Agenda - Council - June 25, 2003

Report - Standing Policy Committee on Property and Development - June 3, 2003

Item No. 2 Proposed Subdivision - south of Ravine Drive and River Pointe Drive File DAS 31/2002

STANDING COMMITTEE RECOMMENDATION:

On June 18, 2003, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the Riel Community Committee as amended, and submits the following to Council:

1. That the plan of subdivision proposed under File DAS 31/2002 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DAS 31/2002, dated April 27, 2002, for registration in the Winnipeg Land Titles Office, subject to the following:

    A. That the applicant be required to enter into a subdivision agreement that would provide for a minimum twenty-five (25) foot side yard be established and maintained on the north side of proposed lot 1.

    B. That the applicant be required to enter into a subdivision agreement that would provide for the most northerly proposed lot on the east side of the new street to have a minimum north side yard of twenty-five (25) feet to be established and maintained by the owner.

    C. 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 March 26, 2003, with the following amendments:

        i. That Clause 1. ("The rear property… proposed residential lots.") be deleted in its entirety and replaced with the following:

            1. The rear property lines of the residential lots backing onto the existing dike shall be the dry side top of slope of the Primary Dike as long as the Developer fills the subdivision to approximately the legislated Flood Protection Level, leaving in excess of four (4) metres for access on top of the dike.

        ii. That Clause 3. ("A 5.0 m walkway… Public Works") be deleted in its entirety.

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iii. That Clause 13. be amended by deleting the “s” after walkway.

iv. That Clause 13. i) be deleted in its entirety.

D. That during the construction phase, maximum effort be given to accessing the site via routes other than Ravine Drive.

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

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

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

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

6. That the Plan of Subdivision shall be approved and signed by the Director of Planning, Property and Development within twenty-four (24) months of the date of passage of the aforementioned by-law.

7. That in the event that the necessary City of Winnipeg mylar approval signatures have not been secured within twenty-four (24) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of this time is applied for prior to the expiry of this twenty-four (24) month period and the extension is subsequently approved by Council.

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DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On June 18, 2003 the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the Riel Community Committee as amended, and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On June 3, 2003, the Standing Policy Committee on Property and Development concurred in the recommendation of the Riel Community Committee, as amended, namely:

- Recommendation 1A:
  Insert the words "the applicant be required to enter into a subdivision agreement that would provide for" between the words "That" and "a minimum".

- Recommendation 1B:
  Delete the words "That proposed Lot 27" and replace them with the following "That the applicant be required to enter into a subdivision agreement that would provide for the most northerly proposed lot on the east side of the new street to"; and

  Delete the words "by the developer" and replace them with "by the owner".

- Recommendation 3:
  Delete the words "Council extends that time" and replace them with "an extension of this time is applied for prior to the expiry of this twenty-four (24) month period and the extension is subsequently approved by Council".

- Recommendation 6:
  Delete the words "two (2) years" and replace them with "twenty-four (24) months".

- Recommendation 7:
  Delete the words "Council extends that time" and replace them with "an extension of this time is applied for prior to the expiry of this twenty-four (24) month period and the extension is subsequently approved by Council"

and submitted its recommendation to Executive Policy Committee and Council.

Report - Standing Policy Committee on Property and Development - June 3, 2003

DECISION MAKING HISTORY (continued):

COMMUNITY COMMITTEE RECOMMENDATION:

On May 5, 2003, the Riel Community Committee concurred in the administrative recommendation contained in the report of the Acting Manager of Planning and Land Use dated April 27, 2003, as amended, namely:

- Delete Recommendation 1. B. in its entirety and replace with the following:

  B. That proposed lot 27 have a minimum north side yard of twenty-five feet (25') to be established and maintained by the Developer.

- Amend Recommendation 1. C. by adding the following after the words "dated March 26, 2003":

  with the following amendments:

  i. That Clause 1. ("The rear property… proposed residential lots.") be deleted in its entirety and replaced with the following:

     1. The rear property lines of the residential lots backing onto the existing dike shall be the dry side top of slope of the Primary Dike as long as the Developer fills the subdivision to approximately the legislated Flood Protection Level, leaving in excess of four (4) metres for access on top of the dike.

  ii. That Clause 3. ("A 5.0 m walkway… Public Works") be deleted in its entirety.

  iii. That Clause 13. be amended by deleting the "s" after walkway.

  iv. That Clause 13. i) be deleted in its entirety;

and submitted its recommendation to the Standing Policy Committee on Property and Development.

Report - Standing Policy Committee on Property and Development - June 3, 2003

DECISION MAKING HISTORY (continued):

On April 15, 2003, Riel Community Committee concurred in the administrative recommendation contained in the report of the Manager of Planning and Land Use dated April 6, 2003, and adjourned the public hearing with respect to the application.

Re: **Proposed Subdivision and Rezoning - south of Ravine Drive, west of St. Amant Centre**
File DAS 31/2002

For submission to: **Standing Policy Committee on Property and Development**

Prepared by: **Marc Pittet, Clerk, Riel Community Committee**

Report date: **May 13, 2003**

COMMUNITY COMMITTEE RECOMMENDATION:

The Riel Community Committee concurred in the administrative recommendation contained in the report of the Acting Manager of Planning and Land Use dated April 27, 2003 as amended, and recommends to the Planning, Property and Development Department:

1. That the plan of subdivision proposed under File DAS 31/2002 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DAS 31/2002, dated April 27, 2002, for registration in the Winnipeg Land Titles Office, subject to the following:

    A. That a minimum twenty-five (25) foot side yard to be established and maintained on the north side of proposed lot 1.

    B. That proposed lot 27 have a minimum north side yard of twenty-five (25) feet to be established and maintained by the Developer.

    C. 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 March 26, 2003, ***with the following amendments:***

        i. That Clause 1. ("The rear property… proposed residential lots.") be deleted in its entirety and replaced with the following:

            1. The rear property lines of the residential lots backing onto the existing dike shall be the dry side top of slope of the Primary Dike as long as the Developer fills the subdivision to approximately the legislated Flood Protection Level, leaving in excess of four (4) metres for access on top of the dike.

        ii. That Clause 3. ("A 5.0 m walkway… Public Works") be deleted in its entirety.

iii. That Clause 13. be amended by deleting the "s" after walkway.

iv. That Clause 13. i) be deleted in its entirety.

