

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Wednesday, 9:00 A.M.
April 13, 2016**

**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-16-092	Change the Use from General Retail Stores to Minor Alcohol Sales (Sector 17 Plaza – Liquor on 17th) 1752 - 34 Avenue NW Project No.: 187578083-001
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II	10:30 A.M.	SDAB-D-16-093	Construct and operate a Child Care Services Use building (95 children - 12, 0-11 months/ 15, 12-19 months/ 14, 19 months-3 yrs/ 22, 3-4.5 yrs/ 15, 4.5-6 yrs/ 17, 6-12 yrs) and to construct exterior alterations (developing on-site outdoor play spaces and revisions to approved landscaping) 2908C - 151 Avenue NW Project No.: 033614743-154
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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-16-092

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

APPELLANT:

APPLICATION NO.: 187578083-001

ADDRESS OF APPELLANT:

APPLICATION TO: Change the Use from General Retail Stores to Minor Alcohol Sales (Sector 17 Plaza - Liquor on 17th)

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with Notices

DECISION DATE: March 14, 2016

DATE OF APPEAL: March 22, 2016

NOTIFICATION PERIOD: Mar 14, 2016 through Mar 28, 2016

RESPONDENT: Brian Allsopp Architect Ltd.

ADDRESS OF RESPONDENT: 1752 - 34 Avenue NW

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 1752 - 34 Avenue NW

LEGAL DESCRIPTION: Plan 1125688 Blk 62 Lot 2B

ZONE: CB1-Low Intensity Business Zone

OVERLAY: N/A

STATUTORY PLAN: The Meadows Area Structure Plan
Wild Rose Neighbourhood Structure

Grounds for Appeal

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

The area is too congested...currently there is a problem with peak traffic flow...if there is another business especially a liquor store no one would be able to cross the street. [unedited]

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.

685(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 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,

The Board is advised that the decision of approval by the Development Officer is dated March 14, 2016. The Notice of Appeal was filed on March 22, 2016.

General Provisions from the *Edmonton Zoning Bylaw*:

Section 330.1 states that the **General Purpose** of the **CB1 Low Intensity Business Zone** is:

...to provide for low intensity commercial, office and services uses located along arterial roadways that border residential areas. Development shall be sensitive and in scale with existing development

along the commercial street and any surrounding residential neighbourhood.

Under Section 330.3(20), **Minor Alcohol Sales** is a **Discretionary Use** in the CB1 Low Intensity Business Zone.

Section 7.4(32) states:

Minor Alcohol Sales means development used for the retail sale of any and all types of alcoholic beverages to the public. This Use Class may include retail sales of related products such as soft drinks and snack foods. The maximum Floor Area for this Use Class shall be no more than 275 m² per individual business premises.

Discretionary Use

Under Section 330.3(20), **Minor Alcohol Sales** is a **Discretionary Use** in the CB1 Low Intensity Business Zone.

Development Officer's Determination

Variances

1. Discretionary Use - Minor Alcohol Sales is approved as a Discretionary Use. Reference Section 330.3(20) [unedited]

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: 187578083-001
Application Date: FEB 23, 2016
Printed: March 23, 2016 at 10:56 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 BRIAN ALLSOPP ARCHITECT LTD 	Property Address(es) and Legal Description(s) 1752 - 34 AVENUE NW Plan 1125688 Blk 62 Lot 2B
	Specific Address(es) Suite: 1758 - 34 AVENUE NW Entryway: 1758 - 34 AVENUE NW Building: 1752 - 34 AVENUE NW

Scope of Permit
To change the Use from General Retail Stores to Minor Alcohol Sales (Sector 17 Plaza - Liquor on 17th)

Permit Details								
<table border="0"> <tr> <td>Class of Permit: Class B</td> <td>Contact Person:</td> </tr> <tr> <td>Gross Floor Area (sq. m.): 248.9</td> <td>Lot Grading Needed?: N/A</td> </tr> <tr> <td>New Sewer Service Required: N/A</td> <td>NumberOfMainFloorDwellings: 0</td> </tr> <tr> <td>Site Area (sq. m.): 5408.92</td> <td>Stat. Plan Overlay/Annex Area: (none)</td> </tr> </table>	Class of Permit: Class B	Contact Person:	Gross Floor Area (sq. m.): 248.9	Lot Grading Needed?: N/A	New Sewer Service Required: N/A	NumberOfMainFloorDwellings: 0	Site Area (sq. m.): 5408.92	Stat. Plan Overlay/Annex Area: (none)
Class of Permit: Class B	Contact Person:							
Gross Floor Area (sq. m.): 248.9	Lot Grading Needed?: N/A							
New Sewer Service Required: N/A	NumberOfMainFloorDwellings: 0							
Site Area (sq. m.): 5408.92	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: **187578083-001**
 Application Date: FEB 23, 2016
 Printed: March 23, 2016 at 10:56 AM
 Page: 2 of 3

