


<b>TITLE:</b> <b>BY-LAW NO. 7235 TO REZONE</b> <b>PROPERTY LOCATED AT 2222 CURRIE BOULEVARD</b> <b>OWNER: RICHARD GOLLETZ AND ESTHER DOBSON-GOLLETZ</b> <b>APPLICANT: RICHARD GOLLETZ</b>		
<b>MEETING DATE:</b> June 5, 2019		<b>Page 1 of 5</b>
<b>DEPARTMENT:</b> Planning & Buildings	<b>ATTACHMENTS:</b> A. By-law No. 7235 B. Application related documents C. Drawings D. Public participation report E. Land development report	
<b>PRESENTER:</b> Andrew Mok, BES MCIP RPP	<b>MANAGER:</b> Ryan Nickel, Chief Planner	

**RECOMMENDATIONS:**

That the Planning Commission recommend City Council approve By-law No. 7235 (Z-02-19-B) to rezone 2222 Currie Boulevard (Lots 1/8, Block 4, Plan 1118 BLTO) from Residential Mobile/Modular Home (RMH) to Commercial Arterial (CAR), subject to the owner or successor entering into a development agreement with the City of Brandon with the following conditions:

1. The Developer agrees that the site is approved for a maximum intensity of use of 40,000 square feet.
2. The Developer agrees to pay a contribution towards twenty (20) boulevard trees. The amount of payment for such trees will be calculated at the time of execution of the development agreement and based upon the City’s tree contract pricing for the current year. Payment in full will be required at the time of execution of the development agreement.
3. The Developer agrees to provide written confirmation from Manitoba Infrastructure confirming the approval of a traffic impact study for this development area.
4. The Developer agrees prior to the issuance of a development and/or building permit to provide written confirmation from Manitoba Infrastructure stating there is no drainage issues between the site and the provincial highway system.
5. The Developer agrees prior to the issuance of a development and/or building permit to provide written confirmation from Manitoba Infrastructure ensuring the design of the site addresses future upgrades to Patricia Avenue/PTH 10 (18<sup>th</sup> Street) intersection and the offset of Currie Boulevard.
6. Should the Developer choose to construct private mains to service the commercial development, the Developer agrees to enter in to a Private Sewer and Water Agreement with the City, for the servicing of the property. The agreement is to be executed by the property owner prior to the issuance of a development and/or building permit and shall be registered prior to the issuance of a Development Permit.

7. Should the Developer choose to extend wastewater within the 18<sup>th</sup> Street (PTH10)/Currie Boulevard right-of-way, the extension will be secured under the development agreement.
8. The Developer agrees to construct accesses to the site per the City of Brandon specifications and TAC standards.
9. The Developer acknowledges removal of any existing access to the site are to be restored to City Of Brandon specifications.
10. 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.
11. The Developer acknowledges additional financial contributions may be required from the Developer pending review of the site design analysis. Any contributions will be require prior to the issuance of a development permit.

And that administration be authorized to prepare a Development Agreement containing all conditions and requirements to protect the City's interests in accordance with any procedures, policies, by-laws and Acts.

#### **BACKGROUND:**

##### ***Request***

The applicant, Richard Golletz, on behalf of the property owners, Richard Golletz and Esther Dobson-Golletz, is applying to rezone a property located at 2222 Currie Boulevard from RMH Residential Mobile/Modular Home to CAR Commercial Arterial. Approval of this application will allow for future commercial development.

##### ***Development Context***

The site is currently a mobile home park located at the northwest corner of Currie Boulevard, a service road off 18<sup>th</sup> Street (PTH 10), and Patricia Avenue. Known as Brentwood but under different ownership than the rest of Brentwood Mobile Home Park, this site has accommodated up to 42 mobile homes. Uses surrounding the site include low-density residential uses to the east and west, commercial uses to the north, and undeveloped recently annexed land to the south. Brian Avenue, Currie Boulevard, and Patricia Avenue are adjacent to the site along the north, east, and south sides respectively.

##### ***History***

The site has been a mobile home park for decades. The applicant is currently going through a Residential Tenancies Branch process to close the mobile home park and enable future commercial development.

