

August 26, 2013

To: His Worship the Mayor
and Members of City Council

Re: Application for Discretionary Use (12-DU-29)
Proposed Apartment, 1863, 1869 and 1873 Rae Street

**RECOMMENDATION OF THE REGINA PLANNING COMMISSION
- AUGUST 13, 2013**

1. That the discretionary use application for a proposed low-rise apartment building located at 1863, 1869 and 1873 Rae Street, being Lots 33, 57, 58 Block 313 Registered Plan No. 99RA11005 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 Altus Geomatics and dated July 2, 2013 and Appendix A-3.2 prepared by DPC Design Planning and Co-ordination Services Co. Ltd. and dated October 2, 2012;
 - b) The applicant shall receive a minor variance which reduces the side yard setback from 2.67 metres to 2.0 metres.
 - c) The landscaping shall comply with the requirements of Chapter 15 Landscaping and Buffer Regulations in *Regina Zoning Bylaw No. 9250*.
 - d) The development shall comply with all applicable standards and regulations in *Regina Zoning Bylaw No. 9250*

REGINA PLANNING COMMISSION – AUGUST 13, 2013

Sue Luchuck, City Planner, made a PowerPoint presentation, a copy of which is on file in the City Clerk's Office.

The Commission adopted a resolution to concur in the recommendation contained in the report. Recommendation #2 does not require City Council approval.

Councillors: Jerry Flegel, Shawn Fraser and Mike O'Donnell; Commissioners: David Edwards, Daryl Posehn, Phil Selenski, Laureen Snook and Sherry Wolf were present during consideration of this report by the Regina Planning Commission.

The Regina Planning Commission, at its meeting held on August 13, 2013, considered the following report from the Administration:

RECOMMENDATION

1. That the discretionary use application for a proposed low-rise apartment building located at 1863, 1869 and 1873 Rae Street, being Lots 33, 57, 58 Block 313 Registered Plan No. 99RA11005 be APPROVED, and that a Development Permit be issued subject to the following conditions:

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- b) The applicant shall receive a minor variance which reduces the side yard setback from 2.67 metres to 2.0 metres.
- c) The landscaping shall comply with the requirements of Chapter 15 Landscaping and Buffer Regulations in *Regina Zoning Bylaw No. 9250*.
- d) The development shall comply with all applicable standards and regulations in *Regina Zoning Bylaw No. 9250*

2. That this report be forwarded to the August 26, 2013 meeting of City Council.

CONCLUSION

The applicant proposes to develop:

- four storey apartment building
- 16 units proposed for condominium ownership
- The subject property is currently zoned R4A-Residential Infill Housing Zone
- The subject property is located within the Cathedral neighbourhood

The proposal will be compliant with the development standards and regulations contained in Regina Zoning Bylaw No. 9250 subject to approval of the minor variance. The proposal is consistent with the policies contained in Regina Development Plan Bylaw No. 7877 (Official Community Plan).

BACKGROUND

This application is being considered pursuant to *Regina Zoning Bylaw No. 9250*, *Regina Development Plan Bylaw No. 7877 (Official Community Plan)*, and *The Planning and Development Act, 2007*.

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

Land Use Details		
	<u>Existing</u>	<u>Proposed</u>
Zoning	R4A	R4A
Land Use	detached dwellings	apartment
Number of Dwelling Units	6	16 units
Building Area	n/a	354.17 m ²

Zoning Analysis		
	<u>Required</u>	<u>Proposed</u>
Number of Parking Stalls Required	16 stalls 1 stall per unit	16 stalls
Minimum Lot Area (m ²)	500 m ²	1164.41 m ²
Minimum Lot Frontage (m)	15 m	30.49 m
Maximum Building Height (m)	13 m	11.88 m
Gross Floor Area	n/a	1416.68 m ²
Maximum Floor Area Ratio	3.0	1.22
Maximum Coverage (%)	50%	30.42%

The applicant owns the three detached dwellings that are located on lots 33, 57 and 58 which comprise the development site for the new apartment building. A total of six suites are contained in these three buildings. The detached dwellings were built in 1907 and are considered as low quality in the City’s assessment records and will be demolished.

