

 <p>CITY OF <i>Lethbridge</i></p>	<p>Property Services</p> <p><b>POLICIES</b></p>	<p>Policy Number</p> <p>2018-01</p>
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**DELEGATION OF APPROVAL AUTHORITY:  
SITE 1 OF THE RAILWAY RELOCATION LANDS ARP:  
905 1<sup>st</sup> AVENUE SOUTH**

**Summary**

Title of Document:	Delegation of Approval Authority: Site 1 of the Railway Relocation Lands ARP: 905 1 <sup>st</sup> Avenue South Policy
Title of Designated Responsible Manager:	Director, Property Services
Original Date Approved:	Mar 20, 1989
Approved By:	City Council
Last Revision:	n/a
Next Review Date:	Not Defined

**Purpose**

The purpose of this Policy is to establish the development approval authority for a DC (Direct Control) District on the lands located at 905 1<sup>st</sup> Avenue South (legal description: Block 1, Plan 8510153, identified as Site 1 in the Railway Relocation Lands Area Redevelopment Plan – also known as the CentreSite Plan). The Policy also establishes the appropriate land uses for this site.

**Background**

The site faced a few pressures resulting from the relocation of the railroad and the construction of the Highway 3 & 9 Street South interchange, which was identified in the Railway Relocation Lands Area Redevelopment Plan (ARP). One of the major issues identified was the construction of the Highway 3 and 9 street south (now called Stafford Drive) interchange. This interchange and the associated ramps would situate the site at a lower elevation than the adjacent 9 street south roadway, thus reducing visibility. As a result the Railway Relocation Lands ARP recommended that the most desirable uses on the site were offices or highway commercial which “*require minimal exposure from adjacent roadways*” (Page 50 of the Railway Relocation Lands ARP). The site along with others in the Railway Relocation Lands were zoned DC (Direct Control) District by bylaw 4109 in 1986 in order for Council to have greater control over the site. This DC zoning meant that Development Officers and Municipal Planning Commission were not delegated authority to decide on applications for developments on this parcel. A development application was made for a 65,00 square foot shopping centre, which warranted a decision from City Council. In a letter submitted to the March 20, 1989 City Council meeting the Planning Director recommended that once the large initial development is complete any further new or changing uses to

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the site would not require Council consideration. City Council approved the development permit application March 20, 1989 with a number of conditions which included the classification and the delegation of approval authority for future decisions to Development Officers and the Municipal Planning Commission (outlined in the Policy Statement section of this Policy).

### Supporting Research and Analysis

Highlights from the research conducted in the creation of this policy include:

- Relevant government policy and legislation:
  - Bylaw 4109 and the Railway Relocation Lands Area Redevelopment Plan
  - Development Permit # 89-143
  - Mar 20, 1989 City Council Minutes
  - Land Use Bylaw 4100 (was superseded in 2011 by Land Use Bylaw 5700)
- While DC (Direct Control) Districts are typically approved by Council, the approval authority for certain development decisions on this site is delegated to the Development Officers.

### Supporting Information (attached)

- **Pages 49-50** of the Railway Relocation Lands ARP (concerning Site 1)-Appendix 'A'
- **Land Use Concept map (Site 1):** from the Railway Relocation Lands ARP- Appendix 'B'
- **Bylaw 4109:** zoning as D-C (Direct Control) District – Appendix 'C'
- **Letter confirming the passing of the resolution in the March 20, 1989 City Council meeting –** Appendix 'D'
- **Development Permit: # 89-143-** Appendix 'E'

### Policy Statement

This Policy regarding Site 1 of the Railway Relocations Lands ARP (Plan 8510153), states:

- **The site is classified as 'shopping centre and service station'; and that eating and drinking establishments are permitted to the extent that the necessary parking is provided.**
- **The Development Officer(s) is authorized to approve uses for the site which are listed as 'permitted in the C-G (General Commercial) District.**
- **The Municipal Planning Commission is authorized to approve any uses for the site which are listed as discretionary uses in the C-G (General Commercial) District.**

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## Process

- When the Development Officer receives a development permit application they will review to ensure applications are complete, and ensure the proposed uses are approved as per Development Permit # 89 -143, or any use listed as 'permitted' in the C-G (General Commercial) District.
- When a development permit application proposes a use that is listed as 'discretionary' in the C-G (General Commercial) District, The Municipal Planning Commission (MPC) is the approving authority, and the Development Officer will forward the application on to MPC for a decision.
- When a development permit application proposes a use that is neither specifically listed in Development Permit # 89-143, or listed as a permitted or discretionary use in the C-G (General Commercial) District, City Council is the approving authority and the application is sent to Council for decision.

