

# Regina Planning Commission 

Wednesday, May 3, 2017

4:00 PM

Henry Baker Hall, Main Floor, City Hall

## OFFICE OF THE CITY CLERK

Public Agenda<br>Regina Planning Commission<br>Wednesday, May 3, 2017

## Approval of Public Agenda

## Adoption of Minutes

Regina Planning Commission - Public - Apr 5, 2017 4:00 PM

## Administration Reports

RPC17-13 Repeal of Municipal Heritage Property Bylaw 2001-18 (17-H-03) Traveller's Building 1833-1843 Broad Street

## Recommendation

1. That Bylaw 2001-18 to designate the Traveller's Building, located at 1833-1843 Broad Street including the lands legally described as Lots 9, 10, 11 and 12, Block 303, Plan Old No 33 as Municipal Heritage Property be repealed.
2. That the Administration discharge any interest based on the notice of designation that was registered in the Land Titles Registry and notify all property owners of the repeal.
3. That the Administration cause a certified copy of the repeal bylaw to be served on the Registrar of Heritage Property.
4. That the City Solicitor be directed to prepare the necessary bylaw to authorize the required repeal of the heritage designation.
5. That this report be forwarded to the May 29, 2017 City Council meeting for approval.

RPC17-14 Discretionary Use Application (16-DU-24) Planned Group of Dwellings - 2715 Narcisse Drive

## Recommendation

1. That the Discretionary Use Application for a proposed Planned Group of Dwellings located at Parcel R, Plan No. 102136845 in the Hawkstone subdivision as shown in Appendix A-1 and A-2 be APPROVED, and that

## OFFICE OF THE CITY CLERK

a Development Permit be issued subject to the following conditions:
a) The development is contingent on subdivision approval of the subject lots and subsequent title creation.
b) The development shall be consistent with the plans attached to this report as Appendix A-3.1 to A-3.4 inclusive, prepared by North Ridge Development Corporation and dated February 24, 2017.
c) The development shall comply with all applicable standards and regulations in Regina Zoning Bylaw No. 9250.
2. That this report be forwarded to the May 29, 2017 meeting of City Council for approval.

RPC17-15 Discretionary Use (17-DU-04) Planned Group of Dwellings in R6 Zone Greens on Gardiner Subdivision

## Recommendation

1. That the Discretionary Use Application for a proposed Planned Group of Dwellings located at proposed Parcel G, Phase 8, Stage 2, (in Part of N.E.1/4 Sec. 11 of Parcel A, Plan No. 101880277, of Part of Parcel D, Reg'd Plan No. 98RA21686, and Part of S.1/2 Sec.11, all in Twp. 17 Rge. 19 W. 2 Mer. Regina, Saskatchewan) Greens on Gardiner Subdivision be APPROVED, and that a Development Permit be issued subject to the following conditions:
a) The development shall be consistent with the plans attached to this report as Appendix A-3.1 and A-3.2 inclusive, prepared by PDSS Property Development Support Services Inc. and dated March 16, 2017.
b) The development shall comply with all applicable standards and regulations in Regina Zoning Bylaw No. 9250, with the exception of parking which shall be allowed to be relaxed by up to $10 \%$, pending approval of the required minor variance application.
c) That no building permit shall be approved before approval and registration of the subject property in Information Services Corporation (ISC), as referenced above.
2. That this report be forwarded to the May 29, 2017 meeting of City Council

## OFFICE OF THE CITY CLERK

for approval.
RPC17-16 Zoning Bylaw Amendment (17-Z-02) Concept Plan Amendment Application (17-CP-02) Capital Crossing - 1201 N Pasqua Street

## Recommendation

1. That the application to amend the Capital Crossing area within the Hawkstone Concept Plan be APPROVED and the amended plan as depicted in Appendix A-3.1 of this report be adopted.
2. That Regina Zoning Bylaw No. 9250 be amended by rezoning lands within the Hawkstone Concept Plan, depicted in Appendix A-3.3, as follows:
a. Block 9 from UH - Urban Holding to MAC - Major Arterial Commercial
b. Block 10 from UH - Urban Holding to MS - Mainstreet
c. Block 3 addition from Urban Holding to MS - Mainstreet
d. Part of Block 6 from MAC - Major Arterial Commercial to PS Public Service (MU2)
e. Part of Block 4 from PS - Public Service to MS - Mainstreet
f. MU1 (formally part of Block 3) from MS - Mainstreet to PS Public Service
g. Part of MR1 (formally part of Block 3) from MS - Mainstreet to PS - Public Service
3. That the City Solicitor be directed to prepare the necessary bylaw to authorize the respective Zoning Bylaw amendment.
4. That this report be forwarded to the May 29, 2017 meeting of City Council for approval, which will allow sufficient time for advertising of the required public notices for the respective bylaws.

RPC17-17 Application for Contract Zoning (16-CZ-11) 2 Fourplex Buildings - 2022 and 2024 Toronto Street

## Recommendation

1. That the application to amend Regina Zoning Bylaw No. 9250 to rezone 2022 and 2024 Toronto Street, being Lots 11 and 12, Block 359, Old 33 from R3 - Residential Older Neighbourhood Zone to C - Contract be DENIED.
2. That this report be forwarded to the May 29, 2017 meeting of City

## OFFICE OF THE CITY CLERK

Council.
Adjournment

# AT A MEETING OF REGINA PLANNING COMMISSION HELD IN PUBLIC SESSION 

## AT 4:00 PM

These are considered a draft rendering of the official minutes. Official minutes can be obtained through the Office of the City Clerk once approved.

Present: Councillor Mike O'Donnell, in the Chair<br>Councillor Jerry Flegel<br>Councillor Barbara Young<br>David Bale<br>Pam Dmytriw<br>Phil Evans<br>Adrienne Hagen Lyster<br>Simon Kostic<br>Andre Kroeger<br>Laureen Snook<br>Steve Tunison<br>Also in Council Officer, Elaine Gohlke<br>Attendance: Legal Counsel, Cheryl Willoughby<br>Executive Director, City Planning \& Development, Diana Hawryluk<br>Director, Development Services, Louise Folk<br>Director, Planning, Shauna Bzdel<br>Manager, Current Planning, Fred Searle<br>Manager, Development Engineering, Dustin McCall<br>Manager, Infrastructure Planning, Geoff Brown<br>Senior City Planner, Ben Mario<br>Senior City Planner, Jeremy Fenton

## APPROVAL OF PUBLIC AGENDA

Adrienne Hagen Lyster moved, AND IT WAS RESOLVED, that the agenda for this meeting be approved, as submitted, and that the items be heard in the order they are called by the Chairperson.

## ADOPTION OF MINUTES

Councillor Young moved, AND IT WAS RESOLVED, that the minutes for the meeting held on March 1, 2017 be adopted, as circulated.

## ADMINISTRATION REPORTS

RPC17-12 Application for Discretionary Use (16-DU-27) Retail Greater Than 1000M2 in MAC Zone (Costco Wholesale) Parcel F- Aurora Subdivision

## Recommendation

1. That the discretionary use application for proposed retail greater than 1000 square metres in MAC- Major Arterial Commercial Zone located at Parcel F, the Aurora Subdivision be APPROVED, and that a Development Permit be issued subject to the following conditions:
a) The development shall be generally consistent with the plans attached to this report as Appendix A-3.1 to A-3.4 inclusive, prepared by MMM Group and dated
December 16 and 20, 2016 and January 30, 2017.
b) The developer shall provide a landscape strip at the rear of the building to create an interface between commercial development and future residential development to the south, satisfactory to the City and prior to the issuance of a building permit.
c) The development shall comply with all applicable standards and regulations in Regina Zoning Bylaw No. 9250.
2. That this report be forwarded to the April 24, 2017 meeting of City Council for approval.

Steven Gammon, representing MMM Group Limited, and Geoffrey Grice, representing Mulvanny G2 Architecture, addressed the Commission.

## Councillor Flegel moved, AND IT WAS RESOLVED, that the recommendation contained in the report be concurred in, after attaching an additional Appendix of the three concept plan diagrams provided to Commission members.

RPC17-9 Zoning Amendment Application (16-Z-18) - Mainstreet Zone Amendment to Include Dental Laboratory

## Recommendation

1. That the application to amend Regina Zoning Bylaw No. 9250, be APPROVED as specified in Appendix A-2.
2. That the City Solicitor be directed to prepare the necessary bylaw to authorize the respective Regina Zoning Bylaw No. 9250 amendments.
3. That this report be forwarded to the April 24, 2017 meeting of City Council for approval, which will allow sufficient time for advertising of the required public notices for the respective bylaws.

Dale Canham, Knud Potthast and John Tsechelidis, representing K \& J Diamond Dental Lab Ltd., addressed the Commission.

Phil Evans moved, AND IT WAS RESOLVED, that the recommendation contained in the report be concurred in.

