



CITY OF LACOMBE
MUNICIPAL PLANNING COMMISSION
MINUTES 010818

DATE: August 1, 2018

PLACE: City of Lacombe Council Chambers

TIME: 5:00 p.m.

PRESENT:	Grant Creasey	Chairperson
	Thalia Hibbs	Councilor
	Don Gullekson	Councilor
	Don Easton	Member at Large
	Sandra Badry	Member at Large

STAFF: Gail Long, Development Officer
Kyle Schole, Development Officer

1. CALL TO ORDER

Mayor Creasey called the meeting to order at 4:56 p.m.

2. ADOPTION OF AGENDA

That the agenda be approved as presented.

MOVED BY: Member Badry

CARRIED: Unanimously

3. ADOPTION OF MINUTES

That the Municipal Planning Commission minutes for July 18, 2018, be approved as presented.

MOVED BY: Member Gullekson

CARRIED: Unanimously

4. NEW BUSINESS

A. Subdivision and Development Appeal Board Decision

Development Officer Gail Long reviewed the decision of the SDAB to uphold an appeal regarding 61/250.98 2018 allowing for a Residential Garden Suite with height and size variances at 5640 51 Avenue.

5. NEW DEVELOPMENT PERMIT APPLICATION

A. 61/255.17 2018 Home Occupation 2 – Personal Services – Massage Therapy

The applicant was present in order to add information and answer any questions.

Development Officer Gail Long presented an application for a Home Occupation 2 (Massage Therapy) at 5514 53 Avenue. A total of 23 adjacent landowners situated within 60m of the subject site were notified, and two responses were received, both in support, with no comments being provided.

The applicant is anticipating there will be 3 – 4 people per day, with only one client being scheduled at a time and half-an-hour between appointments to allow for cleanup. Hours of operation are to be from 9 a.m. to 5 p.m. on Monday, Tuesday and Saturday, and from 4:30 p.m. to 7:00 p.m. on Wednesday, Thursday and Friday weekly. As well, there may be a limited number of sales of massage products available to customers utilizing the facility.

A detached garage provides parking for 2 vehicles, and a covered carport providing for 2 tandem parking spaces is attached to the home.

Due to limited business related traffic to the site and the availability of on-site parking, Planning and Development Services recommends approval subject to conditions.

Discussion occurred in regard to Condition #5, as to the number of client parking spaces to be mandated.

MOVED: Member Hibbs

RESOLVED that the Municipal Planning Commission approve the discretionary use for a Home Occupation 2: Personal Services (Massage Therapy) with limited retail sales, to be located at 5514 53 Avenue, Lot 3 Block 30 Plan 5616 HW, zoned R2.

Approval is in respect of works consisting of and as described on the development permit application form and plans submitted by the applicant, subject to the following conditions:

1. This permit indicates that only the development to which it relates is authorized, with the provisions of the Land Use Bylaw and in no way relieves or excuses the applicant from complying with the Land Use Bylaw and in or any other bylaw, orders and/or regulations affecting such development.
2. This permit is valid for a period of twelve (12) months from the date of issue. If, at the expiry of this period, the development has not been commenced with reasonable diligence, this permit shall be null and void.
3. The Development Officer may, in accordance with Section 645 of the Municipal Government Act, take such action as is necessary to ensure that the provisions of this bylaw are complied with.
4. Applicant to obtain and maintain a valid business license from the City of Lacombe.
5. There shall be a maximum of 2 business related (client) vehicles at the property at any given time.
6. Hours of operation shall be limited to Monday through Saturday.
7. Only residents of the principal dwelling shall be engaged on the premises for the purpose of carrying on the home occupation.
8. All business related parking is to occur within the property boundaries. 53 Avenue may not be utilized to accommodate the parking needs of the Home Occupation 2.

9. Any permit issued for home occupations may be revoked at any time if, in the opinion of the development authority, the home occupation is, or has become detrimental to the amenities of the neighbourhood.
10. Applicant to display the assigned civic address at or near the front of the property so that it can be clearly read from the roadway.
11. This permit is valid for the address stated on the application and is not transferable to a new address.
12. Only one sign shall be allowed on the property for the Home Occupation use. The sign may have the logo of the business if desired, shall display only the name of the business and the telephone number, shall not exceed 0.16m² in size, is to be unlit, and is to be affixed to the front face of the dwelling or a free-standing sign post not to exceed 1.5m in height.
13. The decision of the Municipal Planning Commission being provided to the applicant, notice being posted on the City's website, and a notice being posted on the subject lands, and no appeal against the decision being successful.