## Related Documents

- Mar 20, 1989 City Council Minutes
- Railway Relocation Lands ARP
- Land Use Bylaw 5700 (which superseded Land Use Bylaw 4100 in 2011)

## Responsibility for Policy Implementation

Responsible for Policy Implementation

- Senior Development Officer, Property Services

Responsible for Monitoring of Implementation

- Director, Property Services

## Key Functional Stakeholders

- Planning & Development Department

## Key Stakeholders for Policy Development

- City Council

## Definitions

- All land uses in this Policy are defined in Land Use Bylaw 5700

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### Related Policies

- Delegation of Approval Authority: Site 5A of the Railway Relocation Lands ARP: 920 2a Ave N Policy
- Delegation of Approval Authority: Site 5B of the Railway Relocation Lands ARP: 802 2a Ave N Policy
- Delegation of Approval Authority: Site 4 of the Railway Relocation Lands ARP: 501 1 Ave S Policy

### Policy Status

#### Current Status

In effect

#### Date Effective

Mar 20, 1989

#### Approval Details

City Council approved this in DP# 89-143 on Mar 20, 1989

#### Endorsement Details

City Council

#### Next Review Date

Not Defined

#### Policy Author

Planning Assistant

#### Authored date

July 17, 2018

#### Contacts

Director, Property Services

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### Policy Location

- File Path:
  - I:\BU\830\DEPARTMENT AREAS\DEVELOPMENT\2. POLICIES & PROCEDURES\b.  
Approved and formatted PPP's\2018-01\_Delegation of Approval Authority- Site 1 of the RRLARP\Policy
- Tempest Location:
  - Folder Number : **MIP 00769**
  - Address Location: 905 1<sup>st</sup> Avenue South
- Website Page

## Appendix 'A'

### 5.3 PROPOSED LAND USE

For ease of discussion, Railway Relocation Lands are broken down into six sites on the basis of the major transportation network. The plan's land use components are thus addressed on a site by site basis.

#### 5.3.1 Redevelopment Site One

Site 1, a triangular parcel comprising approximately 5.5 gross acres, is bounded by the proposed Highway 3 corridor and the existing 1st Avenue South and 9th Street. Existing development to the south is a mixture of commercial and light industrial uses influenced originally by the railway presence and more recently by commercial development potential deriving from proximity to the downtown and to 3rd Avenue South.

The site is distinctly separated from the existing downtown retail core but is nonetheless centrally located relative to the City's transportation network. High intensity commercial or residential use would be ruled out in the short term by the separation from the core and by the influence of adjacent transitional uses to the south.

The existing exposure of the site is limited. Development of the Highway 3 corridor and improvement of the 9th Street corridor will enhance its exposure to cross-town and regional traffic movement. However, the interchange configuration at 9th Street and the Highway corridor, and the depressed alignment of the Highway corridor, will restrict the visibility of the site to adjacent traffic. Furthermore, the ramp requirements of the proposed diamond interchange and the proposed elevation of 9th Street eliminate any possibility for direct access (right in and right out only) to the site from either of the two roadways. Existing 1st Avenue

South will serve as a reverse frontage road, and via 9th Street, will afford access to the site. Assuming 9th Street signage well in advance of the off-ramps at 9th Street, westbound traffic along Highway 3 can turn left at 9th Street and gain access to the site via 1st Avenue South.

Eastbound highway traffic could approach the site via 9th Street and 1st Avenue South as well. However, beyond 9th Street, the opportunity for access to the site is not readily feasible.

