

# MUNICIPAL PLANNING COMMISSION

## AGENDA

JUNE 29, 2023

8:30 A.M. – TOWN OFFICE – UPSTAIRS MEETING ROOM

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1. Call to Order
2. Additions to the Agenda
3. Approval of Agenda
4. Confirmation of the June 13, 2023 MPC Meeting Minutes
5. Business Arising from the Minutes
  - a) Development Permit Variance Comparison
6. **Development Application:** 3457-2023  
**Applicant:** Brian Pothier/Katarina Sobchak  
**Legal:** Lot 9, Block 39, Plan 2442 AE  
**Municipal:** 4502 – 50 Avenue  
**Proposed Development:** Garage
7. Adjournment

**MINUTES OF THE MUNICIPAL PLANNING COMMISSION MEETING**  
**June 13, 2023**

**Present:**

Councillors Cheryl Barros, Wayne Smith, Scott Pfeiffer, and Kurt Baker, Acting Director of Planning and Development Angela Stormoen and Planning & Operations Clerk Maddie Standage

1. **Call to Order:** Chairman Cheryl Barros called the meeting to order at 8:32 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 May 18, 2023 MPC Meeting Minutes**

Moved by Councillor Wayne Smith that the Minutes of the May 18, 2023 MPC meeting be approved as presented.

MOTION CARRIED

Unanimous

5. **Business Arising**

a) Development Permit Variance Comparison

Acting Director Angela Stormoen reviewed the table of development permit applications from 2018-2022 highlighting that a small number of the applications received are asking for a variance through Municipal Planning Commission.

6. **Development Application:** 3453-2023

**Applicant:** James Kirk

**Legal:** Block G, Plan 8820090

**Municipal:** 4220 – 50 Street

**Proposed Development:** Solar Energy Infrastructure

Director of Planning and Development read a report that follow:

**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:**

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.

**Discussion**

Councillor Wayne Smith asked for an update regarding the applicant's past development that is not completed. Acting Director Angela Stormoen advised the Commission that she had a discussion with the applicant about the previous development and have agreed on a new completion date.

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

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

Director of Planning and Development read a report that follow:

**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:**

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

4. 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;
5. The owner/applicant must comply with all provisions of the Town of Stettler Land Use Bylaw #2060-15;
6. The owner/applicant shall meet the regulations set out in the Commercial and Industrial Design Guidelines;
7. 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;
8. 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;
9. 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;
10. 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;
11. The owner/applicant shall ensure that all water, sanitary, and storm connections are approved by the Town of Stettler's Director of Operational Services;
12. 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;
13. The owner/applicant must supply a full landscaping plan to the Town of Stettler Development Authority for approval;
14. Landscaping must be completed by the end of the first full growing season following the date of Building Permit closure;
15. The owner/applicant will be required to install curbing around all parking and landscaped areas;
16. 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;
17. All outdoor storage areas and garbage areas will be screened from neighboring residential properties, 62 Street and Highway 12;
18. The owner/applicant must supply any sign details and obtain approval from the Town of Stettler's Development Authority prior to installation;

19. The owner/applicant will ensure all on-site lighting, including those in parking lots are down lighting;
20. 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;
21. The owner/applicant shall arrange for and obtain approval for compliance with the current Alberta Building Code;
22. The owner/applicant shall arrange for and obtain approval from the Municipal Fire Department to confirm compliance with the Provincial Fire Code;
23. 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

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

MOTION CARRIED

Unanimous

8. The meeting adjourned at 8:41 a.m. on a motion by Councillor Kurt Baker.



## Request For Decision

### **Issue:**

Development Permit Application: 3457-2023  
Applicant: Brian Pothier & Katarina Sobchak  
Legal: Lots 8&9, Block 39, Plan 2442AE  
Civic: 4502 – 50 Avenue  
Proposed Development: Detached Garage

### **BACKGROUND**

#### **General:**

The applicant is proposing to construct a new 6.0 m x 7.0 m x 6.5 m detached garage at 4502 – 50 Avenue, the maximum allowable size in accordance with Town of Stettler Land Use Bylaw 2060-15. There are currently 2 accessory buildings at 4502 – 50 Avenue, therefore, the applicant is requesting a variance to allow three accessory buildings on their lot within a R2: Residential General District.

