



CITY OF LACOMBE
MUNICIPAL PLANNING COMMISSION

MINUTES 070815

DATE: July 8, 2015

PLACE: City of Lacombe Council Chambers

TIME: 5:00p.m.

PRESENT: Sandra Badry Acting Chairperson
Wayne Rempel Councilor
Debbie Gallant Member at Large

REGRETS: Steve Christie Mayor
Reuben Konnik Councilor

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

1. CALL TO ORDER

The meeting was called to order by Acting Chairperson Badry at 5:03 p.m.

2. ADOPTION OF AGENDA

MOVED BY: Member Rempel

THAT the Agenda be adopted as presented.

CARRIED: Unanimously

3. ADOPTION OF MINUTES

MOVED BY: Member Gallant

That the Municipal Planning Commission minutes for June 17, 2015 be confirmed as presented.

CARRIED: Unanimously

4. NEW DEVELOPMENT PERMITS

- A. 61/251.67(15), 4944 Highway 2A, Lots 1-5, Block 6, Plan RN1: Outdoor Patio. Zoned C1 (Central Commercial District) District.**

Applicant was present at the meeting.

Manager Lyla Peter presented information regarding an application for an outdoor patio, to be located on a temporary/seasonal basis, at 4944 Highway 2A, 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 both accessory uses and drinking establishments are listed as discretionary uses in the C1 district approval will be required from the Municipal Planning Commission.

Eighteen (18) property owners within 60m of the subject site were notified. One response has been received in support of the application, indicating the owners are respectable business people.

The applicants are requesting approval for an outdoor patio to be located in the south corner of their parking lot. They have indicated that the patio will be 320 sq. ft., allowing for a maximum occupancy of 32 people. It is intended that the patio will be open from noon to 10 p.m. daily during the months of May to September. A portable decorative patio fence will surround the patio to provide separation between the outdoor patio seating area and the parking lot and adjacent sidewalk.

The applicant has indicated that two to three parking spaces may be lost during the months of May to September while the patio is located on the lot. Although the proposed patio will eliminate these parking spaces, it is the opinion of Planning and Development Services that there is adequate parking for the businesses located in this area either in front of the restaurant and neighbouring businesses, in the City-owned parking lot located behind the building at 4711 49C Avenue, across the street adjacent Highway 2A, and on 49B Avenue.

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.

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. Planning and Development Services is therefore recommending approval, subject to conditions.

Member Rempel – asked whether a separate entrance to the patio would be required from AGLC, that connects directly to the building.

Manager Peter indicated the applicants are responsible for getting the proper permits in place from Alberta Gaming and Liquor Commission.

The applicant indicated they would have no objections providing further fencing to create a separate walk way to the restaurant separating the patio from the parking lot, if that requirement is needed.

MOVED BY: Member Rempel

"RESOLVED that the Municipal Planning Commission approve the location of an outdoor patio within the parking lot at 4944 Highway 2A, Lots 1-5 Block 6 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 patio must be located within the confines of the property and shall not extend onto the City sidewalk.

5. The outdoor patio is permitted anytime after May 1 and is to be removed no later than October 31, on a yearly basis.
6. The Applicant will be required to apply for a Building Permit, if relevant, on a yearly basis.
7. There shall be no exposed electrical cables used to provide for exterior lighting or any other type of electrical appliance(s) to the patio area.
8. The installation and maintenance of the outdoor patio shall be carried out to the satisfaction of the Development Authority.
9. 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.
10. 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.
11. Overhead canopies and/or umbrellas shall ensure a clear unobstructed height of 2.13m from grade level.
12. Table umbrellas must be securely attached to tables and must not encroach onto the City sidewalk in any way.
13. 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.
14. 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.
15. The emergency exit from the patio onto the private sidewalk shall remain free and clear to allow for emergency access at all times.
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.

APPROVED: Unanimously

As the applicant was present at the meeting, application E was brought forward above B C and D.

E. 61/251.69(15), 4725 49A Avenue, Lot 14, Block 8, Plan RN1B: Stacked Rowhouse. Zoned R4 (Medium Density Residential) District.

The applicant was present at the meeting to support the application. They indicated that when they purchased the property a suite was in place with habitants in the top and bottom floors. Since gaining ownership the applicants have renovated and improved the suite considerably and would like to continue using it to provide rental opportunities in the City.

