

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Wednesday, 9:00 A.M.
July 8, 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-15-147	Construct exterior alterations, 3 additions and parking lot changes to a Public Education Service building (adding 5720 sq.m. of Floor Area; develop a new parking lot, 61 spaces; expanding existing parking lot, 51 spaces; adding new loading spaces; revise landscaping; creating a student drop-off area) 2019 - Leger Road NW, 2051 - Leger Road NW, 2007 - Leger Road NW, 2019 - Leger Road NW
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Project No.: 164518119-001

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-15-147

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

APPLICATION NO.:	164518119-001
APPLICATION TO:	Construct exterior alterations, 3 additions and parking lot changes to a Public Education Service building (adding 5720 sq.m. of Floor Area; develop a new parking lot, 61 spaces; expanding existing parking lot, 51 spaces; adding new loading spaces; revise landscaping; creating a student drop-off area)
DECISION OF THE DEVELOPMENT AUTHORITY:	Approved with Conditions
DECISION DATE:	May 28, 2015
DATE OF APPEAL:	June 10, 2015; June 15, 2015
NOTIFICATION PERIOD:	Jun 4, 2015 through Jun 17, 2015
MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY:	2019 - Leger Road NW, 2051-Leger Road NW
LEGAL DESCRIPTION:	Lot 52-53, Blk 163 Plan 0922485; Lot 54, Blk 163 Plan 0922485
ZONE:	US Public Utility Zone
OVERLAY:	N/A
STATUTORY PLAN:	N/A

DEVELOPMENT OFFICER'S DECISION

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

- 1) PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the applicant or property owner shall pay a Notification Fee of \$100.00.

2) PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the applicant or property owner shall pay a Lot Grading Fee of \$333.04.

3) PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the applicant or property owner shall pay a Sanitary Sewer Trunk Fund fee of \$9,517.26. All assessments are based upon information currently available to the City. The SSTF charges are quoted for the calendar year in which the development permit is granted. The final applicable rate is subject to change based on the year in which the payment is collected by the City of Edmonton.

4) PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the applicant or property owner shall provide a guaranteed security to ensure that landscaping is provided and maintained for two growing seasons. The Landscape Security may be held for two full years after the landscaping has been completed. This security may take the following forms:

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

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

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

- installation of a zebra marked crosswalk with curb ramps and signage on Leger Road. Engineering drawings are not required for this Agreement. However, construction must meet the City of Edmonton Design and Construction Standards. The Agreement must be signed by the property owner and returned to Transportation Services to the attention of Loli Fernandez (780-944-7683) including an irrevocable Letter of Credit in the amount of \$7,000.00 to cover 100% of construction costs. The Agreement will be forwarded directly to the owner for his signature.

6) All access locations and curb crossings shall have the approval of the City Transportation and Streets Department prior to the start of construction. Reference Section 53(1).

7) A zebra crosswalk with curb ramps and signage is required with the development of the parking lot on Leger Road located on the east side of the parking lot access, as shown on the Enclosure.

8) Access from the site to the north alignment and south alignment of Leger Road exists. The existing access to the north alignment of Leger Road will provide access to an expanded parking lot.

The existing access from the south alignment of Leger Road provides access to the southerly expanded parking lot and to the designated drop off area in front of the high school. Any modification to the existing accesses requires the review and approval of Transportation Services.

9) A barrier fence of a minimum height of 1.2 m must be provided to separate the drop off area from the internal access road to direct the student to the onsite pedestrian crossing location, as shown on the Enclosure.

10) The applicant has proposed to expand the existing parent drop-off / pick up stalls by 10 stalls (existing 15 stalls / proposed 25 stalls) located on the internal loop road adjacent to the school. Our Department has no concerns with the proposal subject to appropriate signage indicating the drop off/ pick up location and time restriction.

11) The proposed internal sidewalk connection from the north alignment of Leger Road to the building addition is at an acceptable location as shown on the Enclosure.

