Minute No. 40
Report - Standing Policy Committee on Property and Development - November 3, 2009

Item No. 2 Subdivision and Rezoning – 535 Ham Street
(Transcona Ward)
File DASZ 21/2009

COUNCIL DECISION:

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

1. That the plan of subdivision proposed under File DASZ 21/2009 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 21/2009 dated September 14, 2009, 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 Schedule "B", of the Report of the Administrative Coordinating Group dated August 20, 2009.

2. That The Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 21/2009 dated September 14, 2009, to a "R1-M" Residential Single-Family District.

3. 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 increase in market value of the land and the creation of additional lots.

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

5. 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.

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

Report - Standing Policy Committee on Property and Development - November 3, 2009

COUNCIL DECISION (continued):

7. 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.

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.

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.

12. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

Report - Standing Policy Committee on Property and Development - November 3, 2009

DECISION MAKING HISTORY:

Moved by Councillor Steeves,

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

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On November 18, 2009, the Executive Policy Committee concurred in the recommendation 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 November 3, 2009, 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 October 19, 2009, the East Kildonan-Transcona Community Committee concurred in the recommendation of the Winnipeg Public Service and forwarded to the Standing Policy Committee on Property and Development.

On September 21, 2009, the East Kildonan-Transcona Community Committee adjourned the public hearing to its meeting on October 19, 2009 at 6:30 p.m. in the Community Committee Chambers, 755 Henderson Highway, to allow the Winnipeg Public Service to investigate and report back on the concerns expressed regarding water being discharged from the subject property.

RE: **Subdivision and Rezoning – 535 Ham Street**
(Transcona Ward)
File DASZ 21/2009

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

Prepared by: **Josie Marques, Senior Committee Clerk**
East Kildonan-Transcona Community Committee

Report date: **October 21, 2009**

COMMUNITY COMMITTEE RECOMMENDATION:

On October 19, 2009, the East Kildonan-Transcona Community Committee concurred in the recommendation of the Winnipeg Public Service and recommends to the Standing Policy Committee on Property and Development:

1. That the plan of subdivision proposed under File DASZ 21/2009 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 21/2009 dated September 14, 2009, 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 Schedule "B", of the Report of the Administrative Coordinating Group dated August 20, 2009.

2. That The Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 21/2009 dated September 14, 2009, to a "R1-M" Residential Single-Family District.

3. 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 increase in market value of the land and the creation of additional lots.

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

5. 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.

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 Development 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.

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.

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

1. There is a positive Winnipeg Public Service recommendation.

2. The proposal is consistent with size of lots in area.

3. Water drainage was looked into and the Winnipeg Public Service advised it was not an issue.

4. The new lot grading requirements will assist with land drainage.

5. The residential development is consistent with area.

PUBLIC HEARING SUMMARY

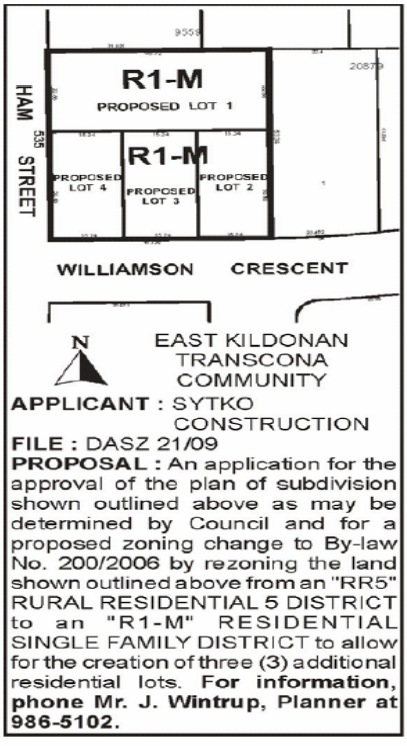
File: DASZ 21/2009

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

Public Hearing: October 19, 2009
September 21, 2009
Community Committee Chamber
755 Henderson Highway

Applicant: Sytko Construction
(Jack Sytkowski)

Subject:



Premises Affected: 535 Ham Street

Exhibits Filed:

1. Application dated July 20, 2009
2. Notification of Public Hearing dated July 30, 2009
3. Manitoba Status of Title 1998992
4. Letter of Authorization dated July 9, 2009 from Lloyd Yang to Jack Sytkowski
5. Surveyor's Building Location Certificate and sketch dated September 18, 2000
6. Zoning Memorandum dated September 27, 2000
7. Plans (2 pages)
8. Report from the Planning and Land Use Division dated September 14, 2009
9. Inspection Report
10. Audio Recording of the adjourned public hearing held on September 21, 2009
11. Notice of Adjournment dated September 24, 2009
12. Report submitted by the Senior Planning, Planning and Land Use Division, from the Industrial Waste Services Inspector dated October 5, 2009, as requested by Community Committee at the Public Hearing on September 21, 2009
13. Audio Recording of representations of public hearing held on October 19, 2009

REPRESENTATIONS:

In Support:
Jack and Adam Sytkowski

In Opposition
John and Donna Campbell
Sherry Karasinski

For Information:
Gloria and Gary Langley

For the City:
Mr. K. Raban, Land Development Administrator,
Planning, Property and Development Department
Mr. J. Wintrup, Senior Planner, Planning, Property and Development Department

Exhibit "8" referred to in File DASZ 12/2009

ADMINISTRATIVE REPORT

ISSUE: DASZ 21/2009 553 Ham Street Public Hearing.

Critical Path: East Kildonan – Transcona Community Committee – Standing Policy Committee on Property and Development – Executive Policy Committee - Council as per the *Development Procedures By-law* and *The City of Winnipeg Charter*.

AUTHORIZATION

Author	Department Head	CFO	CAO
J. Wintrup	n/a	n/a	

RECOMMENDATIONS

1. That the plan of subdivision proposed under File No. DASZ 21/09 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File No. DASZ 21/09, attached hereto and dated September 14, 2009, 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 Schedule "B", the Report of the Administrative Coordinating Group dated August 20, 2009.

2. That The Winnipeg Zoning By-Law No. 200/06 be amended by rezoning the subject land as shown on Schedule "A" for File No. DASZ 21/09 attached hereto and dated September 14, 2009, to a "R1-M" Residential Single-Family District.

3. 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 increase in market value of the land and the creation of additional lots.

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

5. 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.

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 Development 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

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.

IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendations of the Planning and Land Use Division are concurred in, this will facilitate the creation of three (3) single family dwellings lots on the north side of Williamson Crescent with a residual lot for the existing single family dwelling on the east side of Ham Street.

CONSULTATION

In preparing this Report there was consultation with:

N/A

SUBMITTED BY

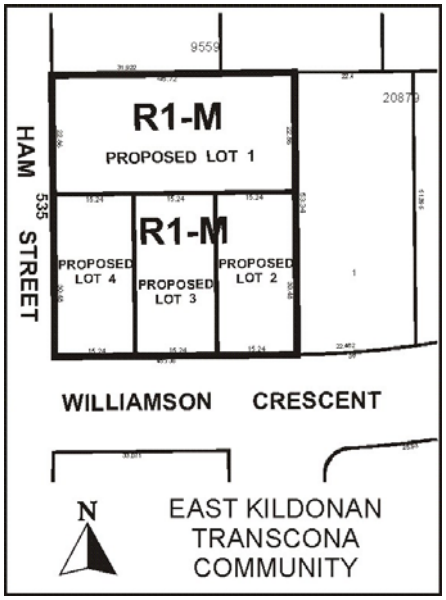
Department	Planning, Property and Development
Division	Planning and Land Use
Prepared by	John Wintrup
Date:	September 14, 2009
File No.	DASZ 21/2009

APPENDIX 'A'

Date: September 14, 2009
File: DASZ 21/2009
Related Files: DASZ 50/04; DASZ 20/05; DASZ 38/06

Subject: Rezone and subdivide property into three (3) residential lots on Williamson Crescent with a residual lot for the existing single family dwelling on the east side of Ham Street.

