Minute No. 363
Report - Standing Policy Committee on Property and Development – May 10, 2011

Item No. 3 Subdivision and Rezoning – 444 Grassie Boulevard (Transcona Ward) File DASZ 34/2010 [c/r DAV 167749/2010D]

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 34/2010 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 34/2010 dated December 17, 2010 with such minor changes as may be required, and for registration in the Winnipeg Land Titles Office subject to the following:

    A. That the Developer be required to enter into a to Development Agreement with the City containing all the conditions outlined in Schedule B, to the report of the Administrative Coordinating Group dated December 31, 2010, with the following amendments, namely:

        i. Amend Recommendation 1. by deleting the words "Grassie Boulevard and", delete the word "their" and replace with "its" delete the word "termini" and replace with "terminus"

        ii. Delete Recommendation 2. in its entirety and renumber the remaining recommendations accordingly.

        iii. Delete Recommendation 10. (new Recommendation 9.)in its entirety and replace with the following:

            9. The Developer shall be required to install a temporary "bulb" of a reasonable size at the end of Williamson Crescent to allow for a vehicle turning area.

        iv. Amend Recommendation 11. (new Recommendation 10.) by deleting the words "in lieu of constructing them"

    B. That Lots 2 and 3 fronting onto Grassie Boulevard shall not be established without a full range of municipal services.

Report - Standing Policy Committee on Property and Development – May 10, 2011

COUNCIL DECISION (continued):

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 34/2010 dated December 17, 2010, to R1-M Residential Single-Family District – Medium subject to the following:

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

        i. That a 25 foot front yard adjacent to Williamson Crescent be established.

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 Development 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.

Report - Standing Policy Committee on Property and Development – May 10, 2011

COUNCIL DECISION (continued):

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 thing necessary for implementation in accordance with the terms of The City of Winnipeg Charter

Report - Standing Policy Committee on Property and Development – May 10, 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 May 18, 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 May 10, 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. B. in its entirety and replace with the following:

  "1.B. That Lots 2 and 3 fronting onto Grassie Boulevard shall not be established without a full range of municipal services"

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

On April 5, 2011, the Standing Policy Committee on Property and Development laid over the matter to its meeting on May 10, 2011.

Report - Standing Policy Committee on Property and Development – May 10, 2011

DECISION MAKING HISTORY: (continued)

COMMUNITY COMMITTEE RECOMMENDATION:

On March 15, 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 "December 31, 2010",

  "with the following amendments, namely:

  i. Amend Recommendation 1. by deleting the words "Grassie Boulevard and", delete the word "their" and replace with "its" delete the word "termini" and replace with "terminus"

  ii. Delete Recommendation 2. in its entirety and renumber the remaining recommendations accordingly

  iii. Delete Recommendation 10. (new Recommendation 9.)in its entirety and replace with the following:

  9. The Developer shall be required to install a temporary "bulb" of a reasonable size at the end of Williamson Crescent to allow for a vehicle turning area.

  iii. Amend Recommendation 11. (new Recommendation 10.) by deleting the words "in lieu of constructing them"

- Add the following new Recommendation 1. B.

  "B. That Lots 2 and 3 shall not be established until such time as a Local Improvement for wastewater sewer and watermain is approved for Grassie Boulevard."

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

On February 15, 2011, the East Kildonan-Transcona Community Committee did not hear any representation on the application and further adjourned the public hearing to its meeting on March 15, 2011 at 6:30 p.m. at the Bronx Park Community Centre, 720 Henderson Highway.

Report - Standing Policy Committee on Property and Development – May 10, 2011

DECISION MAKING HISTORY: (continued)

COMMUNITY COMMITTEE RECOMMENDATION: (continued)

On January 18, 2011, the East Kildonan-Transcona Community Committee adjourned the public hearing to its meeting on February 15, 2011 at 6:30 p.m. at the Royal Canadian Legion, Transcona Branch, 117 Regent Avenue East, and requested the Winnipeg Public Service to report back with recommendations on amendments to the following Recommendations of the Report of the Administrative Co-ordinating Group dated December 31, 2010,

- Recommendations 2, 10 and 18 – Provide amendments to address the need for a full range of municipal services for the proposed lots fronting Grassie Boulevard via the Local Improvement Program, with the boundary no further than the most eastern limit of the subject property;

- Recommendation 9. - Amend so as to require a temporary “bulb” at the end of Williamson Crescent to allow for a vehicle turning area.

RE: **Subdivision and Rezoning – 444 Grassie Boulevard**
File DASZ 34/2010 [c/r DAV 167749/2010D]

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: **March 17, 2011**

COMMUNITY COMMITTEE RECOMMENDATION:

On March 15, 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 34/2010 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 34/2010 dated December 17, 2010 with such minor changes as may be required, and for registration in the Winnipeg Land Titles Office subject to the following:

    A. That the Developer be required to enter into a to Development Agreement with the City containing all the conditions outlined in Schedule B, the report of the Administrative Coordinating Group dated December 31, 2010, ***with the following amendments, namely:***

        i. Amend Recommendation 1. by deleting the words "Grassie Boulevard and", delete the word "their" and replace with "its" delete the word "termini" and replace with "terminus"

        ii. Delete Recommendation 2. in its entirety and renumber the remaining Recommendations accordingly.

        iii. Delete Recommendation 10. (new Recommendation 9.)in its entirety and replace with the following:

            9. The Developer shall be required to install a temporary "bulb" of a reasonable size at the end of Williamson Crescent to allow for a vehicle turning area.

        iv. Amend Recommendation 11. (new Recommendation 10.) by deleting the words "in lieu of constructing them"

B. That Lots 2 and 3 shall not be established until such time as a Local Improvement for wastewater sewer and watermain is approved for Grassie Boulevard.

