

Proposed Zoning by Agreement – 109 Secord Way - Brighton

APPLICATION SUMMARY

Dream Development submitted an application to rezone 109 Secord Way, located in the Brighton neighbourhood, adjacent to Brighton Gate and McOrmond Drive. The site is currently zoned RMTN1 – Medium-Density Townhouse Residential District 1 under [Bylaw No. 8770, Zoning Bylaw, 2009](#) (Zoning Bylaw) and was proposed to be rezoned to an RM4 – Medium/High-Density Multiple-Unit Dwelling District. To address concerns identified during the administrative review and public consultation process, the application was changed to rezoning of the site to an RM4 District, subject to an agreement.

RECOMMENDATION

That a copy of this report be submitted to City Council recommending that, at the time of the public hearing, City Council consider Administration's recommendation that the proposed amendment to Bylaw No. 8770, the Zoning Bylaw, 2009, to rezone 109 Secord Way from RMTN1 District to RM4 – Medium/High-Density Multiple-Unit Dwelling District, subject to a Zoning Agreement, as outlined in this report, be approved.

BACKGROUND

The Brighton Neighbourhood Concept Plan (Concept Plan) was originally approved by City Council in May 2014. The subject site was identified as Low-Density Townhouse Multi-Unit Dwellings, consistent with the RMTN1 District, which provides for multiple-unit dwellings, primarily in the form of street townhouses and townhouse dwelling groups. In March of 2021, City Council approved an amendment to the Concept Plan that changed land use for this site to Medium-Density Multi-Unit Dwellings (see Appendix 1). The current land use designation may accommodate higher-density districts, such as the RM4 District, provided consistency with other land use policies can be achieved.

The subject site is adjacent to street townhouses, considered low-density multi-unit dwellings within the RMTN – Townhouse Residential District, as well as One- and Two-Unit Dwellings, zoned R1B – Small Lot One-Unit Residential, and R2 – One- and Two-Unit Residential District respectively (see Appendix 2). A day care centre currently operates on Lot A, at 115 Secord Way, which was subdivided from the subject site in 2020; the zoning for this site is RMTN1. A shopping centre also operates north of Brighton Gate.

DISCUSSION

Development Proposal

Dream Development is proposing to rezone the site to an RM4 District to provide for development of a Dwelling Group with a higher density than is currently provided for under the current RMTN1 District. While a formal site plan will be submitted during the building and development permitting process, the proposed development of the site is

Proposed Zoning by Agreement – 109 Secord Way - Brighton

planned to be a Dwelling Group consisting of multiple-unit dwellings up to four stories in height with the total number of dwelling units on the site being approximately 200.

Proposed Zoning Agreement

To address concerns identified during the administrative review and public consultation process, rezoning to RM4 – Medium/High-Density Multiple-Unit Dwelling District, subject to a Zoning Agreement, is proposed (see Appendix 3). A Zoning Agreement is a regulatory tool used to address a specific development proposal and may address use of land, buildings, form of development, site layout and general external design.

Terms of the agreement were drafted to ensure development of the site is consistent with the policies of [Bylaw No. 9700, the Official Community Plan Bylaw, 2020](#), (OCP), and designed in a manner that will mitigate impacts to surrounding land uses, while providing appropriate flexibility to the developer. These proposed terms of the agreement (see Appendix 4) address the following:

1. Use of Site: Permitted use of the site will be for a Dwelling Group consisting of townhouses and/or multiple-unit dwellings and ancillary uses.
2. Building Setbacks: To provide for appropriate building setbacks from property lines, the following minimum setbacks will be required:
 - 6.0m from Brighton Gate, Secord Way and the south side yard property line, adjacent to the rear lane;
 - 3.0m from McOrmond Drive; and
 - 1.5m between the subject site and the day care site at 115 Secord Way.
3. Landscaping: In addition to regulations governing landscaping within the RM4 District, enhanced landscaping will be required within the south side yard to provide screening from the adjacent residential use. A solid fence 2.0m in height will also be required along the south property line to mitigate impacts, such as the glare from headlights onto neighbouring properties.
4. Parking: In addition to the parking requirements for the RM4 District, which include 1.5 spaces per unit, plus 0.125 visitor spaces per unit, five additional visitor parking spaces will be required on-site.

Provisions for bicycle parking, as required within the RM4 District, will also apply. The applicant has also agreed to install five additional parking spaces at 115 Secord Way, the day care site, to alleviate existing parking concerns along Secord Way. This will be facilitated through the submission of a development permit for a revised site plan for this property.
5. Lane Access: The applicant requested access to the lane be granted. A report prepared by an engineering consultant was provided, which demonstrated traffic flow within the site and on Secord Way would benefit from lane access and also provide a secondary access for emergency purposes. As a result, lane access has been accommodated in the Zoning Agreement.

Proposed Zoning by Agreement – 109 Secord Way - Brighton

6. **Building Height and Step-back:** The maximum building height of 15m, as permitted in the RM4 District, will apply, except for those portions or buildings located within 14m of the south property line, adjacent to neighbouring low-density residential uses and the lane, where a maximum building height of 12m will remain, as per the existing RMTN1 District. This provision will create a building step-back, addressing privacy and massing concerns raised during public engagement and the administrative review process.
No roof-top patios, or similar amenity spaces, are permitted on the building step-back.
7. **Building Location:** Buildings will be oriented towards Brighton Gate and McOrmond Drive and north of 115 Secord Way, consistent with the preliminary site plan provided by the applicant. This will help ensure appropriate transition of the higher-density development to the adjacent lower-density residential development. All other regulations of the RM4 District and general regulations of the Zoning Bylaw shall apply.

