Town of Pincher Creek

Municipal Development and Subdivision Authority

Wednesday, October 21, 2026, | 10:00 a.m.
Council Chambers
962 St. John Avenue and Virtual via Teams

Attendance: W. Oliver, S. Nodge, P. Taylor; B. McGillivray; S. Boese

Staff: K. Dunbar, Chief Administrative Officer, K. Kozak, Planning and Development Officer, L. Goss, Legislative Service Manager, A. McGladdery, Administrative Assistant, S. Haubrich, Project Engineer

Oldman River Regional Services Commission: Senior Planner, S. Harty, Assistant Planner, S. Nikkel

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1. **Call to Order**
   W. Oliver called the meeting to order at 10:00 a.m.

2. **Agenda Approval**
   B. McGillivray:
   Moved to approve the October 21, 2026, agenda as presented.
   CARRIED MDSA 26-087

3. **Adoption of Minutes**
   3.1 Minutes of September 16, 2026 Regular MDSA Meeting
   P. Taylor:
   Moved to approve the Minutes for September 16, 2026, Regular MDSA Meeting as presented.
   CARRIED MDSA 26-088

4. **Applications**

   Lisa-Maire Franks spoke on application 26-D0066
   Angie Hannigan & Bruce Hamilton spoke on application 26-D0072

   P. Taylor:
   That the Municipal Development and Subdivision Authority agree to move into a closed session at 10:20 a.m. with the Chief Administrative Officer, Planning and Development Officer, Legislative Services Manager, Senior Planner, Assistant Planner, Project Engineer and Administrative Assistant.
   CARRIED MDSA 26-089

S. Boese:
That the Municipal Development and Subdivision Authority agree to revert to an open session at 11:23 a.m.

CARRIED MDSA 26-090

K. Dunbar left meeting at 11:24 a.m.

4.1 <u>26-D0037 – 975 Kettles Street, Highway/Comprehensive Commercial – C2; Hotel with waivers for the number and size of parking stalls, building height, and front and both side yard setbacks</u>

B. McGillivray:
That the Municipal Development and Subdivision Authority refuse Development Permit Application No. 26-D0037 – 26328585 Alberta Ltd.; Plan 3880BD Lots 275, 276; 975 Kettles Street; Designated Highway/Comprehensive Commercial – C2; Discretionary Use: Hotel reasons for refusal:

1. The proposed development is not considered appropriate in its current form due to the impact of the requested variances on the scale, intensity and functionality of the development.

2. The proposed increase in building height from 10.7 m to 16.98 m, reduction of the side-yard setback from 3.0 m t0 0.0 m on both sides, reduction of the required parking from 60 spaces to 31 spaces, and reduction in parking spaces and maneuvering dimensions collectively result in a development that is considered excessive in scale and intensity for the site.

3. The proposed height and zero-meter side-yard setbacks may result in adverse impacts to the adjacent property containing a residential dwelling, including impacts related to privacy, overlook, shadowing, visual massing and appropriate transition between developments.

4. The proposed parking configuration also raises concerns regarding the adequacy and functionality of on-site vehicle circulation and maneuvering.

5. Although the C2 District supports hotel development and other hotels and motels are located within the Highway 6 corridor, the existing commercial development does not necessarily establish that the proposed scale, massing, setbacks and parking arrangement are appropriate for this particular site.

6. Accordingly, MDSA has determined that the application should be refused in its current form and that the applicant should revise the proposal to reduce the building height, increase side-yard setbacks, improve parking

supply and functionality, and provide an appropriate transition to the adjacent residential property.

CARRIED MDSA 26-091

4.2 26-D0066 – 855 Mountain Street, Residential – R1; Home Occupation – Class 2 (Massage/Spa/Aesthetics Services)

P. Taylor:

That the Municipal Development and Subdivision Authority approve Development Permit Application No. 26-D0066 – Lisa-Marie Franks; Plan 7756AL Lot 71; 855 Mountain Street; Designated Residential – R1; Discretionary Use: Home Occupation – Class 2 (Massage/Spa/Aesthetics Services) subject to the following conditions:

1. The development complies with the Town of Pincher Creek Land Use Bylaw No. 1639-25 and amendments thereto;

    a. BYLAW REGULATION: Schedule 5 Section 24: Home Occupation Class 2 – 1 addition space (in addition to the two (2) per dwelling) (Required three (3) off-street parking spaces)

    WAIVER: The MDSA grants a waiver to permit two (2) off-street parking spaces;

2. The development is to conform to the Development Permit Application stamp dated September 2, 2026;

3. A valid Town of Pincher Creek business license shall be secured and held in good standing;

4. The development shall comply with all Town Bylaws which include, but not limited to, the Business License Bylaw, Garbage Utility Bylaw, Noise Bylaw, Nuisance and Untidy Premises Bylaw;

5. The Applicant shall obtain any and all necessary permits and approvals, from any and all other regulatory bodies which may have jurisdiction over the Use;

6. The Home Occupation shall be limited to a maximum of three (3) to four (4) clients per day, or (fifteen 15 to twenty 20 clients per week;

7. The Applicant shall provide and maintain two (2) parking spaces on site;

8. There shall be a maximum of two (2) non-resident employees;

9. No outdoor storage in conjunction with the Home Occupation shall be permitted;

10. All business-related waste shall be disposed of in accordance with local and Provincial Legislation;

11. Should any renovation be required, the Applicant shall secure all required Alberta Building, and Safety and Fire Code permits, inspection, and final reports;

