

To: Mayor and Members of Council

December 12, 2011

Re: McKenzie Lane – Request for Zoning Bylaw Amendment

Background

The parcel of land, known as Parcel B Plan 101909189, proposed to house residential condominiums was approved in January 2009. See attached Appendix 'A' showing the original plan of subdivision and proposed site plan. Please note the number of units shown on this first rendition of condos.

In 2010, the Developer requested an exchange of Municipal Reserve to better suite the development. Council agreed to the exchange and passed a bylaw authorizing the exchange of Municipal Reserve. Once the bylaw received Ministerial approval, the developer applied for another subdivision to have the municipal reserve move registered on the plan.

In September 2011, the Developer applied for a Bare Land Condominium subdivision. The subdivision application contravened the Zoning Bylaw by not meeting the following regulations of the R6 Zone:

- The total area of the parcel is 0.69ha. According to the regulations the maximum number of units allowed on this parcel is 11 units. The proposed subdivision was for 23 units.
- The application for bare land condo does not show the buildings on the plan, therefore it is not known as to the conformity of the setbacks of the zone. However it appeared that the setbacks were not being met.

Council reviewed the subdivision application at the October 3, 2011 Council meeting, and Council passed the following motion:

242/11 MCKENZIE LANE – BARE LAND CONDO SUBDIVISION

Slack/Schwartz: *THAT the application for a bareland condominium subdivision of the Parcel A Plan 101909189 contravenes the Town of White City Zoning Bylaw;*

THEREFORE BE IT RESOLVED that Community Planning and the Developer be informed that the plan of subdivision must comply to the current regulations in the Zoning Bylaw.

Discussion

The Developer met with Administration on Tuesday December 6th to discuss the proposed subdivision. The Developer is of the understanding that as part of the previous approvals, which shows a proposed building envelope on the plan, that the building envelope was also approved. For clarification purposes Administration consulted with Community Planning on the history of this file. The previous two approvals were not for the approval of the building envelope.

The Developer will be appearing as a delegation to request Council to consider a higher density for the condos.

Ralph Leibel and Mauricio Jimenez from Community Planning and Garry Quirring will be attending the Council meeting on Monday night.

Budget Implications

None

Conclusion

The purpose of this report is mainly to give Council some background to this file, and to hopefully provide some insight so Council can make an informed decision.

