

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Thursday, 9:00 A.M.
May 17, 2018**

**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-18-073	Change the Use from General Retail Store to a Private Club and Professional, Financial and Office Support Services (Twisted Village Social Club Inc & Kevin Cole Consulting Inc.) 16404C - 100 Avenue NW Project No.: 271636552-001
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II	1:30 P.M.	SDAB-S-18-007	To create two (2) commercial lots 5138 - Gateway Boulevard NW Project No.: 273258505-001
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NOTE: *Unless otherwise stated, all references to “Section numbers” refer to the authority under the Edmonton Zoning Bylaw 12800.*

ITEM I: 9:00 A.M.

FILE: SDAB-D-18-073

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

APPELLANT:

ADDRESS OF RESPONDENT: 16404 - 100 Avenue NW

APPLICATION NO.: 271636552-001

APPLICATION TO: Change the Use from General Retail Store to a Private Club and Professional, Financial and Office Support Services (Twisted Village Social Club Inc. & Kevin Cole Consulting Inc.)

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with Notices

DECISION DATE: April 3, 2018

DATE OF APPEAL: April 24, 2018

NOTIFICATION PERIOD: April 10, 2018 through May 1, 2018

RESPONDENT:

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 16404C - 100 Avenue NW

LEGAL DESCRIPTION: Condo Common Area (Plan 0024423, 9723193, 9723192, 0225531)

ZONE: DC2-Site Specific Development Control Provision (335)

OVERLAY: N/A

STATUTORY PLAN: Jasper Place Area Redevelopment Plan

Grounds for Appeal

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

We strongly oppose the proposed development above on the following grounds:

- 1) The complex we are situated within already has insufficient parking space. The character of the proposed businesses (Twisted Village Social Club Inc. and Kevin Cole Consulting Inc.) are those which necessitate club members and clients staying in the complex for protracted amounts of time. This would make what is already a very strained parking situation even worse and poses a threat to our business model. As a law firm, we require adequate parking in order to achieve our client's goals on time and budget. Clients, staff, process servers and courier services depend on adequate parking at all times, which, under the proposed developments, would be impracticable and unworkable. It is already noted at the bottom of your development permit notice that there is already a shortage of parking stalls for this development.
- 2) The proposed character of the businesses, especially the proposed Twisted Village Social Club Inc., is not in character with other businesses located in the complex. The complex supports many professional businesses (law offices, insurance brokerage, real estate brokerage, chiropractic clinic, etc.) and family friendly businesses (family eateries, etc.) and a social club is not in keeping with the business character of the complex. Our complex is a place of professional businesses and family friendly business establishments and the presence of a social club will have a negative effect both on the perceived character of our business and the complex as a whole.

<i>General Matters</i>

Appeal Information:

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

Grounds for Appeal

685(1) If a development authority

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

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

(2) In addition to an applicant under subsection (1), any person affected by an order, decision or development permit made or issued by a

development authority may appeal to the subdivision and development appeal board.

Appeals

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

(a) in the case of an appeal made by a person referred to in section 685(1)

(i) with respect to an application for a development permit,

(A) within 21 days after the date on which the decision is made under section 642, or

(B) if no decision is made with respect to the application within the 40-day period, or within any extension of that period under section 684, within 21 days after the date the period or extension expires,

or

(ii) with respect to an order under section 645, within 21 days after the date on which the order is made,

or

(b) in the case of an appeal made by a person referred to in section 685(2), within 21 days after the date on which the notice of the issuance of the permit was given in accordance with the land use bylaw.

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

(a) ...

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

Section 2 of the *Edmonton Zoning Bylaw* concerning Repeal, Enactment and Transition Procedures states the following:

- 2.4 Subject only to the provisions in the *Municipal Government Act* respecting legal non-conforming Uses and notwithstanding the effect it may have on rights, vested or otherwise, the provisions of this Bylaw govern from the Effective Date onward. In particular, no application for a Development Permit shall be evaluated under the procedural or substantive provisions of the previous Land Use Bylaw after the Effective Date, even if the application was received before the Effective Date.
- 2.6 Any Direct Control Districts that were in effect immediately prior to the Effective date are hereby deemed to continue in full force and effect and are hereby incorporated into Part IV of this Bylaw.
- 2.7 Unless there is an explicit statement to the contrary in a Direct Control District or Provision, any reference in a Direct Control District or Direct Control Provision to a land use bylaw shall be deemed to be a reference to the land use bylaw that was in effect at the time of the creation of the Direct Control District or Provision.

