Minutes - Executive Policy Committee - September 17, 2008

Minute No. 463
Report - Standing Policy Committee on Property and Development - September 2, 2008

Item No. 9 **Subdivision and Rezoning - Fernbank Avenue, between Riverstone and Main Street**
(Old Kildonan Ward)
File DASZ 23/2008

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

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 to Council that the application for subdivision and rezoning under File DASZ 23/2008 not be proceeded with.

Report - Standing Policy Committee on Property and Development - September 2, 2008

DECISION MAKING HISTORY:

Moved by Councillor Swandel,

That the recommendations of the Standing Policy Committee on Property and Development and the Lord Selkirk-West Kildonan Community Committee be concurred in and forwarded to Council.

Carried

STANDING COMMITTEE RECOMMENDATION:

On September 2, 2008, the Standing Policy Committee on Property and Development concurred in the recommendation of the Lord Selkirk-West Kildonan Community Committee that the application for subdivision and rezoning under File DASZ 23/2008 not be proceeded with, and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On July 15, 2008, the Lord Selkirk-West Kildonan Community Committee did not concur in the recommendation of the Winnipeg Public Service and recommends to the Standing Policy Committee on Property and Development that the application for subdivision and rezoning under File DASZ 23/2008 not be proceeded with.

RE:	**Subdivision and Rezoning - Fernbank Avenue, between Riverstone and Main Street (Old Kildonan Ward) File DASZ 23/2008 [c/r DAC 11/2008 & DAV 122836/2008D]**
For submission to:	**The Standing Policy Committee on Property and Development**
Prepared by:	**Diane Timmins, Clerk, Lord Selkirk-West Kildonan Community Committee**
Report date:	**July 24, 2008**

COMMUNITY COMMITTEE RECOMMENDATION:

On July 15, 2008, the Lord Selkirk-West Kildonan Community Committee did not concur in the recommendation of the Winnipeg Public Service and recommends to the Standing Policy Committee on Property and Development that the application for subdivision and rezoning under File DASZ 23/2008 [c/r DAC 11/2008 and DAV 122836/2008D] not be proceeded with

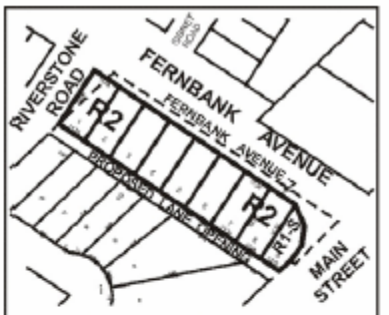
The Lord Selkirk-West Kildonan Community Committee provided the following supporting reasons for its recommendation:

1. The proposed multiple-family development is not in keeping with the surrounding area.

2. The proposed back lane access to Main Street would cause a very dangerous situation to exist.

PUBLIC HEARING SUMMARY

File:	DASZ 23/2008 [c/r DAC 11/2008 & DAV 122836/2008D]
Before:	Lord Selkirk-West Kildonan Community Committee Councillor Pagtakhan, Chairperson Councillor Lazarenko Councillor O'Shaughnessy
Public Hearing:	July 15, 2008 West Committee Room Council Building, 510 Main Street
Applicant:	Novamet Development Corporation (Glenn Halldorson)
Subject:	



LORD SELKIRK
WEST KILDONAN
COMMUNITY

APPLICANT : NOVAMET DEVELOPMENT CORPORATION
FILE : DASZ 23/08
PROPOSAL : An application for the approval of the plan of subdivision shown outlined above as may be determined by Council and for a proposed zoning change to By-law No. 200/2006 by rezoning the land shown outlined above from an "R1-E" RESIDENTIAL SINGLE-FAMILY and an "RMF-L" RESIDENTIAL MULTI-FAMILY DISTRICT to an "R2" RESIDENTIAL TWO-FAMILY DISTRICT and an "R1-S" RESIDENTIAL SINGLE-FAMILY DISTRICT. **For information, phone Mr. M. Robinson, Planner at 986-3213.**

Premises Affected:	Three unaddressed properties at the corner of Main Street and Fernbank Avenue

Exhibits Filed:

1. Application dated June 5, 2008
2. Notification of Public Hearing dated June 12, 2008
3a. Manitoba Status of Titles 1091839, and 1432401
3b. Manitoba Certificate of Title 4931
4a. Letter of authorization dated May 27, 2008 from Silpit Industries Co. Ltd. to Novamet Development Corporation
4b. Letter of authorization dated June 26, 2008 from The City of Winnipeg to Silpit Industries Co. Ltd. and/or Novamet Development Corporation
5. Plans (2 pages)
6. Report from the Planning and Land Use Division dated July 1, 2008
7. Report from the Administrative Coordinating Group dated July 7, 2008
8. Communication dated July 14, 2008 from Kevin & Jaclyn Koenig, in opposition to the application
9. Communication dated July 14, 2008 from the applicant, Novamet Development Corporation, with respect to the reports of the Winnipeg Public Service for DAC 11/2008, DASZ 28/2008 and DAV 122836/2008D
10. Supplementary Administrative Coordinating Group report dated July 15, 2008
11. Communication dated July 15, 2008 from Richard and Val Sloboda in opposition to the application
12. Communication dated July 15, 2008 from David and Cindy Brown in opposition to the application
13. Inspection Report
14. Plan showing the vacant land site submitted at the public hearing by Eric Vogan, in support of the application
15. Audio Recording of representations