Manager Lyla Peter presented information regarding an application to legalize an existing living unit located in the basement of an existing semi-detached located at 4725 49A Avenue. Under the R4 zoning, the Land Use Bylaw allows secondary suites to be located within detached dwellings only. Administration is recommending that the existing living unit be considered through the reclassification of the building structure from a semi-detached to a "stacked rowhouse", and that a stacked rowhouse be approved as a discretionary use on this property.

Thirty nine (39) property owners within 60m of the subject site were notified. Three responses have been received, with two in support of the application and one opposed to the application. One of the responses in support included a comment that they have no objection to the above application and that it is nice to have new neighbours. The respondent in opposition to the application expressed concern about parking, indicating the alley is in poor condition and often is blocked by vehicles left there. They indicated that the property could have four vehicles, and that the new development beside this property is a duplex and will be taking up street and alley parking. 49A Avenue is a busy route with fire and police traffic as well as large trucks wishing to avoid the lights at the intersection of Highways 12 and 2A.

An application for a semi-detached unit to be constructed at 4725-49A Avenue was approved in 1999. Since that time, the owners have developed a secondary suite in the basement of one of the units in the semi-detached structure. In the R4 District, secondary suites are only permitted in detached dwellings. In order to legalize the existing secondary suite, the existing building will need to be reclassified from a semi-detached to a stacked rowhouse.

Under Part 6 of the City's Land Use Bylaw, a stacked rowhouse is defined as "*a building containing three (3) or more dwelling units, each unit separated by a common or party wall and having either a separate front or rear access to the outside grade. Dwelling units within a building may be situated either wholly or partially over or under other dwelling units*". In the residential zoning, a stacked rowhouse is only allowed in the higher density districts, ie. they are listed as a discretionary use in the R4 - Medium Density Residential District, and are listed as a permitted use in the R5 - High Density Residential District.

The existing structure consists of two residential units, joined by a common wall on the side property line, classifying it as semi-detached unit. By reclassifying the existing residence located on this property from a semi-detached unit to a stacked rowhouse, the living unit currently located within the basement on the east side of the building would be able to remain, as the existing living unit would become the third residential unit in the building.

In accordance with the City's Land Use Bylaw, two parking spaces will be required for each residential unit. Approving the change to a stacked rowhouse will require the owner of the east side of the building to provide a total of four on-site parking spaces: two for residents residing on the main level, and two for residents residing in the lower level. Each parking stall must be a minimum of 2.75m x 6m in size.

The width and length of the rear yard located on this property will allow for only two on-site parking spaces. These parking spaces can have a graveled surface. Two on-site parking spaces will be required to be located in the front yard. These parking spaces currently have a gravel surface. They will be required to have hard surfacing as they will be accessed from 49A Avenue.

The yard that is not used for parking will need to be landscaped.

There are two options available to the Municipal Planning Commission for consideration:

1) That the building maintain current classification as a semi-detached unit, and the use of the existing living quarter located within the building be discontinued. *If this option is preferred, the applicant will be required to obtain an electrical permit to have the existing wiring to the stove in the basement removed.*

2) That the definition of the building be reclassified to a stacked rowhouse and that the stacked rowhouse be approved as a discretionary use in the R4 District, allowing the existing living quarter located at 4725 49A Avenue to become the third residential unit in the building. *If this option is preferred, the applicant will be required to obtain a building permit, and electrical, plumbing, and gas permits, if applicable.*

As the existing building meets the definition for a stacked rowhouse, Planning and Development Services is recommending approval for the reclassification of the existing residential building located at 4725 49A Avenue from a semi-detached to a stacked rowhouse. In addition, the Department is recommending approval of the stacked rowhouse as a discretionary use, subject to the following conditions:

Members had no objections applying a "rowhouse" use to the property as no changes to what has been in place are required.

MOVED BY: Member Gallant

"RESOLVED that the Municipal Planning Commission approve the reclassification of the existing residential building located at 4725 49A Avenue, East Half of Lot 14 Block 8 Plan RN1b, zoned R4, from a semi-detached unit to a stacked rowhouse, and further, that the stacked rowhouse located on the property be approved as a discretionary use.

