



CITY OF LACOMBE
MUNICIPAL PLANNING COMMISSION

MINUTES 031815

DATE: March 18, 2015

PLACE: City of Lacombe Council Chambers

TIME: 5:02 p.m.

PRESENT: Steve Christie Chairperson
Debbie Gallant Member at Large
Wayne Rempel Councilor

REGRETS: Reuben Konnik Councilor
Sandra Badry 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 Christie at 5:02 p.m.

2. ADOPTION OF AGENDA

MOVED BY: Member Gallant

THAT the Agenda be adopted as presented.

CARRIED: Unanimously

3. ADOPTION OF MINUTES

MOVED BY: Member Rempel

That the Municipal Planning Commission minutes for March 4, 2015 be confirmed as presented.

CARRIED: Unanimously

4. NEW DEVELOPMENT PERMITS

A. 61/250.42(15), 98 Hathaway Lane, Lot 17, Block 5, Plan 942 2198: Construction of a Six Foot High Privacy Fence in the Front Yard, Zoned R1a (Large Lot Single Detached Dwelling) District

The applicant was present at the meeting in support of his application.

The Development Officer Gail Long presented information regarding an application for the construction of a 6 ft (1.83 m) high fence in the front yard of 98 Hathaway Lane. As the height of a fence will exceed the height of a fence that is permitted in the front yard without a permit, the application is being referred Municipal Planning Commission for consideration.

Seventeen (17) property owners within 60m of the subject site were notified. One response was received in support of the proposed fence.

The residence on 98 Hathaway Lane is located on a corner parcel. Although Hathaway Lane is considered as the front yard on this parcel, the home has been constructed with the front door, the attached garage, and the detached garage all facing and accessing onto Petticoat Lane. The City's Land Use Bylaw considers the front yard as the yard with the shortest property line at a street, which is Hathaway Lane for this property. However the applicant considers Hathaway Lane as their rear yard due to how the house is situated on the property.

The applicant has indicated that the main purpose of the fence is to allow for an enclosed outdoor space that would provide for privacy and safety for their young family and any future pets. A site plan included with the development permit application indicates that the fence would be located within the property boundary. Proposed construction material of the fence would be either vinyl or cedar.

It should be noted that there is a tall hedge on the west boundary of the parcel which provides visual separation between this lot and the adjacent property. Although this hedge would normally be restricted to the height of 1m from the front property boundary to the front of the residence on the property as this area is considered to be the front yard to the parcel, the height of the hedge appears to be compatible with what is existing in this area.

The City's Land Use Bylaw restricts the height of gates, fences, walls, or other means of enclosure to 1 metre in front yards. The reason for this is so the front yards of all properties are relatively similar in relation to the height of any fencing, hedges, or other means of yard enclosure, allowing for a nice visual and aesthetically pleasing streetscape. However, existing landscaping in this particular area appears to allow for higher yard enclosures without impacting the aesthetics of the neighbourhood.

Planning and Development Services was of the opinion that the proposed increase to the height of the fence in the front yard of this property will not have an impact on adjacent properties and recommended approval of the application as submitted.

MOVED BY: Member Gallant

“RESOLVED that the Municipal Planning Commission approve the construction of a 6' high fence in the front yard of 98 Hathaway Lane, Lot 17 Block 5 Plan 942 2198, zoned R1a.”

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. The fence must be located fully within the property boundary; no encroachment onto the City right-of-way is permitted.
5. The height of the fence shall be no more than 1.83 m.
6. The applicant shall call "Alberta One Call" to locate any underground servicing before ground disturbance for the fence occurs.
7. 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. 61/250.39(15), Bay 1, 4801 63 Street, Lot 1A, Block 53, Plan 052 3370: Retail Liquor Store, Zoned DC1 (Direct Commercial) District and C2 (Highway Commercial) District

The applicant was present at the meeting in support of their application.

