Minute No. 89
Report - Standing Policy Committee on Property and Development - December 2, 2003

Item No. 13 **Subdivision and Rezoning – south of Pandora Avenue West, west of Bournais Drive**
File DASZ 30/2003

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 30/2003 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 30/2003, dated November 6, 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 outlined in the Administrative Coordinating Group report File AG 30/2003 dated October 29, 2003, with the following amendments:

        i. That Condition No. 7 be amended by adding the following sentence, namely:

        "The Developer shall also construct a concrete walk from the proposed sidewalk to the existing bus stop on Bournais Drive."

        ii. That Condition No. 15 be amended by adding the words "or east" after the word "west" contained within the first sentence.

2. That The Winnipeg Zoning By-Law 6400/94 be amended by rezoning the subject lands as shown on Schedule 'A' for File DASZ 30/2003, dated November 6, 2003, to an "R1-4" Single Family Residential District.

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 the application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months after adoption of the report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of this time is applied for prior to the expiry of this twenty-four (24) month period and the extension is subsequently approved by Council.

Report - Standing Policy Committee on Property and Development - December 2, 2003

COUNCIL DECISION (continued)

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.

6. That the Plan of Subdivision shall be approved and signed by the Director of Planning, Property and Development within two (2) years of the date of passage of the aforementioned by-law.

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 - December 2, 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 December 10, 2003, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On December 2, 2003, the Standing Policy Committee on Property and Development concurred in the recommendation of the East Kildonan-Transcona Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On November 18, 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. 7 be amended by adding the following sentence, namely, "The Developer shall also construct a concrete walk from the proposed sidewalk to the existing bus stop on Bournais Drive."

    - That Condition No. 15 be amended by adding the words "or east" after the word "west" contained within the first sentence.

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

RE: **Subdivision and Rezoning – South of Pandora Avenue west, West of Bournais Drive**
File DASZ 30/2003

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

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

Report date: **November 25, 2003**

COMMUNITY COMMITTEE RECOMMENDATION:

On November 18, 2003, 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 30/2003 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 30/2003, dated November 6, 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 outlined in the Administrative Coordinating Group report File AG 30/2003, dated October 29, 2003, ***with the following amendments:***

        i. That Condition No. 7 be amended by adding the following sentence, namely, "The Developer shall also construct a concrete walk from the proposed sidewalk to the existing bus stop on Bournais Drive."

        ii. That Condition No. 15 be amended by adding the words "or east" after the word "west" contained within the first sentence.

2. That The Winnipeg Zoning By-Law 6400/94 be amended by rezoning the subject lands as shown on Schedule 'A' for File DASZ 30/2003, dated November 6, 2003, to "R1-4" 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.

6. That the Plan of Subdivision shall be approved and signed by the Director of Planning, Property and Development within two (2) years of the date of passage of the aforementioned by-law.

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. The School Division has indicated the sidewalk installation to the existing bus stop on Bournais Drive is necessary. The subject sidewalk would connect to the installation of the sidewalk on the south side of Pandora Avenue.

2. Construction of a widened public lane right-of-way will complete the existing partial paving and is required as a condition of the Development Agreement.

3. The subject application is close to many conveniences and is a beneficial location for the building and selling of houses.

PUBLIC HEARING SUMMARY

File: DASZ 30/2003

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

Public Hearing: November 18, 2003
Community Committee Chamber
755 Henderson Highway

Applicant: Bernhard Goertzen
Global Homes

Subject:



Premises Affected: South of Pandora Avenue West, West of Bournais Drive

Exhibits Filed:

1. Application dated October 3, 2003
2. Notification of Public Hearing to Applicant dated October 7, 2003
3. Manitoba Status of Titles 1088969, 1794211, 1451967
4. Letters of authorization dated August 13, 2003 from Ernest Tessler, Eleanor Sigmar and Frances Wach to Global Homes Ltd.
5. Plans, Sheets 1 to 2 inclusive for File DASZ 30/2003
6. Report from the Manager of Planning and Land Use dated November 6, 2003
7. Report from the Administrative Coordinating Group dated November 6, 2003
8. Inspection Report
9. Sketch of Proposed Subdivision submitted by Bernhard Goertzen, President of Global Homes Ltd.

