


<b>TITLE:</b> <b>BY-LAW NO. 7347 TO REZONE</b> <b>PROPERTY LOCATED AT 353 – 16TH STREET NORTH</b> <b>(LOT 1/14, BLOCK 8, PLAN 228 BLTO)</b> <b>OWNER &amp; APPLICANT: CITY OF BRANDON</b>		
<b>MEETING DATE:</b> March 15, 2023		<b>Page 1 of 4</b>
<b>DEPARTMENT:</b> Planning & Buildings	<b>ATTACHMENTS:</b> A. By-law No. 7347 B. Application related documents C. Map, air photo & drawings D. Development Review Group Report E. Community Engagement Report	
<b>PRESENTER:</b> Sonikile Tembo, Community Planner	<b>MANAGER:</b> Ryan Nickel, Director of Planning & Buildings	

**RECOMMENDATIONS:**

1. That the Planning Commission recommend City Council amend By-law No. 7347 (Z-02-23) to rezone the property located at 353 – 16<sup>th</sup> Street North from Industrial Restricted (IR) to Educational & Institutional (EI) by deleting Section 3 in its entirety and substituting therefor:
  3. **This By-law will come into force when the development agreement required under this By-law is executed with the City and registered in the Brandon Land Titles Office.**
  4. **This By-law will be repealed without coming into force one year after the date of this By-law’s adoption unless the development agreement required under this By-law is executed with the City and is registered in the Brandon Land Titles Office.**
2. That the Planning Commission recommend City Council approve By-law No. 7347 as amended in accordance with the attached letter of intent “Attachment B-1” and site plan “Attachment C-3”, subject to the owner or successor entering into a development agreement with the City of Brandon with the following conditions:
  - a. The Developer agrees to develop a mixed use building which includes non-residential uses on the main floor and 24 residential units on the 2<sup>nd</sup> and 3<sup>rd</sup> floors, in general consistency with the attached site plan.
  - b. The Developer agrees to contribute \$3,008.88 for cash in lieu of land dedication of public reserve. This contribution is due in full upon execution of the development agreement.
  - c. The Developer agrees to contribute \$4,860.00 to the Brandon School Division for cash in lieu purposes. Payment is to be made to the Brandon School Division with

- proof of payment submitted to the City of Brandon prior to the issuance of a development permit
- d. The Developer agrees to contribute \$4,275.00 towards the construction of a future sidewalk within the 16<sup>th</sup> Street North right-of-way. Such contribution shall represent 50% of the entire length of 353 – 16<sup>th</sup> Street North and will be held in a reserve account until such time as the sidewalk is constructed. This contribution is due in full upon execution of the development agreement.
  - e. The Developer agrees to mitigate increased runoff for a 100-year, pre and post development, storm water event. The Developer will be required to submit design drawings as prepared by a professional engineer with such design being subject to review and acceptance by the City Engineer.
  - f. The Developer agrees to provide a tree buffer and 1.8m high opaque fence along the shared south property line with 347 16<sup>th</sup> St N. Buffer and fence is to be included on the Developer's submitted landscaping plan at the time of Development Permit.
  - g. The Developer agrees to save harmless the City by way of inclusion of save harmless clauses in the development agreement as the property is located within both Methane Gas Zone 2 and the flood plain.

and that Administration be authorized to prepare a Development Agreement containing all conditions and requirements to protect the City's interests in accordance with any procedures, policies, by-laws and Acts.

### **BACKGROUND:**

#### ***Request***

The applicant, Shannon Saltarelli of the City of Brandon ("City"), is applying to rezone the property located at 353 – 16<sup>th</sup> Street North from Industrial Restricted (IR) to Educational and Institutional (EI). Approval of this application will allow for development of a building with a mix of transitional housing (24 units) and support services. Housing with supports is fits within the use classification of "special needs housing" in the Zoning By-law. The City is facilitating the rezoning of the property to meet federal grant deadlines and ensure the funding opportunity is not lost.

#### ***History***

The City of Brandon has received funding from the Canadian Mortgage and Housing Corporation (CMHC) through the Cities Stream to facilitate the construction of a minimum of 24 units of transitional housing. Under the Rapid Housing Initiative (RHI) Cities Stream, the City of Brandon has selected the John Howard Society project to submit to the CMHC for review and consideration.

The vision of the 3-story transitional housing space includes 24 self-contained units each with its own washroom and microwave or hot plate. The units will start at 300 sq feet and increase in size

up to and including fully accessible units. There is a desire for food service to also be provided through a commercial kitchen on site. The main floor would consist of office space for agency supports working with residents, a gym, commercial kitchen, and public use space. The main floor usage remains under discussion and will be design built for the partnering agency for usage which could include a future sobering centre (subject to further review and approvals).

Correctional Service Canada (CSC) had funding to access units at Meredith Place and have also committed to funding for at least 3 paroles (on day parole) for this transitional housing project as well. This is important as paroles leaving incarceration are often placed directly into homelessness without access to transitional housing via CSC. The rest of the units will be available for general public use for all adults.

