



CITY OF LACOMBE
MUNICIPAL PLANNING COMMISSION

MINUTES 030216

DATE: March 2, 2016

PLACE: City of Lacombe Council Chambers

TIME: 5:00p.m.

PRESENT: Steve Christie Mayor
Debbie Gallant Member at Large
Wayne Rempel Councilor
Reuben Konnik Councilor

REGRETS: Sandra Badry Member at Large

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 5:03 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 Konnik

That the Municipal Planning Commission minutes for February 3, 2016 be confirmed as presented.

CARRIED: Unanimously

4. NEW DEVELOPMENT APPLICATION

- A. 61/250.18 (2016), 5404 55 Avenue, Lot 1 Block 3 Plan 4880R, Dwelling Unit with Secondary Suite; zoned R5 – High Density Residential**

The applicants were not in attendance.

Development Officer, Deb Bonnett presented information regarding the application for the construction of a secondary suite within an existing dwelling unit, at 5404 -55 Avenue. The existing residence is a legal discretionary use as it meets all requirements of the Land Use Bylaw. The applicant is proposing a secondary suite and will also require a size variance, therefore, the application is being referred to the Municipal Planning Commission for consideration.

A total of eleven (11) property owners within 60 m of the subject site were notified. One response has been received in support of the application. No comments were received.

In the R5 District, secondary suites are listed as a discretionary use in existing detached dwellings only.

The existing residence on the property has a floor space totaling 207.1m². A secondary suite is allowed to occupy no more than 75m² or a maximum of 40% of the total floor area (82.8m²) of a detached dwelling, whichever is less.

The plan submitted with the application indicates that the proposed secondary suite will be 101.1 m². The proposed secondary suite exceeds:

- the 40% maximum floor area of the home, requiring a 22.1% variance; and
- the maximum size of a secondary suite (75 m²), requiring a 35% variance.

Two parking spaces will be required for the occupants of the secondary suite. Parking spaces will be provided in the rear yard with access from the lane. A hard surfaced path from the parking spaces to the rear entry door shall be developed with the suite.

Section 9.8 (11) regulates the concentration of secondary suites to 10% on a block. This particular property was not included in a secondary suite block. The Planning Department has re-configured the secondary suite blocks map and the parcel is now included in the blocking map. There are no secondary suites within the block that the parcel will be included in. If approved, this will be the first secondary suite on this particular block.

Recommendations:

The Planning & Development Department has received one response to the neighborhood consultation regarding the secondary suite indicating support for the application. No comments were received. It appears the development will have minimal effect on adjacent landowners. Further the property is zoned R5- High Density residential, and achieving density increases in this area is supported by the Department. The Department supports the application as submitted and recommends approval subject to the conditions listed below.

MOVED: Member Rempel

“RESOLVED that the Municipal Planning Commission approve the construction of a 101.5 m² secondary suite with a 35% variance to the maximum size, to be located at 5404 55 Avenue, Lots 1 & Block 3 Plan 4880R, zoned R5.

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

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

5. 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.
6. Applicant to develop two (2) parking stalls (gravel pad or other) at rear of lot in accordance with the approved site plan.
7. Applicant to develop a hard surfaced pathway leading from the two (2) parking stalls (gravel) at the rear of the lot to the exterior access door for the secondary suite.
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 March 24, 2016 at 4:30pm.

CARRIED: Unanimously

B. 61/250.24 (2016), 13 Sheep Close Lot 4 Block 8 Plan 152 4513, Construction of Detached Dwelling with Secondary Suite, zoned – R1b – Residential Medium Lot Single Detached Dwelling

The applicant was in attendance to provide additional information.

Development Officer, Gail Long presented information regarding an application for the construction of a residence with a secondary suite at 13 Sheep Close. As both the proposed residence and the secondary suite require variances to the City's Land Use Bylaw, the application is being presented to the Municipal Planning Commission for consideration.

A total of eleven (11) property owners within 60m of the subject site were notified. No comments have been received in response to the circulation notice.

The proposed residence on the property is considered a discretionary use as it is exceeding the maximum parcel coverage. In all other aspects, it is meeting the intent of the City's Land Use Bylaw.

In the R1b district, the maximum parcel coverage is 33%. The proposed residence will have a maximum parcel coverage of 36.76%, requiring a 12% variance to the maximum lot coverage.

The proposed residence to be located on the property has a floor space totaling 239.69m². 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 (95.88m²), whichever is less.

