

**MINUTES OF THE MUNICIPAL PLANNING COMMISSION MEETING
AUGUST 4, 2022**

Present:

Councillors Wayne Smith, Scott Pfeiffer, Travis Randell and Kurt Baker, Director of Planning and Development Leann Graham and Planning & Operations Clerks Angela Stormeom and Maddie Standage

1. **Call to Order:** Chairman Wayne Smith called the meeting to order at 8:31 a.m.

2. **Additions to Agenda**

None.

3. **Approval of Agenda**

Moved by Councillor Kurt Baker to accept the agenda as presented.

MOTION CARRIED

Unanimous

4. **Confirmation of the July 14, 2022 MPC Meeting Minutes**

Moved by Councillor Scott Pfeiffer that the Minutes of the July 14, 2022 MPC meeting be approved as presented.

MOTION CARRIED

Unanimous

5. **Business Arising**

Director of Planning and Development Leann Graham advised the board that in respect to previous Development Permit Applications from Canadian Tire regarding storage concerns, administration has formally received Application to construct an addition to the existing Canadian Tire store.

6. **Development Application:** 3377-2022

Applicant: Micheal Paradis

Legal: Lots 11-12, Block 21, Plan RN54A

Municipal: 4901 – 48 Street

Proposed Development: Temporary Structure

Angela Stormoen, acting for Director of Planning and Development read a report that follow:

General:

The applicant is proposing to install a temporary structure on the above referenced property. The temporary structure is a 10' x 20' tarped garage. The proposed location is in the rear yard, with 3.6 meter (12 feet) rear yard setback (see attached site plan).

The Land Use Bylaw requires Municipal Planning Commission approval for all temporary structures and in a residential district the permit is only valid for a 24 month period at which time the applicant will need to re-apply or remove the temporary structure. The applicant has been made aware of this condition prior to the application being made and has shared the long term plan of building a full garage in the coming years.

Development Review:

Section 56: Temporary Structures

56.1 A temporary structure may not be erected without permission of the Municipal Planning Commission which may be granted as follows:

56.1.1 Any district other than a residential district subject to the owner agreeing to remove such a building in accordance with the terms and conditions stipulated by the Municipal Planning Commission;

56.1.2 A residential district provided that:

- (a) No such temporary building shall have a floor area of 20.0 square metres, be more than 3.0 metres in height or set back less than 1.2 metres from the side and rear property lines; and
- (b) The owner enters into an agreement to remove such a building in accordance with the terms and conditions stipulated by the Municipal Planning Commission;
- (c) There shall be no more than one temporary structure per site;
- (d) A temporary building being used as a garage must be placed in the rear yard only;
- (e) In the case of a pre-manufactured temporary building, the elevations shall be subject to approval of the Municipal Planning Commission; and
- (f) The building is completed in accordance with the terms stipulated by the Development Authority, provided that the temporary building permit shall expire at the end of 24 months, unless renewed by the Development Officer for a further term, and that such building will comply with this Bylaw.

Legislation and Policy:

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

Recommendation:

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

1. The owner/applicant receive a temporary permit for a temporary structure expiring 2 years after date of issuance;
2. The Temporary Structure – Tarped Garage must be of new condition;
3. The owner/applicant must comply with all the provisions of the Town of Stettler Land Use Bylaw #2060-15;
4. The owner/applicant must ensure the side and rear yard setbacks are 1.2 meters or greater as per Section 56.1.2(a) of Land Use Bylaw #2060-15;
5. 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;
6. 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;
7. The proposed development (Temporary Structure - Tarped Garage) shall be located in accordance with the approved plan; any changes to this site plan must be approved by the Town of Stettler;

Alternatives:

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

Moved by Councillor Scott Pfeiffer to approve the application as presented.
MOTION CARRIED
Unanimous

7. **Development Application:** 3391-2022
Applicant: Lee Birkett
Legal: Lot 10, Block 6, Plan RN54
Municipal: 4902 – 49 Street
Proposed Development: Basement Suite – Dwelling, Single Detached

Angela Stormoen, acting for Director of Planning and Development read a report that follow:

General:

The applicant is proposing a basement suite at 4902 – 49 Street. The applicant recently purchased the property with the dwelling containing a pre-existing illegal basement suite. Therefore, they would like to make the appropriate changes to create a legal/compliant basement suite. The applicant is

prepared to make changes to ensure compliance with the Alberta Building Code including proper fire separation between units, hard wired fire alarms, separate heating systems, proper egress from basement windows, etc.

