

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Wednesday, 9:00 A.M.
September 6, 2017**

**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-17-163

Construct a Recycling Depot
5240 - Ellerslie Road SW
Project No.: 242635653-001

II 1:30 P.M. SDAB-D-17-164

Change a portion of Restaurant Use to a Bar and
Neighbourhood Pub use (128 square metres of
public space, maximum 60 seats) and a Major
Amusement Establishment Use (14 square
metres of floor area)
15025 - 111 Avenue NW
Project No.: 252680475-001

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-17-163

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

APPELLANT:

APPLICATION NO.: 242635653-001

APPLICATION TO: Construct a Recycling Depot

DECISION OF THE DEVELOPMENT AUTHORITY: Approved

DECISION DATE: July 20, 2017

DATE OF APPEAL: August 10, 2017

NOTIFICATION PERIOD: July 27, 2017 through August 10, 2017

RESPONDENT:

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 5240 - Ellerslie Road SW

LEGAL DESCRIPTION: Plan 1122045 Blk 22 Lot B

ZONE: DC1 - Direct Development Control Provision

OVERLAY: N/A

STATUTORY PLAN: Charlesworth Neighbourhood Structure Plan
Southeast Area Structure Plan

Grounds for Appeal

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

In February of 2016, an Ellerslie Community League Board member representing the residents of Charlesworth and Ellerslie and a concerned local resident attended a City of Edmonton Council meeting to oppose the re-zoning of a commercial area to allow for a Recycling Depot, also know as a Bottle Depot. City Council did not agree with the Community League residents and voted in favour of the re-zoning application.

The Ward 12 council member was unable to speak to the issue as it was his first council meeting and was unaware of the situation. Thus, the residents of Charlesworth (Ellerslie Community) did not have an informed advocate on City Council regarding the issue. Councillor Banga (Ward 12) did vote in opposition to the re-zoning.

Recently, the Ellerslie Community League received notification that the City has approved the development permit for the bottle depot. After speaking with the City Planner in charge of this project, we have learned that notices regarding this project have gone out to residents ONLY within a 60 meter range of the proposed project and not to everyone who will be impacted by this landmark business to be constructed in our community. 60 meters is a very short radius regarding a structure that will have a long lasting affect on all the residents of the Ellerslie Community (Charlesworth and Ellerslie).

In the short appeal window we have spoken to a number of residents and the vast majority are appalled at the idea of this bottle depot. To substantiate the number of residents that are opposed we have collected names via a paper petition.

Signing this petition are both residents of Charlesworth/Ellerslie and members of the church located on this same land parcel. Due to time constraints we only had between August 4 and August 10 to contact people. The petition is our way of bringing forward the voice of residents opposed to this project within a larger radius of our community.

Concerns regarding the above development permit are outlined below:

Typically bottle depots have been situated in commercial areas AWAY from residential housing. Just because this development **meets city zoning regulations in that the area is zoned for commercial development, does not necessarily mean that the corner of a newly developed residential community is a good spot for a bottle depot. It "cheapens" the overall image of our community. For example, it's hard to imagine a bottle depot being proposed for the main entrances/gateways to communities such as Jagare Ridge, Lewis Estates, or Windermere Estates. The developers, city planners, and city council would likely have the foresight to recognize that the opposition of residents in those higher socio-economic areas would not allow this to happen.

This is not a temporary structure. It will be there for years to come having a less than ideal impact on the overall image of our beautiful, new community. Once it is up, we are stuck with it ---- right at the major entrance to our community. At the council meeting in February 2016, it was shared that the facility is to be "state of the art," and not appear as a traditional bottle depot. However, we have no guarantee that it will appear as stated. Regardless the business being conducted is still that of a bottle depot.

According to the city planner, the address for the proposed Bottle Depot is 5015 - 4th Ave. That is right on the corner of the major gateway entrance to our community. It is the first entrance into Charlesworth for people coming from the North or South on 50 St, East off the Henday, or West off the Henday. A bottle

depot is NOT the type of landmark residents wish to see as the major entrance into our community.

