



CITY OF
Lethbridge

Office of the City Clerk

SUBDIVISION AND DEVELOPMENT APPEAL BOARD DECISION

November 20, 2015

Re: Appeal of Development Permit No. DEV07082
Appellants: Lethbridge Astronomy Society
Land Use: Downtown Commercial (C-D)

Upon hearing representation made by the Development Officer, the Appellant, and other interested parties on Thursday, November 19, 2015, it is the decision of the Subdivision and Development Appeal Board that the appeal is **DENIED** and the decision of the Development Officer regarding Development Permit DEV07082 on September 28, 2015 to place fascia signs including one digital fascia sign for a new financial institution which is proposed to be constructed at 324 – 1 Avenue South is hereby **ALLOWED** with the following additional conditions:

- Substitute 4v so as to state The Copy face shall continuously and automatically adjust to Ambient Light conditions by the following (measured at 10m from the Copy face);
 - Ambient light level + a maximum of 6.5 lux
 - To a maximum luminance of:
 - Dawn to dusk 5000 nits
 - Dusk to dawn 300 nits
- Add 4 vi. The maximum size of the illuminated sign shall be 275 square feet

REASONS FOR DECISION:

1. Signs are a discretionary use in the Commercial Downtown District.
2. No waivers were required for the fascia signs.
3. The conditions are comparable but more restrictive than the current standards for billboards.
4. The proposal meets the requirements of the Land Use Bylaw, the policies of the Downtown Area Redevelopment Plan, and the vision of the Heart of Our City Master Plan.
5. The conditions address the concerns raised about the negative impacts to the neighbourhood amenities.

An appeal against this decision may be made to the Alberta Court of Appeal on a question of law or jurisdiction only. Should you wish to do so, it is recommended that you retain legal counsel.

Please contact this Office if you have any questions regarding the decision. A copy of this decision has been mailed to the owner of the property, and the persons who filed the appeal.

Yours truly,

David Sarsfield, Board Secretary,
Subdivision & Development Appeal Board

cc City Solicitor
Development Officer
Appellants/Neighbouring Property Owners

Office of the City Clerk, City of Lethbridge, 910 – 4th Avenue South, Lethbridge AB T1J 0P6
403 329 7329



CITY OF
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**PERMIT NO.
DEV07082**

**Land Use Bylaw 5700
DEVELOPMENT PERMIT**

Subdivision and Development Appeal Board Decision

Address: **324 1 AVE S**
Legal: 1212326;6;23

District: C-D

Applicant: RKH ARCHITECTURE
Address: 1510A 31 ST N LETHBRIDGE AB T1H 5J8

Phone: 403-320-7007

Development Proposed A request to construct a 1747 sm, 2 storey bank/office building.

District C-D DOWNTOWN COMMERCIAL

Land Use FINANCIAL INSTITUTION - PERMITTED
OFFICE - PERMITTED
SIGN - DISCRETIONARY

CONDITIONS OF APPROVAL

APPROVED AS PER SUBDIVISION AND DEVELOPMENT APPEAL BOARD DECISION DATED, NOV 19, 2015.
(The decision varies condition 4 of the development approval, DEV07082, approved September 28, 2015)

1. Compliance with Plans: The development shall be in accordance with the plans submitted July 17, 2015 which includes drawings A5-0, A5-1, A5-2. The development shall be in accordance with the Landscape Design drawing detailing the brick wall design and the historic display design submitted July 17, 2015. The development shall also be in accordance with the plans submitted September 17, 2015 which includes drawings A2-0, A4-0, and A4-1. Any change to these plans requires the approval of the Development Officer and may, at the discretion of the Development Officer, require a new development application.

(a) The exterior finish of the building shall include Tyndall Stone as indicated in elevation drawings A5-0 and A5-1. An alternative quarry stone may be accepted in lieu of the Tyndall Stone as indicated in elevation drawings A5-0 and A5-1 at the discretion of the development authority.

2. The land owner shall enter into and maintain an encroachment agreement with the City of Lethbridge for:

(a) The Brick Retaining Wall projection into the right of way, with a maximum projection not exceeding 300mm (0.30m) into the right of way, as noted on drawing A2-0.

(b) The Fascia Sign(s) projection(s) into the right of way, located on the West elevation and noted on drawing A5-1, with a maximum projection not exceeding 300mm (0.30m) into the right of way.

3. Off-street Parking: 29 spaces shall be provided and maintained for this use, which must include a minimum of 3 barrier free parking spaces. A total of 36 spaces, 3 of which are barrier free, are indicated on drawing A2-0.

4. Signs: The Fascia sign(s) shall be developed in accordance with the elevation plans submitted July 17, 2015 which includes drawings A5-0 and A5-1. The Fascia sign(s) shall also be developed in accordance with the signage elevations plans submitted July 17, 2015 which includes drawing A5-2.

