



**Special Council Meeting**

**Town Council Chambers**

**September 1, 2009**

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**PRESENT:**

Mayor  
Councilors

Leora Mackinnon  
Grant Mott  
Louis Beloin  
Brenda Burridge  
Mary Campbell  
Jim Ahn

Chief Administrative Officer  
Assistant Development Officer

Dennis Egyedy  
Cindy Neilson

**ABSENT WITHOUT NOTICE:**  
Councilor

Paul Marinus

**1. CALL TO ORDER**

Mayor L. MacKinnon called the Special Council Meeting for September 1, 2009 to order at 12:03 P.M.

**2. ADOPTION OF AGENDA**

Moved by: Councilor Burridge

<b>240-09</b>	To accept the Agenda for the September 1, 2009 Special Council Meeting.
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**CARRIED UNANIMOUSLY**

**3. NEW BUSINESS**

- a) Request for Decision – Restaurant Land (Direct Control)  
Cindy Nielson, Assistant Development Officer

Cindy Nielson, Assistant Development Officer presented an amended Request for Decision (RFD) for Council to review. Council discussed the application. Council discussed concerns about the development not identifying a designated loading zone and whether or not there were sufficient fire hydrants in the area. Council asked for a set time limit for paving the parking lot.

Moved by: Councilor Mott

**241-09**

To approve Development Permit Application number 041-2009 for the construction of a restaurant/lounge on Lot 2B, Block 36, Plan 084-0474 in accordance with the regulations listed above, that are contained in Land Use Bylaw 662-2007, the Nuisance and Unightly Premises Bylaw 361-90, the Waterworks, Plumbing and Sewer Bylaw 68, and the Alberta Safety Codes Act and that these conditions shall be listed on the Development Permit. (See Schedule "A" attached)

**CARRIED UNANIMOUSLY**

4.

**ADJOURNMENT**

Moved by: Councilor Beloin

**242-09**

To adjourn the Special Council Meeting at 12:19 PM.

**CARRIED UNANIMOUSLY**

  
Leora MacKinnon  
Mayor

  
Dennis Egyedy  
Chief Administrative Officer

September 14<sup>th</sup>, 2009  
Date Approved

## SCHEDULE "A"

- (1) The Developer / Applicant shall be responsible, where applicable, to obtain from the appropriate Municipal, Provincial or Federal Authorities, all other permits or approvals required in connection with the proposed development. Building, Gas, Plumbing, Electrical Permits are to be obtained by contacting Alberta Permit Pro at 1-800-411-9511. (Alberta Safety Codes Act)
- (2) The garbage receptacle area shall be screened from view by means of a fenced enclosure. (see Land Use Bylaw (LUB) section 87.4)
- (3) All buildings shall be attractive in appearance and shall be constructed of materials that comply with the Safety Codes Act or as approved by the Development Authority. (see LUB S. 38)
- (4) The design, character, siting, external finish, architectural appearance and landscaping of all buildings, including accessory buildings or structures shall be to the satisfaction of the Development Authority. (see LUB s. 38)
- (5) All Landscaping and planting required must be carried out to the satisfaction of the Development Authority and within one year (weather permitting) of occupancy or commencement of the operation of the proposed development. (see LUB s. 45)
- (6) All off-street parking facilities shall be separated from streets by a landscaped area of at least 1.0 m (3.3 feet) in width, and shall be so constructed that:
  - a. Necessary curb cuts shall be located and flared to the satisfaction of the Development Authority.
  - b. Every off-street parking space shall provide hard surface access.
  - c. Parking facilities shall have adequate lighting for the entire parking facility; such lighting shall be directed away from adjacent properties.
  - d. Grades and drainage shall dispose of surface water. In no case shall grades be established that would permit surface drainage to cross any sidewalk or site boundary without the approval of the Development Authority.
  - e. Parking for the physically handicapped shall be provided as provincial regulations require and shall be considered as part of the total number of stalls required for the project.
  - f. The applicant may be required to provide an irrevocable letter of Credit or other form of security acceptable to the Development Authority to guarantee completion of the lot surfacing.
  - g. The Town may register a caveat under the Land Titles Act against the property being developed. This caveat shall be discharged when the Development Authority accepts the paving as complete.
  - h. All parking spaces, loading spaces, maneuvering aisles and driveways shall be demarcated to the satisfaction of the Development Authority.  
The parking stalls shall be designed in accordance with Land Use Bylaw 662-2007. (see LUB s. 53, 54 & 55)
- (7) That the Parking Lot shall be hard surfaced within one year of the issuance of the development permit.
- (8) That a loading space shall be designed and located so that all vehicles using that space can be parked and manoeuvred entirely within the bounds of the site without backing to or from adjacent streets. (see LUB s. 58.1)
- (9) That the Fire Chief shall be consulted to ensure that there are sufficient fire hydrants in the area of the development, and that a fire hydrant shall be included in the development if it is deemed by the Fire Chief that there are insufficient fire hydrants in the area of the development.

- (10) The Developer / Applicant shall be financially responsible during construction for any damage by the applicant's servants, suppliers, agents or contractors to any public or private property.
- (11) The Developer / Applicant shall maintain the site in a neat and orderly manner during construction as not to create an unsightly premise. (see Nuisance and Unsightly Premises Bylaw 361-90)
- (12) The Developer / Applicant shall prevent excess soil or debris from being spilled on public streets, lanes and sidewalks, and shall not place soil or any other materials on adjacent properties without permission in writing from adjacent property owners. (see Nuisance and Unsightly Premises Bylaw 361-90)
- (13) Developer / Applicant MUST contact the Town of Fox Creek Superintendent of Operations for any onsite inspection once connected to Municipal Services prior to backfilling. (see Waterworks, Sewer and Plumbing Bylaw 68)
- (14) Developer / Applicant shall be responsible for proper drainage to the front or rear of the property so as not to cause unnecessary hardship to neighbouring properties Surface Drainage shall be directed to drain out to the Avenue or Street. (see LUB s. 47)
- (15) The Developer / Applicant, within 3 months of the completion of the development, must file a copy of a Real Property Report to the Town Office. This is to ensure building locations and setbacks are in compliance with the Land Use By-Law and the site plan provided in the application.