


TITLE: SUBDIVISION; BY-LAW NO. 7112 TO REZONE PROPERTY LOCATED AT 1901 & 1955 – 34TH STREET OWNER: 663251 MANITOBA LTD APPLICANT: VBJ DEVELOPMENTS LTD		
PRESENTER: Andrew Mok, BES	FILE NO: Z-08-14-B; 4500-14-595	
DEPARTMENT: Planning & Building Safety	MEETING DATE: March 4, 2015	
CLEARANCES: Principal Planner	ATTACHMENTS: A. Application related documents B. Maps, drawings & air photo C. By-law No. 7112 D. DRAFT Downey Lands Neighbourhood Plan	
APPROVALS: <i>Original Signed By Andrew Mok Feb. 19, 2015 Original signed by Ryan Nickel Feb. 20, 2015</i>		

REQUEST:

The applicant, Steve McMillan of VBJ Developments Ltd., on behalf of the property owner, 663251 Manitoba Ltd., is applying for the following:

- To rezone 4 hectares of a property of approximately 55 hectares located at 1901 & 1955 – 34th Street from AG80 Agricultural General Zone under the RM of Cornwallis Zoning By-law No. 1558/09/99 to RSF Residential Single Family Zone under the City of Brandon Zoning By-law No. 6642; and
- To subdivide the 4-hectare portion of the property to create fifty (50) lots and a public road in the AG80 Agricultural General Zone under the RM of Cornwallis Zoning By-law No. 1558/09/99.

Approval of these applications will allow for the development of single-family dwellings within the Southwest Brandon Secondary Plan area.

BACKGROUND:

Process

The portion of the property to be rezoned (“the subject site”) will be the first stage of the first phase of development within the Downey Lands Neighbourhood Plan (Attachment D). The Downey Lands Neighbourhood Plan (“the neighbourhood plan”) is currently under review by internal and external stakeholders; the neighbourhood plan is attached to this report for information purposes only. This neighbourhood plan is a non-statutory plan which provides a development concept for the larger area, and it will be presented for consideration by City Council prior to the rezoning application receiving third reading.

Prior to receiving approvals for the rezoning, subdivision and neighbourhood plan applications, the processes identified below must be followed in order to comply with The Planning Act and the Zoning By-law:

- First Reading—City Council gives rezoning application first reading;
- Public Outreach—the applicant conducts public outreach meetings with stakeholder groups and area residents;
- Public Hearing—Planning Commission holds a public hearing on the rezoning and subdivision applications;
- Second Reading—City Council considers granting the rezoning application second reading;
- Neighbourhood Plan Approval—City Council considers the resolution for the neighbourhood plan;
- Third Reading—City Council considers granting the rezoning application third reading;

- Subdivision Approval by City Council—City Council considers the subdivision; and
- Subdivision Approval by BAPD Board—BAPD Board considers the subdivision.

Development Context

The subject site of approximately 4 hectares is currently undeveloped and is located at the northernmost portion of a larger 55-hectare property located within the proposed neighbourhood plan (Attachment B-2). The entire Downey property is also located within the eastern half of the two quarter sections of land governed by the South West Brandon Secondary Plan. The subject site is located south of existing single-family housing across Maryland Avenue, and is surrounded by undeveloped land to the east, west and south. Proposed primary vehicular ingress and egress to the first phase is provided by Maryland Avenue at the Marquis Drive intersection.

The proposed neighbourhood plan encompasses eleven properties located in the SW¼ 10-10-19 WPM. A majority of the land within this quarter-section (55ha) is owned by the proponent of the neighborhood plan, and the applicant of the rezoning and the subdivision applications. The remaining lands (9.7ha) is distributed amongst nine properties of which eight contain single-family dwellings with driveway accesses off 34th Street. The neighbourhood plan is bounded by Maryland Avenue to the north, the quarter-section line to the east, Patricia Avenue to the south, and 34th Street to the west. Primary vehicle ingress and egress to the neighbourhood plan area is provided by Maryland Avenue, Patricia Avenue and 34th Street.

History

This subject quarter-section of land was part of the two quarter-sections of land (SW¼ 10-10-18 & SW¼ 10-10-19 WPM) annexed into the City of Brandon from the RM of Cornwallis in 2012. In accordance with The Planning Act, the zoning designation of these quarter-sections of land under the RM of Cornwallis Zoning By-law remained in effect and will continue to be until these lands are rezoned. Following annexation, the site was designated as “Residential” in accordance with the Brandon & Area Planning District Development Plan which was adopted by the Planning District Board in 2013. The Southwest Brandon Secondary Plan, adopted by Brandon City Council in 2014, established a planning framework and directions on land use, infrastructure and transportation for the future subdivision and development of these annexed properties. The proposed neighbourhood plan is prepared in accordance with the policies set forth in the Southwest Brandon Secondary Plan.

