


TITLE: <p style="text-align: center;">CONDITIONAL USE 3409 VICTORIA AVENUE OWNER: 6825738 MANITOBA LTD. APPLICANT: MCGOWAN RUSSELL GROUP INC. (JACKIE WILKIE)</p>		
MEETING DATE: August 4, 2021		Page 1 of 6
DEPARTMENT: Planning & Buildings	ATTACHMENTS: A. Application related documents B. Map, air photo & drawings C. Community participation report D. Development Review Group report	
PRESENTER: Andrew Mok, BES RPP MCIP	MANAGER: Ryan Nickel, Director of Planning & Buildings	

RECOMMENDATIONS:

That Conditional Use Application C-06-21 to allow for commercial establishments—4,645.0m² gross floor area and over in the Commercial Arterial (CAR) Zone be approved at 3409 Victoria Avenue (Part Block 7, Plan 1517 BLTO) in accordance with the attached letter of intent “Attachment A-1 through A-3” and the attached site plan “Attachment B-2”, subject to the owner or successor entering into a development agreement, to be registered prior to the issuance of a development permit, with the following conditions:

1. The developer agrees to develop the site in general consistency with the attached site plan. The development will consist of numerous phases as identified on the attached phasing plan;
2. The Developer agrees to contribute \$38,000.00 towards the construction of the westbound deceleration/right turn lane on the north side of Victoria Avenue and the west side of 34th Street with such contribution representing 100% of the boundary improvement total cost to the development. Payment shall be required in full upon execution of the development agreement;
3. The Developer agrees to contribute \$7,800.00 towards the construction of the median on 34th Street north of Victoria Avenue with such contribution representing 19.5% of the total costs of the median construction. Payment shall be required in full upon execution of the development agreement;
4. In addition to the construction of either Building A or E, which ever comes first, the developer agrees to construct a sidewalk along the 34th Street right-of-way adjacent to the entire easterly site line of 3409 Victoria Avenue as identified in the attached site plan;
5. The developer agrees to enter into a Private Sewer and Water Agreement with the City of Brandon for the private internal servicing within the development. The agreement is to be executed prior to the issuance of any development and/or building permits;
6. The Developer agrees to maintain existing shared vehicle access with the adjacent property to the west, being 3635 Victoria Avenue, as per the attached site plan, until the owners of both properties agree to alternative measures;

7. The developer agrees to provide the City with a detailed cost estimate for all work proposed to be completed within the City's right-of-way. The detailed cost estimate is to be prepared by the developer's consulting engineer and is submit to review and acceptance by the City Engineer; and
8. The developer will be responsible to submit either an irrevocable letter of credit or a certified cheque totalling 15% of the detailed cost estimate. Determination of the type of security will be determined upon receipt and acceptance of the detailed cost estimate. Submission of the security is required prior to the issuance of a development permit;

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, Jackie Wilkie of McGowan Russel Group Inc., on behalf of the property owner, 6825738 Manitoba Ltd., is applying to allow for commercial establishments—4,645.0m² gross floor area and over for a property located at 3409 Victoria Avenue in the Commercial Arterial (CAR) Zone. Approval of this application will allow for the addition of five building pad sites to expand on-site commercial floor space.

Development Context

The subject site currently has a single large commercial building, and is located at the northwest corner of the Victoria Avenue/34th Street intersection. The existing building had, until in recent years, accommodated two large tenants, of which a supermarket occupies the western portion of the building. The eastern portion is now split into multiple smaller units, with a dental clinic being one of the recent tenants. Three streets envelop the site, Centennial Boulevard to the north, 34th Street to the east, and Victoria Avenue to the south. Uses surrounding the site include a mix of lower- and moderate-density residential to the north, east, and west, and commercial to the south and west. Centennial Boulevard, 34th Street, Victoria Avenue, and the commercial property to the west at 3635 Victoria Avenue provide access to the site.

History

The site was originally developed in the 1970's to accommodate large commercial tenants, and at one point the current building housed both a supermarket and a department store. In recent years, only the supermarket remained constantly, with the former department store space initially used for temporary commercial uses and now split into smaller commercial units. Currently a dental clinic occupies one of those smaller units. The site also used to have a gas station in the southeast corner of the site, with the facilities demolished and removed in 2010.

The applicant previously applied for conditional use approval for a similar development scheme in 2016, but did not pursue the application to the public hearing stage at the time.