REPRESENTATIONS:

In Support:

Bernhard Goertzen
Alvin Kleinsauser

In Opposition:

Nil

For Information:

B. Hunter
Dave Maxwell
Mark McGrath
Brian Scammell

For the City:

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

SUMMARIZATON OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

Bernhard Goertzen, Global Homes Ltd., appeared in support of the application, and submitted a sketch of the proposed subdivision, filed as Exhibit 9. He expressed concern regarding conditions in the proposed development agreement. He requested that the street connections to the existing pavement in Bournais Drive be asphalt and not concrete and expressed concern regarding the construction of a sidewalk from Rougeau Avenue to Pandora Avenue West. In addition, he opposed the requirement for widening the public lane right-of-way as in his opinion, the public lane does not benefit the application, as the developer will be servicing the lots from the front street only. With respect to the property at 1076 Pandora Avenue that extends directly to the street, he requested that a 2.05 m wide lot adjacent to the east limit of 1076 Pandora Avenue West be transferred to the City as opposed to the west limit of 1076 Pandora Avenue.

B. Hunter appeared for information and advised that the existing public lane right-of-way is a single backlane and expressed concern that if the proposal were to proceed, a traffic problem would occur if the lane were not widened.

Mark McGrath appeared for information, and advised that he resides in the corner house that approaches the backlane. He indicated that the lane has been used as a snow dumping area and expressed concern regarding where the snow will be dumped during the current winter season. With respect to the back lane access, he indicated what a widening would be necessary to accommodate the development of 31 new lots. He suggested that the backlane be restricted to a one-way lane as the lane is purportedly being used as a short cut to avoid the four-way stop control at Bournais Drive and Rougeau Avenue.

Councillor Wyatt advised that the School Division would like a sidewalk installed along Bournais Drive, and in this connection, requested if the applicant would reconsider his position on the sidewalk installation. Councillor Wyatt indicated that there is a bus stop on Bournais Drive and requested that the sidewalk be constructed to the bus stop.

Bernhard Goertzen responded by advising that the sidewalk would be expensive to develop. Councillor Wyatt responded by indicating the subject property does not require an extension of sewer and water to it, which is a benefit to the development as no major upgrades are required.

With respect to the applicant's concern regarding the street connections to Bournais Drive being required as concrete, as opposed to asphalt as suggested by the applicant, Ernie Carriere, Land Development Engineer, responded. He indicated that concrete pavement would not be a wasted investment as Bournais Drive will never be four lanes between Pandora Avenue and the tracks.

Regarding the applicant's opposition to widening the public lane right-of-way as in his opinion, it would not benefit the application, Councillor Wyatt advised that residents of the subject application could apply for access to the backlanes.

Councllor Wyatt indicated that he would be requesting that the name "George Lawrence" from the East Kildonan-Transcona Community Committee Reserve Street Name List be utilized as the street name for the proposed development. In addition, he indicated that he would also request a report back to the East Kildonan-Transcona Community Committee on the dumping of snow, as well as controlling traffic down the backlane.

Exhibit "6" referred to in File DASZ 30/2003

In reply please refer to / Référence à rappeler :

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

File No. DASZ 30/03 November 6, 2003
Our c/f CP 500 (.416)

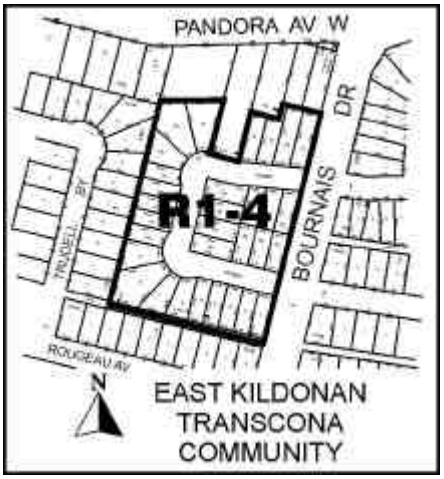
Ms. Inga Skundberg, Community Clerk
East Kildonan – Transcona Community Committee
Council Building
510 Main Street
Winnipeg, MB R3B 1B9

