MUNICIPAL PLANNING COMMISSION
AGENDA (MPC)

Wednesday, December 11, 2013 - Council Chambers, City Hall

Call to Order: 9:00 AM

1. Call to Order

2. Approval of Minutes
   
   2.1 Confirmation of the Minutes of the Wednesday, November 27, 2013 Municipal Planning Commission Meeting.

2.2 Approval of Minutes

3. Old Business
   
   3.1 Tabled Proposed Subdivision of Blocks within City Queens Business Park - Phase 2 & 3

   3.2 Tabled Addition to Saputo Dairy Products Canada G.P. - 5410 50 Avenue

4. Subdivision
   
   4.1 Subdivision Report - Proposed Subdivision to create two large parcels for future development - within SW ¼ Sec 26;38-27-W4

   4.2 Subdivide Lot - Commercial lot. L-7 Inc. - 6791 65 Avenue

5. Next Meetings
   
   5.1 The next MPC meeting will be held on Wednesday, December 18, 2013 in Council Chambers at 9:00 AM

6. Adjournment
PRESENT:

Members:
Mayor Tara Veer
Peter Holloway, Citizen Representative
Rob Kelham, Citizen Representative
Jeff Laurien, Citizen Representative
Carol Mah, Citizen Representative
Councillor Ken Johnston
Councillor Dianne Wyntjes

Administrative Liaisons:
Kim Fowler, Director of Planning Services
Howard Thompson, Inspections & Licensing Manager

Support Staff:
Bev Glass, Development & Licensing Supervisor
Frank Colosimo, Engineering Services Manager
Tara Lodewyk, Manager of Planning
Orlando Toews, Senior Planner
Lynn Iwine, Committees Coordinator

Resources:
Michelle Baer, City Solicitor
I. **APPROVAL OF THE OCTOBER 16, 2013 MINUTES**

Moved by Peter Holloway, seconded by Carol Mah

"Resolved that the Municipal Planning Commission meeting minutes of Wednesday, October 16, 2013 be adopted as transcribed."

IN FAVOUR: Peter Holloway, Rob Kelham, Jeff Laurien, Carol Mah, Councillor Ken Johnston, Councillor Dianne Wyntjes, Mayor Tara Veer

MOTION CARRIED

2. **NEW BUSINESS**

2.1 True-Line Contracting Ltd.

140 4731 61 Street

Red Deer, AB T4N 7C9

A Development Permit application has been received for an 18 unit multi-attached development to be located at 129 Viscount Drive (Lot 156, Block 5, Plan 1225007), zoned R2.

Gregg Broks, on behalf of the applicant, was present to answer questions and concerns posed by the Municipal Planning Commission.

After discussion, the following motion was introduced:

Moved by Jeff Laurien seconded by Councillor Ken Johnston

"Resolved that the Municipal Planning Commission approves the site development for the discretionary use of 3 multi-attached buildings, with a total of 18 dwelling units with a 5.5 metre rear yard to dwelling, and a 3.67 metre rear yard back, in accordance with the plans approved on November 27, 2013, to be located at 129 Viscount Drive (Lot 156, Block 5, Plan 1225007) zoned R2.

Approval is subject to the following conditions:

1. The owner is required to submit a site plan, satisfactory to Engineering Services which must include:
   a. Storm water management plan;
   b. Pre and post development land elevations for the site including drainage patterns;
   c. Easement boundaries;
   d. Erosion control plan features;
e. Location of all planned deep (water, sanitary, and storm) and shallow (ATCO Gas, EL&P, Telus, and Shaw) utilities.

2. The owner is required to apply and pay for a driveway crossing through the Engineering Customer Services Section, satisfactory to Engineering Services.

3. The owner is required to provide a fence along the rear of the property to separate the site and the TransCanada pipeline area, satisfactory to the Development Officer.

4. The decision of the Municipal Planning Commission being advertised in a local newspaper and no appeal against the decision being successful."

IN FAVOUR: Peter Holloway, Rob Kelham, Jeff Laurien, Carol Mah, Councillor Ken Johnston, Councillor Dianne Wyntjes, Mayor Tara Veer

MOTION CARRIED

2.2 Neoteric Architecture
101, 224 – 11 Avenue SW
Calgary, AB T4R 0C3

A Development Permit application has been received for a 69 unit multi-attached development to be located at 298 Carrington Drive (Lot 4, Block 1, Plan 132-3759) zoned R3.

Glenn Edwards and Sean Reid, on behalf of the applicant, were present to answer questions and concerns posed by the Municipal Planning Commission.

After discussion, the following resolution was put forward:

Moved by Rob Kelham, seconded by Councillor Dianne Wyntjes

"Resolved that the Municipal Planning Commission approves the site development for the discretionary use of 10 multi-attached buildings, with a total of 69 dwelling units with a maximum height of 8.35 metres consisting of 3 storeys, with a 4.88 metre minimum frontage, and a site area of 11,565m², in accordance with the plans approved on November 27, 2013, to be located at 298 Carrington Drive (Lot 4, Block 1, Plan 132-3759) zoned R3.

Approval is subject to the following conditions:
1. The owner is required to submit a site plan, satisfactory to Engineering Services which must include:
   a. Storm water management plan;
   b. Pre and post development land elevations for the site including drainage patterns;
   c. Barrier free ramps at crossing locations;
   d. The secondary emergency access location must be all weather accessible such as turf stone;
   e. Erosion control plan features;
   f. Location of all planned deep (water, sanitary, and storm) and shallow (ATCO Gas, EL&P, Telus, and Shaw) utilities;
   g. Main site access must be centred opposite the “T” intersection or off-set a minimum distance of 45 metres from the centerline of the opposing roadway (within 1.5 metres of the centre projection);
   h. A 3 metre wide asphalt access alignment location of the public pathway system.

2. The owner is required to apply and pay for a driveway crossing, through the Engineering Customer Services Section, and location must be approved, satisfactory to Engineering Services.

3. The owner is required to make an application to, and pay for, either a third party work order or a Development Permit Development Agreement for the 3 metre wide asphalt trail, through Engineering Customer Services.

4. The owner is required to apply and pay for an Encroachment Agreement for parking and access location within the right of way, satisfactory to Engineering Services.

5. The decision of the Municipal Planning Commission being advertised in a local newspaper and no appeal against the decision being successful."

IN FAVOUR: Rob Kelham, Jeff Laurien, Councillor Ken Johnston, Councillor Dianne Wyntjes, Mayor Tara Veer

OPPOSED: Carol Mah, Peter Holloway

MOTION CARRIED
2.3 Saputo Dairy Products Canada G.P.
5410 50 Avenue
Red Deer, AB T4P 2L4

A Development Permit application has been received for a 2972.46m² addition and a 293m² addition to the existing Saputo facility, located at 5410-50 Avenue (Lot 45, Block 12, Plan 972-0467), zoned DC(28)HS-10.

Kevin Hyshka and Nicholas Lajoie, on behalf of the applicant, were present to answer questions and concerns posed by the Municipal Planning Commission.

After discussion the following resolution was put forward:

Moved by Dianne Wyntjes, seconded by Peter Holloway

"Resolved that the Municipal Planning Commission approves the discretionary use of a 2972.46m² addition and a 293m² addition to the existing Saputo facility, with 1319m² of landscaped area, as per the plans approved on November 27, 2013, located at 5410-50 Avenue (Lot 45, Block 12, Plan 972-0467), zoned DC(28)HS-10.

