

**MINUTES OF THE MUNICIPAL PLANNING COMMISSION MEETING
July 11, 2019**

Present:

Councillors Al Campbell, Gord Lawlor, Malcom Ficsher, Wayne Smith, Scott Pfeiffer and Cheryl Barros, Director of Planning and Development Leann Graham and Planning & Operations Clerk Maddie Hall

1. **Call to Order:** Chairman Cheryl Barros called the meeting to order at 8:32 a.m.

2. **Additions to Agenda**

None

3. **Approval of Agenda**

Moved by Councillor Al Campbell to accept the agenda as presented.

MOTION CARRIED

Unanimous

4. **Confirmation of the June 6, 2019 MPC Meeting Minutes**

Moved by Councillor Scott Pfeiffer that the Minutes of the June 6, 2019 MPC meeting be approved as presented.

MOTION CARRIED

Unanimous

5. **Business Arising**

Director of Planning and Development Leann Graham shared that both applicants from the June 6 meeting are moving forward with work, permits and licenses.

6. **Development Application:** 3157-2019

Applicant: Canadian Tire Stettler – Steve Wilson

Legal: Lot 14, Block C, Plan 0825300

Municipal: 6607 – 50 Avenue

Proposed Development: Placement of 10 sea cans

Director of Planning and Development read a report that follow:

General:

The applicant is proposing to place Ten (10) - metal freight/cargo storage containers to the south of the Canadian Tire building on lands currently owned by Canalta Real Estate. The applicant has acquired a letter from Canalta Real Estate giving Canadian Tire Stettler permission to use the land for the placement of Ten (10) metal freight/cargo storage containers.

The applicant has expressed the need for the metal freight/cargo storage containers to solve storage challenges within the Canadian Tire store. Through conversation regarding the highway commercial zoning and the desire for design guidelines, he has indicated that he would prefer to place the metal freight/cargo storage containers and paint them to match the exterior façade of the building. The applicant has however also included pictures in his application showing the possibility of fencing the metal freight/cargo storage containers off or planting trees to act as a natural barricade around the metal freight/cargo storage containers.

Under the current C2: Commercial Highway District, Temporary Structures would be considered a Discretionary Use: All Permitted Uses within the Industrial District. The Industrial District does list a Permitted Use for a Temporary Structure however, Land Use Bylaw Section 56: Temporary Structures states that "56.2 Metal freight/cargo storage containers shall only be permitted in Industrial Land Use Districts."

Additionally, when considering an application for discretionary use, MPC shall have regard to the "design, character and appearance of the proposed development and in particular whether it is compatible with the surrounding properties". Furthermore, when considering a Variance of any regulation in the Land Use Bylaw there are additional considerations regarding impact of neighboring parcels as well as the intent of the district. When considering this proposed development, MPC must consider the residential property to the east as well as the Park and Public Use land to the south as well as the Highway Commercial District and the intent of the Highway Commercial Design Guidelines.

Development Review:

See Attached Land Use Bylaw Review of the following sections:

Section 9: Definitions

Section 19: Decision specifically 19.3 Discretionary Uses

- 19.3.3 Shall refuse the application if the proposed development does not conform to this Bylaw

Section 21: Variance Authority

Section 56: Temporary Structures specifically 56.2:

- Metal freight/cargo storage containers shall only be permitted in Industrial Land Use Districts.

Section 85: C2 Commercial Highway District

- Discretionary Use: "All Permitted Uses within the Industrial District"

Section 87: I Industrial District

- Permitted Use: "Temporary Structure"

Section 95: OH Overlay Highway Design Guidelines District

Legislation and Policy:

Staff has assessed this application against the provisions outlined in the Town of Stettler Land Use Bylaw.

Recommendation:

Refuse Development Permit Application 3157-2019 based on the following reasons:

- 1) As per Section 19 of the Land Use Bylaw 2060-15, the application is for a Discretionary Use (“All Permitted Uses in I District” - “Temporary Structure”) in the C2 Highway Commercial District and does not conform to the provisions as set out in the Land Use Bylaw 2060-15:
 - i) Section 56.2 states that Metal freight/cargo storage containers shall only be permitted in Industrial Land Use Districts.
- 2) The application does not meet the intent of the C2: Highway Commercial District.
- 3) The application does not meet the intent of the OH: Overlay Highway Design Guidelines District.
- 4) The application is not conducive to the nature of the surrounding properties and has the potential to negatively impact the use and enjoyment of the adjacent residential and public use properties.

Alternatives:

- Approve the application with conditions

Discussion

Director of Planning and Development Leann Graham discussed the applicant’s submitted documents and explained that the proposed metal freight/cargo storage containers would be the applicant’s solution to the storage concerns that the store is currently facing.

Councillor Al Campbell addressed the pictures submitted by the applicant showing the storage concerns which prompted a larger conversation about different storage possibilities. Director of Planning and Development Leann Graham assured the Municipal Planning Commission Board that there are other options that the applicant can pursue should the metal freight/cargo storage containers be refused. However at this time the decision is only regarding whether the containers be approved there as proposed or whether they will negatively impact the surrounding Residential and Public Use Land or the integrity of the Commercial Highway District and be refused.

Councillor Malcom Fischer shared his concern about the impact of the metal freight/cargo storage containers on the neighboring residential across the creek. Councillor Fischer shared that he does not think it is an appropriate, long term solution to the storage problem that faces the store. Metal freight/cargo storage containers would negatively impact the surrounding Residential and Public Use Land Districts.

