

**SUBDIVISION**

**AND**

**DEVELOPMENT APPEAL BOARD**

**AGENDA**

**Thursday, 9:00 A.M.**  
**August 19, 2021**

**SUBDIVISION AND DEVELOPMENT APPEAL BOARD**

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I 9:00 A.M. SDAB-D-21-135

To comply with an Order to acquire development permits to expand the Nightclub Use to the adjacent lot and for an accessory structure (Pergola) by July 23, 2021 or cease the Nightclub Use and remove the pergola immediately

10319 / 10329 - 82 Avenue NW  
Project No.: 394380997-002

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II 1:30 P.M. SDAB-D-21-136

To develop a Temporary Storage and General Industrial Uses facility as a Temporary Use (5 years)

10651 - 199 Street NW  
Project No.: 220574097-001

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**NOTE:** *Unless otherwise stated, all references to "Section numbers" in this Agenda refer to the authority under the Edmonton Zoning Bylaw 12800.*

ITEM I: 9:00 A.M.

FILE: SDAB-D-21-135

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT COMPLIANCE OFFICER

APPELLANT:

APPLICATION NO.: 394380997-002

ORDER TO: Acquire development permits to expand the Nightclub Use to the adjacent lot and for an accessory structure (Pergola) by July 23, 2021 or cease the Nightclub Use and remove the pergola immediately

ORDER ISSUED ON: July 13, 2021

DATE OF APPEAL: July 23, 2021

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 10319 / 10329 - 82 Avenue NW

LEGAL DESCRIPTION: Plan I Blk 61 Lots 4-5, Plan I Blk 61 Lots 6-8

ZONE: DC1 - Direct Development Control Provision (Historical Commercial DC1 of the Strathcona Area Redevelopment Plan)

OVERLAY: Whyte Avenue Commercial Overlay

STATUTORY PLAN: Strathcona Area Redevelopment Plan

***Grounds for Appeal***

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

We are solicitors for Commercial Hotel Inc., who has built a deck and pergola (the “Development”) in the parking lot of its existing operation. The Development is the subject of the Order, and was delivered to our

client by registered mail on July 16, 2021. We hereby give notice of our client's appeal of the Order on the following grounds:

- The Development is appropriate at the subject location;
- The Development does not require a permit under the Zoning Bylaw; or,
- if the Development does require a permit, a permit should issue on the basis that it is a permitted use with no variances required; or,
- if there is discretion to either issue or refuse a permit for the Development, that discretion should be exercised in favour of the issuance of a permit;
- the terms of the Order are unreasonable; and
- such further and other grounds as may be presented at the hearing of this appeal.

|                               |
|-------------------------------|
| <b><i>General Matters</i></b> |
|-------------------------------|

**Appeal Information:**

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

**Stop order**

**645(1)** Despite section 545, if a development authority finds that a development, land use or use of a building is not in accordance with

- (a) this Part or a land use bylaw or regulations under this Part, or
- (b) a development permit or subdivision approval,

the development authority may act under subsection (2).

**(2)** If subsection (1) applies, the development authority may, by written notice, order the owner, the person in possession of the land or building or the person responsible for the contravention, or any or all of them, to

- (a) stop the development or use of the land or building in whole or in part as directed by the notice,
- (b) demolish, remove or replace the development, or
- (c) carry out any other actions required by the notice so that the development or use of the land or building complies with this Part, the land use bylaw or regulations under this Part, a development permit or a subdivision approval,

within the time set out in the notice.

**(2.1)** A notice referred to in subsection (2) must specify the date on which the order was made, must contain any other information required by the regulations and must be given or sent to the person or persons referred to in subsection (2) on the same day the decision is made.

**(3)** A person who receives a notice referred to in subsection (2) may appeal to the subdivision and development appeal board in accordance with section 685.

### **Permit**

**683** Except as otherwise provided in a land use bylaw, a person may not commence any development unless the person has been issued a development permit in respect of it pursuant to the land use bylaw.

### **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 the decision in accordance with subsection (2.1).

### **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 written decision is given 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.

### **Hearing and Decision**

**687(3)** In determining an appeal, the board hearing the appeal referred to in subsection (1)

...

- (a.1) must comply with the land use policies;
- (a.2) subject to section 638, must comply with any applicable statutory plans;
- (a.3) subject to clause (a.4) and (d), must comply with any land use bylaw in effect;
- (a.4) must comply with the applicable requirements of the regulations under the *Gaming, Liquor and Cannabis Act* respecting the location of premises described in a cannabis licence and distances between those premises and other premises;

...

