



AGENDA

A PUBLIC HEARING REGARDING THE BYLAWS OF THE TOWN OF TABER, IN THE PROVINCE OF ALBERTA, TO BE HELD IN THE COUNCIL CHAMBERS, ADMINISTRATION BUILDING, ON MONDAY, MARCH 26, 2018 AT 3:30 PM.

ITEM NO. 1. CALL TO ORDER

The Chair will explain the general procedure for the hearing, which may include:

- i) Informing the public of the 10 minute time limit for a speaker that has been established.
- ii) Informing that anyone speaking shall state their name for the record.

ITEM NO. 2. DP 18-09 DIRECT CONTROL DISTRICT

- i) Explanation of Purpose of DP 18-09 Direct Control District.
- ii) Presentation of Written or Oral Briefs **Against** the Proposed DP 18-09 Direct Control District.
- iii) Presentation of Written or Oral Briefs **For** the Proposed Bylaw DP 18-09 Direct Control District.

ITEM NO. 3. CLOSE OF MEETING

The Mayor shall declare the hearing closed and Council will deliberate the merits of the information and opinions provided at the Public Hearing.

Council Request for Decision	
Meeting Date: March 26, 2018	
Subject: DP 18-09 Direct Control District Public Hearing	
Recommendation:	That Council accepts the information presented at the Public Hearing for DP 18-09 regarding change of use in a direct control district as information.
Background:	<p>Administration has received a Development Permit application to move an existing Retail Sales business from a down town location to a highway location. The existing business is currently located at 5301 48 Avenue, and the applicant would like to move his business into the recently vacant building located at 5506 46th Avenue.</p> <p>As this parcel is zoned as Direct Control (DC -2) District the application must be brought before Council for the decision. As per Section 4.15.3 of Land Use Bylaw 14-2016, the following approval procedure must be followed for a development application in a Direct Control District:</p> <ol style="list-style-type: none"> 1. Before council considers an application for a use in the Direct Control District, they shall: <ol style="list-style-type: none"> a. Cause notice to be issued by the Development Officer in accordance with the notification procedures of Section 1.5.5 (Please see attached) of this bylaw to all those located within 100 metres of the boundaries of the property subject to the application. b. Hear any persons that claim to be affected by the decision on the application. 2. Council may then approve the application with or without conditions or refuse the application. <p>In order to meet the above requirements, Administration scheduled this Public Hearing to be held as part of the March 26, 2018 council meeting to allow for any comments or concerns from the community regarding the proposed change. Administration has also published this application in the News Paper for two consecutive weeks as well as circulated it to neighbours within 100m2. At this time no concerns have been raised.</p>
Legislation / Authority:	<p>Town of Taber Land Use Bylaw 14-2016 Sec., 4.15.3 (see above)</p> <p>Taber Municipal Development Plan Sec., 3.7.2(k) The Comprehensive Commercial Area is intended to accommodate uses that involve the sale of goods and services. Use that primarily involve the processing or</p>

	<p>manufacturing or shipping of materials will not be allowed within the Comprehensive Commercial Areas.</p> <p>Municipal Government Act Sec., 641(3) In respect of a direct control district, the council may decide on a development permit application or may delegate the decision to a development authority with directions that it considers appropriate.</p>
Strategic Plan Alignment:	Economic Goals #1: Create conditions for business success and economic development, taking advantage of the Town's unique climate and location in southern Alberta.
Financial Implication:	The applicant has paid the associated development permit fees.
Service Level / Staff Resource Implication:	The processing of development permit applications is part of the ongoing responsibilities of the Planning and Economic Development Department.
Justification:	The proposed development would allow for an existing resident business to grow and expand.
Alternative(s):	That Council refuses the application for a retail sales business located at 5506 46 th Ave., Lots 1-5, Block 21, Plan 6390L with reasons.



Attachment(s):	MGA Section 654 Redacted Development Permit Application DP 18-09 DP 18-09 Map
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APPROVALS:	
Originated By:	Emily Hembrough
Chief Administrative Officer (CAO) or Designate:	

- (b) the proposed development conforms with the use prescribed for that land or building in the land use bylaw.
1995 c24 s95;1996 c30 s58

Designation of direct control districts

641(1) The council of a municipality that has adopted a municipal development plan, if it wishes to exercise particular control over the use and development of land or buildings within an area of the municipality, may in its land use bylaw designate that area as a direct control district.

(2) If a direct control district is designated in a land use bylaw, the council may, subject to any applicable statutory plan, regulate and control the use or development of land or buildings in the district in any manner it considers necessary.

(3) In respect of a direct control district, the council may decide on a development permit application or may delegate the decision to a development authority with directions that it considers appropriate.

(4) Despite section 685, if a decision with respect to a development permit application in respect of a direct control district

- (a) is made by a council, there is no appeal to the subdivision and development appeal board, or
- (b) is made by a development authority, the appeal is limited to whether the development authority followed the directions of council, and if the subdivision and development appeal board finds that the development authority did not follow the directions it may, in accordance with the directions, substitute its decision for the development authority's decision.

