



SUBDIVISION AND DEVELOPMENT APPEAL BOARD TOWN OF STONY PLAIN

4905 51 Avenue
Stony Plain, AB T7Z 1Y1
Telephone: 780-963-2151
Email: legislative@stonyplain.com

HEARING DATE: July 13, 2023
DECISION DATE: July 25, 2023
DEVELOPMENT APPLICATION: 2023-D0001

NOTICE OF DECISION

INTRODUCTION

On May 30, 2023 the Development Authority for the Town of Stony Plain conditionally approved an application to construct a multi-unit residential building (89 dwelling units) with a commercial ground floor and amenity space, including the following variances:

- 1) Minimum dimensions for a 90-degree compact car parking space varied from 2.50 m x 4.90 m to 2.50 m x 4.79 m;
- 2) Total amount of required parking stalls varied from 154 to 129;
- 3) Maximum building height varied from 20.00 m to 21.63 m;
- 4) Minimum west side lot line setback varied from 4.00 m to 3.81 m;
- 5) Minimum required landscape area varied from 20.00% of the site area to 16.32%.

The property is located at 4300 South Park Drive in the Town of Stony Plain and is a discretionary use within the C2 – General Commercial District under Land Use Bylaw 2671/LUO/23. The Subdivision and Development Appeal Board (the “SDAB”) heard the appeal on July 13, 2023.

PROCEDURAL MATTERS

A. Board Members

At the start of the hearing, the Chair of the SDAB asked if anyone in attendance had any objections or concerns related to the agenda or hearing process. No one came forward. The Chair also asked whether anyone would like to request a postponement of the hearing. No one came forward.

The Chair of the SDAB asked if anyone had any objection to the panel hearing the appeal. The Applicant and the Appellant confirmed they had no objections.

B. Exhibits

The SDAB marked the exhibits as set out at the end of this decision letter.

C. Procedural Matters

The appeal was filed in time, in accordance with Section 686 of the *Municipal Government Act*, RSA 2000, c M-26.

At the end of the hearing, the Chair of the SDAB asked the Applicant and Appellant if they felt they had a fair hearing. They confirmed they had.

The Chair of the SDAB closed the Public Hearing for Development Application 2023-D0001 and advised that the SDAB must provide a written decision together with the reasons for the decision within 15 days.

RECOMMENDATION OF THE DEVELOPMENT AUTHORITY

The Development Authority provided the SDAB with a written submission, which is contained in the agenda. The Development Authority conditionally approved application 2023-D0001 for the following reasons:

Rationale for Decision:

The Town's Development officers have the authority to vary any regulation of the Land Use Bylaw (LUB) as per Section 1.2.4.1. The proposed variances which are necessary to facilitate the development are a reasonable deviation from the LUB. The overall proposal for the site meets the intent of the LUB and higher statutory plans. This piece of land is the last area to be developed in a large commercial site and as such, has significant hardship. Size constraints and existing drainage patterns present challenges. It is in the opinion of the development authority that the proposed development would not unduly interfere with the amenities of the neighbourhood or materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land.

SUMMARY OF APPELANT'S POSITION:

Ken Arnold, President, and Bob Ross, Vice President of Sunrise Village Condominium Association, submitted that their concerns regarding the proposed development are:

1. The absence of any documentation showing how the storm water run off from Sunrise Village will be handled.
2. The possible effect of wind shearing and a wind tunnel will impact roofing material.
3. The sewer line which exits Sunrise Village to the east near the Bank of Nova Scotia and whether it has been included in the plans, as it would run directly under the proposed development. If the size of that line has been reviewed to ensure that it has the capacity to handle the sewage from the additional residences.
4. The planned building site of the proposed development is on land which in the past was a slough.
5. A 6-story building will affect owners who are directly west of this development as they will have significant decrease in quality of life and emotional well being.
6. Additional traffic flow.

SUMMARY OF APPLICANT'S POSITION:

The Applicant, Terri Collier submitted that:

1. There is a significant need for more supportive living housing in Stony Plain, seniors apartments that are designed for aging in place (target demographic 80 plus).
2. Mixed Use properties are becoming the most affordable and convenient sites for seniors' developments.
3. The proposed project will have several alternative transportation offerings.
4. The proposed property will have a robust volunteer program.
5. The developer is seeking a cluster care contract with Alberta Health Services.
6. This development will help seniors fight isolation.
7. The units will vary between 1300 – 2700 sq ft.
8. There will be 45 underground parking stalls.
9. The parking study provided indicates there is adequate parking.
10. The developer is working with a landscape architect.

EVIDENCE

Evidence presented to the SDAB included:

- The SDAB Agenda Package dated July 13, 2023.
- Written submission (as presented in agenda package) and verbal presentation from Development Authority.
- Written submission (as presented in agenda package) and verbal presentation from the Appellant.
- Written submission (as presented in agenda package) and verbal presentation from the Applicant.
- Letter of concern signed by thirty-six residents of Sunrise Village.
- Verbal evidence by the Applicant was provided to indicate that additional landscape architecture would be installed on the rooftop of the development.
- Verbal presentation from Tom Goulden, Chief Administrative Officer, on behalf of the Town of Stony Plain.

