

MINUTES OF THE PLANNING COMMISSION MEETING HELD JULY 3, 2019 AT 7:00 P.M. IN THE COUNCIL CHAMBERS, CIVIC ADMINISTRATION BUILDING, BRANDON, MANITOBA

1.0 ROLL CALL

Commissioners: Andrew Sieklicki
Jack Lindsay
Garnet Boyd
Colleen Anderson

Administration: Ryan Nickel
Andrew Mok
James Maxon

Regrets: Kate Hill

2.0 ADOPTION OF AGENDA

2019-051

ANDERSON - BOYD

That the Agenda for the regular meeting of the Planning Commission to be held July 3, 2019 be adopted as presented.

CARRIED 4/0

3.0 CONFIRMATION OF MINUTES

2019-052

LINDSAY – ANDERSON

That the minutes of the regular meeting of the Planning Commission held on June 19, 2019 be adopted as read.

CARRIED 3/0

4.0

a. By-law No. 7241 Rezone

2211 Portola Drive
Owner: VBJ Developments Ltd.
Applicant: Steve McMillan

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

The applicant, Steve McMillan representing VBJ Developments, spoke regarding this application, as well as, the historical context of the property, as VBJ Developments purchased the land which was already well into the development process. The previous developer did not have plans for the site and therefor the City of Brandon would not rezone it until plans were in place. Mr. McMillan outlined how he had

reached out to citizens in the area opposing the development, understanding the concerns over greenspace. He outlined that they had made changes to the project to allow for a larger than required tree buffer, as they were taking the green space matter seriously and hoped to find a compromise for the park and buffer zone. He mentioned that greenspace alternatives had been drafted, but were rejected by the Brandon School Division.

In Opposition

Michael Dryden, area resident, spoke of entering the area under the assumption of the lot zoned Parks and Recreation. The area has many young families and animals that would require a recreational greenspace. He had spoken to most residents who had purchased homes in the area with this same assumption of a green space area. He appreciates the position that the application is in, but expressed disappointment in the re-zoning and the loss of greenspace for the community. Mr. Dryden also spoke of the petition with 160 signatures in opposition to the development.

Crystal Puhach, representing Condo Corp #148, spoke of the lack of greenspace leading to residents accessing the privately developed playground in the Elements Condo Community and expressed opposition to the loss of more greenspace. It is the concern of the corporation that the further loss of greenspace would lead to an increase of individuals, external to the Elements Condo Community, accessing their private greenspace.

Susan Boyachek, area resident, spoke of the City of Brandon Greenspace Master Plan, expressing that the intent of the Plan is not being adhered to. She indicated that residents were not aware of the rezoning plan until recently, and that the City should make information more readily available to the public. She spoke on the Southeast Community Planning meeting being a positive undertaking by the City, and expressed regrets that a similar activity was not undertaken for the re-zoning of Portola Drive. She also expressed concern over danger posed by the drainage pond to youth, stating that youth regularly walk or play around the ditch and rocks, and this should be considered a safety hazard. She wanted to retain the current zoning, and believed the rezoning to moderate density would be a poor fit to the area.

Robert Foliott, area resident, raised concerns that there may be no recourse to challenge the development going forward. He indicated that after talking with Mr. McMillan, he does not feel that the developer will be compelled to follow through on community desires upon approval by the City of Brandon. He expressed concerns that the current population in the area is already high and that the proposed rezoning would exacerbate challenges made by a lack of existing green-space to service the area.

Cyril Stott, area resident, expressed a belief that three stories should be the height limit for the development. He was in favour of the project but opposed the proposed four-story height in the proposed development.

Yoroslav Trokhym, area resident, expressed concerns that without adequate greenspace youth will play on the street, in the ditch, and on rocks around the drainage pond. He believed that higher population density means increased road usage, which poses a danger to youth using roadways in lieu of greenspace.

For Information

Yoroslav Trokhym, area resident, wondered why the City of Brandon and the Developer did not rezone the area in 2013. He further inquired why the surrounding public was not made aware of the imminent rezoning well in advance.

Susan Boyachek, area resident, inquired how they would find out if the final plan was passed or not.

