

<b>TITLE:</b> <b>BY-LAW NO. 7271 TO REZONE</b> <b>PARTS OF 400 – 17<sup>th</sup> STREET NORTH</b> <b>OWNER: CITY OF BRANDON</b> <b>APPLICANT: MICHAEL LINDENBERG (HORIZON BUILDERS LTD.)</b>		
<b>MEETING DATE:</b> June 3, 2020		<b>Page 1 of 4</b>
<b>DEPARTMENT:</b> Planning & Buildings	<b>ATTACHMENTS:</b> A. Application related documents B. Map, air photo & drawings C. Community participation report	
<b>PRESENTER:</b> Sonikile Tembo, Community Planner	<b>MANAGER:</b> Ryan Nickel, Director	

**RECOMMENDATIONS:**

***Rezoning***

That the Planning Commission recommend City Council approve By-law No. 7271 (Z-05-20) to rezone a portion of property at 400 – 17<sup>th</sup> Street North (Lots 1/16, Block 2, Plan 325 BLTO) from Open Space (OS) to Commercial Arterial (CAR).

**BACKGROUND:**

***Request***

The applicant, Michael Lindenberg of Horizon Builders Ltd., on behalf of the property owner, the City of Brandon (“City”), is applying to rezone a part of property located at 400 – 17<sup>th</sup> Street North from Open Space (OS) to Commercial Arterial (CAR) (Attachment A, Attachment B). Approval of this application will allow for the expansion of the existing commercial building on the adjacent site known as 415 – 18<sup>th</sup> Street North. The applicant is also applying concurrently to subdivide the proposed rezoning area to consolidate with 415 – 18<sup>th</sup> Street North.

***Development Context***

The subject site of about 485 square metres is currently undeveloped, and is located in the block north of McGregor Avenue between 16<sup>th</sup> and 18<sup>th</sup> Streets North. Commercial developments surround the site to the west and south, with a land drainage course to the north and east. McGregor Avenue provides access to the existing development adjacent to this site.

***History***

The site is part of larger City-owned property reserved for drainage purposes. In 2005, a previous applicant submitted a rezoning application on behalf of the City to rezone the property from OS to CAR to accommodate the expansion of an existing commercial establishment. After the public hearing, that applicant withdrew the application and chose not to proceed.

**ANALYSIS:**

Approval of this application, along with the associated minor subdivision application to consolidate the proposed rezoning area with 415 – 18<sup>th</sup> Street North, will allow for construction of an enlarged vehicle dealership building. The owner of 415 – 18<sup>th</sup> Street North is in the process of purchasing the portion of the site subject to the rezoning and subdivision.

***Consistency with the Development Plan***

- Site designated “Commercial” as shown on Map 1: Urban Land Use in the Brandon & Area Planning District Development Plan 2013 (Development Plan)
- Commercial sites along arterial streets should cater to commercial developments requiring large properties for the display or storage of merchandise, such as vehicle dealerships (Policy 3.2.4, Development Plan)

***Consistency with the Zoning By-law***

The site is currently zoned OS in the City of Brandon Zoning By-law (Zoning By-law). The OS Zone intends for lands with development limitation or reservation for infrastructure use. The site subject to this rezoning is mainly flat and adjacent to existing commercial developments, and is therefore suitable for development. The proposed development complies with all applicable requirements under the CAR Zone in the Zoning By-law.

***Commenting Agencies***

All comments have been addressed under the associated subdivision application. The City will require a development agreement that will address technical matters such as construction of a portion of McGregor Avenue.

**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 meters (328 feet) of the subject property. Notice was also posted on the subject property and advertised in the Brandon Sun.

***Public Outreach***

In accordance with Section 13 of the Zoning By-law, the applicant reached out to nearby property owners by mail (Attachment C). As of the writing of this report, the Planning & Buildings Department has not received any comments on this application.