



# MINUTES

## Municipal Planning Commission Meeting

5:00 PM - Wednesday, April 13, 2022

Zoom

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The Municipal Planning Commission of the Town of Coaldale was called to order on Wednesday, April 13, 2022, at 5:00 PM, in the Zoom, with the following members present:

**PRESENT:** Roger Hohm, Chair  
Dale Pickering, Commission Member  
Jacen Abrey, Commission Member  
Jack Van Rijn, Commission Member  
Rene Van de Vendel, Commission Member

**EXCUSED:** N/A

**STAFF PRESENT:** Melanie Messier, Planner  
Jason Siemens, Manager of Infrastructure

**GALLERY:** Chase Russell, Conrad Vanessen, Jake Koster, Matt Sherwood, Tim Janzen, Dylan Bilcik

### 1.0 CALL TO ORDER

R. Hohm called the meeting to order at 5:00 pm.

### 2.0 ACCEPTANCE OF THE AGENDA

- J. Van Rijn indicated he would be abstaining from the discussion and decision of Item 5.4 due to a pecuniary interest stating a family member owned the building.

#### **17-2022**

*MOTION: D. Pickering moved to approve the April 13, 2022, MPC Meeting Agenda.*

### **3.0 ADOPTION OF PREVIOUS MINUTES**

- 3.1 R. Hohm posed the question whether there were any errors or omissions in the March 19, 2022 MPC Minutes.

**18-2022**

*MOTION: J. Van Rijn to adopt the March 19, 2022, MPC Minutes as circulated.*

### **4.0 BUSINESS ARISING FROM THE MINUTES**

- 4.1 Information Item - Meeting Format Discussion - Melanie Messier, Planner

- R. Hohm indicated Item 4.1 would be discussed as an information item in closed session.

### **5.0 NEW BUSINESS**

- 5.1 SUB 2021-014 - Spruce Woods Country Estates

M. Messier presented Item SUB 2021-014 where an applicant requested a lot line adjustment between two (2) parcels with both being 1.03 ac (0.41 ha) in size.

On August 21, 2008, SUB 2008-0-164 a final decision was processed by the Oldman River Regional Services Commission for the Spruce Woods Estates subject area, amounting to a total of 18.32 acres (7.41 ha).

At the September 27, 2021, regular council meeting, Council passed Bylaw 821-06-21 for a Road Closure Bylaw closing a road right-of-way in the subject area.

The proposed subdivision is located in the southernmost section of the Town in the area known as Spruce Woods Country Estates. The proposed lot line adjustment is to accommodate future Country Residential style dwellings to allow for a lot configuration more suitable to the applicant for future residential development.

Should the Municipal Planning Commission wish to consider approval of the application, the following suggested conditions and consideration were proposed:

1. Any outstanding property taxes shall be paid to the Town of Coaldale.
2. The applicant or owner or both enter into a Development Agreement with the Town of Coaldale to address any municipal servicing requirements.
3. That any easement(s) as required by utility companies and/or the municipality shall be established.
4. That any conditions of Alberta Transportation be met.
5. Consideration of adjacent landowner and referral agency comments.

### ***Municipal Reserve***

In accordance with the provision of Sec. 666, 667 and 669 of the Municipal Government Act, Municipal Reserve was collected as cash-in-lieu for the initial subdivision (2008-0-164) on the land of 18.32 acres at the market value of \$25,000 per acre for the 18.32 acres (7.41 ha).

Commentary received from circulation to external agencies is as follows:

### ***Alberta Transportation***

The parcel to be created will gain indirect access to the highway solely by way of the local road system. As such, strictly from Alberta Transportation's point of view, we do not anticipate that the creation of the boundary-adjusted residential parcel as proposed would have any appreciable impact on the provincial highway network. Therefore, pursuant to Section 16 of the regulation, in this instance, Alberta Transportation grants a waiver of said Sections 14 and 15(2).

