



CITY OF *Lethbridge*

Office of the City Clerk

October 24, 2022

RE: NOTICE OF HEARING - SUBDIVISION AND DEVELOPMENT APPEAL BOARD

An appeal has been filed against the Development Permit issued by the Development Officer on September 27, 2022 for operating an entertainment establishment at 524 5 Street South.

When an appeal is filed with the Subdivision and Development Appeal Board (SDAB), all persons who own property within 200 feet or 60 meters of the development are notified of the hearing by way of this letter. In addition, the owner of the property will also receive a copy of this letter.

The Subdivision and Development Appeal Board (SDAB) will hold a Public Hearing as follows:

DATE:	Thursday, November 3, 2022
TIME:	5:00 p.m.
LOCATION:	Council Chambers, Main Floor, City Hall 910 – 4 Avenue South

Persons affected by this development have the right to present a written, verbal and/or visual submission to the Board. When making a presentation, keep in mind that in accordance with the legislation that governs the SDAB, the Board can only consider relevant planning matters when rendering its decision. It is recommended that you limit your presentation to five minutes.

If you wish to submit written material to the Board, it should be delivered to the Secretary of the SDAB via email at david.sarsfield@lethbridge.ca, **including your full name and mailing address** no later than 12:00 noon on the Friday prior to the hearing. If you are unable to meet this submission deadline, please bring 12 copies of the materials to the Hearing and it will be distributed at the start of the Hearing. Any written and/or visual material received will be made available to the public.

We will be pleased to answer any questions you may have regarding the appeal and can also provide information or advice on Board procedures and how to make presentations to the Board. Please feel free to contact me at 403 329 7329 if you have any questions.

Yours truly,

David Sarsfield
Board Secretary,
Subdivision and Development Appeal Board

City of Lethbridge
Permits and Development Dept
October 18, 2022

APPEAL TO PERMIT DEV14122
CROWN VANILLA,
524-5 St South

Behind the Crown Vanilla lounge\bar\restaurant is a seniors' apartment building, 521-4 st. South. There are approximately 135 apartments with residents from 55 yrs and upwards. Every weekend many are subjected to loud (very loud) music anytime from 1 am to 3 am. There are customers that go out the business's back door to smoke, drink and visit noisily and throw their drink cups into the alley. Around 3 am the owners or managers come out the back door to leave but visit for half hour or more. I'm not sure why but sound reverberates between buildings much louder at night than during the daytime.

The problems with this situation are

- health wise – being kept awake all hours and suffering lack of sleep
- stress causing higher blood pressure
- feelings of insecurity, intoxicated people so close to our home
- has forced many seniors move from their homes
- if this situation continues I will be forced to move as well

Another issue that I have from the situation is family and friends will no longer stay overnight. My 8 year old granddaughter asks me grandma is the bar open tonight before she asks to have a sleepover. My grandson asked why would "they" let a bar open behind an old peoples' building?

First we had Royal Lepage install their motion sensor alarm which can be heard a couple blocks away and now we have the Crown Vanilla noise issue.

Please give my appeal serious consideration before a decision is made. Thank you for your attention on this issue.

Sincerely



Nancy McLeod
#209- 521-4 St South
Lethbridge, AB
T1J 4J6

mcLeodnn@yahoo.com.

RECEIVED
OCTOBER 20, 2022
D. Sanfield

Address: 524 5 ST S

District: C-D

Applicant: PLUME, DAISY R
Address: BOX 535 STANDOFF, AB T0L 1Y0

Phone: (403) 360-1340

Development Proposed A change of use of 226.59 m2 (2439 sq ft) to an 'Entertainment Establishment'.**District** C-D DOWNTOWN COMMERCIAL**Land Use** ENTERTAINMENT ESTABLISHMENT - DISCRETIONARY**CONDITIONS OF APPROVAL**

1. Off-street Parking:

No additional parking spaces are required for this use. Any existing spaces shall be provided and maintained.

2. Signs:

Prior to the installation of any exterior signs, a sign permit must be approved by the Development Officer.

cc: TJ Woodloo, Regulatory Services
Darrin Harsch, Building Inspections
Neil Jesse, Fire Prevention
Heath Wright, Fire Prevention**Decision Date**

Sep 27, 2022

Valid Date

Oct 25, 2022

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.

Development.
Authority

PAM COLLING, DEVELOPMENT OFFICER

STATUTORY PLANS

The SSRP and applicable municipal statutory plans were considered in rendering this decision.

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 twenty-one (21) days after the decision date indicated on the Development Permit or 'Development Permit Application - Refused' letter.

FOIP

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 6300 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 Information Management at 910 4 Ave S Lethbridge, AB, T1J 0P6 or phone at (403) 329-7329, or email planninganddesign@lethbridge.ca.