Major Development Permit

Subject to the Following Conditions

1. PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the applicant or property owner shall pay a Notification Fee of \$102.00.
2. This Development Permit is NOT valid until the Notification Period expires in accordance to Section 21.1. (Reference Section 17.1)
3. No parking, loading, storage, trash collection, outdoor service or display area shall be permitted within a Setback. Vehicular parking, 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 Light Rail Transit lines in accordance with the provisions of subsection 55.4 of this Bylaw. If the rear or sides of a Site are used for parking, an outdoor service or display area or both, and about 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. Reference Section 330.4(5)
4. The exterior of all stores have ample glazing from the street to allow natural surveillance; exterior lighting should be in accordance with the minimum safety standards prescribed by the Illuminating Engineers Society; any landscaping around the facilities be low-growing shrubs or deciduous trees with a high canopy at maturity and that all foliage be kept trimmed back to prevent loss of natural surveillance; no customer parking is in behind a facility and that all parking areas in front of the building be well-lighted; and customer access to the store is limited to a store front that is visible from the street, shopping centre parking lot or a mall access that allows visibility from the interior. Reference Section 85(7)
5. All outdoor trash collection areas shall be located and screened to the satisfaction of the Development Officer in accordance with Sections 55(4) & (5).
6. 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
7. 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)
8. Parking spaces for the disabled shall be provided in accordance with the Alberta Building Code in effect at the time of the Development Permit application, for which no discretion exists and be identified as parking spaces for the disabled through the use of appropriate signage, in accordance with Provincial standards. Reference Section 54.1(3)
9. Bicycle parking shall be provided in accordance to Section 54.3 and to the satisfaction of the Development Officer.

NOTES:

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

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



Project Number: 187578083-001
Application Date: FEB 23, 2016
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Major Development Permit

e. 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.

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

Variations

1. Discretionary Use - Minor Alcohol Sales is approved as a Discretionary Use. Reference Section 330.3(20)

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: Mar 14, 2016 **Development Authority:** PEACOCK, ERICA

Signature: _____

Notice Period Begins: Mar 22, 2016

Ends: Apr 04, 2016

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Major Dev. Application Fee	\$323.00	\$323.00	03082343	Feb 23, 2016
DP Notification Fee	\$102.00	\$102.00	03082343	Feb 23, 2016
Total GST Amount:	\$0.00			
Totals for Permit:	\$425.00	\$425.00		

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



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-16-092



ITEM II: 10:30 A.M.

FILE: SDAB-D-16-093

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 33614743-154

ADDRESS OF APPELLANT: 2908C - 151 Avenue NW

APPLICATION TO: Construct and operate a Child Care Services Use building (95 children - 12, 0-11 months/ 15, 12-19 months/ 14, 19 months-3 yrs/ 22, 3-4.5 yrs/ 15, 4.5-6 yrs/ 17, 6-12 yrs) and to construct exterior alterations (developing on-site outdoor play spaces and revisions to approved landscaping)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: March 8, 2016

DATE OF APPEAL: March 18, 2016

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 2908C - 151 Avenue NW

LEGAL DESCRIPTION: Condo Common Area (Plan 1420420)

ZONE: RF3 Small Scale Infill Development 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:

Convenience to resident living stack housing kids living in 28 units. They do not have to go anywhere as the owner has provided a letter that this facility will be mostly used by people living in these 28 units. Dropping off kids shall not be the problem as parents living in these units will drop the kids without taking their vehicles to the facility. This will be great convenience to the people living. Bus stop is also two minute walk to facility. City has abandon the road and City has

designed subdivision which is residential housing. This road will not be there once that area is developed. Enough trees are shown to control the noise situation in playground area. The building has been designed that itself become the part of stack housing. [unedited]

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 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,

The Board is advised that the decision of refusal by the Development Officer is dated March 8, 2016. The Notice of Appeal was filed on March 18, 2016.

General Provisions from the *Edmonton Zoning Bylaw*:

Section 140.1 states that the **General Purpose** of the **RF3 Small Scale Infill Development Zone** is to “provide for Single Detached Housing while allowing small-scale conversion and infill redevelopment to buildings containing up to four Dwellings, and including Secondary Suites under certain conditions.

Under Section 140.3(2), **Child Care Services** is a **Discretionary Use** in the RF3 Small Scale Infill Development Zone.

Section 7.8(2) states:

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 Class typically includes daycare centres; out-of-school care centres; preschools; and dayhomes (providing child care within the care provider's residence).

Rear Setback

Section 140.4(12) states:

The minimum Rear Setback shall be [7.5 m](#), except on a Corner Site, where a Dwelling with an attached Garage faces the flanking public roadway, it may be reduced to [4.5 m](#).

Development Officer's Determination

1. Section 140.4(12) - The minimum Rear Setback shall be 7.5 m, except on a Corner Site, where a Dwelling with an attached Garage faces the flanking public roadway, it may be reduced to 4.5 m.

Note: Rear Setback determined to be along the north property line as per original approval 33614743-001.

