

**MINUTES OF THE PLANNING COMMISSION MEETING HELD Oct 16, 2013 AT 7:30 P.M. IN THE COUNCIL CHAMBERS, CIVIC ADMINISTRATION BUILDING, BRANDON, MANITOBA**

---

**1 ROLL CALL**

Commissioners: Calvin Coey  
Colleen Anderson  
Don Jessiman  
Garnet Boyd  
Leo Boivin

Administration: Ryan Eidick  
Ryan Nickel  
Tyson Fisher  
Brenda Rosset  
Angie Veilleux

**2. ADOPTION OF AGENDA**

2013-141

Boyd-Anderson

That the Agenda for the regular meeting of the Planning Commission to be held Oct 16, 2013, be adopted as presented.

CARRIED 5/0

**3. CONFIRMATION OF MINUTES**

2013-142

Boivin-Jessiman

That the minutes of the regular meeting of the Planning Commission held on Oct 2, 2013 be adopted as presented.

CARRIED 4/0

Commissioner Anderson abstained.

**5.0 PUBLIC HEARING**

**a. BY-LAW NO. 7075 TO REZONE**

**322 & 336 4<sup>th</sup> Street**

**Owner: Roman Catholic Archiepiscopal Corporation of Winnipeg**

**Applicant: Samson Engineering**

Mr. Eidick indicated that the applicant Samson Engineering, on behalf of the owner, Roman Catholic Archiepiscopal Corporation of Winnipeg, is applying to rezone properties located at 322 & 336 – 4th Street (Lots 5/7 Exc Nly 2' Lot 7, Block 31, Plan 2 BLTO) from RHD Residential High Density Multiple Family Zone and RLD Residential Low Density Multiple Family Zone to EI Educational & Institutional Zone.

Upon presentation by staff, Commissioner Coey asked if the existing lot conforms or if there is a conditional use. Mr. Eidick confirmed the lot is in conformance.

Kate McKenzie (applicant) gave a summary of the parking lot development benefits. Commissioner Coey asked for clarification of the parking lot lighting. Ms. McKenzie said the parking lot is lit by a light standard on 4<sup>th</sup> Street and on an adjacent property and the church council would put a light standard in if necessary.

**IN FAVOUR**

**OPPOSED**

**MORE INFORMATION**

2013-143

Boivin-Boyd

That the Public Hearing regarding By-law No. 7075 (Z-11-13-B) to rezone 322 & 336 4th (Lots 5/7 Ec. Nly 2' Lot 7, Block 31, Plan 2 BLTO) Street from RHD Residential High Density Multiple Family Zone and RLD Residential Low Density Multiple Family Zone to EI Educational & Institutional Zone be concluded.

CARRIED 5/0

2013-144

Boyd-Anderson

That the Planning Commission recommend By-law 7075 (Z-11-13-B) be approved, subject to:

- a) The owner or successor providing a Certificate of Title to the City of Brandon Planning & Building Safety Department confirming that 322 4th Street (Lot 5 and Sly 25' of Lot 6, Block 31, Plan 2 BLTO) has been consolidated with 336 4th Street (Lots 6/7 and Nly 5' of Lot 6 Excl Nly 2' of Lot 7, Block 31, Plan 2 BLTO)

CARRIED 5/0

Prior to the above motion being voted on, the following comments were made: Commissioners said the parking lot will free up parking on the street and fits well in area. Commissioner Coey suggested applicant should look into lighting.

**b. CONDITIONAL USE**

**3101 Victoria Ave**

**Owner: Trustees Of The Grace Lutheran Church**

**Applicant: Walter Haberman**

Mr. Eidick indicated on behalf of the applicant Walter Haberman, on behalf of the owner, Trustees of the Grace Lutheran Church, is applying to expand the parking area of an existing place of worship for a property located at 3101 Victoria Avenue in the RMD Residential Moderate Density Multiple Family Zone.

Upon presentation by staff, Commissioner Boivin asked for clarification of parking area dimensions, entrances and exits. Mr. Eidick indicated conformance. Commissioner Anderson asked about parking at the back of the church. Mr. Eidick said that by defining the parking area, there will not be any parking behind the church.

Walter Haberman (applicant) gave a presentation of the church's application. Commissioner Anderson asked about paving the rest of the parking lot in the future. Mr. Haberman said the church would like to, but cannot at this time.

**IN FAVOUR**

**OPPOSED**

**MORE INFORMATION**

2013-145 Anderson-Jessiman  
That the Public Hearing for Conditional Use Application C-13-13-B at 3101 Victoria Avenue be concluded.

