Minute No. 515
Report - Standing Policy Committee on Property and Development - June 7, 2005

Item No. 3 **Subdivision and Rezoning - Land bounded by Ham Street, the CPR Molson Subdivision, Peguis Street, Perfanick Drive and Harbourview Phase 1**
File DASZ 50/2004 [c/r DAC 1/2005]

COUNCIL DECISION:

Council concurred in the recommendation of the Standing Policy Committee on Property and Development, as amended by the Executive Policy Committee, and adopted the following:

1. That the plan of subdivision proposed under File DASZ 50/2004 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 50/2004 dated March 31, 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 24, 2005, with the following amendments, namely:

        i. That a new clause1. A. iii. c. be added as follows:.

        "The City shall reimburse the Developer for the difference between the cost of constructing the regional land drainage facilities and the Developer's share of those costs within one year of the date of Substantial Completion of the facilities with interest added after that date according to the current Development Agreement Parameters and upon capital funding being approved for that payment by City Council."

        ii. That the second paragraph of clause 1.A. vii. be deleted and the following substituted therefore, namely:

        "vii. That the Developer shall finance and construct the following of the above-referenced works as determined by and to the satisfaction of the Director of Public Works:

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COUNCIL DECISION (continued):

a. an 8.0m in width by 200mm in thickness portland cement concrete pavement and all related works in Peguis Street from Concordia Avenue East to approximately 30 metres north of the CPR Molson Subdivision including an asphalt transition to extend to just south of the CPR Molson Subdivision.

b. a 1.5m in width by 100mm in thickness portland cement concrete sidewalk in the west boulevard of Peguis Street from Concordia Avenue East to approximately 30 metres north of the CPR Molson Subdivision including an asphalt transition to extend to just south of the CPR Molson Subdivision.

c. street lighting in the west boulevard of Peguis Street from Concordia Avenue East to approximately 30 metres north of the CPR Molson Subdivision.

d. landscaping in the west boulevard of Peguis Street from Concordia Avenue East to approximately 30 metres north of the CPR Molson Subdivision.

e. modifications to the existing railway crossing and the existing crossing protection at Peguis and the CPR Molson Subdivision as may be required by Transport Canada and/or Canadian Pacific Railways."

iii. That Clause 1. A. viii. be deleted and the following substituted therefore, namely:

"viii. That the Developer's share of the cost of services as determined in clauses 1.A.. vi. and 1.A.vii. shall be offset against the cost of services to be constructed pursuant to clauses 1.A. vi. and 1.A.vii. and the City shall reimburse the Developer for the difference as determined by the Director of Public Works, as it collects from other benefiting lands or by including appropriate funding (maximum funding currently estimated at $965,000.00) in the fifth year of the 2007 to 2011 Five Year Capital Forecast."

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COUNCIL DECISION (continued):

iv. That clause 1. A. ix. be deleted in its entirety and the balance of the recommendations renumbered accordingly.

v. That former clause 1. A. xxvi. be deleted and the following substituted therefore, namely:

"xxvi. That the Developer shall, at no expense to the City, construct within the rear or side yards of all single family lots abutting Lagimodiere Boulevard/Ham Street a uniform noise attenuation fence 2.0m in height, to the satisfaction of the Director of Public Works. The Developer is to permit the City to file a caveat against the title of each of these proposed lots abutting Lagimodiere Boulevard/Ham Street requiring the owner(s) to maintain and/or repair or replace the fence as originally constructed, to the satisfaction of the Director of Public Works."

vi. That former clause 1. A. xxix. be deleted and the following substituted therefore, namely:

"xxix. The Developer shall dedicate land within the proposed subdivision to fully satisfy the public open space requirement for DASZ 50/04 and for any outstanding obligations from previous development applications within the existing portion of Harbourview."

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 50/2004 dated March 31, 2005, to an "R1-3" Single Family Residential District, "R1-3.5" Single Family Residential District, a "R1-4" Single Family Residential District, a "RM-2" Multiple Family District, a "C2" Commercial District and a "PR1" Parks and Recreation District subject to the applicant entering into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter, to include the following conditions:

A. That the Developer shall erect a uniform wood fence (two [2] metres in height) abutting Lagimodiere Boulevard, Ham Street and the CPR Molson Subdivision to the satisfaction of the Director of Public Works. Future owners of the individual

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COUNCIL DECISION (continued):

building lots along this fencing shall be responsible for maintaining this fencing to the satisfaction of the Director.

B. That residential lots abutting the existing high pressure gas pipeline right-of-way shall provide a minimum fifty (50) foot (fifteen point twenty four [15.24] metre) setback between the high pressure gas pipeline right-of-way and any principal dwellings.

C. That for the land zoned "RM-2" Multiple Family Residential District and the land zoned "C2" Commercial District the development of any building, and/or accessory parking area and/or signage, plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, landscaping and signage to the East Kildonan - Transcona Community Committee for plan approval prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development.

D. That that the commercial land be restricted as follows:

i. That the following uses shall NOT be permitted on the land:

a. automobile, including motorcycle: rental, sales, including accessory repair, service, installation of supplies/parts
b. automobile, including motorcycle: supplies/parts, sales
c. beer: sales
d. bingo parlour
e. bowling alley
f. bus station
g. contractors' establishment
h. exterminator
i. farm supplies: sales
j. fuel: sales kiosk
k. hotel, including motel, limited to guest rooms
l. liquor: sales
m. machinery/heavy equipment supplies and parts: sales, installation, service
n. mobile home park

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COUNCIL DECISION (continued):

o. motors or machines, recreational or utility, including power toboggans, outboard motors, lawn mowers: rental, sale, service
p. parking area, non-accessory
q. pawnshop
r. tattoo parlour
s. terminal for haulage, motor freight station, excluding an intermodal terminal
t. terminal for courier/delivery/ express service, cleaning service, key and lock service, security service, taxi, or similar service
u. tire: sales, service

ii. That there shall be no advertising signs, mobile signs, poster signs and A-frame signs on the entire site, except that a mobile sign shall be permitted on the site for a period of thirty (30) days in association with a new occupancy permit.

iii. That no illuminated signage be erected on the east side of the building or the lot.

iv. That any free-standing use identification sign not exceed twenty-five (25) feet in height.

v. That prior to the issuance of any occupancy permits, all garbage containers be fully enclosed by a brick/concrete, and/or wood barrier fence that is at least six (6) inches above the top of the garbage container, and thereafter maintained to the satisfaction of the Director of Planning, Property and Development.

vi. That the Applicant shall erect two (2), four (4) feet by eight (8) feet signs on the vacant subject property indicating the location and zoning of the commercial property; and plans for the signs showing their location and design shall be submitted to the East Kildonan - Transcona Community Committee for approval by July 30, 2005; and the signs shall be maintained to the satisfaction of the Director of Planning, Property and Development until such time as the land is either rezoned or developed as a commercial land use.

vii. That a landscaped setback of twenty (20) feet be provided along Concordia Avenue East.

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COUNCIL DECISION (continued):

viii. That the hours of operation for any business being conducted shall not fall within 11:00 p.m. and 6:00 a.m.

4. 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.

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

6. 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.

7. 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 and the Zoning Agreement has been filed by caveat in the Winnipeg Land Titles Office against those lands provided that the said effective date occurs within twenty-four (24) months from the date that the said rezoning by-law is adopted by Council.

8. 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.

9. That in the event 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.

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DECISION MAKING HISTORY:

Moved by Councillor De Smedt,

That the recommendation of the Standing Policy Committee on Property and Development, as amended by the Executive Policy Committee, be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On June 22, 2005, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development, as amended, namely:

- Recommendation 1.A.iii be deleted in its entirety and replaced with the following:

  That Clause 1.A.viii. be deleted and the following substituted therefore, namely:

  "viii. That the Developer's share of the cost of services as determined in clauses 1.A.. vi. and 1.A.vii. shall be offset against the cost of services to be constructed pursuant to clauses 1.A. vi. and 1.A.vii. and the City shall reimburse the Developer for the difference as determined by the Director of Public Works, as it collects from other benefiting lands or by including appropriate funding (maximum funding currently estimated at $965,000.00) in the fifth year of the 2007 to 2011 Five Year Capital Forecast."

and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On June 7, 2005, the Standing Policy Committee on Property and Development concurred in the recommendation of the East Kildonan-Transcona Community Committee, as amended, namely:

- That the Administrative Coordinating Group report be amended as follows,

  i. That a new clause 1. A. iii. c. be added as follows:.

  "The City shall reimburse the Developer for the difference between the cost of constructing the regional land drainage facilities and the Developer's share of those costs within one year of the date of Substantial Completion of the facilities with interest added after that date according to the current Development

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DECISION MAKING HISTORY (continued):

Agreement Parameters and upon capital funding being approved for that payment by City Council."

ii. That the second paragraph of clause 1.A. vii. be deleted and the following substituted therefore, namely:

"vii. That the Developer shall finance and construct the following of the above-referenced works as determined by and to the satisfaction of the Director of Public Works:

a. an 8.0m in width by 200mm in thickness portland cement concrete pavement and all related works in Peguis Street from Concordia Avenue East to approximately 30 metres north of the CPR Molson Subdivision including an asphalt transition to extend to just south of the CPR Molson Subdivision.

b. a 1.5m in width by 100mm in thickness portland cement concrete sidewalk in the west boulevard of Peguis Street from Concordia Avenue East to approximately 30 metres north of the CPR Molson Subdivision including an asphalt transition to extend to just south of the CPR Molson Subdivision.

c. street lighting in the west boulevard of Peguis Street from Concordia Avenue East to approximately 30 metres north of the CPR Molson Subdivision.

d. landscaping in the west boulevard of Peguis Street from Concordia Avenue East to approximately 30 metres north of the CPR Molson Subdivision.

e. modifications to the existing railway crossing and the existing crossing protection at Peguis and the CPR Molson Subdivision as may be required by Transport Canada and/or Canadian Pacific Railways."

iii. That Clause 1.A. viii. be deleted and the following substituted therefore, namely:

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DECISION MAKING HISTORY (continued):

"viii. That the Developer's share of the cost of services as determined in clauses 1.A. vi. and 1.A.vii. shall be offset against the cost of services to be constructed pursuant to clauses 1.A. vi. and 1.A.vii.and the City shall reimburse the Developer for the difference as determined by the Director of Public Works as it collects from other benefiting lands or within five (5) years from the date of substantial completion of the works."

iv. That clause 1. A. ix. be deleted in its entirety and the balance of the recommendations renumbered accordingly.

v. That former clause 1. A. xxvi. be deleted and the following substituted therefore, namely:

"xxvi. That the Developer shall, at no expense to the City, construct within the rear or side yards of all single family lots abutting Lagimodiere Boulevard/Ham Street a uniform noise attenuation fence 2.0m in height, to the satisfaction of the Director of Public Works. The Developer is to permit the City to file a caveat against the title of each of these proposed lots abutting Lagimodiere Boulevard/Ham Street requiring the owner(s) to maintain and/or repair or replace the fence as originally constructed, to the satisfaction of the Director of Public Works."

vi. That former clause 1. A. xxix. be deleted and the following substituted therefore, namely:

"xxix. The Developer shall dedicate land within the proposed subdivision to fully satisfy the public open space requirement for DASZ 50/04 and for any outstanding obligations from previous development applications within the existing portion of Harbourview."

- That clause 3. A. be deleted in its entirety and the following substituted therefore:

"3.A. "That the Developer shall erect a uniform wood fence (two [2] metres in height) abutting Lagimodiere Boulevard, Ham Street and the CPR Molson Subdivision to the satisfaction of the Director of Public Works. Future owners of the individual building lots along this fencing shall be responsible for maintaining this fencing to the satisfaction of the Director of Planning, Property and Development."

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DECISION MAKING HISTORY (continued):

and submitted the matter to the Executive Policy Committee and Council.

STANDING COMMITTEE RECOMMENDATION:

On May 3, 2005, the Standing Policy Committee on Property and Development laid over consideration of the subdivision and rezoning application to the meeting of the Committee scheduled for June 7, 2005, and in the interim instructed the Administration to explore the issue of funding the improvements required to service the development, including oversizing and the timing of paybacks to the developer.

