MINUTES OF THE PLANNING COMMISSION MEETING HELD SEPTEMBER 5, 2018 AT 7:00 P.M. IN THE COUNCIL CHAMBERS, CIVIC ADMINISTRATION BUILDING, BRANDON, MANITOBA

1.0 ROLL CALL

Commissioners: Andrew Sieklicki

Jack Lindsay Corinne Robinson Mary Jo Abbott

Administration: Ryan Nickel

Andrew Mok Amber Chapil

Absent: Garnet Boyd

2.0 ADOPTION OF AGENDA

2018-099 <u>LINDSAY – ROBINSON</u>

That the Agenda for the regular meeting of the Planning Commission to be held

September 5, 2018 be adopted as presented.

CARRIED 4/0

3.0 CONFIRMATION OF MINUTES

2018-100 ABBOTT - LINDSAY

That the minutes of the regular meeting of the Planning Commission held on August 15, 2018 be adopted as read.

CARRIED 3/0

4.0

a. Variance Application

330 Rosser Avenue East Owner: David Taylor Applicant: David Taylor

Community Planner, Andrew Mok, introduced the application as presented in the City of Brandon Planning report.

The applicant and owner, David Taylor spoke in regards to the existing topography of the property and the limits to building a garage and the reason for the variance application.

2018-101 ROBINSON - LINDSAY

That the Public Hearing for Variance Application (V-13-18-B) at 330 Rosser Avenue East (Lots 25/26, Block 27, Plan 4 BLTO) be concluded.

CARRIED 4/0

2018-102 ABBOTT - ROBINSON

That the Variance Application (V-13-18-B) to vary Table 10 of the Zoning By-law by nullifying Note 21 (which restricts the height of an accessory building to not exceed the height of the principle building) to allow for the construction of a detached garage in the Residential Low Density (RLD) Zone be approved at 330 Rosser Avenue East (Lots 25/26, Block 27, Plan 4 BLTO) in accordance with the intent of the application "Attachment A-1", the attached letter of intent "Attachment A-2" and the attached site plan "Attachment B-2".

CARRIED 4/0

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

- Geography of the area and existing neighboring garages off the back lane
- Topography of the site makes it challenging
- Nice addition to the area

b. <u>Variance Application</u>

2227 Brandon Avenue

Owner: Child and Family Services of Western Manitoba

Applicant: Jack Van Mulligen

Community Planner, Andrew Mok, introduced the application as presented in the City of Brandon Planning report.

The applicant, Jack Van Mulligen spoke on behalf of the owner Child and Family Services of Western Manitoba, regarding the variance application to build a fence for safety for the children attending the facility.

2018-103 ABBOTT - ROBINSON

That the Public Hearing for Variance Application (V-14-18-B) at 2227 Brandon Avenue (Lot 11, Plan 1495 BLTO) be concluded.

CARRIED 4/0

2018-104 ROBINSON - LINDSAY

That Variance Application (V-14-18-B) to vary Section 24, Table 1 of the Zoning By-law by increasing the maximum permitted front yard fence height from 1.2m to 1.8m in the Residential Low Density (RLD) Zone be approved at 2227 Brandon Avenue (Lot 11, Plan 1495 BLTO) in accordance with the intent of the application "Attachment A-1", the letter of intent "Attachment A-2" and the site plan "Attachment B-2".

CARRIED 4/0

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

- Property is set back, no issue for traffic visibility
- Minimal modification

c. By-law No. 7209

East Brandon Industrial Area Secondary Plan

Chief Planner, Ryan Nickel, introduced the application as presented in the City of Brandon Planning report for this long-term industrial land use plan. Administration held two public engagement session on October 5, 2017 and March 22, 2018.

2018-105 ABBOTT - ROBINSON

That the Public Hearing for the East Brandon Industrial Area Secondary Plan By-law No. 7209 be concluded.

CARRIED 4/0

2018-106 LINDSAY - ABBOTT

That the Planning Commission recommend City Council approve the East Brandon Industrial Area Secondary Plan By-law No. 7209, subject to the following amendments:

i. Deleting Section 1.6 – Cultural Heritages Sites/Archaeological Artifacts in its entirety and substitute therefor:

Cultural Heritage Sites/Archaeological Artifacts: There are several recorded heritage sites in the plan area. Should cultural heritage sites or archaeological artifacts be identified within the Secondary Plan area, The Heritage Resources Act and Section 17.0 of the Development Plan shall take precedence over this Secondary Plan.

