

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Wednesday, 9:00 A.M.
July 15, 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-15-148	Add the Use of an Automotive and Recreational Vehicle Sales/Rentals Service to an existing Automotive and Equipment Repair Shop and Vehicle and Equipment Sales/Rentals Use (Trucks Plus Auto Centre Ltd, reference Development Permit No. 157506640-001) 16002 - 114 Avenue NW Project No.: 157506640-003
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II	1:00 P.M.	SDAB-D-15-149	Construct two buildings (9 bay Rapid Drive-through Vehicle Services Use building and a General Retail Stores Use building) (Car Wash and C.R.U(A) Development) 5004 - 162 Avenue NW Project No.: 172134759-001
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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-15-148

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 157506640-003

APPLICATION TO: Add the Use of an Automotive and Recreational Vehicle Sales/Rentals Service to an existing Automotive and Equipment Repair Shop and Vehicle and Equipment Sales/Rentals Use (Trucks Plus Auto Centre Ltd, reference Development Permit No. 157506640-001)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: June 9, 2015

DATE OF APPEAL: June 17, 2015

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 16002 - 114 Avenue NW

LEGAL DESCRIPTION: Plan 6097AH Blk 17

ZONE: IM Medium Industrial Zone

OVERLAY: N/A

STATUTORY PLAN: N/A

DEVELOPMENT OFFICER'S DECISION

REFUSED - The proposed development is refused for the following reasons:

- 1) The proposed Automotive and Minor Recreation Vehicle Sales/Rentals Use is neither listed as a Permitted or Discretionary Use under the IM zone (Reference Section 420(2) and 420(3)).

In the opinion of the Development Officer, the proposed Automotive and Minor Recreation Vehicle Sales/Rentals Use is a Principal Use and not an accessory use, as defined by Section 6.1(2).

Advisements:

a) Automotive and Minor Recreation Vehicle Sales/Rentals means development used for the retail sale or rental of new or used automobiles, motorcycles, snowmobiles, tent trailers, boats, travel trailers or similar light recreational vehicles or crafts, together with incidental maintenance services and sale of parts. This Use Class includes automobile dealerships, car rental agencies and motorcycle dealerships. This Use Class does not include dealerships for the sale of trucks with a gross vehicle weight rating of 4 000 kg or greater, or the sale of motorhomes with a gross vehicle weight rating greater than 6 000 kg or a length of more than 6.7 m (reference Section 7.4(5)).

This use class falls under the Commercial Use Classes of Section 7.4.

b) Vehicle and Equipment Sales/Rentals, means development used for the sale or rental of heavy vehicles, machinery or mechanical equipment typically used in building, roadway, pipeline, oilfield and mining construction, manufacturing, assembling and processing operations and agricultural production. This Use Class does not include Truck and Mobile Home Sales/ Rentals (reference Section 7.5(6)).

This use class falls under the Industrial Use Classes of Section 7.5.

c) 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 (reference Section 6.1(2))

APPELLANT'S SUBMISSION

The Development Authority incorrectly classified the automotive sales as a primary use and not an accessory use. The applicant seeks to add an accessory use of sales of demo vehicles which have been upgraded to demonstrate the quality of workmanship associated with its existing Automotive and Equipment Repair Shop use. The demo vehicle sales will be occasional, irregular, limited in quantity, limited in the area of space it occupies in the premises, and will only occur once the novelty associated with the display of the demo vehicles has expired. This accessory use is therefore naturally incidental, ancillary, subordinate, and devoted to the primary use of Automotive and Equipment Repair Shop.

SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER'S COMMENTS

Automotive and Minor Recreation Vehicle Sales/Rentals is not a Use listed in the IM Medium Industrial Zone, Section 420.

The Development Officer determined the proposed Automotive and Minor Recreation Vehicle Sales/Rentals Use is neither listed as a Permitted or Discretionary Use under the IM Zone.

Under Section 7.4(5), **Automotive and Minor Recreation Vehicle Sales/Rentals** means development used for the retail sale or rental of new or used automobiles, motorcycles, snowmobiles, tent trailers, boats, travel trailers or similar light recreational vehicles or crafts, together with incidental maintenance services and sale of parts. This Use Class includes automobile dealerships, car rental agencies and motorcycle dealerships. This Use Class does not include dealerships for the sale of trucks with a gross vehicle weight rating of 4000 kilogram or greater, or the sale of motorhomes with a gross vehicle weight rating greater than 6000 kilogram or a length of more than 6.7 metres.