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 34/2010 dated December 17, 2010, to R1-M Residential Single-Family District – Medium subject to the following:

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

      i. That a 25 foot front yard adjacent to Williamson Crescent be established.

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 Development 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 thing 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 reasons for its recommendation:

1. The remaining parcels to the east up to the City owned property will potentially also be developed and when they are the issue a full range of services for the properties on Grassie Boulevard will be addressed.

2. Grassie Boulevard is a fully paved street with asphalt pavement.

3. There is a Local Improvement that will be advertised for this section of Grassie Boulevard for the installation of wastewater sewer and watermain which will improve the standard of living for the residents on Grassie Boulevard.

PUBLIC HEARING SUMMARY

File: DASZ 34/2010 [c/r DAV 167749/2010D]

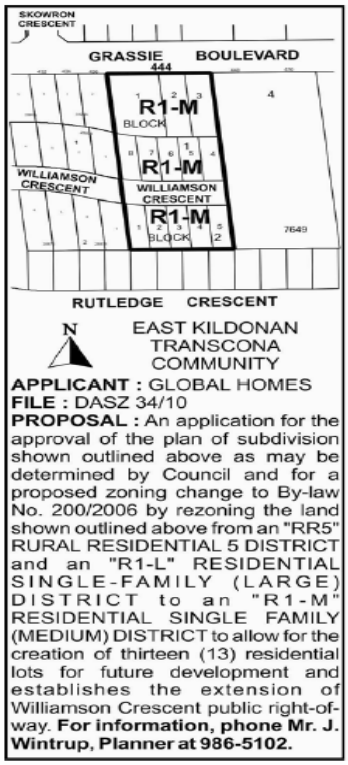
Before: East Kildonan-Transcona Community Committee
Councillor Wyatt, Chairperson
Councillor Browaty
Councillor Steen

Public Hearing: March 15, 2011
Bronx Park Community Centre
720 Henderson Highway

February 15, 2011
The Royal Canadian Legion, Transcona Branch
117 Regent Avenue East

Applicant: Global Homes
(Matthew Nicolas)

Subject:



Premises Affected: 444 Grassie Boulevard

Exhibits Filed:

1. Application dated November 3, 2010
2. Notification of Public Hearing dated November 24, 2010
3. Manitoba Status of Title 1265451
4. Letter of authorization dated October 8, 2010, from Hubert William Whitfield and Norma Loreen Whitfield to Global Homes Ltd. and Bernhard Goertzen
5. Surveyor's Building Location Certificate and sketch dated May 27, 2005
6. Plan (1 page)
7. Report from the Planning and Land Use Division dated January 7, 2011
8. Inspection Report
9. Audio Recording of the adjourned public hearing held on January 18, 2011
10. Notice of Adjournment dated January 21, 2011
11. Supplementary report from the Planning and Land Use Division dated February 3, 2011
12. Notice of Adjournment dated February 16, 2011
13. Audio Recording of representations of public hearing held on March 15, 2011

REPRESENTATIONS:

In Support:

John Ducharme
Bernhard Goertzen, Global Homes
Kathern Maes, Global Homes
Cecil R. Notley
Mike O'Shaughnessy

In Opposition:

Nil

For Information:

Henry Loewen
Darlene McDonald
Scott McDonald
Heather Vanrobaeys
Norma Whitfield
Barry Young
Dave Young

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 "7" referred to in File DASZ 34/2010

ADMINISTRATIVE REPORT

Title: DASZ 34/2010 – 444 Grassie Blvd

Issue: For consideration at the Public Hearing for a subdivision and rezoning to allow for future residential development of 12 single family 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			

RECOMMENDATIONS

1. That the plan of subdivision proposed under File DASZ 34/10 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 34/10 dated December 17, 2010 with such minor changes as may be required, and for registration in the Winnipeg Land Titles Office subject to the following:

    A. That the Developer be required to enter into a to Development Agreement with the City containing all the conditions outlined in Schedule B, the report of the Administrative Coordinating Group dated December 31, 2010.

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 34/10 dated December 17, 2010, to R1-M Residential Single-Family District – Medium subject to the following:

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

i. That a 25 foot front yard adjacent to Williamson Crescent be established.

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 Development 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 be requested to do all thing necessary for implementation in accordance with the terms of The City of Winnipeg Charter

REASON FOR THE REPORT

- The subject property is 2.0 acres zoned RR 5 Rural Residential District and R1-L Residential Single-Family District – Large located on the south side of Grassie Blvd, east of Skrowon in the Grassie neighbourhood of the Transcona Ward.
- The subject property is occupied by a one story, single family dwelling constructed in 1961.
- The applicant intends to create ten (10) lots along an extension of Williamson Crescent, two new lots along Grassie Blvd for single family dwellings; and retain the existing single family dwelling on a lot.
- Public Works will not allow any further extensions of Williamson Crescent until a second permanent means of access out to Grassie Blvd is provided, thus a temporary access is required to connect to Grassie Blvd.

IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendations of the Planning and Land Use Division are concurred in, ten (10) single family lots along Williamson Crescent and two (2) single family lots on Grassie will be created - - the existing single family dwelling will remain on a lot.

