



LLOYDMINSTER

SUBDIVISION AND DEVELOPMENT APPEAL BOARD (SDAB)

AGENDA

Date: October 19, 2023

Time: 9:00 am

Location: Council Chambers, City of Lloydminster
4420 50 Avenue Lloydminster, AB

1. Call to Order

2. Chair Introduction

3. Introductions

3.1. SDAB Board

3.2. SDAB Administrative Staff

4. Approval of Agenda dated October 19, 2023

Recommendation:

That the Agenda dated October 19, 2023 be approved.

5. Approval of Previous Minutes dated July 20, 2023

Recommendation:

That the Subdivision and Development Appeal Board minutes of the previous hearing dated July 20, 2023 be approved.

6. Introduction of SDAB Hearing No. SDAB-03-23-3701

| | |
|---------------------|---------------------------------|
| APPEAL TO BE HEARD: | Development Permit Refusal |
| Municipal Address: | 4918 50 Avenue |
| Zoning: | C1 Central Commercial |
| Legal Description: | Lot PT19-20 Block 2 Plan LXXXVI |
| Permit No. | 23-3701 |
| Appellant Name: | Mike Cedro |

7. Introduction of Appellant

8. Objections to Board

9. Hearing Process

10. Hearing of Appeal

10.1. Presentation of Subdivision/Development Authority

10.1.1. Questions by the Board

10.1.2. Presentation of Potential Conditions of Approval



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10.2. Presentation of the Appellant

10.2.1. Questions by the Board

10.3. Presentation of Affected Parties in Favour of the Appeal

10.4. Presentation of Affected Parties Opposed to the Appeal

10.5. Rebuttal (to new evidence only) of the Appellant

10.6. Read into Record Additional Information (if required)

11. Brief Recess

12. SDAB Reconvenes

12.1. Board questions

13. Summaries

13.1. Subdivision/Development Authority Final Comments

13.2. Appellants Final Comments

14. Close of Hearing

The Board's decision will be made within fifteen (15) days upon conclusion of the Hearing and those affected will be notified of the decision and reasons for it by mail.

15. SDAB goes In Camera

Recommendation:

That the October 19, 2023 Subdivision and Development Appeal Board hearing go into a closed session at ____ AM.

Recommendation:

That the October 19, 2023 Subdivision and Development Appeal Board hearing resume open session at ____ AM.

16. Adjournment

Recommendation:

That the October 19, 2023 Subdivision and Development Appeal Board hearing be adjourned at ____ AM.



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**SUBDIVISION AND DEVELOPMENT APPEAL BOARD (SDAB)
MINUTES**

Thursday, July 20, 2023

**City of Lloydminster Council Chambers
4420 – 50 Avenue
Lloydminster, Alberta**

| | |
|---------------------|--|
| APPEAL TO BE HEARD: | Development Permit Refusal |
| Municipal Address: | 1221 50 Avenue, Lloydminster, Saskatchewan |
| Zoning: | C2 Highway Corridor Commercial |
| Legal Description: | Lot 3 Block 3 Plan BX4535 |
| Permit No. | 23-3464 |
| Appellant Name: | Reid & Wright Advertising – Shaun Woodman |

| | |
|-----------------------|---|
| SDAB Members Present: | Tom Schinold, Chair Glenn Fagnan Dean Segberg Larry McConnell Joe Rooks |
| SDAB Support Present: | Doug Rodwell, SDAB Clerk Shannon Rowan, Recording Secretary |
| City Staff Present: | Natasha Pidkowa, Manager Planning Marilyn Lavoie, Legislative Services Manager |

| | |
|--------------------|---|
| Appellant Present: | Shaun Woodman – Reid & Wright Advertising |
|--------------------|---|

1. Call to Order 10:00 AM

Chair, Tom Schinold called the July 20, 2023 Subdivision and Development Appeal Board Hearing to order at 10:00 AM.

2. Chair Introduction

SDAB Chair, Tom Schinold introduced himself to those in attendance.

3. Introductions

3.1 All members of the SDAB introduced themselves.

3.2 All members of Administration introduced themselves.

4. Additional Information

An additional written submission was provided by Appellant. Chair, Tom Schinold asked the Development Authority if they required additional time to review. Natasha Pidkowa advised that the Development Authority was prepared to proceed with the hearing at this time.



5. Approval of Agenda dated July 20, 2023

Joe Rooks moved that the SDAB Agenda dated July 20, 2023 be adopted as presented. Seconded by Dean Segberg.

CARRIED

6. Approval of Previous Minutes from June 21, 2023 Hearing

Larry McConnell moved that the SDAB Minutes dated June 21, 2023 be approved as circulated. Seconded by Dean Segberg.

CARRIED

7. Introduction of SDAB Hearing No. SDAB 02-23-3464

| | |
|---------------------|--|
| APPEAL TO BE HEARD: | Development Permit Refusal |
| Municipal Address: | 1221 50 Avenue, Lloydminster, Saskatchewan |
| Zoning: | C2 Highway Corridor Commercial |
| Legal Description: | Lot 3 Block 3 Plan BX4535 |
| Permit No. | 23-3464 |
| Appellant Name: | Reid & Wright Advertising – Shaun Woodman |

8. Introduction of Appellant

Shaun Woodman, Project Manager – Reid & Wright Advertising, introduced himself.

9. Objections to Board

The Appellant had no objections to the members of the Board who were in attendance.

The Development Authority had no objections to the members of the Board who were in attendance.

10. Hearing Process

Chair, Tom Schinold provided an overview of the hearing process. No concerns were brought forward by audience members regarding the process of the hearing.

11. Hearing of Appeal

11.1. Presentation of Developing Authority

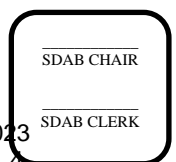
Natasha Pidkova presented on behalf of the City of Lloydminster and noted that Planning received an Application on May 9, 2023, which was deemed complete on May 23, 2023. As a Billboard is a Discretionary Use in the C2 – Highway Corridor Commercial District the referrals for the proposed use were mailed to all property owners within 30 metres of the subject land.

Administration reviewed Land Use Bylaw Section 4.20 as it pertains to Billboards and noted the separation distance of 150 metres from a Residential District was not met. Application was refused and notice was sent to the applicant and adjacent property owners.

Questions by the Board

None.

Opportunity to Address New Information Provided by Appellant



Natasha Pidkowa confirmed that they would like to respond to paragraph four of the Appellant’s additional submission noting that the Development Officer did receive an inquiry pertaining to the rationale behind the bylaw. The response provided indicated that the bylaw was updated in 2016 following a comprehensive review based on best practices, emerging trends, and change in development seen in Lloydminster. The desire through the 2016 review was to elevate the City’s built form and development standards. Section 4.20 would be rooted in the best planning practices and development standards. Bylaw 5-2016 was approved through the public process requiring advertising in the newspaper, three readings in Council, and a public hearing prior to approval.

