



Regina Planning Commission

**Wednesday, June 2, 2021
4:00 PM**

Henry Baker Hall, Main Floor, City Hall



OFFICE OF THE CITY CLERK

**Public Agenda
Regina Planning Commission
Wednesday, June 2, 2021**

Approval of Public Agenda**Adoption of Minutes**

Minutes of the meeting held on May 5, 2021.

Administration Reports

RPC21-38 Discretionary Use - 665 University Park Drive - PL202100028

Recommendation

Regina Planning Commission recommends that City Council:

1. Approve the discretionary use application for the proposed development of “Retail Trade, Motor Vehicle - Light” located at 665 University Park Drive, being Block N, Plan No. 92R14384 in the River Bend Neighbourhood, subject to compliance with the following development standards and conditions:
 - a. The development shall be generally consistent with the plans attached to this report as Appendix A-3.1 and A-3.2, prepared by Neher & Associates, dated December 23, 2020;
 - b. Except as otherwise specified in this approval, the development shall comply with all applicable standards and regulations in *The Regina Zoning Bylaw, 2019-19*.
2. Authorize the Development Officer to issue a development permit with respect to the application, upon the Applicant making payment of any applicable fees or charges and entering into a development agreement if one is required.
3. Approve these recommendations at its meeting on June 9, 2021, following the required public notice.



OFFICE OF THE CITY CLERK

RPC21-39 Contract Zone - 1450 Hamilton Street - PL202100002

Recommendation

Regina Planning Commission recommends that City Council:

1. Approve the application to rezone the property located at 1450 Hamilton Street, being Lots 26-40, Block 202, Plan No. OLD33 in the Warehouse District from IL – Light Industrial Zone to C - Contract Zone to permit the carrying out of the specified proposal described as an Office, Industry and Office, Professional development as set out in further detail in this report and consistent with the plans dated December 23, 2020 attached to this report as Appendix A-3.1 & A-3.2.
2. Delegate authority to the Development Officer or designate to negotiate and approve a contract zone agreement between the City of Regina and the owner of the subject property to permit the carrying out of the specified development proposal, on terms and conditions as described in this report.
3. Authorize the City Clerk to execute the contract zone agreement after review and approval by the City Solicitor.
4. Instruct the City Solicitor to prepare the necessary bylaw(s) required to give effect to the recommendations, to be brought forward to the meeting of City Council following approval of the recommendations by City Council and the required public notice.
5. Approve these recommendations at its meeting on June 9, 2021.

RPC21-40 Zoning Bylaw Amendments - Delegation of Discretionary Use Authority to Development Officer

Recommendation

Regina Planning Commission recommends that City Council:

1. Amend *Zoning Bylaw, 2019* to delegate approving authority of Discretionary Use applications to the Development Officer.
2. Consequential to Recommendation 1, amend the *Public Notice Policy Bylaw, 2020* to reflect circumstances in which a discretionary use may be approved by the Development Officer.



OFFICE OF THE CITY CLERK

3. Direct the Administration to amend *The Development Application Fee Bylaw* to reflect the reduced Administrative processing time for discretionary use applications that are approved by the Development Officer, and to bring back the rationale with a proposed bylaw amendment.
4. Approve the proposed amendments to take effect on September 1, 2021 after passage of the required bylaw amendments to allow time for internal Administrative process information to be updated and communication to development stakeholders.
5. Instruct the City Solicitor to prepare the necessary bylaws as described in Appendix A, to give effect to the recommendations, to be brought forward to a meeting of City Council following approval of the recommendations and the required public notice.
6. Approve these recommendations at its meeting on June 9, 2021.

Adjournment

AT REGINA, SASKATCHEWAN, WEDNESDAY, MAY 5, 2021

AT A MEETING OF REGINA PLANNING COMMISSION
HELD IN PUBLIC SESSION

AT 4:00 PM

These are considered a draft rendering of the official minutes. Official minutes can be obtained through the Office of the City Clerk once approved.

Present: Councillor John Findura, in the Chair
Councillor Shanon Zachidniak (Videoconference)
Frank Bojkovsky (Videoconference)
Biplob Das (Videoconference)
Adrienne Hagen Lyster (Videoconference)
Cheri Moreau (Videoconference)
Tak Pham (Videoconference)
Jacob Sinclair (Videoconference)
Kathleen Wilson (Videoconference)
Celeste York (Videoconference)

Regrets: Councillor Terina Shaw

Also in Attendance: Council Officer, Elaine Gohlke
Legal Counsel, Cheryl Willoughby
Executive Director, City Planning & Community Development,
Diana Hawryluk
Director, Planning & Development Services, Fred Searle

(The meeting commenced in the absence of Frank Bojkovsky.)

APPROVAL OF PUBLIC AGENDA

Councillor Shanon Zachidniak moved, AND IT WAS RESOLVED, that the agenda for this meeting be approved, as submitted, and that the items and delegations be heard in the order they are called forward by the Chairperson.

MINUTES APPROVAL

Cheri Moreau moved, AND IT WAS RESOLVED, that the minutes for the meeting held on April 7, 2021 be adopted, as circulated.

(Frank Bojkovsky joined the meeting.)

ADMINISTRATION REPORTS

RPC21-35 Concept Plan and Zoning Amendment - The Towns, Stage 1H, Blk 32 & 33 -
PL202100013 and PL202100014

Recommendation

Regina Planning Commission recommends that City Council:

1. Approve the application to amend the Towns Concept Plan by redesignating the land uses within the area identified in Appendix A-4 as from Medium Density to Low Density, Single Family Dwelling.
2. Approve the associated application to rezone Block 32 and 33 within the Towns Concept Plan, Stage 1H, as shown in Appendix A-1 from RL – Residential Low Rise Zone to RU – Residential Urban Zone.
3. Instruct the City Solicitor to prepare the necessary bylaw(s) to give effect to the recommendations, to be brought forward to the meeting of City Council following approval of the recommendations and the required public notice.
4. Approve these recommendations at its meeting on May 12, 2021, following the required public notice.

Cathy Lawrence, representing Terra Developments Inc., addressed the Commission.

Frank Bojkovsky moved that the recommendation contained in the report be concurred in.

The Clerk called the vote on the motion.

	In Favour	Against
Frank Bojkovsky	✓	
Biplob Das	✓	
Adrienne Hagen Lyster	✓	
Cheri Moreau	✓	
Tak Pham	✓	
Jacob Sinclair	✓	
Celeste York	✓	
Kathleen Wilson	✓	
Councillor Shanon Zachidniak		✓
Councillor John Findura	✓	
	9	1

The motion was put and declared CARRIED.

RPC21-36 Discretionary Use Application - 4701 Parliament Avenue (PL202000236)

Recommendation

Regina Planning Commission recommends that City Council:

1. Approve the discretionary use application for a proposed “Office, Professional Use” located on Parcel U4, Plan No. 102316014, civically known as 4701 Parliament Avenue in the Harbour Landing Subdivision, subject to compliance with the following development standards and conditions:
 - a) The development shall be generally consistent with the plan attached to this report as Appendix A-3, provided by Dream Asset Management Corporation; and
 - b) The development shall comply with all applicable standards and regulations in *The Regina Zoning Bylaw, 2019-19*.
2. Authorize the Development Officer to issue a development permit concerning the discretionary use application upon the applicant making payment of any applicable fees or charges and entering into a development agreement if one is required.
3. Approve these recommendations at its meeting on May 12, 2021, following the required public notice.

Evan Hunchak, representing Dream Development, addressed the Commission.

Celeste York moved that the recommendation contained in the report be concurred in.

The Clerk called the vote on the motion.

	In Favour	Against
Celeste York	✓	
Frank Bojkovsky	✓	
Biplob Das	✓	
Adrienne Hagen Lyster	✓	
Cheri Moreau	✓	
Tak Pham	✓	
Jacob Sinclair	✓	
Kathleen Wilson	✓	
Councillor Shanon Zachidniak	✓	
Councillor John Findura	✓	
	10	0

The motion was put and declared CARRIED.

RPC21-37 Zoning Bylaw Amendment- 3300 Anaquod Road (PL202000245)

Recommendation

Regina Planning Commission recommends that City Council:

1. Approve the application to rezone portions of lands located at 3300 Anaquod Road, part of SE 14-17-19-2 Ext 11, located within the Towns Concept Plan, as shown in Appendix A-1 as follows:
 - a. Parts of Block 3 and 5 from UH – Urban Holding Zone to RL - Residential Low-Rise Zone.
 - b. Parts of Block 2, 3 and 5; and Blocks 4 and 6 from UH – Urban Holding Zone to RU – Residential Urban Zone.
 - c. Apply LA - Lane Access Overlay Zone to the identified portions of the proposed RU – Residential Urban Zone within Block 2 and Block 6.
2. Instruct the City Solicitor to prepare the necessary bylaw(s) to give effect to the recommendations, to be brought forward to the meeting of City Council following approval of the recommendations and the required public notice.
3. Approve these recommendations at its meeting on May 12, 2021, following the required public notice.

Evan Hunchak, representing Dream Development, addressed the Commission.

Adrienne Hagen Lyster moved that the recommendation contained in the report be concurred in.

The Clerk called the vote on the motion.

	In Favour	Against
Adrienne Hagen Lyster	✓	
Frank Bojkovsky	✓	
Biplob Das	✓	
Cheri Moreau	✓	
Tak Pham	✓	
Jacob Sinclair	✓	
Celeste York	✓	
Kathleen Wilson	✓	
Councillor Shanon Zachidniak	✓	
Councillor John Findura	✓	
	10	0

The motion was put and declared CARRIED.

ADJOURNMENT

Councillor Shanon Zachidniak moved, AND IT WAS RESOLVED, that the meeting adjourn.

The meeting adjourned at 4:42 p.m.

Chairperson

Secretary

Discretionary Use - 665 University Park Drive - PL202100028

Date	June 2, 2021
To	Regina Planning Commission
From	City Planning & Community Development
Service Area	Planning & Development Services
Item No.	RPC21-38

RECOMMENDATION

Regina Planning Commission recommends that City Council:

1. Approve the discretionary use application for the proposed development of “Retail Trade, Motor Vehicle - Light” located at 665 University Park Drive, being Block N, Plan No. 92R14384 in the River Bend Neighbourhood, subject to compliance with the following development standards and conditions:
 - a. The development shall be generally consistent with the plans attached to this report as Appendix A-3.1 and A-3.2, prepared by Neher & Associates, dated December 23, 2020;
 - b. Except as otherwise specified in this approval, the development shall comply with all applicable standards and regulations in *The Regina Zoning Bylaw, 2019-19*.
2. Authorize the Development Officer to issue a development permit with respect to the application, upon the Applicant making payment of any applicable fees or charges and entering into a development agreement if one is required.
3. Approve these recommendations at its meeting on June 9, 2021, following the required public notice.

