

**MINUTES OF THE PLANNING COMMISSION MEETING HELD SEPTEMBER 4, 2013 AT 7:30 P.M. IN THE COUNCIL CHAMBERS, CIVIC ADMINISTRATION BUILDING, BRANDON, MANITOBA**

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**1 ROLL CALL**

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

Administration: Ryan Eidick  
Tyson Fisher  
Brenda Rosset  
Angie Veilleux

**2. ADOPTION OF AGENDA**

2013-123 Jessiman-Boivin

That the Agenda for the regular meeting of the Planning Commission to be held September 4, 2013, be adopted as presented.

CARRIED 5/0

**3. CONFIRMATION OF MINUTES**

2013-124 Anderson - Boyd

That the minutes of the regular meeting of the Planning Commission held on August 7, 2013 be adopted as presented.

CARRIED 5/0

**4.0 PUBLIC HEARING**

**a. CONDITIONAL USE**

**1128 6<sup>th</sup> Street**

**Owner: Brandon Maintenance Services**

**Applicant: Jim Kauk**

Mr. Eidick indicated that the applicant Jim Kauk, on behalf of the owner, Brandon Maintenance Services, is applying to allow for Special Needs Housing for five (5) individuals for a property located at 1128 6th Street in the RLD Residential Low Density Multiple Family Zone.

Mr. Eidick advised that the applicant met with neighbours on August 19<sup>th</sup>, 2013. Upon presentation by staff, Commissioner Coey requested Section Three be elaborated on. Mr. Eidick advised it stipulates a mix of land use. In this case it is residential but a different type of residential being incorporated into the existing residential neighbourhood.

Jim Kauk, (applicant), was in attendance to answer any questions.

Commissioner Boyd inquired if the premises would be providing care 24/7. Mr. Kauk advised that staff members will live with clients 24/7. Commissioner Boivin asked if any neighbours that were left with information contacted him. Mr. Kauk advised none did. Commissioner Anderson stated the plans show 3 bedrooms for staff and 4 for residents. Mr. Kauk advised there will be 2 bedrooms for staff and 5 for residents. Commissioner Coey asked if there was security on the shared laundry doors. Mr. Kauk advised there will be 3 individual suites with a common laundry room. The doors will not be locked.

#### **OPPOSED**

Linda Riddell (next door neighbour), stated she has a home run daycare and is concerned about the type of people that will be living there. She stated that if the application is accepted she wants a fence between the proposed facility and her yard as her main concern is safety for herself and children. She also stated her concern with the decrease in her property value. Commissioner Boyd inquired when Mr. Kauk solicited neighbours in the area, was there notification left at her residence as she wasn't home. Ms. Riddell stated there was but she contacted city hall with her concerns. Commissioner Anderson asked if she would be prepared to put the fence up. Ms. Riddell stated she doesn't believe she should have to and cannot afford to. Commissioner Jessiman inquired if she has spoken with others in the same situation in other parts of the city to confirm that there was a decrease in property values. Ms. Riddell stated she has not. Commissioner Boivin asked if her yard is currently fenced. Ms. Riddell stated it is with a low fence.

Cherie McKinnon (area resident), stated she was concerned about what kind of special needs clients will be residing in the facility now and in the future. She believes it is not housing but an institution if the residents have to be monitored 24/7. She inquired if the residence will be secured. She is concerned for the safety of her children and their friends and her future property value.

#### **MORE INFORMATION**

Brent DeMerchant (Shilo resident), stated he is concerned about the safety for residents in the neighbourhood should a client leave the facility. He inquired if the housing and yard will be secured or alarmed and if the staff will be physically able to control the residents.

Eric Olson (area resident), stated he was curious as to who would be residing in the residence and how is an intellectual disability classified. He stated he is concerned about the safety of his family.

