



BEAUMONT
**Subdivision
and Development**
APPEAL BOARD

**SUBDIVISION AND DEVELOPMENT APPEAL BOARD
CITY OF BEAUMONT**

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HEARING DATE: February 23, 2026
FILE NO.: 26-01 DP 2025-077

Notice of Decision of Subdivision and Development Appeal Board

INTRODUCTION

[1] On January 5, 2026, the Development Authority of the City of Beaumont (the “Development Authority”) approved a development permit (2025-077) with conditions for Millbree Architect Art and Design c/o Sabrina Keichinger for a 2 storey commercial building – east building includes daycare on upper floor with retain-service general and restaurant/café uses below located at 9 Coloniale Way, Beaumont, AB and legally described as Plan 912 1656, Block 103, Lot 1 (the “Lands”).

[2] On January 29, 2026, Kevin Panter appealed the Development Permit.

[3] The Subdivision and Development Appeal Board (the “Board”) heard the appeal in person on February 23, 2026.

PRELIMINARY MATTERS

A. Board Members

[4] At the outset of the appeal, Board member Skelly advised that she lives outside of the notification area for the proposed development but is generally within the area. The Chair advised that in the 1990s to 2018, he worked at Focus, then WSP and at Stantec and was involved in land use development.

[5] The Chair requested confirmation from all parties in attendance that there was no opposition to the composition of the Board hearing the appeal. None of the persons in attendance had any objection to the members of the Board hearing the appeal.

B. Exhibits

[6] The Board marked the exhibits as set out at the end of this decision. During the hearing, the Appellant submitted photographs of the area. There was no objection to the Board receiving the photographs and they were marked as an exhibit as set out at the end of this decision.

C. Miscellaneous

[7] The appeal was filed in time.

[8] The Board is satisfied that it has jurisdiction to deal with this matter. There were no objections to the hearing process outlined by the Chair. There were no preliminary matters raised at the beginning of the hearing and no requests for an adjournment.

DECISION OF THE SUBDIVISION AND DEVELOPMENT APPEAL BOARD

[9] The Board denies the appeal and confirms the decision of the Development Authority. The conditions set out at pages 68/223 to 73/223 continue to apply.

SUMMARY OF HEARING

[10] The following is a brief summary of the oral and written evidence submitted to the Board. At the beginning of the hearing, the Board indicated that it had reviewed all the written submissions filed in advance of the hearing.

Development Authority

[11] The Lands are located at 9 Coloniale Way, Beaumont, AB and are legally described as Plan 912 1656, Block 103, Lot 1. The Lands are districted Integrated Neighbourhood (IN) under the City of Beaumont Land Use Bylaw (LUB).

[12] On June 25, 2025, the Development Authority was received the development permit application for 2-Two-Storey Commercial (CRU) Buildings. In the east building there was a proposed daycare use on the upper floor with retail and general service and restaurant/café uses below. The west building proposes an office use on the upper floor with retail and service general and restaurant café uses below.

[13] On January 5, 2026, the Development Authority approved, subject to twelve conditions, the construction of two (2) two-storey buildings, with a total floor area of 4,993 square metres (East Building: 2,152 square metres; West Building: 2,841 square metres), a total building footprint of 2,727 square metres, and associated site improvements, in accordance with the stamped approved drawings and the provisions of the City of Beaumont Land Use Bylaw 944-19. The Development Permit authorized the daycare which falls under Education, a

discretionary use under s. 3.4.2 of the LUB. The Development Permit also authorized a Restaurant/Café which is also a discretionary use under s. 3.4.2 of the LUB.

[14] Retail & Service – General is a permitted use under s 3.4.2 of the LUB.

[15] The Development Authority noted that within the IN District the general intention is to provide a variety of housing options with integrated commercial and business opportunities.

[16] For permitted uses, the use is allowed as of right if the proposed development complies with the applicable regulations. Discretionary uses may be appropriate if they are reasonably compatible with surrounding uses. The Development Authority considered whether the proposed development was reasonably compatible but took into account public feedback.

