

	Planning & Design POLICIES	Policy Number 2018-05
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**DELEGATION OF APPROVAL AUTHORITY:
SITE 5A OF THE RAILWAY RELOCATION LANDS ARP:
920 2a AVENUE NORTH**

Summary

Title of Document:	Delegation of Approval Authority: Site 5B of the Railway Relocation Lands ARP: 920 2a Avenue North, Policy
Title of Designated Responsible Manager:	General Manager, Planning & Design
Original Date Approved:	November 30, 1987
Approved By:	City Council
Last Revision:	Dec 20, 2022
Next Review Date:	Not Defined

Purpose

The purpose of the Policy is to establish the development approval authority for a D-C (Direct Control) District on the lands located at 920 2a Ave North (legal description Block 5A: Plan 8510153, identified as Site 5A 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

Like the other parcels in the Railway Relocation Lands Area Redevelopment Plan, this location is zoned as D-C (Direct Control) District established in Bylaw 4109. Given the D-C land use classification, decisions regarding the site were made by City Council, however in 1987 City Council delegated certain approval authority to Development Officers and the Municipal Planning Commission for this site.

The site was proposed for re-development to City Council in June 1987, however the applicant proposed changes to the development approval to include the introduction of a free-standing gas-bar/convenience store. At this time development officers and MPC were not delegated authority to decide upon applications for this location. However the Planning Department submitted a letter to Council on November 25, 1987 which included revisions to the proposed development along with a recommendation to give Development Officers and MPC authority over any future development once the proposal is initially built.

The recommendation established development officer’s authority to approve or refuse uses listed as permitted in the C-G District however decisions regarding eating and drinking establishments are reserved for MPC decision. This is because the site originally did not intend to have eating and drinking

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establishments on site. The original plan for the site as outlined in the Railway Relocation Lands Area Redevelopment Plan (Section 5.3.5) speaking of ‘Site ‘A’ describes the site as recommended primarily for: *“service commercial uses contained in but not limited to uses in the C-G General Commercial District, such as car dealerships, print shops, computer related enterprises, and consultant offices* (Railway Relocation Lands ARP, p.60). On November 17, 1987 the Municipal Planning Commission turned down a staff recommendation to include eating and drinking establishments on site as severe parking problems could result (given the major tenants to be located on site). However the applicant indicated that they wanted to allow the possibility of a coffee/doughnut shop in the centre. A compromise was then reached in which eating and drinking establishments would be included as a discretionary use and the Municipal Planning Commission would have discretion to approve or refuse on a case by case basis. Following this meeting the Planning Department submitted a letter On November 25, 1987 to City Council requesting that this change be approved; the letter was presented to Council on November 30 1987 and the resolution was passed.

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. Since the time of original approval of this Policy, the Municipal Planning Commission (MPC) was dissolved in May 2022 (Bylaw 6330). The Subdivision and Development Authorities Bylaw (Bylaw 5801) no longer lists the MPC as one of the members of the Development Authority. As a result, any delegation of approval authority previously delegated to MPC in this Policy is delegated by default to the Development Authority as defined in Bylaw 5801.

Supporting Research and Analysis

Highlights from the background research conducted in the creation of this policy include:

- Relevant government policy and legislation:
 - Bylaw 4109 and the Railway Relocation Lands Area Redevelopment Plan
 - Planning Department letter for submission to Nov 30, 1987 City Council Meeting
 - Nov 30, 1987 City Council Minutes
 - Land Use By-law 6300
- The policy aligns with the overall vision of the small parcel in the Railway Relocation Lands ARP, & the land uses on site align with existing uses in the Land Use By-Law 4100 for I-B (Business Industrial) Districts.
- This Policy aligns with the strategic directions of the Municipality outlined in the Railway Relocation Lands ARP which is still in force in the area.

