SUBDIVISION AND DEVELOPMENT APPEAL BOARD (SDAB) AGENDA

Date: February 6, 2024

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 February 6, 2024

Recommendation:

That the Agenda dated February 6, 2024 be approved.

5. Approval of Previous Minutes dated November 7, 2023

Recommendation:

That the Subdivision and Development Appeal Board minutes of the previous hearing dated November 7, 2023 be approved.

6. Introduction of SDAB Hearing No. SDAB-01-23-3841

APPEAL TO BE HEARD:	Development Permit Refusal
Municipal Address:	5001 48 Avenue
Zoning:	C5 Service Commercial
Legal Description:	Lot 19-20 Block 9 Plan B1127
Permit No.	23-3841
Appellant Name:	Micheal Davison

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
- 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 February 6, 2024 Subdivision and Development Appeal Board hearing go into a closed session at _____ AM/PM.

Recommendation:

That the February 6, 2024 Subdivision and Development Appeal Board hearing resume open session at _____ AM/PM.

16. Adjournment

Recommendation:

That the February 6, 2024 Subdivision and Development Appeal Board hearing be adjourned at _____ AM/PM.



SUBDIVISION AND DEVELOPMENT APPEAL BOARD (SDAB) MINUTES Tuesday, November 7, 2023 9:00 AM

City of Lloydminster Council Chambers 4420 – 50 Avenue Lloydminster, AB

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

SDAB Members Present:	Tom Schinold, Chair
	Dean Segberg
	Larry McConnell
	Joe Rooks
SDAB Support Present:	Shannon Rowan, SDAB Clerk
	Hailey Stark, Recording Secretary
City Staff Present	Natasha Pidkowa, Manager Planning
	Terry Burton, Director Planning & Engineering
	Don Stang, Executive Manager Operations
	Tracy Simpson, Executive Manager Community Development Services
	Marilyn Lavoie, Legislative Services Manager
Applicants Present:	Matt Roper, TBD Architecture & Urban Planning
	Dan Zeggelaan, ISL Engineering
Appellant Present:	Manzoor Ahmed

1. Call to Order

Chair, Tom Schinold called the November 7, 2023 Subdivision and Development Appeal Board Hearing to order at 9:00 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. Approval of Agenda dated November 7, 2023

Dean Segberg moved that the SDAB Agenda dated November 7, 2023 be adopted as presented. Seconded by Larry McConnell.

CARRIED

5. Approval of Previous Minutes from October 19, 2023 Hearing

Joe Rooks moved that the SDAB minutes dated October 19, 2023 be approved as circulated. Seconded by Dean Segberg.

CARRIED

6. Introduction of SDAB Hearing No. SDAB 04-23-3604

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

7. Introduction of Appellant and Development Authority Representatives

Manzoor Ahmed, Appellant.

City of Lloydminster Development Authority represented by Natasha Pidkowa, Manager, Planning.

8. Objections to Board

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

No objections were brought forward by audience members of the SDAB Board members who were in attendance for the hearing.

9. 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.

10. Hearing of Appeal

10.1 Presentation of Development Authority

Natasha Pidkowa presented on behalf of the City of Lloydminster.

Presentation is attached in the agenda.

Questions by the Board

Tom asked if the appeal is approved, where will the required parking stalls be placed? Natasha Pidkowa replied that the attached Schedule "A" explains this.

Presentation of Potential Conditions

As noted in questions by the Board.

10.2 Presentation of the Appellant

Manzoor Ahmed expressed his concerns with the increased traffic in his neighbourhood due to the new event centre and other potential businesses that will be built in the future which will bring more traffic and parking needs.

Question by the Board

None.

10.3 Presentation of Affected Parties in Favour of the Appeal

Jerome Missler and Sheila Robillard spoke in favor of the appeal. A written package was provided to the Clerk and will be provided in the SDAB Hearing minutes.

10.4 Presentation of Affected Parties Opposed to the Appeal

Matt Roper representing TBD Architecture & Urban Planning spoke opposed to the appeal and reviewed his evidence as provided in the agenda package.

10.5 Appellant Rebuttal to Respond to New Evidence Only

None.

11. Brief Recess

Chair, Tom Schinold called a brief recess at 9:34 AM.

12. SDAB Reconvenes

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

12.1 Board Questions

Larry McConnell asked if the timeframe of two (2) years between phase 1 and 2 could potentially be shortened, allowing for the deferred parking stalls to be available sooner. Matt Roper answered as phase 1 is complete, the volume of traffic and parking on site during different events will be monitored and this information will be used to implement the plans already in place.

Dean Segberg asked if the fifteen percent (15%) deduction is denied, where is the land for the additional parking? Matt Roper answered the diagram on page 78 of the agenda package shows where the stalls will be placed. Dean Segberg asked to confirm the parking stalls would be built instead of ball diamond number 5. Matt Roper confirmed this.

Tom Schinold asked how the City will mitigate the additional parking needs for the estimated two percent (2%) operational time it is needed. Matt Roper answered the City will have ample time to plan for such events and work with other facilities such as the Servus Sports Centre to arrange for shuttling event goers to the Cenovus Hub.

Dean Segberg asked if there is a plan for mitigating additional traffic such as turning lanes, traffic lights and crosswalks and if so will this be in phase 1 or 2? Matt Roper replied as far as he is aware the City has plans in place that will be complete for day 1 of facility opening.

13. Summaries

13.1 Development Authority's Final Comments

Natasha Pidkowa provided final comments for the Development Authority noting any other development in the area will be responsible to provide parking stalls for their own patrons, for example hotels or restaurants. Natasha Pidkowa also reiterated the Land Use Bylaw 5-2016 speaks to maximum seats within a facility, not only fixed seating. Natasha provided a document containing proposed conditions to the Clerk and this will be included in the SDAB Hearing minutes.

13.2 Appellant's Final Comments

None.

14. Close of Hearing

The Chair concluded the hearing at 10:30 AM.

Chair, Tom Schinold indicated that the 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.

