

TITLE: SUBDIVISION; BY-LAW NO. 7214 TO REZONE PROPERTY LOCATED AT 700 MARYLAND AVENUE OWNERS: CITY OF BRANDON; BRANDON SCHOOL DIVISION APPLICANT: MCM ARCHITECTS INC. (GUY HEWLKO)		
MEETING DATE: August 15, 2018		Page 1 of 6
DEPARTMENT: Planning & Buildings	ATTACHMENTS: A. Application related documents B. Map, air photo & drawings C. Development Review Group report D. Public consultation report E. By-law No. 7214	
PRESENTER: Andrew Mok, Senior Planner	MANAGER: Ryan Nickel, Chief Planner	

RECOMMENDATIONS:

Rezoning

That the Planning Commission recommend City Council approve By-law No. 7214 (Z-02-18-B) to rezone part of 1900 – 6th Street, 1951 – 7th Street, and 1900 – 8th Street (Lots 1/21 and 26/46, Blocks 3/4 and Part Lots 1/21 and 26/46, Block 5, Plan 300 BLTO, and Part Parcels B/H, Plan 37279 BLTO) from Open Space (OS) Zone to Educational & Institutional (EI) Zone.

Subdivision

That the Planning Commission recommend Brandon City Council approve the application to subdivide (4500-18-671) 1900 – 6th Street, 1951 – 7th Street, and 1900 – 8th Street (Blocks 3/5, Plan 300 BLTO, and Parcels B/H, Plan 37279 BLTO) to create one (1) lot and a public road in the Open Space (OS) and Educational & Institutional (EI) Zones, subject to the following conditions:

1. The owner or successor enters into a development agreement with the City of Brandon, to be registered in series with the subdivision, with the following conditions:
 - a) The Developer agrees to construct an elementary school as per the attached site plan (Schedule B).
 - b) The Developer agrees to pay a contribution towards twenty (20) boulevard trees. The amount of payment for such trees will be calculated at the time of execution of the 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.

- c) The Developer agrees to provide a landscaping plan showing the location of the twenty (20) boulevard trees. Tree species will be determined by the City of Brandon at the time of planting.
- d) The Developer agrees to design and construct an access from the Lands to Maryland Avenue to allow for separate lanes of traffic turning right and left onto Maryland Avenue. Such design will be subject to the review and acceptance of the City Engineer. All costs associated with the access will be at the sole cost of the Developer.
- e) The Developer agrees to contribute towards the upgrade of the southbound 1st Street right turn auxiliary lane at the intersection with Maryland Avenue and 1st Street in the amount of \$13,000.00. This contribution will be held in a Reserve Account and applied towards the future upgrade. Payment in full will be required at the time of execution of the development agreement.
- f) The Developer agrees to contribute towards land drainage sewer upgrades to redirect the existing land drainage sewer outlet from the MacLeod Drive alignment, which presently crosses through the Lands, to Cornwallis Crescent in the amount of \$83,259.65. This contribution will be held in a Reserve Account and applied towards the future upgrade. Payment in full will be required at the time of execution of the development agreement.
- g) The Developer agrees to contribute towards the southeast lift station servicing the area in the amount of \$19,200.00 based upon a 0.037 Residential Equivalent Unit/person (including staff and students) of a full build out school population of 845. This contribution will be applied to upgrades already completed by the City of Brandon. Payment in full will be required at the time of execution of the development agreement.
- h) The Developer agrees to arrange with the City of Brandon Operations Division for the installation of a crosswalk at the Maryland Avenue/MacLeod Drive intersection. All costs associated with the crosswalk will be at the sole cost the Developer.
- i) The Developer agrees to arrange with the City of Brandon Operations Division for the installation of RB-55 (“No Parking”) signage on both sides of Maryland Avenue adjacent to the site. All costs associated with the signage will be at the sole cost the Developer.
- j) The Developer agrees that should relocation of any existing Brandon Transit bus stop(s) be required to accommodate the development, the Developer agrees to arrange with the City of Brandon Operations Division the relocation of the bus stop(s). All costs associated with the relocation will be at the sole cost of the Developer.

- k) The Developer agrees should the Brandon School Division proposed to extend their fencing on the west side of the Lands to meet up with existing fencing at the rear of the 9th Street properties, the Brandon School Division will maintain City owned lands within the fenced area and provide gates for City access to the ditch from Maryland Avenue for maintenance purposes. All costs associated with the fencing and gates will be at the sole cost the Developer.
 - l) The Developer will agree to save harmless the City by way of inclusion of save harmless clauses in the development agreement as the property is located within Methane Gas Zones 1, 2 and 3.
2. The owner or successor submits written confirmation to the City of Brandon Planning & Buildings Department that arrangements have been made for an easement agreement and Plan of Easement to the satisfaction of BellMTS, and registering the easement agreement along with the easement plan, if required, in series with the plan of subdivision.

