Minute No. 627
Report - Standing Policy Committee on Property and Development - September 4, 2003

Item No. 7 Subdivision and Rezoning - Robson Street south of Stewin Avenue
File DASZ 12/2003

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 12/2003 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 12/2003 dated July 3, 2003, for registration in the Winnipeg Land Titles, subject to the following:

   A. That the Developer be required to enter into a Development Agreement with the City containing the conditions as outlined in the Administrative Coordinating Group report File AG 12/2003 dated June 30, 2003, with the following amendments:

   - That Condition No. 1 be renumbered to No. 1.A.

   - That a Condition No. 1.B. be added as follows:
     "1.B. That the Developer-owned land (part or all of Lots 30 and 31) required to be consolidated with privately-owned Lot 4 (1164 Plessis Road) to enable Lot 4 to be developed with access on the new street be transferred to the City. The City agrees to sell the transferred land to the owner of Lot 4 for market value plus the cost of services installed by the Developer in the new street calculated on the basis of Local Improvement rates as determined by the Director of Planning, Property and Development."

   - That Condition No. 3 be renumber to No. 3.A.

   - That a Condition No. 3.B. be added as follows:
     "3.B. That the Developer shall construct a sidewalk crosswalk across Robson Street at a location satisfactory to the Director of Public Works."

Report - Standing Policy Committee on Property and Development - September 4, 2003

COUNCIL DECISION (continued):

- That Condition No. 12 be amended by substituting the words "uses access routes as determined by the Director of Public Works" at the end of the first sentence with the words "use Plessis Road as an access route."

- That Condition No. 14 be amended to read as follows:
  "14. The Developer shall dedicate the 50' strip of land along the C.N.R. tracks to the City which land shall not count as public open space. The Developer shall pay cash in lieu of dedication for public open space in accordance with City policy which includes landscaping and the provision of serviced frontage."

- That the following be added as a Condition of the Development Agreement:
  "20. That prior to the issuing of any building or development permits, plans shall be submitted to and approved by the East Kildonan-Transcona Community Committee, showing the location and design of the proposed fencing and sidewalks on the subject property".

2. That The Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject lands as shown on Schedule "A" for File DASZ 12/2003 dated July 3, 2003 to "R1-3.5" Single Family Residential District Office.

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

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 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.

5. 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.

Report - Standing Policy Committee on Property and Development - September 4, 2003

COUNCIL DECISION (continued):

6. 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.

7. 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 - September 4, 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 September 17, 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 (as amended) and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On September 4, 2003, the Standing Policy Committee on Property and Development concurred in the recommendation of the East Kildonan-Transcona Community Committee as amended, namely:

- Recommendation 1.A
  Add the following as a new Condition of the Development Agreement:
  "20. That prior to the issuing of any building or development permits, plans shall be submitted to and approved by the East Kildonan-Transcona Community Committee, showing the location and design of the proposed fencing and sidewalks on the subject property".

- Recommendation 2
  Delete the words "subject to the applicant entering into a zoning agreement pursuant to the following:"

- Delete Recommendation 2.A in its entirety

- Delete Recommendation 2.B in its entirety,

and submitted the matter to Executive Policy Committee and Council.

Report - Standing Policy Committee on Property and Development - September 4, 2003

DECISION MAKING HISTORY (continued):

COMMUNITY COMMITTEE RECOMMENDATION:

On July 15, 2003, the East Kildonan-Transcona Community Committee concurred in the administrative recommendation as amended, namely:

- That Clause 1. A. with respect to the conditions outlined in the Administrative Coordinating Group report be amended as follows:

- That Condition No. 1 be renumbered to No. 1.A.

- That Condition No. 1.B. be added as follows:
  "1.B. That the Developer-owned land (part or all of Lots 30 and 31) required to be consolidated with privately-owned Lot 4 (1164 Plessis Road) to enable Lot 4 to be developed with access on the new street be transferred to the City. The City agrees to sell the transferred land to the owner of Lot 4 for market value plus the cost of services installed by the Developer in the new street calculated on the basis of Local Improvement rates as determined by the Director of Planning, Property and Development."

- That Condition No. 3 be renumber to No. 3.A.

- That Condition No. 3.B. be added as follows:
  "3.B. That the Developer shall construct a sidewalk crosswalk across Robson Street at a location satisfactory to the Director of Public Works."

- That Condition No. 12 be amended by substituting the words "uses access routes as determined by the Director of Public Works" at the end of the first sentence with the words "use Plessis Road as an access route."

