

REGULAR CITY COUNCIL  
MONDAY, JULY 17<sup>TH</sup>, 2006 AT 7:30 P.M.  
COUNCIL CHAMBER, CIVIC ADMINISTRATION BUILDING

A G E N D A

1. Roll Call
2. Adoption of Agenda
3. Confirmation of Minutes

REGULAR  
SPECIAL

JUNE 26<sup>TH</sup>, 2006  
JULY 5<sup>TH</sup>, 2006

4. Hearing of Delegations

(A) SHAWN TAYLOR – SIMPLOT MILLENNIUM PARK INC.

Acting City Manager C. Snelgrove recommends following the above that the presentation by Shawn Taylor with respect to the tax issue for the Simplot Millennium Park be referred to the Administration for review and subsequent report to Council.

5. Public Hearings

NOTICE TO THE PUBLIC

Under the Public Hearing process, the applicant will be given first opportunity to address City Council on his/her application following which any person wishing to make representation on the application is encouraged to come forward.

Please appreciate that any recommendation put forth by the Acting City Manager on an application has been without the benefit of input from the applicant and/or the public.

(A) CONDITIONAL USE – 238 – 16<sup>TH</sup> STREET NORTH (LOWE)

Following receipt of all representation:

Acting City Manager C. Snelgrove recommends that the Public Hearing with respect to the above noted application be concluded.

City Council may discuss whether to approve or reject the application once the following motion has been made.

Acting City Manager C. Snelgrove further recommends that the conditional use application by Dwayne Lowe on behalf of Dwayne and Julie Lowe to allow for the construction of a storage building at 238 – 16<sup>th</sup> Street North (Lots 33/38, Block 7, Plan 223 BLTO) be approved.

(B) VARIATION – 541 PERCY STREET (MCCANNELL)

Following receipt of all representation:

Acting City Manager C. Snelgrove recommends that the Public Hearing with respect to the above noted application be concluded.

City Council may discuss whether to approve or reject the application once the following motion has been made.

Acting City Manager C. Snelgrove further recommends that the variation application of Brenda McCannell to increase the number of dwelling units from three (3) units to four (4) units for future construction of a four-plex at 541 Percy Street (Lots 33/35, Block 8, Plan 9 BLTO), be approved whereby such approval is hereby granted in accordance with the intent of the application dated June 12<sup>th</sup>, 2006, the letter of intent and the attached drawing and subject to the owner or applicant entering into a development agreement with the City of Brandon.

Note: Please refer to the letter of opposition from Mr. and Mrs. J. Snowdon dated July 4<sup>th</sup>, 2006 with respect to the above.

(C) VARIATION – 3125 PARK AVENUE (SUTHERLAND)

Following receipt of all representation:

Acting City Manager C. Snelgrove recommends that the Public Hearing with respect to the above noted application be concluded.

City Council may discuss whether to approve or reject the application once the following motion has been made.

Acting City Manager C. Snelgrove further recommends that the variation application by William and Barbara Sutherland to reduce the minimum required east side yard from 1.2 m (3.94') to 0.6m (1.97') to construct an attached garage at 3125 Park Avenue (Lot 9 & Ely 15' of Lot 8, Block 3, Plan 1416 BLTO), be approved whereby such approval is hereby granted in accordance with the intent of the application dated June 6<sup>th</sup>, 2006, the letter of intent dated June 5<sup>th</sup>, 2006 and the attached drawing subject to the owner entering into a development agreement with the City of Brandon.

(D) VARIATION – 823 – 5<sup>TH</sup> STREET (BROOKING)

Following receipt of all representation:

Acting City Manager C. Snelgrove recommends that the Public Hearing with respect to the above noted application be concluded.

City Council may discuss whether to approve or reject the application once the following motion has been made.

Acting City Manager C. Snelgrove further recommends that the variation application by Barry Brooking to reduce the minimum required north side yard from 3m (9.84') to 1.82m (6') and reduce the minimum required south side yard from 3m (9.84') to 2.13m (7') for the future construction of a

duplex at 823 – 5<sup>th</sup> Street (Lot 21, Block 52, Plan 8 BLTO), be approved whereby such approval is hereby granted in accordance with the intent of the application dated June 12, 2006, the letter of intent dated June 8<sup>th</sup>, 2006 and the attached drawing subject to the owner entering into a Development Agreement with the City of Brandon.

(E) VARIATION – 332 – 12<sup>TH</sup> STREET (DORNN)

Following receipt of all representation:

Acting City Manager C. Snelgrove recommends that the Public Hearing with respect to the above noted application be concluded.

City Council may discuss whether to approve or reject the application once the following motion has been made.

