

**MARKED**

**MINUTES OF THE PLANNING COMMISSION MEETING HELD SEPTEMBER 18, 2019 AT 7:00 P.M. IN THE COUNCIL CHAMBERS, CIVIC ADMINISTRATION BUILDING, BRANDON, MANITOBA**

---

**1.0 ROLL CALL**

Commissioners: Jack Lindsay  
Garnet Boyd  
Colleen Anderson  
Kate Hill

Administration: Andrew Mok  
Shengxu Li  
Amber Chapil

Regrets: Andrew Sieklicki

**2.0 ADOPTION OF AGENDA**

2019-084

ANDERSON - HILL

That the Agenda for the regular meeting of the Planning Commission to be held September 18, 2019 be adopted as presented.

CARRIED 4/0

**3.0 CONFIRMATION OF MINUTES**

2019-085

HILL – ANDERSON

That the minutes of the regular meeting of the Planning Commission held on August 21, 2019 be adopted as read.

CARRIED 4/0

**4.0**

**a. By-law No. 7218 Rezone; Variance**

660 – 7<sup>th</sup> Street & 725 Van Horne Avenue

Owner: Van Bi Lee

Applicant: VBJ Developments Ltd.

Community Planner, Shengxu Li, introduced the application as presented in the City of Brandon Planning report.

The applicant, Steve McMillan spoke on behalf of the owner of the property the variance and rezoning of the property for a 24 unit building with a shared access point with the neighbouring property. The development will include the development of a sidewalk. The land is designated as residential development, and this proposal will allow for development and address any concerns.

### **In Opposition**

David Pederson, area resident, in 2016 this application to rezone, which was rezoned with eighteen conditions, and the variance application was denied. Inquired into why there were only 9 conditions in the development agreement. If deemed unsafe to reduce the railway setback, why would it be approved now? If approve, how would it meet the 18 conditions as set on December 2016 Planning Commission meeting?

2019-086

#### BOYD - HILL

That the Public Hearing for By-law 7218 Z-06-18-B and Variance Application V-06-18-B at 660 - 7<sup>th</sup> Street and 725 Van Horne Avenue (Lots 27/30, Block 71, Plan 8 BLTO; Parcel A, Plan 73705) be concluded.

CARRIED 4/0

2019-087

#### BOYD - HILL

That the Planning Commission recommend City Council approve By-law No. 7218 (Z-06-18-B) to rezone 660 - 7<sup>th</sup> Street and 725 Van Horne Avenue (Lots 1/5 & Pt Lots 27/30, Block 71, Plan 8, Parcel A, Plan 43705 and Parcel A, Plan 51401 BLTO) from Industrial Restricted (IR) Zone to Residential Moderated Density (RMD) Zone, subject to the owner or successor entering into a development agreement with the City of Brandon with the following conditions:

- i. The Developer agrees the development should be consistent with the attached site plan in Schedule "B", for a maximum of 24 residential multiple dwelling units. An increase to the density of the development or a significant variation from the site plan will require the developer to obtain approval from City Council, who may request additional public input and/or require amendment to the agreement.
- ii. The Developer agrees to provide written confirmation that necessary arrangements have been made for postal service and that the pick-up / drop off location of the community mail box has been determined between the Developer and Canada Post; to the approval of Canada Post.
- iii. The Developer agrees to consolidate Titles No. 2552397/2 and 2552365/2, prior to the release of the Building permit.
- iv. The Developer agrees to construct and maintain a 1.8m chain link fence along the common site line of the proposed development property and the Canadian National Railway rights-of-way.
- v. The Developer agrees to construct a crash wall and/or berm to the north of the parking lot along the Canadian National Railway rights-of-way property line. The crash wall and/or berm must be designed to Canadian National Railway Standard Specifications and is subject to approval by a City Engineer.
- vi. The Developer agrees that to design and construct a 1.8m boulevard sidewalk in conjunction with curb and gutter and completed with an asphalt road repair to tie into existing asphalt road surface. The Developer is also responsible to sod the City boulevard. The design of all work proposed within the right-of-way is

subject to review and acceptance by the City Engineer and shall be performed as stated in the latest edition of the City of Brandon, Standard Construction Specifications.

- vii. The Developer acknowledges that, as per the requirements of the Canadian National Railway, the following clause be noted by all property owner(s) and/or future property owners and follow with the lands: "Warning: Canadian National Railway Company or its assigns or successors in interest has or have a rights-of-way within 300 metres from the land the subject thereof. There may be alterations to or expansions of the railways facilities on such rights-of-way in the future including the possibility that the railway or its assigns or successors as aforesaid may expand its operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwelling(s). CNR will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid rights-of-way."
- viii. The Developer agrees to allow shared vehicle access with properties located to the east at 621 7th Street and 639 Van Horne Avenue in perpetuity as per attached site plan in Schedule "B".
- ix. The Developer agrees to pay a contribution towards seven (7) 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.
- x. The Developer agrees prior to issuance of the building permit, to contribute \$202.50/unit for 24 dwelling units to the Brandon School Division in lieu of land dedication totaling \$4,860.00.
- xi. The Developer agrees to contribute \$1,709.35 in lieu of land dedication for public reserve. Payment is due upon execution of the development agreement.
- xii. 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.
- xiii. 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 interests in accordance with any procedures, policies, by-laws and Acts.