- That Condition No. 14 be amended to read as follows:
  "14. The Developer shall dedicate the 50' strip of land along the C.N.R. tracks to the City which land shall not count as public open space. The Developer shall pay cash in lieu of dedication for public open space in accordance with City policy which includes landscaping and the provision of serviced frontage."

Report - Standing Policy Committee on Property and Development - September 4, 2003

DECISION MAKING HISTORY (continued):

COMMUNITY COMMITTEE RECOMMENDATION (continued):

- That Clause 2. B. be added as follows:
  "2.B. That prior to the issuing of any building or development permits, plans shall be submitted to and approved by the East Kildonan - Transcona Community Committee, showing the location and design of the proposed fencing, landscaping and sidewalks on the subject property."

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

RE: **Subdivision and Rezoning – Robson Street south of Stewin Avenue File DASZ 12/2003**

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

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

Report date: **July 24, 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 No. DASZ 12/2003 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File No. DASZ 12/2003, dated July 03, 2003, for registration in the Winnipeg Land Titles subject to the following:

    A. That the Developer be required to enter into a Development Agreement with the City containing the conditions as outlined in the Administrative Coordinating Group report File No. AG 12/2003 dated June 30, 2003, ***with the following amendments:***

    - ***That Condition No. 1 be renumbered to No. 1.A.***

    - ***That Condition No. 1.B. be added as follows:***
      "1.B. That the Developer-owned land (part or all of Lots 30 and 31) required to be consolidated with privately-owned Lot 4 (1164 Plessis Road) to enable Lot 4 to be developed with access on the new street be transferred to the City. The City agrees to sell the transferred land to the owner of Lot 4 for market value plus the cost of services installed by the Developer in the new street calculated on the basis of Local Improvement rates as determined by the Director of Planning, Property and Development."

    - ***That Condition No. 3 be renumber to No. 3.A.***

- ***That Condition No. 3.B. be added as follows:***
  "3.B. That the Developer shall construct a sidewalk crosswalk across Robson Street at a location satisfactory to the Director of Public Works."

- ***That Condition No. 12 be amended by substituting the words "uses access routes as determined by the Director of Public Works" at the end of the first sentence with the words "use Plessis Road as an access route."***

- ***That Condition No. 14 be amended to read as follows:***
  "14. The Developer shall dedicate the 50' strip of land along the C.N.R. tracks to the City which land shall not count as public open space. The Developer shall pay cash in lieu of dedication for public open space in accordance with City policy which includes landscaping and the provision of serviced frontage."

2. That Zoning By-Law 6400/94 be amended by rezoning the subject lands as shown on Schedule 'A' for File No. DASZ 12/2003, dated July 03, 2003 to "R1-3.5" Single Family Residential District Office subject to the applicant entering into a zoning agreement pursuant to the following:

   A. That the proposed fencing along Plessis Road and the CNR Reditt Line be constructed and maintained thereafter to the satisfaction of the Director of Planning, Property and Development.

   B. That prior to the issuing of any building or development permits, plans shall be submitted to and approved by the East Kildonan - Transcona Community Committee, showing the location and design of the proposed fencing, landscaping and sidewalks on the subject property.

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

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 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.

5. 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.

6. 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.

7. That in the event 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.

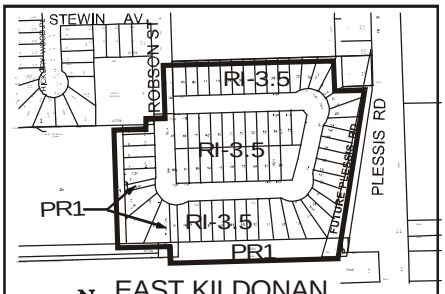
Note: Bold and italicized wording denotes variation between administrative recommendations and recommendations of the East Kildonan-Transcona Community Committee.

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

1. Traffic volumes will be within acceptable levels and a crosswalk will be installed by the Developer.
2. Based on the demand and price of the market and in light of the challenges of a future underpass, single-family homes, and not a commercial development, will be built in the existing single-family home area.
3. The applicant has worked together with the Administration in addressing many concerns, including emergency vehicular access, and ensuring available parkland.

