Minute No. 204
Report - Standing Policy Committee on Property and Development – February 8, 2011

Item No. 3 Subdivision and Rezoning – 461 Ham Street
(Transcona Ward)
File DASZ 28/2010

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 28/2010 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 28/2010 dated January 7, 2011 with such minor changes as may be required, and 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 January 4, 2011, with the following amendments, namely:

        i. Add the following Recommendation A. 11.

            "11. The Developer shall pay the full cost of engineering services provided by or on behalf of the City in connection with the installation of, and provision of as -built drawings by March 31 of the year following substantial performance showing, the services required to serve the Planned Area."

2. That The Winnipeg Zoning By-law No. 200/06 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 28/2010 with amendments and revisions contained therein for File DASZ 28/2010 dated December 29, 2010, to a "R1-L" Residential Single Family district subject to the following:
    A. That the applicant enter into a Zoning Agreement with the City pursuant to Section 240(1) of the City of Winnipeg Charter to include the following conditions:

Report - Standing Policy Committee on Property and Development – February 8, 2011

COUNCIL DECISION (continued):

i. 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.

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 Director of Legal Services and City Solicitor 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 is registered in the Winnipeg Land Titles Office and the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the subject lands, provided that the said effective date occurs within one year from the date the by-law is passed.

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 twelve (12) months after adoption of the by-law, 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 twelve (12) month period and the extension is subsequently approved by Council.

Report - Standing Policy Committee on Property and Development – February 8, 2011

COUNCIL DECISION (continued):

11. That the Director of Legal Services and City Solicitor 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 – February 8, 2011

DECISION MAKING HISTORY:

Moved by Councillor Browaty,

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

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On February 16, 2011, 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 February 8, 2011, the Standing Policy Committee on Property and Development concurred in the recommendation of the East Kildonan-Transcona Community Committee with the following amendment, namely:

- Delete Recommendation 1.A.i. in its entirety and renumber the remaining recommendation accordingly,

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

COMMUNITY COMMITTEE RECOMMENDATION:

On January 18, 2011, the East Kildonan-Transcona Community Committee concurred in the recommendation of the Winnipeg Public Service, with the following amendments, namely:

- Amend Recommendation 1. A. by adding the following after "January 4, 2011"

  ", with the following amendments, namely:

  i. Delete Recommendation A. 6. in its entirety and renumber the remaining Recommendations accordingly.

Report - Standing Policy Committee on Property and Development – February 8, 2011

DECISION MAKING HISTORY (continued):

COMMUNITY COMMITTEE RECOMMENDATION (continued):

ii. Add the following Recommendation A. 11.

"11. The Developer shall pay the full cost of engineering services provided by or on behalf of the City in connection with the installation of, and provision of as -built drawings by March 31 of the year following substantial performance showing, the services required to serve the Planned Area.""

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

RE: **Subdivision and Rezoning – 461 Ham Street – DASZ 28/2010 [c/r DAV 158866/2010D]**

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

Prepared by: **Carlos Gameiro, Senior Committee Clerk**
East Kildonan-Transcona Community Committee

Report date: **January 18, 2011**

COMMUNITY COMMITTEE RECOMMENDATION:

On January 18, 2011, the East Kildonan-Transcona Community Committee concurred in the recommendation of the Winnipeg Public Service as amended and recommends to the Standing Policy Committee on Property and Development:

1. That the plan of subdivision proposed under File DASZ 28/2010 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 28/2010 dated January 7, 2011 with such minor changes as may be required, and 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 January 4, 2011***, with the following amendments, namely:***

        i. Delete Recommendation A. 6. in its entirety and renumber the remaining Recommendations accordingly.

        ii. Add the following Recommendation A. 11.

            "11. The Developer shall pay the full cost of engineering services provided by or on behalf of the City in connection with the installation of, and provision of as -built drawings by March 31 of the year following substantial performance showing, the services required to serve the Planned Area."

2. That The Winnipeg Zoning By-law No. 200/06 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 28/2010 with amendments and revisions contained therein for File DASZ 28/2010 dated December 29, 2010, to a "R1-L" Residential Single Family district subject to the following:

A. That the applicant enter into a Zoning Agreement with the City pursuant to Section 240(1) of the City of Winnipeg Charter to include the following conditions:

i. 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.

