



**CITY OF LACOMBE**  
**MUNICIPAL PLANNING COMMISSION**

**MINUTES 041515**

**DATE:** April 15, 2015

**PLACE:** City of Lacombe Council Chambers

**TIME:** 5:00 p.m.

**PRESENT:** Wayne Rempel Acting Chairperson  
Reuben Konnik Councilor  
Debbie Gallant Member at Large

**REGRETS:** Steve Christie Chairperson  
Sandra Badry Member at Large

**STAFF:** Matt Goudy, Director of Planning and Operations  
Lyla Peter, Manager of Planning and Development  
Jennifer Kirchner, Planner  
Gail Long, Development Officer  
Kristen Harder, Development Officer

**1. CALL TO ORDER**

The meeting was called to order by Acting Chairperson Rempel at 5:02 p.m.

**2. ADOPTION OF AGENDA**

**MOVED BY:** Member Konnik

THAT the Agenda be adopted as presented.

**CARRIED:** Unanimously

**3. ADOPTION OF MINUTES**

**MOVED BY:** Member Gallant

That the Municipal Planning Commission minutes for April 1 2015 be confirmed as presented.

**CARRIED:** Unanimously

#### **4. NEW DEVELOPMENT PERMITS**

##### **A. 66/250.01(15), 3700 Highway 2A, Pt. SE 29-40-26-W4W: Creation of 1 Commercial Parcel and 1 Remainder.**

Manager of Planning and Development, Lyla Peter, presented information regarding two subdivisions, noting that while this report considers the subdivision application 66/250.01(15), it should be identified that a concurrent application for subdivision has been made for the remainder of the lands (found between this proposed lot and to Lot 10, Block 1 Plan 132 3821. That application is for the creation of six lots, filling the entirety of the remaining land. Those lots are proposed to be registered as a condominium ownership.

The previous subdivision of this parcel, which created LOT 10, occurred in 2013. A 0.41 hectare parcel was subdivided off the existing 3.11 hectare parcel of land adjacent to Highway 12 and south of the CPR rail. The property is currently a vacant Highway Commercial District (C2) parcel. The decision letter issued for that subdivision [66.250.50 (11)] stated:

*11. That all future subdivision of the remnant parcel will require an Outline Plan and Servicing Study.*

This requirement has not yet been met

At the time of the subdivision [66.250.50 (11), a condition was drafted by the MPC that all future subdivisions occurring on the remaining lots shall require an Outline Plan. Outline Plans typically guide how development occurs in the city under the general principles outlined in the Area Structure Plan. MPC expressed that an Outline Plan was needed for this development as it would identify how the lots would be accessed and indicate basic information for servicing. Currently none of the lots are serviced and have been running off of well water. The City recognizes that sewer and water provision are challenging for these particular lots due to their configuration however the Municipal Development Plan specifies that that water and sewer infrastructure should be provided at time of subdivision. The current and intended use of the subject parcel conforms to the Land Use Bylaw and the Municipal Development Plan (MDP). The MDP addresses the location of the subject property as being designated for commercial and mixed uses.

The applicants entered the meeting.

Manager Peter informed the Municipal Planning Commission that although the services were not provided with the first subdivision, the City cannot refuse to bring forward an application for future development based off of incomplete requirements or past decisions for previous development applications.

Manager Peter indicated a challenge faced by the applicants for both the one lot and the six lot subdivision is the connectivity of the lots and servicing. Typically, an 18 meter right of way is required for access serving as a service road, which is the access identified for this lot. However the narrow size of the lots renders an 18 meter right of way not feasible, as it would make the site even more challenging to develop.

Manager Peter indicated that the applicants were informed of the option to prepare a condominium subdivision, which would mean that City requirements for road widths would not need to be enforced. The applicant proposed a 7m right of way for a roadway. No utility right of way was demonstrated on the proposed subdivision. The proposals indicated that cross access between lots (condominium and non condominium) would be sought.