1995 c24 s95;1996 c30 s59

Permitted and discretionary uses

642(1) When a person applies for a development permit in respect of a development provided for by a land use bylaw pursuant to section 640(2)(b)(i), the development authority must, if the application otherwise conforms to the land use bylaw, issue a development permit with or without conditions as provided for in the land use bylaw.

(2) When a person applies for a development permit in respect of a development that may, in the discretion of a development authority, be permitted pursuant to section 640(2)(b)(ii), the development authority may issue a development permit with or without conditions as provided for in the land use bylaw.



Application for Commercial/Industrial/
Public & Institutional Development

Planning and Economic Development
A-4900 50th St.
Taber, Alberta T1G 1T1
Phone: 403-223-6009
Fax: 403-223-5530

DP 18-009
Diamond Permit #:

Office Use Only			
Use: <input checked="" type="checkbox"/> Permitted <input type="checkbox"/> Discretionary <input type="checkbox"/> Prohibited	Land Use District: DC-2	Roll No:	
Development Permit No: 18-09	DP Fee:	Off-Site Levy:	Security Deposit:
Building Permit No:	BP Fee:	SCC Levy:	Total Fees:
Application Received: FEB 26/18	Date Advertised:	Permit Effective:	

- **Development Permit** – ensures the use, setbacks, and size of your project comply with the *Land Use Bylaw*.
- **Building Permit** – ensures that your project is completed safely and is a requirement of the *Safety Codes Act*.
- **It is recommended you review *Land Use Bylaw* requirements prior to submitting an application.**
- **A building permit is required for most major construction projects and an application should be submitted with your development permit when applicable.**
- **Electrical, gas, and plumbing permits can be obtained through Superior Safety Codes (403-320-0734).**
- **During construction it is your responsibility to contact the building inspector for required inspections.**
- **After the building inspector has reviewed your plans and issued a building permit you can begin construction.**
- **At the completion of the project, you will be required to update your *Real Property Report* to verify the project has been constructed in the correct location.**
- **Please attach the following:**
 - Site Plan (3 copies)
 - Plot Plan (3 copies)
 - Internal circulation/parking plan (3 copies)
 - Building Plan (3 copies)
 - Building Permit Application
 - Security Deposit (if applicable)
- **Please indicate if you will be applying for:**
 - Building Permit Application
 - Business License

I/We hereby make application for a commercial/industrial/public & institutional development permit under the provisions of Land Use Bylaw 14-2016 in accordance with the plans and supporting information submitted herewith and which forms part of this application.

Municipal Address:	5506 46 AVE T1G 2B1		
Legal Description of property to be developed:	Lot (Parcel): 1-5	Block: 21	Plan: 6390L
Applicant:	Name: BRUCE DE COSTA	Email:	
	Address:		
	Town: TABER	Postal Code: T1G 2B1	
	Phone Res: [REDACTED]	Phone Cell: [REDACTED]	
	Business License#:		
	Interest in the proposed development, if not the registered owner: <input type="checkbox"/> Agent <input type="checkbox"/> Contractor <input checked="" type="checkbox"/> Tenant <input type="checkbox"/> Other explain:		
Registered Owner: (if different than applicant)	Name: 1689191 AB LTD	Email: [REDACTED]	
	Address: [REDACTED]		
	Town: Taber	Postal Code: [REDACTED]	
	Phone Res:	Phone Cell: [REDACTED]	
Type of Development Proposed:	<input type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input type="checkbox"/> Public and Institutional <input type="checkbox"/> New Construction <input type="checkbox"/> Waiver <input checked="" type="checkbox"/> Change of Use <input type="checkbox"/> Addition <input type="checkbox"/> Renovation <input type="checkbox"/> Moved in Building <input type="checkbox"/> Other explain:		
Adjacent to Highway:	<input type="checkbox"/> Yes <input type="checkbox"/> No	Estimated Cost of Development:	
Lot Dimensions	Width:	Depth:	Area:
	Lot Coverage		
Proposed setback from property lines:	By proposed build (%):	Total site coverage (%):	Landscaped open space (%):
	Front:	Side 1:	Side 2:
Additional Information	Number of Units:	Number of Loading Spaces:	
	Number of Off-Street Parking Spaces:	Driveway Width:	

