

April 10, 2019

To: Members
Regina Planning Commission

Re: Amendment to Design Regina: The Official Community Plan Bylaw No. 2013-48

RECOMMENDATION

1. That an amendment to *Design Regina: The Official Community Plan Bylaw No. 2013-48*, by adding Policy 14.20E, attached as Appendix A of this report, be approved.
2. That the City Solicitor be directed to prepare the necessary bylaw to authorize the respective amendment.
3. That this report be forwarded to the April 29, 2019 meeting of City Council for approval, to allow sufficient time for advertising of the required public notice for the respective bylaw.

CONCLUSION

The intent of the proposed amendment to *Design Regina: The Official Community Plan Bylaw No. 2013-48* (OCP) addressed through this report is to establish an exemption to the OCP phasing policy that would accommodate development exceptions where it is demonstrated that the criteria of the proposed policy is met. This proposed amendment would allow opportunity to accommodate unique and beneficial developments to the community that are located on future development phases, which are contiguous to built-out neighbourhoods or neighbourhoods that are in the process of being developed.

The consideration of this policy amendment to the OCP was triggered by a specific development request for a recreation sports facility. The applicant, The Sports Compound (TSC), supported by the current land owner Long Lake Investment proposes to amend the OCP phasing policy to allow the development of a sport and recreation facility within a site located in the Southeast Regina Neighbourhood Plan (SENP). Although triggered by a specific development proposal, the proposed policy amendment could accommodate other development proposals that meet the criteria set forth in the proposed policy. Administration recommends the proposed amendment because it will allow merit-based development, except residential/commercial, to proceed to achieve OCP Goal 2 – Access to Recreation Programs and Services, along with OCP Goal 1 – Economic Vitality and Competitiveness. Industrial development may already proceed on a case by case basis in accordance with OCP Policy 7.20. Accordingly, Administration recommends approval.

BACKGROUND

An application has been received to amend the OCP. The City of Regina (City) is currently undertaking a five-year review of OCP Part A – Citywide Plan; however, TSC has indicated that they would like to continue with the amendment to the section of the OCP Part A, prior to the five-year review completion.

This is a development driven application and will help create opportunities for sports and recreation opportunities in the region that other facilities may not be able to provide, in addition to achieving community vibrancy and cohesiveness.

DISCUSSION

The intent of the proposed amendment to the OCP is to establish an exemption to the OCP phasing policy and accommodate exception where it is demonstrated that the criteria of the proposed policy is met.

The development proposal which triggered this proposed amendment (Appendix C) is intended to accommodate a privately owned and operated athletic/sports facility consisting of a large indoor artificial turf that can be used for a variety of sports, including football, baseball, field lacrosse, soccer or cricket, while also including a gymnasium, non-ice sports arena, indoor climbing wall, indoor skate park with an indoor walking/jogging track. Other supplementary services will include office, retail, lounge, training facility and food services and common gathering areas for facility users and community members through a user-pay system; however, as the site for the proposed development is within a designated Phase 3 area, according to Map 1b of the OCP (Appendix B), the development conflicts with the existing OCP Policy 14.20 regarding phasing of growth areas. This conflict is since the location is not in the current phase (300K) but is located immediately adjacent to it. The development could locate elsewhere but results in significant amendments to an existing neighbourhood plan and concept plan if located elsewhere in the existing development phase

The existing phasing policy (Policy 14.20) requires that, for lands identified as New Neighbourhoods and New Mixed-Use Neighbourhoods, as shown on Map 1, that development must be in accordance with the phasing schedule shown on Map 1b. This phasing schedule requires development to be phased-in, sequentially, starting with the build-out of the Phase 1 areas, followed by Phase 2, then Phase 3, etc. According to existing policy, development in the Phase 2 and 3 areas cannot happen until the preceding phase area is substantially built-out.

Notwithstanding the above, Administration in its review of the proposal has determined that the following aspects of the proposed location and development are considered beneficial:

- The location is contiguous to a developed area or an area being developed and is within a current growth horizon of a 300,000 population of OCP map 1 and 1b.
- This policy amendment will allow the development of one principal land-use, such as public, civic, recreational and institutional (i.e. research, education, medical); recreation (i.e. sports, athletics) to proceed.

- The location is compatible with the adjacent development, which includes the existing ballpark facility (Pacer Park) or planned future development.
- The facility will provide sports and recreation services for residents and will help achieve Goal 2 of the OCP, Section D7 – Access to Recreation Programs and Services.

The options for responding to the application to amend the OCP Part A are as follows:

Option 1: Amend the OCP phasing policy by adding a new policy 14.20E (Recommended) - This option involves amending the OCP phasing policy by adding a new policy as outlined in Appendix A - to provide for exceptions of uses/developments that are generally beneficial to the city.

The most notable outcome of this option is that it will allow merit-based beneficial development to progress within the city if the particular development conforms to the requirements of the proposed policy set out in Appendix A of this report.

Option 2: OCP Policy Map1b Amendment - This option involves amending Map 1b to change the status of the subject site to Phase 1 instead of Phase 3. The implications of this amendment are that the change would be localized to a particular development area and no other beneficial development would be able to proceed in the future phases until such phases become current or would require similar amendment to the phasing map for every site in the future. Furthermore, if this development does not proceed, a change to the map could mean that the City would need to entertain a different application that is not desirable at this time, since the land would be considered in-phase.