Required: 7.5 m

Proposed: 1.8 m to building & 0.0 to on-site outdoor play area

Deficient: 5.7 m for building & 7.5 m for on-site outdoor play area [unedited]

Side Setback

Section 140.4(13)(c) states:

On a Corner Site where the building faces the flanking Side Lot Line, the minimum Side Setback Abutting the flanking Side Lot Line shall be [2.0 m](#). However, if a building facing the flanking Side Lot Line has an attached Garage that faces the flanking Side Lot Line, the Side Setback from the flanking Side Lot Line to the Garage shall be a minimum of [4.5 m](#);

Development Officer's Determination

2. Section 140.4(13)(c) - on a Corner Site where the building faces the flanking Side Lot Line, the minimum Side Setback abutting the flanking Side Lot Line shall be 4.5 m. If the Dwelling does not have an attached Garage also facing the flanking Side Lot Line, the minimum Side Setback may be reduced to 3.0 m, in order to increase the Private Outdoor Amenity Area in the interior Side Yard.

Required: 4.5 m
Proposed: 3.7 m to on-site outdoor play space
Deficient: 0.8 m [unedited]

Separation Space – Living Room Window

Section 48.2(1) states:

In front of a Principal Living Room Window, a Separation Space, with a minimum depth of [7.5 m](#) or half the Height of any wall opposite the said Window, whichever is greater, to a maximum of [10.0 m](#) shall be provided.

Development Officer’s Determination

3. Section 48.2(1) - In front of a Principal Living Room Window, a Separation Space, with a minimum depth of 7.5 m or half the Height of any wall opposite the said Window, whichever is greater, to a maximum of 10.0 m shall be provided.

Note: portion of Block G Principal Living Room Window facing north property line.

Required: 7.5 m
Proposed: 6.7 m
Deficient: 0.8 m [unedited]

Outdoor Play Space – Limit of impact

Section 80(8)(d) states:

8. Where on-site outdoor play space is provided, pursuant to the Provincial *Child Care Licensing Regulation*, it shall comply with the following regulations:

...

d. in a Residential Zone, outdoor play space may be allowed in any Yard, providing it is designed to limit any interference with other Uses, or the peaceful enjoyment of the properties of nearby residents, through fencing, landscaping, buffering and the placement of fixed play equipment;

Development Officer’s Determination

4. Section 80(8)(d) - in a Residential Zone, outdoor play space may be allowed in any Yard, providing it is designed to limit any interference with other Uses, or the peaceful enjoyment of the properties of nearby residents, through fencing, landscaping, buffering and the placement of fixed play equipment.

- The proposed on-site outdoor play space to the west of the proposed building is located in the rear yard. It is the opinion of the Development Authority that the placement of the on-site outdoor play space in this area will interfere with the peaceful enjoyment of the existing Stacked Row Housing located immediately south in Blocks F and G.

Note: Section 140.4(15) requires that Private Outdoor Amenity Area be provided on Site in accordance with Section 47 of Bylaw 12800. Private Outdoor Amenity Area was not approved under project number 33614743-001. Should Blocks F and G develop a fenced 4 m x 4 m Private Outdoor Area in order to delineate their rear yards there is a concern that there would only be 0.9 m (3.0ft) between the private outdoor amenity area and the on-site outdoor play area behind Block F and 2.7 m (8.9 ft) between the Blk G and the proposed Child Care Services building. [unedited]

Drop-off Spaces

Section 80.6(a) states:

- a. a separate on-site drop-off area shall be provided at the rate of 2 drop-off spaces for up to 10 children, plus 1 additional space for every 10 additional children;

Development Officer's Determination

5. Section 80(6)(a) - Parking shall be provided according to the regulations outlined in Schedule 1 to Section 54 of this Bylaw. In addition, drop-off parking shall be provided as a separate on-site drop-off area shall be provided at the rate of 2 drop-off spaces for up to 10 children, plus 1 additional space for every 10 additional children.

Required: 10

Proposed: 9

Deficient: 1 [unedited]

Employee Parking

Section 54.2, Schedule 1(A)(33) describes parking requirements for Child Care Services as follows:

1 parking space for the first 2 employees, plus 0.5 spaces per additional employee

Except:

- a. Dayhomes (providing care to 7 or more children within the residence of the child care provider):

1 parking space per non-resident employee, in addition to parking required for Primary Dwelling.

Where a Front Yard driveway provides access to a parking space that is not within the Front Yard, the Development Officer may consider this driveway as the provision of a second car parking space that is in tandem.

Development Officer's Determination

6. Section 54.2, Schedule 1(31) - 1 parking space for the first 2 employees, plus 0.5 spaces per additional employee.

Required: 9 vehicular parking spaces

Proposed: 0 vehicular parking spaces

Deficient: 9 vehicular parking spaces

Note: 17 employees are proposed for the daycare. The existing 7 Stacked Row Housing buildings have 56 garage parking spaces and 12 visitor parking spaces accessible by accesses from 151 Avenue to each building. The Stacked Row Housing provides more parking than required by the Bylaw. This parking cannot be considered for the proposed Child Care Services as it is clearly designated for the Stacked Row Housing and cannot be considered as shared parking for the site based on it's design. There are nine approved spaces adjacent to the east property line to be used as on-site drop-off parking. There is a concern that the visitor parking associated with the Stacked Row Housing may be used by parents and staff for the daycare. Transportation Services has reviewed the above noted development application and OBJECTS to this development, based on the proposed on-site parking deficiency. Transportation also indicated that there is a seasonal parking restriction on 151 Avenue. [unedited]