Notwithstanding the foregoing, the applicant would be advised that any development within the right of way or within 300 metres beyond the limit of the highway or within 800 metres from the center point of the intersection of the highway and another highway would require the benefit of a permit from Alberta Transportation. This requirement is outlined in the

Highways Development and Protection Regulation, being Alberta Regulation 326/2009.

The subject property is within the noted control lines however given that development setbacks will be maintained by default and in this instance, a permit from Alberta Transportation will not be required and development of the boundary adjusted parcel for residential use could proceed under the direction, control and management of the town. The applicant could contact the undersigned, at Lethbridge at 403-388-3105, in this regard. Alberta Transportation accepts no responsibility for the noise impact of highway traffic upon any development or occupants thereof. Noise impact and the need for attenuation should be thoroughly assessed. The applicant is advised that provisions for noise attenuation are the sole responsibility of the developer and should be incorporated as required into the subdivision/development design.

Any peripheral lighting (yard lights/area lighting) that may be considered a distraction to the motoring public or deemed to create a traffic hazard will not be permitted.

***ATCO Pipelines***

No objections

***Alberta Health Services***

No objection to the proposed subdivision of land provided that: All pertinent regulations, bylaws and standards are complied with, and - No nuisance conditions exist or are created.

***Canada Post***

No comments at this time. However, to keep Canada Post informed at the time a lot plan has been devised.

***Fortis Alberta***

Has indicated they are okay with the new proposed URW being registered given the Town maintains some conditions pending the registration of the new easement and the discharge of the existing URW. As well the Town creates a condition that Fortis'

powerlines be only released upon the successful registration of the new URW.

### **SMRID**

No objection to the proposed lot line adjustment between the two (2) parcels.

### **TELUS**

TELUS stated, that as long as TELUS is in the General URW, it has no concerns with the proposed activities.

### **Lethbridge County**

No concerns.

### **19-2022**

*MOTION: J. Van Rijn made the Motion to APPROVE subdivision application (2021-014) with the suggested conditions.*

**Carried 5-0**

## 5.2 DP 2022-019 - 1506 22 Avenue - Melanie Messier, Planner

M. Messier presented Item 5.2 DP 2022-019 for a waiver of parking requirements to allow for a secondary suite.

Within the current Land Use Bylaw 677-P-04-13, Schedule 2, Residential R-1A, a "Secondary Suite" is considered a permitted use. However, within Schedule 11: Off-Street Parking and Loading Requirements, it states that two (2) parking spaces are required for a Single Detached Dwelling and two (2) additional parking spaces are required for a Secondary Suite.

The applicant is proposing three (3) off-street parking stalls be available for the approved residence and secondary suite, which amounts to a twenty-five percent (25%) waiver of off-street parking requirements.

- Two (2) parking stalls are proposed for the parking pad in the rear yard; and

- One (1) parking stall is available in the pre-existing one (1) car detached garage

Should the Commission wish to consider approval of the Development Application (DP 2022-015) for a Secondary Suite and a waiver of minimum parking requirements, the following conditions are recommended:

1. Must obtain approval of a Building Permit from Superior Safety Codes Inc at (403) 320-0732 prior to commencement. Applicant/owner shall contact the fire department at (403) 345-1330 and arrange for a fire inspection once construction is completed.
2. The secondary suite shall comply and be developed in accordance with the current Land Use Bylaw No. 677-P-04-13, Schedule 4: Standards of Development, Section 25, Secondary Suites.
3. The development shall comply with the current Land Use Bylaw No. 677-P-04-13, Schedule 11: Off-Street Parking and Loading Requirements, except for the waiver of one (1) parking space granted as per the Municipal Planning Commission (MPC).
4. The secondary suite shall not be separated from the principal dwelling through a condominium conversion or subdivision.
5. No variances or waivers of setbacks of the secondary suite have been approved.
6. The development, once completed, shall meet or exceed Alberta Building Code and Alberta Fire Code.
  - R. Hohm posed a question to the applicant as to whether he currently lives in the property, where the applicant responded they live in the property adjacent to the subject parcel.
  - R. Hohm posed an additional question as to whether the area currently experiences parking issues.
  - The applicant responded there are no issues with parking in the area.