Respectfully submitted,



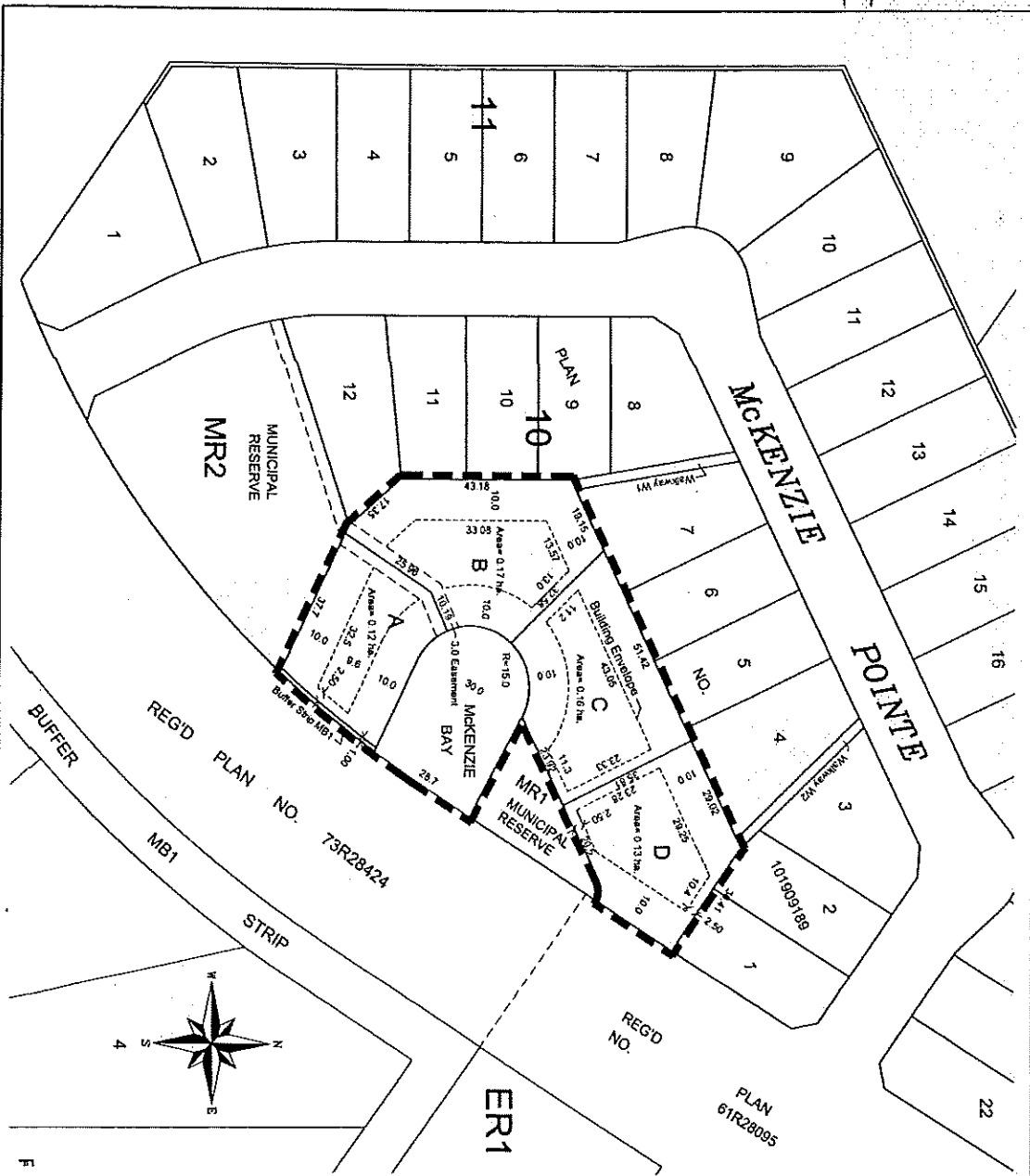
Shauna Bzdel,
Town Manager

Appendix A – Subdivision #1 (Approved)

Appendix B – Subdivision #2 (Approved)

Appendix C – Subdivision #3 (Pending)

Appendix D – Correspondence from Community Planning in response to subdivision application #3



