

**SUBDIVISION  
AND  
DEVELOPMENT APPEAL BOARD  
AGENDA**

**Wednesday, 9:00 A.M.  
October 16, 2019**

**Hearing Room No. 3  
Churchill Building,  
10019 - 103 Avenue NW,  
Edmonton, AB**

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

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I 9:00 A.M. SDAB-D-19-176

To install a Minor Digital Off-premises  
Freestanding Sign (Facing E/W) (OUTFRONT |  
FAMILY MOTORS)

12518 - 97 Street NW  
Project No.: 313539906-001

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II 10:30 A.M. SDAB-D-19-177

To change the Use from a General Retail Store  
to a Child Care Service (Maximum 42 children)  
and to construct interior and exterior alterations  
(amend landscaping, new outdoor play space)

5010 - 162 Avenue NW, 5004C - 162 Avenue  
NW  
Project No.: 339993833-002

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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-19-176

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 313539906-001

APPLICATION TO: Install a Minor Digital Off-premises Freestanding Sign (Facing E/W) (OUTFRONT | FAMILY MOTORS)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: August 14, 2019

DATE OF APPEAL: August 16, 2019

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 12518 - 97 Street NW

LEGAL DESCRIPTION: Plan 0826005 Blk 1 Lot 1

ZONE: DC2-Site Specific Development Control Provision (990)

OVERLAY: N/A

STATUTORY PLAN: Yellowhead Corridor Area Structure Plan

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***Grounds for Appeal***

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

The sign was refused for being deficient in separation between it and competitor signs. However the sign face which caused this refusal in separation actually faces entirely different traffic / different direction. The face that does face the same direction as the ones which are listed on the refusal is a 10 x 20 which does have more than the required separation of 100 metres.

*General Matters*

**The Appellant requested the matter be scheduled for October 16, 2019.**

**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.

**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, [...]

**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.

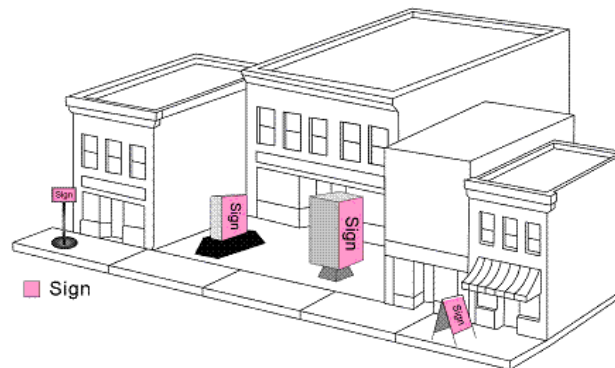
**General Provisions from the *Edmonton Zoning Bylaw*:**

Under DC2.990.3.00, a **Minor Digital Off-premises Sign** is a **listed Use** in the **DC2.990 Site Specific Development Control Provision**.

Under section 7.9(6), **Minor Digital Off-premises Signs** means “a Freestanding or Fascia Sign that contains Digital Copy, is a Permanent Sign, displays Off-premises Advertising, and does not include moving effects, message transition effects, video images, or animation.”

Under section 6.2, **Freestanding Signs** means:

a Sign supported independently of a building.



Under section 6.2, **Off-Premise Signs** means:

any Sign displaying Copy that directs attention to a business, activity, product, service or entertainment that cannot be considered as the principal products sold nor a principal business, activity, service or entertainment provided on the premises or Site where the Sign is displayed.

Section DC2.990.4(m) states “Signs shall comply with the Zoning Bylaw Schedule 59F.”

DC2.990.1 states that the **General Purpose** of the **DC2.990 Site Specific Development Control Provision** is:

to provide for a range of commercial and business uses on a site that maintains high visibility along 97 Street and Yellowhead Trail, and to establish site-specific development regulations to ensure that the Site is remediated to the extent necessary to accommodate the intended Uses.

**Schedule 59F - Separation Distance**

Schedule 59F.3(6)(e) states:

proposed Sign locations shall be separated from Signs with Digital Copy greater than 8.0 m<sup>2</sup> or Off-premises Signs as follows:

Proposed Sign Area	Minimum separation distance from Signs with Digital Copy greater than <u>8.0 m<sup>2</sup></u> or Off-premises Signs
Greater than <u>8.0 m<sup>2</sup></u> to less than <u>20 m<sup>2</sup></u>	<u>100m</u>
<u>20 m<sup>2</sup></u> to <u>40m<sup>2</sup></u>	<u>200m</u>
Greater than <u>40 m<sup>2</sup></u>	<u>300m</u>

The separation shall be applied from the location of the larger Off-premises Sign or Sign with Digital Copy.

