

Minutes of the Public Hearing held on January 22, 2019 at 7:04 p.m. regarding Conditional Use C2-19; an application from Raeanna Hiebert to locate a home-based massage therapy business on Lot 16, Block 8, Plan 19956, civically known as 33 2nd Street South. The proposal was duly advertised as per Section 169 of *The Planning Act*. Mayor Myron Dyck served as chairperson, with all members of Council in attendance.

Eric King, CAO of the Town of Niverville provided an overview of the proposal.

Raeanna Hiebert (applicant) noted that her application for this home-based business was to allow her to work out of her home and move her clientele to Niverville.

Council members asked for clarification on whether she was licensed, hours of operation and suggested that the appointments would be spaced out to avoid overlap between clients.

Ms. Hiebert noted that she was licensed and that the hours of operation while still to be determined, were anticipated to be done by 7 p.m.

Troy Waldner, owner of 37 2nd Street S., noted that he strongly objected to the proposal, citing concern for space and parking.

Councillor Dueck noted that the applicant has space on her driveway to accommodate her clients, and questioned Mr. Waldner as to whether he still objected to the proposal based on confirmation of the on-site parking.

Mr. Waldner noted that businesses grow and can change over time.

The Public Hearing was closed at 7:12 p.m.

Minutes of the Public Hearing held on January 22, 2019 at 7:17 p.m. regarding Proposed Subdivision and Road Opening for Lots 3-5 Plan 63084, SE ¼ 36-7-3 EPM, Community Planning File No. 4340-18-8080 (Cornelius Peters Friesen and Town of Niverville registered owners). The proposal was duly advertised as per Section 169 of *The Planning Act*. Mayor Myron Dyck served as chairperson, with all members of Council in attendance.

Eric King, CAO of the Town of Niverville provided an overview of the proposal, noting that the Developer intends to subdivide 103 lots; 97 lots for low density residential, 2 lots for high density residential, 2 lots for commercial, one lot for the school yard and a residual area for future development. In addition, the subdivision proposal involves creating public reserves surrounding the outer edge of the entire area, a walkway access to the school, along with new public roads to service the lots. Mr. King clarified that this Public Hearing was only for the Subdivision/Road Opening, not access closings, as there will be a separate Public Hearing for the closings at a later date. He also noted that the access closings on PTH 311 for Ritchot Drive and Church Street were a condition on the subdivision proposal set by the Province.

Barry Piasta of 5 Linden Place requested clarification on the roads that were being opened and whether there would also be sidewalks in the development.

Mr. King noted the various roads that were being opened and that there would also be sidewalks, an obligation that would be spoken to in the Development Agreement along with other requirements. He also noted that a sidewalk would be placed along Arena Road if the Community Resource Centre project goes ahead.

Mayor Dyck provided further clarification on the question of sidewalks, noting that these would be located on one side of the street only and generally located on the same side as the street lights.

John Koop of 172 Ritchot Drive commented on the proposal to remove the east accesses to PTH 311, noting that while he was not opposed to maximizing the land use by the Developer, these closures would affect school bus access to the area, garbage and recycling collection and snow removal as there is currently no space to accommodate the turn around of a large vehicle, unless private driveways were to be used. Mr. Koop suggested that traffic could be managed by putting up speed bumps or by making the traffic pattern one-way. He also commented that the best option would be to twin Church Street and Ritchot Drive by making it into a bay.

Darcy Decock of 95 Ritchot Drive, agreed with Mr. Koop's proposal and noted concern that the right decision would be made. Mr. Decock noted his preference would be to close Mulberry and direct all traffic to Krahn Road. He also had questions about the type of road that was being proposed for Mulberry, as drainage is a concern in the area west of his property.

Mr. King advised that Mulberry would be completely rebuilt with curb and gutter construction, with drainage to be managed via an underground system. He also noted that the Developer is required to manage water onsite until it makes its way naturally to the north, and has intentionally left the plan to the north open for the time being to allow for flexibility in the design.

Daniel Wiebe of 102-400 Prairie Trail requested more information on typical lot sizes and whether the lots adjacent to the school yard would have direct access to the open space.

Mr. King noted that lots sizes would range from 40 to 55 feet in width/approximately 109 feet in depth, and the school yard would be completely fenced.

Council noted that there would be specific access points to the school grounds and questioned by one would want to have this on a private lot. They also noted that the school fence was a private fence for security purposes.

Mr. Wiebe noted that a gate from private property would provide access to the school yard and that high school students would take the path of least resistance to get to the school. He also asked whether there was a plan to put in a pedestrian crossing for the CPR track.

Mr. King noted that the cost to put in a pedestrian crossing on the CPR track was in the range of \$500,000, and the Town has already been working with representatives of CPR on the proposal. Council is also waiting to hear if Transport Canada will provide funding for this crossing. Councillor Stott noted that Main Street is the only public land available for the pedestrian crossing.

