

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, NOVEMBER 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. DEVELOPMENT PERMIT NO. 18-101

- i) Explanation of Purpose of Proposed Development Permit No. 18-101.
- ii) Presentation of Written or Oral Briefs **Against** the Proposed Development Permit No. 18-101.
- iii) Presentation of Written or Oral Briefs **For** the Proposed Development Permit No. 18-101.

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: November 26, 2018

Subject: DP 18-101 Direct Control District Cannabis Retail Public Hearing

Recommendation:

That Council accepts the information provided at this public hearing relating to application for a Development Permit 18-101 for a Change of Use/Tenancy for a Cannabis Retail location at 5506 46 Ave.

Background:

Administration has received a Development Permit application for a Cannabis Retail business located at 5506 46th Avenue.

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:

1. Before council considers an application for a use in the Direct Control District, they shall:
 1. Cause notice to be issued by the Development Officer in accordance with the notification procedures of Section 1.5.5 of this bylaw to all those located within 100 meters of the boundaries of the property subject to the application.
 2. 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.

In order to meet the above requirements, Administration has advertised a Public Hearing to be held prior to the regular council meeting on November 26, 2018, to allow for any comments or concerns from the community regarding the proposed retail cannabis business. Administration has circulated the required notices to neighbors within a 100 meter perimeter of the proposed location and placing advertisements in two editions of the Taber Times prior to the November 26, 2018 meeting.

The location selected for this Development Permit application is in the existing Reckless Vape Shop south of Highway 3. The applicant will be applying for the AGLC license once approval of the DP is in place. The vape shop will be renovated and the Cannabis Retail shop will take its place. In the future, the applicant plans to build a new store for the vape shop.



Legislation / Authority:	<p>Town of Taber Land Use Bylaw 14-2016 Sec., 4.15.3</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 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:	Develop community and promote growth.
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:	To allow for a new retail opportunity within the Town.
Alternative(s):	Council could decline to accept the information provided at the Public Hearing.

Attachment(s):	<p>Application form</p> <p>Plans</p> <p>Existing building elevations</p> <p>LUB 14-2016 - Direct Control DC-2</p> <p>Aerial</p> <p>Mail Out Map</p>
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	Notices Public Notice
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APPROVALS:	
Originated By:	Phyllis Monks
Chief Administrative Officer (CAO) or Designate:	



TOWN OF
TABER

Application for Commercial/Industrial/
Public & Institutional Development

DP 18-101
Diamond Permit #:

Planning and Economic Development

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

Office Use Only			
Use: <input type="checkbox"/> Permitted <input checked="" type="checkbox"/> Discretionary <input type="checkbox"/> Prohibited	Land Use District: DC-2	Roll No: 4555010	Security Deposit:
Development Permit No: 18-101	DP Fee:	Off-Site Levy:	Total Fees:
Building Permit No:	BP Fee:	SCC Levy:	
Application Received: OCT 15	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)
- **Please indicate if you will be applying for:**
 - Building Permit Application
 - Business License
 - Building Plan (3 copies)
 - Building Permit Application
 - Security Deposit (if applicable)

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		
Legal Description of property to be developed:	Lot (Parcel):	Block:	Plan:
	1 Through 5	21	6390L
Applicant:	Name:	Email:	
	BRUCE R DE COSTER	bruce.decoster@hotmail.com	
	Address:	Postal Code:	Phone Cell:
	5506 46 AVE	T1G 2B1	
	Town:	Business License#:	
	TABER		
	Phone Res:	Business License#:	
	403 929 2309		

Interest in the proposed development, if not the registered owner:
 Agent Contractor Tenant Other explain:

Registered Owner: (if different than applicant)	Name:	Email:
	Franz Klassen	lubex47@gmail.com
	Address:	Postal Code:
	5332-46ave	T1G-2A8
	Town:	Phone Cell:
	Taber	897-3182

Type of Development Proposed:	<input checked="" 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 checked="" type="checkbox"/> Renovation <input type="checkbox"/> Moved in Building
<input type="checkbox"/> Other explain:	

