



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

**MINUTES 121615**

**DATE:** December 16, 2015

**PLACE:** City of Lacombe Council Chambers

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

**PRESENT:**

Steve Christie	Mayor
Sandra Badry	Member at Large
Wayne Rempel	Councilor
Debbie Gallant	Member at Large

**REGRETS:** Reuben Konnik Councilor

**STAFF:** Gail Long, Development Officer  
Deb Bonnett, Development Officer  
Amanda Legros, Planning Intern

**1. CALL TO ORDER**

The meeting was called to order by Chairperson Christie 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 December 2, 2015 be confirmed as presented.

**CARRIED:** Unanimously

**4. NEW SUBDIVISION APPLICATION**

- A. 66/250.06 (2015), 52 St & Wolf Creek Drive;** Part of Lot 1 & 2, Plan 922 4577 and Closed Road (52<sup>nd</sup> Avenue) all within the S.W. ¼ 29-40-26-4; Subdivision of 0.137ha of Lot 1 Plan 922 4577 to consolidate with the southern half of the closed road and to subdivide the northern part of the closed road to consolidate with Lot 2 Plan 992 4577, zoned Light Industrial – I1

The applicant was not in attendance.

Planning Intern Amanda Legros presented information regarding the application subdivision and consolidation the proposed lots.

The subdivision application was submitted to the Planning and Development Department to subdivide a 0.137 hectare portion of Lot 1 Plan 992 4577 to consolidate with the closed portion of 52 Avenue south of the utility right of way. The northern part of the closed road will be subdivided and consolidated with Lot 2 Plan 992 4577.

The portion of 52 Avenue between the two properties was closed January 2015, as the City saw no benefit in extending the road to the west. The closed road was recently sold to new landowners.

There is an existing building on Lot 1 Plan 992 4577, if the proposed subdivision is approved, the applicants have indicated that the building will be located 5m from the new property line. This setback meets the minimum Light Industrial side yard requirement of 3m. With the proposed setback the new property line would be at the end of the paved area on the northeast side of Lot 1.

The Planning & Development Department does not foresee any negative impacts regarding the existing development located on Lot 1. The remainder of Lot 1 Plan 992 4577 will still have their two points of access, the required amount of parking, and will meet the requirements of the Land Use Bylaw for the Light Industrial District.

If the landowner of Lot 6 created as part of this subdivision, plans on creating an access on their parcel it must be located 10m from the old road allowance.

Planning Staff have no concerns regarding the proposed subdivision & consolidation of lands Part of Lot 1 &2, Plan 922 4577 and Closed Road (52<sup>nd</sup> Avenue) all within the S.W. ¼ 29-40-26-4; to create 3 separate lots and recommends approval subject to the conditions listed.

**MOVED BY:** Member Badry

**“RESOLVED** that the Municipal Planning Commission approve the subdivision and consolidation of 0.137 hectare portion of Lot 1 Plan 992 4577 to consolidate with the closed portion of 52 Avenue south of the utility right of way. The northern part of the closed road will be subdivided and consolidated with Lot 2 Plan 992 4577 for the creation of 3 new titles.

- 1) Subdivision to be registered by Plan of Survey
- 2) The payment of any outstanding property taxes or the completion of arrangements satisfactory to the City of Lacombe for the payment thereof.
- 3) Landowner of Lot 6, created as part of this subdivision, can only have an access 10m south from the old road allowance.
- 4) Please see attached response from Fortis Alberta for their requirements.
- 5) Please see attached response from ATCO GAS for their requirements.

**CARRIED:** Unanimously

## **5. NEW DEVELOPMENT APPLICATION**

**A. 61/253.48 (2015), 49 Terrace Heights Drive, Lot 39 Block 3 Plan 052 6570, Creation of a Secondary Suite with variances in an existing Dwelling unit, zoned R1c – Residential Smaller Lot Single Detached Dwelling District.**

The applicant was not in attendance.

Planning Intern Amanda Legros presented information regarding an application for the construction of a secondary suite in an existing building located at 49 Terrace Heights. Secondary suites are considered as a discretionary use in the R1C district; as a result the proposal is being presented to the Municipal Planning Commission for consideration.

A total of thirty-three (33) property owners within 60m of the subject site were notified. Two responses were received in support of the application however one noted that “parking may be disrupted on street but giving people housing is good for the community”.

The primary dwelling has a total floor area of 220m<sup>2</sup>. A secondary suite is allowed to occupy no more than 75m<sup>2</sup> or a maximum of 40% of the total floor area of a detached dwelling (88m<sup>2</sup>), whichever is less.

