

## RM OF SPRINGFIELD PLANNING MEETING

OCTOBER 24, 2019

### WITHOUT PREJUDICE (E&OE)

Deputy Mayor **Ralke** announced Mayor **Fell** was away and she would be chairing the meeting. A member of the gallery asked the Deputy Mayor and CAO if Mayor **Fell** was away having her baby and was told "no".

**NOTE: Below is a detailed recounting two rezoning applications. To the best of my recollection, this property has been an issue for several years and if memory serves me correctly, it was among several last minute requested changes to the newly adopted Development Plan and according to our Development Officer, at the last minute, in discussion with Council and a representative of the Province, it was changed to Employment Land in the Development Plan. The Zoning By-law 08-01 has not been adjusted to mirror the new Development Plan but according to Mr. Doucet, is in the process. The re-zoning would designate the south portion of the property CH Commercial Highway and the north portion Rural Residential from Institutional. There is concern on the part of the residents who live in the area as to the impact this would have on their quiet residential neighbourhood as the permitted and conditional uses under the CH designation are many and varied. The decision was made to defer the decision on the portion to be designated CH while Council and the owners discuss what type of business activity will or will not be allowed to be established on the property and the public hearing was left open pending its being on the agenda of some future Planning Meeting at which time residents that had concerns will be notified.**

**Re-Zoning By-Law 19-19 - Lynn Montsion obo Len-Don Ltd. SE 21-10-4E** - The owners wish to have the property on which they are located, home and business, re-zoned from Institutional Zoning District to Commercial Highway District to correspond with the new Development Plan. A landscaping and construction business has been run out of there since 1985, pre by-law. **Dan Doucet** - Tonight we have By-law 19-19. The by-law is the public hearing to rezone property from "I" Institutional Zoning District to "CH" Commercial Highway Zoning District. All those lands affected are under Certificate of Title 1258970, the southerly 160.4 meters of the E 1/2 of Lot 7 of Plan 433 Excluding Public Road allowance 3556 all within Roman Catholic Mission Property. I would recommend that Council consider granting second reading of Bylaw 19-19 after the public hearing subject to the evidence brought forward for tonight's public hearing. By-Law 19-19 is a Zoning By-law amendment for rezoning of the subject property. Prior to Council granting 3rd reading of the by-law, I would advise Council to review the permitted and conditional uses listed within the CH zoning table and then consider restricting or prohibiting some of those uses by means of entering into a Development Agreement with the current land owners. If Council were to consider Second Reading the resolution would read as follows: Be it resolved that second reading be given to By-law 19-19 for a bylaw of the Rural Municipality of Springfield to rezone part of the southerly 160.4 meters of the east half of Lot 7 of Plan 433 in the Winnipeg Land Titles Office within the southeast quarter of 21-10-4 from "I" Institutional zoning district to "CH" Commercial Highway zoning district. Background: Lynn Montsion obo Len-Don Ltd. has applied to re-zone the property located on the corner of Navin and Murdock Roads to match the corresponding Development Plan designation. It is the intention of Lynn Montsion to further subdivide the property into a 7.9 acre commercial property and 3 - 4 acre residential parcels. The By-law requires third reading before it becomes law. First reading of the Rezoning By-law was granted September 19, 2019 under Resolution 19-456. On September 24th notice of the public hearing and bylaw and the appendix were e-mailed to the surrounding municipalities, City of Winnipeg, surrounding Planning Districts, Cooks Creek Conservation District and the Minister of Manitoba Municipal Relations and also a copy was provided to the applicant. On October 9th notice of Public Hearings were mailed out to the following surrounding property owners located within 100 metres of the affected property. Public hearing notice was also posted on the subject site, at the Municipal office and Planning office and on-line municipal web site. Notice of public hearing was advertised in the Clipper weekly for October 10th and October 17th publications. We have received the following correspondence: Red River Planning District said they had no concerns; RM of East St. Paul had no comments at the time of the writing of the report; we have received comments from the Provincial Office at Beausejour and their statement is "*the proposed amendment appears to be consistent with the intentions and objectives of the Development Plan and as such, Community Planning has no concerns with the approval of this bylaw.*". We've also received comments from the Provincial Lands Branch Office, Sustainable Development, and Lands Branch has no comments or concerns. **Deputy Mayor Ralke** then asked the applicant if they had anything to add and **Lynn Montsion** had a couple of questions when making reference to limiting the various uses. She was curious as to where the RM was going with that as it is defined as to what are permitted uses and they do have to make application on the conditional uses. She had a list of the Permitted and Conditional Uses and they have made application based on that and wanted a chance to respond. **Deputy Mayor Ralke** felt that before that was addressed, the public should have the opportunity to ask for Information, to Support, or to Object to the application. **Dan Doucet** concurred. **Heather Erickson** - May I address the Development Officer directly or should I address you, Madame Deputy Mayor. (I was told the latter). In the new Development Plan, is this land designated Employment Land? **Dan Doucet** - Yes, it is. In the old Development Plan, it was Institutional and that got changed to Employment. **Unknown male** - I am just curious as to what is the difference between Institutional and CH and what the intended purpose of that land is. **Dan Doucet** - Under the broad definition of Highway Commercial or CH is to establish a zone for high quality commercial development. The Institutional is more for churches, cemeteries and schools. Within the Highway Commercial there are 26 permitted uses and 21 conditional uses. There are a variety of different businesses that can go in there. There are 2 existing buildings on the property which he felt were there for the groundskeeper of the cemetery. He feels there has been no evidence of a business there for a number of years so it is not a pre-existing use as of right now. It is a vacant building going for a subdivision for a commercial designation. **Unknown male** - So we don't have any control over what goes in there once it is zoned CH? **Deputy Mayor Ralke** - That's where we can have a discussion as to what can go in there and what can't. **Dan Doucet** - That's recommended in my report before it goes to third reading and to look at each and every use to see what might be considered and what Council wants. **Unknown male** - I am not exactly sure what the options are. When asked by the Deputy Mayor to what he might be opposed, he mentioned increased traffic, noise, mix of residential and non-residential. **Dan Doucet** - Then went off to make copies so everyone could see the permitted and conditional uses. **Heather Erickson** - **I was going to say for the benefit of the public, it would be better to have the discussion about what kind of uses you're going to permit before the public hearing closes because otherwise these people don't know what you're basing your decisions on.** **Councillor Fuhl** said he had similar concerns and had expressed that during First Reading. **Dan Doucet** - Said he had a list of what he thought would be appropriate but felt he wanted Council's

