

**MINUTES OF THE PLANNING COMMISSION MEETING HELD SEPTEMBER 16, 2020 AT 7:20 P.M. IN
THE COUNCIL CHAMBERS, CIVIC ADMINISTRATION BUILDING, BRANDON, MANITOBA**

1.0 ROLL CALL

Commissioners: Jack Lindsay
Garnet Boyd
Colleen Anderson
Kate Hill

Administration: Andrew Mok
Shengxu Li
Amber Chapil

Regrets: Lashawnda Hobson

2.0 ADOPTION OF AGENDA

2020-072

ANDERSON - HILL

That the Agenda for the regular meeting of the Planning Commission to be held September 16, 2020 be adopted as presented.

CARRIED 4/0

3.0 CONFIRMATION OF MINUTES

2020-073

ANDERSON – BOYD

That the minutes of the regular meeting of the Planning Commission held on August 5, 2020 be adopted as read.

CARRIED 4/0

4.0

a. Variance Application

47 Southview Drive

Owner: Robert Franklin Toms & Patricia Margaret Toms

Applicant: Sunspace by Elite Sunrooms

Community Planner, Shengxu Li, introduced the application as presented in the City of Brandon Planning report.

The applicant, Keith Bourgeois, spoke to the project, and to address any questions the commission may have.

2020-074 ANDERSON - HILL
That the Public Hearing for Variance Application V-12-20 at 47 Southview Drive (Lot 31, Plan 52153 BLTO) be concluded.

CARRIED 4/0

2020-075 ANDERSON - HILL
That Variance Application V-12-20 to vary Note 10 of Table 10 under Section 51 of the Zoning By-law to decrease the required rear yard from 6.0m to 3.9m in the Residential Single Detached (RSD) Zone be approved at 47 Southview Drive (Lot 31, Plan 52153 BLTO) in accordance with the letter of intent "Attachment A" and the site plan "Attachment B-2".

CARRIED 4/0

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

- It meets the criteria and is not a large decrease in setback

b. Variance Application

338 Louise Avenue

Owner: Van Bi Le

Applicant: Van Bi Le

Community Planner, Shengxu Li, introduced the application as presented in the City of Brandon Planning report.

The applicant and owner, Van Bi Le, was available to answer any questions, and addressed the access to the property would be from the south side.

2020-076 HILL - BOYD
That the Public Hearing for Variance Application V-16-20 at 338 Louise Avenue (Wly 60 Feet of Lots 11 and 12 and Nly 10 Feet of Lot 13, Block 3, Plan 2 BLTO) be concluded.

CARRIED 4/0

2020-077

HILL - BOYD

That Variance Application V-16-20 to vary the following under the Zoning By-law:

- Table 4 under Subsection 26(a) by reducing the minimum number of required parking spaces from eight (8) to six (6), and
- Note 9 of Table 10 under Section 51 of the Zoning By-law by decreasing the required corner side yard of a reverse corner site from 4.6m to 3.0m in the Residential Moderate Density (RMD) Zone,

be approved at 338 Louise Avenue (Wly 60 Feet of Lots 11 and 12 and Nly 10 Feet of Lot 13, Block 3, Plan 2 BLTO) in accordance with the letter of intent "Attachment A", the site plan "Attachment B-2", and the floor plan "Attachment B-3", subject to the owner or successor removing the existing access to 4th Street and constructing a new access that conforms to the City of Brandon Standard Construction Specifications.

CARRIED 4/0

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

- Similar to the area and conforming to requests from the city
- Affordable housing, and variance is minimal

c. Conditional Use

3409 Victoria Avenue

Owner: 6825738 Manitoba Ltd.

Applicant: Kullberg's Brandsource Home Furnishings

Community Planner, Shengxu Li, introduced the application as presented in the City of Brandon Planning report.

The applicant, Richard Kullberg, spoke to the conditional use to build a warehouse and storage unit to store their merchandise.

2020-078

BOYD - HILL

That the Public Hearing for Conditional Use Application C-08-20 at 3409 Victoria Avenue (The Ely 746.75 Feet of Block 7, Plan 1517 BLTO) be concluded.