RPC17-8 Proposed Coopertown Neighbourhood Plan (13-OCP-06)

## Recommendation

1. That Design Regina: The Official Community Plan Bylaw No. 2013-48 be amended by adding the Coopertown Neighbourhood Plan, which is attached to this report as Appendix E, as Part B.17.
2. That the City Solicitor be directed to prepare the necessary bylaw to amend Design Regina: The Official Community Plan Bylaw No. 2013-48.
3. That this report be forwarded to the April 24, 2017 City Council meeting for approval.

Ian Cantello, City Planner I, made a PowerPoint presentation, a copy of which is on file in the Office of the City Clerk.

Jason Carlston and Trevor Williamson, representing Dream, addressed the Commission.

## Councillor Jerry Flegel moved that the recommendation contained in the report be concurred in.

(Adrienne Hagen Lyster left the meeting.)

## The motion was put and declared CARRIED.

RPC17-10Discretionary Use Application (16-DU-26) - Planned Group of Dwellings (Townhouses) - 5401 Beacon Drive

## Recommendation

1. That the Discretionary Use Application for a proposed Planned Group of Dwellings - Townhouses located at Block D, Plan No. 102170450, in the Harbour Landing subdivision as shown in Appendix A-1 and A-2 be APPROVED, and that a Development Permit be issued subject to the following conditions:
a) The development shall be consistent with the plans attached to this report as Appendix A-3.1 to A-3.12 inclusive, prepared by North Prairie Developments Ltd. and dated December 15, 2016.
b) The development shall comply with all applicable standards and regulations in Regina Zoning Bylaw No. 9250.
2. That this report be forwarded to the April 24, 2017 meeting of City Council for approval.

Laureen Snook moved that the recommendation contained in the report be concurred in.
(Councillor Flegel temporarily left the meeting.)
The motion was put and declared CARRIED.

RPC17-11 Discretionary Use Application (17-DU-01) - Medical Clinic and Retail (Pharmacy) - 6210 and 6212 Dewdney Avenue

## Recommendation

1. That the Discretionary Use Application for a proposed Medical Clinic located at 6210 and 6212 Dewdney Avenue, being Lots 24-25, Block 5, Plan No. AY3193, be APPROVED, and that a Development Permit be issued subject to the following conditions:
a) The development is conditional on a parcel tie of the subject lots being registered on the titles prior to the issuance of a building permit.
b) The development shall be consistent with the plans attached to this report as Appendix A-3.1-A-3.6 prepared by KRN Tolentino Architecture and dated January 26, 2017.
c) The development shall comply with all applicable standards and regulations in Regina Zoning Bylaw No. 9250.
2. That this report be forwarded to the April 24, 2017 meeting of City Council for approval.

Pam Dmytriw moved that the recommendation contained in the report be concurred in. (Councillor Flegel returned to the meeting.)

## The motion was put and declared CARRIED.

## ADJOURNMENT <br> Laureen Snook moved, AND IT WAS RESOLVED, that the meeting adjourn.

The meeting adjourned at 5:43 p.m.

May 3, 2017

To: Members
Regina Planning Commission

Re: Repeal of Municipal Heritage Property Bylaw 2001-18 (17-H-03) Traveller's Building 1833-1843 Broad Street

## RECOMMENDATION

1. That Bylaw 2001-18 to designate the Traveller's Building, located at 1833-1843 Broad Street including the lands legally described as Lots 9, 10, 11 and 12, Block 303, Plan Old No 33 as Municipal Heritage Property be repealed.
2. That the Administration discharge any interest based on the notice of designation that was registered in the Land Titles Registry and notify all property owners of the repeal.
3. That the Administration cause a certified copy of the repeal bylaw to be served on the Registrar of Heritage Property.
4. That the City Solicitor be directed to prepare the necessary bylaw to authorize the required repeal of the heritage designation.
5. That this report be forwarded to the May 29, 2017 City Council meeting for approval.

## CONCLUSION

The Traveller's Building, designated a Municipal Heritage Property on April 9, 2001, was destroyed by fire on March 8, 2017, resulting in the loss of the character defining elements of the building and removing the need for the building to remain a designated Municipal Heritage Property.

This report outlines the Administrative and City Council procedures required to repeal the heritage designation on the property. The Administration will be proceeding with the processing of the owners demolition permit application in advance of City Council's decision on the repeal bylaw due to public health and safety concerns regarding the partially collapsed condition of the building.

## BACKGROUND

Sections 11 and 12 of The Heritage Property Act authorize City Council to enact bylaws to designate real property, including all buildings, features and structures thereon, to be of heritage value.

City Council designated the property known as the Traveller's Building, located at 1833-1843 Broad Street, as Municipal Heritage Property by Bylaw No. 2001-18, which was adopted on April 9, 2001.

Sections 17 and 18 of The Heritage Property Act authorize City Council to enact bylaws to repeal designation of real property. As required by the legislation, the following actions were taken not less than thirty (30) days prior to consideration of the repeal bylaws by City Council:
a. A Notice of Intention to Repeal was served on the owners of said property.
b. A Notice of Intention to Repeal was served on the Registrar of Heritage Property.
c. A Notice of Intention to Repeal was published in one issue of a newspaper with general circulation in the municipality.

No Notice of Objection to the proposed repeal of designation has been served on City Council.
The reasons for the repeal are as follows:
a. The building was substantially destroyed by fire on March 8, 2017.
b. The character defining elements that were designated in the Broad Street façade of the building (symmetry characterized by projected brick pilasters, large display windows on the ground floor and stepped parapets at roof level), have been destroyed.

## DISCUSSION

## Statement of Significance

The Traveller's Building was designated as a municipal heritage property on April 9, 2001.
The building was of heritage value for its association with Mr. George Broder, a prominent businessperson in the early history of Regina, who was responsible for the development of several other commercial buildings in the city. The building was designed by the prominent local architectural firm of Van Egmond and Storey, and was one of the last commercial buildings completed in Regina during the latter half of the 1920s.

The heritage value of the building was embodied in its character - defining elements that reflected the 1920s commercial design of the building including the projected pilasters, the large display windows and the stepped parapet at roof level. These elements of the building were substantially destroyed in the fire and subsequent partial demolition that was undertaken for public safety.

## Demolition

The Traveller's Building was substantially destroyed by fire March 8, 2017. Following the fire event, the perimeter walls of the building remained standing and unsupported. As such, for public health and safety reasons, the Fire and Protective Services Department secured a contractor to demolish and push in the walls to address potential collapse and impact on property and human life.

The fire event and subsequent demolition of perimeter walls resulted in complete loss of the building and destruction of the heritage character defining elements of the building.

## Repeal of Designation Bylaw

Given the current condition of the building, the Administration recommends repeal of Bylaw 2001-18, which designated the Traveller's Building as a Municipal Heritage Property. City Council's approval is required pursuant to Part III, Section 18 of The Heritage Property Act.

## RECOMMENDATION IMPLICATIONS

## Financial Implications

None with respect to this report.

## Environmental Implications

The demolition permit for the remainder of the building will be circulated appropriately to ensure that any environmental concerns are adequately addressed.

## Policy and/or Strategic Implications

Design Regina: The Official Community Plan Bylaw No. 2013-48 (OCP) does not contain specific policies regarding the loss of Municipal Heritage Properties.

Once the site has been cleared, opportunity exists for new development that complies with the following policies in the OCP:

Section D5: Land Use and Built Environment

## Goal 2 - City Centre

7.7.1 Investing in an attractive, safe public realm, including pedestrian-friendly and lively streets, and inviting, versatile multi-season public spaces.
7.7.3 Requiring built form that complements, enhances and accentuates adjacent streets and public spaces.
7.7.4 Supporting the development of a mixed-use environment, with design and density emphasis adjacent to major corridors and public spaces.

## Other Implications

None with respect to this report
Accessibility Implications
None with respect to this report.

## COMMUNICATIONS

Pursuant to subsection 18(3) of The Heritage Property Act, after passing the repealing bylaw, the council shall:
a. Serve the Registrar of Heritage Property with a certified copy of the repealing bylaw.
b. Notify all property owners of the repeal.
c. Discharge any interest based on the notice of designation that was registered in the Land Titles Registry.

## DELEGATED AUTHORITY

City Council's approval is required pursuant to Part III, Section 18 of The Heritage Property Act.


