

CITY OF
Lethbridge

NOTICE OF A PUBLIC HEARING

DATE: MONDAY, January 19, 2009

TIME: 4:00 P.M.

PLACE: COUNCIL CHAMBERS

A G E N D A

PUBLIC HEARING

The Hearing will be dealt with in the order listed.

Process to be followed at each Public Hearing:

- Representation by Administration
- Representation by the Applicant
- Any Member of the Public Who Wishes to Speak
- Questions of Clarification by City Council

Note: Agenda and all Communications, Bylaws and Reports for Public Hearings are available from the City Clerk's Office prior to the meeting, as well as through the City of Lethbridge Website @ <http://www.lethbridge.ca>

4:00 P.M.

- **BYLAW 5564** – Amendment to the Land Use Bylaw 4100, change from Medium Density Residential (R-75) to High Density Residential (R-150) (420 Highlands Boulevard West) [*see Communications A to D*]
- **BYLAW 5549** – Amendment to the Land Use Bylaw 4100, change from Industrial Business (I-B) to General Commercial (C-G) (416 Stafford Drive North)
- **BYLAW 5562** – Amendment to the Land Use Bylaw 4100, to remove the maximum parcel size for properties in the Neighbourhood Commercial District (C-N)
- **BYLAW 5563** – Amendment to the Land Use Bylaw 4100, change from Urban Reserve (UR) to Neighbourhood Commercial (C-N) (Portion of NE ¼, Section 14, Township 8, W4M; portion of Lot 1, Block 3, Plan 0414514 and portion of the adjoining road allowance – SunRidge Commercial Site)

COMMUNICATIONS

City Council Public Hearing – MONDAY, JANUARY 19, 2009

Opposition to Bylaw 5564

**Amendment to the Land Use Bylaw 4100 - change from Medium Density Residential (R-75) to High Density Residential (R-150)
(420 Highlands Boulevard West)**

- A. From Ruth White, Jan Smith and Dorine Scott, Domarel Enterprises Ltd.
- B. From Michael and Joanne Harty
- C. From Wayne and Larke Kenke
- D. From Claire and Terry Beaton

**Office of:
Development Services**

January 13, 2009

For Submission to
January 19, 2009
Public Hearing

**His Worship the Mayor and
Members of City Council**

Recommendation

That City Council approve Bylaw 5564 and amend the land use classification of 420 Highlands Boulevard West, from R-75 (Medium Density Residential) to R-150 (High Density Residential).

Background

Bylaw 5564 was given first reading by City Council on November 24, 2008. The application has been initiated by The Renaissance at West Highlands Limited Partnership and Muller Warden Projects Inc. The purpose of the application is to reclassify 3.17 hectares of land, located at 420 Highlands Boulevard West from R-75 (Medium Density Residential) to R150 (High Density Residential). The current land use district allows for a maximum of 237 dwelling units on this site. The applicant proposes to construct a multi-family residential project containing 321 units. The resultant density will be 101 units per hectare, thus a Land Use Bylaw amendment is required.

The original land use district assigned to this site was based on market conditions evident in 2004. The demand for multi-family development has since increased in the community.

Evaluation

The proposal is located in the West Highlands neighbourhood. The site is located adjacent a major neighbourhood park and in close proximity to community commercial facilities. To the south of the site is an existing church site and to the southwest are multi-family apartments. Immediately in the east of the site is undeveloped commercial property. The existing infrastructure (water, sewer & transportation) will accommodate the proposed increase in density.

Recommendation

That City Council approve Bylaw 5564 and amend the land use classification of 420 Highlands Boulevard West, from R-75 (Medium Density Residential) to R-150 (High Density Residential).

