

**MINUTES OF THE PLANNING COMMISSION MEETING HELD JULY 15, 2020 AT 7:00 P.M. IN THE COUNCIL CHAMBERS, CIVIC ADMINISTRATION BUILDING, BRANDON, MANITOBA**

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**1.0 ROLL CALL**

Commissioners: Jack Lindsay  
Garnet Boyd  
Colleen Anderson  
Kate Hill  
Lashawnda Hobson

Administration: Andrew Mok  
Amber Chapil

**2.0 ADOPTION OF AGENDA**

2020-045

GARNET - HILL

That the Agenda as revised, for the regular meeting of the Planning Commission to be held July 15, 2020 be adopted as presented.

CARRIED 5/0

**3.0 CONFIRMATION OF MINUTES**

2020-046

HILL – GARNET

That the minutes of the regular meeting of the Planning Commission held on June 3, 2020 be adopted as read.

CARRIED 5/0

**4.0**

**a. Variance Application**

602 – 18<sup>th</sup> Street

Owner: Foresight Real Estate Ltd.

Applicant: Daniel MacGibbon

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

The applicant, Daniel MacGibbon on behalf of Articulated Design Union, spoke to the application to vary the rear yard, front yard, corner side yard and decrease the distance from stairway to an interior site line to build a multi-use building on the property. He indicated the property design for nine residential suites with one commercial area, and windows facing the rear and the front. The garbage will have larger bins with private collection, open to the rear with fencing around it as a buffer.

### **In Opposition**

Jennifer Wallace, area resident at 603 – 19<sup>th</sup> Street spoke to privacy concerns with the rear windows facing into her driveway and back yard, as well as, concerns with garbage and recycling bin pick up.

2020-047

#### ANDERSON - HILL

That the Public Hearing for Variance Application V-08-20 at 602 – 18<sup>th</sup> Street (Lots 38/40, Block 16, Plan 720 BLTO) be concluded.

CARRIED 5/0

2020-048

#### ANDERSON - HILL

That Variance Application V-08-20 to vary Table 10 of the Zoning By-law by decreasing the required rear yard from 6.0m to 3.0m, the required front yard from 3.0m to 1.5m, and the required corner side yard from 3.0m to 1.5m, and to vary Table 2 by decreasing the distance from a stairway to an interior site line from 0.6m to 0.4m, for a mixed-use building in the Commercial Arterial (CAR) Zone be approved at 602 – 18<sup>th</sup> Street (Lots 38/40, Block 16, Plan 720 BLTO) in accordance with the letter of intent “Attachment A-2” site plan “ Attachment B-5” and elevation plans “Attachments B2, B3, & B4”, subject to the owner or successor entering into a development agreement with the following conditions:

- i. The Developer agrees to construct and formalize the back lane approach within the right-of-way of McTavish Avenue as per the City of Brandon Standard Construction Specifications.
- ii. The Developer agrees to remove the existing asphalt walkway located along the south side of McTavish Avenue for the length of the property. The Developer further agrees to design and construct a 1.8m concrete sidewalk which shall be pinned to the existing curb and to install sod within the remainder of the boulevard as per the City of Brandon Standard Construction Specifications.
- iii. The Developer agrees to remove the sidewalk ramp on the southwest corner of the 18<sup>th</sup> Street and McTavish Avenue intersection and to restore the curb as per the City of Brandon Standard Construction Specifications.
- iv. The Developer agrees to disconnect and remove an existing services to the property that they will not be utilizing for the development. All work performed in the right-of-way shall conform to the City of Brandon Standard Construction Specifications.
- v. The applicant will be responsible to submit a Detailed Cost Estimate, prepared by their Consulting Engineer for all work proposed within the right-of-way. The cost estimate is subject to review and approval by the City Engineer.
- vi. The applicant will be responsible to submit an Irrevocable Letter of Credit totaling 15% of the Detailed Cost Estimate

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.