Louise Folk, Director
Development Services

Respectfully submitted,


Diana Hawryluk, Executive Director
City Planning and Development

Report prepared by:
Liberty Brears, Senior City Planner

Appendix A－1


Travellers Building，Lots 9 to 12，



May 3, 2017

To: Members
Regina Planning Commission

Re: Discretionary Use Application (16-DU-24) Planned Group of Dwellings - 2715 Narcisse Drive

## RECOMMENDATION

1. That the Discretionary Use Application for a proposed Planned Group of Dwellings located at Parcel R, Plan No. 102136845 in the Hawkstone subdivision as shown in Appendix A-1 and A-2 be APPROVED, and that a Development Permit be issued subject to the following conditions:
a) The development is contingent on subdivision approval of the subject lots and subsequent title creation.
b) The development shall be consistent with the plans attached to this report as Appendix A-3.1 to A-3.4 inclusive, prepared by North Ridge Development Corporation and dated February 24, 2017.
c) The development shall comply with all applicable standards and regulations in Regina Zoning Bylaw No. 9250.
2. That this report be forwarded to the May 29, 2017 meeting of City Council for approval.

## CONCLUSION

The applicant proposes to subdivide the existing vacant parcel (Parcel R, Plan No. 102136845) and develop a Planned Group of Dwellings consisting of 13 townhouse buildings containing a total of 52 dwelling units in two phases. Phase 1 (Parcel R1) is proposed to have seven townhouse buildings containing 28 dwelling units and Phase 2 (Parcel R2) is proposed to have six townhouse buildings containing 24 dwelling units.

The subject property is currently zoned R5 - Residential Medium Density and located in the Hawkstone subdivision. The proposal complies with the Hawkstone Concept Plan.

The proposal complies with the development standards and regulations contained in Regina Zoning Bylaw No. 9250 (Zoning Bylaw) and is consistent with the policies in Design Regina: The Official Community Plan Bylaw No. 2013-48 (OCP). Accordingly, the Administration recommends approval.

## BACKGROUND

An application has been received for discretionary use approval to accommodate a Planned Group of Dwellings located at 2715 Narcisse Drive. The application is being considered pursuant to the Zoning Bylaw, the OCP and The Planning and Development Act, 2007.

Pursuant to Subsection 56(3) of The Planning and Development Act, 2007, City Council may establish conditions for discretionary uses based on the nature of the proposed development (e.g. site, size, shape and arrangement of buildings) and aspects of site design (e.g. landscaping, site access, parking and loading), but not including the colour, texture or type of materials and architectural details.

There was an approval for a similar Planned Group of Dwellings for this property in 2013 but the proposal was never executed and the development permit approval expired in 2015. This application is for a new proposal and not an extension of the 2013 development permit approval.

## DISCUSSION

The applicant proposes to develop a Planned Group of Dwellings consisting of 13 townhouse buildings containing a total of 52 dwelling units in two development phases. Due to access requirements, the development is contingent on subdivision approval. The plan of proposed subdivision is attached to this report as Appendix A-3.5. At this time Lots R1 and R2 would be developed and constitute the subject property under this application. The remaining lot to the north (Lot R3) will be developed at a later time and subject to a separate development application.

The land use and zoning related details of this proposal are summarized in the following table:

| Land Use Details | Existing | Proposed |
| :--- | :---: | :---: |
| Zoning | R5-Medium Density <br> Residential Zone | R5-Medium Density <br> Residential Zone |
| Land Use | Vacant | Proposed Planned Group of <br> Dwellings (Townhouses) |
| Number of Dwelling Units | Vacant | 52 |
| Building Area | Vacant | $2,845.44 \mathrm{~m}^{2}$ |


| Zoning Analysis | Required | Proposed |
| :--- | :---: | :---: |
| Number of Parking Stalls Required | 52 stalls <br> $(1$ stalls per unit $)$ | 105 stalls |
| Minimum Lot Area $\left(\mathrm{m}^{2}\right)$ | $500 \mathrm{~m}^{2}$ | $11,086.74 \mathrm{~m}^{2}$ |
| Minimum Lot Frontage $(\mathrm{m})$ | $\mathrm{N} / \mathrm{A}$ | 106.77 m |
| Maximum Building Height $(\mathrm{m})$ | 11 m | 8.72 m |
| Maximum Floor Area Ratio | 0.85 | 0.54 |
| Maximum Coverage (\%) | $50 \%$ | $30 \%$ |

As identified in the table, the proposed development contains 105 parking stalls which exceeds the minimum parking standard of one parking stall per unit required by the Zoning Bylaw which is 52 parking stalls.

The residential area will be well served by transit as there is transit service located on McEachern Drive and Rochdale Boulevard. This is a distance of approximately 270 metres to the proposed development which is within the standard of having residences within 400 metres of Transit services for 90 per cent of the population.

The proposal requires screening and buffering, as well as street trees along Narcisse Drive. Interior landscaping and amenity space (five per cent) will also be included on each subject property as per Zoning Bylaw regulations.

Surrounding land uses include vacant land designated for medium density residential development to the north, Albert Street to the east and land subdivided for low density residential development to both the south and west.

The proposed development is consistent with the purpose and intent of the R5-Medium Density Residential Zone with respect to providing for flexibility in building and site design in locations where residential development or redevelopment is desired at medium density. Medium density is in excess of 25 dwelling units per hectare but less than 50 units per hectare. The proposal has a density of 46.85 dwelling units per hectare.

## RECOMMENDATION IMPLICATIONS

## Financial Implications

The subject area will receive a full range of municipal services, including water, sewer and storm drainage. The applicant will be responsible for the cost of any additional or changes to existing infrastructure that may be required to directly or indirectly support the development, in accordance with City standards and applicable legal requirements.

## Environmental Implications

The subject property is located within the Moderate Sensitivity Aquifer Protection Overlay Zone. The proposal is required to comply with the applicable performance regulations that limit the depth of excavation ( 4.5 metres) and not expose the aquifer. Compliance with this standard will be addressed through the building permit review process.

## Policy/Strategic Implications

The proposal is consistent with the policies contained within Part A of the OCP with respect to:

Section D5: Land Use and Built Environment

Goal 1 - Complete Neighbourhoods: Enable the development of complete neighbourhoods
7.1 Require that new neighbourhoods, new mixed-use neighbourhoods, intensification areas and built or approved neighbourhoods are planned and developed to include the following:
7.1.5 A diversity of housing types to support residents from a wide range of economic levels, backgrounds and stages of life, including those with special needs.

Section D6: Housing Supply and Affordability
Goal 1 - Housing Supply and Affordability
8.1 Support attainable housing in all neighbourhoods through ownership, rental housing and specific needs housing.
8.8 Support residential intensification in existing and New Neighbourhoods to create complete neighbourhoods.

The subject property is identified on the Hawkstone Concept Plan attached to this report as Appendix A-3.6. The proposal complies with the Hawkstone Concept Plan which identifies this site for medium density residential development. The proposal will contribute positively to the objective of making Hawkstone a complete community by providing a diversity of housing choice in close proximity to community services and amenities.

## Other Implications

None with respect to this report.

## Accessibility Implications

The Zoning Bylaw requires that two per cent of the required parking stalls be provided for persons with disabilities, which is equivalent to one parking stall. The proposed development provides two parking stalls for persons with disabilities which exceeds the minimum requirements.

## COMMUNICATIONS

Communications with the public is summarized as follows:

| Public notification signage posted on | November 2, 2016 |
| :--- | :---: |
| Letter sent to immediate property owners | November 2, 2016 |
| Public Open House held | N/A |
| Number of public comments sheets received | 5 |

The Administration received five public comment sheets. A more detailed accounting of the respondents' concerns and the Administration's response is provided in Appendix B.

The application was circulated to the Argyle Park Community Association. Following circulation, the Administration attempted follow-up contact with the Community Association but did not receive a response prior to the deadline for submission of this report.

The applicant and interested parties will receive a copy of the report and notification of the meeting to appear as a delegation in addition to receiving written notification of City Council's decision.

## DELEGATED AUTHORITY

City Council's approval is required, pursuant to Part V of The Planning and Development Act, 2007.

Respectfully submitted,


Louise Folk, Director Development Services

Respectfully submitted,


Diana Hawryluk, Executive Director City Planning \& Development




## Appendix A-3.1



## Appendix A-3.2



Appendix A-3.3


## Appendix A-3.4



## Appendix A-3.5



## PLAN OF PROPOSED SUBDIVISION of All of <br> PARCEL R, PLAN No. 102136845 <br> NE1/4 SEC 1, TWP 18, RGE 20, W2 Mer REGINA, SASKATCHEWAN <br> 2017 <br> SCALE = 1: 1000

NOTES:
MEASUREMENTS ARE INMEIRES AND DECIMALS THEREO
SOME MEASUREMENTS ARE APPROXIMATE AND MAY DIFFER FROM THE FINAL PLAN OF SURVEY BY AS MUCH AS $1.0 \%$ AND CONTAINS 1.42 ha $(3.51 \mathrm{ac})$
$\frac{J \text { January } 17,2017}{\text { DATE }}$


OWNER:

101110474 SASKATCHEWAN LTD


Public Consultation Summary - 2715 Narcisse Drive

| Response | Number of Responses | Issues Identified |
| :---: | :---: | :---: |
| Completely opposed | 3 | - Believed the parcel of land was to become park space <br> - Want single detached dwellings <br> - Traffic <br> - Parking |
| Accept if many features were different | 0 |  |
| Accept if one or more features were different | 2 | - Location of garbage bins <br> - Window of proposed unit 111 overlooking neighbouring property <br> - South units too close to south property line |
| I support this proposal | 0 |  |
| Other | 0 |  |

1. Issue: Believed the parcel of land was to become park space

## Administration's Response:

The subject property is identified as medium density residential in the Hawkstone Concept Plan which was approved in 2010 through Bylaw 2010-55. The Concept Plan review included public consultation and a public open house. The intent of the subject property for use as medium density residential development has not changed since the original Concept Plan approval. The subject property was approved for a similar Discretionary Use in 2013 but the development permit approval has expired. Some lot purchasers report that they were advised by builders that the parcel in question was to become a park. The Administration cannot verify whether or not these reports are true. However, the location of future park space within Hawkstone was identified in the approved Concept Plan and reflects the land to be dedicated as park space as subdivision occurs through the area.

