

PLANNING

TO: Subdivision and Development Appeal Board
DATE: August 11, 2022 **DIVISION:** 2
FILE: 04734032 **APPLICATION:** PRDP20221653
SUBJECT: Development Item – Care Facility (Clinic) / Permitted use, with no Variances

APPLICATION: Care Facility (Clinic) (existing building), tenancy and signage

EXECUTIVE SUMMARY:

The application was submitted on April 8, 2022, and was deemed complete on April 12, 2022. The application was assessed against overlying County policy and was refused by Administration.

This application is for a Care Facility (Clinic) (existing building), that would specialize in counselling services on the subject property. Edgewood Health Network who would occupy the site, is a health care provider, providing counselling services across Canada that specializes in medical mental health treatment for adults.

The subject site is located within an established commercial business park and is developed with a two-story commercial building, approximately 382.20 sq. m (4,114.00 sq. ft.) in footprint and an accessory building, approximately 117.52 sq. m (1,265.00 sq. ft.) in footprint. The accessory building is currently being used for other purposes and is not related to the subject application. The business will operate 24 hours a day, seven days per week. The anticipated client care duration can range from a single day to upwards of 50 days, with the average stage of 30 days, with the anticipated maximum client occupancy of 40.

Administration reviewed the application against all overlying County policies. The application complied with County policy with the exception that it was the interpretation of Administration that the proposed business did not comply or meet the County's definition of *Care Facility (Clinic)*. As per the County's definition under the LUB, **Care Facility (Clinic)** means a use where the principal use is to provide medical and health care services on an outpatient basis only. Typical uses include medical and dental offices, health care clinics, pre-natal clinics and counseling services. The County does not define outpatient and therefore; therefore, the application of the definition is the interpretation of the County. In accordance with Merriam-Webster's dictionary, outpatient is defined as a patient who is not hospitalized overnight but who visits a hospital, clinic, or associated facility for diagnosis or treatment" and defines inpatient as a hospital patient who receives lodging and food as well as treatment.

In the interpretation of Administration, a client who is considered an *outpatient*, is a client who would visit the subject site within a single day and would not stay over a 24-hour period. Any client overnight stays over a 24-hour period would be considered as an *inpatient*. As the subject site is proposing to include overnight stays ranging from one to 50 days, the development would now be proposing to provide counselling services to *outpatients* and *inpatients* and would not meet the definition of a *Care Facility (Clinic)*. As the definition only allows *outpatient*, other definition definitions of County land uses are more appropriate and suitable for the subject application to be approved under, such as the County's *Care Facility (Medical)* definition.

"Care Facility (Medical)" means a development providing room, board, and surgical or other medical treatment for the sick, injured, or infirm including out-patient services and accessory staff residences. Typical facilities would include hospitals, sanitariums, convalescent homes, psychiatric hospitals, auxiliary hospitals, and detoxification centres.

Administration Resources

Jacqueline Targett, Planning & Development Services



As such, although the development permit use is a permitted use within the district, Administration refused the application on July 7, 2022, as the application did not appear to conform to the County's LUB.

On July 14, 2022, the Appellants appealed the decision of Administration, which reasons for the appeal included a different interpretation of the County's LUB definitions and that the subject business is most suitable under *Care Facility (Clinic)*. The detailed reasons for the appeals are noted within the agenda package.

DECISION: Permitted-Refused

REFUSAL DECISION DATE:
July 7, 2022

APPEAL DATE:
July 14, 2022

APPLICATION EVALUATION:

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

<p>APPLICABLE POLICY AND REGULATIONS:</p> <ul style="list-style-type: none"> • <i>Municipal Government Act</i>; • Municipal Development Plan (County Plan); • City of Calgary Intermunicipal Development Plan; • North Springbank Area Structure Plan; • Land Use Bylaw C-8000-2020; and • County's Servicing Standard 	<p>TECHNICAL REPORTS SUBMITTED:</p> <ul style="list-style-type: none"> • Traffic Generation Memo, as prepared by bunt & associates, Project # 02-22-0108, dated June 21, 2022
<p>DISCRETIONARY USE:</p> <ul style="list-style-type: none"> • <i>Care Facility (Clinic)</i> 	<p>DEVELOPMENT VARIANCE AUTHORITY:</p> <ul style="list-style-type: none"> • N/A

Additional Review Considerations

The application was assessed against the following policy sections:

City of Calgary Intermunicipal Development Plan

- The City of Calgary was circulated for this application and had no comments

North Springbank Area Structure Plan

- Figure 3: Future Land Use Concept: Commercial
- Section 5.7.1.3 Future Land Use Concept
- Sections 5.7.3.2 through 5.7.3.10 Performance Standards
 - The application complied with all regulations

Land Use Bylaw C-8000-2020

- Sections 227-230 Business Lighting
- Sections 250-251 Garbage & Waste Collection
- Sections 380-385 Business, Regional District Regulations
 - The application complied with all regulations



ROCKY VIEW COUNTY

- Section 8 Definitions
- Table 5 – Parking Minimums
 - *Care Facility (Clinic) Required: 2 per 100.0 sq. m (1,076.39 sq. ft.) gross floor area)*
 - The building's gross floor area is 1,068.84 sq. m (11,505.00 sq. ft.),
 - $(764.40 \text{ sq. m} \times 2) / 100.00 \text{ sq. m} = \mathbf{21 \text{ stalls}}$
 - Existing: 19 stalls, with the possibility to accommodate 21 stalls
 - The application complied with the minimum requirements

APPEAL:

See attached report and exhibits.

Respectfully submitted,

“Justin Rebello”

Supervisor
Planning and Development Services

JT/lt

PLANNING

TO: Staff Report
DATE: July 5, 2022
FILE: 04734032
SUBJECT: Care Facility (Clinic) / Permitted use, with no Variances

DIVISION: 2
APPLICATION: PRDP20221653

APPLICATION: Care Facility (Clinic) (existing building), tenancy and signage. The proposed Clinic is for a counselling service.

GENERAL LOCATION: Located approximately 0.41 km (0.25 mile) east of Range Road 33 and 0.41 km (0.25 mile) south of Highway 1.

LAND USE DESIGNATION: Business, Regional Campus (B-REG) under Land Use Bylaw C-8000-2020 (LUB)

EXECUTIVE SUMMARY: The Applicant / Owner is proposing to operate a Care Facility (Clinic). The subject site is a development with a two-story commercial building, approximately 382.20 sq. m (4,114.00 sq. ft.) in footprint, formerly operated as an office for a home builder. The developed site also includes an accessory building, approximately 117.52 sq. m (1,265.00 sq. ft.) in footprint, site landscaping and a parking area. A second paved approach to Commercial Drive is used to access the accessory building.