- (c) may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own;
- (d) may make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the land use bylaw if, in its opinion,

- (i) the proposed development would not

- (A) unduly interfere with the amenities of the neighbourhood, or

- (B) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,

and

- (ii) the proposed development conforms with the use prescribed for that land or building in the land use bylaw.

**General Provisions from the DC1 - Direct Development Control Provision (Historical Commercial DC1 of the Strathcona Area Redevelopment Plan) ("DC1"):**

Under section 4(x), a **Nightclub, not to exceed 200 Occupants nor 240 square metres of Public Space**, is a **Listed Use** in the DC1.

Section 3 states that the **Rationale** of the DC1 is:

This Provision is intended to:

- a) apply detailed and sensitive control of development and redevelopment within the core historic commercial area of Strathcona;
- b) encourage a highly pedestrian, retail commercial environment with offices and others Uses on the upper floors;
- c) emphasize and retain the original, historic architectural and urban design characteristics of this area in future renovations and redevelopments; and
- d) provide detailed control over specific Sites, which are or may be in future designated as historic resources under the Alberta Historical Resources Act, in an area which is used for primarily commercial purposes.

**General Provisions from the Edmonton Zoning Bylaw:**

Under section 7.4(38), **Nightclub** means:

development where the primary purpose of the facility is the sale of alcoholic beverages to the public, for consumption within the premises or off the Site, in a facility where entertainment facilities take up more than 10% of the Floor Area. This Use typically has a limited menu from a partially equipped kitchen/preparation area and prohibits minors from lawfully utilizing the facility. Typical Uses include dance clubs, cabarets, nightclubs, lounges, neighbourhood pubs and bars, beverage rooms, and cocktail lounges. This Use does not include Cannabis Lounges.

Section 820.2 of the **Whyte Avenue Commercial Overlay** states:

Notwithstanding any provisions of the Zoning Bylaw respecting the area of application of Overlays, this Overlay applies to all Zones, Direct Development Control Provisions and Site Specific Development Control Provisions on those lands shown in Appendix I to this Overlay.

Section 820.1 states that the **General Purpose** of the **Whyte Avenue Commercial Overlay** is:

to prohibit new Bars and Neighbourhood Pubs, and Nightclubs; to prohibit the expansion of existing Nightclubs; to restrict expansion of existing Bars and Neighbourhood Pubs; and to provide opportunities for Breweries, Wineries and Distilleries in the Whyte Avenue Commercial Area.

Under Section 6.1, **Accessory** means, “when used to describe a Use or building, a Use or building naturally or normally incidental, subordinate, and devoted to the principal Use or building, and located on the same lot or Site.”

Section 5.1 states:

5.1 Requirement for a Development Permit

1. No person shall commence, or cause or allow to be commenced, a development without a Development Permit issued in accordance with Section 12 of this Bylaw.
2. No person shall carry on, or cause or allow to be carried on a development without a Development Permit issued in accordance with Section 12 of this Bylaw.

Section 12.2(1)(dd) states A Development Permit is not required for:

Exterior alterations for the development of a patio that are Accessory to Bars and Neighbourhood Pubs, Breweries, Wineries and Distilleries, Restaurants or a Specialty Food Services Use that is operating under an existing valid Development Permit and complies with the following:

- i. The new or expanded patio space shall comply with the requirements of the underlying Zone and Overlay.
- ii. Notwithstanding 12.2(1)(dd)(i), no part of a patio shall encroach into any Setbacks defined by the Zone in which the patio is located, except in those parts of the Setback with lawn, Hardsurfaced materials, or decorative Hardsurfacing ground cover. Existing trees and shrubs may not be removed.



- iii. On-site parking may be used for patio space, except the required number of designated barrier free Vehicle Parking, which must remain available for parking use.
- iv. Permanent fences and barriers, planters, Platform Structures such as decks or stages shall comply with the Zone and shall not exceed 1.2 m in Height;
- v. Subject to the approval of the applicable City Department, no part of the patio, including exit gates, shall open or encroach into road right-of-way.
- vi. No audio-visual equipment may be installed at a Height exceeding 2.1 m above Grade, measured to the middle of the device, and shall not be attached to a building. Televisions, speakers, and video displays must be oriented facing away from vehicle traffic and shall not be arranged consecutively to create a wall or visual obstruction.

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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.

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City of Edmonton  
Development and Zoning Services  
Development Compliance & Inquiries

5<sup>th</sup> Floor  
10111 - 104 Ave NW  
Edmonton, AB T5J 0J4  
Canada  
[edmonton.ca/developmentcompliance](http://edmonton.ca/developmentcompliance)



July 13, 2021

Our File: 394380997-002

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

**MUNICIPAL GOVERNMENT ACT ORDER**

Dear Sir/Madam:

An Alberta Land Titles search identifies you as the registered owner(s) of the property located at 10319-82 Avenue legally described as Plan I Block 61 Lot 4-5 and 10329-82 Avenue legally described as Plan I Block 61 Lots 6-8, both in Edmonton, Alberta.