The accessory building requirements within the Town of Stettler Land Use Bylaw #2060-15 Section 34 states the following:

*Section 34.1.5: There shall be no more than two accessory buildings per site.*

Due to the large size of the lot and an existing gravel pad at the location of the proposed detached garage, the additional accessory building is conducive with the lot.

Furthermore, the accessory buildings and dwelling at 4502 – 50 Avenue are legally on two separate lots (See attached map), therefore, administration recommends a condition of approval to include the legal consolidation of the lots to avoid future non-compliance.

#### **Development Review:**

Requirements pertaining to the proposed development are regulated within the Land Use Bylaw 2060-15 as follows:

- Minimum Rear Yard Setback/ Driveway Length – 3 meters required – proposed 3 meters
- Minimum Side Yard Setback – 0.6 meters required – Proposed 1.0 meters
- Maximum Accessory Building Height – 6.5 meters required – Proposed 6.5 meters
- Maximum Parcel Coverage – 10% Coverage – Proposed 10% Coverage
- Maximum Number of Accessory Buildings – 2 maximum – Proposed 3 (Variance Required)

#### **Key Issues:**

Number of Accessory Buildings – The applicant is proposing an additional accessory building which requires a variance of one accessory building.

**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 owner/applicant is allowed three accessory buildings;
2. That the owner/applicant must legally consolidate lots 8&9, block 39, plan 2442AE;
3. The owner/applicant must comply with all the provisions of the Town of Stettler Land Use Bylaw #2060-15;
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 Land Use Bylaw #2060-15 does not exempt the applicant from compliance with any provincial, federal, or other municipal legislation;
6. 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;
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 shall arrange for and obtain approval for compliance with the current Alberta Building Code;
9. The owner/applicant must obtain a building permit for this development following the mandatory 21 day appeal period

**Alternatives:**

Defeat the application stating reasons.

**Author:**

Leann Graham, Director of Planning and Development



## 4502 – 50 Avenue Site Plan

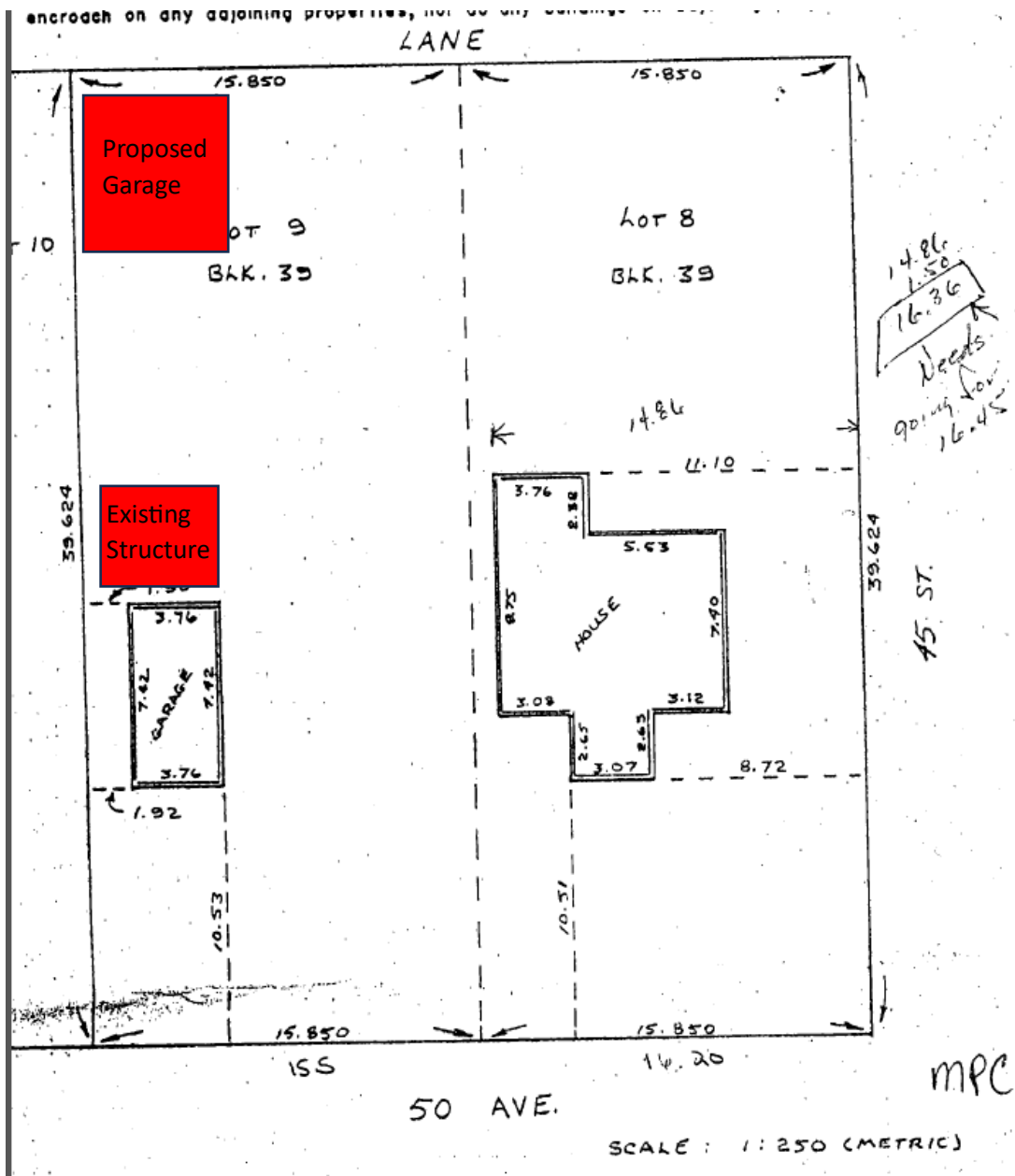
3 meters rear yard setback/driveway length

