

**MINUTES OF THE MUNICIPAL PLANNING COMMISSION MEETING
February 16, 2021**

Present:

Councillors Al Campbell, Malcolm Fischer, Wayne Smith, Scott Pfeiffer, and Cheryl Barros, Director of Planning and Development Leann Graham and Planning & Operations Clerks Maddie Standage and Rachel Morbeck.

1. **Call to Order:** Chairman Cheryl Barros called the meeting to order at 8:30 a.m.

2. **Additions to Agenda**

None.

3. **Approval of Agenda**

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

MOTION CARRIED

Unanimous

4. **Confirmation of the September 25, 2020 MPC Meeting Minutes**

Moved by Councillor Scott Pfeiffer that the Minutes of the September 25, 2020 MPC meeting be approved as presented.

MOTION CARRIED

Unanimous

5. **Business Arising**

None.

6. **Development Application:** 3263-2021

Applicant: Steve Wilson

Legal: Lot 14, Block C, Plan 0285300

Municipal: 6607 – 50 Avenue

Proposed Development: Temporary Structure – Tented Carport

Director of Planning and Development read a report that follows:

General:

Previously the applicant proposed Ten (10) metal freight/cargo storage containers to solve storage challenges within the Canadian Tire store. On July 11, 2019 MPC refused the application for the metal freight/cargo storage containers (minutes attached). The applicant continues to experience frustration with storage and is now applying for a new development permit.

The applicant is proposing to place Three (3) – Temporary Structures 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 purpose of additional storage.

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.

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.

When considering this proposed development, MPC must consider the residential property to the east, 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

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.

Option 1:

Refuse Development Permit Application 3263-2021 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;
- 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.

Option 2:

Approve Development Permit Application 3263-2021 with the following conditions:

- 1) The applicant must remove the existing metal freight/cargo storage container on the South side of the building to bring it into compliance with the Land Use Bylaw 2060-15;
- 2) The applicant must ensure that the temporary structures are maintained in good repair and do not become in a state that constitutes a nuisance under the Town of Stettler Nuisance Bylaw 1945-07;
- 3) The Development Permit is valid for a 24 month period at which time the applicant can apply to renew;
- 4) The applicant must provide screening from the adjacent Residential District to the East of the proposed development location to the satisfaction of the Town of Stettler;
- 5) If the owner fails to comply with the terms of the temporary building development permit, the Development Officer/Municipal Planning Commission may remove or cause to be removed such building and all associated costs of which shall be charged against the applicant and the lands of Canadian Tire Properties Inc. In order to accommodate this condition the applicant must provide the Town of Stettler for retention
 - a) An updated letter from Canalta Real Estate allowing the proposed temporary structures; and
 - b) A letter from Canadian Tire Properties Inc, assuming responsibility for the Temporary Structure(s) in the event that enforcement measures are required from the Town of Stettler.

Discussion:

Councillor Wayne Smith shared his concern that this application is much like the previous application from 2019 which was refused. Councillor Smith shared that given the nature of the Canadian Tire store, he is concerned that the development would be difficult to enforce on in the future. Councillor Smith asked if the applicant has looked into alternative solutions to address his storage needs. Director of Planning and Development Leann Graham explained that she spoke to the applicant after refusal of the previous application regarding alternative options.

Discussion ensued with this matter regarding option 2, condition 1, and condition 5. L. Graham advised that the condition for letter from Canadian Tire Properties Inc. would need to be obtained for legal purposes should the Town have to enforce on the structures. Furthermore, L. Graham advised that condition 1 is just bringing the property into compliance.

Councillor Al Campbell stated that he shares the same concerns as Councillor Wayne Smith explaining that there are multiple ways to address storage concerns and he is curious as to if the applicant has looked into alternative solutions. Discussion ensued on this matter and Director of Planning and Development Leann Graham reminded the MPC that the applicant's private attempts to address their storage concerns is not a relevant planning consideration.

Councillor Malcolm Fischer stated that he would like to see a detailed siteplan to review before making a final decision. L. Graham indicated that MPC would be able to table the item and request more detailed information.

Moved by Councilor Malcolm Fischer to table the application and request additional detailed information from the applicant.

MOTION CARRIED

Unanimous

8. **Adjournment:** The meeting adjourned at 8:46 a.m. on a motion by Councillor Al Campbell.