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 residential unit located in the basement of the home and must ensure that it is fully compliant to the Alberta Building Codes within six months of Building Permit issuance.
- 5) Applicant to obtain any necessary electrical, plumbing and gas permits and must ensure compliance with the Alberta Building Code within six months of Building Permit issuance.
- 6) Two parking spaces are to be provided per residential unit, ie. two graveled parking spaces are to be located at the rear of the property, and two hard surfaced parking spaces are to be located in the front yard of the property. Each parking space must be a minimum of 2.75m x 6m and must be located within the confines of the property.
- 7) Prior to building permit issuance, the applicant is to submit a landscaping plan showing parking areas and landscaped areas, to the satisfaction of the Development Authority.
- 8) Applicant shall be required to submit a Development Deposit of \$1,000.00 prior to receipt of the Building Permit.
- 9) This development requires a party wall agreement. Applicant to have agreement registered on land title and submit a copy to the City within one (1) year of construction completion.
- 10) 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

As the applicant was present, Application D. was brought forward ahead of B. and C.

D. 61/251.70(15), 35 Pickwick Lane, Lot 43, Block 6, Plan 932 1823: Secondary Suite. Zoned R1A (Large Lot Single Detached Dwelling) District.

The applicant was present to support their application to legalize an existing suite, that had been located in the basement of the property prior to purchasing the lot. The applicant now desires to legalize the suite.

Manager Peter presented information regarding the application to legalize an existing secondary suite located in the basement of the detached dwelling at 35 Pickwick Lane. A secondary suite is listed as a discretionary use in detached dwellings located within the R1a district, and requires Municipal Planning Commission approval.

Nineteen (19) property owners within 60m of the subject site were notified. Two responses were received, both in support of the application. One respondent indicated they have not had any problems with its use as a secondary suite in the past and that it helps to provide accommodation that is affordable. The other respondent indicated that secondary suites are an easy way to increase housing stock in the City.

The home located on the property is 155.98m² on the main level, and 155.98m² on the lower level, for a total of 311.97m². The applicant has advised that the secondary suite was existing when the home was purchased. The suite is located in the lower level of the home, and is 63.17m² in size. Based on the information provided, the proposed secondary suite will occupy 21% of the total floor area of the residence, which is well below the maximum size permitted in relation to the size of a secondary suite in relation to the total floor area of the home. The secondary suite is also not exceeding the maximum size permitted for a secondary suite as outlined in the City's Land Use Bylaw.

The secondary suite contains one bedroom. However the Land Use Bylaw requires all suites over 60m2 in size to provide two parking spaces. The home located on this property has an attached garage with the vehicle doors located at the side of the garage as opposed to the front of the garage. A driveway from Pickwick Lane, provides access to the double attached garage for residents of the home. Although a copy of the Real Property Report for this property indicates there is a gravel pad in the back from the laneway, this area is no longer available for vehicle parking. If approved, a variance will be required to allow for only one parking space on site for occupant(s) of the secondary suite.

This particular block consists of 18 lots and allows for a total of 2 secondary suites. There are currently no other secondary suites that have been approved on this block. Therefore the 10% regulation has not yet been achieved for this block.

As the existing secondary suite meets most of the requirements of the Land Use Bylaw, Planning and Development Services recommended approval of the application subject to the following conditions.

MOVED BY: Member Gallant

"RESOLVED that the Municipal Planning Commission approve the location of a secondary suite at 35 Pickwick Lane, Lot 43 Block 6 Plan 932 1823, zoned R1a with a variance to allow for only one parking space for occupant(s) of the secondary suite."

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:

17. 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.
18. 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.
19. 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.
20. 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 occupancy. The remainder of the basement development is to be included as part of this permit.
21. Applicant to obtain any necessary electrical, plumbing and gas permits and must ensure compliance prior to occupancy.
22. In addition to the two parking spaces provided for residents of the home in the attached garage, the applicant is to maintain one additional parking spaces for occupants of the secondary suite.
23. Applicant shall be required to submit a Development Deposit of \$1,000.00 prior to receipt of the Building Permit.
24. 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. 61/255.11(15), 5410 49 Avenue, Lot 2, Block, 21 Plan RN1B: Home Occupation 2. Zoned R4 (Medium Density Residential) District.

The applicant was not present at the meeting.

Manager Lyla Peter presented information regarding the application for a catering business to be located at 5410 49 Avenue. A Home Occupation 2 is a discretionary use and requires approval from the Municipal Planning Commission.

Nineteen (19) property owners within 60m of the subject site were notified. One response has been received in support of the application, indicating that small business builds a community and hoping the applicant does well.

The applicant is requesting approval for a part-time catering business to be operated from the detached garage located at 5410-49 Avenue. The applicant has advised that there will be no employees working in the business, and that she will be using her personal vehicle for deliveries. There will be no additional traffic to the home as a result of the proposed catering business.

This business is considered as a Home Occupation 2 as the applicant will operate the business from the existing garage located on the property, whereas a Home Occupation 1 permits businesses to operate from the principle dwelling only.

