



CITY OF LACOMBE
MUNICIPAL PLANNING COMMISSION

MINUTES 010616

DATE: January 6, 2016

PLACE: City of Lacombe Council Chambers

TIME: 5:00p.m.

PRESENT:

Steve Christie
Sandra Badry
Wayne Rempel
Debbie Gallant
Reuben Konnik

Mayor
Member at Large
Councilor
Member at Large
Councilor

REGRETS:

STAFF:

Lyla Peter, Manager, Planning and Development
Gail Long, Development Officer
Deb Bonnett, Development Officer

1. CALL TO ORDER

The meeting was called to order by Chairperson Christie at 5:00 p.m.

2. ADOPTION OF AGENDA

Staff requested that item G, Development Permit 61/253.69 2015, be postponed to a later meeting in order to obtain additional information.

MOVED BY: Member Rempel

THAT the Agenda be adopted with the requested change.

CARRIED: Unanimously

3. ADOPTION OF MINUTES

MOVED BY: Member Gallant

That the Municipal Planning Commission minutes for January 6, 2016 be confirmed as presented.

CARRIED: Unanimously

4. NEW DEVELOPMENT APPLICATION

A. 61/253.58 (2015), 5024 58 Street Lot 3 Block 3 Plan 157 NY, Variance for Side Yard Setback for an existing attached carport & Shed zoned R1b – Medium Lot Single Detached Dwelling District.

The applicant was not in attendance.

Development Officer, Deb Bonnett presented information regarding the variances to the side yard setback requirements as it applies to the locations of an existing attached carport and detached shed at 5024 58 Street. Both the carport and the shed were located on the property when the current owners purchased the property (1994).

Neighboring property consultations are required as part of the Public Consultation Policy. Pursuant to this policy, a total of twenty two (22) property owners within 60m of the subject site were notified. One response has been received indicating support of the application.

The Land Use Bylaw requires that a 1.5 m side yard setback be provided in R1b. The carport has been constructed .34 meters from the side boundary requiring a variance of 78%. The bylaw requires that accessory buildings be located .9 meters from the side boundary. The shed is located .62 meters from the side boundary requiring a variance of 32%

A permit is not required for a shed that is less than 10 m². The shed in this instance is 9.3 m², therefore a building permit will not be required for the shed.

Recommendations:

Both the carport and the shed have been located on the property for 21+ years. To date no complaints have been received regarding either development, therefore the Planning and Development recommended approval as submitted subject to the conditions listed.

MOVED: Member Badry

“RESOLVED that the Municipal Planning Commission approve a side yard variance of 78% as it applies to the location of an existing attached carport and a side yard variance of 32% as it applies to the location of the existing moveable shed at 5024 58 Street, Lot 3, Block 3, Plan 157 NY, zoned R1b.”

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

1. This permit indicates that only the development to which it relates is authorized, with the provisions of the Land Use Bylaw and in no way relieves or excuses the applicant from complying with the Land Use Bylaw and in or any other bylaw, orders and/or regulations affecting such development.
2. This permit is valid for a period of twelve (12) months from the date of issue. If, at the expiry of this period, the development has not been commenced with reasonable diligence, this permit shall be null and void.
3. The Development Officer may, in accordance with Section 645 of the Municipal Government Act, take such action as is necessary to ensure that the provisions of this bylaw are complied with.
4. Applicant is to obtain a City of Lacombe building permit for the carport to confirm compliance to the Building Code requirements.
5. Applicant to apply for and obtain any required secondary permits (electrical, plumbing, gas).
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.

Please note that this decision is subject to an appeal period which ends on January 28, 2016 at 4:30pm.

CARRIED: Unanimously

B. 61/253.53 (2015), 5205A 47 Street , Lot 2A Block 14 Plan 792 0172, Variance to Side Yard Setback Requirements for an existing deck, zoned R4 – Medium Density Residential District.

The applicant was not in attendance.

