

**MINUTES OF THE MEETING OF THE MUNICIPAL PLANNING COMMISSION OF
THE TOWN OF TABER, HELD IN THE COUNCIL CHAMBERS, ADMINISTRATION
BUILDING, MARCH 19, 2012 AT 4:30 P.M.**

PRESENT: Councilor John Papp
Raymond Sheen
Edwyn Ellingson
Councilor Louie Tams

ALSO PRESENT:
Gordon Frank, CAO, Town of Taber
Jill Koroluk- Development Officer
Lorraine Belanger - Planning and Economic Development Assistant

ITEM #1 - CALL TO ORDER

R. Sheen called the Meeting of the Municipal Planning Commission to order at 4:30 p.m.

ITEM #2 - ADOPTION OF THE AGENDA

MOVED by Councilor Papp that the Municipal Planning Commission adopt the agenda.

CARRIED UNANIMOUSLY

ITEM#3 - DELEGATIONS

Mike and Beverley Topilko
Joel Mills
Thomas Menard
Henk Urano

ITEM #4 - ADOPTION OF THE MINUTES

MOVED by E. Ellingson that the Municipal Planning Commission adopts the minutes of the Regular Meeting of the Municipal Planning Commission held on February 21, 2012.

CARRIED UNANIMOUSLY

ITEM #5- BUSINESS ARISING FROM THE MINUTES

None.

ITEM #6 - HOME OCCUPATION APPLICATIONS

None

ITEM #7A

**DP 12 17, Bossman's Music Hall & Rec. Centre, Bev Topilko;
4714 53rd St., Lot 9, Block 3, Plan 5638L
(Discretionary Use- DT, Downtown)**

J. Koroluk summarized the application.

Mike and Beverly Topilko spoke on behalf of their application and noted that their intent was to provide a safe environment for the local youth to gather. Their facility would have activities such as pinballs machines, pool tables and opportunities to participate in group music. There would be Saturday night dances in the facility and there would be active supervision by volunteer parents. The facility would have a no tolerance policy for drugs and alcohol.

Moved by Councilor Tams that the Municipal Planning Commission approve DP 12 17, Bossman's Music Hall & Rec. Centre, 4714 53rd St., Lot 9, Block 3, Plan 5638L with the following conditions:

1. The site to be developed as per the site plan submitted.
2. Must comply with Town of Taber licensing requirements.
3. Satisfactory inspection with Alberta Health Services.
4. The development conforms to the district requirements of the Downtown Commercial (DT) Land Use District.
5. The applicant must obtain a Building Permit to ensure the development complies with the Alberta Fire Code and Alberta Building Code. It shall be the responsibility of the applicant to obtain the necessary Building, Plumbing, Electrical and Gas permits.
5. All outstanding taxes, if any, are paid to the Town of Taber prior to proceeding with the development.
6. Prior to occupancy, the applicant will provide an Updated Real Property Report to the Town of Taber.

Carried Unanimously

ITEM #7B

**DP 12 12; Pro Performance Athletic Centre; Joel Mills; 5402 50 Av;
Lots 1-2, Block 8, Plan 5638L; (Discretionary Use- DT, Downtown)**

Councilor Tams excused himself from hearing this item as he is related to one of the building owners.

J. Koroluk summarized the application.

J. Mills spoke on behalf of the application. He noted that his intent was to open a friendly place for not only athletes but families. Boxing would be the main focus of the club, this activity would be in a separated area towards the back of the club. The front area of the club would be

a fitness facility. He further noted he would be doing boxing card promotions, but those activities would be in larger venues.

Moved by E. Ellingson that the Municipal Planning Commission approve application DP 12 12, Pro Performance Athletic Centre, 5402 50 Ave, Lots 1 and 2, Block 8, Plan 5638L with the following conditions:

- 1 The site to be developed as per the site plan submitted.
- 2 Must comply with Town of Taber licensing requirements.
- 3 Satisfactory inspection with Alberta Health Services.
- 4 The development conforms to the district requirements of the Downtown Commercial (DT) Land Use District.
- 5 The applicant must obtain a Building Permit to ensure the development complies with the Alberta Fire Code and Alberta Building Code. It shall be the responsibility of the applicant to obtain the necessary Building, Plumbing, Electrical and Gas permits.
- 6 All outstanding taxes, if any, are paid to the Town of Taber prior to proceeding with the development.
- 7 Prior to occupancy, the applicant will provide an Updated Real Property Report to the Town of Taber.

CARRIED UNANIMOUSLY

Item 8 – Information Items- Advice to Council- Land Use Bylaw Amendment- 5-2012; Block 2 and 3, Plan 7808A1; Thomas and Jean Menard

R. Sheen clarified that this item had been brought to MPC for information and for the MPC to make a recommendation to Council for a 2nd reading. He emphasized he wanted T. Menard to have an opportunity to have his application heard. He further noted he felt there were 2 issues that would require careful consideration

- 1- Issues such as services, development stages
- 2- Land stability

R. Sheen then asked T. Menard to summarize his comments to approx. 10 minutes as the package that had been presented to MPC was quite lengthy and had been read in advance by the members.

