

1565 Winnipeg Street - Discretionary Use Application - PL202000170

Date	March 3, 2021
To	Regina Planning Commission
From	City Planning & Community Development
Service Area	Planning & Development Services
Item No.	RPC21-20

RECOMMENDATION

Regina Planning Commission recommends that City Council:

1. Approve the discretionary use application for a proposed Drive-Through, Accessory located on a portion of 1565 Winnipeg Street, being Plan AG4178, Block 16, Lots 40 - 43 and Plan DM5186, Block 16, Lots 1- 5, in the Dewdney Place Subdivision, subject to the following development standards and conditions:
 - a. The development shall generally be consistent with the plans attached to this report as Appendix A-3.1 dated September 26, 2020, A-3.2 dated November 26, 2020 and A-3.3 dated December 22, 2020 inclusive, prepared by Paula Bannerman Designs;
 - b. The subject lots shall be parcel tied or consolidated; and
 - c. Except as otherwise required by this approval, the development shall comply with all applicable standards and regulations in *Regina Zoning Bylaw No. 2019*.

2. Authorize the Development Officer to issue a development permit with respect to the application, subject to the applicant making payment of any applicable fees or charges and entering into a development agreement if one if required.

3. Approve these recommendations at its March 10, 2020 meeting.

ISSUE

The applicant, Ken MacMurchy of ABA Coffee Holdings Ltd., proposes to develop a portion of vacant lands at 1565 Winnipeg Street to accommodate a walk-up and drive-through only coffee shop, to which a “Drive-Through, Accessory” is a discretionary use in the IL – Industrial Light Zone.

All properties in the city of Regina are assigned a zoning designation under *The Regina Zoning Bylaw, 2019* (Zoning Bylaw). Within each zoning designation, land use is permitted, not permitted (i.e. prohibited) or discretionary. Discretionary uses require a public and technical process and review by the Regina Planning Commission and City Council's approval 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 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, the arrangement of a building) 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 infrastructure or changes to existing infrastructure that may be required to directly or indirectly support any proposed development that may follow, in accordance with City standards and applicable legal requirements.

Accessibility Impacts

As per the Zoning Bylaw, Chapter 6, subpart 5B.6.2(1), *a minimum of two per cent of the required number of parking stalls shall be provided in the form of accessible parking stalls in the Industrial Light zone*. As no parking stalls are required by the total floor area of the proposed building, no accessible parking stalls are required. However, one has been proposed by the applicant.

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. Drive-through establishments are known to contribute to the amount of vehicle idling in communities which increases carbon emissions. Differences in wait times and traffic volume make it difficult to quantify exact fuel consumption and greenhouse gas emissions. However, using industry estimates,

Administration has calculated that vehicle idling at this drive-through will consume approximately 9,000 litres of fuel per year (82,000 kWh of energy) which would produce an additional 20 tonnes of CO₂e emissions. For context, this is equivalent to the average yearly amount of emissions generated by 5 vehicles. There is currently no policy or bylaw restricting vehicle idling in the city.

Policy / Strategic Impacts

The proposed development supports the following goals, policies and objectives of Part A of the OCP:

- Section C: Growth Plan - Goal 3: Enhance the city's urban form through intensification and redevelopment of existing built-up areas.

This area is within the intensification area of OCP Map 1C. The proposal will see the redevelopment of an under-utilized vacant lots to an active commercial use.

- Section D5, Goal 4 – Employment Uses: Provide appropriate location and development opportunities for a full range of industrial, commercial and institutional activities.
 - Policy 7.23 *Protect industrial lands by avoiding re-designations of industrial areas, except where the City determines that a different land use is more beneficial.*
 - Policy 7.24 *Within industrial areas, permit supporting services or amenities that complement industrial uses or cater to industrial employees or customers.*

As a discretionary use, Council is provided with the discretion to determine the suitability of the proposed development, evaluated based on the criteria prescribed in Part 1E.3 of the Zoning Bylaw. The proposal aligns with all other development standards outlined by the *Zoning Bylaw No. 2019-19*.

The proposed development will provide an added amenity that will be readily accessible to the local area's employees and customers.