Approval is subject to the following conditions:

1. The owner is required to provide a site plan, satisfactory to Engineering Services, which must include:
   a. Location of all proposed deep (water, sanitary, and storm) and shallow (ATGO Gas shallow (ATCO Gas, EL&P, Telus, and Shaw) utilities;
   b. Site drainage for the entire site;
   c. Erosion control plan;
   d. Dimensioned access locations with respect to the layout of the site and the site and the surrounding roadways;
   e. Drive paths for trucks accessing and exiting the proposed expansion.

2. The owner must complete the following, satisfactory to Engineering Services:
   a. Discharge the existing Right of Way 972 0468. To facilitate the discharge of this Right of Way, a letter is required by ATCO Gas confirming that ATCO Gas has no further interest in the existing Right of Way and verification, by ATCO Gas, that all infrastructures within the Right of Way have been removed;
   b. Verify that the proposed expansion is functional in design and allows trucks to enter from the south and exit to the north;
c. The owner must make application for a driveway crossing, satisfactory to Engineering Services.

3. The owner is required to obtain a Demolition Permit through the Inspections & Licensing Department.

4. The owner is to submit a revised landscape plan to include some landscaping treatment within the proposed southern parking lot area in order to provide some visual screening of the proposed parking lot and building from Gaetz Avenue, satisfactory to the Parks & Open Space Designer.

5. The decision of the Municipal Planning Commission being advertised in a local newspaper and no appeal against decision being successful.”

Prior to voting on the preceding motion, the following amending motion was put forward:

Moved by Councillor Dianne Wyntjes, seconded by Peter Holloway

“Resolved that the Municipal Planning requests that the historical significance of the Alpha stack be recognized at the Saputo facility, located at 5410-50 Avenue.”

IN FAVOUR: Carol Mah, Peter Holloway, Rob Kelham, Jeff Laurien, Councillor Ken Johnston, Councillor Dianne Wyntjes, Mayor Tara Veer

MOTION CARRIED

The original motion was then put on the floor for consideration:

Moved by Peter Holloway, seconded by Jeff Laurien

“Resolved that the Municipal Planning Commission tables for up to two weeks the request for a 2972.46m² addition and a 293m² addition to the existing Saputo facility, located at 5410-50 Avenue, to allow Administration time to prepare a report to clarify community consultation requirements.”

IN FAVOUR: Carol Mah, Peter Holloway, Jeff Laurien, Councillor Ken Johnston, Mayor Tara Veer

OPPOSED: Rob Kelham, Councillor Dianne Wyntjes

MOTION TO TABLE CARRIED
A Development Permit application has been received for a 1570m² industrial building, to be located at 83 Queens Drive (Lot 13, Block I, Plan 1321911), zoned II.

After discussion, the following resolution was put forward:

"Resolved that the Municipal Planning Commission approves a new 1570m² industrial building, as per the plans approved on November 27, 2013, to be located at 83 Queens Drive (Lot 13, Block I, Plan 1321911), zoned II.

Approval is subject to the following conditions:

1. The owner is required to provide a site plan, satisfactory to Engineering Services, which must include:
   a. Storm Water Management Plan;
   b. Site drainage for the entire site;
   c. Location of all planned deep (water, sanitary, and storm) and shallow (ATCO Gas, EL&P, Telus, and Shaw) utilities;

2. The owner must complete the following, satisfactory to Engineering Services:
   a. The owner must make application to, and pay for, a driveway crossing;
   b. The owner must make application to, and pay for, service connections (water, sanitary and storm).

3. The owner is required to submit revised elevation showing the proposed locations for signage and the details as to what type of signage will be proposed, and obtain a sign permit, satisfactory to the Development Officer.

4. The owner is required to submit a revised landscaping plan showing enhanced landscaping along the rear of the property adjacent to Hwy 11, satisfactory to the Parks and Open Space Designer.
5. The decision of the Municipal Planning Commission being advertised in a local newspaper and no appeal against decision being successful.

IN FAVOUR: Peter Holloway, Rob Kelham, Jeff Laurien, Carol Mah, Councillor Ken Johnston, Councillor Dianne Wyntjes, Mayor Tara Veer

MOTION CARRIED

Note: The developer is required to comply with the outside storage provisions as per the Land Use Bylaw.

3. 3.1 Planning Department
Proposed Subdivision
Lot 2, Block 4, Plan 122 2581, within NE1/4 Sec 36; 38-28-W4 (7474 - 79 Street)

A subdivision application has been received to create three light industrial lots from one light industrial lot.

Orlando Toews, senior planner, presented the report.

After discussion, the following resolution was put forward:

Moved by Councillor Ken Johnston, seconded by Jeff Laurien

"Whereas, in the opinion of the subdivision authority, being The City of Red Deer Municipal Planning Commission, the proposed application satisfies the requirements of Section 654 of the Municipal Government Act, and the relevant matters listed in Section 7 of the Subdivision and Development Regulations; and

Whereas, submissions from referral agencies were presented to and considered by the subdivision authority as outlined in the subdivision report dated November 5, 2013;

Therefore, the subdivision authority, being The City of Red Deer Municipal Planning Commission, approves the subdivision application subject to the following conditions:

1. Subdivision by Plan of Survey;

2. All outstanding taxes to be paid, or satisfactory arrangement for payment thereof, to The City of Red Deer;

3. Concurrent registration of utility easements and right-of-ways as required by the City of Red Deer, ATCO Gas, and shallow utility companies as required;
4. The developer to enter into a Joint Servicing Agreement, to the satisfaction of the City;

5. The developer to enter into a Joint Access Agreement, to the satisfaction of the City;

6. The developer to enter into a Joint Drainage Agreement, to the satisfaction of the City; and

7. Written verification satisfactory to the City that the proposed property lines and the buildings existing on the proposed lots at the time of endorsement meet the spatial separation requirements of the Alberta Building Code.”

IN FAVOUR: Peter Holloway, Rob Kelham, Jeff Laurien, Carol Mah, Councillor Ken Johnston, Councillor Dianne Wyntjes, Mayor Tara Veer

MOTION CARRIED

Note: No municipal reserves owed as they were provided previously.

3.2 Planning Department
Proposed Subdivision
Lot 4, Block 3, Plan 5681RS; and Lot 6, Block 3, Plan 3140TR (6828 & 6850 – 52 Avenue) within SE ½ Sec. 29; 38-27-W4

A subdivision application has been received to adjust the boundary between two existing industrial lots

Orlando Toews, senior planner presented the report.

