



AGENDA ITEM

Development Permit Application 36/21

April 8, 2021

Agenda Item	
Application No.	36/21
Proposed Development	Marina and/or Boat Rental & Automotive Gas Bar
Legal Description	Lot 8 Block 2 Plan 142 2146, Pt. S1/2 12-41-01-W5M (Sandy Point RV Resort, Gull Lake)
Titled Area	19 acres (7.69 hectares)
Zoning	Sandy Point Direct Control 'DC-1' District
Landowner/Applicant	Delta Land Co. Inc.

BACKGROUND

Delta Land Co. Inc. (the 'Developer') has applied for a marina gas station at the Sandy Point RV Resort boat launch and marina (Attachment A).

The Developer has begun construction.

The 960 ft² (89.19 m²) building will be constructed from 3 sea containers and have a rooftop patio. The 4 ft² (0.37 m²) facade sign will include hours of operation. The proposed building uses include fuel sales, boat parts, lake toys, convenience items, limited food/beverage, boat/RV/offroad vehicle maintenance, and a public washroom.

The boat fueling station will include two (2) 7800-litre above-ground double-wall steel fuel tanks, six-foot (1.83 metres) tall chain link fencing around the tanks. The Developer has proposed two (2) transfer pumps on a concrete pad with hose reels near the existing boat mooring slips adjacent to the boat launch. The Developer has indicated the Alberta Safety Codes Council has approved the engineered drawings, spill containment, valving and fueling equipment for installation.

The proposed development has a maximum of two (2) resident on-site employees and two (2) non-resident off-site employees.

The Developer has indicated hours will be seasonal and vary due to time of year. The Developer has proposed the following hours:

- May to September, 6 am – 9 pm, 7 days/week.
- October to April, 9 am – 4 pm, Monday to Saturday.

The Developer has indicated the business will generate minimal vehicle traffic. The Developer proposed six (6) parking stalls on the site plan (3 stalls for public/employee parking, and 3 stalls for public parking). The Developer indicated parking on Delta Land Co. Inc. lands will be signed.

The Developer has indicated a full-time on-site attendant will control the lake traffic management and further that the parking lot traffic for public users has been monitored and controlled by Commissionaires hired by Lacombe County.

The Developer has indicated no land-based fuel sales are anticipated during the summer, but over time and if demand warrants it, land-based fuel sales may be added. This addition during the summer would require a subsequent development permit approval.

POLICY CONSIDERATIONS

The development is considered a combination of a “marina and/or boat rental” & “automotive gas bar”, which are both discretionary uses under the Sandy Point Direct Control ‘DC-1’ District of the County’s *Land Use Bylaw* and requires the approval of Council.

The purpose of this Direct Control ‘DC-1’ District is to provide direction for the use of those lands within the Sandy Point RV Resort development, which lie below the 1:100 year flood elevation, to protect the environmentally sensitive and ecologically important area in perpetuity.

Permanent structures in this District shall not be developed unless suitable flood proofing techniques are employed to permanently protect new developments from damage

Structures shall be evaluated relative to their perceived massing, articulated building facades and rooflines and effective use of colour and finishing materials. Specified construction methods, consistent with an architectural theme may be required.

Screening may be required as a condition of development, which may include landscaping and/or fencing.

Unless otherwise authorized by a development permit, outdoor storage is prohibited in this District.

The development will be required to be connected to the existing communal water and sewer system.

The signed Development Agreement requires a marina fueling station at Stage 1-Phase 5 of the condominium units (as outlined in Development Agreement Schedule C 'Condominium Common Property Facilities'). The Developer has currently constructed up to Stage 1-Phase 3A and can move the common property facilities up in the schedule, but cannot delay them past the required timeline.

“Marina and/or boat rental” is defined in the *Land Use Bylaw* as “a facility that extends into or over a water body or watercourse and provides service to the public or members of a marina for docking, loading, servicing or rental of recreational watercraft.”

“Automotive gas bar” is defined in the *Land Use Bylaw* as “ a development used for the sale of motor fuel, lubricating oils, automotive fluids, and may include associated convenience store products. The gas bar may be a self service and/or full service, and may include vehicle washing facilities as an accessory use but not auto repair or service.”

The property is located in the *Gull Lake Intermunicipal Development Plan (IDP)*.

CIRCULATION RESPONSE

The application was circulated to the Summer Village of Gull Lake, Summer Village of Parkland Beach, and Ponoka County. The Summer Village of Gull Lake responded they had no objections to the proposed development. Ponoka County responded they had no concerns with the proposed development. No comments were received from the Summer Village of Parkland Beach at the time of writing.

