


<b>TITLE:</b> <b>BY-LAW NO. 7188 TO REZONE</b> <b>PROPERTY LOCATED AT 3500 MCDONALD AVENUE;</b> <b>CONDITIONAL USE</b> <b>OWNER: SKYLINE DEVELOPMENTS LTD.</b> <b>APPLICANT: HORIZON BUILDERS LTD.</b>		
<b>MEETING DATE:</b> June 20, 2018		<b>Page 1 of 11</b>
<b>DEPARTMENT:</b> Planning, Property & Buildings	<b>ATTACHMENTS:</b> <ul style="list-style-type: none"> <li>A. Application related documents</li> <li>B. Map, air photo &amp; drawings</li> <li>C. Master Plan</li> <li>D. Development Review Group report</li> <li>E. Public participation report</li> <li>F. Parking study</li> <li>G. By-law No. 7188</li> </ul>	
<b>PRESENTER:</b> Andrew Mok, Senior Planner	<b>MANAGER:</b> Ryan Nickel, Chief Planner	

## **RECOMMENDATIONS:**

### ***REZONING***

That the Planning Commission recommend City Council approve By-law No. 7188 (Z-02-17-B) to rezone part of 3500 McDonald Avenue (Pt. N ½ 21-10-19 WPM & Parcel F Plan 31788 BLTO) from A Agricultural and PR Parks & Recreation to CG Commercial General, subject to the owner or successor entering into a development agreement with the City of Brandon with the following supplementary conditions:

1. The Developer agrees to develop the Lands in phases as per the attached Phasing Plan.
2. The Developer agrees to provide written confirmation from the project architect demonstrating they have reviewed and incorporated aspects of the FCM Railway Design Guidelines into the design of the residential buildings to mitigate impacts from railway activities.
3. The Developer agrees to follow all geotechnical engineering recommendations from the Slope Stability Report dated April 4<sup>th</sup>, 2017 as prepared by M. Block and Associates Ltd.
4. The Developer agrees to the registration of a Plan of Easement over the public portion of the new water main to be located within the Lands, with exact alignment and coverage to be determined at the time of detailed design. Preparation of the Plan of Easement will be at the sole cost of the City and registered in series with the Plan of Subdivision.
5. The Developer agrees to the registration of a Plan of Easement over the public portion of the new land drainage main located within the Lands, with exact alignment and coverage to be determined at the time of detailed design. Preparation of the Plan of

Easement will be at the sole cost of the City and registered in series with the Plan of Subdivision.

6. The Developer agrees to enter into a shared drainage agreement between the proposed Lot 1, Lot 2 and the golf course lands.
7. The Developer agrees to enter into a cross access agreement between the proposed Lot 1, Lot 2 and the golf course lands. All public access will be permitted, including but not limited to, the golf course, the clubhouse, the Pro Shop, the parking lot, the maintenance shop and sanitation services.
8. The Developer agrees to design and construct any storm water infrastructure upgrades that may be required due to development of the Lands. Construction of the upgrades will be the sole cost of the Developer.
9. The Developer agrees the Lands are located within the flood plain and to save harmless the City.
10. The Developer agrees to obtain all approvals from any applicable governing agencies and to provide evidence of such approvals to the City of Brandon prior to the issuance of a development permit.
11. The Developer agrees to submit a Detailed Cost Estimate, prepared by their Consulting Engineer for all municipal improvements. The cost estimate is subject to review and approval by the City Engineer prior to the issuance of a development permit.
12. The Developer will be responsible to submit an Irrevocable Letter of Credit totalling 15% of the Detailed Cost Estimate. Submission of the Letter of Credit is required prior to the issuance of a development permit.

#### **PHASE 1 – Residential Development**

1. The Developer agrees the minimum elevation of the proposed structures' lowest storey will be 362.67m.
2. The Developer agrees to reconfigure and construct a portion of the golf cart pathway from the parking lot to the 1<sup>st</sup> tee box which shall connect to existing golf cart pathway on the 1<sup>st</sup> fairway as per the proposed site plan prior to the issuance of a building permit for Phase 1. All costs associated with the construction will be at the sole cost of the Developer.
3. The Developer agrees to construct a golf cart pathway connecting the 1<sup>st</sup> and 18<sup>th</sup> holes as per the proposed site plan prior to the issuance of a building permit for Phase 1. All costs associated with the construction will be at the sole cost of the Developer.
4. The Developer agrees to contribute \$25,000 towards the construction of a new putting green due to the relocation of the current putting green. Such contribution is to be paid in full prior to the issuance of a development permit for Phase 1.
5. Should it be determined a portion of the 34<sup>th</sup> Street right-of-way north of the McDonald Avenue and 34<sup>th</sup> Street intersection be needed to accommodate the slope of the

