



Discretionary Use - 1205 15th Avenue - PL202100056

Date	July 7, 2021
To	Regina Planning Commission
From	City Planning & Community Development
Service Area	Planning & Development Services
Item No.	RPC21-43

RECOMMENDATION

Regina Planning Commission recommends that City Council:

1. Approve the discretionary use application for the proposed development of “Food and Beverage, Restaurant” located at 1205 15th Avenue, being Lot 19, Block 469, Plan OLD33, Ext 124 in the Heritage 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 Eggtopia;
 - 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 July 14, 2021, following the required public notice.

ISSUE

The applicant, Mark Bologna, proposes to redevelop an existing unit within a four-unit commercial building into a “Food and Beverage, Restaurant” (restaurant). The subject property is located within the Heritage Neighbourhood, located at 1205 15th Avenue. The subject property is zoned ML – Mixed Low-Rise Zone, in which a restaurant is a discretionary use when abutting a residential property. The subject property borders a residential property to the south.

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, discretionary, or prohibited. Discretionary use applications require a public and technical review; consideration and recommendation by the Regina Planning Commission and consideration and decision by City Council in order to proceed.

This application is being considered pursuant to *The Planning and Development Act, 2007* (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 proposed development requires zero accessible parking stalls, which is what is proposed.

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 restaurant eliminates greenhouse gas emissions generated from the construction of a new building.

Policy/Strategic Impact

The proposed development complies with OCP policies and supported by the following OCP goals/policies:

- Section D5, Goal 4, Policy 7.16: Encourage local commercial within residential areas

The proposed development represents a new small format local commercial surrounded by residential properties.

- Section C, Goal 2: Maximize the efficient use of existing and new infrastructure.

The development will facilitate the redevelopment of a vacant unit and ensure that existing infrastructure is utilized.

The proposed development is in alignment with *Part B.12 General Hospital Area Neighbourhood Plan* within the OCP as this parcel is identified as local commercial.

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 “Food and Beverage, Restaurant” 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 a restaurant in a commercial building at 1205 15th Avenue. A restaurant is a discretionary use in the ML – Mixed Low-Rise Zone when abutting a residential property. The development is proposed to be located in a unit that is currently vacant and most recently occupied by an office.

The surrounding land uses are mixed residential to the north, west, and south, and high-density residential to the east

In 2017, another restaurant in the same building received Discretionary Use approval from City Council (CR17-25) that enabled the Hunter Gatherer restaurant to operate. As that application was specific to only one unit within the building, it cannot be applied to this unit. The applicant has indicated that the former Hunter Gatherer space will be utilized by another restaurant. Therefore, the proposed development would be the second restaurant located within the building.

There are no parking stalls on site as the building was not required to have parking when it was constructed in 1914. The parking is non-conforming (i.e. “grandfathered”) as it would otherwise require four stalls if the building were constructed under the current standards.

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

Land Use Details	Existing	Proposed
Zoning	ML – Mixed Low-Rise Zone	ML – Mixed Low-Rise Zone
Land Use	Vacant	Food and Beverage, Restaurant
Building Area	290 m ²	290 m ²
Unit Area	~60 m ²	~60 m ²

Zoning Analysis	Required	Existing
Min. Lot Area (m ²)	100 m ²	429 m ²
Min. Lot Frontage (m)	5.0 m	11.3 m
Max. Building Height (m)	15.0 m	Existing

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. The proposed development is going within an

existing building which meets all development standards. As it is a small format local commercial, the new traffic generated is anticipated to be handled by the existing on street parking in the area.

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 Heritage Community Association was contacted and responded in favour of the application. Comments from neighbouring properties are included in Appendix B.

DECISION HISTORY

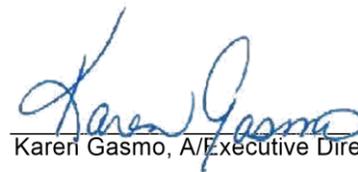
The property was rezoned from NC – Neighborhood Commercial Zone to ML – Mixed Low-Rise Zone upon adoption of *Regina Zoning Bylaw No. 2019-19*.

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

Respectfully Submitted,

Respectfully Submitted,


Autumn Lawson, Director, Planning & Development Services


Karen Gasmol, A/Executive Director

6/23/2021 6/30/2021

Prepared by: Michael Sliva, City Planner II

ATTACHMENTS

- Appendix A-1
- Appendix A-2
- Appendix A-3.1
- Appendix A-3.2
- PL202100056 Appendix B