



# City of Moose Jaw

**COMMUNICATION# CC-2020-0007**

**TITLE:** Bylaw No. 5614, Zoning Amendment Bylaw, 2020 (3)  
**TO:** City Council  
**FROM:** Department of Planning and Development Services  
**DATE:** 3 January 2020  
**PUBLIC:** PUBLIC DOCUMENT

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## **RECOMMENDATION**

THAT City Council give 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> reading to Bylaw No. 5614, Zoning Amendment Bylaw, 2020 (3).

## **TOPIC AND PURPOSE**

The purpose of the proposed Bylaw is to rezone 834 Alder Avenue and 844 Alder Avenue from R3 – High Density Residential District to C2 – High Density Commercial District.

## **BACKGROUND**

At the regular meeting of City Council on December 9, 2019, the minutes of the November 26, 2019 meeting of the Municipal Planning Commission were ratified and the following motion was passed:

*"THAT City Administration proceed with the advertising and bylaw preparation for the rezoning of Lot 14, Block 23, Plan No. C4006 Ext 156 and Lot 19, Block 23, Plan No. C4006 Ext. 185 from R3 – High Density Residential District to C2 – High Density Commercial District; and*

*THAT all costs associated with the application be borne by the applicant."*

## **Implications and Discussion**

The purpose of the rezoning application is to facilitate the sale of 834 Alder Avenue for commercial use. The purchase inquiries received by the applicant thus far consist of the use of the existing building for office space. The block is primarily zoned C2 – High Density Commercial District, with 834 Alder Ave and 844 Alder Ave being the last residentially zoned properties on the block.

The rezoning was initiated by the owner of 834 Alder Avenue and at the time did not include 844 Alder Avenue. At the November 26, 2019 Municipal Planning Commission meeting, it was suggested by the Commission that the rezoning could be expanded to include 844 Alder Avenue, to maintain consistent zoning on the block. The rezoning was advertised to the public with 844 Alder Avenue included in the proposed Bylaw.

Administration is recommending in favour of the rezoning application for 834 Alder Avenue and 844 Alder Avenue for the following reasons:

1. The rezoning aligns with the existing C2 - High-Density Commercial zoning on the block, including the C2 zoning of the adjacent property (824 Alder Ave); and
2. The rezoning meets many of the criteria stated in City policy, including the Official Community Plan.

Rezoning will establish less restrictive development standards for future development at these locations.

**Ex:**

<b>R3 District (Existing)</b>	<b>C2 District (Proposed)</b>
40% Max Site Coverage	100% Max Site Coverage
15 metre Max Building Height	45 metre Max Building Height

Rezoning will also expand the list of permitted/discretionary land uses at this location. The C2 District permits a range of residential and commercial uses, often in a mixed-use form. Since the C2 District was designed to be mixed-use, the land uses listed are identified in planning best practice as being compatible with residential uses.

#### Written Submissions

Concerns have been raised from adjacent property owners about the potential for future development to cause a nuisance for the surrounding neighbourhood. These concerns have been primarily focused on the vacant lot at 844 Alder Avenue, which is currently used as a parking lot. While no inquiries or development proposals have been received for this property, concerns have been expressed that the property is more readily available for redevelopment since it is vacant.

Other concerns included:

- The safety of pedestrians if high density commercial is developed on the block;
- Impacts to street parking if a high demand business locates in the area;
- Increase in traffic after redevelopment;
- Impact on property values and the ability to sell adjacent properties; and
- The ability to maintain housing around Downtown if the commercial area expands.

As of January 6, 2020, 5 written submissions have been received:

1. Cal Carter – December 31, 2019;

2. Donald & Dorothy Swenson – January 2, 2020;
3. Leanne Stadnyk – January 3, 2020;
4. Holly Reykjalín - Allain & Terry Allain – January 3, 2020; and
5. Malor Arroyo – January 5, 2020.

The above submissions are all in opposition to the proposed rezoning. At the time when the application was reviewed by Administration and MPC, no consultation with the neighbours had taken place.

### Recommendation

While the recommendation from Administration reflects a review of policy and planning best practice, City Council may consider other factors in their decision such as feedback from the community.

If City Council is inclined to support the Bylaw and clause-by-clause debate is not required, the following motion would be in order, while in Committee of the Whole (Bylaws):

*"THAT clause-by-clause consideration of the Bylaw be and is hereby dispensed with and that the said Bylaw be approved in its entirety."*

### **OPTIONS TO RECOMMENDATION**

1. Council may decide to remove 844 Alder Avenue from the rezoning bylaw;
2. Council may decide not to proceed with the rezoning of either property.

### **PUBLIC AND/OR STAKEHOLDER INVOLVEMENT**

In accordance with *The Planning and Development Act, 2007*, and City practice, the bylaw amendment was advertised for 2 consecutive weeks in the Moose Jaw Express and on the City website. Notices were sent to property owners within 90 metres of the affected properties.

### **ATTACHMENTS**

1. Bylaw No. 5614, Zoning Amendment Bylaw, 2020 (3);
2. R3 District Development Standards – Existing Zoning;
3. C2 District Development Standards – Proposed Zoning; and
4. Report dated November 13, 2019.
5. Submissions re: Bylaw No. 5614

6. CONFIDENTIAL Submission re: Bylaw No. 5614 (*The Local Authority Freedom of Information and Protection of Privacy Act*, Section 23 (1) (e) and (f))

**REPORT APPROVAL**

Written by: Veronica Blair, Planner 1  
Reviewed by: Michelle Sanson, Director of Planning and Development Services  
Tracy Wittke, Assistant City Clerk  
Approved by: Jim Puffalt, City Manager  
Approved by: Fraser Tolmie, Mayor

**CITY MANAGER COMMENTS**

844 Alder is currently zoned R-3 and is located immediately adjacent to the Main Street Shopping District being directly behind 843 Main Street North. Consulting with the neighbourhood is always important, however, in this case the concerns raised:

- are addressed by the Zoning Bylaw such as off-street parking requirements, or potential for mixed use commercial/residential,
- are an existing condition such as traffic expected to be high in this area already due to its location,
- are an existing condition as present zoning could be just as impactful considering there is room on 844 Alder for a 16-unit apartment which would be a permitted use in the R-3 District.
- Property owners of 844 Alder have been notified.

Concur with the recommendation.

*To be completed by the Clerk's Department only.*

Presented to Regular Council or Executive Committee on \_\_\_\_\_.

No. \_\_\_\_\_ Resolution No. \_\_\_\_\_

## Report Approval Details

Document Title:	Bylaw No. 5614 - Zoning Amendment Bylaw, 2020 (3) - CC-2020-0007.docx
Attachments:	<ul style="list-style-type: none"><li>- Bylaw No. 5614 - Alder Ave.doc</li><li>- R3 District.pdf</li><li>- C2 District.pdf</li><li>- Report dated November 13, 2019 - 834 Alder Ave - Report.docx</li><li>- Submissions re Bylaw 5614.pdf</li><li>- CONFIDENTIAL Submission re Bylaw 5614.pdf</li></ul>
Final Approval Date:	Jan 9, 2020

This report and all of its attachments were approved and signed as outlined below:

Sue Brabant



Michelle Sanson



Tracy Wittke

**No Signature - Task assigned to Tracy Wittke was completed by workflow administrator Jim Puffalt**

Tracy Wittke



Jim Puffalt

A handwritten signature in black ink, appearing to read "Fraser Tolmie". The script is cursive and fluid, with the first name "Fraser" and last name "Tolmie" clearly distinguishable.

Fraser Tolmie