The counselling service will be operated by Edgewood Health Network (EHN), a health care provider, providing counselling services across Canada that specializes in mental health treatment for adults.

The subject site will be staffed and operated 24 hours a day, seven days per week. The anticipated client care duration can range from a single day to upwards of 50 days, with the average stage of 30 days.

The site is currently serviced through the piped water service from Calalta Water Co-op. Sanitary servicing includes a 1,000.00 gallon holding tank with an approved percolation test and corresponding field size.

To accommodate the business, the application is proposing interior building renovations only, including client care spaces for overnight stays (bedrooms, washrooms), medical examination rooms, offices, group areas, a kitchen, dining room and supply rooms. Maximum client occupancy is 40 clients.

AIR PHOTO & DEVELOPMENT CONTEXT:

SITE INSPECTION: Completed May 16, 2022 – see inspection photos

Technical Submissions with Applications:

- *Trip Generation Memo*, as prepared by bunt & associates, Project # 02-22-0108; dated June 21, 2022
 - The Memo notes at the maximum, the proposed application's anticipated trips per day is 78 trips; Previous use at maximum, the anticipated trips per day was 31 trips.

STATUTORY PLANS:

The subject lands fall under the City of Calgary Intermunicipal Development Plan, the North Springbank Area Structure Plan, and the County's Land Use Bylaw C-8000-2020. The various applicable policies have been noted in the report.

ADMINISTRATION REVIEW:

LAND USE BYLAW C-8000-2020

Business, Regional Campus District (B-REG)

PURPOSE: To accommodate a variety of business and consumer needs in a visually appealing campus setting on a highly visible, regional, vehicular access-oriented site. Development is intended to serve regional clientele, including the traveling public, tourists and local communities.

Permitted Uses: Care Facility (Clinic)

383 Building Height: 12.0 m (39.37 ft.)

- Proposed: >12.00 m (39.37 ft.)

384 Minimum Land Setbacks: All sides: 6.00 m (19.69 ft.)

- Proposed: complies with all setbacks

385 Additional Requirements:

Outdoor storage and display areas shall be integrated with site landscaping provisions to mitigate the visual impact from adjacent roads

- Not applicable; no outside storage proposed

A minimum of 10% of lands shall be landscaped

- The site has been developed with 10% landscaping

A high-quality visual appearance shall be achieved through building design, landscaping, or screening

- The building when constructed was to accommodate a home builder. Therefore, the exterior of the design incorporates a custom-designed residential dwelling appearance.

Public entrances shall be visually enhanced

- The site includes landscaping, with an opened grass area;

Uses which create off-site impacts or nuisances related to noise, odour, visual appearance, safety or emissions are prohibited

- Not applicable;

Part 8: Definitions

“Care Facility (Clinic)” means a use where the principal use is to provide medical and health care services on an outpatient basis only. Typical uses include medical and dental offices, health care clinics, pre-natal clinics and counseling services.

- In the interpretation of County Administration, the proposed application would appear to meet the County definition in terms of offering health care services including counseling services. However, as the application is requesting to accommodate overnight stays, on average of 30 days, this component would not appear to meet the definition portion relating to “outpatient basis only.”
- The County’s Land Use Bylaw does not define “outpatient” or “inpatient”
- As such, Merriam-Webster’s dictionary defines outpatient as “a patient who is not hospitalized overnight but who visits a hospital, clinic, or associated facility for diagnosis or treatment” and defines inpatient as “a hospital patient who receives lodging and food as well as treatment”
- In the interpretation of County Administration, a client who is considered an “outpatient” is a client who would visit the subject development within a day maximum and would not stay over a 24-hour period. Any client overnight stays over 24 hours would be considered an “inpatient.” As the subject site is proposing to include overnight stays ranging from one day to 50 days, the development would now be proposing to provide counselling services to “outpatients” and “inpatients”.
- As the proposed County *Care Facility (Clinic)* definition only allows “outpatient”, other County land uses by definition are more appropriate for the subject application to be approved under, such as the County *Care Facility (Medical)* definition.

“Care Facility (Medical)” means a development providing room, board, and surgical or other medical treatment for the sick, injured, or infirm including out-patient services and accessory staff residences. Typical facilities would include hospitals, sanitariums, convalescent homes, psychiatric hospitals, auxiliary hospitals, and detoxification centres.

- The subject land would have several benefits for the proposed use, as it is located within a commercial business park (with no impact on anticipated traffic patterns or site drainage) and would appear to not cause any adverse impacts to neighbouring parcels and overall complies with the County’s policies except for appropriate land use.

ADMINISTRATION RECOMMENDATION

The land district (B-REG) does not include a listed use of *Care Facility (Medical)*; therefore, County Administration suggests that a site-specific amendment application be submitted for the subject lands, a Direct Control application be submitted for the subject lands or a different property be chosen that includes the recommended *Care Facility (Medical)* as a listed use within the land district.

MGA Permitted and discretionary uses

642(1) When a person applies for a development permit in respect of a development provided for by a land use bylaw pursuant to section 640(2)(b)(i), the development authority must, if the application otherwise conforms to the land use bylaw and is complete in accordance with section 683.1, issue a development permit with or without conditions as provided for in the land use bylaw.

- The application is requesting approval of a permitted use within the land use district; however, it is the interpretation of Administration that the application does not conform to the Land Use Bylaw

North Springbank Area Structure Plan (ASP)

Figure 3: Future Land Use Concept: Commercial

5.7.1.3 Highway commercial and recreation business land uses provided for in the Land Use Bylaw are considered appropriate land uses within commercial areas identified by the Future Land Use Concept.

Performance Standards

Air Contaminants, Visible and Particulate Emissions

5.7.3.2 No use or operation within a Business Land Use and/or Business Park contemplated by this Plan shall *cause or create air contaminants, visible emissions or particulate emissions beyond the building which contains them.*

- The proposed Clinic would not appear to cause or create any air contaminants, visible emissions or particular emissions in general or beyond the building

5.7.3.3. *Airborne particulate matter originating from storage areas, yards or roads shall be minimized by landscaping, paving or wetting of these areas or by other means considered appropriate by the Municipality and in accordance with sound environmental practices.*

- Not applicable;

Odorous Matter

5.7.3.4 *No use or operation within a Business Land Use and/or Business Park shall cause or create the emission of odorous matter or vapor beyond the building which contains the use or operation.*

- The proposed Clinic would not appear to cause or create any emission of odorous matter or vapour in general or beyond the building. All operations are within the building.

Noise

5.7.3.5 *No use or operation within a Business Land Use and/or Business Park shall cause or create the emission of excessive noise or vibrations beyond the building which contains the use or operation.*

- The proposed Clinic would not appear to cause or create any emission of excessive noise or vibrations in general or beyond the building. All operations are within the building.

