Agenda - Council – September 28, 2011

Report - Standing Policy Committee on Property and Development – September 13, 2011

Item No. 4 Development Agreement Amendment - 535 Ham Street (Transcona Ward) File DASZ 21/2009

STANDING COMMITTEE RECOMMENDATION:

On September 21, 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 submits the following to Council:

1. That Clause 5 of the August 20, 2009 Administrative Coordinating Group report contained in Item 2 of the Report of the Standing Policy Committee on Property and Development adopted by Council on November 25, 2009, be deleted, namely:

   "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."

2. 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 – September 13, 2011

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On September 21, 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 September 13, 2011, 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 July 19, 2011, the East Kildonan-Transcona Community Committee recommended to the Standing Policy Committee on Property and Development:

1. That Clause 5 of the August 20, 2009 Administrative Coordinating Group report contained in Item 2 of the Report of the Standing Policy Committee on Property and Development adopted by Council on November 25, 2009, be deleted:

   "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."

2. That the Proper Officers of the City be authorized to do all things necessary to implement Committee's recommendation.

ADMINISTRATIVE REPORT

Title: **Request to Amend Council Orders**
File DASZ 21/09 – 535 Ham Street

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

AUTHORIZATION

Author	Department Head	CFO	CAO
Kim Raban Land Development Administrator	Deepak Joshi, Director	N/A	N/A

RECOMMENDATIONS

1. That Committee consider this request to amend Council's instructions.
2. That the Proper Officers of the City be authorized to do all things necessary to implement Committee's recommendation.

REASON FOR THE REPORT

Council approval is required to amend conditions imposed on subdivision and rezoning applications by Council.

IMPLICATIONS OF THE RECOMMENDATIONS

N/A

HISTORY

On November 25, 2009 Council approved application DASZ 21/09, to subdivide and rezone the lands shown on Schedule "A", Appendix "A" attached. The Developer, Mr. Lloyd Yang is required to enter into a Servicing Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group (ACG) dated August 20, 2009.

The applicant, Sytko Construction on behalf of the owner Mr. Lloyd Yang has requested that Clause 5 of the August 20, 2009 ACG report contained in Council's instructions be deleted on the basis that this requirement is unfitting to the subdivision, see attached correspondence dated June 15, 2011, Appendix "B".

Clause 5. states:

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.

Discussion:

The Winnipeg Public Service retains it's position that a full range of services, generally including those required above and water and wastewater, remain as a condition of any development to align with standard development requirements for developing neighborhood areas. Clause 5 provides for this requirement.

Under this development application the three (3) newly created lots along Williamson Crescent are being provided with a full range of services. The existing dwelling fronting Ham Street will remain and as there will be no increase in development intensity on the residual lot or new lots created along Ham Street the requirement for a full range of services would not be a provisional requirement under Plan Winnipeg policy.

FINANCIAL IMPACT

There is no financial impact associated with this recommendation.

CONSULTATION

In preparing this Report there was consultation with:

Public Works Department
Planning and Land Use Division - Planning, Property and Development Department

SUBMITTED BY

Department:	Planning, Property and Development
Division:	Development and Inspections
Prepared by:	Rob Deighton, Land Development Branch
Date:	July 8, 2011
File No.	DASZ 21/09 (AG 21/09)

Appendix “A” – DASZ 21/09 map
Appendix “B” – Letter from Applicant

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APPENDIX "A" – DASZ 21/09 Map

