

REGULAR CITY COUNCIL
MONDAY, MAY 29TH, 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

MAY 8TH, 2006

4. Hearing of Delegations

(A) JOHN JACOBSON – OFF LEASH DOG PARK

City Manager recommends following the above that the presentation by John Jacobson with respect to involvement of a dog club in the development and maintenance of the off leash dog park be referred to Community Services for consideration.

(B) DANA FARQUHAR – OPPOSITION TO MTS CELL TOWER AT BRANDON RECREATION AND SPORTS CENTRE

City Manager recommends following the above that the presentation by Dana Farquhar in opposition to the construction of an MTS cell tower at the Brandon Recreation and Sports Centre be received.

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 City Manager on an application has been without the benefit of input from the applicant and/or the public.

(A) VARIATION – 11/13 CORNELL BAY (3022234 MANITOBA LTD., C/O PAPPAS)

Following receipt of all representation:

City Manager 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.

City Manager further recommends that the variation application by 3022234 Manitoba Ltd. (Robert

Pappas) to reduce the varied minimum required rear yard from 5.8m (29.85') to 4.43m (14.53') to legally establish an existing 6-plex at 11/13 Cornell Bay (Lots 25/26, Block 2, Plan 2372 BLTO) be approved whereby such approval is hereby granted in accordance with the intent of the application dated April 19th, 2006 and the attached drawing subject to the owner:

- (i) providing for landscaping of trees the entire length of the north end of the building, to provide a buffer for the single family homes to the north, that meets the approval of the Brandon and Area Planning District and the City of Brandon Public Works Manager; and
 - (ii) paying the City of Brandon the sum of \$20,000 to be used towards park enhancement at 3rd Street and Aberdeen Avenue.
- (B) VARIATION – 2 GALBRAITH CRESCENT (CUDDY O/B/O VERMAAK)

Following receipt of all representation:

City Manager 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.

City Manager further recommends that the variation application by Tapper Cuddy on behalf of Christoffel and Hillechien Vermaak to reduce the varied minimum required rear yard from 6.858m (22.5') to 6.71m (22.01') to legally establish an existing dwelling at 2 Galbraith Crescent (Lot 1, Block 6, Plan 2498 BLTO) be approved whereby such approval is hereby granted in accordance with the intent of the application dated April 18th, 2006, the letter of intent dated April 25th, 2006 and the attached drawing.

- (C) PROPOSAL TO SUBDIVIDE – 1655 PATRICIA AVENUE (CITY OF BRANDON)

Following receipt of all representation:

City Manager recommends that the Public Hearing with respect to the proposal to subdivide 1655 Patricia Avenue (Parcel A, Plan 40470 BLTO) to create five lots and a new public road in the RMD Residential Moderate Density Multiple Family Zone and RHD Residential High Density Multiple Family Zone be concluded.

Note: This item will be dealt with further under the Order of General Business.

- (D) PROPOSAL TO SUBDIVIDE PROPERTY LOCATED WEST OF WAVERLY DRIVE, EAST OF 42ND STREET AND INCLUDING THE FUTURE EXTENSION OF WINDSOR DRIVE AND ADJACENT PROPERTIES IN PART OF NE ¼ 16-10-19 WPM (WAVERLY DEVELOPMENTS LTD.)

Following receipt of all representation:

City Manager recommends that the Public Hearing with respect to the proposal to subdivide property located west of Waverly Drive, east of 42nd Street and including the future extension of Windsor Drive and adjacent properties in Part NE ¼ 16-10-19 WPM to create 17 lots and a new public road in the RSF Residential Single Family Zone be concluded.

Note: This item will be dealt with further under the Order of General Business.

- (E) BY-LAW NO. 6839 TO REZONE 522, 552 AND 556 PARK STREET EAST FROM RLD RESIDENTIAL LOW DENSITY MULTIPLE FAMILY ZONE TO EI EDUCATIONAL AND INSTITUTIONAL ZONE (BRANDON REGIONAL HEALTH AUTHORITY)

Following receipt of all representation:

City Manager recommends that the Public Hearing with respect to By-law No. 6839 to rezone 522, 552 and 556 Park Street East from RLD Residential Low Density Multiple Family Zone to EI Educational and Institutional Zone (Lots 11/14 and 20/24, Block 4, Plan 9 BLTO) be concluded.

