



PLANNING AND DEVELOPMENT SERVICES

TO:	Municipal Planning Commission Development Authority	DIVISION: 6
DATE:	May 26, 2021	APPLICATION: PRDP20210963
FILE:	08112001	
SUBJECT:	Commercial Development (3 Buildings) / Permitted & Discretionary Use, with Variances	

APPLICATION: Station (Gas/Electric), Retail (Small), Establishment (Eating) including Drive-Through(s) of three commercial buildings, single-lot regrading, signage, and relaxation of the minimum front yard setback requirement.

GENERAL LOCATION: located approximately 0.16 km (1/8 mile) south of Twp. Rd. 282 and on the east side of Hwy. 9.

LAND USE DESIGNATION: Commercial, Highway District (C-HWY) and Commercial, Local Rural District p0.4 (C-LRD) under Land Use Bylaw C-8000-2020.

EXECUTIVE SUMMARY: This proposal is for the construction of a highway commercial development near the Village of Beiseker. The site is currently undeveloped and is proposed to be constructed with three commercial buildings:

- Building A is a convenience store/service station for gas, diesel, and electric vehicles, approximately 871.32 sq. m (9,378.81 sq. ft.) in footprint, (including gas canopy area).
- Building B is a fast-food restaurant, "Tim Hortons," approximately 230.14 sq. m (2,477.20 sq. ft.) in footprint
- Building C is a fast-food restaurant, "A&W," approximately 211.02 sq. m (2,271.40 sq. ft.) in footprint.

The businesses will operate seven (7) days a week and include standard operating times of 6:00 a.m. to 11:00 p.m. There will range from 15 - 18 employees at any given time. A new approach and construction of a Type IV standard with northbound right turn lane intersection improvement are required off Highway 9 to access the development. Alberta Transportation is reviewing the final design report and approval is pending. The site will be serviced by onsite water cisterns and holdings tanks.

The application was assessed against the Land Use Bylaw and the development appears to comply with the district intents and regulations except as noted in this report.

ADMINISTRATION RECOMMENDATION: Administration recommends approval in accordance with Option #1.

OPTIONS:

Option #1: THAT Development Permit No. PRDP20210963 be approved with the conditions noted in Attachment 'A'.

Option #2: THAT Development Permit No. PRDP20210963 be refused noted below

1. That in the opinion of the Municipal Planning Commission, the development unduly interferes with the amenities of the neighbourhood and materially interferes with and affects the use, enjoyment, and value of neighbouring parcels of land.

Administration Resources

Jacqueline Targett, Planning & Development Services

Variance	Requirement	Proposed	Percentage (%)
Section 407 Front Yard Setback Requirement (Building A)	60.00 m (196.85 ft.)	51.29 m (168.27 ft.)	14.52 %
Section 407 Front Yard Setback Requirement (Building B)	60.00 m (196.85 ft.)	15.08 m (49.48 ft.)	74.86%
Section 407 Front Yard Setback Requirement (Building C)	60.00 m (196.85 ft.)	15.97 m (52.42 ft.)	73.36%
Section 413 Front Yard Setback Requirement (Building A: Station Canopy)	60.00 m (196.85 ft.)	51.29 m (168.27 ft.)	14.52%
Section 212 Digital Displays Minimum Distance	300.00 m (984.25 ft.)	Within Distance	N/A



APPLICATION EVALUATION:

The application was evaluated based on the application submitted and the applicable policies and regulations.

APPLICABLE POLICY AND REGULATIONS: <ul style="list-style-type: none"> • <i>Municipal Government Act</i>; • Subdivision and Development Regulations; • Municipal Development Plan; • Village of Beiseker Notification Zone; • Land Use Bylaw C-8000-2020; and • County Servicing Standards. 	TECHNICAL REPORTS SUBMITTED: <ul style="list-style-type: none"> • Application Drawings • Erosion & Sediment Control Report • Stormwater Management Report • Geotechnical Report • Site Grading Plan • Site Servicing Plan
PERMITTED USE: <ul style="list-style-type: none"> • C-HWY: Station (Gas/Electric); Establishment (Eating) DISCRETIONARY USE: <ul style="list-style-type: none"> • C-HWY: Retail (Small); • C-LRD: Station (Gas/Electric); 	DEVELOPMENT VARIANCE AUTHORITY: <ul style="list-style-type: none"> • Subdivision and Development Appeal Board

Additional Review Considerations

This application was assessed in accordance with the Land Use Bylaw, including:

- Part 5, General Regulations.
- Commercial, Highway District (C-HWY) (Sections 403-408).
- Commercial, Local Rural District (C-LRD) (Sections 409-414).

