

CITY OF BRANDON PLANNING COMMISSION

REGULAR MEETING

Wednesday, June 20, 2018 - 7:00 p.m.

Council Chambers - City Hall

AGENDA

1.0 Roll Call

2.0 Adoption of Agenda

3.0 Confirmation of Minutes

4.0 Public Hearing

- a. **Variance**
4100 Grand Valley Road
Owner: Mark & Joan Kovitch
Applicant: Mark Kovitch

Following receipt of all representation, it is the recommendation of the Planning, Property & Buildings Department:

1. That the Public Hearing for Variance Application V-03-18-B at 4100 Grand Valley Road be concluded.
2. That the joint public hearing for Variance Application V-03-18-B be deferred to July 18th, 2018.

- b. **Variance**
1240 18th Street
Owner: TDEL Holdings Ltd.
Applicant: TDEL Holdings Ltd.

Following receipt of all representation, it is the recommendation of the Planning, Property & Buildings Department:

1. That the Public Hearing for Variance Application V-05-18-B at 1240 18th Street be concluded.

2. That Variance Application V-05-18-B to vary Table 4 of the Zoning By-law by reducing the minimum number of required parking spaces from eighty (80) parking spaces to forty one (41) parking spaces to allow for the development of a restaurant in the Commercial Arterial (CAR) Zone be approved at 1240 18th Street (Lot 1 Plan 2256 BLTO) in accordance with the intent of the application "Attachment A-1", the attached letter of intent "Attachment A-2", the attached site plan "Attachment B-2" and floor plan "Attachment B-3", subject to, the owner or successor, prior to the issuance of a development permit:
 - i. Entering into a development agreement with the City of Brandon to save harmless the City of Brandon by way of inclusion of save harmless clauses in the development agreement as the property is located within Methane Gas Zone 2 and 3.
 - ii. Submitting written confirmation to the satisfaction of the City of Brandon Planning, Property & Buildings Department that shared parking agreement and cross-access agreement has been registered on the Title to the subject property and 1212 18th Street.

**c. By-law No. 7188 Rezone; Conditional Use
3500 McDonald Avenue
Owner: Skyline Developments Ltd.
Applicant: Horizon Builders Ltd.**

Following receipt of all representation, it is the recommendation of the Planning, Property & Buildings Department:

1. That the Public Hearing for By-Law No. 7188 (Z-02-17-B) and Conditional Use Application (C-08-17-B) at 3500 McDonald Avenue be concluded.
2. That the Planning Commission recommend City Council Approve By-law No. 7188 (Z-02-17-B) to rezone part of 3500 McDonald Avenue (Pt. N ½ 21-10-19 WPM & Parcel F Plan 31788 BLTO) from A Agricultural and PR Parks & Recreation to CG Commercial General, subject to the owner or successor entering into a development agreement with the City of Brandon with the following supplementary conditions:
 - i. The Developer agrees to develop the Lands in phases as per the attached Phasing Plan.
 - ii. The Developer agrees to provide written confirmation from the project architect demonstrating they have reviewed and incorporated aspects of the FCM Railway Design Guidelines into the design of the residential buildings to mitigate impacts from railway activities.
 - iii. The Developer agrees to follow all geotechnical engineering recommendations from the Slope Stability Report dated April 4th, 2017 as prepared by M. Block and Associates Ltd.

- iv. The Developer agrees to the registration of a Plan of Easement over the public portion of the new water main to be located within the Lands, with exact alignment and coverage to be determined at the time of detailed design. Preparation of the Plan of Easement will be at the sole cost of the City and registered in series with the Plan of Subdivision.
- v. The Developer agrees to the registration of a Plan of Easement over the public portion of the new land drainage main located within the Lands, with exact alignment and coverage to be determined at the time of detailed design. Preparation of the Plan of Easement will be at the sole cost of the City and registered in series with the Plan of Subdivision.
- vi. The Developer agrees to enter into a shared drainage agreement between the proposed Lot 1, Lot 2 and the golf course lands.
- vii. The Developer agrees to enter into a cross access agreement between the proposed Lot 1, Lot 2 and the golf course lands. All public access will be permitted, including but not limited to, the golf course, the clubhouse, the Pro Shop, the parking lot, the maintenance shop and sanitation services.
- viii. The Developer agrees to design and construct any storm water infrastructure upgrades that may be required due to development of the Lands. Construction of the upgrades will be the sole cost of the Developer.
- ix. The Developer agrees the Lands are located within the flood plain and to save harmless the City.
- x. The Developer agrees to obtain all approvals from any applicable governing agencies and to provide evidence of such approvals to the City of Brandon prior to the issuance of a development permit.
- xi. The Developer agrees to submit a Detailed Cost Estimate, prepared by their Consulting Engineer for all municipal improvements. The cost estimate is subject to review and approval by the City Engineer prior to the issuance of a development permit.
- xii. 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.

