

MINUTES OF THE PLANNING COMMISSION MEETING HELD NOVEMBER 19, 2014 AT 7:00 P.M. IN THE COUNCIL CHAMBERS, CIVIC ADMINISTRATION BUILDING, BRANDON, MANITOBA

1 ROLL CALL

Commissioners: Colleen Anderson
Leo Boivin
Garnet Boyd
Calvin Coey

Administration: Ryan Nickel
Waleed Albakry
Robert Zilke
Tyson Fisher

2. ADOPTION OF AGENDA

2014-159 Anderson-Boivin

That the Agenda for the regular meeting of the Planning Commission to be held Nov 19, 2014 be adopted as presented.

CARRIED 4/0

3. CONFIRMATION OF MINUTES

2014-160 Boyd-Anderson

That the minutes of the regular meeting of the Planning Commission held on Oct 15, 2014 be adopted as presented.

CARRIED 4/0

4.0 PUBLIC HEARING

a. VARIANCE

1439 6th Street
Owner: 699164 B.C. Ltd.
Applicant: YBR Drafting & Design

Mr. Zilke indicated that the applicant, Ray Burgess, on behalf of the property owner 699164 B.C Ltd, is applying to vary the maximum allowable number of dwelling units from three (3) to four (4) for a property located at 1439 6th Street (Lot 26/28, Block 4 Plan 7 BLTO) in the RLD Residential Low Density Multiple Family Zone. Approval of this application will allow for the development of a one-storey fourplex.

Upon presentation by staff, Commissioners requested clarification on the calculation used to determine the number of units allowed on the property, confirmation that the application was for a density variance only and the percentage of area being exceeded.

Raymond Burgess, representing applicant, attended to answer questions. Commissioners asked about tree removal, changing the plan to build a 3-plex, posting no stopping signs to alleviate traffic concerns and expressed concerns about parking.

Chad Martin attended to answer questions.

Patrick Kelman, area resident, attended to speak in opposition. Commissioners asked about traffic patterns and access to the property.

2014-161

Anderson-Boyd

That the Public Hearing for Variance Application V-19-14-B at 1439 6th Street be concluded.

CARRIED 4/0

2014-162

Anderson-Boivin

That Variance Application V-19-14-B to increase the maximum number of dwelling units from three (3) to four (4) in the RLD Residential Low Density Multiple Family Zone be approved at 1439 6th Street (Lot 26/28, Block 4 Plan 7 BLTO) in accordance with the intent of the application "Attachment A- 1", the attached letter of intent "Attachment A- 2" and the attached site plan "Attachment B- 2" and elevation plans "Attachment B- 3 & B - 4", subject to owner or successor:

- a) prior to the issuance of a building permit, submitting \$329.51 to the City of Brandon Planning & Building Safety Department as a cash-in lieu contribution for public reserve purposes;
- b) 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
- c) prior to the issuance of a building permit, entering into a development agreement with the City of Brandon attached to the report of the Community Planner dated November 19, 2014.

CARRIED 3/1

FOR

Commissioner Anderson
Commissioner Boivin
Commissioner Coey

AGAINST

Commissioner Boyd

ABSTAIN

Prior to the above motion being voted on, the following comments were made: Commissioners spoke about the public's concerns with parking and traffic; the applicant meeting the parking requirements, the potential for alternative parking spots and paving of the back lane. Commissioner Boyd spoke regarding concerns with the narrow width of the back lane and that building a triplex within the existing rules would be a better fit for the neighbourhood.

b.

VARIANCE

659 Franklin Street
Owner & Applicant: 6369945 MB Ltd.

Mr. Albakry indicated that the representative of the property owner, 6369945 Manitoba LTD., is applying to vary:

- Table 11: Residential Bulk and Siting Requirements under section 35 of the City of Brandon Zoning By-law by increasing the maximum allowed dwelling units from three (3) to four (4); and
- Note 7 to Table 11: Residential Bulk and Siting Requirements under section 35 of the City of Brandon Zoning By-law to allow front vehicle access for a site that abuts a public lane.

The subject property is located at 659 Franklin Street in the RLD Residential Low Density Multiple Family Zone. Approval of this application will allow for the development of a one-storey 4-plex with front and rear vehicle accesses.

Upon presentation by staff, Commissioners questioned the interpretation of section 4.2 of the urban and landscape design standards, specifically what constitutes an “entrance” to a dwelling .

Jarrett Kehler, owner, presented to the commission. Commissioners asked about alternatives on the site and compatibility of the site with the surrounding area.