As brought forward at the council meeting; There are a plethora of available bottle depots within close proximity, 4 are within a 9 km radius or closer, the furthest is 13 min away. All of these bottle depots are in commercial areas, away from residential neighbourhoods. There has been no discussion or information about noise buffering for a facility that could operate seven days a week. There are added dangers for the truck traffic volume that will increase. As bottle depots have a history of attracting vagrant individuals, an increase in crime is a warranted concern. Additionally, with the unpleasant odours and possible accumulation of trash this could be a magnet for rodents and stinging insects. All of these items would lead to lowering the property values of the Charlesworth residents and presenting possible health/danger issues.

Again, we would stress that, as we move towards becoming a city with increased major commercial developments being permitted in immediate proximity of residential communities, let us pause and think about how the TYPE of businesses and the LOCATION of those businesses will have long term impacts on the OVERALL IMAGES OF THE COMMUNITIES.

<i>General Matters</i>

On August 23, 2017, the Subdivision and Development Appeal Board made and passed the following motion:

"That SDAB-D-17-163 be scheduled for September 6, 2017."

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 within 14 days,

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

(i) the date on which the person is notified of the order or decision or the issuance of the development permit, or

...

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

Designation of direct control districts

641(4) Despite section 685, if a decision with respect to a development permit application in respect of a direct control district

...

(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.**

Hearing and Decision

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

...

(a.1) must comply with the land use policies and statutory plans and, subject to clause (d), the 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*:

DC1 (Charlesworth), Section 1, **General Purpose**, states the purpose of this DC1 Provision is to facilitate the development of a pedestrian friendly Community Commercial Centre that may accommodate a range of commercial, residential, office, entertainment, cultural and institutional uses such that development is appropriate in appearance and function to a site bounded by two arterial roadways, a collector roadway and a future Transit Priority Corridor; and abutting a natural area, a medium density residential site, and an existing historic religious assembly.

Discretionary Use

DC1 (Charlesworth), Section 4.1(dd), states **Recycling Depots, only within an enclosed building**, is a Listed Use.

Under Section 7.4(46) of the *Edmonton Zoning Bylaw*, **Recycling Depots** means development used for the buying and temporary storage of bottles, cans, newspapers and similar Household goods for reuse where all storage is contained within an enclosed building. Such establishments shall not have more than four vehicles for the pick-up and delivery of goods. This Use does not include Recycled Materials Drop-off Centres.

Section 12.4, Class B Discretionary Development,) of the *Edmonton Zoning Bylaw* states this class includes all developments for which applications are required and are for a Discretionary Use or require a variance to any of the regulations of this Bylaw. This class of Development Permit also includes all applications on Sites designated Direct Control not noted in Section 12.3.

Development Officer's Determination:

Discretionary Development - The Site is designated Direct Control (DC1 [Bylaw 17537]) (Section 12.4).

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*.



Project Number: 242635653-001
Application Date: MAR 06, 2017
Printed: August 10, 2017 at 3:58 PM
Page: 1 of 5

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; width: 280px; height: 60px;"></div>	Property Address(es) and Legal Description(s) 5240 - ELLERSLIE ROAD SW Plan 1122045 Blk 22 Lot B
	Specific Address(es) Entryway: 5015 - 4 AVENUE SW Entryway: 5019 - 4 AVENUE SW Building: 5015 - 4 AVENUE SW

Scope of Permit
To construct a Recycling Depot.

Permit Details	
Class of Permit: Class B Gross Floor Area (sq.m.): New Sewer Service Required: Y Site Area (sq. m.):	Contact Person: Lot Grading Needed?: Y NumberOfMainFloorDwellings: 0 Stat. Plan Overlay/Annex Area: (none)

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

Development Permit Decision
Approved

The permit holder is advised to read the reverse for important information concerning this decision.