Location: 553 Ham Street



Applicant: Jack Sytkowski, Sytko Construction
Owners: Lloyd Yang

Recommendation: **Approve with Conditions**

Report Summary:

- The applicant is proposing to develop three **(3)** single family residential lots fronting Williamson Crescent.
- The applicant is proposing to maintain the existing single family dwelling fronting Ham Street that will be rezoned 'R1-M'.

Site Description:

The subject property is **26,246 sq. ft. 146 feet** by **150 feet** located on the northeast corner of Ham Street and Williamson Cres in the Grassie neighbourhood of the Transcona Ward. The site is zoned **RR 5 Rural Residential District**. Adjacent properties include residential dwellings to the east zoned **R1-M Residential Single-Family District – Medium** and to the north zoned **R1-L Residential Single-Family District – Large**. Surrounding lands to the south across Williamson Crescent are R1-M Residential Single-Family District – Medium**.**

Background:

The existing 1,091 sq. ft. single family dwelling fronting Ham Street was constructed in 1972.

Description of the Proposed Development

The applicant would like to develop three (3) new residential lots fronting Williamson Crescent. The proposed lots fronting Williamson Crescent will be **50 by 100 feet** in width and 5,000 sq.ft in area. The remaining residential lot, with the existing single family dwelling, fronting Ham Street will be **75 feet by 150 feet and 11,250 sq.ft.** in area.

Analysis:

PLAN WINNIPEG

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

SECONDARY PLAN

The Planning and Land-Use Division has recently completed 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

- **RR 5 Rural Residential District** minimum lot sizes of 5 acres are required.
    - Side yards of 25 feet are required.
    - Front yard requirements are 100 feet;
    - Rear yards are 25 feet.
    - Maximum building height is 35 feet.
- Agricultural cultivation is a permitted use:, Stable or riding academy, Landscape/garden contractor or production, and Apiary are 'conditional' uses.

- **R1-M Residential Single-Family District – Medium** minimum lot sizes of 3,500 square feet are required.
    - Side yards of 4 feet are required.
    - Front yard requirements are 15 feet; rear yard requirements are 25 feet.
    - Maximum building height is 35 feet.

- **R1-L Residential Single-Family District – Large** minimum lot sizes of 5,500 square feet are required.
    - Side yards of 4 feet are required.
    - Front yard requirements are 15 feet;
    - rear yard requirements are 25 feet.
    - Maximum building height is 35 feet.

TRANSPORTATION AND SITE ACCESS
The new three (3) new lots will have access to Williamson Crescent, and the existing single family dwelling will maintain access to Ham Street.

SITE DESIGN ISSUES
The proposed site design is consistent with the existing houses on the north side of Williamson Crescent that have frontage on this right-of-way.

INFRASTRUCTURE IMPACTS
There are no services in Ham Street. Municipal services are available along Willamson Crescent.

LAND DEDCIATION
When a developer rezones and/or subdivides a parcel of land, they are required to put in an application with the City of Winnipeg. As a condition of rezoning or subdivision, a developer is required to contribute a portion of the land to be developed to the City for parks purposes. The amount of lands is not less than 10%. The developer will provide land or 'cash in lieu' as determined by the Planning, Property and Development Department. If dedication is 'cash in lieu' of land, then the developer is required to pay the City its share of the costs of landscaping and services that it would have expended had a dedication of the land been made, which will equal 10 %. 'Cash in lieu' of land will be required under this development application.

Recommendation:

The Planning and Land-Use Division supports rezoning the flankage of the property from RR5. The new zoning designation will complement the existing zoning to the east along Williamson Crescent that will have a "R1-M" designation. The Plan of subdivision is consistent with the lot configuration on the north side of Williamson Crescent.

