



CITY OF LACOMBE
MUNICIPAL PLANNING COMMISSION

MINUTES 030415

DATE: March 4, 2015

PLACE: City of Lacombe Council Chambers

TIME: 5:02 p.m.

PRESENT: Sandra Badry Acting Chairperson
Reuben Konnik Councilor
Wayne Rempel Councilor

REGRETS: Steve Christie Mayor
Debbie Gallant Member at Large

STAFF: Lyla Peter, Manager of Planning and Development
Gail Long, Development Officer
Kristen Harder, Development Officer

1. CALL TO ORDER

The meeting was called to order by Chairperson Badry at 5:00 p.m.

2. ADOPTION OF AGENDA

MOVED BY: Member Rempel

THAT the Agenda be adopted as presented.

CARRIED: Unanimously

3. ADOPTION OF MINUTES

MOVED BY: Member Konnik

That the Municipal Planning Commission minutes for February 18, 2015 be confirmed as presented.

CARRIED: Unanimously

4. NEW DEVELOPMENT PERMITS

A. 61/250.25(15), 5234 51 Street, Lots 42-45, Block 19, Plan 4500 R: Four-Plex, Zoned R4 (Medium Density Residential) District

The applicant was present to support the application presented. The applicant wished to begin by addressing the various concerns that were brought forward by the neighbours.

- Parking – The lot is 75 feet wide, the applicant stated plenty of space is available for parking along the rear of the property, including the garbage bin in order to meet city requirements.
- Density in the neighborhood - The zoning for this lot calls for medium density and therefore this use is deemed appropriate
- Concern for rental units – They will be rental units. The developer screens possible tenants as it is important that individuals selected ensure the investment of the builder is protected
- Impact on property taxes - The vacant home existing on the property approved for demolition has been empty for 5 or 6 years and not maintained therefore it is in very poor shape. The new development will therefore increase the value of properties in the area, compared to what is there now. There is a mixed type of housing within the neighborhood, and the developer met the styling requirements of the development permit to better suit what the original home (craftsman style) represented.
- Single family home more appropriate – given the zoning, in order to tie into city services as well as repair streets and curbs the developer has a \$200 000 investment in that lot. A brand new lot for a single family dwelling could be purchased much cheaper elsewhere, based on that price alone people would be deterred from build a single family home on that lot as it would not be economically feasible.
- The developer indicated they are putting a large investment into the neighborhood, roughly twice the value of most homes surrounding. The developer ensured the MPC and the concerned neighbors the tenants will be chosen carefully and the property will be maintained in order to show care for the development.

Development officer Gail Long presented information regarding an application for the construction of a four-plex, a discretionary use in the R4 district, requiring Municipal Planning Commission approval.

In addition to the proposed building being located within the R4 district, it will also be located within the Medium Density Transition District Overlay which has been established to regulate the development of major additions and infill development in a manner that ensures compatibility with adjacent properties. The properties contained within this overlay district act as a transition area between the higher density Mixed Use Transition District and lower density residential surrounding areas.

Thirty (30) property owners within 60m of the subject site were notified. Six responses were received from neighbouring landowners - two in support and four in opposition to the proposed development.

The four responses in opposition included the following comments:

- that they would consider an application for a triplex and for sure a duplex, but not a four-plex, siting parking as a problem.
- that there will not be enough parking, and that it will be too much for the neighbourhood to have a four-plex put in the middle of it. They supported a duplex being put in, but not a four-plex.
- that the four-plex is too large of a jump in density, stating that the block is still primarily single family dwellings, and if you were to look at the condition of these you would see that the neighbourhood will remain as such for many years. There was also concern with parking, if the builder puts a garbage bin on site as the bylaw requires they would then be short two parking stalls as the bylaw would require. Also with the way the building is to be positioned, they assumed that the units would be rental units, which causes some concern in regard to property value. The respondent stated that it was their hopes to see a single family home or at most a duplex or semi-detached to minimize the impact.
- that right now, there are only single dwellings on this block. Approval of a four-plex would lower property values and increase transient people. There was concern expressed that to start on one four-plex on the block

would bring more, indicating that property value of all homes will be much less. The respondent indicated that this is their retirement home and they have invested their life savings into purchasing it, with plans to do some upgrades in the future. There was understanding for the need for multiple dwellings for those starting out need smaller homes, but this will lead to renters that don't care about the neighbourhood as homeowners do.