12) The proposed parking lot on the north side of the school and the expanded parking lot on the south of the school are acceptable as shown on the Enclosure.

13) There may be utilities within road right-of-way not specified that must be considered during construction. The owner / applicant is responsible for the location of all underground and above ground utilities and maintaining required clearances as specified by the utility companies. Alberta One-Call (1-800-242-3447) and Shaw Cable (1-866-344-7429; www.digshaw.ca) should be contacted at least two weeks prior to the work beginning to have utilities located. Any costs associated with relocations and / or removals shall be at the expense of the owner / applicant.

14) Any hoarding or construction taking place on road right-of-way requires an OSCAM (On-Street Construction and Maintenance) permit. It should be noted that the hoarding must not damage boulevard trees. The owner or Prime Contractor must apply for OSCAM online at: http://www.edmonton.ca/bylaws_licences/licences_permits/oscam-permit-request.aspx.

15) Any sidewalk or boulevard damage occurring as a result of construction traffic must be restored to the satisfaction of Transportation Services, as per Section 15.5(f) of the Zoning Bylaw. The alley, sidewalks and boulevard will be inspected by Transportation Services prior to construction, and again once construction is complete. All expenses incurred for repair are to be borne by the owner.

16) In order to minimize potential conflicts at the site and to ensure neighbourhood notification of the project is provided, please contact Brian Brown, Parks Operations Coordinator at 780-495-5927, and Laura Shewchuk, Community Recreation Coordinator at 780 944 5406 to advise of the timing and type of work to take place prior to start of construction.

17) Bicycle parking (a minimum of 50 spaces) shall be provided in accordance to Section 54.3 and to the satisfaction of the Development Officer.

18) The applicant/owner shall provide parking for People with Disabilities (a minimum of 5 spaces) in accordance to Section 54.1(3) and to the satisfaction of the Development Officer.

19) All activities or operations of the proposed development shall comply to the standards prescribed by the Province of Alberta pursuant to the Environmental Protection and Enhancement Act and the regulations pertaining thereto.

20) All outdoor trash collection areas shall be located and screened to the satisfaction of the Development Officer in accordance with Sections 55(4) & (5).

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

22) 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.

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

Notes:

- a) Signs require separate Development Applications.
- b) 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.
- c) 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:

Section 54.4, Schedule 3(2) relaxed - The minimum number of required loading spaces from 6 to 2.

Notes:

- A variance was granted for this Development Permit pursuant to Sections 11.3 and 11.4.
 - Subject to the right of appeal the permit is NOT VALID until the required Notification Period expires in accordance with Sections 21.1 and 17.1.
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APPELLANT'S SUBMISSION

Linda Gregory:

This appeal is made based on the following facts:

- It has been stated that in October 2014 plans for the proposed redevelopment were released to the public. As a resident affected by this proposed development there has never been any correspondence directed to the neighborhood directly impacted about the development, or consultation in any form, that I am aware of.
 - In fact it was in July of 2014 that I first heard of the development from a small article somewhere, and I wrote to Mr. David Hancock then Premier of Alberta and former Education Minister, Mr. Nathan Ip (Edmonton Public School Trustee) and Mr. Bryan Anderson regarding the proposed development. Mr. Nathan Ip did call me but he knew very little and could offer me no information as to what was planned. He said he would get back to me. He did not. Mr. Bryan Anderson did respond to me but noted that it was a provincial responsibility and he could do nothing. Mr. David Hancock did not respond at all.
 - Copies of these letters are included in my submission.
 - A redevelopment of this magnitude should have had some input from those residential properties impacted.
 - Property values of residential properties directly abutting the school/parking will be negatively affected.
 - No one who purchased along the Park could have been aware at that time in 2008/2009 that this school expansion was planned.
- Traffic along Leger Way
 - The following large projects in the neighborhood are currently creating , and once fully developed with hugely impact the amount of traffic along Leger Way, and create bottlenecks at Leger Gate and the intersection of Rabbit Hill Road:
 - Currently a new 60 unit condominium development is under construction at 625 Leger Way, potentially bringing into the neighborhood 120 new residents, plus visitors.
 - It is anticipated that the residents from this development will leave the building heading south/east on Leger Way either to turn south on Leger Gate or continue east to Rabbit Hill Road.
 - The Elementary Archbishop Joseph MacNeil School currently has approximately 600 students enrolled. At least twice per day, or more considering lunch, parents are driving into the neighborhood to deliver their children to school, or pick them up. The majority of parents must access the school through Leger Way. The teachers must also make their way to work. It is obvious that traffic during the morning and afternoon hours significantly increases with this traffic, with cars often speeding.
 - The target for student enrollment at Mother Mary Margaret High School on Leger Road is 850 pupils plus whatever the number of staff working at the school, bringing almost 1,000 bodies into the neighborhood each school day.

