



## **Planning and Infrastructure Commission**

### **Meeting Agenda**

Wednesday, August 2, 2023 at 7:00 a.m.

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

1. CALL TO ORDER
2. ADOPTION OF AGENDA
3. DECLARATION OF CONFLICT OF INTEREST
4. APPROVAL & SIGNATURE OF MINUTES
  - i) May 24, 2023
5. OLD BUSINESS
6. NEW BUSINESS
  - i) Discretionary Use Application – DU03-2023 – Residential Care Facility in R-3 Medium Density Residential – Units 1 & 2 – 560 Circlebrooke Drive
  - ii) Bylaw No. 9/2023 – Rezoning of a portion of Block C, Plan 101962357 from R-5 Mixed Density Residential to C-1 City Centre Commercial
7. BUSINESS FROM THE FLOOR
8. ADJOURNMENT

# Planning and Infrastructure Commission

## MINUTES

MAY 24, 2023

7:00 A.M.

MEETING ROOM A,  
CITY HALL – SECOND FLOOR

Attendees	<b>Chairperson:</b> Mike Popowich <b>Councillors:</b> Councillor Quinn Haider <b>Members:</b> Patricia Zaryski, Eugene Fedorowich, Eleanor Shumay, Glen Tymiak, Doug Forster, David Mckechar
Staff	Michael Eger – Director of Planning, Building and Development Rene Richard – Director of Engineering Carleen Koroluk – Land Use Planner
Regrets	<b>Councillors:</b> Mayor Mitch Hipsley, Councillor Randy Goulden <b>Members:</b> Gordon Gendur, Isabel O'Soup <b>Staff:</b>
Absent	<b>Councillors:</b> <b>Members:</b> <b>Staff:</b>
Recording	Amanda Krysa
Call to order	7:01 a.m.

## ADOPTION OF AGENDA

Discussion	Review of Agenda items. There were no additional items to be added.
Motion 11-2023	<b>Patricia Zaryski</b> That the agenda be approved as presented. <b>Carried Unanimously</b>

## DECLARATION OF CONFLICT OF INTEREST

Discussion	None.
------------	-------

## APPROVAL OF MINUTES

Discussion	Minutes of the May 3, 2023 Planning and Infrastructure Commission Meeting were circulated with the agenda package.
Motion 12-2023	<b>Eleanor Shumay</b> That the Minutes of the May 3, 2023 Planning and Infrastructure Commission Meeting be approved. <b>CARRIED</b>

## OLD BUSINESS

Discussion	<ul style="list-style-type: none"><li>- Eger gave an update on the Zoning Amendment – CTT School Division -464 Broadway St E.</li></ul>
------------	---

## NEW BUSINESS – MICHAEL EGER

<b>1.</b> Discretionary Use Application – DU02-2023 – Contractor Facility in C-1 City Centre Commercial Zoning District – Unit 3 -111 Magrath Street	
Discussion	<ul style="list-style-type: none"><li>- Koroluk presented the administration report on the new business, its location and zoning.</li><li>- Members inquired about noise and traffic to the business.</li><li>- Koroluk addressed parking, traffic and noise bylaw issues.</li></ul>
Motion 13-2023	<b>Eugene Fedorowich</b> That Discretionary Use application DU02-2023, which proposes a Contractor Facility use at 111 Magrath Street, be recommended for approval to City Council. <b>Carried Unanimously</b>

## **2.** Bylaw No. 8/2023 – Sale of Municipal Reserve Parcel MR-1 99Y07581 (Next to 141 Palliser Way)

Discussion	<ul style="list-style-type: none"><li>- Eger presented a report on the sale of Municipal Reserve, Parcel MR-1 99Y07581.</li><li>- Members inquired about the waterline, and the cost of it potentially needing repairs; concern of traffic at the intersection and parking lot size requirements.</li><li>- Eger and Richard provided details on the Traffic</li></ul>
------------	--

	Impact Assessment that was previously done on the intersection.. Adding a business of this purposed use is a good suit for this location.
Motion 14-2023	<b>Patricia Zaryski</b> Bylaw No. 8/2023 – Sale of Municipal Reserve Parcel MR-1 99Y07581 (Next to 141 Palliser Way) <b>Carried Unanimously</b>