CARRIED 4/1

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

- The variances are similar to those approved before, and is a good fit for the area
- Sympathetic to the privacy issue raised
- Concerned with privacy issues raised

**b. By-law No. 7275 Rezone and Variance**

1504 – 10<sup>th</sup> Street

Owner: Kayvon Amrullah Razzaghi

Applicant: Keller Developments Ltd. (Kate McKenzie)

Senior Planner, Andrew Mok, introduced the application as presented in the City of Brandon Planning report and advised two (2) emails of concerns from area residents were received.

The applicants, Evan Keller from Keller Developments, and Darren Giilck from Royal LePage, spoke to rezoning the property and the application to vary to build a 6-plex which faces Richmond. Mr. Giilck spoke to public outreach, and concerns over the height of the building, and under the current RLD zone the maximum height allowed is 2.5 storeys. He indicated there would be a landscaped buffer and trees, which will address the concerns raised in the emails regarding parking and privacy.

2020-049

**ANDERSON - HOBSON**

That the Public Hearing for By-law 7275 (Z-06-20) and Variance Application V-05-20 at 1504 – 10<sup>th</sup> Street (Lots 1/3, Block 1, Plan 289 BLTO) be concluded.

CARRIED 5/0

2020-050

**ANDERSON - BOYD**

That the Planning Commission recommend City Council approve By-law No. 7275 Z-06-20 to rezone the property at 1504 – 10<sup>th</sup> Street (Lots 1/3, Block 1, Plan 289 BLTO) from Residential Low Density (RLD) 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 to construct a 6-unit residential building in general consistency with the attached site and elevation plans.
- ii. The Developer agrees to remove and relocate the Hydro service located within the property to the streetlight pole.

- iii. The Developer agrees to remove the existing access to the property on 10th Street and restore the ditch and boulevard with sod.
- iv. The Developer agrees to contribute \$5,452.84 for Network Infrastructure Development Charges (in the Emerging Area) as per the 2020 Fee Schedule. This calculation is based on the submitted site plan and the total net area being developed. This contribution is due in full upon execution of the development agreement.
- v. The Developer agrees to contribute \$372.71 for cash in lieu of land dedication of public reserve. This contribution is due in full upon execution of the development agreement.
- vi. The Developer agrees to contribute \$1,215.00 to the Brandon School Division for cash in lieu purposes. Payment is to be made to the Brandon School Division with proof of payment submitted to the City of Brandon.
- vii. The Developer agrees to submit an Irrevocable Letter of Credit totaling 15% of the Detailed Cost Estimate.

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.

CARRIED 5/0

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

- Good fit with the area
- Meets all of the conditions

2020-051

ANDERSON - HILL

That Variance Application V-05-20 to vary Note 2 of Table 10 of the Zoning By-law by reducing the required front yard from 4.6m to 4.0m in the Residential Moderate Density (RMD) Zone be approved at 1504 – 10<sup>th</sup> Street in accordance with the letter of intent "Attachments B-3 and B-4" and the attached site plan "Attachment C-2".

CARRIED 5/0

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

- Once the zoning is approved this variance is necessary

c. **Variance Application**

4110 Victoria Avenue

Owner: 6864598 Manitoba Ltd.

Applicant: Keller Developments Ltd. (Kate McKenzie)

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

The applicant, Evan Keller of Keller Developments, spoke to the application to vary the height from 2.5 storeys to 4.0 storeys to qualify for CMHC with 75% being residential and the zoning requirement to have the first floor commercial.

2020-052

**HILL - BOYD**

That the Public Hearing for Variance Application V-06-20 at 4110 Victoria Avenue (Parcels D, E, F & G, Plan 59688 BLTO) be concluded.

