

**MINUTES OF THE PLANNING COMMISSION MEETING HELD MAY 6, 2015 AT 7:00 P.M. IN THE COUNCIL CHAMBERS, CIVIC ADMINISTRATION BUILDING, BRANDON, MANITOBA**

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**1 ROLL CALL**

Commissioners: Colleen Anderson  
Leo Boivin  
Calvin Coey  
Andrew Sieklicki  
Garnet Boyd

Administration: Ryan Nickel  
Robert Zilke  
Waleed Albakry  
Tyson Fisher

**2. ADOPTION OF AGENDA**

2015-028

Anderson-Sieklicki

That the Agenda for the regular meeting of the Planning Commission to be held May 6, 2015 be adopted as presented.

CARRIED 4/0

**3. CONFIRMATION OF MINUTES**

2015-029

Sieklicki-Anderson

That the minutes of the regular meeting of the Planning Commission held on April 1, 2015 be adopted as presented.

CARRIED 4/0

**4.0 PUBLIC HEARING**

**a. VARIANCE**

1148 18<sup>th</sup> Street

Owner: Caddy Lake Investments

Applicant: Bird Construction Ltd.

Mr. Zilke indicated that BIRD Construction Ltd, on behalf of the owner, Caddy Lake Investments Ltd., is applying for a variance to vary:

- Table 13: Commercial Bulk and Siting Requirements to reduce the minimum required front yard setback of 12.1m to 6.0m; and
- Regulation 22(h) to allow for off-site parking.

The subject property is located at 1148 18th Street (Lots 11 to 16 and Lots 38 to 42 Block 3 Plan 202 BLTO excluding Nly 10' of Lot 11) in an area zoned CAR Commercial Arterial. Approval of this application will allow for the development of a 4,962ft<sup>2</sup> restaurant fronting 18th Street and will parking to be provided by a site located across the public lane.

Upon presentation by staff, Commissioners asked about fencing requirements between the parking lot and motel, clarification of the accelerator lane location, safety concerns with the patio location, parking space calculations.

Coenraad Fourie, City Transportation Engineer, attended to answer questions from the commission.

Richard Marshall, applicant, presented to the commission. Commissioners asked about the revised vehicle access to the site and the separation of the parking lots and neighbouring properties.

John Hooker, Caddy Lake Investments, presented to the commission and requested a reduction in the warranty period for the lane outlined in the Development Agreement.

2015-030

Anderson-Sieklicki

That the Public Hearing for Variance Application V-05-15-B at 1148 18th Street be concluded.

CARRIED 5/0

2015-031

Anderson-Sieklicki

That Variance Application V-05-15-B to reduce the minimum required front yard setback from 12.1m to 6.0m and to allow for off-site parking for the properties located at 1148 18th Street (Lots 11 to 16 and Lots 38 to 42 Block 3 Plan 202 BLTO excluding Nly 10' of Lot 11) be approved in accordance with the intent of the application "Attachment A-1", the attached letter of intent "Attachments A2, A3 & A4" and the attached site plan "Attachment B-2", subject to the owner or successor, prior to the issuance of a building permit:

- a) entering into a development agreement with the City of Brandon as attached to the report by the Community Planner dated May 6th 2015, and submitting written confirmation to the City of Brandon Planning & Building Safety Department that the development agreement has been registered on the Title to the subject property;
- b) submitting written confirmation to the satisfaction of the City of Brandon Planning & Building Safety Department that a cross-access agreement has been registered by easement on the Title to the subject property 1148 18th Street (Lots 11 to 16 Block 3 Plan 202 BLTO excluding Nly 10' of Lot 11) and 1148 18th Street (Lots 38-42 Block 3 Plan 202 BLTO excluding Nly 10' of Lot 11); and
- c) entering into an encroachment agreement with the City of Brandon to allow the existing freestanding sign to encroach onto the 18th street right-of-way.

CARRIED 5/0

FOR

Commissioner Anderson  
Commissioner Boivin  
Commissioner Coey  
Commissioner Sieklicki  
Commissioner Boyd

AGAINST

ABSTAIN

Prior to the above motion being voted on, the following comments were made:  
Commissioners said the new restaurant will fit in with the surrounding area; the request complies with the criteria of The Planning Act and the building will be set back similar to other buildings in the area.

**b. CONDITIONAL USE**

1120 Highland Ave  
Owner: Best Buy Real Estate Holdings Ltd.  
Applicant: Melanie White

Mr. Albakry indicated that the applicant, Melanie White, on behalf of the property owner, Best Buy Real Estate Holdings Ltd., is applying for a conditional use to allow for a commercial establishment under 2790 m<sup>2</sup> for a property located at 1120 Highland Avenue in the in the CHW Commercial Highway Zone. Approval of this application will allow for a mobile home and RV sales business to be established on the property.

Upon presentation by staff, Commissioners asked about the requirement for the installation of an interceptor, side yard setbacks of on-site display homes, splitting the consolidated property at a later date, demolition of the building on 1190 Highland Ave and clarification of a new or established business using the site.

Bernie Bargaen, applicant, presented to the commission.

