

CITY OF BRANDON PLANNING COMMISSION
REGULAR MEETING

Wednesday, December 6, 2023 - 7:00 p.m.
Council Chambers - City Hall

AGENDA

1.0 Roll Call

2.0 Adoption of Agenda

3.0 Confirmation of Minutes

4.0 Public Hearing

a. Variance

302 – 8th Street

Owner: Onyebuchi Onuke

Applicant: Brandon Neighborhood Renewal Corporation (Rushana Newman)

Following receipt of all representation, it is the recommendation of the Planning & Buildings Department:

1. That the Public Hearing for Variance Application at 302 – 8th Street be concluded.
2. That Variance Application V-16-23 under Clause 97(2) of The Planning Act to allow for an overnight drop-in centre as a use similar to a community centre in the Downtown Mixed Us (DMU) Zone be approved at 302 -8th Street (Lots 9/10, Block 27, Plan 2 BLTO) in accordance with the attached letter of intent "Attachment A".

b. Conditional Use

1875 Middleton Avenue

Owner: Evan Keller

Applicant: Keller Developments

Following receipt of all representation, it is the recommendation of the Planning & Buildings Department:

1. That the Public Hearing for Conditional Use C-10-23 at 1875 Middleton Avenue be concluded.

2. That Conditional Use Application C-10-23 to allow for a commercial establishment (water retail business) in the Commercial Highway (CHW) Zone be approved at 1875 Middleton Avenue in accordance with the attached letter of intent "Attachment A" and site plan "Attachment B-3".

c. By-law No. 7370
Assiniboine Gardens Secondary Plan

Following receipt of all representation, it is the recommendation of the Planning & Buildings Department:

1. That the Public Hearing for By-law No. 7370 (SP-01-23) to amend the Assiniboine Gardens Secondary Plan be concluded.
2. That the Planning Commission recommend City council approve By-law No. 7370 (SP-01-23) to amend the Assiniboine Gardens Secondary Plan By-law No. 7280.

d. Subdivision & By-law No. 7348 Rezone Application
1900, 1910, 2110, and 2340 Victoria Avenue East, 533 and 550 Perry Street, and 600 Cascade Street
Owner: Multiple Property Owners
Applicant: 6468251 Manitoba Ltd. (Kit Harrison)

Following receipt of all representation, it is the recommendation of the Planning & Buildings Department:

1. That the Public Hearing for Subdivision Application (4500-23-729) and to amend By-law No. 7348 (Z-03-23) to rezone property located at 1900, 1910, 2110, and 2340 Victoria Avenue East, 533 and 550 Perry Street, and 600 Cascade Street be concluded.

Rezoning

2. That the Planning Commission recommend City Council amend By-law No. 7348 (Z-03-23) to rezone 1900, 1910, 2110, and 2340 Victoria Avenue East, 533 and 550 Perry Street, and 600 Cascade Street (Lots 1/25 and 28/40, Block 3, Plan 285 BLTO; Lots 1/40, Block 4, Plan 285 BLTO; Lots 1/10 and 21/40, Block 5, Plan 285 BLTO; Lots 1/40, Block 6, Plan 285 BLTO; Lots 1/40, Block 7, Plan 285 BLTO, Lots 1/40, Block 10, Plan 285 BLTO; Lots 1/40, Block 12, Plan 285 BLTO; Lots 1/40, Block 13, Plan 285 BLTO; Lots 1/40, Block 14, Plan 285 BLTO) from DR Development Reserve to IG Industrial General by adding the following immediately after Section 2 of By-law No. 7348:

"3. This By-law will come into force when the City of Brandon Planning & Buildings Department receives written confirmation that the plan for Subdivision Application 4500-23-729 is registered in the Brandon Land

Titles Office.

