

Proposed Bylaw 2015-27 amendment to Land Use Bylaw 20-2009

**Introduction:**

Proposed Bylaw 2015-27 is a Land Use Bylaw amendment to redistrict approximately 4.04 ha (10.0 ac) of land in the northeast corner of NE 10-53-2-W5M from the AGG – Agricultural General District to the RIC – Rural Industrial Commercial District.

**Facts (Background Information):****Property History**

There is an existing commercial building on the property that was constructed in 1996. Various changes to the use and structure have occurred since the construction of the original commercial building. When Land Use Bylaw No. 15-00 was adopted the commercial use of the property became non-conforming. Council approved an amendment to Land Use Bylaw No. 15-00 to allow for Automotive Equipment and Vehicle Services as well as Industrial Storage and Warehousing in 2003. This amendment facilitated the approval of the most recent development permit in 2008 for an underground electrical contracting business. The facility has been in operation under this development permit until recently. When Land Use Bylaw No. 20-2009 was adopted the commercial use of the property became non-conforming for a second time. The applicant requires an amendment to Land Use Bylaw No. 20-2009 in order to apply for a development permit to accommodate a show home site for mobile homes. The mobile homes will be manufactured offsite.

**Subdivision**

The current commercial building is located on a portion of the remnant agricultural parcel. The applicant has applied for a subdivision to separate approximately 4.04 ha (10.0ac) from the agricultural parcel to give a separate title to the commercial area. The subdivision has been approved subject to 10 conditions one of them being the following:

1. Pursuant to Section 655 of the Municipal Government Act the applicant shall apply for and obtain three readings on a bylaw amendment to Parkland County's Land Use Bylaw 20-2009 redistricting the proposed parcel from the AGG-Agricultural General District to RIC-Rural Industrial Commercial District. Should Council not approve the redistricting then this subdivision shall not proceed.

The full subdivision decision letter has been attached. Parkland County Administration would not support any additional subdivision of the 10.0 acre proposed parcel in the near future.

**Alberta Transportation**

A Traffic Impact Assessment completed by D & A Paulichuk Consulting LTD. dated March 9, 2015 was submitted in support of the application. The TIA recommends that a "Minor Road Intersection on Four-Lane Divided Highway" intersection treatment is warranted with some exceptions. This Traffic Impact Assessment was circulated to Engineering Services and Alberta Transportation.

**Parkland County Engineering Services has the following comments regarding the proposed development:**

- Engineering Services agrees with the TIA Conclusions & Recommendations.
- The Developer will be required to obtain a Roadside Development Permit with Alberta Transportation prior to commencement of the proposed development.

**Alberta Transportation has the following comments on the proposed development (addressed to the consultant):**

In reference to your submittal of the above-noted Traffic Impact Assessment (TIA) dated March 09, 2015. The department advises acceptance of the conclusions and recommendations of your report. Please advise your client (the applicant) of the following:

- Please provide a detailed design of the recommended paint line improvements as outlined in your report, those improvements must meet department standards for pavement markings along with a road side development permit application for the work. As the work is involving a local road intersection, approval of the design may be required by Parkland County (as local road authority) and signature by Parkland County of the permit application is needed.
- Your client (the applicant) needs to send an updated application for roadside development permit (RDP) for the operation of the modular home sales lot to this office for processing.
- This office will issue a permit to your client (the applicant) when the proposed paint line improvement work is completed, or alternatively, a temporary permit can be issued with a permanent permit issued upon acceptance other noted work.

Alberta Transportation will issue this permit to the noted applicant and for the stated purpose only. Any change in ownership of intensity if these land will require a separate permit application.

**Public Consultation**

The applicant sent letters to landowners within 800m of the proposed development to notify them of their amendment application. An open house was held on Saturday April 11 from 1-4pm. A summary of comments and the Applicants responses is attached as a separate document. The majority of the mentioned concerns are related to the Range Road 22 and Highway 16 intersection and the ultimate closure of this access.