Toxic Matter

5.7.3.6 *No use or operation within a Business Land Use and/or Business Park shall cause or create the emission of toxic matter beyond the building which contains it. The handling, storage and disposal of any toxic, hazardous materials shall be in accordance with the regulations of any government authority having jurisdiction and in accordance with any Chemical Management Plan that may be required by the Municipality.*

- The proposed Clinic would not appear to cause or create any toxic matter in general or beyond the building. All operations are within the building.

Fire and Explosion Hazards

5.7.3.8 *All uses and operations within a Business Land Use and/or Business Parks that store or utilize materials or products which may be hazardous due to their flammable or explosive characteristics shall comply with the applicable fire regulations of the Municipality or the regulations of any other government authority having jurisdiction and in accordance with any hazard or emergency management plan that may be required by the Municipality.*

- The proposed Clinic would not appear to be utilizing any hazardous material;



Development Guidelines

5.7.3.10 Minimum Development Guidelines for Business Land Uses and/or Business Parks contemplated by this Plan are as follows:

- e) *Outside Storage, including the storage of trucks, trailers and other vehicles may be permitted adjacent to the side or rear of a building provided such storage areas are not located within a required side or rear yard setback and the storage is visually screened from adjacent non-commercial land uses and Highway #1.*
 - The proposed Clinic will not include any outside storage components; All operations are within the building;
- f) *Outside Display Areas are permitted provided they are limited to examples of equipment, products or items related to the commercial use located on the site containing the display area and are not located within any required setback.*
 - Not applicable;
- g) *A Stormwater Management Plan shall be submitted to the Municipality if required upon application for a Development Permit. Stormwater should be retained on-site where possible.*
 - As the subject site is developed, no new construction is proposed and therefore the previous approved Stormwater Management Plan for the subject lands remains valid; No additional stormwater analysis is required at this time;
- h) *A Construction Management Plan shall be submitted to the Municipality if required upon application for a Development Permit. The Construction Management Plan shall detail the management of all construction activity on-- site including, but not limited to, the management of construction debris and dust construction debris and dust management.*
 - As the subject site is developed, no new construction is proposed and therefore a construction management plan is not required;
- j) *Antennas, satellite dishes or other similar equipment are not permitted on the roof of any building and shall be located in the rear or side yard and shall not exceed any height restrictions imposed by the Municipality.*
 - The existing building does not include any antennas;

Parking

ASP 5.7.3.10 a) Access Parking and Loading Entrances shall be designed to accommodate the turning movements of trucks and recreational vehicles and shall be positioned to allow for safe and adequate site distances. Parking and loading facilities shall be provided in accordance with the requirements of the Municipality and/or Land Use Bylaw. Loading and vehicle servicing areas should be integrated into the site and building architecture and be located to the side or rear of buildings.

- The site is developed with access to Commercial Drive, into the parking area of the site. The paved parking area was noted to include 19 stalls, with a possibility to accommodate 21 stalls.
- No loading areas exist on the building;
- Overflow parking available onsite, if required;

LUB Table 5 – Parking Minimums

- *Care Facility (Clinic) Required: 2 per 100.0 sq. m (1,076.39 sq. ft.) gross floor area)*
- *The building's gross floor area is 1,068.84 sq. m (11,505.00 sq. ft.),*
- *(764.40 sq. m x 2) / 100.00 sq. m = **21 stalls***



Lighting

ASP 5.7.3.10 c) Lighting All on-site lighting shall be located, oriented, and shielded to prevent adverse effects on adjacent properties and to protect the safe and efficient function of Highway #1 and the Springbank Airport

LUB 227 Business/Commercial and Industrial District lighting shall minimize light pollution, glare, and light trespass into adjacent properties to a degree that maintains on-site visibility of product displays during evening hours of operation.

LUB 228 The maximum mounting height for an outdoor light fixture shall be 12.0 m (39.37 ft.).

LUB 229 The County may require an applicant to provide a plan, completed by a qualified professional, indicating the location of all exterior lights, a description of any measures taken to shield direct glare onto adjacent properties, and the projected light patterns in relation to adjacent properties, roadways, and developments.

LUB 230 No flashing, strobe, or revolving lights shall be installed on any structure, which may impact the safety of motorists using adjacent public roadways.

- The site does not include any private site lighting;
- Fully shielded, cut-off, downward facing (black) mounted lighting exists around the building exterior; exterior building lighting is existing;
- Security lighting at the door entrances;
- No flashing or strobe lighting on site.

Fencing

ASP 5.7.3.10 i) Fencing The use of fencing on any site should not be permitted, other than for required screening of outside storage, garbage or equipment or for security purposes provided it is adjacent to the side or rear of buildings.

LUB 268 Fencing in a Business District, Commercial District, Industrial District, or Special District shall be at the discretion of the Development Authority if over 2.00 m (6.56 ft.) in height.

- No fencing is existing onsite or proposed with the subject application;

Garbage & Waste Collection

ASP 5.7.3.7 Garbage and waste material within a Business Land Use and/or Business Parks shall be stored in weatherproof and animal-proof containers located within buildings or adjacent to the side or rear of buildings which shall be screened from view by all adjacent properties and public thoroughfares. Mechanical waste compactors are encouraged.

LUB 250 Garbage storage or collection areas should not be located in a front yard or visible from the street.

LUB 251 Any garbage storage or collection area co-existing with any parking or loading area shall be:

- i. Clearly delineated as separate from the parking and loading stalls,*
- ii. Located to optimize collection vehicles access, and*
- iii. Screened by a fence or landscaped screen.*
 - The subject site would appear to store all garbage & waste within the building; No permanent exterior units proposed;
 - A temporary red garbage disposal bin is located within the parking area;

Signage

ASP 5.7.3.10 b) Signage The size and placement of all signage shall be considered an integral part of site development and a Signage Plan shall be submitted to the Municipality upon application for a Development Permit and be in accordance with the Land Use Bylaw or special district provisions prepared for the site. Temporary signage is prohibited with the exception of temporary signs required during development or building construction.

- Signage details have not been included with this proposal and would be a request for conditional release

Landscaping

ASP 5.7.3.10 d) Landscaping shall be provided for all Business development and/or Business Parks in accordance with a Landscape Plan to be submitted to the Municipality upon application for a Development Permit. The Landscape Plan shall identify the location and extent of landscaped areas proposed for the site.