REPRESENTATIONS:

In Support:

Eric Vogan

In Opposition:

David and Cindy Brown
Kevin and Jaclyn Koenig
Rudy Peters
Richard and Val Sloboda
Jacob Suderman

For Information:

M. MacDonald
Leona Ozog
Jason Yuen

For the City:

Ms S. Matile, Land Development Engineer, Planning, Property and Development Department
Mr. M. Robinson, Planner, Planning, Property and Development Department
Mr. N. Yauk, Planner, Planning, Property and Development Department

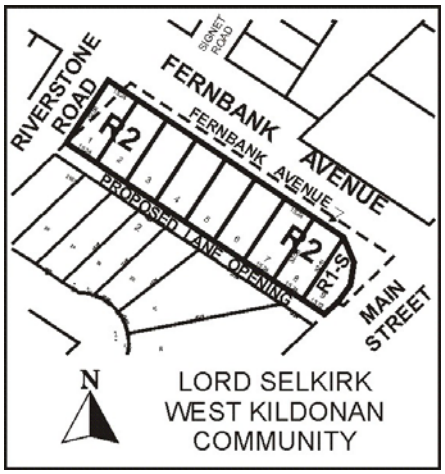
Exhibit "6" referred to in File DASZ 23/2008 [c/r DAV 122836/2008D]

Winnipeg

Planning, Property and Development Department Report

To the Lord Selkirk-West Kildonan Community Committee

Date:	**July 1, 2008**
File:	**DASZ 23/08**
Related Files:	**DAV 122836/2008D**
Subject:	**Application to amend Zoning By-law 200/2006 by subdividing and rezoning the subject lands from a "R1-E" Single-Family District and a "RMF-L" Multiple-Family District to a "R2" Two-Family District and a "R1-S" Single-Family District**
Location:	**Fernbank Avenue, between Riverstone and Main Street**



Applicant:	**Qualico Group (Glenn Halldorson)**
Owner:	**Novamet Development Corporation, the City of Winnipeg & Silpit Industries**
Recommendation:	**Approval, with amendments**

Site Description

The subject property, which is currently zoned "R1-E" Single-Family Residential and "RMF-L" Multiple-Family Residential, is located on Fernbank Avenue, between Riverstone Road and Main Street, in the Riverbend neighbourhood of the Old Kildonan ward.

North:A church and residences zoned “R1-M” Single-Family Residential
South: Residences zoned “R1-M” Single-Family Residential
East: Main Street, then residences zoned “RMF-M” Multiple-Family Residential
West: Riverstone Road, then residences zoned “R2” Two-Family Residential

Background
In 2007, an application to subdivide and rezone the subject lands to an “RM-1” Multiple-Family District (DASZ 43/2006) was withdrawn by the applicant prior to consideration by the Lord Selkirk-West Kildonan Community Committee.

Description of the Proposed Development
The applicant wishes to consolidate three contiguous lots into one parcel and to rezone the subject lands to an “R2” Two-Family Residential District and an “R1-S” Single-Family Residential District for the purpose of developing residential lots.

Analysis

Plan Winnipeg Compliance
The subject application constitutes development within a Neighbourhood Policy Area. Neighbourhood Policy Areas are intended to include a residential mix together with a variety of educational, recreational, institutional, commercial and possibly industrial uses, at a scale and density compatible with each other.

Compatibility with existing neighbourhood and surrounding uses

Location
The subject property fronts onto Fernbank Avenue, which is a minor collector. There are long-term plans for Fernbank, west of Main Street, to be upgraded to a four-lane divided roadway and at such time that significant development occurs west of the CPR Winnipeg Beach rail line, it is likely that Fernbank will carry a significant amount of traffic.

Additionally, the property is adjacent to Main Street and across the street from a non-residential land use.

Likewise, there are already a variety of different housing types in the area, including a number of duplexes on Riverstone Road.

For these reasons, the Division believes that the proposed development is an appropriate use for the subject lands

Access
All parking and access to the development will take place via a public lane, which will be accessed from Riverstone Road and Main Street (right in/out only). This will improve overall circulation on the site and reduce potential traffic conflicts on Fernbank Avenue.

Density

The subject property is 55,582 square feet (1.27 acres). Given a range of 15-17 total units, the density nets out to between 3,209 and 3,705 square feet per dwelling unit. In any case, the proposed density is moderate and is consistent with lot sizes in the "R1-S" single-family residential district.

Servicing

Existing services are adequate to meet the requirements of the proposed development

Public Notice

In mid June, Qualico sent out a letter and site plan of the proposed development to approximately 200 residents who live in the immediate vicinity of the proposed development.

Built Form

The applicant has indicated that the dwellings will look similar to a duplex that was constructed at the corner of Murray Avenue and Frog Plain Way (see Figure 2). In that vein, it is recommended that administrative plan approval be included to ensure that there is variation in the design of the units.

Noise Attenuation

Public Works is recommending that the residential lot flanking Main Street is to be established with a minimum width to provide a minimum side yard set back of 8m. In order to do this, the plan will have to be amended to increase the size of the lot flanking Main Street.

