

## TOWN OF NIVERVILLE

Minutes of the regular meeting of the Niverville Town Council held on June 5, 2018 at 9:00 a.m. at the Niverville Heritage Centre. In attendance were Mayor Myron Dyck, Deputy Mayor John Funk, Councillors Kevin Stott, Chris Wiebe and Nathan Dueck.

- Res#167-18 C. Wiebe – K. Stott  
Agenda BE IT RESOLVED that the agenda be accepted as presented. “Carried”
- Res#168-18 N. Dueck – J. Funk  
Minutes BE IT RESOLVED that the minutes of the regular Council meeting held on May 15, 2018 be approved as presented. “Carried”
- Res#169-18 C. Wiebe – J. Funk  
Table Agenda BE IT RESOLVED that the Council meeting agenda be tabled and that Council sit in accordance with the sit in accordance with The Planning Act to hear Public Hearing for Bylaw No. 792-18; a bylaw to change the zoning on the area generally described as Pt. Block 6, Plan 44819 in SE1/4 25-7-3 EPM from “OS” Parks and Open Spaces to “R2” Two Family Residential Zone. “Carried”
- Res#170-18 N. Dueck – C. Wiebe  
Resume BE IT RESOLVED that the Public Hearing for Bylaw 792-18 be closed and Council resume its former order of business (9:08 a.m.) “Carried”
- Res#171-18 C. Wiebe – J. Funk  
BL 792-18 BE IT RESOLVED that Bylaw 792-18, being a bylaw to rezone Pt. Block 6, Plan  
2<sup>nd</sup> Reading 44819 in SE ¼ 25-7-3 EPM from OS Parks and Open Spaces to R2 Two Family Residential Zone be given second reading. “Carried”
- Res#172-18 N. Dueck – J. Funk  
Table Agenda BE IT RESOLVED that the Council meeting agenda be tabled and that Council sit in accordance with The Planning Act to hear Public Hearing for Variation Application V4-18, for Lot 8, Block 6, Plan 19955, civically known as 63 2<sup>nd</sup> Avenue N. “Carried”
- Res#173-18 N. Dueck – J. Funk  
Resume BE IT RESOLVED that the Public Hearing for Variation Application V4-18 be closed and Council resume its former order of business (9:17 a.m.). “Carried”
- Res#174-18 N. Dueck – C. Wiebe  
V4-18 WHEREAS a Public Hearing was held for Variation Application V4-18, an application from 5036127 Manitoba Ltd. to vary the site area from 12,500 sq. ft. to 8,327 sq. ft., front yard setback from 25 feet to 15 feet, rear yard setback from 25 feet to 10 feet, side yard setback from 15 feet to 14 feet, balcony projecting into the required rear yard from 5 feet to 6 feet and on-site parking from 1.5/unit to 1/unit on Lot 8, Block 6, Plan 19955, civically known as 63 2<sup>nd</sup> Avenue N.;

AND WHEREAS this variation order is requested to permit the construction of a 5 unit Townhouse;

AND WHEREAS the application was duly advertised and there were no concerns brought forward;

THEREFORE BE IT RESOLVED that Variation Order V4-18, an application from 5036127 Manitoba Ltd. to vary:

- the site area from 12,500 sq. ft. to 8,327 sq. ft.,
- front yard setback from 25 feet to 15 feet,
- rear yard setback from 25 feet to 10 feet,
- side yard setback from 15 feet to 14 feet,
- balcony projecting into the required rear yard from 5 feet to 6 feet
- and on-site parking from 1.5/unit to 1/unit

at Lot 8, Block 6, Plan 19955, civically known as 63 2<sup>nd</sup> Avenue N. be approved as presented.

“Carried”

Res#175-18 N. Dueck – J. Funk

Table Agenda BE IT RESOLVED that the Council meeting agenda be tabled and that Council sit in accordance with The Planning Act to hear Public Hearing for Variation V5-18 and Conditional Use C6-18 for Lots 6,7,8, Block 3, Plan 19956 and Lot 1, Block 4, Plan 19956, civically known as 166 Main Street, 180 Main Street and 10 Fourth Avenue S.

“Carried”

Res#176-18 C. Wiebe – J. Funk

Resume BE IT RESOLVED that the Public Hearing for Variation Application V5-18 and Conditional Use C6-18 be closed and Council resume its former order of business (9:24 a.m.)

