



MINUTES

Municipal Planning Commission Meeting

5:00 PM - Wednesday, July 14, 2021
Virtual

The Municipal Planning Commission of the Town of Coaldale was called to order on Wednesday, July 14, 2021, at 5:05 PM, via ZOOM, with the following members present:

PRESENT:

R. Hohm, Councillor
J. Abrey, Councillor
D. Lloyd, Councillor
J. Van Hierden, Committee Member (Chair)
J. Peters, Committee Member

EXCUSED:

STAFF PRESENT:

S. Croil, Director of Planning & Development
M. Messier, Planning Intern
K. Stone, Recording Secretary

GALLERY:

D. Hayes

1.0 CALL TO ORDER

J. Van Hierden called the meeting to order at 5:05 P.M.

1.1 41-2021

MOTION: R. HOHM moved to appoint J. Van Hierden as Chair.

Carried 5-0

2.0 ACCEPTANCE OF THE AGENDA

2.1 Item 5.5 - Discussion regarding in-person Municipal Planning Commission meetings

42-2021

MOTION: J. Van Hierden moved to APPROVE the agenda as amended.

Carried 5-0

3.0 ADOPTION OF PREVIOUS MINUTES

3.1 MPC Meeting Minutes - June 9, 2021

43-2021

MOTION: R. Hohm moved to APPROVE the June 9, 2021 minutes.

Carried 5-0

4.0 BUSINESS ARISING FROM THE MINUTES

None.

5.0 NEW BUSINESS

5.1 SUB 2021-011 - New School Site and Recreation Centre

S. Croil presented SUB 2021-011, where the Town of Coaldale is proposing the creation of lots for the development of a new high school and multi-use recreation centre as well as the creation of two bareland condominium lots.

The parcels of land subject to review include legal subdivisions 3 and 6 in SW 15-9-20 W4M, and legal subdivisions 4 and 5, in SW 15-9-20 W4M.

The purpose of the application is first to subdivide five (5) parcels of land, ranging in size from 8.49 (20.98 ac) to 14.34 ha (35.43 ac) in size, to accommodate the development of a new high school and multi-use recreation centre and access to the same, and second, to allow for the creation of two bareland condominium lots for the purposes of allowing legal separation between the high school and multi-use recreation centre.

The lot to be used for the purposes of creating the two condominium units is shown on the proposed plan titled "Drawing 21-15311TA" as Lot 5, Block 1 (9.59 ha (23.68 ac) in size) in the

agenda package. The proposed plan showing the condominium units is entitled "Drawing 21-15311TB." in the agenda package.

For the sake of clarity, it is worth noting that on the proposed plan in the agenda package titled "Drawing 21-15311TA," proposed Lot 6, Block 1, and Lot 2, Block 1, are to remain vacant for the time being. Proposed Lot 3, Block 1 and Lot 5, Block 1 contain stormwater management facilities.

As such, the Municipal Planning Commission may consider approval of the application along with the following suggested conditions and considerations for the creation of the five (5) lots, and the creation of two (2) condominium units:

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 which may make reference to the provision of servicing, drainage, and grading plans, roads, sidewalks, landscaping, parks, etc., and any other matter the Town deems necessary.
3. That any easement(s) as required by utility companies and/or the municipality shall be established, prior to the finalization of the subdivision.
4. That any conditions of Alberta Transportation shall be met prior to finalization.
5. Consideration of adjacent landowner and referral agency comments.

In accordance with the provisions of Sec. 666, 667 and 669 of the Municipal Government Act, the Subdivision Authority may wish to consider Municipal Reserve by way of land, cash-in-lieu or by deferring MR that remains owing on the remainder of the subject parcel.

SUB 2021-011 has been circulated to neighbouring properties and the appropriate referral agencies. The commentary received included:

Alberta Transportation reviewed the Highway 3 and 30th Street Traffic Impact Assessment (TIA) prepared by MPE Engineering Ltd. and stated, "the development of the school and recreational facility will be expressly based on and subject to Section 7 Conclusions, Subsection 7.2 Recommendations of the said Town of Coaldale Highway 3 and 30th Street Traffic Impact Assessment

document." Effectively, granting a waiver of Sections 14 and 15(2) of the Subdivision and Development Regulation, Alberta Regulation 43/2002, consolidated up to 188/2017 ("the regulation").

