

## Schedule “1”

### Public Hearing – By-law 747-14

A Public Hearing was held regarding By-law No. 747-14, being a by-law to change the zoning on Lots 1 and 2, Plan 52450 from “R1” *Single Family Residential Zone* to “R3” *Multiple Family Residential Zone*. The Hearing was called to order by Mayor Myron Dyck at 7:15 p.m. on Tuesday, February 17, 2015. Presenters had been asked to sign in and to record whether in favour of the proposed zoning amendment or objecting thereto.

In Favour of the Proposed By-law: The applicants: Doug Dyck, Justin Dyck and Gerald Friesen of Heritage Lane Builders. Gerald Dyck speaking on behalf of the developers, indicated that with the new process implemented by Council, the request was specifically for rezoning from “R1” to “R3” with the understanding that should the rezoning be approved, a future development agreement and conditional use application would apply. If rezoning is approved, as to future development, the development agreement and building design would address residents’ concerns.

Objectors:

Darrell Kehler – Objected to the proposed rezoning because of 10 reasons as expressed in his written presentation attached hereto as Schedule “A”.

Elaine Kehler – Objected to the proposed rezoning and provided a petition signed by 30 immediate neighbourhood residents noting opposition to the proposed rezoning, copy attached hereto as Schedule “B”.

Nikki Rendal – Objected to the proposed rezoning due to neighbourhood incompatibility, infrastructure and drainage concerns, and questioned whether Town currently requires additional “R3” properties.

Ferd Klassen – Objected to the proposed rezoning due to concerns with traffic, drainage, on-street parking concerns, pedestrian safety both on Heritage Trail and 2<sup>nd</sup> Street South and sewer infrastructure concerns.

Neither in Favor or Objecting:

Robert Crowe of Patterson Grain – concerns regarding proposed driveway access to Heritage Trail conflicting with truck traffic to business: drainage concerns in the area and pedestrian safety.

The Public Hearing was closed at 8:20 p.m.

## Schedule "A"

February 17, 2015

Niverville Town Council  
Town of Niverville  
86 Main Street  
Niverville, Manitoba  
ROA 1E0

Dear Niverville Town Council,

RE: Proposed re-zoning of Lots 1 and 2, Plan 52450 in NW ¼ 30-7-4 E

At two previous Public Hearings we, neighbors and citizens of Niverville, have expressed **our objection to the proposed rezoning of Lots 1 and 2, Plan 52450 in NW ¼ 30-7-4 E** (civically known as #6 and #12 2nd Street S.).

On September 4, 2012, hearing was given to the application by the Heritage Lane Builders (developer) to rezone the property from R1 to R3 in order to construct an 18-unit condominium targeted to 55 plus homeowners. We the residents presented our concerns at the Hearing, as well as via a written petition (June 18, 2012).

Niverville Council made the decision to rezone the property subject to a Development Agreement (February 21, 2013). While we, the residents, were not in favor of a "R3" Multiple Family dwelling in our "R1" Single Family Residential Zone neighbourhood, we recognized that the Agreement did address concerns raised. The Development Agreement included occupancy size reduction to a 12 suite complex, building height restrictions, and privacy requirements.

On July 15, 2014 hearing was given to a second application by the developer, in which the developer requested a revision to the Development Agreement. The new proposal by the developer included a 50% increase in number of housing units, increased height of construction, and a shift from home-owned condominiums down to rental properties.

As residents, our previous concerns were increased due to the developer's proposed changes to development of the property. Council considered the concerns raised including the higher vehicle traffic volume and pedestrian safety.