COMMUNITY COMMITTEE RECOMMENDATION:

On April 5, 2005, the East Kildonan-Transcona Community Committee concurred in the administrative recommendation with the following amendment, namely:

- That recommendation "xiii" of the Administrative Coordinating Group report dated March 24, 2005, be renumbered to "xiii.a." and that the following new recommendation be added, namely:

  "xiii. b. That the Developer shall, at no expense to the City, construct a sidewalk on the north side of the extension of Perfanick Drive north of Concordia Avenue from Concordia Avenue to the proposed park linear walkway,

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

RE: Subdivision and Rezoning - Land bounded by Ham Street, the CPR Molson Subdivision, Peguis Street, Perfanick Drive and Harbourview Phase 1 File DASZ 50/2004 [c/r DAC 1/2005]

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

Prepared by: Inga Skundberg, Clerk, East Kildonan-Transcona Community Committee

Report date: April 25, 2005

COMMUNITY COMMITTEE RECOMMENDATION:

On April 15, 2005 the East Kildonan-Transcona Community Committee concurred in the administrative recommendation, as amended, and recommends to the Standing Policy Committee on Property and Development:

1. That the plan of subdivision proposed under File DASZ 50/2004 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 50/2004, dated March 31, 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 24, 2005, namely:

        i. a. That the Developer shall, at no expense to the City, construct watermains required to serve the proposed subdivision and adjacent lands as determined by and to the satisfaction of the Director of Water and Waste. The City shall reimburse the Developer for any oversizing as determined by the Director of Water and Waste.

        b. That the Developer shall pay its share of the cost of the existing watermain located in Eaglemere which was oversized to provide service to the proposed subdivision.

        ii. That the Developer shall, at no expense to the City, construct wastewater sewers required to serve the proposed subdivision as determined by and to the satisfaction of the Director of Water and Waste. The City shall reimburse the Developer for any oversizing as determined by the Director of Water and Waste.

iii. a. That the Developer shall, at no expense to the City, construct land drainage sewers including stormwater retention facilities required to serve the proposed subdivision and adjacent lands as determined by and to the satisfaction of the Director of Water and Waste. The Developer shall abandon the temporary pumping facilities located at the intersection of Lagimodiere Boulevard and Grassie Boulevard and shall construct a permanent pipe gravity land drainage sewer outfall to serve the area.

b. That the Developer shall pay its share of the cost of the regional land drainage facilities as determined by the Director of Water and Waste. The cost of stormwater retention basins and interconnecting pipes constructed by the Developer including the value of the land for stormwater retention basins shall be credited against the Developer's share of the cost of the regional land drainage facilities.

iv. That the Developer shall, at no expense to the City, install separate water and wastewater lot line connections to serve each lot within the proposed subdivision.

v. That the Developer shall, at no expense to the City, construct the following works in Concordia Avenue East between the existing terminus of the street approximately 30m south of Whittington Road and the south limit of Perfanick Drive:

a. an 8.0m in width by 200mm in thickness portland cement concrete pavement and all related works including a temporary asphaltic concrete transition section to the existing gravel roadway in Perfanick Drive west of Concordia Avenue East;
b. 1.5m in width by 100mm in thickness portland cement concrete sidewalks in both the east and west boulevards;
c. street lighting in the west boulevard;
d. landscaping in the west boulevard;

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

vi. That the Developer shall pay its share of the cost of the following improvements in Concordia Avenue East on an area basis, for the area as illustrated on the attached Figure 1, as determined by the Director of Public Works:

a. an 8.0m in width by 200mm in thickness portland cement concrete pavement and all related works in Concordia Avenue East between the existing Lagimodiere/Concordia interchange and the east limit of the existing Peguis Street, including a temporary asphaltic concrete transition section to the existing gravel roadway in Peguis Street north of Concordia Avenue East;
b. 1.5m in width by 100mm in thickness portland cement concrete sidewalks in both the north and south boulevards of Concordia Avenue East;
c. street lighting in the north boulevard of Concordia Avenue East;
d. landscaping in the north boulevard of Concordia Avenue East;
e. modifications to the existing Lagimodiere/Concordia interchange to accommodate the connection to Concordia Avenue East to the interchange, as generally illustrated on the attached Figure 2, including, but not necessarily limited to through lanes, turning lanes, channelization, medians, asphalt transitions, land drainage works, street lighting, boulevard landscaping, sidewalks, median hazard markers and all related works.

That the Developer shall finance and construct the above-referenced works as determined by and to the satisfaction of the Director of Public Works.

vii. That the Developer shall pay its share of the cost of the following improvements in Peguis Street on an area basis, for the area as illustrated on the attached Figure 1, as determined by the Director of Public Works:

a. two 8.0m in width by 200mm in thickness portland cement concrete pavements and all related works in Peguis Street, between Concordia Avenue East and the CPR Molson Subdivision including a temporary asphaltic concrete transition section to the existing gravel roadway in Peguis Street south of the CPR Molson Subdivision;
b. 1.5m in width by 100mm in thickness portland cement concrete sidewalks in both the east and west boulevards of Peguis Street;
c. street lighting in both the east and west boulevards of Peguis Street;
d. landscaping in both the east and west boulevards of Peguis Street;
e. modifications to the existing railway crossing and the existing crossing protection at Peguis Street and the CPR Molson Subdivision as may be required by Transport Canada and/or Canadian Pacific Railways.

That the Developer shall finance and construction the following of the above-referenced works as determined by and to the satisfaction of the Director of Public Works:

a. an 8.0m in width by 200mm in thickness portland cement concrete pavement and all related works in Peguis Street, between Concordia Avenue East and the CPR Molson Subdivision including a temporary asphaltic concrete transition section to the existing gravel roadway in Peguis Street south of the CPR Molson Subdivision;
b. a 1.5m in width by 100mm in thickness portland cement concrete sidewalk in the west boulevard of Peguis Street;
c. street lighting in the west boulevard of Peguis Street;
d. landscaping in the west boulevard of Peguis Street;
e. modifications to the existing railway crossing and the existing crossing protection at Peguis Street and the CPR Molson Subdivision as may be required by Transport Canada and/or Canadian Pacific Railways.

viii. That the Developer's share of the cost of services as determined in 6. and 7. above shall be off-set against the cost of services to be constructed pursuant to 6. and 7. above and the City shall reimburse the Developer for the difference as determined by the Director of Public Works as it collects from the other benefiting lands in accordance with the City's Development Agreement Parameters prevailing at the time of reimbursement.

ix. That the Developer shall provide and legally open, at no cost to the City, property, within the Developer controlled lands, required for a 21.0m radius bulb on the outside of the 90° deflection at the intersection of Filbert Crescent and Perfanick Drive as determined by the Director of Public Works.

x. That the Developer shall, at no expense to the City, construct and maintain, until such time as Concordia Avenue East is constructed through the adjacent privately owned lands thereby connecting the two sections of Concordia Avenue East being constructed under 5. and 6. above, as determined by and to the satisfaction of the Director of Public Works, a temporary asphaltic concrete roadway surface in Peguis Street between the portland cement concrete pavement to be constructed under 6. above in Concordia Avenue East and Perfanick Drive; and in Perfanick Drive between Peguis Street and the portland cement concrete pavement to be constructed under 5. above in Concordia Avenue East.

xi. That the Developer shall, at no expense to the City, remove the existing Ham Street roadway, south of the property identified as 445 Ham Street and regrade and restore the ditch along Lagimodiere Boulevard and construct a cul-de-sac type vehicle turnaround to similar standards as the remaining section of existing Ham Street and erect barricades and signing at the south limit of the section of Ham Street remaining adjacent the south limit of the property identified as 445 Ham Street, all as determined by and to the satisfaction of the Director of Public Works.

xii. That the Developer shall, at no expense to the City, remove the existing Ham Street roadway, between Grassie Boulevard and the north limit of the property identified as 535 Ham Street and regrade and restore the ditch along Lagimodiere Boulevard, restore the curb, boulevard and sidewalk along Grassie Boulevard where Ham Street currently connects to Grassie Boulevard and erect barricades and signing at the north limit of the section of Ham Street remaining adjacent the north limit of the property identified as 535 Ham Street, all as determined by and to the satisfaction of the Director of Public Works.

xiii. ***a.*** That the Developer shall, at no expense to the City, construct portland cement concrete pavement to a minimum width of 10.0m by 200mm in thickness in Perfanick Drive between Concordia Avenue East and the first street east thereof, and all related works including, but not necessarily limited to sidewalk on the north side of Perfanick drive, ornamental street lighting and boulevard landscaping, all as determined by and to the satisfaction of the Director of Public Works.

b. ***That the Developer shall, at no expense to the City, construct a sidewalk on the north side of the extension of Perfanick Drive north of Concordia Avenue from Concordia Avenue to the proposed park linear walkway.***

xiv. That the Developer shall, at no expense to the City, construct portland cement concrete pavement to a minimum width of 7.5m and a thickness of 150mm respectively in all streets 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.

xv. That the Developer shall, at no expense to the City, construct portland cement concrete pavement to a width of 5.0m and a thickness of 150mm

and all related works in the proposed lane, all as determined by and to the satisfaction of the Director of Public Works.

xvi. That the Developer shall, at no expense to the City, cause to be installed standard reflectorized permanent street name signs to be installed at all new street intersections being created as a result of the subdivision.

xvii. That the Developer shall, at no expense to the City, cause underground electrical and telephone services to be installed to serve the proposed subdivision to the satisfaction of the Director of Public Works.

xviii. That the Developer shall pay all costs associated with the relocation of street lights and other utilities made necessary as a result of or required to accommodate works, which are to be constructed by the Developer to serve the Planned Area, as determined by and to the satisfaction of the Director of Public Works.

xix. That the Developer shall, at no expense to the City, 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 completion of all construction. The clean up 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 all costs in remedying the situation to the satisfaction of the Director of Public Works.

xx. That the Developer shall, at no expense to the City, ensure that construction traffic uses 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 condition, free of dropped and tracked-on mud, and shall undertake regular cleaning of streets until building construction, including landscaping is complete, all as determined by and to the satisfaction of the Director of Public Works.

xxi. That the Developer shall, at no expense to the City, construct a temporary paved cul-de-sac type vehicle turnaround at the terminus of each temporarily dead-ended street and provide any right-of-way or easements necessary to accommodate same, all as determined by and to the satisfaction of the Director of Public Works.

xxii. That the Developer shall ensure that two paved means of vehicular access are available at all times through all stages of development of the Planned Area to the satisfaction of the Director of Public Works. This may require

the construction of temporary roadways and the provision of easements or right-of-way therefore.

xxiii. That there are to be no private approaches serving single-family residential development off Concordia Avenue East, Ham Street or Peguis Street.

xiv. That 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.

xv. That the Developer shall, at no expense to the City, construct within the rear and/or side yards of all lots abutting the CPR Molson Subdivision, a uniform fence 2.0m in height, to the satisfaction of the Director of Public Works. The Developer is to permit the City to file a caveat against the title of each of these proposed lots abutting the CPR Molson Subdivision requiring the owner(s) to maintain and/or repair or replace the fence as originally constructed, to the satisfaction of the Director of Public Works. Said fence is intended to ensure that "pedestrian trespass" to the tracks does not become a consequence o the subject development, thereby jeopardizing existing and/or future anti-whistling regulations along the subject railway line.

xvi. That the Developer shall, at no expense to the City, construct within the rear or side yards of all single family lots abutting Lagimodiere Boulevard/Ham Street and the future Transcona North-South Corridor, a uniform noise attenuation fence 2.0m in height, to the satisfaction of the Director of Public Works. The Developer is to permit the City to file a caveat against the title of each of these proposed lots abutting Lagimodiere Boulevard/Ham Street and the future Transcona North-South Corridor requiring the owner(s) to maintain and/or repair or replace the fence as originally constructed, to the satisfaction of the Director of Public Works.

xvii. That the Developer shall install signs at the entrances to the subdivision, upon which is to be displayed a plan of the subdivision showing thereon the locations of all proposed sidewalks, community mail boxes, Public Reserve areas, proposed school site, proposed "C2" and "RM-2" sites, the CPR Molson Subdivision, Lagimodiere Boulevard, Peguis Street and the future Transcona North-South Corridor.

xviii. That the Developer shall grant an option to the City for $1.00 which option shall be fully assignable to the River East Transcona School Division, to purchase a site of approximately 1.8 acres, which option shall

include but not be limited to the following terms and conditions as determined by Standing Policy Committee on Property and Development:

a. The option shall be for five (5) years,
b. The land cost shall be based on the City's standard value for acquisition of land for public use as determined and set from time to time by the City,
c. The cost of services benefiting the school site shall be calculated based on the City's uniform or pooled rates for Local Improvements for the year in which the services were constructed or the actual cost of construction, whichever is the lesser as determined by the City.

xxix. That the Developer shall dedicate approximately 5.7 acres of land as public open space which represents approximately 6.8% of the land subject to dedication within the proposed subdivision. The Developer shall landscape the dedicated land, where required, and pay its share of the cost of services in streets abutting the dedicated land in accordance with City policy. The Developer shall pay cash to fully satisfy the public open space requirement for DASZ 50/04 and any outstanding obligations from previous development applications within the existing portion of Harbourview.

xxx. That 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.

xxxi. That the Developer shall pay the full cost of engineering services provided by or on behalf of the City in connection with the installation of services required to serve the proposed subdivision.

