

MINUTES OF THE PLANNING COMMISSION MEETING HELD JANUARY 16, 2013 AT 7:30 P.M. IN THE COUNCIL CHAMBERS, CIVIC ADMINISTRATION BUILDING, BRANDON, MANITOBA

1. ROLL CALL

Commissioners: Calvin Coey
Leo Boivin
Colleen Anderson
Don Jessiman
Garnet Boyd

Administration: Ryan Nickel
Ryan Eidick
Waleed Albakry
Brenda Rosset, Jennifer Houlihan

2. ADOPTION OF AGENDA

2013-001

Anderson-Jessiman

That the Agenda for the regular meeting of the Planning Commission to be held January 16, 2013 be adopted as presented.

CARRIED 5/0

3. CONFIRMATION OF MINUTES

2013-002

Boyd - Anderson

That the minutes of the regular meeting of the Planning Commission held on December 19, 2012 be adopted as presented.

CARRIED 5/0

4.0 PUBLIC HEARING

a. By-Law No. 7039 Application to Rezone Z-05-12-B to Amend Zoning Bylaw No. 6642

The Downtown Hub

Mr. Eidick introduced By-law No. 7039 indicating that it has been prepared to amend Zoning By-law No. 6642 to include regulations for land use and parking within The HUB. This amendment would implement The HUB Secondary Plan by regulating land use and parking within The HUB.

Upon presentation by staff, Commissioner Boyd for some examples of vehicle related uses within the HTC zone to which Mr. Eidick provided gas stations, auto repair and things of that nature. Commissioner Boyd sought clarity on minimum setbacks and how reducing such could impact building safety to which Mr. Eidick explained that Building Code requirement would enforce building safety requirements.

Commissioner Coey asked how this improves parking to which Mr. Eidick brought forward information on off-site parking requirements and agreements. Mr. Nickel made reference to the Renaissance Brandon parking strategy and using existing parking layouts more efficiently.

MORE INFORMATION

Jeff Bieber, owner of 238 Pacific Avenue, made inquiry as to how the future growth and/or expansion or re-sale of his business would be impacted under this By-law. Mr. Nickel encouraged Mr. Bieber to meet with a Community Planner to discuss.

2013-003

Boivin-Boyd

That the Public Hearing regarding By-law No. 7039 to amend Zoning By-law #6642 to regulate zoning and parking within The Downtown HUB be concluded.

CARRIED 5/0

2013-004

Boivin-Anderson

That the Planning Commission recommend By-law 7039 be given second and third readings, subject to the following amendments:

a) That table 14 identifies banks, community resource centres, radio and television studios, offices and schools as conditional on the first storey in the HES Zone.

b) That subsection 22.1(a-3) be deleted and replaced with the following, "A minimum of one (1) off-street parking space shall be provided for each residential dwelling unit constructed in a new building in the HMU Zone. Off-street parking is not required for constructing dwelling units in an existing building in the HMU Zone."

c) That Table 15 identifies the minimum interior side yard setback for multiple family dwellings in the HMU and HTR zones as 0m⁽⁴⁾ and 3.0m respectively.

d) That Table 15 includes note 13, "If minimum density calculation results in an odd number of units the calculation may be rounded down to the nearest even number of units."

CARRIED 5/0

Prior to the above motion being voted on, the following comments were made: Commissioner Boivin felt the amendments to the bylaw were minimal. Commissioner Coey supports the regulations as contributing to the revitalization of the area.

**b. By-Law No. 7042 Application to Rezone Z-07-12-B
& Variance Application V-25-12-B**

1406 Lorne Avenue (Lots 1/2, Plan 22551 BLTO)

Owner: Mun-Yeol Lee

Applicant: Crofton Properties Ltd.

Mr. Eidick indicated Crofton Properties Ltd., on behalf of the owner, Mun-Yeol Lee, is applying to re-zone 1406 Lorne Avenue (Lots 1/2, Plan 22551 BLTO) from RLD Residential Low Density Multiple Family Zone to RMD Residential Moderate Density Multiple Family Zone. The applicant is also applying for variances to reduce the following:

- The number of required parking spaces from twelve (12) parking spaces to ten (10) parking spaces;
- The required front yard setback from 6.0m (19.69') to 4.6m (14.99'); and
- The required rear yard setback from 7.6m (24.93') to 4.3m (14.17')

Approval of the rezoning and variance applications will accommodate the construction of an eight (8) unit, two-storey multiple-family dwelling.

Mr. Eidick read for the record a letter of objection submitted by area resident Garry Miller.

Upon presentation by staff, Commissioner Boyd expressed concern with increased parking congestion in the area.

Chad Martin (developer) was present to answer any questions. Mr. Martin provided that generally the public outreach went very well with most concerns expressed being related to parking and heritage preservation. He also added that if project didn't receive approval they would consider subdividing the lot and constructing two 4plexes.

IN FAVOUR

Jarrett Kehler (partner in development) shared some of the thought process involved with this project specific to building orientation and development size for mass of land.

OPPOSED

Brenda Crowe (Resident of Brandon) came forward with a written submission which she read opposing the size of the project and additional parking congestion. She also requested protection of the stone wall on the North side of the property.

