



Municipal Planning Commission Meeting Agenda

October 4, 2018, 6:45 pm – 7 pm



1. CALL TO ORDER
2. ADOPTION OF AGENDA
3. ADOPTION OF MINUTES

3.1 Adoption of May 10, 2018 Municipal Planning Commission Minutes

4. UNFINISHED BUSINESS
5. NEW BUSINESS

5.1 Development Permit Application 2018-11
Location: 4932 50th Street (Lots 4-5, Block 7, Plan RN97)

Summary: A Permitted Use permit application requiring variances to the amount of parking and loading spaces required to accommodate a Medical Services Clinic.

6. DELEGATIONS: None
7. ADJOURNMENT

Municipal Planning Commission Report

Date: September 19, 2018

Site Description:

Legal Description: Lots 4-5, Block 7, Plan RN97

Civic Address: 4932 – 50th Street, Killam AB

Applicant: Dr. Samuel Ogbeide

Landowner: Dr. Samuel Ogbeide

Site Area: Approximate 528 m² (5680 sf)

Development Proposal:

The Applicant, is proposing the development of a Medical Services Clinic, the following are the specifics of the proposed development:

1. **Change of Use – Medical Service Clinic of 528 m² (5680 sf);**
2. **Variance to the Number of Required number of Off Street Parking Stalls from 11 to 0**
3. **Variance to the location of 1 required handicapped parking stall; and**
4. **Variance to the Number of Required Off Street Loading Stalls from 1 to 0.**

Background and Summary:

The applicant/landowner, Dr. Samuel Ogbeide, is the owner and operator of Sunrise Medical Clinic, and has applied for his clinic to be located at 4932 50th Street in the Town of Killam.

The building is a one storey structure, with two commercial bays. The attached plan shows offices primarily on the south side of the structure, there is a common hallway, storage and bathroom area located near the rear and north side of the structure. The building was most recently used as storage but has had previous uses as a travel/fitness centre.

The proposed use of the site as a Medical Services Office is a similar to the use defined as Office Building in the LUB, a Permitted Use in the C1 – Central Commercial District. This use can be approved by the Development Officer, however the existing building footprint on the site does not allow for the number of parking and loading stalls required under the LUB and requires approval from MPC for this variance.

Discussion & Compliance with Land Use Bylaw No. 809:

Land Use

The development area is currently districted as C1 – Central Commercial District and the existing development consists of an Office Building which is a permitted use. The definition of Office Building is as follows in LUB 809:

“Office Building” means a facility primarily for providing the administration of business, government, or provision of professional management, administrative or consulting services”.

The use of a Medical Services Clinic is not separately defined in the LUB and therefore requires the parking variance be approved by the MPC. Clause 52.4.3 states as follows *“Parking Stall requirements for uses other than those set out in this Section shall be determined by the Development Officer/Municipal Planning Commission, having regard to similar uses for which parking stall requirements are set.”*

The proposed development as a Medical Services Clinic is in keeping with the intent and purpose of the C1 District, and can be considered a similar use the Office Building definition, and is compatible with other commercial uses located along 50th St. The proposed use a permitted activity under the Land Use Bylaw and also is in alignment with the Town of Killam Municipal Development Plan which encourages the redevelopment of the Central Business District along 50th Street. The business owner, by applying for a Change of Use to Medical Services Clinic is endeavoring to create a sustainable business, which ultimately improves the streetscape along 50th Street.

The business owner will be required to obtain a building permit in order to be complaint with Alberta Building Codes. The applicant has indicated a final decision has not been made in regard to signage, but generally has indicated will be such to identify the clinic.

Parking & Loading

In accordance with the Land Use Bylaw, under Office Building use, the applicant would need to provide eleven (11) parking stalls as well as one (1) loading area and one (1) handicap parking stall, (5% of the parking requirement) on site. The amount of parking is calculated based upon the gross floor area, 1 stall/50m2 GFA.

There are currently no parking spaces or loading spaces located on site as previously noted

The following table, provides a breakdown in relation to the amount of parking provided and required, along with the necessary variance associated with the proposed development.

Parking & Loading Requirements: Proposed Development

	<u>Existing</u>	<u>Required</u>	<u>Provided</u>	<u>Variance Required</u>
Parking	0	11	0	11
Loading	0	1	0	1

In regard to the handicap stall required , there are curb cuts located approx. 50 meters either direction from the office at the corner of 50th Ave and 50th Street and the crosswalk down the block. A handicap stall could be created in either location which would allow patients access to the clinic without crossing the street. This would require a motion from Council to direct Administration to demarcate the stall in accordance with barrier-free standards.

The above variance is recommended given there is parking which would be available along 50 Street as well as across the street in the Community Centre with the exception of times when events are scheduled.

Rationale for Recommendation:

The following points outline the rationale in support of the recommendation to approve the proposed development and the associated variances:

1. The proposed development of a Medical Services Office does not conflict with nor adversely impact surrounding land uses, in fact it would provide a valuable essential community service;
2. The proposed development encourages activity along 50th Street, resulting in a more active downtown;
3. The inherent nature of a historical downtown does not lend itself to the provision of on-site parking;
4. There is limited amount of on-site parking associated with existing developments along 50th Street, and this trend is anticipated to continue;
5. That restricting the reutilization of an existing building space due to the inability to provide sufficient on-site parking will have an adverse impact on efforts to revitalize 50th Street while maintaining the its historic character;
6. There is an availability of on-street parking along 50th Street, as well as on the adjacent streets and intersecting avenues;
7. The physical inability to provide on-site parking, not only on the subject site, but generally along the entirety of 50th Street.