PUBLIC HEARING SUMMARY

File:	DASZ 12/2003
Before:	East Kildonan-Transcona Community Committee Councillor Thomas, Chairperson Councillor Lubosch Councillor Wyatt
Public Hearing:	July 15, 2003 Community Committee Chamber 755 Henderson Highway
Applicant:	Kris Sidhu 1060 McPhillips Street Winnipeg, MB R2X 2X9
Subject:	



APPLICANT : KRIS SIDHU
FILE : DASZ 12/03
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 a "PR1" PARKS AND RECREATION DISTRICT and an "R1-5" SINGLE-FAMILY DISTRICT to a "PR1" PARKS AND RECREATION DISTRICT and 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: Robson Street south of Stewin Avenue

Exhibits Filed:

1. Application dated June 23, 2003
2. Advertising notice dated June 17, 2003
3. Manitoba Status of Titles 1318296, 1730581, 1764156 and 1764157
4. Manitoba Certificate of Title 441284
5. Letter of Authorization dated May 28, 2003 from Darshan Singh Thind to Kris Sidhu
6. Letter of Authorization dated May 28, 2003 from Kulwinder Kaur Singh to Kris Sidhu
7. Extract of Atlas Sheet AA33
8. Misc. Plan No. 8618/2
9. Report from the Acting Manager of Planning and Land Use dated July 3, 2003

10. Report from the Administrative Coordinating Group dated June 30, 2003
11. Report from the Planner dated July 15, 2003 with respect to development generated traffic
12. Photograph(s) of the Site and Inspection Notice
13. Petition in opposition to the application purporting to contain 43 signatures submitted by Steve Miloica at the public hearing
14. Communication dated July 15, 2003, from Karen Jashyn in opposition to the application submitted at the public hearing
15. Communication from Lois Hadden in opposition to the application submitted by Karen Jashyn at the public hearing

REPRESENTATIONS:

In Support:
Kris Sidhu
Balwinder Gill

In Opposition:
Grant Beakley
Darlene Ahoff & Edward Choptain
Lois Hadden
Karen Jashyn
Andy Koshelanyk
Steve Miloica
Vanessa and John Sedor

For Information Purposes:
Jocelyn Dankewych
Cynthia Podolsky

For the City:
Ernie Carriere, Land Development Engineer, Planning, Property and Development Department
John Wintrup, Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

Kris Sidhu appeared in support of the application. He advised that he intends to create 65 lots with 35 foot frontage on a quiet bay on land that has been vacant for a number of years. He also advised that the proposed project will not be able to have access onto Plessis Road.

Balwinder Gill appeared in support of the application.

Andy Koshelanyk, appeared on behalf of Steve Miloica who is the owner of the property at 1164 Plessis Road, in opposition to the application. He expressed concern that Steve Miloica's property will be landlocked if the proposed application proceeds, as the proposal does not provide for a second access. He indicated that currently Steve Miloica has full access to services for his property but because the City of Winnipeg is suggesting that lots 30 and 31 of the proposed development be held in trust, he purported that the property at 1164 Plessis Road will have no value to Steve Miloica.

Steve Miloica appeared in opposition to the application, and submitted a petition in opposition to the application, filed as Exhibit 13. He advised that he wants to be ensured that he has a buildable lot or lots before the subject application is approved.

Councillor Wyatt questioned if the Administration is recommending that lots 30 and 31 of the proposed development be landlocked. Ernie Carriere responded that he is not aware of such a recommendation and advised that the Administrative Coordinating Group recommends that the plan be altered to accommodate Steve Miloica's land and that the City hold the lands in trust.

John Sedor appeared in opposition to the application and advised that he lives on Robson Street. He advised that he is not opposed to development but is concerned regarding the amount of traffic the proposed 65 home development would generate on Robson Street. He indicated that there is many children in the area and to have a single access to the development is not acceptable and suggested that access be onto Plessis Road.

Karen Jashyn appeared in opposition to the application and submitted a written presentation in this connection, filed as Exhibit 14. She expressed concern regarding the access to the proposed development off Robson Street and suggested instead that access be off of Plessis Road.

Cynthia Podolsky appeared for information and advised that she resides on Robson Street. She questioned the size of the lots and houses to be built. She further questioned construction road access, and expressed concern regarding traffic flow and cement trucks accessing the proposed development utilizing Robson Street. She further expressed concern regarding one access only to the development and the consequences if there was an emergency.

Jocelyn Dankewych appeared for information and expressed concern regarding the impact on traffic.

Vanessa Sedor appeared in opposition to the application and advised that she resides at the end of Robson Street. She expressed concern regarding safety and that the proposed development would have only one access, which would be on Robson Street, and would have no access onto Plessis Road.

