


<b>TITLE:</b> <b>APPLICATION TO SUBDIVIDE</b> <b>2 OUTBACK DRIVE</b> <b>OWNER: R&amp;M HOMES LTD.</b> <b>APPLICANT: REKA HOLDINGS LTD.</b>			
<b>PRESENTER:</b> Andrew Mok, BES		<b>FILE NO:</b> 4500-14-583	
<b>DEPARTMENT:</b> Planning & Building Safety		<b>DATE:</b> December 12, 2014	
<b>CLEARANCES:</b> <i>Original Signed By</i> <b>R. Nickel</b> Principal Planner		<b>ATTACHMENTS:</b> A. Application related documents B. Map, air photo & drawings C. Planning Commission minutes	
<b>APPROVALS:</b> <div style="display: flex; justify-content: space-between; align-items: flex-end;"> <div style="width: 45%;"> <i>Original Signed By</i>  <u>L. Garbo</u>            Director of Planning &amp; Building Safety         </div> <div style="width: 10%; text-align: center;"> <u>Dec.18, 2014</u>            Date         </div> <div style="width: 45%;"> <i>Original Signed By</i>  <u>S. Hildebrand</u>            City Manager         </div> <div style="width: 10%; text-align: center;"> <u>Dec.19, 2014</u>            Date         </div> </div>			

## **BACKGROUND:**

The applicant R&M Homes Ltd., on behalf of the property owner, REKA Holdings Ltd., is applying for a subdivision application to create nineteen (19) lots and a common element on a property located at 2 Outback Drive in the RLD Residential Low Density Multiple Family Zone and the DR Development Reserve Zone. This application will allow for the development of nine (9) two-unit semi-detached dwellings as a bare-land condominium.

### ***History***

The Oakridge Estates area was rezoned in February 2008, and the first phase of the development was subdivided in May 2010. The subject site is one of the two (2) multi-family parcels in the first phase of Oakridge Estates, which also includes sixty-nine (69) single-family parcels, a storm water detention pond, and land set aside for the future realignment of PTH 10.

### ***Development Context***

The subject site of approximately 1.1 hectares is under construction. Primary vehicular access to the site is provided by Outback Drive to the north of the site. The site is abutting a single-family development to the west, a storm water detention pond and a 24-unit multi-family development further north of Outback Drive, commercial developments to the east, a Manitoba Hydro right-of-way and large-lot single-family dwellings to the south.

## **DISCUSSION:**

There are two parts to the applicant's subdivision proposal. First, the applicant proposes to subdivide the site along the existing RLD-DR Zone boundary (see Attachment B-2). Second, the applicant proposes a bare-land condominium subdivision by subdividing the RLD zoned portion of the site into eighteen (18) lots (see Attachments B-3 and B-4). The majority of the lots will be 10.1m in width with a 0.3m wide Common element along the rear of those lots. Eighteen (18) semi-detached dwellings as shown on the attached site plan has been proposed on this property (see Attachment B-5).

### ***Revision to Plan of Subdivision***

City Council originally approved this application on November 17, 2014. The original approval included the dedication of the entire DR zoned portion of the subject site as a public street for the future development of a service road from Outback Drive to existing properties at 1350, 1400 and 1410 - 18<sup>th</sup> Street North. Following Council approval, administration received direction from Manitoba Infrastructure and Transportation that an agreement was already finalized with the owner to purchase the required lands, and therefore, dedication was not necessary. The lands purchased by Highways required less land than originally anticipated (Attachment B-6) which leaves the remaining DR zoned lands available for future development upon a rezoning process. The updated plans of subdivision (Attachments B2 & B3) have been revised to remove the “public street” designation.

### ***Consistency with the Development Plan***

Policies 2.2.1, 2.2.2 and 2.2.4 of the Development Plan apply to the proposed development. Policy 2.2.1 states that residential development within the City will be required to locate in residential areas as shown on Map One of the Development Plan. The proposed development complies with Policy 2.2.1 as the area in which the development is located is designated “Residential”.

Policy 2.2.2 states that a variety of housing types should be provided within each serviced urban residential area and Policy 2.2.4 states that a range of housing densities are promoted in various locations throughout the City. The proposed development complies with Policies 2.2.2 and 2.2.4 by providing an additional housing type to the area.