**Development Officer’s Determination**

1. Proposed Sign locations shall be separated from Digital Signs greater than 8.0m<sup>2</sup> or Off-premises Signs greater than 20m<sup>2</sup> by 200m. The separation shall be applied from the larger Off-premises Sign or Digital Sign location.

Area of Existing PATTISON Sign (DP 135554575-001) (ID 637): 18.5 m<sup>2</sup>

Location: 12654 - 97 STREET NW

Required Separation Distance: 200 m

Proposed Separation Distance: 143 m

Deficient by: 57 m

Area of Existing PATTISON Sign (DP 166716713-001) (ID 676): 18.5 m<sup>2</sup>

Location: 12654 - 97 STREET NW

Required Separation Distance: 200 m

Proposed Separation Distance: 132 m

Deficient by: 68 m

Area of Existing ICEWERX Sign (DP 235577340-001) (ID 618): 18.5 m<sup>2</sup>

Location: 12435 - 97 STREET NW

Required Separation Distance: 200 m

Proposed Separation Distance: 164 m

Deficient by: 36 m

***Schedule 59F - Separation Distance***

Schedule 59F.3(6)(j) states proposed Signs with an Area greater than 8.0 square metres shall not be located within any Setback.

**Development Officer's Determination**

2. proposed Signs with an Area greater than 8 m<sup>2</sup> shall not be located within any Setback;

PROPOSED: 3.0 m

REQUIRED: 4.5 m

Deficient by: 1.5 m

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


<b>Application Number</b>	<b>Description</b>	<b>Decision</b>
SDAB-D-10-165	To construct an Off-Premises Freestanding Sign. (Double Sided East facing 10.46 metres by 3 metres Digital / West facing 6 metres by 3 metres Static)	August 6, 2010; that the appeal be ALLOWED and the DEVELOPMENT GRANTED, subject to the following conditions:
SDAB-D-10-182	To construct an Off-premises Freestanding Sign (1 DFV Mounted Digital) (existing Sign to be removed and replaced)	July 9, 2010; that the appeal be ALLOWED and the DEVELOPMENT GRANTED, subject to the following conditions:

Notice to Applicant/Appellant

Provincial legislation requires that the Subdivision and Development Appeal Board issue its official decision in writing within fifteen days of the conclusion of the hearing.

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	<h2 style="margin: 0;">Application for Sign Combo Permit</h2>	Project Number: <b>313539906-001</b> Application Date: MAY 13, 2019 Printed: August 16, 2019 at 1:04 PM Page: 1 of 2
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This document is a Development Permit Decision for the development application described below.

<b>Applicant</b> <div style="border: 1px solid black; height: 60px; width: 100%;"></div>	<b>Property Address(es) and Legal Description(s)</b> 12518 - 97 STREET NW Plan 0826005 Blk 1 Lot 1
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**Scope of Application**  
 To install a Minor Digital Off-premises Freestanding Sign (Facing E/W) (OUTFRONT | FAMILY MOTORS)

<b>Permit Details</b>	
ASA Sticker No./Name of Engineer: Construction Value: 200000	Class of Permit: Expiry Date:
Fascia Off-premises Sign: 0 Fascia On-premises Sign: 0 Roof Off-premises Sign: 0 Roof On-premises Sign: 0 Minor Digital On-premises Sign: 0 Minor Digital Off-premises Sign: 1 Minor Digital On/Off-premises Sign: 0	Freestanding Off-premises Sign: 0 Freestanding On-premises Sign: 0 Projecting Off-premises Sign: 0 Projecting On-premises Sign: 0 Replacement Panel on Existing Sign: 0 Comprehensive Sign Design: 0 Major Digital Sign: 0

I/We certify that the above noted details are correct.  
 Applicant signature: \_\_\_\_\_

**Development Application Decision**  
 Refused  
  
**Issue Date:** Aug 14, 2019 **Development Authority:** MERCIER, KELSEY

**THIS IS NOT A PERMIT**



## Application for Sign Combo Permit

Project Number: **313539906-001**  
 Application Date: MAY 13, 2019  
 Printed: August 16, 2019 at 1:04 PM  
 Page: 2 of 2

**Reason for Refusal**

1. Proposed Sign locations shall be separated from Digital Signs greater than 8.0m2 or Off-premises Signs greater than 20m2 by 200m. The separation shall be applied from the larger Off-premises Sign or Digital Sign location.