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 Director of Legal Services and City Solicitor 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 is registered in the Winnipeg Land Titles Office and the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the subject lands, provided that the said effective date occurs within one year from the date the by-law is passed.

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 twelve (12) months after adoption of the by-law, 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 twelve (12) month period and the extension is subsequently approved by Council.

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

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(s) for its recommendation:

1. It ensures that the obligations pertaining to Ham Street which are to be closed just south of Grassie would be able to be undertaken by the other developer in the area once construction is finished on these three lots, which would bring the area to full development.

2. It seems to have the support of the community by the fact that nobody appeared in opposition.

PUBLIC HEARING SUMMARY

File: DASZ 28/2010 [c/r DAV 158866/2010D]

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

Public Hearing: January 18, 2011
Bronx Park Community Centre
720 Henderson Highway

Applicant: Blaine P. Reimer

Subject:



Premises Affected: 461 Ham Street

Exhibits Filed:

1. Application dated September 22, 2010
2. Notification of Public Hearing dated November 24, 2010
3. Manitoba Status of Title 2309792
4. Letter of authorization dated September 3, 2010, from Blaine P. Reimer and Melanie E. Reimer to Blaine P. Reimer
5. Surveyor's Building Location Certificate and sketch dated April 27, 2005

6a. Caveat 195182

6b. Caveat 237569

7. Plans (3 pages)
8. Report from the Planning and Land Use Division dated January 7, 2011
9. Inspection Report
10. Audio Recording of representations

REPRESENTATIONS:

In Support:

Blaine P. Reimer

In Opposition

Nil

For Information:

Nil

For the City:

Ms. S. Matile, Land Development Engineer, Planning, Property and Development Department
Mr. J. Wintrup, Senior Planner, Planning, Property and Development Department

Exhibit "8" referred to in File DASZ 28/2010 [c/r DAV 158866/2010D]

ADMINISTRATIVE REPORT

Title: DASZ 28/2010 – 461 Ham St

Issue: For consideration at the Public Hearing for a subdivision and rezoning for the creation of two (2) residential building lots.

Critical Path: East Kildonan - Transcona Community Committee → Standing Policy Committee on Property and Development → Executive Policy Committee → Council

AUTHORIZATION

Author	Department Head	CFO	CAO
P. Regan	n/a	n/a	

RECOMMENDATIONS

1. That the plan of subdivision proposed under File DASZ 28/2010 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 28/2010 dated January 7, 2011 with such minor changes as may be required, and 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 January 4, 2011.

2. That the Winnipeg Zoning By-law No. 200/06 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 28/2010 with amendments and revisions contained therein for File DASZ 28/2010 dated December 29, 2010, to a "R1-L" Residential Single Family district subject to the following:

    A. That the applicant enter into a Zoning Agreement with the City pursuant to Section 240(1) of the City of Winnipeg Charter to include the following conditions:

        i. 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.

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.

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

REASON FOR THE REPORT

- The applicant intends to rezone the subject property from “RR5” Rural Residential 5 to “R1-L” Residential Single Family district and subdivide it to create an additional two residential lots.

- The existing single family dwelling will remain on a lot 86.68 ft. wide, while the proposed lots will each be 50 ft. wide.
- Piped water and sewer can be provided. A similar application at 445-453 Ham St was approved by Council in 2007 on the grounds that this portion of Ham was a dead-end roadway surrounded by new, fully serviced development, and that the extension of services would never be economically feasible with the creation of only a handful of new lots.
- The Planning and Land Use Division is supportive of the proposed application **because there is no potential for the creation of any further lots on this dead-end street.**

IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendations of the Planning and Land Use Division are concurred in, a development permit can be issued.

HISTORY

DASZ 20/2005

- On September 27, 2006, Council approved a subdivision and rezoning at 461 Ham St to create five single family residential lots zoned "R1-M" fronting Al Thompson Dr.
- The application was approved due in large part because the proposed lots with consistent with surrounding lots created as per DASZ 50/2004.
- It was approved subject to the following condition:
    - That residential lots abutting the existing high pressure gas pipeline shall provide a minimum 50 ft. setback between the high pressure gas pipeline and any principal dwellings.
    - This was established as a condition of a zoning agreement. It only applies to the five residential lots fronting onto Al Thompson Dr. It does not apply to the subject property.
- The subject property fronting Ham was left as a residual lot zoned "RR5".
- This application was originally made in concurrence with DAV 05-130808; however, a revision was made to the plan that, as a result, did not require a variance.

