Minute No. 271
Report – Standing Policy Committee on Property and Development – February 18, 2014

Item No. 4 **Closing – Van Roon Drive, west of Charleswood Road for incorporation onto DASZ 50/2013 (Charleswood – Tuxedo Ward) File DAC 17/2013 [c/r DASZ 50/2013]**

COUNCIL DECISION:

Council concurred in the recommendation of the Standing Policy Committee on Property and Development and adopted the following:

1. That the street closing as shown on Misc. Plan No. 14604 be approved, subject to the approval of Option Two, in accordance with Schedule "D" for File No. DASZ 50/2013 dated February 4, 2014, 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. 14604, 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 implement the intent of the foregoing.

Report – Standing Policy Committee on Property and Development – February 18, 2014

DECISION MAKING HISTORY:

Council concurred in the request of Councillor Browaty and items 4, 5 and 6 of the Report of the Standing Policy Committee on Property and Development dated February 18, 2014 were debated and voted on concurrently.

Moved by Councillor Browaty,

That the recommendation of the Standing Policy Committee on Property and Development be adopted.

Carried

Councillors Eadie and Gerbasi asked to be recorded as having voted against the item in accordance with Rule 47(7) of the Procedure By-law 50/2007.

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On February 19, 2014, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the Assiniboia Community Committee, and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On February 18, 2014, the Standing Policy Committee on Property and Development concurred in the recommendation of the Assiniboia Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On February 4, 2014, the Assiniboia Community Committee concurred in the recommendation of the Winnipeg Public Service be concurred in, with the following amendment:

- Amend Recommendation 2 by deleting “for DASZ 50/2013”, and substituting “in accordance with Schedule “D” for File No. DASZ 50/2013 dated February 4, 2014”,

and forwarded to the Standing Policy Committee on Property and Development.

PUBLIC HEARING SUMMARY

File: DAC 17/2014

Before: Assiniboia Community Committee
Councillor Nordman, Chairperson
Councillor Fielding
Councillor Havixbeck

Public Hearing: February 4, 2014
Council Building, 510 Main Street

Applicant: Landmark Planning and Design Inc.
(Donovan Toews)

Premises Affected: Van Roon Drive, west of Charleswood Road

Exhibits Filed:

1. Report from the Real Property Officer dated January 23, 2014
2. Inspection Report
3. Communication dated February 3, 2014, from Warren Johnson in opposition to Option 2 of the application
4. Communication dated February 4, 2014, from Gail and Nicole Langdale in opposition to the application
5. Communication dated February 4, 2014, from Holly Klos in opposition to Option 2 of the application
6. Communication dated February 4, 2014, from Erik Klos in opposition to Option 2 of the application
7. Communication dated February 4, 2014, from Bran Adams and Heather Laurie in opposition to the application
8. Proposed revisions to the recommendations outlined in the Report from the Urban Planning Division submitted by Donovan Toews, Landmark Planning and Design Inc. and Eric Vogan at the public hearing
9. Schedule "D" for File No. DASZ 50/2013 Option 2 Revised, Assiniboia Community Committee, dated February 4, 2014 submitted by Donovan Toews, Landmark Planning and Design Inc. and Eric Vogan at the public hearing
10. Communication undated from Norah Van Roon Jancik, Dorothy Van Roon Funk and Warren Funk in opposition to the application, submitted by Len A.W. Van Roon at the public hearing

11. Communication dated February 4, 2014 Len A. C. Van Roon in opposition to the application, submitted by Len A.W. Van Roon at the public hearing
12. Presentation titled "Results of the Charleswood Historical Society Surveys" submitted by Len A. W. Van Roon at the public hearing
13. Presentation titled "The 3G Committee of Charleswood – Noise & Vibration Attenuation in Ridgewood Precinct Including Sub-area #1" submitted by Otto Ament at the public hearing
14. Presentation titled "Public Works Report on The Charleswood Transportation Levy" submitted by Alan Roberts at the public hearing

REPRESENTATIONS:

In Support:

Otto Ament
Mike Armstrong
Darlene and Terry Boettcher
Steve Coates
Deanne Coombs
Verna Hare
Bob Hinkelman
Barbara Hutton
Ravi Joshi
Wendy Josephson
Glen Koblua
Victoria Macdonald
Scott Minty
Jeff Pratte
Alan Roberts
Jason Rohs
Susan Russell
Donovan Toews, Landmark Planning and Design Inc.
Eric Vogan, Qualico Developments
Laurie Wilson-Czyrnyj

