


<b>TITLE:</b> <p style="text-align: center;"><b>CONDITIONAL USE</b>  <b>427 – 23<sup>RD</sup> STREET</b>  <b>OWNER &amp; APPLICANT: 7111231 MANITOBA LTD.</b></p>										
<b>PRESENTER:</b> Andrew Mok, BES MCIP		<b>Page 1 of 3</b>								
<b>DEPARTMENT:</b> Planning & Building Safety	<b>ATTACHMENTS:</b> A. Application related documents B. Map, air photo & drawings C. Public participation report									
<b>CLEARANCES:</b> Principal Planner	<b>MEETING DATE:</b> May 18, 2016									
<b>APPROVALS:</b>  <table style="width: 100%; border: none;"> <tr> <td style="width: 33%; text-align: center;"><i>Original signed by A. Mok</i></td> <td style="width: 33%; text-align: center;">May 6, 2016</td> <td style="width: 33%; text-align: center;"><i>Original signed by R. Nickel</i></td> <td style="width: 33%; text-align: center;">May 9, 2016</td> </tr> <tr> <td style="text-align: center;"><b>Community Planner</b></td> <td style="text-align: center;"><b>Date</b></td> <td style="text-align: center;"><b>Principal Planner</b></td> <td style="text-align: center;"><b>Date</b></td> </tr> </table>			<i>Original signed by A. Mok</i>	May 6, 2016	<i>Original signed by R. Nickel</i>	May 9, 2016	<b>Community Planner</b>	<b>Date</b>	<b>Principal Planner</b>	<b>Date</b>
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**REQUEST:**

The applicant, Tony Bertone of 7111231 Manitoba Ltd., is applying to allow for special needs housing for five (5) persons for a property located at 427 – 23<sup>rd</sup> Street in the RLD Residential Low Density Zone.

**BACKGROUND:**

*Development Context*

The subject site currently has a vacant house, and is located on the east side of 23<sup>rd</sup> Street between Louise and Victoria Avenues. The site is surrounded by residential uses to the north, east and south, and the Sioux Valley High School to the west. A new commercial development also exists further to the southwest of the site. Vehicle access to the site is provided by a rear lane between 22<sup>nd</sup> and 23<sup>rd</sup> Streets.

**ANALYSIS:**

The applicant is proposing to demolish the existing vacant house to develop a single-storey building purpose-built to house special needs residents. Six (6) bedrooms are proposed to accommodate five (5) special needs residents and one (1) overnight staff. The applicant has also applied concurrently for a building permit to construct this building.

***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;***

The area in which the subject site is located consists of a mix of different residential construction types, including single-detached dwellings, duplex dwellings and multiple dwellings. This mix will be enhanced in the future by a moderate-density development housing west of Sioux Valley High School housing Brandon University students with their own families. Building forms, ages and styles in this area vary as different properties have been developed and redeveloped for decades. Given the pre-

existing diversity in this 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***

The proposed building's form and massing will be commensurate to many of the existing residential buildings in the surrounding area. The special needs housing use will be staffed 24-hours a day to provide care for the residents. On-site parking off the rear lane will be used only by the staff, not the residents. However, as an increase in intensity of use is proposed for the site, a gravel parking area may not be appropriate compared to the nearby single detached dwellings due to possible effects from a comparatively higher traffic pattern, such as dust generation and increased likelihood of maintenance and repairs. A hardsurfaced parking area is more appropriate to accommodate the parking for the proposed use. Given these factors, provided the parking area is hardsurfaced, the proposal will not be detrimental to the health or general welfare of 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***

Special needs housing is a residential use. The proposal complies with Policy 2.2.1 of the Brandon & Area Planning District Development Plan, 2013 in that this use is located in an area designated as "Residential" in Map One: Urban Land Use of the Development Plan. The proposal also complies with Policy 2.2.2 of the Development Plan in that this development will further provide a mix of housing options in this neighbourhood. The proposed development also complies with all other applicable provisions of the City of Brandon Zoning By-law, including setbacks from site lines and the provision of parking.

***Commenting Agencies***

All comments have been addressed and summarized below.

***City of Brandon***

The City of Brandon advises that additional information will be required in the applicant's building permit application to ensure the proposal meets, amongst other things, the latest edition of the Manitoba Building Code, the City of Brandon Building By-law, and the Lot Grading, Drainage and Elevations By-law. The City further recommends the applicant, should this conditional use application be approved, contact Manitoba Family Services' Residential Care Licensing Care for any additional requirements for special needs housing developments before further pursuing the associated building permit application.

***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 applicant went door-to-door on April 6, 2016 to speak with residents about the proposed development. As of the writing of this report, the Planning & Building Safety Department has not received representation in favour of or in opposition to this application.

**RECOMMENDATIONS:**

That the Public Hearing for Conditional Use Application C-04-16-B at 427 – 23<sup>rd</sup> Street be concluded.

That Conditional Use Application C-04-16-B to allow for special needs housing for five (5) persons in the RLD Residential Low Density Zone be approved at 427 – 23<sup>rd</sup> Street (Lots 26/28, Block 46, Plan 15 BLTO exc Nly 14' of Lot 26 & Sly 6' of Lot 28) in accordance with the intent of the application “Attachment A-1”, the attached letter of intent “Attachment A-2” and the attached site plan “Attachment B-2”, subject to the parking area on the site being hardsurfaced.