Karlheinz Sawatzky-Dyck (Resident of Brandon) expressed his opinion that this development would be too large to fit into the area and that it would increase traffic, negatively impact garbage collection and by increasing the number of rental units in the neighbourhood it would make the area less family friendly.

2013-005

Anderson-Boivin

That the Public Hearing for By-law No. 7042 and Variance Application V-38-12-B at 1406 Lorne Avenue be concluded.

CARRIED 5/0

2013-006

Anderson-Boivin

Zoning By-law Amendment

That the Planning Commission recommend By-law 7042 be given second reading, and further, that the Planning Commission recommend third reading be held in abeyance pending the execution of a development agreement between the City of Brandon and the owner/successor, pursuant to Section 150 of The Planning Act.

CARRIED 5/0

Prior to the above motion being voted on, the following comments were made: Commissioner Boivin believes change is inevitable in a neighbourhood and affordable housing benefits the community. Commissioner Boyd believes the new units will be an improvement for the community from the existing rental home. Commissioner Coey believes the re-zoning allows for the best use of the property.

Variance

That Variance Application V-38-12-B to reduce the minimum required parking spaces from twelve (12) parking spaces to ten (10) parking spaces, to reduce the minimum required front yard from 6.0m (19.69') to 4.6m (14.99') and to reduce the minimum required rear yard setback from 7.6m (24.93') to 4.3m (14.17') in the RMD Residential Moderate Density Multiple Family Zone be approved at 1406 Lorne Avenue (Lots 1/2, Plan 22551 BLTO) in accordance with the intent of the application dated November 1st, 2012, the attached letter of intent dated October 24th, 2012 and the attached site plan and elevations, subject to the following condition:

- a) The subject site is successfully rezoned from RLD Residential Low Density Multiple Family Zone to RMD Residential Moderate Density Multiple Family Zone.

CARRIED 4/1

Prior to the above motion being voted on, the following comments were made: Commissioner Boyd believes the minimum parking requirement of 12 should be met. Commissioner Coey believes that street parking around the lot and on 14th St and Lorne Ave provides sufficient guest parking for the site.

c. By-Law No. 7044 (Application Z-08- 12-B) To Rezone

Property Located at 3000 Richmond Avenue East

PT. NE1/4 7-10-18 WPM

Owner: Gloria & Jane Cumming & Janice Bradley

Applicant: Burgess Law Office

Mr. Albakry indicated Burgess Law Office, applicant on behalf of the owners, Gloria & June Cumming & Janice Bradley, is applying to re-zone the northern portion of 3000 Richmond Avenue East from DR Development Reserve to MG Industrial General. Approval of this rezoning will accommodate the development of a building and yard for construction contractor, Tri-Wave Construction.

Upon presentation by staff, Commissioner Boyd requested clarification on who is paying for the 50% of the road that the applicant is not using with access off 33rd St. being closed. Mr. Albakry clarified that the applicant and city will be sharing the expense equally for the parcel to the north. Commissioner Coey requested clarification on the area of landscaping. Mr. Albakry confirmed that the northern and western portions will be landscaped. Mr. Nickel advised that the natural area that's existing will remain in natural landscaped condition.

John Burgess (Burgess Law Office), expressed concerns with landscaping and some of the content of the development agreement. Mr. Nickel clarified he can work with engineering to modify that agreement. Commissioner Boivin asked what type of landscaping would be done. Mr. Burgess advised low maintenance shrubs.

2013-007

Anderson-Jessiman

That the Public Hearing regarding By-law No. 7044 to rezone 3000 Richmond Avenue East from DR Development Reserve to MG Industrial General be concluded.

CARRIED 5/0

2013-008

Anderson-Jessiman

That the Planning Commission recommend By-law 7044 be given second reading,

and further, that the Planning Commission recommend third reading be held in abeyance pending the execution of a development agreement between the City of Brandon pursuant to Section 150 of The Planning Act.

CARRIED 5/0

Prior to the above motion being voted on, the following comments were made: Commissioner Anderson believes the application fits in with the area. Commissioner Jessiman stated his concern with regards to the 33rd St access was alleviated as Planning will deal with Engineering on revisions to the plan. Commissioner Coey believes the site is a great location for the use and an improvement to the area.

d. Variance V-40-12-B

1021 9th Street
Lot 26/28, Block 33, Plan 7 BLTO
Owner & Applicant: Keller Enterprises Ltd. And KLP Plumbing & Heating Ltd.

Mr. Albakry indicated Keller Enterprises Ltd., owner and applicant, is applying to increase the maximum number of dwelling units from three (3) to four (4) in the RLD Residential Low Density Multiple Family Zone. The applicant proposes to replace a single family dwelling on the property with a single-storey 4-plex with two (2) units fronting 9th Street and two units facing the rear lane.

Evan Keller on behalf of Keller Enterprises Ltd is proposing to build a slab 4 plex condo unit. Mr. Keller advised if this proposal is not approved they can build town house style 3 plexes or subdivide and put up 2 duplexes. Commissioner Anderson inquired as to whether Keller walked the block to speak to residents in the area. Mr. Keller confirmed they canvassed approximately 25 residents in the area.