15. Adjournment

Larry McConnell moved that the November 7, 2023 Subdivision and Development Appeal Board hearing be adjourned at 10:31 AM.

CARRIED

SDAB Chair

SDAB Clerk

Subdivision and Development Appeal Board Application to Appeal



AAIN

11/

				DWINSTER	
Submission Date	Date: January 10,2024		OFFIC	E USE ONLY	
N	Municipal Address: 5001 48 Ave	RE	CEIVED DATE:	2024-01-11	
APPEAL PROPERTY INFORMATION	Municipal Tax Roll #:	Zoning: SD	AB APPEAL #	SDAB-01-23-3841	
APPEAL PROPERTY IFORMATI(Legal Description: Lot: 19-20 Bloc	k: 9 AP	PLICATION #:		
API ROI	Legal Plan: 13/27	PE	RMIT #:		
INE	Permit Number Being Appealed: 23-38	24/ PE	RMIT FEE:		
		RE	CEIPT #:		
APPELLANT INFORMATION		tion Coalition Society PAP	PEAL HEARING		
APPELLANT NFORMATIO	Address: 5001 48Ave Loydminst	er <u>sr</u> 2: <u>590 ov</u> 8	CISION ISSUED [DATE:	
OR	Phone:		PEAL GRANTED		
AE	Email:			: Yes No	
	Ø Development Permit □ Subo	division Application		e of Contravention	
ST ST s an ion			Stop Orde		
APPEAL AGAINST Each appeal requires an	Conditions of Approval Conditi	ons of Approval			
AG AG Eac requ	🖬 Refusal 📃 Refusal				
AL the MGA) e of fic	I do hereby appeal the decision of the Subdivision/D		-		
APPEAL 686 of the (t Act (MGA) n Notice of n specific appeal.)	Request appeal for the refusal of the tempor sector to access a warming facility during t				
A A 686 and 686 ent A 686 cen N cen N cen N cen N cen N cen N	City of Lloydminster is conducting a housin	g needs assessment and	d homeless cou	nt which will	
FOR 2 8 and 66 ernment written contain r the ap	demonstrate the large amount of unhoused throughout these periods with minimal alter				
NS F s 678 Gover hat wi ust cc s for	understood, the shelter is attempting to wo	rk with neighbours and o	ther agencies to	o minimize impacts	
REASONS (Sections 6 Unlicipal Go equire that Appeal must reasons f	Request appeal for the refusal of the temporary shelter given the community need for the vulnerable sector to access a warming facility during the extreme cold periods of the winter month. Currently, the City of Lloydminster is conducting a housing needs assessment and homeless count which will demonstrate the large amount of unhoused populous that live in Lloydminster and are vulnerable throughout these periods with minimal alternate options. While the community impact from this centre is understood, the shelter is attempting to work with neighbours and other agencies to minimize impacts to acceptable levels. Requesting appeal for the warming centre to be allowed for a temporary period until March 31st, 2024 to complete this years winter program.				
RE3 (Sec funic fequi Appe re	January 10,2024				
	Signature of Appellant / Agent			f Signature	
ARD					
BOB					
APPEAL BOAN					
P41					
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.					
4420 50 Avenue, Lloydminster AB/SK T9V 0W2 P: 780 875 6184 www.lloydminster.ca					
	-01-23-3841 Email: <u>cityclerk@ll</u> ary 6, 2024	oydminster.ca		7	

DEVELOPMENT OFFICERS APPEAL STATEMENT

APPLICATION: Warming Shelter – Community Support Services

DECISION OF THE DEVELOPMENT OFFICER: Refused

REGISTERED OWNER:	Lloydminster Social Action Coalition Society
APPELLANT/APPLICANT:	Lloydminster Social Action Coalition Society
DECISION DATE:	December 13, 2023
NOTIFICATION PERIOD: DATE OF APPEAL HEARING:	December 21, 2023 February 6, 2024

CIVIC ADDRESS:	5001 - 48 Avenue; Lloydminster, Saskatchewan
LEGAL DESCRIPTION:	Lot 19-20, Block 9, Plan B1127
DISTRICT:	C5 – Service Commercial District
STATUTORY PLAN:	Land Use Bylaw 5-2016

DEVELOPMENT OFFICERS DECISION: Schedule "A"

Is **<u>REFUSED</u>** for the Warming Shelter to be located at **5001 - 48 Avenue** as applied for on **November 7**, **2023**, subject to the following conditions:

- 1. The Development Authority has considered the Discretionary Use Evaluation Considerations under Land Use Bylaw 5-2016 Section 2.14 and other planning considerations in relation to the proposed development and has concluded that the proposed development is not appropriate for the site or compatible with the surrounding land uses.
- 2. The application for the intensification of the use on the lands is refused on the basis of the potential detrimental impacts on properties, residents, and businesses in the area of the proposed development.

DEVELOPMENT OFFICER'S APPEAL STATEMENT

BACKGROUND:

Planning received reports that an ATCO type trailer has been placed on the property at 5001 - 48Avenue. Upon review of the file it was found that there was no permit submitted for this intensification of the property.

A Notice of Contravention was emailed to the Men's Shelter on November 7, 2023. Planning received an Application on November 7, 2023, which was deemed complete on November 10, 2023.

The use a Community Support Centre, Warming Shelter, was not an allowed use at the time of application was submitted. However, there was a Text Amendment to the Land Use Bylaw under the consideration of Council scheduled for Public Hearing, Second, Third and Final reading November 20, 2023.

The Use of the Warming Shelter was processed as a Discretionary Use as per the regulations within the Land Use Bylaw. Originally, Letters of Advisement were mailed to all landowners within 30 metres of the subject property however, following direction from Council on November 20, 2023, the referral area as expanded to 150 metres from the subject property. Furthermore, an advertisement was placed in the local newspaper on November 16, 2023 and November 23, 2023, providing for landowners/concerned residents to submit concerns to the Development Authority within 14 days. During the review period approximately fifty (50) landowners/concerned residents brought forward concerns and/or opposition surrounding the application in various media forms (phone, email, letters, etc.). Two (2) letters of support were additional received. Concerns were formally collected until December 8, 2023 noting that concerns did continue to be submitted following the close of the review period.