Chad Martin, owner and builder, attended to answer questions. Commissioners questioned changing some design features to de-emphasize the appearance of the garage door.

Ryan Lamont, presented in favour of the application.

Jeff Hood, owner, presented in favour of the application.

2014-163

Boyd-Boivin

That the Public Hearing for Variance Application V-24-14-B be concluded.

CARRIED 3/1

2014-164

Boivin-Boyd

That Variance Application V-24-14-B at 659 Franklin Street (Lot 18/20, Block 10, Plan 9) to increase the maximum allowed dwelling units from three (3) to four (4) and to allow front and rear access for a site that abuts a public lane be approved in accordance with the intent of the application “Attachment A-1”, the attached letter of intent “Attachment A-3 & A-4” and the attached site plan “Attachment B-2” and elevation plan “Attachment B-3”, subject to the owner or successor:

- a) entering into a development agreement with the City of Brandon as attached to the report by the Community Planner dated October 29, 2014;
- b) prior to the issuance of a building permit, submitting a revised site plan showing a minimum of 15m corner clearance for the proposed driveway on Franklin Street from the closest paved edge of Van Horne Avenue East;
- c) prior to the issuance of a building permit, submitting \$302.67 to the City of Brandon Planning & Building Safety Department as a cash-in lieu contribution for public reserve purposes; and
- d) 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.

DEFEATED 3/1

FOR

Commissioner Boivin

AGAINST

Commissioner Boyd
Commissioner Anderson
Commissioner Coey

ABSTAIN

Prior to the above motion being voted on, Commissioner Boivin said there are many existing properties in Brandon with garages in the front and supported the motion. Commissioner Boyd had concerns with overriding by-laws and did not support the motion. Commissioners Anderson and Coey did not support the motion as the proposal did not comply with the criteria for evaluating a variance

2014-165

Boivin-Boyd

That Variance Application V-24-14-B at 659 Franklin Street to increase the maximum allowed dwelling units from three (3) to four (4) and to allow front and rear access for a site that abuts a public lane be rejected.

CARRIED 3/1

FOR

Commissioner Coey
Commissioner Boyd
Commissioner Anderson

AGAINST

Commissioner Boivin

ABSTAIN

c.

VARIANCE

14 & 16 Balmoral Bay
Owner & Applicant: Ken & Esther Sitko

Mr. Zilke indicated that the property owners, Ken and Esther Sitko, are applying to vary provision 30(e)(1) of the City of Brandon Zoning By-law to increase the maximum floor area of a Secondary Suite from 80m² to 182m² and the maximum size of a Secondary suite from 40% to 43% of the total floor area of the principal single-family dwelling for a property located at 14 & 16 Balmoral Bay (Parcel B, Plan 1468 BLTO) in RSF Residential Single Family Zone. Approval of this application will allow for the development of a secondary suite within an existing single-family detached dwelling.

Upon presentation by staff, Commissioners questioned the hardship incurred by the applicant and the enforcement of the owner occupancy provision for dwellings with secondary suites.

Ken Sitko, owner, attended to answer questions.

Mark Kindrat, area resident, spoke in opposition to the application.

2014-166

Anderson-Boivin

That the Public Hearing for Variance Application V-25-14-B at 14/16 Balmoral Bay be concluded.

CARRIED 4/0

2014-167

Anderson-Boivin

That Variance Application V-25-14-B to increase the maximum floor area of a secondary suite from 80m² to 182m² and the maximum size of a secondary suite from 40% to 43% of the total floor area of the principal single-family dwelling in the RSF Residential Single Family Zone be approved at 14 & 16 Balmoral Bay (Parcel B, Plan 1468 BLTO) in accordance with the intent of the application "Attachment A- 1", the attached letter of intent "Attachment A- 2" and the attached site plan "Attachment B- 2" and floor plans "Attachment B- 3 & B - 4".

CARRIED 4/0

FOR

AGAINST

ABSTAIN

Commissioner Coey
Commissioner Boyd
Commissioner Anderson
Commissioner Boivin

Prior to the above motion being voted on, the following comments were made:
Commissioners stated the variance will bring the property into compliance with by-laws as the building is existing.

d.

