



CITY OF LACOMBE
MUNICIPAL PLANNING COMMISSION
MINUTES 081617

DATE: August 16, 2017
PLACE: City of Lacombe Council Chambers
TIME: 5:00 p.m.

PRESENT: Steve Christie Mayor
Reuben Konnik Councilor
Sandra Badry Member at Large

REGRETS: Wayne Rempel Councilor

STAFF: Debbi Bonnett, Manager of Planning and Development
Jennifer Kirchner, Planner
Gail Long, Development Officer
Crystal Chappell, Development Officer

1. CALL TO ORDER

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

2. ADOPTION OF AGENDA

MOVED BY: Member Konnik

THAT the Agenda be adopted as presented.

CARRIED: Unanimously

3. ADOPTION OF MINUTES

MOVED BY: Member Badry

That the Municipal Planning Commission minutes for August 02, 2017 be confirmed as presented.

CARRIED: Unanimously

4. NEW DEVELOPMENT APPLICATION

A. 66/250.06 (2017), Consolidation of Closed Portion of Road Plan 1302 H.W. Into Existing Industrial Lots; 4534 – 50A Avenue; Lots 11&12, Block 33, Plan 1302 H.W. and Lot 13, Block 33, Plan 1302 H.W.; Zoned I1, Light Industrial.

The applicant was in attendance to answer any questions regarding the proposed consolidation. It was indicated that it is their preference to have the two lots remain as separate lots without consolidation into one lot as being proposed by Planning Staff.

Planner J. Kirchner, presented information regarding the application. The intent is to consolidate the 0.058ha closed road plan 1302 H.W. into two existing adjacent industrial lots. The road plan (shown in pink) does not provide access to any lots in the area. Access is provided by 50A Avenue and 45A Street. The consolidation of the closed road plan with the adjacent lots will not impact legal or physical access to any lots in the vicinity.

Development on the lands appear to straddle the property line. While some of the development is temporary, (ie block compounds), there does appear to be permanent development that crosses the property line from Lots 11 & 12 onto Lot 13. In these instances, it is generally a requirement that the lots be consolidated in to one lot by descriptive plan or plan of survey. The applicant has indicated that they do not wish to consolidate the parcels as it will limit future flexibility with the lots. They have advised that the development on Lot 13 is mostly temporary block walls and aggregate storage. There is a loading area (grizzly) for the conveyor which is easily moved.

It was noted that a Road Closure Bylaw will be presented to Council to close this road plan. This subdivision will only be able to be endorsed upon the closure of the Road Plan and the purchase and transfer of the road plan lands to the applicant. It was reported that other portions of this road plan have been sold to adjacent land owners and that there are no plans to develop this road plan into a physical road.

The current and intended use of the subject parcels conforms to the Land Use Bylaw and the Municipal Development Plan (MDP). The MDP addresses the location of the subject property as being designated for light industrial uses.

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. The City of Lacombe will not be requiring the dedication of Municipal Reserves for this parcel as the affected area is road plan.

City owned infrastructure currently exists in the northeast corner of the Road Plan. A Utility Right-of-Way will be required to protect the City's sanitary line and manhole.

The application was circulated to affected agencies/departments for comment on the proposal and its affiliated road closure application. These agencies/departments were additionally contacted for the subdivision and were able to provide their comments and requirements for the subdivision. Responses indicated there were no concerns or objections to the proposal. Additionally, no comments were received from adjacent landowners.

Staff recommended approval of the proposed subdivision application, subject to conditions.

The Municipal Planning Commission approved the application with conditions.

MOVED: Member Badry

RESOLVED that the Municipal Planning Commission approve the consolidation of the closed portion of Road Plan 1302 H.W. into existing industrial lots 11 & 12 and 13, Block 33, Plan 1302 HW zoned I1 - Light Industrial, subject to the following conditions:

1. Subdivision to be registered by Plan of Survey.
2. The completion of the Road Closure Bylaw.
3. The purchase of the closed road plan based on fair market value.
4. The payment of any outstanding property taxes or the completion of arrangements satisfactory to the City of Lacombe for the payment thereof.
5. The preparation and registration on title of a utility right-of-way to protect the City's sanitary line and manhole and to allow the City access to this infrastructure.

CARRIED: Unanimously

5. NEW DEVELOPMENT APPLICATIONS

A. 61/255.15 (2017), Home Occupation 2 – Art Studio, 5214 – 47 Street; Lot 231, Block 15, Plan 1996 NY, Zoned R1 – Residential Detached District

The applicant was in attendance to introduce the application and provide additional information as required.

