


TITLE: BY-LAW NO. 7243 TO AMEND THE NORTH BRANDON GATEWAY SECONDARY PLAN; BY-LAW NO. 7254 TO REZONE 1501 MORELAND AVENUE; SUBDIVISION OF 1501 MORELAND AVENUE OWNER: 6281100 MANITOBA LTD. APPLICANTS: CITY OF BRANDON (ANDREW MOK); SBC INC. (ROSS MITCHELL)		
MEETING DATE: December 18, 2019		Page 1 of 9
DEPARTMENT: Planning & Buildings	ATTACHMENTS: A. By-law No. 7243 (secondary plan) B. By-law No. 7254 (zoning by-law) C. Secondary Plan change comparison D. Rezoning and subdivision application related documents E. Northridge Neighbourhood Plan F. Public outreach report G. Development Review Group report	
PRESENTER: Andrew Mok, BES RPP MCIP	MANAGER: Ryan Nickel, Director of Planning & Buildings	

RECOMMENDATIONS:

Secondary Plan Amendment

That the Planning Commission recommend City Council delete Schedule A of By-law No. 7243 (SP-02-19-B) to amend the North Brandon Gateway Secondary Plan By-law No. 7079 and substitute therefor Schedule A as attached within Attachment A of this report.

That the Planning Commission recommend City Council approve By-law No. 7243 (SP-02-19-B), as amended, to amend the North Brandon Gateway Secondary Plan By-law No. 7079 to facilitate development of the northern part of the city.

Rezoning

That the Planning Commission recommend City Council amend By-law No. 7254 (Z-08-19-B) to rezone part of 1501 Moreland Avenue (Parcels 1/2, Plan 1694 BLTO) as follows:

1. By adding immediately after the words “RMH Mobile/Modular Home” under Section 1 the words “and PR Parks and Recreation; and
2. By replacing Schedule B with Schedule B of By-law No. 7254 as attached to the report by Andrew Mok dated December 18, 2019.

That the Planning Commission recommend City Council approve By-law No. 7254 (Z-08-19-B), as amended, to rezone part of 1501 Moreland Avenue (Parcels 1/2, Plan 1694 BLTO) from Development Reserve (DR) to Residential Mobile/Modular Home (RMH) and Parks and Recreation (PR), subject to the owner or successor entering into a development agreement with the City of Brandon with the following conditions:

1. The Developer agrees to construct 121 modular home units in Phases 1-4 as identified on the site plan.
2. The Developer agrees to submit a land use application for the future subdivision of the lands to the City of Brandon for approval. Upon approval, the Developer agrees to register the subdivision of the lands, including the dedication of public right-of-ways and public reserve lands prior to the issuance of any development and/ or building permits for this development.
3. The Developer agrees to construct a temporary secondary access to the satisfaction of Brandon Fire and Emergency Services.
4. The Developer agrees to design and construct the extension of Moreland Avenue, to a full urban cross-section, from the intersection of Mockingbird Drive and Clare Avenue to the existing termination point of Moreland Avenue.
5. The Developer agrees to improve the existing Moreland Avenue to a paved rural cross-section from the intersection of Moreland Avenue and the 18th Street North service road to the new extension of Moreland Avenue.
6. The Developer agrees all servicing required within the proposed Moreland Avenue extension shall include an extension of the existing 150mm watermain located within Moreland Avenue to complete the watermain loop through Moreland Avenue to Clare Avenue.
7. The Developer agrees to install a meter pit at all connections and future connections to the public water system for servicing the mobile home park.
8. The Developer agrees to design and construct a 3.0m wide asphalt pathway within the Moreland Avenue right-of-way and along the north side of Clare Avenue in accordance with the Northridge Neighbourhood Plan.
9. The Developer agrees to design and construct improvements on the Public Reserve lands including but not limited to sodding and tree planting.
10. The Developer acknowledges servicing for any residual parcels located within the proposed subdivision, but falling outside of the proposed mobile home park, will not be granted until such time that the wastewater trunk sewer main has been constructed within Clare Avenue and south to Kirkcaldy Drive. Upon construction of the wastewater trunk sewer main,

