



CITY OF LACOMBE
MUNICIPAL PLANNING COMMISSION

MINUTES 050715

DATE: May 5, 2015

PLACE: City of Lacombe Council Chambers

TIME: 5:00p.m.

PRESENT: Steve Christie Chairperson
Reuben Konnik Councilor
Debbie Gallant Member at Large

REGRETS: Sandra Badry Member at Large
Wayne Rempel Councilor

STAFF: Lyla Peter, Manager of Planning and Development
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 Konnik

That the Municipal Planning Commission minutes for April 15, 2015 be confirmed as amended.

CARRIED: Unanimously

4. NEW DEVELOPMENT PERMITS

Application A. was moved to the end. Application B. brought forward as A.

A. 61/250.65(15), 5467 53 Avenue, Lot 6, Block 28, Plan RN 1E: Demolition of Detached Dwelling. Zoned R2 (General Residential) District.

The applicant was present at the meeting.

Manager Lyla Peter presented information regarding the application for a discretionary demolition of a detached dwelling. As the house was built more than 50 years ago, the application is subject to Section 14.4 of the Historic District Area Overlay which provides guidelines for demolitions of units 50 years of age.

Nineteen (19) property owners within 60m of the subject site were notified. No responses have been received from neighboring landowners to the circulation notice.

Demolition of the residence is subject to the regulations set out in the Historic District Area Overlay. The intent is to ensure that incremental alterations, renovations and demolitions do not diminish the conservation of historic resources over time.

Though the building was identified to be fifty years of age or older, and was not included on either the Heritage Inventory or the Places of Interest List however all three stages or levels of classification for older structures in Lacombe were performed.

The Land Use Bylaw indicates that buildings aged 50 years or older are generally not supported for demolition, unless it can be determined by the Heritage Resources Committee that restoration is not feasible.

To determine feasibility, the Overlay requires that:

- 1) The applicant advertise the building for relocation or salvage prior to a decision being made on the demolition application
 - a) The applicant advertised the demolition proposal in the Lacombe Globe for two weeks (April 16 and April 23, 2015). No responses were received by the City of Lacombe or the applicant with respect to the advertising.
- 2) An assessment of the historical value of the property be undertaken prior to an application for demolition be considered
 - a) The application was forwarded on March 31, 2015 to the Lacombe and District Historical Society for an assessment of the historical value of the building. An assessment was prepared and is dated April 15, 2015. The assessment is included in this report.
 - b) The assessment indicates that the structure is a one story single detached residence built around 1937. The structure sits on a corner lot and was originally clad in white painted wood drop siding that was later covered with stucco siding sometime during the structure's lifetime. The front entrance features a veranda while the rear of the house features a ground level extension with a back door and provides interior access from the main floor to the basement. A white picket fence, typical for early homes in Lacombe, has not been maintained for some time and is in poor condition. A garage that appears to have been built around the same time as the house is located behind the home to the east of the property. Like the house, the garage appears to have been built in wood and later covered with stucco.

The main floor of the home features a washroom, kitchen, bedroom and living room, and has a full basement with a concrete floor and foundation. It is a very simple home that has not been altered significantly over the course of the home's history. Significant water damage from a water pipe burst within the last year or two has irreparably damaged this home. The basement floor is damp and has some water puddles in certain areas. The floor in the front part of the basement underneath the living room is unsafe for walking on due to all the water damage. Paint found on the walls and doors is peeling in sheets due to the moisture in the home. The house features the original red brick chimney, wood shingles, original windows and doors. Due to the condition of the home, there are no items likely to be salvaged.

This home was a common type of construction for its time and typical starting in the 1920s through to the 1940s in Lacombe. As a one story structure with one bedroom, the home was likely built for a bachelor, couple or small family.

- 3) The Heritage Resource Committee undertook a site visit to assess the state and historical value of the property. During the site visit, the Committee documented the end of life cycle of the structure for historical purposes.
- 4) At the April 24, 2015 Heritage Resource Committee meeting, the application was reviewed. A motion was made and passed by the Heritage Resource Committee to support the proposed demolition.
- 5) The Committee recommended that the existing shrubbery and/or trees on the property be maintained as much as possible.

Member Konnik referenced condition number 10 to address the state of the lot post-demolition due to concern of the upkeep of the lot while it is vacant. The applicant indicated he intends to keep the property neat and tidy and free of weeds.

As the Heritage Resource Committee did not oppose the demolition, Planning & Development Services supported the application and recommended approval with resolutions.

