

MUNICIPAL PLANNING COMMISSION

AGENDA

September 26, 2016

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 8, 2016 MPC Meeting Minutes
5. Business Arising from the Minutes
6. **Development Application:** 2951-2016
Applicant: Hackers Indoor Golf
Legal: Lot W4, Block 1, Plan 5128KS
Municipal: 6122 – 50 Avenue
Proposed Development: Change In Use – Gaming/Gambling Establishment
7. **Development Application:** 2952-2016
Applicant: Sean Zitaruk
Legal: Lot 17, Block 2, Plan 0324269
Municipal: 5207 – 59 street close
Proposed Development: Detached Garage – Rear Yard/ Driveway Setback Variance
8. Adjournment

**MINUTES OF THE MUNICIPAL PLANNING COMMISSION MEETING
September 8, 2016**

Present:

Councillors Al Campbell, Darcy Bachman, Sean Nolls and Malcolm Fischer, Director of Planning & Development Leann Graham and Planning & Operations Clerk Angela Stormoen.

1. **Call to Order:** Chairman Al Campbell called the meeting to order at 8:48 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 August 15, 2016 MPC Meeting Minutes**

Moved by Councillor Sean Nolls that the Minutes of the August 15, 2016 MPC meeting be approved as presented.

MOTION CARRIED

Unanimous

4. **Business Arising**

Director of Planning and Development Leann Graham mentioned that Cyril Varghese, development permit 2939-2016 which received approval for an existing basement suite at the August 15, 2016 MPC meeting did not receive any appeals and therefore is moving forward with a building permit to meet current Alberta Building Code.

Furthermore Kneeland and Sons Construction Ltd., development permit 2945-2016 which was also approved at the August 15, 2016 MPC meeting for a mobile home manufactured in 2000 has decided to develop the corner lot (4903-43 Street) and will also be completing rock work on the mobile home to create an appealing look to the entrance of the developers subdivision.

5. **Development Application:** N/A

Applicant: Ronald and Patricia Greidanus

Legal: Lot 2, Block 4, Plan 1221025

Municipal: 4406 – 39 Avenue

Proposed Development: Single Family Dwelling and Attached Garage (Existing)

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

General:

In 2009, the landowners started the process of subdividing 4 acreage parcels on the South East Corner of their property. This subdivision included their existing residence on one parcel and 3 additional acreages. The landowners met all conditions of subdivision including building a road and fire access turn arounds, servicing the parcels with sanitary and entering into a deferred servicing agreement for water. At the time of subdivision conversation took place regarding the size of the acreage parcels as well the appropriate zoning for the development and the placement of the existing residence on the newly created parcel.

R4: Residential Small Holdings:

Purpose: To provide an area for low density residential development in the form of detached dwellings and compatible uses, herein listed, which may be connected to the municipal water and sewer system, and

which are capable of re-subdivision into residential parcels roughly equivalent to those required in the R1B District.

The Intermunicipal Development Plan (IDP) indicated that parcel size must be one acre or less in the Town of Stettler, the landowner resized its proposed subdivision to meet that requirement of the Town.

The landowners are in the process of trying to sell the acreage with the existing residence, a Real Property Report was submitted to the Town for a compliance certificate and the property was deemed non-compliant due to the rear yard setback distance. The landowner is requesting a variance for the rear yard setback to bring the property into compliance due to the fact that the Town of Stettler required the landowner to reduce the size of the property to meet the IDP as well as following the road design of the Area Structure Plan and Greidanus Outline Plan.

Alternatives:

- Defeat the application stating reasons

Recommendation:

That the Municipal Planning Commission approve the Rear Yard Variance of 7.02 meters (47%) for the Single Family Dwelling and Attached Garage.

Discussion:

Director of Planning and Development Leann Graham indicated that in 2009, the landowners started the process of subdividing 4 acreage parcels on the South East Corner of their property. This subdivision included their existing residence on one parcel and 3 additional acreages. The landowners met all conditions of subdivision including building a road and fire access turn arounds, servicing the parcels with sanitary and entering into a deferred servicing agreement for water. At the time of subdivision conversation took place regarding the size of the acreage parcels as well the appropriate zoning for the development and the placement of the existing residence on the newly created parcel.

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Councillor Al Campbell questioned what the proposed use is for the land to the north of the property. Director of Planning and Development Leann Graham mentioned it will develop as residential and highway commercial however will continue as the existing bee farm operation.

Councillor Sean Nolls questioned the impact of the setback variance. Director of Planning and Development Leann Graham indicated the variance requested is in regards to Land Use Bylaw 2060-15 requirements not Alberta Building Code requirements. Alberta Building Code setback requirements would be much less than the setbacks required within the zoning, therefore the Alberta Building Code would not be impacted.

Councillor Sean Nolls questioned if this existing development is affected by the floodway. Director of Planning and Development Leann Graham indicated it is not affected as the floodway is southwest of the proposed location along Red Willow Creek.

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

MOTION CARRIED
UNANIMOUS

Adjournment: The meeting adjourned at 8:54 a.m. on a motion by Councillor Sean Nolls.



