

**MINUTES OF THE MUNICIPAL PLANNING COMMISSION MEETING
January 16, 2018**

Present:

Councillors Al Campbell, Malcolm Fischer, Wayne Smith, Gord Lawlor, Scott Pfeiffer and Cheryl Barros & Director of Planning and Development Leann Graham and Planning & Operations Clerk Angela Stormoen.

1. **Call to Order:** Chairman Al Campbell called the meeting to order at 8:44 a.m.

2. **Approval of Agenda/Additions**

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

- a. Councillor Al Campbell mentioned a new chair must be appointed. Councillor Malcolm Fischer nominated Cheryl Barros as chair person.
- b. Councillor Barros accepted and assumed the chair.

MOTION CARRIED
Unanimous

3. **Confirmation of the Septemeber 22, 2017 MPC Meeting Minutes**

Moved by Councillor Malcolm Fischer that the Minutes of the September 22, 2017 MPC meeting be approved as presented.

MOTION CARRIED
Unanimous

4. **Business Arising**

None.

5. **Development Application:** 3034-2017

Applicant: Ralph Wiebe

Legal: Lot A, Block Y, Plan 4530NY

Municipal: 4201 – 49 Avenue

Proposed Development: Change in use – Lumber Yard/Retail, Signage and Renovation

A report prepared by the Director of Planning & Development was reviewed as follows:

General:

The owner/applicant is proposing to change the use of 4201 – 49 Avenue to a lumber yard with outdoor storage and retail business. The application also includes new signage and minor interior renovations as shown in the attached floor plan.

In the past, the above mentioned property was a machinery dealership as well as a parts and service business, the yard is large enough to allow for outdoor storage of a lumber yard as well as large truck access for loading and unloading. There is ample room for both customer and staff parking.

The current land use district is I: Industrial and the use of "Storage - Outdoor" is discretionary and therefore requires MPC approval.

Alternatives:

- Approve the application with additional conditions
- Defeat the application stating reasons

Recommendation:

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

1. The owner/applicant must comply with all the provisions of the Town Of Stettler Land Use Bylaw #2060-15;
2. 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;
3. Compliance with the provisions of Land Use Bylaw #2060-15 does not exempt the applicant from compliance with any provincial, federal, or other municipal legislation;
4. The proposed development (Change in Use to Lumber Yard/Retail Business, Signage and Interior Renovation) shall be located in accordance with the approved plan; any changes to this site plan must be approved by the Town of Stettler;
5. 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 #2060-15;
6. The owner/applicant shall arrange for and obtain approval for compliance with the current Alberta Building Code;
7. The owner/applicant must obtain a building permit for this development following the mandatory 14 day appeal period;

Discussion:

Director of Planning and Development Leann Graham indicated that the owner/applicant is proposing to change the use of 4201 – 49 Avenue to a lumber yard with outdoor storage and retail business. The application also includes new signage and minor interior renovations as shown in the attached floor plan.

In the past, the above mentioned property was a machinery dealership as well as a parts and service business, the yard is large enough to allow for outdoor storage of a lumber yard as well as large truck access for loading and unloading. There is ample room for both customer and staff parking.

The current land use district is I: Industrial and the use of "Storage - Outdoor" is discretionary and therefore requires MPC approval.

Moved by Councillor Malcolm Fischer to approve the application as presented.

MOTION CARRIED
UNANIMOUS

6. **Development Application:** 3035-2017
Applicant: Jewel Investments
Legal: Lot 1, Block 12, Plan 1423243
Municipal: 5402 – 51 Avenue
Proposed Development: Change in use – Recreational Facility / Office

A report prepared by the Director of Planning & Development was reviewed as follows:

General:

The owner/applicant is proposing a change in use of the building at 5402 – 51 Avenue to include the operation of the Stettler Gymnastic Club in the existing shop area on the east side of the building while maintaining the existing office use on the west end of the building.

Under the current zoning of C2: Commercial Highway District, the use of "Recreational Facility" is discretionary use and therefore requires MPC approval.