Mr. Kauk stated he is concerned about quality of life for his residents. They will not need security and locked doors. They are active citizens in the community and integrate very well. Mr. Kauk stated the staff monitor the clients well. The property will not be alarmed. Commissioner Jessiman asked Mr. Kauk how many other special needs housing does he own in the city. Mr. Kauk stated there are around 20 residences throughout the city. Commissioner Jessiman asked if he believes there has been enough work done informing the neighbours. Mr. Kauk stated the city advised area residents and he walked through the neighbourhood and spoke with the neighbours and left information for those that weren't home. He stated he would like to share a fence with the neighbour.

CARRIED 5/0

2013-126

Anderson - Boyd

That Conditional Use Application C-11-13-B to allow for Special Needs Housing for five (5) individuals be approved at 1128 6th Street (Lots 11/13, Block 30, Plan 7 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) and elevation plan (B-3).

CARRIED 5/0

Prior to the above motion being voted on, the following comments were made: Commissioner Anderson stated the conditional use meets the zoning bylaw requirements. She believes the residents are an asset and it is a good thing for them to be integrated in the neighbourhood. Commissioner Boyd stated it is compatible with the other developments in the area and meets the tests of the Planning Commission. Commissioner Boivin stated he shares some of the concerns however the Planning Commission cannot decide on social issues.

**b. CONDITIONAL USE**

**1240 Highland Avenue**

**Owner: Macarthur Property Management Ltd.**

**Applicant: Off The Wall Signs Ltd. c/o Rob Hawkins**

Mr. Eidick indicated on behalf of the applicant Off The Wall Signs, on behalf of the owner, Macarthur Property Management Ltd., is applying to allow for an Electronic Identification Sign in the CHW Commercial Highway Zone.

Rob Hawkins, (applicant) stated the sign is being changed from a static reader board to an electronic message sign. Commissioner Coey inquired which component of the sign is being changed. Mr. Hawkins advised it is the sliding reader board.

2013-127

Jessiman-Boivin

That the Public Hearing for Conditional Use Application C-12-13-B at 1240 Highland Avenue be concluded.

CARRIED 5/0

2013-128

Jessiman-Boivin

That Conditional Use Application C-12-13-B to allow for an Electronic Identification Sign in the CHW Commercial Highway Zone be approved at 1240 Highland Avenue (Lot 6, Plan 1013 BLTO Exc. Road Plan 23368 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) and elevation plan (B-3), subject to:

1. the owner or successor providing written confirmation to the Planning & Building Safety Department that a Highway Traffic Board permit has been issued for this particular development proposal.

CARRIED 5/0

Prior to the above motion being voted on, the following comments were made: Commissioner Jessiman stated the change makes it easier for staff and the public. Commissioner Boivin stated it is a simple change from a manual to electronic sign without any negative impact.

**c. VARIANCE**

**1129 Assiniboine Avenue**

**Applicant/Owner : Geoffrey & Timothy Gregoire**

Mr. Eidick indicated that Geoffrey & Timothy Gregoire, owners and applicants, are applying for the following variances to:

- increase the maximum number of dwelling units from 2 dwelling units to 4 dwelling units;
- reduce the minimum number of required parking spaces for four dwelling units from six (6) parking spaces to five (5) parking spaces; and
- reduce the Railway Overlay Zone from 30 metres to 25 metres.

for a property located at 1129 Assiniboine Avenue (Lots 9 and 10, Block 89, Plan 2 BLTO in NW ¼ 23-10-19 WPM) in the RLD Residential Low Density Multiple Family Zone.

Mr. Eidick stated that one objection was received from CPR.

Upon presentation by staff, Commissioner Boyd inquired if the other homes in the area meet the Railway Overlay Zone and if CPR still has the 25 metre safety concern. Mr. Eidick advised that most of the homes are within the required setback but do not comply with the current regulations. The majority of those homes were constructed prior to the overlay zone setback which was enacted in 2003. He stated that even though the south side of Assiniboine is fenced along the track CPR still have safety concerns regarding the 25 metre setback. Commissioner Anderson inquired if CPR had the same concerns in 2009 when this was first proposed. Mr. Eidick advised that CPR was not circulated on the 2009 application. Commissioner Boyd inquired if this proposal is consistent with other construction in the area. Mr. Eidick stated that the proposal is consistent with all Multiple Family Dwellings in the area. The main concern is the bulk that is in the railway right of way and the density. Commissioner Coey inquired if the proposal had been circulated with CPR in 2009 would there have been a different outcome at that time. Mr. Eidick confirmed there would likely have been a different outcome had the proposal been circulated. It was also not noticed during the writing of the report at that time they were within the right of way. Commissioner Boivin inquired what recourse the railroad would have should the Commission approve the proposal. Mr. Eidick was uncertain as to the recourse the railroad would take.

