**Agenda – Council – September 27, 2006**

**Report - Standing Policy Committee on Property and Development - September 19, 2006**

**Item No. 6 Subdivision and Rezoning - 461 Ham Street**
**File DASZ 20/2005**

STANDING COMMITTEE RECOMMENDATION:

On September 21, 2006, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the East Kildonan-Transcona Community Committee and submits the following to Council:

1. That the plan of subdivision proposed under File DASZ 20/2005 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 20/2005 dated August 14, 2006, for registration in the Winnipeg Land Titles Office subject to the following:

    A. That the Developer be required to enter into a Servicing Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated August 23, 2006.

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 20/2005 dated August 14, 2006, to a "R1-3.5" Single Family Residential 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 residential lots abutting the existing high pressure gas pipeline shall provide a minimum 50 foot (15.24 metre) setback between the high pressure gas pipeline and any principal dwellings.

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 a ten percent (10%) dedication be made by a payment of a sum of money to the City in lieu of the requirement for land dedication based on the creation of additional sites.

**Report - Standing Policy Committee on Property and Development - September 19, 2006**

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

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

8. 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.

9. 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.

10. 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.

11. That the City Solicitor/Manager of Legal Services be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

## Report - Standing Policy Committee on Property and Development - September 19, 2006

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On September 21, 2006, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the East Kildonan-Transcona Community Committee and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On September 19, 2006, the Standing Policy Committee on Property and Development concurred in the recommendation of the East Kildonan-Transcona Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On September 12, 2006, the East Kildonan-Transcona Community Committee concurred in the administrative recommendation and submitted its recommendation to the Standing Policy Committee on Property and Development.

**RE:** **Subdivision and Rezoning - 461 Ham Street**
**File DASZ 20/2005**

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

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

**Report date:** **September 14, 2006**

COMMUNITY COMMITTEE RECOMMENDATION:

On September 12, 2006, the East Kildonan-Transcona Community Committee concurred in the administrative recommendation and recommends to the Standing Policy Committee on Property and Development:

1. That the plan of subdivision proposed under File DASZ 20/2005 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 20/2005**,** dated August 14, 2006, for registration in the Winnipeg Land Titles Office, subject to the following:

    A. That the Developer be required to enter into a Servicing Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated August 23, 2006.

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 20/2005**,** dated August 14, 2006 to a "R1-3.5" Single Family Residential 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 residential lots abutting the existing high pressure gas pipeline shall provide a minimum 50 foot (15.24 metre) setback between the high pressure gas pipeline and any principal dwellings.

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 a ten percent (10%) dedication be made by a payment of a sum of money to the City in lieu of the requirement for land dedication based on the creation of additional sites.

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

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

8. 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.

9. 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.

10. 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.

11. That the City Solicitor/Manager of Legal Services be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

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

1. The density of the housing proposed in the subject application is consistent with the neighbouring area.

**PUBLIC HEARING SUMMARY**

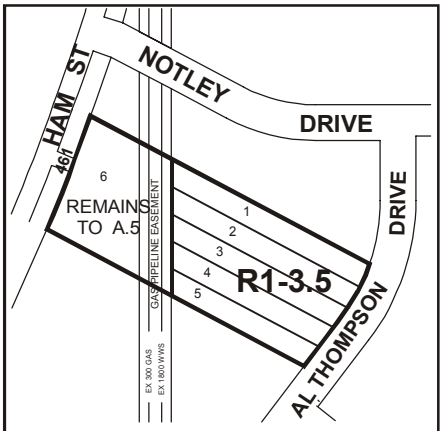
File: DASZ 20/2005

Before: East Kildonan-Transcona Community Committee
Councillor Lubosch, Chairperson
Councillor Thomas
Councillor Wyatt

Public Hearing: September 12, 2006
Community Committee Chambers, 755 Henderson Highway

Applicant: Blaine and Melanie Reimer

Subject:




Premises Affected: 461 Ham Street

Exhibits Filed: 1a. Application dated May 17, 2005

1b. Revised Application dated August 8, 2006
2. Notification of Public Hearing dated August 14, 2006
3. Manitoba Status of Title 1982509
4. Letter of authorization dated April 29, 2005 from Melanie Reimer to Blaine Reimer
5. Surveyor's Building Location Certificate and Sketch dated April 22, 2005
6. Plan
7. Report from the Planning and Land Use Division dated August 14, 2006
8. Report from the Administrative Coordinating Group dated August 23, 2006
9. Inspection Report

REPRESENTATIONS:

In Support:

Katherine and Richard Fifer
Joseph Jaworsky
Myron Jaworski
T. Jaworsky
Blaine Reimer
Frank Reimer

In Opposition

Nil

For Information:

Elaine Smith
Eric Vogan, Qualico Developments

For the City:

Mr. E. Carriere, Land Development Engineer, Planning, Property and Development Department
Mr. J. Wintrup, Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

Blaine Reimer appeared in support of the application, and advised that he is proposing to develop a five single-family lot subdivision to be zoned an “R1-3.5” single-family district.

Exhibit "7" referred to in File DASZ 20/2005

## Planning, Property and Development Department Report

**To the East Kildonan - Transcona Community Committee**

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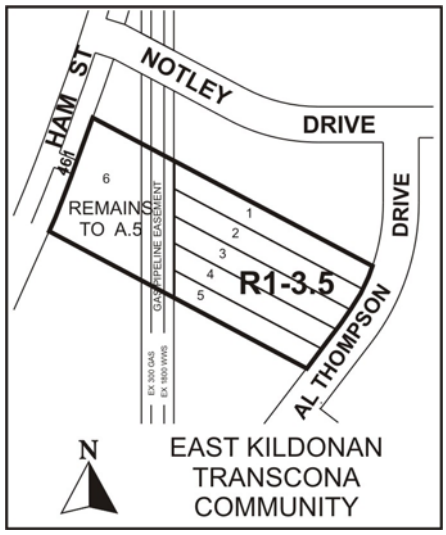
**Date:** **August 14, 2006**
**File:** **DASZ 20/05**
**Related Files:** **DASZ 50/04**
**Subject:** **Rezone and subdivide property into five residential lots.**
**Location:** **461 Ham Street**




**Applicant:** **Blaine and Melanie Reimer**
**Owner:** **Blaine and Melanie Reimer**

**Recommendation:** **Approve with Conditions**

**Report Summary:**

- The applicant is proposing to develop **five (5)** single family residential lots fronting Al Thompson Drive.
- A residential lot fronting Ham Street will not change in width and will remain zoned 'A-5'.

- The applicant is proposing to maintain the existing single family dwelling fronting Ham Street.

**Site Description**

The subject property is **186 feet by 492 feet** located on the east side of Ham Street, south of Williamson Cres in the Grassie neighbourhood of the Transcona Ward. The site is zoned "A-5" Rural. Adjacent properties include residential dwellings to the south designated "A-5" Rural. Surrounding lands to the north and east include the recently approved Harbourview Phase II: single family dwellings zoned "R1-3.5".

## Background

The existing single family dwelling fronting Grassie Blvd was constructed in 2003.

Previous applications for the subdivision and rezoning of lands on the east side of Al Thompson Drive include **DASZ 50/04,** which was approved by Council on June 29, 2005.

## Description of the Proposed Development

The applicant has applied to rezone and subdivide a 'through lot' that is between Ham Street and Al Thompson Drive. The lot is currently zoned "Agricultural". The applicant would like to develop five residential lots fronting Al Thompson Drive.

The proposed lots fronting Al Thompson Drive will be **37 to 38 feet** in width. The residential lots fronting Grassie Boulevard will be **186 feet** in width.