MOVED BY: Member Konnik

"RESOLVED that the Municipal Planning Commission approve the discretionary demolition of a residence subject to the regulations of the Historic District Area Overlay, to occur at 5467-53 Avenue, Lot 6 Block 28 Plan RN1E, 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 demolition 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 demolition.
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 demolition 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 demolition.
5. Applicant is to comply with demolition regulations, as stated in Part 8.8 of the Land Use Bylaw.
6. All Dry Rubble Materials are to be disposed at the Prentiss Waste Station or at an area approved by Alberta Environment.
7. The demolition process shall not remove the existing hedge and trees on the property.
8. Applicant is to ensure the demolition area is fenced until it has been leveled. Applicant shall ensure that the demolition area is leveled within seven days of demolition.
9. Applicant is to ensure that all occupational Health and Safety requirements are met.
10. Applicant is to ensure the site remains neat and tidy, and free of noxious weeds. Applicant is required to sod or seed the lot with grass within one year of demolition if future development has not commenced.
11. A separate development permit and building permit approval will be required for any redevelopment of 5467-53 Avenue.
12. That the applicant arrange for an end of life cycle report be undertaken prior to demolition.
13. 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.

**Please note that the applicant is responsible to arrange an inspection with a qualified company to inspect for asbestos prior to demolition, in accordance with the attached Standata.*

B. 61/250.74(15), 4925 College Avenue, Lot 7, Block 3, Plan 6313 KS: Demolition of Detached Dwelling. Zoned R1b (Residential Medium Lot Single Detached Dwellings) District.

The applicant was present at the meeting.

Manager Peter presented information regarding the application for a discretionary demolition of a detached dwelling. As the house was built more than 50 years ago, the application is subject to Section 14.4 of the Historic District Area Overlay which provides guidelines for demolitions of units 50 years of age.

Sixteen (16) property owners within 60m of the subject site were notified. No responses have been received to the circulation notice.

Demolition of the residence will be subject to the regulations set out in the Historic District Area Overlay. The intent is to ensure that incremental alterations, renovations and demolitions do not diminish the conservation of historic resources over time.

All three stages or levels of classification for older structures in Lacombe were performed.

It was identified that the dwelling is fifty years of age or older, and was not included on either the Heritage Inventory or the Places of Interest List.

The Land Use Bylaw indicates that buildings aged 50 years or older are generally not supported for demolition, unless it can be determined by the Heritage Resources Committee that restoration is not feasible.

To determine feasibility, the Overlay requires that:

- 6) The applicant advertise the building for relocation or salvage prior to a decision being made on the demolition application
 - a) The applicant advertised the demolition proposal in the Lacombe Globe for two weeks (April 16 and April 23, 2015). No responses were received by the City of Lacombe or the applicant with respect to the advertising.
- 7) An assessment of the historical value of the property be undertaken prior to an application for demolition be considered
 - a) The application was forwarded on April 2, 2015 to the Lacombe and District Historical Society for an assessment of the historical value of the building, per 14.4 Guidelines and Regulations for the Demolition or Relocation of Historic Buildings – c. An assessment was prepared and is dated April 15, 2015. The assessment is included in this report.
 - b) The assessment indicates that the structure is a one story single detached residence built around 1920. An attached garage was added to the house in 1958, at which time the current siding was likely added to the exterior of the home. There have been no significant alterations to the home since 1958. The house features several original features including a double hung window and picture windows, red brick chimney, wood doors, brass door handles, antique lamps, wood floors, a large sink basin and built-in shelving. The full basement is mostly unfinished, with the interior of the concrete foundation in very poor condition.

The home was built at a time of significant residential growth in Lacombe's early history and is tied into the history of Burman University. The home was likely built as a home for faculty and staff members of the college.

- 8) The Heritage Resource Committee undertook a site visit to assess the state and historical value of the property. During the site visit, the Committee documented the end of life cycle of the structure for historical purposes.

- 9) At the April 24, 2015 Heritage Resource Committee meeting, the application was reviewed. A motion was passed by the Heritage Resource Committee to support the proposed demolition.

As the Heritage Resource Committee did not oppose the demolition, Planning & Development Services supported the application and recommended the following resolution be made:

MOVED BY: Member Konnik

"RESOLVED that the Municipal Planning Commission approve the discretionary demolition of a residence subject to the regulations of the Historic District Area Overlay, to occur at 4925 College Avenue, Lot 7 Block 3 Plan 6313KS, 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 demolition 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 demolition.
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 demolition 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 demolition.
5. Applicant is to comply with demolition regulations, as stated in Part 8.8 of the Land Use Bylaw.
6. All Dry Rubble Materials are to be disposed at the Prentiss Waste Station or at an area approved by Alberta Environment.
7. Applicant is to ensure the demolition area is fenced until it has been leveled. Applicant shall ensure that the demolition area is leveled within seven days of demolition.
8. Applicant is to ensure that all occupational Health and Safety requirements are met.
9. Applicant is to ensure the site remains neat and tidy, and free of noxious weeds. Applicant is required to sod or seed the lot with grass within one year of demolition if future development has not commenced.
10. A separate development permit and building permit approval will be required for any redevelopment of 4925 College Avenue.
11. That the applicant arrange for an end of life cycle report be undertaken prior to demolition.
12. 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.

