Minutes - Executive Policy Committee - September 22, 2004

Minute No. 511
Report - Standing Policy Committee on Property and Development - September 7, 2004

Item No. 3 Subdivision and Rezoning - King Edward Street, east side north of Inkster Boulevard
File DASZ 24/2003 [c/r DAC 21/2003]

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

The Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the Lord Selkirk-West Kildonan Community Committee and submits the following to Council:

1. That the plan of subdivision proposed under File DASZ 24/2003 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Exhibit "16" for File DASZ 24/2003 dated June 28, 2004, for registration in the Winnipeg Land Titles Office subject to the following:

    A. That the Developer be required to enter into a Development Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated April 27, 2004, with the following amendments:

        i. That clause 1. be amended to read as follows:

            "1. The proposed frontage roads are to be accommodated with a minimum right-of-way width of 7.0 metres and the terminus points of the frontage roads are to be located and designed to the satisfaction of the Director of Public Works."

        ii. That clause 2.a) be deleted in its entirety and the remaining clauses renumbered accordingly.

        iii. That clause 3.a) be amended to read as follows:

            "3.a) The Developer shall, at no expense to the City, construct portland cement concrete pavements within the proposed frontage roads within the proposed subdivision, as determined by and to the satisfaction of the Director of Public Works, which width and thickness shall be as was constructed on Ambergate Drive in the Amber Trails development (The Administration has confirmed the width was 5.5 metres by 150 mm. in thickness)."

Report - Standing Policy Committee on Property and Development - September 7, 2004

iv. That the words "previously installed" in clause 6. be deleted.
v. That clause 6.a) be deleted in its entirety and the remaining clauses renumbered accordingly.

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

3. That The Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as outlined on Schedule "A" for File DASZ 24/2003 dated May 11, 2004, to an "R1-3.5" Residential District.

4. That Caveat Nos. 87-14083, 87-14085, and 1023423 be withdrawn.

5. That the applicant shall purchase the 1.33 metre strip of City-owned land east of the subject properties between Garton and Chapman Avenues and between Chapman Avenue and Inkster Garden Drive and include same in the rezoning and plan of subdivision.

6. That a ten percent (10%) dedication be made by a payment of a sum of money to the City in lieu of the requirement for land dedication based on the increase in market value of the land and the creation of additional sites.

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

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

9. That the subdivision section of the by-law shall come into force and effect upon execution by the City of Winnipeg of the Development Agreement.

10. 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.

11. 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.

Report - Standing Policy Committee on Property and Development - September 7, 2004

12. 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.

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DECISION MAKING HISTORY:

Moved by Councillor Pagtakhan,

That the recommendations of the Standing Policy Committee on Property and Development and the Lord Selkirk-West Kildonan Community Committee be concurred in and forwarded to Council.

Carried

STANDING COMMITTEE RECOMMENDATION:

On September 7, 2004, the Standing Policy Committee on Property and Development concurred in the recommendation of the Lord Selkirk-West Kildonan Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On July 6, 2004, the Lord Selkirk-West Kildonan Community Committee concurred in the administrative recommendation with the following amendments:

Report of the Manager of Planning and Land Use

- That Schedule "A" for File DASZ 24/2003 dated May 11, 2004, be replaced with the plan of subdivision marked as Exhibit "16" for File DASZ 24/2003 dated June 28, 2004

Administrative Coordinating Group Report

- That the Administrative Coordinating Group report dated April 27, 2004 be amended as follows:

    A. That the Developer be required to enter into a Development Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated April 27, 2004, with the following amendments:

Report - Standing Policy Committee on Property and Development - September 7, 2004

DECISION MAKING HISTORY (continued):

i. That clause 1. be amended to read as follows:

"1. The proposed frontage roads are to be accommodated with a minimum right-of-way width of 7.0 metres and the terminus points of the frontage roads are to be located and designed to the satisfaction of the Director of Public Works."

ii. That clause 2.a) be deleted in its entirety and the remaining clauses renumbered accordingly.