Under Section 7.4(4), **Automotive and Equipment Repair Shop**, means development used for the servicing and mechanical repair of automobiles, motorcycles, snowmobiles and similar vehicles or the sale, installation or servicing of related accessories and parts. This Use Class includes transmission shops, muffler shops, automotive glass shops, and upholstery shops. This Use Class does not include body repair and paint shops.

Under Section 7.5(6), **Vehicle and Equipment Sales/Rentals**, means development used for the sale or rental heavy vehicles, machinery or mechanical equipment typically used in building, roadway, pipeline, oilfield and mining construction, manufacturing, assembling and processing operations and agricultural production. This Use Class does not include Truck and Mobile Home Sales/Rentals.

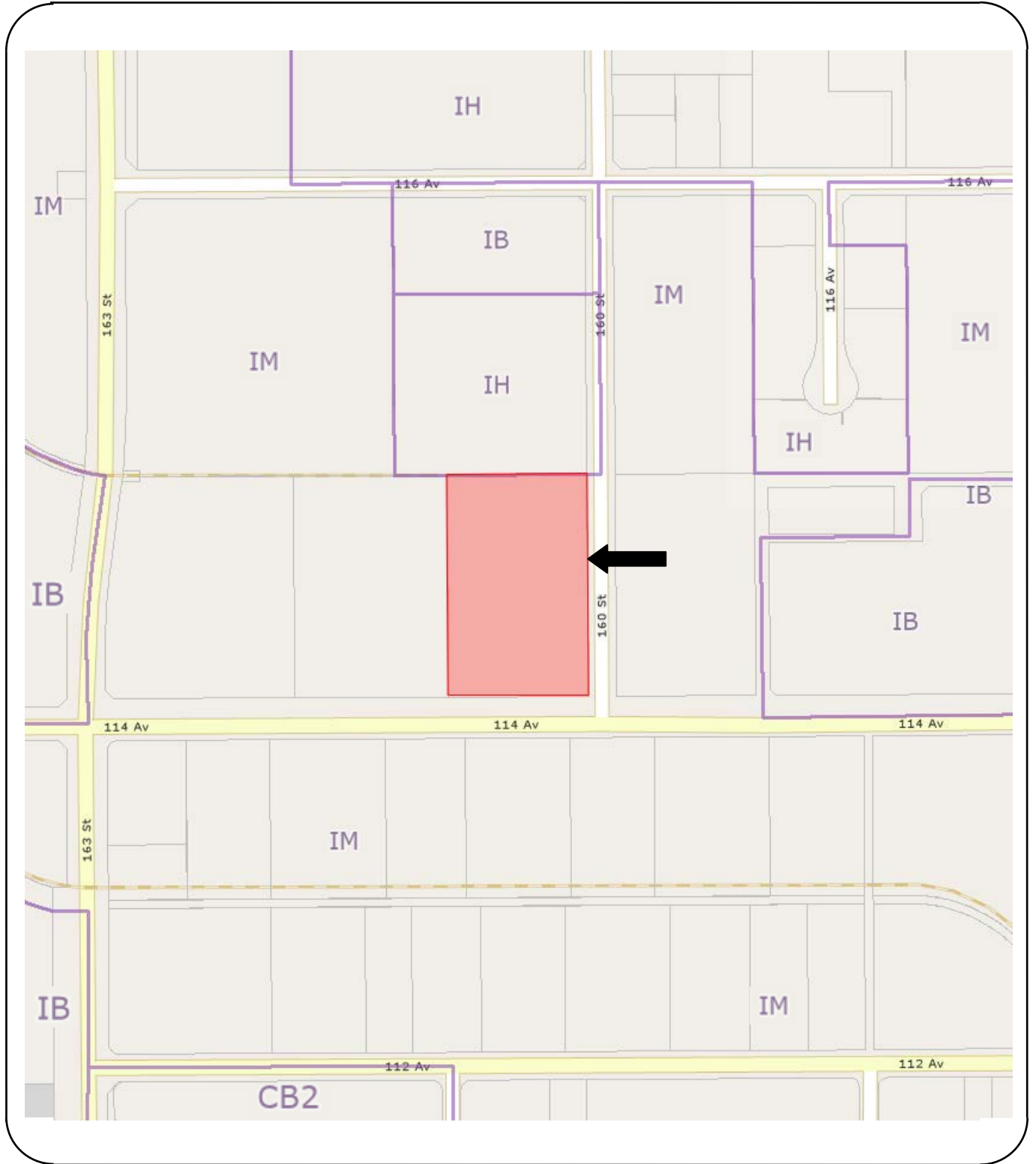
Under Section 6.1(2), **Accessory** means, when used to describe a Use or building, a Use or building naturally or normally incidental, subordinate, and devoted to the principal Use or building, and located on the same lot or Site.