The Development Officer Gail Long presented information regarding an application for a retail liquor store to be located at 4801-63 Street. The property is located in the DC1-Direct Control (Commercial) District. The construction of the lease building was presented to Council on June 23, 2014. Council passed a resolution delegating decision making relating to the proposed development to the Development Officer as a C2 development. Council also delegated further decision making on occupancy permits to the Development Officer. As a retail liquor store is listed as a discretionary use under the C2 district, the application is being presented to the Municipal Planning Commission for consideration.

Three (3) property owners within 60m of the subject site were notified. One comment was received in support of the application.

At time of receipt of the development permit application for the construction of a commercial lease bay building at 4801-63 Street, requirements of the City's Land Use Bylaw were reviewed in relation to the overall site development, including but not limited to on-site parking, garbage storage, hard surfacing, and landscaping. A Development Permit was issued on September 8, 2014, for the construction of the building, subject to conditions.

Construction of the building on site is nearing completion, and a permit for the location of a retail liquor store has now been received. It is the intentions of the applicant to occupy Bay 1 of the building commencing May 1, 2015. It will be up to the land owner and the tenants to distribute the parking stalls within the development area.

Planning and Development Services recommended approval of the location of a retail liquor store in accordance with the application submitted, with the following conditions:

MOVED BY: Member Rempel

"RESOLVED that the Municipal Planning Commission approve the location of a retail liquor store in Bay 1, 4801-63 Street, Lot 1A Block 53 Plan 052 3370, zoned DC1."

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 display the assigned civic address at or near the front of the property so that it can be clearly read from the roadway.
5. Applicant to obtain and maintain a valid business license from the City of Lacombe.
6. Applicant to apply for any necessary building, electrical, plumbing and gas permits for any leasehold improvements.
7. Prior to occupancy, the applicant shall provide the City with a copy of the Class D Liquor License issued by Alberta Liquor and Gaming Commission.
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

c. 61/250.49(15), 4711 49B Avenue 63 Avenue, Lot 11-13, Block 7, Plan RN1: Renovations and Change in Use from Hotel to Retail and Office Space, Zoned C1 (Central Commercial) District.

The applicant was present at the meeting in support of their application.

The Development Officer Gail Long presented information regarding an application for renovations to an existing commercial building located within the C1 - Central Commercial District at 4711-49B Avenue. In addition to the regulations under this district, the property is also located in the Old Town Main Street District: Mixed Use Overlay District. The overlay regulates the rehabilitation of existing buildings and the development of major additions and new infill development in a manner that preserves, enhances, and celebrates the unique historic character of the main street area.

The building was previously used as a hotel. In order to provide additional parking for the hotel patrons, the property located in the Mixed Use Transition District Overlay at 4716-49A Avenue, zoned R4 - Medium Density Residential District, was used for this purpose. As the building has been vacant for over six months, and as the applicant is proposing a change in use, regulations under the City's current Land Use Bylaw will apply.

The applicant has advised that it is the intent of the landowner to continue to provide on-site parking for the proposed development both at the rear of the building at 4711-49B Avenue, and on an adjacent property at 4716-49A Avenue. However, as the lot on 49A Avenue is zoned R4, the uses under that district will apply. Under the R4 district, "parking facilities for use in District" is listed as a discretionary use. As a parking facility on this lot would be used to provide parking space for a building located in the commercial district, we are legally unable to consider this use under the current zoning. The applicant has made application to rezone the parcel on 4716-49A Avenue to C1 - Central Commercial District, which lists "parking facilities" as a discretionary use. Should the lot be rezoned, the applicant would be able to apply to use the lot for parking.

Until such time as this rezone has received third reading, the application is to consider the interior and exterior renovations required to allow for a change in use of the building from a hotel to retail and office space. As the applicant is unable to provide the required number of parking spaces on the same parcel as the building, approval of the application will require either a variance or a relaxation to the number of parking spaces required for the proposed development.

Thirty four (34) property owners within 60m of the subject site were notified. One response has been received in support of the application. No comments were included.

Requirements of both the C1 - Central Commercial District, and the Old Town Main Street District: Mixed Use Overlay District were been considered in relation to rehabilitation of the existing commercial building on the property.