Permit No. DEV14122

Development Permit Application

Multi-Family, Commercial, Industrial, and Public Use Developments

Legal Land: 522-5575

All of the following information is necessary to facilitate a thorough and timely evaluation and decision of your application. All materials submitted must be clear, legible and precise. Only applications that are complete will be accepted. PLEASE NOTE: this application is ONLY for a development permit. If a building permit is also required, you must apply for it separately.

Project Address
 524 5th Street

Access Code

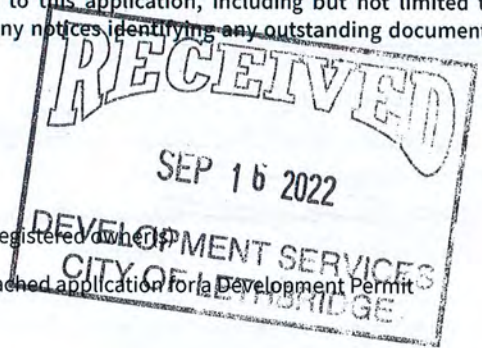
Applicant
 Name Daisy R Plume
 Address Box 535
 City Standoff, Alberta Postal Code T0L-1Y0
 Phone 403-360-1340
 E-mail daisyrose265@gmail.com
 Signature [Signature]

Property Owner
 Name AKASI APPIAH
 Address 205 Sundance Dr Coalhurst
 City Lethbridge Postal Code _____
 Phone 403 393 5167 B/L # _____
 E-mail aappiah@me.com
 Signature [Signature]

Providing an email means you consent to receiving documents or communications related to this application, including but not limited to development permit decisions, acknowledgments confirming an application is complete, and any notices identifying any outstanding documents and information, by email.

As the applicant I affirm:

- I am the registered owner of the above noted property
- I have entered into a binding agreement to purchase the above noted property with the registered owner
- I have permission of the registered owner(s) of the above noted property to make the attached application for a Development Permit



Description of Work: (Check all applicable)

- | | | |
|--|---|--|
| <input type="checkbox"/> New Commercial, Industrial, or Public Use | <input type="checkbox"/> New Multi-Residential Building | <input type="checkbox"/> Site & Civil Amendments |
| <input type="checkbox"/> Addition to Existing | <input type="checkbox"/> Exterior Alteration | <input type="checkbox"/> Landscaping |
| <input checked="" type="checkbox"/> Change of Use | <input type="checkbox"/> WECS | <input type="checkbox"/> Solar Energy System |

Detailed Description of Work:

Entertainment Establish.

Any personal information collected on this form is collected under the Municipal Government Act and in accordance with the Freedom of Information and Protection of Privacy Act. The information is required and will be used for issuing permits and planning & development purposes. Please Note that such information may be made public. If you have any questions about the collection, use, or disclosure of the personal information provided, please contact Information Management at 910 4 Ave S, Lethbridge, AB, T1J 0P6 or by phone at 403-329-7329

Development Permit Application

Multi-Family, Commercial, Industrial, and Public Use Developments

All Buildings, Alterations, and/or Additions to Existing Buildings

Occupant / Use Entertainment Establishment # of off-street parking stalls Total Site Area (M²) 220.59m²

Total Gross Floor Area (m²) including all floors and mezzanine for each separate use

Use 1 Use 2 Use 3 Use 4 Use 5

Total Net Floor Area (m²) for C-D (Downtown Commercial), DT-1 (Downtown 1), and DT-2 (Downtown 2)

Use 1 Use 2 Use 3 Use 4 Use 5

Alterations / Additions to Commercial / Industrial / Public Buildings

Existing Floor Area (m²) # of off-street parking stalls Proposed New Floor Area (m²)

Multi-Unit Residential Development

of studio / bachelor units # of 1 bedroom units # of 2 bedroom units

of ≥3 bedroom units Total # of dwelling units proposed # of off-street parking stalls

Change of Use within a specific building

Previous tenant / occupant Peter Antignee Restaurant / Lawy.

Total area of space occupied by this use (m²) ~~Broughtly 945 Square foot~~ 2439 sq Number of off-street parking stalls provided NO

Will you be sharing this space with another tenant NO Adjacent tenant(s) NO Law office / Royal LePage

Will you be doing any construction or modification of the space (e.g. adding a mezzanine, second story, adding or removing walls, washrooms, etc)?
If so, explain (other permits may be required) NO

Will there be any combustible, flammable or explosive materials stored, used or produced at this business? NO

Will the business activities or uses occurring at this location produce any dust, liquids or gases? For example, manufacturing, furniture refinishing, vehicle repairs, welding, cooking or food preparation? NO

Office Use Only

Permit Required Yes No

Zoning C-D

Allowable Use Permitted Discretionary

Overlay

Development Permit # DON 14122

Building Permit #

Development Fees to be charged

Permit Fee \$366

Advertising Fee \$100

Total \$466

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RECEIVED ON:

Date: September 16, 2022



PLANNING & DESIGN



APPROVED

AS PER

LAND USE BYLAW 6300

Date: September 27, 2022

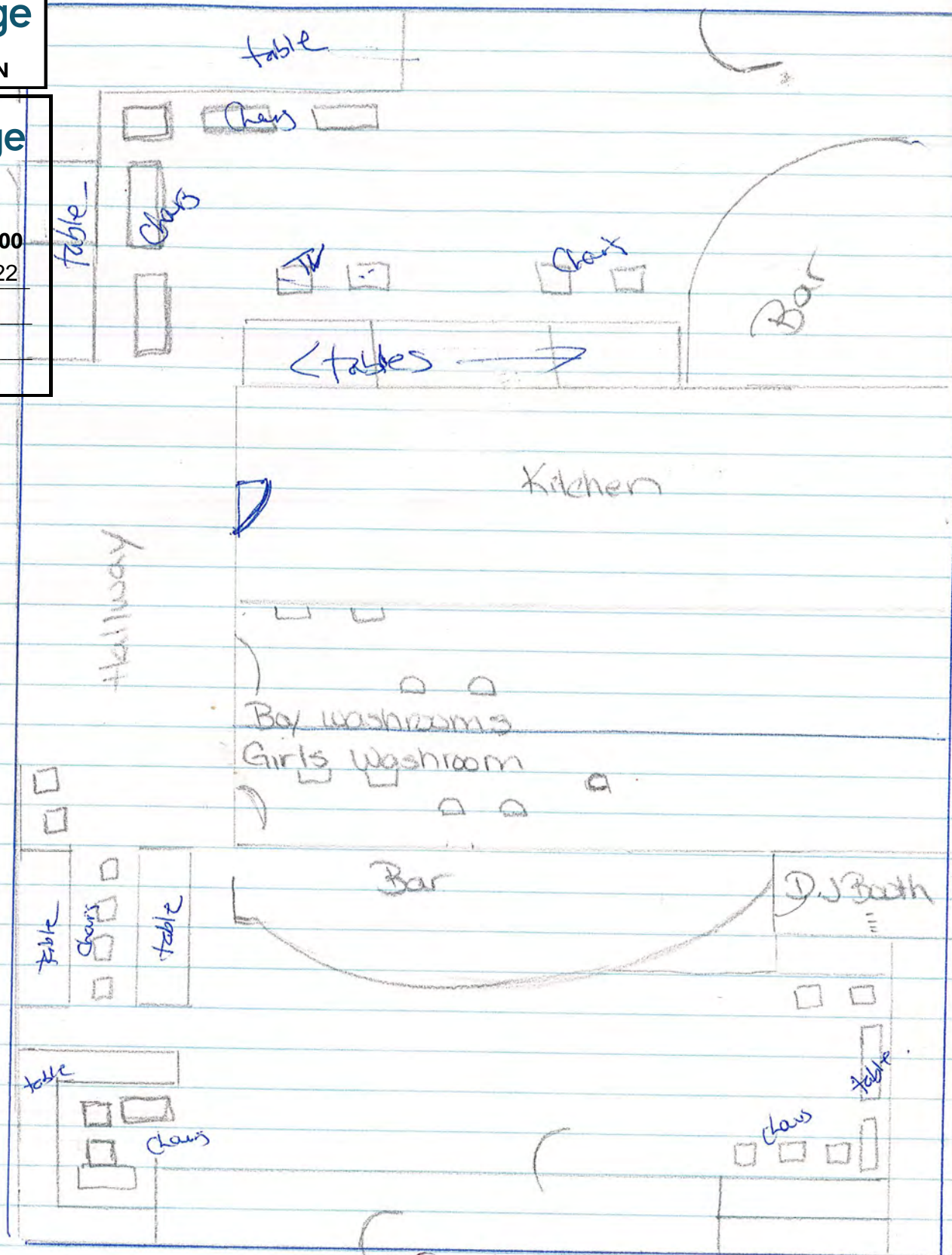
Permit #: DEV14122

P. Colling

Development Officer

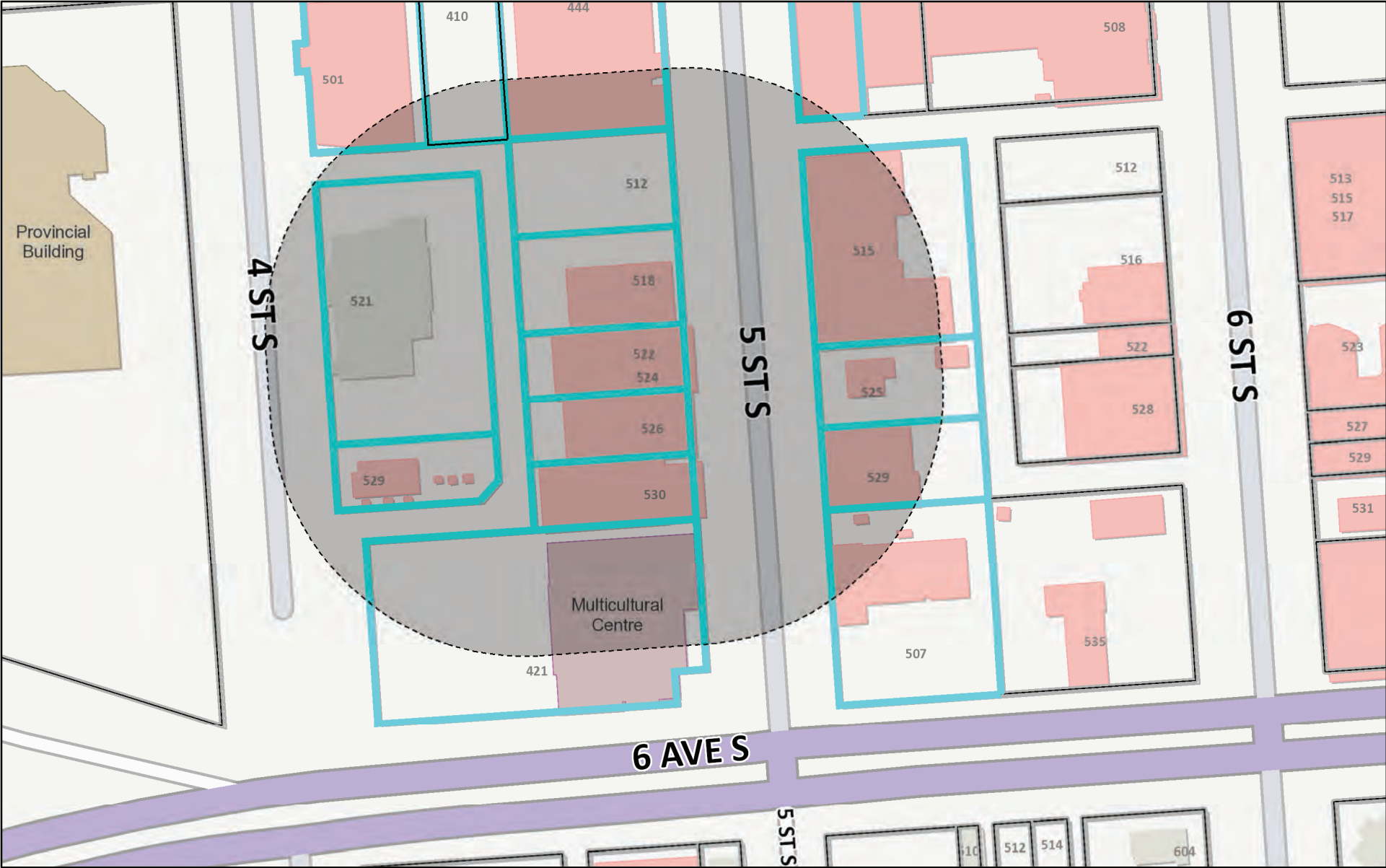
Floor Plan

Back Door



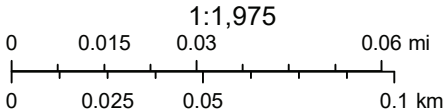
front Door
524 557 S

Parcel Locator WebMAP



October 21, 2022

 Parcels



Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri

David Sarsfield

From: 4 Elements Management <4ehmessage@gmail.com>
Sent: Tuesday, November 1, 2022 3:02 PM
To: David Sarsfield
Subject: [External] Subdivision & Development Appeal

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Attn: Secretary of SDAB,

My Apologies for the late submission to appeal Permit Development #14122 (524 5 Street South). I did read that written submission must be made no later than the Friday prior to the meeting, however, we only just received the notice of hearing on October 31st. We ask that you consider our written submission to the Board.

Jesus & Kelly Cabrera
518 5 Street S, Lethbridge AB, T1J 2B8
4 Elements

To whom it may concern,

Safety is one of the biggest concerns we have operating our business on fifth street south. We have been in our new location for one year now and have faced daily issues when it comes to crime, loitering, parking issues, and noise. These issues have been witnessed by ourselves as business owners, as well as clients and staff alike. We have reached out to supporting crime prevention programs available to us for advice and in efforts to increase neighborhood patrol and reduce the number of incidents.