*Please note that this decision is subject to an appeal period which ends on **August 22, 2018** at 4:30 p.m.*

CARRIED: Unanimously

B. 61/251.26 2018 Retail Sales as an Accessory Use

The landowner was present in order to add information and answer any questions on behalf of the applicant.

Development Officer Gail Long presented an application for the sale of furniture from an existing furniture repair and furniture storage at Bay 1, 5100 Wolf Creek Drive. As the City's Land Use Bylaw does not include retail sales as either a permitted or discretionary use in the Light Industrial District, retail sales is considered as an accessory use to the existing business, requiring approval from the Municipal Planning Commission.

A total of 5 property owners within 60m of the subject site were notified, and one response had been received, with comments to the effect that retail sales should be a permitted use, and that the property should be zoned if it is not already as there are several related businesses in the area.

Retail sales are normally not considered as a compatible use to businesses located within an industrial area. However, as the business consists of a furniture warehouse, retail sales would be considered as an accessory use to the existing furniture warehouse business on site.

Landscaping has been completed, however, has not been protected by concrete curbs or other approved barriers which are required to have a minimum height of 14cm.

A total of 48 parking spaces are required for the eight bay industrial building. If the number of parking spaces required were calculated using retail sales under the Commercial District, 14 parking spaces would be required for this business alone, while the other bays, being industrial businesses, would require 42 parking spaces, for a total of 56 parking spaces. As retail sales at this location is considered as an accessory use, it is anticipated that there will not be the usual number of vehicles to the site for retail purposes and that the 6 required parking spaces should be sufficient.

32 parking spaces have been provided on site, with 16 parking spaces provided on the asphalt at the front of the 3 buildings on the property, and 16 parking spaces provided on the gravel surface at the rear of the buildings. Additional parking is available on the gravel surface at the rear of the property adjacent the west property boundary.

A condition of a previous development permit approval required the landowner to identify parking spaces with line painting. This has not yet been completed. The Land Use Bylaw requires all required parking spaces in both the industrial and commercial districts to be hard surfaced and identified with line painting and parking barriers. If the application is approved, the need to hard surface all 48 parking spaces, and identify the parking spaces with line painting and parking barriers will be required.

The City's Land Use Bylaw requires that "any area located in the front yard "shall" be hard surfaced or landscaped, to the satisfaction of the Development Authority". In addition, any required parking "shall" be hard surfaced to the satisfaction of the Development Officer, and identified with concrete parking barriers and pavement markings. Additional hard-surfacing will be required for any parking spaces required at the back of the lot for the required 48 parking spaces.

Under the Rules of Interpretation, the word "shall" denotes compliance or adherence is mandatory:

i. *Where "shall" allows for the Development Authority to be otherwise satisfied, the Development Authority may choose to waive or vary a "shall" but the application shall be considered and treated as a discretionary use or as an application with a variance."*

As both of these clauses include "to the satisfaction of the Development Authority", the Municipal Planning Commission has the option to waive or vary these requirements if they so choose.

Subsequent to the initial development of this site, a requirement was added to the City's Bylaw regulations necessitating a bike rack for all commercial and industrial businesses. Bicycle parking is to be located on a hard surface and be located within 15m of the entrances to the buildings and separated from off-street vehicle parking spaces. If this is not possible, bicycle parking spaces are to be provided on a raised hard surfaced area.

As there are three individual buildings on this parcel, it is suggested that the applicant consider the placement of 1 bicycle rack for each building.

Presently, the garbage bin on site is located in front of the lot.

There is likely to be little impact on the adjacent business owners as retail sales would be an accessory use to the principal use on the parcel. In addition, the parcel can also easily be accessed from Highway 12, eliminating some of the customer-related traffic from having to travel through the industrial area. As such, Planning and Development Services is supportive of this application, subject to conditions.

The landowner expressed his concern as to the over-regulation of his property, and was of the opinion that the zoning should be reconsidered. The landowner also confirmed that all garbage bins have been moved to the back of the property.

A suggestion was made to consider the conditions item by item, which was subsequently done.

MOVED: Member Easton

RESOLVED that the Municipal Planning Commission approve the addition of retail sales to the existing furniture warehouse business being operated from Bay 1, 5100 Wolf Creek Drive, Lot 1 Plan 992 4577, zoned I1.

Approval is in respect of works consisting of and as described on the development permit application form and plans submitted by the applicant, subject to the following conditions:

1. This permit indicates that only the development to which it relates is authorized, with the provisions of the Land Use Bylaw and in no way relieves or excuses the applicant from complying with the Land Use Bylaw or any other bylaw, orders and/or regulations affecting such development.
2. This permit is valid for a period of twelve (12) months from the date of issue. If, at the expiry of this period, the development has not been commenced with reasonable diligence, this permit shall be null and void.

