Agenda – Council – November 16, 2011

Report – Standing Policy Committee on Property and Development – November 1, 2011

Item No. 2 Closing – Fernbank Avenue – Southwest Corner of Main Street (Old Kildonan Ward)
File DAC 16/2011 [c/r DASZ 30/2011 & DAV 148910/2011D]

STANDING COMMITTEE RECOMMENDATION:

On November 9, 2011, 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 the street closing as shown on Misc. Plan No. 12704/6 be approved and that the land be declared surplus to the City's needs.

2. That the Director of Legal Services and City Solicitor be instructed to prepare the necessary by-law for submission to Council to effect the street closing in accordance with Misc. Plan No. 12704/6, subject to the approval of the terms and conditions of the conveyance of the land by the Director of Planning, Property and Development..

3. 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 – November 1, 2011

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On November 9, 2011, 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 November 1, 2011, 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 October 11, 2011, the Lord Selkirk-West Kildonan Community Committee concurred in the recommendation of the Winnipeg Public Service and forwarded the matter to the Standing Policy Committee on Property and Development.

PUBLIC HEARING SUMMARY

File:	DAC 16/2011 [c/r DASZ 30/2011 and DAV 148910/2011D]
Before:	Lord Selkirk - West Kildonan Community Committee Councillor Sharma, Chairperson Councillor Eadie Councillor Pagtakhan
Public Hearing:	October 11, 2011 Council Chamber Council Building, 510 Main Street
Applicant:	Habitat for Humanity Winnipeg (Ron Dacombe)
Premises Affected:	Fernbank Avenue – Southwest Corner of Main Street
Exhibits Filed:	1. Report from the Real Property Officer dated September 19, 2011 2. Communication dated September 28, 2011 from Rick, Val and Kristin Sloboda in opposition to the application 3. Communication dated September 28, 2011 from Nuala Rowe in opposition to the application 4. Communication dated September 28, 2011 from Dax Fenez in opposition to the application 5. Communication dated September 28, 2011 from Laura Grubert in opposition to the application 6. Communication dated September 29, 2011 from Jason and Alexandra Yuen in opposition to the application 7. Communication dated September 29, 2011 from Peter and Suzanne Holden in opposition to the application 8. Communication dated September 30, 2011 from Thomas Polson in opposition to the application 9. Communication dated September 30, 2011 from Debbie Henzel in opposition to the application 10. Communication dated October 1, 2011 from Wayne Meixner in opposition to the application 11. Communication dated October 2, 2011 from Maria and Sergio Toscano in opposition to the application 12. Communication dated October 2, 2011 from Perry Poulsen in opposition to the application 13. Communication dated September 28, 2011 from Andy and Lori Chartrand in opposition to the application

14. Communication dated October 2, 2011 from Kyle and Ivona Lischka in opposition to the application
15. Communications (2) dated October 3, 2011 from Denis and Karen Rodrigue in opposition to the application
16. Communication dated October 3, 2011 from Shannon Wark in opposition to the application
17. Communication dated September 28, 2011 from Donna and Kimberly Staub in opposition to the application
18. Communication dated October 4, 2011 from Brenda Matthewman in opposition to the application
19. Communication dated October 4, 2011 from Marilyn and Jerry Kowerko in opposition to the application
20. Communication dated October 5, 2011 from Michael Papiz in opposition to the application
21. Communication dated October 5, 2011 from Sue Dick, on behalf of Frank and Isabel Segura, in opposition to the application
22. Communication dated October 5, 2011 from Victor and Janice Bartecki in opposition to the application
23. Communication dated October 5, 2011 from Erin Isfeld-Reynolds and Justin Reynolds in opposition to the application
24. Communication dated October 6, 2011 from Chandelle Millar in opposition to the application
25. Communication dated October 6, 2011 from Marsha Frohwerk in opposition to the application
26. Communication dated October 7, 2011 from Anna-Marie Papiz in opposition to the application
27. Communication dated October 7, 2011 from Belinda Treyturik in opposition to the application
28. Inspection Report
29. Communication dated October 7, 2011 from David and Cindy Brown in opposition to the application
30. Communication dated October 7, 2011 from Shirley Bachinski in opposition to the application
31. Communication dated October 8,2011 from Mr. & Mrs. H. Noordman in opposition to the application
32. Communication dated October 10, 2011 from Edmund and Krystyna Kowalski in opposition to the application
33. Communication dated October 10, 2011 from Marcus Rarog in opposition to the application
34. Communication dated October 10, 2011 from Dave Treyturik in opposition to the application

35. Communication dated October 11, 2011 from Carlo Infante in opposition to the application
36. Communication dated October 11, 2011 from Fred and Judy Odger in opposition to the application
37. Communication dated October 11, 2011 from Donald Steip in opposition to the application
38. PowerPoint Presentation with respect to the application submitted at the public hearing by Sandy Hopkins, Habitat for Humanity
39. Residential Development Proposal, including six (6) photographs, submitted at the public hearing by Sandy Hopkins, Habitat for Humanity

REPRESENTATIONS:

In Support:

Bob Aldridge
Sereen Conner
Ron Dacombe
Sandra Dani
Glen Gowryluk
Monica Gupta
Catherine Hart
Marika Hackbart
Sandy Hopkins
Karen Ilchena
Ken McIntyre
Mike OShaughnessy
Linda Peter
Jason Pinder
Shelley Robinson
Jeremy Ryant
Amanda Shymko

In Opposition:

Shirley Bachinski
Victor and Janice Bartecki
David and Cindy Brown
Andy and Lori Chartrand
Sue Dick
Dax Fenez
Marsha Frohwerk
Laura Grubert
Debbie Henzel
Peter and Suzanne Holden
Carlo Infante
Edmund and Krystyna Kowalski
Jerry and Marilyn Kowerko
Kyle, Ivona and Maya Lischka
Brenda Matthewman
Wayne Meixner
Chandelle Millar
Mr. & Mrs. H. Noordman
Fred and Judy Odger
Anna-Marie and Michael Papiz
Neil Pellaers
Thomas Polson
Perry Poulsen
Shelly Radovanolic
Marcus Rarog
Erin Isfeld-Reynolds and Justin Reynolds

Denis and Karen Rodrigue
Nuala Rowe
Valerie, Rick and Kristin Sloboda
Donna and Kimberly Staub
Donald Steip
Elzbieta and Chris Szentag
Maria and Sergio Toscano
Dave and Belinda Treyturik
Shannon Wark
Derek Wertepny
Alexandra and Jason Yuen

For Information:

Nil

For the City:

Mr. B. Buyachok, Real Property Officer, Planning, Property and Development Department
Mr. K. Raban, Land Development Administrator, Planning, Property and Development Department
Mr. J. Veitch, Senior Planner, Planning, Property and Development Department

Exhibit "1" referred to in File DAC 16/2011

ADMINISTRATIVE REPORT

Title: **DAC 16/2011: TO SEEK COUNCIL APPROVAL FOR THE PROPOSED CLOSING OF PART OF RIVERSTONE ROAD AT FERNBANK AVENUE FOR INCORPORATION INTO DASZ 30/2011**

Critical Path: **LORD SELKIRK – WEST KILDONAN COMMUNITY COMMITTEE – STANDING POLICY COMMITTEE ON PROPERTY AND DEVELOPMENT - EXECUTIVE POLICY COMMITTEE – COUNCIL**

AUTHORIZATION

Author	Department Head	CFO	CAO
B. Buyachok	N/A	N/A	N/A

RECOMMENDATIONS

1. That the proposed street closing as shown on Misc. Plan No. 12704/6 be approved and that the land be declared surplus to the City's needs.

2. That the Director of Legal Services and City Solicitor be instructed to prepare the necessary by-law for submission to Council to effect the street closing in accordance with Misc. Plan No. 12704/6, subject to the approval of the terms and conditions of the conveyance of the land by the Director of the Planning, Property and Development Department.

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

REASON FOR THE REPORT

All street and lane closings require the consideration of the Community Committee.

IMPLICATIONS OF THE RECOMMENDATIONS

There are no policy, regulatory, environmental, human resource or general implications associated with the recommendations.

All costs associated with the street closing are the responsibility of the applicant. There are no financial implications for the City of Winnipeg.

HISTORY

The Planning, Property and Development Department has received a request from Mr. Sandy Hopkins, CEO of Habitat for Humanity Winnipeg, to close and purchase the portion of Riverstone Road so identified on the attached copy of Misc. Plan No. 12704/6. The street, once closed, will be incorporated into DASZ 30/2011, an application to subdivide and rezone the adjoining property. Portions of the land within this subdivision will also be reserved for the widening of Fernbank Avenue and Main Street as well as the opening of a public lane and turnaround as shown on the sketch. The dedication of this property as public right of way will be accomplished via the DASZ application.

The subject closing forms part of the land assembly for the construction of Habitat's residential housing at this site. Property within the proposed subdivision is currently registered in the names of Novamet Development Corporation, Silpit Industries Limited and The City of Winnipeg. Habitat has agreements in place with all of these registered owners for the acquisition of the land required for the proposed development.

An application to close the subject portion of Riverstone Road was originally made by the Real Estate Division of the Planning, Property and Development Department in November of 2006, and processed via DAC 22/2006. The closing was to be incorporated into DASZ 43/2006, an application to subdivide and rezone the adjoining property made by Novamet Development Corporation in October of the same year. Both applications were subsequently withdrawn by Novamet in April of 2007.

In May of 2008, Novamet again made applications to close the subject portion of Riverstone Road, processed via DAC 11/2008, for incorporation into the subdivision of the adjoining property, processed via DASZ 23/2008. At its meeting held on July 15, 2008, the Lord Selkirk-West Kildonan Community Committee did not concur in the recommendations of the Winnipeg Public Service for the closing and subdivision of this land, and both applications were not proceeded with.

Riverstone Road was created by the subdivision of the adjoining property and registered in the Winnipeg Land Titles Office via Plan No. 17125 in February of 1983. The subject property does not form part of the travelled roadway and its closure will have no effect on existing transportation requirements.

CONSULTATION

In preparing this Report there was consultation with:

Internal Consultation:

There was consultation with the affected Civic departments.

External Consultation:

Manitoba Hydro, Centra Gas, MTS Allstream, Shaw Cablesystems, Bell Canada, Pembina Trails School Division and TeraSpan.
Esso, Fibre.Ca, Louis Riel School Division and Rogers Communications did not respond to the request for comments on this proposal.

SUBMITTED BY

Department:	Planning, Property and Development
Division:	Development and Inspections
Prepared by:	Bohdan Buyachok, Real Property Officer
Date:	September 19, 2011
File No.	32/7013 (2)

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APPENDIX "A"

Administrative Approval

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

Easements

There are no services within the closing area. No easements will be required.

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.

Aerial View of Subject Closing



Miscellaneous Plan

