

MUNICIPAL PLANNING COMMISSION

AGENDA

JUNE 13, 2023

8:30 A.M. – TOWN OFFICE – COUNCIL CHAMBERS

1. Call to Order
2. Additions to the Agenda
3. Approval of Agenda
4. Confirmation of the May 18, 2023 MPC Meeting Minutes
5. Business Arising from the Minutes
 - a) Development Permit Variance Comparison
6. **Development Application:** 3453-2023
Applicant: James Kirk
Legal: Block G, Plan 8820090
Municipal: 4220 – 50 Street
Proposed Development: Solar Energy Infrastructure
7. **Development Application:** 3454-2023
Applicant: 1865465 AB Ltd.
Legal: Block 31, Plan 430AD
Municipal: 4807 – 62 Street
Proposed Development: Recreation Facility
8. Adjournment

MINUTES OF THE MUNICIPAL PLANNING COMMISSION MEETING
May 18, 2023

Present:

Councillors Cheryl Barros, Wayne Smith, and Travis Randell, Director of Planning and Development Leann Graham and Planning & Operations Clerks Angela Stormoen and Maddie Standage

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 Wayne Smith to accept the agenda as presented.

MOTION CARRIED

Unanimous

4. **Confirmation of the April 26, 2023 MPC Meeting Minutes**

Moved by Councillor Travis Randell that the Minutes of the April 26, 2023 MPC meeting be approved as presented.

MOTION CARRIED

Unanimous

5. **Business Arising**

None.

6. **Development Application:** 3446-2023

Applicant: Aaron & Tara Nixon

Legal: Lot Pt. 6 & 7, Block 32, Plan 1850Z

Municipal: 4908 – 53 Street

Proposed Development: Detached Garage

Director of Planning and Development read a report that follow:

General:

The applicant is proposing to construct a new detached garage at 4908 – 53 Street and requesting a rear yard /driveway setback variance of 2 meters. The Land Use Bylaw 2060-15 requires a 3-meter rear yard/driveway setback when a detached garage is accessing a lane that is less than 8 meters wide. The proposed detached garage accesses a lane of 6 meters wide and the applicant

is proposing a 1-meter driveway setback to accommodate the required distance between the principal dwelling and the proposed detached garage of 2 meters.

The proposed detached garage rear yard/driveway setback of 1 meter is similar to existing detached garages in the neighborhood and therefore does not impact adjacent properties nor would it interfere with vehicle sightlines or turning radius.

Development Review:

Land Use District – R2: Residential General

Existing Land Use – Residential with a Single Family Dwelling and Attached Garage

Proposed Land Use – Detached Garage

- Definition – means an accessory building or portion thereof is designed and used for the storage, parking, or the maintenance of personal vehicles.

Lane Width – 6 meters

Proposed Rear Yard / Driveway Length Setback – 1 meter

Required Rear Yard / Driveway Length Setback – 3 meters

Proposed Side Yard Setbacks – 0.6 meter

Required Side Yard Setbacks – 0.6 meter

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 owner/applicant receives a 2 meter rear yard, driveway length variance;
2. The owner/applicant must comply with all 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 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 (Detached Garage) shall be located in accordance with the approved plan;
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 #2060-15;
7. The owner/applicant must submit any revisions of the blueprints to the Town of Stettler Development Authority for approval;

8. The owner/applicant shall arrange for and obtain approval for compliance with the current Alberta Building Code;
9. The owner/applicant must obtain a building permit for each dwelling unit of this development following the mandatory 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

Councillor Wayne Smith asked if a problem could ever arise granting variances and exceptions to multiple development applications or if doing so would mean we should review our Land Use Bylaw setbacks and regulations.

Acting Director, Angela Stormoen explained that in most cases, and in the case of Development Permit 3446-2023, a variance is given because the applicant is tied to other regulations within the Land Use Bylaw or Alberta Building Code. For Development Permit 3446-2023 the applicants are tied to the 2 metre setback from the principle dwelling which is being met at the proposed location. Director of Planning and Development Leann Graham added that out of the applications that administration receives it is a small percent that ask for variances. Graham proposed that prior to the next MPC administration put together some statistics to present to MPC regarding this.

