


<b>TITLE:</b> <b>BY-LAW NO. 7247 TO REZONE</b> <b>PARTS OF 1910 BELL AVENUE AND 1910 HAMILTON AVENUE;</b> <b>SUBDIVISION OF 1910 AND 2000 BELL AVENUE AND 1910</b> <b>HAMILTON AVENUE</b> <b>OWNERS: WAVERLY DEVELOPMENTS LTD.; EXECUTIVE</b> <b>HOMES 2000 LTD.</b> <b>APPLICANT: CITY OF BRANDON (RYAN NICKEL)</b>		
<b>MEETING DATE:</b> September 18, 2019		<b>Page 1 of 4</b>
<b>DEPARTMENT:</b> Planning & Buildings	<b>ATTACHMENTS:</b> A. By-law No. 7247 B. Application related documents	
<b>PRESENTER:</b> Andrew Mok, BES RPP MCIP	<b>MANAGER:</b> Ryan Nickel, RPP, Chief Planner	

**RECOMMENDATIONS:**

***Rezoning***

That the Planning Commission recommend City Council approve By-law No. 7247 (Z-06-19-B) to rezone a portion of 1910 Bell Avenue from Development Reserve (DR) to Commercial Arterial (CAR), and a portion of 1910 Hamilton Avenue from Agricultural (A) to Commercial Arterial (CAR).

***Subdivision***

That the Planning Commission recommend Brandon City Council approve the application to subdivide (4500-19-688) 1910 and 2000 Bell Avenue and 1910 Hamilton Avenue to create three (3) lots and a public road in the Development Reserve (DR) Zone, Residential Moderate Density (RMD) Zone, and Commercial Arterial (CAR) Zone, subject to:

1. The owner or successor providing written confirmation to the City of Brandon Planning & Buildings 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 must be made satisfactory to Brandon City Council; and
2. Proposed Lots 4 and 5 being consolidated as a single title to be registered in series with this subdivision.

**BACKGROUND:**

***Request***

The applicant, Ryan Nickel of the City of Brandon (the City), on behalf of the property owners, Waverly Developments Ltd. and Executive Homes 2000 Ltd., is applying for the following:

- To rezone a portion of 1910 Bell Avenue from Development Reserve (DR) to Commercial Arterial (CAR), and a portion of 1910 Hamilton Avenue from Agricultural (A) to Commercial Arterial (CAR)
- To subdivide 1910 and 2000 Bell Avenue and 1910 Hamilton Avenue to create three (3) lots and a public road

Approval of these applications will enable future development of the Oakridge Estates neighbourhood by providing legal access.

***Development Context***

The subject site is currently partially developed with two roadways constructed along the future alignments of Bell Avenue and Outback Drive to provide vehicular access to the Oakridge Estates neighbourhood. Uses surrounding the site include commercial to the north and east, residential to the south, and agricultural to the north and northwest. Access to the site include Bell and Hamilton Avenues, and the service road south of and parallel to the Trans-Canada Highway (PTH 1).

***History***

The first phase of the Oakridge Estates neighbourhood was developed without the existing accesses (Outback Drive and Bell Avenue) being dedicated as street rights-of-way. The original intent was to dedicate the future PTH 10 realignment as a street right-of-way at the time of the first subdivision of Oakridge Estates, but the Government of Manitoba was not yet prepared to accept the land. This left Oakridge Estates without legal access to the existing road network, including Cumberland and Bell Avenues at 18<sup>th</sup> Street North. The City and the two site owners this year reached an agreement to provide legal access. As part of the agreement, City administration is applying for rezoning and subdivision on the site owners' behalf.

**ANALYSIS:**

The site sits at an intersection of lands designated Commercial (Regional Retail), Development Reserve, and Residential. In accordance with the agreement between the City and the owners of the site, the proposal will rezone privately held land, reserved as part of a future PTH 10 realignment, into the CAR Zone, the same zone as the eastern portion of 1910 Bell Avenue. The proposal will also subdivide land as follows:

- Bell Avenue will be a street right-of-way
- One of the site owners will own land that coincides with the future PTH 10 realignment except for land over which Outback Drive and Bell Avenue run (Lots 2, 4, and 5 in Attachment B-7)
  - Lots 4 and 5 will be consolidated into a single title, but they are currently shown separately due to mineral rights issues
  - Lot 5 must be consolidated with Lot 4, as subdivision regulations require all lots to have street frontage
- The other site owner will own the remainder of the land (Lots 1, 3, and 6 in Attachment B-7, and the remainder of 1910 Hamilton Avenue)
- Lot 3 in Attachment B-7 will be available for commercial development
  - No immediate plans for development known to date
- Lot 6 in Attachment B-7 remains for the future development of Phase 2 of the Oakridge Estates neighbourhood

***Consistency with the Development Plan***

- Area east of the future PTH 10 realignment is designated Commercial—Regional Retail, while area west of the future PTH 10 realignment is designated Residential
- Policy 3.2.4—CAR Zone site will be adjacent to a future expressway or arterial street (the PTH 10 realignment)
- Policy 13.2.5—Oakridge Estates neighbourhood already has physical access to the rest of the City’s street network, but the subdivision will provide legal access, protecting these street connections

***Consistency with the North Brandon Gateway Secondary Plan and Oakridge Estates Neighbourhood Plan***

- North Brandon Gateway Secondary Plan
  - Schedule A – Land Use and Road Plan—area east of future PTH 10 realignment is designated Commercial
- Oakridge Estates Neighbourhood Plan
  - No deviation in layout of neighbourhood plan
  - Future PTH 10 realignment remains reserved

- Establishing legal access to the Oakridge Estates neighbourhood enables development of Phase 2 of the neighbourhood

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

- Proposed CAR Zone lots meet the bulk and siting requirements under Table 12 (Section 55) of the Zoning By-law, provided Lots 4 and 5 are consolidated as a single title
  - All lots must have access to a road
  - Proposed Lot 5 will be landlocked if it is not consolidated with Proposed Lot 4

***Commenting Agencies***

All comments have been addressed and summarized below.

***City of Brandon***

The City of Brandon advises that property taxes are still outstanding on some of the properties within the site and recommends payment of the outstanding taxes be a condition of subdivision.

**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 August 29, 2019 and September 5, 2019.

***Public Outreach***

In accordance with Section 13 of the Zoning By-law, public outreach is not required, as these applications are in accordance with the Oakridge Estates Neighbourhood Plan. As of the writing of this report, the Planning & Buildings Department has not received representation in favour of or in opposition to this application.