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 50/2004, dated March 31, 2005, to an "R1-3" Single Family Residential District, "R1-3.5" Single Family Residential District, a "R1-4" Single Family Residential District, a "RM-2" Multiple Family District a "C2" Commercial District and a "PR1" Parks and Recreation District subject to the applicant entering into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to include the following conditions:

A. That the Developer shall erect a uniform wood fence (two [2] metre in height) abutting Lagimodiere Boulevard, Ham Street, the future Transcona North-South

Corridor and the CPR Molson Subdivision to the satisfaction of the Director of Public Works. Future owners of the individual building lots along this fencing shall be responsible for maintaining this fencing to the satisfaction of the Director of Planning, Property and Development.

B. That residential lots abutting the existing high pressure gas pipeline right-of-way shall provide a minimum fifty (50) foot (fifteen point twenty four [15.24] metre) setback between the high pressure gas pipeline right-of-way and any principal dwellings.

C. That for the land zoned "RM-2" Multiple Family Residential District; and the land zoned "C2" Commercial District the development of any building, and/or accessory parking area and/or signage, plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, landscaping and signage to the East Kildonan - Transcona Community Committee for plan approval prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development;

D. That that the commercial land be restricted as follows;

i. That the following uses shall NOT be permitted on the land:

b. automobile, including motorcycle: rental, sales, including accessory repair, service, installation of supplies/parts
c. automobile, including motorcycle: supplies/parts, sales
d. beer: sales
e. bingo parlour
f. bowling alley
g. bus station
h. contractors' establishment
i. exterminator
j. farm supplies: sales
k. fuel: sales kiosk
l. hotel, including motel, limited to guest rooms
m. liquor: sales
n. machinery/heavy equipment supplies and parts:sales, installation, service
o. mobile home park
p. motors or machines, recreational or utility, including power toboggans, outboard motors, lawn mowers: rental, sale, service
q. parking area, non-accessory

r. pawnshop
s. tattoo parlour
t. terminal for haulage, motor freight station, excluding an intermodal terminal
u. terminal for courier/delivery/ express service, cleaning service, key and lock service, security service, taxi, or similar service
v. tire: sales, service

ii. That there shall be no advertising signs, mobile signs, poster signs and A-frame signs on the entire site, except that a mobile sign shall be permitted on the site for a period of thirty (30) days in association with a new occupancy permit;

iii. That no illuminated signage be erected on the east side of the building or the lot;

iv. That any free-standing use identification sign not exceed twenty-five (25) feet in height;

v. That prior to the issuance of any occupancy permits, all garbage containers be fully enclosed by a brick/concrete, and/or wood barrier fence that is at least six (6) inches above the top of the garbage container, and thereafter maintained to the satisfaction of the Director of Planning, Property and Development;

vi. That the Applicant shall erect two (2), four (4) feet by eight (8) feet signs on the vacant subject property indicating the location and zoning of the commercial property; and plans for the signs showing their location and design shall be submitted to the East Kildonan - Transcona Community Committee for approval by July 30, 2005; and the signs shall be maintained to the satisfaction of the Director of Planning, Property and Development until such time as the land is either rezoned or developed as a commercial land use;

vii. That a landscaped setback of twenty (20) feet be provided along Concordia Avenue East;

viii. That the hours of operation for any business being conducted shall not fall within 11:00 pm and 6:00 am.

4. 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.

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

6. 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.

7. 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, and the Zoning Agreement has been filed by caveat in the Winnipeg Land Titles Office against those lands provided that the said effective date occurs within twenty-four (24) months from the date that the said rezoning by-law is adopted by Council.

8. 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.

9. 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.

(See Minute Nos. 178 and 179)

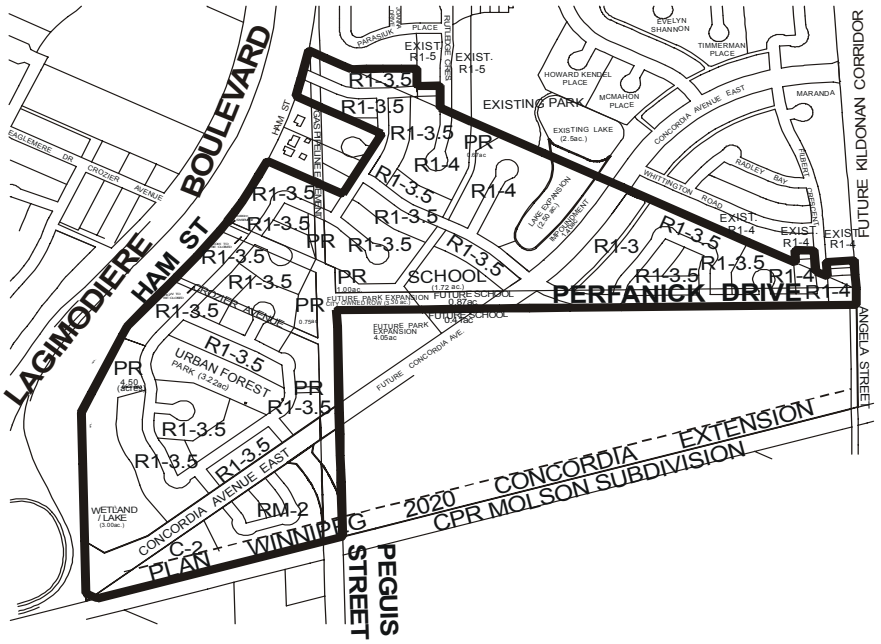
Note: The wording in bold and italics denotes amendments made by the Community Committee.

The East Kildonan-Transcona Community Committee provided the following supporting reason for its recommendation:

1. Two open houses for the community were hosted by the applicant.

PUBLIC HEARING SUMMARY

File:	DASZ 50/2004 [c/r DAC 1/2005]
Before:	East Kildonan-Transcona Community Committee Councillor Wyatt, Chairperson Councillor Lubosch Councillor Thomas
Public Hearing:	April 5, 2005 Helen Mayba Theatre Miles Macdonell Collegiate 757 Roch Street
Applicant:	Qualico Developments (Winnipeg) Ltd. (Lyne Jones)
Subject:	



APPLICANT : QUALICO DEVELOPMENTS (WINNIPEG) LIMITED
FILE : DASZ 50/04
PROPOSAL : An application for the approval of the plan of subdivision shown outlined above as may be determined by Council and for a proposed zoning change to By-law No. 6400/94 by rezoning the land shown outlined above from an "A.5" AGRICULTURAL DISTRICT and an "R1-5.5" RESIDENTIAL DISTRICT to a "PR1" PARKS AND RECREATION DISTRICT, an "R1-3" RESIDENTIAL DISTRICT, an "R1-3.5" RESIDENTIAL DISTRICT, an "R1-4" RESIDENTIAL DISTRICT, an "RM-2" MULTIPLE-FAMILY DISTRICT and a "C2" COMMERCIAL DISTRICT. **For information, phone Mr. J. Wintrup, Planner at 986-5102.**

Premises Affected: Land bounded by Ham Street, the CPR Molson Subdivision, Peguis Street, Perfanick Drive and Harbourview Phase 1

Exhibits Filed:

1. Application dated December 22, 2004
2. Notification of Public Hearing dated March 3, 2005
3. Manitoba Status of Titles 1094326, 1145705, 1145710, 1374658, 1374659, 1374660, 1459461, 1563618, 1611485, 1676922, 1857555, 2021396, 2024026, 2036356, 2036359

4a. Letter of authorization dated November 15, 2004 from Arthur Gordon Crozier and Kevin Wayne Crozier to Qualico Developments (Winnipeg) Ltd.

4b. Letter of authorization dated September 9, 2004 from the Manager of Real Estate, City of Winnipeg, to Qualico Developments (Winnipeg) Ltd.

5. Conceptual Plan of Subdivision

6. Report from the Manager of Planning and Land Use dated March 31, 2005
7. Report from the Administrative Coordinating Group dated March 24, 2005
8. Inspection Report
9. Communication dated March 28, 2005, from Joan Perfanick with respect to the application
10. Communication dated April 4, 2005, from Jim Perfanick with respect to the application
11. Petition in opposition to the construction of an additional road connecting onto Rutledge Crescent, as it relates to the application, purporting to contain the signatures of 78 area residents, submitted by Marc Labossiere
12. Highlighted Plan of Subdivision submitted by Marc Labossiere

REPRESENTATIONS:

In Support:
Eric Vogan, Qualico Developments (Winnipeg) Ltd., Applicant
Kevin Crozier
Greg Davey
Bob Hinkelman
M. and Sally Jaworsky

In Opposition:
Shawn Boissonneault
Paul Brandford
Barbara and Marc Fortier
Marc Labossiere
Mike Maluk
Patricia Machado
Sharon McLaughlin
Roman and Karen Naumiuk
Yardley Ploegman
James Rudolph
Robert Schultz
Stacy and Kevin Stephew
Tracy Stople
R. Woods
Kim Zaenali

For Information:

Arthur Crozier
Warren Earl
Doug Jentsch
Bob, Jerry, Terri-Ann Perfanick
Mary and George Sumka

For the City:
Ernie Carriere, Land Development Engineer, Planning, Property and Development Department
John Wintrup, Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS MADE AT THE PUBLIC HEARING

Eric Vogan appeared in support of the application and provided an overview of the subject application. He requested the following amendments to the recommendations outlined in the Report from the Manager of Planning and Land Use (Exhibit 6):

- That Recommendation No. 3.D.vii. "That a landscaped setback of 20 feet be provided along Concordia Avenue East" be deleted.
- That Recommendation No. 4 with respect to the adoption of the report by Council and the enactment of the by-law be extended from twenty-four (24) months to sixty (60) months.

Further, he requested the following amendments to the recommendation outlined in the Report from the Administrative Coordinating Group (Exhibit 7):

- That Condition No. 8 with respect to any reimbursement to the Developer after five years be repaid or bear interest.
- That Condition No. 9 with respect to the requirement for a 21.0m radius bulb be deleted.
- That Condition No. 10 with respect to maintenance requirements until Concordia Avenue East is constructed through the adjacent privately owned lands be limited to one year after build-out.
- That Condition No. 26 with respect to construction of a noise attenuation fence as it relates to Filbert Crescent backing onto the north/south corridor be deleted.
- That Condition No. 29 with respect to land dedication and public open space requirements be reconsidered inasmuch as there is a park system contemplated in the applicant's plan, and in the opinion of the applicant the subject condition would be a cost without any offsetting benefit.

M. Jaworsky appeared with respect to the application and expressed the following concerns, namely: the way the development will be laid out in front the houses that currently exist on Ham Street; ditches and their maintenance; public reserve; noise; potential increase in traffic; and, fencing.

Shawn Boissonneault appeared in opposition to the application, and advised that he is concerned regarding the type of traffic, specifically tow trucks, that may proceed through the development

once Concordia Avenue is extended and the subsequent safety of the children, especially of those that may be attending the proposed school.

Marc Labossiere appeared in opposition to the construction of an additional road connecting onto Rutledge Crescent, and submitted a petition in this connection and a map of the subject subdivision, filed as Exhibits 11 and 12 respectively. He indicated that he is not opposed to the actual development but is concerned regarding the impact the connecting road will have on traffic and safety, especially of the children.

Paul Brandford appeared in opposition to the application and advised that he backs onto the park area. He reiterated the concerns regarding increased traffic and expressed his opinion that people will utilize the shortest route to access Grassie Boulevard and suggested that alternate designs be considered.

Patricia Machado appeared in opposition to the application and indicated that she is not opposed to the development but is opposed to the traffic flow in the area. She commented that considering that approximately another 400 houses will be added, that the roads could be better planned around the neighbourhood.

Yardley Ploegman appeared in opposition to the application and requested that the future of Grassie Boulevard be reconsidered. She expressed concern that when the corridor is completed, the traffic on Concordia Avenue East, where she resides, will increase significantly. She expressed her opinion that it does not make sense to situate a major thoroughfare through a development when it could go around it.

Sharon McLaughlin appeared in opposition to the application and advised that she is not opposed to the development in general but is opposed to how it will affect her neighbourhood, and requested that traffic should be looked at again before the development proceeds. She expressed concern regarding the safety of children in the neighbourhood and indicated that there are no sidewalks on many of the streets.

Marc Fortier appeared in opposition to the application and requested that the current design of Rutledge Crescent remain unchanged. He advised that he resides 3 houses from where Rutledge terminates. He indicated that a number of young families reside in the area and that it is his opinion that traffic will take the shortest route to Grassie Boulevard and significantly increase traffic on Rutledge.

