

MARKED MINUTES

MINUTES OF THE PLANNING COMMISSION MEETING HELD NOVEMBER 7, 2012 AT 7:30 P.M. IN THE COUNCIL CHAMBERS, CIVIC ADMINISTRATION BUILDING, BRANDON, MANITOBA

1. ROLL CALL

Commissioners: Calvin Coey
Leo Boivin
Colleen Anderson
Don Jessiman

Administration: Ryan Nickel
Andrew Mok
Waleed Albakry
Alexis Korzeniowski

For the record, Commissioner Coey provided a briefing on the absence and resignation of Commissioner Robinson following acceptance of employment with the City of Brandon.

2. ADOPTION OF AGENDA

2012-141

Boivin-Anderson

That the Agenda for the meeting of the Planning Commission to be held November 7, 2012 be adopted as presented.

CARRIED 4/0

3. CONFIRMATION OF MINUTES

2012-142

Jessiman-Boivin

That the minutes of the regular meeting of the Planning Commission held on October 17, 2012 be adopted as presented.

CARRIED 4/0

4.0 PUBLIC HEARING

a. Variance Order Application V-32-12-B

702 & 718 – 1st Street (Lot 1, Plan 2242 & Lots 8/10, 12/23, Block 64, Plan 8 BLTO)

Owner: Hometown Auto Glass (Brandon) Ltd.

Applicant: Roy, Johnston & Co. LLP

Mr. Albakry indicated the applicant Roy, Johnston & Co. LLP, on behalf of the owner, Hometown Auto Glass (Brandon) Ltd., is applying to reduce the following minimum required yards, all in the MR Industrial Restricted Zone:

- The South side yard for Proposed Lot 1 from 1.5m to 0.4m;
- The North side yard for Proposed Lot 2 from 1.5m to 0.4m;
- The South side yard for Proposed Lot 2 from 1.5m to 0.9m; and
- The North side yard for Proposed Lot 3 from 1.5m to 1.0m.

Upon presentation by staff, Commissioner Anderson inquired if the original conditional approval for subdivision remains valid. Mr. Albakry stated the expiry is November 13,

2012. Mr. Mok noted the approval of a one year extension that was granted. Commissioner Jessiman asked if public hearing notification postings were posted. Mr. Albakry stated they were. Commissioner Coey asked for a breakdown of the application fees and if the buildings meet current Manitoba Building Code standards. Mr. Mok provided a summary based on the 2012 fee schedule while Mr. Albakry described that the Senior Building Inspector is working with the applicant to hire a structural engineer for analysis of the buildings. Commissioner Coey asked if this requirement was due to the subdivision application. Mr. Albakry confirmed it is.

Kelly Dickson (Representation, Roy, Johnson & Co) described the intention to subdivide creating three (3) lots in order to provide respective titles to operating businesses. Ms. Dickson stated earlier today they did receive and forward to the Planning Department, the report from the structural engineer. She noted the report identified significant work required to comply with current building codes in which case the applicant potentially may not proceed with subdivision. Ms. Dickson offered that the recommended condition be amended to read;

“That the owner or successor provides written confirmation from the Senior Building Inspector, that satisfactory arrangements have been made for compliance with the Manitoba Building Code”

Commissioner Boivin asked for clarification on the request for a more flexible condition. Ms. Dickson stated they are not fully aware of options available in order to meet standards, quoting examples of costs associated with the report. Commissioner Coey brought forward the proposal to table the application pending the Planning Department conducting further review and recommendations. Ms. Dickson reiterated the concern related to the subdivision approval deadline. Mr. Nickel stated no further extensions could be issued to the subdivision, and based on his interpretation, the condition should stand as worded. He recommended options be explored between the applicant and Senior Building Inspector.

2012-143

Anderson-Boivin

That the Public Hearing regarding Variance Application V-32-12-B at 702 & 718 – 1st Street be concluded.

CARRIED 4/0

2012-144

Anderson-Boivin

That Variance Application V-32-12-B to reduce the minimum required South side yard for Proposed Lot 1 from 1.5m to 0.4m, the North side yard for Proposed Lot 2 from 1.5m to 0.4m, the South side yard for Proposed Lot 2 from 1.5m to 0.9m, the North side yard for Proposed Lot 3 from 1.5m to 1.0m in the MR Industrial Restricted Zone be approved at 702 & 718 – 1st Street (Lot 1, Plan 2242 & Lots 8/10, 12/23, Block 64, Plan 8 BLTO) in accordance with the intent of the application dated September 13, 2012, the attached letter of intent dated September 11, 2012 and the attached site plan, subject to the following condition:

- a) That owner or successor provide written confirmation from the Senior Building Inspector that the existing buildings comply with the Manitoba Building Code.

CARRIED 4/0

b. Variance Order Application V-33-12-B

2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26, 28, 30, 32, 34, 36 Orchard Way
Units 144/161, (Plan 51670 BLTO)
Applicant & Owner: VBJ Developments Ltd.