opinion on it as well. Suggested the public hearing could not be closed and then Council could sit with the applicants and decide what uses would be permitted and then reconvene the public hearing at a subsequent Planning Meeting and say what Council had decided. **Owner** - Difficult to respond if we don't know what is permitted and what is not. **Lynn Montsion** was advised by the Deputy Mayor to take notes.

**Unknown female** - Is there any way of knowing if there is going to be an entrance from Murdock Road, like from in front of my house to the new business? Chose Springfield for a purpose. This summer we had Fun Mountain deciding to have parties all night. It was crazy. Like if there was a bar or something, we wouldn't want a bar or a hotel or something where there is lots and lots of traffic. That's why we wanted to be out in the country but my other concern is that there is only going to be 3 (residential) lots, not 20 lots like Ravenhurst has a billion houses. We want to live out in the country, not in a whole big neighbourhood. Is there any way to guarantee that 3 lots is all we are going to have? **Dan Doucet** - That's what the proposal is. They have just filed an application for subdivision and that will be for 4 acre lots and that is the minimum. (As regards the driveway on to Murdock Road), the placement of the buildings and retention pond the likelihood of a driveway on to Murdock is minimal but Council could enter into a development agreement restricting that. **Unknown Male** - I've got a question on the paper that you just handed out regarding the Commercial Zoning district. It is listed to establish a zoning district providing quality commercial development along major roadways. I don't think Navin Road is a major roadway. I am concerned about the kind of traffic that will be coming out of there. Anything commercial would be going on to Navin Road and I don't think that road can stand any more traffic. They closed down the perimeter highway and Navin Road some years ago now so now all the traffic in that area is funnelled right past that location. So my concerns are for the safety. Once it is changed to Commercial Highway zoning, even with restrictions on it, once it is there, if somebody wants to change it down the road, my assumption is that it is much easier to do at that point. I live right next door. To me that doesn't make sense to put a commercial property in a residential area. He wanted to know how Conditional Uses apply. **Dan Doucet** - Explained one has to make application for a Conditional Use before Council for approval. **Unknown Male** - Was not sure CH is the right designation for this property as it does not front on a major roadway. Designating it Commercial Highway is detrimental to the area being residential, with the traffic, noise, dust, etc. **Dan Doucet** - Employment land is a Development Plan designation and within that are allowed 4 different types of zones: Highway Commercial, Light Industrial, Heavy Industrial, and CC Central Commercial as in a downtown location. This fits the Highway Commercial designation as per my report with some restrictions on the types of uses. **Unknown Male** - That works well on the highway but not in a residential area. Will we be notified of what you are going to allow or disallow and then we will have a chance of rebuttal at that time? **Deputy Mayor Ralke** - Yes, you sure will. **Heather Erickson** - I seem to remember when I was on Council in the eleventh hour it seems to me that this was one of the issues that was sort of an 11th hour issue and that was debated and discussed and I was sort of the opinion that it had not been approved. And so I was surprised to hear you say that this is now Employment land and one of the reasons is as this other gentleman stated, it is not on the highway, it is off the highway on a gravel road which will no doubt have to be upgraded and improved at taxpayer expense, depending on the type of business. One thing I want to make clear, Madame Deputy Mayor, is ....like right now you are doing for Information, For and Against and yet you are saying that you are going to hold over and defer closing the meeting until the November Planning Meeting? **Deputy Mayor Ralke** - That's what we were just discussing. **Heather Erickson** - Like, if you close the Public Hearing, if you are doing For and Against now, and you are not closing the public hearing, does that not allow people in November when it comes back to a Planning Meeting to again ask for information, and speak for and against? **Deputy Mayor Ralke** - Yes. **Heather Erickson** - I want clarification. **Deputy Mayor Ralke** - Yes, yes we will go through