At the time of the creation of the subject DC site, the *City of Edmonton Land Use Bylaw 5996* was in effect. A Court of Appeal decision in *Parkdale-Cromdale Community League Association v. Edmonton (City)*, 2007 ABCA 309 concluded that section 2.7 of the *Edmonton Zoning Bylaw* only applies if there is an express cross-reference in a Direct Control bylaw passed before 2001 to a provision of the old *Land Use Bylaw*. In the absence of an express reference in the Direct Control Bylaw to the *Land Use Bylaw 5996*, it does not prevail over section 2.4 of the *Edmonton Zoning Bylaw*.

Section DC2.335.1 states the General Purpose of DC2.335 is to provide a Site Specific Development Control District that will accommodate a wide range of general business uses on a single large site adjacent to a major public roadway, and that will utilize appropriate development criteria to ensure compatibility with surrounding land uses.

Under Section DC2.335.3(cc), **Private Clubs** is a Listed Use in the DC2.

Under Section 10.7(7) of the *Land Use Bylaw*, **Private Clubs** means development used for the meeting, social or recreational activities of members of a non-profit philanthropic, social service, athletic, business or fraternal organization, without on-site residences. Private Clubs may include rooms for eating, drinking and assembly.

Under Section DC2.335.3(q), **Professional, Financial and Office Support Services** is a Listed Use in the DC2.

Under Section 10.7(7) of the *Land Use Bylaw*, **Professional, Financial and Office Support Services** means development primarily used for the provision of professional, management, administrative, consulting, and financial services, but does not include Health Services or Government Services. Typical Uses include: the offices of lawyers, accountants, engineers, and architects; offices for real estate and insurance firms; clerical,

secretarial, employment, telephone answering, and similar office support services; and banks, credit unions, loan offices and similar financial Uses.

Parking

Section DC2.335.4(x) states Developments in this district shall be evaluated with respect to compliance with the General Development Regulations of Section 50 to 79 inclusive of the Land Use Bylaw.

Section DC2.335.4(y) states the Development Officer may grant relaxations to the regulations contained in Sections 50 to 79 of the Land Use Bylaw and the provision of this District if, in his opinion, such a variance would be in keeping with the General Purpose of the District and would not adversely affect the amenities use and enjoyment of the neighbouring properties.

Under Section 66A(2) of the *Land Use Bylaw*:


Use of Building or Site	Minimum Number of Parking Spaces or Garage Spaces Required
Private Club	1 per 3.5 seating spaces or 3.1 per 10 square metres of Gross Floor Area used by the patrons, whichever is greater.
Professional, Financial and Office Support Services	3.4 per 100 square metres (3.2 per 1000 square feet) of gross floor area in the building

Development Officer’s Determination

1. Parking - The site has 198 parking spaces, instead of 242 (Section 66 - Schedule A, LUB 5996)

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: 271636552-001 Application Date: JAN 09, 2018 Printed: April 24, 2018 at 11:52 AM Page: 1 of 3		
Major Development Permit			
This document is a record of a Development Permit application, and a record of the decision for the undertaking described below, subject to the limitations and conditions of this permit, of the Edmonton Zoning Bylaw 12800 as amended.			
Applicant <div style="border: 1px solid black; height: 40px; width: 100%;"></div>	Property Address(es) and Legal Description(s) 16404C - 100 AVENUE NW Condo Common Area (Plan 0024423,9723193,9723192,0225531)		
	Specific Address(es) Suite: 10012 - 164 STREET NW Suite: 16412 - 100 AVENUE NW Entryway: 10012 - 164 STREET NW Entryway: 16412 - 100 AVENUE NW Building: 16404 - 100 AVENUE NW		
Scope of Permit To change the Use from General Retail Store to a Private Club and Professional, Financial and Office Support Services (Twisted Village Social Club Inc & Kevin Cole Consulting Inc.). DEVELOPMENT PERMIT NOTICE - April 18, 2018 Patrick Lee 10036-164 Street NW Edmonton AB T5P 4Y3			
Permit Details <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;"> Class of Permit: Class B Gross Floor Area (sq.m.): 157 New Sewer Service Required: N Site Area (sq. m.): 1861 </td> <td style="width: 50%; border: none;"> Contact Person: Lot Grading Needed?: N NumberOfMainFloorDwellings: 0 Stat. Plan Overlay/Annex Area: (none) </td> </tr> </table>		Class of Permit: Class B Gross Floor Area (sq.m.): 157 New Sewer Service Required: N Site Area (sq. m.): 1861	Contact Person: Lot Grading Needed?: N NumberOfMainFloorDwellings: 0 Stat. Plan Overlay/Annex Area: (none)
Class of Permit: Class B Gross Floor Area (sq.m.): 157 New Sewer Service Required: N Site Area (sq. m.): 1861	Contact Person: Lot Grading Needed?: N NumberOfMainFloorDwellings: 0 Stat. Plan Overlay/Annex Area: (none)		
I/We certify that the above noted details are correct. Applicant signature: _____			
Development Permit Decision Approved			