After discussion, the following resolution was put forward:

Moved by Peter Holloway, seconded by Carol Mah

“Whereas, in the opinion of the subdivision authority, being The City of Red Deer Municipal Planning Commission, the proposed application satisfies the requirements of Section 654 of the Municipal Government Act, and the relevant matters listed in Section 7 of the Subdivision and Development Regulations; and

Whereas, submissions from referral agencies were presented to and considered by the subdivision authority as outlined in the subdivision report dated November 18, 2013;

Therefore, the subdivision authority, being The City of Red Deer Municipal Planning Commission, approves the subdivision application subject to the following conditions:

1. Subdivision by Plan of Survey;
2. All outstanding taxes to be paid, or satisfactory arrangement for payment thereof, to The City of Red Deer;

3. Provision of a utility right-of-way and/or arrangements for the relocation of the ATCO Gas line, and/or adjustment of the proposed property line to ensure the provision of gas service to each proposed lot to the satisfaction of ATCO Gas;

4. The developer is to apply for curb crossing modification as the existing 37 metre driveway does not meet current City standards for public safety (contact Customer Service, City of Red Deer Engineering Services);

5. Written verification, satisfactory to the City, that the proposed property lines and the buildings existing on the proposed lots at the time of endorsement meet the spatial separation requirements of the Alberta Building Code; and

6. The developer to enter into a Joint Access Agreement, to the satisfaction of the City."

IN FAVOUR: Peter Holloway, Rob Kelham, Jeff Laurien, Carol Mah, Councillor Ken Johnston, Councillor Dianne Wyntjes, Mayor Tara Veer

MOTION CARRIED

Notes: No municipal reserves owed as they were provided previously.
Drainage is to be contained and controlled within each separate property.

3.3 Planning Department
Proposed Subdivision
Lot I PUL, Block 1, Plan 112 3763; and Lot 11, Block 1, Plan 132 1547 (29 Queensgate Crescent) within NE ¼ Sec 36; 38-28-W4

A subdivision application has been received to adjust the boundary between a light industrial lot and a public utility lot within NE ¼ Sec 36; 38-28-W4

Orlando Toews, senior planner, presented the report.

After discussion, the following resolution was put forward:

Moved by Councillor Ken Johnston, seconded by Carol Mah
Whereas, in the opinion of the subdivision authority, being The City of Red Deer Municipal Planning Commission, the proposed application satisfies the requirements of Section 654 of the Municipal Government Act, and the relevant matters listed in Section 7 of the Subdivision and Development Regulations; and

Whereas, submissions from referral agencies were presented to and considered by the subdivision authority as outlined in the subdivision report dated November 6, 2013;

Therefore, the subdivision authority, being The City of Red Deer Municipal Planning Commission, approves the subdivision application subject to the following conditions:

1. Subdivision by Plan of Survey;

2. All outstanding taxes to be paid, or satisfactory arrangement for payment thereof, to The City of Red Deer."

IN FAVOUR: Peter Holloway, Rob Kelham, Jeff Laurien, Carol Mah, Councillor Ken Johnston, Councillor Dianne Wyntjes, Mayor Tara Veer

MOTION CARRIED

Note: No municipal reserves owed as they were provided previously.

3.4 Planning Department
Proposed Subdivision of Blocks within City Queens Business Park
Phase 2 & 3 NW ¼ Sec 36; 38-28-W4

A subdivision application has been received to create 31 light industrial lots, 7 heavy industrial lots and 2 commercial lots

Moved by Carol Mah, seconded by Councillor Ken Johnston

"Resolved that the Municipal Planning Commission agrees to table this matter for up to two weeks."

IN FAVOUR: Peter Holloway, Rob Kelham, Jeff Laurien, Carol Mah, Councillor Ken Johnston, Councillor Dianne Wyntjes, Mayor Tara Veer

MOTION CARRIED
4. ADJOURNMENT

Moved by Peter Holloway, seconded by Jeff Laurien

"Resolved that the Wednesday, November 27, 2013 meeting of the Municipal Planning Commission be adjourned at 11:15 a.m."

IN FAVOUR: Peter Holloway, Rob Kelham, Jeff Laurien, Carol Mah, Councillor Ken Johnston, Councillor Dianne Wyntjes, Mayor Tara Veer

MOTION CARRIED

Chair ______________________________________________ Committees Coordinator ________________________________
File No. SUB13421
Proposed Subdivision of Blocks within City Queens Business Park - Phase 2 & 3
NW ¼ Sec 36; 38-28-W4
City of Red Deer (Agent: City of Red Deer Land and Economic Development Department)

Overview
Proposal: Subdivide to create 31 light industrial lots, 7 heavy industrial lots and 2 commercial lots.
Applicant: City of Red Deer
Current Use: Bare Land
Future use: Industrial, Commercial

Plans & Bylaws
Municipal Development Plan (MDP) Complies
Major Area Structure Plan (MASP) West QE2 MASP - Complies
Industrial Area Structure Plan (IASP) Queens Business Park IASP - Complies

Planning Department 4914-48 Avenue Phone: 403-406-8700 Fax: 403-342-8200 Email: planning@reddeer.ca
Land Use Bylaw (LUB):

Council rezoned the subject land to the applicable land use districts on November 18, 2013 (see attached Bylaw 3357/Y-2013).

Municipal Reserves (MR):

The previous subdivision application for this land, File SUB13216, was conditionally approved in July 2013 (see attached sketch) to create 7 large blocks of industrial land which are now being further subdivided into smaller lots under this application. One of the conditions of approval for File SUB13216 was that municipal reserves (MR) are to be provided through the dedication of land (proposed Lot 4 MR, which is ± 0.167 hectares) and the balance owed is to be deferred, by caveat, against the titles of Lot 1, Block 8 (± 0.146 hectares) and Lot 1, Block 9 (± 4.639 hectares).

Subdivision is the window of opportunity to take MR. MR can be taken as land, money-in-lieu (MIL) of reserve land, or it can deferred via a deferred reserve caveat (DRC) registered on the land, or any combo of these three. The Queens Business Park IASP shows that a small (approx. 0.146 hectare) MR parcel is to be provided in proposed Lot 537 (narrow strip along the south side of 79 Street); the balance of the MR owed is to be taken through a MIL payment; however, the SUB13216 subdivision report also included the following statement:

It is noted that the north-south road running along the west boundary outside the subject land is, in accordance with the IASP, to be closed in the future and dedicated as municipal reserve. This will be taken into account as MR land and/or money in lieu payments are eventually provided from the DRC proposed to be registered on Lot 1, Block 9.

Accordingly, the amount of land that the MIL payment is to be based upon should be reduced by the ± 1.154 hectare portion of the road allowance that will be closed and dedicated as MR in the future as per the IASP.

When a MIL payment is to be a condition of subdivision, section 667(2) of the Municipal Government Act (MGA) requires that the subdivision authority must specify the amount of money in the conditions of subdivision approval. The City’s Land and Economic Development department estimates that the land is worth approximately $50,000 per acre. Provided the Municipal Planning Commission finds this evaluation acceptable, it is recommended that the MR owed as a result of this application be provided as follows:

1. A deferred reserve caveat (DRC) in the amount of 0.146 hectares is to be registered on the title of proposed Lot 537 (this will be dedicated as MR land in the future as per the IASP land use concept),

2. When the ± 1.154 hectare portion of the road adjacent to the west side of the subject site is closed and dedicated as MR it will count towards the MR owed as a result of this subdivision. Therefore the balance of the MR owed, being ± 3.483 hectares (4.639 hectares minus ± 1.156 hectares for the future MR from the portion of road that is to be closed) is to be provided through a money-in-lieu payment at a rate of $123,553 / hectare ($50,000 / acre) for a total of $430,335.
Referral Comments

City
Referral: No objections.
Conditions Required: Reflected in conditions.

