

TITLE: SUBDIVISION APPLICATION 4500-15-615; BY-LAW NO. 7129 TO REZONE PROPERTY LOCATED AT 1910 AND 2218 BELL AVENUE OWNER/APPLICANT: WAVERLY DEVELOPMENTS			
PRESENTER: Andrew Mok		Page 1 of 4	
DEPARTMENT: Planning & Building Safety		ATTACHMENTS: A. Application related documents B. Map, air photo & drawings C. Public participation report D. Draft by-law	
CLEARANCES: Principal Planner		MEETING DATE: June 15, 2016	
APPROVALS:			
<i>Original signed by R. Zilke</i> June 06, 2016 Community Planner Date		<i>Original signed by A. Mok</i> June 7, 2016 A/Principal Planner Date	

REQUEST:

The applicant, Waverly Developments Ltd., is applying to rezone properties located at 1910 and 2218 Bell Avenue to allow for the future development of Phase 2, Stage 5 of the Oakridge Estates neighbourhood. The proposed by-law includes the following four requests:

1. Rezone a property located at 2218 Bell Avenue from PR Parks and Recreation to RSD Residential Single Detached. The applicant, Waverly Developments Ltd., is acting on behalf of the owner, Jordan Moffat, to correct an oversight from a previous subdivision registered in 2010, whereby the zoning for the property was not updated to reflect a change in the concept plan for the neighbourhood;
2. Rezone the westernmost 12.0m strip of land along the western boundary in Phase 2, Stage 5 of the Oakridge Estates development as shown on Attachment A from PR Parks and Recreation to RMD Residential Moderate Density (Part NE ¼ 34-10-19 WPM). The proposed RMD Zone will update the zoning for the area to reflect changes to the concept plan for the neighbourhood adopted by City Council;
3. Rezone the eastern portion of land in Phase 2, Stage 5 of the Oakridge Estates development, except for the 9.0m strip of land along the eastern boundary, as shown on Attachment A from DR Development Reserve to RMD Residential Moderate Density; and
4. Rezone the easternmost 9.0m strip of land in Phase 2, Stage 5 of the Oakridge Estates development as shown on Attachment A from DR Development Reserve to OS Open Space.

The applicant is also applying to subdivide property at 1910 Bell Avenue to create two (1) lots and a public road. Approval of these two applications will result in the creation of two (2) parcels for the development of multiple dwellings.

BACKGROUND:***Development Context***

The rezoning application includes two properties located at 1910 and 2218 Bell Avenue. The property at 1910 Bell Avenue is approximately 4.2ha in area and is located north of Bell Avenue and west of the future PTH 10 realignment. The agricultural zoned lands located directly north will be developed in the future as an extension to the Oakridge Estates neighbourhood. The property at 2218 Bell Avenue is located midblock with RSD zoned lots to the east and west and open space used for drainage to the south; these properties located west of 18th Street North and north of the existing Oakridge Estates neighbourhood. The site is surrounded by agricultural land to the north and west, commercial development to the east and predominantly single detached housing to the south. The agricultural lands to the west of the site are part of Agriculture and Agri-Food Canada's Brandon Research Centre site. Access to the site is provided by Bell Avenue which directly connects to Oakview Street to the west, and one of the service roads for 18th Street North to the east.

History

The Oakridge Estates neighbourhood consists of two phases of development (Attachment B-2). The first phase of development was subdivided in May 2010 and included sixty-eight (68) lots for detached and multiple dwellings, a storm water retention pond and land set aside for the future PTH 10 realignment. The second phase of the development includes six stages, with the first two stages, creating thirty-eight (38) single detached lots, approved by City Council in April 2014 and June 2014 respectively. Stages Three and Four, which resulted in the creation of sixty-eight (68) single detached lots, a neighbourhood greenspace and a storm water retention pond, were approved in May 2014.

ANALYSIS:

The applicant proposes to rezone 2218 Bell Avenue to allow for the development of a single-detached dwelling, and to rezone and subdivide 1910 Bell Avenue to allow for the development of six (6) four-storey buildings totaling two hundred and fifty-four (254) dwelling units.