Supporting Information (attached)

- **Page 60-61** of Railway Relocation Lands ARP (Concerning Site 5A)- Appendix ‘A’
- **Land Use Concept Map (Site 5A):** from the Railway Relocation Lands ARP – Appendix ‘B’
- **Bylaw 4109:** establishes land use as D-C (Direct Control) District- Appendix ‘C’
- **Planning Department letter for submission to Nov 30, 1987 City Council Meeting**– Appendix ‘D’

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Policy Statement

This Policy States:

- **City Council has delegated development approval authority to the Development Authority to approve uses listed as ‘permitted’ or ‘discretionary’ in the C-G (General Commercial) District of Land Use Bylaw 6300 for this location.**

Process

- When the Development Officer receives a development permit application they will review to ensure applications are complete and may approve applications which contain permitted uses or discretionary uses following the rules in the C-G (General Commercial) District in Land Use By-Law 6300.
- If a development permit application proposes a use that is not allowed as either permitted or discretionary in the C-G (General Commercial) District of Land Use Bylaw 6300, City Council is the approval authority, and Development Officers will advance the application to Council for a decision.

Related Documents

- Bylaw 4109
- Nov 30, 1987 City Council Minutes
- Railway Relocation Lands ARP
- Land Use Bylaw 6300

Responsibility for policy Development & Implementation

Responsible for Development & Monitoring

- General Manager, Planning & Design

Responsible for Implementation

- Development Manager, Planning & Design

Key Functional Stakeholders

Planning and Design Department

	<h2 style="margin: 0;">Planning & Design</h2> <h1 style="margin: 0;">POLICIES</h1>	<p>Policy Number</p> <p>2018-05</p>
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Definitions

A **'Restaurant'** means:

- Development where food and beverages are prepared and served, and includes supplementary alcoholic beverage service and supplementary on-or off-premises catering services and may include supplementary drive-through service.

Policy Status

Current Status

- In effect

Date Effective

- Nov 30, 1987

Approval Details

- City Council (on behalf of a recommendation from the Director of Property Services)

Endorsement Details

- Planning & Design Department

Next Review Date

- N/A

Policy Author

- Planner 1

Authored date

- May 30, 2018

Contacts

- Development Manager, Planning & Design

Policy Location

- File path:
 - I:\BU\830\DEPARTMENT AREAS\DEVELOPMENT\2. POLICIES & PROCEDURES\b. Approved and formatted PPP's\2018-05_Delegation of Approval Authority - Site 5A of the RRLARP\Policy
- Tempest Location:
 - Folder Number: **MIP00767**
 - Address Location: 920 2a Ave N.
- Website page

- ° The regional shopping facility shall serve as an anchor to the Central Business District and must therefore complement the type of development contemplated by the Downtown Phase II Area Redevelopment Plan for that area lying south of 1st Avenue South.
- ° An internal pedestrian network must be provided.

In general terms, development of Site 4 must conform to the objective of a mixed use complex, strengthening the downtown's regional service function and improving central area vitality through the inclusion of a residential element. Ideally, such development would occur concurrently and be guided by an approved comprehensive site design. While market circumstances may dictate an initial priority on the shopping centre component, development proposals will be required to demonstrate adequate design flexibility for the commitment to the ultimate mixed-use concept. In this context, the development scenarios described in this section are intended merely to draw attention to the development capacity and potential of the site. Actual development concepts need not and shall not be constrained by simple two-dimensional zoning of the site to distinguish between residential and commercial components.

5.3.5 Redevelopment Site Five 'A'

Redevelopment of Site 5A, comprising approximately 4.6 gross acres based upon the proposed corridor alignment and rail spur, is recommended primarily for service commercial uses contained in but not limited to uses in the C-4 General Commercial District, such as car dealerships, print shops, computer related enterprises, and consultant offices.