BYLAW NO. 5564

A BYLAW OF THE CITY OF LETHBRIDGE
TO AMEND BYLAW NO. 4100
THE LAND USE BYLAW OF THE CITY OF LETHBRIDGE

NOW THEREFORE, THE COUNCIL OF THE CITY OF LETHBRIDGE, IN THE PROVINCE OF ALBERTA, DULY ASSEMBLED, HEREBY ENACTS AS FOLLOWS:

1. Bylaw No. 4100 - The Land Use Bylaw of the City of Lethbridge is hereby amended.
2. Bylaw No. 4100 is amended by changing the land use classification of:

Lot 3
Block 5
Plan 0214278

From:	R-75	Medium Density Residential
To:	R-150	High Density Residential

(All of which is shown on the attached Schedule "A")

3. This Bylaw shall come into full force and effect on the date of final passing thereof.

READ A FIRST TIME this _____ day of _____, A.D. 2008

_____	_____
MAYOR	CITY CLERK

READ A SECOND TIME this _____ day of _____, A.D. 2009

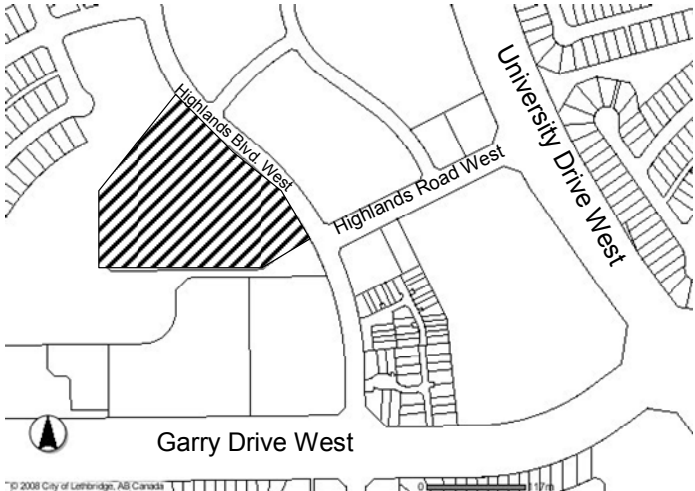
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MAYOR	CITY CLERK

READ A THIRD TIME this _____ day of _____, A.D. 2009

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MAYOR	CITY CLERK

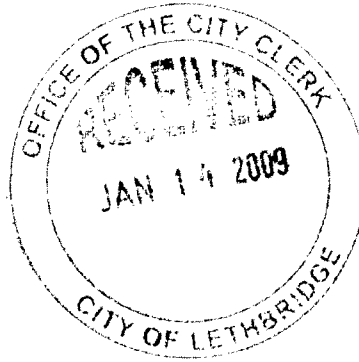
SCHEDULE "A"

**Bylaw 5564
Proposed Land Use Bylaw Amendment
420 Highlands Boulevard West
West Highlands Neighbourhood**



Legend
From: R-75 (Medium Density Residential)
To: R-150 (High Density Residential)

Legal: Lot 3, Block 5, Plan 0214278



January 13, 2009

City of Lethbridge
Development Services Department
910 – 4th Avenue South
Lethbridge, Alberta

Dear Mayor and Councilors:

Re: Bylaw 5564 Land use Amendment
West Highlands Neighborhood

As an owner of property in the immediate vicinity of 420 Highlands Blvd, we would like to voice our opposition for the proposed reclassification on this parcel from R-75 to R-150.

This property is situated in an area which is surrounded by a mixture of single residential and medium density housing units, and commercial areas compatible with a residential area. The proposed reclassification would in our opinion, change the makeup of the neighborhood from it's originally intended purpose being that of a family oriented subdivision.

When we constructed the unit we own, the zoning for the property at 420 Highlands Blvd, and those of other properties in the vicinity, as being medium density was a consideration.

This property is in close proximity to already established apartments. To add an additional 321 units would create both traffic and parking issues. The volume of traffic along Highlands Blvd is already an issue and this change to the zoning would compound the already existing problem. Highlands Blvd has become a major access route to the residential units up Tartan Blvd. Allowing the reclassification would also create additional problems relating to parking issues. Parking is currently extremely congested along the west end of Highlands Blvd. in the vicinity of the apartment complex. As we have experienced with the already existing apartment complex, even when parking is available on site, due to the population density of the proposed development, there is never enough parking to accommodate the necessity and street parking becomes extremely congested.

It is our opinion that the proposed reclassification from medium to high density would greatly reduce the value of our and other existing neighborhood properties.

