



CITY OF GRANDE PRAIRIE

P.O. Bag 4000
10205 – 98th Street
Grande Prairie, AB T8V 6V3

SDAB HEARING: 2020-001D

CITY OF GRANDE PRAIRIE
SUBDIVISION & DEVELOPMENT APPEAL BOARD

HEARING FILE NO.: 2020-001D

DEVELOPMENT PERMIT NO. PL190654

January 20, 2020

Minutes of the Subdivision and Development Appeal Board (the “**Board**”) hearing of the City of Grande Prairie held in Room #203, City Hall, 10205 – 98th Street within the City of Grande Prairie, Alberta on January 20, 2020.

PRESENT:

L. Murphy	Board Member
R. Kiselbach	Board Member
J. Croken	Board Member
D. Tennant	Planning & Development
(Development Officer I)	City of Grande Prairie
J. Johnson	Planning & Development
(Planning & Development Manager)	City of Grande Prairie
V. Norris-Kirk	Legislative Services
(SDAB Recording Secretary)	City of Grande Prairie
R. Arsenault	Canadian Mental Health Association (CMHA)
Executive Director	

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K. Hrycluk Representing Appellant

(Centre 100 Holdings Ltd. – Owner)

J. Meads Representing Appellant

(Centre 100 Holdings Ltd. – Owner)

CALL TO ORDER:

The SDAB Secretary, V. Norris-Kirk, called the meeting to order @ 9:15 a.m. and introduced herself to the Board and members of the public present.

ELECTION OF CHAIRMAN:

The SDAB Secretary called for nominations for the Chairman. J. Croken was unanimously elected Chairman of this appeal hearing. **Motion moved by Board Member L. Murphy Motion Carried**

Chairman J. Croken explained the process of the Subdivision and Development Appeal Board and introductions were made.

Chairman J. Croken asked if there were any objections to the Board members hearing the above noted appeal. No objections noted.

In Camera session – The Board determined jurisdiction on the late appeal. The Board decided to hear the appeal. Meeting called back to order @ 9:25 a.m.

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APPEAL HEARING:

K. Hrycluk & J. Meads

Grande Prairie, AB

(Hereinafter referred to as the “**Appellant**”)

Vs.

City of Grande Prairie

SDAB 2020-001D

Development Permit Application No.: PL190654

Legal Description: Lot 11; Block 3; Plan 596KS

(10013 – 110 Avenue)

Chairman J. Croken introduced the process for conducting the meeting and how the decision will be rendered and notification coming forthwith on the decision from the Subdivision and Development Appeal Board.

Description of Application:

- 1 The appeal before the Subdivision and Development Appeal Board (the “**Board**”) was brought by M. Storcer, representing Centre 100 Holdings Ltd. Ms. K. Hrycluk and Ms. J. Meads attended the hearing on behalf of M. Storcer, Centre 100 Holdings Ltd.
- 2 On November 29, 2019, the Development Authority approved the development permit application for a Change of Use for a Community Outreach Facility (Canadian Mental Health Association “**CMHA**” as the operator) located at Lot 11; Block 3; Plan 596KS (10013 – 110 Avenue – the “**Lands**”) in the VLA / Montrose neighbourhood. The subject property has a land use designation of Arterial Commercial (CA) District. The proposed use is a discretionary use within the district.

Procedural History:

- 3 The hearing commenced on January 20, 2020 with consideration of procedural issues. The Board determined there were no concerns with procedural issues and had the authority to proceed with the hearing. The hearing concluded on that date.

Proper Application for Appeal:

- 4 Pursuant to Section 686(1)(a)(i)(A) of the Municipal Government Act, the appeal was filed within 21 days of the date of Notice of Decision issued by the Development Authority.
- 5 Pursuant to Section 686(2) of the Municipal Government Act, the appeal hearing convened within thirty (30) days of the receipt of Notice of Appeal.

Required Notification:

- 6 Pursuant to Section 686(3) of the Municipal Government Act, the Subdivision and Development Appeal Board has given at least five (5) days notice to:
 - The Appellant(s)
 - The Development Authority
 - Adjacent / affected landowners (8 circulated)
 - Members of the Subdivision and Development Appeal Board

Decision Timeframe:

- 7 Pursuant to Section 687(2) of the Municipal Government Act, the Subdivision and Development Appeal Board must give its decision in writing together with reasons for the decision within fifteen (15) days after concluding the hearing.

Decision:

- 8 The appeal is denied and the decision of the Development Authority is confirmed. The original Development Permit PL190654 issued by the Infrastructure and Economic Development (“IED”) Committee, acting as the Development Authority for Discretionary Uses under Section 82.3.1 of Land Use Bylaw C-1260, shall remain in effect (see **Schedule “A”** attached hereto – original Development Permit PL190654).