## Analysis

PLAN WINNIPEG
The proposed concept complies with Plan Winnipeg in that a residential rezoning is allowed in Neighbourhood Policy Areas. The proposed development also achieves the Plan Winnipeg policy of intensifying residential density through infill development. The lot fronting Ham Street will remain Agricultural: this land can not be rezoned or subdivided until a full range of municipal services are extended down Ham Street.

SECONDARY PLAN
The Planning and Land-Use Division has recently initiated a Secondary Plan planning process for the **'Transcona West Area'** whose northern boundary is the Cordite Ditch. The proposed subdivision is consistent with the previous approved developments in the area and the land-use concepts envisioned for this neighbourhood.

ZONING

- The **"R1-4" Single Family Residential District** requires a minimum lot size of 4,000 square feet and minimum lot width of 40 feet. A side yard of 4 feet is required.
- The **"R1-3.5" Single Family Residential District** requires a minimum lot size of 3,500 square feet and a minimum lot width of 40 feet. A side yard of 4 feet is required.

TRANSPORTATION AND SITE ACCESS
Access to the lots will be from Al Thompson Drive when it is constructed.

SITE DESIGN ISSUES
The proposed site design is consistent with DASZ 50/04, that was approved by Council. Lands on the east side of Al Thompson Drive will have single family dwellings fronting this street. There is sufficient lands to the north along Notley Drive for Qualico to facilitate the development of single family dwellings. The adjacent property owners to the south will be able to subdivide and rezone the rear of their property to allow lots fronting Al Thompson Drive.

INFRASTRUCTURE IMPACTS
Manitoba Hydro has indicated in a letter dated February 10, 2006 to Qualico for the development of Harbourview Phase II that a 15 metre (50 foot) easement is required on both sides of the gas pipeline, as measured from the pipeline.

**Recommendation**

The Planning and Land-Use Division supports rezoning the rear of the property from "A-5" to "R1-3.5". The new zoning designation will complement the existing zoning to the north and east along Al Thompson Drive that will have a "R1-3.5" designation.

The Planning and Land-Use Division believes that future subdivisions and rezonings along the east side of Al Thompson Drive will continue to be for new lots ranging from 35 – 60 feet.

A 50 foot buffer will need to be established along the Gas Pipeline, which runs through the middle of the property, to ensure public safety.

**Recommended Conditions of Approval**

1. That the plan of subdivision proposed under File No. **DASZ 20/05** be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File No. **DASZ 20/05,** attached hereto and dated **August 14, 2006**, for registration in the Winnipeg Land Titles Office, subject to the following:

    A. That the Developer be required to enter into a Servicing Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated **August 23, 2006**;

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 20/05** attached hereto and dated **August 14, 2006** to a **"R1-3.5" Single Family Residential 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 residential lots abutting the existing high pressure gas pipeline shall provide a minimum 50 foot (15.24 metre) setback between the high pressure gas pipeline and any principal dwellings.

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 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 based on the creation of additional sites.

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

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

8. 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**.

9. 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.

10. 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.