A

In closing we oppose the proposed change to bylaw 5564 and request that Council give serious consideration to the problems and issues involved and therefore not approve the change to the bylaw.

Yours truly,

Ruth White, Jan Smith and Dorine Scott

Domarel Enterprises Ltd.
#9 Tartan Blvd., Lethbridge, Alberta

From: Joanne Harty [jfhart52@yahoo.ca]
Sent: Tuesday, January 13, 2009 5:28 PM
To: 120 City Council Mailbox
Subject: Bylaw 5564: Land Use Bylaw Amendment West Highlands Neighbourhood

To whom it may concern:

We received a letter dated January 2, 2009 concerning the proposed amendment to the Land Use Bylaw. We are opposed to the amendment.

We recently relocated from a rural area and built a home on Edinburgh Road West. We chose the location because of the nice pond and park behind our property. We had our realtor investigate the Land Use Bylaw prior to purchasing our lot. We were satisfied that we would not be having high density dwellings near us. If we had known that there would be high density housing near our lot, we would have purchased elsewhere. Our home is to be our retirement home and we had planned for it to be in a quiet, peaceful and safe area of the City.

We believe that allowing high density housing as proposed would have an adverse effect on our enjoyment of our property and our property values. We would have to share our park and pond with hundreds of others who, being renters, will likely not respect the public area. There will be added litter and noise pollution.

We will have to worry more about our grandchildren finding needles or broken bottles in the park after the inevitable parties that will take place in the park.

Further, security would be an issue as well. With so many people living in such a condensed area the risk of the park and our home being vandalized greatly increases..

We understand that there are ample rental properties in the City of Lethbridge and many of them currently have vacancies, there is no need for new high density housing. If there was a need, there is not a need in this area of the City but would be better built nearer to the University or College.

Thank you for reading our concerns and taking them seriously. Please do not amend the bylaw to allow high density housing to be built near our home. Please allow us to enjoy our new custom built home in the peace, quiet and safety that we had intended.

Sincerely,

Michael & Joanne Harty

577 Edinburgh Rd. West

B

January 10, 2009

City Council
City of Lethbridge
Lethbridge, AB

Attention: Dianne Nemeth

Dear Council Member:

Re: Bylaw 5564 – 420 Highlands Boulevard West

Please accept this as our request that Council retain the zoning for the area designated as Lot 3, Block 5, Plan 021 4278 in the West Highlands Neighbourhood as R-75: Medium Density Residential.

The proposal to change that area to R-150: High Density Residential is not acceptable to us because the infrastructure will not support the increased traffic and it would result in more traffic congestion. There will be increased noise especially during warm months when windows are kept open at night; there would be obstruction of our view, and the type of residences would tend to depress the market value of all other residential properties in the area. Obviously, when the City planned this area as medium density it was meant to conform aesthetically to the overall plans for the area. There is already an area of high density apartments across the street; any further development of this nature detracts from this subdivision.

There are other areas in the City of Lethbridge which have already been designated R-150: High Density Residential which (a) would serve the needs of those looking for that type of accommodation, and (b) conform with the city's current planning. This application is made to increase the market value of the owners of the project at the expense of the adjacent properties; we don't think that this is fair, nor reasonable.

We are strongly opposed to this rezoning application for the reasons stated above.

Sincerely,

Wayne Kerke
Larke Kerke
261 Heritage Cr. W.
379.8633



C

January 10, 2009

City Council
City of Lethbridge
Lethbridge, AB

Attention: Dianne Nemeth

Dear Council Member:

Re: Bylaw 5564 – 420 Highlands Boulevard West

Please accept this as our request that Council retain the zoning for the area designated as Lot 3, Block 5, Plan 021 4278 in the West Highlands Neighbourhood as R-75: Medium Density Residential.

The proposal to change that area to R-150: High Density Residential is not acceptable to us because the infrastructure will not support the increased traffic and it would result in more traffic congestion. There will be increased noise especially during warm months when windows are kept open at night; there would be obstruction of our view, and the type of residences would tend to depress the market value of all other residential properties in the area. Obviously, when the City planned this area as medium density it was meant to conform aesthetically to the overall plans for the area. There is already an area of high density apartments across the street; any further development of this nature detracts from this subdivision.