## 2. Issue: Want single detached dwellings instead of medium, density residential

## Administration's Response:

This parcel is identified as medium density residential in the Hawkstone Concept Plan. The Hawkstone neighbourhood, as is the case with other development communities in Regina, contains a diversity in housing options and forms to meet the housing needs for all residents and to achieve the OCP objectives of developing complete communities.

## 3. Issue: Parking and Traffic

Administration's Response:
The proposal provides 105 parking stalls which exceeds the minimum parking requirements of the Zoning Bylaw by 53 parking stalls. The Administration has determined that the anticipated increase in traffic generated from this proposal does not warrant any additional vehicular control devices, such as traffic signals. Traffic impacts and the road network design for Hawkstone were assessed at the time of concept plan approval with the range and location of land uses considered at the time.

## 4. Issue: Location of garbage bins

Administration's Response:
The applicant considered moving the garbage bins but indicated that with the proposed location of the required open amenity area that this was not possible. The garbage bins will be screened with a fence as required by the Zoning Bylaw.

## 5. Issue: South units too close to south property line

Administration's Response:
The south units (101-110) exceeds the minimum rear yard setback requirements of five metres in the Zoning Bylaw. The development is proposed to have a rear yard setback of 7.039 metres.

May 3, 2017

To: Members
Regina Planning Commission

Re: Discretionary Use (17-DU-04) Planned Group of Dwellings in R6 Zone Greens on Gardiner Subdivision

## RECOMMENDATION

1. That the Discretionary Use Application for a proposed Planned Group of Dwellings located at proposed Parcel G, Phase 8, Stage 2, (in Part of N.E.1/4 Sec. 11 of Parcel A, Plan No. 101880277, of Part of Parcel D, Reg'd Plan No. 98RA21686, and Part of S.1/2 Sec.11, all in Twp. 17 Rge. 19 W. 2 Mer. Regina, Saskatchewan) Greens on Gardiner Subdivision be APPROVED, and that a Development Permit be issued subject to the following conditions:
a) The development shall be consistent with the plans attached to this report as Appendix A-3.1 and A-3.2 inclusive, prepared by PDSS Property Development Support Services Inc. and dated March 16, 2017.
b) The development shall comply with all applicable standards and regulations in Regina Zoning Bylaw No. 9250, with the exception of parking which shall be allowed to be relaxed by up to $10 \%$, pending approval of the required minor variance application.
c) That no building permit shall be approved before approval and registration of the subject property in Information Services Corporation (ISC), as referenced above.
2. That this report be forwarded to the May 29, 2017 meeting of City Council for approval.

## CONCLUSION

The applicant proposes to develop a total of 176 dwelling units within three separate four storey low-rise apartment buildings. The applicant has requested a Minor Variance to reduce the minimum parking requirements by 9.8 per cent. Administration supports this variation request based on the proposed development's proximity to employment areas and transit route. The Regina Zoning Bylaw No. 9250 (Zoning Bylaw) has a provision that allows for minor variance of up to 10 per cent of required parking requirements. In the case of a discretionary use City Council's authorization is required to enable the Development officer to proceed with proceed with the minor variance application approval.

The subject property is currently zoned R6 - Residential Multiple Housing Zone located within Greens on Gardiner subdivision. The proposal complies with the Greens on Gardiner Concept Plan.

With the minor variance, the proposal complies with the development standards and regulations contained in the Zoning Bylaw and is consistent with the policies in Design Regina: The Official Community Plan Bylaw No. 2013-48 (OCP). Accordingly, the Administration recommends approval.

## BACKGROUND

This application is being considered pursuant to Zoning Bylaw, OCP, and The Planning and Development Act, 2007.

Pursuant to subsection 56(3) of the Act, Council may establish conditions for discretionary uses based on; nature of the proposed (e.g. site, size, shape and arrangement of buildings) and aspects of site design (e.g. landscaping, site access, parking and loading), but not including the colour, texture or type of materials and architectural details.

## DISCUSSION

## Development Proposal and Zoning Details

The applicant proposes to develop 176 dwelling units within three separate four storey low-rise apartment buildings on the subject property. A single storey accessory recreational building is also proposed within the site. Access/egress to the subject property are provided from Green Diamond Road and Green Jewel Boulevard with no vehicular access/egress from Chuka Boulevard.

| Land Use Details | Existing | Proposed |
| :--- | :---: | :---: |
| Zoning | R6- Residential Multiple <br> Housing Zone | R6- Residential Multiple <br> Housing Zone |
| Land Use | Residential | Residential |
| Number of Dwelling Units | 0 | 176 |
| Building Area | $0 \mathrm{~m}^{2}$ | $4410 \mathrm{~m}^{2}$ |


| Zoning Analysis | Required | Proposed |
| :--- | :---: | :---: |
| Number of Parking Stalls Required | 264 stalls | 238 stalls |
| Minimum Lot Area $\left(\mathrm{m}^{2}\right)$ | $500 \mathrm{~m}^{2}$ | $17522.89 \mathrm{~m}^{2}$ |
| Minimum Lot Frontage $(\mathrm{m})$ | 15 m | 90.89 m |
| Maximum Building Height $(\mathrm{m})$ | 20 m | 13.87 m |
| Gross Floor Area | NA | $16983 \mathrm{~m}^{2}$ |
| Maximum Floor Area Ratio | 3 | 0.97 |
| Maximum Coverage $(\%)$ | $50 \%$ | $25.16 \%$ |

Apartment dwelling units in the R6 Zone require 1.5 parking stalls per unit therefore, this development requires 264 parking stalls. In this case, the applicant has requested a Minor Variance of the minimum parking requirement on the basis of its proximity to a district shopping centre to the south across Green Jewel Boulevard, as well as the proximity to a transit route on Chuka Boulevard. There are two transit stops within 200 m radius from the subject property. Transit stop \# 1595 is on intersection of Chuka Boulevard and Green Apple Drive and stop \# 1596 is along Chuka Boulevard nearby the subject property. Applicant has also shared their information based on the experiences from recent developments. As per the information, the development in Harbour Landing (Sky Harbour Estates), only 58 per cent of all secondary stalls are utilized by the tenants where the ratio was reduced to 1:35 pet unit. Similarly, in a recent development by the same applicant on Green Fall Drive, only 44 per cent of all secondary stalls are being utilised currently. Therefore, the applicant has requested for parking stalls variance. Under the provisions of the Zoning Bylaw the Development Officer may provide a variance of up to 10 per cent of the minimum parking standard. As this is a discretionary use, the Administration requires as part of the discretionary use approval Council's authorization to proceed with this process. Considering the subject property is adjacent to an employment area, the Administration agrees with the variation of parking requirement as shown in the attached site plan. The proposal is 26 parking stalls less than required which is less than 10 per cent variance of the minimum required parking.

The proposal complies with the approved Greens on Gardiner Concept Plan which identifies the subject property for HD - High Density Residential Development. An HD development refers to more than 50 units per hectare and the applicant is proposing 100.57 unit per hectare. The subject property is identified on the attached Greens on Gardiner Concept Plan in Appendix A - 3.3.

The proposal requires screening and buffering of the parking lot along Chuka Boulevard and at the intersection of Green Jewel Boulevard and Green Sapphire Street, which will take the form of a one metre screening fence and landscaping. A minimum of five percent of the lot area is dedicated for communal amenity space which meets the standard.

The surrounding land uses are intended for future residential and commercial development. The land south of the subject property is zoned DSC - District Shopping Centre and a park is to be developed east of the subject property.

The proposed development is consistent with the purpose and intent of the R6 - Residential Multiple Housing Zone with respect to encouraging the development of higher density housing along arterial streets.