CARRIED 4/0

2020-079

BOYD - HILL

That Conditional Use Application C-08-20 to allow for a warehouse and indoor storage use in the Commercial Arterial (CAR) Zone be approved for two years at 3409 Victoria Avenue (The Ely 746.75 Feet of Block 7, Plan 1517 BLTO) in accordance with the letter of intent "Attachment A", and floor plan "Attachment B-2", subject to the approval period beginning on October 25, 2020 or the issuance of an occupancy permit, whichever comes later.

CARRIED 4/0

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

- Reasonable request

d. Conditional Use

528 – 23rd Street

Owner: Nathan Edward Henry Fortin

Applicant: Westman Premier Homes (Troy Boucher)

Community Planner, Shengxu Li, introduced the application as presented in the City of Brandon Planning report.

The applicant, Even Keller, spoke to the investment to convert this property into a duplex that meets all requirements with the owner residing in the duplex.

Darren Giilck, spoke to the public outreach regarding this conditional use, and the landscaping and exterior revised done since receiving feedback from the first public outreach.

In Opposition

A letter was received which was signed by ten (10) area residents in objection to the conditional use application to build a duplex rental property with concerns regarding property maintenance.

2020-080

ANDERSON - HILL

That the Public Hearing for Conditional Use Application C-07-20 at 528 – 23rd Street (Lots 13 and 14 and the N ½ of Lot 15, Block 6, Plan 720 BLTO) be concluded.

CARRIED 4/0

2020-081

ANDERSON - HILL

That Conditional Use Application C-07-20 to allow for a duplex on an interior lot in the Residential Single Detached (RSD) Zone be approved at 528 – 23rd Street (Lots 13 and 14 and the N ½ of Lot 15, Block 6, Plan 720 BLTO) in accordance with the letter of intent “Attachment A” and the site plan “Attachment B-2”.

CARRIED 4/0

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

- This complies with all requirements, and it will be owner occupied
- No major construction to the outside
- Meets all standards and codes

e. Conditional Use

2505 McDonald Avenue

Owner: Nathan Edward Henry Fortin

Applicant: Westman Premier Homes Ltd. / Matthias Winkler

Community Planner, Shengxu Li, introduced the application as presented in the City of Brandon Planning report.

The applicant, Evan Keller, spoke to building a duplex with a single-family dwelling design.

Darren Gilck, spoke to the public outreach, with concerns raised over elevation with the back lane and a privacy fence. The owner has agreed to do a privacy fence.

For Information

Two (2) letters were received by area residents listing recommendations for a privacy fence and use of materials on elevation facing McDonald.

2020-082

HILL - BOYD

That the Public Hearing for Conditional Use Application C-06-20 at 2505 McDonald Avenue (Lot 1 and the Ely 25 Feet of Lot 2, Block 106, Plan 15 BLTO) be concluded.

CARRIED 4/0

2020-083

HILL - BOYD

That Conditional Use Application C-06-20-B to allow for a duplex dwelling on an interior site with site width less than 15.2m in the Residential Low Density (RLD) Zone be approved at 2505 McDonald Avenue (Lot 1 and the Ely 25 Feet of Lot 2, Block 106, Plan 15 BLTO) in accordance with the letter of intent "Attachment A-1", site plan "Attachment B-2", and elevation plan "Attachment B-3".

CARRIED 4/0

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

- Good fit for the area
- The applicant addressed the concerns raised with the privacy fence

f. By-law No. 7270

1230 – 18th Street North

Owner: Caddy Lake Investments Ltd.

Applicant: Daniel Burns

Community Planner, Shengxu Li, introduced the application as presented in the City of Brandon Planning report. He indicated one petition, and twelve letters and/or emails of opposition were received.

