

## **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 TUESDAY, NOVEMBER 12, 2019 AT 3:30 PM.

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### **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 19-066 DIRECT CONTROL DISTRICT**

- i) Explanation of Purpose of Proposed DP 19-006 Direct Control District.
- ii) Presentation of Written or Oral Briefs **Against** the Proposed DP 19-006 Direct Control District.
- iii) Presentation of Written or Oral Briefs **For** the Proposed DP 19-006 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: November 12, 2019**

**Subject:**

DP 19-066 Public Hearing: Heide's Auto

**Recommendation:**

That Council accepts for consideration the information provided at this public hearing for the development of a used automotive sales business in the Direct Control District (DC-2) located at 5508 46<sup>th</sup> Avenue Lot 23, Block 21, Plan 1410557.

**Background:**

Administration has received a Development Permit Application to locate a Used Automotive Sales business within a Direct Control District (DC-2) located at 5508 46<sup>th</sup> Avenue. The development would be situated in the northeastern portion of the parcel, and include:

1. The installation of hard surfacing through the development area;
2. Construction of a berm with bio-swale for managing drainage on-site, as per requirements laid out by Taber Irrigation District;
3. The installation of a chain link fence with slats to provide a visual buffer between the business and residences to the south;
4. Four (4) customer parking stalls;
5. Approximately sixteen (16) spots for sales vehicles;
6. A 16' by 8' move-on sales office.

Attached is the development permit application for the proposed business, along with a site plan for the development that would take place on site if approved.

As this parcel is zoned as a Direct Control District (DC-2), the application must be brought before Council for a decision. As per Section 4.15.3 of Land Use bylaw 14-2016, the following approval procedure must be followed for a development permit 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 metres 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 circulated project information to all land owners within 100 metres of the proposed development and placed an advertisement for the public hearing in the Taber Times on October 30<sup>th</sup> and November 6<sup>th</sup>, 2019. Administration now requests that Council considers the information provided during this public hearing.

**Legislation / Authority:**

Section 4.15.3(1)(b) of Taber's Land Use Bylaw 14-2016 requires that Council shall "hear and persons that claim to be affected by the decision on the application" for a development in a Direct Control District before considering an application.

**Strategic Plan Alignment:**

Develop Community & Promote Growth – Develop new economic initiatives.

**Financial Implication:**

The applicant will pay for all 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:**

Allowing the public hearing would ensure the proper development process is being followed.