Adjacent to Highway:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Estimated Cost of Development:	3000
Lot Dimensions	Width: 32M	Depth: 31M	Area: 992M
Lot Coverage	By proposed build (%): 6 Total site coverage (%): 6 Landscaped open space (%):		
Proposed setback from property lines:	Front: Existing	Side 1: Existing	Side 2: Existing
Additional Information	Number of Units: 1	Number of Loading Spaces: 1	Driveway Width: NA

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	Off-Site/Mobile	On-Site	Proposed Signs: (Identify on site plan)		Yes
	Outdoor Storage: (Identify on site plan)	Yes No	<input type="checkbox"/>	<input checked="" type="checkbox"/>	No Yes
Flammable or Hazardous material on site:	Yes No	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Potential environmental impacts or nuisance effects:	Yes No	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
					<input checked="" type="checkbox"/>
Access:					
Provincial Highway # <u>3</u>			Existing	Proposed	N/A
Municipal Road			<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Internal Subdivision Road			<input 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Ditches		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Swales		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
If development is temporary, state for what period: <u>NO</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>Retail</u>					
Proposed Use of Site: Describe in detail - attach additional information if necessary.					
<u>Commercial Retail</u>					
Present Use of Adjacent Properties					
<u>Vacant and Hawk Kong Gardens across the street</u>					
Describe how vehicles will access the site: (Submit an internal circulation/parking plan)					
<u>Existing Access</u>					
Describe the use, number, and size of all commercial vehicles accessing the site:					
<u>NA</u>					

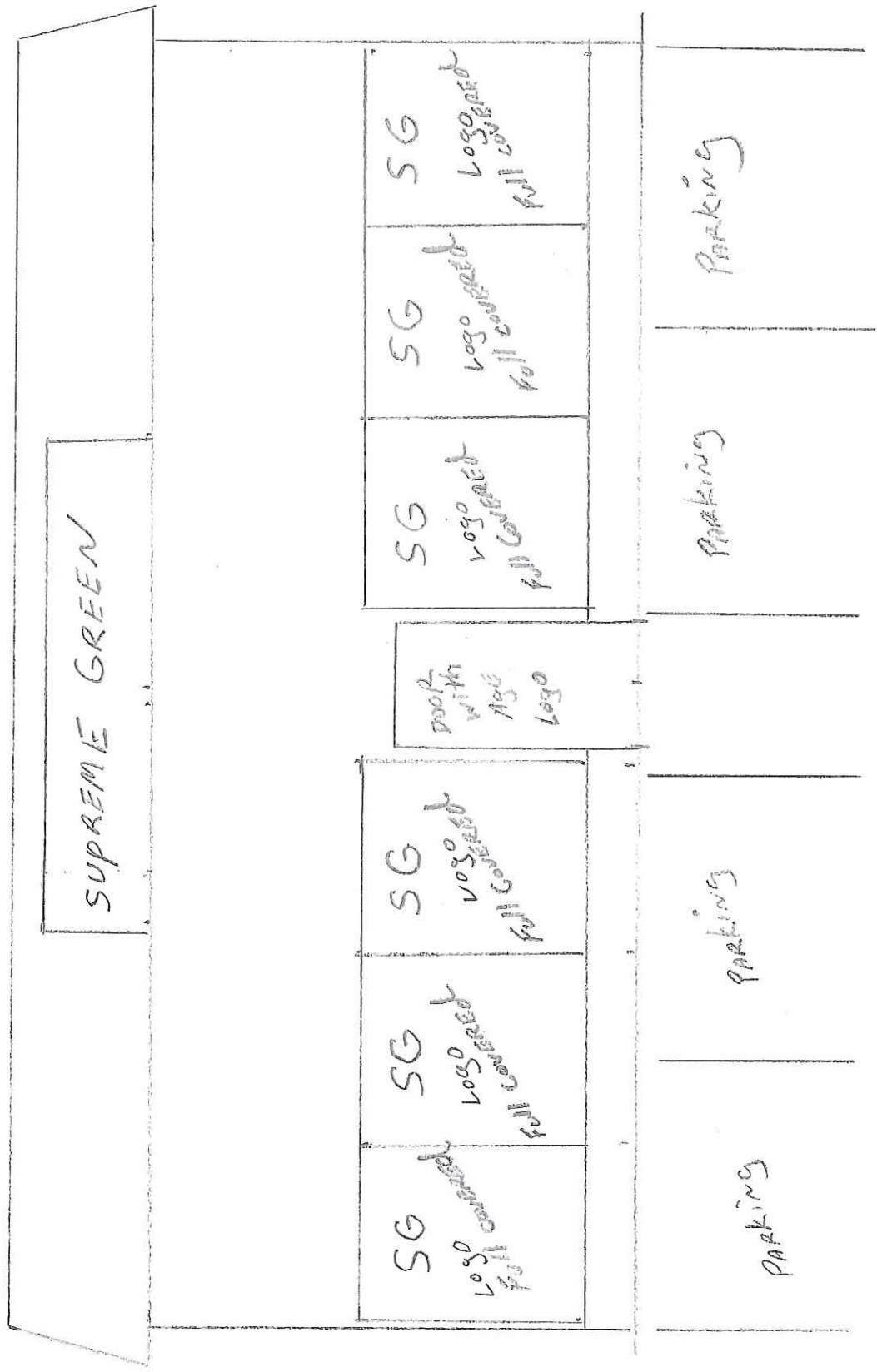
Signed: [Signature] Applicant Date: Oct 11/2018

