

MINUTES OF THE MUNICIPAL PLANNING COMMISSION MEETING
April 21, 2014

Present:

Councillors Al Campbell, Malcolm Fischer, Darcy Bachman, Will Brown and Sean Nolls, Planning & Development Officer Leann Graham, and Planning & Development Clerk Angela Alder

1. **Call to Order:** Chairman Al Campbell called the meeting to order at 8:42 a.m.

2. **Approval of Agenda/Additions**

Moved by Councillor Darcy Bachman to accept the agenda as presented.

MOTION CARRIED

Unanimous

3. **Confirmation of the March 31, 2014 MPC Meeting Minutes**

Moved by Councillor Malcolm Fischer that the Minutes of the March 31, 2014 MPC meeting be approved as presented.

MOTION CARRIED

Unanimous

4. **Business Arising**

None.

5. **Development Application:** 2771-2014

Applicant: Stettler Regional Day Care

Legal: Lot P, Block 1, Plan 2109KS

Municipal: 5702-48 Avenue

Proposed Development: Addition to Existing Day Care Centre

Planning & Development Officer Leann Graham reviewed the report as follows:

General:

The applicant is proposing to construct a 30'x36' addition. The property is zoned public use, which states that the setbacks must be equal to or greater than the height of the building. The existing building was constructed in 1999 at residential setbacks based on the use and the nature of the area. The proposed addition will be setback from the North side yard 1.7 meters which meets the residential setback of 1.5 meters.

Alternatives:

- Defeat the application stating reasons

Recommendation:

That the Municipal Planning Commission approves this application subject to the following conditions:

1. That the owner/applicant receives a side yard variance of 1.3 meters (43%) to accommodate the proposed addition.
2. The owner/applicant must comply with all the provisions of the Town Of Stettler Land Use Bylaw #2018-11;

3. The owner/applicant is responsible for the cost and repair of any damage to public property or works located thereon that may occur as a result of undertaking work regulated by the Alberta Building Code;
4. Compliance with the provisions of Land Use Bylaw #2018-11 does not exempt the applicant from compliance with any provincial, federal, or other municipal legislation;
5. The proposed development (Addition) shall be located in accordance with the approved plan; any changes to this site plan must be approved by the Town of Stettler;
6. It is the owner/applicant's responsibility to ensure that lot grading and drainage are compliant with Section 51 of the Town Of Stettler Land Use Bylaw #2018-11;
7. The owner/applicant shall arrange for and obtain approval for compliance with the current Alberta Building Code;
8. The owner/applicant shall arrange for and obtain approval from the Municipal Fire Department to confirm compliance.
9. The owner/applicant must obtain a building permit for this development following the mandatory 14 day appeal period

Discussion

Planning & Development Officer Leann Graham indicated that the applicant is proposing to construct a 30'x36' addition. The property is zoned public use, which states that the setbacks must be equal to or greater than the height of the building. The existing building was constructed in 1999 at residential setbacks based on the use and the nature of the area. The proposed addition will be setback from the North side yard 1.7 meters which meets the residential setback of 1.5 meters.

Councillor Darcy Bachman made a motion to approve the application as presented.

MOTION CARRIED
UNANIMOUS

6. **Development Application:** 2776-2014
Applicant: Pat Bolin
Legal: Lot W4, Block 1, Plan 5128KS
Municipal: 6122-50 Avenue
Proposed Development: Addition to Existing Retail Property

Planning & Development Officer Leann Graham reviewed the report as follows:

General:

The applicant is proposing development of an addition to an existing vacant retail store. The applicant has requested MPC approval for the variance of the building prior to proceeding with building design. The applicant is requesting a side yard variance of 100% (3 meters) to accommodate for a 36' x 60' addition as well as a front yard variance of 16% (1.42 meters) to accommodate the existing structure and the new addition.

The existing structure is currently non-conforming due to the present setback has never received a formal variance. The Municipal Government Act Sec 643 & Town of Stettler Land Use Bylaw regulate that non-conforming structures may not be added onto or structurally altered except to make them conforming. Sec 643 (5)c MGA indicates an exception to this rule whereas powers identified in a municipalities land use bylaw may invoke powers of variation and whereas according to LUB 2018-11 these powers lie with the Town of Stettler Municipal Planning Commission.

