Agenda - Executive Policy Committee - December 10, 2008

Report - Standing Policy Committee on Property and Development - November 25, 2008

Item No. 7 **Opening and Closing of the Terminus of Whellams Lane - Opening of Chief Peguis Trail and the north side of Whellams Lane west of Appleton Street - Opening of the public lane north of Essar Avenue at Kildonan Drive**
(North Kildonan Ward)
File DAOC 3/2008

STANDING COMMITTEE RECOMMENDATION:

On November 25, 2008, the Standing Policy Committee on Property and Development did not concur in the recommendation of the East Kildonan-Transcona Community Committee, concurred in the recommendation of the Winnipeg Public Service, and submits the following to Council:

1. That the street and lane openings and street closing as shown on Misc. Plan Nos. 13403 and 13404 be approved and that the portion of the street to be closed be declared surplus to the City's needs.

2. That the City Solicitor/Manager of Legal Services be instructed to prepare the necessary by-law for submission to Council to effect the openings and closing in accordance with Misc. Plan Nos. 13403 and 13404, subject to the approval of the Standing Policy Committee on Property and Development of the terms and conditions of the conveyance of the land.

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

Agenda - Executive Policy Committee - December 10, 2008

Report - Standing Policy Committee on Property and Development - November 25, 2008

DECISION MAKING HISTORY:

STANDING COMMITTEE RECOMMENDATION:

On November 25, 2008, the Standing Policy Committee on Property and Development did not concur in the recommendation of the East Kildonan-Transcona Community Committee, concurred in the recommendation of the Winnipeg Public Service, and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On November 17, 2008, the East Kildonan-Transcona 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 street closing under File DAOC 3/2008 not be proceeded with.

PUBLIC HEARING SUMMARY

File:	DAOC 3/2008 [c/r DAS 20/2008, ZAA 20/2008 & DAV 142644/2008D]
Before:	East Kildonan-Transcona Community Committee Councillor Wyatt, Chairperson Councillor Browaty Councillor Thomas
Public Hearing:	November 17, 2008 Theatre, River East Collegiate 295 Sutton Avenue
Applicant:	Cooper Rankin Architects (Keith Rankin/David Treleaven)
Premises Affected:	Terminus of Whellams Lane

Exhibits Filed:

1. Report from the Real Property Officer dated October 29, 2008
2. Notification of Public Hearing
3. Inspection Report
4. Communication dated November 5, 2008, from Gladys Bellamy in opposition to the application
5. Communication dated November 8, 2008, from Wendell Penner in opposition to the application
6. Communication dated November 6, 2008, from John and Kathy Ilg, in support of the application
7. Communication dated November 6, 2008, from Edward Muzyczka, in opposition to the application
8. Communication dated November 7, 2008, from Barry and Adele Korolyk, in opposition to the application
9. Communication dated November 7, 2008, from Gord and Marion Jones, in opposition to the application
10. Communication dated November 7, 2008, from Muriel Rudy in opposition to the application
11. Communication dated November 7, 2008, from Ed and Shirley Ruchkall, in opposition to the application
12. Communication dated November 7, 2008, from Joel Pajak, in opposition to the application
13. Communication dated November 8, 2008, from Bert and Paula Rogers, in opposition to the application
14. Communication dated November 8, 2008, from Frank Fazio, in opposition to the application

Exhibits Filed: (continued)