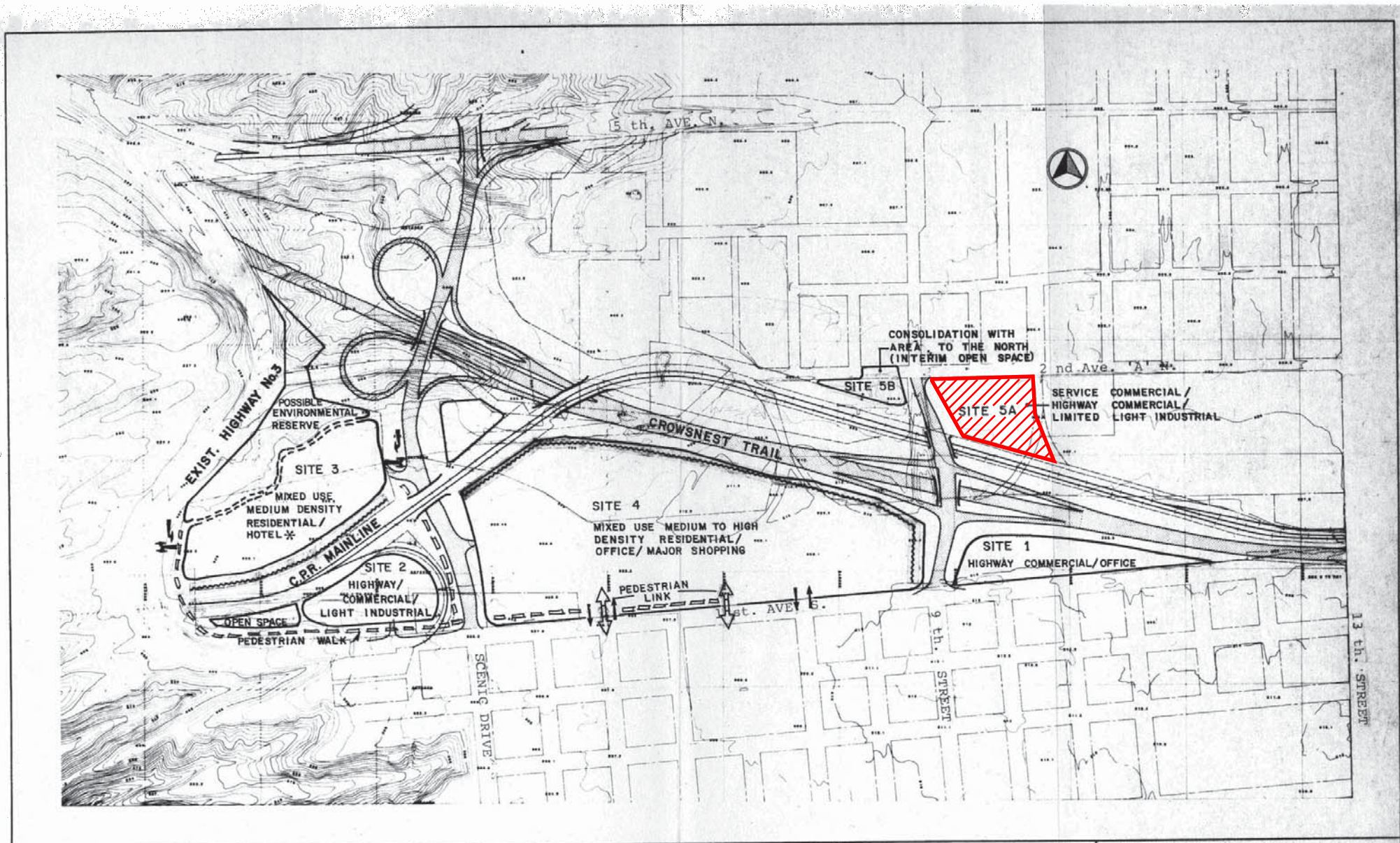
It may also include light industrial type uses such as glassworks manufacturing and bakeries, so long as the activity is contained within the building and does not entail any outside storage. These proposed uses are based to a large extent upon the site's proximity to the Centre Village Mall Shopping Centre and the premise that 2nd Avenue A North forms a continuous link between 9th Street and 13th Street. This is especially vital as the only access to the site will be derived from 2nd Avenue A North. A direct access from 9th Street is not possible. Development potential may be restricted by traffic limitations at the 2nd Avenue A and 9th Street intersection. Detailed consideration to traffic and access will be given at the time of development permit application.

