Minute No. 242
Report - Standing Policy Committee on Property and Development – February 14, 2012

Item No. 1 **Subdivision and Rezoning – Northeast Corner of Peguis Street and Concordia Avenue**
(Transcona Ward)
File DASZ 41/2011

COUNCIL DECISION:

Council concurred in the recommendation of the Standing Policy Committee on Property and Development, as amended by the Executive Policy Committee, and adopted the following:

1. That the plan of subdivision proposed under File DASZ 41/2011 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 41/2011 dated December 29, 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 an addendum to Development Agreement AG 30/2005 with the City containing all the conditions outlined in the report of the Administrative Coordinating Group in Appendix "B".

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 41/2011 dated December 29, 2011 to R1-M Residential Single-Family District – Medium.

3. That in lieu of the requirement for land dedication, a sum of money, calculated as ten percent (10%) of the increase in market value of the land be paid to the City for the purchase of land for purposes of the City other than streets.

4. That the City owned property shown in broken outline and identified as "Subject City Property" on Schedule "B" be declared surplus to the needs of the City.

5. That the Director of Planning, Property and Development be authorized to negotiate and approve the sale of the "Subject City Property" shown in broken outline on "Schedule B" to the Applicant on terms and conditions satisfactory to the Director of Planning, Property and Development and the Director of Legal Services and City Solicitor in order to protect the interests of the City.

Report - Standing Policy Committee on Property and Development – February 14, 2012

COUNCIL DECISION (continued):

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

7. That in the event the matter is not proceeded with expeditiously and the by-law is not passed within two years 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 the two-year period and Council approves the extension.

8. That the Director of Legal Services and City Solicitor be requested to prepare the necessary by-law in accordance with the above.

9. That the subdivision section of the by-law shall come into force and effect upon execution by the City of Winnipeg of the addendum to Development Agreement AG 30/2005.

10. That the Private Access By-law No. 49/2008 be varied to authorize the construction of private approaches to the affected properties on Harvey Place and Brunka Place.

11. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision has been registered in the Winnipeg Land Titles Office.

12. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within one year from the date the by-law is passed, failing which 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 the one-year period and Council approves the extension.

13. 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 14, 2012

DECISION MAKING HISTORY:

Moved by Councillor Browaty,

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

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On February 15, 2012, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development, with the following amendment:

- That Recommendation 12 be deleted in its entirety

    12. 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

    and the remaining recommendations be renumbered accordingly,

and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On February 14, 2012, 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 January17, 2012, the East Kildonan-Transcona Community Committee concurred in the recommendation of the Winnipeg Public Service and forwarded the matter to the Standing Policy Committee on Property and Development.

RE: **Subdivision and Rezoning – Northeast Corner of Peguis Street and Concordia Avenue**
File DASZ 41/2011

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, 2012**

COMMUNITY COMMITTEE RECOMMENDATION:

On January 17, 2012, the East Kildonan-Transcona Community Committee concurred in the recommendation of the Winnipeg Public Service and recommends to the Standing Policy Committee on Property and Development:

1. That the plan of subdivision proposed under File DASZ 41/2011 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 41/2011 dated December 29, 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 an addendum to Development Agreement AG 30/2005 with the City containing all the conditions outlined in the report of the Administrative Coordinating Group in Appendix "B".

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 41/2011 dated December 29, 2011 to R1-M Residential Single-Family District – Medium.

3. That in lieu of the requirement for land dedication, a sum of money, calculated as ten percent (10%) of the increase in market value of the land be paid to the City for the purchase of land for purposes of the City other than streets.

4. That Council declare the City owned property shown in broken outline and identified as "Subject City Property" on Schedule "B" surplus to the needs of the City.

5. That the Director of Planning, Property and Development be authorized to negotiate and approve the sale of the "Subject City Property" shown in broken outline on "Schedule B" to the Applicant on terms and conditions satisfactory to the Director of Planning, Property and Development and the Director of Legal Services/City Solicitor in order to protect the interests of the City.

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

7. That in the event the matter is not proceeded with expeditiously and the by-law is not passed within two years 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 the two-year period and Council approves the extension.

8. That the Director of Legal Services and City Solicitor be requested to prepare the necessary by-law in accordance with the above.

9. That the subdivision section of the by-law shall come into force and effect upon execution by the City of Winnipeg of the addendum to Development Agreement AG 30/2005.

10. That the Private Access By-law No. 49/2008 be varied to authorize the construction of private approaches to the affected properties on Harvey Place and Brunka Place.

11. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision has been registered in the Winnipeg Land Titles Office.

12. 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.

13. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within one year from the date the by-law is passed, failing which 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 the one-year period and Council approves the extension.

14. 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.

The East Kildonan-Transcona Community Committee provided the following supporting reasons for its recommendation:

1. This a planned community, a continuation of Harbourview South Phase 2.

2. These are lands which were previously zoned commercial that they are downzoning to an "R1M" which is consistent with other housing which is located to the north-west on Concordia Avenue East.

