

MINUTES OF THE PLANNING COMMISSION MEETING HELD MAY 7, 2014 AT 7:00 P.M. IN THE COUNCIL CHAMBERS, CIVIC ADMINISTRATION BUILDING, BRANDON, MANITOBA

1 ROLL CALL

Commissioners: Calvin Coey
Colleen Anderson
Andrew Sieklicki
Leo Boivin
Garnet Boyd

Administration: Ryan Nickel
Andrew Mok
Tyson Fisher

2. ADOPTION OF AGENDA

2014-054

Anderson-Boivin

That the Agenda for the regular meeting of the Planning Commission to be held May 7, 2014 be adopted as presented.

CARRIED 4/0

3. CONFIRMATION OF MINUTES

2014-055

Sieklicki-Anderson

That Commissioner Sieklicki's name is spelled correctly, per the roll call, under item number six.

CARRIED 5/0

2014-056

Sieklicki-Anderson

That the minutes of the regular meeting of the Planning Commission held on April 16, 2014 be adopted as presented.

CARRIED 4/0

4.0 PUBLIC HEARING

a. CONDITIONAL USE

18th Street Railway Right-of-Way South of Park Avenue and East of 18th Street

Owner: The Canadian Northern Railway Company

Applicant: Pattison Outdoor Advertising

Mr. Mok indicated that Pattison Outdoor Advertising, on behalf of the owner, The Canadian Northern Railway Company, is applying to allow for an electronic advertising sign located within the railway right-of-way south of Park Avenue and east of 18th Street in the CAR Commercial Arterial Zone.

Upon presentation by staff, Commissioner Coey asked for clarification on the minimum separation requirement, and the implications of this requirement on other electronic signs. Mr. Mok explained.

Jeff Pinchin, Pattison Outdoor Advertising, distributed correspondence and explained the proposal for the sign. Commissioner Sieklicki asked for an explanation of the camera arm. Mr. Pinchin explained. Commissioner Coey asked for clarification of the marketing side of the business. Mr. Pinchin clarified.

Barb Bakker, representing Wendy's ownership group, spoke in favour of the application.

2014-057 Boivin-Anderson
That the Public Hearing for Conditional Use Application C-05-14-B at 18th Street Railway Right-of-Way South of Park Avenue and East of 18th Street be concluded.

CARRIED 5/0

2014-058 Boivin-Anderson
That Conditional Use Application C-05-14-B to allow for an electronic advertising sign be approved at 18th Street Railway Right-of-Way South of Park Avenue and East of 18th Street (Lot 13, Block 5, Plan 16 BLTO) in accordance with the intent of the application "Schedule A-1", the attached letter of intent "Schedule A-2" and the attached site plan "Schedule B-2" and elevation plans "Schedule B-3" and "Schedule B-4".

CARRIED 5/0

Prior to the above motion being voted on, the following comments were made:
Commissioners said that the size of proposed sign is similar to the existing sign, the electronic sign will make better use of the advertising space and complies with all other zoning by-law requirements.

- b. **VARIANCE**
2525 Rosser Avenue
Owners: Devlin Developments Ltd. &
Keller Enterprises Ltd.
Applicant: Keller Enterprises Ltd.

Commissioner Boyd declared a conflict of interest.

Mr. Mok indicated that Keller Enterprises Ltd., on behalf of the owners, Devlin Developments Ltd. & Keller Enterprises Ltd., is applying to increase the maximum number of dwelling units from three (3) dwelling units to four (4) dwelling units for a property located at 2525 Rosser Avenue in the RLD Residential Low Density Multiple Family Zone.

Upon presentation by staff, Commissioner Boivin asked about traffic concerns on back lane, suggested the city needs to commit to cleaning up trees and questioned the requirement to pave part of the property. Mr. Mok and Mr. Nickel clarified.

Evan Keller, Keller Enterprises, gave an overview of the development and neighbourhood public outreach. Mr. Keller commented that the property to the west was sold and the trees will be removed to provide clear access to the site. Commissioner Sieklicki asked about accessibility of the suites. Mr. Keller explained. Commissioner Coey asked for an explanation of how the public outreach was conducted. Mr. Keller explained.