The development is proposed in the Land Use District C2: Highway Commercial District and needs to meet the regulations set out in the Commercial and Industrial Design Guidelines. The Commercial and Industrial Design Guidelines were created for the IDP highway gateways; however Council decided to extend the guidelines to all highway commercial developments within the Town of Stettler. The applicant will submit

landscaping and building design for approval depending on the final outcome of the side yard and front yard setback variances.

Alternatives:

- Defeat the application stating reasons,
- Approve the application with revised or additional conditions.

Recommendation:

That the Municipal Planning Commission approves this application subject to the following conditions:

1. That the owner/applicant receives a side yard variance of 3.0 (100%) meters to accommodate the proposed addition:
 - a) In accordance with the Alberta Building Code, including but not limited to a 2 hour fire rated wall with no openings.
2. That the owner/applicant receives a front yard variance (existing) of 1.42 (16%) meters to accommodate the existing structure and the proposed addition:
3. The owner/applicant shall meet the regulations set out in the Commercial and Industrial Design Guidelines:
 - a) Prior to final approval the applicant must submit elevation drawings for the design of the building for review and acceptance by MPC, in accordance with the design guideline any side visible from the highway must comply therefore the south and west exposure of the building must meet the design guidelines.
4. The owner/applicant must submit blue prints for review by the fire department and town contracted safety codes officer prior to construction.
5. The owner/applicant must comply with all the provisions of the Town Of Stettler Land Use Bylaw #2018-11;
6. The owner/applicant is responsible for the cost and repair of any damage to public property or works located thereon that may occur as a result of undertaking work regulated by the Alberta Building Code;
7. Compliance with the provisions of Land Use Bylaw #2018-11 does not exempt the applicant from compliance with any provincial, federal, or other municipal legislation;
8. The proposed development (addition) shall be located in accordance with the approved plan; any changes to this site plan must be approved by the Town of Stettler;
9. It is the owner/applicant's responsibility to ensure that lot grading and drainage are compliant with Section 51 of the Town Of Stettler Land Use Bylaw #2018-11;
10. The owner/applicant must submit a landscape plan to the Town of Stettler's Planning and Development Officer for approval prior to commencing any work on the site;
11. The landscaping plan must be in accordance with Section 48 of the Land Use Bylaw 2018-11
12. Landscaping must be completed by the end of the first growing season following the date of approval;
13. The owner/applicant will ensure that the driving surfaces on the proposed development site consist of a pavement top.
14. Any signage will require approval from the Town of Stettler's Planning and Development Officer prior to installation.
15. The owner/applicant shall arrange for and obtain approval for compliance with the current Alberta Building Code;
16. The owner/applicant shall arrange for and obtain approval from the Municipal Fire Department to confirm compliance with the Provincial Fire Code.
17. The owner/applicant must obtain a building permit for this development following the mandatory 14 day appeal period

Discussion

Planning and Development Officer Leann graham indicated that the applicant is proposing development of an addition to an existing vacant retail store. The applicant has requested MPC approval for the variance

of the building prior to proceeding with building design. The applicant is requesting a side yard variance of 100% (3 meters) to accommodate for a 36' x 60' addition as well as a front yard variance of 16% (1.42 meters) to accommodate the existing structure and the new addition.

The existing structure is currently non-conforming due to the present setback has never received a formal variance. The Municipal Government Act Sec 643 & Town of Stettler Land Use Bylaw regulate that non-conforming structures may not be added onto or structurally altered except to make them conforming. Sec 643 (5)c MGA indicates an exception to this rule whereas powers identified in a municipalities land use bylaw may invoke powers of variation and whereas according to LUB 2018-11 these powers lie with the Town of Stettler Municipal Planning Commission.

The development is proposed in the Land Use District C2: Highway Commercial District and needs to meet the regulations set out in the Commercial and Industrial Design Guidelines. The Commercial and Industrial Design Guidelines were created for the IDP highway gateways; however Council decided to extend the guidelines to all highway commercial developments within the Town of Stettler. The applicant will submit landscaping and building design for approval depending on the final outcome of the side yard and front yard setback variances.