**Alternative(s):**

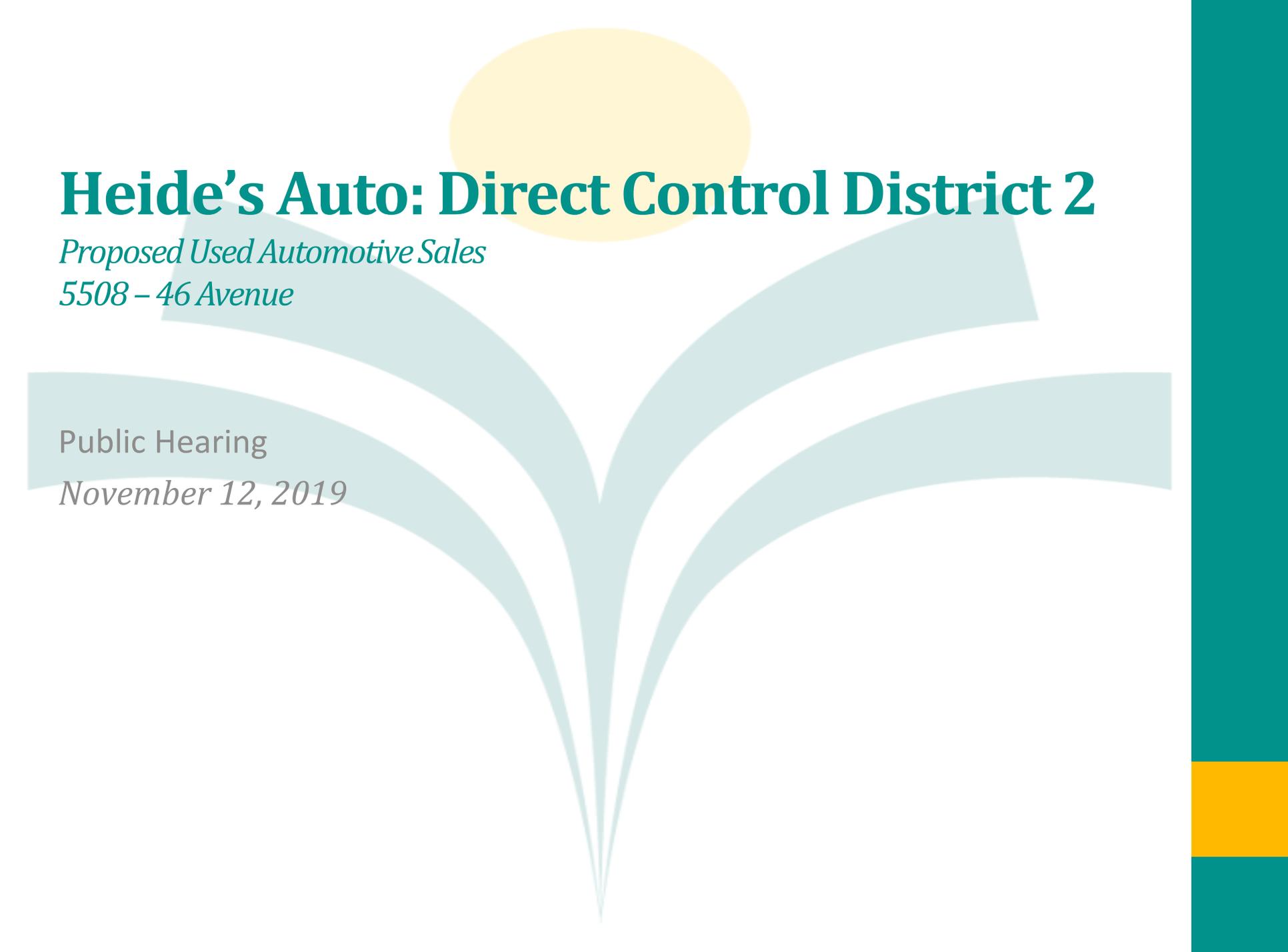
That Council does not consider the public hearing.

Attachment(s): DP 19-066 - Public Hearing Powerpoint  
Bylaw No. 14-2016 - Direct Control District Excerpt  
DP 19-066 - Development Permit Application  
DP 19-066 - Site Plan  
DP 19-066 - Site Plan 3D  
DP 19-066 - Move-On Office Image