DASZ 38/2006 (445-453 Ham St)

- On February 21, 2007, Council approved a subdivision and rezoning at 445-453 Ham St to establish six residential lots - one additional lot would front onto Ham St, while the other five would front onto Al Thompson Dr.
- The Planning and Land Use Division recommended rejection of the subdivision along Ham, citing the lack of a full range of municipal services – piped water and land drainage and an urban standard roadway (a sewer main would not be required, as the Water and Waste Department would permit a special connection to the existing sewer interceptor).
- Council did not concur with the PLU Division. According to minutes of the East Kildonan-Transcona Community Committee, area councillor Russ Wyatt supported the proposed

subdivision on the grounds that this portion of Ham was a dead-end roadway surrounded by new, fully serviced development; the extension of services would never be economically feasible with the creation of only a handful of new lots. Council required the installation of a watermain along Ham between Notley Dr and Crozier Av as a Local Improvement, and that piped wastewater would be attained by a special connection to the sewer interceptor. Piped land drainage and an urban standard roadway would not be required.

- It was approved subject to the following condition:
    - That residential lots abutting the existing high pressure gas pipeline shall provide a minimum 50 ft. setback between the high pressure gas pipeline and any principal dwellings.

DAV 10-158866D

- In concurrence with this application, the applicant has also applied for variances on proposed Lots 1 and 2 to permit the construction of two single family dwellings and attached garages with:
    - On proposed Lot 1, a front yard of 20 ft. instead of 50 ft.
    - On proposed Lot 2, a front yard of 30 ft. instead of 50 ft.
- These variances are necessitated by the minimum 50 ft. setback from the high pressure gas pipeline.

CONSULTATION

In preparing this report there was consultation with:

N/A

SUBMITTED BY

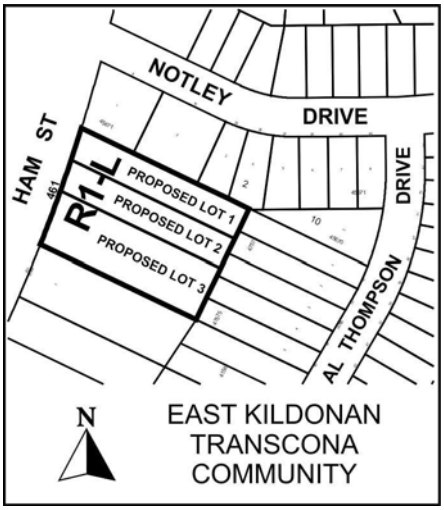
Department	Planning, Property and Development
Division	Planning and Land Use
Prepared by	Michael Pyl
Date:	January 7, 2011
File No.	DASZ 28/10

APPENDIX 'A'

DATE: January 7, 2011
FILE: DASZ 28/10
RELATED FILES: DASZ 20/05, DASZ 38/2006, DAV 10-158866D
COMMUNITY: Transcona
NEIGHBOURHOOD #: 4.424

SUBJECT: Subdivision and Rezoning for the creation of two (2) residential building lots.

LOCATION: 461 Ham



APPLICANT: Blaine Reimer
461 Ham St
Winnipeg, MB R3W 1R5

OWNER: Blaine and Melanie Reimer
461 Ham St
Winnipeg, MB R3W 1R5

RECOMMENDATION: Approval

REPORT SUMMARY

- The applicant intends to rezone the subject property from "RR5" Rural Residential 5 to "R1-L" Residential Single Family district and subdivide it to create an additional two residential lots.

