

**MINUTES OF THE PLANNING COMMISSION MEETING HELD AUGUST 4, 2021 AT 7:00 P.M. IN THE COUNCIL CHAMBERS, CIVIC ADMINISTRATION BUILDING, BRANDON, MANITOBA**

---

**1.0 ROLL CALL**

Commissioners: Jack Lindsay  
Colleen Anderson  
Kate Hill  
Lashawnda Hobson  
William Majcher

Administration: Andrew Mok  
Amber Chapil

**2.0 ADOPTION OF AGENDA**

2021-069

**ANDERSON - HILL**

That the Agenda for the regular meeting of the Planning Commission to be held August 4, 2021 be adopted as presented.

CARRIED 5/0

**3.0 CONFIRMATION OF MINUTES**

2021-070

**MAJCHER – ANDERSON**

That the minutes of the regular meeting of the Planning Commission held on July 21, 2021 be adopted as read.

CARRIED 4/0

**4.0**

**a. Conditional Use**

3409 Victoria Avenue

Owner: 6825738 Manitoba Ltd.

Applicant: McGowan Russell Group Inc. (Jackie Wilkie)

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

The applicant, Jackie Wilkie, and owner Mark Olson spoke to the application to build five pads for future buildings on the commercial site. They raised concerns with costs in items 2 and 3 of the Development Agreement, and proposed to have the cost be paid in equal installments per pad.

2021-071

HILL - HOBSON

That the Public Hearing for Conditional Use Application C-06-21 at 3409 Victoria Avenue (Part of Block 7, Plan 1517 BLTO) be concluded.

CARRIED 5/0

2021-072

HILL - HOBSON

That Conditional Use Application C-06-21 to allow for commercial establishments— 4,645.0m<sup>2</sup> gross floor area and over in the Commercial Arterial (CAR) Zone be approved at 3409 Victoria Avenue (Part Block 7, Plan 1517 BLTO) in accordance with the attached letter of intent “Attachment A-1 through A-3” and the attached site plan “Attachment B-2”, subject to the owner or successor entering into a development agreement, to be registered prior to the issuance of a development permit, with the following conditions:

- i. The Developer agrees to develop the site in general consistency with the attached site plan. The development will consist of numerous phases as identified on the attached phasing plan;
- ii. The Developer agrees to contribute \$38,000.00 towards the construction of the westbound deceleration/right turn lane on the north side of Victoria Avenue and the west side of 34<sup>th</sup> Street with such contribution representing 100% of the boundary improvement total cost to the development. 50% of payment shall be required upon execution of the development agreement and the remaining 50% shall be paid 36 months after the execution of the development agreement;
- iii. The Developer agrees to contribute \$7,800.00 towards the construction of the median on 34<sup>th</sup> Street north of Victoria Avenue with such contribution representing 19.5% of the total costs of the median construction. 50% of payment shall be required upon execution of the development agreement and the remaining 50% shall be paid 36 months after the execution of the development agreement;
- iv. In addition to the construction of either Building A or E, which ever comes first, the Developer agrees to construct a sidewalk along the 34<sup>th</sup> Street right-of-way adjacent to the entire easterly site line of 3409 Victoria Avenue as identified in the attached site plan;
- v. The Developer agrees to enter into a Private Sewer and Water Agreement with the City of Brandon for the private internal servicing within the development. The agreement is to be executed prior to the issuance of any development and/or building permits;
- vi. The Developer agrees to maintain existing shared vehicle access with the adjacent property to the west, being 3635 Victoria Avenue, as per the attached site plan, until the owners of both properties agree to alternative measures;
- vii. 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; and

- viii. The Developer will be responsible to submit either an irrevocable letter of credit or a certified cheque totalling 15% of the detailed cost estimate. Determination of the type of security will be determined upon receipt and acceptance of the detailed cost estimate. Submission of the security is required prior to the issuance of a development permit;

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.

