



Zoning Bylaw Amendment - All Properties Zoned as DCD-CBM – Chuka Boulevard Mixed Direct Control District Zone - PL202100105 (Tabled September 8, 2021)

Date	November 3, 2021
To	Regina Planning Commission
From	City Planning & Community Development
Service Area	Planning & Development Services
Item No.	RPC21-54

RECOMMENDATION

Regina Planning Commission recommends that City Council:

1. Approve the proposed text amendments to the DCD-CBM Chuka Boulevard Mixed Direct Control District in *The Regina Zoning Bylaw, 2019*, as detailed in Appendix A-3, to allow for:
 - a. A “Drive-Through” as a discretionary use;
 - b. Standalone commercial development along the Chuka Boulevard interface; and
 - c. Other housekeeping amendments as described in Appendix A-3.
2. Instruct the City Solicitor to prepare the necessary bylaw(s) 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.
3. Approve these recommendations at its meeting on September 15, 2021.

ISSUE

The applicant, Joshua Bresciani of 102049625 Saskatchewan Ltd. (the owner of 4501 E Green Olive Way), proposes to amend *The Regina Zoning Bylaw, 2019* (Zoning Bylaw) regulations for properties that are zoned as DCD-CBM - Chuka Boulevard Mixed Direct Control District Zone. This

zone only includes properties fronting the west side of Chuka Boulevard between Green Apple Drive and Arcola Avenue as shown on the attached Appendix A-1.

The applicant seeks amendments to facilitate standalone commercial development and drive-through restaurants in the DCD-CBM - Chuka Boulevard Mixed Direct Control District Zone; these development options are currently not available in the zoning regulations. Minor housekeeping changes to the DCD-CBM - Chuka Boulevard Mixed Direct Control District Zone are also included as part of the recommendations. This application is for zoning amendments only, the assessment did not include a review of site layout or potential uses on the site.

A property owner or developer can submit applications to amend the Zoning Bylaw or change the zoning designation of their property. The process requires review by the 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 only pertains to the zoning bylaw amendment and that permits would still be required for all future development.

This application is 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 Impacts

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 standards and applicable legal requirements.

Environmental Impact

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 each 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 Impact

The proposed development implements a phase of development of the Greens on Gardiner Concept

plan area, which overall supports the following OCP goals/policies:

- Section D5: Goal 1: Complete Neighbourhoods: Enable the development of complete neighbourhoods.
 - Policy 7.1: Require that new neighbourhoods, new mixed-use neighbourhoods, intensification areas and built or approved neighbourhoods are planned and developed to include the following:
 - Policy 7.1.4: Opportunities for daily lifestyle needs, such as services, convenience shopping, and recreation.
 - Policy 7.1.9: Buildings which are designed and located to enhance the public realm and contribute to a better neighbourhood experience.
- Section E: Goal 9 – Direct Control Districts: Support the development of a unique or special area or district through the application of specific standards and regulations.
 - Policy 14.47: Where applicable, require through the Zoning Bylaw and/or development agreement, that the proposed development(s)
 - Policy 14.47.1: Provides for a compatible interface with adjacent land use and development.
 - Policy 14.47.2: Provides for safe and efficient vehicular and pedestrian access, giving consideration to surrounding traffic circulation patterns.
 - Policy 14.47.4: Includes a private outdoor amenity area(s) or public open space(s).
 - Policy 14.47.8: Adheres to specified site and urban design standards, including but not limited to lighting, signage, landscaping, parking and loading areas, setbacks, and buffers.

