

MUNICIPAL PLANNING COMMISSION MINUTES

G.R. DAVIS ADMINISTRATION BUILDING

MONDAY JANUARY 15, 2024

In attendance: Chairperson David Arnoldussen, Members Joe Rigaux, , and Brent Feyter, Planning and Development Officer Keli Sandford, ORRSC Planner Gavin Scott, Director of Operations Wally Ola and CAO Anthony Burdett.

Regrets: Member Greg Beekman.

Absent: Member Brian Reach and Marco Van Huigenbos.

Public in Attendance: Frank McTighe, Gazette and Mitchell Beusekom, applicant.

The meeting was called to order at 12:20 p.m.

1.0 ADDITIONS AND ADOPTION OF AGENDA

Discussion regarding a restrictive covenant be added as Item 5.0 a)

M. 001-24 Moved by Member Joe Rigaux that the January 18, 2024 Meeting Agenda be approved as amended.

CARRIED

2.0 APPROVAL OF MINUTES

a) MPC Minutes November 20, 2023

M. 002-24 Moved by Member Brent Feyter to approve the MPC minutes from November 20, 2023 as presented.

CARRIED

3.0 DEVELOPMENT APPLICATIONS

a) 110-23- Open Sky Properties-As-built variances for compliance (existing garage)

M. 003-24 Moved by Member Joe Rigaux that Development Application 110-23 to request the following as-built variances (allowable encroachments) for rear and secondary front yard setbacks on the existing garage; 0.08 m. (3.12 inches) 0.33 m. (1 ft. 1 inch.) and maximum size overage of approximately 84 sq. ft.(8 sq. m.) to bring the existing garage into compliance with Land Use Bylaw 1882., be APPROVED subject to the following conditions;

1. DEVELOPMENT SHALL CONFORM TO THE PLANS IN THE DEVELOPMENT APPLICATION SUBMITTED TO THE TOWN OF FORT MACLEOD;
2. DEVELOPMENT SHALL CONFORM TO SCHEDULE 2, RESIDENTIAL; SCHEDULE 3, STANDARDS OF DEVELOPMENT OF LAND USE BYLAW NO. 1882.
3. APPLICANT/CONTRACTOR MUST ACQUIRE BUILDING, ELECTRICAL, GAS & PLUMBING PERMITS FROM PARK ENTERPRISES LTD. IF REQUIRED.(Park Enterprises may require more detailed plans);
4. AN ALLOWABLE ENCROACHMENT- (SEE POLICY DEV#04) OF 0.08 M. (3.12 INCHES) FOR THE REAR YARD SETBACK FOR THE EXISTING GARAGE (AS BUILT) IS HEREBY GRANTED .
5. AN ALLOWABLE ENCROACHMENT (SEE POLICY DEV#04) OF 0.33 M. (1 FT. 1 INCH.) FOR THE SECONDARY FRONT YARD SETBACK FOR THE EXISTING GARAGE (AS BUILT) IS HEREBY GRANTED.
6. A VARIANCE OF APPROXIMATELY 84 SQ. FT.(8 SQ. M.) FOR THE EXISTING GARAGE SIZE AND COVERAGE IS HEREBY GRANTED.
7. A VARIANCE OF 0.87 M (2.87 FT.) FOR THE EXISTING GARAGE INTERNAL SETBACK IS HEREBY GRANTED TO ALLOW FOR AN INTERNAL SETBACK OF 1.5 M (5 FT.) (THERE MAY BE ADDITIONAL REQUIREMENTS REGARDING FIRE CODE)

8. DOWNSPOUTS, EXTENSIONS AND GROUND ELEVATIONS MUST BE IN PLACE SO THAT POSITIVE DRAINAGE IS AWAY FROM THE BUILDING. WATER MUST NOT CROSS INTO ADJACENT PROPERTIES. THE TOWN OF FORT MACLEOD RESERVES THE RIGHT TO REQUEST A DRAINAGE PLAN PROFESSIONALLY PREPARED BY A SURVEYOR OR ENGINEER SHOULD DRAINAGE PROBLEMS OCCUR.

