


TITLE: SUBDIVISION; BY-LAW NO. 7306 TO REZONE PROPERTY LOCATED AT PART OF 1955 – 34TH STREET, 1906 – 26TH STREET, AND 1901 – 34TH STREET OWNER: BELLAFIELD HOLDINGS LTD & VBJ DEVELOPMENTS LTD APPLICANT: STEVE MCMILLAN (VBJ DEVELOPMENTS)		
MEETING DATE: July 7, 2021		Page 1 of 9
DEPARTMENT: Planning & Buildings	ATTACHMENTS: A. By-law No. 7306 B. Application related documents C. Map, air photo & drawings D. Development Review Group report	
PRESENTER: Shengxu Li, Community Planner	MANAGER: Ryan Nickel, Chief Planner	

RECOMMENDATIONS:

Rezoning

That the Planning Commission recommends City Council approve By-law No. 7306 (Z-05-21) to rezone a portion of 1955 – 34th Street, 1906 – 26th Street, and 1901 – 34th Street (Pt. SW ¼ 10-10-19 WPM, Parcel A, Plan 1618 BLTO, and Lots 2&4, Plan 1731 BLTO) from Agricultural General (AG80) under the RM of Cornwallis Zoning By-law No. 1558/09/99 to Residential Low Density (RLD).

Subdivision

That the Planning Commission recommends Brandon City Council approve the application to subdivide (4500-21-713) a portion of 1955 – 34th Street, 1906 – 26th Street, and 1901 – 34th Street (Pt. SW ¼ 10-10-19 WPM, Parcel A, Plan 1618 BLTO, and Lots 2&4, Plan 1731 BLTO) to create sixty three (63) bare land condominium lots, and extend a portion of public road (Chipperfield Drive) in the Residential Low Density (RLD) Zone, subject to the owner or successor:

1. Entering 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 develop 63 bare land condominium units, common element and public right-of-way in general consistency with the attached site and elevation plans.
 - b. The Developer agrees to contribute \$437,225.00 towards 50% of the estimated cost of developing 26th Street from the future intersection of Maryland Avenue and 26th Street south along the easterly property line of the proposed subdivision. Such contribution shall include 190 meters of curb, sidewalk, boulevard, street lights, a

multi-use path way and trees. Payment shall be required in full upon execution of the development agreement.

- c. The Developer agrees legally open, extend and construct the new public right-of-way of Chipperfield Drive as proposed on the plan of subdivision and to extend all below and above ground municipal services for the right of way. 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.
- d. The Developer agrees to connect the new extension of Chipperfield Drive to the existing 26th Street to provide a connection to the properties at 2025- 26th Street and 2059-26th Street. The road surface from the extension of Chipperfield Drive to 26th Street can be gravel surface and 7.3 meters in width excluding shoulders. The subgrade must be designed to accommodate the B12 design vehicle. The Developer agrees to provide safe and adequate public access at all times during construction.
- e. The Developer agrees to enter into an Easement Agreement with the City of Brandon allowing access for the properties of 2025-26th Street and 2059 – 26th Street over the Developer’s private land. Such Easement Agreement will be required to be registered in series with the Plan of Subdivision.
- f. The Developer agrees to block off the existing section of 26th Street between the north limit of the new intersection where the gravel portion of Chipperfield Drive connects to 26th Street and the south limit of the driveway of 1905-26th Street in order to restrict vehicle traffic along this portion of 26th Street. The Developer agrees to block off this road by installing immovable barricades such as jersey barriers.
- g. The Developer agrees to construct an emergency access to the Lands by way of the existing 26th Street through the proposed new private street in this subdivision area. The Developer agrees this connection shall be blocked to all public and construction vehicles at all times and further agrees to install bollards or a gate. This access shall only be accessible to the Brandon Fire & Emergency Services by way of key to the bollards or gate.
- h. The Developer agrees to dedicate a 4m x 10m portion of land in the NE corner of the Lands as right-of-way to accommodate the construction of a future roundabout intersection at the corner of 26th Street and Maryland Avenue. Such dedicated land shall be shown on the Plan of Subdivision.
- i. The Developer agrees to use Patricia Avenue, south of the Lands, for construction access. When conditions warrant and as approved by the City Engineer, the Developer will be allowed to access the subdivision via Maryland entering from 18th

Street. A construction access plan is to be reviewed and accepted by the City Engineer prior to the issuance accepted design drawings.