Proposed Neighbourhood Plan

The majority of the land within the neighbourhood plan area will consist of lower-density housing developments, such as single-family dwellings and semi-detached dwellings; moderate-density housing (apartments) is proposed to be located along the collector streets in close proximity to the central greenspace. Collector streets will provide the neighbourhood direct vehicle access from 34th Street, Patricia Avenue, and the intersection of 26th Street and Maryland Avenue. The plan includes a leisure greenspace located centrally within the plan area surrounding a proposed storm water retention pond. The central greenspace will be connected to surrounding and future developed areas by a connector greenspace which includes a trail network. At full build-out, the neighbourhood plan projects a total of 1,288 housing units, providing housing for approximately 3,000 people.

The Neighbourhood Plan includes a phasing plan, which identifies that full build-out will be completed in five phases. The estimated development timeframe is that full build-out of all phases will be completed by 2030. Phase one, anticipated to be completed in 2017, includes the potential for a projected 292 housing units, which are proposed to be serviced by gravity sewers connecting an existing wastewater sewer at the intersection of Maryland Avenue and Marquis Drive. The development of future phases beyond phase one will likely require the additional flow from the area to be transported to the South End Lift Station by means of a new lift station and forcemain. Immediate water distribution services will be provided by two location points at Marquis Drive and 26th Street. Later stages of development may require the extension of the existing water main on Patricia Avenue west to the plan area to improve water pressures and increase available delivery volumes. Storm water runoff will be managed by a central retention basin. Runoff from the retention basin will be discharged at the Patricia Avenue Ditch at a controlled rate, and will ultimately flow into an existing coulee to the south of the area.

Fiscal Impact Analysis

A fiscal impact analysis FIA is currently being completed for the entire neighbourhood plan area. The FIA is an analysis of all municipal capital, maintenance, and operating costs associated with the development and the expected revenues resulting from them. The intent of the FIA is for the City to understand the long-term fiscal (lifecycle) implications of the development on the City's finances. The results of the FIA will be summarized for Council prior to consideration of the neighbourhood plan for approval.

ANALYSIS:

Subdivision & Rezoning

Approval of these rezoning and subdivision applications will allow for the development of the first stage of the first phase of development within the proposed neighbourhood plan. All fifty (50) proposed lots will accommodate single-family dwellings (Attachment B-3). Vehicle access to this stage of development will be from the intersection of Marquis Drive and Maryland Avenue. Water, sanitary and storm water infrastructure will connect to Marquis Drive to the North.

Consistency with the Development Plan

The proposed development conforms to Policy 2.2.1 of the Development Plan, which 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 intent of this policy is to ensure residential developments are not located in areas of the City where such developments would be incompatible with other uses. The subject site is located within the quarter-section is designated as "Residential" in Map One.

The proposed development also conforms to Policy 10.2.5(IV) of the Development Plan, which states that a secondary plan will be required for all new development in greenfield areas identified in Reference Map 11 of the Development Plan prior to the subdivision and rezoning of lands. The intent of this policy is to ensure a framework is created for all future greenfield developments. The Southwest Brandon Secondary Plan area is identified as one of the secondary plan areas in Reference Map 11, and the Southwest Brandon Secondary Plan ("the Secondary Plan") was adopted in 2014.

Consistency with the Southwest Brandon Secondary Plan

The proposed development conforms to the following policies of the adopted Secondary Plan:

- Policy 2.1.1.1, which states that Residential Low Density and Moderate Density developments shall be developed in the general locations as shown in Schedule A: Southwest Brandon Land Use Plan;
- Policy 2.1.2.1, which states that Residential Low Density areas should only be developed with a mix of zones including the RSF Zone, the RMH Residential Mobile/Modular Home Zone, and the RLD Residential Low Density Multiple Family Zone; and
- Policy 2.1.2.2, which states that single detached, semi-detached and duplex dwellings should be the prominent residential types within Residential Low Density areas.

The intent of these policies is to provide for a range of housing options throughout the Secondary Plan area and to provide flexibility to accommodate a range of housing types. The area proposed to be rezoned is designated Residential Low Density in the Secondary Plan, and the proposed RSF zone is allowed within the designation.

Consistency with the Downey Lands Neighbourhood Plan

The rezoning and subdivision applications were submitted concurrently with the neighbourhood plan. The neighbourhood plan must be adopted by City Council by resolution prior to approval of the subdivision and rezoning application. Once the neighbourhood plan is approved as presented (Attachment D), the proposed development must comply with the street layout and land use proposed for the area (Subsection 4.1). The proposed subdivision is consistent with the range of lot sizes proposed in the neighbourhood plan by including lots ranging from 12.2m to 15.2m in width and 30.5m to 36.5m in depth. The proposed

right-of-way width of 18.0m is consistent with the proposed right-of-way for local streets as shown in Subsection 4.1 of the neighbourhood plan.

