Minutes - Executive Policy Committee - June 13, 2007

Minute No. 402
Report - Standing Policy Committee on Property and Development - June 11, 2007

Item No. 1 **Subdivision - land located south of Jefferson Avenue, east of Brookside Boulevard (Old Kildonan Ward) File DAS 9/2007**

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

The Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development, as amended, and the Lord Selkirk-West Kildonan Community Committee, as amended, and submits the following to Council:

1. That the plan of subdivision under File DAS 9/2007 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DAS 9/2007 dated May 22, 2007, for registration in the Winnipeg Land Titles Office subject to the following:

    A. That the Plan of Subdivision be amended in accordance with the report of the Administrative Coordinating Group dated May 11, 2007, by including a 0.3 metre wide development control (buffer) strip along the west limit of the proposed Meridian Drive extension.

    B. That the Developer be required to enter into a Development Agreement Addendum with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated May 11, 2007, with the following amendments:

        i. That the words "a watermain in Jefferson Avenue from Meridian Drive to the east property line of the planned area and other" be deleted in recommendation 2.

        ii. That the words "as follows" in the third paragraph of recommendation 12 be replaced with the words "50% of the cost of the work shown below as items a. to e.".

        iii. That the fourth paragraph of recommendation 12 be amended by deleting all the words following "Public Works" in the third line thereof and substituting therefore the words "in seven (7) years".

Report - Standing Policy Committee on Property and Development - June 11, 2007

iv. That the word "50%" in recommendations 13 and 14 be replaced with the word "25%".

v. That recommendation 20 be deleted in its entirety and the remaining clauses renumbered accordingly.

vi. That the third paragraph of recommendation 21 be amended by deleting all the words following "Public Works" in the third line thereof and substituting therefore the words "in seven (7) years".

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

3. 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.

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

5. That the 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.

6. 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.

7. 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 – June 11, 2007

DECISION MAKING HISTORY:

Moved by Councillor Swandel,

That Rule 10.3 of The Procedure By-law No. 50/2007 be suspended in order that the following item, which was received less than 96 hours preceding the committee meeting, be considered by Committee.

Carried

Moved by Councillor Swandel,

That the recommendations of the Standing Policy Committee on Property and Development and the Lord Selkirk-West Kildonan Community Committee, as amended, be concurred in with the following amendment:

- That the report from the Administrative Coordinating Group dated May 11, 2007, be further amended as follows:

  Add the following as Recommendation 1.B.iii

  iii. That the fourth paragraph of recommendation 12 be amended by deleting all the words following "Public Works" in the third line thereof and substituting therefore the words "in seven (7) years"

  and renumber the remaining recommendations accordingly,

and forwarded to Council.

Carried

STANDING COMMITTEE RECOMMENDATION:

On June 11, 2007, the Standing Policy Committee on Property and Development concurred in the recommendation of the Lord Selkirk-West Kildonan Community Committee, as amended, namely:

- That the report from the Administrative Coordinating Group dated May 11, 2007, be further amended as follows:

Report - Standing Policy Committee on Property and Development - June 11, 2007

DECISION MAKING HISTORY (continued):

COMMUNITY COMMITTEE RECOMMENDATION (continued):

1. That the third paragraph of recommendation 21 be amended by deleting all the words following "Public Works" in the third line thereof and substituting therefore the words "in seven (7) years".

- That the report from the Planning and Land Use Division dated May 22, 2007, be amended as follows:

  1. Add the following Recommendation 7, namely:

     "7. 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,"

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

On May 22, 2007, the Lord Selkirk-West Kildonan Community Committee concurred in the administrative recommendation with the following amendments, namely:

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

  i. That the words "a watermain in Jefferson Avenue from Meridian Drive to the east property line of the planned area and other" be deleted in clause 2.
  ii. That the words "as follows" in the third paragraph of clause 12 be replaced with the words "50% of the cost of the work shown below as items a. to e.".
  iii. That the word "50%" in clauses 13 and 14 be replaced with the word "25%".
  iv. That clause 20 be deleted in its entirety and the remaining clauses renumbered accordingly.

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

On April 24, 2007, the Lord Selkirk-West Kildonan Community Committee concurred in the administrative recommendation and adjourned the public hearing to its meeting on May 22, 2007, to allow time for the applicant to provide traffic study information that is required to finalize terms and conditions of the application.

