


TITLE: SUBDIVISION; BY-LAW NO. 7415 TO REZONE 201 – 6TH STREET NORTH AND AREA OWNERS: CITY OF BRANDON; ROBERT ALLEN MCLEAN APPLICANT: HABITAT FOR HUMANITY—BRANDON CHAPTER (KEVIN HIEBERT)		
MEETING DATE: May 21, 2025		Page 1 of 6
DEPARTMENT: Planning & Buildings	ATTACHMENTS: A. By-law No. 7415 B. Application related documents C. Map, air photo & drawings D. Public engagement report E. Development Review Group report	
PRESENTER: Andrew Mok, BES RPP MCIP	MANAGER: Sonikile Tembo, RPP MCIP, Principal Planner	

RECOMMENDATIONS:

Rezoning

That the Planning Commission recommend City Council approve By-law No. 7415 (Z-03-25) to rezone the following lands from IR Industrial Restricted and OS Open Space to RLD Residential Low Density, RMD Residential Moderate Density, and PR Parks and Recreation:

- 120 – 5th Street North (Lots 17/20 and Closed Lane, Block 104, Plan 2 BLTO);
- 184, 188, 196, 202, and 206 – 6th Street North, 177, 183, 197, 201, 205, and 209 – 7th Street North, and 195, 203, and 205 – 8th Street North (Lots 18/26, 34/44 and Part Lots 15/17, 27, 28 and 45/50, Plan 194 BLTO);
- 101, 161, and 171 – 6th Street North (Lots 1/10 and part of Closed Lane, Block 1, Plan 327 BLTO);
- 201 – 6th Street North (Lots 1/5 and part of Closed Lane, Block 2, Plan 327 BLTO); and
- 127 – 6th Street North (Part NE¼ 23-10-19 WPM).

Subdivision

That the Planning Commission recommend Brandon City Council approve the application to subdivide (4500-25-746)

- 120 – 5th Street North (Lots 17/20 and Closed Lane, Block 104, Plan 2 BLTO);
- 184, 188, and 196 – 6th Street North (Part Lots 15/21, Plan 194 BLTO);
- 101, 161, and 171 – 6th Street North (Lots 1/10 and part of Closed Lane, Block 1, Plan 327 BLTO);
- 201 – 6th Street North (Lots 1/5 and part of Closed Lane, Block 2, Plan 327 BLTO);
- 127 – 6th Street North (Part NE¼ 23-10-19 WPM); and
- Parts of Peters and Ussher Avenues, to be closed, under Plan 327 BLTO,

to create thirty-one (31) lots and a public road in the RLD Residential Low Density and RMD Residential Moderate Density Zones in accordance with the subdivision application map “Attachment C-4”, 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 E of this report;
2. Submitting written confirmation to the City of Brandon Planning & Buildings Department that the Brandon School Division has received \$8,505.00 from the applicant and \$2,430.00 from the City as a cash-in lieu contribution for school purposes;
3. 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 and BellMTS, and registering the easement agreement along with the easement plan, if required, in series with the plan of subdivision;
4. Submitting written confirmation to the City of Brandon Planning & Buildings Department that arrangements have been made for postal service to the satisfaction of Canada Post;
5. 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; and
6. Registering a Plan of Survey to parcel out areas with differing surface rights to register with Teranet Manitoba (Brandon Land Titles Office) in series before a Plan of Subdivision to accomplish the proposed subdivision lot layout.

BACKGROUND:

Request

The applicant, Kevin Hiebert of Habitat for Humanity - Brandon Chapter, on behalf of the property owners, the City of Brandon and Robert Allen McLean, is applying to rezone several properties along 6th, 7th, and 8th Streets North, and subdividing properties along 6th Street North, to enable residential development and development of a stormwater retention pond for the area.

Development Context

The subject site is currently underdeveloped, with a small number of detached dwellings on the site along with existing community gardens at 120 – 5th Street North. Surrounding uses include low-density residential to the west and south, light industrial to the north and further west, and the City's dike to the east protecting the Assiniboine Gardens area. 6th Street North, 8th Street North, and Parker Boulevard provide access to the site.

History

This area has seen limited development and growth for a variety of reasons, such as the historical flooding of the area prior to the existence of the City's dike system, area drainage challenges, and historical stagnation in policy direction regarding the future of the area.

ANALYSIS:

Approval of these rezoning and subdivision applications will allow for development that will consist of mostly low-density developments through Habitat for Humanity, where one dwelling will be constructed on each of the new 30 lots. An additional lot, located currently at 120 – 5th Street North, is proposed to be rezoned to RMD Residential Moderate Density for the City to retain to enable future affordable housing development of a moderate-density nature. Street closures will also be required for some east-west street rights-of-way east of 6th Street North to further enable this development.

Consistency with the Brandon City Plan

- 4.1(1)(a)—proposed development provides affordable homes for citizens to own through the applicant's housing construction and financing programs
- 4.1(1)(d)—City facilitating this development by, with prior Council approval, providing most of the land for development (with the applicant being responsible for the applications and development costs), and through closure of unused street rights-of-way to assemble lands more effectively for this development
- 4.1(1)(f) and 4.1(2)(b)—City working with the applicant by providing land for development, while the applicant develops the site to enable construction of affordable housing
 - City also retains a proposed RMD Zone lot to enable moderate-density affordable housing developments by others
- 4.1(2)(a)—proposed RLD Zone will enable applicant to develop affordable housing forms in their portfolio (e.g. detached and semi-detached dwellings), while the proposed RMD Zone will enable the City to find another partner to develop more intensive affordable housing
- 5.2(1)(c), 5.3(1)(a) and (b), and 7.3(3)(Residential General Policies “d”)—With more residents to live along 6th Street North, applicant to also construct a sidewalk within 6th Street right-of-way to improve pedestrian connectivity in area, including connecting to the nearest existing sidewalk along Stickney Avenue, as none currently exist on 6th Street North
- 6.9(1)(d), (f), and (j)—proposed development to include land set aside for the City to construct a new storm water retention pond to help alleviate drainage issues in the area, better serve existing properties, and to enable the proposed development