[17] In addition, the Development Authority considered the relevant policy and regulatory framework which included the City's Municipal Development Plan (MDP), particularly s. 2.6 which is the Generalized Land Use Concept. Map 9 – Land Use Concept details the land use policy areas to guide the long-term growth and development of Beaumont. Map 9 of the MDP identifies the Lands as "Commercial" and includes concentrations of retail, office, and entertainment uses, including those uses that rely on highway and major corridor access and exposure, such as auto services, sales and gas stations, hotels, restaurants, and other hospitality services.

[18] The Development Authority referenced ss. 4.13.1 and 4.13.2, noting that Map 7 of the MDP identifies 50th Street as an Arterial Road and Coloniale Way and Rue Bouchard as Collector (Major). The Development Authority also noted ss. 4.13.4, 4.13.5, 4.13.6, 5.1.6 and 5.1.18 as supporting the proposed development.

[19] The Lands are governed by the Coloniale Estates Outline Plan which identifies the Lands as Commercial. The Development Authority determined that the proposed development was consistent with the commercial designation of the Lands in the Coloniale Estates Outline Plan and implements the long-standing land use intent for the site.

[20] The LUB, s. 3.4.2. identifies uses that are classified as either permitted or discretionary within IN – Integrated Neighbourhood Commercial District. Development Permit 2025-077 authorized Retail & Service General which is listed as a Permitted Use; as well as Education (Daycare) and Restaurant/Café, which are both listed as Discretionary Uses. In addition, the LUB sets out development standards including yard space (setbacks from property lines), height, parking requirements, landscaping.

[21] The City's website hosted a December 29, 2025: Engagement Report for 9 Coloniale Way Development. This report "What We Heard & Did", provided a summary of the timeline and process, provided the themes of the engagement feedback, how the City responded, the next steps moving forward, and redacted submissions from residents. In January 2026, the Engagement Report for 9 Coloniale Way Development was emailed to residents who submitted feedback.

[22] Under Section 3.4.2 of Land Use Bylaw 944-19, Education and Restaurant/Café uses are listed as Discretionary Uses within the applicable land use district. A

discretionary use is a use that may be approved at the discretion of the Development Authority, provided that it is reasonably compatible with surrounding land uses and complies with the intent of the district and applicable statutory plans.

[23] The Development Authority considered that the Development complied with the Land Use Bylaw's development standards and therefore no variances were approved as part of this application. Accordingly, the Development Authority's evaluated whether the discretionary uses would be reasonably compatible with nearby properties.

[24] In exercising this discretion, the Development Authority considered:

- The nature, scale, and intensity of the proposed uses;
- The siting and design of the buildings and outdoor amenity areas;
- The location of the site within an established commercial policy area;
- The transportation context and access to arterial and collector roadways; and
- The absence of any requested variances or regulatory non-compliance.

[25] The Development Authority determined that the proposed uses are consistent with the intended function of the site and are compatible with existing surrounding development, particularly given the site's designation and context as a commercial site. Moreover, the scale, form, and design of the development are consistent with the intended character of the area.

[26] Based on these considerations, the Development Authority determined there was no valid land use planning basis to withhold approval of the proposed discretionary uses.

[27] The Development Authority reviewed and considered all submissions prior to making a decision. The feedback was predominantly opposed, with recurring themes focused on traffic and road safety, scale and intensity of development, parking adequacy, and neighbourhood character and compatibility, particularly given the site's location adjacent to residential uses, a school, and recreational facilities.

[28] The Development Authority worked with the applicant to address key planning considerations associated with the proposal. With respect to traffic and road safety, the City required the submission of a Traffic Impact Assessment to evaluate anticipated traffic generated by the development. The purpose of the Traffic Impact Assessment was to determine whether the surrounding road network could accommodate the proposed development and whether off-site improvements would be required. The assessment concluded that the surrounding road network can support the anticipated traffic volumes associated with the development.