HISTORY

On July 27, 2005, Council approved DASZ 21/2005, A Subdivision and Rezoning - 444 Grassie Boulevard:

- The applicant is proposing to develop thirteen (13) single family residential lots.
- Williamson Crescent will be extended with ten (10) single family residential lots.
- Municipal services will be extended along Grassie Blvd to permit three new residential lots fronting Grassie.
- The existing dwelling at 444 Grassie Blvd will remain.

On December 14, 2005, Council adopted By-law No. 225/2005, a by-law of The City of Winnipeg to approve a Plan of Subdivision and to amend Zoning By-law No. 6400/94 for the enactment of a zoning
change on land located at 444 Grassie Boulevard in the East Kildonan-Transcona Community.

On September 22, 2010, Council approved a Servicing Agreement at 444 Grassie Boulevard in relation to DASSF 540/2009, a proposed plan of subdivision to subdivide the existing single family dwelling out from the larger land parcel.

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:	*January 7, 2011*
File No.	*DASZ 34/10*

List of Schedules and Attachments

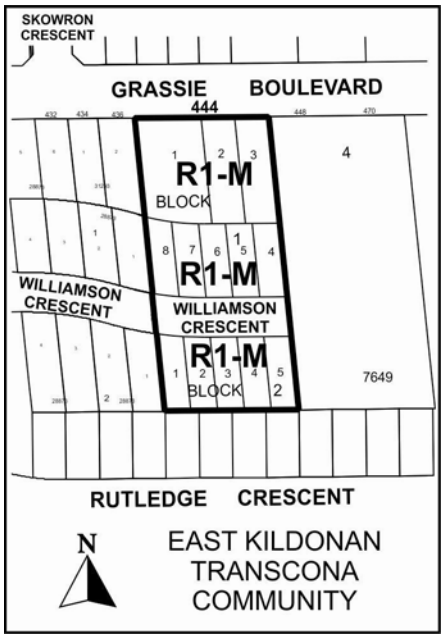
1. Appendix A – Planning Discussion
2. Schedule “A” for File No. DASZ 34/2010
3. Schedule “B” - Administrative Coordinating Group Development Agreement.

APPENDIX 'A'

DATE: December 17, 2010
FILE: DASZ 34/10
RELATED FILES: DASZ 5/1989; DASZ 50/04; DASZ 21/05; DASSF 540/2009
COMMUNITY: Grassie
NEIGHBOURHOOD #: 4.424

SUBJECT: Subdivision and Rezoning to create ten (10) single family lots along Williamson Crescent and two (2) single family lots on Grassie will be created - - the existing single family dwelling will remain on a lot.

LOCATION: 444 Grassie Blvd



APPLICANT: Global Homes - Matthew Nicolas
230-1695 Henderson Hwy
WINNIPEG MB

OWNER: H. & N. Whitfield

RECOMMENDATION: Approval with Conditions

REPORT SUMMARY

- The applicant intends to create ten (10) lots along an extension of Williamson Crescent, two new lots along Grassie Blvd for single family dwellings; and retain the existing single family dwelling on a lot.
- Public Works will not allow any further extensions of Williamson Crescent until a second permanent means of access out to Grassie Blvd is provided, thus a temporary access is required to connect to Grassie Blvd.

SURROUNDING LAND USES AND ZONING

- The subject property is 2.0 acres zoned RR 5 Rural Residential District and R1-L Residential Single-Family District – Large located on the south side of Grassie Blvd, east of Skrowon in the Grassie neighbourhood of the Transcona Ward.
- The subject property is occupied by a one story, single family dwelling constructed in 1961.
- Adjacent properties include single family dwellings to the east and south zoned R1-M Residential Single-Family District – Medium; and to the east zoned R1-L.
- Surrounding lands to the north across the Grassie are vacant lands zoned RMF- S Residential Multi-Family District - Small and single family dwellings zoned R1-L.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant is proposing to subdivide the property into 13 lots for single family dwellings.
- Three lots will front Grassie and will include one lot for the existing dwelling at 444 Grassie Blvd.
- Ten lots will be along Williamson Crescent, which will be extended east from its existing terminus to allow the development of the back lands at 444 Grassie Blvd.
- The lots fronting Williamson will be approximately 50 feet in width and 158 feet in depth.
- The lots fronting Grassie Blvd will be 50 feet in width except the existing dwelling will reside on a lot 100 feet in width and 158 feet in depth..

ANALYSIS AND ISSUES

Transcona West Area Structure

- On July 16, 2008, Council adopted the 'Transcona West Area Structure Plan' (by-law 215/2006).
- The subject property is within this Secondary Plan area.
- The 'Transportation Plan – Streets Map 5' illustrates the conceptualized future street network for the Transcona West Area. The map indicates that Willamson Crescent will be extended east and then north to connect to Grassie Blvd.
- The 'Land-Use Plan – Map 3' classifies the subject lands as 'Proposed Low Density Residential' that enables single family dwellings.

Zoning By-law 200/06

- **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.

- **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.

Land Use By-Law

- Variances may be appealed to the Appeals Committee for a new public hearing, whereas the recommendation by Community Committee for a rezoning proceeds to Council for decision.
- Variances for a substandard lot areas and lot widths is being requested for the 13 lots under the Special Boundary Conditions" of Zoning By-Law No. 200/2006.

Road Access

- Public Works has also indicated that the plan as proposed results in a dead-end of approximately 190 metres from McLellan Drive and containing 26 single family dwellings with only a single means of access.

- The current recommended length for a cul-de-sac is 105 metres. Public Works will not allow any further extensions of Williamson Crescent until a second permanent means of access out to Grassie Blvd is provided, thus a temporary access is required to connect to Grassie Blvd.

