


<b>TITLE:</b> <b>BY-LAW NO. 7150 - TO REZONE  PROPERTY LOCATED AT 2105 BRANDON AVENUE  FROM PR PARKS AND RECREATION ZONE  TO RMD RESIDENTIAL MODERATE DENSITY ZONE  OWNER: CITY OF BRANDON  APPLICANT: WESTMAN SENIORS CO-OP  HOUSING LTD.</b>														
<b>PRESENTER:</b> Samuel van Huizen, BES		<b>Page 1 of 6</b>												
<b>DEPARTMENT:</b> Planning, Property & Buildings	<b>ATTACHMENTS:</b> A. By-law No. 7150 B. Application related documents C. Map, air photo & drawings D. Planning Commission Minutes													
<b>CLEARANCES:</b> <i>Original Signed By</i> <u>A. Mok</u> A/Principal Planner	<b>DATE:</b> August 22, 2016													
<b>APPROVALS:</b> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%; text-align: center;"><i>Original Signed By</i></td> <td style="width: 33%; text-align: center;"><i>Original Signed By</i></td> <td style="width: 33%;"></td> </tr> <tr> <td style="text-align: center;"><u>C. Fourie</u></td> <td style="text-align: center;"><u>S. Hildebrand</u></td> <td style="text-align: center;"><u>August 25, 2016</u></td> </tr> <tr> <td style="text-align: center;">August 23, 2016</td> <td style="text-align: center;">City Manager</td> <td style="text-align: center;">Date</td> </tr> <tr> <td style="text-align: center;">Date</td> <td></td> <td></td> </tr> </table> <b>Director of Planning,  Property &amp; Building</b>			<i>Original Signed By</i>	<i>Original Signed By</i>		<u>C. Fourie</u>	<u>S. Hildebrand</u>	<u>August 25, 2016</u>	August 23, 2016	City Manager	Date	Date		
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**REQUEST:**

The applicant, Andrew Wilkinson of Affinity Architecture on behalf of Westman Seniors Co-op Housing Ltd., on behalf of the property owner, The City of Brandon, is applying to rezone a property located at 2105 Brandon Avenue from PR Parks & Recreation Zone to RMD Residential Moderate Density Zone. Approval of this application, in conjunction with an associated variance application to reduce the number of required parking spaces from ninety-five (95) to seventy (70) and increase the maximum density from sixty-one (61) to sixty-three (63) dwelling units, will allow for the development of a 63-unit apartment building for senior co-operative housing.

**BACKGROUND:**

***Development Context***

The subject site is currently a developed baseball diamond that is not in use, and is located at 2105 Brandon Avenue (Lot 1, Plan 58054 BLTO in SE ¼ 5-10-19W). The site is level and flat with an old baseball backstop located in the northern portion of the site and an incomplete sidewalk running along the western edge of the site. There is an existing utility easement (MTS) that runs along the east, north, and west periphery of the site. The site is surrounded by a commercial use to the east and north-west (Source for Sports and Eagle Gymnastics), light industrial use (Horizon Builders) to the north, and residential uses to the west and south. The subject site is located outside the railway overlay for the railway situated to the north. The proposed development will be approximately 300 metres from retail uses and the commercial corridor on 18<sup>th</sup> Street. Access to the site is provided by 22<sup>nd</sup> Street which is a standard public road into an unimproved gravel road running along west along the site. There is a transit stop located east along Brandon Avenue of the subject site. The proposed sidewalk along the site connects to the existing sidewalk to the east.

***History***

In 2014 the City of Brandon and the Province of Manitoba formed a partnership whereby funding and land for the development of new affordable housing rental units on five parcels of municipally owned land were brought together. 2105 Brandon Avenue is the third parcel of land to be awarded for development under this partnership. Following a public process that included a formal call for Requests of Expression for Interest and a formal Request for Proposals process, Western Manitoba Seniors Non Profit Housing Coop Ltd.'s (WMSHC) proposal to develop an \$11.3 million four storey 63-unit senior's housing co-op project was selected. On January 6<sup>th</sup>, 2014 City Council adopted a resolution to close the subject property as a public reserve and had requested Administration to proceed to subdivide 18.29 metres of the eastern portion of the property and consolidate with this land with the adjacent property located at 2025 Brandon Avenue.