Appearances:

- 9 The Board received submissions from:
 - a) Ms. D. Tennant, for the Development Authority; and
 - b) Ms. K. Hrycluk & Ms. J. Meads, representing the Appellant
 - c) Mr. R. Arsenault – Representative from Canadian Mental Health Association (“CMHA”)

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DEVELOPMENT OFFICER'S REPORT:

The Chairman asked the Development Authority, Ms. D. Tennant to read administrations appeal report for the record.

Ms. D. Tennant indicated that City administration received a Development Permit application for a Change of Use on October 22, 2019. The Change of Use is from a Retail General to Community Outreach Facility, as a Discretionary Use, in the Arterial Commercial (CA) District.

It is recommended that the Subdivision and Development Appeal Board (the "**Board**") deny the appeal and therefore, uphold the decision of the Infrastructure and Economic Development Committee, acting as the Development Authority for the approval of Development Permit PL190654 for the following reasons:

- 1) Adjacent property owners were notified as required by Land Use Bylaw C-1260, prior to the application being taken before the Infrastructure and Economic Development Committee for approval;
- 2) The proposed development meets the intent of the Municipal Development Plan (Bylaw C-1237) and all the requirements of the Land Use Bylaw C-1260; and
- 3) The function of the Community Outreach Facility would be similar to the use and activities associated with an office.

Definition of "**Community Outreach Facility**" as defined under Land Use Bylaw C-1260, states:

"Community Outreach Facility, means a development operated by a government or a registered not-for-profit organization, which provides services for the health and wellness of the community. Typical primary uses include, but are not limited to, organizations which run individual and family support programs, drop-in centres, youth emergency shelter, crisis intervention and training, community education programs, counselling services, physical and mental health services, on an outpatient or limited overnight basis, social services, and accessory office functions."

- Parking requirements have been achieved for the subject parcel as staff do not reside over night at the residence

In summary, it is the opinion of the Development Authority that the proposed use meets the requirements of the Land Use Bylaw C-1260. The Development Authority is required to consider the merits of the development and land use issues and not the characteristics of the users.

Administration recommends the Board uphold the decision of the Development Authority and deny the appeal.

At this time, the Chairman asked CMHA to come forward to present.

PRESENTATION IN “OPPOSITION” OF THE APPEAL:

The Chairman asked CMHA representative to come forward and introduce themselves to the board for the record.

10 Mr. R. Arsenault introduced himself as the Executive Director for Canadian Mental Health Association.

11 Mr. R. Arsenault provided an overview and history of Canadian Mental Health Association and it’s involvement in the Grande Prairie area over the years.

He further highlighted the five various programs currently operated by CMHA (Willow Place, Hub Resource Centre, Disability Services, Mobile Addictions Outreach and Intensive Case Management).

12 Mr. R. Arsenault indicated that there would be no clients coming to approved location, unless they were scheduled to attend a program.

If the clients were coming to a scheduled program they would be picked up by bus, which was recently purchased by CMHA, and dropped off. Once the program was finished, they would again be picked up and dropped off at their various locations.

13 Mr. R. Arsenault indicated that the Daily Herald Tribune article was misleading as there will not be 50 staff housed out of this location. Mr. R. Arsenault clarified that this number reflects all the staff working at the various locations as mentioned above and not out of this one location.

In summary, CMHA would be compliant with the Land Use Bylaw C-1260 by:

- a) Meeting the definition as determined by the Development Authority, for a Community Outreach Facility
- b) Meet all requirements for parking as required for the use
- c) On-site monitoring of the site will happen to ensure individuals are not loitering around the facility that do not belong there
- d) They do not provide over night stay nor do they operate like Rotary House. There will be no *Safe Consumption* site at the location

At this time, the Chair, Mr. J. Croken asked if there was anyone present in favour of the appeal

PRESENTATION IN “FAVOUR” OF THE APPEAL:

The Chairman asked those in favour of the appeal to come forward and introduce themselves to the board.

Ms. K. Hrycluk & Ms. J. Meads

- 16 Ms. K. Hrycluk & Ms. J. Meads both introduced themselves to the board and indicated that they were present to speak on behalf of the Appellant, Mr. M. Storcer.
- 17 Ms. K. Hrycluk highlighted the following concerns with the proposed Community Outreach Facility:
- a) The number of staff that would be present at the facility, 50 staff with a client base of 75, creates lack of parking available
 - b) Mobile addictions with 400 to 500 people a month
 - c) Client Engagement and use of space
 - d) Not well suited for the neighbourhood
 - e) Public transportation is not in close proximity of the facility
 - f) Potential loitering with clients hanging around creates a concern for tenants from other businesses located around the proposed Community Outreach Facility location

Ms. K. Hrycluk recognized the need and importance of what CMHA offers through their programs and services; however, feels that the Community Outreach Facility does not fit within the characteristics of this neighbourhood.

In conclusion, those in “favour” of the appeal have asked the Subdivision and Development Appeal Board to **overturn** the decision of the Development Authority and **refuse** Development Permit PL190654.