In Opposition:

Warren Johnson
Erik and Holly Klos
Bran Adams and Heather Laurie
Jaclyn Clement
Gail Langdale
Nicole Langdale
Len A. W. Van Roon

For Information:

Ron Parkinson
Annette Schiller
Richard Weind
Norah Van Roon Jancik, Dorothy Van Roon Funk and Warren Funk
Len A. C. Van Roon

For the City:

Mr. B. Buyachok, Real Property Officer, Planning, Property and Development Department
Ms C. Desjardine, Community Traffic Engineer, Public Works Department
Mr. G. Jasper, Land Development Engineer, Planning, Property and Development
Mr. K. Raban, Land Development Administrator, Planning, Property and Development Department
Mr. J. Veitch, Principal Planner, Planning, Property and Development Department

Exhibit "1" referred to in File DAC 17/2013

ADMINISTRATIVE REPORT

Title: **DAC 17/2013: TO SEEK COUNCIL APPROVAL FOR THE PROPOSED CLOSING OF VAN ROON DRIVE, WEST OF CHARLESWOOD ROAD FOR INCORPORATION INTO DASZ 50/2013**

Critical Path: **ASSINIBOIA COMMUNITY COMMITTEE – STANDING POLICY COMMITTEE ON PROPERTY AND DEVELOPMENT - EXECUTIVE POLICY COMMITTEE – COUNCIL**

AUTHORIZATION

Author	Department Head	CFO	CAO
M. Pittet	B. Thorgrimson	N/A	N/A

RECOMMENDATIONS

1. That the proposed street closing as shown on Misc. Plan No. 14604 be approved, subject to the approval of Option Two for DASZ 50/2013, 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. 14604, 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 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 Landmark Planning & Design Inc., representing Novamet Development Corporation, to close Van Roon Drive so identified on the attached copy of Misc. Plan No. 14604.

The subject closing is to be considered concurrently with DASZ 50/2013, an application to subdivide and rezone the adjoining property in order to accommodate a residential housing development within the Ridgewood Precinct Plan area. Two options for DASZ 50/2013 have been presented for consideration. Option 1 excludes the subject closing within the development while Option 2 includes the closing area. Sketches for both options appear in Appendix "B" of this report.

If Option 2 is approved, the portion of Van Roon Drive identified as Parcel "A" is to be incorporated into DASZ 50/2013. The balance of the street identified as Parcel "B" falls outside of the development and will be retained by Novamet as a remnant lot with frontage on Charleswood Road.

The subject right of way was opened as "Edward Street" by Plan No. 1644 and registered in the Winnipeg Land Titles Office in June of 1911. In January of 1974, the City of Winnipeg passed By-law No. 571/74 renaming the street to "Cardiff Avenue". In September of 1997, the northerly 1.38m of Parcel "B" was widened by Plan No. 35017. The City of Winnipeg subsequently passed By-law No. 7088/97 in September of 1997 renaming "Cardiff Avenue" to its present designation of "Van Roon Drive".

The street comprises a well wooded area containing numerous mature trees, bush and undergrowth. It serves no public transportation purpose.

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 Inc., Shaw Cablesystems, Bell Canada TeraSpan and Telus.

Imperial Oil, Fibre, Norscan and Rogers Communications did not respond to the request for comments on this proposal.

SUBMITTED BY

Department: Planning, Property and Development
Division: Land Development, Geomatics and Land Information Services
Prepared by: Bohdan Buyachok, Real Property Officer
Date: January 23, 2014
File No.

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V:\development applications\daoc\dev application2013\dac17_2013\final_report\dac17.13rpt

APPENDIX "A"

Administrative Approval

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

Administrative Comments

The Urban Forestry Branch has provided the following comments:

> The right of way in question is rated as Grade "B" Quality Habitat by the Naturalists Branch, and the Urban Forestry Branch strongly encourages a plan that preserves as much of the forest as possible and minimizes the impact of construction activity, including the forest edges. From previous correspondence for this proposed development there were two options presented. Option One would be much more desirable as it will only disturb a small portion of the northern section of forest instead of a development plan that will cut through the heart of a maturing oak population. If Option Two is what the Developer prefers, the Urban Forestry Branch would expect compensation for all trees lost in the right of way as follows:

Number of Oak trees between 5.0-17.4cm dbh - 283
Compensation required = 283 x 1 x $600.00 = $169,800.00

Number of Oak trees between 17.5-24.9cm dbh – 180
Compensation required = 180 x 2 x $600.00 = $216,000.00

Number of Oak trees between 25.0-32.4cm dbh – 21
Compensation required = 21 x 3 x $600.00 = $37,800.00

Number of Oak trees between 32.5-39.9cm dbh – 1
Compensation required = 1 x 4 x $600.00 = $2,400.00

Total compensation required if all trees are removed from the Van Roon Drive right of way:

$426,000.00

Easements

Manitoba Hydro has identified services within the closing area and will require easements for these existing facilities as well as future development. No permanent structures will be allowed within the easement areas.

