



MINUTES

Municipal Planning Commission Meeting

5:00 PM - Wednesday, July 13, 2022
Council Chambers

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

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

EXCUSED: N/A

STAFF PRESENT: Melanie Messier, Planner

GALLERY: B. Gudmundson, D. Gudmundson, L. Firth, P. Pirth, R. Ockerman, D. Ockerman, B. Ockerman, S. Sawitzky, A. Fritz, M. Kehn, L. Kehn, J. Ahn, S. Ann, D. Chang, D. Tonin, D. Tonin

1.0 CALL TO ORDER

- The meeting was called to order at 5:00 pm.

2.0 ACCEPTANCE OF THE AGENDA

- M. Messier indicated there was a change in order of the agenda to accommodate applicants calling into the meeting.
- M. Messier also indicated there was an addition to the agenda of item 5.7 – DP 2022-071.

41-2022

MOTION: R. Van de Vendel moved to accept the agenda as amended.

Carried 5-0

3.0 ADOPTION OF PREVIOUS MINUTES

- **N/A**

42-2022

MOTION:

4.0 BUSINESS ARISING FROM THE MINUTES

5.0 NEW BUSINESS

- 5.1 Development Permit 2022-057 - 114 Elm Place - Melanie Messier - Planner

M. Messier presented Item 5.1 where an applicant was requesting a waiver of minimum rear yard setback requirements for the construction of an Accessory Structure (Covered Deck) at the property legally described as Lot 33, Block 8, Plan 131 2366 and the Civic Address 114 Elm Place.

Within the current Land Use Bylaw 677-P-04-13, Schedule 4: Standards of Development it states, "for the purpose of calculating yard setbacks and site coverage requirements as provided in this Bylaw, where a structure is attached to the principal building by a roofed structure (open or enclosed), it shall be deemed to be part of the principal building and must meet the required side and rear yard setbacks."

Within the Residential R-1A zoning district, the minimum rear yard setback for principal buildings is 7.62 m (25 ft.) whereas the applicant is proposing a rear yard setback of 6 m (20 ft.), which amounts to a twenty-percent (20%) waiver request.

Should the MPC wish to consider approval of Development Permit (2022-056) for a waiver of rear setback requirements to

allow for a Covered Deck, the following conditions are suggested:

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 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, Residential R-1A, with the exception of the rear yard setback of 6 metres (20 ft.).
4. The covered deck is not to be enlarged, unless the necessary permits have been applied for and approved.
5. Ensure lot drainage is maintained.
6. 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.
7. The covered deck must be of a colour and style that is complementary to the exterior of the existing home in the opinion of the development officer.
8. When completed, the development shall meet or exceed provincial building requirements and comply with all provincial and municipal health and fire regulations.

43-2022

MOTION: R. Van de Vendel made a motion to refuse development permit (2022-057) based on the impact to the neighbouring property and impact of sight lines.

Carried 5-0

5.2 Development Permit 2022-056 - 1809 18 Avenue - Melanie Messier – Planner

M. Messier presented Item 5.2 where an applicant was requesting a waiver of side yard setback and minimum landscape buffer requirements at the property legally described as Lot N/A, Block 4, Plan 911 2556 and the Civic Address 1809 18 Avenue to allow for a Car Wash and Gas Bar.

Within the current Land Use Bylaw 677-P-04-13, Schedule 2, Highway Commercial C-2, a "Car Wash" and "Gas Bar" are considered permitted uses.

The subject of this application that requires the review of the Municipal Planning Commission (MPC) includes a proposal of a proposed side yard setback of 4.2 metres (14 ft.) and a landscaping buffer of 5.4 metres (18 ft.). It's worth noting the requirement for a total landscaping coverage of 10% of the site area remains in effect and is provided in the proposed plan. Within the Land Use Bylaw, Schedule 2, Highway Commercial C-2, it states the minimum side yard setback is 4.57 metres (15 ft.).

In addition, Schedule 9, Landscaping and Amenity Areas Standards and Guidelines, states a minimum of 6 metres (20 ft.) landscaping buffer is required next to any commercial development located next to a municipal roadway.

Therefore, the applicant is requesting:

- 10% waiver of landscaping buffer requirements; and
- 7% waiver of side yard setback requirements

Please note: Within the Administration Schedule of the Land Use Bylaw, it states the Development Authority may grant one (1) minor waiver not to exceed ten (10%) percent of a measurable standard of the Bylaw or may refer the application to the Municipal Planning Commission (MPC).

