

## 1971 Albert Street Contract Zone Application (PL202000118)

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|---------------------|---------------------------------------|
| <b>Date</b>         | September 9, 2020                     |
| <b>To</b>           | Regina Planning Commission            |
| <b>From</b>         | City Planning & Community Development |
| <b>Service Area</b> | Planning & Development Services       |
| <b>Item No.</b>     | RPC20-31                              |

### RECOMMENDATION

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Regina Planning Commission recommends that City Council:

1. Approve the application to rezone the property located at 1971 Albert Street, Lot 50, Blk/Par 342, Plan 102032255 from DCD-D – Downtown Direct Control District Zone to Contract Zone.
2. Approve execution of a contract zone agreement between the City of Regina and the applicant/owner of the subject properties, which shall include the following terms:
  - i. The agreement shall allow for the carrying out of a specific proposal on the lands described as a temporary “Transportation, Parking Lot” lot a period of one year from the date of execution of the Contract Zone agreement.
  - ii. That issuance of development permits and the execution of the contract zone agreement shall be conditional on the applicant being confirmed as the registered owner of the property or the consent of the owner being obtained.
  - iii. That construction of a centre median along Albert Street shall be required to permit the optional right-in-right-out access.
  - iv. The parking lot shall meet all standards for “Transportation, Parking Lot” except that:
    - a. Surface may be minimum 150 mm densely packed gravel or asphalt planings with a dust inhibitor to the satisfaction of the Director of Planning and Development Services;
    - b. The parking lot must meet the requirements of the City of Regina Standard for Drainage from Building Site and Parking Lot Developments in order to obtain a building permit.
  - v. The development shall generally conform to the attached plans as labelled

Appendix A-2 of this report, prepared by Property Development Support Services Inc. and dated May 12, 2020.

- vi. Signage on the subject property shall comply with the development standards for the DCD-D Downtown Direct Control District Zone.
  - vii. Any zoning-related detail not specifically addressed in the contract zone agreement shall be subject to applicable provisions of the *Regina Zoning Bylaw 2019-19*.
  - viii. 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. Direct the City Solicitor to prepare the necessary bylaw to authorize the respective Zoning Bylaw amendment.
  4. Approve these recommendations at its September 30, 2020 meeting, and consider the proposed bylaw at a succeeding meeting after giving the required public notice.

## ISSUE

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The applicant, being the prospective purchaser of the subject property pursuant to a court ordered sale, proposes a Contract Zone to accommodate "Transportation, Parking Lot" as a temporary use for a one-year term on the property located at 1971 Albert Street, Lot 50, Blk/Par 342, Plan 102032255. The subject property is currently zoned DCD-D – Downtown Direct Control District Zone in which "Transportation, Parking Lot" is not permitted.

## IMPACTS

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### Financial Impact

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.

The proposal will not have an effect on the assessment of the property, nor would the taxes change, unless there is a physical structure developed on the site.

### Policy/Strategic Impacts

The DCD-D – Downtown Direct Control District Zone does not permit surface parking lots as a principal use. A surface parking lot would be permitted only if buffered from the street by an active use. Part B.4: Regina Downtown Neighbourhood Plan, of *Design Regina: The Official Community Plan Bylaw No. 2013-48* (OCP) also contains the following policies with respect to:

- Section D5, Goal 2, Policy 7.7 Collaborate with stakeholders to enhance the CITY CENTRE, as depicted on Map 1 – Growth Plan, by:
  - 7.7.7 Implementing the Regina Downtown Neighbourhood Plan.
- OCP Part B.4, Policy 34: THAT the City of Regina will incorporate parking standards and restrictions in the zoning bylaw to ensure development decisions result in an

active and animated public realm and limits the amount of visible parking from the street.

- “Transportation, Parking Lot” is not a permitted use under table 6A.T2 of *The Regina Zoning Bylaw, 2019*, Part 6A DCD-D – Downtown Direct Control District Zone

However, the development is intended as an interim use to facilitate further plans for future development of the site. The proposal is supported by OCP Section E, Goal 8, policy 14.42 regarding contact application, at Council’s discretion, to development proposals that do not conform with existing zoning requirements (e.g. use of land, site, development or servicing standards, etc.), or that require special regulatory control to ensure compatibility with adjacent development, with the provision that the proposed development:

- 14.42.1 Conforms with the general intent of this Plan or any applicable concept plan; and
- 14.42.2 Is compatible with existing adjacent development and, where applicable, contributes beneficially to the adjacent public realm.

## OTHER OPTIONS

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Administration recommends approval to rezone the property to contract zone to accommodate “Transportation, Parking Lot”.

Alternative options would be:

1. Approve the application with specific amendments to the site plan.
2. Refer the proposal back to Administration. If City Council has specific concerns with the proposal it may refer it back to Administration for further review. Referral of the report back to Administration will delay approval of the development until requested information has been gathered or changes to the proposal have been made.
3. Deny the application. Development of “Transportation, Parking Lot” land use will not proceed on the subject property if City Council denies the application.

## COMMUNICATIONS

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The applicant and other interested parties will receive a copy of the report and notification of their right to appear as delegation at the Council meeting when the application will be considered. Public notice of Council’s intention to consider the proposed zoning bylaw amendment will also be given and the applicant will receive written notification of City Council’s decision in accordance with *The Planning and Development Act, 2007*.