- The site has been developed with 10% landscaping, as per policy regulations at the time
 - 2.00 acres or 87,997.20 sq. ft. landscape area
 - 18 trees (7 coniferous & 11 deciduous)
- Perimeter landscaping has been incorporated;
- No new landscaping is proposed;
- Existing plantings are alive and maintained onsite;

Respectfully submitted,

Jacqueline Taggart

Senior Development Officer

ATTACHMENTS:

Attachment "A": Proposed Development Permit Conditions

Attachment "B": Application Information

ATTACHMENT "A": PROPOSED DEVELOPMENT PERMIT CONDITIONS**Description:**

1. That *Care Facility (Clinic)* within the existing building may commence on the subject site in general accordance with the approved site plan and application [as amended], prepared by OPUS, dated March 31, 2022; Mark Fewster Design Studio, dated December 7, 2021; and Real Property Report, as prepared by Element Land Surveys, dated June 1, 2021, and includes the following:
 - i. Operation of a *Care Facility (Clinic)* with the existing building;
 - ii. Interior conversion of an existing office building, approximately 382.20 sq. m (4,114.00 sq. ft.) in footprint;
 - iii. Outpatient services including overnight stays;

Prior to Release:

2. That prior to release of this permit, the Applicant/Owner shall submit a Trip Generation Memo, in accordance with the County Servicing Standards, indicating the volume of traffic generated by the development and any recommendations for off-site improvements required to accommodate the increase in traffic.
 - i. If the assessment recommends that a Traffic Impact Assessment (TIA) is required, the Applicant/Owner shall submit a TIA that addresses the intensified commercial use and access management. Should the updated TIA indicate that off-site improvements are required, the Applicant/Owner shall enter into a Development Agreement with the County to construct the necessary improvements.

Permanent:

3. That all conditions of Development Permit #2007-DP-12405 shall remain in effect unless otherwise noted within this condition approval.
4. That all landscaping shall be in accordance with the landscaping details provided on the Landscape Plan, approved under Development Permit #2007-DP-12405.
 - i. That the Applicant/Owner shall be responsible for the irrigation and maintenance of the landscaped areas including the replacement of any deceased trees, shrubs, or plants within 30 days or by June 30th of the next growing season.
5. That all on-site lighting and all private lighting, including site security lighting and parking area lighting, shall meet sections 227-230 of the County's Land Use Bylaw C-8000-2020. Lighting shall be designed to conserve energy, reduce glare and reduce uplift. All development will be required to demonstrate a lighting design that reduces the extent of spill-over glare and minimizes glare as viewed from nearby residential properties.
6. That a minimum of 21 business parking stalls shall be maintained on the subject site at all times for all client and staff parking purposes.
 - i. There shall be no offsite business parking on the County's road right-of-way (Commercial Drive) at any time.
7. That the proposed development shall maintain the existing water servicing through Calalta Water Co-op & wastewater servicing by use of the existing holding tanks.
8. That no site stripping or grading may occur on the subject site unless a separate Development permit has been issued.

9. That there shall be no signage on the subject property, advertising the *Care Facility (Clinic)*, unless a separate Development Permit has been issued.
10. That all garbage and waste material onsite shall be screened and stored in weatherproof and animal-proof containers located within the building or adjacent to the side or rear of the building.
11. 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 or approved under Development Permit #2007-DP-12405 shall be implemented and adhered to in perpetuity.
12. 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 24 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.
13. That if this Development Permit is not issued by **December 31, 2022**, or the approved extension date, then this approval is null and void and the Development Permit shall not be issued.

Advisory:

- That a Building Permit and applicable subtrade permits shall be obtained through Building Services, prior to any interior construction taking place and shall include any requirements noted within the *Building Code Comments for Proposed Development, dated May 4, 2022*.

The Building shall conform to the National Energy Code with documentation/design at the Building Permit stage.
- That the Applicant/Owner shall adhere to the County's Noise Bylaw (C-8067-2020) at all times.
- That the site shall remain free of restricted and noxious weeds and maintained in accordance with the *Alberta Weed Control Act [Statutes of Alberta, 2008 Chapter W-5.1, December 2017]*.
- That any other government permits, approvals, or compliances are the sole responsibility of the Applicant/Owner.
 - The facility shall comply with any regulations noted under the *Alberta Public Health Act (RSA 2000)*

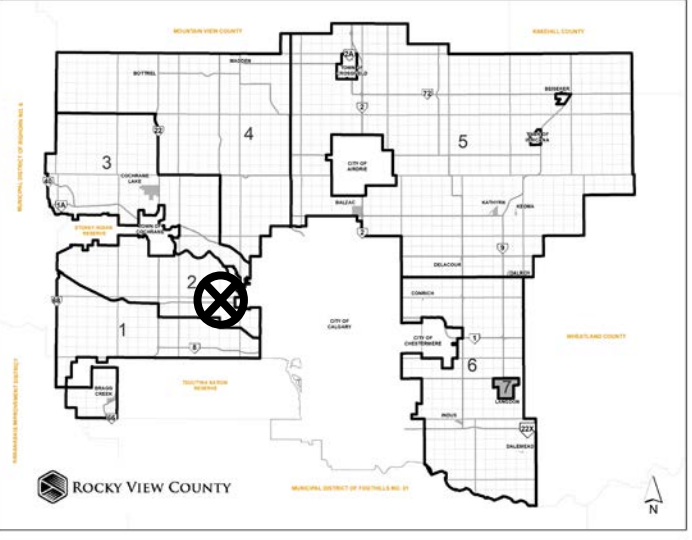
ATTACHMENT "B": APPLICATION INFORMATION

APPLICANT: OPUS Corporation (Andrew Wallace)	OWNER: Paradiso Investments Ltd.
DATE APPLICATION RECEIVED: April 8, 2022	DATE DEEMED COMPLETE: April 12, 2022
GROSS AREA: ± 0.81 hectares 2.02 acres	LEGAL DESCRIPTION: Lot 4, Block 2, Plan 0413544; SW-34-24-03-05 (100 COMMERCIAL DRIVE)
APPEAL BOARD: Land & Property Rights Tribunal; deferred to the County's Subdivision & Development Appeal Board	
HISTORY: <i>Planning:</i> <ul style="list-style-type: none"> • 2003-RV-277 (Subdivision) (to create 9 lots ranging in size from +/-2 to +/- 3.5 acres with a +/- 20 acre remainder); Closed-Registered • 2003-RV-153 (Redesignation) (To redesignate the subject lands from Ranch and Farm District to Agricultural Holdings and Direct Control District(DC 86) in order to create nine lots ranging in size from +/-2.02 to +/- 3.58 acres with a +/- 20 acre remainder); Closed-Approved <i>Development:</i> <ul style="list-style-type: none"> • 2007-DP-12405 (offices, for a home design company and construction of an office building, accessory building for storage and signage); Issued May 1, 2007 <i>Building:</i> <ul style="list-style-type: none"> • 2007-BP-20201 (Storage Building); Issued July 16, 2007; Final inspection July 31, 2008 • 2007-BP-20202 (Office); Issued May 9, 2007; Final inspection May 9, 2009 	