This Property was inspected by Development Compliance Officer Nicole Swain, on Friday, July 9, 2021. City of Edmonton Development Compliance Officers have the authority to conduct site inspections and exercise development powers under Section 542 and 624 of the Municipal Government Act.

**ZONING BYLAW INFRACTION:**

This property is zoned DC1 (Direct Development Control Provision) in accordance with Section 710 of the Edmonton Zoning Bylaw 12800. Whyte Avenue Commercial Overlay is the area overlay and

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the Plan in Effect is the Strathcona Area Redevelopment Plan. Our investigation revealed that a pergola has been constructed on 10319-82 Avenue and the Night Club Use from 10329-82 Avenue has been extended to the outdoor site at 10319-82 Avenue both without a Development Permit.

The City of Edmonton has not issued a Development Permit to develop a pergola or to extend the Night Club Use to 10319-82 Avenue which is contrary to Section 5.1 of Edmonton Zoning Bylaw 12800, and Section 683 of the Municipal Government Act.

Section 5.1 of Edmonton Zoning Bylaw states:  
Requirement for a Development Permit

1. No person shall commence, or cause or allow to be commenced, a development without a Development Permit issued in accordance with Section 12 of this Bylaw.
2. No person shall carry on, or cause or allow to be carried on a development without a Development Permit issued in accordance with Section 12 of this Bylaw.

**Nightclub means** a development where the primary purpose of the facility is the sale of alcoholic beverages to the public, for consumption within the premises or off the Site, in a facility where entertainment facilities take up more than 10% of the Floor Area. This Use typically has a limited menu from a partially equipped kitchen/preparation area and prohibits minors from lawfully utilizing the facility. Typical Uses include dance clubs, cabarets, nightclubs, lounges, neighbourhood pubs and bars, beverage rooms, and cocktail lounges. This Use does not include Cannabis Lounges (Reference Section 7.4(38) of the Edmonton Zoning Bylaw)

We are aware that you may have received some correspondence from the City regarding the requirements for a Development Permit. However, you have not met the requirement as per section 12.2.1.dd.i of the Zoning Bylaw, and the underlying Overlay (Whyte Avenue Commercial Overlay) and a Development Permit is required.

According to the Edmonton Zoning Bylaw 12800, Section 12.2.1.dd.i states that a Development Permit is not required for:

dd. Exterior alterations for the development of a patio that are Accessory to Bars and Neighbourhood Pubs, Breweries, Wineries and Distilleries, Restaurants or a Specialty Food Services Use that is operating under an existing valid Development Permit and complies with the following:

1. The new or expanded patio space shall comply with the requirements of the underlying Zone and Overlay. - **IT DOES NOT COMPLY WITH THE UNDERLYING ZONE/OVERLAY**
2. Notwithstanding 12.2(1)(dd)(i), no part of a patio shall encroach into any Setbacks defined by the Zone in which the patio is located, except in those parts of the Setback with lawn,

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Hardsurfaced materials, or decorative Hardsurfacing ground cover. Existing trees and shrubs may not be removed.

3. On-site parking may be used for patio space, except the required number of designated barrier free Vehicle Parking, which must remain available for parking use.
4. Permanent fences and barriers, planters, Platform Structures such as decks or stages shall comply with the Zone and shall not exceed 1.2 m in Height; - **EXCEEDS**
5. Subject to the approval of the applicable City Department, no part of the patio, including exit gates, shall open or encroach into road right-of-way.
6. No audio-visual equipment may be installed at a Height exceeding 2.1 m above Grade, measured to the middle of the device, and shall not be attached to a building. Televisions, speakers, and video displays must be oriented facing away from vehicle traffic and shall not be arranged consecutively to create a wall or visual obstruction.

**ORDER:**

Pursuant to Section 645 of the Municipal Government Act, R.S.A. 2000, you are hereby ordered to:

1. Acquire a Development Permit to expand the Nightclub Use to the adjacent lot (10319-82 Avenue). You must provide all requested documents to the City of Edmonton Planner (samantha.buccino@edmonton.ca) by **July 23, 2021** so a decision can be made on your application. Please see attached email for outstanding information.

AND

2. Acquire a Development Permit for accessory structure (Pergola). You must provide all requested documents to the City of Edmonton Planner (samantha.buccino@edmonton.ca) by **July 23, 2021** so a decision can be made on your application. Please see attached email for outstanding information.