The County's Operations Department was circulated the application and responded with the following comments:

- Overall, the application is concerning. Specifically, the proposed location is in an area that already experiences congestion and parking issues on busy

summer days. It is challenging to address these issues without further information from the Developer regarding layout and operational concerns.

- During the site inspection on March 16, it was noted construction has already begun.
- The revised site plan provided March 19, 2021 provides clarity on where everything will be located. While the parking is contained to Delta Land's property, it appears to conflict with the current driving lane. **All parking needs to be located in the Developer's existing parking lot to the west side of the building, and is not to conflict with the existing parking lot use.**
- The lake traffic will get very congested on busy weekends, and an attendant on site will not be able to manage it effectively. That being said, the County cannot control this area, and this is to be done at the discretion of the Developer.
- While Commissionaires are used to help assist in traffic control in its current state the design should take into consideration the current and future anticipated conditions, with commissionaires being used as a last resort. **A Traffic Accommodation Strategy is required to be provided to address the additional traffic generated from this development and outline how traffic is going to be managed when the parking areas are full. This TAS is to work in conjunction with what is currently in place.**
- The provided Alberta Safety Codes Authority installation approval permit is noted, but approvals for in-lake fueling are not included. **The Developer will be required to comply with all provincial and federal regulatory requirements at all times, including on land and in the water.**
- The gates are currently closed during the winter, which is counter to the proposed operating times. Currently, there is no level of service provided during the winter to this area. **The proposed operating hours could require the County to increase service levels in the winter.**
- Winter access to the boat launch causes the potential for vehicle traffic to damage the boat launch or marina structures. To mitigate this, **the Developer will be required to barricade off the boat launch for vehicle traffic during the winter months.** ATV traffic during the winter months through the boat launch is not a concern, only vehicular traffic use.
- There are concerns with utilizing the two (2) most westlery boat mooring spaces within the Access Right-of-Way registered on title (Plan No. 142 2129) for the proposed development, as these spaces are highly utilized by boat launch patrons as well. On a trial basis, we are prepared to allow those

two (2) mooring spaces to be utilized for the proposed development, in conjunction with being utilized for boat launch patrons, however the Developer should note that **if it is found the use of those two (2) mooring spaces causes issues, the Developer could be required to provide additional boat mooring slips outside of the Access Right-of-Way registered on title (Plan No. 142 2129) for the proposed development, to the satisfaction of the County. Further, the Developer's signage plan will be required to provide signage for all four (4) boat mooring spaces to outline where different boat users are permitted to park.**

- There are references in the application to 'engineered drawings'. Please note no engineered drawings are included in the drawing package.
- Note, there are two drawings labeled L2 in the drawing package.

The County's Fire Chief was circulated the application, and responded with the following comments:

- The application is unique in nature and as such the requirements in the *National Fire Code – Alberta Edition* are also unique. Any occupied structures on site will need to comply with the *National Building Code (2019 Alberta Edition)* and the *National Fire Code (2019 Alberta Edition)*. This will include the code compliant foundation, structures and patios which will also require suitable exits for the occupancy.
- Tank storage on site must be installed, serviced and inspected as per the requirements of the *NFC-AB Section 4*. This particular section is outside of the scope of Lacombe County. Permits, inspections and certifications must be applied for and received from the Alberta Safety Codes Council.
- An emergency response plan, suitable to Lacombe County, will be required for this development as it applies to the added hazards and risks with on sight fuel tanks and the delivery, storage and transfer of flammable liquids.

Staff have not invited neighbouring property owners to comment on the application.

ANALYSIS

The proposed development is considered a discretionary use within the Sandy Point Direct Control 'DC-1' District, therefore Council approval is required.

Staff considers that the proposed development is a suitable use of the lands, and complements the RV Resort development at Sandy Point. While it is considered a suitable use of the lands, there are outstanding concerns with the proposed

development. The majority of concerns relate to the proposed use being located in an area of already high congestion on busy summer days. To this note, the Developer will be required to work in conjunction with what is currently in place for this area, including, but not limited to, signage, traffic accommodation and seasonal restrictions on land fueling. The Developer's Traffic Accommodation Strategy should not download the costs of traffic control to Lacombe County, but must provide for an alternative solution.

As the decision in the Sandy Point Direct Control 'DC-1' District is made by Council, there is no right of appeal to the Subdivision and Development Appeal Board, as per ss. 685(4)(a) of the *Municipal Government Act*. If a person wanted to challenge Council's decision, they would have to seek judicial review of Council's decision.

ALTERNATIVES

1. Approve the application as proposed below.
2. Defer the application until the Developer has provided outstanding information, as outlined in proposed conditions 3, 4, 5, 6, and 7.
3. Take other action(s) as determined by Council.