Development Officer, Deb Bonnett presented information regarding an application requesting a variance as it applies to the location of a deck within the minimum side yard at 5205A 47 Street. The deck on site is located .11 m from the side property boundary. A garage on site received a side yard variance in 1999.

Neighboring property consultations are required as part of the Public Consultation Policy. Pursuant to this policy, a total of seventeen (17) property owners within 60m of the subject site were notified. One response has been received indicating support of the application.

The Land Use Bylaw requires that a 1.5 m side yard setback be provided in R4. If the deck is .3 m or less in height, the side yard required is ½ of the minimum, which in this instance is .75 m. The existing deck is .3 meters in height and is located .11 m from the side boundary, requiring a variance of 85%.

Recommendations:

The deck has been in this location for 20 + years. To date, there is no record of complaints being received for the deck, therefore the Planning and Development is recommending approval as submitted subject to the conditions listed.

MOVED: Member Rempel

“RESOLVED that the Municipal Planning Commission approve a side yard variance of 85% as it applies to the location of the deck at 5205A 47 Street, Lot 2A, Block 14, Plan 792-0172, 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:

7. 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.
8. 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.
9. 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.
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.

Please note that this decision is subject to an appeal period which ends on January 28, 2016 at 4:30pm.

CARRIED: Unanimously

C. 61/253.62 (2015), 4316, 4320, 4324, & 4328 Homestead Road, Lots 187 -190, Block 2 Plan 152 5243, Four Unit Rowhouse with Variances to Parcel Coverage, zoned R4 – Medium Density Residential District

The applicant was in attendance to provide information and answer questions regarding the application. The applicant advised the Commission that there will be less variances when construction occurs in the cul-de-sac. The applicant also expressed concern regarding how staff calculates parcel coverage as it is not consistent with other municipalities in the area.

Development Officer, Gail Long presented information regarding the application for the construction of one four unit rowhouse. The two outside units (4316 & 4328 Homestead Road) meet the requirements of the Land Use Bylaw. However, the two units in the middle (4320 & 4324 Homestead Road) require variances to the maximum lot coverage.

Neighbouring property consultations are required as part of the Public Consultation Policy. Pursuant to this policy, a total of six (6) properties were notified of the proposed development. No comments have been received to the circulation notice.

All four units being proposed meet the required setback requirements as outlined in the Land Use Bylaw. The two outside units meet the maximum lot coverage; however, the two interior units exceed the maximum lot coverage. When calculating maximum lot coverage, the residence, deck and steps, and verandah and steps are included.

The LUB allows for a maximum 35% lot coverage for the principle building in the R4 zoning. Both units proposed to be constructed on 4320 and 4324 Homestead Road have a lot coverage of 45.11%, requiring a 29% variance.

Two gravel pads are proposed to be located at the rear of each lot, providing the required parking spaces for each unit.

Recommendations:

Planning and Development Services had no concerns regarding the variances being proposed and recommended approval, subject to conditions.

MOVED: Member Gallant

“RESOLVED that the Municipal Planning Commission approve the development of one four-unit rowhouse on 4316, 4320, 4324 & 4328 Homestead Road, Lots 187-190 Block 2 Plan 152 5243 with a 29% variance to the maximum lot coverage at 4320 Homestead Road, Lot 188 Block 2 Plan 152 5243 and 4324 Homestead Road, Lot 189 Block 2 Plan 152 5243, 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. Applicant is to obtain a City of Lacombe building permit prior to commencement of construction.
4. Applicant to apply for and obtain required secondary permits (electrical, plumbing, gas)
5. The exterior of the building, including paints, shall be completed within twelve (12) months from the date of issue of the building permit.
6. 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.
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. Applicant to complete minimum front yard landscaping requirements on each lot: (a) a minimum of one (1) tree; or (b) a landscape bed consisting of a minimum of three (3) shrubs; and (c) placement of sod unless other landscaping material is approved by Development Authority.
10. 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.