Area of Existing PATTISON Sign (DP 135554575-001) (ID 637): 18.5 m2  
 Location: 12654 - 97 STREET NW  
 Required Separation Distance: 200 m  
 Proposed Separation Distance: 143 m  
 Deficient by: 57 m

Area of Existing PATTISON Sign (DP 166716713-001) (ID 676): 18.5 m2  
 Location: 12654 - 97 STREET NW  
 Required Separation Distance: 200 m  
 Proposed Separation Distance: 132 m  
 Deficient by: 68 m

Area of Existing ICEWERX Sign (DP 235577340-001) (ID 618): 18.5 m2  
 Location: 12435 - 97 STREET NW  
 Required Separation Distance: 200 m  
 Proposed Separation Distance: 164 m  
 Deficient by: 36 m

2. proposed Signs with an Area greater than 8 m2 shall not be located within any Setback;

PROPOSED: 3.0 m  
 REQUIRED: 4.5 m  
 Deficient by: 1.5 m

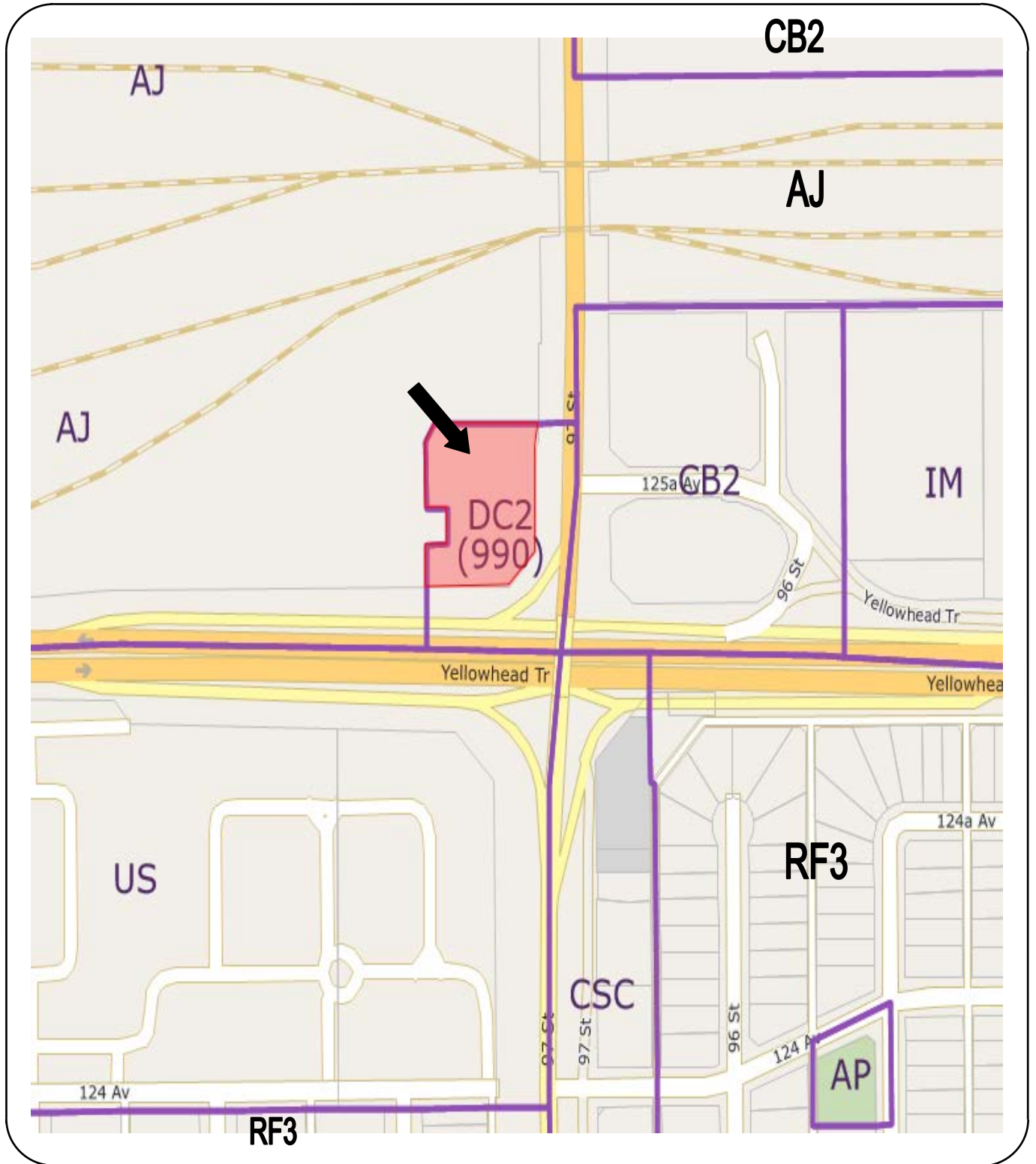
**Rights of Appeal**

The Applicant has the right of appeal within 21 days after the date on which the decision is made, as outlined in Section 683 through 689 of the Municipal Government Act.

**Fees**

	Fee Amount	Amount Paid	Receipt #	Date Paid
Sign Dev Appl Fee - Digital Signs	\$458.00	\$458.00	05943316	Jun 25, 2019
Safety Codes Fee	\$84.56	\$84.56	05943316	Jun 25, 2019
Sign Building Permit Fee	\$2,114.00	\$2,114.00	05943316	Jun 25, 2019
Total GST Amount:	\$0.00			
Totals for Permit:	\$2,656.56	\$2,656.56		

**THIS IS NOT A PERMIT**



**SURROUNDING LAND USE DISTRICTS**

Site Location ←

File: SDAB-D-19-176



ITEM II: 10:30 A.M.

FILE: SDAB-D-19-177

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 339993833-002

APPLICATION TO: Change the Use from a General Retail Store to a Child Care Service (Maximum 42 children) and to construct interior and exterior alterations (amend landscaping, new outdoor play space)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: September 23, 2019

DATE OF APPEAL: September 24, 2019

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 5010 - 162 Avenue NW, 5004C - 162 Avenue NW

LEGAL DESCRIPTION: Plan 1523990 Unit 2, Condo Common Area (Plan 1523990)

ZONE: CNC - Neighbourhood Convenience Commercial Zone

OVERLAY: N/A

STATUTORY PLAN: Hollick Kenyon Neighbourhood Structure Plan  
Pilot Sound Area Structure Plan

***Grounds for Appeal***

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

I am not sure if the new plans submitted were reviewed but basically the Development Officer re-issued the same denial as done in the past even though aspects were changed. I will submit written arguments prior to appeal date.