Additionally, Public Works is recommending that a 2.0m noise attenuation fence be constructed within the side yard of the residential lot abutting Main Street.

Recommendation

The Planning and Land Use Division recommends approval of the proposed rezoning and subdivision for the following reasons:

- The proposed development is compatible with adjacent properties
- The proposed zoning is in step with similar zoning on adjacent properties
- The proposal is not in conflict with Plan Winnipeg 2020 policy

Recommended Conditions of Approval

1. That the plan of subdivision under File DASZ 23/2008 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" dated July 1, 2008 with such minor changes as may be

required, and registration in the Winnipeg Land Titles Office subject to the following:

A. That the Developer be required to enter into a Development Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated July 7, 2008.

B. That the Plan of Subdivision be amended in accordance with the report of the Administrative Coordinating Group dated July 7, 2008.

2. That The Winnipeg Zoning By-law No. 200/06 be amended by rezoning the subject land as shown on Schedule “A” for File DASZ 23 /2008 dated July 1, 2008 to a “R2” Two-family District and an “R1-S” Single-Family District, subject to the following:

A. That the applicant enter into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to include the following conditions:

i. That for the development of any building, plans shall be submitted showing the design of the proposed buildings to the Director of Planning, Property and Development for plan approval prior to the issuance of any building or development permit, and thereafter to be developed in substantial accordance with approved plans.
ii. A minimum side yard setback of 8.0 metres (26.25 feet) from Main Street shall be maintained for any lot with flankage on Main Street

3. That a ten percent (10%) dedication be made by a payment of a sum of money to the City in lieu of the requirement for land dedication based on the increase in market value of the land and the creation of additional lots.

4. That the Director of Planning, Property and Development be authorized to certify any documents in connection therewith.

5. That in the event the matter is not proceeded with expeditiously and the by-law is not passed within twenty-four (24) months after adoption of the report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of this twenty-four (24) month period and the extension is subsequently approved by Council.

6. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary by-law in accordance with the above.

7. That the subdivision section of the by-law shall come into force and effect upon execution by the City of Winnipeg of the Servicing Agreement.

8. That the zoning section of the by-law comes into force when the plan of subdivision is registered in the Winnipeg Land Titles Office and the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the subject lands, provided that the said effective date occurs within one year from the date the by-law is passed.

9. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within one year from the date the by-law is passed, failing which the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

10. That the City Solicitor/Manager of Legal Services be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

This Report Submitted by:
Planning, Property and Development Department
Planning and Land Use Division

Report Prepared by: Michael Robinson, AICP
PPD File # DASZ 23/2008

Schedule “A”