Exterior Lighting

Section 80(7) states:

Exterior lighting of the facility shall provide for a well lit environment;

Development Officer's Determination

7. Section 80(7) - Exterior lighting of the facility shall provide for a well lit environment; - A lighting plan for the development has not been provided. There is a concern that lighting will interfere with the adjacent Stacked Row Housing developments. [unedited]

Outdoor Play Space – Mitigating adjacent Uses

Section 80(8)(a) states:

8. Where on-site outdoor play space is provided, pursuant to the Provincial *Child Care Licensing Regulation*, it shall comply with the following regulations:
 - a. noisy, noxious or hazardous adjacent Uses such as, but not limited to, loading/unloading areas, garbage bins, large parking lots, arterial roads, passenger drop-off areas, rail lines, Light Rail Transit lines or stormwater lakes should either be avoided or their effects mitigated through landscaping, buffering, fencing, or other means;

Development Officer’s Determination

8. Section 80(8)(a) - where on-site outdoor play space is provided, pursuant to the Provincial Child Care Licensing Regulation, it shall comply with the following regulations: noisy, noxious or hazardous adjacent Uses such as, but not limited to, loading/unloading areas, garbage bins, large parking lots, arterial roads, passenger drop-off areas, rail lines, Light Rail Transit lines or stormwater lakes should either be avoided or their effects mitigated through landscaping, buffering, fencing, or other means.

- The two proposed on-site outdoor play spaces located to the west and east of the proposed building abut the 153 Avenue Road Right-of-Way. At this time the road right-of-way is undeveloped. The play area to the east is also located adjacent to the Victoria Trail aerial roadway. A 6.0 ft high fence has been provided for both proposed play areas. There is concern that traffic travelling along these existing and potential future roadways will result in excess noise and traffic hazards for the children. It should be noted that children would be required to walk outside to gain access to the east play space as there is no direct access from an exterior door. Due to these reasons the Development Authority considers this on-site outdoor play spaces to be in an inappropriate location. [unedited]

Loading Space

Section 54.4, Schedule 3(2) states:

Use of Building or Site	Total Floor Area of Building	Minimum Number of loading Spaces Required
2. Any development within the Residential-Related, Basic Services or Community, Educational, Recreational and Cultural Service Use Classes and Professional, Financial and Office Support Services, excluding Limited Group Homes	Up to 2 800 m² Each additional 2 800 m² or fraction thereof	1 1 additional

Section 54.4(3)(a) states:

Each off-street loading space shall be of adequate size and accessibility to accommodate the vehicles expected to load and unload. Each required loading space shall be a minimum of 3.0 m in width, a minimum of 9.0 m in length and maintain a minimum overhead clearance of 4.0 m, unless larger dimensions are required, having regard to the type of vehicle loading and unloading without projecting into a public roadway.

Development Officer’s Determination

9. Section 54.4, Schedule 3(2) & 54.4 - Any development within the Community, Educational, Recreational and Cultural Service Use Classes up to 2800 m2 shall provide a minimum of 1 loading spaces. Each required loading space shall be a minimum of 3.0 min width, a minimum of 9.0 m in length.

Required: 1
 Proposed: 0
 Deficient: 1. [unedited]

Bicycle Parking Spaces

Section 54.3, Schedule 2(1) states:

Use of Building or Site	Minimum Number of Bicycle Parking Spaces
1. All Residential and Residential-Related Use Classes of 20 Dwellings or more, and all Non-residential Use Classes outside the boundaries of the Downtown Area Redevelopment Plan.	5% of the number of vehicular parking spaces required under Schedule 1 to a maximum of 50 Bicycle Parking spaces with 5 Bicycle Parking spaces being the minimum to be provided.

Development Officer’s Determination

10. Section 54.3, Schedule 2(1) - All Non-residential Use Classes outside the boundaries of the Downtown Area Redevelopment Plan require 5% of the number of vehicular parking spaces required under Schedule 1 to a maximum of 50 Bicycle Parking spaces with 5 Bicycle Parking spaces being the minimum to be provided.

Required: 5
 Proposed: 0
 Deficient: 5 [unedited]

Landscaping Removal

Section 140(19) states:

...

19. In addition to the Landscaping regulations of Section 55 of this Bylaw, where new development consists of replacement or infill within areas of existing housing, Landscaping shall be implemented as a component of such new development in order to:
- a. replace vegetation removed during construction;
 - b. reinforce an established Landscaping context in the area;
 - c. soften edges and transitions between the street and the structure; and
 - d. for Row Housing, Stacked Row Housing and Apartment Housing screen the portion of the building facing an interior Side Lot Line.

Development Officer's Determination

11. Section 140.4(16) - Notwithstanding the Landscaping regulations of Section 55 of this Bylaw, where new development consists of replacement or infill within areas of existing housing, Landscaping shall be implemented as a component of such new development in order to replace vegetation removed during construction or to reinforce an established Landscaping context in the area.