Project Number: **271636552-001**
Application Date: JAN 09, 2018
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Major Development Permit

Subject to the Following Conditions

DEVELOPMENT APPROVALS CONDITION:

1. This Development Permit is NOT valid until the Notification Period expires in accordance to Section 21.1. (Reference Section 17.1)
2. All required parking and loading facilities shall only be used for the purpose of accommodating the vehicles of clients, customers, employees, members, residents or visitors in connection with the building or Use for which the parking and loading facilities are provided, and the parking and loading facilities shall not be used for driveways, access or egress, commercial repair work, display, sale or storage of goods of any kind. (Reference Section 54.1.1.c)
3. 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)

SUBDIVISION PLANNING CONDITION:

4. Access to the site from to 100 Avenue and 164 Street exists, as shown on Enclosure I. Any modification to the existing accesses requires the review and approval of Subdivision Planning.

DEVELOPMENT APPROVALS ADVISEMENTS:

- i) This Development Permit is NOT a Business Licence. A separate application must be made for a Business Licence. Please contact the 311 Call Centre (780-442-5311) for further information.
- ii) Signs require separate Development Applications.
- iii) 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 (780-442-5311) for further information.
- iv) 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.
- v) An approved Development Permit means that the proposed development has been reviewed against the provisions of this bylaw. It does not remove obligations to conform with other legislation, bylaws or land title instruments including, but not limited to, the Municipal Government Act, the Safety Codes Act or any caveats, restrictive covenants or easements that might be attached to the Site. (Reference Section 5.2)
- vi) Unless otherwise stated, all above references to section numbers refer to the authority under the Edmonton Zoning Bylaw 12800 as amended.

SUBDIVISION PLANNING ADVISEMENTS:

- vii) According to Section 54.2, Schedule 1 – Vehicular Parking of Edmonton Zoning Bylaw 12800, the proposed change of use for the subject unit will result in a parking deficiency of 63 parking stalls (existing 10 stalls; required 73 stalls) and an overall on-site parking deficiency of 44 parking stalls (existing 198 stalls; required 242 stalls). Subdivision Planning has no objection to the parking deficiency as the hours of operation for the proposed use are evenings and weekends and do not coincide with peak parking demand for adjacent businesses. The attached parking justification form (see Enclosure II) based on observations made by the applicant indicate the maximum number of stalls occupied by the existing businesses on the site during the proposed hours of operation is 89, therefore the existing 198 stalls are sufficient to satisfy the needs of the existing and proposed businesses on the site. There is also on-street parking available along 164 Street, some along 165 Street and additional parking along 166 Street.
- viii) City Operations has advised that on-street parking cannot be relied upon as it is not always available as an alternative parking



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Major Development Permit

measure. Available on-street parking diminishes as a result of variances for parking being granted and neighbourhood parking programs being approved. The consequences of a lack of on-street parking results in an ongoing management issue for the City to establish parking availability on public road right of way through restrictive measures impacting all users in the area.

ix) Future development applications that further the deficiency in the required parking for the unit and overall site will require a parking justification including field observations to be submitted by the applicant to the satisfaction of Subdivision Planning.

Variances

- 1. Parking - The site has 198 parking spaces, instead of 242 (Section 66 - Schedule A, LUB 5996)