Jennifer Coey, Manager of Strategic Infrastructure, spoke to public concerns regarding drainage on Braecrest Drive. She noted some of the drainage work engineering has completed this summer or has plans to complete within the Braecrest area. She indicated the culvert crossing through Braecrest Drive just west of 18th Street North was damaged during the June 28th rain event, temporary repairs were completed by the City, however permanent repairs will require excavation of Braecrest Drive which would cut off access to Hamilton Heights. Engineering is currently reviewing potential alternatives, to provide secondary access to the Hamilton Heights area along with the permanent repair work to the culvert. She noted the preferred alternative for secondary access, will be brought forward to Council for consideration as part of the 2021 Financial Plan process, after which public consultation will be conducted. Secondary Access will also provide benefit for future road re-modifications as well as the general emergency purposes. She indicated during the design of the permanent repairs to the culvert, Engineering will be confirming whether the design requires the culvert to be upsized or if an additional culvert is warranted as an overflow. Engineering would also like to note the proposed development at 1230 – 18th Street North is downstream of the Braecrest Drive culvert and that the drainage for this property does not utilize this infrastructure. Engineering does not anticipate any negative impacts to the downstream system as result of the proposed development, however will be assessing the design at the time of permitting once we receive the drainage calculations and the grading plan for the development. The downstream 600 culvert

east of the southern portion of Braeview Place was recently replaced and upsized to a 1050mm culvert this summer, which increased the capacity of the drainage system downstream of the proposed development. As part of this application, the drain will be protected by an easement, and will be subdivided as a common element. This created easement means the City has control over the public drain, which will protect the lands from future development, and ensure that the drain is properly maintained. She also mentioned that the June 28th rain fall event, which resulted in damage to the culvert across Braecrest Drive and the culvert across from Braeview Place exceeded a 100 year storm event, and that the drainage system within the entire City was overwhelmed by this rain event.

Sam van Huizen, Traffic & Transportation Planner, spoke to concerns in regards to vehicle and pedestrian safety due to the increased traffic with this development and Braecrest Drive and 18th Street intersection. He noted the City, Manitoba Infrastructure (MI) and Assiniboine Community College conducted a Functional Design Study of the Braecrest Drive Corridor from 1st Street to 18th Street to explore existing concerns regarding vehicle traffic volumes and pedestrian safety. The study determined that the round-about in either a single or double lane configuration will adequately address the existing and the future traffic volumes for all development that utilize this intersection. He noted this includes truck traffic and pedestrian connections, the study identified the land requirements for the intersection in the double lane roundabout configuration, and the City has required that the developer dedicate land as part of the subdivision application to the City of Brandon for increased right-of-way allotment for future construction of the intersection. He noted the concerns raised from the public in regards to the increased traffic the development will produce, the City does not require a Traffic Impact Study from this applicant due to the low increase in density and low number of traffic volumes that result from this development. The typical threshold is if a development were going to produce 100 peak hour trips, then the City would require a Traffic Study to determine the impact on our existing infrastructure. The Engineering Department conducted our own analysis when commenting on the application, and found that based on the engineering agreed upon calculations from industry, that a four-unit development would produce about 2.76 peak hour trips, which would represent a 0.13% increase in traffic. This negligible amount of traffic allows us to support this application, and once this intersection is improved to a roundabout this provides the safest scenario for turning movements. Concerns regarding the turning movements into the site, the City is requiring the developer to formalize the access and driveway to their properties to the current City standard. The driveway that services the four current lot functions like a service road, however they are still classified as multiple driveways converging as one access point. With formalizing the access, the City is requiring the width at 18th Street be 7.3m, which is adequate space to allow for two-way access into and out of the site. In conclusion, this development only has one single detached residence proposed to have access on Braecrest Drive and therefor

the impact of trips generated for that segment of road is negligible for traffic on Braecrest Drive.

The applicant, Daniel Burns, spoke to the application to rezone and subdivide the property. He indicated an original application to rezone this property and site topography and access was an issue regarding this development. He noted topography and access are addressed with this application, with only one unit will having access off Braecrest Drive and all units will be compatible with the surrounding neighbourhood, and having natural drainage as open space. Manitoba Infrastructure has approved the access off Braecrest. He commented on the public outreach and mailed out notices and a questionnaire to the addresses identified within the 100m area, and he received ten responses in opposition. He spoke to retaining walls designed to fit with the topography of the area and efforts made to have the minimal amount of trees removed for this development. He noted the proposed easement that will protect that natural drainage from the north hill and having that area zoned as open space. The site currently is un-serviced, with the development having to connect to the City's drainage, with a private drain to the southeast corner, and concluded that the land use does not negatively impact the neighbouring properties.