CARRIED 4/0

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

- There has been extensive work done with the railway and shared access

2019-088

HILL - ANDERSON

That Variance Application V-06-18-B to vary Table 10 and Section 71(b) of the Zoning By-law by decreasing the required front yard setback from 4.6m to 3.0m and decreasing the Railway Protection Overlay Zone setback from 30.0m to 18.5m be approved at 660 – 7<sup>th</sup> Street and 725 Van Horne Avenue (Lots 1/5 & Pt Lots 27/30, Block 71, Plan 8, Parcel A, Plan 43705 and Parcel A, Plan 51401 BLTO) in accordance with the letter of intent “Attachment A-2”, the site plan “Attachment B-2” and elevation plan “Attachment B-3”, subject to the site being rezoned from Industrial Restricted (IR) Zone to Residential Moderate Density (RMD) Zone.

CARRIED 4/0

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

- All conditions have been met with the railway
- Appreciate safety concerns for railway guidelines

**b. By-law No. 7246 Rezone**

Properties Around Brandon University

Owner: Multiple Property Owners

Applicant: City of Brandon

Ms. Hill and Mr. Lindsay stated conflict of interest and excused themselves.

Community Planner, Shengxu Li, introduced the application as presented in the City of Brandon Planning report.

2019-089

ANDERSON - BOYD

That the Public Hearing for By-law 7246 Z-05-19-B for properties around Brandon University be concluded.

CARRIED 2/0

2019-090

ANDERSON - BOYD

That the Planning Commission recommend City Council approve By-law No. 7246 Z-05-19-B to rezone the following properties:

- 2026, 2030, and 2040 Princess Avenue, 2030 and 2039 Louise Avenue, and 223, 225, 227, 229, 233, 241, 251, 253, 257, 261, 325, 329, 335, 341, 343, 405, 413, 421, 427, 437, and 445 – 21<sup>st</sup> Street (Lots 20/38, Block 28, Lots 27/34, 38/40, and Sly 12.5' of Lot 37, Block 39, and Lots 20/34, Block 44, all of Plan 15 BLTO) from Educational and Institutional (EI) to Residential Moderate Density (RMD).
- 1837 Princess Avenue (Lots 9/10, Block 25, Plan 15 BLTO) from Educational and Institutional (EI) to Residential Low Density (RMD).

- iii. 2003 Princess Avenue (Lots 1/4, Block 23, Plan 15 BLTO) from Educational and Institutional (EI) and Residential Low Density (RLD) to Educational and Institutional (EI).
- iv. 2021 Victoria Avenue (Lots 1/3, Block 44, Plan 15 BLTO) from Commercial Arterial (CAR) to Educational and Institutional (EI).

CARRIED 2/0

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

- This is a housekeeping item that it goes back to residential instead of educational
- This is consistent with what is in this area

**c. By-law No. 7247 Rezone; Subdivision**

1910 Bell Avenue and 1910 Hamilton Avenue

Owner: Waverly Developments Ltd.; Executive Homes 200 Ltd.

Applicant: City of Brandon

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

2019-091

**ANDERSON - HILL**

That the Public Hearing for By-law 7247 Z-06-19-B at 1910 Bell Avenue and 1910 Hamilton Avenue be concluded.

CARRIED 4/0

2019-092

**ANDERSON - BOYD**

That the Planning Commission recommend City Council approve By-law No. 7247 (Z-06-19-B) to rezone a portion of 1910 Bell Avenue from Development Reserve (DR) to Commercial Arterial (CAR), and a portion of 1910 Hamilton Avenue from Agricultural (A) to Commercial Arterial (CAR).

CARRIED 4/0

2019-093

**HILL - BOYD**

That the Planning Commission recommend City Council approve the application to subdivide (4500-19-688) 1910 and 2000 Bell Avenue and 1910 Hamilton Avenue to create three (3) lots and a public road in the Development Reserve (DR) Zone, Residential Moderate Density (RMD) Zone, and Commercial Arterial (CAR) Zone, subject to:

- i. The owner or successor providing written confirmation to the City of Brandon Planning & Buildings Department that taxes for the property to be subdivided, for the current year plus any penalty, interest and arrears, have been paid in full or arrangements must be made satisfactory to Brandon City Council; and

- ii. Proposed Lots 4 and 5 being consolidated as a single title to be registered in series with this subdivision.

CARRIED 4/0

- d. **By-law No. 7248**  
Amend Zoning By-law Aggregate

Community Planner, Shengxu Li, introduced the application as presented in the City of Brandon Planning report.

- 2019-094 **ANDERSON - HILL**  
That the Public Hearing for By-law 7248 Z-07-19-B be concluded.

CARRIED 4/0

- 2019-095 **HILL - BOYD**  
That the Planning Commission recommend City Council approve By-law No. 7248 (Z-07-19-B) to amend Zoning By-law No. 7124 to update standards for aggregate areas and other housekeeping updates.

CARRIED 4/0

- 5.0 GENERAL BUSINESS**
  - a. **Tracking Table**
  - b. **Administrative Business**
  - c. **Absences From Upcoming Meetings**  
Commissioner Hill – October 16, 2019

- 6.0 ADJOURNMENT**

- 2019-096 **BOYD - ANDERSON**  
That the meeting do now adjourn (8:08 p.m.)

CARRIED 4/0

---

**Amber Chapil**  
Planning Commission Clerk

---

**Jack Lindsay**  
Chairperson