## BUSINESS FROM THE FLOOR -

Discussion	<ul style="list-style-type: none"> <li>- Discussion of construction happening by Canadian Tire</li> <li>- Discussion regarding an update on the development happening behind Wal-mart. Eger mentioned that they haven't seen any progress on that project.</li> <li>- Discussion regarding the drainage ditch along Victoria. Richard confirmed plans of upgrades as part of the Flood Mitigation Study.</li> </ul>
------------	---

## NEXT MEETING

	Wednesday, August 2, 2023 at 7:00 a.m. at City Hall Meeting Room A
--	--

## ADJOURNMENT

Motion 13 -2023	<b>Eleanor Shumay</b> That the meeting be adjourned at 7:46 a.m. <b>CARRIED</b>
-----------------	---

## SIGNATURE OF MINUTES

<b>Chairperson</b>	_____ <b>Chairperson – Mike Popowich</b>
<b>Recording Secretary</b>	_____ <b>Amanda Krysa</b>

<b>TITLE: Discretionary Use DU03-2023 – Residential Care Facility in R-3 Zoning District 560 Circlebrooke Drive</b>	<b>DATE OF MEETING:</b> August 2, 2023
	<b>REPORT DATE:</b> July 25, 2023
	<b>ATTACHMENTS:</b> 1. Key Plan 2. Aerial View 3. Summary of Discretionary Use Process 4. Site Plan 5. Public Notice
Written by: Carleen Koroluk – Planner Cleared/Presented 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 Residential Care Facility use in both sides of a semi-detached dwelling (side by side duplex) located at 560 Circlebrooke Drive (see Attachment 1 & 2).

The property is zoned R-3 Medium Density Residential and Residential Care Facilities are listed as a Discretionary Use in this zone. Under *The Planning and Development Act, 2007*, discretionary use applications require Council authorization to proceed (see Attachment 3).

### **Administrative Review**

The Zoning Bylaw defines Residential Care Facilities as:

*“A licensed or approved care facility governed by Provincial regulations that provides, in a residential setting, 24 hour care of persons in need of personal services, supervision or assistance essential for sustaining the activities of daily living or for the protection of the individual in which the number of residents, excluding staff, is five (5) or more.”*

The semi-detached dwelling is situated on one legal lot and the applicant proposes to utilize both units for its proposed use, with each side providing daily care for a maximum of 5 individuals (newborn to 11 years of age). The use is consistent with the residential character of the neighbourhood and required on-site parking for 24 hour staff is being proposed in the front driveways (1 space in each driveway) and off of the rear lane (4 spaces) as shown on the Site Plan (see Attachment 4). Public Works has confirmed that this rear lane is currently on the snow clearing schedule, however typically residential lane clearing is a low priority.

Pursuant to the Zoning Bylaw, the Residential Care Facility use also requires inspections and approval from the Fire Inspector and the Building Inspector in order to ensure compliance with

the *National Building Code* and *City of Yorkton Building Bylaw 7/92*. The Applicant is currently working with Building Services to arrange for inspections.

### **Public Notice**

Council approved Public Notice of the application at the July 17, 2023 Council Meeting. Notice includes advertisement in the local newspaper (see Attachment 5), at City Hall and on the City website and mail circulation to 30 property owners within 75 metres (~250') of the property.

The application is scheduled to return to Council for a final decision on August 14, 2023 following the Public Hearing and the PIC recommendation will be included in the report to Council.

