslie Industrial Business Zone, Section 930.4(2)(2).

A **Professional, Financial and Office Support Service** is a Permitted Use in the EIB Ellerslie Industrial Business Zone, Section 930.4(2)(7).

Health Services is a Discretionary Use in the EIB Ellerslie Industrial Business Zone, Section 930.4(3)(11).

A **Personal Service Shop** is a Discretionary Use in the EIB Ellerslie Industrial Business Zone, Section 930.4(3)(18).

A **Convenience Retail Store** is a Discretionary Use in the EIB Ellerslie Industrial Business Zone, Section 930.4(3)(6).

Under Section 7.5(2), **General Industrial Uses** means development used principally for one or more of the following activities:

- a. the processing of raw materials;
- b. the making, manufacturing or assembling of semi-finished or finished goods, products or equipment;
- c. the cleaning, servicing, repairing or testing of materials, goods and equipment normally associated with industrial or commercial businesses or cleaning, servicing and repair operations to goods and equipment associated with personal or household use, where such operations have impacts that would make them incompatible in Non-industrial Zones;
- d. the storage or transshipping of materials, goods and equipment;
- e. the distribution and sale of materials, goods and equipment to institutions or industrial and commercial businesses for their direct use or to General Retail Stores or other sales Use Classes defined in this Bylaw for resale to individual customers; or
- f. the training of personnel in general industrial operations.

This Use Class includes vehicle body repair and paint shops. This Use Class does not include Major Impact Utility Services and Minor Impact Utility Services or the preparation of food and beverages for direct sale to the public.

Under Section 7.4(42), **Professional, Financial and Office Support Services** means development primarily used for the provision of professional, management, administrative, consulting, and financial services, but does not include Health Services or Government Services. Typical Uses include: the offices of lawyers, accountants,

engineers, and architects; offices for real estate and insurance firms; clerical, secretarial, employment, telephone answering, and similar office support services; and banks, credit unions, loan offices and similar financial Uses.

Under Section 7.4(24), **Health Services** means development used for the provision of physical and mental Health Services on an out-patient basis. Services may be of a preventive, diagnostic, treatment, therapeutic, rehabilitative, or counseling nature. Typical Uses include medical and dental offices, health clinics and counseling services.

Under Section 7.4(41), **Personal Service Shops** means development used for the provision of personal services to an individual which are related to the care and appearance of the body, or the cleaning and repair of personal effects. This Use Class includes barbershops, hairdressers, beauty salons, tailors, dressmakers, shoe repair shops, and dry cleaning establishments and laundromats. This Use Class does not include Health Services.

Under Section 7.4(11), **Convenience Retail Stores** means development used for the retail sale of those goods required by area residents or employees on a day to day basis, from business premises which do not exceed 275 m² in gross Floor Area. Typical Uses include small food stores, drug stores, and variety stores selling confectionery, tobacco, groceries, beverages, pharmaceutical and personal care items, hardware or printed matter.

This application was approved by the Development Officer subject to conditions.

Pursuant to Section 11.3 and 11.4 and subject to the right of appeal to the Subdivision and Development Appeal Board, Section 21.1, the Development Officer granted the following variance:

54.1(2)(h) states in the case of the multiple Use of a Site, the Development Officer shall calculate the vehicular parking, Bicycle Parking and total off-street loading requirement for each individual Use and the total shall be deemed to be the required vehicular parking, Bicycle Parking or off-street loading for the Site, unless the applicant can demonstrate that there is complementary use of the parking or loading facilities which would warrant a reduction in the requirements. Where such reduction is made, this shall be considered a variance and the Development Officer shall state the reduction and the reasons for it on the Development Permit.

Section 54.2 Schedule 1(A)(27) states any development within the Industrial Use Classes and Industrial Performance Use Classes except for Adult Mini-Theatres requires a minimum of 1 parking space per 100.0 m² of Floor Area provided this is not less than 3 parking spaces per tenant or establishment.

Section 54.2 Schedule 1(A)(23) states Professional, Financial and Office Support Services requires a minimum of 1 parking space per 29.4 m² of Floor Area.

Section 54.2 Schedule 1(A)(19) states Health Services requires a minimum of 1 parking space per 22.2 m² of Floor Area.

Section 54.2 Schedule 1(A)(12)(a) states any development within a Commercial Use Class not listed separately in this table, with a Floor Area of less than 4 500 m² requires a minimum of 1 parking space per 40.0 m² of Floor Area.

The Development Officer determined the number of total required off-street parking spaces is 95. The proposed development provides 84 parking spaces and a relaxation of 11 parking spaces were granted.