Two parking spaces for occupants of the home are currently located in a carport and a parking pad located at the rear of the property. As no customers will be coming to the property, no additional parking is required for the business.

The Development Permit submitted by the applicant indicates that a business sign is to be located on the property. The Land Use Bylaw allows a Home Occupation 2 business to have a sign subject to the regulations found in 9.10 (2) (d)

No additional permit will be required for the sign providing the applicant meet the above requirements.

During the review of the application it was determined that the garage was built too close to the side property boundary (it is located at .5m from the property boundary and should be located at .9m). As the business will be operating from the garage, MPC is being requested to grant a 39% variance to the side yard setback to ensure that the garage is in compliance with the City's Land Use Bylaw.

Additionally, no development and building permit has been issued for the carport located on the lot, and for the sunroom that has been added to the southeast corner of the detached garage. While the sunroom and carport do not impact this development permit application, the Department does recommend that the landowner apply for a development and building permit for these structures.

Should the landowner apply for a development and building permit prior to July 30, 2015, the Department requests that the Municipal Planning Commission delegate the decision making for these permits to the Development Officer. This is required as the sunroom requires a 14% variance to the side yard, which exceeds the amount of variance that the Development Officer is allowed to grant. However, if the Municipal Planning Commission is supportive of the 14% variance to enable the sunroom to remain located where it is, the Department could process the application without bringing it to the Municipal Planning Commission. Should the applications come in after July 30, 2015 the department would bring the application to Municipal Planning Commission for their consideration.

As the proposed catering business meets the requirements set out in the Land Use Bylaw for the location of a Home Occupation 2, Planning & Development Services supports the Home Occupation 2 application as submitted.

Planning and Development Services is also recommending that the Municipal Planning Commission grant a 39% variance to the side yard setback of the existing garage to allow it to remain as sited.

Further, the Department is seeking that the Municipal Planning Commission delegate decision making authority to the Department for the development permit application for the sunroom and carport, granting up to a 14% side yard variance for the sunroom, until July 30, 2015.

MOVED BY: Member Rempel

"RESOLVED that the Municipal Planning Commission approve the discretionary use for a Home Occupation 2: Ann Catering., to be located at 5410 49 Avenue, Lot 2 Block 21 Plan RN1B, zoned R4, **and** approve a 39% variance to the side yard setback for the existing garage located on the same parcel; and that the Municipal Planning Commission delegate decision making authority to the Development Officer for any development permits received for the existing carport and sunroom, authorizing up to a 14% side yard variance for the sunroom, up until July 30, 2015"

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. 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.
3. Only the applicant, and additional family members approved by the Development Authority shall be engaged on the premises for the purpose of carrying on the home occupation.
4. Any permit issued for home occupations may be revoked at any time if, in the opinion of the development authority, the home occupation is, or has become detrimental to the amenities of the neighbourhood.
5. This permit is valid for the address stated on the application and is not transferable to a new address.
6. Only one sign shall be allowed on the property for the Home Occupation use. The sign may have the logo of the business if desired, shall display only the name of the business and the telephone number, shall not exceed 0.16m^2 in size, is to be unlit, and is to be affixed to the front face of the dwelling or a free-standing sign post not to exceed 1.5m in height.
7. Applicant shall provide the City with confirmation that their business has been approved by Alberta Health Services prior to commencement of the catering business.
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. 61/251.57(15), 86 Valley Crescent, Lot 23A & 23B, Block 2, Plan 782 0684: Legalize Existing Secondary Suite. Zoned R2 (General Residential) District.

The applicant was not present at the meeting.

Manager Peter presented information regarding the legalization of an existing secondary suite located in the basement of the detached dwelling located at 86 Valley Crescent. A secondary suite is listed as a discretionary use in a detached dwellings located within the R2 district, requiring Municipal Planning Commission approval.

Twenty eight (28) property owners within 60m of the subject site were notified. Four responses have been received, with three in support of the application, and the other in support as long as the house and yard are being maintained property, as it is currently not.

The detached dwelling located on the property straddles the property boundary between Lot 23A and Lot 23B. The main floor of the home is 106.28m^2 , while the upper level is 56.58m^2 . The existing secondary suite, located in the basement of the home, is 77.67m^2 , with a shared entryway, laundry room, and bathroom consisting of 14.12m^2 for a total area of the home being 254.65m^2 .