## **20-2022**

*MOTION: R. Van de Vendel made a motion to APPROVE development permit (2022-019) with the suggested conditions.*

5.3 DP 2022-028 - 2507 21 Avenue - Melanie Messier, Planner

M. Messier presented Item 5.3 for a waiver of rear yard setback and landscaping requirements to allow for a commercial building development at the property legally described as Lot 72, Block 2, Plan 091 3811.

Within the current Land Use Bylaw 677-P-04-13, Schedule 2, Highway Commercial C-2, a "Drive-in/Drive-through Restaurant" is considered a permitted use. However, within the Land Use Bylaw, Schedule 9: Landscaping and Amenity Areas Standards and Guidelines, a minimum 6m (20 ft.) landscape buffer is required for all commercial developments located adjacent to municipal roadways.

Due to the lot layout, the applicant is proposing that 10% of the lot be landscaped as opposed to providing a 6m (20 ft.) landscape buffer. Currently, the site plan shows landscaping at several locations of the subject property and includes varieties of trees and shrubs.

In addition, the current Land Use Bylaw, states the minimum rear yard setback shall be a minimum of 7.62 m (25 ft.). The applicant is proposing a rear yard setback of 5.09m (16 ft. 8 3/8 inches), which amounts to a 33% waiver request.

Should the Commission wish to consider approval of Development Permit application (DP 2022-028) for a waiver of rear yard setback and landscaping requirements to allow for a commercial development, the following conditions are recommended:

1. Must obtain approval of a Building Permit from Superior Safety Codes Inc at (403) 320-0734 prior to commencement.
2. Must contact Alberta 1st Call (1-800-242-3447) and Dig Shaw (1-866-344-7429) to locate any utility lines prior to commencement.
3. Applicant/owner shall contact the fire department at 403-345-1330 and arrange for a fire inspection prior to commencement.

4. Setbacks to conform to site plan that was attached as part of the Development Permit application and to the current Land Use Bylaw 677-P-04-13, Schedule 2, Highway Commercial C-2, except for the rear yard setback of 5.09m (16 ft. 8 3/8 inches) as approved by the Municipal Planning Commission (MPC).
5. A drawing set prepared and stamped by a professional engineer registered to practice in Alberta, showing storm water, sanitary sewer and potable water design and connections from the site to the municipal infrastructure shall be submitted to, reviewed and approved by the Town prior to commencement of construction.
6. A person to whom a Development Permit for the Commercial Development has been issued shall provide the Designated Officer prior to construction a letter from a qualified Alberta Land Surveyor confirming that a qualified ALS conducted the Stakeout of the site for construction.
7. Development to conform to architectural and civil drawings provided as part of the Development Permit application as per Town approved drawing. Noted exceptions/conditions are as follows:
  - a. Access via 21 Avenue shall be two-way and utilize the existing approach/driveway location and geometrics. Approval is dependent upon the applicant providing a Town approved site design and agreement for shared access with Lot 71, Block 2, Plan 071 2984.
  - b. Access via the lane shall be a one-way exit only, with enhancements provided to the existing lane approach to create a one-way exit separated from the two-way lane traffic (spacing shall meet TAC guidelines). Approval is dependent upon the applicant providing a Town-approved site design for the drive-through egress in the north section of the lot, and an agreement requiring the applicant to construct and maintain lane enhancements in consideration for use of the lane.
  - c. Approval is dependent on the applicant demonstrating adequate space is available in the lane for proposed delivery and waste collection locations. Provide proposed turn path for garbage pickup, and any other large vehicles proposed to access the site.



