

MINUTES OF THE PLANNING COMMISSION MEETING HELD DECEMBER 6, 2023 AT 7:00 P.M. IN
THE COUNCIL CHAMBERS, CIVIC ADMINISTRATION BUILDING, BRANDON, MANITOBA

1.0 ROLL CALL

Commissioners: William Majcher
Colleen Anderson
Ryan Johnston
Garnet Boyd
Keith Edmunds

Administration: Andrew Mok
Amber Chapil
James Maxon

2.0 ADOPTION OF AGENDA

2023-100 JOHNSTON - EDMUNDS

That the Agenda for the regular meeting of the Planning Commission to be held December 6, 2023 be adopted as presented.

CARRIED 5/0

3.0 CONFIRMATION OF MINUTES

2023-101 ANDERSON – BOYD

That the minutes of the regular meeting of the Planning Commission held on November 1, 2023 be adopted as read.

CARRIED 5/0

4.0

a. Variance

302 – 8th Street

Owner: Onyebuchi Onuke

Applicant: Brandon Neighborhood Renewal Corporation (Rushana Newman)

Senior Planner, Andrew Mok, introduced the application as presented in the City of Brandon Planning report. He noted the Planning & Buildings Department had received five letters, three in favor and two in opposition to the variance application.

The applicant, Rushana Newman, Director of the Brandon Neighborhood Renewal Corporation (BNRC), spoke to application to provide a safe and warm overnight drop-in center during the winter months at 302 - 8th Street, a location outside of the Downtown Business Corridor. This application is compliant with the Downtown Brandon Secondary Plan, and serves as a temporary response to an ongoing challenge regarding homelessness. She proposed a one-time use of this space, with

the City assisting in finding a permanent suitable space for this type of program. The BNRC will continue to focus on housing for the vulnerable population, ensuring during the winter that people don't freeze to death.

In Favour

Dr. Megan McKenzie, lead action researcher at BNRC, shared Homeless Individuals and Families Information System (HIFIS) statistics regarding homeless people in Brandon. The increase in homelessness for 2024, and if people do not find a safe place to go, they will be on the streets. She noted the documented numbers do not show the full picture of those who need this service.

Simon Richard, Indigenous Knowledge Gatherer for BNRC, spoke to Indigenous homeless people in Brandon, the growing concern as homeless population has increased, and those who have migrated to Brandon from remote locations. He noted most of the research is done by one-on-one interviews with the major issues raised were regarding safety concerns for acquiring a place to feel safe, warm and be treated with compassion. With more shelters that cover more hours, there will be placing for individuals to go, so that they will not be on the streets.

Helen Onuke, representative on Love in the City ministries, which has been running for 4 years in Brandon, spoke regarding a man who froze to death outside because he had nowhere to go in the winter. She noted that there are rules in place for shelters, and the people who attend shelters value the space they have and follow the rules. She appealed to the property owners around this site to consider the homeless and allow them a place to stay during the winter.

Jen Black, support worker in Brandon, and part of the Love in the City ministry, shared a story of why he is in favor of this application, and why this program will give people a warm place to stay during the very cold winter.

Samantha Maclean, Ask Auntie BNRC support worker, spoke to the work done in Winnipeg, and the increase in use of the Ask Auntie program. She noted this application will give 80 people the opportunity to have a safe and warm place to stay during the night.

Buchi Onuke, Love in the City pastor, noted the program will run on the main level, and the church will function on the upper level. He indicated this additional warm and safe space for the vulnerable population to attend during the harsh winter months, will benefit the community.

In Opposition

Kimberly Jaskow, area resident, spoke in opposition to the application, noting concerns with drug use, theft, vandalism, aggressive behaviors, and drug paraphernalia, and respectfully ask that it not be allowed in this neighborhood.

Murray Fletcher, property owner, he spoke in opposition to the application, and raised concerns from his tenants regarding the homeless people sleeping in entrances of properties he owns. He spoke to discarded needles, bed bugs, cockroaches, vandalism, human feces, and personal safety concerns that tenants faced on a daily basis.

Tara Fowles, area resident spoke in opposition to the application, stating property and public safety concerns with discarded used needles, fighting, disturbances, property damage, break-ins, and vandalism. She raised concerns of property values decreasing.

Jetta Fletcher, area resident, spoke in opposition to the application raising concerns regarding only four people taking care of up to 80 people if this application is approved.

Adeline Jones, area resident enquired into who will be looking after the building, and if the application will be for a specified time period or indefinite.

Atul Patel, from BAPS Shri Swaminarayan Mandir temple, spoke in opposition to the application, stating safety concerns for families attending and leaving the temple from services held in the evening, and accessing their vehicles in the parking lot across the street next to 302 8th Street.

