

**MINUTES OF THE PARKLAND COUNTY SUBDIVISION & DEVELOPMENT APPEAL BOARD
(THE "BOARD") MEETING HELD IN COUNCIL CHAMBERS AT THE COUNTY OFFICE ON
SEPTEMBER 24, 2018**

CALL TO ORDER

Chairperson, D. Smith, called the meeting to order at 2:00 p.m.

PRESENT

Members: M. Chambers, K. Linder, P. Kobasiuk, D. Smith, L. Niblock

Clerk: L. Tyerman

Counsel for the Board: A. Atwal

Recording Secretary: L. Tyerman

ADOPTION OF MINUTES

- I. Moved by L. Niblock that the August 13, 2018 meeting minutes be adopted, as presented. **Carried**

ADOPTION OF AGENDA

- I. Moved by K. Linder that the September 24, 2018 agenda be adopted, as presented. **Carried**

NEW BUSINESS

2:00 p.m. Appointment

An Appeal of Development Permit No. 18-D-289 for Industrial Storage and Warehousing (Gravel stockpile and sales yard) located at Lot 631/629, Block 1, Plan 1224428 Acheson Zone 5, NE-32-52-26-W4 Municipal Address 28424 99 AVE and 28354 99 AVE.

Appellants:

- i. Jeremy McConnell (United Construction)
- ii. Bill Burnett (Trailblazer RV Centre)
- iii. Robert Young (Techmation Electric & Controls Ltd.)

Applicant:

- i. Alberta Rock Products

The Chairperson opened the Hearing at 2:04 p.m.

Present Administration Staff

Feinan Long, Development Planner

The Chairperson asked if anyone affected by the appeal had any objection to the Board Members present. There were no objections.

The Chairperson introduced L. Tyerman, Clerk to the Board. The Chairperson advised that it is the Board's practice to have the Clerk participate in private discussions with the Board and asked those present if there were any objections; there were none. The Clerk introduced the Appeal into the record.

The Chairperson asked if anyone in attendance had any additional materials they would like to submit before commencement of the hearing. Brian Keltie, on behalf of the Applicant came forward to submit speaking notes of the Applicant. The Board accepted the speaking notes and the Clerk distributed the materials to all parties present at the hearing. There were no objections to the document being submitted.

The Chairperson explained the order of proceedings for the hearing, and asked those in attendance if they had any concerns with the process outlined. There were no concerns expressed.

Submission of the Development Authority

F. Long, Development Planner, read the Development Authority's Administrative Report into the Record and provided the following:

- The proposed development is located in Acheson within the Business Industrial (BI) District.
- The use is considered discretionary according to the Parkland County Land Use Bylaw.
- The Applicant proposes to use Lots 629 and 631 for commercial and residential gravel and landscaping material storage and sales yard, with a 24' x 36' portable office.
- There would be up to three employees working on the site, with approximately 20 visits per day. The hours of operation are 8 am to 5 pm, up to 6 days a week.
- The proposed use is generally consistent with the *Municipal Government Act (MGA)*.
- As a discretionary use in the Business Industrial (BI) District, the Applicant has a right to this use if it is deemed reasonably appropriate and in compliance with the provisions set out in the LUB. The LUB does not specifically exclude this type of use within the BI District.
- The Applicant proposes to plant trees and shrubs along the property lines to provide visual abatement.
- The application was reviewed by the County's Land Development Engineering unit and the proposed site improvements, such as grading, approach constructions and servicing details were accepted.
- There are many similar businesses within the Acheson BI District.

When questioned by the Board, Ms. Long answered that the vacant lot to the west of the development is not owned by the Applicant.

When questioned by the Board, Ms. Long replied that the lack of specific directions in the Land Use Bylaw and the presence of numerous gravel storage yards across the highway made the Development Authority feel that it would be unfair to impose additional conditions on the Development Permit other than those that were included in the approval.

When questioned by the Board, Ms. Long responded that if a time limit condition was imposed the Development Authority would suggest that 2-5 years' time would be adequate to see if the business fits within the neighbourhood.

