

**MINUTES OF THE PLANNING COMMISSION MEETING HELD APRIL 21, 2021 AT 7:08 P.M. IN THE COUNCIL CHAMBERS, CIVIC ADMINISTRATION BUILDING, BRANDON, MANITOBA**

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**1.0 ROLL CALL**

Commissioners: Colleen Anderson  
Kate Hill  
Lashawnda Hobson  
William Majcher

Administration: Andrew Mok  
Amber Chapil

Regrets: Jack Lindsay

**2.0 ADOPTION OF AGENDA**

2021-018

**MAJCHER - HILL**

That the Agenda for the regular meeting of the Planning Commission to be held April 21, 2021 be adopted as presented.

CARRIED 4/0

**3.0 CONFIRMATION OF MINUTES**

2021-019

**HOBSON – MAJCHER**

That the minutes of the regular meeting of the Planning Commission held on April 7, 2021 be adopted as read.

CARRIED 2/0

**4.0**

**a. Conditional Use; Variance**

1262 -1<sup>st</sup> Street

Owner: Eric John Olson and Amy Lynn Olson

Applicant: Eric John Olson

Senior Planner, Andrew Mok, introduced the application as presented in the City of Brandon Planning report. After the report was published, one letter of support of the application was received from Denys Petrenko area resident of 1254 – 1<sup>st</sup> Street, and one additional letter of objection was received from Violet Joss.

The applicant, Eric Olson, spoke to the application to build two three-dwelling units on the property. He indicated the property is zoned Residential Low Density and not Residential Single Detached, and his family has resided at the property for the last four years. Mr. Olson addressed safety concerns for pedestrians and children

attending school due to the potential increase in traffic and street parking, as well as the steps he has taken to mitigate these issues.

### **In Favour**

Darren Giilck spoke regarding the community outreach, privacy fence on the north side of the property, access off the back lane, and increased visibility with the removal of the fence on the west and south side. He indicated the design of the building will fit with the surrounding area, 38% of the property is green space, and accommodations will be made for the northerly neighbour during the construction phase.

### **In Opposition**

Jessica Dyck, area resident, spoke to safety concerns regarding additional traffic on the street and street parking for children that attend the school and use the sidewalk. She also spoke about pedestrian safety during construction, as well as the two-storey buildings not fitting in with the surrounding area.

2021-020

#### HILL - MAJCHER

That the combined Public Hearing for Conditional Use C-02-21 and Variance V-05-21 applications at 1262 – 1<sup>st</sup> Street (Lots 1/3, Block 24, Plan 7 BLTO) be concluded.

CARRIED 4/0

2021-021

#### HILL - MAJCHER

That Conditional Use Application C-02-21 to allow for two three-dwelling-unit buildings on a corner site in the Residential Low Density (RLD) Zone be approved at 1262 – 1<sup>st</sup> Street (Lots 1/3, Block 24, Plan 7 BLTO) in accordance with the letter of intent “Attachment A-1” and the site plan “Attachment B-3” and the elevation plan “B-4”, subject to the applicant removing the existing access off Queens Avenue.

CARRIED 4/0

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

- Commissioner Hill noted the developer is doing their due diligence in the area, and have addressed traffic concerns, and no issues from the area resident to the north regarding infringements on their privacy
- Commissioner Anderson indicated parking and traffic as minimal to this site and noted our neighbourhoods are changing in their designs

2021-022

#### HILL - MAJCHER

That Variance Application V-05-21 to vary Note 9 of Table 10 of the Zoning By-law by decreasing the required reverse corner side yard from 4.6m to 3.0m in the Residential Low Density (RLD) Zone be approved at 1262 – 1<sup>st</sup> Street (Lots 1/3, Block 24, Plan 7 BLTO) in accordance with, the letter of intent “Attachment A-2” and the site plan “Attachment B-3”.

CARRIED 4/0

**b. Variance Application**

832 – 18<sup>th</sup> Street

Owner: Albert John Kokonas and Violeta Villarta Dawal-Kokonas

Applicant: Crane Enterprises Ltd. (Jarod Crane)

Senior Planner, Andrew Mok, introduced the application as presented in the City of Brandon Planning report. The City received one letter of concern.