Presentation of Potential Conditions

Natasha Pidkowa advised that they would not recommend any conditions as they are recommending the Land Use Bylaw 5-2016, Section 4.20 be upheld.

11.2. Presentation of the Appellant

Shaun Woodman presented on behalf of the Reid & Wright Advertising and advised that their presentation was summarised in the additional information provided prior to the start of the hearing.

Question of the Board

None.

11.3. Presentation of Affected Parties in Favour of the Appeal

None.

11.4. Presentation of Affected Parties Opposed to the Appeal

None.

11.5. Appellant Rebuttal to Respond to New Evidence Only

None.

12. Brief Recess

Chair Tom Schinold called a brief recess at 10:10 AM.

13. SDAB Reconvenes

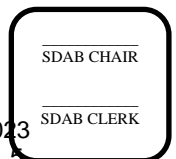
The SDAB reconvened and Chair Tom Schinold called the meeting to order at 10:20 AM.

13.1. Board Questions

Dean Segberg asked the Development Authority for clarification on how local businesses in the area are affected by the moving of the sign.

Natasha Pidkowa responded that there has been a lot of infill development in this area that has been compliant with Land Use Bylaw 5-2016. This area is generally considered community in nature/neighborhood centered and billboards are discretionary as they tend to be more predominant in larger commercial sites and into the industrial fridge.

Dean Segberg followed up by asking if the Development Authority could approve the application, would they approve or deny the appeal.



Natasha Pidkowa stated that they would deny the appeal.

Larry asked the Appellant whether the lighting on the billboard is 24 hour.

Shaun Woodman replied that the lighting would only be after dark and would be on the ad area only.

Dean Segberg asked whether the revenue from the sign is continuous and always in use.

Shaun Woodman responded that as far back as he can see it has been consistent since 2000.

Chair Tom Schinold asked Administration if there had been any feedback from surrounding residents or businesses.

Natasha Pidkowa restated that adjacent landowners within 30 metres were advised of the application and no feedback was received, however should the Board choose to approve this appeal landowners within 150 metres would be stagnated and those landowners have not been contacted for feedback.

14. Summaries

14.1. Development Authority’s Final Comments

No closing comments.

14.2. Appellant’s Final Comments

No closing comments.

15. Close of Hearing

The Chair concluded the hearing at 10:25 AM.

Chair Tom Schinold indicated that a written decision would be forwarded within fifteen (15) days of the hearing. Those affected will be notified of the decision and reasons for it by mail.

16. Adjournment

Larry McConnell moved that the July 20, 2023 Subdivision and Development Appeal Board hearing be adjourned at 10:25 AM.

CARRIED

SDAB Chair

SDAB Clerk

NOTICE OF DECISION LAND USE BYLAW 5-2016

You, **Mike Cedro** representing **Mikitecture** at **82 Avenue NW, Edmonton, AB T6E 1X5**, hereinafter referred to as the "Applicant", are hereby notified that your application for development as follows:

| | |
|----------------------------|--|
| Application Number: | 23-3701 |
| Permit Number: | Refused |
| Purpose: | Child Care Facility |
| Involving: | 4918 – 50 Avenue (Lot PT19-20, Block 2, Plan LXXXVI) |
| Registered Owner: | 101239312 Saskatchewan Ltd. |

Is **Refused** for Child Care Facility to be located at **4918 – 50 Avenue** as applied for on August 20, 2023, for the following reason(s):

1. The application does not meet the minimum number of on-site drop off stalls required as per Section 5.8 – Special Regulations – Child Care Services in Land Use Bylaw 5-2016.

Although this permit is refused it is subject to a twenty-one (21) day appeal period from the date of decision.

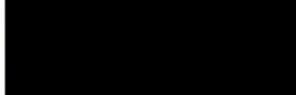
If you are not in agreement with this decision or conditions described herein, it may be appealed within twenty-one (21) days from the date of decision (as per Section 686 Development Permit Appeals: *Municipal Government Act*) by submitting a written notice and a four-hundred-dollar (\$400.00) processing fee to the following:

City Hall – Office of the City Clerk
 Attention - Secretary of the Subdivision and Development Appeal Board
 4420 – 50 Avenue
 Lloydminster, AB T9V 0W2

If you have any questions, or require any clarification, please contact the undersigned at (780) 874-3700 or by email at rshortt@lloydminster.ca.

| | |
|--------------------------|-------------------|
| Date of Decision: | September 8, 2023 |
| Date of Notice: | September 8, 2023 |

Sincerely,
 City of Lloydminster



**Development Officer, Planning
 Operations Centre**

DEVELOPMENT OFFICERS APPEAL STATEMENT

APPLICATION: Child Care Services

DECISION OF THE DEVELOPMENT OFFICER: Refused

REGISTERED OWNER: 101239312 Saskatchewan Ltd.

APPELLANT/APPLICANT: Mike Cedro

DECISION DATE: September 8, 2023

NOTIFICATION PERIOD: September 29, 2023

DATE OF APPEAL HEARING: **October 19, 2023**

CIVIC ADDRESS: 4918 - 50 Avenue

LEGAL DESCRIPTION: Lot PT 19-20, Block 2, Plan LXXXVI

DISTRICT: C1 – Central Commercial District

STATUTORY PLAN: Land Use Bylaw 5-2016

DEVELOPMENT OFFICERS DECISION: Schedule “A”

Is **REFUSED** for the Child Care Facility to be located at **4918 - 50 Avenue** as applied for on **August 20, 2023**, subject to the following conditions:

1. Application does not meet the minimum number of on-site drop off stalls required as per Section 5.8 - Special Regulations – Child Care Services in Land Use Bylaw 5-2016.

DEVELOPMENT OFFICER’S APPEAL STATEMENT

BACKGROUND:

Planning received an Application on August 20, 2023, which was deemed complete on August 25, 2023.

During the review of the Land Use Bylaw 5-2016 Section 5.8 – Special Regulations specifies items that the Development Officer is to consider:

- 5.8.5 When deciding whether to approve or refuse an application for Child Care Service Development the Development Officer shall:
 - i. Give consideration as to weather the proposed facility is located: abutting a collector or arterial roads; on a corner site; abutting to or in community facilities

such as a school, park, church or community center; or abutting to commercial areas or multi-family development.

- ii. Account for potential traffic generation and any other matters which may limit the privacy and enjoyment of abutting residences;
- iii. Account for traffic, noise and proximity to hazardous uses to ensure the proposed development is in a safe location; and
- iv. Consider the proximity to any other facility of similar nature, being mindful of a recommended separation distance of 150m.