Kim Zaenali appeared in opposition to the application and reiterated concerns regarding the impact on traffic. In addition, Kim indicated that there will be concern if the condition of the wetland park is similar to the condition of the existing park. She purported that things are not maintained in the first phase and suggested further study be done before a decision is made on a new phase.

Jerry Perfanick appeared for information and advised that he has resided on Perfanick Drive for 35 years. He expressed concern regarding the upkeep of Perfanick Drive and suggested that the development not proceed until there are further details.

Mary Sumka appeared for information. She expressed concern regarding the services and the closure of Ham Street at Williamson Crescent, and whether the closure will occur before construction and stated that this will impact her access to Transcona.

Doug Jentsch appeared for information and advised that he utilizes Rutledge Crescent to access McLellan Drive, and questioned if the roads will be plowed in the winter.

In rebuttal, Eric Vogan addressed concerns regarding ditches and traffic. He indicated that land drainage will be accomplished through a connection to their system and purported that many of the traffic concerns are related to the existing situation on Grassie Boulevard. He expressed his opinion that the opening of Concordia Avenue will be beneficial and will result in a shift of traffic to the south, and that the streets are not designed to become a thoroughfare. He indicated when the Perfanick roadway is developed, it will change from a gravel back road to a proper urban street.

Exhibit "7" referred to in File DASZ 50/2004 [c/r DAC 1/2005]

Re: Proposed subdivision and rezoning of land bounded by Ham Street, the C.P.R. Molson Subdivision, Peguis Street, Perfanick Drive and Harbourview Phase I – DASZ 50/04

An application has been submitted by Qualico Developments Ltd. to subdivide and rezone land bounded by Ham Street, the C.P.R. Molson Subdivision, Peguis Street, Perfanick Drive and Harbourview Phase I.

It is recommended that the proposed plan of subdivision be registered in two phases as shown on the attached sketch identified as Schedule "X". Phase 2 shown hatched on Schedule "X" would be registered following review and approval of the proposed wetland/lake by the Joint UDI/City Advisory Committee authorized by City Council on April 25, 2001 to review such alternative proposals.

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

1. a) The Developer shall, at no expense to the City, construct watermains required to serve the proposed subdivision and adjacent lands as determined by and to the satisfaction of the Director of Water and Waste. The City shall reimburse the Developer for any oversizing as determined by the Director of Water and Waste.

   b) The Developer shall pay its share of the cost of the existing watermain located in Eaglemere which was oversized to provide service to the proposed subdivision.

2. The Developer shall, at no expense to the City, construct wastewater sewers required to serve the proposed subdivision as determined by and to the satisfaction of the Director of Water and Waste. The City shall reimburse the Developer for any oversizing as determined by the Director of Water and Waste.

3. a) The Developer shall, at no expense to the City, construct land drainage sewers including stormwater retention facilities required to serve the proposed subdivision and adjacent lands as determined by and to the satisfaction of the Director of Water and Waste. The Developer shall abandon the temporary pumping facilities located at the intersection of Lagimodiere Boulevard and Grassie Boulevard and shall construct a permanent pipe gravity land drainage sewer outfall to serve the area.

   b) The Developer shall pay its share of the cost of the regional land drainage facilities as determined by the Director of Water and Waste. The cost of stormwater retention basins

and interconnecting pipes constructed by the Developer including the value of the land for stormwater retention basins shall be credited against the Developer's share of the cost of the regional land drainage facilities.

4. The Developer shall, at no expense to the City, install separate water and wastewater lot line connections to serve each lot within the proposed subdivision.

5. The Developer shall, at no expense to the City, construct the following works in Concordia Avenue East between the existing terminus of the street approximately 30m south of Whittington Road and the south limit of Perfanick Drive:

   a) an 8.0m in width by 200mm in thickness portland cement concrete pavement and all related works including a temporary asphaltic concrete transition section to the existing gravel roadway in Perfanick Drive west of Concordia Avenue East;
   b) 1.5m in width by 100mm in thickness portland cement concrete sidewalks in both the east and west boulevards;
   c) street lighting in the west boulevard;
   d) landscaping in the west boulevard;

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

6. The Developer shall pay its share of the cost of the following improvements in Concordia Avenue East on an area basis, for the area as illustrated on the attached Figure 1, as determined by the Director of Public Works:

   a) an 8.0m in width by 200mm in thickness portland cement concrete pavement and all related works in Concordia Avenue East between the existing Lagimodiere/Concordia interchange and the east limit of the existing Peguis Street, including a temporary asphaltic concrete transition section to the existing gravel roadway in Peguis Street north of Concordia Avenue East;
   b) 1.5m in width by 100mm in thickness portland cement concrete sidewalks in both the north and south boulevards of Concordia Avenue East;
   c) street lighting in the north boulevard of Concordia Avenue East;
   d) landscaping in the north boulevard of Concordia Avenue East;
   e) modifications to the existing Lagimodiere/Concordia interchange to accommodate the connection to Concordia Avenue East to the interchange, as generally illustrated on the attached Figure 2, including, but not necessarily limited to through lanes, turning lanes, channelization, medians, asphalt transitions, land drainage works, street lighting, boulevard landscaping, sidewalks, median hazard markers and all related works.

   The Developer shall finance and construct the above-referenced works as determined by and to the satisfaction of the Director of Public Works.

7. The Developer shall pay its share of the cost of the following improvements in Peguis Street on an area basis, for the area as illustrated on the attached Figure 1, as determined by the Director of Public Works:

   a) two 8.0m in width by 200mm in thickness portland cement concrete pavements and all related works in Peguis Street, between Concordia Avenue East and the CPR Molson Subdivision including a temporary asphaltic concrete transition section to the existing gravel roadway in Peguis Street south of the CPR Molson Subdivision;
   b) 1.5m in width by 100mm in thickness portland cement concrete sidewalks in both the east and west boulevards of Peguis Street;
   c) street lighting in both the east and west boulevards of Peguis Street;
   d) landscaping in both the east and west boulevards of Peguis Street;
   e) modifications to the existing railway crossing and the existing crossing protection at Peguis Street and the CPR Molson Subdivision as may be required by Transport Canada and/or Canadian Pacific Railways.

   The Developer shall finance and construction the following of the above-referenced works as determined by and to the satisfaction of the Director of Public Works:

   a) an 8.0m in width by 200mm in thickness portland cement concrete pavement and all related works in Peguis Street, between Concordia Avenue East and the CPR Molson Subdivision including a temporary asphaltic concrete transition section to the existing gravel roadway in Peguis Street south of the CPR Molson Subdivision;
   b) a 1.5m in width by 100mm in thickness portland cement concrete sidewalk in the west boulevard of Peguis Street;
   c) street lighting in the west boulevard of Peguis Street;
   d) landscaping in the west boulevard of Peguis Street;
   e) modifications to the existing railway crossing and the existing crossing protection at Peguis Street and the CPR Molson Subdivision as may be required by Transport Canada and/or Canadian Pacific Railways.

8. The Developer's share of the cost of services as determined in 6. and 7. above shall be off-set against the cost of services to be constructed pursuant to 6. and 7. above and the City shall reimburse the Developer for the difference as determined by the Director of Public Works as it collects from the other benefiting lands in accordance with the City's Development Agreement Parameters prevailing at the time of reimbursement.

9. The Developer shall provide and legally open, at no cost to the City, property, within the Developer controlled lands, required for a 21.0m radius bulb on the outside of the 90° deflection at the intersection of Filbert Crescent and Perfanick Drive as determined by the Director of Public Works.

10. The Developer shall, at no expense to the City, construct and maintain, until such time as Concordia Avenue East is constructed through the adjacent privately owned lands thereby connecting the two sections of Concordia Avenue East being constructed under 5. and 6. above, as determined by and to the satisfaction of the Director of Public Works, a temporary asphaltic concrete roadway surface in Peguis Street between the portland cement concrete pavement to be constructed under 6. above in Concordia Avenue East and Perfanick Drive; and in Perfanick Drive between Peguis Street and the portland cement concrete pavement to be constructed under 5. above in Concordia Avenue East.

11. The Developer shall, at no expense to the City, remove the existing Ham Street roadway, south of the property identified as 445 Ham Street and regrade and restore the ditch along Lagimodiere Boulevard and construct a cul-de-sac type vehicle turnaround to similar standards as the remaining section of existing Ham Street and erect barricades and signing at the south limit of the section of Ham Street remaining adjacent the south limit of the property identified as 445 Ham Street, all as determined by and to the satisfaction of the Director of Public Works.

12. The Developer shall, at no expense to the City, remove the existing Ham Street roadway, between Grassie Boulevard and the north limit of the property identified as 535 Ham Street and regrade and restore the ditch along Lagimodiere Boulevard, restore the curb, boulevard and sidewalk along Grassie Boulevard where Ham Street currently connects to Grassie Boulevard and erect barricades and signing at the north limit of the section of Ham Street remaining adjacent the north limit of the property identified as 535 Ham Street, all as determined by and to the satisfaction of the Director of Public Works.

13. The Developer shall, at no expense to the City, construct portland cement concrete pavement to a minimum width of 10.0m by 200mm in thickness in Perfanick Drive between Concordia Avenue East and the first street east thereof, and all related works including, but not necessarily limited to sidewalk on the north side of Perfanick drive, ornamental street lighting and boulevard landscaping, all as determined by and to the satisfaction of the Director of Public Works.

14. The Developer shall, at no expense to the City, construct portland cement concrete pavement to a minimum width of 7.5m and a thickness of 150mm respectively in all streets 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.

15. The Developer shall, at no expense to the City, construct portland cement concrete pavement to a width of 5.0m and a thickness of 150mm and all related works in the proposed lane, all as determined by and to the satisfaction of the Director of Public Works.

16. The Developer shall, at no expense to the City, cause to be installed standard reflectorized permanent street name signs to be installed at all new street intersections being created as a result of the subdivision.

17. The Developer shall, at no expense to the City, cause underground electrical and telephone services to be installed to serve the proposed subdivision to the satisfaction of the Director of Public Works.

18. The Developer shall pay all costs associated with the relocation of street lights and other utilities made necessary as a result of or required to accommodate works, which are to be constructed by the Developer to serve the Planned Area, as determined by and to the satisfaction of the Director of Public Works.

19. The Developer shall, at no expense to the City, 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 completion of all construction. The clean up 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 all costs in remedying the situation to the satisfaction of the Director of Public Works.

20. The Developer shall, at no expense to the City, ensure that construction traffic uses 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 condition, free of dropped and tracked-on mud, and shall undertake regular cleaning of streets until building construction, including landscaping is complete, all as determined by and to the satisfaction of the Director of Public Works.

21. The Developer shall, at no expense to the City, construct a temporary paved cul-de-sac type vehicle turnaround at the terminus of each temporarily dead-ended street and provide any right-of-way or easements necessary to accommodate same, all as determined by and to the satisfaction of the Director of Public Works.

22. The Developer shall ensure that two paved means of vehicular access are available at all times through all stages of development of the Planned Area to the satisfaction of the Director of Public Works. This may require the construction of temporary roadways and the provision of easements or right-of-way therefore.

23. There are to be no private approaches serving single-family residential development off Concordia Avenue East, Ham Street or Peguis Street.

24. 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.

25. The Developer shall, at no expense to the City, construct within the rear and/or side yards of all lots abutting the CPR Molson Subdivision, a uniform fence 2.0m in height, to the satisfaction of the Director of Public Works. The Developer is to permit the City to file a caveat against the title of each of these proposed lots abutting the CPR Molson Subdivision requiring the owner(s) to maintain and/or repair or replace the fence as originally constructed, to the satisfaction of the Director of Public Works. Said fence is intended to ensure that "pedestrian trespass" to the tracks does not become a consequence of the subject development, thereby jeopardizing existing and/or future anti-whistling regulations along the subject railway line.

26. The Developer shall, at no expense to the City, construct within the rear or side yards of all single family lots abutting Lagimodiere Boulevard/Ham Street and the future Transcona North-South Corridor, a uniform noise attenuation fence 2.0m in height, to the satisfaction of the Director of Public Works. The Developer is to permit the City to file a caveat against the title of each of these proposed lots abutting Lagimodiere Boulevard/Ham Street and the future Transcona North-South Corridor requiring the owner(s) to maintain and/or repair or replace the fence as originally constructed, to the satisfaction of the Director of Public Works.

27. The Developer shall install signs at the entrances to the subdivision, upon which is to be displayed a plan of the subdivision showing thereon the locations of all proposed sidewalks, community mail boxes, Public Reserve areas, proposed school site, proposed "C2" and "RM-2" sites, the CPR Molson Subdivision, Lagimodiere Boulevard, Peguis Street and the future Transcona North-South Corridor.

