

MINUTES OF THE PLANNING COMMISSION MEETING HELD OCTOBER 2, 2013 AT 7:30 P.M. IN THE COUNCIL CHAMBERS, CIVIC ADMINISTRATION BUILDING, BRANDON, MANITOBA

1 APPOINTMENT OF CHAIRPERSON

Ms. Veilleux calls meeting to order.

Ms. Veilleux calls for a motion to appoint a chair.

Commissioner Boyd motions to appoint Commissioner Boiven. Commissiononer Jessimen seconds.

CARRIED 3/0

2 ROLL CALL

Commissioners: Don Jessiman
Garnet Boyd
Leo Boivin

Administration: Ryan Eidick
Tyson Fisher
Brenda Rosset
Angie Veilleux

3 ADOPTION OF AGENDA

2013-133

Jessiman-Boyd

That the Agenda for the regular meeting of the Planning Commission to be held October 2, 2013 be adopted as presented.

CARRIED 3/0

4. CONFIRMATION OF MINUTES

2013-134

Boyd – Jessimen

That the minutes of the regular meeting of the Planning Commission held on September 4, 2013 be adopted as presented.

CARRIED 3/0

5.0 PUBLIC HEARING

a. VARIANCE

1014 2nd Street

Owner: Klaus Lueder

Applicant: Westlake Developments Ltd.

Mr. Eidick indicated that the applicant Westlake Developments Ltd., on behalf of the owner, Klaus Lueder, is applying to increase the maximum number of dwelling units from two (2) dwelling units to three (3) dwelling units for a property located at 1014 2nd Street

(Lots 15/16, Block 39, Plan 7 BLTO) in the RLD Residential Low Density Multiple Family Zone.

Raymond Burgess spoke on behalf of Westlake Developments. Westlake Developments canvassed neighbourhood three months prior and did not receive any complaints from residents. Westlake delivered a written letter previous Thursday stating intentions for lot with phone number. Westlake did not receive any phone calls in opposition. Commissioner Boiven asked timeline for canvassing. Mr. Burgess clarified timeline.

OPPOSED

Issa Qumsieh (area resident). Mr. Qumsieh stated he was out of the country from the beginning of May until mid-August, during the time when canvassing happened. Mr. Qumsieh stated he moved into the property because it was low density, close to school, single dwelling zoned area and wishes area to stay that way. Mr. Qumsieh was concerned about devaluation of property in that area. Mr. Qumsieh would like commissioners to reject application. Mr. Qumsieh felt he would be punished financially. Mr. Qumsieh stated he had not had a chance to speak to anyone about the application since he was out of the country. Commissioner Boiven asked if Mr. Qumsieh had spoken to applicant. Mr. Qumsieh had not spoken to the applicant. He said he did receive the letter circulated by Westlake. Commissioner Jessiman understood objections. Commissioner Jessiman asked if a new triplex would devalue property more than current building. Mr. Qumsieh felt it would and cause more street traffic. Mr. Qumsieh acknowledged the city needs more residential homes. Mr. Qumsieh talked about his property location in relation to schools. Commissioner Jessiman asked if he had talked to any other residents regarding valuation of property two blocks north of area. Mr. Qumsieh said he had not. Mr. Qumsieh feels property will be devalued and parking will be an issue. Commissioner Jessiman thanked presenter.

2013-135

Jessimen-Boyd

That the Public Hearing for Variance Application V-17-13-B at 1014 2nd Street be concluded.

CARRIED 3/0

2013-136

Jessiman - Boyd

That Variance Application V-17-13-B to increase the maximum number of dwelling units from two (2) dwelling units to three (3) dwelling units be approved at 1014 2nd Street (Lots 15/16, Block 39, Plan 7 BLTO) in accordance with the intent of the application (A-1), the attached letter of intent (A-3) and the attached site plan (B-2) and elevation plans (B-4), subject to:

- a. The owner or successor submitting, prior to the issuance of a building permit:
 - i. \$247.20 to the City of Brandon Planning & Building Safety Department as a cash-in-lieu contribution for public reserve purposes.
 - ii. Written confirmation to the City of Brandon Planning & Building Safety Department that the Brandon School Division has received \$202.50 as a cash-in-lieu contribution for school purposes.

