


TITLE: BY-LAW NO. 7278 TO REZONE 135-147 – 18th STREET OWNER: DR. ELHAM ELAHIYOUN DENTAL CORPORATION APPLICANT: KATE MCKENZIE		
MEETING DATE: July 15, 2020		Page 1 of 4
DEPARTMENT: Planning & Buildings	ATTACHMENTS: A. Application related documents B. Map, air photo & drawings C. Community participation report D. Development Review Group Report	
PRESENTER: Sonikile Tembo, Community Planner	MANAGER: Ryan Nickel, Director	

RECOMMENDATIONS:

Rezoning

That the Planning Commission recommend City Council approve By-law No. 7278 (Z-07-20) to rezone a property at 135 – 147 18th Street (Part Lots 1 and 11, and Lots 2/10, Block 52, Plan 2 BLTO) from Commercial Restricted (CR) to Downtown Mixed Use (DMU), subject to the owner or successor entering into a development agreement with the City of Brandon with the following conditions:

1. The Developer agrees to construct a mixed-use building in general consistency with the attached site and elevation plans.
2. The Developer agrees to contribute \$1,843.76 for cash in lieu of land dedication of public reserve. This contribution is due in full upon execution of the development agreement.
3. The Developer agrees to contribute \$6,277.50 to the Brandon School Division for cash in lieu purposes. Payment is to be made to the Brandon School Division with proof of payment submitted to the City of Brandon prior to the issuance of a development permit.
4. The Developer agrees to pay a contribution towards eleven (11) boulevard trees. The amount of payment for such trees will be calculated at the time of execution of this development agreement and based upon the City’s tree contract pricing for the current year. Payment in full will be required at the time of execution of the development agreement.
5. The Developer agrees to provide a landscaping plan prior to the issuance of a development permit showing the location of the eleven (11) boulevard trees in the boulevards of 18th Street, 17th Street and Princess Avenue. Tree species will be determined by the City of Brandon at the time of planting.

6. The Developer agrees to disconnect and remove any existing services to the properties that they will not be utilizing for the development. The Developer further agrees to restore the curb and boulevard with sod as per City of Brandon Standard Construction Specifications. All work performed in the right-of-way shall conform to the City of Brandon Standard Construction Specifications.
7. The Developer agrees that any servicing that is proposed to be constructed under the Stone Fence Heritage Site is to be directionally drilled and housed in a casing pipe.
8. The Developer agrees to remove any existing access to 17th Street that they will not be utilizing for the development as per the attached site plan. The Developer further agrees to restore the curb and boulevard with sod as per City of Brandon Standard Construction Specifications. All work performed in the right-of-way shall conform to the City of Brandon Standard Construction Specifications.
9. The Developer agrees to endeavour to enter into a Construction Conforming Agreement (CCA) with the property owners to the north (131 – 18th Street and 1712 Rosser Avenue) for shared access among the 3 properties. The CCA is to be registered on all affected titles prior to the issuance of a development permit.

Should the Developer not be able to secure a CCA with all 3 parties, the Developer agrees to construct a commercial grade access, with a minimum width of 7.3m, to their property from 18th Street. The location and design of such access shall be approved by the City Engineer.

10. The Developer agrees to provide the same amount of on-site parking as required in the Zoning By-law for a non-downtown zoned site.
11. The Developer agrees to amend the existing Heritage Agreement registered on title to include the following amendments:
 - a. Reduction of the easement along the easterly site line from 6.0m to 4.0m; and
 - b. Addition of 2.2m easement along the south property line.

The Heritage Agreement amendment is to be registered on title prior to the issuance of a development permit.

12. The Developer agrees to consolidate Certificate of Title Nos. 2695545/2, 2695548/2, 2695552/2 & 2695553/2 and to provide proof of consolidation prior to the issuance of a development permit.

13. The applicant will be responsible to submit a Detailed Cost Estimate, prepared by their Consulting Engineer for all work proposed within the right-of-way. The cost estimate is subject to review and approval by the City Engineer.

14. The applicant will be responsible to submit an Irrevocable Letter of Credit totaling 15% of the Detailed Cost Estimate.

and that Administration be authorized to prepare a Development Agreement containing all conditions and requirements to protect the City's interests in accordance with any procedures, policies, by-laws and Acts.

