

July 5, 2018

To: Members
Regina Planning Commission

Re: Application for Partial Street Closure (18-CL-02) Undeveloped Road Right-of-Way
Adjacent to 4239 Dewdney Avenue

RECOMMENDATION

1. That the application for the closure and sale of a portion of Lewvan Drive as shown on the attached plan of proposed subdivision prepared by WSP, dated March 12, 2018 and legally described as Part of Lewvan Drive, Registered Plan No. 83R36391, be approved.
2. That the City Solicitor be directed to prepare the necessary bylaw.
3. That this report be forwarded to the July 30, 2018 meeting of City Council for approval, which will allow sufficient time for advertising of the required public notice for the respective bylaw.

CONCLUSION

The City of Regina's Real Estate Branch proposes to close and sell a portion of the right-of-way adjacent to the parcel located at 4239 Dewdney Avenue, which would create a new parcel. The newly-created parcel and 4239 Dewdney Avenue would be parcel tied, allowing them to be considered as one parcel for the purposes of planning and development.

The portion of right-of-way proposed to be closed is not currently used by the travelling public or service providers and therefore, the proposed closure will not impact traffic flow or circulation.

The proposal complies with the development standards and regulations contained in *Regina Zoning Bylaw No. 9250* (Zoning Bylaw) and is consistent with the policies in *Design Regina: The Official Community Plan Bylaw No. 2013-48* (OCP). Accordingly, the Administration recommends approval.

BACKGROUND

A closure application has been submitted concerning the right-of-way adjacent to 4239 Dewdney Avenue. The application is being considered pursuant to the Zoning Bylaw, OCP, *The Planning and Development Act, 2007* and *The Cities Act, 2002*.

The related subdivision application, which creates proposed Lot Z shown in Appendix A-3, is being considered concurrently by Administration, in accordance with *Bylaw No. 2003-3*, by which subdivision approval authority has been delegated to Administration. A parcel tie will be

required as a condition of subdivision to ensure the properties are treated as one for the purposes of planning and development.

DISCUSSION

The applicant (City of Regina Real Estate Branch) proposes to close and sell a 0.026 hectare portion of road right-of-way along Lewvan Drive to create a new parcel. The proposed new parcel (Lot Z shown on Appendix A-3) will be parcel tied to the property at 4239 Dewdney Avenue (Lots 1 – 7 on Appendix A-3) to ensure that the parcels are considered as one for the purposes of planning and development.

The portion of right-of-way proposed to be closed is not currently used by the travelling public or service providers and therefore, the proposed closure will not impact traffic flow or circulation. The property owner is currently using this portion of road right-of-way for parking and there are no structures encroaching on to the existing right-of-way, as shown on Appendix A-1.

The buyer wishes to purchase the property as they plan to redevelop the site in the future. In the near term, the land will continue to be used for additional parking to serve the adjacent Liquor Store located at 4239 Dewdney Avenue.

As a condition of the sale, the buyer will be restricted from developing any structures on the Lot Z. Subject to Section 13(2)(b) of *The Cities Act*, the City will register an interest against the title of the property to ensure the road allowance can be returned to the City, without compensation, if needed in the future for roadway purposes.

The subject property is currently zoned MAC – Major Arterial Commercial Zone. The surrounding land uses to the north, east and south are also within the MAC – Major Arterial Commercial Zone. Lewvan Drive is immediately west of the undeveloped right of way.

RECOMMENDATION IMPLICATIONS

Financial Implications

The parcel tie with adjacent properties will result in a modest increase in the property tax assessment. The partial closure of the street will relieve the City of any obligations for its maintenance or physical condition.

The subject area currently receives a full range of municipal services, including water, sewer and storm drainage. The applicant will be responsible for the cost of any additional or changes to existing infrastructure that may be required to directly or indirectly support the development, in accordance with City standards and applicable legal requirements.

Environmental Implications

None with respect to this report.

Policy/Strategic Implications

The proposal is consistent with the policies contained within the OCP with respect to the community goal of achieving long-term financial viability. By divesting itself of an unused portion of road right-of-way, the City has ensured that there will not be any long-term financial implications associated with the land.

The portion of right-of-way to be closed is not required for traffic circulation purposes.

Other Implications

None with respect to this report.

Accessibility Implications

None with respect to this report.

COMMUNICATIONS

Communication with the public is summarized below:

Will be published in the Leader Post on:	July 14, 2018
Letter sent to immediate property owners	N/A
Number of Public Comments Sheets Received	0

There were no public comments received on this application. The application was circulated to the Central Zone Board and the North Central Community Association, however Administration did not receive a response prior to the deadline for submission of this report.

The applicant and other interested parties will receive a copy of the report and notification of the meeting to appear as a delegation in addition to receiving a written notification of City Council’s decision.

DELEGATED AUTHORITY

City Council’s approval is required pursuant to Section 13 of *The Cities Act, 2002*.

Respectfully submitted,



Louise Folk, Director
Development Services

Respectfully submitted,



Diana Hawryluk, Executive Director
City Planning & Development