[29] With respect to development scale, intensity, and site orientation, the proposal meets or exceeds all applicable Land Use Bylaw requirements related to setbacks, site coverage, parking provision, and landscaping. The orientation of the buildings is consistent with the applicable statutory policy framework and supports pedestrian activity along Rue Bouchard. Through the review process, the City worked with the applicant to enhance the Coloniale Way frontage through upgraded building materials and increased glazing.

[30] The Development Authority assessed the neighbourhood character and compatibility

through review against the Beaumont Urban Design Guidelines and through the Design Review Committee process. As part of this review, the Development Authority worked with the applicant to improve building articulation, material quality, and glazing, with particular attention to the facades along Coloniale Way.

[31] In considering the public feedback, the Development Authority distinguished between matters that are relevant to a development permit decision under the Land Use Bylaw and matters that fall outside the Development Authority's jurisdiction. While concerns related to traffic operations, parking, and interface with adjacent residential properties were considered as part of the discretionary use compatibility analysis, other comments, such as preferences for alternative land uses, opposition to commercial development in principle, or broader infrastructure and policy matters, are more appropriately addressed through statutory planning processes or land use district amendments.

[32] After assessing the public feedback alongside the applicable policy framework, the Development Authority concluded that:

- the subject site is designated Commercial in the Municipal Development Plan and Outline Plan;
- the proposed uses are contemplated by the Land Use Bylaw as permitted or discretionary uses within the district;
- the development complies with all applicable Land Use Bylaw regulations, with no variances requested or approved; and
- the proposed development, as designed and conditioned, is reasonably compatible with surrounding land uses.

[33] The Development Authority determined that the public feedback, when weighed against the regulatory framework and planning context, did not provide a sufficient land use planning basis to refuse the application.

[34] The Development Authority issued the Development Permit subject to twelve (12) conditions authorizing a commercial Development comprising two buildings with a total gross floor area of 4,993 square metres, a total building footprint of 2,727 square metres, and associated site improvements.

[35] In response to Board questions, the Development Authority stated:

- a. at the access point to the lands on 50 street, it is a right in only. The access to Rue Bouchard is a right in, right out.

Appellant – Kevin Panter

[36] The Appellant lives in a residence backing onto the Lands. He stated that the proposed development will affect his property value and the use of his property due to the noise, the shape and layout of the proposed development and the loss of privacy. He stated that the proposed development will decrease his quiet enjoyment. He was very concerned about the fact that the proposed development "faces the wrong way".

[37] There will be 20 businesses looking into his property and 84 parking spots. If a car door slams, the sound will bounce off the buildings on the Lands and come to his residence. It will be located 9 feet from his fence. There is an easement for a gas line on the Lands.

[38] He stated that the MDP emphasizes that the development must be compatible in scale, intensity and function and minimize adverse impacts on neighbouring properties. The placement of a commercial access road behind the residential uses does not meet this intent.

[39] The Appellant also stated that the LUB is intended to protect residential properties from undue impacts caused by non-residential development, traffic and visual intrusion. The location of a primary access route directly behind his fence failed to provide an appropriate buffer.

[40] The Appellant stated that there will be negative impacts on his property value, residential enjoyment and liveability and will cause shading, noise, traffic intrusion.

[41] The Appellant stated that the proposed development relies upon on street parking along Coloniale Way for at least 5 spaces which is contrary to the LUB's parking standards. There will be insufficient parking, causing spill-over parking on residential streets, safety concerns and obstruction of traffic.

[42] The Appellant stated that the building height was not justified and was not compatible with the surrounding residential context.

[43] The Appellant raised concerns about traffic, access and safety, including that the exist and entry points near intersections created conflict points. He also had concerns about pedestrian safety at the intersection of Rue Bouchard and Coloniale Way. He raised concerns about infrastructure wear and the impact on the community and stated that the approval of the commercial building conflicted with the broader strategic planning goals of locating commercial uses where they support communities without undermining residential character.