ISSUE

The Applicant, Neher & Associates, representing the owner, Olympic Motors, proposes to redevelop the former Costco Wholesale site into a car dealership for Regina Auto Gallery

that is classified as “Retail Trade, Motor Vehicle - Light” (proposed development). The subject property and building is vacant (since the Costco store relocated) and is located within the River Bend Neighbourhood, located at 665 University Park Drive. The subject property is zoned MLM – Mixed Large Market Zone in which “Retail Trade, Motor Vehicle – Light” is a discretionary use when larger than 1,000 square metres. The proposed development is 15,410 square metres in area, comprising both indoor and outdoor retail.

All properties in the city of Regina are assigned a zoning designation under the *Regina Zoning Bylaw 2019-19* (Zoning Bylaw). Within each zoning designation, land-use can be permitted, not permitted or discretionary. Discretionary use applications require a public and technical review; consideration and recommendation by the Regina Planning Commission and consideration and approval by City Council in order to proceed.

This application is being considered pursuant to *The Planning and Development Act, 2007* (The Act); *Design Regina: The Official Community Plan Bylaw No. 2013-48* (OCP) and the Zoning Bylaw, including suitability based on the prescribed evaluation criteria for discretionary uses established in Part IE.3. The proposal has been assessed and is deemed to comply with all applicable policies, regulations and standards.

Pursuant to subsection 56(3) of The Act, City Council may establish conditions for discretionary uses based on the nature of the proposal (e.g. site, size, shape arrangement of buildings) and aspects of site design (e.g. landscaping, site access, parking, loading), but not including architectural details.

IMPACTS

Financial Impacts

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 new, or changes to existing, infrastructure that may be required to directly or indirectly support any proposed development that may follow, in accordance with City of Regina (City) standards and applicable legal requirements.

Accessibility Impacts

The MLM – Mixed Large Market Zone requires a minimum of three accessible parking stalls. The proposal provides nine accessible, which meets the minimum requirement.

Environmental Impact

City Council set a community goal for the City of Regina of achieving net zero emissions and sourcing of net zero renewable energy by 2050. In support of this goal, City Council asked Administration to provide energy and greenhouse gas implications of recommendations so that Council can evaluate the climate impacts of its decisions.

The use of an existing facility for the proposed dealership eliminates greenhouse gas emissions generated from the construction of a new building.

The former Costco gas station on site has been remediated and reviewed under the National Building Code 2015. The Ministry of Environment of the Government of Saskatchewan deemed the decommission compliant in September 2018.

Policy/Strategic Impact

The proposed development does not conflict with any OCP policies and is consistent with the following OCP goals/policies:

- Section D5, Goal 5, Policy 7.1.7: *Require new large-format retail to be located on URBAN CORRIDORS or within identified URBAN CENTRES*
- Section C, Goal 2: Maximize the efficient use of existing and new infrastructure.

The proposed development is located on a major arterial roadway and is a large format retail building/site. The development will facilitate the redevelopment of a large vacant commercial property and ensure that existing infrastructure is utilized.

OTHER OPTIONS

Alternative options would be:

1. Approve the application with specific amendments to the plan.
2. Refer the application back to Administration. If City Council has specific concerns with the proposal, it may refer the application back to Administration for further review and direct that the application be brought back to Regina Planning Commission or directly to City Council for reconsideration following such 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 “Retail Trade, Motor Vehicle – Light” land use will not proceed on the subject property if City Council rejects the application. If Council defeats or does not move a recommendation to approve (with or without conditions), Council must consider an alternate motion to reject the application. The motion must include the reasons for the denial based on the evaluation criteria.

COMMUNICATIONS

The Applicant and other interested parties will receive a copy of the report and notification of their right to appear as a delegation at the Regina Planning Commission and Council meetings when the application will be considered. Public notice of City Council’s consideration of this application will also be given in accordance with *The Public Notice Policy Bylaw, 2020*. The Applicant will receive written notification of City Council’s decision in accordance with The Act.

DISCUSSION

Proposal

The applicant proposes to develop “Retail Trade, Motor Vehicle – Light” in a vacant Building, Detached (former Costco retail store) with both indoor and outdoor retail.

The subject property is zoned MLM – Mixed Large Market Zone in which “Retail Trade, Motor Vehicle – Light” is a discretionary use when larger than 1000 square metres. The proposed development conforms with the intent and development standards and requirements of the MLM – Mixed Large Market Zone; however, as the proposed development is 15,410 square metres, requires consideration through the discretionary use process.

Overall, the development includes 11,010 square metres of indoor retail space and 4,400 square metres of outdoor retail space. There are no planned additions to the existing building.

The land-use and zoning details of this proposal are summarized in the following tables:

Land Use Details	Existing	Proposed
Zoning	MLM – Mixed Large Market Zone	MLM – Mixed Large Market Zone
Land Use	Vacant	Retail Trade, Motor Vehicle - Light
Building Area	11,010 m ²	11,010 m ²

Zoning Analysis	Required	Proposed
Number of Parking Stalls	145	248
Min. Lot Area (m ²)	1500 m ²	43,264 m ²
Min. Lot Frontage (m)	22.5 m	161 m
Max. Building Height (m)	15.0 m	Existing
Max. Floor Area Ratio	1.5	0.25
Max. Coverage (%)	60%	28.7%

The proposed development requires 145 parking stalls (one parking stall per 75 square metres of indoor retail, after the first 150 square metres). The proposal provides 248 parking stalls, which exceeds the maximum requirements. This excludes approximately 277 stalls intended for vehicular display which means that there is capacity for 525 parking stalls onsite.

The proposed development will generate less traffic volumes than the previous retail use. The primary access to the site is from University Park Drive. Secondary accesses are provided from Star Lite Street and two shared access agreements with adjacent properties.

The surrounding land uses include mixed commercial to the north, east, south and west. Victoria Square Mall is nearby, to the west of University Park Drive.

Based on Administration's evaluation of the proposal for land-use, development standards, and criteria established in Part 1E.3 of the Zoning Bylaw, the development is suitable for the proposed location. No adverse impacts have been identified.

Community Engagement

In accordance with the public notice requirements of *The Public Notice Policy Bylaw, 2020*, neighbouring property owners within 75 metres of the proposed development received written notice of the application and a sign was posted on the subject site. The Arcola East Community Association was contacted but did not respond. There were no comments from neighbouring property owners.

DECISION HISTORY

On February 10, 1992 City Council approved the rezoning of the subject property from UH – Urban Holding Zone to C – Contract Zone (CR92-11).

On February 26, 2018 City Council approved the rezoning of the subject property from C – Contract Zone to MAC – Major Arterial Commercial (CR18-8).

Upon adoption of *Regina Zoning Bylaw, 2019* the subject property was rezoned to MLM – Mixed Large Market Zone (2019-19).

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

5/19/2021

Respectfully Submitted,



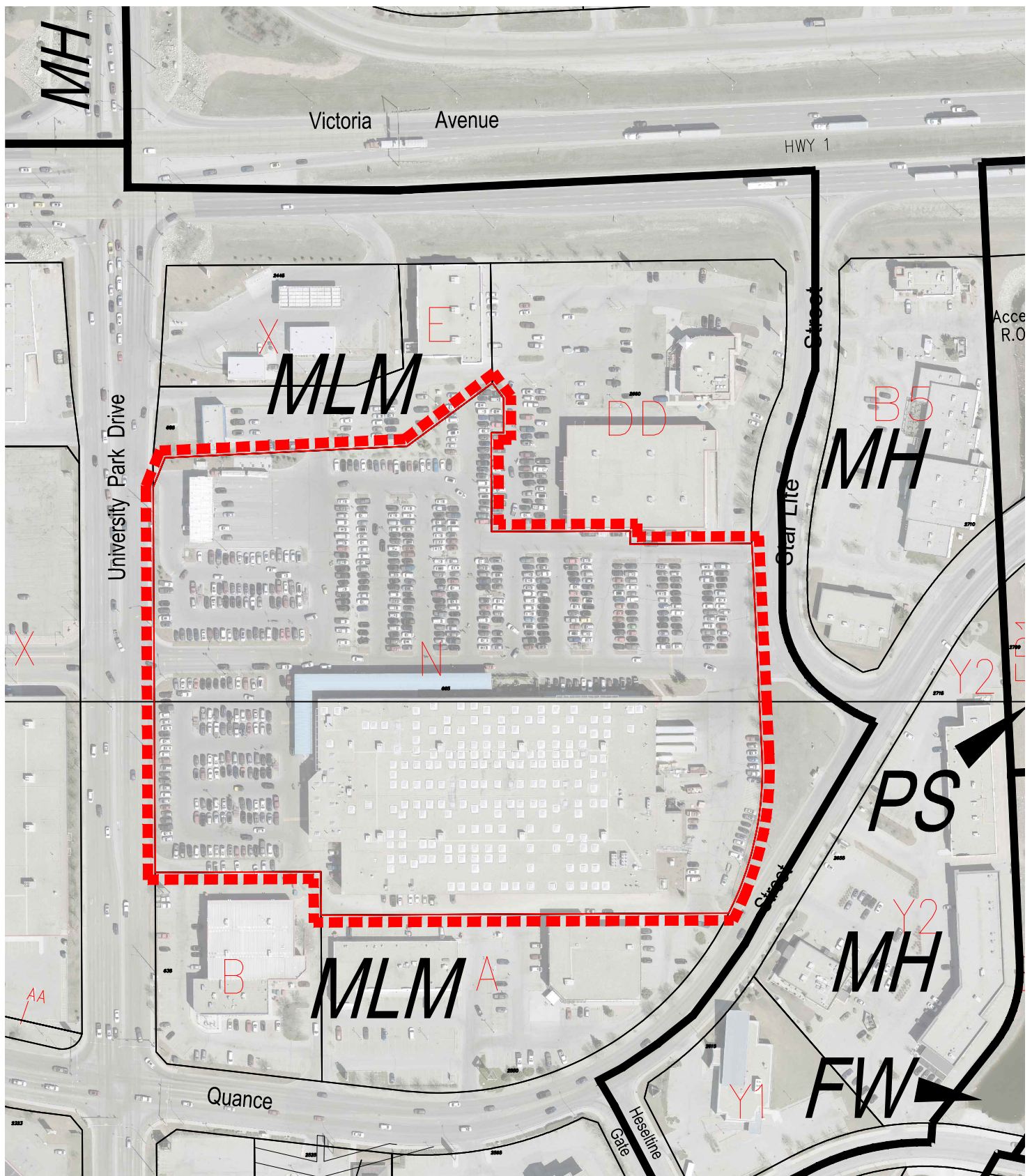
Diana Hawryluk, Executive Director, City Planning & Community Dev.