OR

3. CEASE the Nightclub Use on the adjacent lot located at 10319-82 Avenue **IMMEDIATELY.**

AND

4. Remove the pergola by **IMMEDIATELY.**

**CONSEQUENCES FOR NON-COMPLIANCE:**

The property will be inspected after **July 23, 2021** to determine compliance with this Order.

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Development Compliance & Inquiries

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Canada



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In the event that a person fails to comply with this Order issued under Section 645, Section 646 of the Municipal Government Act authorizes the City to enter the land and take any action necessary to carry out the Order. Section 646 authorizes the City to register a caveat under the Land Titles Act.

Section 553(1)(h.1) of the Municipal Government Act provides that the costs and expenses of carrying out an order may be added to the tax roll of the property and Section 566(1), subject to 566(2), a person who is found guilty of an offence under this Act is liable to a fine of not more than \$10,000.00 or to imprisonment for not more than one year, or to both fine and imprisonment.

Affected persons may appeal this Order by filing within the prescribed time to the Subdivision and Development Appeal Board. Visit the website at <https://sdab.edmonton.ca> or call 780-496-6079 for more information on how to file an appeal.

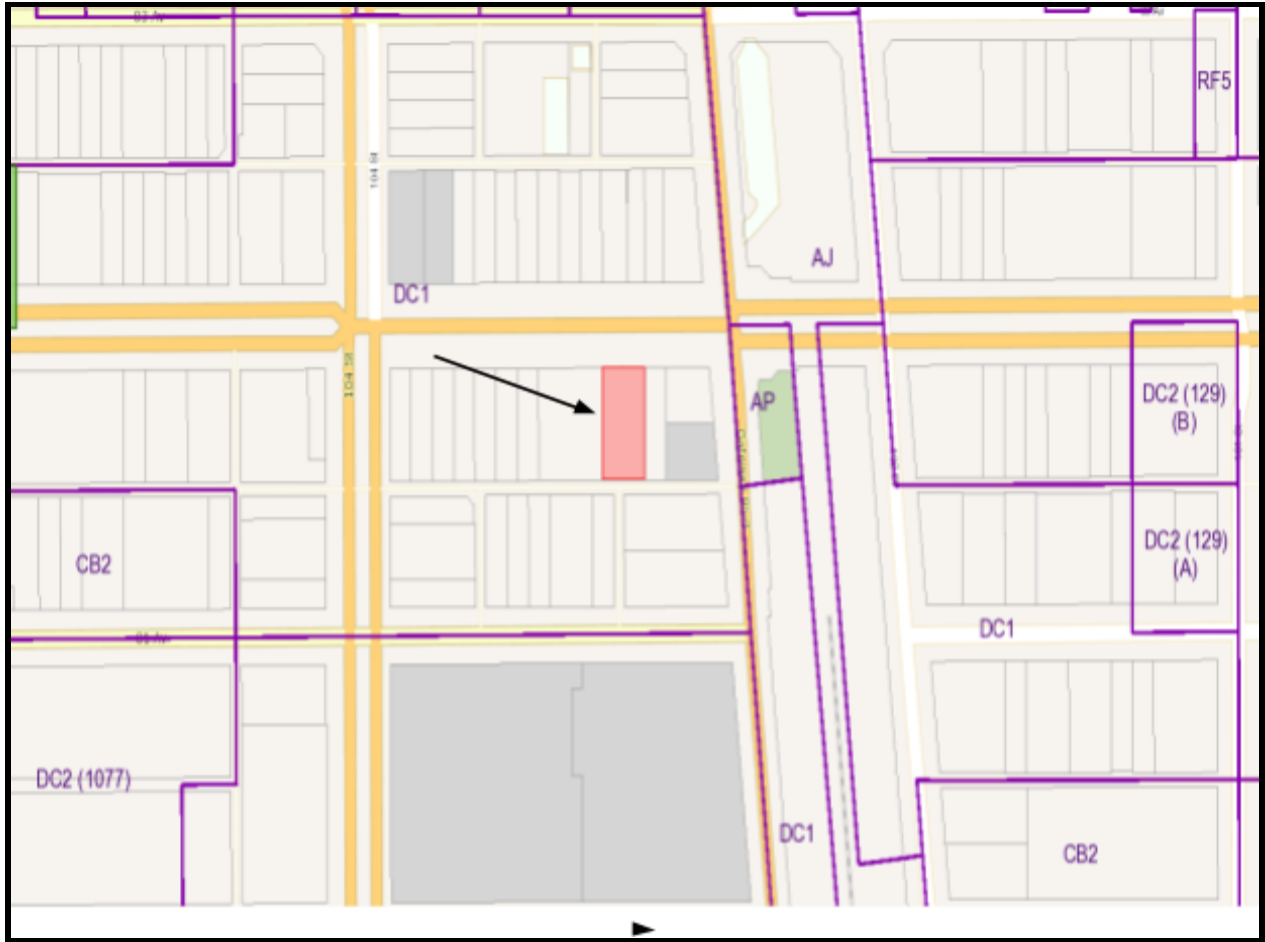
Following are Sections 553, 645, 646, 683, 685 and 686 of the Municipal Government Act, R.S.A. 2000, c.M-26.1, which provides you with the right to appeal this Order and enables the City to add all costs associated with this action to the tax roll of the property.