BACKGROUND:

Request

The applicant, Guy Hewlko of MCM Architects Inc., on behalf of the property owners, the City of Brandon and the Brandon School Division, is applying for the following to allow for the development of a K-8 school on property proposed to be addressed as 700 Maryland Avenue:

- Rezone from Open Space (OS) Zone to Educational & Institutional (EI) Zone
- Subdivide to create one (1) lot and a public road in the Open Space (OS) and Educational & Institutional (EI) Zones

Development Context

The subject site is currently vacant, and is located on the south side of Maryland Avenue between 9th Street and Cornwallis Crescent. There is a drainage swale through the site from the Maryland Avenue/McLeod Drive intersection, leading water south to the drainage channel to the south of the site. Uses surrounding the site include residential low-density uses to the north, west, and south, and the Riverview Curling Club and Crocus Plains Regional Secondary School to the east. Maryland Avenue and a multi-use trail are located directly north of the site.

History

The City and Brandon School Division had an agreement to exchange lands to facilitate the development of a school on the site, but there was no further action due to the lack of provincial funding commitments to build a school. In April 2018, the Government of Manitoba announced funding to develop a school at this site, with a target opening date of September 2020.

ANALYSIS:

The applicant proposes to develop a school to accommodate 450 K-8 students and a day care facility, and plans for a future expansion to increase student capacity to 675 (Attachment B-2). The proposed EI Zone will coincide with the proposed lot on which the school will be developed (Attachment B-3). The Maryland Avenue right-of-way will be widened by 6.0m to accommodate the existing multi-use trail on the south side of the street, ensuring the trail stays fully within City ownership.

Consistency with the Development Plan

- Site within “Residential” area as designated in the Brandon & Area Planning District Development Plan 2013
- Policy 2.2.12 allows schools to be in “Residential” areas

Consistency with the Greenspace Master Plan (GMP)

- The GMP identifies the site as an Educational Greenspace
- Educational Greenspaces are located on school grounds and intended to serve both the school and the adjacent neighbourhood
- Walking paths shall connect the educational greenspace to the surrounding neighbourhood
- Educational Greenspaces should not be fenced to promote connectivity with the surrounding neighbourhood and serve as both a school and community amenity

Consistency with the Zoning By-law

- Existing OS Zone intended to conserve sites with physical development limitations, such as the drainage channel to the south of the site
- Schools are permitted in the EI Zone
- The proposed lot is large enough to accommodate a school, including its future addition, in compliance with the Zoning By-law’s requirements, including but not limited to building setbacks and parking
- Additional parking will be provided on site to offset lack of on-street parking along Maryland Avenue

Commenting Agencies

All comments have been addressed and summarized below.

City of Brandon

In accordance with the Development Review Group report dated July 31, 2018 (Attachment C), the City of Brandon will require a development as a condition of subdivision approval to address the following matters:

- Separate lanes for traffic turning right and left onto Maryland Avenue leaving the site's parking area
- Contribute \$13,000 for the upgrade of a southbound 1st Street right turn auxiliary lane at the intersection with Maryland Avenue
- Pay for costs associated with the installation of a crosswalk at the Maryland Avenue/McLeod Drive intersection
- Pay for costs associated with the installation of RB-55 ("no parking") signage on both sides of Maryland Avenue adjacent to the site
- If relocation of existing Brandon Transit bus stops are required to accommodate the development, the relocation shall be at the developer's expense
- Contribute \$83,259.65 towards land drainage sewer upgrades to redirect the existing land drainage sewer outlet from the MacLeod Drive alignment
 - The contribution is towards the installation of two manholes and 95m of 450mm pipe, replacing the swale that currently runs through the site
- Contribute \$19,200.00 towards the 1st Street lift station
- Incorporate save harmless agreement clauses due to the site being within Zones 1 through 3 pursuant to the City's Methane Gas Sites Policy
 - Zone 1 is located in the eastern portion of the site and will be developed as a greenspace for the school
- Contribute money for boulevard trees for the length of the site along Maryland Avenue
- If the Brandon School Division is extending their proposed fence on the west side of the site to meet up with existing fencing at the rear of the 9th Street properties, the Brandon School Division will maintain the land within the fenced area, and provide gates for the City to access the ditch from Maryland Avenue for maintenance purposes

The City of Brandon adds that, in light of feedback received at the applicant's open house on July 4, 2018, we will consider developing an additional pedestrian connection east of the site if the Brandon School Division initiates a development partnership, as this pedestrian connection is currently not identified in any of the City's adopted plans, such as the Greenspace Master Plan.

Utilities

BellMTS will require an easement as a condition of subdivision approval.

LEGISLATIVE REQUIREMENTS:

Notification

In accordance with Sections 168 and 169 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 July 26, 2018 and August 2, 2018.

Public Outreach

In accordance with Section 13 of the Zoning By-law, the applicant conducted an open house on July 4, 2018. Comments received at the open house were mainly about the school's operations, such as the school's catchment area, busing arrangements, after-school programming, and school crossing patrols. As of the writing of this report, the Planning & Buildings Department has not received representation in favour of or in opposition to this application.