Location & Context

Development Proposal

Care Facility (Clinic)
(existing building), tenancy
and signage



Division: 2
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 Legal: Lot:4 Block:2
 Plan:0413544 within SW-34-
 24-03-W05M

Location & Context

Development Proposal

Care Facility (Clinic)
(existing building), tenancy
and signage

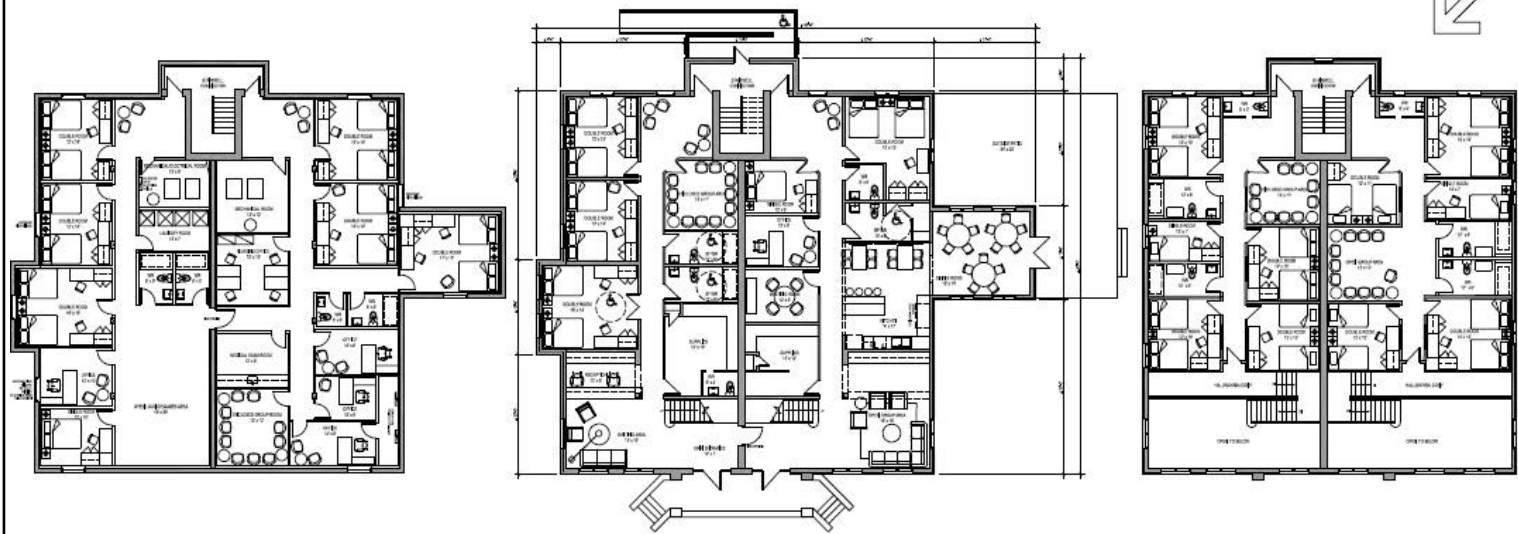


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Floor Plans

Development Proposal

Care Facility (Clinic)
 (existing building), tenancy
 and signage



LOWER FLOOR

MAIN FLOOR

UPPER FLOOR

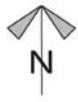
OPTION 2 PLAN
 SCALE: 1/16"=1'-0"



Plan Legend		Building Code Analysis	
	NEW PARTITION	Building Code:	International Building Code - 2015 Edition
	EXISTING PARTITION	Occupancy Type:	Group B, Office, Professional Office, Limited Purpose (Professional)
	NEW DOORFRAME	Use Group:	B-1, Professional Office
	EXISTING DOORFRAME	Code Book:	International Building Code - 2015 Edition
Space Summary		Water Closet (WC) Count:	10
Office	4	Restroom (R) Count:	10
Break Room	4	Number of Public Restrooms:	10 (5 per 100 sq ft)
Conf. Room	18	Number of Public Restrooms:	10 (5 per 100 sq ft)
Office	0	Number of Public Restrooms:	10 (5 per 100 sq ft)
Waiting Room	2	Number of Public Restrooms:	10 (5 per 100 sq ft)
Open Group Area	2	Number of Public Restrooms:	10 (5 per 100 sq ft)
End-user Group Area	2	Number of Public Restrooms:	10 (5 per 100 sq ft)
Medical Exam Room	1	Number of Public Restrooms:	10 (5 per 100 sq ft)

CONSULTANTS REVISIONS PROJECT NO. PROJECT NAME DRAWING DESCRIPTION SHEET

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Site Inspection Photos (May 12, 2022)

Development Proposal

Care Facility (Clinic)
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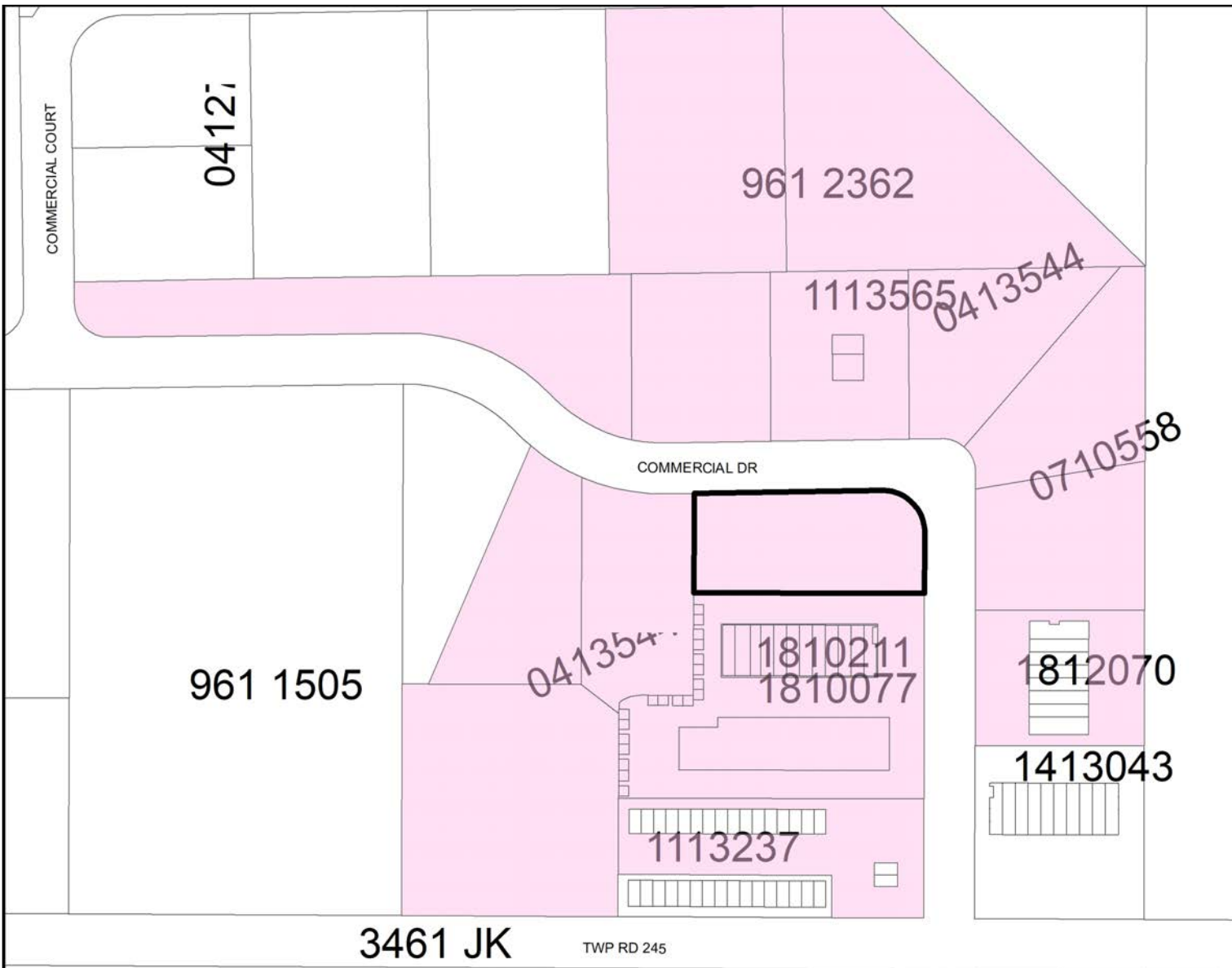