OPPOSED

Tammy Vandamme (1020-8th St, Brandon MB, R7A 3Y7) expressed concerns that this application will not attract families into the area, will negatively impact the value of her home, increase traffic volumes and add to garbage disposal problems. She also expressed concerns regarding future garbage disposal and the placement of the dumpsters. How this application will affect the value of her home and the impact of increased traffic in the area. He suggested Ms. Vandamme contact the sanitation department for further clarification.

2013-009 Jessiman-Boyd
That the Public Hearing for Variance Application V-40-12-B at 1021 9th Street be concluded.

CARRIED 5/0

2013-010 Jessiman-Boyd
That Variance Application V-40-12-B to increase the maximum number of dwelling units from three (3) to four (4) in the RLD Residential Low Density Multiple Family Zone be approved at 1021 9th Street (Lot 26/28, Block 33, Plan 7 BLTO) in accordance with the intent of the application dated November 19, 2012, the attached letter of intent dated November 19, 2012 and the attached site and elevation plans, subject to the following conditions:

- a) The owner or successor provides written confirmation from the Brandon School Division that the applicant has paid \$283.50 as a cash-in-lieu contribution for school reserve purposes; and
- b) The owner or successor provides a payment of \$372.57 to the City of Brandon Planning & Building Safety Department as a cash-in-lieu contribution for public reserve purposes.

CARRIED 5/0

Prior to the above motion being voted on, the following comments were made: Commissioner Jessiman believes the units will increase value to the community but that the sanitation bylaw needs to be adhered to. Commissioner Boyd believes affordable housing is a good addition to the area and will add value. Commissioner Anderson believes the one storey units will fit the area and increase property values.

e. Conditional Use C-19-12-B

1624 13th Street

(Parcel B/C, Plan 2548 BLTO, and
 Lots 13/33, Block 10, Plan 276 BLTO Exc. nly 10' of lot 33)
 Owner: Kit & Susan Harrison and Ajay & Joanne Dhingra
 Applicant: Canadian Tire

Mr. Eidick indicated Canadian Tire, on behalf of the owners, Kit & Susan Harrison and Ajay & Joanne Dhingra, is applying to allow for a warehouse/storage facility in the CAR Commercial Arterial Zone.

Upon presentation by staff, Commissioner Anderson asked if they have to improve the fencing. Mr. Eidick clarified that it is not required at this time but improvements to the site will be required should there be a re-application.

Kit Harrison on behalf of Canadian Tire advised they will be using indoor storage. Outside storage will only be for tractor trailer type of storage. Commissioner Coey stated conditional use as written right now is for indoor storage. Mr. Harrison responded that the application included legal description of entire property. Mr. Eidick confirmed that the conditional use is for indoor storage. Mr. Harrison stated they will not be using outside storage on the south side of the building but the back part of the compound will be used.

2013-011

Boivin-Boyd

That the Public Hearing for Conditional Use Application C-19-12-B at 1624 13th Street be concluded.

CARRIED 5/0

2013-012

Boivin-Jessiman

That Conditional Use Application C-19-12-B to allow for a warehouse/storage facility in the CAR Commercial Arterial Zone be approved at 1624 13th Street (Parcel B/C, Plan 2548 BLTO, and lots 13/33, Block 10, Plan 276 BLTO exc Nly 10' of Lot 33) in accordance with the intent of the application dated November 14, 2012, the attached letter of intent dated November 13th, 2012 and the attached site plan and elevations, subject to the following conditions:

- a) The use is approved to operate on a temporary basis for two years from the date occupancy is issued.

b) Prior to the issuance of a building permit, the owner or successor provides written confirmation to the City of Brandon Planning and Building Safety Department that all shipping/receiving will be done through the access from 14th Street, and that no trucks will be using the entrance off 13th Street.

CARRIED 5/0

Prior to the above motion being voted on, the following comments were made:
Commissioner Boivin is in favour of the short term conditional use and believes there will be some improvement to the lot. Commissioner Boyd stated the use will increase the parking area at Canadian Tire and the surrounding stores and improve the lot. Commissioner Coey believes the conditional use will improve the lot.

5.0 GENERAL BUSINESS

2013-013 **a. Adoption of the 2013 Schedule of Planning Commission Meeting Date**
Anderson-Jessiman

That the 2013 Schedule of Planning Commission Meeting Dates be adopted as presented.

CARRIED 5/0

b. Tracking Table

Mr. Nickel advised of upcoming applications for public hearings on Alaska Bay and the Fleming site at 2405 Victoria Ave.

c. Administrative Business

Mr. Nickel stated we will be holding elections for the appointment of the chair and vice chair positions next meeting.

d. Absences from the February 6, 2013 meeting

None to report

2013-014 **6.0 ADJOURNMENT**
Jessiman-Boyd

That the meeting does now adjourn. (10:25p.m.)

CARRIED 5/0

Original signed by R. Nickel
Ryan Nickel
Acting Sr. Planner

Original signed by C. Coey
Calvin Coey
Chairperson