Given the foregoing and in order that all transportation requirements are fully addressed, pursuant to and in accordance with the approved Town of Coaldale – Highway 3 and 30th Street Traffic Impact Assessment (TIA) a condition of subdivision approval would be subject to the following:

By the Year 2024:

- Changes on the intersection layout: one East Bound-Left Turning auxiliary lane (minimum 180m storage); and one South Bound-Left Turning auxiliary lane (minimum 70m storage),
- Pedestrian crosswalks on the east and south legs of the intersection,
- Actuated-coordinated traffic signals with a cycle length of 110 seconds in the AM and PM peak hour, EB and WB left-turns coded as protected-permitted, other left-turns and right-turns coded as permitted. 1.0 m/s pedestrian walking speed is assumed,

Short-Term Study Intersection's Recommendations:

- implement a monitoring strategy for the intersection to monitor actual growth,
- implement a strategy to provide pedestrian's facilities upgrades need to support the school and recreational facility development (Phase 1) including the CPR crossing at 30th Street,
- coordinate with Alberta Transportation to reduce the posted speed from 70 kph to 50 kph along Highway 3 at the intersection of Highway 3 and 30th Street

The design and construction of the intersection would be to the satisfaction of and accomplished at no cost to Alberta Transportation.

Written verification that by the Year 2024, Recommendations and Short-Term Study Intersection's Recommendations are in place and are to the satisfaction of Alberta Transportation will be required prior to endorsement of the final linen by the approval authority.

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.

ATCO Pipelines has no objections granted the following conditions are met:

1. Any existing land rights shall be carried forward in kind and registered on any newly created lots, public utility lots, or other properties.
2. ATCO Transmission requires a separate utility lot for its sole use.
3. Ground disturbances and surface works within 30 meters require prior written approval from ATCO Transmission before commencing any work.
 - Municipal circulation file number must be referenced; proposed works must be compliant with ATCO Transmission requirements as set forth in the company's conditional approval letter.
 - Contact ATCO Transmission Land Department at 1-888-420-3464 or landadmin@atcom.com for more information.
4. Road crossings are subject to Engineering review and a
 - Road crossing(s) must be paved and cross at a perpendicular angle.
 - Parallel roads are not permitted within ATCO Transmission right(s)-of-way.
 - If the road crossing(s) requires a pipeline alteration, the cost will be borne by the developer/owner and can take up to 18 months to complete.
5. Parking and/or storage is not permitted on ATCO Transmission facility(s) and/or right(s)-of-way.
6. Encroachments are not permitted on ATCO Transmission facility(s) and/or right(s)-of-way
7. ATCO Transmission recommends a minimum 15 metre setback from the centreline of the pipeline(s) to any buildings.
8. Any changes to grading that alter drainage affecting ATCO Transmission right-of-way or facilities must be adequate to allow to ongoing access and maintenance activities.

- If alterations are required, the cost will be borne by the developer/owner.
- 9. Any revisions or amendments to the proposed plan(s) must be recirculated to ATCO Transmissions for further review.

ATCO Gas advised that they will require 3.5m URW's in locations identified in red on the attached plan. The URW's are to be registered as general utility rights-of-way in the town's name.

FortisAlberta determined no easement would be required. FortisAlberta is the Wire Service Provider for this area and the developer can arrange the installation of electrical services for the subdivision through FortisAlberta.

Canada Post provided no comment.

Lethbridge County has no concerns.

St. Mary River Irrigation District (SMRID) has no objection provided the permanent irrigation rights are removed from Legal Subdivisions 3 & 6 and Legal Subdivisions 4 & 5 all in the SW 15-09-20-W4.

