

October 28, 2019

To: His Worship the Mayor
And Members of City Council

Re: Application for Contract Zoning (19-CZ-06) Proposed Religious Institution - 2 Sheppard Street

RECOMMENDATION

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

1. That the application to amend *Regina Zoning Bylaw No. 9250* to rezone 2 Sheppard Street, being Lot 23-Blk/Par 25-Plan No. 62R19206 Ext 0 from R1-Residential Detached Zone to C – Contract be approved and that the contract zone agreement between the City of Regina and the applicant/owner of the subject properties be executed.
2. That further to recommendation 1, the proposed contract zone agreement shall include the following terms:
 - a. The development shall generally conform to the attached plans labelled Appendix A-3, prepared by P3A Architecture, and dated May 30, 2019;
 - b. The development shall accommodate a maximum of 25 persons at one time;
 - c. Any zoning related detail not specifically addressed in the contract zone agreement shall be subject to applicable provisions of the Zoning Bylaw;
 - d. The agreement shall be registered in the City's interest at the applicant's cost pursuant to Section 69 of *The Planning and Development Act, 2007*;
3. That the City Solicitor be directed to prepare the necessary bylaws to authorize the respective to *Regina Zoning Bylaw No. 9250* amendment.

REGINA PLANNING COMMISSION – OCTOBER 9, 2019

Waqar Ahsan addressed the Commission.

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

Recommendation #4 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

1. That the application to amend *Regina Zoning Bylaw No. 9250* to rezone 2 Sheppard Street, being Lot 23-Blk/Par 25-Plan No. 62R19206 Ext 0 from R1-Residential Detached Zone to C – Contract be approved and that the contract zone agreement between the City of Regina and the applicant/owner of the subject properties be executed.
2. That further to recommendation 1, the proposed contract zone agreement shall include the following terms:
 - a. The development shall generally conform to the attached plans labelled Appendix A-3, prepared by P3A Architecture, and dated May 30, 2019;
 - b. The development shall accommodate a maximum of 25 persons at one time;
 - c. Any zoning related detail not specifically addressed in the contract zone agreement shall be subject to applicable provisions of the Zoning Bylaw;
 - d. The agreement shall be registered in the City's interest at the applicant's cost pursuant to Section 69 of *The Planning and Development Act, 2007*;
3. That the City Solicitor be directed to prepare the necessary bylaws to authorize the respective to *Regina Zoning Bylaw No. 9250* amendment.
4. That this report be forwarded to the October 28, 2019 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, Wasqar Ahsan on behalf of the owner (Rana Babir Hamid), proposes to rezone the subject property to convert the existing building (detached garage) located within a residential property as religious institution for communal prayer service (a Musallah) for up to 25 persons at one time.

The Contract Zone is requested given the unique circumstances associated with proposal as the proposal does not comply with the development standards and regulations in the current R1 - Residential Detached Zone but 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 for contract zone to accommodate a religious institution within an existing (building) detached garage located at 2 Sheppard Street. This facility has been used for communal prayer informally for the past several years and approval would formalize the use and to serve the Islamic community’s need for communal prayer space.

This application is being considered pursuant to *Regina Zoning Bylaw No. 9250 (Zoning Bylaw)*, the OCP and *The Planning and Development Act, 2007 (Act)*.

DISCUSSION

An application has been submitted to use an existing building (detached garage) located on a residential property as religious institution for communal prayer service. The applicant has indicated that the facility will be used for daily prayer service, five times a day, for 10 - 15 minutes by a maximum of 20 - 25 persons in accordance with Islamic prayer customs. The facility has been used for communal prayer informally. The Applicant is seeking approval to allow the use to operate on a continuous basis in compliance with the Zoning Bylaw.

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

| Land Use Summary | | |
|-------------------------|---------------------------------------|---|
| Land Use Details | <u>Existing</u> | <u>Proposed</u> |
| Zoning | R1 - Residential Detached | C - Contract |
| Land Use | Detached Dwelling and Detached Garage | Detached Dwelling and Religious Institution |
| Building area | 53.65 m ² | 53.65 m ² |

| Zoning Analysis | | | |
|-------------------------------------|-------------------------------|------------------------------|--|
| | Requirements (R1 Zone) | | Provided |
| | Residential | Institutional | |
| Minimum Lot Area (m ²) | 325 | 500 | 556.83 |
| Minimum Lot Frontage (m) | 10.5 | 15 | 15.24 |
| Maximum Building Height (m) | 11 | 15 | 3.5 (approx.) |
| Maximum Floor Area Ratio | 0.75 | 1.5 | .28 |
| Maximum Coverage (%) | 50 | 75 | 27.57 |
| Minimum Front Yard Setback (m) | 6 | 7.5 | 7.7 |
| Minimum Rear Yard Setback (m) | 5 | 3 | 0.73 |
| Minimum Side Yard Setback (m) | 1.2 | 0.45 (religious institution) | 2.01 (residential dwelling) 5.9 (religious institution) |
| Minimum Total Side Yard Setback (m) | - | 6 | 7.8 |

| | | | |
|--------------------------|---|---|--|
| Minimum Parking Required | 1 | 6 | 1(residential dwelling) 0 (religious institution) |
|--------------------------|---|---|--|