Option 3: No Amendment – Status Quo - This option would involve delaying the application to consider this amendment as part of the five-year review of the OCP, which is anticipated to be completed later this year, or not to proceed with any amendment in the foreseeable future; therefore, this proposal or any similar beneficial developments that promotes sport, recreation and education and is out of phase in the OCP, would not be able to proceed in the near-term if the location out of phase is fixed. Alternatively, these potential developments could proceed within the current phase if needed in the near-term and may result in significant changes to approved Neighbourhood and Concept Plans.

The recommended policy amendment (Option 1) will allow the development of demonstrably unique and beneficial facilities such as recreational (i.e. sports, athletics), institutional (i.e. research, education, medical) and civic/public use only for a greater benefit to residents. This development is a “limited and compatible use” within the SENP and an amendment to the SENP is not required. Examples of such beneficial development may include: four season sports facilities, civic facilities, medical facilities, schools etc. The proposed policy would not accommodate residential, general commercial or industrial development and any beneficial development would be considered by City Council through a re-zoning process.

If this development proceeds, the next step would be to rezone the property to either PS - Public Service or I - Institutional and amend either of the zones to accommodate a recreational service

facility as described above, which would allow development to occur on the lands. Consideration of the specific development permit for the recreational service facility would occur following the approval of the zoning amendments referenced above.

RECOMMENDATION IMPLICATIONS

Financial Implications

There may be a financial risk to the City by allowing development to occur out of phase. If future infrastructure is required to be oversized (mainly sanitary service) in the area it will not be possible to collect a contribution from this development (endeavour to assist) if the servicing agreement has already been executed. This could result in the City/Utility paying for the areas share of the oversized infrastructure.

To mitigate such risk, all servicing will be deemed interim, thus services required for subdivision and development until a permanent solution is constructed and in operation shall be funded 100 per cent by the developer, including the ongoing operational and maintenance costs of the interim services. Construction of interim services does not preclude the developer from having to also make financial contribution to a permanent servicing solution.

Additionally, the City shall register an interest against title(s) of the impacted property in the ISC Land Registry at the time of subdivision for any property that does not obtain full services at the time of initial development identifying the outstanding payment owing to the City and the obligation of the landowner to make payment to the City prior to obtaining connection to City owned water or wastewater services.

Furthermore, the City may, at its discretion, ask for a payment in trust from the original developer that would either be applied to future oversizing or returned to the developer at that future date when deemed not required

Such development will proceed subject to the approval based on an interim and/or permanent servicing requirement. Any applicant approved for development through the proposed policy amendment will be responsible for the cost of any installation and decommission of any interim servicing and addition or changes to existing infrastructure that may be required to directly or indirectly support the development and payment of appropriate fees, in accordance with City standards and applicable legal requirements. Additionally, when a public sewer works becomes available to a premise served by a private sewage works, the owner or occupant shall connect to the public sewage works in compliance with all applicable City standards, policies and bylaws.

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 B: Financial Policies

- Goal 2 – Sustainable Services and Amenities: Ensure that City of Regina services and amenities are financially sustainable.
 - 1.3.3 Require that new development meets City standards for infrastructure servicing and require the development proponent to provide any upgrades necessary as a result of the new development.
 - 1.5 Provide infrastructure that meets expected growth and service levels, in accordance with financial resources and capabilities.

Section D7: Parks, Recreation and Open Space

- Goal 2 – Access to Recreation Programs and Services: Ensure access to a variety of recreation programs and services in all neighbourhoods.
 - 9.6 Develop and manage recreation facilities, programs and services such that they adhere to the following:
 - 9.6.2 A variety of recreation programs and services will be provided either directly by the City or indirectly through partnership with other organizations.

Section D10: Economic Development

- Goal 1 – Economic Vitality and Competitiveness: Foster an environment conducive to economic vitality and competitiveness which supports the standard of living of residents in Regina and the surrounding region.
 - 12.2 Minimize regulatory barriers to economic growth to the greatest possible extent, while balancing the needs and aspirations of all Regina residents, fee-and taxpayers and the sustainability of the city.

Other Implications

None with respect to this report.

Accessibility Implications

None with respect to this report.

COMMUNICATIONS

Communication with the public is summarized as follows:

Letter sent to immediate property owners and stakeholders	January 14, 2019
Number of stakeholder comments sheets received	2
Will be published in the Leader Post on	April 13 & 20, 2019

The application was circulated to property owners within the SENP, the Regina and Region Home Builders' Association, as well as other developers with lands included in the phasing plan within the 300,000-population horizon of the OCP. These stakeholders were also consulted when the current OCP phasing policies were developed. Administration received two responses that support the proposed amendment to the OCP.

The site is within the Joint Planning Area with the Rural Municipality of Sherwood No. 159 (RM), as identified in the OCP. Administration received a letter from the RM stating that they have no objection to the proposed amendment.

TSC 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 IV Section 39 of *The Planning and Development Act, 2007*. The amendment, if approved by City Council, will require Ministerial approval before it comes in to force.

Respectfully submitted,



Fred Searle, Director
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Prepared by: Binod Poudyal, City Planner II

Respectfully submitted,



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