

MINUTES OF THE PLANNING COMMISSION MEETING HELD July 3, 2013 AT 7:30 P.M. IN THE COUNCIL CHAMBERS, CIVIC ADMINISTRATION BUILDING, BRANDON, MANITOBA

1. ROLL CALL

Commissioners: Calvin Coey
Colleen Anderson
Don Jessiman
Garnet Boyd

Administration: Ryan Nickel
Andrew Mok
Brenda Rosset

2. ADOPTION OF AGENDA

2013-090

Jessiman-Anderson

That the Agenda for the regular meeting of the Planning Commission to be held July 3, 2013 be adopted as presented.

CARRIED 4/0

3. CONFIRMATION OF MINUTES

2013-091

Anderson - Boyd

That the minutes of the regular meeting of the Planning Commission held on June 19, 2013 be adopted as presented.

CARRIED 4/0

4.0 PUBLIC HEARING

a. CONDITIONAL USE; VARIANCE

1539 Princess Avenue

Owner: Trustees of The Elim Tabernacle

Applicant: Nathan Wittmeier

Mr. Mok indicated on behalf of the applicant, Nathan Wittmeier, on behalf of the owner, Trustees of the Elim Tabernacle, hereafter addressed in this report as "Christian Life Centre", is applying for a conditional use to allow for an Electronic Identification Sign at 1539 Princess Avenue in the RMD Residential Moderate Density Multiple Family Zone. The applicant is also applying to reduce the minimum required distance of an Electronic Identification Sign from a Residential Zone from 92.0m (301.8') to the proposed 10.0m (32.8') and to reduce the minimum setback for a Freestanding Identification Sign from 1.5m (4.92') to the proposed 0.3m (0.98'). This would allow for the erection of a new identification sign with an electronic sign component for Christian Life Centre.

Upon presentation by staff, Commissioner Anderson inquired if the alternative location for the sign is in the parking lot. Mr. Mok advised the alternate location is in the south east corner of the parking lot.

Mr. Nathan Wittmeier (applicant), advised that Princess Ave is classified as an arterial street by the transportation department with an excess of 5000 vehicles per day and 1000 vehicles during peak hours. From 6th to 16th Street there are 34 non-residential buildings

and 3 residential buildings. The proposed sign is 1.2m² which is 75% less than the maximum allowed according to the bylaw. The lots across the street and to the west, southwest and east of the church are zoned general commercial. They are proposing to turn the sign off from 11pm to 6am daily. He advised that they have a petition signed by fifty residents who are in favour of the proposed sign.

Commissioner Anderson inquired if the proposal is rejected would he consider the alternative location. Mr. Wittmeier responded they would consider alternatives, however Boyd AutoBody and The City's trees are on the property line would impede visibility of the sign. Commissioner Boyd inquired if the shrubs and trees can be cleared to accommodate the sign. Mr. Wittmeier advised the shrubs and trees are on City property and the City have refused to move them. Commissioner Coey inquired about the procedure and enforcement of turning the sign off during the proposed times. Mr. Wittmeier advised it would be on an electronic timer. Commissioner Jessiman inquired how Planning responded to the proposed hours. Mr. Wittmeier advised the last communication they had was that it would be favourable.

IN FAVOUR

Rev Richard Wittmeier (applicant), advised there are a number of signs in the City within the 92m limitation. He stated that if their proposal is rejected he would question why when others have been approved. Commissioner Boyd asked where the other signs are located. Mr. Wittmeier advised there is an electronic sign at Creasy Hot Tubs within approximately 60m of a home. There is a sign on the corner of Richmond Ave and 13th Street that is within 92m of residences to the south on 13th Street. Calvary Temple also received approval for their sign which is within 92m of residences.

2013-092

Anderson-Boyd

That the Combined Public Hearing for Conditional Use Application C-07-13-B and Variance Application V-09-13-B at 1539 Princess Avenue be concluded.

CARRIED 4/0

2013-093

Anderson-Boyd

That Conditional Use Application C-07-13-B to allow for an Electronic Identification Sign at 1539 Princess Avenue (Lots 37/40, Block 54, Plan 2 BLTO exc. Nly 10' of Lot 37) be rejected.

CARRIED 4/0

Prior to the above motion being voted on, the following comments were made:

Commissioner Anderson stated she counted four negatives throughout the tests and it won't meet the intent of the zoning bylaw. Commissioner Boyd stated other variances which were approved were based on the specific context of the sites.

Commissioner Coey questioned the existing signs in the City and requested Mr. Mok to comment on them. Mr. Mok advised previous applicants managed to demonstrate that the positioning of their signs would minimize any effects on surrounding properties. In this proposal the sign would be directly facing residential properties in a current residential zone. Commissioner Coey inquired about the sign at Creasy's Hot Tubs. Mr.

