

Zoning Bylaw Amendment - PL202000016 Removal of Holding Overlay 4400 4th Avenue and rezoning from RN- Residential Neighbourhood Zone to MLM – Mixed Large Market Zone

Date	May 6, 2020
To	Regina Planning Commission
From	City Planning & Community Development
Service Area	Planning & Development Services
Item No.	RPC20-16

RECOMMENDATION

Regina Planning Commission recommends that City Council:

1. Approve the application to:
 - a. rezone the property located at 4400 4th Avenue, as shown in Appendix A-1, by removing the H – Holding Overlay Zone from the MLM – Mixed Large Market Zone for the property.
 - b. rezone Lots 7 and 9, Block 28, Plan 59R20949 from RN- Residential Neighbourhood Zone to MLM – Mixed Large Market Zone.
2. Direct the City Solicitor to prepare the necessary Bylaw.
3. Approve these recommendations at its May 27, 2020 meeting, following the required public notice.

ISSUE

The applicant proposes to rezone the land by removing the H – Holding Overlay Zone from the subject property. The Holding Overlay Zone was placed on the property including lots seven and nine as specific development plans were unknown when it was rezoned from I – Institution Zone to DSC (H) – Designated Shopping Centre Zone (Holding Overlay Zone) by

City Council in May 2018 (CR18-45). This DSC (H) – Designated Shopping Centre Zone (Holding Overlay Zone) was changed to MLM – Mixed Large Market Zone upon adoption of *The Regina Zoning Bylaw, 2019-19* (Zoning Bylaw). Now that the plans for re-development of the site are defined, the applicant wishes to be able to proceed based on the underlying zoning that was previously approved and the MLM – Mixed Large Market Zone adopted under the new Zoning Bylaw.

An administrative error was made during the implementation of the Zoning Bylaw and lots seven and nine were zoned to RN-Residential Neighbourhood from DSC (H). As a result, Administration sought to rezone lots seven and nine from RN - Residential Neighbourhood Zone to MLM - Mixed Large Market Zone and correct this error.

Removal of the H - Holding Overlay Zone and rezoning of lots seven and nine from RN - Residential Neighbourhood Zone to MLM - Mixed Large Market Zone requires Council approval in accordance with Section 71 of *The Planning and Development Act, 2007*.

The proposal supports the goals of the *Design Regina: The Official Community Plan Bylaw No. 2013-48* (OCP).

IMPACTS

Financial Impacts

The subject properties 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. The Applicant will be responsible for payment of the applicable intensification levies.

Accessibility Impacts

The Applicant has proposed 17 accessible parking stalls for this development, which exceeds the minimum accessible parking stalls required for the site.

Policy/Strategic Impact

The proposed developments support the following OCP goals/policies:

- Section D5, Goal 1, 7.1.4 Opportunities for daily lifestyle needs, such as services, convenience shopping, and recreation.
- Section D5, 7.16 Encourage local commercial within residential areas.

Other Impacts

A Transportation Impact Assessment was submitted and reviewed by Administration. Based on the review, the Applicant will be responsible for the cost of any changes and upgrades to existing infrastructure that may be required to directly or indirectly support the development, in accordance with City standards and applicable legal requirements.

There are no environmental implications.

OTHER OPTIONS

Alternatives options would be:

1. Approve the application with amendments to the plans.
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 will not occur on the subject property if City Council denies the application as lands subject to a holding provision cannot be used in accordance with the underlying zone until the holding designation is removed. The applicant would be required to draft and resubmit a new development plan for City Council's approval before the H - Holding Overlay Zone may be removed and the site is developed.

Furthermore, Section 71 (5) of *The Planning and Development Act, 2007*, subject to subsections (6) to (8), an applicant may appeal to the Development Appeals Board, if, on receipt of an application to amend a Zoning Bylaw to remove the holding symbol: (a) the Council refuses the application; or (b) the Council refuses or fails to make a decision respecting the application within 60 days after the date on which the application is received.

COMMUNICATIONS

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 written notification of the Council's decision.