### **Committee Options:**

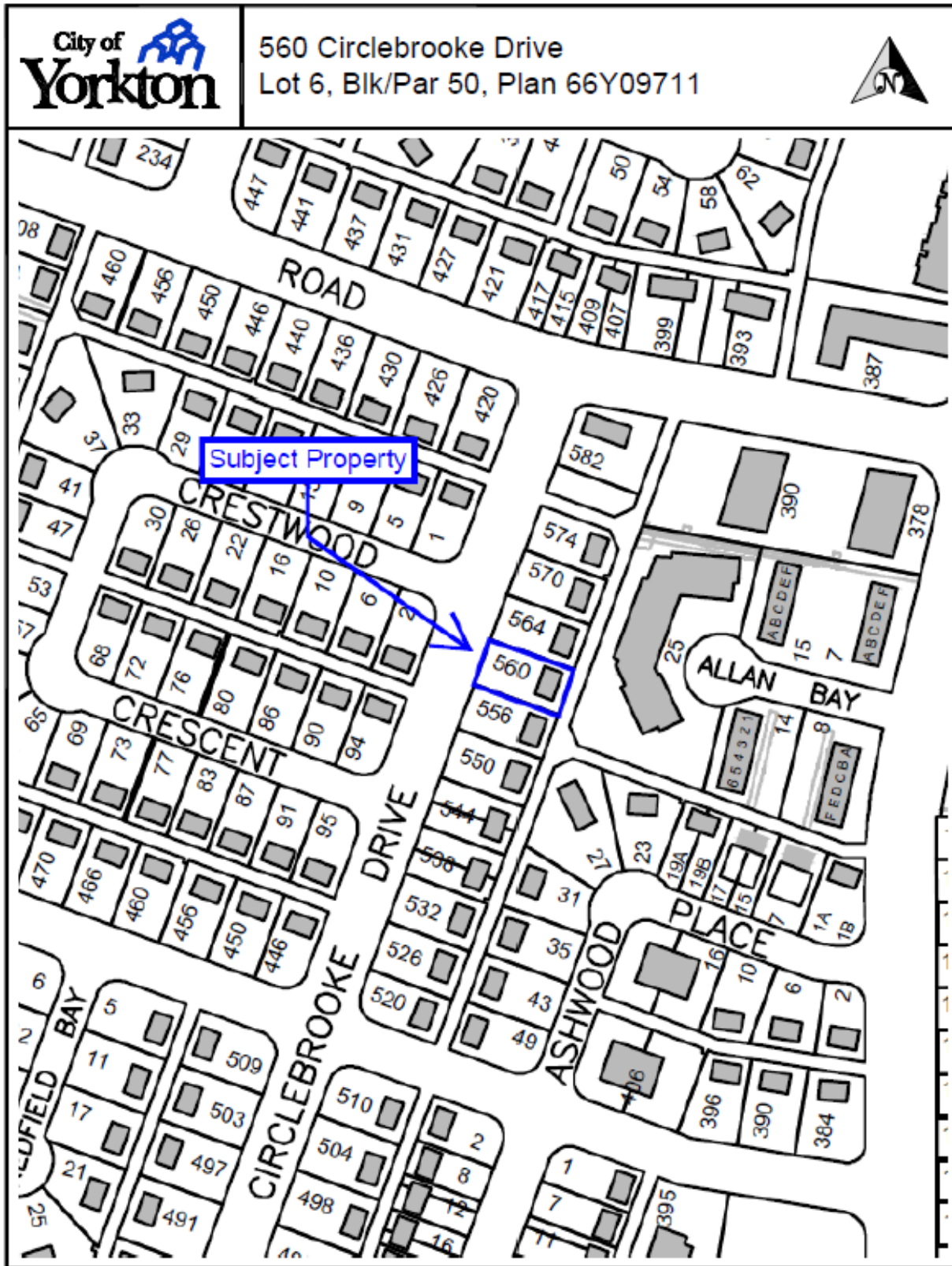
The Planning and Infrastructure Commission plays an important part in civic government by providing representation from a broad spectrum of the community to assist City Council in their decision making. City Administration provides recommendations for the Commission to consider which are based on sound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

### **Administrative Recommendation:**

That the Planning and Infrastructure Commission recommend that Council approve Discretionary Use application DU03-2023, which proposes a Residential Care Facility use at 560 Circlebrooke Drive.