Councillor Will Brown questioned which side of the building the addition would be a part of. Planning & Development Officer Leann Graham confirmed the addition would be on the west side of the building.

Councillor Sean Nolls inquired about what type of retail would be occupying the building. Planning and Development Officer Leann Graham mentioned it would be of indoor recreational use and the back portion of the lot will continue to be occupied by Burmac Mechanical.

Councillor Malcolm Fischer made a motion to approve the application as presented.

MOTION CARRIED
UNANIMOUS

- 7. Development Application:** 2777-2014
Applicant: ENR Distribution
Legal: Lot 1&2, Block 13, Plan 9320648
Municipal: 5106-46 Street
Proposed Development: Bulk Fertilizer Storage Bins

Planning & Development Officer Leann Graham reviewed the report as follows:

General:

Planning and Development Officer Leann Graham indicated that the applicant is proposing to install 24 bulk fertilizer Storage bins in 2 phases of 12 each. The applicant must meet the industrial design guidelines as the property is adjacent to Hwy 56. The guidelines state that the application of the guidelines relates to the use, ENR Distribution is a fertilizer distributing company. The storage bins are of a temporary nature; they will be affixed to a concrete slab and are able to be removed at any time. Based on the nature of the area and with similar development nearby (see attached photos), the use of these bins meets the intended use of the Industrial District and the operation of ENR.

Alternatives:

- Defeat the application stating reasons

Recommendation:

That the Municipal Planning Commission approves this application subject to the following conditions:

1. The applicant must comply with all the provisions of the Town of Stettler Land Use Bylaw #2018-11;

2. The applicant will be required to obtain Alberta Transportation (AT) approval for the existing access.
 - a. Upon approval from AT the applicant must construct the access in accordance with the Town of Stettler's Engineering Design Standards
3. The owner/applicant shall meet the regulations set out in the Commercial and Industrial Design Guidelines.
4. The owner/applicant must landscape the boulevard in accordance with an approved plan.
5. Landscaping must be completed by the end of the first growing season following development.
6. The owner is responsible for the cost and repair of any damage to public property or works located thereon that may occur as a result of undertaking work regulated by the current Alberta Building Code;
7. Compliance with the provisions of Land Use Bylaw #2018-11 does not exempt the applicant from compliance with any provincial, federal, or other municipal legislation;
8. The proposed development (Fertilizer Bins) shall be located in accordance with the approved plan; any changes to this site plan must be approved by the Town of Stettler.
9. The applicant shall arrange for and obtain approval for compliance with the current Alberta Building Code.

Discussion

Planning and Development Officer Leann Graham indicated that the applicant is proposing to install 24 bulk fertilizer Storage bins in 2 phases of 12 each. The applicant must meet the industrial design guidelines as the property is adjacent to Hwy 56. The guidelines state that the application of the guidelines relates to the use, ENR Distribution is a fertilizer distributing company. The storage bins are of a temporary nature; they will be affixed to a concrete slab and are able to be removed at any time. Based on the nature of the area and with similar development nearby, the use of these bins meets the intended use of the Industrial District and the operation of ENR. The applicant would like to keep the access onto 46 Street (Hi-Way 56) which will be at the discretion of Alberta Transportation and if it is not approved will have to close that existing access and re-route traffic to 51A Avenue.

Councillor Al Campbell questioned the access off of Hi-way 56 as MPC approved the access when the original building was constructed. Planning and Development Officer Leann Graham indicated the previous approval was for his development of the new office and storage buildings and required new construction. Due to the applicant wanting to use the old Shell access the proximity of the road and tracks, Alberta Transportation must approve the access and assure it is up to today's standards.

Councillor Darcy Bachman made a motion to approve the application as presented.