Signed: [Signature] Registered Owner (if different than applicant) Date: Oct 11/2018

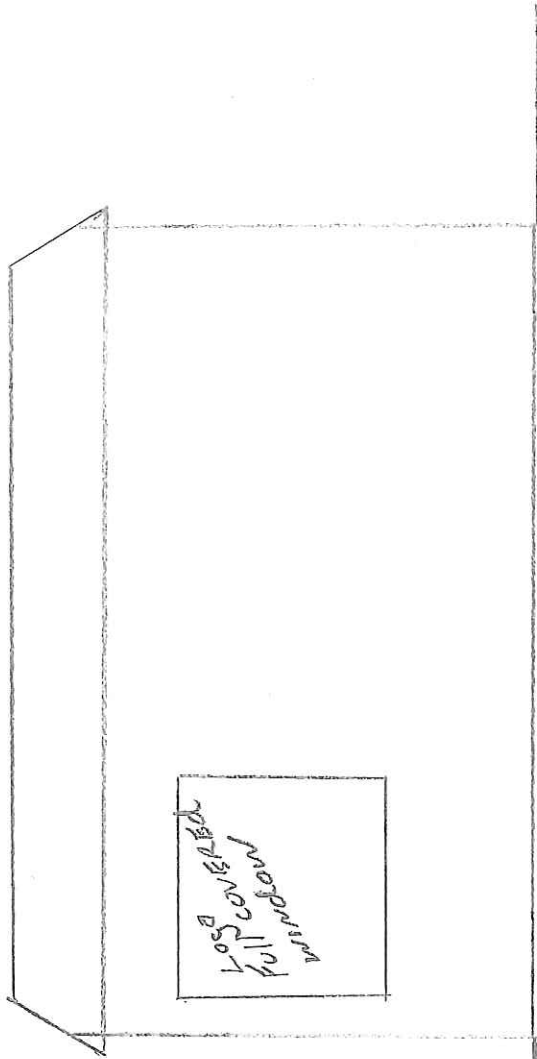
Signed: _____ Development Officer Date: _____