**General Matters**

**Appeal Information:**

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

**Grounds for Appeal**

**685(1)** If a development authority

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

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

**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, [...]

**Hearing and Decision**

**687(3)** In determining an appeal, the subdivision and development appeal board

...

- (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 (d), must comply with any land use bylaw in effect;

...

- (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 310.3(3), **Child Care Services** is a **Discretionary Use** in the (CNC) Neighbourhood Convenience Commercial Zone.

Under section 7.8(2), **Child Care Services** means:

a development intended to provide care, educational activities and supervision for groups of seven or more children under 13 years of age during the day or evening, but does not generally include overnight accommodation. This Use typically includes daycare centres; out-of-school care centres; preschools; and dayhomes/group family care providing child care to seven or more children within the care provider's residence.

Section 310.1 states that the **General 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 neighbourhoods.

***Child Care Services Regulations***

**Location requirements**

Section 80.2(a)(v) states:

No portion of a Child Care Services Use, including the building bay and on-Site outdoor play space, where provided, shall be located adjacent to a building bay with an approved development permit for the following Uses:

Rapid Drive-through Vehicle Services.

Section 80.2(c) states:

No portion of a Child Care Services Use, including the building, building bay and on-Site outdoor play space, where provided, shall be located within 50 m of a Major Service Station, a Minor Service Station or a Gas Bar. This distance shall be measured from the closest pump island, fill pipes, vent pipes, or service station or gas bar building, to the Child Care Services Use.

Section 80.2(d) states:

Where Site conditions exist which may negatively impact the Child Care Services Use, including but not limited to trash collection areas, large parking lots, loading docks, rail lines, or arterial public roadways, the applicant shall design the building, entrances, playspaces, landscaping, and Fencing, or similar, to mitigate these conditions to the satisfaction of the Development Officer.

