

**MINUTES OF THE PLANNING COMMISSION MEETING HELD JANUARY 15, 2020 AT 7:00 P.M. IN  
THE COUNCILLORS MEETING ROOM, CIVIC ADMINISTRATION BUILDING, BRANDON, MANITOBA**

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**1.0 ROLL CALL**

Commissioners: Jack Lindsay  
Garnet Boyd  
Kate Hill

Administration: Ryan Nickel  
Andrew Mok  
Amber Chapil

Regrets: Colleen Anderson  
Andrew Sieklicki

**2.0 ADOPTION OF AGENDA**

2020-001

HILL - BOYD

That the Agenda for the regular meeting of the Planning Commission to be held January 15, 2020 be adopted as presented.

CARRIED 3/0

**3.0 CONFIRMATION OF MINUTES**

Confirmation of the minutes of the regular meeting of the Planning Commission held on December 18, 2019 is deferred to the next meeting.

**4.0**

**a. By-law No. 7254 Rezone and Subdivision**

1501 Moreland Avenue

Owner: 6281100 Manitoba Ltd.

Applicant: City of Brandon and SBC Inc.

Community Planner, Andrew Mok and Marc Chapin from Structural Infrastructure, spoke to the changes within the Development Agreement which was deferred from the December 18, 2019 Planning Commission meeting.

The applicant, Steve McMillan developer spoke on behalf of the owner, to the changes within the development agreement. He stated the below concerns:

- “vi” do not believe this should a cost they would have to cover, a this should be an item covered by the development charge as this was supposed to be bike path on the roadway, and they have provided the land for this pathway.

- “vii” do not believe this should be at their cost for tree planting, as this is the right-of-way within Clare Avenue.
- “xi” concern with paying the full development cost up front as there is no subdivision for a mobile home park, and would like to pay it in phases. Prior to the start of each phase they would pay the full cost of the phase up front before any development.

2020-002

BOYD - HILL

That the Public Hearing for By-law No. 7254 Rezoning and Subdivision at 1501 Moreland Avenue (Parcels ½, Plan 1694 BLTO) be concluded.

CARRIED 3/0

2020-003

HILL - BOYD

That the Planning Commission recommend City Council amend By-law No. 7254 (Z-08-19-B) to rezone part of 1501 Moreland Avenue (Parcels ½, Plan 1694 BLTO) as follows:

- By adding immediately after the words “RMH Mobile/Modular Home” under Section 1 the words “and PR Parks and Recreation”; and
- By replacing Schedule B with Schedule B of By-law No. 7254 as attached to the report by Andrew Mok dated December 18, 2019.

And that the Planning Commission recommend City Council approve By-law No. 7254 (Z-08-19-B), as amended, to rezone part of 1501 Moreland Avenue (Parcels 1/2, Plan 1694 BLTO) from Development Reserve (DR) to Residential Mobile/Modular Home (RMH) and Parks and Recreation (PR), subject to the owner or successor entering into a development agreement with the City of Brandon with the following conditions:

- The Developer agrees that the neighbourhood shall be developed in general consistency with the Council adopted Northridge Neighbourhood Plan, including but not limited to phasing, lot layout, public reserve dedications, land uses, density and roadway layout. The Developer agrees to construct modular home units in Phases 1 through 4 as identified within the Northridge Neighbourhood plan.
- The Developer agrees to submit a land use application for the future subdivision of the lands to the City of Brandon for approval. Upon approval, the Developer agrees to register the subdivision of the lands, including the dedication of public right-of-ways and public reserve lands prior to the issuance of any development and/ or building permits for this development.
- The Developer agrees to construct a temporary secondary access to the satisfaction of Brandon Fire and Emergency Services.
- The Developer agrees to design and construct the extension of Moreland Avenue, to a full urban cross-section, from the intersection of Mockingbird

Drive and Clare Avenue to the northern limit of the Phase 1 access, approximately 130m north of Clare Avenue.

- v. The Developer agrees to install a meter pit at all connections and future connections to the public water system for servicing the mobile home park.
- vi. The Developer agrees to design and construct a 3.0m wide asphalt pathway within the Moreland Avenue right-of-way and along the north side of Clare Avenue in accordance with the Northridge Neighbourhood Plan.
- vii. The Developer agrees to design and construct improvements on the Public Reserve lands including but not limited to sodding and tree planting upon completion of Phase 3.
- viii. The Developer agrees to enter into an easement agreement for sanitary sewer purposes between the lands and 1 Mockingbird Drive and register the agreement on both titles in series with the plan of subdivision. The developer agrees to provide written confirmation of registration prior to the issuance of any development and/or building permits for this development.
- ix. The Developer agrees to provide written confirmation that necessary arrangements have been made for postal service and that the pick-up / drop off location of the community mail box has been determined between the Developer and Canada Post, to the approval of Canada Post.
- x. The Developer agrees prior to issuance of a development permit, to contribute \$283.50 per unit to the Brandon School Division.
- xi. ~~The Developer agrees that development charges of \$415,752.76 are due at the time of execution of this development agreement. Additional development cost charges will be charged against any future buildings and will be applied at the time of issuance of a building permit.~~  
The Developer agrees that development charges of \$89,982.30, representing the development charge for Phase 1 as identified in the Northridge Neighbourhood Plan, are due at the time of execution of this development agreement. Development charges for Phases 2 through 4 are due prior to development permit issuance for each phase of development in accordance with the current fee schedule at the time of application. Additional development charges will be charged against any future buildings and will be applied at the time of issuance of a building permit.
- xii. The Developer agrees to complete a Heritage Resources Impact Assessment through a qualified archaeological consultant to the satisfaction of Manitoba Historic Resources Branch.
- xiii. The Developer agrees to pay a contribution towards boulevard trees for Moreland Avenue and Clare Avenue. The amount of trees and payment for such trees will be determined upon the Developer's submission of engineered drawings prior to the registration of subdivision of the lands and based upon the City's tree contract pricing for the current year.
- xiv. The Developer agrees to provide the City with a Detailed Cost Estimate for all work proposed to be completed within the City's right-of-way. The Detailed