D. That during the construction phase, maximum effort be given to accessing the site via routes other than Ravine Drive.

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

3. That in the event this application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months after adoption of this report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

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

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

6. The Plan of Subdivision shall be approved and signed by the Director of Planning, Property and Development within two (2) years of the date of passage of the aforementioned by-law.

7. In the event that the necessary City of Winnipeg mylar approval signatures have not been secured within twenty-four (24) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

Note: Bold and italicized wording denotes variation between administrative recommendations and recommendations of the Riel Community Committee.

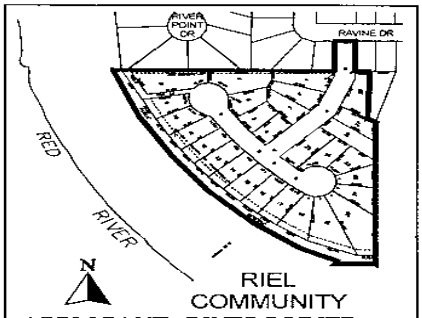
The Riel Community Committee provided the following supporting reason for its recommendation:

1. The Riel Community Committee agrees with the administrative comments contained in the report of the Manager of Planning and Land Use.

REPORT SUMMARY

File:	DAS 31/2003
Before:	Riel Community Committee Councillor Angus, Chairperson Councillor Steeves
Public Hearing:	May 5, 2003 St. Norbert Community Centre, 3450 Pembina Highway April 15, 2003 Community Committee Chamber, 604 St. Mary's Road
Applicant:	River Point Development Corporation (Bill McGarry) 22 Riverside Drive Winnipeg, MB R3T 0E8
Subject:	

prior to the date of the meeting



APPLICANT: RIVER POINTE DEVELOPMENT CORP.
FILE: DAS 31/02
PROPOSAL: An application for the approval of the plan of subdivision shown outlined above as may be determined by Council and to allow for the creation of lots for single-family development. **For information, phone Mr. K. Lalor, Planner at 986-5069.**
DEMANDEUR : RIVER POINTE DEVELOPMENT CORP.
RÉFÉRENCE : DAL 31/02
PROJET : Demande d'approbation par le Conseil du plan de lotissement indiqué ci-dessus visant à permettre la création de lots pour la construction d'habitations unifamiliales. **Pour plus de renseignements, veuillez communiquer avec M. K. Lalor, urbaniste, au 986-5069.**

Premises Affected:	South of Ravine Drive, west of St. Amant Centre

Exhibits Filed:

1. Application dated January 6, 2003
2. Notification of Public Hearing to Applicant dated March 21, 2003
3. Manitoba Status of Titles 1092221, 1766616 and 1766618
4. Letter of Authorization from Aurèle Foidart, Director of Operations, Les Soeurs Grises du Manitoba Inc., to Bill McGarry, Sutton Group, representing River Pointe Development Corporation dated November 14, 2002
5. Letter of Authorization from Denis Bourrier, President, St. Amant Centre, to Bill McGarry, Sutton Group, representing River Point Development Corporation, dated December 16, 2002
6. Extract of Atlas Sheet AJ25
7. Misc. Plan No. 11524, dated April 16, 2002
8. Site Plan
9. Report from the Administrative Coordinating Group dated March 31, 2003
10. Report from the Acting Manager of Planning and Land Use dated April 6, 2003
11. Photograph(s) of the site and Inspection Notice
12. Communication dated March 31, 2003, from Hugh Smith requesting that the application be adjourned
13. Petition opposing the application submitted at the Public Hearing on April 15, 2003, by Jan Winnik purporting to contain the signature of 125 area residents.
14. Revised report from the Acting Manager of Planning and Land Use dated April 27, 2003
15. Communication dated April 23, 2003, from Mr. Bill Haight
16. Communication dated April 28, 2003, from Mr. Bill Haight
17. Chronology of events related to the approval of the River Pointe development

REPRESENTATIONS:

In Support:

Aurèle Foidart, 151 Despins Street, Winnipeg, R2H 0T3
Patrick Hamilton, Stevenson Advisors, 276A Colony Street, Winnipeg, R3C 1W3
Al G. Degner, Pollock & Wright Land Surveyor's, 117 Fort Street, Winnipeg, R3C 1C6
Headley McLaren, 82 Ravine Drive, Winnipeg, R2M 5N9
Bill McGarry, 22 Riverside Drive, Winnipeg, Manitoba, R3T 0E8

In Opposition:

Patricia Beaudry, 70 Ravine Drive, Winnipeg, R2N 5N3
Daniels Bews, 127 Ravine Drive, Winnipeg, R2M 5N1
Roland Bazinet, 70 River Pointe Drive, Winnipeg, R2M 5N2
Carolyn Blair, 19 Ravine Drive, Winnipeg, R2M 5N4
Robert and Rosanne Broeska, 90 Ravine Drive, Winnipeg, R2M 5N9
Garth Buchko, 58 River Pointe Drive, Winnipeg, R2M 5N2
John Campbell, 40 Settlers Road, Winnipeg, R2M 5P4
Erika Chura, 38 Ravine Drive, Winnipeg, R2M 5N3
Kevin Coates, 102 River Pointe Drive, Winnipeg, R2M 5N2
Rob Coghlan, 114 River Pointe Drive, Winnipeg, R2M 5P1
John W. Coyne, 98 Ravine Drive, Winnipeg, R2M 5N9
Bob Cansdale, 26 Ambroise Lane, Winnipeg, R2M 5P2
John W. Coyne, 98 Ravine Drive, Winnipeg, R2M 5N9
Dr. R. Cronin, 138 River Pointe Drive, Winnipeg, R2M 5P1
Lenna Glade, 108 Fernleaf Drive, Winnipeg, R2M 4S8
Bill Haight, 1900 - 188 Carlton Street, Winnipeg, R3C 3H8
Janice Handford, 48 Settlers Road, Winnipeg, R2M 5P4
Michael Hatch, 114 Ravine Drive, Winnipeg, R2M 5N9
Shaun Horan, 111 Ravine Drive, Winnipeg, R2M 5P3
Dennis Hudyma, 113 Ravine Drive, Winnipeg, R2M 5P3
Wayne Johnson, 253 River Road, Winnipeg, R2M 3Z7
Dave and Gina Knechtel, 14 Ambroise Lane, Winnipeg, R2M 5P2
Karen Linde, 66 Ravine Drive, Winnipeg, R2M 5N4
Dave Lyons, 70 Ravine Drive, Winnipeg, R2M 5N5
Guy Magnusson, 38 Ambroise Lane, Winnipeg, R2M 5P2
Randolph Mattern, 22 Ambroise Lane, Winnipeg, R2M 5P2
Colin McIsaac, 12 Ravine Drive, Winnipeg, R3M 5N2
D. Meech, 81 Ravine Drive, Winnipeg, R2M 5N9
Ali Naghipur, 72 Settlers Row, Winnipeg, R2M 5P4
Kevin Neiles, 85 Ravine Drive, Winnipeg, R2M 5P3
Ted and Ruth Northam, 73 River Pointe Drive, Winnipeg, R2M 5N7