Further, Section 5.8.8 states:

Parking shall be provided according to the regulations outlined in the Parking Section of the Land Use Bylaw. In addition to the Parking Regulations drop-off parking shall be provided as follows:

- i. A separate On-site drop-off area shall be provided at the rate of 2 drop-off spaces for up to 10 children, plus 1 additional space for every 10 children;
- ii. Each drop-off space shall be a minimum of 2.6 metres in width and a minimum of 5.5 metres in length; and
- iii. The drop-off space shall be located within 6 metres of the main entrance of the development.

Upon review of the area and the location of the building and the drop-off regulations, Planning determined there was no parking or loading stalls provided and therefore the application did not meet the requirements of the Land Use Bylaw 5-2016 and therefore was refused.

Based on the requirements of the Bylaw, the applicant would be required to provide thirteen (13) on-site drop-off spaces within 6 metres of the front or rear door for 112 children identified on the floor plans.

The Development Officer determined that the drop-off and pick up generated from this project did not meet the minimum requirement of Land Use Bylaw, and as such, refused the request on September 8, 2023.

Additional information:

Table 4.15.6:

| Reductions | | |
|------------|-------------|---|
| 32. | C1 District | Up to a 100% reduction of the required parking spaces at the discretion of the Development Officer for Commercial Developments. |

In accordance with the Land Use Bylaw 5-2016 the proposed development was exempt from providing any on-street parking that may be directly utilized by the employees and patrons of the proposed development.

Furthermore, Land Use Bylaw 5-2016 Section 4.15 Parking and Loading states:

4.15.1

iv. In any District, when any new Development is proposed including a change of use of existing Development, or when any existing Development is substantially enlarged or increased in capacity, provisions shall be made for off-street vehicular parking or garage spaces in accordance with the regulations set out in this Section.

Off-street parking requirements were waived by the Development Officer, however it was critical to evaluate the site as a whole and the implications of the Development on the adjacent properties. On-street parking directly in front of the subject site has become limited due to the new design being implemented downtown. Through the continued implementation of the Downtown Area Redevelopment Plan (DARP) the City is in support of continual growth and development in this area, however we had to ensure that the new development does not pose negative impacts to the overall function and enjoyment of those around it.

Additional amenities throughout the City including access to public transit are evaluated when reducing development requirements of this nature. At this time the City offers no public transit as an alternative means of accessing amenities.

A map showing the area has been provided for reference as Schedule “B”.

LAND USE BYLAW

The following excerpts from the Land Use Bylaw are attached as Schedule “C” to this Report:

- Section 4.15 – Parking Regulations
- Section 5.8 – Special Regulations – Child Care Services

FACTS TO THE BOARD:

Administration received a Development Permit Application on August 20, 2023.

Administration deemed the application complete on August 25, 2023.

Administration reviewed application and noted the proposed use does not meet the minimum required drop-off spaces as per Section 5.8.

The application was refused on September 8, 2023, with the Notice of Decision being sent to the applicant on September 8, 2023. A copy of the Notice of Decision is attached as Schedule “A” to this Report.

BOARD’S AUTHORITY AND DEVELOPMENT OFFICER’S SUBMISSIONS

The Board’s authority with respect to a development appeal is set out in s. 687(3)(c) and (d) of the *Municipal Government Act*:

- (c) may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own;

- (d) may make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the land use bylaw if, in its opinion,
 - (i) the proposed development would not
 - (A) unduly interfere with the amenities of the neighbourhood, or
 - (B) materially interfere with or affect the use, enjoyment, or value of neighbouring parcels of land,
 - and
 - (ii) the proposed development conforms with the use prescribed for that land or building in the land use bylaw.

Respectfully Submitted,



Roxanne Shortt
Development Officer, Planning
City of Lloydminster

Schedule A



NOTICE OF DECISION LAND USE BYLAW 5-2016

You, **Mike Cedro** representing **Mikitecture** at **82 Avenue NW, Edmonton, AB T6E 1X5**, hereinafter referred to as the "Applicant", are hereby notified that your application for development as follows:

| | |
|----------------------------|--|
| Application Number: | 23-3701 |
| Permit Number: | Refused |
| Purpose: | Child Care Facility |
| Involving: | 4918 - 50 Avenue (Lot PT19-20, Block 2, Plan LXXXVI) |
| Registered Owner: | 101239312 Saskatchewan Ltd. |

Is **Refused** for Child Care Facility to be located at **4918 - 50 Avenue** as applied for on August 20, 2023, for the following reason(s):

1. The application does not meet the minimum number of on-site drop off stalls required as per Section 5.8 - Special Regulations - Child Care Services in Land Use Bylaw 5-2016.

Although this permit is refused it is subject to a twenty-one (21) day appeal period from the date of decision.

If you are not in agreement with this decision or conditions described herein, it may be appealed within twenty-one (21) days from the date of decision (as per Section 686 Development Permit Appeals: *Municipal Government Act*) by submitting a written notice and a four-hundred-dollar (\$400.00) processing fee to the following:

City Hall - Office of the City Clerk
Attention - Secretary of the Subdivision and Development Appeal Board
4420 - 50 Avenue
Lloydminster, AB T9V 0W2

If you have any questions, or require any clarification, please contact the undersigned at (780) 874-3700 or by email at rshortt@lloydminster.ca.

| | |
|--------------------------|-------------------|
| Date of Decision: | September 8, 2023 |
| Date of Notice: | September 8, 2023 |