Today, at yet another Public Hearing regarding the third application by the developer, we ask Council to again **consider the incompatibility of "R3" Multi Family dwelling in our neighbourhood.** The negative impact includes:

- 1) Higher density traffic
- 2) Increased street parking
- 3) Pedestrian safety concerns

- 4) Loss of backyard privacy on surrounding residences
- 5) Increased noise and light pollution
- 6) Decreased resale value of surrounding single family residential properties
- 7) Height and size incompatibility with current housing
- 8) Lack of neighbourhood green space and loss of skyline
- 9) Land drainage issues
- 10) Sewer drainage concerns

We ask Council to carefully consider the good of our community in this decision. The biggest argument that we have heard for R3 rezoning of Lots # 6 and 12 is the economic gain for the developer. I urge council to consider that the economic situation of a developer is not sufficient to warrant an incompatible development to our neighbourhood. The Town of Niverville has recently rezoned several other locations for higher density housing. We recognize that the developer has invested time, money, and effort to pursue a proposed development that is now considered economically unfeasible. We too, as residents, next to Lots # 6 and 12, have been investing our time, money, and effort so that our community remains a welcoming and family-friendly.

We ask Council to consider the best use of the lots in question. Very briefly, here are a few better ideas of how the lots *could* be developed:

- a) That the lots be developed, as currently zoned, for "**R1**" **Single Family Residential homes**. We welcome the R1 zoning.
- b) That the lots be purchased by the Town of Niverville for development as green space for the enjoyment of the neighbourhood and for esthetic enhancement of the community.  
Given the recent increased water drainage problems in our corner of town, this green space could also be designed to act as an emergency water runoff holding area.
- c) That the lots be rezoned and developed as "R2" Two Family Residential Zone.
- d) Or, a combination of the above.

We trust that you will carefully consider the concerns we have raised. While welcoming growth and expansion in Niverville, we believe that proposed expansion must consider the impact on the existing housing and not infringe on the nature and the safety of an "R1" Single Family Residential neighborhood.

Sincerely,



Darrell and Elaine Kehler  
20, 2nd Street South

## Schedule "B"

To: Niverville Town Council  
 Town of Niverville  
 86 Main Street  
 Niverville, Manitoba R0A 1E0

RE: BY-LAW NO. 747-14 - Proposed re-zoning of Lots 1 and 2, Plan 52450 in NW ¼ 30-7-4 E to "R3" Multiple Family Residential

Thank you Niverville Council for your diligence in ensuring the growth and enhancement of our community. We specifically express our appreciation for taking into account the concerns we raised in two previous Public Hearings (September 4, 2012 and July 15, 2014) regarding the rezoning and development of Lots 1 and 2, Plan 52450 in NW ¼ 30-7-4 E (civically known as #6 and #12 2nd Street South).

**We, the undersigned residents of the neighborhood surrounding Lots 1 and 2, Plan 52450 in NW ¼ 30-7-4 E, are OPPOSED to the rezoning of the said property to "R3" Multiple Family Residential.**

	Name	Street Address	Signature	Date
1.	<u>Niki Randall</u>	<u>15 2nd St S</u>	<u>[Signature]</u>	<u>Jan 31/15</u>
2.	<u>Elisabeth Braun</u>	<u>9 2nd St S</u>	<u>[Signature]</u>	<u>Jan 31/15</u>
3.	<u>Kevin Braun</u>	<u>9 2nd St S</u>	<u>[Signature]</u>	<u>Jan 31/15</u>
4.	<u>John Braun</u>	<u>9 2nd St S</u>	<u>[Signature]</u>	<u>Jan 31/15</u>
5.	<u>Arthur Friesen</u>	<u>29 2nd St S</u>	<u>[Signature]</u>	<u>Jan 31/15</u>
6.	<u>Frank Penner</u>	<u>52 2nd St S</u>	<u>[Signature]</u>	<u>Jan 31/2015</u>
7.	<u>ANITA PENNER</u>	<u>52 2nd St S</u>	<u>[Signature]</u>	<u>Jan 31/15</u>
8.	<u>Damien DeFino</u>	<u>46 2nd St S</u>	<u>[Signature]</u>	<u>Jan 31/15</u>
9.	<u>Troy Waldner</u>	<u>19 Ashgrove Cres</u>	<u>[Signature]</u>	<u>Jan 31/15</u>
10.	<u>Becky Clark</u>	<u>33 2nd St S</u>	<u>[Signature]</u>	<u>Jan 31/15</u>
11.	<u>Tim Clark</u>	<u>33 2nd St S</u>	<u>[Signature]</u>	<u>Jan 31/15</u>