Drug use, public intoxication, urinating, violence, intimidation, and littering have been reported and captured on our security cameras. We worry that having an entertainment establishment will further complicate the issues we are already experiencing. We are concerned that our dedicated parking lot will be used by individuals visiting this establishment, which is limited to our staff and clients. We fear that an increase in street and foot traffic at night will also result in damage to our property and constant littering. We often start our day collecting alcohol containers, and garbage. Our business is in the health and wellness sector as many others on the street are. We are open in the evenings and one of our concerns is the noise level and the safety of our clients and safety when entering and leaving our establishment. We believe it is not in the best interest of the area, and strongly ask that you consider the negative implications that will be felt by everyone affected by this decision.

Sincerely,

Jesús & Kelly Cabrera,
Business Owners
Connect with us!

[Facebook](#) | [Instagram](#) | [Website](#) | [Review us!](#)

4 Elements Massage Clinic,
518 5th Street South, Lethbridge AB T1J 2B8
ph: 403-942-4010

Petition

Re: Notice of Hearing - for operating an entertainment establishment at 574 S Street South.

We, the undersigned, object to this entertainment establishment. This is because of the high noise levels experienced last summer until 3am. Our quality of life would continually be adversely affected in the future. We are seniors living in the Haig Tower who value our present peace and comfort and do not wish to lose it. We are also concerned about possible mischief, due to intoxication, in our area.

Irisia Lee

Brenda Dickie

Donna Hartley

Roy Kell

J. M. Lind

C. Miklos

Marika Boersma

Donna Stafford

Linda Vaker

Brian H. Cobler

~~Ann Brown~~

Shela J. Jolley

Brenda Russell

Joni Morany

~~Bob~~

Tom Jacobs

Lillian Wozny

Brenda Clark

~~John~~

Marie Lundgren

Kayla Russell

Colin Sandulak

Continued on back



BOZ

~~Walden~~

Sharon Spadson

Joan Kelly

Walter Ball

~~Julia Bethelheim~~

Richard K. Schlegel

Luqma Stank

Blaine Anderson

~~John B.~~

Dora Howard

KOON LAM

Ray Elliott

D. Ulmerberger

Reg Foley

Garth Sounton

John Beckett

John Ward

J. D. Day

~~John Smith~~

~~King~~

Barbara Becke

May Lou

Freda Huber

Tom Kuehn

November 3, 2022

RE: NOTICE OF HEARING – SUBDIVISION AND DEVELOPMENT APPEAL BOARD

**RE: OPERATING AN ENTERTAINMENT ESTABLISHMENT AT 524 5 STREET SOUTH,
LETHBRIDGE**

FROM: Marian Seaborn

1408, 521 4th Street South

Lethbridge, Alberta T1J 4J6

Presently, I hear music from the bar on 5th street, the alarm from Royal LePage Realty and from the Southern Alberta Ethnic Association events. This noise is especially loud on the weekends and I can feel the vibration of the music in my 14th floor apartment. Added to this noise is the loud verbal communication from many of the patrons sometimes till 2 or 3 in the morning.

I am against the Development Permit for an entertainment establishment at 524 5 Street South.

Subdivision & Development Appeal Board

SDAB Meeting November 3, 2022



APPLICATION NO.

DEV14122

LOCATION

524 – 5 Street South

LAND USE DISTRICT

C-D Downtown Commercial District

APPELLANT

Nancy McLeod

LANDOWNER

Royal AXA Care Ltd.

CURRENT DEVELOPMENT

Restaurant

PROPOSED DEVELOPMENT

Entertainment Establishment

Appendix A: Drawings

ADJACENT DEVELOPMENT

North	Office – Law Firm
South	Office – Real Estate Firm
East	Medical & Health Office (Outpatient) – Dentist Office; Dwelling
West	Dwelling, Apartment

CONTEXT MAP



NOTIFICATION SUMMARY**Neighbourhood:** N/A**Neighbourhood Associations(s):** N/A**LAND USE BYLAW SUMMARY****Use:** Entertainment Establishment **Discretionary**

	Required	Provided	Waiver Required
Parking	0	2	N/A

EVALUATION**Background**

- Regulatory Services Department received an inquiry regarding a new business wanting to open at this address.
- Regulatory Services contacted the Development Compliance Officer who notified the applicant that they required a Change of Use Development Permit for an 'Entertainment Establishment' as the existing approved use was 'Restaurant'.
- A Change of Use Development Permit application for an 'Entertainment Establishment' was received on September 16, 2022.
- 'Entertainment Establishment' is a Discretionary Use in the C-D Downtown Commercial District.
- Application was reviewed for completeness and alignment with Land Use Bylaw 6300, Heart of Our City Master Plan, Downtown Area Redevelopment Plan and our Municipal Development Plan.
- It deemed to be complete and in alignment and was approved on September 27, 2022.
- Approval was advertised in the Lethbridge Herald on October 1, 2022 and placed on our website for viewing.
- Approval was appealed on October 20, 2022.