- The existing single family dwelling will remain on a lot 86.68 ft. wide, while the proposed lots will each be 50 ft. wide.
- Piped water and sewer can be provided. A similar application at 445-453 Ham St was approved by Council in 2007 on the grounds that this portion of Ham was a dead-end roadway surrounded by new, fully serviced development, and that the extension of services would never be economically feasible with the creation of only a handful of new lots.
- The Planning and Land Use Division is supportive of the proposed application **because there is no potential for the creation of any further lots on this dead-end street.**

SITE DESCRIPTION

- The subject property is located on the east side of Ham St south of Notley Dr in the Grassie neighbourhood of the Transcona ward.
- The site is 1.2 acres in area, with 186.6 ft. of frontage along Ham. It is zoned “RR5” Rural Residential 5 district. It is occupied by a two storey, 1,881 sq. ft. single family dwelling built in 2006 as well as a 194 sq. ft. wood shed. Both the dwelling and the shed are located in the south half of the property.
- A high pressure gas pipeline cuts diagonally across the middle of the property. A previous DASZ application (DASZ 20/2005) established a minimum 50 ft. setback between the pipeline and any principal dwellings. A city sewer interceptor also runs through this easement.
- Adjacent properties include a single family dwelling built in 1975 zoned “R1-L” to the south, five vacant residential building lots zoned “R1-M” to the east fronting Al Thompson Dr, vacant residential building lots zoned “R1-M” to the north fronting Notley Dr, and the Lagimodiere Blvd right-of-way to the west.



Figure 1: Site map of subject property and surrounding neighbourhood

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant intends to rezone the subject property from “RR5” to “R1-L” and create two additional residential lots.
- The existing single family dwelling will remain on a lot 86.68 ft. wide, while the proposed lots will each be 50 ft. wide.

BACKGROUND

DASZ 20/2005

- On September 27, 2006, Council approved a subdivision and rezoning at 461 Ham St to create five single family residential lots zoned “R1-M” fronting Al Thompson Dr.
- The application was approved due in large part because the proposed lots with consistent with surrounding lots created as per DASZ 50/2004.
- It was approved subject to the following condition:

  - That residential lots abutting the existing high pressure gas pipeline shall provide a minimum 50 ft. setback between the high pressure gas pipeline and any principal dwellings.
  - This was established as a condition of a zoning agreement. It only applies to the five residential lots fronting onto Al Thompson Dr. It does not apply to the subject property.
- The subject property fronting Ham was left as a residual lot zoned "RR5".
- This application was originally made in concurrence with DAV 05-130808; however, a revision was made to the plan that, as a result, did not require a variance.

DASZ 38/2006 (445-453 Ham St)

- On February 21, 2007, Council approved a subdivision and rezoning at 445-453 Ham St to establish six residential lots - one additional lot would front onto Ham St, while the other five would front onto Al Thompson Dr.
- The Planning and Land Use Division recommended rejection of the subdivision along Ham, citing the lack of a full range of municipal services – piped water and land drainage and an urban standard roadway (a sewer main would not be required, as the Water and Waste Department would permit a special connection to the existing sewer interceptor).
- Council did not concur with the PLU Division. According to minutes of the East Kildonan-Transcona Community Committee, area councillor Russ Wyatt supported the proposed subdivision on the grounds that this portion of Ham was a dead-end roadway surrounded by new, fully serviced development; the extension of services would never be economically feasible with the creation of only a handful of new lots. Council required the installation of a watermain along Ham between Notley Dr and Crozier Av as a Local Improvement, and that piped wastewater would be attained by a special connection to the sewer interceptor. Piped land drainage and an urban standard roadway would not be required.
- It was approved subject to the following condition:
  - That residential lots abutting the existing high pressure gas pipeline shall provide a minimum 50 ft. setback between the high pressure gas pipeline and any principal dwellings.

DAV 10-158866D

- In concurrence with this application, the applicant has also applied for variances on proposed Lots 1 and 2 to permit the construction of two single family dwellings and attached garages with:
  - On proposed Lot 1, a front yard of 20 ft. instead of 50 ft.
  - On proposed Lot 2, a front yard of 30 ft. instead of 50 ft.
- These variances are necessitated by the minimum 50 ft. setback from the high pressure gas pipeline.