The Development Officer determined the proposed Automotive and Minor Recreation Vehicle Sales/Rentals Use is a principal Use and not an Accessory Use.

Section 420.1 states the 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.

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-15-148



ITEM II: 1:00 P.M.

FILE: SDAB-D-15-149

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 172134759-001

APPLICATION TO: Construct two buildings (9 bay Rapid Drive-through Vehicle Services Use building and a General Retail Stores Use building) (Car Wash and C.R.U(A) Development)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: June 23, 2015

DATE OF APPEAL: June 23, 2015

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 5004 - 162 Avenue NW

LEGAL DESCRIPTION: Plan 0620449 Blk 47 Lot 46

ZONE: CNC Neighbourhood Convenience Commercial Zone

OVERLAY: N/A

STATUTORY PLAN: Pilot Sound Area Structure Plan

DEVELOPMENT OFFICER'S DECISION

REFUSED - The proposed development is refused for the following reasons:

1. Section 310.5(2)(a) - The total number of bays for a Rapid Drive-through Vehicle Services development shall not exceed one for any given Site.

Allowable: 1
Proposed: 9
Exceeds: 8

2. Section 54.2, Schedule 1 - The overall number of required vehicular parking spaces for the Site is 36.

Provided: 20
Deficient: 16

3. Section 54.2, Schedule 3 - The overall number of required loading spaces for the Site is 4.

Provided: 2
Deficient: 2

APPELLANT'S SUBMISSION

I understand that the interpretation of the Zoning Bylaw changed with this application. The former interpretation of the Zoning Bylaw 12800 Section 310.3(14) was that the multi-stall indoor self-serve style carwashes were allowed in the CNC District as one big bay (room) with many individual spaces considered one stall. It is the owner's position that the proposed development does not negatively affect surrounding residential.

SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER'S COMMENTS

Rapid Drive-through Vehicle Services is a Discretionary Use in the CNC Neighbourhood Convenience Commercial Zone, Section 310.3(18).

General Retail Stores is a Discretionary Use in the CNC Neighbourhood Convenience Commercial Zone, Section 310.3(8).

Under 7.4(43), **Rapid Drive-through Vehicle Services** means development providing rapid cleaning, lubrication, maintenance or repair services to motor vehicles, where the customer typically remains within his vehicle or waits on the premises. Typical uses include automatic or coin operated car washes (including self-service car wash), rapid lubrication shops, or specialty repair establishments. This use class does not include automated teller machines.

Under 7.4(22), **General Retail Stores** means development used for the retail or consignment sale of new goods or merchandise within an enclosed building, not including the sale of gasoline, heavy agricultural and industrial equipment, alcoholic beverages, or goods sold wholesale. Accessory Uses may include the assembly or repair of products sold on Site, or minor public services such as postal services or pharmacies. This Use Class does not include Aircraft Sales/Rentals, Automotive and Minor Recreation Vehicle Sales/Rentals, Flea Market, Gas Bars, Greenhouses, Plant Nurseries and Market Gardens, Pawn Stores, Major Alcohol Sales, Minor Alcohol Sales, Major Services Stations, Minor Service Stations, Secondhand Stores, and Warehouse Sales. Section 310.5(2)(a) states the total number of bays shall not exceed one for any given Site.

The Development Officer determined the maximum allowable number of bays for a Rapid Drive-through Vehicle Services development is 1. The proposed development provides 9 bays which exceeds the maximum allowable by 8 bays.