When questioned by the Board, Ms. Long answered that she was not aware of any consultation by the Applicant with the Development Authority prior to purchasing the property.

When questioned by the Board, Ms. Long stated that the development currently meets the setback requirements of the Land Use Bylaw, as does the landscaping plan.

When questioned by the Board, Ms. Long replied that she did have email correspondence with the Applicant prior to the purchase of the land.

When questioned by the Board, Ms. Long said that she could not name any gravel stockpiles within the Acheson Industrial Park.

Submission of the Appellant, United Construction

Carl Jaritsma spoke on behalf of Jeremy McConnell and United Construction.

- Mr. Jaritsma stated that the property in question is located on highway frontage and a more "business" area. Other businesses neighboring are high quality and finished in a way to promote commercial commerce.
- United Construction, Techmation and Trailblazer RV have chosen this location because they each understand curb appeal and highway frontage appeal. They have all chosen to do higher end buildings.
- This is no place for an atco trailer and plies of gravel for sale.
- There are plenty of other properties in the area that are better suited for this type of development.
- They believe this property should be used for a commercial office space. This approval would negatively affect the use, enjoyment and commerce of the adjacent properties.
- United Construction would like to see the permit be denied.
- When United Construction applied for their Development Permit they had to "jump through hoops" with Parkland County's Development Planning Department to obtain their permit.

When questioned by the Board, Mr. Jaritsma clarified that United Construction does not have any gravel stock piles or stock piled materials. They have storage sheds and sea-cans. He showed the Board photos from the agenda package which depict the layout of their property as it relates to the surrounding businesses. The yard is in the back.

When questioned by the Board, Mr. Jaritsma said that he is not aware of any architectural controls or caveats for his property.

When questioned by the Board, Ms. Long said that any architectural controls or caveats on the property are unknown to her.

Submission of the Appellant, Techmation Electric & Controls Inc.

Robert Young, Director of Techmation Electric & Controls Inc. read his letter of appeal to the Board (pages 17-26 of the agenda package). Some of the main concerns of Techmation included:

- Highway frontage is important to the businesses located in Acheson.
- Existing businesses along the highway frontage have great curb appeal and the gravel stockpile and sales yard will compromise the overall curb appeal of the Highway 16A.
- Wear and tear on the road will affect staff and customers.
- Lack of height restrictions on the gravel piles will impede highway frontage views.
- Techmation received a Bricks and Mortar Award in recognition of its high curb appeal and unique building feature.

Mr. Young read out loud the submission of Techmation Electric & Controls Inc. (pages 79-85 of the agenda package). Mr. Young provided the following reasons for their opposition of the Development Permit:

- Per section 7.1(1) of the Land Use Bylaw, Techmation feels that the gravel storage and sales yard does not meet the described "purpose" as the proposed development is "along high-visibility Highways".
- Section 7.1.4.c.ii of the Land Use Bylaw states that "loading bays shall be located in such a manner as to not impede the efficient flow of traffic and pedestrian movement and to minimize impacts on adjacent land uses". Techmation argued that the constant flow of traffic

into and out of the gravel storage area would cause congestion on a road that already sees a significant amount of traffic from large trucks and is located on a corner which poses a safety concern.

- Section 7.2.1.a states that "a high landscaping standard is required to improve the appearance of new development along high-visibility Highways and County main roads". Techmation argued that the proposed development does not fit this standard and will affect the esthetics of the surrounding businesses along Highway 16A.
- Section 11.2.1 states that "The quality of exterior treatment and design of all buildings, where development permit approval is required, shall be to the satisfaction of the Development Authority", further to this, section 11.2.2.a states that "all buildings shall be attractive in appearance, with facades that apply compatible and harmonious exterior finishing and, where applicable, buildings shall comply with any architectural/design guidelines in an area structure plan". The buildings currently on the highway frontage (Trailblazer RV, Techmation Electric and United Construction) all complement each other visually and the addition of an Atco trailer and gravel piles would negatively affect this balance.
- Section 7.3.5.a states that "industrial uses shall not create any nuisance effect beyond their property boundaries". Techmation argued that the piles of gravel would create dust and debris causing potential damage to staff and customer vehicles, as well as affecting the health of those with compromised breathing. The constant noise from heavy equipment would be a nuisance to administrative staff, affecting their ability to carry on business.
- Section 7.1.5.c states that "Safety and risk assessment is an integral component of the industrial development permitting process". The addition of a high traffic business with heavy machinery at the proposed location would increase the chances of vehicle collisions especially during the winter months.