Kris Sidhu advised that the access to the proposed development on Robson Street and not situated on Plessis Road is a result of meeting with the Department of Transportation. He indicated that they were apprised that an underpass is planned for the future and therefore would not be granted access onto Plessis Road. He indicated that the proposed houses will be marketed for under $150,000.00 each and the smallest lot will be 37.5 feet. In this connection, he advised his opinion that larger lots are not sustainable in the subject area. He further indicated that they have had recent meetings and have spoken with Steve Miloica to address the concern regarding Steve Miloica's property, and are currently attempting to resolve the issue.

Councillor Wyatt questioned the applicant if he has any concerns regarding the following; namely, extending a sidewalk down Robson Street to the park, installation of a crosswalk across Robson Street for safety reasons, eliminating Lot 1 from the proposal to open up sight lines to the park, and developing a landscape plan. The applicant responded that he would adhere to all the conditions.

Councillor Thomas questioned why it is not possible to access the proposed development off of Plessis Road. John Wintrup responded by advising that Plessis Road will be widened in the vicinity of Steve Miloica's property and a significant downhill grade will be required to construct an underpass under the railway tracks.

Ernie Carriere confirmed negotiations could continue to derive a reasonable solution for Steve Miloica and his property, and lots 30 and 31 of the applicant's proposed development.

In reply please refer to / Référence à rappeler :

John S. Wintrup
(204) 986-5102
Fax / Téléc. : (204) 986-3684

File No. DASZ 12/03 July 03 , 2003
Our c/f CP 500 (.416)

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

Dear Ms. Skundberg:

SUBDIVISION AND REZONING
Robson Street South of Stewin Avenue
Lots 1 to 4 of Block 4, Public Reserve 17778, SP Lots 1, 2 and 3 Plan 19,188
East Kildonan - Transcona Community Committee
File No. DASZ 12/03

An application has been received from Kris Sidhu for approval of a plan of subdivision and related zoning change to amend By-Law No. 6400/94 by rezoning the land shown below from a "PR-1" Parks and Recreation District and "R1-5" Residential District to a "R1-3.5" Residential District.z

RELATED FILES: DAZ 315/77; DAS 48/73;



SITE DESCRIPTION:

Site Area: The site area is approximately 10.69 acres (43,296.762 square metres).

Existing Land Use and Zoning: Vacant land designated "R1-5" Residential District and "PR-1" Parks and Recreation District.

Surrounding Land Use and Zoning:

North: Multiple Family Dwellings Designated "RM-2" with rear yards.
South: Gas Pipeline Right-of-Way and CNR Mainline designated "R1-5" and "M-1"
East: Across Plessis Road, industrial land zoned "M-2".
West: Robson Park designated "PR-1".

DEVELOPMENT DESCRIPTION:

The applicant, intends to create 65 lots and rezone the subject property from "R1-5" Residential District and "PR-1" Parks and Recreation District to a "R1-3.5" Residential District. The lots will range in width from 37.5 feet (11.43 metres) to 42 feet (13.08 metres), and in depth from 104 feet (31.91 metres) to 136 (41.20 metres).

The subject land is bounded by town houses, Plessis Road, CNR's Mainline, and Robson Park. Robson Street will be extended south and re-established on a previously closed street right-of-way. A horseshoe bay will be constructed to connect with the Robson Street extension.

The street pattern allows a subdivision design that has all the new lots facing the interior of the site, essentially turning its back on the surrounding industrial users. A wooden privacy fence will encircle the periphery of the proposed development to buffer the new residences from adjacent, non-compatible uses.

The applicant is proposing two pathways be set aside as Public Reserve linking Robson Street and the new residential development to the surrounding amenities. The applicant is also proposing to increase the buffer between the residences and the CNR Mainline by not developing on the Pipeline right-of-way. The City anticipates this land will be developed as a pathway in the future to connect Plessis Road with Robson Park. The lots backing onto the CNR Mainline will also be approximately 133.8 feet to 136 feet in depth.

The City will acquire additional land on the east side of the property for the future widening of Plessis Road. It is anticipated an underpass will be constructed at the Plessis Road / CNR Mainline crossing. Plessis Road has also been designated the major North-South Transportation

Corridor at this location that will eventually connect with the Chief Pegius Trail extension and form the Inner Ring transportation route.

PLAN WINNIPEG:

The proposed concept complies with Plan Winnipeg in that a residential rezoning is allowed in Neighbourhood Policy Areas.