STORE NAME: SUPREME GREEN

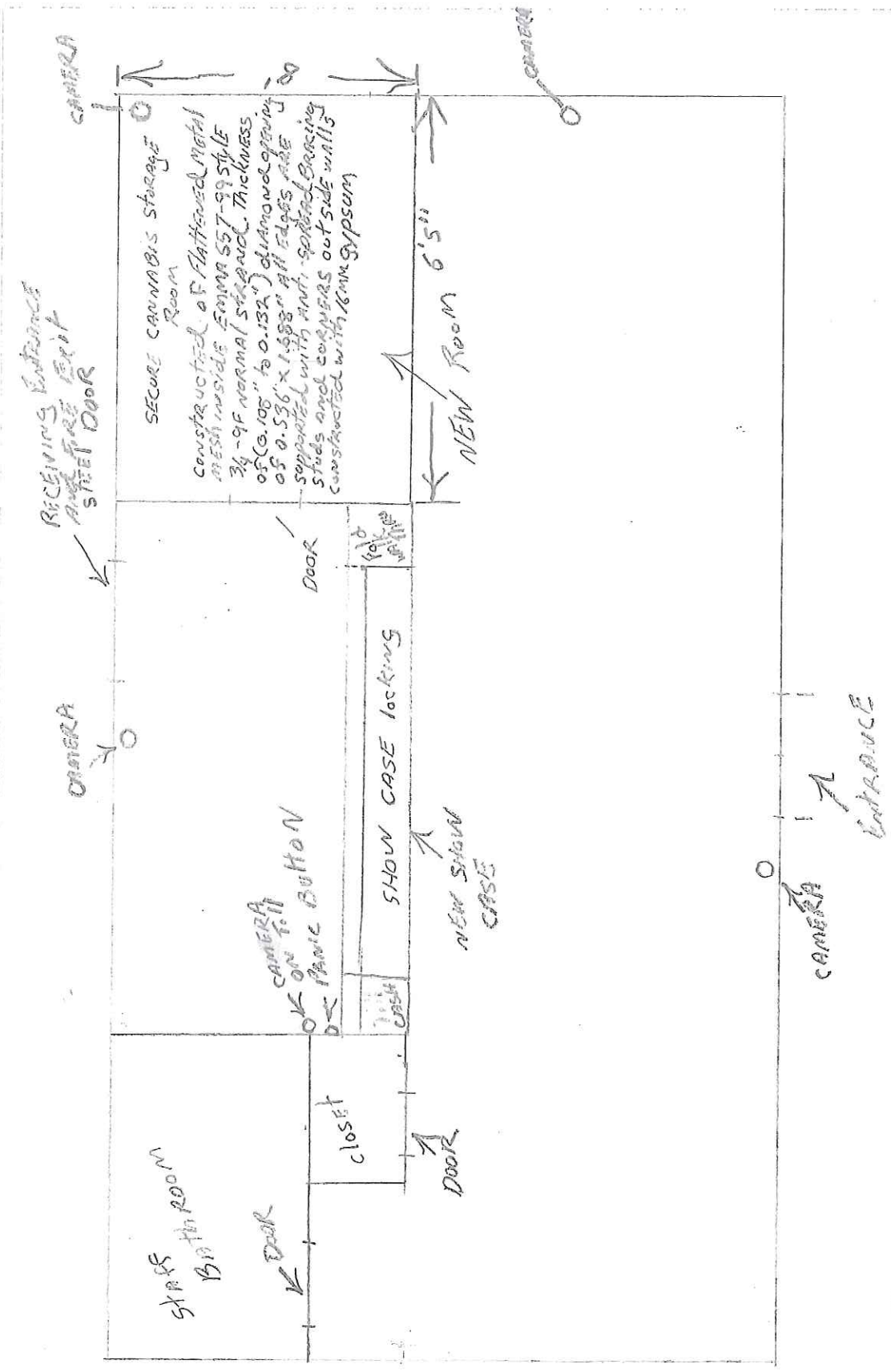
FRONT VIEW



WEST VIEW



WEST END
OPEN DIRT PARKING
APPROX. 4 PARKING SPACES



Floor Plan



Reckless Vape Shop

RV
Reckless Vape

RV
Reckless Vape

RV
Reckless Vape

RV
Reckless Vape

RV
Reckless Vape

SUNNY WE'RE
CLOSED



Reckless Vape
Shop





Reckless Vape Shop

RECKLESS
VAPE SHOP
100% LEGAL
BY THE WAY OF TEXAS

CAUTION



SOMY WERE
vibes
Reckless Vape Shop

Reckless Vape Shop

RECKLESS VAPE SHOP
PARKING ONLY

NEED A NEW PURCHASE
FOR HEATER HEATERS
FINANCING AVAILABLE
CALL 402-223-4339

4.15 DIRECT CONTROL DISTRICT (DC)

4.15.1 Purpose

The purpose of a Direct Control District is to provide for:

- (a) uses that due to their character cannot be effectively accommodated in the standard districts in this Bylaw and require that unique regulations be applied to the use by Council; or
- (b) innovative land use controls that cannot be legally or practically introduced through a standard land use district.

4.15.2 Requirements

- (1) Each Direct Control District will be different and will contain uses and standards and decision-making procedures specific to the proposed development.
- (2) In order to distinguish one Direct Control District from another, each district will be identified on the Land Use Maps by its own unique DC suffix in sequential order beginning with the first Direct Control District approved by Council labelled as DC1.
- (3) In applying for a Direct Control District, an applicant will need to provide written reasons why a standard land use district in the Land Use Bylaw is considered to be inappropriate to accommodate the proposal and why Direct Control is required.

4.15.3 Approval Procedure for a Development Permit

- (1) Before council considers an application for a use in the Direct Control District, they shall:
 - (a) Cause notice to be issued by the Development Officer in accordance with the notification procedures of Section 1.5.5 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.

4.17 DIRECT CONTROL DISTRICT 2 (DC-2)

4.17.1 Purpose

To facilitate development on the subject parcel in consideration of Council being the development authority due to irregular parcel dimensions.

4.17.2 Uses

Those uses designated as permitted and discretionary in the Comprehensive Commercial District (CC).

4.17.3 District Requirements

Minimum Lot Area:	As per the approval of Town of Taber Council
Minimum Lot Width:	As per the approval of Town of Taber Council
Minimum Front Yard:	As per the approval of Town of Taber Council
Minimum Rear Yard:	As per the approval of Town of Taber Council
Minimum Side Yard:	As per the approval of Town of Taber Council
Building Height:	As per the approval of Town of Taber Council
Maximum Coverage	As per the approval of Town of Taber Council
Minimum Landscaped Area:	10%

4.17.4 Special Requirements – Landscaping

Further to the landscape requirements contained in Section 3 – General Provisions, landscaping shall be determined as follows:

- (a) All areas not covered by buildings and parking shall be landscaped. Protective barriers with a minimum height of 15 cm (6 inches) shall be placed around all landscaped areas.
- (b) The minimum landscaped area shall be concentrated in front yards, but additional landscaping may be required in other yards to separate uses or to provide buffers or screening from other uses or roads. All landscaping shall be identified on the site plan.
- (c) Final landscaping plans shall be approved by the Development Officer prior to installation of plant materials.

4.17.5 Special Requirement: Storage Areas

All storage areas shall be appropriately fenced or screened. All sites abutting Residential Districts shall be screened from view of the Residential District to the satisfaction of the Development Authority. All storage shall be accessory to the main use of the land or main building on the site and shall comply with the yard and setback requirements of this Section. “Outdoor storage” may be allowed only as an accessory use; exclusive or primary use of lots for “outdoor storage” is not permitted in this district.

4.17.6 Special Requirements: Parking

Further to the parking requirements found in Section 3 – General Regulations, all required parking, circulation, and access areas shall be paved with a hard, durable weather resistant surface.

4.17.7 Special Requirement: Building Location and Front Yard

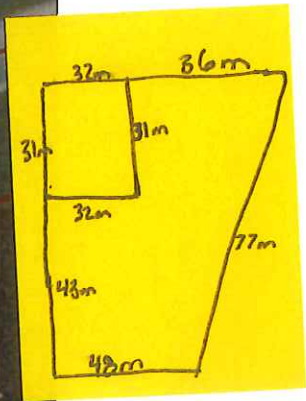
Notwithstanding any other provision in this Bylaw, the yard of any lot abutting a highway shall be deemed to be the front yard. The front of all buildings should face the front yard. Where, in the opinion of the Development Authority, this is not possible or practical for the effective development of a site, those exterior walls of buildings that must face the highway shall have special façade treatment. This treatment shall be to the satisfaction of the Development Authority.