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

By–Law No. _____

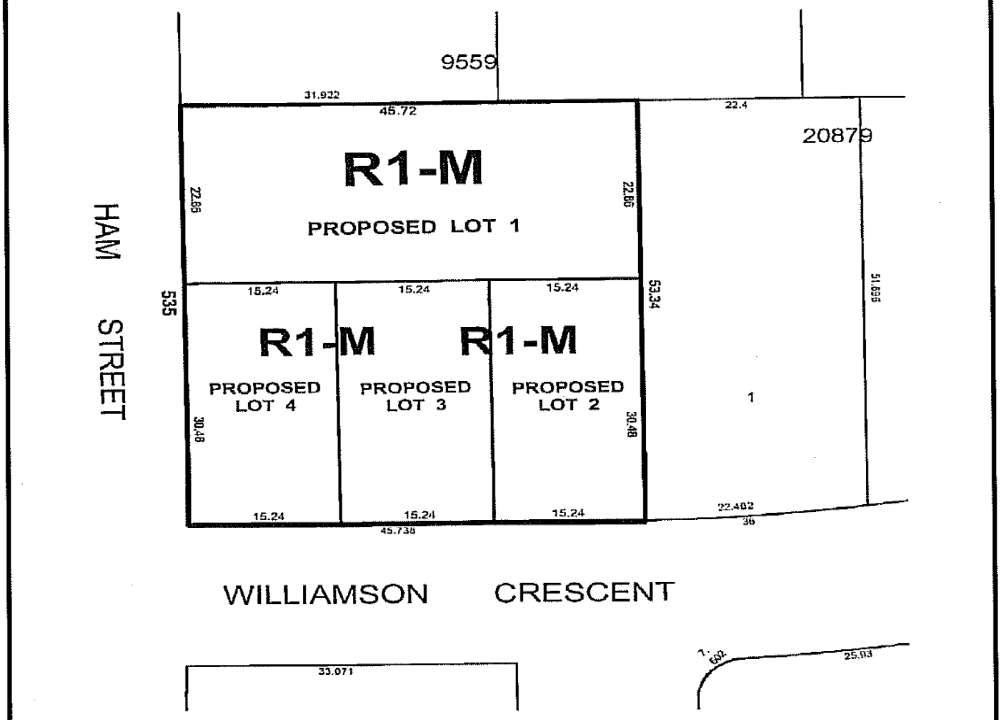
File No. DASZ 21/09

Atlas Sheet No. W32 EAST KILDONAN TRANSCONA COMMUNITY

N

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. _____

APPENDIX "B" – DASZ 21/09 – Request Letter from Applicant

Sytko Construction
279 Benn Ave. Wpg. Mb.
R2V 4T7

June 15th 2011

I am writing this letter on behalf of my client Mr. L. Yang in regards to subdivision file number DASZ 21/09. Within the documents labelled "Schedule B - Report of the administrative co-ordinating group" there are a number of stipulations that must be met to process the completion of the planned subdivision located on the current property known as 535 Ham St. Our client and ourselves (Sytko Construction) have found most points of the servicing agreement to be standard procedure and agree to meet the expectations laid out within them. There is however one point that we see as unfitting to the subdivision and would like to engage in the process of removing it from the agreement.

In section 5 of the servicing agreement it lays out a list of city services that are to be installed on what is known as lot 1 in the subdivision plan. This lot has Ham St. frontage and would maintain that after the subdivision is finalized. The current state of this frontage (and that of the entire portion of Ham St., south of Grassie) is a gravel access road, land drainage into ditches. This lot also makes use of a holding tank and well-drawn water. This is what we would simply like to continue to make use of for lot 1.

Ham St., south of Grassie has seen limited use as a major access route to the abutting development, and the future plans as proposed by the City of Winnipeg include a termination at the intersection of Ham and Grassie in a cul-de-sac adjacent to 316 Grassie blvd. This will now limit the use of Ham as a point of entry altogether. The few homeowners on Ham will now have to travel through the current development to their homes. The far south end of Ham is already terminated in this fashion, with a simple gravel cul-de-sac in place. All previous development done points to Ham St. maintaining its current state, of the graded gravel road and ditch drainage.

If in the future there is intentions to pave all or a large portion of Ham St. my clients would be willing to enter into a servicing agreement at that point, along with all of the other homeowners affected by the City of Winnipeg's future plans. However currently we find developing these services for a stretch of a gravel access road to be an unnecessary cost that may never see any direct benefit to the city or the land owner.

We are aware this revision goes against the normal procedures laid out in City of Winnipeg's plans, but we also see Ham St. as a somewhat individual case due to the current use and state of the street. We would like to continue the development we proposed on Ham St. and Williamson Cres. But with the improvements Ham to be removed from the servicing agreement. We hope this process can be done in a timely fashion so that everything (including the generation of new tax paying properties) can begin.

Thank You,

Adam Sytkowski