### ***Consistency with the Oakridge Estates Neighbourhood Plan***

The approved Oakridge Estates Neighbourhood Plan identifies the subject site for low density residential development. The plan proposes developments of higher density to be developed between the single-family dwellings to the west of the subject property and the future realigned PTH 10 to the east. The proposal of semi-detached dwelling construction is consistent with the neighbourhood plan as it meets the intent of the low density zone.

### ***Consistency with the Zoning By-law***

The subject site is located in an area with two zoning districts, the western portion of the site is located in the RLD zone and the small easternmost portion of the site is located in the DR zone. The DR zone was in place to ensure there is sufficient land provided to accommodate a future service road as a result of the PTH 10 alignment. As Manitoba Infrastructure and Transportation no longer needs this much land for the service road, the DR will remain undeveloped. However, the proposed residential development will only be within the RLD Zone. The applicant proposes to develop semi-detached dwellings on lots with a minimum of 10.1m wide and between 465m<sup>2</sup> and 521m<sup>2</sup> in size. The proposed lot sizes are in compliance with the bulk and siting requirements for the RLD zone as listed in Table 11 under section 35 of the Zoning By-law.

The applicant applied for a variance to provision 36(a)(2) of the Zoning By-law to reduce the minimum setback around the boundary of this bare-land condominium site from 7.6m to 2.4m. The reduced setback applies to Units 1 and 18 and was approved by the City’s Planning Commission on October 15, 2014 under Variance Order V-21-14-B.

### ***Commenting Agencies***

A summary of comments from review agencies are summarized below. All other comments received have otherwise been addressed.

### ***City of Brandon***

The City of Brandon requires, as a condition of subdivision approval, confirmation that arrangements have been made for a private water and wastewater agreement to the satisfaction of the City of Brandon Engineering Department, and registering the agreement in series immediately following registration of the subdivision.

### *Brandon School Division*

The Brandon School Division requires a cash-in-lieu of land dedication of \$5,103.00 for school purposes as a condition of subdivision approval.

### *Utilities*

Manitoba Hydro and MTS Inc. require easements as a condition of subdivision approval.

### ***Notification***

In accordance with Section 169 of The Planning Act, notice of this Public Hearing regarding this subdivision application was sent to owners of property within 100 metres (328 feet) of the subject property and notice posters were posted on the property.

### ***Public Outreach***

Although the Planning & Building Safety Department encouraged the applicant to conduct public outreach on the proposed development, public outreach is not required in this case. Pursuant to provision (b)(2)(i) and (b)(2)(iv) of Appendix D: Public Outreach Requirements in the Zoning By-law, public outreach is not a requirement as this subdivision is within an approved neighbourhood plan.

### ***Public Hearing Held***

In accordance with Section 36(2) of The Planning Act, the Planning Commission held a public hearing on October 15, 2014 to consider the request; please see attached minutes of the hearing for details (Schedule C). Upon public testimony, the Planning Commission recommended that City Council approve this application with conditions. This public hearing was held because a public road dedication was part of the original proposal.

### ***Revision to Recommended Conditions***

Following Council approval, the applicant requested clarification on the condition requiring a cash-in-lieu contribution for parks. Upon further investigation, administration determined that the cash-in-lieu contribution for parks was already contributed under a previous development agreement. Therefore, administration has revised the recommendation by removing the condition requiring a cash-in-lieu contribution for parks.

### **RECOMMENDATION:**

That the application to subdivide 2 Outback Drive (Lot 24, Plan 48868 BLTO) to create nineteen (19) lots and a common element in the RLD Residential Low Density Multiple Family Zone and the DR Development Reserve Zone be approved, subject to:

1. the owner or successor submitting to the City of Brandon Planning & Building Safety Department:
  - a. written confirmation that the Brandon School Division has received \$5,103.00 as a cash-in lieu contribution for school purposes;
  - b. written confirmation that arrangements have been made for private water and wastewater agreement to the satisfaction of the City of Brandon Engineering Department, and registering the agreement in series immediately following registration of the subdivision; and
  - c. written confirmation that arrangements have been made for a joint use easement agreement and Plan of Easement to the satisfaction of Manitoba Hydro and MTS Inc., and registering the easement agreement along with the easement plan, if required, in series immediately following registration of the subdivision.