Alex Ord, 86 Ravine Drive, Winnipeg, R2M 5N9
Jim Pigden, 295 River Road, Winnipeg, R2M 4A1
J.E. Sawka, 131 Ravine Drive, Winnipeg, R2M 5N1
Mike Scatliff, 8-44 Princess Streeet, Winnipeg, R3B 1K2
James and Karen Schellenberg, 99 River Pointe Drive, Winnipeg, R2M 5N7
Anthony Secco, 35 River Pointe Drive, Winnipeg, R2M 5N2
Roy and Carolyn Smith, 142 River Pointe Drive, Winnipeg, R2M 5P1
Hugh and Juliette Smith, 102 Ravine Drive, Winnipeg, R2M 5N9
C. Starzecki and O. Norrie, 34 River Pointe Drive, Winnipeg, R2M 5N2
Malcolm Steel, 62 Ravine Steel, 62 Ravine Drive, Winnipeg, R2M 5N9
Dan and Barb Stevens, 74 Ravine Drive, Winnipeg, R2M 5N5
Cindy Sylvestre, 42 River Pointe Drive, Winnipeg, R2M 5N2
Milt Toews, 139 Ravine Drive, Winnipeg, R2M 5N1
Diana Vadeboncoeur, 27 Ambroise Lane, Winnipeg, R2M 5S4
Sheiley Walker, 54 Ravine Drive, Winnipeg, R2M 5N3
Randy and Burke Wiebe, 110 Ravine Drive, Winnipeg, R2M 5N9
Ted Wilton, 78 Ravine Drive, Winnipeg, R2M 5N3
Jan Winnik, 94 Ravine Drive, Winnipeg, R2M 5N9
Karen Yamada, 110 Ravine Drive, Winnipeg, R2M 5N9
Brenda Zaporzan, 94 River Pointe Drive, Winnipeg, R2M 5N6

For Information:

Mia Schorpion, 27 Ravine Drive, Winnipeg, R2M 5N1
Boseslaw Starzecki & Olga Norrie, 34 River Pointe Drive, Winnipeg, R2M 5N2
Arnold Walker, 54 Ravine Drive, Winnipeg, R2M 5N3

For the City:

Ernie Carriere, Land Development Engineer, Planning, Property and Development
James Carter, Solicitor, Legal Services Division
Kevin Lalor, Senior Planner, Planning, Property and Development

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS MADE AT THE PUBLIC HEARING:

April 15, 2003

Patrick Hamilton, Al G. Degner, and Bill McGarry appeared in support of the application. Mr. Hamilton indicated that he had read the reports of the Manager of Planning and Land Use and the Administrative Coordinating Group. Mr. Hamilton indicated that they did not want the application to be laid over as they had already had an informal meeting in November which was attended by approximately forty (40) area residents. He stated that the message received at this meeting was loud and clear; the development should be a single-family residential development

Mr. Hamilton indicated that they had amended their original plan after communicating with residents but that the property in question was a difficult site to develop primarily due to access problems. The property is owned by the Grey Nuns and they would like to sell it. Mr. Hamilton explained that he had reviewed the history with respect to the application and it was clear that access was to be provided to the property at Qualico's expense and that the only available access to the site is the one proposed. He stated he was optimistic that, during the construction phase of the development, access to the site will be available via St. Amant Centre but stressed that this would be only during the construction phase.

Mr. Hamilton iterated that they will develop in character with the neighbouring residences and would work closely with the City of Winnipeg on buffering, landscaping, etc… Mr. Hamilton stated that they did not agree with one of the conditions contained in the report of the Administrative Coordinating Group proposing a second walkway in that the construction of another walkway would result in a decreased size in lots.

Kevin Neiles appeared in opposition to the application. He indicated that he would like for the application to be adjourned so that the applicant could address a number of key issues. Mr. Neiles stated that the proposed intersection at the access to the new development would be dangerous and that the development of said access would result in a decrease in greenspace. He stated that there were 26 houses with 28 children on living near this section of Ravine Drive. Mr. Neiles explained that, should the proposed access be approved, the existing homes on either side would have only five (5) foot side-yards.

Mr. Neiles stated that the development is not consistent with the neighbouring development as the lots proposed are much smaller. He iterated that local residents have not been given the opportunity to meet with the St. Amant Centre to discuss access options and requested that the application be adjourned to provide for the opportunity to do so.

Mike Scatliff appeared in opposition to the application. Mr. Scatliff explained that he was asked by area residents to look at the proposal and stated that he would not have gotten involved had their concerns been of a "NIMBY" (not in my backyard) nature. He stated that the Developer has made some concessions but was not quite there yet as some basic principles have not been met. Mr. Scatliff emphasized the importance of twenty-five (25') foot setbacks and that the access point was not wide enough; the setbacks for said access should be at least ten (10) feet in length. He stated that it was his belief that the maximum length of a cul-de-sac was ninety (90) metres and that the proposed cul-de-sac would be approximately double that. Mr. Scatliff asked that the application be adjourned. Councillor Vandal asked Mr. Scatliff to clarify where he would like to see the twenty-five (25') foot setbacks to which Mr. Scatliff replied those lots backing on to existing residential development.

John Coyne appeared in opposition to the application and stated that he was a member of the River Point Residents' Association. Mr. Coyne restated concerns raised by earlier speakers and explained a secondary proposal containing less lots that had been brought to the attention of the developer. He asked Committee to adjourn the application so that area residents could meet with the St. Amant Centre. He iterated that the proposed development should be in character with the existing development and that, should the application be approved as is, it would adversely affect the existing area residences. Councillor Vandal asked why a meeting has not been set up with the Grey Nuns previously to which Mr. Coyne replied that the people he wanted to speak with have been away.