As per the LUB Table 5, the combined minimum parking requirement is 41 stalls, including three (3) barrier-free. The application and site plan identifies 68 stalls, including five (5) barrier-free. There is also a gravel overflow area primarily for larger vehicle parking, including recreational vehicles and semi-trucks.

The site does fall under a provincial 300.00 m (984.25 ft.) minimum separation setback from the working area of an operating wastewater lagoon or treatment plant. All food establishments must be located outside of the 300.00 m (984.25 ft.) distance unless a variance is issued by the Province. The development is adhering to this requirement.

The site does include a Riparian Protection Area for a tributary of the Rosebud River along the south property line. There is no development or activity in this area. However, the site is proposing to discharge stormwater to the tributary via an outfall. No significant impacts are expected from the discharge. Provincial approvals will be required for this stormwater release to the tributary.

CONCLUSION:

Subject to the proposed conditions of approval, the application is recommended for approval.



ROCKY VIEW COUNTY

Respectfully submitted,

“Brock Beach”

Acting Executive Director
Community Development Services

JT/lt

Concurrence,

“Kent Robinson”

Acting Chief Administrative Officer

ATTACHMENTS:

ATTACHMENT ‘A’: Development Permit Report Conditions

ATTACHMENT ‘B’: Maps & Other Information



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ATTACHMENT 'A': DEVELOPMENT PERMIT REPORT CONDITIONS

Description:

1. That Station (Gas/Electric), Retail (Small), Establishment (Eating) including Drive-Through(s) of three commercial buildings may be constructed on the subject site, in accordance with the Site Plan and Drawing package, *as prepared by Rick Balbi Architect; Job No. 20-126, dated February 3 & March 5, 2021*, subject to the amendments required in accordance with the conditions of this approval and shall including the following:
 - i. Construction of one Gas Station/Convenience Store; approximately 871.32 sq. m (9,378.81 sq. ft.) in footprint, including gas canopy area.
 - a. That the minimum front yard setback requirement for the building, including the station canopy fueling area, is **relaxed from 60.00 m (196.85 ft.) to 51.29 m (168.27 ft.)**.
 - ii. Construction of one Establishment (Eating), including a Drive-Through; approximately 230.14 sq. m (2,477.20 sq. ft.) in area.
 - a. That the minimum front yard setback requirement for the building is relaxed from **60.00 m (196.85 ft.) to 15.08 m (49.48 ft.)**.
 - iii. Construction of one Establishment (Eating), including a Drive-Through; approximately 211.02 sq. m (2,271.40 sq. ft.) in area.
 - a. That the minimum front yard setback requirement for the building is relaxed from **60.00 m (196.85 ft.) to 15.97 m (52.42 ft.)**.
 - iv. Signage including 12 fasciae, two Digital Drive-Through Menu Boards, ancillary graphic paneling, window vinyl, and onsite wayfinding (*as per floor plan and elevation drawings*).
 - v. Site Grading (as required for excavation and final site surfacing, temporary stockpiling)

Prior to Release:

2. That prior to release of this permit, the Applicant/Owner shall submit model details on any proposed mounted building lighting on the subject site, to ensure compliance with Sections 227 through 230 of the County's Land Use Bylaw C-8000-2020 (LUB).
3. That prior to release of this permit, the Applicant/Owner shall submit a revised Parking plan:
 - i. That includes the minimum barrier-free access aisle length, in accordance with Section 3.8.3.22 of the Alberta Building Code (ABC),
 - ii. That includes the minimum loading area dimensions, in accordance with Section 246 of the LUB.
4. That prior to release of this permit, the Applicant/Owner shall submit signage details, to ensure compliance with the County's LUB. The signage details shall include:
 - i. Fascia sign details for the proposed sign(s) projection from all three buildings, in accordance with Section 215
 - ii. The digital display drive-through boards for Building B & Building C, to ensure compliance with Section 212, including display transition time and light output.



