

Bylaw 6417

Proposed Land Use Bylaw Amendment

2802 5 Avenue North

Public Hearing

October 17, 2023

Bylaw 6417

Application Information

Applicant	Braemore Management Ltd. on behalf of the property owner.
Purpose	The purpose of Bylaw 6417 is to eliminate the landscaping requirements for the property to provide building and site management flexibility and prevent negative financial impacts to the commercial tenants and their businesses.
Current Land Use District(s)	Direct Control (DC) Existing
Proposed Land Use District(s)	Direct Control (DC) New



Bylaw 6417 Amendment Location



Amendment Area 
Neighbourhood Boundaries 



Amendment Area 

Bylaw 6417

Site Photo



Front view from 5 Ave N

Bylaw 6417

Site Photo



Front view from 5 Ave N

Bylaw 6417

Site Photo



Front view from 5 Ave N

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Site Photo



Front view from 5 Ave N

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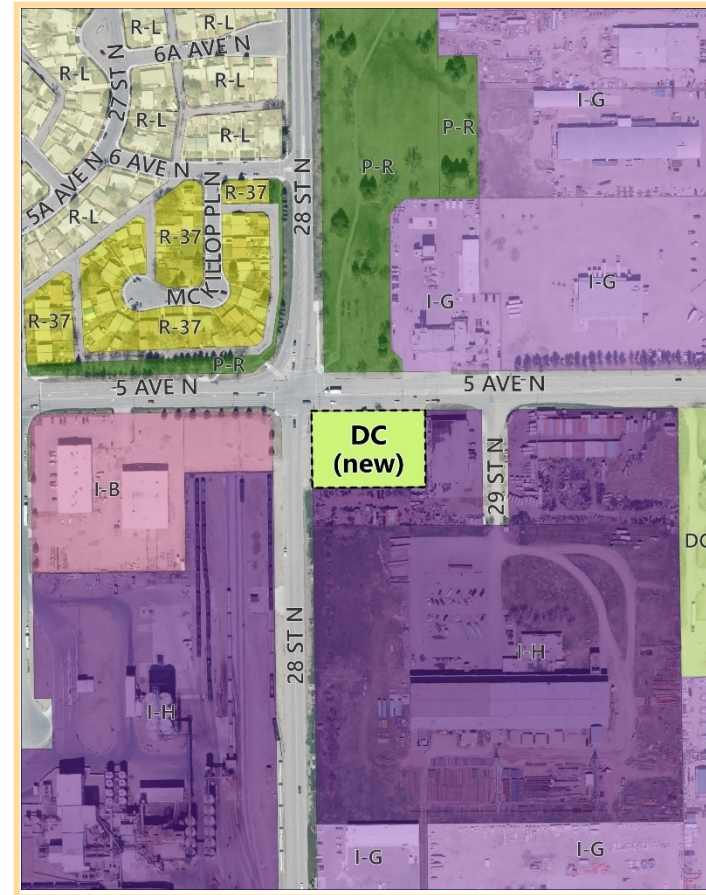
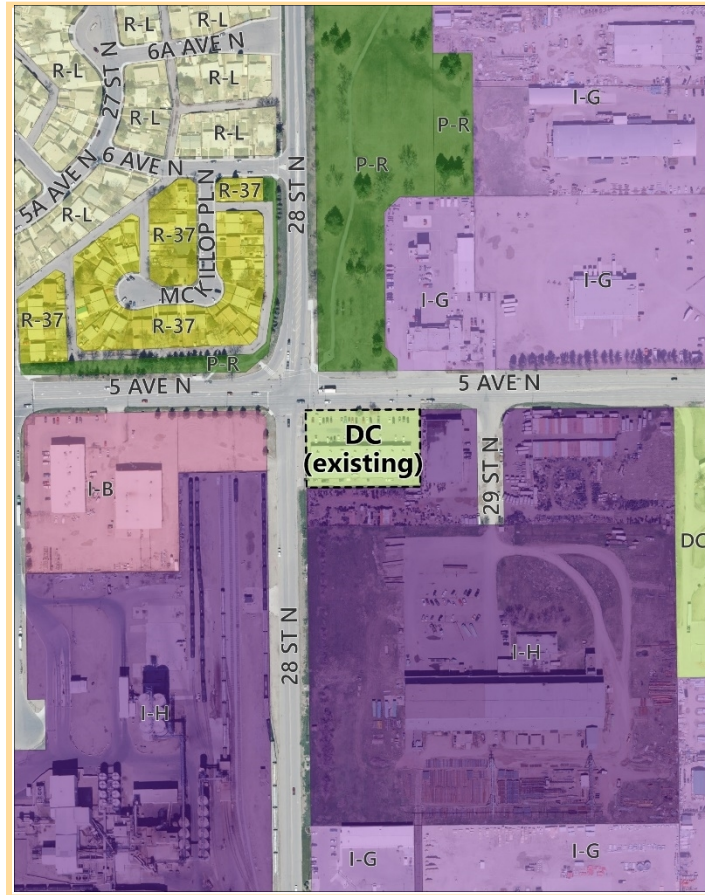
Site Photo