The plans submitted with the application indicate that the secondary suite, proposed to be located in the lower level in the home, will be 83.5m<sup>2</sup> (898.5sqft) in size. Based on the information provided, the proposed secondary suite will occupy 37.9% of the total floor area of the residence. However, the size of the secondary suite exceeds the maximum size for secondary suites as outlined in the Land Use Bylaw, requiring an 11% variance.

The landowner has indicated that parking for the suite will be provided at the rear of the property west of the detached garage. The width of the proposed graveled parking pad is 4.78m wide. As each space is required to be 2.75m wide, a total of two (2) tandem parking spaces will be provided.

Residences will be accessing the suite through the back entrance. To promote parking on the pad, a paved path, extending from the pad to the existing path, shall be required, enabling access via the back of the house into the suite. They will have to pass through the common area where the washer, dryer and furnace will be located to access the front door to the suite.

Section 9.8 (11) regulates the concentration of secondary suites to 10% on a block. This particular block consists of 19 homes, allowing for 2 secondary suites to be located within the block. Currently, no secondary suites have been approved in the block.

### **Recommendation**

As this is the first secondary suite to be located in this particular block, the Planning and Development Department supports the application as submitted and recommends approval with conditions as attached.

**MOVED : Member Rempel**

**“RESOLVED** that the Municipal Planning Commission approve the construction of a secondary suite with an 11% variance to the maximum size requirements, to be located at 49 Terrace Heights Drive, Lot 39 Block 3 Plan 052-6570, 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 suite is fully compliant to the Alberta Building Code prior to occupancy.
5. Applicant to obtain any necessary electrical, plumbing and gas permits and must ensure compliance prior to occupancy.
6. In addition to the two on-site parking spaces required for the residents of the home, the applicant is to provide two (2) additional parking spaces at the rear of the property for occupants of the secondary suite.
7. Applicant shall be required to provide a paved pathway extending from the parking pad to the existing pathway leading to the rear entrance of the home.
8. Applicant shall be required to submit a Development Deposit of \$1,000 prior to receipt of the Building Permit.

9. 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 this decision is subject to an appeal period which ends on January 7, 2016 at 4:30pm.*

**CARRIED:** Unanimously

**B. 61/253.44 (2015), 4 Willow Crescent , Lot 22 Block 2 Plan 052 6570,** Variances to Side Yard Setback Requirements and Minimum distance separation between Shed & Dwelling unit, zoned R1c – Residential Smaller Lot Single Detached Dwelling District.

The applicant was not in attendance.

Development Officer, Deb Bonnett presented information regarding the application for multiple variances in connection with an existing dwelling unit & attached garage, a deck and shed located at 4 Willow Crescent. Variances from the Municipal Planning Commission are being requested to the minimum side yard to the deck and side yard & minimum distance separation between the residence & shed. A rear yard variance for the residence was approved by the MPC on May 13, 1999.

Neighboring property consultations are required as part of the Public Consultation Policy. Pursuant to this policy, a total of thirty one (31) property owners within 60m of the subject site were notified. One letter of objection has been received. "This deck extends into the yard in a way that is very unbalanced I the cul-de-sac. Beautiful trees (we believe on the adjacent property) were cut down to create this deck. It is out of place in the cul-de-sac and looks very disproportionate and unappealing, especially with no trees to hide it. This deck also reduces the privacy of other neighbours yards. To put it plainly, it is an unattractive sight that sticks out like a sore thumb."

The Land Use Bylaw requires that a 1.5 m side yard setback be provided for the existing deck located on the property. The deck has been constructed 1.05 meters from the side boundary at the closest point, requiring a 30% variance. The bylaw requires a 1 meter side yard setback for the shed. The shed is located .29 meters from the side boundary at the closest point requiring a 71% variance. The bylaw also requires that the minimum distance separation between the house and the shed is 1.2 meters. The shed is located 1.1 meters from the dwelling requiring an 8% variance. It should be noted that a permit is not required for a shed that is less than 10 m<sup>2</sup>. The shed in this instance is 6.35 m<sup>2</sup>.

A portion of the concrete on the second driveway has been removed in order to comply with the Engineering Department's requirements that it not be located on a curve.

**Recommendations:**

Both the deck and the shed have been in this location for 10 + years. Until this application was received, there has been no complaints regarding the location. As the variances are not excessive, the Planning and Development is recommending approval as submitted subject to the conditions listed.

**"RESOLVED** that the Municipal Planning Commission approve a side yard variance of 30% as it applies to the location of the deck, a side yard variance of 71% as it applies to the location of a shed on skids and a minimum distance separation variance of 8% as it applies to the minimum distance separation between the house and the shed at 4 Willow Crescent, Lot 22, Block 2, Plan 782-3298, zoned R1c."

