

**MINUTES OF THE PLANNING COMMISSION MEETING HELD DECEMBER 21, 2016 AT 7:00 P.M. IN THE COUNCIL CHAMBERS, CIVIC ADMINISTRATION BUILDING, BRANDON, MANITOBA**

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**1 ROLL CALL**

Commissioners: Garnet Boyd  
Corinne Robinson  
Andrew Sieklicki  
Mary Jo Abbott

Administration: Ryan Nickel  
Sam van Huizen  
Brenda Rosset

**2. ADOPTION OF AGENDA**

2016-090

Abbott-Sieklicki

That the Agenda for the regular meeting of the Planning Commission to be held December 21, 2016 be adopted as presented.

CARRIED 4/0

**3. CONFIRMATION OF MINUTES**

2016-091

Robinson-Sieklicki

That the minutes of the regular meeting of the Planning Commission held on October 19, 2016 be adopted as presented.

CARRIED 4/0

**4.0 PUBLIC HEARING**

- a.** By-Law No. 7154 To Rezone Property  
660-7th Street & 725 Van Horne Avenue  
Owner: Van Bi Lee  
Applicant: VBJ Developments Ltd.

The applicant, VBJ Developments Ltd, on behalf of the owner, Van Bi Lee is applying to rezone property at 660-7<sup>th</sup> Street and 725 Van Horne Avenue from Industrial Restricted (IR) to Residential Moderate Density zone (RMD) zone, and variance requests to reduce the minimum required setback for residential development located in the railway protection overlay zone from 30 metres to 18 metres and to reduce the required minimum front yard setback from 4.6 metres to 3.0 metres.

Community Planner Mr. van Huizen introduced the application as presented in the City of Brandon Planning report.

Steve McMillian of VBJ Developments Ltd., on behalf of the property owner and spoke in favour to the application, but expressed concerns with the following recommended conditions:

- That the crash wall and berm not be approved by the CN railway
- That certain noise and vibration measures were not relevant to the application
- That the developer not be required to upgrade the full frontage of Van Horne Avenue (curb, boulevard, sidewalk)

Leah LaPlante, vice president of the Manitoba Metis Federation and spoke in opposition stating concerns about the impact of the development on access to the daycare and garden bed plots.

2016-092

Robinson-Sieklicki

That the combined Public Hearing regarding the following applications Z-05-16-B and V-17-16-B be concluded.

CARRIED 4/0

2016-093

Sieklicki-Abbott

That the Planning Commission recommend By-law 7154 (Z-05-16-B) to rezone 660-7<sup>th</sup> Street and 725 Van Horne Avenue (lot A, block 71, plan 51401 & lot A, block 71, plan 43705) be approved subject to prior to the by-law being given third reading, the owner or successor entering into a development agreement with the City of Brandon subject to the following supplementary conditions:

- a. That the agreement be specific to the site plan submitted for the construction of 24 dwelling units and any variation of the plan may require the Developer to obtain approval from Brandon City Council who may request additional public input and amendment to the agreement;
- b. To provide to the City of Brandon confirmation of payment to Brandon School Division for cash-in-lieu of land dedication. Such confirmation will be required prior to the issuance of any development and/or building permits;
- c. To pay to the City of Brandon cash-in-lieu of public reserve dedication in the amount of \$1,709.35. Such payment will be required prior to execution of this development agreement by the City of Brandon.
- d. To construct a crash wall and berm along the Canadian National Railway rights-of-way property line as per Canadian National Railway Principal Branch Line Requirements. The crash wall and berm must be designed to approval by a professional engineer.
- e. To install and maintain a chain link fence of a minimum 1.83 meters in height along the mutual property line of the property commonly known as 725 Van Horne Avenue/660 – 7<sup>th</sup> Street and the Canadian National Railway rights-of-way.
- f. That, as per the requirements of the Canadian National Railway, the following clause be noted by all property owner(s) and/or future property owners and follow with the lands: “Warning: Canadian National Railway Company or its assigns or successors in interest has or have a rights-of-way within 300 meters from the land the subject thereof. There may be alterations to or expansions of the railway facilities on such

rights-of-way in the future including the possibility that the railway or its assigns or successors as aforesaid may expand its operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwelling(s). CNR will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid rights-of-way.”

- g. That, should any alterations to the existing drainage pattern affect railway property, the Developer must receive prior concurrence from the Railway and be substantiated by a drainage report to the satisfaction of the railway.
- h. To provide, as per the Canadian National Railway Principal Branch Line Criteria, noise and vibration mitigation measures including the following:
  - i. A provision for air-conditioning to allow for occupants to close windows during warmer months;
  - ii. An interior layout that locates noise sensitive rooms away from the railway;
  - iii. The installation of 4” rigid insulation within the foundation walls facing the railway;
  - iv. An exterior cladding facing the railway achieving a minimum STC rating of 54 or equivalent;
  - v. The installation of acoustically upgraded windows providing a minimum STC rating of 33 or equivalent; and
  - vi. The construction of a solid noise barrier protecting outdoor living areas.
- i. To provide written confirmation that necessary arrangements have been made for postal service and that the pick-up / drop off location of the community mail box has been determined between the Developer and Canada Post; to the approval of Canada Post. The location of the community mail box must be indicated on the design construction drawings submitted to the City Engineer for review. Such location is to be approved by the City Engineer prior to the issuance of any development and/or building permits.
- j. To provide a fire hydrant adjacent to the site that is in compliance with the Manitoba Building Code. The fire hydrant must be indicated on the design construction drawings and the location of same is to be approved by the Building Safety Department.
- k. To provide evidence of Easement Agreements with Manitoba Hydro, MTS Inc., and Westman Communications Group, being entered into and registered against title of the Lands, prior to the issuance of any development and/or building permits.
- l. To consolidate Certificate of Title No. 2552397 and Certificate of Title No. 2552365 into one sole title prior to the issuance of any development and/or building permit and to provide to the City proof of title consolidation.
- m. To construct a 1.8m boulevard sidewalk in conjunction with curb and gutter and completed with an asphalt road repair to tie into existing asphalt road surface. The Developer is also required to sod the City boulevard. The design of all work proposed within the right-of-way is subject to review and acceptance by the City Engineer and shall be performed as stated in the latest edition of the City of Brandon, Standard Construction Specifications.
- n. To formally establish and construct an approach to the site, as per Schedule “B” complete with concrete construction and curbing along the west side of the approach. The Developer will not be required to curb the east side of the approach

