

**MINUTES OF THE MEETING OF THE SUBDIVISION
AND DEVELOPMENT APPEAL BOARD
WEDNESDAY, AUGUST 18, 2010 @ 7:00 p.m.**

Present:	Members:	C. Brown, B. Hawrelak, V. Lutz, D. Kilpatrick, P. Montieth, G. Shipley,
	Development Officers	D. Mastel and B. Crozier
	Confidential Secretary	C. Cranston
	Planning Consultant	K. Snyder
	Applicant/Appellant	Jaime Marsall
	GVN	D. Turner
Absent:	Municipal Secretary	S. Simon
	MPC Representative	W. Duncan

1. CALL TO ORDER

Confidential Secretary called the appeal hearing to order at 7:00 p.m., confirmed there was a quorum present to hear this appeal; and opened nominations for Chairman.

2. ELECTION OF CHAIRMAN

P. Montieth nominated D. Kilpatrick to be Chairman, seconded by B. Hawrelak. D. Kilpatrick accepted and assumed control of the appeal hearing.

3. APPEAL

Development Application 10-DP-092
Lot 4, Block 1, Plan 7911064 (25 Pembina Cres. NE) and
Lot 5, Block 1, Plan 7911064 (29 Pembina Cres. NE)
Appeal of Development Permit Conditions of Approval (Paving)

Chairman Kilpatrick asked Jaime Marsall if he had any objections to any board members hearing the appeal. Jaime Marshall advised he had no objections to any of the board members.

a) PRESENTATION OF APPELLANT

Jaime Marsall advised the Board that an application for a development permit had been submitted and approved with conditions. Condition #8 stated that he was to have the parking stalls and access ways to be surfaced and the way that it was explained to him was that surfaced means paved. He had thought surfacing would be gravel and he questioned whether everyone understands that surface means gravel.

He advised that their plans are surfacing the parking and access points with crushed gravel compacted similar to what a good percentage of the surrounding facilities have. That is why he filed the appeal. If everyone understands that surface would be gravel then it is a non-issue provided the compacted road crush meets the surface definition. He commented that as most of the properties in this area do not have pavement but do have gravel. He had assumed that there was no requirement for paving, and that compacted road crush gravel would be

adequate as a hard surface. He did not know that hard surfaced meant paved. He further stated that it is his long term plan to install paving sometime in the future.

b. PRESENTATION OF DEVELOPMENT OFFICER

D. Mastel advised that from her perspective the conditions that she asked for were typical conditions for a light industrial parcel. She further advised that she had requested assistance from Bill Crozier to determine the paving that was required. The paving is the Development Officers' interpretation of what surfacing meant.

B. Crozier agreed with D. Mastel. He advised that with previous applications for commercial development, in order to protect our roadway due to having two way truck traffic and the possibility of dragging debris onto the roadway, that it was a typical condition to extend the paving from our road surface to the front of the building. As indicated on the site plan provided with the application, the developer had indicated the parking spaces that were required in the Land Use Bylaw.

B. Hawrelak asked, from a building code perspective, what is required for a handicap parking. B. Crozier advised that under the Alberta Building Code a barrier free parking space has to have a hard surface and should be level so that a handicap person can get in and out of their vehicle to their wheel chair or get access to the structure. B. Crozier advised B. Hawrelak that under that clause of the building code, this means hard surface for that particular stall.

