

<b>TITLE:</b> <p style="text-align: center;"><b>VARIANCE</b>  <b>602 1<sup>ST</sup> STREET/ 222 MCTAVISH AVENUE</b>  <b>OWNER: RIVERHEIGHTS DEVELOPMENT LTD</b>  <b>APPLICANT: COHLMAYER ARCHITECTURE</b></p>			
<b>PRESENTER:</b> Robert Zilke MCIP, RPP		<b>Page 1 of 5</b>	
<b>DEPARTMENT:</b> Planning, Property & Buildings		<b>ATTACHMENTS:</b> A. Application related documents B. Map, air photo & drawings	
<b>CLEARANCES:</b> Chief Planner		<b>MEETING DATE:</b> January 17, 2018	
<b>APPROVALS:</b>			
<i>Original signed by R. Zilke</i>		<i>Original signed by R. Nickel</i>	
<b>Community Planner</b>		<b>Chief Planner</b>	
<i>01/08/2017</i>		<i>01/11/2018</i>	
<b>Date</b>		<b>Date</b>	

**RECOMMENDATIONS:**

That Variance Application V-19-17-B to vary:

- Subsection 29(a): To provide all required parking for the proposed use offsite on the adjacent site located at 222 McTavish Avenue
- Table 10: Residential Bulk and Siting Requirements to reduce the minimum corner side yard setback from 3m to 1.4m for the proposed building addition located at 602 1<sup>st</sup> Street
- Table 10 (Footnote 9): Residential Bulk and Siting Requirements to allow a reduced setback of 3.0m with all parking located off-site

of Zoning By-law No. 7124 to allow for the expansion of a dental clinic in the Commercial Arterial (CAR) Zone be approved at 602 1<sup>st</sup> Street (Lot 1, Block 65, Plan 37565 BLTO) and 222 McTavish Avenue (Lot 3, Plan 37565 BLTO) in accordance with the intent of the application “Attachment A-1”, the letter of intent “Attachments A-3 & A-4” and the site plan “Attachment B-2”, subject to the owner or successor, prior to the issuance of a building permit:

1. Submitting written confirmation to the City of Brandon Planning, Property & Buildings Department that an easement agreement for Bell MTS has been registered on the Title to the subject property.
2. Submitting written confirmation to the satisfaction of the City of Brandon Planning, Property & Buildings Department that a shared parking agreement has been registered as a declaration of easement on the Titles for the properties located at 602 1<sup>st</sup> Street and 222 McTavish Avenue.
3. Submitting a new site plan to the satisfaction of the City Engineering identifying:

- a) a minimum 3.1m west side yard setback for the building located at 602 1<sup>st</sup> street to accommodate the bell/mts easement;
- b) the partial closure of the approach from McTavish Avenue to 602 1<sup>st</sup> Street and complete restoration of the City boulevard, curb and sidewalk; and
- c) the removal of the loading zone from the right-of-way.

## **BACKGROUND:**

### ***Request***

The applicant, Cohlmeier Architecture, on behalf of the property owner, Riverheights Development, is applying to vary the following sections of the City of Brandon Zoning By-law No. 7124 (Zoning By-law):

- Subsection 29(a): To provide all required parking for the proposed use offsite on the adjacent site located at 222 McTavish Avenue
- Table 10: Residential Bulk and Siting Requirements to reduce the minimum corner side yard setback from 3m to 1.5m for the proposed building addition located at 602 1<sup>st</sup> Street
- Table 10 (Footnote 9): Residential Bulk and Siting Requirements to allow a reduced setback of 3.0m with all parking located off-site

The variance would accommodate the expansion of the existing building for a new dental clinic for the property located at 602 1<sup>st</sup> Street in the Commercial Arterial (CAR) Zone.

### ***Development Context***

The site is currently occupied by an existing building that was used by Manitoba Public Insurance MPI for administrative purposes (i.e. injury claims and inspections), and is located on the corner of 1<sup>st</sup> Street and McTavish Ave. Both sites are relatively flat and the majority of site area is covered by either pavement or buildings. The site located at 222 McTavish Avenue abuts the Canadian National CN Rail line that runs to the south, while 601 1<sup>st</sup> Street is located among commercial uses at the intersection of 1<sup>st</sup> Street and McTavish Ave. Hydro utilities and a pedestrian connection runs along the north side of both sites.