Sincerely,
City of Lloydminster


Roxanne Shortt
Development Officer, Planning
Operations Centre

Development Permit Application

Application for Development Permit

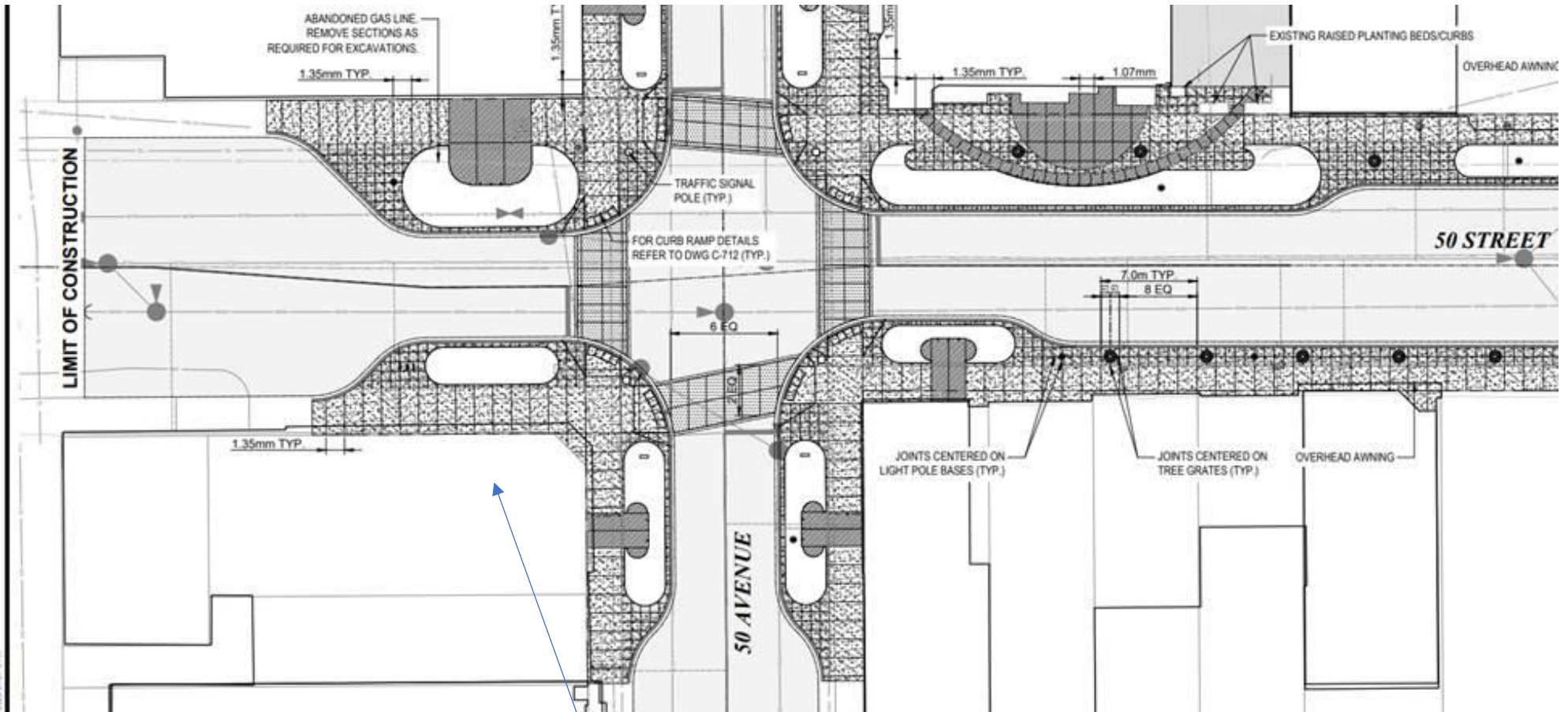


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| | | |
|-----------------------------|--|---|
| Submission Date | Date: <u>August 20, 2023</u> (4916-50 Ave) | Application Submission Deemed Complete Date: _____ |
| PROJECT | Municipal Address: <u>4918 50 ave lloydminster ab</u> Municipal Tax Roll #: <u>21100340000</u> Zoning: <u>C1</u> Legal Description: Lot: <u>Pt. 19-20</u> Block: <u>2</u> Legal Plan: <u>LXXXVI</u> | OFFICE USE ONLY APPLICATION #: <u>23-3701</u> PERMIT #: <u>Refused</u> PERMIT FEE: <u>\$75.00 / unit</u> RECEIPT #: <u>807210</u> MOTION #: _____ APPROVED BY: _____ REFUSED BY: <u>R. Shortt</u> ISSUE DATE: <u>Sept 8/23</u> EXPIRY DATE: _____ |
| APPLICANT/OWNER INFORMATION | Applicant Name: <u>mike cedro</u> Address: <u>4918 50 ave lloydminster ab</u> Province: <u>ab</u> Postal Code: <u>t6e1x5</u> Phone: <u>7802706127</u> Email: <u>mikitecture@gmail.com</u> Is Property owner same as above? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (If property owner is not the same as applicant AUTHORIZATION FORM is required) | <input type="checkbox"/> Permitted Use <input type="checkbox"/> Discretionary Use |
| DEVELOPMENT INFORMATION | Nature of Development: <input type="checkbox"/> Residential <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Institutional <input type="checkbox"/> Multi-family - # of Units _____ Proposed Development (Select all that Apply) <input type="checkbox"/> New Construction <input checked="" type="checkbox"/> Renovation <input type="checkbox"/> Addition <input type="checkbox"/> Foundation <input type="checkbox"/> Superstructure <input type="checkbox"/> Accessory Building <input type="checkbox"/> New Dwelling <input type="checkbox"/> Attached Garage <input type="checkbox"/> Detached Garage <input type="checkbox"/> Front Deck <input type="checkbox"/> Rear Deck <input type="checkbox"/> Basement Developed <input type="checkbox"/> Suite: <input type="checkbox"/> Secondary <input type="checkbox"/> Garage <input type="checkbox"/> Garden <input type="checkbox"/> Other: _____ <input type="checkbox"/> Business License Use Approval for (type of business) _____ <input type="checkbox"/> Variance <input type="checkbox"/> Home Based Business: <input type="checkbox"/> Major <input type="checkbox"/> Minor - Type of Business: _____ Is the project already constructed? <input type="checkbox"/> Yes <input type="checkbox"/> No | |
| DECLARATION | I hereby declare <input type="checkbox"/> I am <input checked="" type="checkbox"/> I represent the owner of the property on which the work identified in this application will be conducted in accordance to the plans submitted, and upon approval will adhere to the conditions/terms of Land Use Bylaw 5-2016. I/We will notify the Development Authority of any proposed changes to the plans submitted with this application. Note: By typing your name into the signature box below (or by signing a printed version of this application), you agree that all information submitted on this form is true and accurate. <u>mike cedro</u> <u>aug 20, 2023</u> Signature of Registered Owner / Agent Date of Application | |
| DECISION (OFFICE USE ONLY) | <p style="font-size: 1.2em; color: blue;"><i>Refused as per attached Notice of Decision, with conditions, dated Sept 8/23.</i></p> <div style="display: flex; justify-content: space-between; align-items: center;"> <div style="border: 1px solid black; width: 40%; height: 40px; background-color: black; margin-bottom: 5px;"></div> <div style="border: 1px solid black; width: 40%; height: 40px; background-color: #e0e0e0; margin-bottom: 5px;"></div> </div> <p style="text-align: center;">Development Officer Date <u>Sept 8/23</u></p> | |

Collection and Use of Personal Information: The personal information being collected on this form is for the purposes of processing and acting upon this application in accordance with the Municipal Government Act, and is protected by the privacy provisions of the Freedom of Information and Protection of Privacy Act (FOIP). The City will not share your personal information for purposes outside of those stated without your permission in writing, unless there is a specific exemption stated in the Municipal Government Act.