Section 54.2, Schedule 1 provides the vehicular parking requirement as follows:

Commercial Use Classes	
12. Any development within a Commercial Use Class not listed separately in this table, with a Floor Area of:	
a. less than 4500 m ²	1 parking space per 40.0 m ² of Floor Area
b. 4500 m ² to 9000 m ²	1 parking space per 33.3 m ² of Floor Area
c. 9000 m ² to 28 000 m ²	1 parking space per 28.5 m ² of Floor Area
d. Greater than 28 000m ²	1 parking space per 25.0 m ² of Floor Area

The Development Officer determined the minimum number of parking spaces required for the proposed development is 20. The Development Officer determined the proposed development provides 16 parking spaces which is deficient by 4 parking spaces.

Section 54.4, Schedule 3 provides the loading spaces requirements as follows:

Use of Building or Site	Total Floor Area of Building	Minimum Number of loading Spaces required
1. Any development within the Commercial or Industrial Use Classes, excluding Professional, Financial and Office Support Services	Less than 465 m ² 465 m ² to 2300 m ² Each addition 2300 m ² or fractional thereof	1 2 1 additional
2. Any development within the Residential-Related, Basic Services or Community, Educational, Recreational and Cultural Service Use Classes and Professional, Financial and Office Support Services	Up to 2800 m ² Each additional 2800 m ²	1 1 additional

The Development Officer determined the minimum number of loading spaces required for the proposed development is 4. The Development Officer determined the proposed development provides 2 loading spaces which is deficient by 2 loading spaces.

Section 310.5(2) provides the regulations for a Rapid Drive-through Vehicle Services developments as follows:

- a. ...; and
- b. all operations and mechanical equipment associated with this Use Class shall be located within an enclosed building.

Section 72 provides the regulations for Vehicular – Oriented Uses as follows:

72.1 Applicability

1. Developments in the following Use Classes shall comply with the special regulations of this Section:
 - a. Drive-in Food Services;
 - b. Gas Bars;
 - c. Minor and Major Service Stations; and
 - d. Rapid Drive-through Vehicle Services.
2. The Development Officer may also require that developments not included in the Use Classes listed in clause (1) above, such as drive-through automated teller machines or other similar Uses, shall comply with the regulations of this Section if such developments provide drive-in service or service in which patrons remain within their vehicle.

72.2 Development Regulations

1. Sites shall be located:
 - a. at the intersection of two or more public roadways, but not including Lanes, provided that a Site may be located between intersections where there is a service road or a centre dividing strip on the public roadway; or
 - b. adjacent to a traffic interchange, but not including a rotary or traffic circle; or
 - c. as part of a shopping centre or in conjunction with other commercial development, if Transportation Services is satisfied that the development shall not adversely affect the functioning of surrounding public roadways, or traffic circulation on the Site.
2. The minimum Frontage shall be 30.0 m.
3. Service Stations and Rapid Drive-through Vehicle Services shall have a minimum lot depth of 30.0 m.
4. Site area and Coverage shall be provided as follows:
 - a. the minimum Site area for Drive-in Food Services, or developments defined in subsection 72.1(2), shall be 930 m², and the maximum Site Coverage shall be 15%;
 - b. the minimum Site area for a Service Station as an independent development shall be 1 200 m² and the maximum Site Coverage, including pump islands, shall not exceed 20%;
 - c. where two or more of the aforementioned Uses are part of a mixed use development on the same Site, the total Site area requirements shall be the sum of the requirements of the Uses computed separately, unless the applicant can demonstrate to the Development Officer that there is a complementary use of space which would warrant a reduction in Site area requirement.
5. Queuing Space shall be provided as follows:
 - a. for Drive-in Food Services and other developments having a drive-through service window, a minimum of six in-bound queuing spaces shall be provided for vehicles approaching the drive-through service window. One out-bound queuing space shall be provided on the exit side of each service position and this space shall be located so as not to interfere with service to the next vehicle;