A. Ord appeared in opposition to the application. Mr. Ord indicated that he lived near the proposed access and that his children played in the lot where said access is to be built. Mr. Ord stated that there were no sidewalks on Ravine Drive and that this development would create more traffic that would be dangerous to area children and residents and workers of St. Amant Centre who frequently walk on the street.

Jan Winnik appeared in opposition to the application and submitted a petition (Exhibit 13) purporting to contain the signatures of one hundred and twenty-five (125) residents and read said petition into the record.

John Campbell appeared in opposition to the application. Mr. Campbell indicated that he resided at 40 Settlers Road and indicated that he would be affected by increased traffic should the development proceed. Mr. Campbell further iterated that the Developer was "piggybacking" on the value of the homes in the area and that the new development would decrease the value of existing homes.

Hugh Smith appeared in opposition to the application. Mr. Smith explained that his home was the third one built in River Pointe and stated that if he had known that the lot next to him was to become an access road to a new development he would not have built there. Mr. Smith iterated that if the Grey Nuns wished to sell their property, they should not compromise his property but negotiate an access with St. Amant Centre, which is or at least was also owned by them.

Wayne Johnson appeared in opposition to the application. Mr. Johnson stated that he was a member of the River Road Traffic Committee and explained that any new development in this area would further exasperate an already distressed traffic problem on River Road. Mr. Johnston questioned if the fill that was currently being trucked in via St. Amant Centre from the Eaton's Building was free of contaminants and articulated concern that increased truck traffic would damage the existing roadways. Mr. Johnston stated safety concerns as the only play area for this development would be the riverbank and pedestrians on Ravine Drive would be at risk due to increased traffic.

Jim Pigden appeared in opposition to the application and reiterated concerns raised by Wayne Johnson and previous speakers. Mr. Pigden asked if the developer had purchased the property and if there had been previous plans or applications for the property.

Robert Broeska appeared in opposition to the application. He explained that he has lived on Ravine Drive for eleven (11) years and has witnessed many accidents and near accidents on his street. Mr. Broeska indicated that in the centre of the River Pointe Development was market garden land and that issues with that land should be addressed at this point in time. Councillor Steeves indicated that he was not aware of any plans for said property.

Juliette Smith appeared in opposition to the application and reiterated the request for adjournment.

Karen Yamada appeared in opposition to the application. Ms. Yamada stated that people already inadvertently drive into her yard and this problem has only worsened with further development. She indicated that many trucks and other equipment have been entering the subject property and questioned if that access could become a permanent one.

Guy Magnusson appeared in opposition to the application. Mr. Magnusson stated that he was supportive of St. Amant Centre and had volunteered there as his son currently does. He explained that when he had decided to build a home in this area there had been no plans for development of the property in question like the ones before Committee. He questioned what would happen with the other undeveloped property in the area should this application be approved. He asked if St. Amant Centre was going to be giving up some of their land for this development.

Shaun Horan appeared in opposition to the application. Mr. Horan explained that his home was located directly across from the proposed access and that he was not opposed to a quality development being established on the land in question. Mr. Horan questioned the credibility of the builder to which Councillor Angus replied that Mr. McGarry has been beyond reproach in his dealings with him. Mr .Horan stated that when he purchased his lot he had asked his realtor as to what would happen with the lot which is the proposed access to the development and his realtor had stated that it would remain residential. Councillor Angus asked if the developer had considered seniors housing for this property.

Patrick Hamilton, Al G. Degner, and Bill McGarry returned in rebuttal. Mr. Hamilton explained the role of the Grey Nuns vis-à-vis St. Amant Centre and how the Centre was originally in the control of the Grey Nuns but they have since divested from it. Mr. Hamilton explained that the Grey Nuns had been around at the inception of the River Pointe development and how said development may not have been possible without their consent; the Grey Nuns had given up property rights in the past for concessions they are now looking to collect on.

Mr. Hamilton addressed the issue of decreased greenspace in that the property in question was zoned residential, not greenspace. With regards to access via St. Amant Centre, Mr. Hamilton explained that they had tried, without success, to negotiate an access to the site via their property. He further iterated that should the access go through St. Amant Centre, residents on Ravine Drive would have a street behind and in front of them. He indicated that the cul-de-sacs met the City's requirements.

Mr. Hamilton explained that Mr. McGarry has been in the development business for many years and has completed numerous successful developments attracting Winnipeg's most exclusive builders and that the architectural guidelines will satisfy area residents. He stated that the properties in the proposed development should sell for sixty thousand dollars ($60,000.00) to one hundred thousand dollars ($100,000.00). Mr. Hamilton said that he was not aware of any previous plans for this property and that the Grey Nuns will continue to own the undevelopable flood plain lands.

Councillor Angus asked if the property had been sold to which Mr. McGarry replied yes, conditional upon subdivision approval. Councillor Angus asked if a low density, low level seniors housing development had been considered to which Mr. Hamilton replied that the local residents were opposed to any such development. Councillor Angus asked who they had spoken with at St. Amant with regards to access to which Mr. Hamilton replied the Executive Director who was already concerned with existing parking problems and the potential danger to handicapped children who reside at the Centre should access by granted via the Centre.

Councillor Angus asked if the developer would be amenable to building 25 lots instead of 30. Mr. Hamilton replied that the market is receptive to buying lots that are narrower than what would be preferred by area residents and that the proposed lots were larger than the majority of those being developed in the City of Winnipeg today.
Councillor Vandal asked what the history was behind the proposed access via the lot on Ravine Drive. The Senior Planner indicated that there was a requirement for Qualico to provide an access to the area. The Land Development Engineer stated that this lot was always set aside as an access and was transferred to the City to be held in trust for this purpose. Further, should the lot not be used as an access, the lot would be returned back to Qualico who would then further renegotiate with the Grey Nuns. The Land Development Engineer explained that the land in question was not developable until the dyke protecting the St. Amant Centre was built in 1988. He stated that the land in question is already zoned residential and that development can not be prevented, only the type of development can be determined.

May 5, 2003
Councillor Angus explained that public representations for this application had been closed at the meeting of the Riel Community Committee held on April 15, 2003. Councillor Steeves explained the public hearing process and briefly summarized what was discussed at the last meeting. Councillor Steeves indicated that he had decided to lay over the matter so he could have the opportunity to take the time to think over his decision and that, since the last meeting, the River Pointe Resident's Association had hired legal representation. Councillor Steeves explained that it was the advice of James Carter, Solicitor, Legal Services Division, to reopen representations and to hear the Resident's Association lawyer, Mr. Bill Haight. Councillor Steeves stated that Committee would hear from Mr. Haight and the applicant would be allowed to speak in rebuttal.

