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|  | Planning & Design POLICIES | Policy Number 2018-03 |
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DELEGATION OF APPROVAL AUTHORITY: SITE 3 OF THE RAILWAY RELOCATION LANDS ARP: 110 SCENIC DRIVE NORTH

Summary

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| Title of Document: | Delegation of Approval Authority: Site 3 of the Railway Relocation Lands ARP: 110 Scenic Drive North |
| Title of Designated Responsible Manager: | General Manager, Planning & Design |
| Original Date Approved: | February 7, 2005 |
| 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 110 Scenic Drive North (legal description: Lot 3, Block 3, Plan 0611670), 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 is located along the top of the banks of the Oldman River Valley with a total of 22.5 acres (7.5 acres of which was deemed undevelopable in geotechnical studies identified in the Plan). The site was originally proposed for institutional use which never materialized. The Railway Relocation Lands Area Redevelopment Plan (ARP) recommends the site adhere to guidelines in the C-1, C-2 (Central Business District Commercial) and R-2 (Comprehensively Medium density Residential) Districts in Land Use Bylaw 4100. Given that the site is disconnected from services like schools, playgrounds etc, any residential development was recommended to be non family-oriented residential development. Similarly to Site 2 of the Railway Relocations Lands ARP, residential development also needed to meet CMHC noise guidelines as a result of the CPR train close proximity.

While the site has many constraints (such as train noise, slope suitability for development and limited connectivity with the surrounding area), a development application for a seniors retirement complex was applied for in 2005. The application came to the Municipal Planning Commission on February 2, 2005. However due to the DC (Direct Control) zoning, the application required City Council approval. Therefore the Municipal Planning Commission forwarded the application to City Council with a number

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of recommended conditions of approval attached. City Council approved the development permit (# 05-0061) on February 7, 2005 with the conditions included.

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
 - February 7, 2005 City Council meeting minutes
 - Land Use Bylaw 6300
- 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 Authority.

Supporting Information (attached)

- **Pages 52-56** of the Railway Relocation Lands ARP (concerning Site 3)-Appendix 'A'
- **Land Use Concept map (Site 3):** from the Railway Relocation Lands ARP- Appendix 'B'
- **Bylaw 4109:** zoning as D-C (Direct Control) District – Appendix 'C'
- **Letter from the City Clerk's Office confirming the resolution of Feb, 2005 City Council meeting regarding application for development on 110 Scenic Drive North.** - Appendix 'D'
- **Development Permit # 05-0061** – Appendix 'E'

Policy Statement

This Policy states:

- **City Council has delegated development approval authority to the Development Authority for this site following the precedent of the other 5 sites of the Railway Relocation Lands ARP.**
- **Land use classification: 'Senior Citizen Housing'.**
- **Development for the site should be treated following the uses and rules outlined in the Railway Relocation Lands ARP.**

. Process

- When the Development Officer receives a development permit application they will review and ensure applications are complete, and can grant development applications based on uses and rules in the Railway Relocation Lands ARP
- When a development permit application proposes a use that is not specifically listed in the Railway Relocation Lands ARP, then City Council is the approving authority and the application is sent to Council for a decision.

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Related Documents

- Feb 7, 2005 City Council Minutes
- Feb 1, 2005 Municipal Planning Commission 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

Definitions

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

Related Policies

- Delegation of Approval Authority: Site 1 of the Railway Relocation Lands ARP: 905 1st Avenue South Policy
- Delegation of Approval Authority: Site 2 of the Railway Relocation Lands ARP: 135 1st Avenue South, 75 1st Avenue South Policy
- Delegation of Approval Authority: Site 4 of the Railway Relocation Lands ARP: 501 1 Ave S Policy
- 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

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|  | <p>Planning & Design</p> <p>POLICIES</p> | <p>Policy Number</p> <p>2018-03</p> |
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Policy Status

Current Status

In effect

Date Effective

Feb 7, 2005

Approval Details

City Council

Endorsement Details

City Council

Next Review Date

Not Defined

Policy Author

Planner 1

Authored date

July 24, 2018

Contacts

General Manager, Planning & Design

Policy Location

- File Path:
 - I:\BU\830\DEPARTMENT AREAS\DEVELOPMENT\2. POLICIES & PROCEDURES\b. Approved and formatted PPP's\2018-03_ Delegation of Approval Authority - Site 3 of the RRLARP\Policy
- Tempest Location:
 - Folder Number : **MIP 00771**
 - Address Location: 110 Scenic Drive North
- Website Page

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.