CARRIED 5/0

2013-146 Anderson-Jessiman  
That Conditional Use Application C-13-13-B to expand the parking area of an existing place of worship for a property located at 3101 Victoria Avenue in the RMD Residential Moderate Density Multiple Family Zone be approved at 3101 Victoria Avenue (Lots 25/28, Block 19, Plan 899 BLTO Exc. Nly 28' of Lot 25 & Nly 18' of Lot 28 BLTO, & Pt. of N-S Lane in Block 19, Plan 899 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).

CARRIED 5/0

Prior to the above motion being voted on, the following comments were made: Commissioners said the proposal meets all requirements of zoning by law including dimensions of parking stalls and will support the motion.

c. **CONDITIONAL USE**

**1031 Rosser Ave**

**Owner: Bowerbird Holdings Ltd.**

**Applicant: Dr. Jason Sneath**

Mr. Eidick indicated that Dr. Jason Sneath, on behalf of the owner, Bowerbird Holdings Ltd., is applying to allow for an office on the 1st storey of 1031 Rosser Avenue in the HES Entertainment & Shopping Zone. Approval of this application would allow for a combination dermatology clinic and coffee shop on the ground floor of the existing building.

Upon presentation by staff, Commissioner Boivin asked for confirmation that the application was for the first floor only. Mr. Eidick confirmed.

Jason Sneath (applicant) gave a presentation describing his background and plans for the property including interior and exterior renovations and benefits to downtown area. Commissioner Boivin asked about future plans for the building. Mr. Sneath said he wants to gut the other floors to provide structural support and renovate to office space.

**IN FAVOUR**

**OPPOSED**

## **MORE INFORMATION**

2013-147

Boyd-Boivin

That the Public Hearing for Conditional Use Application C-15-13-B at 1031 Rosser Avenue be concluded.

CARRIED 5/0

2013-148

Boivin-Jessiman

That Conditional Use Application C-15-13-B to allow for an office in the 1st story be approved at 1031 Rosser Avenue (Pt. Lots 24/26, Block 78, Plan 2 BLTO) in accordance with the intent of the application dated September 4, 2013, the attached letter of intent dated September 2, 2013 and the attached floor plan "B-2".

CARRIED 5/0

Prior to the above motion being voted on, the following comments were made: Commissioners said this will be a great asset for the community and welcomed the applicant to Brandon.

d.

### **CONDITIONAL USE**

**1340 10<sup>th</sup> Street**

**Owner: 9 Crocus Gardens Ltd.**

**Applicant: VBJ Developments Ltd.**

Mr. Eidick indicated that VBJ Developments Ltd., on behalf of the owner, 9 Crocus Gardens Ltd., is applying to allow for a limited commercial use, supportive of a principal use, for a property located at 1340 10th Street in the EI Educational & Institutional Zone.

Upon presentation by staff,

Steve McMillan (applicant) gave an overview of the application. Commissioner Boyd asked if the applicant spoke to both the doctors and pharmacist. Mr. McMillan confirmed.

### **IN FAVOUR**

### **OPPOSED**

### **MORE INFORMATION**

Pat Kowalchuck (area resident) cited concerns about use being residential not recreational, lighting and potential changes to landscaping.

Commissioner Coey asked about public outreach. Mr. McMillan indicated no public outreach. Mr. McMillan addressed concerns including the uses for property and confirmed any new lighting will shine on the property itself. Mr. McMillan received the concerns regarding fencing and landscaping and will take the concern to ownership group. Commissioner Anderson asked for confirmation as to who could use doctor's offices and pharmacy. Mr. McMillan indicated primary users will be for residents but will

be open to public. Ms. Veilleux reminded the Commission that the application is for the limited commercial use, the personal care facility is permitted in that zone.

2013-149 Anderson-Jessiman  
That the Public Hearing for Conditional Use Application C-16-13-B at 1340 10th Street be concluded.  
CARRIED 5/0

2013-150 Anderson-Jessiman  
That Conditional Use Application C-16-13-B to allow for allow for limited commercial use supportive of a principal use be approved at 1340 10th Street (Block 2, Plan 1816 BLTO & Lot 3, Plan 38537 BLTO) in accordance with the intent of the application (A-1), the attached letter of intent (A-3) and the attached site plans (A-2 & A-3).  
CARRIED 5/0

Prior to the above motion being voted on, the following comments were made: The area has mix of residential and commercial, and this is a smart use of space, will fit well in the area and hoped the questions about the application will be answered.