Mr. Albakry indicated the applicant, VBJ Developments Ltd. is applying to reduce the minimum required projection of a deck into a side yard from no closer than 0.6m to 0m in the RHD Residential High Density Multiple Family Zone.

Steve McMillan (VBJ Developments) stated the application is similar to a previous application, and is intended to match existing esthetics and maximize green space in the rear yard.

Commissioner Anderson asked if a specific size of deck is pre-designed. Mr. McMillan stated they are pre-designed to be ten feet (10') by eleven feet (11'), noting any alterations would be required to go through the condo board. Commissioner Boivin asked how the decks are separated to meet required fire separations. Mr. McMillan noted there is a six foot (6') high dividing wall that has been designed in compliance with the Manitoba Building Code.

2012-145

Anderson-Jessiman

That the Public Hearing regarding Variance Application V-33-12-B at 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26, 28, 30, 32, 34, 36 Orchard Way be concluded.

CARRIED 4/0

2012-146

Anderson-Jessiman

That Variance Application V-33-12-B to reduce the minimum required projection of a deck into a side yard from no closer than 0.6m to 0m in the RHD Residential High Density Multiple Family Zone be approved at 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26, 28, 30, 32, 34, 36 Orchard Way (Units 144/161, Plan 51670 BLTO) in accordance with the intent of the application dated September 14, 2012, the attached letter of intent dated September 14, 2012 and the attached site plan.

CARRIED 4/0

c. Conditional Use Application C-14-12-B

1236 Park Avenue (Lots 1/2 & 26, Block 26, Plan 16 & Parcel A, Plan 29207 BLTO)

Owner: Trevor Edmunds

Applicant: Crane Steel Structures Ltd.

Mr. Mok indicated the applicant, Crane Steel Structures Ltd., on behalf of the owner, Trevor Edmunds, is applying to allow for the expansion of an existing Storage Facility in the CG Commercial General Zone.

Upon presentation by staff, Commissioner Anderson asked if there are any parking requirements. Mr. Mok clarified that storage buildings require minimal parking, and the existing site layout fulfills the minimum parking requirements. Commissioner Coey asked what is the expectation from the Planning Department for the applicant to meet the landscape standards and urban design standards and guidelines. Mr. Mok stated it is the intent to improve the design of the site and building, flexibility will be provided to the applicant on what types of improvements are provided.

Chris Woodmass (Crane Steel Structures) stated fourteen (14) storage units will be added while describing some of the proposed landscaping but noting further details will be submitted with the building permit application.

IN FAVOUR

Kit Harrison (Previous owner) spoke to the existing landscape design off Park Avenue, stating during the winter, snow-clearing piles and debris residue can hinder plant growth.

Trevor Edmunds (Current Owner) stated they will maintain the design of the existing structure and current landscape on site.

2012-147

Jessiman-Boivin

That the Public Hearing regarding Conditional Use Application C-14-12-B at 1236 Park Avenue be concluded.

CARRIED 4/0

2012-148

Jessiman-Anderson

That Conditional Use Application C-14-12-B to allow for the expansion of an existing Storage Facility in the CG Commercial General Zone be approved at 1236 Park Avenue (Lots 1/2 & 26, Block 26, Plan 16 & Parcel A, Plan 29207 BLTO) in accordance with the intent of the application dated September 27, 2012, the attached letter of intent dated September 27, 2012 and the attached site and elevation plans, subject to the following condition:

- a) That prior to the issuance of a building permit the owner or successor submit, to the satisfaction of the Planning and Building Safety Department, revised site and elevation plans showing conformance with the Landscape Design Standards and Urban Design Standards & Guidelines.

CARRIED 4/0

d. Subdivision Application 4500-12-531

1000 42nd Street (Pt. Se¼ 16-10-19 Wpm North Of Rly Plan 219 BLTO Exc Plans 25746, 26568, 28784, 30966, 32643, 35941, 37336 & 40806 BLTO)
Owner/Applicant: Waverly Developments Ltd.

Mr. Mok indicated the applicant, Waverly Developments Ltd. is applying to subdivide 1000 42nd Street (Pt. SE¼ 16-10-19 WPM North of RLY Plan 219 BLTO Exc Plans 25746, 26568, 28784, 30966, 32643, 35941, 37336 & 40806 BLTO) to create ten (10) lots and a public road in the RSF Residential Single Family Zone.

Upon presentation by staff, Commissioner Boivin asked if the easements are small swales. Mr. Mok noted drawings indicate they are intended as shallow swales, however deferred to the applicant for further details. Commissioner Coey asked for clarification on the use of the word “appears” in the Planner’s Report regarding the Zoning By-Law conformity. Mr. Mok noted the difficulty of calculating odd shaped lots, however, based on estimated calculations they are believed to be conforming.

John Burgess (Waverly Developments) described the relationship with the adjacent farming landowner, stating the original concept design would have led to encroachment

on their driveway. After consulting with the owner, the proposed design was selected as least intrusive, thus creating the odd shaped lots. Mr. Burgess also noted the intention of a requirement for fencing separating the farming land from the proposed lots, once sold. Commissioner Boivin asked for clarification of the lots which would require fencing. Mr. Burgess provided details based on the site plan provided.