There are other areas in the City of Lethbridge which have already been designated R-150: High Density Residential which (a) would serve the needs of those looking for that type of accommodation, and (b) conform with the city's current planning. This application is made to increase the market value of the owners of the project at the expense of the adjacent properties; we don't think that this is fair, nor reasonable.

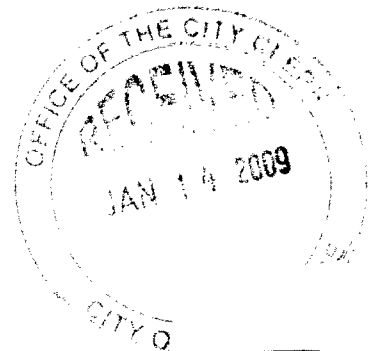
We are strongly opposed to this rezoning application for the reasons stated above.

Sincerely,

C. Beaton



*Claire + Terry Beaton
269 Heritage Cres W
Lethbridge, AB T1K 7E4*



D

**Office of:
Development Services**

January 13, 2009

For Submission to
January 19, 2009
Public Hearing

**His Worship the Mayor and
Members of City Council**

Recommendation

That City Council approve Bylaw 5549 and amend the land use classification of 416 Stafford Drive North, from I-B (Industrial Business) to C-G (General Commercial).

Background

Bylaw 5549 was given first reading by City Council on November 24, 2008. The application has been initiated by Hasegawa Engineering on behalf of Honey Holdings. The purpose of the application is to reclassify 0.03 hectares of land, located at 416 Stafford Drive North from I-B (Industrial Business) to C-G (General Commercial). The applicant has indicated a desire to construct a strip mall on this site for retail and professional offices.

The original land use district assigned to this site was based on the historical industrial uses that were located in this area. In recent decades, Stafford Drive North has been evolved into a commercial area.

Evaluation

The existing infrastructure (water, sewer & transportation) will accommodate the proposed intensity of use.