2014-059

Sieklicki-Anderson

That the Public Hearing for Variance Application V-07-14-B at 2525 Rosser Avenue be concluded.

CARRIED 4/0

2014-060

Sieklicki-Anderson

That Variance Application V-07-14-B to increase the maximum number of dwelling units from three (3) dwelling units to four (4) dwelling units be approved at 2525 Rosser Avenue (Lots 5/7, Block 17, Plan 15 BLTO) in accordance with the intent of the application "Schedule A-1", the attached letter of intent "Schedule A-2" and the attached site plan "Schedule B-2" and elevation plan "Schedule B-3", subject to the applicant or successor, prior to the issuance of a building permit:

- a. submitting \$387.82 to the City of Brandon Planning & Building Safety Department as a cash-in lieu contribution for public reserve purposes;
and
- b. 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.

CARRIED 4/0

Prior to the above motion being voted on, the following comments were made: Commissioners said the application will improve the aesthetics of the area, the criteria have been met and the proposal meets the policies of the development plan.

- c. **VARIANCE V-05-14-B;
By-Law No. 7089 (Application Z-01-14-B)
To Rezone Property Located at 947 1st Street
Owner: Dallas Wood
Applicant: Don Wood**

Mr. Mok indicated Don Wood, applicant on behalf of the owner, Dallas Wood, is applying for the following:

- To rezone 947 1st Street (Sly 4', Lot 12, Block 33, Plan 9 BLTO & Lots 13/15, Block 33, Plan 9 BLTO) from RSF Residential Single Family Zone to RLD Residential Low Density Multiple Family Zone; and
- A density variance to increase the maximum number of dwelling units from three (3) to four (4) in the RLD Residential Low Density Multiple Family Zone.

Upon presentation by staff, Commissioner Sieklicki asked for clarification of by-law 6642. Mr. Mok clarified. Commissioner Boivin asked for clarification of how the cash in lieu contributions were calculated. Mr. Mok and Mr. Nickel clarified. Commissioner Coey asked for clarification on what direction the unit entrances are facing. Mr. Mok clarified.

Donald Wood, applicant, attended to answer questions. Commissioner Anderson asked about neighbourhood public outreach and if the home was previously rented out. Mr. Wood confirmed.

2014-061 Anderson-Boyd
That the Public Hearing for By-law No. 7089 (Z -01-14-B) and Variance Application V-02-14-B be concluded.

CARRIED 5/0

2014-062 Anderson-Sieklicki
That the Planning Commission recommend By-Law 7073 (Z-07-13-B) be approved, subject to the execution of a development agreement between the City of Brandon and the owner/successor.

CARRIED 5/0

2014-063 Anderson-Sieklicki
That Variance Application V-05-14-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 947 1st Street (Sly 4', Lot 12, Block 33, Plan 9 BLTO & Lots 13/15, Block 33, Plan 9 BLTO) in accordance with the intent of the application "Attachment A-1", the attached letter of intent "Attachment A-3" and the attached site plan "Attachment B-2" and elevation plan "Attachment B-3", subject to:
a) the subject site is rezoned from RSF Residential Single Family to RLD Residential Low Density Multiple Family Zone.

CARRIED 5/0

Prior to the above motion being voted on, the following comments were made: Commissioner Anderson said the application complies with policies in the development plan and will be an improvement to the neighbourhood.

d. VARIANCE
1014 2nd Street
Owner: Westlake Developments Ltd.
Applicant: Chad Martin Construction Ltd.

Mr. Mok indicated Chad Martin Construction Ltd., on behalf of the owner, Westlake Developments Ltd, is applying for a variance to reduce the minimum required front yard setback from 6.0m to 4.2m for a property located at 1014 2nd Street (Lots 15/16, Block 39, Plan 7 BLTO) in the RLD Residential Low Density Multiple Family Zone.