No comments were received from the two respondents who indicated support of the application.

In September, 2014, the Municipal Planning Commission approved demolition of the existing residence and detached garage on the property.

At the time of the permit review for the demolition of the residence on the site, the Lacombe Historical Committee recommended that future redevelopment of the site consider or require the following:

- i) Saving the elm trees at the front of the property
- ii) That the brick salvaged from the porch be used in some feature at the front of the new development
- iii) That future development of the site include a 'craftsman style porch and posts' similar to that currently on the dwelling.
- iv) If there are some spare bricks after the property has been developed, that some be donated to the Lacombe and District Historical Society

To address the Committee's recommendations, conditions of the demolition permit included the following:

1. That the elm trees located at the front of the property are not damaged or removed during demolition.
2. That the applicant salvage the brick used on the front porch.
3. That the original windows and light fixture located on the porch be salvaged and donated to the Lacombe and District Historical Society.

The existing home on the property has not yet been demolished. As part of the demolition of this building, the Developer has indicated that he will be meeting the above requirements.

The proposed four-plex on the lot meets all setback requirements and does not exceed the maximum lot coverage.

In accordance with the Land Use Bylaw, 1.5 parking spaces are required per residential unit, for a total of six parking spaces being required on site. The Medium Density Transition District Overlay requires all parking to be accessed through the lanes unless there is a front attached garage. The applicant is proposing that the entire width at the rear of the property be used for on-site parking, providing seven parking spaces for the proposed development. Parking to the rear will also help to ensure that the elm trees located at the front of the parcel are not damaged or removed as part of construction.

A 5 to 6 foot fence will be provided on the side property boundaries to provide screening of the parking area and the side entrances to the rear units. In addition, the developer will be providing a low wooden fence between the amenity area at the rear of the dwelling units and the parking area.

Section 8.12 of the Land Use Bylaw indicated that a minimum of one commercial garbage bin shall be provided on site for any residential building containing three or more dwelling units on a parcel. The City's Utilities Manager has indicated that there is enough room in the alley for an additional bin so there will not be a requirement for on-site storage.

In accordance with the Land Use Bylaw for the R4 District, two bedroom units must have a minimum amenity area of 55m² per unit. This includes hard and soft-landscaped areas, balconies, recreational facilities and communal lounges. The applicant is proposing that the two rear units each have a 4.65 m² rear deck. In addition to the two decks, the front yard contains 130.17 m², the south side yard contains 89.11 m², the north side yard contains 96.04 m², and the rear yard, excluding the parking area, includes 96.12 m², for a total of 420.74 m². Even with the removal of the concrete walkway proposed from 51 Street to the front doors, and from the front of the building, around each side, leading to the parking area, the applicant has provided more than the required amenity area on the parcel.

The overlay district has been reviewed in terms of the building facade and building materials as shown in the building plan. It is the opinion of Planning and Development Services that the applicant is meeting requirements of the overlay district.

In accordance with conditions of the demolition permit, it is recommended that conditions be added to the development permit approval requiring the applicant to ensure that the elm trees located at the front of the property are not damaged or removed during construction. Further, it is recommended that where brick is shown on the front elevation of the proposed building, that the applicant be required to use a similar colored red brick that was found on the original home on the property.

It is the opinion of Planning and Development Services that the application should be approved as submitted, subject to conditions.

Member Badry addressed the members of the public attending the meeting and welcomed them to speak for or against the application.

1st Neighboring Property Owner – The development officer utilized the parking provision for Multiple Housing Development, rather than the correct calculation for parking under Residential Other – which requires 2 parking stalls per unit. Under this provision 8 parking stalls would be required at the rear of the property to accommodate the development.