ANALYSIS:

The applicant is proposing to add five building pad sites in the southern half of the currently underutilized site, increasing commercial floor area by 3,008m² (~33,000 sq. ft.) (Attachment B-2). The development will provide various sizes for tenants, with the largest single unit being up to 777m² (8,360 sq. ft.). The site will retain its existing street accesses, and break up the larger site into smaller sections to accommodate more defined internal vehicular access routes, pedestrian connections, and landscaping.

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 proposed development will occur on the south side of the site, adjacent to an arterial street (Victoria Avenue) and away from existing residential areas immediately to the north of the site, similar to existing commercial developments along Victoria Avenue. The development will accommodate additional commercial uses on an underused portion of the site. The proposal therefore will be compatible with the general nature of the surrounding 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;

Given the location of proposed development on the site and the City's current street network and development patterns, most of the increase in traffic to the site should come through Victoria Avenue and 34th Street, both arterial streets. Recent improvements to Victoria Avenue are ready to accommodate the proposed development and any further street improvements associated with growth in the area. No new buildings are proposed adjacent to existing residential areas north of the site.

The site has a long-standing informal access sharing arrangement with the commercial site immediately to the west at 3635 Victoria Avenue, with business and patrons' vehicles crossing each other's sites for access and loading. Given ongoing maintenance of shared access is necessary especially for 3635 Victoria Avenue to still function (e.g. access to the loading bays), the City of Brandon recommends that the property owner maintains existing access to accommodate the existing business needs of 3635 Victoria Avenue as a condition of a development agreement.

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 proposed development maintains commercial uses on this site, maintaining consistency with the Commercial designation under the Brandon & Area Planning District Development Plan, 2013
- The proposal generally complies with the Zoning By-law, such as building setbacks and parking supply

Commenting Agencies

All comments have been addressed and summarized below.

City of Brandon

The City of Brandon (“the City”) recommends the property owner enter into a development agreement to enable the proposed development with the following conditions:

- Contribution of \$38,000.00 to the City towards the recently completed construction of a deceleration/right turn lane on the north side of Victoria Avenue just west of 34th Street
- Contribution of \$7,800.00 to the City towards the recently completed construction of the 34th Street median
- Installation of a sidewalk along 34th Street adjacent to the entire easterly (34th Street) site frontage, prior to the issuance of a permit to develop Building A or E
 - The applicant will need to provide a phasing plan to be included in the development agreement
- A Private Sewer and Water Agreement with City to cover private internal servicing of the site
 - Typical requirement of sites with multiple buildings
- Maintaining existing access to accommodate the existing business needs of 3635 Victoria Avenue
- Submission of a detailed cost estimate to the City Engineer for all work within the public rights-of-way
- Submission of a Letter of Credit totaling 15% of the accepted detailed cost estimate

Options

After the Planning & Buildings Department forwarded comments to the applicant and subsequent discussions, the applicant desires to have the monetary contributions phased instead of paying the full amount at execution of the agreement.

Applicant's Request

Both contributions, \$38,000.00 for the Victoria Avenue deceleration/right turn lane and \$7,800.00 for the 34th Street median, should be phased. Details of phasing were not discussed with nor conveyed to the City, so, for the purposes of this report, the Planning & Buildings Department will assume the request proposes phasing spread across each of the five building pad sites.

Should the Planning Commission choose this option, the Planning Commission must amend Conditions 2 and 3.

Analysis

The Victoria Avenue deceleration/right turn lane and 34th Street median were constructed in 2017. The Victoria Avenue deceleration/right turn lane was explicitly constructed to serve as access to the site upon request of the property owner. The City has already paid the Province of Manitoba the non-provincial share of the Victoria Avenue reconstruction project, and has a responsibility to recover costs from this development. Further, with respect to large, single-site developments, to date the City has only considered phasing contributions for future improvements not yet constructed.

Regardless, should the Planning Commission choose the applicant's request, the Planning & Buildings Department recommends that Conditions 2 and 3 be amended to state as follows:

2. The developer shall contribute to the City a total of \$38,000.00 towards the recently completed construction of a deceleration/right turn lane on the north side of Victoria Avenue just west of 34th Street. The developer shall pay \$7,600.00 per building prior to the issuance of a development permit for each building.
3. The developer shall contribute to the City a total of \$7,800.00 towards the recently completed construction of the 34th Street median. The developer shall pay \$1,560.00 per building prior to the issuance of a development permit for each building.

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 property owner conducted a meeting in December 2016 as part of the original 2016 conditional use application. The property owner did not forward any concerns from the public to the City. As of the writing of this report, the Planning & Buildings Department has not received representation in favour of or in opposition to this application.