

October 28, 2019

To: His Worship the Mayor
And Members of City Council

Re: Discretionary Use Application (19-DU-09) Proposed Addition to Existing Child Day
Care Centre in Contract Zone, 4401 Dewdney Avenue

RECOMMENDATION

**RECOMMENDATION OF THE REGINA PLANNING COMMISSION
– OCTOBER 9, 2019**

1. That the City Solicitor be directed to prepare the necessary bylaws to discharge the existing contract zone agreement (Bylaw No. 2011-17) in *Regina Zoning Bylaw No. 9250* for 4401 Dewdney Avenue, being Lots 7 and 8, Block 1, Plan No. I5211, CPR Annex subdivision.
2. That the discretionary use application for a proposed addition to an existing Child Day Care Centre located at 4401 Dewdney Avenue, being Lots 7 and 8, Block 1, Plan No. I5211, CPR Annex 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, prepared by Gilchuk Design & Drafting and dated July 4, 2019; and
 - b) The development shall comply with all applicable standards and regulations in *Regina Zoning Bylaw No. 9250*.

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Ann Perry, representing the Circle Project, addressed the Commission.

The Commission adopted a resolution to concur in the recommendation contained in the report.

Recommendation #3 does not require City Council approval.

Councillors: Jerry Flegel, Bob Hawkins and Barbara Young (Chairperson); Commissioners: David Bale, Frank Bojkovsky, Andre Kroeger, Adrienne Hagen Lyster, Jacob Sinclair, Steven Tunison and Celeste York were present during consideration of this report by the Regina Planning Commission.

The Regina Planning Commission, at its meeting held on October 9, 2019, considered the following report from the Administration:

RECOMMENDATION

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2. That the discretionary use application for a proposed addition to an existing Child Day Care Centre located at 4401 Dewdney Avenue, being Lots 7 and 8, Block 1, Plan No. I5211, CPR Annex 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, prepared by Gilchuk Design & Drafting and dated July 4, 2019; and
 - b) The development shall comply with all applicable standards and regulations in *Regina Zoning Bylaw No. 9250*.
3. That this report be forwarded to the October 28, 2019 meeting of City Council for approval.

CONCLUSION

The applicant and landowner, The Circle Project Association Inc., proposes to develop an addition to an existing Child Day Care Centre located at 4401 Dewdney Avenue. The property is currently zoned C – Contract Zone.

The proposal complies with the development standards and regulations contained in the *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, Administration recommends approval.

BACKGROUND

An application has been received to construct an addition to an existing Child Day Care Centre at the subject property located at 4401 Dewdney Avenue. The purpose of the addition is to provide increased accessibility for persons with disabilities through a ground level entrance. The addition will also include office/meeting space in support of the day care operations.

The subject property is currently zoned C – Contract Zone, which was approved by City Council on March 14, 2011 per Bylaw No. 2011-17. The purpose of the contract zone was to allow for a Child Day Care Centre accommodating 36 children to operate in a residential zone. At the time of approval, a Child Day Care Centre of this scale in a house-form building was not contemplated in any residential zone within the Zoning Bylaw. Child day care homes (with not

more than eight children, including the children of the adult care provider) were classified as a home-based business, which was a permitted use in all residential zones. Child day care centres with no more than 12 children were also accommodated in all residential zones, generally as a discretionary use, provided that the building was constructed as a detached dwelling and was occupied as a residence. Furthermore, rezoning the subject site to a non-residential zone, which would permit a Child Day Care Centre, was deemed unsuitable at the time due to site constraints, location and the surrounding community.

Consequently, the contract agreement was executed with the condition that development be confined to the existing building. As this condition prevents the proposed addition from being constructed, the applicant requests the Contract Zone Agreement be discharged and the property revert to being zoned R2 – Residential Semi-Detached Zone. In this zone, Child Day Care Centres are a discretionary use. This application is being considered pursuant to the Zoning Bylaw, the OCP, and *The Planning and Development Act, 2007* (Act).

Pursuant to subsection 56(3) of the Act, Council may establish conditions for discretionary uses based on; nature of the proposal (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

Zoning and Land Use Details

The applicant is proposing to develop an addition to an existing Child Day Care Centre to provide increased accessibility for persons with disabilities through a ground level entrance, and include office/meeting space in support of the day care operations. The proposed addition would not increase the number of child care spaces that the existing Child Day Care Centre currently offers. The following table summarizes the land use and zoning related details associated with the subject proposal:

Land Use Details	Existing	Proposed
Zoning	C – Contract	R2 – Residential Semi-Detached Zone
Land Use	Child Day Care Centre offering 36 child care spaces	Child Day Care Centre offering 36 child care spaces
Building Area	132.76 m ²	159.52 m ²

Zoning Analysis	Required	Proposed
Number of Parking Stalls Required	1 stall	2 stalls (Existing)
Number of Drop-off Spaces Required	4 Spaces	4 Spaces (Existing 2 on Alexandra Street and 2 on the driveway)

Minimum Lot Area (m ²)	325 m ²	707.02 m ²
Minimum Lot Frontage (m)	10.5 m	16.46 m
Minimum Front Yard Setback (m)	6 m	No change
Minimum Side Yard Setback (m)	1.2 m	3.55 m
Maximum Building Height (m)	11 m	No change
Maximum Floor Area Ratio	0.75	0.23
Maximum Coverage (%)	50%	30%

Surrounding land uses include high density residential to the south, low density residential and Government House to the west, low density residential to the north and Lewvan Drive and commercial to the east.

The renovation work will be reviewed in accordance with the *National Building Code of Canada (2015)* (NBC) during the building permit review process and upgrades to the building may be required. Specifically, any addition to an existing building requires the entire building be assessed for compliance with current construction requirements of Division B of the NBC. Basic fire protection and life safety elements will also need to be installed. The applicant will need to retain a Saskatchewan registered design professional to provide this information as well as any information requested during building permit review. The *National Energy Code for Buildings* (NECB) will also apply to this development.

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:

7.1.4 Opportunities for daily lifestyle needs, such as services, convenience shopping, and recreation.

7.5 Encourage appropriate *mixed-use* development within neighbourhoods, as well as the retention of existing local and neighbourhood commercial spaces.

Section D10: Economic Development

Goal 3 – Economic Generators: Cultivate entrepreneurship and economic generators.

12.7 Encourage innovative options to support and incubate new entrepreneurs and commercial ventures.

Section D11: Social Development

Goal 1 – Social Sustainability: Promote and enhance social sustainability by recognizing the quality of life in a community depends on both its physical and community resources.

13.1 Develop *community resources* to provide opportunities for social activities, events and programming for Regina residents.

13.5 Encourage the provincial government and community to establish locally based attainable childcare facilities, which are essential to enabling parents to secure *access* to employment.

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:	July 24, 2019
Letter sent to immediate property owners	July 23, 2019
Number of Public Comments Sheets Received	0

There were no public comments received on this application.

The application was circulated to the McNab Community Association for their comments. The Administration did not receive comments from the Community Association prior to the deadline for submission of the 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,

REGINA PLANNING COMMISSION


Elaine Gohike, Secretary 10/23/2019