- ii. Revising Subsection 4.1.1 by replacing "undivided expressway" with "primary arterial limited access highway".
- iii. Deleting Subsection 4.1.2 Access Management in its entirety and substitute therefor:

To minimize traffic congestion and potential traffic hazards, direct access to PTH 110 is not recommended. All developments should utilize an internal road network. Development of new accesses on arterial streets (Victoria, Richmond, and Patricia Avenues East) should be appropriately separated from roadway intersections to minimize traffic hazards.

iv. Deleting Subsection 5.1.2 (i) – Municipal Sewer Service in its entirety and substitute therefor:

New developments will be required to connect to the municipal system at the time of development. In such cases, developments which have minimal requirements for wastewater disposal may be serviced by small-scale on-site wastewater management systems (OWMS), subject to any required provincial approvals.

v. Deleting Section Subsection 5.2.2 – Stormwater Drainage Study/Plan in its entirety and substitute therefor:

To identify potential impacts on the municipal system and surrounding properties, the City will require a drainage study, prepared by a professional engineer and submitted

for review and acceptance, and mandate that drainage plans be submitted for developments within all areas. To reduce loading on the stormwater infrastructure, drainage plans are encouraged to use approved practices and measures that involve the retention/detention and absorption of runoff.

vi. Deleting Section Subsection 5.3.2(i) – Municipal Water Service in its entirety and substitute therefor:

New developments will be required to connect to the municipal system at the time of development.

vii. Deleting Section Subsection 5.5.2 – Telecommunications Services in its entirety and substitute therefor:

Telecommunications services will be provided within the EBIA as determined by the utilities in response to the requirements of individual businesses. Phone, internet and cable service to the EBIA is currently provided by Bell-MTS and Westman Communications. In addition, Shaw's transcontinental fibre optic line runs along the north side of the CP main line, and the City of Brandon has an existing fibre line to the north of Victoria Avenue. The EBIA is served by both overhead line and fibre optic as conceptually illustrated in Reference Map #3: Telecommunications.

viii. Deleting Section Subsection 5.5.3 – Electrical Service in its entirety and substitute therefor:

Electrical services will be provided within the EBIA as determined by the utility in response to the requirements of individual business. Within the FS-A designations, electrical service will be provided as a standard industrial service to new development. Electrical utility distribution and servicing for development within the other designations will be coordinated by the utility provider at the request of the developer. Electrical service is currently provided by Manitoba Hydro. Existing local electrical distribution lines within the EBIA major road rights-of-way are conceptually illustrated in Reference Map #5: Electrical Service.

ix. Deleting Figure 5: Conceptual Roads & Servicing in its entirety and substitute with a new figure changing the direction of wastewater flows in the FS-A west servicing area and Identifying a lift station at 1st Street and Patricia Avenue with a forcemain connection.

CARRIED 4/0

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

- Public outreach process, gave the public and property owners to get involved in the process
- Large area of Brandon that faces a lot of challenges
- Well thought out plan

d. <u>By-law No. 7212 Zoning By-law Updates</u> By-law No. 7216: Rezoning 609 – 39th Street

Community Planner, Andrew Mok, introduced the application as presented in the City of Brandon Planning report.

2018-107 LINDSAY - ABBOTT

That the Public Hearing for By-law No. 7212 and By-law No. 7216 be concluded.

CARRIED 4/0

2018-108 ROBINSON - LINDSAY

That the Planning Commission recommend City Council approve By-law No. 7212 (Z-03-18-B) to incorporate general updates to Zoning By-law No. 7124, subject to the following amendments:

- i. Deleting Subsection Deleting Subsection 2(I) of By-law No. 7212 in its entirety and substituting therefor:
 - 2. (I) Delete section 32 in its entirety and substitute therefor:
 - "32. ELECTRONIC SIGNS
 - (a) Clause 31(h)(1) and subsections 33(b) and 33(d) shall not apply to electronic identification sign components displaying only fuel prices on the site of an automotive service station or only time and temperature.
 - (b) Where an electronic sign except for an electronic identification sign component described in subsection 32(a) is installed on a site, no bulletin board sign, mobile sign or sandwich board sign shall be permitted on the site.
 - (c) An electronic sign shall be equipped with automatic dimming technology that automatically adjusts the sign's brightness in direct correlation with ambient light conditions so that the electronic sign is not a nuisance or safety issue as determined by the Director.
 - (d) An electronic sign may be single-sided or double-sided.
 - (e) All electronic signs shall comply with the latest edition of Transportation Association of Canada's "Digital and Projected Advertising Displays: Regulatory and Road Safety Assessment Guidelines", subject to the approval of the City Engineer."
- ii. Deleting Subsection 3(b) of By-law No. 7212 in its entirety and substituting therefor:
 - 3. (b) Delete Table 10 under Section 51 in its entirety and substitute therefor:

TABLE 10: RESIDENTIAL BULK AND SITING REQUIREMENTS(1)

	Minimum						Maximum					
	Site		Front	Side yard (m) ⁽³⁾ Front		Rear yard (m) ⁽³⁾		Dwelling	Distance from	Height ⁽⁵⁾		
Permitted and conditional uses	Site area (m²)		unit area (m²) ⁽⁴⁾	principal building (m)	Height (m)	Storeys	Density (units/ha)					
Detached dwellings in RLL Zone	4,048.0 ⁽⁶⁾	22.8	7.6	4.6	4.6	9.1	9.1	75.0 ⁽⁷⁾	N/A	11	2.5	N/A
Detached dwellings in RSD Zone	273.0	9.1	6.0 ⁽⁸⁾	1.2 ⁽⁹⁾	3.0 ⁽¹⁰⁾	7.6	7.6 ⁽¹¹⁾	75.0 ⁽⁷⁾	N/A	11	2.5	N/A
Detached dwellings in all other zones	232.0	7.6	6.0 ⁽⁸⁾	1.2 ⁽⁹⁾	3.0 ⁽¹⁰⁾	7.6	7.6 ⁽¹¹⁾	75.0 ⁽⁷⁾	N/A	11	2.5	N/A
Dwellings on separate titles with common party walls	232.0	7.6	6.0 ⁽⁸⁾	1.2 ⁽⁹⁾⁽¹²⁾	3.0 ⁽¹⁰⁾	7.6	7.6 ⁽¹¹⁾	75.0	N/A	11	2.5	N/A
All other RLL Zone uses	4,048.0 ⁽⁶⁾	22.8	7.6	4.6	4.6	9.1	9.1	75.0	N/A	11	2.5	N/A
All other RSD Zone uses	273.0	9.1	6.0	1.2 ⁽⁹⁾	3.0(10)	7.6	7.6	75.0	N/A	11	2.5	N/A
All other RLD Zone uses	232.0	7.6	6.0	1.2 ⁽⁹⁾	3.0 ⁽¹⁰⁾	7.6	7.6	18.0	N/A	11	2.5	N/A
All other RMD Zone uses	670.0	18.2	6.0	3.0 ⁽¹³⁾	3.0 ⁽¹⁰⁾	7.6	7.6	18.0	N/A	14.0(14)	3.0 ⁽¹⁴⁾	86.0
All other RHD Zone uses	930.0	30.4	6.0	4.6	4.6	4.6	6.0 ⁽¹⁵⁾	18.0	N/A	43.0	12.0	148.0
Mobile/modular homes in RMH Zones with separate titles	372.0	12.1	4.5	1.2	3.0 ⁽¹⁰⁾	4.5	4.5 ⁽¹⁶⁾	N/A	N/A	5.5	1.5	N/A
Accessory Uses	N/A	N/A	7.6	1.2 ⁽¹²⁾ (17)(18)	3.0 ⁽¹⁹⁾ (20)	1.5 ⁽²¹⁾	0.6 ⁽²⁰⁾	N/A	1.2	4.0(22)	N/A	N/A

Notes to Table 10:

- (1) The maximum site coverage of all buildings, including garages and other accessory buildings, is 60%.
- (2) For any portion of the principal building that is not a garage or carport, the required front yard may be reduced by up to 25% of the average front yards of buildings on the adjacent sites, but shall be no less than 4.6m.
- (3) For group buildings located on one site, see subsection 22(b).
- (4) Where permitted, the cumulative area of the sleeping rooms for a boarding house shall be limited to a maximum of 50% of the gross floor area of the dwelling.
- (5) The maximum building height shall be the lesser of either metres or storeys.
- (6) Or as required by provincial regulations for private sewage disposal systems, whichever is greater.
- (7) Floor area exclusive of basements, cellars, and accessory buildings and structures.
- (8) Where motor vehicle access is obtained from the front street, one of the required side yards shall be increased to a minimum of 3.0m, clear of all projections, except eaves and gutters, in order to be used as a required parking space. Where the access is to an attached garage or carport, however, the required side yards shall be the same as that required for the principal building.
- (9) The required corner side yard of a reverse corner site shall be a minimum of 4.6m. Where identified in an approved neighbourhood plan and in consultation with utility companies, the required corner side yard may be reduced to 2.0m.

- (10) The required yard may be reduced to 6.0m, clear of all projections except for overhanging eaves and gutters, provided that all the required parking and loading spaces are provided elsewhere on the site and site access is exclusively from the front site line.
- (11) A required side yard or rear yard, on the side having a common party wall, may be reduced to 0.0m, provided the side or rear site line is completely contained within the common party wall.
- (12) The required interior side yard may be reduced to 1.2m if the building contains four (4) or less dwelling units, and is no greater than 11.0m or 2.5 storeys, whichever is less, in height.
- (13) The maximum building height may be increased to 19.0m or 4.0 storeys, whichever is less, for sites with an area greater than 3.500.0m².
- (14) Where the site abuts a RLL or RSD zone, the required rear yard shall be a minimum of 7.6m.
- (15) Where the rear yard is adjacent to a residential zone with a greater required rear yard, the greater required rear yard of the neighboring zone shall apply.
- (16) Except when located to the rear of the principal building on the site and to the rear of the principal building on the nearest adjacent site, in which case the required side yard may be reduced to 0.3m, clear of all projections.
- (17) The minimum required interior side yard for accessory buildings which have direct access onto a lane shall be 1.5m.
- (18) Minimum 4.6m in the RHD Zone.
- (19) When an accessory building or structure is located in the required rear yard of a reverse corner site, the building or structure shall not be located nearer to the street side site line than 80% of the required front yard of the interior site abutting the rear site line of the subject site, nor closer than 1.5m to the rear site line, if there is no lane between the sites.
- (20) The minimum required rear yard for accessory buildings which do not have direct access onto a lane shall be 0.6m.
- (21) An accessory building or structure shall not exceed the height of the principal building or structure.
 - (c) Delete all references to "chimneys, bay windows, alcoves, and similar projections", "overhanging eaves and gutters", "porches", and "balconies" in Tables 1 through 3, including Note 1 to Table 1, and substitute respectively therefor:

TABLE 1: PERMITTED OBSTRUCTIONS IN REQUIRED FRONT YAR					
		Zones			
	R	С, Н	I	EI	PR, OS, A, DR
Balconies:					
 No part of balcony, including eaves, 					
 Closer than 4.0m to site line 	Р	NP	NP	NP	NP
 Projecting no more than 1.5m 	NP	Р	Р	Р	Р
Chimneys, bay windows, alcoves, and similar cantilevered	Р	Р	Р	Р	Р
projections—each projection projecting no more than 1.5m,					
maximum floor area of 4.6m ² ; total combined projections on					
each storey shall not exceed 40.0% of the length of the façade,					
excluding the façade of a single-storey attached garage					
Overhanging eaves and gutters—eaves projecting no more		Р	Р	Р	Р
than 0.6m					
Porches—no part of a porch, except for an additional 0.6m for					
overhanging eaves and gutters,					
 Closer than 4.6m to site line 					
Closer than 3.0m to site line	Р	NP	NP	NP	NP
	NP	Р	Р	Р	Р
TABLE 2: PERMITTED OBSTRUCTIONS IN REQUIRED SIDE YARDS	,				
	Zones			s	
	R	C, H	1	EI	PR, OS, A, DR
Balconies, including eaves:					
No closer than 1.2m to interior site line or 1.5m to corner	Р	NP	NP	NP	NP
site line					(-)
 Projecting no more than 1.5m 		P ⁽¹⁾	NP	Р	$P^{(2)}$