Should the Commission wish to consider approval of the development permit (2022-056) to allow for a commercial building and a waiver of side yard setback and landscaping buffer 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 of construction.
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 of construction.
3. Applicant/owner shall contact the fire department at 403-345-1330 and arrange for a fire inspection prior to commencement of construction.
4. Applicant/owner to comply with all provincial requirements outlined within the National Fire Code - Alberta Edition (2019). Failure to comply with the requirements of the Fire

- Code shall constitute a failure to uphold the conditions of this development permit.
5. 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, Highway Commercial C-2, with the exception of the side yard setback of 4.57 m (15 ft.) as approved by the Municipal Planning Commission (MPC).
 6. A drawing set prepared and stamped by a professional engineer registered to practice in Alberta, showing stormwater, 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.
 7. A person to whom a Development Permit for the Commercial Building has been issued shall provide the Designated Officer prior to construction a letter from a qualified Alberta Land Surveyor confirming that a qualified Alberta Land Surveyor conducted the Stakeout of the site for construction.
 8. Development to conform to architectural and civil drawings provided as part of the Development Permit application as per Town approved drawings and final approval by the Development Authority.
 9. 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.
 10. Any outstanding fees and deposits associated with the development application must be paid prior to the release of the permit
 11. 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.
 12. Applicant/owner shall conform to the landscaping plan 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, with the exception of the 3.9 m (13 ft.) landscaping buffer as approved by the Municipal Planning Commission (MPC).
 13. The applicant/owner is required to provide adequate screening between the commercial development and residential uses.
 14. The applicant/owner is required to install an underground watering/irrigation system to ensure the continued care of lawns and other vegetation.

15. Applicant/owner shall comply with Land Use Bylaw No. 677-P-04-13, Schedule 11, Off-Street Parking & Loading Requirements.
16. Approval is for the commercial development only. A separate permit must be applied for and approved for any future signage.
17. 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.
18. Excess dirt and mud that is tracked onto sidewalks and roads shall be cleaned up promptly as to not impact the neighbourhood
 - The applicant stated there would not tractors and trailers would not be permitted within the carwash portion of the development.
 - Multiple respondents expressed concerns with the possibility of large trucks damaging residential cars parked on the street.
 - J. Van Rijn posed a question to the applicant as to the intention for stormwater management.
 - The applicant responded that an open pond or storm sewer methods were being explored.

44-2022

MOTION: R. Van de Vendel made a motion to APPROVE development permit (2022-056) with the suggested conditions with the directive to confirm approvals for fuel tank permits.

Carried 4-1

5.3 Development Permit 2021-076 - 17 90050 HWY 845 - Melanie Messier - Planner

M. Messier presented Item 5.3 where an applicant was requesting a time extension for the previously approved Development Permit (2021-076) for a Detached Garage at the property legally described as Lot N/A, Block 3, Plan 57JK and the Civic Address: 17 90050 HWY 845.

The applicant is requesting an extension for Development Permit 2021-076 due to financial reasons and the rising costs of

construction materials. For additional information, please see the request for the extension attached to this report.

Within the current Land Use Bylaw 677-P-04-13, Administration Schedule, Section 46, states the following:

- Unless a development permit is suspended or cancelled, the application must be commenced or carried out with reasonable diligence in the opinion of the Municipal Planning Commission or Designated Officer within 12 months from the date of issuance of the permit; otherwise, the permit is no longer valid.
- The validity of a development permit may be extended only one (1) time for up to six (6) additional months:
 - by the Designated Officer or the Municipal Planning Commission, if the Designated Officer issued it; or
 - by the Municipal Planning Commission, if the Municipal Planning Commission issued it.

Given the application was approved by the MPC, the applicant is requesting a time extension of six (6) months. It is worth noting the expiry date of the permit is July 1, 2022, whereas an extension would result in an updated expiration date of December 31, 2022

45-2022

MOTION: J. Abrey made a motion to approve the time extension with a new expiration date of December 31, 2022.

Carried 5-0

5.4 Development Permit 2022-068 - 1506 22 Avenue - Melanie Messier – Planner

M. Messier presented Item 5.4 where an applicant was proposing a waiver of accessory structure height requirements to allow for a Detached Garage at the property legally described as Lot 19, Block 20, Plan 647 6AA and the Civic Address 1506 22 Avenue.

Within the Land Use Bylaw, Schedule 2, Residential R-1A, it states the maximum height for accessory structures is 4.5 metres (15 ft.), whereas the applicant is proposing a height of 5.1 metres (17 ft.) resulting in a 12% waiver request. It is worth noting that the applicant is also proposing to mount solar collectors to the roof of the accessory structure, which will add a slight increase to the height of the structure. The increase in height shall be confirmed at the July 13, 2022 MPC meeting.

Should the Municipal Planning Commission (MPC) wish to consider approval of the Development Permit (2022-068) for a waiver of maximum height requirements for a Detached Garage, 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.
1. 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, Residential R-1A.
2. The detached garage shall be 5.1 metres (17 ft.) as approved by the Municipal Planning Commission (MPC).
3. The detached garage is not to be enlarged without the appropriate application and approval of all necessary permits.
4. A minimum separation distance of 4' shall be provided between a principal building and any accessory building.
5. No waiver of minimum required setback distances will be granted for any portion of the structure.
6. 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. Ensure lot drainage is maintained during and after construction.
7. The building, when completed, shall meet or exceed provincial building requirements and comply with all provincial and municipal health and fire regulations.
8. The exterior finish must be the same or complementary to the principal building.