[44] The Appellant noted a particular concern about the commercial development facing his backyard. He noted that the Applicant had tried to make the building look better, but it was still adjacent to the road near his house. The Appellant stated that he has walked his children to school for the last 9 years, but he will avoid the intersection of Rue Bouchard and Coloniale Way due to the impacts.

[45] The Appellant referenced two cases in support of their argument. The Appellant referred to Northeast Muttarts Residents Association v. Edmonton (no citation) where the Court found an impact on the neighbours and Farkus v. Edmonton, 2020 ABCA 192 where the Court found a direct impact on the use. His position was that the proposed development should not proceed.

[46] The Appellant stated that the traffic impact assessment should have been done on the intersection of Coloniale Way and Rue Bouchard and not Coloniale Way and 50th Street.

[47] The Appellant stated that they are not opposed to development on the land, but it should be turned to face Coloniale Way. The traffic should be considered at what he suggested

was the appropriate location. The proposed development will affect 11 homes who will have a diminished quality of life.

Applicant

[48] The Applicant was represented by its planner, its architect and its traffic engineer, referred to collectively as the Applicant in this decision, unless it is necessary to refer to a specific speaker in which case the speaker will be specifically identified.

[49] The Applicant stated that under s. 687 of the MGA, the Board must decide the appeal in accordance with the LUB and the plans, having regard for the use and enjoyment of the parcels. The Board must determine whether the proposed development complies with the framework and whether there is an impact on use, enjoyment or value or a material impairment on the neighbourhood.

[50] The Applicant referred to the case of *Re Rizzo* for the proposition that the legislation must be interpreted in a grammatical and ordinary sense and the Board must apply the MDP and LUB as enacted. The Board cannot override the framework passed by Council.

[51] There are residences to the south and to the east of the proposed development. The primary access from Coloniale Way, which is a right in. There is access from Rue Bouchard, which is a right in only, limiting cross access. There is a fence along the common lot line with the Appellant. The daycare will be located in the east building. The buildings are located closer to the arterial roads and further from the southern edge.

[52] In looking at whether the proposed development is compatible with neighbouring uses, compatibility does not mean the preservation of the status quo. The MDP anticipates change and the LUB manages the change through buffering and other controls. The proposed development meets all the regulations. The Appellant has implied that the district regulations are inadequate. However, if they are, it is a legislative issue and not a development permit issue.

[53] The Applicant has provided a traffic impact assessment which examines the projected traffic movement during the morning and afternoon peak times. If the Appellant suggests that the analysis provided by the Applicant's accredited professional is incorrect, the Appellant must provide evidence, since personal observations do not contradict an expert.

[54] The Applicant disagreed with the Appellant's assertion of impact on property value. The Board's ability to have regard for use, value and enjoyment does not create a presumption of harm. The question is whether there are measurable land use impacts that impair the neighbourhood properties. The proposed development complies with the limits for height, setbacks, buffering through landscape and the location of parking and access. The main access to the arterial and collector roads and the parking meets the requirements of the LUB. The parking along Coloniale Way is not used to meet the LUB's parking requirements.

[55] There is no evidence that the restaurant and daycare cannot co-exist with the neighbouring residential uses. There is a suggestion that commercial development should not be located on the Lands, but the Lands are zoned for commercial use. The proposed

development complies with the regulations and there are no variances. There is buffering and transition. The proposed development meets the parking standards and is supported by a professional parking analysis.

[56] The buildings are 2 stories and step down to the south to respect the residential development. The east building steps down to Rue Bouchard to reduce the mass to the south. Both are inset at the corners to reduce the impact of the height at the corner. Trees and foliage is in place to allow an additional buffer between the building and the street. More than the minimum setback is provided.

[57] The surface parking has planting screens, so the parking should not be visible from the residences. There are 2 meter pedestrian paths throughout the site. The landscaping strategy required the removal and relocation of trees to increase the number of trees on site. The waste removal stores the waste underground for a cleaner look and less smell. The choice to put the 2 stories to the north was intention to minimize the impact on the residences. The character and architecture is appropriate for a commercial development. The lighting is a soft high quality with down-directed light fixtures. The rooftop mechanical is screened for visual esthetics.

