Minutes - Executive Policy Committee - April 13, 2005

PUBLIC HEARINGS

Minute No. 278 Subdivision and Rezoning - North of Swailes Avenue Right-of-Way File DASZ 53/2004 [c/r PW 6/2004]

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

The Executive Policy Committee concurred in the administrative recommendation, as amended, and recommends to Council:

1. That the plan of subdivision proposed under File DASZ 53/2004 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 53/2004 dated March 29, 2005, for registration in the Winnipeg Land Titles Office, subject to the following:

    A. That the Developer be required to enter into a Development Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated March 29, 2005, incorporating the following:

        i. Amend Condition 15 by inserting the following after the words "land" in the first line "or other means or combination of as determined by the Director of Planning, Property and Development and in consultation with the Ward Councillor".

    B. That the subdivision be phased and development be limited to the proposed street extending northerly from Swailes Avenue up to and including the cul-de-sac to the west thereof until such time as a second paved means of access is provided.

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

3. That The Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 53/2004 dated March 29, 2005, to a "R1-4" Residential District.

4. That the rezoning by-law not be given third reading and that the plan of subdivision not be registered until such time as the Swailes Avenue right-of-way re-opening has been approved.

5. That the applicant shall purchase and close the small portion of the City-owned Swailes Avenue right-of-way shown within the proposed Lot 1 at the southwest corner of the subject property, and said land shall be included in the subject rezoning and plan of subdivision.

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

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

8. 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.

9. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision has been registered in the Winnipeg Land Titles Office.

10. That 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.

11. 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 Council extends that time.

DECISION MAKING HISTORY:

The Administration advised that all statutory requirements with respect to this application have been complied with.

Moved by Councillor Eadie,
That the administrative report be taken as read.

Carried

Moved by Councillor Eadie,
That the receipt of public representations be concluded.

Carried

Moved by Councillor Eadie,
That the administrative recommendation be concurred in, with the following amendments, namely:

- Report of the Director of Planning, Property and Development dated April 6, 2005
  Add the following as Recommendation 4:

  4. That the rezoning by-law not be given third reading and that the plan of subdivision not be registered until such time as the Swailes Avenue right-of-way re-opening has been approved,

  and the balance of the recommendations be renumbered accordingly.

- Report of the Administrative Coordinating Group dated March 29, 2005
  Amend Condition 15 by inserting the following after the words "land" in the first line "or other means or combination of as determined by the Director of Planning, Property and Development and in consultation with the Ward Councillor"

and forwarded to Council.

Carried

DECISION MAKING HISTORY:

Moved by Councillor Eadie,
That the following supporting reason be provided, namely:

1. The Executive Policy Committee agreed with the administrative comments contained in the report of the Manager of Planning and Land Use dated April 6, 2005 and in the report from the Administrative Coordinating Group dated March 29, 2005.

Carried

Moved by Councillor Eadie,
That the public hearing with respect to this application be concluded.

Carried

PUBLIC HEARING SUMMARY

File:	DASZ 53/2004
Before:	Executive Policy Committee His Worship Mayor Katz, Chairperson Deputy Mayor Pagtakhan Councillor Clement Councillor Eadie Councillor De Smedt Councillor Steeves Councillor Thomas
Public Hearing:	April 13, 2005 Council Building, 510 Main Street
Applicant:	North Grassie Properties Inc.

Subject:

Winnipeg

NOTICE OF PUBLIC HEARING
EXECUTIVE POLICY COMMITTEE

Date: Wednesday, April 13, 2005

Time: 9:00 a.m.

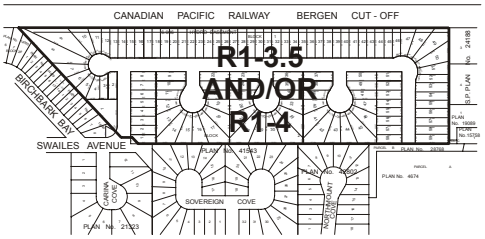
Location: West Committee Room
Council Building, 510 Main Street

Re: Proposed Rezoning & Subdivision – North of Swailes Avenue, East of Birchbark Bay
DASZ 53/04

Applicant: North Grassie Properties Inc.

