

**MINUTES OF THE PLANNING COMMISSION MEETING HELD OCTOBER 18, 2017 AT 7:00 P.M. IN THE COUNCIL CHAMBERS, CIVIC ADMINISTRATION BUILDING, BRANDON, MANITOBA**

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**1.0 ROLL CALL**

Commissioners: Garnet Boyd  
Mary Jo Abbott  
Jack Lindsay  
Corinne Robinson

Administration: Ryan Nickel  
Robert Zilke  
Ally Buckman

**2.0 ADOPTION OF AGENDA**

2017-071

Lindsay-Abbott

That the Agenda for the regular meeting of the Planning Commission to be held October 18, 2017 be adopted as presented.

CARRIED 4/0

**3.0 CONFIRMATION OF MINUTES**

2017-072

Robinson-Abbott

That the minutes of the regular meeting of the Planning Commission held on September 20, 2017 be adopted as presented.

CARRIED 4/0

**4.0 PUBLIC HEARING**

**a. CONDITIONAL USE**

900 Richmond Avenue East  
Owner/Applicant: The City of Brandon

Community Planner Robert Zilke introduced the application as presented in the City of Brandon Planning report.

The applicant, Marv McDonald, on behalf of the property owner, the City of Brandon, is applying for a conditional use under The City of Brandon Zoning By-law No. 7124 (Zoning By-law) to allow for the expansion of an automotive service station including installation of an aboveground DEF (Diesel Exhaust Fluid) storage tank adjacent to existing fuel tanks for a property located at 900 Richmond Avenue East in the Industrial Restricted (IG) zone.

2017-073

Robinson-Lindsay

That the Public Hearing for Conditional Use Application C-12-17-B at 900 Richmond Avenue East be concluded.

CARRIED 4/0

2017-074

Lindsay-Abbott

That Conditional Use Application C-12-17-

B to allow for the expansion of an automotive service station in the Industrial Restricted (IR) zone be approved at 900 Richmond Avenue East (Lot 1, Plan 2070 BLTO exc Lot 1, Plan 2223 BLTO) in accordance with the intent of the application "Attachment A-1", the letter of intent "Attachment A-2" and the site plan "Attachment B-2", subject to the owner or successor, prior to the issuance of a building permit:

1. Entering into a development agreement with the City of Brandon subject to the following supplementary conditions:
  - a. The completion of a phase two environmental site assessment on the subject site by a qualified environmental professional within twelve (12) months of the Automotive Service Station being decommissioned;
  - b. The site being remediated to a standard which allows for future development of the lands for uses permitted in the zoning by-law for the site, Remediation to be completed on or before five (5) years from the date the Automotive Service Station is decommissioned and all costs shall be the responsibility of the owner or successor; and
  - c. The site remediation plan to the satisfaction to the General Manager of Development Services or Director of Planning, Property & Buildings. The lands shall be landscaped and maintained in accordance with the landscape plan until the lands are redeveloped.

CARRIED 4/0

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

- The DEF tank improves the operation and reduces waste
- Benefits both the City and the Brandon School Division

**b. VARIANCE**

140 22<sup>nd</sup> Street

Owner/Applicant: Dmytro Lupanchuk

The owner Dmytro Lupanchuk, is applying to vary Table 10 of Part III, Division, I, Section 51 of the City of Brandon Zoning By-law No. 7124 to decrease the required side yard projection setback of an accessory building from 0.3 metres to 0.1 metres for the property located at 140 22<sup>nd</sup> Street in the Residential Low Density (RLD) Zone. Approval of this application will allow the owner to build a new garage to the reduced setbacks of the existing garage.

2017-075

Abbott-Robinson

That the Public Hearing for Variance Application V-15-17-B at 140 22<sup>nd</sup> Street be concluded.

CARRIED 4/0

2017-076

Robinson-Abbott

That Variance Application V-15-17-B to vary Table 10 of Part III, Division, I, Section 51 of the City of Brandon Zoning By-law No. 7124 to decrease the required side yard projection setback of an accessory building from 0.3 metres to 0.12 metres in the RLD Residential Low Density Zone be approved at 140 22<sup>nd</sup> Street in accordance with the intent of the application "Attachment A-1", the letter of intent "Attachment A-2" and the site plan "Attachment B-2", subject to the applicant, prior to the issuance of a building permit submitting a letter of support from the owners of 126 22<sup>nd</sup> Street.