## RECOMMENDATION IMPLICATIONS

## Financial Implications

The subject area currently receives a full range of municipal services, including water, sewer and storm drainage. The applicant will be responsible for the cost of any additional or changes to existing infrastructure that may be required to directly or indirectly support the development, in accordance with City standards and applicable legal requirements.

## Environmental Implications

None with respect to this report.

## Policy/Strategic Implications

The proposal is consistent with the policies contained within Part A of the OCP with respect to:
Section D5: Land Use and Built Environment

Goal 1 - Complete Neighbourhoods: Enable the development of complete neighbourhoods
7.1 Require that new neighbourhoods, new mixed-use neighbourhoods, intensification areas and built or approved neighbourhoods are planned and developed to include the following:
7.1.5 A diversity of housing types to support residents from a wide range of economic levels, backgrounds and stages of life, including those with special needs.

Section D6: Housing Supply and Affordability
Goal 1 - Housing Supply and Affordability
8.1 Support attainable housing in all neighbourhoods through ownership, rental housing and specific needs housing.
8.8 Support residential intensification in existing and New Neighbourhoods to create complete neighbourhoods.

The Green on Gardiner Concept Plan has identified this area for high density residential development. The area south to it is identified as area for commercial development whereas the area west to it is identified for mixed use development. Areas to the east and north are identified for low and medium density residential development. An area for park is dedicated to the immediate east of the subject property. The proposal is in consonance with the concept plan for development of the area.

## Other Implications

None with respect to this report.

## Accessibility Implications

The Zoning Bylaw requires that two per cent of the required parking stalls be provided for persons with disabilities, which is equivalent to five parking stalls. The proposed development
provides seven parking stalls for persons with disabilities which exceeds the minimum requirements.

The Uniform Building and Accessibility Standards Act requires five per cent of units in new rental buildings to be barrier-free, including accessible washrooms, space in bedrooms and kitchens and balconies. For this proposal, this equates to two barrier-free units in building \#1 \& 3 and one in building \#3, per building. The applicant is required to demonstrate compliance with this at building permit stage.

## COMMUNICATIONS

Communication with the public is summarized below:

| Public notification signage posted on | March 9, 2017 |
| :--- | :---: |
| Letter sent to immediate property owners | March 8, 2017 |
| Public Open House held | N/A |
| Number of public comments sheets Received | 0 |

There were no public comments received on this application.
The application was circulated to the Arcola East Community Association (AECA). Following circulation, the Administration attempted follow up contact with the AECA but did not receive a response prior to the deadline for submission of this report.

The applicant and other interested parties will receive a copy of the report and notification of the meeting to appear as a delegation in addition to receiving a written notification of City Council's decision.

## DELEGATED AUTHORITY

City Council's approval is required, pursuant to Part V of The Planning and Development Act, 2007.

Respectfully submitted,


Louise Folk, Director
Development Services

Respectfully submitted,


Diana Hawryluk, Executive Director City Planning \& Development




## LEGEND

## 1) LAND USE \& AREAS

|  | LOW DENSITY | 64.10 ha | 36.15 \% |
| :---: | :---: | :---: | :---: |
|  | MEDIUM DENSITY | 11.89 ha | 6.71 \% |
| L/1/入 | LIVE/WORK OR MEDIUM DENSITY | 0.55 ha | 0.31 \% |
|  | HIGH DENSITY | 10.47 ha | 5.90 \% |
| Q1/7 | MEDIUM OR HIGH DENSITY | 2.89 ha | 1.63 \% |
|  | MIXED USE | 8.19 ha | 4.62 \% |
|  | MIXED-USE AND/OR COMMERCIAL | 8.56 ha | 4.83 \% |
|  | MUNICIPAL RESERVE (MR) | 15.28 ha | 8.62 \% |
|  | ROADS | 38.26 ha | 21.58 \% |
| OTHER |  |  |  |
|  | FLOODWAY / ENVIRONMENTAL RESERVE (ER) | 7.88 ha | 4.44 \% |
|  | FLOOD FRINGE / ENVIRONMENTAL RESERVE (ER) | 4.46 ha | 2.52 \% |
|  | MUNICIPAL UTILITY (MU) | 1.28 ha | 0.72 \% |
|  | SASKTEL | 0.17 ha | 0.10 \% |
|  | CHURCH | 3.32 ha | 1.87 \% |
| TOTAL | AREA | 177.30 ha | 100 \% |



## 2) INFRASTRUCTURE

## $\square$ ARTERIAL ROAD

$\square$ COLLECTOR ROAD
$\square$ LOCAL ROAD
WALKWAY
$\square$ POTENTIAL STORM POND

- CREEK CENTERLINE
--=-= PATHWAY
$\rightarrow$ POTENTIAL FUTURE PATHWAY EXTENSIONS

May 3, 2017

To: Members
Regina Planning Commission

Re: Zoning Bylaw Amendment (17-Z-02) Concept Plan Amendment Application (17-CP-02) Capital Crossing - 1201 N Pasqua Street

## RECOMMENDATION

1. That the application to amend the Capital Crossing area within the Hawkstone Concept Plan be APPROVED and the amended plan as depicted in Appendix A-3.1 of this report be adopted.
2. That Regina Zoning Bylaw No. 9250 be amended by rezoning lands within the Hawkstone Concept Plan, depicted in Appendix A-3.3, as follows:
a. Block 9 from UH - Urban Holding to MAC - Major Arterial Commercial
b. Block 10 from UH - Urban Holding to MS - Mainstreet
c. Block 3 addition from Urban Holding to MS - Mainstreet
d. Part of Block 6 from MAC - Major Arterial Commercial to PS - Public Service (MU2)
e. Part of Block 4 from PS - Public Service to MS - Mainstreet
f. MU1 (formally part of Block 3) from MS - Mainstreet to PS - Public Service
g. Part of MR1 (formally part of Block 3) from MS - Mainstreet to PS - Public Service
3. That the City Solicitor be directed to prepare the necessary bylaw to authorize the respective Zoning Bylaw amendment.
4. That this report be forwarded to the May 29, 2017 meeting of City Council for approval, which will allow sufficient time for advertising of the required public notices for the respective bylaws.

## CONCLUSION

The applicant proposes minor amendments to a portion of the Hawkstone Concept Plan to include the lands immediately south of Big Bear Boulevard into the development area known as Capital Crossing. The proposal is compatible with existing development and uses within the Hawkstone Concept Plan area. The proposed Zoning Bylaw Amendments will accommodate future mixed use and commercial development, which will be dependent upon separate development permit approvals in accordance with the Regina Zoning Bylaw No. 9250 (Zoning Bylaw).

The proposal complies with the development standards and regulations contained in Zoning Bylaw and is consistent with the policies in Design Regina: The Official Community Plan Bylaw No. 2013-48 (OCP). Accordingly, the Administration recommends approval.

## BACKGROUND

Concept Plan and Zoning Bylaw Amendment applications have been received to amend land use designations for lands within the Capital Crossing area of the Hawkstone Concept Plan. Concept Plan and Zoning Bylaw amendments are required to accommodate mixed use and commercial development on lands adjacent to proposed Big Bear Boulevard extension as shown in Appendix A-3.1 (Concept Plan).

The Hawkstone Concept Plan was originally approved by City Council on November 8, 2010, and most recently amended May 25, 2015. Zoning Amendments for lands within the Capital Crossing area were approved by City Council on May 25, 2015, and the associated subdivision was approved by the City of Regina on March 3, 2016; however, property titles were never raised. The majority of the land use designations (established through the existing Concept Plan and existing Zoning designations) and parcels permitted through previous subdivision approvals will not be subject to any changes. The current applications are to allow for the addition of lands to the Capital Crossing development area as a result of the extension of Big Bear Boulevard, and to accommodate minor changes related to dedicated lands and municipal utility parcels.

This application is being considered pursuant to the Zoning Bylaw, OCP and The Planning and Development Act, 2007.

The related subdivision application is being considered concurrently in accordance with Bylaw No. 2003-3, The Subdivision Amendment Bylaw, 2003, by which subdivision approval authority has been delegated to the Administration. A copy of the plan of proposed subdivision is attached for reference purposes only, see Appendix A-3.5.

## DISCUSSION

## Location

Concept Plan and Zoning Bylaw Amendments are proposed to the Capital Crossing development area within the Hawkstone Concept Plan. The Capital Crossing development area is located in Northwest Regina, east of Pasqua Street. Argyle Street will be extended from the Argyle Park neighbourhood into the Capital Crossing development area and intersect with both Rochdale Boulevard and the proposed Big Bear Boulevard extension. The changes proposed in this application are focussed in the north portion of the Capital Crossing development area and an additional 4.08 ha ( 10.1 acres) of land will be developed.

Surrounding land uses are commercial to the east (WalMart, Sobeys and Capital Auto Mall; lowdensity residential to the south (Argyle Park Neighbourhood); high-density residential immediately to the west (within the Hawkstone Neighbourhood) and vacant land to the north (City owned land within the Urban Holding Zone).