- Required landscaping would have to be removed to accommodate the proposed Child Care Services. No Landscape Plan has been submitted as part of this application.
[unedited]

Revised Landscaping Plan

Section 55.4(8) states:

Existing vegetation shall be preserved and protected unless removal is demonstrated, to the satisfaction of the Development Officer, to be necessary or desirable to efficiently accommodate the proposed development. Trees and shrubs preserved on the Site may, at the discretion of the Development Officer, be credited to the total landscaping requirements.

Development Officer's Determination

12. Section 55.4(8) - Existing vegetation shall be preserved and protected unless removal is demonstrated, to the satisfaction of the Development Officer, to be necessary or desirable to efficiently accommodate the proposed development. Trees and shrubs preserved on the Site may, at the discretion of the Development Officer, be credited to the total landscaping requirements.

- In order to accommodate the development approved landscaping in the north-east corner needs to be removed. A revised Landscape Plan that shows the relocation and/or removal of the landscaping approved under project number 33614743-004 should be provided. [unedited]

Walkways

Section 55.4(2) states:

Hardsurfaced areas such as walkways and plazas shall be enhanced with Landscaping, at the discretion of the Development Officer. Provision shall be made for adequate on-site pedestrian circulation, by means of sidewalks or walkways, to connect with public sidewalks and walkways adjacent to roadways or within right-of-ways abutting the Site.

Development Officer's Determination

13. Section 55.4(2) - Provision shall be made for adequate on-site pedestrian circulation, by means of sidewalks or walkways, to connect with public sidewalks and walkways adjacent to roadways or within right-of-ways abutting the Site.

- No walkways have been provided to connect this development with the adjacent public roadways. There is no designated sidewalk connections for movement within this site. [unedited]

Screen Planting

Section 55.4(4) states:

Any trash collection area, open storage area, or outdoor service area, including any loading, unloading or vehicular service area that is visible from an adjoining Site in a Residential or Commercial Zone, or from a public roadway other than a Lane, or from a Light Rail Transit line, shall have screen planting. The location, length, thickness and Height of such screen planting at maturity shall, in conjunction with a change in Grade or other natural or man-made features, be sufficient to block the view from any adjoining Residential or Commercial Zone, or from the public roadway or Light Rail Transit line. Such screen planting shall be maintained to provide effective screening from the ground to a minimum Height of [1.85 m](#). If, in the opinion of the Development Officer, screen planting cannot reasonably be expected to survive, earth berming, masonry walls, wood fencing or other man-made features may be permitted as a substitution.

Development Officer's Determination


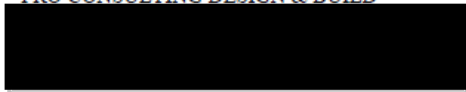
14. Section 55.4(4) - Any trash collection area, open storage area, or outdoor service area, including any loading, unloading or vehicular service area that is visible from an adjoining Site in a Residential or Commercial Zone, or from a public roadway other than a Lane, or from a Light Rail Transit line, shall have screen planting. The location, length, thickness and Height of such screen planting at maturity shall, in conjunction with a

change in Grade or other natural or man-made features, be sufficient to block the view from any adjoining Residential or Commercial Zone, or from the public roadway or Light Rail Transit line. Such screen planting shall be maintained to provide effective screening from the ground to a minimum Height of 1.85 m. If, in the opinion of the Development Officer, screen planting cannot reasonably be expected to survive, earth berming, masonry walls, wood fencing or other man-made features may be permitted as a substitution.

- It is the opinion of the Development Officer that the proposed method of screening for the trash collection area (a garbage enclosure) is not adequate when viewed from Victoria Trial NW. [unedited]

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: 33614743-154 Application Date: OCT 05, 2015 Printed: March 22, 2016 at 8:43 AM Page: 1 of 4		
<h2 style="margin: 0;">Application for Major Development Permit</h2>			
<p>This document is a Development Permit Decision for the development application described below.</p>			
Applicant PRO CONSULTING DESIGN & BUILD 	Property Address(es) and Legal Description(s) 2908C - 151 AVENUE NW Condo Common Area (Plan 1420420) Specific Address(es) Entryway: 2904 - 151 AVENUE NW Building: 2904 - 151 AVENUE NW		
Scope of Application To construct and operate a Child Care Services Use building (95 children - 12, 0-11 months/ 15, 12-19 months/ 14, 19 months-3 yrs/ 22, 3-4.5 yrs/ 15, 4.5-6 yrs/ 17, 6-12 yrs) and to construct exterior alterations (developing on-site outdoor play spaces and revisions to approved landscaping)			
Permit Details <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none; vertical-align: top;"> Class of Permit: Gross Floor Area (sq.m.): 530.53 New Sewer Service Required: Y Site Area (sq. m.): 6179.9 </td> <td style="width: 50%; border: none; vertical-align: top;"> Contact Person: Lot Grading Needed?: Y NumberOfMainFloorDwellings: 0 Stat. Plan Overlay/Annex Area: (none) </td> </tr> </table>		Class of Permit: Gross Floor Area (sq.m.): 530.53 New Sewer Service Required: Y Site Area (sq. m.): 6179.9	Contact Person: Lot Grading Needed?: Y NumberOfMainFloorDwellings: 0 Stat. Plan Overlay/Annex Area: (none)
Class of Permit: Gross Floor Area (sq.m.): 530.53 New Sewer Service Required: Y Site Area (sq. m.): 6179.9	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 Application Decision Refused			
THIS IS NOT A PERMIT			