MOTION CARRIED
UNANIMOUS

8. **Development Application:** 2780-2014
Applicant: Billy Moon (ESSO)
Legal: Lot 1, Block 1, Plan 1759KS
Municipal: 6102-50 Avenue
Proposed Development: Redevelopment of Existing Gas Station to include a Liquor Store

Planning & Development Officer Leann Graham reviewed the report as follows:

General:

The applicant is proposing development of an addition to an existing Gas Bar, Convenience Store and an addition of a liquor store. The development is proposed in the Land Use District C2: Highway Commercial District and will need to meet the regulations set out in the Commercial and Industrial Design Guidelines

Alternatives:

- Approve the application with additional conditions

- Defeat the application stating reasons.

Recommendation:

That the Municipal Planning Commission approves of this application subject to the following conditions:

1. The owner/applicant will be required to provide the Town of Stettler security in the amount of \$10,000 in the form of a Letter of Credit or Cash (to be returned upon completion) to ensure that all of the conditions listed below have been met to the satisfaction of the Town of Stettler.
2. The owner/applicant shall meet the regulations set out in the Commercial and Industrial Design Guidelines.
3. The owner/applicant will be required to prevent access onto 61 Street by installing curb and gutter with a landscaped boulevard (Please see attached curb and gutter standards).
4. The owner/applicant will be required to install curbing around all parking landscaped areas.
5. Landscaping plan will be submitted to the Town of Stettler Development Authority for approval and shall be completed by the end of the first growing season following the date of approval.
6. The owner/applicant will landscape and maintain the boulevard around the development.
7. The owner/applicant will ensure that a drainage plan is approved by the Town of Stettler's Director of Operations.
8. The owner/applicant will ensure that the driving surfaces on the proposed development site consist of a pavement top.
9. That all outdoor storage areas and garbage areas are screened from neighboring residential properties and Highway 12.
10. The owner/applicant is responsible for the cost and repair of any damage to public property or works located thereon that may occur as a result of undertaking work regulated by the Alberta Building Code.
11. The owner/applicant must comply with all the provisions of the Town of Stettler Land Use Bylaw #2018-11.
12. Compliance with the provisions of Land Use Bylaw #2018-11 does not exempt the applicant from compliance with any provincial, federal, or other municipal legislation.
13. The proposed development shall be located in accordance with the approved plan, and all improvements as indicated on the submitted plans shall be constructed as shown unless otherwise stated in these conditions or approved hereafter by the Town of Stettler's Development Authority.
14. The applicant shall arrange for and obtain approval from the Municipal Fire Department to confirm compliance with the Provincial Fire Code.
15. The applicant must obtain a building permit for this development prior to any commencement of construction. This permit can be obtained following the mandatory 14 day appeal period commencing from the date of approval. In order to obtain a building permit all appropriate fees, plans, schedules, and applications must be submitted.

Discussion

Planning and Development Officer Leann Graham indicated that the applicant is proposing development of an addition to an existing Gas Bar, Convenience Store and an addition of a liquor store. The development is proposed in the Land Use District C2: Highway Commercial District and will need to meet the regulations set out in the Commercial and Industrial Design Guidelines.

The applicant is proposing to extend the building on the east and the west. The existing convenience store is encroaching into the rear yard setback (3m) by 1.83m. The existing gas station and convenience store were approved at its current location by the Regional Planning Commission in 1968, the car wash addition was approved at its current location by the Municipal Planning Commission in 1986.

The Commercial and Industrial Design Guidelines outline guiding principles for both Commercial and Industrial Uses. The application of these guidelines is based on the use of the development and not on the zoning dedication.

After discussion with the Director of Operational Services regarding the access onto 61 Street, it was determined that the proposed distance between the center line of the intersection and the access is only 10.58m, the standard distance is 30m.

Councillor Al Campbell inquired about exiting onto 61 Street. Planning and Development Officer Leann Graham mentioned a key consideration would be to create a proper access at 61 Street and 50 Avenue and construct a curbed and landscaped boulevard to generate an improved flow of traffic from 61 Street into the gas station.

Discussion ensued regarding the proposed development and its occupancy and Planning & Development Officer Leann Graham indicated the use of the building does comply with the C2 Highway Commercial Zone of our Land Use Bylaw as it is a permitted use.

Councillor Sean Nolls made a motion to approve the application as presented.

MOTION CARRIED
UNANIMOUS

Adjournment: The meeting adjourned at 9:04 a.m. on a motion by Councillor Sean Nolls.