BACKGROUND:

Request

The applicant, Kate McKenzie, on behalf of the property owner, Dr. Elham Elahiyoun Dental Corporation, is applying to rezone a property located at 135-147 – 18th Street from Commercial Restricted (CR) to Downtown Mixed Use (DMU) (Attachment A). Approval of this application will allow for the construction of a four-storey mixed-use building on the consolidated site.

Development Context

The site has four houses, one on each property, and is located at the northeast corner of Princess Avenue and 18th Street as shown on Attachment B-1. Primary vehicle access to the site is from 17th Street. The site is surrounded by low density residential uses to the east, south, and west, commercial uses to the north, and Brandon University to the southwest. The site is within walking distance (400m) of a community centre, public park, downtown, Brandon University, and three transit routes.

History

The site currently has four houses built in the 1940's, one of which is boarded. At least some were converted to have multiple dwelling units, and two of them currently sit vacant under Manitoba Health orders. There is a heritage agreement in place to protect the Stone Fence Municipal Heritage Site that runs along Rosser and Princess Avenues and 17th Street. The City rezoned this block, along with two others to the south along 18th Street, to Commercial Restricted (CR) in 2006 due to community concerns about land uses between Brandon University and residential areas to the east.

ANALYSIS:

The applicant proposes a four-storey mixed-use building with two commercial units facing 18th Street, four dwelling units in the rear of the building on the main storey, and nine dwelling units

on each of the upper three storeys (Attachments B-2 to B-4). The proposed development takes into consideration the directly adjacent Stone Fence Municipal Heritage Site that the City owns and maintains. The site is across from Brandon University in the Downtown Brandon Secondary Plan's Downtown Expansion Area.

Consistency with the Development Plan

The site is designated "Commercial" as indicated on Map 1: Urban Land Use in the Brandon & Area Planning District Development Plan 2013 (Development Plan), which also allows for mixed-use developments. In an effort to "increase the intensity of development on the commercial corridor along 18th Street, generally between Richmond Avenue and the Assiniboine River", the development plan states the corridor should support mixed-use development, higher-density commercial uses and have a stronger reliance on transit service .

Consistency with the Downtown Brandon Secondary Plan

The Downtown Expansion Area identified in the Downtown Brandon Secondary Plan (Secondary Plan) envisions intensification and densification along Princess Avenue to increase the number of residents living downtown, encourage redevelopment of underutilized buildings and sites, and encourage new development along Princess Avenue as a gateway into the Downtown Plan area. The proposed development, while a higher density form from surrounding developments, is in line with the vision for downtown and may even encourage future redevelopment in the area. The applicant has worked with City administration to provide a concept consistent with the vision and policies in the Downtown Plan for urban design, including

- Locating a building along a street frontage that brings prominence to the corner (section 5.3.1.a)
- Locating parking behind or beside the proposed development (section 6.2.2.g)
- Clearly defining the commercial frontage with unique architectural elements and glazing on first floor (sections 5.3.2.c-f)
- Additional design emphasis through façade treatment (windows, doors and lighting) (5.3.6)

Consistency with the Zoning By-law

The site is currently zoned CR in the Zoning By-law, which provides for limited uses on sites to ensure compatibility with adjacent residential uses. The proposed rezoning of the site to DMU is consistent with the Downtown Expansion Area designation in the Secondary Plan. To mitigate any adverse street parking impacts on the area, the site will provide 60 parking spaces, consistent with similar development in a typical commercial zone in the City and should mitigate any adverse street parking impacts on the area. The proposed development complies with all

applicable requirements for the DMU Zone in the Zoning By-law, including providing a non-residential active street front use.

Commenting Agencies

All comments have been addressed and summarized below.

City of Brandon

The City of Brandon advises that a development agreement is required, with conditions as identified in the “Recommendations” section and Attachment D of this report to be approved by City Council.

LEGISLATIVE REQUIREMENTS:

Notification

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

Public Outreach

In accordance with Section 13 of the Zoning By-law, the applicant reached out to nearby property owners by mail (Attachment C). As of the writing of this report, the Planning & Buildings Department has not received any comments in favor of or opposed to this application.