2012-149

Anderson-Jessiman

That the Public Hearing regarding Subdivision Application 4500-12-531 at 1000 42nd Street be concluded.

CARRIED 4/0

2012-150

Anderson-Jessiman

That Planning Commission recommends Brandon City Council grant approval to subdivide 1000 42nd Street (Pt. SE¼ 16-10-19 WPM North of RLY Plan 219 BLTO Exc Plans 25746, 26568, 28784, 30966, 32643, 35941, 37336 & 40806 BLTO) to create ten (10) lots and a public road in the RSF Residential Single Family Zone, subject to the following conditions:

- a) The owner or successor contributes \$4,930.17 to the City of Brandon Planning & Building Safety Department as a cash-in-lieu contribution for public reserve purposes;
- b) The owner or successor enters into a development agreement with the City of Brandon as attached to this report;
- c) The owner or successor provides written confirmation to the City of Brandon Planning & Building Safety Department that arrangements have been made for a drainage easement to the satisfaction of the City of Brandon Engineering Department;
- d) The owner or successor provides written confirmation to the City of Brandon Planning & Building Safety Department that a drainage agreement has been registered on the subject site and properties located at Pt. SW¼ 16-10-19 WPM adjacent to the subject site; and
- e) The owner or successor provides written confirmation to the City of Brandon Planning & Building Department that arrangements have been made for a Joint Use Easement and Plan of Easements to the satisfaction of Manitoba Hydro and MTS Allstream Inc.

CARRIED 4/0

e. Conditional Use Application C-13-12-B

1502 13th Street (Lots 46/48, Block 5, Plan 227 BLTO)

Owner: 4391471 Manitoba Ltd.

Applicant: Kit Harrison

Mr. Mok indicated the applicant, Kit Harrison, on behalf of the owner, 4391471 Manitoba Ltd, is applying to allow for a Freestanding Electronic Advertising Sign in the CAR Commercial Arterial Zone. Mr. Mok referred to the petition of support provided to the Commissioners.

Upon presentation by staff, Commissioner Anderson inquired if the sign will be erected prior to the construction of the new building. Mr. Mok stated it will.

Kit Harrison (Owner) spoke to the concern of the gas line, noting his application with Manitoba Hydro to retire one of the two (2) lines on site. Mr. Harrison stated he did canvass the circulation area, noting no issues arose and described a design attempt to reduce impact including the angling of the sign. Commissioner Coey asked for assurance should the Hydro application be denied, that the sign will still be facing away from the surrounding residents. Mr. Nickel reiterated the Planning Department provides approval subject to the site plan submitted, disallowing major deviations.

2012-151 Boivin-Jessiman
That the Public Hearing regarding Conditional Use Application C-13-12-B at 1502 13th Street be concluded.

CARRIED 4/0

2012-152 Boivin-Jessiman
That Conditional Use Application C-13-12-B to allow for an Electronic Advertising Sign in the CAR Commercial Arterial Zone be approved at 1502 13th Street (Lots 46/48, Block 5, Plan 227 BLTO) in accordance with the intent of the application dated September 26, 2012, the attached letter of intent dated September 18, 2012 and the attached site and elevation plans, subject to the following condition:

- a) That Manitoba Hydro provides written confirmation that the placement of the sign on the subject site is to their satisfaction.

CARRIED 4/0

5.0 GENERAL BUSINESS

a. Tracking Table

Mr. Nickel noted that the plans for the Brandon Regional Health Authority cancer care residence would be provided to the commission at the next meeting. The agenda item would not be a public hearing as it is fulfilling a condition of the original conditional use approval.

b. Administrative Business

- **Appointment of a New Commissioner**

Mr. Nickel described the process and recent addition of a criteria matrix recommended to Council to use as a reference guide for selection process

- **Study Session**

Mr. Nickel noted it will be provided by Economic Development Officer Sandy Trudel looking at the role of public input in planning applications, specifically from an affordable housing lens.

2012-153 Coey-Jessiman
That a study session be held by Administration prior to the Public Hearing on November 21, 2012 at 6:30pm in the City of Brandon Council Chambers.

CARRIED 4/0

- 2012-154 **c. Appointment of Vice-Chair**
Coey-Anderson
That Commissioner Boivin is appointed the Vice-Chairperson until the next Organizational Meeting.
CARRIED 4/0
- 2012-155 **d. Change of Public Hearing date for December 5, 2012**
Coey-Jessiman
That the Planning Commission Meeting to be held on December 5, 2012 be rescheduled to December 4, 2012.
CARRIED 4/0
- e. Absences from the November 21, 2012 meeting**
 None to report
- 2012-156 **6. ADJOURNMENT**
Anderson-Jessiman
That the meeting does now adjourn. (9:10p.m.)
CARRIED 4/0

Ryan Nickel
Acting Sr. Planner

Calvin Coey
Chairperson