Outside Agencies
Referral: ATCO Pipelines has pipeline that will run within a Public Utility Lot (PUL) that was approved under the previous subdivision application (SUB13216). ATCO Pipelines’ concerns regarding development near their pipeline are noted.
Conditions Required: None; however ATCO Pipelines’ concerns will be noted in the decision letter.

Adjacent Landowners
Referral: Not referred as subdivision is contained with an adopted IASP
Conditions Required: None

Site Inspection
No site inspection was done as the land is undeveloped. The airphoto was shot in May 2013

Planning Analysis
No relaxations to the applicable plans/bylaws listed below are required as a result of this subdivision:
• Municipal Development Plan;
• West QE2 Major Area Structure Plan;
• Queens Business Park Industrial Area Structure Plan; and
• Land Use Bylaw.
Staff Recommendation

WHEREAS, in the opinion of the subdivision authority, being The City of Red Deer Municipal Planning Commission, the proposed application satisfies the requirements of Section 654 of the Municipal Government Act, and the relevant matters listed in Section 7 of the Subdivision and Development Regulations (see attached Appendix A); and

WHEREAS submissions from referral agencies were presented to and considered by the subdivision authority as outlined in the subdivision report dated December 4, 2013;

THEREFORE, the subdivision authority, being The City of Red Deer Municipal Planning Commission, APPROVES the subdivision application subject to the following conditions:

1. Subdivision by Plan of Survey;

2. All outstanding taxes to be paid, or satisfactory arrangement for payment thereof, to The City of Red Deer;

3. Concurrent registration of utility easements and right-of-ways as required by the City of Red Deer and shallow utility companies;

4. Municipal reserves, totaling 4.785 hectares, owing as a result of this subdivision are to be provided as follows:

   a. A deferred reserve caveat (DRC) in the amount of ± 0.146 hectares is to be registered on the title of proposed Lot 537,

   b. When the ± 1.156 hectare portion of road allowance to the west of the subject land is closed and dedicated as MR it will count towards the MR owed as a result of this subdivision. Therefore the balance of the MR owed, being ± 3.483 hectares (4.639 hectares minus ± 1.156 hectares for the future MR from the portion of road that is to be closed) is to be provided through a money-in-lieu payment at a rate of $123,553 / hectare ($50,000 / acre) for a total of $430,335. The DRC that is to be registered on proposed Lot 1, Block 9 as part of the Subdivision File SUB13216 will be discharged upon receipt of the MIL payment. The MIL payment will be due prior to endorsement of the lots approved within Block 9.

5. Prior or simultaneous registration of conditionally approved Subdivision File SUB13216.

Note: Although not directly subdivision related ATCO Pipelines notes a number of development related issues that will also need to be addressed as development proceeds:

- ATCO Pipelines' existing right(s)-of-way, board orders, or other land rights shall be carried forward in kind; and registered on any newly created lots, public utility lots, or other properties.
- Any work of any nature whatsoever affecting the surface of ATCO Pipelines' right(s)-of-way must first receive prior written consent from ATCO Pipelines.
- There is an existing ATCO Pipelines' pipeline in this area. If it should be necessary to lower, relocate or make any alterations to our existing pipelines and/or appurtenances due to this subdivision, all costs will be borne by the developer/owner.
• Any ground disturbance within 50 metres of an existing ATCO Pipelines' high pressure pipeline and/or right(s)-of-way will require a crossing agreement. Please contact ATCO Pipelines' Land Administration Department at 780-420-3464.
• Graveled parking and/or storage will not be permitted on pipeline right(s)-of-way.
• Paved parking may not be allowed on pipeline right(s)-of-way; however, plans must be submitted to ATCO Pipelines for further review and approval must meet ATCO Pipelines' development guidelines.
• ATCO Pipelines recommends a 15 metre setback from the centerline of the pipeline to any buildings.

Respectfully submitted,

Orlando Toews, RPP, MCIP
Senior Planner
Appendix A
Approval of Application

654(1) A subdivision authority must not approve an application for subdivision approval unless

(a) the land that is proposed to be subdivided is, in the opinion of the subdivision authority, suitable for the purpose for which the subdivision is intended,

(b) the proposed subdivision conforms to the provisions of any statutory plan and, subject to subsection (2), any land use bylaw that affects the land proposed to be subdivided,

(c) the proposed subdivision complies with this Part and the regulations under this Part, and

(d) all outstanding property taxes on the land proposed to be subdivided have been paid to the municipality where the land is located or arrangements satisfactory to the municipality have been made for their payment pursuant to Part 10.

(2) A subdivision authority may approve an application for subdivision approval even though the proposed subdivision does not comply with the land use bylaw if, in its opinion,

a) the proposed subdivision would not

(i) unduly interfere with the amenities of the neighbourhood, or

(ii) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,

and

b) the proposed subdivision conforms with the use prescribed for that land in the land use bylaw.

(3) A subdivision authority may approve or refuse an application for subdivision approval.

1995 c24 s95

Section 7 – Subdivision and Development Regulations

Relevant Considerations

7 In making a decision as to whether to approve an application for subdivision, the subdivision authority must consider, which respect to the land that is the subject of the application,

(a) its topography,
(b) its soil characteristics,
(c) storm water collection and disposal,
(d) any potential for the flooding, subsidence or erosion of the land,
(e) its accessibility to a road,
(f) the availability and adequacy of a water supply, sewage disposal system and solid waste disposal,
(g) in the case of land not serviced by a licensed water distribution and wastewater collection system, whether the proposed subdivision boundaries, lot sizes and buildings sites comply with the requirements of the Private Sewage Disposal Regulation (AR 229/97) in respect of lot size and distances between property lines, buildings, water sources and private disposal systems as identified in Section 4(4)(b) and (c).

(h) the use of land in the vicinity of the land that is the subject of the application, and

(i) any other matters that it considers necessary to determine whether the land that is the subject of the application is suitable for the purpose intended.
**NOTES**

Subdivision is preliminary plan only. Dashed property lines and lot sizes can be adjusted in accordance with purchaser's requirements, subject to approval by the City. LOT DIMENSIONS and AREAS are approximate, and should be VERIFIED with REGISTERED PLANS and CERTIFICATE OF TITLE documentation. Additional drainage easements may be required, pending final lot arrangements. Accesses may be limited to right-in/right-out pending location.
The City of Red Deer
West QE2
Major Area Structure Plan

FIGURE 3 - LAND USE CONCEPT

- Plan Boundary
- Municipal Boundary
- Expressway
- Arterial Road - Undivided
- Arterial Road - Divided
- Collector Road
- Paved Trail
- Industrial & Business Service
- Eco-Industrial Park
- Vehicle, Recreational Vehicle, and Machinery Dealership District
- Commercial
- Municipal Reserve
- Environmental Reserve
- Public Utility
The City of Red Deer
Queens Business Park
Industrial Area Structure Plan

FIGURE 2 - LAND USE CONCEPT
BYLAW NO. 3357/Y–2013

Being a Bylaw to amend Bylaw No. 3357/2006, the Land Use Bylaw of The City of Red Deer as described herein.