Brian Chornoboy, owner of 219 Ritchot Drive, questioned the timing of the development and access closures. He also noted a concern that these closures would not provide for a turn around area (parking is currently only allowed on one side of street and would require turning around on private driveways) and questioned access during construction.

Mr. King noted that while the Developer is allowed to put in the infrastructure, he would not be allowed to sell property until the subdivision is approved by the Province. The Development Agreement will speak to how construction traffic would be managed, with access to be provided from Krahn Road.

Council commented that their assumption was that the access closures would be done in 2019, with a possible option to do it in phases, and access to private properties will still be available during construction. The turn around area that would be created as a result of the proposed access closures still needs to be worked out.

The Public Hearing was closed at 7:54 p.m.

Minutes of the Public Hearing held on January 22, 2019 at 7:59 p.m. regarding Conditional Use C3-19; an application from Luke Wiebe on behalf of 6135367 MB Inc. and 5563985 MB Ltd. to allow for a Planned Unit Development (48 dwelling units) in a Residential High Density Zone on Lots 12, 13, 14 Block 6 Plan 19956, civically known as 87,93 and 103 4th Avenue S. The

proposal was duly advertised as per Section 169 of *The Planning Act*. Mayor Myron Dyck served as chairperson, with all members of Council in attendance.

Luke Wiebe (Developer) noted that this revised proposal had eliminated 12 units in the centre of his development (original proposal December 4, 2018). He noted that this development would most likely be condos available for sale.

Duane Klapprat of 161 4th Avenue S. noted a concern regarding traffic on the street and questioned the ability of the street construction to handle water.

Viola Toews of 61 4th Avenue S. noted concerns regarding traffic, dangerous for pedestrians and devaluing of private property. She commented that she would like the process delayed to allow for a review of how the (recently constructed) units affect traffic before proceeding.

Randy Koop of 113 4th Avenue S. asked for clarification on whether the proposed development met with current requirements.

Mr. King noted that this proposal is a Planned Unit Development, where the conditions are governed by Council. He also noted that the proposal was not in compliance with recommendations from Administration, which included a suggested maximum of 40 residential units, having unclosed parking in the centre, designated visitor and handicap parking, Canada Post pad on private property, interior roadways to be 25' width and that the greenspace requirement fell short of the required percentage.

Mayor Dyck provided clarification on the administrative review process and noted that the Developer has the right to present his proposal to Council, who then weigh both the recommendations from administration and the proposal as presented before making their decision.

Mr. Koop asked for the reasoning behind the location of the garbage and recycling area in the front of the development and wondered if this could be placed in the rear yard instead. He also commented that he would like to see a bigger buffer (setback) on the south side, which is adjacent to his property. Mr. Koop also noted a concern for drainage as well as whether the mature trees on the rear of his property would survive excavation.

Mayor Dyck read a letter of opposition from Helen Sparrow (63 4th Avenue S.) into the record. Ms. Sparrow noted concerns with safety for pedestrians, traffic, lack of visitor parking, schools, taxes, devaluation of private property, esthetics and glut of condos on the local market.

The Developer responded to the concerns by noting the following:

- locating dumpsters in the front yard was safer than having the collection trucks driving through the development
- Side yard setback is 18 feet, which exceeds current setback requirement
- Construction standards show the road aisle width as 20'
- This proposal introduces a centre (parking) building with a shared walkway for safety
- Developer is not interested in lowering the number of residential units; there is an option to apply for more units if a 3-storey building is proposed
- Traffic – residents are used to having less traffic, while in reality, density is highest around school areas
- Parking bylaw has changed after initial application, with 2 parking stalls per unit a higher requirement than other communities. Developer is not willing to go beyond this requirement. The one bedroom units won't have a need for 2 cars.
- Developer does not feel that getting rid of garages is a good idea
- Green space will be in compliance with 7,300 sq.ft. requirement, as back yard patio areas will not be hard surfaced and can be included in calculation

Council asked for clarification on the number of parking stalls without garages, citing concern that this would become a condo corporation with a mini storage.

Developer noted that it is up to the individual whether they want to use their garage for parking or storage.

Mayor Dyck provided a background as to why Council was concerned about the parking garages, citing past experience with developments where residents would rather park on the street than pay for additional parking stalls, thereby prompting area residents to bring their parking complaints directly to Council members. He also noted that Council was trying to find a balance between the Developer and the community.

Developer noted that forcing 2 parking stalls on a one bedroom unit is not realistic or feasible, as many only have one vehicle. He also noted that he would be willing to get rid of the garages to add an additional 4 parking stalls but was not willing to do more than 2 stalls per unit.

The Public Hearing was closed at 8:40 p.m.