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Major Development Permit

Subject to the Following Conditions

- 1) This Development Permit is NOT valid until the Notification Period expires in accordance to Section 21.1. (Reference Section 17.1).
- 2) PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the applicant or property owner shall pay a Lot Grading Fee of \$227.
- 3) PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the applicant or property owner shall pay the Sanitary Sewer Trunk Charge (SSTC) fee. SSTC is applicable to the proposed development of 0.5805 ha at the rate of \$7,832/ha. The above SSTC charge is quoted at year 2017 rate. However, the final SSTC is based on the prevailing rate at the time the applicant/owner makes payment at the 2nd Floor cashiers, Edmonton Service Centre, 10111 – 104 Avenue NW.
- 4) PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the applicant or property owner shall pay a Development Permit Inspection Fee of \$500.00 (This can be paid by phone with a credit card - 780-442-5054).
- 5) PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, The owner must enter into a Servicing Agreement with the City for the following improvements:
 - a) construction of a 9.4 m right-in/right-out curb return access with curb ramps to 4 Avenue SW located approximately 72 m from the east property line;
 - b) construction of the right turn-bay on 4 Avenue SW to service the proposed right-in/right-out access;
 - c) removal of existing sidewalk and construction of a 3 m shared use path along 4 Avenue SW;
 - d) removal of the existing right-out access to 4 Avenue SW located approximately 6 m from the west property line and construction of curb and gutter and restoration of boulevard;
 - e) removal/relocation of existing boulevard trees along 4 Avenue SW;
 - f) removal/relocation of the existing fire hydrant along 4 Avenue SW;
 - g) removal/relocation of existing street lights along 4 Avenue SW; and
 - h) relocation/alteration of additional existing utilities and installation of new utilities along 4 Avenue SW.

This Servicing Agreement is a requirement with this Development Application. The Servicing Agreement includes an Engineering Drawing review and approval process. The owner/applicant must contact Neal Upshall (780-496-3927) of Development Servicing Agreements to initiate the Agreement.

6) PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the owner must dedicate to the City of Edmonton and register all road rights-of-way along the north property line of the subject parcel along 4 Avenue SW and a corner cut at 50 Street SW necessary for the construction of the shared use path and the right turn bay on 4 Avenue SW, including the portion required from Lot 135MR, as per the Sustainable Development memorandum dated 7 June 2017. A plan of survey (road plan) with proof of Section 62 notification must be submitted to Chantal Villecourt (780-983-0960) of Sustainable Development. The owner may contact Chad Fremmerlid (780-496-1962) of Subdivision Planning for further information regarding the road plan registration. The owner will also be required to submit a Phase I Environmental Site Assessment (ESA) for all affected lands to be registered as road right-of-way for review and approval to Wanda Goulden at 780-496-1089 of City Operations. All associated costs will be borne by the owner/applicant.

OR

Should the owner of subject Lot B not provide permission for the road plan registration within the westerly adjacent Lot 135MR parcel, the City of Edmonton will require an easement to be registered on this property (Lot 135MR) to allow for the construction of the right turn-bay and shared use path, as per the Sustainable Development memorandum dated 7 June 2017.

The permit holder is advised to read the reverse for important information concerning this decision.