Renovations to the existing commercial building on the property, and the change in use of the building from a hotel to retail and office space, are permitted uses within the City's Land Use Bylaw.

Minimal changes to the height of the building will occur with the addition of parapets on each corner at the front of the building, and the addition of a slightly raised tower located at the center of the building front. The existing building, including the minimum height adjustments for the parapets and central tower, meets requirements of the Land Use Bylaw in terms of front and side yard setbacks, building height, and maximum lot coverage.

Due to the significant renovations that are proposed to the exterior of the building, the City anticipates that there may be interruptions to the City's sidewalk while these renovations take place. There may also be a loss of parking spaces on 49B Avenue during construction. The applicant will be required to provide a Traffic Accommodation Strategy addressing appropriate measures to accommodate the proposed disruption to the City's pedestrian and road network.

The City notes there is also a strong possibility that the sidewalk along 49B Avenue will suffer damage due to construction. The City will require the Developer to repair or replace any damages to the sidewalk, at the applicant's expense, prior to occupancy of the building. The applicant will be required to submit a deposit to ensure completion of any required replacement or repair.

The inside of the building on the main floor will be developed and divided up into individual bays once it is known the requirements of each tenant. It is intended that the entire upper floor be occupied by one tenant or may be divided into separate bays.

Parking for the proposed commercial and office space will be provided at the rear of the building, with one access to the parking area being from the laneway to the southeast and the other from the laneway to the southwest of the parcel. The parking area is currently hard surfaced.

Based on Section 8.11(c) of the Land Use Bylaw 26 parking stalls will be required for the main floor retail sales space, while 18 parking stalls will be required for the second floor office space, for a total of 44 parking stalls.

The applicant has provided twenty two (22) parking stalls behind the building. Two of these parking spaces have been designated for use of disabled persons, and three of these parking spaces, located in front of the rear entry doors, have reduced lengths and would be available for small car parking only. The City's Bylaw does not consider parking space requirements for smaller vehicles. However, bylaws for the cities of Red Deer, Edmonton, and Calgary allow for smaller vehicle parking spaces being a minimum of 4.6m in length. A variance will be required should the Municipal Planning Commission approve the three parking spaces proposed for small car parking.

Tentative plans have been provided for an additional 16 parking stalls if the applicant is successful in the rezone and permit approval to use 4716-49A Avenue as a parking facility.

The applicant is proposing a reduction in the length of other parking spaces adjacent to the building from the required 6 m to 5.89 m. Planning and Development Services recommends approval of the parking plan as submitted, with a 2% variance to the length of the on-site parking stalls adjacent the building, and a 24% variance for the three parking spaces proposed for small cars.

Section 8.11 (h) in the C1-Central Commercial District at discretion of the Municipal Planning Commission they may

- (i) reduce the number of parking stalls required, or
- (ii) waive the provisions of any parking stalls;
- (iii) and may require the developer to make a payment to the City of Lacombe at a rate established by resolution of Council for the area of land not developed for parking stalls.

In accordance with the above, the options available are to either grant a variance to the number of parking stalls required, or totally waive the requirement for any parking stalls. As the applicant is able to provide some on-site parking and it is his intentions to apply for additional parking once the adjacent lot has been rezoned, Planning and Development Services recommends that a 46% variance be granted to the required number of parking stalls.

Precast concrete curbs and pavement markings identifying each parking stall, and signs to identify the parking stalls designated for the disabled, will be required.

One loading space and garbage storage have been provided on site, in accordance with requirements of the City's Land Use Bylaw. The City's Utility Manager has indicated that the location of the garbage container allows for City garbage pick-up.

49B Avenue consists of a number of older retail buildings, the exterior of the majority of them being finished with stucco. Considering the character and architectural features required in this overlay district, it is very important that any exterior finish proposed for the site meet requirements of the overlay district in terms of materials and design, as this building will set an example of the City's expectations of other buildings as future development applications are considered.