The site may either be subdivided into smaller parcels or developed as a single site.

5.3.6 Redevelopment Site Five 'B'

Redevelopment potential of Site 5B is constrained by its area of approximately 1.2 acres. It is greatly influenced by the industrial development to the north and the transportation corridor to the south and is thus considered suitable for an extension of existing light industrial and/or some service commercial activity at its eastern end. Site design will be further restricted by the small size and narrow triangular shape. The feasibility of providing a retaining wall, which would enable 2nd Avenue A North to tie into 9th Street is currently being investigated. If this does not prove feasible, then consideration should be given to closing 2nd Avenue A North west of 9th Street, except for a utility easement, and utilizing a portion of the right of way for development. The site would best be consolidated ultimately with the area to the north, access being provided from 3rd Avenue North. In the interim, minor landscaping improvements should be carried out so as to enhance the visual quality of the site.

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. |
|-------|------|--------|-------------|
|       |      | 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



# City of Lethbridge

OFFICE OF  
CITY CLERK

630-A

December 1, 1987

TO: Planning Director

RE: Proposed Shopping Centre at 920 - 2nd Avenue A North  
(CentreSite Block 5A)

Your letter of November 25th was presented at a regular meeting of the City Council held on Monday, November 30th, and in this connection the following resolution was passed:-

"THAT letter from the Planning Director, dated November 25, explaining the proposed changes to the development approval granted by City Council for the proposed shopping centre on Block 5A in CentreSite, the Municipal Planning Commission's opinion and recommendation on the amended development permit application, the Planning Department's proposed compromise and recommending that the recommendation of the Municipal Planning Commission be approved except for:

see d.p.  
#87-649.

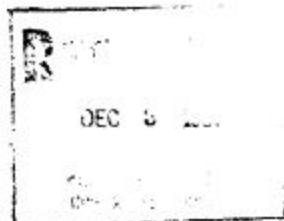
- (a) Deletion of "with the exception of eating and drinking establishments" from condition no. 1,
- (b) Addition of "and may approve or refuse proposals for eating and drinking establishments" to condition no. 3;

be filed AND FURTHER THAT the recommended deletion and addition be approved."

John Gerla  
CITY CLERK

JG:kn

cc: City Manager



Office of:  
Planning Department

November 25, 1987

For Submission to  
November 30, 1987  
City Council Meeting

His Worship the Mayor and  
Members of City Council

Re: Proposed Shopping Centre  
920 2 Avenue A North  
CentreSite (Block SA)  
Comcorp Financial

In June, 1987, City Council approved a development permit application for an 80,000 sq. ft. restaurant, retail and office centre at this location in CentreSite. That approval was subject to a number of site design conditions that had to be fulfilled before the development permit could be issued.

Comcorp Financial has proposed changes to the development approval granted by Council last June. The change that requires Council's approval is the introduction of a free-standing gas bar/convenience store.

Features of the revised proposal include:

- a site for a Brick furniture store and for a London Drugs store
- approximately 275 off-street parking spaces
- a reduction in the size of the centre from 80,000 sq.ft. to 70,000 sq.ft.
- the deletion of the free-standing restaurant building.
- a free-standing 1500 sq.ft. gas bar/convenience store.

As Council is aware, the Development Officer and the Municipal Planning Commission are not delegated the authority to decide upon applications for development in CentreSite. Rather, these applications require Council approval. For large developments such as this, Council's involvement is warranted. However, once built, the ongoing involvement of Council in the consideration of new or changing uses in this centre should not be necessary. It is for this reason that conditions 2 and 3 listed below have been recommended to Council. The inclusion of these conditions will allow proposals to be handled at the Development Officer or Municipal Planning Commission level.