FINDINGS OF FACT

1. The subject property is located at 4300 South Park Drive.
2. The subject property is located in the C2 – General Commercial District.
3. Multi-unit dwelling is a discretionary use within the C2 District.
4. The subject property is designated as CMU – Commercial Mixed Use within the South Business Park Area Structure Plan.
5. The proposed development is comprised of both high density residential and commercial uses.
6. The proposed development provides for a commercial ground floor as required in the C2 District for multi-unit dwelling uses.
7. The Development Authority noted that the size of the development is proportionate to the lot size and fits the zoning requirement.
8. One commercial parking stall is required per 50m² of commercial space.
9. The parking requirements for a Multi unit dwelling are:
 - a) 1 space per Dwelling Unit containing 1 or fewer bedrooms,

- b) 1.5 spaces per Dwelling Unit with 2 or more bedrooms,
 - c) tandem parking is allowed to a maximum of 10%.
10. The proposed development requires the following variances to the development regulations of the C2 District:
- a) Minimum dimensions for a 90-degree compact car parking space varied from 2.50 m x 4.90 m to 2.50 m x 4.79 m;
 - b) Total amount of required parking stalls varied from 154 to 129;
 - c) Maximum building height varied from 20.00 m to 21.63 m;
 - d) Minimum west side lot line setback varied from 4.00 m to 3.81 m;
 - e) Minimum required landscape area varied from 20.00% of the site area to 16.32%.
11. As per Land Use Bylaw 2671/LUO/23, the Development Authority may vary any regulation of the bylaw and issue a development permit even though the proposed development does not comply with one or more regulations of the bylaw or is a non-conforming building if the proposed development:
- (a) Conforms to the use prescribed for that land or building in the bylaw; and
 - (b) would not unduly interfere with the amenities of the neighbourhood or materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land.
12. The provided Traffic Impact Assessment states there are 510 parking spaces in the adjacent commercial park lot. Based on the Town's Land Use Bylaw, commercial facilities require one (1) space per 50.0 m² of gross floor area or a total of about 175 stalls. The existing shopping centre significantly exceeds this parking requirement.
13. The 20.00 metre height restriction has existed since at least the 2015 Land Use Bylaw changes.
14. Consistent zoning for this lot has existed since at least 1994.
15. Thirty-six residents of Sunrise Village signed a letter stating they had a concern regarding parking, however there was no supporting documentation submitted to support this concern.
16. Sewer, storm water, soil conditions and traffic considerations are determined through the Municipal Development Standards and are not subject to development permit approval.

DECISION OF THE SUBDIVISION AND DEVELOPMENT APPEAL BOARD

In making this decision, the SDAB reviewed all the evidence presented and considered provisions of the following legislation:

- Land Use Bylaw 2671/LUO/23
 - Section 1.2.0. Powers and Duties of the Development Authority
 - Section 2.11.0. C2 – General Commercial District
 - Section 4.1.1. General Parking Regulations
 - Section 3.7.0. Landscaping
 - Section 6.1.0. Definition - Multi-unit Dwelling
- South Business Park Area Structure Plan
- Uniquely Stony Plain Municipal Development Plan 2020

The SDAB DENIES the appeal and UPHOLDS the decision of the Development Authority made on May 30, 2023, to approve development application 2023-D0001, and APPROVES the development permit with the following clerical amendment recognized by the Development Authority:

Condition #5 of original decision

- I. That, the proposed building(s) must conform to the Land Use Bylaw C2 District regulations in which the lot is located, as well as Section 3.10.0 Yards and Projections into Yards.

REASONS FOR DECISION

The SDAB is of the opinion that:

1. The variances provided are within the scope and intent of the Town's Land Use Bylaw and Area Structure Plan and can be accommodated on the proposed site.
2. In accordance with section 687(3)(d) of the Municipal Government Act, the variances would not unduly interfere with the amenities of the neighbourhood and the proposed development conforms with the use prescribed for the land within the Land Use Bylaw.
3. It is the opinion of the Development Authority that the proposed development and variances would not materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land.
4. The variance is a reasonable deviation from the applicable Development regulations.
5. The development does not encroach an easement or lot line.
6. The existing parking lot has sufficient capacity to accommodate the parking variance.
7. The reduction in landscape area is consistent with the design of the entire complex.
8. There was no direct correlation between the appellants evidence and the variances requested.

For these reasons, the Board denies the appeal and approves the development application with the amended condition noted.

This decision was issued on this 25th day of July 2023, for the Town of Stony Plain Subdivision and Development Appeal Board.



Justin Laurie, Chair
Subdivision and Development Appeal Board

Pursuant to Section 688(1)(a) of the Municipal Government Act (MGA), an appeal of a decision of the Subdivision and Development Appeal Board lies with the Alberta Court of Appeal on a matter of law or jurisdiction. In accordance with Section 688(2)(a), if a decision is being considered, an application for permission to appeal must be filed and served within 30 days after the issuance of the decision and, notice of the application for permission must be provided to the Subdivision and Development Appeal Board and in accordance with Section 688(2)(b), any other persons that the judge directs.

APPENDIX A:
REPRESENTATIONS

PERSONS APPEARING

1. Justin Young, Development Authority
2. Ken Arnold, Appellant
3. Bob Ross
4. Terri Collier
5. Tom Goulden

APPENDIX B:
DOCUMENTS RECEIVED AND CONSIDERED BY THE SDAB

	Description	Date	Pages
I.	SDAB Agenda Package	July 13, 2023	101