**PLAN SHOWING
PROPOSED SUBDIVISION
OF
PARCEL B
PLAN NO. 101909189
WHITE CITY, SASKATCHEWAN
SCALE 1 : 1000**

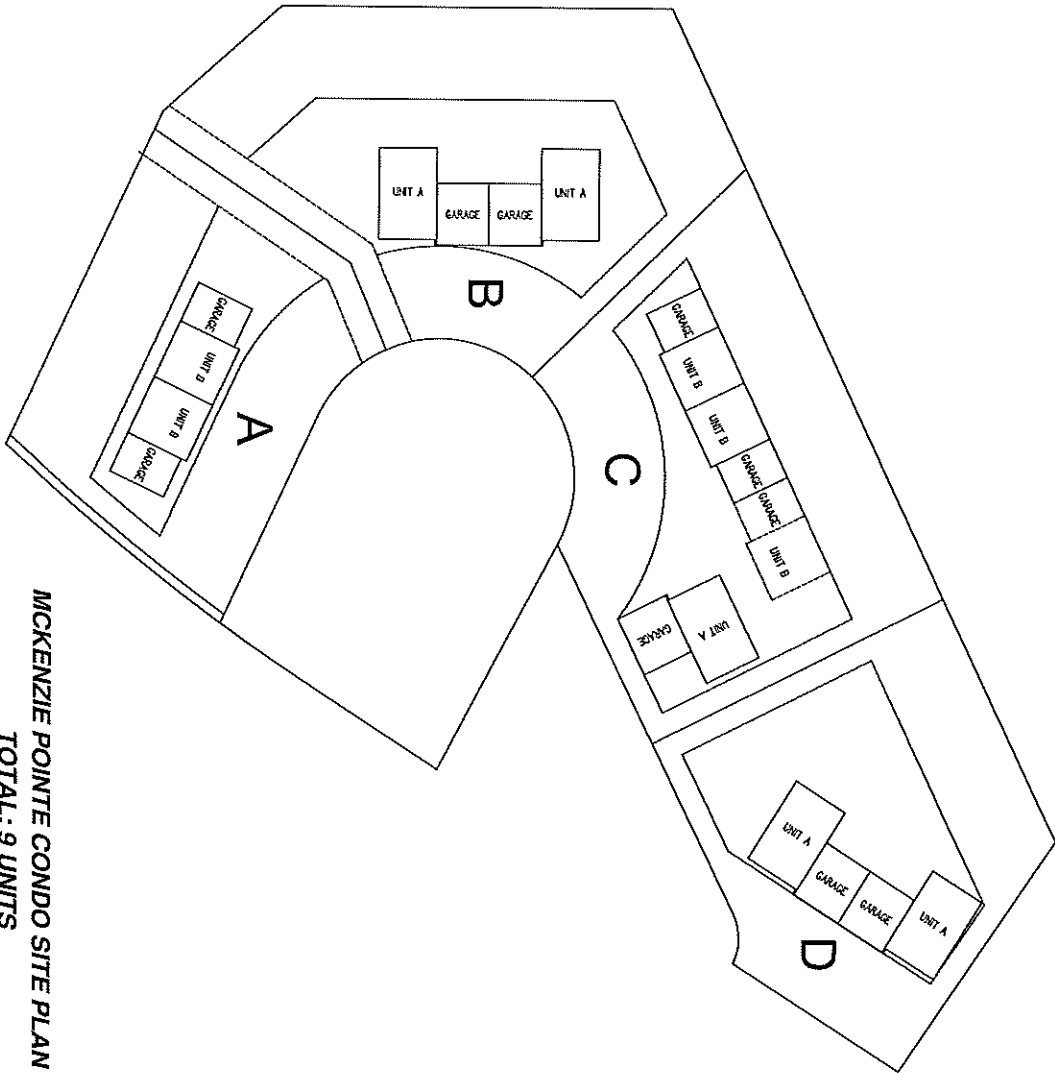
NOTE:
-Measurements are in metres and decimals thereof.
-Area to be approved is outlined by a bold dashed line