The garbage bins are typically required to be located on the property, by allowing a bin to be in the alley way on city property may set precedent for future developments.

The Land Use Bylaw asks for a privately screened yard area with a minimum of 45 square meters. The neighbor was unsure how that could be accommodated with this application.

2nd Neighboring Property Owner – The back alleys in Lacombe are not suitable for parking in the winter. Residents continue to have their vehicles stuck each week during the winter. If the rear of the property is developed, where will snow be removed from the alley?

The location of the development in the middle of the block and not on a corner parcel is not ideal. The neighboring landowner passed photos of the alley and conditions with snow during the winter to the MPC members and City Staff.

3rd Neighboring Property Owner- Indicated they are the homeowner next door. The landowner indicated that they wished to speak to the diminished value of the neighboring property which is currently for sale. They indicated that each potential buyer is concerned that there is a rental property potentially happening next door. The landowner indicated that they have driven around town taking a look at four-plexes built in the community, and recognizes the concern regarding the snow. There is also a concern regarding how the developer is going to electrify the property. If there was a need for a new electrical post the developer would lose one parking stall in the rear. Furthermore, the existing house has not been maintained by the property owner and has been involved with bylaw for weed control. The landowner passed photos to the members of the MPC and City Staff showing the existing house in a state of disrepair. Just because it is zoned for a use does not mean it is appropriate. The neighboring landowner also expressed concern regarding the decks, and the potential for tenants using decks for storage area, they are open often have garbage.

The Planning and Development Department agreed that the concern brought up by the 1st neighboring landowner regarding the parking is correct. If the garbage can be supplied in the alley then 8 stalls can be allocated to the development.

The applicant asked to respond to the concerns of the neighbors.

A privacy screen in the form of a low fence in the rear yard will be provided to ensure that the back yard is not used only for parking but also to provide amenity space.

The applicant noted that they have built 2 other four-plexes with parking in the rear. The applicant indicated that snow is loaded up trucked it away, and realizes that snow is an issue in the community.

The applicant indicated that the electrical will not be an issue, as it is typically the preference of the applicant to have wiring underground however they do overhead typically for new developments in older areas.

The applicant indicated that since possession was taken of the house, sometime in October, the windows were boarded for the safety of the neighborhood. The applicant has also ensured that snow is removed from the property. The developer indicated they have a history in town of taking good care of the properties they own.

The decks on the building will not be supported by two by four posts, they are cantilevered and they are covered in duradeck with a powder coated metal deck rail.

Member Rempel – Clarified that the requirement is actually for 8 stalls, as was confirmed by the Planning and Development department. Member Rempel asked City Staff if the preference for the location of the garbage bins public works pick up is typically in the alley or on private property.

Manager Peter – Generally less damage occurs to private property when garbage is being picked up from a location in the alley, despite it being written as on the property in the Land Use Bylaw their preference was to put it in the alley.

A neighboring property owner expressed concern that the garbage bins were being placed on private property.

Manager Peter brought up an aerial photo showing lot lines and fence lines, the bins appear to be on city property not on private lands.

The neighboring property owner indicated that often the lot lines on the aerials are skewed.

Manager Peter invited the public and the MPC to note the location of the fences, as they are the best indicator of where property boundaries lie. The Public Works department would re assess the number of bins on the street, and evenly space the bins out across the block. It was noted that the bins will also be located on one side of the alley, to facilitate pick up.

A fence was being asked between the parking and the amenity area, parking barriers could be asked for. If there is a fence located there the bollards will act as a barrier also and electrify the stalls.

Manager Peter - If for an unforeseen reason the 8 parking stalls could not be provided in the rear, then a parking stall could be accommodated in the front. The developer and the City would prefer to see all the parking in the rear, however it is an option.

Member Konnik – Indicated it is a difficult assertion that all renters will not care for the property. As the applicants are spending nearly quarter of a million dollars they will most likely take great care of the property. It is just as likely that a person builds a single family home and does not take care of it as well.

