**Agenda - Council - October 26, 2005**

**Report - Standing Policy Committee on Property and Development - October 4, 2005**

**Item No. 1 Amendment to Riverbend South Development Agreement AG 20/98 File DASZ 20/98**

STANDING COMMITTEE RECOMMENDATION:

On October 19, 2005, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the Lord Selkirk-West Kildonan Community Committee and submits the following to Council:

1. That Development Agreement AG 20/98 be amended by deleting the requirement for a sidewalk on the north side of Murray Avenue from Donan Street to the CPR Tracks.

2. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

**Report - Standing Policy Committee on Property and Development - October 4, 2005**

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On October 19, 2005, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the Lord Selkirk-West Kildonan Community Committee and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On October 4, 2005, the Standing Policy Committee on Property and Development concurred in the recommendation of the Lord Selkirk-West Kildonan Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On September 13, 2005, the Lord Selkirk-West Kildonan Community Committee did not concur in the administrative recommendation and recommended to the Standing Policy Committee on Property and Development:

1. That Development Agreement AG 20/98 be amended by deleting the requirement for a sidewalk on the north side of Murray Avenue from Donan Street to the CPR tracks.

2. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

On September 13, 2005, the Lord Selkirk-West Kildonan Community Committee also considered the following submissions from the following people in support of an amendment to Development Agreement AG 20/98, namely: Wanda Slawik, Michele Kading, Darren Bilsland, Eileen Kafka/Wilson, D. Forzley, Iris Ray and Marty Brazil, Dean, Kim, Kennedy and Max McConnell, Leonard Furber, Charleyn, Cherish, Cayla-Jesse and Checed Picklyk and Augusto Donelli and Patricia Randon.

Re: PROPOSED AMENDMENT TO DEVELOPMENT AGREEMENT AG 20/98 (RIVERBEND SOUTH) - NOVAMET DEVELOPMENT CORPORATION AG 20/98

Under the terms of the Riverbend South Development Agreement AG 20/98, the Developer, Novamet Development Corporation, is required to construct sidewalks on both sides of Murray Avenue from Main Street to the CPR tracks.

In a letter dated May 31, 2005, a copy of which is attached, the Developer advised that the residents on the north side of Murray Avenue were opposed to the construction of a sidewalk abutting their properties. The Developer therefore requested that the requirement to construct the subject sidewalk be deleted from Development Agreement AG 20/98. The Developer would still be required to construct sidewalks on the south side of Murray Avenue from Main Street to the CPR tracks. The sidewalk on the north side of Murray Avenue from Main Street to a point approximately 35m west of Donan Street was installed in 2004.

The Public Works Department has reviewed the Developer's request and has recommended that the requirement for the deletion of the sidewalk on the north side of Murray Avenue not be concurred in for the following reasons:

1. Murray Avenue is a residential collector street and the City's standard is to have sidewalks on both sides of residential collector streets to provide safe and convenient pedestrian access and circulation in the area.

2. The sidewalk also is required to provide a safe pedestrian route for students who will be attending the future school to be located on Swinford Drive, North of Murray Avenue without forcing students, from the north side of Murray Avenue, to cross Murray Avenue twice in order to make their way to the school.

3. Many of the arguments used by the residents in their petition against the sidewalk have been encountered in other locations where sidewalks have been installed and have been dealt with satisfactorily.

THIS REPORT SUBMITTED BY:
Administrative Coordinating Group
File No. AG 20/98
August 15, 2005

*"Original signed by E.L. Carrière"*
Land Development Engineer

*"Original signed by R.J. Hartmann"*
Public Works Department
Transportation Division

enclosure

v/acg reports/98ag20-report amend

Novamet Development Corporation

30 Speers Road, Winnipeg, Manitoba R2J 1L9
Telephone: (204) 942-3537 Fax: (204) 233-2965

May 31, 2005

E.L. (Ernie) Carriere
The City of Winnipeg
Planning, Property and Development Department
Main Floor, 65 Garry
Winnipeg, Manitoba
R3C 4K4

Dear Sir,

**Proposed Development Agreement Amendment**
**Riverbend - AG 20/98**

As you are aware, Clause 5(a) of Section "C" of Development Agreement AG 20/98 provides that the developer will "construct .... sidewalks on both sides, in Murray Avenue from Main Street to the CPR tracks".