Acting City Manager C. Snelgrove further recommends that the variation application by Brian and Rhonda Dornn to increase the number of dwelling units from two (2) units to four (4) units for the future construction of a four-plex at 332 – 12<sup>th</sup> Street (Lots 6/7 & S 1/2 of Lot 8, Block 23, Plan 2 BLTO), be approved whereby such approval is hereby granted in accordance with the intent of the application dated June 12<sup>th</sup>, 2006, the letter of intent dated June 12<sup>th</sup>, 2006 and the attached drawing.

(F) VARIATION – 329 BRAECREST DRIVE (HLADKY O/B/O 4847165 MANITOBA LTD.)

Following receipt of all representation:

Acting City Manager C. Snelgrove recommends that the Public Hearing with respect to the above noted application be concluded.

City Council may discuss whether to approve or reject the application once the following motion has been made.

Acting City Manager C. Snelgrove further recommends that the variation application by Ted Hladky on behalf of 4847165 Manitoba Ltd. to reduce the minimum required rear yard from 7.6m (24.93') to 1.5m (4.92') for the construction of four condo units with attached garages at 329 Braecrest Drive (Lots 1/3 & Ely.10' of Lot 4, Block 2, Plan 848 BLTO), be approved whereby such approval is hereby granted in accordance with the intent of the application dated June 19<sup>th</sup>, 2006, the letter of intent dated June 19<sup>th</sup>, 2006 and the attached drawing.

(G) VARIATION – 2203 – 9<sup>TH</sup> STREET (REID)

Following receipt of all representation:

Acting City Manager C. Snelgrove recommends that the Public Hearing with respect to the above noted application be concluded.

City Council may discuss whether to approve or reject the application once the following motion has been made.

Acting City Manager C. Snelgrove further recommends that the variation application by William Reid to reduce the minimum required rear yard from 7.6m (24.93') to 5.486m (18.33') to construct a three season sunroom at 2203 – 9<sup>th</sup> Street (Lot 2, Block 2, Plan 44290 BLTO), be approved whereby such approval is hereby granted in accordance with the intent of the application dated June 19<sup>th</sup>, 2006, the letter of intent dated June 19<sup>th</sup>, 2006 and the attached drawing.

(H) VARIATION – 1, 9, 42 & 48 MULBERRY CRESCET, 2 & 10 WOODLANDS DRIVE AND 1 & 7 HAWTHORN CRESCENT (JACOBSON O/B/O VBJ DEVELOPMENTS)

Following receipt of all representation:

Acting City Manager C. Snelgrove recommends that the Public Hearing with respect to the above noted application be concluded.

City Council may discuss whether to approve or reject the application once the following motion has been made.

Acting City Manager C. Snelgrove further recommends that the variation application by Jared Jacobson on behalf of VBJ Developments to reduce the minimum required reverse corner side yards on eight (8) lots in Phase One of the development from 4.6m (15.09') to 3m (9.84') for future residential development at 1, 9, 42 & 48 Mulberry Crescent, 2 & 10 Woodlands Drive, and 1 & 7 Hawthorn Crescent (Lots 1, 4, 9, 13, Block 2 and Lots 1, 5, 10, 13, Block 3, Plan 44374 BLTO) be approved whereby such approval is hereby granted in accordance with the intent of the application dated June 23<sup>rd</sup>, 2006 the letter of intent dated June 23<sup>rd</sup>, 2006 and the attached drawing.

(I) BY-LAW NO. 6845 TO REZONE 1215 PATRICIA AVENUE FROM DR DEVELOPMENT RESERVE ZONE AND RSF RESIDENTIAL SINGLE FAMILY ZONE TO RMD RESIDENTIAL MODERATE DENSITY MULTIPLE FAMILY ZONE (BLANCHARD AND LALUK)

Following receipt of all representation:

Acting City Manager C. Snelgrove recommends that the Public Hearing with respect to By-law No. 6845 to rezone 1215 Patricia Avenue from DR Development Reserve Zone and RSF Residential Single Family Zone to RMD Residential Moderate Density Multiple Family Zone be concluded.

Notes:

- (1) Please refer to the letters of concern from Florence Wotton and Joanne Brooking with respect to the above.
- (2) This item will be dealt with further under the Order of By-laws.

6. Communications & Petitions
7. Committee Reports
8. Enquiries
9. Announcements

10. General Business

(A) PROPOSAL TO SUBDIVIDE 615 AND 617 MCDIARMID DRIVE (GRAHAM O/B/O DUMRY LTD.)

Acting City Manager C. Snelgrove recommends that the application of Douglas Graham on behalf of the owner, Dumyr Ltd, to subdivide 615 & 617 McDiarmid Drive (Pt. of Lots 27/28, Block 4, Plan 967 BLTO) be approved subject to the owner constructing a common party wall within the garage along the proposed subdivision line satisfactory to the Senior Building Inspector of the Brandon and Area Planning District.

(B) LEGAL AGREEMENT BETWEEN BRANDON AND AREA PLANNING DISTRICT AND THE CITY OF BRANDON

Acting City Manager C. Snelgrove recommends that the City of Brandon enter into an agreement with the Brandon and Area Planning District to provide planning and building inspection services on behalf of the Brandon and Area Planning District, as attached to the report of the General Manager of Development Services dated July 7<sup>th</sup>, 2006.

