

MINUTES of a Regular Meeting of the **MUNICIPAL PLANNING COMMISSION** held on Monday, August 23, 2021 at 3:00 p.m. with the following in attendance:

CHAIRMAN:	M. Elemans	Member at Large
MEMBERS:	K. Baird	Member at Large
	K. Fleckenstein	Member at Large (Participated Remotely)
	P. Tessier	Member at Large
	A. Tuveson	Member at Large
OTHERS:	M. Gaehring	Secretary to the Commission
	A. Olson	Senior Development Officer
	W. Smith	Recording Secretary to the Commission

K. BAIRD:

THAT the agenda of the meeting of the Municipal Planning Commission held on August 23, 2021 be approved as presented.

-----**CARRIED**

A. TUVESON:

THAT the minutes of the meeting of the Municipal Planning Commission held on July 12, 2021 be approved.

-----**CARRIED**

DEVELOPMENT APPLICATIONS:

DEV 13188, Erika Morales, 1 Dalhousie Road W, propose to establish child care, minor for a maximum of 50 children with nine staff members. This use would now occupy the entire dwelling. Current development - single detached dwelling with an approval for child care, minor to be operated out of the basement for a maximum of 34 children with six staff members. Land Use District is R-L Low Density Residential District.

Angela Olsen, Development Manager, outlined the proposal.

- Application received July 21, 2021 to establish a daycare for 50 children with nine staff members
- Daycares have been allowed land use in the R-L district since at least 1968
- Child Care, Minor means: development providing provincially approved care or education, without overnight accommodation, for more than 10 and no more than 50 children at one time. This term refers to uses such as day care centres, nursery schools, kindergartens and play schools
- Application is before commission because of neighbourhood responses received
- Child Care, Minor is a discretionary use in areas zoned R-L Low Density Residential
- When considering a discretionary use the development authority must evaluate the potential land use impacts of the use in the context of the neighbourhood for which it is proposed. The authority must decide whether any impacts would unduly interfere with amenities of the neighbourhood, or would materially interfere with or affect the use, enjoyment or value of neighbouring properties
- Potential land use impacts of the proposal are:
 - Increased traffic volume
 - Parking demands – from both staff and clientele
 - Decreased property values
 - Increased noise from children playing outdoors

- With respect to the first three potential land use impacts this proposal does not present any undue interference with the neighborhood amenity and would not materially interfere with or affect the use, enjoyment or value of neighbor properties
- Dalhousie Road is readily accessible from McGill Boulevard; McGill Boulevard can accommodate the additional vehicle movements per day that the daycare will require. Vehicles will not arrive all at once. Arrival times will likely be staggered in the morning for drop off and the afternoon for pick up
- In the Development Officer's opinion this increased traffic volume does not present an appreciable increase in traffic noise level or appreciable increased risk of vehicle or pedestrian accidents
- Parking demands – from both staff and clientele
 - Sufficient space along both sides of McGill Boulevard and Dalhousie Road to park and adequate parking spaces on the parcel to accommodate the required nine off street parking spaces
- Decreased property values
 - The City of Lethbridge Assessment department advises – Property influences are analyzed on an annual basis to determine their impact on value and we have seen no market evidence to prove a daycare would negatively impact property values. Properties immediately adjacent to Aslan Daycare, which is classified as “Child Care, Major” and accommodates up to 100 children have not received a tax adjustment
- With respect to the last potential land use impact – increased noise from children playing outdoors, this proposal may interfere with or affect the enjoyment of neighbouring properties. This parcel is adjacent to a green strip, which will provide a buffer from the parcel to the north. The parcel immediately adjacent to the subject parcel would have the most impact as they share a parcel line and this is where the children will be playing
- MPC should also note:
 - Applicant hopes to obtain provincial approval for 50 children
 - Normally, children will not all be outdoors at once and is typically a scheduled activity for one group at a time
 - Children will not necessarily be outdoors all day long. Even in the nicest weather children need naps and to eat lunch
 - This daycare states they will not be open past 5:30 p.m. so this activity will not be taking place after this time. As most people (but not all) work during the day and enjoy their yards in the evening and on weekends, there is less of an impact on the neighbouring parcels
 - Daycares are typically not open on weekends or holidays
 - Daycare providers have to be provincially licensed and have provincial regulations that they must also adhere to
 - Meets the requirements of the Land Use Bylaw, Municipal Development Plan and the South Saskatchewan Regional Plan 2014-2024
- Neighbourhood letters sent to property owners within 60m radius on July 23, 2021 and August 10, 2021. The first was to gauge the response from neighbours and then second was to notify landowners of the proposed development being brought before MPC. To date we have received 11 letters on the proposal
- In conclusion the Development Officer is recommending that this application be approved with the following conditions:
 1. Maximum number of children: 50 Maximum number of staff: 9
 2. Off-Street Parking: nine off street parking spaces shall be provided and maintained for this use
 3. Hours of operation: Monday thru Friday 7:00 a.m. to 5:30 p.m.