Following the referral period expiring, the Development Authority reviewed all of the submissions received and all applicable City Bylaws and Policies including but not limited to Municipal Development Plan Bylaw 14-2023, Land Use Bylaw 5-2016 and the Downtown Area Redevelopment Plan (DARP) Bylaw 7-2020.

Land Use Bylaw 5-2016 Section 2.14 – Discretionary Use Evaluation Considerations specifies items that the Development Officer is to consider:

Section 2.14 iv:

The proposal must not be detrimental to the health, safety, convenience, or general welfare of persons reside in or working in the vicinity or injurious to property, improvements or previously approved development in the vicinity.

Section 2.14 v. in part:

The proposal must provide sufficient to the Development Officer landscaping and screening.

Section 2.14 viii:

The proposal takes into consideration the uses on site and the area, the impacts on other uses, and the cumulative effects in the area.

Section 2.14 x states:

The proposal gives consideration to addressing pedestrian safety and convenience both within the site and in terms of the relationship to the road network in and around the adjoining area.

Further to the above Land Use Bylaw 5-2016 Section 2.13.2.ii.a:

The application is to confirm or provide information that this use, as proposed, would not be detrimental to the health, safety, convenience, or general welfare of persons residing in or working in the vicinity or injurious to property, improvements, or potential development in the vicinity.

Upon review of the adjacent existing development area the location of the Warming Shelter would be directly across the street from existing residential and commercial properties. The industrial uses to the north and beyond the rail line were less contentions and concerning during the review.

Additional information:

The Development Authority would like to note that the Applicant has given no consideration to the following: landscaping, screening, parking stalls (for staff), etc.

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.

LAND USE BYLAW

The following excerpts from the Land Use Bylaw are attached as Schedule "B" to this Report:

- Section 2.13 Decisions on Development Application
- Section 2.14 Discretionary Use Evaluation Considerations

A map showing the area has been provided for reference as Schedule "C".

FACTS TO THE BOARD:

Administration received a Development Permit Application on November 7, 2023.

Administration deemed the application complete on November 10, 2023.

Administration provided a Letter of Advisement to all property owners within 150 metres of the site and placed an advertisement in the November 16 and November 23, 2023 issues of the Meridian Source asking for concerned parties to provide comments in writing within fourteen (14) days. Approximately fifty (50) individuals brought forward opposition to the application and two (2) supported the application.

Administration reviewed the application with all concerns and noted the intensification of the proposed use does not satisfactorily confirm and suit the existing development of the adjacent areas without posing undo negative impacts on the surrounding residential and commercial properties.

The application was refused on December 14, 2023, with the Notice of Decision being sent to the applicant on December 14, 2023. A copy of the Notice of Decision is attached as Schedule "A" to this Report. The decision was advertised in the December 21, 2023, issue of the Meridian Source requiring 21 days as the appeal period. The Appeal Period expired end of day January 11, 2024.

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, Lloydminster Social Action Coalition Society, at 5001 - 48 Avenue, Lloydminster, SK S9V 0V8, hereinafter referred to as the "Applicant", are hereby notified that your application for development as follows:

Application Number:	23-3841
Permit Number:	20230654
Purpose:	Accessory Use/Structure – Warming Shelter
Involving:	5001 - 48 Avenue (Lot 19-20, Block 9, Plan B1127)
Registered Owner:	Lloydminster Social Action Coalition Society

Is **<u>Refused</u>** for the development of an Accessory Use and Structure for a Warming Shelter to be located at **5001** – **48 Avenue** as applied for on **November 7, 2023**, subject to the following conditions:

- The Development Authority has considered the Discretionary Use Evaluation Considerations under Land Use Bylaw 5-2016 Section 2.14 and other planning considerations in relation to the proposed development and has concluded that the proposed development is not appropriate for the site or compatible with surrounding land uses.
- 2. The application for the intensification of the use on the lands is refused on the basis of the potential detrimental impacts on properties, residents, and businesses in the area of the proposed development.

Although **REFUSED**, this permit is subject to a twenty-one (21) day appeal period from the date of advertisement. The advertisement is proposed to be in the **December 21**, 2023, edition of the Meridian Source.

Any development commenced or undertaken within the twenty-one (21) day appeal period, or where an appeal has been filed but not finally determined, shall be solely at the risk of the developer and in no event shall the City be liable for the filing or outcome of any appeal.

If you are not in agreement with this decision or conditions described herein, it may be appealed within twentyone (21) days from the date of decision (as per Section 686 Development Permit Appeals: *Municipal Government Act*) by submitting a written notice and four hundred dollars (\$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 <u>rshortt@lloydminster.ca</u>.

Date of Decision:	December 14, 2023	
Date of Notice:	December 21, 2023	
Date of Validity:	January 12, 2023	



Roxanne Shortt Development Officer, Planning Operations Centre

City of Lloydminster, 4420 50 Avenue, Lloydminster, AB/SK T9V 0W2 lloydminster.ca

SCHEDULE B

2.13 Decisions on Development Application

- 2.13.1 In making a decision on a Development Permit application for a Permitted Use, the Development Officer:
 - i. Shall approve the application, with or without conditions, if the proposed Development conforms with this Bylaw; or
 - ii. Shall refuse the application, and provide rationale for refusal, if the proposed Development does not conform to this Bylaw.
- 2.13.2 On receipt of an application for a Discretionary Use, the Development Officer:
 - i. May refuse the application regardless of whether it meets the requirements of this Bylaw, and provide rationale for refusal;
 - ii. May approve the application, with or without conditions, where the facts presented establish that the proposed Development:
 - a. Will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity or injurious to property, improvements or potential development in the vicinity; and
 - b. Complies with the applicable provisions of this Bylaw and will not be contrary to the Municipal Development Plan, or any other applicable Statutory Plan.
 - iii. Shall refuse the application if the proposed Development does not conform to this Bylaw.
- 2.13.3 In reviewing a Development Permit application for a Discretionary Use, the Development Authority shall have regard for the evaluation considerations outlined in Section 2.14 of this Bylaw.
 (Bylaw 02-2021)
- 2.13.4 The Development Officer shall refuse a Development Permit for any application which is not within the intent of this Bylaw or which falls outside the powers delegated to the Development Officer by this Bylaw.
- 2.13.5 The Development Officer shall refuse a Development Permit for a use that is not listed as a Permitted or Discretionary Use in the District in which the Building or land is located.
- 2.13.6 The Development Officer may issue a Temporary Development Permit for a period not

exceeding one (1) year.