The lot allows for approximately 19 parking stalls, the required number of parking stalls for a Recreation Facility is at the discretion of the Development Authority.

Alternatives:

- Approve the application with additional conditions
- Defeat the application stating reasons

Recommendation:

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

1. The owner/applicant must comply with all the provisions of the Town Of Stettler Land Use Bylaw #2060-15;
2. 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;
3. Compliance with the provisions of Land Use Bylaw #2060-15 does not exempt the applicant from compliance with any provincial, federal, or other municipal legislation;
4. Any signage will require approval from the Town of Stettler's Planning and Development Officer prior to installation.
5. The proposed development (Change in Use – Recreational Facility and Office (Gymnastic Club)) 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 Development Authority.
6. The applicant shall arrange for and obtain approval from the Stettler Regional Fire Department to confirm compliance with the Provincial Fire Code.

Discussion:

Director of Planning and Development Leann Graham indicated that the owner/applicant is proposing a change in use of the building at 5402 – 51 Avenue to include the operation of the Stettler Gymnastic Club in the existing shop area on the east side of the building while maintaining the existing office use on the west end of the building.

Under the current zoning of C2: Commercial Highway District, the use of "Recreational Facility" is discretionary use and therefore requires MPC approval.

The lot allows for approximately 19 parking stalls, the required number of parking stalls for a Recreation Facility is at the discretion of the Development Authority.

Moved by Councillor Wayne Smith to approve the application as presented.

MOTION CARRIED
UNANIMOUS

7. **Development Application:** 3036-2017
Applicant: Rhonda Prete (Wagner)
Legal: Lot 2, Block 35A, Plan 5299HW
Municipal: 6004 – 51 Avenue
Proposed Development: Basement Suite – Dwelling, Single Detached Only

A report prepared by the Director of Planning & Development was reviewed as follows:

General:

The applicant is proposing to add a basement suite as an additional dwelling to the existing single family dwelling at 6004 – 50 Avenue. The proposed basement suite will have a separate entrance and the applicant is required to provide 4 off street parking stalls to accommodate 2 stalls/dwelling unit as required by the Town of Stettler’s Land Use Bylaw.

The applicant will be required to ensure the basement suite is built to the current Alberta Building Code standards, including proper fire separation between units, hard wired fire alarms, separate heating systems, proper egress from basement windows, etc.

The proposed development is located in Land Use District R2: General Residential and as such the basement suite is considered a discretionary use.

Alternatives:

- Approve the application with additional conditions
- 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 #2060-15.
2. 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 Alberta Building Code.
3. Compliance with the provisions of Land Use Bylaw #2060-15 does not exempt the applicant from compliance with any provincial, federal, or other municipal legislation;
4. The proposed development (Basement Suite) shall be located in accordance with the approved plan;
5. The applicant shall arrange for and obtain approval for compliance with the current Alberta Building Code.
6. The applicant must provide four off street parking stalls to accommodate each dwelling unit.

Discussion:

Director of Planning and Development Leann Graham indicated that the applicant is proposing to add a basement suite as an additional dwelling to the existing single family dwelling at 6004 – 50 Avenue. The proposed basement suite will have a separate entrance and the applicant is required to provide 4 off street parking stalls to accommodate 2 stalls/dwelling unit as required by the Town of Stettler’s Land Use Bylaw.

The applicant will be required to ensure the basement suite is built to the current Alberta Building Code standards, including proper fire separation between units, hard wired fire alarms, separate heating systems, proper egress from basement windows, etc.

The proposed development is located in Land Use District R2: General Residential and as such the basement suite is considered a discretionary use.

Moved by Councillor Al Campbell to approve the application as presented.