Please call me if you have any questions.

Regards,

A handwritten signature in blue ink that reads "Nicole Swain".

Nicole Swain  
Development Compliance Officer  
780-222-1288  
[nicole.swain@edmonton.ca](mailto:nicole.swain@edmonton.ca)



**SURROUNDING LAND USE DISTRICTS**

Site Location ←

File: SDAB-D-21-135

▲  
**N**

ITEM II: 1:30 P.M.

FILE: SDAB-D-21-136

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 220574097-001

APPLICATION TO: Develop a Temporary Storage and General Industrial Uses facility as a Temporary Use (5 years)

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with conditions

DECISION DATE: June 30, 2021

DATE OF APPEAL: July 21, 2021

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 10651 - 199 Street NW

LEGAL DESCRIPTION: Plan 6790MC Lot C

ZONE: (IM) Medium Industrial Zone

OVERLAY: N/A

STATUTORY PLAN: Winterburn Industrial Area Structure Plan

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***Grounds for Appeal***

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

Please refer to the detailed reasons included in the file.

**General Matters**

**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 the decision in accordance with subsection (2.1).

**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 written decision is given 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.

**Hearing and Decision**

**687(3)** In determining an appeal, the board hearing the appeal referred to in subsection (1)

...

- (a.1) must comply with the land use policies;
- (a.2) subject to section 638, must comply with any applicable statutory plans;
- (a.3) subject to clause (a.4) and (d), must comply with any land use bylaw in effect;
- (a.4) must comply with the applicable requirements of the regulations under the *Gaming, Liquor and Cannabis Act* respecting the location of premises described in a cannabis licence and distances between those premises and other premises;

...

- (c) may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own;
- (d) may make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the land use bylaw if, in its opinion,
  - (i) the proposed development would not
    - (A) unduly interfere with the amenities of the neighbourhood, or
    - (B) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,

and

- (ii) the proposed development conforms with the use prescribed for that land or building in the land use bylaw.

**General Provisions from the *Edmonton Zoning Bylaw*:**

Under section 420.2(6), a **General Industrial Use** is a **Permitted Use** in the **(IM) Medium Industrial Zone**

Under section 420.2(12), a **Temporary Storage** is a **Permitted Use** in the **(IM) Medium Industrial Zone**

Under Section 7.5(3) states **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 Uses defined in this Bylaw for resale to individual customers; or
- f. the training of personnel in general industrial operations.

This Use includes vehicle body repair and paint shops and Cannabis Production and Distribution licensed and operating pursuant to provincial or federal legislation. This Use 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 7.5(6), **Temporary Storage** means:

development used exclusively for temporary outdoor storage of goods and materials where such storage of goods and materials does not involve the erection of permanent structures or the material alteration of the

existing state of the land. Typical Uses include pipe yards, or vehicle or heavy equipment storage compounds.

Section 420.1 states that the **General Purpose of (IM) Medium Industrial Zone** is:

to provide for manufacturing, processing, assembly, distribution, service and repair Uses that carry out a portion of their operation outdoors or require outdoor storage areas. Any nuisance associated with such Uses should not generally extend beyond the boundaries of the Site. This Zone should normally be applied on the interior of industrial areas adjacent to collector and local industrial public roadways such that Uses are separated from any adjacent residential areas by a higher quality Industrial or Commercial Zone.

***Previous Subdivision and Development Appeal Board Decision***



| <b>Application Number</b> | <b>Description</b>   | <b>Decision</b>  |
|---------------------------|--|--|
| SDAB-D-02-239             | Operate a Temporary Storage Facility (Bin storage for rental purposes) and to move on a temporary trailer for office use | September 9, 2002 “that the appeal be DENIED and the development GRANTED subject to the following conditions:<br><br>1. this Development Permit is valid for a period of three years from the date of issuance;<br><br>... |

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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.

