

November 25, 2019

To: His Worship the Mayor
And Members of City Council

Re: Regina Planning Commission: Zoning Bylaw Amendment Application (19-Z-09) - 2109
York Street

RECOMMENDATION

**RECOMMENDATION OF THE REGINA PLANNING COMMISSION
– NOVEMBER 6, 2019**

1. That the application to rezone a portion of 2109 York Street, being Part of Lot 16, Block 40, Plan No. I5211 in CPR Annex subdivision, from PS – Public Service Zone to R1A – Residential Older Neighbourhood Detached Zone, be approved.
2. That the application to sell park lands, being a portion of Lot 16, Block 40, Plan I5211, be approved.
3. That the City Solicitor be directed to prepare the necessary bylaw to authorize the respective Zoning Bylaw amendment.

REGINA PLANNING COMMISSION – NOVEMBER 6, 2019

The following addressed the Commission:

- Linda Flaman; and
- Brandi Muskaluk.

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

Recommendation #4 does not require City Council approval.

Councillors: Jerry Flegel, Bob Hawkins and Barbara Young (Chairperson); Commissioners: David Bale, Frank Bojkovsky, Biplob Das, Andre Kroeger, Jacob Sinclair and Steven Tunison were present during consideration of this report by the Regina Planning Commission.

The Regina Planning Commission, at its meeting held on November 6, 2019, considered the following report from the Administration:

RECOMMENDATION

1. That the application to rezone a portion of 2109 York Street, being Part of Lot 16, Block 40, Plan No. I5211 in CPR Annex subdivision, from PS – Public Service Zone to R1A – Residential Older Neighbourhood Detached Zone, be approved.
2. That the application to sell park lands, being a portion of Lot 16, Block 40, Plan I5211, be approved.
3. That the City Solicitor be directed to prepare the necessary bylaw to authorize the respective Zoning Bylaw amendment.
4. That this report be forwarded to the November 25, 2019 meeting of City Council for approval, which will allow sufficient time for advertising of the required public notices for the respective bylaw.

CONCLUSION

Douglas Muskaluk (Applicant) on behalf of the landowner The City of Regina (City), Real Estate Branch (Owner), proposes to rezone a portion of 2109 York Street (Subject Property) from PS – Public Service Zone to R1A – Residential Older Neighbourhood Detached Zone and then subdivide and sell the Subject Property. The Subject Property forms part of a parcel used primarily for park purposes; however, the Subject Property, itself, is currently used by the adjacent landowner for vehicle parking.

The Subject Property represents a minimal amount of land area and is not currently being used for park/recreation purposes. Further, the proposal complies with the development standards and regulations contained in *Regina Zoning Bylaw No. 9250 (Zoning Bylaw)* and is not in conflict with the policies in *Design Regina: The Official Community Plan Bylaw No. 2013-48 (OCP)*. Accordingly, Administration recommends approval.

BACKGROUND

The Subject Property (the portion of land subject to proposed rezoning and subdivision) forms part of a parcel being primarily vacant, but is currently used by the owner of the adjacent residential property (2165 York Street) for parking their vehicles. This residential property is surrounded by City owned property to the north, east and south and by a City street to the west. The City owned lands to the north are being used for park/open space purposes; however, no municipal reserve designation applies. An undeveloped lane transects the subject block of land and only serves as driveway access to a parking lot associated with a City park/recreation related facility. The Owner (City Real Estate Branch) does not oppose the sale of the Subject Property to the owner of the adjacent residential property.

Concurrent with the proposal to rezone, subdivide and sell the Subject Property, the Owner is proposing to close the adjacent unused lane. The proposed lane closure is addressed through a separate concurrent application proceeding to the same Regina Planning Commission meeting as this application. The lane is not required for traffic circulation purposes or to accommodate access to any future development.

The zoning amendment application is being considered pursuant to the Zoning Bylaw, OCP, *The Planning and Development Act, 2007* (Act) and *The Cities Act, 2002*. The related subdivision application is being considered concurrently in accordance with Bylaw No. 2003-3, by which subdivision approval authority has been delegated to Administration. A copy of the plan of proposed subdivision is attached for reference purposes only.

DISCUSSION

Zoning and Land Use Details

The Subject Property is currently zoned PS – Public Service Zone and FF – Flood Fringe Overlay Zone. (Appendix A-4) Should the Subject Property be rezoned to R1A – Residential Older Neighbourhood Detached Zone, the FF – Flood Fringe Overlay Zone would still apply; therefore, the driveway and any buildings (e.g. garage) would have to conform to the regulations within the Zoning Bylaw in regard to front yard parking and flood proofing standards applying under the Building Bylaw.

Land Use Details	<u>Existing</u>	<u>Proposed</u>
Zoning	PS – Public Service Zone	R1A - Residential Older Neighbourhood Detached Zone
Land Use	Vacant / Open space	Portion of yard space with Detached Dwelling

The Subject Property forms part of a parcel that is vacant open space and the lands in the vicinity are not part of the dedicated (municipal reserve) open space system for the neighbourhood.

RECOMMENDATION IMPLICATIONS

Financial Implications

The sale price for the Subject Property is \$27,930 plus GST. The sale of the land 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 new, or changes to existing, infrastructure that may be required to directly or indirectly support any proposed development that may follow, in accordance with City standards and applicable legal requirements.

Environmental Implications

The subject property is located within the FF – Flood Fringe Overlay Zone as shown on Appendix A-4. Development is allowed within the Floodway Fringe provided that appropriate flood proofing is incorporated into building design. The proposal for the Zoning Amendment does not impact the existing Floodway Fringe.

Policy/Strategic Implications

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

Section D9: Health and Safety

Goal 1 – Safety and Urban Planning

- 11.5 Prohibit the development of new buildings and additions to buildings in the flood way of the 1:500 year flood elevation of any watercourse or water body

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:	August 20, 2019
Will be published in <i>The Leader-Post</i> on:	November 9, 2019 November 16, 2019
Letter sent to immediate property owners	August 13, 2019
Number of Public Comments Sheets Received	2

There were two public comments received on this application. A more detailed accounting of the respondent’s comments and Administration’s response is provided in Appendix B.

The application was circulated to the Cathedral Community Association who responded that they had no issue with this application.

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*, and Section 101 (1)(I) of *The Cities Act*.

Respectfully submitted,

REGINA PLANNING COMMISSION


Elaine Gohlke, Secretary 11/20/2019