15. Communication dated November 8, 2008, from Allan and Veronica Pronishen, in opposition to the application
16. Communication dated November 10, 2008, from Randie Kushnier, in opposition to the application and requesting an adjournment for a few weeks in order that he may make representation thereon
17. Communication dated November 10, 2008, from F.J. Burczynski, on behalf of Darka, Frank, Katharyn and Steven Burczynski, in opposition to the application
18. Communication dated November 10, 2008, from Kyle Kushnier, Arthur Day Middle School, in opposition to the application
19. Communication dated November 10, 2008, from Bill Kubik, in opposition to the application
20. Communication dated November 7, 2008, from Tom and Pat Rubel, in opposition to the application
21. Communication dated November 10, 2008, from Vic Thielmann, in opposition to the application
22. Communication dated November 10, 2008, from Jeannette Golletz, in opposition to the application
23. Communication dated November 12, 2008, from Jake and Gerda DeJong, in opposition to the application
24. Communication (undated), from Frank Shalapata, in opposition to the application
25. Communication dated November 12, 2008, from Randy Hawkins, in opposition to the application
26. Communication dated November 8, 2008, from Rafaelle and Rhonda Paoletti, in opposition to the application
27. Communication dated November 12, 2008, from Randy, Alwine and Nathan Willoughby, in opposition to the application
28. Communication dated November 12, 2008, from Helmut T. Huebert, in opposition to the application
29. Communication dated November 13, 2008, from Dorothy Huebert, in opposition to the application
30. Communication dated November 13, 2008, from Jarrett Hall and Ruth Peddle, in opposition to the application
31. Communication dated November 13, 2008, from Catherine A. Pleskach, in opposition to the application
32. Communication dated November 13, 2008, from Edward and Phyllis Ermet, in opposition to the application

Exhibits Filed: (continued)

33. Communication dated November 14, 2008, from Nancy Johnston and Shirley Geldart, in opposition to the application
34. Communication dated November 14, 2008, from Jennifer Peters, in opposition to the application
35. Communication dated November 14, 2008, from Eleanor Nickel, in opposition to the application
36. Communication dated November 14, 2008, from Paul and Natal Rodrigues, in opposition to the application
37. Communication dated November 15, 2008, from Wm. and Carole Zuk, in opposition to the application
38. Communication dated November 15, 2008, from Don Bellamy, in opposition to the application
39. Communication dated November 15, 2008, from Brian and Mandy Vanderhooft, in opposition to the application
40. Communication dated November 15, 2008, from Edward and Phyllis Ermet, in opposition to the application
41. Communication dated November 16, 2008, from Todd Ermet, in opposition to the application
42. Petition in opposition to the application purporting to contain the signatures of 147 area residents, submitted by Gladys Bellamy and Muriel Rudy
43. Communication dated November 17, 2008, from Terri-Lynn Strand, in opposition to the application
44. Communication dated November 17, 2008, from Janice Lukes, Coordinator, Winnipeg Trails Association, in opposition to approval of the application without inclusion of a trail on the bank of the Red River
45. Communication dated November 17, 2008, from Rudy and Rosanna Enns in opposition to the application
46. Communication dated November 17, 2008, from David Watson, Board Member, Save Our Seine (SOS), in opposition to the application
47. Artists Rendering, Landscape Plan, and Site Plan submitted at the Public Hearing by Keith Rankin, Cooper Rankin Architects
48. Brief in opposition to the application submitted at the Public Hearing by Gladys Bellamy
49. Petition purporting to contain the signatures of 371 residents of Edgewood Estates in opposition to the application, submitted at the Public Hearing by Graham Eagleton
50. Brief in opposition to the application submitted at the Public Hearing by Harold Granke
51. Drawings of Future Shadow Impacts (2) submitted at the Public Hearing by Keith Rankin, Cooper Rankin Architects

REPRESENTATIONS:

In Support:

Walter Bartosh
John and Kathy Ilg
David Krahn
Jerry Minarz
Terry Petrishen
Keith Rankin, Cooper Rankin Architects
George Reenders
Sophie Turko

In Opposition:

