

<b>TITLE:</b> <b>CONDITIONAL USE C-05-16-B;</b> <b>PROPERTY LOCATED AT 30 3<sup>RD</sup> STREET</b> <b>OWNER: MANITOBA HOUSING &amp; RENEWAL CORPORATION</b> <b>APPLICANT: MCM ARCHITECTS</b>		
<b>PRESENTER:</b> Robert Zilke, BES	<b>AGENDA NO:</b>	
<b>DEPARTMENT:</b> Planning & Building Safety	<b>MEETING DATE:</b> May 18, 2016	
<b>CLEARANCES:</b> Principal Planner	<b>ATTACHMENTS:</b> A. Application related documents B. Maps, drawings & air photo C. Site Design Analysis D. Public Participation Report E. Development Agreement	
<b>APPROVALS:</b> <div style="display: flex; justify-content: space-around; align-items: flex-end;"> <div style="text-align: center;">             May. 5, 2016  <b>Community Planner</b>      <b>Date</b> </div> <div style="text-align: center;">             May. 6, 2016  <b>Principal Planner</b>      <b>Date</b> </div> </div>		

**BACKGROUND:**

The applicant, MCM Architects, on behalf of the property owner, Manitoba Housing and Renewal Corporation., is applying to seek a conditional use approval in order to establish a Planned Unit Development (PUD) in the Hub Transitional (HTR) Zone. The conditional use for a Planned Unit Development applies to the entire property, and includes a 7-storey 38 unit multi-family apartment building with full coverage of the site that includes 27 surface parking stalls to the west.

***Development Context***

The subject site is located along 3<sup>rd</sup> Street, situated between Rosser Ave to the south and Pacific Ave to the north. The site is currently vacant with an old concrete slab from the former car wash that was previously onsite. The proposed site is surrounded by a variety of commercial uses to the east, west, and north, and the existing Westman Kiwanis Court senior apartments to the south. The site plan shows access on to the now closed 4<sup>th</sup> Street Right-of-Way, however the Property Department has already secured a Cross Access Agreement with the property owner to ensure access to the parking lot is maintained.

***History***

The subject site along with the sites located immediately to the south at 317 and 339 Rosser Ave was formally a gas station and are listed as impacted sites on the Manitoba All Sites List. The gas station had a car wash which was situated on 30<sup>th</sup> 3<sup>rd</sup> Street the subject property. The gas station and car wash was decommissioned in May 17, 2012. As a result of the previous use (i.e. car wash) there was contamination onsite.

**DISCUSSION:**

***PUD Analysis***

The proposal is for a 7 storey, 38-unit apartment building located in the downtown HUB area. In accordance with the applicant’s letter of intent all units will be barrier free and affordable. The proposal directly implements the Mixed-Use Development core value for The HUB by, “...building the population density in the area that will support businesses.” As part of a PUD, the applicant will provide upgrades to the site and the surrounding area in order to account for the reduction to the current zoning standards. The applicant will install a curb and sidewalk along 3<sup>rd</sup> Street which will provide definition to the street and improve

access and pedestrian safety on Rosser Avenue. Prior to development the site will be remediated to a standard acceptable for development and new landscaping will be provided along both 3<sup>rd</sup> and 4<sup>th</sup> Street. The surface parking area will be located to the rear of the building and be screened by the construction of an opaque fence. A plaza and drop off area is proposed from 3<sup>rd</sup> street for residents' convenience and to reduce potential vehicle conflicts.