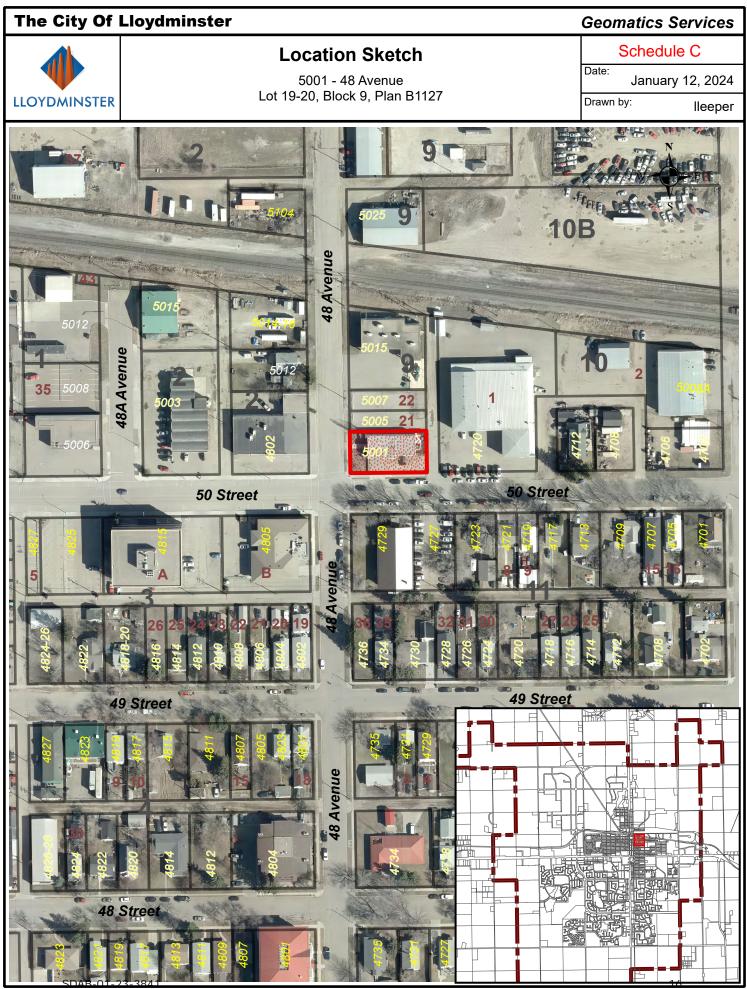
- 2.13.7 Where a Temporary permit is issued, the Development Officer shall:
 - i. Require that the use be stopped or the Temporary Development removed once the permit expires;
 - ii. Require that the Development be developed in accordance with Section 5.28, if applicable; and,
 - iii. Impose a condition that the City is not liable for any costs incurred in removing the Development.
- 2.13.8 An application for a Development Permit may, at the opinion of the applicant, be deemed to be refused when a decision on the application is not made by the Development Officer within 40 days of the receipt of a completed application unless a time extension agreement is signed by the applicant.

SCHEDULE B

2.14 Discretionary Use Evaluation Considerations

(Bylaw 02-2021)

- 2.14.1 Discretionary uses, discretionary forms of development, and associated accessory uses shall conform to the development standards and applicable provisions of the land use district in which they are located. In addition to any other submission requirements, applications for a Development Permit for a Discretionary Use must be accompanied by a proposal outlining the Applicant's justifications for the Discretionary Use.
- 2.14.2 For the review of Discretionary Use applications, the evaluation considerations include, but are not limited to:
 - i. The proposal must be in conformance with all relevant sections of the Municipal Development Plan as well as with any recommendations contained in detailed planning reports and studies;
 - ii. The proposal must demonstrate that, in the general area, there is a lack of a more appropriate site for the proposed use and a limited supply of land currently available capable of accommodating the proposed use as a permitted use;
 - The proposal must be capable of being economically serviced by community infrastructure including roadways and public transit systems, water and sewer services, solid waste disposal, parks, schools, and other utilities and community facilities, where such services etc. are available;
 - iv. The proposal must not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity or injurious to property, improvements or previously approved development in the vicinity;
 - v. The proposal must provide sufficient, to the Development Officer's opinion, landscaping and screening, and, wherever possible, shall preserve existing vegetation;
 - vi. The proposed building sizes, shapes and layouts reflect the character of the adjacent land uses and structures;
 - vii. The proposal must demonstrate that any additional traffic generated by the use, can be adequately provided for in the existing parking and access arrangements. Where this is not possible further appropriate provisions shall be made so as to ensure no adverse parking or access effects occur;
 - viii. The proposal takes into consideration the uses on site and the area, the impacts on other uses, and the cumulative effects in the area.
 - ix. The proposed use sufficiently addresses the amenity needs of individuals utilizing the development (recreation, aesthetics, services, etc);
 - x. The proposal gives consideration to addressing pedestrian safety and convenience both within the site, and in terms of the relationship to the road network in and around the adjoining area; and
 - xi. All proposed operations and uses shall comply with all applicable provincial or federal requirements which govern their operation and development.



February 6, 2024

To: Subdivision Development and Appeal Board Lloydminster

From: Michael Davison on behalf of Lloydminster Social Action Coalition Society Ltd.

