Minute No. 540
Report - Standing Policy Committee on Property and Development - July 3, 2003

Item No. 4 Subdivision and Rezoning - land located on the east side of Eaglemere Drive, west of Lagimodiere Boulevard
File DASZ 9/2003

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 9/2003 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 9/2003 dated June 9, 2003, for phased 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 26/88 with the City containing all the conditions outlined in the report of the Administrative Coordinating Group File AG 9/03 dated June 3, 2003.

   B. That phasing of registration of the plans of subdivision be subject to the approval of the Director of Planning, Property and Development.

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 9/2003 dated June 9, 2003, to an "R1-3.5" Residential District, subject to the applicant entering into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to apply to the lands as shown on Schedule "A", to include the following conditions:

   A. That any lots fronting onto Eaglemere Drive shall have a minimum width of 40 feet.

   B. That a minimum six (6) foot high ornamental wood fence and berm be constructed along the rear lot line of all lots abutting Lagimodiere Boulevard.

4. That a Building Location Certificate be provided prior to the release of the mylars and if any structures located at 230 and 250 Grassie Boulevard are not in compliance with the minimum zoning setbacks they may either be relocated or removed prior to the release of the mylars.

Report - Standing Policy Committee on Property and Development - July 3, 2003

COUNCIL DECISION (continued):

5. That a minimum rear yard of 73.8 feet (22.5metres) to principle dwellings be established for all residential lots abutting Lagimodiere Boulevard.

6. 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 an extension of this time is applied for prior to the expiry of this twenty four (24) month period and the extension is subsequently approved by Council.

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

8. 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.

9. 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, and when the Zoning Agreement has been filed by caveat as a first charge in the Winnipeg Land Titles Office against those lands provided that the said effective date occurs within twenty-four (24) months from the date that the said rezoning by-law is adopted by Council.

10. 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.

11. In the event that 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 - July 3, 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 July 16, 2003, 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 RECOMMENDAITON:

On July 3, 2003, the Standing Policy Committee on Property and Development concurred in the recommendation of the East Kildonan-Transcona Community Committee submitted the matter to Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On June 18, 2003, the East Kildonan-Transcona Community Committee concurred in the administrative recommendation as amended, namely:

- That Clause No. 1 be amended by adding the word “phased” after the words “dated June 9, 2003, for” and before the words “registration in the Winnipeg Land Titles Office”

- That Clause No. 1 be further amended by adding Clause 1. B. as follows:

  “Clause 1. B. That phasing of registration of the plans of subdivision be subject to the approval of the Director of Planning, Property and Development.”

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

RE: **Proposed Subdivision and Rezoning Change - east side Eaglemere Drive**
File DASZ 9/2003

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

Prepared by: **Inga K. Skundberg, Clerk,**
East Kildonan-Transcona Community Committee

Report date: **June 23, 2003**

COMMUNITY COMMITTEE RECOMMENDATION:

The East Kildonan-Transcona Community Committee concurred in the administrative recommendation, as amended, and recommends to the Standing Policy Committee on Property and Development:

1. That the plan of subdivision proposed under File DASZ 9/2003 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 9/2003 dated June 9, 2003, for ***phased*** 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 26/88 with the City containing all the conditions outlined in the report of the Administrative Coordinating Group File AG 9/03 dated June 3, 2003.

    B. That phasing of registration of the plans of subdivision be subject to the approval of the Director of Planning, Property and Development.

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 9/2003 dated June 9, 2003, to an "R1-3.5" Residential District, subject to the applicant entering into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to apply to the lands as shown on Schedule "A", to include the following conditions:

    A. That any lots fronting onto Eaglemere Drive shall have a minimum width of 40 feet.

    B. That a minimum 6' high ornamental wood fence and berm be constructed along the rear lot line of all lots abutting Lagimodiere Boulevard.

4. That a Building Location Certificate be provided prior to the release of the mylars and if any structures located at 230 and 250 Grassie Boulevard are not in compliance with the minimum zoning setbacks they may either be relocated or removed prior to the release of the mylars.

5. That a minimum rear yard of 73.8 feet (22.5metres) to principle dwellings be established for all residential lots abutting Lagimodiere Boulevard.