Both sites are surrounded by residential to the north, commercial to the east, and industrial to the south and west. Vehicular access for 602 1<sup>st</sup> Street would be provided by an existing approach on 222 McTavish Avenue for parking. There is a proposed pedestrian connection for clients that use the offsite parking between both 222 McTavish Avenue and 602 1<sup>st</sup> Street.

### ***History***

The site at 602 1<sup>st</sup> Street has been used for Manitoba Public Insurance for administering inspections and injury claims. In 2001 the owner of 222 McTavish Avenue was issued a permit to

construct a building that contains a warehouse, in-house repair department and office. The site is also being used as a Driving Test Centre for transport trucks.

### **ANALYSIS:**

The building expansion at 602 1<sup>st</sup> Street will accommodate a new dental office for Brightside Dental Ltd. The development will approximately double the existing building area, from 4,435 sq.ft to 8,945 sq.ft to accommodate the new clinic. The application proposes to eliminate all onsite parking and locate all required parking (41 stalls) at 222 McTavish Ave that will include a pedestrian connection to 602 1<sup>st</sup> Street.

### ***Consistency with Part 6, Section 97(1)(b) of The Planning Act and Demonstration that the Variance:***

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

602 1<sup>st</sup> Street: The site is zoned CAR Zone and located at the intersection of 1<sup>st</sup> Street and McTavish Avenue. The site is surrounded by commercially zoned properties on all sides with a medical clinic located just east across 1<sup>st</sup> Street. The use is compatible with the nature of the surrounding area.

222 McTavish Avenue: The site is zoned Industrial Restricted IR Zone and located adjacent from 602 1<sup>st</sup> Street to the east. The property is adjacent to the CN Railway lands to the west and south. Residentially zoned properties are located north of the site across from McTavish Avenue. The parking stalls for the proposed clinic will be compatible with the general nature of the area and the provision of landscaping along the street should help reduce any visual impact concerns.

#### ***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;***

602 1<sup>st</sup> Street & 222 McTavish Avenue: The proposal is in keeping with the character of the existing area. Both sites are subject to upgrades (i.e. improved landscaping). The increase in lot coverage of 602 1<sup>st</sup> Street will require the owner to demonstrate through a drainage plan that drainage from the site will not have a negative impact on the stormwater system or adjacent properties. 222 McTavish Avenue will mostly remain unchanged except for the increase in number of parking stalls and provision of landscaping upgrades (i.e. boulevard trees) and an internal pedestrian connection leading to 602 1<sup>st</sup> Street.

**3. Is the minimum modification of a zoning by-law required to relieve the injurious effect of the zoning by-law on the applicant's property; and**

602 1<sup>st</sup> Street & 222 McTavish Avenue: The variance to reduce the side yard setback from the required 3m to 1.4m is the minimum modification needed since the proposed addition will follow the setback of the existing building. The reduced rear yard setback to 3m is supportive despite the required parking located offsite. Due to the close proximity of both sites being adjacent to each other (602 1<sup>st</sup> Street and 222 McTavish Avenue) both sites function as one site.

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

The Brandon and Area Planning District Development Plan 2013 (Development Plan) designates both sites as commercial. Policy 3.2.4 supports the provision of commercial developments on major transportation routes with the City of Brandon.

The intent of the CAR zone is to allow for commercial uses along arterial or collector streets, such as 1<sup>st</sup> Street. The decreased corner side yard setback and off-site parking will allow for the expansion of the enclosed building; allowing compliance with the Zoning By-law. All other siting requirements for the proposed addition are in compliance with the zoning by-law.

***Commenting Agencies***

Bell/MTS

- Requires an easement 3.1m wide easement to the west of the building

City of Brandon

- Off-site parking agreement required
- New site plan required prior to permit showing reduction of shared access point and no loading space
- Development shall maintain site visibility triangle in either direction from northeast corner to allow for safe vehicle movement

Manitoba Infrastructure (MI)

- MI maintains 1<sup>st</sup> Street and recommends that they should be contacted to determine if the development will affect the highway (access, drainage, maintenance, upgrades).

**LEGISLATIVE REQUIREMENTS:**

***Notification***

In accordance with Section 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 site and notice posters were posted on the site.

***Public Outreach***

In accordance with section 13 of the Zoning By-law, the applicant conducted public outreach via sending out information on the proposed dental clinic to surrounding property owners. As of the writing of this report, the Planning, Property & Buildings Department has not received representation in favour of or in opposition to this application.