**ANALYSIS:*****Consistency with the Development Plan***

The proposed development conforms with the Development Plan:

- 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);
- increases density adjacent to a school, along a transit route and within close proximity to an arterial street/commercial area (Policy 2.2.5);
- provides a variety of development options and affordable housing within existing neighbourhoods (Policies 2.2.2 & 2.2.3)

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

The proposed development conforms with the Zoning By-law:

- The proposed RMD Zone allows for the development of medium rise, moderate density buildings with multiple dwellings.
- The proposed development requires two variance requests:
  - Increase the maximum density from 61 to 63 units; and
  - Decrease the minimum required parking from 95 to 70 spaces.
- The proposed development complies with all other requirements and standards in the Zoning By-law.

**LAND USE ANALYSIS:*****Site Amenities***

The proposal incorporates common amenity areas such as passive greenspace with seating and community gardens for residents. These amenity spaces are located central to the site for ease of access for all residents and provide a buffer from the principal building and the parking area. There are two maintenance sheds located onsite for residents to store gardening implements and similar equipment to maintain the existing greenspace.

***Sustainable Practices***

The site design promotes urban agriculture in the form of community gardens. The proposal does not alter the existing landscaped area substantially since it is currently level and flat. There is a minimal use of hardscapes onsite, which reduces the rate of runoff and minimizes the urban heat island effect.

***Active Transportation***

The proposal also extends the existing sidewalk that ends at 2025 Brandon Avenue along the southern and western periphery of the site. This sidewalk provides a connection to an existing transit stop south of Brandon Ave and a connection to commercial services east of the subject site.

**SERVICING ANALYSIS:*****Transportation***

The Developer proposes to locate an ingress/egress approach in the southeast corner of the development off of Brandon Avenue. Such approach will provide a “drop-off” location at the building and a parking area for visitors. There will be an “egress only” driveway located in the southwest corner off of 22<sup>nd</sup> Street. Such egress will also function as a secondary access for Fire and Emergency Services. The Developer proposes to locate an ingress/egress approach in the northwest corner of the site in order to access on-site parking for residents. The Developer will be required to construct 22<sup>nd</sup> Street to a full urban section for the entire length of the property. All final approach configurations are subject to the approval of the City Engineer.

***Sanitary Sewer System***

The Residential High Density development proposes to service the property off of 22<sup>nd</sup> Street; with the size of the sewer connection yet to be determined by the Developer. The proposed sewer line is to connect to an existing 150mm City wastewater main. The Engineering Department has reviewed the proposal and based on the wastewater main size within the 22<sup>nd</sup> Street right-way recommends the Developer connects to the 250mm wastewater main located within Brandon Avenue. The Servicing Design is to be submitted to the Engineering Department and subject to approval by the City Engineer. The proponent is required to submit estimated design flow calculations to the City of Brandon’s Engineering Department for final review of sufficient capacity within the sanitary sewer system.

***Water Distribution System***

The Residential High Density development proposes to service the property off of 22<sup>nd</sup> Street; with the size of the water connection yet to be determined by the Developer. The proposed water line is to connect to an existing 150mm City water main. The Engineering Department has reviewed the proposal and based on the water main size within the 22<sup>nd</sup> Street right-way recommends the Developer connects to the 250mm water main located within Brandon Avenue. The Servicing Design is to be submitted to the Engineering Department and subject to approval by the City Engineer. The proponent is required to submit pressure test results to the City of Brandon’s Engineering Department for final review.

