


<p>TITLE:</p> <p>SUBDIVISION; BY-LAW NO. 7348 TO REZONE PROPERTIES LOCATED AT 1900, 1910, 2110, AND 2340 VICTORIA AVENUE EAST, 533 AND 550 PERRY STREET, AND 600 CASCADE STREET</p> <p>OWNER: MULTIPLE PROPERTY OWNERS APPLICANT: 6468251 MANITOBA LTD. (KIT HARRISON)</p>		
<p>MEETING DATE: December 6, 2023</p>		<p>Page 1 of 6</p>
<p>DEPARTMENT:</p> <p>Planning &amp; Buildings</p>	<p>ATTACHMENTS:</p> <ul style="list-style-type: none"> <li>A. By-law No. 7348</li> <li>B. Application related documents</li> <li>C. Map, air photo &amp; drawings</li> <li>D. Development Review Group report</li> </ul>	
<p>PRESENTER:</p> <p>Andrew Mok, BES MCIP RPP</p>	<p>MANAGER:</p> <p>Sonikile Tembo, Principal Planner</p>	

## RECOMMENDATIONS:

### *Rezoning*

1. That the Planning Commission recommend City Council amend By-law No. 7348 (Z-03-23) to rezone 1900, 1910, 2110, and 2340 Victoria Avenue East, 533 and 550 Perry Street, and 600 Cascade Street (Lots 1/25 and 28/40, Block 3, Plan 285 BLTO; Lots 1/40, Block 4, Plan 285 BLTO; Lots 1/10 and 21/40, Block 5, Plan 285 BLTO; Lots 1/40, Block 6, Plan 285 BLTO; Lots 1/40, Block 7, Plan 285 BLTO; Lots 1/40, Block 10, Plan 285 BLTO; Lots 1/40, Block 12, Plan 285 BLTO; Lots 1/40, Block 13, Plan 285 BLTO; Lots 1/40, Block 14, Plan 285 BLTO) from DR Development Reserve to IG Industrial General by adding the following immediately after Section 2 of By-law No. 7348:
  3. This By-law will come into force when the City of Brandon Planning & Buildings Department receives written confirmation that the plan for Subdivision Application 4500-23-729 is registered in the Brandon Land Titles Office.
  4. This By-law will be repealed without coming into force three years after the date of this By-law's adoption unless the City of Brandon Planning & Buildings Department receives written confirmation that the plan for Subdivision Application 4500-23-729 is registered in the Brandon Land Titles Office, or the applicant applies for an extension of time before the expiration of the three-year period to register Subdivision Application 4500-23-729 and Council approves the extension.
2. That the Planning Commission recommend City Council approve By-law No. 7348 (Z-03-23) as amended.

### *Subdivision*

That the Planning Commission recommends Brandon City Council approve the application to subdivide (4500-23-729) 1900, 1910, 2110, and 2340 Victoria Avenue East, 533 and 550 Perry Street, and 600 Cascade Street (Lots 1/25 and 28/40, Block 3, Plan 285 BLTO; Lots 1/40, Block 4, Plan 285 BLTO; Lots 1/10 and 21/40, Block 5, Plan 285 BLTO; Lots 1/40, Block 6, Plan 285 BLTO; Lots 1/40, Block 7, Plan 285 BLTO; Lots 1/40, Block 10, Plan 285 BLTO; Lots 1/40, Block 12, Plan 285 BLTO; Lots 1/40, Block 13, Plan 285 BLTO; Lots 1/40, Block 14, Plan 285 BLTO) to create nineteen (19) lots, a public road, and public reserve in the IG Industrial General Zone in accordance with the subdivision application map "Attachments C-5 and C-6", 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 that the development agreement shall be outlined in three sections:
    - i. Overall site conditions of development
    - ii. Stage 1
    - iii. Stage 2

The Developer further agrees to subdivide 18 Industrial General lots and a public road in accordance with 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;

