



Planning and Infrastructure Commission

Meeting Agenda

Wednesday, February 1, 2023 at 7:00 a.m.

Meeting Room A – Second Floor – City Hall, 37 Third Avenue North
Yorkton, Saskatchewan

1. CALL TO ORDER (City Administration)
2. WELCOME AND INTRODUCTIONS (City Administration)
3. NOMINATION AND ELECTION OF CHAIRPERSON (City Administration)
4. NOMINATION AND ELECTION OF VICE-CHAIRPERSON (Newly-elected Chairperson)
5. ADOPTION OF AGENDA
6. ANNUAL ADMINISTRATION
 - i) Reference Manual & Signature of Forms
 - ii) Distribution of Annual Calendar
7. DECLARATION OF CONFLICT OF INTEREST
8. APPROVAL & SIGNATURE OF MINUTES
 - i) September 21, 2022
9. OLD BUSINESS
10. NEW BUSINESS
 - i) Discretionary Use Application DU01-2023 – 85 York Road West – Auto Wrecking/Junk Yard in MI-1 – Light Industrial Transitional
11. BUSINESS FROM THE FLOOR
12. ADJOURNMENT



Memo

Date: January 13, 2023
To: Planning & Infrastructure Commission
From: Michael Eger, Director of Planning, Building & Development
Re: Appointments & Election of Chair & Vice-Chair

At their January 9, 2023 meeting, City Council appointed the following individuals to the 2023 Planning & Infrastructure Commission:

- Councillor Randy Goulden
- Councillor Quinn Haider
- Eugene Fedorowich
- Doug Forester
- Isabel O'Soup
- David McKerchar*
- Mike Popowich
- Eleanor Shumay
- Glen Tymiak
- Patricia Zaryski (Christ the Teacher Catholic School Division)
- Gord Gendur (Good Spirit School Division)

On behalf of Administration, I wish to welcome returning members back and also to welcome our new member, David McKerchar. We very much value your time and contributions to planning matters in the City!

Our first order of business will involve the election of a Chair and Vice-Chair. Administration will open the floor for Chairperson nominations and take the vote. Once elected, the Chairperson is tasked with taking the Chair and conducting the same procedure for the Vice-Chairperson.

Michael



Memo

Date: January 13, 2023
To: Planning & Infrastructure Commission
From: Michael Eger, Director of Planning, Building & Development
Re: Reference Manual & Forms for Council Committees

Each year, the City requires both new and returning Committee Members to review the Reference Manual and submit a signed Acknowledgement Form, Confidentiality Agreement and Public Disclosure Statement.

For your reference, the Reference Manual and forms will have been provided digitally through our Box file sharing site. You may complete, sign and submit the forms digitally, however, the City staff will distribute printed forms at the January 18th meeting. You may take forms home to fill out and return at the next meeting.

Regards,

Michael

2023 Planning & Infrastructure Commission Calendar

January '23						
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Notes

Council Meetings

Statutory Holidays (or Observed)

Planning & Infrastructure Commission

School Breaks (weeks)

Feb.15th meeting moved up from 22nd to avoid conflict with February school break

April 7th meeting moved up from 12th to avoid conflict with April school break

Planning and Infrastructure Commission

MINUTES

SEPTEMBER 21, 2022 7:00 A.M.

BOARD ROOM,
CITY OPERATIONS CENTRE

Attendees	Chairperson: Eugene Fedorowich Councillors: Councillor Quinn Haider Members: Amit Patel, Eugene Fedorowich, Eleanor Shumay, Glen Tymiak, Patricia Zaryski, Doug Forster, Gordon Gendur, Mike Popowich, Isabel O'Soup (Via Zoom)
Staff	René Richard – Director of Engineering and Asset Management Michael Eger – Director of Planning, Building and Development Carleen Koroluk – Land Use Planner
Regrets	Councillors: Members: Councillor Randy Goulden Staff:
Absent	Councillors: Members: Staff:
Recording	Kateryna Gnatiuk
Call to order	07:06 a.m.

ADOPTION OF AGENDA

Discussion	There were no additional items to add to the Agenda.
Motion 18-2022	Forster That the agenda be approved as presented. Carried Unanimously.

DECLARATION OF CONFLICT OF INTEREST

Discussion	None.
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APPROVAL OF MINUTES

Discussion	Minutes of the August 17, 2022 Planning and Infrastructure Commission Meeting were circulated with the agenda package.
Motion 19-2022	Patel That the Minutes of the August 17, 2022 Planning and Infrastructure Commission Meeting be approved. Carried Unanimously.

OLD BUSINESS

Discussion	None.
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NEW BUSINESS

1. Discretionary Use DU04-2022 – Contractor Facility at 243 Myrtle Avenue (CMI--1 Commercial – Light Industrial Transitional)	
Discussion	<ul style="list-style-type: none">- Carleen presented a report which is a response to the Development Permit application at 243 Myrtle Avenue.- Carleen explained that Contractor Facilities are listed as Discretionary Use and require Council authorization to proceed.- There were discussions around the business licensing for businesses that potentially could use 243 Myrtle Avenue.
Motion 20-2022	Zaryski Discretionary Use application DU04-2022, which proposes a Contractor Facility use at 243 Myrtle Avenue, be recommended for approval to City Council. Carried Unanimously.