Bill Haight appeared in opposition to the application on behalf of the River Pointe Resident's Association. Mr. Haight stated that the application, if approved, would create liability for the City of Winnipeg as stated in his correspondence to the City Solicitor dated April 23, 2003, and April 28, 2003 (Exhibits 15 and 16). Mr. Haight iterated that he was aware the Developer and area residents have resolved a number of issues with regards to the development and explained he was in attendance solely to speak to the access to the proposed development.

Mr. Haight explained the history of the River Pointe Development and how on January 6, 1987 the Community Committee of the day had recommended approval of Qualico's subdivision with the condition that one (1) lot be set aside for access to the adjacent property owned by the Grey Nuns. Mr. Haight quoted from the Report of the Manager of Planning and Land Use dated April 6, 2003, and surmised that the City of Winnipeg was aware that the proposed access would pose problems for the people residing on Ravine Drive. Mr. Haight asserted that the City cannot knowingly make decisions that would adversely affect existing properties and that the proposed access to the development would decrease property values of adjacent homeowners. Mr. Haight stated that the City of Winnipeg could have made Qualico pave the lot to show potential homeowners that this was an access to a future subdivision. He iterated that should Committee grant the application before them, it would open the City of Winnipeg up to a lawsuit and that such a decision would not be responsible governance.

Councillor Steeves addressed the issue of liability and stated that the proposed access was part of the public record in 1987. Mr. Haight responded that he was in agreement but when homeowner's were purchasing property in this area, it was likely that they had not searched the titles of adjoining properties and built not knowing an access would be developed there. Councillor Steeves stated that he was not aware of any other possible access to the site as St. Amant had denied access via its property. Councillor Steeves explained that he understood Mr. Haight's concept of liability but stated that, should Committee not allow access to the site via the access previously identified in 1987, the developer could also sue the City of Winnipeg.

Patrick Hamilton, Al G. Degner, and Bill McGarry returned in rebuttal. Mr. Hamilton stated that the applicant should have been notified that public representations would be reopened as the Grey Nuns would have likely wanted to speak. Mr. Hamilton explained that meaningful negotiations with the local residents association had taken place and the Developer had made many concessions including the employment of a landscape architect and a reduction in the density of the development from 34 lots to 27 lots. Mr. Hamilton asserted that the only remaining issue was the proposed access to the property.

Councillor Steeves stated that the property in question is zoned "R1-5" Residential District and that it was his understanding that the majority of area residents were aware that houses would be built there eventually. Councillor Steeves read into the record a chronology of events related to the approval of the River Pointe Development (filed as Exhibit 17). Councillor Steeves stated that it was very clear that the property located at 106 Ravine Drive was always held in trust by the City of Winnipeg to be used as an access to the adjacent property and that there was an obligation to honour the previous commitment. He further stated that the City of Winnipeg does not own any other land that would be suitable for access to the proposed development; the only

other land available is owned by a third party and they do not want to part with it. Councillor Steeves explained that with the “R1-5” Residential District zoning designation, the applicant could have applied for forty-one (41) lots. He stated that the developer will develop with almost “R1-6” Residential District standards and the development would likely be limited to twenty-five (25) lots.

In reply please refer to / Référence à rappeler :

(204) 986-5069
Fax / Téléc. : (204) 986-3684

File No. DAS 31/02 April 27, 2003
Our c/f CP 500 (. 519)

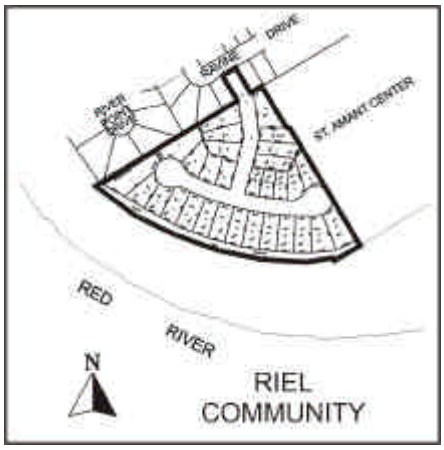
Mr. Marc Pittet
Riel Community Committee
Council Building
510 Main Street
Winnipeg, MB R3B 1B9

Dear: Mr. Pittet

SUBDIVISION AND REZONING
Land located : South of Ravine Drive, west of St. Amants Centre
Riel Community
File No. DAS 31/02

An application has been received from River Pointe Development Corp. for approval of a plan of subdivision in order to create 28 single family lots.

RELATED FILES: DAV45/03D



SITE DESCRIPTION:

Site Area:

Overall site area totals approximately 8.6 acres.

Existing Land Use and Zoning:

The land is currently vacant and zoned R1-5 Single Family.

Surrounding Land Use and Zoning:

North: To the north is the fully developed River Pointe Subdivision zoned R1-5 Single Family.
South: To the is the Red River.
East: To the east is the St. Amants Centre zoned R1-5 Single Family.
West: To the west is the Red River.

DEVELOPMENT DESCRIPTION:

The applicants propose to establish a 28 lot subdivision adjacent to the Red River directly to the rear of the St Amants Centre. The design of the subdivision is in the shape of a hammerhead with primary access being established to Ravine Drive by way of a vacant piece of land. There is at least one accompanying variance for reduced yards for proposed lot 28 which is long and rectangular and cannot meet the conventional requirements for front and rear yards under the By-Law. Over the course of the last six months, the applicant has held an open house , at which he proposed a number of development options, all of which ranged fron low to medium density multiple family development and would have entailed a rezoning of the site. As a result of strong negative public reaction to the multiple family options, the applicant has since made changes and submitted at least two proposals for single family development which is in compliance with the existing zoning. However there still remain concerns with respect to some design aspects of the subdivision from a planning perspective and the Water and Waste Dept. have made it clear that they would like to have modifications made to the depth of proposed lots encroaching into the existing dyke area. There is also an issue amongst neighbouring residents regarding the size and location of the single proposed access to the subdivision off of Ravine Drive. Alternative approachs are currently being assessed.

PLAN WINNIPEG:

The subject site falls within an area designated as a Neighbourhood Policy Area under Plan Winnipeg Policy. Neighbourhood Policy Areas permit residential development and therefore the subject application is in full compliance .