- Section D10, Goal 2 – Economic Growth: Optimize the economic development potential of Regina, the region and the Province of Saskatchewan.
 - Policy 12.5.1: *Identifying and leveraging opportunities to expand existing industries.*
- Section D10, Goal 3 – Economic Generators: *Cultivate entrepreneurship and support economic generators.*
 - Policy 12.7: *Encourage innovative options to support and incubate new entrepreneurs and commercial ventures*
 - Policy 12.7.1 *Encourage the development and commercialization of new ideas that have to potential to diversify the economy*

The development will be one of the first walk-up and drive-through only coffee shop establishments in Regina and will foster further economic innovation within the city and a service for nearby businesses and residents.

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 it back to Administration to consider further recommendations and direct that the report be reconsidered by Planning Commission or brought back directly to Council following such 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 "Drive-Through, Accessory" 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 is considered. Public notice of Council's consideration of this application is given in accordance with *The Public Notice Policy Bylaw, 2020*. The applicant will receive written notification of the Council's decision in accordance with The Act.

DISCUSSION

Proposal

The applicant proposes to develop a 'Drive-thru Accessory' (coffee shop) that will provide services by a walk-up window and drive-through only. The proposed building will house the coffee establishment operations and will not include customer access or seating inside.

The proposed site plan, elevations and landscape plan are provided as Appendix A-3.1 to A-3.3.

Consideration

As per the Zoning Bylaw, the subject property is zoned IL - Industrial Light Zone. The proposed coffee shop building is 31.22 square metres in area. The proposed development is classified under the land use "Food & Beverage, Restaurant" as a permitted use, in which an associated "Drive-Through, Accessory" is a discretionary use within the zone. Permitted uses are evaluated through the administrative approval process and do not require Council approval.

Services to the public will be provided via a walk-up window and drive-through. A drive-through is classified under the land use "Drive-Through, Accessory" and is considered a discretionary use.

The Zoning Bylaw require a parking stall be provided on site for every 175 square metres of gross floor area. Two per cent of the required parking must also be allocated as accessory parking. The scale of the establishment does not require standard or accessory parking under the Zoning Bylaw. However, the proposed development will provide a total of 13 parking stalls including one accessible stall on site.

The proposal meets all criteria in the City's Design Standard. The proposed development is anticipated to create less than 100 vehicles per hour, which is the City's threshold for requiring a Transportation Impact Assessment (TIA), therefore, no TIA was completed. As the proposed development utilizes existing vehicle access points and crossings, provides sufficient drive-through queuing space for vehicles on site and does not include customer seating, it is anticipated that there will be no conflict with traffic-flow and surrounding road networks. The Zoning Bylaw does not include requirements or restrictions pertaining to the number of queuing spaces for "Drive-Through, Accessory".

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	No Change
Land Use	Vacant Lot	"Drive-Through, Accessory" (Discretionary) "Food & Beverage, Restaurant" (Permitted)
Building Area	None	31.22 square metres

Zoning Analysis	Required	Proposed
Number of Parking Stalls	None (One stall is required per 175 square metres of total floor area)	13 total parking stalls on site
Minimum Lot Frontage (m)	30	33.78
Minimum Lot Area (m ²)	200	1580.39
Maximum Site Coverage	50%	2%
Maximum Building Height (m)	15	3.81
Minimum Landscape Area (m ²)	79.02 (5% of lot area)	79.02

The parcels of land associated with the proposal, as shown in Appendix A-2, are currently vacant. The surrounding land uses (Appendix A-1) include a variety of light industrial and commercial activity in all directions, with Winnipeg Street to the west and Dewdney Avenue to the north of the property.

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 at 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 public notification sign was posted on the subject site. A summary of public feedback and Administration's response is provided in Appendix B.

DECISION HISTORY

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,



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

2/24/2021

Prepared by: Linda Huynh, City Planner II

ATTACHMENTS

- Appendix A-1 (Subject Property Map)
- Appendix A-2 (Aerial Map)
- Appendix A-3.1 (Site Plan)
- Appendix A-3.2 (Building Elevations)
- Appendix A-3.3 (Landscape Plan)
- Appendix B (Public Comment)