The basement suite includes two bedrooms and will require 4 off street parking stalls to accommodate 2 stalls/dwelling unit as per the Town of Stettler's Land Use Bylaw 2060-15.

The proposed development is located in Land Use District R2A: Residential Mixed and as such the basement suite is considered a discretionary use.

Development Review:

Land Use District – R2A – Residential Mixed

Existing Land Use – Dwelling, Single Detached

Proposed Land Use – Basement Suite – Dwelling, Single Detached Only

- Definition – means a basement developed as a dwelling unit within a Single Family Dwelling and approved by the Development Authority all dwelling units must adhere to the provisions of the Alberta Safety Codes Act.

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. The applicant must comply with all the provisions of the Town of Stettler Land Use Bylaw #2060-15;
2. 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;
3. 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;
4. The proposed development (Basement Suite) shall be located in accordance with the approved plan;
5. The owner/applicant must submit any revisions of the blueprints to the Town of Stettler Development Authority for approval;
6. The applicant must provide four off street parking stalls to accommodate each dwelling unit;
7. The 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 21 day appeal period. (In order to obtain a building permit all proper documentation, plans, and fees must be in place). If construction commences prior to a building permit being obtained the building permit fee shall be doubled in accordance with Town of Stettler Policy IV-1.

Alternatives:

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

Discussion

Discussion ensued regarding the positives of bringing an illegal basement suite into compliance with current Bylaws and Safety Codes.

Moved by Councillor Travis Randell to approve the application as presented.
MOTION CARRIED
Unanimous

8. **Development Application:** 3393-2022
Applicant: Nutrien Ag Solutions (Canada)
Legal: Lots 12 & 13, Block 56, Plan 9524556
Municipal: 4302 & 4310 – 53 Street
Proposed Development: Security Fence (Chain Link)

Angela Stormoen, acting for Director of Planning and Development read a report that follow:

General:

The applicant is proposing a chain-link fence along the full property boundary of the Nutrien Ag Solutions Yard. Due to security concerns and the hazardous material stored at this location they are proposing barbwire across the top of the fence and a locking gate.

Within Section 45: Fencing & Screening of Land Use Bylaw 2060-15 any fence with security features such as barbed wire within the industrial and highway commercial land use districts require approval.

Development Review:

Land Use District – I: Industrial District
Existing Land Use – Fertilizer/Chemical Sales
Proposed Development: Security Fence

Section 45:

45.1 Fences shall complement the character and quality of the principal building.

45.2 The maximum height of a fence as measured from grade shall be:

45.2.1 2.0 m for that portion of the fence which does not extend beyond the most forward portion of the principal building on the lot;

45.2.2 1.2 m for that portion of the fence which extends beyond the most forward portion of the principal building on the lot; and

45.2.3 In the case of corner lots pursuant to Section 40.

45.3 Fence construction in all districts must be confined to the property line and shall not encroach onto any adjoining property including road and lane rights-of-way, utility easements or rights-of-way, environmental or municipal reserves, or any other public or private lands excepting only where such encroachments, are expressly approved by the Development Officer.

45.6 Notwithstanding 45.2, a higher fence or a fence with barbed or other security features may be approved for public safety, security, privacy or buffering purposes within the industrial and highway commercial land use districts.

Legislation and Policy:

Staff has assessed this application against the provisions outlined in the Town of Stettler Land Use Bylaw 2060-15 and Commercial and Industrial Site and Building Design Guidelines.

Recommendation:

That the Municipal Planning Commission approve 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 #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 occur as a 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 other municipal legislation;
4. The proposed development (Security Fence (Chain-link)) shall be located in accordance with the approved plan; any changes to this plan must be approved by the Town of Stettler;
5. The owner/applicant must supply any sign details and obtain approval from the Town of Stettler's Development Authority prior to installation.