A secondary suite is allowed to occupy no more than 75m^2 or a maximum of 40% of the total floor area (main level, upper level, and basement) of a detached dwelling, whichever is less. The secondary suite in the home is below the maximum size allowed in relation to the total floor area of the home, occupying only 30.5%. However, a variance of 4% will be required to the maximum size allowed for a secondary suite in the City's Land Use Bylaw.

As there is only one bedroom contained within the secondary suite, the applicant will require one additional parking space for occupants of the secondary suite. Two parking spaces are provided in the attached garage for residents of the home. One additional parking space, accessed from Northstar Drive, has been provided at the side of the property for the occupant(s) of the secondary suite. Although this parking space has been hard surfaced, the length of the parking space, measured from the property boundary, is only 4.4m as opposed to the required 6m. Most vehicles parking in this space would encroach onto the City right-of-way which is located on the side of the property. If approved, the Department recommends that the applicant increase the size of the parking space to a minimum of 6m within the confines of the property.

This particular block consists of 30 lots and allows for a total of 3 secondary suites. There is currently no other secondary suites that have been approved on this block. Therefore the 10% regulation has not yet been achieved for this block.

With the exception of a minor size variance to the maximum size allowed for a secondary suite, and the need to lengthen the parking space provided for occupant(s) of the secondary suite, the proposed development is meeting all requirements of the Land Use Bylaw. Planning and Development Services feels that the minimal variance to the maximum size of the suite will have no impact to adjacent landowners. In addition, Planning and Development Services is recommending that the existing parking space be lengthened to allow for a minimum of 6m for on-site parking. Approval of the application is being recommended, subject to the following conditions:

Manager Peter recommended a change to the resolution requiring a variance to allow for only one parking space for the secondary suite, as the suite is over the allowable size where one parking stall is recommended.

MOVED BY: Member Gallant

"RESOLVED that the Municipal Planning Commission approve a 4% variance to the maximum size to the existing secondary suite and a variance to allow for only one parking space for the secondary suite located at 86 Valley Crescent, Lot 23A and 23B Block 2 Plan 782 0684, 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:

25. 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.
26. 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.
27. 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.
28. 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 within six months of Building Permit issuance.
29. Applicant to obtain any necessary electrical, plumbing and gas permits and must ensure compliance within six months of Building Permit issuance.
30. In addition to the two parking spaces provided for residents of the home in the attached garage, the applicant is to maintain one hard surfaced on-site parking space from Northstar Drive for occupants of the secondary suite. This parking space must be a minimum of 2.75m x 6m, and must be located within the confines of the property.
31. Applicant shall be required to submit a Development Deposit of \$1,000.00 prior to receipt of the Building Permit.
32. 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. 61/251.75(15), 4528 43 Avenue, Lot 13, Block 1, Plan 962 3073: Detached Dwelling. Zoned R-I (Medium Density Residential) District.

The applicants entered the meeting at 5:55pm while discussion of the permit was underway.

Manager Peter presented information regarding an application for the construction of a residence at 4528-43 Avenue. The property is located within the flood fringe, requiring approval from the Municipal Planning Commission.

Neighbouring property consultations are required as part of the Public Consultation Policy. Pursuant to this policy, a total of six (6) property owners within 60m of the subject site were notified. Once response was received in support of the application, indicating that the residence will be a nice improvement to the neighbourhood.

The purpose of the Residential - Light Industrial District is to provide an area for larger lots for residential uses in combination with limited light industrial uses. A residence and workshop are both permitted uses in this district, and either use cannot exist singularly.

On July 6, 2011 the applicant was issued a Development Permit for a Single Family Dwelling and Workshop to be constructed on the property. Construction of the workshop building took place that year, with the intention to construct the residence in July, 2012. The construction of the detached residence on the parcel has not occurred to date. Instead, the applicant proceeded to construct a living space within the shop building without the required approval and permits in place.

At the January 5, 2015 meeting of the Municipal Planning Commission, approval was granted for temporary living space within the existing workshop building located on the parcel, with the permit expiring on December 31, 2016. A condition of the permit indicated that an extension of this permit may or may not be approved. A further condition required the applicant to obtain a building permit and all secondary permits for the existing living space, with Permit Services Reports in all disciplines being submitted to Planning and Development Services no later than June 30, 2015. Although the permits in all disciplines have been applied for and issued, as of the writing of this report, the final Permit Services Reports indicating that inspections have taken place and the work complies with the Alberta Building Code Regulations have not been received.

Upon expiry of the permit, the living space within the shop building is to be removed.

