



**AGENDA**  
**Municipal Planning Commission Meeting**  
**Tuesday June 22, 2021**  
**6:00 pm**

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1. **Date/Place: June 22, 2021, Seniors Drop In Centre 4918 50<sup>th</sup> Avenue, Bentley AB**

2. **Members Attendance:**

**Mayor Rathjen  
Councillor Dickau  
Councillor Knutson  
Councillor Talsma  
Councillor Maki**

**CAO/Development Officer and Recording Secretary – Marc Fortais**

3. **Amendments and Acceptance of Agenda**

4. **New Business**

a) **Applications for consideration: Merry's Mercantile Development Permit Application - Mural on Property located at 5014 50<sup>th</sup> Avenue Bentley AB**

**The property is in the Central Commercial district and is used for retail merchandise sales. The building is the former Garries Hardware Building and is still owned by the Garries and the applicant has a letter of support from the building owner for the proposed mural. The applicant is requesting the consideration of the Municipal Planning Commission for the placement of a mural on the building, which will add to the aesthetics and beauty of the Town of Bentley. The applicant is fully supported by the Development Officer.**

b) **Power Point to be presented by Merry Kuchle**

5. **Adjournment**



**Agenda Date:** June 22, 2021

**Agenda Item:** Merry's Mercantile Development Permit Application for Placement of Mural on

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## **SUMMARY AND BACKGROUND**

Administration for the Town of Bentley has been in discussion with Merry Kuchle (The Applicant) from Merry's Mercantile regarding the placement of a mural on the easterly facing wall of the property located at 5014 50<sup>th</sup> Street. This discussion resulted in administration undertaking an analysis of the requirements of the Land Use Bylaw with regards to the placement of such murals. Through that analysis it was discovered that the Land Use Bylaw does not specifically address the placement of murals within the commercial district. However, the general clauses that exist within the LUB can be used to consider this application at this time. It should be noted that administration intends on amending the Land Use Bylaw at a future date to include clarity regarding the placement of public art and murals. This report along with a presentation from the applicant is being presented today for the Municipal Planning Commissions (MPC) consideration.

It is of the opinion of Administration and the Development Officer that a mural can be considered through the current land use bylaw. Firstly, it is important to understand how the application can be considered through definition within that Bylaw.

The definition of a sign is ***“any word, letter, model, placard, board, notice, device or representation, whether illuminated or not, in the nature of an employed wholly or in part for the purposes of advertisement, announcement or direction and its supporting structure. “A mural does not fulfill the purposes of advertisement (or it may not depending on the content within the mural). In the case of this application, the mural is not formally advertising the business. It is prairie themed, rich in color and visual aesthetics and pays tribute to the rich farming heritage of the area with the Grain Elevator and the Town name. However, Part One – Section 1.5 Rules of Interpretation (the first subsection 4) states: “Where a specific use does not conform to the wording of any use definition or generally conforms to the wording of two or more use definitions, the Development Authority may, using discretion, deem that the use conforms to and is included in that use class considered to be the most appropriate in character and purpose provided that the specific use is substantially similar in nature, character and impact as the other uses listed in the use class. In such case, the use shall be considered a discretionary use, whether or not the use class is listed as permitted or discretionary within the district.”*** Therefore, it is my recommendation as the Development Officer that the mural be interpreted to be similar to a sign and therefore approval needs to be considered as a discretionary use by the MPC.

The second consideration, now that the application is for the placement of a sign, is how can the application be evaluated? The MPC can apply the Other Signs and General Provisions Clauses of 5(6) and 5(1) based on the above interpretation.

- ***5(6) The Municipal Planning Commission may approve other signs subject to the general provisions of subsection 5(1)***

- **5(1)**
  - a) ***A sign shall not conflict with the general character of the surrounding streetscape or the architecture of nearby Buildings or be liable to create a cluttered appearance to the streetscape.***
  - b) ***No sign shall project higher than the roof line of the building to which it is attached.***
  - c) ***A sign shall not project closer than .75m (2.5ft) to the existing or future curb line.***
  - d) ***Where a sign projects over public property, a minimum clearance of 2.5 m (8.2ft) above grade level shall be maintained.***
  - e) ***Notwithstanding subsection (d), where a sign is located in or projects into or over a driveway or other area of vehicle movement, a minimum clearance of 4.5m (15.1 ft) above grade level shall be maintained.***
  - f) ***A sign shall not obstruct the view of or be liable to be confused with an official traffic sign, signal or device or otherwise pose a potential hazard to traffic.***
  - g) ***A sign shall not display lights which may be mistaken for the flashing lights customarily associated with danger or those used by police, fire, ambulance or other emergency vehicles.***

