

 <p>CITY OF <i>Lethbridge</i></p>	<p>Property Services</p> <p>POLICIES</p>	<p>Policy Number</p> <p>2018-06</p>
--	---	-------------------------------------

DELEGATION OF APPROVAL AUTHORITY:
SITE 5B OF THE RAILWAY RELOCATION LANDS ARP:
802 2a AVENUE NORTH

Summary

Title of Document:	Delegation of Approval Authority: Site 5B of the Railway Relocation Lands ARP: 802 2a Avenue North, Policy
Title of Designated Responsible Manager:	Director, Property Services
Original Date Approved:	May 2, 1988
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 802 2a Avenue North (legal description Block 5B: Plan 8510153, identified as Site 5B 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 was outlined for redevelopment in the 1983 Railway Relocation Lands Area Redevelopment Plan (ARP). Under the Railway Relocation ARP this piece of land is constrained by its small size (1.2 acres) and proximity to the transportation corridor to the south. The Railway Relocation Lands ARP recommends the site be redeveloped for light industrial initially as it would tie in with industrial uses to the north and the transportation corridor to the south. The Plan also gives the option for some service commercial activity on the eastern end of the parcel. Given the location adjacent to the intersection of 2a Ave North and 9 St. a retaining wall was needed to support this intersection, which reduced the developable amount of land on the parcel.

Given the constraints on the site a recommendation was drafted by the City’s planning department for approval to City Council in 1988. The recommendation to Council was to remove the existing requirement for all Development permit applications to be approved by Council and delegate approval authority to the Development Officers and Municipal Planning Commission. The recommended land uses were to be I-B (business industrial) which would tie into existing adjacent uses. The recommendations were passed and approved by Council on May 2, 1988 in Bylaw 4109.

	<h2>Property Services</h2> <h1>POLICIES</h1>	<p>Policy Number</p> <p>2018-06</p>
---	--	-------------------------------------

The parcel today is most notably known as the location of the Lethbridge homeless shelter and Lethbridge soup kitchen. In 2002 a Bylaw (Bylaw 5154) was presented to Council which proposed to rezone the parcel to another DC (Direct Control) District with new uses and rules including the establishment of a drop-in resource centre and emergency shelter; however Bylaw 5154 did not pass. The site remained (and continues to remain) controlled under Bylaw 4109, however 2 development permits were granted which made way for the development of the homeless shelter and soup kitchen. The initial development permit (permit No. 02-1104) for the homeless shelter was issued on Dec 23, 2002. This Development permit outlined a number of conditions of approval which included: definitions of 'shelter' and 'resource centre' (see definitions section), and that a 'good neighbor plan' must be established which outlines how neighborhood compatibility problems are to be resolved. This initial development permit did not include 'emergency food services' (soup kitchen) as a permitted use. The inclusion of a soup kitchen required that a separate development permit be applied for. Subsequently the soup kitchen development permit (permit No. 03-1256) was approved on Nov 29, 2004. This permit again had certain conditions of approval which included definition of emergency food service (see definition section), requires a 'neighborhood communication plan' which would describe how communication with neighbors would be conducted and outline how compatibility problems are to be resolved. The 'neighborhood communication plan' required MPC approval and oversight before the soup kitchen would be approved for occupancy. The site continues to be zoned DC (Direct Control) District with approved uses of a shelter, resource centre and an emergency food service.

Supporting Research and Analysis

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

- Relevant government policy and legislation:
 - Bylaw 4109 and the Railway Relocation Lands Area Redevelopment Plan
 - May 2, 1988 City Council Minutes
 - Railway Relocation Lands Area Redevelopment Plan
 - Land Use By-Law # 4100
- The policy aligns with the overall vision of the small parcel in the Railway Relocation Lands ARP, & the land uses on site conform with existing uses in the Land Use By-Law 4100 for I-B (Business Industrial) Districts.
- This Policy aligns with the strategic directions of the Municipality outlined in the Railway Relocation Lands ARP which is still in force in the area.
- The Policy meets both internal & external expectations as it ensures continuity with adjacent land uses.

Supporting Information (attached)

- **Page 61** of Railway Relocation Lands ARP (Concerning Site 5B)- Appendix 'A'
- **Land Use Concept Map:** from the Railway Relocation Lands ARP – Appendix 'B'
- **Site '5B' Map:** from Railway Relocations Lands ARP – Appendix 'C'
- **Development Permit # 02-1104:** for Shelter & Resource Centre – Appendix 'D'

	<p>Property Services</p> <p>POLICIES</p>	<p>Policy Number</p> <p>2018-06</p>
---	---	-------------------------------------

- **Development Permit # 03-1256:** for the soup kitchen – Appendix ‘ E’

Policy Statement

This policy applies only to the location of 802- 2 A Ave North (legally described as Block 5B, Plan 8510153, Site 5B of the Railway Relocation Lands Areas Redevelopment Plan). The Policy for this location states that:

- **Council delegates authority to the Development Officer and Municipal Planning Commission to decide on development permit applications**
- **The land use for the site is designated as DC (Direct Control) District**
- **The permitted uses, discretionary uses and rules approved on the site should conform with the uses & rules of an I-B (Business Industrial) District.**
- **Land Use Bylaw 4100 was originally used, but has been superseded in 2011 by Land Use Bylaw 5700.**

Process

- When the Development Officer receives a development permit application they will review to ensure applications are complete and ensure the proposed uses are allowed and is compliant with uses and rules in the I-B (Business Industrial) District in Land Use By-Law 5700 (which superseded Land Use Bylaw 4100 in 2011).
- If a development permit application proposes a use that is not allowed in the I-B (Business Industrial) District, City Council is the approval authority, and Development Officers will advance the application to Council for a decision.

Related Documents

- Bylaw 4109
- May 2, 1988 City Council Minutes
- Railway Relocation Lands ARP
- Land Use By-Law # 5700 (which superseded Land Use Bylaw 4100 in 2011)

Responsibility for Policy Implementation

Responsible for implementation of the policy:

- Senior Development Officer, Property Services

Responsible for monitoring implementation of the policy:

- Director, Property Services

 <p>CITY OF <i>Lethbridge</i></p>	<p>Property Services</p> <p>POLICIES</p>	<p>Policy Number</p> <p>2018-06</p>
--	---	-------------------------------------

Key Functional Stakeholders

Planning & Development Department

Definitions

None

Policy Status

Current Status

In effect

Date Effective

May 2, 1988

Approval Details

City Council

Endorsement Details

City Council

Next Review Date

Not Defined

Policy Author

Planning Assistant

Authored date

June 19, 2018

Contacts

Senior Development Officer, Property Services

Policy Location

- File Path:
 - I:\BU\830\DEPARTMENT AREAS\DEVELOPMENT\2. POLICIES & PROCEDURES\b. Approved and formatted PPP's\2018-06_Delegation of Approval Authority- Site 5B of the RRLARP\Policy
- Tempest location:
 - Folder Number: **MIP 00766**
 - Address location. 802 2a Ave n
- Website page

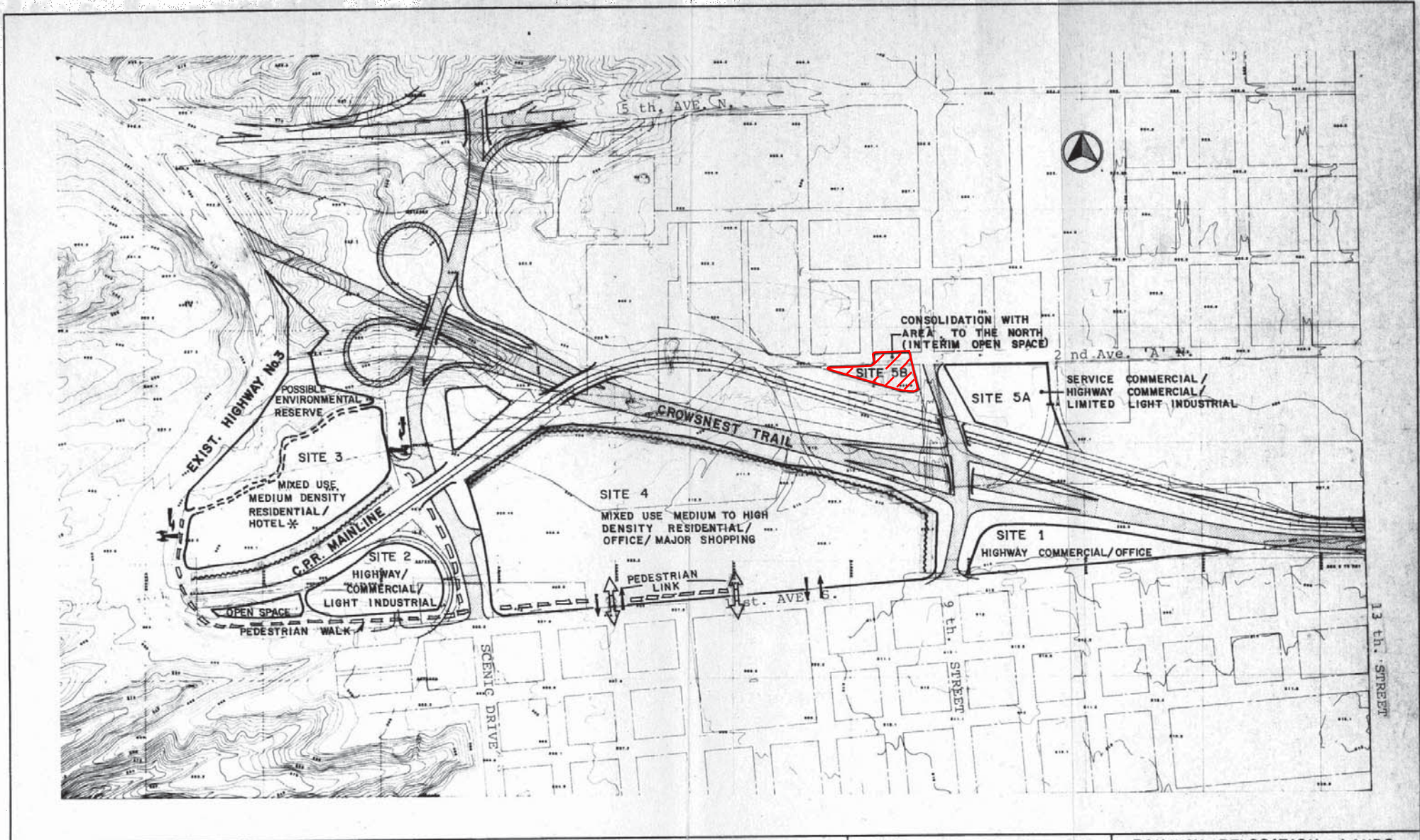
It may also include light industrial type uses such as glassworks manufacturing and bakeries, so long as the activity is contained within the building and does not entail any outside storage. These proposed uses are based to a large extent upon the site's proximity to the Centre Village Mall Shopping Centre and the premise that 2nd Avenue A North forms a continuous link between 9th Street and 13th Street. This is especially vital as the only access to the site will be derived from 2nd Avenue A North. A direct access from 9th Street is not possible. Development potential may be restricted by traffic limitations at the 2nd Avenue A and 9th Street intersection. Detailed consideration to traffic and access will be given at the time of development permit application.