BUSINESS FROM THE FLOOR

Discussion	<ul style="list-style-type: none">- Richard explained that the Deer Park capital project is still ongoing. He also announced big changes in the next phase of this project.- Richard provided updates regarding done works on Smith Street, water main replacement on the Circlebrook area with additional, School Zone Project, and Laurier Ave Project.
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NEXT MEETING

	Wednesday, October 12, 2022 at 7:00 a.m. at City Hall Meeting Room A
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ADJOURNMENT

Motion 21-2022	Shumay That the meeting be adjourned at 07:24 a.m. Carried Unanimously.
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SIGNATURE OF MINUTES

Chairperson	<hr/> Eugene Fedorowich
Recording Secretary	<hr/> Kateryna Gnatiuk

TITLE: Discretionary Use DU01-2023 – Auto Wrecking/Junk Yard at 85 York Road West (MI-1 – Light Industrial Transitional)	DATE OF MEETING: February 1, 2023
	REPORT DATE: January 13, 2023
	ATTACHMENTS: 1. Council Report presented January 9, 2023
Written by: Carleen Koroluk – Planner Cleared by: Michael Eger – Director of Planning, Building and Economic Development	

Summary of History/Discussion

This report is in response to a Development Permit application for a Salvage Yard use at 85 York Road West that was presented to Council at the January 9, 2023 Council Meeting (see Attachment 1).

As indicated in the Council Report, a temporary Development Permit was issued in January of 2022 for a Light Industrial use for the purchasing and processing of metals such as copper wire. The permit did not include authorization of on-site storage of ferrous metals such as scrap vehicles. Since then, the business has grown to include storage of metal scrap (including vehicles) as well as other business components and is no longer in compliance with the issued Development Permit. Planning Services was forced to initiate enforcement, resulting in the subject application for a Salvage Yard use.

The Zoning Bylaw does not include Salvage Yard as a defined use, however, the definition of Auto Wrecking/Junk Yard most closely resembles the proposed use and is a Discretionary Use in the MI-1 Light Industrial zoning district.

Sections 4.16.5 and 4.17 of the Zoning Bylaw specify requirements for Outdoor Store and Maintenance and Salvage/Junk Yard uses, including that these uses are to conceal the view of salvage materials from adjacent sites and street views by way of a solid fence at least 2.0 metres in height, and not more than 4.0 metres in height, with no material piled higher than the height of the perimeter fence.

While the subject site is partially screened by a fence, the current salvage metal inventory piles are approximately 20' – 25' high and, not only exceed the fence height, they are plainly visible from York Road, Industrial Avenue and Ball Road (also see Attachment 6 in the Council Report) which is in contravention of the Zoning Bylaw requirements.

The site is comprised of approximately 10 acres, of which approximately 5 acres on the north side has been designated for material processing and storage (see Figure 1 and Attachment 5 in the Council Report). While the site includes additional products and services not specifically related

to the salvage use (tenant lease, shipping container inventory and sales, equipment storage), based on the significant size of the site, it can be reasonably assumed that the salvage yard use can be carried out in accordance with Zoning Bylaw requirements. Specifically, there appears to be sufficient space to spread out the salvage piles, thereby reducing their height so that they are not visible over the maximum allowable fence height of 4 metres.