Plans submitted with the application indicate that a proposed 95.22m² secondary suite will be located in the lower level of the home. 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 27% variance.

A total of four parking spaces will be required for residents of the home and occupants of the secondary suite. The applicant is proposing two parking spaces in the double attached garage, and two parking spaces at the rear of the property. A hard surfaced path, connecting the two rear parking spaces to the side entry to the stairs leading to the doorway which accesses the suite shall be developed.

Section 9.8 (11) regulates the concentration of secondary suites to 10% on a block. As this parcel is located in a new subdivision, this will be the first secondary suite located in this particular block.

Recommendations:

Planning and Development Services is in support of the required variance to the maximum lot coverage for the construction of the proposed residence. As the secondary suite is located in the lower level of the home, it is the opinion of Planning and Development that the proposed increase in size will have minimal effect on adjacent

landowners. The Department supports the application as submitted and recommends approval subject to conditions.

MOVED: Member Konnik

“RESOLVED that the Municipal Planning Commission approve the construction of a residence with a 12% variance to the maximum parcel coverage, and a 27% variance to the maximum size for the proposed secondary suite, to be located at 13 Sheep Close, Lot 4 Block 8 Plan 152 4513, 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. 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. The Builder must construct within 100mm of the approved grading plan while still meeting the minimum elevation plan.
7. This lot has been serviced with a sanitary line, which has a RED cap. Applicant is to ensure service connection is correct.
8. Applicant to install a sump pump with drainage being pumped to surface only.
9. Applicant may not connect floor drain in garage floor slab to City services.
10. Curb stop must remain visible and at proper elevation PRIOR to pouring concrete or completing landscape work.
11. 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 is approved by the Development Authority.
12. 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's expense.
13. 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.
14. Applicant to display the assigned civic address at or near the front of the property so that it can be clearly read from the roadway.
15. Applicant shall provide a minimum of 2 on-site hard surfaced parking spaces for residents of the home, plus an additional 2 on-site parking spaces for residents of the secondary suite.
16. Applicant shall provide a hard surfaced pathway from the rear parking area to the access to the proposed secondary suite.
17. Applicant to hard surface front driveway no later than one (1) year from construction completion, with the driveway width to be as approved on the plot plan, unless otherwise approved by the Development Authority.
18. The decision of the Municipal Planning Commission being mailed to adjacent landowners, a sign posted on site, and advertised in the local newspaper, and no appeal against the decision being successful.

Please note that this decision is subject to an appeal period which ends on March 24, 2016 at 4:30pm.

Note: The City has a small strip of land at the rear of this property that was taken for lane widening. The applicant should be aware that if any development should occur at the rear of this property, the laneway should not be included when determining the property boundary or setback requirements.

CARRIED: Unanimously

C. 61/250.28 (2016), 3413 53 Avenue, Unit 1 Plan 152 2371 Proposed Accessory Use - Patio, zoned – I2 – Heavy Industrial District

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

Development Officer, Deb Bonnett presented information regarding the application for the location of a patio as an accessory use to an existing microbrewery (minor) located in Bays 5 & 6 at 3413-53 Avenue. An accessory use is considered a discretionary use in the I2 District, therefore the application is being referred to the Municipal Planning Commission for consideration.

On May 7, 2015, the Municipal Planning Commission approved a microbrewery in Bays 5 and 6 at 3413-53 Avenue. The microbrewery consists of 313.55m² of manufacturing space and an accessory space of 54.17 m² that is utilized as a tap room, liquor off-sales and merchandise sales.

Section 8.28(7) of the Land Use Bylaw states that *"Within the Industrial Districts, the Development Authority may consider accessory uses (limited to restaurant, retail liquor store, retail store, and/or drinking establishment) as part of the microbrewery application, despite these uses not being listed as a use within the Industrial District. Where the accessory uses are not found as a listed use in the underlying District, the total square footage of the unlisted uses shall be limited to no more than 50m². This shall ensure that the uses remain accessory to the main operation and to encourage expansion of the commercial components to a commercial district."*

Section 8.28 (7) allows for the consideration of small, accessory uses to support the principal operations of the business. It permits some uses which would not be permitted on their own (e.g. restaurant). This is because the intent of the industrial districts is to provide locations for businesses which may create a nuisance or require larger manufacturing requirements.

The maximum area allowed for an accessory use is 50 m². The total area originally approved was 54.17 m², which required a 9% variance.