**Please note that the applicant is responsible to arrange an inspection with a qualified company to inspect for asbestos prior to demolition, in accordance with the attached Standata.*

Please note that the Heritage Resource Committee recognizes that the applicant will be salvaging as much as possible from the home for the rebuild. However, the Committee recommends that if the applicant will not be salvaging the windows from the home, that they be donated to the Committee *by contacting Jennifer Kirchner at 403-782-1264 (extension 228).*

APPROVED: Unanimously

C. 61/250.76(15), 5010 50 Street, Lot 18, Block 2, Plan RN1:Outdoor Patio. Zoned C2(Highway Commercial) District.

The applicant was present at the meeting.

Manager Peter presented information regarding an application for an application to approve an outdoor patio, and a pedestrian boardwalk, to be located during the period of May to October on a yearly basis, at 5010 50 Street, zoned C1.

In addition to the property being located within the C1 - Central Commercial District, the property is also located within the Old Town Main Street District Overlay. As the property is located within the overlay district, and as the outdoor patio is proposed to be located in front of the building on the sidewalk, approval will be required from the Municipal Planning Commission.

Thirty one (31) property owners within 60m of the subject site were notified. One response was received in opposition to the proposed development, with reasons outlined as follows:

- 1) Oppose the reduction of parking in Downtown Lacombe when parking is a premium in the downtown;
- 2) This would set a precedence for other business to request patio exposure and further reduce parking;
- 3) What are the controls in place with respect to be a licensed premises on a city sidewalk and the number of individuals in the patio area?
- 4) How will the area be kept clean of garbage? Currently the pigeon population are nearby and will this draw or create an increase in the pigeon/bird population?
- 5) Will the patio area be an enclosed location and if so how will it fit in with the Downtown?

One response supported the application but indicated they did not support the ping pong table and it is dangerous when the ball goes flying onto the street.

Ugly's Pub and Grill will be expanding into the part of the building previously occupied by the Wild Hog Liquor Shop. As part of their expansion, an application has been received requesting approval for the location of an outdoor patio in front of the newly expanded area. It is proposed that the existing City sidewalk in front of the building be covered with a wooden patio floor area. During the months while these structure are in place, the number of parking spaces on 50th Street will be reduced by three parking spaces.

The proposed patio aligns with the principles identified in the Downtown Area Redevelopment and Urban Design Plan, adopted by Council in 2014, to help create a more vibrant and pedestrian friendly downtown. Therefore Administration has no objection to the landowner being permitted to occupy and utilize this land for a specific duration, with the possibility of extension.

In order to allow for the utilization of the portion of sidewalk and roadway that will be utilized by the applicant, Planning and Development Services is recommending a "License to Occupy" be prepared and signed by both parties. This "license" would allow the applicant to occupy the land and proceed with improvements as outlined on the Development Permit Application.

The license to occupy will also protect the City from legal recourse due to the use of the land by a third party. The license to occupy sets out minimum insurance standards, and allows the City to collect, should it be desired, a small fee and/or rental rate for the ongoing administration and use of the City land. The license to occupy may be revoked or not renewed by the City, should this be a course of action the City chooses to take.

It should be noted that the Selection Committee for the Downtown Storefront Enhancement Program has recently selected Ugly's to be a recipient of a grant for the establishment of the patio. The grant allocation is dependent on the applicant receiving approval for the outdoor patio.

In addition, there are some key concepts in the Downtown Area Redevelopment Plan (DARP) that connect to having a patio, relating to the protection of heritage, encouraging strong commercial business, and vibrant streetscapes.

Although the number of parking spaces will be reduced in the downtown area if this application is approved, it is the opinion of Planning and Development Services that the location of an outdoor patio will have a positive affect by revitalizing and generating economic benefit and vitality by drawing people to the downtown area. The proposed

outdoor patio fits in with the concepts of the Downtown Area Redevelopment Plan, and also has been recognized under the Downtown Storefront Enhancement Program.

A fee, set by the City, will be established for the administration of the annual license to occupy. This will be required to be paid at time of entering into the agreement. This fee is not associated with the Land Use Bylaw or the Planning Department.

Planning and Development Services recommended approval of the application.

Manager Peter clarified that the applicant would come to the Municipal Planning Commission for approval this one time, and in the future if the City wished to continue allowing the patio they would renew the agreement each year subsequently.

Member Konnik inquired whether the sidewalk and patio be inspected.

Manager Peter responded that as the patio requires a building permit it will be inspected by the Safety Codes Officer prior to use.

Member Gallant added that this application sets a positive precedent and adds to the value and uniqueness of the street and the historic buildings and will hopefully encourage other business owners to consider similar ventures.