**APPROVALS:**

**Originated By:**  
Rob Janzen

**Chief Administrative Officer (CAO) or Designate:** \_\_\_\_\_



# Heide's Auto: Direct Control District 2

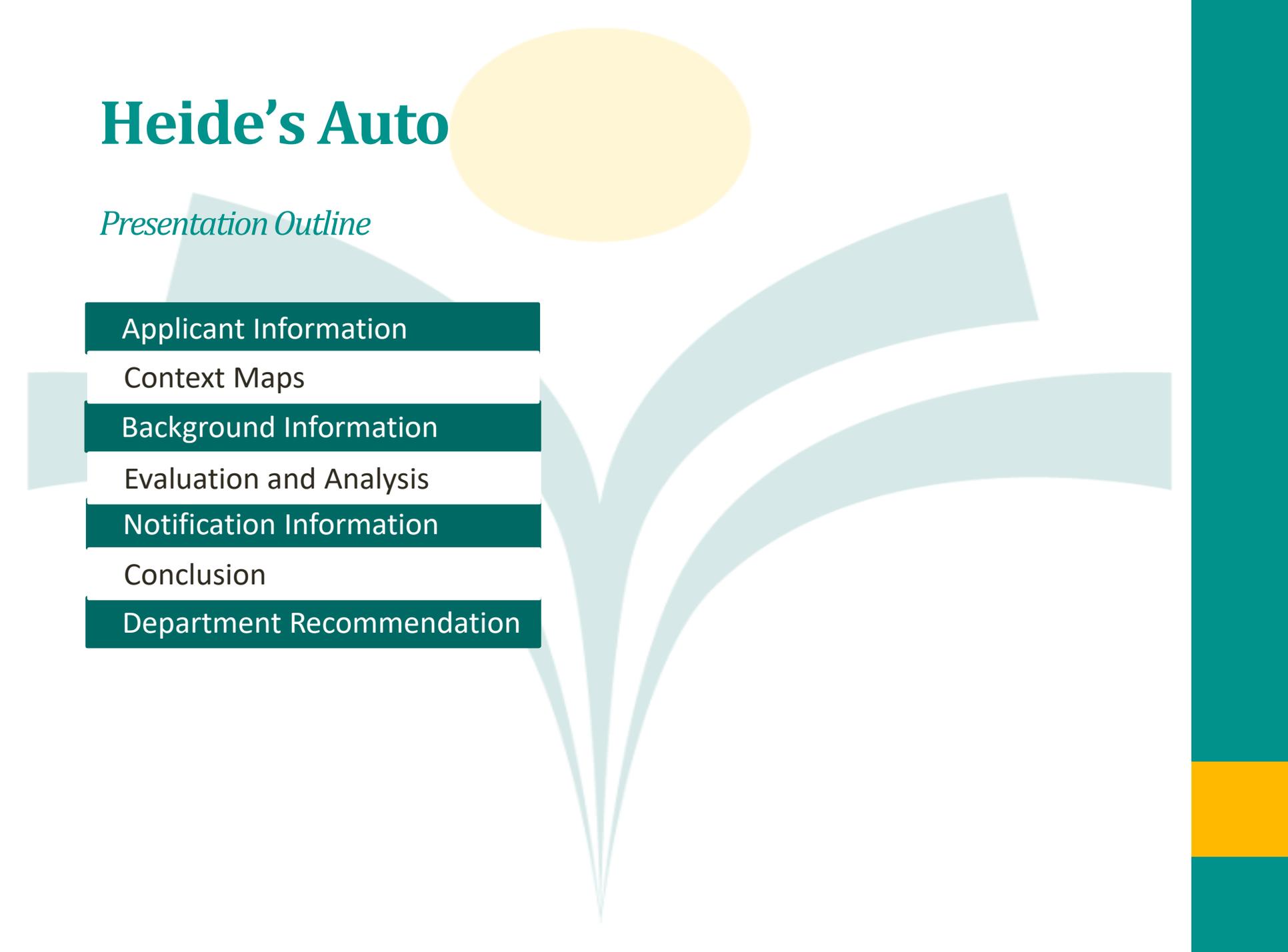
*Proposed Used Automotive Sales*

*5508 – 46 Avenue*

Public Hearing

*November 12, 2019*

# Heide's Auto



## *Presentation Outline*

Applicant Information

Context Maps

Background Information

Evaluation and Analysis

Notification Information

Conclusion

Department Recommendation

# Heide's Auto

## *Applicant Information*

Applicant

David Klassen of Heide's Auto

Purpose

Place a used automotive sales dealership on the northeast corner of the lot

Current Land Use District(s)

