

MINUTES OF THE MUNICIPAL PLANNING COMMISSION MEETING
June 1, 2012

Present:

Councillors Al Campbell, Darcy Bachman and Malcolm Fischer, Planning & Development Officer Leann Graham, and Planning & Development Clerk Dara Green

1. **Call to Order:** Chairman Al Campbell called the meeting to order at 8:45 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 16, 2012 MPC Meeting Minutes**

Moved by Councillor Malcolm Fischer that the Minutes of the March 16, 2012 MPC meeting be approved as presented.

MOTION CARRIED
Unanimous

4. **Business Arising**

None.

5. **Development Application: 2633-2012**

Applicant: Town Centre Properties (Stettler) Inc.

Legal: Lots 8-10, Block 14, Plan RN54A

Municipal: 4706 – 50 Street

Proposed Development: 2 Building Retail Centre:

- Lube-X Automobile Fast Lube Shop
- Future Retail Store
(Proposed liquor or convenience store)

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

General:

The applicant is proposing to develop a Lube X at the corner of main street and Highway 12 with a future retail (liquor or convenience) store. The property is zoned C1 Commercial Central District and the Lube X would be considered a discretionary use (automobile repair shop). The property is adjacent to Highway 12 and therefore requires the commercial and industrial guidelines to be applied to the building and site designs.

The applicant proposes an all direction access to the site from 50 Street (main street). Upon staff review of the application it was felt that a right in right out access would better suit the functionality of main street due to the fact that there is not enough space to include a dedicated left hand turn lane and that bulbing and medians create a maintenance and drainage challenge. Further to that, our mainstreet currently has bulbing at pedestrian crossings only, this would not allow for a pedestrian crossing and therefore would not follow the theme of bulbing on our main street.

Other examples of accesses on main street include Art's Car Wash and The Stettler Hotel; both of these sites are a right in and right out only according to the line paintings on main street. The lane north of Home Hardware is painted with a break indicating an all direction access; however this access is 52 +/- meters from an intersection and a Town dedicated lane.

And further by providing the access it will result in a removal of approximately 7 parking stalls along main street. However the applicant is proposing a surplus of 7 stalls within their development (development requires 8 stalls, applicant is proposing 15). Therefore as noted in the recommendation conditions the Town requests that the applicant allow public parking within their development of 7 stalls to accommodate the removal of the equivalent main street stalls. Staff have sought legal advice from Brownlee and it was determined that the Town can require public parking on private land by entering into right of way agreement to be registered on title.

It is also Staff's recommendation that the Town of Stettler advertise the development application in the Stettler Independent (as per the minimum requirement in the MGA) as well as executes a mail out to all adjacent land and business owners to inform them of the development and the change to parking in the area.

Alternatives:

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

Recommendation:

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

1. That the Town of Stettler advertise the development application in the Stettler Independent as well as execute a mail out to all adjacent land and business owners to inform them of the proposed development and the implications to the area.
2. The applicant/owner will be required to provide the Town of Stettler security in the amount of \$20,000 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.
3. The applicant/owner will provide the Town of Stettler with a copy of written approval from Alberta Transportation prior to commencing any works related to the proposed development.
4. The applicant/owner shall meet the regulations set out in the Commercial and Industrial Design Guidelines.
5. The applicant/owner shall ensure that all water, sanitary, and storm connections are approved by the Town of Stettler's Director of Operational Services.
6. The construction of access onto 50 street will be the responsibility of the applicant/owner and must be constructed in accordance with the Town of Stettler's Director of Operational Services approval:
7. The access onto 50 Street must consist of a reinforced apron,
8. The access onto 50 street will not consist of bulbing or medians due to the limitation of space, and the maintenance and drainage challenges.
 - The access onto 50 street will consist of a right in right out turn only
 - The access onto 50 Street must consist of a reinforced apron,
 - The access onto 50 street will not consist of bulbing or medians due to the limitation of space, and the maintenance and drainage challenges.
 - The access onto 50 street will consist of a right in right out turn only
9. The applicant/owner will allow public parking within their development to accommodate the removal of the equivalent main street stalls subsequent to the construction of the developments access.
10. The applicant/owner will enter into a right of way agreement with the Town of Stettler for the onsite public parking to the satisfaction of the Town of Stettler and to be registered against the land title.
11. The applicant/owner will ensure that the driving surfaces on the proposed development site consist of a pavement top.
12. The applicant/owner will be required to install curbing around all parking and landscaped areas.

13. The applicant/owner will landscape and maintain the boulevard around the development.
14. Landscaping shall be completed by the end of the first growing season following the date of approval.
15. The applicant/owner will ensure that a drainage plan is approved by the Town of Stettler's Director of Operations.
16. That all outdoor storage areas and garbage areas are screened from neighboring residential properties, 50 Street and Highway 12.
17. Any security lighting must be approved by the Town of Stettler's Development Authority prior to installation to ensure that the lighting does not pose a nuisance to traffic and/or neighboring residential districts.
18. The applicant/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.
19. The applicant/owner must comply with all the provisions of the Town of Stettler Land Use Bylaw #2018-11.
20. Compliance with the provisions of Land Use Bylaw #2018-11 does not exempt the applicant/owner from compliance with any provincial, federal, or other municipal legislation.
21. 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.
22. The applicant/owner shall arrange for and obtain approval from the Stettler Regional Fire Department to confirm compliance with the Provincial Fire Code.
23. The applicant/owner 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.
24. The applicant/owner must ensure that all conditions listed above have been complied with prior to obtaining a business license,
25. The applicant/owner shall ensure that a final occupancy permit has been issued prior to public occupancy (occupancy permit forms are available through the Town of Stettler Development Authority).