CARRIED 5/0

2020-053

**HILL - HOBSON**

That Variance Application V-06-20 to vary Table 12 of the Zoning By-law to increase the building height from 11.0m or 2.5 storeys to 15.0m or 4.0 storeys in the Commercial Arterial (CAR) Zone be approved at 4110 Victoria Avenue (Parcels D, E, F, G, Plan 59688 BLTO) in accordance with the attached letter of intent "Attachment A-1 and A-2", the attached site plan "Attachment B-2", and elevation plan "Attachment B-3", subject to the owner or successor entering into a development agreement with the City of Brandon with the following conditions:

- i. The Developer agrees that, prior the issuance of a development permit, to provide an updated site plan identifying shared access with the property located to the northeast at 4130 Victoria and an internal sidewalk connection from the buildings entrance to the public sidewalk along 42nd Street. The accepted site plan shall form a schedule to the development agreement.
- ii. The Developer agrees to endeavour to enter into a Conforming Construction Agreement with property owner of 4130 Victoria Avenue. The Developer agrees to pursue and obtain all required signature(s) of the agreement with the property owner of 4130 Victoria Avenue. This agreement is to be registered on all affected titles. If a Conforming Construction Agreement cannot be obtained, the Developer agrees to allow shared access in perpetuity with the property located to the northeast at 4130 Victoria.
- iii. The Developer agrees to design and construct a sidewalk for the entire length of the property along 42nd Street. The design of all work proposed in the right-of-way is subject to review and acceptance of the City Engineer prior to the issuance of a development permit, and shall be performed as stated in the latest edition of the City of Brandon's Standard Construction Specifications.

CARRIED 5/0

**d. Conditional Use**

922 – 8<sup>th</sup> Street

Owner: Rodney Allen Whetter

Applicant: Keller Developments Ltd. (Kate McKenzie)

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

The applicants, Evan Keller from Keller Developments, and Darren Gilck from Royal LePage, spoke to the application to allow for the development of a duplex on a 33' interior site lot. Mr. Keller spoke to the depth of the parking spots, although there are only two spots, they are long enough to park two vehicles in each spot. Mr. Gilck spoke to the proposed design renderings and community outreach.

2020-054

**HOBSON - HILL**

That the Public Hearing for Conditional Use Application C-04-20 at 922 – 8<sup>th</sup> Street (Lots 6 & 7, Block 41, Plan 8 BLTO) be concluded.

CARRIED 5/0

2020-055

**HOBSON - ANDERSON**

That Conditional Use Application C-04-20-B to allow for the development of a duplex dwelling on an interior site with a minimum site width less than 15.2m in the Residential Low Density (RLD) Zone be approved at 922 – 8<sup>th</sup> Street (Lots 6 & 7, Block 41, Plan 8 BLTO) in accordance with the attached letter of intent “Attachments A-1 and A-2”, the attached site plan “Attachment B-2” and elevation plan “Attachment B-3”.

CARRIED 5/0

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

- The dwelling will suit the area
- Good infill for the area

**e. By-law No. 7278 Rezone**

135-147 – 18<sup>th</sup> Street

Owner: Dr. Elham Elahiyoun Dental Corporation

Applicant: Keller Developments Ltd. (Kate McKenzie)

Senior Planner, Andrew Mok, introduced the application as presented in the City of Brandon Planning report and did receive emails of concern and a letter of objection from area commercial property owners.

The applicants, Evan Keller from Keller Developments, and Darren Gilck from Royal le Page, spoke to the application to rezone the property and be able to develop the property into a mixed-use building. Mr. Keller provided additional information regarding green building technology, trees, access, the removal of existing homes, and planning efforts to not disturb or damage the existing heritage stone fence. Mr. Gilck spoke to canvassing the area, and described the site plan and obtaining a shared use agreement to access 18<sup>th</sup> Street through the neighbouring property. The heritage stone fence will be protected and maintained at a high standard.

### **In Opposition**

Darrel Jount, area resident spoke regarding concerns of building a square concrete commercial type building and not something special in keeping the unique University character of the area.

Letter read from Dr. Jim Bonar and Alex Pappas of Chancellor Place regarding concerns over building height and conditions for restricted commercial, having brick, paving stones for the parking lot, limited footprint, restricted parking size, and minimal signage in keeping with the character of the entire university area.

2020-056

#### BOYD - HILL

That the Public Hearing for By-law 7278 (Z-07-20) at 135-147 – 18<sup>th</sup> Street (part of Lots 1 and 11, and Lots 2/10, Block 52, Plan 2 BLTO) be concluded.

