



CITY OF LACOMBE
MUNICIPAL PLANNING COMMISSION

MINUTES 061516

DATE: June 15, 2016

PLACE: City of Lacombe Council Chambers

TIME: 5:00p.m.

PRESENT:

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

REGRETS: Reuben Konnik Councilor

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

MOVED BY: Member Rempel

THAT the Agenda be adopted as presented.

CARRIED: Unanimously

3. ADOPTION OF MINUTES

MOVED BY: Member Gallant

That the Municipal Planning Commission minutes for March 16, 2016 be confirmed as presented.

CARRIED: Unanimously

4. NEW DEVELOPMENT APPLICATION

A. 61/251.26 (2016), 19 Bruns Crescent, Lot 10, Block 1, Plan 812 1659, Variances to the Front and Side Yard Setback Requirements, zoned R1c – Smaller Lot Single Detached Dwelling

The applicant was in attendance to provide additional information and answer questions if required. The applicant advised that they would like to construct a deck within the front yard of the property.

Development Officer, Deb Bonnett presented information regarding the application. Prior to approval of the construction of the deck, a side yard variance will be required for the existing residence to make it a conforming building. As the location of the residence requires a variance, the application is being referred to the Municipal Planning Commission for consideration.

A total of twenty eight (28) property owners within 60m of the subject site were notified. Four responses have been received, all expressing support of the application. Comments included:

- This will not affect me in any way.
- 3 houses away – no impact on us.

City records indicate that the detached dwelling has been located on the property since 1989, while the detached garage has been located on the property since 1990. Building Permits were obtained for both buildings.

When reviewing the proposed site plan, it was noted that both the detached dwelling and detached garage do not conform to the setback requirements outlined in the current Land Use Bylaw.

The location of the detached garage is in accordance with a previous development authority approval. The detached garage was constructed in 1990. The bylaw in effect at the time allowed for a side yard of .76 meters. The bylaw has since been amended and the required side yard is .9 meters. To bring the garage into compliance, a variance of 13% is required.

The detached dwelling is currently considered to be a non-conforming building. The dwelling can continue to exist, but may not be enlarged, added to, rebuilt, or structurally altered except to make it conform, or for general maintenance. An 18% variance to the side yard setback requirement is required in order to make the detached dwelling a conforming building.

If approval is granted for a variance to the side yard setback as outlined above, the detached dwelling will become a conforming building. The application for the addition of a deck with a 39% variance at the front of the detached dwelling can then be considered.

The 4.9m x 2.08m deck is proposed to be located 3.7m from the front property boundary. An unenclosed patio and deck which is not more than 0.3 m above grade are allowed to project ½ the minimum yard or 3 metres into the front yard setback requirement. The proposed deck will vary in height and will be approximately 0.5 m high at the front closest to the street and approximately .27 m high next to the house. If approved, a 39% variance will be required to the front yard setback requirement.

Recommendations:

The detached dwelling and detached garage have been located on the property for 27 & 26 years respectively. To date no complaints have been received regarding either development. Planning and Development Services is therefore recommending approval as submitted subject to the conditions listed.

The detached dwelling and detached garage have been located on the property for 27 & 26 years respectively. To date no complaints have been received regarding either development. Planning and Development Services is therefore recommending approval as submitted subject to the conditions listed.

MOVED: Member Badry

“RESOLVED that the Municipal Planning Commission approve the existing residence with an 18% variance to the side yard setback, the existing detached garage with a 13% variance to the side yard setback requirement, and a 39% variance to the front yard setback requirement to allow for the construction of the front yard deck at 19 Bruns Crescent, Lot 10 Block 1 Plan 812 1659, zoned R1c.