Rights of Appeal

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

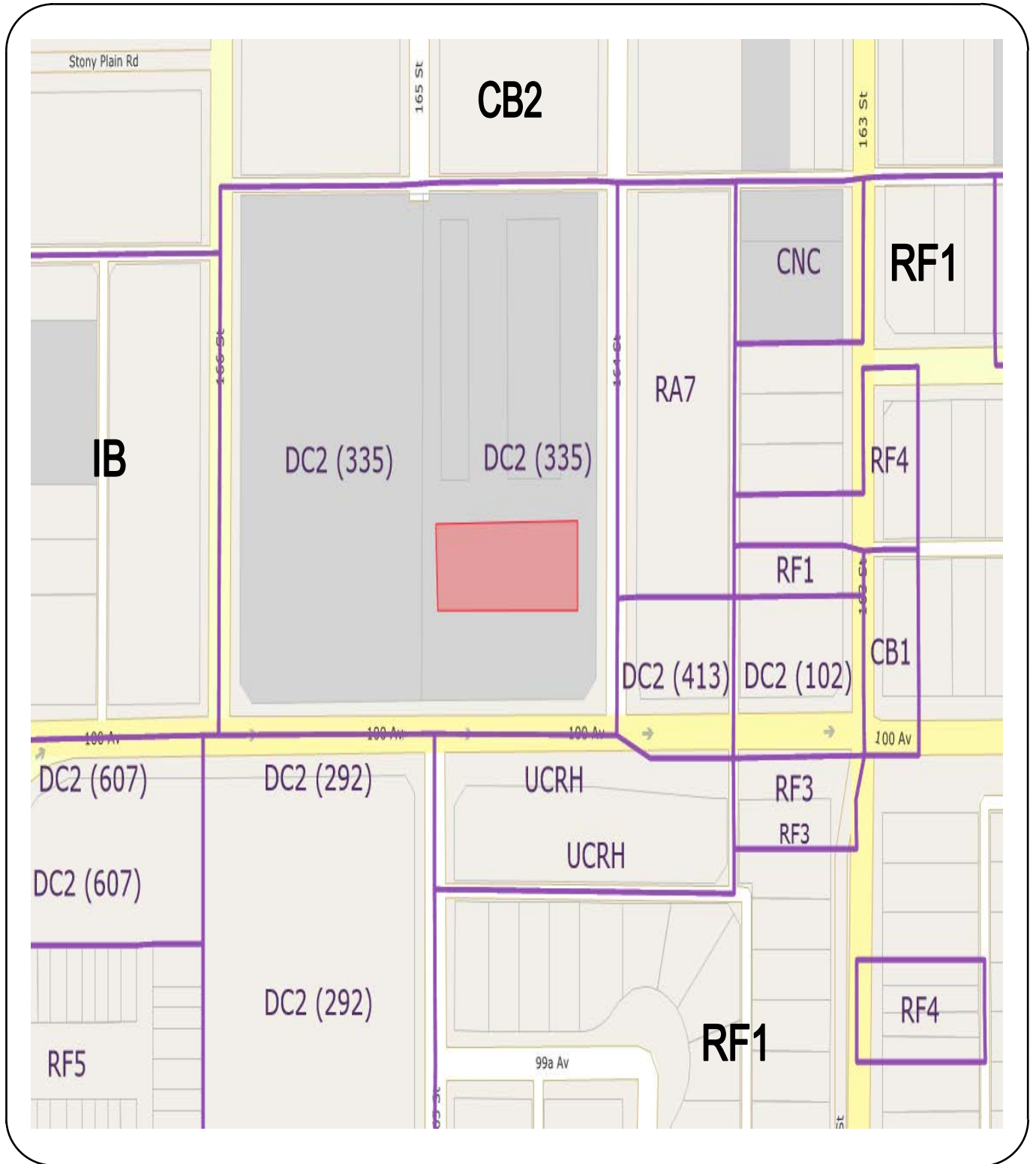
Issue Date: Apr 03, 2018 **Development Authority:** LEE, RACHEL

Signature: _____

Notice Period Begins: Apr 10, 2018 **Ends:** May 01, 2018

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Major Dev. Application Fee	\$277.00	\$277.00	04734406	Jan 09, 2018
Total GST Amount:	\$0.00			
Totals for Permit:	\$277.00	\$277.00		



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-18-073



ITEM II: 1:30 P.M.

FILE: SDAB-S-18-007

AN APPEAL FROM THE DECISION OF THE SUBDIVISION AUTHORITY

APPELLANT:

APPLICATION NO.: 273258505-001

APPLICATION TO: To create two (2) commercial lots

DECISION OF THE
SUBDIVISION AUTHORITY: Approved Subject to Conditions

DECISION DATE:

DATE OF APPEAL: April 12, 2018

MUNICIPAL DESCRIPTION
OF SUBJECT PROPERTY: 5138 - Gateway Boulevard NW

LEGAL DESCRIPTION: Plan 1525501 Blk 94 Lot 1

ZONE: CB2-General Business Zone

OVERLAY: Major Commercial Corridors Overlay

STATUTORY PLAN: N/A

Grounds for Appeal

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

We respectfully submit that you should waive the Municipal Reserve Fee for the following reasons:

1. The property is located in a retail/industrial area and there is not a park in the area to maintain.
2. In accordance with the Act, lands used for Municipal Reserve are typically used for public parks, sports fields or for other public recreation purposes. Peters' Drive-In would actually be using the land to build and maintain its own outdoor park for the Municipality, similar to the landscaping we maintain at our locations in Calgary and Red Deer.
3. Section 666(1)(b) provides for the Municipality to receive cash in lieu of the Municipal Reserve land. Peters' Drive-In would be maintaining this

park at its own expense. We plan to spend approximately \$50,000 per year to maintain the park we will be building. Forcing us to pay another park maintenance fee is duplicitous.