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5. That prior to release of this permit, the Applicant/Owner shall submit a Stormwater Management Plan in accordance with County Servicing Standards for review and acceptance by the County. Implementation of the Stormwater Management Plan shall include the following:
 - i. Registration of any required easements and / or utility rights-of-way;
 - ii. Any necessary Alberta Environment licensing documentation/approvals.
6. That prior to release of this permit, the Applicant/Owner shall address all fire suppression requirements for the proposed development in accordance with the requirements of NFPA 1142 and all applicable County standards and bylaws.
7. That prior to release of this permit, the Applicant/Owner shall submit payment of the Transportation Offsite Levy (TOL), as per the applicable TOL bylaw at time of Development Permit issuance. The Applicant shall confirm the development area of the proposal.
 - i. The development area refers to the portion of lands utilized directly for development purposes, and includes: the driveway access; all structures (buildings), the storage and display areas directly associated to the use; and the required parking area (as defined in the Land Use Bylaw)
8. That prior to release of this permit, the Applicant/Owner shall obtain a Roadside Development Permit or waiver from Alberta Transportation (AT), indicating the acceptance of the development proposal, including the proposed approach design and intersection improvements onto Highway 9.
9. That prior to release of this permit, the Applicant/Owner shall submit a construction management plan, addressing noise mitigation measures, traffic accommodation, sedimentation and dust control, management of stormwater during construction, erosion and weed control, construction practices, waste management, firefighting procedures, evacuation plan, hazardous material containment, and all other relevant construction management details.
 - i. That the Applicant/Owner shall be responsible to dedicate all necessary easements and Right-of-Ways for utility line assignments and provide for the installation of all underground shallow utilities with all necessary utility providers, to the satisfaction of the County.

Prior to Occupancy:

10. That prior to occupancy of the site, all landscaping, final site surfaces, parking, lighting, addressing and signage shall be completed.
 - i. That should permission for occupancy of the site be requested during the months of October through May inclusive, occupancy may be allowed without landscaping and final site surface completion provided that an Irrevocable Letter of Credit in the amount of 150.00% of the total cost of completing all the landscaping and final site surfaces shall be placed with Rocky View County to guarantee the works shall be completed by the 30th day of June immediately thereafter.
11. That prior to site occupancy of the site, the Applicant/Owner shall submit as-built drawings certified by a professional engineer licensed to practice in the Province of Alberta. The as-built drawings shall include verification of as-built sanitary infrastructure, as-built water infrastructure, as-built stormwater infrastructure and any other information that is relevant to the Stormwater Management Report.
 - i. Following receiving the as-built drawings, the County shall complete an inspection of the site to verify all infrastructure has been completed as per the stamped examined drawings.



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12. That prior to site occupancy of the site, Construction Completion Certificates (CCCs) shall be issued for all of the road improvement works and site access associated with the Development Agreement, for the approach and intersection upgrade at Highway 9, to the satisfaction of the County and AT.

Permanent:

13. That the entire site shall be maintained in a neat and orderly manner at all times, to the satisfaction of the County.
14. That the Station (Gas/Electric) includes 12 covered gas pumps, four (4) diesel pumps, and two (2) electric charging stations.
15. That any dirt removed from the site during construction shall be hauled off in a covered trailer/truck that will prevent blowing of dust/small rocks onto the road or issues with other vehicles on the road.
 - i. That the clean-up of any mud tracking and/or dirt that enters onto adjacent Highway during construction shall be the responsibility and cost of the Owner.
16. That the temporary stockpile, the volume of 4,500.00 sq. m, placed onsite during construction, shall include silt perimeter fencing and shall include hydroseed and mulch upon removal or re-spreading for landscaping purposes.
17. That no temporary signs shall be placed on the site at any time except any temporary signs required during development or building construction.
18. That any future business signage, including pylon/entry signage, shall require separate Development Permit approval and shall adhere to any Signage Guidelines of the LUB.
19. That two digital display Drive-Through menu board may be located within 300.00 m (984.25 ft.) of Building B and Building C.
20. That all installed signage onsite shall have no exposed wiring or bulbs. All signage shall be safely and securely attached to the building or anchored to the ground.
21. That any proposed business fencing, shall be 2.00 m (6.56 ft.) in height or less and be similar in design and character to the existing development.
22. That there shall be no food establishment or related activity located within the 300.00 m (984.25 ft.) setback restriction of the working area of the operating wastewater lagoon area.
23. That all on site lighting shall meet Sections 227-230 of the LUB and all private lighting including site security lighting and parking area lighting should be designed to conserve energy, reduce glare, and reduce uplight. No flashing, strobe, or revolving lights shall be installed on any structure, which may impact the safety of motorists using adjacent public roadways.
24. That the garbage containers shall be screened from view from all adjacent properties and public thoroughfares in perpetuity. The garbage and waste shall be stored in weatherproof and animal proof containers and be in a location easily accessible to containerized garbage pickup, in accordance with Dwg. DP 1.0 – 1.2, as prepared by Rick Balbi Architect, Job No.219283, February 3 & March 5, 2021].
25. That a minimum of 41 parking stalls and shall be maintained on site at all times.
26. That there shall be no customer or business parking at any time along the adjacent Highway Road Right-of-Way. All customer and business parking shall be on the subject property.



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27. That all landscaping elements shall be installed and maintained, in accordance with the approved Landscaping Plan, Dwg. DP 1.0 – 1.2, as prepared by Rick Balbi Architect, Job No. 219283, February 3 & March 5, 2021].
 - i. That the quality and extent of the landscaping shall be maintained over the life of the development and any deceased vegetation shall be replaced within 30 days or before June 30th of the next growing season.
28. That it is the Applicant/Owner's responsibility to obtain and display a distinct municipal address in accordance with the County Municipal Addressing Bylaw (Bylaw C-7562-2016), for the commercial buildings located on the subject site, to facilitate accurate emergency response.

The municipal address for Building A is 260211 TWP RD 281

The municipal address for Building B is 260225 TWP RD 281

The municipal address for Building C is 260217 TWP RD 281
29. That water conservation strategies shall be implemented and maintained at all times.
30. That any future tenant(s) of the buildings, not proposed within the application details, shall require an application for tenancy (use) and signage or a New Business tenancy Change of Use approval.
31. That any plan, technical submission, agreement, or other matter submitted and approved as part of the development permit application or submitted in response to a prior to release or occupancy condition, shall be implemented and adhered to in perpetuity.
32. That if the development authorized by this Development Permit is not commenced with reasonable diligence within 12 months from the date of issue, and completed within 36 months of the issue, the permit is deemed to be null and void, unless an extension to this permit shall first have been granted by the Development Officer.
33. That if the Development Permit is not issued by **February 28, 2022**, or the approved extension date, then this approval is null and void and the Development Permit shall not be issued.

Advisory:

34. That during construction, all construction and building materials shall be maintained onsite in a neat and orderly manner. Any debris or garbage shall be stored/placed in garbage bins and disposed of at an approved disposal facility.
35. That during construction, the dust control shall be maintained on the site and that the Applicant/Owner shall take whatever means necessary to keep visible dust from blowing onto adjacent lands.
36. That the subject development shall conform to the County's Noise Bylaw C-5773-2003 & Road Use Agreement Bylaw C-8065-2020, in perpetuity.
37. That the site shall remain free of restricted or noxious weeds, in accordance with the Weed Control Act [*Statutes of Alberta, 2008 Chapter W-5.1; Current as of December 15, 2017*].
38. That the Applicant/Owner should ensure that access is available to the Village of Beiseker, for maintenance purposes of the Village's parallel ditches and Lagoon properties.
39. That wherever possible, parking areas should incorporate Low Impact Development (LID) stormwater management principles such as permeable pavement, on-site stormwater detention & treatment areas, rainwater capture/re-use, and vegetated swales to implement 'source control' stormwater best management practices to reduce volume and improve surface drainage quality prior to its release into the roadside ditch system.