- embankment required to develop Phase 1 and Phase 2, the Developer agrees to enter into an Agreement with the City regarding the proposed encroachment.
6. The Developer agrees to design and construct an amenity space between the proposed condominium buildings. Construction of the amenity space will be at the sole cost of the Developer.
  7. The Developer agrees that prior to the issuance of an occupancy certificate for either of the residential condominiums; the City must complete construction of the 34<sup>th</sup> Street extension from Pacific Avenue to McDonald Avenue.
  8. The Developer agrees to remove and relocate the existing water main currently servicing the clubhouse as per the proposed site plan. Construction of removing and relocating the water main will be at the sole cost of the Developer.
  9. The Developer agrees to remove and relocate the existing land drainage system main as per the proposed site plan. Construction of removing and relocating the land drainage main will be at the sole cost of the Developer.

#### **PHASE 2 – Clubhouse & Commercial Development**

1. The Developer agrees to construct a 1.8m fence along the south property line of the Lands adjacent to the Canadian Pacific Railway (CP) right-of-way to ensure no work, storage or encroachment on CP property. Construction of the fence is required prior to the issuance of a building permit for Phase 2 and construction will be at the sole cost of the Developer.
2. The Developer agrees to construct a roadway connection from the existing parking lot of the clubhouse to the golf course lands. The roadway must be constructed to accommodate W-19 design vehicles for both weight and turning movement. The design and location of the connection is subject to the review and acceptance of the Director of Community Services and the City Engineer. Completion of the roadway will be required prior to the issuance of a building permit to extend the existing commercial/recreation building closer to the southern property in Phase 2 and construction will be at the sole cost of the Developer.
3. The Developer agrees to construct a parking lot for a further 50 parking stalls in addition to the stalls provided on the proposed site plan. Should the parking lot be located off-site on a property not owned by the Developer, evidence of a shared parking agreement will be required. Completion of the parking lot will be required prior to the issuance of development/building permit for Phase 2 and will be at the sole cost of the Developer.

and that Administration be authorized to prepare a Development Agreement containing all conditions and requirements to protect the City's interests in accordance with any procedures, policies, by-laws and Acts.

**CONDITIONAL USE**

That Conditional Use Application C-08-17-B to allow for a planned unit development in the Commercial General (CG) Zone be approved at 3500 McDonald Avenue (Pt. N ½ 21-10-19 WPM & Parcel F Plan 31788 BLTO) in accordance with the intent of the application “Attachment A-2” and the master plan “Attachment C” and the following alternative Zoning By-law development standards:

**Table 4**

1. Reduce the minimum required parking spaces for the commercial parcel (Parcel B) from 292 to 155 spaces

**Table 12**

1. Reduce the minimum required side yard for the south residential building (Condo B) from 4.6m to 2.5m
2. Reduce the minimum required rear yard for the south residential building (Condo B) from 7.6m to 4.4m
3. Increase the maximum required height for the south residential building (Condo B) from 3 storeys or 14m to 5 storeys or 17m
4. Increase the maximum required height for the north residential building (Condo A) from 3 storeys or 14m to 6 storeys or 26m

**Section 71(c)**

Reduce the minimum required setback in the railway overlay zone for the clubhouse/arena building from 15.0m to 2.5m subject to the site “Attachment B-1” being rezoned to Commercial General (CG).

**BACKGROUND:*****Request***

The applicant, Horizon Builders Ltd., on behalf of the property owner, Skyline Developments Ltd., is applying for the following to allow for the creation of two multiple dwelling buildings, a commercial building, and a renovated clubhouse that will include a restaurant, lounge and expanded ice rink:

1. To rezone a part of a property located at 3500 McDonald Avenue (Pt. N ½ 21-10-19 WPM & Parcel F Plan 31788 BLTO) from A Agricultural and PR Parks & Recreation to CG Commercial General;
2. Conditional use to allow for a planned unit development in the CG Commercial General Zone, subject to the following alternative standards:
  - i. Reduce the minimum required parking spaces for the commercial parcel (Parcel B) from 292 to 155 spaces
  - ii. Reduce the minimum required side yard for the south residential building (Condo B) from 4.6m to 2.5m
  - iii. Reduce the minimum required rear yard for the south residential building (Condo B) from 7.6m to 4.4m
  - iv. Increase the maximum required height for the south residential building (Condo B) from 3 storeys or 14m to 5 storeys or 17m
  - v. Increase the maximum required height for the north residential building (Condo A) from 3 storeys or 14m to 6 storeys or 26m
  - vi. Reduce the minimum required setback in the railway overlay zone for the clubhouse/arena building from 15.0m to 2.5m

The applicant has also applied for a subdivision and a master plan running concurrently with the above processes.