Also, MPC can apply Schedule B, Section 1(2)(d) Building Orientation and Design, which states: ***“The design, character, and appearance of any Building, structure, or sign proposed to be erected or located in any District must be acceptable to the Development Authority having due regard to the character of existing Development in the District and its effect on adjacent Parcels.”***

## **BUDGET AND FINANCIAL CONSIDERATIONS**

None

## **RECOMMENDATION**

THAT the Municipal Planning Commission consider the approval of the Development Permit Application from Merry Kuchle (Merry’s Mercantile) for the placement of a mural (sign) on the property located at 5014 50<sup>th</sup> Ave; AND

THAT Administration place public notification for the required 21 days from the date of any permit approval, that includes the rendering of what the mural looks like to allow the public sufficient time to appeal such permit approval,

## **ATTACHMENTS**

- 1) Development Permit Application – Merry Kuchle (Merry’s Mercantile)
- 2) Power Point – Mural Placement Merry Kuchle (Merry’s Mercantile)

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Marc Fortais, CAO

June 8, 2021

To Whom it May Concern,

I have given my permission to Merry Kuchle of Merry's Mercantile Incorporated to have a mural painted on the side of the building at 5014 50 Avenue, Bentley, Alberta.

Regards,

A handwritten signature in black ink that reads "Rick Garries". The signature is written in a cursive style with a large, stylized initial "R".

Rick Garries



**TOWN OF BENTLEY**  
 Box 179  
 Bentley, AB T0C 0J0  
 Ph: (403) 748-4044  
 Fax: (403) 748-3213

Permit # \_\_\_\_\_  
 Fee: \$ 75.00  
 Tax Roll # 698.000  
 (GARRIES HARDWARE LTD.)

**DEVELOPMENT PERMIT APPLICATION**

1/We hereby make application of a development permit pursuant to the Town of Bentley's Land Use By-law. The plans, supporting documents and application fee attached herewith form a part of this application. (MERRY KUCHE)

Applicant(s) MERRY'S MERCANTILE Home Phone 403.658.2300  
 Please Print  
 Address: P.O. Box 433 Cel. Phone 587.897.4315  
BENTLEY, ALBERTA Fax: \_\_\_\_\_  
T0C 0J0 Email: MERRYSMERCANTILE@GMAIL.COM

Legal: (Lot(s) 6 AND 7 Block 18 Plan 5085 ET

Municipal Address: 5014 - 50 AVENUE

Description of Development: MURAL

Value of Development \$ \_\_\_\_\_

Land Use District: C Current Use of Lands & Buildings: \_\_\_\_\_

Proposed Use of Lands & Buildings: \_\_\_\_\_

Site Area Size: \_\_\_\_\_ Total Floor Area: \_\_\_\_\_

Ground Floor Area: \_\_\_\_\_ Upper Floor Area: \_\_\_\_\_

Building Height (from ground elevation): \_\_\_\_\_

(if applicable) Number of Parking Spaces: \_\_\_\_\_ Loading Spaces: \_\_\_\_\_

Side-yard Set-backs: Front (m) \_\_\_\_\_ Rear (m) \_\_\_\_\_  
 Side (m) \_\_\_\_\_ Side (m) \_\_\_\_\_

i/We hereby certify that I am/we are the registered owner(s) or authorized to act on behalf of the registered owner(s) and that the information on this form and on the attached plans and supporting materials is full and complete and is, to the best of my knowledge, a true statement of the facts relating to this application.

Date Signed: 6/17/2021 Merry Kuchle  
 Signature of Owner or Authorized Agent

\_\_\_\_\_  
 Signature of Owner or Authorized Agent

**RIGHT OF ENTRY**

i/We, being the registered owner(s) or person(s) in possession of the land and building(s) thereon, hereby consent to an authorized person designated by the Town of Bentley entering upon the said property for the purpose of inspection.

Date Signed: \_\_\_\_\_  
 Signature of Owner or Authorized Agent

\_\_\_\_\_  
 Signature of Owner or Authorized Agent

**Compliance with the requirements of the Town of Bentley's Land Use By-law, does not afford relief from compliance with any Federal, Provincial or Municipal Legislation or conditions of any easement, covenant, building scheme or agreement affecting the building(s) or land.**

NOTE: This personal information is being collected under the authority of the Municipal Government Act and will be used in the processing of this application. It is protected by the privacy provisions of the Freedom of Information and Protection of Privacy Act

**AS PART OF THIS APPLICATION, PLEASE PROVIDE THE INFORMATION AS LISTED ON PAGE TWO**  
**INFORMATION REQUIRED TO ACCOMPANY APPLICATION**

**PLEASE NOTE:** Your application will not be processed unless and until all the following information has been submitted.