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24-03-W05M



Landowner Circulation Area

Development Proposal

Care Facility (Clinic)
(existing building), tenancy
and signage



Legend

- Support 
- Not Support 

Note: First two digits of the Plan Number indicate the year of subdivision registration.

Plan numbers that include letters were registered before 1973 and do not reference a year.



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Printed: July 28, 2022
Legal: Lot:4 Block:2
Plan:0413544 within SW-34-24-03-W05M



Notice of Appeal

Subdivision and Development Appeal Board
Enforcement Appeal Committee

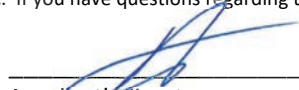
Appellant Information			
Name of Appellant(s) OPUS - Andrew Wallace			
Mailing Address #500, 5119 Elbow Drive SW	Municipality Calgary	Province AB	Postal Code T2V 1H2
Main Phone # 403.209.5555	Alternate Phone #	Email Address aw@opuscorp.ca	

Site Information	
Municipal Address 100 Commercial Drive	Legal Land Description (lot, block, plan OR quarter-section-township-range-meridian) Lot 4; Block 2; Plan 0413544
Property Roll # 04734032	Development Permit, Subdivision Application, or Enforcement Order # PRDP20221653

I am appealing: (check one box only)		
Development Authority Decision <input type="checkbox"/> Approval <input type="checkbox"/> Conditions of Approval <input checked="" type="checkbox"/> Refusal	Subdivision Authority Decision <input type="checkbox"/> Approval <input type="checkbox"/> Conditions of Approval <input type="checkbox"/> Refusal	Decision of Enforcement Services <input type="checkbox"/> Stop Order <input type="checkbox"/> Compliance Order

Reasons for Appeal (attach separate page if required)
<p>The County administration has refused our application for a counseling treatment center based on their interpretation of the land use bylaw. Our site at 100 Commercial Drive in Rocky View County has a land use designation of B-REG Business, Regional Campus District under which is listed the permitted use of "Care Facility (Clinic)" - means a use where the principal use is to provide medical health and care services on an outpatient basis only. Typical uses include medical and dental offices, health care clinics, pre-natal clinics and counseling services.</p> <p>As our intended principal use is for counselling services, we believe that Care Facility (Clinic) is the most appropriate use outlined in Rocky View County's bylaw for which to approve our development. The type of counselling (psychological) could require overnight stays as part of the therapy program but in our opinion this does not mean that the use becomes medical as opposed to counselling services under the bylaw definition of the term. Further having overnight stays as part of the therapy program doesn't mean clients aren't admitted to their individual program on an outpatient basis, thus this is a permitted use for this site.</p> <p>We are appealing the decision of the Development Authority's interpretation of the use for which to evaluate our proposed facility as administration agrees that Care Facility (Clinic) matches the principal service to be provided for at this facility except for their interpretation of out patient basis.</p> <p>A more fulsome argument will be presented at the hearing.</p>

This information is collected for Rocky View County's Subdivision and Development Appeal Board or Enforcement Appeal Committee under section 33(c) of the Freedom of Information and Protection of Privacy Act (FOIP Act) and will be used to process your appeal and create a public record of the appeal hearing. Your name, legal land description, street address, and reasons for appeal will be made available to the public in accordance with section 40(1)(c) of the FOIP Act. Your personal contact information, including your phone number and email address, will be redacted prior to your appeal being made available to the public. If you have questions regarding the collection or release of this information, please contact the Municipal Clerk at 403-230-1401.


Appellant's Signature

July 14, 2022
Date

Received by Legislative and Intergovernmental Services
July 14



Notice of Appeal

Subdivision and Development Appeal Board Enforcement Appeal Committee

Submitting an Appeal

Appeals must be submitted on time and with the required fee

Sections 547, 645, 678, and 686 of the *Municipal Government Act*, RSA 2000, c M-26, and Rocky View County's *Master Rates Bylaw* require that your Notice of Appeal be submitted to the Subdivision and Development Appeal Board (SDAB) or Enforcement Appeal Committee (EAC) within the legislated timeframe and with the required fee. Fees are as follows:

Subdivision and Development Appeal Board	Fee
Development Authority decision – appeal by the owner of the subject property	\$350.00
Development Authority decision – appeal by an affected party	\$250.00
Development Authority decision – appeal of a Stop Order issued under section 645 of the <i>Municipal Government Act</i>	\$500.00
Subdivision Authority decision (paid at time of application and used as a credit on endorsement fees except where the owner appeals the subdivision)	\$1,000.00
Enforcement Appeal Committee	
Compliance Order - appeal as per section 545 or 546 of the <i>Municipal Government Act</i>	\$500.00

How to submit your appeal and pay your fee

You can submit your Notice of Appeal by mail or deliver it in person. Arrangements can also be made to e-mail your Notice of Appeal and pay over the phone. If you e-mail your appeal to the SDAB clerk, you must call the SDAB clerk for verbal confirmation of receipt. Regardless of how you submit your Notice of Appeal, it must be received on or before the final appeal deadline.