A portion of the site, approximately 7.5 acres in the northwest, is deemed "undevelopable" by the preliminary geotechnical investigations, unless proven otherwise by more detailed investigations. The land is tentatively proposed as open space. However, since this area has limited aesthetic value, it may be considered for development so long as any proposal is accompanied by adequate geotechnical data which supports the proposed development/subdivision and is acceptable to the approving authority.

All turns access is available from North Scenic Drive immediately north of the C.P.R. corridor. An additional access is provided at the west end of the site tying in with the present Highway 3 facility. This access will provide movements to and from the City centre via 1st Avenue South and from the west via the present Highway 3.

The site was originally proposed for institutional or quasi-public use, but at the present no specific institutional prospects have been identified. However, these may be considered as alternative uses in the event market conditions are not conducive to private development in the area.

The uses and development guidelines envisioned for site 3 are contained in but not limited to those in Land Use Districts C-1, C-2 (Central Business District Commercial) and R-2 (b) Comprehensive Medium Density Residential District. Private development prospects such as hotels and medium density residential would be appropriate. Such a hotel development might be in the order of 200 rooms. Review of its traffic generation characteristics would probably relate more significantly to provision of ancillary facilities such as convention and entertainment areas. Residential development would preferably be oriented to non-

family housing, as the area is effectively removed from community facilities such as schools and playgrounds. Two pedestrian linkages to Site 4 and the Downtown area are proposed to encourage the necessary interaction and to enhance the access to community facilities. Residential development on this site will be affected by its proximity to the C.P.R. mainline. City of Lethbridge planners have indicated that, in the absence of any formal policy, the Canada Central Mortgage and Housing Guidelines shall be applied. Based upon anticipated train volumes, and assuming that nothing is done in terms of sound attenuation, this could mean a building setback of approximately 200 feet. However there are various methods that may be used for reducing the impact. These will be considered at the development approval stage. While specific guidelines are not currently available, similar attention to the question of highway noise attenuation will also be required.

Specific development considerations and guidelines for the site include:

- ° All development proposal applications must be accompanied by satisfactory geotechnical documentation. This support information should address the following:

- a) abandoned coal mines,
- b) slope stability,
- c) fill material.

All development work, particularly if development is to occur beyond the preliminary development limits, must be carefully co-ordinated with the geotechnical and structural engineering considerations.

- ° All residential development must, in addition to compliance with the local by-laws, adhere to Canada Central Mortgage and Housing Corporation noise guidelines relating to rail and highway noise.

- A visual buffer, as well as any necessary noise attenuation devices, must be provided along the C.P.R. mainline. It should be noted that trees do provide a visual buffer but have minimal impact on sound attenuation.
- The residential building orientation and design must take cognizance of:
 - a) wind and snow effects,
 - b) sun angles,
 - c) sound attenuation,
 - d) slope adaptation,
 - e) open space and pedestrian linkages,
 - f) views.
- Pedestrian linkages to the Downtown should be provided along North Scenic Drive and along the western periphery of the site.
- Any commercial development, other than hotel and ancillary uses, should be local or convenience-oriented.
- Amenities such as swimming pools and tennis courts, built in conjunction with the hotel, must be accessible to the residential enclave. In this way the hotel should serve as a community focal point for the site.
- In the event that portions of the site below the top of slope are deemed developable, a portion of this area should be incorporated as part of the open space network, and be accessible to the public.
- All individual development proposals and phasing must be in accordance with the approved comprehensive development plan of the entire parcel.
- Residential development should consist of low profile (2½ to 3 storey) multi-family townhouses and apartments. Where located at or below the top of slope, the housing modules would be terraced, preferably according to the slope and away from the Highway so as to lessen the visual impact on incoming traffic.

Assuming a gross residential density of 45 units per acre the site can accommodate up to 400 residential dwelling units in addition to a hotel complex.