#### Overall Site Conditions of Development:

- b. The Developer agrees to dedicate and legally widen the public right-of-way identified as Perry Street and dedicate and legally open the public right-of-way identified as Steel Avenue on the Plan of Subdivision;
- c. The Developer agrees to dedicate two parcels of land south of Victoria Avenue East for the purposes of municipal drainage infrastructure. The land shall be dedicated as public reserve as proposed on the Plan of Subdivision;
- d. The Developer agrees to contribute \$201,350.12 (\$14,146.71 per hectare) towards improvements as identified in the East Brandon Industrial Secondary Plan. Payment shall be required in full upon execution of the development agreement;
- e. 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;
- f. The Developer agrees to submit a Detailed Cost Estimate for all new sanitary sewer infrastructure installed downstream of 1910 Victoria Avenue East to the

existing City trunk sewer for review and acceptance by the City. The Detailed Cost Estimate is to be submitted at the time of development permit for Phase 1, Stage 1 and completed by the Developer's consulting engineer;

- g. The Developer agrees to construct a public sanitary sewer main connecting to the City's existing trunk sewer to service the Lands. The Developer will be required to submit design drawings prepared by a professional engineer. Such design is to comply with the Municipal Servicing Study and is subject to review and acceptance by the City Engineer prior to the issuance of a development permit;
- h. The Developer agrees that, upon completion of all sanitary sewer infrastructure and the issuance of associated Construction Completion Certificates, to provide the City with paid invoices evidencing actual construction costs for all sanitary sewer construction. In accordance with The Water and Wastewater Control By-Law, the City undertakes to calculate the Effective Frontage Foot (E.F.F) and thereafter, endeavours to collect a pro rata share of construction costs for a period of seven (7) years from any property which connects to the new sanitary sewer infrastructure;
- i. The Developer agrees, where street parking is prohibited in accordance with BFES P19 regulation or the Municipal Servicing Study; whichever more stringent, to sign the entire applicable street network with RB-51 signs to restrict parking. The Developer will be required to submit a signage plan in compliance with the Manual of Uniform Traffic Control Devices 6<sup>th</sup> Edition for review and acceptance by the City Engineer prior to the issuance of a development permit;
- j. The Developer agrees to submit a geotechnical evaluation report to the City for review and acceptance. At a minimum the report must address all areas with significant proposed site grade alterations and groundwater conditions in relation to the stormwater management facilities. The geotechnical evaluation report is to be submitted for review and acceptance by the City Engineer prior to release of "Reviewed for Construction" drawings;

Phase 1, Stage 1:

- k. The Developer agrees to construct Perry Street and Steel Avenue public right-of-way, to a full rural section, south of Victoria Avenue East and to extend and install a public watermain and sanitary sewer main to the southeasterly limit of Stage 1 as shown on the attached phasing plan. The Developer will be required to submit design drawings prepared by a professional engineer. Such design is to comply with the Municipal Servicing Study and is subject to review and acceptance by the City Engineer prior to the issuance of a development permit;
- l. The Developer agrees to construct a stormwater management pond complete with landscaping and tree planting, as shown on the attached phasing plan. The

pond is to be constructed and operational prior to the issuance of a construction completion certificate for all applicable infrastructure constructed within Stage 1. The Developer will be required to submit design drawings prepared by a professional engineer. Such design is to comply with the Municipal Servicing Study and is subject to review and acceptance by the City Engineer prior to the issuance of a development permit;

- m. The Developer agrees to construct a temporary, secondary emergency access in accordance with BFES P19 Regulation or the Municipal Servicing Study, whichever more stringent. This access will be used temporarily until such time as Grandview Street is constructed upon commencement of Stage 2. The Developer will be required to submit design drawings prepared by a professional engineer with such design subject to review and acceptance by the City Engineer prior to the issuance of a development permit;
- n. Developer agrees to provide the City with a Detailed Cost Estimate for all work that is to become public infrastructure for Stage 1. The Detailed Cost Estimate is to be prepared by the Developer's Consulting Engineer and is to be submitted for review and acceptance by the City Engineer prior to the issuance of a development permit;
- o. 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;

Phase 1, Stage 2:

- p. The Developer agrees to provide all necessary temporary servicing to any of the existing properties located off Grandview Street during the construction of Stage 2;
- q. The Developer agrees to construct the Grandview Street public right-of-way, to a full rural section, south of Victoria Avenue East and to extend and install a public watermain and sanitary sewer main to the southerly limit of Stage 2 as shown on the attached phasing plan. The Developer will be required to submit design drawings prepared by a professional engineer. Such design is to comply with the Municipal Servicing Study and is subject to review and acceptance by the City Engineer prior to the issuance of a development permit;
- r. The Developer agrees to provide sanitary sewer and water service stubs to property line for all existing properties which front off Grandview Street. The Developer acknowledges these properties will not be required to contribute towards the E.F.F contribution;
- s. The Developer agrees to construct a stormwater management pond complete with landscaping and tree planting, as shown on the attached phasing plan. The

pond is to be constructed and operational prior to the issuance of a construction completion certificate for all applicable infrastructure constructed within Stage 2. The Developer will be required to submit design drawings prepared by a professional engineer. Such design is to comply with the Municipal Servicing Study and is subject to review and acceptance by the City Engineer prior to the issuance of a development permit;

- t. The Developer agrees to submit a Detailed Cost Estimate, prepared by their Consulting Engineer for all work that is to become public infrastructure for Phase 1, Stage 2. The cost estimate is subject to review and approval by the City Engineer; and
  - u. 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;
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 Communications Group, and registering the easement agreement along with the easement plan, if required, in series with the plan subdivision; and
  3. Submitting written confirmation to the City of Brandon Planning & Buildings Department that arrangements have been made for addressing of the proposed lots to the satisfaction of City of Brandon Real Estate Administration.

#### BACKGROUND:

##### *Request*

The applicant, Kit Harrison of 6468251 Manitoba Ltd., on behalf of multiple property owners, some of the largest being the R.M. of Cornwallis and the City of Brandon, is applying to rezone properties located at 1900, 1910, 2110, and 2340 Victoria Avenue East, 533 and 550 Perry Street, and 600 Cascade Street from DR Development Reserve to IG Industrial General. Approval of this application will allow for development of serviced smaller-scale industrial lots, most of them 0.8ha (2.0a) or less in site area.

##### *Development Context*

The subject site is currently undeveloped and surrounds three smaller properties developed between 1976 and 2002, the largest being East 40 Packers, and the site is located on the south side of Victoria Avenue East, east of 17<sup>th</sup> Street East. The site is generally flat, sloping downhill northward, and has high-voltage overhead Manitoba Hydro facilities immediately north and east of the site. Uses surrounding the site include general outdoor and indoor industrial uses, with

some utility uses such as a Manitoba Hydro transformer station to the northwest. Victoria Avenue East provides access to the site, though Grandview Avenue within the site is partially developed from Victoria Avenue to provide further inland access to the site.

### *History*

The site, part of a larger area under Plan 285 BLTO, was subdivided in a grid pattern in 1912, possibly in anticipating of future growth of the City at the time. City Council in 1976 declared much of Plan 285 BLTO as an obsolete plan of subdivision, including all lands identified as part of the current rezoning and subdivision applications.

The City first adopted the East Brandon Industrial Area Secondary Plan (EBIASP) in 2018, providing more detailed policy direction to the long-term development of the City's industrial areas generally east of 17<sup>th</sup> Street East, including this site.

### ANALYSIS:

The applicant proposes to rezone the site and create 18 lots to develop serviced smaller-scale industrial lots. The applicant intends to address the issue of a limited supply of serviced industrial lots 0.8ha (2.0a) or less in site area in the city. The proposal will reconfigure the obsolete grid layout to have larger blocks for larger sites compared to the obsolete plan's 25'-wide lots, and to enable development of three streets within the site, including improving the existing Grandview Street. The site will also have storm water detention ponds on the north side near Victoria Avenue East. Existing sites and businesses along Grandview Street will continue to exist within the proposed development.