[58] The Applicant conducted robust traffic studies. The key findings are that the development will generate 125 and 228 2 way trips in the morning and the evening. This magnitude will be barely noticeable. In the morning, it will be 2 additional trips and in the afternoon 3.5-4 new trips. The signalization is at a level of service B and during peak hours operates at the 95th percentile. There are no operational concerns anticipated. There should be no measurable impact on Coloniale Way from the proposed site access due to the width. There is an all directional intersection at Coloniale Way and 50th Street. There are 75-80 parking spots on site and 4-5 on Coloniale Way which meets the LUB requirements. The parking on Coloniale Way are not required to meet the LUB requirements. The Applicant clarified the traffic counts noting that along Coloniale Way heading west will generate 125 2 way trips in the morning (75 in and 50 out). In the afternoon there will be 228 total trips at that location (108 inbound and 120 out). Daytime traffic counts during the school year were done at the intersection of Coloniale Way and 50th Street.

[59] The right in/right out at Rue Bouchard is to force traffic away from the intersection of Coloniale Way and Rue Bouchard.

[60] In response to Board questions, the Applicant stated:
a. The entrance to the east is right in and right out only to avoid cutting through traffic.

Affected Persons

[61] Don Vallee lives near the proposed development. He is generally in favour of development, but had concerns about the proposed development. He does not believe the treeline will create a barrier from the proposed development. It will take 20 years before the trees are a sufficient size to do so.

[62] He stated there is a gasline on the back of the land. He is opposed to the building facing south. The building should face Coloniale Way. If the building remains oriented to the south, there will be noise and light in the backyards.

[63] He had major concerns about traffic and pollution. It current takes 15 minute to turn left from the intersection of Coloniale Way and 50th Street.

[64] Sarah Foster lives near the proposed development. She took issue with the conclusions of the Applicant's traffic engineer stating that 1-2 cars in the morning and 3-4 in the afternoon is 180-240 cars. In a year there will be 131,400 extra cars extra in the community. She had concerns that the extra vehicles will cause safety concerns for children.

[65] She also had concerns about the proposed development facing south, arguing it should face Coloniale Way. She disagreed with the Applicant's comments that she needed an expert report to support the concerns about the negative impact on property values. She stated that realtors had told friends of hers that there would be a \$30,000 to \$40,000 decrease in property values.

FINDINGS OF FACT

[66] The Lands are located at 9 Coloniale Way, Beaumont, AB and legally described as Plan 912 1656, Block 103, Lot 1.

[67] The Lands are located within the IN Integrated District.

[68] The Use of the Proposed Development is a 2 storey commercial building – east building includes daycare on upper floor with retain-service general and restaurant/café uses below.

[69] The Appellant is an affected person.

[70] The Applicant is an affected person.

[71] Mr. Vallee and Ms. Foster are affected persons.

REASONS

Jurisdiction

[72] The Board notes that its jurisdiction is found in s. 687(3) of the MGA. In making this decision, the Board has examined the provisions of the LUB and has considered the oral and written submissions made by and on behalf of the Development Authority, the Applicant, the Appellant and affected persons.

- 687(3) In determining an appeal, the subdivision and development appeal board*
- (a) must act in accordance with any applicable ALSA regional plan;*
 - (a.1) must comply with any applicable land use policies;*
 - (a.2) subject to section 638, must comply with any applicable statutory plans;*

- (a.3) subject to clause (a.4) and (d), must comply with any land use bylaw in effect;*
- (a.4) must comply with the applicable requirements of the regulations under the Gaming, Liquor and Cannabis Act respecting the location of premises described in a cannabis licence and distances between those premises and other premises;*
- (b) must have regard to but is not bound by the subdivision and development regulations;*
- (c) may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own;*
- (d) may make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the land use bylaw if, in its opinion,*
 - (i) the proposed development would not*
 - (A) unduly interfere with the amenities of the neighbourhood, or*
 - (B) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,*
 - and*
 - (ii) the proposed development conforms with the use prescribed for that land or building in the land use bylaw.*

Affected Persons

[73] The first question the Board must determine is whether those appearing and speaking before the Board are affected persons. The Board notes that there was no objection made to those making submissions to the Board. However, for completeness, the Board will address this issue in its reasons.