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- 7) Landscaping shall be in accordance with the approved landscaping plan, Section 55 of the Zoning Bylaw and to the satisfaction of the Development Officer.
- 8) Any changes to an approved Landscape Plan requires the approval of the Development Officer prior to the Landscaping being installed.
- 9) Landscaping shall be maintained in a healthy condition for a minimum of 24 months after the landscaping has been installed, to the satisfaction of the Development Officer.
- 10) A Guaranteed Landscaping Security in the amount of \$72,256.80 shall be provided to the City of Edmonton at the time of Development Permit Inspection, to the satisfaction of the Development Officer.
- 11) The proposed 9.4 m access to 4 Avenue SW located approximately 72 m from the east property line, is acceptable to Subdivision Planning and must be constructed as a curb return access including curb ramps to City of Edmonton Standards, as per the Sustainable Development memorandum dated 7 June 2017. The proposed access will function as a right-in/right-out access only.
- 12) The owner must construct an eastbound right turn-bay on 4 Avenue SW to service the proposed right-in/right-out access, to the satisfaction of Subdivision Planning, as per the Sustainable Development memorandum dated 7 June 2017. The owner must also reconstruct all associated curb, gutter, and restore the boulevard on 4 Avenue SW which are impacted by the required right-turn bay. Details relative to this cross section will be reviewed at the detailed engineering drawing stage.
- 13) The owner must remove the existing sidewalk and construct a 3 m shared use path from the existing all-directional access along 4 Avenue SW to 50 Street SW, as per the Sustainable Development memorandum dated 7 June 2017.
- 14) There is an existing right-out access to 4 Avenue SW located in the vicinity of the proposed 9.4 m access, approximately 6 m from the west property line. The existing access must be removed and the curb and gutter constructed and boulevard restored, as per the Sustainable Development memorandum dated 7 June 2017.
- 15) There are boulevard trees located along 4 Avenue SW that will require removal. All costs associated with removal, compensation value for the tree and a replacement tree will be borne by the owner/applicant. Prior to construction of the offsite improvements, the owner/applicant must contact Bonnie Feranuik at City Operations, Parks and Roadways (780-496-4960).
- 16) There are existing fire hydrants in the vicinity of the proposed right turn-bay and shared use path along 4 Avenue SW. Relocation of these water infrastructures will be required and will be at the cost of the owner/applicant. The owner must contact Amanda Kuzek (780-412-3955) of EPCOR Water at least 1 year in advance, to design and reschedule relocation.
- 17) There are existing street lights in the vicinity of the proposed right turn-bay and shared use path along 4 Avenue SW. The street lights must be relocated. All costs associated with relocation must be borne by the owner/applicant. The applicant should contact Nick Shapka at 780-412-3089 of EPCOR Technology & Meter Services if relocation is required.
- 18) There are existing 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.
- 19) Garbage bins must be located so that all turning maneuvers for the waste management vehicles are accommodated on site. The proposed turning maneuvers located outside the development boundary must not conflict with the internal roadway network and further development of the site. An easement should be registered to accommodate the turning movements of large trucks south of the proposed subdivision area.
- 20) Any hoarding or construction taking place on road right-of-way requires an OSCAM (On-Street Construction and Maintenance) permit. OSCAM permit applications require Transportation Management Plan (TMP) information. The TMP must include:

The permit holder is advised to read the reverse for important information concerning this decision.



Project Number: **242635653-001**
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- the start/finish date of project;
- accommodation of pedestrians and vehicles during construction;
- confirmation of lay down area within legal road right of way if required;
- and to confirm if crossing the sidewalk and/or boulevard is required to temporarily access the site.

It should be noted that the hoarding must not damage boulevard trees. The owner or Prime Contractor must apply for an OSCAM online at: http://www.edmonton.ca/transportation/on_your_streets/on-street-construction-maintenance-permit.aspx

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

22) Bicycle parking shall be provided in accordance to Section 54.3 and to the satisfaction of the Development Officer.

23) Exterior lighting shall be developed to provide a safe lit environment in accordance with Sections 51 and 58 and to the satisfaction of the Development Officer.

24) Any outdoor lighting for any development shall be located and arranged so that no direct rays of light are directed at any adjoining properties, or interfere with the effectiveness of any traffic control devices. (Reference Section 51 of the Edmonton Zoning Bylaw 12800).

NOTES:

1) An approved Development Permit means that the proposed development has been reviewed only against the provisions of the Edmonton Zoning Bylaw. It does not remove obligations to conform with other legislation, bylaws or land title instruments such as the Municipal Government Act, the ERCB Directive 079, the Edmonton Safety Codes Permit Bylaw or any caveats, covenants or easements that might be attached to the Site.

2) The Development Permit shall not be valid unless and until the conditions of approval, save those of a continuing nature, have been fulfilled; and no notice of appeal from such approval has been served on the Subdivision and Development Appeal Board within the time period specified in subsection 21.1 (Ref. Section 17.1).

3) Signs require separate Development Applications.

4) The City of Edmonton does not conduct independent environmental checks of land within the City. If you are concerned about the suitability of this property for any purpose, you should conduct your own tests and reviews. The City of Edmonton, in issuing this Development Permit, makes no representations and offers no warranties as to the suitability of the property for any purpose or as to the presence or absence of any environmental contaminants on the property.

