

MINUTES OF THE PLANNING COMMISSION MEETING HELD JUNE 16, 2021 AT 7:00 P.M. IN THE COUNCIL CHAMBERS, CIVIC ADMINISTRATION BUILDING, BRANDON, MANITOBA

1.0 ROLL CALL

Commissioners: Jack Lindsay
Colleen Anderson
Kate Hill
Lashawnda Hobson
William Majcher

Administration: Andrew Mok
Amber Chapil

2.0 ADOPTION OF AGENDA

2021-037

MAJCHER - ANDERSON

That the Agenda for the regular meeting of the Planning Commission to be held June 16, 2021 be adopted as presented.

CARRIED 5/0

3.0 CONFIRMATION OF MINUTES

2021-038

ANDERSON – HILL

That the minutes of the regular meeting of the Planning Commission held on May 19, 2021 be adopted as read.

CARRIED 4/0

4.0

a. Conditional Use

38 – 16th Street

Owner: 10037080 MB Ltd. (Dwight Kardash)

Applicant: Myria Design (Kate McKenzie)

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

The applicant, Evan Keller, spoke to the application to build this unit with no commercial units on the main level, high end construction materials, similar design to their building on Richmond Avenue.

Darren Gilck spoke regarding the additional parking spots required for the residential units on the main level.

For Information

Kayode Olujumu, area resident, queried the effect of parking with the additional two apartments on the main instead of commercial units, and clarification on the conditional use application. Would commercial units on the main level require additional parking spots.

Senior Planner, Andrew Mok advised that the Downtown Mixed Use (DMU) area has no requirement for parking spots for commercial units. The conditional use application is to not have commercial use on the main level, and there is a parking requirement for residential units, which is met by the developer and not part of the conditional use application.

2021-039

ANDERSON - HILL

That the Public Hearing for Conditional Use Application C-03-21 at 38 -16th Street (Lots ½ and the S ½ Lot 3, Block 84, Plan 2 BLTO) be concluded.

CARRIED 5/0

2021-040

ANDERSON - MAJCHER

That Conditional Use Application C-03-21 to allow for the development of a building with eight (8) dwelling units in the Downtown Mixed Use (DMU) Zone, with dwelling units on the first storey adjacent to a Commercial Corridor as identified in The Downtown Brandon Secondary Plan, be approved at 38 – 16th Street (Lots 1, 2 and the S ½ Lot 3, Block 84, Plan 2 BLTO) in accordance with the letter of intent “Attachment A-1 to A-3” and the site plan “Attachment B-3” and elevation plan “Attachment B-4”, subject to:

- i. The owner or successor, concurrently with a development permit, removing the site access and approaches, including the portion of the shared approach with 32 – 16th Street, off 16th Street, and restoring the 32 – 16th Street approach flare and boulevard in compliance with the City’s standard construction specifications.

CARRIED 5/0

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

- This building will be a good fit for the area

b. Subdivision

22 – 20th Street, 21 – 21st Street, 1820 Pacific Avenue

Owner: Halo Holdings Ltd.; City of Brandon

Applicant: Halo Holdings Ltd. (Mark Culjak)

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

2021-041

HILL - MAJCHER

That the Public Hearing for Subdivision (4500-21-712) at 22 – 20th Street (Parcels A, B and C, Plan 48739 BLTO and Parcels A and C, Plan 35917 BLTO) be concluded.

CARRIED 5/0

2021-042

HILL - HOBSON

That the Planning Commission recommends Brandon City Council approve the application to subdivide (4500-21-712) 22 – 20th Street, 21 – 21st Street, and 1820 Pacific Avenue (Parcels A, B and C, Plan 48739 BLTO; All closed lanes in Block 11 with Title no. 46829; Parcels A and C, Plan 35917 BLTO) and open a public road in the Industrial Restricted (IR) and Residential Low Density (RLD) Zones, subject to:

- i. The owner or successor submitting written confirmation to the City of Brandon Planning & Buildings Department that arrangements have been made for an easement agreement and Plan of Easement to the satisfaction of Centra Gas Manitoba, and registering the easement agreement along with the easement plan, if required, in series with the plan of survey.
- ii. The owner or successor entering into a development agreement with the City of Brandon with the following conditions:
 - a. The Developer acknowledges the City of Brandon will not be maintaining or improving the newly opened 20th Street right-of-way stub until such time as the right-of-way is to be extended to the future extension of Pacific Avenue, which at such time, the City will improve the right-of-way to a full urban section.
 - b. The Developer acknowledges the public is entitled to utilize the newly opened 20th Street right-of-way for vehicle turnaround.
 - c. The Developer agrees to enter into an Easement Agreement with the City of Brandon to allow for the existing overland storm drainage to continue to drain onto the portion of 21 – 21st Street from adjacent properties located at 30 – 20th Street and 25 – 21st Street. The Developer also agrees this easement shall also include and secure the existing public underground storm sewer drainage pipes located on the southwest corner of 22 – 20th Street and the portion of 2121st Street that is to be consolidated with 22 – 20th Street. The easement agreement will be registered in series with the Plan of Subdivision.