Upon presentation by staff, Commissioner Sieklicki asked if city officials inspected the property during construction and if the \$1000.00 fee could be waived. Mr. Mok

explained. Commissioner Boyd asked if a previous variance application was made on the property. Mr. Mok confirmed that the previous application was for a density variance.

Chad Martin, applicant, explained how the location error was made and public outreach completed. Commissioner Coey commented on the public outreach. Commissioner Anderson commended Mr. Martin for being forthcoming with the error.

2014-064

Boyd-Anderson

That the Public Hearing for Variance Application V-09-14-B at 1014 2nd Street be concluded.

CARRIED 5/0

2014-065

Boyd-Anderson

That Variance Application V-09-14-B to reduce the front yard setback from 6.0m to 4.2m be approved at 1014 2nd Street (Lots 15/16, Block 39, Plan 7 BLTO) in accordance with the intent of the application "Schedule A-1", the attached letter of intent "Schedule A-3 & A-4" and the attached site plan "Schedule B-2."

CARRIED 5/0

Prior to the above motion being voted on, the following comments were made: The public outreach completed by the applicant mitigated residents' concerns and the setback variance is in keeping with the character of the neighbourhood.

e.

CONDITIONAL USE

25 – 26th Street; 1820 Pacific Avenue

Owners: 5326028 Manitoba Ltd.; City of Brandon

Applicant: VBJ Developments Ltd.

Mr. Mok indicated VBJ Developments Ltd., on behalf of the owners, 5326028 Manitoba Ltd. and the City of Brandon, is applying to allow for a Planned Unit Development for properties located at 25 – 26th Street and 1820 Pacific Avenue in the RMD Residential Moderate Density Zone. This would allow for the construction of a 5-building, 144 unit multi-family development.

Upon presentation by staff, Commissioner Anderson inquired about development of 22, 23, 24 streets and length of the lease. Mr. Mok clarified. Commissioner Sieklicki asked about the structural integrity of building on a hill. Mr. Mok deferred to the applicant. Commissioner Boyd asked for clarification of the number of dwelling units proposed in comparison to when the property was rezoned. Mr. Mok clarified. Commissioner Anderson asked if there are any concerns from police or fire departments to service the area. Mr. Mok indicated neither department had comments or concerns. Mr. Nickel noted that part of the application is the extension of Pacific Ave. Commissioner Coey asked for clarification of the \$535.00 fee and the original proposal to purchase 1820 Pacific Ave. Mr. Mok clarified.

Steve McMillan, on behalf of VBJ Developments, gave an overview of the application. Mr. McMillan addressed vehicular and pedestrian access to the site, the lease agreement with the city, traffic issues and engineering of the buildings. Commissioner Boyd asked for clarification of the rear setback. Mr. McMillan clarified. Commissioner

Anderson asked about the turnout for the information night. Mr. McMillan explained. Commissioner Sieklicki asked if the applicant spoke to CP Rail about the stability of the railway tracks, about safety concerns with the railway tracks and fencing around the playground area. Mr. McMillan explained. Commissioner Coey asked if residents of the existing developed area to the east would be able to use the surplus parking on the site. Mr. McMillan confirmed and spoke about parking in the area. Commissioner Coey asked about the installation of the chain link fence separating the railway. Mr. McMillan explained. Commissioner Coey inquired about the city right-of-way improvements to the north. Mr. Nickel explained. Commissioner Boyd asked about temporary access during construction. Mr. McMillan explained.

2014-066 Boyd-Sieklicki
That the Public Hearing for Conditional Use Application C-06-14-B at 25 – 26th Street and 1820 Pacific Avenue be concluded.

CARRIED 5/0

2014-067 Boyd-Sieklicki
That Conditional Use Application C-06-14-B to allow for a Planned Unit Development be approved at 25 – 26th Street and 1820 Pacific Avenue (Parcel B, Plan 46903 BLTO & Pt. Parcel C, Plan 35917 BLTO) in accordance with the intent of the application “Schedule A-1”, the attached letter of intent “Schedules A-2 & A-3” and the attached site plans “Schedules B-2 & B-3” and elevation plans “Schedules B-4 & B-5”.