MOVED BY:MemberKonnik

"RESOLVED that the Municipal Planning Commission approve the location of an outdoor patio on City property adjacent to 5010 50 Street, Lot 18 Block 2 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 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 applicant shall enter into a "License to Occupy" for the use of the sidewalk and portion of roadway fronting onto 5010 50 Street subject to the terms and conditions outlined by the City including but not limited to length of term, annual fee, requirement for deposit and insurance.
5. The patio shall not extend beyond the frontage of the building to which it belongs, and shall not extend beyond the width of the sidewalk.
6. The outdoor patio and pedestrian boardwalk is permitted on the public sidewalk and roadway anytime after May 1 and is to be removed no later than October 31, for a specific term as outlined in the License to Occupy.
7. The Applicant will be required to apply for a Building Permit, if relevant, on a yearly basis.
8. The Applicant will be required to obtain an Electrical Permit if there is electrical work required in order to install outdoor lighting on the patio.
9. There shall be no exposed electrical cables used to provide for exterior lighting of the patio area.
10. The required pedestrian boardwalk must be a minimum of 1.5m in width.
11. The installation and maintenance of the outdoor patio and pedestrian boardwalk shall be carried out to the satisfaction of the Development Authority.
12. Tables and chairs shall be made of safe, sturdy, and durable materials. All furniture shall be of a commercial grade, or of a similar quality and durability, and able to accommodate outdoor commercial use.

13. All furniture and fixtures must be maintained in a clean condition and in good visual appearance, without visible fading, dents, tears, rust, corrosion and chipping or peeling paint.
14. Overhead canopies and/or umbrellas shall ensure a clear unobstructed height of 2.13m from grade level.
15. Table umbrellas must be securely attached to tables and must not encroach into the pedestrian boardwalk in any way.
16. The outdoor patio shall comply with all applicable laws and regulations regarding the sale and service of food and beverages to the public, including the Alberta Gaming and Liquor Commission regulations for the serving of liquor and Alberta Health Services regulations for the serving of food.
17. The Applicant shall be responsible for the proper maintenance of the patio area at all times, including properly disposing of all trash generated by the operation.
18. The emergency exit from the patio onto the pedestrian boardwalk shall remain free and clear to allow for emergency access at all times.
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

D. 61/250.67(15) & 61/250.68(15), 5537 51 Avenue, Lots 4&5, Block 2, Plan RN1G: Relocation of Existing Residence/Partial Demolition/New Foundation/Relocate the Existing Home onto the Foundation/Construct a Covered Deck and Pergola/Develop Secondary Suite. Zoned R4 (Medium Density Residential) District.

Applicant was present at the meeting.

In October 2013, the Municipal Planning Commission approved an application for the demolition of the existing residence on site and a subsequent application for the construction of a supportive living facility, to occur at 5537-51 Avenue. No Building Permit was applied for, the residence still remains on the parcel, and the property has since been sold. Development approval for both the demolition of the existing residence and the construction of a supportive living facility on the parcel has expired and both files have now been closed.

Manager Peter presented information for an application submitted by the new owner of the property for the temporary relocation of the existing residence on the lot and demolition of the existing foundation.

A second application is requesting approval for a new foundation at an alternate location on the parcel, relocation of the existing residence onto the foundation, construction of a covered deck, pergola, and location of a secondary suite within the basement of the relocated home.

Fourteen (14) property owners within 60m of the subject site were notified. No responses have been received to the neighbouring property notification.

Tax records indicate the home on the property was constructed in 1940. As only the foundation is being scheduled for demolition, the application will not be subject to the Historic District Area Overlay.

The applicant has applied for the relocation of the existing residence on the property and demolition of the existing foundation.

The existing residence located on the property will be temporarily relocated directly south of its existing location. Demolition of the existing foundation and excavation of the new foundation will occur at the same time. The existing residence would then be relocated onto the new foundation, and a covered deck/pergola would be constructed. The applicant has also applied to develop a secondary suite in the basement of the relocated home.

The secondary suite, proposed to be located in the lower level in the home, will be 70m² in size, occupying 38% of the total floor area of the residence and meets the maximum size limitation, and the total floor area/suite ratio, as outlined in the City's Land Use Bylaw.

A site plan indicates a parking pad across the entire width at the rear of what is being referred to as Lot 4, allowing for this requirement to be met. No access from the parking area to the residence has been proposed.

A total of two secondary suites have previously been approved. If this application is approved, the 10% concentration will be obtained for this block.

The proposed development, including the proposed secondary suite, meets all requirements of the Land Use Bylaw.

The applicant has indicated that they may seek to subdivide the lot once this process has been undertaken. The location of the new home on the lot would meet all setback requirements and would not exceed the maximum lot coverage should the lot be subdivided.

Planning and Development Staff have reviewed the initial proposals. Until the building is relocated, they are unable to confirm that the subdivision will be supported. However, based on conversations with the landowner and the proposals being submitted, it appears that the subdivision will meet the requirements set out in the Land Use Bylaw.