When questioned by the Board, Mr. Young said that the second lot to the east of Techmation is a gravel yard.

When questioned by the Board, Mr. Young stated that the picture included in the agenda package is of the office building, and the fenced area surrounding their storage is fenced with slats.

When questioned by the Board, Mr. Young answered that he can't speak in detail regarding the architectural guidelines in the area. He said there were many discussions with the land owner and developer regarding the type of development on the site when Techmation bought their land.

When questioned by the Board, Mr. Young said that currently there are heavy trucks from neighbouring businesses that park on the street. Mr. Young believes that the addition of the proposed development will cause congestion on the road.

When questioned by the Board, Ms. Long replied that the Development Permit Application was reviewed by the County's Engineering Services department.

Submission of the Appellant, Trailblazer RV

Bill Burnett, co-owner and General Manager of Trailblazer RV spoke on behalf of Trailblazer RV and stated the following:

- The company currently employs about 20 people but this fluctuates depending on the time of year.
- They had the choice of being on the other side of the highway but chose their current location because of its higher curb appeal.
- Trailblazer spent a million dollars to strip, grade and pave their lot.
- They have concerns regarding keeping the RVs clean with an open gravel operation producing dust next door.
- Traffic is of a concern, as well as mud on the roadway.
- The corner of 99 ave and 283 street is of a concern. There has been a major accident there before.
- The driveway entering Trailblazer RV is close to the proposed driveway for the gravel development, congestion could be an issue.

When questioned by the Board, Mr. Burnett said that Trailblazer had to put up a bond with respect to their landscaping. Mr. Burnett commented that he did not feel adjacent businesses received enough information about the development prior to the hearing.

Submission of the Applicant, Alberta Rock Products Ltd.

Brian Keltie spoke on behalf of Alberta Rock Products Ltd. Mr. Keltie made the following submissions:

- Alberta Rock Products has been operating for 26 years and is a member in good standing in the community.
- The gravel sales yard does not require a large fancy building like that of the Appellants.
- The gravel sales yard will not be an eyesore, photos of Alberta Rock Products current operation in west Edmonton prove this.
- The building that will be located on the property will not be an atco trailer. It is a wood framed building with siding.
- The detailed landscaping plan will provide visual abatement and feature attractive trees.
- Gravel stockpiles will be kept neat and orderly and will not be overly high.
- The proposed development will be visually appealing.
- The traffic flow on the road is light and the proposed development is not going to produce large volumes of traffic, typically about 20 vehicle movements.
- The main approach to the site will be from the west end of the site.
- Alberta Rock Products plans to use its own products to beautify the site and showcase their materials.
- Techmation has a gravel yard and a shop and heavy equipment on their site, this causes as much dust as the proposed development will.
- Techmation and Trailblazer RV have landscaping issues including weeds on Highway 16A.
- Techmation and United Construction both have gravel yards, atco trailers and sea-cans on their property.
- Neighbours in the company's current location have not had any issues with Alberta Rock Products and some have provided letters of support for the Applicant.
- Gravel sales yard is a temporary use, the site could be used for future development. If the Appellants were worried about their highway frontage they should have bought in an area with a restricted covenant preventing developments such as the proposed use. Additionally the Appellants could have purchased the land themselves.
- The developer from whom the land was purchased determined that the use was compatible for the area.

When questioned by the Board, Mr. Keltie replied that the highest level he would stockpile gravel is 10 feet.

When questioned by the Board, Mr. Keltie answered that the landscaping plan submitted as part of the Application only shows a part of what they would install for landscaping. They would use landscaping as a means to showcase their products.