ADMINISTRATIVE COMMENTS: **Prior to April 15/03 Public Hearing**

When the adjoining lands (what is referred to as the River Pointe subdivision area) were approved for subdivision under DASZ 41/86, the lands to the rear of St. Amants, an almost 9 acre area, were not part of the equation at that time. They remained under private ownership but with the recognition that some future point, they would be sold and developed for single-family housing. And therefore as a result of that recognition and in accordance with a condition outlined in the Servicing Agreement at that time, the Developers provided for a future access right –of –way to the area behind the St. Amants Centre. That access has been in place and protected on the south side of Ravine Drive for over fifteen years and currently constitutes the only access to the proposed 28 lot subdivision. When the applicants originally approached the City with a number of residential development proposals for the site, we suggested strongly that there would likely be 1) strong neighbourhood resistance to higher density housing options warranting a rezoning and 2) that location of the primary access off of Ravine Drive would pose problems for residents in the immediate area. It was suggested that further discussions with St. Amants Centre be undertaken whereby the possibility of acquiring additional land from the Centre could be investigated (effectively part of the St. Amants parking lot area) in order to provide an alternative primary access to the site ; the land fronting onto Ravine to be utilized possibly as an emergency access only. The applicants talked about multiple family options at an open house last year but as a result of negative reaction from neighbouring property owners, they have backed off from pursuing those options and have have made an application that is in compliance with the zoning that is in place. The applicants indicate that they have had discussions regarding an alternative access through the St. Amants lands with the St. Amants Board of Trustees and that that is not a feasible option at this time. There are also minor design changes that if done, may make for an improved relationship with adjoining existing residential property owners to the north. For example , wherever possible, proposed rear yards should flank existing rear yards to increase building separations and avoid situations (as is being proposed) where the walls of new homes are a mere five feet from existing rear yards. The City has also indicated in the accompanying ACG Report that the existing top of the dyke has to remain outside of any proposed residential lots and identified as public reserve. That is not reflected in the most recent subdivision proposal and if the recommendations of the ACG are to be adhered to, then further minor modifications to the plan will have to be done. While this Department clearly supports the proposed subdivision in principle, it is apparent that there is significant neighbourhood opposition to the proposed access off of Ravine Drive. Neighbourhood property owners have indicated that they are meeting with the St. Amants Centre later in April to address alternative access options and therefore are recommending that the subject application be laid over until at least the May Riel Public Hearing. Under the circumstances, it would clearly be in everyone's interests to assess all available access options and the Planning and Land Use Division would therefore support a temporary layover to the May Public Hearing.

FOLLOW-UP REPORT : For the May 5/03 Public Hearing

On April 15/03, Riel Community Committee , in response to a request from the Neighbourhood Residents Association and the Administration, laid over the subject application until May 5/03. The suggested purpose of the lay-over was to allow the adjoining residents time

to meet with the St. Amants Centre in order to discuss directly the possibility of an alternative public access through lands currently owned by the centre. That meeting , which was held on April 28/03, was attended by resident spokespeople, the developer, and representatives of both the St. Amants Centre and the Administration. It was relatively apparent at that meeting that an alternative access through St. Amants property is NOT a viable option. Therefore this Department is of the view that there is only one possible access to the subject area; that which currently exists at 106 Ravine Drive.In the interim, the developer has made what we regard as significant improvements to the design and orientation of many of those lots in the immediate proximity of the existing lots along Ravine Drive and River Point Drive. Lot sizes throughout the subdivision, but particularly adjoining the dyke , have been increased in overall area and width in order that they will achieve an R1-6 standard which is more in keeping with the character of existing homes along Ravine Drive. The two proposed lots that still concern us because of their alignment and proximity to existing homes at 102 and 110 Ravine Drive are lots 1 and 28. It is hoped that the issue of these two lots can be addressed at the Public Hearing on May 5/03.In that regard, this Department has outlined several recommendations in the ensuing section that may reduce(if not completely eliminate) the impact of new housing construction on existing homes at 102 and 110 Ravine Drive. On the matter of proposed lot depths encroaching into the area of the top of the dyke, that issue has been resolved to the satisfaction of the City's Water and Waste Department. The top of the dyke will be dedicated to the City and retained for Public Reserve purposes.

RECOMMENDATION:

I. That the plan of subdivision proposed under File No. DAS31/02 , (and dated April 22/03 by Manitoba Land Surveyors Pollock & Wright) ,be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File No. DAS31/02, attached hereto and dated April 27/02, for registration in the Winnipeg Land Titles Office, subject to the following:

C. That a minimum twenty five foot (25') side yard be established and maintained on the north side of proposed lot 1.

B. That proposed lots 27 & 28 be consolidated into a single lot with a minimum north side yard of fifty feet (50') to be established and maintained.

C. 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 March 26/03.

D. That during the construction phase, maximum effort be given to accessing the site via routes other than Ravine Drive.

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

III. That, in the event this application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months after adoption of this report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

IV. That the City Solicitor be requested to prepare the necessary by-law in accordance with the above.

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

VI. The Plan of Subdivision shall be approved and signed by the Director of Planning, Property and Development within two (2) years of the date of passage of the aforementioned by-law.

VII. In the event that the necessary City of Winnipeg mylar approval signatures have not been secured within 24 months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

Final

Yours truly,

Chris Knoll
Manager of Planning and Land Use

Per: Kevin Lalor
Acting Coordinator
Urban Planning Br.
986-5069

KL/jc

By-Law No. _____

File No. **DAS 31/02**

Explanation
An application for the approval of the plan of subdivision shown outlined below.

Atlas Sheet No. **AJ25**
RIEL COMMUNITY

N



Schedule " A'' for File No. DAS31/02, Riel Community Committee, dated April 27/03

THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

Re: Proposed subdivision of land located south of Ravine Drive and River Pointe Drive – DAS 31/02

FOR SUBMISSION TO THE CHAIRPERSON AND MEMBERS OF THE RIEL COMMUNITY COMMITTEE

"Original signed by E.L. Carrière"
E.L. Carrière
Chairman
Administrative Coordinating Group

March 26, 2003

Re: Proposed subdivision of land located south of Ravine Drive and River Pointe Drive – DAS 31/02

An application has been submitted on behalf of River Pointe Development Corp. to subdivide land located south of Ravine Drive and River Pointe Drive.