- Lillian Osborne School currently has an enrollment of 1114 students and the targeted enrollment will be 1620. Currently this means that 1114 students plus whatever the numbers of staff work at the school make their way to Lillian Osborne, many with cars travelling along Leger Way or Leger Road. With an increase of approximately 500 students, plus an additional complement of staff, the traffic in the neighborhood will dramatically increase.
- There are many small children in the neighborhood and the traffic along Leger Road is already hazardous with vehicles speeding.
- With the addition of the theatre and evening events happening at the school, there will be increased traffic during off-peak hours.
- Parking
 - Condo at 625 Leger Way - Although there is underground parking for this development there will be a definite impact of on-street parking, even with the provision of on-site visitor parking.
 - There are currently 136 existing parking stalls at Lillian Osborne School, but it is noted that parking permits are required for all these stalls, with the exception of visitor parking. Does this mean that in order to park in School Parking students must purchase a parking pass? This would be a discouragement for students to park in designated stalls causing increased parking along the side streets.
 - Today there were 59 cars parked along the street: 10 on Leger Way north of the Leger Road intersection, 10 along Leger Way south of the Leger Road intersection, 39 along Leger Road in front of Lillian Osborne School and 1 motorcycle. How many more cars will be parked in the neighborhood with the addition of 500 students it is anticipated that there will be many more cars on the street.
 - The placement of the new parking lot is definitely detrimental to the residents living along the park. There are 5 homes which will back directly on to the parking lot.
 - During the winter with snow removal at the Transit Station, at Mother Mary Margaret School, at Archbishop Joseph MacNeil School, and at Lillian Osborne School, the incessant ‘beep, beep, beep’ of the snow removal equipment is heard throughout the night, affecting all residents living along the Park. With the addition of this parking lot so close to residential properties it is apparent that the quality of life for these residents will be negatively impacted.
 - Why was this parking lot not put on the other side of the school, or the existing parking lot further expanded toward 23rd Avenue?
 - With the addition of the theatre and the spectre of concerts or events happening in the evening in this theatre, there also exists the possibility of further disturbances to the local residents in the evenings – noise, litter, traffic, etc.