CARRIED 4/0

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

- Request is compatible with the general character of the area
- New garage will improve the property
- The garage will not encroach on the neighbour

**c. VARIANCE & CONDITIONAL USE**

2150 Park Avenue

Owner: Mauders R. McNeil & Associates Ltd.

Applicant: Scott Finn

Scott Finn, on behalf the property owner, Mauders R. McNeil & Associates Ltd., is applying for two variances:

- to vary Table 16: Industrial Bulk and Siting Requirements in the City of Brandon Zoning By-law No. 7124 (Zoning By-law) to reduce the required corner side yard setback from 4.5m to 3m; and
- to reduce the required rear yard setback from 3m to 1.5m

The approval of these applications will allow for the expansion of an existing warehouse of a wholesale distributor.

2017-077

Lindsay-Abbott

That the combined Public Hearing for Variance Application V-13-17-B and Conditional Use C-14-17-B at 2150 Park Avenue be concluded.

CARRIED 4/0

2017-078

Abbott-Lindsay

That Conditional Use Application C-14-17-B to allow for the expansion of a warehouse use in the Industrial Restricted Zone be approved at 2150 Park Avenue (Lots 1-8, Both Inclusive, Block 36, Plan 720 BLTO) in accordance with the application "Attachment A-1", the letter of intent "Attachment A-2", and the site plan "Attachment B-3".

CARRIED 4/0

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

- The expansion will improve neighbourhood by moving existing exterior storage inside the new building.

2017-079

Abbott-Lindsay

That Variance Application V-13-17-B to allow for decrease of the required corner side yard setback from 4.5 metres to 3 metres, and the required rear yard setback from 3 metres to 1.5 meters in the Industrial Restricted Zone be approved at 2150 Park Avenue (Lots 1-8, Both Inclusive, Block 36, Plan 720 BLTO) in accordance with the application “Attachment A-2”, the letter of intent “Attachment A-3”, and the site plan “Attachment B-3”.

CARRIED 4/0

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

- Variance allows existing wall lines to continue
- Expansion will not encroach on neighbours
- Building expansion will improve working conditions for employees

**d. VARIANCE & CONDITIONAL USE**

2404 Park Avenue

Owner/Applicant: Jacobson & Greiner Inc.

The applicant, Steve McMillan of Jacobson & Greiner Inc., is applying for the following to allow for an electronic identification sign at a property located at 2404 Park Avenue in the IR Industrial Restricted Zone:

- Conditional use—to allow for an electronic identification sign
- Variance—to vary the following provisions of the Zoning By-law
  - Clause 31(h)(1) by decreasing the minimum distance separation between an electronic sign and a residential zone boundary from 92.0m to 21.0m
  - Subsection 33(d) by increasing the maximum sign surface area of an electronic identification sign from 4.7m<sup>2</sup> to 11.9m<sup>2</sup>

2017-080

Abbott-Robinson

That the Combined Public Hearing for Conditional Use Application C-09-17-B and Variance Application V-10-17-B at 2404 Park Avenue be concluded.

CARRIED 4/0

2017-081

Lindsay-Robinson

That Conditional Use Application C-09-17-B to allow for an electronic identification sign in the Industrial Restricted Zone be approved at 2404 Park Avenue (Pt. Lots 1/28, Block 39, SS Plan 720 BLTO) in accordance with the intent of the application “Attachment A-1”, the letter of intent “Attachments A-3 and A-4” site plan “Attachment B-3” and elevation plan “Attachment B-2”, subject to:

1. The electronic identification sign shall only display static images lasting at least one (1) minute with instantaneous transitions;
2. The electronic identification sign shall function only between 7:00am and 11:00pm; and
3. Prior to the issuance of a building permit for the new electronic sign, removal of the existing electronic sign.

CARRIED AS AMENDED 3/1

#### AMENDMENT

2017-082

Lindsay-Robinson

That the above motion be amended by replacing condition 1:

1. The electronic identification sign shall only display static images lasting at least 30 seconds with instantaneous transitions.