CARRIED 3/0

Prior to the above motion being voted on, the following comments were made: Commissioner Jessiman appreciated the effort to bring this to attention of planning commission. The four tests have been met and motion fits well and adds to value of area. The property being demolished is detrimental to the area. Commissioner Jessiman hoped new construction would be well accepted by residents. Commissioner Jessiman noted the decision can be appealed. Commissioner Boyd stated compliance within four areas of planning commission and it will be new construction in the area. There will be adequate parking and will not add to too much traffic.

b. VARIANCE
1041 13th Street
Owner: Cliff Houseman
Applicant: 6115480 Manitoba Ltd.

Mr. Eidick indicated on behalf of the applicant 6115480 Manitoba Ltd., on behalf of the owner, Cliff Houseman, is applying to increase the maximum number of dwelling units from two (2) dwelling units to three (3) dwelling units for a property located at 1041 13th Street (Lots 33/34, Block 11, Plan 193 BLTO) in the RLD Residential Low Density Multiple Family Zone.

Wayne Suski (area developer) would like to build a tri-plex in area similar to what is already to north and south of property. Commissioner Boyd asked about the size of each individual condo. Mr. Suski said each condo is 1000 sq ft.

2013-137 Boyd-Jessiman
That the Public Hearing for Variance Application V-16-13-B at 1041 13th Street be concluded.

CARRIED 3/0

2013-138 Boyd-Jessiman
That Variance Application V-16-13-B to increase the maximum number of dwelling units from two (2) dwelling units to three (3) dwelling units be approved at 1041 13th Street (Lots 33/34, Block 11, Plan 193 BLTO) in accordance with the intent of the application (A-1), the attached letter of intent (A-3) and the attached site plan (B-1) and elevation plans (B-2 & B-3) subject to:

- a. The owner or successor submitting, prior to the issuance of a building permit:
 - i. \$247.83 to the City of Brandon Planning & Building Safety Department as a cash-in-lieu contribution for public reserve purposes
 - ii. written confirmation to the City of Brandon Planning & Building Safety Department that the Brandon School Division has received \$202.50 as a cash-in-lieu contribution for school purposes.

CARRIED 3/0

Prior to the above motion being voted on, the following comments were made: Commissioner Boyd said it meets all conditions of planning act and will fit well with other construction on 13th Street. Commissioner Jessiman concurred with Commissioner Boyd.

c. BY-LAW NO. 7067 TO REZONE

Property Located At 347 Douglas Street

Owner & Applicant: Pro-Fit Renovations & Property Management Ltd.

Mr. Eidick indicated that Pro-Fit Renovations & Property Management Ltd. is applying to rezone 347 Douglas Street (SP Lot 4, Plan 46966 BLTO & Lot 11, Block 16, Plan 21 BLTO) from RSF Residential Single Family Zone to RLD Residential Low Density Multiple Family Zone.

Upon presentation by staff, Commissioner Boiven asked if the fee for public reserve is ok. Mr. Eidick said it is ok. Commissioner Jessiman asked what causes reduction to cash in lieu. Mr. Eidick said it was an error by the school division and was later corrected. Commissioner Boiven asked why a duplex is going on instead of triplex. Commissioner Boiven asked if the city has a responsibility to maintain back lanes. Mr. Eidick said the city does upgrade and maintain back lanes however, the city has not gotten to this back lane yet.

Steve McMillan presented on behalf of Pro fit Renovations. Mr. McMillan stated that Pro Fit Renovations tried to meet requirements of development plan, the zoning by-law with the RLD zoning. Mr. McMillan stated the property size at 65'x120'. Mr. McMillan stated each unit on property will be just under 1400 sq. ft. Mr. McMillan stated developer is building a duplex to blend into area. Mr. McMillan stated the street in front of the property is curved so there is no access off of Douglas Street to the back lane and the back lane is undeveloped. Mr. McMillan said higher density would involve new lanes being developed adding costs to the developer. Mr. McMillan said the duplex will fit into the area and look better than previous building. Mr. McMillan elaborated on building school division fee \$283.50 is cost per unit rather than the \$567.00 total. Commissioner Boyd asked about feedback from residents in area. Mr. McMillan stated that an employee of Pro fit Renovations met with 4 owners in area, there were no objections from anyone. Commissioner Boiven asked if city makes you add a tree if you remove one. Mr. McMillan confirmed and said front of property will be landscaped.

