

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Wednesday, 9:00 A.M.
May 23, 2018**

**Hearing Room No. 2
Churchill Building,
10019 - 103 Avenue NW,
Edmonton, AB**

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

I	9:00 A.M.	SDAB-D-18-069	Change the Use from a Professional, Financial and Office Support Services to a Child Care Services (122 children) and to develop an outdoor play space (remove 6 parking spaces) 6060 - Andrews Way SW Project No.: 271687264-001
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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-18-069

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

APPELLANT:

APPLICATION NO.: 271687264-001

APPLICATION TO: Change the Use from a Professional, Financial and Office Support Services to a Child Care Services (122 children) and to develop an outdoor play space (remove 6 parking spaces)

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with conditions

DECISION DATE: March 15, 2018

DATE OF APPEAL: April 10, 2018

NOTIFICATION PERIOD: March 22, 2018 through April 12, 2018

RESPONDENT: S. Turna/1932587 Alberta Ltd.

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 6060 - Andrews Way SW

LEGAL DESCRIPTION: Plan 1524442 Blk 20 Lot 85

ZONE: (DC1) Direct Development Control Provision (Bylaw 17739)

OVERLAY: N/A

STATUTORY PLAN(S): Ambleside Neighbourhood Structure Plan
Windermere Area Structure Plan

Grounds for Appeal

The Appellant provided the following reasons for appealing the decision of the Development Authority:

We, along with the neighbourhood, want to appeal the approval for a CHILD CARE SERVICES (122 children) 114, 6060 ANDREWS WAY SW AMBLESIDE, which backs onto our residential area.

It is a big concern for all, as it will definitely have a "negative effect" on our community. We feel it is an error in decision on the part of the City Development Planning and an error in our decision to purchase here; were not advised NOISY CHILDCARE FACILITIES were planned.

Our reasons of concern are as follows:

- 1) the DIRECT DEVELOPMENT CONTROL PROVISION document was dated SEPTEMBER 7, 2016 to give info of what could possibly be developed in this area. This was AFTER most of our homes were built. Our builders said HIGH END office/businesses were planned. It was to COMPLIMENT the residential area.... (a daycare is not high end, nor compliments a community, especially backing onto our residential)
- 2) originally talking to Paul Kowal during Dec/17Jan/18, he advised that this lot was approved for 1 storey OFFICE ONLY. Then talking to Ingrid 2 weeks ago at the APPEALS OFFICE, she advised this was recently CHANGED to being approved for 122 child care facility, why? This was not indicated when we purchased our lot that there would be daycares, only high end offices.
- 3) Do we need 122 children backing directly onto our crescent/back yard area, when we ALREADY have 2 child care services a few lots down from this proposed area? (See attached pictures)
- 4) It is an infringement on our privacy; there is only a walkway between our 3159 ALLAN LANDING back yard/s and this proposed play area. If sitting on our patios/yards with screaming kids playing in the proposed play area 5 days a week....think about it, would you like that directly behind your yards? This is not a COMPLIMENT to our residential area.
- 5) There will be direct access from this planned child care to the storm drainage pond behind this lot, (there is a 2 sidewalk accesses, one next to this lot approved and the other on the other side of 6050 ANDREWS where kids will be brought down to play, etc. THIS WILL BECOME A PLAY AREA!! NOTE: It is being done already by the other child care facilities here! This POND area is not a playground, just as it is NOT a dog park for letting dogs run loose. But daycares/child care will still use it as such.
- 6) We all bought in this higher end area (\$million dollar houses) NOT EXPECTING to have YET ANOTHER CHILD CARE/LEARNING CENTRE planned, infringing onto our back yards!
- 7) and yes, we knew there would be high end commercial buildings, much as they are, but NOT 3 CHILDCARE services .