6. 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 an extension of this time is applied for prior to the expiry of this twenty four (24) month period and the extension is subsequently approved by Council.

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

8. 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.

9. 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, and when the Zoning Agreement has been filed by caveat as a first charge in the Winnipeg Land Titles Office against those lands provided that the said effective date occurs within twenty-four (24) months from the date that the said rezoning by-law is adopted by Council.

10. 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.

11. 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.

Note: Bold and italicized wording denotes variation between administrative recommendations and recommendations of the East Kildonan-Transcona Community Committee.

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

1. The proposal is furthering the completion of an existing development and will be an asset to the area.

PUBLIC HEARING SUMMARY

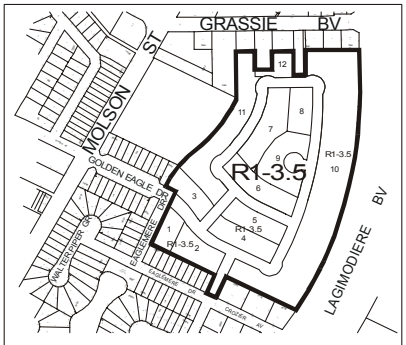
File: DASZ 9/2003

Before: East Kildonan-Transcona Community Committee
Councillor Thomas, Chairperson
Councillor Lubosch
Councillor Wyatt

Public Hearing: June 18, 2003
Helen Mayba Theatre
Miles Macdonell Collegiate
757 Roch Street

Applicant: River East Developments Limited (Lyne Jones)
c/o 30 Speers Road
Winnipeg, MB R2J 1L9

Subject:



EAST KILDONAN
TRANSCONA
COMMUNITY

APPLICANT : RIVER EAST DEVELOPMENTS LIMITED

FILE : DASZ 9/03

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 "A.5" AGRICULTURAL DISTRICT and an "R1-5.5" SINGLE-FAMILY DISTRICT to an "R1-3.5" SINGLE-FAMILY DISTRICT to allow for the creation of sites for single family development. **For information, phone Mr. J. Wintrup, Planner at 986-5102.**

Premises Affected: East side of Eaglemere Drive

Exhibits Filed:

1. Application dated April 24, 2003
2. Advertising notice dated May 23, 2003
3. Manitoba Status of Titles 1143304, 1143326, 1255626, 1276452, 1305427 and 1482513
4. Extract of Atlas Sheet W31
5. Site Plans (2 pages)
6. Surveyor's Sketch dated April 30, 1993
7. Report from the Acting Manager of Planning and Land Use dated June 9, 2003
8. Report from the Administrative Coordinating Group dated June 3, 2003
9. Photograph(s) of the Site and Inspection Notice
10. Communication from the Land Development Manager, River East Developments Limited, addressed to Svend Buus, Private Citizen, with respect to the application, dated June 9, 2003
11. Revised Report from the Administrative Coordinating Group dated June 3, 2003
12. Revised Report from the Acting Manager of Planning and Land Use dated June 9, 2003
13. Communication from F. Polgar, R. Cotton, E. Enquist, J. Kapitany, S. Buus, and R. Brown, with respect to the application
14. Phase 1 of the development submitted at the public hearing by Eric Vogan

REPRESENTATIONS:

In Support:

Eric Vogan, River East Developments Limited
Gord Johnson
Heinz & Elfriede Koop

In Opposition:

Monica Omar

For Information:

S. Buus
R. Brown
R. Cotton
E. Enquist
J. Kapitany
F. Polgar

For the City:

Ernie Carriere, Land Development Engineer, Planning, Property and Development Department
Martin Grady, Senior Planner, Planning, Property and Development Department
John Wintrup, Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS MADE AT THE PUBLIC HEARING

Eric Vogan, River East Developments Limited, appeared in support of the application. He advised that the sidewalk referenced in the addendum to the Development Agreement as Condition No. 3 (Exhibit 11) will be installed after the houses have been built. He requested that the development occur in two phases, and in this connection, submitted Phase 1, filed as Exhibit 14.

Monica Omar appeared in opposition to the application, and advised that she has resided at her home for 21 years. She further advised that she has one of the deepest lots on Grassie Boulevard, and in this connection, expressed concern that she will be charged local improvement costs.