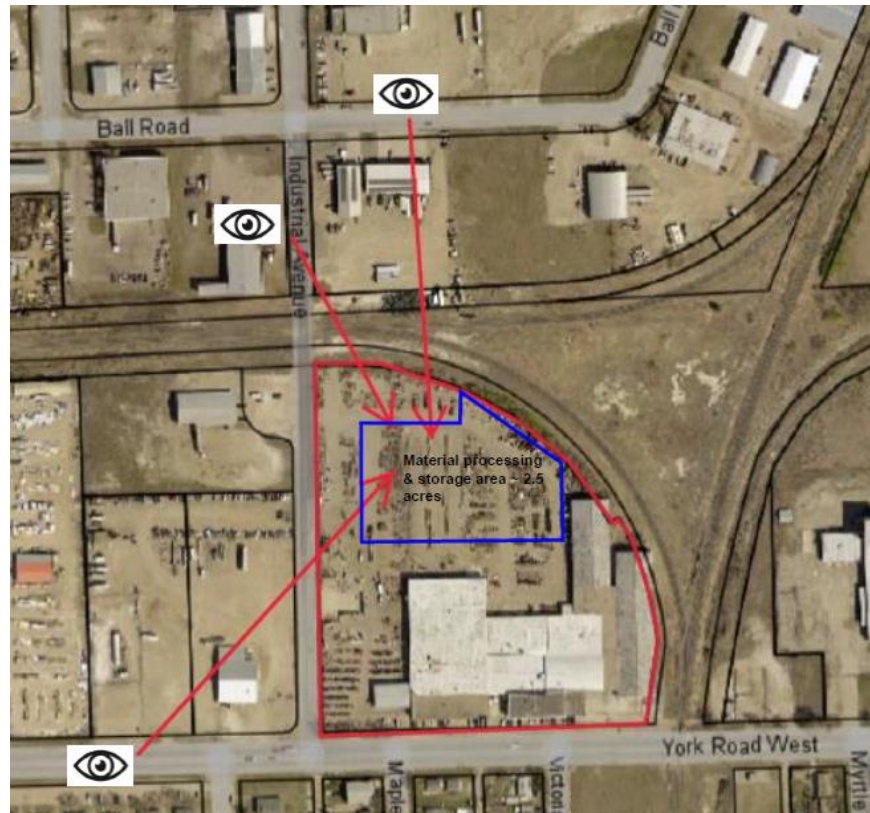


Figure 1

Zoning regulations are designed to establish standards for developments and protect existing properties from devaluation. They aim to minimize potentially negative impacts on neighbouring properties as well as impacts on the health, safety and general welfare of the people.

Typically, strong, well designed and maintained developments add value and improve property values in surrounding areas and conversely, neglected and unappealing developments may negatively affect properties in the surrounding areas. As such, it is important to ensure consistency amongst developments.

Yorkton's Official Community Plan "Our City: Our Future" notes that high-traffic areas and land around the city entrances have the potential to positively or negatively represent the city as a whole. The plan states that standards for the enhancement of gateways into the city should increase the prominence of these areas and create a positive lasting impression.

Being one of the gateways to the City, there has been a concerted effort made to enhance the York Road entrance as development occurs through required landscaping and tree planting. Developments such as Pattison Agriculture Dealership, Harvest Meats additions, Coop Cardlock

expansion, the new City Operations Centre and most recently the UFA Service Station all have, or will have, on-site landscaping and/or tree planting within the right of way offsets. Additionally, with the proposed reconstruction of York Road, it is anticipated that beautification can be expected to continue in this area with this process.

While typically requirements can be minimal for the redevelopment of existing sites, under *The Planning and Development Act, (Sec 56.3)* Council may prescribe specific conditions for Discretionary Use applications with respect to landscaping, fencing and screening. In an effort to continue the enhancement of the York Road area and to minimize the visual effects of the proposed salvage yard use, the following could be considered.

The 12' high fence, visible to traffic on York Road, Industrial Avenue and Ball Road along Industrial Avenue, is constructed of corrugated sheet metal and is currently located on the property line (see Attachment 7 in the Council Report). The fence continues around the north side of the property where it meets with mature trees. While it appears that the trees provide little screening during the winter, it is anticipated that they will provide adequate screening during the summer months.

The location of the fence on the property line, as well as the overhead power lines along Industrial Avenue, leave limited space in the right of way for landscaping enhancements and/or tree planting.

Suggested Considerations:

- move the fence along Industrial Avenue approximately 20 feet east and require landscaping (crushed rock, trees, shrubs) between the property line and the fence
- require decorative accents to the existing metal fence along Industrial Avenue



Public Notice

Council approved Public Notice of the application at the January 9, 2023 Council Meeting. Notice includes advertisement in the local newspaper, at City Hall and on the city website, and circulation to property owners within 75 metres (approximately 250 feet) of the subject property (see Attachment 8 in the Council Report).

The application is scheduled to return to Council for a final decision on January 30, 2023 following a Public Hearing and the PIC recommendation will be included in the report to Council.

Committee Options:

The Planning and Infrastructure Commission plays an important part in civic government by providing representation from a broad spectrum of the community to assist City Council in their decision making. City Administration provides recommendations for the Commission to consider which are based on sound land use planning practices, including relevant policies and procedures.

The Commission, however, is not bound by the Administrative recommendation and is free to carry any motion they see fit, including recommendations either to approve, to approve with conditions, or to deny the application.

The Administrative Recommendation broadly suggests “strict adherence to Zoning Bylaw requirements” so as not to diminish any single zoning regulation. However, the Commission may want to specifically condition landscaping, fencing and screening options such as suggested above or any other conditions as they see fit.

Administrative Recommendation:

That Discretionary Use application DU01-2023, which proposes an Auto Wrecking/Junk Yard use at 85 York Road West, be recommended for approval to City Council, subject to strict adherence to Zoning Bylaw requirements, including, but not limited to, the following specific conditions: *(insert conditions as applicable)*

Attachment 1 – Council Report presented January 9, 2023

TITLE: Discretionary Use DU01-2023 – Auto Wrecking/Junk Yard at 85 York Road West (MI-1 Light Industrial)	DATE OF MEETING: January 9, 2024
	REPORT DATE: January 13, 2023
	ATTACHMENTS: 2. Key Plan 3. Zoning Map 4. Aerial View 5. Summary of Discretionary Use Process 6. Site Plan 7. Street Views & Fencing 8. Public Notice
Public Notice Authorization	
CLEARANCES: Michael Eger – Director of Planning, Building & Development	
Written by: Carleen Koroluk	
Reviewed by: Jessica Matsalla - City Clerk	
Approved by: Lonnie Kaal - City Manager	

Summary of History/Discussion:

This report is in response to a Development Permit application for a Salvage Yard use at 85 York Road West, (see Attachment 1). While Zoning Bylaw No. 14/2003 does not include Salvage Yard as a defined land use, the definition of Auto Wrecking/Junk Yard most closely resembles the proposed use:

“A development in which vehicles or materials are stored, parted out, crushed, compacted, or where parts from vehicles or materials are re-sold.