12. A separate sign permit may be required prior to placement of a sign in accordance with the Home Occupation identification Sign standards in Land Use Bylaw No. 1639-25;

13. Any intensification of the Home Occupation may require a new Development Permit; and;

14. Failure to comply with this permit may result in the permit being cancelled, suspended, or modified.

CARRIED MDSA 26-092

4.3 <u>26-D0067 – 1014 Hewetson Avenue, Downtown/Retail Commercial – C1 District; Dwelling Unit (Residential) as a secondary use to an approved principal use (Liquor Store)</u>

B. McGillivray:

That the Municipal Development and Subdivision Authority direct the Designated Officer to enter into an Agreement for Time Extension with the Applicant for Development Permit Application No. 26-D0067 – Minjung Lee; Plan 460B Lots 97, 98, 101; 1014 Hewetson Avenue; Designated Downtown/Retail Commercial – C1 District; Discretionary Use: Dwelling Unit as a secondary use to an approved liquor store in order to garner additional information to bring back the application to the next regular

CARRIED MDSA 26-093

4.4 **26-D0070 – 840 Main Street, Downtown/Retail Commercial – C1 <u>District; Sign (Fascia/Wall) with waiver for more than one fascia/wall sign per frontage</u>**

S. Nodge:

That the Municipal Development and Subdivision Authority approve Development Permit Application No. 26-D0070 – Paniz Saebi; Plan 9611370 Block 6; 840 Main Street; Designated Downtown/Retail Commercial – C1 District; Discretionary Use: replacement of three (3) fascia/wall signs subject to the following conditions:

1. The development complies with the Town of Pincher Creek Land Use Bylaw No. 1639-25 and Sign Bylaw No. 1536, and amendments thereto excepting the following waiver granted by the Municipal Development and Subdivision Authority on October 21, 2026:

   a. SIGN BYLAW REGULATION: Section 77(a): No more than two signs may be located on a single lot or premises.

   WAIVER GRANTED: The waiver is for the approval of three fascia/wall signs on the lot;

2. The development is to conform to the Sign Permit Application stamp dated Sept 16, 2026, and the approved Sign Plans attached;

3. The contractor installing the Sign shall hold a valid Town of Pincher Creek Business Licence;

4. The source of light for any illuminated sign shall be steady and suitably shielded to the satisfaction of the Development Authority;

5. The Fascia/Wall Sign shall not project more than 0.3 m (1 ft.) from the building or supporting structure;

6. The Fascia/Wall Sign may not be located within 0.5 m (1.6 ft) of the top of the roofline;

7. The Sign shall be installed in accordance with the manufacturer's specifications and applicable standards;

8. The Applicant shall ensure the Sign is securely anchored and fastened to the building façade to accommodate its weight, and anticipated wind loads and in respect of standard engineering practices;

9. The business Sign shall be removed as soon as a business ceases operations;

10. The Sign shall be maintained in a safe condition and in a good state of repair;

11. During installation, the site shall be maintained in a neat and orderly condition. Vehicles and materials shall be managed to minimize impacts on neighbouring properties. Any damage to neighbouring property resulting from the installation shall be repaired or replaced at the Applicant's cost;

12. The Sign shall comply with all applicable Safety Codes requirements. The Applicant shall contact the accredited Safety Codes Officer to determine whether permits are required under the Safety Codes Act;

13. The Applicant shall obtain any and all necessary permits and approvals, from any and all other regulatory bodies which may have jurisdiction over the Use;

14. Any intensification of use shall require a new development permit; and

15. Failure to comply with the conditions of this permit may result in the permit being cancelled, suspended, or modified.

CARRIED MDSA 26-094

4.5 <u>26-D0072 – 991 St. John Avenue, Downtown/Retail Commercial – C1 District; Demolition and Mixed-Use Residential & Commercial (2 commercial and 1 dwelling units) with waivers for zero on-site parking and dwelling unit exceeding maximum permitted 40% of main-floor GFA</u>

S. Nodge:

That the Municipal Development and Subdivision Authority direct the Designated Officer to enter into an Agreement for Time Extension with the Applicant for Development Permit Application No. 26-D0072 – Bruce Hamilton and Angie Hannigan; Plan 7756AL Lot 29; 991 St. John Avenue; Downtown/Retail Commercial – C1 District; Permitted Use: Demolition/Discretionary Use: Construction of a two-storey building containing 2 commercial and 3 dwelling unit in order to garner additional information to bring back the application to the next regular MDSA Meeting

CARRIED MDSA 26-095

5. Permitted Issued Applications

26-D0006 – 727 McDougall Street Residential – R1; Accessory Building (35.67 m^2 (384 ft^2) Detached Garage)

26-D0069 – Unit C – 815 Main Street, Downtown/Retail Commercial – C1; Sign (Fascia/Wall – K&K Food Hub)

26-D0073 – 1354 Scott Avenue, Business Park – I3; Sign (Freestanding)

S. Boese:

Moved acceptance of the approved applications as presented.

CARRIED MDSA 26-096

6. Adjournment

B. McGillivray:
That this meeting of the Municipal Development and Subdivision Authority be adjourned at 11:31 a.m.

CARRIED MDSA 26-097

Next Meeting Date: Wednesday, November 18, 2026

W. Oliver, Chairperson

for:
Konrad Dunbar, CAO
Town of Pincher Creek