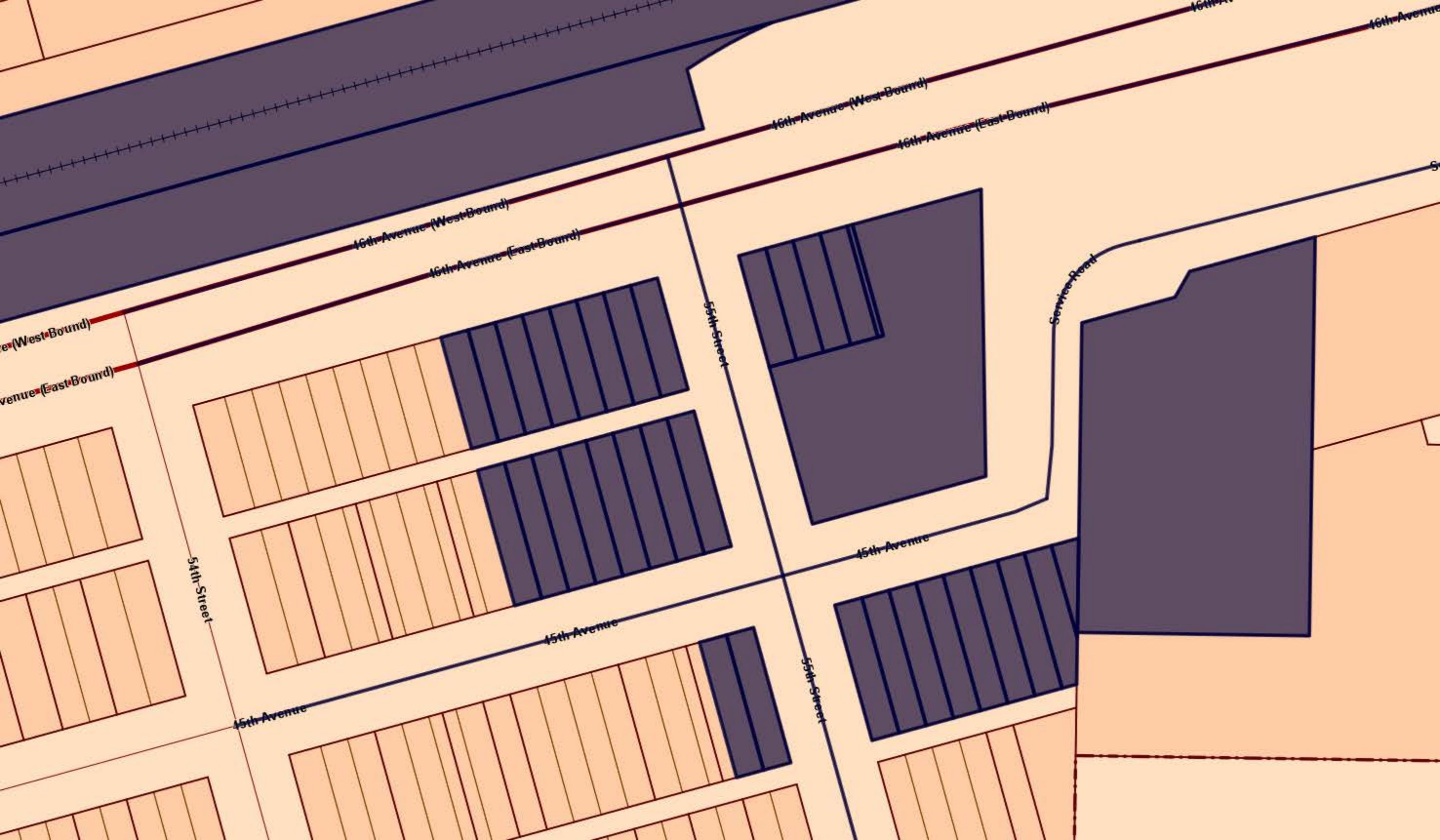
4.17.8 Special Requirements – Site Plan and Development Agreement