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Application for Major Development Permit

Reason for Refusal

1. Section 140.4(12) - The minimum Rear Setback shall be 7.5 m, except on a Corner Site, where a Dwelling with an attached Garage faces the flanking public roadway, it may be reduced to 4.5 m.

Note: Rear Setback determined to be along the north property line as per original approval 33614743-001.

Required: 7.5 m
 Proposed: 1.8 m to building & 0.0 to on-site outdoor play area
 Deficient: 5.7 m for building & 7.5 m for on-site outdoor play area

2. Section 140.4(13)(c) - on a Corner Site where the building faces the flanking Side Lot Line, the minimum Side Setback abutting the flanking Side Lot Line shall be 4.5 m. If the Dwelling does not have an attached Garage also facing the flanking Side Lot Line, the minimum Side Setback may be reduced to 3.0 m, in order to increase the Private Outdoor Amenity Area in the interior Side Yard.

Required: 4.5 m
 Proposed: 3.7 m to on-site outdoor play space
 Deficient: 0.8 m

3. Section 48.2(1) - In front of a Principal Living Room Window, a Separation Space, with a minimum depth of 7.5 m or half the Height of any wall opposite the said Window, whichever is greater, to a maximum of 10.0 m shall be provided.

Note: portion of Block G Principal Living Room Window facing north property line.

Required: 7.5 m
 Proposed: 6.7 m
 Deficient: 0.8 m

4. Section 80(8)(d) - in a Residential Zone, outdoor play space may be allowed in any Yard, providing it is designed to limit any interference with other Uses, or the peaceful enjoyment of the properties of nearby residents, through fencing, landscaping, buffering and the placement of fixed play equipment.

- The proposed on-site outdoor play space to the west of the proposed building is located in the rear yard. It is the opinion of the Development Authority that the placement of the on-site outdoor play space in this area will interfere with the peaceful enjoyment of the existing Stacked Row Housing located immediately south in Blocks F and G.

Note: Section 140.4(15) requires that Private Outdoor Amenity Area be provided on Site in accordance with Section 47 of Bylaw 12800. Private Outdoor Amenity Area was not approved under project number 33614743-001. Should Blocks F and G develop a fenced 4 m x 4 m Private Outdoor Area in order to delineate their rear yards there is a concern that there would only be 0.9 m (3.0ft) between the private outdoor amenity area and the on-site outdoor play area behind Block F and 2.7 m (8.9 ft) between the Blk G and the proposed Child Care Services building.

5. Section 80(6)(a) - Parking shall be provided according to the regulations outlined in Schedule 1 to Section 54 of this Bylaw. In addition, drop-off parking shall be provided as a separate on-site drop-off area shall be provided at the rate of 2 drop-off spaces for up to 10 children, plus 1 additional space for every 10 additional children.

Required: 10
 Proposed: 9
 Deficient: 1

6. Section 54.2, Schedule 1(31) - 1 parking space for the first 2 employees, plus 0.5 spaces per additional employee.

Required: 9 vehicular parking spaces
 Proposed: 0 vehicular parking spaces
 Deficient: 9 vehicular parking spaces

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Note: 17 employees are proposed for the daycare. The existing 7 Stacked Row Housing buildings have 56 garage parking spaces and 12 visitor parking spaces accessible by accesses from 151 Avenue to each building. The Stacked Row Housing provides more parking than required by the Bylaw. This parking cannot be considered for the proposed Child Care Services as it is clearly designated for the Stacked Row Housing and cannot be considered as shared parking for the site based on its design. There are nine approved spaces adjacent to the east property line to be used as on-site drop-off parking. There is a concern that the visitor parking associated with the Stacked Row Housing may be used by parents and staff for the daycare. Transportation Services has reviewed the above noted development application and OBJECTS to this development, based on the proposed on-site parking deficiency. Transportation also indicated that there is a seasonal parking restriction on 151 Avenue.

7. Section 80(7) - Exterior lighting of the facility shall provide for a well lit environment.

- A lighting plan for the development has not been provided. There is a concern that lighting will interfere with the adjacent Stacked Row Housing developments.

8. Section 80(8)(a) - where on-site outdoor play space is provided, pursuant to the Provincial Child Care Licensing Regulation, it shall comply with the following regulations: noisy, noxious or hazardous adjacent Uses such as, but not limited to, loading/unloading areas, garbage bins, large parking lots, arterial roads, passenger drop-off areas, rail lines, Light Rail Transit lines or stormwater lakes should either be avoided or their effects mitigated through landscaping, buffering, fencing, or other means.