Date: January 31, 2024

Re: Appeal SDAB-01-23-3841

SUMMARY

We believe that the benefit of having a temporary warming and support centre during the winter months exceeds the growing issues facing the downtown core as it grapples with issues surrounding the unhoused. We accept that a concentration of negative behaviors in the downtown core is impactful to the persons physically near our location, however, given the lack of resources in the downtown core we believe denying this change in zoning is unnecessarily punitive to the individuals making use of our services.

COMMENTARY

Our organization core building and services are structured around providing temporary emergency shelter to a maximum of 28 men at any given time. While this core setup has served Lloydminster for a large amount of our 16-year history, we are no longer able to keep up with demand for shelter, food, and access to core resources.

The temporary warming structure targets individuals who are experiencing a lack of secure housing and who may not be captured by other programs, this includes:

- Women who are unable to access shelter while fleeing domestic violence of any age
- Women of any age who do not qualify for other shelter programming
- Men of any age who do not qualify for other shelter programming (including our own)
- Children facing unstable primary care arrangements or experiencing lack of housing

Please note that we do not provide sleeping arrangements in the temporary structure, it is simply a place to warm up, receive food, and perhaps gain entry into support programs.

Since opening our temporary warming centre, we have performed the following tracked activities:

	BREAKFAST	LUNCH	SUPPER	NARCAN	HYGIENE/CLOTHES
December	404	407	307	10	243
January	339	285	203	21	61

In both December 2023 and January 2024 our peak usage in a day was 30 unique individuals.

We would like to also draw attention to the administering of Narcan to individuals experiencing an opioid overdose. It is our position that this is a lifesaving act for the persons using our services and they may not have otherwise have been in a position to receive this care.

Upon review and consultation with RCMP, it has been documented that having the temporary warming structure on site has resulted in no significant change in RCMP call numbers for the area. In the same period last year our offsite temporary warming structure resulted in a significant increase in calls centred around our temporary warming structure. The data from the RCMP only serves to underscore that the presence of the trailer does not place additional burden on the surrounding community and its proximity to our core operations is beneficial to the overall community.

Like our neighbours, we have to find a way to function day to day with extreme, unsanitary, and occasionally dangerous behaviors from those experiencing housing insecurity. We do not believe that denying this zoning change will serve the community as it moves towards addressing the issues surrounding housing, drug use, and crime in the downtown core – denying this zoning change will only punish those most affected by these issues.

From:	nalie kim
Sent:	January 15, 2024 2:14 PM
То:	<u>Cityclerk</u>
Subject:	sub division and appeal board; re: downtown warming centre

Follow Up Flag:	Follow up
Flag Status:	Flagged

hello sub division and appeal board,

i forward my original email and concern as a long time downtown business owner and operator. please see the original email below. regards, nalie kim

Begin forwarded message:

From: nalie kim < Subject: Community Support Centre, downtown Date: December 4, 2023 at 2:40:58 PM MST To: rshortt@lloydminster.ca

hello Roxanne,

the past fall and now winter, my business and pretty much every business person i have spoken with has lamented on the increased presence and nuisance of homeless folks downtown.

it is most definitely a negative development and negative impact on the downtown businesses and community. I've had continuous customer complaints about safety and downtown cleanliness significantly more this fall/winter than years past. This increase in homeless very likely attributed to the 'new' warming/homeless shelter near the tracks downtown. I can agree that something needs to be done to help folks (albeit if they receive community help/funding it ought to be with strings attached such as counselling for addition or employment skills or life skills and not just free hand outs as that will only encourage more homelessness). Perhaps the location is not a good fit for residents and businesses for this shelter/support centre to be so close to downtown and a better location will be considered. just this past week as my staff have been instructed to patrol and deter homeless from loitering our lobby area, two of our lobby lower entry windows were broken/kicked in and are awaiting the local glass company to replace or replace with aluminum clad panels to deter future glass. Although i cannot definitively attribute the broken glass with homeless, i feel certain that the events are tied. As you can imagine i do not appreciate the nuisance nor the expense of replacing windows but also such events only serve to create a negative hostile environment/atmosphere for downtown to have broken glass/windows.

if the city insists on a Community Support Centre downtown, i feel the city must also continue to dutifully serve the residents and businesses downtown and oversea the safety and value of downtown by controlling the homeless. Perhaps by allocating a budget to civic/police patrol downtown to control and curb crime downtown and increase cleanliness downtown so it can be void of drug paraphernalia such as discarded needles or crack pipes.

regards, Nalie Kim Central Suite hotel 4820 50 ave Iloydminster, ab

From:	Mark Sampson	
Sent:	January 17, 2024 3:34 PM	
То:	<u>Cityclerk</u>	
Subject:	Application 23-3841 - Warming Shelter - Refused	
Attachments:	ts: IMG_5069.heic	
	IMG_5068.heic	
	IMG_5070.heic	

To Whom It May Concern:

Last week, I was made aware of the appeal filled for application 23-3841. Below is my response to the prior application as made at the end of 2023. Please share these concerns with the Appeal Board. I may also be contacted directly regarding my personal experience in this matter.

I, Mark Sampson, am the sole owner of company (1602952 Alberta Ltd.) which owns the affected lands at 4921-49th Avenue.

For six years, I personally owned and operated a business out of 4921-49th avenue. Now I lease the building to a tenant at 4921-49th avenue and have spoken to them regarding this matter. We are strongly opposed to any expansion of the operations at 5001-48th avenue.

The current users of 5001-48th Avenue are a significant nuisance to the surrounding area. Any expansion of their facility would substantially increase neighborhood problems of unsightliness, crime, drug use and loitering. This results in businesses leaving the area, and the property values significantly decreasing. Ultimately this will lead to few private dollars to be invested in the downtown and snowball into a vacant downtown core of dilatated buildings.

