

MINUTES OF THE PLANNING COMMISSION MEETING HELD Nov 6, 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
Leo Boivin

Administration: Waleed Albakry
Andrew Mok
Tyson Fisher
Brenda Rosset
Angie Veilleux

2. ADOPTION OF AGENDA

2013-158

Jessiman-Anderson

That the Agenda for the regular meeting of the Planning Commission to be held November 6, 2013, be adopted as presented.

CARRIED 5/0

Commissioner Anderson advised she will reclude herself on Item "B", Bylaw 7073, Rezoning 21 Willowcrest and 1640 Sycamore as there may be a conflict of interest with living in the notification area.

3. CONFIRMATION OF MINUTES

2013-159

Boivin-Boyd

That the minutes of the regular meeting of the Planning Commission held on October 16, 2013 be adopted as presented.

CARRIED 5/0

4.0 PUBLIC HEARING

a. VARIANCE

229 12th Street

Owner/Applicant: Murray Fletcher

Mr. Albakry indicated that Murray Fletcher, owner and applicant, is applying for both a density variance to increase the maximum number of dwelling units from two (2) units to four (4) units and a parking variance to reduce the minimum required number of parking spaces from six (6) spaces to five (5) spaces for a property located at 229 12th Street (Lots 29/30, Block 45, Plan 2 BLTO) in the RLD Residential Low Density Multiple Family Zone. This would allow the applicant to construct a 383m² (4123ft²) two storey building encompassing four (4), two (2) bedroom dwelling units.

Murray Fletcher (owner/applicant) was in attendance to answer any questions. Commissioner Anderson inquired if there are any issues with the two hour parking on the street. Mr. Fletcher advised tenants can get permits from the city to park on the street.

Commissioner Boivin inquired if there was a basement in the building and why the utility room was accessible from the outside. He also inquired if a fence is being proposed. Mr. Fletcher advised there is no basement. He stated for safety reasons he decided to have the hot water tank situated below the electrical panel and having the tank separated from the laundry room makes that facility larger. He stated he would like a fence. Commissioner Boyd stated that parking congestion is a concern and inquired if these would be rental units with likely more than one vehicle per unit forcing tenants to park on the street. Mr. Fletcher advised it will be a rental.

2013-160

Boivin-Boyd

That the Public Hearing for Variance Application V-20-13-B at 229 12th Street be concluded.

CARRIED 5/0

2013-161

Boivin-Jessiman

That Variance Application V-20-13-B to increase the maximum number of dwelling units from two (2) units to four (4) units and a parking variance to reduce the minimum required number of parking spaces from six (6) spaces to five (5) spaces be approved at 229 12th Street (Lots 29/30, Block 45, Plan 2 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 plan (B-3), subject to the owner or successor:

- a) prior to the issuance of a building permit, submitting \$247.78 to the City of Brandon Planning & Building Safety Department as a cash-in lieu contribution for public reserve purposes;
- b) demonstrates compliance with the City of Brandon Landscape Design Standards when applying for a building permit, including but not limited to, the planting of boulevard trees; and
- c) 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 \$405.00 as a cash-in lieu contribution for school purposes.

CARRIED 5/0

Prior to the above motion being voted on, the following comments were made: Commissioner Boivin stated the proposal meets the bylaw design schedules and adds to the area. Commissioner Jessiman stated the proposal meets the four tests. Commissioner Anderson stated it meets all setbacks, the parking variance is minor and the development is desirable for the area. It is close to downtown, bus service and will rejuvenate the HUB area.

- b. **BY-LAW NO. 7073 TO REZONE**
21 Willowcrest Avenue and 1640 Sycamore Drive
Owner: Kitsilano Laneway Housing Ltd.
Applicant: John Kitchen

Commissioner Anderson excused herself from the Chambers prior to the presentation.

Mr. Mok indicated on behalf of John Kitchen, applicant on behalf of the owner, Kitsilano Laneway Housing Ltd. is applying to re-zone 1640 Sycamore Drive & 21 Willowcrest Avenue from CAR Commercial Arterial Zone to RHD Residential High Density Multiple Family Zone. This would allow for the development of four 100-unit apartment buildings and ten 4-unit townhouses, totaling four hundred and forty (440) dwelling units. The proposed project includes an amenities building and sales office.