5/26/2021

Prepared by: Michael Sliva, City Planner II

ATTACHMENTS

Appendix A-1
Appendix A-2
Appendix A-3.1
Appendix A-3.2

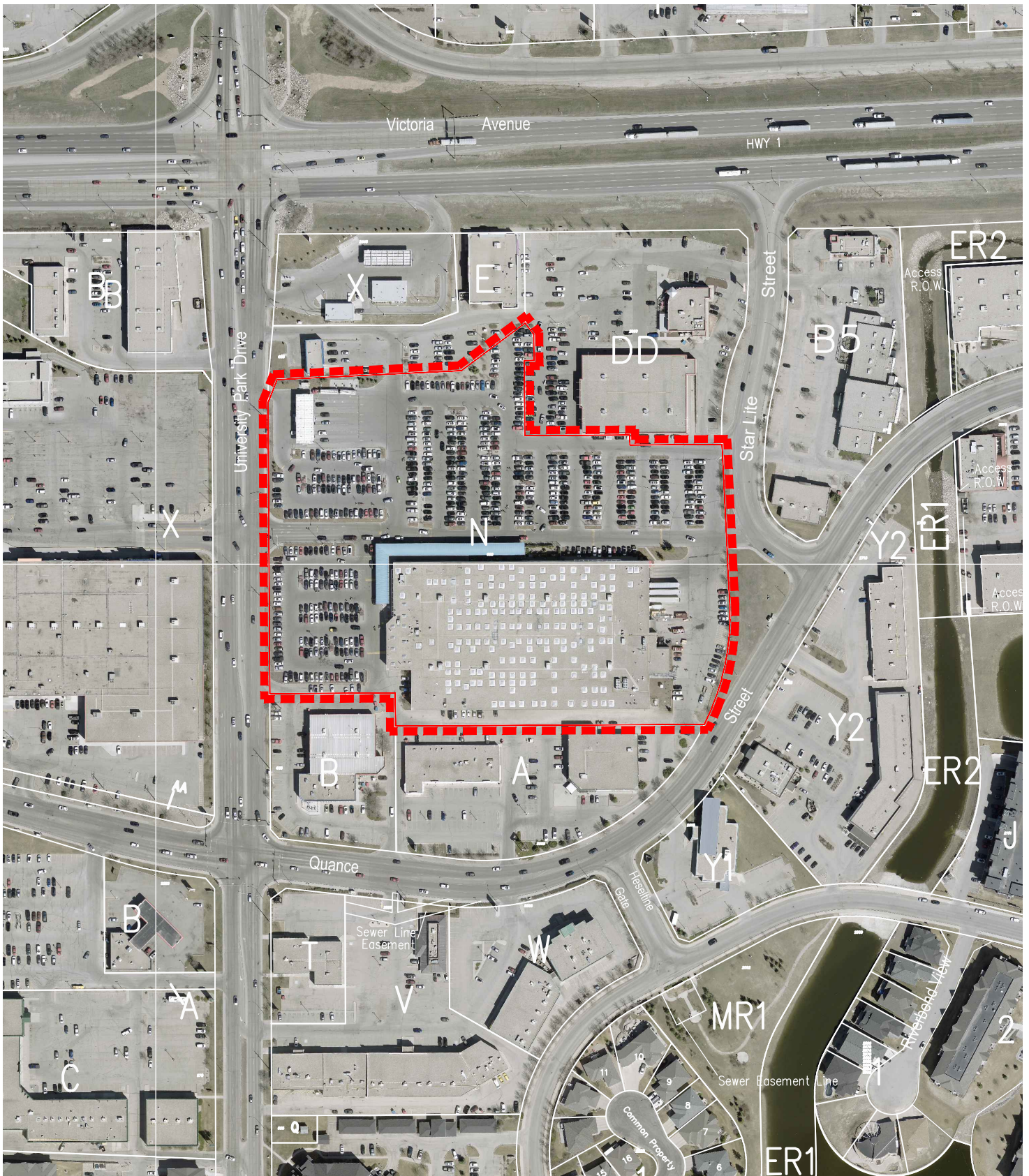


Date of Photography : 2018



Subject Property





Subject Property

Date of Photography: 2018

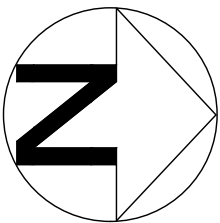
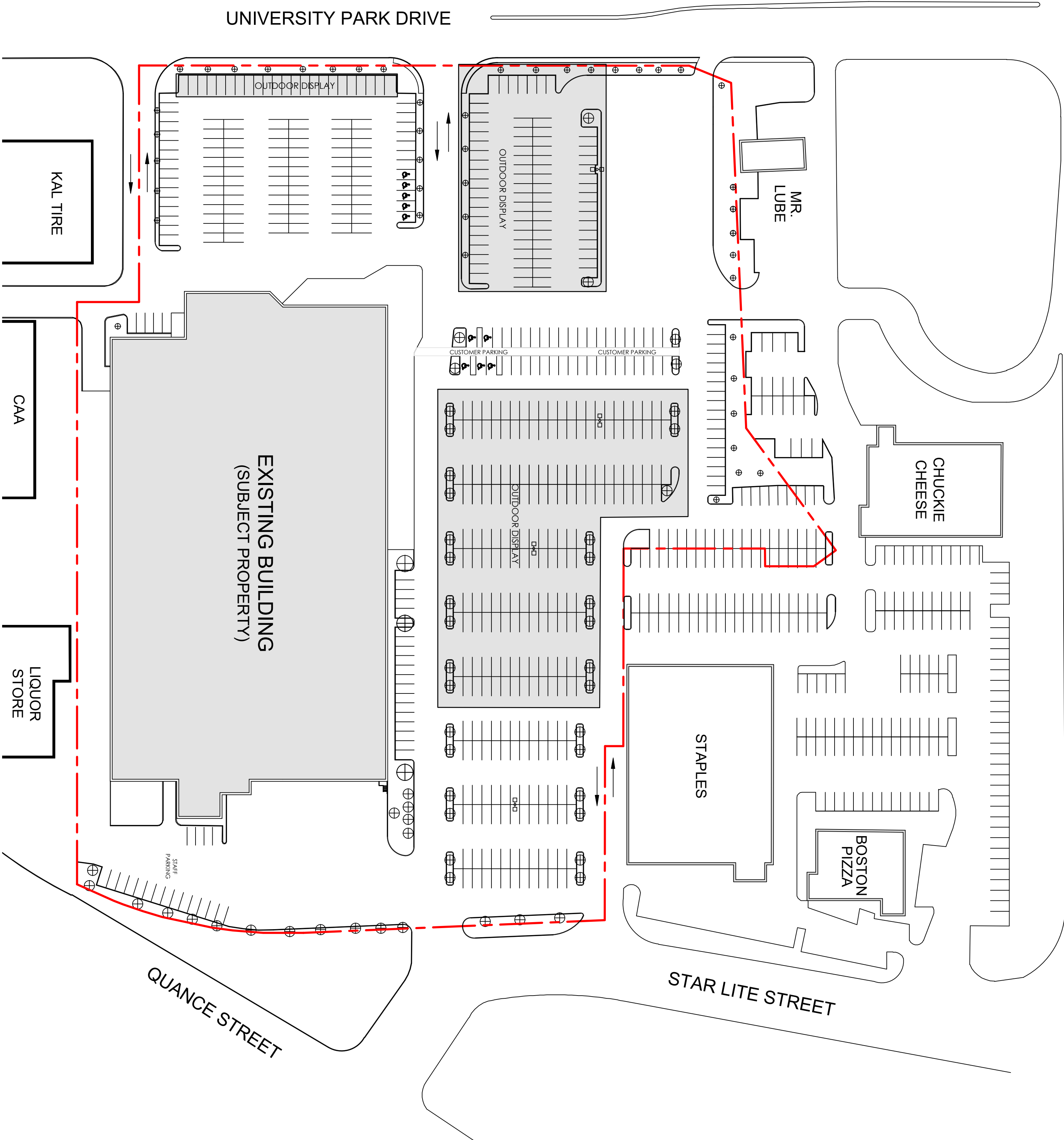


Project PL202100228

Civic Address/Subdivision

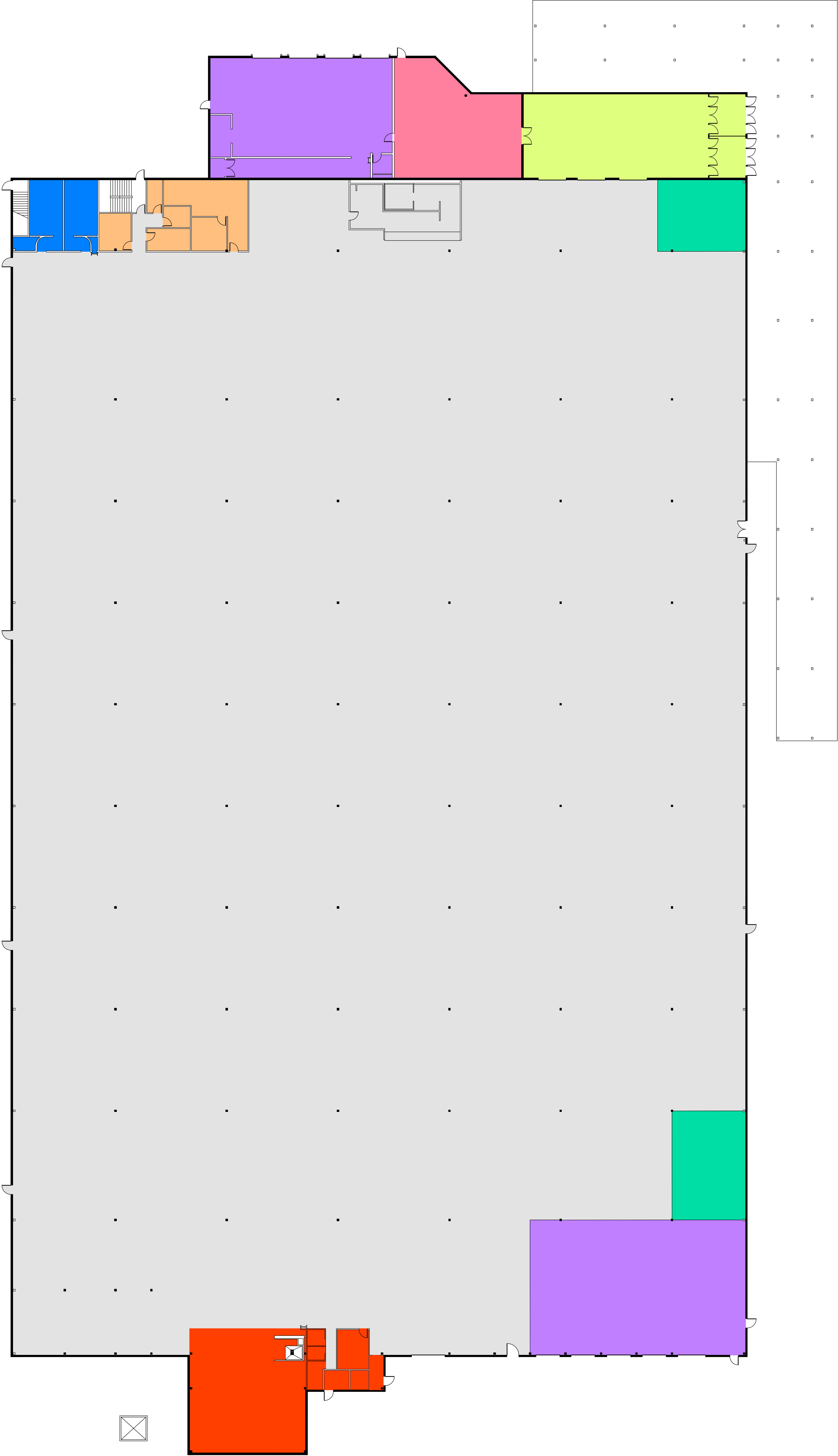
665 University Park Drive

Appendix A-3.1



1
BD1.0

SITE PLAN
Scale = 1:500



NEHER & ASSOCIATES
DESIGN AND DEVELOPMENT CONSULTANTS

Pt: (306) 540-2697
Email: whelie@neherandassociates.com
www.neherandassociates.com

CONSULTANTS:

CONTRACTOR SHALL NOT SCALE DRAWINGS. THE CONTRACTOR IS TO REPORT ANY ERRORS OR OMISSIONS TO NEHER & ASSOCIATES PRIOR TO CONSTRUCTION.
THE CONTRACTOR SHALL VERIFY AND BE RESPONSIBLE FOR ALL DIMENSIONS.
ALL DESIGN AND DRAWINGS ARE THE PROPERTY OF NEHER & ASSOCIATES AND ARE NOT TO BE REPRODUCED WITHOUT PRIOR AUTHORIZATION.
NEHER & ASSOCIATES ASSUMES NO LIABILITY FOR ERRORS, OMISSIONS OR ANY DAMAGES THAT MAY ARISE FROM THE USE OF THESE DRAWINGS OR INFORMATION CONTAINED WITHIN.