To summarize our experiences with the patrons of 5001-48 avenue at our building at 4921-49 avenue:

- On several occasions vehicles in the parking lot have been broken into, with cash, gift cards and items of value stolen. The value of the loss is typically below the insurance deductible, and no reparations are made to the victims.
- Their patrons often linger on our property near the entry and exit doors, they bother the staff and patrons as they attempt to enter or exit the premises. Several of our customers have admitted they do not feel safe visiting our business and refuse to do so alone.
- There is significant loitering (by the patrons of 5001-48 avenue) to the front and rear of the business, often while they are smoking or consuming illegal drugs.

- Their patrons have been caught sleeping on our property, blocking the access doors and are very reluctant to leave
- On a few occasions, human feces were left on the rear patio.
- Often there is garbage and cigarette butts left on the property.
- Some of the bolder patrons (of 5001-48 avenue) have entered our premises and refuse to leave
- On one occasion, our pregnant receptionist returning from lunch found a patron (of 5001-48 avenue) sitting at the entrance door sharpening a wire clothes hangar into a weapon to exact her revenge. The receptionist did not return to our business after her maternity leave, citing safety concerns.
- The patrons (of 5001-48 avenue) often rifle thru the dumpsters around our block, unpacking their contents onto the ground leaving a mess for the staff to clean up
- There has been increase in police presence over the past few years, often with multi-car responses blocking access to our building and the business while resolving situations with the patrons of 5001-48 avenue.

In response to the nuisance caused by these people, the business and I have been forced to take the following actions

- We have removed patio furniture for staff to take breaks outside on our patio during the summer months.
- We have also disabled all exterior power outlets.
- The business no longer maintains an "open door policy" to the public and their patrons. The rear AND FRONT doors remain locked during all hours, with patrons requiring to be let in when they arrive.
- The business has incorporated significant changes to reduce the requirement for patrons to physically visit the property. This has successfully reduced the business' need for a larger commercial space and facility. This has reduced the real estate expansion downtown potential of the business
- Exterior garbage clean-up has become a daily duty of office staff, costing the business excessive wages and deterring working conditions for staff
- Exterior lights have been installed and are always on, increasing operating costs for the business
- We have removed our dumpster, and now the staff hauls garbage to other locations, costing the business excessive wages and deterring working conditions for staff

The patrons of 5001-58th avenue have caused harm to our neighbors. The post office which is two block further from the affected site, has been greatly affected by these people. The pos office serves businesses and out of town residences, now only maintains PO Box access between 8 am and 5 PM. Previously this was 24 hours a day, then just week days from 7 am to 8 pm. This change to 8 am to 5 pm was required due to the security risk and costs in dealing with these people. These changes greatly hinder business and residents as getting their mail now requires time away from their 8 to 5 jobs. From a business perspective, this takes away precious core business time to simply get the mail before I am locked out. These outcomes are simply unacceptable in a modern city.

Other affected downtown business who are required to maintain open doors to the public have been required to hire full time security during their operating hours. Not only is this expensive, and costs the business tens of thousands, but it is also a very real symbol of the dilapidation of the neighborhood. Security office presence does not make people feel safe, but quite the opposite. They question if their vehicle is safe, and if their loved ones are safe to walk a few blocks across downtown.

The patrons of 5001-58th avenue have already caused significant harm to our neighbourhood. Any expansion of their facility will further harm the neighbourhood, chase away business and further harm the downtown core. Quite likely the existing business in the area will relocate outside of the downtown core, and these buildings will remain vacant. As a property owner, I cannot justify further investment in the downtown property as I will need those funds to cover the upcoming vacancy.

Given the City of Lloydminster's narrative, policies, and initiatives to revitalize Downtown Lloydminster, any approval to the expansion of 5001-58th avenue, or similar type facilities in the area, is counterproductive and hypocritical to City's stated goals and objectives. Furthermore, such approval would question the legitimacy of the most recent downtown, multi-million-dollar investment by the City of Lloydminster.

I am certain the facility at 5001-58th Avenue has promised administrative and other controls of the patrons to offset these concerns. Given their history, I have little faith in them. Also, the temporary structure has already been installed (see attached photos from November 2023). This shows a lack of respect for the approval process , their community, and their neighbors. Once again, any approval by the City of Lloydminster at this time should trigger an inquiry into the City's handling of this situation.

As a very concerned citizen and affected stakeholder, feel free to contact me directly to testify further regarding 5001-48th avenue and their patrons.

Sincerely,

Mark Sampson

ATCO

50.

C.O.1

AND DRY

TCO

2

SDAB-01-23-3841 February 6, 2024

the last -

co



My name is Karen Weber, and I live at **Exercise 1** in Lloydminster, a few blocks from the men's shelter. This is what I have seen this summer in my neighborhood:

A woman, so intoxicated, fell down on the Sasktel property and passed out. She was definitely not drunk; she was on drugs. There is a difference between being drunk and being intoxicated with drugs. I have seen the ambulance an average of 3 times a week going to the shelter. I heard from a neighborhood girl that she was attacked getting off the school bus trying to steal her phone. This young girl should not have had to go through this experience. I have seen several ambulances at our corner, right by the Sasktel property, where homeless people are overdosing. I have seen guys on bikes selling drugs to the homeless. I have seen too many things to mention in this letter, but I should not have to see any of this. I am a taxpayer and a homeowner, and this is not helping with the value of my home. No one is going to want to buy a home near a homeless shelter!

When Dr. Gibney opened this shelter, he opened it with the mission of it being a "low-income home allowing men starting out with new positions of employment to get back on their feet." "The residents pay a greatly reduced rent payment until they are ready to rent a place of their own."

It is stated on their web page: "At the Lloydminster men's shelter, we strive to make sure that adult males 18 years and older have clean, safe, TEMPORARY EMERGENCY HOUSING." "We will provide food, shelter, and help getting men back on their feet.

The stay for most of the men at the Lloydminster Men's shelter is way longer than 30 days. The stay at the shelter should be only 21 days, and then they need to move on. It should have a zero-tolerance policy for drugs and alcohol, and this is not happening.