DISCUSSION

Overview

The applicant and owner (Pinnacle Developments), has applied to amend the Zoning Bylaw by removing the H - Holding Overlay Zone from the subject property. The applicant proposes to build a multi-building neighbourhood commercial development in accordance with the MLM - Mixed Large Market Zone as shown in Appendix A-2 & A-3. The removal of the holding designation and the proposed rezoning of lots seven and nine accommodates the development of land uses defined as Food & Beverage, Restaurant; Retail Trade, Shop; Service Trade; Motor Vehicle – Light (Gas Station); Service Trade; Motor Vehicle Wash – Light (Carwash); Office, Professional; Institution, Education (Nurses College); and Drive-Through, Accessory which are permitted in the underlying MLM - Mixed Large Market Zone to proceed.

Applying the H - Holding Overlay Zone at the time of the original rezoning allowed City Council (CR18-45) to withhold development approval of the site pending review of a specific

development proposal. The proposal itself is a permitted use within the MLM - Mixed Large Market Zone and therefore will not require Council approval once the holding designation is removed. However, this application to remove the H - Holding Overlay Zone allows City Council to assess the plan and other impacts such as traffic assuming the intended land uses and enables the public to participate in the review process before any development may be permitted.

A Transportation Impact Assessment (TIA) was submitted and reviewed by Administration. Some of the major recommendations from the TIA that shall be implemented through a servicing or development levy agreement, upon approval of the application, are:

- Providing one right-in-right-out access along 4th Avenue, one full turns access on Connaught Street north of 4th Avenue, and one full turns access at the intersection of Connaught Street and 3rd Avenue.
- Removing on-street parking along a portion of the south side of 4th Avenue west of the intersection with Connaught Street to allow for a left turning lane.
- Monitoring the intersection of 4th Avenue and Connaught Street for future traffic signals. Under current conditions, this intersection does not meet the requirements for a traffic signal. However, the intersection will be regularly reviewed by Traffic Operations to assess the impact of the development as it builds out. If the findings of the latter studies identify the need for the intersection to be signalized, the developer shall be responsible for any such upgrades.

Lots seven and nine, Block 28, Plan 59R20949, which form part of the subject property were rezoned to DSC (H) – Designated Shopping Centre (Holding Overlay Zone) through Bylaw No. 2019-26; however due to an administrative error they were rezoned to RN – Residential Neighbourhood Zone during the implementation of the Zoning Bylaw. This report will correct this error by rezoning the subject properties to MLM – Mixed Large Market Zone as originally intended.

The proposed development is compatible as it provides opportunities for a full range of commercial and institutional activities thus supporting the development of complete neighbourhoods. Additionally, this development will provide array of services not just for Rosemont but adjacent North Central community and travelling public. The application was reviewed by Regina Transit for potential impact on the transit stops on 4th Avenue. Regina Transit advised that the existing transit stop location will not be affected by this development. This ensures the presence of a public transit stop in close proximity of the proposed development.

This application has progressed through the City's requirements for stakeholder engagement and analysis and aligns with the OCP. Letters were mailed out to property owners in the vicinity and a public open house was held for residents on March 3, 2020 to ask questions and provide feedback and discuss with City staff and the Applicant. The Rosemont/Mount Royal Community Association was also engaged. A detailed summary of the collective respondents' comments and Administration's response to each is provided in Appendix B.

DECISION HISTORY

In May 2018, the property was rezoned from I – Institutional Zone to DSC (H) – Designated Shopping Centre Zone (Holding Overlay Zone) (CR18-45). The adoption of *The Regina Zoning Bylaw, 2019-19* in December of 2019 rezoned the property to MLM (H) – Mixed Large Market Zone. However, *The Regina Zoning Bylaw 2019-19* rezoned in error Lots seven and nine, Block 28, Plan 59R20949 to RN – Residential Neighbourhood Zone rather than MLM-Mixed Large Market.

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

Respectfully Submitted

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Fred Scarle, Director, Planning & Development Services



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

4/29/2020

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ATTACHMENTS

- Appendix A-1 (Aerial Map)
- Appendix A-2 (Concept Site Plan)
- Appendix A-3 (Site Plan)
- Appendix B (Public Comment Summary)