CARRIED

b) 111-23- Open Sky Properties- Secondary suite (In new Dwelling)

M. 004-24 Moved by Member Brent Feyter that Development Application 111-23 to construct a 1085 sq. ft. two bedroom secondary suite with sunken patio in the lower portion of a single family dwelling (approved on Development permit 109-23), be APPROVED subject to the following conditions;

1. DEVELOPMENT MUST CONFORM TO THE APPLICATION SUBMITTED TO THE TOWN OF FORT MACLEOD AND TO SCHEDULE 2, RESIDENTIAL-R ; SCHEDULE 3, STANDARDS OF DEVELOPMENT SCHEDULE 4 ; USE SPECIFIC STANDARDS OF DEVELOPMENT; SECONDARY SUITES- SECTION 13 OF LAND USE BYLAW NO. 1882;
2. DRIVEWAY AND APPROACH STANDARDS/REQUIREMENTS SHALL BE REVIEWED WITH THE DIRECTOR OF OPERATIONS; please contact Wally Ola, Director of Operations for additional information.
3. PRIOR TO CONSTRUCTION, APPLICANT/CONTRACTOR MUST ACQUIRE BUILDING PERMIT FROM PARK ENTERPRISES. (Park Enterprises will require detailed engineered drawing/ plans);
4. APPLICANT/CONTRACTOR TO ACQUIRE ELECTRICAL, GAS, PLUMBING PERMITS FROM THE TOWN OF FORT MACLEOD AS REQUIRED.(Park Enterprises Ltd.)
5. SECONDARY SUITE SHALL MEET ALL APPLICABLE REQUIREMENTS OF THE ALBERTA FIRE CODE AND THE ALBERTA BUILDING CODE.;
6. IF IN THE CASE THAT THE FIRE OR BUILDING CODE REQUIREMENTS OR REQUIREMENTS OF THIS BYLAW ARE UNABLE TO BE MET, THE SECONDARY SUITE SHALL NOT BE USED FOR RENTAL PURPOSES AT ANYTIME WITHOUT PRIOR APPROVAL;
7. REFUSE AND GARBAGE STORAGE AREAS SHALL BE EFFECTIVELY SCREENED UNTIL SUCH TIME AS COLLECTION AND DISPOSAL ARE POSSIBLE;
8. DOWNSPOUTS AND EXTENSIONS MUST BE IN PLACE SUCH THAT POSITIVE DRAINAGE IS AWAY FROM THE BUILDING. WATER MUST NOT CROSS INTO ADJACENT PROPERTIES;
9. GROUND ELEVATIONS MUST BE SUCH THAT DRAINAGE WATER DOES NOT CROSS INTO ADJACENT PROPERTIES. THE TOWN OF FORT MACLEOD RESERVES THE RIGHT TO REQUEST A DRAINAGE PLAN PROFESSIONALLY PREPARED BY A SURVEYOR OR ENGINEER SHOULD DRAINAGE PROBLEMS OCCUR.
10. APPLICANT/CONTRACTOR TO ENSURE NO DAMAGE OCCURS TO EXISTING FENCES, NEARBY STRUCTURES, SIDEWALKS WALKWAYS OR ROADS AS A RESULT OF CONSTRUCTION, SHOULD THIS HAPPEN, APPLICANT WILL BE RESPONSIBLE TO REPAIR DAMAGES TO ORIGINAL CONDITION OR TO TOWN STANDARDS, WHICHEVER REPRESENTS THE BETTER DEVELOPMENT.
11. APPLICANT/CONTRACTOR SHALL ENSURE THAT CONSTRUCTION MATERIALS ARE CONTAINED ON THE SITE AND DO NOT CREATE A NUISANCE TO ADJACENT PROPERTIES.

CARRIED

Mitchell Beusekom left the meeting at 12:30 p.m.