Karen Alberto
Carolyn Bailey
Sigrun Bailey
Louise Balaban
Drual and Louise Beaudry
Don and Gladys Bellamy
Siegfried Bendlin
Lorilyn B. Bergen
Alma Bonas
Joan Bridgeford
Robert Bruce
Frank Burczynski
Arthur and Helen Chapman
Darlene Cherniak
Sam Chochinov and Janet Latimer
Edgar J. Clancy
Rhonda Clarke
Reimer Clausen
William James Cole
Fred Cressack
John J. Danko
John M. S. Danko
Jake and Gerda DeJong
Joyce Dietrich
Robert Duncan
Jennifer Dutchyshen
Graham Eagleton
Valerie Earl
Caroline Elder
Rudy and Rosanna Enns
Ed, Lori and Phyllis Ermet
Todd Ermet
Frank Fazio
K. Fazio
Karl and Audrey Felsen
Anne Friend
John Fuge
Vern Gaddows
Tim Garton
Mr. and Mrs. W. Gauthier
L. and H. Germershausen
Mary Ginter
Jeannette Golletz
P. Gorete
Stacie Gottfried
Jim Graf
Harold E. Granke
Marie Hales
Jarrett Hall and Ruth Peddle
Frank Hanzmann
David Harris
Randy and Kim Hawkins
Ursula Hartfiel
Ole and June Hellsten
Gerald Hildebrand
Helmut and Dorothy Huebert
Abe and Anne Hyde
Betty Jenkins
Gord and Marion Jones
Nancy Johnston and Shirley Geldart
Thomas and Janet Johnstone
Elsbeth Judt
James Karray
Blanche Keith
Kate M. Kehler
Lydia Kehler
Shannon Kipling
Barry and Adele Korolyk

Marie Kostiuk
Jake and Rita Krahn
Bill Kubik
Kyle Kushnier
Randie Kushnier
Leonard Lage
Valerie Larsen
Rose Lawrence
Ismael and Lucila Lontajo
Peter and Tina Loewen
Janice Lukes, Coordinator,
Winnipeg Trails Association
Lisa S. Mandziak
Eva Mann
Judy McCaugherty
Maria McMurray
Beverley Meunier
Keith Micklash
Gordon Minogue
Edward Muzyczka
Debra K. Naumann
Eleanor Nickel
Lori Olien
Joel Pajak
Rafaelle and Rhonda Paoletti
Wendell and Michelle Penner
Jennifer Peters
Edna Pinniger
Catherine Pleskach
Allan and Veronica Pronishen
John H. Reimer
Adolf Reinfort
Derrelyn Reinfort
P. Ring
Paul and Natal Rodrigues
Bert and Paula Rogers
Zenon and Julie Rosolowich
Tom and Pat Rubel
Ed and Shirley Ruchkall
Muriel Rudy
Natalie Ruppenstein
Verna C. Scanes
Harry Schroeder
M. and G. R. Segstro
M. Sersun
Frank Shalapata
Corrie Smeets
Margaret Sotas
Judy Stanko
Jocelyne Stockwell
Terri-Lynn Strand
James Sutherland
Jim Sutherland and Mrs. D. Earl
Rita Syposh
Annette and Egbert Terwissche
Harmina Themmen
Vic Thielmann
Jo-Anne Thomson
Lorraine Tokaruk
Brian and Mandy Vanderhooft
Mary Vermette
Clarence and Irene Wagner
Alistair Wark
David Watson, Board Member,
Save Our Seine (SOS)
Wes and Shirley Watson
Victoria Werner
Randy, Alwine and Nathan Willowghby
John and Katherine Winter
Michael and Noreen Wito
Charles Wm.Yule
Joan Zielke
Wm. and Carole Zuk

For Information:

Norm Dietrich
Karl and Audrey Felson
John Fuge
Audrey Gessner
Lillian Mae Jones
David M. Katcher
Moe and Betty Lesyk
Louis McCloskey
C. G. Meunier
Kathy Monaster
Brian Newton
Joan Schaefer
Manfred Schuster
F. Smith
Joan Stefanik

For the City:

Kevin Nixon, Active Transportation Coordinator, Public Works Department
John Wintrup, Senior Planner, Planning, Property and Development Department

Exhibit "1" referred to in File DAOC 3/2008

RE: DAOC 3/2008 – PROPOSED OPENING AND CLOSING OF THE TERMINUS OF WHELLAMS LANE, PROPOSED OPENING OF CHIEF PEGUIS TRAIL AND THE NORTH SIDE OF WHELLAMS LANE WEST OF APPLETON STREET AND PROPOSED OPENING OF THE PUBLIC LANE NORTH OF ESSAR AVENUE AT KILDONAN DRIVE

FOR SUBMISSION TO: **East Kildonan - Transcona Community Committee**

REPORT DATE: **October 29, 2008**

RECOMMENDATION:

1. That the proposed street and lane openings and street closing as shown on Misc. Plan Nos. 13403 and 13404 be approved and that the portion of the street proposed to be closed be declared surplus to the City's needs.