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

<b>Residential Bulk and Siting Requirements</b>	<b>Current Standard</b>	<b>Proposed Standard</b>	<b>Sections (Tables) Affected</b>
a. Interior Side Yard Setback	3.0 metres	1.5 metres	Table 14
b. Building height	3 Storeys or 14 metres	7 Storeys or 23 metres	Table 14
c. Site density	86 units/ha	151 units/ha	Table 14
d. Parking stalls	57 stalls	27 stalls	Table 4

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

**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;**

Presently, the surrounding area includes a mixture of commercial retail, automotive service, and personal services. The proposed use is compatible with the mixed use character of the area, and in particular is similar to an existing 36-unit, 5 storey apartment building (Kiwani Court) located to the south of the subject site across Rosser Avenue. The automotive service uses in the area are conditional in the transitional zone, and therefore, may not be consistent with the objective for the area as outlined in the HUB Secondary Plan: "To provide a gradual transition in uses from the Entertainment and Shopping Character Area, through the Mixed-Use Character Area, to the edge of the Rosser Ward while maintaining an enhanced standard of building and site design." Therefore, the proposal is generally compatible with the existing general nature of the area, and also implements the future vision for the character of the 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 development standards for the development will promote the full utilization of the site. Hazardous material remediation will be completed on the site, and the City Boulevard will be improved to accommodate a sidewalk to provide a pedestrian connection to Rosser Ave. The proposed front loop access off 3<sup>rd</sup> Street will minimize vehicular traffic conflicts on 3<sup>rd</sup> Street. In accordance with the applicant's letter of intent, the increased pedestrian traffic and activity will likely provide an increased sense of safety and community. The proposed reduction in parking will likely not result in a significant increase in on-street parking, as the majority of residents in the development will likely not have vehicles and parking is provided on-site for staff. Therefore, the development will likely not have a detrimental impact to people living or working 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**

The property is located within an area governed by the HUB Secondary Plan By-law, adopted in 2012, which refines and complements the provisions of the Brandon & Area Planning District Development Plan 2013. The intent of Development Plan Policy 2.2.5 supports higher density housing in the HUB area to generate additional activity and economic enterprise in the HUB. As stated in Section 2.0 of The HUB Secondary Plan, the detailed policies in the Secondary Plan shall supersede the policies in the Development Plan. Therefore, the analysis for this site is based primarily on the policies in the Secondary Plan.

This site is specifically designated as “HUB Transitional”. The proposed site and building design complies with provisions 5.3 (b), (c), and (e) of the HUB Secondary Plan regarding full build out to property lines, orientating the principal building towards the street (i.e. 3<sup>rd</sup> Street) and the building façade to enhance the architectural appeal.

The HUB policies take precedent in terms of the specific community vision for the area. The proposed residential use conforms to The HUB Secondary Plan By-law No. 7010 following policies:

- 5.4 (a) Economic Development and Housing — Encourages housing for all income levels and demographics in all areas of The HUB; and
- 5.4 (f) Economic Development and Housing — Encourages areas and sites for revitalization or redevelopment; and
- 6.3 (e) Transitional Character Area — The development of new surface parking lots in this area shall be allowed as an accessory or principal use

Other than the alternative standards outlined in the conditional use for the PUD, the proposal demonstrates compliance with all other provisions of the Zoning By-law including setbacks, landscaping, and urban design.

#### ***Commenting Agencies***

All other comments received have otherwise been addressed.

#### ***Notification***

As required under Section 168 of The Planning Act, notice of this public hearing regarding this conditional use application was sent to owners of property within 100 metres (328 feet) of the subject property.

#### ***Public Outreach***

The applicant provided a public consultation report. The public consultation report stated that adjacent property owners were supportive. As of the writing of this report, the Planning & Building Safety Department has received no correspondences from surrounding residents citing concerns to this application. No formal objection has been received as of the date of this report.

#### **RECOMMENDATIONS:**

That the Public Hearing for Conditional Use Application C-05-16-B be concluded.

#### ***CONDITIONAL USE***

That Conditional Use Application C-05-16-B to allow for a Planned Unit Development in the Hub Transitional (HTR) Zone be approved at 30 3<sup>rd</sup> Street in accordance with the intent of the application(A-1), the alternative standards in the letter of intent (A-2) and the site design analysis (C-1 to C-6), subject to the owner or successor, prior to the issuance of a building permit:

- 1) Entering into a development agreement with the City of Brandon attached to the report of the Community Planner dated May 18, 2016; and
- 2) Submitting written confirmation to the City of Brandon Planning & Building Safety Department that the Brandon School Division has received a cash-in lieu contribution for school purposes.