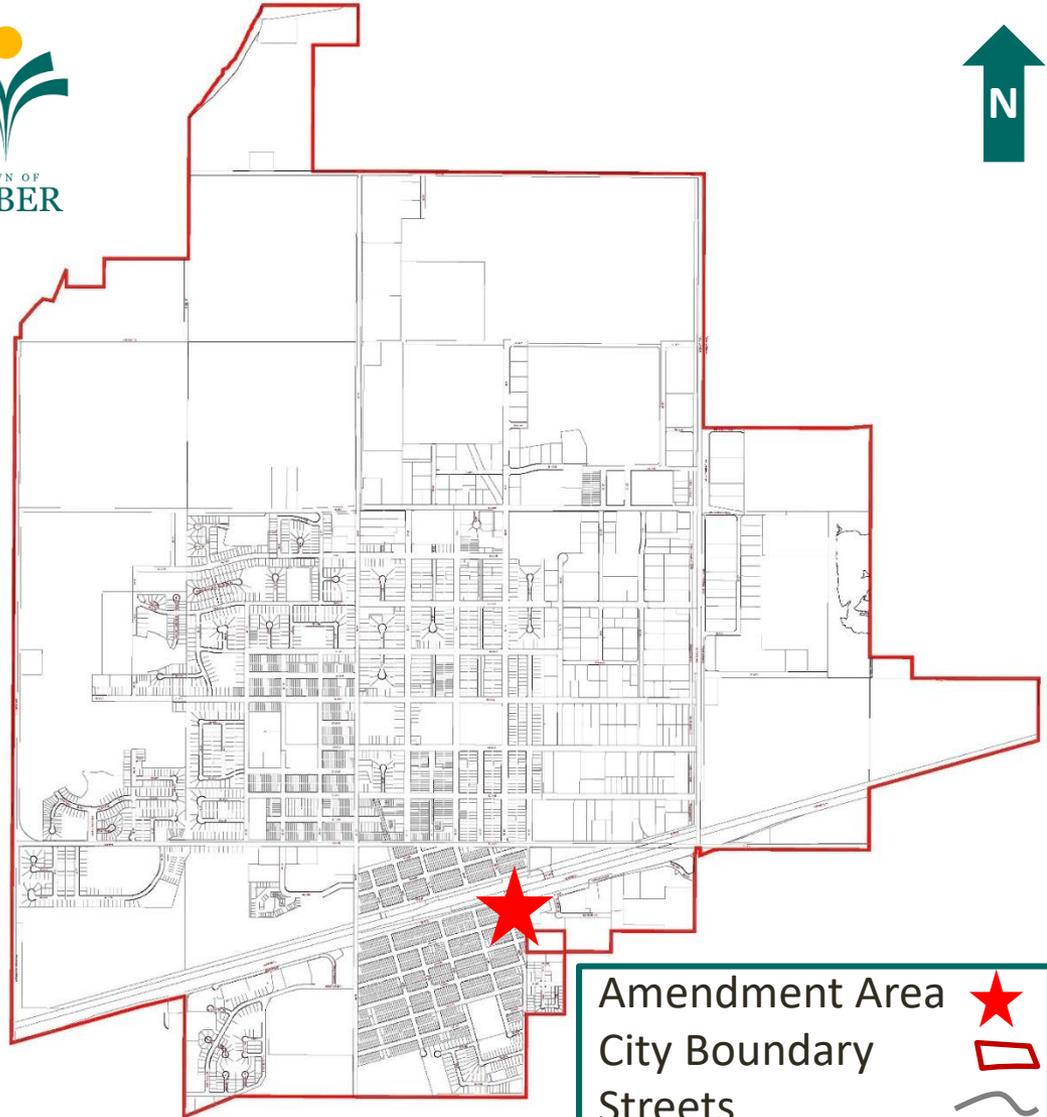
Direct Control District 2 (DC-2)