Ernie Carriere, City of Winnipeg, responded by indicating that as there are only a few properties that will be impacted, property owners in the past have been charged if and when they decide to subdivide. In this connection, Eric Vogan advised that the applicant has no intention of seeking local improvements.

Councillor Thomas advised that she will be supporting the proposal. She commented that the project is infill housing as well as a new development, and will provide the necessary in-range housing for those in the area that wish to continue residing there.

In reply please refer to / Référence à rappeler :

Martin Grady
(204) 986-6427
Fax / Téléc. : (204) 986-3684

File No. DASZ 9/03 June 9, 2003
Our c/f CP 500 (.423)

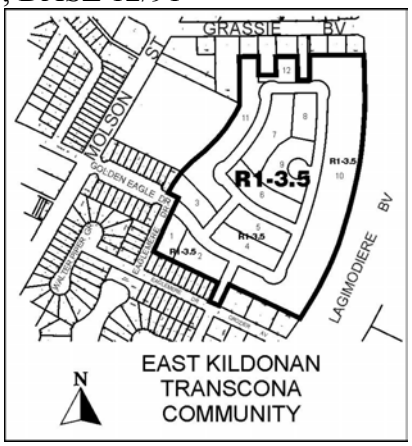
Ms. Inga Skundberg, Community Clerk
East Kildonan – Transcona Community Committee
Council Building
510 Main Street
Winnipeg, MB R3B 1B9

Dear:

SUBDIVISION AND REZONING
Land located on the East Side of Eaglemere Drive,
West of Lagimodiere Boulevard
East Kildonan – Transcona Community Committee
File No. DASZ 9/03

An application has been received from River East Developments Lt. (Lyne Jones) 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 "A-5" Agricultural District and a "R1-5.5" Residential District to a "R1-3.5" Residential District.

RELATED FILES: DASZ 26/88, DASZ 12/91



SITE DESCRIPTION:

Site Area: The site area is approximately 25.8 acres (104,412.6 square metres).

Existing Land Use and Zoning: Vacant land is designated "A-5" Agricultural District. A Single Family Dwelling is located at 230 Grassie Blvd. and is Designated "R1-5.5" Residential District. A second Single Family Dwelling is located at 250 Grassie Blvd. and is Designated "R1-5.5" Residential District.

Surrounding Land Use and Zoning:

North: Single family dwellings fronting onto Grassie Blvd. and backing onto the subject lands zoned "R1-5.5".
South: Single family dwellings backing onto the subject site zoned "R1-4" and "R1-5.5".
East: Immediately across Lagimodiere Blvd. is vacant land with an "A-5" Agricultural district and to the north east of the subject site across Lagimodiere Blvd. are single family dwellings with "R1-5" zoning.
West: The River East personal care home designated "RM-2" and single family dwellings Zoned "R1-4".

DEVELOPMENT DESCRIPTION:

The applicant, River East Developments Ltd., is proposing to rezone the subject lands from "A-5" Agricultural District and "R1-5.5" Residential District to "R1-3.5" Residential District to facilitate the future subdivision of up to 145 single family lots. The current subdivision application proposes to create 12 blocks of land as shown on the attached plan for further subdivision. No detailed lot plan has been submitted.

This proposal represents the second and final phase of subdivision for the existing community of Eaglemere. An extension of Golden Eagle Drive will provide primary access to the subject site with a second access proposed at the south end of the site from Eaglemere Drive. The internal road system is a series of connected loops with a single cul-de-sac in the centre of the site.

The average depth of the proposed blocks range from 115 feet up to 148 feet. The depth of block 10 adjacent to Lagimodiere Blvd. is 152.5 feet to accommodate a larger minimum required rear yard of 65.6 feet for traffic noise attenuation. Existing development within Eaglemere to the south that backs onto Lagimodiere Blvd. is currently screened with a fence and berm in accordance with the requirements of a Zoning Agreement (DASZ 26/88) placed upon the first phase of Eaglemere.

River East Developments Ltd. has also indicated in writing that they are committed to removing or relocating any existing structures located at 230 and 250 Grassie Blvd. which will not conform to zoning setbacks once the required portions of these properties are subdivided and consolidated with the remainder of the site.