The applicant, PJ Crane of Crane Enterprises, spoke to his application to allow for the addition to the building.

2021-023

**MAJCHER - HILL**

That the Public Hearing for Variance Application V-06-21 at 832 – 18<sup>th</sup> Street be concluded.

CARRIED 4/0

2021-024

**MAJCHER - HILL**

That Variance Application V-06-21 to vary Table 6 under Section 27(a) of Zoning By-law No. 7124, as amended, to reduce the minimum parking space length from 6.1m to 4.5m, and the minimum parking aisle width from 5.5m to 3.7m, in the Commercial Arterial (CAR) Zone be approved at 832 – 18<sup>th</sup> Street in accordance with the letter of intent “Attachment A-1” and the attached site plan “Attachment B-3”.

CARRIED 4/0

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

- Commission Majcher indicated this proposed development is consistent with the area and reducing the access points onto 18<sup>th</sup> Street

**c. By-law No.7269 Rezone; Subdivision**

1501 Moreland Avenue

Owner: 6281100 Manitoba Ltd.

Applicant: Steve McMillan (VBJ Developments)

Senior Planner, Andrew Mok, introduced the application as presented in the City of Brandon Planning report. No letters of support or opposition were received.

Mark Allard, Director of Engineering with the City of Brandon, spoke to land drainage and oversized. Mr. Allard indicated this property is not developed, and land drainage is one significant issue with the development proposal that needs to be resolved. He noted the City explored and assessed different options with respect to land drainage, with one option of oversized which allows the developer to store or

move water to a property owned by the City. The other option would be for the developer to put in a permanent storage pond on their site to store water. Another option was to store water onsite for a temporary term, until the construction of the necessary infrastructure to transport their water to a pond that would be on City property. The fourth option was for the developer to construct the infrastructure that would be required long term. There would be a cost involved for the options where the developer does not store the water onsite. The City's recommendation is for the developer to pay the contribution to oversizing.

The applicant, Steve McMillan, spoke to the application to build a 62-unit affordable housing unit on the property. He noted the neighbourhood plan was adopted, and amendments made to the secondary plan to be able to build in this area, with the issue regarding land drainage. Clare Avenue was to be extended from 18<sup>th</sup> Street North to 1<sup>st</sup> Street North. On the interim, the land drainage is being accessed through this private drainage from the property from the south. Mr. McMillan spoke to the items of contention in the development agreement with the major issue being the development costs in condition 2, minor issues with items 3, 4 and 5 in the development agreement regarding the 3m tree buffer zone, grassing the swales, and no room to have one tree per lot.

### **In Opposition**

Daniel Kauenhofen, owner of Full Tilt Towing located at 1503 Moreland Avenue. He raised concerns with the residential development as Moreland Avenue is primarily commercial area using heavy and commercial truck traffic. Concerns regarding residential traffic in a primarily commercial area and safety concerns with an increase in residential traffic with large trucks backing up into loading zones for the commercial businesses in this area.

2021-025

### **MAJCHER - HOBSON**

That the combined Public Hearing for Subdivision and By-law 7269 (Z-01-21) to rezone the property at 1501 Moreland Avenue (Parcels 1/2, Plan 1694 BLTO) be concluded.

CARRIED 4/0

2021-026

HILL - MAJCHER

That the Planning Commission recommend City Council amend By-law No. 7269 (Z-01-21) to rezone 1501 Moreland Avenue (Parcels 1/2, Plan 1694 BLTO) from Development Reserve (DR) to Residential Moderate Density (RMD) and Parks and Recreation (PR) as follows:

- i. Under Section 1, deleting the words “RMD Residential Moderate Density and PR Parks and Recreation” and substituting therefor the words “RMD Residential Moderate Density, PR Parks and Recreation, and OS Open Space”; and
- ii. By replacing Schedule A with Schedule A of By-law No. 7269 as attached to the report by Andrew Mok dated April 21,2021.