Manager Peter noted that the installation of a 7m wide roadway was prove insufficient to accommodate any form of turning radius for vehicles, especially commercial vehicles. It was noted that at the point that engineering plans are submitted, they will be required to indicate the configuration on the common property (which is also the road access). Ultimately as proposed, the plan is insufficient to accommodate turning radius of vehicles, which in turn means that the proposed access and common property will need to be reconfigured.

The previous subdivision Development Agreement, which allowed for the creation of Lot 10, contained provisions to ensure services would be available prior to any further subdivision, in SCHEDULE D:

- 1. The Developer acknowledges that it is obligated to construct utility services for the Lands, consisting of water, and sanitary sewer services, prior to further development or subdivision occurring.*
- 2. The Developer will construct and install a 300 mm water main from the east boundary of proposed Lot 11 to the west boundary of proposed Lot 10 prior to the issuance of a development permit for Lot 10. Said water main is to be installed in accordance with the City design and construction guidelines and is to be located within the utility easement granted by the owner to the City. The Owner shall construct the water main no later than twenty four (24) months from the date of this agreement or such later date as the City may authorize in writing.*
- 3. The Developer will construct and install a 250 mm sanitary sewer main from the closest City connection located at the intersection of 34th Street and 52nd Avenue to the west boundary of the future subdivided lot(s). Said sanitary sewer main is to be installed upon future subdivision of the Lands and constructed within a utility easement right of way to be provided by the Developer to the City upon completion of the construction. Said sanitary sewer main is to be installed in accordance with the City design and construction guidelines.*

The decision letter from the previous subdivision letter also references a requirement for fire protection, stating:

- 9. The Developer/Owner shall provide a fire hydrant to service both properties.*

Therefore, the proposed Lot 3 will lack services until:

1. Water line is constructed - the Developer/Owner has an obligation to provide this by May 13<sup>th</sup>, 2015.
2. Sewer line is constructed - the Developer/Owner has an obligation to provide this concurrent with the proposed subdivision.
3. A hydrant is constructed - there is currently a hydrant on Lot 11 (westernmost lot), but it is approximately 100 meters from the western boundary of Lot 10, and would be approximately 520 meters from the eastern boundary of proposed lot 3. Regulations required buildings to be no further than 90 meters from a hydrant, making development of any structures on the proposed lot 3 impossible without an additional hydrant.

Pursuant to sections 53 and 26 of the City's Water and Sewer Bylaw, the developer is required to establish metered water service connection to the proposed parcel. As a condition of any Building Permit or Development Permit applications, the City would include a requirement that all sewer and water connections to the City servicing are in place.

Director Goudy stated that the lack of an Outline Plan meant that there was no clarity on how the lots would be serviced with water and sewer. The proposed common property would likely house the services. The City does not typically take on utilities that are part of a condominium, but the proposal shows private lots bookending the condominium lot. Therefore the City recommends that the utilities remain City owned, but that the right of way was not sufficient in size to accommodate City standard infrastructure.

Manager Peter indicated a second challenge faced by the applicant and the city with developing the lots lies in the equal and safe provision of access to each lot. As no Outline Plan is in place for the lands between Lot 2 Block 1 Plan 112 4916 and the proposed subdivided property, the Municipal Planning Commission must consider the access to both the proposed lot 3 and the lots of the remaining lands. The Alberta Subdivision and Development Regulation identifies that access is required for subdividing of land (section 7). The City controls access to Highway 12 and seeks to ensure that access is limited.

As demonstrated in the picture provided on the screen, the City's MDP identifies the need for a service road along the south boundary of the parent parcel. This service road is to be developed adjacent to Highway 12 to provide access to the lots subdivided from the parent property. The Service Road would connect to Highway 12 at Lot 2, Block 1, Plan 112 4916 and intersect with Highway 12 at the location of the proposed road, Harrington Ridge (located in the Metcalf Ridge Development, which has not yet been developed).

The City did not recommend that access be provided to the proposed private ownership lot via the proposed condominium lots, as the condominium lots would ultimately be responsible for the construction and maintenance of the access road, for which the proposed private ownership lot would not be contributing to.