that same process for all readings. **Heather Erickson** - But this still is second reading. **Deputy Mayor Ralke** - Correct. **Heather Erickson** - So, ok, we will have another chance to speak to this in November, you are not closing the hearing. **Deputy Mayor Ralke** - Correct. **Heather Erickson** - Very well. I am opposed. **Deputy Mayor Ralke** - Is there anyone else opposed? **Dan Doucet** - May I just add some clarification, Heather. **Heather Erickson** - I don't understand why we are doing this if it is being deferred. Why are we going through this process? **Dan Doucet** - We just gave a recommendation. If Council wants to defer it..... **Heather Erickson** - Oh, you mean otherwise they might close it tonight and then you won't have any other opportunity. **Dan Doucet** - That is correct. **Heather Erickson** - However if you have opposed, as I did, you will still have an opportunity to do a second written opposition to the Province on this issue? **Dan Doucet** - No. **Heather Erickson** - Why? **Dan Doucet** - Let me explain the process. Right now Council has the public hearing. If they want to postpone a decision, and not have second reading this evening, the public hearing remains open. If Council closes the public hearing, then go for a second reading, then you only have the opportunity to file your concerns to the Minister, there was a change in the Planning Act in December that it has to be 25%, sorry 50% or more of the people circulated or the opposition of 25 people. If you don't have those numbers, then Council can go ahead to Third Reading. That is with the rezoning but with the Development Plan amendment it is totally different. That just got changed in December of 2018. **Dan Doucet** and **Deputy Mayor Ralke** - Right now we are dealing with the rezoning. **Unknown Gentleman** - But we don't have 25 people in the area there. **Dan Doucet** - So Council can go ahead and make the decision. That was a Provincial decision. **Heather Erickson** - And we haven't redone the Zoning By-law to match the new Development Plan. **Dan Doucet** - We're working on that now. **Unknown Female (Shirley)** - Yes, I am against it. I live very close by and I had no letter or nothing telling me about what was taking place. The first I saw was when the zoning sign went up. That's how I found out about it. And living so close by, I am surprised I didn't. And the same like the other gentleman said, I can't see commercial going in when it is all residential there. We own 55 acres and it wasn't that long ago we wanted to subdivide 5 acres off of it for my grandson and we were told No, definitely not. It was agricultural land and it had to be a minimum of 20 acres. Well, now when I hear something like this, it is very maddening. And I'm definitely opposed to it because it's not a highway, it's just a residential road really and we don't need commercial traffic. **Deputy Mayor Ralke** - Council, do you have any questions for the applicant? **Councillor Williams** - Are you planning on keeping the same business for the next years? **Lynn Montsion** - What we're trying to do is get what the property was originally used for zoned that way. We are not looking to put a restaurant or a bar or anything of that nature on there. We are looking ...the company is a landscaping and construction company and a little bit of what Dan said about it being with the cemetery isn't true. We did contracts all over the city, including Bernie Wolfe School, 3 cemeteries, we did snow removal equipment, it was in operation as a business on the whole 20 acres that's on that location which is attached, by the way, to a profit bearing institutional business that is attached to commercial property. It has been operated as a construction and landscaping business since 1985. **Councillor Williams** - I'd like to ask the Development Officer a question then. Is it possible that we can put some kind of a condition on this that it remain as the current business until the zoning discussions come up with the new Zoning by-law? That way we would avoid a lot of the discussion about what they can and cannot and should and should not have. **Dan Doucet** - Yes, Council can enter into a Development Agreement and place that as a condition on the resolution to enter into a Development Agreement restricting the land to one use only. **Lynn Montsion** - One use only? **Councillor Williams** - So in another 12 or 14 months we're going to go through a Zoning By-law update. **Lynn Montsion** - Yes I am aware of that. **Councillor Williams** - There will be discussions of what will be permitted and what will be a conditional use on that CH. **Lynn Montsion** - We've got a