- The Commission inquired if there were any submissions from the neighbours
- S. Croil confirmed there was none
- The Commission asked how far around we circulated the notices
- S. Croil advised Subdivision and Development Regulations are specific in that adjacent property owners are to be circulated. However, this application went further out, going along 18th to P. Bos, then west and north quarter sections, Birds of Prey and straight down the west edge of manufactured home park.

44-2021

MOTION: R. Hohm moved to APPROVE SUB 2021-011 with conditions:

For the creation of the five (5) lots:

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 which may make reference to the provision of servicing, drainage, and grading plans, roads, sidewalks, landscaping, parks, etc., and any other matter the Town deems necessary.
3. That any easement(s) as required by utility companies and/or the municipality shall be established, prior to the finalization of the subdivision.
4. That any conditions of Alberta Transportation shall be met prior to finalization.
5. That any conditions of ATCO Gas and ATCO Pipelines shall be met prior to finalization.

For the creation of the two (2) bareland condominium units:

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 which may make reference to the provision of servicing, drainage, and grading plans, roads, sidewalks, landscaping, parks, etc., and any other matter the Town deems necessary.
3. That any easement(s) as required by utility companies and/or the municipality shall be established, prior to the finalization of the subdivision.
4. That any conditions of Alberta Transportation shall be met prior to finalization.
5. That any conditions of ATCO Gas and ACTO Pipelines shall be met prior to finalization.

Carried 5-0

5.2 DP 2021-088 - 1302 18 Avenue

M. Messier presented DP 2021-088, an application requesting an intensification of use and a request for the provision of minimum parking requirements at the property at 1302 18 Avenue.

In August 2020, at the regular MPC meeting, the Commission moved to approve Development Permit (2020-092) and the subject property to allow the current use as an 'Automotive Repair and Service Shop.'

Within the Industry-I land use district in Land Use Bylaw 677-P-04-13, an 'Automotive Sales and Service Shop' is considered a

discretionary use. For this reason, the application requires the review of the Commission. The applicant is proposing an accessory use in addition to the current use as an 'Automotive Repair and Service Shop.'

As part of the discussion for the MPC, staff respectfully requests that parking requirements be reviewed as Schedule 11: Off-Street Parking and Loading Requirements states the MPC or Designated Officer must designate the minimum number of required parking spaces for an accessory use.

The applicant is proposing an addition of ten (10) additional parking stalls to accommodate the storage of vehicles for purchase, which will be located at the rear of the building in an enclosed fenced area.

As a matter of process, it was noted that the landscaping requirements outlined in the applicant's previous Development Permit (2020-092) have not been met and to ensure compliance with the conditions, the applicant will be providing a landscape plan. They have proposed to enclosed 4 trees, which is above the requires three trees. In addition, they have agreed to provide Kentucky Blue Grass Sod and ornamental gravel at the base of trees and in front of the proposed parking stalls.

Should the Commission wish to consider approval of Development Application 2021-088 to allow for an intensification of use and the provision of minimum parking requirements, the following conditions are recommended:

1. Must obtain approval of a Building Permit from Superior Safety Codes Inc at (403) 320-0734 prior to commencement.
2. Applicant/Owner shall contact the fire department at 403-345-1330 and arrange for a fire inspection prior to occupancy.
3. Approval is for the building only. A separate permit must be applied for and approved for any signs.
4. A Business License must be obtained from the Town of Coaldale.
5. Excess dirt and mud that is tracked onto sidewalks and roads shall be cleaned up promptly as to not impact the neighbourhood.

6. The applicant/ owner shall comply with Land Use Bylaw No. 677-P-04-13, Schedule 11, Off-Street Parking & Loading Requirements, 1 (one) space per 500 ft² of GFA.
7. The applicant shall complete landscaping on or before the date agreed to in permit no. 2020-092, unless otherwise decided by the Municipal Planning Commission.
8. The development must be completed in its entirety, in accordance with approved plans and conditions. Any revisions to the approved plans must be submitted for re-approval. Failure to comply with any condition of this permit shall render the permit null and void at the discretion of the Development Officer.