[74] As the person who applied for the development permit and appealed the refusal, the Applicant is an affected person.

[75] The Appellant lives in a residence backing onto the Lands. Due to his proximity to the proposed development, he is an affected person.

[76] Mr. Vallee and Ms. Foster live in the neighbourhood. Due to their proximity to the proposed development, the Board finds they are affected persons.

Issues to be determined

[77] In order to decide the appeal, the Board must determine the following questions:

- a. What are the uses and are they permitted within the District?
- b. Does the use require any variance of the regulations, and if so, should the Board exercise its variance power?
- c. Does the use comply with the statutory plans?
- d. If the Board decides to approve the use, should the Board impose any conditions on the approval?

a. What are the uses and are they permitted within the District?

[78] The only evidence before the Board is that the Lands are zoned as IN Integrated District and the Board finds so as a fact.

[79] There are 3 uses within the proposed development:

- a. Daycare which falls under Education, a discretionary use under s. 3.4.2 of the LUB;
- b. Restaurant/Café which is also a discretionary use under s. 3.4.2 of the LUB; and
- c. Retail & Service – General is a permitted use under s 3.4.2 of the LUB.

[80] The Board notes that the retail and service use is a permitted use. The Board agrees with the submissions of the Development Authority that it must approve the permitted use if that use complies with the development regulations under the LUB. The evidence of the Development Authority and the Applicant was that the entire proposed development complied with all development regulations under the LUB. The Appellant and affected persons did not provide any evidence that the retail and service use did not comply with the regulations. The Appellant and affected persons did not provide any evidence or argument that the Development Authority misinterpreted, relaxed or varied the LUB (see s. 685(3) of the MGA). In the absence of any misinterpretation, relaxation or variance, there is no ability for the Board to overturn the approval of the Development Authority for this use.

[81] The Board notes that the Daycare and Restaurant/Café are discretionary uses. As noted by the Development Authority and the Applicant, the Board must consider whether the proposed developments are reasonably compatible with neighbouring uses.¹

[82] The Appellant's submissions were for the entirety of the proposed development, and he did not separate out his concerns in relation to the specific uses. However, the Board will treat his arguments as applying to the question of compatibility of the discretionary uses, since the Board has determined that it cannot overturn the permitted use, and the Board can consider the discretionary uses (Daycare and Restaurant/Café).

[83] The Appellant raised the following concerns:

- a. Property values;
- b. Compatibility with scale, intensity and function between proposed development and residential development;
- c. Noise;
- d. Traffic, access and safety;
- e. Parking; and
- f. Height, shading and impact on privacy from building orientation.

Property Values

[84] The Board noted that the Appellant and one affected person raised a concern about their property values being negatively impacted and suggested that a realtor had advised a

¹ Rosedale Community Leage (1974) v Edmonton (SDAB), 2009 ABCA 261 at para 14.

neighbour about the impact. The Board agrees with the comments of the Applicant that merely asserting a concern about the impact on value is not sufficient to show that there will be an impact on value. The Board places little weight on the Appellant's and the affected person's statements regarding the negative impact on value, especially since neither indicated that they had any specialized knowledge in relation to values (ie, neither indicated they were appraisers, etc.).

[85] In the absence of evidence of a negative impact on property values, the Board cannot conclude that there is a negative impact from the two discretionary uses. Therefore, the Board finds that this ground does not result in an incompatibility of the two discretionary uses with neighbouring uses.

Compatibility with scale, intensity and function between proposed development and residential development

[86] The Appellant and the affected persons were concerned about the fact that the proposed development was not compatible with the neighbouring use. The Board notes that the concern appears to be that there is a commercial use placed near residential uses. However, the LUB authorizes these discretionary uses. Unless the Board finds that the uses are incompatible, the Board cannot deny the uses. The Board must accept the LUB as Council has passed it. The LUB permits certain commercial uses on the Lands, and the Board has no authority to rewrite the LUB.