4. The land has been vacant for many years and our use would be a significant improvement to the Municipality.
5. Our transaction is conditional upon us obtaining the requested waiver of the Municipal Reserve Fee as we are not able to move forward without such waiver.
6. Waiving the Municipal Reserve fee has indirect benefits for the Municipality. The City of Edmonton will benefit from the jobs created by the construction of the building, which is anticipated to take approximately 6-8 months.
7. The City of Edmonton would benefit from the creation of approximately 100 ongoing jobs for citizens of the City of Edmonton, beginning in early 2019 when the drive-in would open.
8. The City of Edmonton would benefit from receiving significant property and significant corporate taxes that would be paid by Peters' Drive-In and the significant taxes that would be paid by our approximate 100 employees, all ongoing benefits.
9. The property was previously sub-divided and then merged into one property. Subdividing it again should not result in the assessment of this fee.

<i>General Matters</i>

The Subdivision and Development Appeal Board made and passed the following motion on April 19, 2018:

“That the above noted appeal hearing be scheduled for May 17, 2018.”

Appeal Information:

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

Appeals

678(1) The decision of a subdivision authority on an application for subdivision approval may be appealed

- (a) by the applicant for the approval,

- (b) by a Government department if the application is required by the subdivision and development regulations to be referred to that department,
- (c) by the council of the municipality in which the land to be subdivided is located if the council, a designated officer of the municipality or the municipal planning commission of the municipality is not the subdivision authority, or
- (d) by a school board with respect to
 - (i) the allocation of municipal reserve and school reserve or money in place of the reserve,
 - (ii) the location of school reserve allocated to it, or
 - (iii) the amount of school reserve or money in place of the reserve.

(2) An appeal under subsection (1) may be commenced by filing a notice of appeal within 14 days after receipt of the written decision of the subdivision authority or deemed refusal by the subdivision authority in accordance with section 681

- (a) with the Municipal Government Board
 - (i) if the land that is the subject of the application is within the Green Area as classified by the Minister responsible for the Public Lands Act,
 - (ii) if the land that is the subject of the application contains, is adjacent to or is within the prescribed distance of a highway, a body of water, a sewage treatment or waste management facility or a historical site, or
 - (iii) in any other circumstances described in the regulations under section 694(1)(h.2),

or

- (b) in all other cases, with the subdivision and development appeal board.

(2.1) Despite subsection (2)(a), if the land that is the subject-matter of the appeal would have been in an area described in subsection (2)(a) except that the affected Government department agreed, in writing, to vary the distance under the subdivision and development regulations, the notice of appeal must be filed with the subdivision and development appeal board.

(3) For the purpose of subsection (2), the date of receipt of the decision is deemed to be 7 days from the date the decision is mailed.

(4) A notice of appeal under this section must contain

- (a) the legal description and municipal location, if applicable, of the land proposed to be subdivided, and
- (b) the reasons for appeal, including the issues in the decision or the conditions imposed in the approval that are the subject of the appeal.

(5) If the applicant files a notice of appeal within 14 days after receipt of the written decision or the deemed refusal with the wrong board, that board must refer the appeal to the appropriate board and the appropriate board must hear the appeal as if the notice of appeal had been filed with it and it is deemed to have received the notice of appeal from the applicant on the date it receives the notice of appeal from the first board.

Hearing and decision

680(1) The board hearing an appeal under section 678 is not required to hear from any person or entity other than

- (a) a person or entity that was notified pursuant to section 679(1), and
- (b) each owner of adjacent land to the land that is the subject of the appeal,

or a person acting on any of those persons' behalf.

(1.1) For the purposes of subsection (1), “adjacent land” and “owner” have the same meanings as in section 653.

(2) In determining an appeal, the board hearing the appeal

- (a) must act in accordance with any applicable ALSA regional plan;
- (a.1) must have regard to any statutory plan;
- (b) must conform with the uses of land referred to in a land use bylaw;
- (c) must be consistent with the land use policies;
- (d) must have regard to but is not bound by the subdivision and development regulations;

- (e) may confirm, revoke or vary the approval or decision or any condition imposed by the subdivision authority or make or substitute an approval, decision or condition of its own;
- (f) may, in addition to the other powers it has, exercise the same power as a subdivision authority is permitted to exercise pursuant to this Part or the regulations or bylaws under this Part.

