



CITY OF LACOMBE
MUNICIPAL PLANNING COMMISSION

MINUTES 120716

DATE: December 7, 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 & Development Services
Gail Long, Development Officer
Deb Bonnett, Development Officer

1. CALL TO ORDER

The meeting was called to order by Chairperson Christie at 5:03p.m.

2. ADOPTION OF AGENDA

MOVED BY: Member Badry

THAT the Agenda be adopted as presented.

CARRIED: Unanimously

3. ADOPTION OF MINUTES

MOVED BY: Member Gallant

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

CARRIED: Unanimously

4. NEW DEVELOPMENT APPLICATION

A. 61/252.87 (2016), Units C3 & C4, 4425 Heritage Way, Block 41 & 41 Plan 052 3783 - Liquor Store - Zoned: C2 - Highway Commercial District (*for the entire parcel with regulations indicating that the development consider the following districts;*

C4 - Neighbourhood Commercial District (*for the commercial component*

R6 - Maximum Density Multi-Unit Residential District (*for the residential component*)

The applicants (x2) were in attendance to provide additional information and answer questions if required.

Development Officer, Gail Long presented information regarding the application for the establishment of a liquor store to be located within the two remaining units of the mixed use commercial/residential condominium building located at 4425 Heritage Way. As a retail liquor store is a discretionary use in the C4 District which is to be used to assess the commercial components of the building, the application is being referred to the Municipal Planning Commission for consideration.

A total of sixty six property owners within 60m of the subject site were notified. At the time of the writing of this report, seventeen responses had been received; 6 in support, 6 in support with suggestions for change, and 5 opposed to the application. One additional response in support of the application was received at the meeting. The comments were presented in the report packages.

A resident of the condo spoke at the meeting, after the decision of MPC was made, in regards to considering a concern about the speed limit along Heritage Way, due to the backing up of traffic at the McDonalds drive through, south of the proposed development. The comments were noted but were not part of the consideration of the application.

Legal Constraints of the Land Use Bylaw:

Part 3; subsection 3.4, 3.5 & 3.6 on conditions of approval and decisions of the Development Authority

Part 8; subsection 8.11 on Vehicular Provisions for Site Development;

Part 8: subsection 8.22 on Exceptions Respecting Land Use Bylaw

Part 10; subsection C2 - Highway Commercial District

Part 10; subsection C4 - Neighbourhood Commercial District

Analysis:

The four storey mixed use commercial/residential building located on the property was constructed in 2003. The building consists of residential units on the main floor at the rear of the building, plus residential units located within the upper three stories of the building. The commercial space, consisting of five units, is located on the main floor at the front of the building.

The City's Land Use Bylaw specifically designates this site for mixed commercial/residential use, and states that the ground floor is to comprise of a minimum of 40% commercial space. The total ground floor area of the building consists of 1256.77m², requiring 502.71m² of commercial space. The total area of commercial space in the building is currently 488.8m², or 38.9% of the ground floor area. This variance was granted at time of construction of the building.

There are currently two commercial businesses located on the main floor of the building occupying approximately 240.8m² of the commercial space. One of the businesses is occupying one unit on the south end of the building, while the other business is occupying two units on the north end of the building.

The vacant commercial space is located on each side of the main entryway to the building, consisting of two spaces totaling approximately 122m² and 126m² in size. If approval is granted for the location of a liquor store in these units, the commercial component of the building would be fully occupied. It is the applicant's intentions to sell spirits and beer in one of the units, while the other unit would be exclusively used for the sale of wine. Daily hours of operation will initially be from 12:00 p.m. to 8:00 p.m. These hours may change depending on how busy the liquor store is. Such hours are considered appropriate for the commercial nature of the business and in consideration of the residential component to the building. However it should be noted that hours of operation for commercial businesses are typically not regulated through development permit approvals in the City (although hours are regulated for home occupations). Therefore changes to the business hours would not require permission from the Planning and Development Department.

No changes are being proposed for the exterior of the building as both units can be accessed from the front of the building using existing doors. Although the City's plans of this building show access from the foyer of the building, there are no doors at these locations, nor is the applicant planning to install doors at these locations. The rear doors to both units will be locked but may be used on occasion by staff to go from one unit to the other. Tenants of the building will have no access to the liquor store from the interior of the building.

