



CITY OF LACOMBE
MUNICIPAL PLANNING COMMISSION

MINUTES 072016

DATE: July 20, 2016

PLACE: City of Lacombe Council Chambers

TIME: 5:00p.m.

PRESENT:

Steve Christie
Debbie Gallant
Wayne Rempel
Sandra Badry
Reuben Konnik

Mayor
Member at Large
Councilor
Member at Large
Councilor

REGRETS:

STAFF:

Lyla Peter, Manager, Planning & Development
Deb Bonnett, Development Officer
Jennifer Kirchner, Planner

1. CALL TO ORDER

The meeting was called to order by Chairperson Christie at 5:01 p.m.

2. ADOPTION OF AGENDA

- Staff requested an inclusion of an update on the SDAB appeal recently filed.

MOVED BY: Member Rempel

THAT the Agenda be adopted as amended.

CARRIED: Unanimously

3. ADOPTION OF MINUTES

MOVED BY: Member Konnik

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

CARRIED: Unanimously

4. NEW SUBDIVISION APPLICATION

- A. 66/250.05 (2016), Subdivision & Lot Consolidations, Block 6, Plan 832 2407, zoned P – Public & Institutional Use.

Planner, Jennifer Kirchner presented information regarding the subdivision of a City owned parcel of land. The proposed parcel is part of an existing 0.58 hectare parcel of land which is located west of 58 Avenue and north of the Lacombe Christian School. The property is currently a vacant Public and Institutional Use (P) parcel.

The current and intended use of the subject parcel conforms to the Land Use Bylaw. The current use aligns with the Municipal Development Plan (MDP) which has designated the land for institutional uses. The proposed use of residential does not align with the MDP but it should be noted that the land is located directly south of land designated for general residential uses.

This application is located in an area that does not have an Area Structure Plan or an Outline Plan.

It is proposed that as part of the adoption of LUB400, that these lands receive an R1 – Residential Detached Dwelling Zoning.

Upon the completion of the subdivision, the parcels are to be sold and will undergo consolidation with adjacent residential lots. Through the consolidation process, it will provide access to these properties.

The proposed use for these parcels is consolidation into adjacent residential properties which are already developed and serviced. The City, therefore, will not be requiring the servicing of these lots.

Pursuant to sections 667 and 668 of the *Municipal Government Act*, the proponent is required to dedicate either 10% of the total land proposed for subdivision as a Municipal Reserve (MR), provide 10% cash-in-lieu of the MR based on the fair market value of the property or provide a combination of the latter forms of compensation.

Municipal Reserves for this parcel would have been dedicated with the previous subdivision of this area and no further dedication is required.

Recommendation:

Staff is recommending approval subject to the conditions listed.

MOVED: Member Badry

“RESOLVED that the Municipal Planning Commission approve the proposed subdivision of a portion of Block 6, Plan 832 2407 and the subsequent sale and consolidation into 4 adjacent residential lots, **subject** to the following conditions:

1. Subdivision to be registered by Plan of Survey.
2. All existing right of ways are to be maintained on the property.

CARRIED: Unanimously

4. NEW DEVELOPMENT APPLICATION

- A. 61/255.04 2016, 57 Maple Bay, Lot 4 Block 4 Plan 782 3298, A Home Occupation 2 – Personal Services – Hair Salon, zoned R1C – smaller Lot Single Detached Dwelling**

The applicants was in attendance to provide additional information and answer any questions the Commission may have.

Development Officer Deb Bonnett presented information regarding the application for a Home Occupation 2 to be located at 57 Maple Bay. This business is considered a Home Occupation 2 as the applicant will be operating out of the primary dwelling and will be allowing customers into the home. A Home Occupation 2 is a discretionary use and requires approval from the Municipal Planning Commission.

A total of thirty two (32) property owners within 60m of the subject site were notified. Two responses supporting the application were received with the following comments

- "I suppose this is a bit of an experiment so to speak, but I really do not see a problem with this application. Lacombe is beginning to feel more and more like a real "city" in mostly positive ways as far as I am concerned: lovely parks and trails, a larger and more diverse population, and a greater range of businesses. Something like this might add an additional touch of diversity to the neighbourhood."
- Great neighbours who are very respectful. Best of luck.