## Concept Plan Amendments

The existing approved Concept Plan is shown in Appendix A-3.2. The proposed Concept Plan is shown in Appendix A-3.1. A summary of the proposed amendments to the Capital Crossing development within the Hawkstone Concept Plan is as follows:
a) Amend proposed Block 10 and the extension of Block 3 (to the north) from medium density residential to mixed use development to accommodate a mix of residential and commercial uses allowed within the associated mixed use zones.
b) Amend proposed Block 9 from medium density residential to commercial to accommodate commercial uses allowed with the associated commercial zones.
c) Remove a portion of Cornerstone Boulevard (right of way) which was proposed east of Argyle Street and replace the right of way with a re-aligned mixed use development area (Block 4), re-aligned dedicated lands parcel (MR1) and municipal utility parcel (MU1).
d) Cornerstone Boulevard is proposed to be renamed Duke Avenue.
e) Remove a portion of Block 6 from the developable area to use as a municipal utility parcel.

There are no changes proposed to the balance of the Hawkstone Concept Plan.

## Zoning Bylaw Amendments

The existing approved Zoning is shown in Appendix A-3.4 and the proposed Zoning is shown in Appendix A-3.3. A summary of the proposed Zoning Bylaw amendments in the Capital Crossing development within the Hawkstone Concept Plan is as follows:

| Capital Crossing - Zoning Amendment Summary |  |  |
| :--- | :--- | :--- |
| Land Description | Current Zone | Proposed Zone |
| Block 3 | UH - Urban Holding/MS - <br> Main Street | MS - Main Street |
| Block 4 | MS - Main Street/PS - Public <br> Service | MS - Main Street |
| Block 9 | UH - Urban Holding | MAC - Major Arterial <br> Commercial |
| Block 10 | UH - Urban Holding | MS - Main Street |

Detailed plans for these land use area will be the subject of future development applications that will be considered on an individual site by site basis.

## Access and Connectivity

The extension of Big Bear Boulevard will increase access and connectivity within the Hawkstone Neighbourhood and provide alternative transportation routes for residents and the general public. Transit routing has been defined within the Capital Crossing development area as well as the broader Hawkstone concept plan area.

## RECOMMENDATION IMPLICATIONS

## Financial Implications

Capital funding to provide municipal infrastructure that is required for subdivision and development in the concept plan area will be in accordance with cost-sharing agreement between the developer and the City (approved in 2016 through FA16-33), which outlines costs shared related to infrastructure required on Big Bear Boulevard and Argyle Street. The capital funding to provide municipal infrastructure that is required for remainder of the subdivision and development in the concept plan area will be the sole responsibility of the developer. The municipal infrastructure that is built will become the City's responsibility to operate and maintain through future budgets. Utility charges are applied to the costs of water, sewer and storm drainage services.

## Environmental Implications

The subject property is located within the Moderate Sensitivity Aquifer Protection Overlay Zone. The proposal is required to comply with the applicable performance standards.

Any commercial developments in this location will require that underground storage tanks (for gas stations, for example) to be installed with leak mitigation and monitoring devices; above ground tanks will require secondary containment; pile depths will be limited to 4.5 metres; and drilled holes must be properly sealed. With respect to residential developments, pile depths will generally be limited to 4.5 metres and private sewage facilities will be limited only to holding tanks.

## Policy/Strategic Implications

The proposal is consistent with the policies contained within Part A of the OCP with respect to:

## Section D5: Land Use and Built Environment

Goal 1 - Complete Neighbourhoods
7.1 Require that new neighbourhoods, new mixed-use neighbourhoods, intensification areas and built or approved neighbourhoods are planned and developed to include the following:
7.1.4 Opportunities for daily lifestyle needs, such as services, convenience shopping, and recreation.
7.1.5 A diversity of housing types to support residents from a wide range of economic levels, backgrounds and stages of life, including those with specific needs.
7.1.6 Specialized open space, such as squares, civic centres, and parks, which are optimally located and designed.
7.1.7 Streets, pedestrian paths and bike paths that contribute to a network of fully connected, safe and accessible routes to all destinations.
7.1.10 Convenient access to areas of employment.

## Goal 4 - Employment Areas

7.16 Encourage local commercial within residential areas.

The subject property is identified on the Hawkstone Concept Plan attached to this report as Appendix A-3.6. The proposal complies with the Hawkstone Concept Plan. The Capital Crossing development area will provide for a variety of commercial amenities and employment opportunities that are accessible to serve residents of Hawkstone and Argyle Park neighbourhoods. It also provides opportunity for mixed use development that combines commercial and residential uses together to create a complete community.

## Other Implications

None with respect to this report.

## Accessibility Implications

None with respect to this report.

## COMMUNICATIONS

Communication with the public is summarized below:

| Public notification signage posted on: | January 30, 2017 |
| :--- | :--- |
| Will be published in the Leader Post on: | May 13, 2017 May 20, 2017 |
| Letter sent to immediate property owners | January 26, 2017 |
| Number of Public Comments Sheets Received | 4 |

There were four public comments received on this application. A more detailed accounting of the respondent's comments and the Administration's response is provided in Appendix B.

The application was circulated to the Argyle Park Englewood Community Association. The Administration attempted follow up contact with the Community Association following circulation of the proposal but was not able to obtain comments prior to the deadline for submission of this report.

The applicant and other interested parties will receive a copy of the report and notification of the meeting to appear as a delegation in addition to receiving a written notification of City Council's decision.

## DELEGATED AUTHORITY

City Council's approval is required, pursuant to Part V of The Planning and Development Act, 2007.

Respectfully submitted,


Louise Folk, Director Development Services

Respectfully submitted,


Diana Hawryluk, Executive Director City Planning \& Development



## Appendix A-3.1 <br> Proposed Concept Plan



Revised JANUARY 10, 2017
reliminary Concept
subject to Change

CAPITAL CROSSING
Regina, Saskatchewan
5

Client/Project
Capital Crossing Advisors Ltd.
${ }^{\text {rille }}$ Concept Plan - Land Use

Appendix A-3.2
Existing Concept Plan


## CUSHING <br> TERRELL

Revised January 19, 2015
Preliminary Concept
Subject to Change

## CAPITAL CROSSING <br> Regina, Saskatchewan

Client/Project
Cornerstone Holdings Ltd
Exhibit No
${ }^{\text {Title }}$ Concept Plan - Land Use

## Appendix A-3.3

Proposed Zoning


## CUSHING

Revised January 10, 2017
Preliminary Concept
Subject to Change

## CAPITAL CROSSING

Regina, Saskatchewan
${ }^{\text {Title }}$ Proposed Zoning

## Appendix A-3.4

Existing Zoning


## CUSHING <br> CTERRELL

Revised January 19, 2015
Preliminary Concept
Subject to Change

## CAPITAL CROSSING

Regina, Saskatchewan
$1200 \mathrm{MmP}^{\circ}$

Client/Project
Cornerstone Holdings Ltd.


Appendix B
Public Consultation Summary

| Response | Number of <br> Responses | Issues Identified |
| :--- | :---: | :--- |
| Completely <br> opposed |  |  |
| Accept if many <br> features were <br> different | 3 | • Increased traffic along Argyle Street <br> $\bullet$ <br> • Types of uses proposed |
| Accept if one or <br> two features were <br> different | 1 | •Snow fence should be installed along south boundary <br> or project area (Parcel B\&C and MU 2) to protect <br> residential properties. |
| I support this <br> proposal |  |  |

## 1. Issue

- Less commercial uses should be considered for the area and would like to see the addition of public recreational facility (i.e. swimming pool) on reserve property.
- There are no more large commercial business wanted or needed in this area. The community wants more friendly small stores and restaurants (non-franchise type)


## Applicant's Response:

South of Rochdale Blvd., the Municipal Reserve land (MR2) is a dedicated 3.0 acre park carefully planned for the benefit of local area residents, including a basketball court, children's play structure, along with a large playing field suitable for children's soccer, football, baseball activities etc. Additionally there will be walking paths, park benches, and a comprehensive landscaping plan.

North of Rochdale Blvd, the Municipal Utility \& Reserve land (MU1 \& MR1) is a 2.3 acre parkland containing landscaping, walking paths, park benches, and playing field(s). The MR1 lands are designed to be a walking/biking path linking the existing Hawkstone walking/biking path to Argyle Street.

Consequently, within the development there will be 5.3 acres of park land benefitting local area residents, plus the 3.2 acres of municipal utility land running along the south border of the development parallel to the pipeline corridor lands.

The City of Regina, through the Official Community Plan (OCP) has designated this area to have commercial uses, such that the local area residents shall have access to stores and commercial spaces consistent with residents in East and South Regina.