4.0 SUBDIVISION APPLICATIONS

- a) 2023-0-158- 2503893 Alberta Ltd.
- b) 2023-0-159- 2503893 Alberta Ltd
- c) 2023-0-160- Westco

Planner, Gavin Scott presented the details on the subdivisions.

5.0 IN CAMERA DELIBERATIONS

a) Restrictive covenant review- Architectural controls

M. 005-24 Moved by Member Joe Rigaux to go in camera at 12:40 p.m.

CARRIED

Frank McTighe left the meeting at 12:40 p.m.

M. 006-24 Moved by Member Brent Feyter to come out of in camera at 12:50 p.m.

CARRIED

Frank McTighe re-entered the meeting at 12:50 p.m.

4.0 SUBDIVISION APPLICATIONS CONTINUED

a) 2023-0-158- 2503893 Alberta Ltd.

M. 007-24 Moved by Member Brent Feyter that the Residential subdivision of Lots 12-13, Block 315, Plan 92B within SW1/4 12-9-26-W4M (Certificate of Title No. 231 186 182 +1, 231 186 182 +2), to create three multi-unit lots approximately 0.05 acre (0.02 ha), from a title of 0.15 acres (0.06 ha) for residential use; BE APPROVED subject to the following:

CONDITIONS:

1. That, pursuant to Section 654(1)(d) of the Municipal Government Act, all outstanding property taxes shall be paid to the Town of Fort Macleod.
2. That, pursuant to Section 655(1)(b) of the Municipal Government Act, the applicant or owner or both enter into and comply with a Development Agreement with the Town of Fort Macleod which shall be registered concurrently with the final plan against the title(s) being created.
3. That a party wall agreement be established in accordance with the Land Titles Act for the common shared wall between the units, which shall be registered concurrently on title with the subdivision.
4. That the easterly 0.26 m of Lot 13, Block 315, Plan 92B be consolidated with proposed Lot 24 in a manner such that the resulting Certificate of Title could not be subdivided without the approval of the Subdivision Authority.
5. That the applicant provides a copy of architectural controls, to the satisfaction of the Subdivision Authority, and registered as a restrictive covenant concurrently on title with the final plan of subdivision. The document shall contain a requirement to maintain consistent type of exterior material and color for the shingles, siding, and trim.

REASONS:

1. THE PROPOSED SUBDIVISION IS CONSISTENT WITH THE SOUTH SASKATCHEWAN REGIONAL PLAN AND COMPLIES WITH BOTH THE MUNICIPAL DEVELOPMENT PLAN AND LAND USE BYLAW.
2. THE SUBDIVISION AUTHORITY IS SATISFIED THAT THE PROPOSED SUBDIVISION IS SUITABLE FOR THE PURPOSE FOR WHICH THE SUBDIVISION IS INTENDED PURSUANT TO SECTION 9 OF THE MATTERS RELATED TO SUBDIVISION AND DEVELOPMENT REGULATION.
3. ALBERTA TRANSPORTATION HAS AUTHORIZED THE SUBDIVISION AUTHORITY TO VARY THE REQUIREMENTS OF SECTION 18 AND 19 OF THE MATTERS RELATING TO SUBDIVISION AND DEVELOPMENT REGULATION TO ACCOMMODATE THE PROPOSAL.
4. IN ACCORDANCE WITH SECTION 654(2) OF THE MUNICIPAL GOVERNMENT ACT, THE SUBDIVISION APPROVAL AUTHORITY OF THE TOWN OF FORT MACLEOD GRANTED A WAIVER OF THE LAND USE BYLAW REQUIRED SIDE YARD SETBACK DISTANCE AND MINIMUM LOT SIZE.

5. THE SUBDIVISION AUTHORITY IS SATISFIED THAT WITH THE CONSOLIDATION, THE PROPOSED SUBDIVISION IS SUITABLE FOR THE PURPOSE FOR WHICH THE SUBDIVISION IS INTENDED AND MEETS THE INTENT OF THE SUBDIVISION POLICIES OF THE MUNICIPALITY'S LAND USE BYLAW.

