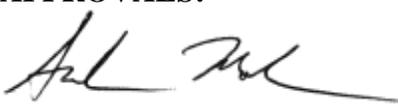


TITLE: CONDITIONAL USE 1570 – 18TH STREET OWNER: MORGUARD CORPORATION APPLICANT: PETROFF PARTNERSHIP ARCHITECTS		
PRESENTER: Andrew Mok, BES MCIP RPP		Page 1 of 9
DEPARTMENT: Planning, Property & Buildings	ATTACHMENTS: A. Application related documents B. Map, air photo & drawings C. Public participation report	
CLEARANCES: Chief Planner	MEETING DATE: April 5, 2017	
APPROVALS: <div style="display: flex; justify-content: space-around; align-items: flex-end;"> <div style="text-align: center;">  Community Planner Mar. 22, 2017 Date </div> <div style="text-align: center;">  Chief Planner Mar. 22, 2017 Date </div> </div>		

REQUEST:

The applicant, Mustafa Munawar of Petroff Partnership Architects, on behalf of the property owner, Morguard Corporation, is applying for a conditional use to allow the expansion of a commercial establishment greater than 4,645m² in gross floor area for a property located at 1570 – 18th Street in the Commercial Arterial (CAR) Zone. Approval of this application will allow for the expansion of the Brandon Shoppers Mall (Shoppers Mall), including the addition of standalone buildings, also known as building pads, on the subject site.

BACKGROUND:

Development Context

The subject site, located southwest of the intersection of 18th Street and Richmond Avenue, is home to the Shoppers Mall, a major shopping centre in the City of Brandon, as a well as a movie theatre. The land increases in elevation when moving from north to south. The site is surrounded by commercial uses to the north, east and south, and a mix of low- and moderate-density residential uses to the west. There is also a cemetery to the east of the site. Access to the site is provided by 18th Street, Richmond Avenue and 20th Street.

History

The Shoppers Mall was first built in 1970 in the northern half of the subject site. Expansions to the shopping centre were built in 1981 and 1999, extending the building southwards, by-passing a portion of the Brandon Municipal Cemetery, to its current configuration. The movie theatre further south is also part of the subject site. It was first built in 1998; it was expanded in 2000.

The applicant initially applied for a planned unit development on the subject site in 2016. That proposal consisted of the following elements:

1. The partial demolition of the former Target department store to develop a new Sobey's supermarket, a new north entrance for the Shoppers Mall, and the addition of commercial retail units in the shopping centre;
2. The redevelopment of the former Safeway supermarket space to develop Goodlife Fitness private fitness centre and commercial retail units;
3. A building addition to expand the Sport Chek sports retail store; and
4. Construction of four (4) new standalone buildings, or building pads, along 18th Street with reduced front yards housing various businesses.

Building permits were issued for the development of Sobey's in 2016 and Goodlife Fitness in January 2017 as those developments do not result in an increase of commercial floor area.

After receiving comments from City Administration and other commenting agencies on the original proposal, as well as receiving feedback from the property owner's public outreach efforts, the applicant revised the proposal to address various concerns that will be explained in the analysis section of this report.

ANALYSIS:

The applicant's current proposal (Attachment B-2) consists of the following elements:

1. The partial demolition of the former Target department store to develop a new Sobey's supermarket, a new north entrance for the Shoppers Mall, and the addition of commercial retail units in the shopping centre;
2. The redevelopment of the former Safeway supermarket space to develop Goodlife Fitness private fitness centre and commercial retail units;
3. A building addition to expand the Sport Chek sports retail store;
4. Construction of three (3) building pads along 18th Street, all of which will house restaurants;
5. Development of an on-site transit stop near the new north entrance of the Shoppers Mall;
6. The future relocation of the existing all-way 18th Street approach, opposite the Burger King site, when Manitoba Infrastructure rebuilds 18th Street between Richmond and Aberdeen Avenues; and
7. The development of a new right-in-only approach off 18th Street between Richmond Avenue and the future all-way 18th Street approach when Manitoba Infrastructure rebuilds 18th Street.