DEFEATED 2/3

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

- Commissioner Hill agreed with the applicants and proposed the above change to items 2 and 3 with 50% of the costs being paid at time of execution of the development agreement and the remaining 50% paid 36 months after the development agreement was executed
- Commissioner Hobson agreed with this proposed change
- Commissioner Anderson was not in agreement as this was not a large cost and payment should be made within a timely manner
- Commissioner Majcher agreed with the City to seek full payment as the work involved is already complete
- Commissioner Lindsay noted the developer was paying substantially more for the development than the costs indicated in the development agreement and was in agreement that all costs were to be paid at time of execution of the development agreement

2021-073

MAJCHER - ANDERSON

That Conditional Use Application C-06-21 to allow for commercial establishments— 4,645.0m<sup>2</sup> gross floor area and over in the Commercial Arterial (CAR) Zone be approved at 3409 Victoria Avenue (Part Block 7, Plan 1517 BLTO) in accordance with the attached letter of intent “Attachment A-1 through A-3” and the attached site plan “Attachment B-2”, subject to the owner or successor entering into a development agreement, to be registered prior to the issuance of a development permit, with the following conditions:

- i. The Developer agrees to develop the site in general consistency with the attached site plan. The development will consist of numerous phases as identified on the attached phasing plan;
- ii. The Developer agrees to contribute \$38,000.00 towards the construction of the westbound deceleration/right turn lane on the north side of Victoria Avenue and the west side of 34<sup>th</sup> Street with such contribution representing 100% of the boundary improvement total cost to the development. Payment shall be required in full upon execution of the development agreement;

- iii. The Developer agrees to contribute \$7,800.00 towards the construction of the median on 34<sup>th</sup> Street north of Victoria Avenue with such contribution representing 19.5% of the total costs of the median construction. Payment shall be required in full upon execution of the development agreement;
- iv. In addition to the construction of either Building A or E, which ever comes first, the Developer agrees to construct a sidewalk along the 34<sup>th</sup> Street right-of-way adjacent to the entire easterly site line of 3409 Victoria Avenue as identified in the attached site plan;
- v. The Developer agrees to enter into a Private Sewer and Water Agreement with the City of Brandon for the private internal servicing within the development. The agreement is to be executed prior to the issuance of any development and/or building permits;
- vi. The Developer agrees to maintain existing shared vehicle access with the adjacent property to the west, being 3635 Victoria Avenue, as per the attached site plan, until the owners of both properties agree to alternative measures;
- vii. 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; and
- viii. The Developer will be responsible to submit either an irrevocable letter of credit or a certified cheque totalling 15% of the detailed cost estimate. Determination of the type of security will be determined upon receipt and acceptance of the detailed cost estimate. Submission of the security is required prior to the issuance of a development permit;

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 5/0

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

- The entire commission was in agreement with the above original recommendations of administration

**b. By-laws No. 7304 and 7305 – Update Zoning By-law**

Applicant: City of Brandon

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

2021-074      ANDERSON - HILL  
That the combined Public Hearing for By-laws No. 7304 and 7305 to update the Zoning By-law be concluded.

CARRIED 5/0

2021-075      ANDERSON - HILL  
That the Planning Commission recommend City Council approve By-law No. 7304 (Z-06-21) to update the Zoning By-law to increase efficiency of land uses and processing development approvals, subject to the following amendments:

- i.      Adding the following immediately after Subsection 1(b)(7) of this by-law:  
          **“1. (b) (8) Amending the term “Office” by deleting the words “and travel agencies” and substituting therefor the words “, travel agencies, and community resource centres”;**”
- ii.     Amending Subsection 2(g) of this by-law by adding immediately after the words: “except within the required”, the following, “corner or”; and
- iii.    Amending Subsection 3(a)(2) of this by-law by deleting the word: “principle” and substituting therefor the word: “principal”.

CARRIED 5/0

2021-076      ANDERSON - HILL  
That the Planning Commission recommend City Council approve By-law No. 7305 (Z-06-21) to rezone multiple properties across the City of Brandon, subject to the deletion of Subsection 1(s) (rezoning of 1515 – 6<sup>th</sup> Street) in its entirety.

CARRIED 5/0

**5.0      GENERAL BUSINESS**

**a.      Tracking Table**

**b.      Administrative Business**

**c.      Absences From Upcoming Meetings**

Commissioner Hobson – August 18, 2021

Commissioner Anderson – September 1<sup>st</sup>, 2021

**6.0      ADJOURNMENT**

2021-077      MAJCHER - HILL  
That the meeting do now adjourn (8:11 p.m.)

CARRIED 5/0

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

Original Signed by Jack Lindsay  
**Jack Lindsay**  
**Chairperson**