Planning and Development Services is of the opinion that the design of the windows is sufficient to meet the City's Land Use Bylaw requirements.

Buildings exceeding 15m in width are to incorporate major vertical elements to maintain the rhythm of the building front pattern. The applicant has incorporated vertical columns of brick veneer separating the five entry ways into the building to maintain the front building pattern. Due to the visibility of the side of the building from Highway 2A, and the rear of the building from 49A Avenue, this pattern has also been incorporated on the east face of the building adjacent Highway 2A, and also along the entire width at the rear of the building.

Building Facade/Building Materials

In order to highlight the historic character of the Old Town Main Street Overlay District, the applicant has:

- provided transom windows at the front and side of the building;
- added raised parapets to each corner and a raised "tower" to the center front of the building
- added two level modling on the second floor roof top (which is difficult to decipher in the coloured drawings)
- used brick veneer cladding on the front of the building with stucco being the most predominant cladding material on the building exterior being stucco

Although the applicant is not meeting the requirement to provide more than 50% brick, Planning and Development Services is of the opinion that sufficient brick has been provided to ensure the building reflects the historic character in which the overlay is attempting to achieve.

Signage is being proposed in the sign band area above the main floor store front windows. The applicant has incorporated downward lighting above the sign bands, allowing the sign to be visible from the roadway while not impacting vehicular traffic. This band area can also be used to provide signage at the rear of the building. In addition, a sign indicating the building's name will be located on the center "tower".

The applicant is proposing a small landscaped area along the southeast property boundary adjacent the laneway and at the southeast corner of the property at the intersection of the two laneways. Landscaping details will be required to the satisfaction of the Development Authority.

To delineate property lines, the applicant is proposing a post and cable fence to be located along the side property boundary from the southwest corner of the building, along the rear property boundary, and on the southeast property boundary to the lane access.

As there has been no green space provided at the front of the building, it is recommended that the Developer be required to provide planters and/or hanging plants during the summer months at the front of the building on each side of the doorways to the various businesses. The Land Use Bylaw requires occupancy permits to provide planters, and by incorporating this feature into the overall building, the Department feels it will provide a better aesthetic.

If the Department considers that an occupancy use will have an adverse impact due to parking demands, future applications may need to be brought forward to the Municipal Planning Commission for consideration. However it is the applicant's intent to provide additional parking for the proposed development on an adjacent lot which is currently in the process of being rezoned for this purpose. For information purposes only, if the additional parcel is approved as intended, the required parking variance required would be reduced from 50% to 14%.

Similar with other multi-tenant properties, it will be up to the land owner and subsequent tenants to distribute the parking spaces.

The requirement for planters/hanging baskets addresses future requirements of the Bylaw, and ensures that these are cohesively delivered.

Future signage for individual occupiers will reflect the requirements of the Land Use Bylaw. Given the style of building, backlit fascia signs will not be supported. Fascia signs with front lighting, or projecting signs, depending on height clearance, may be used

Future occupiers of the building will be required to obtain a development permit, and building permit if necessary.

Planning and Development Services had no objection to the proposed development and is recommended approval.

The applicant indicated they are in agreement with regards to all the stipulations outlined by the Planning and Development Department with the exception of the rear awnings and condition #20, regarding the electrification of stalls. The applicant indicated that rear awnings will not add very much to the aesthetic to the building, but are an added and ongoing cost which will require significant maintenance. The applicant also noted that it is not economical to provide electrified stalls, as future tenants will not pay for the added cost of operating them and that cost will fall to the developer.

Member Gallant agreed with applicant on both points. Her only stated concern regarded the shortage of parking, however downtown parking is always difficult to manage and should not be an issue if the other parcel to be dedicated for parking is rezoned.

Member Rempel was in agreement with the applicant and Member Gallant, and supported the removal of Condition #13 and amended condition #20 to remove the requirement for electrification of the parking stalls.