Chimneys, bay windows, alcoves, and similar cantilevered	Р	Р	Р	Р	Р
projections—each projection projecting no more than 1.5m,					
maximum floor area of 4.6m ² ; total combined projections on					
each storey shall not exceed 40.0% of the length of the façade,					
excluding the façade of a single-storey attached garage					
Overhanging eaves and gutters:					
Eaves projecting no more than 0.6m; gutters no closer	P ⁽³⁾	Р	NP	NP	NP
than 0.3m to site line					
Projecting no more than 1.5m	NP	NP	Р	Р	Р
Porches—no part of a porch, except for an additional 0.6m for		Р	Р	Р	Р
overhanging eaves and gutters, closer than 1.5m to corner site					
line or 1.2m to interior site line					

TABLE 3: PERMITTED OBSTRUCTIONS IN REQUIRED REAR YARDS

	Zones			?S	
	R	C, H	1	EI	PR, OS, A, DR
 Balconies, including eaves No closer than 6.0m to site line for any dwellings on separate titles except in the RLL Zone 	Р	NP	NP	NP	NP
 No closer than 1.2m to site line for all other dwelling types Projecting no more than 1.5m 	P P	NP P ⁽¹⁾	NP NP	NP P	NP P ⁽¹⁾
Chimneys, bay windows, alcoves, and similar cantilevered	P	P	P	P	Р
projections—each projection projecting no more than 1.5m, maximum floor area of 4.6m ² ; total combined projections on each storey shall not exceed 40.0% of the length of the façade, excluding the façade of a single-storey attached garage		·	·		·
Overhanging eaves and gutters—eaves projecting no more than 0.6m	Р	Р	Р	Р	Р

CARRIED AS AMENDED 3/1

2018-109 <u>LINDSAY - ROBINSON</u>

That the Planning Commission recommend City Council approve By-law No. 7216 (Z-04-18-B) to rezone 609 – 39th Street (Lots 37/38, Block 8, Plan 269 BLTO) from Development Reserve (DR) to Residential Single Detached (RSD).

CARRIED 4/0

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

• It is clearing up an issue and being consistent with the surrounding area

e. <u>Conditional Use Application</u>

1604 Victoria Avenue

Owner: ZhiXiang Yu and Wei Wang Applicant: ZhiXiang Yu and Wei Wang

Ms. Abbott stated conflict of interest and excused herself.

Community Planner, Andrew Mok, introduced the application as presented in the City of Brandon Planning report.

Sandy Trudel, Director of Economic Development for the City of Brandon spoke on behalf of the applicants and owners ZhiXiang Yu and Wei Wang due to English not being their first language. Written presentation provided to the planning commission, regarding the information on the conditional use application, to have a boarding house for up to seven tenants and addressed concerns raised by the neighbourhood.

Commissioner Lindsay – inquired if the renovations were completed within the house.

Opposed

Bernie Mullins, area resident, provided copies of his presentation to the Planning Commission. Concerns raised include number of renters, owner will not stay owner occupied, not consistent with the area, not big enough for seven tenants, negative impact to collective welfare, parking spaces, diversity of area, will not address need for affordable housing.

David Swayze, area resident raised concerns regarding the assumptions based on an average in the planning report, as well as parking (on street and on site), area traffic, inquired into traffic study, mixed of housing and uses in the area, affordable housing, university housing, permanent residency, stigma associated with this development.

Tom Keep, area resident, spoke regarding the following concerns of not receiving a letter, zoning of the area, and parking in area. Question include: Is this regulated by the Province? A boarding house, is it licensed? Are there annual inspections? Owners indicate they will live on site and that this be mandatory to always live on site. Garbage pick up.

Dave McLean, area resident, raised concerns on process, number of rooms, size of house to tenants, parking on street, parking on front lot, on-site parking spaces, not a good fit for the neighborhood.

David Pedersen, area resident, asked if this could be a conditional use permit which would end if the owners decide not to live in the house. This condition is not enforceable, withdraw support, and not a good fit with the neighborhood. Single home ownership of the area, low density area.