IMPORTANT NOTICE: THIS APPLICATION DOES NOT PERMIT YOU TO COMMENCE CONSTRUCTION UNTIL SUCH TIME A DEVELOPMENT PERMIT HAS BEEN ISSUED BY THE DEVELOPMENT AUTHORITY AND ALL OTHER PERMITS (IF REQUIRED) ARE APPROVED. IF A DECISION HAS NOT BEEN ISSUED WITHIN 40 DAYS OF THE DATE THE APPLICATION IS DEEMED COMPLETE, YOU HAVE THE RIGHT TO FILE AN APPEAL TO THE SUBDIVISION AND DEVELOPMENT APPEAL BOARD. APPEALS TO THE SUBDIVISION AND DEVELOPMENT APPEAL BOARD CAN ALSO BE FILED IN REGARDS TO PERMIT REFUSALS AND/OR CONDITIONS WITHIN 21 DAYS OF A DECISION.



Proposed location of Child Care Facility.

Schedule B

Schedule "C"

4.15.1 General Regulations Parking

- i. Where provision of Off-street vehicular parking, Garage spaces, Bicycle Parking or Loading Spaces is required by this Bylaw with the exception of Single-detached Housing, Duplex Housing, and Semi-detached Housing, a plan of the proposed Site layout shall be included with the Development Permit Application. The Site Plan must be drawn to scale and must clearly illustrate the Lot size and configuration, Building locations, Site access, parking and Loading Spaces, On-site circulation and any other details relevant to the review of the Development proposal.
- ii. Off-street vehicular Parking Spaces, Loading Spaces and bicycle Parking Spaces required for any Use are specified in Table 4.15.6, Table 4.15.7 and Table 4.15.10, respectively.
- iii. Where Tables 4.15.6, Table 4.15.7 and Table 4.15.10 do not clearly define regulations for a particular Development, the single Use Class or combination of Use Classes most representative of the proposed Development shall be used by the Development Officer to determine the vehicular parking, Bicycle Parking and loading requirements
- iv. In any District, when any new Development is proposed including a change of use of existing Development, or when any existing Development is substantially enlarged or increased in capacity, provision shall be made for off-street vehicular parking or Garage spaces in accordance with the regulations set out in this Section.
- v. In the case of multiple Uses of a Site, the Development Officer shall calculate the vehicular parking, Bicycle Parking and total off-street loading requirement for each individual Use and the total shall be deemed to be the required vehicular parking, Bicycle Parking or off -street loading for the Site, unless the applicant can demonstrate that there is complementary use of the parking or loading facilities which would warrant a reduction in the requirements. Where such reduction is made, this shall be considered a variance and the Development Officer shall state the reduction and the reasons for it on the Development Permit.
- vi. Adequate access to the exit from individual Parking Spaces is to be provided at all times by means of unobstructed maneuvering aisles, except where otherwise indicated in this Bylaw.
- vii. All curb crossings, driveways, parking areas, entrances and exits shall conform to the City's Municipal Development Standards.
- viii. Parkades below Grade may extend into a required Yard, subject to ensuring that there are no encumbrances registered on title which would prevent or be inconsistent with such extension. A detailed Landscape Plan, including a cross section must be submitted, which demonstrates enough soil depth above the parkade for the required Landscaping in any required Yard.
- ix. Any lighting proposed to illuminate Off-street Parking areas shall be located and arranged so that all direct rays of light are directed upon the parking area and not on any adjoining properties.

4.15.2 Parking for People with Disabilities

- i. Parking spaces for disabled persons shall be located as close as possible to elevators, ramps, Walkways, and Building entrances.
- ii. Parking should be arranged in such a way that users of wheelchairs are not required to pass behind parked cars.
- iii. For conditions requiring more than two Parking Spaces for disabled persons, no more than two stalls shall be placed abutting each other. If there are several accessible Building entrances, a stall shall be located near each entrance.
- iv. Parking stalls shall be designed and provided in accordance with the current version of the Alberta Building Code.
- v. Parking for people with disabilities shall be included as part of and not in addition to the applicable minimum parking requirement.
- vi. Each parking stall shall be marked with a symbol and a sign. The sign shall consist of the international symbol of access and the message "Permit Required". The symbol shall be white on a blue background, and shall have minimum dimension of 0.46 m by 0.61 m. Each sign shall be mounted at a Height of at least 1.2 m from the pavement or sidewalk to the bottom of the sign.

4.15.3 Location of Vehicular Parking Facilities

- i. For all residential developments, the required parking spaces shall be wholly provided on the same Site as the Building.
- ii. For all other Uses, parking spaces may be provided on a Site located remotely, but no further than 120 m from the Site. Such distance shall be measured along the shortest public pedestrian route from the nearest point of the parking area to the nearest point of the Site where the building or Use is located. Where Off-site parking is provided pursuant to this provision, the Development or Use shall be considered Discretionary.
- iii. Where required parking spaces are not on the same Site of the Development or Use, these parking spaces shall be identified as parking spaces for that Development or Use through the use of appropriate signage.
- iv. Notwithstanding the definition of Accessory in this Bylaw, Accessory Parking spaces for non-residential Uses may be located on another Site where the Principal Use Class to which the parking is an Accessory Use is a Permitted or a Discretionary Use on the Site to be used for additional parking or Non-Accessory Parking is a Permitted or a Discretionary Use on the Site to be used for parking.
- v. Except as otherwise provided for in this Bylaw, parking spaces, not including Driveways, that are required in accordance with the minimum standards of this Bylaw shall not be located within a Landscaped Yard.