28. The Developer shall grant an option to the City for $1.00 which option shall be fully assignable to the River East Transcona School Division, to purchase a site of approximately 1.8 acres, which option shall include but not be limited to the following terms and conditions as determined by Standing Policy Committee on Property and Development:

    i) The option shall be for five (5) years,
    ii) The land cost shall be based on the City's standard value for acquisition of land for public use as determined and set from time to time by the City,
    iii) The cost of services benefiting the school site shall be calculated based on the City's uniform or pooled rates for Local Improvements for the year in which the services were constructed or the actual cost of construction, whichever is the lesser as determined by the City.

29. The Developer shall dedicate approximately 5.7 acres of land as public open space which represents approximately 6.8% of the land subject to dedication within the proposed subdivision. The Developer shall landscape the dedicated land, where required, and pay its share of the cost of services in streets abutting the dedicated land in accordance with City policy. The Developer shall pay cash to fully satisfy the public open space requirement for DASZ 50/04 and any outstanding obligations from previous development applications within the existing portion of Harbourview.

30. 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.

31. The Developer shall pay the full cost of engineering services provided by or on behalf of the City in connection with the installation of services required to serve the proposed subdivision.

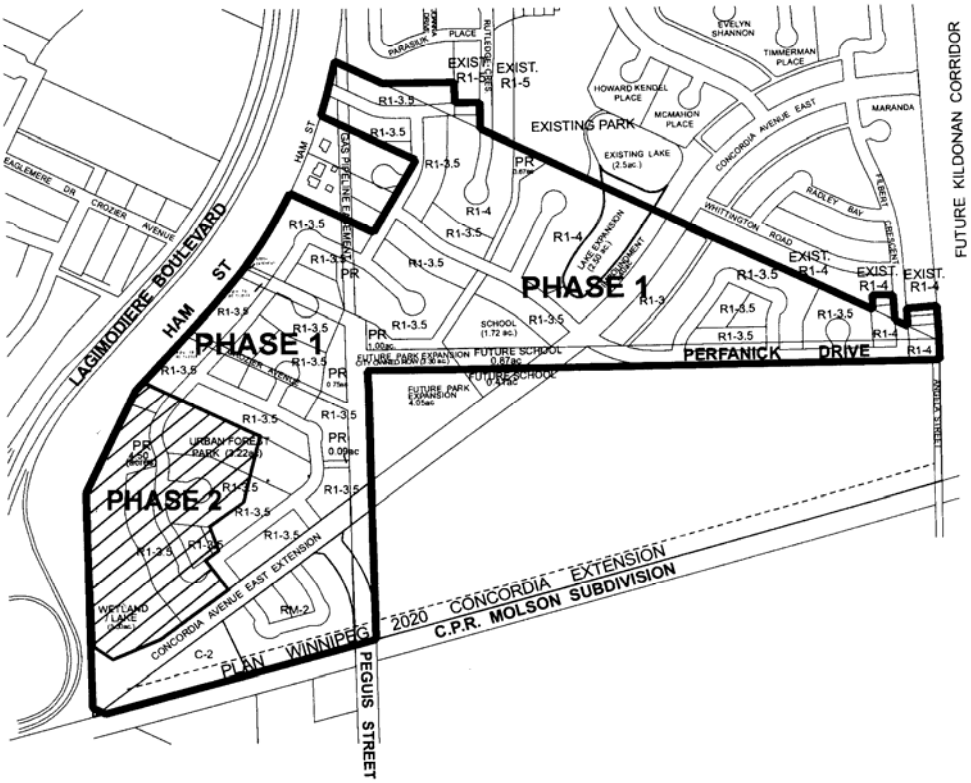
THIS REPORT SUBMITTED BY:

Administrative Coordinating Group
File No. 50/04
March 24, 2005

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

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

Public Works Department
Transportation Division



DASZ 50/04 SCHEDULE "X"

N

PROPOSED SUBDIVISION

PHASE 2

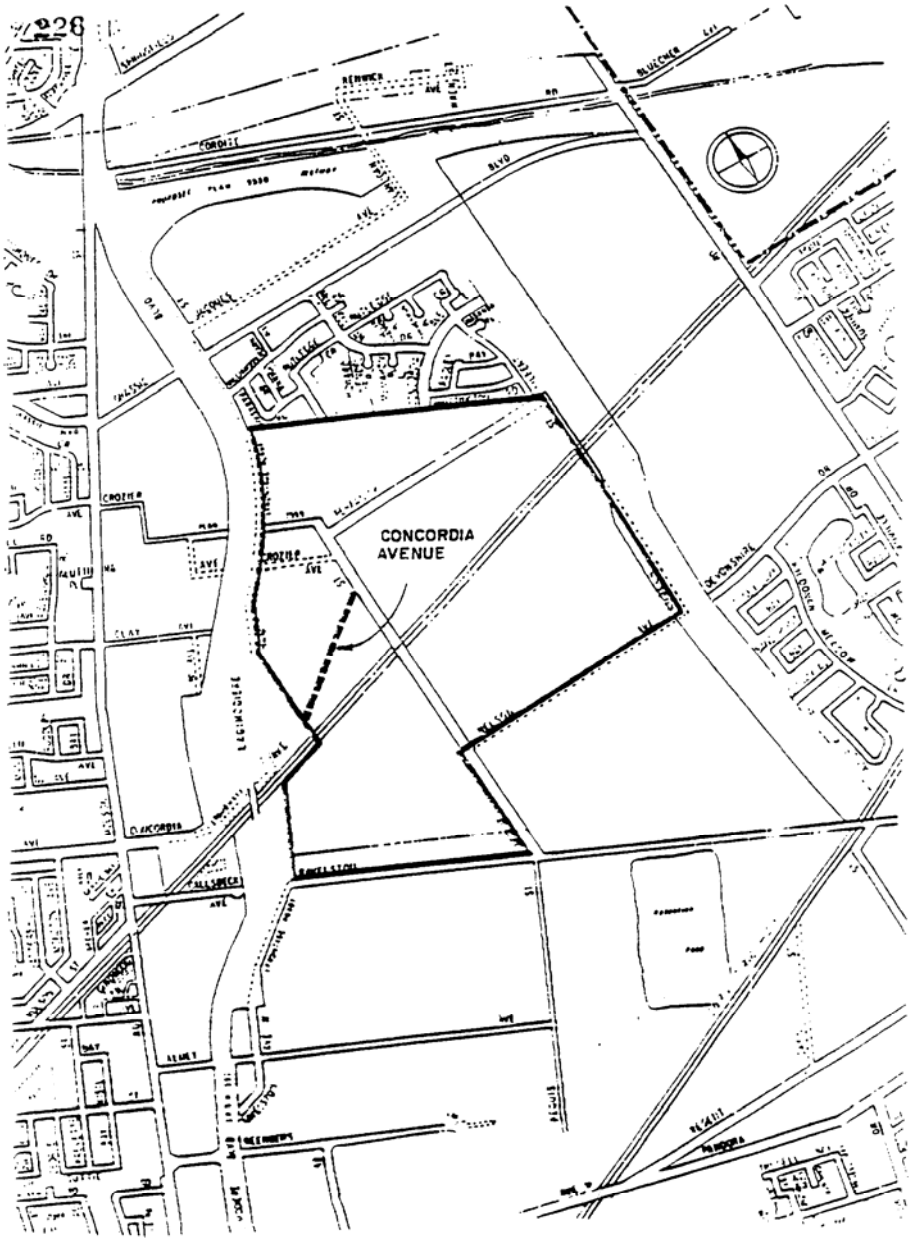


FIGURE - 1 (DASZ 50/04)

CONTRIBUTING AREA FOR CONCORDIA AVENUE/ LAGIMODIERE BOULEVARD INTERCHANGE AND CONCORDIA AVENUE EXTENSION FROM PEGUIS STREET TO LAGIMODIERE BOULEVARD (347± ac.)

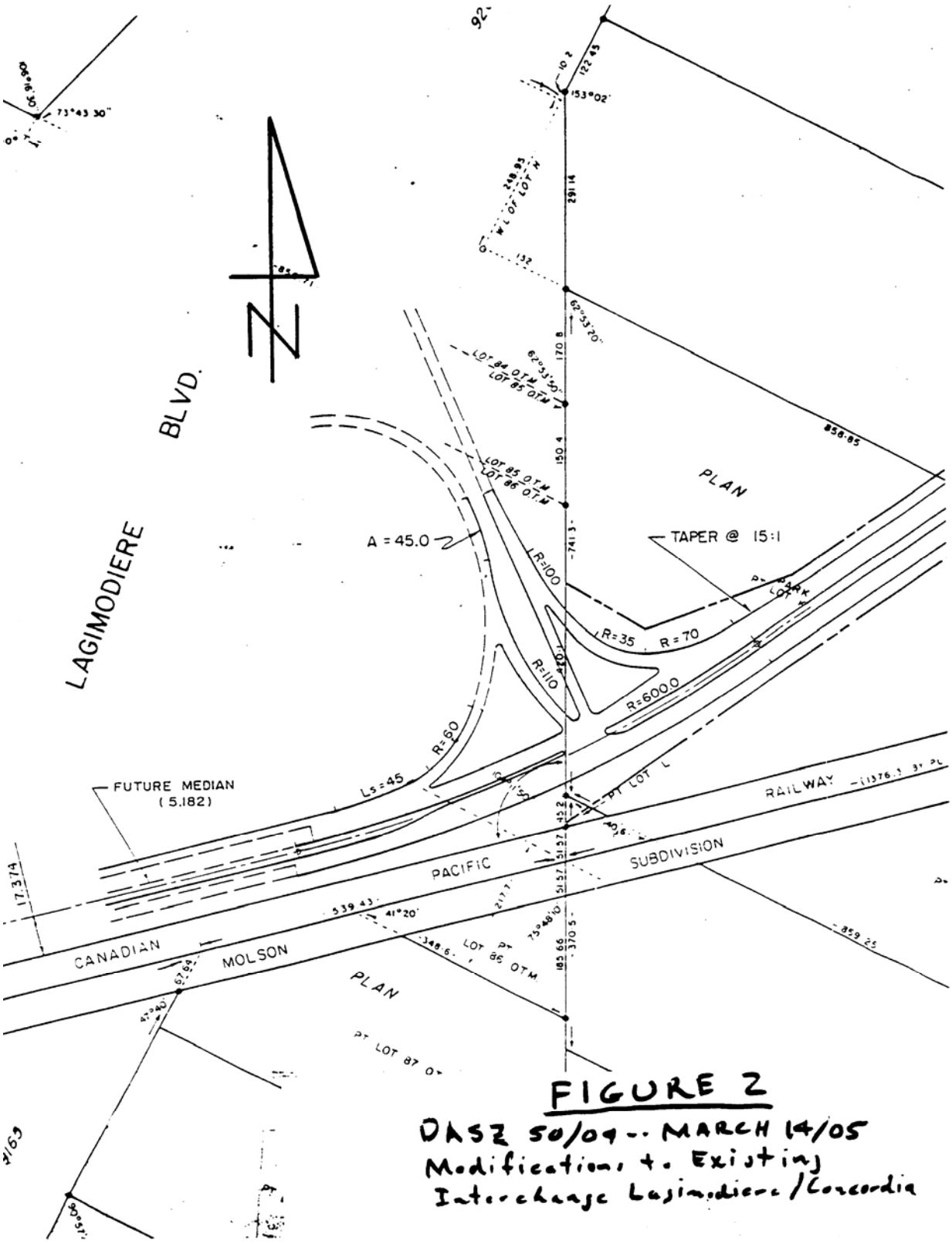


FIGURE 2

DASZ 50/04 -- MARCH 14/05

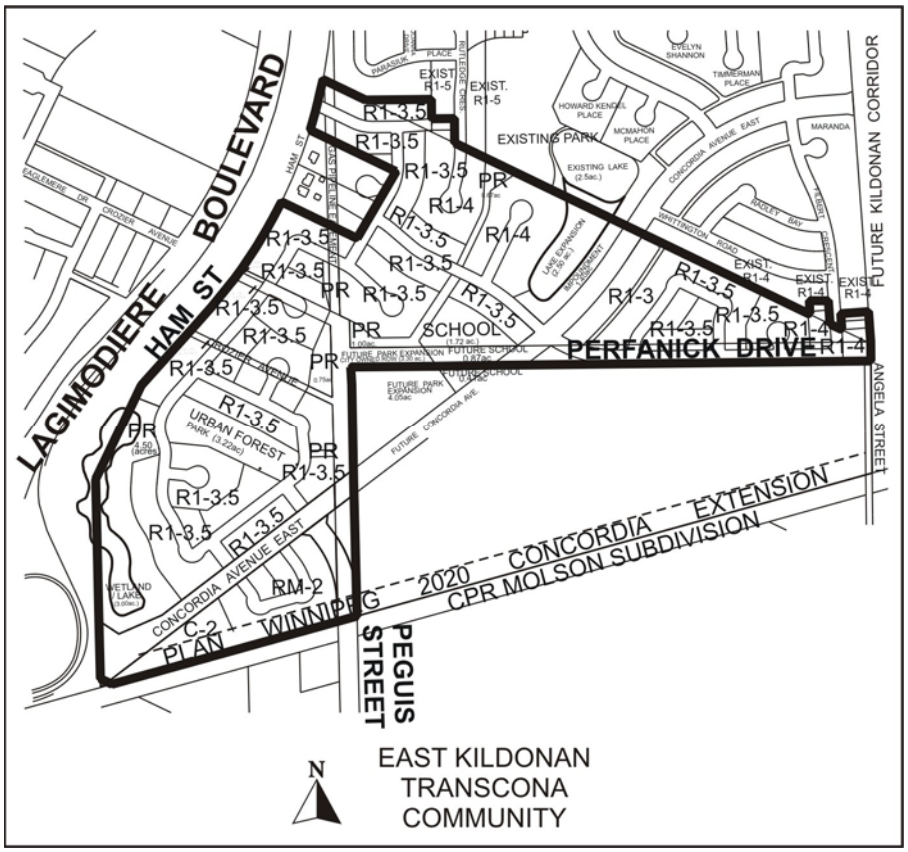
Modifications to Existing Interchange Lagimodiere/Concordia

