


TITLE: BY-LAW NO. 7370 TO AMEND SECONDARY PLAN BY-LAW NO. 7280 THE ASSINIBOINE GARDENS SECONDARY PLAN		
MEETING DATE: December 6, 2023		Page 1 of 3
DEPARTMENT: Planning & Buildings	ATTACHMENTS: A. By-law No. 7370 B. Application related documents C. Maps	
PRESENTER: Andrew Mok, BES MCIP RPP	MANAGER: Sonikile Tembo, Principal Planner	

RECOMMENDATIONS:

That the Planning Commission recommend City Council approve By-law No. 7370 (SP-01-23) to amend the Assiniboine Gardens Secondary Plan By-law No. 7280.

BACKGROUND:

Request

The applicant, Sonikile Tembo, on behalf of the City of Brandon is applying to amend the Assiniboine Gardens Secondary Plan By-law No. 7280. Approval of this application will allow for some flexibility in the Secondary Plan in which the City may consider conditional uses for unique circumstances proposing dwelling units on the first storey in the Employment Lands Area (Attachment C).

Development Context

The boundaries of the area are the dyke on the north and east sides, McDonald and Stickney Avenues on the south, and 26th Street North on the west side. Uses within the site include commercial developments on 18th street, recreation fields and trails on the east and west sides of 18th street N, low density residential and some support services such as Aurora Reunification Center and the transitional housing development yet to be built on 16th Street North. The secondary plan area is in close proximity to community amenities such as the Riverbank Discovery Center and the Corral Center. There is a transit route that goes through the area.

History

In 2020, the city approved the Assiniboine Gardens Secondary Plan to support new public and private investment that is compatible with the adjacent development and the nearby Assiniboine River. Previously, development was greatly restricted, but after upgrades to the dyke and a risk analysis exercise with council and public engagement, it was determined that low intensity development could be permissible in the area with precautions that consider the potential for flooding.

ANALYSIS:

The vision for development in the Assiniboine Gardens was established through a risk analysis of further development within the diked floodplain area following upgrades to the dyke. Also included in the risk analysis was a reduced level of service for emergency access following the removal of the 8th Street Bridge.

The resulting residential land use policy direction allowed continued low density buildout on existing residential streets, and dwelling units on the second storey and above in Employment designated areas. The intent of this policy was to allow buildout of the area while limiting the number of dwelling units below the design flood level. This is consistent with the development plan (policy 1.1.5) that states that limited development should occur in areas protected by the dyke.

Recent applications proposing transitional housing and social services in the Assiniboine Gardens Secondary Plan area has necessitated a review of the policy prohibiting first floor dwelling units in Employment designated areas. The proposed amendment will allow first floor units to be considered in specific situations (e.g institutional zoning) through a conditional use process. This could allow for accessible units to be located on the first floor or the adaptive use of existing buildings.

This balanced approach maintains the policy vision to limit the number of 1st floor residential units as properties would need to be rezoned (e.g. institutional) to allow for dwelling units on the first storey. The majority properties in Employment designated areas are Zoned Commercial Arterial, Parks and Recreation, or light industrial where dwelling units are not allowed on the first storey.

The proposed amendment of Part 2, Section 2.1, and subsection 2.1.9 of the Secondary Plan is as follows (Attachment B):

Existing policy

2.1.9 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.

Proposed policy change

2.1.9 The intent of the Employment Lands is to have dwelling units only on the second storey and above. However, the City may consider conditional uses for unique circumstances proposing dwelling units on the first storey

Commenting Agencies

The Planning & Buildings Department did not receive any comments of significant concern.

LEGISLATIVE REQUIREMENTS:

Notification and Public Outreach

In accordance with Section 168 of The Planning Act, notice of the public hearing was posted on city buildings. Since the site area is quite large, no notices were posted on any site. The application was advertised in the Brandon Sun on November 16, 2023 and November 23, 2023. As of the writing of this report, the Planning & Buildings Department has not received representation in favour of or in opposition to this application. The department has received one request for more information that was satisfied with no further questions.

STRATEGIC ALIGNMENT:

The proposed change is in line with council's strategic plan to:

- Address the need for supportive and transitional housing
- Facilitate development opportunities for residential in established (infill) areas