Consistency with the Development Plan

The proposed development conforms to Policy 2.2.1 of the Brandon & Area Planning District Development Plan 2013 (hereinafter "the Development Plan"), which states that residential development within the City will be required to locate in residential areas as shown on Map One of the Development Plan. The intent of this policy is to ensure residential developments are not located in areas of the City where such developments would be incompatible with other uses. The subject site is designated "Residential" and "Parks and Recreation" in Map One "Urban Land Use" of the Development Plan. The proposed rezoning is in compliance with section 2.2.4 of the Development Plan which intends to "provide for various ranges of housing density in order to promote a diverse urban fabric".

Consistency with the Oakridge Estates Neighbourhood Plan

The Oakridge Estates Neighbourhood Plan, which called for predominantly residential development along the west side of the future PTH 10 realignment, was approved by City Council in 2010. The neighbourhood plan was amended in 2014 to allow for a slight encroachment of the neighbourhood plan into 1910 Hamilton Avenue to the north of the subject site, as well as limiting commercial development to the east side of the future PTH 10 realignment. The proposed subdivision, road layout and type of development proposed is consistent with the neighbourhood plan as amended.

Consistency with the Zoning By-law

The DR Zone, in accordance with the City of Brandon Zoning By-law No. 7124 (hereinafter “the Zoning By-law”), provides for the preservation of existing agricultural sites in an unfragmented state for future development consistent with the Development Plan and any applicable Secondary Plan. The proposed RSD Zone at 2218 Bell Avenue provides for the development of a detached dwelling on this property. This property was already subdivided in 2010 to facilitate the development of a detached dwelling. The proposed RMD Zone at 1910 Bell Avenue provides for the development of medium rise, moderate density buildings with multiple dwellings. The applicant will have to seek a variance in order to develop four-storey buildings, as the RMD Zone only allows buildings of up to three (3) storeys in height. The proposed development otherwise meets the RMD Zone’s bulk and siting requirements as well as parking requirements. The proposed OS Zone provides for, amongst other things, a buffer between different types of uses. Residential developments are not compatible with highways due to nuisances generated from traffics on the highway. The proposed OS Zone will ensure the presence of a green buffer to mitigate the future PTH 10’s effects on the residential development.

Infrastructure Impact

In 2012, a study of property known as the Veterans Way Lands was completed for the City and included a review of the existing sanitary sewer for lands within City limits north of the Assiniboine River and south of the Trans-Canada Highway. This review recommended improvements to satisfy the future demand anticipated to develop this growth area. The review also projected the approximate area of land in which would require such servicing. Based on this information, the City requires all land developers to pay a contribution to all future sanitary sewer improvements and the maintenance of the Hilton Avenue Lift Station.

Transportation and Access

The applicant of the RMD Zone portion of Phase 2 proposes to provide and create a public right-of-way in which the applicant shall construct a public roadway which will connect to Bell Avenue and run north to the boundary of Phase 2, Stage 5. This right-of-way and all municipal improvements will be dedicated to the City of Brandon by way of a Plan of Subdivision. A temporary turnaround will be required to be constructed at the northern boundary of the proposed right-of-way until such time as the right-of-way is further developed for future phases. The roadway design shall be designed and constructed in full compliance with the latest edition of the City of Brandon Standard Construction Specifications and the Transportation Association of Canada's Roadway Design Standards.

The applicant is required to provide a legal public access to the development, the residents of that development, and the general public all to the satisfaction of the General Manager, Development Services. Means of such access must be:

- legally consented to by all parties with an interest in the property and whom are required to provide consent in writing; and
- legally registerable at the Brandon Land Titles Office.

Wastewater System

The RMD Zone portion of Phase 2 will be serviced by a 250mm wastewater main installed by the applicant. The proposed wastewater main will connect to an existing 250mm wastewater main. The City's wastewater system has been reviewed and determined to have sufficient capacity to handle the projected increase in wastewater flow rate from the proposed development.

Water Distribution System

The RMD Zone portion of Phase 2 will be serviced by a 200mm water main which will connect to an existing 250mm water main. The City's water distribution system has been reviewed and determined to have adequate capacity to convey the projected increase in water flow rate to the proposed development.

Storm Water Management

The Oakridge Estates development will utilize curb and gutter, catch basins, underground storm sewers and two (2) retention ponds to collect, convey and store runoff from the site. It has been projected that runoff discharged from the site will not exceed the pre-development discharge rate. The proponent is required to design and manage all storm water drainage for the development, and such design is subject to approval by the City Engineer.