Moved by Councillor Wayne Smith to approve the application as presented.
MOTION CARRIED
Unanimous

7. The meeting adjourned at 8:35 a.m. on a motion by Councillor Travis Randell.

Development Permit and Municipal Planning Commission Stats

Below are the stats of annual development permit applications and how many applications went to MPC.

YEAR	ALL APPLICAIOTNS	APPLICATIONS TO MPC
2022	89	24 (*19)
2021	76	6 (*4)
2020	63	11 (*7)
2019	74	11 (*5)
2018	82	12 (*9)

*Represents the number of applications for discretionary uses and not a variance



Request For Decision

Issue:

Development Permit Application: 3453-2023
Applicant: James Kirk
Proposed Location: 4220 – 50 Street
Municipal: Block G, Plan 8820090
Development: Accessory Use – Solar Energy Infrastructure

BACKGROUND

General:

The applicant is proposing to install a ground mounted solar panel system which will be approximately 3 metres by 12 metres and 3.5 metres in height and will act as an accessory use to the existing single-family dwelling by providing a source of electric supply.

The proposed development is located in land use district UR: Urban Reserve and as such Accessory Use is listed as a discretionary use and requires Municipal Planning Commission Approval.

Development Review:

Land Use District: UR: Urban Reserve
Existing Land Use: Residential
Proposed Use: Accessory Use – Solar Energy Infrastructure

DEFINITIONS:

“ACCESSORY USE” means a use customarily incidental and subordinate to the main use or building and is located on the same parcel of land with such main use or building.

Legislation and Policy:

Staff has assessed this application against the provisions outlined in the Town of Stettler Land Use Bylaw 2060-15.

RECOMMENDATION

Recommendation:

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

1. The owner/applicant must comply with all provisions of the Town of Stettler Land Use Bylaw #2060-15;
2. Compliance with the provisions of the Land Use Bylaw #2060-15 does not exempt the applicant from compliance with any provincial, federal, or other municipal legislation;
3. The proposed development (Accessory Use – Solar Energy Infrastructure) shall be located in accordance with the approved plan; any changes to the plan must be approved by the Town of Stettler;

Alternatives:

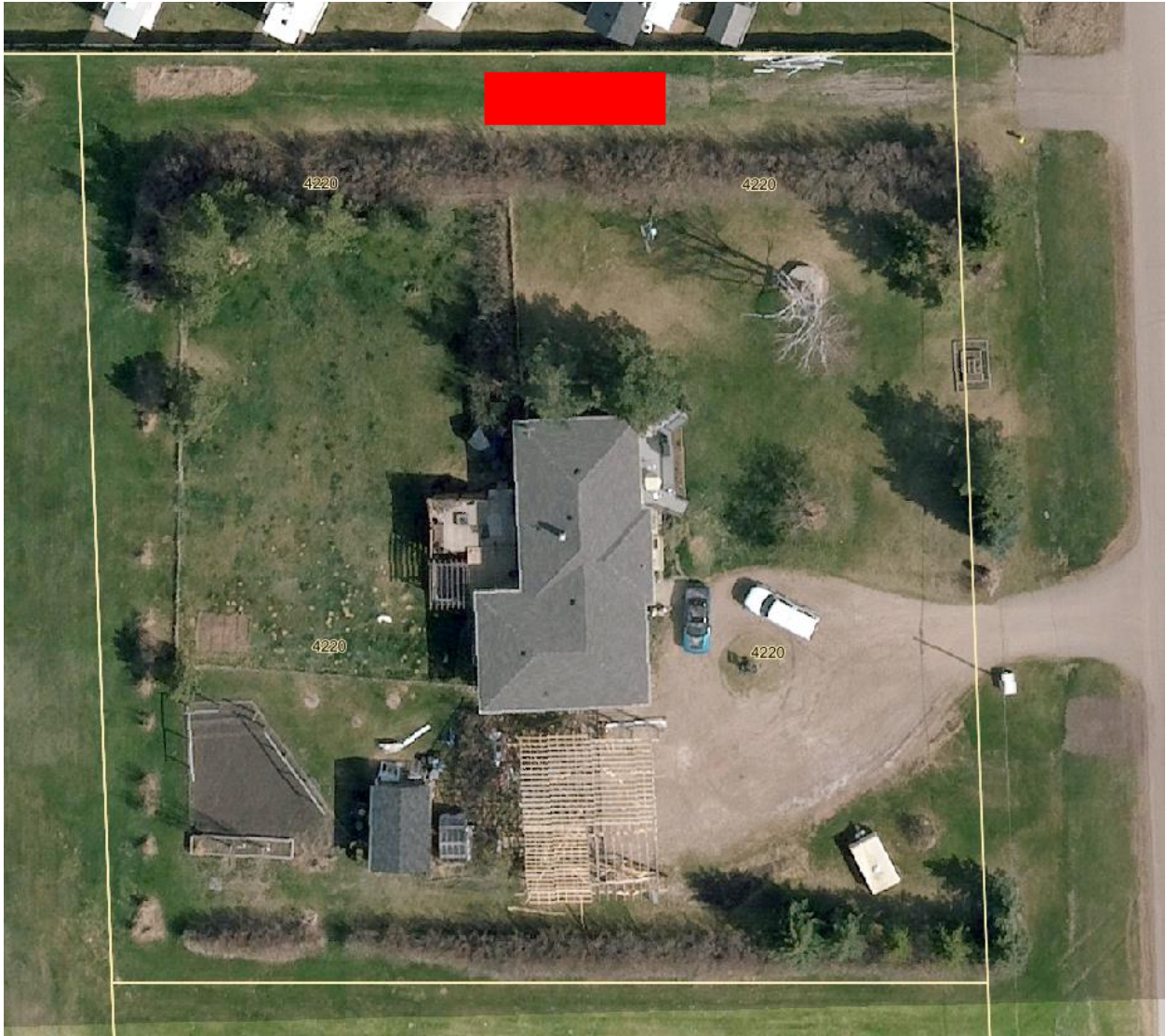
- Approve the application with additional conditions.
- Defeat the application stating reasons.