## Administration's Response:

When the Hawkstone Concept Plan was adopted, the Capital Crossing development area was planned to be a predominantly commercial-oriented area. Sufficient green space was provided in fulfillment of municipal reserve requirements for the Hawkstone neighbourhood.

The commercial uses within the Capital Crossing development area will provide amenities and services in close proximity to residents and existing neighbourhoods to create a complete community with an array of services, amenities and open spaces.

The expansion of MS - Mainstreet Zone and MAC - Major Arterial Commercial Zone within the area, subject to approval, endorses mixed commercial and residential uses within the Capital Crossing development area.

## 2. Issue

- Increase in traffic along Argyle Street will be directed through two school zones. There should be lights installed at the intersection of Argyle Street and Sangster Boulevard.
- There should also be a fence installed along Argyle Street to protect the existing residents.


## Applicant's Response:

Traffic lights are scheduled to be installed by the City of Regina at the Argyle Street and Sangster Boulevard intersection in 2017.

The Developer is not responsible for the City work south of the pipeline corridor and has no opinion regarding fencing, other than regarding safety fencing during the completion of the road work construction and adjacent landscaping.

## Administration's Response:

Argyle Street is an arterial road that will not generate noise levels that would warrant a fence or noise attenuation barrier. Noise attenuation fences are installed when noise level reach 65 dBA or higher. Generally, this would only be for properties abutting major highways and expressways (Ring Rd, Lewvan Dr, etc.). Argyle Street is a 50 kph road and therefore would not meet this requirement.

All boulevard spaces will be landscaped with designs that are consistent with arterial landscape standards.

## 3. Issue

- Access to Albert Street should have been considered in the overall design of the neighbourhood.

Applicant's Response: Initiative is beyond the scope of this development.
Administration's Response: The application was reviewed and assessed in accordance with the approved Concept Plan which does not contemplate the extension of Rochdale Boulevard to Albert Street. Therefore this issue is beyond the scope of this development proposal and was not considered as part of the development review.

## 4. Issue

- Pedestrian network (bike/hiking trails and lanes) should connect along the utility area (proposed Parcel C) and north on Argyle Street and east to Albert Street along the pipeline corridor.

Applicant's Response:
The pedestrian network (walking/biking) has been carefully considered in Capital Crossing. Argyle Street has been designed to a pathway standard, with the lighted concrete sidewalk being a full 2.4 metres wide ( 8 feet). Additionally, on the east side of Argyle Street, approximately $40 \%$ of the sidewalk pathway will border park space, enhancing the major north-south route through the development from a pedestrian perspective.

The developer has no say in how the pipeline corridor lands are improved.

## Administration's Response:

Parcel C is within the PS - Public Service Zone and pipeline utilities run throughout the property. Any development, including pedestrian networks, are required to be constructed to the satisfaction of and in consultation with the pipeline companies who would evaluate proposals on a case by case basis.

May 3, 2017

To: Members
Regina Planning Commission

Re: Application for Contract Zoning (16-CZ-11) 2 Fourplex Buildings - 2022 and 2024 Toronto Street

## RECOMMENDATION

1. That the application to amend Regina Zoning Bylaw No. 9250 to rezone 2022 and 2024 Toronto Street, being Lots 11 and 12, Block 359, Old 33 from R3 - Residential Older Neighbourhood Zone to C - Contract be DENIED.
2. That this report be forwarded to the May 29, 2017 meeting of City Council.

## CONCLUSION

The applicant seeks rezoning to legalize the unauthorized conversion of the building on each of the subject properties to apartment buildings. The current zone only allows for a maximum of two units to be placed on a lot. The building at 2022 Toronto Street, authorized to contain two dwelling units, currently contains six dwelling units. The building at 2024 Toronto, authorized to contain a single detached dwelling unit, currently contains five dwelling units. The applicant proposes to reduce the total number of dwelling units on the site from 11 to eight through the contract zone approval application.

The Administration recommends denial for several reasons:

- The contract zone is incorrectly being used to legalize otherwise illegal development.
- On its own merits the resulting development fails to meet development standards in the Regina Zoning Bylaw No. 9250 (Zoning Bylaw).
- The proposal does not represent a positive contribution to intensification objectives outlined in Design Regina: The Official Community Plan Bylaw No. 2013-48 (OCP).
- The best solution to address non-conformities on the site is to return the buildings to one or two-unit buildings which is how they were originally approved. Administration is currently pursuing this through bylaw enforcement.

Accordingly, the Administration recommends denial.

## BACKGROUND

An application has been received for contract zoning to legally accommodate a four plex building at each of the following locations: 2022 and 2024 Toronto Street.

## 2022 Toronto Street:

- Egware Homes Inc. became the owner of the property in August 2011. In December 2011, Egware Homes Inc. obtained a joint building/development permit from the City of

Regina authorizing construction of a new front to back semi-detached dwelling containing two dwelling units.

- Construction on that dwelling was completed in late 2012. The City issued an Occupancy Permit on December 10, 2012.
- On January 23, 2013, the City received a call from a real estate appraiser who indicated the property was a "sixplex". The City investigated and confirmed the two-dwelling unit building had been converted, without a building permit or development approval, into a six unit apartment building.
- Early in 2013 the City initiated enforcement action against Egware Homes Inc. with respect to the illegal land use (the six units exceed the maximum allowable two units in an R3 - Residential Older Neighbourhood Zone). Egware Homes Inc. has been charged with a contravention of The Planning and Development Act, 2007 in relation to the illegal land use. Trial on that charge commenced on September 29, 2016 and is scheduled to continue on May 8, 2017.
- The renovations that have been conducted at the property may not comply with the requirements of the National Building Code of Canada.


## 2024 Toronto Street:

- Egware Homes Inc. became the owner of the property in October, 2013. At that time, there was a permitted single family dwelling on the property.
- On October 1, 2014 a City building inspector identified that construction was underway at the property without a building permit having first been obtained. The project was to convert the single family dwelling to a five unit apartment building.
- On April 29, 2015, Egware Homes Inc. was convicted of building without a permit and failing to comply with an order of a building inspector in relation to the renovation of the property into separate dwelling units. A Court Order was issued to Egware Homes Inc. to either obtain the required permit and comply with the terms of the permit or restore the property by November 23, 2015.
- Egware Homes Inc. did not comply with the Court Order.
- Egware Homes Inc. has been charged with a contravention of The Planning and Development Act, 2007 in relation to the illegal land use (the five units exceed the maximum allowable two units in an R3- Residential Older Neighbourhood Zone) and a contravention of The Uniform Building and Accessibility Standards Act in relation to the failure to comply with the Court Order of May 8, 2015. Trial on those charges commenced on September 29, 2016 and is scheduled to continue on April 19, 2017.
- The renovations that have been conducted at the property to convert the building to a five unit apartment building do not comply with the requirements of the National Building Code of Canada, 2010.

This application is being considered pursuant to Regina Zoning Bylaw No. 9250, Design Regina: The Official Community Plan Bylaw No. 2013-48 and The Planning and Development Act, 2007.

The related subdivision application is being considered concurrently in accordance with Bylaw No. 2003-3, by which subdivision approval authority has been delegated to the Administration. A copy of the plan of proposed subdivision is attached for reference purposes only.

## DISCUSSION

## Zoning and Land Use Details

The property at 2022 Toronto Street currently has six residential dwelling units within the existing building and the property at 2024 Toronto Street currently has five residential dwelling units, which would classify these buildings as apartments. The properties are currently not operating in compliance with the Zoning Bylaw.

The properties are currently zoned R3- Residential Older Neighbourhood Zone, in which an Apartment, Fourplex, or Triplex building is not permitted. The R3 zone limits development to two-unit buildings. In assessing the options, the Administration determined that changing the zoning to increase the allowable density by allowing an Apartment, Fourplex, or Triplex building would be subject to the same policy and regulations and none of these development options would be compliant with the Zoning Bylaw based on minimum lot area, lot frontage and minimum parking standards. This is outlined in the Table below.

The applicant is requesting a single contract zone approval for each building to accommodate four units (four plex) and for both sites to function as one. Modifications to the buildings would be made to reduce the number of dwelling units from a total of 11 to eight, should the contract zone be approved. A contract zone is the only regulatory tool that may be used to legalize the existing buildings that would otherwise not conform to the standards of any conventional zone.

The surrounding land uses are residential to the north, south and west. Thompson School is to the east side of Toronto Street.