- Parking along Leger Way and Leger Road is restricted should a parking ban be enacted in the winter. It is obvious from 6 winters that I have lived on Leger Way, that by-law enforcement does not ticket or tow away cars parked along Leger Way. The plows come along and go around the cars, leaving windrows and unplowed areas. Students are notorious for ignoring rules, and with the potential to have additional cars parked on the street will the residents living along Leger Way have to deal with unplowed areas in front of their homes?
- The same as above applies to the spring street sweep – the street sweeper will go around parked cars, leaving the neighborhood unsightly.
- Undesirable activity
 - As a resident of Leger who frequently walks on the pathways throughout the neighborhood in the early evenings, it seems apparent to me that in the Terwillegar Rec Centre most westerly parking lot backing on to Terwillegar Drive (which is rather remote) nefarious activity is frequently occurring. One sees a lone male occupant sitting in a running car parked in the far side of the parking lot, and soon another car drives up and both males get out and appear to make some sort of transaction. I have seen this many times over the last couple of years.
 - There is a concern that given the remoteness of the proposed new parking lot especially after hours, butting right up to the residential properties, undesirable activities could occur, and the safety of the families could be compromised. These properties were purchased with the intent that the homes would be safe places to raise a family and putting an empty parking lot right outside the back door of these residents is unwise.
- Landscaping
 - A perusal of the plans appears to indicate that VERY LITTLE new landscaping is planning for the school, with the exception at the front entrance facing the Terwillegar Rec Centre. It is almost as if the park is forgotten and there is no concern for the residents. It is shocking that the new parking lot would be designed without even creating a buffer for the residents.
 - It is understood that Leger Park is a City of Edmonton responsibility, but a good Corporate Citizen will take into consideration the good of the whole as well.
 - A sizeable chunk of recreation area will now be consumed by the new school, leaving only 2 soccer fields remaining. More recreational spaces need to be created not destroyed. Why was it necessary to expand the school horizontally, instead of adding vertically another 2 floors? Also there is room to the west of the school, between the Rec Centre and the school which is currently a dead space, where the school could have been expanded.
- Shed
 - On the plans there is designated a shed which appears to be located at the south end of the new parking lot. What is the purpose of this shed, and why is there a heavy-duty concrete pad leading up to this shed? The storage of materials in this shed could very well impact the homes directly abutting the parking.
- Variance
 - It is stated that a Variance was granted for this Development Permit. Explanation of the variance pursuant to Sections 11.3 and 11.4 needs to be explained.

This may be a politically incorrect statement to make but it must be noted that the School Principal is Mrs. Janet Hancock, the wife of the Former Education Minister and Premier Mr. David Hancock. This statement in itself brings to light many questions about the decisions made for the enhancement of the school, with what appears to be no thought to the residents living along Leger Park, and no input requested from those residents.

Based on the above facts this letter is substantiation to the Development Appeal Application submitted by me. There are 3 pictures taken today at approximately 10:00 am illustrating student parking along both Leger Way north and south of the intersection of Leger Road, and along Leger Road in front of Lilian Osborne School and as well copies of 3 letters.

Sharon Pelletier:

I have no objection to the expansion of the school, only to the parking lot being developed behind it. Why can't the parking lot go towards 23 Avenue or towards the rec centre, where it doesn't impact residential properties. My children play in the green space behind our house and this will now become unsafe. Also, snow removal will have to occur in the middle of the night, affecting my children's rest, as their bedrooms back onto this parking lot. We already have interrupted sleep with snow removal at night. Please reconsider moving the parking lot only.

SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER'S COMMENTS

Public Education Services is a Permitted Use within the US Urban Services Zone, Section 510.2(5).

Under 7.8(10), **Public Education Services** means development which is publicly supported or subsidized involving public assembly for education, training or instruction purposes, and includes the administration offices required for the provision of such services on the same Site. This Use Class includes public and separate schools, community colleges, universities, and technical and vocational schools, and their administrative offices. This Use Class does not include Private Education Services and Commercial Schools

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

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

Section 54.4, Schedule 4 provides the following with respect for loading spaces requirement