Consistency with Part 7, Section 106(1)(b) of The Planning Act and Demonstration that the Use:

1. Will be compatible with the general nature of the surrounding area;

Compatibility with Commercial Area

The subject site is located on a portion of 18th Street that is a major commercial corridor in the City of Brandon. The proposed uses on the subject site are similar to the mix of commercial uses existing along 18th Street, including but not limited to retail stores, personal services, and restaurants. Most of the commercial buildings along 18th Street and Richmond Avenue have setbacks from their respective front site lines to accommodate parking in front of the buildings. Given the pre-existing commercial uses and buildings in the nearby commercial area, the proposal will be compatible with the general nature of the surrounding area.

Compatibility with Residential Area

Most of the proposed improvements and additions are on the east side of the subject site, facing 18th Street. Only the Sport Chek addition will be visible to the residential area west of the subject site across 20th Street. The addition will be mitigated by the existing store being located at a lower elevation than 20th Street. This lower building profile relative to 20th Street should not result in significant visual changes to the nearby residential properties. With most of the proposed development facing away from the nearby residential area, the proposal will be compatible with the general nature of the surrounding area.

2. Will not be detrimental to the health or general welfare of people living or working in the surrounding area, or negatively affect other properties or potential development in the surrounding area; and

On-site Parking

The proposal to construct building pads will affect the availability of parking on the subject site. Construction of the building pads will result in a loss of existing parking spaces on the subject site, and adding businesses on site will increase the City of Brandon Zoning By-law (Zoning By-law) parking requirements as well as parking demand. To address the parking concerns, the applicant's proposal was reduced from four to three building pads, reducing the increase in on-site parking demand and preserving more of the existing parking area. The southernmost building pad will reduce parking supply in front of one of the Shoppers Mall's existing main entrances. However, the applicant will develop an additional main entrance closer to the new Sobey's, which may relocate some of the localized parking demand away from that existing main entrance.

In addition to increasing pedestrian connections to the building pads and providing more on-site bicycle parking, at the request of City Administration the applicant will accommodate an on-site transit stop near the new north entrance for the existing Shoppers Mall building. The provision of such facilities will increase the convenience for customers using alternative modes of transportation.

18th Street Corridor

The section of 18th Street adjacent to the subject site is one of the busiest street sections in the City of Brandon. According to the applicant's traffic impact study, the proposed increase in commercial floor space on the subject site will accelerate the increase in vehicular congestion on this street section to an undesirable level under Institute of Transportation Engineers standards. Through discussions with Manitoba Infrastructure, City Administration recognizes that this street section will need to be reconfigured, including relocation of site approaches, to produce a more efficient layout and improve traffic flow. Manitoba Infrastructure has not initiated a functional design for the alternative layout nor has a financial commitment been made to construct the improvements.

The long term plan is to relocate the subject site's existing 18th Street approach between Richmond and Aberdeen Avenues further south. This relocation will occur when Manitoba Infrastructure rebuilds this section of 18th Street. The new building pads will be located to accommodate both the existing and future approaches. The relocation of the approach will be addressed under a development agreement.

The development of building pads in close proximity to 18th Street and Richmond Avenue will likely result in an increase in pedestrian activity along both streets. To accommodate this situation, the applicant will be required to design and construct the sidewalk extension southwards along the west side of 18th Street right-of-way to the southernmost building pad. The applicant will also provide walkways from the new north Shoppers Mall entrance to the 18th Street sidewalk, as well as from Richmond Avenue to the two northernmost building pads. The design and construction of the 18th Street sidewalk will solely be at the owner or developer's cost, and will be addressed under a development agreement.

By addressing concerns related to on-site parking, the future of 18th Street and accommodating alternative modes of transportation, the proposal will not be detrimental to the health or general welfare of people living or working in the surrounding area, nor will the proposal negatively affect other properties or potential development in the surrounding area.