PLAN WINNIPEG:

The proposed subdivision and rezoning is in compliance with the policies of Plan Winnipeg since residential rezoning is allowed in Neighbourhood Policy Areas.

ADMINISTRATIVE COMMENTS:

The Department supports single family residential use on the subject site as the proposal is compatible with the adjacent surrounding residential neighbourhood and represents a logical extension of the existing Eaglemere community to the south.

Although no detailed lot plans have been submitted, the requested zoning of "R1-3.5" will result in a minimum lot width of 35 feet for future proposed lots. The existing Eaglemere subdivision is designated "R1-4" with average lot widths of 44 feet and wider which has resulted in the development of larger homes in the surrounding area.

The department is of the view that given the relative physical isolation of the subject lands from the existing Eaglemere development, any potential issues with the compatibility of lot widths is diminished. Existing residents of Eaglemere will not pass through the proposed development in order to access their homes and only a portion of the subject site in Block 1 will front onto a portion of Eaglemere Drive. Staff are suggesting a condition to establish a minimum lot width of 40 feet for future lots subdivided in Block 1.

Cash in lieu of dedication of land only applies to SP Lot 5, Plan 30762 at 250 Grassie Blvd. as the area of the balance of the land within the subject site was included in the calculations for public open space previously provided under Development Agreement AG26/88 covering the first phase of Eaglemere. This requirement will be included in the Development Agreement.

In addition, the department supports the continuation of the berm and screen fencing adjacent to Lagimodiere Blvd. and have included this in the Zoning Agreement condition.

RECOMMENDATION:

I. That the plan of subdivision proposed under File No. DASZ 9/03 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File No. DASZ 9/2003, attached hereto and dated June 9, 2003, for 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 26/88with the City containing all the conditions outlined in the report of the Administrative Coordinating Group report File No. AG 9/03 dated June 3, 2003.

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 9/03, attached hereto and dated June 9, 2003, to an "R1-3.5" Residential District, subject to the applicant entering into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to apply to the lands as shown on Schedule "A", to include the following conditions:

A. That any lots fronting onto Eaglemere Drive shall have a minimum width of 40feet.

B. That a minimum 6' high ornamental wood fence and berm be constructed along the rear lot line of all lots abutting Lagimodiere Boulevard.

IV. That a Building Location Certificate be provided prior to the release of the mylars and if any structures located at 230 and 250 Grassie Blvd. are not in compliance with the minimum zoning setbacks they may either be relocated or removed prior to the release of the mylars.

V. That a minimum rear yard of 65.6 feet (20metres) to principle dwellings be established for all residential lots abutting Lagimodiere Boulevard.

VI. 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 an extension of this time is applied for prior to the expiry of this twenty four (24) month period and the extension is subsequently approved by Council.

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

VIII. 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.

IX. 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, and when the Zoning Agreement has been filed by caveat as a first charge in the Winnipeg Land Titles Office against those lands **provided that the said effective date occurs within twenty-four (24) months from the date that the said rezoning by-law is adopted by Council.**