That clause 3.a) be amended to read as follows:

"3.a) The Developer shall, at no expense to the City, construct portland cement concrete pavements within the proposed frontage roads within the proposed subdivision, as determined by and to the satisfaction of the Director of Public Works, which width and thickness shall be as was constructed on Ambergate Drive in the Amber Trails development (The Administration has confirmed the width was 5.5 metres by 150 mm. in thickness)."

iii. That the words "previously installed" in clause 6. be deleted.

iv. That clause 6.a) be deleted in its entirety and the remaining clauses renumbered accordingly,

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

RE: Subdivision and Rezoning - King Edward Street, east side north of Inkster Boulevard
File DASZ 24/2004 [c/r DAC 21/2003]

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

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

Report date: August 5, 2004

COMMUNITY COMMITTEE RECOMMENDATION:

On July 6, 2004, the Lord Selkirk-West Kildonan 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 24/2003 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with ***Exhibit "16" for File DASZ 24/2003, dated June 28, 2004,*** for registration in the Winnipeg Land Titles Office, subject to the following:

    A. That the Developer be required to enter into a Development Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated April 27, 2004 ***with the following amendments:***

        i. That clause 1. be amended to read as follows: "The proposed frontage roads are to be accommodated with a minimum right-of-way width of 7.0 metres and the terminus points of the frontage roads are to be located and designed to the satisfaction of the Director of Public Works."

        ii. That clause 2.a) be deleted in its entirety and the remaining clauses renumbered accordingly.

        iii. That clause 3.a) be amended to read as follows:

            "3.a) The Developer shall, at no expense to the City, construct portland cement concrete pavements within the proposed frontage roads within the proposed subdivision, as determined by and to the satisfaction of the Director of Public Works, which width and thickness shall be as was constructed on Ambergate Drive in the Amber Trails development (The Administration has confirmed the width was 5.5 metres by 150 mm. in thickness)."

iv. That the words "previously installed" in clause 6. be deleted.

v. ***That clause 6.a) be deleted in its entirety and the remaining clauses renumbered accordingly.***

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

3. That The Winnipeg Zoning By-Law No. 6400/94 be amended by rezoning the subject land as outlined on Schedule "A" for File DASZ 24/2003, dated May 11, 2004, to an "R1-3.5" Residential District.

4. That Caveat Nos. 87-14083, 87-14085, and 1023423 be withdrawn.

5. That the applicant shall purchase the 1.33 metre strip of City-owned land east of the subject properties between Garton Avenue and Chapman Avenue, and between Chapman Avenue and Inkster Garden Drive, and include same in the rezoning and plan of subdivision.

6. That a ten percent (10%) dedication be made by a payment of a sum of money to the City in lieu of the requirement for land dedication based on the increase in market value of the land and the creation of additional sites.

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

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

9. That the subdivision section of the by-law shall come into force and effect upon execution by the City of Winnipeg of the Development Agreement.

10. 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.

11. 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.

12. 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: The wording in bold and italics denotes amendments made by the Community Committee.

The Lord Selkirk-West Kildonan Community Committee provided the following supporting reasons for its recommendation:

1. The Lord Selkirk-West Kildonan Community Committee agreed with the administrative comments contained in the report from the Manager of Planning and Land Use dated May 11, 2004 and in the report from the Administrative Coordinating Group dated April 27, 2004.

2. The proposed development and upgrading of King Edward Street will be an improvement to the area and will serve to increase property values of the homes in the surrounding area.

3. The development costs for the lots in the proposed subdivision should not be a cash grab for the City, but rather the development should pay for itself.