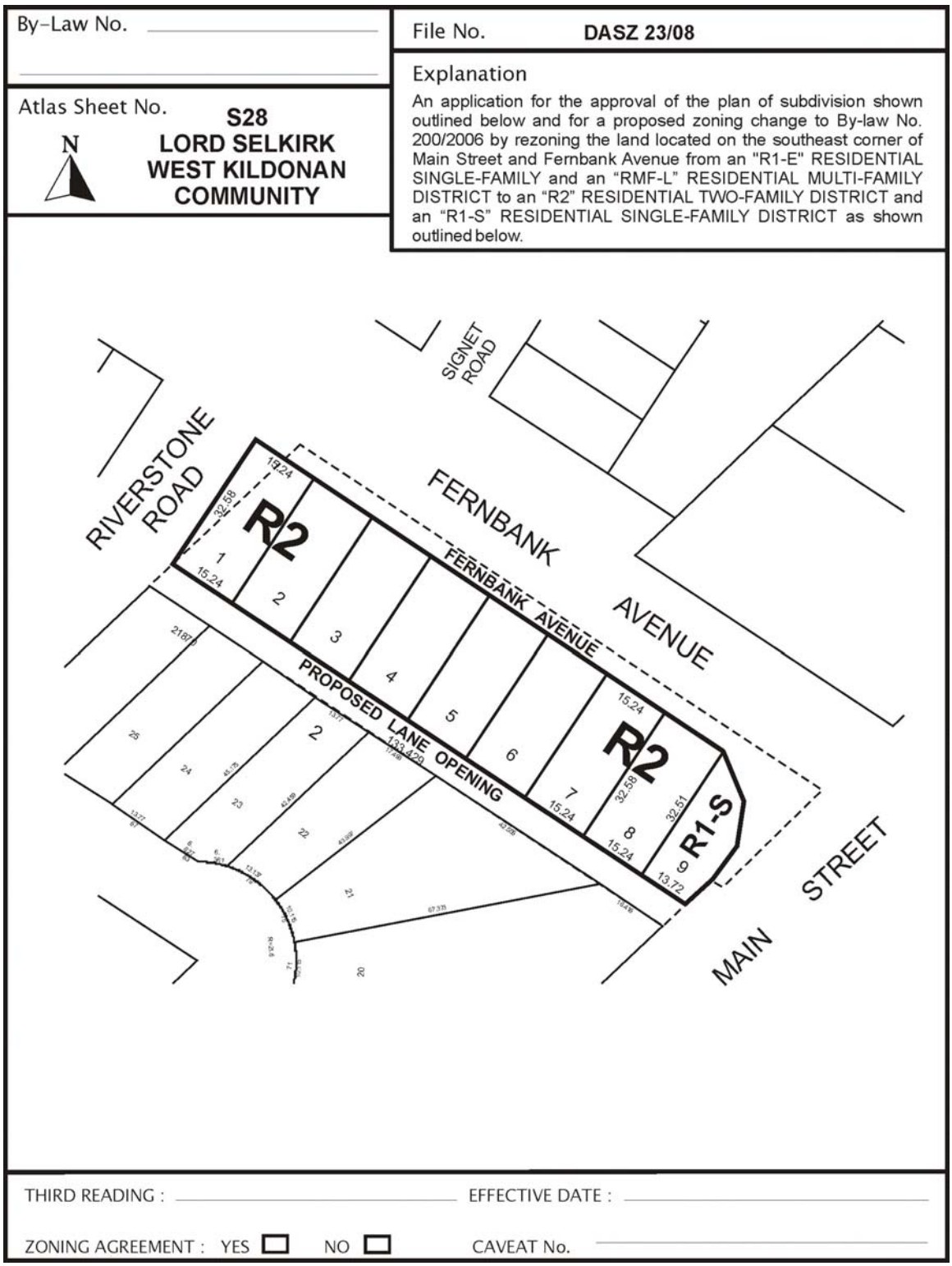


Figure 1: Schedule "A" to the report to the Lord Selkirk-West Kildonan Community Committee for File DASZ 23/2008, dated July 1, 2008.

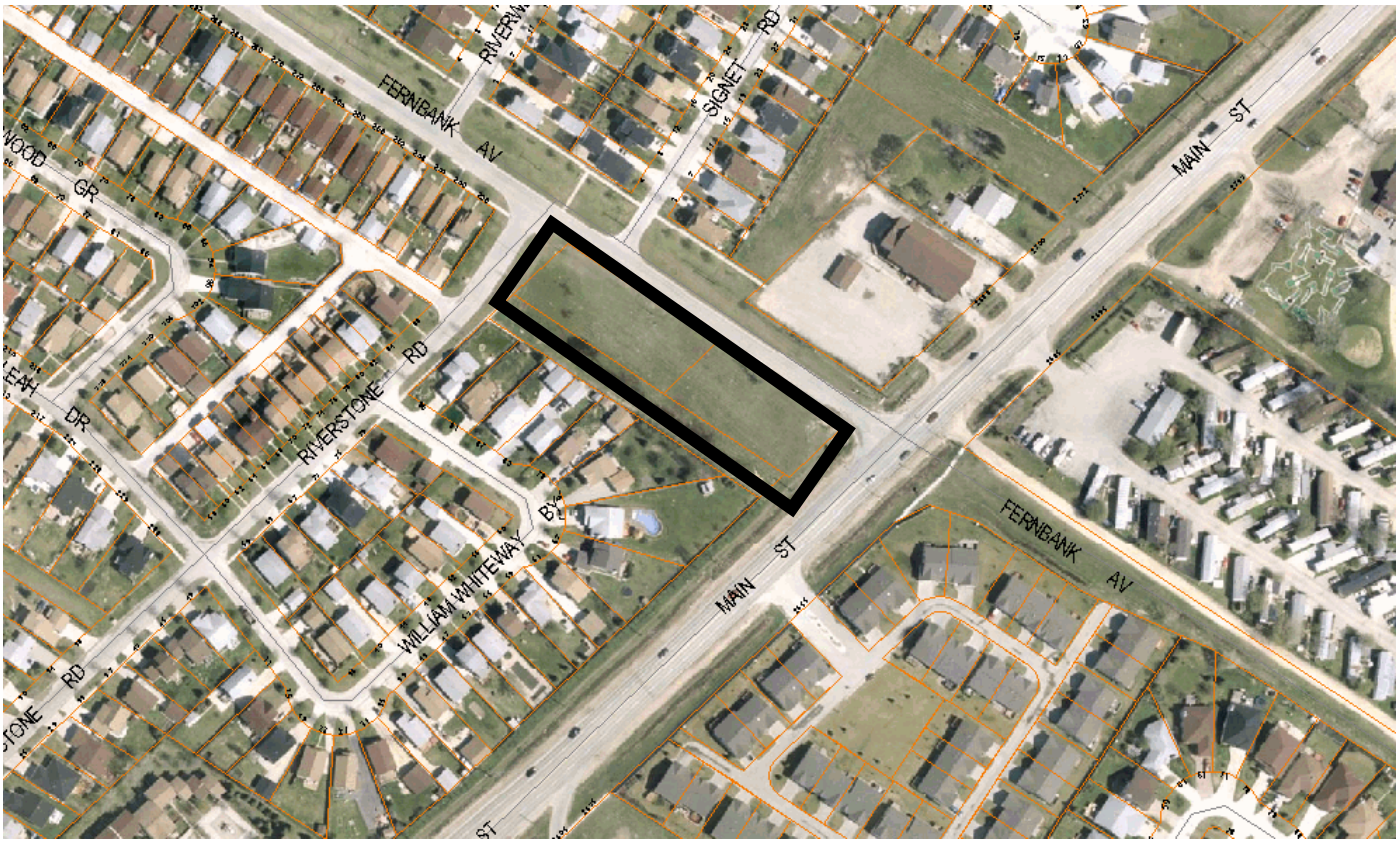


Figure 1: Aerial Photo (Flown in 2005)