3. The Development Officer may, in accordance with Section 645 of the Municipal Government Act, take such action as is necessary to ensure that the provisions of this bylaw are complied with.
4. Applicant to obtain and maintain a valid business license from the City of Lacombe.
5. Prior to retail sales occurring on the parcel, applicant is to obtain a building permit and any required plumbing, electrical and gas permits.
6. All parking spaces located in the front of the buildings are to be hard surfaced with pavement markings consisting of white or yellow lines that are approximately 7.6cm wide.
7. Applicant is to provide a minimum of one loading space for each building.
8. Curb stop must remain visible and at proper elevation PRIOR to pouring concrete or completing landscape work.
9. Applicant shall make separate application for any signs proposed on the property.
10. The decision of the Municipal Planning Commission being placed on the City's web page, a sign posted on site, and advertised in the local newspaper, and no appeal against the decision being successful.

*Please note that this decision is subject to an appeal period which ends on **August 22, 2018** at 4:30 pm.*

CARRIED: Unanimously

C. 61/251.48 2018 Metal Recycling and Used Tire Sales

Both the landowner and the applicant was present in order to add information and answer any questions.

Development Officer Gail Long presented an application for location of a scrap metal recycling and junk removal business, including retail sale of used tires, to be located in Bay 4, 4527 48 Avenue. As a salvage operation is a discretionary use, and as retail sales is listed as neither a permitted or discretionary use in the I2 District, the application is being forwarded to the Municipal Planning Commission for consideration.

Seven property owners within 60m of the subject site were notified, with no responses being received.

The purpose of the Heavy Industrial District is to provide an area for a variety of manufacturing, warehousing, transportation-related and other industrial activities, which may in the course of normal operations create nuisance factors apparent beyond the property boundary.

The proposed salvage operation would be operated out of 1 of the 4 bays located in the multi-tenant industrial building at 4527 48 Avenue. The business involves removal of scrap metal from various properties, which is then taken either to a metal recycling company for disposal, or to the warehouse building on the property to allow for grading of the scrap metal.

Once graded, the metal is also taken to a recycling company for disposal. With the exception of an occasional scrap vehicle, all metal will be stored inside of the building. Scrap vehicles will only be stored for a week or two before being removed from the property.

The applicant has also advised that used tires will be sold from the property. These tires will also be stored inside of the building.

Retail sales are normally not considered as a compatible use to businesses located within an industrial area. However, if approval is granted for the sale of used tires, retail sales would be considered as an accessory use to the existing salvage/recycling business taking place on the property.

Vehicles involved in the business, and several trailers, will be stored either at the side of the building within the fenced compound, or at the rear of the property in the space designated for use of the occupant of Bay 4. One trailer is currently being stored at the front of the property to allow anyone who has scrap metal to place it in the trailer. Metal in this trailer will be disposed of once it is full.

When reviewing an application for occupancy, requirements of the Land Use Bylaw are reviewed to determine if the building conforms. When reviewing this application, it was determined that several requirements are outstanding.

The building is located approximately 12m from the front property boundary. A 3m strip of landscaping at the front of the parcel, with the appropriate number of trees and shrubs is required. At this time, no landscaping has been completed.

The Land Use Bylaw requires that "any area located in the front yard "shall" be hard surfaced or landscaped, to the satisfaction of the Development Authority". In addition, any required parking "shall" be hard surfaced to the satisfaction of the Development Officer, and identified with concrete parking barriers and pavement markings. No hard surfacing on the property has been completed.

Under the Rules of Interpretation:

a) the word "shall" denotes compliance or adherence is mandatory:

i. *Where "shall" allows for the Development Authority to be otherwise satisfied, the Development Authority may choose to waive or vary a "shall" but the application shall be considered and treated as a discretionary use or as an application with a variance.*"

As both of these clauses include "to the satisfaction of the Development Authority", the Municipal Planning Commission has the option to waive or vary these requirements if they so choose.

Based on 4 bays, a total of 24 parking spaces will be required.

At the current time, 13 parking spaces are available at the front of the property, with additional parking occurring at the rear of the property. None of these parking spaces have been identified as such, and are encroaching onto the City's road right-of-way at the front of the property. If a 3m landscape strip is required at the front of the property, the number of parking spaces currently available in this area would be reduced. Parking spaces will need to be identified at the rear of the property to meet these requirements.

A minimum of 1 loading space "should" be provided.