Consistency with the Zoning By-law

The existing AG80 Zone on the subject site does not permit residential developments; a rezoning to a residential zone is required in order to establish the proposed residential development. The applicant proposes to develop single-family dwellings on lots that exceed the minimum lot width (12.1m) and area (372m²) requirements in the RSF Zone. The RSF Zone is an acceptable zone for the development of single-family detached dwellings.

Commenting Agencies

All comments have been addressed and summarized below.

City of Brandon

There is currently insufficient capacity in the existing wastewater network to service the entire Southwest Brandon Secondary Plan growth area. There is sufficient capacity to service the proposed first stage of the first phase of development within the proposed Downey Lands Neighbourhood Plan. Future stages and phases will likely be required to contribute or construct off-site infrastructure improvements (including a new lift station and forcemain) necessary to serve development within the neighbourhood plan area.

The City of Brandon requires a development agreement as a condition of subdivision approval. The development agreement shall ensure, among other standard items in the development agreement, the owner/developer to provide

- an irrevocable Letter of Credit,
- a contribution for boulevard trees, as well as a landscape plan for boulevard tree plantings,
- a development charge contribution for the future upgrades to City infrastructure, including the street network and water and waste water systems, to accommodate full build-out of the neighbourhood plan area, and
- a drainage plan including lot grading of the subject site and neighbouring sites.

The City of Brandon also requires from the owner/developer that outstanding taxes on 1901 – 34th Street be paid as a condition of subdivision approval.

Brandon School Division

The Brandon School Division requires a cash-in-lieu of land dedication of \$14,175.00 for school purposes as a condition of subdivision approval.

Utilities

MTS Inc., Manitoba Hydro and Westman Communications Group will require easements as a condition of subdivision approval.

Manitoba Conservation and Water Stewardship

If drainage from this stage of development will go towards the City of Brandon/RM of Cornwallis boundary along Patricia Avenue instead of the City's existing drainage system to the north and east of the subject site, Manitoba Conservation and Water Stewardship advises that a Water Rights Act License is required. This will be a condition of subdivision approval.

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 has also been posted on the subject property and advertised in the Brandon Sun on February 12, 2015 and February 19, 2015.

Public Outreach

In accordance with the Zoning By-law Appendix D, the Public Hearing requirements, the applicant conducted an open house on January 28, 2015 at the Westridge Community Centre. The applicant

notified neighbouring residents of the open house by mail, and fifteen (15) people attended the open house. In accordance with the public participation report, concerns raised by those who attended included traffic on Patricia Avenue, Maryland Avenue and 26th Street, the servicing of the neighbourhood plan area, the phasing of the development of the neighbourhood plan area, and involving owners of properties along 34th Street in the future development of their properties. As of the writing of this report, the Planning & Building Safety Department has not received written comments in support of or in opposition to this application.

RECOMMENDATIONS:

That the combined Public Hearing regarding By-law No. 7112 (Z-08-14-B) to rezone 1901 & 1955 – 34th Street (Pt. SW¼ 10-10-19 WPM) from AG80 Agricultural General Zone under the RM of Cornwallis Zoning By-law No. 1558/09/99 to RSF Residential Single Family Zone under the City of Brandon Zoning By-law No. 6642, and subdivision application 4500-14-595, be concluded.

Rezoning

That the Planning Commission recommend By-law 7112 (Z-08-14-B) be approved.

Subdivision

That the Planning Commission recommend Brandon City Council approve the application to subdivide (4500-14-595) 1901 & 1955 – 34th Street (Pt. SW¼ 10-10-19 WPM) to create fifty (50) lots and a public road in the AG80 Agricultural General Zone, subject to:

1. the site being rezoned from AG80 Agricultural General Zone under the RM of Cornwallis Zoning By-law No. 1558/09/99 to RSF Residential Single Family Zone under the City of Brandon Zoning By-law No. 6642; and
2. the owner or successor
 - a. entering into a development agreement with the City of Brandon;
 - b. providing written confirmation to the City of Brandon Planning & Building Safety Department that taxes for the property to be subdivided, for the current year plus any penalty, interest and arrears, have been paid in full or arrangements satisfactory to Council have been made;
 - c. submitting written confirmation to the City of Brandon Planning & Building Safety Department that the Brandon School Division has received \$14,175.00 as a cash-in lieu contribution for school purposes;
 - d. submitting written confirmation to the City of Brandon Planning & Building Safety Department that arrangements have been made for a joint use easement agreement and Plan of Easement to the satisfaction of Manitoba Hydro, MTS Inc. and Westman Communications Group; and
 - e. submitting written confirmation to the City of Brandon Planning & Building Safety Department that a Water Rights Act License has been obtained from Manitoba Conservation and Water Stewardship. The permit will not be required should approved servicing drawings demonstrate that drainage from the site is accommodated into the existing City drainage network to the north and east of the site.