Attachment 1 – Key Plan





**Attachment 2 – Aerial View – 560 Circlebrooke Drive**





## Attachment 3 – 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.

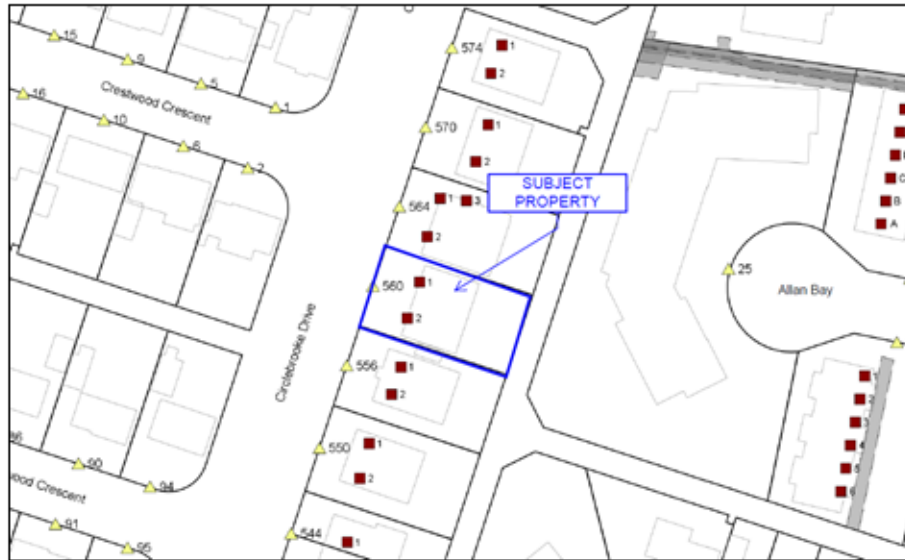
If an application for a discretionary use has been approved by a council with prescribed standards or conditions, the applicant may appeal to the Development Appeals Board, however a Discretionary Use application that is denied by a council may not be appealed.



## Attachment 5 – Public Notice

### Public Notice

**Discretionary Use Application for Residential Care Facility use  
in R-3 Medium Density Residential Zoning District  
Units 1 & 2 – 560 Circlebrooke Drive**



**Civic Address:** Units 1 & 2 – 560 Circlebrooke Drive    **Legal Description:** Lot 6, Blk/Par 50, Plan 66Y09711

**Proposed Use:** Residential Care Facility

**Details:** The applicant is proposing that each unit be used to provide care for a maximum of five individuals (newborn to 11 years).

Residential Care Facilities are listed as a Discretionary Use in Zoning Bylaw No. 14/2003 and under *The Planning & Development Act, 2007*, require City Council authorization 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, August 14, 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, August 9, 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](mailto:jmatsalla@yorkton.ca)

**Information:** To see the full report on this application, please visit [www.Yorkton.ca](http://www.Yorkton.ca). Click/tap on the "Council Meetings" link and select the "Agenda and Information Package" for the July 17, 2023 Regular Council Meeting. The full report is included in the Information Package.

Questions regarding the application may be directed to:

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



TITLE: Zoning Bylaw Amendment Application to Rezone remnant portion of Block C, Plan 101962357 from R-5 Mixed Density Residential to C-1 City Centre Commercial	
DATE OF MEETING: August 2, 2023	ATTACHMENTS:  1. Zoning Map 2. Aerial View 3. Bylaw No. 9/2023 4. Public Notice
DATE OF REPORT: July 25, 2023	
Written by: Carleen Koroluk, Land Use Planner/Development Officer Cleared/Presented by: Michael Eger, Director of Planning, Building & Development	

### **Summary of History/Discussion:**

Administration has received a Zoning Bylaw amendment application, affecting a portion of Blk/Par C, Plan 101962357 (see Attachment 1 & 2). The lands are within the City's downtown core and the current split-zoning consists of approximately 1.3 acres of R-5 Mixed Density Residential with the balance of the parcel, approximately 9.88 acres, zoned C-1 City Centre Commercial.

The split-zoning has been in place since 2003 and the property has remained undeveloped. While Administration has not received formal concept and/or development plans at this time, the Applicant is requesting Bylaw No. 9/2023 (see Attachment 3), being the rezoning of the residential portion from R-5 to C-1 to create a larger commercial parcel in contemplation of future development.

### **Administrative Review:**

In order to evaluate the merits of potential rezoning applications, Planning Services considers each application under eight criteria. This application was evaluated as follows:

1. Is the proposed use compatible with neighboring uses? AND 2. Are the building and property suitable to the proposed use?

The subject land is the remnant portion of a lot located between Seventh Avenue North and Dracup Avenue. The balance of the parcel is zoned C-1 City Centre Commercial (see Attachment 1). While still within the City's downtown core, it was previously anticipated that residential development would occur along the Seventh Avenue North property boundary, however this has not occurred to date. Seventh Avenue North separates the parcel from existing residential use on the west side.

The City's Official Community Plan designates these lands for future commercial use and Administration is satisfied that the rezoning request aligns with the plan and is suitable for

larger city centre commercial uses. For comparison purposes, the rezoning will create a parcel similar in size to the existing Superstore site (~10.4 acres).

3. Is there a need in the community for the proposed use? AND 4. Is there a need for additional properties within the zoning sector?