PROJECT NAME:
Vehicle Dealership
665 University Park Drive
Regina, SK

ISSUE RECORD:
01 - Issued for DU Application - 12/23/2020
02 - Revised for DU Application - 05/12/2021

REVISIONS:

PROJECT NO: 2020-22
DWG FILE: N/A
DRAWN BY: W.G.N.
CHECKED BY: W.G.N.

SHEET TITLE
Floor Plan Concept

Sheet No.

BD2.0

Contract Zone - 1450 Hamilton Street - PL202100002

Date	June 2, 2021
To	Regina Planning Commission
From	City Planning & Community Development
Service Area	Planning & Development Services
Item No.	RPC21-39

RECOMMENDATION

Regina Planning Commission recommends that City Council:

1. Approve the application to rezone the property located at 1450 Hamilton Street, being Lots 26-40, Block 202, Plan No. OLD33 in the Warehouse District from IL – Light Industrial Zone to C - Contract Zone to permit the carrying out of the specified proposal described as an Office, Industry and Office, Professional development as set out in further detail in this report and consistent with the plans dated December 23, 2020 attached to this report as Appendix A-3.1 & A-3.2.
2. Delegate authority to the Development Officer or designate to negotiate and approve a contract zone agreement between the City of Regina and the owner of the subject property to permit the carrying out of the specified development proposal, on terms and conditions as described in this report.
3. Authorize the City Clerk to execute the contract zone agreement after review and approval by the City Solicitor.
4. Instruct the City Solicitor to prepare the necessary bylaw(s) required to give effect to the recommendations, to be brought forward to the meeting of City Council following approval of the recommendations by City Council and the required public notice.
5. Approve these recommendations at its meeting on June 9, 2021.

ISSUE

The Applicant, Alton Tangedal, on behalf of the owner, Hillberg & Berk, proposes to amend the *Regina Zoning Bylaw 2019-19* (Zoning Bylaw) to allow for an existing accessory office space to be occupied as a principal office use. The space currently contains offices accessory to Hillberg & Berk manufacturing operations which is deemed the principal use. The building owner no longer requires the office space for their purposes and wish to lease the existing office space in the building to another party. Since the office would no longer be accessory to the on-site industrial use, it would be deemed a principal use, and subject to *Design Regina: The Official Community Plan Bylaw No 2013-48* (OCP) policy and Zoning Bylaw regulations. The application is proposing a Zoning Amendment to accommodate this change as detailed in the discussion section of this report.

Property owners can submit applications to change the zoning designation of their property. This requires an amendment to the Zoning Bylaw and requires review by Regina Planning Commission (RPC) and approval of the amendment by City Council. These applications include a public and technical review process in advance of consideration by RPC and Council.

This application is being considered pursuant to *The Planning and Development Act, 2007* (Act); OCP and Zoning Bylaw. The proposal has been assessed and is deemed to comply with the Act, OCP (Part A) and the Zoning Bylaw.

IMPACTS

Financial Impacts

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 new, or changes to existing, infrastructure that may be required to directly or indirectly support any proposed development that may follow, in accordance with City of Regina (City) standards and applicable legal requirements.

Accessibility Impacts

The underlying IL Zone requires a minimum of one accessible parking stall. The proposal provides four accessible parking stalls, which exceeds the minimum requirement.

Environmental Impacts

The City of Regina has a community goal of achieving net zero emissions and sourcing of net zero renewable energy by 2050. In support of this, City Council has asked Administration to provide energy and greenhouse gas implications of recommendations so that they can evaluate the climate impacts of their decisions.

Reusing an existing property is one way to minimize greenhouse gas production as new construction is a large contributor to greenhouse gas emissions.

Policy/Strategic Impact

The proposed development is consistent with the following OCP goals/ policies:

- Section D5, Goal 5, Policy 7.28: *Endeavour to ensure, over the life of the Plan, that at least 80% of the total office floor area in the city, pertaining to medium office and major office development, is located in the DOWNTOWN/CENTRAL CITY OFFICE AREA, as identified on Map 6 – Office Areas*
- Section D5 Goal 5, Policy 7.29.7: *The development of medium office for industrial users considered as a discretionary use.*

The proposed development contains an Office, Industry use that is within the medium office category. The proposed development is located within the Central City Office Area and contributes to the office market of the City Centre. On this basis, the Administration assessment is that the proposal is compliant with the Office Policy, which is further discussed in the discussion section of this report.

- Section E, Goal 8, Policy 14.42: *Apply a Contract Zone designation, 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:*

The proposed development contains unique characteristics including a unique location within the City Centre, existing office space, and a facility within the Warehouse District. The property is suited for office use, and in a location supported by office development policies that encourage such use in the City Centre; and the existing zoning regulations do not allow for the use to occur. Therefore, use of the contract zone is appropriate for this proposed development.

- Section D5, Goal 2, Policy 7.9: *Explore actions necessary to convert vacant or underutilized properties to market-ready development sites to realize intensification in the CITY CENTRE;*

This property is located within the City Centre and the primary occupant is vacating the space. Approval of the Contract Zone would enable this site to be occupied as it is currently developed.

OTHER OPTIONS

Alternative options would be:

1. Approve the application with specific amendments to the plan.
2. Refer the application back to Administration. If City Council has specific concerns with the proposal, it may refer the application 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 “Office, Industry” land use will not proceed on the subject property if City Council rejects the application.

COMMUNICATIONS

The Applicant and other interested parties will receive a copy of the report and notification of their right to appear as a delegation at the Council meeting when the application will be considered. Public notice of the public hearing required when Council considers the proposed bylaw will be given in accordance with *The Public Notice Policy Bylaw, 2020*. The Applicant will receive written notification of City Council's decision.

DISCUSSION

Proposal

The proposed development is a one-storey “Building, Detached” that currently contains Hillberg and Berk manufacturing space and accessory offices. The owner intends to maintain their 991 square metres of manufacturing space, but no longer require the remaining 1891 square metres of office space for their own purposes. Since the office space would no longer be accessory to an industrial use on the property, it would be considered a principal office space and is subject to applicable regulations in the Zoning Bylaw and the OCP.

The subject property is located at 1450 Hamilton Street within Regina's Warehouse District. The subject property is zoned IL – Industrial Light Zone in which office uses larger than 1000 square metres is not permitted. The proposed development is 2883 square metres. Therefore, the Applicant is proposing to rezone the subject property to C – Contract Zone to facilitate this development.

The OCP allows for a Contract Zone to “support beneficial development proposals that meet the intent of this Plan but require special regulatory treatment to address unique characteristics.”

The existing office space was approved as an accessory use to the existing manufacturing space in 2016. There are no planned exterior changes.

Considerations

Office Policy

Medium office is defined as a gross floor area between 1000 square metres and 4000 square metres. The proposed development, a maximum of 1891 square metres of office area, is within the threshold of medium office. Office development policies intend to maintain the Downtown and the City Centre as the primary location for medium and major office spaces. The Office Policy allows for up to 4000 square metres in this location because it is in the Warehouse/City Centre defined area in the OCP.

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

Land Use Details	Existing	Proposed
Zoning	IL – Industrial Light Zone	C- Contract Zone
Land Use	Manufacturing and (vacant) Accessory Office	Manufacturing and (principle) Office uses
Building Area	2,883 m ²	2,883 m ²
Office Area	1,891 m ²	Maximum of 1,891 m ²

Zoning Analysis	Required	Proposed
Number of Parking Stalls	16	30
Number of Accessible Parking Stalls	1	4
Min. Lot Area (m ²)	200 m ²	4,361 m ²
Min. Lot Frontage (m)	30.0 m	114.4 m
Max. Building Height (m)	15 m	10.64 m
Max. Coverage (%)	75%	26.7%

The proposed development requires 16 parking stalls (one parking stall per 175 square metres) and the applicant has provided 30 parking stalls. As the office spaces currently exists, there is not expected to be an increase of parking demand because of the zoning amendment. No parking concerns were identified during the review.

Community Engagement

In accordance with the public notice requirements of *The Public Notice Policy Bylaw, 2020*, neighbouring property owners within 75 metres of the proposed development received written notice of the application and a sign was posted on the subject site. The Warehouse District was contacted, and their response is in Appendix B. Regina Downtown Business Improvement District was contacted and responded that they did not object to this development. There were no comments received from neighbouring properties.

DECISION HISTORY

This property was originally zoned IA – Light Industrial Zone under *Regina Zoning Bylaw No.9250*.

Upon adoption of *Regina Zoning Bylaw, 2019* the subject property was rezoned to IL – Industrial Light Zone (CR19-09).