The site may either be subdivided into smaller parcels or developed as a single site.

5.3.6 Redevelopment Site Five 'B'

Redevelopment potential of Site 5B is constrained by its area of approximately 1.2 acres. It is greatly influenced by the industrial development to the north and the transportation corridor to the south and is thus considered suitable for an extension of existing light industrial and/or some service commercial activity at its eastern end. Site design will be further restricted by the small size and narrow triangular shape. The feasibility of providing a retaining wall, which would enable 2nd Avenue A North to tie into 9th Street is currently being investigated. If this does not prove feasible, then consideration should be given to closing 2nd Avenue A North west of 9th Street, except for a utility easement, and utilizing a portion of the right of way for development. The site would best be consolidated ultimately with the area to the north, access being provided from 3rd Avenue North. In the interim, minor landscaping improvements should be carried out so as to enhance the visual quality of the site.

Appendix 'B'



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

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



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. |
|-------|----------|--------|-------------|
| CHECK | ACTIVITY | 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

Development Services

## DEVELOPMENT PERMIT

Permit No.  
02-1104

Address 802 2A AV N

Plan: 8510153 Block: 5B Lot:

**Applicant**

SAVILL GROUP ARCHITECTURE  
104 5 ST S

LETHBRIDGE AB T1J 2B2 Phone

Work Ph. 381-8888

**Development Proposed** To establish 19 840 sq ft for the purpose of a homeless shelter and to construct a covered carport and covered walkway

**District**  
DC

**Land Use**

Shelter  
Resource Centre

**Duration of Approval**  
Permanent --

### CONDITIONS OF APPROVAL

This application has been approved by City Council, subject to the following conditions:

## 1. Classification:

- a. "Shelter", which means development providing emergency overnight accommodation that may include kitchen and dining facilities, showers and bathrooms, relaxation areas and laundry facilities and
- b. "Resource Centre", which means development providing programs of health (including physical, mental, cultural and spiritual health and well-being), rehabilitation, therapy, counselling and training for the homeless and those at risk of homelessness, and includes facilities for the administration of these programs.

2. The site shall be developed in accordance with the site plan A-1.1 received December 4, 2002. The Development Officer is authorized to approve changes to these plans that, in the opinion of the Development Officer, will contribute to the usability of the site and compatibility with the neighbourhood.

3. The exterior appearance of the building shall be in accordance with the building elevations drawing A-2 dated November 18, 2002. The Development Officer is authorized to approve changes to these plans.

4. The implementation of this proposal can be phased, provided the parking, perimeter landscaping, south amenity area and east site entry area are completed in the first phase.

5. The applicant is required to submit a "good neighbour plan" which will describe how communication with neighbours is to be carried out and how neighbourhood compatibility problems are to be resolved. The good neighbour plan must be submitted to and accepted by the Municipal Planning Commission before the shelter is approved for occupancy. The Municipal Planning Commission is authorized to advocate for and accept changes to the good neighbour plan on behalf of the City of Lethbridge.