X. 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.

XI. 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,

C. Knoll
Acting Manager of Planning and Land Use

_____

Per: Martin Grady, Senior Planner
East Kildonan – Transcona Community
986-6427

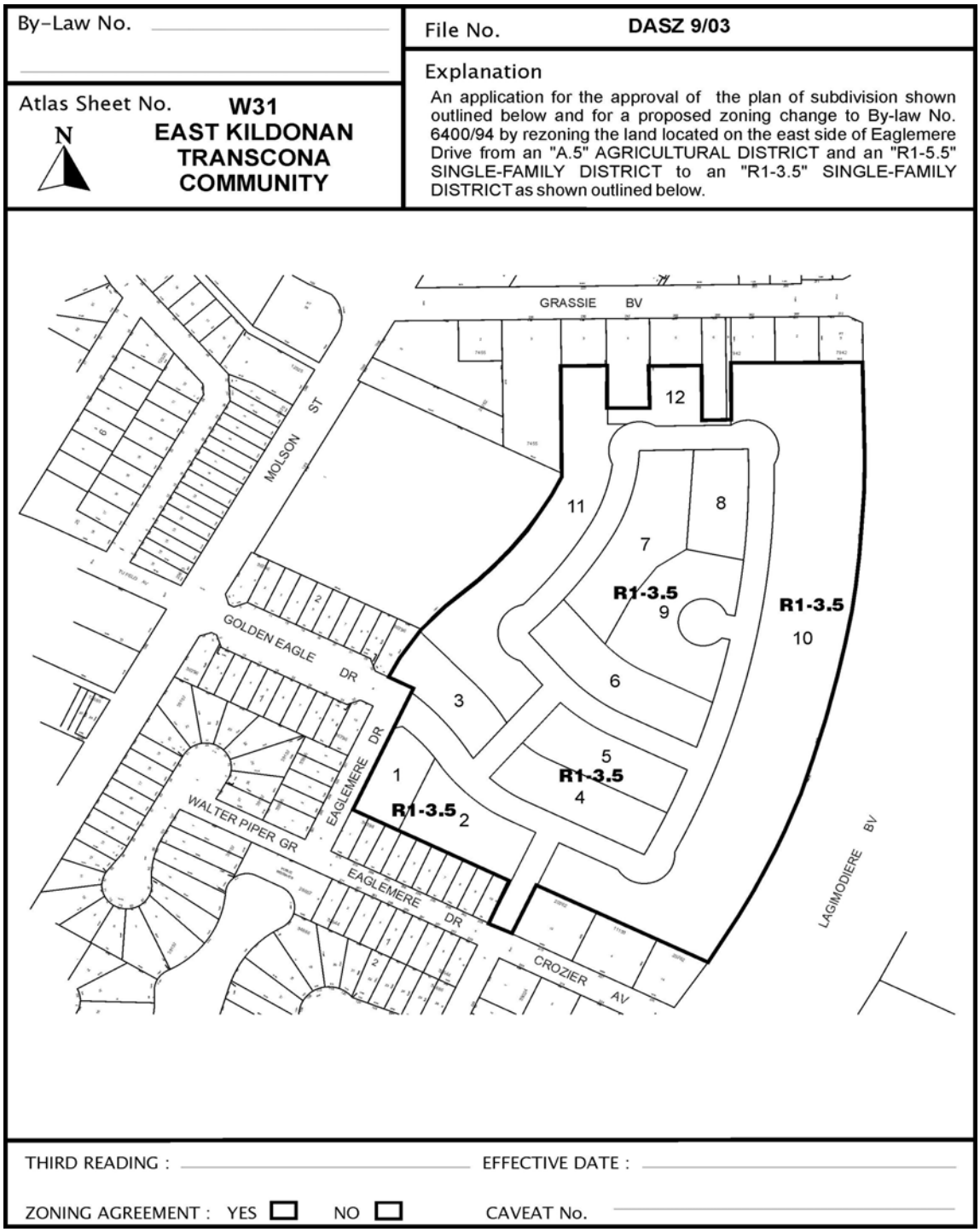


Figure 1: Schedule "A" to the report to the East Kildonan -Transcona Community Committee for File No. DASZ 9/03, dated June 9, 2003

