



LLOYDMINSTER SUBDIVISION AND DEVELOPMENT APPEAL BOARD DECISION

APPEAL TO BE HEARD:	Development Permit Approval
Municipal Address:	39 Avenue & 40 Street
Zoning:	RD – Recreation District
Legal Description:	N.W. ¼ Sec.36-Twp.49-Rge.28-W3M
Permit No.	20230524
Appellant Name:	Manzoor Ahmed

A. INTRODUCTION

This appeal relates to an approved variance to parking requirements for the proposed Cenovus Hub Event Centre. A neighbouring property owner/ resident has appealed the approval of the variance.

The Development Authority received an Application on June 29, 2023 for the proposed Cenovus Hub Event Centre. During a preliminary review of the overall site plan, it was identified that the parking proposed for the development did not meet the minimum number of stalls required as per Land Use Bylaw 5-2016.

Land Use Bylaw 5-2016 Section 4.15 – Parking Regulations requires parking for a development of this nature to be calculated as follows:

22. Public assembly auditoriums including theaters, convention halls, funeral homes, religious assemblies, racetracks, halls, private hall, sporting venues, and Buildings operated by citizen organization

*1 per 4 seating spaces or 1 per 5m² used by the public, whichever is greater.

The Development Authority and the Consultant for the project concluded the Public Space to be 10,743 m² and the maximum seating of 4,623 which resulted in the following calculations:

Public Space: $10743/5 = 2148.6 - 2,149$ stalls required

Seats: $4623/4 = 1155.75 - 1,156$ stalls required

The Parking Regulations in the Land Use Bylaw do not specifically contemplate or address a development of the nature proposed. Considering the purpose and intent of the parking regulations in the Land Use Bylaw to be the provision of adequate parking stalls for a proposed development, the Development Authority exercised its discretion to calculate the number of parking stalls required on the basis of seating spaces, as opposed to public space. The Development Authority determined that based on the nature of the proposal, this was the most accurate representation of the largest number of patrons anticipated to utilize the facility at one time.





The Land Use Bylaw 5-2016 Section 4.15 Parking Regulations allows for variances for Mixed Use Development, such as the proposed development, to be applied.

33. Mixed Use Development with shared customers and similar hours

*10% reduction of the required parking spaces, in addition to the variance powers of the Development Officer.

Through the application of the 10% Mixed Use Variance, the calculations are as follows:
1,156 stalls – 116 (10%) = 1,040 stalls required

An application was submitted on July 24, 2023, for the Variance to reduce the required number of parking stalls by an additional 15% in accordance with the variance powers granted to the Development Officer under Section 2.15 of the Land Use Bylaw, which permit a variance of the parking required for a development of up to 15%.

Administration deemed the application complete on July 24, 2023.

A Variance Application was deemed to be Discretionary and as such, a letter of advisement was mailed to all property owners within 100 metres of the subject property boundaries asking for comments and concerns to be submitted within 14 days. An advertisement was placed in the Meridian Source on July 27, 2023, asking for public feedback, and allowing 14 days for any submissions.

During the referral period several concerns were received from the neighboring property owners opposed to the additional 15% parking reduction.

The referral period expired at end of day August 10, 2023. The Development Authority reviewed the submitted concerns, compiled a list of questions and provided those questions to the Applicant on August 16, 2023.

A summary of the concerns received is as follows:

1. What is the plan to accommodate overflow parking for sold out events if the 15% variance is approved?
2. Residents were concerned about the usage of on-street parking in their neighborhoods and impacts (including safety) it might pose. How is this being mitigated?
3. What are the pros and cons of the reduction?
4. How will the reduction of parking benefit the City as a whole and specifically the neighborhood?
5. What supporting documents do you have for the reduction of the 15%?



The response from the Applicant was received on September 1, 2023 and was provided directly to the concerned residents, who were provided with an additional 7 days to respond. No additional responses were received.

The Variance Application was approved on September 19, 2023, and letters of the approval were mailed out to all property owners notifying them of the decision.

1,040 stalls – 156 (10%) = 884 stalls required

The final site plan shows 704 parking spaces provided in Phase 1 with the remaining number of stalls, 180, to be completed in Phase 2. A Deferred Parking Agreement will be required as part of the decision pertaining to the construction of the facility which has been detailed in the conditions of the variance approval.

B. PRELIMINARY MATTERS

1. Subdivision and Development Appeal Board (SDAB) members – the Chair asked the Appellant and other parties in attendance whether there were any objections to the SDAB members – there were no objections.
2. Hearing Process - the Chair reviewed the hearing process. The Chair asked the Appellant and other parties in attendance whether there were any objections to the hearing process. There were no objections.

C. SUMMARY OF HEARING

3. The SDAB heard from the Development Authority, represented by Manager, Planning, Natasha Pidkova, who read from the City's submission (which is on SDAB's file).
4. The SDAB asked the Development Authority what if any conditions would be appropriate. The Development Authority provided the SDAB with a list of revised conditions (which is on the SDAB's file).
5. The SDAB then heard from the Appellant, Manzoor Ahmed. Mr. Ahmed is a neighbouring property owner/ resident. He is concerned about the magnitude of the variance and the potential for parking to overflow into the neighbourhood during major events. Mr. Ahmed further expressed concern about parking restrictions being enforced.
6. Jerry Missler was in attendance and spoke in favor of the appeal and his opposition to the parking variance. Mr. Missler is a resident of the area. He provided a written submission of his presentation and letters of support for his position (which are on the SDAB's file). Mr. Missler pointed out that with the manner in which the requirements were calculated and the application of the 10% reduction, the requested variance amounted to a 40% variance in parking requirements. He also expressed concern with the use of a ratio of 1 parking stall per 4 seats. He noted that there is no parking included for event participants or staff. In addition to



concerns about spillover parking, he also raised concerns about impacts to emergency access. In Mr. Missler's view, parking should not be deferred.