**Development Officer's Determination:**

**1. No portion of a Child Care Services Use, including the building bay and on-Site outdoor play space, where provided, shall be located adjacent to a building bay with an approved development permit for Rapid Drive-through Vehicle Services. (Reference Section 80(2)(a)(v))**

**The Child Care Service and outdoor play space is proposed directly abutting a Rapid Drive-through Vehicle Services Use, contrary to Section 80(2)(a)(v).**

**2. No portion of a Child Care Services Use, including the building, building bay and on-Site outdoor play space, where provided, shall be located within 50 m of a Major Service Station, a Minor Service Station or a Gas Bar. This distance shall be measured from the closest pump island, fill pipes, vent pipes, or service station or gas**

**bar building, to the Child Care Services Use. (Reference Section 80(2)(c))**

**The Child Care Service is proposed within 50m of the closest gas bar building, the Gas Bar is located on the same Site, contrary to Section 80(2)(c).**

**Proposed:38.9m**

**Deficient by: 11.1m**

**3. Where Site conditions exist which may negatively impact the Child Care Services Use, including but not limited to trash collection areas, large parking lots, loading docks, rail lines, or arterial public roadways, the applicant shall design the building, entrances, playspaces, landscaping, and Fencing, or similar, to mitigate these conditions to the satisfaction of the Development Officer. (Reference Section 80(2)(d))**

**In the opinion of the Development Officer, the location of the existing Rapid Drive-through Service with 9 service bays. and the queuing aisle directly adjacent to the Child Care Service, would compound and create a dangerous and negative impact on the Child Care Service, contrary to Section 80(20)(d).**

[unedited]

***Parking Requirements***

Section 54.1(2)(h) states:

In the case of the multiple Use of a Site, the Development Officer shall calculate the vehicular parking, Bicycle Parking and total off-street loading requirement for each individual Use and the total shall be deemed to be the required vehicular parking, Bicycle Parking or off-street loading for the Site, unless the applicant can demonstrate that there is complementary use of the parking or loading facilities which would warrant a reduction in the requirements. Where such reduction is made, this shall be considered a variance and the Development Officer shall state the reduction and the reasons for it on the Development Permit.

Section 54.2, Schedule 1(A)(29) states:

<b>Community, Educational, Recreational and Cultural Service Use Classes</b>	<b>Minimum Number of Parking Spaces or Garage Spaces Required</b>
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<p>Child Care Services</p>	<p>a) Passenger pick-up/drop-off spaces shall be provided at the rate of 2 pick-up/drop-off spaces for the first 10 children, plus 1 additional pick-up/drop-off space for every 10 additional children.</p> <p>i) Passenger pick-up/drop-off spaces shall be designated with signs to reserve the parking spaces for Child Care Service pick-up/drop-off, to the satisfaction of the Development Officer.</p> <p>ii) Passenger pick-up/drop-off spaces shall be located as close as possible to the main entrance used by the Child Care Service, and shall not be located further than 100 m from the main entrance used by the Child Care Service. The distance between the farthest parking space in the pickup/drop-off area and the main entrance of the Child Care Service shall be measured along the shortest publically accessible pedestrian route.</p> <p>iii) An on-street loading zone shall satisfy a portion of the passenger pick-up/drop-off parking space requirement without a variance if the Development Officer, after consultation with Transportation Operations, is satisfied with the proposal.</p> <p>b) employee parking shall be provided at the rate of:</p> <p>i) 1 parking space per 100.0 m<sup>2</sup> of Floor Area; or</p> <p>ii) 1 parking space per 360.0 m<sup>2</sup> of Floor Area where the Child Care Service is proposed within 400 m of an LRT Station, Transit Centre, Transit Avenue, or all Lots within the boundaries of the Oliver Area Redevelopment Plan, as adopted by Bylaw 11618, as amended, or all Lots within the boundaries of the Strathcona Area Redevelopment Plan, as adopted by Bylaw 11890, as amended; or</p> <p>iii) Where the Child Care Service is for a dayhome/group family care providing care to 7 or more children within the residence of the child care provider, 1 parking space for each non-resident employee, in addition to the parking required for the primary Dwelling. Where a Front Yard Driveway provides access to a parking space that is not within the Front Yard, the</p>
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	Development Officer may consider this Driveway as the provision of a parking space that is in tandem.
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**Development Officer’s Determination:**

4. On site parking shall comply with Section 54.2, Schedule 1 of the Zoning Bylaw.

Required: 49 parking spaces and 6 pick-up and drop-off spaces

Proposed: 32 spaces on the Site + 3 pick-up / drop-off spaces on the street

Deficient by: 17 parking spaces and 3 pick-up and drop-off spaces

Note: Parking Services has only approved 3 on-street pick-up and drop-off spaces within the City Road Right-of-Way in accordance with Section 54.2 Schedule 1(A)(29)(a)(iii).