This Report Submitted by:
Planning, Property and Development Department
Planning and Land Use Division
Report Prepared by: John Wintrup
PPD File # .424

Schedule “A” for File No. DASZ 21/09, East Kildonan - Transcona Community Committee, dated September 14, 2009

By–Law No. _____

File No. **DASZ 21/09**

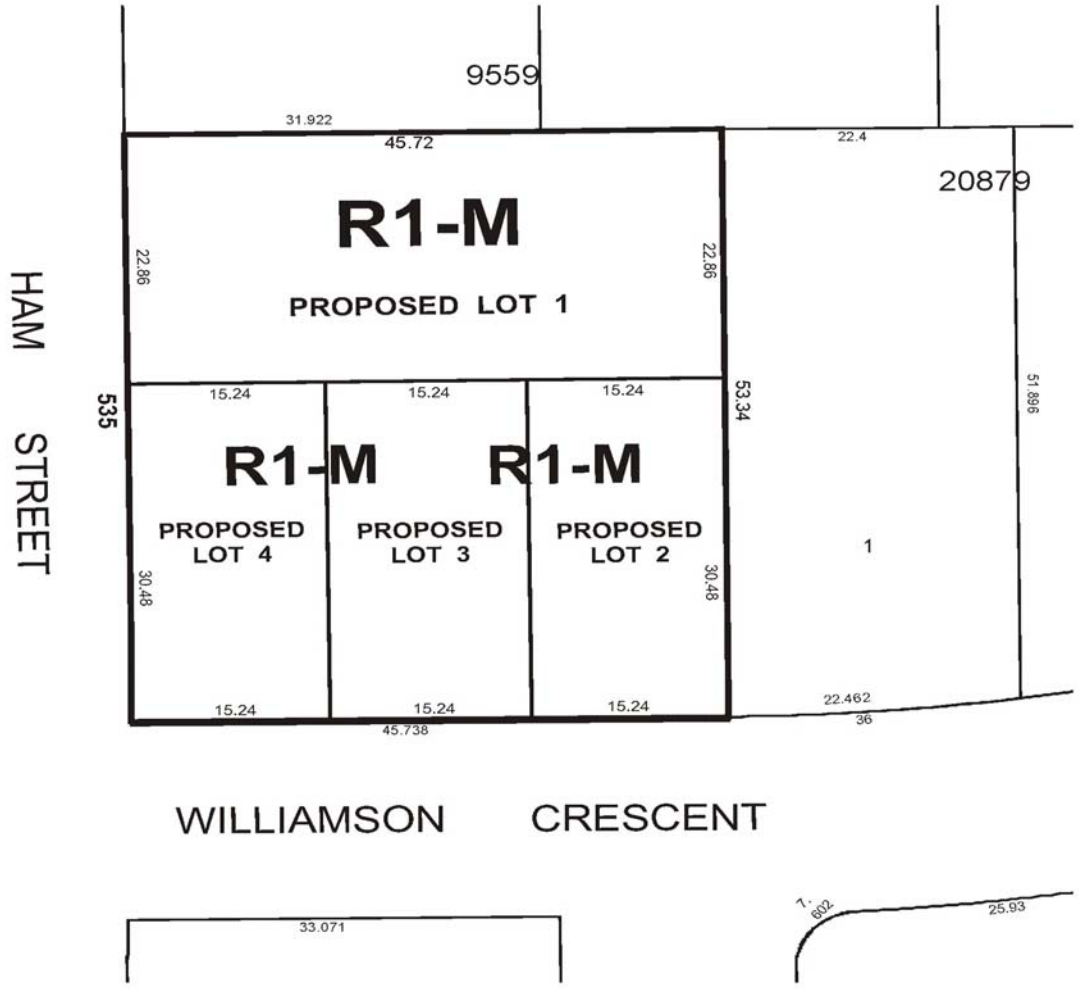
Atlas Sheet No. **W32**

N

EAST KILDONAN TRANSCONA COMMUNITY

Explanation

An application for the approval of the plan of subdivision shown outlined below and for a proposed zoning change to By-law No. 200/2006 by rezoning the land located at 535 Ham Street from an "RR5" RURAL RESIDENTIAL 5 DISTRICT to an "R1-M" RESIDENTIAL SINGLE FAMILY DISTRICT to allow for the creation of three (3) additional residential lots as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

SCHEDULE B - REPORT OF THE ADMINISTRATIVE CO-ORDINATING GROUP

RE: PROPOSED SUBDIVISION AND REZONING OF LAND AT 535 HAM STREET - DASZ 21/09

Sytko Construction has submitted an application to subdivide and re-zone the property at 535 Ham Street to create three lots fronting on Williamson Crescent – a street constructed by Qualico as part of the Harbourview South subdivision under Development Agreement AG 38/79.