In accordance with the variance decision by the subdivision development and appeal board on November 19, 2015 (4.(a)vi), the maximum size of the fascia sign on the North building façade carrying digital copy shall be 25.55m² (275 square feet).

(a) In accordance with elevation plan A5-0 and signage elevations plan A5-2 the North building façade will include a fascia sign which will carry digital copy.

In accordance with the variance decision by the subdivision development and appeal board on November 19, 2015 (4.(a)vi), the maximum size of the fascia sign on the North building façade carrying digital copy shall be 25.55m² (275 square feet).



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The digital copy shall be regulated according to the following:

- i. The message(s) on the fascia sign shall relate to the approved use(s) of the parcel on which the fascia sign is located. No third party advertising permitted.
- ii. The message on the fascia sign shall remain in a fixed position for a minimum of 8 seconds.
- iii. The transition between messages must be accomplished instantaneously.
- iv. The fascia sign must contain a default design that will freeze the digital copy message in one position if a malfunction occurs.
- v. The Copy face shall continuously and automatically adjust to Ambient Light conditions by the following (measured at 10m from the Copy face);
 - Ambient light level + a maximum of 6.5 lux
 - To a maximum luminance of:
 - Dawn to dusk 5000 nits
 - Dusk to dawn 300 nits
- vi. The maximum size of the illuminated sign shall be 275 square feet.

Note:

- (i) An electrical permit is required for all illuminated signs and an inspection may be required.
- (ii) An electrical inspection is required for all field-assembled "through wall" neon installations.
- (iii) All illuminated signs excepting field-assembled "through wall" neon must be CSA or comparably certified by the manufacturer with the certification sticker clearly visible on the exterior of each sign.

5. Landscaping: The landscaping shall be in accordance with site plan drawing A2-0 submitted September 17, 2015. The landscaping shall also be in accordance with the Landscape Design drawing detailing the brick wall design and the historic display design submitted July 17, 2015.

a. The landscaping shall consist of:

- i. A minimum (9) Ohio Buckeye Trees.
- ii. A brick retaining wall with placement in accordance with site plan drawing A2-0 and design in accordance with the Landscape Design drawing.
- iii. Patterned and coloured concrete with placement in accordance with site plan drawing A2-0.

b. All trees and planting beds must have drip irrigation.

c. All landscaping shall be installed by June 30, 2017 and maintained to the satisfaction of the Development Officer thereafter.

d. Any fence(s) installation(s) shall be of an aesthetic quality that would be considered to sufficiently meet the goals and objectives of the Downtown Area Redevelopment Plan and the Heart of Our City Master Plan. Recommended materials include brick, stone, wrought iron, and pre-cast concrete. Discouraged materials include wood, vinyl, plastic, and metal.

Note:

Please be advised that section 9.17.5 of the City of Lethbridge Land Use Bylaw 5700 requires that all adjacent boulevards must be maintained by the applicant and/or landowner.



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6. Arrangements satisfactory to the Infrastructure Department shall be made for:

- a. Angled and metered parking installation including concrete bulb-outs and crossings, as detailed on drawing A2-0.
- b. Brick Paver installation(s) within the 3rd St South concrete access / entry bulb-outs, as detailed on drawing A2-0.
- c. Sidewalk installation including crossings within the existing transit pull-out on the South side of 1st Avenue S, which will accommodate drive through and parcel egress.
- d. Proposed traffic signal relocation as detailed on drawing A2-0 is not approved and is entirely at Infrastructure's discretion. If the owner / developer chooses to pursue the relocation this will be negotiated with Infrastructure Services and will be entirely at the owners / developers expense.
- e. Proposed sidewalk light fixture relocation as detailed on drawing A2-0 is not approved and is entirely at Infrastructure's discretion. If the owner / developer chooses to pursue the relocation this will be negotiated with Infrastructure Services and will be entirely at the owners / developers expense.
- f. Driveways, sidewalks, sidewalk crossings, and traffic control signs.
- g. Deep service, shallow services, service connections, and on site storm water collection and retention.

Note:

(i) Items a. through g. will all be at the owners / developers expense. Please reference the attached Infrastructure Requirements for further detail and contact information.

(ii) The brick paver installation(s) may facilitate future placement of street furniture or landscaping at the discretion of Infrastructure Services.

7. Arrangements satisfactory to the Parks Department shall be made for:

- a. Removal of the (1) tree presently located within the sidewalk along the South side of 1st Avenue South, as detailed on drawing A2-0. This shall be at the owners / developers expense. To coordinate, please contact: Kevin Jensen 403 330-5108, parks department 403 320-3850.

Informative:

In Development File Circulation the following comments were made:

(i) Fire Prevention has requested a fire safety plan be submitted prior to construction. The location of the Siamese connection location to be noted on the building construction drawing submission. Fire Prevention has also requested that a key box be located at the principle entrance prior to occupancy.

