

MINUTES OF THE REGULAR MEETING OF THE SUBDIVISION & DEVELOPMENT APPEAL BOARD OF THE TOWN OF TABER, IN THE PROVINCE OF ALBERTA, HELD IN THE COUNCIL CHAMBERS, ADMINISTRATION BUILDING, ON WEDNESDAY, NOVEMBER 29, 2017, AT 5:00 PM.

---

**Chair**

Sargeant, Deb

**Members**

McKee, Dave

Sorensen, Joanne

**Absent**

Koernsen, Ben

Untereiner, Ray

**Staff**

Armfelt, Cory

Malcolm, Andrew

Noble, Grace

Van Ham, Kerry

**CALL TO ORDER**

C. Armfelt called the meeting to Order at 5:06 PM as the Board required the election of a Chairperson.

C. Armfelt called for the nomination of a Chairperson.

D. McKee nominated D. Sargeant to be the Chair of the Subdivision and Development Appeal Board.

C. Armfelt called for a 2<sup>nd</sup> and 3<sup>rd</sup> time if there were further nominations amongst the members present.

No further nominations were put forth and D. Sargeant accepts the nomination as Chair of the Subdivision and Development Appeal Board.

D. Sargeant assumed the Chair at 5:07 PM.

## **ADOPTION OF THE AGENDA**

Chair Sargeant inquired if there were any additions or deletions to the Agenda.

C. Armfelt stated that Agenda Item No. 10 should be titled as Appellant's Final Comments and Summation, instead of Development Authority Final Comments and Summation.

RES. 1/2017            MOVED by J. Sorensen that the Subdivision and Development Appeal Board adopts the Agenda, as amended to title Agenda Item 10. Appellant's Final Comments and Summation.

CARRIED UNANIMOUSLY

## **ADOPTION OF THE MINUTES**

### **A) Minutes Subdivision and Development Appeal Board Meeting: November 3, 2015**

RES. 2/2017            MOVED by J. Sorensen that the Subdivision and Development Appeal Board adopts the minutes of the Meeting of the Subdivision and Development Appeal Board held on November 3, 2015, as presented.

CARRIED UNANIMOUSLY

## **PURPOSE OF HEARING**

### **A) Notice of Decision DP 17-108, 5306 49 Ave, Taber, AB, Lots B & 4, Block 9, Plan 5638L**

C. Armfelt described the purpose of the hearing involving the decision of the Development Authority (Municipal Planning Commission) to issue a development permit application for a liquor store, Discretionary Use, Downtown District (DT) at 5306 49<sup>th</sup> Avenue. C. Armfelt stated that the Town had received an appeal against the development permit. C. Armfelt described the description of the decision, the appeal, and read the letter from the appellants.

2/2017

Meeting Date  
29/11/2017

## **PURPOSE OF HEARING – CONT'D**

### **A) Notice of Decision DP 17-108, 5306 49 Ave, Taber, AB, Lots B & 4, Block 9, Plan 5638L – CONT'D**

C. Armfelt stated that the Subdivision and Development Appeal Board has the opportunity to rule in any which way they see fit on the matter. He stated that any decision will be drafted after the meeting, and that this meeting to hear the evidence from the appellants.

## **INTRODUCTION OF THE BOARD MEMBERS**

The Board Members introduced themselves and Chair Sargeant inquired if there was any objection to the members of the Board by the appellants. She stated that the Board for this meeting only consist of 3 members, as the other two members of the Board declared a conflict of interest.

There were no objections.

## **APPELLANT'S PRESENTATION**

Tod Pickerell, representing Taber Hotel Co. Ltd. o/a Royal Hotel, stated that he didn't believe it was the Development Officer's job to determine how many liquor stores, pizza restaurants, or gas stations are in Taber, and that instead the market should determine that.

Mr. Pickerell stated that he is appealing the development application is due to the location of the proposed liquor store in regards the parking concerns along 49<sup>th</sup> Avenue. He presented that his building, which includes tenants, a tavern and a liquor store, along with neighboring businesses creates a high demand for parking in the area.