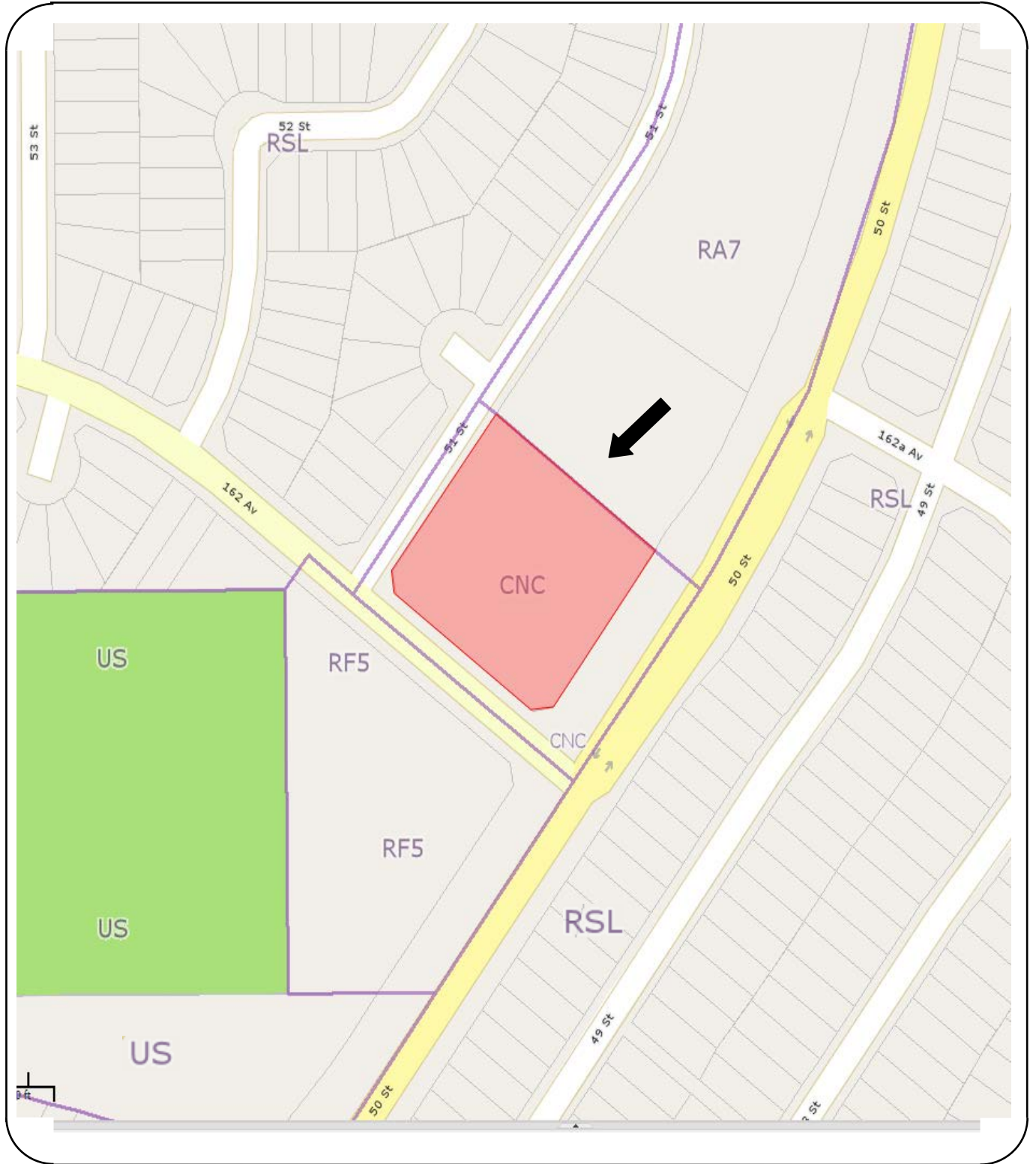
- b. for Rapid Drive-through Vehicle Services a minimum of five in-bound and three out-bound queuing spaces shall be provided for each service bay, except in the case of:
 - i. a complete service car wash or a multi-bay single entrance self-service car wash the number of required queuing spaces shall be as follows:
 - A. a minimum of five in-bound to a maximum of ten queuing spaces for facilities with up to ten bays, and a minimum of one out-bound queuing space shall be provided;
 - B. a minimum of five in-bound to a maximum of fifteen queuing spaces for facilities with eleven or more bays, and a minimum of 1 out-bound queuing space shall be provided;
 - ii. a multi-bay multi-entrance self-service car wash a minimum of two in-bound and a minimum of one out-bound queuing space shall be provided for each bay. The actual number of queuing spaces shall be determined to the satisfaction of the Development Officer.
 - c. for Rapid Drive-through Vehicle Services and Drive-in Food Services, access aisles and queuing spaces associated with these Use Classes shall be located no less than 7.5 m from any property line where the Site containing these Use Classes abuts any Site containing existing residential or residential-related Uses, including situations where such Sites are separated by a road or Lane 10.0 m or less in width. The orientation of access aisles, queuing spaces and on-site vehicular circulation shall be designed to the satisfaction of the Development Officer, in consultation with Transportation Services, having regard to the minimization of traffic circulation conflicts, and to other on-site and off-site impacts, particularly with regard to existing off-site and adjacent Residential or Residential-Related Uses; and
 - d. all queuing spaces shall be a minimum of 6.5 m long and 3.0 m wide. Queuing lanes shall provide sufficient space for turning and manoeuvring.
6. Gas Bars and Service Stations shall adhere to the following additional regulations:
 - a. all pump islands shall be located at least 6.0 m from any boundary of the Site, parking area on the Site, or Laneways intended to control traffic circulation on the Site; and
 - b. any canopy over a gas pump island shall be no closer than 3.0 m to any boundary of the Site, and shall be designed, finished, and of a height such that the canopy is not obtrusive, and maintains consistency with the design and eave line of the principal building on Site. The canopy area shall not be included in the calculation of Site Coverage for the purpose of this subsection 82.2; and
 - c. where these Use Classes are adjacent to Sites zoned residential or separated from them by a Lane, or are directly visible to residential Uses across a public roadway, the design, finishing, lighting and siting of development, including the orientation of gas pump islands and service bays with the intent of achieving a compatible relationship with surrounding development and a high standard of appearance when viewed from adjacent roadways.
 7. Rapid Drive-through Vehicle Services shall adhere to the following additional regulations:

- a. the orientation of service bays, vehicular circulation and queuing aisles shall be to the satisfaction of the Development Officer, in consultation with Transportation Services, having regard to the minimization of on-site and off-site traffic impacts; and
 - b. where the proposed development includes an automatic car wash, the Development Permit application shall include information identifying the anticipated noise impacts of the development as identified in the manufacturer's specifications. The Development Officer may require, as a condition of Development Permit approval, that the applicant provide a Noise Impact Assessment identifying the noise attenuation measures necessary to ensure compliance with City of Edmonton Noise Bylaw, or any other measures determined by the Development Officer and that may be determined in consultation with Transportation Services.
8. Rapid Drive-through Vehicle Services and Drive-in Food Services shall adhere to the following additional regulations:
 - a. the design, finishing and siting of such development shall achieve a compatible relationship with surrounding development and a high standard of appearance when viewed from adjacent roadways; and
 - b. these Use Classes shall be located not less than 15.0 m from any property line where the Site containing these Use Classes abuts any Site zoned residential or any Site containing residential or residential-related Uses, including situations where such Sites are separated by a road or Lane 10.0 m or less in width. This 15.0 m Setback distance may be reduced at the discretion of the Development Officer if the Development Officer is satisfied that impacts on the Residential or Residential-Related Uses shall be minimal due to structural and design measures incorporated into the proposed development;
 - c. where these Use Classes and associated access aisles and queuing spaces are located within 30 m of a property line where the Site containing these Use Classes abuts any Site zoned residential or any Site containing existing residential or residential-related Uses, including situations where such Sites are separated by a road or Lane 10.0 m or less in width, the following fencing and Landscaping requirements shall apply:
 - i. solid, screen fencing constructed of wood or suitable wood-like synthetic substitute, 1.83 m in height; and
 - ii. required fencing shall be augmented with tree and shrub planting designed to soften the visual effect of the required fencing, and shall be provided in accordance with the standards identified in Section 55.
9. Drive-in Food Services and other developments having a drive-through service window shall adhere to the following additional regulations:
 - a. the location, orientation and setback of drive-through service windows shall be to the satisfaction of the Development Officer in consultation with Transportation Services, having regard to the minimization of on-site and off-site traffic impacts.

Section 310.1 of states the purpose of the CNC Neighbourhood Convenience Commercial Zone is to provide for convenience commercial and personal service uses, which are intended to serve the day-to-day needs of residents within residential neighbourhood.

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-15-149



BUSINESS LAID OVER

SDAB-D-15-136	An appeal to construct and operate a Residential Sales Centre <i>July 30, 2015</i>
SDAB-D-15-138	An appeal to develop a Secondary Suite in an existing Single Detached House <i>August 5 or 6, 2015</i>