[87] The Board will address the concerns of shading, noise and traffic separately below.

Noise

[88] The Appellant had concerns about noise generated from the proposed development. The Board understood the concerns to be about noise generated from the uses themselves as well as noise from the traffic generated from the uses.

[89] The Appellant did not provide specifics of his concerns. Rather the Board understood it to be a general concern that there would be noise generated. In relation to noise from the proposed discretionary uses, the Board notes that the buildings are located as far away from the Appellant's lands as is possible on the Lands. The Board finds that the increased distance will reduce the sound impacts.

[90] In relation the noise from traffic, the Board notes that the only evidence about how many trips will be generated from the developments is the Applicant's traffic impact assessment (TIA). That TIA indicated that the proposed development would generate 125 2-way trips in the morning (75 in and 50 out). In the morning, it will be 2 additional trips and in the afternoon 3.5-4 new trips. In the afternoon there will be 228 total trips at that location (108 inbound and 120 out). The Board is not convinced that this relatively low number would create incompatibility of sufficient magnitude to deny the approval.

Traffic, access and safety

[91] The Appellant and affected persons raised concerns about traffic, access and safety, particularly at the intersection of Coloniale Way and Rue Bouchard.

[92] The Board has commented on the increase in traffic in paragraph [90] above. In relation to access, the Board notes that the access from Coloniale way is right in only. Since vehicles will not be able to leave from that access point, that should decrease the traffic impact. The Board also notes that the access on Rue Bouchard is right in, right out only. The Board accepts the evidence of the Applicant's traffic engineer that this limitation is for the purposes of directing traffic away from the intersection of Rue Bouchard and Coloniale Way. Traffic will be directed south on Rue Bouchard and will not be able to cross traffic to that intersection, thus limiting the safety concerns from traffic arising from the proposed development.

Parking

[93] The Appellant stated that the Applicant is relying on on-street parking to meet the LUB's parking requirements. The Applicant and the Development Authority stated that the on-site parking met the requirements of the LUB. The Board prefers the evidence of the Development Authority and the Applicant. The Development Authority is tasked with determining compliance with the LUB and the Applicant has not shown any error in the Development Authority's parking counts. The Board also prefers the evidence of the Applicant, particularly the Applicant's traffic engineer who has experience in this area. Since the Applicant has not established any errors, the Board does not accept that there are incompatibility concerns arising from parking.

[94] The Appellant was concerned about spillover parking onto residential streets giving rise to safety concerns, and obstruction of traffic. The Board notes that there is no evidence of insufficient parking, since the Board has accepted the evidence of the Development Authority and the Applicant that it has met the LUB's parking requirements. Therefore, the Board finds that this concern does not result in an incompatibility sufficient to justify denying the development permit. In addition, even if there is some parking on residential streets, the Board is not convinced that parking on residential streets would rise to a level of incompatibility.

Height, shading and impact on privacy from building orientation

[95] The Appellant had concerns about the height of the buildings and the impact of shading as well as a lack of privacy arising from the building orientation.

[96] In relation to the height of the buildings, the Board was advised that the buildings met the height regulations in the LUB. The Board also notes that the buildings are oriented so the highest point of the building is the furthest away from the Appellant's lands. The Board finds that this orientation reduces the impact on the Appellant and that while there may be some ability for users in the second floor to look at the Appellant's lands, the impact on the Appellant's privacy is lessened by the location of the buildings on the northern portion of the Lands and by the trees which are to be placed on the south edge of the Lands. The Board also notes that the buildings are to be "stepped down" to minimize the impact of massing on the Appellant. If the buildings were oriented to Coloniale Way, as had been suggested by the Appellant, the Board expects that the buildings would be placed closer to the Appellant's lands, which would have a larger impact of shading, and loss of privacy on the Appellant.