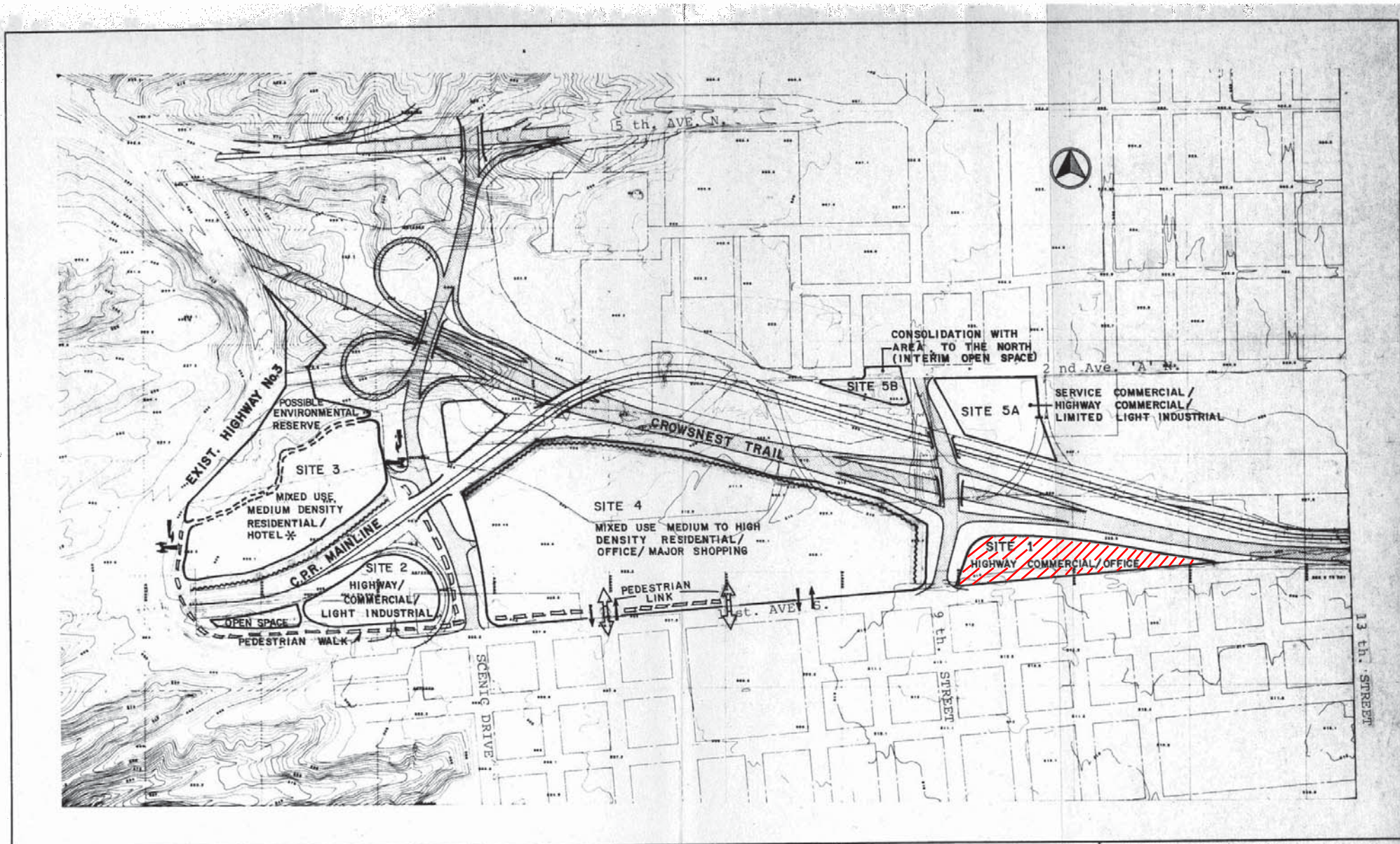
The restricted exposure of and access to the site place limitations on highway commercial use. Nevertheless, the most desirable uses are offices or highway commercial in nature, but ones which require minimal exposure from adjacent roadways. A hotel/motel/restaurant facility would be appropriate at the western end of the site.

Subdivision of the site would be based on provision of 1st Avenue South frontage. The available depth from 1st Avenue South at the western end of the site might require the provision of a short cul-de-sac for efficient development of highway commercial uses.

The actual intensity of development cannot be determined until specific development proposals have been given serious consideration. However, the uses and development guidelines contained in but not limited by those in Land Use District C-1, C-2 (Central Business District Commercial) and C-8 Highway Commercial may be appropriate.

The permitted uses for Highway Commercial Districts under the City's Land Use Bylaw include: car washes, service stations, gas bars, motels, motor hotels and public utilities. The discretionary uses include such things as drive-in businesses, drive-in restaurants, eating and drinking establishments, offices and veterinary clinics.