Applicant's Presentation:

Erika Morales, 1 Dalhousie Road West, advised as follows:

- Childcare is essential with one in seven children in need of childcare
- Many hours of research was done before purchasing the subject property
- Many daycares operate in residential areas
- Westside location will be of high quality, bilingual and a home away from home
- Location will abide with all Child Care Regulations
- Daycare will be open 7:00 a.m. to 5:30 p.m. daily and closed all holidays

- Children will not be all outdoors at once with a maximum of eight children outdoors at one time and will not be left unattended
- Daycare is in close proximity of four nearby parks
- Drop off/pick up will take place on property as there will be eight off-street parking spaces
- Want positive relationship with neighbours and have a community connection
- Presently the current daycare cares for seven sets of siblings
- Transit stop is located across the street for staff and clientele
- Noise level is not an issue with so few children outdoors at once
- “Great Adventures” current location opened January, 2020 and this will be the second location for “Great Adventures”
- Applicant has been caring for children for the last five years

Other Presentations:

Mark Vella, 230 Mt Sundance Crescent West, advised as follows:

- Daughter has attended the 3 Avenue location for last 18 months with no issues
- Daughter enjoys “Great Adventures” very much and drop off/pick up is a very fluid transaction
- Trust Erika with my children
- Erika is very proud of her business which opened during COVID-19
- Currently live next door to a Daycare in SunRidge
 - Traffic seems to be slower in the area due to daycare
 - Property has increased in value
 - Work from home and the daycare noise from next door has never been a nuisance
- Dalhousie Road is not congested
- Will not notice the excess of traffic due to daycare
- Parking demands are much more of an issue on 3 Avenue than will be at Dalhousie Road
- Drivers do drive slower due to parked cars on sides
- Daycares are much better than day homes in neighbourhood
- Support Local Business

Robin Platz, 818 14 Street S, advised as follows:

- Researched many daycares before deciding on Great Adventures
- Son has been in their care since he was three months old and is now eighteen months
- Thrives to go to daycare with many days not wanting to leave
- Drop offs are very quick and easy
- All COVID protocols are adhered to
- Current location is very close to my residence
- Daycares in neighbourhoods are highly recognized

There was no response to the Chairman’s three calls for anyone else wishing to speak.

Questions:

Ms. Olsen and Ms. Morales responded to questions regarding:

- Number of children at current location
- Investigate commercial spaces instead of residential property
- Commercial spaces available when purchasing property
- Seems that outdoor play area is lacking
- Wheelchair ramp will take up space in the outdoor play area
- Clarification of both outdoor play areas
- Currently subject property is running as daycare facility
- Reason for adding capacity to 50
- Currently own property with approval of 34 children
- Ventilation plan for home
- Removal of trees

- If not successful could you continue running with approval for 34 children
- What type of inspections are carried out by the City of Lethbridge
- Is there a limit to how many daycares can be located in the City of Lethbridge
- Clarify if 50 children approval is the maximum
- A difference for commercial buildings to allow more children
- Who is responsible of costs if traffic signs are added in neighbourhood
- R-L District has no requirement for "Stop" signs at intersections
- Clarification of parking plan on property

The following motion was presented:

K. BAIRD:

THAT Development Application DEV13188 be **APPROVED** with the following conditions:

1. Maximum number of children: 50. Maximum number of staff: 9.
The applicant must obtain and maintain the relevant provincial license.
2. Off-street Parking: Nine off street parking spaces shall be provided and maintained for this use.
3. Hours of operation: Monday thru Friday 7:00 a.m. to 5:30 p.m.