- 8) it is known facts that to live behind child care facilities: **LOWERS OUR PROPERTY VALUE**, (who wants to buy homes near noisy childcare centres), **ALWAYS NOISY YELLING & CRYING KIDS, DRAWS TOO MUCH TRAFFIC INTO THE COMMUNITY** (at peak hours, during lunch hours, hometimes) **RESULTS IN OLDER TEENAGERS PARKING AND VANDALIZING PLAY AREA AND NEARBY PROPERTIES**

We **WILL** be **AFFECTED AS A COMMUNITY LIVING DIRECTLY BEHIND THIS CHILDCARE** because of the above reasons.

If it was changed recently to being approved from an office to childcare, it should be able to be changed **BACK to OFFICE ONLY WITH PARKING.....NO PLAY AREA!** The Community should have a "say" in our keeping our neighbourhood a high end area. We are paying **ENORMOUS CITY TAXES**, our taxes should significantly **DECREASE** as this is a downgrade from the high end it should be.

These are a few of our concerns and we appeal to change the approval back to **"PROFESSIONAL HIGH END BUSINESS OFFICES** as original plan, **NOT INCLUDING THIS CHILD CARE FACILITY SO CLOSE TO OUR BACKYARD/HOMES**. There are plenty enough child care facilities already near us, and plenty enough areas **AWAY FROM OUR HIGH END RESIDENTIAL** to consider.....that would eliminate our neighbourhoods concern.

<i>General Matters</i>

Appeal Information:

The *Municipal Government Act*, RSA 2000, c M-26 states the following:

Grounds for Appeal

685(1) If a development authority

- (a) fails or refuses to issue a development permit to a person,
- (b) issues a development permit subject to conditions, or
- (c) issues an order under section 645,

the person applying for the permit or affected by the order under section 645 may appeal to the subdivision and development appeal board.

(2) In addition to an applicant under subsection (1), any person affected by an order, decision or development permit made or issued by a development authority may appeal to the subdivision and development appeal board.

Appeals

686(1) A development appeal to a subdivision and development appeal board is commenced by filing a notice of the appeal, containing reasons, with the board,

- (a) in the case of an appeal made by a person referred to in section 685(1)
 - (i) with respect to an application for a development permit,
 - (A) within 21 days after the date on which the decision is made under section 642, or
 - (B) if no decision is made with respect to the application within the 40-day period, or within any extension of that period under section 684, within 21 days after the date the period or extension expires,or
 - (ii) with respect to an order under section 645, within 21 days after the date on which the order is made, or
- (b) in the case of an appeal made by a person referred to in section 685(2), within 21 days after the date on which the notice of the issuance of the permit was given in accordance with the land use bylaw.

685(4) Despite subsections (1), (2) and (3), if a decision with respect to a development permit application in respect of a direct control district

- (a) ...
- (b) is made by a development authority, the appeal is limited to whether the development authority followed the directions of council, and if the subdivision and development appeal board finds that the development authority did not follow the directions it may, in accordance with the directions, substitute its decision for the development authority's decision.

General Provisions from the *Edmonton Zoning Bylaw*

The **General Purpose** of the **(DC1) Direct Development Control Provision (Bylaw 17739)** is to accommodate low intensity commercial and residential mixed-use development. The purpose is to complement the adjacent residential and employment uses with a transition of mixed compatible uses. Development regulations shall create a pedestrian-friendly environment and complement adjacent development through urban design controls and guidelines.

Use

Under Section (DC1) Direct Development Control Provision (Bylaw 17739), section 3(e) of Area 'B', **Child Care Services** is a **Listed Use**.

Under Section 7.8(2), **Child Care Services** means:

a development intended to provide care, educational activities and supervision for groups of seven or more children under 13 years of age during the day or evening, but does not generally include overnight accommodation. This Use typically includes daycare centres; out-of-school care centres; preschools; and dayhomes/group family care providing child care to seven or more children within the care provider's residence.

Development Officer's Determination

The Site is designated a Site Specific Development Control Provision (Bylaw 17739).

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*.



Project Number: 271687264-001
Application Date: JAN 10, 2018
Printed: April 11, 2018 at 8:13 AM
Page: 1 of 3

Major Development Permit

This document is a record of a Development Permit application, and a record of the decision for the undertaking described below, subject to the limitations and conditions of this permit, of the Edmonton Zoning Bylaw 12800 as amended.