J. Koroluk summarized the application.

T. Menard agreed to keep his comments to under 10mins and then presented the commission with 2 documents.

- 1- Excerpt from the geo technical study he had commissioned. (he wanted it noted that this was part of his application and showed the a topographical map with building set backs)
- 2- Ruling from APPI in regard to J. Coughlin

T. Menard then noted that he was requesting to have his \$600 application fee waived.

E. Ellingson expressed concerns over the following items

- a- Though the application was for re-zoning and development conditions would be considered later, it was difficult to separate the 2 issues.
- b- As the land was located in the furthest corner of Taber and there likely would not be services for 75-100 yrs, concerns about septic issues had to be noted.
- c- He had concerns that the issue of services had not been fully addressed. Though the engineer had noted a private septic system could be used, these systems vary widely and not enough specific details had been provided on this item and there could be a risk of waste water making its way to MD Park.
- d- Additional moisture from other household uses could also make its way into the park.
- e- Alberta Health had noted the land was not suitable for development.
- f- T. Menard did not intend to develop the property himself, but to have it rezoned for sale purposes, how would development conditions on this unique situation be flagged to potential purchasers and Town Staff?
- g- Snow removal and garbage pick up were also not fully addressed by T. Menard. If the Town were to allow development on this land, the administrative "hassle" could be very expensive for Administration. He quoted part of Mr. Menards letter in regard to the "Town would have to re-calculate the cost of services" for these items and if setting this kind of special precedent for one person should be allowed or had any larger benefit to the Town.
- h- Given the costs to bring the land to a sellable state and the long list of caveats that may need to be attached with the land, this parcel could end up being difficult to sell and T. Menard may not see the profit he initially projected.
- i- Allowing T. Menard to re-zone to DC does not guarantee the land can ever be developed.
- j- Examples of slope failure in Redcliff and Lethbridge years after approvals were given could leave the Town at risk many years from now with no recourse.

T. Menard responded to E. Ellingson's questions with the following points

- 1- He was not an engineer, but trusted his consultants recommendation that a suitable septic solution could be found
- 2- Alberta Health's concerns were not relevant as his land slopes to the north
- 3- His engineer had recommended the land is suitable for some development and his application should not be denied out of fear.
- 4- He bought the land as he thought it was quite attractive and would be a good place to put a home and felt others would have the same feeling
- 5- His consultant had recommended future homeowners could investigate entering into a ploughing/ garbage pick up arrangement with the Town as this was often a standard servicing arrangement.
- 6- Any of the conditions could be passed onto future buyers.

G. Frank noted to the commission that the application they were being asked to comment on was for re-zoning only and if DC (Direct Control District) was a suitable designation for the land owned by T. Menard. If MPC felt this answer was yes, then they should note the same to council. If there was another designation that would be more appropriate then is a suggestion that should be made to council.

Discussion regarding access from Thelma Street to the sites was raised. G. Frank confirmed that Thelma Street legally exists and is owned by the Town, but it is not physically developed, the access currently to the sites may or may not be accurately represented at this time. He noted that in the development phase, this issue would have to be addressed as part of a development agreement. Additionally, there would have to be survey work done to establish the exact boundaries.

H. Urano noted his concerns with access and Thelma Street.

T. Menard noted that the original subdivision in 1911 created the road and this roadway had not changed with the exception of some modifications to Highway 864 on the portions that run north and south.

R. Sheen noted the following concerns;

- a- He expressed that given the height of the grass, garbage burning, near by oil wells and the distance of the lots to 50 St that a fire situation could be quite serious in the area. Adding homes to area may very well exacerbate the situation .
- b- Conditions and caveats for development may be lost between generations of purchasers and staff.
- c- Relations between the oil company and future residents may not always be amicable and allowing T. Menard to re-zone to Direct Control may not be the best option.
- d- Referencing the comments from Associated Engineering it may be unreasonable for excess water to be reasonably controlled
- e- He shares the same concerns noted by R. Cressman and the MD of Taber on slope stability. Other concerns related to water were in regard to floods or breaks from pivots in the area.
- f- In his opinion the best option would be to leave the land zoned in its current designation.
- g- T. Menard has had many opportunities to present his point of view and dialogue could go on for a substantial amount of time with no further result.

T. Menard responded that having a resident in the area may help deter vandals. He noted he was concerned that he had not had a chance to respond to all points.

G. Frank reminded the group that further debate on the issue will be brought forth at the public hearing and that the commission needed only to make a recommendation on the re-zoning not the development issues at this time.

Councilor Tams noted that at the end of the day, the application has to go to Council so the Menards can get a final answer on their land. There must be a great deal of homework done before any development can occur.

Moved by Councilor Tams that the Municipal Planning Commission give 2nd reading to Bylaw 2012.

CARRIED

ITEM NO 9. OTHER BUSINESS

No discussion

ITEM NO 10. MEDIA ENQUIRIES

None.

ITEM No 11. CLOSE OF MEETING

MOVED by E. Ellingson that this meeting of the Municipal Planning Commission be closed.

CARRIED UNANIMOUSLY AT 6:19 P.M.



CHAIRMAN