RE: **Subdivision - land located south of Jefferson Avenue, east of Brookside Boulevard**
File DAS 9/2007

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

Prepared by: **Diane Timmins, Clerk**
Lord Selkirk-West Kildonan Community Committee

Report date: **May 29, 2007**

COMMUNITY COMMITTEE RECOMMENDATION:

On May 22, 2007, the Lord Selkirk-West Kildonan 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 DAS 9/2007 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DAS 9/2007 dated May 22, 2007, for registration in the Winnipeg Land Titles Office, subject to the following:

    A. That the Plan of Subdivision be amended in accordance with the report of the Administrative Coordinating Group dated May 11, 2007 by including a 0.3 metre wide development control (buffer) strip along the west limit of the proposed Meridian Drive extension.

    B. That the Developer be required to enter into a Development Agreement Addendum with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated May 11, 2007 ***with the following amendments:***

        i. That the words "a watermain in Jefferson Avenue from Meridian Drive to the east property line of the planned area and other" be deleted in clause 2.

        ii. That the words "as follows" in the third paragraph of recommendation 12 be replaced with the words "50% of the cost of the work shown below as items a. to e.".

        iii. That the word "50%" in recommendations 13 and 14 be replaced with the word "25%".

iv. That recommendation 20 be deleted in its entirety and the remaining clauses renumbered accordingly.

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

3. 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.

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

5. 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.

6. 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.

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

The Lord Selkirk-West Kildonan Community Committee provided the following supporting reason for its recommendation:

1. The Lord Selkirk-West Kildonan Community Committee agreed with the administrative comments contained in the report from the Planning and Land Use Division dated May 22, 2007 and in the supplementary report from the Administrative Coordinating Group dated May 11, 2007.

PUBLIC HEARING SUMMARY

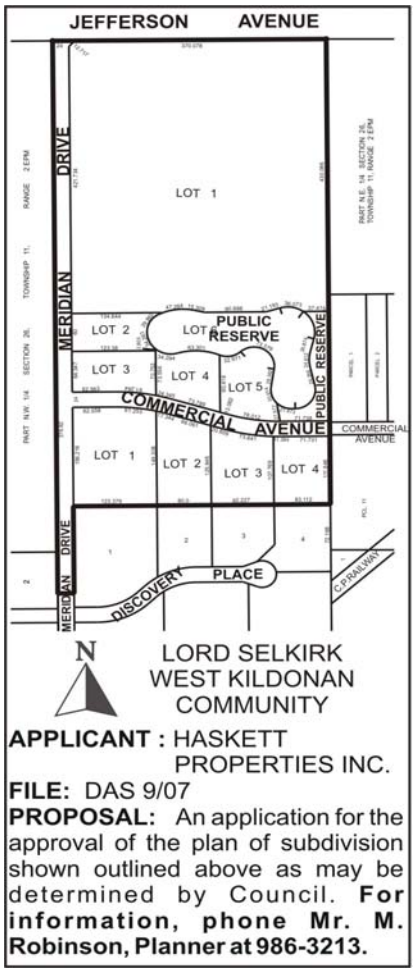
File: DAS 9/2007

Before: Lord Selkirk-West Kildonan Community Committee
Councillor O'Shaughnessy, Chairperson
Councillor Pagtakhan

Public Hearing: May 22, 2007
April 24, 2007
West Committee Room
Council Building, 510 Main Street

Applicant: Haskett Properties Inc. (Mark Friesen)

Subject:



Premises Affected: land located south of Jefferson Avenue, east of Brookside Boulevard

Exhibits Filed:

1. Application dated March 26, 2007
2. Notification of Public Hearing dated April 4, 2007
3. Manitoba Status of Titles 1517552, 1517533, 15745561 and 1745579
4. Letter of authorization dated March 7, 2007 from Klaus E. Roessler and Inksbrook Park Development Ltd. to Haskett Properties Inc.
5. Plan of Subdivision and Proposed Plan of Subdivision
6. Report from the Administrative Coordinating Group dated April 17, 2007
7. Inspection Report
8. Supplementary report from the Administrative Coordinating Group dated May 11, 2007
9. Report from the Planning and Land Use Division dated May 22, 2007

REPRESENTATIONS:

In Support:

Ossame Abouzeid
Mark Friesen, Haskett Properties Inc.
Willy Janzen
Jim Kulik

In Opposition

Nil

For the City:

Mr. K. Raban, Land Development Engineer, Planning, Property and Development Department
Mr. M. Robinson, Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

April 24, 2007
There were no representations at the public hearing in view of the Administration's recommendation (Exhibit "7") for an adjournment.