Applicant <div style="border: 1px solid black; width: 250px; height: 40px;"></div>	Property Address(es) and Legal Description(s) 6060 - ANDREWS WAY SW Plan 1524442 Blk 20 Lot 85
	Specific Address(es) Suite: 102, 6060 - ANDREWS WAY SW Suite: 112, 6060 - ANDREWS WAY SW Suite: 114, 6060 - ANDREWS WAY SW Entryway: 102, 6060 - ANDREWS WAY SW Entryway: 112, 6060 - ANDREWS WAY SW Entryway: 114, 6060 - ANDREWS WAY SW Building: 102, 6060 - ANDREWS WAY SW

Scope of Permit
To change the use from a Professional, Financial and Office Support Services to a Child Care Services (122 children) and to develop an outdoor playspace (remove 6 parking spaces)

Permit Details								
<table border="0"> <tr> <td>Class of Permit: Class B</td> <td>Contact Person:</td> </tr> <tr> <td>Gross Floor Area (sq.m.):</td> <td>Lot Grading Needed?: N</td> </tr> <tr> <td>New Sewer Service Required: N</td> <td>NumberOfMainFloorDwellings:</td> </tr> <tr> <td>Site Area (sq. m.):</td> <td>Stat. Plan Overlay/Annex Area: (none)</td> </tr> </table>	Class of Permit: Class B	Contact Person:	Gross Floor Area (sq.m.):	Lot Grading Needed?: N	New Sewer Service Required: N	NumberOfMainFloorDwellings:	Site Area (sq. m.):	Stat. Plan Overlay/Annex Area: (none)
Class of Permit: Class B	Contact Person:							
Gross Floor Area (sq.m.):	Lot Grading Needed?: N							
New Sewer Service Required: N	NumberOfMainFloorDwellings:							
Site Area (sq. m.):	Stat. Plan Overlay/Annex Area: (none)							

I/We certify that the above noted details are correct.

Applicant signature: _____

Development Permit Decision
Approved



Project Number: **271687264-001**
Application Date: JAN 10, 2018
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Major Development Permit

Subject to the Following Conditions

- 1) The proposed Development shall be carried out in accordance with the approved plans. Any revision to the approved plans, including the increase in the number of approved children, and/or expansion of the outdoor playspace, shall require a separate Development Permit application.
- 2) No parking, loading, storage, trash collection, outdoor service or display area shall be permitted within a minimum Setback adjacent to a public roadway, public walkway or a residential zone. Vehicular parking, loading, storage and trash collection areas shall be screened from view from any adjacent Sites or public roadways in accordance with Section 55. (DC1. Bylaw 17739 Section 4.h)
- 3) The outdoor playspace shall be Fenced on all sides, and gates shall be self-latching. (Section 80.3.a)
- 4) Passenger pick-up/drop-off spaces shall be designated with signs to reserve the parking spaces for Child Care Service pick-up/drop-off. (Section 52.2 Schedule 1(32)(a)(i).
- 4.a) The applicant must contact Brian Waddell, Parking Services at 780-944-5657 to arrange for the on-street passenger loading zone signage to be installed. There is an associated cost for the two (2) signs that must be paid by the applicant
- 5) Subject to the right of appeal the permit is NOT VALID until the required Notification Period expires (date noted below in accordance with Section 21.1 and 17.1
- 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. (Section 5.2)

ADVISEMENTS:

- 1) Signs require separate Development Applications.
- 2) 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.
- 3) 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.

Variances

The Site is designated a Site Specific Development Control Provision (Bylaw 17739)

Rights of Appeal

This approval is subject to the right of appeal as outlined in Chapter 24, Section 683 through 689 of the Municipal Government Amendment Act.