An application has now been received for the construction of the residence on the property. Although the residence is a permitted use, the proposed residence will be entirely located within the flood fringe and is therefore subject to the Flood Risk Area Regulation District Overlay.

The Land Use Bylaw outlines special provisions that must be met in this district:

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

Due to the shape of the lot and the existing trees located on the property, the applicant is proposing that the residence be located near to the rear property boundary, with the residence being constructed slightly to the south of the existing shop. All setback requirements from property boundaries, and the minimum separation between the industrial shop building and the proposed residence, are being met.

A minimum of two parking spaces will be provided for the residents of the home in the proposed attached garage. The Land Use Bylaw requires a minimum of 4 parking spaces for warehousing and open space. These parking spaces are being planned within the existing shop, and on the surrounding gravelled area adjacent the shop building

As the proposed development is intended to occur within the flood fringe area, additional precautions have been outlined in the Land Use Bylaw which must be met, as follows:

- (a) Development shall be restricted to buildings or structures which can be adequately protected to minimize potential flood damage.
- (b) The first floor and all mechanical and electrical installations within any structures or buildings shall be a minimum of 0.5 metres above the 1:100 year flood elevation.

- (c) Buildings shall have no habitable floor space developed below the 1:100 year flood elevation. *The City's Engineers have determined that floor space developed below the 1:100 year flood elevation is permissible if the building has been adequately flood proofed to the satisfaction of the Development Authority.*

In addition, the applicant must provide information on the grade elevations of the proposed building site, the building corners and first floor, as well as the building openings and mechanical or electrical equipment, in accordance with geodetic elevations.

Prior to Building Permit issuance, the above information will be reviewed to ensure compliance with Land Use Bylaw requirements. The grading plan showing the required geodetic elevations for the buildings proposed on site will be reviewed and approved by the City's Engineering Department, also prior to Building Permit issuance.

The Planning and Development Department supported the application submitted and recommends approval with conditions as attached.

The applicants asked for clarification regarding submitting a grade sheet and the details on bearing certificates.

Manager Peter explained that due to the location of the proposed building in the flood fringe the builder would be responsible to build at the proper grades. If more than 1m of fill is required then a bearing certificate would be necessary. The bearing certificate ensures that the fill can support the weight of the proposed building.

MOVED BY: Member Gallant

“RESOLVED that the Municipal Planning Commission approve the construction of a residence to be located within the flood fringe at 4528-43 Avenue, Lot 13 Block 1 Plan 962 3073, zoned R-I.

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

1. This permit indicates that only the development to which it relates is authorized, with the provisions of the Land Use Bylaw and in no way relieves or excuses the applicant from complying with the Land Use Bylaw and in or any other bylaw, orders and/or regulations affecting such development.
2. This permit is valid for a period of twelve (12) months from the date of issue. If, at the expiry of this period, the development has not been commenced with reasonable diligence, this permit shall be null and void.
3. The Development Officer may, in accordance with Section 645 of the Municipal Government Act, take such action as is necessary to ensure that the provisions of this bylaw are complied with.
4. The exterior of the buildings, including paints, shall be completed within twelve (12) months from the date of issue of this development permit.
5. Applicant to apply for and obtain building permits and any necessary electrical, plumbing and gas permits for the proposed development.
6. **THIS PROPERTY IS IN THE FLOOD RISK AREA.** No habitable floor space shall be developed below the 1:100 year floor elevation.
7. Prior to Building Permit issuance, the applicant is required to submit information on the grade elevations of the proposed building site for review and approval by the City's Engineering Department. The plan must provide grading details at the building corners and first floor, as well as the building openings and mechanical or electrical equipment, with the finished grade set at a minimum elevation of 846.97m. The Builder must construct within 100mm of the approved grading plan while still meeting the minimum elevation plan.
8. If the property requires more than 1.0 m of fill to meet the minimum elevation of 846.97m, **the lot will require 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.

9. Applicant is to ensure positive drainage away from the dwelling and truck storage shop.
10. Curb stop must remain visible and at proper elevation PRIOR to pouring concrete or completing landscape work.
11. Prior to receipt of the Building Permit issuance, the applicant shall be required to submit a Development Deposit of \$1,000.00.
12. 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.
13. Applicant may not connect floor drain in the garage floor slab to City services.
14. 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, July 22, 2015

6. ADJOURNMENT

MOVED BY: Member Rempel

THAT this meeting now adjourns at 6:01 p.m.

CARRIED: Unanimously

Acting Chairperson Badry