Name	Street Address	Signature	Date
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We, the undersigned residents of the neighborhood surrounding Lots 1 and 2, Plan 52450 in NW ¼ 30-7-4 E, are OPPOSED to the rezoning of the said property to "R3" Multiple Family Residential.

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|-----|--------------------------|--|---------------------|---------------------|
| 12. | <u>Kurd Klassen</u>      | <u>49 2nd St S</u>                       | <u>[Signature]</u>  | <u>Jan 31/2015</u>  |
| 13. | <u>Brad Wera</u>         | <u>34 2nd St S</u><br><u>not to sell</u> | <u>[Signature]</u>  | <u>Jan 31/15</u>    |
| 14. | <u>Amber Wall</u>        | <u>34 2nd St S.</u>                      | <u>Amber Wall</u>   | <u>Jan 31, 2015</u> |
| 15. | <u>Ryan Mangin</u>       | <u>40 2nd St. S</u>                      | <u>[Signature]</u>  | <u>Jan 31, 2015</u> |
| 16. | <u>Jim Kehler</u>        | <u>26 2nd St S</u>                       | <u>[Signature]</u>  | <u>Jan 31/2015</u>  |
| 17. | <u>Jackie Bergen</u>     | <u>26 2nd sts</u>                        | <u>[Signature]</u>  | <u>Jan 31/15</u>    |
| 18. | <u>Bill Rendall</u>      | <u>19 2nd St. S</u>                      | <u>[Signature]</u>  |                     |
| 19. | <u>D Rendall</u>         | <u>19 2nd St S.</u>                      | <u>[Signature]</u>  | <u>Jan 31/15</u>    |
| 20. | <u>DARRELL KEHLER</u>    | <u>20 2ND ST. S.</u>                     | <u>[Signature]</u>  | <u>FEB 2/15</u>     |
| 21. | <u>Elaine Kehler</u>     | <u>20 2nd st. s.</u>                     | <u>[Signature]</u>  | <u>Feb. 2/15</u>    |
| 22. | <u>Cindy Hiebert</u>     | <u>87 2nd Ave. S.</u>                    | <u>[Signature]</u>  | <u>Feb 14/15</u>    |
| 23. | <u>Tom Giesbrecht</u>    | <u>73 2nd Ave S.</u>                     | <u>[Signature]</u>  | <u>2/14/15</u>      |
| 24. | <u>LeeAnn Giesbrecht</u> | <u>73 2nd Ave S</u>                      | <u>[Signature]</u>  | <u>2/14/15</u>      |
| 25. | <u>Jon Neufeld</u>       | <u>60 heritage trail</u>                 | <u>[Signature]</u>  | <u>2/14/15</u>      |
| 26. | <u>Evann Vogt</u>        | <u>60 heritage trail</u>                 | <u>[Signature]</u>  | <u>2/14/15</u>      |
| 27. | <u>Gina Lambert</u>      | <u>48 Heritage Trail</u>                 | <u>[Signature]</u>  | <u>2/14/2015</u>    |
| 28. | <u>Brad Wery</u>         | <u>48 Heritage Trail</u>                 | <u>[Signature]</u>  | <u>2/14/2015</u>    |
| 29. | <u>LUCIEN BERARD</u>     | <u>69 RD AVE SOUTH</u>                   | <u>[Signature]</u>  | <u>2/14/2015</u>    |
| 30. | <u>Wanda Berard</u>      | <u>69 3rd Ave S.</u>                     | <u>Wanda Berard</u> | <u>2/14/2015</u>    |