March 31, 2008
Date
Saskatchewan Land Surveyor

**OWNER:
MAURI GWYN DEVELOPMENTS LTD.**

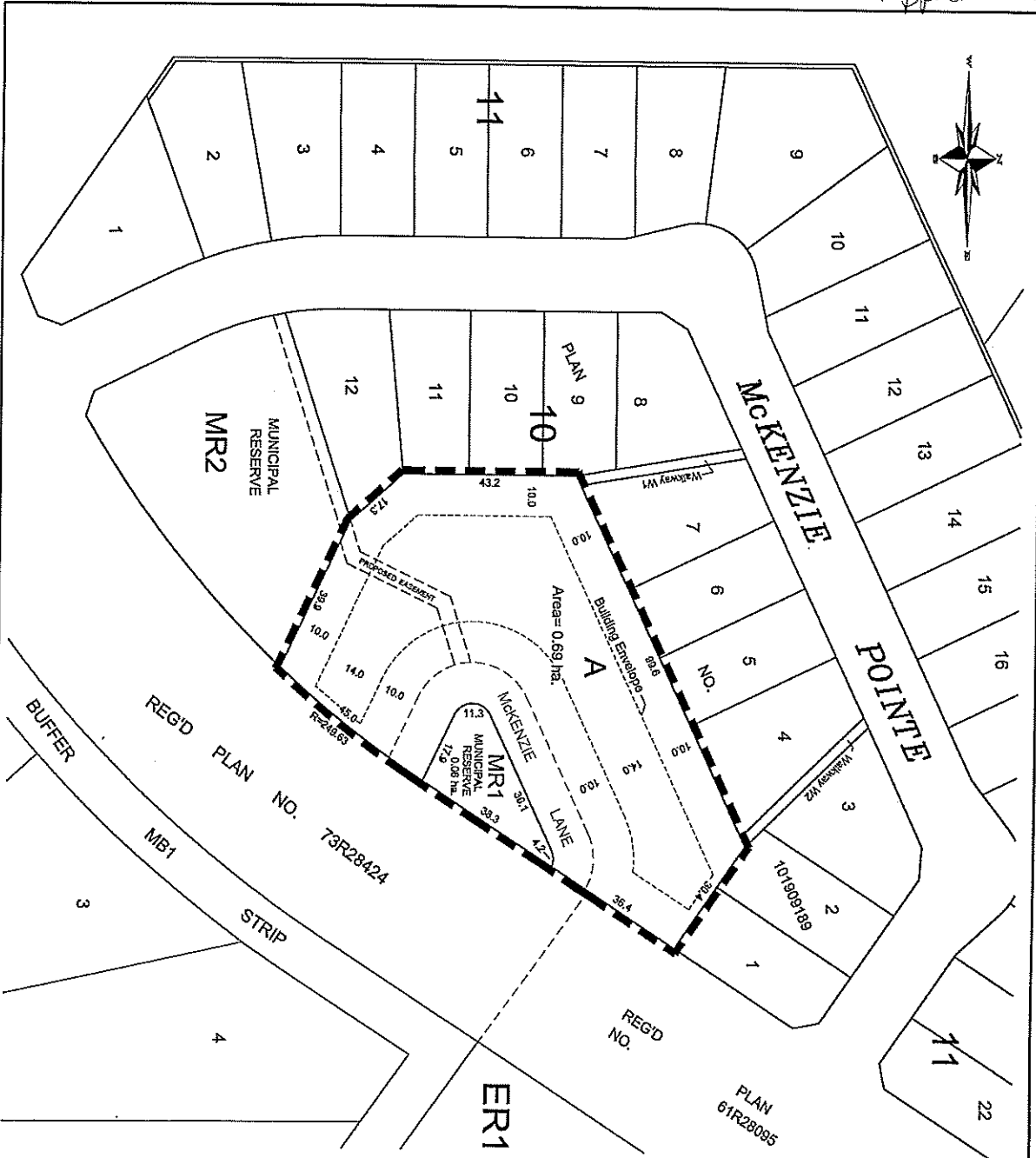
**HARDING BOSS & McLEOD SURVEYS
A DIVISION OF MIDWEST SURVEYS INC.
FILE NO. 158-4954**





MCKENZIE POINTE CONDO SITE PLAN
TOTAL: 9 UNITS

dkh - mcclary for




**PLAN SHOWING
PROPOSED SUBDIVISION
OF
PARCEL B
AND
MUNICIPAL RESERVE MR1
PLAN NO. 101909189
WHITE CITY, SASKATCHEWAN
SCALE 1 : 1000**

NOTE:
-Measurements are in metres and decimals thereof.
-Area to be approved is outlined by a bold dashed line and contains 0.75 ha.