They should have programs in place for these homeless people to make them want to become a part of society again. This is definitely not happening. This little shelter is way overloaded due to the poor running of the Shelter.

I have found out that the CEO of the Lloydminster Homeless shelter is Polly Neate. "She is a British Homelessness and housing charity that campaigns to end the housing emergency." She obviously is letting our community down. She is not a nonprofit person setting up programs and services for these people. Very disappointing.

The programs should serve educational purposes, sitting with each homeless person, setting goals with them, helping them to get off the drugs and alcohol, and become a part of society.

As I see the growth of people at the homeless shelter has increased immensely.

We have heard through the grapevine that Edmonton and BC homeless people have been bussed here, which has also caused the increase of the homeless in Lloydminster.

The solution to the problem we are having here in Lloydminster is everyone seems to be turning a blind eye to the real solution of the homeless.

We obviously need a bigger center for the homeless and not in any neighborhoods.

It needs to be away from neighborhoods and far from downtown.

This facility, where it is currently located is causing problems with downtown revitalization.

It is causing people in the neighborhoods near it to become scared to go for walks.

This shelter has not been a place of hope but a place of stigmatism.

This place has no educational programs going to help the homeless.

There are no job or skill programs in place to help these people out.

There are no resources for helping them to seek employment.

There are no resources for helping them to learn how to build a resume.

There are no resources for helping them to stop using drugs and alcohol.

There are no resources for helping them to turn their lives around at all.

This shelter has become an embarrassment to the homeless and the people of Lloydminster.

We, as a community, have to reach out to the CEO or the owner to hire someone local to put in place educational programs, treatment programs, etc., for this homeless shelter for it to be a success.

Adding the trailer to this lot is not solving the big problem, and we all know it. Find the people operating it and change it!

A men's shelter should be a more safe and secure place for them to stay. It should have the basic needs: a bed, food, clothing, personal hygiene resources. It should be working with local agencies for the education of these people so they can integrate back into the community. The Men's Shelter should be a place that empowers the homeless to contribute to society with the tools to secure homelessness and promote self-sufficiency. This homeless shelter needs to help its residents rebuild their social connections and regain a sense of belonging through outreach programs, social activities, and networking opportunities.

"THE ABOVE IS NOT BEING DONE" IF THE LLOYDMINSTER MEN'S SHELTER DOES NOT START DOING THESE PROGRAMS AND CHANGING ITS POLICIES, IT SHOULD BE SHUT DOWN ALTOGETHER.

As a community, we have seen that none of the above programs, etc., are being done, or our shelter would not be over its capacity. I would like to see 20 cases that have proved success where men have moved onto success from Lloydminster Shelter!!

Thank you for listening to me today, and I hope that our City and officials, as well as the Lloydminster Shelter organization, take heed of where their shelter is sitting in the eyes of this community and where it needs to go to be successful. A New location #1!

Sincerely,

Karen Weber

From:	Megan Johnson
Sent:	January 26, 2024 11:58 PM
То:	<u>Cityclerk</u>
Subject:	Concerns regarding to "warming shelter", homeless Situation

Hello I'm a Resident of Lloydminster

myself & my family have Been heavily Effected by the Homeless/ Drug addicts / Crime in town over the past year of 2023.

We live In the neighbourhood Of 46st.

In the Past in our own Back alley of 46st Was referred as "Tent City" this area was well known to the RCMP an many other Residents Of Lloydminster

My family & neighbours have had to call the cops; at one point my Husband had to press charges against a known homeless/Drug addict.

heavy activity involving RCMP & fire department Resulted in the back area ordered by safety department to have whole area mulched.

I thank the city for getting rid of the tent area; our mental health has been effected by this situation

The safety of the citizens & business downtown are affected and will continue be effected by the Warming shelter next to the men's shelter if not removed.

Myself my Family & friends strongly agree the warming shelter should not be accessible This enables the criminals ; not only will this enable it will attract more unwanted criminals & drug addicts

I thank you for your time & I appreciate if our voices to be heard by City Of Lloydminster.



November 14, 2023

Property Owner/Tenant

RE: IMPENDING MULCHING OPERATIONS 45 AVENUE BETWEEN 49 STREET AND 45 STREET

To Whom It May Concern:

The City of Lloydminster prioritizes the safety and well-being of our community members. It has come to our attention that there have been ongoing concerns about community safety in the area east of 45 Avenue between 49 Street and 45 Street. The City of Lloydminster will be mulching any standing trees, shrubs and bushes on City-owned land between 45 Avenue and the VLA Soccer Fields.

We are taking all necessary precautions to ensure the safety of all persons and property in this area. The City of Lloydminster will be working with its Public Safety department, community support groups and the vulnerable sector to ensure all persons and property are removed from this area before any operations commence. Persons within encampments in this area will also be assisted with accessing shelter support.

Mulching is scheduled throughout daytime hours on Tuesday, November 21. Please be advised that a thorough review of the City property lines has occurred to ensure no private property is impacted during this operation.

We understand that this may cause some inconvenience to our residents, and we thank you for your understanding and co-operation in advance as we work toward a safer and better community for everyone.

If you have any questions, please contact Glenn Alford, Senior Manager Public Safety, during business hours Monday to Friday from 8:00 am to 5:00 pm.

