

<b>TITLE:</b> <b>CONDITIONAL USE C-03-16-B;</b> <b>BY-LAW NO. 7138 (APPLICATION Z-01-16-B) TO REZONE</b> <b>PROPERTY LOCATED AT 1620 BRAECREST DRIVE</b> <b>OWNER: 6410405 Manitoba Ltd.</b> <b>APPLICANT: Steve McMillan</b>				
<b>PRESENTER:</b> Robert Zilke, BES	<b>AGENDA NO:</b>			
<b>DEPARTMENT:</b> Planning & Building Safety	<b>MEETING DATE:</b> May 4, 2016			
<b>CLEARANCES:</b> Principal Planner	<b>ATTACHMENTS:</b> A. Application related documents B. Maps, drawings & air photo C. Site Design Analysis D. Draft by-law E. Public Participation Report			
<b>APPROVALS:</b> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;">           Original Signed by R.Zilke    Apr. 25, 2016  <b>Community Planner                      Date</b> </td> <td style="width: 50%; border: none;">           Original Signed by R. Nickel    Apr. 26, 2015  <b>Principal Planner                      Date</b> </td> </tr> </table>			Original Signed by R.Zilke    Apr. 25, 2016 <b>Community Planner                      Date</b>	Original Signed by R. Nickel    Apr. 26, 2015 <b>Principal Planner                      Date</b>
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**BACKGROUND:**

The applicant, Steve McMillan, on behalf of the property owner, 6410405 Manitoba LTD., is applying for the following:

- To rezone the southeastern quarter of the property (approximately 75.3m by 97.4m) of Lot 1 Plan 1874 (Parcel 2) located at 1620 Braecrest Drive from Commercial General (CG) Zone to Residential Low Density (RLD) Zone; and
- To seek a conditional use approval in order to establish a Planned Unit Development (PUD) in the CAR Commercial Arterial Zone & RMD Residential Moderate Density Multiple Family Zone.

The conditional use for a Planned Unit Development applies to the entire property, and includes two 18-unit apartment buildings on the northern portion of the site and 18 row-house units on the southern portion of the site. The rezoning application from CG to RLD applies to the southern portion of the site only. Running concurrently with these applications is a subdivision to create two parcels that mirror the proposed CG and RLD zones. The subdivision application also includes the creation of separate parcels for each unit in the row-house development.

***Development Context***

The subject site is located south of Braecrest Drive and is approximately 100m east of 18<sup>th</sup> Street North. The western portion of the site is currently occupied by a religious institution and the eastern portion is undeveloped. The proposed site is surrounded by public reserve lands to the east and south, and an existing religious institution to the west. The public reserve to the east will serve to provide a 30.0m separation between the proposed development and the adjacent existing detached and semi-detached condo development further east of the proposed site. There is an existing public transit stop located on Braecrest Drive north of the proposed site. Access for both the proposed residential apartments and condo units will be provided by a shared access onto Braecrest Drive.

**DISCUSSION:**

The rezoning application, along with the concurrent subdivision application, will result in the creation of two (2) parcels. The northern parcel is proposed for two 18-unit multi-family buildings with underground parking and the southern parcel is proposed to be developed as 18 row-house dwellings. The northern parcel is zoned Commercial General (CG) which allows for the development of multi-family dwellings as

a permitted use. The southern portion must be rezoned to RLD in order to develop the proposed semi-detached or duplex dwellings. Both the northern and southern parcels are part of the conditional use request for a PUD. The PUD will allow the applicant to propose specific development standards to be established, but as part of the process, the applicant is required to demonstrate the benefit of these standards in a site design analysis submission. The applicant indicated that there are a variety of amenities for the future residents, such as direct access to transit services, public trails and green space.

As a planned unit development, the applicant proposes the following new standards specific for this site:

<b>Residential Bulk and Siting Requirements (Parcel 1)</b>	<b>Current Standard</b>	<b>Proposed Standard</b>	<b>Sections (Tables) Affected</b>
a. Side Yard and Corner Side Yard Setback	4.6 metres	3.0 metres	Table 10

<b>Residential Bulk and Siting Requirements (Parcel 2)</b>	<b>Current Standard</b>	<b>Proposed Standard</b>	<b>Sections (Tables) Affected</b>
b. Corner Side Yard Setback	3.0 metres	1.8 metres	Table 10
c. Site Width	7.6 metres	6.8 metres	Table 10
d. Site Area	232 sq.metres	190 sq.metres	Table 10

All other standards in the Zoning By-law will continue to apply to the site.