The decision of the Development Officer is appealed by adjacent property owners located on 1665 - 91 Street SW and 201, 1715 - 91 Street SW.

Under Section 6.1(34), **Floor Area** means the total Floor Area of the building or structure, contained within the outside surface of the exterior and Basement walls, provided that in the case of a wall containing windows, the glazing line of windows may be used.

Section 930.1 states the purpose of the Special Area Ellerslie Industrial designation is to designate a portion of the Ellerslie Area Structure Plan as shown on Appendix I to this Section, as a Special Area and to adopt appropriate land use regulations for this Special Area in order to achieve the objectives of the Ellerslie Area Structure Plan, as adopted under Bylaw 11870, as amended.

Section 930.4(1) states the purpose of the Ellerslie Industrial Business Zone is to provide for light industrial businesses and high technology development that carries out their operations such that no nuisance factor is created or apparent outside an enclosed building and such that the Zone is compatible with any adjacent Non-industrial Zone.

NOTICE TO APPLICANT/APPELLANT

Provincial legislation requires that the Subdivision and Development Appeal Board issue its official decision in writing within fifteen days of the conclusion of the hearing. Bylaw No. 11136 requires that a verbal announcement of the Board's decision shall be made at the conclusion of the hearing of an appeal, but the verbal decision is not final nor binding on the Board until the decision has been given in writing in accordance with the Municipal Government Act.



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-15-139



ITEM II: 1:00 P.M.

FILE: SDAB-S-15-006

AN APPEAL FROM THE DECISION OF THE SUBIVISION AUTHORITY

APPLICATION NO.:	165755357-001
APPLICATION TO:	Create two (2) Semi-detached Residential units by Bare Land Condominium
DECISION OF THE SUBDIVISION AUTHORITY:	Refused
DECISION DATE:	May 29, 2015
DATE OF APPEAL:	June 8, 2015
MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY:	12720 - 127 Avenue NW
LEGAL DESCRIPTION:	Plan 2090AH Blk 46 Lot 34
ZONE:	RF4 Semi-detached Residential Zone
OVERLAY:	Mature Neighbourhood Overlay
STATUTORY PLAN:	N/A

SUMMARY

The proposed subdivision by Bare Land Condominium is REFUSED on May 29, 2015, for the following reason(s):

1. The proposed subdivision does not comply with the minimum Development Regulations identified in Section 150 of the City of Edmonton Zoning Bylaw. The minimum site depth identified in the RF4 (Semi-detached Residential) Zone for permitted and discretionary uses is 30.0 metres. The proposed lot depths are 15.98 metres each and therefore significantly deficient in depth by 14.02 metres, or 46%.

The proposal will result in site depths, and ultimately lot sizes, that are uncharacteristically small when compared to properties on the block face. For example, the site depths on the block face range between 34.7 and 37.8 metres. As stated, the proposed lot depths are 15.98 metres each, which are significantly smaller than those of other properties characteristic to the block face.

APPELLANT'S SUBMISSION

I would like to appeal the decision to refuse granting me the bareland condominium for Lot 34 Blk 46 Plan 2090 AH. I was told to change my plans to from a single car garage to double car garage and that will be okay to get the bareland condo plan registered. Now I am being told about all these deficiencies.

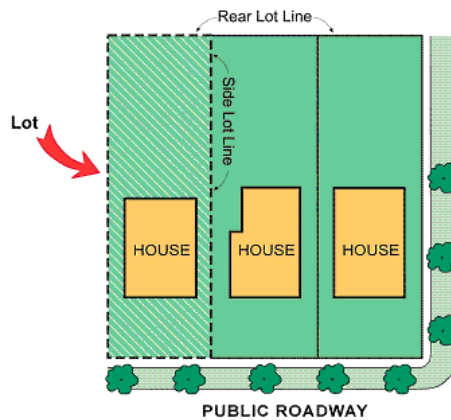
SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER’S COMMENTS

Section 150.4(2) provides the following with regard to Site regulations for Semi-detached Housing and Duplex Housing:

- a. the minimum Site area shall be 442.2 square metres;
- b. the minimum Site Width shall be 13.4 metres; where a Lane exists;
- c. the minimum Site Width shall be 15.0 metres, where no Lane exists; and
- d. the minimum Site depth shall be 30.0 metres.

Under Section 6.1(92), **Site** means an area of land consisting of one or more abutting Lots.