(ii) Infrastructure, Right of Way Coordinator has indicated that any work affecting public property must notify the Right of Way Coordinator – Beverly Ann Parker 403 320-3150 to discuss the requirement for hoarding permits and sidewalk closures.

(iii) Infrastructure, Water & Wastewater has indicated that this property was pre-serviced in 2012.

Attached: Infrastructure Requirements



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Cc:
Ahmed Ali, Traffic Engineering and Transportation Planning Manager
Stan Maier, Infrastructure Construction and Survey Coordinator
David Ellis, Parks Manager
Kevin Jensen, Parks Operations Manager
George Kuhl, Downtown Redevelopment Manager

Decision Date

Nov 19, 2015

Development Commencement shall be within one year of the decision date

**Development.
Authority**

KEVIN DEAUST, DEVELOPMENT OFFICER

APPEALS

A decision of the Subdivision and Development Appeal Board is final and is subject only to an appeal upon a question of law or jurisdiction pursuant to Section 688 of the Municipal Government Act, RSA, 2000, as amended.

FOIPP

The personal information provided as part of this permit is collected under the Alberta Municipal Government Act and in accordance with section 33(c) of the Freedom of Information and Protection of Privacy Act. The information is required and will be used for issuing permits, Land Use By-law 5700 compliance verification and monitoring, and property assessment purposes. The name of the permit holder and the nature of the permit is available to the public upon request and may be revealed in public appeal processes.

If you have questions about the collection or use of the personal information provided, please contact the Manager of Planning and Development Services at 910 4 Ave S, Lethbridge, AB, T1J 0P6 or phone at (403) 320-3920, or email developmentsservices@lethbridge.ca.

Permit No. DEV07082



TRAFFIC OPERATIONS

Driveways, sidewalks, traffic control signage and truck routes must comply with the requirements of City of Lethbridge Infrastructure Services. All work within the public right-of-way must be performed by the City of Lethbridge and is at the developer's expense.

Contact: Stan Maier, Infrastructure Construction and Survey Coordinator
stan.maier@lethbridge.ca office: 403-320-4063, for driveway and sidewalk construction

Contact: Adam St Amant, Traffic Engineer
adam.st.amant@lethbridge.ca office: 403-320-3845, for traffic control signage and truck routes

WATER, SANITARY and STORM

- (a) All service connections must be installed by the City of Lethbridge in the public right-of-way to the property line and is at the developer's expense. A site plan showing proposed on-site underground construction must be submitted for comment and approval before any estimating or scheduling can be performed.
- (b) Prior to any construction the sanitary, water and storm grade cuts at the property line must be confirmed by the City of Lethbridge.
- (c) On-site storm water retention must comply with the requirements of City of Lethbridge Infrastructure Services and the Drainage Bylaw. A description of proposed structures, surface works and total areas to be paved, graveled or grassed must be submitted before these requirements can be determined. A site plan showing how the storm water retention requirements will be met must be submitted for approval before construction can commence.
- (d) A sanitary test manhole may be required at the property line. This requirement will be confirmed by Infrastructure Services after the site plan showing proposed underground services has been submitted.
- (e) Premise isolation consisting of, at minimum, a double check valve assembly may be required at the property line. This requirement will be confirmed by Infrastructure Services after the site plan showing proposed underground services has been submitted.
- (f) Private on-site fire hydrants are discouraged. Recommended hydrant locations, in order of preference, are: within the public right-of-way, within a dedicated PUL. Premise isolation is mandatory for all private hydrants.

Contact: Darcy Fritz, Water/Wastewater Construction Coordinator
darcy.fritz@lethbridge.ca office: 403-320-3097

ELECTRIC

The developer must make arrangements for underground electrical services at least 90 days before services are needed. An easement may be required. All costs are the developer's expense.

Contact: Burns Hill, Electric Distribution Manager
burns.hill@lethbridge.ca office: 403-320-4886

ACTIVITY IN THE RIGHT OF WAY



All activity in a public right-of-way or registered utility easement must be approved by Infrastructure Services.

Contact: Beverly-Ann Parker, Right-of-Way Coordinator
row.applications@lethbridge.ca for specific requirements and permits

SOLID WASTE COLLECTION

Waste containers must be enclosed as noted

Contact: Kevin Theodore, Waste and Recycling Manager, Public Operations
kevin.theodore@lethbridge.ca office: 403-320-3859

Waste Bin Dimensions:	Waste Bin Volume		
	6yd	4yd	3yd
height	158 cm (5'2")	122 cm (4'0")	122 cm (4'0")
length	168 cm (5'6")	145 cm (4'9")	112 cm (3'8")
width	205 cm (6'9")	205 cm (6'9")	205 cm (6'9")

