

	<b>Planning &amp; Design</b> <b>POLICIES</b>	<b>Policy Number</b>  2018-02
---	---	-------------------------------------

**DELEGATION OF APPROVAL AUTHORITY:  
SITE 2 OF THE RAILWAY RELOCATION LANDS ARP:  
135 1<sup>st</sup> AVENUE SOUTH, 75 1<sup>st</sup> AVENUE SOUTH**

**Summary**

Title of Document:	Delegation of Approval Authority: Site 2 of the Railway Relocation Lands ARP: 135 1 <sup>st</sup> Avenue South, and 75 1 <sup>st</sup> Avenue South Policy
Title of Designated Responsible Manager:	General Manager, Planning & Design
Original Date Approved:	November 22, 1993
Approved By:	City Council
Last Revision:	Dec 20, 2022
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 135 1<sup>st</sup> Avenue South (legal description: Block 1, Plan 8510153) and at 75 1<sup>st</sup> Avenue South ( legal Description: Block 6 Plan 9410524), identified as Site 2 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 prior to the relocation of the railway had good exposure to Highway 3, which would be restricted with the relocation of the railway line (as identified in the Railway Relocation Lands Area Redevelopment Plan). As a result of the railway relocation the site faced a couple major constraints, namely: reduced exposure to highway traffic, greater train associated noise (due to the close proximity to the new rail line) and slope constraints on the western edge. Because of this the Railway Relocation Lands ARP recommended the intended uses to be of a highway/commercial/light industrial variety as contained in the C-8 Highway Commercial Districts and I-I Light Industrial Districts of Land Use Bylaw 4100 (which has since been superseded by Land Use Bylaw 6300). The uses in these districts were to include things like hotels, restaurants, offices, and retail warehousing with residential uses specifically intended to be avoided due to the inability to construct proper sound attenuation from the C.P.R. mainline. However a proposed multi-family adult-living complex was initially proposed and in the presentation to Council where a thorough study of the slope and sound constraints were studied and addressed and the Municipal Planning Commission recommended approval of the development

	<b>Planning &amp; Design</b>  <b>POLICIES</b>	Policy Number  2018-02
---	---	------------------------------

application given that the study concluded that sound from the train would be within CMHC acceptable limits for indoor spaces and that noise only exceeds these levels outside. The development application was approved by Council on November 22, 1993. Later in 1995 the proposed new Lethbridge Police Headquarters was approved for development on March 27 1995, with certain conditions. Both resolutions by Council delegate authority to Development Officers to approve any future development on the site as long as it is compliant with the uses and rules of the C-D District.

Land Use Bylaw 4100 was originally used and has since been superseded by Land Use Bylaw 6300 which is the current bylaw in force today.

### 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
  - November 22 , 1993 City Council meeting minutes
  - March 27, 1995 City Council meeting minutes
  - Land Use Bylaw 4100
- 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 51-52** of the Railway Relocation Lands ARP (concerning Site 2)-Appendix 'A'
- **Land Use Concept map (Site 2):** from the Railway Relocation Lands ARP- Appendix 'B'
- **Bylaw 4109:** zoning as D-C (Direct Control) District – Appendix 'C'
- **November 22, 1993 City Council minutes** - Appendix 'D'
- **March 27, 1995 City Council minutes** – Appendix 'E'

### Policy Statement

**This Policy regarding 135 1<sup>st</sup> Avenue South - Site 2 of the Railway Relocations Lands ARP (Plan 8510153), states:**

- **Use classified as 'protective services'**
- **City Council has delegated development approval authority to the Development Authority for any subsequent development permit applications on this site, following the uses and rules in the C-D (Downtown Commercial) District of Land Use Bylaw 6300.**

**The Policy regarding 75 1<sup>st</sup> Avenue South- Site 2 of the Railway Relocation Lands ARP (Plan 9412463), states:**

- **Use classified as 'apartment dwelling'**

	<b>Planning &amp; Design</b>  <b>POLICIES</b>	<b>Policy Number</b>  2018-02
---	---	-------------------------------------

- **City Council has delegated development approval authority to the Development Authority for any subsequent development permit applications on this site, following the uses and rules in the C-D (Downtown Commercial) District of Land Use Bylaw 6300.**

### Process

- When the Development Officer receives a development permit application they will review and ensure applications are complete, and will grant development applications for ‘permitted’ uses in the C-D (Downtown Commercial) District of Land Use Bylaw 6300.
- When a development permit application proposes a use that is listed as ‘discretionary’ in the C-D (Downtown Commercial) District of Land Use Bylaw 6300, the Development Officer may approve the application at their discretion.
- When a development permit application proposes a use that is neither specifically listed as a permitted or discretionary use in the C-D (Downtown Commercial) District of Land Use Bylaw 6300, then City Council is the approving authority and the application is sent to Council for decision.

