

MARKED

MINUTES OF THE PLANNING COMMISSION MEETING HELD JULY 3, 2019 AT 7:00 P.M. IN THE COUNCIL CHAMBERS, CIVIC ADMINISTRATION BUILDING, BRANDON, MANITOBA

1.0 ROLL CALL

Commissioners: Andrew Sieklicki
Jack Lindsay
Garnet Boyd
Colleen Anderson

Administration: Ryan Nickel
Andrew Mok
James Maxon

Regrets: Kate Hill

2.0 ADOPTION OF AGENDA

2019-051

ANDERSON - BOYD

That the Agenda for the regular meeting of the Planning Commission to be held July 3, 2019 be adopted as presented.

CARRIED 4/0

3.0 CONFIRMATION OF MINUTES

2019-052

LINDSAY – ANDERSON

That the minutes of the regular meeting of the Planning Commission held on June 19, 2019 be adopted as read.

CARRIED 3/0

4.0

a. By-law No. 7241 Rezone

2211 Portola Drive
Owner: VBJ Developments Ltd.
Applicant: Steve McMillan

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

The applicant, Steve McMillan representing VBJ Developments, spoke regarding this application. Mr. McMillan spoke to the historical context of the property, as VBJ Developments had purchased the land from another owner, well into the development process. The site could not be rezoned in the past as the developer did not have plans for the site and previously the City Of Brandon would not rezone until

plans were in place. Mr. McMillan outlined how he had reached out to citizens in the area opposing the development, expressing understanding of the concerns over greenspace. Mr. McMillan outlined that the developer has made changes to the project to allow for a larger than required tree buffer against the neighboring RLD. Mr. McMillan expresses that they are taking the matter seriously and wishes to find a compromise for the park and buffer zone. Outlined that greenspace alternatives were drafted by the developer, but were rejected by the Brandon School Division.

In Opposition

Michael Dryden, area resident, spoke of entering the area under the assumption of the lot being zoned for Parks and Recreation. Spoke of the area having young families and animals that should require a recreational greenspace. Spoke of most residents purchasing homes with the assumption of a green space to come. He appreciates the position that the application is in, but expressed disappointment of the potential loss of greenspace and that the re-zoning would be a loss to the community. Mr. Dryden also spoke of collecting a petition with 160 signatories in opposition to the development.

Crystal Puhach, representing Condo Corp #148, spoke of the lack of greenspace leading to residents accessing privately developed playground in the Elements Condo Community and expressed opposition to the loss of more greenspace. It is the concern of the corporation that the further loss of greenspace would lead to an increase of individuals, external to the Elements Condo Community, accessing the private greenspace.

Susan Boyachek, area resident, spoke of the City Of Brandon Greenspace Master Plan, expressed that the intent of the Plan is not being adhered to. Ms. Boyachek outlined that residents were not made aware of the rezoning plan until recently and that the City Of Brandon should make information more readily available to the public. Ms. Boyachek spoke on the Southeast Community Planning meeting being a positive undertaking by the City Of Brandon and expressed regrets that a similar activity was not undertaken for the Portola re-zoning. Mrs. Boyachek expressed concern over danger posed by the drainage pond to youth, stating that youth regularly walk or play around the ditch and rocks and should be considered a safety hazard. Ms. Boyachek outlined a desire to retain a RLD zoning, believing the RMD to be a poor fit to the surrounding area.

Robert Folliott, area resident, raised concerns that there may be no recourse to challenge the development going forward. Mr. Folliott expressed that, after talking with Mr. McMillan, he does not feel that the developer will be compelled to follow through on community desires upon approval by the City Of Brandon. Mr. Folliott expressed that the current population in the area is already high and that the

proposed rezoning would exacerbate challenges made by a lack of existing greenspace to service the area.

Cyril Stott, area resident, expressed a belief that three stories should be the high limit for the development. Mr. Stott spoke favourably of the project but opposed the proposed four-story height in the proposed development.

Yoroslav Trokhym, area resident, expressed concern that without adequate greenspace youth will play on the street, in the ditch, and on rocks around the drainage pond. Mr. Trokhym expressed his belief that higher population means higher road usage, which poses a danger to youth using roadways in lieu of greenspace.

For Information

Yoroslav Trokhym, area resident, wondered why the City of Brandon and Developer did not rezone the area in 2013. Mr. Troh further inquired why the surrounding public not made aware of the imminent rezoning well in advance.