Proposed Land Use

Automotive Sales

# Heide's Auto

*General Location*

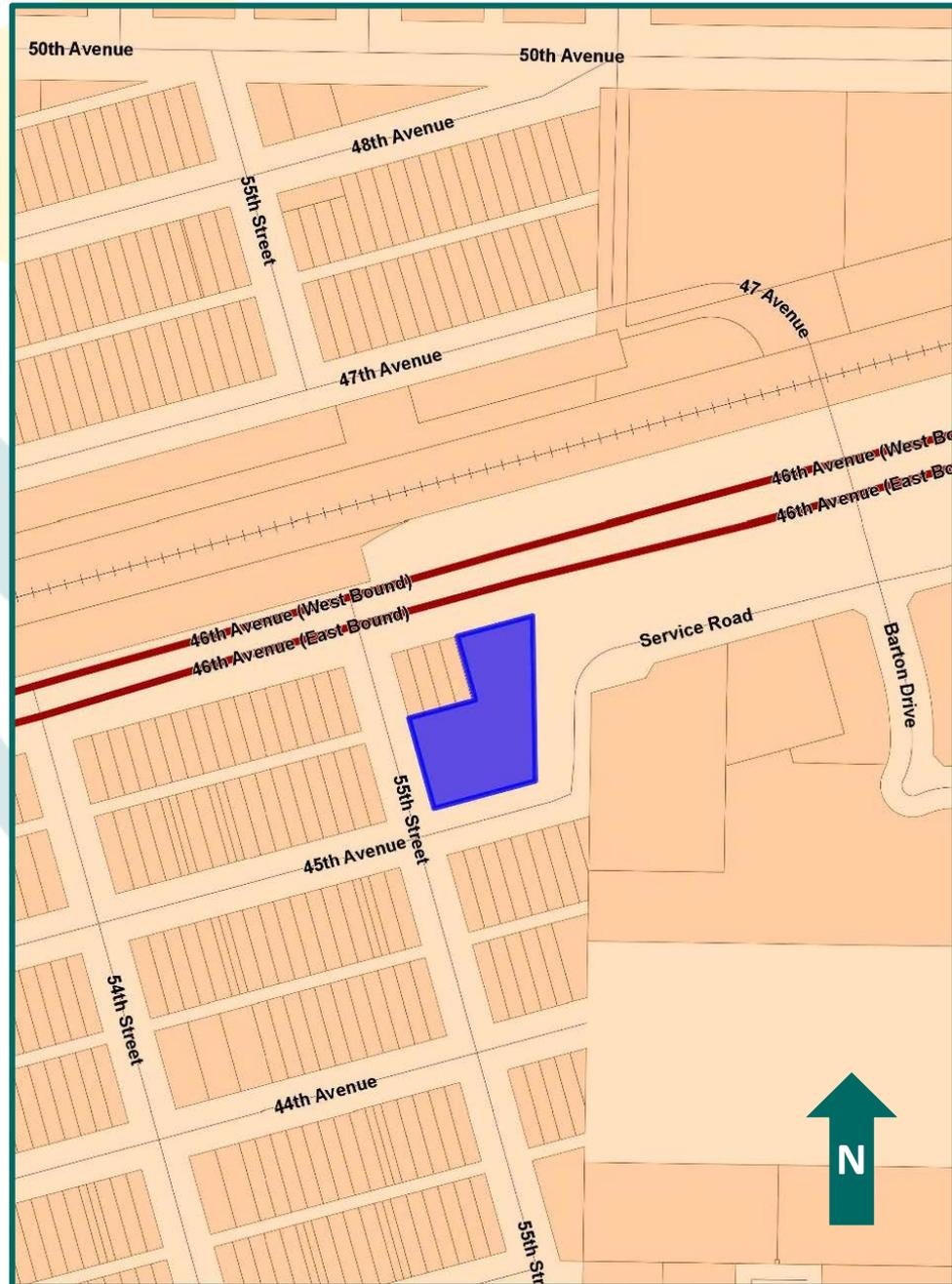


- Amendment Area 
- City Boundary 
- Streets 

# Heide's Auto

## *Parcel Location*

The proposed location for Heide's Auto is 5508 46<sup>th</sup> Avenue, which is bounded by 55<sup>th</sup> Street to the west, Highway 3 to the North, and a service road (45<sup>th</sup> Avenue) along the south and east sides.