Mail or deliver to:

Clerk, Subdivision and Development Appeal Board
262075 Rocky View Point
Rocky View County, AB, T4A 0X2

Please make cheques payable to "Rocky View County".

What happens after my appeal is submitted?

Once your Notice of Appeal is submitted on time and with the required fee, the appeal will be heard by the SDAB or EAC within 30 days. The Clerk of the SDAB will be in touch with you about the appeal hearing. You and the landowners who are adjacent to the property in question will receive a written Notice of Hearing.

More information

For more information about filing an appeal or SDAB/EAC procedures, please contact the SDAB Clerk at:

Phone: 403-230-1401

Email: sdab@rockyview.ca

Website: www.rockyview.ca



262075 Rocky View Point
Rocky View County, AB, T4A 0X2

403-230-1401
questions@rockyview.ca
www.rockyview.ca

REFUSAL NOTICE

Andrew Wallace (Opus Corporation)
500 - 5119 Elbow Drive SW
Calgary, AB T2V 1H2

Development Permit #: PRDP20221653

Date of Issue: Thursday, July 7, 2022

Roll #: 04734032

Your Application dated April 08, 2022 for a Development Permit in accordance with the provisions of the Land Use Bylaw C-4841-97 of Rocky View County in respect of:

Care Facility (Clinic) (existing building), tenancy and signage

at Lot 4 Block 2 Plan 0413544, SW-34-24-03-05; (100 COMMERCIAL DRIVE)

has been considered by the Development Authority and the decision in the matter is that your application be **REFUSED** for the following reasons:

1. That the proposed application does not meet the County's definition of *Care Facility (Clinic)*, as per Section 8 of the County's Land Use Bylaw C-8000-2020.
 - i. That the proposed application would appear to meet the County's definition of *Care Facility (Medical)*, as per Section 8 of the County's Land Use Bylaw C-8000-2020. As *Care Facility (Medical)* is not a listed land use within the Business, Regional District, a site-specific amendment is required to the district or a Direct Control District application.

If you require further information or have any questions regarding this development, please contact Planning Services at 403-520-8158 or email development@rockyview.ca and include the application number.

Regards,

Development Authority
Phone: 403.520.8158
E-Mail: development@rockyview.ca



262075 Rocky View Point
Rocky View County, AB, T4A 0X2

403-230-1401
questions@rockyview.ca
www.rockyview.ca

NOTE: An appeal from this decision may be made to the Land & Property Rights Tribunal of the Province of Alberta. Notice of Appeal to the Land & Property Rights Tribunal from this decision shall be filed with the province no later than 21 days following the date on which this Notice is dated.



2nd Floor, Summerside Business Centre
1229 – 91 ST SW
Edmonton, AB T6X 1E9

Tel (780) 427-2444
Email lpri.appeals@gov.ab.ca
Website www.lprt.alberta.ca

Referral to Rocky View County Subdivision and Development Appeal Board

Our File: D22/ROCK/CO-035

July 14, 2022

Appellant: T. Bardsley on behalf of Opus Development

Respondent: D. Kazmierczak on behalf of Rocky View County

Re: Appeal respecting a decision from the development authority for Rocky View County, with respect to 100 Commercial Drive Rocky, View County Plan 0413544 Block 2 Lot 4, Development Authority File No.: PRDP20221653

Your notice of appeal was received July 12, 2022. However, I note the appeal form identifies the provincial interest as the proximity to Highway 1. After recent changes, the legislation no longer lists development appeals adjacent to highways as amongst those heard by the LPRT, and directs them to the local SDAB instead. (See s. 27(1)(b) of the *Matters Related to Subdivision and Development Regulation*.)

The amended legislation only directs development appeals to the LPRT where the subject lands are also subject to an approval, license, permit or other authorization by the AER, NRCB, AEUB, AUB or ERCB. Since no such approvals have been identified in this case, LPRT administration will refer your appeal to the Rocky View County SDAB, as per s. 686(1.1) of the *Municipal Government Act* and the LPRT's Subdivision and Development Appeal Procedure Rule 6.3. Please note the Appellant will be responsible for any applicable fees the SDAB may have.

Should you have any questions or wish to appeal this determination to a panel, please contact me.

Kellie Lau, RPP, MCIP
Subdivision and Development Appeals Case Manager
Land and Property Rights Tribunal

cc: S. Oad, Alberta Transportation
T. Richelhof, Alberta Transportation
Rocky View SDAB



DEVELOPMENT PERMIT APPLICATION

FOR OFFICE USE ONLY	
APPLICATION NO.	PRDP20221653
ROLL NO.	04734032
RENEWAL OF	
FEES PAID	530.00
DATE OF RECEIPT	April 7, 2022

APPLICANT/OWNER

Applicant Name: Andrew Wallace Email: aw@opuscorp.ca

Business/Organization Name (if applicable): Opus Corporation

Mailing Address: 500 - 5119 Elbow Drive SW Postal Code: T2V 1H2

Telephone (Primary): 403-209-5549 Alternative:

Landowner Name(s) per title (if not the Applicant): Paradiso Investments Inc.

Business/Organization Name (if applicable):

Mailing Address: [REDACTED] Postal Code: [REDACTED]

Telephone (Primary): Email:

LEGAL LAND DESCRIPTION - Subject site

All/part of: SW ¼ Section: 34 Township: 24 Range: 3 West of: 5 Meridian Division:

All parts of : Lot [v] 4 Block: 2 Plan: 0413544 Parcel Area (ac/ha): 2.02 ac [v]

Municipal Address: 100 Commercial Drive Land Use District: B-REC (Business, Recreation) [v]

APPLICATION FOR - List use and scope of work

- This application is for a Care Facility (Clinic) use. The Facility will provide person(s) suffering from mental health and addiction issues offering individual, group and family counseling services. The work involves interior cosmetic renovations to the existing space to accommodate this use.

Variance Rationale included: YES NO N/A DP Checklist Included: YES NO Name of RVC Staff Member Assisted:

SITE INFORMATION

- a. Oil or gas wells present on or within 100 metres of the subject property(s) YES NO
- b. Parcel within 1.5 kilometres of a sour gas facility (well, pipeline or plant) YES NO
- c. Abandoned oil or gas well or pipeline present on the property
(Well Map Viewer: <https://extmapviewer.aer.ca/AERAbandonedWells/Index.html>) YES NO
- d. Subject site has direct access to a developed Municipal Road (accessible public roadway) YES NO

AUTHORIZATION

I, ANDREW WALLACE (Full name in Block Capitals), hereby certify (initial below):

That I am the registered owner **OR** That I am authorized to act on the owner's behalf.