### ***Development Context***

The proposed location at 353 16<sup>th</sup> Street promotes a more dispersed approach to social services, as most of the current social services within the City are general clustered within the central downtown area. The proposed location is of adequate size to accommodate the proposed use and provides future opportunity for expansion (if adjacent private land is available). Other location considerations include:

- Few neighbouring residences
- Proximity to transit along 18<sup>th</sup> Street and Parker Boulevard
- Water and wastewater networks with capacity adjacent to the site along 16<sup>th</sup> Street North
- 16<sup>th</sup> Street North road was recently paved
- New active transportation bridge under construction to connect area to the south and downtown services
- Location of grocery store and shopping within an 800m (10 minute) walk to north

Potential challenges of the site include stormwater management, location of property in diked floodplain area (no residential on first storey), methane gas, and lack of pedestrian connectivity (no sidewalks along McGregor Avenue).

### **ANALYSIS:**

Approval of this application will allow for a building with support service offices and a commercial kitchen on the ground storey, and 24 transitional housing units (identified as special needs housing in the zoning bylaw) on the second and third storeys.

### **Consistency with the Development Plan**

- **5.2.1(b) Institutional Location: Smaller scale institutions may be allowed in areas not designated for institutional (e.g. employment lands) provided that the scale and type of development is compatible.**

- **2.2.2 Housing Mix:** The proposed rezoning supports the provision of more housing options in all neighbourhoods
- **2.2.3 Housing Affordability:** The proposed rezoning will provide housing affordability for those experiencing homelessness and in need of transitional housing services
- **2.2.7 Supportive Housing:** The proposed rezoning provides for integration of specialized supportive housing

#### Consistency with Assiniboine Gardens Secondary Plan

The site is designated as Employment Lands in the Assiniboine Gardens Secondary Plan (“Secondary Plan”). However, pursuant to Policy 2.1.9 of the Secondary Plan, multiple-unit construction may be allowed in the Employment Lands area where the dwelling units are located on or above the second storey and above the design flood level. The proposal involves the transitional housing being only on the upper storeys, with the ground storey reserved for support service offices, a commercial kitchen, and other potential future non-residential uses (potentially a sobering centre).

**6.2.5 Transition Area 6:** This site is located in Transition Area 6 in the Secondary Plan with the following provisions:

- The Secondary plan identifies the area to be **intensified as Employment lands**, which would accommodate a range of services and generate employment opportunities through variety of commercial and light industrial uses (2.2.1). This rezoning will allow intensification of the area as per the secondary plan
- Maximize use of existing and proposed infrastructure with **large lots**. The rezoning is using a fairly large lot with servicing connecting on 16<sup>th</sup> Street North
- A **concept plan** for the entire transition area prior to any development. The rezoning application does not include a concept for the entire transition area, but the consultant will work with our Engineering Department to address the servicing and stormwater concerns for this site

#### Consistency with the Zoning By-law

- The site is currently zoned IR, and requires rezoning to EI to allow for the proposed development
- The proposed development generally meets the bulk and siting requirements under Table 16, Section 62 of the Zoning By-law

#### **Commenting Agencies**

All comments have been addressed and summarized below.

#### City of Brandon

- Development within a former landfill site zone shall be done in conformance with Building By-Law 7258 - Construction of Buildings on Former Landfill Sites.

- Cash in lieu of land dedication (for parks) of \$3,008.88 will be required.
- The developer shall provide stormwater retention for a 100 year post development storm event.
- Developer shall contribute \$4,275 towards half of the future sidewalk within 16th Street North.

#### Brandon School Division

- Developer shall pay \$4,860 for cash-in-lieu of land dedication to Brandon School Division

#### ***Amendment Proposed to By-law No. 7347***

City administration further recommends amending the by-law enabling this rezoning application by

- Delaying the coming into force the change of zoning until the successful execution and registration of the development agreement
- Letting this amending by-law lapse, with no change to the zoning of the site, if there is no successful execution and registration of the development agreement within a year of Council adopting this by-law

City administration recommends this amendment for the following reasons:

- This allows the City to process this rezoning application more efficiently and with fewer delays between second and third readings, especially in light of the tight timelines to receive federal government funding for this proposal
- This proposal and the funding arrangement behind it is unique, and the rezoning is tailored specifically for this proposal
  - If the funding for this project fails for whatever reason, keeping the original IR Zone ensures any future proposals for the site are still in accordance with the Secondary Plan

#### **LEGISLATIVE REQUIREMENTS:**

##### ***Notification***

In accordance with Section 168 of The Planning Act, notice of the public hearing was sent to owners of property within 100 metres (328 feet) of the subject property. Notice was also posted on the subject property and advertised in the Brandon Sun on February 23, 2023 and March 2, 2023.

##### ***Public Outreach***

In accordance with Section 13 of the Zoning By-law, the applicant mailed letters to nearby property owners in February 2023, and had conversations with some property owners (Attachment E). Concerns these property owners raised included protecting the existing greenery

and wildlife. As of the writing of this report, the Planning & Buildings Department has not received representation in favour of or in opposition to this application.