11. That the City Solicitor/Manager of Legal Services be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

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

Report Prepared by: John S. Wintrup
PPD File # DASZ 20/2005

**Schedule "A"**

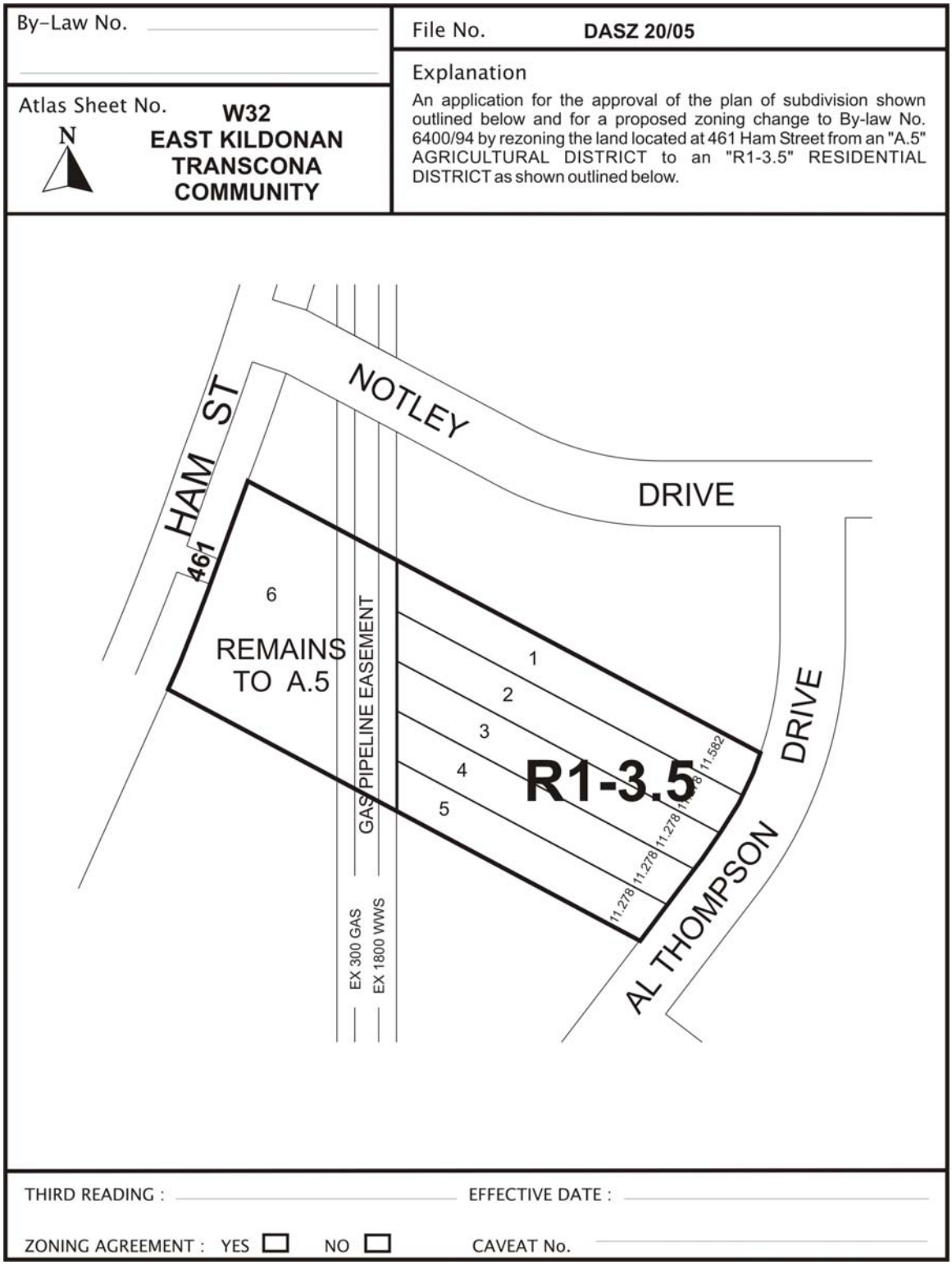



**Figure 1: Schedule "A" to the report to the East Kildonan - Transcona Community Committee for File No. DASZ 20/05, dated August 14, 2006.**

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**Figure 2: Existing Land-Uses for subject property and Surrounding Area.**

