


<b>TITLE:</b> <b>SUPPLEMENTARY REPORT</b> <b>BY-LAW NO. 7254 TO REZONE 1501 MORELAND AVENUE;</b> <b>SUBDIVISION OF 1501 MORELAND AVENUE</b> <b>OWNER: 6281100 MANITOBA LTD.</b> <b>APPLICANT: SBC INC. (ROSS MITCHELL)</b>		
<b>MEETING DATE:</b> January 15, 2020		<b>Page 1 of 3</b>
<b>DEPARTMENT:</b> Planning & Buildings	<b>ATTACHMENTS:</b> 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 Development Review Group report G. Development Report H. Development Report Comparison	
<b>PRESENTER:</b> Andrew Mok, BES RPP MCIP	<b>MANAGER:</b> Ryan Nickel, Director of Planning & Buildings	

**RECOMMENDATIONS:**

***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 that the neighbourhood shall be developed in general consistency with the Council adopted Northridge Neighbourhood Plan, including but not limited to phasing, lot layout, public reserve dedications, land uses, density and roadway layout. The

- Developer agrees to construct modular home units in Phases 1 through 4 as identified within the Northridge Neighbourhood 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 temporary secondary accesses 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 northern limit of the Phase 1 access, approximately 130m north of Clare Avenue.
  5. 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.
  6. 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.
  7. The Developer agrees to design and construct improvements on the Public Reserve lands including but not limited to sodding and tree planting upon completion of Phase 3.
  8. The Developer agrees to enter into an easement agreement for sanitary sewer purposes between the lands and 1 Mockingbird Drive and register the agreement on both titles in series with the plan of subdivision. The developer agrees to provide written confirmation of registration prior to the issuance of any development and/or building permits for this development.
  9. 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.
  10. The Developer agrees prior to issuance of a development permit, to contribute \$283.50 per unit to the Brandon School Division.
  11. 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.
  12. The Developer agrees to complete a Heritage Resources Impact Assessment through a qualified archaeological consultant to the satisfaction of Manitoba Historic Resources Branch.
  13. 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.
14. 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.
  15. 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); and
2. Immediately prior to the subdivision, Parcels 1 and 2 of Plan 1694 BLTO be first consolidated into a single title.

**BACKGROUND:**

The Planning Commission held a public hearing on these land use applications applied by Ross Mitchell of Sison Blackburn Consulting Inc. on December 18, 2019. The Planning Commission referred the matter back to City administration to address the questions the applicant raised about some of the proposed development agreement conditions.

**ANALYSIS:**

City administration met with the applicant to understand the applicant's concerns and revised the original Development Review Group report where administration was confident City interests were maintained. Overall administration and the applicant agreed on the majority of revisions with the one major outstanding issue being the timing and payment of development charges.

Administration has maintained the original condition requiring the developer to pay the development agreement portion of the development charge \$415,752.76 at the time the agreement is executed and prior to third reading (as required in Development Charges By-law). The Development Charge By-law does not allow for phasing, should the applicant wish to decrease the development charge they have the option of revising their rezoning request to encompass fewer phases.

Attachment G is the revised Development Review Group report, and Attachment H has a table identifying the changes and the rationale for the changes.