**MOVED:** Member Badry

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

1. This permit indicates that only the development to which it relates is authorized, with the provisions of the Land Use Bylaw and in no way relieves or excuses the applicant from complying with the Land Use Bylaw and in or any other bylaw, orders and/or regulations affecting such development.
2. This permit is valid for a period of twelve (12) months from the date of issue. If, at the expiry of this period, the development has not been commenced with reasonable diligence, this permit shall be null and void.
3. The Development Officer may, in accordance with Section 645 of the Municipal Government Act, take such action as is necessary to ensure that the provisions of this bylaw are complied with.
4. Applicant is to obtain a City of Lacombe building permit for the deck to ensure compliance to the Alberta Building Code.
5. The decision of the Municipal Planning Commission being mailed to adjacent landowners, a sign posted on site, and advertised in the local newspaper, and no appeal against the decision being successful.

*Please note that this decision is subject to an appeal period which ends on January 7, 2016 at 4:30pm.*

**CARRIED:** Unanimously

**C. 61/253.49 (2015), 61 MacKenzie Ranch Way. Lot 5, Block 3 Plan 152 3503 Two 40 Unit Multiple Housing Buildings with variances, zoned R5 – High Density Residential District**

The applicant was in attendance to provide information and answer questions regarding the application.

Development Officer Gail Long presented the application for a multiple housing development to be located at 61 MacKenzie Ranch Way. The development will consist of two buildings, each containing 40 residential units. The property is located in the R5 - High Density Residential District, which lists multiple housing developments as a permitted use. Due to variances being requested for the proposed development, the application is being referred to the Municipal Planning Commission for consideration.

Neighbouring property consultations are required as part of the Public Consultation Policy. Pursuant to this policy, a total of one (1) property owner in proximity to the subject site was notified. No response has been received to the circulation notice.

The City's Land Use Bylaw states that a "*Front Parcel Boundary means, in the case of an interior parcel, the boundary which abuts a street and in the case of a corner parcel, means the shorter of the two boundaries which abut a street*". The proposed development will be located at the corner of MacKenzie Ranch Way and the future roadway referred to as Homestead Road. Using the definition for "Front Parcel Boundary", Homestead Road would be considered as the front of the parcel.

The applicant has proposed that MacKenzie Ranch Way be considered as the front of the property, and has designed the proposed buildings on the parcel accordingly. If considering MacKenzie Ranch Way as the front of the parcel, the applicant is fully meeting the setback requirements as outlined in the City's Land Use Bylaw. However, using MacKenzie Ranch Way as the front property boundary is contrary to the definition as outlined in the City's Land Use Bylaw. A variance will be required if MacKenzie Ranch Way is considered as the front parcel boundary.

If a variance to the definition for "front parcel boundary" is not considered and the front parcel boundary remains to be adjacent to Homestead Road, a 42% variance will be required to the front yard setback requirement, and a 67% variance will be required to the rear yard setback requirement. No variances would be required to the side yard setback requirements.

*It is recommended that the Municipal Planning Commission consider the proposed development using MacKenzie Ranch Way as the front parcel boundary.*

The minimum parcel area for multiple housing developments is calculated by totaling the area of non-recreational buildings, parking facilities and driveways, and the minimum amenity area required for each unit. Based on this calculation, the applicant would require a 1.16 hectare parcel. The total size of the parcel is .96 hectare, requiring an 18% variance to the minimum parcel area.

The sizes of the units are used to determine the minimum amenity area required. Using the calculations for four 1 bedroom units and 76 2 bedroom units, a total of 4,260 m<sup>2</sup> is required to be provided for amenity space. The applicant is proposing to provide 2,975m<sup>2</sup> of amenity space, requiring a 31% variance to the minimum amenity area required.

The Land Use Bylaw states that the proposed multiple housing development allows for a maximum parcel coverage by subtracting the minimum amenity area from the parcel area. Based on this calculation, the proposed multiple housing development would allow for a 55% parcel coverage. As the proposed development has a 21% parcel coverage, no variance is required.

The Land Use Bylaw requires 118 parking spaces for occupants of the residential units, plus 16 visitor parking spaces, for a total of 134 on-site parking spaces. The applicant is providing the required 134 parking spaces, meeting the required number of parking spaces.

One loading space is being provided per building.

A total of four garbage containers are being provided in two separate areas on the parcel, to be used by occupants of the buildings. These areas will be screened with a 6' high vinyl privacy fence. The applicant has advised that the bins will be front loading, to be picked up by a refuse company other than the City. Public Works has reviewed the proposal and has no objections to the location of the bins and garbage pick up by a private company.

