

TITLE: <p style="text-align: center;">CONDITIONAL USE 1120 HIGHLAND AVENUE OWNER: BEST BUY REAL ESTATE HOLDINGS LTD. APPLICANT: MELANIE WHITE</p>										
PRESENTER: Waleed Albakry, MCP	FILE NO: C-04-15-B									
DEPARTMENT: Planning & Building Safety	MEETING DATE: May 6, 2015									
CLEARANCES: Principal Planner	ATTACHMENTS: A. Application related documents (Attachment A) B. Map, air photo & drawings (Attachment B)									
APPROVALS: <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;"><i>Original Signed by Waleed Albakry</i></td> <td style="width: 25%; border: none;"><i>April 22, 2015</i></td> <td style="width: 25%; border: none;"><i>Original Signed by Ryan Nickel</i></td> <td style="width: 25%; border: none;"><i>April 24, 2015</i></td> </tr> <tr> <td style="border: none;">Community Planner</td> <td style="border: none;">Date</td> <td style="border: none;">Principal Planner</td> <td style="border: none;">Date</td> </tr> </table>			<i>Original Signed by Waleed Albakry</i>	<i>April 22, 2015</i>	<i>Original Signed by Ryan Nickel</i>	<i>April 24, 2015</i>	Community Planner	Date	Principal Planner	Date
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REQUEST:

The applicant, Melanie White, on behalf of the property owner, Best Buy Real Estate Holdings Ltd., is applying for a conditional use to allow for a commercial establishment under 2790 m² for a property located at 1120 Highland Avenue in the in the CHW Commercial Highway Zone. Approval of this application will allow for a mobile home and RV sales business to be established on the property.

BACKGROUND:

Development Context

The subject property is occupied by a vacant building and is located on the south side of Trans-Canada Highway along Highland Avenue. The site is surrounded by a mix of commercial and industrial uses such as Kenworth Custom Truck Sales to the west, Advantage Auto & Trailer to the east and McDonald’s Restaurant to the north across the Trans-Canada Highway. The land located to the south of the site is currently vacant and is owned by the City of Brandon. Vehicular access to the site is provided by Highland Avenue to the north.

History

The building on the subject site was previously occupied by Harry’s Ukrainian Kitchen & Family Restaurant. In 2002, a conditional use application was approved to allow for a commercial establishment. Vision Electronics, subsequently renamed as Extreme Electronics, occupied the building from 2002 until its relocation to 130 17th Street North in 2014; the building has been vacant ever since.

ANALYSIS:

A mobile home and RV sales business is currently operating at 1190 Highland Avenue immediately to the west of the subject site. Due to the space limitations of its current location, the property owner, Best Buy Real Estate Holdings, intends to expand its business to the adjacent property to the east at 1120 Highland Avenue. The proposal is to utilize the existing vacant building at 1120 Highland Avenue as an office space for the business. The applicant is proposing landscaping along the northern and the southern property line to define the edge of the site along the Tans-Canada Highway to the north and the future re-alignment of the service road to the south.

The CHW Commercial Highway Zone provides land for businesses that cater to the travelling public and the transportation industry along the Trans-Canada Highway. Other types of highway commercial development, such as retail, may be considered in this zone if the development is compatible with the CHW Zone. The proposal to establish the Mobile Home and RV sales business at both 1190 and 1120 Highland Avenue requires a conditional use approval in accordance with Table 12: Commercial Use Table of the City of Brandon Zoning By-law. This requirement allows each application to be reviewed on a case-by-case basis to assess the compatibility of the proposed development with the existing character of the area.

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 majority of uses located to the south of the Trans-Canada highway cater to the transportation and vehicle industries which include large outdoor display areas. The proposed use and layout of the mobile home and RV sales business is generally consistent with these types of uses. The proposed use is similar to the existing RV Dealership (Pik-A-Dilly) located 500m east of the site at 320 Highland Avenue.

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; and

There are no residential dwellings within close proximity to the subject site and as a result there will be no negative impacts on residents. The mobile home business is already established at 1190 Highland Avenue, west of the subject site; expanding the mobile home business to include RV sales will likely not negatively affect the surrounding properties.

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

This property is located within The North Gateway Secondary Plan By-law, adopted in 2014, which refines and complements the provisions of the Development Plan. As stated in Section 2.0 of The Secondary Plan, the detailed policies in the Secondary Plan shall supersede the policies in the Development Plan. Therefore, the analysis for this site is based primarily on the policies in the Secondary Plan.

The subject site is designated Commercial in The North Gateway Secondary Plan, and more specifically, as a Major Commercial Use. Major Commercial uses are provided in commercial areas within the Secondary Plan to deliver services for the community at large. Policy 6.3.5 of the Secondary Plan states that, “new development within Commercial Arterial (CAR) and Commercial Highway (CHW) zones should be located on sites large enough to accommodate adequate parking, loading, internal circulation and landscaping requirements.” The proposed mobile home and RV sales business at both 1190 and 1120 Highland Avenue is consistent with the intent of the aforementioned Policy as the consolidation of the two sites will allow for improving the internal circulation on the site and will provide adequate parking for the traffic generated by the business.

Commenting Agencies

All comments have summarized below.

City of Brandon

- The existing services located at 1190 Highland Avenue will have to be disconnected at the main and the applicant is required to make sure that the existing services meet the current City of Brandon Standards.

- A drainage plan is required as per the Lot Grading, Drainage and Elevations By-law6624.
- A pre and post run off calculation for the site are required.
- The installation of an interceptor is required.
- A gate is required to be erected along the middle access so that it can only be used when moving large mobile homes.
- No encroachment is allowed on the lane to the south.

MIT (Manitoba Infrastructure and Transportation)

- A permit from MIT is required for removal or building of any structure or access. A permit from MIT is also required for any plantings with 15.2m from the edge of the highway right-of-way.
- Turning maneuver diagrams are required to illustrate the space required to complete turns with mobile homes.

Utilities

- Westman Communications Group has underground facilities to the south of the property.

Notification

As required under 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 property and notice posters were posted on the property.

Public Outreach

The mobile home sales business is already established at 1190 Highland Avenue. The intent of the conditional use application is to allow the applicant to use both 1190 and 1120 for their business activities and not to establish a new business. Therefore, and in accordance with the Zoning By-law Appendix D, Public Outreach requirements, Section 2.(iv) of Appendix , no additional public outreach is required for this conditional use because the proposed conditional use will not result in the increase of intensity or density on the subject sites.

As of the writing of this report, the Planning & Building Safety Department has not received comments in favour of or in opposition to this application.

RECOMMENDATIONS:

That the Public Hearing for Conditional Use Application C-04-15-B at 1120 Highland Avenue be concluded.

That Conditional Use Application C-04-15-B to allow for a commercial establishment under 2790 m² in the CHW Commercial Highway Zone be approved at 1120 Highland Avenue (Lot 8, Plan 1013 BLTO) in accordance with the intent of the application “Attachment A-1”, the attached letter of intent “Attachment A-3 & A-4” and the attached site plan “Attachment B-2”, subject to the owner or successor, prior to the issuance of an building permit:

1. submitting a Certificate of Title to the City of Brandon Planning & Building Safety Department confirming that the subject property has been consolidated with 1190 Highland Avenue (Lot 7, Plan 1013 BLTO);
2. submitting a revised site plan showing that a gate will be installed across the middle access; and
3. submitting turning maneuvering diagrams with an application for a Highway Traffic Board Permit for review and approval by the Highway Traffic Board.