- e. **CONDITIONAL USE**  
**1610 Rosser Avenue**  
**Owner: Midwest Teleservices International Inc.**  
**Applicant: Cardinal Signs**

Mr. Nickel indicated that Cardinal Signs, on behalf of the owner, Midwest Teleservices International Inc., is applying for a conditional use to allow for an electronic identification sign in the Hub HT Transitional Zone at 1610 Rosser Avenue (Lots 17/20, Block 53, Plan 2 BLTO). This would allow for the erection of a new fascia identification sign with an electronic sign component for Midwest Teleservices International Inc. to advertise their job vacancies.

Upon presentation by staff, Commissioner Coey asked where the calculation for the sign offset comes from. Mr. Nickel referred to applicant.

Louie Lafontaine (applicant) provided clarification.

**IN FAVOUR**

**OPPOSED**

**MORE INFORMATION**

2013-151 Jessiman-Anderson  
That the Public Hearing for Conditional Use Application C-14-13-B at 1610 Rosser Avenue (Lots 17/20, Block 53, Plan 2 BLTO) be concluded.  
CARRIED 5/0

2013-152

Jessiman-Boyd

That Conditional Use Application C-14-13-B to allow for an electronic identification sign in the Hub HT Transitional Zone be approved at 1610 Rosser Avenue (Lots 17/20, Block 53, Plan 2 BLTO) in accordance with the intent of the application dated "A-1", the attached letter of intent dated "A-3" and the attached site plan "B-2" and elevation plan "B-3," subject to the owner or successor:

a) prior to the issuance of a building permit for the electronic sign, submitting visual evidence to the City of Brandon Planning & Building Safety Department confirming that a solid fence extending for a minimum of 18.00metres from the southwestern corner of the subject site to a parallel line with the northern property line of the house across the lane is erected.

CARRIED 5/0

Prior to the above motion being voted on, the following comments were made: Commissioners stated that privacy of existing residents will be kept and that the sign will have to meet operating requirements. Commissioner Boivin questioned the effectiveness of the fence in blocking the light from the sign and the positioning of the sign. Mr. Nickel stated the intent of fence is to provide an opaque separation and there was no objection to constructing the fence.

f. **BY-LAW NO. 7066, BY-LAW NO. 7065, BY-LAW NO. 7069**

Secondary Suites Regulations  
Boarding Houses Regulations  
Dwelling Units Regulations

**Secondary Suites** - Mr. Nickel indicated that The City of Brandon is applying to amend the secondary suite regulations in Zoning By-law 6642. This by-law amendment is an implementation item in the Development Plan 2013 and the City of Brandon Roadmap for Growth Strategic Plan, which both stipulate that the provision of an adequate supply of affordable housing should be one of the City's objectives. Secondary suites are seen as a way of providing affordable housing for renters, while facilitating home ownership by providing additional income allowing potential owners to qualify and pay for mortgages. Secondary suites increase density in already developed areas without major changes to the built form or character of neighbourhoods.

**Boarding Houses** - Mr. Nickel indicated that The City of Brandon is applying to amend the boarding house regulations in Zoning By-law 6642. The by-law amendment is an implementation item in the Development Plan 2013 and the City of Brandon Roadmap for Growth Strategic Plan, which both stipulate that the provision of an adequate supply of affordable housing should be one of the City's objectives. Boarding house are seen as a way of providing affordable housing for renters, while facilitating home ownership by providing additional income that allows potential owners to qualify and pay for mortgages. Boarding houses also increase density in already developed areas without major changes to the built form or character of neighbourhoods.

**Dwelling Units** - Mr. Nickel indicated that The City of Brandon is applying to amend Zoning By-law 6642 to set a date whereby existing dwelling units established prior to that date shall be deemed lawfully non-conforming. In other words, this Zoning By-law amendment aims at legalizing existing dwelling units that were established before the proposed date. The proposed date is April 9, 2001 which coincides with the adoption date for the existing Zoning By-law 6642.

Upon presentation by staff, Commissioner Boyd asked for clarification of grandfather date and enforcement. Mr. Nickel confirmed grandfather date and provided further clarification on zoning, the owner occupancy provision and how the statutory declaration will work. Commissioner Boyd stated his concerns about parking. Mr. Nickel stated a rooming house generates less parking than a standard multi family residence or secondary suite and research demonstrates one parking stall for every three rooming units is sufficient to accommodate parking. Commissioner Coey asked if enforcement will come through complaints. Mr. Nickel confirmed. Commissioner Coey asked what had driven this regulation. Mr. Nickel indicated complaints. Commissioner Coey asked what percentage of a lot can be developed. Mr. Nickel confirmed 60%. Commissioner Boivin asked about the definition of secondary suite. Mr. Nickel explained what is included in a secondary suite. Commissioner Boivin asked if a kitchen is an indicator of a detached secondary unit. Mr. Nickel confirmed.