Front view from the rear

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Existing vs. Proposed Land Use District



Amendment Area 

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Evaluation & Analysis

- Bylaw 6417 carries forward the currently allowed commercial uses and most of the development requirements excluding the landscaping requirements, the site plan, and the landscaping plan found in Bylaw 6177.
- The exclusion of the site and landscaping plans will allow the applicant more flexibility for future changes to the site.
- Additionally, the minimum parking requirement is proposed to be lowered from 55 to 50 parking spaces to allow the operation of a permanent patio in the parking lot.

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Background Information

- In 2019, City Council passed Bylaw 6177 which introduced new commercial Uses, including Retail Cannabis Store.
- This Bylaw also included site and landscaping plans to regulate parking, setbacks, and landscaping requirements.
- The applicant is seeking flexibility in the development requirements to be adaptable to operational needs and better support the existing commercial tenants.
- The site plan found in the existing Bylaw 6177 restricts any future site reconfiguration and the landscaping plan requires a particular landscaping design that the applicant has expressed would have a negative financial impact on the commercial tenants.

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Evaluation & Analysis

- The proposed Land Use Bylaw amendment does not interfere with a key strategy found in the South Saskatchewan Regional Plan (SSRP):
 - Increase the proportion of new development that takes place within already developed or disturbed lands. (Strategy 5.1)

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Evaluation & Analysis

- In terms of city-wide policy, the Municipal Development Plan includes the following relevant policies.
- The proposed amendment does not align with policy 112:
 - Policy 112: “ENSURE landscaping of public facilities and commercial, industrial and high-density residential developments contribute to sustainable development”
- However, the proposed amendment does align with the policy 46:
 - Policy 46: “SUPPORT changing retail and commercial development trends that serve the needs of the City by investigating and considering the need for any amendments to the City’s statutory documents”

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Evaluation & Analysis

- The Land Use Bylaw 6300 (LUB 6300), provides guidance on landscaping design elements appropriate for commercial buildings which Bylaw 6417 excludes.
- The landscaping guidance found in LUB 6300 considers the impact that landscaping has on a property's visual appeal.