Chairman J. Croken advised the appellant that they can expect an “unofficial” decision within a day or two and an “official” written decision within fifteen (15) days.

Chairman J. Croken declared the Subdivision and Development Appeal hearing closed at 10:00 a.m.

DECISION OF THE BOARD:

The Subdivision and Development Appeal Board determined that the appeal is denied and the decision of the Development Authority is upheld and the development permit shall remain in effect. Development Permit PL190654 is hereby confirmed as issued by the Infrastructure and Economic Development Committee, acting as the Development Authority, on November 29, 2019.

REASONS FOR THE SDAB DECISION:

The Board considered the written and oral evidence submitted by all parties.

The grounds for the appeal are pursuant to section 685(1)(b), which states:

Grounds for Appeal

685(1)(b) If a Development Authority

(b) issues a development permit subject to conditions

The Subdivision and Development Appeal Board upheld the decision of the Development Authority, and confirmed Development Permit PL190654 for the following reasons:

1 Compliance with the MGA and Land Use Bylaw C-1260

The Board reviewed all evidence and arguments, written and oral, submitted by the parties and will focus on key evidence and arguments in outlining its reasons. The Board reviewed the Municipal Government Act (“MGA”) and Land Use Bylaw C-1260.

2 The Board finds that this appeal does not engage any development standard variance, as the parking on-site exceeds the required number of parking stalls required for the use being proposed. Further, the representative from CMHA (Mr. R. Arsenault), confirmed there would not be 50 employees located at this location.

3 The Board finds that the development meets the definition of Community Outreach Facility as a facility “*which provides services for the health and wellness of the community*”. Further, it supports within the definition, “*typical uses*” such as “*support programs, drop-in centres, community education programs and counselling services*”. As the definition is met, the development qualifies to be assessed as a Discretionary Use within the district.

4 Even if the Board assumes that the definition of Community Outreach Facility is not met based upon principles of interpretation, the Board nevertheless would find that pursuant to section

CITY OF GRANDE PRAIRIE

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Grande Prairie, AB T8V 6V3

18.6 of Land Use Bylaw C-1260, the development has a similar character and purpose to that of a Community Outreach Facility, and the development qualifies to be assessed as a Discretionary Use within the district.

- 5 The Board has deemed there to be insufficient evidence of alleged “nuisance” factors to neighbouring tenants submitted by the Appellant which would weigh against development approval including negative impact on security concerns. They weighted evidence of the Appellants against contrary evidence provided by the Development Authority and Canadian Mental Health Association and the evidence of the latter is preferred.

As a result and in consideration of the above and having regard to planning principles, the Board is of the opinion that the Discretionary Use development should be allowed to proceed.

Based on the evidence before the Board, the Board hereby confirms the decision of the Development Authority and confirms the decision of the Development Authority for Development Permit PL190654 in accordance with Section 687(3)(a.1)(a.2)(a.3)(c)(d)(i)(ii) of the MGA.

Subdivision and Development Appeal Board

City of Grande Prairie

Signed this 3rd day of February, 2020.



Chairman J. Croken



SDAB Secretary – V. Norris-Kirk

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SCHEDULE "A"



CITY OF GRANDE PRAIRIE
PLANNING AND DEVELOPMENT

Permit Number
PL190654

Draft Development Permit

Conditions of Approval

This development permit is issued solely for the purpose of construction of:

Project: **Change of Use - Community Outreach Facility**


Located at:

Legal: **Lot: 11; Block: 3; Plan: 596KS**
Address: **10013 110 AVENUE, GRANDE PRAIRIE, AB T8V 3J1**
Land Use District: **CA - Arterial Commercial**

1. **This is not a Building Permit.**
2. The development subject to this approval may not commence until any other required permits or approvals have been obtained. It is the responsibility of an applicant to obtain all other approvals or licenses that may be required by the City, Provincial or Federal departments or agencies.
3. This permit shall expire in one year from the date of issuance. Development must commence prior to the permit expiry date in order for the development permit to remain valid. To apply for an extension, please contact the Development Permitting Department in writing at least 30 days before the permit expires.
4. The Developer/Owner shall ensure that the joint access and parking agreement between the two (2) subdivided properties be maintained, and that no parking shall occur on the City owned road Right-of-Way located directly in front of the building (north side).
5. Separate application shall be made for all signage proposed to be located on any proposed structure and on the subject property. For more information please contact the Development Permitting Department at 780-538-0325 for application information. Any signs indicated on the proposed site plan have not been approved on this Development Permit.

Date of Decision:	<u>November 26, 2019</u>
Date of Issuance:	<u>November 29, 2019</u>
Appeal Expiry Date:	<u>December 20, 2019</u>
Permit Expiry Date:	<u>November 26, 2020</u>

This Development Permit is not valid until the expiration of the Appeal Date listed above, and provided that an appeal is not filed against this Decision within the prescribed period. In the event that an appeal is received, this Permit could be amended or nullified.



Eugene Tobin
Development Officer II