8. Refuse and garbage during construction shall be in appropriate containers and shall be properly screened and placed in an approved enclosure until removed for disposal.
  9. Any outstanding fees and deposits associated with the development application must be paid prior to the release of the permit.
  10. As per Policy ARG-033-1121, the applicant/owner shall provide a landscaping security fee of 50% of the estimated cost of landscaping prior to commencement of construction.
  11. The applicant/owner shall conform to the landscaping plan(s) submitted as part of the Development Permit application and with Land Use Bylaw No. 677-P-04-13, Schedule 9: Landscaping and Amenity Areas Standards and Guidelines.
  12. The applicant/owner is required to install an underground watering/irrigation system to ensure the continued care of lawns and other vegetation.
  13. The applicant/owner is required to maintain landscaping within the public Right-of-Way adjacent to 18th Avenue.
  14. The applicant/owner shall comply with Land Use Bylaw No. 677-P-04-13, Schedule 11, Off Street Parking and Loading Requirements.
  15. Approval is for the commercial development only. A separate permit must be applied for and approved for any future signage.
  16. For safe work-site purposes, it is recommended that the civic address of the site be displayed so it is visible from the street at all times during construction in the event that emergency services personnel are called to attend the site.
  17. Excess dirt and mud that is tracked onto sidewalks and roads shall be cleaned up promptly so as to not impact the neighbourhood.
- R. Hohm posed the question as to whether staff was aware of which businesses would occupy the commercial spaces of the development.
  - The applicant responded that an offer of lease from a salon/barber shop has been received and there are no plans for the corner unit at this time.

- R. Hohm posed an additional question as to whether the garbage enclosure could be relocated to the front of the building.
- The applicant indicated the issue with the commercial style garbage bins is they occupy quite a bit of space and its current placement is to utilize the lane for standard garbage pick up.
- A resident indicated he lives directly behind the proposed garbage pick up and addressed his concerns of its proposed location.
- A secondary resident indicated that the Tim Horton's development has their garbage located in the front of the development and concerns of blowing garbage and lingering smells and would like the same concept to be applied in this case.
- A third resident indicated concerns of grease smells and the impact on his home.
- The applicant posed a question as to whether garbage pick up for residents takes place in the back lane. It was clarified that it does not.
- The applicant reiterated the request is for the rear yard setback and the furthest point is the proposed pick-up window and to minimize the impact of the encroachment is to install fencing and landscaping.
- The applicant went onto describe that the intention is that the enhanced fencing will act as a buffer for any potential noise, smells, or blowing garbage.
- A resident posed the question as to what will be done for the potential noise of the vehicles and fumes from idling vehicles.

### **21-2022**

*MOTION: J. Abrey made a motion to APPROVE development permit (2022-028) with the suggested conditions and an additional condition THAT the applicant/owner is required to provide adequate screening between the commercial development and residential uses by providing additional landscaping in the form of trees at the rear setback and installing a 0.3 m (1 ft.) retaining wall at the base of the 1.8 m (6 ft.) Town-approved fence for a total fence height of 2.1 m (7 ft.) as approved by the Municipal Planning Commission.*

**Carried 5-0**

5.4 DP 2022-030 - 1205 18 Avenue - Melanie Messier, Planner

M. Messier presented on Item 5.4 DP 2022-030 for an application requesting a waiver of side yard setbacks to allow for a shed at the property legally described as Lot 3, Block 5, Plan 771 0468.

Within the current Land Use Bylaw 677-P-04-13, Schedule 2, Commercial C-1, an "Accessory Structure" is considered a permitted use. However, the zoning district states a side yard setback requirement as a minimum of 1.52 m (5 ft.) and a minimum rear yard setback of 4.57m (15 ft.).

The applicant is proposing side and rear yard setbacks of 0.6m (2 ft.). It is worth noting that the applicant has submitted a land use bylaw amendment to rezone the property from Commercial C-1 to Industry-I to align the subject property with the surrounding zoning in the area. Within the Industry-I zoning district, there are no minimum setback requirements for Accessory Structures.