Administration recommends approval of the proposed amendments as the policies for this area continue to be supported, as follows:

1. The amendment would continue to provide for uses that meet a mix of daily lifestyle needs; however, the built form of those buildings are proposed to look and function differently. The proposal would consider commercial-only buildings to front Chuka Boulevard, and other uses such as residential, public uses, community centres or religious institutions would be required to locate behind the commercial buildings, providing a transition of uses to the adjacent residential neighbourhood. This ensures the development contributes to a better neighbourhood experience.
2. The amendment would continue to ensure there is safe pedestrian access into the site. There is currently no pedestrian accommodation via city sidewalks on the west side of Chuka Boulevard and facilitating the development is an important connection to Arcola Avenue which completes with the planned Multiuse Trail (Transportation Masterplan – Cycling Priority Network Map) in the southeast neighbourhood
3. Potential impacts of a drive-through restaurant would be determined through a discretionary use

process. The proposed amendment would require impacts to traffic, mixed-use surroundings, and pedestrian realm to be considered in the decision.

OTHER OPTIONS

Administration recommends in favour of the Applicant's proposal; however, alternative options would be:

1. Approve the application in part, or with other specific amendments.
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. The site would be required to be developed in accordance with the current regulations. Commercial developments would occur only in mixed-use buildings. Drive-through restaurants continue to be prohibited.

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 the proposed bylaw is considered will be given in accordance with *The Public Notice Policy Bylaw, 2020*. The applicant will receive written notification of the City Council's decision.

DISCUSSION

Proposal

The application is for text amendments that will apply to all lands currently zoned as DCD-CBM - Chuka Boulevard Mixed Direct Control District, which are located within the Greens on Gardiner Concept Plan area. The properties currently zoned DCD-CBM - Chuka Boulevard Mixed Direct Control District Zone are located at 3850 E Green Falls Drive, 4401 and 4501 E Green Olive Way, and 3850 E Green Apple Drive as shown on Appendix A-1.

The specific proposed amendments include:

1. Allowing for standalone commercial development fronting Chuka Boulevard, whereas currently some commercial uses are only permitted in mixed-use buildings with commercial uses on the

main level and residential above. The amendment would require residential and other non-commercial uses to be located behind the commercial buildings uses, not fronting Chuka Boulevard, to allow for the transition of use to the existing residential lands. The text amendment will not remove any land uses currently permitted in the zone such as public uses, community centres, or religious institutions and they will continue to be allowed;

2. Allowing for restaurants to have a drive-through as a discretionary use, whereas currently restaurant drive-throughs are prohibited in the zone. This would allow a case- by-case analysis of proposals to determine if they are compatible with the requirements of the zone and the context of the neighbourhood; and
3. Other housekeeping amendments to clarify and simplify the existing development requirements.

This application only pertains to the zoning bylaw amendment. No specific development proposal has been submitted. Permits will still be required for all future development and future traffic safety measures, such as medians along Chuka Boulevard, are yet to be determined.

Consideration

Commercial Development in Greens on Gardiner

The Greens on Gardiner Concept Plan was approved in 2007 and included a mixed-use development site at the southwest corner of Green Apple Drive and Chuka Boulevard. At the request of the developer, the mixed-use area was expanded in 2013 and the DCD-CBM - Chuka Boulevard Mixed Direct Control District Zone was created and applied to lands currently zoned as such. In 2016, the Greens on Gardiner Concept Plan was amended to allow for the Acre 21 development, which is within the MLM – Mixed Large Market Zone. Acre 21 is now mostly developed. Currently two of the four properties zoned as DCD-CBM - Chuka Boulevard Mixed Direct Control District Zone are vacant. The property at 3850 Green Falls Drive was developed as a retirement community (Revera) and mixed commercial development. The property at 4601 E Green Apple Drive is currently under development as per the existing requirements of the zone with commercial uses on the main level and residential uses above.

Direct Control District -Chuka Boulevard Mixed Use Zone (DCD-CBM)

The intent of the DCD-CBM - Chuka Boulevard Mixed Direct Control District Zone is to create a mixed-use development area along Chuka Boulevard, which is a neighbourhood arterial street, to ensure:

- a) commercial frontage strongly relates to the pedestrian realm;
- b) overall compatibility of mixed-use development with its surroundings; and
- c) a unique sense of place through building and design.