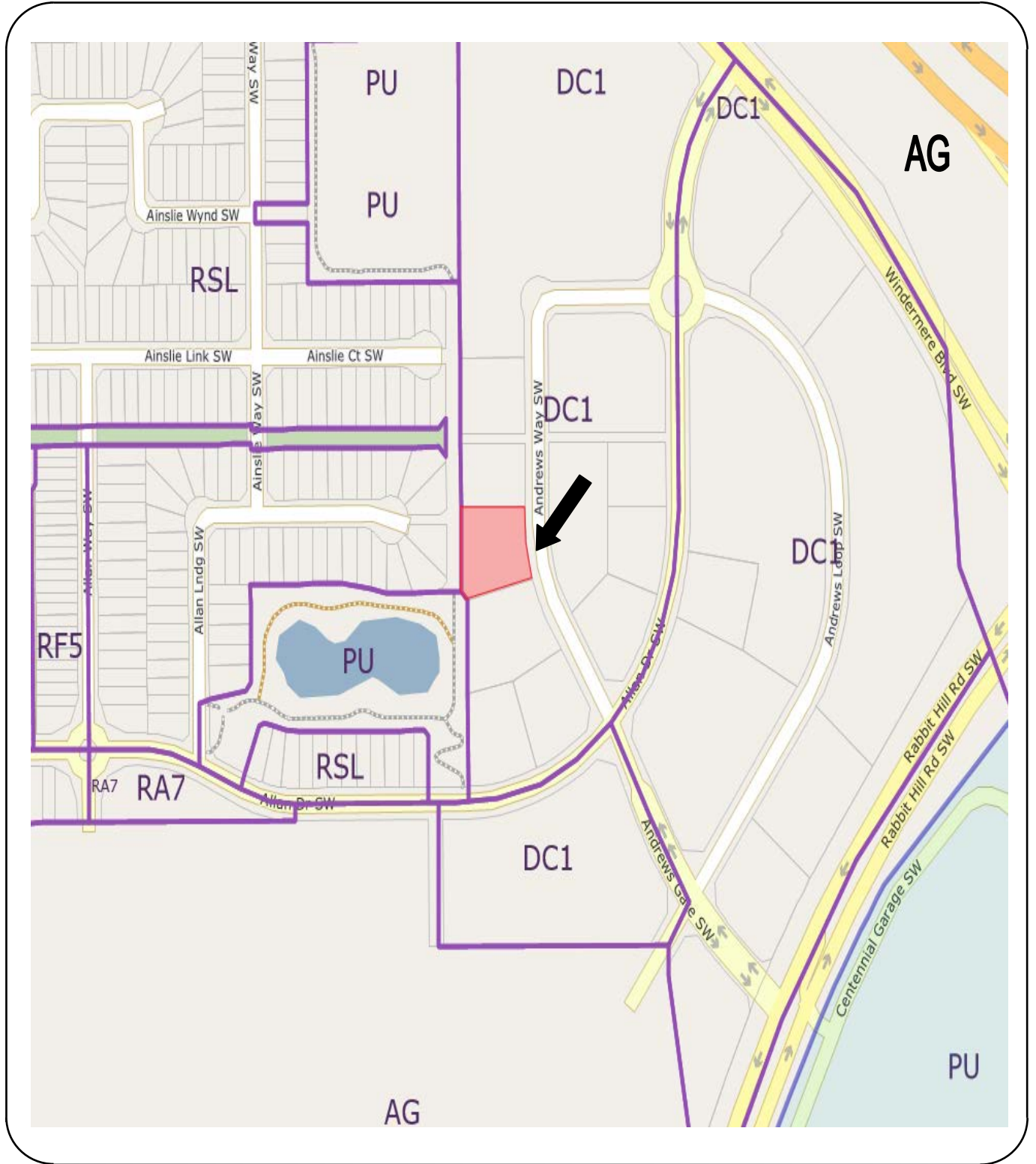
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Major Development Permit

Issue Date: Mar 15, 2018 **Development Authority:** BUCCINO, SAMANTHA **Signature:** _____
Notice Period Begins: Mar 22, 2018 **Ends:** Apr 12, 2018

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Major Dev. Application Fee	\$326.00	\$326.00	04735287	Jan 10, 2018
Total GST Amount:	<u>\$0.00</u>			
Totals for Permit:	\$326.00	\$326.00		



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-18-069