The applicant is now requesting approval of an outdoor seasonal patio measuring 7.32m x 3.05m, for a total of 22.3m². The patio will increase the accessory use area to 76.5 m² requiring a variance of 53%. The applicant has indicated that the patio is temporary in nature and easily moved. The patio will have treated 2"x 4" decking and railing. A ramp on the outside of the gate will provide for accessibility.

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

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

When reviewing the application for the Microbrewery, it was determined that a total of 5 parking spaces would be required to accommodate the microbrewery and its accessory uses (tap room, liquor off-sales and merchandise sales).

The seating capacity in the building is currently for up to 40 people. This use typically would require ten seating spaces (as the restaurant seating requirement is 1 per four spaces); the use was approved with a total of five spaces, based on floor area of the facility. The proposed patio would accommodate an additional 30 people. One parking space will be removed for the patio, however with the additional seating capacity, an additional 8 parking spaces are required. Combined with the original requirement of five spaces, a total of 13 spaces is required for the microbrewery.

The parking plan provided by the applicant indicates that there are 13 parking spaces available for the microbrewery. Five spaces are provided for in the front, while 8 are provided for at the rear of the property. Should the application be approved, the required parking spaces shall be delineated with pavement markings or with concrete markings.

Other outdoor patio's have been approved in the City and they generally are allowed to utilize this space between May 1 and October 1 of each year without renewal of the development permit. An annual building permit is required.

There was considerable discussion regarding the application including, whether the principle use had changed and the drinking establishment was now the principle use; Section 8.28 (7) on limitation to the sq. ft. of the accessory use and whether an increase to the size of the accessory use remaining accessory to the main operation, whether the brewery should be located in a commercial district and the parking requirements.

Recommendations:

When reviewing the application, a number of issues have been considered, including the district regulations regarding accessory uses, the accessory use area increase to 76.5 m2 for a total variance of 53% to the maximum size of accessory uses, the additional parking requirements and the intent of the bylaw.

The Department is of the opinion that an increase in the square footage of the accessory use, while temporary, to a total variance of 53 % to the accessory use is excessive. The Department does not feel that the increase in intensity of the accessory uses of the microbrewery meet the intent of Section 8.29 (7) of the Land Use Bylaw, or of the District in which the business operates. As such the Department recommends that the application be refused.

MOVED: Member Gallant

“RESOLVED that the Municipal Planning Commission refuse the application for the location of a patio as an accessory use to an existing microbrewery (minor) located in Bays 5 & 6 at 3413-53 Avenue, Unit 1 Plan 152 2371, zoned I2, as an increase in the total variance of 53% to the accessory use is excessive and the increased intensity to the use does not meet the intent of Section 8.29 (7) or of the I2 – Heavy Industrial District.

MOTION: DEFEATED

MOVED: Member Konnik

“RESOLVED that the Municipal Planning Commission approve a 22.3 m2 patio (addition to accessory use), requiring a 53% variance to the maximum size allowed for an accessory use to a microbrewery (minor), located at 3413-53 Avenue, Unit 1 Plan 152 2371, zoned I2, subject to the following conditions:

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

1. This permit indicates that only the development to which it relates is authorized, with the provisions of the Land Use Bylaw and in no way relieves or excuses the applicant from complying with the Land Use Bylaw and in or any other bylaw, orders and/or regulations affecting such development.
2. This permit is valid for a period of twelve (12) months from the date of issue. If, at the expiry of this period, the development has not been commenced with reasonable diligence, this permit shall be null and void.
3. The Development Officer may, in accordance with Section 645 of the Municipal Government Act, take such action as is necessary to ensure that the provisions of this bylaw are complied with.
4. The Applicant will be required to apply for a Building Permit, if relevant, on a yearly basis.
5. The Applicant will be required to obtain an Electrical Permit if there is electrical work required in order to install outdoor lighting on the patio.
6. There shall be no exposed electrical cables used to provide for exterior lighting of the patio area.
7. The required pedestrian boardwalk must be a minimum of 1.5m in width.
8. The installation and maintenance of the outdoor patio and pedestrian boardwalk 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 into the pedestrian boardwalk in any way.
13. A total of 13 parking spaces shall be provided. Parking spaces shall be clearly identified as designated parking for the microbrewery. The required parking spaces shall be delineated with pavement markings or with concrete markings.
14. Prior to building permit issuance, a parking space deposit will be required in the form of cash or letter of credit in the amount of \$2,000. Security will be released once a site inspection demonstrates that the parking spaces has been provided in accordance with the approved plan.
15. 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.
16. 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.
17. The emergency exit from the patio onto the pedestrian boardwalk shall remain free and clear to allow for emergency access at all times.
18. The patio shall be set up no earlier than May 1 and removed by October 1 of each year.
19. The decision of the Municipal Planning Commission being mailed to adjacent landowners, a sign posted on site, and advertised in the local newspaper, and no appeal against the decision being successful.