TAKE NOTICE that the Executive Policy Committee will hold a public hearing to consider amending The Winnipeg Zoning By-Law 6400/94 as follows and as shown outlined on the map below:

To rezone the land south of the CPR Bergen Cut-Off, east of Birchbark Bay from an "A.5" AGRICULTURAL DISTRICT to an "R1-3.5" RESIDENTIAL DISTRICT and / or "R1-4" RESIDENTIAL DISTRICT.



Relevant documents are available for inspection by contacting David Marsh, Planning Property and Development Department, at 986-5549.

Persons wishing to make representation at the above hearing are requested to notify Jo-Ann Park, Clerk of the Executive Policy Committee, Council Building, 510 Main Street, Winnipeg, R3B 1B9, telephone 986-3732, to assist in scheduling representations. Written submissions are requested in advance of the public hearing.

Simultaneous French/English translation will be available if requested.

Premises Affected: north of Swailes Avenue, east of Birchbark Bay

Exhibits Filed:

1. Application dated December 21, 2004
2. Notification of Public Hearing dated March 23, 2005
3. Manitoba Status of Title 1123197
4. Certificate of Title E72548
5. Surveyor's Building Location Certificate and sketch dated November 2, 2004
6. Letter of authorization dated June 14, 2004 from Lincoln Properties Limited to North Grassie Properties Inc., and letter of authorization dated November 15, 2004 from North Grassie Properties Inc., to Doug Henne Planning Services
7. Zoning Development Information
8. Report from the Director of Planning, Property and Development dated April 6, 2005, which includes the Report from the Administrative Coordinating Group dated March 29, 2005
9. Communication dated April 9, 2005, from Warren Earl, D.W.E. Holdings Limited with respect to the application
10. Communication dated April 12, 2005, from Doug Henne, Doug Henne Planning Services on behalf of North Grassie Properties Inc., with respect to the application
11. Photographs depicting poor drainage submitted by Lou Anna Roberts
12. Petition in opposition to the application purporting to contain the signatures of twenty-eight (28) area residents submitted by Lou Anna Roberts
13. Diagram outlining proportion of park to residential development for the area submitted by Lou Anna Roberts
14. Petition in opposition to the application purporting to contain the signatures of twenty-nine (29) area residents submitted by Anne Gay
15. Map of area and extract of servicing agreement submitted by Warren Earl, D.W.E. Holdings Limited with respect to the application

REPRESENTATIONS:

In Support:

Norm Boyle, Marketing Agent, North Grassie Properties Inc.
Doug Henne, Doug Henne Planning Services on behalf of
North Grassie Properties Inc.

Andrew Hretzay, Anson Development
Frank Smart
John Wiebe, North Grassie Properties Inc.
Darcy Ziegler, Con-Force Structures Limited

In Opposition

Wesley Dueck
Warren Earl, DWE Holdings Inc.
Ann Gay
Krisa Magdic
Lou Anna Roberts
John and Marilia Sousa
Christine and Kevin Steinke

For Information:

Councillor Mike O'Shaughnessy, Old Kildonan Ward
Bernard Goertzen

For the City:

Michelle Richard, Senior Planner (Plan Winnipeg), Planning, Property and Development Department
David Marsh, Planner, Planning, Property and Development Department
Kim Raban, Services Development Engineer, Water and Waste Department
Ernie Carriere, Land Development Engineer, Planning, Property and Development Department
John Kiernan, Coordinator Parks, Riverbanks and Community Initiatives, Planning, Property and Development Department
Neil Myska, Streets Planning Engineer, Public Works Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS MADE AT THE COMBINED PUBLIC HEARING FOR PLAN WINNIPEG AMENDMENT FILE PW 6/2004 AND SUBDIVISION / REZONING FILE DASZ 53/2004

Doug Henne, Doug Henne Planning Services on behalf of North Grassie Properties Inc., appeared in support of the applications, provided an overview of the applications and submitted his presentation, filed as Exhibit 7 to PW 6/2004 and Exhibit 10 to DASZ 53/2004. Mr. Henne indicated concurrence in the recommendations contained in the administrative report from the Director of Planning, Property and Development dated April 6, 2005 and the Administrative Coordinating Group report dated March 29, 2005, with the following exceptions:

- That Recommendation 3 of the administrative report from the Director of Planning, Property and Development be amended to provide for the rezoning of the land to an "R1-3.5" Residential District.