Cost Estimate is to be prepared by the Developer's Consulting Engineer and is submit to review and acceptance by the City Engineer.

- xv. The Developer will be responsible to submit an Irrevocable Letter of Credit totalling 15% of the Detailed Cost Estimate. Submission of the Letter of Credit is required prior to the issuance of a development permit.

As item "xi" amended above to including development charges paid in phases, and 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:

- Commissioner Hill in support of amended recommendation "xi" to include payment in phases
- Commissioner Hill the above recommendations are a good compromise
- Commissioner Lindsay the developer can raise their concerns over items number "vi" and "vii" to Council for their consideration

2020-004

BOYD - HILL

That the Planning Commission recommend Brandon City Council approve the application to subdivide (4500-19-692) 1501 Moreland Avenue (Parcels 1/2, Plan 1694 BLTO) to create two (2) lots, a public road, and a public reserve in the Development Reserve (DR), Residential Mobile/Modular Home (RMH), and Parks and Recreation (PR) Zones, subject to:

- i. The site being partially rezoned from Development Reserve (DR) to Residential Mobile/Modular Home (RMH) and Parks and Recreation (PR).
- ii. Immediately prior to the subdivision, Parcels 1 and 2 of Plan 1694 BLTO be first consolidated into a single title.

CARRIED 3/0

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

- This has to happen for the development to go forward

**b. By-law No. 7256 Rezone**

235 Glen Avenue

Owner: Kenny Choy (Lee Choy Limited)

Applicant: Kenny Choy (Lee Choy Limited)

Community Planner, Andrew Mok, introduced the application as presented in the City of Brandon Planning report. Planning did receive an objection from an existing neighbor on the removal of the spruce trees.

The applicant and owner, Kenny Choy spoke to his application to build a small mobile home development, to create affordable housing in the area, which would not look like a typical mobile home park. It would be a cottage style of homes, either one or two bedroom with energy efficient installation features.

**In Opposition**

Barry LaRocque, area business owner at 1520 Moreland Avenue expressed concerns from existing area residents regarding traffic, dust and noise from his business. This development would increase the residential density and as his business is directly north of the development would not want to have additional costs to build noise barriers. The business has been in existence long before residential areas were developed and the goal is to expand the business with its hours of operation.

**For Information**

Janice Wiggins, area resident spoke to the Spruce trees that border her property on Glendale Bay. She submitted the written objection to the removal of the Spruce trees, and is satisfied by the owner that they are not going to be removed.

2020-005

**BOYD - HILL**

That the Public Hearing for By-law No. 7256 (Z-09-19-B) at 235 Glen Avenue (Lot 1, Block 4, Plan 925 BLTO) be concluded.

CARRIED 3/0

2020-006

**HILL - BOYD**

To reject the motion.

DEFEATED 0/3

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

- Like the development idea
- Share the concern regarding the business to the north

2020-007

HILL - BOYD

To table By-law No. 7256 regarding rezoning and development agreement of 235 Glen Avenue to the February 19, 2020 Planning Commission meeting.

CARRIED 3/0

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

- To provide administration and the Owner the time to meet and address the noise concerns raised by the business owner

c. **Variance Application**

4100 Grand Valley Road

Owner: Mark & Joan Kovitch

Applicant: Mark Kovitch

Community Planner, Andrew Mok, introduced the application as presented in the City of Brandon Planning report.

The applicant and owner, Mark Kovitch spoke to the application to expand the campground and put in a permanent berm around the property to prevent flooding. With the expansion they are looking at the campground being used year-round, keeping in mind Provincial guidelines on how long campers can stay on the site. They will be removing four campsites and fence it off as it has been determined to be a 100-year old grave site. The road will be built up, with a ring dyke around the property. Provincial guidelines address the issue of the campground becoming a permanent resident where camper residents live there the entire year.

**For Information**

Katherine Nichols, PhD Student, who has been working on the 100-year old burial site, and they were unable to definitively find the boundary of the cemetery. Have a concern with the last line of item number "vi".