[unedited]

***Setback***

Section 310.4(5) states “A minimum Setback of 4.5 m shall be required where a Site abuts a public roadway, other than a Lane.”

Section 310.4(6) states “A minimum Setback of 3.0 m shall be required where the Rear or Side Lot Line of the Site abuts the lot line of a Site in a Residential Zone.”

Section 310.4(7) states:

No parking, loading, storage, trash collection, outdoor service or display area shall be permitted within a Setback. Loading, storage and trash collection areas shall be located to the rear or sides of the principal building and shall be screened from view from any adjacent Sites, public roadways or a LRT line in accordance with the provisions of Section 55.5 of this Bylaw. If the rear or sides of a Site are used for parking, an outdoor service display area or both, and abut a Residential Zone or a Lane serving a Residential Zone, such areas shall be screened in accordance with the provisions of subsection 55.4 of this Bylaw.

Under section 6.1(97), **Setback** means “the distance that a development or a specified portion of it, must be set back from a property line. A Setback is not a Yard, Amenity Space, or Separation Space.”

**Development Officer’s Determination:**

**5. No outdoor service area shall be permitted within a Setback. (Reference Section 310.4(7))**

**The proposed outdoor playspace (an outdoor service area) is located within the 4.5m setback from the public roadway (51 Street), contrary to Section 310(4)(7).**

[unedited]

***Landscaping***

Section 310.4(9) states:

Where Uses, that may in the opinion of the Development Officer, create negative impacts such as noise, light or odours which may be noticeable on adjacent properties, and where the Site containing such Uses is directly adjacent to Sites used or zoned for residential activities, the Development Officer may, at the Development Officer's discretion, require that these potential impacts be minimized or negated. This may be achieved through a variety of measures including: Landscaping; berming or screening, which may exceed the requirements of Section 55 of this Bylaw; noise attenuation measures such as structural soundproofing; downward direction of all exterior lighting on to the proposed development; and any other measures as the Development Officer may deem appropriate.

**Development Officer's Determination:**

**Advisements:**

**A. The proposed outdoor playspace includes required Landscaping as per Development Permit #187003360-001. Any development on the site must comply with the approved Landscaping Plan.**

**B. The trees and shrubs on the North of the Site are likely to conflict with the proposed sidewalk though canopy encroachments and root systems damaging the sidewalk.**

**C. The Outdoor Play Space is proposed within a Utility Road Right-of-Way. Obtaining a Development Permit does not relieve the Land Owner from responsibility for complying with the conditions of any caveat, covenant, easement, or other instrument affecting a building or land.**

[unedited]

*Previous Subdivision and Development Appeal Board Decisions*

<b>Application Number</b>	<b>Description</b>	<b>Decision</b>
SDAB-D-18-020	To change the Use from General Retail Stores to Child Care Services and to construct interior and exterior alterations (construct outdoor playspace, amend Landscaping) (Max. 62 children)	March 13, 2018; The appeal is <b>DENIED</b> and the decision of the Development Authority is <b>CONFIRMED</b> . The development is <b>REFUSED</b> .
SDAB-D-17-044	To change the Use from General Retail Stores to Child Care Services and to construct interior and exterior alterations (110 children).	March 16, 2017; The appeal is <b>DENIED</b> and the decision of the Development Authority is <b>CONFIRMED</b> . The Development is <b>REFUSED</b> .

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.



# Application for Major Development Permit

Project Number: **339993833-002**  
Application Date: SEP 03, 2019  
Printed: September 24, 2019 at 10:15 AM  
Page: 1 of 3

This document is a Development Permit Decision for the development application described below.

**Applicant**



**Property Address(es) and Legal Description(s)**

5010 - 162 AVENUE NW  
Plan 1523990 Unit 2  
5004C - 162 AVENUE NW  
Condo Common Area (Plan 1523990)

**Specific Address(es)**

Suite: 5006 - 162 AVENUE NW  
Entryway: 5006 - 162 AVENUE NW  
Building: 5006 - 162 AVENUE NW

**Scope of Application**

To change the Use from a General Retail Store to a Child Care Service (Max. 42 children) and to construct interior and exterior alterations (amend landscaping, new outdoor play space).