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

1. This permit indicates that only the development to which it relates is authorized, with the provisions of the Land Use Bylaw and in no way relieves or excuses the applicant from complying with the Land Use Bylaw and in or any other bylaw, orders and/or regulations affecting such development.
2. This permit is valid for a period of twelve (12) months from the date of issue. If, at the expiry of this period, the development has not been commenced with reasonable diligence, this permit shall be null and void.
3. The Development Officer may, in accordance with Section 645 of the Municipal Government Act, take such action as is necessary to ensure that the provisions of this bylaw are complied with.
4. Applicant is to obtain a City of Lacombe building permit prior to construction of the deck.
5. Applicant to ensure that the deck matches or is complimentary to the primary dwelling unit in color and materials.
6. The deck is to be located no closer than 3.7 m from the front property boundary.
7. 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 July 7, 2016 at 4:30pm.

CARRIED: Unanimously

B. 61/251.26 (2016) 11 Bruns Road, Lot 15 block 2 Plan 8121659 Side Yard Setback Variance for an Existing Detached Dwelling & Deck; Rear & Side Yard Variance for Existing Moveable Shed

The applicants was not in attendance.

Development Officer Deb Bonnett presented information regarding the application. An application has been received to legalize the location of an existing detached dwelling, deck and shed at 11 Bruns Road, Lot 15, Block 2, Plan 812 1659. Prior to approval of the deck, variances will be required to the side yard setback requirements to the existing detached dwelling and deck to make it a conforming building. The shed is moveable, however does not meet the side and rear yard setback requirements.

A total of forty (40) property owners within 60m of the subject site were notified. Two responses have been received, expressing support of the application. One comment was provided.

- Over a block away – has no impact on us.

City records indicate that the detached dwelling was constructed on the property in 1990. There is no record of when the deck was constructed and no building permit was issued. There is also no record of when the shed was placed on the property. No permit was required for the shed as it is less than 10 m², however the required setbacks are to be maintained.

When reviewing the Real Property Report, it was noted that both the detached dwelling and attached deck do not conform to the setback requirements outlined in the current Land Use Bylaw. The detached dwelling is currently considered to be a non-conforming building and may continue to exist, but may not be enlarged, added to, rebuilt, or structurally altered except to make it conform, or for general maintenance. In order to make the detached dwelling and a conforming building, variances will be required. The bylaw requires that a side yard setback of 1.5 meters is maintained. The detached dwelling is located a minimum of 1.2 meters from the side boundary requiring a 20% variance and the deck is located 1.15 meters from the side boundary requiring a 24% variance.

The bylaw also requires side yard and rear yard setbacks of .9 meters for the moveable shed. The shed is located .72 m from the side boundary requiring a 20% variance and .81 m from the rear boundary requiring a 10% variance. While the RPR confirms the shed is moveable, the applicant has advised that it will be very difficult to move. There is no lane access to the shed.

Recommendations:

The detached dwelling has been located on the property for 26 years. To date no complaints have been received regarding this development. The variances for the dwelling, deck and shed are not excessive. Planning & Development is recommending approval subject to the conditions listed.

MOVED: Member Rempel

“RESOLVED that the Municipal Planning Commission approve the existing detached dwelling with a 20% variance to the side yard setback requirements, the existing deck with a 23% variance to the side yard setback requirements, and the existing shed with a 20% variance to the side yard and a 10% variance to the rear yard setback requirements, located at 11 Bruns Road, Lot 15 Block 2 Plan 812 1659, zoned R1c.”

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

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

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

C. 61/251.09 (2016) 34 Ebony Street, Lot 7 block 14 Plan 102 4051 Variance to the Maximum Lot Coverage for an Existing Single Detached Dwelling; Construction of a Garage; Roof over Existing Deck

The applicants were in attendance to provide additional information and answer questions. The applicants have advised that the all development was existing when they purchased the property and they wish to construct a partial roof over the deck and construct the detached garage for additional storage.

Development Officer Gail Long presented information regarding the application. An application has been received for the construction of a detached garage, and the construction of a roof over an existing deck located at 34 Ebony Street. Prior to issuing a permit for the accessory building and roof extension, a variance will be required to the maximum lot coverage to allow the existing residence on the lot to remain at its current location.