3. *Is generally consistent with the applicable provisions of the development plan by-law, the zoning by-law and any secondary plan by-law*

Brandon & Area Planning District Development Plan, 2013

The proposal conforms to Policies 3.2.1 and 3.2.2 of the Brandon & Area Planning District Development Plan, 2013 (“the Development Plan”). Policy 3.2.1 states that all new commercial development within the City will be required to locate in Commercial areas as shown on Map One “Urban Land Use”, while Policy 3.2.2 states that buildings or building groups exceeding 7,432m² (80,000 sq. ft.) gross floor area shall be located in areas identified as Regional Retail as shown on Map One. The intent of these policies is to ensure that commercial developments occur in appropriate areas of the City, away from incompatible uses, as such developments can create unique demands on infrastructure, including but not limited to streets and wastewater systems. The proposed development is located within a Commercial area identified for Regional Retail as shown on Map One of the Development Plan.

The proposal also conforms to Policies 10.2.3 and 10.2.4 of the Development Plan. Policy 10.2.3 states that growth in the City shall be prioritized by first supporting intensification of infill areas of the City, while Policy 10.2.4 states that the City shall strive to accommodate 20% of its future population growth within developed areas. The intent of these policies is to make the most efficient use of existing roadways, services, infrastructure and facilities, and to ensure existing areas of the City are revitalized and redeveloped through intensification. The proposed development will result in the intensification of an already developed and serviced site in the City, thereby minimizing the need to invest in improvements to infrastructure to accommodate the proposed development.

The proposal also conforms to Policy 13.2.2 of the Development Plan, which states that development proposals for major community facilities should provide an appropriate circulation system for the City’s transit system. The intent of this policy is to provide an alternate means of transportation to private automobiles in the City, which is more environmentally sensitive, reduces traffic congestion on urban roadways, and reduces parking demand at destination points. The applicant’s revised proposal will accommodate Brandon Transit service within the subject site by providing a transit stop in a bay in front of the new north entrance for the Shoppers Mall, a location that will increase convenience for people who rely on transit service to access the subject site. The City will be required to enter into a cross-access agreement with the property owner as transit vehicles will be entering private property. This requirement will be addressed under a development agreement.

Zoning By-law

The intent of the CAR Zone under the Zoning By-law is to provide sites for those businesses serving the needs of the larger city market and travelling public that require visibility and access from major thoroughfares. The CAR Zone is one of only two commercial zoning districts that can accommodate a commercial development of the Shoppers Mall's scale. The proposed development is appropriate given its location within a CAR Zone corridor along 18th Street, as well as its conformity to the Zoning By-law's parking requirements and bulk and siting requirements.

The intent of the Zoning By-law's Urban & Landscape Design Standards is to promote quality urban design in the City, including various elements such as site and building design, visual appeal, and connectivity. The applicant's revised proposal is generally consistent with the Urban & Landscape Design Standards. Improvements compared to the original proposal include the linking of several on-site walkways to allow customers to walk between the new Shoppers Mall north entrance and the building pad. Landscaping and building exterior design details will be addressed in the applicant's development and building permit applications.

Commenting Agencies

All comments have been addressed and summarized below.

City of Brandon

The City requires a development agreement as a condition of approval. The following supplementary conditions are proposed for the development agreement:

- That the agreement be specific to the site plan submitted for the expansion of Shoppers Mall and attached to this agreement as Schedule B (Attachment B-2). Any variation of the plan may require the Developer to obtain approval from Brandon City Council who may request additional public input and amendment to the agreement;
- That upon initiation of improvements by Manitoba Infrastructure to the 18th Street corridor fronting the subject site and based upon an approved Manitoba Infrastructure Functional Design, the developer agrees to the relocation of the current approach off 18th Street further south to create a new primary access to the site. The developer further agrees to the closure of the existing approach upon construction of the new primary access;
- To enter into a private sewer and water agreement with the City of Brandon, for the servicing of the pad sites located within the development. Such agreement is to be executed by the property owner prior to the City of Brandon's acceptance of any engineer sealed civil drawings for all work proposed within the City of Brandon street right-of-way;
- That should any private hydrants be installed on private property, that all costs associated with the general maintenance and up keep are the sole responsibility of the property owner. The developer further agrees that only City of Brandon employees and those people with written authorization from the City Engineer, will operate said hydrant(s);
- To enter into a cross-access agreement with the City of Brandon to legally permit public transit vehicles entering the subject site and for the establishment of a transit stop. Such agreement is to be executed by the property owner prior to the issuance of any development or building permits by the City of Brandon;
- To construct a 1.8m boulevard sidewalk extension along 18th Street southwards to the front of the southernmost building pad. The design of all work, along with any boulevard restoration proposed

within the right-of-way is subject to review and acceptance by the City Engineer and shall be performed as stated in the latest edition of the City of Brandon Standard Construction Specifications;

- That as per the approved site plan attached as Schedule B, a drive-through restaurant is conceptually approved to be developed within the northeast corner of the site (Pad Building B). Approval of such use is based upon the trip generations determined within the Traffic Impact Study as prepared by Stantec Consulting Ltd. and dated December 21, 2016. Should the developer propose a type of drive-through use/business (e.g. Tim Horton's) resulting in an increased intensity and/or use exceeding the proposed trip generations as specified in the Traffic Impact Study, the Developer will be required to provide an amendment to the Traffic Impact Study which shall include, but not be limited to, evidence the intensity will not negatively impact internal circulation patterns, adjacent roads, access points to the site, and the safe and convenient pedestrian access into the building, from both public and private pedestrian corridors. The amended Traffic Impact Study must be submitted prior to the issuance of any development/building permits by the City.
- To provide the City of Brandon with a detailed cost estimate for all work proposed to be completed within the City of Brandon street right-of-way or other offsite municipal improvements which will become assets of the City of Brandon. The detailed cost estimate is to be prepared by the developer's consulting Engineer and is submit to review and acceptance by the City Engineer; and
- To provide to the City of Brandon an irrevocable letter of credit in the amount of 15% of the total cost of the detailed cost estimate, the total of which must be approved by the City Engineer.

Manitoba Infrastructure

Manitoba Infrastructure does not object to the proposed development, subject to their approval of the traffic impact study which was submitted as part of the applicant's site design analysis. However, during Manitoba Infrastructure's review of the applicant's Highway Traffic Board permit application, Manitoba Infrastructure raised concerns about improving traffic flow along 18th Street and providing greater building setbacks from the 18th Street site line. The applicant revised the proposal to address Manitoba Infrastructure's concerns by locating the building pads 15.0m from the 18th Street site line instead of 6.0m, and by locating them to accommodate both the existing and future 18th Street approaches.

Notification

As required under s. 169 of The Planning Act, notice of this Public Hearing regarding this application was sent to owners of property within 100 metres (328 feet) of the subject property and notice posters were posted on the property.

Public Outreach

In accordance with section 13 of the Zoning By-law, the property owner notified and sought feedback from the public about its proposed development beginning July 18, 2016 and ending August 12, 2016.

Notification came in the form of exterior billboard signage at the intersection 18th Street and Richmond Avenue, display boards near Guest Services inside Shoppers Mall, a media release, sending information to tenants of Shoppers Mall, and posting information on the property owner's website and Facebook account.

The property owner received 189 comments during this period, covering a wide range of support and several topics such as suggestions for new retailers on the subject site and comments on a proposed "facelift" of the site. One of the key concerns cited amongst these comments was the loss of parking spaces due to the development of the building pads. As stated earlier in the report, the applicant revised the proposal by eliminating a proposed fourth building pad to preserve more of the existing parking area, by

increasing on-site bicycle parking, and by accommodating an on-site bus stop near the new Shoppers Mall north entrance.

As of the writing of this report, the Planning, Property & Buildings Department has not received any written comments to this application.