Commercial development in the city centre is desirable and currently, there are no existing vacant commercial parcels of this size available in the downtown core.

5. Would the rezoning transplant an existing business in such a way that it will create a vacancy elsewhere in the City?

Because the lands are vacant and there are no current plans for development, no vacancies will be created at this time.

6. Will the proposed use enhance or revitalize the property and building(s)?

Pursuant to the Zoning Bylaw, new builds are subject to a number of conditions including on-site storm water management, site improvements and landscaping which will enhance, not only the property, but also the surrounding area.

7. Has the applicant demonstrated their understanding of the potential financial constraints and opportunities that warrants consideration of a rezoning?

The applicant is an established company that operates in Canada, the United States and the Asia Pacific region. The company has vast experience with development and financial implications.

8. Would the rezoning be perceived as a precedent for which other owners of similarly-zoned properties would expect similar treatment?

There are limited split-zoned properties within the City and each of these situations are unique. As such, any request for rezoning would be analyzed on its own merits, taking into account the above criteria.

**Public Notice:**

Council approved Public Notice of the application at the July 17, 2023 Council Meeting. Notice includes advertisement in the local newspaper (see Attachment 4), at City Hall and on the City website and mail circulation to 48 property owners within 75 metres (~250') of the property.

The application is scheduled to return to Council for a final decision on August 14, 2023 following the 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.

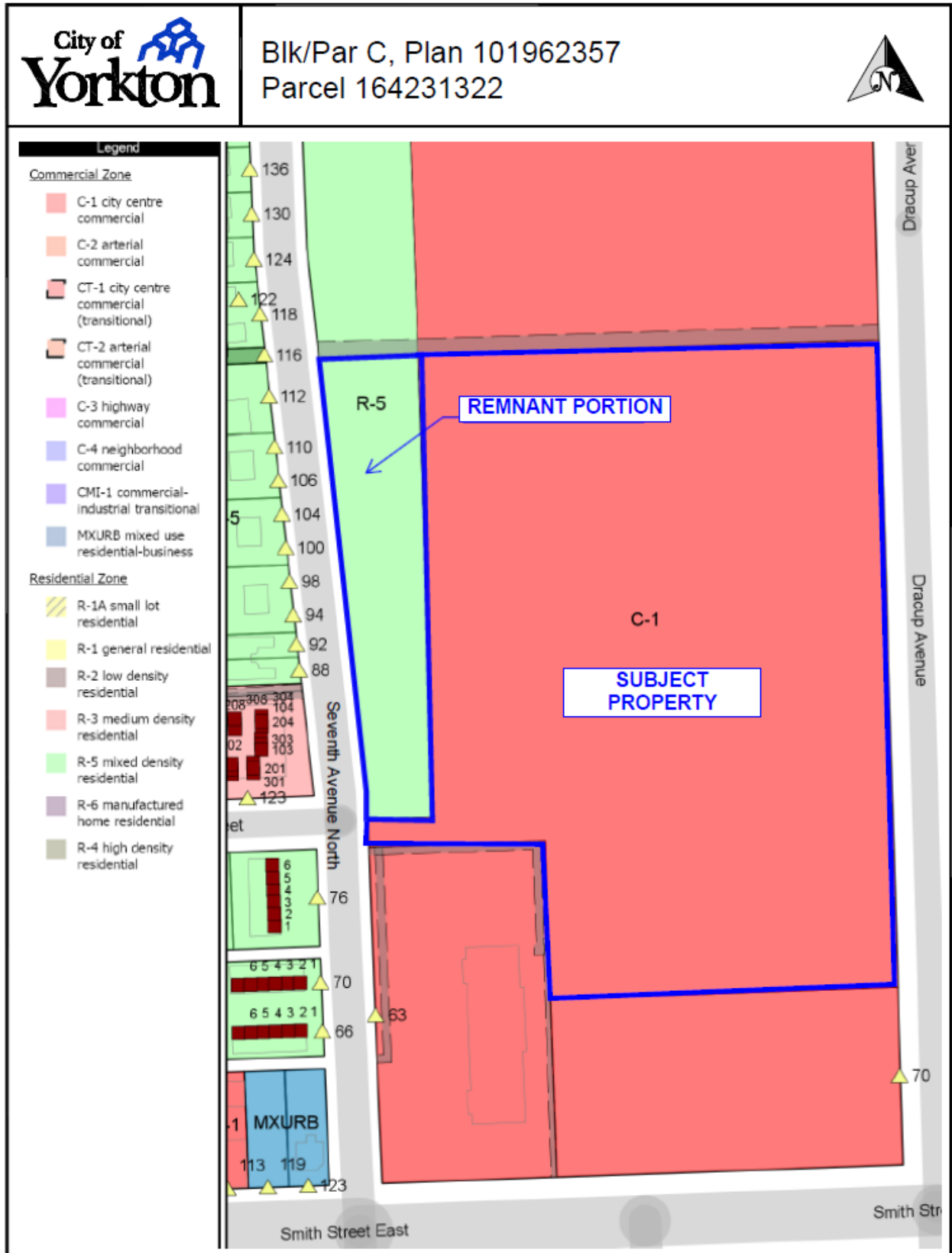
The Commission, however, is not bound by the Administrative recommendation and is free to carry any motion they see fit, including recommendations either to approve or deny the application.