# Heide's Auto

## *Satellite Image*

Heide's Auto has proposed that they will locate in the northeastern area of the parcel.



# Heide's Auto

## Site Photo



Site photo: Looking south from Highway 3

# Heide's Auto

## *Background Information*

### Existing/Relevant Planning Documents

### Compliance

- Taber Land Use Bylaw No. 14-2016  
The proposed use is a Discretionary Use as per Section 4.17.2.
- Town of Taber Municipal Development Plan  
The proposed development meets the goals and policies listed for Commercial Areas as laid out in Section 3.7.
- Municipal Government Act  
The development application is following the required processes for a Discretionary Use as per Section 641.

# Heide's Auto

## *Background Information*

### Location Details

- The site is owned by 1689191 Alberta Ltd., and is currently vacant.
- The site is currently composed of a mix of gravel, asphalt and grass.
- Previous uses of the site include a used auto dealership and a water filling station.

# Heide's Auto

## *Background Information*

### Proposed Elements

- 16' by 8' office trailer;
- 4 public parking spots;
- Berm with bio-swale along the eastern portion of the development area to manage drainage on-site, as per requirements laid out by Taber Irrigation District;
- Chain link fence with slats along the southern edge of the development area;
- Space for approximately 16 used cars for sale.



# Heide's Auto

## *Notification Information*

### Notification Information

- A notification with project details was sent to all landowners within 100 metres of the proposed site.
- Newspaper advertisements regarding the proposed development were placed in the Taber Times on October 30<sup>th</sup> and November 6<sup>th</sup>.