A total of twenty seven (27) property owners within 60m of the subject site were notified. At the writing of this report, two response have been received in support of the application. No comments were included.

An application has been received for the construction of a detached garage, and for the construction of a roof and trellis over a portion of the existing deck located at 34 Ebony Street. Planning and Development Services has no objections to the proposed development as the proposed detached garage and existing deck fully meet requirements of the City's Land Use Bylaw.

When reviewing this application, it was noted that the principal building on the property exceeds the maximum lot coverage. The maximum allowable lot coverage for a primary building in the R1b district is 33%. The detached dwelling with attached garage, verandah, and deck has a 42% lot coverage, requiring a 26% variance to the maximum lot coverage.

The size of the proposed detached garage is 37.90m². The maximum allowable lot coverage for an accessory residential building in the R1b district is 10%. The proposed garage is smaller than the maximum size permitted, and will have a 6% lot coverage.

No development permit is required to construct a roof and/or trellis over an existing deck. However, the applicant is required to obtain a Building Permit prior to commencement of construction.

Recommendations:

Although the existing detached dwelling located on the site exceeds the maximum lot coverage, the combined lot coverage for both the detached dwelling and proposed accessory residential building will total 48%. As there has been no objections to the proposed development, Planning and Development Services supports the application and recommends the following resolution:

MOVED: Member Gallant

"RESOLVED that the Municipal Planning Commission approve a 26% variance to the maximum lot coverage to allow the existing residence to remain at its current location, and further, that the Municipal Planning Commission approve the application for the construction of a detached garage at 34 Ebony Street, Lot 7 Block 14 Plan 102 405, 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 exterior of the building, including paints, shall be completed within twelve (12) months from the date of issue of the building permit.
4. The Development Officer may, in accordance with Section 645 of the Municipal Government Act, take such action as is necessary to ensure that the provisions of this bylaw are complied with.
5. Applicant is to obtain a City of Lacombe building permit to ensure compliance to the Alberta Building Code.
6. Applicant to obtain City of Lacombe building, electrical, plumbing and gas permits as required.
7. The builder must construct within 100mm of the design landscape elevation and illustrated drainage patterns unless otherwise approved by the Development Officer.
8. Applicant to ensure that the accessory building match or be complimentary to the primary dwelling unit in color and materials.
9. Applicant may not connect floor drain in garage floor slab to City services.
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 July 7, 2016 at 4:30pm.

CARRIED: Unanimously

D. 61/251.19 (2016) 4950 Wolf Creek Drive, Lot 1 block 2 Plan 132 2010 zoned C2 Construction of a Multi Use Commercial Building

The applicant was in attendance to provide additional information and answer questions. The applicant advised that they wish to begin construction as soon as the major tenants have signed the required contracts.

Development Officer Gail Long presented information regarding the application. Administration has received an application for a multi use office building to be located in the Lacombe Market Square subdivision at 4950 Wolf Creek Drive. It is the applicant's intent that the building be used for government use, retail space, and offices. The building will also require a variance to the height regulation if the application is approved. The proposed uses, and the required height variance, are considered discretionary under the City's Land Use Bylaw and will require consideration by the Municipal Planning Commission.

a total of three (3) property owners within 60m of the subject site were notified. At the writing of the report, no comments had been received.

The commercial building to be constructed on site is proposed to be used for government use, offices, and retail space. The building meets all requirements of the Land Use Bylaw with the exception of the building height, which is proposed to be 13.5m in height (not including the parapets which are not included in height calculations). In the C2 District, all uses, with the exception of hotels and motels, are not to exceed 9m in height. If approved, a 50% variance will be required to the maximum height regulation.

At present, the owner is currently negotiating with tenants interested in occupying the building. The inside of the building is intended to provide for government use on part of the main floor and part of the second floor. Retail space will be provided on the main floor, with office space being provided on part of the second and all of the third floor. All of the above uses are listed as discretionary uses in the City's Land Use Bylaw.