Dear Ms. Skundberg:

SUBDIVISION AND REZONING
South of Pandora Avenue
West of Bournais Drive
East Kildonan - Transcona Community Committee
File No. DASZ 30/03

An application has been received from Global Homes LTD. (Bernhard Goertzen) 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 "R1-20" Residential District to a "R1-4" Residential District.

RELATED FILES:



SITE DESCRIPTION:

Site Area: The site area is approximately 3.864 acres (15,641.1 square metres).

Existing Land Use and Zoning: Vacant land designated "R1-20" Residential District.

Surrounding Land Use and Zoning:

North: Single Family Dwellings Designated "R1-20" with rear yards.
South: Across public lane, Single Family Dwellings designated "R1-5" with rear yards.
East: Across Bournais, Single Family Dwellings designated "R1-5", "R-2", and "R1-4"
West: Single Family Dwellings designated "R1-5" with rear yards.

DEVELOPMENT DESCRIPTION:

The applicant, intends to create 31 lots and rezone the subject property from "R1-20" Residential District to "R1-4" Residential District. The lots will range in width from 45.7 feet (13.941 metres) to 57.83 feet (17.629 metres), and in depth from 100 feet (30.480 metres) to 155 feet (47.351 metres).

The subject land is bounded by rear yards of single family dwellings to the north, south and west. A public lane is to the south. Flankage of single family dwellings are directed towards Bournais Drive by the existing residential developments to the east. A horseshoe bay will be constructed to connect with Bournais Street at the Hatcher Road and Dzyndra Crescent intersections.

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.

The street pattern allows a subdivision design that has all the new lots facing the interior of the site, creating a quiet residential bay. The design is sympathetic to the surrounding area – mirroring the existing residential development with rear yards directed towards existing rear yards, etc.

The landowner at 1076 Pandora Avenue West will not be participating in the subdivision / rezoning at this time. This landowner will have a 'through lot' that fronts on Pandora Avenue and the proposed new horseshoe bay. The City is recommending that the applicant amend the proposed plan by introducing a 2.05 metre wide lot adjacent to the west limit of the privately-owned property at 1076 Pandora. This will allow the future development of 1076 Pandora with similar lot sizes of the proposed development.

RECOMMENDATION:

A. That, the plan of subdivision proposed under File No. DASZ 30/03 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File No. DASZ 30/03, attached hereto and dated November 6, 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 30/03 and dated October 29, 2003.

B. That, Zoning By-Law 6400/94 be amended by rezoning the subject lands as shown on Schedule 'A' for file No. DASZ 30/03, attached hereto and dated November 6, 2003 to "R1-4" Single Family Residential District Office.