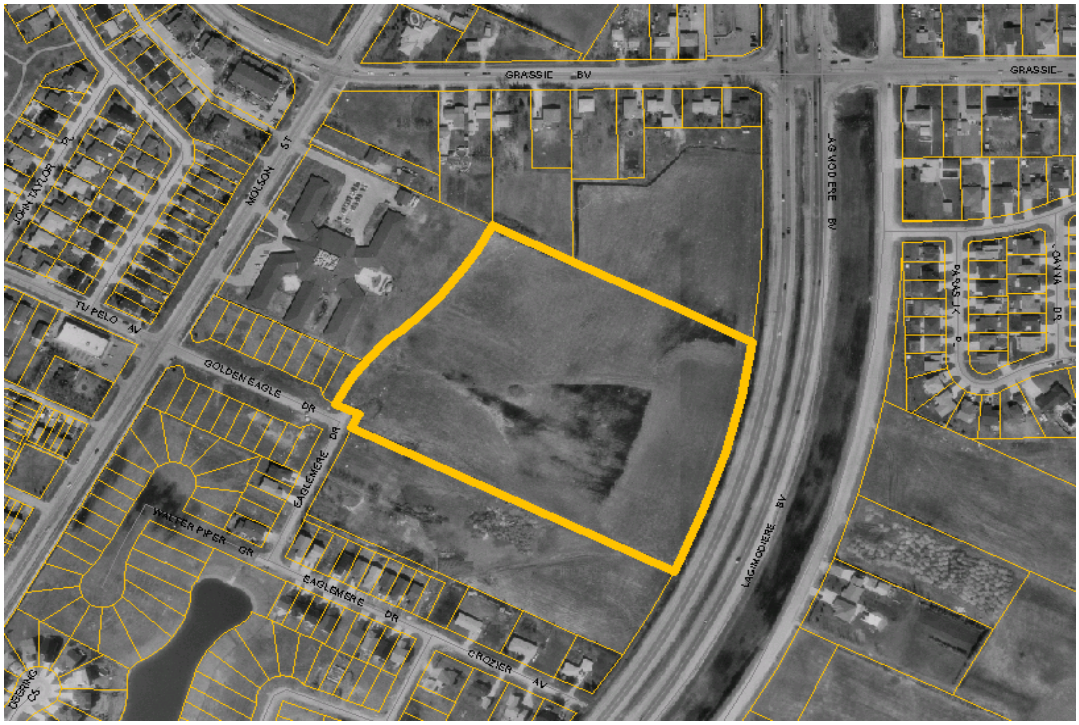


Figure 2: Air photo of subject property DASZ 9/03.

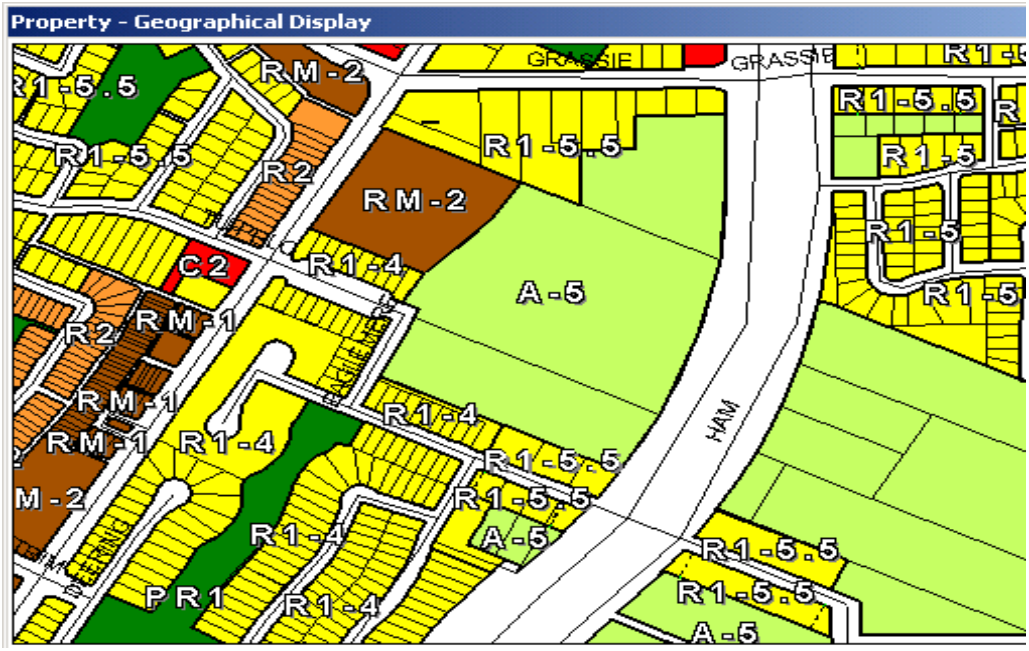


Figure 3: Zoning Map of subject property DASZ 9/03.

INTER-OFFICE MEMORANDUM

Planning, Property and Development Department

Development and Inspections Division, Land Development Branch
Main Floor, 65 Garry Street

Winnipeg

To: I. Skundberg, Clerk

From: E.L. Carrière, Land Development Branch

RE: **Proposed subdivision and rezoning on land located on the east side of Eaglemere Drive – DASZ 9/03**
FILE: AG 9/03 (PLEASE QUOTE WHEN REPLYING)

Enclosed is a report of the Administrative Coordinating Group dated June 3, 2003 in connection with the above referenced development application being submitted for consideration by the East Kildonan-Transcona Community Committee at its meeting to be held on June 18, 2003.