Municipal Services

- The Developer will be required to extend a full range of municipal services down Grassie to service the fronting lots.

Land Dedication

- 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.

RECOMMENDATIONS

The Planning and Land Use Division recommends approval because, subject to the conditions stated in the section of this report titled "Recommendations," the proposed development and associated rezoning is compatible with the neighbourhood:

- The site plan is compatible with the concept plan drafted for the future extension of Williamson Crescent as illustrated in the Transcona West Secondary Plan.

- The Public Service notes that the existing residential dwellings on Williamson Crescent to the immediate west were developed under the previous zoning by-law that required 25 foot front yards. This front yard dimension has established the characteristics of this street

This Report Submitted by: John Wintrup
Planning, Property and Development Department
Planning and Land Use Division
Report Prepared by:
PPD File # DASZ 34/10

Schedule “A” for File No. DASZ 34/10, East Kildonan – Transcona Community Committee, dated December 17, 2010.

By-Law No. _____

File No. **DASZ 34/10**

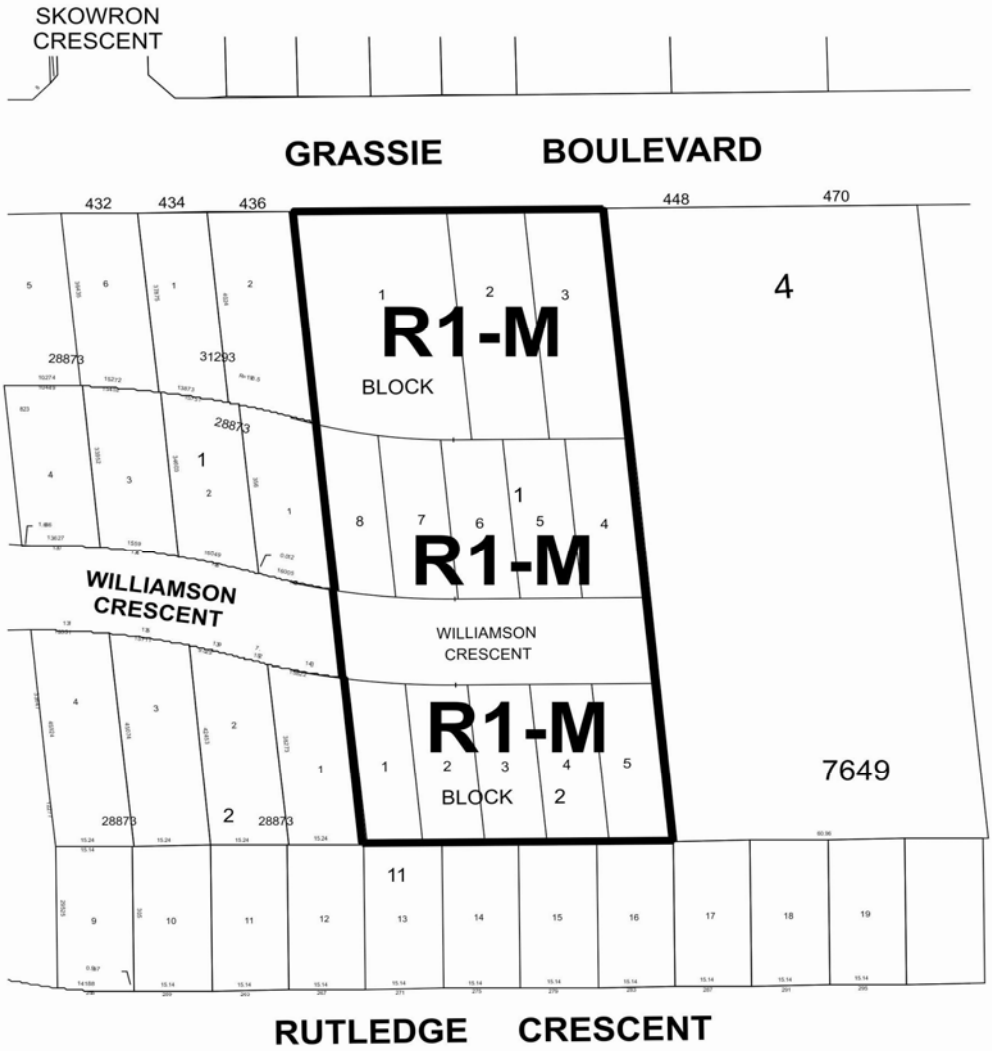
Atlas Sheet No. **W32**

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 444 Grassie Boulevard from an "RR5" RURAL RESIDENTIAL 5 DISTRICT and an "R1-L" RESIDENTIAL SINGLE-FAMILY (LARGE) DISTRICT to an "R1-M" RESIDENTIAL SINGLE FAMILY (MEDIUM) DISTRICT to allow for the creation of thirteen (13) residential lots for future development and establishes the extension of Williamson Crescent public right-of-way as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

SCHEDULE B

REPORT OF THE ADMINISTRATIVE CO-ORDINATING GROUP – DECEMBER 31, 2010

RE: PROPOSED SUBDIVISION AND REZONING OF LAND AT 444 Grassie Boulevard - DASZ 34/10

Your Committee is advised that the plan, as proposed, results in a dead-end street approximately 180 metres long containing 26 single family residential lots with only a single means of access. The current recommended length for a cul-de-sac is 105 metres. The Developer is therefore required to provide a paved secondary temporary or permanent means of street access from Williamson Crescent out to Grassie Boulevard.