The application identifies the total landscaped area on the parcel to be 2,000m<sup>2</sup>. Based on this area, a total of 40 trees and 66 shrubs will be required. The landscaping plan submitted by the applicant is meeting the required number and ratio between coniferous and deciduous trees and shrubs. To help provide for additional amenity area, the applicant proposes to install a small playground area along with some benches and garbage containers on the site, enabling residents a place to enjoy the property.

There is currently a solid vinyl fence located on the west boundary of the property to separate the RV Storage area used by residents of the manufactured home park from the multi-family residential lot. In order to screen the parking area from future residential development to the south, the applicant will be required to install a vinyl fence on the south boundary of the parcel, to be consistent with the fencing currently located on the west boundary.

A fire plan is required prior to a building permit issuance, per fire code.

#### **Recommendations:**

Planning and Development Services considers the use of the front boundary of MacKenzie Ranch Way to be the most efficient use of the parcel as it allows for a better layout for the multiple housing development being proposed for the site. The Department is recommending approval of the application, subject to conditions.

**MOVED:** Member Gallant

**“RESOLVED** that approval be granted for a 18% variance to the Minimum Parcel Area, and a 31% variance to the Minimum Amenity Area to allow for the construction of a multiple housing development to be located at 61 MacKenzie Ranch Way, Lot 5 Block 3 Plan 152 3503, zoned R5 - High Density Residential, with MacKenzie Ranch Way being considered as the front yard of the parcel, 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. Prior to building permit issuance, the applicant must provide a lot grading plan for review and approval by the City's Engineering Services.

5. The builder must construct within 100mm of the design landscape elevation and illustrated drainage patterns unless otherwise approved by the Development Officer.
6. If the property requires more than 1.0 m of fill, **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.**
7. 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.
8. This lot has been serviced with both Sanitary and Storm lines. Sanitary lines have a **RED** cap, while Storm lines have a **GREEN** cap. TO CONFIRM, call PUBLIC WORKS. Applicant must ensure service connections are correct. Any cross connections will be remedied at the applicant's expense.
9. Applicant is to obtain a City of Lacombe building permit prior to commencement of construction.
10. Applicant to apply for and obtain any required secondary permits (electrical, plumbing, gas).
11. All landscaping areas are to be protected by concrete curbs or other approved barriers having a minimum height of 140mm or separated from the street or parking area by a paved, curbed sidewalk.
12. The applicant shall provide a 6' high fence on the south property boundary consistent with the vinyl fence that is currently located on the west boundary of the parcel.
13. Prior to building permit issuance, landscaping deposits will be required in the form of cash or letter of credit in an amount equal to 100% of the estimated cost of the required landscaping as estimated by an appropriate trade professional, and not less than \$2,000. Security will be released once a site inspection demonstrates that the landscaping has been completed in accordance with the approved plan, has been well maintained, and is in healthy condition at the end of the second growing season.
14. Applicant to hard surface all internal roadways and parking lot area within one (1) year from construction completion. All parking spaces shall be electrified and identified with cement parking curbs and pavement markings.
15. Prior to building permit issuance, hard surfacing deposits will be required in the form of cash or letter of credit in an amount equal to 50% of the estimated cost of the hard surfacing, as estimated by an appropriate trade professional, and not less than \$2,000. Security will be released once a site inspection demonstrates that the hard surfacing has been completed in accordance with the approved plan. Parking curbs and pavement markings are to be included in the cost estimates.
16. Curb stop must remain visible and at proper elevation PRIOR to pouring concrete or completing landscape work.
17. Prior to building permit issuance, the applicant is to submit an exterior lighting plan for review and approval by the City's Engineering Department.
18. Prior to Building Permit issuance, the applicant shall prepare a Fire Safety Plan, subject to approval by the City's Fire Chief. The Plan is to be followed while construction is taking place on site.
19. Prior to building permit issuance, the applicant shall submit a development permit deposit in the amount of \$2,000.00 per structure.
20. The exterior of the building, including paints, shall be completed within twelve (12) months from the date of issue of the building permit or to the date outlined in the signed Development Agreement.
21. 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.
22. Applicant shall make separate application for any signs proposed on the property.
23. 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 decision of MPC is subject to an appeal period, ending on January 7, 2015 at 4:30 PM.*

**CARRIED:** Unanimously

**6.. BUSINESS**

**A. Next MPC Meeting: Wednesday, January 6, 2016**

**6. ADJOURNMENT**

THAT this meeting now adjourns at 5:34 p.m.

**MOVED BY:** Member Badry

**CARRIED:** Unanimously

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Chairperson Christie

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Date