Ossame Abouzeid, accompanied by Mark Friesen, of Haskett Properties Inc, and Willy Janzen appeared in support of the application. Mr. Abouzeid advised Committee that they took over the development in 1998. He further advised that the applicant concurred in the recommendations outlined in the report of the Planning and Land Use Division dated May 22, 2007, but had some concerns regarding the recommendations contained in the Administrative Coordinating Group report dated May 11, 2007. In this connection, Willy Janzen identified the specific concerns relative to the Administrative Coordinating Group report, and read aloud from a prepared brief, which he submitted, filed as Exhibit "10" In response to the request that the Developer only pay for 50% of a two-lane roadway, or 25% of the four-lane roadway, the Land Development Administrator stated that the two lanes prescribed in this development was the standard two lanes that will form part of the future regional transportation corridor, which in this case is the Chief Peguis Trail, and that the basic requirement is to have the Developer build two of the four lanes to a regional street standard. Mr. Janzen further advised Committee that should their client request access to Jefferson Avenue, they would be required to pay for the cost entirely. In response to Mr. Janzen's request that the developer not be required to further participate in the development of Inkster Boulevard, the Land Development Administrator stated that the cost sharing for Inkster Boulevard had been apportioned.

Exhibit “9” referred to in File DAS 9/2007

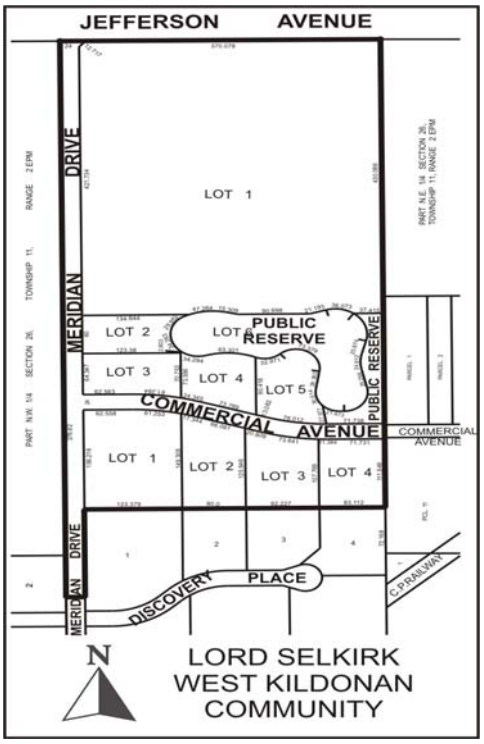
Winnipeg

Planning, Property and Development Department Report

To the Lord Selkirk-West Kildonan Community Committee

Date: May 22, 2007
File: DAS 09/07
Related Files:
Subject: Plan of subdivision required to create ten (10) lots and public reserve. This application will also create the extension of Meridian Drive and Commercial Avenue

Location: South of Jefferson Ave, East of Brookside Blvd



Applicant: Haskelt Properties Inc. (c/o Mark Friesen)
Owner: Klaus Edmund Roessler/Inksbrook Park Development Ltd.

3254

Recommendation: Approval

Report Summary:

- The subject lands are located in Industrial Policy Area
- The subject lands are currently zoned "M2" Industrial
- Proposed Phase 3 of the Inksbrook Park Industrial Development
- Phase 3 is the logical extension of Phases 1 and 2
- The proposed subdivision includes the extension of Commercial Avenue and Meridian Drive

Site Description

The subject lands, which are currently zoned "M2" Industrial, are located between Discovery Place and Jefferson Avenue, in the Inksbrook Park Industrial neighbourhood of the Old Kildonan ward.

North: Undeveloped land zoned "A" Agricultural
South: Industrial uses zoned "M2" Industrial
East: Undeveloped land zoned "A" Agricultural
West: Industrial and commercial uses zoned "C3-1" Commercial, "M3 Industrial, and "A" Agricultural

Background

The applicant proposes to subdivide the subject lands, which are currently zoned "M2" Industrial. This land, which comprises Phase 3 of the Inksbrook Park Industrial Development, has been subdivided on previous occasions. However, none of these plans have ever been registered.