- The two proposed on-site outdoor play spaces located to the west and east of the proposed building abut the 153 Avenue Road Right-of-Way. At this time the road right-of-way is undeveloped. The play area to the east is also located adjacent to the Victoria Trail aerial roadway. A 6.0 ft high fence has been provided for both proposed play areas. There is concern that traffic travelling along these existing and potential future roadways will result in excess noise and traffic hazards for the children. It should be noted that children would be required to walk outside to gain access to the east play space as there is no direct access from an exterior door. Due to these reasons the Development Authority considers this on-site outdoor play spaces to be in an inappropriate location.

9. Section 54.4, Schedule 3(2) & 54.4 - Any development within the Community, Educational, Recreational and Cultural Service Use Classes up to 2800 m² shall provide a minimum of 1 loading spaces. Each required loading space shall be a minimum of 3.0 m in width, a minimum of 9.0 m in length.

Required: 1
 Proposed: 0
 Deficient: 1

10. Section 54.3, Schedule 2(1) - All Non-residential Use Classes outside the boundaries of the Downtown Area Redevelopment Plan require 5% of the number of vehicular parking spaces required under Schedule 1 to a maximum of 50 Bicycle Parking spaces with 5 Bicycle Parking spaces being the minimum to be provided.

Required: 5
 Proposed: 0
 Deficient: 5

11. Section 140.4(16) - Notwithstanding the Landscaping regulations of Section 55 of this Bylaw, where new development consists of replacement or infill within areas of existing housing, Landscaping shall be implemented as a component of such new development in order to replace vegetation removed during construction or to reinforce an established Landscaping context in the area.

- Required landscaping would have to be removed to accommodate the proposed Child Care Services. No Landscape Plan has been submitted as part of this application.

12. Section 55.4(8) - Existing vegetation shall be preserved and protected unless removal is demonstrated, to the satisfaction of the Development Officer, to be necessary or desirable to efficiently accommodate the proposed development. Trees and shrubs preserved on the Site may, at the discretion of the Development Officer, be credited to the total landscaping requirements.

- In order to accommodate the development approved landscaping in the north-east corner needs to be removed. A revised

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Landscape Plan that shows the relocation and/or removal of the landscaping approved under project number 33614743-004 should be provided.

13. Section 55.4(2) - Provision shall be made for adequate on-site pedestrian circulation, by means of sidewalks or walkways, to connect with public sidewalks and walkways adjacent to roadways or within right-of-ways abutting the Site.

- No walkways have been provided to connect this development with the adjacent public roadways. There is no designated sidewalk connections for movement within this site.

14. Section 55.4(4) - Any trash collection area, open storage area, or outdoor service area, including any loading, unloading or vehicular service area that is visible from an adjoining Site in a Residential or Commercial Zone, or from a public roadway other than a Lane, or from a Light Rail Transit line, shall have screen planting. The location, length, thickness and Height of such screen planting at maturity shall, in conjunction with a change in Grade or other natural or man-made features, be sufficient to block the view from any adjoining Residential or Commercial Zone, or from the public roadway or Light Rail Transit line. Such screen planting shall be maintained to provide effective screening from the ground to a minimum Height of 1.85 m. If, in the opinion of the Development Officer, screen planting cannot reasonably be expected to survive, earth berming, masonry walls, wood fencing or other man-made features may be permitted as a substitution.

- It is the opinion of the Development Officer that the proposed method of screening for the trash collection area (a garbage enclosure) is not adequate when viewed from Victoria Trail NW.