MOTION CARRIED
UNANIMOUS

8. **Development Application:** 3038-2017
Applicant: Big Knife Construction Ltd.
Legal: Lot 6, Block 13, Plan 1177HW
Municipal: 5812 – 50A Avenue

Proposed Development: Basement Suite – Dwelling, Single Detached Only and 10' x 10' Porch

A report prepared by the Director of Planning & Development was reviewed as follows:

General:

The applicant is proposing to add a basement suite to the existing single family dwelling at 5812 – 50A Avenue. The proposed basement suite will have a separate entrance and the applicant is required to provide 4 off street parking stalls to accommodate 2 stalls/dwelling unit as required by the Town of Stettler's Land Use Bylaw.

The applicant will be required to ensure the basement suite is built to the current Alberta Building Code standards, including proper fire separation between units, hard wired fire alarms, separate heating systems, proper egress from basement windows, etc.

The proposed development is located in Land Use District R2: General Residential and as such the basement suite is considered a discretionary use.

Furthermore, the applicant is proposing to construct a 10' x 10' porch to create the separate entrance for the basement suite.

The existing wooden covered carport & entry is considered non-compliant as the side yard setback of 0.37 meters along the west side of the attached carport is non-compliant in accordance with Land Use Bylaw 2060-15, required 1.5 meters.

The proposed 10' x 10' porch and use will conform to existing regulations other than the side yard encroachments that can be remedied by way of a 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 Land Use Bylaw 2060-15 these powers lie with the Town of Stettler Municipal Planning Commission.

Alternatives:

- Approve the application with additional conditions
- Defeat the application stating reasons

Recommendation:

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

1. That the applicant receives a side yard variance of 1.13 meters to accommodate the existing encroachment of wooden covered carport & entry thus single family dwelling;
2. The applicant must provide four off street parking stalls to accommodate each dwelling unit.
3. The applicant must comply with all the provisions of the Town Of Stettler Land Use Bylaw #2060-15.
4. 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 Alberta Building Code.
5. Compliance with the provisions of Land Use Bylaw #2060-15 does not exempt the applicant from compliance with any provincial, federal, or other municipal legislation;
6. The proposed development (Basement Suite and 10' x 10' Porch) shall be located in accordance with the approved plan;

7. The 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 for compliance with fire, plumbing, gas, and electrical regulations as applicable;
9. The owner/applicant must obtain a building permit for this development following the mandatory 14 day appeal period
10. The applicant must provide four off street parking stalls to accommodate each dwelling unit.

Discussion:

Director of Planning and Development Leann Graham indicated that the applicant is proposing to add a basement suite to the existing single family dwelling at 5812 – 50A Avenue. The proposed basement suite will have a separate entrance and the applicant is required to provide 4 off street parking stalls to accommodate 2 stalls/dwelling unit as required by the Town of Stettler’s Land Use Bylaw.

The applicant will be required to ensure the basement suite is built to the current Alberta Building Code standards, including proper fire separation between units, hard wired fire alarms, separate heating systems, proper egress from basement windows, etc.

The proposed development is located in Land Use District R2: General Residential and as such the basement suite is considered a discretionary use.

Furthermore, the applicant is proposing to construct a 10’ x 10’ porch to create the separate entrance for the basement suite.

The existing wooden covered carport & entry is considered non-compliant as the side yard setback of 0.37 meters along the west side of the attached carport is non-compliant in accordance with Land Use Bylaw 2060-15, required 1.5 meters.

The proposed 10’ x 10’ porch and use will conform to existing regulations other than the side yard encroachments that can be remedied by way of a 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 Land Use Bylaw 2060-15 these powers lie with the Town of Stettler Municipal Planning Commission.

Councillor Gord Lawlor questioned if the extra dwellings are needed. Director of Planning and Development mentioned basement suites are used as infill and are only permitted in R2: Residential general districts.

Councillor Gord Lawlor questioned if the applicant must create visual parking stalls in the back yard as part of the application. Director of Planning and Development stated that they will be required to provide gravel parking stalls.

Moved by Councillor Malcolm Fischer to approve the requested variance as presented.

Moved by Councillor Gord Lawlor to approve the development of a Basement Suite as presented.

MOTION CARRIED
UNANIMOUS

Adjournment: The meeting adjourned at 8:56 a.m. on a motion by Councillor Al Campbell.