An access agreement is registered on Lot 12 Block 1 Plan 112 4916 granting access to the proposed parcel. The creation of this lot will enable access to the proposed lot. The City of Lacombe is satisfied with the agreement on title. The proposed subdivision will require that the existing access located on Lot 2, Block 1, Plan 112 4916 be improved. The proposed upgrades shall be identified in the engineering/construction plans which are a requirement of subdivision at the time of preparing a Development Agreement. The Development Agreement will set out the requirements for upgrading the access of Lot 2, Block 1, Plan 112 4916 to ensure that it meets City of Lacombe standards for commercial properties.

Administration has identified that the applicant may wish to relocate the existing access to enable a shared access. Should the applicant choose to pursue this form of access; the shared access agreement registered on title could be removed with the completion of the new access, built to City standards. The existing access would then be required to be removed. The applicant may chose either access arrangement on their engineering plans submitted for approval as part of the development agreement.

The existing access is required to be upgraded to City standard for a commercial access at time of future development.

Due to the Metcalf Ridge development occurring directly south from the development across highway 12, the City has noted the need for the connection of the two developments via a light controlled intersection. Connection of this road to the condo would result in a shared cost of signal light installation and lessen the number of accesses required off of highway 12.

It was stressed by the department that until engineered plans have been submitted for the common property the access and servicing could not be considered. Engineered plans must be submitted prior to subdivision endorsement, a typical practice of subdivision and development in the community. This also typically includes the payment of off-site levies.

The City suggested that MPC write conditions in a manner that permits the applicant to begin subdividing their lots, and also allows the City to receive the information they require prior to endorsement.

Director Goudy acknowledged it is difficult to look at the plan in pieces without seeing what the end result will look like however the City is eager to see the subdivision and application move ahead.

The Municipal Planning Commission was asked to comment or indicate concerns regarding the application.

Member Konnik inquired about the location of the existing access to existing lot 2.

Manager Peter located the access location on the screen for Member Konnik.

Member Rempel invited the applicants to speak to their application.

The applicants claimed they had not been notification of the meeting, or received a copy of the report for the meeting, indicating that they were not aware of the time or place of the meeting until the night previous at their meeting with Director Goudy and CAO McQuarrie.

The applicants explained to the Municipal Planning Commission that the survey presented with the application does not indicate what they intend for the land and the lots 2 through lot 11 are all supposed to be presented as a condominium lots. The applicants felt that the condominium option as presented by Manager Peter was necessary, as it would reduce the size of the typical road right of way to 7 meters. The applicants indicated that Real Estate Agreements have been made with the buyers in the sale of lot 3 which indicates its participation in the condo development.

The applicants indicated that lots 2 and 3 will be used essentially as the same parcel by the future landowner, however he is not interested in amalgamating the lots. At the time of development the condition was that the access would have to be upgraded to meet the needs of lots 2 and 3. The first development to occur would be responsible for upgrading the access.

Manager Peter clarified that a current land title search shows an access from lot 2 to 3 with an access agreement registered. This agreement is satisfactory to the City.

Manager Peter stated the concern regarded the application as submitted was the multiple additional access agreements that would encumber the neighboring landowners. If there are multiple access agreements the landowners in the middle are encumbered by the landowners on either side who have the power over the accesses simply due to their location.

If the entire parcel was to be a condominium, then all of the landowners are responsible for the length of road. However this was not what was applied for.

Member Rempel clarified with the applicant and the planning department that the application signed did not show the proposal for the development as a condo from end to end.

The applicant responded that due to a miscommunication between themselves and the surveyor the application was not applied for properly.

The applicants indicated that the condominium is necessary for all of the parcels, including lots 10 and 11, as the City would not allow an access agreement across lot 10 to 11 to the other properties.

The department responded that the concerns are due to the fact that if the owner of lot 11 desired to remove the shared access agreement to lot 10, lot 10 would have no access. The City recommended the possibility of being a third party in the development by maintaining ownership of the access.