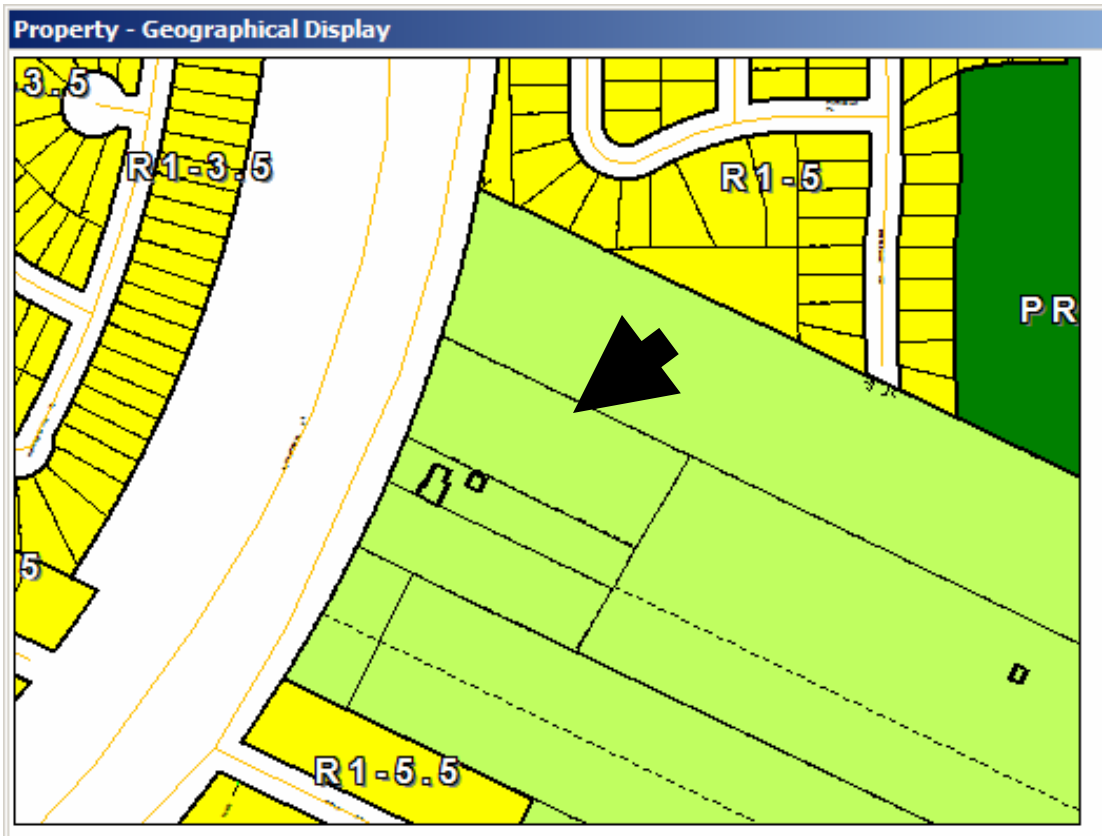


**Figure 3: Existing Zoning for subject property and Surrounding Area.**

Exhibit "8" referred to in File DASZ 20/2005

**Re: Proposed Subdivision and Rezoning of Land located at 461 Ham Street – DASZ 20/05**

An application has been submitted by Blaine and Melanie Reimer to subdivide and rezone land located at 461 Ham Street.

It is recommended that approval of this application be subject to the Developer entering into a Servicing Agreement as follows:

1. The Developer shall pay its share of the cost of service installed or to be installed by others in Al Thompson Drive on the basis of the Local Improvement rates prevailing at the time payment is received.
2. The Developer shall pay its share of the cost of the existing oversized watermain in Eaglemere which benefits this property as determined by the Director of Water and Waste.
3. The Developer shall pay its share of the cost of the regional land drainage system benefiting the proposed subdivision as determined by the Director of Water and Waste.
4. The Developer shall provide a lot grading plan prepared by a municipal engineer and shall grant easements and, if required, construct catch basins and leads as may be necessitated by the grading design.
5. 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 lane of 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 of Concordia Avenue East to the interchange, 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.

6. 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 lanes of 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) 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.
7. The Developer shall pay its share, based on the 5 new lots, of the cost of the following improvements in Concordia Avenue East on an area basis, for the areas included under this application, AG 50/04 and DASZ 30/05, as determined by the Director of Public Works:
   a) an 8.0m in width by 200mm in thickness portland cement concrete lane of pavement and all related works in Concordia Avenue East between the works to be constructed under Clause 5.) above and the limit of the existing Concordia Avenue East, immediately south of Whittington Road,
   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) All related works.