## 2022 Toronto Street

The building at 2022 Toronto Street was approved in 2012 as a semi-detached building. As per the Zoning Bylaw the upgrade in classification from a semi-detached dwelling to a four plex (or Triplex) changes the development standards that would be applied to the building. As shown in the table below the property is essentially half the required size to accommodate a four plex if zoned appropriately (as R4A- Residential Infill Housing Zone) to accommodate this development.

| Zoning Analysis | $\underline{\text { Required }}$ <br> $\frac{(\text { As Triplex, }}{}$ <br> $\frac{\text { Fourplex if }}{}$ <br> $\underline{\text { Zoned R4A) }}$ | Existing | Remarks |
| :--- | :---: | :---: | :---: |
| Minimum Lot Area $\left(\mathrm{m}^{2}\right)$ | $500 \mathrm{~m}^{2}$ per lot | $290.31 \mathrm{~m}^{2}$ | Does not comply |
| Minimum Lot Frontage $(\mathrm{m})$ | 15 m per lot | 7.62 m | Does not comply |

The approval of a contract zone is the only mechanism that would allow the building to legally exist, regardless of deficiencies that would exist if zoned conventionally as R4A.

## 2024 Toronto Street

According to the City's assessment records the building at 2024 Toronto Street was originally constructed as a single detached building in 1928. As such, if the building were reconstructed to accommodate multiple dwellings, it would be considered to be a "converted dwelling." The Zoning Bylaw defines a converted dwelling as "an existing building originally constructed as a detached dwelling unit, which may be used for more than one dwelling unit. A converted dwelling is not permitted in the R3 - Residential Older Neighbourhood Zone.

The property would need to be rezoned to R4A - Residential Infill Housing Zone to accommodate the use as a discretionary use. The building could be accommodated under this zone and land use classification and meet all standards with exception to parking. The Zoning Bylaw also requires one parking stall per dwelling. The property would only physically accommodate three stalls accessed from the lane.

Since the property does not meet all standards, a contract zone would be necessary to approve the development as proposed regardless of deficiencies if zoned conventionally as R4A.

## Parking Analysis

Parking does not meet standard requirements, so exceptions would need to be provided to accommodate the proposed parking arrangement. The development would normally require one stall per dwelling, or eight in total. As a multi-unit development the parking areas would normally be required to be paved with a dust-free, hard surface and properly accommodate storm water requirements. Currently, there is parking surfaced with gravel at the rear of the properties and the front yard of 2022 Toronto Street. The Applicant's plans show that that eight stalls would be provided and would be suitably paved. Front yard parking is not permitted under any circumstances and it appears that there is insufficient space in the front of 2022 Toronto Street to adequately accommodate two parking stalls within the property. One stall would encroach onto the right-of-way. Also, these stalls are of insufficient length and do not comply with the Zoning Bylaw. It appears the most parking the properties could legally and physically accommodate on the site is six with three at the rear of each property.

## Contract Zone Analysis

Pursuant to the OCP a contract zone may be applied at City Council's discretion, with the provision that the proposed development:

- Conforms to the general intent of this plan or any applicable concept plan.
- Represents a unique and/or positive development opportunity.
- Is compatible with existing adjacent development and, where applicable, contributes beneficially to the public realm.

The Zoning Bylaw also provides guidance for application of contract zones, requiring that a contract zone be designated only on:

- Small or irregularly shaped lots.
- Lots restricted by physical barriers such as water courses, slopes, roadways, railways.
- Infill sites in higher density or mixed use areas.
- Sites accommodating unique development opportunities.

While a contract zone is technically an option to legalize the existing development with the proposed changes, the Administration recommends against use of the contract zone to deal with illegal land use offenses. In practice contract zones have been applied to proposed infill residential developments and in some cases included relaxations to development standards, which are usually minor in nature, are justified based on the development being proposed, or seen as a positive benefit to the community. For example, Council has approved parking relaxations for low-income housing, or allowed for additional height and density of proposed residential development that otherwise complies with regulations and demonstrates strong public benefit by responding to certain goals and policies in the OCP. In the Administration's opinion there is little to justify the proposed rezoning and use of contract zone

## RECOMMENDATION IMPLICATIONS

## Financial Implications

The subject area currently receives a full range of municipal services, including water, sewer and storm drainage. The applicant will be responsible for the cost of any additional or changes to existing infrastructure that may be required to directly or indirectly support the development, in accordance with City standards and applicable legal requirements. Technical comments will be provided to the applicant with respect to potential servicing issues.

## Environmental Implications

None with respect to this report.

## Policy/Strategic Implications

The proposal relates to the policies contained within Part A of Design Regina: The Official Community Plan Bylaw No. 2013-48 with respect to:

Section C: Growth Plan
Goal 3 - Intensification: Enhance the city's urban form through intensification and redevelopment of existing built up areas.
2.7 Direct future higher density intensification to the City Centre, existing urban centres and corridors and adjacent intensification areas where an adequate level of service and appropriate land use can be provided.

The OCP shows the subject property is located within an intensification area, the goal of which is to increase residential intensity in existing built areas to meet growth plan targets and enhance neighbourhoods. The OCP directs the preparation of an intensification strategy to determine how best to implement this policy. Currently, the intensification area is shown conceptually as the neighbourhoods abutting Victoria Avenue. The eventual intensification strategy may or may not recommend the conversion of existing buildings into multiple unit dwellings. Until this strategy is developed the City will continue to evaluate proposed development on its own merits based on existing regulatory tools and policies, and from the input of stakeholders. The Administration suggests that development of illegal suites without proper permitting and zoning is not a positive contribution to intensification goals.

The proposal is also not consistent with the policies contained in Part B. 8 - Core Area Neighbourhood Plan of the OCP with respect to:

Map 2, which identifies this block for low density residential. The proposal would be medium to high density and would therefore not comply with this policy.

## Other Implications (Building Standards and Residential Tenancies)

The developer will be required to apply for necessary building permits to accommodate agreed upon changes to the building(s) and sites to meet National Building Code of Canada, 2010 (NBC) and other typical development standards. Currently the buildings contain five and six units, respectively, but do not meet NBC for multi-unit buildings as they were not permitted as such. If Council approves the contract zone, the applicant would still be responsible for bringing the buildings up to code and obtaining an occupancy permit for the units.

The work required to retrofit these buildings to meet NBC is likely to be significant. The construction will need to meet all applicable requirements for a residential use under Part 9 of the building code. It will involve addressing the heating, ventilation and air conditioning systems, and plumbing requirements for each unit separately; providing for one hour fire rated continuous separation between units (including in floor and attic spaces) while not compromising the
structural integrity; meeting the sound transmission rating requirements between units; ensuring smoke carbon monoxide detectors are provided as per current code; ensuring minimum bedroom egress is achieved (window size and window well requirements); addressing shared egress concerns dependant on the design of units; and addressing soffit fire protection required.

With respect to existing tenants, it should be noted that tenants may be required to vacate regardless of Council's decision. If approved, tenants may be required to move depending on the extent of changes required to bring the units into compliance with NBC. If not approved by Council and the court decision is in the City's favour, the use of property will be confirmed illegal and some tenants would be required to vacate as a result. Should tenants be required vacate, provisions of The Residential Tenancies Act, 2006 would apply. The landlord would be required to serve proper notice no less than one month before the tenancy ends.

## Accessibility Implications

None with respect to this report.

## COMMUNICATIONS

Communication with the public is summarized below:

| Public notification signage posted on: | February 2, 2017 |
| :--- | :---: |
| Will be published in the Leader Post on: | April 8 and 15, 2017 |
| Letter sent to immediate property owners | January 20, 2017 |
| Public Open House Held | N/A |
| Number of Public Comments Sheets Received | 2 |

There were two public comments received on this application. A more detailed accounting of the respondent's comments and the Administration's response is provided in Appendix B.

The Heritage Community Association commented as follows:
"The Heritage Community Association is supportive of higher density rental property in the Heritage Neighbourhood, and believe that such development is in line with Regina's Official Community Plan. However, in regards to Contract Zone Application 16-CZ-11, we are concerned that the developers did not go through the proper channels of having the property re-zoned and consulting with the community prior to construction. We welcome affordable housing in our community that is safe and legal for our residents."

The applicant and other interested parties will receive a copy of the report and notification of the meeting to appear as a delegation in addition to receiving a written notification of City Council's decision.

## DELEGATED AUTHORITY

City Council's approval is required, pursuant to Part V of The Planning and Development Act, 2007.

Respectfully submitted,


Louise Folk, Director
Development Services

Respectfully submitted,


Diana Hawryluk, Executive Director City Planning \& Development
















$\bigcirc$ CROSS SECTION: THRU EXISTING ADDITION


Public Consultation Summary

| Response | Number of <br> Responses | Issues Identified |
| :--- | :---: | :--- |
| Completely <br> opposed | 1 | Builder should follow the Zoning rules. Rezoning should <br> not be given. |
| Accept if many <br> features were <br> different | 0 |  |
| Accept if one or <br> two features were <br> different | 0 |  |
| I support this <br> proposal | 1 | $\bullet$ No comment |

## 1. Issue: Builder should follow the zoning rules.

## Administration's Response:

The Administration agrees and will use its powers of enforcement should the application not be approved. However, it is the prerogative of Council to approve or deny the proposal based on established policy and other circumstances.