0.6 meters side yard setback



# 4502 - 50 Avenue

Site Plan based off of Real Property Report from 1983



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

APPLICATION # 3457-2023 TAX ROLL # 39083001

APPLICATION TYPE: COMMERCIAL: \_\_\_\_\_ INDUSTRIAL: \_\_\_\_\_ INSTITUTIONAL: \_\_\_\_\_ RESIDENTIAL:  OTHER: \_\_\_\_\_

PROJECT TYPE: NEW CONSTRUCTION:  RENOVATION: \_\_\_\_\_ DEMOLITION: \_\_\_\_\_ CHANGE IN USE: \_\_\_\_\_ OTHER: \_\_\_\_\_

APPLICANT: BRIAN POTHIER / KATARINA SOBCHAK MAILING ADDRESS: 4502 50<sup>TH</sup> AVE

CITY: STETTLER PROV: AB POSTAL CODE: T0C 2L2

PHONE: 780 335 9344 FAX: \_\_\_\_\_ EMAIL: BPOTHIER@LIVE.CA

REGISTERED OWNER: BRIAN POTHIER / KATARINA SOBCHAK ADDRESS: 4502 50<sup>TH</sup> AVE STETTLER

ADDRESS OF PROPERTY TO BE DEVELOPED: 4502 50<sup>TH</sup> AVE

LOT: 9 BLOCK: 39 REGISTERED PLAN: 2442 AE

EXISTING USE: PARKING / HOME LAND USE DISTRICT: R2

MAIN USE OF LAND AND OR BUILDINGS EITHER EXISTING OR PROPOSED: \_\_\_\_\_

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.) GARAGE

SIZE OF ACCESSORY BUILDING: 20 FT x 23.5 FT. x 6.5 METERS HEIGHT 12'

DISTANCE FROM REAR PARCEL BOUNDARY: 3 METERS DRIVEWAY LENGTH: 0

DISTANCE FROM SIDE PARCEL BOUNDARY: 0.6 METERS PARCEL COVERAGE: 3.5%

ESTIMATED **COST OF THE PROJECT** OR CONTRACT PRICE: 60,000

ESTIMATED **DATES OF COMMENCEMENT AND COMPLETION**: OCT 2023 MAY 2024

DATE OF APPLICATION: \_\_\_\_\_ SIGNATURE OF APPLICANT: B Pothier

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: _____