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40. That a Building Permit and all applicable sub-trade permits shall be obtained, through Building Services, prior to any construction taking place, using the Commercial/Industrial/Institutional checklist and shall include a 3.2.2 Building Code Analysis and the corrections noted from Building Code Circulation Comments Letter, dated April 12, 2021.

Note: The Development shall conform to the National Energy Code 2011.

41. That any other government permits, approvals, or compliances are the sole responsibility of the Applicant/Owner.

- i. That a copy of the issued Roadside Development Permit, issued through Alberta Transportation, shall be submitted to the County.

Note: The Applicant/Owner shall be responsible for all Alberta Environment and Park (AEP) approvals for any impact to any wetland areas for the proposed development or for the approval to discharge stormwater to the Rosebud River tributary.



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ATTACHMENT 'B': MAPS AND OTHER INFORMATION

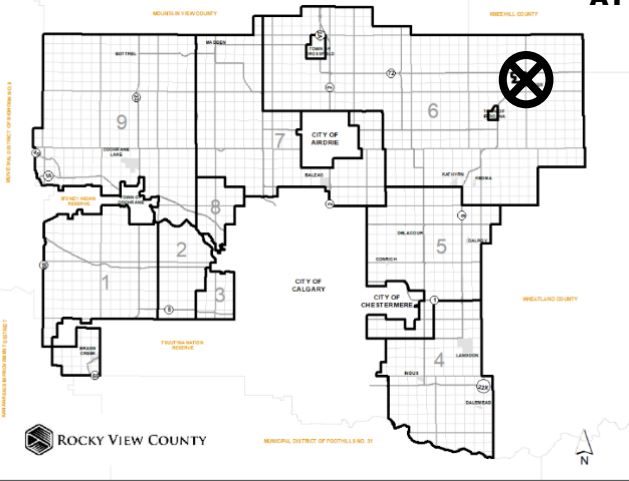
APPLICANT: Reet K. Enterprises Ltd.	OWNER: Reet K. Enterprises Ltd.
DATE APPLICATION RECEIVED: March 11, 2021	DATE DEEMED COMPLETE: March 16, 2021
GROSS AREA: ± 9.19 hectares (± 22.72 acres)	LEGAL DESCRIPTION: NE-12-28-26-W04M
APPEAL BOARD: Subdivision & Development Appeal Board	
HISTORY: <i>Planning Applications:</i> <ul style="list-style-type: none"> PL20170024; Resdesignation; Approved by Council October 12, 2017; (To redesignate the subject land from Ranch and Farm District (RF) to Business - Highway Frontage (B-HF) and Commercial - Point Commercial (C-PT), in order to facilitate the creation of a ± 2.10 hectare (± 5.19 acres) Business Highway Frontage parcel and a ± 5.82 hectare (± 14.38 acres) Point Commercial parcel.) <i>Development Permits:</i> <ul style="list-style-type: none"> No history <i>Building Permits:</i> <ul style="list-style-type: none"> No history <i>Assessment History:</i> <ul style="list-style-type: none"> No History 	
AGENCY SUBMISSIONS: The application was circulated to internal and external agencies and, where appropriate, conditions of approval have been proposed based on these comments.	

Location & Context

Development Proposal

Station (Gas/Electric),
Retail (Small),
Establishment (Eating)
including Drive-Through(s)
of three commercial
buildings, single-lot
regrading, signage, and
relaxation of the minimum
front yard setback
requirement

Division: 06
Roll: 08112001
File: PRDP20210963
Printed: March 22, 2021
Legal: NE-12-28-26-W04M



Location & Context

Development Proposal

Station (Gas/Electric),
 Retail (Small),
 Establishment (Eating)
 including Drive-Through(s)
 of three commercial
 buildings, single-lot
 regrading, signage, and
 relaxation of the minimum
 front yard setback
 requirement