The DCD-CBM - Chuka Boulevard Mixed Direct Control District Zone is unique to the properties identified in Appendix A-1 and prescribes and coordinates development across the abutting properties. Key features of the zone are as follows:

- Certain types of commercial development is only allowed in mixed use buildings where residential is above.
- Mixed use buildings are required to front Chuka Boulevard with an active building front, which strongly relates to a pedestrian realm, or public sidewalk.
- Since a public sidewalk does not exist on the west side of Chuka Boulevard, the DCD-CBM - Chuka Boulevard Mixed Direct Control District Zone sites are required to maintain a public access easement constructed as a sidewalk in front of buildings. The intent is to guide pedestrians to the commercial uses. The sidewalk is required to be coordinated and continuous along all three adjoining properties as shown below.



- Building fronts are required to be constructed as close to Chuka Boulevard as possible, while allowing for the required pedestrian sidewalk, a row of parking and a drive isle as shown in the Chuka Boulevard Interface Diagram, below:



Commercial Land use Intensity

The proposed amendment would allow for commercial-only buildings fronting Chuka Boulevard as opposed to mixed use buildings. The intent of the amendment is not to increase the amount of commercial development but rather provide the option of standalone buildings. The proposed changes require the remainder of the land, behind the commercial fronting Chuka Boulevard, to be developed as residential and/or other currently permitted land uses to allow for a mix of uses on the site. Other development requirements such as landscaping, pedestrian and residential interface areas along the west fringe of the properties would still be required which would naturally limit the commercial intensity of the site.

In a typical commercial development, approximately 25-30 per cent of the site area is developed as building footprint and the rest of the land is used for landscaping, parking and circulation. In the current zone, with all the noted requirements, the development potential of commercial land use is estimated to be 15-20 per cent of the site area.

Public feedback indicated there was a concern related to impacts on existing commercial lands. It is also important to note that recent amendments to the Towns Concept Plan (CR21-37 and CR19-33) reduced the overall amount of commercial space available in the Towns by approximately 4 hectares and a development permit was approved for a (mostly) residential development on a 1.3 hectares portion of Acre 21. Therefore, it is not anticipated that the text amendments will negatively impact the commercial development opportunities in the southeast neighbourhoods.

Drive-Through Restaurant:

Restaurants are permitted in the DCD-CBM - Chuka Boulevard Mixed Direct Control District Zone and the proposed amendment will allow for the consideration of a drive-through as a discretionary use. The review of future discretionary use applications will consider the intent of the zone, which is to prioritize pedestrian spaces, encourage and allow for on-site residential development and develop a unique sense of place. A drive-through restaurant may fundamentally challenge these objectives, but it may be possible through thoughtful design to accommodate this land use while meeting neighbourhood needs. Public consultation will be required for all future applications and specific concerns related to the proposal can be addressed during that review process. Therefore, Administration recommends drive-through restaurants be considered subject to specific considerations at the time of discretionary use application:

1. The drive-through isles access must not conflict with the required pedestrian sidewalk.
2. The drive-through queue space shall be buffered or oriented to protect existing or planned residential development on the site.
3. A Traffic Impact Assessment is required for all applications to demonstrate the traffic impacts do not conflict with on-site circulation, access, and public infrastructure.

Drive-through restaurants are considered high-intensity uses that may impact traffic. A Traffic Impact Assessment will identify key considerations such as site access restrictions, on-site circulation and pedestrian conflict.

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 (AECA) was included in the circulation of the application. Following circulation, Administration attempted follow-up contact with the AECA; however, we did not receive a response prior to the deadline for submission of this report.

DECISION HISTORY

On April 25, 2016, City Council approved an amendment to The Greens on Gardiner Concept Plan to allow for the Acre 21 development. (CR16-35).

Respectfully Submitted,

Respectfully Submitted,


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8/26/2021


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8/31/2021

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ATTACHMENTS

Appendix A-1 (Subject Property Map)
Appendix A-2 (Aerial Map)
Appendix A-3 (Proposed Changes to the Bylaw)
Appendix B (Public Consultation Summary)