***Storm Water Management***

The Residential High Density development proposes to connect a storm sewer pipe to the existing storm sewer on 22<sup>nd</sup> Street and has identified an estimated storage requirement based on a 25-year storm. The Engineering Department advises the Developer will be required to manage post development drainage on site and provide a design in which releases drainage from the site in to the City’s land drainage system at a rate that equals predevelopment conditions. Such design is to be submitted by way of a Drainage Plan and is subject to approval by the City Engineer.

***Commenting Agencies***

All comments have been addressed and summarized below.

**Utilities**

MTS Inc., Manitoba Hydro and Westman Communications Group will require easements as a condition of approval. This will be addressed by way of a development agreement.

**Canada Post**

Canada Post will require mailboxes to be provided on site for the new multiple dwellings as a condition of approval. This will be addressed by way of a development agreement.

***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 July 28, 2016 and August 4, 2016.

***Public Outreach***

In accordance with section 13 of the Zoning By-law, the applicant conducted their public consultation by distributing in person an information pamphlet that outlined the proposed development. This pamphlet has created an opportunity to communicate with surrounding property owners in the area, however according to their public outreach report there has been no comments received.

Upon presentation by staff, Commissioners asked if CN was contacted for comments and the age range of the building's tenants.

Andrew Wilkinson, Affinity Architecture, presented to the commission. Commissioners questioned the increase in units from 61 to 63, the height of the building, the reduction of parking spaces by 25, the number of elevators, building code requirements for a chair lift, and applicant awareness of the conditions set by administration.

***Public Hearing Held***

In accordance with Section 36(2) of The Planning Act, the Planning Commission held a joint public hearing on August 17, 2016 for this rezoning application as well as the associated variance application; please see Attachment C for the minutes of the hearing. There was general discussion about the development's proximity to the CN railway line, the provision of parking, and the number of elevators provided within the building. Upon public testimony, the Planning Commission recommended that City Council approve By-law No. 7150, subject to the following condition:

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 the following supplementary conditions;
  - a. That the agreement be specific to the site plan submitted for the construction of 63 dwelling units and any variation of the plan may require the Developer to obtain approval from Brandon City Council who may request additional public input and amendment to the agreement;
  - b. A cash-in-lieu of land dedication for school purposes;
  - c. A cash-in-lieu of land dedication for public reserve purposes;
  - d. Confirmation that arrangements have been made for easements to the satisfaction of Manitoba Hydro, MTS Inc., and Westman Communication Group;
  - e. Confirmation that arrangements have been made for postal service to the satisfaction of Canada Post;
  - f. The Developer is required to construct a new Boulevard Sidewalk for the entire length of the Lands fronting Brandon Avenue and 22<sup>nd</sup> Street. Should any combined curb and sidewalk exist within the right-of-way, such sidewalk shall be removed. In conjunction with the sidewalk design, the Developer is required to install wheelchair ramps at the northeast corner of the intersection of Brandon Avenue and 22<sup>nd</sup> Street. Such sidewalk shall conform to the latest edition of the City of Brandon, Standard Construction Specifications and the work shall be completed by a bonded contractor with the City of Brandon;
  - g. The Developer is required to restore the curb and sod the boulevard for the entire length of the property fronting onto 22<sup>nd</sup> Street. Such work shall conform to the latest edition of the City of Brandon, Standard Construction Specifications and the work shall be completed by a bonded contractor with the City of Brandon;