Mr. Pickerell stated that a liquor store in that location by nature will create a tremendous amount of traffic in the area, opposed to other types of businesses, and stated that although his building might not be the best location for a liquor store, they have been in business at that location for over twenty years.

Chair Sargeant inquired if the Board had any questions.

3/2017

Meeting Date  
29/11/2017

## **APPELLANT'S PRESENTATION – CONT'D**

The Board had no questions at this time.

## **PUBLIC COMMENTS IN SUPPORT OF APPELLANT**

Chair Sargeant inquired if there was any else present in the gallery to speak in support of the Appellant.

Glen Wada, a real estate agent from a neighboring office, stated that he was in agreement with what Mr. Pickerell presented. He added that parking was not an issue on 49<sup>th</sup> Avenue until approximately a year and a half ago because of the changes with the library, and he stated that the entire area has become more congested.

Bruce David, representative from Richardo's Restaurant, stated that he was in agreement with Mr. Pickerell, and added that he has complained to the Town before regarding the parking on 49<sup>th</sup> Avenue, and stated that residents and employees in the area permanently parking on the street and is concerned about the weight structures of the alleyway.

Marta David, representative from Richardo's Restaurant, stated that she was in agreement with the previous parties and added that employees parking in front of businesses in the area for the shifts are causing problems and affecting neighboring businesses.

Mr. David also noted an amendment to the photograph and stated that parking in front of the Cenotaph has been eliminated on 53<sup>rd</sup> street.

Chair Sargeant inquired if there were any additional members of the galley who would like to speak in favour with the appellant.

There was no one else present to speak in support of the Appealant.

Chair Sargeant inquired if the Board had any questions.

The Board had no question at this time.

## DEVELOPMENT AUTHORITY PRESENTATION

Speaking to the Appellant's objecting, A. Malcolm, representing the Development Authority (Municipal Planning Commission), described what criteria and resources the Development Authority (Municipal Planning Commission) uses when making decisions on Development permits. He stated that although this building is changing its use, the building itself is not changing and therefore the parking requirements do not change.

A. Malcolm stated 49<sup>th</sup> Avenue is a commercial street with adjacent use such as, a hotel with liquor store, retail, restaurants, finance, real estate, and insurance. He added that there is additional parking in the area along 50<sup>th</sup> Avenue, and stated that downtown has a good grid layout to move traffic accordingly and that he has been monitoring 49<sup>th</sup> Avenue and 50<sup>th</sup> Street since the appeal was received and has repeatedly seen available stalls along 49<sup>th</sup> Avenue.

Chair Sargeant inquired about the how long and at what times A. Malcolm had visited 49<sup>th</sup> Avenue.

A. Malcolm stated that he began visiting the area regularly since the appeal was received, approximately two weeks, and had stopped a number of times between the hours of 8:00 AM and 4:30 PM.

J. Sorensen inquired if the information and presentation was included in the Agenda package.

A. Malcolm stated it was not as the Land Use Bylaw addresses parking downtown, and instead he chose to do this for his own knowledge of the area.

C. Armfelt stated that if the Board wishes to have a copy of the presentation, it is within their purview to ask for that.

Chair Sargeant requested a copy of A. Malcolm's presentation for the Board members.

Chair Sargeant inquired if anyone from the Board had any further questions.

J. Sorensen inquired if the parking included the front, unloading, and delivery use.

5/2017

Meeting Date  
29/11/2017

## **DEVELOPMENT AUTHORITY PRESENTATION – CONT'D**

A. Malcolm stated that the area in front of the buildings is considered for come as you go parking, and that there is room for a truck to pull in to load and unload. He added that as for the condition of the road or land, that is not his place to comment, nor is it something that the Development Authority (Municipal Planning Commission) factors into their decision.

