



CITY OF LACOMBE
MUNICIPAL PLANNING COMMISSION
MINUTES 040517

DATE: April 5, 2017

PLACE: City of Lacombe Council Chambers

TIME: 5:03p.m.

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

REGRETS:	Sandra Badry	Member at Large
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STAFF:	Debbi Bonnett, Acting Manager of Planning and Development
	Gail Long, Development Officer
	Crystal Chappell, 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 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 15, 2017 be confirmed as presented.

CARRIED: Unanimously

4. NEW DEVELOPMENT APPLICATION

A. 61/250.42 (2017), Temporary Portable Office; 3411 – 52 Avenue; Lot 6, Block 6, Plan 062 3946; Zoned I2, Heavy Industrial District

The applicants (X2) were in attendance to present the application and provide additional information if needed.

A total of five (5) property owners within 60m of the subject site were notified. One response was received in favour of the proposal.

Development Officer, Gail Long, presented information regarding use of a 26.76m² office trailer proposed to occupy 3411 – 52 Avenue from April 15, 2017 to June 15, 2017. After that date, the portable trailer will be moved off site. The property is zoned I2, Heavy Industrial, where the use is listed as discretionary.

The Municipal Planning Commission approved the application with conditions noting that the appeal period for the application ends on April 21, 2017, therefore the trailer is not permitted to be placed on site prior to April 22, 2017.

MOVED: Member Konnik

"RESOLVED that the Municipal Planning Commission approve the temporary location of an office trailer at 3411-52 Avenue, Lot 6 Block 6 Plan 062 3946, zoned I2, for the period from April 22 to June 15, 2017."

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 location of the temporary office building on the property.
5. Applicant is to obtain electrical, plumbing and gas permits as applicable.
6. Applicant shall be required to submit a deposit of \$1000 to ensure the removal of the temporary office trailer at the expiration of this permit.
7. The decision of the Municipal Planning Commission being placed on the City's web page, a sign posted on site, and advertised in the local newspaper, and no appeal against the decision being successful.

CARRIED: Unanimously

B. 61/250.37 (2017), Secondary Suite, 105 Mackenzie Crescent; Lots 3, Block 4, Plan 072 5969; Zoned R1-N, Residential Detached Narrow District

The applicant was in attendance to introduce the secondary suite and to provide additional information and answer questions if required.

A total of forty-one (41) property owners within 60m of the subject site were notified. Two letters were submitted in opposition to the application, one letter in support. Concerns included:

- Area too congested already.
- Too many secondary suites on the block (reached maximum)
- Narrow streets - no parking.
- Market flooded with rentals already - why add more?
- Amenity area too small - all parking.
- There isn't enough parking to begin with! The crescent is jam packed with people and cars already.
- There are apartments being built down the road that can accommodate more people.

Comments in support of the application discussed how an economic downturn makes secondary accommodations an attractive way to prevent losing a house.

The Development Officer presented the application to legalize an existing suite where an oven range has not yet been installed. A secondary suite is allowed to occupy no more than 75 m² or a maximum of 40% of the total floor area of a principal dwelling (whichever is less). Original building plans for the house show the main floor area covering 100.78 m² and a lower floor area of 98.57 m². With shared space included, the suite covers 80.82m² requiring an 8% variance to the maximum allowable area. The suite occupies 40.54% of the total floor area which requires a 1.5% variance to the total floor area/suite ratio.

The plans also revealed two bedrooms in the basement. The applicant indicated that the second bedroom is currently dedicated for use as an office and storage. The Development Officer pointed out that the space could potentially be used as a second bedroom which would be contrary to the City's Land Use Bylaw, which allows for only one bedroom suites in the R-1N District.

Members agreed to allow the second room to remain in the suite to be used for storage and office space only.

MOVED: Member Konnik

RESOLVED that the Municipal Planning Commission approve an 8% variance to the maximum size for a secondary suite and a 1.5% variance to the total floor area/suite ratio to allow for the location of a 71.90 m² secondary suite plus a shared space of 8.92 m², to be located at 105 MacKenzie Crescent, Lot 3 Block 4 Plan 072 5969, zoned R-1N.