**ANALYSIS:**

The applicant does not intend to develop the site himself. Rather, the applicant is rezoning the property to enable a future developer or site owner to develop the site for commercial purposes. The applicant provided two conceptual site plans showing how a mix of retail, service, and office uses with on-site parking may be developed on the site (Attachments C-1 and C-2).

***Consistency with the Development Plan***

- Site is designated Commercial under Map 1: Urban Land Use of the BAPD Development Plan 2013
- Located along an arterial street to support more intense commercial uses (Policy 3.2.4)
  - Currie Boulevard is a service road for 18<sup>th</sup> Street (PTH 10)

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

- CAR Zone is consistent with the development plan commercial land use designation
- Location of site along arterial street is supported for CAR Zoning
- Proposed general uses consistent with CAR Zone
- Detailed design by future developer required during development permit application stage to confirm full compliance

***Commenting Agencies***

All comments have been addressed and summarized below.

**City of Brandon**

- Development agreement required with the following conditions:
  - Site design analysis required for the City to accept prior to the issuance of a development permit for the site
  - Financial contribution towards boulevard trees to be planted by the City along the Currie Boulevard and Brian Avenue rights-of-way
    - Location of trees in the rights-of-way to be confirmed by a landscaping plan submitted as part of the future developer's development permit application
    - Payment will be based upon the cost of trees for the year in which the future developer obtains a development permit
  - A private sewer and water agreement may be required if determined to be necessary based upon proposed servicing of the site
  - If the future developer chooses to extend wastewater within the 18<sup>th</sup> Street (PTH 10)/Currie Boulevard right-of-way, the extension will be secured under this development agreement
  - Any proposed accesses to the site are to be constructed as per City of Brandon Specifications and TAC Standards

- Removal of any existing accesses to the site are to be restored to City of Brandon Specifications
- Detailed cost estimate and letter of credit required for all work related to this project done within the rights-of-way
- Additional financial contributions may be required of the developer pending review of the site design analysis
- Written confirmation that Manitoba Infrastructure approves a traffic impact study for this development
  - Study to identify amount and type of traffic to be generated by this development and its potential impact on PTH 10
  - Study to also identify need for any on-highway improvements to safely accommodate traffic generated by this development, taking into account Manitoba Infrastructure's long range plans for intersection improvements
- Prior to issuance of a development permit, written confirmation that Manitoba Infrastructure is satisfied there are no drainage issues between the site and the provincial highway system
- Prior to issuance of a development permit, written confirmation from Manitoba Infrastructure the design of the site addresses Manitoba Infrastructure's future upgrades to the Patricia Avenue/PTH 10 (18<sup>th</sup> Street) intersection, including the offset of Currie Boulevard

#### Manitoba Infrastructure

- Manitoba Infrastructure (MI) does not object to the application, but has the following concerns:
  - MI is proposing future upgrades to the Patricia Avenue/PTH 10 (18<sup>th</sup> Street) intersection, including signal installation and widening PTH 10 to four lanes
  - Southeast portion of the site will be required to realign Currie Boulevard when proposed upgrades take place
    - Increased offset of Currie Boulevard from PTH 10 required to allow for turning movements and stacking on Patricia Avenue
  - Plans must at least include mirror image of Currie Boulevard alignment at Maryland Avenue, with Currie Boulevard tying in about 60m west of the PTH 10 centreline (see MI's sketch, Attachment C-3)
- MI asking for the following conditions of approval, all of which the City of Brandon is recommending be conditions in a development agreement:
  - Written confirmation that Manitoba Infrastructure approves a traffic impact study for this development
  - Written confirmation that Manitoba Infrastructure is satisfied there are no drainage issues between the site and the provincial highway system

- Written confirmation from Manitoba Infrastructure the design of the site addresses Manitoba Infrastructure's future upgrades to the Patricia Avenue/PTH 10 (18<sup>th</sup> Street) intersection, including the offset of Currie Boulevard

### **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 May 16, 2019 and May 23, 2019.

#### ***Public Outreach***

In accordance with Section 13 of the Zoning By-law, the applicant mailed information about his proposal to nearby property owners on January 1, 2019. The applicant did not receive any comments during his outreach efforts. As of the writing of this report, the Planning & Buildings Department has not received representation in favour of or in opposition to this application.