CARRIED 4/0

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

- Commissioner Hill support this application as this development is part of the neighbourhood plan
- Commissioner Majcher supports the application as it addresses affordable housing within the City
- Commissioner Anderson supports the application to proceed with the process

2021-027

HILL - HOBSON

That the Planning Commission recommend City Council approve By-law No. 7269 (Z-01-21) to rezone 1501 Moreland Avenue as amended, 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 rezone and subdivide 62 residential lots, a public road and public reserve in general consistency with the attached site plan and plan of subdivision;
- ii. The Developer agrees, in accordance with the City of Brandon Oversized Infrastructure & Developer Reimbursement Parameter, to contribute towards the oversizing of future downstream land drainage infrastructure. Such payment is based on typical Public Sector Accounting Board unit prices for supply of materials, earthworks and engineering design costs. Calculation for loss of developable land area is determined using approved values as per the 2021 Fee Schedule for Money in Lieu of Public Reserve (Emerging Area). The total contribution is calculated below using a Class D estimate which includes a 30% contingency for the total contribution.

|                          |              |
|--------------------------|--------------|
| Materials                | \$220,256.00 |
| Earthworks               | \$8,288.00   |
| Engineering design costs | \$11,265.00  |

|                                      |              |
|--------------------------------------|--------------|
| Loss of developable land area        | \$1,885.00   |
| Total contribution (30% contingency) | \$314,202.00 |

Such payment in the amount of \$314,202.00 shall be due in full at the time of execution of the development agreement.

The Developer understands that as the oversized land drainage pond is not scheduled to be constructed in the City's 10-year Capital Plan that they will not be responsible to pay for as constructed material costs as stipulated in the Oversized Infrastructure & Developer Reimbursement Parameter.

- iii. The Developer agrees to construct an interim drainage pond and all associated ditching. The pond may be located on City property at a location to be approved by the City Engineer. The Developer will be required to submit design drawings as prepared by a professional engineer with such design being subject to review and acceptance by the City Engineer. The Developer will be responsible for all costs associated with design and construction of the interim drainage pond and associated ditching.
- iv. The Developer agrees that all easements are to be registered on all rear yard swales in series with the plan of subdivision; width of easement is to be to the acceptance of the City Engineer. Proof of registration is to be provided to Engineering prior to the issuance of a Construction Completion Certificate. Any swales that are to be constructed across multiple lots are to be constructed at the time of site servicing completion with sod at a minimum of 2 metres to each side of the property line.
- v. The Developer agrees to dedicate, design and construct the public reserve lands, including a leisure greenspace and 3.0m treed buffer to the North of the Clare Ave right-of-way in accordance with the plan of subdivision. Completion of the public reserve lands shall include walkways, grading, sodding, trees, additional landscaping, and a play structure within the leisure greenspace. The design of all public reserve land shall be subject to the review and acceptance of the Director of Community Services.
- vi. The Developer agrees legally open, extend and construct a new public right-of-way as proposed as per the plan of subdivision and to extend all below and above ground municipal services for the right of way. The Developer will be required to submit design drawings as prepared by a professional engineer; such design is subject to review and acceptance by the City Engineer.
- vii. The Developer agrees to construct the extension of Moreland Avenue from the existing easterly dead-end of Moreland Avenue to Clare Avenue. The Developer further agrees to extend the water main within Moreland Avenue, completing a water main loop, from the north termination point approximately 130m north of Clare Avenue to the existing easterly water main dead-end within Moreland Avenue. Should the 130m of water main that is to be extended north of Clare Avenue not be installed as per

obligations of the Developer to the east, the Developer agrees to construct the 130m water main from the intersection of Moreland Avenue and Clare Avenue up to the existing water main dead-end in Moreland Avenue. The Developer will be required to submit design drawings as prepared by a professional engineer; such design is subject to review and acceptance by the City Engineer.