4.15.4 Parking Space and Drive Aisle Dimensions

- i. Except as provided in Section 4.15.4.ii, each required Off-street Parking Space shall be a minimum of 2.75 m in width for 90° parking and 2.6 m for 60° with a depth of 6.4 m and 2.6 m for 45° with a depth of 6.1 m, exclusive of access drives or aisles, ramps, columns, or office work areas. Such spaces shall have a vertical clearance of at least 2.0 m.
- ii. For parallel parking, the length of the Parking Spaces shall be 7.0 m except that an end space with an open end shall be a minimum of 5.5 m.
- iii. For Parking Spaces other than parallel Parking Spaces, up to 15% of the required Parking Spaces may be of a length shorter than that required under Subsection (i) above, to a minimum of 4.6 m.
- iv. Drive aisles shall be a minimum of 7.5 m wide for 90° parking, 5.5 m wide for 60° angle parking, 4.0 m wide for 45° and 7.0 m for parallel parking.
- v. Where Parking Spaces are located with access directly off a Lane, the required width of the drive aisle may be reduced by the width of the Lane, however the entire Parking Space must be provided on the Site.
- vi. Where the use of a Parking Space is limited on both sides by a wall, column or fence, the unobstructed width from face to face of the obstruction shall be 3.0 m and if in this case a Building door opens into the Parking Space on its long side, the unobstructed width shall be 3.3 m.
- vii. Where the use of a Parking Space is limited on one side by a wall or a column, the unobstructed width of the Parking Space shall be 2.7 m and if in this case a Building door opens into the Parking Space on its long side, the unobstructed width shall be 3.0 m.
- viii. For parking spaces other than parallel Parking Spaces, up to 100% of the required Parking Spaces may in the sole discretion of the Development Officer be a length shorter than that required under Subsection (i) above, subject to the applicant providing a parking study or similar document prepared by a qualified professional satisfactory to the Development Officer in which in the opinion of the Development Officer justifies a reduction in the length of the Parking Spaces for the proposed development. No stalls shall be shorter than 5.44 m. (Bylaw 08-2019)

4.15.5 Pedestrian Aisles

- i. Off-street Accessory and Non-Accessory Parking in the C2 District, C3 District and C4 District shall provide pedestrian aisles a minimum of 1.5 m wide connecting parking areas to Abutting sidewalks and commercial development.
- ii. On-site pedestrian circulation, by means of sidewalks or Walkways, shall connect with public sidewalks.

4.15.6 Off-street Parking Requirements

i. Off-street vehicular Parking Spaces for any Development in any District defined in this Bylaw shall be provided in accordance Table 4.15.6.

| Table 4.15.6 | | |
|---------------------|--|--|
| | Use of Building or Site | Minimum Number of Vehicular Parking Spaces Required |
| Residential | | |
| 1. | Single-detached, Duplex, Semi-detached, Row/Town Housing | 2 parking or Garage spaces per Dwelling unit. Note: a Front Yard driveway providing access to a Parking Space that is not within the Front Yard is considered as the provision of a second car Parking Space that is in tandem. |
| 2. | Secondary Suite, Garden Suite, Garage Suite | 1 space per two bedrooms, minimum of 1 stall. |
| 3. | Apartment Buildings | One space per bachelor, 1 bedroom unit, or 2 bedroom units, 2 spaces for 3 or more bedroom units. One (1) visitor parking per 4 units which is readily available to an entrance of the Building to be served, and must be clearly identified as guest parking. |
| 4. | Senior Citizens Apartments | 0.5 Parking spaces per Dwelling unit |
| 5. | Lodging Houses, Fraternity or Sorority Houses | 1 per 2 beds or 1 per 4 seats in the dining room, whichever is greater. |
| 6. | Group Home | 1 parking space per 3 Sleeping Units and 1 parking space per resident staff member. |
| 7. | Bed and Breakfast | 1 hard surfaced parking stall for each Bed and Breakfast unit. The stalls are to be in addition to the original required parking stalls for that site. |
| Commercial | | |
| 8. | Offices and banks | 3.4 per 100 m ² of Gross Floor Area in the Building |
| 9. | Retail Shops, Esthetic Shops and Equipment Repair Shops with a gross leasable Floor Area of: | See Below |
| a. | Less than 2,000 m ² | 3.0 per 100 m ² of Gross Floor Area in the Building. |
| b. | 2,000 m ² to less than 9,000 m ² | 3.5 per 100 m ² of Gross Floor Area in the Building. |
| c. | 9,000 m ² or greater | 4.3 per 100 m ² of Gross Floor Area in the Building. |

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| 10. | Retail Store (Convenience) | 3.4 stalls per 100 m ² of Gross Floor Area plus one per gas pump island, if proposed. |
| 11. | Eating establishments | The greater of 1 per 4 seats or 2.3 per 10 m ² of seating area based on occupancy of building, whichever is greater. An additional 3 stalls are required for staff parking. |
| 12. | Nightclubs | 1 stall per 3.0 m ² of public space. |
| 13. | Minor Alcohol Sales | 3.2 stalls per 100 m ² of Gross Floor Area. |
| 14. | Motels and Hotels | 1 per guest room plus 1 per 3 employees. |
| | Community, Educational, Public Service, Recreational and Cultural | |
| 15. | Billiard parlors and arcades | 2.2 per 100 m ² of gross leasable area in the Building. |
| 16. | Bowling alleys | 2.5 spaces per alley, 5 spaces for staff and 1 space per 10 seating spaces for spectators. |
| 17. | Casino | 1 space per 2.4 m ² of public space or based on occupancy of building, whichever is greater. |
| 18. | Curling rinks | 4 spaces per curling sheet of ice and 5 spaces for staff, and 1 space per 10 seating spaces for spectators. |
| 19. | Day Care/Child Care Facility | 1 stall per two employees, in addition to parking required for the primary Dwelling. |
| 21. | Health and Fitness Clubs | 1 space per 10 m ² of Gross Floor Area. |
| 22. | Public assembly auditoriums including theatres, convention halls, funeral home, religious assemblies, racetracks, halls, private hall, sporting venues, and Buildings operated by a citizens organization | 1 per 4 seating spaces or 1 per 5 m ² used by the public, whichever is greater. |
| 23. | Public Libraries and cultural exhibits | 1 per 10 m ² of Floor Area used by patrons. |
| 24. | Elementary and junior high schools | 1.4 spaces for each classroom. |
| 25. | Senior high schools | 1 space for each classroom plus 1 space for every 12 students plus auditorium requirements where applicable. |

| | | |
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| 26. | Universities, colleges business or commercial or technical schools | 1 per 10 seats plus auditorium requirements where applicable. |
| 27. | Hospitals, or similar uses | 1.1 per 100 m ² of Gross Floor Area. |
| 28. | Homes for the Aged (individual unit projects) | 1 per 4 units. |
| 29. | Homes for the Aged (lodge- type accommodation) | 1.1 per 100 m ² of Gross Floor Area. |
| | Industrial | |
| 30. | Manufacturing, warehousing, wholesale and storage Buildings, research laboratories and public utility Buildings | 1 per 100 m ² of Gross Floor Area. |
| 31. | Servicing and repair establishments | 3 spaces per service bay, plus a minimum of 5 spaces for employee parking. |
| | Reductions | |
| 32. | C1 District | Up to a 20% reduction of the required parking spaces at the discretion of the Development Officer for residential developments. Up to a 100% reduction of the required parking spaces at the discretion of the Development Officer for commercial developments. The Development Officer may require a parking study. Bike trails and transit facilities are favourable in considering reductions. |
| 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. |
| 34. | Mixed Use Development with separate hours and shared Parking Spaces | 20% reduction of the required parking spaces, in addition to the variance powers of the Development Officer. |

4.15.7 Off-street loading requirements shall be provided in accordance Table 4.15.7.

| Table 4.15.7 | | |
|---------------------|---|---|
| | Use of Building or Site | Minimum Number of Loading Spaces Required |
| 1. | Apartment Buildings | For Apartments of 20 units or more an On-site loading bay is required. |
| 2. | All uses in Commercial and Industrial Districts | 1 space for each loading door with a minimum of 1 space to be provided. |

4.15.8 Location of Loading Spaces

- i. All Loading Spaces shall be located on the Site so that all materials and commodities can be easily collected or distributed within the Site, to and from all tenants or occupants.
- ii. Access shall be so arranged that no backing or turning movements of vehicles going to or from the Site causes interference with traffic on the adjoining or Abutting Roads, Lanes, sidewalks or boulevards.