Councillor Wayne Smith stated that Stettler’s Highway Commercial Districts are very clean and shared his concern that approving metal freight/cargo storage containers would be a step backwards and may push other business owners to also want metal freight/cargo storage containers on their properties.

Discussion ensued about the current state of the proposed location not being the cleanest as there is often garbage laying around and there is already a red metal freight/cargo storage container sitting there which is not pleasing to the eye. Councillor

Scott Pfeiffer shared his concern that adding 10 more metal freight/cargo storage containers would make this matter worse.

Councillor Cheryl Barros asked the Director what would happen to the current red metal freight/cargo storage container that is present. Director of Planning and Development explained that the current container does not have a permit and was not permitted to be placed there. Should the Board approve 10 metal freight/cargo storage containers the current container would stay as part of the 10 but should the Board refuse the application to place 10 metal freight/cargo storage containers the Town of Stettler will be taking steps to have the current red metal freight/cargo storage container removed and the property cleaned up in accordance with town bylaws.

Councillor Malcom Fischer shared with the Board that he went for a walk in the area and believed that there would be ample room to build an accessory building or to build an addition on the current building. Director of Planning and Developed agreed that with the current set back for the C1: Commercial Highway District the applicant would have plenty of room to add on to the current building or build a new accessory building within the boundaries of the property.

Moved by Councillor Al Campbell to refuse the application based on the following conditions;

- 1) As per Section 19 of the Land Use Bylaw 2060-15, the application is for a Discretionary Use ("All Permitted Uses in I District" - "Temporary Structure") in the C2 Highway Commercial District and does not conform to the provisions as set out in the Land Use Bylaw 2060-15:
 - i) Section 56.2 states that Metal freight/cargo storage containers shall only be permitted in Industrial Land Use Districts.
- 2) The application does not meet the intent of the C2: Highway Commercial District.
- 3) The application does not meet the intent of the OH: Overlay Highway Design Guidelines District.
- 4) The application is not conducive to the nature of the surrounding properties and has the potential to negatively impact the use and enjoyment of the adjacent residential and public use properties.

MOTION CARRIED

Unanimous

7. **Development Application:** 3162-2019

Applicant: James Kirk

Legal: Block G, Plan 8820090

Municipal: 4220 - 50 Street

Proposed Development: Pole Shed

Director of Planning and Development read a report that follow:

General:

The applicant was previously approved to build an Accessory Building - pole shed in 2017. Work had started and was abandoned and permits then expired. The applicant has existing poles in the ground from the previous permit that expired, and the applicant is now reapplying to finish the project.

The applicant is proposing to construct a new Accessory Building - pole shed at 4220 – 50 Street with proposed height higher than the principle dwelling on the property. As per Section 34.2.2 in Land Use Bylaw 2060-15, an accessory building shall not exceed 6.5 m or the height of the principal dwelling, whichever is less. The applicant is asking for a height variance of 1.2 meters (4 feet) on the proposed Accessory Building - pole shed. The principle dwelling measures 5.5 meters (18 feet) and the proposed pole shed would stand 6.7 meters (22 feet) tall.

The applicant is also asking for a variance for the number of accessory buildings allowed on the lot. As per Section 34.1.5 in Land Use Bylaw 2060-15, there shall be no more than two accessory buildings per site. The applicant's lot has a pre-existing shed measuring roughly 18.6 sq. meters (200 sq. ft.) and a pre-existing playhouse measuring 6.5 sq. meters (70 sq. ft.). Based on the review it should be noted that the accessory building - playhouse is below the square footage that would require a permit in accordance with the Land Use Bylaw.

Development Review:

Land Use District – UR: Urban Reserve

- Purpose – to reserve land for future subdivision and development until an Area Structure Plan is prepared for and approved by Council.
- Discretionary Uses – uses that will not, in the opinion of the Municipal Planning Commission: materially alter the use of the land from that existing on the date that the land was designated to this land use district; or conflict with urban expansion.

Existing Land Use – Dwelling, Single Detached

Proposed Land Use – Accessory Building - Pole shed

- Definition (Accessory Building) – means a building or structure, which, in the opinion of the Development Authority, is incidental, subordinate and exclusively devoted to the principle use or building and is located on the same parcel. Examples include, but are not limited to, garages, decks, sheds and carports. An accessory building or structure does not include extensions that are physically attached to the principal building.
- Minimum Rear Yard – 3 meters required – proposed approximately 30 meters
- Minimum Side Yard – 0.6 meters required – proposed 7.3 meters
- Maximum Height – 6.5 meters or the height of the principal dwelling unit (5.5 meters) whichever is less – proposed 6.7 meters – requires 1.2 meter variance

Legislation and Policy:

Staff has assessed this application against the provisions outlined in the Town of Stettler Land Use Bylaw 2060-15.

Recommendation:

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

1. That the applicant receives a height variance of 1.2 meters to accommodate the pole shed with a finished height of 6.7 meters;
2. That the applicant receives a variance to allow a total of 3 accessory buildings to accommodate the existing playhouse, shed and new pole shed;
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 (Pole Shed) shall be located in accordance with the approved plan;
7. 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;
8. The owner/applicant shall arrange for and obtain approval for compliance with the current Alberta Building Code;
9. The owner/applicant must obtain a building permit for this development following the mandatory 14 day appeal period.

Alternatives:

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

Discussion

Councillor Malcom Fischer recalled the original application and that the applicant worked with the conditions set out by Municipal Planning Commission at the time to move the Pole Shed to be beside the principle dwelling instead of in front of the dwelling.

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

MOTION CARRIED
Unanimous

8. **Adjournment:** The meeting adjourned at 9:04 a.m. on a motion by Councillor Gord Lawlor.