Greg Merke (City of Brandon) outlined building code requirements for secondary suites and boarding houses and the type of complaints typically received (maintenance concerns etc). Brad McKay (City of Brandon) said there is a wide variety of complaints, mostly from emergency personnel and from a safety stand point. Commissioner Jessiman asked how much more staff will be needed to enforce. Mr. Merke said it will be complaint driven and explained how the occupancy certificate will work, where it will be posted and how much quicker it will be to access the required information. Commissioner Boivin asked how the provincial assessment people keep track of secondary suites. Mr. Nickel referred to Assessment. Commissioner Anderson asked why modular home zone is not permitted for boarding houses. Mr. Nickel explained.

## **IN FAVOUR**

## **OPPOSED**

Terry Pearce (resident) outlined 4 concerns with secondary suite amendments and three concerns with boarding house regulations and provided the Commission with written materials outlining presentation.

Commissioners indicated it would have been desirable to have the information available prior to the hearing but thanked Mr. Pearce for his presentation. Commissioner Coey said the presentation will go to Council. Commissioner Anderson did not agree with concerns and cited examples.

Commissioner Coey asked for clarification on the changes to the current zoning. Mr. Nickel explained and addressed the concerns forwarded by Mr. Pearce including parking regulations and said planning will review Mr. Pearce's concerns. Commissioner Coey asked for clarification of council reading. Mr. Nickel explained procedure. Commissioner

Boivin asked for clarification on how planning reviews concerns from the public. Commissioner Coey confirmed the procedure. Mr. Nickel stated concerns are taken seriously however revisions are not necessarily made. Ms. Veilleux stated all comments made at public hearing are summarized and forwarded with the second reading report.

#### **MORE INFORMATION**

2013-153 Boivin-Boyd  
That the combined Public hearing for By-law No. 7066 (Z-8-13-B) to amend the secondary suite regulations in Zoning By-law 6642, By-law No. 7065 (Z-9-13-B) to amend the boarding house regulations in Zoning By-law 6642 and By-law No. 7069 (Z-10-13-B) to include a date to establish legally non-conforming dwelling units in the City of Brandon Zoning By-law 6642 be concluded.  
CARRIED 5/0

2013-154 Anderson-Boyd  
That the Planning Commission recommend By-law 7066 (Z-8-13-B) be approved.  
CARRIED 5/0  
Commissioners said it will go on to Council to further look at concerns.

2013-155 Boivin-Jessiman  
That the Planning Commission recommend By-law 7065 (Z-9-13-B) be approved.  
CARRIED 5/0  
Commissioners stated there are more concerns with this and planning should look at them and thanked the objector.

2013-156 Anderson-Boyd  
That it be recommended to City Council that the by-law be amended by deleting Section 10.1 in its entirety and substituting therefore: "10.1 Dwelling units established without the proper approvals prior to April 9, 2001, the date of the adoption of the City of Brandon Zoning By-law, shall be deemed lawfully non-conforming under the Zoning By-law. Dwelling units deemed as lawfully non-conforming under the Zoning By-law shall meet the requirements of the Building Safety and Property Standards By-law 6060/09/93" whereby pursuant to Sub-section 74(3) of The Planning Act, said amendment is hereby deemed to be minor and that the by-law, as amended, be approved.  
CARRIED 5/0

Prior to the above motion being voted on, the following comments were made: Commissioners mentioned concerns including heights of garage dwellings and affordable housing in general, inspections and enforcement. Mr. Pearce was provided clarification as to how the recommendations will be moving forward.

#### **6.0 GENERAL BUSINESS**

##### **a. Tracking Table**



Ms. Veilleux stated Kingsway Kort is coming to the table. Commissioner Anderson brought up a possible conflict of interest. Ms. Veilleux to confirm.

**b. Administrative Business**

Ms. Veilleux reminded those present there will be no meeting Nov 20, there will be a presentation on financing urban growth in the Louis Riel meeting room at Brandon University on October 23 and a presentation on the growth strategy at City Hall on Oct 29.

**c. Absences from the November 6, 2013 meeting**

**7.0 ADJOURNMENT**  
2013-157 Anderson-Jessiman

That the meeting does now adjourn. (9:46 p.m.)

CARRIED 5/0

original signed by A. Veilleux  
**Angie Veilleux**  
**Principal Planner**

original signed by C. Coey  
**Calvin Coey**  
**Chairperson**