Figure 2: Qualico Duplex at Murray Avenue and Frog Plain Way

Exhibit "7" referred to in File DASZ 23/2008 [c/r DAV 122836/2008D]

RE: PROPOSED SUBDIVISION AND REZONING OF LAND AT SOUTHEAST CORNER OF MAIN STREET AND FERNBANK AVENUE- DASZ 23/08

FOR SUBMISSION TO THE CHAIR AND MEMBERS OF THE LORD SELKIRK-WEST KILDONAN COMMUNITY COMMITTEE

"original signed by S.M. Matile"
S.M. Matile, P. Eng.
Chair
Administrative Co-ordinating Group

July 7, 2008

6148

RE: PROPOSED SUBDIVISION AND REZONING OF LAND AT SOUTHEAST CORNER OF MAIN STREET AND FERNBANK AVENUE

An application has been submitted by Qualico Group for subdividing and rezoning the land at Southeast Corner of Main Street at Fernbank Avenue from an R1-E Residential Single-Family District and RMF Residential Multi-Family District to an R1-S Residential Single Family District and an R2 Residential Two Family District.

It is recommended that the approval of DASZ 23/08 be subject to the following:

A. Plan Amendments

The applicant revising the Plan of Subdivision such that the lot adjacent to Main Street be of sufficient dimensions to provide a minimum side-yard set-back from Main Street of 8.0 m.

B. Development Agreement

The applicant entering into a Development Agreement with the City, containing the following:

1. The Developer shall pay all of the cost to construct water and wastewater lot line connections from the mains in the street to each unit within the subdivision.

2. The Developer shall provide a lot grading plan prepared by a municipal engineer, shall grant any easements and, if required, shall construct, at no expense to the City, any catchbasins and leads as may be necessitated by the design.

3. The Developer shall pay to the City, in cash, its share of the cost of traffic improvements to be installed by the City at and near the intersection of Main Street and Fernbank Avenue.

4. The Developer shall pay its share of the cost of services installed or to be installed by others in Riverstone Road and Fernbank Avenue, if applicable, as determined by the Director of Public Works.

5. The Developer shall, at no expense to the City, construct a 1.5-m-wide, 100-mm-thick portland cement concrete sidewalk along the south side of Fernbank Avenue, from Riverstone Road to Main Street, as determined by, and to the satisfaction of, the Director of Public Works.

6. The Developer shall, at no expense to the City, landscape the boulevard along the south side of Fernbank Avenue, from Riverstone Road to Main Street, as determined by, and to the satisfaction, of the Director of Public Works.

7. The Developer shall pay to the City in cash, on demand, its share of the cost of the following services to be installed in Main Street, for the full length of its property abutting the west side of Main Street:

    a) a 4.0-m-wide, 200-mm-thick portland cement concrete lane of pavement and all related works;
    b) a 1.5-m-wide by 100-mm-thick portland cement concrete sidewalk;
    c) street lighting in the west boulevard;
    d) landscaping in the west boulevard;

    all as determined by the Director of Public Works.

8. The Developer shall, at no expense to the City, construct a 5.0-m-wide, 150-mm-thick portland cement concrete pavement within the proposed public lane within the Planned Area, as determined by, and to the satisfaction of, the Director of Public Works.

9. The Developer shall ensure that construction traffic uses access routes as determined by the Director of Public Works.

10. The Developer shall maintain, at no expense to the City, the access routes in a clean, dust-free, safe condition, free of dropped and tracked-on mud, and shall undertake the regular scraping and sweeping of streets until building construction, including landscaping, is complete, all as determined by and to the satisfaction of the Director of Public Works.

11. The Developer shall, at no expense to the City, cause underground electrical and telephone services to be installed to serve the proposed subdivision to the satisfaction of the Director of Public Works.

12. The Developer shall pay all costs associated with the relocation of street lights and other utilities made necessary as a result of, or required to accommodate, works to be constructed by the Developer to service the proposed subdivision, as determined by, and to the satisfaction of, the Director of Public Works.

13. The Developer shall, at no expense to the City, initiate and control the regular cleanup of litter and refuse from the contractors and builders for this development, both on-site and off-site, during the installation of services and construction of buildings, until substantial completion of all construction. The cleanup of litter and refuse shall be at a frequency determined by the Director of Public Works. This shall include initiating action and assuming any costs in remedying the situation to the satisfaction of the Director of Public Works.

14. The Developer shall, at no expense to the City, construct, within the side yard of the residential lot abutting Main Street, a uniform noise-attenuation fence, 2.0 m

in height, to the satisfaction of the Director of Public Works. The Developer shall permit the City to file a caveat against the title of the lot abutting Main Street, requiring the owner to maintain and/or repair or replace the fence as originally constructed, to the satisfaction of the Director of Public Works.

15. The Developer shall pay $1,650.00 plus GST to defray the City's administration and related costs associated with the preparation and implementation of the Development Agreement.

16. The Developer shall pay the full cost of the engineering services provided by or on behalf of the City in connection with the installation of services required to serve the proposed subdivision.