“Carried”

Res#177-18 C. Wiebe – K. Stott

V5-18 WHEREAS a Public Hearing was held regarding Variation V5-18, an application from 3524958 Manitoba Ltd. to vary the following zoning regulations on Lots 6, 7, 8, Block 3, Plan 19956, civically known as 166 and 180 Main Street:

- Secondary identification signage on the building located at 180 Main Street;
- Identification signage on canopy at 166 Main Street and vary size from 628.60 sq. ft. to 693.72 sq. ft.;
- Vary height of free-standing sign at 180 Main Street from 25 feet to 30 feet 8 inches and vary size from 32 sq. ft. to 304 sq. ft.;
- Vary distance of underground storage tank from rear boundary from 20 feet to 10 feet;
- Vary distance of underground storage tank from 20 feet to 0 feet to designated parking spaces and 0 feet to laneways intended to control traffic circulation on the site. (The intention of the zoning bylaw was to have storage tanks isolated from travelling lane and a distance of 20 feet to parking area.);
- Vary parking under The Planning Act Subsection 97(2) temporary use of land to allow credit for required parking spaces in refuelling area at a rate of 1 spot per 2 fill stations;
- Vary required accessory front yard to permit parking within 1 foot of the front site line; and
- Vary under The Planning Act Subsection 97(2) temporary use of land to include outdoor storage as a permitted use, to permit the following:
  - o Artic ice freezer
  - o Firewood box
  - o Coop propane tank (s)

- 2 soft drink vending machines
- Christmas Trees (seasonal storage in proposed patio area);

AND WHEREAS in accordance with the Planning Act the Variation application was duly advertised;

AND WHEREAS there was no opposition brought forward to the proposal;

THEREFORE BE IT RESOLVED that Variation application V5-18, an application from 3524958 Manitoba Ltd. to vary the following zoning regulations on Lots 6, 7, 8, Block 3, Plan 19956, civically at 166 and 180 Main Street:

- Secondary identification signage on the building located at 180 Main Street;
- Identification signage on canopy at 166 Main Street and vary size from 628.60 sq. ft. to 693.72 sq. ft.;
- Vary height of free-standing sign at 180 Main Street from 25 feet to 30 feet 8 inches and vary size from 32 sq. ft. to 304 sq. ft.;
- Vary distance of underground storage tank from rear boundary from 20 feet to 10 feet;
- Vary distance of underground storage tank from 20 feet to 0 feet to designated parking spaces and 0 feet to laneways intended to control traffic circulation on the site;
- Vary parking under The Planning Act Subsection 97(2) temporary use of land to allow credit for required parking spaces in refuelling area at a rate of 1 spot per 2 fill stations;
- Vary required accessory front yard to permit parking within 1 foot of the front site line; and
- Vary under The Planning Act Subsection 97(2) temporary use of land to include outdoor storage as a permitted use, to permit the following:
  - Artic ice freezer
  - Firewood box
  - Coop propane tank
  - 2 soft drink vending machines
  - Christmas Trees (seasonal storage in proposed patio area);

be approved subject to the following conditions:

1. That no signage be placed on the Town boulevard or road allowance;
2. That all lighting on site be non-intrusive in design;
3. That the applicant construct a barrier along the northwest property line and locate it a minimum of 6 inches onto the applicant's property to delineate the most northerly parking stall from public property;
4. That the applicant paint and maintain lines to define parking stalls on the property;
5. That signage cannot impede sight lines for intersection at 4<sup>th</sup> Avenue S. or access to Main Street;
6. That all parking areas are restricted to dedicated parking services only. No sales/outdoor storage permitted in designated parking areas;
7. That the variation to permit outdoor storage is granted exclusively to 3524958 Manitoba Ltd. for a period of two years; and
8. That in the event the applicant requires an extension to the permission for outdoor storage, the applicant must submit a written application to the Town prior to June 5, 2020 for Council's due consideration, or failing same, the applicant shall be required to re-apply for another Variation to permit outdoor storage.

“Carried”

Res#178-18 K. Stott – C. Wiebe

C6-18 WHEREAS a Public Hearing was held regarding Conditional Use C6-18, an application from 3524958 Manitoba Ltd. to allow on Lots 6, 7, 8, Block 3, Plan

19956, civically known as 166 and 180 Main Street the following advertising signage on site:

- 4 sandwich boards 11 sq. ft. each (total 44 sq. ft.);
- 7 advertising signs 15 sq. ft. each (total 105 sq. ft.) for placement on the building at 180 Main Street;
- Other signage
  - Artic Ice Freezer 12 sq. ft.;
  - Firewood Box 1 sq. ft.;
  - Coop Propane Tank 36 sq. ft.;
  - 2 soft drink vending machines 21 sq. ft. each (total 42 sq. ft.);
  - 8 feather flags (seasonal) 20 sq. ft. each (total 160 sq. ft.);

AND WHEREAS the application from 3527958 Manitoba Ltd. also requested permission to have the following advertising signage on Lot 1 Block 4, Plan 19956, civically known as 10 4<sup>th</sup> Avenue S.:

- 5 advertising signs x 16 sq. ft. on fence facing Main Street (total 80 sq. ft.);
- 13 advertising signs x 11 sq. ft. on fence facing Main Street (total 143 sq. ft.); and
- One 2-sided portable rental sign total 90 sq. ft.;

