


TITLE: SUBDIVISION; BY-LAW NO. 7316 TO REZONE PROPERTY LOCATED AT 1910 BELL AVENUE OWNER & APPLICANT: WAVERLY DEVELOPMENTS LTD. (JOHN BURGESS)		
MEETING DATE: October 20, 2021		Page 1 of 5
DEPARTMENT: Planning & Buildings	ATTACHMENTS: A. By-law No. 7316 B. Application related documents C. Map, air photo & drawings D. Development Review Group report	
PRESENTER: Bernice Leyeza, Community Planner	MANAGER: Ryan Nickel, Director of Planning & Buildings	

RECOMMENDATIONS:

Rezoning

That the Planning Commission recommend City Council approve By-law No. 7316 (Z-08-21) to rezone part of 1910 Bell Avenue (Lot 6, Plan 66744 BLTO) from Residential Single Detached (RSD) and Parks and Recreation (PR) to Residential Low Density (RLD), subject to the owner or successor 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 construct 31 residential units and public right-of-ways as per the proposed site plan and any variation of the plan may require the Developer to obtain approval from Brandon City Council who may request additional public input and amendment to the agreement;
- b. The Developer agrees to legally open, extend and construct the new public right-of-way of Outback Drive and Onyx Cove 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;
- c. The Developer agrees all proposed 15.0m wide street right-of-ways proposed under this subdivision will be signed as no parking on both sides of the street;
- d. The Developer agrees to construct a secondary emergency access to the Lands by way of Bell Avenue in accordance with Brandon Fire and Emergency Services Street Development / Access Road Policy. The Developer will be required to submit design drawings as prepared by a professional engineer with such design is subject to review and acceptance by the City Engineer;
- e. The Developer agrees to provide confirmation that there is sufficient capacity in the downstream land drainage system network to accept additional proposed drainage prior to the acceptance of the engineered drawings;

- f. The Developer agrees to pay a contribution towards boulevard trees. The amount of trees will be determined at the time of detailed design taking into consideration the City's Urban and Landscape Design Standards. Payment of such trees will be based upon the City's tree contract pricing for the current year;
- g. 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;
- h. Within one year of executing the development agreement or prior to application for the next subdivision/rezoning in the Oakridge Estates Neighbourhood Plan, whichever comes first, the developer agrees to submit an updated Neighbourhood Plan, including public reserve dedications for all of phase 2 (including the current stage) and all supporting servicing and traffic engineering studies for review by City administration and approval by City Council;
- i. 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;
- j. The Developer acknowledges the site will be subject to development charges. Network Infrastructure charges of \$101,359.26 (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;
- k. 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 the subdivision certificate of approval;
- l. 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; and
- m. The Developer will be responsible to submit an Irrevocable Letter of Credit totaling 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 City Council approve the application to subdivide (4500-21-716) a portion of 1910 Bell Avenue (Lot 6, Plan 66744 BLTO) to create thirty-two lots and public roads in the Residential Low Density (RLD) Zone, subject to the owner or successor:

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

BACKGROUND:***Request***

The applicant, John Burgess of Waverly Developments Ltd., is applying for the following to start the Phase 2 Stage 1 of the development in the Oakridge Estates Neighbourhood Plan area:

- To rezone a portion of the property located at 1910 Bell Avenue from Residential Single Detached (RSD) and Parks and Recreation (PR) to Residential Low Density (RLD)
- To subdivide 1910 Bell Avenue to create thirty-one lots and public roads

Approval of these applications will allow for development of a mix of single- and semi-detached dwelling units totaling of 31 dwelling units, along with the extension of two public streets (Outback Drive and Onyx Cove).

Development Context

The two-hectare site is currently undeveloped, and is located on the north side of Outback Drive and Onyx Cove, which is part of Phase 1, Stage 2 of the Oakridge Estates Neighbourhood Plan ("Neighbourhood Plan"). Uses surrounding the site include low-density residential developments to the south, undeveloped lands to the north and east, and agricultural land as part of the federal experimental farm to the west. Outback Drive and Onyx Cove provide access to the site.

History

This rezoning application is designated as Phase 2 Stage 1 of the Neighbourhood Plan. The Oakridge Estates area was rezoned in 2008, and Phase 1 of the development was subdivided in 2010. The applicant originally applied for subdivision within Phase 2 of the development in 2013 and 2014, but those applications expired due to circumstances beyond the applicant's control.

ANALYSIS:

Approval of the concurrent rezoning and subdivision applications will allow for the development of five single- and 26 semi-detached dwellings, and extension of Onyx Cove and Outback Drive. This development will be the first stage in Phase 2 of the 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 Oakridge Estates Neighbourhood Plan

- Original concept plan for Phase 2, Stage 1 has less land area (1.74ha) and twenty detached dwellings proposed
- Though the proposal’s layout does not comply with the Neighbourhood Plan, the City recognizes that the current layout adopted in the Neighbourhood Plan is not the most effective and does not fully address certain challenges facing the Neighbourhood Plan area, such as an adequate greenspace for the neighbourhood
 - City administration therefore recommends that the applicant update the Neighbourhood Plan as a condition of subdivision approval
 - Notwithstanding the layout question, the City believes the proposal still complies with the Neighbourhood Plan in other aspects, such as overall density

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

- Applicant to update the Oakridge Estates Neighbourhood Plan to reflect the change of phase of development in and layout of the area
 - City administration recommends this be a condition of subdivision approval
- Development agreement required as part of rezoning, highlights are as follows:
 - Payment of development charges totaling of \$101,359.26 based on 2021 rates
 - Contribution towards boulevard trees
 - Developer to provide a secondary access to the development by way of a connection to Bell Avenue to comply with Fire & Emergency Services Regulation P19, either by

- Extending Oakview Street to loop a connection to Outback Drive
- Having an empty lot near Onyx Cove that can be left out to allow for access to Bell Avenue until development of a permanent secondary access
 - All proposed 15.0m-wide street rights-of-way in this subdivision will be required to be signed as no parking on both sides of the streets
- Property owner owing \$7,339.85 in property taxes as of September 30, 2021, must be paid as a condition of subdivision approval

Brandon School Division

- Brandon School Division requires cash-in-lieu of land contribution of \$9,072.00 for school purposes
 - City administration recommends this to be a condition of subdivision approval

Utilities

- Manitoba Hydro, BellMTS, and Westman Communications Group require easements
 - City administration recommends this be a condition of subdivision approval

Canada Post

- Canada Post requires community mailbox installation for this development
 - City administration recommends this be a condition of subdivision approval

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 September 30, 2021 and October 7, 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, despite showing a different layout, in accordance with the overall concept of the 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.