***Development Context***

The site is located at the western end of McDonald Avenue, north of the CP railway right-of-way (ROW). The site slopes gradually towards the northeast and the Assiniboine River, with a steep embankment along the east limit of the site sloping down to the floodplain. Vehicle access to the site is from McDonald Avenue and a multi-use trail connects pedestrians to the site across the CP railway to the south. The site is surrounded by residential uses to the east and south, a wooded area to the south, the golf course to the west, and the river to the north.

***History***

The existing golf course and clubhouse were established in the 1960's. To fund the construction of a berm to protect the golf course from flooding, including the most recent incidents in 2011 and 2014, City Council issued a Request for Proposals (RFP) to sell the site for redevelopment, of which Horizon Builders Ltd. was the winning bidder. A portion of the proceeds from the sale paid for the construction of the berm in 2016. Through the RFP process, the City committed to pursue the extension of 34<sup>th</sup> Street over the CP railway ROW to connect with McDonald Ave, and upgrade water and sewer services along McDonald Avenue.

**ANALYSIS:**

The applicant is proposing to construct two multiple dwellings (68 total units) and a multi-unit commercial building (476m<sup>2</sup>), and renovate the existing clubhouse that will include a restaurant, a lounge, and an expanded ice rink.

***REZONING******Consistency with the Development Plan***

- The site is designated "Parks and Open Space" and a "Special Development Site" in the Brandon and Area Planning District Development Plan 2013
- The Special Development Site designation allows the site to be rezoned and redeveloped without changing the current parks and open space designation, subject to a master plan of the development adopted by City Council
  - The applicant has included a master plan (Attachment C), analysis of the master plan is incorporated in this section of the report

***Consistency with Master Plans*****Greenspace Master Plan (GMP)**

- The Wheat City Golf Course, the ice rink, and the tennis courts are components of the "Brandon Recreation Centre", an activity greenspace as defined in the GMP
- Future public trail development is identified parallel to and north of the CP railway ROW

**Assiniboine River Corridor Master Plan**

- The site is identified as a low flood risk area, and is subject to the plan's three major planning and redevelopment interests:
  - Hydrology
  - Access and connectivity
  - River sensitive re-vegetation efforts

- The site is part of Zone 2: River Use Zones and Access Points Area
  - The constructed berm has been designed to protect the golf course to the equivalent of 2014 flood levels

### ***Consistency with the Zoning By-law and other Development By-laws***

#### ***Uses***

- The PR Zone permits parks and recreational uses and supportive commercial uses are conditional uses
- The CG Zone is more appropriate for this development, accommodating both new residential and expanded commercial and recreational uses

#### ***Floodplain***

- The minimum building design first floor flood elevation is 361.7
- The project engineer has indicated the main floor elevation of the northerly building will be at least 364.5m or 2.8m higher than the minimum design flood elevation
- The golf course berm will be extended along the river to protect the recreation areas on the site and the embankment along the building will be designed to withstand flood conditions

#### ***Railway***

- The minimum zoning by-law requirement for residential buildings is 30m from the railway
- The closest residential building will maintain a 60m setback
- The applicant is proposing a reduced setback for the commercial building to 2.5m (see analysis under conditional use below)

#### ***Vehicle Access***

- Vehicle access to the site is from 34<sup>th</sup> Street
- 34<sup>th</sup> Street must be extended to connect to McDonald Avenue to provide a secondary access to the site in accordance with Fire Department Requirements

#### ***Traffic***

- A traffic study was completed for the development
- Traffic on McDonald will increase and the 34<sup>th</sup> Street and McDonald Intersection will become busier but still function without upgrades being required
- When 34<sup>th</sup> street is extended, the traffic will be split, with 50% of traffic using McDonald and 50% of traffic using 34<sup>th</sup> Street

*Pedestrian Access*

- Pedestrian access is provided to the site by a multi-use trail along the future 34<sup>th</sup> Street extension
- Pedestrian movement within the site is accommodated by sidewalks connecting residents and visitor to the trail on 34<sup>th</sup> street and the golf course cart path

*Water Management*

- Site drainage will be channeled by curb and gutter construction into bioswales on site or on the golf course prior to entering the Assiniboine River

*Water & Wastewater*

- Water and wastewater for the site will connect to the existing pipes along McDonald Avenue
- Sufficient capacity exists within the existing network to accommodate the development
- Two hydrants will be provided to provide fire protection for the development

*Building Design*

- The exterior elevations of the new buildings comply with urban design by breaking up the facades with a variety of materials and rooflines
- A unique feature of the development is the rooftop amenity spaces
- Administration recommends that the design of the residential buildings address noise and vibration from the railway

**CONDITIONAL USE**

As part of a planned unit development (alternative standards), the applicant submitted a master plan for the site proposing higher standards and amenities, including site landscaping, amenity areas, building design and pedestrian connectivity.