AND WHEREAS in accordance with the Planning Act the Variation application was duly advertised;

AND WHEREAS there was no opposition brought forward to the proposal;

THEREFORE BE IT RESOLVED that Conditional Use C6-18, an application from 3524958 Manitoba Ltd. to allow on Lots 6, 7, 8, Block 3, Plan 19956, civically known as 166 and 180 Main Street the following advertising signage on site:

- 4 sandwich boards 11 sq. ft. each (total 44 sq. ft.);
- 7 advertising signs 15 sq. ft. each (total 105 sq. ft.) for placement on the building at 180 Main Street;
- Other signage
  - Artic Ice Freezer 12 sq. ft.;
  - Firewood Box 1 sq. ft.;
  - Coop Propane Tank 36 sq. ft.;
  - 2 soft drink vending machines 21 sq. ft. each (total 42 sq. ft.);
  - 8 feather flags (seasonal) 20 sq. ft. each (total 160 sq. ft.);

And permission to have the following advertising signage on Lot 1 Block 4, Plan 19956, civically known as 10 4<sup>th</sup> Avenue S.:

- 5 advertising signs x 16 sq. ft. on fence facing Main Street (total 80 sq. ft.);
- 13 advertising signs x 11 sq. ft. on fence facing Main Street (total 143 sq. ft.); and
- One 2-sided portable rental sign total 90 sq. ft.;

Be approved subject to the following conditions:

1. That no signage be placed on the Town boulevard or road allowance;
2. That signage cannot impede sight lines for intersection at 4<sup>th</sup> Avenue S. or Main Street access;
3. That permission for the mobile sign is subject to any rules and regulations that are in effect under the Town's Zoning Bylaw both current and future bylaws;
4. That this Conditional Use for advertising signage is granted exclusively to 3524958 Manitoba Ltd. for a period of two years; and
5. That in the event the applicant requires an extension to the permission for advertising signage, the applicant must submit a written application to the Town prior to June 5, 2020 for Council's due consideration, or failing same,

the applicant shall be required to re-apply for another Conditional Use to permit advertising and other signage.

“Carried”

Res#179-18 J. Funk – N. Dueck

Table Agenda BE IT RESOLVED that the Council meeting agenda be tabled and that Council sit in accordance with the sit in accordance with the Planning Act to hear Public Hearing for Conditional Use C7-18; Planned Unit Development and restaurant in a C2A Restricted Highway Commercial Zone at 40 Drovers Run.

“Carried”

Res#180-18 K. Stott – C. Wiebe

Resume BE IT RESOLVED that the Public Hearing for Conditional Use Application C4-18 be closed and Council resume its former order of business (9:41 a.m.)

“Carried”

Res#181-18 C. Wiebe – J. Funk

C7-18 WHEREAS a public hearing was held for Conditional Use C7-18, an application from Westside Properties Inc. to allow a Planned Unit Development and restaurant (Unit 6) in a C2A Restricted Highway Commercial Zone on Lot 2, Block 6, Plan 19955, civically known as 40 Drovers Run.;  
AND WHEREAS the Conditional Use application was duly advertised and there was no opposition received to the proposal;  
THEREFORE BE IT RESOLVED that Council approves Conditional Use C7-18, an application from Westside Properties Inc. to allow a Planned Unit Development and restaurant (Unit 6) in a C2A Restricted Highway Commercial Zone on Lot 2, Block 6, Plan 19955, civically known as 40 Drovers Run subject to the following conditions:

- 1) That the applicant enter into a Development Agreement with the Town;
- 2) That the applicant provide to the Town a map delineating the parking assigned to each tenant; and
- 3) That the applicant apply for a variation if required.

“Carried”

Mayor Dyck noted that the Town is participating in the Lean Manufacturing Conference (Canadian Manufacturers & Exporters) this week in Winnipeg to promote Niverville as a destination for businesses.

Res#182-18 C. Wiebe – K. Stott

Accounts BE IT RESOLVED that cheque nos. 36233 to 36302 totalling \$207,014.79 be hereby approved for payment.

“Carried”

Res#183-18 C. Wiebe – J. Funk

Apr F.S. BE IT RESOLVED that Council approves the April 30, 2018 Financial Statement as presented.

“Carried”

Res#184-18 C. Wiebe – N. Dueck

Sunset Estates BE IT RESOLVED that the Mayor and CAO be authorized to enter into a Development Agreement with Sunset Estates for Lot 2, Plan 47174, Community Planning File No. 4340-17-7944, civically known as Dochart Gate.

“Carried”

Council took a short recess to meet with the press (9:54 a.m.)

Res#185-18 N. Dueck – K. Stott

Adjourn BE IT RESOLVED that the meeting be adjourned. (10:15 a.m.)

“Carried”

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Mayor

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Chief Administrative Officer