Mr. McMillan (on behalf of the applicant), stated the requested setback would take the buildings from 6 metres to 11 metres causing inconsistency with adjoining properties. There are provisions in the zoning bylaw to be within 10% of the setbacks allowing all buildings to have the same setback. Mr. McMillan cited examples of other applications that had been given variances for the railway setbacks. The variance from two units to four was accepted when it was first proposed four years ago. The proposed units are now a higher standard and would be condos at affordable pricing from \$160,000.00 to \$170,000.00. The area would be improved with higher quality housing and landscaping. It states in test #2 that the proposal will not impair the integrity or character of the neighborhood. It also states in tests #2 and #3 that it will allow increased density from two to four units if it is within The Hub or the Central Neighborhoods area of the Downtown Promenade Overlay Zone. This property is within that zone.

Commissioner Boyd inquired if the application is not approved would the applicant reapply with a different size under the same conditions. Mr. McMillan advised he would. Commissioner Coey inquired if he has dealt with any other applications that have been approved by the Commission regardless of the objections by CPR. Mr. McMillan stated there have been other residential and commercial uses that have been approved.

#### **OPPOSED**

Mark Hogberg (area resident), stated the area is zoned for two dwelling residences. It is all single family dwellings in the area. Four-plexes increase parking congestion.

Commissioner Boivin requested clarification on the density allowed within the Downtown Promenade Overlay Zone.

Ms. Veilleux advised each proposal has to be looked at in the context of the particular property. The allowed increase in density in the Downtown Promenade Overlay Zone is one factor considered during analysis of an application but not the only one. The Railway Overlay Zone is a safety concern which trumps the Urban Design Guidelines.

2013-129

Anderson - Boyd

That the Public Hearing for Variance Application V-15-13-B at 1129 Assiniboine Avenue be concluded.

CARRIED 5/0

2013-130

Boyd - Anderson

That Variance Application V-15-13-B to increase the maximum number of dwelling units from 2 dwelling units to 4 dwelling units, reduce the minimum number of required parking spaces for four dwelling units from six (6) parking spaces to five (5) parking spaces, and reduce the Railway Overlay Zone from 30 metres to 25 metres be rejected.

CARRIED 5/0

Prior to the above motion being voted on, the following comments were made: Commissioner Boyd stated it meets most of the standards except for the Railway Overlay Zone. Increasing from two units to four would increase parking congestion on the street. Commissioners Anderson, Jessiman and Boivin have concerns with the Railway Overlay Zone. Commissioner Coey stated public safety is paramount.

## 5.0 GENERAL BUSINESS

### a. Tracking Table

Ms. Veilleux stated there will be an additional zoning amendment application dealing with Secondary Suites, Boarding Houses and Legally Non-Conforming for the meeting in the middle of October.

### b. Administrative Business

Ms. Veilleux stated there will be a series of open houses coming forward. A consultant on life cycle costing in relation to our growth strategy will be making a presentation at Brandon University to which the public will be invited.

2013-131 Anderson – Boyd

That the September 18<sup>th</sup>, 2013 meeting be canceled.

CARRIED 5/0

### c. Absences from the September 18, 2013 meeting

## 6.0 ADJOURNMENT

2013-132 Anderson- Boyd

That the meeting does now adjourn. (9:03 p.m.)

CARRIED 5/0

Original signed by A. Veilleux

**Angie Veilleux**  
Principal Planner

Original signed by C. Coey

**Calvin Coey**  
Chairperson