It is the applicant's intentions to demolish the existing garage on the property after the renovations have been completed on the existing home. Demolition of the detached garage prior to subdivision will avoid complications with the subdivision for the 'west lot' if the existing garage were to remain, as the Land Use Bylaw does not permit an accessory building to exist without a principle building.

A change was made to the timeline in resolution #9 to give the applicant 90 days to level the property post demolition.

Resolution 10 was removed.

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

MOVED BY: Member Gallant

Development Permit 61/250.67 2015 (BUILDING REMOVAL AND FOUNDATION DEMOLITION)

MOVED BY: Member Gallant

"RESOLVED that the Municipal Planning Commission approve the temporary relocation of the existing home on the parcel and the demolition of the existing deck and foundation at 5537-51 Avenue, Lots 4 & 5 Block 2 Plan RN1G, zoned R4."

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 temporary relocation/partial demolition 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 temporary relocation/partial demolition.
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 demolition 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 existing residence shall be relocated on a temporary basis only and shall be located within the confines of the parcel a minimum of 1.5m from any property boundaries.
5. The existing residence shall be moved to its permanent location no later than May 1, 2016.
6. Applicant is to obtain a City of Lacombe building permit prior to demolition.
7. Applicant is to comply with demolition regulations, as stated in Part 8.8 of the Land Use Bylaw.
8. All Dry Rubble Materials are to be disposed at the Prentiss Waste Station or at an area approved by Alberta Environment.
9. Applicant is to ensure the demolition area is fenced until it has been leveled. Applicant shall ensure that the demolition area is leveled within 90 days from date of demolition.
10. Applicant is to ensure that all Occupational Health and Safety requirements are met.
11. Applicant shall not damage or remove the existing trees located within the City boulevard during demolition.

12. Applicant shall not damage or remove the hedge and trees on the property during demolition.
13. Applicant is to ensure the site remains neat and tidy, and free of noxious weeds. Applicant is required to sod or seed the lot with grass within one year of permit issuance if future development has not commenced.
14. Applicant shall be required to submit a Development Deposit of \$1,000.00 prior to receipt of the Building Permit.
15. A separate development permit and building permit approval will be required for the new foundation on the parcel and relocation of the existing home onto the new foundation.
16. 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.

**Although the basement of the existing home may be unfinished, due to the age of the home it is possible that there may be some asbestos in the home. Please note that the applicant is responsible to arrange an inspection with a qualified company to inspect for asbestos prior to demolition, in accordance with the attached Standata.*

APPROVED: Unanimously

Development Permit 61/250.68 2015 (NEW FOUNDATION AND BUILDING RELOCATION)

“RESOLVED that the Municipal Planning Commission approve a new foundation, relocation of the existing residence onto the new foundation, construction of a covered deck/ pergola, and development of a secondary suite at 5537-51 Avenue, Lots 4 & 5 Block 2 Plan RN1G, zoned R4.”

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 exterior of the building, including paints, shall be completed within twelve (12) months from the date of issue of the building permit.
4. 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.
5. 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.
6. Applicant to obtain City of Lacombe building, electrical, plumbing and gas permits as required, and must ensure compliance prior to occupancy of the residence and/or secondary suite.
7. The builder must construct within 100mm of the design landscape elevation and illustrated drainage patterns unless otherwise approved by the Development Officer.
8. Curb stop must remain visible and at proper elevation PRIOR to pouring concrete or completing landscape work.
9. 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.
10. Applicant shall not damage or remove the existing trees located within the City boulevard during construction.
11. If the existing hedge and/or trees are removed during construction, the applicant is to complete minimum front yard landscaping requirements: (a) a minimum of one (1) tree; or (b) a landscape bed consisting of a minimum of three (3) shrubs.
12. Applicant shall complete the placement of sod unless other landscaping material is approved by Development Authority.

13. Applicant is to develop four on-site parking stalls (gravel pad) at the rear of the lot for occupants of the resident and secondary suite.
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. Applicant shall be required to submit a Development Deposit of \$1,000.00 prior to receipt of the Building Permit.
16. This lot has been serviced with both Sanitary and Storm lines. TO CONFIRM, call PUBLIC WORKS. Applicant must ensure service connections are correct. Any cross connections will be remedied at the applicant expense.
17. 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.
18. 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

E.61/250.86(15), 6415 University Drive, Lot 25, Block 6, Plan 122 0747: Class 2 sign (Freestanding/Community Identification Sign. Zoned CUC (Canadian University College Campus) District.

The applicants were not present at the meeting.