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

D. 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.

E. 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.

F. 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.

G. 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
Manager of Planning and Land Use

_____

Per: John S. Wintrup, Planner
East Kildonan - Transcona Community
986-5102

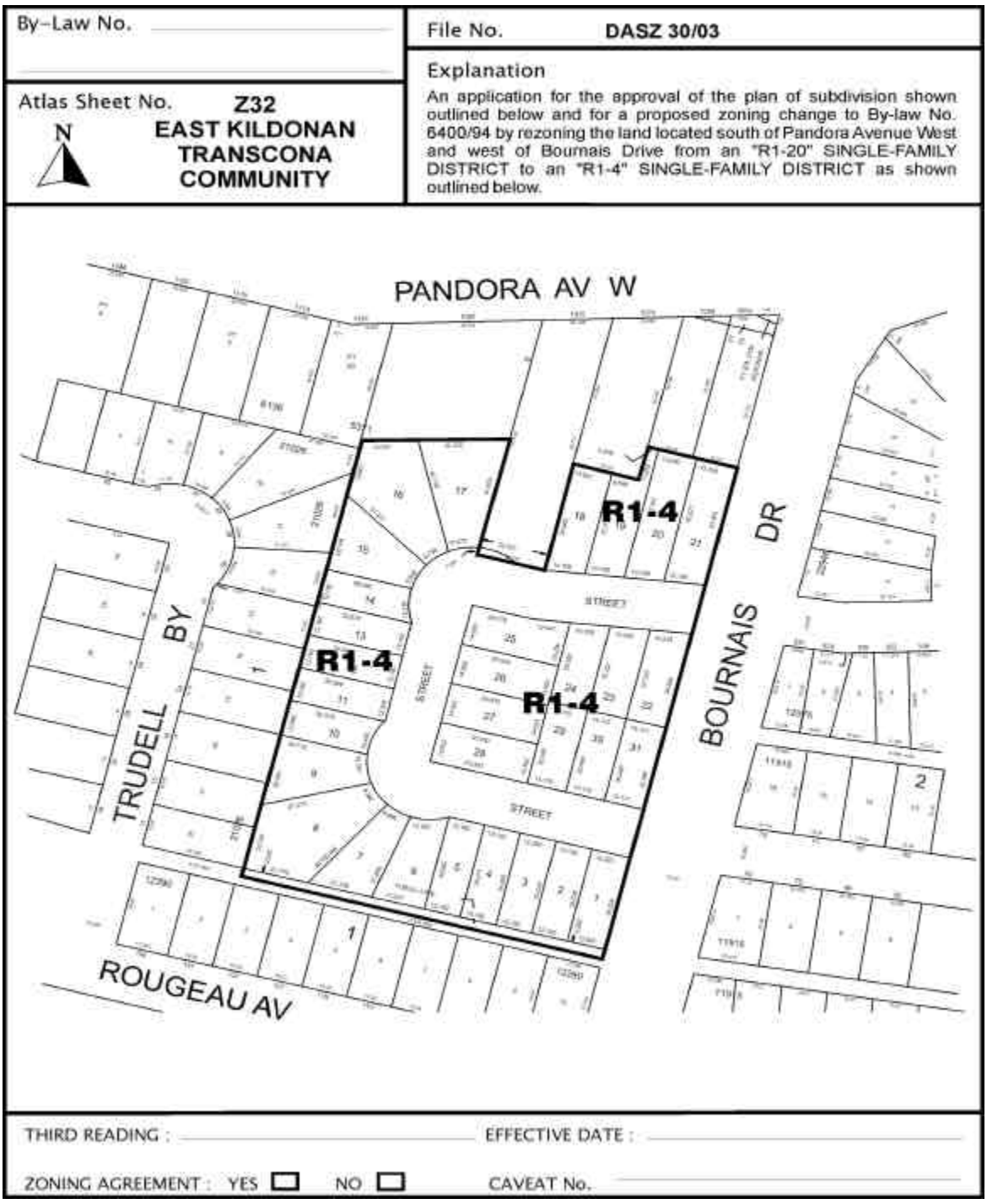


Figure 1: Schedule "A" to the report to the East Kildonan -Transcona Community Committee for File No. DASZ 30/03, dated November 06, 2003.