When questioned by the Board, Mr. Keltie said that the intended use would be long term. The Development Permit does not have an end use date.

When questioned by the Board, Mr. Keltie indicated that the entrance to the business would be from 99th Avenue.

When questioned by the Board, Mr. Keltie said that someone driving down the highway you would see a fence, and to the north of the fence would be landscaping such as trees and rocks. Stockpiles will be visible but not high, and kept in a neat and orderly manner.

When questioned by the Board, Ms. Long advised that the Land Use Bylaw requires that trees planted be a minimum caliper of 2.5 inches.

Mr. Keltie advised that there is a gravel operation in the area, Scorpion Sand and gravel is right beside Glowing Embers RV Park along the same highway frontage.

Mr. Keltie advised that he would be open to planting larger or taller trees if the Board wished to impose that condition.

RECESS

The Chairperson recessed the meeting at 3:37 p.m., and reconvened the meeting at 3:46 p.m.

When questioned by the Board, Mr. Keltie indicated that the intent is to request from Alberta Transportation that they be allowed to cut the grass further from their property line, down towards the ditch so that it would further accentuate their own landscaping.

When questioned by the Board, Mr. Keltie said that he would have a gate on his fence to allow for staff to cut the grass outside of the fence.

Submission of the Applicant Continued, Alberta Rock Products Ltd.

Vern Hardman, Legal Counsel for the Applicant began his comments by saying that he apologizes on behalf of his client for the lack of engagement with the adjacent businesses prior obtaining a Development Permit. Mr. Hardman also stated the following:

- The development will not adversely affect the visual impact of the highway frontage.
- The Applicant plans to maintain the yard in a neat and orderly manner.
- The Applicant has never received any complaints about dust or anything else at their Edmonton location.

When questioned by the Board, Mr. Hardman replied that access to the property is from 99 ave, which he would consider the front of the property.

When questioned by the Board, Mr. Keltie answered that 95% of the stock will be gravel products.

Closing Remarks of the Applicant, Brian Keltie

Mr. Keltie said that when he purchased the property for business purposes he did not anticipate that an appeal would be filed against his proposed development. He said that had he known an appeal would be filed he may not have purchased the property. Mr. Keltie said that he regrets not engaging with the neighbours prior to making the land purchase, but if the appeal is denied, and his permit is upheld he plans to be a good neighbour.

Closing remarks of the Appellant, Carl Jaritsma on behalf of Jeremy McConnell and United Construction

Mr. Jaritsma said that Scorpion Gravel is along highway frontage but has a separate service road that leads to the entrance. Mr. Jaritsma said that he believes the weed control on County land should be dealt with by the County. United Construction considers the highway facing portion of their business to be the front of the building.

Closing remarks of the Appellant, Robert Young, Director of Techmation Electric & Controls Inc.

Mr. Young stated that the front of the Techmation building is along highway frontage. He added that most businesses in the area have a gravel yard which is packed and does not cause disturbance, while a gravel yard with stockpiles would likely cause disturbance due to the movement of the gravel.

Closing remarks of the Appellant, Bill Burnett, Trailblazer RV

Mr. Burnett said that his biggest concern is that the grade of the proposed development site is 1 metre higher than that of his yard. He said that his fear is that when gravel is put on top of the topsoil on the property, and there will be run off onto his property. He stated that his fear is that the site will become a mud pit.

When questioned by the Board, Ms. Long said that the site plan and grade was approved by County Engineers.

Ms. Long submitted three permits given to businesses of a similar nature. No one present at the hearing objected to the additional materials. The materials were marked as exhibits.

RECESS

The Chairperson recessed the meeting at 4:19 p.m., and reconvened the meeting at 4:32 p.m.

The Chairperson asked those in attendance if they had any concerns with the hearing process, there were no concerns.

The Chairperson asked the Board if it was satisfied with the amount of information it had received at the meeting, the Board agreed that it had.

ADJOURNMENT

The Chairperson adjourned the meeting at 4:41 p.m.

Chairperson