PHASE 1 – Residential Development

- i. The Developer agrees the minimum elevation of the proposed structures' lowest storey will be 362.67m.
- ii. The Developer agrees to reconfigure and construct a portion of the golf cart pathway from the parking lot to the 1st tee box which shall connect to existing golf cart pathway on the 1st fairway as per the proposed site plan prior to the issuance of a building permit for Phase 1. All costs associated with the construction will be at the sole cost of the Developer.
- iii. The Developer agrees to construct a golf cart pathway connecting the 1st and 18th holes as per the proposed site plan prior to the issuance of a building permit for Phase 1. All costs associated with the construction will be at the sole cost of the Developer.

- iv. The Developer agrees to contribute \$25,000 towards the construction of a new putting green due to the relocation of the current putting green. Such contribution is to be paid in full prior to the issuance of a development permit for Phase 1.
- v. Should it be determined a portion of the 34th Street right-of-way north of the McDonald Avenue and 34th Street intersection be needed to accommodate the slope of the embankment required to develop Phase 1 and Phase 2, the Developer agrees to enter into an Agreement with the City regarding the proposed encroachment.
- vi. The Developer agrees to design and construct an amenity space between the proposed condominium buildings. Construction of the amenity space will be at the sole cost of the Developer.
- vii. The Developer agrees that prior to the issuance of an occupancy certificate for either of the residential condominiums; the City must complete construction of the 34th Street extension from Pacific Avenue to McDonald Avenue.
- viii. The Developer agrees to remove and relocate the existing water main currently servicing the clubhouse as per the proposed site plan. Construction of removing and relocating the water main will be at the sole cost of the Developer.
- ix. The Developer agrees to remove and relocate the existing land drainage system main as per the proposed site plan. Construction of removing and relocating the land drainage main will be at the sole cost of the Developer.

PHASE 2 – Clubhouse & Commercial Development

- i. The Developer agrees to construct a 1.8m fence along the south property line of the Lands adjacent to the Canadian Pacific Railway (CP) right-of-way to ensure no work, storage or encroachment on CP property. Construction of the fence is required prior to the issuance of a building permit for Phase 2 and construction will be at the sole cost of the Developer.
- ii. The Developer agrees to construct a roadway connection from the existing parking lot of the clubhouse to the golf course lands. The roadway must be constructed to accommodate W-19 design vehicles for both weight and turning movement. The design and location of the connection is subject to the review and acceptance of the Director of Community Services and the City Engineer. Completion of the roadway will be required prior to the issuance of a building permit to extend the existing commercial/recreation building closer to the southern property in Phase 2 and construction will be at the sole cost of the Developer.
- iii. The Developer agrees to construct a parking lot for a further 50 parking stalls in addition to the stalls provided on the proposed site plan. Should the parking lot be located off-site on a property not owned by the Developer, evidence of a shared parking agreement will be required. Completion of the parking lot will be required prior to the issuance of development/building permit for Phase 2 and will be at the sole cost of the Developer.

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.

3. That Conditional Use Application C-08-17-B to allow for a planned unit development in the Commercial General (CG) Zone be approved at 3500 McDonald Avenue (Pt. N ½ 21-10-19 WPM & Parcel F Plan 31788 BLTO) in accordance with the intent of the application "Attachment A-2" and the master plan "Attachment C" and the following alternative Zoning By-law development standards:

Table 4

- i. Reduce the minimum required parking spaces for the commercial parcel (Parcel B) from 292 to 155 spaces

Table 12

- i. Reduce the minimum required side yard for the south residential building (Condo B) from 4.6m to 2.5m
- ii. Reduce the minimum required rear yard for the south residential building (Condo B) from 7.6m to 4.4m
- iii. Increase the maximum required height for the south residential building (Condo B) from 3 storeys or 14m to 5 storeys or 17m
- iv. Increase the maximum required height for the north residential building (Condo A) from 3 storeys or 14m to 6 storeys or 26m

Section 71(c)

Reduce the minimum required setback in the railway overlay zone for the clubhouse/arena building from 15.0m to 2.5m subject to the site "Attachment B-1" being rezoned to Commercial General (CG).

5.0 General Business

- a. Tracking Table
- b. Administrative Business
- c. Absences From Upcoming Meetings

6.0 Adjournment