

CITY OF BRANDON PLANNING COMMISSION

REGULAR MEETING

Wednesday, September 7, 2022 - 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. 7340 Rezone & Variance Application**
453 & 459 Russell Street
Owner: 5705356 Manitoba Ltd.
Applicant: Steve McMillan

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

1. That the Public Hearing for By-law No. 7340 to rezone and Variance Application V-19-22 at 453 & 459 Russell Street (Lot 18, Block 6, Plan 4 BLTO; Lot 1, Plan 54304 BLTO) be concluded.
2. That the Planning Commission recommend City Council approve By-law No. 7340 (Z-04-22) to rezone 453 & 459 Russell Street from Residential Low Density (RLD) to Commercial General (CG), subject to the owner or successor entering into a development agreement with the City of Brandon, with the following conditions:
 - I. The Developer agrees to develop a mixed-use building on the site in general consistency with the attached site plan with the residential component not exceeding eight (8) dwelling units.
 - II. The Developer agrees to contribute \$994.57 for cash in lieu of land dedication of public reserve. This contribution is due in full upon execution of the development agreement.
 - III. The Developer agrees to pay a contribution towards four (4) boulevard trees. Payment of such trees will be calculated based upon the City's tree contract pricing for the current year in which

the trees are billed with payment due in full upon execution of the development agreement.

- IV. The Developer agrees, prior to the issuance of approval development permit, to contribute to the Brandon School Division in lieu of land dedication. Payment of receipt will be required prior to issuance of the development permit.
- V. The Developer agrees the existing utility service with Manitoba Hydro and Westman Communications that currently services the site encroaches onto the property of 219 Victoria Avenue East. The Developer further agrees in order to proceed with servicing the new building they will either be required to secure an aerial easement with 219 Victoria Avenue East or have underground lines installed. Design of the utility service will be required to be shown on drawings at the time of development permit. Should an easement be required, proof of the easement will be required prior to issuance of the development permit.

And that Administration be authorized to prepare said 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-19-22 to vary Table 12 under Section 55 of the Zoning By-law to decrease the required reverse corner side yard from 4.6m to 1.5m in the Commercial General (CG) Zone be approved at 453 & 459 Russell Street (Lot 18, Block 6, Plan 4 BLTO; Lot 1, Plan 54304 BLTO) in accordance with the attached letter of intent "Attachment B-1" and the attached site plan "Attachment C-1".

b. Variance Application

821 – 9th Street

Owner: Stephanie & Charles Jordan

Applicant: Kate McKenzie

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

1. That the Public Hearing for Variance Application V-13-22 at 821 – 9th Street (Lots 19/20, Block 56, Plan 8 BLTO) be concluded.
2. That Variance Application V-13-22 to decrease the required railway right-of-way from 30.0m to 22.1m be approved at 821 – 9th Street (Lots 19/20, Block 56, Plan 8 BLTO) in accordance with the attached letter of intent "Attachment A-1", site plan "Attachment B-3", and concept renders "Attachments B-4 through B-6", subject to:

- I. The owner or successor, at the time of building permit, submit a letter outlining design and construction details that outline mitigating measures to reduce the impact of noise and vibration. The following mitigating measures are recommended for consideration:
 - a. Forced air ventilation systems with central air conditioning;
 - b. The exterior wall siding of the building closest to the railway line to be brick or a masonry equivalent for the exposed façades;
 - c. Acoustically upgraded windows meeting the minimum requirements of the Building Code and providing a maximum 35 dBA indoor limit for bedrooms and 40 dBA for living rooms;
 - d. Locating noise sensitive rooms away from the railway side;
 - e. Noise barrier fence providing a maximum 55 dBA limit for outdoor living areas;
 - f. Living the outside of the foundation walls with a resilient layer; and
 - g. Isolating the upper floors from the foundation wall and any internal column supports using rubber pads designed to deflect 5 to 20mm under load.

The applicant shall outline in the letter which mitigating measures from the above have been included in the detailed design, which mitigating measures from the above have been addressed through alternative means, and, where mitigating measures from the above cannot be included, reasons for not accommodating such measures.

5.0 General Reports

a. Conditional Use Extension 417 – 9th Street

1. That the approval deadline of Conditional Use Decision C-05-17 be extended to August 18, 2023.

6.0 General Business

- a. Tracking Table
- b. Administrative Business – [Planning Commission Training/Orientation Request](#)
- c. Absences From Upcoming Meetings

7.0 Adjournment