Author:

Angela Stormoen for Leann Graham, Director of Planning and Development

4220 – 50 Street Site Plan

75 foot front yard setback



Example Set up for Height



4220 – 50 Street

View of Principal Dwelling and House Alignment



House looking north.



Power pole looking south.

DEVELOPMENT PERMIT APPLICATION FORM
TOWN OF STETTLER LAND USE BYLAW NO. 2060-15

APPLICATION # 3453-2023 TAX ROLL # _____

APPLICATION TYPE: COMMERCIAL: _____ INDUSTRIAL: _____ INSTITUTIONAL: _____ RESIDENTIAL: OTHER:

PROJECT TYPE: NEW CONSTRUCTION: _____ RENOVATION: _____ DEMOLITION: _____ CHANGE IN USE: _____ OTHER:

APPLICANT: James Kirk MAILING ADDRESS: 4220 505 St

CITY: Stettler PROV: AB POSTAL CODE: T0C-2L1

PHONE: 403-740-0201 FAX: _____ EMAIL: Btkirk@gmail.com

REGISTERED OWNER: Same ADDRESS: Same

ADDRESS OF PROPERTY TO BE DEVELOPED: Same

LOT: _____ BLOCK: _____ REGISTERED PLAN: _____

EXISTING USE: _____ LAND USE DISTRICT: _____

MAIN USE OF LAND AND OR BUILDINGS EITHER EXISTING OR PROPOSED: Solar Panel on Ground.