Commenting Agencies

All comments have been addressed and summarized below.

Brandon School Division

The Brandon School Division requires cash-in-lieu of land dedication for school purposes as a condition of subdivision approval.

Utilities

MTS Inc., Manitoba Hydro and Westman Communications Group will require easements as a condition of subdivision approval.

Canada Post

Canada Post will require mailboxes to be provided on site for the new multiple dwellings as a condition of subdivision approval.

Notification

In accordance with Section 168 of The Planning Act, notice of the public hearing was sent to owners of property within 100 metres (328 feet) of the subject property. Notice has also been posted on the subject property and advertised in the Brandon Sun on May 26, 2016 and June 2, 2016.

Public Outreach

In accordance with section 13 of the Zoning By-law, the applicant conducted visits to adjacent property owners. According to the report the only concern was in regards to an increase in traffic along Bell Avenue and the increase in density. As of the writing of this report, the Planning & Building Safety Department has not received any written comments to this application.

RECOMMENDATIONS:

That the combined Public Hearing regarding the following applications be concluded:

1. By-law No. 7129 (Z-02-15-B) to rezone the following properties:
 - a. Property located at 2218 Bell Avenue (Lot 35, Plan 48868 BLTO) from PR Parks and Recreation to RSD Residential Single Detached; and
 - b. Property located at 1910 Bell Avenue (Lot 72, Plan 48868 BLTO) from PR Parks and Recreation and DR Development Reserve to RMD Residential Moderate Density and OS Open Space; and
2. Subdivision application 4500-15-615.

Rezoning

That the Planning Commission recommend By-law 7129 (Z-02-16-B) be approved, subject to the following conditions:

1. Prior to the by-law being given third reading, the owner or successor entering into a development agreement with the City of Brandon, including but not limited to the following supplementary conditions:
 - a. The provision of a site plan indicating the phasing schedule for the proposed development;
 - b. A cash-in-lieu of land dedication for school purposes;
 - c. A financial contribution on a per-unit basis for the future development of a lift station;
 - d. The construction of a sidewalk on the east and west side of the proposed street right-of-way, with the sidewalk along the west side of said right-of-way continuing west along Bell Avenue to the westerly limit of the proposed development;
 - e. The construction of a temporary turnaround at the northern end of the proposed street right-of-way;
 - f. The provision of a letter of credit to cover all work within the proposed street right-of-way, such amount to be determined based upon a detailed cost estimate to be submitted by the developer;
 - g. The provision of a permanent and indefinite means of legally binding and enforceable access to the subject lands identified in Attachment B-1 of the report of the Community Planner dated June 6, 2016, which shall be sufficient so as to allow for successful registration of an instrument at the Brandon Land Titles Office confirming the legally binding and enforceable means of access, and with the consent in writing of all parties with an interest and required to provide consent to such registration. The proposed means of access is subject to review and approval by the General Manager, Development Services and by Council of the City of Brandon;
 - h. Confirmation that arrangements have been made for easements to the satisfaction of Manitoba Hydro, MTS Inc., and Westman Communication Group; and
 - i. Confirmation that arrangements have been made for postal service to the satisfaction of Canada Post.

Subdivision

That the Planning Commission recommend Brandon City Council approve the application to subdivide (4500-15-615) 1910 Bell Avenue (Lot 72, Plan 48868 BLTO) to create two (2) lots and a public road in the PR Parks and Recreation, RMD Residential Moderate Density and DR Development Reserve Zones, subject to the following conditions:

1. The site being rezoned from PR Parks and Recreation Zone and DR Development Reserve Zone to RMD Residential Moderate Family Zone and OS Open Space Zone;
2. The owner or successor submitting written confirmation to the City of Brandon Planning & Building Safety Department that arrangements have been made for a joint use easement agreement and Plan of Easement to the satisfaction of Manitoba Hydro, MTS Inc. and Westman Communications Group, and registering the easement agreement along with the easement plan, if required, in series immediately following registration of the subdivision; and
3. The owner or successor submitting written confirmation to the City of Brandon Planning & Building Safety Department that arrangements have been made for postal service to the satisfaction of Canada Post.