PUBLIC HEARING SUMMARY

File: DASZ 24/2003 [c/r DAC 21/2003]

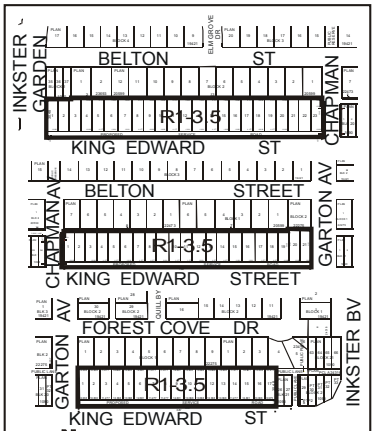
Before: Lord Selkirk-West Kildonan Community Committee
Councillor Pagtakhan, Chairperson
Councillor Lazarenko
Councillor O'Shaughnessy

Public Hearing: July 6, 2004
Council Chamber, Council Building
510 Main Street

Adjourned from: May 18, 2004

Applicant: Global Homes Ltd. (Bernhard Goertzen)

Subject:



APPLICANT : GLOBAL HOMES LTD.

FILE : DASZ 24/03

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 to an "R1-3.5" SINGLE-FAMILY DISTRICT to allow for the creation of sites for single-family development and to withdraw the existing Zoning Agreement affecting the subject lands. **For information, phone Mr. D. Marsh, Planner at 986-5549.**

Premises Affected: King Edward Street, east side north of Inkster Boulevard

Exhibits Filed:

1. Application dated September 9, 2003
2. Notification of Public Hearing dated April 8, 2004
3a. Manitoba Status of Titles 1671591 and 1958560
b. Manitoba Duplicate Titles 1670417, 1664732, 1671589, 1671590, 1671591
c. Title Searches 1077377, 1275013, 1275017, 1372400, 1373891, 1377936, 1569264, 1749278, 1919271, 1955038
4a. Letter of authorization dated May 16, 2003 from Mary Gerich to Global Homes Ltd.
b. Letter of authorization dated May 16, 2003 from Paramjit Bedi to Global Homes Ltd.
c. Letter of authorization dated May 16, 2003 from Raymond MacLennan to Global Homes Ltd.
d. Letter of authorization dated May 16, 2003 from Dora Alvarez to Global Homes Ltd.
5. Extract of Atlas Sheet T20
6. Proposed Plan of Subdivision (comprising 3 pages)
7. Report from the Manager of Planning and Land Use dated May 11, 2004
8. Report from the Administrative Coordinating Group dated April 27, 2004
9. Communication dated May 18, 2004 from B. Bedi, on behalf of residents of Belton Street and Forest Cove Drive, in support of the application
10. Inspection Report
11. Communication in opposition to the application received from the following:
    a. Bob and Alice Marten received May 18, 2004
    b. Darren Wittmann and Trish Wittmann received May 18, 2004
    c. Sandeep Kaushal received May 18, 2004
    d. Ronaldo R. Ramos received May 18, 2004
    e. Mr. and Mrs. Cesar Reyes received May 18, 2004
    f. Iqbal Brar received May 18, 2004
    g. Hop Doan and Lan Doan received May 18, 2004
    h. S. Field received May 18, 2004
    i. Sal Infantino received May 18, 2004
    j. Alenka Seri received May 18, 2004

12. A package of supporting documentation submitted by Bernhard Goertzen at the public hearing on May 18, 2004 (comprising 22 pages)
13. Communication dated May 18, 2004 from Alison Shykoluk, in support of the application
14. Communication dated May 18, 2004 from Sandeep Kaushal, on behalf of eight (8) residents of Belton Street and Forest Cove Drive, in opposition to the application
15. Supplementary report from the Manager of Planning and Land Use dated June 29, 2004
16. Revised Proposed Plan of Subdivision dated June 28, 2004, (comprising 3 pages)
17. Proposed Plan of Subdivision dated June 28, 2004 submitted by Bernhard Goertzen at the adjourned public hearing on July 6, 2004, showing the residents who were previously opposed to the plan of subdivision but who are now in favour of same
18. Supporting documentation submitted by Bernhard Goertzen at the adjourned public hearing on July 6, 2004