It has been proposed, and the applicant is hereby advised, that Ham Street will be closed south of Grassie Boulevard in the future, and its north end terminated in a cul-de-sac adjacent to 316 Grassie Boulevard.

It is recommended that the approval of DASZ 21/09 be subject to the applicant entering into a **Servicing Agreement** with the City of Winnipeg, containing the following conditions:

1. The Developer shall, prior to the release of the subdivision mylars for registration in the Land Titles Office, pay its share of the existing services constructed by others in Williamson Crescent. The Developer shall either provide written evidence to the City that it has adequately compensated the party responsible for the construction, or make payment to the City based on the Local Improvement Rates prevailing at the time of payment. 2009 rates are as follows:

i)	Watermain	$ 80.00 per frontage foot
ii)	Wastewater sewer	$100.00 per frontage foot
iii)	Land drainage sewer	$ 40.00 per frontage foot
iv)	Concrete pavement	$290.48 per frontage foot
v)	Ornamental street lighting	$ 9.40 per frontage foot
vi)	G.S.T.	5%

2. The Developer shall pay its share of the cost of land drainage trunk facilities benefitting the Planned Area. The 2009 Bunn's Creek TSR rate is $10,270/acre, payable: for Lots 2, 3, and 4, prior to the release of the subdivision mylars for registration in the Land Titles Office; and for Lot 1, upon the installation of pavement and/or land drainage sewer in Ham Street.

3. The Developer shall, at no expense to the City, construct and install wastewater and water building services to service proposed Lots 2, 3, and 4 from the wastewater sewer and watermain to no more than five metres inside the property line; ensure that each sewer service remains plugged from installation until the foundation excavation has been backfilled and the roof of the dwelling has been sheathed and indemnify the City against all ramifications to the City resulting from failure to do so prior to the issuance of a Final Acceptance Certificate certifying completion of all work under this Agreement; and replace, repair, and pay all costs associated with any water or sewer service found to be defective within one year following the date the water is turned on for domestic use.

4. The Developer shall, at no expense to the City, provide a lot grading plan, prepared by a municipal engineer, for the Planned Area; install all drainage works necessitated by the design; construct all swales, catchbasins, and leads on private property, where rear lot drainage has to be provided, prior to the issuance of Building Permits; and provide the City, upon registration of the approved subdivision mylars in the Land Titles Office, with all easements required for the installation, maintenance, and replacement of swales, catchbasins, and leads for lot drainage.

5. The Developer shall, at no expense to the City, install a full range of services (i.e. Land drainage sewer, concrete pavement, street lighting, and boulevard landscaping) in Ham Street abutting the Planned Area, all as determined by, and to the satisfaction of, the Director of Public Works.

6. The Developer shall, at no expense to the City, sod the boulevard and plant trees in Williamson Crescent, adjacent to the Planned Area, all in accordance with drawings and specifications to be prepared by the Developer and submitted to, and approved by, the Director of Public Works, and maintain the boulevard improvements for a period of one year, in accordance with specifications approved by the Director of Public Works.

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

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

9. The Developer shall 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, the works 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, initiate and control the regular cleanup 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, as determined by, and to the satisfaction of, the Director of Public Works.

11. Following completion of all major construction works, the Developer shall, at its cost, have the locations of the survey monuments within the Planned Area verified and, where the survey monuments have been disturbed, moved, covered, mutilated, or destroyed, have them replaced by a Manitoba Land Surveyor, who shall provide the Director of Planning, Property & Development with a certificate that all survey monuments within the Planned Area have been verified and/or replaced.

12. 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 Planned Area.

13. The Developer shall pay to the City $1,650.00 plus GST to defray the City's administration and related costs associated with the preparation and implementation of the Servicing Agreement.

THIS REPORT SUBMITTED BY:

Administrative Co-ordinating Group
File No. DASZ 21/09
August 20, 2009

"original signed by S.M. Matile, P. Eng."
S. M. Matile, P. Eng., Chair
Land Development Branch

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

"original signed by F. Mazur, P. Eng."
F. Mazur, P. Eng.
Water & Waste Department

/sm



Figure 1: Existing Land-Uses for subject property and Surrounding Area.