Policy Review

Official Community Plan

The OCP provides guidance for growth and the City of Saskatoon's (City) form and land use pattern by providing an over-arching framework for development. The OCP designates the subject land for residential use, consistent with the application.

The proposed rezoning aligns with the policies contained in Section G - 3.1(2)(l)(ii) of the OCP which provides criteria for locating medium-density residential development within neighbourhoods. This section notes that medium-density dwellings are appropriate in neighbourhood locations provided they are located near neighbourhood entry points and major roadways supported by transit. Brighton Gate is a neighbourhood entry point and is identified as an arterial street within the Concept Plan. Brighton is currently serviced by On-Demand Transit.

While Section G - 3.1 – Neighbourhood Design and Development encourages each neighbourhood to provide a variety of housing types, sizes and densities, Section G-3.1(2)(l)(ii)(C) states medium-density multiple-unit dwellings are appropriate provided they are situated such that residential zoning districts, of varying density, provide a compatible gradation within the neighborhood. Low-density residential uses, including one-unit dwellings zoned R1B and street townhouses zoned RMTN, exist immediately to the south of the subject site. To provide a gradual gradation in building height with these uses, which have 9m and 10m maximum heights respectively, the Zoning Agreement includes provisions that require a building step-back from the southern-most property line and appropriate setbacks from property lines.

Brighton Neighbourhood Concept Plan

The Concept Plan establishes a framework for the proposed neighbourhood, identifying land use patterns and the configuration of services. One goal of the Concept Plan is to accommodate a wide range of housing types to meet needs of varying age groups, income groups and lifestyles.

Proposed Zoning by Agreement – 109 Secord Way - Brighton

The [Land Use Map](#) within the Concept Plan identifies the subject site as medium-density multi-unit dwellings. This land use supports condominium townhouses, street townhouses and walk-up apartment-style developments, which is consistent with the Zoning Agreement.

Comments from other Divisions

No concerns were identified through the administrative review process which would preclude this application from proceeding to a public hearing.

Transportation and Construction noted access will not be permitted on McOrmond Drive or Brighton Gate and have stated there are no engineering or technical concerns with lane access as presented by the applicant's engineering consultant.

COMMUNICATIONS AND ENGAGEMENT

On May 30, 2022, a notice detailing the proposed rezoning was mailed out to the Ward Councillor and 138 property owners, located approximately 150m from the subject site, to solicit comment. Content of the notice was placed on the Engage Page of the City's website, and a development sign was installed onsite.

As a result of the notice, Administration received feedback generally opposing the proposal to rezone the land to the RM4 District, including a petition with signatures from 50 households. In response, Dream Development hosted an information meeting on June 15, 2022, at the day care located at 115 Secord Way, to provide interested parties with information pertaining to the proposal; Dream advised that seventeen people were in attendance.

Administration hosted a Teams Live Public Information Meeting on June 20, 2022, to provide an overview of the rezoning process, allow the applicant to discuss the project and to facilitate a question-and-answer period. As a result of a technical issue experienced by Microsoft, some individuals were unable to access the live event while others were unable to adequately participate. For those reasons, a follow-up question-and-answer meeting was held via Teams Live on July 28, 2022. Nine and ten members of the public attended the meetings respectively. Both meetings were recorded and posted on the City's Engage Page.

During the engagement period, Administration received responses from approximately 22 individuals, 17 of which oppose the application or expressed concerns, while five provided neutral responses or responses indicating support. Main concerns identified included impact of increased traffic, parking issues in the area, understanding that townhouses would be built on site, building height and building size. A summary of comments received and responses provided during the engagement period is attached to this report (see Appendix 5).

A notice will be mailed to property owners located within approximately 150m from the subject site to advise of the direction to move forward with recommending a zoning by agreement. The Engage Page will be updated to include this information.

Proposed Zoning by Agreement – 109 Secord Way - Brighton

PUBLIC NOTICE

Public notice is required for consideration of this matter, pursuant to Section 11(a) of Council Policy C01-021, the Public Notice Policy.

Once this application has been considered by the Municipal Planning Commission, it will be advertised in accordance with Council Policy C01-021, the Public Notice Policy and a date for a public hearing will be set. A notice will be placed in The StarPhoenix two weeks prior to the public hearing.

APPENDICES

1. Brighton Neighbourhood Concept Plan and Amendment Area
2. Fact Summary Sheet – 109 Secord Way
3. Proposed Rezoning Location Plan
4. Proposed Terms of Agreement – 109 Secord Way
5. Community Engagement Summary – 109 Secord Way - Brighton

REPORT APPROVAL

Written by: Anthony Andre, Senior Planner, Development Review
Reviewed by: Darryl Dawson, Manager, Development Review
Lesley Anderson, Director of Planning and Development
Approved by: Lynne Lacroix, General Manager, Community Services

SP/2022/PD/MPC/Proposed Zoning by Agreement – 109 Secord Way – Brighton/cm