

The Development Appeal Board of Foothills County met via the Zoom video conferencing platform at 1:00 p.m. on April 8, 2021. Present were Chairman G. Beacom; Board members, R. Taylor, D. MacDonald, R. Percifield, T. Mills and Clerk, S. Bogart.

EHLERT/HERITAGE POINTE GOLF REVITALIZATION – 20D 136 - SE 05-22-29 W4M & SW 05-22-29 W4M – DEVELOPMENT OF A DRIVING RANGE FACILITY WITH INDOOR AMENITY SPACE

The hearing was opened at 1:34 p.m. In attendance were Landowner Barry Ehlert representing Heritage Pointe Golf Revitalization Ltd, Mr. Ehlert's Agent Jennifer Sykes, Appellants Kimberly Schamp and Tiffany Gordon, the Development Authority for Foothills County, Drew Granson, Foothills County Director of Planning Heather Hemingway, Foothills County Legal Counsel Elizabeth Allum and Kelsey Becker-Brooks, Foothills County staff Sherri Barrett, Felicia Fairweather, and Jessica Clement and Development Appeal Board Clerk S. Bogart.

Also in attendance were members of the gallery D. Cunningham, B. Parker, D. Vanderberg, S. Evans, W. Barritt, and D. Francis.

The appeal was received from the appellants Kimberly Schamp and Tiffany Gordon on March 15, 2021 against the approval of Development Permit 20D 136 for the approval of a Driving Range Structure with Indoor Amenity Space on PLAN 0512789, BLOCK 3, LOT 1; SE 05-22-29 W4M & SW 05-22-29 W4M.

Upon having read the materials provided, and upon having heard the representations from the Landowners, the Appellants, the Development Authority for Foothills County, and other affected parties with respect to the appeal filed by the Appellants in accordance with Section 685 of the Municipal Government Act against the approval of Development Permit 20D 136, the Subdivision and Development Appeal Board for Foothills County has decided that:

The application approved under Development Permit 20D 136 is a permitted use under the Foothills County Land Use Bylaw 60/2014 and that no variance to the Land Use Bylaw was granted. Therefore, no appeal lies to the approval of development permit 20D 136 and the appeal cannot be successful.

The application is thereby APPROVED, subject to the following REVISED conditions:

PRE-RELEASE CONDITIONS:

Pre-release conditions must be complied with before the development permit will be signed and issued. Failure to complete the pre-release condition(s) on or before August 31, 2021, will see this approval be deemed null and void, unless a time extension is issued under agreement between the Development Authority and the Applicant(s). It is the applicant's responsibility to provide proof of completion for each condition.

1. The approved Boundary Adjustment and Subdivision for the creation of the proposed 11.1 +/- acre parcel shall be registered by Alberta Land Titles prior to the issuance of this development permit;

2. The applicant shall submit a comprehensive Storm Water Management Plan for the proposed site development, including provisions for snow removal/relocation for the proposed Driving Range Facility and parking areas, to the satisfaction of the Public Works Department;
3. The applicant shall provide a Site Drainage Plan and Lot Grading Plan, including design specification for the Driving Range Landing Area and any proposed berming and/or recontouring, to the satisfaction of the Public Works Department;
4. The applicant shall provide a comprehensive Site Screening Plan to be reviewed and accepted by the Development Authority. The Site Screening Plan shall be consistent with the screening agreement reached with the Ravine Villas Condominium Corporation and the Summit Pointe Condominium Corporation as outlined in Associated Engineering Plan 3889-00-C-101 Revision B Sheet 1 presented at the appeal hearing and as follows:
 - a) The development will be carried out in accordance with the Associated Engineering Plan 3889-00-C-101 Revision B Sheet 1, as presented at the appeal hearing and:
 - (i) The applicant will plant coniferous trees at the locations marked in green in the areas highlighted in orange in that plan;
 - (ii) The applicant will plant trees on the south side of the development (closest to the Ravine Villas plan area) generally as shown in the plan, and must reasonably consider the comments of the Ravine Villas Condo Board in determining the final locations and types of trees;
 - (iii) The applicant will make the berm in the areas highlighted in orange as large as is reasonably possible without interfering with the applicant's operations or the golf course operations;
 - (iv) The applicant will review the location of the cart path and determine whether it may be located on the other side of the berm in the areas highlighted in orange without unduly interfering with the applicant's operations and, if so, place the cart path there; and
 - (v) The applicant will minimize the net height on the North side of the development to the minimum required to protect golfers and guests from ball strike issues.
 - b) The development shall use a lower-intensity lighting system (still sufficient for use of the ball tracking system), and any replacements to the lighting system shall be of comparable lower intensity.