5) A Building Permit is required for any construction or change in use of a building. For a building permit, and prior to the Plans Examination review, you require construction drawings and the payment of fees. Please contact the 311 Call Centre for further information.

6) This Development Permit is not a Business Licence. A separate application must be made for a Business Licence.

ADVISEMENTS:

1) Subdivision Planning has reviewed a proposed subdivision (LDA17-0213) for this site which is not yet approved, as per the Sustainable Development memorandum dated 7 June 2017. The owner is required to dedicate road right-of-way along 4 Avenue SW and a corner cut at 50 Street SW from the proposed access to the east property line to facilitate construction of the 3 m shared use path.

2) The requirement of a shared use path along the west side of 50 Street SW from 4 Avenue SW to Ellerslie Road SW will be

The permit holder is advised to read the reverse for important information concerning this decision.



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 Application Date: MAR 06, 2017
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Major Development Permit

deferred with further development of the site. Future shared use path construction to the west of the site will be required with further development of the area, as per the Sustainable Development memorandum dated 7 June 2017, to provide pedestrian connectivity.

3) Upon future subdivision of the subject property, cross-lot access agreements will be required to maintain access to the surrounding roadways. The agreement should be registered on all lots to ensure access in perpetuity. A cross-lot access with the south portion of the remnant parcel will be a requirement of subdivision.

4) Subdivision Planning does not have an objection with the location of the building on site. We recognize that the building prevents the circulation of the internal roadways as per the approved appendices for the DC1 zoning of the site. The drive aisles provided with this application still provide connectivity with the remainder of the site. Additionally, there are other access locations to the adjacent roadways to accommodate the overall sites future development.

5) The Municipal Reserve (MR) site is currently being reviewed as a future Fire Station site, as per the Sustainable Development memorandum dated 7 June 2017. Further access details will be dealt with upon submission of a detailed site plan or development permit application.

6) No additional access will be permitted from this site to 50 Street SW.

7) Vehicular and bicycle parking should meet the requirements of the Zoning Bylaw.

8) There are existing bus stops along 4 Avenue SW and 50 Street SW.

Variations

Discretionary Development - The Site is designated Direct Control (DC1 [Bylaw 17537]) (Section 12.4).