4.15.9 Loading Space Dimensions

- i. Loading Spaces shall have a minimum area of 28 m², a minimum width of 3.0 m, and have a minimum overhead clearance of 3.7 m.

4.15.10 Bicycle Parking Requirements

- i. Bicycle Parking Spaces shall be provided in accordance Table 4.15.10.

| Table 4.15.10 | | |
|----------------------|---|---|
| 1. | Residential Developments with 10 or more Dwelling units and all non- residential Developments | 5% of the number of vehicle parking spaces, with a minimum of 5 required. |
| 2. | All Educational Developments | 10% of the design student capacity, with a minimum of 5 required. |

- ii. Each bicycle Parking Space shall be a minimum of 0.25 m in width and 1.83 m in length, with a minimum overhead clearance of at least 2.13 m.
- iii. Bicycle Parking Spaces shall be wholly provided on the same Site as the Building.
- iv. Adequate access to and exit from individual bicycle Parking Spaces shall be provided to the satisfaction of the Development Officer, with an aisle of not less than 1.52 m in width to be provided and maintained beside or between each row of bicycle parking.
- v. Bicycle parking shall be separated from vehicle parking by a physical barrier or a minimum 1.52 m of open space.
- vi. Bicycle Parking Spaces shall be visibly located where possible and provided in one or more of the following ways, to the satisfaction of the Development Officer: secure bicycle storage rooms, lockers, racks or railings or other such device inside the Building or an Accessory Parking area; or within a required Yard of a Site but not more than 15.2 m from a principal entrance of the Building.
- vii. Bicycle parking shall be designed so that bicycles may be securely locked to the rack, railing or other similar device without undue inconvenience and will be reasonably safeguarded from intentional or accidental damage.

5.8 Child Care Services

- 5.8.1 Child Care Facilities shall be licensed under the applicable provincial licensing regulations, and must have privacy Screening that prevents visual intrusion into any outdoor play areas.
- 5.8.2 A Family Day Home shall not be located in a Dwelling unit containing another Major Home Based Business; may require privacy screening that prevents visual intrusion into any outdoor play areas, shall the applicable provincial approvals; and shall require a Major Home Based Business development permit.
- 5.8.3 A Private Babysitting Facility shall not be located in a Dwelling unit containing another Major Home Business; may require privacy screening that prevents visual intrusion into any outdoor play areas; shall comply with the minimum provincial standards as outlined from time to time; and shall require a Major Home Business development permit.
- 5.8.4 Notwithstanding any other regulation of this Bylaw, no other person, other than a resident of the Dwelling unit, shall work at the Dwelling unit where the Family Day Home or Private Babysitting Facility is located.
- 5.8.5 When deciding whether to approve or refuse an application for a Child Care Service Development the Development Officer shall:
- i. Give consideration as to whether the proposed facility is located: Abutting a Collector or arterial Roads; on a corner Site; Abutting to or in community facilities such as a school, park, church or community centre; or Abutting to commercial areas or multi- family development
 - ii. Account for potential traffic generation and any other matters which may limit the privacy and enjoyment of Abutting residences;
 - iii. Account for traffic, noise and proximity to hazardous uses to ensure the proposed development is in a safe location; and
 - iv. Consider the proximity to any other facility of a similar nature, being mindful of a recommended separation distance of 150 m.
- 5.8.6 A Child Care Service in any Residential District shall not change the principal character or external appearance of the Dwelling in which it is located. If a new Building is constructed, it must retain the character of a residential Dwelling. Any associated signage on the Dwelling must not detract from the residential character of the neighbourhood.

- 5.8.7 No portion of the development, including the Building or bay of Building and, where provided, On-site outdoor play space, shall be located within 50 m of a Major or Minor Service Station or a Gas Bar. This distance shall be measured from the pump island, fill pipes, vent pipes, or service station or gas bar Building, depending on whichever is closest to the development.
- 5.8.8 Parking shall be provided according to the regulations outlined in Section 4.15. In addition, drop-off parking shall be provided as follows:
- i. A separate On-site drop-off area shall be provided at the rate of 2 drop-off spaces for up to 10 children, plus 1 additional space for every 10 additional children;
 - ii. Each drop-off space shall be a minimum of 2.6 m in width and a minimum of 5.5 m in length; and
 - iii. The drop-off area shall be located within 6.0 m from the main entrance of the development;
- 5.8.9 Outdoor play space shall be securely enclosed on all sides.
- 5.8.10 In a residential District, outdoor play space may be allowed in any Yard, providing it is designed to limit any interference with other Uses, or the peaceful enjoyment of the properties of nearby residents, through fencing, Landscaping, buffering and the placement of fixed play equipment.
- 5.8.11 In any non-residential District, the outdoor play space shall not be located in any Yard that is Abutting a Road unless the design, size and other characteristics of the proposed play space mitigate the potential impact from the adjacent Road traffic.
- 5.8.12 All Development Permit applications for Child Care Services shall include: plans that show all elevations; floor plans that show indoor play and rest areas, including the location of windows; a Site Plan that shows the required On-site parking, drop-off facilities, and, where provided, On-site outdoor play areas, including the location and type of fixed play equipment, as well as fencing, Landscaping and any buffering to be provided.