Jordan Bulloch, General Manager Brockie Donovan Funeral Home, spoke in opposition to the application stating safety concerns for staff and clients of the business. He noted staff have been threatened with physical violence, and have had items thrown at them. He spoke to finding discarded used needles, homemade weapons, drug paraphernalia, and human feces on their site. This application will encourage additional gatherings of individuals to the area who would otherwise not be in the area. He noted the funeral home is to provide families with a comforting atmosphere to guide them through one of life's most difficult experience with the death of a loved one. He spoke in strong opposition to the request, again raising the safety concerns of staff and clientele to their premises.

Pastor Onuke spoke again to provide clarity on concerns raised regarding the church.

Kimberly Jaskow, spoke again to enquire if four full time staff were sufficient to manage 80 homeless people.

Michelle Klemick, staff person from Brockie Donovan, spoke in opposition to the application, stating concerns of people loitering in front of the business, especially after a funeral. She also noted safety concerns with locking the building during the day, installing a panic button, and entering and exiting the building.

2023-102 ANDERSON - JOHNSTON
That the Public Hearing for Variance Application at 302 – 8th Street be concluded.
CARRIED 5/0

2023-103 ANDERSON - JOHNSTON
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 Use (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".
CARRIED AS AMENDED 5/0

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

- Commissioner Anderson, will be voting in favor of this application, as this is a better location.
- Commissioner Johnston, thank everyone that spoke, and would be voting in favor of this application with the condition that this is a temporary use.
- Commissioner Majcher, these social issues are never easy, they are needed services within the area, our mandate is in regards to planning issues, and will be voting in favor of this application.

2023-104 AMENDMENT
JOHNSTON – EDMUNDS
That the above motion be amended by adding the words "until March 31, 2024" immediately after the word "approved".
CARRIED 5/0

- b. Conditional Use
1875 Middleton Avenue
Owner: Evan Keller
Applicant: Keller Developments

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

The applicant, Kelsey Swidnicki, Project Manager Keller Developments, spoke to the application for this auxiliary building for a commercial use, which only requires power.

2023-105 JOHNSTON - EDMUNDS
That the Public Hearing for Conditional Use C-10-23 at 1875 Middleton Avenue be concluded.

CARRIED 5/0

2023-106 JOHNSTON - EDMUNDS

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".

CARRIED 5/0

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

- Commissioner Johnston simple application and it makes sense.

c. By-law No. 7370

Assiniboine Gardens Secondary Plan

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

For Information

Brad Newton, who works for Habitat for Humanity, spoke to Area 8 within the Assiniboine Gardens Secondary Plan, and enquired if this change would have any negative impacts for affordable housing being built in this area.

2023-107 JOHNSTON - ANDERSON

That the Public Hearing for By-law No. 7370 (SP-01-23) to amend the Assiniboine Gardens Secondary Plan be concluded.

CARRIED 5/0

2023-108 JOHNSTON - ANDERSON

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.

CARRIED 5/0

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

- Commissioner Johnston this change is minor and will provide some flexibility.

- 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)

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

The applicant, Kit Harrison, president of 6468251 Manitoba Ltd., spoke to the application to the challenges of this property combining 35 to 40 titles. He spoke to future economic growth, and community outreach performed. He noted four main concerns to address with Administration were: 1) transportation contributions paid up front, would propose paying these costs as they sell off lots; 2) the opportunity to recover costs for putting in the water and sewer stubs to the existing businesses; 3) the City to assist with the financial costs for the offsite sewer connection; and 4) for the City to sell City owned lands to the developer for \$1.00.

Brad Newton, engineer for the development, was available to address any questions from the Commission.

- 2023-109 EDMUNDS - JOHNSTON
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.
CARRIED 5/0

- 2023-110 JOHNSTON - EDMUNDS
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."

CARRIED 5/0

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

- Commissioner Johnston, will be voting in favor of this application, as there is a need to development this land.
- Commissioner Edmunds, will be voting in favor of this application, as there is a need for industrial developed lands.
- Commissioner Boyd the applicant and Administration are willing to work together to address the four items raised by the applicant.

2023-111 JOHNSTON - ANDERSON

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

CARRIED 5/0

2023-112 Subdivision
BOYD - ANDERSON

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 19 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 perking. 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.

CARRIED 5/0

5.0 GENERAL BUSINESS

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

6.0 ADJOURNMENT

2023-113 JOHNSTON - BOYD

That the meeting do now adjourn. (10:00 p.m.)

CARRIED 5/0

Original Signed by Amber Chapil
Amber Chapil
Planning Commission Clerk

Original Signed by William Majcher
William Majcher
Chairperson