The applicants expressed that they are not prepared to take on the whole subdivision right now. Their intention for this meeting is solely to subdivide lot 3 so it can be sold to the adjacent landowner.

The applicants felt as though the City, by insisting an outline plan be submitted and expecting requirements of a subdivision have led the applicants to look at developing the entire section of land when they are only interested in the subdivision of lot 3.

Manager Peter clarified that should the application have come forward as a condominium the City would have had less concern with regards to the access and servicing to all the. The City processed the application as it was applied for, however it is possible to only discuss the subdivision of lot 3 as a non-condo lot, and the applicants to undertake the process of including it in the condo plan with the remainder of the parcels at a later date.

The applicants indicated that due to the closure land sale for Lot 3, they wished to proceed with that particular subdivision only at this time. They stated that they withdrew the application for six condominium lots and that they would return with an application once a new survey has been drawn.

Manager Peter reminded the applicants and the Municipal Planning Commission that they must consider the subdivision of Lot 3 as it was applied for, as a non-condo lot. The applicants or the future landowner may then take next steps to condo the land with the remainder of the proposed subdivision when it comes forward.

Member Rempel wondered whether it would become an issue if surrounding property owners no longer wished to be part of the condo.

The applicants indicated that the real estate agreement with the adjacent landowners indicates they will be part of a condo, and that is what they are expecting.

The City agreed to the withdrawal of the six lots and the progression of one lot. However Manager Peter indicated that the subdivision of lot 3 should be completed prior to a new application for a condominium being considered for all lots.

Member Gallant asked whether it would be beneficial that the surveyor be in communication with the City regarding the applications.

Manager Peter informed the Municipal Planning Commission that she had discussed the application with the surveyor prior to the meeting and he had also expressed concern regarding the transition from condominium to non condominium lands. It was the surveyor's and the department's impression that the plans submitted reflected the desires of the applicant.

Manager Peter proposed discussing the recommendations with the Municipal Planning Commission and the applicants to ensure they are clear. She inquired whether MPC wishes to defer some of the requirements until development permit issuance.

The members indicated they would.

Condition #3 ensures that the applicants have discussed with the utility companies and have confirmation that they will be able to provide services to the lots. The condition ensures that ATCO, Fortis and Shaw can provide services to the lot with what is being proposed.

Condition #9 and #10 requires that water mains and sanitary mains will service the subdivided lot and those of future subdivisions.

Director Goudy indicated that as the conditions are written the endorsement of the subdivision would be subject to the construction of the water main and sewer main. He inquired whether the applicants would prefer these requirements be deferred to development permit stage.

Member Gallant inquired whether the deferred requirements would help the applicants move forward with the subdivision.

The applicants and the planning department indicated yes.

The applicants agreed and the Municipal Planning Commission requested a change to the wording of the condition #11 regarding off-site levies.

Manager Peter indicated that the off-site levy bylaw is activated any time a subdivision of land takes place. Previous applications by the applicants have required the payment of offsite levies but they were deferred. This process is not typically considered with existing practices or bylaws, however the option to defer is an option given to the Municipal Planning Commission with regards to this application as well.

Manager Peter reminded the applicants that condition #5 is based off a yearly rate. The rate could increase if it was not paid by the end of 2015.

Although typically required prior to subdivision, condition #7 requiring the existing access meet the standards of a commercial lot, the Municipal Planning Commission indicated the condition may be deferred to development permit application stage.

The applicant informed the Municipal Planning Commission members that the lots being discussed are being sold for investment, the applicants and future landowners do not intend to build until there are services in place. The future owner of lot 3 does not intend to develop yet, or provide sewer and water.

Director Goudy reminded the applicants that their previous subdivision application required them to install water and sewer within 24 months of the application. This date is May 15 of 2015. The applicant's previous statement contravenes the previous subdivision application approved.

The applicants then asked whether the Municipal Planning Commission could grant an extension to the requirement.