THIS REPORT SUBMITTED BY:

Administrative Co-ordinating Group
File No. DASZ 23/08
July 7, 2008

"original signed by S.M. Matile"
S. M. Matile, P. Eng., Chair
Land Development Branch

"original signed by R.J. Hartmann"
R. J. Hartmann, P. Eng.
Public Works Department, Transportation Division

"original signed by F. Mazur for T. S. Josephson"
T. S. Josephson, P. Eng.
Water & Waste Department

Exhibit "8" referred to in File DASZ 23/2008 [c/r DAV 122836/2008D]

THIS IS EXHIBIT "8" REFERRED TO IN FILE NO. DASZ 23/2008 DATED THIS 15 DAY OF July 2008
CLERK

Timmins, Diane

From: KEVIN KOENIG
Sent: Monday, July 14, 2008 1:34 PM
To: O'Shaughnessy, Mike
Cc: Timmins, Diane
Subject: Subdivision and Rezoning Southwest corner of Fernbank and Main (DASZ 23/2008)
Attachments: Rezone.doc

Dear Mr. O'Shaughnessy,

We are writing you to express our opposition to the proposed Subdivision and Rezoning of the property at the southwest corner of Fernbank Ave. and Main St (File DASZ 23/2008) for which a Public Hearing is scheduled to be heard at the Lord-Selkirk West Kildonan Community meeting on July 15.

We are opposed to this application for the following reasons, in order of importance to us:

1. We are strongly opposed to the proposed lane opening connecting Riverstone Rd. with Main St. We are opposed to this for the following reasons:

a) Safety: We feel that an uncontrolled intersection onto Main St. some 100 ft. from a controlled intersection poses a tremendous safety risk. There have been numerous accidents in the past at the corner of Fernbank and Main and we feel that this lane opening will only serve to increase the dangers of this section of Main St.

b) Public Use/Traffic: Although the existence of this lane is being proposed to provide access to the properties being developed, we strongly believe that it will result in the unintended consequence of the lane being seen by motorists as an "easy access" way to Main St. As all residents in the area can attest, accessing Main St. from Fernbank is often difficult and takes a significant amount of time. Area residents will often seek alternate routes to access Main St., particularly those at the intersections of Benn Ave./ Main St. and Red River Blvd./Main St.
However, those using the Red River Blvd. access point use Riverstone Rd. as their connection from Fernbank Ave. to Red River Blvd. If a lane with an uncontrolled intersection at Main St. is established before Red River Blvd., motorists will simply make a left-hand turn off of Riverstone to use the proposed lane rather than continuing further south to Red River Blvd. We feel that is would result in a great deal of traffic on a lane that was not intended to handle such volume.

Should this application for rezoning and development be approved, we strongly feel that it should be done so with an amendment that the lane does not fully connect to Main St. Instead, it could have an access point to Fernbank Ave. or simply be closed off at Main St. so that in/out access is only to Riverstone Rd.

2. We do not believe that two-family homes are compatible with the adjacent properties. To the south, and immediately adjacent of the land in question, there are single family homes. To the north, there is Signet Rd. which consists entirely of single family homes. Finally, although the property to the west of the land in question is zoned RM-2, there are no two-family homes and only single-family residences.

Those homeowners who either built or purchased their homes in the area immediately surrounding this

land did so with the knowledge that it was zoned for single-family development. The overwhelming preference of those living in the area, especially those immediately adjacent to the south of the property, would be for single family homes to be built on this land. Given the fact that this land currently has single-family zoning, why is it that the current owners feel that single family homes are not feasible? Why is there a need for two-family construction? Why do the property owners want to develop the land in a way that the current residents of the area are opposed to? I would ask that these questions be put to the applicant at the Public Hearing.

3. We are concerned about the property value of the lands immediately south and adjacent to the land in question. When we bought our property, the value was based on the fact that the land immediately to the north was zoned for single-family construction and the fact that there was no rear lane connecting Riverstone to Main St. The construction of a through-way to Main St. immediately behind our property as well as the building of duplexes is sure to have a negative effect on our property value. In fact, when property assessments are done, rear lanes are sighted as an influence on property values. Is there no concern for the property owners who will be directly affected by this rezoning and development?

Given these concerns and the wishes of your constituents in the areas immediately surrounding this land, we would hope that as our representative at the City you will, with all due respect the Winnipeg Planning and Property Development, not concur with their recommendation to rezone and develop this land according to the plans that have been submitted.

Kevin & Jaclyn Koenig

Exhibit "9" referred to in File DASZ 23/2008 [c/r DAV 122836/2008D]

NOVAMET
DEVELOPMENT
CORPORATION

30 Speers Road
Winnipeg, MB R2J 1L9
Telephone: (204) 233-2451
Fax: (204) 233-2965

THIS IS EXHIBIT "3" REFERRED TO
IN FILE NO. DAC 11/2008
DATED THIS 15 DAY OF JULY 20 08
D. Timmins
CLERK

July 14, 2008

THIS IS EXHIBIT "9" REFERRED TO
IN FILE NO. DAV 122836/2008D
DATED THIS 15 DAY OF JULY 20 08
D. Timmins
CLERK

Ms. D. Timmins, Clerk
Lord Selkirk-West Kildonan Community Committee
The City of Winnipeg
Council Building
510 Main Street
Winnipeg, Manitoba