Please note that this decision is subject to an appeal period which ends on March 24, 2016 at 4:30pm.

CARRIED

D. 61/250.27 (2016), 4929 Beardsley Avenue, Lot 17 Block 4 Plan 032 6218, Demolition of Residential Buildings, Zoned – R4 – Medium Density Residential

The applicant was in attendance to answer questions and to provide additional information.

Development Officer, Gail Long presented information regarding an application for a discretionary demolition of a detached dwelling, and the demolition of a manufactured home located on the property. 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. Demolition of the manufactured home located on the parcel is not subject to the Historic District Area Overlay, and is considered a permitted use.

A total of twenty-two (22) property owners within 60m of the subject site were notified. No responses have been received to the circulation notice.

Demolition of the detached dwelling is 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.

Demolition of the manufactured home on site is a permitted use. It is being recommended that demolition of the manufactured home be considered under this application, as the same conditions would apply, and one residence will not be demolished without the other.

There are three stages or levels of classification for older structures in Lacombe.

- The first stage is the age of the building.
- The next stage is to determine whether the building has had any previous documentation. There are two stages of documentation, the heritage inventory, where a summary of the building's history has been captured. The second stage is whether the building has been identified on the Places of Interest List (POIL) and has a Statement of Significance. The POIL was a voluntary list.
- The final stage for a building is historic designation. This can be Municipal, Provincially or Federally. Should a building be designated, then the guidelines found in the Land Use Bylaw are superseded by the Municipal, Provincial or Federal policies under which the building was designated.

In analyzing this application, it was identified that the dwelling is considered the principal building on site, is fifty years of age or older, and is therefore considered a historic building. The residence was not included on either the Heritage Inventory or the Places of Interest List.

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

To determine feasibility, the Overlay requires that:

- 1) The applicant advertise the building for relocation or salvage prior to a decision being made on the demolition application
 - a) The applicant advertised the demolition proposal in the Lacombe Globe for two weeks (February 18 and February 25, 2016). No responses have been received by the City of Lacombe for possible salvage of some or all of the building.
- 2) An assessment of the historical value of the property be undertaken prior to an application for demolition be considered
 - a) The application was forwarded on February 9 2016 to the Lacombe and District Historical Society for an assessment of the historical value of the building, per 14.4 Guidelines and Regulations for the Demolition or Relocation of Historic Buildings – C. An assessment was prepared and is dated February 22 2016. The assessment is included in this report.
 - b) The assessment indicates that the one storey wood frame structure was built in 1950. Its exterior is characterized by its rock dash stucco finish, a gable roof, a modern asphalt shingle roof, modern eavestroughs, original wood soffit and fascia, mostly original windows, and a poured concrete

foundation. The exposed wood on the exterior of the home is very weathered and the concrete is flaking in some areas along the foundation. A lack of structural support under the front veranda is evident.

The interior of the home has some original features such as the kitchen cabinets, light fixtures and some built in cabinets. The built-ins can be described as simple and utilitarian and have been painted over many times throughout the years. Otherwise, the home does not retain any other original features of note. Other than the light fixtures, there is no other historic feature to be salvaged. The basement has been insulated and is dry and free of water.

The home is currently occupied and is rented by tenants. Age and regular wear and tear all contribute to the current state of the home, however, overall there seem to be no structural issues or anything of note that is currently affecting the structural integrity and habitability of the home. The home's historic significance lies in its representation of post WWII residential architecture in Lacombe and connection to the Canadian Union College and furniture factory's history.

- 3) The Heritage Resource Committee undertook a site visit to assess the state and historical value of the property on February 22, 2016.
- 4) The Heritage Resource Committee meeting approved a motion to support the proposed demolition, requesting that the light fixture in the bathroom be salvaged and donated to the heritage resources committee.

Asbestos removal is governed by Occupational Health and Safety, and the applicant is advised to ensure removal complies with Alberta legislation.

The applicant advised that the light fixture in the bathroom would be salvaged and donated to the heritage resources committee.

