

MINUTES OF THE PLANNING COMMISSION MEETING HELD AUGUST 7, 2013 AT 7:30 P.M. IN THE COUNCIL CHAMBERS, CIVIC ADMINISTRATION BUILDING, BRANDON, MANITOBA

1 ROLL CALL

Commissioners: Calvin Coey
Colleen Anderson
Don Jessiman
Garnet Boyd

Administration: Ryan Nickel
Waleed Albakry
Jennifer Houlihan

2. ADOPTION OF AGENDA

2013-109

Jessiman-Anderson

That the Agenda for the regular meeting of the Planning Commission to be held August 7, 2013, be adopted as presented.

CARRIED 4/0

3. CONFIRMATION OF MINUTES

2013-110

Anderson - Boyd

That the minutes of the regular meeting of the Planning Commission held on July 17, 2013 be adopted as presented.

CARRIED 4/0

4.0 PUBLIC HEARING

a. VARIANCE

659 Rideau Street

Owner: Keri Bailey

Applicant: R and M Homes Ltd.

Mr. Albakry indicated on behalf of the applicant R and M Homes Ltd., on behalf of the owner, Keri Bailey, is applying for a density variance to increase the maximum number of dwelling units from two (2) to three (3) for the property located at 659 Rideau Street (Lots 19/20, Block 11, Plan 9 BLTO) in the RLD Residential Low Density Multiple Family Zone.

Upon presentation by staff, Commissioner Anderson made inquiry of the Methane Policy. Mr. Albakry indicated that the Methane Policy regulates development within and around former landfill sites. Commissioner Anderson asked for details regarding the Save Harmless agreement? Mr. Albakry indicated that the agreement is to ensure the property owner accepts legal liability of developing in a methane area.

Commissioner Boyd asked that with regard to methane zone, would the service drop be over head or underground, which was deferred to the applicant.

Mark Bailey (applicant, R&M Homes) came forward requesting a variance to allow for a three-plex on this site. With regard to services, water & sewer services will be underground and electricity will be overhead running to three separate meters.

Commissioner Boyd asked to confirm that this project is a 3-Plex rental to which Mr. Bailey did confirm. Commission Anderson inquired as to what type of testing would have to occur with regard to methane. Mr. Bailey indicated that he would work with administration to ensure testing is carried out correctly to avoid issues down the road.

Commission Coey asked if the testing was done by the City to which Mr. Nickel replied that there are several private firms in Brandon whose services the applicant could engage.

2013-111

Anderson-Jessiman

That the Public Hearing for Variance Application V-13-13-B at 659 Rideau Street be concluded.

CARRIED 4/0

2013-112

Anderson - Jessiman

That Variance Application V-13-13-B to increase the maximum number of dwelling units from two (2) to three (3) in the RLD Residential Low Density Multiple Family Zone be approved at 659 Rideau Street (Lots 19/20, Block 11, Plan 9 BLTO) in accordance with the intent of the application, the attached letter of intent (A-3) and the attached site plan (B-2) and elevation plans (B-3 & B-4), subject to the owner or successor:

- a) prior to the issuance of a building permit, submitting written confirmation to the City of Brandon Planning & Building Safety Department that the Brandon School Division has received \$283.50 as a cash-in lieu contribution for school purposes.
- b) prior to the issuance of a building permit, submitting \$248.95 to the City of Brandon Planning & Building Safety Department as a cash-in lieu contribution for public reserve purposes; and
- c) prior to the issuance of a building permit, entering into a development agreement with the City of Brandon as attached to the report by the Community Planner dated August 7th, 2013.

CARRIED 4/0

Prior to the above motion being voted on, the following comments were made: Commissioner Anderson commented that this application appears to meet the four planning tests, the design fits into the neighbourhood and, and the application provides needed infill development. Commissioner Jessiman noted that a Development Agreement was in place and there were no objections brought forward.

- b. VARIANCE**
18, 24, 26, 32, 34 & 40 Birchwood Drive
Applicant/ Owner: VBJ Developments Ltd.

Mr. Albakry indicated on behalf of VBJ Development LTD., owner and applicant, is applying for a variance to reduce the minimum required projection of a deck into a side yard from no closer than 0.6 metres (1.97') to no closer than 0.0 metres (0.00') for the six properties located at 18, 24, 26, 32, 34 & 40 Birchwood Drive (Units 171, 172, 175, 176, 179 & 180 Plan 51670 BLTO) in the RHD Residential High Density Multiple Family Zone.

Steve McMillan, VP Planning Services, VBJ Development Ltd., provided that this is the third visit on same development mainly due to certain models having gained popularity as the Landing has grown. This application is dealing specifically with the J and K models which initially had the two middle units sharing decks and the two outer units having their own decks however design changes have been made and now the outer units will be having shared decks also.

Commission Boyd asked for clarity, on which units (inner or outer) would have shared decks which Mr. McMillan provided.

2013-113 Anderson-Boyd
That the Public Hearing for Variance Application V-14-13-B at 18, 24, 26, 32, 34 & 40 Birchwood Drive be concluded.
CARRIED 4/0

2013-114 Boyd-Anderson
That Variance Application V-14-13-B to reduce the minimum required projection of a deck into a side yard from no closer than 0.6m to 0.0m be approved at 18, 24, 26, 32, 34 & 40 Birchwood Drive (Units 171, 172, 175, 176, 179 & 180 Plan 51670 BLTO) in accordance with the intent of the application, the attached letter of intent (A-2) and the attached site plan (B-2).
CARRIED 4/0

Prior to the above motion being voted on, the following comments were made: Commissioner Boyd stated that this application is very similar to what has been approved in the area before. Commissioner Anderson noted that a similar variance to within the same area had already been granted. Commissioner Jessiman had no issues with the application.

c. CONDITIONAL USE
1220 22nd Street
Owner/Applicant: Brandon School Division

Mr. Albakry indicated on behalf of the owner and applicant, The Brandon School Division, is applying to allow for a Temporary Portable Structure for one (1) portable classroom for a property located at 1220 22nd Street (Meadows Elementary School) in the EI Educational & Institutional Zone.

