

## **Development Permit Notice of Decision**

Date of Decision: August 12, 2019

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Via e-mail: [jcourtcliff@icmgroup.ca](mailto:jcourtcliff@icmgroup.ca)

### **Proposed Development: Commercial Use**

**Legal Description:** Plan 192 0707, Block 5, Lot 13  
**Municipal Address:** 5607 30 Avenue, Beaumont, AB  
**Land Use District:** Commercial  
**Permit Application No:** 2019-340  
**Tax Roll:** 009399

### **Development Permit Conditions**

The development noted above is considered a Permitted Use with Variance within the Commercial District, and has been **conditionally approved** by the Development Authority subject to the conditions listed below. Unless otherwise provided for in this approval, all requirements of the City of Beaumont Land Use Bylaw 944-19 shall be met. **Be sure to review all the documentation included with this permit.**

#### General

1. Unless otherwise provided for in this approval, all requirements of the City of Beaumont Land Use Bylaw 944-19 shall be met.
2. The Land Use Bylaw 944-19 ("LUB"), Commercial District applies with respect to this development.
3. The site shall be developed in accordance with the attached plans issued for development permit dated August 9, 2019, with the exceptions and conditions as noted herein. **Any changes to the attached plans require prior written approval by the Development Authority.**
4. **As this permit has been issued for a permitted use with a variance, this permit shall not come into force and effect until the appeal period has expired (September 3, 2019).**
5. Development shall commence within one year from the date of decision noted above. If the development does not commence within this time frame, a new development permit will be required.

#### Variance

6. A variance has been approved to allow the shopfront entrance features along Magasin Avenue to be reduced as follows:
  - width from a minimum of 30% to 17.5%
  - depth from 3.0m to 2.89m

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7. A variance has been approved to allow 37.8% of non-glazed windows and doors on the shopfront frontage.

### Building Placement Standards

8. The principal frontage, secondary frontage, side and rear setbacks are acceptable and meet the LUB regulations.
9. Based on the development site size, the proposed site coverage is 32.8% and is within the maximum allowed under the LUB. Please note that there are inconsistencies in the building size on drawings DP.1 and DP.2.

**Outstanding Condition 1** – Please re-submit plans that are consistent with each other to ensure no discrepancies.

10. No accessory buildings are proposed. A separate development permit will be required for any additional buildings on the site.
11. Lighting for the building shall be provided as shown on the attached approved plans. All permanently installed lighting shall be compliant with International Dark-Sky Association requirements.
12. A lighting plan showing the location of, finishing materials and range of each lighting fixture for the parking lot is outstanding.

**Outstanding Condition 2** – A parking lot lighting plan is required to be submitted and approved by the development authority with the building permit application.

13. The Molok solid waste system at the side of the site is acceptable. The system must be able to accommodate 2 or 3 stream waste diversion.

### Building Profile Standards

14. The building height to eave is 2-storeys and meets the LUB regulations.
15. The approved drawings do not show any rooftop mechanical equipment. Rooftop mechanical equipment shall be screened behind the mansard roof and shall not be visible from the pedestrian perspective.

### Frontage Type Standards

16. The Stoop Frontage Standard applies to the 30<sup>th</sup> Avenue frontage and meets the intent of the LUB.
17. The Shopfront Frontage Standard applies to the Magasin Avenue frontage. Variances have been noted above for width and depth.
18. The development provides for 37.8% of non-glazed windows and doors on the Shopfront frontage. A variance to the 50% requirement has been provided, as noted above.
19. Signage locations have not been provided on the building. Signage shall be provided for each business. All signage shall be consistent and cohesive on the property. Signage has not been provided with this application, and therefore a development permit is required prior to installing any signage.

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### Landscaping & Screening Standards

20. The development site area is less than 2500m<sup>2</sup> and does not have a minimum tree or shrub requirement. The development includes 19 trees, at least 40% of those trees (14 trees) are coniferous trees. The development also includes 74 shrubs and the proposal meets the intent of the LUB.
21. The applicant agrees to construct the proposed public pedestrian sidewalk fully from west property line to east property line, along 30<sup>th</sup> Avenue. The applicant shall enter into an agreement with the municipality for the construction of this proposed public sidewalk and any associated landscaping no later than September 30, 2019. This development agreement may be registered on title.

**Outstanding Condition 3** – A development agreement shall be entered into between the applicant and the municipality no later than September 30, 2019 providing for details of construction for the proposed public sidewalk and any associated landscaping.