11. Applicant to provide two gravel surfaced parking spaces in the rear yard of each lot. Each parking space is to be a minimum of 2.75m x 6m.
12. Lot grading to conform to building grade plan as approved by Engineering Services at the time of subdivision.
13. 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 expense.
14. **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.**
15. 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.
16. Applicant to apply for and install one water meter per unit.
17. Applicant to install both a sump pump and storm line connection. (While storm lines are in place the elevation of the service requires a sump pump to bring water from weeping tile system up to storm service.
18. Prior to Building Permit issuance, the applicant is to provide a Fire Plan, to the satisfaction of the City's Fire Chief.
19. Prior to building permit issuance, the applicant shall submit a development permit deposit in the amount of \$1,000.00 per lot.
20. 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 28, 2016 at 4:30pm.

CARRIED: Unanimously

D. 61/253.50 (2015), 5628 52 Avenue Lot 4 & Pt. of 5 Block 26 RN1E Demolition of a Detached Dwelling & Outbuildings Parcel Coverage, zoned R1A – Large Lot Single Detached Dwelling

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

Development Officer, Gail Long presented information regarding an application for a discretionary demolition of a detached dwelling and outbuildings. 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 dwellings 50 years of age or older.

Neighbouring property consultation is required as part of the Public Consultation Policy. Pursuant to this policy, a total of twenty-four (24) property owners within 60m of the subject site were notified. Three responses were received to the circulation notice. One response, in opposition to the application, stated that it can lower property value immensely. Two other responses, in support of the application, indicated that the residence in question should have been demolished many years ago as it is in deplorable condition, and that removal of this small, old house will enhance the neighborhood depending on what replaces it.

Demolition of the residence will be subject to the regulations set out in the Historic District Area Overlay. This Overlay regulates the demolition of all principal buildings aged 50 years of age or older and sets out the guidelines to be followed for demolition consideration. The intent is to ensure that incremental alterations, renovations and demolitions do not diminish the conservation of historic resources over time.

The application was forwarded on November 30, 2015 to the Lacombe and District Historical Society for an assessment of the historical value of the building. The assessment indicates that the one storey wood frame structure was built around 1945 and has white stucco siding, a modern asphalt shingle roof, modern eavestroughs, modern windows, and a concrete foundation. The home has a full unfinished basement. Lacombe & District Historical Society noted that there have been no additions to the house, but some alterations have been made to

the home over time. The kitchen cabinets and built-ins, plus two wood window frames currently stored in the basement, are likely original. Otherwise, the home does not have any original features of note, or to be salvaged.

It is believed that the house was built shortly after WWII and is an example of post WWII residential architecture in Lacombe. It does not have any significant exterior character defining elements.

The Heritage Resource Committee undertook a site visit to assess the state and historical value of the property in early December. At the December 17, 2015 Heritage Resource Committee meeting, the application was reviewed. A motion was passed by the Heritage Resource Committee to support the proposed demolition. A motion was also passed requesting the salvage of two storm windows and the knobs on the built in cabinet.

Recommendations:

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

MOVED: Member Badry

“RESOLVED that the Municipal Planning Commission approve the discretionary demolition of a residence and outbuildings subject to the regulations of the Historic District Area Overlay, to occur at 5628 52 Avenue, Lots 4 & Pt. 5, Block 26, Plan RN1E, zoned R1a.”

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

1. This permit indicates that only the 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. All Dry Rubble Materials are to be disposed at the Prentiss Waste Station or at an area approved by Alberta Environment.
6. 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.
7. Applicant is to ensure that all Occupational Health and Safety requirements are met.
8. Applicant is to ensure the site remains neat and tidy, and free of noxious weeds.
9. 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 5628 52 Avenue.
11. Applicant is to arrange for an end of life cycle report to be undertaken prior to demolition.
12. Applicant to contact the Heritage Resource Committee to arrange for the possible salvage of two storm windows and the knobs on the kitchen built-in cabinet.
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.

