



## AGENDA

REGULAR MEETING OF THE SUBDIVISION & DEVELOPMENT APPEAL BOARD OF THE TOWN OF TABER, TO BE HELD IN THE COUNCIL CHAMBERS, ADMINISTRATION BUILDING, ON THURSDAY, MARCH 26, 2015 AT 5:00 PM.

		<u>MOTION</u>
ITEM No. 1.	CALL TO ORDER	
ITEM No. 2.	ADOPTION OF THE AGENDA	X
ITEM No. 3.	ADOPTION OF THE MINUTES	
ITEM No. 3.A.	MINUTES SUBDIVISION AND DEVELOPMENT APPEAL BOARD MEETING: JANUARY 30, 2014	X
ITEM No. 4.	PURPOSE OF HEARING	
ITEM No. 5.	INTRODUCTION OF THE BOARD MEMBERS	
ITEM No. 6.	APPELLANT'S PRESENTATION	
ITEM No. 7.	PUBLIC COMMENTS IN SUPPORT OF APPELLANT	
ITEM No. 8.	DEVELOPMENT AUTHORITY PRESENTATION	
ITEM No. 9.	PUBLIC COMMENTS IN SUPPORT OF DEVELOPMENT AUTHORITY	
ITEM No. 10.	DEVELOPMENT AUTHORITY FINAL COMMENTS AND SUMMATION	
ITEM No. 11.	CLOSE OF MEETING	X



<b>Subdivision &amp; Development Appeal Board Request for Decision</b>	
<b>Meeting Date:</b> 3/26/2015	
<b>Subject:</b> Minutes Subdivision and Development Appeal Board Meeting: January 30, 2014	
<b>Recommendation:</b>	That the Subdivision and Development Appeal Board adopts the minutes of the Regular Meeting held on January 30, 2014, as presented.
<b>Background:</b>	N/A
<b>Legislation / Authority:</b>	MGA, Section 208(1)(a)(c)
<b>Strategic Plan Alignment:</b>	N/A
<b>Financial Implication:</b>	N/A
<b>Service Level / Staff Resource Implication:</b>	N/A
<b>Justification:</b>	Approval of minutes is in accordance with the <i>Municipal Government Act</i> , Section 208
<b>Alternative:</b>	That the Subdivision and Development Appeal Board adopts the minutes of the Regular Meeting held on January 30, 2014, as amended.



<b>Attachment(s):</b>	Minutes
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<b>APPROVALS:</b>	
<b>Originated By:</b>	Kerry Van Ham
<b>Chief Administrative Officer (CAO) or Designate:</b>	

MINUTES OF THE SUBDIVISION AND DEVELOPMENT APPEAL BOARD (S/DAB) OF TOWN OF TABER, IN THE PROVINCE OF ALBERTA, HELD IN THE COUNCIL CHAMBERS, ADMINISTRATION BUILDING, ON THURSDAY, JANUARY 30, 2014, AT 5:00 PM.

PRESENT: Ray Untereiner, Chair  
Brad Murphy  
Debbie Sargeant

ABSENT: Councillor Ross-Giroux  
Councillor Randy Sparks

ALSO PRESENT:

Greg Birch, Chief Administrative Officer (CAO)  
Cory Armfelt, Manager of Planning & Economic Development  
Kerry Van Ham, Council & CAO Assistant

**ORDER**

Chair Untereiner called the Subdivision and Development Appeal Board Meeting to Order at 5:04 PM.

**ADOPTION OF THE AGENDA**

Chair Untereiner inquired if there were any additions or deletions to the Agenda, and advised that there were none.

RES.4/14 MOVED by B. Murphy that the Subdivision and Development Appeal Board adopt the agenda as presented.

CARRIED UNANIMOUSLY

**ADOPTION OF MINUTES****A) Meeting of Subdivision and Development Appeal Board (S/DAB) – October 17, 2013**

RES.5/14 MOVED by D. Sargeant that the Subdivision and Development Appeal Board adopts the minutes of the Meeting of the Subdivision and Development Appeal Board held on January 9, 2014, as presented.

CARRIED UNANIMOUSLY

**PURPOSE OF HEARING****A) Subdivision and Development Appeal Board Hearing:  
Subdivision Application TT 13 0 005, 4206 47 Av., Block 2,  
Plan 9210689**

Chair Untereiner and G. Birch described the purpose of the hearing against the decision of the Subdivision Authority to refuse Subdivision Approval for a four lot proposal at 5206 47 Ave. G. Birch summarized the property location, and the Land Use Bylaw regulations that applied to the application. G. Birch also stated that the appellant had not provided intent on the plans for the declined Subdivision Application.

