

**MINUTES OF THE MUNICIPAL PLANNING COMMISSION MEETING  
December 3, 2013**

**Present:**

Councillors Darcy Bachman, Malcolm Fischer, Sean Nolls and Will Brown, Planning & Development Officer Leann Graham, and Planning & Development Clerk Dara Hallett

1. **Call to Order:** Chairman Al Campbell called the meeting to order at 8:50 a.m.

2. **Approval of Agenda/Additions**

Moved by Councillor Malcolm Fischer to accept the agenda as presented.

MOTION CARRIED  
Unanimous

3. **Confirmation of the November 5, 2013 MPC Meeting Minutes**

Moved by Councillor Will Brown that the Minutes of the November 5, 2013 MPC meeting be approved as presented.

MOTION CARRIED  
Unanimous

4. **Business Arising**

None.

5. **Development Application:** 2735-2013

**Applicant:** Town Centre Properties (Stettler) Inc.

**Legal:** Lot 8-10, Block 14, Plan RN54A

**Municipal:** 4706 – 50 Street

**Proposed Development:** Multi-Tenant Retail Building

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

**General:**

The applicant is proposing to develop a 3 Bay Building at the corner of main street and Highway 12 with one bay occupied by a retail liquor store for Sobey's Canada. The property is zoned C1 Commercial Central District and the property is adjacent to Highway 12 so therefore requires the commercial and industrial guideline approval from Municipal Planning Commission. The application had been tabled from the previous November 5, 2013 MPC Meeting until further discussion. Municipal Planning Commission is required to make a decision regarding what design guidelines should be imposed on the building.

Some suggested changes to the design of the building could include:

- A defined roofline cornice as demonstrated on the Town Office Building.
- Change in color of stucco or rock work at the corners and around the windows and doors.

## **Recommendation:**

That the Municipal Planning Commission reviews the design of the building since our last meeting dated November 5, 2013 and provide clear direction regarding building design. Initial rendering and subsequent changes have been made. Included are some photo examples of the Downtown area that mimic the look the Town has asked the applicant for.

And that The Municipal Planning Commission approves the design based on the endorsed changes:

1. The applicant/owner shall make the proposed changes to the design of the building and resubmit for final approval to the satisfaction of the Town of Stettler's Planning & Development Officer.

## **Discussion**

Planning & Development Officer Leann Graham indicated that this application was brought from a tabled MPC Meeting held November 5, 2013 and requires Municipal Planning Commission to provide clear direction regarding building design. Suggested changes to the design could include a defined roofline cornice similar to the Town Office design and a change in color of stucco or rock work at the corners and around the windows and doors.

Councillor Sean Nolls commented that the suggested changes would tie the proposed building in nicely with the other buildings on Main Street. Councillor Will Brown indicated that specific design guidelines should be put in place. Planning & Development Officer Leann Graham indicated that specific guidelines will be developed for future developments. Councillor Sean Nolls asked if we can impose these specific design requirements as conditions in the development permit. Planning & Development Officer Leann Graham confirmed.

Councillor Malcolm Fischer commented that the building design should be unique rather than based off of another design on Main Street. Councillor Will Brown commented that the stone pillars looked good but should also be included on the corners as well. Councillor Malcolm Fischer commented that the stone/rock could be included around the windows as well. Planning & Development Officer Leann Graham asked if the consensus was to have rock work included around the windows. Councillor Darcy Bachman confirmed.

Discussion continued concerning the design of the building and how it doesn't pertain to a heritage theme and instead follows the standard company design for Sobeys. MPC concluded that the roof line should have a raised cornice similar to the John's Men's Wear building, rock/stone work should be included along the corners of the building and that the trim around the windows should either be a different color of stucco or have stone. Councillor Will Brown confirmed that stone will project out further than stucco would, presenting a more esthetically pleasing design. Planning & Development Officer Leann Graham confirmed that if the applicant was to meet these three conditions that the application will be approved.

Councillor Sean Nolls made a motion to approve the building on the condition that the applicant/owner shall make the MPC endorsed changes to the design of the building and resubmit for final approval to the satisfaction of the Town of Stettler's Planning & Development Officer. The endorsed changes include:

- Extending the stone up the corners of the building
- Have the trim around the windows and doors defined by a change in color or stone
- Include a built out cornice at the roof line

MOTION CARRIED  
UNANIMOUS

6. **Development Application:** 2759-2013  
**Applicant:** Edward Cutts  
**Legal:** Lot 6, Block 3, Plan 0522031  
**Municipal:** 5514 – 57 Street  
**Proposed Development:** Garden Suite

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

**General:**

In October 2013, the Town of Settler was made aware of a Modular/Park Model Dwelling (Garden Suite) installed at 5514 – 57 Street without the issuance of a development Permit. The Town contacted the landowner by phone and with a letter (attached). The Owner in turn has applied for a development permit for a garden suite as a residence for his mother. A garden suite is a discretionary use in the R4 district and therefore requires approval from MPC.

Upon notification of the structure the Town staff took photos of the structure in place (see attached). The garden suite installed is of new construction, it is completely finished, it is aesthetically fitting with the existing development on the property, and it meets the Land Use Bylaw definition of a garden suite.

**"GARDEN SUITE"** means a portable, self-contained dwelling without a basement. It shall include a "Park Model" which meets the size requirements of this land use bylaw.

