


<b>TITLE:</b> <p style="text-align: center;"><b>SUBDIVISION 4500-16-640  308 KIRKCALDY DRIVE  LOT 3, BLOCK 12, PLAN 1701 BLTO  OWNER/APPLICANT: JIM KAUK</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> November 3, 2016	
<b>CLEARANCES:</b>  <b>Chief Planner</b>	<b>ATTACHMENTS:</b> A. Application related documents (# of pages = 3) B. Map, air photo & drawings (# of pages = 3)	
<b>APPROVALS:</b>		
<i>Original signed by S. van Huizen</i> <b>Community Planner</b>	10/18/16 <b>Date</b>	<i>Original signed by R. Nickel</i> <b>Chief Planner</b>
		10/20/16 <b>Date</b>

**REQUEST:**

The applicant, Jim Kauk, is applying to subdivide a property located at 308 Kirkcaldy Drive to create two lot(s) in the Residential Single Detached RSD zone. Approval of this application will allow for the construction of a two-unit semi-detached dwelling.

**BACKGROUND:**

***Development Context***

The site is currently vacant and is located on 308 Kirkcaldy Drive at the corner of Kirkcaldy Drive and Kasiurak Bay; just west of 1<sup>st</sup> Street. The site is located approximately 80 metres north of the bank of the Assiniboine River and is within the diked floodway fringe overlay zone. The site is surrounded by single detached dwelling units with Assiniboine Community College and the Brandon Correctional facility located east of 1<sup>st</sup> Street. Current access to the site is provided off of Kirkcaldy with secondary access proposed off of Kasiurak Bay.

***History***

The following is a history of permits and approvals on the property:

- Single detached dwelling developed on site in 1946
- Demolition permit to remove the dwelling in August 2016
- Conditional use approved to develop duplex in August 2016
- Variance approved to reduce building elevations in flood fringe approved in September 2016

***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:**

A two-unit dwelling in the RSD zone requires conditional use approval whereby the context of the immediate and surrounding neighbourhood may be considered when evaluating the appropriateness for the use. The subject site was approved for a conditional use to allow a two-unit building on the site. The design of the building has one unit facing Kirkcaldy and another facing Kasiurak Bay with each unit having separate accesses. The site is located within the diked flood protection area and was approved for a variance to decrease the design height for the first floor and grade levels. The subdivision application allows the individual units to be on separate titles.

#### ***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 “Residential” in Map One: Urban Land Use of the Development Plan (2.2.1);
- Contributes to a range of housing density options in a neighbourhood (Policy 2.2.4); and
- Increases density adjacent to a school, along a transit route and within close proximity to an arterial street (Policy 2.2.5).

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

The proposed development conforms with the City of Brandon Zoning By-law:

- Conditional use approved to develop duplex
- Variance approved to reduce building elevations in flood fringe area
- Size and width of lots conforms with requirements for an RSF zone
- Conceptual building design complies with the Urban and Landscape design standards by providing a variety of materials and creating distinctive entrance for each dwelling unit

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

The site will be accessed from both Kirkcaldy Drive and Kasiurak Bay. Both access points greater than the minimum required 15.0m from the intersection.

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

All comments have been addressed and summarized below.

#### ***City of Brandon – Engineering Department***

The applicant will be required to service the property by way of individual connections to each unit. Access as per the submitted site plan is acceptable and the driveway approaches shall be built to City Standard Construction Specifications with a 3m wide concrete approach and 1m wide flares. A drainage

plan will be required at the time of building permit applications and the applicant will be required to contribute to the sum of \$1400.00 towards lift station improvements as per standard engineering practice.

Land Titles

Land Titles will require a two lot plan of subdivision.

MTS/Westman Communications

MTS Inc. and Westman Communications will require easements and requests that as a condition of approval for this subdivision proposal, the land owner is required into a Right-of-Way Agreement with MTS Inc. and Westman Communications for existing and future telecommunications facilities in connection with the subdivision for a 3.5m easement along the southern site line. Any existing services, easement agreements and/or caveats affecting the lands will be brought forward on the titles generated by the new plan of subdivision. Costs associated with the removal or relocation of existing services will be at the expense of the applicant.

**RECOMMENDATION:**

That application 4500-16-640 to subdivide 308 Kirkcaldy Drive (Lot 3, Block 12, Plan 1701 BLTO) be approved be approved subject to the owner/applicant or successor:

1. submitting \$1,400 to the City of Brandon Engineering Department as a contribution towards lift station improvements.
2. submitting written confirmation to the City of Brandon Planning & Building Safety Department that arrangements have been made for a blanket easement to the satisfaction of MTS Inc. and registering the easement agreement along with the easement plan, if required, 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.