

SUBDIVISION AND DEVELOPMENT APPEAL BOARD HEARING
Friday, April 1, 2011
10:00 am

-AGENDA ITEM (B)

Appeal of Refusal of Development Permit Application for Outdoor Storage
(Application D10-████)
████████████████████ Canada Ltd.
Plan ██████████, Block ████, Lots ██████; Pt. E ██████████-W4M;

1. Call to Order
2. Introduction and Outline of Hearing Procedures
3. Public Hearing
 - a) 10:00 am

This is an appeal by ██████████ Canada Ltd., hereinafter referred to as the appellant, against a decision of the Leduc County Development Authority, whereby an application for a Development Permit (D10-████) to install an Office Building (12' X 60' ATCO Trailer), and for the Outdoor Storage of Oilfield Equipment, on the lands located on Pt. E ██████████-W4M was refused.

- refer to notice of appeal submitted on March 1, 2011, from ██████████.

Attached for Information:

TAB #

1. Notice of Appeal dated March 1, 2011
2. Staff Report
3. Key Plan
4. Nisku ASP Future Land Use Map
5. Site Pictures
6. Air Photo
7. Notice of Decision Dated February 17, 2011
8. Notice of SDAB Hearing Dated March 9, 2011
9. D11-████ Application and Site Plan

- CLOSE OF PUBLIC HEARING -

Staff Report
Subdivision and Development Appeal Board

Re: Development Permit Application D10-█ Refusal

█ Canada Ltd.

Plan █, Block █5, Lots █; Pt. E █-W4M;

Background:

December 29, 2010: An application for a development permit was submitted to Leduc County (application D10-█) to install an Office Building (12' X 60' ATCO Trailer), and for the Outdoor Storage of Oilfield Equipment. The oilfield equipment to be stored on the site consists of pipes on pipe racks.

February 17, 2011: Refusal of development permit application D10-█ issued.

March 1, 2011: A Notice of Appeal was submitted to the County by the appellant, █.

Location of the Subject Lands:

The subject property consists of 2 adjacent lots within the Nisku Business Park (at Plan █, Block █, Lots █; Pt. E █-W4), on █ Street, approximately 120 metres north of Airport Road. Both lots are districted IND - Industrial in accordance with Leduc County Land Use Bylaw 07-08.

History:

June 2, 2006: Development permit D06-█ was issued for lot grading of Lot █ of the subject property.

Legislation Relevant to the Notice of Decision

Nisku Area Structure Plan

The Nisku Area Structure Plan (ASP) contains the following objectives:

- No. 1.** The orderly development of a diversified major industrial park catering for a range of suitable uses centered round a strong regional commercial core area.
- No. 3.** Protection of neighbouring areas from the direct impact of industrial development.
- No. 4.** Maintenance of high environmental and appearance standards.
- No. 6.** Extensive storage type uses should be limited.

To achieve these objectives the future pattern of land use is proposed as in Plan No. 2 with its major features as follows:

No. 1 A major regional service centre is to be located on both sides of Airport Road east of the C.P.R. main line. It should provide substantial hotel accommodation, office space, shopping facilities and support services. These would serve air passengers and tourists, “fly in” business meetings and conferences, and a development and promotional function for the Nisku area (and possibly for a wider region including South Edmonton and the whole Leduc corridor).

No. 2 Premium light industrial uses are to be established adjacent to Highway 2, in the area surrounding the Airport Road regional service centre and in the area lying between the centre and the Town of Leduc. These areas would have full services and be developed with a degree of architectural control.

No. 4 The extensive storage type uses, such as pipe yards, would be located primarily in the north and east parts of the area and planned so that they could later be developed into smaller light industrial parcels.

The Nisku ASP also states that:

“it should be noted that as a conceptual plan the Nisku Area Structure Plan does not purport to define land use areas precisely. This is particularly true in relation to those areas shown as premium industrial and light industrial.”

The subject property is located within the area designated as Light Industrial of the Nisku ASP. However, the proposed pipe storage yard would be located at the south end of the Nisku Business Park (within Leduc County) where extensive outdoor storage facilities are discouraged. The proposed development would also have an impact on neighbouring properties in terms of noise and appearance standards. As such, it is the opinion of the Development Authority that a pipe storage yard does not comply with the Nisku ASP.

Land Use Bylaw

According to Land Use Bylaw 7-08,

7.23.1 (c) No outdoor storage activity may be undertaken if, in the opinion of the Development Authority, it would unduly interfere with amenities of the district or adversely affect neighbourhood lots by reason of excessive noise, smoke, steam, odour, glare, dust, vibration, refuse matter or other noxious or hazardous emissions.

It is the opinion of the Development Authority that noise generated by a pipe storage yard would be excessive for the area in which the proposed development would be located, namely, adjacent to the Service Commercial properties located along Airport Road.

Municipal Development Plan

Section 2.2 Planning Policies Objectives (for rural industrial and commercial uses) stipulates:

2.2.6 A general industrial use may be allowed on sites identified in an area structure or redevelopment plan where applicable, to the extent that the use:

- (a) represents a logical and contiguous extension of the existing development pattern, servicing system and transportation network;
- (b) would not exert an adverse impact on neighboring land uses or environmentally sensitive areas;

2.2.7 The County may direct different types of general industrial uses to separate areas within the Nisku Business Park through an area structure or redevelopment plan, as well as the Land Use Bylaw.

As discussed above, the Nisku Area Structure Plan discourages the proposed development type (a pipe storage yard) from locating in the southern part of the Nisku Business Park (within Leduc County). It is the opinion of the Development Authority that the proposed development is not compatible with either the existing development pattern or the ability of Leduc County to manage development activities using the Nisku ASP.

Responses from Affected Agencies/Adjacent Landowners

The following response was received from Leduc County Public Works and Engineering:
Provide post construction surface drainage plan for the proposed development.

There were no responses from any other agencies regarding this development permit application.

Adjacent Landowners

There were no responses from any of the adjacent landowners regarding this development permit application.

Summary

In summary, while the Nisku ASP does not directly forbid the presence of a pipe storage yard within the southern part of the Nisku Business Park, it strongly encourages that type of development to be located in the north and east parts of the Park. Furthermore, it is the opinion of the Development Authority that the proposed land use is not compatible with adjacent land uses of the area in terms of appearance and noise generation.

Prepared by:
André Legris
Development Officer
March 28, 2011