RECOMMENDATIONS:

That the Public Hearing for Conditional Use Application C-07-16-B at 1570 – 18th Street be concluded.

That Conditional Use Application C-07-16-B to allow for a commercial establishment 4,645.0m² gross floor area and over in the Commercial Arterial (CAR) Zone be approved at 1570 – 18th Street (Parcel A, Plan 38354 BLTO, Lots 1 & 3, Plan 26298 BLTO, Lots 1/2, Plan 1956 BLTO, Block 4, Plan 1561 BLTO Exc Road Plans 1673 & 48978 BLTO, Parcel A, Plan 38638 BLTO, and Lots 1/9 and Nly 21 Feet Perp of Lot 10, Block 1, Plan 1561 Exc Out of Lots 9 & 10, Parcel A and Lane, Plan 38638 BLTO) in accordance with the intent of the application “Attachment A-1”, the attached letter of intent “Attachments A-2 and A-3” and the attached site plans “Attachments B-2 and B-3”, subject to the owner or successor, prior to the issuance of a development or building permit, entering into a development agreement with the City of Brandon, including the following supplementary conditions:

- a. That the agreement be specific to the site plan submitted for the expansion of Shoppers Mall and attached to this agreement as Schedule B. Any variation of the plan may require the Developer to obtain approval from Brandon City Council who may request additional public input and amendment to the agreement;
- b. That upon initiation of improvements by Manitoba Infrastructure to the 18th Street corridor fronting the subject site and based upon an approved Manitoba Infrastructure Functional Design, the developer agrees to the relocation of the current approach off 18th Street further south to create a new primary access to the site. The developer further agrees to the closure of the existing approach upon construction of the new primary access;
- c. To enter into a private sewer and water agreement with the City of Brandon, for the servicing of the pad sites located within the development. Such agreement is to be executed by the property owner prior to the City of Brandon’s acceptance of any engineer sealed civil drawings for all work proposed within the City of Brandon street right-of-way;
- d. That should any private hydrants be installed on private property, that all costs associated with the general maintenance and up keep are the sole responsibility of the property owner. The developer further agrees that only City of Brandon employees and those people with written authorization from the City Engineer, will operate said hydrant(s);
- e. To enter into a cross-access agreement with the City of Brandon to legally permit public transit vehicles entering the subject site and for the establishment of a transit stop. Such agreement is to be executed by the property owner prior to the issuance of any development or building permits by the City of Brandon;
- f. To construct a 1.8m boulevard sidewalk extension along 18th Street southwards to the front of the southernmost building pad. The design of all work, along with any boulevard restoration proposed within the right-of-way is subject to review and acceptance by the City Engineer and shall be performed as stated in the latest edition of the City of Brandon Standard Construction Specifications;

- g. That as per the approved site plan attached as Schedule B, a drive-through restaurant is conceptually approved to be developed within the northeast corner of the site (Pad Building B). Approval of such use is based upon the trip generations determined within the Traffic Impact Study as prepared by Stantec Consulting Ltd. and dated December 21, 2016. Should the developer propose a type of drive-through use/business (e.g. Tim Horton's) resulting in an increased intensity and/or use exceeding the proposed trip generations as specified in the Traffic Impact Study, the Developer will be required to provide an amendment to the Traffic Impact Study which shall include, but not be limited too, evidence the intensity will not negatively impact internal circulation patterns, adjacent roads, access points to the site, and the safe and convenient pedestrian access into the building, from both public and private pedestrian corridors. The amended Traffic Impact Study must be submitted prior to the issuance of any development/building permits by the City.
- h. To provide the City of Brandon with a detailed cost estimate for all work proposed to be completed within the City of Brandon street right-of-way or other offsite municipal improvements which will become assets of the City of Brandon. The detailed cost estimate is to be prepared by the developer's consulting Engineer and is submit to review and acceptance by the City Engineer; and
- i. To provide to the City of Brandon an irrevocable letter of credit in the amount of 15% of the total cost of the detailed cost estimate, the total of which must be approved by the City Engineer.