The applicant is proposing to retain the existing trees on the property. A 1.75m wooden fence will be installed along the north and south property lines, to be reduced to 1.2 metres if extended into the front yard.

Surrounding land uses include low-rise apartments to the north and south, major arterial commercial uses to the east and single-detached dwellings and townhouse developments to the west. This proposed development is consistent with the mixed residential character of the surrounding area.

The purpose and intent of the R4A-Residential Infill Housing Zone is, in part, to provide for sensitive redevelopment at existing densities or medium densities. The density of the proposed apartment, at 137 units per hectare, is higher than what is classified as medium density (up to 50 units per hectare), however all of the multiple family dwellings in the immediate vicinity of this development site have densities above the medium density threshold:

- 1830 Rae Street - density is 82 units per hectare
- 1860 Rae Street - density is 68 units per hectare
- 1855 Rae Street - density is 116 units per hectare
- 2720 12th Avenue - density is 309 units per hectare.

The applicant had originally applied for, and the administration supported, a minor variance for the side yards from 2.67 metres to 2.00 metres. The amount of the side yard variance is 25% of the required distance which complies with the regulations allowing for minor variances in the Zoning Bylaw. The owners of the adjacent properties were given notice of the variance (as required by the Bylaw) and did not object. The applicant had the plans for the proposed apartment building designed based on the new side yards.

However, the original variance was issued administratively in error as Section 18C.10.2 (5) (a) of the Zoning Bylaw states that no minor variance shall be granted in respect of a discretionary use or discretionary form of development that is subject to the approval of City Council. To be valid, the minor variance must be approved by Council pursuant to section 60(1) of *The Planning and Development Act, 2007* and provided for in the conditions of the discretionary use approval.

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: Policy Plan of *Regina Development Plan, Bylaw No. 7877 (Official Community Plan)* with respect to:

- 5.3 Built Environment – b) Encourage the maintenance and revitalization of inner city neighbourhoods.
- 5.4 Energy Conservation – a) That a compact urban form should be achieved by:
iv) Promoting infill redevelopment and rehabilitation
- 7.1 Housing – a) To accommodate a demand for a variety of housing types throughout the City.
h) To ensure the residential redevelopment is compatible with adjacent residential and non-residential development.
- 7.20 Encourage Infill Development in the Inner City – a) That the City should encourage construction of housing units in the inner city neighbourhood area for households of all social and economic characteristics.
e) That the City should promote residential infill development to ensure long-term viability of remaining inner city schools.

Part J – Cathedral Neighbourhood Plan of the OCP recognized that apartments tended to be concentrated along Angus and Rae Streets and R4A zoning was retained to reflect this development trend. The Cathedral Neighbourhood Plan contains the following policy objective:

- 4.1.1– To maintain the residential stability of the district while providing opportunities for medium density infill housing development.

Other Implications

None with respect to this report.

Accessibility Implications

The proposed development provides one parking stall for persons with disabilities which meets the minimum requirement of the Zoning Bylaw.

COMMUNICATIONS

Public notification signage posted on:	March 25, 2013
Letter sent to immediate property owners	March 28, 2013
Public Open House Held	Not required
Number of Public Comments Sheets Received	7 Two had concerns about provision of adequate parking. Five supported the development.

Sixteen parking stalls will be provided on the site which meets the minimum requirement of the Zoning Bylaw. It should be noted that the development is located in close proximity to the downtown and other commercial areas within the Cathedral neighbourhood and to public transit. This may reduce the need for residents to own multiple vehicles and encourage more walking and cycling as transportation options. This is consistent with the City's objective for a sustainable and active urban environment.

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