problem and I'll tell you why. Part of the people we worked with on council were not on Council at the time to make sure a portion of that property went residential in complying with the residents in the community. We are trying to compromise. We are all getting up in age and we want to be truthful. We want to sell the property to someone that's going to use the property and then develop the residential area in a mode that is not an anathema to the residential community. Now some of the residents brought up about the traffic, ok it's not even 8 acres now for commercial. We have two entrances when we were running the commercial business there, a front entrance on Green Acres Road and Murdock, there was an entrance off the back portion of Murdock. It's still actually there if you see the road plan, there's an entrance. Now the back one on Murdock was very rarely used. It's the one that's in front on Green Acres, it's actually called Green Acres Road. (No, it's Navin) Well, ok it's connected that way. It's Navin Road. So the entrance has always been Navin Road. In fact the address that just got changed 20158 Navin Road because that's the front entrance of where the business structures are on. **Councillor Williams** - The answer to my question is no you are not willing to keep that same business? **Lynn Montsion** - Well, I don't want to restrict us to that. We've got to have flexibility as an owner to maybe sell it and another thing, we've been advised we could not continue the business even to get a renter in doing the same type of business because of the fact the zoning was incorrect. **The other owner** - I think we've got to go back to the fact that this was all done prior to (before all this happened) well, way back to the 50s when this wasn't even a municipality. Anyway I think what we need to state is for the residents regarding their concerns, I don't think we'd be in a position where we would agree to some obviously destructive things that would affect the community such as eating and drinking establishments but we don't want to be handcuffed down to the point where you put us into a box where we are stuck with one particular use and one particular business that's being paying taxes since 1956. And a commercial enterprise has been there since 1956. First of all, with the Green Acres Cemetery and then in 1984 as LenDon Ltd. Construction and Landscaping with all kinds of equipment and things going on in that particular location so we're trying to do things that ...we have concerns for the community but we also feel that it's only right that we be able to work within the confines of what this business is always doing. It's not something new. It's been there for a long, long time, long before most of the residents. **Councillor Fuhl** - I just want to clarify, that was zoned institutional so there wasn't commercial...what were the taxes on at that time under institutional? **Dan Doucet** - I don't know what the tax structure was at the time and after 1990 the RM of Springfield took over Planning jurisdiction from the City of Winnipeg to be part of the additional zoning. I had asked the owners if there was any proof of a legally conforming business with any documentation. None of that was provided related to zoning. They might have had it financially with banking records but nothing related to the property. The business has not been in operation for a number of years. They tried to sell the property for that particular use and said it wasn't possible because it didn't conform to the zoning and that is the history. **Lynn Montsion** - One other point, when we were dealing with the presentation, it wasn't given to the public about what the different types of zoning were. Someone was making reference to multiple residences, under Institutional even a nursing home can go in there and a whole bunch of other things that would be multiple residences, schools, churches, nursing homes, gun ranges, crematoriums, cemeteries...there's a lot under institutional. In the provincial report, we were deemed as a legal non conforming use. **Councillor Wilson** - I am prepared to entertain this proposal. We are in a situation where there is some change going on in this particular spot. The property is not as large as it used to be, part of it that used to be Institutional is open space and the storage is now going to residential, part of it which was a working area has been designated as a commercial highway but in that group of commercial highway uses there are a number of uses that don't mix so we're here to figure out what that range of uses should be. I would propose we follow the Development Officer's suggestion to sit down with Council and the proponents, go through the list, and decide what is appropriate and come back with something definitive to talk about. **Councillor Fuhl** agreed with Councillor Wilson. **Deputy Mayor Ralke** - Council may pass a resolution not to proceed and the Planning Department would then send notice to those where you could have the discussion to defer second reading to have the discussion first and agreement and then come back for second reading? **Dan Doucet** - I would not pass a motion not to proceed, but you could defer the hearing, have a working group meeting with Council and the applicants and then come back to a new public hearing with a recommendation. **Deputy Mayor Ralke** - And the public hearing would be the Second Reading public hearing? I would like to ask Council if they would defer this second reading public hearing to a working group? All in favour. **CARRIED 5-0** There will be a joint discussion of what would be allowable uses of the property. Scheduling could be a problem but will do it as soon as possible. **Dan Doucet** - There has to be 3 weeks public notice before the next hearing.