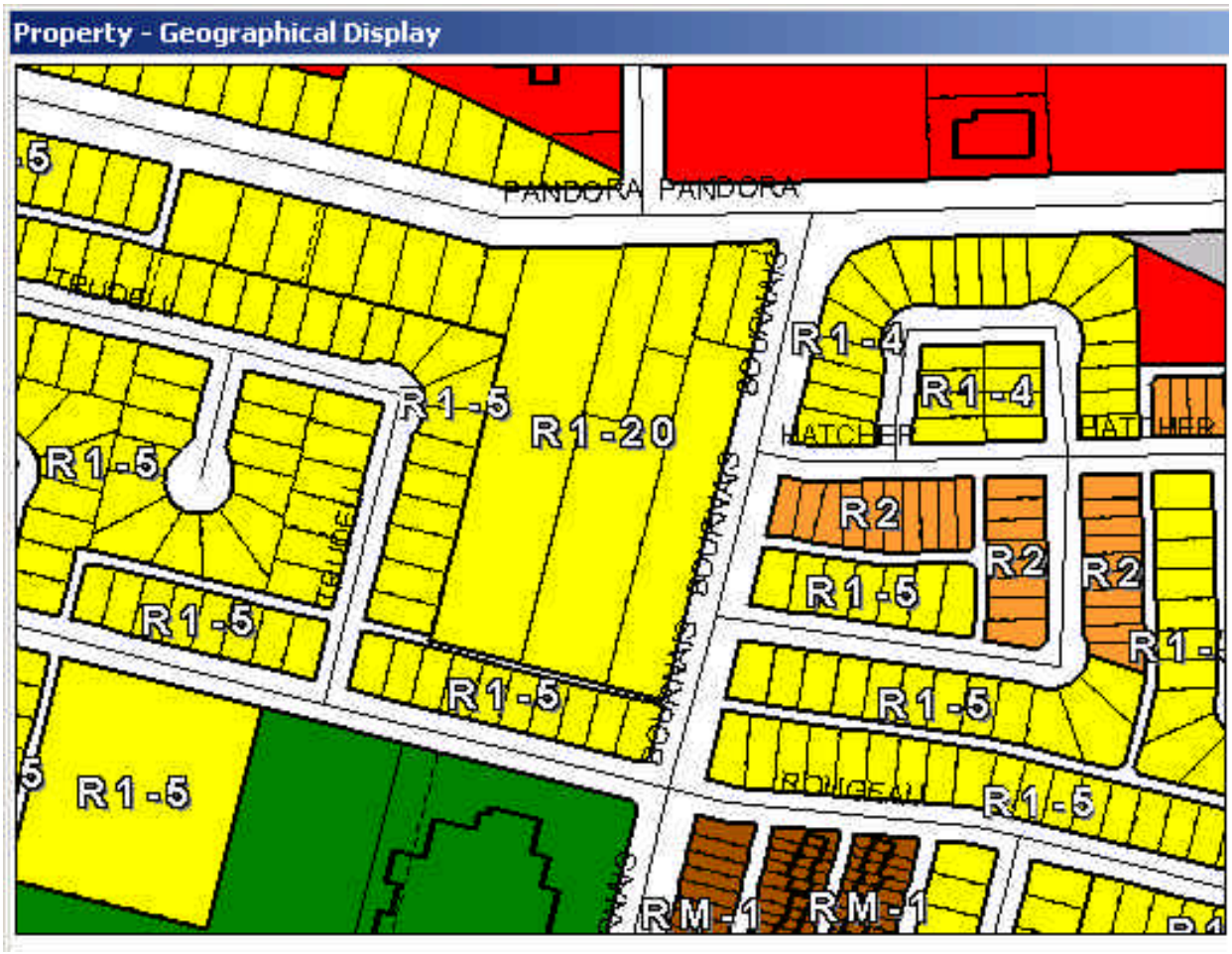


Figure 2: Existing Zoning For Subject Property and Surrounding Area



Figure 3: Air Photo For Subject Property and Surrounding Area

Exhibit 7 referred to in File DASZ 30/2003

INTER-OFFICE MEMORANDUM

Planning, Property and Development Department

Development and Inspections Division, Land Development Branch

Date: November 12, 2003

To: I. Skundberg, Clerk

From: E.L. Carrière, Land Development Branch

RE: **Proposed subdivision and rezoning on land located on the west side of Bournais Street, between Pandora Avenue West and Rougeau Avenue – DASZ 30/03**
FILE: AG 30/03 (PLEASE QUOTE WHEN REPLYING)

Enclosed is a report of the Administrative Coordinating Group dated November 6, 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 November 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 R. Wyatt

Global Homes Ltd., 330 – 1695 Henderson Highway, Winnipeg, Manitoba, R2G 1P1
Attention: B. Goertzen

Enclosure

Re: Proposed subdivision and rezoning on land located on the west side of Bournais Street, between Pandora Avenue West and Rougeau Avenue – DASZ 30/03

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

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

November 6, 2003

Re: Proposed subdivision and rezoning on land located on the west side of Bournais Street, between Pandora Avenue West and Rougeau Avenue – DASZ 30/03

An application has been submitted by Global Homes Ltd. to subdivide and rezone land located south of Pandora Avenue, west of Bournais Drive.

