



CITY OF LACOMBE
MUNICIPAL PLANNING COMMISSION

MINUTES 111616

DATE: November 16, 2016

PLACE: City of Lacombe Council Chambers

TIME: 5:00p.m.

PRESENT:

Steve Christie	Mayor
Debbie Gallant	Member at Large
Reuben Konnik	Councilor
Wayne Rempel	Councilor
Sandra Badry	Member at Large

REGRETS:

STAFF:

Lyla Peter, Manager, Planning & Development Services
Gail Long, Development Officer

1. CALL TO ORDER

The meeting was called to order by Chairperson Christie at 5:05 p.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 2, 2016 be confirmed as presented.

CARRIED: Unanimously

4. NEW DEVELOPMENT APPLICATION

- A. 61/252.76 2016, 4741 46 Street, Lot 19, Block 3, 122 5018 - Sea Container for Storage in the I2 - Heavy Industrial District**

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

Gail Long, Development Officer, reported that no response had been received to the neighbouring landowner circulation notice that had been distributed to five neighbouring properties.

It was reported that Sea containers are listed as a permitted use in the City's Land Use Bylaw, subject to, among other regulations, that they be located in the rear yard. The applicant is seeking approval to locate a sea container in the side yard of the property directly abutting the existing shop building. The proposed sea container will be 8' (2.438m) wide x 40' (12.19m) long, which fits within the maximum size allowed for a sea container. It is intended that the sea container be sided to look the same as the existing shop building. Construction will also occur on top of the flat roof of the sea container to make it appear to be part of the building.

The purpose of the sea container will be for storage of parts. It is proposed that trucks will back directly up to the end door of the container to unload parts, and that workers will exit the side door of the shop and enter immediately into the sea container to pick up required parts for the jobs they are working on. The applicant will need to work with the Building Inspector to ensure that the sea container meets Alberta Building Code for the plans that they propose.

The principal building on the parcel has been set back approximately 5m from the side property boundary. If approval is granted for the location of a sea container at the proposed location, it will be located approximately 2.5m from the side property boundary, requiring a 17% variance to the side yard setback requirement.

The northeast property boundary has been fenced with a rail fence, which will provides for a barrier between the proposed sea container and the adjacent lot.

Recommendations:

Although the Land Use Bylaw states that sea containers are to be located in the rear of the property, Planning & Development Services is recommending approval of the location of the sea container as applied for, as it will be made to look like part of the principal building on site. As such, the department is recommending that screening not be required in order that trucks will be able to back onto the site to deliver parts directly to the main door of the sea container.

As the variance required to the side yard setback requirement is minimal, Planning and Development Services recommends approval, subject to the following conditions:

MOVED BY: Member Badry

"RESOLVED that the Municipal Planning Commission approve a 17% variance to the side yard setback requirement to allow for the location of a sea container at 4741 46 Street, Lot 19 Block 3 Plan 122 5018, zoned I2."

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

1. This permit indicates that only the development to which it relates is authorized, with the provisions of the Land Use Bylaw and in no way relieves or excuses the applicant from complying with the Land Use Bylaw and in or any other bylaw, orders and/or regulations affecting such development.
2. This permit is valid for a period of twelve (12) months from the date of issue. If, at the expiry of this period, the development has not been commenced with reasonable diligence, this permit shall be null and void.
3. 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 required to apply for and obtain a City of Lacombe building permit.
5. Applicant to apply for and obtain electrical, plumbing and gas permits should they be required.
6. The sea container shall not exceed 13.716m in length and 2.438m in width.
7. The exterior of the sea container must be finished in the same material and colour as the colours of the principal building on the parcel within twelve (12) months from the date of issue of the building permit.
8. Prior to building permit issuance, the applicant shall submit a development permit deposit in the amount of \$1,000.00. This deposit is refundable when confirmation is received that the container complies with the requirements of Safety Codes Act, and when the exterior of the container is complete to the satisfaction of the Development Officer.
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 December 8, 2016 at 4:30 p.m.*

CARRIED: Unanimously

B. 61/252.67 2016, 5709 55 Avenue, Lot 30, Block 34, Plan 846 TR - Variance to Side Yard Setback for Residence; Development of a Secondary Suite

Gail Long, Development Officer, reported that three responses had been received to the neighbouring landowner circulation notice that had been distributed to 24 neighbouring property owners. One response was in support of the application, with no comments received. The other two responses supported the application with the following suggestions for change:

- That discussion take place regarding parking, specifically of secondary recreational vehicles (trailers, etc.)
- That the secondary suite conform with the new Land Use Bylaw in relation to size of the suite and parking, as there is the potential of other secondary suites in the immediate area of this property. If there is parking off the back alley, parking should be either single vehicle or tandem parking.