Recommendation

The Administration recommends approval for the following reasons:

- Phase 3 is the logical extension of Phases 1 and 2 of the Inksbrook Park Industrial Development

Recommended Conditions of Approval

I. That the plan of subdivision proposed under File No. DAS 09/07 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File No. DAS 09/07, attached hereto and dated May 22, 2007, for registration in the Winnipeg Land Titles Office, subject to the following:

   A. That the Plan of Subdivision be amended in accordance with the report of the Administrative Coordinating Group dated May 11, 2007 by including a 0.3 metre wide development control (buffer) strip along the west limit of the proposed Meridian Drive extension.

B. That the Developer be required to enter into a Development Agreement Addendum with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated May 11, 2007.

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

III. 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.

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

V. 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.

VI. 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: Michael Robinson, AICP
PPD File # 3.327

Schedule “A” to the report to the Lord Selkirk-West Kildonan Community Committee for File No. DAS 09/07, dated May 22, 2007

By-Law No. _____

File No. **DAS 9/07**

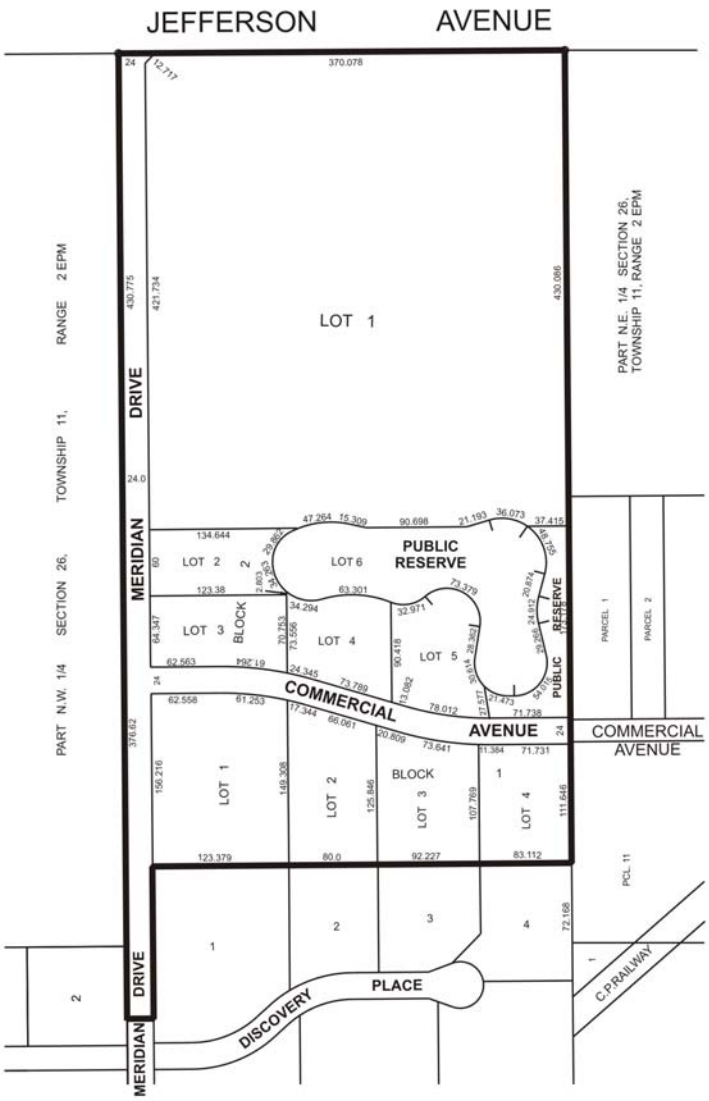
Explanation

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

Atlas Sheet No. **S19**

N

LORD SELKIRK WEST KILDONAN COMMUNITY



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

Exhibit "8" referred to in File DAS 9/2007

Re: Proposed Subdivision and Rezoning of land located south of Jefferson Avenue, east of Brookside Boulevard – DAS 9/07

An application has been submitted by Inksbrook Park Development Ltd. to subdivide and rezone land located south of Jefferson Avenue, east of Brookside Boulevard.

