


<b>TITLE:</b> <p style="text-align: center;"> <b>SUBDIVISION 4500-16-641</b>  <b>1300 RICHMOND AVENUE EAST</b>  <b>LOT 1, PLAN 41483 BLTO</b>  <b>OWNER: 4431014 MANITOBA LTD.</b>  <b>APPLICANT: VBJ DEVELOPMENTS LTD.</b> </p>		
<b>PRESENTER:</b> Ryan Nickel, MCIP	<b>AGENDA NO:</b>	
<b>DEPARTMENT:</b> City of Brandon Planning & Building Safety Department	<b>BOARD MEETING DATE:</b> 3 November 2016	
<b>CLEARANCES:</b>  <b>Principal Planner</b>	<b>ATTACHMENTS:</b> A. Application related documents (# of pages = 3) B. Map, air photo & drawings (# of pages = 4)	
<b>APPROVALS:</b>		
<i>Original signed by S. van Huizen</i> 25 October 2016 <b>Community Planner</b>	<i>Original signed by R. Nickel</i> 25 October 2016 <b>Principal Planner</b>	25 October 2016 <b>Date</b>

### **REQUEST:**

The applicant, VBJ Developments, on behalf of the property owner, 4431014 Manitoba Ltd., is applying to subdivide a property located at 1300 Richmond Avenue East to create one new lot in the IR Industrial Restricted zone. Approval of this application will allow for the development of two commercial uses on separate titles.

### **BACKGROUND:**

#### ***Development Context***

The subject site is currently vacant, and is located on Richmond Avenue East just west of the intersection of 14<sup>th</sup> Street East. The site is surrounded by Industrial Restricted zone in all directions. There is a residential zoned area to the northwest separated by Open Space zones that act as a buffer on both sides of Richmond Avenue East. The City of Brandon Civic Services Complex is located directly to the west of the site. Access to the site is provided along the eastern site line with that is shared with 1340 Richmond Avenue East.

#### ***History***

The site is a result of the subdivision of Plan 23784 and Pt. E1/2 12-10-19 located south of Richmond Avenue East and east of the City of Brandon Public Works site (now City Services Complex) in 1998. The subdivision created four lots, two of which fronted Richmond Avenue east of the 14<sup>th</sup> Street East extension south of Richmond Avenue. 1340 Richmond Avenue East has since been developed into a gas station. A cross access agreement has been registered on title between 1300 and 1340 Richmond Ave East to share the access point along the adjoining site line.

#### ***Minor Subdivision***

Section 119(1) of The Planning Act defines a minor subdivision as a subdivision that results in a single new parcel of land or a subdivision of one or more parcels of land where each parcel being transferred is to be consolidated with an adjacent parcel covered by another title so that no additional title results, provided

- a) the parcels resulting from the subdivision conform with the development plan by-law, the zoning by-law and any secondary plan by-law,
- b) no new public roads will be created as a result of the subdivision, and
- c) the subdivision does not require any change in access to a provincial road or provincial trunk highway.

Section 124(3) of The Planning Act states that upon receiving an application for a minor subdivision, the approving authority may, in accordance with the regulations and as an exception to subsection (2),

- a) give conditional approval to the minor subdivision, subject to any conditions described in section 135 that the approving authority considers appropriate, and
- b) send a copy of the application and the conditional approval to the council of the municipality in which the affected land is located.

### **ANALYSIS:**

The applicant has proposed the development of two industrial sites that share a common parking lot with individual access to rear compounds. The submitted site plan indicates that the two buildings will operate a commercial/retail portion of the industrial use facing Richmond Avenue East with delivered inventory and storage in the rear. A 10-meter parcel of OS Open Space zone exists between Richmond Avenue and the subject site. Access to the rear yards is proposed along the east and west site lines. The applicant has requested a new western access point to allow for deliveries for the westerly located business to be made directly from Richmond Avenue East.

