**Report - Standing Policy Committee on Property and Development - May 6, 2003**

**Minute No. 416**
**Item No. 2 Proposed Subdivision and Rezoning - land located north of Beecher Avenue, east of Diplomat Drive**
**File DASZ 28/2002 [c/r DAV 7/2003D]**

COUNCIL DECISION:

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

1. That the plan of subdivision proposed under File DASZ 28/2002 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 28/2002, attached hereto and dated April 6, 2003, for registration in the Winnipeg Land Titles Office, subject to the following:

    A. That the Developer be required to enter into a Development Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated March 26, 2003, with the following amendment:

        i. That the first sentence of clause 9.c) be deleted, namely:

        "The Developer shall be responsible for the maintenance of the designated haul and access roads during the installation of services and construction of houses until the development is substantially complete."

        and replaced with the following:

        "The Developer shall be responsible for the maintenance of the designated haul and access roads, except for Ferrier Street, during the installation of services and construction of houses until the development is substantially complete."

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

3. That Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 28/2002, attached hereto and dated April 6, 2003, to an "R1-4" Residential District.

**Report - Standing Policy Committee on Property and Development - May 6, 2003**

COUNCIL DECISION (continued)

4. That in the event this application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months after adoption of this report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

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

6. 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.

7. 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.

8. That the Plan of Subdivision 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.

9. That in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twenty-four (24) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

**Report - Standing Policy Committee on Property and Development - May 6, 2003**

DECISION MAKING HISTORY:

Moved by Councillor Vandal,

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

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On May 21, 2003, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the Lord Selkirk-West Kildonan Community Committee, and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On May 6, 2003, the Standing Policy Committee on Property and Development concurred in the recommendation of the Lord Selkirk-West Kildonan Community Committee, with the following amendment, namely:

- Amend Recommendation 1. by deleting 1.A.i. in its entirety and substituting therefore:

  That the first sentence of clause 9.c) be deleted, namely:

  > "The Developer shall be responsible for the maintenance of the designated haul and access roads during the installation of services and construction of houses until the development is substantially complete"

  and replaced with the following:

  > The Developer shall be responsible for the maintenance of the designated haul and access roads, except for Ferrier Street, during the installation of services and construction of houses until the development is substantially complete",

and submitted its recommendation to Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On April 15, 2003, the Lord Selkirk-West Kildonan Community Committee concurred in the administrative recommendation as amended, namely:

**Report - Standing Policy Committee on Property and Development - May 6, 2003**

DECISION MAKING HISTORY (continued):

- Amend Recommendation 1.A by adding the following after the words "dated March 26, 2003"

  "with the following amendment:

  i. That the following paragraph under clause 9.c) be deleted, namely: Maintenance of the haul roads shall include, but not be limited to, scraping and sweeping of concrete pavements. Where two or more developers are using the same haul roads and are both responsible for maintenance, an equitable sharing of the responsibility shall be determined by the Director of Public Works"

and submitted its recommendation to the Standing Policy Committee on Property and Development.

**RE: Proposed Plan of Subdivision and a Proposed Zoning Change - North of Beecher Avenue, East of Diplomat Drive**

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

**Prepared by:** **Diane Timmins, Clerk,**
**Lord Selkirk-West Kildonan Community Committee**

**Report date:** **April 29, 2003**

COMMUNITY COMMITTEE RECOMMENDATION:

The Lord Selkirk-West Kildonan Community Committee concurred in the administrative recommendation as amended, and recommends as follows:

1. That the plan of subdivision proposed under File DASZ 28/2002 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 28/2002, attached hereto and dated April 6, 2003, for registration in the Winnipeg Land Titles Office, subject to the following:

   A. That the Developer be required to enter into a Development Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated March 26, 2003 ***with the following amendment:***

      ***i. That the following paragraph under clause 9.c) be deleted, namely:***

      ***Maintenance of the haul roads shall include, but not be limited to, scraping and sweeping of concrete pavements. Where two or more developers are using the same haul roads and are both responsible for maintenance, an equitable sharing of the responsibility shall be determined by the Director of Public Works.***

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

3. That Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 28/2002 attached hereto and dated April 6, 2003, to an "R1-4" Residential District.

4. That, in the event this application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months after adoption of this report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

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

6. 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.

7. 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.