100 metre radius around site

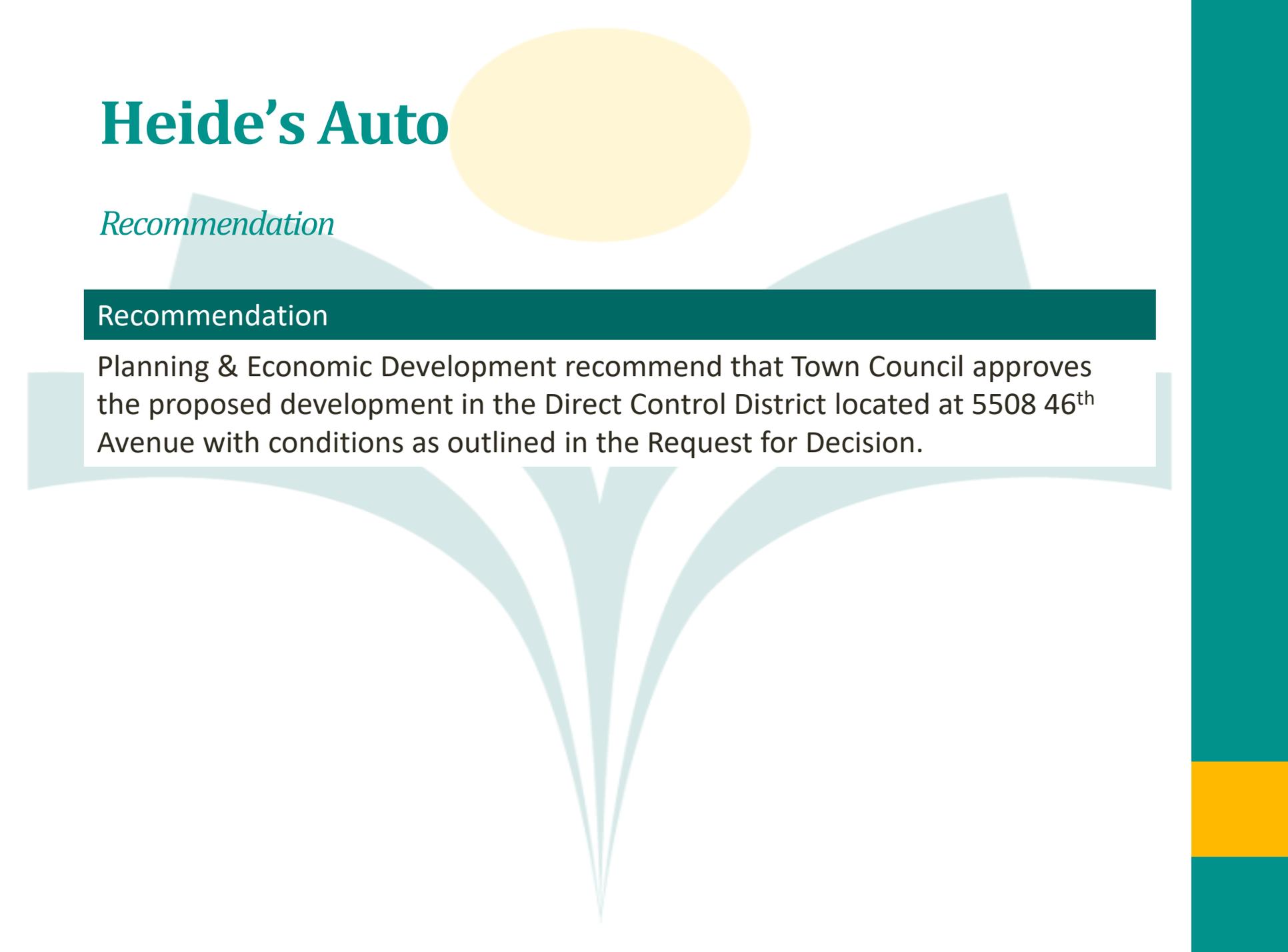
# Heide's Auto

## *Conclusions*

### Conclusions

- The proposed development complies with the Town of Taber's Land Use Bylaw 14-2016, the Municipal Development Plan, and the Municipal Government Act.
- No adverse impacts to existing infrastructure and surrounding are expected if the proposed development is approved.
- Given that the proposed development is located in a Direct Control District, Council approval is required prior to issuing a Development Permit.

# Heide's Auto



## *Recommendation*

### Recommendation

Planning & Economic Development recommend that Town Council approves the proposed development in the Direct Control District located at 5508 46<sup>th</sup> Avenue with conditions as outlined in the Request for Decision.

## **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.

#### 4.16 DIRECT CONTROL DISTRICT 1 (DC-1)

This DC-1 District is hereby given the following unique direct control requirements:

<b>Minimum Lot Area:</b>	1 hectare
<b>Maximum Lot Density:</b>	One house per approved lot
<b>Minimum Setback from Top of Bank:</b>	To be determined after the Town's review and acceptance of a geotechnical engineering report with appropriate technical recommendations prepared by a qualified professional geotechnical engineer. Town council may retain a professional engineer either to conduct a geotechnical report or complete a peer review of an existing report and advise council accordingly, with respect to both top of bank and minimum setback for all buildings from the top of bank.
<b>Maximum Height:</b>	10.5 meters
<b>Minimum Landscaped Area:</b>	All landscaped areas shall be designed and maintained in accordance with the relevant recommendations from the geotechnical report.
<b>Minimum Front Yard:</b>	10.0 meters (subject to geotechnical study unless recommended otherwise)
<b>Minimum Rear Yard:</b>	20.0 meters or more (if recommended by the accepted geotechnical study)
<b>Minimum Side Yard:</b>	3.0 meters

All other district requirements shall be as Council deems necessary.

## 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.



Application for Commercial/Industrial/  
Public & Institutional Development

Planning and Economic Development

A-4900 50<sup>th</sup> St.

Taber, Alberta T1G 1T1

Phone: 403-223-6009

Fax: 403-223-5530

DP 19-066

Diamond Permit #:

Office Use Only			
Use: <input type="checkbox"/> Permitted <input type="checkbox"/> Discretionary <input type="checkbox"/> Prohibited	Land Use District:	Roll No:	
Development Permit No:	DP Fee:	Off-Site Levy:	Security Deposit:
Building Permit No:	BP Fee:	SCC Levy:	Total Fees:
Application Received:	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.