The subject property is zoned MI-1 Light Industrial and is located on York Road West, along one of the main entrances to the City (see Attachment 2 & 3). Auto Wrecking/Junk Yard uses are listed as Discretionary Uses in this zone. Under *The Planning and Development Act, 2007*, discretionary use applications require Council authorization to proceed (see Attachment 4).

Administrative Review:

The applicant purchased the property in November 2021 and was issued a temporary Development Permit for a Light Industrial use in January 2022, specifically for the purchasing and processing of metals such as copper wire. At the time it was indicated that ferrous metal, like vehicles, would not be stored on site.

Much has changed from the applicant's initial proposed use and the business has subsequently grown from 5 employees to 17 employees working both on and off-site. Currently, the business has changed by incorporating the following additional components:

- i. **Metal Recycling** – purchase/processing/shipping of scrap metals
 - customers deliver metal products to the site where they are weighed, sorted and unloaded before being processed with a scrap shear and subsequently shipped out to steel mills;
 - the business has recently obtained their Government of Canada Controlled Goods Program Certification which allows them to recycle demilitarized vehicles and equipment from Canadian Forces Bases. The applicant notes that the company is the only recycling facility in western Canada that has obtained this certification.
- ii. **Off-Site Scrap/Demolition** – crews attend specific site locations for scrap metal cleanup which is processed on site, then brought back to the yard on York Road for further preparation and processing prior to being shipped out to steel mills;
- iii. **Equipment/Inventory Storage** – mobile equipment used for off-site processing is stored at the location when it is not being used, in addition stock piles of scrap metal inventory are stored on-site until they are shipped;
- iv. **Sale of Shipping Containers** – new and used containers are stored on-site until they are sold and delivered to customers.

The applicant did not initially apply to the City to undertake the revised development, and therefore was no longer in compliance with the issued Development Permit. Planning Services was forced to initiate enforcement, resulting in the subject application.

Day to day business activities are currently being carried out from a portable trailer located at the rear of the site while the applicant works with an engineer in regards to the status of the existing building. Currently, a portion of the building is being leased to the original owner (Morris Equipment Parts & Sales) as shown on the attached Site Plan (see Attachment 5) while the balance of the building is being reviewed to identify upgrades needed to meet current building code requirements.

Depending on the financial viability of required code upgrades, future plans for the building include the following uses that are permitted in the Light Industrial zoning district:

- office space;
- Mobile Cabin Manufacturing – small, portable cabins to be used on job sites and/or for retail sale would be assembled inside the building;
- Industrial Pallet Racking – raw pallet racking materials would be assembled, organized and shipped out to large distribution centres;
- Shipping Container Modification – modifications would be made to shipping containers such as overhead door installation, installation of racks, etc;

- Attachments Assembly – hydraulic pallet forks, firewood processors, mowers and other skid steer and tractor attachments;
- New Steel Sales; and
- a potential warehouse/retail store area.

With regards to the specific salvage use, Section 4.16.5 requires that “In all industrial districts, the outdoor storage of raw materials, finished or partially finished products, fuel, salvage materials, junk or waste on a site shall be concealed from sight from adjacent sites, streets or lands by a fence or wall of appropriate design, and sufficient dimension and position such that such materials are not visible from any point 1.5 metres or less above grade on any adjacent site, street or land.”

Furthermore, Section 4.17 of the Zoning Bylaw requires that “All salvage, junk, or scrap yards shall be enclosed by an opaque or solid perimeter fence at least 2.0 metres in height, and not more than 4.0 metres in height, with no material piled higher than the height of the perimeter fence, and furthermore that the perimeter fence shall not be located in the required front yard.

In addition to the specific bylaw requirements, Discretionary Use applications are typically more favourably considered where it can be demonstrated that their location is appropriate to the site and that it will have a minimal impact on the surrounding adjacent areas, including, but not limited to:

- the anticipated levels of noise and odours created by the use;
- the anticipated increased level or types of vehicle traffic, unsafe conditions or situations for vehicles, cyclists or pedestrians;
- the use will have a minimal impact on the amenity of the surrounding zoning district and adjacent areas and that these areas will not be reasonably compromised;
- the character of adjacent residential uses, if applicable, shall be protected and maintained through the provision of buffer areas, separation distances and screening.

In response, the applicant has provided the following comments:

- a 12' (~3.7m) steel siding fence has been installed along the west and north sides of the site to visually screen the salvage piles and provide additional security (see Attachments 5 & 6);
- business hours are 8:00am – 5:00pm, Monday through Friday, closed on weekends and holidays;
- processing of salvage materials/scrap iron involves typical industrial equipment including forklifts, skid steers, excavators, semi trucks and personal vehicles and creates minimal noise;
- odours are not produced by the processing of metals;
- during summer months, traffic is typical of industrial uses with less traffic through the winter months;

- the majority of the salvage operation is significantly screened from York Road traffic and the neighbouring residential uses on the south side of York Road by the existing building.