8. That the Plan of Subdivision 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.

9. That in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twenty-four (24) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

****** ***denotes change in wording between the Community Committee and administrative recommendation***

The Lord Selkirk-West Kildonan Community Committee provided the following supporting reason(s) for its recommendations:

1. The Lord Selkirk-West Kildonan Community Committee agrees with the administrative comments contained in the report of the Acting Manager of Planning and Land Use.

## PUBLIC HEARING SUMMARY

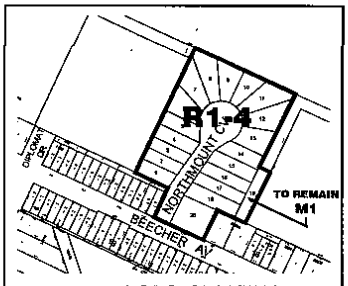
File: DASZ 28/2002 (c/r DAV 7/2003D)

Before: Lord Selkirk-West Kildonan Community Committee
Councillor O'Shaughnessy, Chairperson
Councillor Lazarenko
Councillor Pagtakhan

Public Hearing: April 15, 2003
Community Committee Chamber, 1760 Main Street

Applicant: D.W.E. Holdings Limited (Warren Earl)
85 Wiebes Drive
Winnipeg, Manitoba
R2G 3E5

Subject:




LORD SELKIRK WEST KILDONAN COMMUNITY

**APPLICANT :** DWE HOLDINGS LTD.

**FILE :** DASZ 28/02

**PROPOSAL :** An application for the approval of the plan of subdivision shown outlined above as may be determined by Council and for a proposed zoning change to By-law No. 6400/94 by rezoning the land shown outlined above from an "M1" INDUSTRIAL DISTRICT to an "R1-4" SINGLE-FAMILY DISTRICT to allow for the creation of sites for single-family development. **For information, phone Mr. K. Lalor, Planner at 986-5069.**

Premises Affected: north side of Beecher Avenue, east of Diplomat Drive

Exhibits Filed:

1. Application dated January 8, 2003
2. By-Law No. 42/2003
3. Advertising notice dated February 13, 2003
4. Manitoba Status of Titles 1626405, 1626407 and 1259991
5. Letters of authorization dated November 6, 2002 and January 2, 2003
6. Misc. Plans 11343 and 11343/1
7. Report from the Administrative Coordinating Group dated March 26, 2003
8. Report from the Acting Manager of Planning and Land Use dated April 6, 2003
9. Revised Report from the Acting Manager of Planning and Land Use dated April 10, 2003
10. Photograph(s) of the site and Inspection Notice

REPRESENTATIONS:

In Support:

Norm Boyle, 1309 Hoka Street, Winnipeg, Manitoba, R2C 2V8
Warren Earl, on behalf of D.W.E. Holdings Limited, 85 Wiebes Drive, Winnipeg, Manitoba R2G 3E5

In Opposition:

Nil

For the City: David Marsh, Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS MADE AT THE PUBLIC HEARING

Warren Earl, on behalf of the applicant, appeared in support of the application and indicated concurrence in the administrative reports with the exception of Clause 9 c) of the report of the Administrative Coordinating Group which requires the Developer to maintain the haul roads.

**In reply please refer to / Référence à rappeler :**

**Kevin Lalor**
**(204) 986-5069**
**Fax / Téléc. : (204) 986-3684**

**REVISED**
**File No. DASZ 28/02**
Our c/f CP 500 (. 324)

April 10, 2003

Lord Selkirk-West Kildonan
Community Committee
Council Building
510 Main Street
Winnipeg, MB R3B 1B9

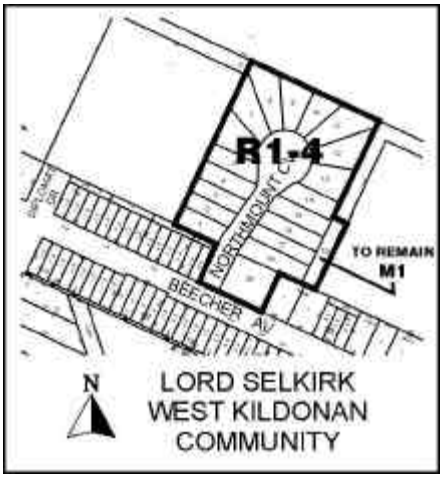
Dear: Mrs. Timmins

**SUBDIVISION AND REZONING**
Land located : North of Beecher, East of Diplomat
LS/WK Community
**File No. DASZ 28 /02**

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An application has been received from DWE Holdings Ltd. for approval of a plan of subdivision and related zoning change to Zoning By-Law No. 6400/94 by rezoning the subject lands from an " M1 " Industrial District to an " R1-4" Residential District to allow for the creation of nineteen( 18) single family lots.

