

Application to Remove Holding Symbol (H) - Portion of 2775 Meadows Parkway – Rosewood Neighbourhood

APPLICATION SUMMARY

Arbutus Properties submitted an application to remove the Holding Symbol (H) from a portion of 2775 Meadows Parkway (Parcel J, Plan No. 102346859). The subject site is located to the east of Meadows Parkway and north of Zimmerman Road, in the Rosewood neighbourhood.

RECOMMENDATION

That City Council consider Administration's recommendation that the proposed amendment to Bylaw No. 8770, Zoning Bylaw, 2009, to remove the Holding Symbol (H) from a portion of 2775 Meadows Parkway (Parcel J, Plan No. 102346859), as outlined in this report, be denied.

BACKGROUND

The Rosewood Neighbourhood Concept Plan (Concept Plan) was originally approved by City Council in May 2008 and was subsequently amended in 2014 to include the commercial area east of Zimmerman Road.

In conjunction with the Concept Plan amendment in 2014, the Holding Symbol (H) was applied to certain lands in the neighbourhood to recognize conditions needed for development to proceed are not yet in place. The Holding Symbol will be removed based on the following criteria:

- a) Adequate sewer, water and servicing capacity, to the satisfaction of the General Manager of Utilities and Environment;
- b) Adequate transportation infrastructure designed to accommodate the expected traffic generated from new development, to the satisfaction of the General Manager of Transportation and Construction;
- c) For the lands designated Regional Commercial, a retail market analysis which demonstrates the need for more regional commercial land at this location; and,
- d) Agreement between the City of Saskatoon (City) and the Developer for payment of development charges and levies.

In June 2019, City Council approved minor amendments to the Concept Plan to provide for medium-density residential development on land located on the eastern edge of the neighbourhood. At that time, Amendments were also approved to rezone the subject land to RM4 —Medium/High Density Multiple-Unit Dwelling District and adjust the areas subject to the Holding Symbol.

In December 2019, City Council approved an application to adjust lands, subject to the Holding Symbol, by removing it from 2603 Meadows Parkway (Parcel H, Plan No. 102342653) and applying it to a portion of 2775 Meadows Parkway (Parcel J, Plan No. 102346859). This change was in response to Arbutus's request to proceed with development of 2603 Meadows Parkway. Analysis of the sanitary sewer capacity concluded that, to provide the sanitary sewer capacity needed for the proposed development of 2603 Meadows Parkway, limitations on development and demand for sanitary sewer capacity would have to be applied to 2775 Meadows Parkway by applying the Holding Symbol to a portion of that site. For this development proposal, Arbutus also requested the levies for the portion of 2775 Meadows Parkway, subject to the Holding Symbol, be deferred. This request was facilitated by the City and approximately \$1,332,000 in levies was deferred until two years from the effective date of the Servicing Agreement for the subject site. The levies were due November 12, 2021 and remain outstanding as of writing this report. The levies would need to be paid prior to the Holding Symbol being removed. Levies from other subdivisions are also outstanding from Arbutus.

Arbutus has an approved Servicing Agreement, dated September 2, 2015, which outlined the City would build the temporary lift station and force main with the developer funding 100% of the costs. A subsequent request was made to Administration, by Arbutus, to allow Arbutus to build this required infrastructure, which was agreed to on February 28, 2019. Approval of work to be undertaken by Arbutus is subject to conditions noted in the Servicing Agreement and the subsequent approval for construction, as well as current standards and specifications.

The Standing Policy Committee on Planning, Development and Community Services, at its meeting on June 13, 2022, was provided an [information report](#) on this topic.

A request to remove a Holding Symbol would typically take approximately 60 days to process upon receipt of a complete application. The process would involve a review by Administration to determine if the conditions associated with the Holding Symbol have been met and then a report prepared with a recommendation for consideration by City Council. As zoning regulations for the underlying zoning district apply, upon the removal of the Holding Symbol, further public consultation and consideration by the Municipal Planning Commission is not required.

DISCUSSION

Arbutus Properties has made a formal application to request removal of the Holding Symbol from the portion of 2775 Meadows Parkway in their development area of Rosewood (see Appendix 1 Rosewood Neighbourhood Concept Plan with the subject site identified and Appendix 2 for the Proposed Rezoning Location Map). The Holding Symbol for this site pertains to the provision of adequate sewer, water and servicing capacity, involving installation of an operational lift station and force main, and an agreement between the City and the developer for payment of development charges and levies.

Circumstances remain similar to what they were during discussion of the June 13, 2022 report content. Most notably, adequate service to the site, as a condition for removal of the holding symbol, has not been achieved.

Arbutus is responsible for construction of a temporary lift station and force main to provide for the sanitary sewer capacity needed for this area, as per the approved Servicing Agreement and subsequent approval provided. Discussions are continuing with Administration, Arbutus, and their engineering consultant to ensure the infrastructure meets the City's construction and design standards. As of October 24, 2022, Administration has completed review of the force main construction drawings and will be able to approve when final drawings are submitted and all conditions of the Servicing Agreement are addressed. Administration continues to work with Arbutus's engineering consultant on the review of the lift station design and specifications. Approval of the lift station will be considered when all conditions of the Servicing Agreement, and subsequent approval for Arbutus to construct the lift station, have been satisfied.

