



# City of Moose Jaw

**COMMUNICATION # CC-2020-0034**

**TITLE:** Rezoning Application – 480 Athabasca Street East

**TO:** City Council

**FROM:** Department of Planning and Development Services

**DATE:** January 28, 2020

**PUBLIC:** PUBLIC DOCUMENT

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## **RECOMMENDATION**

THAT City Administration be directed to proceed with advertising and bylaw amendment preparation to rezone 480 Athabasca Street East from R4 – Core Mixed Residential District to CZ – Contract Zone; and

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

## **TOPIC AND PURPOSE**

The purpose of this report is to consider an application from 101118806 Saskatchewan Ltd. to change the zoning of 480 Athabasca Street East from R4 – Core Mixed Residential District to M1 – Light Industrial District. The recommendation from Administration is that the property be rezoned to CZ – Contract Zone rather than M1 as requested by the applicant.

## **BACKGROUND**

The property has been used as a parking area by the businesses across the street since 2000. In recent years, the property has also been utilized for additional outdoor storage by Nexii, located in the warehouse across the street. The applicant has stated that they would like to use the property as a staging area for their products, and overflow vehicle parking. The use of the property as a parking area is grandfathered from an older zoning bylaw and may continue to be used this way. Outdoor storage is not a permitted use in the R4 District, which has prompted the owner to apply for the rezoning.

## **DISCUSSION**

The request from the applicant is to change the zoning of the subject property to M1 – Light Industrial, which would permit some outdoor storage as a general light industrial use.

The entire block across the street is zoned M1 – Light Industrial, which was carried forward from a previous zoning bylaw.

Administration does not recommend expanding the M1 District in this area, since this area is not identified for future industrial development in the City's Official Community Plan. While the existing residential development in the area has not been substantially impacted by the existing M1 zoning, there is potential for land use conflicts when industrial and residential developments exist in proximity.

To allow the property to be used for the applicant's purposes, without expanding the M1 District, the City can enter into a Contract Zone Agreement. The Agreement allows restrictions to be applied on the use of the property and can be tailored for Nexii's business operations. This will prevent the property from being sold for other industrial purposes, which may impact adjacent properties. Other requirements may be included in the Agreement to restrict the type of storage permitted and require landscaping and fencing. The Contract Zone Agreement will be attached to the bylaw amendment for Council review.

### **OPTIONS TO RECOMMENDATION**

- City Council may decide to rezone the property to M1, to align with the applicant's request;
- City Council may decide not to rezone the property.

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

If directed to proceed, the bylaw amendment will be advertised for two consecutive weeks in the Moose Jaw Express and on the City's website. Notices will be sent to property owners within 90 metres of the proposed rezoning. This advertising procedure aligns with *The Planning and Development Act, 2007* and the City's Public Notice Policy.

### **STRATEGIC PLAN**

The City's 2019 Strategic Plan identifies the objective of "Core Amenities and Services" and the importance of providing these services with a focus on customer service. This report aligns with this objective because the review of Zoning Bylaw amendment applications is a core service. Administration has maintained a customer service focus by keeping the applicant informed and updated throughout the review process.

### **OFFICIAL COMMUNITY PLAN**

#### **19.1.2 Contract Zoning**

- a) Contract Zoning may be used by Council on a case-by-case basis to deal more effectively with the development of individual lots, blocks or other small areas with servicing, site or access limitations, unique features or opportunities which could not be accommodated by the current Zoning Bylaw.

b) Subject to the following Guidelines, the Council may rezone an area to a Contract Zone pursuant to *The Planning and Development Act, 2007* in order to allow a specific development, which would benefit the City but is not currently compatible with the current zoning uses or regulations affecting the subject area:

- i) Council shall consider the nature and intensity of the surrounding uses to avoid or minimize land use conflict when investigating a rezoning proposal for a new Contract Zoning area.
- ii) Prior to approving a rezoning for a new Contract Zone, Council shall consider whether any environmental, servicing, or public safety problems would result due to the intended uses anticipated in the Contract.
- iii) Council shall also ensure that the land use in a proposed Contract Zone benefits the City and is consistent with the other policies of the Official Community Plan.
- iv) Council shall outline criteria for the creation of all new Contract Zones in the General Purpose of the Contract Zone in the Zoning Bylaw. These criteria will be based on, but not limited to Council's consideration of the unique physical nature of the land, which may be included in the Contract Zone, the possibility of developing a mix of compatible land uses in the area, and the potential for introducing new types or forms of development which may not be possible under the current Zoning Bylaw.

#### **BYLAW OR POLICY IMPLICATIONS**

If directed to proceed, an amendment to the Zoning Bylaw will be prepared.

#### **FINANCIAL IMPLICATIONS**

The applicant is responsible for any advertising fees associated with the application.

#### **OTHER CONSIDERATIONS/IMPLICATIONS**

There are no privacy implications or other considerations.

#### **PRESENTATION**

VERBAL: Ms. Michelle Sanson, Director of Planning and Development Services will provide a brief overview of this report.

## **ATTACHMENTS**

- i. Rezoning Application;
- ii. Aerial View of the Property;
- iii. Zoning Map; and
- iv. M1 District Development Standards.
- v. Letter from Nexii dated February 2, 2020.

## **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

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

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

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

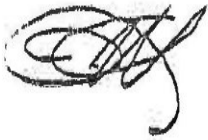
## Report Approval Details

Document Title:	Rezoning Application - 480 Athabasca St E - CC-2020-0034.docx
Attachments:	- Rezoning Application.pdf - Aerial View.PNG - Zoning Map.PNG - M1 District Development Standards.pdf
Final Approval Date:	Feb 3, 2020

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



Tracy Wittke



Jim Puffalt



Fraser Tolmie