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,



5/19/2021

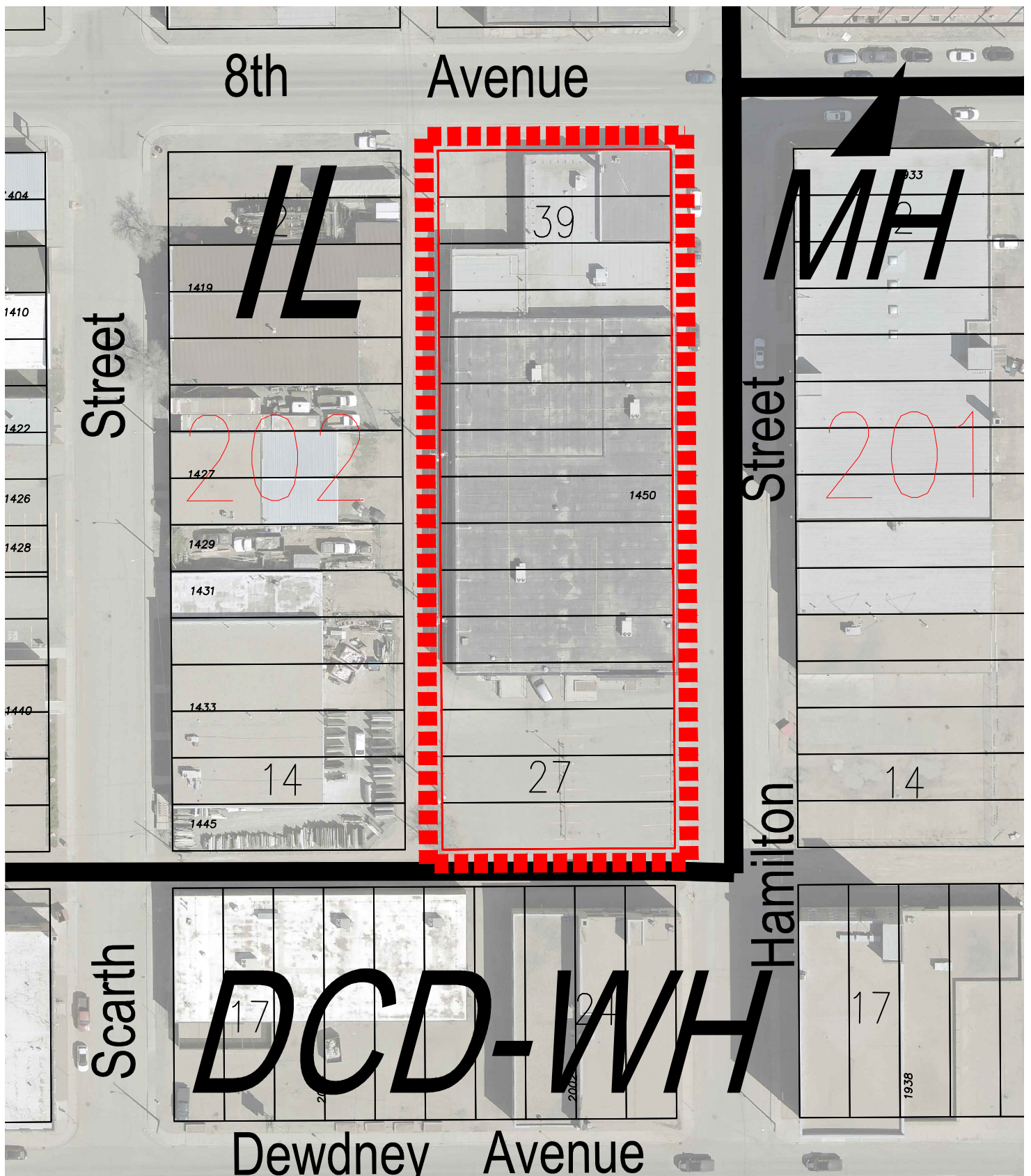
Diana Hawryluk, Executive Director, City Planning & Community Dev.

5/26/2021

Prepared by: Michael Sliva, City Planner

ATTACHMENTS

Appendix A-1
Appendix A-2
Appendix A-3.1
Appendix A-3.2
Appendix B



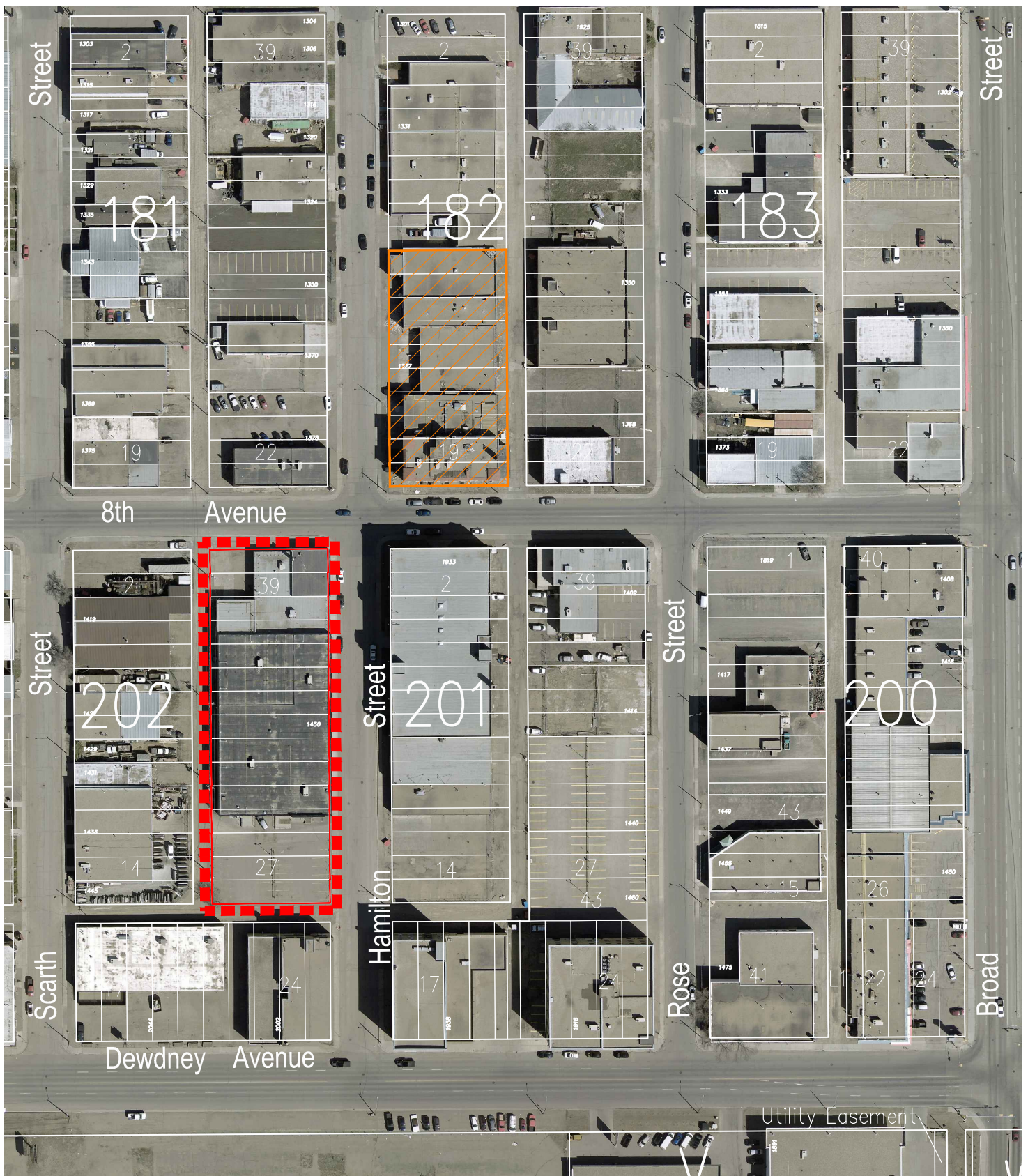
Subject Property



Heritage

Date of Photography : 2018





Subject Property



Heritage

Date of Photography: 2018



Project PL20210002

Civic Address/Subdivision

1450 Hamilton Street

**Alton Tangedal
Architect Ltd.**
100, 1170 60th Ave., Regina, SK, S4R 1C9
Tel: 306-789-0743 Fax: 306-789-0076
Email: alton@alton.ca
Website: www.altonarchitectural.ca

Alion Tangedal	M. Arch.	SAA	MIRAIC
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1
A-3.0
1 : 250

SITE PLAN

THIS REVIEW IS BASED ON REGINA ZONING BYLAW 2019

LEGAL DESCRIPTION	LOT:	BLOCK:	PLAN:	MUNICIPAL ADDRESS:	LAND USE ZONE:	LAND USE TYPES:
26-40	202	OLD 33	1450 HAMILTON STREET, REGINA SK	INDUSTRIAL LIGHT (IL)	STORAGE, WAREHOUSE (EXISTING)	

DISCRETIONARY USE

LOT FRONTAGE:	50.2' MIN.	ACTUAL: 114.4m (HAMILTON STREET)
FRONT YARD SETBACK:	MIN. 30m	
REAR YARD SETBACK:	MIN. 20m	ACTUAL: 1.8m
SIDE YARD SETBACK:	MIN. 2m	
TOTAL SIDE YARD SET.	MIN. 30m	ACTUAL: 29.16m
SITE COVERAGE:	MAX. 75%	ACTUAL: 66.1%
BUILDING HEIGHT:	MAX. 15m	

ALL OTHER USES	1

LAND USE ALL OTHER USES	AREA OF USE 1 STALL PER 175SM OF GROSS FLOOR AREA	MIN NUMBER OF STALLS REQUIRED 17 STALLS	ACTUAL STALLS PROVIDED 28 STALLS
----------------------------	--	--	-------------------------------------

FLOOR AREA

FLOOR AREA	MIN. LOADING STALLS	ACTUAL PROVIDED
2882.5 m ²	1	12
BICYCLE PARKING		
VEHICLE PARKING STALLS	CALCULATION	MIN. NUMBER OF SHORT TERM BICYCLE STALLS
28 STALLS	1 SHORT TERM PER UNIT	3 STALLS
		PROVIDED 4 STALLS

LANDSCAPING

LANDSCAPING AREA:	MIN: 73.94m ²	PROVIDED:
TREES:	MIN: 2	PROVIDED:
SHRUBS:	MIN: 4	PROVIDED:
STREET TREES		
STREET	REQUIRED	PROVIDED
HAMILTON STREET	11	0
8th AVENUE	4	0

[illegible]

PROJECT
1450 HAMILTON STREET -
DISCRETIONARY USE
APPLICATION
REGINA, SK

DRAWING

SITE PLAN



DESIGN:	A.C.T.
DRAWN:	N.R.Q.
DATE:	23 DEC 2020
PROJECT:	20061

SHEET NO. REVISION NO

A-1.0

REVISION NO

Appendix A-3.2

TENANT AREA LEGEND	
	TENANT SPACE #1 STANDARD OFFICE INDUSTRY USE APPROXIMATE AREA: 991m ²
	TENANT SPACE #2 OFFICE, INDUSTRY APPROXIMATE AREA: 1891m ²



**Alton Tangedal
Architect Ltd.**

1001/120 8th Ave., Regina, SK S4S 1C9
Tel.: 306-220-0741 Fax: 306-789-0876
Email: info@atangel.com
Website: www.altontangedal-architect.com

Alton Tangedal	M. Arch.	SAA	MRAIC
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ATLON CLANGED
 (No. No. 40, NBS)
 23/20

[illegible]

1450 HAMILTON STREET -
DISCRETIONARY USE
APPLICATION
REGINA, SK

DRAWING

FLOOR PLAN

DESIGN:	A.C.T.
DRAWN:	N.R.Q.
DATE:	23 DEC 2020
PROJECT:	20061
SHEET NO.	REVISION NO.

A-2.0

SHEET NO. REVISION NO



SOUL

OF THE

CITY

240-2300 Dewdney Ave
Regina, SK, S4R 1H5

Michael Sliva
City of Regina
2476 Victoria Ave
Regina, SK S4P 3C8

April 22, 2021

Attn: Regina Planning Commission

SENT VIA EMAIL

Re: 1450 Hamilton Street – PL202100002

To Whom It May Concern:

On behalf of Regina's Warehouse Business Improvement District, I'm writing in support of the rezoning request for 1450 Hamilton Street – PL202100002.