APPLICATION OF FACTS

- The approval is for a Change of Use Development Permit to establish an 'Entertainment Establishment'.
- Section 4 of Land Use Bylaw 6300 – Definitions,
 - 'Entertainment Establishment'.
- Section 12 of Land Use Bylaw 6300 – When a Permit is Required,
 - Except as provided in Section 13, a person may not commence any Development unless the person has been issued a Development Permit in respect of it pursuant to this Land Use Bylaw.
- Section 63(3) of Land Use Bylaw 6300 - Calculation in the C-D and C-G Districts,
 - Subsection (a) 'If there is no change in the gross floor area of the Building, a change of use does not require additional parking.'
- Section 66 – C-D Downtown Commercial District
 - 'Entertainment Establishment' is a Discretionary Use in the C-D Downtown Commercial District. It is an allowable and compatible use and there are a number of other 'Entertainment Establishments' approved in the downtown core.
- Municipal Development Plan Policy 110,
 - Ensure downtown continues to develop as a strong and vibrant neighbourhood where people can live, work and play.
- Heart of Our City Master Plan policies relating to,
 - A livable downtown,
 - A sustainable downtown,
 - An exciting downtown,
 - An accessible downtown, and
 - A vibrant downtown.

LEGISLATION & POLICY

Land Use Bylaw 6300

- Section 4 Definitions
- Section 12 When a Permit is Required
- Section 63 Parking & Loading Requirements
- Section 66 C-D Downtown Commercial District

CONCLUSION

The application for an Entertainment Establishment was **approved** with the following conditions:

1. Off-street Parking:
No additional parking spaces are required for this use. Any existing spaces shall be provided and maintained.
2. Signs:
Prior to the installation of any exterior signs, a sign permit must be approved by the Development Officer.

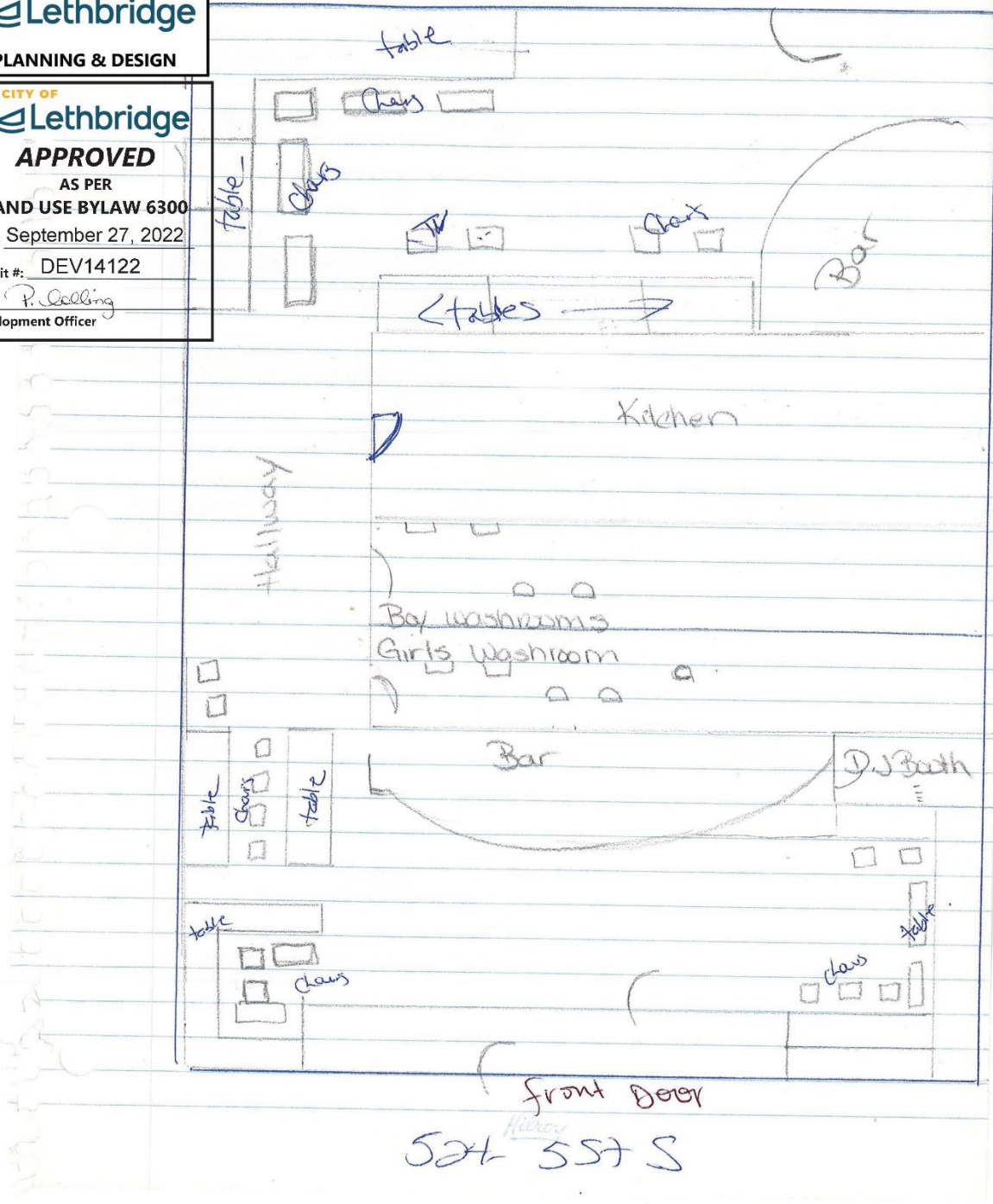
RECEIVED ON:
Date: September 16, 2022
CITY OF Lethbridge
PLANNING & DESIGN