-----CARRIED

OPPOSED: P. TESSIER

DEV 13215, Alvin Fritz, Alvin Reinhard Fritz Architect Inc. for Streets Alive Family Support Association, 108 8 Street South, proposes to construct a new three storey building for the purpose of a supportive housing facility for 24 residents on the second and third floors. The main floor would have some programming space for the residents as well as one commercial rental unit. A request for a 7.56m (24'10") parcel width waiver and a 163m² (1754.5 sq ft) parcel area waiver as well as a waiver to allow for one additional small vehicle parking space. Land Use District is C-D Downtown Commercial District.

Angela Olsen, Development Manager, outlined the proposal.

- Current Development at 108 8 Street South is a partially vacant parcel. It has been consolidated with 712 1 Avenue South which was approved as a rooming house. This would align with the boarding house definition in the current Land Use Bylaw
- Application received August 4, 2021 to construct a three storey supportive housing facility with one commercial retail unit. One commercial retail/office unit with frontage onto the street would occupy the main floor. Rear portion of the main floor would be for programming for the supportive housing residents and laundry facilities. Second and third floors consist of two dwelling units per floor. One dwelling unit comprises of eight residents and the other will house four residents on each floor, 12 residents per floor for a total of 24 residents
- Application is before the Commission because supportive housing applications are typically brought before the Municipal Planning Commission
- In 2008, an application was received and approved by the MPC but later denied by the Subdivision and Development Appeal Board (SDAB) for a similar development. The appeal board denied the proposal based on "the extent of the waiver for parking would unduly interfere with the amenities of the neighbourhood or materially interfere with or affect the use, enjoyment of value of the neighbouring parcels of land"
- In 2020, another application was received and approved by the MPC but later denied by the SDAB. This application did not require a parking waiver, however, it did require parcel area and parcel width waivers
- Two of the waivers being requested with this application are because they have a housing component with the development. Section 66(4)(a) states that; building in which a residential use comprises 50% or more of the gross floor area the parcel width requirement is 22.8m and 860m² parcel area required. The request is for a 7.56m parcel width waiver and a 163m² parcel area waiver. If this was a three

storey/office building, these waivers would not be required. The requirement in the Land Use Bylaw for all other uses states a minimum of 4.6m in width for the parcel and 140m² area for the parcel. MPC approved these waivers in 2020. The third waiver is to allow for one additional small car parking space. The Land Use Bylaw states that the maximum number of small car parking spaces is 20% of all of the parking spaces. 20% of seven is 1.4 which must be rounded down. They are asking for two small car parking spaces so a waiver of one space is required

