


<b>TITLE:</b> <b>BY-LAW NO. 7208 TO REZONE</b> <b>PROPERTY LOCATED AT 1700 30TH STREET; SUBDIVISION</b> <b>4500-18-666</b> <b>OWNER: WAVERLY DEVELOPMENTS LTD.</b> <b>APPLICANT: WAVERLY DEVELOPMENTS LTD.</b>		
<b>MEETING DATE:</b> July 4 <sup>th</sup> , 2018		<b>Page 1 of 7</b>
<b>DEPARTMENT:</b> Planning & Buildings	<b>ATTACHMENTS:</b> A. Application related documents B. Map, air photo & drawings C. Morrison Subdivision Neighbourhood Plan D. By-law No. 7208 E. Community Participation Report F. Development Review Group Report	
<b>PRESENTER:</b> Shengxu Li, Community Planner	<b>MANAGER:</b> Ryan Nickel, Chief Planner	

**RECOMMENDATIONS:**

That the combined public hearing regarding By-law No.7208 (Z-01-18-B) to rezone property at 1700 30<sup>th</sup> Street (Lots 1 to 48 Block 16 Plan 291 BLTO) from Development Reserve (DR) to Residential Single Detached (RSD), Residential Low Density (RLD) and Open Space (OS) Zones, and subdivision application (4500-18-666) to create 24 lots and a public road be concluded.

***Zoning By-law Amendment***

That the Planning Commission recommends City Council approve By-law No. 7208 (Z-01-18-B) to rezone property located at 1700 30<sup>th</sup> Street (Lots 1 to 48 Block 16 Plan 291 BLTO) from Development Reserve (DR) to Residential Single Detached (RSD), Residential Low Density (RLD) and Open Space (OS) Zones.

***Subdivision***

That the Planning Commission recommends City Council approve the application to subdivide (4500-18-666) property at 1700 30<sup>th</sup> Street (Lots 1 to 48 Block 16 Plan 291 BLTO) to create 24 lots and a public road in the RSD Residential Single Detached Zone, RLD Residential Low Density Zone, subject to:

1. The owner or successor entering into a development agreement with the City of Brandon with the following conditions:
  - i. The Developer agrees to construct 24 residential units as per the proposed site.

- ii. The Developer agrees to provide written confirmation that necessary arrangements have been made for postal service and that the pick-up / drop off location of the community mail box has been determined between the Developer and Canada Post; to the approval of Canada Post.
- iii. The Developer agrees to pay a contribution towards thirty (30) boulevard trees. The amount of payment for such trees will be calculated at the time of execution of this development agreement and based upon the City's tree contract pricing for the current year. Payment in full will be required at the time of execution of the development agreement.
- iv. The Developer agrees to provide a landscaping plan showing the location of the thirty (30) boulevard trees. Tree species will be determined by the City of Brandon at the time of planting.
- v. The Developer agrees to contribute towards the oversizing of future downstream land drainage piping and pond infrastructure in the amount of \$1,020.00/unit for 24 units totaling \$24,480.00. Payment in full will be required at the time of execution of the development agreement.
- vi. The Developer agrees to contribute towards their proportionate share of off-site improvements within the Southwest Brandon Secondary Plan Area in the amount of \$8,154.54/unit for 24 units totaling \$195,708.78. This contribution will be held in a Reserve Account and applied towards upgrades. Payment in full will be required at the time of execution of the development agreement.
- vii. The Developer agrees to dedicate a 9.144m wide strip of land, south of the proposed RLD lots to the City for the purpose of public reserve land.
- viii. The Developer agrees to develop the public reserve by constructing a 3.0m wide asphalt multi-use walking path, including but not limited to sod, trees and ditching. The design and landscaping of the public reserve is to be reviewed and accepted by the City Engineer prior to the issuance of any development/building permits.
- ix. The Developer agrees to dedicate a 7.925m wide strip of land, south of the proposed public reserve to the City for the purposes of the future Maryland Avenue right-of-way.
- x. The Developer agrees legally open, extend and construct all public rights-of-way proposed as per the site plan and to extend all below and above ground municipal services. The Developer will be required to submit design drawings as prepared by a professional engineer; such design is subject to review and acceptance by the City Engineer.
- xi. The Developer agrees to construct a temporary, secondary emergency access at the westerly dead-end of Marquis Crescent to the westerly dead-end of Maryland Avenue. Such access must be designed by a professional engineer according to TAC Standards and Brandon Fire and Emergency Services requirements. The access will be required to exist until such time as the public right-of-way is extended or permanent secondary access is established.