**Section 19 Decision  
Discretionary Use:**

- 19.1 In making a decision on a Development Permit application for a Discretionary Use, the Municipal Planning Commission:
- 19.1.1 May approve the application if it meets the requirements of this Bylaw, with or without conditions, based on the merits of the application including any approved statutory plan or approved policy affecting the site; or,
  - 19.1.2 May refuse the application even though it meets the requirements of this Bylaw; or,
  - 19.1.3 Shall refuse the application if the proposed development does not conform to this Bylaw.
- 19.2 In reviewing a development permit application for a Discretionary Use, the Municipal Planning Commission shall have regard to:
- 19.2.1 The circumstances and merits of the application, including but not limited to:
    - (a) The impact on properties in the vicinity of such nuisance factors as smoke, airborne emissions, odours and noise;
    - (b) The design, character and appearance of the proposed development and in particular whether it is compatible with the surrounding properties; and,
    - (c) The servicing requirements for the proposed development.
    - (d) The purpose and intent of any statutory plan adopted by the Town; and,
    - (e) The purpose and intent of any non-statutory plan or pertinent policy adopted by the Town.

**Section 46: Garden Suites**

- 46.1 A garden suite means a separate secondary dwelling unit located on the same site and serviced by the same utilities as a single detached dwelling.
- 46.2 The Municipal Planning Commission shall consider the following matters as part of the decision making process for an application for a garden suite:
- 46.2.1 Compatibility of the use in relation to the site, grade elevations, height, building types and materials characteristic of surrounding development;
  - 46.2.2 The potential effect of the development on the privacy of adjacent properties; and
  - 46.2.3 The on-site and neighbourhood impacts on parking and traffic.

- 46.3 Where approved, garden suites shall be developed and operated in accordance with the following regulations:
- 46.3.1 All garden suites must meet the requirements of the Alberta Safety Codes Act;
  - 45.3.2 Shall not be located in the front yard;
  - 46.3.3 The resident owner shall submit and sign a statutory declaration stating that he/she is the principal resident of the principal dwelling and occupancy of the principal dwelling by the owner shall be a condition of the development permit;
  - 46.3.4 A minimum of one on-site parking space shall be provided for a garden suite;
  - 46.3.5 The number of persons occupying a garden suite shall not exceed two;
  - 46.3.6 A minimum floor area of 44.0 square metres (480 square feet) and a maximum floor area of 65 square metres (700 square feet), providing that the combination of the principal dwelling, garden suite and other accessory buildings does not result in the site coverage of the parcel exceeding the requirements of the District. See further restrictions in 34.2.3.

### **Section 34: Accessory Buildings and Structures:**

#### **34.1 Residential Districts:**

- 34.1.1 Accessory buildings and structures include garages, carports, shed, storage buildings, decks, covered patios or covered balconies, permanently installed private swimming pools and hot tubs, garden suites and other accessory structures such as television and radio antennas, poles, satellite dishes and towers.
- 34.1.2 An accessory building shall not exceed 6.5 m, or the height of the principal dwelling, whichever is less. In mobile home districts an accessory building must not exceed 4.5 m in height.
- 34.1.3 In no case shall the floor area or combined floor area of accessory buildings (including garden suites) on a property exceed the main floor area of the principal dwelling.
- 34.1.4 In no case shall the floor area or combined floor area of accessory buildings (including garden suites) and principal dwelling result in the site coverage of the parcel exceeding the requirements of the District.

#### **Recommendation:**

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

1. The owner/applicant is subject to an appeal within 14 days starting December 11, 2013 in accordance with the Land Use Bylaw 2018-11 and Municipal Government Act 685 and 686
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 (Garden Suite) 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 must obtain a building permit for this development following the mandatory 14 day appeal period

## **Discussion**

Planning & Development Officer Leann Graham indicated that in October 2013, the Town of Stettler was made aware of a Modular/Park Model Dwelling (Garden Suite) installed at 5514 – 57 Street without the issuance of a development permit. The Town contacted the landowner by phone and by letter. The Owner in turn has applied for a development permit for a garden suite. A garden suite is a discretionary use in the R4 district and therefore requires approval from MPC.

Upon notification of the structure the Town staff took photos of the structure in place. The garden suite installed is of new construction, it is completely finished, it is aesthetically fitting with the existing development on the property, and it meets the Land Use Bylaw definition of a garden suite.

Discussion continued concerning how the building currently meets the Land Use Bylaw and hasn't been deemed a nuisance. If the application is approved the property value would be reassessed to include the new garden suite, the applicant would require a building permit and the suite would be fully inspected by IJD Inspections Ltd. Councillor Malcolm Fischer indicated that he was in favor of the application for one time use only for the existing occupant but was not in favor of the garden suite being used as a rental property in the future.

Planning & Development Officer Leann Graham suggested that a permit could be issued with a condition that when the existing occupant no longer resides in the garden suite the applicant would have to re-apply for approval.

Councillor Malcolm Fischer made a motion to approve a temporary development permit permitting the use of a garden suite until such a time that the existing occupant no longer resides on the property, in which case the applicant would have to re-apply for approval at that time.

MOTION CARRIED  
UNANIMOUS

**Adjournment:** The meeting adjourned at 9:09 a.m. on a motion by Councillor Will Brown.