It is recommended that the Developer amend its plan by introducing a 2.05m wide lot adjacent to the west limit of the privately-owned property known as 1076 Pandora Avenue West to accommodate the establishment of 2 R1-4 lots at the rear of 1076 Pandora Avenue West in the future. The Developer shall also introduce a 1' strip within the proposed street right-of-way at the rear of 1076 Pandora Avenue West.

It is recommended that approval of the amended plan be subject to the Developer entering into a Development Agreement as follows:

1. a) The Developer shall, at no expense to the City, construct all watermains, wastewater sewers and land drainage sewers required to serve the proposed subdivision as determined by and to the satisfaction of the Director of Water and Waste. All land drainage from this development shall be directed to the existing land drainage sewer in Trudell Bay via the City's easement across 19 Trudell Bay.
   b) The Developer shall pay $901.40/acre as its share of the cost of the land drainage system constructed by others and benefiting the proposed subdivision.
   c) The Developer shall provide a lot grading plan prepared by a municipal engineer and shall grant any required easements to the City.

2. a) The Developer shall, at no expense to the City, construct portland cement concrete pavement to a width of 7.5m and a thickness of 150mm in all streets within the proposed subdivision, and all related works including but not necessarily limited to boulevard landscaping, ornamental street lighting and land drainage sewer, all as determined by and to the satisfaction of the Director of Public Works.
   b) The Developer shall construct concrete pavement street connections from the proposed subdivision to the existing pavement in Bournais Drive as determined by and to the satisfaction of the Director of Public Works.

3. The Developer shall, at no expense to the City, construct within the widened Public Lane right-of-way abutting the south limit of the Planned Area, a portland cement concrete pavement widening of 2.577m (8.46ft.) in width and thickness of 150mm, and all related works including, but not necessarily limited to land drainage sewer, all as determined by and to the satisfaction of the Director of Public Works.

4. 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 Planned Area, as determined by the Director of Public Works.

5. 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.

6. The Developer is to pay all costs associated with the installation and/or relocation of street lighting 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.

7. 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 Bournais Drive from Rougeau Avenue to Pandora Avenue West as determined by and to the satisfaction of the Director of Public Works.

8. The Developer shall be responsible to control and to initiate the clean up of litter and refuse from the contractors and builder 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.

9. 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.

10. 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.

11. 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 easements necessary to accommodate same, all as determined by and to the satisfaction of the Director of Public Works.

12. 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 therefore.

13. There are to be no private approaches serving single-family residential development within the Planned Area off Bournais Drive.

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 to the City the 2.05m wide lot adjacent to the west limit of 1076 Pandora Avenue West. The City agrees to sell the 2.05m lot to the owner of 1076 Pandora Avenue West for fair market value and to turn over to the Developer any monies collected from said sale including the cost of services calculated on the basis of the Local Improvement rates prevailing at the time the sale is concluded.

16. The Developer shall transfer to the City the 1' strip at the rear of 1076 Pandora Avenue West. The City agrees not to allow access across the 1' strip unless and until the owner of 1076 Pandora Avenue West has paid its share of the cost of services installed by the Developer in the proposed right-of-way calculated on the basis of Local Improvement rates prevailing at the time the owner pays for the services.

17. The Developer shall pay the full cost of engineering services provided by or on behalf of the City related to the construction of services to serve the proposed subdivision.

18. 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.

THIS REPORT SUBMITTED BY:

Administrative Coordinating Group
File No. AG 30/03
November 6, 2003

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"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