Rights of Appeal

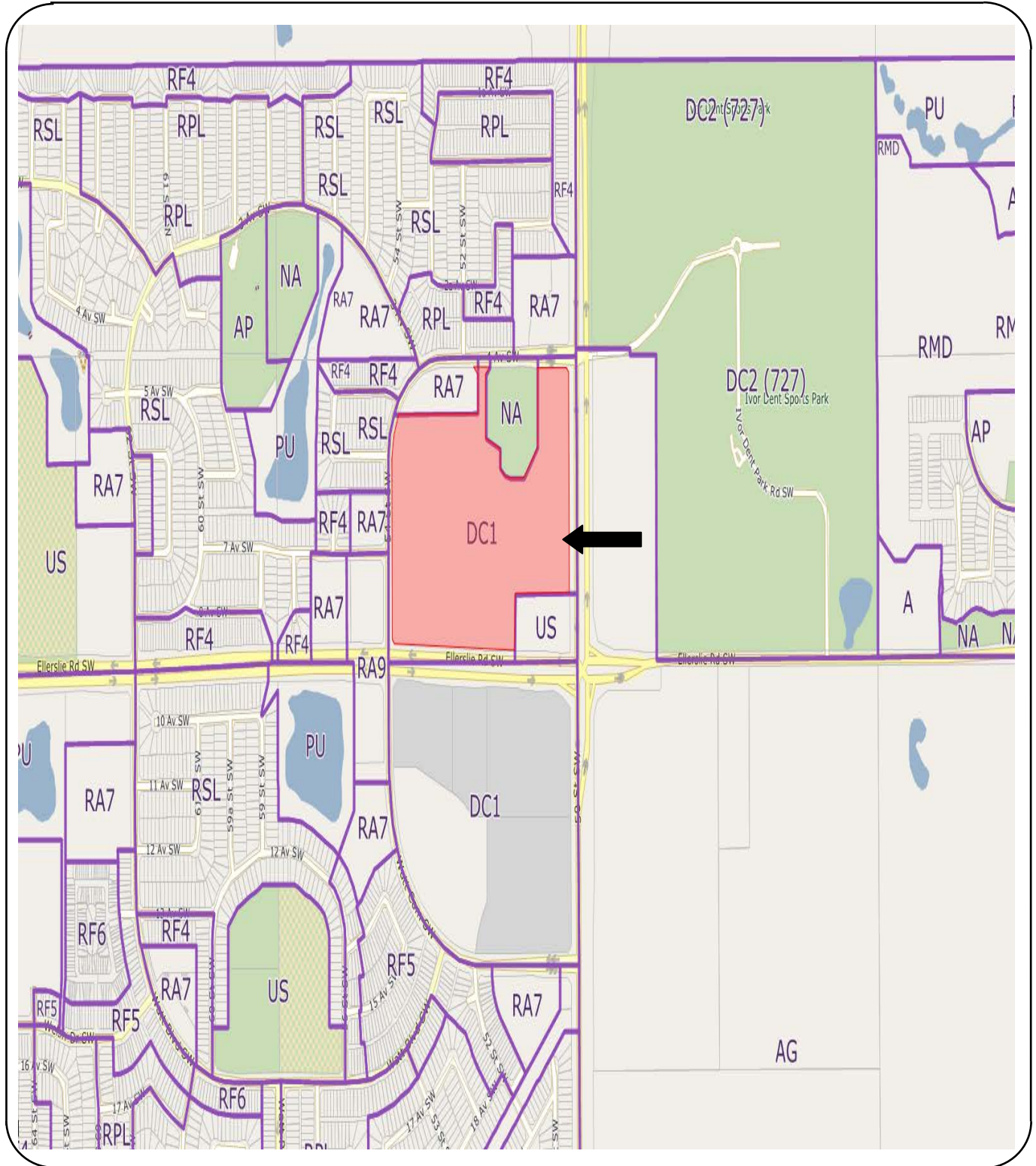
This approval is subject to the right of appeal as outlined in Chapter 24, Section 683 through 689 of the Municipal Government Amendment Act.

Issue Date: Jul 20, 2017 **Development Authority:** WELCH, IMAI **Signature:** _____
Notice Period Begins: Jul 27, 2017 **Ends:** Aug 10, 2017

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Sanitary Sewer Trunk Fund 2012+	\$4,546.48	\$4,546.48	04316061	Jul 24, 2017
Lot Grading Fee	\$227.00	\$227.00	03963229	Mar 06, 2017
Major Dev. Application Fee	\$929.00	\$929.00	03963229	Mar 06, 2017
Development Permit Inspection*	\$500.00	\$500.00	04316061	Jul 24, 2017
Total GST Amount:	\$0.00			
Totals for Permit:	\$6,202.48	\$6,202.48		

The permit holder is advised to read the reverse for important information concerning this decision.



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-17-163



ITEM II: 1:30 P.M.

FILE: SDAB-D-17-164

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

APPELLANT:

APPLICATION NO.: 252680475-001

APPLICATION TO: Change a portion of Restaurant Use to a Bar and Neighbourhood Pub use (128 square metres of public space, maximum 60 seats) and a Major Amusement Establishment Use (14 square metres of floor area)

DECISION OF THE DEVELOPMENT AUTHORITY: Approved

DECISION DATE: July 19, 2017

DATE OF APPEAL: August 9, 2017

NOTIFICATION PERIOD: July 25, 2017 through August 8, 2017

RESPONDENT:

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 15025 - 111 Avenue NW

LEGAL DESCRIPTION: Plan 191KS Blk 14 Lot 1

ZONE: CHY-Highway Corridor Zone

OVERLAY: N/A

STATUTORY PLAN: N/A

Grounds for Appeal

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

We are appealing because this use of the area is not permitted in the lease. Please contact Mr. Kondi owner at 780 782 1893 for further details. There are plans for the property that are in conflict in having VLTS at the hotel.