**Permit Details**

Class of Permit:  
Gross Floor Area (sq.m.):  
New Sewer Service Required: N  
Site Area (sq. m.): 3192.78

Contact Person:  
Lot Grading Needed?: Y  
NumberOfMainFloorDwellings:  
Stat. Plan Overlay/Annex Area: (none)

I/We certify that the above noted details are correct.

Applicant signature: \_\_\_\_\_

**Development Application Decision**

Refused

**Issue Date:** Sep 23, 2019 **Development Authority:** ADAMS, PAUL

**THIS IS NOT A PERMIT**



## Application for Major Development Permit

Project Number: **339993833-002**  
 Application Date: SEP 03, 2019  
 Printed: September 24, 2019 at 10:15 AM  
 Page: 2 of 3

### Reason for Refusal

The proposed development, a Child Care Service, is listed as a Discretionary Use in the CNC Zone. Discretionary Uses means those uses of land, buildings or structures for which Permits may be issued only at the discretion of the Development Officer. In the opinion of the Development Officer, the proposed development is not a suitable use in the context of the site, and refused for the following reasons:

1. No portion of a Child Care Services Use, including the building bay and on-Site outdoor play space, where provided, shall be located adjacent to a building bay with an approved development permit for Rapid Drive-through Vehicle Services. (Reference Section 80(2)(a)(v))

The Child Care Service and outdoor play space is proposed directly abutting a Rapid Drive-through Vehicle Services Use, contrary to Section 80(2)(a)(v).

2. No portion of a Child Care Services Use, including the building, building bay and on-Site outdoor play space, where provided, shall be located within 50 m of a Major Service Station, a Minor Service Station or a Gas Bar. This distance shall be measured from the closest pump island, fill pipes, vent pipes, or service station or gas bar building, to the Child Care Services Use. (Reference Section 80(2)(c))

The Child Care Service is proposed within 50m of the closest gas bar building, the Gas Bar is located on the same Site, contrary to Section 80(2)(c).

Proposed: 38.9m  
 Deficient by: 11.1m

3. Where Site conditions exist which may negatively impact the Child Care Services Use, including but not limited to trash collection areas, large parking lots, loading docks, rail lines, or arterial public roadways, the applicant shall design the building, entrances, playspaces, landscaping, and Fencing, or similar, to mitigate these conditions to the satisfaction of the Development Officer. (Reference Section 80(2)(d))

In the opinion of the Development Officer, the location of the existing Rapid Drive-through Service with 9 service bays, and the queuing aisle directly adjacent to the Child Care Service, would compound and create a dangerous and negative impact on the Child Care Service, contrary to Section 80(2)(d).

4. On site parking shall comply with Section 54.2, Schedule 1 of the Zoning Bylaw.

Required: 49 parking spaces and 6 pick-up and drop-off spaces  
 Proposed: 32 spaces on the Site + 3 pick-up / drop-off spaces on the street  
 Deficient by: 17 parking spaces and 3 pick-up and drop-off spaces

Note: Parking Services has only approved 3 on-street pick-up and drop-off spaces within the City Road Right-of-Way in accordance with Section 54.2 Schedule 1(A)(29)(a)(iii).

5. No outdoor service area shall be permitted within a Setback. (Reference Section 310.4(7))

The proposed outdoor playspace (an outdoor service area) is located within the 4.5m setback from the public roadway (51 Street), contrary to Section 310(4)(7).

### Advisements:

A. The proposed outdoor playspace includes required Landscaping as per Development Permit #187003360-001. Any development on the site must comply with the approved Landscaping Plan.

B. The trees and shrubs on the North of the Site are likely to conflict with the proposed sidewalk though canopy encroachments and root systems damaging the sidewalk.

**THIS IS NOT A PERMIT**



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## Application for Major Development Permit

C. The Outdoor Play Space is proposed within a Utility Road Right-of-Way. Obtaining a Development Permit does not relieve the Land Owner from responsibility for complying with the conditions of any caveat, covenant, easement, or other instrument affecting a building or land.