Earlier this year, we contacted all of the homeowners on the north side of Murray Avenue to advise them that we would be staking the location of their front property line and the sidewalk to be installed this year, and requesting that they remove any plantings from the boulevard area. In reply to our letter, the homeowners on Murray Avenue presented us with the enclosed letter detailing their concerns regarding the installation of a sidewalk on the north side of Murray Avenue.

Considering the strong opposition of the residents on Murray Avenue to the installation of a sidewalk adjacent to their properties, we are herein requesting that the City delete this requirement from our Development Agreement. We will install the sidewalk on the south side of Murray according to the terms of our Development Agreement.

Yours truly,

**NOVAMET DEVELOPMENT CORPORATION**

**ERIC VOGAN**
Land Development Manager

/lj
Enclosure(s): As Noted

RECEIVED
JUN 0 1 2005
LAND DEVELOPMENT
BRANCH

Mike Armstrong
Project Engineer/Novamet Development Corp. :

I am writing this email in response to the letter that we received from Novamet Development Corporation on May 11, 2005, regarding the installation of sidewalks on Murray Avenue. As residents of the area we have several concerns regarding this matter that we would appreciate being heard and taken into consideration bef the project proceeds.

The concerns are the following:

1) We have a concern over the destruction of old growth trees on the north side of Murray Avenue. These are predominately the only old trees in the area and would be destroyed if a sidewalk would be added to the north side of the street. These trees beautify the neighborhood and provide a valuable ecosystem to the birds and small animals in the area. Much of the natural ecosystem has be damaged and altered in this area and we feel that this would be an unnecessary change in the environment.

2) We are also considering the safety aspect for the community. The north side of Murray has front driveways, while the south side has back driveways. To prevent accidents from occurring it is more reasonable to put a sidewalk only on the south side where no one will be backing onto the street. This would prevent significant hazards to children and other pedestrians that will be using the sidewalk.

3) Another consideration is that double the amount of people live on the south side of Murray Avenue due to the number of duplexes on that side of the street. Therfore, more people including small children will be using the sidewalk on that side of the street.

4) Finally, it would also eliminate the necessity to remove resident's fencing and other fixtures that long time residents have had in place for numerous years.

In conclusion, we appreciate the time and attention that you have given to our concerns. Hopefully we will have the opportunity to discuss this matter further before it proceeds.

Sincerely Yours,

Garry and Karen Bencharski

May 2005

To Whom It May Concern:

**We the following undersigned residents of the north side of Murray Ave wish to express our strong disapproval of placing a sidewalk on the north side of the street.**

We feel that there is a need for only one sidewalk. There will be less of a safety issue if there is no sidewalk on the north side. The majority of properties on the north side of the street have front drives. Placing a sidewalk on this side may propose a safety issue to pedestrians coming down the sidewalk, as there will be more vehicular traffic backing out of the driveways.

By putting only one sidewalk on the street, and with the existing space available we feel that there is enough space to preserve more uninterrupted frontage of our yards. Having only one sidewalk, on the south side would preserve more of the mature trees in the area and save money for everyone affected.

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| SZKLARSKI JANUSZ | |
| LAANDA SLAVIK | |
| [illegible] | |

May 2005

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| Name | Address |
|---|---|
| KELVIN DOLA | |
| Nina Gilkes | |
| Eileen + Kevin Gibson | |
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| | |
| Tony H. Bird | |
| Derek Quill | |
| Kevin McConnell | |
| Michele Kading | |
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