Please note that the Heritage Resource Committee recognizes that the applicant may want to salvage some of the items from the building. However, if the two storm windows and the knobs on the built-in cabinet can be donated to the Committee, *please contact Jennifer Kirchner at 403-782-1264 (extension 228)*.

Please note that this decision is subject to an appeal period which ends on January 28, 2016 at 4:30pm.

CARRIED: Unanimously

E. 61/253.50 (2015), 5628 52 Avenue Lot 4 & Pt. of 5 Block 26 RN1E Detached Dwelling with Secondary Suite & Detached Garage, zoned R1A – Large Lot Single Detached Dwelling

The applicant was in attendance to answer questions and provide additional information if needed. A number of adjacent landowners were also in attendance to speak to the application.

Development Officer Gail Long presented information regarding an application for the construction of a residence with a secondary suite, and the construction of a detached garage, at 5628 52 Avenue. The proposed residence is a permitted use as it meets all requirements of the Land Use Bylaw. However, as the applicant is proposing a secondary suite to be located within the residence, and as the applicant is requesting variances to the detached garage being proposed for the property, the application is being presented 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 twenty four (24) property owners within 60m of the subject site were notified. Six responses were received to the circulation notice with five in opposition, and one "vehemently opposed" to the application. Comments included the following:

- it can lessen the value of our properties and as it looks like, it will be a duplex.
- too large of a building! Looks like a house with attached barn (garage)!
- that the proposed plan was not in keeping aesthetically with the neighbourhood as it looks like a hotel and the neighbourhood is comprised of 99% bungalows with only one two storey residence on the southeast corner lot.
- the secondary suite is larger than allowed, and they have never heard of a two storey secondary suite having their own personal garage. Felt that the application fits under the definition of a duplex, which is not allowed in the R1A residential district.
- opposed to the building of a "monster" garage at the rear of the property. Concerned that it may eventually be used for a commercial venture.
- Felt that the application was hurried through during the Christmas season, as people are very busy and some are away.
- Feels that if approval is granted it will show a total disregard to people living in the surrounding area as something of this proportion should not be allowed where all other residences are of a more modest size.
- The number of water closets (toilets) being proposed per dwelling unit.
- This is an R1a property ... upon which a Duplex is **not allowed**. How is a 1144 ft² "secondary suite" with a 392 ft² garage not a Duplex? I believe that this application is a finely crafted deception to get approval for a duplex.
- Not compatible in scale to single detached dwellings in the immediate vicinity. This is no way acceptable or pleasing to the eye. It is a monstrosity and hotel like in appearance.
- Proposed height of the detached garage, ie. 17.3 feet as opposed to 15 feet. Also too large for the area.
- Change in appearance of the neighborhood with the huge oversized buildings.
- Neighborhood would become uncomfortable by the development of buildings in its midst that are more suited in dimension to commercial, business and industrial areas.
- Development appears to be geared toward some sort of multi-family enterprise.
- "All those who live in an R1a zone deserve better. Lacombe deserves better. Please do not approve these variances".
- The size of the proposed secondary suite and variances being requested; the secondary suite alone is 1144 ft² with two bedrooms and two baths, plus a 392 ft² garage. This is not a secondary suite, this is an

attempt to ram through a structure that is more correctly described as a duplex into a 41 single family dwelling zone under the guise of a secondary suite, which should NOT be allowed to happen.

- Concern with purpose of the imposing "garage" that is proposed in addition to the attached double and single car garages on the front of the building. What kind and how much traffic will be generated; is a home based business being proposed?
- While I am in favor of seeing a couple or more of the old, very small buildings in this block demolished and replaced by something that will enhance the neighborhood; this structure will look more like a hotel in comparison with the rest of the homes. The scope of it is totally incongruous with the neighbourhood.