BUILDING OCCUPANCY CLASSIFICATION **NEW** or **CHANGE**: _____

**See Reverse for Major Occupancy Classifications and STETTLER REGIONAL FIRE DEPARTMENT REVIEW FORM*

PARCEL TYPE: INTERIOR _____ CORNER _____ PARCEL AREA: _____

SETBACKS OF EITHER EXISTING OR PROPOSED BUILDINGS: _____

FRONT YARD: _____ SIDE YARDS: _____ and _____

**Refer to Alberta Building Code High Intensity Residential Fire Standards if applicable*

REAR YARD: _____ FLOOR AREA: _____ PARCEL COVERAGE: _____ %

HEIGHT OF MAIN BUILDING: _____ NO. OF OFF-STREET PARKING STALLS: _____

EXISTING: _____ PROPOSED: _____ SIZE OF OFF-STREET LOADING SPACE: _____

RTM OR MOBILE HOME MAKE OF UNIT _____ YEAR BUILT _____

PROPOSED **ACCESSORY USE OF LAND AND OR BUILDINGS** (garages, etc.) _____

SIZE OF ACCESSORY BUILDING: 10 x 40 x 12' IN HEIGHT

DISTANCE FROM REAR PARCEL BOUNDARY: 50 DRIVEWAY LENGTH: _____

DISTANCE FROM SIDE PARCEL BOUNDARY: 5 feet PARCEL COVERAGE: _____ %

ESTIMATED **COST OF THE PROJECT** OR CONTRACT PRICE: 20 000

ESTIMATED **DATES OF COMMENCEMENT AND COMPLETION**: June 15 - Sept 30

DATE OF APPLICATION: May 31, 2023 SIGNATURE OF APPLICANT: [Signature]

APPLICATIONS SHALL BE ACCOMPANIED BY THE FOLLOWING:

- (1) A **NON-RETURNABLE PROCESSING FEE** (SEE POLICY IV-1 – BUILDING AND DEVELOPMENT PERMIT FEE SCHEDULE)
- (2) A **SCALED SITE PLAN** IN DUPLICATE SHOWING THE TREATMENT OF LANDSCAPED AREAS, IF REQUIRED, THE LEGAL DESCRIPTION, THE FRONT, REAR AND SIDE YARDS, IF ANY, ANY PROVISION OF OFF-STREET LOADING AND VEHICLE PARKING, AND ACCESS AND EGRESS POINTS TO THE PARCEL.
- (3) **SCALED FLOOR PLANS, ELEVATIONS AND BUILDING SECTIONS** IN DUPLICATE.
- (4) FURTHER INFORMATION MAY ALSO BE REQUIRED.

NOTE:

- 1. THE DEVELOPMENT OFFICER MAY REFUSE TO ACCEPT AN APPLICATION FOR A DEVELOPMENT PERMIT WHERE THE REQUIRED INFORMATION IS NOT SUPPLIED OR WHERE, IN HIS/HER OPINION, THE QUALITY OF THE MATERIAL SUPPLIED IS INADEQUATE TO PROPERLY EVALUATE THE APPLICATION.
- 2. THE DEVELOPMENT OFFICER MAY DEAL WITH AN APPLICATION WITHOUT ALL OF THE INFORMATION REQUIRED, IF HE/SHE IS OF THE OPINION THAT A DECISION ON THE APPLICATION CAN BE PROPERLY MADE WITHOUT SUCH INFORMATION.

The personal information on this form is collected under the authority of Section 32 of the Alberta Freedom of Information and Protection of Privacy Act. The information will enable us to process your application and is necessary for municipal operations.

TOWN OF STETTLER OFFICE USE ONLY:	
Building Permit Required: _____	MPC Required: _____ MPC Date: _____ MPC Approval: _____
Business License Required: _____	Alberta Transportation Review (adjacent to Hwy 12 or 56): _____
County Referral Required: _____	Alberta Environment Review (adjacent to Red Willow Creek or Cold Lake): _____
Fire Department Review: _____	Advertisement Date: _____ Permit Issue Date: _____
Engineering Review: _____	Application Accepted By: _____
Water: _____ Transportation: _____	Application Approved By: _____



Request For Decision

Issue:

Development Permit Application: 3454-2023
Applicant: 1865465 AB Ltd.
Proposed Location: 4807 – 62 Street
Municipal: Block 31, Plan 430AD
Development: Recreation Facility

BACKGROUND

General:

The applicant is proposing the development of a Wellness Centre at 4807 – 62 Street. The development is proposed in Land Use District C2: Commercial Highway District where “Recreation Facility” is listed as a discretionary use and requires Municipal Planning Commission approval. Furthermore, the development must meet the regulations set out in the Commercial and Industrial Design Guidelines.

As the development is adjacent to a residential area on the south property boundary, the applicant is required to install a fence of not less than 2.0 meters in height on the south side as per Section 45.4 of the Town of Stettler Land Use Bylaw 2060-15. Furthermore, the applicant is aware of landscaping requirements within the Land Use Bylaw and The Commercial and Industrial Design Guidelines and will be providing administration a complete landscape plan for approval as per condition of the Development Permit.