CITY OF Lethbridge
APPROVED
AS PER
LAND USE BYLAW 6300
Date: September 27, 2022
Permit #: DEV14122
P. Callling
Development Officer

**APPENDIX
A.1
DEV14122**

Floor Plan

Back Door



Subdivision & Development Appeal Board

524 – 5 STREET SOUTH
DEV14122

Introduction

- Regulatory Services Department received an inquiry regarding a new business wanting to open at this address.
- Regulatory Services contacted the Development Compliance Officer who notified the applicant that they required a Change of Use Development Permit for an 'Entertainment Establishment' as the existing approved use was 'Restaurant'.
- A Change of Use Development Permit application for an 'Entertainment Establishment' was received on September 16, 2022.
- 'Entertainment Establishment' is a Discretionary Use in the C-D Downtown Commercial District.

Introduction

- Application was reviewed for completeness and alignment with Land Use Bylaw 6300, Heart of Our City Master Plan, Downtown Area Redevelopment Plan and our Municipal Development Plan.
- It deemed to be complete and in alignment and was approved on September 27, 2022.
- Approval was advertised in the Lethbridge Herald on October 1, 2022 and placed on our website for viewing.
- Approval was appealed on October 20, 2022.

Considerations

- Land Use Bylaw 6300 outlines requirements for when a Development Permit is required.
 - A Change of Use Development Permit application was required.
- Parcels zoned C-D Downtown Commercial are not required to provide additional parking if there is no change to gross floor area of the building.
 - Parcel has two off-street parking spaces in the rear that will be provided and maintained.
 - No additional off-street parking was required.

Considerations

- 'Entertainment Establishment' is an allowable and compatible use in the C-D Downtown Commercial District.
- They generally operate after 'Retail Store' uses close for the day and so are able to share parking.
- There are other 'Entertainment Establishments' approved in the downtown core.
- Some are located below dwelling units within the same building.