- xii. The Developer agrees to enter into a drainage easement agreement with the City of Brandon for the proposed public LDS outlet located on private property. The easement agreement is to be executed and registered on title in series with the Plan of Subdivision.
  - xiii. The Developer agrees to contribute \$4,404.41 in lieu of land dedication. The contribution takes into consideration the dedication of the public reserve land as per Clause vii.
  - xiv. The Developer agrees to provide a construction access plan. The construction access plan is to be reviewed and accepted by the City Engineer.
  - xv. The Developer agrees to provide the City with a Detailed Cost Estimate for all work proposed to be completed within the City's right-of-way. The Detailed Cost Estimate is to be prepared by the Developer's Consulting Engineer and is submit to review and acceptance by the City Engineer.
  - xvi. The Developer agrees to provide to the City a Letter of Credit in the amount of 15% of the total cost of the detailed cost estimate; the total of which must be approved by the City Engineer.
2. The owner or successor providing written confirmation to the City of Brandon Planning & Buildings Department that taxes for the property to be subdivided, for the current year plus any penalty, interest and arrears, have been paid in full or arrangements must be made satisfactory to Brandon City Council.
  3. The owner of successor providing a new name for the public road in the subdivision to the satisfaction of Brandon City Council.
  4. The owner or successor submitting written confirmation to the City of Brandon Planning & Buildings Department that arrangements have been made for a joint use easement agreement and Plan of Easement to the satisfaction of Manitoba Hydro; Central Gas Manitoba Inc.; BellMTS Inc.; and Westman Communications Group, and registering the easement agreement along with the easement plan, if required, in series with the plan subdivision.
  5. The owner or successor, submitting written confirmation to the City of Brandon Planning & Buildings Department that arrangements have been made for a blanket easement agreement to the satisfaction of BellMTS, and registering the easement agreement along with the easement plan, if required, in series with the plan subdivision.
  6. The owner or successor submitting written confirmation to the City of Brandon Planning & Buildings Department that the Brandon School Division has received a cash-in lieu contribution for school purposes.

7. The owner or successor submitting written confirmation to the City of Brandon Planning & Buildings Department that the engineered drainage plan has been approved by the Manitoba Sustainable Development Department.

### **BACKGROUND:**

#### ***Request***

Waverly Development Ltd., owner and applicant, is applying for the following applications on a property located at 1700 30<sup>th</sup> Street (Lots 1 to 48 Block 16 Plan 291 BLTO):

- To rezone the site from Development Reserve (DR) to Residential Single Detached (RSD), Residential Low Density (RLD) and Open Space (OS) zoning districts.
- To subdivide the site to create twenty-four (24) lots and a public road.

The applicant has also applied for a neighbourhood plan running concurrently with the above process.

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

The site is currently vacant and is located north of Maryland Avenue and west of Marquis Crescent as shown on attachment “B-1”. Primary vehicle access to the site will be from Marquis Crescent that will be extended from the east. The site is surrounded with residential single detached dwellings to the north and east, and vacant land to the west and south.

### **ANALYSIS:**

Approval of the applications will allow for the creation of 14 single detached dwellings and 10 semi-detached or narrow lot dwellings. The owner will dedicate a 9.2m public reserve buffer along the southern portion of the subject site to extend the existing active transportation trail to the west along the site. The greenspace buffer is proposed to be rezoned as OS Open Space to provide land for the extension of the trail, and a buffer between the proposed development and the Maryland Avenue right-of-way.

#### ***Rezoning and Subdivision***

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

- The property is designated as “Residential” in the Brandon & Area Planning District Development Plan (2013).
- The proposal conforms to section 2.2.4 by providing a range of housing densities in the urban residential area to promote a diverse ‘urban fabric’.