### Parking, Access & Loading Standards

22. The LUB requires nine (9) parking stalls based on the intended uses for this development, and ten (10) parking stalls have been provided on site. Five (5) additional stalls are provided off site. Any signage restricting offsite parking shall have prior approval from the municipality. Approved signage shall be installed by the municipality at the applicant's cost.
23. Six (6) bicycle parking stalls shall be provided in the location as shown on the plans.
24. A loading zone is provided and meets the intent of the LUB.
25. Site circulation on drawing A101 shows a one-way 4.0m drive aisle and a 6.0m drive aisle. The Fire Department has advised that the minimum distances, clearances and turning radius as set/required within the Alberta Building Code are required.

**Outstanding Condition 4** – Should the Fire Department require additional spacing, the applicant agrees to amend the development site plan and provide revised drawings no later than the building permit stage. A revised set of drawings is required that is consistent throughout showing the revised drive aisles.

### General

26. As-built and AutoCAD drawings are required to be submitted to the City.  
**Outstanding Condition 5** – Submission of AutoCAD drawings of the building and site are required to be submitted with the building permit application.
27. All sites must be kept clean of all construction waste and all other waste (the "debris") by removing or containing the debris in a manner satisfactory to the Development Authority.
28. Failure to keep the sites clean of debris is an offence under *Our Zoning Blueprint*. The Peace Officers may issue offence tickets to any person who has committed or is committing an offence respecting this infraction and may be subject to the following penalties:

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- a. First Offence – a written warning or a stop work order shall be issued, and a bin will be required onsite;
  - b. Second Offence (on same lot) – a minimum fine of \$1,000.00 and a stop work order shall be issued;
  - c. Third (and Subsequent) offence(s) (on same lot) – a minimum fine of \$5,000.00 and a stop work order shall be issued.
29. The owner shall contact all franchise utilities to arrange for any service connections that are required. Where City utilities and services are interfered with or for construction, which is on municipal property, the Applicant will be responsible for the cost of relocation/repair of these municipal services.
30. The Applicant shall ensure that consideration be given to controlling noise, dust and traffic on the site in addition to establishing reasonable hours of operation. Bylaw 642-05 states that between 2300 hours of one day and 0700 hours of the next day Monday through Friday, 2200 hours of one day and 0800 hours on Saturdays, and 2200 hours of one day and 0900 hours on Sundays and statutory holidays, operate any engine or motor-powered machine used for snow removal, gardening, landscaping or on lawns, in such a manner as to create undue noise.
31. The Applicant agrees to clean the roads where care and attention has not been taken by the contractor, at the direction of the Director of Infrastructure.
32. A preliminary review of the site plan and underground services plan has been conducted by Engineering Services.
33. The following are Engineering Services preliminary findings:
- A storm drainage plan shall be prepared and submitted for approval by the Manager, Municipal Projects. The storm water system should be designed to control storm water flow to a level that would be expected from a residential development of equivalent size.
  - Provide evidence of water flow requirements and provide design criteria for fire protection required by the size and construction type of the building proposed.
  - Sanitary and sewer connections for this development shall be made within the site boundaries unless otherwise approved by the Manager, Municipal Projects in accordance with the General Design Standards of the City of Beaumont.
  - Submit a Lot Grading Plan and servicing plan in accordance with the General Design Standards of the City of Beaumont, for review and approval by the Engineering Services Division.
  - Submit a Surface plan.
  - For Engineering Services all measurements on the drawings must be in Metric System. All drawings shall be submitted in A1 size and digital copies.
  - All development, civil and building drawings shall be consistent.

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**Outstanding Condition 6** - Final approval of all civil engineering plans must be completed **prior** to building permit issuance.

34. The water meter(s) for this project shall be purchased from the City of Beaumont. For each meter to be installed a "Water Meter Permit Request" must be completed electronically and submitted to [waterandwastewater@beaumont.ab.ca](mailto:waterandwastewater@beaumont.ab.ca). This application must be submitted thirty (30) days prior to occupancy. Size, type, and number of meters per building must be approved by the City of Beaumont.
35. Bylaw 689-08 - Water and Sanitary Sewer Utility Sections 4.13 and 4.14 are to be followed and approved by the Director, Infrastructure Services with respect to grease traps in any proposed building or bay.
36. The owner/applicant shall obtain all Federal, Provincial and local permits as they apply to this project.
37. The owner/applicant shall be responsible for any engineering and legal costs incurred by the City related to this project.
38. Applicable Plumbing, Electrical and Gas permits can be applied for through Superior Safety Codes. Their office is located at 14613 – 134 Avenue, Edmonton, AB, T5L 4S9, phone 780-489-4777, fax 780-489-4711.
39. The owner/applicant shall obtain a Building Permit from the City of Beaumont. Three detailed sets of drawings stamped by an Engineer of the building floor plan and including Electrical, Plumbing, Gas and Mechanical. **All Schedules must be included.**
40. The General Contractor will require a Contractor's License with the City and it allows all sub-trades to work on this site without requiring their own business license.