APRIL 13/2011
Date
Revised April 13th, 2011
Saskatchewan Land Surveyor

**OWNER: (PARCEL B)
MAURI GWYN DEVELOPMENTS LTD.**

**OWNER: (MR1)
TOWN OF WHITE CITY**

MIDWEST SURVEYS INC.
FILE NO. R-0194-09
DRAWING: K410000004


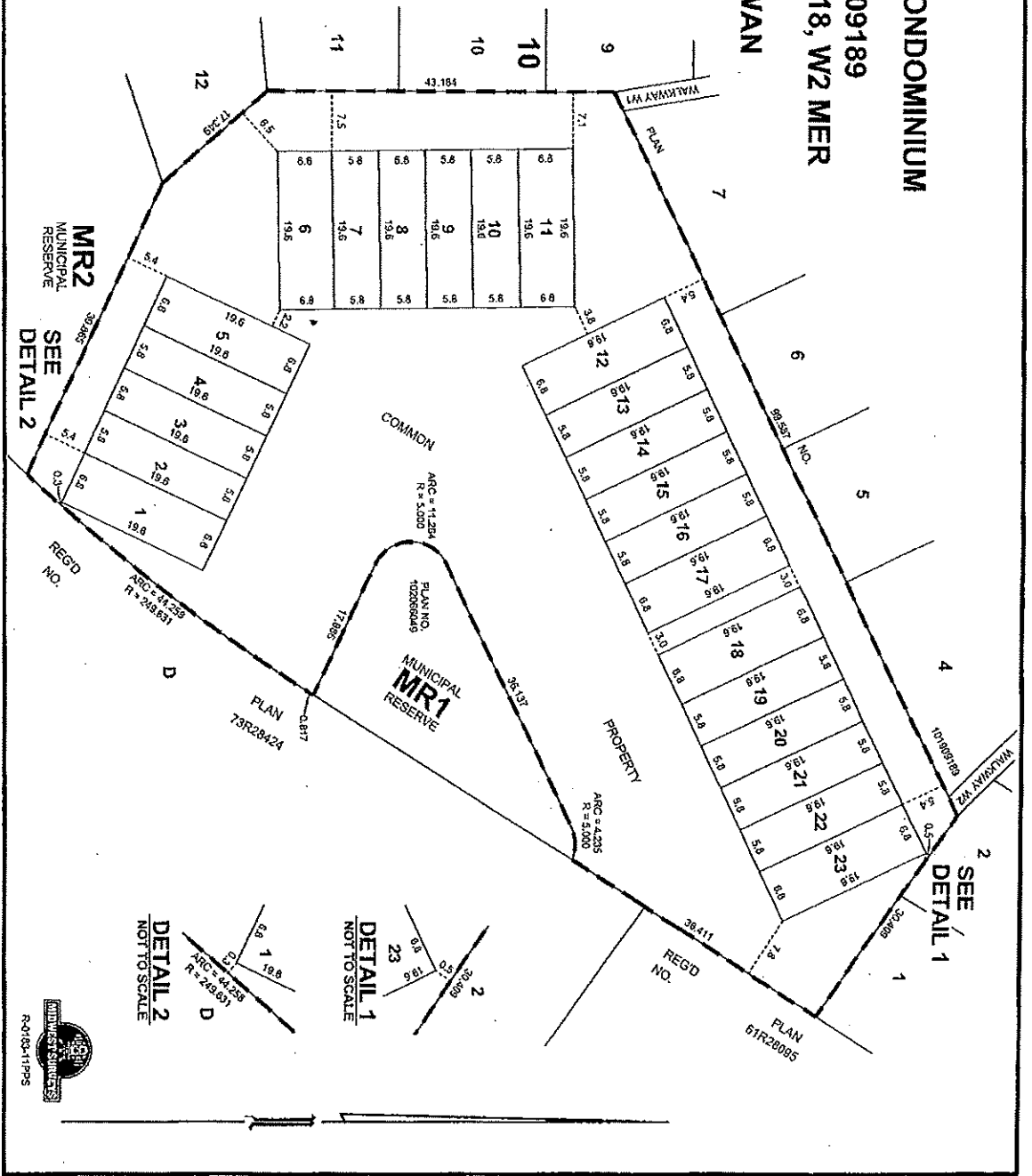
**PLAN SHOWING
PROPOSED BARE LAND CONDOMINIUM
OF
PARCEL A, PLAN NO. 101909189
S1/2 SEC 24, TWP 17, RGE 18, W2 MER
IN
WHITE CITY, SASKATCHEWAN
SCALE = 1:500**