IN FAVOUR

Nestor Atamanchuk (330 Douglas) spoke in favour with concerns. Mr. Atamanchuk spoke to neighbours and said neighbours are in favour of a 2 family unit only. The only notice of public hearing Mr. Attamanchuk got was to re-zone. Mr. Attamanchuk stated he was not contacted despite living across the street. Mr. Attamanchuk attended the planning office to look at the drawings of the proposed development and is not in favour of the building

design because the garages are in front and will not blend in with the surrounding property as other duplexes in the area do. Mr. Attamanchuk felt two driveways will be very wide and the sidewalks and boulevard will require work. Mr. Attamanchuk has concerns with snow clearing and removal. Mr. Attamanchuk stated he was not approached by Pro-Fit Renovations and did not know this was going for second and third reading. Commissioner Jessiman wondered if the presenter needed clarification on second and third readings. Ms. Veilleaux explained how the application will move forward to presenter. Commissioner Boiven asked about similar style home on Douglas street. Mr. Attamanchuk said it blends in with the rest of the neighbourhood and this development will not. Commissioner Boiven mentioned landscaping could smoothen out garages being so prominent.

2013-139 Jessiman - Boyd

That the Public Hearing regarding By-law No. 7067 (Z-05-13-B) to rezone 347 Douglas Street (SP Lot 4, Plan 46966 BLTO & Lot 11, Block 16, Plan 21 BLTO) from RSF Residential Single Family Zone to RLD Residential Low Density Multiple Family Zone be concluded.

CARRIED 3/0

2013-140 Jessiman - Boyd

That the Planning Commission recommend By-law No. 7067 (Z-05-13-B) be given second and third reading, subject to the owner or successor:

- a) prior to the issuance of a building permit, submitting written confirmation to the City of Brandon Planning & Building Safety Department that the Brandon School Division has received \$ 283.50 as a cash-in-lieu contribution for school purposes; and
- b) prior to the issuance of a building permit, submitting \$323.00 to the City of Brandon Planning & Building Safety Department as a cash-in lieu contribution for public reserve purposes.

CARRIED 3/0

Prior to the above motion being voted on, the following comments were made: Commissioner Jessiman thanked the supporter for raising good issues. Commissioner Jessiman said he will support motion and notes council can approve or reject. Commissioner Jessiman stated the duplex will fit nicely in the area and fits the zoning by-law. Commissioner Boyd thanked the presenters. Commissioner Boyd said it is a good fit as a two family unit rather than a 3 or 4 family unit. Commissioner Boyd hoped there will be some dialogue with residents regarding the building plans. Commissioner Boyd said planning should address driveway design.

- d. **BY-LAW NO. 7072 TO REZONE**
Property located at 507 42nd Street

Owner/Applicant: Keller Enterprises

Mr. Eidick indicated on behalf of Keller Enterprises, owner and applicant, is applying to rezone a property located at 507 – 42nd Street (Parcel A, Plan 37524 BLTO & Lots 12/41 & Lane, Block 4, Plan 269 BLTO) from CAR Commercial Arterial Zone to RMD Residential Moderate Density Multiple Family Zone.

Upon presentation by staff, Commissioner Boyd questioned the plans for runoff to the catch basins. Ms. Veilleaux requested the question be deferred to the applicant.