RELATED FILES: DAV 7/03D



**SITE DESCRIPTION:**

Site Area:

Overall site area totals approximately 2.65 acres.

Existing Land Use and Zoning:

The land is currently vacant and zoned M1 Industrial.

Surrounding Land Use and Zoning:

North: To the north are scattered industries( most accessed via Ferrier) with amix of Agricultural and Industrial zonings.
South: To the south are a few homes zoned R1-20 Residential. Most land is vacant.
East: To the immediate east are several homes zoned RR-2 Residential.
West: To the west in the immediately adjacent area are several homes zoned R1-20 Residential. Further west are fully developed residential subdivisions.

**DEVELOPMENT DESCRIPTION:**

The applicant, Warren Earl, proposes to rezone the property in question to allow for 18 R1-4 single family lots and a residual lot (# 19) which is not a buildable site. Lot 19, could at some point in the future be consolidated with the adjoining properties to the east in order to facilitate further subdivision development. The proposed subdivision is a typical infill subdivision which has become common to this area subsequent to the installation of services several years ago. Hopefully these small initial developments will act as a catalyst for further housing development along Beecher as well as Templeton Avenue.

**PLAN WINNIPEG:**

Approximately ten years ago this area, bounded by Swailes to the north and Ferrier to the east, was redesignated from an Industrial Policy Area to a Neighbourhood Policy Area. Since that time, there has been renewed interest in developing the area for housing. The proposed development fully complies with Plan Winnipeg Policy, particularly because it promotes new infill housing in what has always been an older neighbourhood area adjoining a well entrenched Industrial Area.

**ADMINISTRATIVE COMMENTS**:

The Planning and Land Use Department fully supports the proposed new subdivision and as previously mentioned, hopes that new housing proposed for Beecher will revitalize the area, leading to even more housing activity. This Department recommends that your Committee fully endorse the application as submitted in accordance with the conditions outlined in the report of the ACG.

**RECOMMENDATION:**

I. That the plan of subdivision proposed under File No. DASZ 28/02 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File No. DASZ 28/02, attached hereto and dated April 6/03, for registration in the Winnipeg Land Titles Office, subject to the following:

A. That the Developer be required to enter into a Development Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated March 26/03.

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

III. That Zoning By-Law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File No. DASZ 28/03, attached hereto and dated April 6/03, to an "R1-4" Residential District .

IV. That, in the event this application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months after adoption of this report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

V. That the City Solicitor be requested to prepare the necessary by-law in accordance with the above.

VI. 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.

VII. 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.

VIII. 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.

IX. In the event that the necessary City of Winnipeg mylar approval signatures have not been secured within 24 months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