**Adjacent Landowner Comments**

Two (2) written comments have been received from adjacent landowners in relation to the recent subdivision application. As of the date of this report, one (1) submission has been received with regards to the public hearing. The redistricting application will be referred to the public following first reading of the bylaw. The following outline the received concerns with the proposed development and Administration's responses:

Landowner Comments	Administration Response
1) Concerns regarding Noise	This development is required to comply with Parkland County's Community Standards Bylaw which regulate acceptable noise levels within the County.
2) Concerns regarding traffic at the intersection of Highway 16 and Range Road 22	A Traffic Impact Assessment has been submitted in support of this development. Alberta Transportation will be requiring that the application implement the recommendations of the Traffic Impact Assessment prior to receiving a roadside development permit for the property.
3) Property devaluation regarding the commercial use	The commercial building and use have existed on the property since 1996.
4) Concerns Regarding Water Use	Water Use is regulated by Alberta Environment. There is an existing well servicing the commercial

	building. No additional wells have been proposed. Should the intensity of water use increase substantially the landowner may be required to prepare additional studies or provide a cistern for the property.
5) Concerns Regarding Air Pollution	Air pollution cause by Industrial/Commercial uses is regulated by Alberta Environment. Should Parkland County have significant concerns with the emissions of a particular use it may request an air quality report through the development permit process.
6) Concerns regarding the Future closure of the Highway 16 intersection with Range Road 22.	When the intersection of Highway 16 and Range Road 22 is closed Parkland County will negotiate with Alberta Transportation for the provision of adequate access. As there is no function plan currently in place the alternative access location has not been identified at this time.
7) Concerns regarding additional rezoning applications being proposed within the vicinity.	This application is being supported to bring the existing commercial use into compliance with the Land Use Bylaw No. 20-2009. Any future applications for rezoning will be assessed on a case by case basis.

## Analysis

### 1. Capital Region Growth Plan

Bylaw 2015-27 does **not** require referral to the Capital Region Board as Land Use Bylaw amendments are not a requirement under the Regional Evaluation Framework.

### 2. Municipal Development Plan (MDP) Bylaw No. 37-2007

The proposed amendment application is within one mile of a Highway Commercial Cluster. Land Use Bylaw 20-2009 developed the RIC district after the adoption of MDP Bylaw No. 37-2007 for the purposes of accommodating lower intensity industrial and commercial development requiring minimal servicing outside of business and industrial parks. Parkland County's MDP does not offer specific direction on where the RIC district should be located.

### 3. Land Use Bylaw No. 20-2009

Proposed Bylaw 2015-27 is amendment to Land Use Bylaw No. 20-2009 to redistrict approximately 4.04 ha (10.0 ac) of land to be subdivided from NE 10-53-2-W5M from the AGG-Agricultural General District to the RIC – Rural Industrial Commercial District.

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Therefore, the applicant is proposing the following amendment to Land Use Bylaw 20-2009:

1. Map 7 of Bylaw No. 20-2009, and amendments thereto, being the Parkland County Land Use Bylaw No. 20-2009 is amended by:
  2. redistricting approximately 4.04 ha (10.0 ac) of land from a portion of the NE 10-53-2-W5M from the AGG – Agricultural General District to the RIC – Rural Industrial Commercial District as shown on Schedule "A", attached to and forming part of this bylaw.
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**Alternatives:**

- 1) Upon closing the Public Hearing, Council could give second reading to Bylaw No. 2015-27 but defer third reading to a later date.

**Conclusion/Summary:**

The Applicant has made an application to amendment to Map 7 of Land Use Bylaw No. 20-2009 to redistrict a portion of NE 10-53-2-W5M from the AGG – Agricultural General District to the RIC – Rural Industrial Commercial District. This location is within close proximity to a Highway Commercial Cluster identified within Parkland County Municipal Development Plan 37-2007. Administration is of the opinion that this development meets the criteria of the RIC district. Further, Alberta Transportation does not have any significant concerns with the proposed development location. Therefore, administration is in support of the proposed amendment.

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