3. The extension of Concordia Avenue East will allow for Transit to access this and surrounding neighbourhoods.

PUBLIC HEARING SUMMARY

File: DASZ 41/2011

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

Public Hearing: January 17, 2012
Bronx Park Community Centre
720 Henderson Highway

Applicant: Ray Klassen Consulting Inc.
(Ray Klassen)

Subject:



Premises Affected: Northeast Corner of Peguis Street and Concordia Avenue

Exhibits Filed:

1. Application dated November 10, 2011
2. Notification of Public Hearing dated December 9, 2011
3. Manitoba Status of Titles 2538055, 2538057 and 2538069
4. Letter of authorization dated November 7, 2011, from Waterside Development Corp. to Ray Klassen, R.G. Klassen Consulting Inc.
5. Surveyor's Building Location Certificate and sketch dated November 4, 2011
6. Report from the Planning and Land Use Division dated December 30, 2011
7. Inspection Report
8. Presentation from M. Malyk in opposition to the application
9. Photographs (7)
10. Audio Recording of representations

REPRESENTATIONS:

In Support:

Ray Klassen
Ron Henwood
Sandra Henwood

In Opposition

M. Malyk

For Information:

Nil

For the City:

Mr. K. Raban, Land Development Administrator,
Planning, Property and Development Department
Mr. M. Pyl, Planner, Planning, Property and Development Department

Exhibit "6" referred to in File DASZ 41/2011

ADMINISTRATIVE REPORT

Title: DASZ 41/2011 – Peguis Street @ Concordia Ave East

Issue: For consideration at the Public Hearing for a subdivision and rezoning to allow the creation of 30 new single family residential lots on Concordia Avenue East.

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 41/11 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 41/11 dated December 29, 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 an addendum to Development Agreement AG 30/2005 with the City containing all the conditions outlined in the report of the Administrative Coordinating Group in Appendix "B".

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 41/11 dated December 29, 2011 to R1-M Residential Single-Family District – Medium.

3. That in lieu of the requirement for land dedication, a sum of money, calculated as ten percent (10%) of the increase in market value of the land be paid to the City for the purchase of land for purposes of the City other than streets.

4. That Council declare the City owned property shown in broken outline and identified as "Subject City Property" on Schedule “B” surplus to the needs of the City.

5. That the Director of Planning, Property and Development be authorized to negotiate and approve the sale of the "Subject City Property" shown in broken outline on “Schedule B” to the Applicant on terms and conditions satisfactory to the Director of Planning, Property and Development and the Director of Legal Services/City Solicitor in order to protect the interests of the City.

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

7. That in the event the matter is not proceeded with expeditiously and the by-law is not passed within two years 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 the two-year period and Council approves the extension.

8. That the Director of Legal Services and City Solicitor be requested to prepare the necessary by-law in accordance with the above.

9. That the subdivision section of the by-law shall come into force and effect upon execution by the City of Winnipeg of the addendum to Development Agreement AG 30/2005.

10. That the Private Access By-law No. 49/2008 be varied to authorize the construction of private approaches to the affected properties on Harvey Place and Brunka Place.

11. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision has been registered in the Winnipeg Land Titles Office.

12. 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.

13. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within one year from the date the by-law is passed, failing which 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 the one-year period and Council approves the extension.

14. 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 and subdivide **3.8 acres** of land previously zoned under DASZ 30/2005 as 'commercial' and a section of lands zoned 'multiple family' that front the southside of Concordia Avenue East to create 30 lots for new single family dwellings zoned **R1-M Residential Single-Family District – Medium.**
- The single family dwellings will front Concordia Avenue East and will have access from the rear public lane that will be with a connection to Concordia Avenue.
- A full range of municipal services including concrete sidewalks in both the east and west side boulevards along Concordia Avenue East between Peguis Street and Perfanick Drive.
- The existing zoning agreement on the lands will be carried forward to ensure the inclusion of the requirement of a minimum 50 foot (15.24 metre) setback between the high pressure gas pipeline and any principal dwellings.
- The zoning agreement conditions regarding multiple family residential and commercial lands will no longer apply to the lands zoned R1.

IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendations of the Planning and Land Use Division are concurred in, 30 single - family dwellings on fully serviced lots will be allowed for construction along Concordia Avenue East.

HISTORY

History of Residential Development – Harbourview:

DASZ 50/04
Council approved Harbourview South Phase II, **DASZ 50/04**, on June 29, 2005. Qualico intends to construct **367 single family dwellings** and **40 multiple family dwellings** on lands east of Lagimodiere Blvd, north of Concordia Avenue East and south of the existing Harbouview South Phase I. The residential lots will range from 30 feet to + 40 feet. The existing 2.5 acre lake in Harbourview South will be expanded by **2.5 acres**. Another retention lake will also be developed in the southwest corner of the subject lands. An existing **3.22 acre forest** just south of Crozier Avenue will remain as a park zoned "PR1". A new open space will be developed at the existing intersection of Peguis Street and Perfanick Drive. A school site has also been identified just north of Perfanick Drive.