Approval of application

654(1) A subdivision authority must not approve an application for subdivision approval unless

- (a) the land that is proposed to be subdivided is, in the opinion of the subdivision authority, suitable for the purpose for which the subdivision is intended,
- (b) the proposed subdivision conforms to the provisions of any growth plan under Part 17.1, any statutory plan and, subject to subsection (2), any land use bylaw that affects the land proposed to be subdivided,
- (c) the proposed subdivision complies with this Part and Part 17.1 and the regulations under those Parts, and
- (d) all outstanding property taxes on the land proposed to be subdivided have been paid to the municipality where the land is located or arrangements satisfactory to the municipality have been made for their payment pursuant to Part 10.

(1.1) A decision of a subdivision authority must state

- (a) whether an appeal lies to a subdivision and development appeal board or to the Municipal Government Board, and
- (b) if an application for subdivision approval is refused, the reasons for the refusal.

(1.2) If the subdivision authority is of the opinion that there may be a conflict or inconsistency between statutory plans, section 638 applies in respect of the conflict or inconsistency.

(2) A subdivision authority may approve an application for subdivision approval even though the proposed subdivision does not comply with the land use bylaw if, in its opinion,

- (a) the proposed subdivision would not

- (i) unduly interfere with the amenities of the neighbourhood, or
- (ii) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,

and

- (b) the proposed subdivision conforms with the use prescribed for that land in the land use bylaw.

(3) A subdivision authority may approve or refuse an application for subdivision approval.

Conditions of subdivision approval

655(1) A subdivision authority may impose the following conditions or any other conditions permitted to be imposed by the subdivision and development regulations on a subdivision approval issued by it:

- (a) any conditions to ensure that this Part and the statutory plans and land use bylaws and the regulations under this Part, and any applicable ALSA regional plan, affecting the land proposed to be subdivided are complied with;
- (b) a condition that the applicant enter into an agreement with the municipality to do any or all of the following:
 - (i) to construct or pay for the construction of a road required to give access to the subdivision;
 - (ii) to construct or pay for the construction of
 - (A) a pedestrian walkway system to serve the subdivision, or
 - (B) pedestrian walkways to connect the pedestrian walkway system serving the subdivision with a pedestrian walkway system that serves or is proposed to serve an adjacent subdivision, or both;
 - (iii) to install or pay for the installation of a public utility described in section 616(v)(i) to (ix) that is necessary to serve the subdivision, whether or not the public utility is, or will be, located on the land that is the subject of the subdivision approval;
 - (iv) to construct or pay for the construction of (A) off-street or other parking facilities, and (B) loading and unloading facilities;
 - (v) to pay an off-site levy or redevelopment levy imposed by bylaw;
 - (vi) to give security to ensure that the terms of the agreement under this section are carried out.

(2) A municipality may register a caveat under the *Land Titles Act* in respect of an agreement under subsection (1)(b) against the certificate of title for the parcel of land that is the subject of the subdivision.

(3) If a municipality registers a caveat under subsection (2), the municipality must discharge the caveat when the agreement has been complied with.

(4) Where a condition on a subdivision approval has, prior to the coming into force of this subsection, required the applicant to install a public utility or pay an amount for a public utility referred to in subsection (1)(b)(iii), that condition is deemed to have been validly imposed, whether or not the public utility was located on the land that was the subject of the subdivision approval.

General Provisions from the *Edmonton Zoning Bylaw*:

Section 340.1 states the **General Purpose** of **(CB2) General Business Zone** is to provide for businesses that require large Sites and a location with good visibility and accessibility along, or adjacent to, major public roadways.

Conditions under appeal

The subdivision approval was subject to a number of conditions, one of which the Appellant objects to:

1. that the owner provide money in place of Municipal Reserve (MR), in the amount of \$376,834.00 representing 0.094 hectares pursuant to Section 666 and Section 667 of the *Municipal Government Act*.

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.



Subdivision Authority

7th Floor, Edmonton Tower
10111 – 104 Avenue NW
Edmonton, Alberta T5J 0J4

April 5, 2018

File No. LDA18-0067

Cushman & Wakefield Edmonton
2700 - 10088 102 Avenue NW
Edmonton, AB T5J 2Z1

ATTENTION: Abdul Khurshed

RE: Tentative plan of subdivision to create two (2) commercial lots from Lot 1, Block 94, Plan 152
5501 located north of 51 Avenue NW and east of Calgary Trail; **CALGARY TRAIL NORTH**

I The Subdivision by Plan is APPROVED on April 5, 2018, subject to the following conditions:

1. that the owner provide money in place of Municipal Reserve (MR) , in the amount of \$376,834.00 representing 0.094 ha pursuant to Section 666 and Section 667 of the Municipal Government Act;
2. that the owner prepare the necessary plans and documentation to grant new or carry forward existing easements and restrictive covenants in favour of the City of Edmonton, EPCOR Distribution & Transmission Inc., EPCOR Water Services Inc., and EPCOR Drainage Services, as required by the aforementioned agencies or shown on the engineering drawings that are deemed to be part of the Servicing Agreement; and
3. that the owner pay all outstanding property taxes prior to the endorsement of the plan of survey.