The surrounding land uses include residential dwellings to the west and south, a special care home to the east and the Regina Huda School to the north, including a former open space, which was recently sold by the City of Regina to the Huda School to support the expansion of the school. According to the applicant, the Regina Huda school has attracted many students into their curriculum and many families prefer to live close to the school. With this, there is a greater need for communal prayer space in the local community.

Zoning Deficiencies under the Current Zone (R1)

This application was originally received and circulated to external and internal stakeholders including the neighbouring properties as a discretionary use as a religious institution is a discretionary use in the R1 - Residential Detached Zone. However, religious institutions are required to comply with development standards for the I – Industrial Zone. During the review of the proposal it was determined that there are elements of non-compliance with the development standards and regulations with respect to minimum parking and rear yard setback requirements.

The proposal requires a total of seven stalls on site, whereas only one stall is being provided on site. Similarly, the proposed development does not meet the minimum rear setback requirement of three metres, which is required for a religious institution. The existing detached garage was constructed with a rear setback of 0.73 metres.

The Administration is supportive of the Contract Zone with a parking deficiency, noting the following circumstances:

- The applicant has indicated that many users live within a walking distance of this facility and/or does not require vehicles to access the services being rendered at this location.
- The site is located on a corner site with a vacant lot to the east across Sheppard Street. There are few if any residential properties that may be impacted by on-street parking.
- On-street parking is available on both sides of Sheppard Street.
- Up to three vehicles may be able to park in front of the building on the parking pad, so long as no sidewalks are obstructed.
- Although this proposal is being considered under *Zoning Bylaw No. 9250*, the pending approved *Zoning Bylaw 2019-19* would require only two on-site vehicle stalls as parking requirements have changed.
- Given the nature of the use of the facility, patrons are not expected to remain parked for long periods of time as prayer times are approximately 10 - 15 minutes in length.

With respect to the rear yard setback deficiency, the Administration notes that re-use of the building as a religious institution results in no change on impact to surrounding properties. The massing of the building would not change and there are no impacted properties to the rear of the subject property. The proposal to re-use an accessory building as a religious institution is a unique proposal that likely was not considered in the current regulations.

A Contract Zone is recommended given these circumstances and the uniqueness of the proposal.

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 the OCP 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 on the 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 area.
- Sites accommodating unique development opportunities.

The proposed development is consistent with the purpose and intent of Contract Zoning with respect to accommodating unique development opportunities, is compatible with the existing adjacent development and will help to meet needs of the local Islamic community for communal prayer.

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.

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

Section D8: Culture

Goal 1 – Support Cultural Development and Cultural Heritage: Enhance quality of life and strengthen community identity and cohesion through supporting cultural development and cultural heritage.

- 10.1 Build partnerships and work collaboratively with community groups, other levels of government, and the private and voluntary sectors to encourage cultural development opportunities and conserve HISTORIC PLACES.

Goal 3 – Accessibility: Ensure access to cultural resources, learning opportunities, and activities.

- 10.16 Support equitable access to cultural resources, practices and activities.

Other Implications

None with respect to this report.

Accessibility Implications

The development will be required to comply with all standards with respect to the *Uniform Building and Accessibility Standards Act*. The Zoning Bylaw requires two per cent of all required stalls to be accessible.

COMMUNICATIONS

Communication with the public is summarized below:

| | |
|---|-----------------------|
| Public notification signage posted on: | July 22, 2019 |
| Will be published in the <i>Leader-Post</i> on: | October 12 & 19, 2019 |
| Letter sent to immediate property owners | July 12, 2019 |
| Public Open House Held | N/A |
| Number of Public Comments Sheets Received | 12 |

There were 12 public comments received on this application. A more detailed accounting of the respondent’s comments and Administration’s response is provided in Appendix B. The Administration circulated a proposal to the Coronation Park Community Association, who indicated that they have no concerns.

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 Gohlke, Secretary 10/23/2019