DASZ 30/2005

On September 27, 2006 Council concurred in the recommendations of the Standing Policy Committee on Property and Development for Subdivision and Rezoning - Perfanick Drive and Concordia Avenue File DASZ 30/2005 [c/r DAC 19/2005] for the lands located east of Peguis Street, north of the C.P.R. Molson Subdivision and south of Perfanick Drive. The applicant, **Bridgewood Estates Inc,** proposed to develop single family residential lots, a **4.3 acre** park, a **3.3 acre** of commercial lands, and **4.5 acres** of multi-family lands on **57.5 acres** of land. The school site will be 3 acres and the park will be 5 acres. A 3.3 acre commercial site is proposed adjacent Concordia Avenue East. Adjacent to the commercial site and the Peguis Street / Concordia Avenue East intersection is a 4.5 acre multiple family site. The proposal is consistent and complementary to the approved Harbourview plan of subdivision. A zoning agreement was required with the following conditions:

A. That the Developer shall erect a uniform wood fence (2 metre in height) abutting the future Transcona North-South Corridor and the CPR Molson Subdivision to the satisfaction of the Director of Public Works. Future owners of the individual building lots along this fencing shall be responsible for maintaining this fencing to the satisfaction of the Director of Planning, Property and Development.

B. 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.

C. That for the land zoned “RM-7” Multiple Family Residential District; and the land zoned “C2” Commercial District the development of any building, and/or accessory parking area and/or signage, plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, landscaping and signage to the East Kildonan - Transcona Community Committee for plan approval prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development;

D. That for the land zoned “RM-7” Multiple Family Residential District; and the land zoned “C2” Commercial District the development of any building, and/or accessory parking area and/or signage, plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, landscaping and signage to the East Kildonan - Transcona Community Committee for plan approval prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development;

E. That the commercial land be restricted as follows;

i. The following uses shall NOT be permitted on the land:

a AUTOMOBILE, including motorcycle: RENTAL, SALES, including accessory REPAIR, SERVICE, INSTALLATION OF SUPPLIES/PARTS
b AUTOMOBILE, including motorcycle: SUPPLIES/PARTS, SALES
c BEER: SALES
d BINGO PARLOUR
e BOWLING ALLEY
f BUS STATION
g CONTRACTORS' ESTABLISHMENT
h EXTERMINATOR
i FARM SUPPLIES: SALES
j HOTEL, including MOTEL, limited to guest rooms
k LIQUOR: SALES
l MACHINERY/HEAVY EQUIPMENT SUPPLIES and PARTS:SALES, INSTALLATION, SERVICE
m MOBILE HOME PARK
n MOTORS or MACHINES, RECREATIONAL or UTILITY, including power toboggans, outboard motors, lawn mowers: RENTAL, SALE, SERVICE
o PARKING AREA, non-accessory
p PAWNSHOP
q TATTOO PARLOUR
r TERMINAL for HAULAGE, MOTOR FREIGHT STATION, excluding an intermodal terminal
s TERMINAL for COURIER/DELIVERY/ EXPRESS SERVICE, CLEANING SERVICE, KEY AND LOCK SERVICE, SECURITY SERVICE, TAXI, or similar service
t TIRE: SALES, SERVICE

ii. That there shall be no advertising signs, mobile signs, poster signs and A-frame signs on the entire site, except that a mobile sign shall be permitted on the site for a period of thirty (30) days in association with a new occupancy permit;

iii. That no illuminated signage be erected on the side of the building or the lot abutting a residentially zoned property;

iv. That any free-standing use identification sign not exceed twenty-five (25) feet in height;

v. That, prior to the issuance of any occupancy permits, all garbage containers be fully enclosed by a brick/concrete, and/or wood barrier fence that is at least 6 inches above the top of the garbage container, and thereafter maintained to the satisfaction of the Director of Planning, Property and Development;

vi. That a landscaped setback of 20 feet be provided along Concordia Avenue East;

vii. That the Applicant shall erect two, 4 feet by 8 feet signs on the land zoned "RM-7" Multiple Family Residential District; and the land zoned "C2" Commercial District indicating the location and zoning of these properties within twelve (12) months from the date that the said rezoning by-law is adopted by Council; and plans for the signs showing their location and design shall be submitted to Director of Planning, Property and Development for approval; and the signs shall be maintained to the satisfaction of the Director of Planning, Property and Development until such time as the land is either rezoned or developed;

Transcona West Secondary Plan
On July 16, 2008 Council adopted By-law No. 215/2006, a Secondary Plan for the Transcona West neighbourhood. The 'Transcona West Area' eastern boundary is Plessis Road; southern boundary is Regent Avenue; western boundary is Lagimodiere Blvd; and northern boundary is Cordite Road.

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:	December 30, 2011
File No.	DASZ 41/11

List of Schedules and Attachments

1. Appendix “A” – Planning Discussion
2. Schedule “A” for File No. DASZ 41/2011
3. Schedule “B” for File No. DASZ 41/2011 - Misc. Plan 14188.
4. Appendix “B” – Report Of The Administrative Co-Ordinating Group – January 5, 2012

APPENDIX 'A'

DATE: December 30, 2011
FILE: DASZ 41/11
RELATED FILES: DASZ 50/04; DASZ 30/2005
COMMUNITY: Transcona
NEIGHBOURHOOD #: 4.424

SUBJECT: Subdivision and Rezoning to create 30 fully serviced residential lots
LOCATION: Peguis Street at Concordia Avenue East



APPLICANT: Ray Klassen Consulting
1430 McCreary Road
Winnipeg, Manitoba

OWNER: Waterside Development Corp.
80 Southmoor Road
Winnipeg, Manitoba

RECOMMENDATION: Approval

REPORT SUMMARY

- The applicant intends to rezone and subdivide **3.8 acres** of lands previously zoned under DASZ 30/2005 as 'commercial' and a section of lands zoned 'multiple family' that front the southside of Concordia Avenue East to create 30 lots for new single family dwellings zoned **R1-M Residential Single-Family District – Medium.**
- The single family dwellings will front Concordia Avenue East and will have access from the rear public lane that will be with a connection to Concordia Avenue.