   This payment is intended as a cost recovery to the Developers of the lands included in AG 50/04 and DASZ 30/05.

8. 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.
9. The Developer shall pay all costs associated with the relocation of streetlights 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.

10. 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.
11. 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
12. Construction, including landscaping is complete, all as determined by and to the satisfaction of the Director of Public Works.
13. The Developer shall pay $1,650.00 in lieu of the City's administration and related costs associated with the preparation and implementation of the Servicing Agreement.

THIS REPORT SUBMITTED BY:

Administrative Coordinating Group
File No. AG 20/05
August 23, 2006

Enclosure.

ELC/dt

*["Original signed by E.L. Carriere"]*
Land Development Engineer

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

*["Original signed by T.S. Josephson"]*
Water and Waste Department

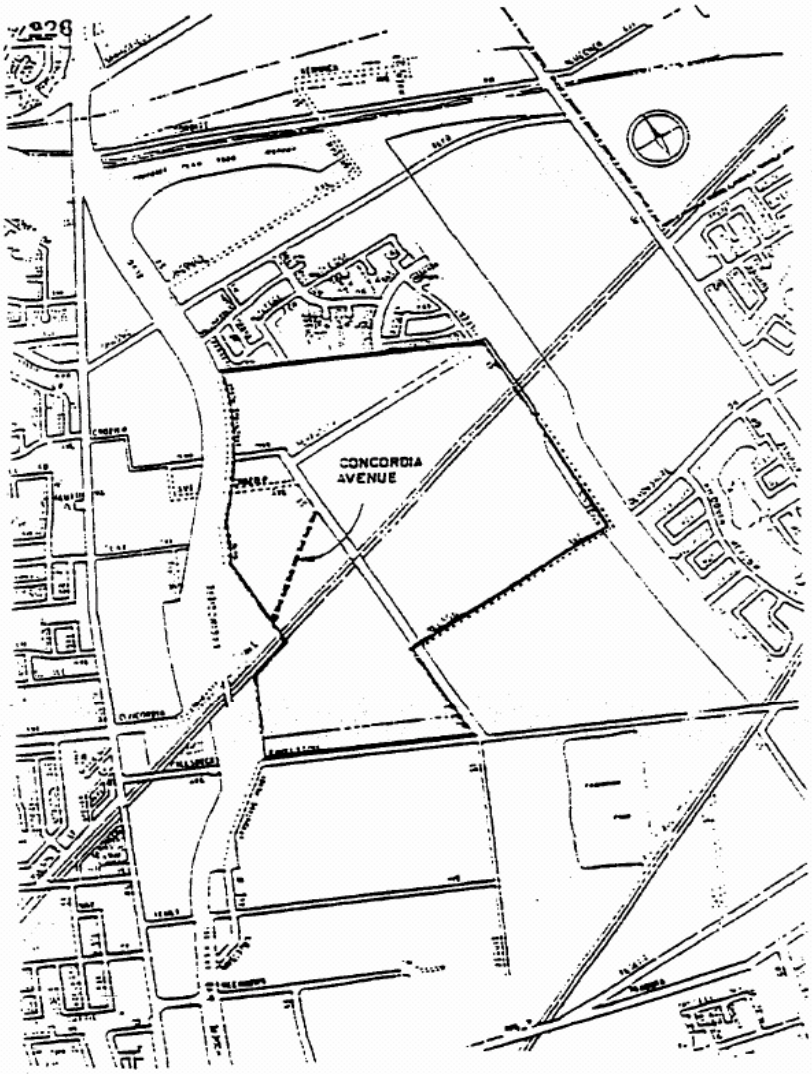


FIGURE - 1 (DASZ 20/05)

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