- wastewater flows generated by the mobile home park will be redirected to the trunk sewer main and no longer permitted to flow through the Mockingbird Drive sewer system.
11. The Developer agrees that future development of Phases 5 and 6 and all future RMD lands cannot commence until such a time as the wastewater trunk sewer main within Clare Avenue and south to Kirkcaldy Drive is complete.
 12. 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.
 13. The Developer agrees that development charges of \$415,752.76 are due at the time of execution of this development agreement. Additional development cost charges will be charged against any future buildings and will be applied at the time of issuance of a building permit.
 14. The Developer agrees to complete a Heritage Resources Impact Assessment through a qualified archaeological consultant to the satisfaction of Manitoba Historic Resources Branch.
 15. The Developer agrees to pay a contribution towards boulevard trees for Moreland Avenue and Clare Avenue. The amount of trees and payment for such trees will be determined upon the Developer's submission of engineered drawings prior to the registration of subdivision of the lands and based upon the City's tree contract pricing for the current year.
 16. The Developer acknowledges upon rezoning or subdivision of the northern portion of the Lands, the Developer will be required to financially contribute towards the future construction of Hamilton Avenue, from 18th Street North to 1st Street North. The exact contribution value will be determined at the time of rezoning.
 17. 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.
 18. 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.

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.

Subdivision

That the Planning Commission recommend Brandon City Council approve the application to subdivide (4500-19-692) 1501 Moreland Avenue (Parcels 1/2, Plan 1694 BLTO) to create two (2) lots, a public road, and a public reserve in the Development Reserve (DR), Residential Mobile/Modular Home (RMH), and Parks and Recreation (PR) Zones, subject to:

1. The site being partially rezoned from Development Reserve (DR) to Residential Mobile/Modular Home (RMH) and Parks and Recreation (PR);
2. the owner or successor submitting written confirmation to the City of Brandon Planning & Buildings Department that the Brandon School Division has received \$34,303.50 as requested by BSD as a cash-in lieu contribution for school purposes.
3. Immediately prior to the subdivision, Parcels 1 and 2 of Plan 1694 BLTO be first consolidated into a single title.

BACKGROUND:

Request

Andrew Mok of the City of Brandon (“the City applicant”) is applying to amend the North Brandon Gateway Secondary Plan (“the Secondary Plan”), updating policies to facilitate development of the northern part of the city. At the same time, Ross Mitchell of Sison Blackburn Consulting Inc. (“the private applicant”), on behalf of the property owner, 6281100 Manitoba Ltd., is applying for the following:

- To rezone part of a property located at 1501 Moreland Avenue from Development Reserve (DR) to Residential Mobile/Modular Home (RMH)
- To subdivide a property located at 1501 Moreland Avenue to create two (2) lots and a public road in the Development Reserve (DR) Residential Mobile/Modular Home (RMH), and Parks and Recreation (PR) Zones

Approval of these applications will allow for the development of the first phase of a new mobile home park.

Development Context

The site is currently undeveloped, and is located northeast of the 18th Street North (PTH 10)/Clare Avenue intersection. Uses surrounding the site include undeveloped land to the north and east, the Monterey Estates Mobile Home Park to the south, and commercial to the west. Clare and Moreland Avenues provide access to the site.

History

City Council adopted the current Secondary Plan in 2014. Amendments are necessary from time to time due to various changes in the community, such as policy direction and new development practices. Administration initiated an update to the Secondary Plan beginning 2018 as part of efforts to provide better development flexibility for the Secondary Plan area while maintaining the original community vision for this area. Administration sought feedback beginning Fall 2018 through early 2019, including an open house on February 26, 2019 and meetings with stakeholders.