### Fire Department

41. The Applicant shall purchase a key box from the City Hall Office to ensure all building units are accessible in case of an emergency.

### **PRIOR TO ANY WORK COMMENCING ON THE SITE:**

#### Construction Permit and Letter of Credit:

42. A Construction Permit and a Letter of Credit equal to 25% of the construction costs shall be submitted to the City of Beaumont **PRIOR TO ANY** construction commencing on the site for the following:
  - a. any pre-grading of the site including stripping, grubbing, etc.
  - b. the cost of the work to be undertaken on municipal property, including but not limited to underground servicing and accesses.All but \$7,000 of the above noted securities will be returned upon completion, with no deficiencies as confirmed by Engineering (the municipality will not take less than \$7,000 security). The remainder shall be released after as-builts and service plans are received and deemed acceptable by engineering.
43. A Letter of Credit in the amount of 100% of the construction costs for landscaping shall be provided prior to building permit issuance, with such costs to include hard landscaping features such as brick pavers,

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shale, concrete curbing, sidewalks, patios, paved approaches including culvert and rip rap, fencing and painted lines for parking stalls.

50% of the landscaping security shall be released after planting and the remaining balance to be released once an inspection of the site has demonstrated to the satisfaction of the Development Authority that the landscaping has been well maintained and is in healthy condition two growing seasons after approved inspection.

44. Prior to securing the Letters of Credit for this project, the Applicant shall provide cost estimates for approval by the Manager, Municipal Projects.

**Outstanding Condition 7** – Submission of cost estimates and an appropriate letter of credit prior to construction commencing on the site.

### Additional Comments

1. This Notice of Decision is NOT a building permit. Work or construction shall not commence until an applicable Building Permit has been issued under the *Alberta Safety Codes Act* and any other applicable bylaws or regulations.
2. This Development Permit is issued under the City of Beaumont Land Use Bylaw 944-19. It does not exempt you from compliance with any other municipal bylaw or statutory plan applicable to the Proposed Development, any relevant federal or provincial statute or regulation, or any easement, covenant, agreement, or contract affecting the subject lands.
3. Contact Alberta One Call at 1-800-242-3447 to locate underground services prior to construction, if applicable.

**Failure to comply with any of the preceding conditions will render this permit null and void.**

### **Appeal Information**

Any Development Permit may be appealed to the Subdivision and Development Appeal Board (SDAB) if the permit was:

- a) issued for a permitted use with a variance, or for a discretionary use, or
- b) issued with conditions, or
- c) refused.

An appeal may be filed by:

- a) the person applying for the permit, and/or
- b) any person affected by the issuance of the permit.

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As the person applying for the permit, you may appeal the decision of the Development Authority regarding the permit or any conditions placed on the permit (as listed above) within 21 days after the date on which the decision is made.

<b>Notice of Decision:</b>	August 12, 2019
<b>Appeal deadline:</b>	September 2, 2019
<b>Permit active</b> (if no appeals filed):	September 3, 2019

To file an appeal or to get information on the appeal process you must contact the Secretary of the SDAB directly at 780-929-1352 or at [legislative@beaumont.ab.ca](mailto:legislative@beaumont.ab.ca). Appeals must be filed no later than 4:30 p.m. on the date indicated above.

### Permit Notification Information

In accordance with the City of Beaumont Land Use Bylaw 944-19, notices regarding this Development Permit have been mailed to owners of adjacent and nearby properties, as these individuals have the right to appeal this permit, as explained above. The same Development Permit Notice mailed to these individuals has been attached for your information.

Furthermore, given that this Development Permit is for a development that may be of public interest, general information regarding this approved Permit may be published on the City of Beaumont website.

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For more information regarding this Development Permit, its conditions, or the Land Use Bylaw, contact the Development Authority who made the decision on this permit:



Joanne Dargis  
Manager, Current Planning  
780-929-3328  
[joanne.dargis@beaumont.ab.ca](mailto:joanne.dargis@beaumont.ab.ca)

cc: Mike Schwirtz, CAO  
Eleanor Mohammed, Deputy CAO  
Curtis Doblanko, Director, Finance  
Kendra Raymond, Director, Planning & Development  
Rob Mackin, Director, Communications & Economic Development  
Everett Cooke, Director, Protective Services & Fire Chief  
Tyler Tymchyshyn, Manager, Municipal Projects

Joannes Wong, Manager, Long Range Planning  
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Troy Birtles, Accurate Assessment  
Kate Alexander, Leduc Public Health