The application has been circulated to neighbouring property owners and no comments were received.

- The Commission asked if there is a set date to complete the landscaping.
- M. Messier advised that the date that was stated on the previous application has since passed, so a time frame recommendation from the MPC would be preferred.

45-2021

MOTION: R. Hohm moved to APPROVE DP 2021-088, with conditions:

1. Must obtain **approval** of a Building Permit from Superior Safety Codes Inc at (403) 320-0734 **prior** to commencement.
2. Applicant/Owner shall contact the fire department at 403-345-1330 and arrange for a fire inspection prior to occupancy.
3. Approval is for the change of use only. A separate permit must be applied for and approved for any signs.
4. A business license must be obtained from the Town of Coaldale.
5. The applicant/owner shall consult with the Alberta Motor Vehicle Industry Council for updated permissions involving their commercial business license.
6. Excess dirt and mud that is tracked onto sidewalks and roads shall be cleaned up promptly as to not impact the neighborhood.

7. The applicant/ owner shall comply with Land Use Bylaw No. 677-P-04-13, Schedule 11, Off-Street Parking & Loading Requirements, 1 (one) space per 500 ft² of GFA.
8. The applicant shall complete landscaping within 6 months of the permit issuance as decided upon by the Municipal Planning Commission (MPC).
9. The development must be completed in its entirety, in accordance with approved plans and conditions. Any revisions to the approved plans must be submitted for re-approval. Failure to comply with any condition of this permit shall render the permit null and void at the discretion of the Development Officer.

Carried 5-0

5.3 DP 2021-089 - 20A Avenue Cul-de-sac

M. Messier presented DP 2021-089, an application submitted on the behalf of the Town of Coaldale, requesting to issue a blanket waiver for various setback requirements for dwellings and accessory structures within the residential subdivision legally described as Lots 26-50, Block 14, Plan 7711285 and referenced as the '20A Avenue Cul-de-Sac'.

At the February 12, 2020, MPC meeting, the Commission moved to approve Development Permit 2019-182, a request for a compliance letter submitted by applicant C. Moman.

At the February 22, 2021, regular council meeting, Council moved to approve the motion that the '20A Avenue Cul-de-Sac' item be referred to the Municipal Planning Commission.

Additional motions at the February 2021 meeting included waiving the costs associated with the proposed blanket waiver and a refund of compliance letter fees paid by resident C. Moman.

During the review of the initial request brought forth by C. Moman, a resident of the '20A Avenue Culde-Sac,' it was realized that the lot size of the subject property was below the minimum lot size requirement.

At this time, staff determined that minimum lot size requirements were an overarching issue within the subdivision and continued to conduct a comprehensive review for each parcel to determine the level of compliance with the current Land Use Bylaw 677-P-04-13 and the Land Use Bylaw at the time. It was determined that of the twenty-seven (27) lots, 22 or eighty-one percent (81%) of dwellings were in some level of non-compliance of front, side or rear yard setbacks requirements.

Following the February 22, 2021 council meeting and the direction of Council, staff conducted an additional review of accessory structures to determine their level of compliance with minimum setback requirements. When reviewing the accessory structures, it was determined that of the twenty-seven (27) parcels, thirteen (13) were non-compliant with setback requirements. A total of ten (12) parcels did not have an accessory structure, while one (1) property had a compliant accessory structure.

Should the Commission wish to issue a blanket waiver, they may consider applying a waiver to dwellings and accessory structures to ensure residents are able to obtain a letter of compliance in light of the subdivision not meeting the minimum lot size requirements.

Should the Commission wish to consider the approval of Development Application (2021-089) to allow for a blanket waiver of all existing dwelling and accessory structure minimum setback requirements, the following conditions are recommended:

1. Dwellings or accessory structures may not be added to or altered without obtaining a valid Development Permit.

For information purposes, and should the Commission find merit in the blanket waiver request, in the notice of decision sent to property owners, it will be clarified that the waiver applies to structures in place up to July 2021 only.