(C) BRANDON RECREATION AND SPORTS CENTRE PUBLIC CONSULTATION

Acting City Manager C. Snelgrove recommends that Administration be authorized to conduct a public consultation regarding the potential options for the Brandon Recreation and Sports Centre.

(D) PREPARATION OF A BY-LAW TO AMEND ZONING BY-LAW NO. 6642 TO REGULATE THE USE OF LIGHTS

Note: Councillor Barletta would like to refer this matter to the August 14<sup>th</sup>, 2006 meeting of City Council in order to put forward a more comprehensive report.

(E) TENDER NO. 68/06 – BULLDOZER ITEM #2006/20TR

Acting City Manager C. Snelgrove recommends that the low bid from Toromont Cat for the purchase of a D6 Bulldozer – D6RXL111 per proposal and City specifications at a cost of \$310,175 be accepted whereby said funds shall be expended from the Equipment Replacement Reserve.

(F) ROAMING COMMUNITY LAND TRUST – AFFORDABLE HOUSING

Acting City Manager C. Snelgrove recommends that the City of Brandon enter into an offer to purchase agreement with the Canadian Mental Health Association Westman Region Incorporated whereby the City shall dispose of 15 - 5<sup>th</sup> Street North (Lots 6/7, Plan 18, roll number 37549) to the Canadian Mental Health Association Westman Region Incorporated for the sum of \$1.00 free of encumbrances and back taxes;

and further, the offer to purchase agreement shall state that if an affordable home is not constructed on the donated parcel of land within 24 months, ownership of the land reverts to the City of Brandon;

and further, once constructed, the affordable home cannot serve as a show home for longer than 12 months.

11. By-laws

- NO. 6783 - TO REZONE PROPERTY LOCATED AT 448, 454 AND 462 – 8<sup>TH</sup> STREET FROM RLD RESIDENTIAL LOW DENSITY MULTIPLE FAMILY ZONE TO CCC COMMERCIAL CENTRAL CORE ZONE (RICE O/B/O 4916825 MANITOBA LTD.)  
3<sup>RD</sup> READING
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Acting City Manager C. Snelgrove recommends that By-law No. 6783 to rezone property located at 448, 454 and 462 – 8<sup>th</sup> Street from RLD Residential Low Density Multiple Family Zone to CCC Commercial Central Core Zone be read a third and final time.

Note: This by-law had received second reading at the December 6<sup>th</sup>, 2004 meeting of City Council whereby third reading had been held in abeyance pending execution of the required development agreement. The agreement has now been duly signed.

- NO. 6824 - TO CREATE THE GAS TAX FUNDING RESERVE  
2<sup>ND</sup> AND 3<sup>RD</sup> READINGS
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Acting City Manager C. Snelgrove recommends that By-law No. 6824 to create the Gas Tax Funding Reserve Fund be read a second time.

Acting City Manager C. Snelgrove recommends that this by-law be read a third and final time.

Note: This by-law received first reading at the June 26<sup>th</sup>, 2006 meeting of City Council.

- NO. 6845 - TO REZONE PROPERTY LOCATED AT 1215 PATRICIA AVENUE FROM DR DEVELOPMENT RESERVE ZONE AND RSF RESIDENTIAL SINGLE FAMILY ZONE TO RMD RESIDENTIAL MODERATE DENSITY MULTIPLE FAMILY ZONE (BLANCHARD AND LALUK)  
2<sup>ND</sup> READING
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Acting City Manager C. Snelgrove recommends that By-law No. 6845 to rezone property located at 1215 Patricia Avenue (Parcel B, Plan 40470 BLTO) from DR Development Reserve Zone and RSF Residential Single Family Zone to RMD Residential Moderate Density Multiple Zone be read a second time.

Note: This by-law received first reading at the June 12<sup>th</sup>, 2006 meeting of City Council.

- NO. 6846 - TO REZONE PROPERTY LOCATED AT 1510, 1512, 1530 AND 1550 – 12<sup>TH</sup> STREET FROM RLD RESIDENTIAL LOW DENSITY MULTIPLE FAMILY ZONE TO CAR COMMERCIAL ARTERIAL ZONE (ESLER O/B/O 3777121 MANITOBA LTD.)  
1<sup>ST</sup> READING
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Acting City Manager C. Snelgrove recommends that By-law No. 6846 to rezone property located at 1510, 1512, 1530 and 1550 – 12<sup>th</sup> Street (Lots 25/44, Block 6, Plan 227 BLTO) from RLD Residential Low Density Multiple Family Zone to CAR Commercial Arterial Zone be read a first time.

12. Giving of Notice

13. Adjournment

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J. Swidnicki  
Deputy City Clerk