# Appendix 'B'



~~~~~ AREA REQUIRING NOISE AND/OR VISUAL SCREENING CONSIDERATION

\* ALTERNATE LAND USES FOR SITE 3 INCLUDE INSTITUTIONAL AND QUASI-PUBLIC USES

**AS** PLANNERS ENGINEERS AND PROJECT MANAGERS  
**DAMAS AND SMITH LIMITED**  
 CALGARY · EDMONTON · WINNIPEG · LONDON · TORONTO · OTTAWA

**RAILWAY RELOCATION LANDS**  
**LAND USE CONCEPT**

The City of Lethbridge, Alberta.

| REV. | BY | DATE | DESCRIPTION |
|------|----|------|-------------|
|      |    |      |             |

| DRAWN | DATE | SCALE  | DRAWING NO. |
|-------|------|--------|-------------|
|       |      | 1:6000 | 81005-13    |



# Appendix 'C'

By-law No. 4109

A BY-LAW OF THE CITY OF LETHBRIDGE TO ESTABLISH USES AND RULES FOR A  
DIRECT CONTROL DISTRICT OF BY-LAW NO. 4100, THE CITY OF LETHBRIDGE  
LAND USE BY-LAW

1. Relationship to the Land Use By-law:

- (1) This By-law applies to the land designated by Land Use By-law No. 4100 as DC Direct Control District, and which is legally described as All of Plans 8510153, 8510272, 8610396, 8610142 and 8510343, Part of Plans 8410666, 8510954 and 8510998, All of Certificate of Title 73-P-190, Portion of Certificate of Title 94-0-158 which lies south of 5 Avenue North, and all of Lots 7 and 8, Plan 8251 JK, all of which is designated DC on the District Maps.
- (2) This By-law is passed in accordance with Section 65 of Land Use By-law No. 4100.
- (3) Unless otherwise provided by this By-law or by the statutory plan affecting the land described in Section 1(1), all uses, terms, requirements and processes are as described in Sections 1 - 39 of Land Use By-law No. 4100.

2. Uses:

As described in the Railway Relocation Lands Area Redevelopment Plan.

3. Development Regulations:

As described in the Railway Relocation Lands Area Redevelopment Plan.

4. Development Approval Procedure:

Notwithstanding Sections 21, 22 and 23 of Land Use By-law No. 4100, all development permit applications will be decided on in accordance with the procedures outlined in the Railway Relocation Lands Area Redevelopment Plan.

This By-law will come into force on the date of final passing thereof.

READ A FIRST TIME this 16th day of JUNE A.D. 1986

A. Anderson John Gerla  
Mayor City Clerk

READ A SECOND TIME this 25th day of AUGUST A.D. 1986

A. Anderson John Gerla  
Mayor City Clerk

READ A THIRD TIME this 25th day of AUGUST A.D. 1986

A. Anderson John Gerla  
Mayor City Clerk



# City of Lethbridge

OFFICE OF  
CITY CLERK

March 21, 1989

640-A

TO: Acting Planning Director

RE: Development Permit 89-143  
907 - 1st Avenue South

Your letter of March 13th was presented at a regular meeting of the City Council held on Monday, March 20th, and in this connection the following resolution was passed:-

"THAT letter from the Acting Planning Director, dated March 13, explaining the development application that has been made by Shroeder Properties Ltd. to construct a 65,400 square foot shopping centre east of 9th Street South and north of 1st Avenue South on Railway Relocation Lands, and the need for Council's involvement and advising that the Municipal Planning Commission reviewed this application and make the following recommendations:

1. Classification: 'shopping centre and service station.' That 'eating and drinking establishments' be permitted to the extent that the necessary parking is provided.
2. That the Development Officer is authorized to approve any uses for this site which are listed as permitted uses in the C-G district.
3. That the Municipal Planning Commission is authorized to approve any uses for this site which are listed as discretionary uses in the C-G district.
4. That the following information be submitted prior to the issuance of the development permit:

. . . /2


- (a) that elevation drawings of the front and rear portions of the buildings be submitted and the exterior appearance of the buildings shall be to the satisfaction of the Development Officer.
  - (b) that a revised site plan showing the exact location of the buildings on the site be submitted to the satisfaction of the Development Officer.
  - (c) that no buildings be located on City easements.
  - (d) parking stall dimensions, manoeuvring aisles and driveway widths shall be in accordance with the Land Use By-law.
  - (e) that the Development Officer and/or Municipal Planning Commission is authorized to approve any changes within the jurisdiction of the Development and/or Municipal Planning Commission.
  - (f) that no signs or advertising be placed on the focal point tower at a height above the building signs.
  - (g) that ingress and egress be to the satisfaction of Engineering Services.
5. That screened refuse collection areas shall be provided to the satisfaction of the Engineering Services Manager. That one or more garbage containers shall be provided to the satisfaction of the Engineering Services Manager.
6. That the parking lot shall be paved and drained to the satisfaction of the Engineering Services Manager and that the parking spaces be clearly marked on the paved surface. Parking spaces shall be a minimum of 2.6 m x 5.8 m and manoeuvring aisles and driveways shall be at least 7.0 m in width. All handicapped spaces shall be identified by signs and pavement markings.
7. That arrangements satisfactory to the Engineering Services Manager shall be made for services, service connections, catchbasins and surface run-off.

8. That the developer or applicant shall contact the Urban Services Manager's office at least 60 days before electrical services are required in order to make arrangements satisfactory for underground electrical service.
9. That landscaping of the site and adjacent boulevards shall be provided to the satisfaction of the Community Services Manager. A detailed landscape plan shall be submitted to the Development Officer within 30 days of the issuance of the final building permit or development permit.
10. That prior to excavation, the location of proposed development be staked on the ground by a qualified surveyor, and evidence that this has been done be submitted to the Development Officer.