Part 9; subsection 9.6 (1) reads as follows:

"Notwithstanding any other regulations in this Land Use Bylaw, the size, location, design, character and appearance of any building, or series of buildings, structure or sign proposed to be erected or located in any District must be acceptable to the Development Authority having due regard to:

- (a) The historical character of the development to which the proposal relates,*
- (b) The historical character of development on adjacent land,*
- (c) The character of existing development in the District including but not necessarily limited to, facing materials, roof pitches, eave depth, building mass and architectural detailing.*
- (d) Its effect on adjacent parcels, and*
- (e) Amenities such as daylight, sunlight and privacy."*

A review of the above definitions contained within the City's Land Use Bylaw indicates that the proposed development should be considered as a secondary suite, as the proposed development cannot be considered as a duplex as it is not placed over the residence in whole or in part, and it cannot be considered as a semi-detached dwelling as it is not joined side-by-side to the principle dwelling unit on the parcel.

Although the proposed home is larger than what currently exists in the neighbourhood, there is one existing split level home and one two storey home in the immediate block. The home directly east of this parcel has been approved for demolition. It is unknown what the future development of this property is.

Part 9, subsection 9.9 indicates that the maximum number of water closets (toilets) per dwelling unit is four. As both the principle residence on the parcel, and the proposed secondary suite, are considered as separate dwelling units, each of the dwelling units would be permitted four toilets.

Residence and Secondary Suite

The proposed residence on the property is a permitted use as it meets all requirements of the Land Use Bylaw in relation to setback requirements, maximum height, and maximum lot coverage. However, variances will be required if the proposed secondary suite within the residence is to be approved.

The proposed residence to be located on the property has a floor space totaling 552.96m². A secondary suite is allowed to occupy no more than 75m² or a maximum of 40% of the total floor area of a detached dwelling (221.84 m²), whichever is less.

Plans submitted with the application indicate that the secondary suite will be located behind the attached triple car garage proposed for the site. The suite can either be entered from the garage, or from outside on the west side of the residence. The proposed secondary suite will have no basement, but will be two stories in height. The size of the proposed secondary suite will be 106.28m². Although the size of the secondary suite does not exceed 40% of the floor area of the home, it does exceed the maximum size of a secondary suite (75 m²), requiring a 42% variance.

A total of four parking spaces will be required for residents of the home as well as parking for occupants of the secondary suite. One parking space in the triple attached garage is proposed for the occupants of the secondary suite. An additional parking space will be located either outside, or in the detached garage being proposed at the rear of the property. The applicant will be able to meet the requirements for on-site parking spaces.

Section 9.8 (11) regulates the concentration of secondary suites to 10% on a block. This particular block consists of 18 homes, allowing for 2 secondary suites to be located within the block. There is currently one secondary suite located within the block. If approved, this will be the last secondary suite on this particular block.

Detached Garage

The proposed garage is meeting all setback requirements and is not exceeding maximum lot coverage, but is exceeding the maximum height requirements, and the maximum size for an accessory building.

The City's Land Use Bylaw considers accessory residential buildings to be accessory to the main use/building on the parcel, indicating that the mass shall not exceed the main building mass. The LUB also states that an accessory residential building may be up to 60% of the main building coverage area, but shall not exceed 70m².

The principle building on the site covers 344.3 m², which allows for a detached garage to be a maximum of 206.58 m² in size. The detached garage proposed on the property is 100.34 m², which does not exceed the allowed main building coverage of 60%, but does exceed the 70 m² maximum size allowed for a detached garage, requiring a 43.4% variance to the maximum allowable size.

The maximum height allowed for a detached garage is 4.6 m in height, with the height not exceeding the height of the main building. The height of the main building will be 10 m. Although the detached garage will not be exceeding the height of the main building, the proposed garage will be 5.28 m in height, requiring a 15% variance to the maximum height for a detached garage.