6. This approval does not include emergency food services (soup kitchen). If this use is proposed to be located on this site, a development permit application to be considered by City Council is required and must be approved prior to

### APPEALS

The Land Use By-law provides that any person affected by a decision of the Development Officer or Municipal Planning Commission made under the By-law may appeal such decision to the Development Appeal Board. Such an appeal to the Development Appeal Board shall contain a statement of the grounds of appeal and shall be delivered either personally or by Registered Mail so as to reach the Secretary of the Development Appeal Board not later than fourteen (14) days after the notice of the decision is deemed to have been received by the applicant. The notice is deemed to have been received 5 days (excluding Saturdays, Sundays and holidays) after the date it is released.

If a decision is not made within forty (40) days from the date of the receipt of the application in its complete and final form or within such longer period as the applicant may approve in writing, the application shall be deemed to be refused and the applicant may exercise the right of appeal as though a written notice of refusal had been received.



# City of Lethbridge

Development Services

Permit No.  
**02-1104**

## DEVELOPMENT PERMIT

implementation.

7. The Development Officer is authorized to approve signs for this site. The specific rules for signs in the I-B District will apply.

**Development shall commence within 1 year of the date of release.**

Date of Decision.....December 16, 2002

Signature\_\_\_\_\_

David Cronkhite, Secretary Municipal Planning Commission

**DEC 23 2002**

Date of Release \_\_\_\_\_

Date of Advertising.....

### APPEALS

The Land Use By-law provides that any person affected by a decision of the Development Officer or Municipal Planning Commission made under the By-law may appeal such decision to the Development Appeal Board. Such an appeal to the Development Appeal Board shall contain a statement of the grounds of appeal and shall be delivered either personally or by Registered Mail so as to reach the Secretary of the Development Appeal Board not later than fourteen (14) days after the notice of the decision is deemed to have been received by the applicant. The notice is deemed to have been received 5 days (excluding Saturdays, Sundays and holidays) after the date it is released.

If a decision is not made within forty (40) days from the date of the receipt of the application in its complete and final form or within such longer period as the applicant may approve in writing, the application shall be deemed to be refused and the applicant may exercise the right of appeal as though a written notice of refusal had been received.



# City of Lethbridge

Development Services

## DEVELOPMENT PERMIT

Permit No.  
03-1256

Address 802 2A AV N

Plan: 8510153 Block: 5B Lot:

**Applicant**

LETHBRIDGE SOUP KITCHEN SOCIETY/ JUNE HEPPLER-KOMETZ

LETHBRIDGE AB

Phone 327-9355 Work Ph. 308-3639

**Development Proposed** to establish an emergency food service (soup kitchen) in the Lethbridge Shelter & Resource Centre

**District**  
DC

**Land Use**  
Emergency Food Service (soup kitchen)

**Duration of Approval**  
Permanent --

**Permitted Use**

### CONDITIONS OF APPROVAL

Approved by City Council November 15, 2004.

1. Classification: "Emergency Food Service" (soup kitchen), which means the preparation and serving of meals for consumption on site by persons in need.
2. The soup kitchen shall be developed in accordance with the plans received October 7, 2004. The Development Officer is authorized to approve changes to these plans that, in the opinion of the Development Officer, will contribute to the usability of the site and compatibility with the neighbourhood.
3. The implementation of the soup kitchen shall be addressed in a "neighbourhood communication plan" which will describe how communication with neighbours is to be carried out and how neighbourhood compatibility problems are to be resolved. The neighbourhood communication plan must be submitted to and accepted by the Municipal Planning Commission before the soup kitchen is approved for occupancy. The Municipal Planning Commission is authorized to advocate for and accept changes to the neighbourhood communication plan on behalf of the City of Lethbridge.

**Development shall commence within 1 year of the date of release.**

Date of Decision..... November 15, 2004

Signature \_\_\_\_\_  
Dave Baines, Secretary Municipal Planning Commission

Date of Release \_\_\_\_\_ **NOV 29 2004**

Date of Advertising.....

### APPEALS

The Land Use By-law provides that any person affected by a decision of the Development Officer or Municipal Planning Commission made under the By-law may appeal such decision to the Development Appeal Board. Such an appeal to the Development Appeal Board shall contain a statement of the grounds of appeal and shall be delivered either personally or by Registered Mail so as to reach the Secretary of the Development Appeal Board not later than fourteen (14) days after the notice of the decision is deemed to have been received by the applicant. The notice is deemed to have been received 5 days (excluding Saturdays, Sundays and holidays) after the date it is released.

If a decision is not made within forty (40) days from the date of the receipt of the application in its complete and final form or within such longer period as the applicant may approve in writing, the application shall be deemed to be refused and the applicant may exercise the right of appeal as though a written notice of refusal had been received.