Should the Commission wish to consider approval of Development Permit (2022-030) for a waiver of setback requirements for Shed, the following conditions are recommended:

1. Must obtain approval of a Building Permit from Superior Safety Codes Inc. (403) 320-0734 prior to commencement.
2. Must contact Alberta 1st Call (1-800-242-3447) and Dig Shaw (1-866-344-7429) to locate any utility lines prior to commencement.
3. Setbacks to conform to the site plan that was attached as part of the Development Permit application and to the current Land Use Bylaw 677-P-04-13, Schedule 2, Industry-I.
4. The shed must be of a colour and design complementary to the exterior of the principal building as determined by the Development Authority.
5. The shed is not to be further enlarged unless the necessary permits have been applied for and approved.
6. Refuse and garbage during construction shall be in appropriate containers and shall be properly screened and placed in an approved enclosure until removed for disposal.

7. The building, when completed, shall meet or exceed provincial building requirements and comply with all provincial and municipal health and fire regulations.
- No comments or questions.

**22-2022**

*MOTION: D. Pickering made a motion to APPROVE development permit (2022-030), with the suggested conditions.*

**Carried 4-0**

5.5 DP 2022-033 - 453 Westgate Crescent - Melanie Messier, Planner

M. Messier presented on Item 5.5 where an applicant was proposing a waiver of rear yard setback requirements to allow for a Covered Deck (Sunroom) at the property legally described as Plan 131 2937, Block 6, Lot 16.

Within the current Land Use Bylaw 677-P-04-13, Schedule 2, Residential R-1A, an "Accessory Structure to an Approved Permitted Use", meaning approval for the Covered Deck addition to the permitted Single Detached Dwelling. However, within this zoning district, it states the rear yard setback requirement is to be a minimum of 7.62m (25 ft.).

The applicant is proposing a rear yard setback of 6.35m (20 ft.10 inches), which amounts to a 17% waiver request. It is worth noting, that within the Land Use Bylaw, covered decks are considered to be part of the principal building and must meet the stipulated setbacks for the single-detached dwelling.

Should the Commission wish to consider approval of Development Permit (2022-033) for a waiver of rear yard setback requirements to allow for a Covered Deck, the following conditions are recommended:

1. Must obtain approval of a Building Permit from Superior Safety Codes Inc. (403) 320-0734 prior to commencement.

2. Must contact Alberta 1st Call (1-800-242-3447) and Dig Shaw (1-866-344-7429) to locate any utility lines prior to commencement.
  3. Setbacks to conform to site plan that was attached as part of the Development Permit application and to current Land Use Bylaw 677-P-04-13, Schedule 2, Residential R-1A, with the exception of the rear yard setback of 6.35 m (20 ft. 10 inches).
  4. The covered deck is not to be enlarged, unless the necessary permits have been applied for an approved.
  5. Ensure lot drainage is maintained.
  6. The development must be of a colour and style that is complementary to the exterior of the home in the opinion of the Development Officer.
  7. The development, when completed, shall meet or exceed provincial building requirements.
- R. Van de Vendel posed a question to staff if lot coverage had been considered for the application.
  - M. Messier indicated she was unsure and would find out the total lot coverage. Following the meeting it was determined the lot did meet minimum lot coverage requirements.
  - J. Van Rijn posed the question as to whether the property would be 17% closer to adjacent neighbours and whether this would cause a privacy concern.
  - M. Messier confirmed the waiver would result in a 17% waiver of a 25' setback and that she could not speak to the privacy concern.
  - R. Hohm wanted to clarify whether the proposal was to enclose the existing deck and whether it required a waiver given it above 2 feet in height.
  - M. Messier clarified that as per the Land Use Bylaw, Schedule 4: Standards of Development, decks may project into the minimum rear yard setback to a maximum of 3 m (9.8 feet).

**23-2022**

*MOTION: R. Van de Vendel made a motion to REFUSE development permit (2022-033) with reasons including that the proposed structure does not conform with the Land Use Bylaw and is not consistent in maintaining the character of the Westgate subdivision.*

5.6 DP 2022-032 - 3118 12 Street - Melanie Messier, Planner

M. Messier presented on Item 5.6 for an application requesting a waiver of secondary frontage setback requirements to allow for Single Detached Dwelling (SDD) at the property legally described as Plan 161 1387, Block 3, Lot 10.

