

**MINUTES OF THE MEETING OF THE SUBDIVISION
AND DEVELOPMENT APPEAL BOARD**

MONDAY, MARCH 7, 2011 @ 7:00 p.m.

Present:	Members:	B. Hawrelak, V. Lutz, P. Monteith E. Reimer, G. Shipley
	Planning Consultant	K. Snyder
	Development Officer	D. Mastel
	Recording Secretary	S. Simon
	MPC Representative	D. MacDougal
	Appellant	G. Rushton, Baron Oilfield Supply K. George
	Affected	B. Vine, GVN (Property Owner)
Absent:	Members:	D. Kilpatrick C. Brown (alternate)

1. CALL TO ORDER

Municipal 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

V. Lutz nominated B. Hawrelak to be Chairman, seconded by P. Monteith. B. Hawrelak accepted and assumed control of the appeal hearing.

- 3.** Development Permit No 11-DP-004
Baron Oilfield Supply
Lots 11-14, Block 80, Plan 9310188
#9, 511 South Railway Drive NE
Redcliff, Alberta
Freestanding Sign and Outdoor Storage

Chairman Hawrelak asked G. Rushton and K. George, the Appellants, if they had any objection to any board members hearing the appeal. The Appellants advised they had no objections to any of the board members.

a. PRESENTATION OF APPELLANT

G. Rushton provided his written presentation to the Board as attached. G. Rushton proceeded to discuss his application, the history and his arguments for allowing the signage and storage areas.

Chairman Hawrelak commented that currently there are pipe racks and a waste disposal unit on the east end and he questioned the appellants if there are any intentions for the proposed storage areas on both the east and west ends to be paved and visually screened. G. Rushton confirmed that fencing is in place on the east side and that they would have to get permission from the owners to place fencing on the west side. They had no objections to fencing the area.

With regard to the waste disposal bin, G. Rushton noted that initially they had a smaller bin at the front of the building, D. Mastel and B. Crozier had expressed concern and they moved it to the east end with intentions to move it to the rear of the building this summer. Due to winter conditions limiting access to the rear they have left it on the east end for the time being. He also noted that they have increased the size of the bin as they outgrew the smaller bin.

G. Rushton noted that a condition of their lease agreement is to pave the storage areas and they were intending to complete it last fall. However, they were focused on completing the interior renovations first and winter set in prior to them completing the paving. With regard to paving of the front of the building, he noted that as far as he is aware the Town is asking that the owners, GVN, complete the paving of the front of the building which they support and would like to see completed.

Chairman Hawrelak questioned if the pump jack is to be placed on a pad, G. Rushton confirmed that it was. G. Rushton commented that the pump jack can be viewed from the highway and they have received positive feedback on it being used as signage. He commented that the pump jack is a good advertising feature and important to the sustainability of the business. He indicated that they intend to place decaling on the horse head and walking beam portion of the pump jack. Wording will include Baron Built Reconditioned Pumpjacks, with their logo and a contact number. Further that the pump jack will be replaced on a continual basis as they sell them and there could be varying sizes.

G. Rushton indicated that they would only ever have one assembled one in the side/front of the building and that there may be multiple un-assembled pump jacks on the west end.

b. PRESENTATION OF DEVELOPMENT OFFICER

D. Mastel referenced her report (attached) and provided some further background information. She advised that initial discussions and application from Baron Oilfield Supply indicated that there would be no outdoor storage. She confirmed the property is zoned C3 General Commercial District. She advised that when the pump jack was placed, she and B. Crozier had contacted Baron Oilfield Supply and advised them they would need a development permit. At the same time they learned that Baron Oilfield Supply was looking to have outdoor storage and suggested they add that to their permit application.

The application was taken to the Municipal Planning Commission for consideration and they had questioned how the pump jack, if continually being rotated out, could be classified as a permanent signage.

Discussion ensued. D. Mastel confirmed she has received no complaints from neighbouring residents. Further that she and B. Crozier are endeavoring to enforce clean up on certain properties in the area as per the Land Use Bylaw.

c. **PRESENTATION OF MUNICIPAL PLANNING COMMISSION CHAIRMAN**

D. MacDougall advised he was here on behalf of the Municipal Planning Commission and noted that B. Duncan, Chairman was unable to attend.

D. MacDougall commented that when the MPC reviewed this application no drawing with specifications was submitted. The MPC was looking for a drawing and not just a concept. D. MacDougall asked the appellant questions regarding the signage and type and size. G. Rushton confirmed it would be placing a decal on the pump jack and size would be dependent on the size of the pump jack.

D. MacDougal further noted that the MPC had discussed the appearance/aesthetics of a pump jack being used as signage as there is residential to the south and west and commercial to the east and they had concerns that it would look too industrial. It was questioned if screening would resolve the issue. G. Rushton expressed concern that someone in the area had expressed concerns, noting that they have a good positive relationship with the Sandwich Junction. It was confirmed that no formal complaints have been received, it's a matter of keeping the area tidy and presentable.

d. **PRESENTATION OF PLANNING CONSULTANT**

K. Snyder, Planning Consultant indicated one of the key issues for consideration of this application is the residential component to the south / southwest. He indicated he had no concerns with the fronting South Railway Drive and area Industrial / Commercial.

K. Snyder commented that the spirit of the Land Use Bylaw is that signage is consistent throughout the community and the Land Use Bylaw does not accommodate signage that is different / unique. Regarding storage the intent of the Land Use Bylaw is that storage be maintained in an orderly neat appearance primarily out of view from the public eye.