CARRIED 5/0

2020-057

#### BOYD - ANDERSON

That the Planning Commission recommend City Council approve By-law No. 7278 (Z-07-20) to rezone a property at 135 – 147 18<sup>th</sup> Street (Part Lots 1 and 11, and Lots 2/10, Block 52, Plan 2 BLTO) from Commercial Restricted (CR) to Downtown Mixed Use (DMU), 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 construct a mixed-use building in general consistency with the attached site and elevation plans.
- ii. The Developer agrees to contribute \$1,843.76 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 contribute \$6,277.50 to the Brandon School Division for cash in lieu purposes. Payment is to be made to the Brandon School Division with proof of payment submitted to the City of Brandon prior to the issuance of a development permit.
- iv. The Developer agrees to pay a contribution towards eleven (11) boulevard trees. 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 at the

time of execution of the development agreement.

- v. The Developer agrees to provide a landscaping plan prior to the issuance of a development permit showing the location of the eleven (11) boulevard trees in the boulevards of 18<sup>th</sup> Street, 17<sup>th</sup> Street and Princess Avenue. Tree species will be determined by the City of Brandon at the time of planting.
- vi. The Developer agrees to disconnect and remove any existing services to the properties that they will not be utilizing for the development. The Developer further agrees to restore the curb and boulevard with sod as per City of Brandon Standard Construction Specifications. All work performed in the right-of-way shall conform to the City of Brandon Standard Construction Specifications.
- vii. The Developer agrees that any servicing that is proposed to be constructed under the Stone Fence Heritage Site is to be directionally drilled and housed in a casing pipe.
- viii. The Developer agrees to remove any existing access to 17<sup>th</sup> Street that they will not be utilizing for the development as per the attached site plan. The Developer further agrees to restore the curb and boulevard with sod as per City of Brandon Standard Construction Specifications. All work performed in the right-of-way shall conform to the City of Brandon Standard Construction Specifications.
- ix. The Developer agrees to endeavour to enter into a Construction Conforming Agreement (CCA) with the property owners to the north (131 – 18<sup>th</sup> Street and 1712 Rosser Avenue) for shared access among the 3 properties. The CCA is to be registered on all affected titles prior to the issuance of a development permit. Should the Developer not be able to secure a CCA with all 3 parties, the Developer agrees to construct a commercial grade access, with a minimum width of 7.3m, to their property from 18<sup>th</sup> Street. The location and design of such access shall be approved by the City Engineer.
- x. The Developer agrees to provide the same amount of on-site parking as required in the Zoning By-law for a non-downtown zoned site.
- xi. The Developer agrees to amend the existing Heritage Agreement registered on title to include the following amendments:
  - a. Reduction of the easement along the easterly site line from 6.0m to 4.0m; and
  - b. Addition of 2.2m easement along the south property line.The Heritage Agreement amendment is to be registered on title prior to the issuance of a development permit.
- xii. The Developer agrees to consolidate Certificate of Title Nos. 2695545/2, 2695548/2, 2695552/2 & 2695553/2 and to provide proof of consolidation prior to the issuance of a development permit.
- xiii. The applicant will be responsible to submit a Detailed Cost Estimate, prepared by their Consulting Engineer for all work proposed within the right-of-way. The cost estimate is subject to review and approval by the City Engineer.



xiv. The applicant will be responsible to submit an Irrevocable Letter of Credit totaling 15% of the Detailed Cost Estimate.

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.

CARRIED 3/2

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

- This is the first process and are in favour of this application
- Commissioner Hill will be opposing this application as this is not the suitable structure for this area
- Commissioner Hobson will be opposing

**5.0 GENERAL BUSINESS**

**a. Tracking Table**

**b. Administrative Business**

**c. Absences From Upcoming Meetings**

Commissioner Lindsay – August 5, 2020

**6.0 ADJOURNMENT**

2020-058

HOBSON - HILL

That the meeting do now adjourn (9:30 p.m.)

CARRIED 5/0

Original Signed by A. Chapil  
**Amber Chapil**  
**Planning Commission Clerk**

Original Signed by J. Lindsay  
**Jack Lindsay**  
**Chairperson**