REPRESENTATIONS:

In Support:

Bernhard Goertzen, Global Homes Ltd.
B. Aleonar
S. Avinder
Akash Bedi
Baldev S. Bedi
Dalip S. Bedi
Kiranjit Bedi
Mewa Bedi
Paramjit Kaur Bedi
Garry Bistyak
Charles Carroll
Inderjit Dhaliwal
Sukhdev S. Gill
Balminder Gill
Ali M. Harb
Andrew Hretzay
Arwinder Kalar
Alvin Kleinsasser
Beverley MacLennan
Raymond MacLennan
S. Malik

Alvin Morgan
Bhagwant Muker
N. Rongavilla
Daljit Rukhra
Karampaul Sandhu
Kulwant Sarpal
Alison Shykoluk
Davinder Singh
Gurdial Singh
Manjit Singh
Darshan Thind
Pauline Tutkaluke
Amarjeet S. Warraich

In Opposition:

Iqbal Brar
Charles Carroll
Loc Doan
Bradley Gray
Joan Hayter-Smith
Reg Horbeski
Binda Kaushal
Kiran Kaushal
Meenu Kaushal
Sandeep Kaushal
David Langen
Chitra Maharaj
Naresh Maharaj
Pedro and Amelia Malonzo
Fred Massey
Arsenia Pacete
Santosh Pathak
Mr. and Mrs. Cesar Reyes
Mario Santos
C. Serrano
Rick Sheppard
Jaswinder P. Singh
R. P. Soddhi
Teresita Soliven
Ernesto Tonelete
A. Papanikolaou
Dung Van
Loc Doan Xuan

For Information:

Ligaya Catalan
Sonny Cenidoza
Edna Matias
K. Razmus

For the City:

Mr. E. Carriere, Land Development Engineer, Planning, Property and Development Department
Mr. C. Torpey, Land Development Administrator, Planning, Property and Development Department
Mr. D. Marsh, Planner, Planning, Property and Development Department
Mr. J. Wintrup, Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

May 18, 2004
Bernhard Goertzen, President, Global Homes Ltd., appeared in support of the application. Mr. Goertzen and submitted a package of supporting documentation comprising 22 pages, filed as Exhibit 12. He stated concurrence in the recommendations outlined in the report of the Manager of Planning and Land Use, but had the following concerns with respect to the recommendations outlined in the report of the Administrative Coordinating Group, namely:

1. Clause 1 should be amended to require the width of the proposed frontage road to be 7.0 m rather than 7.5 m, which would be consistent with the width of the frontage roads in the Amber Trail development.

2. The Developer should not be required to pay its share of the cost of existing underground services in King Edward Street outlined in clause 2.a) inasmuch as the costs have already been paid for and the Developer will be responsible for paying for the costs of all the service roads within the plan of subdivision. According to his calculations, Mr. Goertzen stated the approximate cost per frontage foot lot on King Edward Street would be $950.00 if the Developer was required to pay for all the subdivision development and servicing costs recommended by the Administration and would result in a net loss of approximately $7,000.00 on each lot.

3. The width of the service road should be only 5.5 metres (18 feet) and not 6.0 m., as recommended in clause 3.a) inasmuch as the precedent for the width of a service road has been set in the Amber Trail development, namely 5.5 metres, and the decreased width would also greatly assist in the lot sizes.

4. The Developer should not have to pay for the cost of its share of the services previously installed in King Edward Street inasmuch as the costs have already been paid for and requested that clause 6 be deleted in its entirety.