ANALYSIS:

Secondary Plan Amendment

Attachment C is a list comparing the original and proposed provisions of the Secondary Plan. Under the broader scope of facilitating development, the City applicant is proposing these changes for the following reasons:

- Eliminate duplicate policies
 - For example, many urban design policies were written before the City adopted the City or Brandon Urban and Landscape Design Standards, which is part of the Zoning By-law
- Eliminate the Mixed Use Civic designation
 - No need to have such an area, opportunity to develop residential uses instead
- Transition flexibility
 - Certain commercial areas appear more industrial in nature and may remain so until nearby residential areas are developed to support more appropriate commercial uses
- Harmonize with City policies
 - Some existing terminologies do not match adopted City documents, such as the City of Brandon Greenspace Master Plan
 - Standardize common policies as found in other City secondary plans for suburban areas, such as servicing and neighbourhood plans

When Council gave the Secondary Plan first reading on September 3, 2019, that version of the Secondary Plan was missing the five schedules at the end of the Secondary Plan. The schedules are integral to the Secondary Plan and are included in the version attached to this report. Since the original Secondary Plan adopted in 2014 had schedules, and the text of the Secondary Plan refers to these schedules, the addition to the schedulesto the current version of the Secondary

Plan, along with additional changes after a formal review of the application, can be considered a minor amendment in accordance with Subsection 82(1) of The Planning Act.

Rezoning and Subdivision

Concurrently, the private applicant is proposing to develop a 235-unit mobile home park. The rezoning will encompass Phases 1 through 4 of the mobile home park development totaling 121 dwelling units with a small public greenspace and buffer adjacent to Clare Avenue. Moreland Avenue will extend eastward then southward, connecting to Clare Avenue at Mockingbird Drive. Most of the remainder of the site will be for Phases 5 and 6 of the mobile home park, with smaller portions reserved for future low- and moderate-density residential development.

When Council gave the rezoning application first reading on September 3, 2019, the applicant forgot to include a public reserve area under the Parks and Recreation Zone to be consistent with the Secondary Plan and the draft Northridge Neighbourhood Plan (Attachment E). The public reserve area will provide a small greenspace connection south of the mobile home park to a 3.0m wide buffer between the mobile home park and Clare Avenue that will accommodate a multi-use trail. The addition of the public reserve area and the PR Zone can be considered a minor amendment in accordance with Subsection 82(1) of The Planning Act.

Consistency with the Development Plan

The following analysis applies to both the City applicant and the private applicant's submissions.

- Policy 2.2.1—site within area designated “Residential”, surrounded by Parks/Open Space strips
- Policy 2.2.6—proposed mobile home park will have buffers from Clare Avenue, a collector street, and the commercial area to the west of the site
- Policy 6.2.1—neighbourhood parks may be in “Residential” areas
- Policy 6.2.5—buffer to be provided along Clare Avenue

Consistency with the North Brandon Gateway Secondary Plan

The following analysis of the private applicant's proposal is based on the Secondary Plan as proposed to be amended.

- Policy 4.1.1—site within Residential Low Density area with Residential Moderate Density pockets
- Policy 4.2.1—RMH Zone development permitted in Residential Low Density areas
- Policies 4.1.3 and 8.1.2—Northridge Neighbourhood Plan identifies future leisure greenspace in the northern part of the site in accordance with Schedule A of the Secondary Plan

- Policies 8.1.5, 8.5.1, 8.5.3, and 8.5.4—Northridge Neighbourhood Plan identifies trails or pathways along public streets and within the proposed mobile home park, with connections to the leisure greenspace
- Policy 10.1.1—Existing Moreland Avenue will be extended to connect with Clare Avenue at Mockingbird Drive, with the mobile home park gaining access to the extended Moreland Avenue, limiting access along Clare Avenue as a collector street
- Policy 10.4.7—3.0m wide public reserve to accommodate a multi-use trail on the north side of the Clare Avenue right-of-way

Consistency with the Zoning By-law

The following analysis applies only to the private applicant’s submissions.