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 secondary suite located in the structure and is to confirm that the secondary suite is fully compliant with the Alberta Building Codes within one year of Building Permit issuance.
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 either remove or relocate the existing shed on the property in order to develop a total of four graveled parking spaces at the rear of the lot in accordance with the approved site plan. The four parking spaces are to be provided no later than June 30, 2017.
7. Applicant to develop a hard surfaced pathway leading from the parking area at the rear of the lot to the exterior access door to the secondary suite.
8. Applicant shall be required to submit a Development Deposit of \$1,000 prior to receipt of the Building Permit. This deposit will be refunded once all permit conditions have been completed and permit services reports have been received indicating all requirements of the Alberta Building Code have been met.
9. The decision of the Municipal Planning Commission being placed on the City's web page, 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 April 21, 2017 at 4:30pm.

C. 61/255.04 (2017), Home Occupation 2 – Retail Sales, 5616 53 Avenue; Lots 5, Block 3, Plan 4893RS; Zoned R1, Residential Detached District

The applicants (X2) were in attendance to introduce their proposal and to provide additional information and answer questions if required.

A total of twenty (20) property owners within 60m of the subject site were notified. Three responses were received in support of the application and one in opposition.

The Development Officer presented an application to bring an existing commercial business into a residential area to be operated out of a detached garage. Due to the nature of the business which is well established and quite busy, there was immediate concern with regard to increased traffic and parking requirements.

Section 9.8.3 a) ii) states that "a Home Occupation 2 shall not be allowed if, in the opinion of the Development Authority, the intensity of the use or type of use would be more appropriately located in a commercial or industrial district to maintain the residential character of the area."

It was in the opinion of the Development Authority that the established business is not an appropriate fit to the neighbourhood and the current commercial location is more suitable and the application was denied.

MOVED: Member Rempel

RESOLVED that the Municipal Planning Commission approve a 20% parking variance to allow the discretionary use for a Home Occupation 2: Retail Sales, to be located in a detached garage at 5616 53 Avenue, Lot 5 Block 3 Plan 4893RS, zoned R1 - Residential Detached District.

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. Space dedicated to display of items for sale and for retail sales shall not exceed 20m².
5. Not more than one (1) non-resident employee is allowed to work on the parcel at any one time.
6. Applicant to apply for any necessary building, electrical, plumbing and gas permits for any improvements to the detached garage.
7. Hours of operation in which customers may visit the premises shall be limited on a weekly basis from 9:00 a.m. to 6:00 p.m. from Monday to Saturday.
8. All business related parking and courier deliveries are to occur within the property boundaries. 53 Avenue, or the rear laneway, may not be utilized to accommodate the parking needs of the Home Occupation 2.
9. The laneway adjacent the north property boundary used to access the parking area shall be hard surfaced to City standards from 56 Street to the west boundary of the parcel in accordance with City standards.
10. Applicant will be required to provide one parking space on the parking pad at the front of the property, and a minimum of three paved parking spaces at the rear of the property no later than June 30, 2017. All parking spaces must be located within the confines of the property, without encroachment onto the City street or laneway. Each parking space shall be a minimum of 2.75m wide by 5.5m long with the parking spaces located at the rear of the parcel identified with parking barriers. and pavement markings.
11. Applicant shall provide a hard surfaced walkway from the front parking pad to the entryway to the detached garage located at the rear of the property.
12. 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. The estimate is to include costs for paving the laneway, hard surfacing of the parking pad at the rear of the property, parking barriers and pavement markings, and the hard surfaced walkway from the parking pad located at the front of the parcel, to the entrance to the detached garage. Security will be released once a site inspection demonstrates that the hard surfacing has been completed in accordance with the approved plan.
13. 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.
14. This permit is valid for the address stated on the application and is not transferable to a new address.
15. Only one sign shall be allowed on the property for the Home Occupation use. The sign may have the name, type of business, telephone number and logo 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.
16. 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 April 21, 2017 at 4:30pm.

MOTION DEFEATED

Reasons for refusal included concerns that the proposed use did not meet the intent of a Home Occupation 2 as the development would affect the use and enjoyment of neighbouring landowners, there was inadequate parking space available, and inability of the applicant to regulate the number of customers. It was the opinion of the Municipal Planning Commission that this business would be more suitably located within a commercial district.

5. BUSINESS

A. Next MPC Meeting: Wednesday April 19, 2017

6. ADJOURNMENT

MOVED BY: Member Gallant

THAT this meeting now adjourns at 5:52p.m.

Chairperson

Date