### **Administrative Recommendation:**

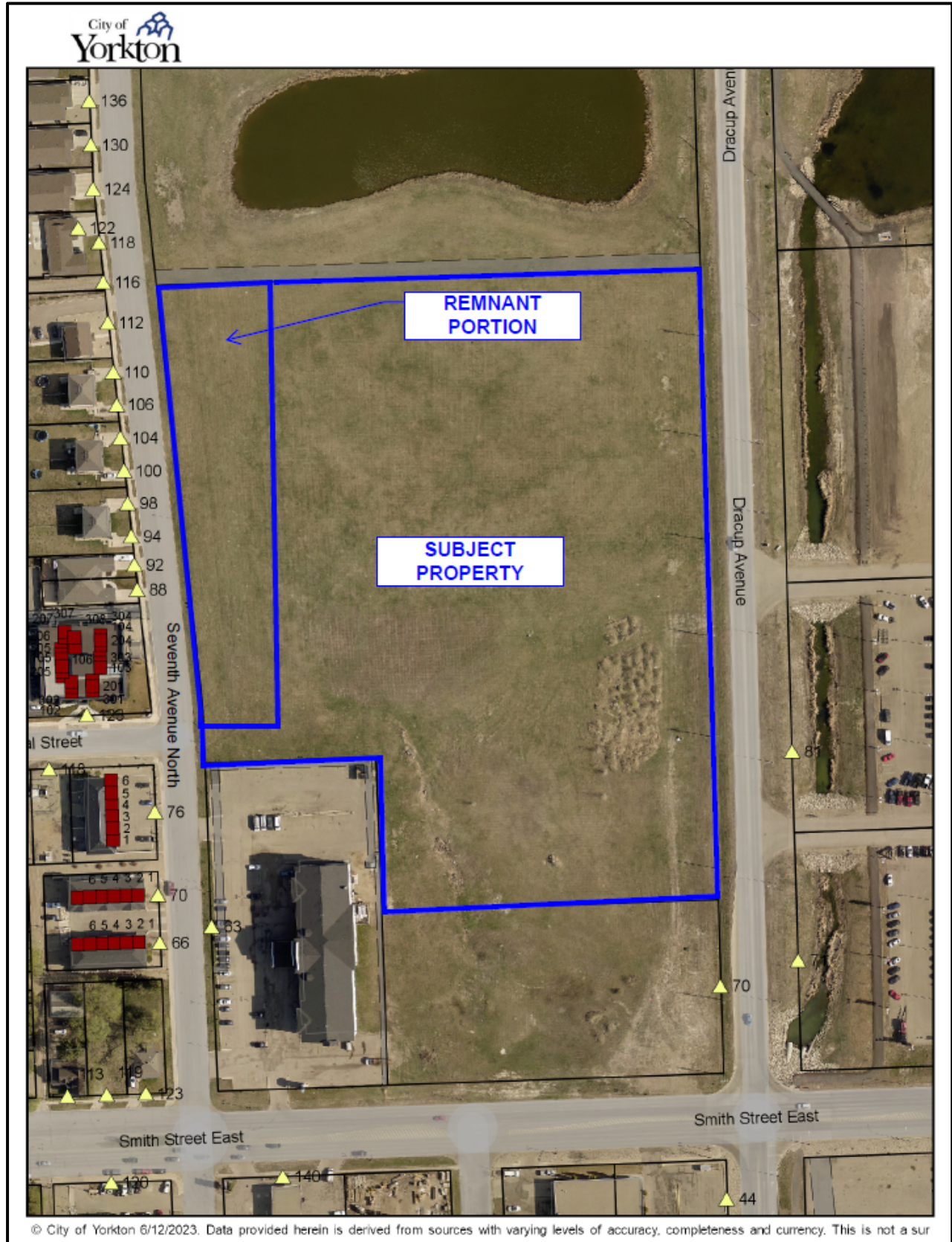
The Planning and Infrastructure Commission recommend that council approve Bylaw No. 9/2023 to rezone the remnant portion of Blk/Par C, Plan 101962357 from R-5 Mixed Density Residential to C-1 City Centre Commercial.