Request For Decision

Issue:

Development Permit Application: 2951-2016
Applicant: Hackers Indoor Golf & Lounge Ltd.
Proposed Location: Lot W4, Block 1, Plan 5128KS
Municipal: 6122 – 50 Avenue
Development: Change if Use to Include Gaming and Gambling Establishment

BACKGROUND

General:

The Owner/applicant is proposing to change the use to include the operation of VLT's. The owner/applicant requires an approval from the Town for AGLC requirements to change from a Class "A" minors allowed licensing to a Class "A" minors prohibited licensing. See the attached letter.

Under the current zoning of Highway Commercial, the use of "Gaming or Gambling Establishment" is discretionary use and therefore requires MPC approval.

Development Review:

Land Use Bylaw Definition:

"GAMING OR GAMBLING ESTABLISHMENT" means a building or structure, or any portion thereof, which is used or intended for use for the purpose of dealing, operating, maintaining or conducting any game played with cards, dice, or any mechanical device for money, property or item of value.

C2 Commercial Highway District:

Discretionary Use

"Gaming or Gambling Establishment"

Legislation and Policy:

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

RECOMMENDATION

Recommendation:

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

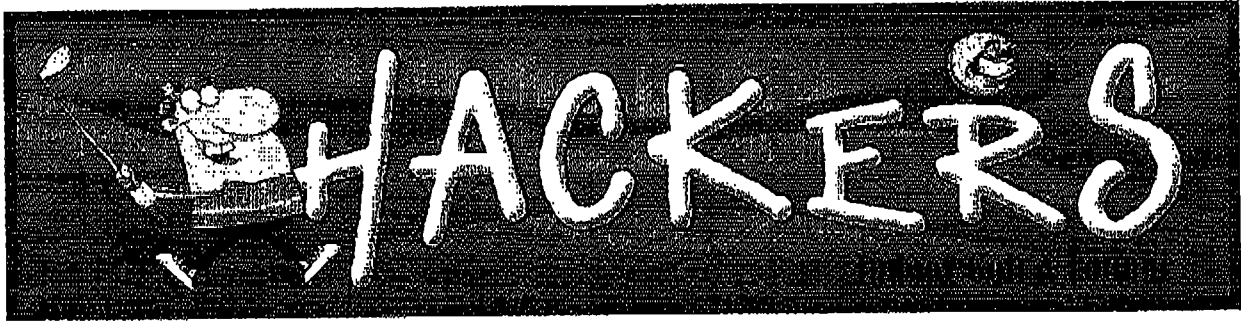
1. The owner/applicant must comply with all the provisions of the Town Of Stettler Land Use Bylaw #2018-11;
2. The owner/applicant is responsible for the cost and repair of any damage to public property or works located thereon that may occur as a result of undertaking work regulated by the Alberta Building Code;
3. Compliance with the provisions of Land Use Bylaw #2018-11 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.

Alternatives:

Defeat the application stating reasons.

Author:

Leann Graham, Director of Planning and Development



Hackers Indoor Golf & Lounge

Box 428

Stettler, Alberta

TOC 2L0

Dear Town of Stettler;

We at Hackers Indoor Golf & Lounge are changing from a Class "A" Minors Allowed Licensing to a Class "A" Minors Prohibited Licensing as of January 1, 2017 in order to install VLT's. We require approval from the Town of Stettler, in writing, in regards to Our Current Business License. Our License No.13132, Classification RL002, Customer No. 1859. With regards to questions or concerns please contact Ike at (403)742-9798 or Lorna at (403)742-0591 (work) or Cell (403)741-6215.

Sincerely

A handwritten signature in cursive script that reads "Lorna Sinclair".

Lorna Sinclair





Request For Decision

Issue:

Development Permit Application: 2952-2016
Applicant: Sean Zitaruk
Proposed Location: Lot 17, Block 2, Plan 0324269
Municipal: 5907 – 59 Street Close
Development: Detached Garage with Rear Yard Variance

BACKGROUND

General:

The applicant is proposing to construct a new detached garage at 5907 – 59 Street Close and is requesting a south rear yard setback /driveway variance. The Land Use Bylaw requires a 3 meter rear yard/drive way setback when a detached garage is accessing a lane that is less than 8 meters wide. The proposed detached garage accesses a lane of 7 meters wide and the applicant is proposing a 1 meter driveway setback. The property is the last parcel to the north of a dead end lane and on the south side of the lane is the rail right of way, therefore the proposed 1 meter rear yard setback/ driveway does not impact adjacent properties nor would it interfere with vehicle sightlines or turning radius.

Development Review:

Requirements pertaining to the proposed development are regulated the Land Use Bylaw as follows:

- Minimum Driveway Length – 3 meters required – Proposed 1 meter (requires 2.0 meter variance)
- Minimum Side Yard – 0.6 meters required– Proposed 2.44 meters and 4.88 meters
- Minimum Distance from Dwelling – 2.0 meters required - Proposed 8.5 meters

Legislation and Policy:

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

RECOMMENDATION

Recommendation:

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

1. That the applicant receives a rear yard / driveway setback variance of 2.0 meters to accommodate a 1.0 meter driveway length on the south side of the proposed detached garage
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

Alternatives:

Defeat the application stating reasons.