### Related Documents

- Nov 22, 1993 City Council Minutes
- March 27, 1995 City Council Minutes
- Railway Relocation Lands ARP
- Land Use Bylaw 6300

### Responsibility for Policy Implementation

Responsible for Policy Implementation

- Development Manager, Planning & Design

Responsible for Monitoring of Implementation

- General Manager, Planning & Design

### Key Functional Stakeholders

- Planning & Design Department

### Key Stakeholders for Policy Development

- City Council

	<b>Planning &amp; Design</b> <b>POLICIES</b>	<b>Policy Number</b> 2018-02
---	---	---------------------------------

## Definitions

- All land uses in this Policy are defined in Land Use Bylaw 6300

## 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

November 22, 1993, and March 27, 1995

### Approval Details

City Council approval for both parcels

### Endorsement Details

City Council

### Next Review Date

Not Defined

### Policy Author

Planner 1

### Authored date

July 17, 2018

	<b>Planning &amp; Design</b> <b>POLICIES</b>	Policy Number  2018-02
---	---	------------------------------

### Contacts

General Manager, Planning & Design

### **Policy Location**

- File Path:
  - I:\BU\830\DEPARTMENT AREAS\DEVELOPMENT\2. POLICIES & PROCEDURES\b. Approved and formatted PPP's\2018-02\_ Delegation of Approval Authority - Site 2 of the RRLARP\Policy
- Tempest Location:
  - Folder Number : **MIP 00770**
  - Address Location: 135 1<sup>st</sup> Avenue South AND 75 1<sup>st</sup> Avenue South
- Website Page

5.3.2 Redevelopment Site Two

Site 2 is located south of the proposed railway corridor and west of the North Scenic Drive corridor and contains a total gross area of approximately 9.4 acres. The south brewery spur is situated between the site and North Scenic Drive. The existing brewery dominates adjacent lands to the south. However, the site is centrally located relative to the City transportation network and is very near the Phase 2 Downtown Redevelopment Area.

Existing exposure of the site is enhanced by the present Highway 3 alignment. Following relocation, this highway exposure will be significantly reduced. The proposed North Scenic Drive will provide exposure to major cross-town traffic movement and highway/downtown movement but the separation by the brewery rail spur will restrict the quality of that exposure.

Depth and slope restrictions on the western portion of the site restrict its development potential unless acquired for ancillary purposes by an adjacent user. Despite its exposure to traffic movement on the east, the adjacent rail corridor and rail spur are considered to restrict the development potential for all but controlled light industrial or quasi-commercial uses such as retail warehousing.

The Advisory Committee recommended hotels/restaurants, medium density multi-family housing and Senior Citizen housing and discarded such uses as light industrial and commercial warehousing. However, parcel depth which inhibits the provision of adequate sound attenuation from the C.P.R. mainline, and existing development to the south, constrain residential development potential. It is therefore intended that the uses on Site 2 be of a highway/commercial/light industrial variety as contained in, but not limited to C-8 Highway Commercial Districts and I-1 Light Industrial Districts,

and include such things as hotels/restaurants, offices and retail warehousing. Since Site 2 is strategically located as an entry way to the city via Highway 3, development must be comprehensively planned and architecturally controlled to ensure a quality development.

Approximately 2.5 acres of the site at the western extremity are proposed as open space. Although this area consists of fairly rough terrain and is a narrow parcel, it is especially suitable as open space in that it would enhance the entry image, would complement Brewery Gardens and would improve the open space linkage between the downtown and the river valley. A landscaped pedestrian linkage is proposed along the south periphery of the site.