Recommendations:

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

MOVED: Member Konnik

“RESOLVED that the Municipal Planning Commission approve the discretionary demolition of a residence over age 50 years, subject to the regulations of the Historic District Area Overlay, and the permitted demolition of a manufactured home, to occur at 4929 Beardsley Avenue, Lot 17 Block 4, Plan 032 6218, 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 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 4929 Beardsley Avenue.
11. That the applicant arrange for an end of life cycle report to be undertaken prior to demolition.
12. The decision of the Municipal Planning Commission being mailed to adjacent landowners, a sign posted on site, and advertised in the local newspaper, and no appeal against the decision being successful.

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

**Please note that the Heritage Resource Committee has expressed interest in salvaging the light fixture in the bathroom. If you, as the owner, are not interested in salvaging these items, please contact Amanda Legros from the Heritage Resource Committee at 403-782-1264 (extension 246) to make arrangements for possible salvage.*

Please note that this decision is subject to an appeal period which ends on March 24, 2016 at 4:30pm.

CARRIED: Unanimously

E. 61/250.27 (2016), 4929 Beardsley Avenue, Lot 17 Block 4 Plan 032 6218, Multiple Housing Development Zoned – R4 – Medium Density Residential

The applicant was in attendance to answer questions and to provide additional information.

Development Officer, Gail Long presented information regarding an application for a multiple housing development to be located at 4929 Beardsley Avenue. The development will consist of three buildings, each containing 8 residential units and one building to be used for residence storage and maintenance. The property is located in the R4 - Medium Density Residential District, which lists multiple housing developments as a discretionary use.

A total of twenty two (22) property owners in proximity to the subject site were notified. At the time of writing this report, no response has been received to the circulation notices.

The applicant is meeting both front and side yard setback requirements. However, proposed Building "B" will require a variance to the rear yard setback requirement. A minimum of 9.75m rear yard setback is required; the building will be located 6.3m from the rear property boundary. If approved, a 36% variance will be required to the rear yard setback requirement for Building "B".

Buildings in the R4 District are to have a "maximum height of 9m, or as indicated in an approved plan". The applicant has advised the height of the proposed residential buildings will be 10.2m, requiring a 12% variance. The proposed roof has a 5/12 pitch. The applicant may be able to lower the height of the building if he were to change the pitch of the roof to a 4/12 pitch, but due to the number of valleys located on roof of each building, there may be less chance of maintenance issues if the pitch were to remain a bit steeper.

The proposed development also includes the construction of an accessory building at the rear of the property to be used for residence storage and maintenance. The 150m² building will provide 5.48m² of private storage space for each residence, as well as a 16.97m² of space for site maintenance. The building will be located 3m from the side and rear property boundaries. The proposed location of the accessory building meets setback requirements from both property boundaries.

Under the City's Land Use Bylaw, an accessory residential building is not to exceed the mass of the main building mass. The maximum size of an accessory residential building may be up to 60% of the main building coverage area, but shall not exceed 70m². Calculating 60% of the footprint of all three 8-unit buildings being proposed, the maximum size of an accessory building on this parcel would be 747m². As the building is not to exceed 70m², a 114.3% variance will be required to the maximum size allowed.

The proposed development is meeting the requirements for minimum parcel and amenity areas, and is not exceeding the maximum parcel coverage.

The Land Use Bylaw requires 36 parking spaces for occupants of the residential units, plus 5 visitor parking spaces, for a total of 41 on-site parking spaces. The applicant is providing 48 parking spaces on site, meeting Land Use Bylaw requirements. As the laneway is being used to access two parking lots consisting of a total of 32 parking spaces, the City's Engineer has requested that the laneway be paved from 52 Street to the east side of the access on the furthest east parking lot. Visitor parking shall be assigned. Parking shall be electrified.

Loading spaces for this type of development are not required. A screened area for garbage containers is being provided at the rear of the property.

The application identifies the total landscaped area on the parcel to be 2,150m². Based on this area, a total of 43 trees and 72 shrubs will be required. The applicant has submitted a landscaping plan which includes the planting of 33 trees and 144 shrubs. Although the required number of trees has not been provided, the applicant is providing more than the required number of shrubs. Planning and Development Services is satisfied with the landscaping proposal. However, confirmation will be required that the shrubs being proposed will be a minimum #2 container class.

In accordance with Section 8.16(5)(f) requiring screening of the parking area, with exception to the accesses and location of garbage containers, a solid fence will need to be installed on the east and south boundaries of the parcel. In addition, an ornamental fence on the property boundary adjacent 52 Street from the southwest corner of the parcel north to the south side of the sidewalk running through the property, is being recommended.