Rights of Appeal

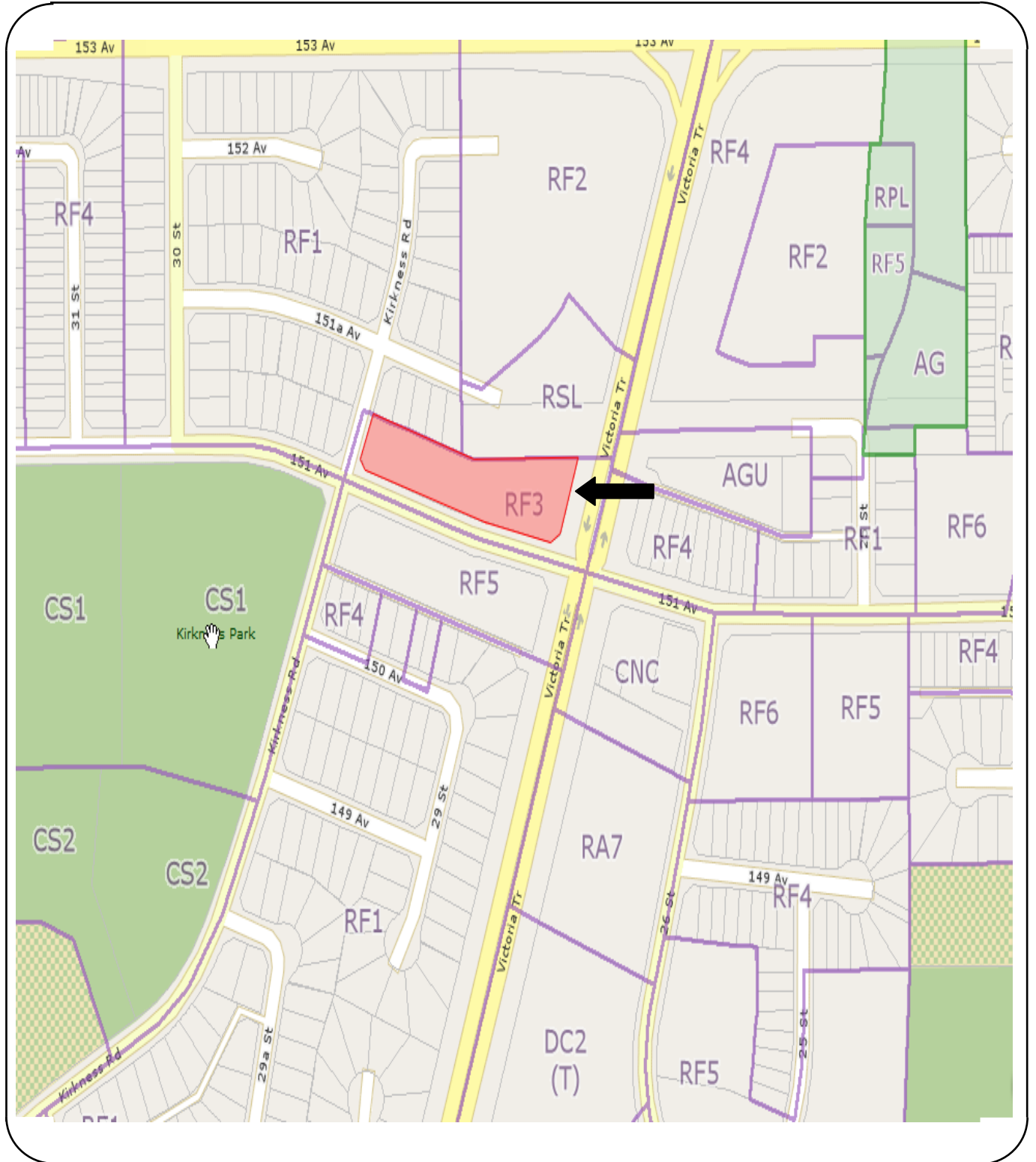
The Applicant has the right of appeal within 14 days of receiving notice of the Development Application Decision, as outlined in Chapter 24, Section 683 through 689 of the Municipal Government Amendment Act.

Issue Date: Mar 08, 2016 Development Authority: PEACOCK, ERICA Signature: _____

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Dev. Application Fee for GFA	\$88.00			
Lot Grading Fee	\$220.00			
Sanitary Sewer Trunk Fund 2012+	\$364.75			
Major Dev. Application Fee	\$811.00	\$811.00	2835915,02798388	Oct 21, 2015
DP Notification Fee	\$0.00	\$100.00	02798388	Oct 05, 2015
Total GST Amount:	\$0.00			
Totals for Permit:	\$1,483.75	\$911.00		
(\$572.75 outstanding)				

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SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-16-093



BUSINESS LAID OVER

SDAB-D-16-062	An appeal by <u>1101731 Alberta Ltd.</u> to operate an Automotive/Minor Recreation Vehicle Sales/Rental and to relocate an existing mobile office (Peace Motors) <i>April 20 or 21, 2016</i>
SDAB-D-16-094	An appeal by <u>Bill & Marlene Rich Vs Jagdeep Kahlon</u> to operate a Major Home Based Business (Auction to Auction – SAIHAJ Enterprises Ltd.) <i>April 27 or 28, 2016</i>
SDAB-D-16-084	An appeal by <u>Red Hammer Construction</u> to construct an addition and exterior alterations, and a rear covered deck (3.05 m by 6.25 m) to a Single Detached House <i>April 28, 2016</i>
SDAB-D-16-501	An appeal by Darren Crocker to demolish an existing building <i>May 25 or 26, 2016</i>

APPEAL HEARINGS TO BE SCHEDULED

160474324-006	An appeal by <u>1319416 Alberta Ltd. / Kennedy Agrios LLP</u> to replace a Roof Off-premises Sign with (1) Freestanding Minor Digital Off-premises Sign (6.1m x 3m). <i>April 14, 2016</i>
172854843-001	An appeal by <u>Capital Car & Truck Sales Ltd.</u> to comply with a Stop Order to comply with all conditions of Development Permit No. 139511609-001 before April 1, 2016 or Cease the Use (Operation of Automotive and Minor Recreation Vehicle Sales/Rentals Use and any subsequent Use) before April 1, 2016 and remove all stored material and equipment associated with the Use; including vehicles, tires, and vehicle parts before April 1, 2016 <i>May 25, 2016</i>
175846220-001	An appeal by <u>Capital Car & Truck Sales Ltd.</u> to remove all advertising signs located on the building before April 2, 2016 or submit a complete Development Permit Application which reflects the current sign(s) installed on the building before April 1, 2016 <i>May 25, 2016</i>