# Attachment 1 – Zoning Map



## Attachment 2 – Aerial View



Attachment 3 – Bylaw No. 9/2023

City of Yorkton  
Saskatchewan

Bylaw No. 9/2023

**A bylaw of the City of Yorkton in the Province of Saskatchewan to rezone the remnant portion of Blk/Par C, Plan 101962357, Parcel 164231322, from R-5 Mixed Density Residential to C-1 City Centre Commercial to allow for future commercial use.**

---

**WHEREAS**, pursuant to Section 46(3) of *The Planning and Development Act, 2007*, the Council of the City of Yorkton in the Province of Saskatchewan in Council assembled hereby enacts as follows:

1. That Bylaw No. 14/2003 is amended by rezoning the remnant portion of Blk/Par C, Plan 101962357, Parcel 164231322 as shown on Schedule 'A' attached hereto, from R-5 Mixed Density Residential to C-1 City Centre Commercial;
2. That the Zoning Districts Map attached to and forming part of Bylaw No. 14/2003, is amended to change the zoning of the remnant portion of Blk/Par C, Plan 101962357, Parcel 164231322 as shown on Schedule 'A' attached hereto, from R-5 Mixed Density Residential to C-1 City Centre Commercial.

This bylaw shall come into force and take effect on the date of final passing thereof.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CITY CLERK

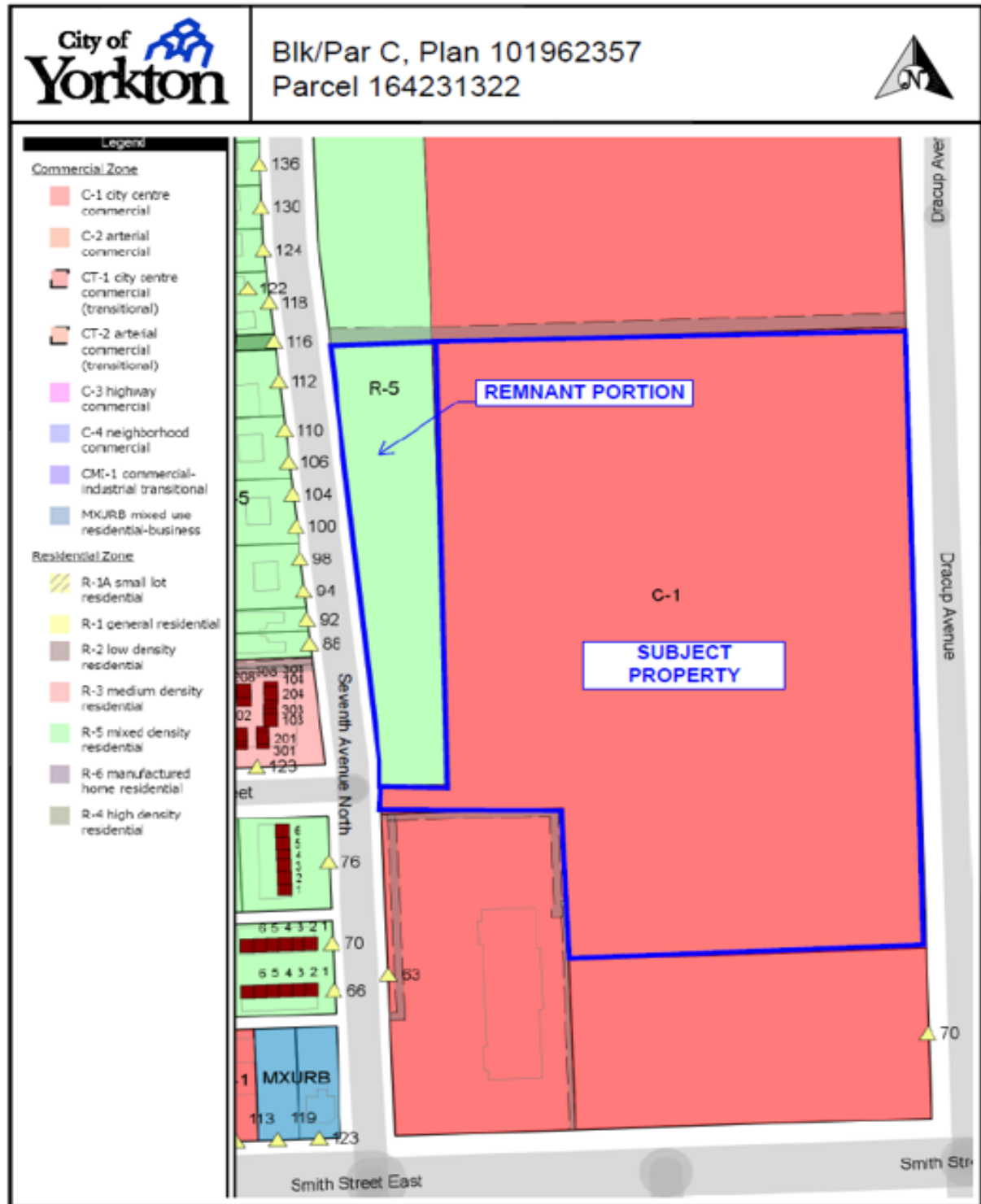
Introduced and read a first time this \_\_\_\_ day of \_\_\_\_\_, A.D., 2023.