- This is in the pedestrian core area of downtown, which states “development in the pedestrian core area must have 100% of the property line adjacent to streets covered with building, or alternatively, a pedestrian oriented environment must be provided”
- The building that occupies 712 – 1 Avenue South currently houses 18 of the individuals that would be residing in the new building. With the 24 residents being requested, this would be a six person increase in the neighbourhood
- “Supportive Housing” means development providing accommodation for 8 to 25 residents and associated support programs meant to foster self-sufficiency. This use may include common kitchen and dining facilities, showers and bathrooms, training rooms, relaxation areas and laundry facilities as well as offices and accommodation for staff
- There is adequate outdoor amenity space for residents and staff, there is a patio area at the back of the property, also an outdoor courtyard on the second floor and the roof plan also shows a roof top patio for residents
- They are showing a 3.0m wide landscape strip adjacent to 1 Avenue South
- Supportive housing facilities are considered a compatible use
- Supportive housing facilities are discretionary uses in the C-D Downtown Commercial District
- Retail and offices are permitted use in the C-D Downtown Commercial District
- Meets the requirements of the Land Use Bylaw, Municipal Development Plan, Heart of our City Master Plan and the South Saskatchewan Regional Plan 2014-2024
- Waivers that are being requested will have no material or undue impacts on the neighbourhood
- MPC must decide if the proposed development is suitable at this location
- Neighbourhood letters sent to property owners within 60m radius on August 10, 2021 to notify landowners of the proposed development being brought before MPC. To date we have received six letters on the proposal
- In conclusion the Development Officer is recommending that this application be approved with the following conditions:
 1. Land Use: “Supportive Housing” is a discretionary use in the C-D district and is limited to house a maximum of 24 persons at any one time. “Retail Store” and “Office” which are permitted uses in the C-D district
 2. Compliance with plans: With the exception of the additional 8th parking stall that is shown on the site plan DD1.1, which is not approved and must be retained as a barrier free access aisle, the development shall be in accordance with the plans submitted August 4, 2021. Any change to these plans requires the approval of the Development Officer
 3. Waivers:
 - a. A 7.56m (24’10”) parcel width waiver be granted, thereby allowing a 15.24m (50’0”) parcel width
 - b. A 163m² (1754.5 sq ft) parcel area waiver be granted, thereby allowing a 697m² (7502 sq ft) parcel area
 - c. A waiver to allow one additional small car space for a total of two small car spaces
 4. Parking: Seven (7) off street parking spaces shall be provided and maintained for these uses
 5. Signs: Prior to the installation of any exterior signs, a sign permit must be approved by the Development Officer
 6. Landscaping: The landscaping as shown on drawing DD1.1, submitted August 4, 2021 is approved and shall be installed by June 30, 2023 and maintained thereafter. All landscaped areas shall be irrigated
 7. Neighbourhood Communication Plan: The Neighbourhood Communication plan as submitted must be adhered to by the owner/operator of the supportive housing facility
 8. Encroachment Agreement: Than an encroachment agreement be entered into with the City of Lethbridge prior to the installation of the canopies and renewed annually and maintained thereafter

Applicant's Presentation:

Alvin Fritz, Alvin Reinhard Fritz Architect Inc. for Streets Alive Family Support Association, 108 8 Street South, advised as follows:

- Look and feel of the building site in relation to the neighbouring properties was presented
- Heart of the City Masterplan was taken in account when designing building
- Building will complement the Heritage Zone in which it is situated
- Well planned streetscape
- Provides diversity
- 24 hour security will be installed
- Inclusive to downtown area

Other Presentations:

Bruce Plausteiner, 85039-R-R.205, advised as follows:

- Owner of two buildings adjacent to proposed development
- Owner of business since 1974
- No notification was received of this proposal
- Have major invested interest
- Support many businesses and housing in the downtown area
- Customers and employees are unsafe, intimidated in area
- Wrong perception for the downtown
- Taking risk having businesses downtown
- Transitional housing in the downtown is not a drawing factor to encourage patrons to come to the downtown
- BRZ does not support this proposal
- Appeal boards have refused application in the past
- Asks commission not to approve

Darrell Alexander, 110 8 Street South, advised as follows:

- My property is immediately adjacent to the new build
- Hair Salon business currently leases building
- Citizen, Volunteer and big supporter of the downtown
- Past president of Rotary Club which was tasked with a "Legacy Project"
- Rotary Club came up with Galt Gardens Spray Park in hopes to take "Downtown Back"
- Deep Opposition to application as this is the third time here
- Downtown has slipped tragically backward significantly
- MPC needs to strongly consider the impact this would have on the fragile downtown and worsen situation
- Just because Streets Alive owns property does not mean this is the best location for this facility
- Many negative issues due to presence of Streets Alive as a neighbor. Constant loitering, smoking, littering of butts, etc
- Taken many complaints from my tenants that their staff and clients are made uncomfortable by these behaviors
- We need to stand up and make good decisions to save our downtown for both small businesses and citizens wanting a safe downtown

Dean Plausteiner, 808 1 Avenue South, advised as follows:

- Owner of Professional Optical
- Have an employee that takes a stun baton to her car each day
- Safety of the female employees
- Health Care Professional in past and understand the need of these types of homes
- Not known how many successful tenants per year
- No accountability
- Location of essential services are too far away

- Not ideal location
- Application is all about grant money being received
- BRZ does not support
- Questions the security that will be provided by operators
- Too many vulnerable people in area
- Asks commission not to approve

Brad Plausteiner, 716 1 Avenue South, advised as follows:

- Owner of LA Home Solutions and RiverPark Homes
- Neighbours to existing transition home for 15 years
- Streets Alive does not support transition home
- Constant issues with male tenants and female employees
- Streets Alive will not address issues with many complaints submitted
- Female employees feel threatened and live in fear when coming to work
- Business is locked during business hours
- Litter issues in back alley and parking lot
- Tenants are very disrespectful
- Not all concerned property owners in area received Notification Letters
- Documentation refers to affordable housing which this development is not supporting low income living
- BRZ does not support
- Asks commission not to approve

Ken Kissick, 1815 20 Street South, advised as follows

- Co-Founder of Streets Alive and operated for 22 years
- Males are recovering their lives
- 45 tenants have passed through the home in the last 18 months
- Not many arrive from the Correctional Institute
- Since purchasing the existing transition home had always wanted to rebuild
- This application is much needed in the City
- Application will add six more tenants
- Solving issues or complaints on as needed basis
- Streets Alive team has personally met with all concerned neighbours
- Feel we have neighbourhood support
- Transition home is supportive living
- Development is not meant to be something new – just replacing building

There was no response to the Chairman's three calls for anyone else wishing to speak.

Questions:

Ms. Olsen, Mr. Fritz and Mr. Kissick responded to questions regarding:

- Why was the decision made to remove one of the commercial spaces on the ground floor of building
- What is the acquaintance with BRZ
- Consideration to adding another floor to building and rent out apartments
- Safety of staff
- Length of average stay at transition home
- Intention with proposed development is to provide safety for all employees in area
- How often have residents been removed from transition home
- Current building expansion ability
- Has there ever been the opportunity to expand current building
- SDAB's reasons for rejecting approval
- Would there be another circumstance that would be considered
- Clarification of BRZ support letter
- Reasons as to why does this application reappears every six months

- Proposed garden and roof top patio will only be for resident usage
- Residents of home have curfews

The following motion was presented:

P. TESSIER:

THAT Development Application DEV13215 be **APPROVED** with the following conditions:

1. Land Use:
"Supportive Housing" which is a discretionary use in the C-D district and is limited to a housing maximum of 18 persons at any one time. "Retail Store" and "Office" which are permitted uses in the C-D district
2. Compliance with plans:
With the exception of the additional 8th parking stall that is shown on the site plan DD1.1, which is not approved and must be retained as a barrier free access aisle, the development shall be in accordance with the plans submitted August 4, 2021. Any change to these plans requires the approval of the Development Officer
3. Waivers:
 - a. A 7.56m (24'10") parcel width waiver be granted, thereby allowing a 15.24m (50'0") parcel width
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 - c. A waiver to allow one additional small car space for a total of two small car spaces
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Seven (7) off street parking spaces shall be provided and maintained for these uses
5. Signs:
Prior to the installation of any exterior signs, a sign permit must be approved by the Development Officer
6. Landscaping:
The landscaping as shown on drawing DD1.1, submitted August 4, 2021 is approved and shall be installed by June 30, 2023 and maintained thereafter. All landscaped areas shall be irrigated
7. Neighbourhood Communication Plan:
The Neighbourhood Communication plan as submitted must be adhered to by the owner/operator of the supportive housing facility
8. Encroachment Agreement:
That an encroachment agreement be entered into with the City of Lethbridge prior to the installation of the canopies and renewed annually and maintained thereafter

-----**CARRIED**

P. TESSIER:

THAT this meeting of the Municipal Planning Commission be adjourned.

-----**CARRIED**

CHAIRMAN

SECRETARY