Winnipeg

Planning, Property and Development Department Report

To the East Kildonan - Transcona Community Committee

Date: March 31, 2005
File: DASZ 50/04
Related Files: DASZ 22/79; DASZ 44/85; DASZ 20/85; DASZ 35/84; DAC 1/05
Subject: Subdivide and rezone the land for single and multiple family dwellings, and commercial land-uses.
Location:



Applicant: **Qualico Development – Lyne Jones**
Owner: **Qualico Development**
Arthur and Kevin Crozier

Recommendation: **Approve with Conditions.**

Report Summary:

- The applicant intends to subdivide the subject property in order to construct **405** single and multiple family dwellings.
- The existing Concordia Avenue East will be connected to Lagimodiere Blvd.
- Ham Street will be terminated at Grassie Blvd.
- Approximately **5.7 acres** of land will be dedicated as public open space.
- A **1.72 acre** school site has been identified just north of Perfanick Drive.
- A **2.45 acre** commercial site is proposed adjacent to the Concordia Avenue interchange and the CPR Molson Subdivision.

Site Description

The subject property is approximately **41 hectares (102 acres)** located east of Lagimodiere Blvd between the C.P.R. Molson Subdivision, Peguis Street, Perfanick Drive and the existing Harbourview Phase in the Grassie neighbourhood of the Transcona Ward. The site is zoned "A-5" Rural District and "R1-5.5" Residential District. Adjacent lands include vacant land to the east zoned "A-5".

Background

DASZ 44/85
The EKT CC recommended approval of a previous application, DASZ 44/85, for single family dwellings on a portion of the subject lands on November 1, 1990 after four public hearings that included neighbourhood opposition and support. The recommendation was adopted by Council on April 17, 1991. The applicant at that time, Qualico Development Corporation, did not proceed with the approved plans. This plan has subsequently expired.

DASZ 44/85 included only the lands to the north of Perfanick Drive. The development proposal included **45 acres** of land that was to be subdivided into **180 "R1-4"** single family building lots, and **23 "R1-5'** single family building lots. The existing retention lake was to be expanded by **4 acres**. Concordia Avenue was to be extended within the boundaries of the subdivision. Filbert Crescent was to be extended south from its present terminus to connect with Perfanick Drive.

Rutledge Crescent was to be extended south to terminate into a cul-de-sac and be connected by a new street extending west and then south to Concordia Avenue.

Description of the Proposed Development

The applicant intends to subdivide the subject property in order to construct **367 single family dwellings** and **40 multiple family dwellings**. The residential lots will range from 30 feet to + 40 feet. The existing 2.5 acre lake in Harbourview South will be expanded by **2.5 acres**. Another retention lake will also be developed in the southwest corner of the subject lands. An existing **3.22 acre forest** just south of the Crozier Avenue will remain as a park zoned "PR1". A new open space will be developed at the existing intersection of Peguis Street and Perfanick Drive. This park has the potential to be a 5 acre park. Additional open green spaces will be provided next to the lakes that will result in approximately **10 acres** of total open green space. A **1.72 acre** school site has also been identified just north of Perfanick Drive. The school site can potentially be expanded an additional **1.28 acres** to the south for a **3 acre** school site. A **2.45 acre** commercial site is proposed adjacent to the Concordia Avenue interchange and the CPR Molson Subdivision. Adjacent to the commercial site is a **5.15 acre** multiple family site.

Analysis

PLAN WINNIPEG
The proposed concept complies with Plan Winnipeg in that a residential rezoning is allowed in Neighbourhood Policy Areas.

ZONING

- The **"R1-5.5" Single Family Residential District** requires a minimum lot size of 5,500 square feet and a minimum lot width of 50 feet.
- The **"R1-3" Single Family Residential District** will require a minimum lot size of 3,000 square feet and minimum lot width of 30 feet. This zoning lot requires access to a public lane.
- The **"R1-3.5" Single Family Residential District** will require a minimum lot size of 3,500 square feet and minimum lot width of 35 feet.
- The **"R1-4" Single Family Residential District** will require a minimum lot size of 4,000 square feet and minimum lot width of 40 feet.
- The **"RM-2" Multiple Family Residential District** will allow multiple family dwellings to a maximum height of 35 feet.
- A **"C2" Commercial District** has 104 Permitted Uses and 47 Conditional Uses that are generally orientated to a community wide market. Multiple Family uses are a conditional use requiring a public hearing.

TRANSPORTATION AND SITE ACCESS

Concordia Avenue will be extended as a 104 foot wide right-of-way from Lagimodiere Blvd north east to Peguis Street. Peguis Street and Perfanick Drive will remain open in their present configuration until such time the future Concordia Avenue East is extended through the vacant lands south east of the proposed development. These sections of Peguis Street and Perfanick Drive being used to connect the two sections of Concordia Avenue East will have a temporary asphaltic concrete surface.

Perfanick Drive east of Concordia Avenue East will be reduced from 30 metres to 18.0 metres in width by closing the northerly 12.175 metres. Perfanick Drive will be closed, in a legal sense, for a moment in time when the closing by-law is registered in the Winnipeg Land Titles Office. It will immediately be opened again, in its reduced width, by the plan of subdivision. This method of closing the street and re-opening it is preferred for legal and surveying reasons, and is superior to simply closing the northerly 12.175 metres of the street.

Ham Street will be removed south of the property identified as 445 Ham Street and north of 535 Ham Street, severing the connection to Grassie Blvd just north of Williamson Crescent. The remaining street ends will terminate in new cul-de-sacs and be connected to Rutledge Crescent.

Filbert Crescent will be extended south from its present terminus to connect with Perfanick Drive. Rutledge Crescent will be extended south to terminate in a cul-de-sac and be connected by a new street extending west and then south to Concordia Avenue. These connections will enhance the mobility of local residents within their neighbourhood and complete the transportation network to allow local residents access to Winnipeg's street system.

TRAFFIC AND INFRASTRUCTURE IMPACTS
The applicant has completed a traffic analysis for Harbourview South Phase II (Figure 4-6). The analysis indicates the existing traffic levels on Grassie Blvd will remain with this Phase of Habourview. The new Concordia Avenue East will accommodate the new and existing residents' vehicle trips towards Lagimodiere Blvd. The number of vehicles per day will increase on McClellan Drive south of Rutledge Crescent and on the existing portion of Concordia Avenue East that was constructed under the first phase of Harbourview South. The number of vehicles per day on the portion of McClellan Drive north of Rutledge Crescent will actually decrease.

A gas transmission pipeline that has maximum operating pressure of 1725 kPa (250 psi) passes though the subject site. The Manitoba Public Utilities Board has advised in the past that a 50 foot buffer should be maintained on both sides of the gas line right-of-way. The Developer is aware of the pipeline and has designed the subdivision with roads and park space along the gas pipeline. A few residential blocks are on the gas pipeline and will require a buffer to ensure public safety.

COMPATIBILITY WITH SURROUNDING USES
The Administration supports single family residential uses on the subject site: the proposal represents a logical completion of Harbourview.

LAND USE BY-LAW ISSUES
The proposed zoning categories are consistent with a number of residential subdivisions in Winnipeg such as Eaglemere, Amber Trails, Canterbury Park, Whyte Ridge and Riverbend South. A number of developers have stated today's main market is willing to purchase the 35 - 48 foot wide lots. The range of lot sizes will permit the construction of a variety of dwellings units that will diversify the housing stock and provide residents with different housing options.

SITE DESIGN ISSUES
The proposed site design is consistent with the previous application, DASZ 44/85, that was approved by Council.

The Administration has only (1) one main issue in response to the site plan. The applicant has proposed a 3.0 acre wetland lake in the southwest corner of the subdivision. This is inconsistent with the City's Policies for constructing regional land drainage systems. A review and approval of the proposed wetland/lake by the Joint Urban Development Institution/City Advisory Committee is required for this proposed wetland lake.

PUBLIC INPUT
The applicant hosted two (2) open houses to solicit input from the community and provide information. The majority of the issues raised by the residents were in regards to transportation (i.e. traffic). The residents feel that despite the new Concordia Avenue connection, all the traffic will drive down their bays and crescents to get to Grassie Blvd. The residents on Rutledge Crescent strongly believe this street should be made into a cul-de-sac and traffic funneled onto Ham Street instead.

The only other issues people commented about was the current 'deplorable' state of the existing park near the existing retention lake; questions regarding the type of new parks to be implemented (simple open spaces vs. baseball fields); and questions regarding the possibility of the North/South Transportation corridor being constructed. There was also a concern regarding the proposed commercial development and the types of land-uses that may be developed at the entranceway into their community.

Recommendation

The Administration recommends approval of the application subject to the following:

- that the proposed residential lots backing onto Lagimodiere Blvd, Ham Street, the future Transcona North-South Corridor and the CPR Molson Subdivision are established with a uniform noise attenuation fence.
- That a 50 foot buffer be established along the Gas Pipeline to ensure public safety.

- That the subdivision, if approved, be registered in two phases. Phase 2 involving the proposed wetland lake would be registered following the review by the Joint UDI/City Advisory Committee.

The Administration is also recommending that the proposed "C2" Commercial District be approved subject to a number of conditions that will ensure the future commercial development is compatible with the adjacent residential neighbourhood. The conditions required to mitigate any negative impacts are:

- site plan approval for landscaping, fencing, buildings, and signage;
- list of prohibited uses especially those that generate significant negative sounds, sights, and smells;
- free standing signage allowed to a maximum height of 25 feet to ensure free standing signs do not impact the new residents;
- no mobile signs;
- hours of operation limited to 6:00 am and 11:00 pm;
- signage be restricted from the east sides of the building to ensure adjacent residents are not negatively impacted;
- landscaping required in yards against the right-of-way since this is a prominent entrance to a residential community;
- signage should be erected on the site to indicate the future commercial nature of the land-use to the potential new residents in the nearby neighbourhood.

The Administration will **not** be requiring a ten (10) percent dedication be made by a payment of a sum of money to the City in lieu of the requirement for land dedication. The Developer will satisfy this requirement by dedicating approximately 10 acres of open green space.

Recommended Conditions of Approval

1. That the plan of subdivision proposed under File No. **DASZ 50/04** be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File No. **DASZ 50/04,** attached hereto and dated **March 31, 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 24, 2005**;

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 No. **DASZ 50/04,** attached hereto and dated

March 31, 2005, to an "R1-3" Single Family Residential District, "R1-3.5" Single Family Residential District, a "R1-4" Single Family Residential District, a "RM-2" Multiple Family District a "C2" Commercial District and a "PR1" Parks and Recreation District subject to the applicant entering into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to include the following conditions:

A. That the Developer shall erect a uniform wood fence (2 metre in height) abutting Lagimodiere Blvd, Ham Street, the future Transcona North-South Corridor and the CPR Molson Subdivision to the satisfaction of the Director of Public Works. Future owners of the individual building lots along this fencing shall be responsible for maintaining this fencing to the satisfaction of the Director of Planning, Property and Development.

B. That residential lots abutting the existing high pressure gas pipeline right-of-way shall provide a minimum 50 foot (15.24 metre) setback between the high pressure gas pipeline right-of-way and any principal dwellings.