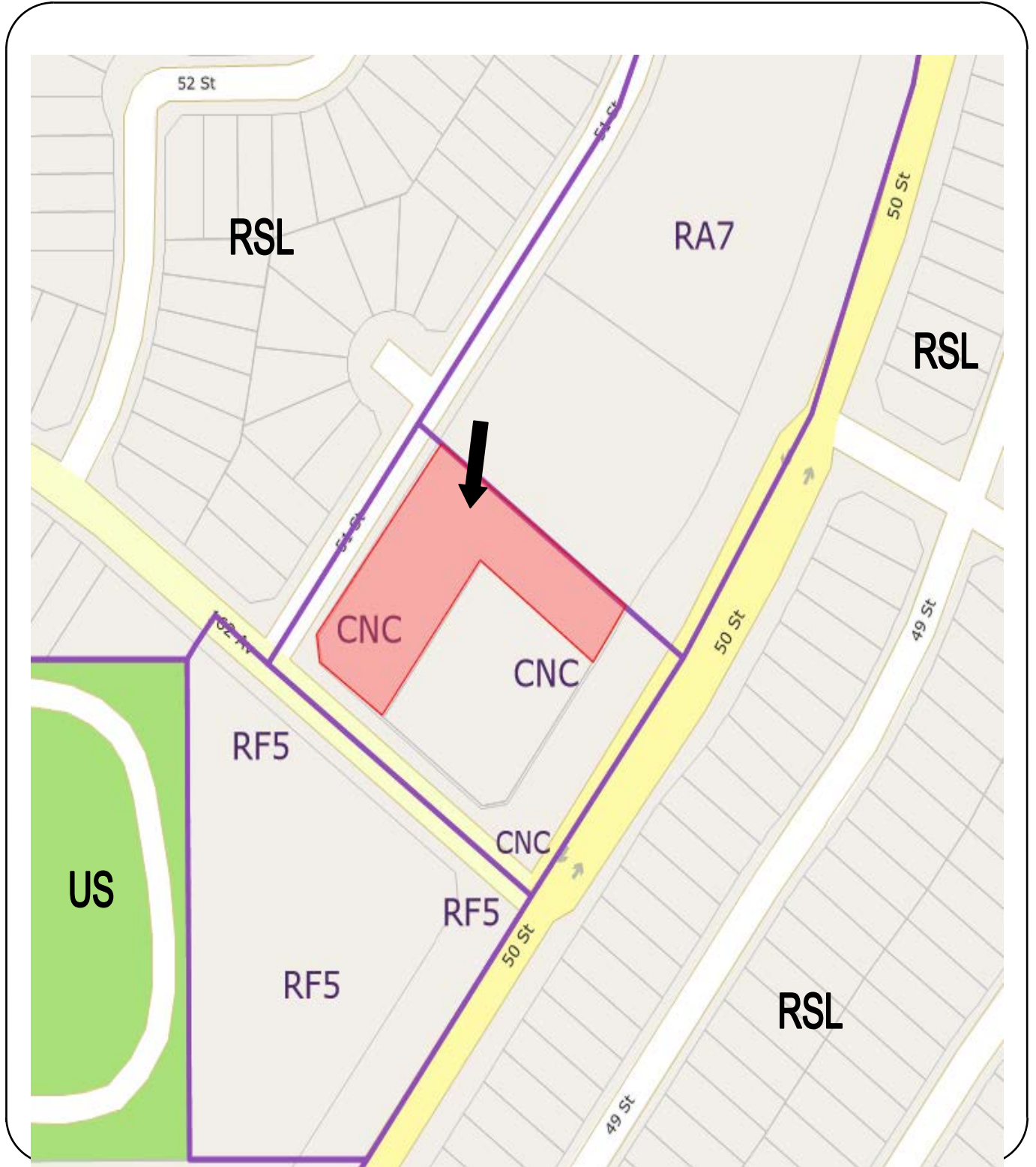
### Rights of Appeal

The Applicant has the right of appeal within 21 days after the date on which the decision is made, as outlined in Section 683 through 689 of the Municipal Government Act.

### Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Major Dev. Application Fee	\$331.00	\$331.00	06112284	Sep 03, 2019
Lot Grading Fee	\$236.00			
Development Permit Inspection Fee	\$518.00			
Total GST Amount:	\$0.00			
Totals for Permit:	\$1,085.00	\$331.00		
(\$754.00 outstanding)				

THIS IS NOT A PERMIT



**SURROUNDING LAND USE DISTRICTS**

Site Location ←

File: SDAB-D-19-177