A total of twenty-nine (29) property owners within 60m of the subject site were notified. No responses were received.

The Development Officer presented an application for a home based art studio with occasional classes to be operated out of a room in the basement once every three months. As a Home Occupation 2, the business requires Municipal Planning Commission approval. Art will be primarily ordered online and shipped to the purchaser with occasional pick-ups anticipated. A long driveway with a detached garage will accommodate the resident's vehicles and is expected to also accommodate traffic generated by the art studio's clientele.

The Municipal Planning Commission approved the application with conditions.

MOVED: Member Konnik

RESOLVED that the Municipal Planning Commission approve the discretionary use for a Home Occupation 2: Art Studio, to be located at 5214 47 Street, Lot 21, Block 15, Plan 1996 NY, zoned R1.

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 obtain and maintain a valid business license from the City of Lacombe.
5. Evening classes shall be limited to a maximum of 3 students.
6. Only residents of the principal dwelling, and a maximum of one non-resident employee, shall be engaged on the premises for the purpose of carrying on the home occupation.

7. All business related parking is to occur within the property boundaries. 47 Street may not be utilized to accommodate the parking needs of the Home Occupation 2.
8. 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.
9. 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.
10. This permit is valid for the address stated on the application and is not transferable to a new address.
11. 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.
12. 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 September 1, 2017 at 4:30pm.

B. 61/251.66 (2017) Marine Repair Shop, 4512 – 45 Avenue; Lots 20 & 21, Block 1, Plan 972 0968, Zoned R-L1, Residential Light Industrial District.

The applicant was in attendance to introduce the application and provide additional information as required.

A total of eleven (11) property owners within 60m of the subject site were notified. No responses were received.

The Development Officer presented an application for a business to be operated out of a leased shop located within the R-L1, Residential Light Industrial District. This district is residential with light industrial capabilities which consider a repair facility to be a permitted use with no outdoor storage permitted. However, Section 9.20.3.g of Land Use Bylaw 400 allows for limited outdoor storage with any storage to be screened from public view of adjacent properties. Administration requests Municipal Planning Commission consideration of the application as it is anticipated that there will be boats stored on the property. These boats would be stored prior to repair, and shortly after repair.

The property owner, who leases the shop to the applicant, owns an adjacent bare lot where the boats are currently stored. As the lots are separately titled, administration recommends consolidation of the lots, or storage of the boats to occur on the developed lot where the shop is located.

The applicant agreed to relocate the boats from the bare lot 4508 - 45 Avenue to 4512 – 45 Avenue.

The Municipal Planning Commission approved the application with conditions.

MOVED: Member Badry

RESOLVED that the Municipal Planning Commission approve the location of a marine repair shop in an existing industrial building located within the floodway at 4512 45 Avenue, Lot 20 Block 1 Plan 972 0968, with outside storage of boats being limited to a maximum of 6 boats to be located at either 4512 45 Avenue, Lot 20 Bock 1 Plan 972 0968, or at 4508 45 Avenue, Lot 21 Block 1 Plan 972 0968, zoned R-L1.

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 occupancy of the space.
5. Applicant is to obtain any required building, plumbing, electrical and gas permits for any leasehold improvements to the building.
6. Applicant to display the assigned civic addresses at or near the front of the property so that it can be clearly read from the roadway.
7. Applicant to apply for all signage separately.
8. Prior to occupancy, applicant is to confirm in writing which option is to be used for the location of the storage area.
9. The storage area shall be limited to a maximum of 6 boats and shall be located at 4512 45 Avenue, however, if the storage area is approved on the adjacent lot, 4508 45 Avenue, the landowner shall consolidate 4512 and 4508 45 Avenue into one parcel, to be registered at Land Titles by Plan of Survey.
10. If the storage area is to be located on 4508 45 Avenue, prior to development permit issuance, the landowner/applicant is to submit a \$2,000 deposit. This deposit will be refunded once the applicant has provided a copy of the Land Title confirming that the two properties have been consolidated into one parcel.
11. The decision of the Municipal Planning Commission being mailed to the applicant and landowner, notice being posted on the City of Lacombe's website, and a notice being posted on the subject lands, and no appeal against the decision being successful.

Please note that the existing property is located within the Floodway zone.

Please note that this decision is subject to an appeal period which ends on September 1, 2017 at 4:30pm.

6. BUSINESS

A. Next MPC Meeting: September 20, 2017

7. ADJOURNMENT

MOVED BY: Member Konnik

THAT this meeting now adjourns at 5:37 p.m.

CARRIED: Unanimously

Chairperson

Date