In Opposition

Martha and Eugen Kurmann, area residents dropped off the original petition with forty-seven (47) signatures of residents of Braeview Place, Braecrest Drive and Oak Bluff who strongly oppose the rezoning of 1230 18th Street North and to subdivide it into five condo units. The intersection of Braecrest and 18th Street North is already extremely dangerous with numerous motor vehicle accidents and tragic deaths and to add multiple condominiums will serve only to worsen the current situation. They also added concerns over public safety, increased police patrols and damage to the natural beauty of the area when trees are removed for the development.

Harold and Elizabeth Stewart, area residents spoke to the flooding of the road, safety of the children crossing the street with the addition of traffic, erosion, and the one unit with a small area to accommodate a house.

Andrew and Jennifer Seitz, area residents spoke to their opposition to the development regarding water flow issue, with a huge hole to the south on Braecrest due to the June 28th rain event, with a large volume of water pooling on the property and having retaining walls put in place. They indicated the area west of Braecrest is single-family dwellings with no sidewalks and were concerned with pedestrian and vehicular safety during construction and a higher volume of traffic or vehicles parked on the roadway. Concerns were raised regarding the natural landscape being removed and concrete development replacing it. The inquired into the traffic and if a traffic circle was a definite plan for the future. They questioned if rezoning the area

should be considered before the intersection of Braecrest and 18th Street has been decided.

Greg Crisanti, area resident just outside of the 100m is opposed to the development as a concerned parent with the increased traffic, the safety concerns over the intersection of Braecrest and 18th Street and only one entrance into the area. He again stated concerns that there are no sidewalks or curbs in the area, with 18th Street getting busier with the expansion of this area, and right-hand-turns and left-hand-turns are dangerous at this intersection.

Pam Skatch, area resident was opposed to the development and raised concerns over privacy, traffic, safety, property values decreasing, and increased crime as the proposal would create an unstable environment.

Lorraine and Robert Hargreaves, area residents were opposing the development as it would no longer maintain the look of the neighbourhood of single-family homes on larger lots. They mentions concerns with traffic on 18th Street and alternate routes to the area, concerns regarding the erosion to this area with the removal of soil, trees, and sod. Loss of value to their property, and again raised that no one in the area wants this development.

The letters from Bonnie Friesen, Kathie McKiernan, Lindsay Matthewson, Kelly Paterson, Todd & Kerri Lynn Gudz, and Shawn Gauthier and Susan Meighen were read out as they were received on September 16, 2020.

The letter from Jaye and Laurie Duffield read out at the hearing.

2020-084

ANDERSON - HILL

That the Public Hearing for By-law 7270 (Z-04-20) to update the Zoning By-law 7124 and application for Subdivision at 1230 – 18th Street North (Lot 29, Plan 20556 BLTO) be concluded.

CARRIED 4/0

2020-085

ANDERSON - BOYD

That the Planning Commission recommend City Council approve By-law No. 7270 (Z-04-20) to rezone 1230 – 18th Street North (Lot 29, Plan 20556 BLTO) from Residential Large Lot (RLL) to Residential Single Detached (RSD), Residential Low Density (RLD), and Open Space (OS), Zones subject to the owner or successor:

- i. Entering into a development agreement with the City of Brandon with the following conditions:
 - a. The Developer agrees to construct a 5 bare land condominium units, a common element and public right-of-way in general consistency with the attached site and elevation plans.

