

February 13, 2013

To: Members,  
Regina Planning Commission

Re: Applications for Zoning Bylaw Amendment and Lane Closure (12-Z-25/12-CL-9.)  
Portion of the East-West Lane, Block 332  
Located between 1916 and 1922 Elphinstone Street

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### RECOMMENDATION

1. That the application to amend *Regina Zoning Bylaw No. 9250* as follows be APPROVED:
  - (a) That the property located at 1922 Elphinstone Street (south of existing lane) and comprised of Lots 11 and 12, Block 332, Plan No. DV4420, be rezoned from C - Contract to MAC - Major Arterial Commercial;
  - (b) That the contract zone agreement as authorized by Bylaw No. 9813 for 1922 Elphinstone Street be struck from Table 9.1 (Current Contract Zoning Agreements).
2. That the application for the closure and sale of a portion of the lane described as "all that portion of the east-west Lane in Block 332, Registered Plan No. DV4420 in Regina, Saskatchewan, as shown on the Plan of Proposed Subdivision, prepared by P. Shrivastava S.L.S. and dated July 31, 2012", be APPROVED.
3. That the City Solicitor be directed to discharge the contract zone agreement registered on the title.
4. That the City Solicitor be directed:
  - (a) to prepare the required Zoning Bylaw amendments and the bylaw to authorize closure and sale of the aforementioned lane; and
  - (b) to arrange for discharge of the interest registered on the titles to the aforementioned Lots 11 and 12, pertaining to the existing contract zone agreement.
5. That this report be forwarded to the March 18, 2013 City Council meeting, which will allow sufficient time for advertising of the required public notices for the respective bylaws.

### CONCLUSION

The proposed zoning amendment for Lots 11 and 12, located at 1922 Elphinstone Street is summarized below:

- The property at 1916 Elphinstone Street which is zoned MAC – Major Arterial Commercial will continue to operate as a restaurant (Dairy Queen)
- The property at 1922 Elphinstone Street is currently zoned C – Contract and will be rezoned to MAC – Major Arterial Commercial
- The subject property is located within the Cathedral Neighbourhood

The proposed road closure of a portion of the east-west lane in Block 332 is summarized below:

- Located between 1916 and 1922 Elphinstone Street

- The purpose of the closure is to provide the purchaser with additional land area to accommodate on-site parking for patrons of the restaurant
- Access to the remaining portion of the lane will be possible through two alternate points of entry

## BACKGROUND

A Zoning Bylaw amendment application has been submitted concerning the property at 1922 Elphinstone Street. In addition, a lane closure application has been submitted for a portion of public lane that separates 1916 and 1922 Elphinstone Street.

These applications are being considered pursuant to *Regina Zoning Bylaw No. 9250, Regina Development Plan Bylaw No. 7877 (Official Community Plan), The Planning and Development Act, 2007* and *The Cities Act*.

The related subdivision application is being considered concurrently in accordance with Bylaw No. 2003-3, by which subdivision approval authority has been delegated to the Administration. A copy of the plan of proposed subdivision is attached for reference purposes only. The proposed subdivision is intended to consolidate the closed lane with the adjacent properties at 1916 and 1922 Elphinstone Street to form one larger parcel.

## DISCUSSION

The City of Regina's Real Estate Branch proposes to legally close a portion of the aforementioned lane. A total area of 232.26 m<sup>2</sup> is to be closed which would then be consolidated with the adjacent properties on either side, located at 1916 and 1922 Elphinstone Street. The proposed lane closure is intended to provide the purchaser with additional land area to accommodate on-site parking for patrons of the existing restaurant at 1916 Elphinstone Street.

As the lane and the subject properties would be consolidated into a single parcel, rezoning of the property that is currently under contract zoning is necessary to establish a single zone designation for the whole of the consolidated property. The existing Contract Zone agreement, dating back to September 1996, was established to allow the applicant to utilize the property at 1922 Elphinstone Street as an employee parking lot and outdoor eating area. That property would be re-zoned from C- Contract to MAC – Major Arterial Commercial to be consistent with the current zoning of the property at 1916 Elphinstone Street.

Closure of the lane and consolidation with the two adjacent properties would result in the following parcel:

<b>Proposed Parcel/Lot</b>	<b>Land Use</b>	<b>Resulting Parcel Size</b>
A	Restaurant	0.24 ha

## RECOMMENDATION IMPLICATIONS

### Financial Implications

The sale price for the portion of the lane between 1916 and 1922 Elphinstone Street is \$7800.00 plus GST. Consolidation of the closed lane with the adjacent properties will result in a modest increase in the property tax assessment attributable to each of the property owners.

The closure and sale of the lane 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

None with respect to this report.

Other Implications

None with respect to this report.

Accessibility Implications

None with respect to this report.

COMMUNICATIONS

Public notification signage posted on:	October 22, 2012
Zoning Bylaw amendment will be published in the Leader Post on:	March 2, 2013 March 9, 2013
Bylaw to authorize closure and sale of land will be published on:	March 9, 2013

DELEGATED AUTHORITY

City Council's approval is required for the Zoning Bylaw amendments pursuant to Part V of *The Planning and Development Act, 2007*, and for the lane closure pursuant to Section 13 of *The Cities Act*.

Respectfully submitted,



Diana Hawryluk, Director  
Planning

Respectfully submitted,



Jason Carlston, Deputy City Manager  
Community Planning and Development