Read a second time this \_\_\_\_ day of \_\_\_\_\_, A.D., 2023.

Read a third time and adopted this \_\_\_\_ day of \_\_\_\_\_, A.D., 2023.

# Attachment 3 Continued – Bylaw No. 9/2023

## Schedule 'A'

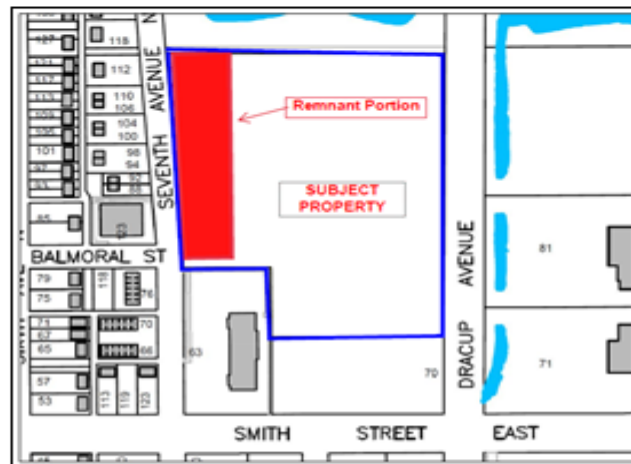




## Attachment 4 Public Notice

### PUBLIC NOTICE

**Bylaw No. 9/2023 – Proposed Rezoning to C-1 City Centre Commercial  
to Allow for Future Commercial Use  
Amendment to Zoning Bylaw No. 14/2003**



**Legal Description:** Blk/Par C, Plan 101962357, Parcel 164231322  
**Civic Address:** Unassigned  
**Current Zoning:** R-5 Mixed Density Residential  
**Proposed Zoning:** C-1 City Centre Commercial

**Details** – The applicant proposes to rezone the remnant portion of the subject lands from R-5 Mixed Density Residential to C-1 City Centre Commercial to allow for future commercial use.

**Public Hearing** – City Council will hear all persons who are present and wish to speak to the proposed bylaw and all written submissions will be read verbatim unless the submitter is in attendance to speak on the submission, on **Monday, August 14, 2023 at 5:00 p.m. 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, August 7, 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](mailto:jmatsalla@yorkton.ca)

**Information** – To see the full report on this application, please visit [www.Yorkton.ca](http://www.Yorkton.ca). Click/tap on the "Council Meetings" link and select the "Agenda and Information Package" for the July 17, 2023 Regular Council Meeting. The full report is included in the Information Package. Questions regarding the proposed bylaw may be directed to:

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