A developer is required to resolve the conditions that are the reason for the application of the Holding Symbol prior to requesting its removal. As of writing of this report, conditions associated with the Holding Symbol applied to 2775 Meadows Parkway and other areas of Rosewood have not been resolved. Administration has explored potential options to support the request to remove the Holding Symbol prior to conditions being met. In considering this request, Administration reviewed the conditions in place for these lands, the current status of completion of the approved conditions and risks associated with the request for both this particular area, as well as all development areas of the city.

Administration has actively worked with Arbutus to assist them in achieving their servicing requirements throughout Rosewood and continues to do so. Arbutus is in control of completing their servicing commitments, which is the necessary next step to develop the area in discussion. Until such time as the lift station and force main are constructed and commissioned, and offsite levies have been paid, Administration cannot support the application to remove the Holding Symbol.

Comments from Other Departments

The review of the application to remove the Holding Symbol from a portion of 2775 Meadows Parkway has been done in collaboration with the Transportation and Construction Division and the Utilities and Environment Division.

Policy Review

Section J-3(3) of [Bylaw No 9700, The Official Community Plan Bylaw, 2020](#) (OCP) states:

“Development of any particular lands will be permitted only in areas where roads and utility services exist or have been authorized by Council and for which community facilities have been planned for the City.”

Section J-5.1(8)(a) of the OCP, provides that:

“Council shall specify the use to which lands or buildings may be put at any time that the holding symbol is removed by amendment to the Zoning Bylaw”.

In considering removal of the Holding Symbol, Section J-5.1(8)(b) of the OCP specifies that the following criteria will be relevant to the suitability of the proposed development:

- “ (i) Capacity of Servicing - the capacity of existing municipal services or the economic provision of new services to facilitate such use and development;
- (ii) Transportation System - the effects of such use and development upon the transportation and public transit systems;
- (iii) Environmental Concerns – the need to minimize or remediate environmental impacts or conditions in relation to air, water, soil, or noise pollution;
- (iv) Natural or Historical Features – the need to protect any significant natural or historical feature upon or adjacent to the land; and
- (v) Other Circumstances - any other matter that Council deems necessary”.

At this time, the criteria for “Capacity of Servicing” has not yet been met for this area of Rosewood, as 2775 Meadows Parkway (Parcel J) and the surrounding area is currently at 100% servicing capacity and cannot accommodate any further development. The requirement for servicing provision prior to development has been consistently used and applied to all developers and has been consistently communicated to Arbutus throughout the development in Rosewood. Moving away from the requirement and its consistent application at this time has potential to set a precedent for similar requests from others.

Until such time as the servicing requirement has been met and offsite levies have been paid, Administration cannot recommend removal of the Holding Symbol as it would be in contravention of the OCP. An alternate approach to what is currently contained in the OCP would require an amendment.

Risk Associated with Removal of Holding Symbol

Allowing development to proceed prior to servicing brings risk to the City, the developer, and most importantly, to prospective renters or buyers. These risks include:

- a) Potential the City may have to take over construction of infrastructure, including funding and completion, should the developer not complete the work for any reason;
- b) Potential liability for the City and the developer associated with knowingly allowing a development to occur without adequate servicing; and
- c) Future renters/buyers may expect to be able to occupy their unit ahead of servicing completion, which could result in individual financial impacts.

Construction delays, unforeseen circumstances or ownership changes can all bring significant risk and result in a situation where a building is ready for occupancy yet cannot be occupied because servicing is not in place.

Summary

The City has a long-standing practice of requiring lots to be fully serviced before individual site development can proceed. The requirement for servicing to be completed prior to development is a basic and foundational concept in the OCP and approval process. Allowing development to proceed prior to servicing brings risk to the City, the developer and, most importantly, to prospective renters or buyers.

Until such time as the servicing requirement is deemed complete and offsite levies have been paid, Administration cannot recommend removal of the Holding Symbol, as it would be in contravention of the OCP.

COMMUNICATIONS AND ENGAGEMENT

The Ward Councillor and the Rosewood Community Association were advised on October 18, 2022, that Arbutus has made an application to remove the Holding Symbol from a portion of 2775 Meadows Parkway.

As the zoning regulations for the underlying zoning district shall apply upon the removal of the Holding Symbol, further public consultation and consideration by the Municipal Planning Commission is not required.

PUBLIC NOTICE

Pursuant to Section 11(a) of Council Policy C01-021, the Public Notice Policy, a public notice is not required for consideration of this matter and may proceed directly to a Public Hearing.

APPENDICES

1. Rosewood Land Use Concept Plan
2. Proposed Rezoning Location Map

REPORT APPROVAL

Written by: Darryl Dawson, Manager, Development Review
Reviewed by: Lesley Anderson, Director of Planning and Development
Angela Gardiner, General Manager, Utilities and Environment
Terry Schmidt, General Manager, Transportation and Construction
Approved by: Lynne Lacroix, General Manager, Community Services