CARRIED

b) 2023-0-159- 2503893 Alberta Ltd

M. 008-24 Moved by Member Joe Rigaux that the Residential subdivision of Lots 13-14, Block 315, Plan 92B within SW1/4 12-9-26-W4M (Certificate of Title No. 231 186 182 +2, 23.1 186 182 +3), to create three multi-unit lots approximately 0.05 acre (0.02 ha), from a title of 0.15 acres (0.06 ha) for residential use; BE APPROVED subject to the following: CONDITIONS:

1. THAT, PURSUANT TO SECTION 654(1)(D) OF THE MUNICIPAL GOVERNMENT ACT, ALL OUTSTANDING PROPERTY TAXES SHALL BE PAID TO THE TOWN OF FORT MACLEOD.
2. THAT, PURSUANT TO SECTION 655(1)(B) OF THE MUNICIPAL GOVERNMENT ACT, THE APPLICANT OR OWNER OR BOTH ENTER INTO AND COMPLY WITH A DEVELOPMENT AGREEMENT WITH THE TOWN OF FORT MACLEOD WHICH SHALL BE REGISTERED CONCURRENTLY WITH THE FINAL PLAN AGAINST THE TITLE(S) BEING CREATED.
3. THAT A PARTY WALL AGREEMENT BE ESTABLISHED IN ACCORDANCE WITH THE LAND TITLES ACT FOR THE COMMON SHARED WALL BETWEEN THE UNITS, WHICH SHALL BE REGISTERED CONCURRENTLY ON TITLE WITH THE SUBDIVISION.
4. THAT THE EASTERLY 0.21M OF LOT 14, BLOCK 315, PLAN 92B BE CONSOLIDATED WITH PROPOSED LOT 27 IN A MANNER SUCH THAT THE RESULTING CERTIFICATE OF TITLE COULD NOT BE SUBDIVIDED WITHOUT THE APPROVAL OF THE SUBDIVISION AUTHORITY.
5. THAT THE APPLICANT PROVIDES A COPY OF ARCHITECTURAL CONTROLS, TO THE SATISFACTION OF THE SUBDIVISION AUTHORITY, AND REGISTERED AS A RESTRICTIVE COVENANT CONCURRENTLY ON TITLE WITH THE FINAL PLAN OF SUBDIVISION. THE DOCUMENT SHALL CONTAIN A REQUIREMENT TO MAINTAIN CONSISTENT TYPE OF EXTERIOR MATERIAL AND COLOR FOR THE SHINGLES, SIDING, AND TRIM.

REASONS:

1. THE PROPOSED SUBDIVISION IS CONSISTENT WITH THE SOUTH SASKATCHEWAN REGIONAL PLAN AND COMPLIES WITH BOTH THE MUNICIPAL DEVELOPMENT PLAN AND LAND USE BYLAW.
2. THE SUBDIVISION AUTHORITY IS SATISFIED THAT THE PROPOSED SUBDIVISION IS SUITABLE FOR THE PURPOSE FOR WHICH THE SUBDIVISION IS INTENDED PURSUANT TO SECTION 9 OF THE MATTERS RELATED TO SUBDIVISION AND DEVELOPMENT REGULATION.
3. ALBERTA TRANSPORTATION HAS AUTHORIZED THE SUBDIVISION AUTHORITY TO VARY THE REQUIREMENTS OF SECTION 18 AND 19 OF THE MATTERS RELATING TO SUBDIVISION AND DEVELOPMENT REGULATION TO ACCOMMODATE THE PROPOSAL.
4. IN ACCORDANCE WITH SECTION 654(2) OF THE MUNICIPAL GOVERNMENT ACT, THE SUBDIVISION APPROVAL AUTHORITY OF THE TOWN OF FORT MACLEOD GRANTED A WAIVER OF THE LAND USE BYLAW REQUIRED SIDE YARD SETBACK DISTANCE AND MINIMUM LOT SIZE.
5. THE SUBDIVISION AUTHORITY IS SATISFIED THAT WITH THE CONSOLIDATION, THE PROPOSED SUBDIVISION IS SUITABLE FOR THE PURPOSE FOR WHICH THE SUBDIVISION IS INTENDED AND MEETS THE INTENT OF THE SUBDIVISION POLICIES OF THE MUNICIPALITY'S LAND USE BYLAW.