Within the current Land Use Bylaw 677-P-04-13, Schedule 2, Country Residential CR-1, a "Single Detached Dwelling" is considered a permitted use. However, within this zoning district, it states the secondary frontage is to be a minimum of 12.19m (40 ft.).

The applicant is proposing a secondary frontage of 8.9 m (29 ft. 4 3/4 inches), which amounts to a 37% waiver request.

Should the Commission wish to consider approval of the Development Application (2022-015) for a secondary frontage waiver to allow for a Single Detached Dwelling, the following conditions are recommended:

1. Must obtain approval of a Building Permit from Superior Safety Codes Inc at (403) 320-0734 prior to commencement.
2. Must contact Alberta 1st Call (1-800-242-3447) and Dig Shaw (1-866-344-7429) to locate any utility lines prior to commencement.
3. Setbacks to conform to the site plan that was attached as part of the Development Permit application and to the current Land Use Bylaw 677-P-04-13, Schedule 2, Country Residential CR-1, except for the secondary frontage waiver of 8.9 m (29 ft. 4 3/4 inches).
4. A person to whom a Development Permit has been issued shall notify the Designated Officer following the Stakeout of the site but prior to the commencement of construction.
5. A person to whom a Development Permit for a Single-Detached Dwelling has been issued shall provide the Designated Officer prior to construction a letter from a qualified Surveyor confirming that a qualified Alberta Land Surveyor conducted the Stakeout of the site for

construction. All elevations and grades shall comply with the Lot Grading Site Plan.

6. The applicant/owner shall submit to the Town of Coaldale a soil bearing report.
  7. Must obtain a competent Alberta Land Surveyor to establish the vertical grades and cuts prior to the excavation of the foundation. (Should the building be constructed lower than the design finish grade due to a failure to survey the vertical grades for the foundation as per the lot grading design it may be at risk for flooding).
  8. Refuse and or garbage during construction shall be in appropriate containers and shall be properly screened and placed in an approved enclosure until removed for disposal.
  9. Developer/builder/applicant/owner shall comply with the Architectural Control Guidelines in FIELDSTONE MEADOWS.
  10. The connection of weeping tile foundation drainage systems to the sanitary sewer services in this development is STRICTLY PROHIBITED.
  11. Ensure water does not drain into neighbouring properties.
  12. For safe work-site purposes, it is recommended that the civic address of the site be displayed so it is visible from the street at all times during construction in the event that emergency services personnel are called to attend the site.
  13. Excess dirt and mud that is tracked onto sidewalks and roads shall be cleaned up promptly so as to not impact the neighbourhood.
- The applicant indicated they had no additional comments.

**24-2022**

*MOTION: R. Van de Vendel moved to APPROVE development permit (2022-032) with the suggested conditions.*

**Carried 5-0**

**6.0 INFORMATION ITEMS**

- M. Messier presented Item 4.1 – Meeting Format Discussion on whether the MPC will continue being facilitated online or return to in-person meetings.

- R. Van de Vendel expressed the online virtual meetings are more accessible.
- J. Van Rijn commented that the online delivery can be considered more convenient for applicants and that any application requiring in-person attendance can be facilitated.

**25-2022**

*MOTION: D. Pickering made a motion to approve that the MPC continue to facilitate virtual Commission meeting and direct Administration to hold in-person meetings on a case-by-case basis.*

**Carried 5-0**

**7.0 CLOSED MEETING**

Closed session began at 5:50 pm and ended at 6:13 pm.

**8.0 ADJOURNMENT**

**26-2022**

*MOTION: R. Van de Vendel made a motion to adjourn the meeting at 6:13 pm.*

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R. Hohm – Chair

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M. Messier – Recording Secretary