CONDITIONS:

Please note that the following requirements must be completed within the twenty-four (24) month completion period for this development permit unless a time extension is issued under agreement between the Development Authority and the Applicant(s). Failure to complete the conditions of approval will see the development permit deemed null and void.

1. The applicant shall maintain the development in accordance with all conditions of approval and plans that have been acknowledged by the municipality to be appropriate. Any revisions and/or additions to use of this land shall not proceed except under benefit of appropriate approvals;
2. The proposed Driving Range Facility Building shall have a maximum footprint size of 17,000+/- sq.ft. and may have a total roof area of up to 20,800+/- sq.ft. including any cantilevers, projections, and/or covered outdoor spaces attached to the approved building;

3. The proposed Driving Range Facility Building shall not exceed a maximum height of 12 meters (39.27 ft.) from grade to peak, which is the maximum permitted within the Recreation District;
4. The proposed boundary/safety netting shall not exceed a maximum height of 25 meters (82 ft.), as acknowledged by Council;
5. No advertising signage is permitted to be located on the proposed safety netting;
6. The applicant shall obtain and maintain a valid annual Business License from the Foothills County;
7. The applicant shall submit a comprehensive Emergency Response Plan/Fire Safety Plan, including acknowledgement of monitoring the Foothills alert system and Alberta Emergency Alert, and requirements during adverse weather events, to the satisfaction of the Foothills Emergency Services and Fire Departments;
8. The applicant is responsible for adhering to the accepted Stormwater Management Plan to the satisfaction of the Public Works Department. Any revision to said plan is required to be submitted to the County for review and acceptance prior to implementation;
9. The applicant shall obtain any necessary building and safety code permits from the County, to the discretion of the Safety Codes Officer. The development is required to illustrate compliance with the requirements of the National Building Code, and Provincial Plumbing, Electrical, and Fire Codes at all times. Requirements may include but not be limited to: an engineer's confirmation of completion, illustration of: water for firefighting and fire department connections meeting NFPA 1142 requirements and testing, travel distances, fire extinguishers, emergency and exit lighting, and water closet requirements based upon occupancy load (including barrier free). Occupancy for public use shall not be granted until authorized by the Safety Codes Officer and the Fire Inspector. It is the applicant's responsibility to provide proof of such to the Development Authority;
10. The applicant shall provide detailed specifications for all exterior lighting and signage for the proposed Driving Range Facility, to be reviewed and acknowledged by the County as appropriate prior to installation. Except where specifically acknowledged by the County, all installation(s) of exterior lighting must adhere to the guidelines and technical specifications as outlined within the Dark Sky Bylaw;
11. All parking stalls, laneways, aisles, and loading spaces shall be provided to the size and specifications as outlined in Section 9.19 of the Land Use Bylaw. The applicant is advised that the Development Authority accepts the proposed parking plan as illustrated within the submitted site plan, and as acknowledged by Council under Bylaw 65/2020; however, it is the applicant's responsibility to ensure that sufficient parking is available within the subject property, and/or adjacent lands owned by the developer, at all times. Parking within public road right-of-ways is prohibited. Should the landowner fail to provide sufficient parking resulting in vehicles in attendance to the subject lands being parked within neighbouring road right-of-ways, it will be the landowner's responsibility to reduce operating capacity to align with available parking capacity, or obtain appropriate approval to allow for additional parking;
12. Hours of operation, whereby customers/clients may attend the property, are approved between 10:00am and 11:00pm;
13. The applicant shall provide written confirmation from Corix to ensure sufficient capacity for potable water and wastewater services, and the ability to tie into existing services to the satisfaction of Corix and the Foothills County Public Works Department;

14. The applicant shall obtain updated Emergency Address Signage for the existing Corix Water Service Building, Proposed Driving Range Structure, and Golf Course Maintenance Building on the subject and adjacent lands. Emergency address signage shall be installed and maintained, to the satisfaction of Emergency Services;
15. Prior to the County acknowledging completion of the development, it is the responsibility of the applicant to submit as-built drawings and/or completion certificates, executed by the designated professional(s), confirming that all improvements are consistent with the submitted plans and designs, as accepted by the County;

ADVISORY REQUIREMENTS:

The following requirements are provided by Foothills County to inform the applicant(s)/landowner(s) of their necessity and do not form part of the approval description or conditions of approval. It is the sole responsibility and liability of the applicant(s)/landowner(s) to ensure adherence with these requirements. These requirements are not appealable to the Subdivision & Development Appeal Board.