2015-032

Sieklicki-Boyd

That the Public Hearing for Conditional Use Application C-04-15-B at 1120 Highland Avenue be concluded.

CARRIED 5/0

2015-033

Sieklicki-Boyd

That Conditional Use Application C-04-15-B to allow for a commercial establishment under 2790 m<sup>2</sup> in the CHW Commercial Highway Zone be approved at 1120 Highland Avenue (Lot 8, Plan 1013 BLTO) 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", subject to the owner or successor, prior to the issuance of an building permit:

- a) submitting a Certificate of Title to the City of Brandon Planning & Building Safety Department confirming that the subject property has been consolidated with 1190 Highland Avenue (Lot 7, Plan 1013 BLTO);

- b) submitting a revised site plan showing that a gate will be installed across the middle access; and
- c) submitting turning maneuvering diagrams with an application for a Highway Traffic Board Permit for review and approval by the Highway Traffic Board.

CARRIED 5/0

<u>FOR</u>	<u>AGAINST</u>	<u>ABSTAIN</u>
Commissioner Anderson		
Commissioner Boivin		
Commissioner Coey		
Commissioner Sieklicki		
Commissioner Boyd		

Prior to the above motion being voted on, the following comments were made: Commissioners said the application meets the criteria of The Planning Act and is an appropriate use for the area.

- c. **CONDITIONAL USE**  
 1624 13<sup>th</sup> Street  
 Owner: Kit & Susan Harrison and Ajay & Joanne Dhingra  
 Applicant: Kit Harrison

Mr. Albakry indicated that the applicant, Kit Harrison, on behalf of the property owner, Kit & Susan Harrison and Ajay & Joanne Dhingra, is applying for a Conditional Use to allow Canadian Tire’s indoor warehouse/storage facility to remain on a property located at 1624 13th Street. The property is zoned CAR Commercial Arterial.

Upon presentation by staff, Commissioners asked about the use of storage trailers on the property, clarification of the three and five year term departmental practice, site access and the objection put forward by the Parks Department.

Kit Harrison, applicant, presented to the commission. Commissioners asked about the condition to restrict the approval to three years and the procedure for granting further extensions.

- 2015-034 Boivin-Boyd  
 That the Public Hearing for Conditional Use Application C-06-15-B at 1624 13th Street be concluded.

CARRIED 5/0

- 2015-035 Boivin-Anderson  
 That Conditional Use Application C-06-15-B to allow for a warehouse/storage facility in the CAR Commercial Arterial Zone be approved at 1624 13th Street (Lots 13/21 and Lots 22/33, Block 10 Plan 276 & Parcels B and C, Plan 2548 BLTO) in accordance with the

intent of the application "Attachment A-1", the attached letter of intent "Attachment A-3" and floor plan "Attachment B-3", subject to:

- a) The use is approved to operate on a temporary basis for five (5) years from the date the occupancy permit is issued; and
- b) That the access from 14th Street will be the ingress/egress into/out of the site, and that the Aberdeen Avenue access will be used only as the egress out of the site.

CARRIED 4/1

FOR

Commissioner Anderson  
Commissioner Boivin  
Commissioner Coey  
Commissioner Sieklicki

AGAINST

Commissioner Boyd

ABSTAIN

Prior to the above motion being voted on, the following comments were made:  
Commissioners said the property has been cleaned up and is positive for the area.

d. VARIANCE

1141 5<sup>th</sup> Street

Owner: Drew Leslie Ann Rosteski

Applicant: Con-Cor Homes

Mr. Albakry indicated the applicant, Con-Cor Homes, on behalf of the property owner, Drew Leslie Ann Rosteski, is applying for a variance to vary Table 11: Residential Bulk and Siting Requirements under section 35 of the City of Brandon Zoning By-law to increase the maximum allowed dwelling units from two (2) to three (3) for a property located at 1141 5th Street zoned RLD Residential Low Density Multiple Family Zone. Approval of this application will allow for development of a one-storey triplex with rear lane vehicle access.

Upon presentation by staff, Commissioners questioned the hardsurfacing requirements for the parking area, the reason for 3 units on site instead of 4, the name of the developer of 1151 5<sup>th</sup> Street and raised concerns about the location of the AC units.

Steve McMillan, on behalf of the applicant, presented to the commission. Commissioners asked how the public outreach was conducted and impact of the air conditioners in the design of the building.

2015-0036

Boyd-Sieklicki

That the Public Hearing for Variance Application V-04-15-B at 1141 5th Street be concluded.

CARRIED 5/0

2015-0037

Boyd-Sieklicki

That Variance Application V-04-15-B to vary Table 11: Residential Bulk and Siting Requirements under section 35 of the City of Brandon Zoning By-law to allow for the

development of a triplex in the RLD Residential Low Density Multiple Family Zone be approved at 1141 5th Street (Lots 33 & 34, Block 28, Plan 7 BLTO) in accordance with the intent of the application "Attachment A-1", the attached letter of intent "Attachment A-3" and the attached site plan "Attachment B-2", subject to the owner or successor, prior to the issuance of a building permit:

- a) submitting \$247.35 to the City of Brandon Planning & Building Safety Department as a cash-in lieu contribution for public reserve purposes;
- b) 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) submitting a revised site plan identifying that all five parking spaces be surfaced with either asphalt, concrete or paving brick.