Member Rempel – Lacombe is home to many rental properties, however it is also in desperate need for more. It is not fair to pre judge who might end up living next door. There are many people in Lacombe looking for this type of housing and we do not have it. Anytime the MPC can make an improvement for living conditions in the city it should be considered. For example, better quality rental properties for individuals who cannot afford a starter home.

The Members of the MPC requested that there be a separation from the parking area to the amenity area through a fenced.

MOVED BY: Member Rempel

"RESOLVED that the Municipal Planning Commission approve the construction of a four-plex to be located within the Medium Density Transition District Overlay at 5234-51 Street, Lots 42-45 Block 19 Plan 4500R, zoned R4, with a waiver to the requirement that one commercial garbage bin be required on site for the residential building."

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 provisions of this bylaw are complied with.
4. Applicant is to obtain a City of Lacombe building permit prior to commencement of construction.
5. Applicant is to obtain electrical, plumbing and gas permits for the proposed construction.
6. Prior to building permit issuance, all conditions of Development Permit Application 61/251.63 (2014) issued on September 26, 2014 approving the demolition of the existing residence and detached garage on the property shall be met to the satisfaction of the Development Authority.
7. Prior to building permit issuance, a grading plan for the property must be submitted by the applicant and approved by the City's Engineering Services.
8. The exterior of the building, including paints, shall be completed within twelve (12) months from the date of issue of the building permit.
9. The builder must construct within 100mm of the design landscape elevation and illustrated drainage patterns unless otherwise approved by the Development Officer.
10. Curb stop must remain visible and at proper elevation PRIOR to pouring concrete or completing landscape work.
11. Applicant to complete minimum front yard landscaping for each of the two residential units fronting onto 51 Street as follows: (a) a minimum of one (1) tree per unit (total of 2 trees); or (b) a landscape bed consisting of a minimum of three (3) shrubs per unit (total of 6 shrubs); and (c) placement of sod for all four units, unless other landscaping material is approved by Development Authority.
12. Applicant is required to provide screening of parking area from side property boundaries and from the amenity area in accordance with the approved plot plan.
13. 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.
14. Applicant shall provide 8 parking spaces. All parking spaces on site shall be electrified.
15. The elm trees located at the front of the property are not to be damaged or removed during construction.
16. Where brick is shown to be located at the front on the building elevation plan, the applicant is required to use a similar colored red brick as used on the original home on the property.
17. If it is deemed that upgrades are required to the existing water and/or sewer services to accommodate the proposed development, the applicant will be required to apply for and complete any upgrades at their expense, to the satisfaction of the City of Lacombe.
18. This lot requires a bearing certificate. Applicant must submit foundation soil bearing certification from a Geotechnical Engineer (stamped and signed) prior to a **foundation inspection**. **Such certificate shall reference footing design approved with the associated building permit.**
19. The decision of the Municipal Planning Commission being mailed to adjacent landowners, a sign posted on site, and advertised in the local newspaper, and no appeal against the decision being successful.

APPROVED: Unanimously

B. 61/250.34(15), 4504 43 Avenue, Lot 10, Block 1, Plan 962 3073: Conversion of an Existing Workshop/Studio to Living Space, Zoned R-I (Residential-Light Industrial) District

The applicant was present in support of the application. At the time of house purchase, he was informed that his property was the exception of the R-I district requirement for an industrial building.

Development Officer Gail Long presented information regarding the conversion of an existing attached workshop/studio area into living space as part of the existing residence. As the conversion of the workshop/studio would mean that a residence would be located on site without the required industrial component, and as the property is located within the flood fringe, Municipal Planning Commission approval is required.

(8) property owners within 60m of the subject site were notified. No comments have been received in response to the neighbouring landowner circulation.