Alternatives:

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

Moved by Councillor Scott Pfeiffer to approve the application as presented.

MOTION CARRIED

Unanimous

6. **Development Application:** 3395-2022
Applicant: Stettler Regional Fire Department
Legal: Lot 20, Block 29, Plan 1423410
Municipal: 4805 – 47 Avenue
Proposed Development: Accessory Use – Metal Freight Container

Angela Stormoen, acting for Director of Planning and Development read a report that follow:

General:

The applicant is proposing the placement of a 40' by 8' sea can for the purpose of storage for training equipment. The proposed location of the sea can is the northwest corner of the fenced portion of the lot. (See attached site plan) The sea can will be new condition, dark grey in colour and meet all Alberta Building Code standards including egress requirements.

Under the current zoning R2: Residential General District, Accessory Use is listed as a Discretionary Use, furthermore, Section 56.2 of Land Use Bylaw 2060-15 states 'Metal freight/cargo storage container shall only be permitted in Industrial Land Use Districts.' Due to the current use of the fire hall at this location administration is proposing Municipal Planning Commission consideration as per the following sections within the Land Use Bylaw 2060-15:

Section 21: Variance Authority

21.1 The Municipal Planning Commission may allow a variance of any standard prescribed in this bylaw provided the variance complies with the requirements of the Alberta Building Code, and the variance does not:

21.1.1 unduly affect the neighbourhood which includes variances for non-conforming buildings.

21.1.2 materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land, and

21.1.3 the proposed development conforms to the use prescribed for the land in this bylaw.

21.2 In considering a variance the Municipal Planning Commission shall:

21.2.1 Not grant a variance which would infringe the Airport zoning regulations; and

21.2.2 Not grant a variance which would infringe the floodway/flood fringe regulations; and

21.2.3 Have regard to the purpose and intent of the district and the nature and value of developments on adjacent properties.

Section 19: Decision

19.1 The Development Officer and/or Municipal Planning Commission may issue a development permit with any condition deemed necessary to ensure that the development complies with the Municipal Government Act, this bylaw and any or all statutory plans.

19.2 In making a decision on a Development Permit application for a Discretionary Use, the Municipal Planning Commission:

19.2.1 May approve the application if it meets the requirements of this Bylaw, with or without conditions, based on the merits of the application including any approved statutory plan or approved policy affecting the site; or,

19.2.2 May refuse the application even though it meets the requirements of this Bylaw; or,

19.2.3 Shall refuse the application if the proposed development does not conform to this Bylaw.

19.3 In reviewing a development permit application for a Discretionary Use, the Municipal Planning Commission shall have regard to:

19.3.1 The circumstances and merits of the application, including but not limited to:

(a) The impact on properties in the vicinity of such nuisance factors as smoke, airborne emissions, odours and noise;

(b) The design, character and appearance of the proposed development and in particular whether it is compatible with the surrounding properties; and,

(c) The servicing requirements for the proposed development.

(d) The purpose and intent of any statutory plan adopted by the Town; and,

(e) The purpose and intent of any non-statutory plan or pertinent policy adopted by the Town.

Development Review:

See Attached Land Use Bylaw Review of the following sections:

Section 9: Definitions

Section 19: Decision specifically 19.3 Discretionary Uses
Section 21: Variance Authority
Section 56: Temporary Structures specifically 56.2

Legislation and Policy:

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

Recommendation:

That the Municipal Planning Commission approve 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 #2060-15;
2. The owner/applicant shall ensure the Metal Freight Container is finished to a new standard, approved by the Town of Stettler Development Authority.
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 #2060-15 does not exempt the applicant from compliance with any provincial, federal, or other municipal legislation;
5. The proposed development (Accessory Use – Metal Freight Container) shall be located in accordance with the approved plan; any changes to this plan must be approved by the Town of Stettler;
6. The owner/applicant shall arrange for and obtain approval for compliance with the current Alberta Building Code;
7. The owner/applicant must obtain a building permit for this development following the mandatory 21 day appeal period.

Alternatives:

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

Moved by Councillor Kurt Baker to approve the application as presented.
MOTION CARRIED
Unanimous

7. The meeting adjourned at 8:41 on a motion by Councillor Scott Pfeiffer