**INTRODUCTION OF THE BOARD MEMBERS**

The Board Members introduced themselves and the Chair inquired if there was any objection to the members of the Board by the appellants.

There were no objections.

**APPELLANT'S PRESENTATION**

Mark Baldry, representing Ben Inc., reviewed correspondence that was provided by the Town in the rejection of the proposal of the subdivision. There were three reasons given by the Town for the application to be refused. Mr. Baldry addressed each point separately as follows:

To address Point 1 of the Town of Taber letter, Mr. Baldry commented as follows:

1) Parking Concerns:

The letter stated that the subdivision would eliminate all off street parking that needed to be available to patrons. The subdivision included at 37 foot lot which would be able to handle an amount of off street parking, plus there is on street parking available. If a 37 foot lot was deemed to be not enough to meet the off street parking needs, the developer would be open to expanding that a few more feet if necessary.

2) Sale ability of Parcel:

The client is the one taking the risk of future sale ability of the parcel, not the Town. Currently there are no parking issues anywhere in Taber.

3) This is an existing empty building that has been empty for quite some time. There are a lot of empty buildings in Taber and Ben Inc. would like to develop buildings.

To address Point 2 of the Town of Taber letter, Mr. Baldry commented as follows:

1) Proposed lots would be difficult to service with domestic water.

Mr. Baldry stated that this issue is a money issue. The developer doesn't know what is under the ground on the proposed site. It might cost money to provide services to those lots, but the Town needs to weigh that against having buildings sit vacant or work with someone who wants to make something happen on that location.

**APPELLANT'S PRESENTATION**

To address Point 3 of the Town of Taber letter, Mr. Baldry commented as follows:

1) Plan for proposed lots:

Mr. Baldry stated that even though there was no specific plan submitted for use of the proposed lots, Ben Inc. is the landowner who paid money and will use the land. It seems shortsighted on the Town's part to put this person in a position that this building could sit vacant.

Mr. Baldry provided overall comments as follows:

- 1) The Town could have their input regarding the development of the property at the permit stage;
- 2) Ben Inc. has not provided proposals for the lots because they are not at that stage yet;
- 3) Future use should be dealt with at the development level;
- 4) The Town can maintain its right to make the final say when the person who eventually buys the lot develops it;

Chair Untereiner inquired if the Board had any questions.

B. Murphy questioned what plans Ben Inc. had for adjacent land to be retained for parking and how many spaces that would entail.

Mr. Baldry stated that Ben Inc. did not provide those details to him but one could suggest 10-15 spots, plus the on street parking.

Chair Untereiner inquired if the Board had any more questions.

The Board had no more questions at this time.

Chair Untereiner inquired if there was anyone else present to speak as an appellant.

There was no one else present to speak as an appellant.

**PUBLIC COMMENTS IN SUPPORT OF THE APPELLANT****A) Presentation of Written or Oral Briefs Against the Application**

Chair Untereiner inquired if there was anyone present to declare public comments in support of the appellant.

There was none.

**DEVELOPMENT AUTHORITY PRESENTATION**

Speaking to the Appellant's objections, Mayor De Vlieger and C. Armfelt stated that prior to the subdivision being presented to the Subdivision Authority, there was an attempt on at least two occasions to ascertain specifically what Ben Inc. had for plans for all parcels. At no time did he mention the lot adjacent would be retained for parking, that is new information that was received tonight. The Planning department attempted to work together with the applicant, but there was no information provided by the appellant; no indication as to what may happen with those lots. That's the reason for the recommendation that was made to Council.

C. Armfelt spoke to the points raised in the Town's letter to provide more details for the Board, as follows:

- 1) If the building stays as a retail space, it needs 19 parking stalls. If it changes to office use, it needs 12 stalls. Also, there is a requirement for a 7 meter wide fire access land to the rear of the building. The Town would require a fire lane.
- 2) The issue of servicing is a significant concern to the Town. There was repaving in 2013 and the water is on the north side of 47 Ave, so there would be a requirement to dig across to service these lots. Depending on the future concept, if the lots weren't serviced all at the same time, the Town would potentially have 3 times where the road would be dug up. We would put that as a condition on a future development permit and subsequently we would have to put something on the land titles.