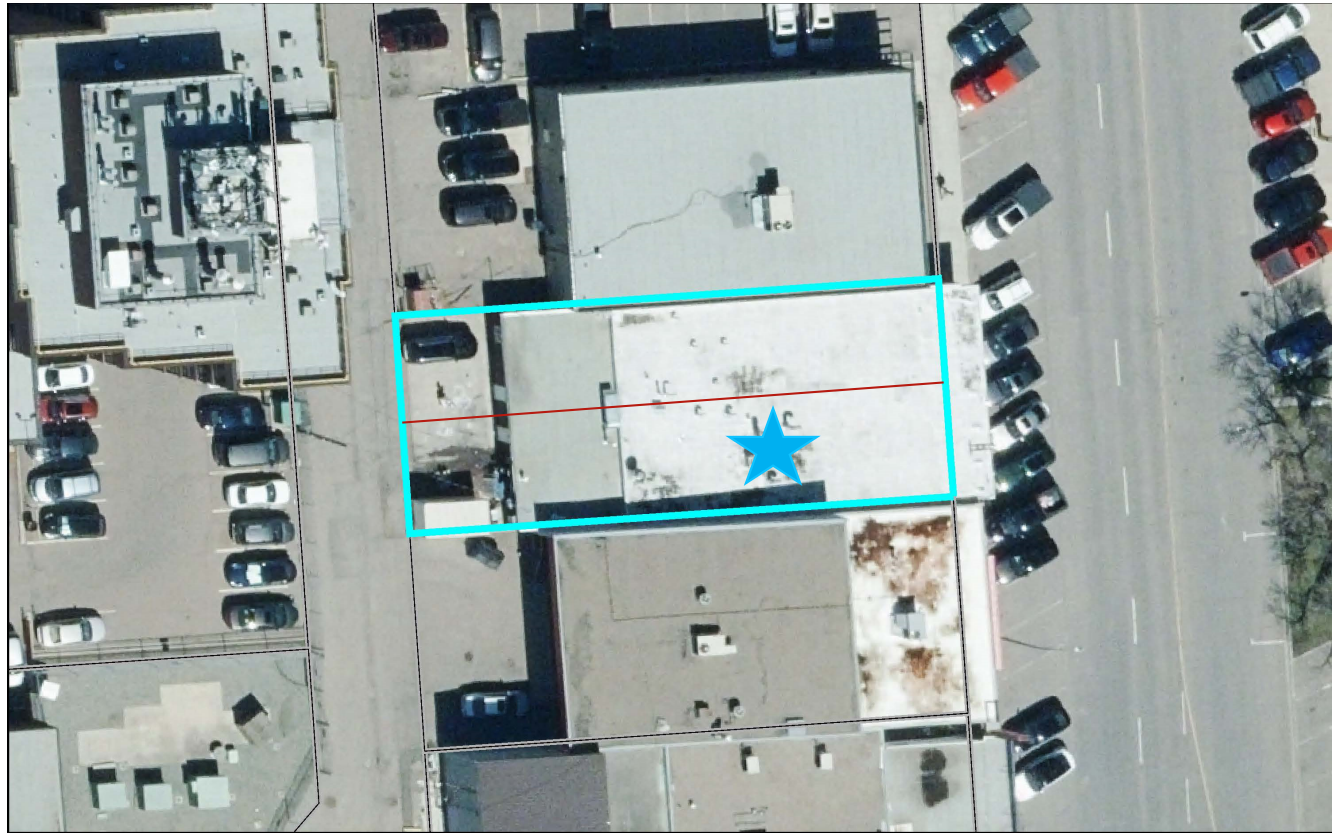
Considerations

- Land Use Bylaw 6300:
 - Section 4 Definitions Entertainment Establishment
 - Section 12 When a Permit is Required
 - Section 63 Parking & Loading Requirements
 - Section 66 C-D Downtown Commercial District

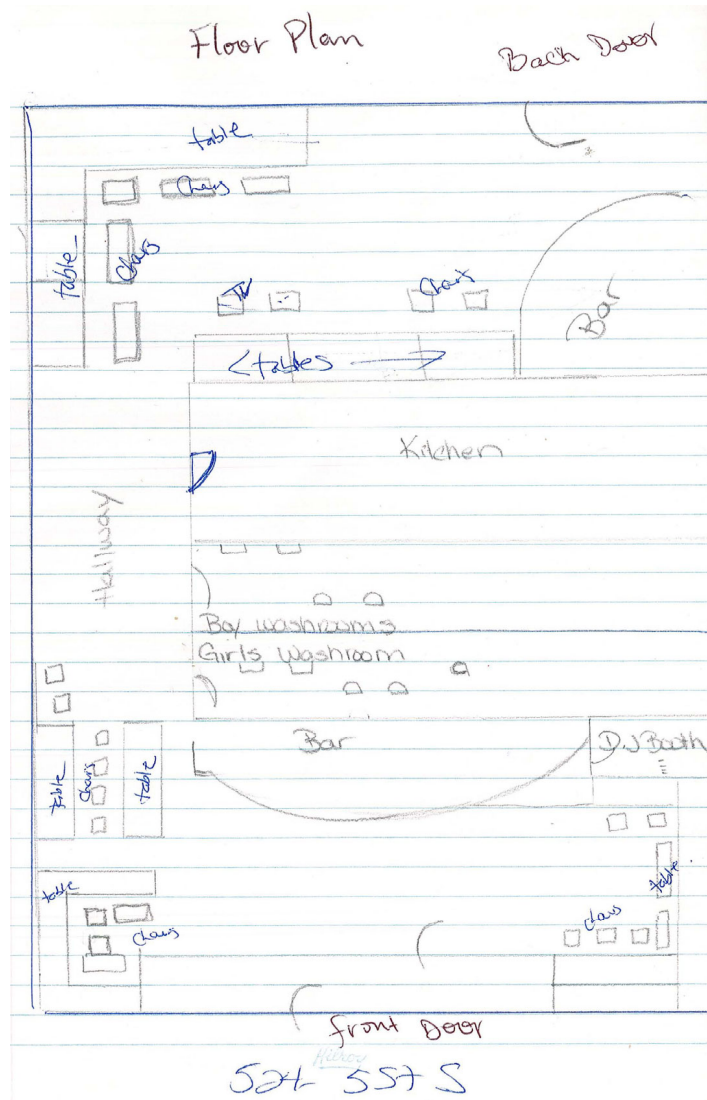
Considerations

- Land Use Bylaw 6300 does regulate:
 - use on parcels,
 - on-site parking,
 - signage.

Drawings



Drawings



Conclusion

- The application for an Entertainment Establishment was **approved** with the following conditions:
 1. Off-street Parking:
No additional parking spaces are required for this use. Any existing spaces shall be provided and maintained.
 2. Signs:
Prior to the installation of any exterior signs, a sign permit must be approved by the Development Officer.