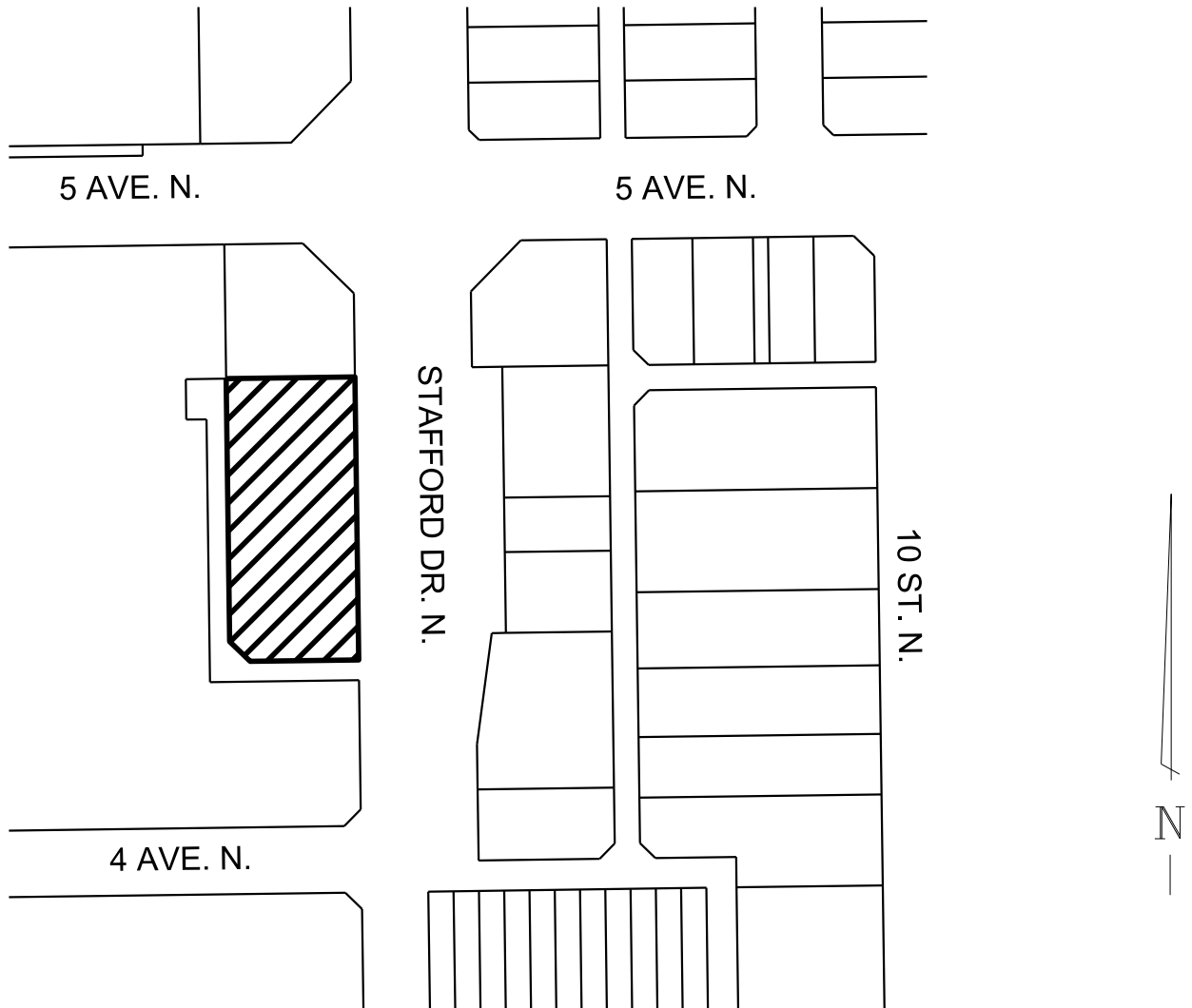
Recommendation

That City Council approve Bylaw 5549 and amend the land use classification of 416 Stafford Drive North, from I-B (Industrial Business) to C-G (General Commercial).

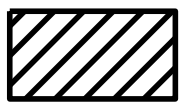
Bylaw 5549

Proposed Land Use Bylaw Amendment

416 - Stafford Dr. North



Legend:



From: I-B (Business Industrial)
To: C-G (General Commercial)

Legal: Block 2, Plan 4142 JK

BYLAW NO. 5549

A BYLAW OF THE CITY OF LETHBRIDGE
TO AMEND BYLAW NO. 4100
THE LAND USE BYLAW OF THE CITY OF LETHBRIDGE

NOW THEREFORE, THE COUNCIL OF THE CITY OF LETHBRIDGE, IN THE PROVINCE OF ALBERTA, DULY ASSEMBLED, HEREBY ENACTS AS FOLLOWS:

1. Bylaw No. 4100 - The Land Use Bylaw of the City of Lethbridge is hereby amended.
2. Bylaw No. 4100 is amended by changing the land use classification of:

Block 2
Plan 4142 J.K.

From:	I-B	Business Industrial
To:	C-G	General Commercial

(All of which is shown on the attached Schedule "A")

3. This Bylaw shall come into full force and effect on the date of final passing thereof.

READ A FIRST TIME this _____ day of _____, A.D. 2008

_____	_____
MAYOR	CITY CLERK

READ A SECOND TIME this _____ day of _____, A.D. 2009

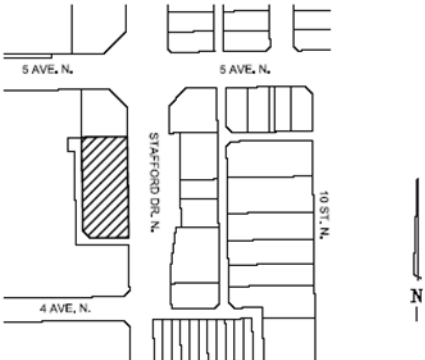
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MAYOR	CITY CLERK

READ A THIRD TIME this _____ day of _____, A.D. 2009


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MAYOR	CITY CLERK

SCHEDULE "A"

Bylaw 5549
Proposed Land Use Bylaw Amendment
416 - Stafford Dr. North



Legend:

 From: I-B (Business Industrial)
To: C-G (General Commercial)

Legal: Block 2, Plan 4142 JK

**Office of:
Development Services**

January 13, 2009

For Submission to
January 19, 2009
Public Hearing

**His Worship the Mayor and
Members of City Council**

Recommendation

That City Council approve Bylaw 5562 and amend the Land Use Bylaw to delete Section 64 C-N (5), which section limits Neighbourhood Commercial sites to a maximum site area of 2.5 hectares.