## **REZONING**

### ***Consistency with the Development Plan 2013***

The proposed site is located on a boundary area of the Development Plan By-law which includes both Commercial and Residential Designations. Section 1.6.7 of the Development Plan states that certain situations may necessitate a degree of flexibility in the application of these standards, provided that it complies with the “General Intent” of the Development Plan. The intent of the Development Plan for this area is to zone properties fronting onto the primary roadways (18<sup>th</sup> Street and Braecrest Drive) as commercial. The proposal proposes to rezone only the southern portion of the site to residential, with the front portion of the site to remain zoned CG. Furthermore, the CG zone allows for both residential and commercial uses. The proposal, therefore, have not altered the intent of the Development Plan’s vision for the affected area. The proposed development implements policy 10.2.3 “...by supporting intensification of infill areas of the city”, and policy 10.2.4 by contributing to the City’s target to “...accommodate 20% of the City’s future population growth within developed areas.

### ***Consistency with the Zoning By-law***

The proposed development, along with the proposed standards under the proposed planned unit development, conforms with the location and density identified in the CG and RLD Zones.

## **CONDITIONAL USE**

### **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;**

Properties along Braecrest Avenue have predominantly developed for residential purposes, with semi-detached dwellings located across Braecrest Drive to the north (Whistler Landing), and single detached and semi-detached dwellings (Horizon Place) across the public reserve to the east of the subject site. The proposal includes three storey apartments, which is compatible with other multi-family developments on Braecrest Drive, including the developing of four storey apartments at 831 Braecrest Drive.

#### **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**

The proposed development standards for the condominium development will promote the full utilization of the site. The provision of underground parking for both of the proposed buildings will minimize surface parking for the development; guest parking will be provided south of the main buildings. The existing 30m public reserve area to the east of the property will mitigate potential impact that the proposed development may generate on the adjacent residential dwellings. The traffic impact statement submitted by the applicant identifies that the proposed development is expected to increase the peak hour traffic by 84 trips which is commensurate with a residential development of this density.

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

The proposed site is located on a boundary area of the Development Plan By-law which includes both Commercial and Residential Designations. Subject to the southern portion of the site being successfully rezoned to RLD from CG, and the approval of the conditional use for planned unit development (PUD), the proposed residential developments will conform with all other provisions of the Zoning By-law, including building heights, parking and landscaping.

## **Land Use Analysis**

The subject site has never been developed and it is located in an area with steep topography. The proposed condominium development will occupy the southern portion of the site, which is challenging to develop as a result of this sloping topography. The internal road width is primarily 7.3m, which is consistent with the road width for two-way traffic on a standard public street. The emergency access roadway on the east is 6.0m which is adequate for emergency vehicle access. The development accommodates six parking spaces for guests on the western entrance roadway. There is also a proposed pedestrian connection to the development from the regional trail on Braecrest Drive. The location of the two storey dwellings on the lower portion of the development will allow residents in the proposed apartment buildings on the northern portion of the site to maintain views of the Assiniboine River valley.

## **Commenting Agencies**

All comments resulting in the conditions of approval are being applied to the subdivision application running concurrently with the rezoning application. All other comments received have otherwise been addressed.

**Manitoba Municipal Government** recommends that the Brandon and Area Planning District Board complete a boundary interpretation for the proposed rezoning.

**Notification** As required under Section 168 of The Planning Act, notice of this public hearing regarding this rezoning application was sent to owners of property within 100 metres (328 feet) of the subject property and advertised in the Brandon Sun on April 14, 2016 and April 21, 2016.

### ***Public Outreach***

The applicant facilitated a public consultation on April 21, 2016 for the design of the residential development at Grand Valley Church. The public participation event, which was summarized in the attached public participation report, was attended by 18 residents. In accordance with the report, the primary concerns raised by the residents include potential increase in the traffic volume, the proposed building height and density, loss of greenspace and open views. As of the writing of this report, the Planning & Building Safety Department has received a few correspondences from surrounding residents citing similar concerns to this application. No formal objection has been received as of the date of this report.

### **RECOMMENDATIONS:**

That the Public Hearing for By-law No.7138 and Conditional Use Application C-03-16-B be concluded. .

### ***REZONING***

That the Planning Commission recommend By-law 7138 be given second reading.

### ***CONDITIONAL USE***

That Conditional Use Application C-03-16-B to allow for a Planned Unit Development in the CG Commercial General Zone be approved at 1620 Braecrest Drive (Part of Lot 1, Plan 1874 BLTO) in accordance with the intent of the application(A-1), the alternative standards in the letter of intent (A-3, A-4) and the site design analysis (C-1 to C-16), subject to the following condition:

- a) The subject site specifically (southerly 75.3m by the easterly 97.4m of Lot 1 Plan 1874 BLTO) is rezoned from CG Commercial General to RLD Residential Low Density Multiple Family Zone.