



CITY OF
Lethbridge

Office of the City Clerk

SUBDIVISION AND DEVELOPMENT APPEAL BOARD DECISION

July 7, 2017

Re: Appeal of Development Application No. DEV08893
Appellant: Richard A. Low & Company
Land Use: General Industrial (I-G)

An appeal had been filed on the approval of the Development Officer to construct a new industrial building with area of 1729m² (1394m² main + 335m² mezzanine), consisting of 3- 30' wide bays & 1- 60' wide bay (each bay with a mezzanine having a depth of 24'). Permitted uses were "warehouse, wholesale" and "Building Trade and Contractor" at 2215 – 36 Street North, Development Permit DEV08893.

Subsequently, the conditions for the development permit were changed, and the appeal was withdrawn. Attached is a copy of the revised Development Permit.

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



**Land Use Bylaw 5700
DEVELOPMENT PERMIT**

**PERMIT NO.
DEV08893**

Address: **2215 36 ST N**
Legal: 1611046;4;24

District: I-G

Applicant: BENNISON HOLDINGS LTD
Address: 2315 36 ST N LETHBRIDGE AB T1H 5L1

Phone: (403)320-6228

Development Proposed A request to construct a new industrial building 1729m² (1394m² main + 335m² mez). Consists of: 3- 30' wide bays & 1- 60' wide bay (each bay with a mezzanine having a depth of 24'). Base building includes uses of: 'Warehouse, Wholesale' and 'Building Trade and Contractor'.

District I-G GENERAL INDUSTRIAL

Land Use BUILDING TRADE AND CONTRACTOR - PERMITTED
WAREHOUSE, WHOLESALE - PERMITTED

Waiver LANDSCAPE

CONDITIONS OF APPROVAL

Development permit DEV08893 was previously issued with a decision date of May 30, 2017 and a valid date of June 20, 2017. This permit was issued in error, and in accordance with section 5.11 of Land Use Bylaw 5700, has been CANCELLED (cancelled on June 26, 2017). The cause of the error being that the development authority did not have the authority to require Utility Right of Ways in this particular circumstance (missing URW portions along the rail spur).

A new development permit DEV08893 has been issued, this having a decision date of June 26, 2017 and a valid date of July 18, 2017. The conditions of approval have remained the same with the exception of those that related to the Utility Right of Ways, these have been removed. The informatives to the approval have remained the same with the exception of those that related to the Utility Right of Ways, these have been removed.

1. Compliance with the plans: The development shall be in accordance with the plans submitted May 25, 2017 and as annotated by the Development Officer. 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) A separate development application will be required for the future development(s) identified in the plans. This includes the future building (100' x 150') and the foundation for future expansion (100' x 80').

2. Waiver: A 3.03m (9'-11") front landscaping width waiver is hereby granted, thus allowing a 4.57m (15'-0") landscaping strip along this frontage.

3. Off-street Parking: 27 spaces shall be provided and maintained for this use, which must include a minimum of 3 barrier free spaces. Parking spaces must be designed in accordance with land use bylaw 5700 requirements (section 9.22). Small car spaces shall be limited to a maximum of 20% of the number of parking spaces provided (sec. 9.22.7).

4. Signs: prior to the installation of any exterior signs, a sign permit must be approved by the Development Officer.

5. Landscaping: The landscaping shown on the plans submitted May 25, 2017 and as annotated by the Development Officer is approved. All trees and planting beds must have drip irrigation. All grass must be irrigated. Ensure that all ground cover (sod) is extended out to all adjacent curbs. All landscaping shall be installed by June 30, 2019 and maintained to the satisfaction of the Development Officer thereafter. (see informative (i))



Informative:

(i) 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 landowner. Trees or shrubs should be placed at least 2.4m (7'-11") away from a parcel access to not block sight lines when entering or exiting the property.

(ii) In Development File Circulation the following comments were returned:

a- Infrastructure, Electric

- Please contact electric design to arrange relocation of power pole and servicing (electricdesign@lethbridge.ca). Please allow 6-8 weeks.

b- Infrastructure, Water & Wastewater

- Sanitary, storm and water mains are available in 36 Street North.
- Storm water management is required.
- A sanitary test manhole is required.

c- Accessibility & Mobility

- ensure grades in barrier free path (access area) do not exceed 5% slope
- barrier free stalls need to conform to Land-Use Bylaw 5700 (Sec. 9.22 & 9.23)
- doors to bays need to conform to barrier free requirements (low profile thresholds & operators with low force opening)
- washrooms to meet barrier free requirements

d- Building Inspections

- Future expansion will require a firewall or the installation of an automatic sprinkler system
- The existing foundation will need to have an engineer review and determine if structurally sound
- NECB will apply to this building
- Washrooms will need to be redesigned to meet Barrier free requirements.

e - Fire Prevention

- A fire safety plan is required
- Please note that the 100' x 150' 'Future Bldg' is greater than 90m from the hydrant. Water supply should be considered at time of planning.

f - Infrastructure, Transportation

- The north access should be built as a stand-alone island or work with the property owner to the north to blend with the existing access.
- The south access needs to be constructed as a stand-alone island.

Attached:

- Infrastructure Requirements

Decision Date

Jun 26, 2017

Valid Date

Jul 18, 2017

Development Commencement

Provided this decision is not appealed, development shall commence:

- on or after the valid date, and
- within one year of the valid date.

Development may commence before the valid date only if the applicant has signed the "Voluntary Waiver of Claims" and is in receipt of this signed permit.



CITY OF
Lethbridge

Land Use Bylaw 5700
DEVELOPMENT PERMIT

**PERMIT NO.
DEV08893**

Development.
Authority

KEVIN DEAUST, DEVELOPMENT OFFICER

APPEALS

The applicant has the right to appeal this decision to the Subdivision and Development Appeal Board. An appeal 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 Subdivision and Development Appeal Board not later than fourteen (14) days after the Development Permit or Development Decision letter is deemed to have been received. The deemed received date is seven (7) working days from the date of decision.

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 developmentservices@lethbridge.ca.

Permit No. DEV08893