Any removal or relocation of existing facilities as a result of the proposed street closing will be at the expense of the applicant.

Conveyance of Street for $1.00

The area of the streets and lanes being created by application DASZ 50/2013 exceeds the area of the street being closed. In accordance with City policy, the subject closing will be conveyed to the Developer for the nominal sum of $1.00.

Transfer of Jurisdiction Over Public Rights-of-Way

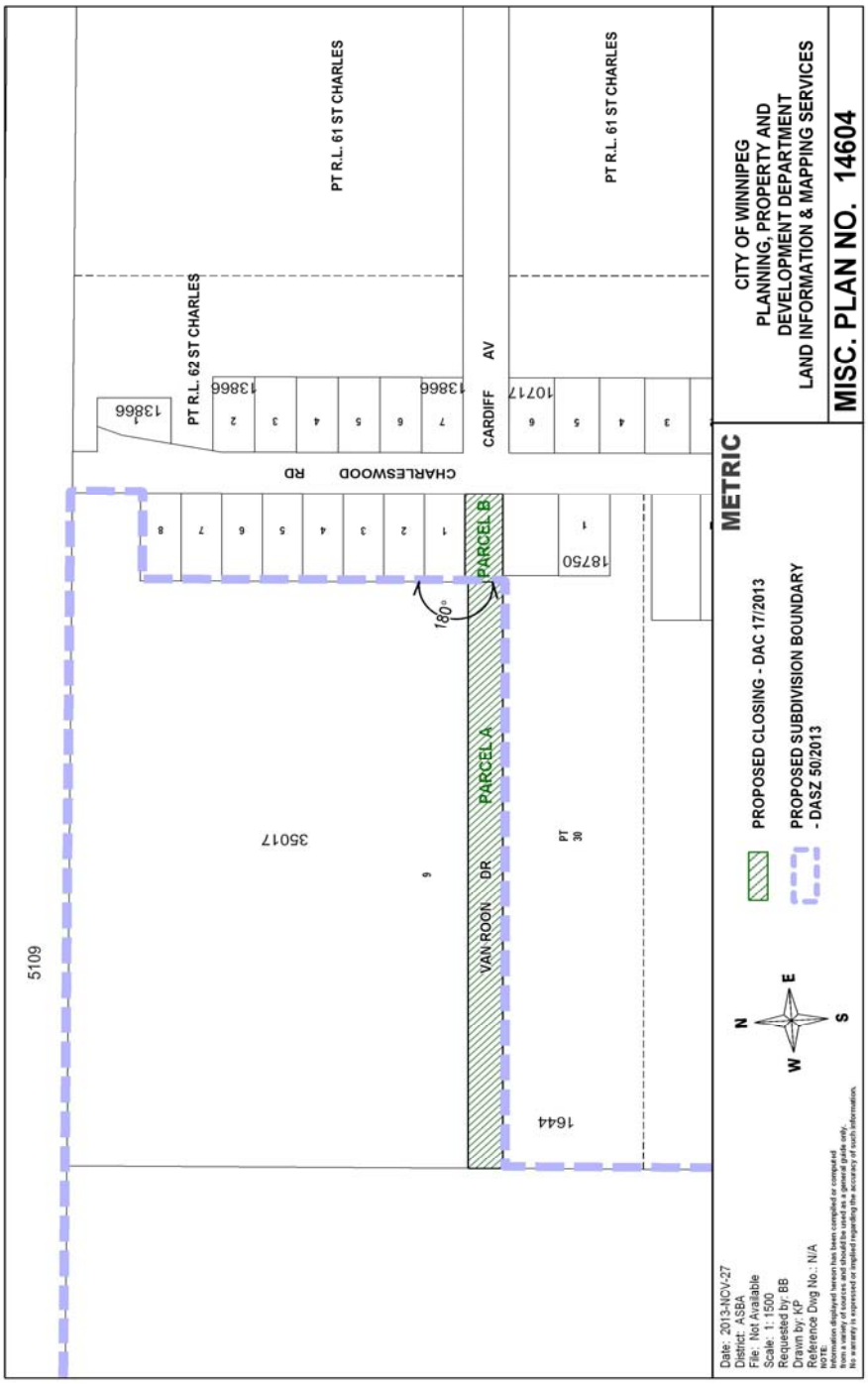
The street must be legally closed before it may be conveyed. Title to all public rights of way in Manitoba is vested in the name of the Province. The registration in the Winnipeg Land Titles Office of a closing by-law removes the public right of way status from the land and vests the ownership of the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