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

Following the presentation, there was discussion regarding parking being electrified, fencing requirements, lane pavement and exterior lighting of the site. The applicant did not want the parking to be electrified as the units were going to be for rental. MPC felt the winters in central Alberta warrant the condition. Fencing the site was discussed with some changes made to the exact location. Pavement of the lane was discussed and it was determined that this condition may be reviewed and negotiated further with City Engineering Services. The applicant questioned whether the City would be satisfied with lighting on the buildings rather than lamp poles. Applicant will be submitting a plan for review.

Recommendations:

Planning and Development Services has no concerns with the proposed development. In regards to the large variance being requested for the accessory building, the Department is of the opinion that the limitation put on the size of an accessory building to 70m² in the Land Use Bylaw is considering accessory buildings used as garages or workshops for individual residences and does not take into consideration that an accessory building may be proposed to serve multiple residential units. Planning and Development Services is in support of the proposed variance as requested.

Planning and Development Services are also in support of the 12% variance to the maximum height of the residential buildings, as the change in roof design and the slope of the roof on each building will have no impact on adjacent properties and will not look out of place on this property.

The Department is recommending approval, subject to conditions.

MOVED: Member Rempel

“RESOLVED that approval be granted for the construction of three 8-unit residential buildings and an accessory building to be located at 4929 Beardsley Avenue, Lot 17 Block 4 Plan 0332 6218, zoned R4, with a 36% variance to

the rear yard setback requirement for Building B, a 12% variance to the height of all three residential buildings, and a 114.3% variance to the maximum size of an accessory building, 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. If it is found that the additional runoff from the site exceeds the trap low maximums as a result of the proposed development, the applicant will be required to make improvements to the City's satisfaction to the downstream storm system which may include upgrade the catch basin at their cost. The applicant is encouraged to attenuate stormwater on site where possible in order to avoid negative downstream stormwater impacts. *Please refer to the City's Design Guidelines for specifications.*
10. There is an existing sanitary sewer main that runs diagonally through the NW corner of the parcel **and an existing sanitary sewer main that runs diagonally through the SW corner of the parcel.** If this line is in use, the applicant will be required to either relocate the line, or alternatively, enter into an easement agreement with the City of Lacombe. If it is found that the line has been abandoned, the applicant will be required to expose, fill with slurry, and cap the ends of the existing line to the satisfaction of the Development Authority.
11. Applicant is to obtain a City of Lacombe building permit prior to commencement of construction.
12. Applicant to apply for and obtain any required secondary permits (electrical, plumbing, gas).
13. Applicant to apply for and install one water metre per unit.
14. 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.
15. Applicant shall be required to install a solid fence on the east boundary and on the south boundary extending from the east corner to east of the west access, with additional shrubs and trees along the west boundary to the satisfaction of the Development Authority.
16. Prior to building permit issuance, an updated landscaping plan, to the satisfaction of the Development Authority, be provided confirming the shrubs will be a minimum #2 container class. Details regarding the required fencing shall be included as part of the plan.
17. 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. The landscaping estimate should include the costs for the required fencing.

18. Applicant to hard surface all accesses 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.
20. Applicant to hard surface the laneway located at the rear of the property from 52 Street to the east side of the access located in the southeast quadrant of the parcel or to the satisfaction of the City's Engineering Services.
21. 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. The hard surfacing estimate shall include costs for hard surfacing of the three accesses, the three parking lots, the sidewalks, and the laneway as outlined in Condition 16 above. Parking curbs and pavement markings are to also be included in the cost estimates.
22. Curb stop must remain visible and at proper elevation PRIOR to pouring concrete or completing landscape work.
23. Prior to building permit issuance, the applicant is to submit an exterior lighting plan for review and approval by the City's Engineering Department.
24. 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.
25. Prior to building permit issuance, the applicant shall submit a development permit deposit in the amount of \$2,000.00 per structure, for a total of \$8000.
26. The exterior of the building, including paints, shall be completed within twelve (12) months from the date of issue of the building permit.
27. 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.
28. 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.
29. Applicant shall make separate application for any signs proposed on the property.
30. 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 March 24, 2015 at 4:30 PM.*

CARRIED: Unanimously

5. BUSINESS

A. Next MPC Meeting: Wednesday, March 16, 2016

6. ADJOURNMENT

THAT this meeting now adjourn at 6:30 p.m.

MOVED BY: Member Gallant

CARRIED: Unanimously

Chairperson Christie

Date