2. That the City Solicitor/Manager of Legal Services be instructed to prepare the necessary by-law for submission to Council to effect the openings and closing in accordance with Misc. Plan Nos. 13403 and 13404, subject to the approval of the Standing Policy Committee on Property and Development of the terms and conditions of the conveyance of the land.

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

Report Summary

Key Issues:

Mr. Keith Rankin of Cooper Rankin Architects, representing Devonshire Properties Inc., has applied to purchase the street terminus proposed to be closed for incorporation into the development of the adjacent lands into two multiple family dwellings.

Devonshire Properties Inc. will create a new street terminus east of the proposed closing location and provide a portion of their property for the opening of a public lane north of Essar Avenue at Kildonan Drive. City property west of the opening of the terminus will also be dedicated as "Chief Peguis Trail" and the north side of Whellams Lane will be widened to a uniform width of 16.764m.

Implications of the Recommendation(s):

General Implications

(x) None

( ) For the organization overall and/or for other departments

( ) For the community and/or organizations external to the City

( ) Involves a multi-year contract

Comment(s):

Policy Implications

(x) No

( ) Yes

Comment(s):

Regulatory Implications

(x) None

( ) Eliminates or reduces regulatory impact

( ) Proposes regulatory impact

Comment(s):

Environmental Implications

(x) No

( ) Yes

Comment(s):

Human Resources Implications

(x) No

( ) Yes

Comment(s):

Financial Implications

( ) Within approved current and/or capital budget

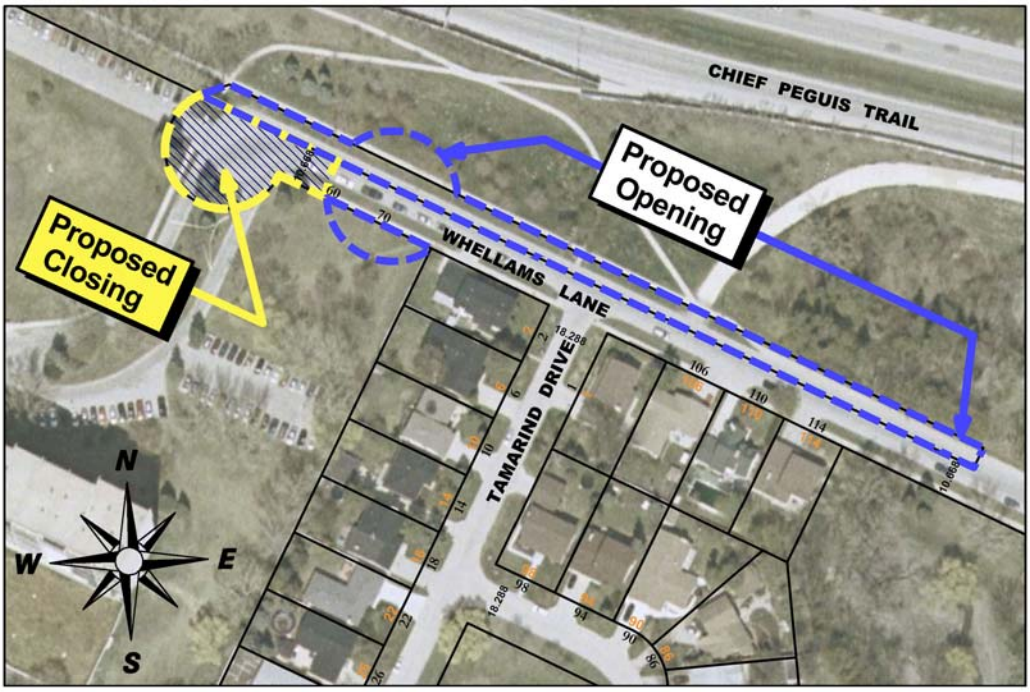
( ) Current and/or capital budget adjustment required