***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 surrounding area is predominantly residential in nature with an active golf course and greenspace to the west. The proposal includes a mixture of commercial retail, personal services, and moderate-density residential uses. Because of the site's location at the end of McDonald Avenue and the proposed residential development, a secondary emergency access is required. As part of the proposal, the City has committed to extend 34<sup>th</sup> Street north to connect with McDonald Avenue to provide this secondary access. The proposal is 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;***

*Required Parking; Off-Site Parking*

- The proposed parking reduction of 137 spaces (from 292 to 155) for the commercial property will require the applicant to provide off-site parking spaces elsewhere to mitigate an increase in on-street parking along McDonald Avenue and 34<sup>th</sup> Street
- The RFP states the site must provide 70 spaces for exclusive use of the golf course
- The submitted Parking Management Study (Attachment F) identifies peak parking requirements for the commercial property of 186 stalls and recommends that 158 stalls are required to accommodate users as per current development conditions.
- Administration disagrees with the recommendation of 158 stalls in the parking study as the surrounding area has limited capacity to accommodate overflow parking during peak periods and that peak periods will occur more often than identified in the study (e.g. hockey rink used during the summer months).
- Administration recommends that a minimum of 50 additional stalls be provided (on or off-site) to ensure peak parking demand can be accommodated and that 70 spaces can be reserved at all times for the exclusive use of the golf course.
- Providing 208 total stalls for the commercial development will ensure that the surrounding area is not injuriously impacted by the development.

*Required Side and Rear Yards*

The required side and rear yards will face the golf course and the Assiniboine River, and the closest residential site is at least 30.0m from the proposed development site. There will still be sufficient room to incorporate flood-proofing construction to protect the proposed residential uses. The required side and rear yard reductions are required to accommodate the irregular subdivision layout and will not be detrimental to the surrounding area.

*Maximum Building Height*

The closest residential building is at least 30.0m from the proposed development site, and the proposed residential uses will be located downhill from existing residential sites. The maximum building height increase will not be detrimental to the surrounding area

*Railway Protection Overlay Zone*

The existing clubhouse has a deficient Railway Protection Overlay Zone setback, and there is no change in use in the proposed building addition (recreational). CP has provided written confirmation that they have no concerns with the commercial building addition within 3.0m

from the southern site line. The Railway Protection Overlay Zone reduction will not be detrimental to the surrounding area.

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

See “REZONING” above for analysis

***Commenting Agencies***

All comments have been addressed and summarized below.

***City of Brandon***

- There is no transit service for this site, but the City will review after 34<sup>th</sup> Street is extended north to McDonald Avenue
- A development agreement is required to address the following matters (Attachment D):
  - Phasing of the development
  - Easements for access from McDonald Avenue to the golf course, public infrastructure, and possible accommodation of 34<sup>th</sup> Street extension construction
  - Possible storm water infrastructure upgrades
  - Developing within the floodplain
  - Relocation of existing golf course facilities due to the proposed residential development
  - Construction of fencing, roadway connections, and off-site parking

***Brandon School Division***

The Brandon School Division requires \$13,770.00 as a cash-in-lieu of land dedication for school purposes.

***Canadian Pacific Railway (CP)***

CP is opposed to the residential adjacent to the right-of-way but not the commercial. Notwithstanding the objection, CP recommends that both the residential and commercial developments comply with the FCM railway guidelines.

***Water Management Planning & Standards***

All structures should be constructed in excess of elevation 362.67 metres. Lands below this elevation are subject to flooding by the Assiniboine River and should remain strictly open space.

***Drainage and Water Rights Licensing***

An application for licensing is required

**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 metres (328 feet) of the subject property. Notice was also posted on the subject property and advertised in the Brandon Sun on June 7, 2018 and June 14, 2018.

***Public Outreach***

In accordance with Section 13 of the Zoning By-law, the applicant hosted a public open house on April 10, 2017. Questions and comments from attendees focused on the existing golf cart storage building, new vehicular and pedestrian connections, parking, existing uses, and the design of the residential buildings (Attachment E). As of the writing of this report, the Planning, Property & Buildings Department has not received representation in favour of or in opposition to this application.