


TITLE: CONDITIONAL USE AND REZONING 1015 13th STREET OWNER & APPLICANT: MANLY AND CHERISE ARNASON		
MEETING DATE: November 21, 2018		Page 1 of 4
DEPARTMENT: Planning & Buildings	ATTACHMENTS: A. Application related documents B. Map, air photo & drawings C. Community Participation Report	
PRESENTER: Sonikile Tembo, Community Planner	MANAGER: Ryan Nickel, Chief Planner	

RECOMMENDATIONS:

Zoning

That the Planning Commission recommend City Council approve By-law No. 7217 to rezone property located at 1015 13th Street (Lots 25/26, Block 11, Plan 193 BLTO) from Residential Low Density (RLD) Zone to Commercial Neighbourhood (CN) Zone.

Conditional Use

That Conditional Use Application C-14-18-B to allow for an office in the Commercial Neighbourhood (CN) Zone be approved at 1015 13th Street (Lots 25/26, Block 11, Plan 193 BLTO) in accordance with the intent of the application "Attachment A-1", the letter of intent "Attachment A-3" and the site plan "Attachment B-2", subject to the site being rezoned from Residential Low Density (RLD) Zone to Commercial Neighbourhood (CN) Zone.

BACKGROUND:

Request

The applicants and owners, Manly and Cherise Arnason, are applying to rezone 1015 13th Street from Residential Low Density (RLD) Zone to Commercial Neighbourhood (CN) Zone as well as a conditional use to allow for the development of a plumbing and heating business, if the rezoning is approved.

Development Context

An existing single detached dwelling is occupying the site proposed for rezoning. The site is located east of 13th Street, 35 meters to the southeast corner of 13th Street and Southern Avenue. Uses surrounding the site include residential to the east and the south, commercial to the north, and

The Keystone Centre to the west. A back lane off Southern Avenue provides vehicle access to the site.

ANALYSIS:

The applicant proposes a change of use from residential to commercial. This requires the site to be rezoned from Residential Low Density Zone to Commercial Neighbourhood Zone as well as a conditional use for the operation of an office in the Commercial Neighbourhood Zone.

Zoning

Consistency with the Development Plan

- The site is designated as “Residential” in the Development Plan.
- The proposal conforms with the considerations for rezoning a site to Commercial Neighbourhood (Policy 3.2.7), including:
 - a. The use is a small-scale operation to serve local neighbourhood operations
 - b. The site is located along Collector Street (13th Street) with parking exclusively from the lane
 - c. The existing building will be maintained and is in character with the appearance of the surrounding residential neighbourhood
 - d. Parking for staff and operators is to the rear and customer traffic will be minimal
 - e. Waste removal and on-site storage similar to a residential use

Consistency with the Zoning By-law

- Existing RLD Zone provides for development of low density detached, semi-detached, duplex, row house and multiple dwellings
- CN Zone provides sites either within or abutting residential zones, to provide goods and services to satisfy the daily household or personal needs of residents.
- The rezoning will allow for establishment of an office within the existing house that is compliant with the bulk and siting requirements for the CN zone.
- The applicant has stated their intention is to complete the driveway off the back lane and include landscaping to improve the appearance of the property.

Conditional Use

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 surrounded by low density residential to the south and east, the Keystone Centre to the west, and commercial general to the north. The small scale commercial use 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;*

There will be no exterior changes to the site as the use will be carried out in the existing structure. Parking spaces are located in the rear and accessed from the public lane. The office is a low intensity use similar to adjacent businesses and will function within the existing building; and therefore, the proposal will not be detrimental to the health of people working in the surrounding area and will not negatively affect other properties or potential development.

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 conforms with Brandon & Area Planning District Development Plan:

- Policy 3.2.7 states that neighbourhood commercial developments may be allowed within designated residential areas subject to conditions such as scale of operation, proximity to arterial or collector street, impact on surrounding residences and in character with appearance of surrounding residential neighbourhood. These are all considerations that the proposal meets due to the size of the proposed use, its function within the existing structure and its location on 13th Street which is a collector street.
- This conditional use would allow for a commercial node at the north east corner of 13th Street and Southern Avenue. Policy 3.2.3 allows commercial nodes occurring in clusters and located at appropriate locations such as in the vicinity of major institutions.

The proposed development complies with all other applicable provisions of the City of Brandon Zoning By-law No. 7124, including bulk, siting, and parking.

Commenting Agencies

All comments have been addressed.

LEGISLATIVE REQUIREMENTS:

Notification

In accordance with Section 169 of The Planning Act, notice of the Public Hearing regarding this application was sent to property owners 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 applicant submitted a community participation report (Attachment C). As of the writing of this report, the Planning & Buildings Department has not received any representation in favour of or in opposition to this application.