ADMINISTRATIVE COMMENTS:

The Department strongly supports single family residential use on the subject lands. This proposed infill project is consistent to the surrounding context of single family residential uses in the Mission Gardens Neighbourhood. The influx of new residents with families and children attracted to this area will greatly augment the neighbourhood and the community of Transcona.

Residential uses have been planned for this property for the last 30 years with a previous application for single family dwellings being approved that resembles the present application (DAS 48/73). The land has been designated residential for decades and can be developed with a minimum 50 foot lot widths without the need of a rezoning application. The applicant has indicated the market is stronger for houses on 35 foot lots and will be providing lots that are larger than this minimum requirement.

The applicant worked closely with City Staff prior to making an application to develop a design that buffers the new residents from the CNR Mainline, Plessis Road, etc, and deal with any issues/concerns of the Administration. The physical barriers adjacent to the site limit the type of design that can be applied. The future widening of Plessis Road at this location prevents a through street from being developed. The easement for the Gas Pipeline adjacent to the CNR Mainline prevents development on this right-of-way. And, Robson Park to the west is a naturalised brush land used for passive uses with some active uses at the west end of the park.

Thus, the design of the subdivision is a practical application considering the adjacent non-compatible uses of industrial users and major traffic corridors. It will provide a quiet bay for the new residents strongly attracted to this neighbourhood. Houses fronting Robson allows residences to face the street and, with front yard landscaping, meet the expectation of a residential neighbourhood by contributing to the open, park-like character of Winnipeg's neighbourhoods. The proposed design will facilitate the interaction of people within their community by providing pathways to Robson Park and connecting Robson Street to a pathway leading to Plessis Road. These pathways will be set aside as Public Reserve and corresponded with the location of major water lines. The pathways will enhance the new and existing residents ability to access the neighbourhood amenities, such as parks and schools, that are in the surrounding area. The visual impact of rear yards and wood fencing on the surrounding residents is non-existent since no existing houses have frontage on the proposed subject property.

The applicant does not own the property at 1164 Plessis Road (Lot 4, S.P. Plan 19188), which is at the northeast corner of the proposed subdivision. The Plessis Road expansion for the future underpass will also require land from this property, and would make developing this lot extremely difficult unless it was part of the proposed subdivision. As such, the Administration believes the corner lots in the proposed subdivision must remain vacant until such time as the adjacent property can be absorbed to allow for the orderly development of the area.

RECOMMENDATION:

1. That, the plan of subdivision proposed under File No. DASZ 12/03 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File No. DASZ 12/03, attached hereto and dated July 03, 2003, for registration in the Winnipeg Land Titles subject to the following:

    A. That, the Developer be required to enter into a Development Agreement with the City containing the conditions as outlined in the Administrative Coordinating Group report File No. AG 12/03 and dated June 30, 2003.

2. That, Zoning By-Law 6400/94 be amended by rezoning the subject lands as shown on Schedule 'A' for file No. DASZ 12/03, attached hereto and dated July 03, 2003 to "R1-3.5" Single Family Residential District Office subject to the applicant entering into a zoning agreement pursant to the following:

    A. That, the proposed fencing along Plessis Road and the CNR Reditt Line be constructed and maintained thereafter to the satisfaction of the Director of Planning, Property and Development.

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

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 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.

5. 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.**

6. 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.

7. That, in the event 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: John S. Wintrup, Planner
East Kildonan - Transcona Community
986-5102