- 7.1(1)(a) and 7.1(3)(Residential General Polices “a”)—Site is within the General Urban Area as shown on Map 3: Urban Structure, which allows for residential development
- 7.1(1)(c)—Development proposed along an existing street right-of-way (though improvements required), no new streets proposed
- 7.1(3)(Residential General Polices “b”)—applicant’s housing portfolio based on prior developments elsewhere in the City include detached and semi-detached housing geared to new homeowners who face significant challenges to buying a dwelling without supports to soften the financial effect of buying a dwelling
- 7.1(3)(Residential Development “a” and “d”)—small-scale housing proposed along a local street
- 7.5(1)(c) and (d)—applicant proposes to prepare land for relocation of existing community gardens from 120 – 5th Street North to south of the future storm water retention pond off 7th Street North to ensure no loss of existing community amenities

Consistency with the Assiniboine Gardens Secondary Plan

- Site designated “Residential” and within Transition Area 8 under Map A—Land Use and Transition Areas
- 2.1.1—applicant proposing low-density housing for most of the development, which is what “Residential” areas allow by default
- 2.1.3—proposed RMD Zone site along Stickney Avenue, and City confirms site can support more intense developments from an infrastructure perspective
 - Though site does not have a rear lane, site faces two streets and meets intent of lane requirement to provide vehicular access to the site
- 2.1.6—City providing much of the land for the proposed development while retaining the proposed RMD Zone site for others to develop
- 6.2.7—applicant will upgrade 6th Street North as part of the proposed development, and area around 7th Street North and Parker Boulevard will accommodate a new storm water retention pond for the City

Consistency with the Zoning By-law

- Current IR and OS Zones do not support any residential development
- Proposed lots that the applicant will develop comply with bulk and siting requirements in the proposed RLD Zone
- Proposed lot at 120 – 5th Street North complies with bulk and siting requirements in the proposed RMD Zone
- Storm water retention pond and relocated community gardens permitted in the proposed PR Zone at 7th Street North and Parker Boulevard

Commenting Agencies

All comments have been addressed and summarized below.

City of Brandon

- Applicant to enter into development agreement as condition of subdivision approval, with highlights of development agreement conditions as follows:
 - Developer to upgrade 6th Street North in a phased manner to a paved rural standard, including but not exclusive to a sidewalk and ditching
 - Developer to mitigate increased stormwater runoff from the development
 - Developer responsible for any non-City utility relocations
 - Developer to contribute towards boulevard trees
 - Developer to construct a retention pond and develop and/or improve the associated adjacent green space lands, including the grading of a community garden area
 - Developer to install a fire hydrant along 6th Street North
 - Developer to enter into a save harmless agreement, as the site is located within the diked floodplain area, and this section of 6th Street North, while not designated as a truck route, does on occasion see the movement of overweight and over dimensional vehicles and loads accessing the CPKC rail yard
 - Developer and subsequent property owners to include in real estate sales agreements or lease agreements that the City cannot confirm nor guarantee that trucks will not use this roadway as a last mile access to the CPKC rail yard, and that parking closures for over dimensional loads therefore may occur (such closures would be at the expense and responsibility of the carrier requesting permit)
- Applicant to contact Real Estate Administration to provide new addressing of proposed lots as condition of subdivision approval

Brandon School Division

- Applicant to pay \$8,505.00 (\$283.50/lot) to the Brandon School Division as cash-in-lieu of land dedication for school purposes for the proposed 30 RLD-Zoned lots
- City to pay \$2,430.00 (\$202.50/dwelling unit) to the Brandon School Division as cash-in-lieu of land dedication for school purposes for the proposed RMD-Zoned lot presuming 12 dwellings units to be developed
- Both contributions recommended as a condition of subdivision approval

Utilities

- Manitoba Hydro, their subsidiary Centra Gas, and BellMTS require a joint-use easement
 - City recommending this be a condition of subdivision approval

Canada Post

- Canada Post requires installation of a community mailbox to support additional residents in this subdivision
 - City recommending this be a condition of subdivision approval

Teranet Manitoba

- Teranet Manitoba requires a Plan of Survey to parcel out areas with differing surface rights before a Plan of Subdivision to accomplish the proposed lot layout
 - City recommending this be a condition of subdivision approval

LEGISLATIVE REQUIREMENTS:

Notification

In accordance with and exceeding minimum requirements under Subsection 168(2) of The Planning Act, notice of the public hearing was posted in front of the Planning & Buildings Department and advertised in the Brandon Sun on May 8, 2025 and May 15, 2025. Further, in accordance with and exceeding minimum requirements under Subsections 168(4) and 169(3) of The Planning Act, notice was sent to owners of property within 100 metres (328 feet) of the subject property, and also posted on the subject property.

Public Outreach

In accordance with Section 13 of the Zoning By-law, though not required as the proposed subdivision conforms with the Assiniboine Gardens Secondary Plan, the applicant mailed out information and met with nearby property owners in March 2025. Comments the applicant received included concerns about area drainage and timing of phasing of development. As of the writing of this report, the Planning & Buildings Department has not received representation in favour of or in opposition to this application.