

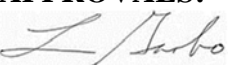


<b>TITLE:</b> <b>BY-LAW NO. 7135 TO REZONE</b> <b>PROPERTY LOCATED AT 231 ROSSER AVENUE EAST</b> <b>OWNER: CITY OF BRANDON</b> <b>APPLICANT: GLEN KRUCK</b>			
<b>PRESENTER:</b> Ryan Nickel, MCIP		<b>Page 1 of 3</b>	
<b>DEPARTMENT:</b> Planning & Building Safety		<b>ATTACHMENTS:</b> A. Application related documents B. Map, air photo & drawings C. Planning Commission minutes D. By-law No. 7135	
<b>CLEARANCES:</b>  Principal Planner		<b>DATE:</b> March 08, 2016	
<b>APPROVALS:</b> 			
March 17, 2016 <b>Director of Planning &amp; Building Safety</b>		<b>City Manager</b>	
<b>Date</b>		<b>Date</b>	

**REQUEST:**

Glen Kruck, applicant on behalf of the owner, City of Brandon, is applying to rezone 231 Rosser Avenue East (Wly 19.5 ft of Lot 2 and Ely 12.5 ft of Lot 3, Block 37, Plan 4 BLTO) from IR Industrial Restricted to RLD Residential Low Density. The rezoning along with the proposed minor subdivision will allow the applicant to construct a one storey semi-detached dwelling.

**BACKGROUND:**

***Development Context***

The subject property of approximately 14.48 m x 36.57m is currently undeveloped and is heavily vegetated. The subject property is located midblock between Russell Street and Park Street. The primary access for both units will be provided by the existing gravel public lane to the north. The property is surrounded by primarily RLD zoned properties, and a few MR zoned properties, most of which have remained as single-family dwellings. There is a vehicle service station (Wash n Wrench) 30m to the east of the property and the CP railway located 86m to the north of the property.

***History***

The site is owned by the City of Brandon which is currently in the process of selling the subject property to Canadian Mental Health Association (CMHA) for affordable housing.

**ANALYSIS:**

CMHA is proposing to construct a semi-detached residence for two low-income families. The applicant has also applied for a subdivision which will allow each homeowner to have a separate title to their corresponding

property. However, the subdivision will be contingent upon a variance approval to accommodate the decrease in the size of the two lots. The property has access to services (i.e. water and wastewater) from Rosser Avenue East, and there are existing walking trails and green space immediately to the north. Parking for the two properties is proposed to be provided by the lane to the north of the subject site.

***Consistency with the Brand and Area Planning District Development Plan, 2013***

The proposed development is residential which is in compliance with the intent of the “Residential” designation set forth in the Development Plan 2013. The proposal generally meets objective 10.2.3(a) of the Development Plan by supporting the intensification of infill areas.

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

The existing zoning is Industrial Restricted IR which does not allow for residential uses. The rezoning to Residential Low Density RLD will allow for the proposed semi-detached residential use. The proposal complies with the required zoning setbacks and provides yard space for the residence to the rear of the dwellings. The proposal also provides walkway connections to the street and parking in the rear with access off the back lane. The building design adheres to the Urban and Landscape Design Standards by breaking up the front façade with different material and incorporating pitched awnings and a hip roof.

***Land Use Analysis***

The subject site is located on a block zoned industrial, with dwellings which were constructed in the early 1900’s. Following the construction of the dwellings, the area was zoned industrial in accordance with the industrial designation in the Development Plan. The Development Plan has since been amended, whereby the designation for the properties is now residential, and therefore, the proposed RLD zone is consistent with the vision of residential development for the area. In accordance with the vision, the surrounding residential properties will also be rezoned to an RLD zone as they are redeveloped.

***Commenting Agencies***

All comments have been addressed and summarized below.

***City of Brandon***

Minor variance required to vary the proposed and residual lots width from the required 7.6m to 7.2m;  
A cash-in-lieu of land dedication for public reserve purposes in the amount of \$245.98.

***Brandon School Division***

A cash-in lieu contribution of land dedication for school purposes.

***Notification***

In accordance with Section 168 of The Planning Act, notice of the public hearing was sent to owners of property within 100 metres (328 feet) of the subject property. Notice has also been posted on the subject property and advertised in the Brandon Sun on Feb 11 and Feb 18 2016.

***Public Outreach***

In accordance with the public outreach report. The applicant went door-to-door to residents in the surrounding area and gave them an overview of the proposed application. According to the report of those that the

applicant made contact with, had no opposition. As of the date of this report, the Planning & Building Safety Department has not received any written comments in support of or in opposition to this application.

***Public Hearing Held***

In accordance with Section 36(2) of The Planning Act, the Planning Commission held a public hearing on March 2<sup>nd</sup> 2016; please see attached minutes of the hearing. No member of the audience spoke on the proposed request; upon the public hearing, the Planning Commission recommended that City Council approve By-law No. 7135

***May Consider Third Reading***

Since there were no objections registered at the public hearing, in accordance with Section 75 of The Planning Act, City Council may consider giving this by-law third reading immediately upon second reading.

**RECOMMENDATIONS:**

***Rezoning***

That By-law No. 7135 (Z-03-15-B) to rezone to rezone property located at 231 Rosser Avenue East (Wly 19.5 ft of Lot 2 and Ely 12.5 ft of Lot 3, Block 37, Plan 4 BLTO) from the IR Industrial Restricted Zone to the RLD Residential Low Density Zone be read a second time.

That the by-law be read a third and final time.

***Subdivision***

That the application to subdivide (4500-15-625) 231 Rosser Avenue East (Wly 19.5 ft of Lot 2 and Ely 12.5 ft of Lot 3, Block 37, Plan 4 BLTO) to the following conditions:

1. the owner or successor
  - a. obtaining a minor variance to reduce the minimum width of the two new parcels from 7.6m to 7.2m;
  - b. submitting \$234.82 to the City of Brandon Planning & Building Safety Department as a cash-in lieu contribution for public reserve purposes; and
  - c. submitting written confirmation to the City of Brandon that the Brandon School Division has received a cash-in lieu contribution for school purposes.