Mok advised that the sign was put in place before the current regulations and it is one of the reasons why the amendments to the zoning bylaw was made. Commissioner Coey asked about the feasibility of the proposed timing of the sign and enforcement. Mr. Nickel advised the request would minimize the effect on the neighbors and it could be added as a condition. Enforcement of the condition would be a challenge but complaints would be dealt with. Commissioner Coey questioned the proposed size reduction of the sign. Mr. Mok advised that the maximum 4.7 metres size that the applicant quoted is for all electronic signs in general. Different zones have different requirements. In a residential zone the maximum is 3 metres. Commissioner Coey inquired if the properties located directly south of Princess are currently zoned RMD – Residential Moderate Density. Mr. Mok advised the vacant properties to the south are zoned CG – Commercial General and RLD – Residential Low Density Multiple Family.

2013-094

Anderson - Boyd

That Variance Application V-09-13-B to reduce the minimum setback for a Freestanding Identification Sign from 1.5m to 0.3m be approved at 1539 Princess Avenue (Lots 37/40, Block 54, Plan 2 BLTO exc. Nly 10' of Lot 37) in accordance with the intent of the application, the attached letter of intent (A-4 & A5) and the attached site plan (B-2).

CARRIED 4/0

Prior to the above motion being voted on, the following comments were made:
Commissioner Anderson stated it complies with the bylaw and is consistent with the area.

2013-095

Boyd - Jessiman

That Variance Application V-09-13-B to reduce to minimum required distance of an Electronic Identification Sign from a Residential Zone from 92.0m (301.8') to 10.0m (32.8') at 1539 Princess Avenue (Lots 37/40, Block 54, Plan 2 BLTO exc. Nly 10' of Lot 37) be rejected.

CARRIED 4/0

Prior to the above motion being voted on, the following comments were made:
Commissioner Boyd stated the separation distance will have a negative effect on properties in the area.

b. CONDITIONAL USE

925 49th Street East

Owner/Applicant: 44657 Manitoba Ltd

Mr. Mok indicated on behalf of the owner/applicant 44657 Manitoba Ltd., owner and applicant, is applying to allow for an agricultural chemical storage facility for a property located at 925 49th Street East in the MH – Industrial Heavy Zone.

Dale McKay (applicant) advised he had no presentation but was available to answer any questions. Commissioner Coey inquired if the applicant intentionally called it “temporary” storage to apply to any aspect of the building code. Mr. McKay advised that it has nothing to do with the building code as the storage is a temporary location for the product. Commissioner Boyd inquired if the spur line is currently existing or if it will have to be constructed on the property. Mr. McKay advised one spur line is active and they are working with Canadian Pacific Railway to install an additional spur line behind Maple Leaf. Commissioner Coey inquired if they are concerned with flooding. Mr. McKay advised that prior to construction they will require approval from Manitoba Conservation which most likely will require the facility to be dyked.

2013-096

Jessiman-Anderson

That the Public Hearing for Conditional Use Application C-06-13-B at 925 49th Street East be concluded.

CARRIED 4/0

2013-097

Jessiman-Anderson

That Conditional Use Application C-06-13-B to allow for an agricultural chemical storage facility in the MH – Industrial Heavy Zone be approved at 925 49th Street East in accordance with the intent of the application, the attached letter of intent (A-3) and the attached site plan (B-2), subject to the owner or successor:

- a) prior to the issuance of a building permit, providing written confirmation from Manitoba Conservation that an Environment Act License has been issued.

CARRIED 4/0

Prior to the above motion being voted on, the following comments were made: Commissioner Jessiman advised the use is compatible with the area and will be undergoing all required provincial approvals. Commissioner Anderson stated is the use is consistent with the industrial zone and will meet the requirements of the zoning bylaw and any concerns with safety and environment will be addressed by the province.

5.0 GENERAL BUSINESS

a. Tracking Table

Mr. Nickel advised of three variance applications for the July 17th Planning Commission Meeting located at 553 2nd Street, 139 5th Street and 1733 Pacific Avenue.

b. Administrative Business

c. Absences from the July 17, 2013 meeting
Commissioner Anderson and Commissioner Coey

6.0 ADJOURNMENT
2013-098 Boyd-Jessiman

That the meeting does now adjourn. (8:36 p.m.)

CARRIED 4/0

Original signed by R. Nickel
Ryan Nickel
Acting Sr. Planner

Original signed by C. Coey
Calvin Coey
Chairperson