

February 25, 2013

To: His Worship the Mayor  
and Members of City Council

Re: Application for Zoning Bylaw Amendment (12-Z-26) PS to R1  
Part of Municipal Reserve R10, Plan No. 80R30750 – 281 Rink Avenue

---

**RECOMMENDATION OF THE REGINA PLANNING COMMISSION  
- JANUARY 30, 2013**

1. The portion of Municipal Reserve R10, Plan No. 80R30750 as shown on the attached subject property map, be authorized by City Council to be sold and that the bylaw be forwarded to the Minister for approval pursuant to *The Planning and Development Act, 2007*;
2. That subject to Recommendation 1, the application to rezone a portion of Firehall Park (281 Rink Avenue, Municipal Reserve R10, Plan No. 80R30750) as shown on the attached subject property map from PS – Public Service to R1 – Residential Detached, be APPROVED;
3. That the City Solicitor be directed to prepare the necessary bylaws for rezoning and selling of Municipal Reserve land.

*REGINA PLANNING COMMISSION – JANUARY 30, 2013*

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, Shawn Fraser and Mike O'Donnell; Commissioners: David Edwards, Phil Evans, Dallard LeGault, Ron Okumura, Phil Selenski, Lauren Snook and Sherry Wolf were present during consideration of this report by the Regina Planning Commission.

The Regina Planning Commission, at its meeting held on January 30, 2013, considered the following report from the Administration:

RECOMMENDATION

1. The portion of Municipal Reserve R10, Plan No. 80R30750 as shown on the attached subject property map, be authorized by City Council to be sold and that the bylaw be forwarded to the Minister for approval pursuant to *The Planning and Development Act, 2007*;
2. That subject to Recommendation 1, the application to rezone a portion of Firehall Park (281 Rink Avenue, Municipal Reserve R10, Plan No. 80R30750) as shown on the attached subject property map from PS – Public Service to R1 – Residential Detached, be APPROVED;

3. That the City Solicitor be directed to prepare the necessary bylaws for rezoning and selling of Municipal Reserve land; and
4. That this report be forwarded to the February 25, 2013 City Council meeting to allow for sufficient time for the required public advertising of the proposed bylaws.

## CONCLUSION

The applicant proposes to rezone a portion of 281 Rink Avenue (Firehall Park) to accommodate the consolidation with adjacent lots. The related proposed subdivision meets the minimum lot area and lot frontage requirements of *Regina Zoning Bylaw No. 9250*. There are no policy concerns or negative impact to the surrounding neighbourhood.

## BACKGROUND

An application for Zoning Bylaw Amendment has been received. The subject property is located in the Walsh Acres subdivision and within the Walsh Acres/ Lakeridge Community Association boundary. This application is being considered pursuant to *Regina Zoning Bylaw No. 9250*, *Regina Development Plan Bylaw No. 7877* (Regina's Official Community Plan) and *The Planning and Development Act, 2007*.

## DISCUSSION

### **The Applicant's Proposal**

The applicant, being the City's Real Estate Branch, proposes to rezone the southeasterly 37.48 m<sup>2</sup> portion of Firehall Park as shown on the attached subject property map from PS – Public Service, to R1 – Residential Detached.

The end result is that portion of the park that is being rezoned, the walkway (W2), and Lots 11, 12 and 13 will be resubdivided to create Lots 11A, 12A and 13A. The dedicated walkway (W2) is currently being encroached upon and does not currently provide access/egress to Fire Hall Park. As the subject property is Municipal Reserve (i.e. dedicated open space), City Council's approval is required to sell the land.

The proposal is to accommodate the purchasers with additional lot area and to legalize the encroachment of the neighbouring lots into the walkway.

Surrounding land uses include low density residential detached homes to the south, Fire Hall Park and Fire Station No. 6 to the west, Fuhrmann Park to the east and Henry Janzen Park/School to the north.

The related subdivision application is being considered concurrently in accordance with *Subdivision Bylaw No. 7748*, by which subdivision approval authority has been delegated to the Administration.

## RECOMMENDATION IMPLICATIONS

### Financial Implications

The sale price for the City owned land is \$39, 375.00. The subject properties already receive a full range of municipal services. The purchasers will be responsible for all upgrades to the property including service connections, paving and landscaping.

Subject to section 10 of *The Dedicated Lands Regulations, 2009*, all moneys received for the sale of the municipal reserve pursuant to section 187 of *The Planning and Development Act, 2007*, being a portion of Firehall Park, shall be paid into the municipal dedicated lands account for public use or upgrades/development of new or existing park facilities.

### Environmental Implications

There were no concerns identified regarding landscaping, parks maintenance or overall functioning of the open space network in this community. Any future development must not block or alter the existing surface runoff flow route either from the park or adjacent lots.

### Strategic Implications

The proposal does not conflict with the Official Community Plan and is consistent with City policy frameworks pertaining to growth management and community development strategies.

### Other Implications

None with respect to this report.

### Accessibility Implications

None with respect to this report.

## COMMUNICATIONS

### **Public Input**

The Administration notified the public through the following measures:

- Direct notification to owners and occupants of property within the vicinity of the area; and
- Circulation letter sent to the Walsh Acres/Lakeridge Community Association and the West Zone Board for review and comment

Responses were not received from either organization prior to the finalization of this report. The Administration received seven responses from the public of which six were in full support of the proposal, while one resident was completely opposed to the rezoning application. Concerns that were expressed are addressed by the Administration below:

#### **1. Access to Firehall Park**

Concern: The proposal to consolidate the walkway and rezone a portion of Firehall Park will restrict and/or limit access to the park from local residents and sets a precedence of limiting access and giving property owners more control.

Response: The closure of the walkway from Fuhmann Crescent minimally impacts access to the park. Park frontage is well within City standards and there is an additional walkway on the south side of Firehall Park that provides access from Dalgliesh Drive. Finally, the City

values a well-connected parks and open space system. Given that the adjacent property owners have been encroaching upon the walkways for over twenty years, the City negotiated a reasonable solution as the walkway did not provide access/egress to the park.

## 2. Financial Implications

Concern: The City, specifically tax dollars, should not be used for the costs associated with the removal and/or maintenance of the fence, trees and other structures present on the subject property.

Response: The land is being sold on an “as is” basis. All chattels remaining on the site become the property of the registered land owners. Therefore, all costs to maintain the trees, structures or fence (or the removal thereof) will be passed on to the property owners.

## Government Agencies

The application was circulated to both the Public and Separate School Boards for review and comment. The Public School Board and Separate School Board both indicated they had no concerns with the proposal.

### Public Notice of Proposed Zoning Bylaw Amendments

Subject to concurrence with the recommendations contained in this report, public notice of the proposed Zoning Bylaw amendments and sale of municipal reserve will be published in the Leader-Post on February 9 and 16, 2012 in accordance with Section 207 of the *Planning and Development Act, 2007*.

The applicant and other identified interested parties will receive written notification of City Council’s decision.

### DELEGATED AUTHORITY

City Council’s approval of Zoning Bylaw amendments is required pursuant to Part V of *The Planning and Development Act, 2007*.

Respectfully submitted,

REGINA PLANNING COMMISSION



---

Elaine Gohlke, Secretary