All applications for a development permit shall provide a detailed site plan for the proposed development. The site plan shall include all information required on “Form A” and Section 2.7 of this Bylaw. For those applications approved, the proponents shall enter into a Development Agreement with the Town to ensure that the conditions of the Development Permit are fulfilled to the satisfaction of the Town.

4.17.9 Other Requirements

All other requirements shall be as Council deems necessary.







November 19th, 2018

HAND DELIVERED

To Whom It May Concern,

This letter is a courtesy notification as you have property within a 100 meters of a proposed development and we wish to give you the opportunity to comment on this project.

The Town of Taber has received a development permit application for a Cannabis Retail business located at **5506 46th Ave.**

As this proposed development is within the Direct Control (DC-2) District the application must be brought before Council for the decision. This proposal is being circulated to you and other surrounding neighbours in accordance with the development process for a permit application in a direct control district.

Please see the attached advertisement for more information regarding the Public Hearing prior to a decision.

If you have any questions or concerns regarding this application or you would like more information on the Public Hearing please call us at (403)-223-5500 ext. 6003 prior to noon, Monday, November 26, 2018.

Regards,

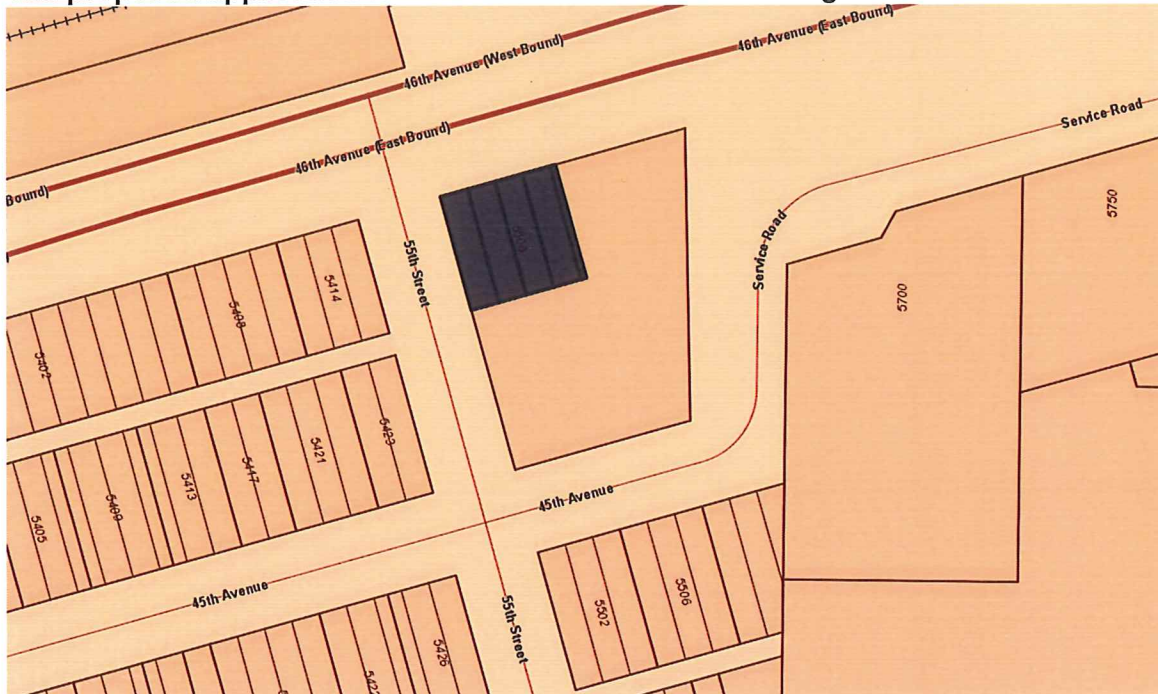
Grace Noble
Development Officer
Town of Taber

Public Notice
Development Permit Application
DP 18-101 Bruce DeCoste/ 1879874 Alberta Ltd. O/A Supreme Green

Take notice the Town of Taber has received a Development Permit Application for a Cannabis Retail Store located at 5506 46 Ave.