Final

Yours truly,
Chris Knoll
Acting Manager of Planning and Land Use

Per: Kevin Lalor
Acting Coordinator, Urban Planning Br.
Riel Community
986-5069

/jc

By-Law No. _____

File No. **DASZ 28/02**

Atlas Sheet No. **S26, T26**

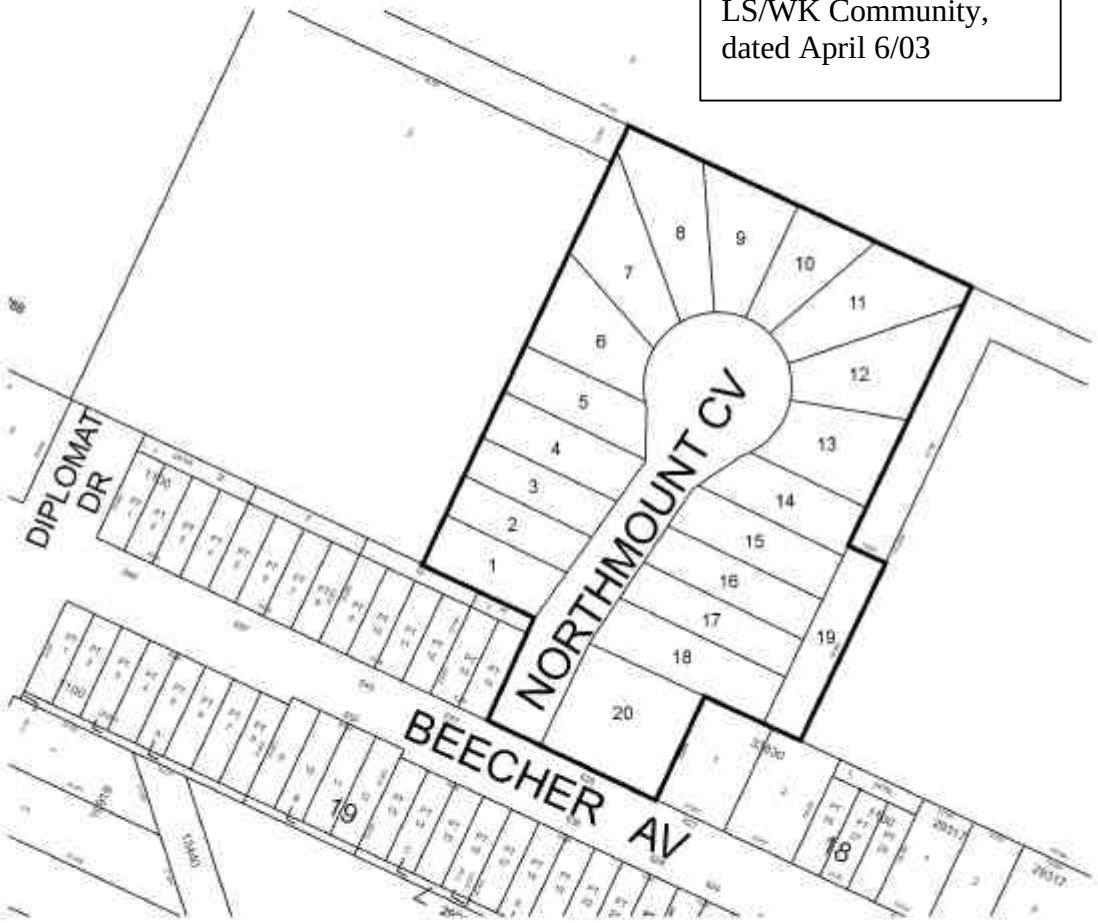
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**LORD SELKIRK WEST KILDONAN COMMUNITY**

Explanation

An application for the approval of the plan of subdivision shown outlined below and for a proposed zoning change to By-law No. 6400/94 by rezoning the land located on the north side of Beecher Avenue between Diplomat Drive and Ferrier Street from an "M1" INDUSTRIAL DISTRICT to an "R1-4" SINGLE-FAMILY DISTRICT as shown outlined below.

Schedule " A" for File No. DASZ 28/02, LS/WK Community, dated April 6/03




THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

**Re: Proposed subdivision and rezoning of land located north of Beecher Avenue, east of Diplomat Drive - DASZ 28/02**

An application has been submitted by D.W.E. Holding Limited to subdivide and rezone land located north of Beecher Avenue, east of Diplomat Drive.

It is recommended that approval of DASZ 28/02 be subject to the Developer entering into a Development Agreement with the City containing the following:

1. The Developer shall, at no expense to the City, install wastewater sewers and watermains to serve the proposed subdivision to the satisfaction of the Director of Water and Waste.

2. a) The Developer shall, at no expense to the City, install land drainage sewers complete with catchbasins and swales required to accommodate the proposed subdivision to the satisfaction of the Director of Water and Waste. The Developer shall construct all swales, including sodding, catchbasins and leads required to provide rear lot drainage prior to the issuance of Building Permits.
   b) The Developer shall, at no expense to the City, provide easements with respect to the maintenance of lot drainage and underground services upon registration of approved subdivision mylars in the Land Titles Office.
   c) The Developer shall pay $9,801.00/acre as its share of the cost of regional land drainage facilities benefiting the proposed subdivision.
   d) Installation of services will not be permitted until the land drainage sewer in Ferrier Street is constructed under Development Agreement AG 27/01.

3. The Developer may, after registration of the plan of subdivision, file a petition in accordance with The City of Winnipeg Charter Act for the construction of land drainage facilities to serve the benefiting land.