NOTE: THE APPLICANT IS RESPONSIBLE TO ENSURE THAT SEWER ELEVATIONS ENABLE A PROPER CONNECTION TO THE SANITARY SEWER SYSTEM. FOR INFORMATION TELEPHONE ENGINEERING SERVICES AT 320-3087.

NOTE: PRIOR TO THE ERECTION OF ANY SIGNS, A SIGN PERMIT BE APPROVED BY THE DEVELOPMENT OFFICER, AND ALL SIGNS SHALL BE GOVERNED BY PROCEDURES AND REGULATIONS IN THE C-G DISTRICT OF LAND USE BY-LAW 4100.

be filed AND FURTHER THAT the recommendations be approved."

  
John Gerla  
CITY CLERK

JG:kn

cc: City Manager

# Appendix 'E'

|                                          |                                            |
|------------------------------------------|--------------------------------------------|
| APPLICATION NO.<br><b>89-143</b>         | DEV. APPLICA<br>(NON-REFUND)<br><b>400</b> |
| PUBLIC NOTIFICATION<br>(PRIOR TO M.P.C.) | (AFTER DECL.)                              |

THE CITY  
**LETHBRIDGE**  
**DEVELOPMENT**  
**APPLICATION**  
FORM A

|                                  |                  |
|----------------------------------|------------------|
| FD BY<br><i>D. Verma</i>         | DEVELOPMENT CODE |
| USE DISTRICT (ZONE)<br><i>De</i> |                  |

I/We hereby make application under the provisions of the LAND USE BY-LAW No. 4100 to develop or use land and/or buildings in accordance with the plans and information submitted, which form a part of this application.

|                                                                                                                                                                                                                                                                                                              |                                                                                                                                    |                                                   |             |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------|-------------|
| PROPERTY ADDRESS                                                                                                                                                                                                                                                                                             | <b>907-1 Ave S.</b>                                                                                                                |                                                   | POSTAL CODE |
| LEGAL DESCRIPTION                                                                                                                                                                                                                                                                                            | LOT(S)                                                                                                                             | BLOCK                                             | PLAN No.    |
| DETAILS OF DEVELOPMENT PROPOSED                                                                                                                                                                                                                                                                              | <b>Block mail - retail + restaurant use<br/>Total Sq. ft - 64,890.<br/>Lower end to the Bldg. 90' high.<br/>Phase I + Phase II</b> |                                                   |             |
| PREVIOUS OCCUPANT                                                                                                                                                                                                                                                                                            | <b>vacant</b>                                                                                                                      |                                                   |             |
| REQUESTED DURATION OF APPROVAL                                                                                                                                                                                                                                                                               | PERMANENT <input checked="" type="checkbox"/><br>TEMPORARY <input type="checkbox"/>                                                | IS LANDOWNER / OWNER'S AGENT AWARE OF APPLICATION |             |
| APPLICANT                                                                                                                                                                                                                                                                                                    | <b>Paul Melotte 604-6853207</b>                                                                                                    |                                                   | V6E-4H1     |
| OWNER OF LAND                                                                                                                                                                                                                                                                                                | <b>#510-1040 West George St / Vancouver</b>                                                                                        |                                                   | PHONE       |
| DATE                                                                                                                                                                                                                                                                                                         | SIGNATURE (PRINTED & WRITTEN)                                                                                                      | PHONE                                             |             |