Manager Peter presented information regarding an application for a Class 2 Freestanding/Community Identification Sign to be constructed on the east side of University Drive to serve as an entry sign to the Burman University area. It is proposed that the sign be located opposite the access into Casey's Cabin, approximately 45' east of the University Drive. The proposed sign is a freestanding sign, and is also considered to be a community identification sign as it will be used to identify Burman University campus. Although a Class 2 sign is a permitted use in the CUC District, there are no guidelines in the City's Land Use Bylaw for the location of this type of sign in the CUC District, and the sign that is being proposed far exceeds the total size allowed for commercial and industrial districts. In addition, the City's Land Use Bylaw only allows community identification signs in residential areas.

Neighbouring property consultations are required as part of the Public Consultation Policy. With the exception of lands owned by the University, one property, being the Seventh Day Adventist Church, is located within the 60m radius and was notified of the proposed sign. The only other residents within a 60m radius of the parcel on which the sign is proposed to be located are residents residing within Rosedale Valley. As Rosedale Valley is located within Lacombe County, the County was notified of the proposed application, and asked to forward addresses for residents residing within the 60m radius of the parcel. The County responded indicating they had no concerns with the sign and did not feel it necessary to circulate the application to neighbouring county landowners.

Freestanding Identification Sign

There are various maximum sizes and heights allowed in the City's Land Use Bylaw for the location of freestanding signs, as follows:

DISTRICT	MAXIMUM SIZE	MAXIMUM HEIGHT
Residential	4.5 m ²	4.5m
C1, C4	4.65m ²	6m
C2, C3, C6, I1, I2	7m ²	6m
C5, DC1, DC2	30m ²	10m

The sign proposed for the site would be a 1.83m high at the highest point, and a maximum of 7.93m in length, for a maximum size of 14.52m². Due to the sign being located in an open area approximately 45' east University Drive, the sign should have minimal to no impact on vehicular traffic.

The applicant is proposing flood lights, to be located at ground level within a landscaped bed, to project onto the front of the sign to allow for nighttime visibility. The Land Use Bylaw requires that electrical power to freestanding signs is to be underground.

The sign will be located on lands owned by the University and will be set back 13.72 m from the road surface in order to avoid any traffic safety issues.

The sign base shall be covered with topsoil and seeded or concealed by vegetation or ornamental rock contained within a planting bed. The floodlights used to project light upon the sign will be located within this landscaped area and/or gravel bed. The area around the sign structure shall be kept clean and free of overgrown vegetation, and free of refuse material as a condition of any sign permit.

The Planning and Development Department supported the application of a Class 2 Freestanding/Community Identification Sign as proposed and recommended approval of the following resolution.

MOVED BY: Member Gallant

“RESOLVED that the Municipal Planning Commission approve the location of a Class 2 Freestanding/Community Identification Sign to be located at 6415 University Drive, Lot 25 Block 6 Plan 122 0747, zoned CUC.

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 proposed sign shall be set back a minimum of 45 ft (13.72 m) from the road surface.
5. The sign base shall be covered with topsoil, and seeded, or concealed by vegetation or ornamental rock contained within a planting bed, to the satisfaction of the Development Authority.
6. Electrical power to the sign is to be underground.
7. Applicant to obtain any required building and electrical permits for the sign.
8. Illumination of the sign shall not shine or reflect light directly onto neighboring properties or into the direction of oncoming traffic. The illumination intensity and brightness of the sign shall be to the satisfaction of the Development Officer
9. The area around the sign structure shall be kept clean and free of overgrown vegetation and refuse materials.
10. The applicant is responsible for the cleaning, painting, repair or replacement of any defective parts of the sign in a manner that does not alter the basic design or structure of the sign and does not include a change in copy.
11. 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

F. 61/250.88(15), 7005 Henner's Gate, Lot 3, Block 10, Plan 072 9051:Accessory Building (Shed). Zoned R1b (Residential Medium Lot Single Detached Dwellings) District.

The applicant was not present at the meeting.

Administration has received an application to allow an 8' x 10' shed to be located 2 inches from the side property boundary directly adjacent to Henner's Road. As a variance is required to the side yard setback requirement, approval from the Municipal Planning Commission is required.

Twenty nine (29) property owners within 60m of the subject site were notified. One response has been received in support of the application, indicating that they see no problem at all and they are sure it will look just fine.

Although the proposed shed to be located on the property is smaller than 10m² and a permit would not normally be required, the applicant has applied for approval to locate the shed a minimum of 4 ft (1.22m) from the main building, and 2 inches from the side property boundary. The location of the shed from the main building on the property meets Land Use Bylaw requirements, but the location of the shed from the side property boundary will require a 99% variance.

Planning and Development Services does not support the proposed location of the shed on the parcel as applied for, and is recommending refusal of the application as submitted. The reason for non support is that placing items in a side yard is not a generally accepted practice within the community and has led to neighbour concerns in the past. While the property is fenced and this side yard is adjacent to a road, it still does not meet the minimum distances the Land Use Bylaw typically requires between an accessory building and a main building.

