

MUNICIPAL PLANNING COMMISSION

AGENDA

October 15, 2015

8:45 A.M. - TOWN OFFICE – Board Room

1. Call to Order
2. Additions to the Agenda
3. Approval of Agenda
4. Confirmation of the September 3, 2015 MPC Meeting Minutes
5. Business Arising from the Minutes
6. **Development Application:** 2898-2015
Applicant: 1267104 Alberta Ltd.
Legal: Plan 0729463, Block 22, Lot 6
Municipal: 6905 – Meadowview Close
Proposed Development: Single Family Dwelling with Attached Garage
7. **Development Application:** N/A-2015
Applicant: Eric Osterud
Legal: Plan LIV, Block 7, Lot 25
Municipal: 4909 – 51 Street
Proposed Development: Single Family Dwelling and Basement Suite
8. Adjournment

**MINUTES OF THE MUNICIPAL PLANNING COMMISSION MEETING
September 17, 2015**

Present:

Councillors Al Campbell, Malcolm Fischer, Sean Nolls and Contract Planning & Development Officer Dave Dittrick and Planning.

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

2. **Approval of Agenda/Additions**

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

MOTION CARRIED

Unanimous

3. **Confirmation of the September 3, 2015 MPC Meeting Minutes**

Moved by Councillor Malcolm Fischer that the Minutes of the September 3, 2015 MPC meeting be approved as presented.

MOTION CARRIED

Unanimous

4. **Business Arising**

None.

5. **Development Application:** 2892-2015

Applicant: JD's Academy of Dance

Legal: Lot 1A & 2A, Block 73, Plan 4234RS

Municipal: 4411 – 59 Street

Proposed Development: Change in Use – Recreational Facility

A report prepared by the Planning & Development Officer Dave Dittrick was reviewed as follows:

General:

The applicant is proposing to utilize a former retail space (Artemis Computers) for Dance Studio (Recreation Facility). The C2 Highway Commercial District lists a Recreation Facility as a Discretionary Use.

Alternatives:

- Defeat the application, stating reasons.

Recommendation:

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

1. That the owner/applicant must comply with all the provisions of the Town of Stettler Land Use Bylaw 2060-15; and
2. Compliance with the provisions of Land Use Bylaw does not exempt the owner/applicant from compliance with any provincial, federal, or other municipal legislation;

Discussion

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

MOTION CARRIED
UNANIMOUS

Adjournment: The meeting adjourned at 8:55 a.m. on a Motion by Councillor Sean Nolls.

Issue:

Development Permit Application: 2898-2015
Applicant: 1267104 Alberta Ltd.
Legal: Plan 0729463 Block 22 Lot 6
Civic: 6905 – Meadowview Close
Proposed Development: Single Detached Dwelling

Recommendation:

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

1. The owner/applicant must comply with 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 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 municipal legislation;
4. The owner/applicant must ensure the proposed development (single detached dwelling) shall be located in accordance with the approved plan;
5. The owner/applicant shall ensure that the driveway and lane access construction to the single detached dwelling is approved by the Town of Stettler's Director of Operational Services;
6. The owner/applicant shall ensure that all water, sanitary, and storm connections are approved by the Town of Stettler's Director of Operational Services;
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 must obtain a building permit for this development.
9. No shrubs or trees in excess of 1 metre in height shall be planted in the front yard.

IMPLICATIONS OF RECOMMENDATION

General:

The applicant is proposing to construct a single detached dwelling on a corner lot in Meadowlands by the Park.

The applicants' site plan indicates the following:

- The proposed dwelling meets all property setback requirements except for one front yard as this is a corner lot;
- The land use bylaw allows for the setback to be reduced to 3.0 metres; however the applicants' have requested a reduction to 1.5 metres.

Legislation and Policy:

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

Section 40.3 of the Land Use Bylaw states that “Notwithstanding Section 40.2, one front yard setback may be reduced to 3.0 m taking into account the location of existing adjacent buildings or the permitted setback on adjacent sites.”

The application is before the Municipal Planning Commission because it:

1. Exceeds the setback as allows in the Land Use Bylaw; however the Municipal Planning Commission can vary this requirement.

Other Comments:

Administration has forwarded this application to the neighboring property owner who has no concerns with this application.

Administration’s primary concern is with respect to site distances at the intersection; therefore it is recommended that a condition of development approval shall be that shrubs/trees in excess of 1 metre in height not be allowed in the front yard.

Alternatives:

Defeat the application, stating reasons.

Author:

Dave Dittrick, Contract Development Officer





Request For Decision

Issue:

Development Permit Application: N/A-2015
Applicant: Eric Osterud
Legal: Plan LIV Block 7 Lot 25
Civic: 4909 – 51 Street
Proposed Change of Use: Single Detached Dwelling and Basement Suite

Recommendation:

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

1. This development permit shall be valid for a period of three (3) years.
2. The owner/applicant must comply with the provisions of the Town of Stettler Land Use Bylaw 2060-15;
3. The owner/applicant is responsible for the cost and repair of any damage to public property or works located thereon that may result of undertaking work regulated by the Alberta Building Code;
4. Compliance with the provisions of Land Use Bylaw 2060-15 does not exempt the applicant from compliance with any provincial, federal, or municipal legislation;
5. The owner/applicant shall ensure that all water, sanitary, and storm connections are approved by the Town of Stettler's Director of Operational Services;

IMPLICATIONS OF RECOMMENDATION

General:

The building is the former "Marketing and More" business, which has since closed. The building is a two storey dwelling with a developed basement. The "Marketing and More" business operated in compliance with the land use bylaw; meaning a business operated on the ground floor of the dwelling.

Since closing the business, the owner has been seeking to sell, with no success, the property to accommodate a business with a basement suite rental. The applicant desires to convert the building back to the purpose for which it was constructed; meaning allowing them to rent the main/second floors as one dwelling unit and renting the basement as a second dwelling unit. Adequate parking is available via the lane at the rear of the property.

Legislation and Policy:

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

The C1 Commercial Central District allows for apartments and dwelling units to be located above a ground floor business. It does not accommodate single detached dwellings as a sole use.

The Municipal Planning Commission can utilize its discretion on uses if they are considered “temporary”. Section 20.1 of the Land Use Bylaw states that a development permit may be issued on a temporary basis and the Municipal Planning Commission may specify the length of time that the permit remains in effect.

Administration does not believe that allowing this use will negatively affect neighbouring properties, as the dwelling could be easily converted back to allowing commercial uses.

It is proposed that the permit be valid for a period of three (3) years, at which time the owner/applicant would have to seek an extension.

Other Comments:

None.

Alternatives:

Defeat the application, stating reasons.

Author:

Dave Dittrick, Contract Development Officer

4909 – 51 Street (Front)



4909 – 51 Street (Back)

