

SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA

Wednesday, 9:00 A.M.
January 19, 2022

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

I 9:00 A.M. SDAB-D-21-136

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

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

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

TO BE RAISED

ITEM I 9:30 A.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

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 Subdivision and Development Appeal Board made and passed the following motion on September 28, 2021:

The appeal hearing is postponed to a date between January 17, 2022 - January 21, 2022. The parties must comply with the following disclosure dates:

October 28, 2021 - City of Edmonton Filing Deadline

January 6, 2022 - Appellant Filing Deadline

The Subdivision and Development Appeal Board made and passed the following motion on August 19, 2021:

“That the appeal hearing be rescheduled to September 22 or 23, 2021, at the written request of the Appellant and with no objection from the Development Authority”

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), **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

Application Number	Description	Decision
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: 1. this Development Permit is valid for a period of three years from the date of issuance; ...

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.

	Project Number: 220574097-001 Application Date: APR 28, 2016 Printed: July 21, 2021 at 3:27 PM 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.			
Applicant 	Property Address(es) and Legal Description(s) 10651 - 199 STREET NW Plan 6790MC Lot C Specific Address(es) Entryway: 10651 - 199 STREET NW Building: 10651 - 199 STREET NW		
Scope of Permit To develop a Temporary Storage and General Industrial Uses facility as a Temporary Use (5 years).			
Permit Details <table border="0" style="width: 100%;"> <tr> <td style="width: 50%;"> Class of Permit: Class A Gross Floor Area (sq.m.): 342 New Sewer Service Required: Y Site Area (sq. m.): 32525.35 </td> <td style="width: 50%;"> Contact Person: Lot Grading Needed?: Y NumberOfMainFloorDwellings: Stat. Plan Overlay/Annex Area: (none) </td> </tr> </table>		Class of Permit: Class A Gross Floor Area (sq.m.): 342 New Sewer Service Required: Y Site Area (sq. m.): 32525.35	Contact Person: Lot Grading Needed?: Y NumberOfMainFloorDwellings: Stat. Plan Overlay/Annex Area: (none)
Class of Permit: Class A Gross Floor Area (sq.m.): 342 New Sewer Service Required: Y Site Area (sq. m.): 32525.35	Contact Person: Lot Grading Needed?: Y NumberOfMainFloorDwellings: Stat. Plan Overlay/Annex Area: (none)		
Development Permit Decision Approved Issue Date: Jun 30, 2021 Development Authority: WELCH, IMAI Subject to the Following Conditions GENERAL: 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. 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). 3) PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the applicant or landowner must pay the Lot Grading Fee of \$715.56. DRAINAGE SERVICES: 1) PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the applicant or landowner must pay the Permanent Area Contribution (PAC) charge. 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. 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. 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

oSanitary Servicing Strategy Expansion Assessment

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

oSanitary Sewer Trunk Charge

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



Project Number: **220574097-001**
Application Date: APR 28, 2016
Printed: July 21, 2021 at 3:27 PM
Page: 3 of 4

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).

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.



Project Number: **220574097-001**
 Application Date: APR 28, 2016
 Printed: July 21, 2021 at 3:27 PM
 Page: 4 of 4

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):

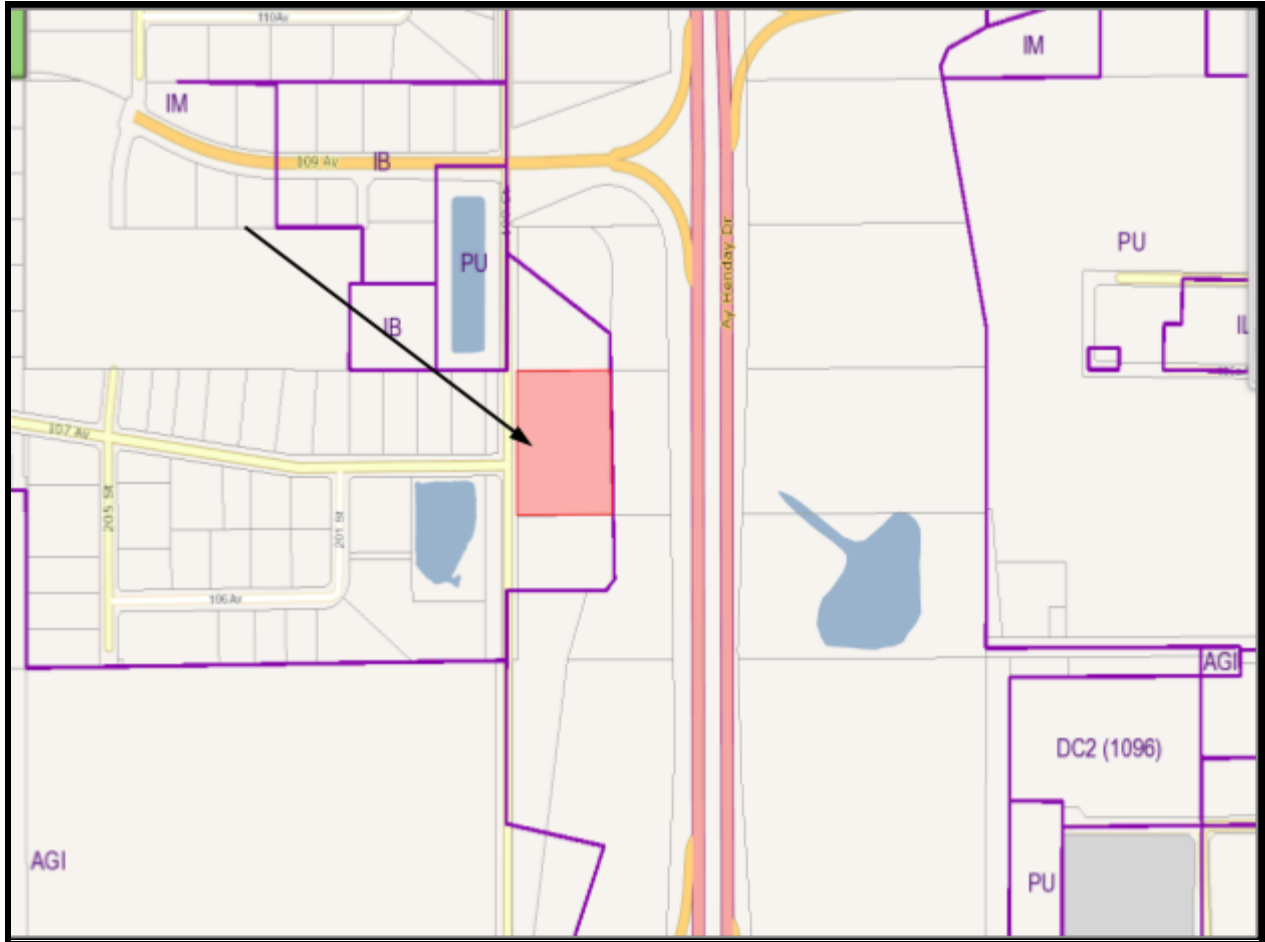
- 1) Upon future development of the site, the existing accesses may require upgrading to meet current City of Edmonton standards which may include relocation and reconstruction. All costs associated with the upgrades shall be borne by the owner/applicant.

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