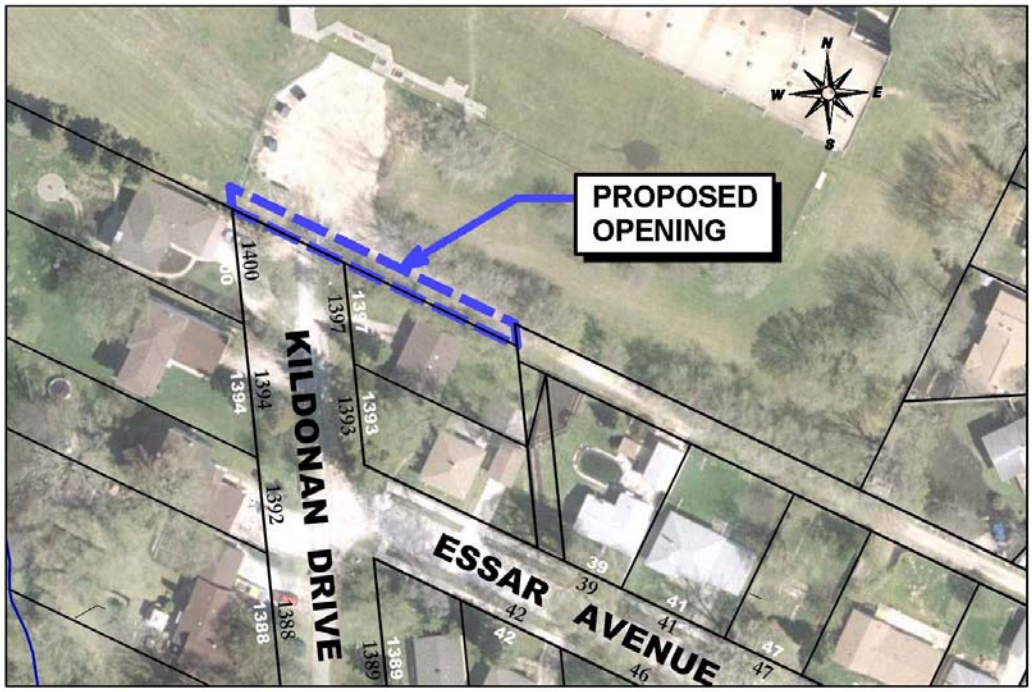
Comment(s): All costs associated with this proposal will be paid by the applicant. There are no financial implications for the City of Winnipeg.

Report

REASON FOR THE REPORT:

All street and lane closings require the consideration of the Community Committee, as do all street and lane openings which have not previously received approval by Council or a Standing Committee of Council.





HISTORY:

The Planning, Property and Development Department has received a request from Mr. Keith Rankin of Cooper Rankin Architects, representing Devonshire Properties Inc. to purchase the street terminus identified as “Proposed Closing” on the attached copy of Misc. Plan No. 13403 for incorporation into the development of the adjacent lands. In exchange for this property, the applicant will be dedicating a portion of their holding identified as Parcel “A” on the sketch for the new terminus of Whellams Lane as well as opening the public lane so identified on the attached copy of Miscellaneous Plan No. 13404. The Public Works Department has requested that City property on the north side of Whellams Lane be included in this application and dedicated as public right of way: Parcel “B” will be opened as “Chief Peguis Trail” and Parcel “D” will be opened as “Whellams Lane”, thereby increasing the width of the street to 16.764m. In order to provide consistency to the designation of the new terminus, Parcel “C” will be re-dedicated as “Whellams Lane” from its current designation of “Chief Peguis Trail”.