Michelle Dryden, area resident, indicated that area residents would have benefited from information on the rezoning in advance, and that the rezoning will potentially affect residents' properties.

Edward Wellbaan, area resident, inquired if there was an alternative for the residents and developer with the plots rezoned to retain the greenspace as the proposed buffer.

Mr. Mok, Community Planner, addressed concerns over the greenspace, outlining that the Developer has already provided funds or land in lieu of greenspace to the City and thus has fulfilled obligations to forgo the Parks and Recreation requirements. Mr. Mok also confirmed to the Planning Commission that residential moderate density allows for only four-stories, and that the developer would require a variance to go higher.

Mr. McMillan, the applicant, agreed that the proposal does not follow the Greenspace Master Plan but expressed that the proposal has been in development for a significant period, and the area poses unique challenges to develop with greenspace. He outlined that the proposal has undergone development above requirements to maximize the distance of proposed buildings and the existing buildings on Keenan Bay.

2019-053

Lindsay - Boyd

That the Public Hearing for By-law 7241 Z-04-19-B at 2211 Portola Drive (Block 7, Plan 56250 BLTO) be concluded.

CARRIED 4/0

LINDSAY - ANDERSON

That the Planning Commission recommend City Council approve By-law No. 7241 Z-04-19-B to rezone 2211 Portola Drive (Block 7, Plan 56250 BLTO) from Residential Low Density (RLD) and Parks and Recreation (PR) to Residential Moderate Density (RMD), subject to the owner or successor entering into a development agreement with the City of Brandon with the following conditions:

- i. The Developer agrees under current domestic sewer conditions, development is restricted to a peak discharge of 3.12L/s. Any development planned for the site in excess must be phased and may be permitted only after construction of a new domestic sewer lift station at 1st Street/Patricia Avenue intersection.
- ii. The Developer agrees prior to establishing a pond outlet to provide mitigation for the difference between a 25-year event runoff and a 100-year event runoff.
- iii. The Developer agrees to submit a phasing plan to address servicing capacity requirements.
- iv. The Developer agrees to comply with the conditions associated with Phase 6 as per the Development Agreement dated June 18, 2014.
- v. The Developer agrees to contribute \$600.00 per dwelling unit for contribution for the existing 1st Street lift station. Payment is due prior to the issuance of a building permit for each building.
- vi. The Developer agrees to pay a contribution towards eighteen (18) 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.
- vii. The Developer agrees prior to issuance of the building permit, to contribute \$202.50 per dwelling units to the Brandon School Division in lieu of land dedication.
- viii. The Developer agrees to construct a Public Reserve along 1st Street, including a multi-use trail and landscaping.
- ix. 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.
- x. 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 interest in accordance with any procedures, policies, by-laws and Acts.

CARRIED AS AMMENDED 3/1

AMMENDMENT

2019-055 LINDSAY-ANDERSON

That the above motion be amended by adding the following clauses:

- “xi. The Developer agrees to put in the sixty-foot buffer zone and work with the City to make the best use of the buffer zone.
- xii. The Developer agrees to develop the buffer on the West side of the property in the First Phase of the Development”

CARRIED 3/1

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

- Commissioner Anderson believes it will fit into the area due to a similar development on Sycamore Drive.
- Commissioner Boyd expressed concern over the loss of the green space but that the ability to make this a greenspace in not an option due to contextual arrangements between the prior developer and the City.
- Chairperson Sieklicki expressed concerns over the number of individuals that are in opposition to this development and the proposed density for the area.

5.0 GENERAL BUSINESS

a. Tracking Table

b. Administrative Business

c. Absences From Upcoming Meetings

Commissioner Boyd – July 17, 2019 and potentially August 7, 2019

Chairperson Sieklicki – July 17, 2019

6.0 ADJOURNMENT

2019-056 Anderson - Lindsay

That the meeting do now adjourn (8: 53 p.m.)

CARRIED 4/0

Original Signed by A. Chapil
Amber Chapil
Planning Commission Clerk

Original Signed by A. Sieklicki
Andrew Sieklicki
Chairperson