It is recommended that the Applicant amend its plan as follows:

1. The rear property lines of the residential lots backing onto the existing dike shall be established at a maximum distance of 12.0m west of the east limit of the diking easement established by the plan registered as No. 21914, on the condition that the subdivision area is filled to the Flood Protection Level (231.59 metres above sea level), and the existing top of dike remains outside of the proposed residential lots.
2. The property lying west of the residential lots shall be identified as Public Reserve.
3. A 5.0m walkway shall be provided from the proposed street to the Public Reserve at the extreme east end of the proposed subdivision to the satisfaction of the Director of Public Works.
4. The length of the northerly cul-de-sac shall be reduced as much as possible by pulling the cul-de-sac bulb back thereby allowing the creation of building lots radiating around the bulb.
5. The southerly cul-de-sac shall be modified to conform to the City's current standard for offset bulbs (Drawing ST-90-A).

It is recommended that approval of the amended plan be subject to the Developer entering into a Development Agreement with the City as follows:

1. The Developer shall, at no expense to the City, install watermains, wastewater sewers and land drainage sewers to serve the proposed subdivision to the satisfaction of the Director of Water and Waste.
2. The Developer shall, at no expense to the City, install water and wastewater lot line connections to serve each lot within the proposed subdivision as determined by and to the satisfaction of the Director of Water and Waste.
3. The Developer shall provide a lot grading plan prepared by a municipal engineer and shall grant any required easements to the City as indicated by the lot grading plan.
4. The Developer shall, at no expense to the City, construct portland cement concrete pavement to a width of 7.5m and a thickness of 150mm in the proposed street within the proposed subdivision, and all related works including, but not necessarily limited to boulevard landscaping and ornamental street lighting, all as determined by and to the satisfaction of the Director of Public Works.
5. The Developer shall, at no expense to the City, cause to be installed standard reflectorized permanent street name signs at the new street intersection being created by the proposed subdivision, as determined by the Director of Public Works.
6. The Developer shall, at no expense to the City, provide underground electrical and telephone services to serve the proposed subdivision and will pay the full cost to convert any existing overhead services within the proposed subdivision to underground.

7. The Developer is to pay all costs associated with the installation and/or relocation of street lights and other utilities made necessary as a result of or required to accommodate works, which are required by the Developer to serve the proposed subdivision, as determined by and to the satisfaction of the Director of Public Works.
8. The Developer shall be responsible to control and to initiate the clean up 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 done on a regular basis as 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.
9. The Developer shall ensure the construction traffic uses access routes as determined by the Director of Public Works. The Developer shall maintain, at no expense to the City, the access routes in a clean, dust free and safe condition, free of dropped and tracked-on mud, and shall undertake 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.
10. The Developer shall, at no expense to the City, erect and maintain barricades and signing across the full width of any temporarily dead-ended streets, due to phasing of development, immediately upon completion of the paving or when house construction has begun, whichever is sooner, as determined by and to the satisfaction of the Director of Public Works.
11. The Developer shall, at no expense to the City, install sod and interlocking paving stones within the cul-de-sac islands to the satisfaction of the Director of Public Works.
12. The Developer shall dedicate the land identified on the amended plan as Public Reserve as public open space the area of which is greater than 10% of the land within the proposed subdivision.
13. The Developer shall, at no expense to the City, construct the following improvements within the public walkways:
    i) a sidewalk to a width of 1.5m in the most easterly walkway,
    ii) an asphalt pavement within the proposed 5.0m wide public walkway at the northwest corner of the subdivision for vehicular access to the existing gate chamber to the satisfaction of the Director of Water and Waste.
    iii) fencing along the street frontage of the walkway,
    iv) ornamental lighting, and
    v) landscaping between the sidewalk or pavement and the walkway property lines

    as determined by and to the satisfaction of the Director of Public Works.

14. The Developer shall pay the full cost of engineering services provided by or on behalf of the City in connection with the installation of municipal services required to serve the proposed subdivision.
15. The Developer shall pay $1,200.00 per acre to defray the City's administration and related costs associated with the preparation and implementation of the development agreement.

THIS REPORT SUBMITTED BY:
Administrative Coordinating Group
File No. AG 31/02
March 26, 2003

V:\7-ACG Reports\02ag31-report.doc

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

"Original signed by K.T. Raban"
Water and Waste Department

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

In reply please refer to / Référence à rappeler :

(204) 986-5069
Fax / Téléc. : (204) 986-3684

File No. DAS 31/02 April 6, 2003
Our c/f CP 500 (. 519)

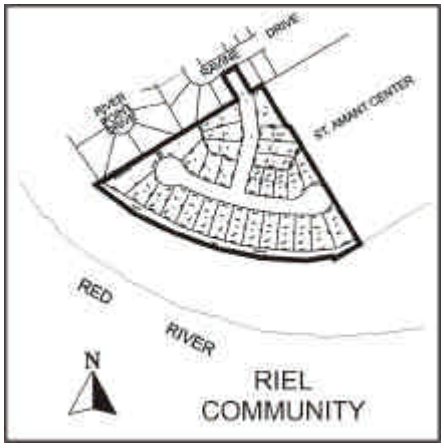
Mr. Marc Pittet
Riel Community Committee
Council Building
510 Main Street
Winnipeg, MB R3B 1B9

Dear: Mr. Pittet

SUBDIVISION AND REZONING
Land located : South of Ravine Drive, west of St. Amants Centre
Riel Community
File No. DAS 31/02

An application has been received from River Pointe Development Corp.for approval of a plan of subdivision in order to create 28 single family lots.

RELATED FILES: DAV45/03D



SITE DESCRIPTION:

Site Area:

Overall site area totals approximately 8.6 acres.

Existing Land Use and Zoning:

The land is currently vacant and zoned R1-5 Single Family.

Surrounding Land Use and Zoning:

North: To the north is the fully developed River Pointe Subdivision zoned R1-5 Single Family.
South: To the is the Red River.
East: To the east is the St. Amants Centre zoned R1-5 Single Family.
West: To the west is the Red River.