It is recommended that approval of this application be subject to the following conditions:

1. The developer shall amend its plan to include a 0.3 metre wide development control (buffer) strip along the west limit of the proposed Meridian Drive extension.

2. The developer shall construct, at no expense to the City, a watermain in Jefferson Avenue from Meridian Drive to the east property line of the planned area and other watermains as required to provide looping and sufficient fire flows to the planned area and adjacent lands all as determined by the Director of Water and Waste.

3. The developer shall, at no expense to the City, construct wastewater sewers as required to serve the planned area all as determined by the Director of Water and Waste.

4. The developer shall, at no expense to the City, install all land drainage sewers, catch-basins, leads, swales and accessories to serve the proposed subdivision and adjacent lands, all as determined by the Director of Water and Waste.

5. The developer shall construct a stormwater retention basin together with all necessary structures and appurtenances thereto including interconnecting piping, all as determined by the Director of Water and Waste.

6. The developer shall pay the applicable land drainage trunk service rate charge. The cost of the trunk works constructed by the applicant shall be credited against the trunk service rate charge, including a credit of $25,000.00 per acre for purchase of impoundment land.

7. The Developer shall, at no expense to the City, provide underground electrical and telephone services to serve the proposed subdivision and will pay the full cost to convert any existing overhead services within the proposed subdivision to underground.

8. The Developer is to pay all costs associated with the installation and/or relocation of street lights and other utilities made necessary as a result of or required to accommodate works, which are required by the Developer to serve the proposed subdivision, as determined by and to the satisfaction of the Director of Public Works.

9. The Developer shall be responsible to control and to initiate the clean up of litter and refuse from the contractors and builders for this development, both on-site and off-site, during the installation of services and construction of buildings, until substantial

completion of all construction. The 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 any costs in remedying the situation to the satisfaction of the Director of Public Works.

10. The Developer shall ensure that construction traffic uses access routes as determined by the Director of Public Works. The Developer shall maintain, at no expense to the City, the access routes in a clean, dust free and safe condition, free of dropped and tracked-on mud, and shall undertake regular scraping and sweeping of streets until building construction, including landscaping is complete, all as determined by and to the satisfaction of the Director of Public Works.

11. The developer shall, at no expense to the City, construct portland cement concrete pavements and all related works including, but not necessarily limited to street lighting, boulevard landscaping and any necessary land drainage works, in all streets within the Planned Area to a width of 10.0m and a thickness of 200mm as determined by and to the satisfaction of the Director of Public Works. The Developer shall extend Meridian Drive to Jefferson Avenue immediately upon commencement of servicing within the Planned Area.

12. The Developer shall finance and construct an 8.3m in width by 200mm in thickness portland cement concrete pavement in Jefferson Avenue between Brookside Boulevard and Meridian Drive and all related works including, but not necessarily limited to street lighting, boulevard landscaping, any necessary land drainage works and an asphalt transition, east of Meridian Drive all as determined by and to the satisfaction of the Director of Public Works.

    Should the purchaser/developer of Proposed Lot 1 require/desire private approaches from/to Jefferson Avenue, east of Meridian Drive, the above-mentioned works would be required to be extended to the east limit of Proposed Lot 1 and therefore the second line of the above paragraph would read as follows "…. between Brookside Boulevard and the east limit of Proposed Lot 1…." and the fourth line would read as follows "….east of Proposed Lot 1….".

    The Developer's share of the cost of services to be installed in the future in Jefferson Avenue along the frontage of the Planned Area is as follows:

    a. a 4.0m by 200mm in thickness portland cement concrete lane of pavement;
    b. a 1.5m in width by 100mm in thickness portland cement concrete sidewalk;
    c. street lighting in the south boulevard;
    d. landscaping in the south boulevard;
    e. a share of the required land drainage works,

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

The Developer's share of the cost of improvements above shall be off-set against the cost of services to be constructed above and the City shall reimburse the Developer for the difference as certified by the Director of Public Works as and when it collects from other benefiting lands in accordance with the Development Agreement Parameters.

13. The Developer shall, pay to the City in cash on demand, the cost of constructing at a future date, 200mm in thickness portland cement concrete pavements and all related works in Jefferson Avenue, at and in the vicinity of its intersection with Meridian Drive, for a westbound left-turn storage lane, eastbound right-turn deceleration lane, right-turn cut-offs in the southeast and southwest quadrants of the intersection and a 50% share of the future median opening as determined by the Director of Public Works.