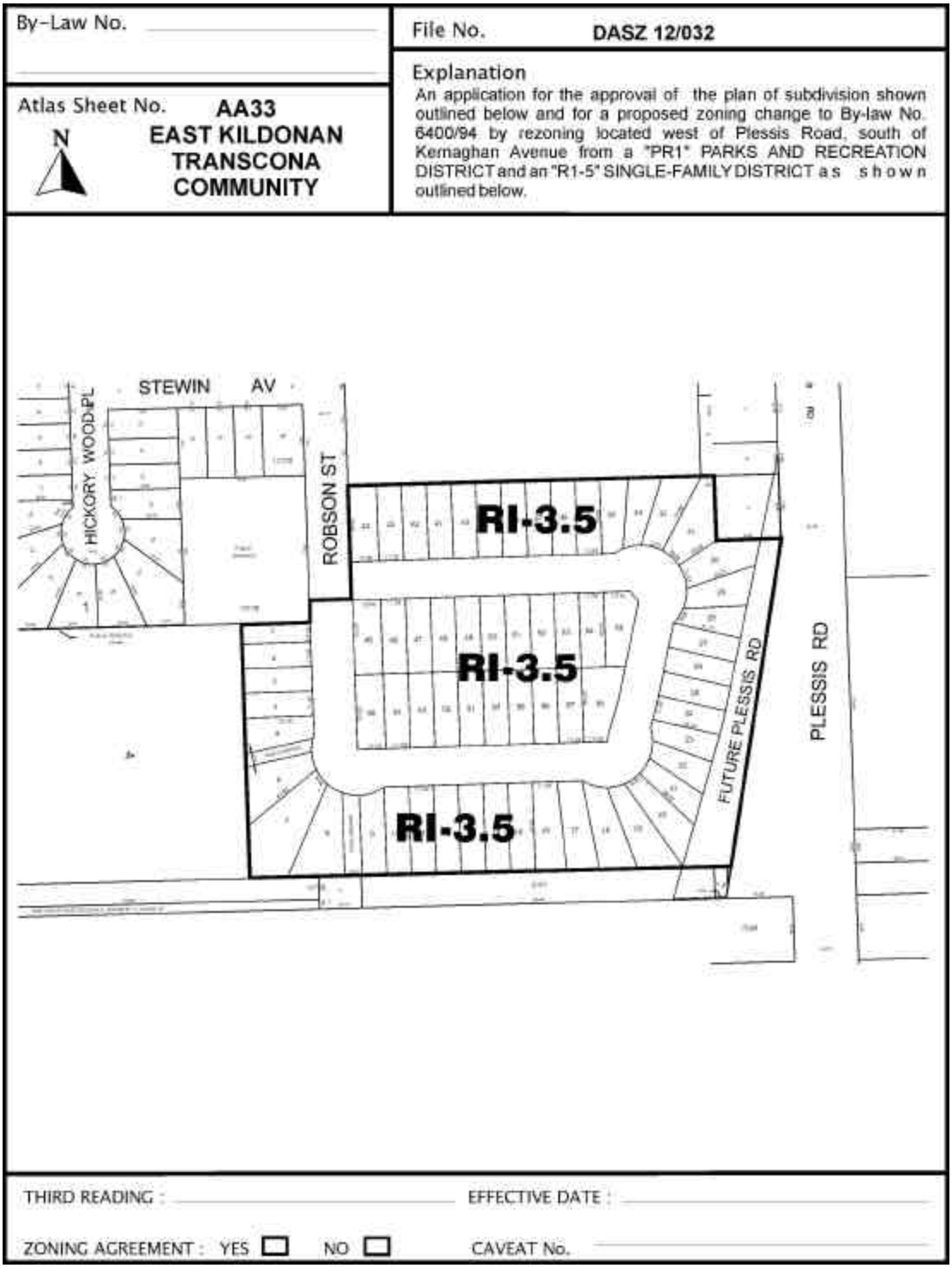


Figure 1: Schedule "A" to the report to the East Kildonan -Transcona Community Committee for File No. DASZ 12/03, dated July 03, 2003.