Mr. Goertzen also stated he is aware that some concern has been expressed by residents regarding drainage on Belton Street and stated that the drainage will go from back to front, similar to the drainage pattern on King Edward Street. Mr. Goertzen commented on the size of the lots within the proposed subdivision and stated that every development has smaller and larger lots, and that the lot sizes proposed in this development are consistent with those in the area given that some of the lots will exceed 60 feet in width while others will be 35 feet or more. In this connection, Mr. Goertzen provided Committee with a breakdown of the proposed lot sizes in the proposed plan of subdivision for Parcels 1, 2 and 3, namely:

Parcel l: 10 lots of 35 ft., 4 lots of 37 ft., and 3 lots of 40 ft.
Parcel 2: 6 lots of 35 ft., 10 lots of 37 ft., and 5 lots of 40 ft.
Parcel 3: 11 lots of 35 ft., 6 lots of 37 ft., and 4 lots of 40 ft.

Mr. Goertzen also provided Committee with drawings of houses to be constructed having varying elevations and different sale prices.

Garry Bistyak also appeared in support of the application and advised Committee that he has been holding a piece of land within the proposed subdivision for approximately 20 years and feels it is time for the land to be developed.

Gurdial Singh, also appeared in support of the application and stated the proposed subdivision will enhance the area and may serve to lower property taxes.

Alvin Morgan, also appeared in support of the application and concurred in the statement made by Garry Bistyak that the proposed subdivision has been a long time coming. Mr. Morgan stated the prices of the proposed homes are very good, particularly for first time home buyers, and stated this development would serve to encourage other development elsewhere in the area and create a nicer community.

Councillor O'Shaughnessy read into the record the communication dated May 18, 2004 from the residents of Belton Street and Meadowswest, filed as Exhibit 9, in support of the application for the reasons outlined therein.

Akash Bedi, also appearing in support of the application, advised Committee that he is a real estate agent and expressed the opinion the proposed subdivision will enhance the area and that there is a strong interest for homes of the sizes proposed. Mr. Bedi stated there is some concern by area residents that the sizes of the proposed homes will reduce the property values of surrounding homes in the area, but that he believed the proposed subdivision will not negatively affect the resale value of neighbouring properties.

Pedro Malonzo, appeared in opposition to the application, and stated he lives on Belton Street and that the proposed development makes no provision for developing the infrastructure of the area. He commented that roadways and sewers need to be developed along King Edward Street and that currently, there is no provision for a street light along a stretch of King Edward Street. Mr. Malonzo stated it would be his preference for the subject land to remain vacant rather than having residential development thereon.

Sandeep Kaushal, also appeared in opposition to the application and stated the proposed development affects him personally because of the lane that is proposed to be closed and the three houses that are proposed to be constructed behind his house. Committee was advised that Mr. Kaushal intends to develop his back yard and that the proposed development will negatively affect him in this regard. Mr. Kaushal expressed concern regarding the following:

1. The drainage plan on his property would have to change in order to accommodate the drainage of his property from Belton Street and to avoid flooding inasmuch as King Edward Street is approximately 6 feet higher at Belton Street. Consequently, additional run-off water will drain from the proposed houses and cause flooding to the existing yards.

2. The additional traffic the proposed development will bring on Belton Street and the lack of on-street parking in the area.

3. The support for the proposed development is not necessarily from residents of the area and residents who would be directly affected.

4. The proposed subdivision does not make any accommodation for infrastructure, which in his opinion, should be built prior to the construction of the houses.

Mr. Kaushal submitted a communication dated May 18, 2004, on behalf of eight (8) residents of Belton Street and Forest Cove Drive, in opposition to the application, filed as Exhibit 14.

Joan Hayter-Smith, also appearing in opposition to the application, stated that the majority of the lots on Belton Street and Forest Cove are 50 feet wide and was strongly of the view that the proposed subdivision plan should have the same or wider lot sizes in order to fit in with the rest of the neighbourhood. Mrs. Hayter-Smith expressed concern regarding the condition of King Edward Street and reiterated the concerns expressed by Mr. Kaushal relative to the drainage of water from King Edward Street and the additional water that will result from the proposed subdivision. Mrs. Hayter-Smith also commented that the Winnipeg School Division No. 1 should be informed of this application and be given an opportunity for input.