Development Review:

Commercial and Industrial Design Guidelines
Land Use Bylaw 2060-15:
Land Use District: C2: Commercial Highway
Existing Land Use: Vacant Lot
Proposed Use: Recreation Facility (Wellness Centre)

DEFINITIONS:

“**RECREATION FACILITY**” means development that provides facilities for sports and active recreation. Typical facilities would include athletic clubs, bicycle/pedestrian trails, billiard or pool halls, bowling alleys, campsites, driving ranges, golf course, health and fitness clubs, curling, indoor golf facilities, indoor soccer facilities, roller-skating and hockey rinks, rifle and pistol ranges, sports fields, tennis courts and swimming pools. The intended application is for both private and public facilities.

Legislation and Policy:

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

RECOMMENDATION

Recommendation:

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

1. The owner/applicant will be required to provide the Town of Stettler security in the amount of \$10,000.00 in the form of a Letter of Credit or Cash (to be returned upon completion) to ensure that all the conditions listed below have been met to the satisfaction of the Town of Stettler;
2. The owner/applicant must comply with all provisions of the Town of Stettler Land Use Bylaw #2060-15;
3. The owner/applicant shall meet the regulations set out in the Commercial and Industrial Design Guidelines;
4. 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;
5. Compliance with the provisions of the Land Use Bylaw #2060-15 does not exempt the applicant from compliance with any provincial, federal, or other municipal legislation;
6. The proposed development (Recreational Facility) shall be located in accordance with the approved plan; any changes to the plan must be approved by the Town of Stettler;
7. The owner/applicant must submit final blueprints and any revisions or changes including site plan or access changes to the Town of Stettler Development Authority for approval;
8. The owner/applicant shall ensure that all water, sanitary, and storm connections are approved by the Town of Stettler's Director of Operational Services;
9. It is the owner/applicant's responsibility to ensure that lot grading and drainage are compliant with Section 52 of the Town of Stettler Land Use Bylaw #2060-15;
10. The owner/applicant must supply a full landscaping plan to the Town of Stettler Development Authority for approval;
11. Landscaping must be completed by the end of the first full growing season following the date of Building Permit closure;
12. The owner/applicant will be required to install curbing around all parking and landscaped areas;
13. The owner/applicant will ensure that the driving surfaces on the proposed development site consist of a pavement top completed within one year of occupancy of development;
14. All outdoor storage areas and garbage areas will be screened from neighboring residential properties, 62 Street and Highway 12;
15. The owner/applicant must supply any sign details and obtain approval from the Town of Stettler's Development Authority prior to installation;
16. The owner/applicant will ensure all on-site lighting, including those in parking lots are down lighting;
17. The owner/applicant shall ensure the Occupancy Application Form be filled out and signed by all applicable authorities and returned to the Development Authority upon completion of development;
18. The owner/applicant shall arrange for and obtain approval for compliance with the current Alberta Building Code;
19. The owner/applicant shall arrange for and obtain approval from the Municipal Fire Department to confirm compliance with the Provincial Fire Code;
20. The owner/applicant must obtain a building permit for each dwelling unit of this development following the mandatory 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.

Author:

Angela Stormoen for Leann Graham, Director of Planning and Development

DEVELOPMENT PERMIT APPLICATION FORM
TOWN OF STETTLER LAND USE BYLAW NO. 2060-15

APPLICATION # 3454-2023 TAX ROLL # _____

APPLICATION TYPE: COMMERCIAL: INDUSTRIAL: _____ INSTITUTIONAL: _____ RESIDENTIAL: _____ OTHER: _____

PROJECT TYPE: NEW CONSTRUCTION: _____ RENOVATION: _____ DEMOLITION: _____ CHANGE IN USE: _____ OTHER: _____

APPLICANT: 1868465 AB LTD MAILING ADDRESS: Box 1208

CITY: Stettler PROV: AB POSTAL CODE: T0C2L0

PHONE: 403-323-8881 FAX: _____ EMAIL: laurie@heartlandauto.ca

REGISTERED OWNER: Dwight & Laurie ADDRESS: Box 239 Stettler AB

ADDRESS OF PROPERTY TO BE DEVELOPED: Mushanik 4807-62st

LOT: _____ BLOCK: 31 REGISTERED PLAN: 430AD

EXISTING USE: Bare lot LAND USE DISTRICT: C2

MAIN USE OF LAND AND OR BUILDINGS EITHER EXISTING OR PROPOSED:
Fitness & Wellness Center.