- A full range of municipal services including concrete sidewalks in both the east and west side boulevards along Concordia Avenue East between Peguis Street and Perfanick Drive.
- The existing zoning agreement on the lands will be carried forward to ensure the inclusion of the requirement of a minimum 50 foot (15.24 metre) setback between the high pressure gas pipeline and any principal dwellings.
- The zoning agreement conditions regarding multiple family residential and commercial lands will no longer apply to the lands zoned R1.

SURROUNDING LAND USES AND ZONING

- The subject properties are 3.8 acres **(165,526.7 square feet)** located on the south side of Concordia Avenue East, bisected by Pinetop Road, between Peguis Street and Perfanick Drive in the Grassie neighbourhood of the Transcona ward.
- The site is zoned **C2 Commercial Community District (3.3 acres)** and **RMF- L Residential Multi-Family District - Large (23,755.95 sq. ft.)**.
- The site is roughly rectangular-shaped and is vacant.
- Adjacent properties include lands to the south zoned for single family dwellings along Pinetop Place, Harvey Place and Brunka Place zoned 'R1-M'; to the east zoned for single family dwellings fronting Perfanick Drive; and to the west multiple family zone 'RMF- L'.
- Surrounding properties to the north across Concordia Avenue East include underdeveloped lands zoned 'PR1' and 'RR 5'**.**

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant intends to create 30 lots for new single family dwellings zoned **R1-M Residential Single-Family District – Medium** on Concordia Avenue East.
- The single family dwellings will front Concordia Avenue East and will have access to rear public lane that will connect to Pinetop Road and Concordia Avenue East.
- Concordia Avenue East will be re-aligned to extend through the planned area as approved under ***DASZ 30/2005.***

ANALYSIS AND ISSUES

Transcona West Secondary Plan

- The development is consistent with the policies of the Transcona West Secondary Plan.

ZONING (BY-LAW 200/2006)

- **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.

- **RMF- L Residential Multi-Family District - Large** is intended to accommodate the development of multi-family units in neighbourhoods with medium to high residential densities.
    - There is a front & rear yard requirement of 25 feet and the maximum building height is 150 feet.
    - The minimum lot area per dwelling unit is 500 square feet per dwelling unit.

- **C2 Commercial Community District** is intended to accommodate more intensive commercial sites that do not have a local or neighbourhood orientation.
    - The district is intended to include attractive commercial, institutional, recreational, and service facilities needed to support the surrounding neighbourhoods and the broader community.
    - C2 districts are generally located along collector streets, at arterial/collector intersections, or along portions of arterial streets with relatively shallow lots.
    - There is a rear yard requirement of 25 feet and a maximum building height of 49 feet.
    - Multi-family residential structures in the C2 district must meet the requirements of the RMF-M zone.
    - Single family residential structures must meet the requirements of the R1-M Zoning Districts.

- **PR1 Parks and Recreation 1 (Neighbourhood) Distric**t is intended for sites that are generally passive neighbourhood and community parks and facilities with predominantly pedestrian and cyclist access.
    - These sites may provide unstructured drop-in play and recreation opportunities, including play structures, passive parks, plazas and natural areas.
    - Generally, no parking facilities are associated with these uses.
    - These parks and open spaces typically occur in a residential neighbourhood or riverbank context and are generally accessed by residential streets.

- **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

- Zoning By-Law 200/2006 requires that undeveloped parcels in “R1’ Zones that meet the underlying lot area/ lot width be consistent with the properties that are directly abutting them.
- This is assessed by calculating the average lot width/square footage of the lots in residential use within 200 feet of the proposed lot(s).
- If the average lot width/lot areas of the proposed lots are less than the average of the adjacent properties required in the analysis, a variance of the Special Boundary Conditions is required.
- The proposed lots meet the Special Boundary Conditions, and all the regulations of the Zoning By-law, thus there are no variances required.

MUNICIPAL SERVICES

A full range of municipal services (piped water, piped sewer, piped land drainage, and paved roadway) will be extended along the new streets into the planned area.

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.