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

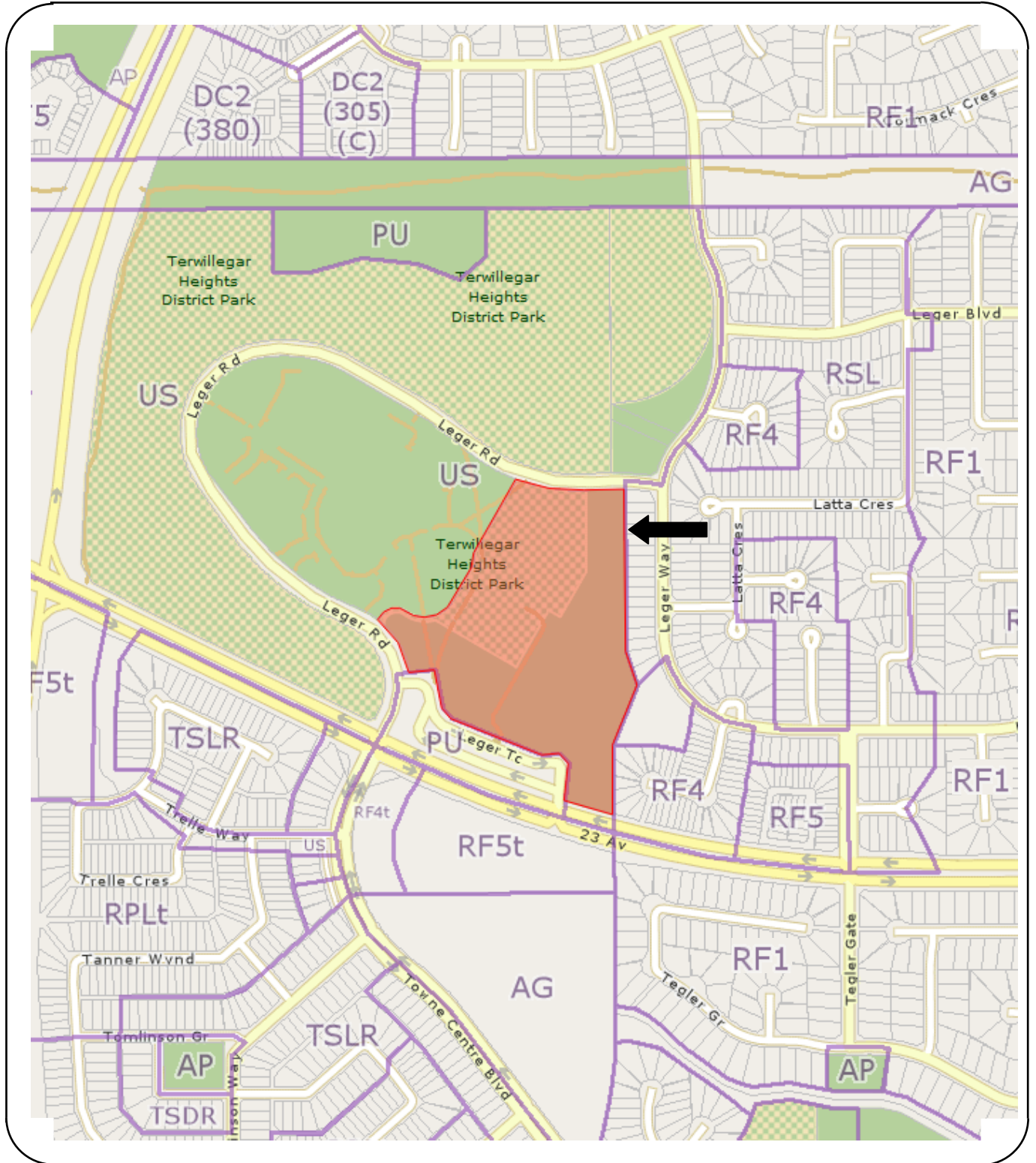
The Development Officer determined the minimum number of required loading spaces is 6. The proposed development provides 2 loading spaces and granted a relaxation of 4 loading spaces.

The decision of approval by the Development Officer has been appealed by adjacent property owners located at 645 Leger Way and 707 Leger Way.

Section 510.1 states the purpose of the Urban Services Zone is to provide for publicly and privately owned facilities of an institutional community service nature.

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-15-147



BUSINESS LAID OVER

SDAB-D-15-136	An appeal to construct and operate a Residential Sales Centre <i>July 15 or 16, 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>
SDAB-S-15-006	An appeal to create two (2) semi-detached residential units by Bard Land Condominium <i>July 15 or 16, 2016</i>
SDAB-D-15-125	An appeal to construct an uncovered deck (1.95m x 4.90m at 1.10m in height), existing without permits <i>July 15 or 16, 2015</i>

APPEAL HEARINGS TO BE SCHEDULED

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