CARRIED

c) 2023-0-160- Westco

M. 009-24 Moved by Member Brent Feyter that the Industrial subdivision of Lot 2, Block 2, Plan 1811232 within SE1/4 12-9-26-W4M (Certificate of Title No. 181 266 379), to create two 1.55 acre (0.63 ha) lots, from a title of 3.11 acres (1.257 ha) for industrial use; BE APPROVED subject to the following:

RESERVE:

THE 10% RESERVE REQUIREMENT, PURSUANT TO SECTIONS 666 AND 667 OF THE MUNICIPAL GOVERNMENT ACT, BE PROVIDED AS MONEY IN PLACE OF LAND ON THE 3.11 ACRES AT THE ASSESSED VALUE OF \$46,302.25 PER ACRE WITH THE ACTUAL ACREAGE AND AMOUNT TO BE PAID TO THE TOWN OF FORT MACLEOD BE DETERMINED AT THE FINAL STAGE, FOR MUNICIPAL RESERVE PURPOSES.

CONDITIONS:

1. THAT, PURSUANT TO SECTION 654(1)(D) OF THE MUNICIPAL GOVERNMENT ACT, ALL OUTSTANDING PROPERTY TAXES SHALL BE PAID TO THE TOWN OF FORT MACLEOD.
2. THAT, PURSUANT TO SECTION 655(1)(B) OF THE MUNICIPAL GOVERNMENT ACT, THE APPLICANT OR OWNER OR BOTH ENTER INTO AND COMPLY WITH A DEVELOPMENT AGREEMENT WITH THE TOWN OF FORT MACLEOD WHICH SHALL BE REGISTERED CONCURRENTLY WITH THE FINAL PLAN AGAINST THE TITLE(S) BEING CREATED.
3. THAT THE PROPOSED WESTERLY LOT PROVIDE CORNER CUT-OFFS AGAINST 8TH AVENUE AS PART OF THE PLAN OF SURVEY.

REASONS:

1. THE PROPOSED SUBDIVISION IS CONSISTENT WITH THE SOUTH SASKATCHEWAN REGIONAL PLAN AND COMPLIES WITH BOTH THE MUNICIPAL DEVELOPMENT PLAN AND LAND USE BYLAW.
2. THE SUBDIVISION AUTHORITY IS SATISFIED THAT THE PROPOSED SUBDIVISION IS SUITABLE FOR THE PURPOSE FOR WHICH THE SUBDIVISION IS INTENDED PURSUANT TO SECTION 9 OF THE MATTERS RELATED TO SUBDIVISION AND DEVELOPMENT REGULATION.
3. ALBERTA TRANSPORTATION HAS AUTHORIZED THE SUBDIVISION AUTHORITY TO VARY THE REQUIREMENTS OF SECTION 18 AND 19 OF THE MATTERS RELATING TO SUBDIVISION AND DEVELOPMENT REGULATION TO ACCOMMODATE THE PROPOSAL.

CARRIED

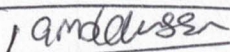
6.0 REPORTS, GENERAL REQUESTS, AND INFORMATION ITEMS

a) March meeting – request to reschedule to March 25th 2024
Small Boardroom 9:30 a.m.-11:30 a.m. Request granted.

b) Rosewood Villa SDAB- Appeal update/ Decision- For information only

7.0 ADJOURNMENT

Meeting was adjourned at 12:55 p.m.



David Arnoldussen, Chairperson



Keli Sandford, Development Officer
Recording Secretary