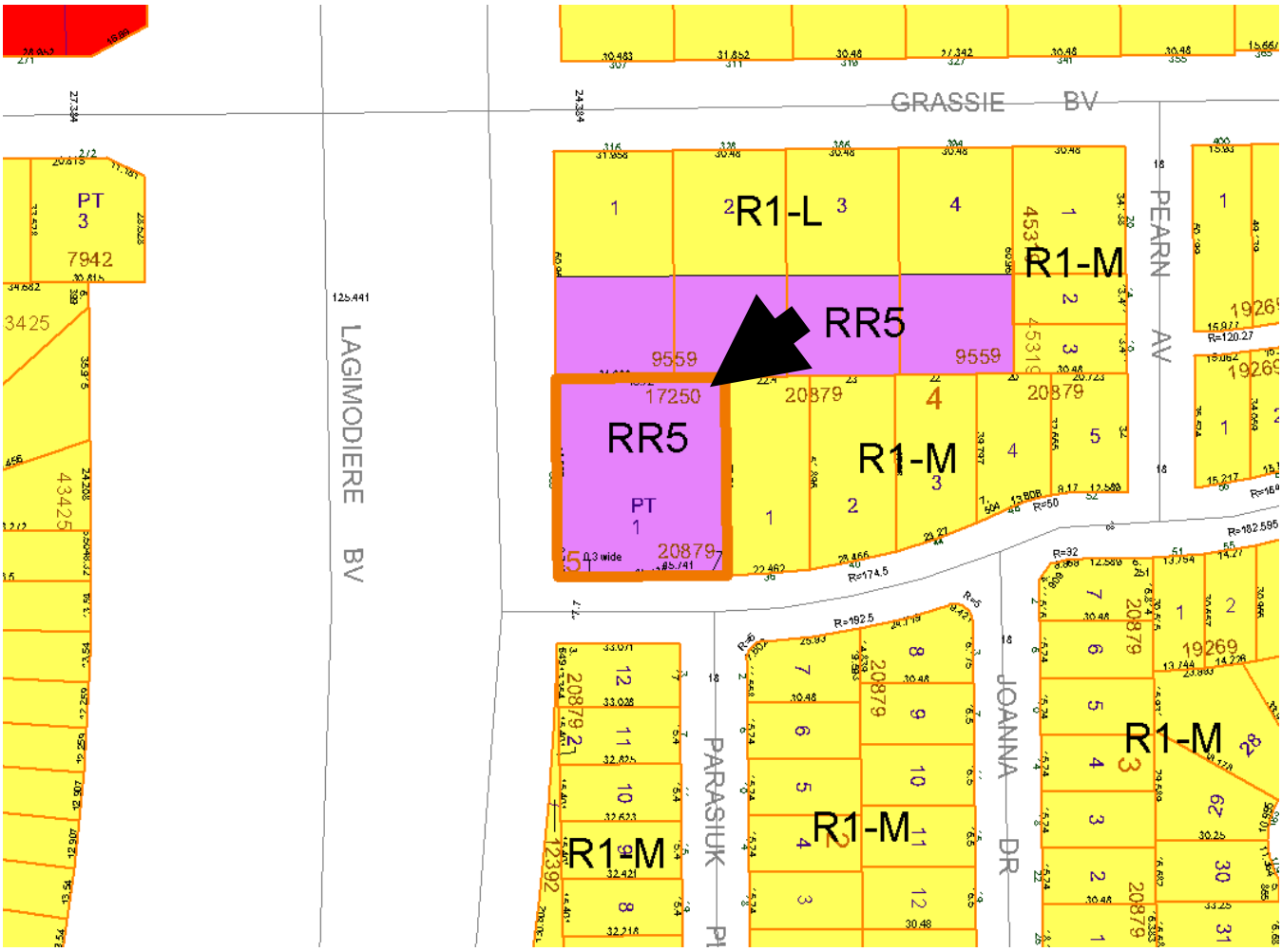


Figure 2: Existing Zoning for subject property and Surrounding Area.