BUILDING OCCUPANCY CLASSIFICATION **NEW** or **CHANGE**:
**See Reverse for Major Occupancy Classifications and STETTLER REGIONAL FIRE DEPARTMENT REVIEW FORM*

PARCEL TYPE: INTERIOR CORNER _____ PARCEL AREA: _____

SETBACKS OF EITHER EXISTING OR PROPOSED BUILDINGS: _____

FRONT YARD: (w) 9m SIDE YARDS: (s) 3m and _____
**Refer to Alberta Building Code High Intensity Residential Fire Standards if applicable*

REAR YARD: (e) 3m FLOOR AREA: _____ PARCEL COVERAGE: _____%

HEIGHT OF MAIN BUILDING: _____ NO. OF OFF-STREET PARKING STALLS: _____

EXISTING: _____ PROPOSED: _____ SIZE OF OFF-STREET LOADING SPACE: _____

RTM OR MOBILE HOME MAKE OF UNIT _____ YEAR BUILT _____

PROPOSED **ACCESSORY USE OF LAND AND OR BUILDINGS** (garages, etc.) _____

SIZE OF ACCESSORY BUILDING: _____ X _____ X _____ IN HEIGHT

DISTANCE FROM REAR PARCEL BOUNDARY: _____ DRIVEWAY LENGTH: _____

DISTANCE FROM SIDE PARCEL BOUNDARY: _____ PARCEL COVERAGE: _____%

ESTIMATED **COST OF THE PROJECT** OR CONTRACT PRICE: 1.5 million.

ESTIMATED **DATES OF COMMENCEMENT AND COMPLETION**: July - Dec 2023

DATE OF APPLICATION: June 1/23 SIGNATURE OF APPLICANT: 

- APPLICATIONS SHALL BE ACCOMPANIED BY THE FOLLOWING:
- (1) A **NON-RETURNABLE PROCESSING FEE** (SEE POLICY IV-1 – BUILDING AND DEVELOPMENT PERMIT FEE SCHEDULE)
 - (2) A **SCALED SITE PLAN** IN DUPLICATE SHOWING THE TREATMENT OF LANDSCAPED AREAS, IF REQUIRED, THE LEGAL DESCRIPTION, THE FRONT, REAR AND SIDE YARDS, IF ANY, ANY PROVISION OF OFF-STREET LOADING AND VEHICLE PARKING, AND ACCESS AND EGRESS POINTS TO THE PARCEL.
 - (3) **SCALED FLOOR PLANS, ELEVATIONS AND BUILDING SECTIONS** IN DUPLICATE.
 - (4) FURTHER INFORMATION MAY ALSO BE REQUIRED.

- NOTE:**
1. THE DEVELOPMENT OFFICER MAY REFUSE TO ACCEPT AN APPLICATION FOR A DEVELOPMENT PERMIT WHERE THE REQUIRED INFORMATION IS NOT SUPPLIED OR WHERE, IN HIS/HER OPINION, THE QUALITY OF THE MATERIAL SUPPLIED IS INADEQUATE TO PROPERLY EVALUATE THE APPLICATION.
 2. THE DEVELOPMENT OFFICER MAY DEAL WITH AN APPLICATION WITHOUT ALL OF THE INFORMATION REQUIRED, IF HE/SHE IS OF THE OPINION THAT A DECISION ON THE APPLICATION CAN BE PROPERLY MADE WITHOUT SUCH INFORMATION.

The personal information on this form is collected under the authority of Section 32 of the Alberta Freedom of Information and Protection of Privacy Act. The information will enable us to process your application and is necessary for municipal operations.

TOWN OF STETTLER OFFICE USE ONLY:	
Building Permit Required: _____	MPC Required: _____ MPC Date: _____ MPC Approval: _____
Business License Required: _____	Alberta Transportation Review (adjacent to Hwy 12 or 56): _____
County Referral Required: _____	Alberta Environment Review (adjacent to Red Willow Creek or Cold Lake): _____
Fire Department Review: _____	Advertisement Date: _____ Permit Issue Date: _____
Engineering Review: _____	Application Accepted By: _____
Water: _____ Transportation: _____	Application Approved By: _____