That the information given on this form and related documents, is full and complete and is, to the best of my knowledge, a true statement of the facts relating to this application.

That I provide consent to the public release and disclosure of all information, including supporting documentation, submitted/contained within this application as part of the review process. I acknowledge that the information is collected in accordance with s.33(c) of the *Freedom of Information and Protection of Privacy Act*.

Right of Entry: I authorize/acknowledge that Rocky View County may enter the above parcel(s) of land for purposes of investigation and enforcement related to this application in accordance with Section 542 of the Municipal Government Act.

Applicant Signature [Signature] Landowner Signature [Signature]

Date 30-Mar-2022 Date April 5, 2022



February 15, 2022

Building & Planning

Rocky View County

262075 Rocky View Point

Rocky View County, AB, T4A 0X2

Re: Cover letter for Development Permit for 100 Commercial Drive

Having recently acquired the site known as 100 Commercial Drive, our intent is to keep the existing two storey structure and through an interior renovation convert the existing building into the new home for Edgewood Health Network (EHN). EHN is a national organization with a network of centres across the country which offers excellent medical mental health treatment. This Canadian company has more than 100 years of collective expertise in providing care to adults dealing with mental health. All EHN facilities across the country are licensed to the highest standard of quality and safety and are accredited by Accreditation Canada or by the Commission on Accreditation of Rehabilitation Facilities (CARF).

100 Commercial Drive has a land use designation of **B-REG** Business, Regional Campus District. The B-REG district has listed as a **Permitted Use Care Facility (Clinic)** "which means a use where the principal use is to provide medical and health care services on an outpatient basis only. Typical uses include medical and dental offices, healthcare clinics, pre-natal clinics and counselling services." In keeping with this permitted use, the proposed EHN facility provides healthcare through counselling services as listed in the Care Facility (Clinic) permitted use.

The other Care Facility uses within Rocky View County's Land Use Bylaw are generally described as and include:

- Care Facility (Child) – care, instruction, supervision of seven or more children under 13 years
- Care Facility (Group) – boarding homes for children, group homes and long-term care facilities
- Care Facility (Seniors) – typical senior homes
- Care Facility (Medical) – hospital(s), sanitariums, convalescent homes, detoxification centres

The proposed EHN facility does not fit under these other Care Facility uses. Clients of EHN who will access their services at this new location will receive "counselling services" as defined under the Clinic definition in the Land Use Bylaw. EHN is not a "Child" care facility as all their clients are adults (not seniors or children). EHN is not a "Group" care facility as they are not a boarding home, group home or long-term care facility. Although they do provide overnight accommodation on a short-term basis to facilitate ongoing counselling services, clients are free to come and go as their health needs dictate. EHN is not a "Seniors" facility nor are they a "Medical" facility as defined under the Land Use Bylaw.

website www.opuscorp.ca

#500, 5119 Elbow Drive S.W. CALGARY, AB T2V 1H2
phone 403.209.5555 facsimile 403.244.8943



EHN Canada provides care to person(s) suffering from mental health and addiction issues on an abstinence-based program offering individual, group and family counselling services that will help get and keep people well. Clients of EHN are all voluntary and are provided care after a very stringent admission protocol. EHN screens all clients carefully to ensure that they are of no risk whatsoever to other clients, staff or the surrounding community.

The 100 Commercial Drive facility will be a relatively small operation and involve low density use with minimal traffic. The EHN model has been developed largely in response to overwhelming demand from their many longstanding partners across the province in healthcare, the insurance industry and corporate sectors. EHN enjoys numerous partnerships across Canada including with large Employee Assistance Programs and Workers' Compensation Boards helping get people with mental health and addiction back to work. At any given time, 35% of EHN clientele across the country are active members of the Canadian Armed Forces, military Veterans or First Responders. EHN is also a preferred provider for the RCMP and have specialized programs for Health Care Professionals.

As a Care Facility (Clinic), the site will be staffed and operate 24-hours per day, 7 days per week providing treatment programs based on a rigorous evidenced-based approach that includes a structured daily schedule. Clients attend individual and group counselling sessions that provide talk-therapy, didactic lectures and rehabilitation work focused on improving a client's ability to function, cope and prevent relapse. Included in the program are sessions focused on interpersonal effectiveness, emotion regulation, distress tolerance, mindfulness, occupational life-skills coaching, milieu therapy and medical evaluation and management. Programs are provided on a 24-hour basis with clients remaining in care ranging from single day with some staying up to fifty days. The average client will remain in care for 28-30 days.

As noted above, based on the definition in the Land Use Bylaw we believe this proposed use for EHN best fits within the permitted use of Care Facility (Clinic). Knowing that clients of EHN stay an average of 28 – 30 days, we note that under the Clinic definition it states, "on an outpatient basis only." Does the average client of EHN fit this portion of the definition? Outpatient is not a defined term under Rocky View Land Use Bylaw. Outpatient is defined by the Oxford Dictionary as "a patient who goes to a *hospital* for treatment but does not stay there." While most clients of EHN will stay overnight, the proposed EHN facility for 100 Commercial Drive is not a *hospital*. Could the clients of EHN be described as inpatients? The difference between inpatient and outpatient is inpatient care requires a patient to stay overnight in a *hospital*. Again, the EHN facility is not a hospital. Given the type of counselling treatment received at the proposed EHN facility and the fact that clients are there on a voluntary basis and can come and go as they require suggests the use also meets this "outpatient" criteria as it states in the Care Facility (Clinic) definition.

The EHN use best fits under the Care Facility (Clinic) definition. Although it could be argued that this use may not strictly fit the Care Facility (Clinic) definition, it is clear this use does not fit any of the other use designations as defined in the Land Use Bylaw. Therefore, this application needs to be evaluated under the existing B-REG land use with the existing permitted use of Care Facility (Clinic).

Yours truly,

A handwritten signature in blue ink, appearing to read "Andrew Wallace".

Andrew Wallace

Sr. VP Development & Construction

website www.opuscorp.ca

#500, 5119 Elbow Drive S.W. CALGARY, AB T2V 1H2
phone 403.209.5555 facsimile 403.244.8943

CIVIC ADDRESS
100 COMMERCIAL DRIVE
ROCKY VIEW COUNTY, ALBERTA

LEGAL DESCRIPTION
LOT : 4
BLOCK : 2
PLAN : 0413544
LOT AREA :
ZONING : B-REG



#500 - 5119 ELBOW DRIVE SW
CALGARY, AB T2V 1H2
T: (403)209-5555 F: (403)244-8943

EDGEWOOD HEALTH NETWORK

DRAWING : PHOTOS
DATE : 22 MAR.'22
REVISED : 31 MAR.'22
SCALE : NTS