- viii. The Developer agrees that in order to service the Lands with sewer service, the public sewer main extension must be made to a downstream private sewer main owned by the Monterrey Estates Mobile Home Park and as such, acknowledges the connection will be an interim measure until such time as the domestic wastewater trunk sewer identified in the North Brandon Gateway Secondary Plan is constructed. The Developer further agrees that prior to the connection, permission must be obtained from the property owner of the downstream private sewer main by way of a statutory easement agreement. The Developer will be responsible to facilitate execution of a statutory easement agreement between the City and the property owner and thereafter, to register the statutory easement agreement on all properties affected by the easement. Evidence of registration will be required prior to the issuance of the accepted construction drawings.
- ix. The Developer further agrees to provide a sealed technical memorandum from the consulting engineer confirming the downstream private sewer is sufficient to handle the proposed increase in wastewater discharge.
- x. The Developer will be required to pay a cash-in-lieu contribution towards 62 boulevard trees. The amount of the contribution of trees will be calculated at the time of execution of the 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.
- xi. The Developer will be required to provide a landscaping plan showing the location of 62 boulevard trees. The species will be determined by the City of Brandon at the time of planting.
- xii. 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 mailbox has been determined between the Developer and Canada Post, to the approval of Canada Post.
- xiii. The Developer acknowledges the site will be subject to development charges. Network Infrastructure charges of \$89,761.93 (2021 rate) are due upon the execution of the 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.
- xiv. The Developer agrees, prior to the issuance of the subdivision certificate of approval to contribute to the Brandon School Division in lieu of land dedication.
- xv. The Developer agrees to complete a Heritage Resources Impact Assessment

through a qualified archaeological consultant to the satisfaction of Manitoba Historic Resources Branch.

- xvi. 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.
- xvii. The Developer will be responsible to submit an Irrevocable Letter of Credit totalling 15% of the Detailed Cost Estimate. Submission of the Letter of Credit is required prior to the issuance of a development permit.

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:

- Commissioner Hill spoke to the Commercial Establishments in the area

### **Subdivision**

#### **1501 Moreland Avenue**

2021-028

#### **HILL - MAJCHER**

That the Planning Commission recommend City Council approve the application to subdivide (4500-21-711) 1501 Moreland Avenue (Parcels 1/2, Plan 1694 BLTO) to create sixty-two (62) lots, a public reserve, and a public road in the Residential Moderate Density (RMD) and Parks and Recreation (PR) Zones, subject to:

- i. The applicant submitting written confirmation to the City of Brandon Planning & Buildings Department of the successful registration of subdivision application 4500-19-962 with Teranet Manitoba;
- ii. The applicant updating the Northridge Neighbourhood Plan to reflect the change of phase of development in the area;
- iii. The applicant amending the Subdivision Application Map to include a 3.0m wide Public Reserve between Clare Avenue and Proposed Block 1, Lots 29/34;
- iv. The owner or successor obtaining a variance as follows:
  - a. To reduce minimum site widths for Proposed Block 1, Lots 2, 3, 6, 7, 10, 11, 14, 15, 18, 19, 22, 23, 26, 27, 30, and 31; and
  - b. To reduce minimum site areas for all lots in Proposed Block 1 except Lots 1 and 34;
- v. The owner or successor submitting written confirmation to the City of Brandon Planning & Buildings Department that the Brandon School Division has received a cash-in lieu contribution for school purposes;
- vi. The owner or successor submitting written confirmation to the City of Brandon Planning & Buildings Department that arrangements have been



made for a joint use easement agreement and Plan of Easement to the satisfaction of Manitoba Hydro, BellMTS, and Westman Communications Group, and registering the easement agreement along with the easement plan, if required, in series with the plan subdivision; and

- vii. The owner or successor submitting written confirmation to the City of Brandon Planning & Buildings Department that arrangements have been made for postal service to the satisfaction of Canada Post.

CARRIED 4/0

**5.0 GENERAL BUSINESS**

- a. **Tracking Table**
- b. **Administrative Business**
- c. **Absences From Upcoming Meetings**  
Commissioner Hobson – May 19, 2021

**6.0 ADJOURNMENT**

2021-029 MAJCHER - HOBSON  
That the meeting do now adjourn (9:05 p.m.)

CARRIED 4/0

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

Original Signed by Jack Lindsay  
**Colleen Anderson**  
Chairperson