## DISCUSSION

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The applicant, a prospective purchaser of the property pursuant to a court ordered sale, proposes a Contract Zone to accommodate development of a temporary “Transportation,

Parking Lot” for a period of one year for the subject property located at 1971 Albert Street, as shown in Appendix A-1. The subject property is zoned DCD-D – Downtown Direct Control District Zone in which “Transportation, Parking Lot” are not permitted and rezoning to Contract Zone is necessary to allow the development to proceed. “Transportation, Parking Lot” is defined by *The Regina Zoning Bylaw, 2019* as:

“An outdoor land use where motor vehicles that are registered, insured and in working order are parked outdoors or in primarily unenclosed areas for temporary intervals. “

The applicant has indicated that this proposal is a necessary step in pursuit of a larger redevelopment plan for this site in the future and would be an interim measure use as future plans are developed. The Contract Zone is proposed to have a one-year term. After the term expiration, the property would revert back to the DCD-D – Downtown Direct Control District Zone, or the contract could be discharged if a development proposal is approved prior to that date.

The applicant is proposing a total of 87 surface parking stalls along with eight stalls for motorcycle parking and bicycle parking as depicted on Appendix A-2. The proposed development will be fenced, gated and will be using the existing alley located to the north to access the site. A proposed optional right-in right-out access on Albert Street will be allowed only if the applicant completes the installation of a median on Albert Street to the satisfaction of the City of Regina to prevent direct left-turn movements into the site by south bound vehicles on Albert Street.

The issuance of development permits and the execution of the contract zone agreement shall be conditional on the applicant being confirmed as the registered owner of the property or the consent of the owner being obtained. Given the length of the term and that this is an interim measure to assist the applicant with their development plan, Administration is recommending approval of a one-year term for the Contract Zone.

The applicant has indicated that they have explored various development plans over the last 18 months. The applicant is anticipating a timeline of between 12 - 24 months to complete the requisite steps in the predevelopment process and 24 - 30 months to build on site. The applicant has made the following statement in their application submission:

“The ability to park vehicles on site during the predevelopment phase will ensure municipal taxes are maintained throughout that time without the need to levy the property with additional debt that could stall or inhibit the building process. Rejection of this application may force them to revisit their financial approach to the project and a potential obstacle in formalizing the partnership between the ownership group and the intended development partner. The project will still be viable without the parking concession; however, it will impact the predevelopment phase on the timeline”.

*The Planning and Development Act, 2007*, in conjunction with *Design Regina: The Official Community Plan Bylaw No. 2013-48* and *The Regina Zoning Bylaw, 2019*, authorize Council to rezone an area of land to a Contract Zone to permit the carrying out of a specified proposal through entering into a contract zone agreement.

The proposal is consistent with the purpose and intent of Contract Zone under *the Regina*

*Zoning Bylaw, 2019* Regulation 7A.1 to accommodate proposed development that represents a unique development opportunity that does not conform to the zoning requirements, on a site-specific basis.

The application was circulated to neighbouring properties, and the Regina Downtown Business Improvement District (RDBID) for review and comment. RDBID provided the following comments with regard to the application:

“Regina Downtown Business Improvement District offers tentative support for the temporary parking lot for a period of no more than one year. We support the Regina Downtown Neighbourhood Plan (RDNP) recommendation that no new surface parking be allowed; however, we also recognize the realities of current market conditions. Private investment and development should be encouraged in Downtown Regina. As this is an important entry into downtown, we ask that the applicant be required to provide enhanced landscaping, as a buffer, along the edges of the parking lot. It is our hope that the applicant will soon be able to develop a project that recognizes and celebrates the gateway into our Downtown”.

Administration recommends keeping the existing chain link fence as the term of contract is for a period of only one year, after which time the site would be restored to its current state. Given the term of the contract, it would be preferable to minimize disturbance to the site rather than construct a temporary fence that provides visual screening. Although the chain link fence does not provide visual screening of the parking lot, it assists to secure and delineate the site from public realm and is appropriate for the one-year term of contract. Recognizing the site as a Primary Gateway to the Downtown, visual screening and landscaping may be negotiated should the applicant pursue a longer term or permanent development of the site through a separate approval process. Further summary of the feedback is attached to this report in Appendix B.

In addition to the partial support from the RDBID for this application, a motion MN20-14 was approved at the City Council meeting held on August 31, 2020. The motion directs Administration to “conduct a review of surface parking lot restrictions as outlined in the Regina Downtown Neighbourhood Plan and in The Regina Zoning Bylaw, Bylaw No. 2019-19 and prepare a report on a temporary parking lot policy” and report back to the Regina Planning Commission by January 31, 2021.

The surrounding land uses include commercial to the south (gas station), commercial to the west (office building), commercial to the north (Bregg’s Cleaners) and an office tower to the east.

## **DECISION HISTORY**

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1. On September 21, 2009, City Council approved CR09-146- a discretionary use application for a proposed hotel and high-rise apartment building.
2. On December 16, 2013, City Council approved CR13-190 - a discretionary use application for a proposed hotel and high-rise apartment building.

3. On May 27, 2019, City Council approved CM19-6 -1971 Albert Street - Capital Pointe Construction Site, to award a contract to backfill the site.

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

Respectfully Submitted,



Fred Scarle, Director, Planning & Development Services

Respectfully Submitted,



8/28/2020

Diana Hawryluk, Executive Director, City Planning & Community Dev.

9/3/2020

Prepared by: Binod Poudyal, City Planner II

#### **ATTACHMENTS**

Appendix A-1 (Aerial Map)

Appendix A-2 (Site Plan)

Appendix B