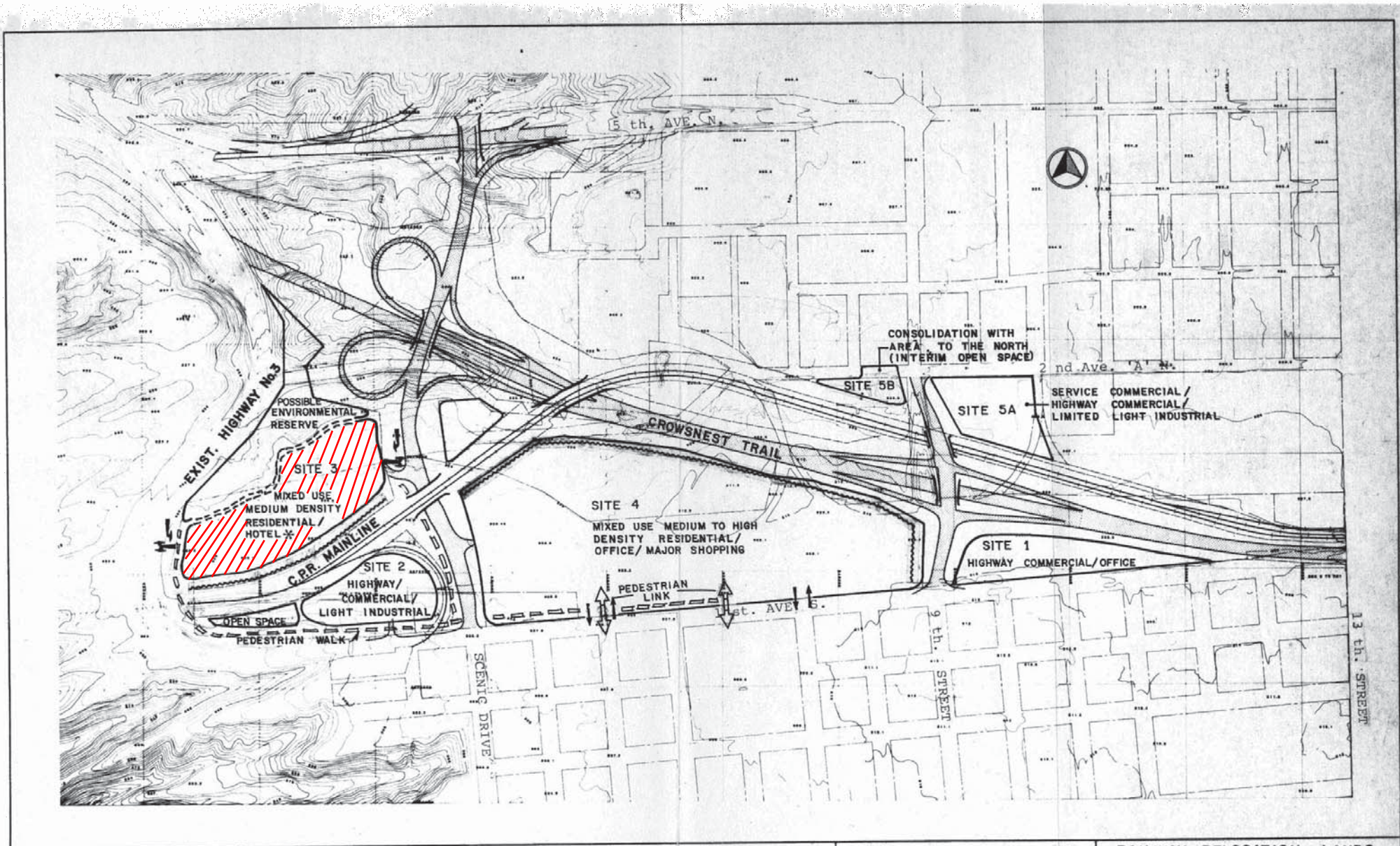
5.3.4 Redevelopment Site Four

Site 4, the largest and most centrally located of the redevelopment parcels, contains approximately 48.0 acres. The size of the site and its proximity to the Downtown offer substantial potential for either residential development and for higher order commercial uses such as a regional shopping centre. It is intended that this site be developed as a mixed use area consisting of a major regional shopping facility, high density residential and senior citizen housing and office uses.

A regional shopping facility occupying the entire site is anticipated to have the greatest traffic impact. Assuming a two storey shopping centre structure with at grade parking and a parking ratio of 5.5 spaces per 1000 square feet* of gross leaseable floor area, the site can, from a development perspective, accommodate a shopping centre approaching 800,000 square feet. This, of course, would assume no residential development. However, the Market Analysis and Development Concept Update identified a potential market for retail commercial development approximating 350,000 square feet of gross leaseable area. This is equivalent to a typical shopping centre anchored by a single major department store. The introduction of a second major department store would allow expansion of the centre to perhaps 500,000 square feet. On this basis three scenarios are identified.

* The parking ratio of 5.5 spaces per 1000 square feet of gross leaseable floor area is a standard accepted by the industry for Regional Shopping Centre facilities.