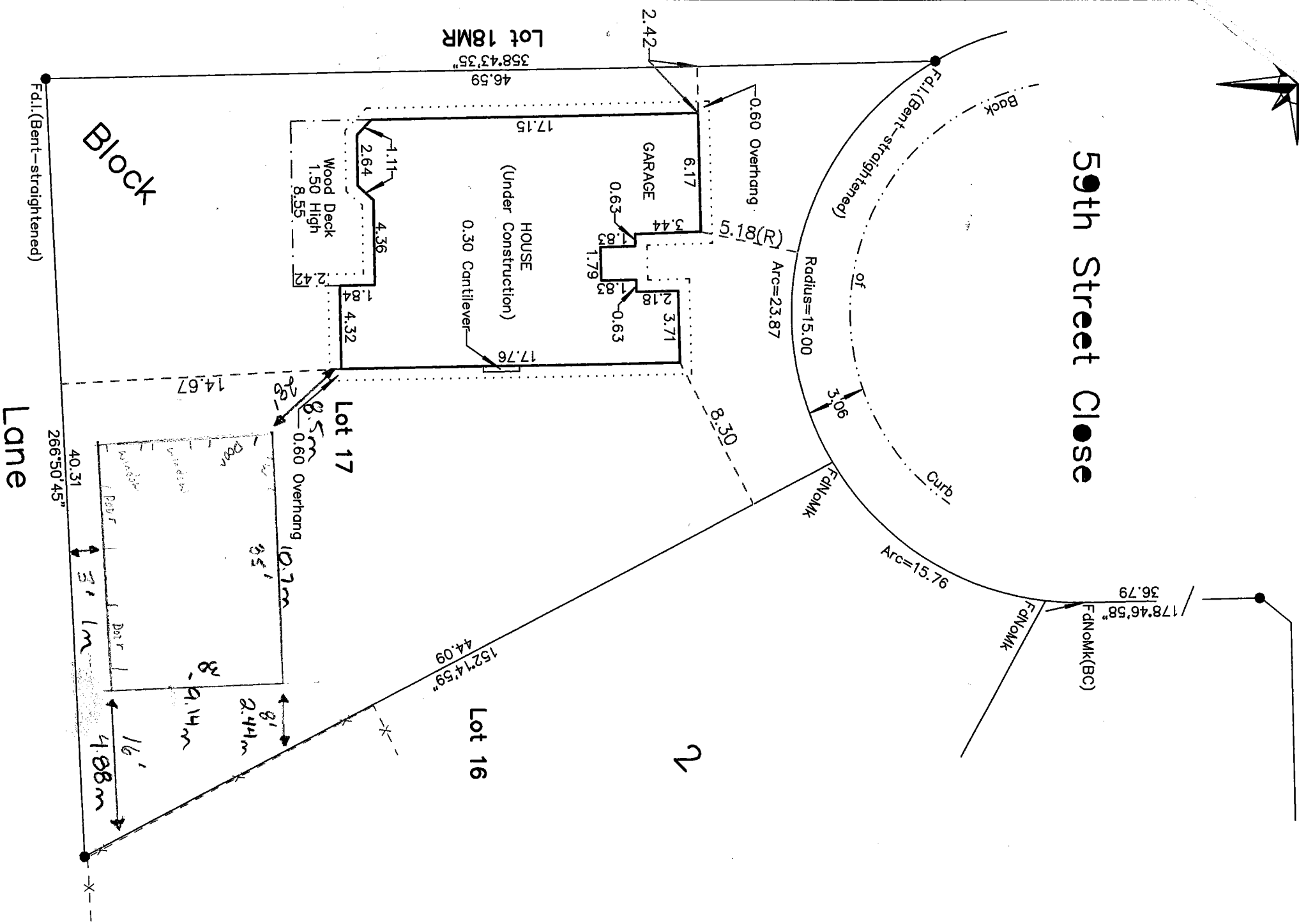
Author:

Leann Graham, Director of Planning and Development



52nd Avenue

59th Street Close



This is Page 2 of 2 of a Real Property Report, and is ineffective if detached from Page 1.

SCALE: 1: 250

Statutory Iron Posts found are shown thus:

All distances are shown in metres and decimals thereof.

Fences are shown thus: X-X-X-X-X-X, and are within 0.20 of the property line, unless shown otherwise.

Overhangs are dimensioned to the line of face.

Sidewalk and setback distances are shown to the outer extent of the exterior walls.

The distance from the outer face of the foundation wall to the outer extent of the exterior walls is 0.01 metres.

Bearings are Grid.

FdnNoMk denotes found no mark.

Drawn by: KBD Checked by: KBD

K.B. Drake
 Alberta Land Surveyor
 751 North Dinosaur Trail
 Drumheller, Alberta, T0J 0Y1
 Phone: 820-0318 Fax: 823-7905



5203

5205

5207

52 Ave.

52 Ave.

59 St. Cl.

5209

6017

5201

5209

5203

5207

5207

5205

5821

5822

5824

5818

5816

5812