CITY LANDS

- The City of Winnipeg owns lands zoned PR-1 at the southeast intersection of Peguis Street and Concordia Avenue East that is 4,000 square feet [Schedule B].
- The lands were acquired from Qualico when they developed Harbourview South Phase II: Peguis Street originally was north/south at this location, and the street was closed to be re-orientated to the west to connect with Concordia Avenue East.
- The triangle of land was subsequently created by the new Peguis Street cutting through Qualico's lands.
- A main interceptor sewer and a high pressure gas pipeline are located under the former Peguis Street immediately to the east of the City Lands.
- Zoning agreements provide a minimum 50 foot (15.24 metre) setback from the high pressure gas pipeline and a 20 foot easement for the sewer pipe, reducing the buildable area of the lot City Lands and preventing buildings from being constructed in this general location.
- It was never the intention of the City of Winnipeg to acquire these lands as open space given its size and location next to the intersection of major collector roads: the Transcona West Area Structure Plan Land Use Map 4 indicates the land-use at this location is 'Medium Density Residential Dwelling' and not park.
- Transcona West Transportation Plan – Map 6 for Active Transportation illustrates that a future pathway on the west side of Peguis Street at this location.
- These lands are likely to be used by the Developer for the landscaping treatment buffering the adjoining parking area: the exact design of the landscaping can be addressed through the Plan Approval provision for the adjoining Multiple Family lands.



RECOMMENDATIONS

The Planning and Land-Use Division supports rezoning and subdividing the property to residential to allow the construction of residential dwellings.

- The proposed use is consistent with the adjacent properties on the nearby streets of residential development including residential dwellings that front Concordia Avenue East north of Perfanick Drive.
- The proposed subdivision will ensure an efficient use of the previously-installed municipal services, and increase the residential density in the neighbourhood.
- The development of houses on the south side of Concordia Avenue East is a logical extension of residential development in both Harbourview and Bridgewater Estates.
- Existing neighbourhood commercial is provided 300 metres to the west on the southside of Concordia Avenue East near Lagimodiere Blvd.

As conditions of approval, the applicant will be required to grant to the City of Winnipeg an easement of 6.096m wide easement for the existing wastewater Interceptor Sewer that crosses the Planned Area; and construct the new public lane to City of Winnipeg standards. The previous zoning agreement requires 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. The conditions of the previous zoning agreement regarding multiple family and commercial lands will not apply as the planned area under this application will become R1 lands.

This Report Submitted by: John Wintrup
Planning, Property and Development Department
Planning and Land Use Division
Report Prepared by:
PPD File # DASZ 41/11

Schedule “A” for File No. DASZ 41/10, East Kildonan – Transcona Community Committee, dated December 30, 2011. .