C. That for the land zoned "RM-2" Multiple Family Residential District; and the land zoned "C2" Commercial District the development of any building, and/or accessory parking area and/or signage, plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, landscaping and signage to the East Kildonan - Transcona Community Committee for plan approval prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development;

D. That the commercial land be restricted as follows;

i. The following uses shall NOT be permitted on the land:

a AUTOMOBILE, including motorcycle: RENTAL, SALES, including accessory REPAIR, SERVICE, INSTALLATION OF SUPPLIES/PARTS
b AUTOMOBILE, including motorcycle: SUPPLIES/PARTS, SALES
c BEER: SALES
d BINGO PARLOUR
e BOWLING ALLEY
f BUS STATION
g CONTRACTORS' ESTABLISHMENT
h EXTERMINATOR
i FARM SUPPLIES: SALES
j FUEL: SALES kiosk
k HOTEL, including MOTEL, limited to guest rooms

l LIQUOR: SALES
m MACHINERY/HEAVY EQUIPMENT SUPPLIES and PARTS:SALES, INSTALLATION, SERVICE
n MOBILE HOME PARK
o MOTORS or MACHINES, RECREATIONAL or UTILITY, including power toboggans, outboard motors, lawn mowers: RENTAL, SALE, SERVICE
p PARKING AREA, non-accessory
q PAWNSHOP
r TATTOO PARLOUR
s TERMINAL for HAULAGE, MOTOR FREIGHT STATION, excluding an intermodal terminal
t TERMINAL for COURIER/DELIVERY/ EXPRESS SERVICE, CLEANING SERVICE, KEY AND LOCK SERVICE, SECURITY SERVICE, TAXI, or similar service
u TIRE: SALES, SERVICE

ii. That there shall be no advertising signs, mobile signs, poster signs and A-frame signs on the entire site, except that a mobile sign shall be permitted on the site for a period of thirty (30) days in association with a new occupancy permit;

iii. That no illuminated signage be erected on the east side of the building or the lot;

iv. That any free-standing use identification sign not exceed twenty-five (25) feet in height;

v. That, prior to the issuance of any occupancy permits, all garbage containers be fully enclosed by a brick/concrete, and/or wood barrier fence that is at least 6 inches above the top of the garbage container, and thereafter maintained to the satisfaction of the Director of Planning, Property and Development;

vi. That the Applicant shall erect two, 4 feet by 8 feet signs on the vacant subject property indicating the location and zoning of the commercial property; and plans for the signs showing their location and design shall be submitted to the East Kildonan - Transcona Community Committee for approval by July 30, 2005; and the signs shall be maintained to the satisfaction of the Director of Planning, Property and Development until such time as the land is either rezoned or developed as a commercial land use;

vii. That a landscaped setback of 20 feet be provided along Concordia Avenue East;

viii. The hours of operation for any business being conducted shall not fall within 11:00 pm and 6:00 am.

4. 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.

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

6. 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.

7. 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, and the Zoning Agreement has been filed by caveat in the Winnipeg Land Titles Office against those lands **provided that the said effective date occurs within twenty-four (24) months from the date that the said rezoning by-law is adopted by Council**.

8. 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.

9. 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.

This Report Submitted by:
Planning, Property and Development Department
Planning and Land Use Division

Report Prepared by: John S. Wintrup
PPD File # .424

Schedule "A"

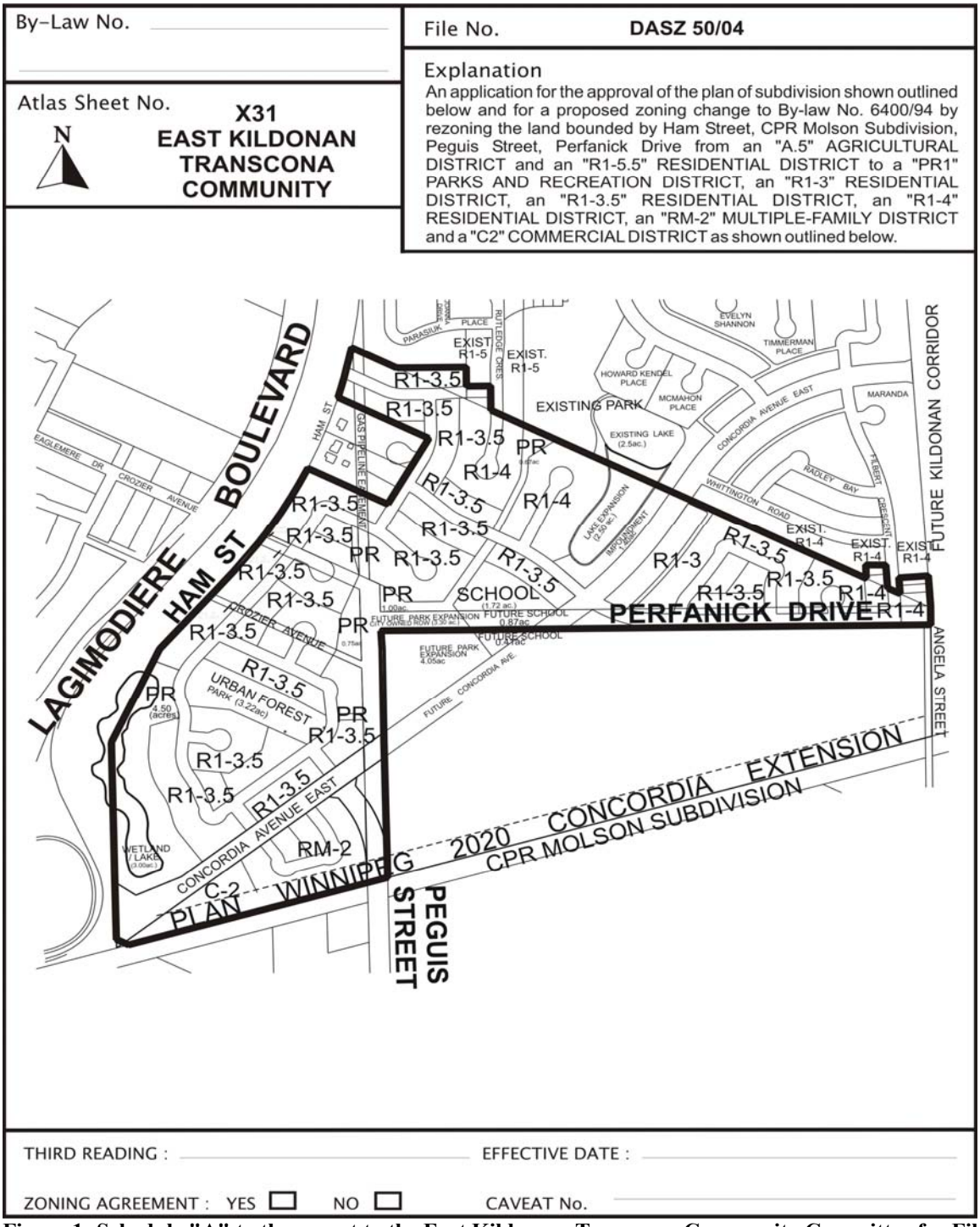


Figure 1: Schedule "A" to the report to the East Kildonan -Transcona Community Committee for File No. DASZ 50/04, dated March 31, 2005.

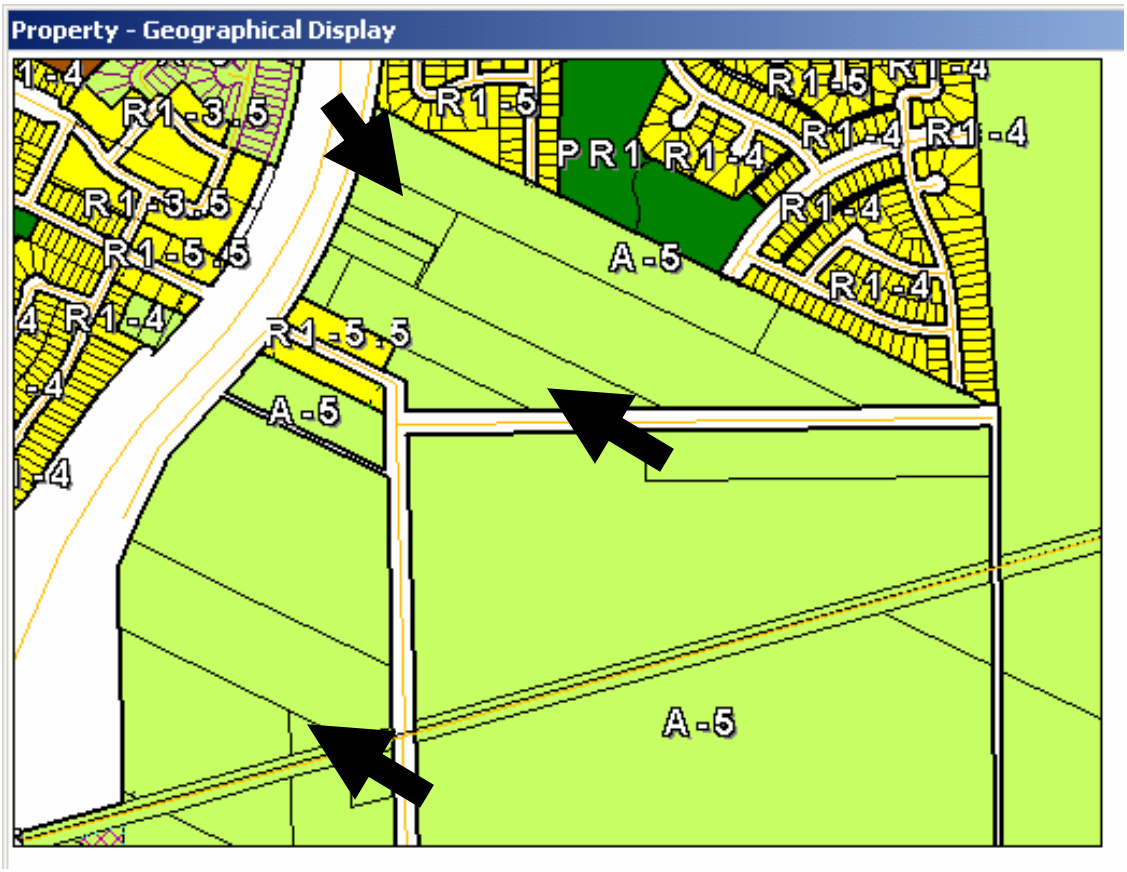


Figure 2: Existing Zoning for subject property and Surrounding Area.

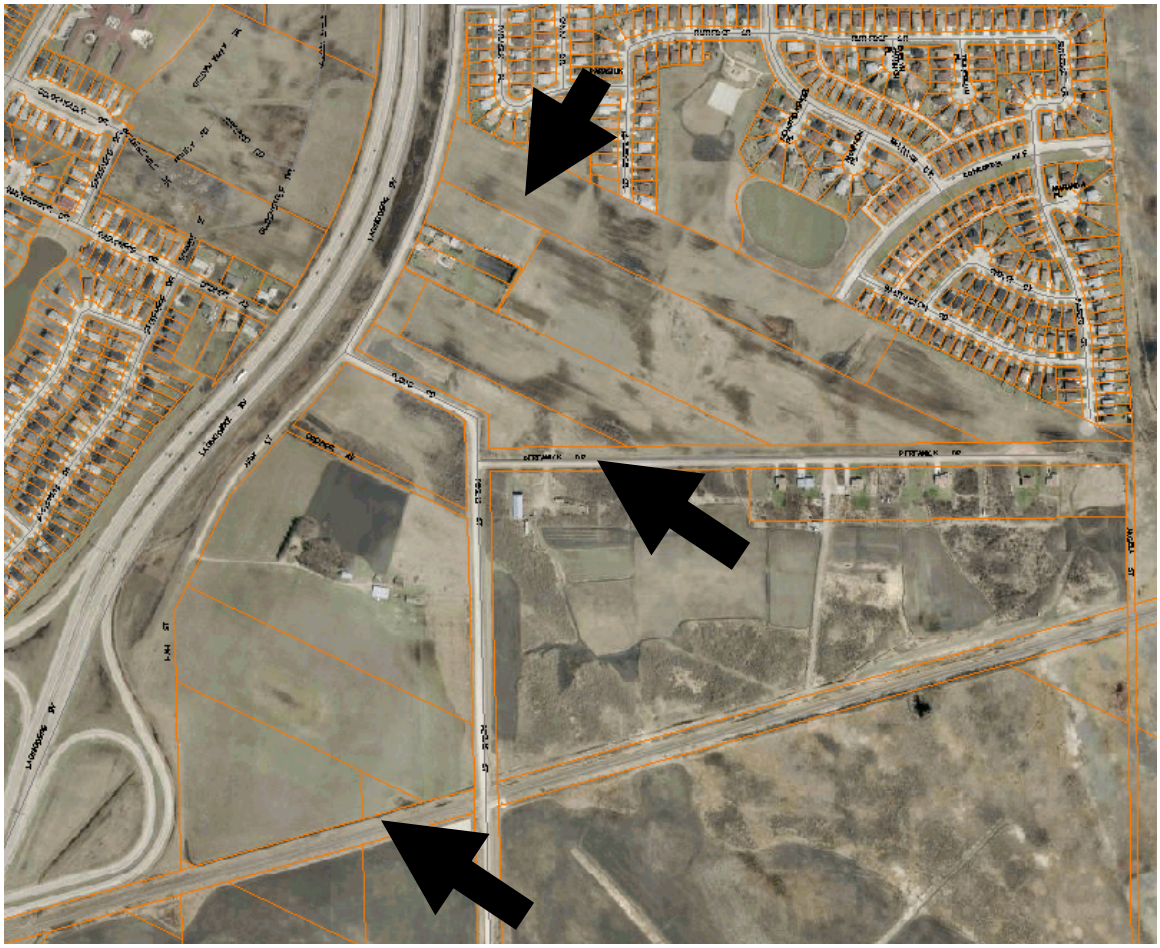


Figure 3: Existing Land-Uses for subject property and Surrounding Area.