It is recommended that the approval of DASZ 34/10 be subject to the following:

Plan Considerations

1. The Developer amending its plan to include a 1 ft (0.3m) development control strip across Williamson Crescent at its easterly terminus.

Development Agreement

The Developer entering into a Development Agreement with the City of Winnipeg, containing the following conditions:

1. The Developer shall, at no expense to the City, construct all watermains, wastewater sewers and land drainage sewers in Grassie Boulevard and Williamson Crescent from their existing termini to the east limit of the proposed subdivision. This shall include a looped watermain connection at the east end of the development.

2. The Developer shall oversize the watermain in Grassie Boulevard and the City shall reimburse the Developer for the oversized portion in accordance with the Development Agreement Parameters.

3. The Developer shall pay for its share of the regional land drainage system (2010 rate = $9,369.00/acre) and shall pay the local improvement charges for the existing land drainage sewer in Grassie Boulevard partly fronting the subject property.

4. The Developer shall, at no expense to the City, construct and install wastewater and water building services from the wastewater sewer and watermain, to service all lots within the Planned Area, as determined by, and to the satisfaction of, the Director of Water and Waste.

- The Developer shall 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, after which the house sewer may be connected. The Developer hereby indemnifies the City against all actions, claims, demands, damages, losses, and costs, including legal and court costs, suffered or incurred by the City arising out of any failure to do so.

- The Developer shall replace or repair any water or sewer service found to be defective within one year following the date the water is turned on for domestic use, and shall pay the City any cost incurred by the City arising out of any such defect.

5. 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.

6. 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.

7. 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.

8. The Developer is to provide two paved means of vehicular access to development within the Planned Area, to the satisfaction of the Director of Public Works. This will require the construction of a paved secondary temporary or permanent street and the provision of right-of-way or easements therefore.

9. The Developer shall pay to the City, prior to the release of the approved subdivision mylars for registration in the Land Titles Office, its share of the cost of acquiring property for and constructing a permanent north-south secondary access street to connect Williamson Crescent to Grassie Boulevard, as determined by the Director of Public Works.

10. The Developer shall, at no expense to the City, finance and construct in Grassie Boulevard between the existing terminus of the portland cement concrete pavement at Skowron Crescent and the east limit of the Planned Area abutting Grassie Boulevard a portland cement concrete pavement to a width as determined by the Director of Public Works by 200mm in thickness and all related works, including but not necessarily limited to sidewalks on both sides, ornamental street lighting, boulevard landscaping on both sides and any necessary land drainage works, all as determined by and to the satisfaction of the Director of Public Works.

11. In the event that services (watermains, wastewater sewers, land drainage sewers, pavement, boulevards, sidewalks) fronting the subject property in Grassie Boulevard are installed by others, the Developer shall pay its share of the cost of those services in lieu of constructing them.

12. The Developer shall, at no expense to the City, construct portland cement concrete pavement to a width of 7.5m and a thickness of 150mm in the street within the proposed subdivision, and all related works including, but not necessarily limited to boulevard landscaping, ornamental street lighting and land drainage sewer, all as determined by and to the satisfaction of the Director of Public Works.

13. 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.

14. 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.

15. 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.

16. 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.

17. The Developer shall, at no expense to the City, erect and maintain barricades and signing across the full width of any temporarily dead-ended streets, due to phasing of development, immediately upon completion of the paving or when house construction has begun, whichever is sooner, as determined by and to the satisfaction of the Director of Public Works.

18. The Developer shall pay its share of the cost of services previously installed by the City and others in Grassie Boulevard fronting on proposed Lot 1, 2 and 3, if applicable, as determined by the Directors of Public Works and Water and Waste.

19. The Developer shall pay its share of the cost of portland cement concrete pavement previously constructed by others at and in the vicinity of the intersection of Grassie Boulevard and Lagimodiere Boulevard, as determined by the Director of Public Works.

20. The Developer shall pay its share of the cost of traffic control signals previously installed at the intersections of Grassie Boulevard with Lagimodiere Boulevard and McLellan Drive as determined by the Director of Public Works.

21. In lieu of dedication of land for public open space, the Developer shall pay to the City, prior to the release of the subdivision mylars for registration in the Land Titles Office, 8% of the appraised increase in value of the land plus the cost of landscaping and services which it would have contributed to the City if public open space had been dedicated.

22. 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.

23. 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 34/10
December 31, 2010

"original signed by K.T. Raban, P. Eng."
K. T. Raban, P. Eng.
Land Development Branch

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

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

"original signed by D. Beaton, MLArch."
D. Beaton, MLArch.
Parks, Riverbanks, & Community Initiatives Branch