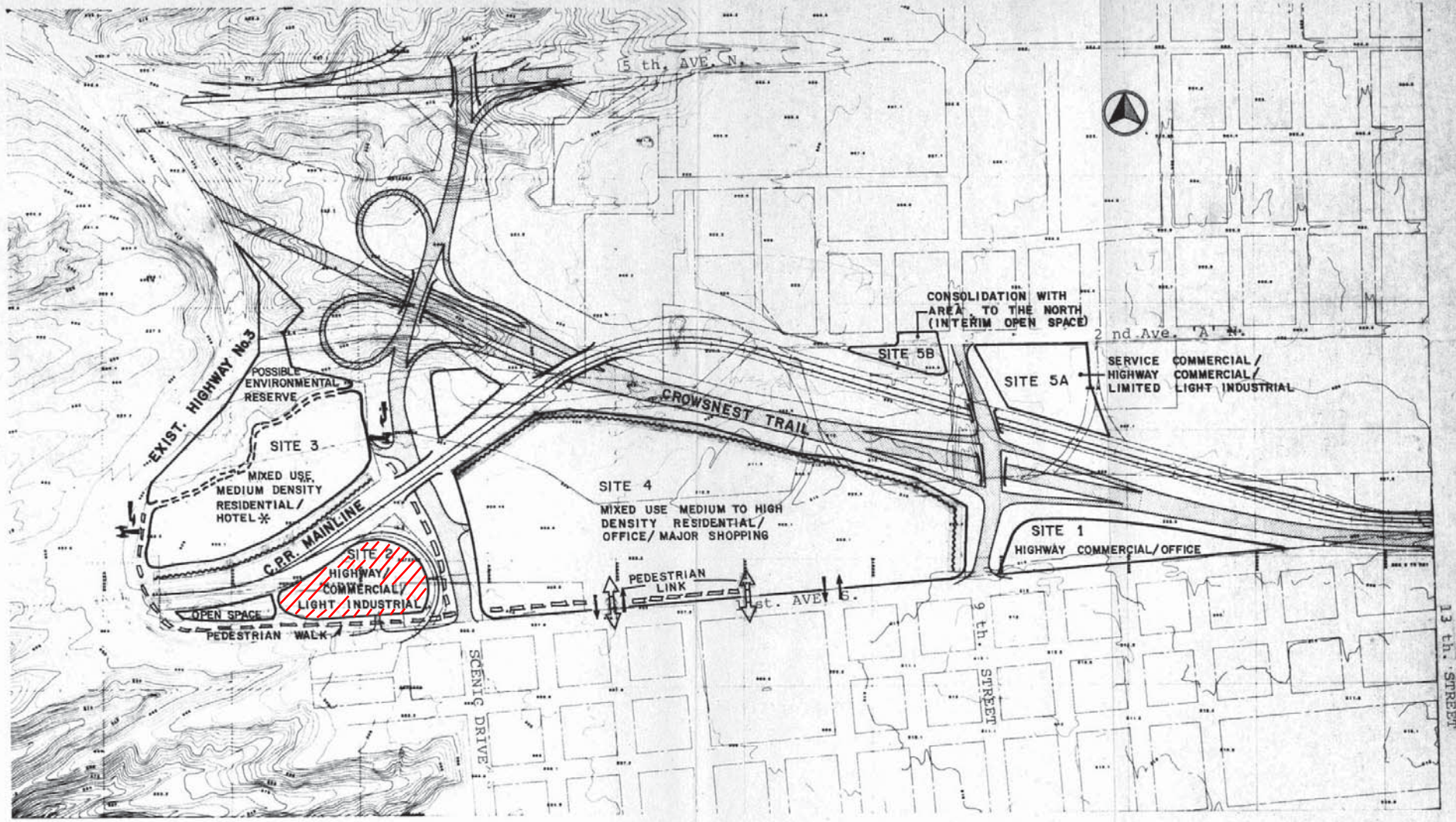
Access to Site 2 is feasible only from the existing Highway 3 (1st Avenue South). Because the highway slopes rapidly downward to the west and the depth of the site decreases in the same direction, there is little prospect of effective access any further east than the existing Schwarz property.

### 5.3.3 Redevelopment Site Three

Site 3, containing a total of approximately 22.5 gross acres, of which 7.5 acres are below the top of slope line, is located west of the North Scenic Drive between the rail corridor and the proposed highway corridor(s). It is effectively supplemented by existing city-owned lands to the north.

The site will be bounded on the south by the proposed rail corridor and will have limited exposure to the North Scenic Drive and its intersection with the proposed Highway 3 corridor. Due to the valley slopes, the site commands excellent views to the northwest.

# 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. |
|-------|----------|--------|-------------|
| 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

# APPENDIX - 'D'

## D.M. LEBARON:

THAT letter from the Secretary, Municipal Planning Commission, dated November 12, explaining that this application for an apartment condominium development at 75 - 1 Avenue South resembles the recently built Grandview Village Condominium and is designed by the same architect and built by the same developer, and advising that the Municipal Planning Commission reviewed this application and recommend it be approved, subject to the following conditions:

### COMMUNICATIONS: (continued)

1. Classification: "apartment dwelling" incorporating underground and surface parking.
2. The apartment dwelling shall be developed in accordance with the plans submitted October 25, 1993. The Development Officer is authorized to approve any changes to the plans which, in the opinion of the Development Officer, will not affect the intent of this approval.
3. The Development Officer is authorized to refer any matter concerning this application to the Municipal Planning Commission for a decision.
4. Any subsequent development permit applications may be dealt with as if the parcel were designated C-D Downtown Commercial District.
5. The landscaping shall be provided to the satisfaction of the Director of Community Services. A detailed landscaping plan shall be submitted to the Development Officer within 30 days of the issuance of the development permit.
6. That the developer or the applicant shall contact the Electric Utility office at least 60 days before electrical services are required in order to make arrangements for underground electrical service.
7. That arrangements satisfactory to the Director of Engineering Services shall be made for driveway crossings, services, service connections, catchbasins and surface run-off.
8. That one or more garbage container areas shall be provided to the satisfaction of the Director of Engineering Services. The garbage container area shall be screened to the satisfaction of the Development Officer.
9. 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.