By-Law No. _____

File No. **DASZ 41/11**

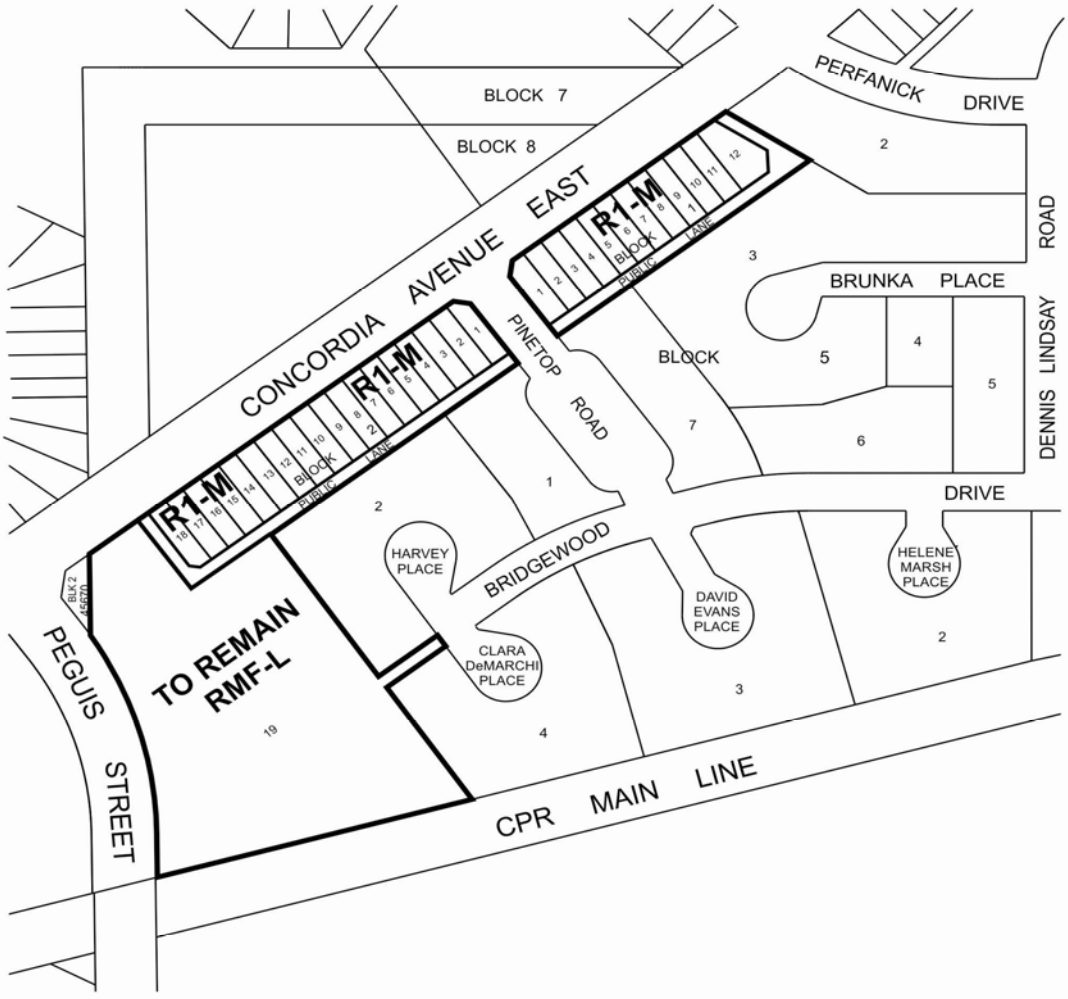
Atlas Sheet No. **X32**

N

EAST KILDONAN TRANSCONA COMMUNITY

Explanation

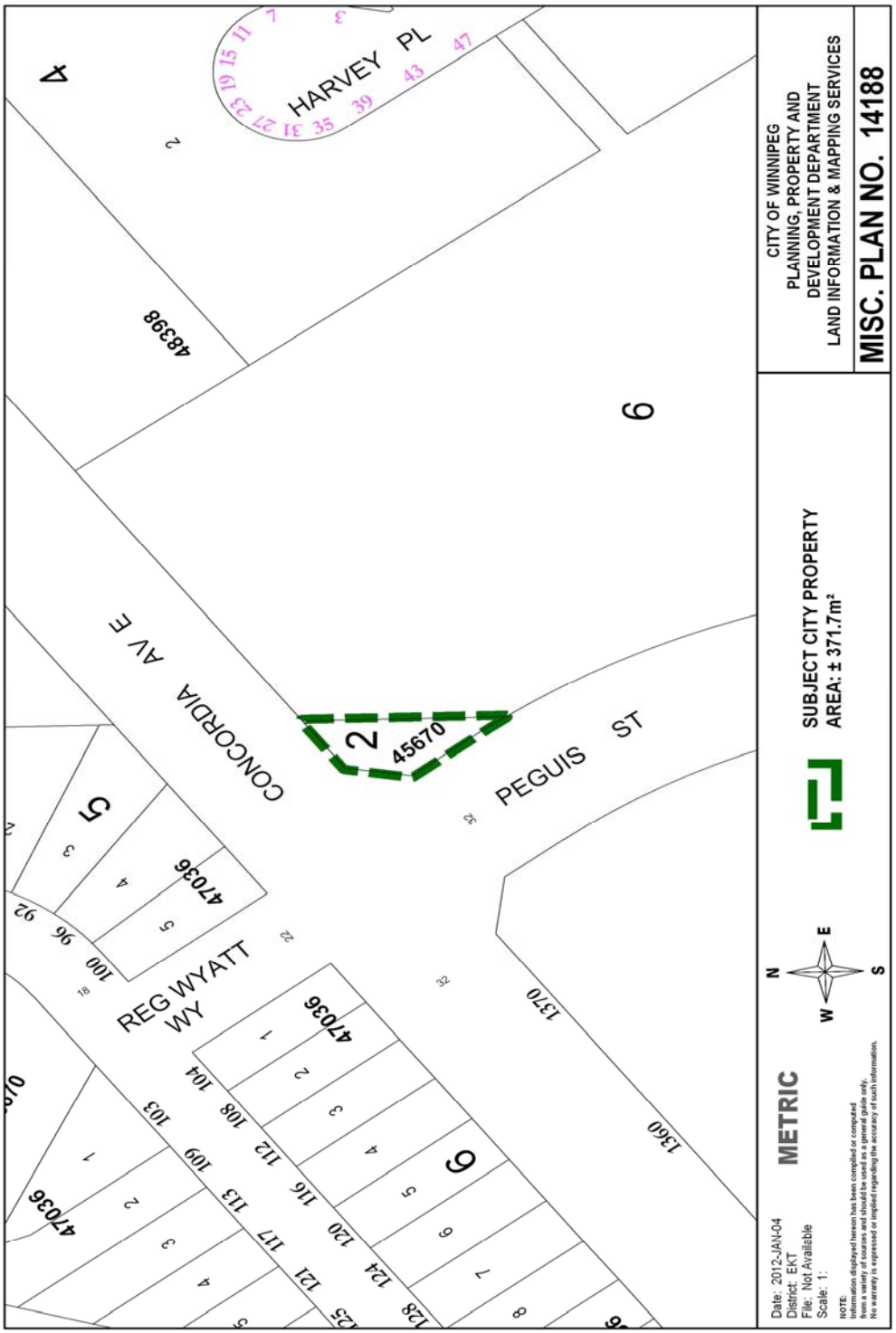
An application for the approval of the plan of subdivision shown outlined below and for a proposed zoning change to By-law No. 200/2006 by rezoning the land located on the northeast corner of Peguis Street & Concordia Avenue East from a "C2" COMMERCIAL COMMUNITY DISTRICT and an "RMF-L" RESIDENTIAL MULTI-FAMILY DISTRICT to an "R1-M" RESIDENTIAL SINGLE-FAMILY DISTRICT to allow for the creation of sites for residential development as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

Schedule “B” for File No. DASZ 41/10 – Misc. Plan 14188.