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Evaluation & Analysis

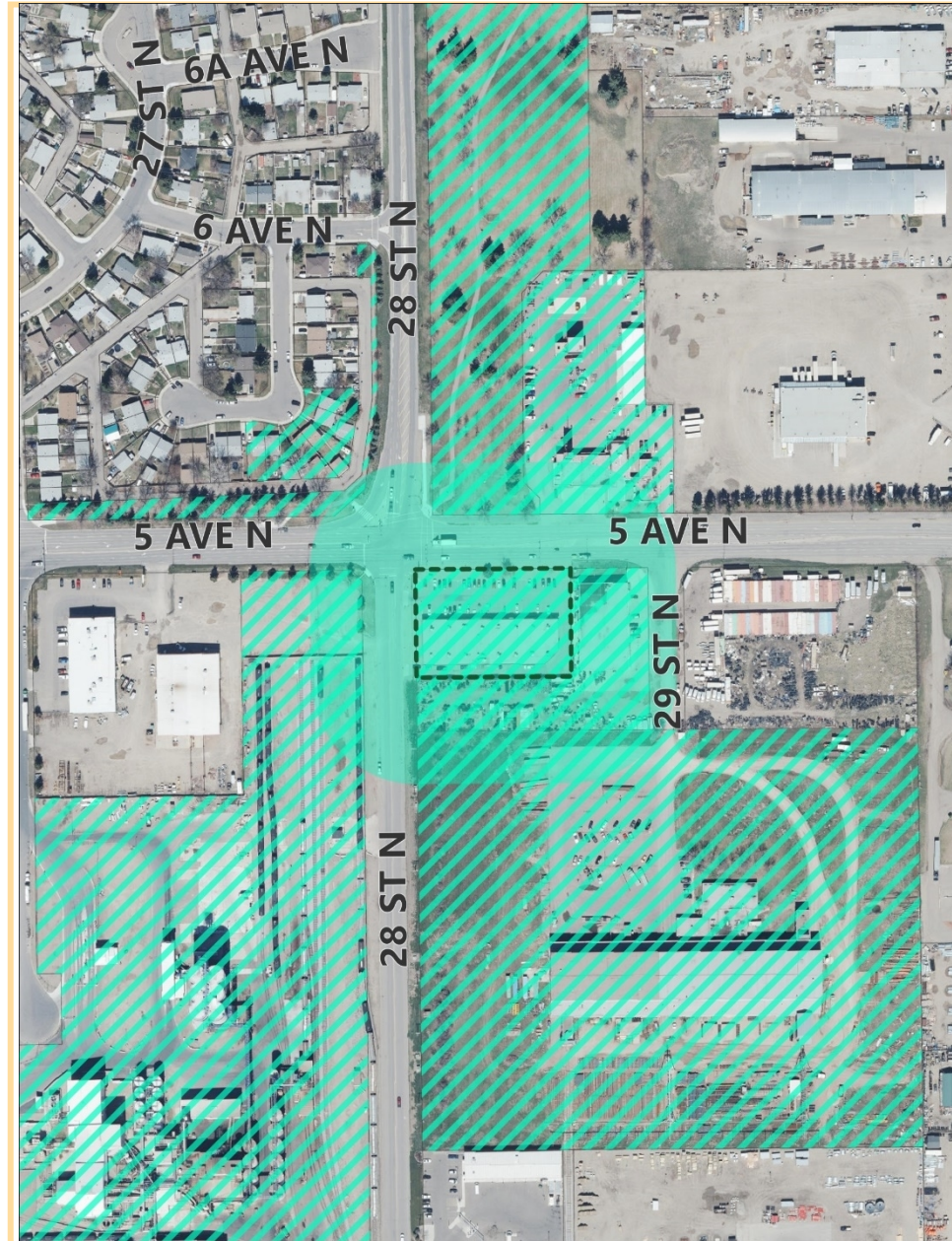
- The proposed amendment has been reviewed by City staff and concerns have been identified with the removal of requirements for landscaping, considering:
 - Relevant policies found in the MDP and the LUB 6300
 - Landscaping provided in surrounding areas
- Requirements for xeriscaping would be more appropriate to ensure the property is well-maintained and allow greater flexibility than what Bylaw 6177 offers.

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Notification Information

Notifications Sent	28
Newspaper Advertisements	Sep 23 Sep 30

Amendment Area	
Parcels Mailed	
60 m Buffer	



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Conclusion

- Bylaw 6417 provides greater operational flexibility for the property owner.
- Surrounding property owners are in support of this proposal.
- The proposal is not fully in line with relevant planning policies.

Recommendation

- Planning and Design recommends that City Council consider this report as information for the Public Hearing for Bylaw 6417.