ANALYSIS AND ISSUES

Plan Winnipeg

- The subject property is designated as Neighbourhood Policy Area in Plan Winnipeg.
- Policy 3B-02 Guide the Development of New and Existing Residential Areas requires "developments to provide a full range of municipal infrastructure in an environmentally-sound, economical, and timely manner".
- There is currently not a full range of municipal services along Ham St. While piped water was recently installed by Local Improvement, and the Water and Waste Department is prepared to allow a special connection to the sewer interceptor in the gas pipeline easement, there is no piped land drainage or an urban standard roadway.
- Council has supported a previous application (DASZ 38/2006) to create one additional residential lot along Ham immediately adjacent to the south on the grounds that this portion of Ham was a dead-end roadway surrounded by new, fully serviced development; the extension of services would never be economically feasible with the creation of only a handful of new lots. Council required the installation of a watermain along Ham between Notley Dr and Crozier Av as a Local Improvement, and piped wastewater would be attained by a special connection to the sewer interceptor. Piped land drainage and an urban standard roadway would not be required.

Zoning

- The Rural Residential 5 (RR5) district is intended to provide areas for large-lot rural residential development, along with limited agricultural uses.
- The Residential Single-Family (R1) district is intended to accommodate primarily single-family residential development in lower-density neighbourhoods.

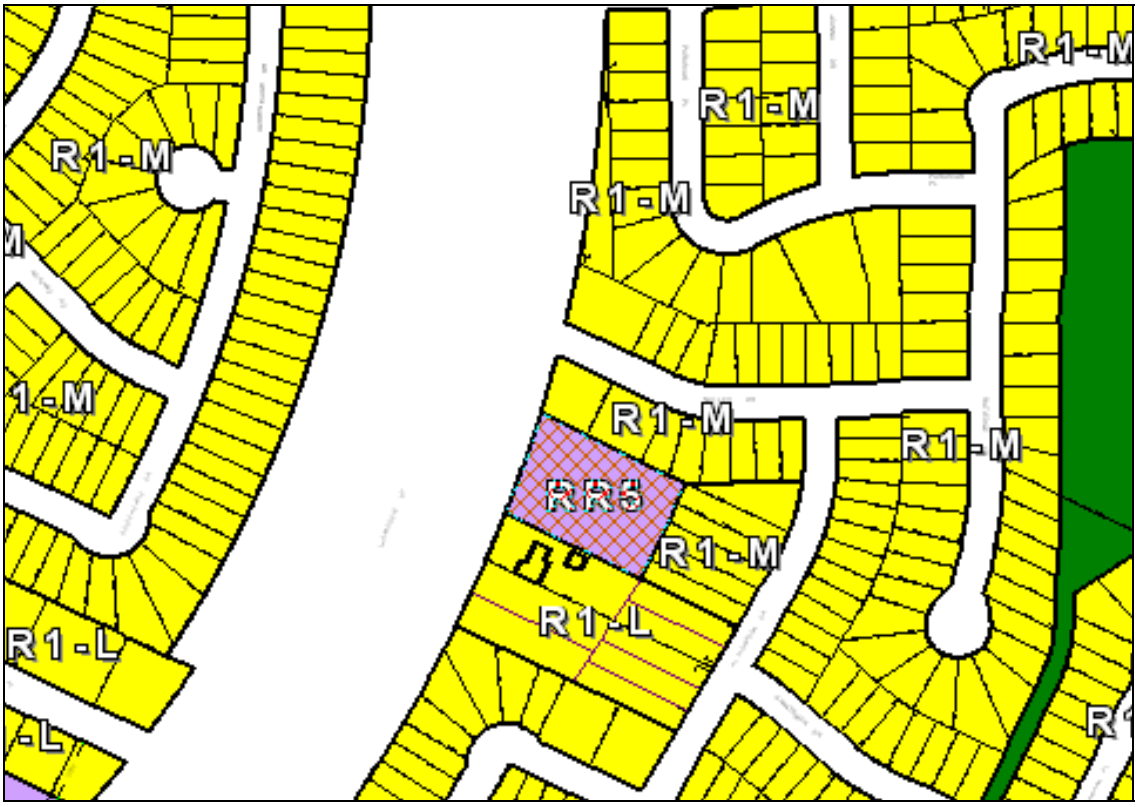


Figure 2: Zoning map of subject property and surrounding neighbourhood

- Section 137 of the zoning by-law prescribes the following dimensional standards for both the "RR5" and the "R1-l" districts:

Zoning District	Min. Lot Area (sq. ft.)	Min. Lot Width (sq. ft.)	Min. Front Yard (ft.)	Min. Rear Yard (ft.)	Min. Side Yard (ft.)	Min. Reverse Corner Street Side Yard	Max. Height of Building (ft.)	Max. Lot Coverage (%)
RR5	5 acres	25	25	25	25	25	35	30
R1-L	5,500	25	20	25	4	10	35	40

Figure 4: Dimensional standards for the "RR5" and "R1-L" zoning districts

ACG requirements

- A report has been prepared by the Administrative Coordinating Group. Among others, the applicant will be required to pay for its share of road improvements to Concordia Av E and Peguis St.

Local Improvements

- There are currently outstanding watermain and wastewater local improvements along this portion of Ham St. The applicant will be required to pay into them.

RECOMMENDATIONS

Plan Winnipeg 2020 Vision requires that a full range of municipal services be provided prior to any subdivision or development – this includes piped water, wastewater, land drainage, and an urban standard roadway. The Planning and Land Use Division has consistently upheld this requirement. Otherwise, future orderly development is compromised. Under-serviced homes in an urban area often create a demand for services at a later date, at which point the financial viability of their extension is significantly weakened. Permitting subdivision without a full range of municipal services also results in inconsistent standards within the urban environment and would erode the credibility of the City of Winnipeg land development policy.

However, this scenario is different compared with past applications that were rejected on these grounds. As per DASZ 38/2006, Council established a precedent unique to this portion of Ham St. A previous subdivision was approved only because it was located on a dead-end roadway surrounded by new, fully serviced development; the extension of services would never be economically feasible with the creation of only a handful of new lots, and **there is no potential for the creation of any further lots on this dead-end street**.

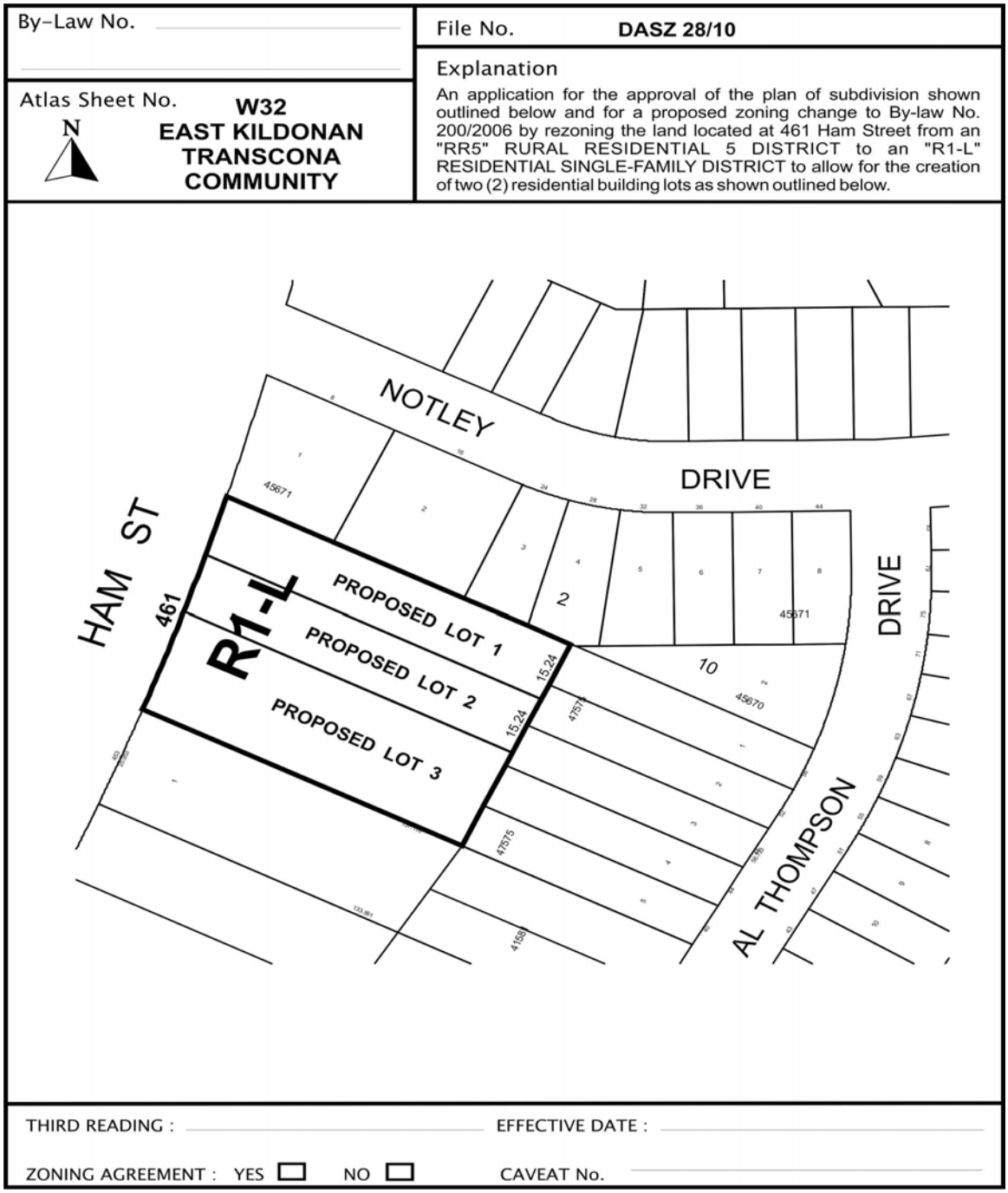
In recognition of the past position Council has adopted for this portion of Ham St, the Planning and Land Use Division is supportive of the proposed development. In this case, approval of this subdivision will not compromise any future development, because there is no remaining adjacent land to be developed. Two additional lots can be accommodated quite comfortably; however, the costs of upgrading the road and installing a land drainage sewer could never be recovered with such minimal development potential.