CARRIED 5/0

<p>FOR</p> <p>Commissioner Anderson</p> <p>Commissioner Boivin</p> <p>Commissioner Coey</p> <p>Commissioner Sieklicki</p> <p>Commissioner Boyd</p>	<p>AGAINST</p>	<p>ABSTAIN</p>
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Prior to the above motion being voted on, the following comments were made: Commissioners said the development complies with the Urban Design guidelines and is similar to other developments in the area.

- e. **CONDITIONAL USE**  
 2626 Victoria Ave  
 Owner: McDonalds Restaurants Ltd.  
 Applicant: Priority Signs Ltd.

Mr. Zilke indicated that the applicant, Priority Signs Ltd. on behalf of the property owner, McDonalds Restaurants Ltd., is applying for a conditional use to allow for an electronic identification sign for a property located at 2626 Victoria Avenue in the CAR Commercial Arterial Zone.

Coenraad Fourie, Transportation Engineer, presented to the commission. Commissioners asked about the new standards being retroactive, plans to deal with a perception of bias and possible ramifications of not following established precedents, structure of the Transportation Association of Canada and modifying engineering department recommendations.

2015-0038 Anderson-Boyd  
That the Public Hearing for Conditional Use Application C-05-15-B at 2626 Victoria Avenue be concluded.

CARRIED 5/0

2015-0039

Anderson-Boyd

That Conditional Use Application C-01-15-B to allow for an electronic identification sign in the CAR Commercial Arterial Zone be approved at 2626 Victoria Avenue (Parcel A, Plan 24415 BLTO, Plan 52166 BLTO) in accordance with the intent of the application "Attachment A-1", the attached letter of intent "Attachment A-3" and the attached site plan "Attachment B-2" and elevation plans "Attachments B-3", subject to:

- a) the owner or successor, prior to the issuance of a development permit, submitting information to the City of Brandon Planning & Building Safety Department demonstrating that all messages displayed on the electronic sign will be maintained to a maximum light intensity of 0.3fc (foot candles) above ambient light level; and
- b) The electronic sign shall only display static images for a period of at least twenty (20) seconds.

CARRIED 5/0

FOR  
 Commissioner Anderson  
 Commissioner Boivin  
 Commissioner Coey  
 Commissioner Sieklicki  
 Commissioner Boyd

AGAINST

ABSTAIN

Amendment

Sieklicki

That the above motion be amended by deleting condition 2(b)

Lost

Prior to the above motion being voted on, the following comments were made: Commissioners said electronic signs are the new trend and the new sign is replacing an existing sign.

f.

**CONDITIONAL USE**

1025 Middleton Ave

Owner: McDonalds Restaurants Ltd.

Applicant: Priority Signs Ltd.

The applicant, Priority Signs Ltd. on behalf of the property owner, McDonalds Restaurants Ltd., is applying for a conditional use to allow for an electronic identification sign for a property located at 1025 Middleton Avenue in the CHW Commercial Highway Zone.

2015-0040

Boivin-Anderson

That the Public Hearing for Conditional Use Application C-07-15-B at 1025 Middleton Avenue be concluded.

2015-0041

Boivin-Anderson

That Conditional Use Application C-07-15-B to allow for an electronic identification sign in the CHW Commercial Highway Zone be approved at 1025 Middleton Avenue (Lot 2, Plan 36089 BLTO) in accordance with the intent of the application "Attachment A-1", the attached letter of intent "Attachment A-3" and the attached site plan "Attachment B-2" and elevation plan "Attachments B-3", subject to:

- a) the owner or successor, prior to the issuance of a development permit, submitting information to the City of Brandon Planning & Building Safety Department demonstrating that all messages displayed on the electronic sign will be maintained to a maximum light intensity of 0.3fc (foot candles) above ambient light level; and
- b) The electronic sign shall only display static images for a period of at least sixty (60) seconds.

CARRIED 5/0

FOR  
 Commissioner Anderson  
 Commissioner Boivin  
 Commissioner Coey  
 Commissioner Sieklicki  
 Commissioner Boyd

AGAINST

ABSTAIN

Amendment

Sieklicki

That the above motion be amended by deleting condition 2(b)

Lost

**5.0 GENERAL BUSINESS**

**a. Tracking Tables**

Mr. Nickel spoke about upcoming meetings.

**b. Administrative Business**

Mr. Nickel spoke about the appeal letter administration submitted to city council regarding a previous electronic sign application.

**c. Absences from upcoming meetings**

Commissioner Coey may be absent from the May 20, 2015 meeting.



**6.0 ADJOURNMENT**

2015-042 Anderson-Boivin  
That the meeting does now adjourn. (9:10 p.m.)

CARRIED 5/0

Original signed by Ryan Nickel  
**Ryan Nickel**  
**Principal Planner**

Original signed by Calvin Coey  
**Calvin Coey**  
**Chairperson**