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:

- Commissioner Hill indicated this is a reasonable request for this area
- Commissioner Majcher stated this will improve the area

c. **By-law No. 7302**

South East Brandon Secondary Plan

Director of Planning & Buildings, Ryan Nickel, introduced the application as presented in the City of Brandon Planning report. Two letters were received in opposition, one from the Brandon Age Friendly Committee stating concerns with greenspace location and designated use; and documented commitment to age-friendly design concepts. The other letter was received from Dr. Gillian Richards regarding the Small White Lady Slipper (SWLS), the water table, development of the area, preservation of the SWLS and its habitat, groundwater, and proper planning and modelling of hydrological scenarios.

In Opposition

Nancy McPherson, co-chair of the Brandon Age Friendly Committee, highlighted the two main concerns raised in their letter being greenspace location and designated use, and a documented commitment to age-friendly design concepts.

David Toop enquired to the high ground water levels in this area, water drainage, concerns for development, and the effects on the ecological preserve. He enquired into engineering and environmental impacts studies being conducted for this area prior to the plan proceeding.

Rick Askinis spoke in opposition regarding the Federal Species at Risk Act and the 300m buffer zone for any Federal endangered species and that this Act protect the ecosystem the species is on. He enquired into an environmental impact study on the affected species the Small White Lady Slipper.

Lauren Wilken enquired into the buffer zone for the protected endangered Small White Lady Slipper. She enquired into Province and the Federal Government have approved the small buffer zone, why an owner of the land is not mentioned, and whether the City will be taking any action for the person who tilled the land or will the province be taking any legal actions?

Gillian Richards enquired into water drainage being done this year, and changes to the land affecting the Small White Lady Slipper.

Director of Planning & Buildings, Ryan Nickel advised the Federal Government is the ultimate authority over protected endangered species that oversees all of the Provinces to ensure the Provincial Government who have the administrative authority are doing their part to protect endangered species and habitats. Any enforcement would be dealt with through these Provincial channels. Requests regarding the endangered species, buffer zones, etc. would go directly to the Province and not the City of Brandon. This is the secondary plan that covers multiple properties in a large area and is at the visionary stage, so geotechnical studies are not done at this stage, as well, since it is multiple properties, the City is bringing this secondary plan forward and individual property owners are not listed as it covers several properties. When specific properties go for rezoning or subdivision that would trigger a neighbourhood plan, which would go to Council and could include additional studies required within the development agreements.

2021-043

HILL - MAJCHER

That the Public Hearing for By-law No. 7302 (SP-01-21) South East Brandon Secondary Plan be concluded.

CARRIED 5/0

2021-044

HILL - MAJCHER

That the Planning Commission recommend City Council approve By-law No. 7302 (SP-01-21) to adopt the Southeast Brandon Secondary Plan, subject to the following amendments:

- i. Deleting Policy 3.1.2 in its entirety and substituting therefor as follows:
“3.1.2 All modes of transportation, including but not limited to vehicular, pedestrian and multi-modal traffic within the Secondary Plan area shall be developed in accordance with Appendix D—Southeast Brandon Secondary Plan Area: Traffic Impact Study, including the recommendations for the internal street network, intersections treatment and improvements, multi-use trail locations and pedestrian crossing controls. Should there be proposed deviations from the assumptions used in Appendix D at the neighbourhood plan or development permit phases, the developer shall be responsible for supplementing the traffic impact study with any required study as determined by the City.”;
- ii. Adding the following immediately after Policy 4.4.1, and renumbering subsequent policies accordingly:
“4.4.2 Notwithstanding Policy 4.1.3, the City may approve interim drainage measures until such time that the ultimate land drainage network is completed. Any interim drainage measures undertaken by a developer does

not preclude the developer from contributing towards the ultimate land drainage network. The developer is also responsible for all costs associated with connecting to the ultimate land drainage network once the infrastructure is installed.”;

- iii. Amending Governing Provisions to include 1.5.6 The Accessibility for Manitobans Act;
- iv. That Administration review and provide recommendations for consideration of City Council at 2nd reading on policy options for including Community Gardens in the Secondary Plan Area;
- v. Amending 3.2.7 and 3.2.8 to include reference to barrier free access; and
- vi. Amending 5.1.1 and 5.1.2 by changing “should” to “shall”.

CARRIED 5/0

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

- Commissioner Hill this is a large picture plan
- Commissioner Majcher this will go to Council
- Commissioner Anderson in favour of this, concerns raised will go to Council
- Commissioner Lindsay thanked everyone for participating tonight

5.0 GENERAL BUSINESS

a. Tracking Table

b. Administrative Business

c. Absences From Upcoming Meetings

Commission Hill – July 7 & 21, 2021

6.0 ADJOURNMENT

2021-045

MAJCHER - LASHAWDA

That the meeting do now adjourn (9:19 p.m.)

CARRIED /0

Original Signed by Amber Chapil

Amber Chapil

Planning Commission Clerk

Original Signed by Jack Lindsay

Jack Lindsay

Chairperson