This request will continue to support businesses within the Warehouse District.

Please contact us at 306-585-3904 or lgibbons@warehousedistrict.ca if you have any questions.

Sincerely,

Leasa Gibbons
Executive Director

#YQRWD

@WAREHOUSEYQR



Zoning Bylaw Amendments - Delegation of Discretionary Use Authority to Development Officer

Date	June 2, 2021
To	Regina Planning Commission
From	City Planning & Community Development
Service Area	Planning & Development Services
Item No.	RPC21-40

RECOMMENDATION

Regina Planning Commission recommends that City Council:

1. Amend *Zoning Bylaw, 2019* to delegate approving authority of Discretionary Use applications to the Development Officer.
2. Consequential to Recommendation 1, amend the *Public Notice Policy Bylaw, 2020* to reflect circumstances in which a discretionary use may be approved by the Development Officer.
3. Direct the Administration to amend *The Development Application Fee Bylaw* to reflect the reduced Administrative processing time for discretionary use applications that are approved by the Development Officer, and to bring back the rationale with a proposed bylaw amendment.
4. Approve the proposed amendments to take effect on September 1, 2021 after passage of the required bylaw amendments to allow time for internal Administrative process information to be updated and communication to development stakeholders.
5. Instruct the City Solicitor to prepare the necessary bylaws as described in Appendix A, to give effect to the recommendations, to be brought forward to a meeting of City Council following approval of the recommendations and the required public notice.
6. Approve these recommendations at its meeting on June 9, 2021.

ISSUE

The Regina Zoning Bylaw, 2019 (Zoning Bylaw) was drafted with the intention that approval authority respecting discretionary use applications would be delegated to the Development Officer as authorized pursuant to provisions of section 15 of *The Planning and Development Act, 2007*.

During consideration of *Zoning Bylaw, 2019*, on June 18, 2019 City Council resolved that:

“The delegation of authority to the Development Officer for discretionary use approval be removed from the proposed Zoning Bylaw at this time and be brought back to City Council as a separate report within six months of the approval of the Zoning Bylaw.”

Delegating authority of certain discretionary use decisions, which do not have strong community impact, means that discretionary use applications would no longer require Council’s approval but could be approved or rejected administratively by the Development Officer (i.e. the Executive Director of City Planning and Community Development Division). The benefit to this approach is that the approval timeframe for approval of discretionary use would be shortened and streamlined, freeing Administrative time to focus on other business priorities, and reducing the number of reports and agendas of the Regina Planning Commission and City Council. In addition, would result in a quicker process for customers and the development and building industry.

However, a key concern when Council initially considered the Zoning Bylaw was to ensure that Council continued to be involved in types of discretionary use applications where the public has raised a certain level of concern during the review or for major application reviews. To this end, Administration has analyzed the application types that are highly probable to raise concerns by the public. Based on this analysis this report recommends criteria to be applied for identifying those application types where authority for discretionary use applications would be delegated to the Development Officer and those that Council would continue to consider and exercise approving authority over.

IMPACTS

Financial

The recommendation will reduce administrative resources necessary to prepare Regina Planning Commission and City Council reports to make an informed decision. Generally, this includes a process of report preparation, preparation for Regina Planning Commission and City Council, and attending hearings, which may result in overtime pay for staff in attendance. This would help to free capacity and to focus resources towards policy and regulatory improvements and other business priorities. Furthermore, straight-forward discretionary use applications will be removed from Council’s agenda.

Policy/Strategic

The following are the main *Design Regina: Official Community Plan Bylaw No. 2013-48* (OCP) policies that support the delegating discretionary use authority to the Development Officer:

- Section D 10: Economic Development, Goal 1 - Economic Vitality and Competitiveness: Foster an environment conducive to economic vitality and competitiveness which supports the standard of living of residents in Regina and the surrounding region.
 - 12.2 Minimize regulatory barriers to economic growth to the greatest possible extent while balancing the needs and aspirations of all Regina residents, fee and tax-payers, and the sustainability of the city
- Section E: Realizing the Plan, Goal 1 – Plan Ownership: Foster Plan ownership and execution by City staff and Council.
 - 14.3 Review existing City policies, practices, standards, and other guiding documents predating approval of this Plan, and representing barriers to the successful achievement of this Plan in accordance with the following considerations:
 - 14.3.1 Where such existing approaches provide flexibility, discretion, interpretation or the weighing of choices, or where there is no governing or guiding direction, the City shall be flexible in a manner that supports this Plan's Community Priorities and goals.
 - 14.3.2 The City will seek to overcome all barriers and obstacles to Plan implementation, and previous Council directions will be brought into alignment with this Plan over time.
 - 14.7 Support creative solutions that may challenge conventional practices to achieve the goals and policies of this Plan.

The OCP directs that administrative actions in planning for the future are carried out to ensure that Regina residents are engaged in the activities in the city, and lead and support initiatives that enhance an inclusive city-building process that offers residents transparency in decision-making and builds ownership through participation. The discretionary use process will continue to involve the public regardless of how approval authority is exercised. Concerns raised during the review of applications would be managed by ensuring the key concerns are addressed or mitigated through conditions of approval or negotiating changes to proposed plans. In applications where significant concerns are identified through the circulation and public notice process the public will have the opportunity to participate further in the process through Regina Planning Commission and City Council. The outcomes of the review process and reasons for decision of each application will be documented and publicly accessible.

The initiative is focused on efficiency and process improvement while at the same time ensuring that our regulatory responsibility is maintained in accordance with OCP Policy.

OTHER OPTIONS

The recommended option is to delegate authority of discretionary use to the Development Officer with some exceptions. Other options for City Council to consider are as follows:

1. Direct the Administration to specifically identify different criteria in the Zoning Bylaw to determine which applications may require City Council's consideration. This may include identification of specific land uses in each zone that would require City Council's consideration. This approach may improve clarity and remove discretion from the process, but ultimately some applications with little public concern may still be considered by Council.
2. Maintain the status quo with City Council retaining all authorities for approval of discretionary uses.

COMMUNICATIONS

Administration has discussed with multiple stakeholders the concept of delegation of discretionary use authority to the Development Officer. The proposed amendment has broad support, based on consultation through the Zone Forward Project and recent consultation with industry stakeholders, as it would reduce approval timeframes for approval for most applications. If the recommendations are approved, public notice of the required hearing when Council will consider the proposed bylaw amendment(s) will be given in accordance with *The Public Notice Policy Bylaw, 2020*.

DISCUSSION

What is a Discretionary Use

A Discretionary Use is a land use planning tool provided by *The Planning and Development Act, 2007* (Act). The Act allows a zoning bylaw to identify a use of land, buildings or form of development within a zone as discretionary, and are thereby currently subject to approval of Council. In contrast, a zoning bylaw also identifies uses within a zone that are permitted and prohibited. A permitted use is one that must be approved as-of-right if it complies with all other aspects of the zoning bylaw. A prohibited use is one that is not allowed in a zone and cannot be approved. In practice, a permitted use represents the common character of a neighbourhood or district, such as a single detached dwelling in a low-density zone. Discretionary uses are usually higher impact land use types, uses that may have off site impacts that warrant consideration of surrounding context, or uses which may require further policy analysis. For example, a commercial shopping centre of a higher scale may be discretionary because it requires consideration of traffic and circulation patterns, and land use compatibility.

The Act also requires a zoning bylaw to prescribe specific evaluation criteria which the approving authority must apply and consider in evaluating the suitability of any proposed discretionary use application. The City's Zoning Bylaw establishes that all discretionary use applications are to be evaluated based on the following criteria:

- (a) consistency with the vision, goals and policies of the Official Community Plan;
- (b) consistency with the objectives and policies of any applicable special study or policy document for the site, area or neighbourhood, with emphasis on:
 - (i) land use;
 - (ii) intensity of the development; and

- (iii) impact on public facilities, infrastructure or services;
- (c) potential adverse impacts or nuisances affecting:
 - (i) nearby land, development, land uses, or properties;
 - (ii) neighbourhood character;
 - (iii) the environment;
 - (iv) traffic;
 - (v) a public right-of-way; and
 - (vi) any other matter(s) affecting public health and safety.

Decisions by Council

In addition to the evaluation criteria, the decision process with respect to discretionary use applications is strictly set out in the Act. After following the prescribed review procedure, including consideration of the evaluation criteria, and providing public notice, the approving authority may approve with or without conditions, or reject a discretionary use application. Every decision respecting a discretionary use application must be provided to the applicant in writing. An application may be approved if, as submitted, the development proposal establishes that the application conforms to provisions of the zoning bylaw, and that the use will be compatible with development in the immediate area, and be consistent with provincial land use policies. Conversely, if in applying the evaluation criteria the proposed development is determined to be unsuitable, an application may be rejected. In the case of a rejection, the written notice of decision must include the specific reasons for the rejection based on the criteria in the zoning bylaw. In other words, discretionary use decisions cannot be arbitrary and must relate to the evaluation criteria that Council has established as set out in the zoning bylaw.

A discretionary use may also be approved subject to conditions or additional development standards that are consistent with the standards applicable to discretionary uses in the zoning bylaw and which, in the approving authority's opinion, are necessary to secure the objectives of the zoning bylaw. Since a discretionary use may be of a higher impact and land use compatibility is a key consideration, conditions may be applied to mitigate impacts and ensure the proposed use follows the intent of the zoning bylaw. The Act limits the scope of conditions that may be applied to:

- (i) the nature of the proposed site, including its size and shape, and the arrangement of buildings
- (ii) accessibility and traffic patterns for persons and vehicles, considering the volume of vehicles and the adequacy of parking facilities;
- (iii) mitigation of noxious or offensive emissions, noise, glare, dust, or odour; or
- (iv) other aspects of the site such as landscape, screening, open spaces, loading, but excluding material architectural treatment and detail.

For example, a discretionary use approval for an apartment building in a neighbourhood may be approved subject to requiring additional parking facilities to limit off-site impacts, additional landscaping to limit privacy concerns of an adjacent property, or even to require additional setback perhaps to address a sun-shadow impact. Conversely, the Act does not allow for a discretionary use approval to require an architectural treatment or character, such as brick rather than vinyl siding or a specific window pattern.

If an application for discretionary use is approved subject to conditions, and the applicant is of the opinion that the conditions exceed those necessary to secure the objectives of the zoning bylaw, the applicant may appeal the conditions of approval to the Development Appeals Board. The appeal is limited only to the conditions of approval; a decision to approve or deny an applicant of discretionary use cannot be appealed.

Current review process

The current review process is described in Appendix B-1. It follows a standard review process involving these steps:

1. Application intake and initial review (approximately two weeks)
2. Technical and Public Circulation (four weeks)
3. Report Drafting and Internal Circulation (five weeks)
4. Regina Planning Commission and City Council (approximately two weeks)
5. Follow-up (timing is variable)

The current process requires that each discretionary use application follow a standard review procedure that typically takes at least 12-14 weeks from application intake until final Council decision. While it may be possible to adjust administrative processes to reduce application timing, those gains would be limited because it is still necessary to comprehensively review discretionary uses applications to ensure compliance with requirements and to meet public notice expectations in addition to report writing and internal review process prior to being placed on the public agenda for Regina Planning Commission.