The applicant has requested that the terminus of Whellams Lane be re-located easterly from its present location in order to make additional land available along their northerly property line for a more favorable location for the proposed construction of 2 multiple

family dwellings. This will also provide increased separation between the development and the existing single family housing on Tamarind Drive. Additionally, the new terminus has been re-configured to accommodate a bus turnaround and thus permit potential transit service to the Whellams Lane neighbourhood.

The westerly extension of the public lane north of Essar Avenue at Kildonan Drive has been included in the application at the request of the Public Works Department. Traffic is currently illegally driving over the applicant's property from Kildonan Drive in order to gain access to the existing public lane. Opening this land as right of way will rectify the trespass.

It will be necessary for Devonshire Properties Inc. to subdivide their land in order to accommodate the planned development. This subdivision will be processed under Application No. DAS 30/2008.

DISCUSSION:

Administrative Approval

The proposal has been considered by all affected City departments and public utilities. There are no administrative objections to the openings and closing.

Land Development Branch

The approval of this application by the Land Development Branch is subject to the applicant entering into a Development Agreement with The City of Winnipeg for the appropriate servicing/relocation/abandonment of services within the new public street and lane rights of way.

Fire Department

The Fire Prevention Branch of the Fire Department requires the applicant to maintain all existing access routes to the existing apartment buildings. Furthermore, because of the poor fire hydrant coverage within this area, the applicant is required to install an additional fire hydrant within the proposed opening area of the new terminus of Whellams Lane.

Easements

The Water and Waste Department has identified a 250mm sewer main and manhole within the proposed closing area. This sewer needs to remain in place as it provides the sewer servicing for the existing site. As a condition of approval, the applicant will be required to assume ownership of and all responsibilities for the sewer main within the closing area including any maintenance requirements.

Transfer of Jurisdiction Over Public Rights-of-Way

The street must be legally closed before it may be sold. Title to all public rights of way in Manitoba is vested in the name of the Province. The registration in the Winnipeg Land Titles Office of a closing by-law removes the public right of way status from the land and vests the ownership of the property in the City's name. The City is not entitled to dispose of the land until this has been done.

IN PREPARING THIS REPORT THERE WAS:

Internal Consultation With and Concurrence By:

There was no internal consultation involved in the preparation of this report.