Prior to the decision adjacent landowners expressed their concern with the size of the house and the garage, the existing neighbourhood homes, the height of the dwelling, their belief that the suite is actually a duplex and the belief that the proposed dwelling will block sunshine, etc.

Recommendations:

Planning and Development Services is of the opinion that as the residence proposed for the site is meeting all requirements of the Land Use Bylaw, the variances being requested to the size of the secondary suite located within the residence, and the size and height of the detached garage, will have minimal effect on adjacent landowners. The 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 residence, **detached garage with no variances permitted and a secondary suite, with a maximum variance of 25%** to the maximum size for a secondary suite, to be located at 5628 52 Avenue, Lots 5 & Pt. Lot 5 Block 26 Plan RN1E, zoned R1a.”

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

1. This permit indicates that only the development to which it relates is authorized, with the provisions of the Land Use Bylaw and in no way relieves or excuses the applicant from complying with the Land Use Bylaw and in or any other bylaw, orders and/or regulations affecting such development.
2. This permit is valid for a period of twelve (12) months from the date of issue. If, at the expiry of this period, the development has not been commenced with reasonable diligence, this permit shall be null and void.
3. The Development Officer may, in accordance with Section 645 of the Municipal Government Act, take such action as is necessary to ensure that the provisions of this bylaw are complied with.
4. The approval for the demolition of the residence, as applied for in Development Permit 61/253.50 (2015) has occurred.
5. The exterior of the buildings, including paints, shall be completed within twelve (12) months from the date of issue of this development permit.

6. Applicant to apply for and obtain building permits and any necessary electrical, plumbing and gas permits for the proposed development.
7. Prior to Building Permit issuance, the applicant is required to submit elevation plans for all sides of the detached garage and confirming the maximum height of 5.28m.
8. 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.
9. The Builder must construct within 100mm of the approved grading plan while still meeting the minimum elevation plan.
10. 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.**
11. Curb stop must remain visible and at proper elevation PRIOR to pouring concrete or completing landscape work.
12. Applicant 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; **and** (c) placement of sod unless other landscaping material approved by Development Authority.
13. Applicant to identify the water servicing required for the development prior to building permit issuance.
14. 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.
15. 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.
16. Prior to receipt of the Building Permit issuance, the applicant shall be required to submit a Development Deposit in the amount of \$1,000.00.
17. 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.
18. Applicant shall provide a minimum of 2 on-site parking spaces for residents of the home, plus an additional 2 on-site parking spaces for residents of the secondary suite.
19. Where an existing driveway is to be relocated or removed, the applicant will ensure that any unnecessary dropped curb and driveway aprons are replaced or repaired to the City's satisfaction. Any concrete curb or sidewalk that is damaged by the applicant during the course of construction shall be replaced by the applicant to the City's satisfaction. Where necessary, the City of Lacombe shall be responsible to replace any surface infrastructure which the City removes to complete water and sewer servicing.
20. Applicant to hard surface front driveway no later than one (1) year from construction completion. The **maximum driveway width** at the property boundary **shall be no more than 10m.**
21. Applicant to ensure that the accessory building matches or is complimentary to the primary dwelling unit in colour and materials.
22. Applicant may not connect floor drain in garage floor slab to City services.
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 this decision is subject to an appeal period which ends on January 28, 2016 at 4:30pm.

CARRIED: Unanimously

A. 61/253.70 & 71 (2015), 3411 52 Avenue Lot 6 Block 6 062 3946 Detached Relocation of Two Chemical Warehouse Buildings, zoned I2 – Heavy Industrial District

The applicant was in attendance to provide information.

Development Officer Gail Long presented information regarding an application received in September, 2011 for the development of a distribution facility with a dangerous goods occupancy permit at the above property. The 2011 application indicated that it was their intention to move their existing business from their rental site located across the street at 3412-52 Avenue, to the new location. The applicant indicated their property at 3411-52 Avenue would be developed in 3 phases, with the first phase to include a small blending office and 7 hopper bins. The second phase was to have included the development of the main office and chemical shed, and the third phase, to be completed within 3-5 years, was to have included the development of a shop at the rear of the property.