Director Goudy indicated it was a legal requirement of the subdivision and in order for the applicants to change the requirement it would have been necessary to appeal to SDAB within the appropriate time period after the last application.

The Municipal Planning Commission inquired about what recourse the City has if the requirement is not met.

Director Goudy indicated the City may choose to issue a stop work order and force the applicant to complete the work, or the City completes it and forces the applicant to pay.

Member Konnik requested the meeting be redirected to discuss the application at hand.

Condition #11 was amended to defer the requirement for drawings until development permit stage. Director Goudy indicated that the engineering department is ok with the change.

Conditions #9 and #10 were clarified, the sizes of the pipes may need to be changed in the future to consider the lot as a condo in the future, but right now it is not.

Manager Peter indicated that a development agreement will be required; however it will not be a standard agreement due to the deferral of the servicing and must be reviewed by the City's lawyer.

The applicants asked whether the offsite levies have to be paid prior to the title change.

Director Goudy stated that the City's bylaw indicates that there must be an agreement in place for the payment of offsite prior to the approval of a subdivision. It is within the MPC's right, with an agreement with a specific date, to defer the payment until a date beyond the endorsed subdivision.

It was agreed upon by the Municipal Planning Commission and the applicants that the amount owing must be paid by June 20, 2015.

Member Konnik asked the applicants if they were satisfied with the conditions as amended.

The applicants indicated yes.

A new resolution was printed showing the appropriate changes for the motion to be signed.

**MOVED BY:** Member Konnik

**"RESOLVED** that the Municipal Planning Commission approve the subdivision of one 0.41 hectare (1.01 acre) parcel located in the SE 1/4 29-40-26-W4M, lying south of the CPR line, subject to the following conditions:

1. Subdivision to be registered by Plan of Survey.
2. The payment of any outstanding property taxes or the completion of arrangements satisfactory to the City of Lacombe for the payment thereof.
3. Arrangements being made with and to the satisfaction of the Utility companies, including the City of Lacombe.
4. The Developer/Owner enters into a Development Agreement with the City of Lacombe and the City of Lacombe shall register it as a caveat on title.
5. Payment of \$20,006.03 in offsite levies (2015 rate) as calculated in the Development Agreement to be paid by June 30, 2015.
6. The location of the access shall be identified through the submission of detailed Engineering/Construction plans and approved by the City of Lacombe. Access shall either be an improvement to the existing lot 2, Block 1, Plan 112 4916 or through a shared access between Lot 2, Block 1, Plan 112 4916 and proposed subdivision lot. Should a new shared access be pursued, the existing access at Lot 2, Block 1, plan 112 4916 shall be closed once the new access has been constructed. Terms of the closure shall be identified in the Development Agreement.

7. Access shall be developed to meet City of Lacombe standards for commercial property at the time of development permit issuance. The applicant is required to make and satisfy all arrangements with the owner of Lot 2, Block 1, Plan 112 4916.
8. No through access to lots to the East shall be provided.
9. The Developer/Owner shall provide a sized 300 mm water main to provide water servicing to the proposed parcel. The location of applicable utility right-of-ways and location of the servicing will require coordination with private property owners.
10. The Developer/Owner shall provide a 250 mm sanitary sewer main to the proposed lot. The location of applicable utility right-of-ways and location of the servicing will require coordination with private property owners.
11. Conditions 9 and 10 shall be provided at the time of development permit issuance.
12. The Developer to submit detailed Engineering/Construction plans to the satisfaction of the City of Lacombe at the time of development permit issuance.
13. The Developer/Owner shall provide a fire hydrant to service this property.

**APPROVED:** Unanimously

**B. 66/250.02(15), 3700 Highway 2A, Pt. SE 29-40-26-W4W: Creation of 6 Commercial Bareland Condominium Lots**

Application was withdrawn.

Application D. was brought forward to position C.

**C. 61/250.56(15), 13 Ebony Street, Lot 7, Block 10, Plan 062 3439: Sunroom. Zoned R1b (Residential Medium Lot Single Detached Dwellings) District.**

The applicant was present at the meeting.