THIS IS EXHIBIT "9" REFERRED TO
IN FILE NO. DASZ 23/2008
DATED THIS 15 DAY OF JULY 20 08
D. Timmins
CLERK

Dear Ms. Timmins,

Re: Proposed Development at Fernbank Avenue and Main Street

DAC 11/2008	**Proposed Closing of part of Riverstone Road at Fernbank**
DASZ 23/2008	**Subdivision and Rezoning of three properties at the corner of Main & Fernbank**
DAV 122836/2008D	**Variance to allow for lot sizes less than average adjacent lots**

This will confirm that the above noted applications are scheduled to be heard in front of the Lord Selkirk-West Kildonan Community Committee on July 15, 2008. The three applications will consolidate three parcels and a portion of Riverstone Road to be closed that will allow for development of 8 duplex homes and 1 single-family home.

We have now reviewed the reports posted on the City of Winnipeg website, and would advise that the conditions upon which we will be able to proceed with this application are as follows:

1. The servicing of this site will be completed by an Addendum to Development Agreement AG 43/87 between the City of Winnipeg and Novamet Development Corporation, as contemplated in DASZ 43/06.

2. The requirement for an amendment to the proposed plan to provide for a minimum side yard setback of 8.0 metres (26.25 feet) from Main Street will make the single family lot unbuildable. We are also unable to reduce the size of the R2 lots.

   Our earlier application for rezoning of this site to a multi-family designation under City file number DASZ 43/06 required only a 20' setback adjacent to Main Street. Therefore, we are requesting that the proposed plan be amended to provide for 8 R2 sites, with the most easterly parcel varied to allow for a triplex that will allow for the requested increased setback from Main Street.

3. Regarding the City's request for plan approval of each home, we are prepared to present a street plan showing the front elevation for the eight buildings, including the triplex.

.../2

4. The 10% dedication requirement based on the increase in market value had been discussed with Kim Raban during our earlier application (DASZ 43/06) and it was agreed that this 10% dedication would apply only to the lands owned by Silpit. Novamet had previously dedicated land under DASZ 3/87.

5. We note that the City is requesting recovery of servicing costs in Riverstone Road and Fernbank Avenue. Again, as we had heard under DASZ 43/06, we seek confirmation that this amount is zero.

6. We seek confirmation that the cost of future surface improvements in Main Street should be based on the approximately 36' of frontage for the Silipit lands directly fronting onto Main Street. Cost of Main Street and signalization were paid for Novamet's land under earlier Development Agreements. This was discussed and agreed with Kim Raban during our previous application (DASZ 43/06).

7. We request the City confirm the inclusion of a 1' control strip between the back lane and property owners to the north to protect our right for future cost recovery for the back lane south of Fernbank.

8. We note that there is a requirement for a Development Agreement. We would seek confirmation that a new Development Agreement is not required as a result of our working within an existing Development Agreement.

We recognize that this is a lot of material to present at Community Committee. Given the significant nature of the changes requested, we are prepared to abide by the decision of your Committee as to whether it wishes to hear the application tonight or lay it over for a future meeting.

Yours truly,

NOVAMET DEVELOPMENT CORPORATION

ERIC VOGAN
Land Development Manager

/lj

xc: Councillor Pagtakhan
Councillor Lazarenko
Councillor O'Shaughnessy
Mr. K. Raban, Land Development Administrator
Ms. S. Matile, Land Development Engineer
Mr. M. Robinson, Planner

Exhibit "10" referred to in File DASZ 23/2008 [c/r DAV 122836/2008D]

Timmins, Diane

From: Matile, Shirley
Sent: Tuesday, July 15, 2008 10:09 AM
To: Lyne Jones; Timmins, Diane
Cc: Pagtakhan, Mike; Lazarenko, Harry; O'Shaughnessy, Mike; Raban, Kim; Eric Vogan (ericpalm@qualicogroup.com); Robinson, Michael; (ghalldorson@qualicogroup.com)
Subject: Fernbank at Main - DASZ 23/08

Hello, Everyone.

Kim Raban and I have discussed Eric Vogan's July 14, 2008 letter to Diane Timmins, and we offer the following:

1. Development Agreement 3/87 is itself an addendum to Development Agreement 29/76. Because development agreements have changed, somewhat, over the past 32 years (i.e. significant updating of many of the original clauses in both agreements would be required), and because there would be two agreements to addend, it would be much simpler to prepare a new Development Agreement – one which would recognize the fact that Lot 27, Plan 21870 is included in the planned area for both 3/87 and 23/08, and would acknowledge payments and dedications already made on behalf of that lot. I have discussed this with Eric Vogan and Lyne Jones, and they are, I believe, comfortable with this.
2. Item #2 is a planning issue, which we understand is being worked out with Michael Robinson.
3. Item # 3 is also a planning issue, which requires no comment.
4. The 10% dedication requirement has been met for Lot 27, and cash in lieu will be sought for both the Silpit and City lots on Fernbank Avenue. Eric Vogan and Lyne Jones concur with this.
5. We confirm that the recovery for the servicing of Riverstone Road and Fernbank Avenue is zero.
6. We confirm that the cost of future surface improvements in Main Street will apply only to the Silpit lands directly fronting onto Main Street.
7. We recommend the inclusion of the one-foot control strip along the south side of the lane.
8. Again, we would prefer to create a new Development Agreement, and we believe the applicant concurs.