- j. The Developer agrees to extend and construct a wastewater main from Marquis Crescent south east through the public reserve and south into the Maryland Avenue and 26th Street right-of-way in order to service the Lands. 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.
- k. The Developer agrees any surface restoration within the right-of-way required as a result of construction is to be brought to that of a pre-development condition including non-typical surfacing materials.
- l. The Developer agrees all stormwater runoff generated by the development is to be directed towards the existing Bellafield stormwater pond. Any interim conveyance measures are to remain private. Design is to be reviewed and accepted by the City Engineer.
- m. The Developer agrees that should any private lots be designed to convey shared drainage with the use of swales, easements are to be registered on all affected private lots. Such easements will be required to be registered in series with the Plan of Subdivision.
- n. The Developer agrees to enter into a Private Sewer and Water Agreement with the City of Brandon regarding private servicing of the condominium development. The Private Sewer and Water Agreement will be required to be registered in series with the Plan of Subdivision.
- o. That should any private hydrants be installed on private property, that all costs associated with the general maintenance and up keep are the sole responsibility of the condominium corporation. The Developer further agrees that only City employees and those people with written authorization from the City Engineer, will operate said hydrant(s).
- p. The Developer will be required submit a landscaping plan and to plant boulevard trees in the City right-of-way as per the City's Urban and Landscape Design Standards Manual. Boulevard trees are subject to a one year warranty period.
- q. The developer agrees to update their neighborhood plan to include an additional public reserve land dedication proportionate to 10% of the additional gross land area added to the Neighbourhood Plan.
- r. Within one year of executing the development agreement or prior to application for the next subdivision/rezoning in the Bellafield Neighborhood Plan, the developer

agrees to submit an updated Neighbourhood Plan with supporting engineering studies for review by City administration and approval by City Council.

- s. 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.
- t. The Developer acknowledges the site will be subject to development charges. Network Infrastructure charges of \$129,113.92 (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.
- u. 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 of receipt will be required prior to issuance of accepted design drawings.
- v. The Developer agrees to provide the City with a Detailed Class B 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.
- w. 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.

- 2. 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. Submitting written confirmation to the City of Brandon Planning & Buildings Department that arrangements have been made for a joint Blanket Easement Agreement and Plan of Easement to the satisfaction of Manitoba Hydro, BellMTS, Westman Communications Group, and registering the easement agreement along with the easement plan, if required, in series with the plan of subdivision.

4. Submitting a street name to the City of Brandon Planning & Buildings Department for review and approval by City Council.

BACKGROUND:

Request

The applicant, Steve McMillan of VBJ Developments, on behalf of the property owners, Bellafield Holdings Ltd and VBJ Developments Ltd, is applying for the following to start the first stage of the first phase of development in the Bellafield Neighbourhood Plan area:

- To rezone a portion of properties located at 1955 – 34th Street, 1906 – 26th Street, and 1901 – 34th Street, from Agricultural General (AG80) under the RM of Cornwallis Zoning By-law No. 1558/09/99 to Residential Low Density (RLD)
- To subdivide 1955 – 34th Street, 1906 – 26th Street, and 1901 – 34th Street to create sixty three (63) bare land condominium lots, and extend a portion of public road

Development Context

The 2.6 hectare site is currently undeveloped, and is located at the southwest corner of Maryland Avenue and 26th Street, east of phase one stage two of the Bellafield Neighbourhood Plan area. Uses surrounding the site include lower density residential developments to the north and west, and undeveloped lands to the south and east. Currently 26th Street provides access to the site. Internal streets to be connected with Chipperfield Drive which provide access to the site for the proposed development.

History

Part of 1955 – 34th Street in this rezoning and subdivision application is designated as phase two development of the Bellafield Neighbourhood Plan (Neighbourhood Plan). Both 1906 – 26th Street and 1901 – 34th Street were not part of the original concept of the Neighbourhood Plan, but are included in this rezoning and subdivision application. The applicant as requested, has updated the phasing plan for the Neighbourhood Plan to reflect the proposed development phasing status.

ANALYSIS:

Approval of the concurrent rezoning and subdivision applications will allow for the development of 63 bare land condominium lots, including 15 four-plexes and 1 tri-plex, and an extension of a public road. This development will be the first stage in Phase two of the Bellafield Neighbourhood Plan.

Consistency with the Development Plan

- Map One: Urban Land Use – site is designated “Residential”
- Policies 2.2.2 and 2.2.4 – proposed development provides a mix of housing options and densities within the plan area

Consistency with the Southwest Brandon Secondary Plan

- Schedule A: Southwest Brandon Land Use Plan – site is designated “Residential Low Density”
- Policies 2.2.2.1 and 2.2.2.3 – proposal conforms to all Residential Low Density policies which allow for a variety of low density development, in terms of density and lot size
- Policy 2.2.2.4 – proposed development is adjacent to a major intersection (ie Maryland and 26th Street), and consistent with the overall requirements in the Secondary Plan

Consistency with the Bellafield Neighbourhood Plan

- Both 1906 – 26th Street and 1901 – 34th Street in this rezoning and subdivision combined application were not part of the original concept of the Bellafield Neighbourhood Plan (Neighbourhood Plan). The applicant has submitted an updated phasing plan to reflect proposed development phasing status.
- Administration is recommending the overall neighbourhood plan be updated prior to the next stage of development, including transportation, greenspace and servicing.