7. Sheila Robillard was in attendance and spoke in favor of the appeal and her opposition to the parking variance. She resides in the area and indicated that she agreed with Mr. Missler's submissions.
8. Matthew Roper was in attendance and spoke opposed to the appeal. Mr. Roper is the project architect. He reiterated the contents of the submission and ISL report (which are on the SDAB's file). In response to questions from the SDAB, Mr. Roper indicated that parking impacts will be monitored closely and that mitigation plans would be implemented for major events. He also noted that future development will be required to meet its own parking requirements.
9. At the conclusion of the hearing, in response to a question from the SDAB Chair, all parties indicated that they did not have any concerns about the hearing process.

D. DECISION

10. The SDAB allows the appeal and varies the conditions of the Development Permit to incorporate the revised conditions submitted by the Development Authority at the hearing:
 - a. Approved as per the submitted Overall Site Plan of July 21, 2023, and the identified Bus Parking of July 28, 2023.
 - b. The Applicant must construct the identified seven hundred and four (704) parking stalls plus the three (3) identified bus parking stalls (as per July 28, 2023) in Phase 1 for opening day plus the deferred parking obligation for a minimum of one hundred and eighty (180) parking stalls in Phase 2 for a total of eight hundred and eighty-four (884) parking stalls.
 - c. The deferred parking obligation to construct a minimum of one hundred and eighty (180) additional parking stalls in Phase 2 shall be activated with the application of a Development Permit for Phase 2 or two (2) years from the date of SDAB decision on parking variance, whichever is sooner.
 - d. Any additional development outside of this Development Permit Application will be required to provide parking in accordance with the Land Use Bylaw 5-2016 as amended from time to time.
 - e. The Applicant is responsible to create and facilitate an approved Parking and Traffic Management Plan for any events requiring floor seating to minimize any effects that the event may have on adjacent commercial or residential properties. Such Parking and Traffic Management Plan shall be submitted to the City Manager a minimum of ninety (90) days in advance of the event for internal referral and comment within the City of Lloydminster departments to ensure that it meets the needs of the event. Within thirty (30) days of the Plan submission, the City Manager shall provide the City's decision on the Parking and Traffic Management Plan.



- f. In accordance with Section 4.15 Parking and Loading of the Land Use Bylaw 5-2016, all Development is required to provide the necessary off-street vehicle parking.
- g. The Applicant must adhere to all Federal, Provincial, and Municipal regulations, bylaws, standards, and policies that apply.

E. REASON FOR DECISION

- 11. In reaching its decision, the SDAB considered the relevant provisions of the MGA, Land Use Bylaw 5-2016 and all of the written and oral evidence presented at the hearing.
- 12. In deciding whether to approve the Variance, the SDAB must consider whether the test under Section 687(3)(d) of the MGA has been satisfied.
- 13. The SDAB considered the safety and congestion concerns raised by the Appellant and other residents related to use of off street parking for overflow parking and access to the surrounding neighbourhood. While the SDAB recognizes these concerns as valid, the SDAB is of the view that the concerns can be adequately mitigated by the revised conditions.
- 14. As a starting point, the SDAB considered the manner in which the parking requirements were determined. The SDAB agrees with the Development Authority that there is not a clear basis on which to calculate parking requirements for this type of unique development. Based on the ISL Report, the SDAB agrees that calculating parking requirements based on seating (rather than public space) is appropriate for this development. Further, given the nature of this development, the SDAB was of the view that it was appropriate to apply the 10% parking reduction for Mixed Use Development.
- 15. The SDAB then considered whether the test for a variance was met. In determining that the test was met, the SDAB relied on the expert opinion of ISL. In this regard, it is anticipated that it will only be a very small percentage of events that require use of all of the on site parking stalls. Those events will be planned well in advance and the SDAB is satisfied that the requirement for a Parking and Traffic Management Plan for any events requiring floor seating will address concerns regarding impacts on the neighbourhood.
- 16. The SDAB also considered the timeline for the addition of the one hundred and eighty (180) stalls. In the SDAB's opinion, the revised two (2) year timeframe will ensure that the additional stalls are made available as attendance at the facility grows.
- 17. In conclusion, the SDAB determined that with the conditions attached, the variance in parking stalls would not unduly interfere with the amenities of the



neighbourhood, or materially interfere with or affect the use, enjoyment, or value of the neighbouring parcels of land.

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SDAB Clerk, Shannon Rowan
City of Lloydminster
Subdivision and Development Appeal
Board

DocuSigned by:

Handwritten signature of Tom Schinold in black ink.

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Chair, Tom Schinold
City of Lloydminster
Subdivision and Development Appeal
Board

IMPORTANT INFORMATION FOR APPELLANT

This decision may be appealed to the Alberta Court of Appeal on a question of law or jurisdiction under Section 688 of the *Municipal Government Act*, R.S.A. 2000, c. M26.

Certificate Of Completion

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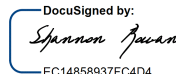
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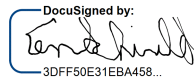
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