Delegation of Discretionary Use Authority

The greatest potential saving of time and resources for Administration and the applicant, without compromise to the integrity of the discretionary use process, is to remove the processes related to preparing Regina Planning Commission and City Council to make an informed decision. This would require that Council approves an amendment to the Zoning Bylaw to delegate authority to the Administration to approve discretionary use applications within certain parameters.

Discretionary Use in Other Jurisdictions

Administration reviewed discretionary use processes in other jurisdictions and recently met with staff from the cities of Edmonton and Saskatoon. As it relates to delegation of authority, these two jurisdictions contrast two different approaches that demonstrate the range of possibilities and their outcomes.

The City of Edmonton's zoning bylaw fully delegates all discretionary use applications to the Development Officer. Council is not involved in this application type as their role focuses on bylaw amendments and policy development rather than site-specific development applications. Public notice is required only for designated areas and is therefore not integral to the decision-making process in most cases. Application evaluation by planning staff focuses on development standards, policy, and assessment of physical context. The Development Officer applies conditions to the development permit to mitigate any potential concerns that the development may create. Processing times may vary depending on the complexity of the application, from only a few weeks in the case of a use change of an existing building to several months for a major new development. Decisions of the Development Officer are required to be circulated to the community in a radius of 60 metres

or greater. Any person aggrieved by the development decision may appeal the application approval to an appeal board. Unlike legislation in Saskatchewan, the appeal board has jurisdiction to review the decision to approve the use. This is a key difference in Alberta legislation that ensures a different manner of public oversight in the decision-making process. The City of Edmonton's process has the benefit of more expeditious processing times and the ability to address technical concerns. An appeal process required by legislation allows public participation in the process, which is key in consideration of this option. Differing legislation in Saskatchewan would not allow Regina to replicate the discretionary use process of the City of Edmonton.

The City of Saskatoon provides for limited delegation of authority for discretionary use approvals. Saskatoon's zoning bylaw specifies the discretionary uses that may be approved by the Development Officer, whereas all others, which may have a "political" review follow a process like that of Regina with Council exercising ultimate decision-making authority. The uses that are delegated to the Development Officer in Saskatoon include uses that are more "technical" in nature, including boarding houses, child-care centres, special needs housing, garage and garden suites, and micro-breweries. Generally, these developments are smaller in scale, supported by policy, but may require application of additional conditions to ensure land use compatibility. Public notice generally follows the same requirements as Regina, and therefore property owners within the identified vicinity of the subject property are notified and invited to provide comment during the review period. A discretionary use application that is delegated to the Development Officer typically takes about 10 weeks before a decision is issued, whereas an application requiring Council's approval takes 14 - 18 weeks before a decision is issued.

Evaluation of Discretionary Uses in Regina

Management of public concerns with development proposals was a key concern raised by Council regarding the delegation of discretionary use approval authority to the Development Officer. To arrive at an approach to manage these concerns the Administration analyzed past discretionary uses applications, identifying the application types that are highly likely to generate public concerns. Key findings are as follows:

- Between 2000 and 2016, City Council considered 390 discretionary use applications. City Council concurred with Administration's recommendations in 98.5 per cent of the applications.
- Between January 1, 2018 and March 3, 2021:
 - there were 55 applications for discretionary use. Two discretionary use applications were denied by Council:
 - An apartment greater than 11m at 3700 Green Diamond Road (2021), which Administration recommended approval; and
 - A Day Care Centre 6339 Leger Bay (2018), which Administration recommended denial.
 - 11 applications (20 per cent) generated more than five comments in opposition to the proposal, the remainder generated none or a single comment in opposition. Two of those applications were also associated with a site-specific rezoning, and

thus required Council's consideration through that parallel process.

- Applications that generated greater amounts of concern (i.e. typically five or more) are almost entirely correlated with these common characteristics:
 - The location is within or directly adjacent to an existing and established residential neighbourhood; and
 - The proposed development increases the intensity of use in relation to the surrounding neighbourhood.
- Nine of these eleven applications for discretionary use follow this pattern and are noted in Appendix C.

Proposed Delegation of Discretionary Use Approval Criteria

Using the rationale that the Development Officer would be responsible for consideration of discretionary uses that may have greater technical considerations and minimal public concerns, Administration recommends the following proposed change to the City's current review process and delegated authority:

That the Development Officer be authorized to exercise and carry out any or all of the powers and duties of council with respect to discretionary use applications, except for discretionary use applications meeting the following criteria:

- (1) The Application:
 - (a) Relates to a location within 30 metres of an established residential neighbourhood, or residential zoned property excluding vacant or undeveloped land; and
 - (b) Proposes to increase in intensity, or is likely to generate impacts beyond the site boundaries that are inconsistent with the existing or planned character of the neighbourhood; or
- (2) The development proposed by the application has raised significant degree of concern by the public as determined by the Development Officer; or
- (3) The application relates to a land use requiring City Council's discretionary consideration as otherwise specifically noted in the Zoning Bylaw or the Official Community Plan or any other application as determined by the Development Officer due to potential community impact.

Examples of Discretionary Use Applications that would be considered by the Administration or Council, respectively, are provided in Appendix D.

Criteria (1)(a) and (b) intend to correlate with the Administrations research findings that applications that are in close proximity to residential and propose to increase the intensity or may have off-site impacts tend to generate public concerns. Since these criteria can be pre-assessed before the formal review, most of these applications would be identified to proceed to Council during the initial stages of the review rather than before. For example, an application for an infill apartment building would be pre-determined to require City Council's approval since it is within an established residential neighbourhood and increases the existing intensity of the site.

Criteria (2) intends to capture any other situation that falls outside criteria (1), but still generates significant public concerns. For example, if an “Assembly, Adult” land use (i.e. “strip club”) is proposed within an industrial area, and still receives several comments in opposition during the review of the circulation, the Development Officer would determine that the application should proceed to Council for a decision.

Lastly, criteria (3) establishes that there may be some application types that require City Council's discretion, as specified in the OCP or the Zoning Bylaw regardless of how it relates to criteria (1) and (2). For example, the OCP specifies that industrial office greater than 1000 square meters may be permitted *at the discretion of Council*. These applications would always require City Council's decision. Currently there are no specific uses identified in the Zoning Bylaw that require City Council's approval, but those may be added for clarity, or as determined by Council.

Proposed Process for Applications Delegated to the Administration

For those applications that are determined to be delegated to the Development Officer for decision, the approval process would generally follow the current review course, and which is outlined in Appendix B-2. The difference would be, rather than preparing a public report to Regina Planning Commission and City Council, an internal report would be created by Planning staff and considered by the Development Officer (i.e. Director, Planning & Development Services and Executive Director, City Planning & Community Development Division). The report would be concise and technical in nature, summarizing all aspects of the proposal and review to ensure the Development Officer is able make an informed decision. Follow up would consist of sending a copy of the decision to the applicant. Ultimately this change in authority and the related process would be expected to reduce the processing time in which to arrive at a decision from 12-14 weeks to approximately seven weeks. It is expected that approximately 80 per cent of the current volume of discretionary uses can be managed Administratively without Commission and Council's consideration.

The Act also provides the right of appeal to the applicant who wishes for Council to review the decision of the Development Officer within 30 days of the written decision to review, confirm, or alter the decision of the development officer, development standards, or conditions of approval. The applicant may also appeal the conditions of approval or development standards to the Development Appeals Board. These options are only available to the applicant, not the general public.

Future Zoning Bylaw Amendments

The Administration continues to collaborate with the public and stakeholders to implement the Zoning Bylaw. As experience and insight is gained, further amendments will be brought to Commission and Council. Administration will report on suggested land use types that may be transferred from a discretionary to permitted land use class to overall reduce the amount of discretionary use applications with the overall intent to find efficiencies while aligning with the OCP.

DECISION HISTORY

On August 26, 2019, City Council gave third and final reading to *The Regina Zoning Bylaw, 2019 (No. 2019-19)* and it came into force, following ministerial approval, on December 21, 2019.

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,



5/21/2021

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

5/27/2021

Prepared by: {Ben Mario, Senior City Planner}

ATTACHMENTS

Appendix A
Appendix B-1
Appendix B-2
Appendix C
Appendix D

Appendix A - Proposed Bylaw Amendments:

Zoning Bylaw, 2019

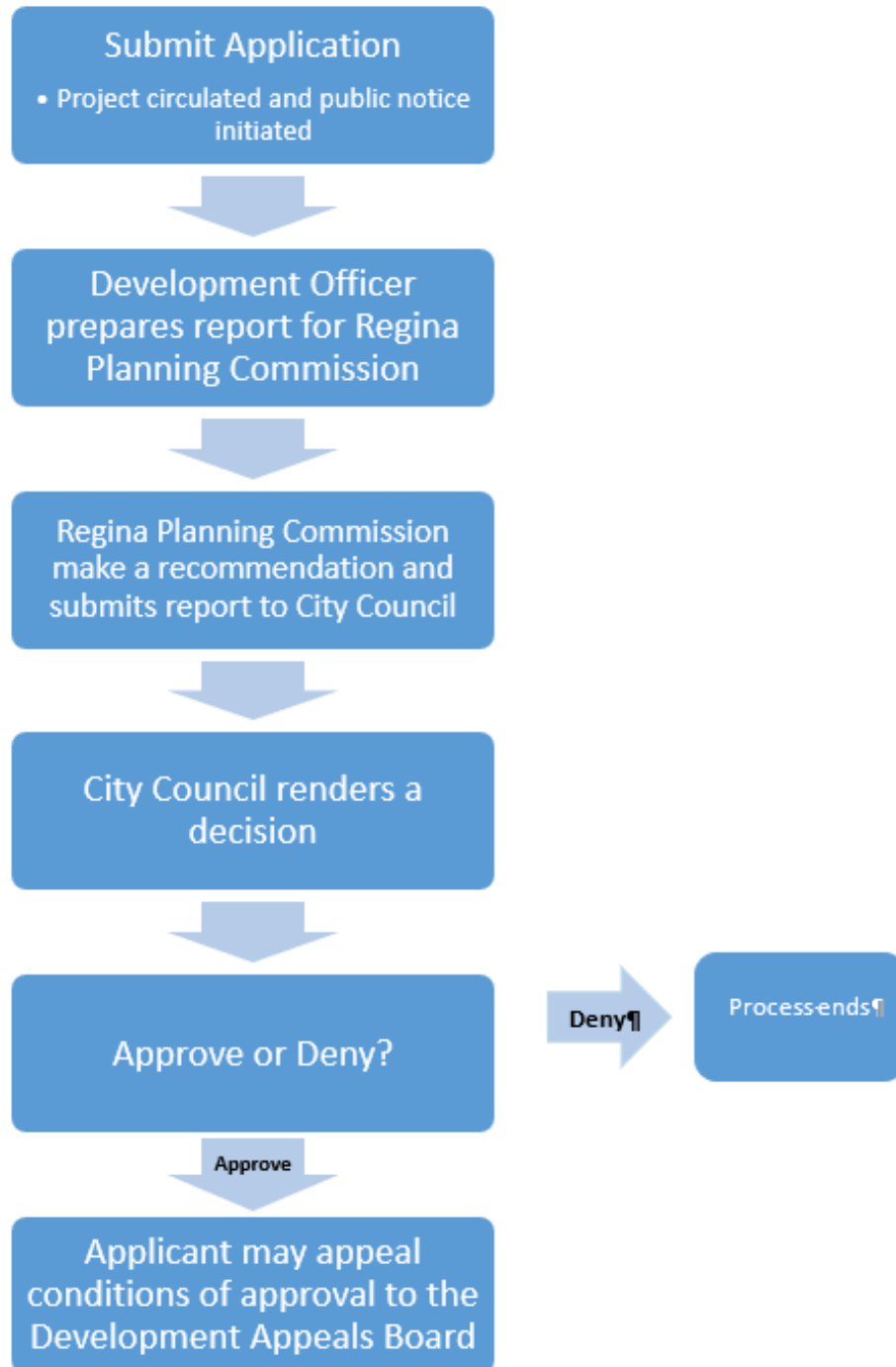
1. Amend Chapter 1 of the Zoning Bylaw to delegate authority of discretionary use to the Development Officer as described in the report.