<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.

Appeals

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- (a) in the case of an appeal made by a person referred to in section 685(1), after
 - (i) the date on which the person is notified of the order or decision or the issuance of the development permit, or

...

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

Hearing and Decision

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

...

- (a.1) must comply with the land use policies and statutory plans and, subject to clause (d), the 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*:

Section 350.1 states the **General Purpose** of the **(CHY) Highway Corridor Zone** is to provide for high quality commercial development along those public roadways, which serve as entrance routes to the City or along limited access public roadways intended to provide a connection to entrance routes.

<i>Discretionary Use</i>

Section 350.3(3) states **Bars and Neighbourhood Pubs**, for less than 200 occupants and 240 square metres of Public Space, if the Site is adjacent to or across a Lane from a Site zoned residential, is a **Discretionary Use** in the **(CHY) Highway Corridor Zone**.

Under Section 7.4(6) of the Edmonton Zoning Bylaw, **Bars and Neighbourhood Pubs** means development where the primary purpose of the facility is the sale of alcoholic beverages to the public, for consumption within the premises or off the Site. This Use typically has a limited menu and minors are prohibited from patronizing the establishment during at least some portion of the hours of operation. Typical Uses include neighbourhood pubs, bars, beverage rooms, and cocktail lounges. This Use does not include Cannabis Lounges.

Section 350.3(9) states a **Major Amusement Establishment** is a **Discretionary Use** in the **(CHY) Highway Corridor Zone**.

Under Section 7.4(31) of the *Edmonton Zoning Bylaw*, **Major Amusement Establishments** means development providing facilities within any building, room or area having three or more table games or electronic games played by patrons for entertainment. This Use does not include Carnivals, Circuses, Indoor Participant Recreation Services, Adult Mini-Theatres, or Casinos and Other Gaming Establishments.

Development Officer's Determination:

Discretionary Use - Bars and Neighborhood Pub is approved as a Discretionary Use (Section 350).

Discretionary Use - Major Amusement Establishment is approved as a Discretionary Use (Section 350).

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*.



Project Number: 252680475-001
Application Date: MAY 26, 2017
Printed: August 9, 2017 at 8:20 AM
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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; width: 280px; height: 45px; margin: 10px auto;"></div>	Property Address(es) and Legal Description(s) 15025 - 111 AVENUE NW Plan 191KS Blk 14 Lot 1
	Specific Address(es) Building: 15025 - 111 AVENUE NW

Scope of Permit
 To change a portion of Restaurant Use to a Bar and Neighbourhood Pub use (128 sq.m of public space, maximum 60 seats) and a Major Amusement Establishment Use (14 sq.m of floor area)

Permit Details	
Class of Permit: Class B Gross Floor Area (sq.m.): 142 New Sewer Service Required: N Site Area (sq. m.):	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

The permit holder is advised to read the reverse for important information concerning this decision.



Project Number: **252680475-001**
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Major Development Permit

Subject to the Following Conditions

1) 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)

DEVELOPMENT SERVICES ADVISEMENTS:

- 1) Additional development permit review is required to increase the floor area and/or public space of the development.
- 2) This Development Permit is not a Business Licence. A separate application must be made for a Business Licence.
- 3) Signs require separate Development Applications.
- 4) 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.
- 5) 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.
- 6) 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
- 7) Subject to the right of appeal the permit is NOT VALID until the required Notification Period expires (date noted below in accordance with Section 21.1 and 17.1)

Variations

Discretionary Use - Bars and Neighborhood Pub is approved as a Discretionary Use (Section 350).
 Discretionary Use - Major Amusement Establishment is approved as a Discretionary Use (Section 350).