STAFF RECOMMENDATION

That Council APPROVE the application, subject to the following conditions:

1. term of development permit to be for two (2) years
2. this approval shall be subject to an annual review by the Development Officer. Failure to comply with the conditions of the development permit may result in the permit being suspended or revoked
3. prior to the issuance of a development permit, the applicant shall submit an emergency response plan, to the satisfaction of the County
4. prior to the issuance of a development permit, the applicant shall submit a Traffic Accommodation Strategy, to the satisfaction of the County
5. prior to the issuance of a development permit, the applicant shall submit a parking plan to the County's satisfaction, to show where the required six (6) vehicle parking spaces are to be located within the Developer's parking lot
6. prior to the issuance of a development permit, the applicant shall submit a

signage plan for the Developer's parking lot and the four (4) boat mooring spaces, to the County's satisfaction

7. prior to the issuance of a development permit, the applicant shall submit hours of operation, to the satisfaction of the County
8. prior to occupancy of the building and operation of the fueling station, the applicant shall retain an accredited safety codes officer to inspect the development for compliance with the *National Building Code (Alberta Edition)* and *National Fire Code (Alberta Edition)* for the intended use. The written correspondence (including any applicable permits pursuant to the *National Building Code (Alberta Edition)*) from an accredited safety codes agency/officer shall be provided to the County, confirming that the development is compliant with the *National Building Code (Alberta Edition)* and *National Fire Code (Alberta Edition)* for the intended use
9. the proposed development shall be located and constructed in accordance with Schedule A and as directed further by the conditions of approval, any changes will require prior approval from the County
10. no vehicle parking is permitted on the north side of the proposed building
11. if the use of the two (2) most westly boat mooring spaces within the Access Right-of-Way registered on title (Plan No. 142 2129) causes issues, the applicant will be required to provide additional boat mooring slips outside of the Access Right-of-Way for the proposed development, to the satisfaction of the County
12. no boat mooring associated with the proposed development is permitted on the two (2) most easterly existing boat slips adjacent to the boat launch. The two (2) most easterly boat slips adjacent to the boat launch are to be reserved for temporary mooring for boat launch patrons only
13. activities at the site shall adhere to the description of the property use provided with the development application, and as directed further by the conditions of approval. A further development permit application is required for any changes to the use of the property, including any new buildings or additions to to the building
14. proposed development to be operated at all times in a manner that does not cause nuisance for surrounding residents due to noise, excessive traffic, or anything else of dangerous or objectionable nature as determined by and at the sole discretion of Lacombe County
15. if, in the opinion of the County, traffic generated by the proposed

development causes traffic or other safety concerns in the marina parking lot, the applicant may, at their sole cost, be required to provide more effective traffic management, to a standard directed by and to the satisfaction of the County

16. no land based fuel sales are permitted during the summer months (April 1 to October 31), without prior approval of Lacombe County
17. land based fuel sales are permitted during the winter months (November 1 to March 31), to the satisfaction of the County. During this time period, the applicant is required to baricade off the boat launch to restrict vehicular traffic, to the satisfaction of the County
18. food/beverage sales are limited to convenience store items. The food/beverage sales are not permitted to be an 'eating and drinking establishment'
19. exterior finish and appearance of the proposed structures shall complement the existing structures at Sandy Point to the satisfaction of the County
20. all signage is to be installed to the satisfaction of the County
21. no individual on-site water or wastewater systems permitted. Development must connect to the existing communal water and wastewater system
22. no outdoor storage of materials or equipment
23. on-site servicing is limited to minor servicing of recreational watercraft. No automotive, ATV or RV repairs are permitted on-site
24. the site to be kept at all times in a neat and tidy condition
25. the applicant shall ensure the proposed development complies at all times with all provincial and federal requirements

Please note tank storage on site must be installed, serviced and inspected as per the requirements of the National Fire Code (Alberta Edition) Section 4. Permits, inspections and certifications must be applied for and received from the Alberta Safety Codes Council.

It is the responsibility of the applicants to ensure that a Fire Safety Plan is in place during construction, as required by the National Fire Code (Alberta Edition).

Please note that an approval may be required from Alberta Health Services for food/beverage sales. For more information, call (403) 356-6366 or email central.foodpermits@ahs.ca.

It is the responsibility of the applicants to ensure that the proposed development meets the requirements of the provincial Safety Codes Act and the associated Regulations. For more information on what permits may be required, contact one of the safety service agencies listed on the attached sheet.

COUNCIL DECISION

PREPARED BY: Cajun Paradis, Senior Planner

REVIEWED BY: Dale Freitag, Director of Planning Services

REVIEWED BY: Tim Timmons, County Manager