4. This By-law will be repealed without coming into force three years after the date of this By-law's adoption unless the City of Brandon Planning & Buildings Department receives written confirmation that the plan for Subdivision Application 4500-23-729 is registered in the Brandon Land Titles Office, or the applicant applies for an extension of time before the expiration of the three-year period to register Subdivision Application 4500-23-729 and City Council approves the extension"

3. That the Planning Commission recommend City Council approve By-law No. 7348 (Z-03-23) as amended.

Subdivision

4. That the Planning Commission recommends Brandon City Council approve the application to subdivide (4500-23-729) 1900, 1910, 2110, and 2340 Victoria Avenue East, 533 and 550 Perry Street, and 600 Cascade Street (Lots 1/25 and 28/40, Block 3, Plan 285 BLTO; Lots 1/40, Block 4, Plan 285 BLTO; Lots 1/10 and 21/40, Block 5, Plan 285 BLTO; Lots 1/40, Block 6, Plan 285 BLTO; Lots 1/40, Block 7, Plan 285 BLTO, Lots 1/40, Block 10, Plan 285 BLTO; Lots 1/40, Block 12, Plan 285 BLTO; Lots 1/40, Block 13, Plan 285 BLTO; Lots 1/40, Block 14, Plan 285 BLTO) to create eighteen (18) lots, a public road, and public reserve in the IG Industrial General Zone in accordance with the subdivision application map "Attachments C-5 and C-6", subject to the owner or successor:

1. Entering into a development agreement with the City of Brandon, to be registered in series with the subdivision, with the following conditions:
 - a. The Developer agrees that the development agreement shall be outlined in three sections:
 - i. Overall site conditions of development
 - ii. Stage 1
 - iii. Stage 2

The Developer further agrees to subdivide 18 Industrial General lots and a public road in accordance with the proposed site plan and any variation of the plan may require the Developer to obtain approval from Brandon City Council who may request additional public input and amendment to the agreement;

Overall Site Conditions of Development

- b. The Developer agrees to dedicate and legally widen the public right-of-way identified as Perry Street and dedicate and legally open the public right-of-way identified as Steel Avenue on the Plan of Subdivision;
- c. The Developer agrees to dedicate two parcels of land south of Victoria Avenue East for the purpose of municipal drainage infrastructure. The land shall be dedicated as public reserve as

- proposed on the Plan of Subdivision;
- d. The Developer agrees to contribute \$201,350.12 (\$14, 146.71 per hectare) towards improvements as identified in the East Brandon Industrial Secondary Plan. Payment shall be required in full upon execution of the development agreement;
 - e. The Developer agrees that should any private lots be designed to convey shared drainage with the use of swales, easements are to be registered on all affected private lots. Such easements will be required to be registered in series with the Plan of Subdivision;
 - f. The Developer agrees to submit a Detailed Cost Estimate for all new sanitary sewer infrastructure installed downstream of 1910 Victoria Avenue East to the existing City trunk sewer for review and acceptance by the City. The Detailed Cost Estimate is to be submitted at the time of development permit for Phase 1, Stage 1 and completed by the Developer's consulting engineer;
 - g. The Developer agrees to construct a public sanitary sewer main connecting to the City's existing trunk sewer to service the Lands. The Developer will be required to submit design drawings prepared by a professional engineer. Such design is to comply with the Municipal Servicing Study and is subject to review and acceptance by the City Engineer prior to the issuance of a development permit;
 - h. The Developer agrees that, upon completion of all sanitary sewer infrastructure and the issuance of associated Construction Completion Certificates, to provide the City with paid invoices evidencing actual construction costs for all sanitary sewer construction. In accordance with The Water and Wastewater Control By-law, the City undertakes to calculate the Effective Frontage Foot (E.F.F.) and thereafter, endeavors to collect a pro rata share of construction costs for a period of seven (7) years from any property which connects to the new sanitary sewer infrastructure;
 - i. The Developer agrees, where street parking is prohibited in accordance with BFES P19 regulation or the Municipal Servicing Study; whichever more stringent, to sign the entire applicable street network with RB-51 signs to restrict parking. The Developer will be required to submit a signage plan in compliance with the Manual of Uniform Traffic Control Devices 6th Edition for review and acceptance by the City Engineer prior to the issuance of a development permit;
 - j. The Developer Agrees to submit a geotechnical evaluation report to the City for review and acceptance. At a minimum the report must address all areas with significant proposed site grade alterations and groundwater conditions in relation to

the stormwater management facilities. The geotechnical evaluation report is to be submitted for review and acceptance by the City Engineer prior to release of "Reviewed for Construction" drawings;