Note: This item will be dealt with further under the Order of By-laws.

6. Communications & Petitions

- (A) PETITION – EFFECTIVE USE OF OUTDOOR LIGHTING AND REPLACEMENT OF EXISTING RESIDENTIAL STREETLIGHTS

City Manager recommends that the correspondence from Daryl and Pat Vera and T. Dorn dated May 10th, 2006 with respect to the Canad Inns beacon and the petition with respect to effective use of outdoor lights and replacement of residential streetlights be referred to the Administration for review and subsequent report to City Council for its June 26th, 2006 meeting.

7. Committee Reports

8. Enquiries

9. General Business

- (A) PROPOSAL TO SUBDIVIDE 1655 PATRICIA AVENUE (CITY OF BRANDON)

City Manager recommends that the application by the City of Brandon to subdivide 1655 Patricia Avenue (Parcel A, Plan 40470) be approved subject to confirmation being received that arrangements have been made for a Joint Use Easement to the satisfaction of Manitoba Hydro, MTS Communications Inc. and Westman Communications Group.

- (B) PROPOSAL TO SUBDIVIDE PROPERTY LOCATED WEST OF WAVERLY DRIVE, EAST OF 42ND STREET AND INCLUDING THE FUTURE EXTENSION OF WINDSOR DRIVE AND ADJACENT PROPERTIES IN PART OF NE ¼ 16-10-19 WPM (WAVERLY DEVELOPMENTS LTD.)

City Manager recommends that the application of Waverly Developments Ltd. to subdivide property located west of Waverly Drive, east of 42nd Street and including the future extension of Windsor Drive and adjacent properties (Pt NE ¼ 16-10-19 WPM) be approved subject to confirmation being received that arrangements have been made for a Joint Use Easement and Plan of Easement to the satisfaction of Manitoba Hydro, MTS Communications Inc. and Westman Communications Group.

(C) PROPOSAL TO SUBDIVIDE 20 – 18TH STREET (ADVANCE AUTO BODY & PAINTING LTD. O/B/O HOME FARM TECHNOLOGIES LTD.)

City Manager recommends that the application of Advance Auto Body & Painting Ltd. on behalf of the owner, Home Farms Technologies, to subdivide 20 – 18th Street (Parcels B,C, D, Plan 42710 BLTO and Lots 22/23, Block 10, Plan 15 BLTO) be approved subject to the owner or successor entering into a development agreement with the City of Brandon as attached to the report of the Brandon and Area Planning District dated May 16th, 2006.

(D) HOME BASED BUSINESS LICENSE APPLICATION – OSCAR PETERS

City Manager recommends that the home based business application of Oscar Peters for a mobile vehicle upholstery and plastic repair business at #1, 647 – 13th Street be approved.

(E) VARIATION – 2800 VICTORIA AVENUE (3784500 MANITOBA LIMITED O/B/O 5068219 MANITOBA LIMITED)

City Manager recommends that the variation application by 3784500 Manitoba Limited on behalf of 5068219 Manitoba Limited to reduce the minimum required rear yard from 7.6m (24.93') to 3.0m (9.84') at 2800 Victoria Avenue (Lot 2, Plan 44855 BLTO) be approved whereby such approval is hereby granted in accordance with the intent of the application dated April 10th, 2006, the letter of intent dated April 10th, 2006 and the attached drawing subject to the owner or successor entering into a development agreement with the City of Brandon as attached to the report of the Brandon and Area Planning District dated April 25th, 2006.

(F) CANADIAN PACIFIC RAILWAY TRESPASSING CONTROL AND FENCING PROPOSAL

City Manager recommends that the City of Brandon not enter into a cost sharing agreement with Canadian Pacific Railway for the installation of fencing along their existing property but instead liaison with Canadian Pacific Railway officials for areas of new construction and/or development to ensure safety requirements are satisfied in a mutually beneficial manner.