In addition to the number of parking spaces being required for residents of the condo building, a total of 7 parking spaces were allotted to the commercial component of the building for staff parking. These parking spaces are located outside to the east of the building adjacent Heritage Way, and have been supplied with power outlets. If approval is granted for the liquor store, both units will be assigned two parking spaces with electrical plug-ins that have been wired in specific to that particular unit. Short term customer parking would be provided in front of the units.

Product is delivered to the stores two days each week, with trucks being on site approximately 15 minutes for each delivery. Delivery trucks will be utilizing the loading space located at the front of the building. The applicant has advised that he is prepared to ask his drivers to turn off their vehicles while unloading to keep noise to a minimum, unless temperatures reach -20°C, at which time trucks will idle while product is being unloaded.

Cardboard from the liquor boxes will be collected in the units and delivered to the recycling depot as needed.

A similar application for the location of a wine and spirits retail store, applied for by the same applicant, was approved by the Municipal Planning Commission in 2009. An appeal by landowners residing in the residential component of the building was denied by the Subdivision and Development Appeal Board in May, 2009. Concerns at that time included noise and other disturbances created from additional traffic and semi trucks deliveries, hours of business, and concern that a "beer store" would be added, resulting in increased traffic. The file was closed in June, 2011 as the applicant had not proceeded within the allowable timeframe with the proposed development.

It should be noted that this application has been reviewed strictly under the City's Land Use Bylaw. No consideration has been given to the condo bylaws or any representation made by the landowner at time of sale of these condo units, as the City is not required to consider these when considering development permit applications.

The applicant advised the Commission that the hours of operation may be extended until 10:00 p.m. occasionally. He had also reviewed the conditions and had no objection to the conditions.

The Commission also wanted to ensure that the Condominium Board Comments were included. They also wanted confirmation that no interior doors would be installed. The applicant advised that there was no plan to change the door locations.

Recommendations:

The intent of two separate zonings for this property was to provide for mixed use residential/commercial components in the building. Although there has been some objections from neighbouring landowners, the building was designated for a mixed use residential/commercial development at the time it was constructed, so the location of commercial businesses in the commercial component of the building should not come as a surprise to the residents. As the application for a liquor store in these units meets the intent of the City's Land Use Bylaw, Planning and Development Services recommends approval subject to conditions.

MOVED: Member Gallant

"RESOLVED that the Municipal Planning Commission approve the location of a liquor store in the mixed use commercial/residential building located at C3 and C4, 4425 Heritage Way, Blocks 41 and 42, Plan 052 3783, 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 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. There shall be no changes to the exterior of the building as a result of the proposed business being located on site. Liquor store patrons are only to use the front (east) doors to the units.
5. The applicant is not permitted to construct any door openings from the main foyer of the building leading into the units.
6. Applicant is to obtain City of Lacombe building permits prior to any leasehold improvements.
7. Applicant to apply for and obtain any required secondary permits (electrical, plumbing, gas).
8. Applicant to display the assigned unit numbers on the exterior doors to the units.
9. All visitor and commercial parking spaces for the property must be clearly marked on the pavement to ensure adequate parking spaces are available for the commercial businesses located on site. A \$2,000 deposit will be required to ensure signage is in place. This deposit will be refunded once this condition has been completed to the satisfaction of the Development Officer.
10. The applicant will be required to collect all recycling material (liquor boxes) within the units and take to the recycling depot as required. No outside storage of recycling material is allowed.
11. The applicant shall ensure delivery trucks delivering product to the building shut off their vehicle engines during unloading unless the temperature falls below -20°C, at which time vehicles will be permitted to idle while unloading is being completed.
12. The applicant will obtain and maintain a valid business license from the City of Lacombe.

- 13. The applicant to apply for signage under a separate permit.
- 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 December 29, 2016 at 4:30pm. **CARRIED:**
Unanimously

5. BUSINESS

A. Land Use Bylaw 400 – Discussion

Members of MPC were presented with a copy of the new Land Use Bylaw 400, going into effect January 1, 2017.

Manager Lyla Peter provided information to the Commission on the various changes to the Commercial districts, Home Occupations and the Historic Mixed Use Dwellings. Information was also provided regarding the delegation of authority that the MPC and the Development Authority will have with Land Use Bylaw 400.

B. Next MPC Meeting: Wednesday, December 21, 2016

6. ADJOURNMENT

MOVED BY: Member Rempel

THAT this meeting now adjourns at 5:38 p.m.

Chairperson

Date