"Original signed by E.L. Carrière"
E.L. Carrière, P.Eng.
Land Development Engineer

ELC/ld

cc: E. Axelrod, Subdivision Officer
W.R. Stovel, Legal Services
R.J. Hartmann, P.Eng., Public Works Department
K.T. Raban, P.Eng., Water and Waste Department
J. Wintrup, Planner
Councillor L. Thomas

River East Developments Limited, 30 Speers Road, Winnipeg, Manitoba, R2J 1L9
Attention: Lyne Jones

Enclosure

Re: Proposed subdivision and rezoning on land located on the east side of Eaglemere Drive – DASZ 9/03

FOR SUBMISSION TO THE CHAIRPERSON AND MEMBERS OF THE EAST KILDONAN-TRANSCONA COMMUNITY COMMITTEE

"Original signed by E.L. Carrière"
E.L. Carrière
Chairman
Administrative Coordinating Group

June 3, 2003

Re: Proposed subdivision and rezoning on land located on the east side of Eaglemere Drive – DASZ 9/03

An application has been submitted by River East Developments Limited to subdivide and rezone land located on the east side of Eaglemere Drive. The subject property is located adjacent to and immediately to the north of the land commonly referred to as Eaglemere covered under Development Agreement AG 26/88 between the City and River East Developments Limited.

It is recommended that the Applicant amend its plan to establish Golden Eagle Drive between Eaglemere Drive and the first intersection east thereof as a residential collector street.

It is recommended that approval of the amended plan be subject to the Developer entering into an Addendum to Development Agreement AG 26/88 as follows:

1. By attaching to Development Agreement AG 26/88 a copy of the plan approved under DASZ 9/03.

2. By attaching to Development Agreement AG 26/88 a copy of a servicing drawing showing the specific servicing requirements for the land covered under DASZ 9/03 including a 10.0m concrete street pavement within a 22.0m right-of-way in the section of Golden Eagle Drive being established as a residential collector street.

3. By adding a clause whereby the Developer shall, at no expense to the City, construct a 1.5m in width by 100mm in thickness Portland cement concrete pavement along the north side of Golden Eagle Drive from Eaglemere Drive to the first intersection east thereof, to the satisfaction of the Director of Public Works. The Developer shall construct the aforementioned sidewalk at the same time as the concrete pavement in the street.

4. By adding a clause whereby the Developer shall pay to the City in cash, its share of the following works and improvements as determined by and to the satisfaction of the Director of Public Works:

    i) the cost of constructing through lanes, auxiliary lanes, channelization and transitions, and all related works, on Molson Street at and in the vicinity of the Concordia Avenue intersection and on Concordia Avenue near Molson Street; and
    ii) the cost associated with the installation of traffic control signals at the intersection of Molson Street and Concordia Avenue.

    The Developer's share is to be calculated on an area basis on the original agreement (AG 26/88) share and development area, and the current development area.

5. By adding a clause whereby the Developer shall pay its share of the cost of constructing a concrete sidewalk on the east side of Molson Street abutting the new Baron Estates complex located at 1395 Molson Street.

6. By adding a clause whereby the Developer shall pay its share of the regional land drainage system as determined by the Director of Water and Waste. The 2003 rate therefor is $8,717.00/acre.

7. By adding a clause whereby the Developer shall pay $1,200.00/acre to defray the City's administration and related costs associated with the preparation and implementation of the Addendum.

8. By adding a clause whereby the Developer shall pay cash in lieu of dedication of land for Lot 5, S.P. Plan 30762 only. (The area of the balance of the land within DASZ 9/03 was included in the calculations for public open space previously provided under Development Agreement AG 26/88.)

THIS REPORT SUBMITTED BY:

Administrative Coordinating Group
File No. AG 9/03
June 3, 2003

V:\7-ACG Reports\03ag9-report.doc

"Original signed by E.L. Carrière"
Land Development Engineer

"Original signed by K.T. Raban"
Water and Waste Department

"Original signed by R.J. Hartmann"
Public Works Department
Transportation Division