Discussion

Planning & Development Officer Leann Graham indicated the applicant is proposing to develop a Lube X at the corner of main street and Highway 12 with a future retail store. The property is zoned C1 Commercial Central District and the Lube X would be considered a discretionary use (automobile repair shop). The property is adjacent to Highway 12 and therefore requires the commercial and industrial guidelines to be applied to the building and site designs.

The applicant proposes an all direction access to the site from 50 Street (main street). Upon staff review of the application it was felt that a right in right out access would better suit the functionality of main street due to the fact that there is not enough space to include a dedicated left hand turn lane and that bulbing and medians create a maintenance and drainage challenge. Further to that, our mainstreet currently has bulbing at pedestrian crossings only, this proposal would not allow for a pedestrian crossing and therefore would not follow the theme of bulbing on our main street. Councillor Malcolm Fischer questioned why the applicant proposed bulbing at the entrance. Planning & Development Officer Leann Graham indicated that the bulbing would allow a safe view to oncoming traffic but primarily the recommendation is for the right in right out only, due to not enough space to accommodate the design.

Planning & Development Officer Leann Graham continued to state there are other examples of accesses on main street include Art's Car Wash and The Stettler Hotel; both of these sites are a right in and right out only according to the line paintings on main street. The lane north of Home Hardware is painted with a break indicating an all direction access; however this access is 52 +/- meters from an intersection and is a Town dedicated lane.

By providing the access it will result in a removal of approximately 7 parking stalls along main street. However the applicant is proposing a surplus of 7 stalls within their development (development requires 8 stalls, applicant is proposing 15). Therefore as noted in the recommendation conditions the Town requests that the applicant allow public parking within their development of the equivalent main street stalls. Staff have sought legal advice from Brownlee and it was determined that the Town can require public parking on private land by entering into right of way agreement to be registered on title. Chairman Al Campbell confirmed that it was 7 parking stalls on the west side of main street that would be removed. Councillor Malcolm Fischer questioned how often the last few parking stalls on the west side of main street were actually used. Chairman Al Campbell replied that in most cases he's always seen the stalls used throughout the day.

Planning & Development Officer Leann Graham indicated that this was the only development proposal that Alberta Transportation has approved since potential developers started applying in 2006. Councillor Malcolm Fischer asked what the applicant's opinion was on the removal of the parking stalls. Planning & Development Officer Leann Graham replied that they are willing to work with the Town of Stettler in any way they can.

Planning & Development Officer Leann Graham indicated that staff's recommendation is that the Town of Stettler advertise the development application in the Stettler Independent (as per the minimum requirement in the MGA) as well as executes a mail out to all adjacent land and business owners to inform them of the development and the change to parking in the area.

Planning & Development Officer Leann Graham commented that the applicant is very willing to work with the Town of Stettler to ensure their development is adequate.

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

MOTION CARRIED
UNANIMOUS

6. **Development Application: 2639-2012**

Applicant: Steve Babcock

Legal: Lot 12, Block 70, Plan 3781KS

Municipal: 4601 – 58 Street

Proposed Development: Detached Garage

General:

The applicant is proposing to construct a new detached garage at 4601 -58 Street and is requesting a south front yard setback variance in accordance with the corner lot restrictions.

The land use bylaw requires a minimum 3 meter front yard setback along a street, the applicant is requesting a 1 meter setback along 46 Avenue to avoid construction on an existing gas line as well as maximize the use of the yard. The dwelling unit on the property currently sits 1.48 meters from 46 Avenue and the staff recommendation is that the approval of the garage be based on the condition that it is at the same setback as the dwelling unit.

Alternatives:

- Approve the application as proposed with a 1.0 meter setback.
- Approve the application with additional conditions.
- Defeat the application stating reasons.

Recommendation:

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

1. That the front yard setback along 46 Avenue be in line with the existing Dwelling unit of 1.48 meters. The 1.48 meter setback will not increase the nonconforming setbacks of the property
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 (Detached Garage) 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 the applicant is proposing to construct a new detached garage at 4601 -58 Street and is requesting a south front yard setback variance in accordance with the corner lot restrictions.

The land use bylaw requires a minimum 3 meter front yard setback along a street, the applicant is requesting a 1 meter setback along 46 Avenue to avoid construction on an existing gas line as well as maximize the use of the yard. The dwelling unit on the property currently sits 1.48 meters from 46 Avenue and the staff recommendation is that the approval of the garage be based on the condition that it is at the same setback as the dwelling unit so it doesn't increase the nonconforming setbacks of the property.

Chairman Al Campbell questioned where the gas line was located. Planning & Development Officer Leann Graham indicated that the gas line ran just along the sheds in the north east corner on the Real Property Report but commented that the sheds no longer existed on the property. Councillor Malcolm Fischer questioned why a 3 meter setback was required on a side yard. Planning and Development Officer Leann Graham stated that with the property being a corner lot, it must have a front yard on each street and two side yards in accordance with the setback requirements of Section 40 of the Land Use Bylaw. One front yard can be reduced to 3 meters allowing the front yard on 58 Street to remain at the minimum 6.5 meter front yard setback. Section 34.3.1 of the Land Use Bylaw states that a detached garage cannot be in a front yard, requiring the detached garage to be setback the 3 meters.

Councillor Darcy Bachman made a motion to approve a variance to the front yard setback along 46 avenue (3m) by 1.6 meters.

MOTION CARRIED
UNANIMOUS

Adjournment: The meeting adjourned at 8:56 a.m. on a motion by Councillor Darcy Bachman.