Access to the parcel will be from Wolf Creek Drive. Parking for the proposed government uses/retail spaces and office spaces will be provided on all sides of the building, with the majority of parking located at the front of the building adjacent Wolf Creek Drive. All parking requirements are being met, as the applicant is providing 221 parking spaces, where only 188 parking spaces are actually required.

Precast concrete curbs and pavement markings to identify each parking stall, and signs to identify the parking stalls designated for the disabled, will be required.

One loading space and garbage disposal area has been provided on site at the southwest corner of the lot. The City's Utility Manager has indicated that he has no concerns regarding the location of the garbage disposal area, but it will need to meet the City's specifications for garbage bins and for side truck pickup. If the applicant is considering City garbage pickup, a revised plan for the disposal area will be required for review and approval by the Development Authority, prior to building permit issuance.

To delineate property lines, the applicant is proposing an extensive landscaping plan with both coniferous and deciduous trees being located around the perimeter of the property. The landscaping plan is meeting the requirements of the City's Land Use Bylaw.

Parking spaces dedicated to staff parking are to be electrified. Similar with other multi-tenant properties, it will be up to the land owner and subsequent tenants to distribute the parking spaces.

When reviewing the plan, Emergency Services identified the need to have the applicant confirm that the emergency lanes can accommodate the aerial. Prior to Building Permit issuance, the applicant will have to confirm that turning radii for the fire aerial can be met.

With the exception of the signs intended to be located on the sign banding located at the front of the building, additional signage on the parcel will require a separate sign application. Any signage must be in accordance with the sign regulations contained within the City's Land Use Bylaw, unless otherwise approved by the Development Authority.

All tenant improvements completed to the interior of the building, and all businesses wishing to occupy the site will require the appropriate permits. If the uses are discretionary and have been approved via this permit, the uses will be treated as permitted.

When evaluating this plan, the Design Controls outlined in the Outline Plan for the Wolf Creek Crossing/Lacombe Market Square were considered. The plan addresses building facades for various types of buildings, the need for safe pedestrian routes to public walkway systems outside of the property, the requirement for street furniture and common areas, and recommendations for parking, loading and storage areas, including the need for bicycle parking. Planning and Development Services is recommending additional development permit conditions be added to address the Design Controls for this development area, and have included these conditions in the recommendations listed below.

Recommendations:

The uses proposed for the building are the type of uses one would expect in a commercial zoning. As this is the first building to be constructed in this area, the proposed height of the building is not a concern and will likely enhance the area as additional properties are developed. Planning and Development Services has no objection to the proposed development and is recommending approval of the following resolution:

MOVED: Member Rempel

“RESOLVED that the Municipal Planning Commission approve a 50% height variance to allow for the construction of a multi-tenant commercial building intended for government use, retail sales, and office space, to be located at 4950 Wolf Creek Drive, Lot 1 Block 2 Plan 132 2010, zoned C2.

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 relieving or excusing the applicant from complying with the Land Use Bylaw 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 prior to commencement of construction.
5. Applicant is to obtain electrical, plumbing and gas permits as required.
6. The exterior of the building, including paints, shall be completed within twelve (12) months from the date of issue of this building permit.
7. Prior to Building Permit issuance, the applicant must provide a grading plan for review and approval by the City's Engineering Department.
8. Curb stop must remain visible and at proper elevation PRIOR to pouring concrete or completing landscape work.
9. Application shall identify the distance the proposed development is to the nearest fire hydrant and shall submit calculations to identify if the nearest fire hydrant has sufficient capacity to meet the fire water flow demands of the proposed development. Should there be a deficiency, the applicant is to provide stamped engineered or architectural drawings which indicate the measures that have been taken to address the deficiencies.
10. 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.