DEVELOPMENT DESCRIPTION:

The applicants propose to establish a 28 lot subdivision adjacent to the Red River directly to the rear of the St Amants Centre. The design of the subdivision is in the shape of a hammerhead with primary access being established to Ravine Drive by way of a vacant piece of land. There is at least one accompanying variance for reduced yards for proposed lot 28 which is long and rectangular and cannot meet the conventional requirements for front and rear yards under the By-Law. Over the course of the last six months, the applicant has held an open house , at which he proposed a number of development options, all of which ranged fron low to medium density multiple family development and would have entailed a rezoning of the site. As a result of strong negative public reaction to the multiple family options, the applicant has since made changes and submitted at least two proposals for single family development which is in compliance with the existing zoning. However there still remain concerns with respect to some design aspects of the subdivision from a planning perspective and the Water and Waste Dept. have made it clear that they would like to have modifications made to the depth of proposed lots encroaching into the existing dyke area. There is also an issue amongst neighbouring residents regarding the size and location of the single proposed access to the subdivision off of Ravine Drive. Alternative approachs are currently being assessed.

PLAN WINNIPEG:

The subject site falls within an area designated as a Neighbourhood Policy Area under Plan Winnipeg Policy. Neighbourhood Policy Areas permit residential development and therefore the subject application is in full compliance .

ADMINISTRATIVE COMMENTS:

When the adjoining lands (what is referred to as the River Pointe subdivision area)were approved for subdivision under DASZ41/86, the lands to the rear of St. Amants, an almost 9 acre area , were not part of the equation at that time. They remained under private ownership but with the recognition that some future point, they would be sold and developed for single family housing. And therefore as a result of that recognition and in accordance with a condition outlined in the Servicing Agreement at that time , the Developers provided for a future access right –of –way to the area behind the St. Amants Centre. That access has been in place and protected on the south side of Ravine Drive for over fifteen years and currently constitutes the only access to the proposed 28 lot subdivision. When the applicants originally approached the City with a number of residential development proposals for the site, we suggested strongly that there would likely be 1) strong neighbourhood resistance to higher density housing options warranting a rezoning and 2) that location of the primary access off of Ravine Drive would pose problems for residents in the immediate area. It was suggested that further discussions with St. Amants Centre be undertaken whereby the possibility of acquiring additional land from the Centre could be investigated (effectively part of the St. Amants parking lot area) in order to provide an alternative primary access to the site ; the land fronting onto Ravine to be utilized possibly as an emergency access only. The applicants talked about multiple family options at an open house last year but as a result of negative reaction from neighbouring property owners, they have backed off from pursuing those options and have have made an application that is in compliance with the zoning that is in place. The applicants indicate that they have had discussions regarding an alternative access through the St. Amants lands with the St. Amants Board of Trustees and that that is not a feasible option at this time. There are also minor design changes that if done, may make for an improved relationship with adjoining existing residential property owners to the north. For example , wherever possible, proposed rear yards should flank existing rear yards to increase building separations and avoid situations (as is being proposed) where the walls of new homes are a mere five feet from existing rear yards. The City has also indicated in the accompanying ACG Report that the existing top of the dyke has to remain outside of any proposed residential lots and identified as public reserve. That is not reflected in the most recent subdivision proposal and if the recommendations of the ACG are to be adhered to, then further minor modifications to the plan will have to be done. While this Department clearly supports the proposed subdivision in principle, it is apparent that there is significant neighbourhood opposition to the proposed access off of Ravine Drive. Neighbourhood property owners have indicated that they are meeting with the St. Amants Centre later in April to address alternative access options and therefore are recommending that the subject application be laid over until at least the May Riel Public Hearing. Under the circumstances, it would clearly be in everyone’s interests to assess all available access options and the Planning and Land Use Division would therefore support a temporary layover to the May Public Hearing.

RECOMMENDATION:

I. That the plan of subdivision proposed under File No. DAS 31/02 be laid over temporarily until the next Riel Public Hearing in May in order to provide time for the Nieighbourhood Residents Association to meet with the St. Amants Centre to discuss a possible alternative access route across their(St. Amants) property.

By-Law No. .....

File No. **DAS 31/02**

Atlas Sheet No. **AJ25**
RIEL
COMMUNITY

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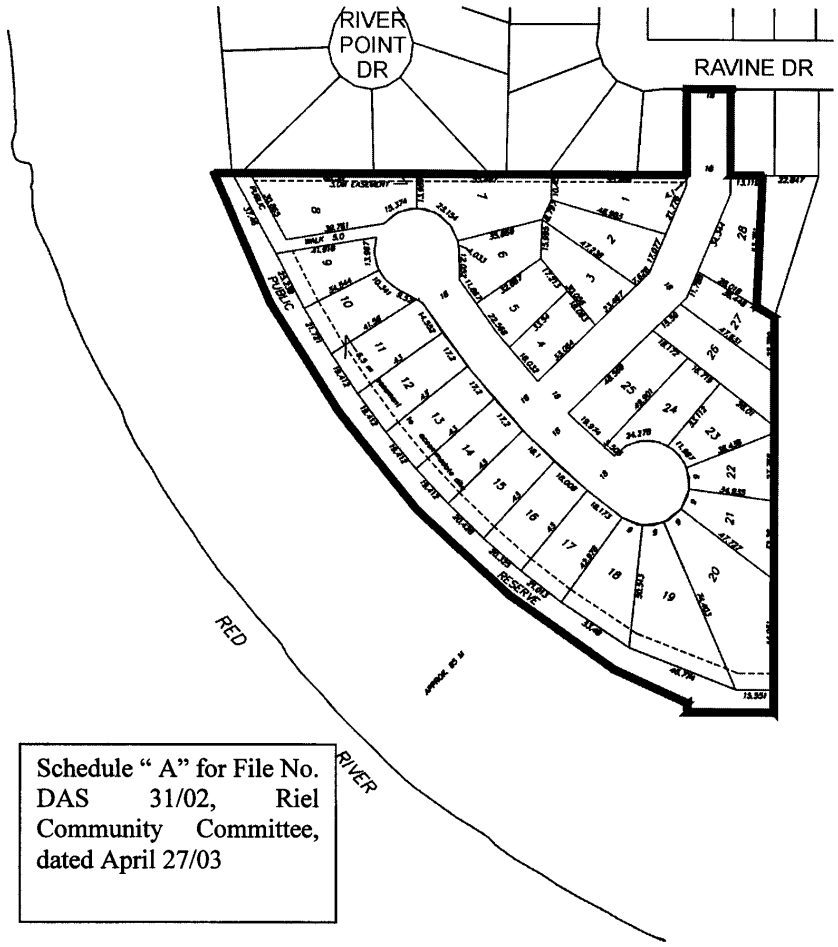
Explanation
An application for the approval of the plan of subdivision shown outlined below.



Schedule " A" for File No. DAS 31/02, Riel Community Committee, dated April 27/03

THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____