Ken Razmus, also appearing in opposition to the application, advised Committee that he built his house eighteen (18) years ago and at that time was promised certain improvements for the area. Mr. Razmus was of the view the proposed development should not proceed until such time as improvements (twinning, sewers, street lights) in King Edward Street are installed. Mr. Razmus reiterated the concern relative to the drainage patterns of the existing properties and the drainage

problems presently being experienced and the additional flooding that would result from the elimination of the back lane and the proposed subdivision. Mr. Razmus agreed with the comments made by Mr. Kaushal that the proposed subdivision may bring too many people and vehicles into the area and that the smaller lot sizes may reduce property values in the area.

Rick Shepherd, also appeared in opposition to the application, and expressed concern with respect to the small lots (less than 35 ft. in width) proposed in the plan of subdivision, which would not be in keeping with the character of the area. In this connection, the Planner advised Committee that Mr. Shepherd may be referring to the original application that was submitted for "R1-3" zoning, but confirmed that under the current application, no lots less than 35 feet in width would be permissible.

Charles Carroll, also appeared in opposition to the application, and advised Committee that his property backs onto the proposed development. Mr. Carroll reiterated the concern regarding the smaller lot sizes proposed and requested the developer to give favourable consideration to having greater than 35 ft. lots in the proposed development, and to opt for the 40 ft. lots. Mr. Carroll commented that the size of the lot determines the size of the house and with smaller lots, come smaller houses, which may result in a decrease to property values for the existing homes in the area.

Mr. A. Papanikolaou, also appeared in opposition, and stated concurrence with the concerns previously expressed about the drainage problems which already exist and that the elimination of the back lane will contribute to more flooding of the yards and basements in the area.

Mario Santos, also appeared in opposition to the application, and stated the developer has an obligation to explain the proposed development to the residents of the area who would be directly affected, as well as to representatives of the schools in the area. In this connection, Mr. Santos requested that given the size of the proposed development, the application should be adjourned to allow the developer and the Planner to meet with area residents and informally discuss traffic and other concerns.

David Langen, also appeared in opposition to the application, and stated concern with respect to existing safety issues in the area in relationship to traffic on King Edward Street and the current 70 mph. speed limit. In this connection, Mr. Langen commented that the introduction of additional housing will complicate an already deadly situation and will increase the need for the City to address infrastructure issues (open ditches and roadway classifications) in the area.

In rebuttal, Mr. Goertzen stated he would be agreeable to having the application adjourned to the next public hearing on July 6th to allow him to show proper drawings to the area residents. Mr. Goertzen also stated he would be willing to look at the possibility of increasing the overall lot widths in the proposed plan of subdivision to address the concerns raised relative to the proposed smaller lot widths.

At the adjourned public hearing, Bernhard Goertzen, on behalf of the applicant, appeared in support of the application. He advised Committee that, in accordance with Committee's instructions, an informal public meeting with area residents was held at Meadows West School on June 23, 2004 with approximately twenty-one (21) residents in attendance and a revised plan of subdivision with bigger lots was presented (Exhibit 16) at that meeting, and supported by a majority of the residents in attendance. Mr. Goertzen noted that the revised plan of subdivision contains a mix of forty-two (42), thirty-nine (39) and thirty-eight (38) foot lots, and that some of the houses will have attached garages. In this connection, Mr. Goertzen submitted the proposed plan of subdivision dated June 28, 2004, filed as Exhibit 17, showing the residents who were previously opposed to the plan of subdivision but who are now in favour of the revised plan of subdivision.

Mr. Goertzen stated concurrence in the recommendations outlined in the supplemental report of the Manager of Planning and Land Use dated June 29, 2004. In accordance with Committee's request, Mr. Goertzen reiterated the concerns he previously raised with respect to the recommendations outlined in the report of the Administrative Coordinating Group, namely:

1. Clause 1 should be amended to require the width of the proposed frontage road to be 7.0 m rather than 7.5 m, which would be consistent with the width of the frontage roads in the Amber Trail development.