CARRIED 4/1

Prior to the above motion being voted on, the following comments were made: Commissioner Boyd spoke about the change in the application due to changes on Pacific Avenue as a result of the applicant being unable to purchase the land, the applicant is using the main plan shown to the public and the traffic impact study. Commissioner Sieklicki said the applicant did not address his concerns with railway safety, structural stability of the area, fencing for children’s safety, and emergency services access to the site. Commissioner Anderson said the application complies with several policies in the development plan and the 30m railway protection overlay. Commissioner Coey said the applicant has satisfied his concerns with parking.

- f. **CONDITIONAL USE**
1035 Richmond Avenue
Owner: Federated Co-operatives Ltd.
Applicant: Heritage Co-op 1997 Ltd.

Mr. Mok indicated Heritage Co-operatives Ltd., on behalf of the owner, Heritage Co-op 1997 Ltd., is applying for a conditional use to allow for the expansion of an automotive service station for a property located at 1035 Richmond Avenue (Lots E/F, Plan 40179 BLTO) in the CAR Commercial Arterial Zone. Approval of the conditional use application would accommodate the construction of two (2) additional underground tanks for the existing gas station as a result of the need to add two (2) new dispensers.

Upon presentation by staff, Commissioner Anderson asked for clarification as to why the lane is involved in the application. Mr. Mok clarified. Commissioner Boivin inquired about enforcement of on-site safety. Commissioner Coey asked about the future site remediation. Mr. Mok clarified.

Lorne Zacharias, general manager, Heritage Co-op spoke about the public outreach conducted and hours of operation. Commissioner Boyd asked about protection around the propane tanks. Mr. Zacharias clarified. Commissioner Coey asked for clarification of the barriers protecting the propane tanks. Commissioner Sieklicki asked about the current number of tanks on site and if the current tanks are being replaced or added. Mr. Zacharias clarified. Commissioner Anderson asked if the business will be closed during construction and if the current lane will be left as is. Mr. Zacharias explained.

2014-068

Anderson-Boyd

That the Public Hearing for Conditional Use Application C-07-14-B at 1035 Richmond Avenue be concluded.

CARRIED 5/0

2014-069

Anderson-Boyd

That Conditional Use Application C-07-14-B to allow for the expansion of an automotive service station be approved at 1035 Richmond Avenue (Lots E/F, Plan 40179 BLTO) in accordance with the intent of the application "Schedule A-1", the attached letter of intent "Schedule A-2" and the attached site plan "Schedule B-3", subject to:

- a) The owner or successor, prior to the issuance of a building permit entering into a development agreement with the City of Brandon attached to the report of the Community Planner dated May 7, 2014, and submitting written confirmation to the City of Brandon Planning & Building Safety Department that the development agreement has been registered on the Title to the subject property.

CARRIED AS AMENDED 5/0

AMENDMENT

Boivin-Sieklicki

That the above main motion be amended by adding a condition to require the applicant or successor to submit a site plan demonstrating that the location of the propane tank is not in conflict with vehicle ingress and egress to the subject property.

CARRIED 4/1

Prior to the above motion being voted on, the following comments were made: Commissioner Anderson said the proposal is consistent with the requirements of zoning by-law. Commissioners had concerns regarding the new location of the propane tanks and that additional protection should be included.

5.0 GENERAL BUSINESS

- a. **Tracking Table**
Mr. Nickel spoke about the applications at the next planning commission meeting.
- b. **Administrative Business**
Mr. Nickel spoke about the planning commission orientation on May 21, 2014.
- c. **Absences from May 21, 2014 meeting**

2014-070 **6.0 ADJOURNMENT**
Anderson-Boivin

That the meeting does now adjourn. (9:12 p.m.)

CARRIED 5/0

Original signed by Ryan Nickel
Ryan Nickel
Acting Principal Planner

Original signed by Calvin Coey
Calvin Coey
Chairperson