

2950 Chuka Boulevard - Proposed Concept Plan and Zoning Bylaw Amendment - PL202000224 and PL202000223

Date	March 3, 2021
To	Regina Planning Commission
From	City Planning & Community Development
Service Area	Planning & Development Services
Item No.	RPC21-27

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 follows:
 - a. From Flex-Use to a combination of Low-Density Residential, Medium Density Residential and Municipal Reserve.
 - b. From Mixed-Use or High Density Residential to Low Density Residential.
 - c. Adopt, by resolution, the proposed amended Towns Concept Plan attached as Appendix A-3 and circulation plan as Appendix A-6.

2. Approve associated Zoning Bylaw amendment to rezone portions of lands located at 2950 Chuka Boulevard, Blk/Par E, Plan 102289945, Ext 0 within the Towns Concept Plan, as shown in Appendix A-1 as follows:
 - a. From MLM – Mixed Large Market Zone to RU – Residential Urban Zone;
 - b. From MLM – Mixed Large Market Zone to RL - Residential Low Rise Zone;
 - c. From MLM – Mixed Large Market Zone to PS – Public Service Zone; and
 - d. Apply LA - Lane Access Overlay Zone to a portion of proposed 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 March 10, 2021 meeting.

ISSUE

The applicant, Dream Asset Management Corporation, proposes an amendment to the Towns Concept Plan combined with associated Zoning Bylaw amendment to accommodate low and medium-density residential development. The applicant is also proposing a LA - Lane Access Overlay Zone to allow front and lane vehicle access to some residential lots as labelled on Appendix A-1 and A-2. The subject properties back onto an existing lane. The *Regina Zoning Bylaw, 2019-19* (Zoning Bylaw) restricts front parking when there is rear lane access; however, the LA – Lane Access Overlay Zone is intended to allow flexibility regarding front and lane access to residential lots.

A property owner/developer can submit applications to amend the concept plan and the zoning designation of their property. This requires adoption of the amended concept plan by resolution of City Council and an amendment to the Zoning Bylaw. The process requires review by the Regina Planning Commission (RPC) and approval of the amendment by the City Council. These applications include a public and technical review process in advance of consideration by RPC and Council.

These applications are being considered pursuant to the *Planning and Development Act, 2007* (Act); *Design Regina: The Official Community Plan Bylaw 2013-48* (OCP) and the Zoning Bylaw. The proposal has been assessed and is deemed to comply with the Act, OCP and the Zoning Bylaw.

IMPACTS

Financial Impact

The applicant will be responsible for the cost of any additions or changes to existing infrastructure that may be required to directly or indirectly support the development in accordance with City standards and applicable legal requirements. If approved, the subject properties will be assessed as residential development instead of commercial.

Policy / Strategic Impacts

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

- Section D6: Goal 1 – Housing Supply and Affordability: Increase the housing supply and improve housing affordability.
 - Policy 8.8: *Support residential intensification in existing and NEW NEIGHBOURHOODS to create complete neighbourhoods.*

- Section C: Goal 2 – Efficient Servicing: Maximize the efficient use of existing and new infrastructure.
 - Policy 2.4: *Make use of residual capacity of infrastructure in existing urban areas.*
 - Policy 2.5: *Develop compact and contiguous neighbourhoods.*
- OCP Part B. 16 - Southeast Regina Neighbourhood Plan (SENP):
 - *4.2(b) Neighbourhood Areas shall consist of predominantly residential uses with limited and compatible non-residential uses.*

The Flex-Use area was intended as a possible Mixed-Use area. However, as the community has evolved, commercial development in the community has focused around the Acre 21 site on Chuka Boulevard and as a result, the developer is requesting changes to the original intent of the Flex-Use area to provide for residential development options. The range of uses within the neighbourhood and services have contributed to OCP objectives of developing complete communities.

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 to address or make additional recommendations and direct that the report be reconsidered by Regina Planning Commission or brought directly back to Council following such further review. Referral of the report back to Administration will delay approval of the development until the requested information has been gathered or changes to the proposal have been made.
3. Deny the application. Amendment to the concept plan and rezoning of the subject land 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. The applicant will receive written notification of the City Council's decision in accordance with the Act.

DISCUSSION

Proposal

The subject area is currently designated as Flex-Use and Mixed-Use or High Density Residential, which was intended to accommodate a future Mixed-Use area, the

configuration and extent of which was to be determined as the community developed. The applicant has determined that based on current development trends and the existing commercial and service uses elsewhere in the community, that there is less demand for Mixed-Use (extent of commercial) at the planned Flex-use area. As such, the applicant is advancing a proposal to amend the Concept Plan and rezone the subject property to accommodate low and medium density residential development.

The applicant proposes an amendment to the Towns Concept Plan combined with associated amendments to the Zoning Bylaw to accommodate low and medium-density residential development, which include a variety of single-detached and attached lots for townhouse residential. Further to this, the applicant also proposes to apply the LA - Lane Access Overlay Zone over a portion of the development to allow flexibility regarding front and lane vehicle access to residential lots as shown in Appendix A-3 and maintain consistency with the building types along the proposed street frontage.