B. Hawrelak further questioned condition #10 which states "The access to the parcel shall meet the requirements of the construction standards and guidelines of the Town of Redcliff's Engineering Department. It was B. Hawrelak's understanding that there is a policy in the Town of Redcliff to restrict curb crossing access to a single point. He asked for clarification as to whether this policy has any relation to condition #10. D. Mastel advised that she spoke to the Town Engineer regarding the two access points and she was advised that when the property is developed it must meet Town standards. Further that she was not aware of the policy that B. Hawrelak mentioned. B. Crozier commented that in the Land Use Bylaw for M1 and M2 "access to the site from public roads shall be limited to one access point, unless otherwise approved jointly by the Town Engineer and the Development Officer, or the Commission, if applicable. So an applicant can ask for a second access to the property as long as it is on the plan and the Town Engineer would have them both signed. Often there is an in and out access for truck traffic, but the Town Engineer would have to sign off on the plan. B. Hawrelak commented that it was his understanding that this rule was to restrict parking across the full face of a commercial building as they wanted to control access/egress to two points to avoid the parking issues.

B. Hawrelak further questioned if there was a problem with approving development applications that break that rule or is that rule no longer in effect. B. Crozier commented that would prevent people from backing from the parking lot directly onto the street. B. Hawrelak commented that this may not be an issue in this area depending on whether there is a blended curb/sidewalk and boulevard. P. Monteith advised that there is no sidewalk just a narrow boulevard. B.

Hawrelak advised that he wanted to be clear on the rules for development of this nature.

J. Marsall asked if paving has been a condition on every development permit in the past 3-5, years. It was noted that in the past there had been some inconsistency; however the Town is trying to be more consistent with development applications. J. Marsall suggested that the condition for paving be implemented on new subdivision and not for old developments. Further that most people in that area have not confirmed to this and if it hasn't been a condition in the past but now it sounds like it is.

c. **PRESENTATION OF MUNICIPAL PLANNING COMMISSION**

No one from the Municipal Planning Commission was in attendance.

K. Snyder advised the Commission had no comments.

d. **PRESENTATION OF PLANNING CONSULTANT**

K. Snyder reminded the Board that they are not bound by precedent and the Board has the ability within this application or appeal to waiver or change any of the conditions or any of the approvals as they see fit.

He notes that the rationale of condition #8 comes from the Land Use Bylaw Section 52 5g) and 5h). 5G) states that aisles and driveways shall be surfaced within 12 months from completion of the development, and this suggests pavement or concrete, but is not entirely clear. 5H) talks about parking spaces and maneuvering aisles which shall be identified by pavement markings, which indicates the land use bylaw is implying concrete, pavement, paving stones, or something that can be physically marked up. The rationale is to protect the Town infrastructure and keep the gravel off the roads. It also enhances the cleanliness and attractiveness of the area having a hard surfaced front elevation. The Planning Consultant advised that It has been his experience, that the common practice in the Town for the past 5 – 10 years, with a few exceptions, has put this condition for pavement on all industrial and commercial uses.

He advised that this area is an older area with the subdivision being registered in 1979. There has been a long time between the initial subdivision and subsequent developments on various lots. Developments have probably all been under different standards and policies, over the years however the accepted practice is that when you develop you meet the standards of the day. Further that many of the developments that have been done in the past 5 – 10 years may look as if they did not have a condition for pavement, however it may be that they (the developer) has refused to conform with the condition, or the Town has not gotten to that particular property to enforce the condition.

K. Snyder proposed that the Board amend condition #8 as it relates to the boulevard section. He circulated a plan indicating the required paving area and the boulevard. It appears that the parking stalls would back directly onto a public road. The boulevard is not shown as a paved strip and in his opinion the boulevard should also be paved as well as it would not be appropriate to have a

paved strip, then a gravel boulevard and then pavement again on the street. He suggested that condition #8 be amended to include the requirement for the boulevard to be paved.

The Planning Consultant further suggested that an additional condition be added requiring the consolidation of Lots 4 and 5 which is more of a housekeeping amendment. Development is on two lots and we know that it is the intent to consolidate them however that should always be part of the conditions. You cannot have a building built across property lines.

Recommendations to the Board:

- Amend condition #8 to include pavement of boulevard and
- Add new condition requiring the consolidation of Lots 4 and 5

Discussion ensued with regard to approval of a development application prior to consolidation and whether this was legal. The Planning Consultant advised that in order for a permit to be valid there would have to be a condition requiring consolidation of the property; without this condition it could be an issue.