Evan Keller (applicant) said Daniel Burns will make presentation. Mr. Burns, of Burns Maendel (retained by Keller Developments), gave a presentation. Mr. Burns indicated plan would provide buffer from commercial to single family zone to south. Mr. Burns indicated there would be one access point off McTavish Avenue and one access point off 42nd Street. Mr. Burns indicated a 9.1 metre width designed to allow emergency vehicle access and 1.5 parking spots per unit. Mr. Burns detailed some landscaping. Mr. Burns said a 1.8m fence will be built to provide buffer between commercial properties. Mr. Burns said a site design analysis was performed. Mr. Burns said site will be paved with asphalt, concrete curb and gutter. He said sanitary sewer and water would be off McTavish Ave and has had conversations with engineering to determine there would be no capacity issues with sewer and water. Mr. Burns said site will have internal storm sewer with catch basins as well as retention pond just north of McTavish Ave and 41st Street to accommodate water drainage from this property. Mr. Burns said a detailed traffic impact assessment has not been completed at this point and acknowledges there will be some increased traffic on McTavish. Evan Keller said the property is a gateway property to the city from the west and thinks site could use development. He felt the city needs more multi residential development. Mr. Keller stated this is considered infill project and would like a property development that will impress people coming into Brandon from the West. Mr. Keller said the development is staying within requirements to property. He acknowledges traffic will be an issue during development and will work with residents and the city to do a traffic study. Mr. Keller said the development is not for rental properties, but is for condos and one building may be 55+ if the market dictates. Mr. Keller said he intends to use modern designs and higher quality materials. Mr. Keller spoke to some residents. The residents raised concerns about increased traffic. Mr. Keller said work will start next fall and will be a 2-3 year project. Mr. Keller said there were some concerns with dairy farm on 42nd street. He felt most people would not go down a gravel road and indicated he would help with signage if necessary. Commissioner Jessiman asked if developer met more than once with residents. Mr. Keller said he canvassed the neighbourhood and sent out an email to residents of the ward with the assistance of Murray Blight.

OPPOSED

Rob Barcellona (area resident) said there are lots of young families in the area and he is concerned about traffic. Mr. Barcellona is concerned that once re-zoning has occurred it will not return to CAR. Mr. Barcellona is concerned about noise level. Mr. Barcellona said retention pond may not be large enough to hold all drainage from properties. Mr. Barcellona is concerned his property value will go down. Commissioner Boyd asked about

existing retention pond being filled to capacity without development. Mr. Barcellona says water will have nowhere to go once retention pond is filled. Commissioner Boyd hoped staged release will be built into design. Commissioner Boiven states that it is only a building and planning commission cannot comment on usage. Commissioner Boiven stated that he thinks travelling on Victoria will be the best way to go. Commissioner Boyd said he hopes people will go to 42nd Street rather than McTavish.

Elaine Cuthbert lives south of retention pond. Ms. Cuthbert agreed with Mr. Barcellona. Ms. Cuthbert said the retention pond is inadequate and is worried about people swimming in it. Ms. Cuthbert said she does not want entrance to McTavish Ave. Ms. Cuthbert spoke to a real estate agent and feels that the development will devalue properties in the area. Commissioner Boyd asked if realtor gave value on Ms. Cuthbert's house. Ms. Cuthbert indicated she did not, however a one level condo would keep property values the same. Ms. Cuthbert did not speak to the developer and thought there should have been a better effort from the developer.

Chad Walleen applauds growth in the city. Mr. Walleen echoes comments from Mr. Barcellona and Ms. Cuthbert. Mr. Walleen is concerned with the 2-3 year construction time frame as well as the heavy equipment and noise for the duration. Mr. Walleen believes commercial properties would be accessed off Victoria. Mr. Walleen is concerned with the amount of guest parking. Mr. Walleen spoke to developer. Commissioner Jessiman asked if developer could go back up the podium.

Brent Ericson (area resident). Mr. Ericson said his main concern is increased traffic in area and child safety.

MORE INFORMATION

Bob Fotheringham said 42nd street is located partially on public land and private land. Mr. Fotheringham was pleased to see that 42nd street will be developed on public land with proper access to Victoria. Mr. Fotheringham has a home north of Victoria Ave and was concerned that storm water coming from developments to the south of Victoria will overtake the capacity of storm sewers in the area. Mr. Fotheringham stated he is interested in the proposed storm water storage capacity and release as well as retention pond capacity.