It is recommended that the applicant enter into a zoning agreement with the City establishing a 50 foot setback between the high pressure gas pipeline and any principal dwellings. This was included in the zoning agreement as per DASZ 20/2005. However, this zoning agreement does not apply to the subject property.

This Report Submitted by: Michael Pyl
Planning, Property and Development Department
Planning and Land Use Division
Report Prepared by:
PPD File # DASZ 28/10

APPENDIX 'B'

Schedule "A" for File No. DASZ 28/10, East Kildonan – Transcona Community Committee, dated January 7, 2011.



Schedule "B"

REPORT OF THE ADMINISTRATIVE CO-ORDINATING GROUP – JANUARY 4, 2011

RE: PROPOSED SUBDIVISION AND REZONING OF LAND AT 461 HAM STREET - DASZ 28/10

It is recommended that the approval of DASZ 28/10 be subject to the Developer entering into a Servicing Agreement with the City of Winnipeg, containing the following conditions:

A. Servicing Agreement

1. The Developer shall, at no expense to the City, provide a lot grading plan, prepared by a municipal engineer, for the Planned Area, and construct all drainage works necessitated by the design.

2. The Developer shall, at no expense to the City, construct all swales, catchbasins, and leads required to provide lot drainage prior to the issuance of building permits.

3. The Developer shall, at no expense to the City, provide all easements with respect to the installation, maintenance, and replacement of swales, catchbasins, and leads for lot drainage upon registration of the approved subdivision mylars in the Land Titles Office.

4. The Developer shall pay its share of the cost of the following improvements in Concordia Avenue East on an area basis, for the area of the two additional proposed lots, 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, 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.

5. The Developer shall pay its share of the cost of the following improvements in Peguis Street on an area basis, for the area of the two additional proposed lots, 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.

6. The Developer shall pay its share, based on the 2 new lots, of the cost of the following improvements in Concordia Avenue East on an area basis, for the area of the two additional proposed lots included under this application 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 4.) 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.

7. 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.

8. 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.

9. 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.

10. 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.

11. The Developer shall pay to the City, prior to the release of the subdivision mylars for registration in the Land Titles Office, $1,200.00 plus GST per acre of the Planned Area (minimum $1,650.00) to defray the City's administration and related costs associated with the preparation and implementation of the Development Agreement.

THIS REPORT SUBMITTED BY:

Administrative Co-ordinating Group
File No. DASZ 28/10
January 4, 2011

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