- That Recommendation 8 of the Administrative Coordinating Group report be amended to read: "The Developer shall, at no expense to the City, construct a portland cement concrete sidewalk to a width of 1.5 m by 100mm in thickness on the west side of the proposed street extending northerly from Swailes Avenue to the first intersection north thereof, as determined by and to the satisfaction of the Director of Public Works."

Discussion ensued between the applicant, the administration and members of the Executive Policy Committee with respect to the following: adding a condition to limit the total number of lots in the development to 117, the rationale behind the proposal for an "R1-4" Residential District as opposed to an "R1-3.5" Residential District and an additional condition proposed by the administration to ensure that the development being considered would not become land-locked.

Andrew Hretzay, Anson Development, appeared in support of the applications. In particular, Mr. Hretzay voiced his support for the extension of McGregor Street and the potential development of the City-owned land located to the east of said extension.

Lou Anna Roberts appeared in support of the proposed Plan Winnipeg amendment and in opposition to the proposed Subdivision and Rezoning, submitted photographs (Exhibit 11 to DASZ 53/3004) and read in to the record a petition opposing the Subdivision and Rezoning purporting to contain the signatures of twenty-eight (28) area residents, filed as Exhibit 12 to DASZ 53/2004. Ms. Roberts also commented on the lack of park space in the vicinity of the proposed residential development, and submitted a diagram outlining proportion of park to residential development for the area, filed as Exhibit 13 to DASZ 53/2004.

David Marsh, Planner, Planning, Property and Development Department addressed the issue of access and advised that the subject lands will be developed in phases and that a second access will have to be established prior to the start of the second phase of the development.

Krista Madgic appeared in support of the proposed Plan Winnipeg amendment and in opposition to the proposed Subdivision and Rezoning application. Ms. Madgic asked that consideration be given to set aside greenspace for area residents and that Home Depot may be willing to fund a playstructure on said greenspace.

Wesley Dueck appeared in opposition to the applications, voiced his support for residential development and reiterated concerns regarding greenspace.

John and Marilia Sousa appeared in opposition to the Subdivision and Rezoning application due to concerns regarding access, traffic and light pollution. They advised they were not opposed to residential development in this area.

Kevin and Christine Steinke appeared in opposition to the Plan Winnipeg amendment and Subdivision and Rezoning application. Mr. Steinke cited concerns that ensuing road reconfigurations would likely result in their home being surrounded by roadways on the east, west and south sides of their property.

Anne Gay appeared in opposition to the Plan Winnipeg amendment and Subdivision and Rezoning application and submitted a petition in opposition to the application purporting to contain the signatures of twenty-nine (29) area residents, filed as Exhibit 14 to DASZ 53/2004. Ms. Gay stated that she was opposed to the applications for the following reasons:

- Increased traffic on Beecher Avenue;
- Concerns with the possibility of the establishment of a bus route on Beecher Avenue;
- Snow Removal;
- Negative impacts on drainage.

Warren Earl, DWE Holdings Ltd., appeared in opposition to the Subdivision and Rezoning and submitted a map of the area, filed as Exhibit 15 to DASZ 53/2004. Mr. Earl stated he was opposed to Recommendation 2(b) of the Administrative Coordinating Group report dated March 29, 2005, as it did not include a condition whereby the developer would be required to pay a portion of the cost of the land drainage sewer that was installed along Ferrier Street, between Templeton and Beecher Avenues.

Councillor O'Shaughnessy, Old Kildonan Ward, appeared for informational purposes. Councillor O'Shaughnessy stated that the proposed lot sizes were in character with similar developments throughout the city. Councillor O'Shaughnessy further stated that traffic on Swailes Avenue was not a problem nor would it be exasperated by the proposed development. Councillor O'Shaughnessy further stated that the development would alleviate drainage concerns in the area.

Bernhard Goertzen appeared for information and offered commentary on an application for residential development that he submitted to the Planning, Property and Development Department for an area adjacent to the proposed subdivision/rezoning.

The applicant, Doug Henne, returned in rebuttal and addressed the following concerns, namely: access to the Bergen Cut-Off; creation of additional greenspace including tot lots; ingress and egress to the proposed development via the roadways Swailes, Beecher and Ferrier; increased traffic volumes; and, land drainage issues.