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|--|---|--|---|
|   | Project Number: <b>220574097-001</b><br>Application Date: APR 28, 2016<br>Printed: July 21, 2021 at 3:27 PM<br>Page: 1 of 4   |  |   |
| <h2>Major Development Permit</h2>  |   |  |   |
| 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.  |   |  |   |
| <b>Applicant</b><br>  | <b>Property Address(es) and Legal Description(s)</b><br>10651 - 199 STREET NW<br>Plan 6790MC Lot C<br><br><b>Specific Address(es)</b><br>Entryway: 10651 - 199 STREET NW<br>Building: 10651 - 199 STREET NW |  |   |
| <b>Scope of Permit</b><br>To develop a Temporary Storage and General Industrial Uses facility as a Temporary Use (5 years).  |   |  |   |
| <b>Permit Details</b> <table border="0" style="width: 100%;"> <tr> <td style="width: 50%;">                     Class of Permit: Class A<br/>                     Gross Floor Area (sq.m.): 342<br/>                     New Sewer Service Required: Y<br/>                     Site Area (sq. m.): 32525.35                 </td> <td style="width: 50%;">                     Contact Person:<br/>                     Lot Grading Needed?: Y<br/>                     NumberOfMainFloorDwellings:<br/>                     Stat. Plan Overlay/Annex Area: (none)                 </td> </tr> </table>   |   | Class of Permit: Class A<br>Gross Floor Area (sq.m.): 342<br>New Sewer Service Required: Y<br>Site Area (sq. m.): 32525.35 | Contact Person:<br>Lot Grading Needed?: Y<br>NumberOfMainFloorDwellings:<br>Stat. Plan Overlay/Annex Area: (none) |
| Class of Permit: Class A<br>Gross Floor Area (sq.m.): 342<br>New Sewer Service Required: Y<br>Site Area (sq. m.): 32525.35   | Contact Person:<br>Lot Grading Needed?: Y<br>NumberOfMainFloorDwellings:<br>Stat. Plan Overlay/Annex Area: (none)   |  |   |
| <b>Development Permit Decision</b><br>Approved<br><b>Issue Date:</b> Jun 30, 2021 <b>Development Authority:</b> WELCH, IMAI<br><br><b>Subject to the Following Conditions</b><br>GENERAL:<br><br>1) Exterior lighting shall be developed to provide a safe lit environment in accordance with Sections 51 and 58 and to the satisfaction of the Development Officer.<br><br>2) 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. (Reference Section 51 of the Edmonton Zoning Bylaw 12800).<br><br>3) PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the applicant or landowner must pay the Lot Grading Fee of \$715.56.<br><br>DRAINAGE SERVICES:<br><br>1) PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the applicant or landowner must pay the Permanent Area Contribution (PAC) charge.<br><br>The PACs must be paid by entering into a servicing agreement, which will be prepared by the Sustainable Development. The applicant/owner should contact Raghda Abdelmonem at 780-442-7042, upon issuance of the Development Permit when he/she is ready to initiate the servicing agreement and make payment. The assessment area is 3.2533 ha. The assessment area is obtained from the City's information computer program called POSSE.<br><br>The following is for information purposes and the rates are in year 2020. The final PAC amounts will be based on the prevailing rates at the time the applicant/owner pays and enters into a servicing agreement with the City.<br><br>Development Assessment- Rate |   |  |   |

## Major Development Permit

### Permanent Area Contributions

- Winterburn Industrial South Onsite Storm (2019 Rate) - \$118,552/ha
- Winterburn Industrial Offsite Storm (2019 Rate) - \$4,974/ha
- Winterburn Industrial AMP (2020 Rate) - \$130/ha
- Master Drainage Study (2020 Rate) - \$43/ha
- Expansion Assessment (EA) (WESS) (2020 Rate) - \$30,536/ha
- Arterial Roadway Assessment (ARA) (2019 Rate) - \$47,379/ha

There may also be PAC over-expenditure, boundary condition & oversizing payment which can only be determined at the time the applicant/owner is ready to enter into a servicing agreement.

2) PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the applicant or landowner must pay the Sanitary Sewer Trunk Charge (SSTC). Based on our records, this property was never assessed for SSTC.

SSTC is applicable to the entire property of 3.2533 ha at the rate of \$8,560/ha, under the current DP#220574097-001. The property area is obtained from the City's information program called POSSE and the number of dwellings is based on the drawings submitted with this Application for Major Development Permit.

Payment should be made at the Edmonton Service Centre, 2nd Floor, 10111 – 104 Avenue NW. For information purposes, the 2020 rate is \$8,560/ha. However, the final SSTC is based on the prevailing rate at the time the applicant/owner makes payment.