Susan Boyachek, area resident, inquired how they would find out the final plan, passed or not.

Michelle Dryden, area resident, expressed that area residents would have benefited from information on the rezoning in advance, and that the rezoning will potentially affect residents' properties.

Edward Wellbaan, area resident, inquired if there was an alternative for the residents and developer with the plots rezoned to retain the greenspace as the proposed buffer.

Mr. Mok, Community Planner, addressed concerns over the greenspace, outlining that the Developer has already provided funds or land in lieu of greenspace to the City Of Brandon and thus has fulfilled obligations to forgo the Parks and Recreation requirements. Mr. Mok also confirmed to the Commission that RMD allows for only four-stories, and that the developer would require a variance to go higher.

Mr. McMillan, the applicant, agreed that the proposal does not follow the Greenspace Master Plan but expresses that the proposal has been in development for a significant period and the area poses unique challenges to developing along with greenspace. Mr. McMillan outlined that the proposal has undergone development above requirements to maximize the distance of proposed buildings and existing buildings on Keenan Bay.

2019-053

Lindsay - Boyd

That the Public Hearing for By-law 7241 Z-04-19-B at 2211 Portola Drive (Block 7, Plan 56250 BLTO) be concluded.

CARRIED 4/0

2019-054

LINDSAY - ANDERSON

That the Planning Commission recommend City Council approve By-law No. 7241 Z-04-19-B to rezone 2211 Portola Drive (Block 7, Plan 56250 BLTO) from Residential Low Density (RLD) and Parks and Recreation (PR) to Residential Moderate Density (RMD), subject to the owner or successor entering into a development agreement with the City of Brandon with the following conditions:

- i. The Developer agrees under current domestic sewer conditions, development is restricted to a peak discharge of 3.12L/s. Any development planned for the site in excess must be phased and may be permitted only after construction of a new domestic sewer lift station at 1st Street/Patricia Avenue intersection.
- ii. The Developer agrees prior to establishing a pond outlet to provide mitigation for the difference between a 25-year event runoff and a 100-year event runoff.
- iii. The Developer agrees to submit a phasing plan to address servicing capacity requirements.
- iv. The Developer agrees to comply with the conditions associated with Phase 6 as per the Development Agreement dated June 18, 2014.
- v. The Developer agrees to contribute \$600.00 per dwelling unit for contribution for the existing 1st Street lift station. Payment is due prior to the issuance of a building permit for each building.
- vi. The Developer agrees to pay a contribution towards eighteen (18) boulevard trees. The amount of payment for such trees will be due at the time of execution of this development agreement and based upon the City's tree contract pricing for the current year.
- vii. The Developer agrees prior to issuance of the building permit, to contribute \$202.50 per dwelling units to the Brandon School Division in lieu of land dedication.
- viii. The Developer agrees to construct a Public Reserve along 1st Street, including a multi-use trail and landscaping.
- ix. 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.
- x. The Developer agrees to provide to the City a Letter of Credit in the amount of 15% of the total cost of the detailed cost estimate; the total of which must be approved by the City Engineer.

And that administration be authorized to prepare a Development Agreement containing all conditions and requirements to protect the City's interest in accordance with any procedures, policies, by-laws and Acts.

AMMENDMENT

2019-055

LINDSAY-ANDERSON

That the above motion be amended by adding the following clauses:

- “xi. That the Developer agrees to put in the sixty-foot buffer zone and work with the City Of Brandon to make the best use of the buffer zone.
- xii. The Developer agrees to develop the buffer on the West side of the property in the First Phase of the development”

CARRIED 3/1

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

- Commissioner Anderson believes it will fit into the area due to a similar development on Sycamore Drive and that it appears to fit in the area.
- Commissioner Boyd expressed concern over the loss of the green space but that the ability to make this a greenspace in not an option due to contextual arrangements between the prior developer and the City Of Brandon.
- Chairperson Sieklicki expressed concerns over the number of individuals that are in opposition to this development and the proposed density for the area.

5.0 GENERAL BUSINESS

a. Tracking Table

b. Administrative Business

c. Absences From Upcoming Meetings

Commissioner Boyd – July 17, 2019 and potentially August 7, 2019

Chairperson Sieklicki – July 17, 2019

6.0 ADJOURNMENT

2019-056

Anderson - Lindsay

That the meeting do now adjourn (8: 53 p.m.)

CARRIED 4/0

Amber Chapil
Planning Commission Clerk

Andrew Sieklicki
Chairperson