Thank you,

Sincerely,

Glenn Alford Senior Manager, Public Safety City of Lloydminster P: 780-875-6184 Ext. 2205 E: galford@lloydminster.ca

City of Lloydminster, 4420 50 Avenue, Lloydminster, AB/SK T9V 0W2 lloydminster.ca

From:	Station auto
Sent:	January 26, 2024 12:29 PM
То:	<u>Cityclerk</u>
Subject:	Notice of Hearing - Subdivision and Development Appeal Board

To Whom It May Concern,

I am writing this today as a concerned downtown business and how the Shelter for the homeless has it's effects on our local area. Here are just a few things to give you an idea of what we have been dealing with. We have cleaned up 2 half ton truck loads of garbage and have taken it to the City Landfill site. We had a homeless person in our garbage dumpster and he tossed our garbage on the ground. Even with a new fence they still come inside the fenced area. We find needles and unsightly drug paraphernalia around the property that is a safety concern when cutting grass and having our staff clean this up. On a couple of occasions we had people try to come in the front door and the receptionist was frightened and called the General Manager to assist her. We find people sitting at the front of the property and more new faces everyday. We have heavily invested in putting security measures in place and it does not seem to be helping. We want customers of all ages to come to our downtown business and feel safe to do so. We are always willing to help the less unfortunate but we feel we just can not support the location of this new "Community Support Centre". We can not express the importantance of this centre being placed at a different location. We ask that you strongly and very seriously consider the safety issues and health concerns in this area when coming to make the right decision for the invested downtown business owners trying to make a difference for OUR Community.

Sincerely, Mubarik Ahmed

Sent from Mail for Windows

From:	Les Chung
Sent:	January 27, 2024 3:04 PM
То:	<u>Cityclerk</u>
Subject:	Warming Shelter.

As a business owner of the downtown property . i am against the decision of letting the warming shelter stay at the present location.

Les Chung , Red-ginger Restaurant Sent from my iPhone.

From:	303 Ranch Supply
Sent:	January 29, 2024 8:40 AM
То:	<u>Cityclerk</u>
Subject:	Wet Shelter

Im writing in regards to the appeal for the wet shelter. Our business has been broken into seven times, the like to light their clothing and bedding donations on fire in the back alley. I spend more time contacting the RCMP and typically the homeless committing these crimes have open warrants. Walking around the alleys with crack pipes whilst professing they aren't doing drugs. They have broken the entire frame of our back room to the point we would need to get cinder blocks and cement to stop them. It's slightly concerning when you are conducting business and smell part of the building on fire. We have security cameras and lights and nothing deters the crime.

Laurie Skelton 303 Ranch

Get Outlook for iOS

From:	<u>Joy Bilokraly</u>
Sent:	January 30, 2024 7:52 PM
То:	<u>Cityclerk</u>
Subject:	Subdivision and Development Appeal Board

Submitting our concerns and issues with heating shelter (Acto Trailer)

This has added more "Bad Traffic" having this building there. This and the men's shelter alone SHOULD NOT be in a residential area. That in itself should be more then enough for us residents to not have to deal with that. We pay taxes, we should have a safer, cleaner streets.

Our daughter was jumped by a crack head in the late spring, getting off the school bus. I cannot tell you the fear and the sickness that we felt for our daughter. Seeing her in that hospital, I would wish that on NOONE. NOONE should have to experience such a sick fear. So now school bus stops are NOT safe.

It's honestly gets tiring watching all our items that we work for, get stolen vandalized and the list goes on. How many more houses are going to be burnt to the ground, and what happens if our house or our neighbors house catches on fire, who pays for the damages.

That men's shelter have more woman hanging around there then men.

They should have a policy, stay for 1 month and in that month they should be trying to find a job. They at some point should be kicked off the property if they do not try and find something. I have seen endless men and woman sleeping everywhere with bolt cutters strapped to their chest or laying besides them.

We are even tired of picking up their garbage, I'm sorry but if you have garbage you don't need to drop it on our lawns. What there is no garbage at the men's shelter!!??

Lloydminster needs to seriously start cleaning up this town/ city and this would probably be a good start. This was turned down once before, this should not even be an issue now, should be an end to a story. Plus don't our taxes go to this. There are many times I myself cannot afford things especially groceries after paying bills. But I can tell you I'm not going to steal from my neighbors to make ends meet. I know numerous people that own businesses and have gone to the men's shelter to see if they want to make some cash, and they do not budge. They don't want to make some money, they got it too easy there lots of meals, everything is given to them. It's very sad really. They just seem to get to do whatever they want and everyone turns and looks away. Sorry this trailer should not be there and sorry the men's shelter too should not be where it is. If you live around here you will understand. If you do not live around here then you may not understand at all.... Sadly. We need permits to have certain buildings on our property, they need a permit just the same!!!!!!!!

There is so much more that could be added to this. This is some serious concerns that we have. We need to work together to clean up Lloydminster.

Joy Bilokraly Jason Schell

From:	<u>Damian Saliken</u>
Sent:	January 31, 2024 9:15 PM
То:	<u>Cityclerk</u>
Subject:	Statement 5001 48ave

To whom it may concern,

Following the application, I received in my mail earlier last week I would like to formally state reasons as to why this permit should not be granted.

Over the past three years in this neighborhood, we have worked very hard with different organizations to ensure that people feel safe to ensure that children can play, and to ensure that it is a place where people want to live.

Throughout that time, one of our biggest struggles has been the men's shelter after investigating further and inquiring onto the practises we have noticed in this neighbourhood that it is treated more of a wet shelter. People are allowed to use substances things are not properly handled and not everybody's allowed to go there. There's a sense of favouritism that goes on.

As you often see some of the harsh things happening in that area. It was brought to my attention recently that there is an actual day home near there, where children cannot go out to play anymore since this new building has gone up because the population of homeless individuals really isn't something that's ideal for young children to deal with as there is substance abuse going on and different things that can occur within disadvantage groups.

It should be noted that there are many vacant buildings that would be ideal in industrial areas for something such as this

Is it not concerning that a building has gone up in the last few months and it was only on the cities request that they are finally filing for a permit does that show respect for the system? Does that show that they understand the effect they have on this neighbourhood? Does that show compliance for the rules and regulations that there's government of the city of Lloydminster has put in place?

I would like to see their plan on how they are community outreach as often. It feels like they are anything, but I have lived in Saskatoon Edmonton, Calgary, St. John's, and in all of those cities I have never experienced a homeless shelter ran the way that this one is take a look on social media, take a survey, and you will see how disappointed and how concerned residence of Lloydminster are, please reconsider allowing this application to go through as it will cause more harm than good.