- h. The Developer is required to construct 22<sup>nd</sup> Street for the entire length of the lands to a full Urban Section complete with curb and gutter. Such work shall conform to the latest edition of the City of Brandon, Standard Construction Specifications and the work shall be completed by a bonded contractor with the City of Brandon;
- i. The Developer will be required to submit a Detailed Cost Estimate (DCE) outlining all work and associated costs to be completed as per the Development Agreement. This DCE shall be prepared by the Developers Engineering Consultant;
- j. 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;
- k. The Developer will be required to contribute towards City boulevard trees; trees in which shall be located within the boulevard along Brandon Avenue and 22<sup>nd</sup> Street. The total number of trees and location of same shall be determined by the Landscaping Plan to be submitted by the Developer;
- l. The Developer will be required to enter into an Easement Agreement with the City of Brandon for City services located within the private property running adjacent to 22<sup>nd</sup> Street. Such Easement Agreement will be prepared the City of Brandon and forwarded to the Developer for signing; and
- m. Should any hydro poles create an obstruction to vehicle access/function to the site, the Developer will be required to relocate such hydro poles at their sole cost.

The Planning Commission also approved the associated variance application to reduce the number of required parking spaces from ninety-five (95) to seventy (70) and increase the maximum density from sixty-one (61) to sixty-three (63) dwelling units, subject to the site being rezoned from the PR Zone to the RMD Zone.

**RECOMMENDATIONS:**

That By-law No. 7150 to rezone 2105 Brandon Avenue (Lot 1, Plan 58054 BLTO in SE ¼ 5-10-19W) from PR Parks & Recreation Zone to RMD Residential Moderate Density Zone be read a second time.

That third reading of the by-law be held in abeyance pending the execution of a development agreement between the City of Brandon and the owner/successor pursuant to Section 150 of The Planning Act, including the following supplementary conditions in said development agreement:

- a. that the agreement be specific to the site plan submitted for the construction of 63 dwelling units and any variation of the plan may require the Developer to obtain approval from Brandon City Council who may request additional public input and amendment to the agreement;
- b. a cash-in-lieu of land dedication for school purposes;
- c. a cash-in-lieu of land dedication for public reserve purposes;
- d. confirmation that arrangements have been made for easements to the satisfaction of Manitoba Hydro, MTS Inc., and Westman Communication Group;
- e. confirmation that arrangements have been made for postal service to the satisfaction of Canada Post;
- f. the Developer is required to construct a new Boulevard Sidewalk for the entire length of the Lands fronting Brandon Avenue and 22<sup>nd</sup> Street. Should any combined curb and sidewalk exist within the right-of-way, such sidewalk shall be removed. In conjunction with the sidewalk design, the Developer is required to install wheelchair ramps at the northeast corner of the intersection of Brandon Avenue and 22<sup>nd</sup> Street. Such sidewalk shall conform to the latest edition of the City of Brandon, Standard Construction Specifications and the work shall be completed by a bonded contractor with the City of Brandon;

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- j. 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;
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- m. should any hydro poles create an obstruction to vehicle access/function to the site, the Developer will be required to relocate such hydro poles at their sole cost.

**BY-LAW NO. 7150**

**BEING A BY-LAW of the City of Brandon to amend Zoning By-law No. 7150.**

**WHEREAS Section 47(2) of The Planning Act provides that a zoning by-law may be amended;**

**NOW THEREFORE the Council of the City of Brandon, duly assembled, enacts as follows:**

- 1. The land described as Lot 1, identified on a plan of part of the City of Brandon, in Manitoba, registered in the Brandon Land Titles Office as Plan 58054 BLTO, commonly known as 2105 Brandon Ave, and identified on the map attached hereto as Schedule "A" is hereby reclassified:  
  
FROM: PR Parks and Recreation Zone  
TO: RMD Residential Moderate Density Zone**
- 2. Schedule B, Map 2 being part of By-law No. 7124, is hereby amended in accordance with Section 1 of this by-law.**
- 3. This by-law shall come into full force and take effect on the day following its passage.**

**DONE AND PASSED by the Council of the City of Brandon duly assembled this     day of     A.D. 2016.**

\_\_\_\_\_  
**MAYOR**

\_\_\_\_\_  
**CITY CLERK**

Read for a first time this    17<sup>th</sup>     day of    June     A.D. 2016  
Read for a second time this     day of     A.D. 2016  
Read for a third time this     day of     A.D. 2016