



CITY OF
Lethbridge

Office of the City Clerk

SUBDIVISION AND DEVELOPMENT APPEAL BOARD DECISION

January 29, 2021

Re: Appeal of Development Permit No. 12501
Appellants: Darrell Alexander, Bruce Plausteiner, Dean Plausteiner, and Brad Plausteiner
Land Use: Downtown Commercial

Upon hearing representation made by the Development Officer, the Applicant, the Appellants, and other interested parties on Thursday, January 14, 2021, it is the decision of the Subdivision and Development Appeal Board that the Appeal is **CONFIRMED** and the decision of the Municipal Planning Commission regarding Development Permit DEV12501 on December 9, 2020 to allow for the development of a three storey supportive housing facility for 24 residents along with two commercial rental units located at 108 8 Street South is hereby **OVERTURNED**.

The following submissions were received:

1. Darrell Alexander of Mortgage Design Group in favour of the appeal (both oral and written)
2. Bruce Plausteiner of Professional Optical, in favour of the appeal (both oral and written)
3. Dean Plausteiner of Professional Optical, in favour of the appeal (both oral and written)
4. Brad Plausteiner of LA Home Solutions, in favour of the appeal (both oral and written)
5. Hunter Heggie of Heggie Developments Ltd, in favour of the appeal (written)
6. Hunter Heggie, Chair of Downtown Business Revitalization Zone in favour of the appeal (written)
7. Elizabeth Sutton of Peak Physical Therapy, in opposition to the appeal (written)
8. Ken Kissick of Streets Alive Family Support Association, the applicant (both oral and written)
9. Alvin Reinhard Fritz, Architect, for the applicant (oral)
10. Angie Olsen, Development Officer (both oral and written)

AND UPON CONSIDERING the relevant provisions of the South Saskatchewan Regional Plan, Municipal Government Act, the Municipal Development Plan, the Land Use By-law, the Heart of Our City Master Plan, any applicable Statutory Plans, and the circumstances and merits of this case, the decision of the Subdivision and Development Appeal Board is as follows and for the following reasons:

1. The Board reviewed all evidence and arguments, written and oral, submitted by the parties and will focus on key evidence and arguments in outlining its reasons.
2. The Board finds that the proposed building meets the intent of the Heart of our City Master Plan and the Downtown Area Redevelopment Plan.
3. The Board finds the proposed waivers for parcel width and parcel area waiver do not materially impact or interfere with the amenities of the neighbourhood.
4. The Board notes that the development is a discretionary use. Therefore, the development permit application could either be granted or refused.
5. The Board finds that the application was to establish a new three storey supportive housing building, and was not of the opinion it was an expansion of the existing facility.

6. The Board finds that the submission from the Downtown Business Revitalization Zone, representing over 500 businesses in opposing the development compelling.
7. The Board finds that limited information was provided regarding the safety or the perception of safety of the surrounding community. The Heart of Our City Master Plan states that *"Downtown should be a vibrant, safe and welcoming environment to live, work and play."*
8. The Board finds that the Neighbourhood Communications Plan was not sufficiently detailed to provide surety that any complaints and concerns would be addressed in a timely manner.
9. Having regard to the merits of the application and sound planning considerations, the Board, based on the evidence and aforementioned factors, finds that the development from a planning perspective is not appropriate for the site.
10. In reviewing and weighing all the evidence, the Board therefore finds that the application does not warrant approval.


CONCLUSION:

For the reasons set out above, the appeal is allowed and the decision of the Municipal Planning Commission is overturned. A development permit shall not be issued.

An appeal against this decision may be made to the Alberta Court of Appeal on a question of law or jurisdiction only. Should you wish to do so, it is recommended that you retain legal counsel.

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,



Andy Cimelai, Board Chair,
Subdivision & Development Appeal Board

cc City Solicitor
Development Officer
Appellants/Neighbouring Property Owners



Address: **108 8 ST S**
Legal: 4353S;8;19-22

District: C-D

Applicant: ALVIN REINHARD FRITZ ARCHITECT INC
Address: 10-90001 RANGE ROAD 212 LETHBRIDGE COUNTY AB T1J 5N9

Phone: 403-320-8100

Development Proposed A request to 3 storey supportive housing building with basement, to have main floor cru's, residential amenity space, 2 floors of residential occupancy with a total of 4 units, holding 24 beds for supportive housing

District C-D DOWNTOWN COMMERCIAL

Land Use OFFICE - PERMITTED
RETAIL STORE - PERMITTED
SUPPORTIVE HOUSING - DISCRETIONARY

REASONS FOR REFUSAL

SUBDIVISION AND DEVELOPMENT APPEAL BOARD DECISION JANUARY 29, 2021:

1. The Board reviewed all evidence and arguments, written and oral, submitted by the parties and will focus on key evidence and arguments in outlining its reasons.
2. The Board finds that the proposed building meets the intent of the Heart of our City Master Plan and the Downtown Area Redevelopment Plan.
3. The Board finds the proposed waivers for parcel width and parcel area waiver do not materially impact or interfere with the amenities of the neighbourhood.
4. The Board notes that the development is a discretionary use. Therefore, the development permit application could either be granted or refused.
5. The Board finds that the application was to establish a new three storey supportive housing building, and was not of the opinion it was an expansion of the existing facility.
6. The Board finds that the submission from the Downtown Business Revitalization Zone, representing over 500 businesses in opposing the development compelling.
7. The Board finds that limited information was provided regarding the safety or the perception of safety of the surrounding community. The Heart of Our City Master Plan states that "Downtown should be a vibrant, safe and welcoming environment to live, work and play."
8. The Board finds that the Neighbourhood Communications Plan was not sufficiently detailed to provide surety that any complaints and concerns would be addressed in a timely manner.
9. Having regard to the merits of the application and sound planning considerations, the Board, based on the evidence and aforementioned factors, finds that the development from a planning perspective is not appropriate for the site.
10. In reviewing and weighing all the evidence, the Board therefore finds that the application does not warrant approval.

Decision Date

Jan 29, 2021



CITY OF
Lethbridge

Land Use Bylaw 6300
DEVELOPMENT APPLICATION DECISION
Subdivision and Development Appeal Board Decision

APPLICATION NO.
DEV12501

Development.
Authority


ANGELA OLSEN, DEVELOPMENT OFFICER

STATUTORY PLANS

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

APPEALS

A decision of the Subdivision and Development Appeal Board is final and is subject only to an appeal upon a question of law or jurisdiction pursuant to Section 688 of the Municipal Government Act, RSA, 2000, as amended.

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 developmentsservices@lethbridge.ca.

Application No. DEV12501