OWNER:

NOTES:
- MEASUREMENTS ARE IN METRES AND DECIMALS THEREOF.
- SOME MEASUREMENTS ARE APPROXIMATE AND MAY DIFFER FROM THE FINAL PLAN OF SURVEY BY AS MUCH AS 10%.
- PORTION TO BE APPROVED IS OBTAINED WITH A BOLD DASHED LINE AND CONTAINS ONLY THE (1, 2, 3) OF UNIT NUMBERS ARE AS SHOWN 1, 2, 3 OF.

DATE

SASKATCHEWAN LAND SURVEYOR



R-0103-11PSS

SASKATCHEWAN

Ministry of
Municipal
Affairs

Community Planning

420 – 1855 Victoria Avenue
Regina, Saskatchewan S4P 3T2
(306) 787-2762
(306) 798-0194 (fax)

December 9, 2011

File: T0854-11R
Your File: R-0183-11

Scott Colvin, SLS, P. Surv.
Midwest Surveys Inc.
405 Maxwell Crescent
REGINA SK S4N 5X9

Dear Mr. Colvin:

**RE: Town of White City
Parcel B, Plan No. 101909189
Proposed Bareland Condominium Subdivision**

Further to our letter of September 20, 2011, we have received comments from most of the agencies contacted.

As we previously indicated your proposal does not comply with the Town of White City Zoning Bylaw, Section 9.6. R6 - Semi-Detached Multi-Dwelling Residential District. The Zoning Bylaw regulations for site size would limit development to a maximum of 11 units in this site. Your proposed 23 units is a significant higher density. The plan of proposed subdivision also contravenes the minimum setback requirement of the R6 district in several locations.

Section 128(1) of *The Planning and Development Act, 2007* (PDA) states “No approving authority shall approve an application for subdivision approval unless the proposed subdivision conforms to the provisions of any official community plan or zoning bylaw that affects the land proposed to be subdivided.” The Town of White City has passed a resolution stating the application does not conform to the existing Official Community Plan and Zoning Bylaw and that Council does not wish to undertake amendments to those documents.

Therefore, in order to consider approval of the subdivision our office requires a revised plan that complies with the municipal zoning requirement. Your revised plan should include the following;

- The area of each of the proposed parcels.
- The title of your plan of proposed subdivision should reflect the existing parcel that is subject to subdivision which is Parcel B, Plan No. 101909189 Ext 0.

Scott Colvin, SLS, P. Surv.
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File: T0854-11R
December 9, 2011

- The proposed locations of each of the building units to ensure the required setbacks are met.
- Existing walkways (W1 and W2, Plan No. 101909189 Ext 0) in Block 10 were intended to provide public access for all residents and should be extended through Parcel B to ensure the initial purpose of W1 and W2 remains.

The Director has the responsibility to review applications for compliance with applicable zoning bylaw standards (PDA s. 128(1)(b)) and in this case the Director may refuse the application because the sites to be created do not meet the minimum site area. If you or your client do not wish to revise your plan of proposed subdivision you may ask our office to issue a refusal, which can be appealed to the Saskatchewan Municipal Board.

Lastly, be advice that Certificate of Approval R0144-11R dated April 28, 2011 was for approval to register Proposed Parcel A and the relocation of MR1 as for the Town of White City Bylaw No. 554-10 for the Exchange of Municipal Reserve (Effective February 3, 2011). Subdivision approval does not establish building envelopes or supersede municipal zoning requirements for building size or setbacks.

Until our decision has been issued, you should not undertake any construction or site preparation work, nor should you enter into any binding agreements for such work or for selling the proposed property.

Please advise me if you have any questions or wish to discuss further at this time.

Sincerely,



Mauricio Jiménez
Planning Consultant

cc: Above
Mauri Gwyn Developments Ltd. 310 Emerald Park Rd. EMERALD PARK SK
S4L 1B9