


TITLE: CONDITIONAL USE 11 DOMINION WAY OWNER & APPLICANT: MEGAN AND DUSTIN VAN DAMME		
MEETING DATE: August 5, 2020		Page 1 of 3
DEPARTMENT: Planning & Buildings	ATTACHMENTS: A. Application related documents B. Map, air photo & drawings C. Community Participation Report D. Letter to address concerns and Parking Policy	
PRESENTER: Sonikile Tembo, Community Planner	MANAGER: Ryan Nickel, Director of Planning & Buildings	

RECOMMENDATION:

That Conditional Use Application C-05-20 to allow for a group day care with 12 children under 12 years of age in the Residential Single Detached (RSD) Zone be approved at 11 Dominion Way (Lot 12, Block 2, Plan 2264 BLTO) in accordance with the letter of intent "Attachment A", subject to the ongoing demand and function of on-street parking being generally consistent with a use in the RSD Zone. If, as the result of neighbour complaints, the City verifies an injurious on-street parking impact, the Chief Planner will require the owner or successor to facilitate an alternate solution (e.g. moving on-street parking to the east side of dominion) or this approval will be revoked.

BACKGROUND:

Request

The applicants and owners, Megan and Dustin Van Damme, are applying for a conditional use for a site located at 11 Dominion Way. Approval of this application will allow for a group day care with 12 children under the age of 12 years.

Development Context

The site has a detached dwelling on it, and is located on the southeast corner of the intersection of Premier Avenue and Dominion Way (Attachment B-1). Primary vehicle access to the site is from Dominion Way. The site is primarily surrounded by single detached dwellings with moderate density residential adjacent to Victoria Avenue. The site is within average walking distance (500m) to Riverheights School and one bus route.

History

The detached dwelling was built in 1986.

ANALYSIS:

A group day care, a day care use with more than eight children, in the RSD zone requires conditional use approval. The intent of the conditional use process is to ensuring such uses are an appropriate “fit” in a neighborhood.

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 site is located in a neighbourhood with predominantly detached dwellings. The applicant is not proposing any changes to the dwelling, as it is already set up for the proposed use (Attachment B). The use will be generally compatible with the area, but the traffic arising from this use may not be, to be discussed in the following subsection.

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;

Though the City is concerned about the effects of increased traffic on Dominion Way, designed as a residential side street with parking available only on one side of the street, the City believes the proposal will not be detrimental to the surrounding area at this time, and will note traffic concerns if they arise and revisit this use in the future if necessary. The applicant has expressed neighbours were happy to hear of a daycare in the area, and that families using the day care are bringing more than one child to the daycare, sometimes three, reducing the amount of traffic coming to pick up and drop off children. The applicant has also provided more information found in Attachment D to address city concerns with traffic, including a proposed parking policy for their clients.

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 proposal conforms to the Brandon & Area Planning District Development Plan 2013:

- The subject site is within the area identified as “Residential” in Map One: Urban Land Use of the Development Plan (2.2.1)
- Residential areas can provide certain types of non-residential uses, such as day care facilities, which provide important services to residential development to help ensure that they are well-integrated and compatible with residential developments (2.2.10)

The proposed development complies with all other applicable requirements in the Zoning By-law.

Commenting Agencies

Comments have been summarized below.

City of Brandon

- The City has some concerns regarding traffic impacts from this proposal, such as
 - Double stacking the spots is not functional
 - Challenges in enforcement of the parking policy since the street make up and loading area do not make it conducive to follow the policy

The City therefore proposes the application be approved on condition that parking and traffic issues are assessed by the city and, if they become an issue and the use not be compatible with the area, the conditional use be revisited/revoked.

LEGISLATIVE REQUIREMENTS:***Notification***

In accordance with Section 169 of The Planning Act, Notice of Public Hearing regarding this application was sent to owners of property within 100 meters (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 sent written notifications to neighbouring residents, and had discussions with some, to inform them of the application. As of the writing of this report, the Planning & Buildings Department has received one representation in opposition to this application.