Chair Sargeant inquired if there are guidelines or recommendations to businesses on that street to provide parking in the rear of their buildings for staff.

A. Malcolm stated that staff parking requirements are not captured in the Land Use Bylaw, but stated that there is one clause that identifies no additional parking requirements that when the building changes use, the same parking requirements apply.

Chair Sargeant inquired if there were any additional questions.

There were no additional questions from the Board Members.

## **PUBLIC COMMENTS IN SUPPORT OF DEVELOPMENT AUTHORITY**

Chair Sargeant inquire if there were any members of the gallery in support of the Development Authority (Municipal Planning Commission) decisions.

Nolan Day, current owner of the building in question, stated that the location is currently a retail business with people coming and going all day from the location, and stated that even with a new retail business it would remain the same. He added that the parking has been the same for a number of years and that it would be a shame for a new business to be able to move into the area over a parking concern.

Jasminder Ratol, Development Permit applicant, stated that he has done a study on parking along 49<sup>th</sup> Avenue and stated that there are approximately 30 stalls and that during different times of the day are is always plenty of stalls available for customers of all businesses. He added that the lowest number of stalls available was 9, but that there was always 9-18 stalls available.

6/2017

Meeting Date  
29/11/2017

## **PUBLIC COMMENTS IN SUPPORT OF DEVELOPMENT AUTHORITY – CONT'D**

Mr. Ratol stated that as the liquor store would be a retail business, similar to what is currently in the building, the flow of customers would remain the same and added that he did not see any parking issues along 49<sup>th</sup> Avenue.

Chair Sargeant inquired if any members of the Board had questions for the supporters.

The Board Members had no questions at this time.

## **APPELLANT'S FINAL COMMENTS AND SUMMATION**

Chair Sargeant stated that Mr. Pickerell now has the opportunity for any rebuttal to any comments or questions made.

Mr. Pickerell stated that he would like to add comments about monitoring the area, and stated that he understands there are empty stalls at times, but there have been times where he has not been able to park in front of his business, and instead has to park by the MCC Store. He added that although he does not have it recorded or is able to tell what time it happens at, it does still happen.

Chair Sargeant inquired if any of the Board Members required any additional information.

Tina Neudorf, realtor of interested party in purchasing the building, stated that she has a log of the number of stall available during the day, and inquired if the Board would like a copy of it.

Chair Sargeant accepted the copy of Ms. Neudorf's report.

J. Sorensen stated that the building has always been a commercial site with tenants living above. She inquired if there are more tenants to retail space in the area now.

Mr. Pickerell stated that the number of tenants in the area has remained stable for a number of years.

7/2017

Meeting Date  
29/11/2017

## **APPELLANT'S FINAL COMMENTS AND SUMMATION – CONT'D**

Mr. Day stated that there are three apartments in his building, and has been like that for a number of years as well.

Chair Sargeant inquired if there are assigned stalls for tenants in the area.

Mr. Pickerell stated that his building uses the entire lot, and therefore his tenants only have street parking.

Mr. David stated that there is parking available at the rear of the buildings for some of the tenants.

Chair Sargeant inquired if there any additional questions from the Board.

The Board had no further questions.

Chair Sargeant inquired if in Mr. Pickerell and A. Malcolm's opinions that it has been a fair hearing.

Mr. Pickerell stated yes, and had no concerns.

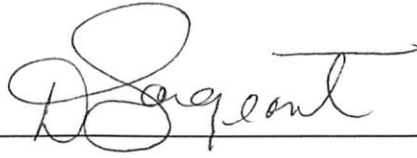
A. Malcolm stated that he had no concerns.

Chair Sargeant stated that a decisions will be made by the Board within 15 days.



**CLOSE OF MEETING**

Chair Sargeant stated that the meeting of the Subdivision and Development Appeal Board is here by Closed at 5:51 PM.



CHAIR



CHIEF ADMINISTRATIVE OFFICER

9/2017

Meeting Date  
29/11/2017