The applicant acknowledges that the current salvage metal inventory piles are approximately 20' – 25' high and significantly exceed both the allowable and current fence height (see Attachment 6). As a result, the salvage piles are visible to traffic on York Road, Industrial Avenue and Ball Road. He further notes that the accumulation of scrap inventory is due to a downturn in the economy over the last year and that materials will be shipped out once prices rebound. Having said that, prices do fluctuate and the potential for large accumulations of salvage metal have been demonstrated.

It is also important to note that if the Discretionary Use is approved by Council, the applicant has indicated that he may appeal the fence height restriction to the Development Appeals Board and request approval of an increase to meet the current pile height of 20' – 25' (~6 – 8 metres). That process is also subject to public notification, but would be focused specifically on the fence height with strict criteria guiding the Board's decision to grant or deny a variance.

Conclusion:

Notwithstanding any appeal regarding fence height, it can be reasonably assumed that the proposed development can be carried out in accordance with Zoning Bylaw requirements. As such, Administration would like to initiate the public notice process including advertisement in the local newspaper, at City Hall and on the City website, as well as circulation to property owners within 75 metres of the subject property.

If authorization for Public Notice is granted, the application will also be referred to the Planning and Infrastructure Commission for their input. The Commission's recommendations will be brought back to Council, for their review and decision, in conjunction with the Public Hearing.

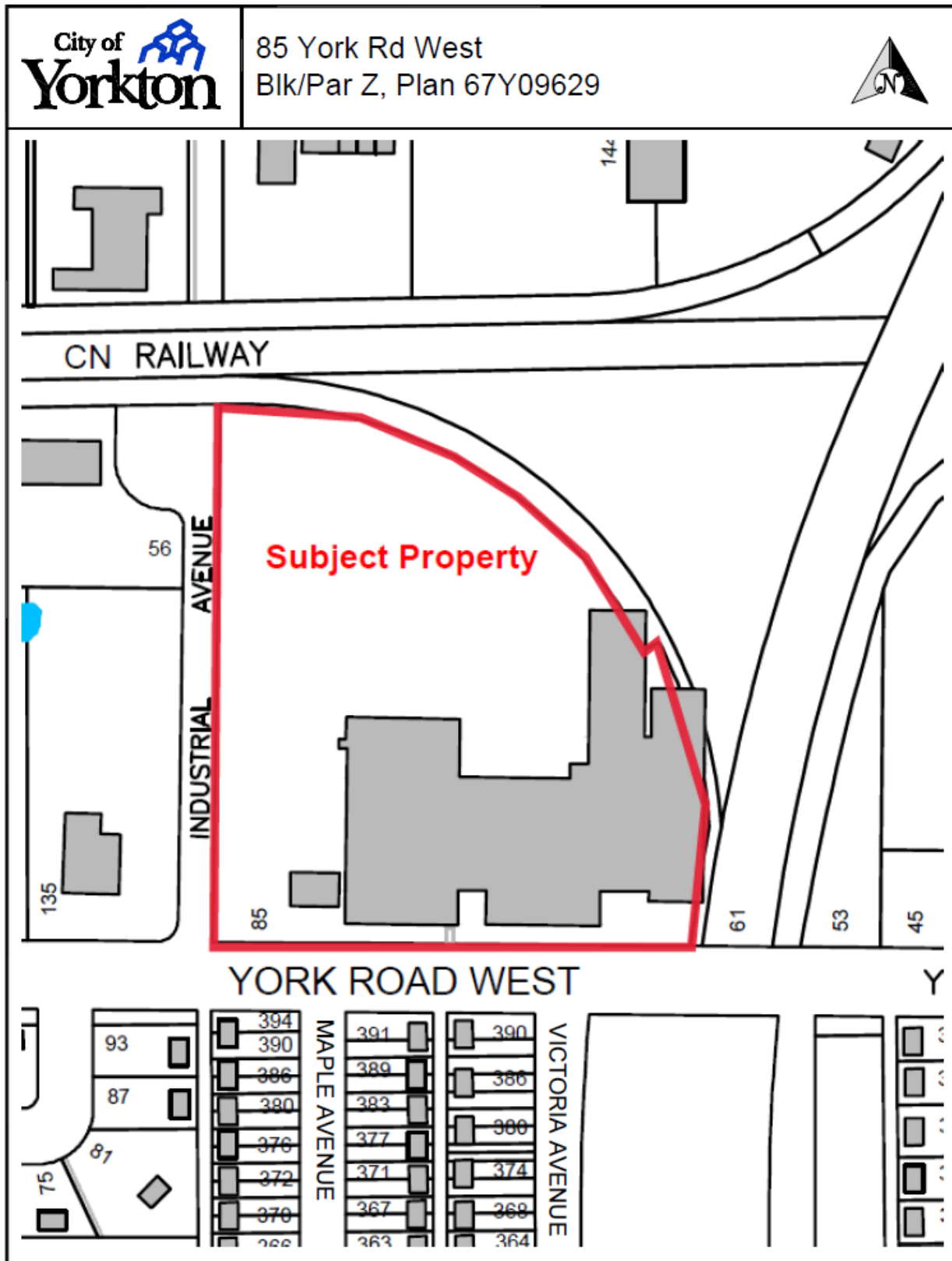
Council Options:

1. That Administration be authorized to proceed with Public Notification for Discretionary Use application DU01-2023 which proposes an Auto Wrecking/Junk Yard use as defined in City of Yorkton Zoning Bylaw No. 14/2003, at 85 York Road West, and that the application be brought back to Council for its review and decision;
2. That Public Notification for Discretionary Use application DU01-2023, which proposes an Auto Wrecking/Junk Yard use as defined in City of Yorkton Zoning Bylaw No. 14/2003 at 85 York Road West, be denied for reasons as listed by Council;
3. That Administration be provided with alternative direction.

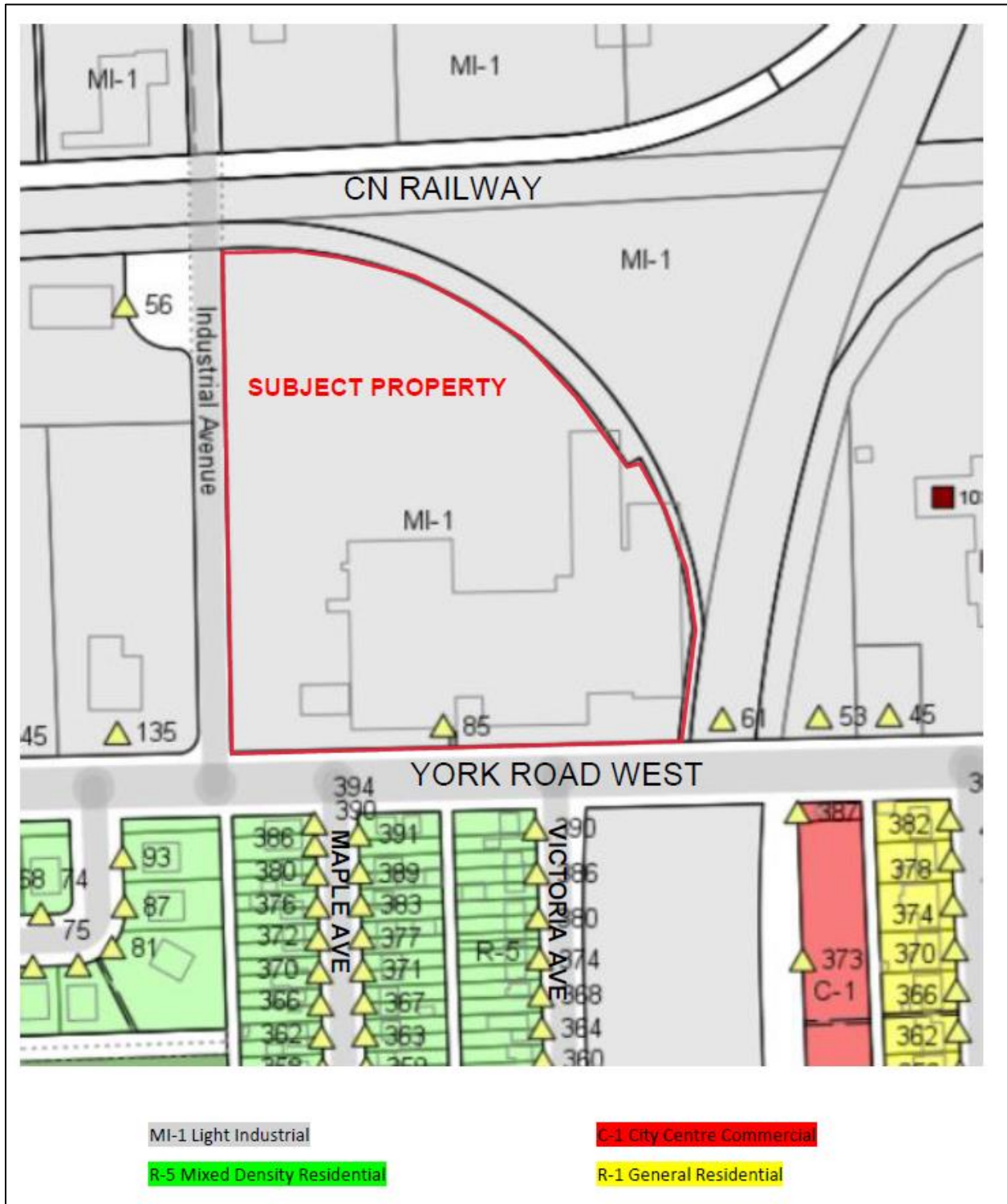
Administrative Recommendation:

1. That Administration be authorized to proceed with Public Notification for Discretionary Use application DU01-2023 which proposes an Auto Wrecking/Junk Yard use as defined in City of Yorkton Zoning Bylaw No. 14/2003 at 85 York Road West, legally described as Blk/Par Z; Plan 67Y09629, and that the application be brought back to Council for its review and decision.