### (NOTE:

The above assessment is made based on information currently available to our Department. Should such information change in the future, a new assessment may be made.

In addition to the above items, the applicant/owner may need to pay for the installation cost of sewer services to the property line. For details, please contact EPCOR Drainage.

More information about the above charges can be found on the City of Edmonton's website:

#### oPermanent Area Contributions

[https://www.edmonton.ca/city\\_government/utilities/permanent-area-contributions.aspx](https://www.edmonton.ca/city_government/utilities/permanent-area-contributions.aspx)

#### oSanitary Servicing Strategy Expansion Assessment

[https://www.edmonton.ca/city\\_government/utilities/expansion-assessment-charge-ea.aspx](https://www.edmonton.ca/city_government/utilities/expansion-assessment-charge-ea.aspx)

#### oArterial Roadway Assessment

[https://www.edmonton.ca/projects\\_plans/roads/design\\_planning/arterial-roadway-assessments.aspx](https://www.edmonton.ca/projects_plans/roads/design_planning/arterial-roadway-assessments.aspx)

#### oSanitary Sewer Trunk Charge

[https://www.edmonton.ca/city\\_government/utilities/sanitary-sewer-trunk-charge-sstc.aspx](https://www.edmonton.ca/city_government/utilities/sanitary-sewer-trunk-charge-sstc.aspx)

### LANDSCAPING:

1) PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the applicant or property owner shall pay a Development Permit Inspection Fee of \$528.00 (this can be paid by phone with a credit card - 780-442-5054).

2) Landscaping shall be in accordance with the approved Landscape Plan, and Section 55 of the Zoning Bylaw, to the satisfaction of the Development Officer.

3) Any changes to an approved Landscape Plan require the approval of the Development Officer prior to the Landscaping being installed.

4) Landscaping shall be installed within 18 months of receiving the Final Occupancy Permit. Landscaping shall be maintained in a healthy condition for a minimum of 24 months after the landscaping has been installed, to the satisfaction of the Development



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## Major Development Permit

Officer.

5) A Landscape Security shall be provided to the City of Edmonton at the time of initial Landscape Inspection, to the satisfaction of the Development Officer. The initial Landscape Inspection shall be requested within 14 days of the Landscape installation being completed ([www.edmonton.ca/landscapeinspectionrequest](http://www.edmonton.ca/landscapeinspectionrequest)).

6) Upon determination that landscaping has been installed in compliance with the approved Landscape Plan, 20% of the full Landscape Security value as determined by the Development Officer shall be collected. The Landscape Security shall be retained for a period of 24 months from the date of the initial Landscape Inspection.

7) Sites that are not completed or are not compliant with approved Landscape Plans at the initial Landscape Inspection shall, in addition, be required to submit a Security for incomplete work; up to the full value of the Landscape Security, as determined by the Development Officer.

### SUBDIVISION PLANNING (TRANSPORTATION):

1) Two (2) accesses from the site to 199 Street exist. Any modification to the existing accesses requires the review and approval of Subdivision Planning.

2) The Shop Tent shown on the site plan must be relocated within the site to allow the north access/drive aisle to function.

3) Any proposed gates for the accesses to 199 Street must not swing out over road right-of-way. The gates must either swing into the property or slide along the fence. No objects are permitted to encroach onto, over or under road right-of-way.

4) Any boulevard damage occurring as a result of construction traffic must be restored to the satisfaction of Development Inspections, as per Section 15.5(f) of the Zoning Bylaw. All expenses incurred for repair are to be borne by the owner.



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## Major Development Permit

**Subject to the Following Advisements**

**GENERAL:**

- 1) 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.
- 2) The Development Permit shall not be valid unless and until the conditions of approval, save those of a continuing nature, have been fulfilled; and no notice of appeal from such approval has been served on the Subdivision and Development Appeal Board within the time period specified in subsection 21.1 (Ref. Section 17.1).
- 3) Signs require separate Development Applications.
- 4) 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.
- 5) 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.
- 6) This Development Permit is not a Business Licence. A separate application must be made for a Business Licence.
- 7) Any future development on the subject property shall be subject to the setback and landscaping requirements in effect at the time of application.