#### **Re-Zoning By-Law 19-20 - Lynn Montsion obo Len-Don Ltd. SE 21-10-4E - Rezoning property from Institutional to "RR" Rural Residential.**

**Heather Erickson** - Madame Deputy Mayor, I am genuinely curious as to how both these applications are on the same Certificate of Title and you were to approve this one, changing it to Rural Residential, attached to it is the other piece which Dan has just said would then be Commercial, how would that work to approve this one and that would seem to close the entire affair. **Dan Doucet** - The same piece of property but they are two separate applications and zones. On the northern piece, if approved, they could sell the whole piece and put one building on it which would require a subdivision to sever off that piece. **Heather Erickson** - So they are being done separately. (YES) **Deputy Mayor Ralke** closed the public hearing. **Colleen Draper** - Be it resolved that second (and third) reading be given to By-law 19-20 being a bylaw of the RM of Springfield to rezone the northerly 241.4 meters of the E 1/2 of Lot 7 Plan 433 WLTO Excluding Public Road Plan 3556 WLTO in Roman Catholic Mission Property within the SE 1/4 of 21-10-4E Re-Zoned from "I" Institutional Zoning District to "RR: Rural Residential Zoning District. **SECOND AND THIRD READING BOTH CARRIED 5-0**

**NOTE:** The only other contentious item on the agenda was 19-26 to approve a Child Care Service at 16 Frank Street in the settlement of Oakbank. There were a number of residents from adjacent properties present to object to the application and a very large group of supporters. ONE OF THE SUPPORTERS MADE A VERY VALID POINT WHEN SHE ASKED WHAT COUNCIL IS GOING TO DO ABOUT THIS CHRONIC CHILD CARE FACILITY SHORTAGE. While the suggestion was that it was a provincial matter, this lady disagreed. I CONCUR. INSTEAD OF SPENDING APPROXIMATELY \$410,000. FOR THE RESEARCH AND IMPLEMENTATION OF A SKATE PARK ADJACENT TO THE ADMINISTRATION BUILDING, PERHAPS THAT MONEY WOULD HAVE BEEN MORE WISELY SPENT BY OUR COUNCIL BY REFURBISHING THE VACANT BUS GARAGE ADJACENT TO THE SPRINGFIELD COLLEGIATE INSTITUTE AND TURNING IT INTO A CHILD CARE CENTRE WHICH WOULD BE CONVENIENT TO ACCESS AND LOCATED STRATEGICALLY NEAR PLAYGROUNDS. IN FACT, IT COULD HAVE BEEN TIED IN WITH THE CURRICULUM OF THE MIDDLE AND HIGH SCHOOLS AS A TRAINING GROUND FOR POTENTIAL FUTURE CHILD CARE WORKERS. After the supporters spoke and the main point brought out in all their presentations was the dire need for child care spots and the length of time people have been on waiting lists for same, the objectors went to the microphone and said their minds had been changed and that they were in favour of the proposal. The

proposal CARRIED UNANIMOUSLY and the neighbours all left together in a spirit of harmony and good will. The consensus around the Council table was that this shortage of Child Care is a subject they need to address.

As the meeting was about to end, the Deputy Mayor called a break before going into Closed Session. I protested as on the agenda, there was no subject listed under Closed Meeting and this should be on the agenda if there is going to be an In Camera session in the interests of **TRANSPARENCY**. The CAO, Colleen Draper, said it was to discuss Negotiations and when asked what kind, **she would not disclose** what the nature of the negotiations were.

**NOTE: I would like to comment on the relaxed and courteous manner in which Deputy Mayor Val Ralke conducted the meeting. She was obviously well prepared in advance of the meeting. It was noticeable how much more the members of Council were willing to participate in the discussion than they normally do. She did not interrupt people while talking, speak over them, she did not set a timer, she allowed people time to adequately express their points, and she did not insert her own opinions or state her position on matters being discussed. There appeared to be no pre-discussion of issues before the meeting started. When required, she politely and effectively directed the proponents to agree to defer the decision on item 19-19. In short, she allowed members of Council to form their own opinions without imposing her own thoughts on any subject. This is a refreshing departure from meetings conducted by Mayor Fell, in my opinion.**

Motion to go into Closed Meeting. Motion to come out of Closed Meeting. Nothing was recorded as a result of the closed discussion.

**ADJOURNED**