


TITLE: CONDITIONAL USE C-01-22 BY-LAW NO. 7324 TO REZONE PROPERTY LOCATED AT 309 PRINCESS AVENUE OWNER: 6482661 MANITOBA LTD. APPLICANT: KATE MCKENZIE		
MEETING DATE: March 16, 2022		Page 1 of 5
DEPARTMENT: Planning & Buildings	ATTACHMENTS: A. By-law No. 7324 B. Application related documents C. Map, air photo & drawings D. Community participation report E. Development review group report	
PRESENTER: Bernice Leyeza, Community Planner	MANAGER: Ryan Nickel, Director Planning & Buildings	

RECOMMENDATIONS:

Rezoning

That the Planning Commission recommend City Council approve By-law No. 7324 (Z-01-22) to rezone 309 Princess Avenue (Lots 1/3 and Part Lot 4, Block 66, Plan 2 BLTO) from Commercial General (CG) 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 develop 16 residential units in general consistency with the attached site plan.
2. The Developer agrees to contribute \$714.67 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 to the Brandon School Division in lieu of land dedication in the amount of \$3,240.00.
4. The Developer agrees to mitigate increased runoff for both 5-year, pre and post development and 100-year, pre and post development, storm water events. The Developer will be required to submit design drawings as prepared by a professional engineer with such design being subject to review and acceptance by the City Engineer.
5. The Developer agrees that should a boulevard tree need to be removed on Princess Avenue, a replacement tree will be planted in the boulevard along 3rd Street.

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.

Conditional Use

That Conditional Use Application C-01-2-B to allow for the development of a standalone residential building adjacent to a Commercial Corridor as identified in the Downtown Brandon Secondary Plan in the Downtown Mixed Use (DMU) Zone be approved at 309 Princess Avenue (Lots 1/3 and Part Lot 4, Block 66, Plan 2 BLTO) in accordance with the letter of intent "Attachment B-1", site plan "Attachment C-3", and elevation plan "Attachment C-4".

BACKGROUND:***Request***

The applicant, Kate McKenzie of Keller Developments, on behalf of the property owner, 6482661 Manitoba Ltd., is applying for the following to allow for the development of a new three-storey 16-dwelling unit building on the site located at 309 Princess Avenue:

- Rezoning from Commercial General (CG) to Downtown Mixed Use (DMU)
- Conditional use to allow for the development of a standalone residential building with sixteen (16) dwelling units adjacent to a Commercial Corridor as identified in the Downtown Brandon Secondary Plan in the Downtown Mixed Use (DMU) Zone

Development Context

The site currently has no structures on it and is located on the northwest corner of the intersection of 3rd Street and Princess Avenue. The public lane provides vehicle access to the site. The site is surrounded by a mixture of residential low density and commercial uses, with the commercial uses along Princess and Rosser Avenues, and residential high density further west at the intersection of 4th Street and Princess Avenue. The site is within a walking distance (400m) of a concentration of commercial uses closer to the centre of downtown, a public park, a community garden, and five transit routes.

History

A house converted into a four-unit dwelling existed on the site until demolition in 2013.

ANALYSIS:***Rezoning***

The proposed development is a three-storey building with sixteen (16) dwelling units, with a bi-level-style basement and each storey having four dwelling units. The site will provide 16 parking spaces west of the building that can be accessed from Princess Avenue on the south side of the site.

Consistency with the Development Plan

- Site is designated as Residential under Map 1: Urban Land Use of the Brandon & Area Planning District Development Plan 2013
- Provide a mix of urban housing options and affordability in the neighbourhood (Policies 2.2.2 and 2.2.3)
- Contribute to a range of housing density options in the neighbourhood in close proximity to the downtown area (Policies 2.2.4 and 2.2.5)
- Infill development is one of the City's growth priorities, and the proposed development allows population growth within developed areas to make the most efficient use of existing roadways, services and infrastructure (Policies 10.2.3 and 10.2.4)

Consistency with the Downtown Brandon Secondary Plan

The Downtown Brandon Secondary Plan (the Downtown Plan) identifies Princess Avenue as one of its Commercial Corridor promoting pedestrian activities and street vibrancy along the streets. The Downtown Plan envisions the intensification and densification along Princess Avenue within the Downtown Expansion Area to increase the number of residents living downtown, and encourage redevelopment of underutilized sites. The proposed multiple dwelling development is in line with the vision for downtown and complies with urban design policies for the downtown, including:

- Orienting principal building towards and near the site line edge, with primary entry point that directly accesses the sidewalk (Policy 5.3.1.b)
- Locating parking behind or beside the proposed development (Policy 6.2.2.g)

The proposed development did not provide additional emphasis through façade treatment along Princess Avenue (6.2.3.a). If this application is approved, the applicant must update the elevation plan accordingly when applying for a development permit.

Consistency with the Zoning By-law

- Site is currently zoned as CG and requires rezoning to DMU for the proposed three-storey residential building
- Proposed development meets the bulk and siting requirements under Table 14 (Section 59) of the Zoning By-law
- A standalone residential multiple dwellings along a Commercial Corridor as identified in The Downtown Brandon Secondary Plan in DMU requires conditional use approval under Table 13 Note 1 (Section 58)
 - The applicant applied for conditional use concurrently with this rezoning application (see following subsection for the conditional use analysis)

Conditional Use

The applicant is applying for a conditional use concurrently to allow for a standalone residential multiple dwellings adjacent to a Commercial Corridor as identified in The Downtown Brandon Secondary Plan.

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 block where residential use is predominant with fewer commercial uses along Princess Avenue. Given the mixed use nature of the surrounding area, and the site being surrounded by multiple dwelling buildings, the proposal complements the downtown vision in increasing the number of residents living in downtown. Therefore, the proposed development is 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;

To address any potential privacy concerns on the adjacent site to the north, the developer proposes the balconies to be facing east and west, and not protruding from the building. The developer also proposes access for the parking area off Princess Avenue instead the lane to mitigate traffic, as the majority of the detached dwellings in the 100-block of 3rd and 4th Streets use the lane to access their respective parking spaces.

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 complies with all applicable in the development plan, secondary plan, and zoning by-law provisions in accordance with the rezoning analysis in this report.

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 under the “Recommendations” section and “Attachment E” in this report. Some key conditions are highlighted as follows:
 - The developer agrees that should a boulevard tree need to be removed on Princess Avenue, a replacement tree will be planted in the boulevard along 3rd Street
 - The developer agrees to make monetary contribution for public reserve
 - The developer agrees to make monetary contribution for school purposes

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 metres (328 feet) of the subject property. Notice was also posted on the subject property and advertised in the Brandon Sun on March 3, 2022 and March 10, 2022.

Public Outreach

In accordance with Section 13 of the Zoning By-law, the applicant mailed their proposal to owners of nearby properties and did door-to-door canvassing. The community participation report stated that one resident raised concerns about traffic to the lane. The applicant discussed the concern with the resident and explained that access to the parking lot will be off Princess Avenue. As of the writing of this report, the Planning & Buildings Department has not received representation in favour of or in opposition to this application.