At its meeting of November 17, 1987, the Municipal Planning Commission discussed and largely passed a staff recommendation for approval of the amended development permit application. The one area where the Commission disagreed with the staff recommendation centred around the continued inclusion of "eating and drinking establishments" in the list of uses approved for this site. The Commission was of the opinion that in view of the major tenants proposed for this centre, severe parking problems could result if restaurants and other eating establishments were allowed on site. Consequently, the Commission recommendation of approval specifically excludes eating and drinking establishments from the range of allowable uses.

The Commission's recommendation has been discussed with the applicant. The applicant has indicated that the major tenants will not allow major restaurants to be located on site, since they also recognize the impact this would have on the parking situation. However, the applicant would like to have the possibility of incorporating a "coffee and doughnut" shop in the centre. This would not be allowed if the Commission's recommendation is approved.

The Development Officer has proposed a compromise to the applicant, which the applicant has accepted over the telephone. This would be to include "eating and drinking establishments" as discretionary uses over which the Commission would have discretion to approve or refuse in accordance with the merits of the case. The Planning Department is thus recommending this as an Alternative.

The Municipal Planning Commission passed the resolution in the following paragraph at its June 17, 1987 meeting. It should be noted that conditions 4 through 12 are virtually identical to conditions 2 through 10 of City Council's approval of June, 1987.

"That this application be RECOMMENDED FOR APPROVAL, subject to the following:

1. Classification: "shopping centre" comprising retail stores, retail Warehouse, financial institution, medical and health office (out-patient), offices, personal services, gas bar and convenience store; with the exception of eating and drinking establishments.

2. That the Development Officer is authorized to approve any uses for this site which are listed as permitted uses in the C-G District with the exception of eating and drinking establishments.

3. That the Municipal Planning Commission is authorized to approve any uses for this site which are listed as discretionary uses in the C-G District.

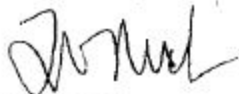
4. That the following information be submitted prior to the issuance of the development permit:

- (a) that elevation drawings of all sides of all buildings be submitted, and that any repositioning of buildings that may result from evaluation of these elevations be to the satisfaction of the Inspection and License Director and the Development Officer.
  - (b) that an accurately-scaled parking lot design be submitted on a revised site plan and that the revised design be to the satisfaction of the Inspection and License Director, the Engineering Services Manager and that all parking and loading areas and the vehicle queuing aisles for the gas bar comply with the dimension requirements of the Land Use By-law to the satisfaction of the Development Officer.
5. Subject to condition 4 above, the site plan shall be to the satisfaction of the Development Officer.
  6. Subject to condition 4(a) above, the exterior appearance of the buildings shall be to the satisfaction of the Development Officer.
  7. The parking lot shall be paved to the satisfaction of the Engineering Services Manager. All parking spaces shall be marked on the paved surface. Handicapped spaces shall be identified with pavement markings and signs.
  8. That arrangements satisfactory to the Engineering Services Manager shall be made for services, service connections, catchbasins and surface run-off.
  9. That one or more garbage container areas shall be provided to the satisfaction of the Engineering Services Manager. The garbage container area shall be screened to the satisfaction of the Development Officer. The Development Officer shall be notified when the screened garbage container area is ready for inspection.
  10. That the developer or the applicant shall contact the Urban Services Manager's office at least 60 days before electrical services are required in order to make arrangements satisfactory to the manager for underground electrical service.
  11. That landscaping shall be provided to the satisfaction of the Community Services Manager. A detailed landscaping plan shall be submitted to the Development Officer within 30 days of the issuance of the development permit.
  12. Signs for this property shall be governed by the procedures and requirements for signs in the C-G District of the Land Use By-law."

Alternative Recommended by the Planning Department:

That the recommendation of the Commission be approved by City Council, except for:

- (a) Deletion of "with the exception of eating and drinking establishments" from condition no. 1,
- (b) Addition of "and may approve or refuse proposals for eating and drinking establishments" to condition no. 3.



F.W. Michna  
Planning Director