CARRIED 3/1

That Conditional Use Application C-09-17-B to allow for an electronic identification sign in the Industrial Restricted Zone be approved at 2404 Park Avenue (Pt. Lots 1/28, Block 39, SS Plan 720 BLTO) in accordance with the intent of the application "Attachment A-1", the letter of intent "Attachments A-3 and

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

- Restricting the size to 1m transitions is excessive
- Building is clearly identified all through the night so no reason to have electronic sign on
- Potential distracting to drivers and proximity to school is a consideration
- Electronic signs should not be located close to residential areas and approval will set precedent

2017-083

Boyd-Robinson

That Variance Application V-10-17-B to vary Clause 31 (h)(1) of the Zoning By-law by decreasing the minimum distance separation between an electronic sign and a residential zone boundary from 92.0m to 21.0m, and to install an electronic identification sign in the Industrial Restricted Zone be approved at 2404 Park Avenue (Pt. Lots 1/28, Block 39, SS Plan 720 BLTO) in accordance with the intent of the application "Attachment A-2", the letter of intent "Attachments A-3 and A-4" the site plan "Attachment B-3" and elevation plan "Attachment B-2".

CARRIED 3/1

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

- No problem reducing distance given the nature of the intersection
- Sign size is appropriate as the intensity is similar to a TV
- Increase of size is proportionate to building face
- Should err on the side of caution with regard to the residential areas – sign is too big

and too close

e. **CONDITIONAL USE**

1148 18<sup>th</sup> Street

Owner: P.R. Hotels Brandon Ltd.

Applicant: Burns Maendel Consulting Engineers Ltd. (BMCE)

**Commissioner Robinson excused herself due to being employed by applicant**

The applicant, Burns Maendel Consulting Engineers Ltd. (BMCE), on behalf of the property owner, P.R. Hotels Brandon Ltd, is applying to seek a conditional use approval in order to establish a Planned Unit Development (PUD) in the Commercial Arterial (CAR) Zone. 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 six (6) storey, 116 room hotel.

2017-084

Lindsay-Abbott

That the Public Hearing for Conditional Use Application C-13-17-B at 1148 18<sup>th</sup> Street be concluded.

CARRIED 3/0

2017-085

Lindsay-Abbott

That Conditional Use Application C-13-17-B to allow for a Planned Unit Development in the Commercial Arterial Zone at 1148 18th Street be approved in accordance with the intent of the application (Attachment A), the letter of intent (Attachments A3 & A4) the site plan (B2) and the following alternative Zoning By-law development standards:

- Section 29(a) - Allowing required parking spaces to be located off-site on lots 38/42, Block 3, Plan 202;
- Table 6 – Reducing the minimum parallel parking space width to 2.1m;
- Table 12 – Reducing the minimum front yard setback for a canopy to 0m and building to 7m;
- Table 4 – Reducing the minimum number of required parking spaces from 116 to 114; and
- Table 12 – Increasing the maximum building height from 2.5 storeys or 11m to 6 storeys or 24m;

subject to the owner or successor, prior to the issuance of a building permit:

1. Entering into a development agreement with the City of Brandon subject to the following supplementary conditions:
  - a. The applicant will be responsible to close the existing access located on 18<sup>th</sup> Street and restore the curb, sidewalk and boulevard to the latest edition of the City of Brandon Standard Construction Specifications.
  - b. The applicant will be responsible to close the existing access located on Aagaard Avenue and restore the curb and boulevard to the latest edition of the City of Brandon Standard Construction Specifications.