Administration received an application to expand an existing deck at the rear of the property and enclose the entire area for use as a sunroom. As the deck at the rear of the property will become fully enclosed, the area of the sunroom will be considered as additional living space and will be added to the total area of the principle dwelling unit. It is the intent that a hot tub be placed within a portion of the sunroom.

Twenty seven (27) property owners within 60m of the subject site were notified. No responses were received to the neighbouring landowner circulation notice.

The addition and deck proposed requires a 75% variance to the distance permitted between the main building on a parcel and accessory buildings.

The applicant has indicated that the existing hot tub, located at ground level, will be moved to the sunroom upon its completion. The applicant will be requested to remove the roof structure that has been added onto the roof of the detached garage. The applicant will be also required to obtain a building permit for the hot tub on the parcel.

In addition, the maximum parcel coverage in the R1b district allows for 33% lot coverage for the principal dwelling structure and an additional 10% lot coverage for an accessory building. The existing residence on the parcel equates to a parcel coverage of 32.28%, while the detached garage on the parcel equates to a parcel coverage of 6.6%. With the addition to the existing deck and conversion to a sunroom, the principle dwelling on the parcel will cover 34.43% of the lot, requiring a 4.4% variance.

There are no requirements in either the Alberta Building Code or the Fire Code requiring separation distances from the principal dwelling and accessory building. The City's Fire Chief did note that fire can spread more quickly between buildings that are closer together, but if the risk is acceptable to the owners, he had no legitimate concern. Planning and Development Services is therefore recommending approval, subject to conditions as follows:

**MOVED BY:** Member Gallant

**”RESOLVED** that the Municipal Planning Commission approve a 75% variance to the minimum distance requirement between the main building and accessory building, and a 4.4% variance to the maximum lot coverage of the principle building, located at 13 Ebony Street, Lot 7 Block 10 Plan 062 3439, zoned R1b.

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 is to obtain City of Lacombe building permits for the sunroom and the hot tub to ensure compliance to the Alberta Building Code.
5. Applicant to obtain building, electrical, plumbing and gas permits as required.
6. The roof addition to the detached garage roof covering the existing hot tub shall be removed upon construction of the sunroom.
7. Applicant to ensure that the sunroom matches or is complimentary to the primary dwelling unit in color and materials.
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. 61/250.64(15), 13 Liberty Close, Lot 8, Block 5, Plan 922 2219: Location of Existing Shed and Deck. Zoned R2 (General Residential) District.**

The applicant was not present at the meeting

Administration has received an application to allow an existing shed and an existing deck to remain at their current locations. The owner has indicated that both the shed and deck have been located on site for a number of years.

Twenty five (25) property owners within 60m of the subject site were notified. Five responses were received from adjacent landowners, all in support of the application. One respondent indicated that the location of the shed and deck does not affect them in any way. No additional comments were received.

The existing shed on site is located 3.0m from the rear property boundary, requiring a 67% variance, and .76m from the side property boundary, requiring a 16% variance.

The existing deck on the property is setback 4.45m from the rear property boundary, requiring a 35% variance.

Both the shed and deck will require building permits.

The following recommendation is being forwarded for consideration:

**MOVED BY:** Member Konnik

**”RESOLVED** that the Municipal Planning Commission approve a 67% variance to the rear yard setback requirement and a 16% variance to the side yard setback requirement to allow the shed to remain at its current location, and also approve a 35% variance to the rear yard setback requirement to allow the deck to remain at its current location, at 13 Liberty Close, Lot 8 Block 5 Plan 922 2219, 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 apply for and obtain a building permit for both the shed and the deck, and if applicable, an electrical permit for the shed.
5. 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, May 8, 2015**

## **6. ADJOURNMENT**

**MOVED BY:** Member Gallant

THAT this meeting now adjourns at 6:22p.m.

**CARRIED:** Unanimously

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Acting Chairperson Rempel