Attachment 1 – Key Plan



Attachment 2 – Zoning Map



Attachment 3 – Aerial View



Attachment 4 - Summary of Discretionary Use Process

Summary of Discretionary Use Application Process:

The Planning and Development Act, 2007 ('The Act') allows a zoning bylaw to contain provisions for "Permitted Uses" and "Discretionary Uses" within specified land use zones. Any use that is not listed as "Permitted" or "Discretionary" is considered prohibited. *The Act* allows "Permitted Uses" to be approved by Administration, however, "Discretionary Use" applications require the approval of a council and must follow *The Act's* prescribed process. The process includes the requirement of giving Public Notice to property owners within 75 metres (250 feet) of the subject property, as well as the provision of a Public Hearing.

Pursuant to *The Act*, a council shall exercise its discretion respecting a Discretionary Use application to:

- (a) Reject the application;
- (b) Approve the discretionary use in accordance with the provisions of the zoning bylaw;
- (c) Approve the discretionary use subject to development standards or conditions in accordance with the zoning bylaw; or
- (d) Approve the discretionary use for a limited time, if a time limit is authorized in the bylaw.

A council may approve a discretionary use if the facts presented establish that the proposed discretionary use will:

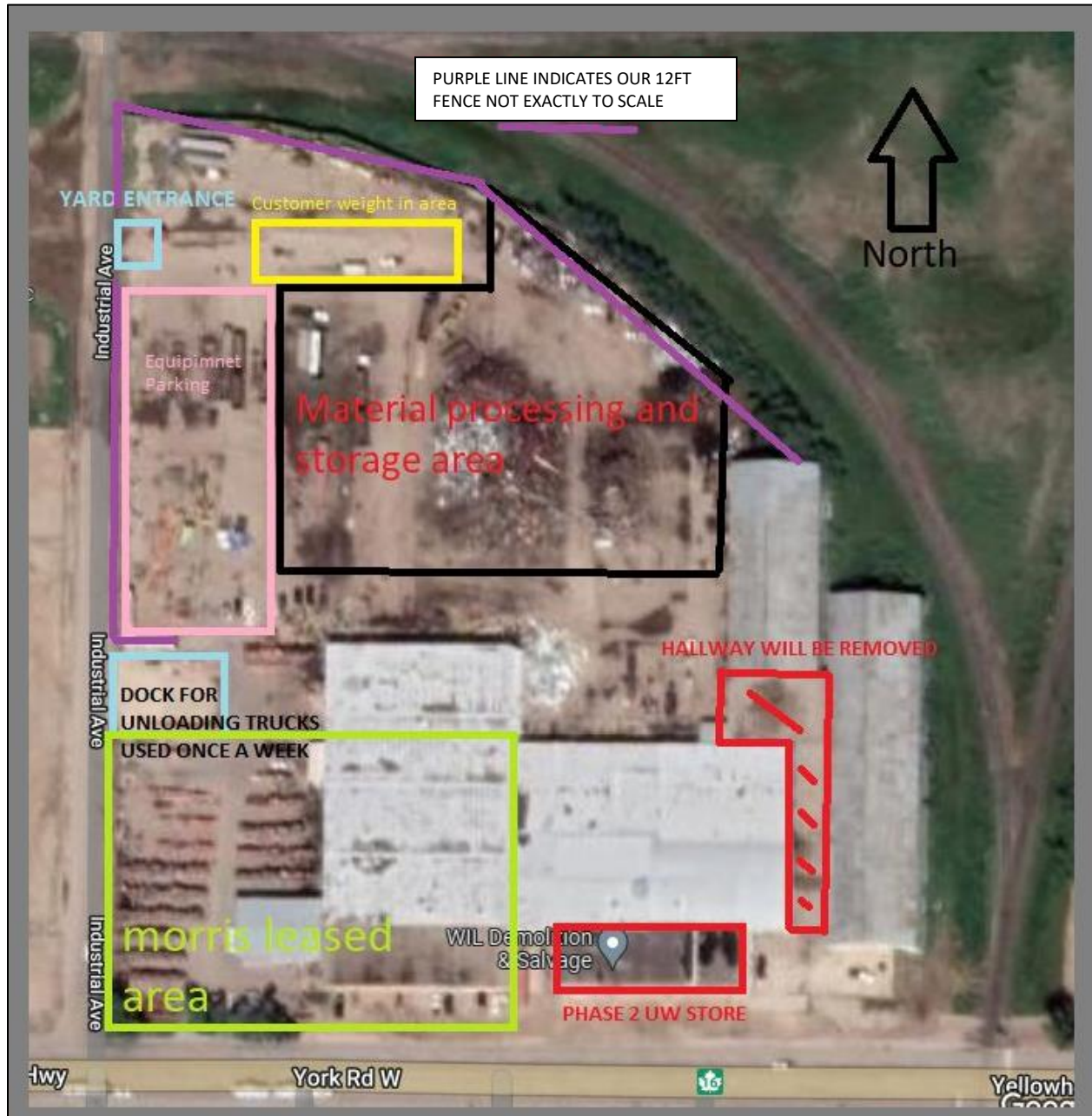
- (a) Comply with provisions of the zoning bylaw respecting the use and intensity of use of land for the discretionary use;
- (b) Be consistent with the criteria in the zoning bylaw respecting the use and intensity of use of land for the discretionary use;
- (c) In the opinion of the council, be compatible with development in the district in the immediate area of the proposal; and
- (d) Be consistent with provincial land use policies and statements of provincial interest.