11. 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.
12. All landscaping areas are to be protected by concrete curbs or other approved barriers having a minimum height of 140mm.
13. Applicant shall provide for the placement of one bicycle rack providing parking for a minimum of six bicycles within 30m of the principal public entrance to the building. If the bicycle parking area is provided in or adjacent to vehicle parking, the parking area for the bicycle rack is to be raised above the parking lot grade or protected by barriers. Location and details of bicycle parking area is to be shown on the landscaping plan.
14. Applicant to provide safe pedestrian crossings from both the northeast and northwest sidewalk adjacent the building to connect to trail systems to the north and south of the building, and from the public entrance to the building to the sidewalk adjacent Wolf Creek Drive, to the satisfaction of the Development Authority. Pedestrian walkways are to be a minimum of 2m in width, shall be barrier free, and are to be finished with a material that will be noticeable and visible (ie. cobblestone, brick, raised asphalt) with the use of on-site signage to identify the walkways. The location of the pedestrian crossings and construction material to be used shall be included in the landscaping plan.
15. Unless otherwise approved by the Development Authority, applicant shall include three groupings of street furniture adjacent Highway 12 (50 Avenue), and one street furniture grouping north, and two street groupings south of the access to the parcel adjacent Wolf Creek Drive in the landscaping plan that is to be submitted for review and approval. Each grouping is to consist of a minimum of two steel benches and a steel waste container.
16. Applicant shall provide a hard surfaced common area within 50m of two public building entrances facing Wolf Creek Drive. The common area is to connect to the sidewalk adjacent the building and is to be a minimum of 20m² with a minimum linear dimension of 3m in size. Temporary street furniture (ie. cafe tables) may be placed in the common area.
17. Prior to building permit issuance, the applicant shall submit a landscaping plan to the satisfaction of the Development Authority. 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 estimates are to include estimates for the costs of street furnishings.
18. Applicant shall provide for an area for on-site garbage disposal and pickup in accordance with City of Lacombe specifications. Appropriate screening of the area is required, with both the disposal area and screening being to the satisfaction of the Development Authority.
19. Application shall ensure that all areas not landscaped are hard surfaced.
20. All parking spaces shall be identified with cement parking curbs and pavement markings.
21. All designated parking spaces to be used by staff must be electrified.
22. Prior to Building Permit issuance, the applicant is to submit the results of a turning movement analysis confirming that the City's largest fire truck can navigate the fire lane without conflicts.
23. Prior to Building Permit issuance, the applicant must provide an overall storm water management plan for review and approval by the City Engineer. It is currently unclear how the overall site will adequately accommodate the storm water management plan approved by the City for Lacombe Market Square. The storm water management plan must show retention up to the 1:100 year storm event on site and show the release at a rate equal or less than the 1:5 year pre-development flow.
24. 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 for any hard surfacing required on site as

estimated by an appropriate trade professional, and not less than \$2,000. Security will be released once a site inspection demonstrates that parking barriers are in place and the pavement markings have been completed in accordance with the approved plan. Parking curbs and pavement markings are to be included in the cost estimate.

25. Mechanical equipment (including roof top mechanical equipment) shall be screened from view from all sides, and shall be compatible with the surrounding character of the site, to the satisfaction of the Development Authority.
26. Prior to building permit issuance, the applicant shall submit an exterior Lighting Plan for review and approval by the City's Engineer. Any light poles adjacent to walkways are to be a maximum of 5m high, and are to incorporate brackets for hanging plants or banners.
27. Prior to building permit issuance, the applicant shall submit a Fire Safety Plan to the satisfaction of the City's Fire Chief.
28. Prior to building permit issuance, the applicant shall submit a development permit deposit in the amount of \$2,000.00.
25. 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.
26. Any tenancy improvements within the building will require the appropriate permits.
26. All business locating within the building will be required to obtain an Occupancy Permit and Business License.
27. With the exception of signs placed on the sign bands of the building, permits must be applied for and must meet City of Lacombe's Land Use Bylaw requirements.
28. 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 July 7, 2016 at 4:30pm.

5. BUSINESS

A. Next MPC Meeting: Wednesday, July 6, 2016

6. ADJOURNMENT

MOVED BY: Member Badry

THAT this meeting now adjourns at 5:25 p.m.

CARRIED: Unanimously

Chairperson Christie

Date