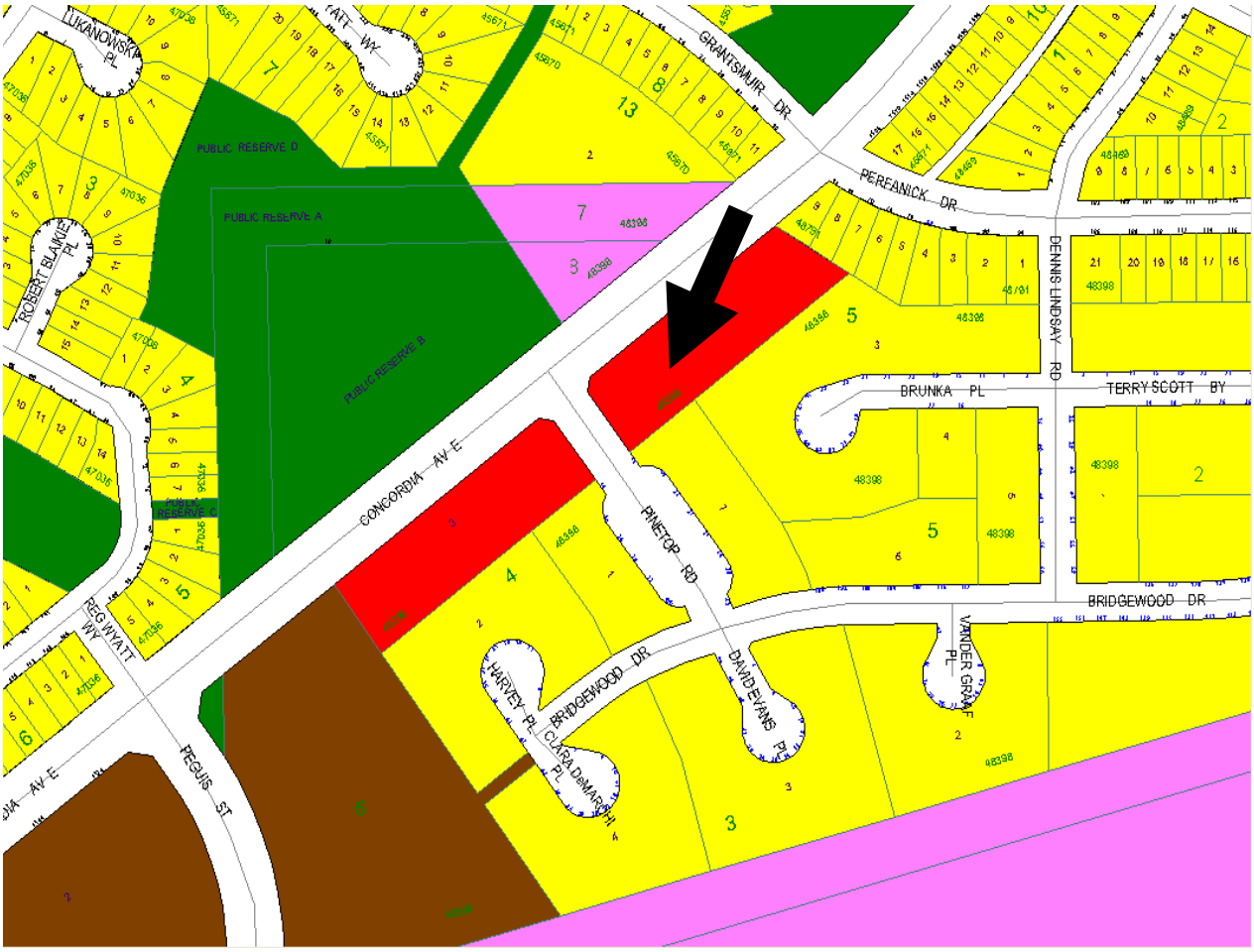


Figure 1: Existing Zoning for subject property and Surrounding Area.