In approving a discretionary use, a council may prescribe specific development standards or conditions with respect to that use, but only if those standards or conditions:

- (a) Are based on and are consistent with general development standards or conditions made applicable to discretionary uses by the zoning bylaw; and
- (b) Are, in the opinion of the council, necessary to secure the objectives of the zoning bylaw with respect to:
 - (i) The nature of the proposed site, including its size and shape and the proposed size, shape and arrangement of buildings;
 - (ii) The accessibility and traffic patterns for persons and vehicles, the type and volume of that traffic and the adequacy of proposed off-street parking and loading;
 - (iii) The safeguards afforded to minimize noxious or offensive emissions including noise, glare, dust and odour; or
 - (iv) Any treatment given, as determined by the council, to aspects including landscaping, screening, open spaces, parking and loading areas, lighting and signs, but not including the colour, texture or type of materials and architectural detail.

If an application for a discretionary use has been approved by a council with prescribed standards or conditions, the applicant may appeal to the Development Appeals Board, however a Discretionary Use application that is denied by a council may not be appealed.

Attachment 5 - Site Plan



Attachment 6 – Street Views & Fencing

View from Industrial Avenue



View from Ball Road



View from York Road Travelling East



Attachment 6 – Street Views & Fencing Continued

From York Road Travelling West



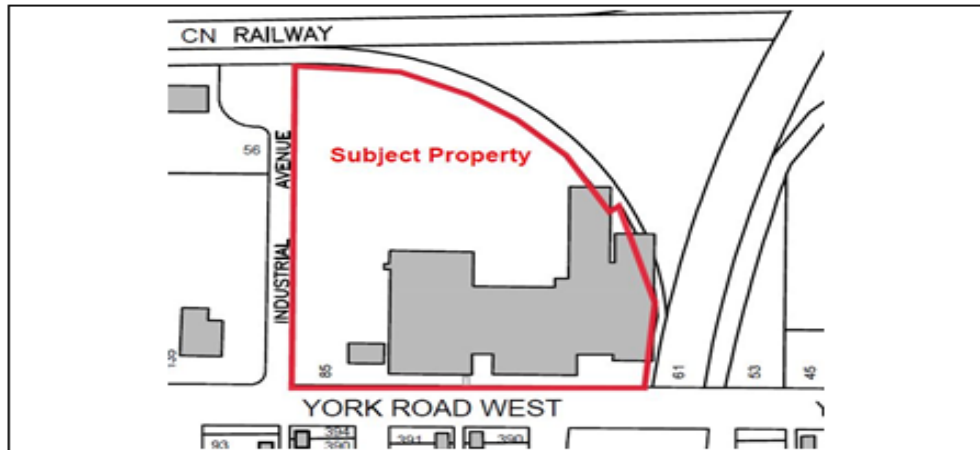
Fence details



Attachment 7 – Public Notice

Public Notice

**Discretionary Use Application for Auto Wrecking/Junk Yard use
in MI-1 Light Industrial Zoning District
85 York Road West**



Legal Description: Blk/Par Z, Plan 67Y09629

Civic Address: 85 York Road West

Proposed Use: Auto Wrecking/Junk Yard

Details: The applicant proposes a Salvage Yard use which most closely resembles an Auto Wrecking/Junk Yard use as defined in Zoning Bylaw No. 14/2003 as follows:

"A development in which vehicles or materials are stored, parted out, crushed, compacted, or where parts from vehicles or materials are re-sold."

Auto Wrecking/Junk Yard uses are Discretionary Uses in the MI-1 Light Industrial Zoning District and require City Council authorization under *The Planning & Development Act, 2007* to proceed.

Public Hearing: City Council will hear all persons who are present and wish to speak to the application and all written submissions will be read verbatim unless the submitter is in attendance to speak on the submission, on **Monday, January 30, 2023 at 5:00 pm in City Hall Council Chambers, Yorkton, SK.**

If you wish to provide written comments for Council's consideration, **they must be submitted by 9:00 a.m. on Wednesday, January 25, 2023.** Written submissions must be directed to:

Jessica Matsalla, Director of Legislation & Procedures
In Person: 37 Third Avenue North, Yorkton, SK
Via Mail: Box 400, Yorkton, SK S3N 2W3
Via Email: jmatsalla@yorkton.ca

Information: Questions regarding the application may be directed to:

Carleen Koroluk, Land Use Planner
Phone: (306) 786-1727
Email: ckoroluk@yorkton.ca