A bicycle rack providing a minimum of 4 bicycle parking spaces will be required. Bicycle parking should be located on a hard surface and be designed so that bicycles may be securely locked to a rack, railing, or other device. The parking area should be located within 15m of the entrances to the buildings or employee entrance and separated from off-street vehicle parking spaces. If this is not possible, bicycle parking spaces are to be provided on a raised hard surfaced area.

Any industrial development "should" have a minimum of one commercial garbage bin on site. This is to be placed in a screened area that has no roof structure or front gate/wall, and should be located in the side or rear yard. At the present time, garbage from the parcel is being picked up at the front of the property from the City street.

As all metal will be stored indoors, there will likely be little impact on the adjacent business owners. Several properties in the neighbourhood have been upgraded to include hard surfacing and landscaping. If approval is granted for the location of a salvage operation and retail sale of used tires on the property, the landowner should be required to upgrade the site in accordance with Land Use Bylaw requirements. The recommends approval of the application, subject to conditions.

The landowner indicated his concern regarding the condition for hard surfacing, as stormwater drainage from this property is a recurring issue. Engineering Services will investigate, and if possible, seek to resolve this issue.

A member of the public seated in the gallery asked whether interest is paid on any deposits held over an extended period of time by the City. Mayor Creasy indicated that this is not the case, however, if an applicant chooses to complete their permit conditions more quickly, they are at liberty to do so.

A suggestion was made to consider the conditions item by item, which was subsequently done.

MOVED BY: Member Easton

RESOLVED that the Municipal Planning Commission approve the location of a salvage operation, with sale of used tires, at 4527 48 Avenue, Lot 22 Block 3 Plan 112 5950, zoned I2 – Heavy Industrial District.

Approval is in respect of works consisting of and as described on the development permit application form and plans submitted by the applicant, subject to the following conditions:

1. This permit indicates that only the development to which it relates is authorized, with the provisions of the Land Use Bylaw and in no way relieves or excuses the applicant from complying with the Land Use Bylaw or any other bylaw, orders and/or regulations affecting such development.
2. This permit is valid for a period of twelve (12) months from the date of issue. If, at the expiry of this period, the development has not been commenced with reasonable diligence, this permit shall be null and void.
3. The Development Officer may, in accordance with Section 645 of the Municipal Government Act, take such action as is necessary to ensure that the provisions of this bylaw are complied with.
4. Applicant to obtain and maintain a valid business license from the City of Lacombe.
5. Applicant is to obtain a building permit and any required plumbing, electrical and gas permits.
6. The number of salvage vehicles stored on the property at any given time shall be no more than 6 vehicles.
7. Any area located in the front yard shall be hard surfaced to the satisfaction of the Development Authority. This includes hard-surfacing of the access located at the front of the parcel to connect to the City street.
8. The requirement for hard surfacing on the parcel is to be delayed until such time as the surface drainage issue (on City property) has been resolved by the City. The owner has twelve (12) months after the City has resolved the surface drainage issue to complete hard surfacing, line painting of the parking spaces at the front of the building, and the placement of a concrete barrier having a minimum height of 14cm on the front boundary of the parcel.
9. Curb stop must remain visible and at proper elevation PRIOR to pouring concrete or completing landscape work.
10. All required parking spaces are to be hard surfaced and identified with pavement markings consisting of white or yellow lines that are approximately 7.6cm wide.
11. Applicant is to provide a minimum of one loading space at the side or rear of the property.
12. Within one month of the City rectifying the surface drainage issue (on City property), hard surfacing deposits will be required in the form of cash or letter of credit in an amount equal to 50% of the estimated cost for any hard

surfacing required on site as estimated by an appropriate trade professional, and not less than \$2,000. Security will be released once a site inspection demonstrates that hard surfacing has been completed, parking barriers are in place, and pavement markings have been completed in accordance with the approved plan. The costs of hard surfacing, pavement markings, and the concrete barrier at the front property boundary are to be included in the cost estimate.

13. The existing fence on the perimeter of the storage area is to remain.
14. Applicant to display the assigned civic address at or near the front of the property so that it can be clearly read from the roadway.
15. The decision of the Municipal Planning Commission being placed on the City's web page, a sign posted on site, and advertised in the local newspaper, and no appeal against the decision being successful.

*Please note that this decision is subject to an appeal period which ends on **August 22, 2018** at 4:30 pm.*

CARRIED: Unanimously

6. NEXT MPC MEETING

A. August 15, 2018

7. ADJOURNMENT

MOVED BY: Member Hibbs

THAT this meeting now adjourns at 6:58pm

CARRIED: Unanimously

Chairperson

Date