Upon presentation by staff, Commissioner Boivin requested clarification on if the city property is a lane. Mr. Mok advised it is a legally closed lane right of way. Commissioner Jessiman requested clarification on the private sewer and water agreement. Mr. Mok advised because it is a condo development being proposed there will be some internal water and sewer lines within the site which will be the responsibility of the condos. Commissioner Jessiman requested clarification on the mobile home park's jurisdiction. Mr. Mok advised the mobile home park closure is under the Residential Tenancy Branch's jurisdiction. Commissioner Boivin inquired if Sycamore Drive was designed as an arterial road. Mr. Mok advised it was designated to be a collector road. Commissioner Coey inquired how long the mobile home park has been zoned commercial and if it is already subject to a variance. Mr. Mok advised the commercial zoning existed prior to 2001. The current mobile homes are legal non-conforming uses. Commissioner Boyd inquired what the zoning was prior to commercial zoning. Mr. Mok advised he did not have that information at this time but there was a proposal for a major commercial development within the last five or six years.

Aaron Dubois (owner) was in attendance to answer any questions.

Commissioner Boyd inquired if they have any concerns with the development agreement with the City of Brandon. Mr. Dubois stated he did not. Commissioner Coey inquired if he owned all of the properties at this time. Aaron Dubois confirmed he does and has no interest in owning a mobile home park.

Daniel Burns – (Burns Mandel Consulting Engineers), stated the proposal to rezone the property to RHD fits well with the surrounding zoning. 1640 Sycamore is currently developed as Kingsway Trailer Court and 21 Willowcrest Avenue is eleven acres undeveloped. Higher and medium density housing will be offered with 440 residential units, four buildings with 100 units each and 10 townhouses with four units. Condominium buildings will be four stories and townhouses will be two stories. A site design analysis has been provided. There will be two access points off of Sycamore Drive and one off of Willowcrest Avenue which will have a looped roadway providing access to the townhouses and condominiums. The condominiums will have underground parking with guest parking. Townhouses will have driveways with attached garages. Site servicing will consist of asphalt paved residential roads with curbs and gutters. Sites will be serviced with sanitary sewer from the public reserve. Potable water will be connected at Sycamore Avenue. Site drainage will direct all storm water to a six foot deep retention pond. A detailed traffic impact assessment will be done upon the rezoning as part of the development agreement.

Commissioner Boyd inquired if Willowcrest will be extended. Mr. Burns stated Willowcrest will turn into a looped road and will join up again with Sycamore on the NE side of the proposed site. Commissioner Jessiman requested clarification on how the retention pond will be controlled. Mr. Burns stated the discharge will be controlled according to the City of Brandon engineering policy. Commissioner Jessiman inquired if

the pond will be fenced. Mr. Burns stated retention ponds are not typically fenced. Commissioner Jessiman inquired if the units will be for sale or if they are rental units. The question was deferred to Mr. Dubois who stated the percentage has not yet been determined but will be based on market absorption. There will be a small percentage of affordable housing filtered throughout the development which will become the rental units. A rental pool will be created under market demand. Commissioner Jessiman inquired what the affordable housing rent will cost and how many affordable units will be available. The affordable housing will be 50% of the current market rent value for a 5 year term. There will be 10 units in the first phase which will be 5% of the rental pool. It will hopefully carry over to 10% to 15% of the rental pool based on market absorption. Commissioner Coey asked if the retention pond is designed to be a wet pond and what the design basis for the runoff is. Mr. Burns advised the final design is not yet completed but it will be designed for a one in one hundred year runoff.

OPPOSED

Elizabeth Bhugwandeem(resident) spoke to the mental and physical health detriments affecting the residents anticipating losing their homes.

Commissioner Jessiman inquired where residents can express their concerns. Ms. Veilleux advised tenants can deal with the Residential Tenancy Board and city councilor.