Jamie Donohoe stated 42nd is the main access road to farm concerned about farm equipment width and getting into an accident. Mr. Donohoe said he is worried about school children in area and pets. Mr. Donohoe would like different options for access to property instead of 42nd and McTavish. Commissioner Boiven asked where Mr. Donohoe takes his farm equipment. Mr. Donohoe has land directly on 1A that he needs to access.

Evan Keller stated construction site will be fenced in. Mr. Keller states current zoning is mixed use. Mr. Keller said he will work with the city and residents to come to conclusions

to any issues regarding traffic and children. Mr. Keller states families will purchase condos. Mr. Keller addresses farming equipment dangers on 42nd and 1A. Dan Burns states you cannot block off McTavish Ave due to emergency vehicle access. Mr. Burns said they could persuade construction vehicle traffic to 42nd street access. Mr. Burns said storm water retention has been upped to a one in 50 year storm. Mr. Burns spoke on storm water systems. Mr. Burns states MIT will not allow access to property from Victoria ave. Mr. Burns said 42nd and McTavish will be required by the city to be developed and access to the property will be off 42nd Street. Commissioner Jessiman thanked the presenters. Commissioner Jessiman asked if there was room to enlarge the retention pond. Dan Burns said the retention pond is on city property.

Boyd/Jessiman That the Public Hearing regarding By-law No. 7072 (Z-06-13-B) to rezone 507 – 42nd Street (Parcel A, Plan 37524 BLTO & Lots 12/41 & Lane, Block 4, Plan 269 BLTO) from CAR Commercial Arterial Zone to RMD Residential Moderate Density Multiple Family Zone be concluded.

Carried 3/0

Boyd/Jessiman That the Planning Commission recommend By-law 7072 (Z-06-13-B) be given second reading.

Carried 3/0

Boyd/Jessiman That the Planning Commission recommend third reading be held in abeyance pending the objectors to the by-law being given notice pursuant to Section 76(3)(a) of The Planning Act of their right to file a further objection, and pending the execution of a development agreement between the City of Brandon and the owner/successor attached to the report of the Community Planner dated September 19, 2013 pursuant to Section 150 of The Planning Act.

Carried 3/0

Prior to the above motion being voted on, the following comments were made: Commissioner Boyd thanked the presenters and stated that commercial changed to multi zone makes a better fit in the area. Commissioner Boyd acknowledged concerns with construction and traffic. Commissioner Boyd thanked Mr. Keller and Mr. Burns. Commissioner Boyd had concerns about capacity of retention pond. Commissioner Jessiman said he will support second reading and hoped the objectors have more information that they can take to appeal or council. Commissioner Boiven felt that the application is a fit that will benefit community. Commissioner Boiven stated the traffic fears are valid and traffic will increase. Commissioner Boiven stated other areas of city had lower traffic issues than imagined. He said it is a positive project for the area and trusts city engineering and development plan.

6.0 GENERAL BUSINESS

- a. **Tracking Table** Ms. Veilleux stated next meeting will be heavy. Ms. Veilleux said there will be five applications and the secondary suites, boarding houses and legally non-conforming zoning by law applications. Ms. Veilleux mentioned that Kingsway Kort project is scheduled for November 6 meeting. Commissioner Boyd needed clarification on first point.

- b. **Administrative Business** Ms. Veilleux clarified confusion about contributions to school division. There was some staff turnover in staff at school division and they were working off an old policy. A new policy has gone to the school division. Ms. Veilleux will bring back item. Commissioner Jessiman wanted a blanked out development agreement. Louisa Garbo stated the development agreement is not in the purview of the planning department. She said council has authority to discuss. Ms. Veilleux will send template to Commissioner Jessiman. Commissioner Boyd asked if development agreement is on website. Ms. Garbo gives example of what is within purview of planning commission. Commissioner Boiven questioned landscape standards. Mr. Eidick said 3 units and above have to comply

- c. Absences from the October 16, 2013 meeting

7.0 **ADJOURNMENT**
2013-141 Jessiman- Boyd
That the meeting does now adjourn. (9:35 p.m.)

CARRIED 3/0

Original signed by A. Veilleux
Angie Veilleux
Principal Planner

Original signed by C. Coey
Calvin Coey
Chairperson