/ktr

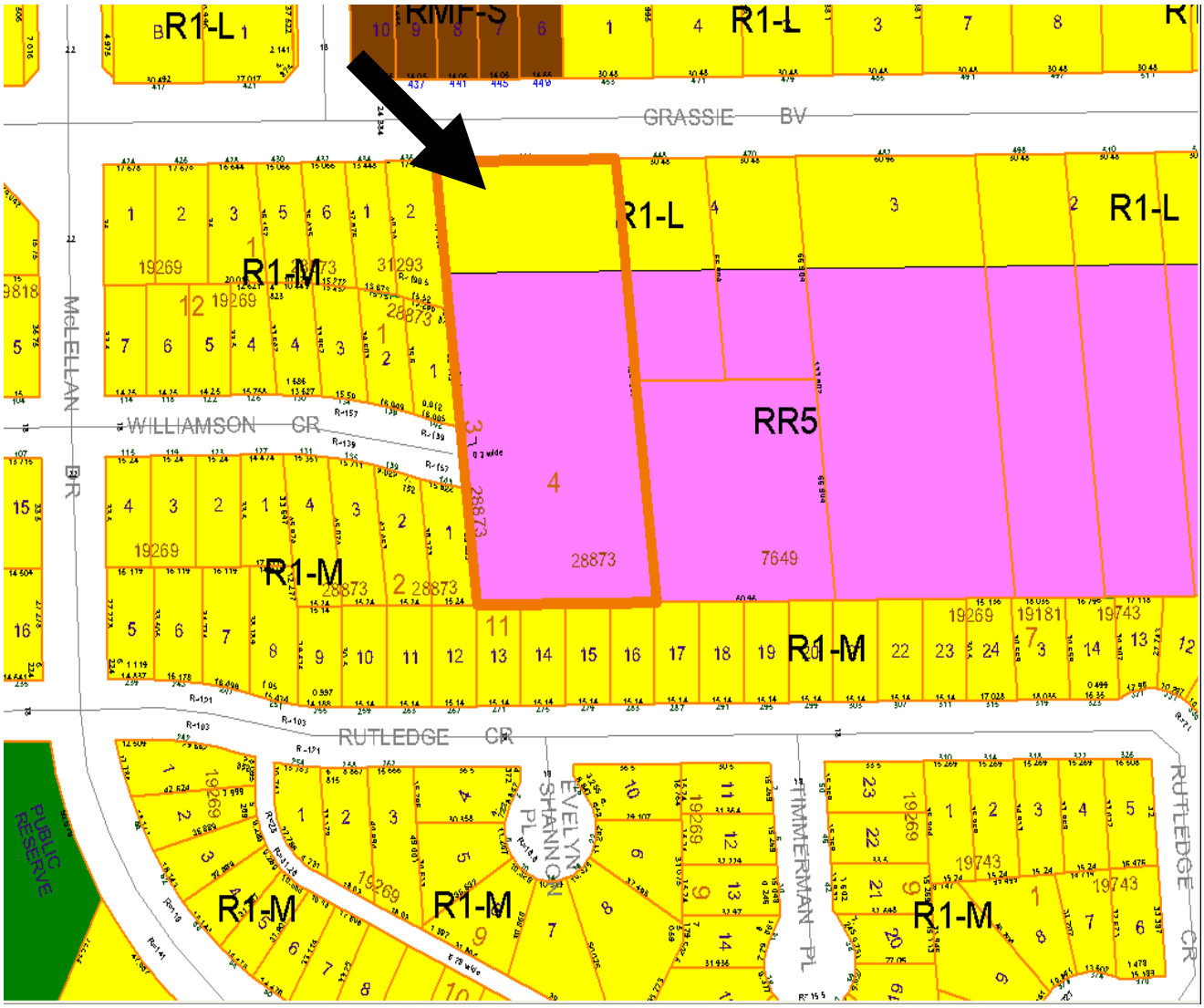


Figure 1: Existing Zoning for subject property and Surrounding Area.



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

Exhibit "11" referred to in File DASZ 34/2010 [c/r DAV 167749/2010D]

ADMINISTRATIVE REPORT

Title: **SUBDIVISION AND REZONING – 444 GRASSIE BOULEVARD – DASZ 34/2010**

Critical Path: **East Kildonan – Transcona Community Committee**

AUTHORIZATION

Author	Department Head	CFO	CAO
Kim Raban Land Development Administrator	Deepak Joshi		

RECOMMENDATIONS

That the Report of the Administrative Coordinating Group dated December 31, 2010 not be amended.

REASON FOR THE REPORT

Community Committee requested the Winnipeg Public Service to report back with Recommendations on this item.

IMPLICATIONS OF THE RECOMMENDATIONS

1. This Development Application will proceed consistent with the City's Transportation Standards Manual and the Development Agreement Parameters.

2. Subject to a successful local improvement advertisement, the Developer will recoup a share of his costs for works installed in Grassie Boulevard, from the abutting benefiting privately owned lands in a more timely manner.

HISTORY

On January 18, 2011 the East Kildonan - Transcona Community Committee adjourned the public hearing for this item to its meeting on February 15, 2011, and requested the Winnipeg Public Service to report back with recommendations on amendments to the following Recommendations of the Report of the Administrative Coordinating Group dated December 31, 2010,

1. **Recommendations 2, 10 and 18 – Provide amendments to address the need for a full range of municipal services for the proposed lots fronting Grassie Boulevard via the Local Improvement Program, with the boundary no further than the most eastern limit of the subject property;**

   The Winnipeg Public Service recommends that this item not be amended, however should the Committee not concur, the Local Improvement Program requirements are described further below.

   The Winnipeg Public Service (WPS) advises that it is not necessary to amend recommendations 2, 10 and 18 of the Report of the Administrative Coordinating Group dated December 31, 2010 to invoke a Local Improvement Program for developer payback purposes, if that is the Committee's intent. The proposed Development Agreement will contain a "Privately Owned Lands" clause that gives the Developer permission to request the City to advertise the subject works as local improvements for Developer Payback purposes from the adjacent privately owned lands. This common method of guaranteeing the installation of services, while ensuring timely Developer payback, has been successfully applied in several recent and past Development Agreements.

   However, should the Committee wish to pursue the installation of local improvements in advance of this application, the program can initiated either by Council or by the affected residents petitioning for the improvements.