COUNCIL OF THE CITY OF RED DEER, ALBERTA, ENACTS AS FOLLOWS:

Bylaw No. 3357/2006 is hereby amended as follows:

1. The land shown in cross hatching in the sketch attached as Schedule A to this Bylaw is redesignated from A1 Future Urban Development District to C4 – Commercial (Major Arterial) District.

2. The land shown in horizontal hatching in the sketch attached as Schedule A to this Bylaw is redesignated from A1 Future Urban Development District to I1 – Industrial (Business Service) District.

3. The land shown in vertical hatching in the sketch attached as Schedule A to this Bylaw is redesignated from A1 Future Urban Development District to I2 – Industrial (Heavy Industrial) District.

4. The land shown in grey shading in the sketch attached as Schedule A to this Bylaw is redesignated from A1 Future Urban Development District to P1 Parks and Recreation District.

5. The "Land Use District Map G21" contained in "Schedule A" of the Land Use Bylaw is hereby amended in accordance with the Land Use District Map 24 / 2013 attached hereto and forming part of the bylaw.

READ A FIRST TIME IN OPEN COUNCIL this 15th day of October 2013.

READ A SECOND TIME IN OPEN COUNCIL this 18th day of November 2013.

READ A THIRD TIME IN OPEN COUNCIL this 18th day of November 2013.

AND SIGNED BY THE MAYOR AND CITY CLERK this 18th day of November 2013.

MAYOR

CITY CLERK
Change District from:
- A1 to C4 - Commercial (Major Arterial) District
- A1 to I1 - Industrial (Business Service) District
- A1 to I2 - Industrial (Heavy Industrial) District
- A1 to P1 - Parks and Recreation District

Affected District:
- A1 - Future Urban Development District

Proposed Amendment to Land Use Bylaw 3357/2006

Map: 24/2013
Bylaw: 3357/Y-2013
Date: Oct. 2, 2013
THE CITY OF RED DEER
QUEENS BUSINESS PARK (PHASE 2 & 3)

PROPOSED SUBDIVISION
of
N.W. 1/4 Sec. 36, Twp. 38, Rgp. 28, W. 4 Mer.
THE CITY OF RED DEER
ALBERTA
SCALE = 1 : 2000

City of Red Deer
Subdivision File: SUB13216
Part of NW 1/4 Sec. 36; 38-28-W4M
(Agent: Bemoco Land Surveying Ltd.)

City of Red Deer
CONDITIONALLY APPROVED
Date: July 29, 2013
Red Deer
INSPECTIONS & LICENSING DEPARTMENT

Subject Site: 5410-50 Avenue
Downtown (Railyards)

Applicant: Saputo Dairy Products Canada G.P.
Mailing Address: 5410 50 Avenue, Red Deer, AB T2P 2L4

On November 27, 2013 a Development Permit application was brought before the Municipal Planning Commission for the discretionary use, site development of a 2972.46m² addition and a 293 m² addition to the existing Saputo facility, with a 1319 m² of landscaped area and a maximum height of 32 metres, to be located at 5410 50 Avenue (Lot 45, Block 12, Plan 9720467), zoned DC(28)HS-I.

The application was tabled for up to two weeks for the following reason:

"To allow Administration time to prepare a report to clarify the applicable community consultation requirements."

Administration has completed this report to outline the community consultation required and recommends that administration complete a neighbourhood mail notification to all property Owners located within 100m of the boundary of the site for comments on the proposal. Comments to be brought back to the Commission for review then a decision on the application to be made. Administration requests a further additional tabling of this application for up to five weeks to allow Administration to bring forward a revised report to explain the application in further detail.

Public Notification:

Public Notification Requirements

There is no requirement in either the Land Use Bylaw or the Municipal Government Act for notification to be provided to adjacent landowners prior to an application being considered by MPC for a proposed discretionary use application such as that received from Saputo. The requirement for prior notice is one that is typically associated with "hearings" of a legal nature. MPC does not hold hearings.

The LUB requires that once a decision is made, the decision is to be advertised in the local newspaper. (Relevant sections of the LUB and MGA attached as Appendix A). The LUB also provides MPC with the discretion to require that an applicant attend a public meeting and/or provide information about a Development Permit application to be included in notification to all property owners located within 100m of the boundary of the site that is the subject of the intended development.

Current Practice

The current practice of Inspections & Licensing is to provide a courtesy notification of upcoming development permit applications located within conventional residential districts to neighbours within 100 m. In all other instances, notification is done by way of advertisement in the newspaper following a decision in accordance with LUB 2.9. The advertising under 2.9 allows persons affected by the decision to appeal, should they so elect.

In keeping with standard practice, Administration did not provide notice of this application to adjacent owners because the DC28 district is not considered residential.
Earlier Neighbourhood Consultation with 2010 Rezoning

Rezoning of this area from CIA to DC28 occurred in the spring of 2010. As part of a rezoning there is a significant consultation process that looks at what uses are appropriate for the lands and if any additional regulations are needed. In this case the following consultation occurred:

- April 8, 2010: Open House - 30 people attended. Invites mailed to all landowners and hand delivered to businesses in Railyards. The adjacent properties were also notified. No specific comments related to Saputo were raised.
- Greater Downtown Action Plan (GDAP) Steering Committee review May 13, 2010: GDAP supported the rezoning and made several recommendations for minor changes. No concerns expressed re Saputo site.
- First reading of Bylaw by Council
- Advertisement in Advocate, notices send to landowners within 100 m.
- Public Hearing before Council and final readings June 2010
Options

In any application MPC has the discretion, (but not the obligation), to require the applicant attend a public meeting or provide information about the application to be included in a 100m mail-out.

Administration has identified 4 options for the Commission to consider:

<table>
<thead>
<tr>
<th>Option #</th>
<th>Process</th>
<th>Benefits</th>
<th>Risks</th>
</tr>
</thead>
</table>
| #1       | MPC to decide on the application without any further community consultation and rely on the advertising and appeal period. | • Current practice  
• Meets the LUB requirements  
• Allows appeal time for input | • Adjacent owners are not directly notified |
| #2       | MPC to decide on the application, without any further community consultation. A decision letter to be sent to the landowners within 100m to make them aware of the decision and rely on the advertising and appeal period. | • Allows for direct notification beyond the newspaper | • Adjacent owners are not informed until after decision  
• Not the existing practice  
• Limits recourse to appeal |
| #3       | Administration to complete a neighbourhood mail notification to all property Owners located within 100m of the boundary of the site for comments on the proposal. Comments to be brought back to the Commission for review then a decision on the application to be made. | • Allows for direct notification beyond the newspaper | • Additional time required for consultation (min of 3 weeks)  
• Public may be confused on what they are commenting about, MPC will need to sort through the comments to identify the relevant comments |
| #4       | Administration to complete a neighbourhood mail notification to all property Owners located within 100m of the boundary of the site to invite them to a public open house and information session on the proposal hosted in partnership with the City and the Developer. Results from the open house to be brought back to the Commission for review then a decision on the application to be made. | • Opportunity to discuss plans | • Additional time required for consultation  
• Public may be confused on what they are commenting about, MPC will need to sort through the comments to identify the relevant comments |
**Recommendation**
Administration's recommendation:

Given the extra-ordinary height and large addition of this proposal, administration recommends direct notification within 100m.

**Option 3:** Administration to complete a neighbourhood mail notification to all property Owners located within 100m of the boundary of the site for comments on the proposal. Comments to be brought back to the Commission for review then a decision on the application to be made.