We hope this information will help clarify things and assist you in your decision-making process this evening.

See you later!

Sincerely,

Shirley Matile

Shirley Matile, P. Eng.
Land Development Engineer
City of Winnipeg - Planning, Property, & Development Department,
Development & Inspections Division, Land Development Branch
Main Floor, 65 Garry Street, Winnipeg, MB R3C 4K4
Ph: 986-5114; Fax: 942-3820; www.winnipeg.ca/ppd

THIS IS EXHIBIT "10" REFERRED TO
IN FILE NO. DASZ 23/2008
DATED THIS 15 DAY OF JULY 2008
D. Timmins
CLERK

Exhibit "11" referred to in File DASZ 23/2008 [c/r DAV 122836/2008D]

Timmins, Diane

From: Richard Sloboda
Sent: Tuesday, July 15, 2008 8:41 AM
To: O'Shaughnessy, Mike
Cc: Timmins, Diane
Subject: DASZ 23/2008 Subdivision and Rezoning of Land - SE Corner of Fernbank Avenue and Riverstone Road

As one of the residents backing onto the property requested for re-zoning (71 William Whiteway Bay), I am opposed regarding the proposals for this property to rezone the majority of the land currently as single family housing to multi-family housing.

1) The only portion of the land currently zoned multi family is the portion that is to be the back lane exiting on to both Riverstone and Main St.This is a long east/west strip of land leftover from Novamet's business decision to build homes rather than multi family homes south of this property 20 years ago. The current residents on William Whiteway should not have to pay for this decision now because of what was done a long time ago. We all bought our homes knowing that the land north of us was zoned for single family homes.

2) If the proposal now put forth by Novamet can contain one single family home, then there is no reason for the entire property to contain single family homes. Novamet is also proposing to reduce the lot areas by 33% in order to accommodate 8 multi family homes and by over 50% for the single family home . Density wise , this does not fit in with any of the homes to the north, south and west of this property.

3) Where will visitors to any of the side by side and single family homes park ? There is no room and provision anywhere on the plan. All visitors will be forced to park on the streets to the north, south and west on Fernbank, which is unacceptable to all the current area residents in the immediate area.

4) How could you allow another entrance/exit off of Main Street so close to the intersection light ? This will be the easiest point of access and entrance into this proposed development. Within no time people will realize that it will be easier and faster to use the back lane rather than the traffic light at Fernbank and Main St. and we will end up with a lot of traffic going up and down this laneway. This is a major issue for the residents backing onto this property!! I have seen and assisted many serious accidents at the Fernbank and Main St corner now, that I can't even begin to count them. This includes one death at that corner. If this goes ahead, there is no valid reason in my mind that the entrance /exit could not be done on Fernbank. You already have Signet street on the north side exiting onto Fernbank in this immediate area. Most of the vehicles coming from John Reeves exit from Signet onto Fernbank as well. Having a ""lane"" exit onto a main, extremely busy thoroughfare will be extremely dangerous. All the area residents are well aware of the problems created by numerous entrances now on Main St in the Riverbend area.

5) The residents on William Whiteway have already had previous discussions with the city regarding the noise, speed limits and traffic in this area from Main street. This has already been noted in my current tax assessment from the city. Councilor O'Shaughnessy is already concerned and received complaints about the traffic from the new high school north to the perimeter highway

Rick and Val Sloboda

THIS IS EXHIBIT "11" REFERRED TO
IN FILE NO. DASZ 23/2008
DATED THIS 15 DAY OF JULY 20 08
D. Timmins
CLERK

Exhibit "12" referred to in File DASZ 23/2008 [c/r DAV 122836/2008D]

Timmins, Diane

From: C Brown
Sent: Tuesday, July 15, 2008 12:38 PM
To: O'Shaughnessy, Mike
Cc: Timmins, Diane
Subject: File DASZ 23/2008 propodrf Subdivision and Rezoning of the property at the southwest corner of Fernbank Ave. and Main St

Dear Mr. O'Shaughnessy,

We are writing you to express our opposition to the proposed Subdivision and Rezoning of the property at the southwest corner of Fernbank Ave. and Main St (File DASZ 23/2008) for which a Public Hearing is scheduled to be heard at the Lord-Selkirk West Kildonan Community meeting on July 15.

We are long time residents backing on the subject property and are strongly opposed to rezoning this property. A great deal of thought was put into purchasing our property 18 years ago with the knowledge that the property behind us was zoned single family. As the proposal that Novamet sent the residents included a single family home we see no reason not to keep the zoning to single family and build single family homes on this property as was intended and insured when we purchased and built our homes.

Our opposition is the same as the ones outlined in letters you have received from both:
Kevin & Jaclyn Koenig
95 William Whiteway Bay
and
Rick and Val Sloboda
71 William Whiteway Bay

We would like our opposition to DASZ23/2008 and concerns to be recognized & considered Mr. O'Shaughnessy when representing us at this hearing.

David & Cindy Brown

THIS IS EXHIBIT "12" REFERRED TO
IN FILE NO. DASZ 23/2008
DATED THIS 15 DAY OF Jul 20 08
D. Timmins
CLERK