He noted that the storage proposed is not substantial, further that maintaining consistency with the surroundings is crucial as well as screening. He referenced the number of examples that the appellant had referred to in his presentation.

He commented to the Board that they have the ability to confirm or uphold the appeal and overturn the decision of the MPC with or without conditions. K. Snyder indicated he had no objections to the storage being approved but suggested that a condition of a height appropriate fence with screening (slats) be imposed. Further that regarding the signage he does not view the pump jack as permanent signage and suggested it be referred to as a display of a sample product and that it be limited to one in the front of the building.

P. Monteith questioned the location of the waste disposal container, commenting that both the pump jack and waste container will not fit in that area. G. Rushton confirmed that they plan to move the waste container to the rear of the building this summer. Once the area becomes paved, access to the rear will be easier. At the present time it is not accessible. Further they do not have the equipment capable of moving it right now, nor capable of moving the snow.

Chairman Hawrelak questioned if the fence is on the property line. B. Vine confirmed the fence was on the property line.

e. **PRESENTATION OF ANYONE SERVED NOTICE OF HEARING**

No one was in attendance.

f. **PRESENTATION OF ANYONE CLAIMING TO BE AFFECTED**

Bruce Vine, representing the property owner, was in attendance and remarked that the problem or difficulty with the application is that it is comprised of two components – storage and signage. He did not feel there was any reason given for the refusal other than quotes from the Land Use Bylaw. He further commented that the problem with the building is that there are industrial uses in the front of the building and residential to the rear. He questioned if storage was permitted in a C3 Zone and commented that it is not difficult to provide the screening but people will still be able to see in. Regarding the sign, it is in front and he sees no issues with it. With regard to the waste disposal container, B. Vine indicated that he thought it would be better maintained and looked after if it was in the front. The onus is on the lessees and you hope they are good corporate citizens.

B. Vine noted that the purpose of placing the current fencing was to keep the kids off the property.

P. Monteith questioned B. Vine if they intended to complete the paving, B. Vine advised that that is a separate matter and not an issue to be discussed at this meeting. D. Mastel confirmed that the condition of paving was part of the original development application.

g. **REBUTTAL OF APPLICANT**

G. Ruston referenced the discussions and commented that one of the issues seems to be with screening, he indicated they have no issues with that and want to keep their neighbours happy.

B. Hawrelak, questioned the appellants if they had any intentions for placing illumination and what their future intentions may be as they are in sales. He further questioned what the maximum height of any materials / equipment would be stored on site. G. Rushton indicated there would be nothing higher than their existing pipe storage other than the pump jack for the sign.

V. Lutz questioned if the existing signage on the building will be staying. They confirmed it would be. Brief discussion ensued relating to maximum allowable heights.

h. **OTHER**

No further comments.

i. **RECESS**

P. Monteith moved the Board to recess at 8:03 p.m. and the Board met in camera to discuss the situation.

Planning Consultant, Development Officer, Appellants, Municipal Planning Commission representative, Bruce Vine left the room at 8:04 p.m.

j. **DECISION**

P. Monteith moved that the appeal against the decision of the Municipal Planning Commission, to refuse to issue a permit for Freestanding Sign and Outdoor Storage, be upheld and that the decision of the Municipal Planning Commission be revoked. Further that a development permit for Baron Oilfield Supply on Lots 11-14, Block 80, Plan 9310188 (#9. 511 South Railway Drive NE) for a Merchandizing Display and Outdoor Storage be approved with the following conditions:

1. Merchandizing display to be limited to one assembled pump jack unit in proposed location.
2. Storage areas be permitted on the east and west ends as presented conditional to it being fenced and fencing providing visual screening (slats or alternate equivalent).
3. Fencing of entire property must be visually screened (slats).
4. Storage areas must be maintained in a neat and orderly fashion and must comply with all public safety regulations.

- Carried.

Further the Board advised the reasons for its decision is that the proposed use of a rebuilt/new pump jack as signage does not conflict with the surrounding Industrial / Commercial uses. Further that the requirement for screening supports visual hygiene of the area, the property being considered a buffer between a residential zoned area and that of adjoining/adjacent commercial & industrial zoned properties. Further, that the requirement for visual screening of the yard areas used for storage, due to the proximity of a primary entrance roadway to the Town of Redcliff (Mitchell Street).

The Board reconvened at 8:20 p.m.

Planning Consultant, Development Officer, Appellants, B. Vine rejoined the meeting at 8:20 p.m.

Chairman Hawrelak advised the applicant of the Board's decision and further advised that a letter stating the decision of the Board would be forthcoming.

Brief discussion ensued. G. Rushton expressed some concern that they do not lease the entire property and they are being asked to screen the entire property. B. Vine

indicated that the Board is putting the Appellants in a catch 22 situation since they do not lease the entire property, feeling it puts them in an unfair situation. Discussion ensued.

4. **ADJOURNMENT**

P. Monteith moved the meeting be adjourned at 8:30 p.m.

5. **Clarification Comment By the Chair**

Chairman Hawrelak notes that the discussion/debate that occurred Post-Decision Announcement is a reflection of in-adequate support drawings offered with the Application showing the precise extents of the requested storage area(s). The request for full-property screening is a reflection of the potential to store material not only to the East & West sides of the structure, but also to the South of the structure. Chairman Hawrelak notes that the intent of the Board is to provide visual screening of ANY exterior area used for storage. Should the South side of the building (adjacent to the rear Lane) be used for employee parking, this area would not require fencing.