Transportation

- The Neighbourhood Plan identifies that 26th Street be constructed concurrently with the development of phase 2. As the developer doesn’t own the lands required to align the internal collector roadway with the 26th Street and Maryland Avenue intersection they are proposing to defer this improvement and update their phasing plan with a secondary access from 34th Street.
- Administration had a traffic analysis completed that demonstrates the intersection at Maryland Avenue and Derlago drive can accommodate additional volumes from this and future phases of development. The connection at 26th and Maryland is still required, but may be deferred to future phases.
- Administration is evaluating the timing for upgrading Maryland Avenue to address increasing traffic volumes and maintenance concerns on portion between 26th Street and Derlago Drive.
- The existing off-set intersection at 26th Street and Maryland Avenue heading south to Christian Heritage School creates unsafe conditions for motorists and pedestrians. This unsafe condition will worsen as traffic volumes increase at this intersection due development of the Bellafield area. Administration is recommending a condition where traffic to the school be diverted through Chipperfield Drive until such time as 26th Street is aligned and extended to the Bellafield neighborhood.

Servicing

- The applicant is proposing that wastewater service be extended to the northeast through the public reserve to connect at Marquis Crescent.
- Administration is recommending the development agreement include a condition that the connection meet typical engineering standards or is installed as a private connection.
- All drainage flows from the development will be directed to the stormwater pond central to the site as outlined in the neighbourhood plan.

Consistency with the Zoning By-law

- Proposed RLD lots are consistent with the bulk and siting requirements under Table 10 (Section 51) of the Zoning By-law

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 as identified in the “Recommendations” section and “Attachment D” in this report. Some key conditions are highlighted as follows:

- Developer is to contribute \$437,225.00 towards the cost of developing 26th Street
- Developer is to extend Chipperfield Drive to connect with the existing 26th Street to provide connection to the properties at 2025 & 2059 26th Street.
- Developer is to dedicate a 4.0m x 10.0m portion of land at the northeast corner of the site as right-of-way to accommodate the construction of a future roundabout at the intersection of 26th Street and Maryland Avenue.
- Developer is to provide required engineering studies to the City’s Engineering Department for review and approval, including wastewater connection design, stormwater management plan.
- Developer is to pay development charges, based on 2.592 hectares development lands.
- Developer is to update the Neighbourhood Plan with supporting engineering studies.

Utilities

- Manitoba Hydro, BellMTS, and Westman Communication Group will require joint blanket easement agreement to be registered in series.

OPTIONS:

When reviewing the recommendation with the applicant, objections were raised with the following development agreement conditions:

Financial Contribution to 26th Street Construction

Developer Request

The Developer has requested the financial contribution to 26th Street be removed as payment for the road should be covered under development cost charges. If the Planning Commission chooses this option, condition “1-b” should be omitted from the recommendation to Council.

Analysis

The extension of 26th Street to the south of Maryland Avenue is designed as an on-site road internal to the development areas, and as per the development charge policy is the responsibility of private developers. Following this policy the extension of 26th Street to the south of Maryland Avenue was not included in the Development Charge rates.

The City has an established practice of requiring boundary improvements (improvement on the boundary of two private properties) between landowners on both sides of the street on a 50/50 basis. This practice has been followed in multiple other areas of the City, including Sycamore Drive and Quail Ridge Drive. If the Planning Commission chooses not to recommend a contribution, 100% of the costs of constructing the road will be borne by the developer to the east.

Access to School through Chipperfield Drive

Developer Request

The Developer has requested that the access to Christian Heritage School remain through the current partial 26th Street right-of-way instead of being directed through Chipperfield Drive citing concerns about increased traffic volumes and safety. If the Planning Commission chooses this options, condition “1-d”, “1-e”, and “1-f” should be omitted from the recommendation to Council.

Analysis

The existing off-set intersection at 26th Street and Maryland Avenue heading south to Christian Heritage School creates unsafe conditions for motorists and pedestrians. This unsafe condition will worsen as traffic volumes increase at this intersection due development of the Bellafield area. If the Planning Commission chooses to remove this condition, the traffic flows from the school will continue to the off-set intersection until the lands to the east are developed and the intersection is aligned.

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 17, 2021 and June 21, 2021.

Public Outreach

In accordance with Section 13 of the Zoning By-law, additional public outreach was not required since the rezoning and subdivision applications are in accordance with the Bellafield Neighbourhood Plan. As of the writing of this report, the Planning & Buildings Department has not received representation in favour of or in opposition to this application.