- b. The Developer agrees legally open and construct the shared access adjacent to 18th Street North for the entire length of the proposed development and as such extend a public water main to service the proposed development. The access and right-of-way shall be 7.3 meters in width and designed to conform to the Brandon Fire and Emergency regulations, City of Brandon Sanitation requirements, the latest edition of the City of Brandon Standard Construction Specifications and Manitoba Infrastructure permit conditions. All costs associated with the construction of the access and water main shall be at the sole cost of the Developer.
- c. The Developer agrees to maintain, at all times, unimpeded and open access to the properties to the south for the property owners of those properties, City of Brandon sanitation vehicles and City of Brandon Fire and Emergency vehicles during construction of the public right-of-way.
- d. The Developer agrees to contribute to the Brandon School Division cash in lieu of land dedication in the amount specified by the Brandon School Division. The Developer agrees to submit proof of payment to the City of Brandon prior to the issuance of any development and/or building permits.
- e. 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.
- f. The Developers agrees to contribute \$27,863.29 in development charges for network infrastructure. Payment of such contribution is due upon the execution of development agreement in accordance with Schedule B-3 of the Development Charges By-law. Additional development charges will be charged against any future buildings and will be applied at the time of issuance of a building permit.
- g. The Developer agrees to contribute \$1,871.20 for a cash-in-lieu of land dedication for public reserve purposes. Payment of such contribution is due upon the execution of development agreement.
- h. The Developer agrees to apply and receive approval by way of a permit from Manitoba Infrastructure for all work in the 18th Street North provincial right-of-way.
- i. The Developer agrees to enter into a blanket Easement agreement, over the entire common element, for drainage with the City of Brandon. The drainage Easement Agreement will be registered in series with the Plan of Condominium and Plan of Public Road Opening.
- j. The Developer agrees to enter into a Private Sewer Agreement with the City of Brandon for the Low Pressure Sewer System, up to and including the connection to a public manhole. The Private Sewer Agreement will

be registered in series with the Plan of Condominium and Plan of Public Road Opening.

- k. The Developer agrees to provide evidence of Easement Agreements with Manitoba Hydro, MTS Inc., and Westman Communications Group, being entered into and registered against title of the Lands, prior to the issuance of any development and/or building permits.
- l. The Developer agrees to submit a Detailed Cost Estimate for all work to be completed within the City's right-of-way. The detailed cost estimate is to be reviewed and acceptance by the City Engineer, prior to the City executing the development agreement.
- m. The Developer agrees to submit an Irrevocable Letter of Credit totaling 15% of the accepted detailed cost estimate, prior to the City executing the development agreement.

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 4/0

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

- Commission Anderson spoke to planning Staff with the applicant have spent a lot of time to address any issues regarding traffic, safety and erosion and will be voting in favour of this application
- Commissioner Boyd will also be voting in favour of this application
- Commissioner Hill will be voting in favour of this application as the single detached dwelling will fit with the area, and the town homes are not a traffic concern
- Commissioner Lindsay spoke to bare land, shared access off 18th Street North for the entire time of the proposed development, unimpeded or open access to the rest of the properties to the south, contributions to school board, development charges, cash-in-lieu of land dedication for public reserve purposes, approval from Manitoba Infrastructure for all work on the 18th Street North right-of-way, entering into agreements with the City for private sewer, and easement agreements which are current conditions as listed within the development agreement for this property. A lot of the concerns regarding the rezoning and subdivision are addressed within the development agreement.

- g. **Subdivision**
1230 – 18th Street North

2020-086 **BOYD - HILL**
That the Planning Commission recommend Brandon City Council approve the application (4500-20-702) to subdivide 1230 – 18th Street North (Lot 29, Plan 20556 BLTO) to create five (5) bare land condominium units and widen a street right-of-way in the Residential Single Detached (RSD), Residential Low Density (RLD), and Open Space (OS) Zones, subject to the owner or successor successfully rezoning the subject property from Residential Large Lot (RLL) to Residential Single Detached (RSD), Residential Low Density (RLD), and Open Space (OS) Zones.

CARRIED 4/0

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

- Commissioner Boyd spoke to traffic circle, adds variety to the neighbourhood
- Commissioner Hill indicated this application is a very respectful way to subdivide the land and keep the natural beauty
- Commissioner Lindsay noted his confidence that safety and traffic concerns are being addressed

5.0 GENERAL BUSINESS

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

6.0 ADJOURNMENT

2020-087 **HILL - ANDERSON**
That the meeting do now adjourn (10:18 p.m.)

CARRIED 4/0

Original Signed by A. Chapil
Amber Chapil
Planning Commission Clerk

Original Signed by J. Lindsay
Jack Lindsay
Chairperson