**Further Tabling motion:**

Administration requests a further tabling motion of this application in order to revise the report prior to being brought back for a decision for up to five weeks to further review technical elements of the application including landscaping, noise attenuation and parking.
Land Use Bylaw

2.4 Plans and Information Required for Development Permit

(5) The Development Authority may require that an applicant attend a public meeting and/or provide information on a Development Permit/Subdivision application required to be included in notification to all property owners located within 100m of the boundary of the site which is the subject of the intended development.

2.9 Public Notification

(1) Notice of all decisions by the Development Authority on development permit applications shall be given to the applicant and to all other interested persons by way of notice published once in a newspaper circulating in the City. The Development Officer will cause the notice to be published as soon as practical after the date of the decision. The notice shall state the location of the property for which the application has been made and shall describe in general terms the development approval.

(2) In addition to the foregoing, where a development permit application is denied, notice of the decision, together with reasons, shall be given to the applicant by way of ordinary mail.

Municipal Government Act

Permitted and discretionary uses
642(1) When a person applies for a development permit in respect of a development provided for by a land use bylaw [for a permitted use], the development authority must, if the application otherwise conforms to the land use bylaw, issue a development permit with or without conditions as provided for in the land use bylaw.

(2) When a person applies for a development permit in respect of a development that may, in the discretion of a development authority [for a discretionary use], the development authority may issue a development permit with or without conditions as provided for in the land use bylaw.

(3) A decision of a development authority on an application for a development permit must be in writing, and a copy of it must be given to the applicant.

(4) If a development authority refuses an application for a development permit, the decision must include the reasons for the refusal.

Designation of direct control districts
641(1) The council of a municipality that has adopted a municipal development plan, if it wishes to exercise particular control over the use and development of land or buildings within an area of the municipality, may in its land use bylaw designate that area as a direct control district.

(2) If a direct control district is designated in a land use bylaw, the council may, subject to any applicable statutory plan, regulate and control the use or development of land or buildings in the district in any manner it considers necessary.
(3) In respect of a direct control district, the council may decide on a development permit application or may delegate the decision to a development authority with directions that it considers appropriate.

(4) Despite section 685, if a decision with respect to a development permit application in respect of a direct control district
   (a) is made by council, there is no appeal to the subdivision and development appeal board, or
   
       (b) is made by a development authority, the appeal is limited to whether the development authority followed the directions of council, and if the subdivision and development appeal board finds the development authority did not follow directions it may, in accordance with the directions, substitute its decision for the development authority's decision.

Permit deemed refused
684 An application for a development permit is, at the option of the applicant, deemed to be refused if the decision of a development authority is not made within 40 days after receipt of the application unless the applicant has entered into an agreement with the development authority to extend the 40-day period.

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...
File No. SUB13424
Proposed Subdivision to Create Two Large Parcels for Future Development
Within Part of SW 1/4 Sec 26; 38-27-W4
Owner: Meier Ventures Ltd. (Agent: Snell & Oslund)

Overview
Proposal: Subdivide to two large parcels for future urban development. The southern parcel is to be the site of three high schools and sports fields.

Current Use: Bare land.

Future use: High schools site, sports fields, and future residential development.

Location

Plans & Bylaws

Municipal Development Plan (MDP)  
Complies

East Hill Major Area Structure Plan (MASP)  
Complies

Land Use Bylaw (LUB): A1 – Future Urban Development District  
Complies
Site Inspection
No site inspection was done as the land is undeveloped. The airphoto was shot in May 2013

Municipal Reserves (MR):

Subdivision is the window of opportunity to require the provision of municipal reserve (MR). MR can be taken as land, money-in-lieu (MIL) of reserve land, or the provision of MR can deferred via a deferred reserve caveat (DRC) registered on the land, or any combo of these three.

Typically each of the proposed parcels would be responsible for providing MR; so the northern parcel, being 41.11 ha (101.59 ac), would owe 4.111 ha of MR and the southern parcel, being 22.58 ha (55.80 ac), would owe 2.258 ha of MR. However, in this case, the City wishes to purchase the southerly 22.58 hectares (55.80 acre) parcel so that it can be used for three future high schools and sports fields; thus it will eventually be dedicated as municipal reserve (MR) and school reserve (SR). In recognition that there will be a large MR / SR area within this quarter section the purchase agreement between the City and the landowner includes a provision in which the landowner wishes to be given 2.023 ha (5.0 ac) credit towards future MR dedication in the proposed northern parcel. If that is the case the 41.11 ha (101.59 ac) northern remainder parcel will only owe approximately 2.088 ha (5.160 ac) of MR (4.111 ha – 2.023 ha = 2.088 ha). This MR will be provided through land dedication in the future when the area develops for predominately residential uses as per the East Hill MASP.

Planning staff believe this approach is reasonable as it recognizes that this neighbourhood will have more than the usual 10 percent MR dedication and will benefit from the high schools and sports fields that will be developed on the future MR and SR lands. MPC, acting as the City’s subdivision authority, must decide if it supports this approach or wishes to address the provision of reserves in another way.
Referral Comments

City Referral:
No objections, however, Planning notes that there is an abandoned well and several pipelines in the subject land. Conserve Oil & Gas has agreed to work with the City to remove the abandoned pipe and the pipeline easements. As well, there is extensive hydrocarbon and saline contamination from the abandoned well. Contamination will have to be remediated prior to development of the land. Engineering Services notes that the widening of 30 Avenue in the future will require some land dedication by the landowner.

Conditions Required: None.

Outside Agencies Referral:
ATCO Pipelines has a pipeline in the area. ATCO Gas indicates a gas main installation and front lot right(s)-of-way will be needed to service the newly created lots.

Conditions Required: Provision of utility right(s) of way.

Adjacent Landowners Referral:
Not referred as subdivision is contained with an adopted MASP

Conditions Required: None

Planning Analysis

No relaxations to the applicable plans/bylaws listed below are required as a result of this subdivision:
- Municipal Development Plan;
- East Hill Major Area Structure Plan; and
- Land Use Bylaw.
Staff Recommendation

WHEREAS, in the opinion of the subdivision authority, being The City of Red Deer Municipal Planning Commission, the proposed application satisfies the requirements of Section 654 of the Municipal Government Act, and the relevant matters listed in Section 7 of the Subdivision and Development Regulations (see attached Appendix A); and

WHEREAS submissions from referral agencies were presented to and considered by the subdivision authority as outlined in the subdivision report dated December 4, 2013;

THEREFORE, the subdivision authority, being The City of Red Deer Municipal Planning Commission, APPROVES the subdivision application subject to the following conditions:

1. Subdivision by Plan of Survey;
2. All outstanding taxes to be paid, or satisfactory arrangement for payment thereof, to The City of Red Deer;
3. Concurrent registration of utility easements and right-of-ways as required by the City of Red Deer and ATCO Gas;

Note: Municipal reserves are not required as part of this subdivision as they will be provided when further subdivision occurs. However, the Subdivision Authority recognizes that the proposed southern parcel will account for a substantial amount of municipal reserve within this quarter section. Therefore the Subdivision Authority acknowledges a 2.023 hectare (5.0 acre) municipal reserve credit for the proposed northern parcel. Accordingly, the amount of municipal reserve that will be required from further subdivision of the proposed 41.11 hectare northern parcel will not exceed a total of approximately 2.088 ha of MR (4.111 - 2.023 = 2.088).