APPENDIX "B"

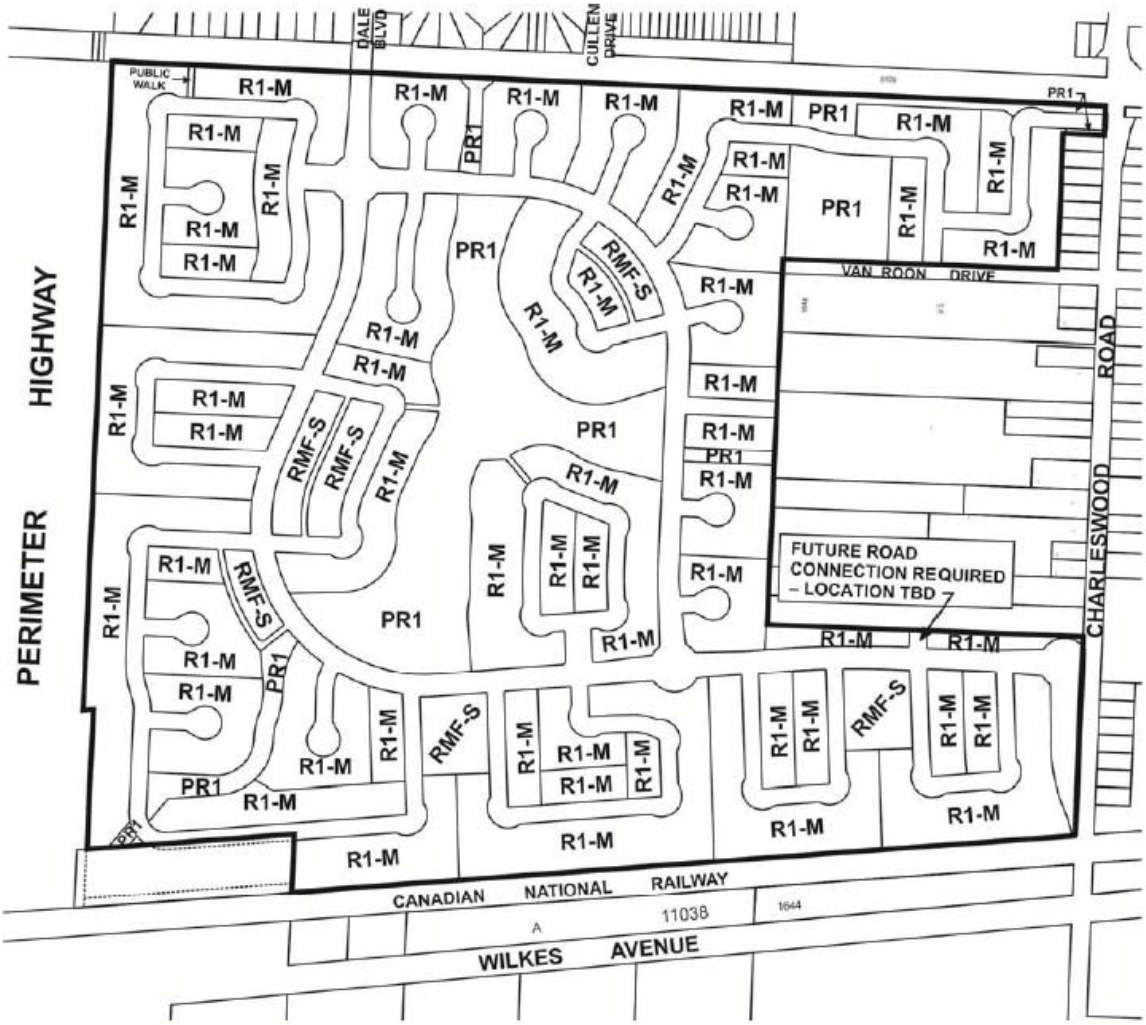
Aerial View of Subject Closing



Miscellaneous Plan



DASZ 50/2013: Option 1



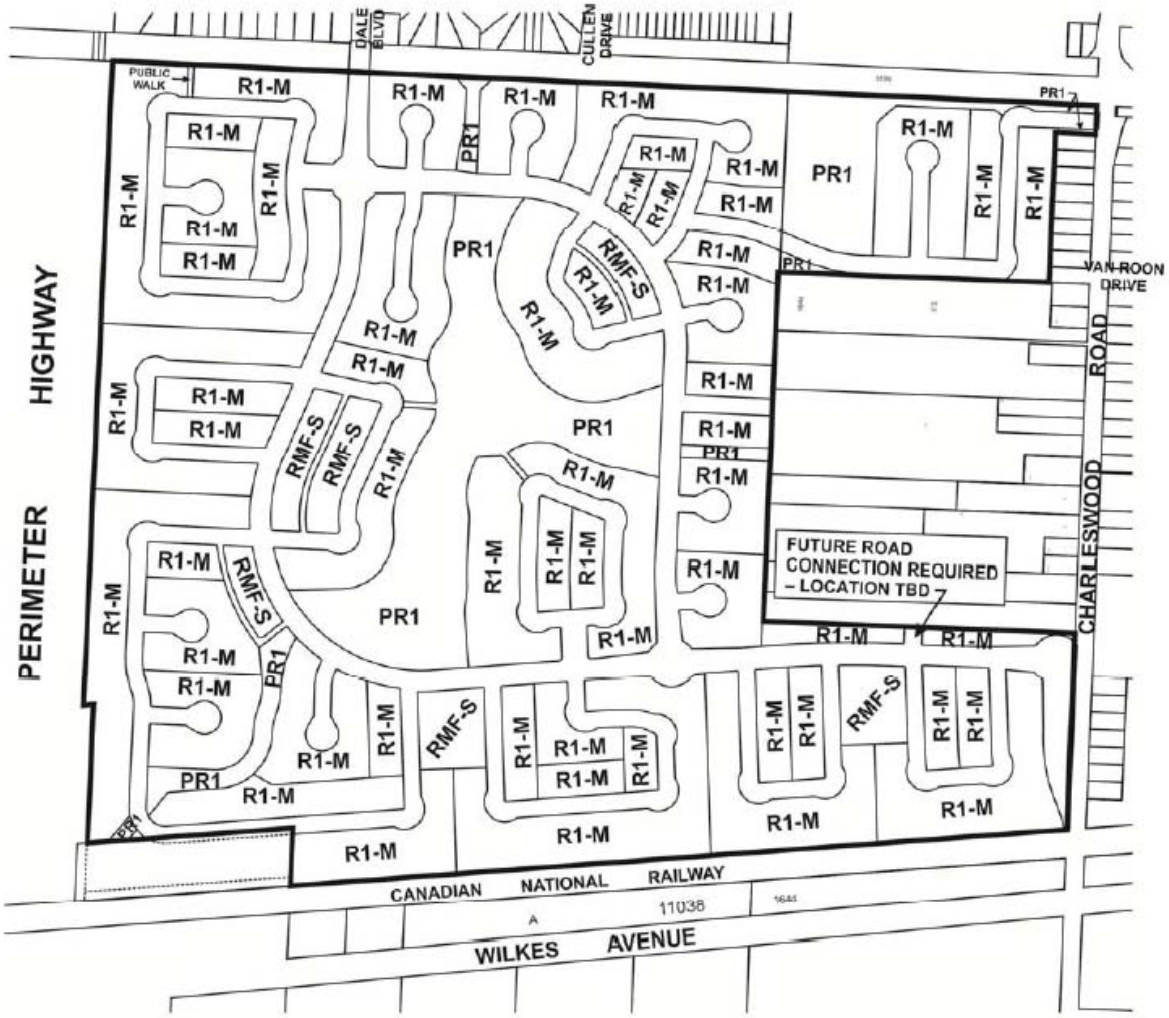
OPTION 1

DASZ 50/13 MAP 2

PROPOSED SUBDIVISION

N

DASZ 50/2013: Option 2



OPTION 2

DASZ 50/13 MAP 3

N

PROPOSED SUBDIVISION

Schedule "D" for File No. DASZ 50/2013 Option 2 revised, Assiniboia Community Committee, dated February 4, 2014