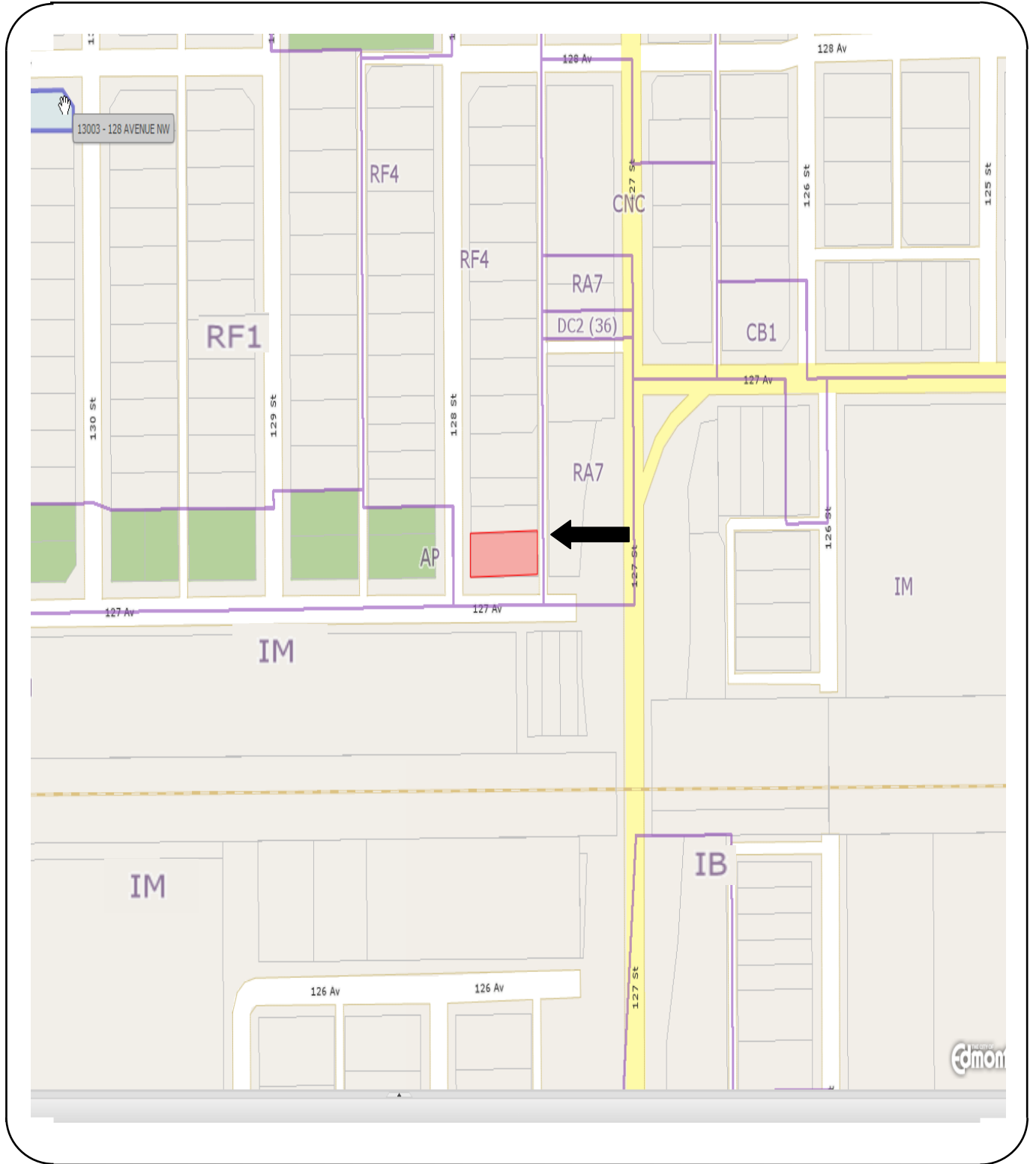
Under Section 6.1(58), **Lot** means 'lot' as defined under Part 17 of the *Municipal Government Act*:



Included in the Subdivision Authority’s file, is a Memorandum dated March 16, 2015 from Tami Hinse, Senior Transportation Technician, Development Planning, Transportation Planning Branch, which indicates that Transportation Services has reviewed the subdivision application and has provided an advisement. **A copy of the Memorandum from Transportation Services is on file.**

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SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-S-15-006



BUSINESS LAID OVER

SDAB-D-15-114	An appeal to construct a Freestanding Minor Digital On-premises Off-premises Sign <i>July 2, 2015</i>
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APPEAL HEARINGS TO BE SCHEDULED

152684111-003	An appeal by <u>MBD Management Inc.</u> to increase the height of an approved Fascia Minor Digital On-premises Off-premises Sign <i>July 8 or 9, 2015</i>
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