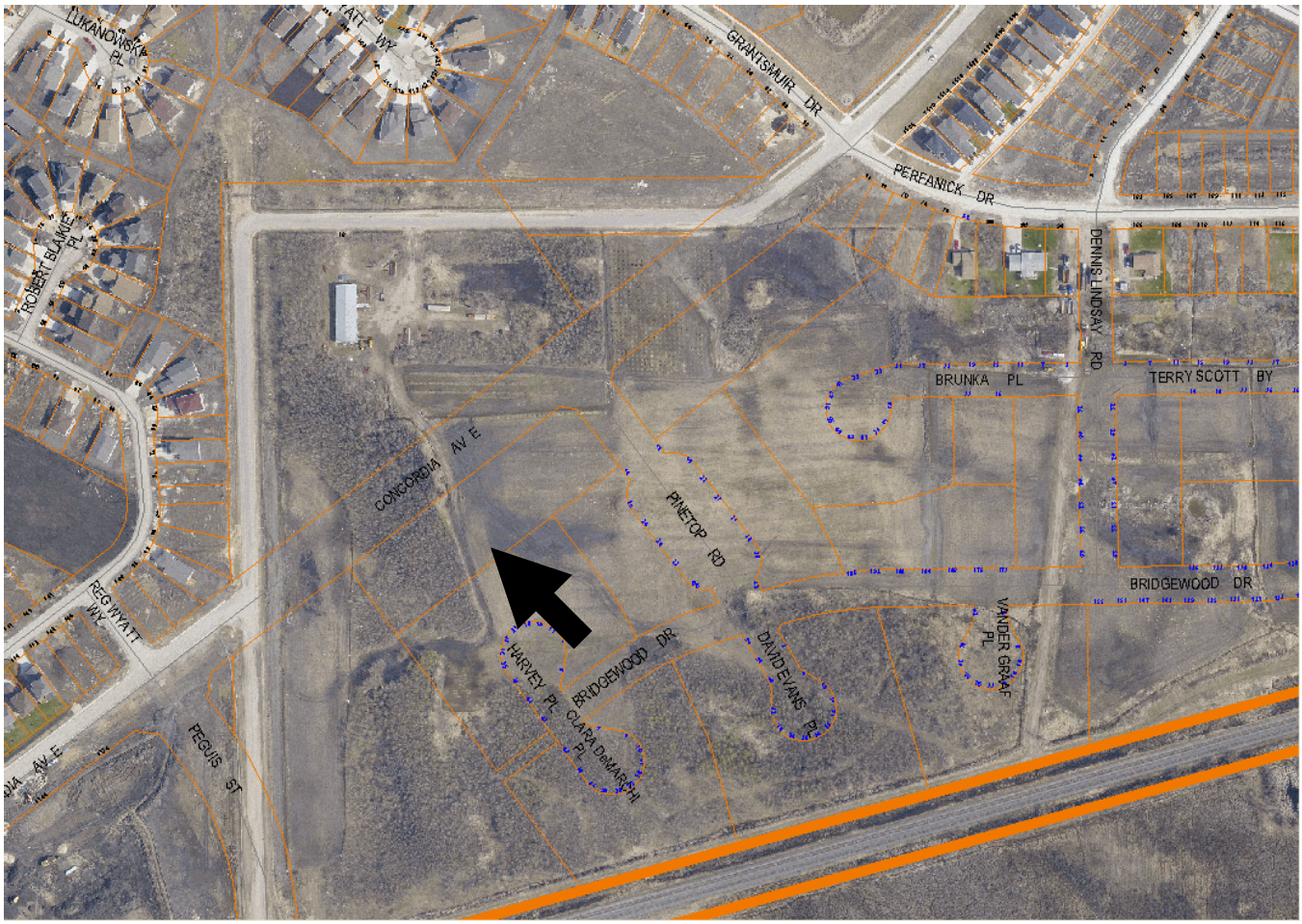


Figure 2: Existing Land-Uses for subject property and Surrounding Area.

Appendix "B"

REPORT OF THE ADMINISTRATIVE CO-ORDINATING GROUP – January 5, 2012

RE: DASZ 41/11 - PROPOSED SUBDIVISION AND REZONING ON LAND LOCATED ON NORTHEAST CORNER OF PEGUIS STREET AND CONCORDIA AVENUE EAST

It is recommended that the approval of DASZ 41/2011, if granted, be subject to the applicant entering into an addendum to Development Agreement AG 30/05 as follows:

1. By adding to AG 30/05 the Plan of Subdivision approved under DASZ 41/2011.

2. By adding to AG 30/05 the conceptual servicing drawing and lot grading plan for the land covered under DASZ 41/2011.

3. By adding to AG 30/05 that the developer shall grant to the City of Winnipeg a 6.096m wide easement for the existing wastewater Interceptor Sewer that crosses the Planned Area, as determined by and to the satisfaction of the Director of Water and Waste.

4. By adding to AG 30/05 that the developer shall, at no expense to the City, cut-off and abandon the temporary watermain located within the former Peguis Street and Perfanick Drive rights-of-way when they construct the new watermain in Concordia Avenue East fronting the Planned Area, as determined by and the satisfaction of the Director of Water and Waste.

5. By adding to AG 30/05 that the developer shall, at no expense to the City, construct Portland cement concrete pavement to a width of 5.0 m and a thickness of 150 mm in the proposed public lanes, including the right-of-way corner cuts at the deflections of the public lanes, within the proposed subdivision, and all related works including, but not necessarily limited to land drainage sewer, all as determined by and to the satisfaction of the Director of Public Works.

6. By adding to AG 30/05 the requirement that, in the event that the City sells Block 2 Plan 45670 to the developer, the developer shall pay its share of the cost of services installed by others in Concordia Avenue and Peguis Street abutting Block 2 Plan 45670 on the basis of the City's Local Improvement rates prevailing at the time payment is received.

7. By adding to AG 30/05 the requirement that the developer shall pay $1,650.00 plus GST to defray the City's administration and related costs associated with the preparation and implementation of the new addendum.

THIS REPORT SUBMITTED BY:

Administrative Co-ordinating Group
File No. DASZ 41/11
January 5, 2012

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

_____
R.J. Hartmann, P. Eng.
Public Works Department, Transportation Division

_____
F.C. Mazur, P. Eng.
Water & Waste Department