#### ***Consistency with the Development Plan***

The proposed development conforms with the Brandon & Area Planning District Development Plan 2013:

- The subject site is within an area identified as “Industrial” in Map One: Urban Land Use of the Development Plan (4.1.1); and
- The proposed development ensures that development is directed to appropriate locations within the City of Brandon by relocating industrial uses from a commercially designated area (4.1.5).

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

The proposed development conforms with the City of Brandon Zoning By-law No. 7124:

- The proposed uses are listed as permitted uses in the IR Industrial Restricted zone as defined in Section 61, Table 15;
- The applicant is providing adequate parking and loading stalls for each business as defined in Section 26, Table 4; and
- The proposed structures will conform to all bulk siting requirements as defined in Section 62, Table 16.

#### ***Proposed Secondary Access***

The applicant has proposed a secondary access point for the westerly business (Attachment B-4). The access management strategy, as contained in Section 7.4 of the Brandon Area Road Network Development Plan, recommends regulating the placement of new driveways on roads classified as “Arterial”. It also promotes joint use approaches be provided whenever technically feasible to facilitate access management with cross access agreements.

#### ***Commenting Agencies***

All comments have been addressed and summarized below.

City of Brandon – Engineering

Servicing:

- Currently there is no sanitary sewer main adjacent to this property and therefore, the applicant will be required to extend the sewer main in order to service both properties of the subdivision. This work will require a Development Agreement.
- A Servicing Plan is to be submitted; final design of which will be subject to review by the City Engineer.

Drainage:

- The applicant will be required to submit a Storm Water Management Plan for the property; final design of which will be subject to review by the City Engineer.

Transportation:

- The locations of the proposed access points are conceptually acceptable to the City however, final design and configuration will be subject to review by the Transportation Engineer.
- Shared Access agreements will be required for both access locations and will be the responsibility of the developer. Evidence of such agreements must be submitted prior to release of building permits.
- All costs associated with access to the site will be the sole responsibility of the developer and all work within the right-of-way is to be covered under the development agreement and detailed cost estimate.

Development Agreement:

- A development agreement between the property owner and the City will be required. This agreement is to cover all work proposed within the right-of-way.
- A detailed cost estimate will be required to be submitted by the Consulting Engineer covering all work proposed within the right-of-way.
- A Letter of Credit will be required; the amount of such equaling 15% of the total detailed cost estimate.

**RECOMMENDATION:**

That application 4500-16-641 to subdivide 1300 Richmond Avenue East (Lot 1, Plan 41483 BLTO) be approved subject to the owner or successor:

1. entering into a development agreement with the City of Brandon subject to the following supplementary conditions:
  - a. The developer is required to design and construct the western approach aligned with the intersection of Richmond Avenue East and Garwood Drive. Such work shall conform to the latest edition of the City of Brandon, Standard Construction Specifications, the work shall be completed by a bonded contractor with the City of Brandon and the work shall be at the sole cost of the owner or successor;
  - b. The developer will be required to extend the sanitary sewer main along Richmond avenue East to service both subdivided properties;
  - c. The developer will be required to submit a Detailed Cost Estimate outlining all work and associated costs to be completed as per the Development Agreement. This DCE shall be prepared by the Developers Engineering Consultant;
  - d. The Developer will be required to provide to the City a Letter of Credit in the amount of 15% of the total cost of the DCE; such total to be reviewed and accepted by the City of Brandon.
2. registering the development agreement in series immediately following registration of the subdivision.

3. the owner or successor submitting written confirmation to the satisfaction of the City of Brandon Planning & Building Safety Department that arrangements have been made for a cross-access agreement between 1300 Richmond Ave East (lot 1, Plan 41483) and 900 Richmond Avenue East (lot 1, Plan 2070), and registering the cross-access agreement as an easement in series immediately following registration of the subdivision.

And further, that subject to meeting all other necessary conditions and requirements of subdivision, that the designated signing officers are authorized to sign and seal the Final Certificate of Approval.