### *Consistency with the Development Plan*

- 4.1.1 and 4.1.3—proposed development in an “Industrial” area as designated under Map 1: Urban Land Use, and located north and west of PTH 110, with smaller industrial sites more likely to better accommodate smaller businesses serving the City market

### *Consistency with the East Brandon Industrial Area Secondary Plan*

- 2.0, Goal 1—proposal will create an industrial cluster, providing opportunities for smaller industrial businesses that require City water and sewer services
  - Potential to relieve demand for such types of lots elsewhere in the city, allowing for more businesses to grow on these sites or to open up older sites that are less appropriate for industrial development today to redevelop for other uses
- 3.1.1—Proposed development will be in the Victoria Avenue Node within “Full Service Area A” (FS-A North)

- 3.1.2—Proposed development can support industrial, supportive retail, and service commercial uses as prescribed for FS-A areas
- 5.1.1 and 5.1.2—Proposed development to be serviced by piped municipal sanitary sewer at time of development, with existing developments required to be connected to municipal sanitary sewer system within two years after development of site
- 5.2.1—Proposed development will include storm water detention ponds to deal with area's drainage centrally
- 5.3.1 and 5.3.2—Proposed development to be serviced by piped municipal water at time of development, with existing developments required to be connected to municipal sanitary sewer system within two years after development of site

*Consistency with the Zoning By-law*

- Site currently zoned DR, as City, prior to adoption of EBIASP, was not prepared to accommodate development
- Proposed IG Zone and lot sizes will enable development of uses in accordance with the EBIASP's FS-A policies
- Proposed lots conform to bulk and siting requirements under the proposed IG Zone

*Commenting Agencies*

All comments have been addressed and summarized below.

*City of Brandon*

- Development agreement required, with conditions split into three categories: General, Phase 1, Stage 1, and Phase 2, Stage 2
- Highlights of development agreement conditions are as follows:  
General
  - Applicant to update the Municipal Servicing Study to address issues related to water capacity and drainage
  - Right-of-way and public reserve dedication in accordance with subdivision application
  - Monetary contribution for transportation improvements as identified in the East Brandon Industrial Secondary Plan
  - City requiring easements or easement declarations, to be registered on title in series with the plan of subdivision, if any drainage design results in storm water runoff directed through adjacent private properties
  - Detailed cost estimate required for all proposed sewer infrastructure downstream of 1910 Victoria Avenue East to the connection at the existing City trunk sewer



- Developer to construct this sewer main, but, in accordance with the Water and Wastewater Control By-law, City will endeavour to collect prorated share of initial construction costs for up to seven years following completion of construction
  - Stormwater management facilities constructed and operational prior to completion of each applicable stage of construction
  - Installation of “no parking” signs on public streets proposed in the subdivision where street construction does not meet City standards to enable on-street parking, along with a signage plan
  - Applicant to submit a geotechnical evaluation report
- Phase 1, Stage 1 and/or Phase 1, Stage 2
  - Sewer and water main construction in compliance with the City-accepted Municipal Servicing Study
  - Street and stormwater detention pond construction in accordance with the phasing plan
  - Secondary access constructed in compliance with BFES Regulation P19 or Municipal Servicing Standards, whichever is more stringent, if Phase 1, Stage 1 developed first
  - When Phase 1, Stage 2 developed, developer to confirm requirements and provide any necessary temporary servicing to existing properties along Grandview Street during construction, and to provide water and sewer service stubs to property lines of existing properties
- City also requires applicant to provide addresses and, where applicable, required unit numbers
  - Planning & Buildings recommends this be a condition of subdivision approval
- City proposes amending rezoning by-law in accordance with procedure in effect as of May 2023 to deal with rezoning applications with subdivision and a development agreement
  - Council gave rezoning application first reading before procedure came into effect
  - Intent of the amendment is to improve approval efficiently, allowing Council to approve rezoning in advance while still withholding the by-law coming into effect until the applicant registers the associated subdivision application, ensuring, amongst other things, registration of the development agreement on the site

### Utilities

BellMTS, Westman Communications Group, and Manitoba Hydro/Centra Gas will require blanket easements for their facilities. Planning & Buildings 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 November 16, 2023 and November 23, 2023.

##### *Public Outreach*

In accordance with Section 13 of the Zoning By-law, public outreach was not required, as the proposal is within a secondary plan area and complies with the EBIASP. As of the writing of this report, the Planning & Buildings Department has not received representation in favour of or in opposition to this application.

#### STRATEGIC ALIGNMENT:

If Council approves this proposed development, it is in keeping with their Strategic Plan's priority of "Foster an environment that supports economic growth and development", specifically Strategy #4: "Facilitate development opportunities for [...] industrial use types".