

CITY OF BRANDON PLANNING COMMISSION

REGULAR MEETING

Wednesday, September 18, 2019 - 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. **By-law No. 7218 Rezone; Variance**
660 7th Street & 725 Van Horne Avenue
Owner: Van Bi Lee
Applicant: VBJ Developments Ltd.

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

1. That the Public Hearing for By-law 7218 Z-06-18-B and Variance Application V-06-18-B at 660 - 7th Street and 725 Van Horne Avenue (Lots 27/30, Block 71, Plan 8 BLTO; Parcel A, Plan 73705) be concluded.
2. That the Planning Commission recommend City Council approve By-law No. 7218 (Z-06-18-B) to rezone 660 - 7th Street and 725 Van Horne Avenue (Lots 1/5 & Pt Lots 27/30, Block 71, Plan 8, Parcel A, Plan 43705 and Parcel A, Plan 51401 BLTO) from Industrial Restricted (IR) Zone to Residential Moderated Density (RMD) Zone, subject to the owner or successor entering into a development agreement with the City of Brandon with the following conditions:
 - i. The Developer agrees the development should be consistent with the attached site plan in Schedule "B", for a maximum of 24 residential multiple dwelling units. An increase to the density of the development or a significant variation from the site plan will require the developer to obtain approval from City Council, who may request additional public input and/or require amendment to the agreement.

- ii. The Developer agrees 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.
- iii. The Developer agrees to consolidate Titles No. 2552397/2 and 2552365/2, prior to the release of the Building permit.
- iv. The Developer agrees to construct and maintain a 1.8m chain link fence along the common site line of the proposed development property and the Canadian National Railway rights-of-way.
- v. The Developer agrees to construct a crash wall and/or berm to the north of the parking lot along the Canadian National Railway rights-of-way property line. The crash wall and/or berm must be designed to Canadian National Railway Standard Specifications and is subject to approval by a City Engineer.
- vi. The Developer agrees that to design and 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 responsible 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.
- vii. The Developer acknowledges 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 tis assigns or successors in interest has or have a rights-of-way within 300 metres from the land the subject thereof. There may be alterations to or expansions of the railways 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."
- viii. The Developer agrees to allow shared vehicle access with properties located to the east at 621 7th Street and 639 Van Horne Avenue in perpetuity as per attached site plan in Schedule "B".
- ix. The Developer agrees to pay a contribution towards seven (7) boulevard trees. The amount of payment for such trees will be

- due at the time of execution of this development agreement and based upon the City's tree contract pricing for the current year.
- x. The Developer agrees prior to issuance of the building permit, to contribute \$202.50/unit for 24 dwelling units to the Brandon School Division in lieu of land dedication totaling \$4860.00
 - xi. The Developer agrees to contribute \$1,709.35 in lieu of land dedication for public reserve. Payment is due upon execution of the development agreement.
 - xii. The Developer agrees 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.
 - xiii. The Developer agrees 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.

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 Variance Application V-06-18-B to vary Table 10 and Section 71(b) of the Zoning By-law by decreasing the required front yard setback from 4.6m to 3.0m and decreasing the Railway Protection Overlay Zone setback from 30.0m to 18.5m be approved at 660 – 7th Street and 725 Van Horne Avenue (Lots 1/5 & Pt Lots 27/30, Block 71, Plan 8, Parcel A, Plan 43705 and Parcel A, Plan 51401 BLTO) in accordance with the letter of intent "Attachment A-2", the site plan "Attachment B-2" and elevation plan "Attachment B-3", subject to the site being rezoned from Industrial Restricted (IR) Zone to Residential Moderated Density (RMD) Zone.

**b. By-law No. 7246 Rezone
Properties Around Brandon University
Owner: Multiple Property Owners
Applicant: City of Brandon**

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

1. That the Public Hearing for By-law 7246 Z-05-19-B for properties around Brandon University be concluded.
2. That the Planning Commission recommend City Council approve By-law No. 7246 Z-05-19-B to rezone the following properties:
 - i. 2026, 2030, and 2040 Princess Avenue, 2030 and 2039 Louise Avenue, and 223, 225, 227, 229, 233, 241, 251, 253, 257, 261, 325, 329, 335, 341, 343, 405, 413, 421, 427, 437, and 445 – 21st Street (Lots 20/38, Block 28, Lots 27/34, 38/40, and Sly 12.5' of Lot 37, Block 39, and Lots 20/34, Block 44, all of Plan 15 BLTO) from Educational and Institutional (EI) to Residential Moderate Density (RMD).
 - ii. 1837 Princess Avenue (Lots 9/10, Block 25, Plan 15 BLTO) from Educational and Institutional (EI) to Residential Low Density (RLD).
 - iii. 2003 Princess Avenue (Lots 1/4, Block 23, Plan 15 BLTO) from Educational and Institutional (EI) and Residential Low Density (RLD) to Educational and Institutional (EI).
 - iv. 2021 Victoria Avenue (Lots 1/3, Block 44, Plan 15 BLTO) from Commercial Arterial (CAR) to Educational and Institutional (EI).

**c. By-law No. 7247 Rezone; Subdivision
1910 Bell Avenue and 1910 Hamilton Avenue
Owner: Waverly Developments Ltd.; Executive Homes 200 Ltd.
Applicant: City of Brandon**

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

1. That the Public Hearing for By-law 7247 Z-06-19-B at 1910 Bell Avenue and 1910 Hamilton Avenue be concluded.
2. That the Planning Commission recommend City Council approve By-law No. 7247 (Z-06-19-B) to rezone a portion of 1910 Bell Avenue from Development Reserve (DR) to Commercial Arterial (CAR), and a portion of 1910 Hamilton Avenue from Agricultural (A) to Commercial Arterial (CAR).

3. That the Planning Commission recommend City Council approve the application to subdivide (4500-19-688) 1910 and 2000 Bell Avenue and 1910 Hamilton Avenue to create three (3) lots and a public road in the Development Reserve (DR) Zone, Residential Moderate Density (RMD) Zone, and Commercial Arterial (CAR) Zone, subject to:
 - i. The owner or successor providing written confirmation to the City of Brandon Planning & Buildings Department that taxes for the property to be subdivided, for the current year plus any penalty, interest and arrears, have been paid in full or arrangements must be made satisfactory to Brandon City Council; and
 - ii. Proposed Lots 4 and 5 being consolidated as a single title to be registered in series with this subdivision.

**d. By-law No. 7248
Amend Zoning By-law Aggregate**

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

1. That the Public Hearing for By-law 7248 Z-07-19-B be concluded.
2. That the Planning Commission recommend City Council approve By-law No. 7248 (Z-07-19-B) to amend Zoning By-law No. 7124 to update standards for aggregate areas and other housekeeping updates.

5.0 General Business

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

6.0 Adjournment