1. **Application Form:** be as detailed as possible and fill in all relevant "blanks". Use a separate sheet of paper for any additional information that you think is relevant.
2. **Site Plan:**
  - a) must be neatly drawn and preferably to scale
  - b) drawn on letter-size (8.5" x 11") or larger (dependent upon the complexity of the proposed development)
  - c) included on the site plan the following MUST BE provided;
    - i) property boundaries
    - ii) legal description and municipal address of property
    - iii) dimensions, including the property size, of the site (in imperial or metric)
    - iv) location (size & dimensions) of all existing buildings and proposed buildings and their uses, including all side-yard setbacks (distances from property lines)
    - v) "North" arrow
    - vi) All access roads (streets, alleys)
    - vii) All registered utility rights-of-way and easements
    - viii) Existing and proposed:
      - Utility lines – gas, telephone, power, water, sewer
      - Note: Buildings must not be constructed over utility lines. The lines would have to be moved at the expense of the property owner.
      - Site drainage, site grade plans, the grades of streets and sewer servicing the property, elevations of top of curb or sidewalk and lot corners (may not be required for simple applications)
    - ix) landscaping plan: existing and proposed vegetation
    - x) loading and parking provisions (layout, number and dimensions) (if applicable to application)
    - x) access locations to and from the site
    - xi) if applicable, information describing any noxious, toxic, radioactive, flammable or explosive material proposed for use or storage.
    - xii) a "Title Block" showing the designers name, applicants name, preparation date, revision dates and drawing numbers.
3. **Elevations and Floor Plans:**
  - a) Floor plans of all levels of building(s)
  - b) Elevations (all four sides) from grade level
4. **Copy of Property Title:** current copy of certificate of title, including relevant encumbrances, searched and dated within thirty (30) days of application submission
5. **Authorization:** signature(s) of all registered owner(s) on the application form or a letter of authorization from the registered owner(s) authorizing the proposed development
6. **Additional Information:** depending on the scope of the development proposal, additional information (traffic impact assessment, geotechnical reports, groundwater hydrology study, etc) may be required. The Development Officer will advise in consultation with you.
7. **Fees:** Fees vary depending upon the proposed development.

SHOULD YOU HAVE ANY QUESTIONS, PLEASE CONTACT THE DEVELOPMENT OFFICER

# Mural Approval Application By Merry's Mercantile

**Merry Kuchle, Owner**

# Current Look of Wall for Future Mural

5014 50 Avenue

Bentley, AB

Former Garries Hardware building. Still owned by the Garries.





# The Artist - Lauren Cowles of Lacombe



# Existing Wall

- Coin Laundry and Antiques Sign will not be affected.



# Proposed Mural Design

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- Prairie Themed
- Muted, rich colours
- Nod to our heritage with the grain elevator
- This is the general idea. Actual may be slightly different.



# Why Murals?

— — —

- They create vibrant neighbourhoods that people want to visit, live in, and take care of
- Murals encourage you to slow down and admire your surroundings
- They create important conversations and expand thought

~ <https://www.productcare.org/about/blog/importance-of-community-murals/>

- Both Lacombe and Sylvan Lake have popular mural programs

# Artist Bio

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Lauren Cowles has been a Central Alberta artist since 2003 when graduating from Red Deer College with a Visual Arts diploma. Her love for nature, colour and exploring she has found many different mediums. Her willingness to try new art forms and ability to just create has allowed her to learn and grow throughout her career. From mixed media & collage to sculpture, murals and painting anything she can.

Lauren believes she meant to create and inspire everyday and you can see that on her socials.

Art of Lauren Cowles on Facebook

@artlovelifelc on Instagram.

# Materials to Be Used

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Montana Spray Paint will be used. They are formulated specifically for wall art. This is the first time the artist is using this paint so we will assess whether the mural will need an additional topcoat.

## **MONTANA GOLD CHARACTERISTICS:**

**214 NC-ACRYLIC COLORS + TECH SPRAYS & EFFECTS**

**EXTREMELY HIGH COVERING**

**LOW-PRESSURE ALLOWS EASY & SOFT USE**

**EFFICIENT & ACCURATE**

**WEATHERPROOF**

**NO COLOR BLEACHING**

**PERFECT FOR MIXED MEDIA APPLICATION**

**FOR INDOOR & OUTDOOR**

# Costs to the Town

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The full cost of the mural and upkeep will be paid by Merry's Mercantile. At the time that the mural is no longer needed or wanted, the wall can be repainted.