The application was approved by the Municipal Planning Commission in September 2011 with conditions. The applicant undertook some work but has not met all of the conditions of approval outlined in the 2011 permit, including:

- the need to provide a minimum of six (6) parking stalls, to be hard surfaced in accordance with the approved site plan, no later than one (1) year from construction completion; and
- to have completed both Phase 1 and Phase 2 of the development, including exterior finishing, no later than September 1, 2014.

In August 2014, a second development permit application was approved for the expansion of their storage capabilities on site. A condition of approval required the applicant to complete hard surfacing of the accesses and parking area no later than October 31, 2016. Additional deposits were taken until such time as this condition had been met.

As part of the land sale agreement with the City of Lacombe, there is a commitment to build a minimum 2,000 ft² building on the site. The commitment has not been met to date. The City has a transfer back agreement registered on title, which enables the City to take the property back at original purchase price should the building not be built. However, there has been no principle building constructed on site.

Development Permit Applications have now been received requesting approval to relocate two buildings onto the site. The first building, being 85m² (915 ft²), is to be moved on site from Wetaskiwin. Once the building has been moved on site, chemicals currently being stored at 3412 52 Avenue will be moved into the new building. The second permit application is for the relocation of the building where the chemicals are currently being stored on 3412 52 Avenue, to the new site at 3411 52 Avenue. Both buildings will be used for chemical storage.

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 3411-52 Avenue were notified of the larger chemical shed to be moved from Wetaskiwin, and a total of (10) property owners within 60m of 3411 & 3412-52 Avenue were notified of the smaller shed to be moved from its current site at 3412 52 Avenue to 3411 52 Avenue. Two responses were received in support of both applications.

The applicant has advised that the larger of the two chemical storage buildings was constructed in approximately 1987 and is a prefab, self-contained storage building with built in containment should a spill ever occur. The smaller of the two buildings is currently being used for chemical storage at 3412 52 Avenue. Photos have been provided for both buildings. A site plan included with the application indicates that both buildings will meet the setback requirements from both side and rear property boundaries.

An Emergency Response Plan, which must be updated every two years, has been reviewed and approved by the City's Fire Chief.

The applicant has advised that they will continue to develop the lot as finances allow. Until such time as an office building is constructed on the property, they will continue to have their office located at 3412 52 Avenue.

Planning and Development has reviewed the requirement to have the hard surfacing completed in accordance with the 2011 development approval and understands the applicant's reasoning for not wanting to hard surface the front of the property until such time as services have been put in. However, this has now been a condition of two permit approvals. Planning and Development is recommending that this requirement be revisited, and that the applicant be requested to pave both accesses a minimum of 6m into the property, and connect to the City roadway, no later than October 31, 2016. Upon meeting this condition, 25% of the hard surfacing deposit currently being held by the City shall be reimbursed to the applicant. (*The City is currently holding \$28,174.95*). The balance of the deposit shall remain with the City until such time as the applicant has met the requirement for landscape curbing, hard surfacing, and pavement marking in accordance with the approved September 2011 plan. Failure to hard surface the accesses by October 31, 2016 will initiate the requirement for further hard surfacing deposits in the amount of \$14,473.35, which is based on 50% of the estimated cost of landscape curbing, hard surfacing and pavement markings using the plan approved in September 2011.

The requirement for paving only the accesses at this time will allow the applicant to provide servicing to the buildings as future development occurs without tearing up any hard surfacing, while protecting the City roadways from wear and tear due to excess gravel being tracked onto the roadway.

Prior to relocation of the building, the applicant will be required to obtain a permit for the transport of the building through Alberta Transportation. This is required to ensure legal limits for any registered vehicle for travel on any public road is maintained, as well as the provision for movement of oversize loads under permit, in order to preserve highway infrastructure and to ensure the safety of the travelling public. Alberta Transportation will determine the route to be taken when the building is moved from its current location to its final destination.