   The Committee is advised that should they recommend that a full range of services be advertised and subsequently installed by Local improvement, that this development application, DASZ 34/2010 could only be finalized if and when the local improvement program is successfully established by Council passing the necessary Local Improvement by-laws. This is because the necessary commitment to install a full range of services via Development Agreement would not be in place. Committee is advised that this could significantly delay the subject development application.

   Community Committee can recommend that local improvements for a full range of services be advertised. Affected residents would have 30 days to object (petition against) the improvements. The WPS would report the advertising results back to Community Committee as follows;

1.) If no petition against is returned, or if a petition against is returned containing signatures from less than 40% of the assessable frontage, then the WPS will recommend that the improvements proceed.
2.) If a petition against is returned containing more than 60% in opposition then the advertisement is defeated and the work cannot proceed as a local improvement.
3.) If a petition against is returned containing between 40 – 60% in opposition, then Community Committee can recommend to Standing Policy Committee whether or not the improvements should proceed.

The local improvement program is more commonly initiated by the affected residents first petitioning for the improvements, with process as follows;

1.) If the petition for is returned with less than 60% in favour of the improvements, the WPS will recommend that the project(s) not proceed, however, Committee may still recommend that the project(s) proceed to be advertised.
2.) If the petition is returned with 60%-99% in favour of the improvements, then the WPS will recommend that the project(s) be advertised.
3.) If the petition is returned with 100% in favour of the improvements, the WPS will recommend that the project(s) proceed. Advertising will not be necessary.

The results of the advertisement will be reported as described above.

As information, on January 17, 2011 the Water and Waste Department received a request from Cecil Notley (498 Grassie Boulevard) for the installation of watermains and wastewater sewers in Grassie Boulevard from 448 to 520 Grassie Boulevard. The resultant Local Improvement applications, currently being processed, were amended to also include the land fronting 444 Grassie Boulevard because the subject works have to be constructed from their existing terminus in order to become operational. Petitions for these improvements are currently being prepared by the City's Finance Department for distribution to the applicant. Results of same will be presented to Community Committee in the next 3-5 months pending return of the petitions within 90 days of them being issued.

It should be noted that successful implementation of water and wastewater services in Grassie Boulevard will result only in the existing homes being able to connect. Future subdivision of lands still requires a full range of services to be installed, including watermain, wastewater sewer, land drainage sewer, concrete street pavement, concrete sidewalk, street lighting and boulevard sod. The 2010 Local Improvement rate payable for a full range of services in Grassie Boulevard is approximately $600 per frontage foot.

2. **Recommendation 9. - Amend so as to require a temporary "bulb" at the end of Williamson Crescent to allow for a vehicle turning area.**

   The Winnipeg Public Service recommends that this item not be amended. The Winnipeg Public Service does not support this proposed amendment. In the interest of public safety for fire, police and ambulance response and accessibility, a secondary means of access to the subject lands is required. The City of Winnipeg Transportation Standards Manual identifies the standard maximum acceptable length for cul de sac streets as 105 metres. The plan, as proposed, results in a dead-end street approximately 180 metres long containing 26 single family residential lots with only a single means of access.

   However, should Committee choose to amend the Recommendation;

   - Recommendation 8. of the Report of the Administrative Coordinating Group dated December 31, 2010 would be amended, not Recommendation 9 and;
   - it is necessary, as a minimum, that the applicant shall, at no expense to the City, provide a cul de sac turnaround with a minimum right of way or easement radius of 17.5 metres as illustrated on Drawing ST-90 or ST-90A (attached) with a straight-through concrete pavement and paved surface appended to an overall minimum pavement radius of 15 metres to accommodate fire Department needs.
   - All to the satisfaction of the Director of Public Works

FINANCIAL IMPACT

Financial Impact Statement **Date:**

Project Name: **First Year of Program**

	0	1	2	3	4
Capital					
Capital Expenditures Required	$ -	$ -	$ -	$ -	$ -
Less: Existing Budgeted Costs	-	-	-	-	-
Additional Capital Budget Required	$ -	$ -	$ -	$ -	$ -
Funding Sources:					
Debt - Internal	$ -	$ -	$ -	$ -	$ -
Debt - External	-	-	-	-	-
Grants (Enter Description Here)	-	-	-	-	-
Reserves, Equity, Surplus	-	-	-	-	-
Other - Enter Description Here	-	-	-	-	-
Total Funding	$ -	$ -	$ -	$ -	$ -
Total Additional Capital Budget Required	$ -				
Total Additional Debt Required	$ -				
Current Expenditures/Revenues					
Direct Costs	$ -	$ -	$ -	$ -	$ -
Less: Incremental Revenue/Recovery	-	-	-	-	-
Net Cost/(Benefit)	$ -	$ -	$ -	$ -	$ -
Less: Existing Budget Amounts	-	-	-	-	-
Net Budget Adjustment Required	$ -	$ -	$ -	$ -	$ -

Additional Comments:

original signed by
Department Controller

CONSULTATION

In preparing this report there was consultation with:

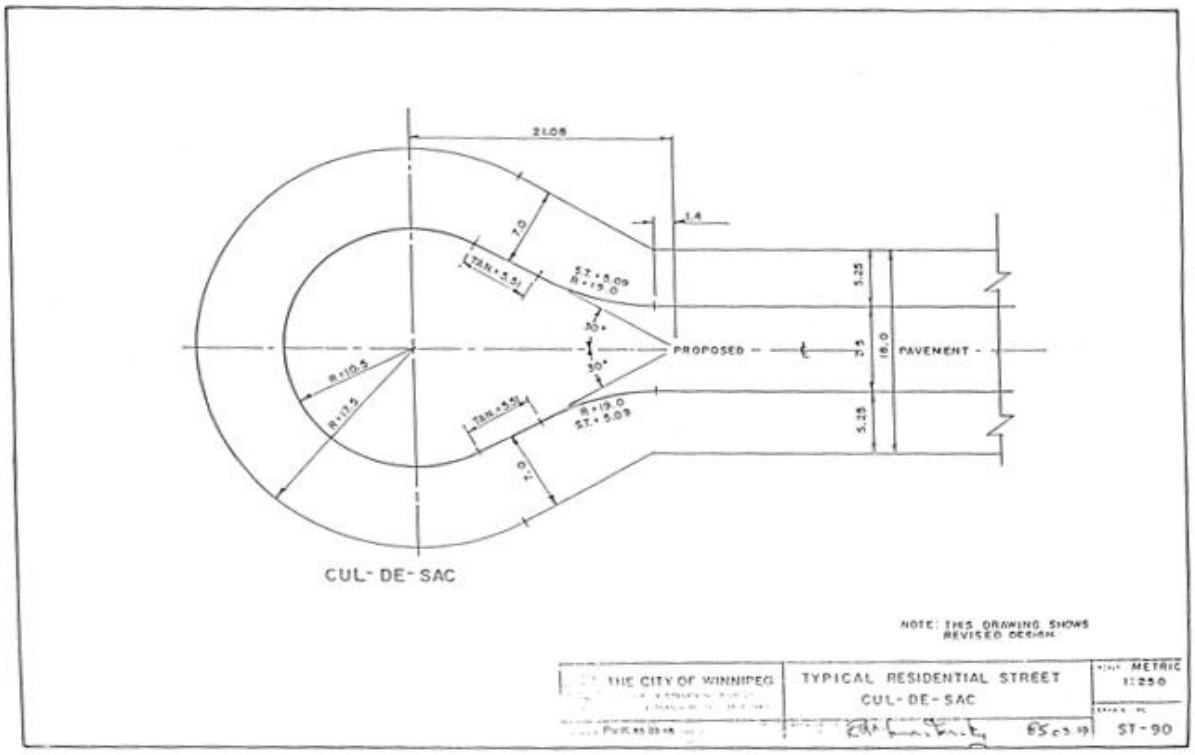
Water and Waste Department
Public Works Department
Fire Prevention

SUBMITTED BY

Department	Planning, Property and Development
Division	Development and Inspections
Prepared by:	Kim Raban, P.Eng.
Date:	February 3, 2011
File No.	DASZ 34/2010

Filename: G:\DASZ 34_2010 RIS Report to CC.doc

Attach.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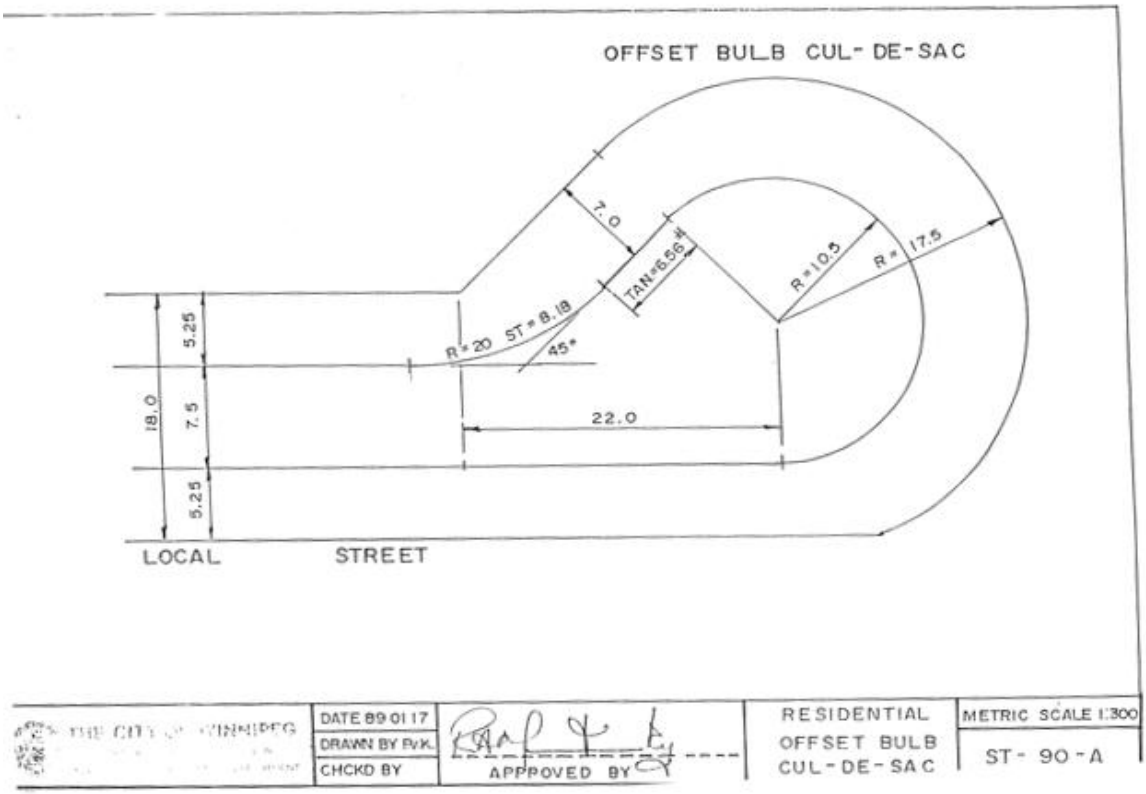
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