The Municipal Planning Commission should be made aware that on-street parking is public in nature, and no individual business or homeowner is entitled to any stalls or spots in front of their properties.

Development Officer's Recommendation:

That the Municipal Planning Commission approves:

1. **Variance to the Number of Required Parking Stalls from 11 to 0;**
2. **Variance to the Number of Required Loading Stalls from 1 to 0;**
3. **Variance to the location of 1 required handicapped parking stall; and**
4. **Notice of Decision 2018-11 as attached, for a Change of Use – Office Building, Medical Services, 528m²)**

Attachments:

1. Notice of Decision 2018-11 with conditions, requirements and notes
2. Development Permit Application 2018-11
3. Floor Layout
4. RPR
5. Street Map



Town of Killam
4923 – 50th Street
P.O. Box 189, AB T0G 2L0

September 19, 2018
File No. 2018-11

NOTICE OF DECISION

Dr. Sam Ogbeide
Box 70
Killam, AB T0L 2L0

Attention: Dr. Sam Ogbeide

Dear Applicant:

**RE: Proposed
Development:**

1. **Medical Services Clinic 528m2 (5680sf.);**
2. **Variance to the Number of Required On Site Parking Stalls from 11 to 0;**
3. **Variance to the location of 1 required Handicapped Parking Stall; and**
4. **Variance to the number of On-Site Loading Zones from 1 to 0;**

Property **Legal Address: Lots 4-5, Block 7, Plan RN97**
Description: **Civic Address: 4932 50th Street, Killam, AB**

The Town of Killam acknowledges that the development permit application submitted to our office for the development noted above **which is considered, a Permitted Use in the C-1 – Central Commercial District with a Variance required in accordance with the Town of Killam Land Use Bylaw No.809** on the parcel described above, has been **APPROVED** subject to the following conditions.

CONDITIONS

1. Approval is granted based on the information provided by the applicant for the approved development only and no other development.
2. No further development, expansion or change in use is permitted unless approved by the Town of Killam.
3. The attached Site Plan, identified as Schedule A, shall form part of the Notice of Decision for Development Permit No. 2018-11.
4. The approved development shall be located as shown on the attached Site Plan, identified as Schedule A.
5. The attached Site Details, identified as Schedule B, shall form part of the Notice of Decision for Development Permit No. 2018-11.
6. The applicant shall obtain a Building Permit from Superior Safety Codes and where applicable, all other permits relating to building, electricity, plumbing and drainage, and all other permits required in connection with the proposed development. Copies of the permit are to be provided to the Town, prior to the commencement of work.

Failure to comply with any of these condition will render this permit null and void.

ADDITIONAL INFORMATION

1. Unless an extension has been granted by the Development Authority, this development permit shall expire after one (1) year from the date of the issuance of the notice of decision if development has not commenced or has not been carried out with reasonable diligence.
2. The applicant shall apply for an obtain a Roadside Development Permit from Alberta Transportation. Please contact Alberta Transportation – Red Deer to enquire about the required permit – Tel: 403-340-5166. Website – <http://www.transportation.alberta.ca/613.htm>.
3. The applicant shall apply for and obtain all required safety permits (building, electrical, gas, plumbing). Please contact Superior Safety Codes to enquire about required permits – Tel: 403-358-5545. Website – www.superiorsafetycodes.com.
4. This development permit has been issued under the Town of Killam Land Use Bylaw No.809. It does not exempt you from compliance with any other municipal bylaw or statutory plan applicable to the approved development, any relevant federal and provincial statutes or regulation, any easement or covenant.

PUBLIC NOTIFICATION and VALIDITY

- In accordance with Land Use Bylaw No.809, the applicant shall post a copy of the Notice of Decision in a conspicuous location on Lots 4-5, Block 3, Plan RN97.
- **A permit does not come into effect until the end of the appeal period of twenty-one (21) days from the date of the decision.**
- In accordance with Land Use Bylaw No.809, the development permit is not valid until all the conditions of the permit, except those of a continuing nature, have been met.
- This decision may be appealed to the Flagstaff Regional Subdivision & Development Appeal Board. If you wish to exercise this right please send a written notice of appeal, explaining your reasons for appealing, together with the applicable fee of \$300.00 to Debra Moffat, Secretary of the SDAB, C/O Town of Killam, at 4923-50th Street, P.O. Box 189, Killam, AB T0B 2L0.
- If an appeal is lodged with the Subdivision and Development Appeal Board no development shall be commenced until the appeal is finally determined and the issuance of the permit is upheld.
- An appeal by the applicant must be commenced within twenty-one (21) days of the notification of the decision.

Date of Decision: September 19th, 2018

Effective Date: October 11th, 2018

Should you have any questions or require additional information please contact Lorraine Belanger, Development Officer.

Lorraine Belanger, Development Officer
Town of Killam
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E: l.belanger@schefferandrew.com