J. Marsall asked the Planning Consultant with regard to changing policies. The Planning Consultant advised that all properties are subject to planning practices and engineering standards changing over time and these are often driven by the province not just the Town. Over an extended period of time there are changes to standards and policies. The Town would not impose new standards upon a development that was completed several years prior to any change in policies and standards as these would apply to new developments as they occur.

e. PRESENTATION OF ANYONE SERVED NOTICE OF HEARING

Chairman Kilpatrick read comments received from A. Nelson who had no objections to the development. Mr. Nelson further commented that a gravel yard has less run off than paving and heavy loads also break up paving.

D. Turner, GVN advised that they own property in that area and develop most of the property in that area and it is an issue about the pavement for the last couple of years. You have to look at the businesses going into that area. He expressed concerns with the number parking stalls that are required in the Land Use Bylaw. Most of the buildings the public does not visit and the parking is just for their workers. It was noted that the building may change use upon sale and then the number of parking stalls required by a new owner/tenant may change.

f. PRESENTATION OF ANYONE CLAIMING TO BE AFFECTED

No one was in attendance.

g. REBUTTAL OF APPLICANT

J. Marsall stated that there has been property developed in the last few years that have had surfacing of hard packed gravel. When he went into this project based on surroundings and everything he had see maybe he was wrong to

assume that he would be able to build his property to a similar standard as the surrounding buildings.

The regulation indicating pavement markings was not clear to him if it applied just to commercial or if this was a bylaw for all of the Town of Redcliff but He assumed that the bylaw would be for all of the Town of Redcliff and there are household parking stalls don't have markings on them either nor are they paved in a lot of instances.

R. Hawrelak requested clarification of the curb crossing as indicated on the GVN drawing provided as no cross section was given. What does the 7.62 road access and angled back what does that mean. The drawing is indicating the property line and the curb. Access both sides is gravel. The street in the area has rolled curb.

J. Marsall stated that as the business owner there are 12 parking stalls indicated and he has 3 admin staff that would park out front. Potentially they would not have 12 vehicles going in and out of the parking lot everyday. Most of the access would be to the rear of the property.

R. Hawrelak questioned whether the applicant would be willing to provide a hard surfaces handicap access parking stall. There is a raised sidewalk with curb cut. J. Marsall advised that it is his intention in time to pave the parking stalls; however he has an issue with paving to the road access which adds considerable costs. R. Hawrelak advised that universal access is part of the building code throughout the country.

h) RECESS

G. Shipley moved the Board to recess at 7:29 p.m. and the Board met in camera.

Development Officers, Planning Consultant, J. Marsall, and D. Turner left the room at 7:29 p.m.

V Lutz moved that the Board reconvene at 7:43 p.m.

Development Officers, Planning Consultant, J. Marsall, and D. Turner returned to the room at 7:43 p.m.

Chairman D. Kilpatrick advised the applicant of the Board's decision and reasoning. Further that a letter stating the decision of the Board would be forthcoming.

i) DECISION

G. Shipley moved that the appeal against the decision of the Development Officer, in regard to condition of development #8 be denied.

Further that condition of development # 8 be amended as follows:

8. *Parking stalls and maneuvering aisles and portion of Town Boulevard shall be identified by pavement markings and have curb stops and shall be hard surfaced (concrete or pavement) within 12 months from completion of the development and thereafter maintained to the satisfaction of the Development Officer.*

Further that an additional condition of approval be added as follows:

11. *Consolidation of Lot 4, Block 1, Plan 7911064 and Lot 5, Block 1, Plan 7911064. – Carried.*

The Board indicated the reason for their decision is that

- The proposed development must be consistent with the regulations of the Land Use Bylaw.

4. **ADJOURNMENT**

V. Lutz moved the meeting be adjourned at 7:55 p.m.