as curbing constructed along the east side of the approach will create an obstruction of access for the neighbouring property owner.

- o. To remit a one-time monetary contribution, to the supply, installation, general maintenance and warranty of seven (7) trees to be located on the City's right-of-way. The amount of payment for such trees will be calculated at the time of execution of this development agreement and based upon the City's tree contract pricing for the current year. Payment in full will be required prior to the issuance of any development and/or building permit.
- p. Should any hydro poles create an obstruction to vehicle access/function to the site, the Developer will be required to relocate such hydro poles at their sole cost.
- q. The Developer will be required to provide the City with a Detailed Cost Estimate for all work proposed to be completed within the City's right-of-way. The Detailed Cost Estimate is to be prepared by the Developer's Consulting Engineer and is submit to review and acceptance by the City Engineer.
- r. The Developer will be required to provide to the City a Letter of Credit in the amount of 15% of the total cost of the detailed cost estimate; the total of which must be approved by the City Engineer.

CARRIED 4/0

Prior to the above motion being voted on commissioners provided the following supporting comments

- proposed zoning is compatible with development plan
- not opposed to re-zoning however safety measures are a concern

2016-094

Sieklicki-Abbott

That the Variance application (V-17-16-B) to vary clause 71(b) of the Zoning By-law to reduce the setback for dwelling units from a railway from 30.0m to 18.0m and to vary Table 10: Residential Bulk and Siting Requirements by reducing the minimum front yard setback from 4.6m to 3.0m be approved at 660 7<sup>th</sup> Street and 725 Van Horne Avenue (lot A, block 71, plan 51401 & lot A, block 71, plan 43705) be approved in accordance with the letter of intent (Attachment A3 and A4) and the site plan (Attachment B2) subject to the site being rezoned from Industrial Restricted IR Zone to Residential Moderate Density RMD Zone.

DEFEATED 3/1

Prior to the above motion being voted on commissioners provided the following supporting comments

- the variance is too large in the railway protection zone
- suggest applicant review easement to locate building further from the railway.

2016-095

Sieklicki-Robinson

That the Variance application (V-17-16-B) to vary clause 71(b) of the Zoning By-law to reduce the setback for dwelling units from a railway from 30.0m to 18.0m and to vary Table 10: Residential Bulk and Siting Requirements by reducing the minimum front yard setback from 4.6m to 3.0m be denied.

CARRIED 3/1

**b.** Organizational Meeting

Under Section 19 in the Planning Commission By-law No. 6843, the Planning Commission must each year appoint a Chairperson and Vice Chairperson as well as adopt the scheduling of meeting dates for the following 12 months. Under Section 20 of the Planning Commission By-law regular meetings of the Commission shall be held at 7:00pm on the 1<sup>st</sup> and 3<sup>rd</sup> Wednesday of each month (Schedule Attached).

2016-096

Abbott-Robinson

That pursuant to Section 20 of the Planning Commission By-law No. 6843, Commissioner Garnet Boyd be appointed Chairperson as head of the Planning Commission with a term of office to expire December 31<sup>st</sup> 2017.

CARRIED 4/0

2016-097

Abbott-Robinson

That pursuant to Section 20 of the Planning Commission By-law No. 6843, Commissioner Andrew Sieklicki be appointed Vice Chairperson to perform all duties of the Chairperson, if the Chairperson is absent, with a term of office to expire December 31<sup>st</sup> 2017.

CARRIED 4/0

2016-098

Abbott-Robinson

That pursuant to Section 20 of the Planning Commission By-law No. 6843, regular meetings of the Planning Commission be held on the following dates in 2017;

January 4, 2017  
January 18, 2017  
February 1, 2017  
February 15, 2017  
March 1, 2017  
March 15, 2017  
April 5, 2017  
April 19, 2017  
May 3, 2017  
May 17, 2017  
June 7, 2017  
June 21, 2017

July 5, 2017  
July 19, 2017  
August 2, 2017  
August 16, 2017  
September 6, 2017  
September 20, 2017  
October 4, 2017  
October 18, 2017  
November 1, 2017  
November 15, 2017  
December 6, 2017  
December 20, 2017

CARRIED 4/0

**5.0 GENERAL BUSINESS**

- a. **Tracking Table**  
Mr. Nickel spoke about upcoming applications.
- b. **Administrative Business**
- c. **Absences From Upcoming Meetings**  
Commissioner Sieklicki will be absent January 4,2017

**6.0 ADJOURNMENT**

2016-099 Abbott-Sieklicki  
That the meeting does now adjourn. (8:35 p.m.)

CARRIED 4/0

Original Signed by Ryan Nickel  
**Ryan Nickel**  
**Principal Planner**

Original Signed by Garnet Boyd  
**Garnet Boyd**  
**Chairperson**