MOVED BY: Member Gallant

“RESOLVED that the Municipal Planning Commission approve the renovation of an existing commercial building and a change in use from a hotel to retail and office space in the Old Town Main Street District: Mixed Use Overlay District with a 50% variance to the parking requirements, and a 2% variance to the length of the parking spaces adjacent the building, and a 24% variance to the length of the three parking spaces for small cars, to occur at 4711-49B Avenue, Lots 11-13 Block 7 Plan RN1, zoned C1.”

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 relieving or excusing 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 is to obtain a City of Lacombe building permit prior to commencing with the renovation.
5. Applicant is to obtain electrical, plumbing and gas permits for the proposed renovation.
6. All dry rubble materials removed during renovation are to be disposed at the Prentiss Waste Station or at an area approved by Alberta Environment.
7. Applicant is to ensure that all Occupational Health and Safety requirements are met.
8. Applicant is to ensure the site remains neat and tidy.
9. Applicant is to ensure that the trees located at the front of the property are not damaged or removed during the renovation.
10. The exterior of the building, including paints, shall be completed within twelve (12) months from the date of issue of this building permit.
11. Curb stop must remain visible and at proper elevation PRIOR to pouring concrete or completing landscape work.

12. 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.
13. Applicant is to ensure the incorporation of a two level molding along the front second floor roof top.
14. All landscaping areas are to be protected by concrete curbs or other approved barriers having a minimum height of 140mm.
15. To delineate property lines, a post and cable fence will be required from the northwest corner of the building to the rear laneway, and adjacent the laneways at the back and side of the parking area, to the southeast access.
16. Prior to building permit issuance, the applicant shall submit a landscaping plan to the satisfaction of the Development Authority. Landscaping deposits will be required in the form of cash or letter of credit in an amount equal to 100% of the estimated cost of the required landscaping as estimated by an appropriate trade professional, and not less than \$2,000. The estimate must include the cost for fencing. Security will be released once a site inspection demonstrates that the landscaping has been completed in accordance with the approved plan, has been well maintained, and is in healthy condition at the end of the second growing season.
17. A deposit in the form of cash or letter of credit in the amount of \$2,500 must be added to the landscaping deposit to cover estimated costs for sidewalk repair and/or replacement in the event that the existing sidewalks is damaged during the renovation. The sidewalk is to be replaced with a similar 1.4m width concrete, with all costs being borne by the Developer.
18. Applicant shall provide for one on-site garbage container, and appropriate screening, in accordance to requirements of the Land Use Bylaw, to the satisfaction of the Development Authority.
19. Application shall ensure that the parking spaces and loading space provided at the rear of the building are hard surfaced. All parking spaces shall be identified with cement parking curbs and pavement markings.
20. Prior to building permit issuance, 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 parking barriers are in place and the pavement markings have been completed in accordance with the approved plan. Parking curbs and pavement markings are to be included in the cost estimate.
21. Prior to building permit issuance, the applicant shall submit a Fire Safety Plan to the satisfaction of the City's Fire Chief.
22. Prior to Building Permit issuance, the applicant shall provide a Traffic Accommodation Strategy (TAS), based on current Alberta Transportation requirements, to the City for review and approval. The TAS will need to address the following:
 - How pedestrian and vehicle traffic will be accommodated during development of the site.
 - The requirement for a temporary walkway, and/or scaffolding to ensure pedestrian safety and accessibility around construction at all times.
 - Appropriate measures to notify adjacent businesses of disruption to the City's pedestrian and road network.
23. Mechanical equipment (including roof top mechanical equipment) shall be screened from view from all sides, and shall be compatible with the surrounding character of the site, to the satisfaction of the Development Authority.
24. 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.
25. Applicant agrees to provide planters and/or hanging plants during the summer months at the front of the building on each side of the doorways to the various businesses located within the building. Ongoing maintenance of these planters and/or hanging plants will be the responsibility of the applicant.
26. The decision of the Municipal Planning Commission/Development Officer 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, April 1, 2015**

6. ADJOURNMENT

THAT this meeting now adjourns at 5:45p.m.

MOVED BY: Member Rempel

CARRIED: Unanimously

Chairperson Christie