**DEVELOPMENT AUTHORITY PRESENTATION – CONT'D**

- 3) When the Subdivision Authority makes a decision, it is looking at the best interests of the Town. To add more lots to the stock of existing lots would lower the market for everyone, putting more supply on the market and maybe inhibit sales of existing lots. From a community perspective, introducing three more lots to the market doesn't do current lot sale owners a favour.
- 4) The Town has a plan for that area which is outlined in Bylaw 5-2004 Development and Gateway. There is a plan to develop and integrate railway lands into downtown, not another strip mall. So when we talk about that railway area, we're talking about that entire stretch on 47<sup>th</sup> Avenue. We do have a figure within that Bylaw, Figure 3. for street scaping improvements. Depending on what the concept was for the developer, we would work with them to meet the intent of the downtown redevelopment plan as close as possible.
- 5) Taber's Municipal Development Plan and commercial land use within the Land Use Bylaw is a situation where all of the parking in the downtown could be developed away from the downtown. There is a parking lot for the vacant building currently that can handle stalls for that building. If its subdivided, then there's deficient parking for that building. We could subdivide all of the off street parking in the downtown and collect money from a developer and use it to pay for parking elsewhere.

C. Armfelt stated that if there was a concept originally proposed by the applicant, or if he would have been open to discuss plans, the Town would have been open to negotiating and speaking to support some sort of redevelopment effort. The Town is concerned that is one lot is sold, the individual would have to pay for the entire servicing. Some lots could not develop for a very long time, and an isolated development does not meet the intent of the area redevelopment plan or the intentions of the Bylaw of Council.

**DEVELOPMENT AUTHORITY PRESENTATION – CONT'D**

Mayor De Vlieger stated that the Town is willing and open to work with someone who comes with a concrete plan. There were not enough details and too many unknowns. If a more detailed plan was proposed, there would have been a bigger chance of success.

D. Sargeant inquired about the land owner's intention to subdivide and sell off, not develop the lots.

Mr. Baldry stated that the owner has purposes for a commercial building, but doesn't need huge parking lot and feels he could use that for other purposes.

D. Sargeant inquired that if you sell a piece of property in a subdivision is it the responsibility of the purchaser to find out what can be developed on that lot before it is purchased?

C. Armfelt stated that it is the responsibility of the purchaser to do the due diligence.

B. Murphy inquired if the new information provided indicated that lot 4 of the diagram would be used for parking.

C. Armfelt stated that he assumed it would be lot 4 that would be used for parking. That would require strong conditions to be registered on title to ensure that proposal to make lot 4 parking would happen in the future.

B. Murphy inquired if that could be a condition on subdivision to have parking lot made prior to the sale of other lots.

C. Armfelt stated that if the Board wants to consider that, they should seek technical information on how to compel the appellant to make that into a parking lot. As there was no evidence in front of the Board confirming the parking lot, there is no way to compel the appellant to do so.

B. Murphy inquired if a condition could be placed on the subdivision to service all lots prior to selling them.

**DEVELOPMENT AUTHORITY PRESENTATION – CONT'D**

C. Armfelt stated that it could be a possible condition. The developer would then sell them as serviced lots.

The Board discussed the potential amount of sellable lots.

Chair Untereiner inquired if the Board had any other questions.

The Board had no further questions at this time.

**PUBLIC COMMENTS IN SUPPORT OF THE DEVELOPMENT AUTHORITY****A) Presentation of Written or Oral Briefs For the Application**

Jessica Van Bostelen, representing NAPA Auto Parts, stated the concern for parking. She agreed the landowner should not be responsible for providing parking for the Town, but his responsibility lies in providing parking for his own service. If parking were to overflow onto the street, then the clients of adjacent business owners will have nowhere to park.

Ms. Van Bostylenn stated that she supports a development, but the owner needs to retain enough space for garbage, rear access and parking.

Chair Untereiner inquired if the Board had any questions.

The Board had no questions at this time.

**APPELLANT'S FINAL COMMENTS AND SUMMATION**

M. Baldry stated that he presented what his client requested him to. There were a lot of details presented to which he was unaware, and as his client is not available, he would not speculate as to what his client's thoughts are.

Chair Untereiner asked if all parties believed that they had a fair and impartial hearing.

All parties stated that they felt they had a fair and impartial hearing.

**CLOSE OF MEETING**

RES.4/14 MOVED by B. Murphy that this Public Meeting and Hearing of the Subdivision and Development Appeal Board (S/DAB) is hereby closed.

CARRIED UNANIMOUSLY AT 5:57 PM

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CHAIRPERSON

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CHIEF ADMINISTRATIVE OFFICER