Upon presentation by staff, Commissioner Anderson questioned the dimensions of the individual units, which Mr. Albakry was unable to provide. Commissioner Anderson asked

what happened after five years, would the School Division have to make a decision? It was provided that after five years the School Division would have to re-apply.

Commissioner Jessiman inquired which other schools had temporary structures and if any had them for a period close to five years. New Era School and Christian Heritage both constructed portable units last year and no school was known to have a portable beyond those two.

Commissioner Coey stated that it was unfortunate that the applicant wasn't present to speak to the application and discuss the School Division's long term plans. He did note that it is up to public school's finance board to fund classroom space and portable vs. new schools is entirely up to the Province.

Commissioner Jessiman shared his worries of getting into a situation where every school has one or two portables on site and no money is spent by the province. Commissioner Anderson also shared her concern that new provincial laws limiting classroom size will greatly impact schools that can't simply rely on portables.

2013-115 Boyd - Anderson

That the Public Hearing for Conditional Use Application C-09-13-B at 1220 22nd Street be concluded.

CARRIED 4/0

2013-116 Boyd - Anderson

That Conditional Use Application C-09-13-B to allow for a temporary portable structure for one (1) classroom be approved at 1220 22nd Street (Lot 1, Plan 23887 BLTO) in accordance with the intent of the application (A-1), the attached letter of intent (A-3) and the attached site plan (B-2) subject to:

a) The approval being valid for up to five (5) years from the date of approval.

CARRIED 4/0

Prior to the above motion being voted on, the following comments were made:

Commissioner Boyd noted his concerns with the issue of portable being in place for such an extended length of time, however he recognized that children must have a classroom to go to. Hopefully the Province and the School Division can address this as portable classrooms not convenient for teachers or for students. Commissioner Anderson commented that these structures are needed and the applicant should have been present to discuss the long-term plan. Commissioner Jessiman also expressed his disappointment that no one attended to discuss this item, but did not want to alter the five year period of time since previous approval has been given for the same duration.

These comments apply to all three applications.

d. CONDITIONAL USE
701 12th Street
Owner/Applicant: Brandon School Division

Mr. Albakry indicated on behalf of the owner and applicant, The Brandon School Division, is applying to allow for a Temporary Portable Structure for one (1) portable classroom for a property located at 701 12th Street (Betty Gibson School) in the EI Educational & Institutional Zone. One letter of support of the project was submitted by Brandon Youth For Christ.

2013-117 Anderson - Jessiman
That the Public Hearing for Conditional Use Application C-10-13-B at 701 12th Street be concluded.

CARRIED 4/0

2013-118 Anderson - Jessiman
That Conditional Use Application C-10-13-B to allow for a temporary portable structure for one (1) classroom be approved at 701 12th Street (Lots 1/28, Block 33, Plan 16 BLTO) in accordance with the intent of the application (A-1), the attached letter of intent (A-3) and the attached site plan (B-2) subject to:

a) The approval being valid for up to five (5) years from the date of approval.

CARRIED 4/0

e. CONDITIONAL USE
540 18th Street
Owner/Applicant: Brandon School Division

Mr. Albakry indicated on behalf of the owner and applicant, The Brandon School Division, is applying to allow for a temporary portable structure for two (2) classrooms for a property located at 540 18th Street (Earl Oxford Elementary School) in the EI Educational & Institutional Zone.

2013-119 Jessiman - Anderson
That the Public Hearing for Conditional Use Application C-08-13-B at 540 18th Street be concluded.

CARRIED 4/0

2013-120 Jessiman - Boyd
That Conditional Use Application C-08-13-B to allow for a temporary portable structure for two (2) classrooms be approved at 540 18th Street (Lots 1/40, Block 2, Plan 720 BLTO) in accordance with the intent of the application (A-1), the attached letter of intent (A-3) and the attached site plan (B-2) subject to:

a) The approval being valid for up to five (5) years from the date of approval.

CARRIED 4/0

5.0 GENERAL BUSINESS

a. Tracking Table

Mr. Nickel advised the next Planning Commission meeting is September 4th at which time applications would be heard for a Conditional Use electronic sign and a Variance application for increased residential density as outlined on the tracking tables. A third application may possibly come forward.

An Appeal has been received on the rejection of the electronic sign at 1539 Princess Ave. The Appeal will be heard by City Council at their next meeting. The applicant is proposing a new location which is deemed a reasonable solution by the Planning Dept.

b. Administrative Business

SouthWest Brandon workshop is being held tomorrow, August 8th.
Angie Veilleux is back from maternity leave.

c. August 21, 2013 meeting cancelation

2013-121 Anderson - Jessiman
That the August 21, 2013 meeting be canceled.

CARRIED 4/0

d. Absences from the September 4, 2013 meeting

None to report.

6.0 ADJOURNMENT

2013-122 Jessiman- Anderson
That the meeting does now adjourn. (8:28 p.m.)

CARRIED 4/0

original signed by A. Veilleux
Angie Veilleux
Principal Planner

original signed by C. Coey
Calvin Coey
Chairperson