##### ***Consistency with the Secondary Plan***

- The site is designated Low Density Residential as per Schedule A: Southwest Brandon Land Use Plan in the Southwest Brandon Secondary Plan.
- The proposal conforms to section 2.2.1 by providing a range of housing densities in the Southwest Secondary Plan area. This development also fulfills section 2.2.2.2 which promotes low density, with a mix of single detached and semi-detached housing.
- The proposal conforms to section 2.5.3 by providing the extension of the multi-use trail system that runs west along Maryland through dedication of public reserve space.
- The secondary plan requires as per section 6.3 that a neighbourhood plan and site design analysis be conducted for the development of a site.

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

- The size and area of the lots comply with the bulk and siting requirements for RSD and RLD zoned lots.
- The 9.2m wide buffer is zoned OS for the extension of the trail and linear greenspace.

#### ***Off-Site Contributions***

The proportional off-site infrastructure costs identified to service the Secondary Plan were calculated using the same data used to calculate the city-wide development charges. The total off-site infrastructure costs to service southwest secondary plan area is \$24,800,000. The share of the costs by new development is \$19,400,000 as the majority of improvements are exclusively to service new growth.

#### **Option 1 – Proportional Share Contribution**

The proportional contribution is an existing policy in the Secondary Plan and ensures market consistency by equally distributing the development share of off-site infrastructure costs between all developers in the Secondary Plan area. Should no Development Charges be in place, the proportional share contribution for the development is **\$195,708.78 (\$8,154.54 per unit)**.

#### **Option #2 – Direct Benefiting Areas Contribution**

Should no Development Charges be in place, and Council amends the Secondary Plan to give consideration to an area benefiting from existing Capacity, than the applicant will be required to make a contribution of **\$19,104.00 (\$796.01670 per unit)**. This direct benefiting contribution is solely for transportation upgrades to Maryland Avenue between 26<sup>th</sup> Street and Marquis Drive.

The direct benefiting contribution is an alternative to the existing policy in the Secondary Plan. The method of calculation excludes a portion of development in the north servicing area serviced by existing wastewater infrastructure from paying a proportional share of all off-site infrastructure charges.

### Option 3 – Development Charges

Should Development Charges be adopted prior to execution of the Development Agreement, the applicant will be required to pay approximately **\$89,226** at the time of subdivision based on a per-hectare charge. A charge of **\$3,385** per unit will be collected at the time of building permit totaling **\$167,466** for the entire development

### ***Commenting Agencies***

All comments have been addressed and summarized below.

### Development Agreement

- A development agreement is required to address the following matters (Attachment F):
  - Off-site contributions
  - Arrangement of post service and community mail box with Canada Post
  - Contribution towards boulevard trees, oversizing of drainage piping and pond, off-site transportation infrastructure, and public reserve
  - Dedication of public reserve and construction of multi-use path
  - Dedication of public reserve for Maryland Avenue right-of-way
  - Construction of public rights-of-way and extension of municipal services
  - Construction of secondary emergency access
  - Drainage easement agreement
  - Providing a construction access plan
  - Providing detailed cost estimate of work for City's right-of-way
  - Providing letter of credit for the detailed cost estimate

### Drainage

- Engineering drainage plan required for approval by the City and Manitoba Sustainable Development

### Utilities

- Joint use easements required for Manitoba Hydro, Central Gas Manitoba Inc., BellMTS, and Westman Communication Group
- BellMTS also requires a blanket easement over the south lots in the subdivision

### Brandon School Division

- \$6,804.00 required as cash-in-lieu of land dedication for school purposes (\$283.50/dwelling unit, 24 dwelling units)

### **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 14, 2018 and June 21, 2018.

#### ***Public Outreach***

In accordance with Section 13 of the Zoning By-law, the applicant delivered and mailed pamphlets including information about the rezoning and subdivision applications to homes within 100m of the proposed development. As of the writing of this report, the Planning & Buildings Department has not received representation in favour of or in opposition to this application.