(G) TENDER NO. 01/06 – CONTRACT A – UNDERGROUND AND SURFACE WORKS

City Manager recommends that the low bid of Zenith Paving Ltd for Contract A Underground & Surface Works as per tender and specifications at a cost of \$1,744,703.19 be accepted.

10. By-laws

- NO. 6813 - TO REZONE PROPERTY LOCATED AT 1665 PATRICIA AVENUE FROM PR PARKS AND RECREATION ZONE AND DR DEVELOPMENT RESERVE ZONE TO RMD RESIDENTIAL MODERATE DENSITY MULTIPLE FAMILY ZONE AND FROM DR DEVELOPMENT RESERVE ZONE TO RHD RESIDENTIAL HIGH DENSITY MULTIPLE FAMILY ZONE (CITY OF BRANDON)
3RD READING

City Manager recommends that By-law No. 6813 to rezone property located at 1665 Patricia Avenue (Parcel A, Plan 40470 BLTO) from PR Parks and Recreation Zone and DR Development Reserve Zone to RMD Residential Moderate Density Multiple Family Zone and from DR Development Reserve Zone to RHD Residential High Density Multiple Family Zone to accommodate future development, be read a third and final time.

Note: This by-law received second reading at the March 20th, 2006 meeting of City Council

whereby third reading was held in abeyance due to objections received and the requirement to enter into a development agreement. It would now be in order to consider third reading.

NO. 6833 - TO AMEND CITY COUNCIL INDEMNITY BY-LAW NO. 6763
2ND AND 3RD READINGS

City Manager recommends that By-law No. 6833 to amend City Council Indemnity By-law No. 6763 be read a second time.

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

NO. 6839 - TO REZONE PROPERTY LOCATED AT 522, 552 AND 556 PARK STREET
FROM RLD RESIDENTIAL LOW DENSITY MULTIPLE FAMILY ZONE TO EI
EDUCATIONAL AND INSTITUTIONAL ZONE (BRANDON REGIONAL
HEALTH AUTHORITY INC.)
2ND READING

City Manager recommends that By-law No. 6839 to rezone property located at 522, 552 and 556 Park Street (Lots 11/14, Lots 20/24, Block 4, Plan 9 BLTO) from RLD Residential Low Density Multiple Family Zone to EI Educational and Institutional Zone be read a second time.

City Manager recommends that third reading of the by-law be held in abeyance pending the execution of the required development agreement.

NO. 6840 - TO AMEND PROCEDURE BY-LAW NO. 6634
1ST READING

City Manager recommends that By-law No. 6840 to amend Procedure By-law No. 6634 be read a first time.

NO. 6842 - TO AMEND BY-LAW NO. 6779 TO CLOSE AND CONVEY PUBLIC
WALKWAYS BETWEEN VICTORY PLACE AND MEMORIAL CRESCENT
1ST READING

City Manager recommends that By-law No. 6842 to amend By-law No. 6779 to close and convey those portions of public walkway located between Ottawa Avenue and Victory Place and Memorial Crescent and the north back lane, be read a first time.

NO. 6843 - TO ESTABLISH AND ASSIGN RESPONSIBILITIES TO A PLANNING
COMMISSION FOR THE CITY OF BRANDON
1ST READING

City Manager recommends that By-law No. 6843 to establish and assign responsibilities to a Planning Commission for the City of Brandon be read a first time.

NO. 6844 - TO AMEND ZONING BY-LAW NO. 6844 TO PROVIDE REGULATIONS FOR
INDIRECT ILLUMINATION FROM SPOTLIGHTS
1ST READING

City Manager recommends that By-law No. 6844 to amend Zoning By-law No. 6642 with respect to the regulation of spotlights be read a first time.

11. Giving of Notice

12. Announcements
13. Adjournment

J. Swidnicki
Deputy City Clerk