Background

Bylaw 5562 was given first reading by City Council on November 24, 2008. The application has been initiated by city of Lethbridge Development Services Department. The purpose of the application is to delete the regulation which limits the maximum size of sites in the Neighbourhood Commercial District.

The City recently received an application to reclassify a parcel of land to C-N (Neighbourhood Commercial) in the Sunridge neighbourhood. During the evaluation of the merits of the application, staff became aware that the proposed reclassification would result in a neighbourhood commercial site that exceeds the maximum limit of 2.5 hectares.

After reviewing the specific Sunridge neighbourhood commercial application, staff determined the proposal to exceed the stated maximum parcel size was appropriate. However, to ensure bylaw consistency, the restriction on maximum parcel size needs to be addressed before the Sunridge neighbourhood commercial application can be processed. Options to achieve consistency include:

- 1) Designation of the Sunridge commercial site as DC (Direct Control) with a specific provision to allow the site to be larger than allowed in the C-N (Neighbourhood Commercial District),
- 2) Amend the C-N (Neighbourhood Commercial) district and increase the maximum size for the district, or
- 3) Delete the requirement regarding maximum size.

The restriction on the maximum size of neighbourhood commercial sites in the Land Use Bylaw is meant to assist in regulating and limiting the potential negative impacts that a commercial property may have on adjacent properties. Neighbourhood commercial sites are often located in residential areas and thus sensitivity to residential activity (sleeping, leisure activities) must be respected. The current Neighbourhood Commercial District in the Land Use Bylaw reflects

the sensitivity to residential areas as the range and intensity of permitted and discretionary uses is relatively constrained, compared to other commercial districts. In addition, the C-N (Neighbourhood Commercial District) has provisions which regulate building height, floor area ratio, minimum yard setbacks, density and landscaping; all of which reduce the potential for negative impacts.

Parcel size can have an influence on the potential negative impacts associated with a commercial site, as parcel size influences total floor area, which impacts potential parking generation.

The locational characteristics of neighbourhood commercial sites can vary in a manner that impacts potential externalities. For example, proximity to major roadways, parks, low density housing versus high density housing, etc., can influence the amount and intensity of impacts from externalities. The parcel size of any particular neighbourhood commercial site, however, is determined by City Council at the time land use districts are established. It is at this stage that potential impacts are best considered and addressed in terms of parcel size. Therefore, it is somewhat redundant to have a maximum parcel size in the Land Use Bylaw, when parcel size is actually considered and established by City Council through the land use districting process.

Recommendation

That City Council approve Bylaw 5562 and amend the Land Use Bylaw to delete Section 64 C-N (5) which section limits Neighbourhood Commercial sites to a maximum site area of 2.5 hectares.

BYLAW NO. 5562

A BYLAW OF THE CITY OF LETHBRIDGE TO AMEND
BYLAW NO. 4100
THE LAND USE BYLAW OF THE CITY OF LETHBRIDGE

THE COUNCIL OF THE CITY OF LETHBRIDGE, IN THE PROVINCE OF
ALBERTA, DULY ASSEMBLED, HEREBY ENACTS AS FOLLOWS:

1. Bylaw No. 4100 – The Land Use Bylaw of the City of Lethbridge is hereby amended.
2. Bylaw No. 4100 is amended by deleting the following clause from Section 64 C-N Neighbourhood Commercial:
 - (5) Maximum Parcel Area
2.5 hectares (25,000 m²)
3. This Bylaw shall come into effect on the date of final passing thereof.