**SUBDIVISION PLANNING (TRANSPORTATION):**

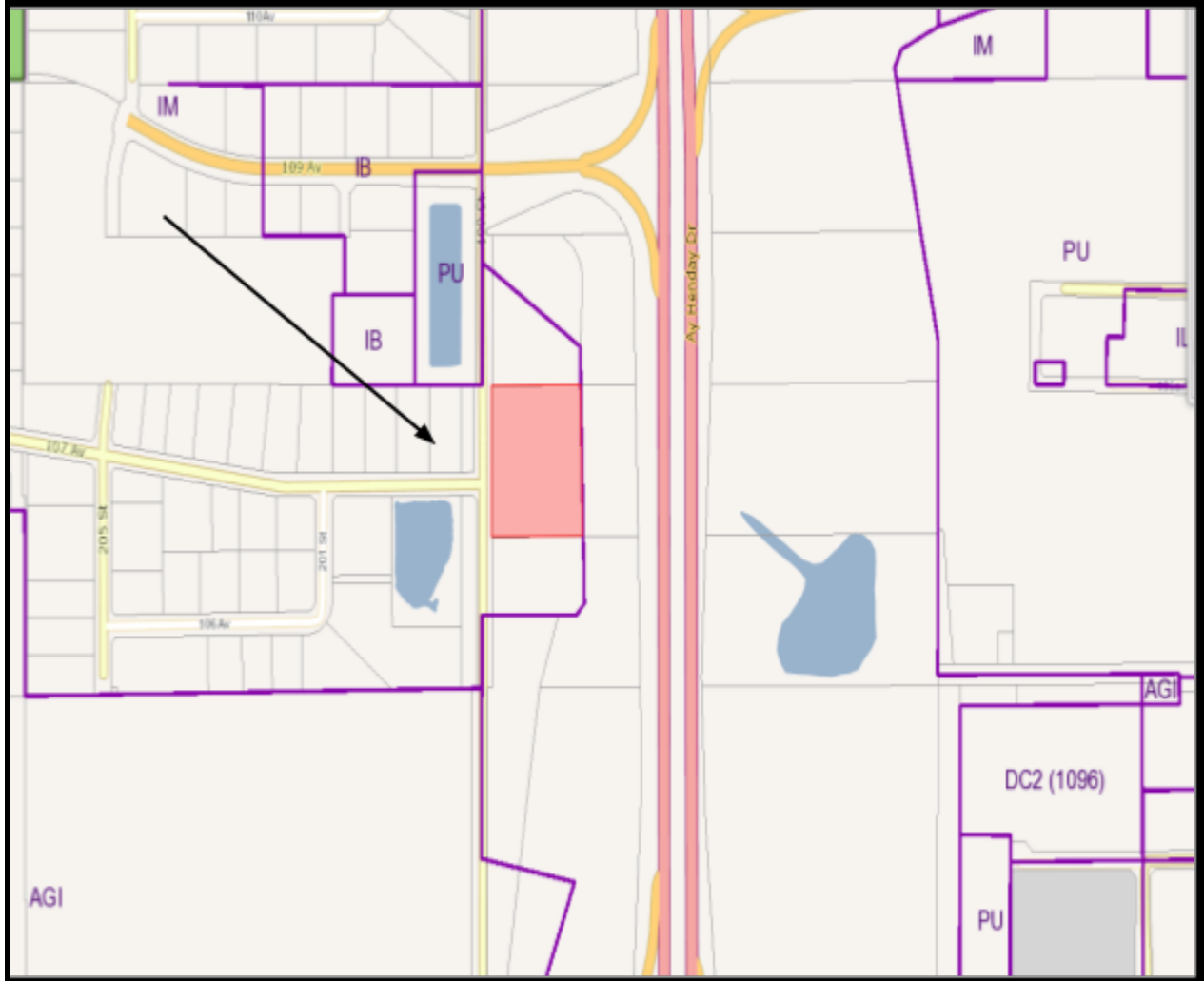
- 1) Upon future development of the site, the existing accesses may require upgrading to meet current City of Edmonton standards which may include relocation and reconstruction. All costs associated with the upgrades shall be borne by the owner/applicant.

**Rights of Appeal**

This approval is subject to the right of appeal to the Subdivision and Development Appeal Board (SDAB) as outlined in Chapter M-26, Section 683 through 689 of the Municipal Government Act.

**Fees**

|                            | Fee Amount | Amount Paid | Receipt # | Date Paid    |
|----------------------------|------------|-------------|-----------|--------------|
| Major Dev. Application Fee | \$893.00   | \$893.00    | 03345705  | Jun 09, 2016 |
| Lot Grading Fee            | \$715.56   |             |           |              |
| Total GST Amount:          | \$0.00     |             |           |              |
| Totals for Permit:         | \$1,608.56 | \$893.00    |           |              |
| (\$715.56 outstanding)     |            |             |           |              |



**SURROUNDING LAND USE DISTRICTS**

Site Location ←

▲  
**N**

File: SDAB-D-21-136