The applicant is requesting approval to operate a hair salon from the residence located at 57 Maple Bay. It is proposed that the business operate from Monday thru Saturday from 9:00 a.m. to 8:00 p.m. The applicant has indicated there will be approximately 1 to 4 customers on a daily basis, with 3 - 12 customers on a weekly basis. Clients are scheduled at 30 - 60 minute intervals between appointments to make sure only one business related vehicle is parked on site at any one time.

The residence has an attached front garage that provides for one parking space, with a parking pad in front of the garage that can accommodate two vehicles. It is the opinion of Planning and Development Services that only one parking space will be required for the home business. This parking space can be provided for on the driveway leading to the attached garage. During an inspection of this property, it was noted that the front driveway has not been hard surfaced. A requirement of approval will require the applicant to hard surface the front driveway from the street to the front of the attached garage with a width large enough to accommodate parking for two vehicles on the front driveway.

The Municipal Planning Commission recently approved a similar application limiting the hours from 9 a.m. to 6 p.m. from Monday to Saturday, and allowing operations to 8:00 p.m. two evenings per week. The applicant has advised that if the hours are reduced to 8:00 p.m. for only two days of the week, she would prefer to have the later hours on Thursday and Friday evenings.

Recommendations:

As it is proposed that there will be 1 to 4 customers per day, Planning and Development Services believes there will be little impact on the neighbourhood and is recommending approval subject to the conditions outlined below.

MOVED: Member Gallant

"RESOLVED that the Municipal Planning Commission approve the discretionary use for a Home Occupation 2: Hair Salon, to be located at 27 Maple Bay, Lot 4 Block 4 Plan 782 3298, 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. The Development Officer may, in accordance with Section 645 of the Municipal Government Act, take such action as is necessary to ensure that the provisions of this bylaw are complied with.
3. Applicant to obtain and maintain a valid business license from the City of Lacombe.
4. Only the applicant, and additional family members approved by the Development Authority shall be engaged on the premises for the purpose of carrying on the home occupation.
5. Applicant to apply for and obtain a plumbing permit for plumbing of the salon sink that is to be installed in the room to be occupied by the business.
6. Hours of operation shall be limited from 9:00 a.m. to 6:00 p.m. from Monday to Saturday, with extended hours to 8:00 p.m. on Thursday and Friday evenings.

7. All business related parking is to occur within the property boundaries. Maple Drive may not be utilized to accommodate the parking needs of the Home Occupation 2.
8. The gravel parking pad from the attached garage to the street shall be hard surfaced no later than October 31, 2016. The pad shall be a minimum of 5.5m wide to provide for the parking of two vehicles and shall measure no more than 10m wide where the pad meets the street – as approved on the plans signed by the Development Officer.
9. Prior to development permit issuance, the applicant shall submit a hard surfacing deposit in the amount of \$1,000. This amount will be reimbursed once paving has been completed.
10. Any permit issued for home occupations may be revoked at any time if, in the opinion of the development authority, the home occupation is, or has become detrimental to the amenities of the neighbourhood.
11. This permit is valid for the address stated on the application and is not transferable to a new address.
12. Only one sign shall be allowed on the property for the Home Occupation use. The sign may have the logo of the business if desired, shall display only the name of the business and the telephone number, shall not exceed 0.16m² in size, is to be unlit, and is to be affixed to the front face of the dwelling or a free-standing sign post not to exceed 1.5m in height.
13. Applicant shall provide the City with confirmation that their business has been approved by Alberta Health Services prior to commencement of the Home Occupation 2.
14. The decision of the Municipal Planning Commission being mailed to adjacent landowners, a sign posted on site, and advertised in the local newspaper, and no appeal against the decision being successful.

Please note that this decision is subject to an appeal period which ends on August 11, 2016 at 4:30pm.