The purpose of the Residential-Light Industrial District is to provide an area for larger lots for residential uses in combination with limited light industrial uses. A residence and workshop are both permitted uses in this district. Special provisions have been included in the Land Use Bylaw for this District as follows:

- a) A residential and industrial must be approved together and either use cannot exist singularly.
- b) A minimum separation between the industrial structures and the residential structures shall be no less than 10m or such greater amount as may be required pursuant to the Alberta Building Code.
- c) The residential uses shall be sufficiently screened from the industrial use on the same or on an adjacent parcel as may be deemed necessary by the Development Officer.
- d) The residence shall be placed in the front of the lot with the industrial use to the rear of the lot.

The home on this property was constructed in 2006. At that time, the Municipal Planning Commission relaxed the requirement for an industrial building on site and alternatively approved the construction of a residence with an attached workshop/studio. In addition to the workshop/studio, it was reported that music instruction would be offered from the home.

The property is located within the flood risk area. Information on file indicates that the residence and attached workshop/studio was constructed to the 100 year floodway elevation with a geodetic elevation of 846.75m, which included a .5m freeboard.

It appears that the applicant has already removed the garage door and has started the conversion of the workshop space into part of the residence. The applicant has been advised that if the Municipal Planning Commission refuses his application, he will be responsible for converting the workshop space back to its original state.

In addition, it was noted during an inspection of the property that the applicant has located a tent structure on the property. This structure is contrary to the uses allowed in the Residential - Light Industrial District, as under that district, temporary buildings are not included as either permitted or discretionary uses. Whether or not this application is approved, removal of the tent structure will be required.

With the conversion of the existing workshop/studio into living space as part of the existing residence, no industrial business will be located on site. As this is contrary to the purpose of this land use district and the special provisions that are stated specifically for this district, Planning and Development Services is recommending refusal of the application as submitted. Further, the Department is concerned that should residences be approved without an industrial component, it may lead to potential neighbour conflicts and concerns. This could occur as residences without industrial components would be unaware of the nature of the subdivision in which they are located in.

Member Badry – The original application was approved with the house and the attached garage/studio as fulfilling the industrial role. The bylaw is clear that the property should have both an industrial role and the residential role. The concern is that the people that live in that neighborhood understand the nature of the district, and if some properties are exempt it may lead to increased neighbor conflict and neighbor complaints. Furthermore, the applicants are now resorting to temporary structures for parking, as their garage has begun the conversion to living space.

Member Konnik – The applicant has begun work, if they were to refuse the application he would be required to undo all the work he has put in.

Member Rempel – Told the applicant that he should have come to the city prior to doing the work however the problem had really begun with the original application.

Member Konnik – Suggested that the applicant think about building a large garage sometime in the future.

Manager Peter – Indicated the conditions should explicitly state that no second stove or secondary suite is allowed without approval for a secondary suite with a new application, if that is ever the intent.

The following conditions were recommended with approval.

MOVED BY: Member Konnik

“RESOLVED that the Municipal Planning Commission approve the conversion of an existing attached workshop/studio area into living space as part of the existing residence, located within the flood risk area at 4504-43 Avenue, Lot 10 Block 1 Plan 962 3073, zoned R-I.

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. No later than May 1, 2015, and prior to building permit issuance, the applicant will be required to remove the existing tent structure from the property.
5. Applicant to apply for and obtain building permits and any necessary electrical, plumbing and gas permits for the proposed development.
6. The exterior of the building, including paints, shall be similar in material and color as to what is currently existing on the building, and shall be completed within twelve (12) months from the date of issue of this development permit.
7. No second stove will be permitted unless a secondary suite is applied for and approved.
8. The decision of the Municipal Planning Commission being mailed to adjacent landowners, a sign posted on site, and advertised in the local newspaper, and no appeal against the decision being successful.

APPROVED: Unanimously

5. BUSINESS

- A. Next MPC Meeting: Wednesday, March 18, 2015**

6. ADJOURNMENT

MOVED BY: Member Konnik

THAT this meeting now adjourns at 6:17p.m.

CARRIED: Unanimously

Acting Chairperson Badry