<b>Municipal Address:</b>			
<b>Legal Description of property to be developed:</b>	Lot (Parcel):	Block:	Plan:
<b>Applicant:</b>	Name: <b>Heide's Auto</b>	Email: [REDACTED]	
	Address: [REDACTED]		
	Town: [REDACTED]	Postal Code: [REDACTED]	
	Phone Res: [REDACTED]	Phone Cell: [REDACTED]	
	Business License#: <b>in progress</b>		
	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:		
<b>Registered Owner:</b> (if different than applicant)	Name: <b>1689191 AB LTD</b>	Email: [REDACTED]	
	Town: <b>Taber AB</b>	Postal Code: [REDACTED]	
	Phone Res: [REDACTED]	Phone Cell: [REDACTED]	
<b>Type of Development Proposed:</b> ? <input type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input type="checkbox"/> Public and Institutional			
<input type="checkbox"/> New Construction <input type="checkbox"/> Waiver <input type="checkbox"/> Change of Use			
<input type="checkbox"/> Addition <input type="checkbox"/> Renovation <input type="checkbox"/> Moved in Building			
<input type="checkbox"/> Other explain: <b>Used auto dealer</b>			
<b>Adjacent to Highway:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>Estimated Cost of Development:</b>	<b>N/A</b>	
<b>Lot Dimensions</b>	Width:	Depth:	Area:
	<b>Lot Coverage</b>	By proposed build (%):	Total site coverage (%):
<b>Proposed setback from property lines:</b>	Front:	Side 1:	Side 2:
			Rear:
<b>Additional Information</b>	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.

<b>Business Information</b>	On-Site	<input checked="" type="checkbox"/>	Proposed Signs: (Identify on site plan)	Yes	<input checked="" type="checkbox"/>	
	Off-Site/Mobile	<input type="checkbox"/>		No	<input type="checkbox"/>	
	Outdoor Storage: (Identify on site plan)	Yes	<input checked="" type="checkbox"/>	Proposed Outdoor Lighting: (Identify on site plan)	Yes	<input type="checkbox"/>
		No	<input type="checkbox"/>		No	<input checked="" type="checkbox"/>
	Flammable or Hazardous material on site:	Yes	<input type="checkbox"/>	If yes, attach a list of all materials and estimated quantities.		
		No	<input checked="" type="checkbox"/>			
	Potential environmental impacts or nuisance effects:	Yes	<input type="checkbox"/>	If yes, attach a description of potential impacts and their proposed mitigation plan		
		No	<input checked="" type="checkbox"/>			

<b>Access:</b>		<b>Existing</b>	<b>Proposed</b>	<b>N/A</b>
	Provincial Highway # <u>3</u>	<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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Undeveloped Road Allowance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Private Road (i.e. Condominium)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Other (specify):	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Services:</b>				
<b>Water Supply</b>	Municipally owned and operated piped water system	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Other (specify):	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Sewage Disposal</b>	Municipally owned and operated sanitary sewer system	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Other (specify):	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Storm Drainage</b>	Municipal sewers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Ditches	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Swales	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

If development is temporary, state for what period: \_\_\_\_\_

**Existing Use of Site:** Vacant lot  
List existing buildings, structures and use(s) of the land and whether any are to be removed or relocated.

**Proposed Use of Site:** Store vehicles + office shack for used vehicle dealer  
Describe in detail - attach additional information if necessary.

**Present Use of Adjacent Properties:** Vape shop

**Describe how vehicles will access the site:** Access off 46th Ave (service road)  
(submit an internal circulation/parking plan)

**Describe the use, number, and size of all commercial vehicles accessing the site:** \_\_\_\_\_

Signed: \_\_\_\_\_ Date: August 21, 2019

Signed: \_\_\_\_\_ Date: 09/14/19

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

Development Officer