[97] Based on the evidence before it, the Board is not convinced that the height of the buildings and any impact on privacy will result in incompatibility with neighbouring uses.

[98] The Board also notes that the Applicant will be using low lighting and will be directing the light downward to decrease the impact on the Appellant. The Board finds that this measure will decrease the impact of the proposed development on the Appellant.

Other

[99] The Board notes the Appellant raised the issue of the wear and tear of infrastructure, but the Board has no authority over the use of capital infrastructure and so did not consider this in its deliberations.

[100] The Lands are zoned so that commercial uses can be approved on them. In making that decision Council likely considered that commercial next to residential was appropriate. The Board acknowledges that the Appellant is concerned about the commercial uses. However, the Board must accept the LUB as Council has approved it.

b. Does the use require any variance of the regulations, and if so, should the Board exercise its variance power?

[101] The evidence before the Board was that no variances were required. Therefore, the Board does not need to exercise its variance power.

c. Does the use comply with the statutory plans?

[102] The Development Authority provided a detailed analysis of the compliance of the proposed development with the statutory plans at pp 5/223 to 6/223 of the Agenda Package. The Applicant provided written submissions in relation to the compliance of the proposed development with the statutory plans (pp 219/223 to 220-223.) The Appellant did not provide submissions on this point.

[103] The Board finds that the proposed development complies with the statutory plans for the following reasons. First, the MDP and the Coloniale Estates Outline Plan both identify the Lands as "commercial". The proposed development is commercial in nature. The MDP (s. 2.6) supports a broad range of commercial uses, which the proposed development has. The Lands are bounded by an arterial road and collector roads, which complies with the MDP's statements of benefitting from exposure and access along major roads.

[104] The proposed development is consistent with the MDP by encouraging commercial uses in the locations identified in Map 9 (s. 4.13.1) and directing commercial uses to major roadways – the Lands are near 50th Street and Coloniale Way (s. 4.13.2). The proposed 2 storey building efficiently uses the Lands (s. 4.13.5). The proposed development complies with s. 4.13.6. There is an outline plan, and evaluation of servicing capacity and a traffic impact assessment (s. 4.13.6). The proposed development does encourage storefront commercial business. The proposal is currently for Daycare, Restaurant/Café and Retail & Service General. The Board concludes that these uses are storefront commercial businesses and will support diverse shopping experiences (s. 5.1.6) and the proposed development is in a centralized location adjacent to multi-modal transportation corridors (s. 5.1.18).

d. If the Board decides to approve the use, should the Board impose any conditions on the approval?

[105] The Board has examined the conditions imposed by the Development Authority. The Applicant did not indicate any concerns with the conditions imposed. The Board is of the view that these conditions are reasonable and confirms that the proposed development is subject to the conditions imposed by the Development Authority.

Conclusion

[106] For the above reasons, the Board denies the appeal and confirms the development permit.

[107] Issued this 9th day of March, 2026 for the City of Beaumont Subdivision and Development Appeal Board.



C. Winter, Clerk of the SDAB,
SUBDIVISION AND DEVELOPMENT APPEAL BOARD

This decision may be appealed to the Court of Appeal of Alberta on a question of law or jurisdiction, pursuant to s. 688 of the Municipal Government Act, RSA 2000, c M-26.

APPENDIX "A"
REPRESENTATIONS

PERSONS APPEARING

1. C. Thomas, Development Authority
2. K. Panter, Appellant
3. M. Figuiera, on behalf of the Applicant
4. S. Keichinger, on behalf of the Applicant
5. M. Huberman, on behalf of the Applicant
6. D. Vallee, affected person

APPENDIX "B"
DOCUMENTS RECEIVED AND CONSIDERED BY THE SDAB

Exhibit	Description	Pages
1.	Hearing Agenda	1-2
2.	Notice of Hearing	3-4
3.	Development Authority's Report and presentation	5-213
4.	Appellant's materials	214-218
5.	Applicant's Submissions	219-223
6.	Appellant's photographs	