CARRIED: UNANIMOSLY

B. 61/251.55 (2016), 8 Lilac Close, Lot 28 Block 2 Plan 912 2058, Existing Detached Dwelling with a Side Yard Variance Addition with variances to the rear yard setback and maximum lot coverage zoned R1b - Residential Medium Lot Single Detached Dwelling

The applicants were not in attendance.

Development Officer Deb Bonnett presented information regarding the application for construction of an addition to the existing detached dwelling, and the construction of both a front and rear deck at 8 Lilac Close. Prior to approval of the additions and deck, a side yard variance will be required for the existing detached dwelling to make it a conforming building. Once approved, variances to the maximum lot coverage will be required to allow for the construction of the addition to the existing dwelling and decks, and a rear yard variance will be required for the location of the rear deck.

A total of twenty four (24) property owners within 60m of the subject site were notified. At the time of writing this report, no responses had been received to the circulation notice.

City records indicate that the detached dwelling has been located on the property since 1991. Building Permits were obtained for the residence. At time of approval, a 14% variance was granted to the rear yard setback requirement to allow for the residence on the parcel to be located 8.5m from the rear property boundary.

When reviewing the proposed site plan, it was noted that the detached dwelling does not conform to the setback requirements outlined in the Land Use Bylaw, as it does not meet side yard setback requirements. The location of 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 a conforming building, which would then allow for the construction of the proposed additions, a variance will be required to the side yard setback requirement.

The bylaw requires a side yard setback of 1.5m. The detached dwelling is located 1.23m from the side property boundary, requiring an 18% variance in order to make it a conforming building.

If approval is granted for a variance to the side yard setback as outlined above, the application for the addition to the detached dwelling, and the construction of both a front and rear deck, can then be considered.

The proposed addition to the residence and the front deck meet all setback requirements. The construction of the deck at the rear of the home will be located 4.88 m from the rear property boundary. A deck is allowed to project 3.75m into the rear yard, allowing for a 6m rear yard setback. If approval is granted, a 20% variance to the rear yard setback will be required to allow for the construction of the rear deck.

The maximum lot coverage for a principal building in the R1b district is 33%. With the proposed addition to the detached dwelling, and with the construction of two decks, the total lot coverage will equal 35.74%, requiring a 9% variance will be required to the maximum lot coverage.

Recommendations:

The detached dwelling has been located on the property for 25+ years. To date no complaints have been received regarding this development. In addition, it does not appear that the addition, or either of the two decks, will have an impact on neighbouring landowners. Planning and Development Services is recommending approval of the application as submitted, subject to the conditions listed.

MOVED: Member Konnik

“RESOLVED that the Municipal Planning Commission approve an 18% side yard variance for the existing residence, and a 20% variance to the rear yard setback and a 9% variance to the maximum lot coverage, to allow for the construction of an addition to the detached dwelling and the construction of both a front and rear deck at 8 Lilac Close, Lot 22 Block 2 Plan 912 2058, 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 prior to construction of the addition and decks.
6. Applicant to apply for and obtain any required secondary permits (electrical, plumbing, gas).
7. Applicant must construct within 100mm of the design landscape elevation and illustrated drainage patterns approved at time of the development of the single family dwelling unless otherwise approved by the Development Officer.
8. The rear deck is to be located no closer than 4.91 m from the rear property boundary.
9. Applicant to ensure that the building additions match or be complimentary to the primary dwelling unit in color and materials.
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 August 11, 2016 at 4:30pm.

CARRIED: Unanimously

6. BUSINESS

A. Next MPC Meeting: Wednesday, August 3, 2016

- All members advised that they would be in attendance, with the exception of the Mayor.

B. Subdivision Development Appeal Board Update

- Planning Staff advised the Commission that an appeal had been filed regarding a recent MPC decision regarding an over height fence.

6. ADJOURNMENT

MOVED BY: Member Gallant

THAT this meeting now adjourns at 5:22 p.m.

CARRIED: Unanimously

Chairperson Christie

Date