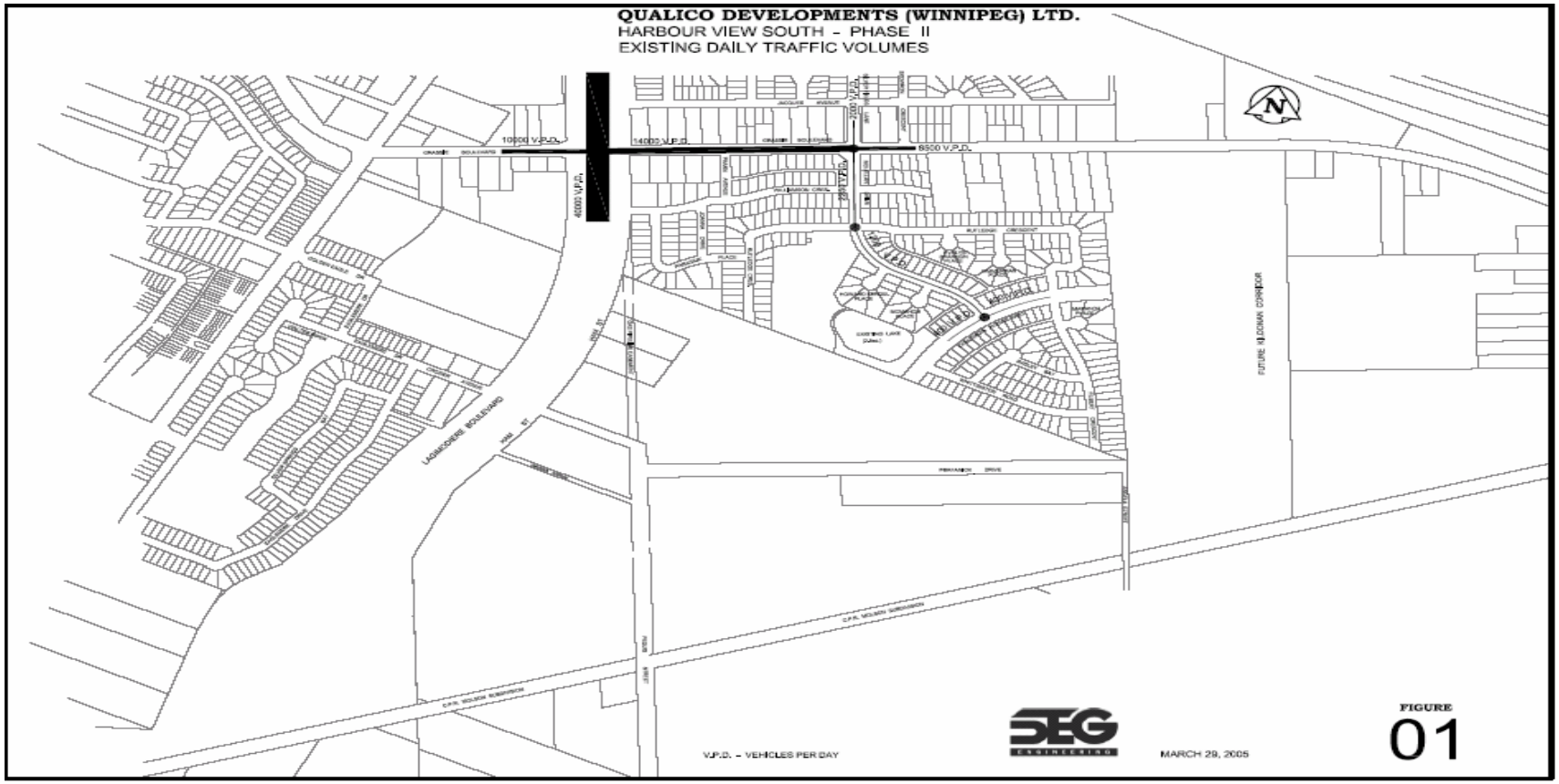


Figure 4: Existing Traffic Volumes

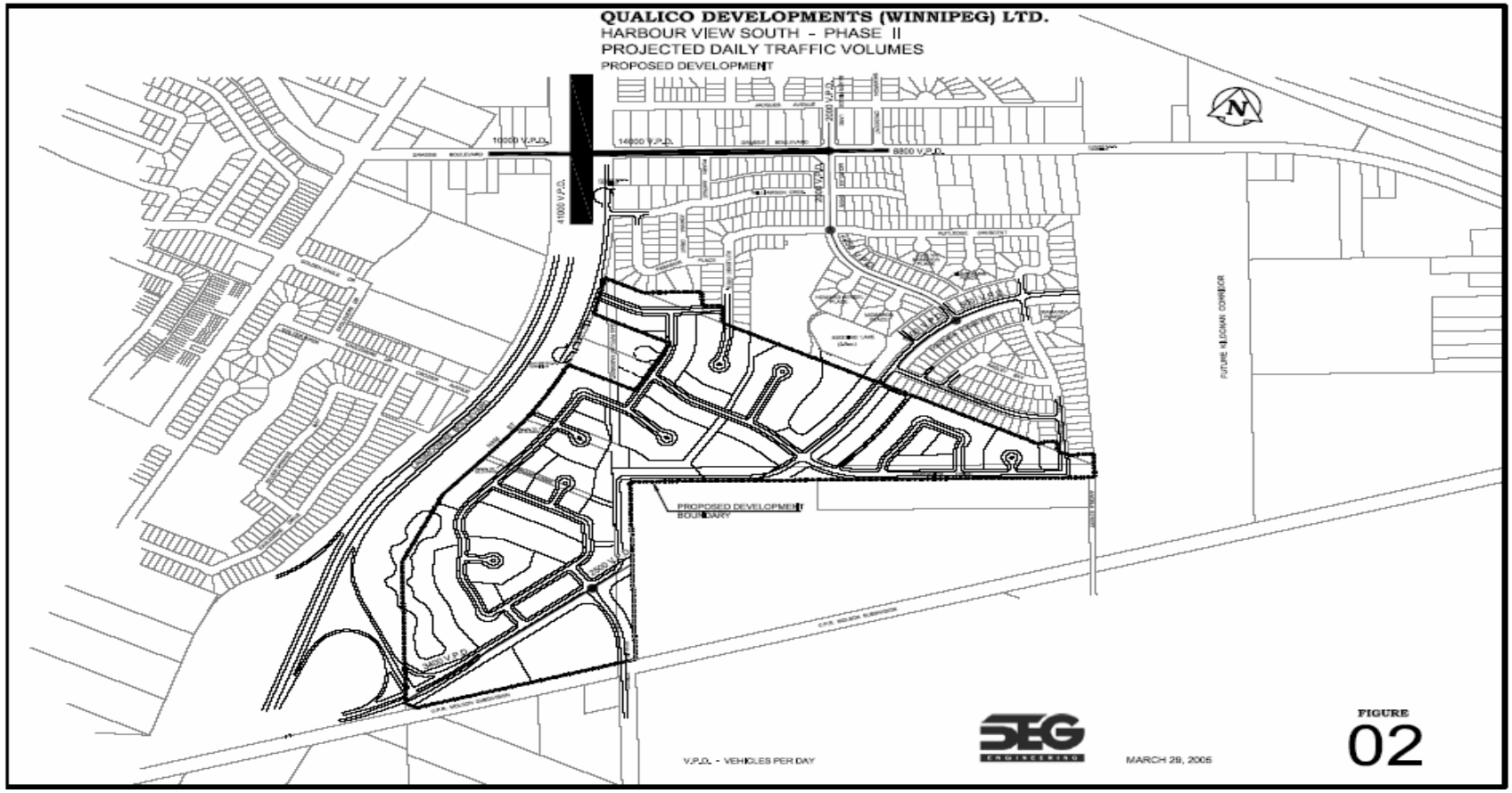


Figure 5: Projected Traffic Volumes for this Development

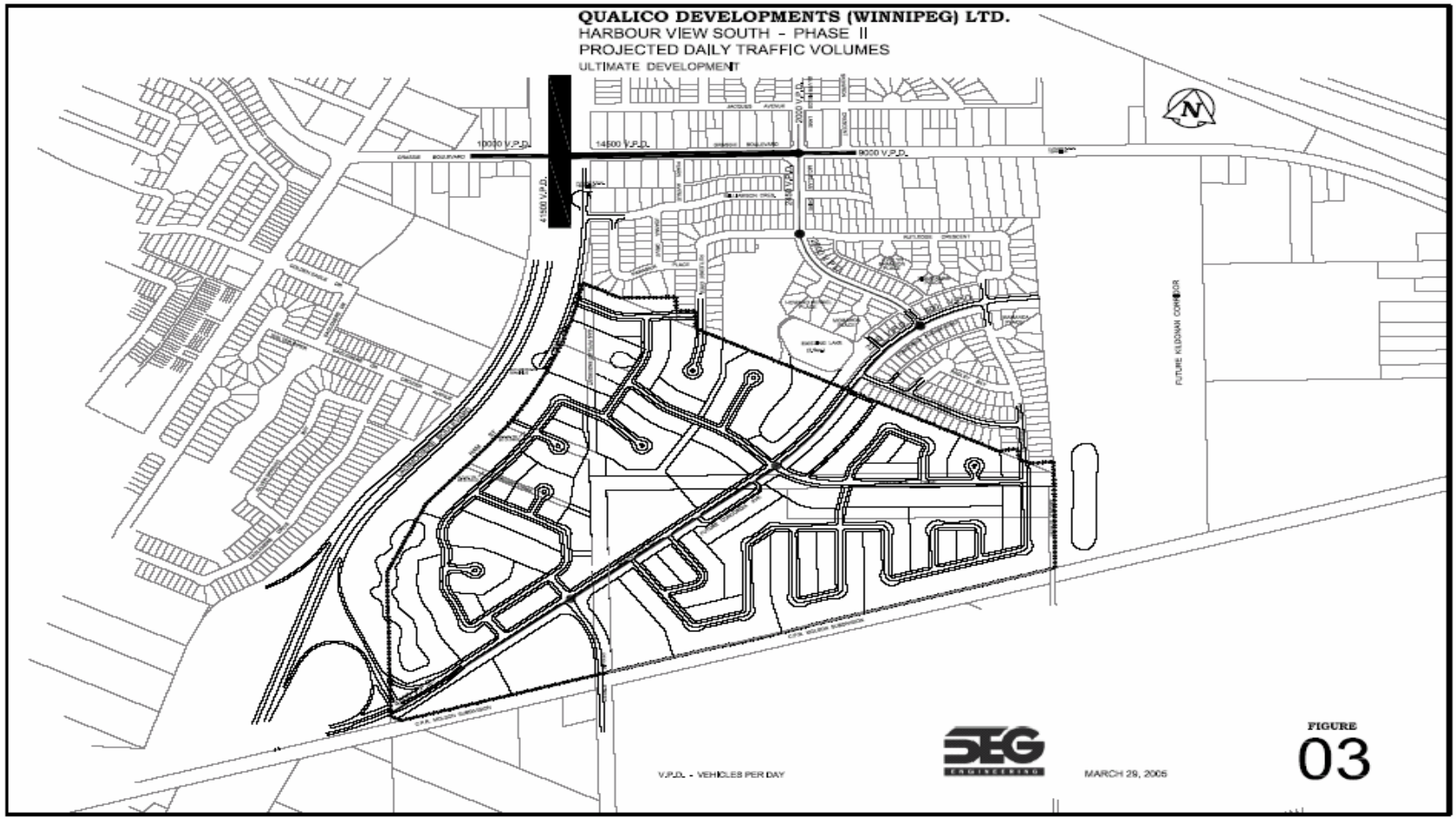


Figure 6:Projected Traffic Volumes, Final Development.