Yves Lacerte, area resident, spoke to the vision for the city of Brandon, for boarding house and their specific design. Concerns over the space for renters room area and will it be a desirable area to rent. Will the Zoning by-law amendments be applicable to this application?

Neil McQuarrie, area resident, opposed to this application, endorse what others have said, concerns over nature of area and community, which is orientated towards single family

homes. Concerns over boarders with the proximity to the University, seem transient than permanent residents, and boarding house of this size. Number of persons to live on site. Property undergoing renovations with the intension to run a boarding house.

Eric Platz, area resident, agree with everything said to this point. Sympathetic to the applicant's financial situation but at the expense of the area residents. Not the intent originally presented to the area residents through the correspondence sent out.

Lois Henderson, area resident, directly across from the site, agree with everything said tonight. Will create a safety hazard with the traffic congestion in the area, as well as parking on the 16th Street.

Vickie Hanwell-McLean, area resident, signed the petition raising concerns, in opposition, agree with everything said in opposition tonight.

Mr. Nickel, Chief Planner spoke to items raised. Community engagement is always a positive thing to get feedback. Circulation is to residents within 100 meters. In building code there are rules for minimum size of a bedroom. No code for how many people can live in a house. Boarding houses with up to three tenants are just permitted. Good discussion on parking, there is a shortage of street parking in this area, there was no parking study prepared. All studies are based on assumptions in the analysis. Very few boarding houses that have gone through the legal process, in terms to evaluate the process. Permit was issues as anyone can apply to renovate their home.

Commissioner Lindsay, this is a zoning change? Mr. Nickel this is a conditional use, not a change in zoning, every zone has an intent statement, the RLD zone does allow for a variety of house types.

Commissioner Robinson, regulated by the Province? Mr. Nickel responded there are no Provincial licensing requirements besides renter/tenancy, inspection process by the Fire Department to check for fire safety.

Commissioner Lindsay, mention garbage collection? Mr. Nickel this would function similar to a multiple dwelling to the maximum of bins.

Commissioner Lindsay, unclear where all the additional parking would be? Mr. Nickel, there will be an additional stall to the right.

Commissioner Sieklicki, discussion regarding boarding houses not requiring owner occupied. Mr. Nickel there is a building code requirement of duty of care on the assumption if you have owner occupied it would address this duty of care.

Commissioner Lindsay, is the boarding house to prevent renters having multiple residents living together. Mr. Nickel difference based on the rule is boarding house must have locking devices on each room and it is not accessible to others and that is what makes it a boarding house.

Applicant responded and thanked those in attendance for the suggestions, and will follow all of the requirements set.

2018-110 ROBINSON - LINDSAY

That the Public Hearing for Conditional Use Application (C-12-18-B) at 1604 Victoria Avenue (Lot 38/40, Block 10, Plan 16 BLTO) be concluded.

CARRIED 3/0

2018-111 LINDSAY - ROBINSON

That Conditional Use Application (C-12-18-B) to allow for a boarding house with a maximum of seven (7) sleeping rooms each occupied by one tenant in the Residential Low Density (RLD) Zone be approved at 1604 Victoria Avenue (Lot 38/40, Block 10, Plan 16 BLTO) in accordance with the intent of the application "Attachment A-1", the letter of intent "Attachment A-2", and the attached site plan "Attachment B-2" and floor plans "Attachment B-3 & B-4". The requirement for the landscaping design standards for the required additional parking spot.

CARRIED 2/1

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

- The zoning allows for this conditional use and allows for concerns to be raised from the public
- Traffic concern already in this neighborhood
- The proposed additional on-site parking is addressed in the plan proposed
- There is a density issue making it not compatible for the area, and Commissioner Seilicki will be voting against this conditional use

5.0 GENERAL BUSINESS

- a. Tracking Table
- b. Administrative Business
- Absences From Upcoming Meetings
 Commissioner Sieklicki September 19, 2018 may not be in attendance

6.0 ADJOURNMENT

2018-112 ROBINSON - LINDSAY

That the meeting do now adjourn (9:20 p.m.)

CARRIED 4/0

Original signed by A. Chapil	Original signed by A. Sieklicki
Amber Chapil	Andrew Sieklicki
Planning Commission Clerk	Chairperson