Candace Sparks (resident) stated she believes the re-zoning and their feelings regarding it go hand in hand because they are being pushed out of their affordable homes. Commissioner Boivin advised of many rezoning applications with building lots sold before re-zoning applications are complete. Commissioner Coey asked if it would be a fair assumption that the Residential Tenancy Board process has not been successful for residents. Ms. Sparks stated they are in the middle of the process.

Barb Jay (resident) stated parking is an issue with condominium and townhouse developments with 1.5 stalls available per unit. The development is making them want to move out of Brandon. Meetings that were proposed by the developer had wrong dates.

Colleen Weisbrodt – resident – advised they have been responsible for the cost of the maintenance of the yards even though rented land. Additionally, there has been no disclosure to residents about the plan to close Kingsway Kort.

Lisa Halter (resident) purchased a home from the mobile home park owner while he was in the middle of negotiations of selling the trailer court.

Gayle Thomas (resident) concerns Sycamore Avenue flooded up to the residences with as a result of the storms in the spring. Concern with the population increase exacerbating this problem.

Dean Esler (representing mother) requested clarification on who actually owns the property because of the agreements that were signed between residents and developers/owners. Credibility of the applicant is in question. Commissioner Coey stated Mr. Mok advised at time of application that required information was received. Commissioner Coey advised there are two letters of authorization.

Clayton Halter (resident) stated he understands you cannot demolish residential property to develop residential properties and wanted to know whose authority is higher, planning or residential tenancies. He inquired as to what zoning is the park right now. Mr. Mok explained it is zoned CAR and that when zoning was changed to commercial the existing uses become legal non-conforming uses. Those uses can stay but cannot be expanded. It would be grandfathered to mobile homes. Two separate –

Mr. Dubois advised he does not want to discuss when he took ownership of the park and clarified the meeting dates were a typing error and that nobody called to confirm they were coming to the meetings. One person called to inquire about traffic concerns. Commissioner Boyd requested clarification on who owns the property. Mr. Dubois advised he is the current owner.

MORE INFORMATION

Kaylee Jay – inquired if there is a compensation clause in the zoning bylaw. Mr. Mok indicated that there is not.

2013-162

Boivin-Boyd

That the Public Hearing regarding By-law No. 7073 (Z-07-13-B) to rezone 1640 Sycamore Drive & 21 Willowcrest Avenue (Parcel A, Plan 1592 BLTO, Parcels 1/2, Plan 1287 BLTO, Parcels A/B, Plan 1269 BLTO & Parcels A/B, Plan 1547 BLTO) from CAR Commercial Arterial Zone to RHD Residential High Density Multiple Family Zone be concluded.

CARRIED 4/0

2013-163

Boyd-Boivin

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 attached to the report of the Community Planner dated November 6, 2013, pursuant to Section 150 of The Planning Act.

CARRIED 3/1

Commissioner's Boyd, Boivin and Coey in favour.
Commissioner Jessiman opposed.

Prior to the above motion being voted on, the following comments were made:
Commissioner Boyd stated the application conforms to the policies and meets the tests to rezone. Traffic concerns are valid but will be resolved once infrastructure is developed. Commissioner Boivin stated all of the tests are met maximizing use of residential property. Commissioner Jessiman stated he will be voting against it because it flies in the face of affordable housing and heightens anxiety for other mobile home users. Commissioner Coey stated personal issues cannot be part of the voting process.

5.0 GENERAL BUSINESS

a. Tracking Table

Angie Veilleux advised the Zoning Bylaw for St. Augustine's has received second and third reading. 507 42nd Street has been given second reading.

b. Administrative Business

The proposed schedule for 2014 meetings will be discussed.

c. Absences from the December 4, 2013 meeting

- None
- d. **November 20, 2013 meeting cancelation**

2013-164 Jessiman – Anderson
Move that the Planning Commission meeting for November 20, 2013 be canceled.
CARRIED 5/0

6.0 ADJOURNMENT

2013-165 Jessiman-Boyd
That the meeting does now adjourn. (9:52 p.m.)
CARRIED 5/0

Original signed by A. Veilleux

Angie Veilleux
Principal Planner

Original signed by C. Coey

Calvin Coey
Chairperson