Enclosure I is a map of the subdivision identifying major conditions of this approval.

MR for legal description in the amount of \$376,834.00, representing 0.094 ha, is being provided by money in place with this subdivision.

Please be advised that the approval is valid for one (1) year from the date on which the subdivision approval is given to the application. An extension beyond that time may be granted by the City of Edmonton.

Please be advised that an appeal may be lodged in accordance to Section 678 of the Municipal Government Act with the Subdivision and Development Appeal Board, 10019 – 103 Avenue NW, Edmonton Alberta, T5J 0G9, within 14 days from the date of the receipt of this decision. The date of receipt of the decision is deemed to be seven (7) days from the date the decision is mailed.

If you have further questions, please contact Marco Beraldo at marco.beraldo@edmonton.ca or 780-496-6092.

Regards,

A handwritten signature in black ink, appearing to read "Blair McDowell". The signature is written in a cursive style with a large initial "B".

Blair McDowell
Subdivision Authority

BM/mb/Posse #273258505-001

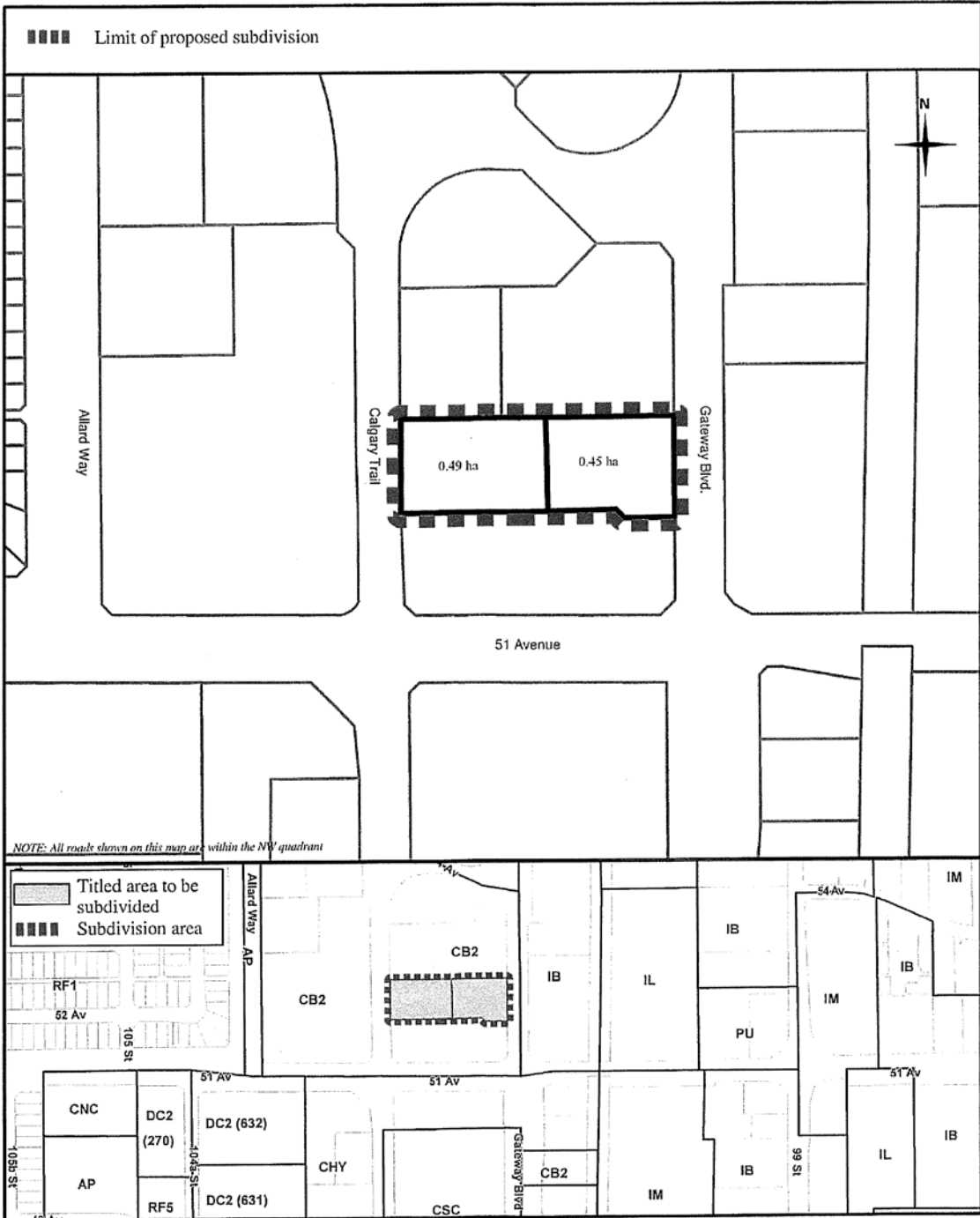
Enclosure

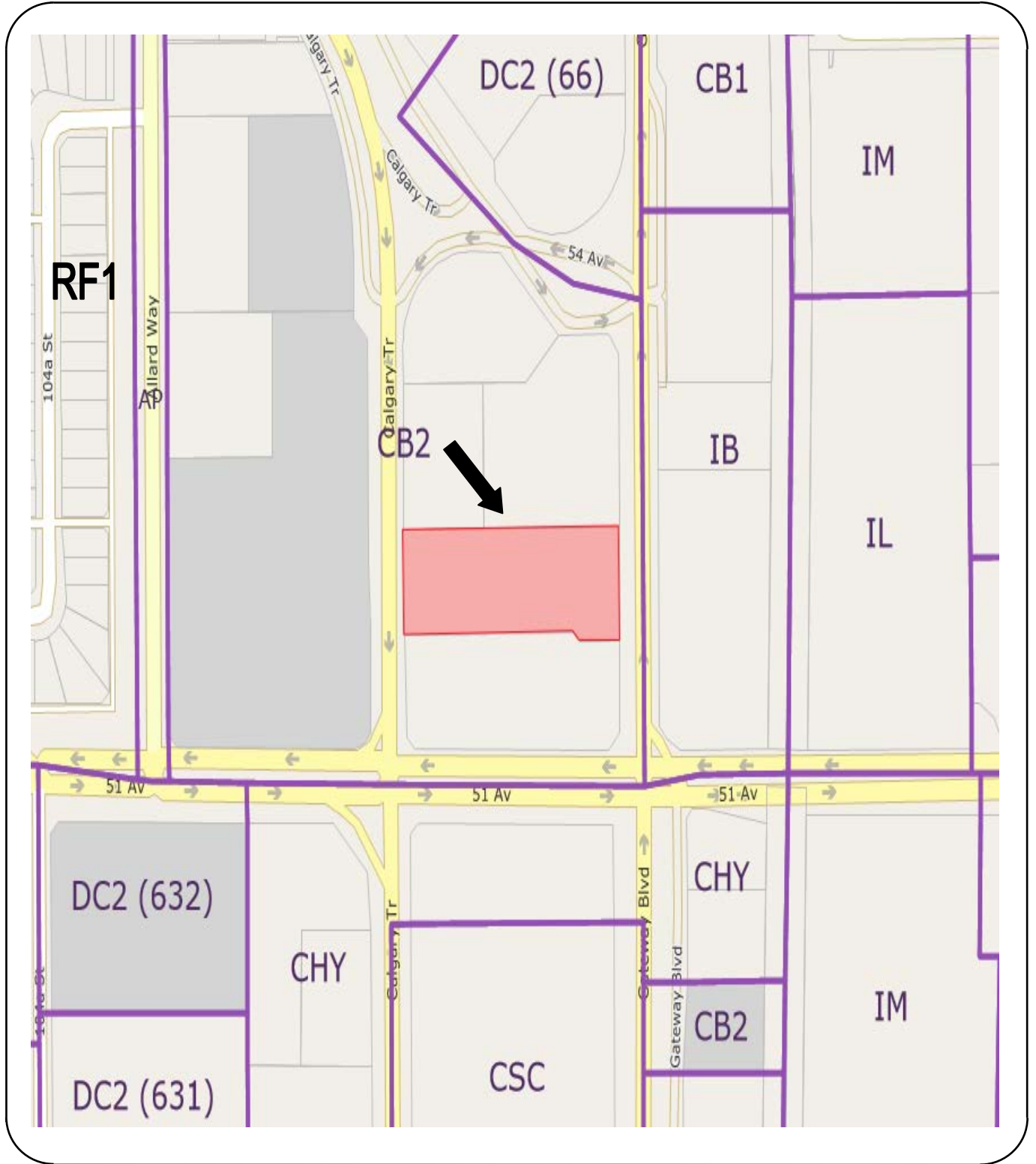
ENCLOSURE I

SUBDIVISION CONDITIONS OF APPROVAL MAP

April 5, 2018

LDA 18-0067





SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-S-18-007