Respectfully submitted,

[Signature]

Orlando Toews, RPP, MCIP
Senior Planner
Appendix A
Approval of Application

654(1) A subdivision authority must not approve an application for subdivision approval unless

(a) the land that is proposed to be subdivided is, in the opinion of the subdivision authority, suitable for the purpose for which the subdivision is intended,

(b) the proposed subdivision conforms to the provisions of any statutory plan and, subject to subsection (2), any land use bylaw that affects the land proposed to be subdivided,

(c) the proposed subdivision complies with this Part and the regulations under this Part, and

(d) all outstanding property taxes on the land proposed to be subdivided have been paid to the municipality where the land is located or arrangements satisfactory to the municipality have been made for their payment pursuant to Part 10.

(2) A subdivision authority may approve an application for subdivision approval even though the proposed subdivision does not comply with the land use bylaw if, in its opinion,

a) the proposed subdivision would not

   (i) unduly interfere with the amenities of the neighbourhood, or

   (ii) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,

   and

b) the proposed subdivision conforms with the use prescribed for that land in the land use bylaw.

(3) A subdivision authority may approve or refuse an application for subdivision approval.

1995 c24 s95

Section 7 – Subdivision and Development Regulations

Relevant Considerations

7 In making a decision as to whether to approve an application for subdivision, the subdivision authority must consider, which respect to the land that is the subject of the application,

(a) its topography,

(b) its soil characteristics,

(c) storm water collection and disposal,

(d) any potential for the flooding, subsidence or erosion of the land,

(e) its accessibility to a road,

(f) the availability and adequacy of a water supply, sewage disposal system and solid waste disposal,

(g) in the case of land not serviced by a licensed water distribution and wastewater collection system, whether the proposed subdivision boundaries, lot sizes and buildings sites comply with the requirements of the Private Sewage Disposal Regulation (AR 229/97) in respect of lot size and distances between property lines, buildings, water sources and private disposal systems as identified in Section 4(4)(b) and (c).

(h) the use of land in the vicinity of the land that is the subject of the application, and

(i) any other matters that it considers necessary to determine whether the land that is the subject of the application is suitable for the purpose intended.
City of Red Deer Subdivision File: SUB13424
Proposal to create 2 large parcels for future development within the SW ¼ Sec 26; 38-27-W4M
Owner: Meier Venture Ltd. (Agent: Snell & Oslund)

REMAINDER OF THE
S. W. 1/4 SEC. 26 ,TWP. 38 ,RGE. 27 W 4 M

RED DEER
Plan Showing a Proposed Subdivision
of part of the
S.W.1/4 SEC. 26-38-27-4

LEGEND & NOTES
DISTANCES ARE IN METRES AND DECIMALS THEREOF.
AREA TO BE REGISTERED IS OUTLINED THUS
AND CONTAINS 22.58 ha. (55.80 Acs.)

SCALE = 1: 5000

Snell & Oslund
DRAFTED
CHECKED BY: DV
DATE: OCTOBER 16, 2013
Figure 5: Generalized Land Use Concept - East Hill

Expressway and Grade Separation (Gradual build-out starting with two lanes)
Arterial Road
Molly Bonnist Dr. - Alignment Protection
Collector Road
Proposed Regional Park
Potential Emergency Services Location

Existing Parks & Natural Areas
Restricted Commercial
Potential Natural Areas
Major Electrical Transmission Corridor
Public Utility Site
Public Service
Residential
Arterial Commercial
Regional Trail

Neighbourhood Commercial Centre
District Commercial Centre
Public K-9 School
Catholic Elementary School
Catholic High School
Catholic K-9 School
Public High School
Public Elementary School

* Locations shown are conceptual
File No. SUB13425
6791 – 65 Avenue (Lot 9, Block 1, Plan 042 2888 within the SE ¼ Sec 30; 38-27-W4)
L-7 Inc. (Agent: Bemoco Land Surveying Ltd.)

Overview
Proposal: Subdivide a 2.70 ha (6.67 ac) C4 commercial lot into a 1.09 ha (2.69 ac) and a 1.61
2.69 ac) commercial lot.
Applicant: L-7 Inc.
Current Use: Bare land
Future use: Commercial and care facility

Location

Plans & Bylaws

Municipal Development Plan (MDP) Complies
Land Use Bylaw (LUB):

The subject site is designated C4 - Commercial (Major Arterial) District. The proposed lots meet the C4 standards for minimum lot size and frontage. The applicant indicates that the intended use of the proposed southerly parcel is a care facility. On August 19, 2013 Council adopted Bylaw 3357/F-2013 (see attached), which added, “multiple family building, assisted living facility, day care facility, and day care adult” as discretionary uses on this site.

Municipal Reserves (MR):

No municipal reserve is owed as it was provided previously.

Referral Comments

City
Referral: No objections.
Conditions Required: Reflected in conditions.

Outside Agencies
Referral: No objections. ATCO Gas indicates that each lot is to have a separate service line.
Conditions Required: None.

Adjacent Landowners
Referral: Two of the four adjacent land owners responded to the referral (see attached letters). The concerns expressed in the two letters are focused on the potential development of the care facility, not the subdivision itself. These are issues that can be addressed at the development permit stage.
Conditions Required: None

Site Inspection
A site inspection was done on December 5, 2013.

Looking south from 65 Avenue
Planning Analysis

No relaxations to the applicable plans/bylaws listed below are required as a result of this subdivision:

- Municipal Development Plan; and
- Land Use Bylaw.

Staff Recommendation

WHEREAS, in the opinion of the subdivision authority, being The City of Red Deer Municipal Planning Commission, the proposed application satisfies the requirements of Section 654 of the Municipal Government Act, and the relevant matters listed in Section 7 of the Subdivision and Development Regulations (see attached Appendix A); and

WHEREAS submissions from referral agencies and adjacent landowners were presented to and considered by the subdivision authority as outlined in the subdivision report dated December 5, 2013;

THEREFORE, the subdivision authority, being The City of Red Deer Municipal Planning Commission, APPROVES the subdivision application subject to the following conditions:

1. Subdivision by Plan of Survey;

2. All outstanding taxes to be paid, or satisfactory arrangement for payment thereof, to The City of Red Deer;

3. Concurrent registration of utility easements and right-of-ways as required by the City of Red Deer and shallow utility companies (This includes, but is not limited to, a 3 metre wide easement required by Electric Light & Power);
4. The developer to enter into a Joint Servicing Agreement to the satisfaction of the City;

5. The developer to enter into a Joint Access Agreement to the satisfaction of the City;

Notes:
- No municipal reserves are owed as they were provided previously.
- Engineering Services indicates that no new access to Taylor Drive is permitted.
- The developer should contact Electric Light & Power regarding all power service requirements for the proposed lots (reference EL&P File #13-037).
- ATCO Gas indicates that each lot is to have a separate service line.

