


<b>TITLE:</b> <b>BY-LAW NO. 7301 TO REZONE</b> <b>PROPERTY LOCATED AT LOT 1 PLAN 48496 BLTO</b> <b>OWNER: LEE CHOY LIMITED</b> <b>APPLICANT: KENNY AND CINDY CHOY</b>		
<b>MEETING DATE:</b> May 17, 2021		<b>Page 1 of 1</b>
<b>DEPARTMENT:</b> Planning & Buildings	<b>ATTACHMENTS:</b> A. By-law No. 7301 B. Application related documents C. Map, air photo & drawings D. Development Review Group report	
<b>PRESENTER:</b> Bernice Leyeza	<b>MANAGER:</b> Ryan Nickel, Chief Planner	

### **RECOMMENDATIONS:**

That the Planning Commission recommend City Council approve By-law No. 7301 (Z-03-21) to rezone Lot 1 Plan 48496 BLTO from Parks and Recreation (PR) to Residential Mobile/Modular Home (RMH), 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 rezone and develop six (6) mobile home lots and a private road in general consistency with the attached site plan.
2. The Developer acknowledges the site will be subject to development charges. Network Infrastructure charges of \$20,606.71 (2021 rate) are due upon the execution of the development agreement in accordance with Schedule B-3 of the Development Charges By-law. Additional development charges will be charged against any future buildings and will be applied at the time of issuance of a building permit.
3. The Developer agrees, prior to the issuance of the subdivision certificate of approval to contribute to the Brandon School Division in lieu of land dedication. Payment is to be made to the Brandon School Division with proof of payment submitted to the City of Brandon prior to the issuance of a development permit.
4. The Developer agrees to contribute \$5,399.15 for cash in lieu of land dedication of public reserve. This contribution is due in full upon execution of the development agreement.
5. The Developer agrees to consolidate Certificate of Title Nos. 1782178 (Block 5, Plan 925) and 3051334 (Lot A, B & C, Plan 37648) and to provide proof of consolidation 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.

**BACKGROUND:*****Request***

The applicants, Kenny and Cindy Choy, on behalf of the property owner, Lee Choy Limited, are applying to rezone a property located at Lot 1 Plan 48496 BLTO from Parks and Recreation (PR) to Residential Mobile/Modular Home (RMH). Approval of this application will allow for future development of mobile homes as part of the existing Glendale Mobile Home Park immediately east of the site.

***Development Context***

The site is located at the southwest corner of Glendale Mobile Homes Park and currently undeveloped. Uses surrounding the site include mobile homes and low-density residential uses to the east and south, and, across the Lark Street right-of-way, a golf course to the west.

***History***

The site used to be part of the Northern Pines Golf Course. In 2006, the City subdivided the golf course lands to extend the Lark Street right-of-way north to the Clare Avenue right-of-way to enable future development. In 2020, Council approved the sale of the site to the applicant to facilitate reconfiguration of the southern part of Glendale Mobile Home Park.

**ANALYSIS:**

The existing southernmost private road serving the oldest part of the mobile home park is within Manitoba Hydro right-of-way, and the applicant is proposing to relocate the private road within the mobile home park and reconfigure the southernmost row of mobile home sites. The applicant proposes to develop six (6) mobile homes on the site as part of the park reconfiguration (Attachment C- 1).

***Consistency with the Development Plan***

- Site is designated Residential under Map 1: Urban Land Use of the Brandon & Area Planning District Development Plan 2013 (Development Plan)
- Proposed development will allow for development of more mobile homes on the site (Policy 2.2.6)

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

- RMH Zone is consistent with the Development Plan residential land use designation
- Proposed development and use are consistent with RMH Zone

***Vehicle Access***

The site layout includes the relocation of the internal road currently located in the hydro right-of-way onto the applicant's property and the looping connection of the road to Glen Avenue to comply with emergency and sanitation access requirements.

***Commenting Agencies***

All comments have been addressed and summarized below.

***City of Brandon***

The City of Brandon advises that a development agreement is required, with conditions identified in the "Recommendations" section and "Attachment-D" in this report. Key conditions include

- Requiring the applicant to mitigate storm water runoff from the site
- Restricting vehicular access away from the Lark Street right-of-way

**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 April 29 and May 13, 2021.

***Public Outreach***

In accordance with Section 13 of the Zoning By-law, the applicant mailed information about their proposal to nearby property owners on March 2 and 3, 2021. The applicant did not receive any comments during their outreach efforts. As of the writing of this report, the Planning & Buildings Department has not received representation in favour of or in opposition to this application.