Figure 2: Existing Zoning For Subject Property and Surrounding Area

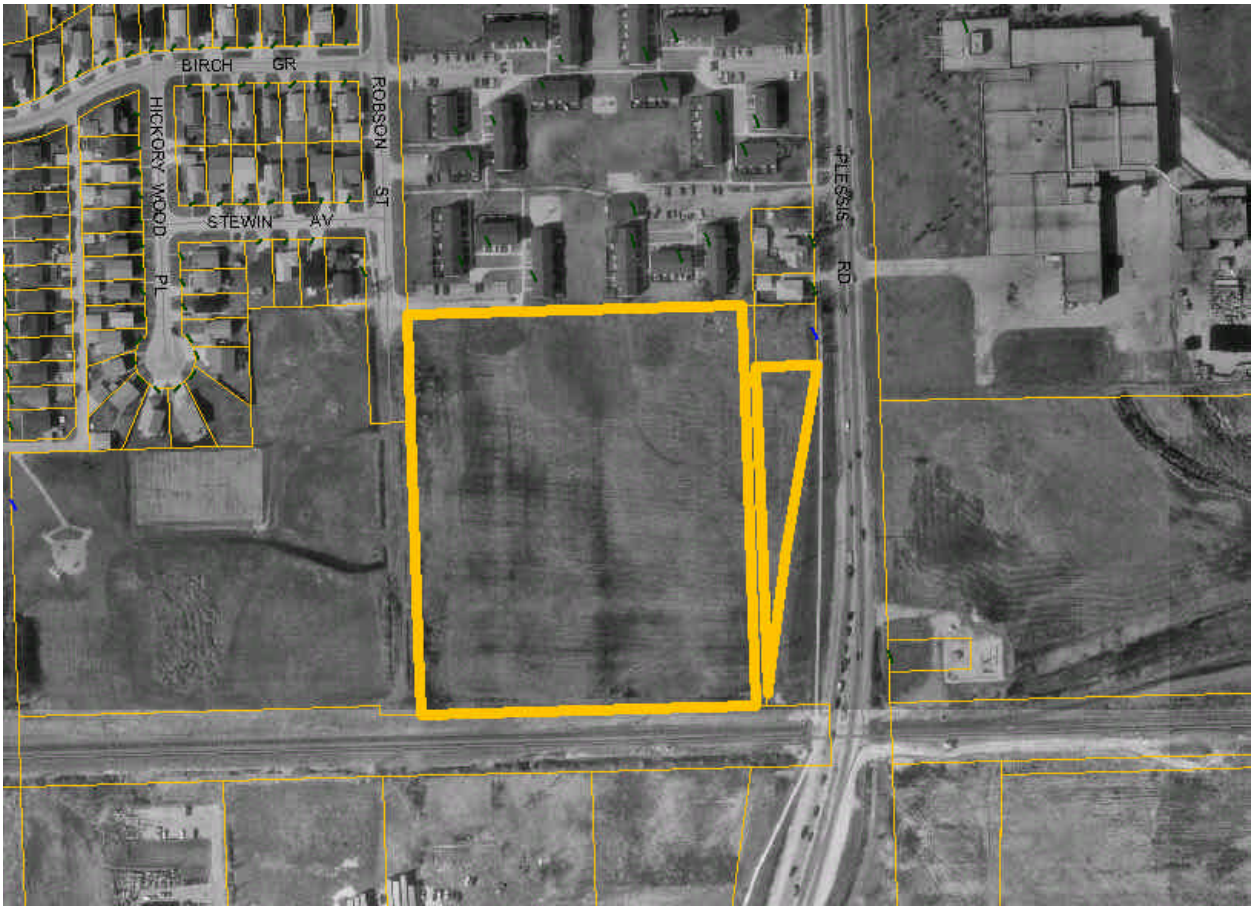


Figure 3: Air Photo For Subject Property and Surrounding Area

Re: Proposed subdivision and rezoning on land located on the west side of Plessis Road north of Dugald Road – DASZ 12/03

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

ORIGINAL SIGNED BY E. L. CARRIERE

E.L. Carrière
Chairman
Administrative Coordinating Group

June 30, 2003

Re: Proposed subdivision and rezoning on land located on the west side of Plessis Road north of Dugald Road – DASZ 12/03

An application has been submitted by Kris Sidhu to subdivide and rezone land located on the west side of Plessis Road north of Dugald Road. The application was reviewed by the ACG at its meeting held on June 25, 2003 and hereby advises your Committee that the plan as proposed results in a bay of 65 single family residential lots with only a single means of access and an approximate 300m dead-end, almost three times the current standard of 105m. If notwithstanding the above, your Committee decides to approve the plan, it is recommended that approval be subject to the following conditions:

1. That the plan be amended as determined by the Director of Planning, Property and Development to provide for the planned and orderly development of Lot 4, S.P. Plan 19188, (1164 Plessis Road), located at the northeast corner of the proposed subdivision.
2. That proposed Lot 1 be retained by the City for park purposes.
3. That approval of the plan amended in accordance with 1. and 2. above be subject to the Developer entering into a Development Agreement as follows:

    1. a) The Developer shall, at no expense to the City, install watermains, wastewater sewers and land drainage sewers required to serve the proposed subdivision to the satisfaction of the Director of Water and Waste.
       b) All wastewater from this development should be directed to the existing wastewater sewer in Plessis Road. Also the existing land drainage sewer in Robson Street only has capacity for the fronting lots. Thus, the balance of the proposed subdivision must be directed to the existing land drainage sewer in Plessis Road.
       c) The Developer shall, at no expense to the City, install water and wastewater lot line connections to serve each lot within the proposed subdivision.
    2. The Developer shall, at no expense to the City, construct concrete pavements to a minimum width of 7.5m in all streets within the proposed subdivision to the satisfaction of the Director of Public Works. There are to be no private approaches off Plessis Road.
    3. The Developer shall, at no expense to the City, construct a portland cement concrete sidewalk to a width of 1.5m by 100mm in thickness on the west side of the extension of Robson Street from its present terminus south of Stewin Avenue to the proposed walkway to the PR1 area abutting the CNR Reddit Subdivision, as determined by and to the satisfaction of the Director of Public Works.
    4. The Developer shall, at no expense to the City, install ornamental street lighting in all streets within the proposed subdivision to the satisfaction of the Director of Public Works.
    5. The Developer shall, at no expense to the City, install sod and plant trees on all boulevards within and abutting the proposed subdivision as determined by and to the satisfaction of the Director of Public Works.