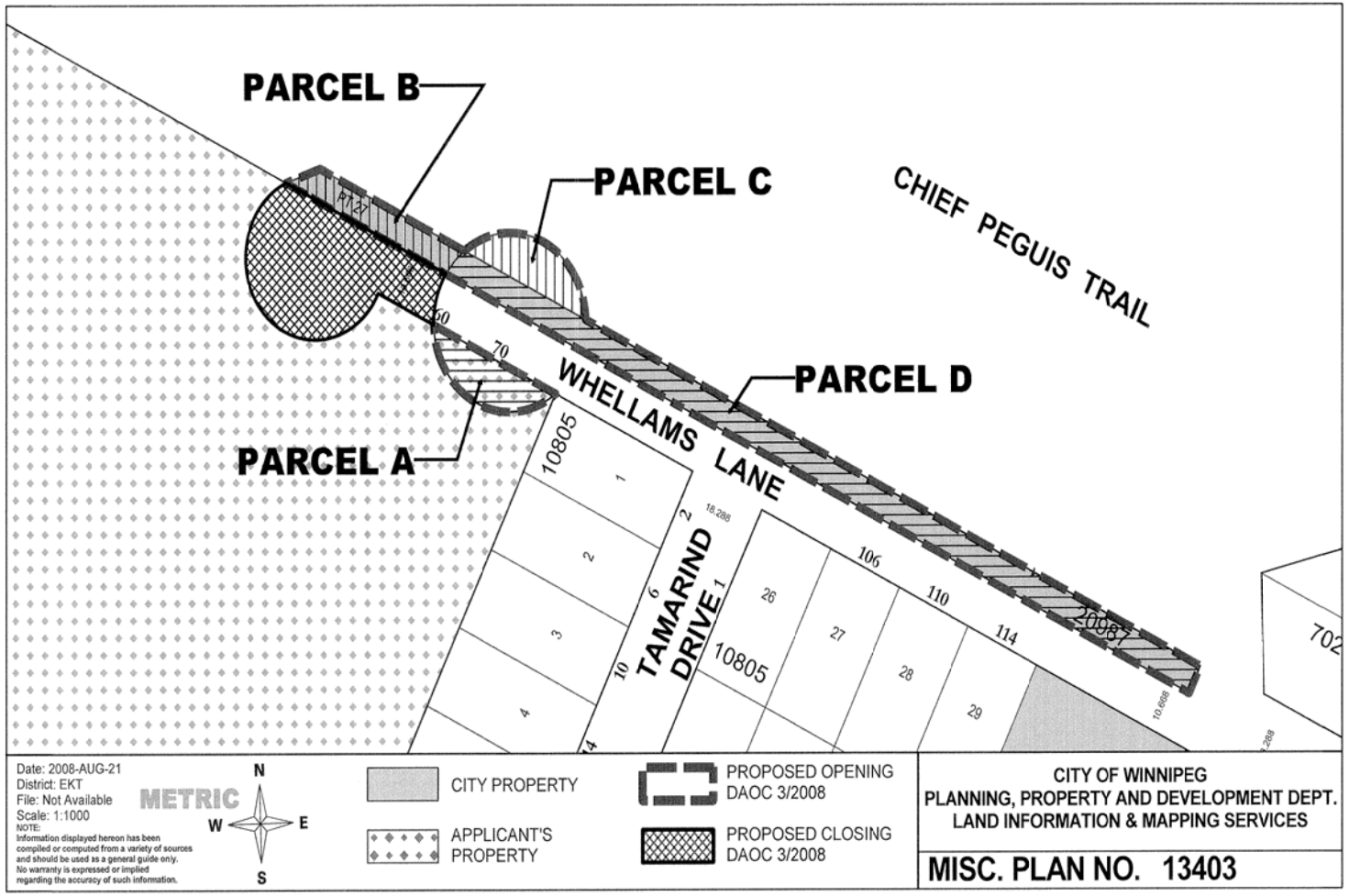
External Consultation With:

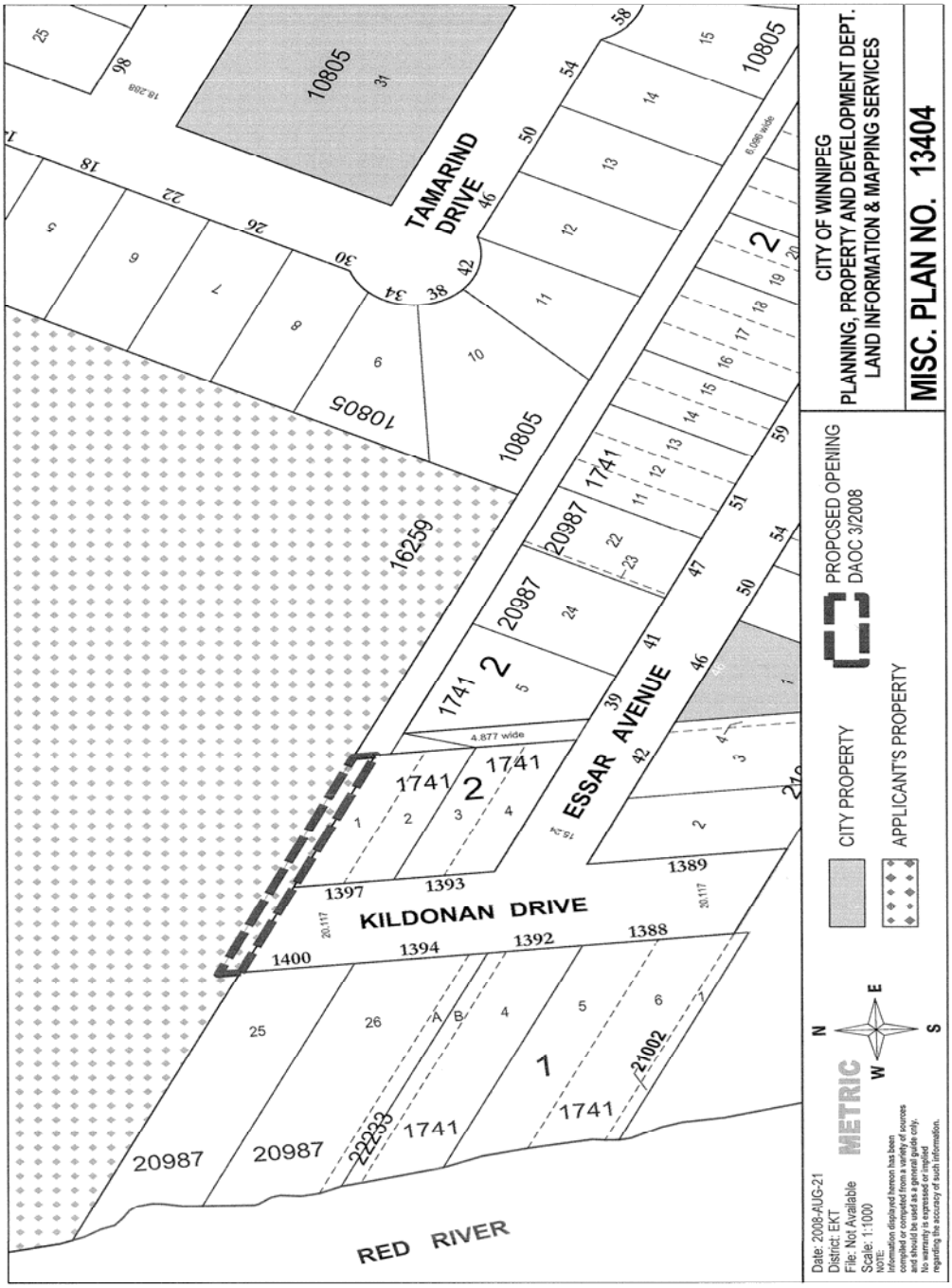
MTS Communications

Manitoba Hydro, Centra Gas and Shaw Cablesystems did not respond to requests for comments on this proposal.

THIS REPORT SUBMITTED BY:

Planning, Property and Development Department
Development and Inspections Division
Prepared by: Bohdan Buyachok, Real Property Officer
File No.


PARCEL B
PARCEL C
CHIEF PEGUIS TRAIL
PARCEL D
WHELLAMS LANE
PARCEL A
10805
TAMARIND DRIVE
10805
Date: 2008-AUG-21
District: EKT
File: Not Available
Scale: 1:1000
METRIC
NOTE:
Information displayed hereon has been compiled or computed from a variety of sources and should be used as a general guide only. No warranty is expressed or implied regarding the accuracy of such information.
N
W
E
S
CITY PROPERTY
APPLICANT'S PROPERTY
PROPOSED OPENING DAOC 3/2008
PROPOSED CLOSING DAOC 3/2008
CITY OF WINNIPEG
PLANNING, PROPERTY AND DEVELOPMENT DEPT.
LAND INFORMATION & MAPPING SERVICES
MISC. PLAN NO. 13403


CITY OF WINNIPEG
PLANNING, PROPERTY AND DEVELOPMENT DEPT.
LAND INFORMATION & MAPPING SERVICES
MISC. PLAN NO. 13404
PROPOSED OPENING
DAOC 3/2008
CITY PROPERTY
APPLICANT'S PROPERTY
TAMARIND DRIVE
ESSAR AVENUE
KILDONAN DRIVE
RED RIVER
4.877 wide
6.096 wide
Date: 2008-AUG-21
District: EKT
File: Not Available
Scale: 1:1000
METRIC
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