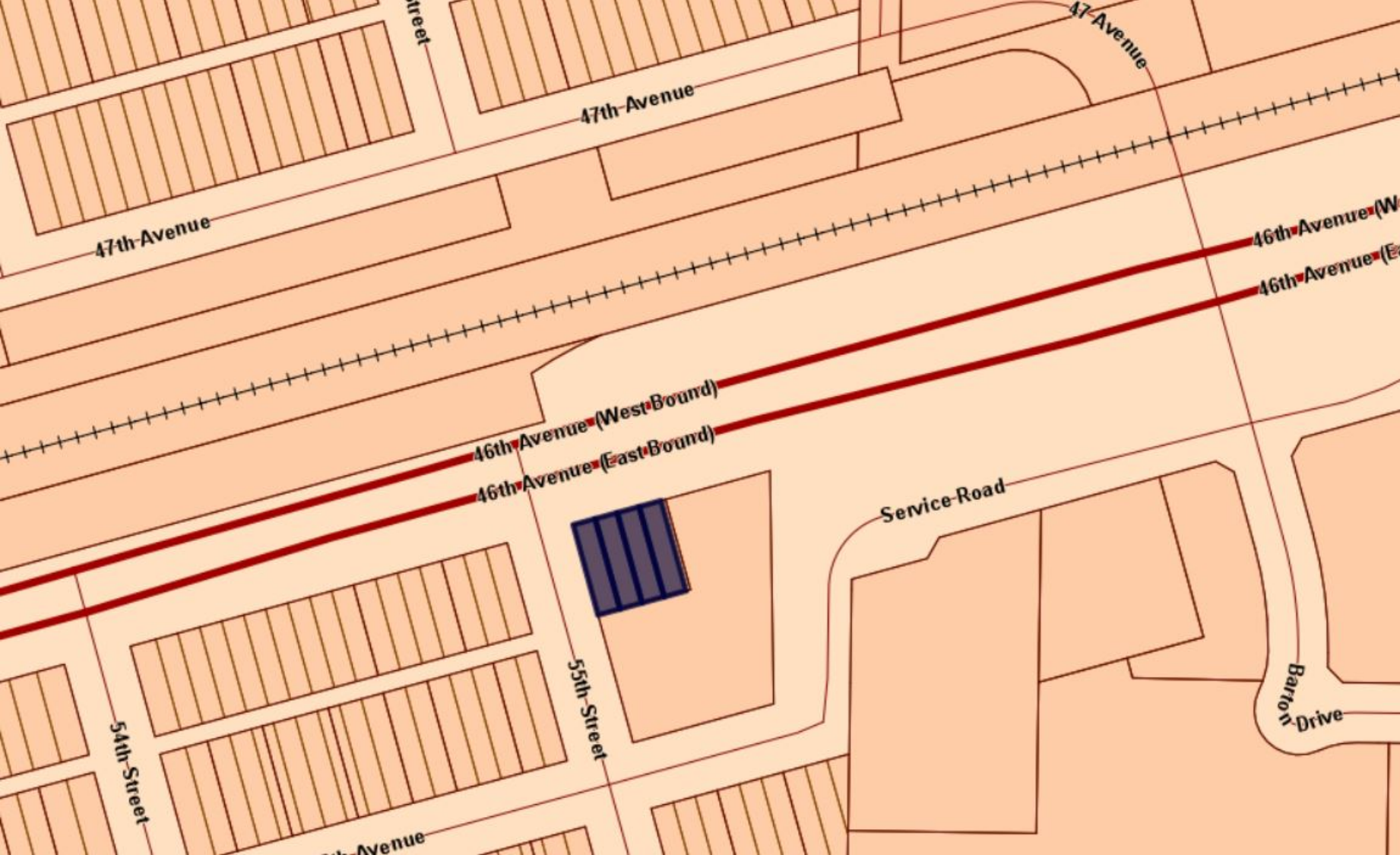
The personal information requested on this form is being collected for a development permit and is protected by the Freedom of Information and Protection of Privacy (FOIP) Act. If you have questions about the collection, contact our FOIP Coordinator at (403) 223-5500.

Business Information	On-Site <input checked="" type="checkbox"/> Off-Site/Mobile <input type="checkbox"/>		Proposed Signs: (Identify on site plan)	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
	Outdoor Storage: (Identify on site plan)	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Proposed Outdoor Lighting: (Identify on site plan)	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
	Flammable or Hazardous material on site:	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	If yes, attach a list of all materials and estimated quantities.		
	Potential environmental impacts or nuisance effects:	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	If yes, attach a description of potential impacts and their proposed mitigation plan		
Access:			Existing	Proposed	N/A
Provincial Highway # _____			<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Municipal Road			<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Internal Subdivision Road			<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Undeveloped Road Allowance			<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Private Road (i.e. Condominium)			<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other (specify): _____			<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Services:					
Water Supply	Municipally owned and operated piped water system		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Other (specify): _____		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sewage Disposal	Municipally owned and operated sanitary sewer system		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Other (specify): _____		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Storm Drainage	Municipal sewers		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Ditches		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Swales		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If development is temporary, state for what period: <u>N/A</u>					
Existing Use of Site: List existing buildings, structures and use(s) of the land and whether any are to be removed or relocated. <u>USED AUTO</u>					
Proposed Use of Site: Describe in detail - attach additional information if necessary. <u>RETAIL</u>					
Present Use of Adjacent Properties <u>Highway COMMERCIAL</u>					
Describe how vehicles will access the site: (submit an internal circulation/parking plan) <u>FROM HIGHWAY ACCESS</u>					
Describe the use, number, and size of all commercial vehicles accessing the site: <u>N/A</u>					

Signed: [Signature] Date: FEB 26/2018
Applicant

Signed: _____ Date: _____
Registered Owner (if different than applicant)

Signed: _____ Date: _____
Development Officer



47th Avenue

47th Avenue

47th Avenue

46th Avenue (W)

46th Avenue (E)

46th Avenue (West Bound)

46th Avenue (East Bound)

Service Road

Barton Drive

54th Street

55th Street

46th Avenue