46-2022

MOTION: J. Van Rijn made a motion to APPROVE development permit (2022-068) with the suggested conditions with an additional condition to require the applicant provide professionally prepared drawings demonstrating a 17 ft. height.

Carried 5-0

- 5.5 Development Permit 2022-051 - 2134 22 Street - Melanie Messier, Planner

M. Messier presented on Item 5.5 where an applicant was requesting to update the previously approved hours of operation for a Home Occupation 2 (Hair Salon) associated with the Temporary Development Permit (2022-051) at the property legally described as Lot 24, Block 7, Plan 831 0241 with the Civic Address: 2134 22 Street.

As part of the application, the requested hours to operate a Hair Salon at the subject property were presented as:

Tuesday: 9:00 am - 5:00 pm
Wednesday: 9:00 am - 5:00 pm; and
Saturday: 9:00 am - 12:00 pm

The applicant is requesting a change in hours as follows:

Tuesday: 8:00 am - 5:00 pm
Wednesday: 8:00 am - 5:00 pm
Thursday: 8:00 am - 5:00 pm; and
Saturday: 9:00 am - 12:00 pm

47-2022

MOTION: J. Van Rijn made a motion to APPROVE the change of hours of operation for the temporary permit for a Home Occupation 2 business.

Carried 5-0

- 5.6 Development Permit 2022-069 - Unit 1, 1801 20 Avenue - Melanie Messier, Planner

M. Messier presented on Item 5.6 where an applicant was requesting a Change of Use to allow for a restaurant at the property legally described as Lot 1, Block 12, Plan 6476AA and with the Civic Address: Unit 1, 1801 20 Avenue (Civic Square).

Within the current Land Use Bylaw 677-P-04-13, a Restaurant within the Commercial C-1 zoning district is considered a discretionary use, which requires the review of the Municipal Planning Commission (MPC).

Given the property is located within the Civic Square building, considerations of the 'Downtown Overlay' section of the LUB apply. This section of the bylaw identifies special parking provisions for the property, including:

- Existing Developments within the Downtown Overlay are exempted from the off-street parking requirements in Schedule 11 provided the gross floor area of the building is not increased and the number of existing off-street parking spaces is not reduced.

At the planning stage of this development, estimates for businesses within the leasable space were accounted for, inclusive of parking requirements for a restaurant.

Should the commission wish to consider approval of Development Permit (2022-069) for a Change of Use, 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 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. Applicant/Owner shall comply with Land Use Bylaw No. 677-P-04-13, Schedule 11: Off-Street Parking and Loading Requirements.
6. 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.

7. Excess dirt and mud that is tracked onto sidewalks and roads shall be cleaned up promptly so as to not impact the neighbourhood.

48-2022

MOTION: made a motion to APPROVE development permit (2022-069) with the suggested conditions.

Carried 5-0

- 5.7 Development Permit 2022-071 - 1711 20 Avenue – Melanie Messier, Planner

M. Messier presented on Item 5.7 where an applicant was requesting a temporary patio permit from June 2022 – October 2022.

Should the commission wish to consider approval of Development Permit (2022-071) for a Change of Use, 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, if deemed necessary.
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, Commercial C-1.
5. As per the Municipal Planning Commission's decision, the temporary seasonal patio shall be permitted to operate between the months of April 2022 – October 2022. The sidewalk extension, railings, and patio furniture must be removed by November 1st, 2022.
6. The temporary seasonal patio permit shall be conditional upon the business owner providing proof of liability insurance in the sum of no less than 2 million dollars coverage, indemnifying the Town from any claims or liabilities arising from the use of Town property.

7. The hours of operation (customers in the patio area) are permitted from regular opening hours to 11 pm of each night.
8. The sidewalk extension access, and clear-path pedestrian thoroughfare must be clear of obstructions and snow at all times.
9. The sidewalk extension is subject to contextual design and safety considerations as per Superior Safety Codes recommendation.
10. The applicant/owner shall ensure railings or fences meet the requirements of the Alberta Gaming, Liquor and Cannabis Commission if alcohol is to be served within the patio area.
11. At the termination of the temporary seasonal patio permit, the applicant must return the patio area to its pre-approved condition.
12. If the patio is not being operated in a manner that is considered safe and/or within the confines of any of the conditions of this permit, the business owner will be notified immediately and must comply with remedial steps necessary to rectify the issue(s) that arise

49-2022

MOTION: R. Van de Vendel made a motion to approve (2022-071) with the suggested conditions.

Carried 5-0

6.0 INFORMATION ITEMS

7.0 CLOSED MEETING

- Closed session began at 5:57 pm.

8.0 ADJOURNMENT

- J. Van Rijn made a motion to adjourn at 6:50 pm.

Chair – Roger Hohm

Recording Secretary – M. Messier