A public hearing and discussion of the proposed application will be held on Monday, November 26, 2018 at 3:30PM in the Town Council Chambers, Administration Building, A4900 – 50th Street, Taber, Alberta.

The proposed application is for the site indicated in the diagram below.



Copies of the proposed application will be available at the Town Office, A4900 – 50th Street, Taber, Alberta.

If you have comments or concerns regarding the proposed development, Council would like to hear from you. All those who are interested or affected, are invited to attend the Public Hearing to comment or ask questions about the proposed application or any other related matters.

If you are unable to attend the Public Hearing but would like to submit your comments/concerns in writing, please submit them to the Planning and Economic Development Office no later than noon, Monday, November 26, 2018.

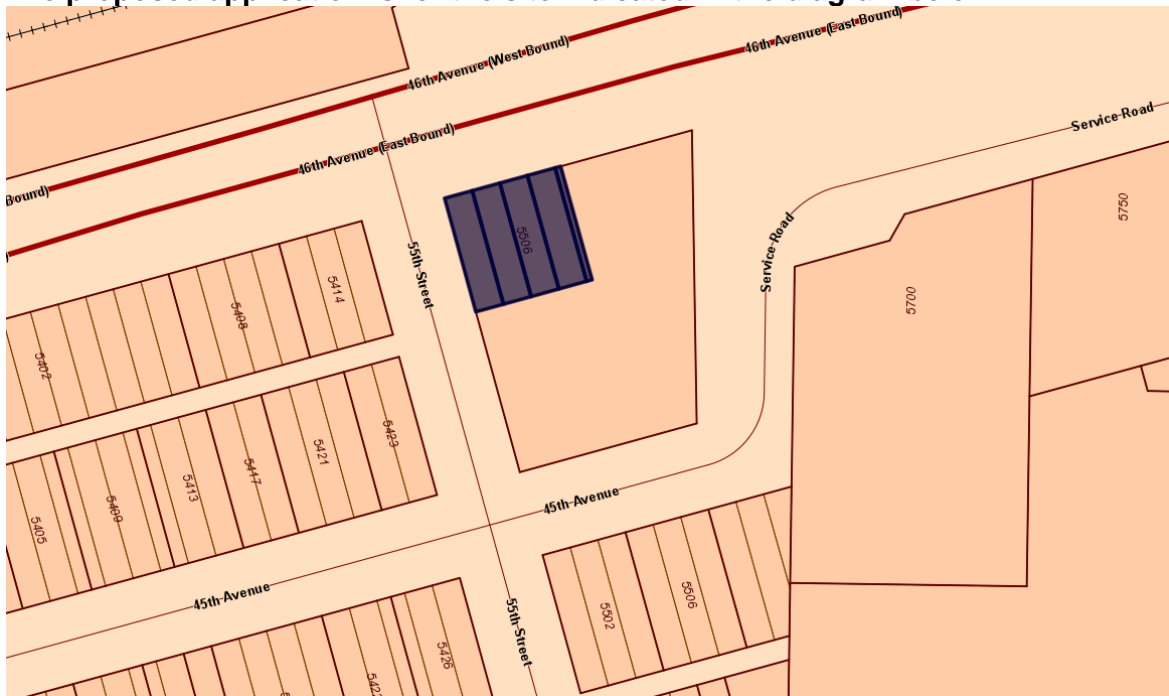
Any questions regarding this development can be directed to:
Grace Noble
Development Officer
Phone: (403)-223-5500 ext. 6003
Email: grace.noble@taber.ca

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