6. The Developer shall, at no expense to the City, cause to be installed standard reflectorized permanent street name signs at each new intersection within or adjacent to the proposed subdivision, as determined by the Director of Public Works.
7. The Developer shall, at no expense to the City, provide underground electrical and telephone services to serve the proposed subdivision and will pay the full cost to convert any existing overhead services within the proposed subdivision to underground.
8. The Developer is to pay all costs associated with the installation and/or relocation of street lights and other utilities made necessary as a result of or required to accommodate works, which are required by the Developer to serve the proposed subdivision, as determined by and to the satisfaction of the Director of Public Works.
9. The Developer shall, at no expense to the City, construct a cul-de-sac type vehicle turnaround at the terminus of each temporarily dead-ended street and provide any right-of-way or easement necessary to accommodate same, all as determined by and to the satisfaction of the Director of Public Works.
10. The Developer shall ensure that two paved means of vehicular access are available at all times through all stages of development of the Planned Area to the satisfaction of the Director of Public Works. This may require the construction of temporary roadways and the provision of easements or right-of-way therefor.
11. The Developer shall be responsible to control and to initiate the clean up of litter and refuse from the contractors and builders for this development, both on-site and off-site, during the installation of services and construction of buildings, until substantial completion of all construction. The clean up of litter and refuse shall be done on a regular basis as determined by the Director of Public Works. This shall include initiating action and assuming any costs in remedying the situation to the satisfaction of the Director of Public Works.
12. The Developer shall ensure that construction traffic uses access routes as determined by the Director of Public Works. The Developer shall maintain, at no expense to the City, the access routes in a clean, dust free and safe condition, free of dropped and tracked-on mud, and shall undertake regular scraping and sweeping of streets until building construction, including landscaping is complete, all as determined by and to the satisfaction of the Director of Public Works.
13. The Developer shall, at no expense to the City, erect and maintain barricades and signing across the full width of any temporarily dead-ended streets, due to phasing of development, immediately upon completion of the paving or when house construction has begun, whichever is sooner, as determined by and to the satisfaction of the Director of Public Works.
14. The Developer shall dedicate the 50' strip of land along the C.N.R. tracks to the City as public open space and pay cash in lieu of dedication to make up a full 8% public open space dedication in accordance with City policy which includes landscaping and the provision of serviced frontage.
15. The Developer shall, at no expense to the City, construct within the Planned Area abutting the CNR Reddit Subdivision a uniform fence 2.0m in height, as determined by and to the satisfaction of the Director of Public Works. Said fence is intended to ensure

that "pedestrian trespass" to the tracks does not become a consequence of the subject development, thereby jeopardizing existing and/or future anti-whistling regulations along the subject railway line.

16. The Developer shall, at no expense to the City, construct within the rear yards of all single family lots abutting Plessis Road, a uniform noise attenuation fence 2.0m in height, to the satisfaction of the Director of Public Works. The Developer is to permit the City to file a caveat against the title of each of these proposed lots abutting Plessis Road requiring the owner(s) to maintain and/or repair or replace the fence as originally constructed, to the satisfaction of the Director of Public Works.
17. The Developer shall pay $1,200.00 per acre to defray the City's administration and related costs associated with the preparation and implementation of the development agreement.
18. The Developer shall pay for the cost of engineering services provided by or on behalf of the City in connection with the installation of services required to serve the proposed subdivision.
19. The Developer shall install signs at the entrances to the subdivision, upon which is displayed a plan of the subdivision showing thereon the locations of all proposed sidewalks, community mail boxes, CNR Reddit Subdivision and Plessis Road.

THIS REPORT SUBMITTED BY:

Administrative Coordinating Group
File No. AG 12/03
June 30, 2003

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ORIGINAL SIGNED BY E. L. CARRIERE

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Land Development Engineer

ORIGINAL SIGNED BY F. MAZUR

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Water and Waste Department

ORIGINAL SIGNED BY R.J. HARTMANN

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Public Works Department