


TITLE: SUBDIVISION; BY-LAW NO. 7350 TO REZONE PROPERTY LOCATED AT PART OF 1801 AND 1901 – 1ST, 1800 AND 1835 DENNIS, 1800 AND 1900 RUSSELL, AND 1820 AND 1830 FREDERICK STREETS OWNER: VBJ DEVELOPMENTS LTD. APPLICANT: STEVE MCMILLAN OF VBJ DEVELOPMENTS LTD.		
MEETING DATE: May 3, 2023		Page 1 of 10
DEPARTMENT: Planning & Buildings	ATTACHMENTS: A. By-law No. 7350 B. Application related documents C. Map, air photo & drawings D. Development Review Group report E. Letter of opposition	
PRESENTER: Bernice Leyeza, Community Planner	MANAGER: Sonikile Tembo, Principal Planner	

RECOMMENDATIONS:

Rezoning

That the Planning Commission recommend City Council amend By-law No. 7350 (Z-04-23) to rezone part of 1801 and 1901 – 1st, 1800 and 1835 Dennis, 1800 and 1900 Russell, and 1820 and 1830 Frederick Streets from Development Reserve (DR) to Residential Low Density (RLD), Residential Moderate Density (RMD), and Parks & Recreation (PR) as follows:

1. Adding to Section 1 of this By-law immediately after “RMD Residential Moderate Density,” the following words, “OS Open Space,”;
2. Deleting Section 3 of this By-law in its entirety and substituting therefor:
 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 4500-23-730 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 **This By-law will be repealed without coming into force three years after the date of this By-law’s adoption unless the City of Brandon Planning & Buildings Department receives written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 4500-23-730 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 4500-23-730 and Council approves the extension.**

3. Replacing Schedule “A” of this By-law with Schedule “A” as shown on Attachment A-2 of this report;

And further, that the Planning Commission recommend City Council approve By-law No. 7350 (Z-04-23) as amended.

Subdivision

That the Planning Commission recommend City Council approve the application to subdivide (4500-23-730) the following lots:

- Lots 1/38, Block 32, Plan 278 BLTO, commonly known as 1801 – 1st Street
- Lots 1/13 and 15/38, Block 31, Plan 278 BLTO, commonly known as 1800 Dennis Street
- Lot 14, Block 31, Plan 278 BLTO, commonly known as 1835 Dennis Street
- Lots 1/19, Block 30, Plan 278 BLTO, commonly known as 1800 Russell Street
- Lots 30/38, Block 30, Plan 278 BLTO, commonly known as 1820 Frederick Street
- Lots 20/27, Block 30, Plan 278 BLTO, commonly known as 1840 Frederick Street,
- Block 33, Plan 278 BLTO, commonly known as 1901 – 1st Street
- Lots 1/40, Block 35, Plan 278 BLTO, commonly known as 1900 Russell Street

to create 143 bareland condominium units, an extension of Maryland Avenue, and private roads in the Residential Low Density (RLD) and Residential Moderate Density (RMD) 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 conditions as set out in Attachment D of this report;
2. Registering the road closure for the historical grid system in series with the subdivision.
3. Receiving approval for street names and registering the street names with the subdivision.
4. 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 subdivision; and
5. Submitting an updated Phasing Plan and Subdivision Application Map to the satisfaction of City of Brandon Engineering Department.

BACKGROUND:

Request

The applicant, Steve McMillan of VBJ Developments, is applying for the following:

- To rezone lands located at 1801 and 1901 – 1st, 1800 and 1835 Dennis, 1800 and 1900 Russell, 1820 and 1830 Frederick Streets from Development Reserve (DR) to Residential Low Density (RLD), Residential Moderate Density, and Open Spaces (OS)
- To subdivide the abovementioned lots to create 143 bareland condominium units, an extension of Maryland Avenue, public reserve, and private roads

Approval of these applications will allow for development of a mix of single- and semi-detached dwelling units totaling of 138 dwelling units, five (5) 12-plexes building, along with the extension of a public street (i.e. Maryland Avenue), public reserve lands along 1st Street, and creation of private roads.