At the February 22, 2021, regular council meeting, Council moved to approve a waiver of costs associated with the development application for the residential subdivision legally described as Lots 26 to 50, Block 14, Plan 7711285.

Notice of the application was circulated to neighbouring property owners.

Due to the history of decisions by the Commission and council, staff provided an informational project webpage on the Let's Connect Coaldale online platform for access to resources such as previous council reports, site location and the council meeting recorded livestream. While not standard practice, a URL link to the webpage was included within the circulated notice.

M. Wickstrom advised that they reviewed the application and didn't understand what the waiver and application were trying to achieve, which was addressed by staff.

- The Commission inquired why this application is being heard before the MPC and not Town Council.
- M. Messier advised that Council has approved that all costs associated with the application coming to MPC would be waived, as the Commission has authority to grant the waivers.
- S. Croil added that the primary reason it came before the MPC is the ability for one committee to have the authority to make that decision. Locate

MI. 2021

MOTION: R. Hohm moved to APPROVE DP 2021-102, with conditions:

1. Dwellings or accessory structures may not be added to or altered without obtaining a valid development permit. Waiver applies to structures in place up to July 2021 only.

Carried 5-0

5.4 DP 2021-097 - 2006 30A Avenue

M. Messier presented DP 2021-097, an application requesting a waiver of accessory building height requirements to allow for a detached garage at the property at 2006 30A Avenue.

Within the Residential R-1A land use district in Land Use Bylaw 677-P-04-13, it states the maximum height of any accessory building shall be no more than 4.6 metres (15 feet). The applicant is proposing a new height of 5.8 metres (17 feet 8 inches), which would equal an eighteen percent (18%) waiver.

Should the Commission wish to consider approval of Development Application 2021-097 to allow for a waiver of maximum accessory height requirements, the following conditions are recommended:

1. Must obtain approval of a Building Permit from Superior Safety Codes Inc., at (403) 320-0734 OR at www.superiorsafetycodes.com prior to commencement.
2. Shall 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 shall conform to site plan, which was attached as part of the Development Permit application and to Land Use Bylaw No. 677-P-04-13, Schedule 2, Residential R-1A.
4. Ensure lot drainage is maintained and that lot grade is maintained, and at no time shall lot drainage negatively impact adjacent properties.
5. 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.
6. The building, when completed, shall meet or exceed provincial building requirements and comply with all provincial and municipal health and fire regulations.
7. The detached garage is not to be further enlarged unless the necessary permits have been applied for.
8. There shall be no construction of additional accessory buildings until the existing structures have been removed.

The application has been circulated to neighbouring property owners.

- D. Hayes advised that the homeowner is doing the detached garage himself, but Grizzly Ridge is assisting. The homeowner works on vehicles and has a vehicle lift. The lumber package he had purchased was over height, and in order to rectify it he looked into purchasing 3/12 trusses, which were very expensive. He then decided to try to rectify it by way of a waiver.
- The Commission inquired if the height is the same as the neighbouring property to the south which was previously denied by MPC.

- S. Croil advised that the height on the one to the south that was denied was 17.5ft.

47-2021

MOTION: D. Lloyd moved to DENY DP 2021-097 as the Development Authority has determined that the waivers being requested were considered excessive and would be out of character with surrounding properties and the general aesthetic of the neighbourhood, and that if the waiver requests were to be granted, the resulting development would not be in keeping with the general character of the area.

5.5 Change MPC meetings from virtual to in-person

The Commission suggested holding off until September

48-2021

MOTION: R. Hohm made a motion to wait until September 2021 to meet in-person

Carried 5-0

6.0 INFORMATION ITEMS

7.0 CLOSED MEETING

8.0 ADJOURNMENT

8.1 **49-2021**

MOTION: D. Lloyd moved to close the public portion of the meeting at 5:58 P.M.

Carried 5-0

8.2 **50-2021**

MOTION: J. Peters moved to adjourn the meeting at 5:58 P.M.

Carried 5-0

J. VAN HIERDEN – CHAIR

K. STONE – RECORDING SECRETARY