Members heard that the primary dwelling has a total floor area of 116.62m². A secondary suite is allowed to occupy no more than 75m² or a maximum of 40% of the total floor area of the detached dwelling (93.27m²), whichever is less.

The plans submitted with the application indicate that the secondary suite, proposed to be located in the lower level of the home, will be approximately 83.61m² in size. However, the applicant was unsure of the total size of the secondary suite and without measurements, the Department was unable to determine the exact size of the secondary suite from the drawings.

The landowner has indicated that parking for residents of the home is located along the asphalt driveway and in the detached garage. Parking for occupants of the secondary suite would be located at the rear of the property located south of the detached garage. There is adequate space available on site for both residents of the home and occupants of the secondary suite. The applicant will be required to develop a graveled parking pad to provide for two parking spaces at the rear of the property for occupants of the secondary suite. Each parking space is required to be 2.75 m x 6 m in size.

The secondary suite can be accessed from either the front or the back door to the home. As parking for occupants of the secondary suite will be at the back of the property, a hard surface path connecting the back entrance to the parking spaces is required.

Section 9.8 (11) regulates the concentration of secondary suites to 10% on a block. This particular block consists of 29 homes, allowing for 3 secondary suites to be located within the block. If approved, this will be the second secondary suite approved for this block.

It was reported that when reviewing this application, it was noted that the existing residence on the parcel fails to meet the minimum side yard setback and is therefore considered a non-conforming building. Prior to approving any additional use to the residence, a variance will be required to the side yard setback requirement. Approval of the side yard variance would make the residence on this property a conforming building, allowing for approval of the secondary suite.

In addition, the building permit for the deck at the rear of the property was never completed and closed non-compliant. As the deck is attached to the residence and does not meet the required side yard setback, it is considered as part of the home and must also comply to the City's Land Use Bylaw. The deck is 0.67m in height. Building permits are required for any deck 0.60m or greater in height.

RECOMMENDATION

The home has existed for a number of years on the parcel. Planning and Development Services supports approval of the side yard setback required to make the residence a conforming building.

As the proposed secondary suite is located in the basement and no changes are being made to the exterior of the home to accommodate the location of the suite, Planning and Development Services has no concerns regarding its proposed size. As details have not been provided as to the exact size of the existing secondary suite, the Department is recommending that consideration be given to granting a variance to allow for the entire lower level of the home to be considered as a secondary suite. This variance will cover the size of the existing suite without the applicant having to reapply should the estimated size of the suite be incorrect.

The Department does have concern that the applicant will have difficulty meeting the Alberta Building Code for the secondary suite, and, should the suite be found to not meet Alberta Building Code, the Department will work with the with the applicant to remove the suite.

MOVED BY: Member Rempel

“RESOLVED that the Municipal Planning Commission approve a 20% variance to the side yard setback requirement for the existing dwelling and deck, and further approve a 55.45% variance to the maximum size of a secondary suite, to allow for the construction of a 116.69 m² secondary suite at 5709 55 Avenue, Lot 30 Block 34 Plan 846TR, zoned R1b.

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

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

5. Applicant to develop two (2) parking stalls (gravel pad) at rear of lot in accordance with the approved site plan.
6. Applicant to develop a paved path leading from the two (2) parking stalls (gravel) at the rear of the lot to the exterior access door for the secondary suite.
7. Applicant is to obtain a City of Lacombe building permit for the existing deck on the property.
8. Applicant is to obtain a City of Lacombe building permit for the secondary suite.
9. Applicant to apply for and obtain any required secondary permits (electrical, plumbing, gas).
10. Prior to building permit issuance, the applicant shall submit a development permit deposit in the amount of \$1,000.00. This amount will be refunded once the conditions of development permit approval are met and upon receipt of the Permit Service Reports indicating work complies with the intent of the Alberta Safety Codes for both the existing deck and the secondary suite.
11. 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 8, 2016 at 4:30pm.

CARRIED: Unanimously

5. BUSINESS

A. SCHEDULED MPC MEETINGS FOR 2017

A tentative schedule of dates for the Municipal Planning Commission meetings for the 2017 calendar year was distributed for information.

B. MPC TRAINING

Manager Peter reviewed changes to take place in January 2017 with the adoption of the City's Land Use Bylaw 400. Topics included rezones, places of worship, changes in the residential districts, secondary and garden suites, and overlay districts.

C. Next MPC Meeting: Wednesday, December 7, 2016

6. ADJOURNMENT

MOVED BY: Member Rempel

THAT this meeting now adjourns at 5:51 p.m.

Chairperson

Date