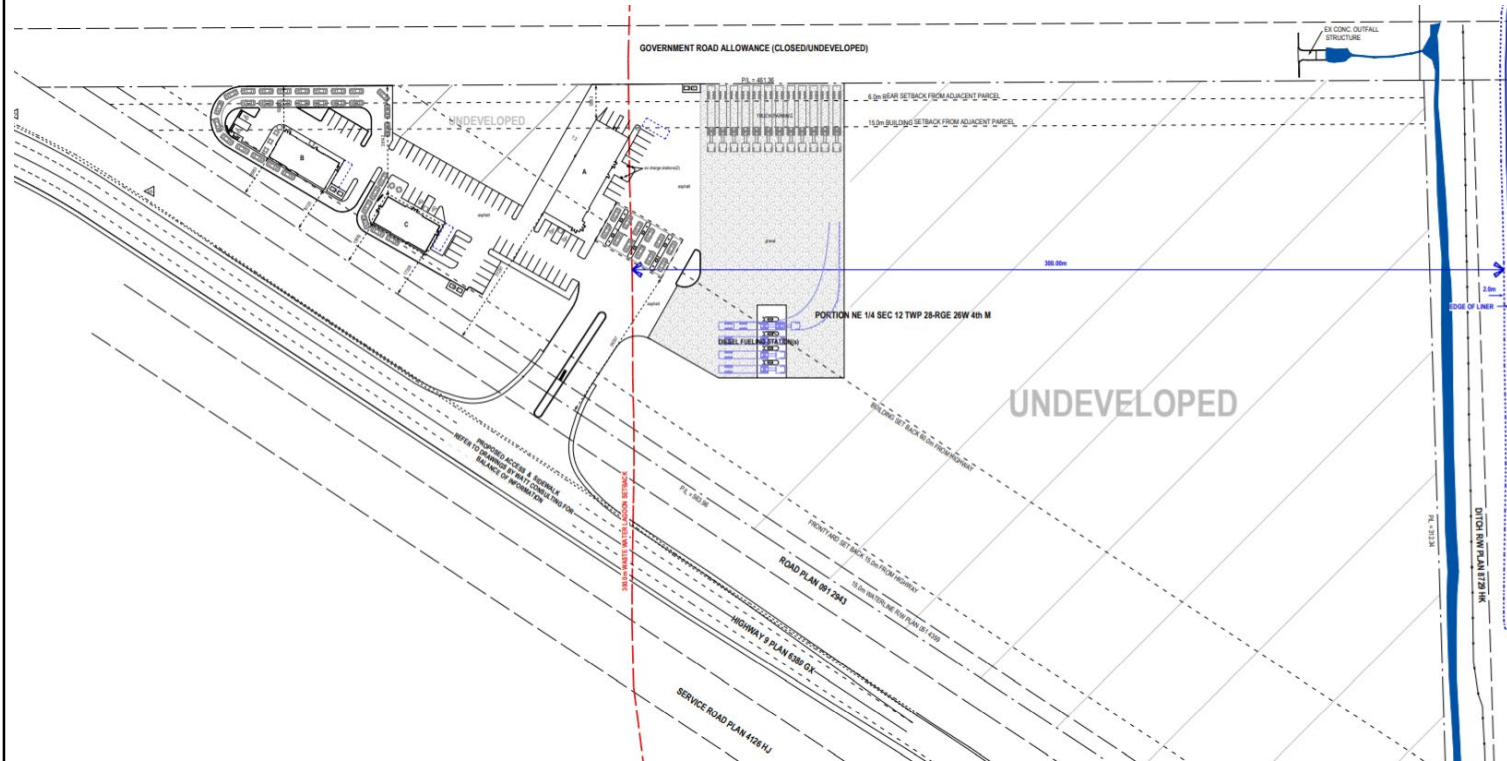


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Site Plan

Development Proposal

Station (Gas/Electric),
 Retail (Small),
 Establishment (Eating)
 including Drive-Through(s)
 of three commercial
 buildings, single-lot
 regrading, signage, and
 relaxation of the minimum
 front yard setback
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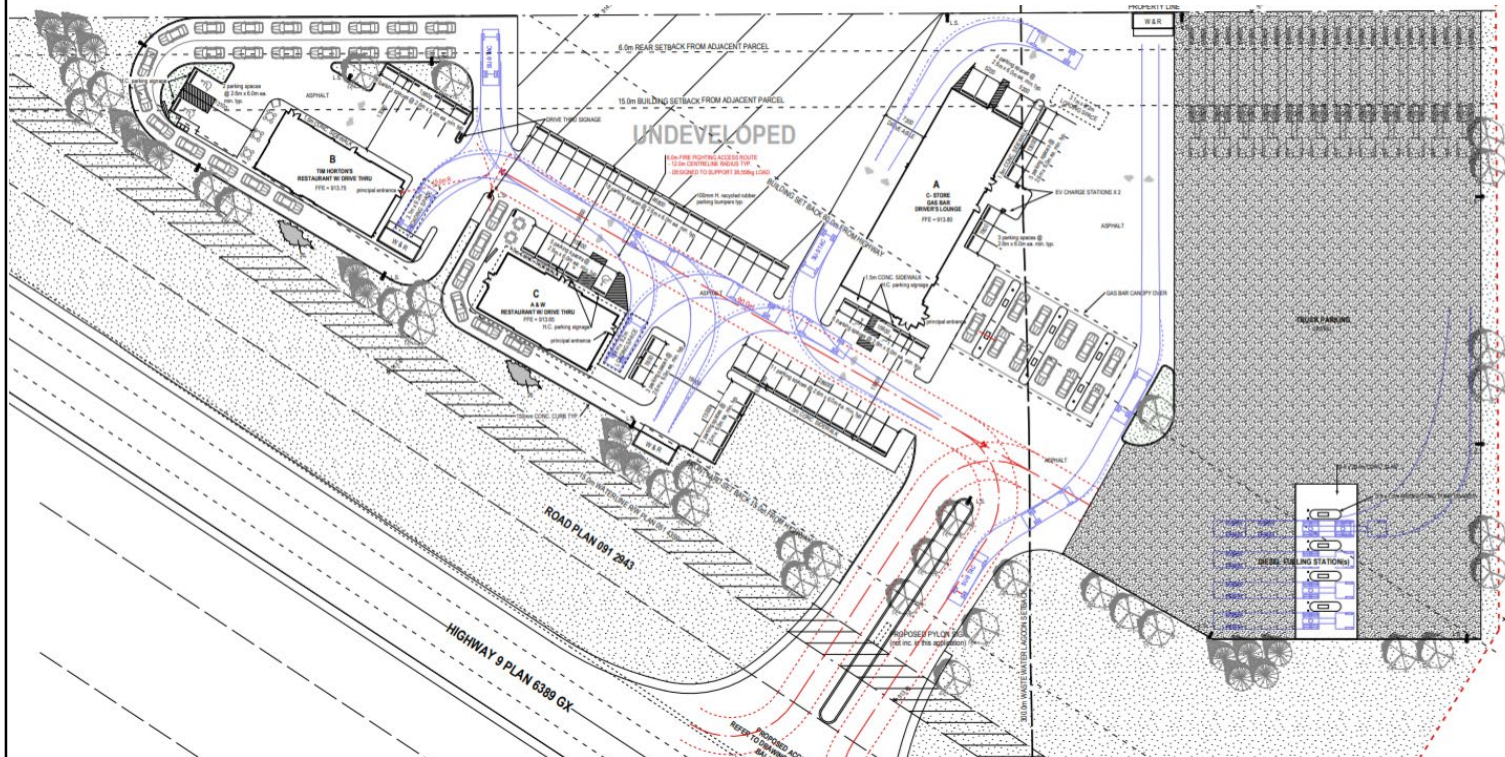


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Site Plan

Development Proposal

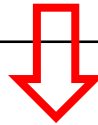
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Station (Gas/Electric),
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Building Elevation – Building A

Development Proposal

Station (Gas/Electric),
Retail (Small),
Establishment (Eating)
including Drive-Through(s)
of three commercial
buildings, single-lot
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Building Elevation – Building B

Development Proposal

Station (Gas/Electric),
Retail (Small),
Establishment (Eating)
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Development Proposal

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