The Public Notice Policy Bylaw, 2020

1. Amend the Public Notice Policy Bylaw, 2020 to clarify that same notice requirements will apply either 14 days before the date of the Council meeting at which the matter will be considered or before the date on which a decision of the Development Officer will be issued, as the case may be.

Appendix B-1

Current Discretionary Use Process – Applications Considered by Council

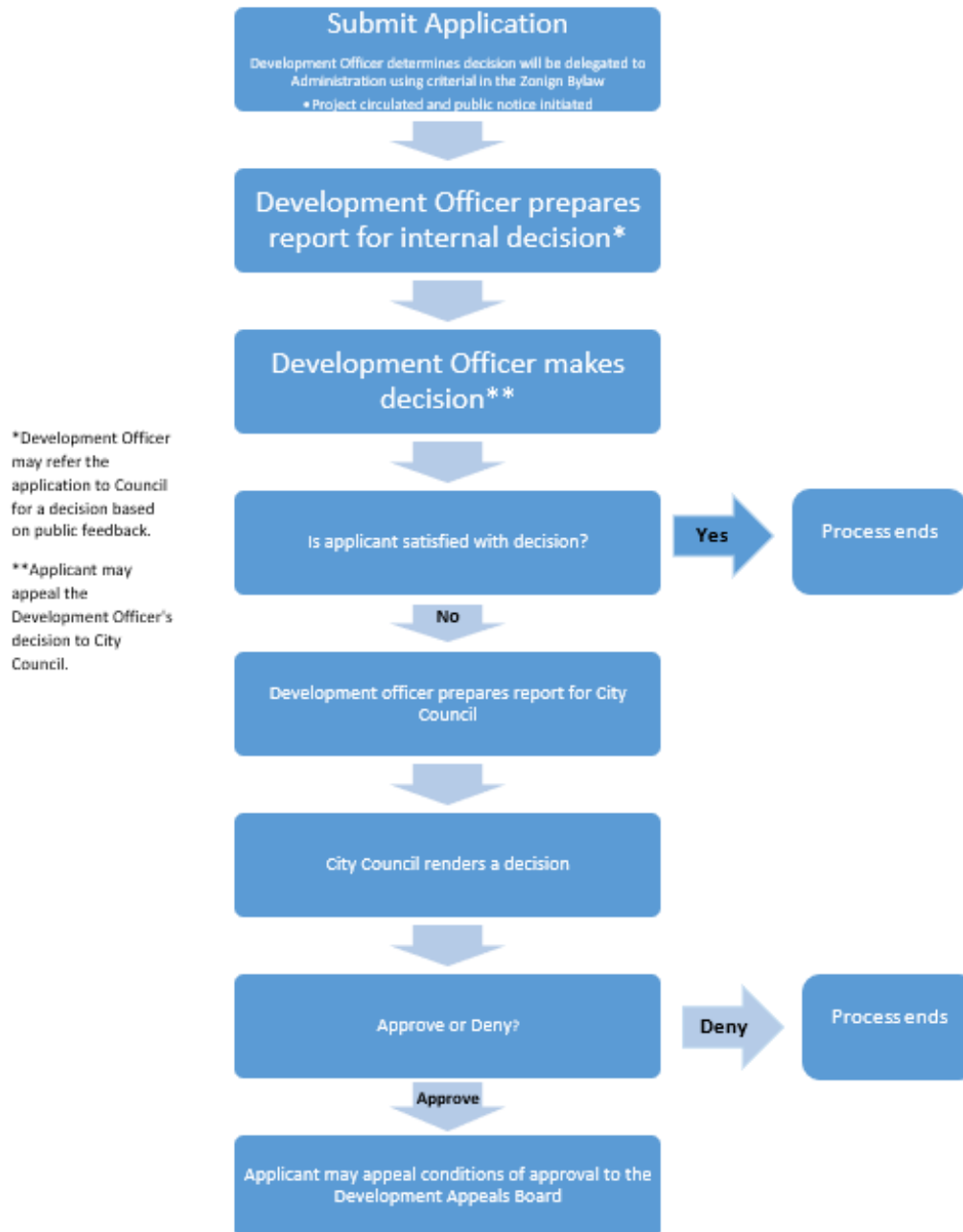


Discretionary Use -Applications Delegated to the Development Officer

1. Application intake and initial review (approximately two weeks)
<ul style="list-style-type: none">• Application submitted and is entered into the system• Reviewed for completeness and quality, and approval authority delegated to Development Officer.• Initial technical review to identify any initial zoning or policy concerns.• Application prepared for circulation to technical and public stakeholders.
2. Technical and Public Circulation (four weeks)
<ul style="list-style-type: none">• Application is circulated to technical stakeholders, including internal departments, and external agencies for review. Technical concerns• Public notice is provided to property owners at least 75 metres of the surrounding property owners and on the City's website. Comments are collected during this time.• Notice is also prepared for Community Associations, Business Improvement Districts, and members of Council.• Change of uses may require less extensive circulation and notice period.
3. Preparation for Decision (weeks)
<ul style="list-style-type: none">• Planner prepares a technical report summarizing aspects of the applicant's proposal including zoning compliance, OCP policy summary, context analysis, and public notice summary.• Report is signed by Branch Manager, and forwarded to Development Officer for decision
4. Follow-up (timing is variable)
<ul style="list-style-type: none">• Planner follows up to close the discretionary use application file. This involves request to remove public notice postings, issuance of a development permit, closing technical comments and advising interested parties of the decision.• In cases of denial of application, an appeal may be submitted by the applicant, which triggers a hearing by City Council.

Appendix B-2

Proposed Discretionary Use Process – Applications Delegated to Development Officer



1. Application intake and initial review (approximately two weeks)
<ul style="list-style-type: none"> • Application submitted and is entered into the system • Reviewed for completeness and quality, and approval authority delegated to Development Officer. • Initial technical review to identify any initial zoning or policy concerns. • Application prepared for circulation to technical and public stakeholders.
2. Technical and Public Circulation (4 weeks)
<ul style="list-style-type: none"> • Application is circulated to technical stakeholders, including internal departments, and external agencies for review. Technical concerns • Public notice is provided to property owners at least 75 metres of the surrounding property owners and on the City's website. Comments are collected during this time. • Notice is also prepared for Community Associations, Business Improvement Districts, and members of Council. • Change of uses may require less extensive circulation and notice period.
3. Preparation for Decision (2 weeks)
<ul style="list-style-type: none"> • Planner prepares a technical report summarizing aspects of the applicant's proposal including zoning compliance, OCP policy summary, context analysis, and public notice summary. • Report is signed by Branch Manager, and forwarded to Development Officer for decision
4. Follow-up (timing is variable)
<ul style="list-style-type: none"> • Planner follows up to close the discretionary use application file. This involves request to remove public notice postings, issuance of a development permit, closing technical comments and advising interested parties of the decision. • In cases of denial of application, an appeal may be submitted by the applicant, which triggers a hearing by City Council.

Appendix C- Previous Discretionary Use Applications (2018-2021) that meet proposed criteria for City Council's consideration

File Number	Regina Planning Commission Date	Proposed use	Address	Zone	Opposed	Some Concerns	Support
PL202000226	3-Mar-21	Building Stacked (greater than 11m)	3700 Green Diamond Road	RL	131	7	3
PL202000087	5-Aug-20	Dwelling, Group Care + Dwelling, Unit + Assembly, Community	1915 & 1955 Retallack Street	I	11	7	0
PL201900067	6-May-20	Retail Trade, Shop	2830 13th Avenue	ML	124	31	70
19-DU-07	11-Sep-19	Residential Homestay	3118 Albert Street	R1	6	1	0
19-DU-09	7-Aug-19	Medical Clinic	1651 College Ave	DCD-9	2	7	3
18-DU-16	6-Mar-19	Day Care Centre	6339 Leger Bay	PUD®	12	0	1
17-DU-25	5-Sep-18	Residential Homestay	3300 Albert Street	R1	6	3	2
18-DU-04	6-Jun-18	Assisted Living Apartment	4224 Wakeling Street	R5	6	0	0
17-DU-16	7-Mar-18	(15) Dwelling Units in MX Zone	2200 25th Avenue	MX	6	3	0

Appendix D – Example discretionary use applications delegated to Development Officer or deferred to Council.

Proposed Use	Zone	Neighbourhood Context	Public Concerns Raised?	Council or Development Officer Decision?	Reason
Planned Group of Apartment Buildings	RH	Greenfield residential neighbourhood, no developed residential lots in vicinity	No	Development Officer	Zoned as RH, accommodates high rise residential, there is no established residential neighbourhood in the vicinity. No concerns raised.
Planned Group of Apartment Buildings	RH	Greenfield residential, established residential in the vicinity	Yes, significant	Council	Zoned as RH, accommodates high-rise residential, but presence of existing residential development in vicinity has caused sensitivity of the development site as evidenced by high levels of concern by the public.
Major Manufacturing facility	IH	Industrial	No	Development Officer	Not adjacent to residential neighbourhood, few concerns raised, but are able to be addressed by Conditions of approval.
Medium scale industrial office	IL	Industrial	No	Council	OCP requires Council's approval of medium scale industrial office.
Residential uses in MLM Zone	MLM	Greenfield Mixed (existing commercial)	No	Council	OCP requires Council waive the growth plan phasing requirement for this location.
Hazardous Materials Storage Facility	IH	Industrial	No.	Development Officer	No concerns raised by public. Hazardous materials issues can be managed as a technical process, subject to conditions.
Retail, 1500 square metres	MLM	Greenfield, Planned Mixed Use, no adjacent residential	No	Development Officer	Development conforms to planned development context, no existing residential in vicinity, technical matters can be managed through conditions and review process.
Retail, 500 square metres	ML	Infill, adjacent to mature residential neighbourhood	Yes	Council	Significant concerns raised by public, including traffic and parking on adjacent streets; adjacent existing neighbourhood.