14. The Developer shall, pay to the City in cash on demand, 50% of the cost of the future installation of traffic control signals, including but not necessarily limited to pedestrian and vehicular actuation, interconnection to adjacent traffic control signals and audible pedestrian signals, at the intersection of Jefferson Avenue and Meridian Drive, when and as determined by the Director of Public Works.

15. The Developer is to provide two means of vehicular access to each stage of development within the Planned Area at all times, to the satisfaction of the Director of Public Works. This may require the construction of temporary streets and the provision of right-of-way or easements therefore as directed by and to the satisfaction of the Director of Public Works.

16. The Developer shall, at no expense to the City, construct portland cement concrete sidewalks to a width of 1.5m by 100mm in thickness in the following locations:

    a. the east side of Meridian Drive from Jefferson Avenue to Discovery Place;
    b. one side of Commercial Avenue from Meridian Drive to the east limit of the Planned Area,

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

17. The Developer is to construct cul-de-sac vehicular turnarounds at the terminus of each temporarily dead-ended street and provide any necessary right-of-way or easements therefore, all as determined by and to the satisfaction of the Director of Public Works.

18. The Developer shall, at no expense to the City, barricade across the full width of any street temporarily dead-ended due to the phasing of development immediately upon completion of the paving.

19. 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.

20. The Developer shall, pay to the City in cash on demand, his share of the cost of improvements to be installed in Inkster Boulevard for the land within the Planned Area, not previously covered, on an area basis.

21. The Developer shall finance and construct in portland cement concrete pavement in Brookside Boulevard at its intersection with Jefferson Avenue a northbound right-turn deceleration lane and a southbound left-turn storage lane and all related works including, but not necessarily limited to modification of the existing median opening on Brookside Boulevard and modification of the radii in the southeast and northeast corners of the intersection all as determined by and to the satisfaction of the Director of Public Works.

    The Developer's share of the cost of the above works shall be 25%.

    The Developer's share of the cost of the above improvements shall be off-set against the cost of services to be constructed above and the City shall reimburse the Developer for the difference as certified by the Director of Public Works as and when it collects from other benefiting lands in accordance with the Development Agreement Parameters.

22. The Developer shall, pay to the City in cash on demand, 25% of the cost of the future installation of traffic control signals, including but not necessarily limited to pedestrian and vehicular actuation, interconnection to adjacent traffic control signals and audible pedestrian signals, at the intersection of Jefferson Avenue and Brookside Boulevard, when and as determined by the Director of Public Works.

23. The Developer shall, prior to the release of the mylars approved under this application, pay cash in lieu of dedication of land. Note that Council at its meeting held on December 16, 1998 concurred with a resolution of the Lord Selkirk-West Kildonan Community Committee that cash dedication be exacted for Development Agreement AG 56/85 and that dedication of land be waived for the Planned Area.

24. The Developer shall pay all the costs and expenses of itself and the City relating to the preparation of the Zoning By-law(s), road opening(s), plan(s) or subdivision, the cost and expense of obtaining approval for registration of the above, including all Municipal Board, Land Titles Office and other fees and expenses, all survey costs, all engineering costs, advertising costs and expenses incidental to the preparation of a Development Agreement and the physical development of the Planned Area.

25. The Developer shall pay to the City the sum of $1,200 per acre to defray the City's administration and related costs incidental to the preparation of this Agreement.

26. The Developer shall, upon demand by the City, pay the full cost of preliminary engineering studies, design and preparation of engineering plans and specifications to be provided by a Consulting Engineer retained by the Developer, related to the design of municipal services and associated works required to serve the Planned Area.

27. The Developer shall, upon demand by the City, pay the full cost of engineering supervision provided by or on behalf of the City for approval of engineering plans and specifications, field inspections, preparation of Progress Estimates and all other engineering services related to the installation and construction of municipal services and associated works required to serve the Planned Area.

THIS REPORT SUBMITTED BY:

Administrative Coordinating Group
File No. AG 9/07
May 11, 2007

"Original signed by K.T. Raban, P. Eng."
(for) Land Development Engineer

"Original signed by T. Josephson, P. Eng."
Water and Waste Department

"Original signed by R. Hartmann, P. Eng."
Public Works Department
Transportation Division