Respectfully submitted,

[Signature]

Orlando Toews, RPP, MCIP
Senior Planner
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(b) the proposed subdivision conforms to the provisions of any statutory plan and, subject to subsection (2), any land use bylaw that affects the land proposed to be subdivided,

(c) the proposed subdivision complies with this Part and the regulations under this Part, and

(d) all outstanding property taxes on the land proposed to be subdivided have been paid to the municipality where the land is located or arrangements satisfactory to the municipality have been made for their payment pursuant to Part 10.

(2) A subdivision authority may approve an application for subdivision approval even though the proposed subdivision does not comply with the land use bylaw if, in its opinion,

a) the proposed subdivision would not

(i) unduly interfere with the amenities of the neighbourhood, or

(ii) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,

and

b) the proposed subdivision conforms with the use prescribed for that land in the land use bylaw.

(3) A subdivision authority may approve or refuse an application for subdivision approval.

1995 c24 s95

Section 7 – Subdivision and Development Regulations

Relevant Considerations

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(o) its topography,

(b) its soil characteristics,

(c) storm water collection and disposal,

(d) any potential for the flooding, subsidence or erosion of the land,

(e) its accessibility to a road,

(f) the availability and adequacy of a water supply, sewage disposal system and solid waste disposal,

(g) in the case of land not serviced by a licensed water distribution and wastewater collection system, whether the proposed subdivision boundaries, lot sizes and buildings sites comply with the requirements of the Private Sewage Disposal Regulation (AR 229/97) in respect of lot size and distances between property lines, buildings, water sources and private disposal systems as identified in Section 4(4)(b) and (c).

(h) the use of land in the vicinity of the land that is the subject of the application, and

(i) any other matters that it considers necessary to determine whether the land that is the subject of the application is suitable for the purpose intended.
Lot 8
Blk. 1
Plan
042 2888

Lot 6
Blk. 1
Plan
032 2742

Lot 10
Blk. 1
1.09 HA

City of Red Deer Subdivision File: SUB13425
Proposal: subdivide a C4 commercial lot into 2 lots
Lot 9, Block 1, Plan 042 2888
within the S.E. ¼ Sec 30; 38-27-W4M
Owner: L-7 Inc. (Agent: Bemoco Land Surveying Ltd.)

NOTES:
- Buildings are plotted from aerial photo and are approx.
- Distances shown are in metres.
- Area dealt with is bounded thus and contains 1.09 HA (2.69 AC).

SCALE = 1:1000

BEMOCO LAND SURVEYING LTD.
100, 6040-47th AVENUE
RED DEER, ALTA. PH: 342 2611

REV  DATE  DESCRIPTION
1  Nov. 8/13  new lot bdry
0  Oct. 4/13  issued
FILE No: S-076-13 tent
BYLAW NO. 3357/F-2013

Being a Bylaw to amend Bylaw No. 3357/2006, the Land Use Bylaw of The City of Red Deer as described herein.

COUNCIL OF THE CITY OF RED DEER, ALBERTA, ENACTS AS FOLLOWS:

Bylaw No. 3357/2006 is hereby amended as follows:

1. The following new subsection is added to Section 8.22, (e):

   (vi) Multiple Family Building, Assisted Living Facility, Day Care Facility, and Day Care Adult on Lot 9, Block 1, Plan 042 2888 (6791 65th Ave) subject to a maximum height of six storeys as discretionary uses and that each building shall contain commercial uses, as a minimum, on the ground floor. The commercial component shall not exceed three storeys. A residential noise impact statement is required outlining the measures to be taken to mitigate noise impacts from the adjacent industrial area.

2. The “Land Use District Map J18” contained in “Schedule A” of the Land Use Bylaw is hereby amended in accordance with the Land Use District Map 4-2013 attached hereto and forming part of the bylaw.

READ A FIRST TIME IN OPEN COUNCIL this 22nd day of July 2013.

READ A SECOND TIME IN OPEN COUNCIL this 19th day of August 2013.

READ A THIRD TIME IN OPEN COUNCIL this 19th day of August 2013.

AND SIGNED BY THE MAYOR AND CITY CLERK this 19th day of August 2013.

[Signature]
MAYOR

[Signature]
CITY CLERK
Proposed Amendment to Land Use Bylaw 3357/2006

Change District from:

- C4 - Commercial (Major Arterial) District to C4 (e) (vi)

Affected District:

- C4 - Commercial (Major Arterial) District

Proposed Amendment
Map: 4/2013
Bylaw: 3357/7-2013
Date: July 3, 2013
Orlando, 

We have received your subdivision proposal and tentative plan for Lot 9, Blk. 1, plan 042 2888. After review of the proposal, we have concerns over this proposed subdivision.

We are in support of increased economic activity in Red Deer and we realize the need to balance residential, commercial, and industrial land in Red Deer but strongly oppose placing a Care Facility in the middle of an industrial subdivision. This decision to place a Care Facility adjacent to industrial land could have a devastating domino effect on the viability of the current land owners and the decision should not be taken lightly.

Placing a care facility adjacent to industrial land does not seem to take into consideration all the current uses of the current neighbouring properties. With no buffer between the properties the current businesses may not be able to complete their current business activities without being interrupted by the future occupants of the care facility. We have concern as to the financial impact this proposed building may have on our current business and the millions of dollars it brings into the community each and every year.

As industrial land is currently at a premium and difficult to get, the limitations this proposed facility would impose, would make it difficult for us to maintain our current business and maintain our current levels of employment.

Our company currently undertakes similar activities to companies like , and many others on the Current L1 zoning.

When you have a chance I would like to discuss this further.

Regards,

[This message has been scanned for security content threats and viruses.]
[The City of Red Deer I.T. Services asks that you consider the environment before printing this e-mail.]
Good Morning,

As expressed this past August, has concerns regarding the recent re-zoning and proposed subdivision. Please see attached.

The has not changed, a care building across from light industrial will no doubt cause issues. I trust that our objections to this plan will be on record, thanks.

[This message has been scanned for security content threats and viruses.]  
[The City of Red Deer I.T. Services asks that you consider the environment before printing this e-mail.]
August 14, 2013

City of Red Deer
Legislative Services
Box 5008
Red Deer, AB
T4N 3T4

Attention: Frieda McDougall

Re: Land Use Bylaw Amendment 3357/F-2013
Rezoning of 6791 65 Ave to Add a Site Exception for Mixed Use Building

Pursuant to the aforementioned Bylaw Amendment, we would like to go on record with the following concerns regarding the proposed re-zoning.

We question the appropriateness of building a Multi-Family, Assisted Living, Day Care and Adult Care Facility across from a Light Industrial Facility. Not to mention the concerns we have regarding the long term effect a building of this nature will have on our ability to continue business operations as we have from this location for over 25 years.

is an oilfield service provider; the business segment operating from this location is Coil Tubing Services and Coil Tools. Operations are 24/7-365 days a year and include: 100 plus employees, large service vehicle traffic, chemical storage, pressure testing and wash bay facilities. All of which are accepted in a Light Industrial Areas. Not commonplace in commercial or residential areas.

adheres to very strict safety and environmental practices over and above those enforced by any government body. Our processes are designed to mitigate and eliminate accidents or incidences that can occur in an oilfield environment. However, residents of a multi-use facility, as is being proposed, might have unsubstantiated and uneducated concerns about our operations and cause issue.

We appreciate your consideration of our concerns, please do not hesitate to call me to discuss further.

Respectfully,