### INFORMATIVE:

- A. Except for exterior colour, which will incorporate more greys, the exterior appearance of this project will be similar to Grandview Village, located northwest of Park Place.
- B. As with Grandview Village, railway noise is expected to be within acceptable CMHC limits for the indoor spaces of the development. The noise levels for outdoor spaces (i.e., north-facing balconies and patios) exceed these limits for short periods of time when a train is passing. There are approximately 5 to 7 trains per day which take on average 5 minutes to pass this property. Therefore, average daily exposure to railway noise should be approximately 35 minutes. Purchasers should be aware of the proximity of the railway when considering the purchase of north-facing units.

### COMMUNICATIONS: (continued)

The Development Officers have received no complaints of railway noise from the residents of the existing Grandview Village.

- C. There are 184 parking spaces for 124 suites, an average of 1.48 spaces per suite. This compares with Grandview Village. In the rest of downtown, the standard is 1 space per 1

bedroom suite and 1.25 spaces per 2 bedroom suite.

be filed AND FURTHER THAT the Development Application be approved.

ABSENT: J.M. Foster

-----CARRIED

## APPENDIX - 'E'

From Secretary, Municipal Planning Commission, March 15, re New Police Headquarters Facility (135 - 1 Avenue South) Development Permit Application 95-0203.

E.J. MARTIN:

THAT letter from the Secretary, Municipal Planning Commission, dated March 15, advising that due to the new development of Police Headquarters, Rio Vista Condominiums, Alberta Motor Association building, and the proposed River Ridge Condominiums on the former brewery site, the Commission identified the following concerns in the area:

1. Adequacy of transit service.
2. Traffic on 1st Avenue at the Police Headquarters/A.M.A./River Ridge entrances.
3. Upgraded landscaping at south and south-east side of the Police site is warranted.
4. The absence of a controlled emergency signal on Scenic Drive,

COMMUNICATIONS: (continued)

and further advising that upon review of this application for the new Police Headquarters Facility at 135 - 1 Avenue South, the Municipal Planning Commission recommend it be approved, subject to the following conditions:

1. **Classification:** "protective services".
2. **Approved Plans:** the plans submitted February 27, 1995, including exterior appearance, are approved. The Development Officer is authorized to approve any changes to the plans which, in the opinion of the Development Officer, will not affect the intent of this approval.
3. **Procedure:**
  - (a) The Development Officer is authorized to refer any matter concerning this application to the Municipal Planning Commission for a decision.
  - (b) Any subsequent development applications on this property may be dealt with as if the parcel were designated C-D Downtown Commercial District.
4. **Standard Conditions:**
  - (a) Arrangements satisfactory to the Environmental Utilities and Transportation Departments shall be made for driveways, services, service connections, catchbasins, surface run-off and potential transit service.
  - (b) The garbage container area shall be developed to the satisfaction of the Environmental Utilities Department.
  - (c) The developer or the applicant shall contact the Electric Utility office at least 60 days before electrical services are required in order to make arrangements for underground electrical service.

- (d) Landscaping shall be provided to the satisfaction of the Community Services Director. A detailed landscaping plan shall be submitted to the Development Officer within 30 days of the issuance of the development permit.
  - (e) Prior to the installation of any exterior signs, a sign permit must be approved by the Development Officer.
  - (f) Prior to excavation, the location of proposed development shall be staked on the ground by a qualified surveyor, and evidence that this has been done shall be submitted to the Development Officer.
5. That a traffic analysis be conducted on the 1st Avenue entrance to the Police Station that accounts for projected traffic from all surrounding land uses.
6. That the landscaping on the southeast corner of the building and the south side of the parking lot be upgraded to underground sprinklers and green grass.

COMMUNICATIONS: (continued)

**INFORMATIVE:**

- A. The Commission is concerned over the absence of a controlled emergency signal for the northbound exit to Scenic Drive.
- B. Minor changes to the site plan may be required in order to provide adequate manoeuvring spaces for firefighting and sanitation vehicles. These are currently being reviewed.

be filed AND FURTHER THAT the recommendation be approved.

ABSENT: D.M. LeBaron

-----CARRIED