1. All structures shall be located as per the accepted site plans, which illustrate that the proposed Driving Range Facility adheres to Municipal and Provincial setback requirements from the boundaries of the legally titled property. Under Bylaw Amendment 65/2020, The Foothills County Council acknowledged a minimum side and/or rear setback requirement on the subject properties of 1.5 meters from any adjacent Recreation District parcel;
2. The applicant is advised to contact respective utility providers for services installation;
3. The applicant is advised that all requirements and restrictions as identified by ATCO Pipelines with regard to the ATCO Transmission right-of-way on the subject property, must be adhered to, to the satisfaction of ATCO Pipelines;
4. The applicant is required to obtain any required authorization for the application, and to ensure compliance with all applicable codes of practice and regulations with respect to the use of pesticides and/or herbicides. Setbacks from wells and/or water bodies shall at all times be observed;
5. Absolutely, no portion of the Driving Range Facility shall be used as a residence or dwelling unit; this includes any overnight accommodations;
6. Except as acknowledged above, all signage shall be in accordance with Section 9.24 (Signage Control Regulations) of the Land Use Bylaw 60/2014;
7. The use of water in support of the Driving Range Facility, including but not limited to irrigation, and human consumption, shall at all times comply with the requirements and regulation of Alberta Environment and Alberta Health Services;
8. All waste materials are to be handled and disposed of under guidelines provided by governing Provincial regulatory bodies, at an approved waste disposal and/ or recycling site. There shall be no long-term storage of waste materials on the property, nor burning of waste materials on the property. Garbage and waste must be stored in weatherproof and animal proof containers that are required to be fully screened from neighbouring lands and roadways;
9. Road bans issued for Municipal road surfaces are to be adhered to at all times. Vehicles entering or exiting the property shall travel only at the permitted legal weights;
10. No offensive noise, vibration, smoke, dust, odor, heat, glare, electrical, and/or radio disturbance is to be detectable beyond the boundary of the lot;

11. There is to be no removal of topsoil from the said lands. It is the responsibility of the applicant to ensure that the natural drainage on the property is maintained except as acknowledged in the accepted Storm Water Management Plan, Site Drainage Plan, and/or Lot Grading Plan;
12. It is the landowners' responsibility to ensure that approved Occupancy Load for the Driving Range Building is not exceeded at any given time, in accordance with the Building, Safety, and Fire Codes;
13. Parking for the physically handicapped shall be provided as per the provincial regulations and shall be considered as part of the total number of stalls required for the project. A minimum of 2% of the total number of stalls, being one (2) stall, shall be provided and clearly identified for use by the physically disabled;
14. All loading areas and laneways must be kept free of all debris, materials and/or equipment, and is the landowners responsibility to ensure access for fire department apparatus is provided for at all times;
15. All loading spaces shall be designed and located so that all vehicles using that space can be parked and maneuvered entirely within the bounds of the subject property without backing to or from adjacent public roadways;
16. The applicants indemnify and hold harmless the County against the cost of any claims or actions, or awards for loss or damage to the Owner(s) arising from the use of the subject property;
17. It is the landowner's responsibility to provide notification to the Development Authority upon completion of the development;
18. The issuance of a development permit by the County does not relieve the landowners of the responsibility of complying with all other relevant County bylaws and requirements, nor excuse violation of any provincial or federal regulation or act which may affect use of the land;
19. The applicants shall be responsible for payment of any professional costs including legal fees that may be incurred by the County with respect to the implementation of this permit;

Note: *This Development Permit shall thereafter be null and void if the development or use is abandoned for a period of six months.*

Note: *The conditions of this Development Permit must be met and adhered to at all times. Fines and/or Enforcement action may occur if operating outside of the Development Permit.*

ADJOURN

Mr. MacDonald moved that the meeting be adjourned at 5:17 pm.

CARRIED

CHAIRMAN

SECRETARY