Subdivision and Development Appeal Board

Application to Appeal



LLOYDMINSTER

| | | | | |
|--|--|---|---|--|
| Submission Date | Date: <input type="text" value="Sept 28, 2023"/> | | OFFICE USE ONLY | |
| APPEAL PROPERTY INFORMATION | Municipal Address: <input type="text" value="4918-50 AVENUE"/> | RECEIVED DATE: <input type="text"/> | | |
| | Municipal Tax Roll #: <input type="text"/> Zoning: <input type="text"/> | SDAB APPEAL # <input type="text"/> | | |
| | Legal Description: Lot: <input type="text" value="PT19-20"/> Block: <input type="text" value="2,"/> | APPLICATION #: <input type="text"/> | | |
| | Legal Plan: <input type="text" value="LXXXVI"/> | PERMIT #: <input type="text"/> | | |
| | Permit Number Being Appealed: <input type="text" value="23-3701"/> | PERMIT FEE: <input type="text"/> | | |
| APPELLANT INFORMATION | Appellant Name: <input type="text" value="Mike Cedro"/> | | RECEIPT #: <input type="text"/> | |
| | Address: <input type="text" value="10418 81 ave #304"/> | | APPEAL HEARING DATE: <input type="text"/> | |
| | <input type="text" value="edmonton ab"/> | Postal Code: <input type="text" value="t6e 1x5"/> | DECISION ISSUED DATE: <input type="text"/> | |
| | Phone: <input type="text" value="780-270-6127"/> | | APPEAL GRANTED: <input type="checkbox"/> Yes <input type="checkbox"/> No | |
| | Email: <input type="text" value="mikitecture@gmail.com"/> | | CONDITIONS ON APPEAL: <input type="checkbox"/> Yes <input type="checkbox"/> No | |
| APPEAL AGAINST <small>Each appeal requires an application</small> | <input checked="" type="checkbox"/> Development Permit <input type="checkbox"/> Approval <input type="checkbox"/> Conditions of Approval <input checked="" type="checkbox"/> Refusal | | <input type="checkbox"/> Subdivision Application <input type="checkbox"/> Approval <input type="checkbox"/> Conditions of Approval <input type="checkbox"/> Refusal | |
| | <input type="checkbox"/> Notice of Contravention <input type="checkbox"/> Stop Order | | | |
| REASONS FOR APPEAL <small>(Sections 678 and 686 of the Municipal Government Act (MGA) require that written Notice of Appeal must contain specific reasons for the appeal.)</small> | I do hereby appeal the decision of the Subdivision/Development Authority for the following reasons (Attach separate page if required): attached letter | | | |
| | <input type="text" value="Signature of Appellant / Agent"/> | | <input type="text" value="28 sept 2023"/> | |
| APPEAL BOARD DECISION | <input type="text"/> | | | |
| | <input type="text"/> | | | |
| | <input type="text"/> | | | |
| | <input type="text"/> | | | |
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| | <input type="text"/> | | | |

Collection and Use of Personal Information: The personal information being collected on this form is for the purposes of processing and acting upon this application in accordance with the Municipal Government Act, and is protected by the privacy provisions of the Freedom of Information and Protection of Privacy Act (FOIP). The City will not share your personal information for purposes outside of those stated without your permission in writing, unless there is a specific exemption stated in the Municipal Government Act.

IMPORTANT NOTICE: THIS APPLICATION **DOES NOT PERMIT YOU TO COMMENCE CONSTRUCTION** UNTIL SUCH TIME A DEVELOPMENT PERMIT HAS BEEN ISSUED BY THE DEVELOPMENT AUTHORITY AND ALL OTHER PERMITS (IF REQUIRED) ARE APPROVED. IF A DECISION HAS NOT BEEN ISSUED WITHIN 40 DAYS OF THE DATE THE APPLICATION IS DEEMED COMPLETE, YOU HAVE THE RIGHT TO FILE AN APPEAL TO THE SUBDIVISION AND DEVELOPMENT APPEAL BOARD. APPEALS TO THE SUBDIVISION AND DEVELOPMENT APPEAL BOARD CAN ALSO BE FILED IN REGARDS TO PERMIT REFUSALS AND/OR CONDITIONS WITHIN 21 DAYS OF A DECISION.

DEVELOPMENT PERMIT APPLICATION NO. 23-3701 4918-50 AVENUE

City Hall
Subdivision and Development Appeal Board (SDAB)
4420 - 50 ave
Lloydminster, AB T9V 0W2

To the Subdivision and Development Appeal Board

I, Mike Cedro, the applicant, am representing the client for the refusal of the proposed child care facility at the location 4918-50 ave. (Lot PT19-20, Block 2, Plan LXXXVI)

In line with the federal and provincial government aim of bringing affordable childcare services to underserved areas, we have embarked upon opening a daycare in Lloyd minister. The search to find affordable location have been difficult. We felt fortunate to have come across 4420-50 Ave.

Although we knew that there would be challenges, we decided to work to overcome them as the need for childcare centers in Lloyd Minister is great. The city is has one of the lowest childcare coverage in Alberta. Currently, 3 out of four children under the age of 4 do not have access to childcare services. Lloyd Minister is officially a childcare desert. It is a priority city for the development of childcare services.

The reason for the refusal is because the application does not meet the minimum number of on-site drop off stalls required as per Section 5.8 - special regulations - child care services in Land Use Bylaw 5-2016. With our proposed 112 children daycare, the number of required drop off stalls is 13.

The building is on a corner lot between 50 street and 50 avenue. It is zoned as C1 Central Commercial. The building's south and west walls are directly adjacent to the neighboring commercial buildings. In this location, there is no available space for parking as the building takes up the entire lot on the property.

In front of the building on 50th avenue there are 9 street parking stalls available just meters away from the front entrance where no one has to cross the street. On the side of the building just before the Lane on 50th street there are 4 street parking stalls available. There would be twice as many if we count the stalls across those streets.

To help this situation, we could propose a reduction in the number of children. For example if we would reduce from 112 to 110, that is 1 parking stall less that would be required, and a further reduction to 100 children would reduce the parking requirement by 2 stalls.

To further solve this requirement I can propose another great solution. The daycare can have different drop off times at the start and at the end of the day. For example one group of children's drop off times can be from 7-8am, while the next times can be from 8-9am. Or even the drop off times can be every 30 minutes. And in the afternoon the times for pick-up can be 3-

4pm, 4-5pm, 5-6pm. And like the morning drop off, the times can also be adjusted to be made for pick-up every 30 minutes.

Having the drop off and pick up times separated by the different age groups would positively affect the commercial downtown space. There would be less vehicle traffic if these times were put in place, and parking next to and in front of the building could be then used for these pickup/dropoff locations.

We have done this at two other sites that didn't meet parking requirements.

In 2017, we built City Kidz daycare at 10018 105St, Edmonton, Alberta. This is in the heart of downtown Edmonton. There is only 1 onsite parking and the front of the building which is street parking is used for dropoffs and pickups. 56 kids are in this center. Currently, we just got approved to turn a DC zoning in Calgary with absolutely zero parking for a 72kids daycare. 1725 10 ave Calgary SE. We are about to start the construction on this one.

We do believe that the solutions proposed here will work.

Respectfully,

Mike Cedro