

Attachment “D”

REPORT FROM THE DEVELOPMENT REVIEW GROUP

DATED: October 10, 2023

RE: REZONING OF 513, 525, 537, 559 – 39TH, PART OF 902 – 38TH STREET & 39TH STREET ROW (Z-09-23)

It is recommended that the approval of Rezoning No. Z-09-23, if granted, be subject to the Developer entering into a Development Agreement subject to the following conditions:

1. The Developer agrees to develop an auto dealership in general compliance with the attached site plan.
2. The Developer agrees to consolidate the properties of 513, 525, 537, 559 – 39th Street, part of 902 – 38th Street and the closed portion of 39th Street right-of-way prior to the release of a building permit.
3. The Developer agrees to provide stormwater mitigation measures providing storage for a 100 year post-development storm event while restricting discharge to that of a 5 year pre-development storm event. The Developer will be required to submit design drawings at the time of development permit as prepared by a professional engineer with such design being subject to review and acceptance by the City Engineer.
4. The Developer agrees that no access to the site will be granted off McTavish Avenue.
5. The Developer agrees to remove the existing approach to 902 – 38th Street and restore the boulevard with sod as per City of Brandon Standard Construction Specifications. The Developer will be required to submit design drawings as prepared by a professional engineer with such design subject to review and acceptance by the City Engineer.
6. The Developer agrees to enter into a Cross Access Agreement with 3900 Victoria Avenue to permit the shared use of the approach to Victoria Avenue. Evidence of the registration of the Cross Access Agreement is required prior to the issuance of a development permit.
7. The Developer agrees to pay a contribution towards twenty-two (22) boulevard trees to be planted within McTavish Avenue, 38th Street and Victoria Avenue. Payment of such trees will be calculated based upon the City’s tree contract pricing for the current year in which the trees are billed with payment due in full upon execution of the development agreement.

8. The Developer agrees to design and construct a 1.5m sidewalk along McTavish Avenue from the easterly dead end of the multi-use path along the south of the property to the easterly property line of 902-38th Street. 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.
9. The Developer acknowledges the site will be subject to development charges. Network Infrastructure charges of \$46,437.385 (2023 rates) 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.
10. The Developer agrees to submit a Detailed Cost Estimate, prepared by their Consulting Engineer for all work proposed within the right-of-way. The cost estimate is subject to review and approval by the City Engineer.
11. 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.
12. 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.

The Engineering Department requests 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.

THIS REPORT SUBMITTED BY:

Development Review Group
Rezoning No. Z-09-23



Marc Chapin, CET
Acting Manager of Strategic Infrastructure



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