Development Context

The 5.674 hectare site is currently undeveloped, and is located east of the Crocus Plains Regional Secondary School. Uses surrounding the site include lower density residential developments to the west, and undeveloped lands to the north, east, and south. 1st Street provides access to the site.

History

Council adopted the Southeast Brandon Secondary Plan (“Secondary Plan”) in 2021. The site involved in this rezoning application is within the Secondary Plan. In January 2023, the applicant concurrently applied for the adoption of the Southeast Neighbourhood Plan.

ANALYSIS:

Approval of the three applications will allow for development of bareland condominium units (Attachment C).

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 Secondary Plan

- Proposed RLD and RMD lots are consistent with the Residential policies under Section 2.1 Residential, specifically the following:

- 2.1.1, 2.1.2—proposed development is located in the area designated for RLD and RMD, and provide mix of house forms and types
- 2.1.6—proposed development includes a mixture of zones that accommodates a mixture of housing types
- Proposed site plan includes multi-use path which will be provided along east of 1st Street and south of the proposed extension of Maryland Avenue (3.2.1)

Consistency with the Zoning By-law

- Proposed RLD and RMD lots are consistent with the bulk and siting requirements under Table 10 (Section 51) of the Zoning By-law
- However, given proposed temporary nature of the condominium access directly to 1st Street in the northwest area of the site, the proposed public reserve, which should be zoned OS Open Space, must be continuous
- City administration overlooked the public reserve along 1st Street upon receipt of this application and advises it must also be rezoned to OS Open Space for consistency of public reserves between arterial streets and new residential developments
 - This amendment to the amending by-law is considered minor under The Planning Act, as this does not deviate from the overall intent of the applicant’s proposal

Commenting Agencies

All comments have been addressed and summarized below.

City of Brandon

The City of Brandon advises that a development agreement is required as a condition of subdivision approval, with conditions as identified under the “Recommendations” section and “Attachment D” in this report. Some key conditions are highlighted as follows:

- Developer to pay \$554,152.57 in Development Charges
- Developer is to install check valves, identified by the Engineering Department as required through the detailed design, to provide separation from the proposed development and water pressure zone 1 within the City’s water system
- Developer to provide stormwater storage for 100-year post-development event, limiting discharge rate to a 5-year pre-development event
 - Interim drainage measures are at the sole cost of the developer and cannot negatively impact neighboring properties
 - Easements to the benefit of the City are to be registered on any offsite stormwater retention and/or detention areas which are within private property
- Developer to submit a geotechnical evaluation report

- Developer to provide “no parking” signs in all areas within the condo development that lack sufficient road width to accommodate parking
- Developer to construct a road, to a collector standard, to the eastern extent of the public road opening (Maryland Avenue extension). Extension of the City’s trail network is to be included in the Maryland Avenue design and construction by way of a multi-use path

The City also recommends, as a condition of subdivision approval, that the applicant

- Work with the City’s Real Estate staff to complete the road closure process
- Amend the Phasing Plan to an arrangement acceptable to the Engineering Department
- Amend the Plan of Subdivision to accommodate the future roundabout at the 1st Street/Maryland Avenue intersection, and a multi-use path along the extension of Maryland Avenue

Brandon School Division

- Brandon School Division requires cash-in-lieu of land contribution in total of \$39,892.50 (\$202.50 per unit) for school purposes, to be listed as a condition under the development agreement

Utility Easements

- BellMTS, Westman Communications Group, and Manitoba Hydro will require an easement for their facilities, to 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 April 20, 2023 and April 27, 2023.

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 not having an adopted Neighbourhood Plan, in accordance with the overall concept of the Secondary Plan. As of the writing of this report, the Planning & Buildings Department received one letter of opposition to this application where the main concerns are more greenspace availability, pedestrian connection to 1st Street, and bike-friendly neighbourhood design (Attachment E).