The proposed amendment to the Towns Concept Plan will change the land-use designation from:

- “Flex-Use”, which is intended for mix-use residential-commercial development to a combination of low and medium density residential, and
- “High-density residential” development to a combination of low and medium density residential.

This area is currently zoned as MLM -Mixed Large Market Zone, in which low and medium-density residential is not permitted. The applicant proposes to rezone from MLM – Mixed Large Market Zone to the following designations to accommodate developments of single, detached residential and townhouse development:

- A 0.53 Ha parcel from MLM - Mixed Large Market Zone to RL - Residential Low-Rise Zone.
- A 2.79 Ha parcel from MLM - Mixed Large Market Zone to RU – Residential Urban Zone.
- LA - Lane Access Overlay Zone over a portion of the plan area amounting to 0.49 Ha and 0.59 Ha to allow for front attached garage access.
- A 0.09 Ha parcel is also being rezoned to PS - Public Service Zone to accommodate a communication cell tower.

Lane Access Overlay Analysis:

As per the applicant's information, the proposed lots along the new street are planned for single-detached homes with double car garages, with an approximate frontage of 10 meters per lot. The new street is designed to be 11 meters wide, which is wide enough to accommodate two driving lanes and two parking lanes. The applicant is requesting that a LA - Lane Access Overlay Zone be applied to a portion of this area of approximately 95 meters along the east side of the new street to allow for both front and rear access to ten

lots. Without the LA – Land Access Overlay Zone implemented, these lots would be required to have their access via the rear lane only.

Implementing a lane access to an area of 0.49 Ha at this location would reduce the amount of on-street parking by approximately 14 stalls. There are approximately ten on-street parking stalls located within the vicinity the lots with LA – Lane Access Overlay Zone and will not be affected by the overlay zone.

Furthermore, Lane access overlay zone is being proposed on the lots to the west of the street where additional on-street parking is available between the driveways and other frontage sides of lots within the plan area.

The Zoning Bylaw requires a minimum of one parking stall per dwelling. With double car garages, each lot may accommodate up to four cars within the property itself.

Cell Tower Location (Municipal Utility Parcel)

Cell towers (Municipal Utility Parcel) are required to provide reliable cellular services to the residents of the neighbourhood and are erected by service providers throughout the city. Locating the tower at the edge of a neighbourhood would be preferable from a neighbourhood design perspective, but it may leave gaps in coverage, and defeat the purpose of the tower.

Cell towers are regulated under federal jurisdiction and are not subject to municipal zoning requirements. The City has the ability to participate in the development of cell towers through the federal approval process. As a local land use authority, the Industry Canada regulations allow the City to file a Land-Use Protocol, which service providers are required to consult when selecting a location. This document would intend to provide guidance and establish local preferences for tower locations, such as avoiding environmentally or culturally sensitive lots, or suggest certain tower designs and base treatment depending on neighbourhood character. Again, if preferences within the protocol are not feasible to provide coverage, then Industry Canada may approve the location despite conflict with the municipality. The City has not developed such a document and has instead responded to proposals on a case by case basis and deferred to Federal regulatory requirements.

The applicant explained that the current location was chosen in collaboration with SaskTel based on land availability, spacing from existing towers, existing underground infrastructure locations, proximity to access, and centrally located to adjacent and future developments.

Furthermore, as per Section 7.4 of the Southeast Regina Neighbourhood Plan (SENP), SaskTel has planned for four 35 metres or 45 metres wireless towers to be distributed throughout the neighbourhood, as shown in Appendix A-5. SaskTel has noted that the locations are subject to change based on population density changes and that the towers will be built as required and when capital is available. The proposed location is in relatively close alignment with the location outline in Fig. F24 of the SENP.

Neighbourhood Hub

The proposed amendment will reduce the mixed-use area available within this location from 3.96 to 0.55 hectares. The remaining commercial land combined with the existing commercial development in the Greens on Gardiner (Acre 21) to the south, the under-

construction neighbourhood commercial at the intersection of Buckingham Drive and Woodland Grove Drive and the Urban Centre in Arcola Subdivision to the north near Victoria Avenue and the Bypass (East Victoria Concept Plan area) would still fulfill the need for neighbourhood and regional commercial as per the complete neighbourhood guideline. Furthermore, there are medium and high-density residential development planned around this location in combination with a park.

The surrounding land uses are mixed-use and a proposed park to the south, Chuka Boulevard to the east, low and medium-density residential to the west and vacant land for future development to the north.

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. A summary of public comments is outlined in Appendix B of this report. Arcola East Community Association was included in the circulation of the application and did not provide any comments.

DECISION HISTORY

On April 25, 2016, City Council approved The Towns Concept Plan (CR16-36).
On July 29, 2019, City Council approved an amendment to The Towns Concept Plan (CR19-65).

Respectfully Submitted,



Fred Scarle, Director, Planning & Development Services

Respectfully Submitted,



2/18/2021

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

2/24/2021

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ATTACHMENTS

- Appendix A-1 (Subject Property Map)
- Appendix A-2 (Aerial Map)
- Appendix A-3 (Proposed Concept Plan)
- Appendix A-4 (Towns Concept Plan)
- Appendix A-5 (SENP Map - Cell Tower location)
- Appendix A-6 (Circulation Plan)
- Appendix B (Public Comment Summary)