READ A FIRST TIME this _____ day of _____, A.D. 2008

MAYOR

CITY CLERK

READ A SECOND TIME this _____ day of _____, A.D. 2009

MAYOR

CITY CLERK

READ A THIRD TIME this _____ day of _____, A.D. 2009

MAYOR

CITY CLERK

**Office of:
Development Services**

January 13, 2009

For Submission to
January 19, 2009
Public Hearing

**His Worship the Mayor and
Members of City Council**

Recommendation

That City Council approve Bylaw 5563 and amend the land use classification of land in the Sunridge neighbourhood (as shown on attached map) from UR (Urban Reserve) to C-N (Neighbourhood Commercial).

Background

Bylaw 5563 was given first reading by City Council on November 24, 2008. The application has been initiated by Brown Okamura and Associates Ltd. on behalf of the City of Lethbridge Real Estate and Land Development Department. The purpose of the application is to reclassify 0.74 hectares of land, located in the Sunridge Neighbourhood from UR (Urban Reserve) to C-N (Neighbourhood Commercial). The applicant proposes to sell the site to a developer for construction of a neighbourhood shopping centre. During negotiations with a potential purchaser, it was determined that a larger commercial site could be viable in this location.

The original land use district assigned to this site was based on a neighbourhood commercial parcel of 2.7 hectares in size. The proposed bylaw would allow for the addition of another 0.74 hectares and create a parcel that is 3.44 hectares in size.

Evaluation

The existing infrastructure (water, sewer & transportation) will accommodate the proposed intensity of use. The proposed final commercial site is bounded on the east by University Drive and on the northwest by a neighbourhood park. Neither University Drive nor the park will experience negative impacts from the proposed Development. The remaining boundaries of the site are coincident with medium density multi-family sites. All of the existing medium density sites were created and planned with knowledge of a commercial site in this location. It is not expected that the increase in commercial site size will create any additional negative impacts to the adjacent residential area.

Recommendation

That City Council approve Bylaw 5563 and amend the land use classification of land in the Sunridge neighbourhood (as shown on attached map) from UR (Urban Reserve) to C-N (Neighbourhood Commercial).

Bylaw 5563
Proposed Land Use Bylaw Amendment
4040 - 10 St West and 7002 - University Dr West



Legend:



From: UR (Urban Reserve)
To: C-N (Neighbourhood Commercial)

Legal:

Portion of NE1/4, Sec. 14, Twp. 8, Rge. 22, W4M
Portion of Lot 1, Block 3, Plan 0414514
Portion of the Adjoining Road Allowance

BYLAW NO. 5563

A BYLAW OF THE CITY OF LETHBRIDGE
TO AMEND BYLAW NO. 4100
THE LAND USE BYLAW OF THE CITY OF LETHBRIDGE

NOW THEREFORE, THE COUNCIL OF THE CITY OF LETHBRIDGE, IN THE PROVINCE OF ALBERTA, DULY ASSEMBLED, HEREBY ENACTS AS FOLLOWS:

1. Bylaw No. 4100 - The Land Use Bylaw of the City of Lethbridge is hereby amended.
2. Bylaw No. 4100 is amended by changing the land use classification of:

Portion of North East Quarter, Section 14, Township 8, Range 22, W4M
 Portion of Lot 1, Block 3, Plan 0414514
 Portion of the adjoining Road Allowance

From:	UR	Urban Reserve
To:	C-N	Neighbourhood Commercial

(All of which is shown on the attached Schedule "A")

3. This Bylaw shall come into full force and effect on the date of final passing thereof.

READ A FIRST TIME this _____ day of _____, A.D. 2008

MAYOR	CITY CLERK
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READ A SECOND TIME this _____ day of _____, A.D. 2009

MAYOR	CITY CLERK
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READ A THIRD TIME this _____ day of _____, A.D. 2009

MAYOR	CITY CLERK
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SCHEDULE "A"

Bylaw 5563
Proposed Land Use Bylaw Amendment
4040 - 10 St West and 7002 - University Dr West



Legend:
From: UR (Urban Reserve)
To: C-N (Neighbourhood Commercial)

Legal: Portion of NE1/4, Sec. 14, Twp. 8, Rge. 22, W4M
Portion of Lot 1, Block 3, Plan 0414514
Portion of the Adjoining Road Allowance