



In 1997, CMHA Westman was approved for a conditional use to establish the Re-Fit Store at the subject property in the Commercial General Zone. Both the Re-Fit Store and the surface parking lot are operated by the owner of the property, CMHA Westman. Various businesses have occupied the property previously including an automotive servicing facility, a retail fuel outlet using an underground storage tank and a printing shop. As a result, the subject site has been designated as an impacted site by Manitoba Conservation and Water Stewardship (MCWS). A site management plan was submitted by Pinchin Group and was subsequently approved by MCWS, according to which, among other restrictions, most of the eastern half of the property must remain paved and cannot be used to construct a building. For this reason, the applicant is seeking approval to reduce the minimum density as required under the current zoning standards for the site.

### **ANALYSIS:**

The subject site is located in the HMU HUB Mixed Use Zone, which is intended for a mixture commercial and high density residential uses. One (1) off-street parking space is required for each residential dwelling unit. The site is designated as an impacted site by MCWS, and therefore, most of the site cannot be built on.

#### ***Consistency with Part 6, Section 97(1)(b) of The Planning Act and Demonstration that the Variance:***

***1. Will be compatible with the general nature of the surrounding area;***

The proposal is a multi-family residential development which is consistent with the character of the existing neighbourhood that includes a mixture of housing types as well as commercial, institutional and industrial uses. The proposed two-storey building height is also consistent with the mixture of one-storey and two-storey buildings in the neighbourhood. The proposal will therefore be compatible with 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;***

The proposal is a multi-family residential development; the proposed use will generate noise, vibration, dust, lighting, odour or traffic that is commensurate with the downtown area. Furthermore, as required in Section 18 “Refuse Containers” of the Zoning By-law, the refuse containers will be screened by opaque fencing, and be located to the west of the proposed building away from any windows. The proposal therefore will not likely have any detrimental effects to the surrounding area.

***3. Is the minimum modification of a zoning by-law required to relieve the injurious effect of the zoning by-law on the applicant's property; and***

As stated above, the site is designated as an impacted site by MCWS, and therefore, a large portion of the site cannot be built on. The limited developable area reduces the potential for greater density on the site, and therefore, the proposal will relieve the injurious effect of the Zoning By-law.

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

The subject site is located within the HUB designated area in the Brandon & Area Planning District Development Plan 2013, and the Mixed Use Character Area in The HUB Secondary Plan. The objective of the Mixed Use Character Area is, “to provide an appropriate mixture of well-designed residential and commercial sites that enhance the pedestrian environment of the downtown while supplying a sufficient residential mass to support business growth in the HUB”. The proposal complies with this objective by proposing new residential development in a site formerly occupied by a surface parking lot. The proposed site layout provides an amenity area in front of the building, as a result, the building

may be setback further than the maximum 6.0m as stated in Table 13.2 of the City of Brandon Zoning By-law. The residential development, as proposed, meets all other setback and parking requirements set forth in the Zoning By-law.

### ***Commenting Agencies***

All comments from reviewing agencies are summarized below.

#### **City of Brandon**

- The services into the building must comply with both the Pinchin Group report and Manitoba Conservation letter.

### ***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***

Pursuant to provision (b)(2)(iv) of Appendix D: Public Outreach Requirements in the Zoning By-law, public outreach is not required as the variance application does not result in the increase of intensity or density of the use of the land.

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

### **RECOMMENDATIONS:**

That the Public Hearing for Variance Application V-19-15-B at 23 12<sup>th</sup> Street be concluded.

That Variance Application V-19-15-B to vary Table 13.2 under Part 45.5, Division II of the Zoning By-law to reduce the density from 9 dwelling units to 5 dwelling units in the HMU HUB Mixed Use Zone be approved at 23 12<sup>th</sup> Street (Lot 8, Block 79, Plan 2 BLTO) in accordance with the intent of the application “Attachment A-1”, the attached letter of intent “Attachment A-2” and the attached site plan “Attachment B-2”.