- Proposed mobile home park layout conforms to Section 52: Special Development Standards in the RMH Zone
- Proposed greenspace between the mobile home park and Clare Avenue conforms to Table 20: Open Spaces Bulk and Siting Requirements under Section 68, and PR Zone allows for variety of recreational uses typically in a leisure greenspace as defined in the Greenspace Master Plan

Commenting Agencies

All comments have been addressed and summarized below.

Secondary Plan

City of Brandon

The City of Brandon requested further amendments be made to the Secondary Plan, identified in Attachment C-10:

- New Policy 10.5.3: “Where roads are identified as local roads in Schedule B: Road Plan, these roads shall be designated as local collector roads where the intent of these streets are to be designed to the standard of collector roads but allow more access for residential development.”
 - Provides clarity on how specific local roads, such as the central north-south road, should be developed
- Adding at the end of Policy 12.2.3: “Developers shall also be responsible for funding a proportionate share of off-site improvements not covered under the City of Brandon Development Charges By-law.”
 - Provides clarity in addressing off-site improvements that are not identified as a development charge capital project

- Under Policy 12.6.1, substituting “[...]a site design analysis shall be completed[...]” with “[...]a site design analysis may be completed[...]”
 - The City recognizes that a site design analysis is not required at all times, for example, this proposed mobile home park due to the private applicant submitting a neighbourhood plan for the area

These proposed amendments can be considered a minor amendment in accordance with Subsection 82(1) of The Planning Act.

Rezoning and Subdivision

City of Brandon

The City of Brandon advises that a development agreement is required with conditions as identified in the “Recommendations” section and Attachment G of this report. The City of Brandon also requests the following be conditions of subdivision approval:

- Partially rezoning of the site from Development Reserve (DR) to Residential Mobile/Modular Home (RMH) and Parks and Recreation (PR)
- The owner or successor consolidates the existing two parcels before subdivision occurs
 - This will ensure that the proposed lots as shown in Attachment D-11 will remain whole and not be split by existing parcel lines
 - The consolidation can occur immediately before subdivision is registered, where the subdivision is registered in series with the consolidation

The City of Brandon further advises that the private applicant needs to address the provision of emergency secondary access as the proposed mobile home park is developed phase by phase. The private applicant can address this by updating the phasing plan portion of the draft Northridge Neighbourhood Plan before City Council considers it as early as January 6, 2020.

Manitoba Infrastructure

Manitoba Infrastructure requires a traffic impact study confirming the potential impact of the development at the Clare Avenue/18th Street North and Moreland Avenue/18th Street North service road intersections, the future Hamilton Avenue, and the future connection to the Clare Avenue/1st Street North intersection. Since the City commissioned the original traffic impact study for the Secondary Plan, the City will commission an update to that traffic impact study to address Manitoba Infrastructure’s concerns.

Manitoba Historic Resources Branch

Manitoba Historic Resources Branch requires the private applicant to complete a Heritage Resources Impact Assessment through a qualified archaeological consultant for the proposed development area. The City recommends this be a condition of the development agreement.

Canada Post

Canada Post requires community mailbox installation for this development. The City recommends this be a condition of the development agreement.

Brandon School Division

The Brandon School Division requires a cash-in-lieu of land dedication of \$34,303.50 for the proposed 121 mobile homes in Phases 1 through 4 of the mobile home park. The City recommends this be a condition of the development agreement.

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 November 28, 2019 and December 5, 2019.

Public Outreach

In accordance with Section 13 of the Zoning By-law, the applicants held individual stakeholder meetings from August 2018 through April 2019, as well as a public open house on February 26, 2019. As of the writing of this report, the Planning & Buildings Department has not received representation in favour of or in opposition to these applications.