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. |
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# 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 Mayor      John Gerla City Clerk

READ A SECOND TIME this 25th day of AUGUST A.D. 1986

A. Anderson Mayor      John Gerla City Clerk

READ A THIRD TIME this 25th day of AUGUST A.D. 1986

A. Anderson Mayor      John Gerla City Clerk

# APPENDIX D

Office of the City Clerk

February 9, 2005

630-A

Dear Mr. & Mrs. Oddie:

**RE: SENIOR CITIZEN HOUSING [Development Permit Application No. 2005-0061]  
To consider the construction of a 114-suite retirement residence for Seniors at  
110 Scenic Drive North**

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At a Public Meeting of City Council held Monday, February 7, 2005 the following resolution was passed:

"THAT letter from David Baines, Secretary, Municipal Planning Commission; and Bryan Horrocks, City Manager, submitting the Municipal Planning Commission's recommendation to approve a development permit with conditions for proposed Senior Citizen Housing at 110 Scenic Drive North, be filed AND FURTHER THAT the Development Permit be approved subject to the conditions presented to the Municipal Planning Commission."

For your information we have attached a copy of Mr. Baines' report. If you require further information please contact Dave Baines, Secretary, Municipal Planning Commission at 320-3919.

Sincerely,  
**CITY OF LETHBRIDGE**



Dianne Nemeth, CMC  
CITY CLERK

/jk

c. Dave Baines, Secretary, MPC



# APPENDIX E



## City of Lethbridge

Development Services

### DEVELOPMENT PERMIT

Permit No.  
05-0061

Address 110 SCENIC DR N

Legal Description Plan: 0312140

Block: 3 Lot: 2

**Applicant**

COLSON & COLSON CONSTRUCTION CO.

P.O. BOX 14111

SALEM 97309 OR

Phone

Work Ph. (503)370-7070

**Development Proposed** To construct a 114-suite retirement residence for seniors

**District**  
V,DC

**Land Use**

Senior Citizen Housing

**Duration of Approval**  
Permanent --

**Permitted Use**

#### CONDITIONS OF APPROVAL

1. Classification: "Senior Citizen Housing", which is interpreted as a permitted use on Parcel 3A, of the Railway Relocation Area Redevelopment Plan.
2. Except for conditions #10 and #13, the development shall be in accordance with the plans received January 31, 2005. 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 Geotechnical study of March 2003 for parcel 3A is accepted and the recommendations shall be followed.
4. The development shall adhere to CMHC noise guidelines relating to rail and highway noise.
5. The landscaped berms shown on the Overall Development Plan shall be at least 2.5m in height with slopes not steeper than 2.5 to 1 and shall be in place prior to the release of the occupancy permit .
6. Arrangements satisfactory to the Infrastructure Services Department shall be made for driveways, services, service connections, catchbasins and surface run-off.
7. A traffic impact study of the proposed senior retirement residence and future residential of parcel 3A (lot 2, Block 3, Plan 0312140) is required to determine if a traffic signal will be required at Scenic Drive intersection.
8. Location of garbage containers is acceptable as shown on the site plan received January 31, 2005. Any

#### 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.  
05-0061

- outdoor garbage container area shall be screened to the satisfaction of the Development Officer.
9. Transformer location to be determined. A transformer easement may be required. The developer or the applicant shall contact Infrastructure Services at least 90 days before electrical services are required in order to make arrangements for underground electrical service. Relocation of existing electric facilities will be at the owners/developers expense.
  10. Off-street Parking: 46 spaces shall be provided and maintained for this use with 4 handicapped spaces. The applicant is providing 72 parking spaces.
  11. Signs: prior to the installation of any exterior signs, a sign permit must be approved by the Development Officer.
  12. That reciprocal easement agreements will be required to be registered on title to ensure shared access and traffic circulation. These agreements are to be binding on successive owners of the property and are to be prepared by the applicant and /or his solicitor, to the City's satisfaction and registered in Land Titles Office and proof of registration shall be submitted to the Development Officer.
  13. A revised detailed landscaping plan shall be submitted to the Development Officer prior to the release of the building permit. Landscaping shall be provided to the satisfaction of the Development Officer.
- cc. Building Inspection and Fire Prevention (320-3830)                      Infrastructure (Electric) (320-3077)  
 Infrastructure Services (320-3076)                                              Landscape Design Coordinator (320-3027)

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

Date of Decision..... February 7, 2005

Signature \_\_\_\_\_  
 Dave Baines, Development Officer

Date of Release \_\_\_\_\_ **FEB 10 2005**

Date of Advertising.....

### APPEALS

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Permit No. 05-0061