| <b>Jul 17/89</b>                                                                                                                                                                                                                                                                                             | <b>X P. V. Melotte</b>                                                                                                             |                                                   |             |
| NOTE: — The applicant is advised to read the reverse side of this form:<br>— This application, if approved, does not constitute a building permit, occupancy permit, or city business licence.<br>To obtain any of these an application and approval is required from the Inspection and License Department. |                                                                                                                                    |                                                   |             |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------|
| <b>DECISION</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | <b>DEVELOPMENT PERMIT NO. 89-143</b>                                                           |
| <p>That this application be APPROVED by City Council, at their meeting of March 20, 1989, subject to the following:</p> <ol style="list-style-type: none"> <li>1. Classification: 'shopping centre and service station.' That 'eating and drinking establishments' be permitted to the extent that the necessary parking is provided.</li> <li>2. That the Development Officer is authorized to approve any uses for this site which are listed as permitted uses in the C-G district.</li> <li>3. That the Municipal Planning Commission is authorized to approve any uses for this site which are listed as discretionary uses in the C-G district.</li> </ol> |                                                                                                |
| CC Engineering Services<br>Urban Services<br>Community Services                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Continued....12<br>DEVELOPMENT OFFICER / SEC. MUNICIPAL PLANNING COMMISSION<br><i>D. Verma</i> |
| DATE OF DECISION                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | DATE OF RELEASE                                                                                |
| <b>April 20/89</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <b>April 4/89</b>                                                                              |

Voluntary Waiver of Claims (for applications requiring public notice): If this application is approved, the applicant intends to commence development before the end of the appeal period (which ends 14 days after a public notice is published). If the decision is subsequently appealed, the applicant hereby agrees to stop development pending the outcome of the appeal and waives all claims to compensation should an appeal result in this permit being modified or revoked. Signing of this voluntary waiver of claims does not prohibit the applicant from appealing the decision.

Signature of Applicant \_\_\_\_\_

Date \_\_\_\_\_

4. That the following information be submitted prior to the issuance of the development permit:

- revised plans have been submitted & released Apr 4/89.*
- (a) that elevation drawings of the front and rear portions of the buildings be submitted and the exterior appearance of the buildings shall be to the satisfaction of the Development Officer.
  - (b) that a revised site plan showing the exact location of the buildings on the site be submitted to the satisfaction of the Development Officer.
  - (c) that no buildings be located on City easements.
  - (d) parking stall dimensions, manoeuvring aisles and driveway widths shall be in accordance with the Land Use By-law.
  - (e) that the Development Officer and/or Municipal Planning Commission is authorized to approve any changes within the jurisdiction of the Development and/or Municipal Planning Commission.
  - \* (f) that no signs or advertising be placed on the focal point tower at a height above the building signs. *sign on focal point tower approved later*
  - (g) that ingress and egress be to the satisfaction of Engineering Services.

5. That screened refuse collection areas shall be provided to the satisfaction of the Engineering Services Manager. That one or more garbage containers shall be provided to the satisfaction of the Engineering Services Manager.

6. That the parking lot shall be paved to the satisfaction of the Engineering Services Manager and that the parking spaces be clearly marked on the paved surface. Parking spaces shall be a minimum of 2.6 m x 5.8 m and manoeuvring aisles and driveways shall be at least 7.0 m in width. All handicapped spaces shall be identified by signs and pavement markings.

7. That arrangements satisfactory to the Engineering Services Manager shall be made for services, service connections, catchbasins and surface run-off.

8. That the developer or applicant shall contact the Urban Services Manager's office at least 60 days before electrical services are required in order to make arrangements satisfactory for underground electrical service.

9. That landscaping of the site and adjacent boulevards shall be provided to the satisfaction of the Community Services Manager. A detailed landscape plan shall be submitted to the Development Officer within 30 days of the issuance of the final building permit or development permit.

10. That prior to excavation, the location of proposed development be staked on the ground by a qualified surveyor, and evidence that this has been done be submitted to the Development Officer.
11. That the standard conditions of development (attached be complied with.

NOTE: THE APPLICANT IS RESPONSIBLE TO ENSURE THAT SEWER ELEVATIONS ENABLE A PROPER CONNECTION TO THE SANITARY SEWER SYSTEM. FOR INFORMATION TELEPHONE ENGINEERING SERVICES AT 320-3087.

NOTE: PRIOR TO THE ERECTION OF ANY SIGNS, A SIGN PERMIT MUST BE APPROVED BY THE DEVELOPMENT OFFICER, AND ALL SIGNS SHALL BE GOVERNED BY PROCEDURES AND REGULATIONS IN THE C-G DISTRICT OF LAND USE BY-LAW 4100.