

September 24, 2018

To: His Worship the Mayor
And Members of City Council

Re: Regina Planning Commission: Applications for Zoning Bylaw Amendment and Sale of
Dedicated Land (18-Z-07/18-SD-01) - 580 Quebec Street

RECOMMENDATION

**RECOMMENDATION OF THE REGINA PLANNING COMMISSION
– SEPTEMBER 5, 2018**

1. That the application to amend *Regina Zoning Bylaw No. 9250* to rezone Block MB3, Plan No. 101909404 located at 580 Quebec Street from PS - Public Service to IA1 - Light Industrial Zone, be approved.
2. The application to sell dedicated land MB3, Plan No. 101909404 be approved.
3. That the City Solicitor be directed to prepare the necessary bylaws to authorize the respective *Regina Zoning Bylaw No. 9250* amendment and sale of dedicated land.

REGINA PLANNING COMMISSION – SEPTEMBER 5, 2018

The Commission adopted a resolution to concur in the recommendation contained in the report.

Recommendation #4 does not require City Council approval.

Councillors: Bob Hawkins, Mike O'Donnell (Chairperson) and Barbara Young; Commissioners: David Bale, Frank Bojkovsky, Simon Kostic, Andre Kroeger, Robert Porter, Steve Tunison and Celeste York were present during consideration of this report by the Regina Planning Commission.

The Regina Planning Commission, at its meeting held on September 5, 2018, considered the following report from the Administration:

RECOMMENDATION

1. That the application to amend *Regina Zoning Bylaw No. 9250* to rezone Block MB3, Plan No. 101909404 located at 580 Quebec Street from PS – Public Service to IA1 – Light Industrial Zone, be approved.

2. The application to sell dedicated land MB3, Plan No. 101909404 be approved.
3. That the City Solicitor be directed to prepare the necessary bylaws to authorize the respective *Regina Zoning Bylaw No. 9250* amendment and sale of dedicated land.
4. That this report be forwarded to the September 24, 2018 meeting of City Council for approval, which will allow sufficient time for advertising of the required public notices for the respective bylaws.

CONCLUSION

The applicant and landowner, City of Regina Real Estate Branch, proposes to sell the subject property, which is dedicated land (Municipal Buffer MB3) to the adjoining landowner to the north at 514 Quebec Street (Lot 23 and 24). The subject property does not have direct street access and is required to be parcel tied to 514 Quebec Street to maintain street access. The only access to the parcel is from a lane which extends off Quebec Street and extends around the southern perimeter of the site. The proposal includes rezoning the subject property from PS - Public Service Zone to IA1 - Light Industrial Zone to ensure the lot has a consistent zone designation with the property to the north.

The proposal complies with the development standards and regulations contained in the *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

This application is being considered pursuant to the Zoning Bylaw, the OCP and *The Planning and Development Act, 2007* (Act). City Council's approval of sale of dedicated lands is required to be authorized by bylaw pursuant to section 179 of the Act. A municipal buffer is described in the Act as land that is provided to the municipality through a subdivision process to buffer two incompatible land uses.

This property was initially designated as a Municipal Buffer in 2006 (CR06-78) as part of a re-subdivision and rezoning of lots to create a parcel specifically for the existing rail line.

DISCUSSION

The applicant is proposing to sell dedicated land (Municipal Buffer MB3) to the adjacent owner of Lots 23 and 24. Parcel MB3 and Lots 23 and 24 are identified on Appendix A-1 and A-2. The applicant also proposes to rezone the subject property from PS - Public Service to IA1 - Light Industrial Zone, which is consistent with the zoning designation of the purchaser's property. Parcel MB3 will be required to be tied to Lots 23 and 24 as MB3 has no proper street access and would not meet lot standards as a stand-alone parcel.

The land use related details are summarized in the follow table:

Land Use Details	Existing	Proposed
Zoning	PS – Public Service Zone	IA1 – Light Industrial Zone
Land Use	Vacant	Industrial
Building Area	No buildings proposed	No buildings proposed

The surrounding land uses are various industrial uses zoned as IA1 - Light Industrial Zone to the north, CNR railway to the south and east, and detached dwelling units in the R3 - Residential Older Neighbourhood Zone to the west.

The Municipal Buffers (MB1 through MB4) were established through subdivision and rezoning application in 2006 and were intended to serve as buffer along the CNR lands between railway operations and other non-railway land uses to the north. If these lands were subdivided by the City today, the Municipal Buffers would not be required as the City now relies on a nationally-recognized guidelines to inform decisions regarding development in proximity to railways which are the *Guidelines for New Development in Proximity to Railway Operations* (Railway Guidelines), produced by the Federation of Canadian Municipalities and the Railway Association of Canada in 2013.

The Railway Guidelines do not recommend a separation distance between industrial development and railway operations. Industrial development in proximity to railway operations is not only common, but is sometimes required for operational purposes. In contrast, the Railway Guidelines would recommend a separation distance of 15 metres - 30 metres where new residential development is proposed in proximity to railways depending on the class of railway.

The Administration circulated the application to CNR who replied that they have no objection to this proposal. Therefore, the Administration concludes that Municipal Buffer MB3 is not required and may be rezoned and sold to the abutting property owner for use as an industrial property. The property is required to be parcel tied to 514 Quebec Street located directly north and cannot remain a stand-alone parcel due to restrictions related to access and servicing.

RECOMMENDATION IMPLICATIONS

Financial Implications

Consolidation of the municipal buffer into the adjacent site will result in a modest increase in the property tax assessment attributable to the future property owner. The sale of the municipal buffer will relieve the City of any obligations for 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

The subject property is located within the Low Sensitivity Aquifer Protection Overlay Zone. The proposal is required to comply with the applicable performance regulations that limit hazardous uses and the depth of excavation (six metres) so as to not expose the aquifer.

Policy/Strategic Implications

The proposal is consistent with the policies contained within Part A of the OCP with respect to:

Section D5: Land Use and Built Environment

Goal 4 – Employment Areas: Provide appropriate locations and development opportunities for a full range of industrial, commercial and institutional activities.

- 7.21 Ensure an adequate supply of service industrial land to maintain a diverse range of development opportunities.

Section D9: Health and Safety

Goal 2 – Health and Environmental Impacts: Minimize social and environmental impacts and improve the health and safety of the city and region.

- 11.7 Employ appropriate setback standards to ensure compatible development adjacent to the following: railway, pipeline, and other utility corridors energy-generation facilities and other features, where required.

Other Implications

None with respect to this report.

Accessibility Implications

None with respect to this report.

COMMUNICATIONS

Communication with the public is summarized below:

Public notification signage posted on:	April 25, 2018
Will be published in the <i>Leader-Post</i> on:	September 8, 2018 September 15, 2018
Letter sent to immediate property owners	May 1, 2018
Number of Public Comments Sheets Received	0

The application was circulated to the Northeast Community Association (NECA). Following circulation, the Administration attempted follow up contact with the NECA but 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 Part V of *The Planning and Development Act, 2007*.

Respectfully submitted,

REGINA PLANNING COMMISSION



Elaine Gohlke, Secretary