Due to the size of the shed, the applicant can proceed to locate the shed on the property without a Development Permit, providing it meets the above setback requirements from side and rear property boundaries. If the applicant wishes to locate the shed at an alternate location which requires variances to the setback requirements, a new permit will be required.

The Municipal Planning Commission asked whether the shed would be visible over the existing fence.

The applicants indicated the peak would only be seen slightly over the fence, and they have full intentions of maintaining the fence.

The applicants are to ensure that the shed is not drastically different in style or color from the primary dwelling.

MOVED BY:Member Gallant

"RESOLVED that the Municipal Planning Commission approve the location of an 8' x 10' garden shed with a 99% variance to the side yard setback requirement, at 7005 Henner's Gate, Lot 2 Block 10 Plan 072 9051, 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 to apply for an electrical permit for the shed, if applicable.
5. Applicant to ensure that the accessory building matches or is complimentary to the primary dwelling unit in color and materials.
6. 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

G. 61/250.87(15), 3413 53 Avenue, Lot 1, Block 5, Plan 062 3951: Microbrewery. Zoned I2 (Heavy Industrial) District.

Applicants were present at the meeting.

Manager Peter presented information from an application for a microbrewery (minor) to be located in Bays 5 & 6 at 3413-53 Avenue. As a microbrewery is a discretionary use in the I2 District, approval is required from the Municipal Planning Commission.

Nine (9) property owners within 60m of the subject site were notified. Three responses were received in support of the application, with one comment that the respondent is in favor of moving forward with further expansion if the project is beneficial to the tax base of the City and meets all of the regulations.

The applicant is requesting approval of a 54.17m² space to be used for ancillary space, which is 4.17m² greater than the bylaw requirement. This request is being made as there is already an existing room in the building and the applicant would prefer to leave it as is rather than have to reduce its size. If approval is granted for a 54.17m² ancillary space, a 9% variance to the maximum size allowed for ancillary use will be required. The ancillary use request is for a tap room, liquor off-sales and merchandise sales.

The City's Engineer has reviewed the information accompanying the application in regards to quality of effluent and quantity of waste water effluent. The Engineer has advised that the applicant must adhere to the City's Water and Wastewater Bylaw (Bylaw 70) regarding the release of effluent into the City's sanitary system. The applicant must not exceed the limits as identified in Section 95 of the Bylaw and is advised that a surcharge may be applied as per Section 108 and Schedule C. The applicant is further advised that onsite pretreatment will be required in accordance with Section 105 and a test point must be provided to the satisfaction of the City's Engineer in accordance with Section 111 of the Bylaw.

In addition to the information regarding the effluent, a letter has been received from the applicant's engineer confirming that the addition to the water demand from the proposed Blindman Brewing facility is negligible and will therefore not negatively impact the City of Lacombe's water system.

The Land Use Bylaw requires a minimum side yard setback of 3m. An approved site plan indicates that a variance was granted to the side yard setback requirement to allow the building to be located 2.7m from the side property boundary adjacent 37 Street. The building that has been constructed on site is located 2.66m from the side property boundary at the front of the building, and 2.69m from the side property boundary at the rear of the property.

As part of the application, the applicant has requested approval for the location of a glycol chiller and CO² bulk tank to sit on a cement pad on the west side at the rear of the building adjacent to 37th Street. The cement pad, with the chiller and bulk tank, would be located .1m (3.93 inches) from the side property boundary, requiring a 97% variance to the side yard setback requirement. The City's Engineer has reviewed this and has indicated he has no objections providing the pad, chiller, and bulk tank are not located within the City right-of-way.

At the time of permit issuance for the industrial building on site, occupancy of the building had not yet been determined. In accordance with building permit conditions, 13 parking spaces were provided at the front of the building.

Based on the proposed sizes of the accessory use (tap room, liquor off-sales and merchandise sales), the office area, and the warehouse to be utilized for the microbrewery business, the existing business on site requires a total of 5 parking spaces. It will be up to the owner of the property and the applicant to determine where these parking spaces will be located on the property.

The applicant has provided landscaping on site to the satisfaction of the Development Officer. If approval is granted for the concrete pad to be located within side yard landscaped area, it is very likely that the existing tree and shrub located beside the building will need to be moved. The applicant will be required to replace any trees and shrubs that are destroyed as a result of the proposed development with similar vegetation.

The Municipal Planning Commission asked about the size of the bulk tank and chiller. The applicants indicated it would be 5x10-12, and 5 feet tall. This was acceptable to the MPC.

The applicant asked the Municipal Planning Commission to reconsider the landscaping deposit as no landscaping will be disturbed in the location of the chiller. The MPC removed condition #6.

MOVED BY:Member Konnik

"RESOLVED that the Municipal Planning Commission approve the location of a microbrewery with a 9%variance to the maximum size of area allowed for ancillary uses to include a tap room, liquor off-sales and merchandise sales, and a 97% variance to the side yard setback requirement to allow for the location of the glycol chiller and CO2 tank on a cement pad beside the building, at 3413 53 Avenue, Lot 1 Block 5 Plan 062 3951, zoned I-2."