As the City does not have an agent to identify the route, the Director of Planning and Infrastructure Services has advised that the applicant will be required to appoint a TRAVIS agent to act on the applicant's behalf when obtaining a permit. The agent will then devise the appropriate route. This has been put forward as a condition of the permit.

Recommendations:

While the Planning and Development Services is discouraged that the commitment to build the principle building on the property has not yet been met as the City generally does not allow storage yards without there first being a principle building on site. However, the Department recognizes that the economy is such that a new building may not be feasible at this time. It also recognizes that the applicants are slowly developing their property as funds become available.

The Department is recommending approval, subject to the following conditions:

MOVED: Member Gallant

"RESOLVED that the Municipal Planning Commission approve the relocation of an existing chemical storage building currently located in Wetaskiwin, and the relocation of an existing chemical storage building from 3412 52 Avenue, with both buildings to be located at 3411-52 Avenue, Lot 6 Block 6 Plan 062 3946, zoned I2."

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. If this development permit is issued for construction of a building, the exterior of the building, including paints, shall be completed within twelve (12) months from the date of issue of this development 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. Applicant is to obtain a City of Lacombe building permit prior to location of the chemical storage buildings on the property.
6. Prior to building permit issuance, confirmation that electrical service has been disconnected to the building located at 3412 52 Avenue will be required.
7. Prior to building permit issuance, the applicant is to appoint a TRAVIS Agent to obtain two Single Trip Overweight/Overdimension Permits and Routing Map from TRAVIS (Transportation Routing and Vehicle Information System) by contacting Central Permit Office at 1-800-662-7138.
8. Prior to building permit issuance, the applicant is to provide copies of the Overweight/Overdimension Permit issued by TRAVIS to Planning and Development Services.
9. Applicant shall be required to submit a Development Deposit of \$2,000.00 prior to receipt of the Building Permit, refundable upon meeting the conditions of the development and building permit.
10. Applicant is to ensure that all occupational Health and Safety requirements are met.
11. Applicant is to ensure the site remains leveled, is neat and tidy, and free of noxious weeds.
12. Applicant to apply for and obtain an electrical permit if power is to be provided to the buildings.
13. Applicant shall maintain a valid City of Lacombe business license.
14. As part of the hard surfacing requirement on this lot, the applicant shall ensure there is a 3m wide landscaped area on their lot adjacent 52 Avenue. Curbing of the landscaped area will be required.
15. Applicant shall hard surface both accesses a minimum of 6m into the parcel and connect both accesses to 52 Avenue, no later than October 31, 2016. Upon meeting this condition, 25% of the hard surfacing deposit currently being held by the City shall be reimbursed to the applicant. *(The City is currently holding \$28,174.95)*. The balance of the deposit shall remain with the City until such time as the applicant has met the requirement for landscape curbing, hard surfacing, and pavement marking in accordance with the approved September 2011 plan. Failure to hard surface the accesses by October 31, 2016 will initiate the requirement for further hard surfacing deposits in the amount of \$14,473.35, which is based on 50% of the estimated cost of landscape curbing, hard surfacing and pavement markings using the plan approved in September 2011.
16. Curb stop must remain visible and at proper elevation PRIOR to pouring concrete.
17. The decision of the Municipal Planning Commission/Development Officer being mailed to adjacent landowners, a sign posted on site, and advertised in the local newspaper, and no appeal against the decision being successful.

Please note that this decision is subject to an appeal period which ends on January 28, 2016 at 4:30pm.

CARRIED: Unanimously

5. BUSINESS

A. Next MPC Meeting: Wednesday, January 20, 2016

6. ADJOURNMENT

MOVED BY: Member Badry

THAT this meeting now adjourns at 6:15 p.m.

CARRIED: Unanimously