2020-008

HILL - BOYD

That the Public Hearing for Variance Application V-03-18-B at 4100 Grand Valley Road be concluded.

CARRIED 3/0

2020-009

BOYD - HILL

That the Variance Application V-03-18-B to:

- a. Expand the lawful non-conforming use (i.e. existing campground); and
- b. Vary Section 69 Floodplain Overlay Zone to allow for portable structures within the diked area;

in the Parks and Recreation (PR) and Open Space (OS) Zones be approved at 4100

Grand Valley Road (Parcel A, Plan 1706 BLTO, Parcel A, Plan 32096 BLTO, Parcel A/B, Plan 1097 BLTO exc Road Plan 1328 BLTO, Parcel G, Plan 31788 BLTO, Pt. SW ¼ 28-10-19 WPM, Pt. NE ¼ 21-10-19 WPM) in accordance with the letter of intent “Attachment A-3 and A-4”, and the site plan “Attachment B-2”, subject to the owner or successor entering into a development agreement with the City of Brandon with the following conditions:

- i. The Developer agrees the Heritage Resource Impact Assessment investigation is to be implemented based on consultations with the appropriate communities and stakeholders.
- ii. The Developer agrees that the Heritage Resource Impact Assessment report of findings be submitted to Manitoba Sport, Culture and Heritage, Historic Resources Branch for review and written confirmation that a satisfactory Heritage Resource Impact Assessment has been undertaken prior to the start of any development.
- iii. The Developer agrees the campground will not be occupied by the public when the Turtle Crossing berm provides less than two feet of freeboard above the level of the Assiniboine River.
- iv. The Developer agrees the minimum elevation level of the proposed berm must be 362.2m, as calculated to allow 0.6m of freeboard above the 1:200 design flood level.
- v. The Developer agrees to install a fence around the gravesite and identify the area as the “Brandon Residential School gravesite” in accordance with the 2019 Heritage Impact Assessment, conducted by Finlay Heritage Consulting Inc. The fenced area shall be surveyed by a Manitoba Land Surveyor and verified by an archaeologist licenced to practice in Manitoba.
- vi. The Developer agrees, when necessary, to cooperate fully with the City of Brandon, the Government of Manitoba, the Government of Canada, and/or Indigenous organizations for the exhumation of the bodies in the gravesites for re-burial elsewhere, including but not limited to the granting of access to said organizations, or agents thereof, to complete the exhumation of the bodies. ~~Once exhumation is complete, the Developer may remove the fence and revert to use as they see fit.~~
- vii. The Developer agrees to design an emergency warning process and life safety evacuation plan to alert campers / visitors of the campground within 10 minutes of an emergency event that requires evacuation of the site. The warning process and life safety evacuation plan is to be reviewed and accepted by the City Of Brandon’s Emergency Coordinator.
- viii. The Developers agrees to be responsible of notifying all campers / visitors of the campground of the emergency warning process and life safety evacuation plan. The method of notification is to be reviewed and accepted by the City of Brandon’s Emergency Coordinator.
- ix. The Developer agrees that no structures or camping trailers will be permitted

outside of the berm protection area and that any proposed uses outside of the berm protection area shall be limited to tents only.

- x. The Developer agrees that any residential use of the site, including mobile and modular homes is prohibited, save and except for any residential use previously approved to this variance application.
- xi. The Developer agrees that should any permanent public amenity / multipurpose accessory structures be proposed within the campground, that those structures be flood proofed and designed by a professional Engineer licensed to practice in the Province of Manitoba.
- xii. The Developer agrees to execute an easement agreement with the City of Brandon for the existing public 400mm watermain and pump house located at the east end of the Lands.
- xiii. The Developer agrees to construct the gravel road required to access the pump house. The construction of the road must be designed to accommodate heavy truck traffic and include a turnaround with a minimum 13m turning radius.
- xiv. The Developer agrees to provide proof of ownership or easement demonstrating they have legal right to all the lands in which the berm will be located.
- xv. The Developer agrees to provide drainage information and trip generation projections to Manitoba Infrastructure, Engineering and Operations Division for review and acceptance.
- xvi. The Developer agrees to obtain all required approvals from appropriate governing agencies and provide such approvals to the City of Brandon prior to the issuance of any development/building permits.
- xvii. The Developer agrees to save harmless the City by way of inclusion of save harmless clauses in the development agreement.

As item “vi” amended above to remove the last sentence, and 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.

AMENDED 3/0

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

- Commissioner Boyd it has been a long time to address the flooding concern
- Commissioner Hill in support of removing the last sentence in item “vi”



- 5.0 GENERAL BUSINESS**
- a. Tracking Table**
- b. Administrative Business**
- c. Absences From Upcoming Meetings**

**6.0 ADJOURNMENT**

2020-010 HILL - BOYD  
That the meeting do now adjourn (8:53 p.m.)

CARRIED 3/0

Original Signed by A. Chapil  
**Amber Chapil**  
**Planning Commission Clerk**

Original Signed by J. Lindsay  
**Jack Lindsay**  
**Chairperson**