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 any necessary building, electrical, plumbing and gas permits for any leasehold improvements.
5. Applicant shall be required to submit a Development Deposit of \$2,000.00 prior to receipt of the Building Permit.
6. Applicant to ensure the assigned civic address is displayed at or near the front of the property so that it can be clearly read from the roadway.
7. Applicant to apply for signs through a separate development permit.
8. Prior to occupancy, the applicant shall provide the City with a copy of the required liquor licenses issued by Alberta Liquor and Gaming Commission.
9. A total of 5 on-site parking spaces will be required for the business.
10. Applicant to obtain and maintain a valid business license from the City of Lacombe.
11. Applicant must adhere to the City's Water and Wastewater Bylaw (Bylaw 70) regarding the release of effluent into the City's sanitary system.
12. Applicant must not exceed the limits as identified in Section 95 of Bylaw 70.
13. Applicant is advised that a surcharge may be applied as per Section 108 and Schedule C of Bylaw 70.
14. Applicant is advised that onsite pretreatment will be required in accordance with Section 105 of Bylaw 70.
15. A test point must be provided to the satisfaction of the City's Engineer in accordance with Section 111 of Bylaw 70.
16. The applicant will be required to provide for one on-site garbage container for use by the microbrewery business, with the location of the bin being to the satisfaction of the City's Utility Manager.
17. 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

H. 61/250.81(15), 41 Bruns Crescent, Lot 21, Block 1, Plan 812 1659: Secondary Suite. Zoned R1c (Residential Smaller Lot Single Detached Dwellings) District.

The applicants were unable to be present at the meeting. They sent a letter to administration addressing the various concerns of the neighbors, such as parking. They indicated that due to the nature of their lot they do not utilize the street parking and therefore it will be no impacted with the added suite. They also noted that the suite is only the 2nd out of a possible 3 to occur on the block and due to their strict guidelines regarding pets the suite will not have a negative impact on the neighborhood.

Manager Peter presented information regarding the application which proposes a secondary suite in the basement of the residence at 41 Bruns Crescent. A secondary suite is listed as a discretionary use in the R1c district, requiring Municipal Planning Commission approval.

Twenty seven (27) property owners within 60m of the subject site were notified. Six responses were received: one in support and five in opposition of the proposed development. Concerns expressed related to a decrease in real estate values and potential increased noise levels. Parking appears to be the biggest concern, with comments that the area already is very congested and there is already limited parking and that approving another secondary suite will compound an already difficult problem. Parking issues included vehicles parking in front of hydrants and blocking entrances to the driveways, limited views when backing onto the street, and lack of enforcement for parking violations. No comments were received in support of the application.

The applicant has advised that the secondary suite, proposed to be located in the lower level in the home, will be 65m² in size. Based on the information provided, the proposed secondary suite will occupy 36% of the total floor area of the residence, which is below the maximum size permitted, and also not exceeding the size of the secondary suite in relation to the total floor area of the home.

There is no lane located at the rear of the parcel. A long driveway, accessed from Bruns Crescent and located within the parcel boundary beside the home, leads to a double detached garage at the rear of the property. Two parking spaces for residents of the primary dwelling are provided within this garage. Two additional parking spaces, using the same driveway, will be provided at the rear of the property for residents of the secondary suite.

This particular block consists of 25 homes, with one secondary suite previously approved. If this application is approved, there will be one more suite available as part of the 10% concentration for this particular block.

As the proposed secondary suite meets all requirements of the Land Use Bylaw, Planning and Development Services recommended approval of the application as submitted, and recommended the following resolutions.

MOVED BY: Member Konnik

"RESOLVED that the Municipal Planning Commission approve a secondary suite to be located at 41 Bruns Crescent, Lot 21 Block 1 Plan 812 1659, zoned R1c."

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 receive a building permit for the secondary suite and must ensure that the secondary suite is fully compliant to the Alberta Building Codes prior to suite occupancy.
5. Applicant to obtain any necessary electrical, plumbing and gas permits and must ensure compliance prior to suite occupancy.

6. In addition to the two parking spaces provided for residents of the home in the detached garage, the applicant is to develop two on-site parking stalls (gravel or paved parking pad) at the rear of the lot for occupants of the secondary suite.
7. Applicant shall be required to submit a Development Deposit of \$1,000.00 prior to receipt of the Building Permit.
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, May 20, 2015

Manager Peter proposed the dates **July 8 and 22nd** for coming month's Municipal Planning Commission meeting due to the date of the holiday Canada Day. This was supported by the Commission.

6. ADJOURNMENT

THAT this meeting now adjourns at 6:28p.m.

MOVED BY:MemberGallant

CARRIED: Unanimously

Chairperson Christie