Rights of Appeal

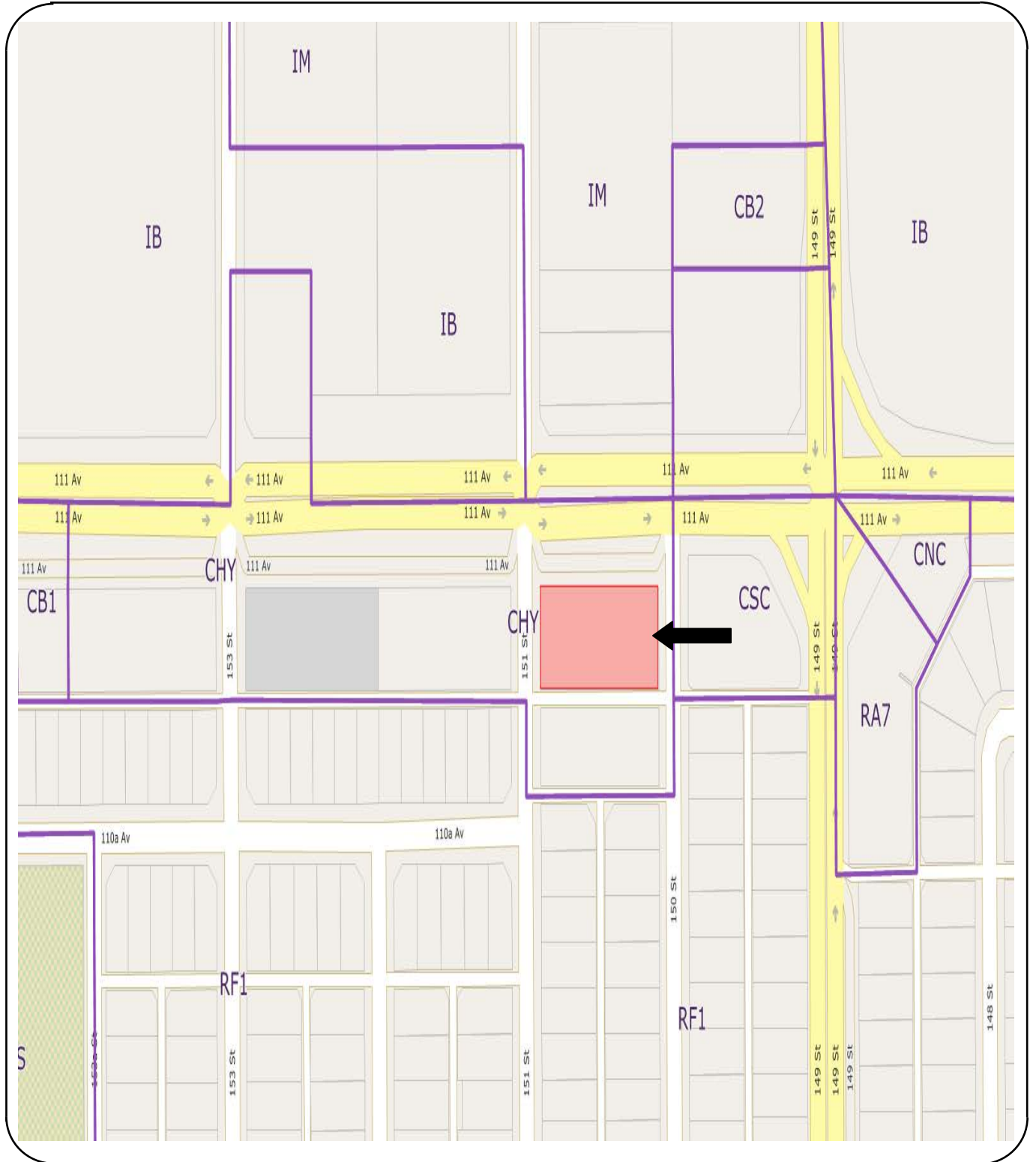
This approval is subject to the right of appeal as outlined in Chapter 24, Section 683 through 689 of the Municipal Government Amendment Act.

Issue Date: Jul 19, 2017 **Development Authority:** CHAN, CALVIN **Signature:** _____
Notice Period Begins: Jul 25, 2017 **Ends:** Aug 08, 2017

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Major Dev. Application Fee	\$271.00	\$271.00	04152419	May 26, 2017
Total GST Amount:	\$0.00			
Totals for Permit:	\$271.00	\$271.00		

The permit holder is advised to read the reverse for important information concerning this decision.



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-17-164