Phase 1, Stage 1:

- k. The Developer agrees to construct Perry Street and Steel Avenue public right-of-way, to a full rural section, south of Victoria Avenue East and to extend and install a public watermain and sanitary sewer main to the southeasterly limit of Stage 1 as shown on the attached phasing plan. The Developer will be required to submit design drawings prepared by a professional engineer. Such design is to comply with the Municipal Servicing Study and is subject to review and acceptance by the City Engineer prior to the issuance of a development permit;
- l. The Developer agrees to construct a stormwater management pond complete with landscaping and tree planting, as shown on the attached phasing plan. The pond is to be constructed and operational prior to the issuance of a construction completion certificate for all applicable infrastructure constructed within Stage 1. The Developer will be required to submit design drawings prepared by a professional engineer. Such design is to comply with the Municipal Servicing Study and is subject to review and acceptance by the City Engineer prior to the issuance of a development permit;
- m. The Developer agrees to construct a temporary, secondary emergency access in accordance with BFES P19 Regulation or the Municipal Servicing Study, whichever more stringent. This access will be used temporarily until such time as Grandview Street is constructed upon commencement of Stage 2. The Developer will be required to submit design drawings prepared by a professional engineer with such design subject to review and acceptance by the City Engineer prior to the issuance of a development permit;
- n. The Developer agrees to provide the City with a Detailed Cost Estimate for all work that is to become public infrastructure for Stage 1. The Detailed Cost Estimate is to be prepared by the Developer's Consulting Engineer and is to be submitted for review and acceptance by the City Engineer prior to the issuance of a development permit;
- o. The Developer will be responsible to submit an Irrevocable Letter of Credit totaling 15% of the Detailed Cost Estimate. Submission of the Letter of Credit is required prior to the issuance of a development permit;

Phase 1, Stage 2

- p. The Developer agrees to provide all necessary temporary

servicing to any of the existing properties located off Grandview Street during the construction of Stage 2;

- q. The Developer agrees to construct the Grandview Street public right-of-way, to a full rural section, south of Victoria Avenue East and to extend and install a public watermain and sanitary sewer main to the southerly limit of Stage 2 as shown on the attached phasing plan. The Developer will be required to submit design drawings prepared by a professional engineer. Such design is to comply with the Municipal Servicing Study and is subject to review and acceptance by the City Engineer prior to the issuance of a development permit;
 - r. The Developer agrees to provide sanitary sewer and water service stubs to property line for all existing properties which front off Grandview Street. The Developer acknowledges these properties will not be required to contribute towards the E.F.F contribution;
 - s. The Developer agrees to construct a stormwater management pond complete with landscaping and tree planting, as shown on the attached phasing plan. The pond is to be constructed and operational prior to the issuance of a construction completion certificate for all applicable infrastructure constructed within Stage 2. The Developer will be required to submit design drawings prepared by a professional engineer. Such design is to comply with the Municipal Servicing Study and is subject to review and acceptance by the City Engineer prior to the issuance of a development permit;
 - t. The Developer agrees to submit a Detailed Cost Estimate, prepared by their Consulting Engineer for all work that is to become public infrastructure for Phase 1, Stage 2. The cost estimate is subject to review and approval by the City Engineer; and
 - u. The Developer will be responsible to submit an Irrevocable Letter of Credit totaling 15% of the Detailed Cost Estimate. Submission of the Letter of Credit is required prior to the issuance of a development permit;
- 2. Submitting written confirmation to the City of Brandon Planning & Buildings Department that arrangements have been made for a joint use easement agreement and Plan of Easement to the satisfaction of Manitoba Hydro, BellMTS and Westman Communications Group, and registering the easement agreement along with the easement plan, if required, in series with the plan subdivision; and
 - 3. Submitting written confirmation to the City of Brandon Planning & Buildings Department that arrangements have been made for addressing of the proposed lots to the satisfaction of City of Brandon

Real Estate Administration.

5.0 General Business

- a. Tracking Table
- b. Administrative Business
- c. Absences From Upcoming Meetings

6.0 Adjournment