- c. The applicant will be responsible to dedicate the easterly 1m of Lots 11/23, Block 3, Plan 202 BLTO to the City for \$1 for the expansion of the north/south public lane, which will require a Plan of Opening to be completed at their sole cost.
- d. The applicant agrees to ensure clearances will be maintained as per CSA standards in the 7.1m public lane between 18<sup>th</sup> and 19<sup>th</sup> Street. Should any hydro poles located in the lane need to be relocated, all associated costs will be the sole responsibility of applicant.
- e. The applicant will be responsible to formalize the existing southerly access off 19<sup>th</sup> Street to the latest edition of the City of Brandon Standard Construction Specifications. The design is subject to review and approval of the City Engineer.
- f. The applicant will be responsible to construct an additional approach off 19<sup>th</sup> Street located in the northwest corner of the site. The access is to be constructed to the latest edition of the City of Brandon Standard Construction Specifications. The design is subject to review and approval of the City Engineer.
- g. The applicant will be responsible to construct all proposed approaches off the public lane as per the approved site plan to the latest edition of the City of Brandon Standard Construction Specifications. The design is subject to review and approval of the City Engineer.
- h. The applicant will be responsible to resurface the public lane from Aargaard Avenue to the northerly property line. The public lane is to be constructed to the latest edition of the City of Brandon Standard Construction Specifications. The design is subject to review and approval of the City Engineer.
- i. The applicant will be responsible to construct a speed table/elevated crosswalk; the design of which is to include crosswalk signs, across the north/south public lane located adjacent to the parking lot. The design must comply with the Manual of Uniform Traffic Control Devices for Canadian Standards and is subject to review and approval of the City Engineer.
- j. The applicant will be responsible to construct a sidewalk along Aagaard Avenue and 19<sup>th</sup> Street. The sidewalk is to be constructed to the latest edition of the City of Brandon Standard Construction Specifications. The design is subject to review and approval of the City Engineer.
- k. The applicant acknowledges the site is located in a Zone 3 Methane Site and therefore, agrees to comply with the City of Brandon's Methane Gas Site Policy. The development of any structure, paved or sealed parking lot or storage area will require, at the expense of the applicant, boring an open hole and testing by a soil technician with the results to be interpreted by a Professional Engineer or a qualified consultant/civil engineering technologist.
- l. The applicant will be responsible to contribute towards fourteen (14) boulevard trees.
- m. The applicant agrees that prior to issuance of a development permit for the subject site, they will submit a landscaping plan that identifies the placement and species type for trees and edge landscaping (i.e. planting beds) in the City boulevard along Aagaard Ave and 19<sup>th</sup> Street.
- n. The applicant agrees to enter into an Encroachment Agreement with the City of Brandon for the proposed landscape feature and any proposed signs located on the 19<sup>th</sup> Street City boulevard.

- o. The applicant will be responsible to submit a Detailed Cost Estimate, prepared by their Consulting Engineer for all work proposed within the right-of-way. The cost estimate is subject to review and approval by the City Engineer.
- p. The applicant will be responsible to submit an Irrevocable Letter of Credit totalling 15% of the Detailed Cost Estimate.

And further, 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 3/0

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

- The development will be a positive addition to the area
- Appropriate for the public lane to be 7.1m
- Applicant should work in a cooperative way with the City and come to agreement about public lane
- Applicant was unsure of how many staff will require parking
- Hopefully the site plan will still work with the decreased canopy size

**f. VARIANCE**

424 18<sup>th</sup> Street North

Owner: Precision Holdings Ltd.

Applicant: Ronald Ball

The applicant Ronald Ball, on behalf of the property owner Precision Holdings Ltd, is applying to vary to two clauses in the City of Brandon Zoning By-law No. 7124 (Zoning By-law) for a property located at 428 18<sup>th</sup> Street North to allow for development in the diked floodplain area:

- Clause 69(d)(3) by allowing the first floor of the building less than 0.6m above the design flood level
- Clause 69(d)(4) by allowing the finished grade for the building less than 0.3m above the design flood level.

Approval of this application will allow for the construction of a new 27,000 sq.ft. building at existing grades to expand the existing vehicle dealership.

2017-086

Lindsay-Abbott

That the Public Hearing for Conditional Use Application C-13-17-B at 1148 18<sup>th</sup> Street be concluded.

CARRIED 4/0

2017-087

Robinson-Abbott

That Variance Application V-12-17-B to vary the City of Brandon Zoning By-law Part III Subsections 69(d)(3&4) to allow a finished grade and first floor elevation below the design level at 424 18<sup>th</sup> Street (Lot 1, Plan 23069 BLTO) be **referred** to City Council. City Council

CARRIED 3/1



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

- Planning department has had time to update the floodplain regulations, and the applicant should not be penalized due to lack of information.
- The new dealership is not a limited expansion
- The commission needs to make a decision, rather than just referring to Council
- Decision would end up with Council regardless, referral will speed up process

## 5.0 GENERAL BUSINESS

- Tracking Table**  
Mr. Nickel spoke about upcoming applications.
- Administrative Business**
- Absences From Upcoming Meetings**

## 6.0 ADJOURNMENT

2017-088      Robinson-Lindsay  
That the meeting does now adjourn. (10:16 p.m.)

CARRIED 4/0

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

*Original Signed by Andrew Sieklicki* \_\_\_\_\_  
**Garnet Boyd**  
**Chairperson**