CONDITIONAL USE

1820 & 2200 Pacific Avenue

Owner: 5326028 MB Ltd.; The City of Brandon

Mr. Albakry indicated that the applicant, Steve McMillan of VBJ Developments Ltd., on behalf of the property owners, 5326028 Manitoba Ltd. and the City of Brandon, is applying to amend the planned unit development approved under Conditional Use Decision C-06-14-B for 1820 and 2200 Pacific Avenue with the following in the RMD Residential Moderate Density Multiple Family Zone:

- Reducing the minimum required parking spaces from one hundred and ninety-six (196) to one hundred and forty-four (144);
- Amending the maximum height of Buildings 1 & 5 from three (3) storeys or 14.0m to four (4) storeys or 17.0m; and
- Amending the height of Buildings 3 & 4 from four (4) storeys or 17.0m to three (3) storeys or 14.0m.

Approval of this application will allow for the continuation of the construction of a five-building multi-family development totaling one hundred and forty-four (144) dwelling units.

Upon presentation by staff, Commissioners requested clarification of the new site plan and public outreach.

Steve McMillan, representing the owner of the property, attended to answer questions. Commissioners questioned the parking change affecting the height of the buildings; the public outreach process, buffering properties to the southern border, and pedestrian access to 23rd Street.

2014-168 Boyd-Anderson
That the Public Hearing for Conditional Use Application C-13-14-B at 1820 and 2200 Pacific Avenue be concluded.
CARRIED 4/0

2014-169 Boyd-Anderson
That Conditional Use Application C-13-14-B to amend the planned unit development approved under Conditional Use Decision C-06-14-B in the RMD Residential Moderate Density Multiple Family Zone be approved at 1820 and 2200 Pacific Avenue (Pt. Parcel C, Plan 35917 BLTO & Parcel B, Plan 46903 BLTO) in accordance with the intent of the application "Attachment A-1", the attached letter of intent "Attachment A-2" and the attached site plans "Attachment B-4" and "Attachment B-5".
CARRIED 4/0

FOR	AGAINST	ABSTAIN
Commissioner Coey		
Commissioner Boyd		
Commissioner Anderson		
Commissioner Boivin		

e. CONDITIONAL USE
210 Highland Ave
Owner: Petro Canada
Applicant: Tim Klassen

Mr. Albakry indicated that the applicant, Tim Klassen, on behalf of the property owner, Petro Canada, is applying for a conditional use for a property located at 210 Highland Avenue (LOT 16, PLAN 1013 BLTO EXC ROAD PLAN 23368 BLTO IN N ½ 35-10-19 WPM & PARCEL "C" PLAN 1745 BLTO, EXC ROAD PLAN 23368 BLTO IN NE ¼ 35-10-19 WPM) in the CHW Commercial Highway Zone. Approval of the conditional use application will allow for the expansion of an automotive service station including installation of an underground DEF (Diesel Exhaust Fluid) storage tank for the existing diesel station.

Tim Klassen, applicant, attended to answer questions. Commissioners questioned the use of DEF and the timeline for installation.

2014-170 Boivin-Boyd
That the Public Hearing for Conditional Use Application C-12-14-B at 210 Highland Avenue be concluded.
CARRIED 4/0

2014-171

Boivin-Anderson

That Conditional Use Application C-12-14-B to allow for the expansion of an automotive service station in the CHW Commercial Highway be approved at 210 Highland Avenue (LOT 16, PLAN 1013 BLTO EXC ROAD PLAN 23368 BLTO IN N ½ 35-10-19 WPM & PARCEL “C” PLAN 1745 BLTO, EXC ROAD PLAN 23368 BLTO IN NE ¼ 35-10-19 WPM) in accordance with the intent of the application “Attachment A-1”, the attached letter of intent “Attachment A-3”, the attached site plan “Attachment B- 2” and the attached landscape plan “B-3”, subject to:

- a) The owner or successor, prior to the issuance of a building permit, entering into a development agreement with the City of Brandon attached to the report of the Community Planner dated November 19, 2014.

CARRIED 4/0

FOR

AGAINST

ABSTAIN

Commissioner Coey
Commissioner Boyd
Commissioner Anderson
Commissioner Boivin

5.0 GENERAL BUSINESS

- a. **Tracking Tables**
Mr. Nickel spoke about upcoming applications.
- b. **Administrative Business**
Mr. Nickel reminded the commission about the upcoming fiscal impact workshop on Dec 15.
- c. **Absences from upcoming meetings**
Commissioners Coey and Boyd may miss the next meeting.

6.0 ADJOURNMENT

2014-172

Anderson-Boyd

That the meeting does now adjourn. (9:50 p.m.)

CARRIED 4/0

Ryan Nickel
Principal Planner

Calvin Coey
Chairperson