   The City agrees to levy the benefiting properties within each phase of development at the City's uniform frontage rate, which includes the City's rate of interest plus 1% per annum handling, in equal annual instalments over a period of 20 years. It is understood and agreed that such levies as are collected annually minus handling charges shall be paid by the City to the Developer on December 1st of each year until fully paid, such levies to commence within one year from the date of completion of the land drainage facilities in each phase. It is also understood and agreed that the full cost of construction shall in the first instance be paid by the Developer. The City reserves the right to commute and pay to the Developer the amount of the levies outstanding against any land within any phase of the development.

4. a) The Developer shall, at no expense to the City, install water and wastewater lot line connections to serve each lot within the proposed subdivision. The Developer shall warranty the lot line connections for one year after the water has been turned on for domestic purposes.

   b) The Developer shall be required to undertake that sewer and water connections to houses will not be extended within the lots until such time as each house foundation is backfilled and its roof has been sheathed.

5. The Developer shall, at no expense to the City, construct a reinforced portland cement concrete pavement to a minimum width of 7.5m and to a thickness of 150mm in all streets within the proposed subdivision including the connection to Beecher Avenue to the satisfaction of the Director of Public Works.

6. a) The Developer shall, at no expense to the City, install boulevard sod and trees within all streets within and abutting the proposed subdivision in accordance with construction specifications and plans approved, prior to installation, by the Director of Public Works.
   b) The Developer shall, at no expense to the City, install inter-locking paving stones and sod on all cul-de-sac islands as determined by and to the satisfaction of the Director of Public Works.
   c) The Developer shall, at no expense to the City, maintain the boulevard improvements for a period of one year in accordance with specifications of the Director of Public Works.

7. a) The Developer shall, at no expense to the City, provide underground electrical and telephone services to serve the proposed subdivision and shall pay the full cost of removing or relocating any existing equipment to accommodate the proposed subdivision.
   b) The Developer shall pay all costs associated with the installation and/or relocation of street lights and other utilities made necessary as a result of or required to accommodate 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.

8. The Developer shall, at no expense to the City, cause ornamental street lighting to be installed in all streets within the proposed subdivision.

9. The designated access route to the site shall be Murray Avenue to Ferrier Street to Beecher Avenue to the subject site.
   a) The Developer shall endeavour to ensure that all construction vehicles use the haul and access route during the installation of services and the house construction.
   b) The Developer shall exercise all of its powers in restricting all other construction traffic, including basement excavators, housebuilders, landscapers and any other vehicles related to the development of the proposed subdivision to the above specified haul and access roads.

c) The Developer shall be responsible for maintenance of the designated haul roads during the installation of services and construction of houses until the development is substantially complete. Substantial completion shall be determined by the Director of Public Works and will require that 100% of the services be installed and that 80% of the houses have been constructed.
Maintenance of the haul roads shall include, but not be limited to, scraping and sweeping of concrete pavements. Where two or more developers are using the same haul roads and are both responsible for maintenance, an equitable sharing of the responsibility shall be determined by the Director of Public Works.

The Developer shall be responsible for the removal of dropped or tracked mud and dust control on the on-site roadways as paving is completed until substantial completion of the development. This shall include sweeping on a regular basis as determined by the Director of Public Works.

If construction traffic from the development is found to be using roads other than designated haul roads, the Developer shall be responsible for any remedial work required to restore those roads as above. Where the roads involved are paved roads, sweeping shall be included in the dust control measures for which the Developer is responsible.

10. The Developer shall pay the full cost of installing standard reflectorized permanent street name signs at the new street intersection.

11. The Developer shall prevent or initiate the cleanup of litter from the proposed subdivision and surrounding properties which has been generated by the installation of services and the housebuilders' activities until the project has been substantially completed. The Developer shall be responsible to provide and ensure emptying of covered refuse bins for the use of all contractors and sub-trades during the installation of services and the house construction.

12. The Developer shall pay an administration fee based on an area rate as approved from time to time by the City. The 2003 rate therefor is $1,200.00 per acre.

13. The Developer shall pay the full cost of engineering services provided by or on behalf of the City with respect to the installation of all services required to serve the proposed subdivision.

14. The Developer shall pay cash in lieu of dedication of land including landscaping and services in accordance with City policy.

15. The Developer shall transfer proposed Lot 19 to the City; the City shall endeavour to sell for market value proposed Lot 19 to the owner of the adjacent property when that property is developed. The City agrees to turn over to the Developer all monies received from the sale of proposed Lot 19.

THIS REPORT SUBMITTED BY:

Administrative Coordinating Group
File No.: AG 28/02
March 26, 2003
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