2. The Developer should not be required to pay its share of the cost of existing underground services in King Edward Street outlined in clause 2.a) inasmuch as the costs have already been paid for and the Developer will be responsible for paying for the costs of all the service roads within the plan of subdivision. According to his calculations, Mr. Goertzen stated the approximate cost per frontage foot lot on King Edward Street would be $950.00 if the Developer was required to pay for all the subdivision development and servicing costs recommended by the Administration and would result in a net loss of approximately $7,000.00 on each lot.

3. The width of the service road should be only 5.5 metres (18 feet) and not 6.0 m., as recommended in clause 3.a) inasmuch as the precedent for the width of a service road has been set in the Amber Trail development, namely 5.5 metres, and the decreased width would also greatly assist in the lot sizes.

4. The Developer should not have to pay for the cost of its share of the services previously installed in King Edward Street inasmuch as the costs have already been paid for and requested that clause 6 be deleted in its entirety.

Alvin Kleinsasser, also appearing in support of the application, stated that the increased lot sizes in the revised plan of subdivision should solve a lot of the concerns expressed by the area residents.

Sandeep Kaushal appeared in opposition to the application and stated the following concerns:

1. The 15 ft. rather than 20 ft. frontages proposed for some of the lots.
2. The drainage problems on King Edward Street. Mr. Kaushal would like to see some of the monies payable by the developer for improvements on King Edward Street set aside to address this matter and for the benefit of the residents in Meadows West and not for the City-at-large.

Joan Hayter-Smith, also appearing in opposition to the application, stated she does support the reduction of lots in the revised plan of subdivision from sixty-one (61) to fifty-eight (58), but requested that the smallest lot be no smaller than 38 feet wide and built with a house no smaller than 1000 sq. ft. in size. Ms Smith stated concern about the current drainage problems on King Edward Street and the slope of the proposed lots from the back to the front, which she noted appear to slope towards the ditch, which will add to the flooding problems. In this connection, the Land Development Administrator confirmed that the grade of the lots would have to conform to the standards of the lot grading by-law.

Exhibit "12" referred to File DASZ 24/2003

In reply please refer to / Référence à rappeler :

David Marsh, AICP
(204) 986-5549
Fax / Téléc. : (204) 986-7524

File No. DASZ 24/03 June 29th, 2004
Our c/f CP 300 (.319)

Ms. Diane Timmins, Community Clerk
Lord Selkirk – West Kildonan Community Committee
Council Building
510 Main Street
Winnipeg, MB R3B 1B9

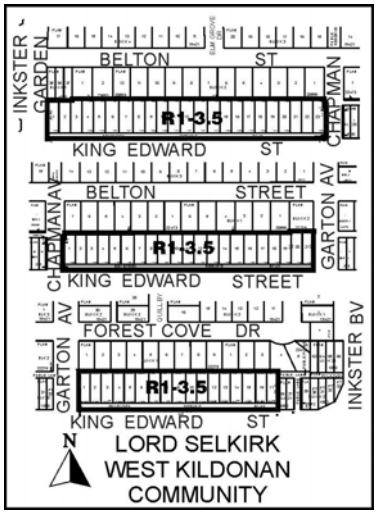
Dear Ms. Timmins:

SUPPLEMENTAL REPORT

SUBDIVISION AND REZONING
North of Inkster, East of King Edward
Lord Selkirk – West Kildonan Community Committee
File No. DASZ 24/03

An application has been received from Global Homes 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 to a "R1-3.5" Residential District. This item was adjourned by the Lord Selkirk – West Kildonan Community Committee at its May 18th, 2004 meeting.

RELATED FILES: DAC 21/03



SITE DESCRIPTION:

Site Area:

The total overall site area of the subject properties is approximately 5.7 acres.

Existing Land Use and Zoning:

The properties in question are zoned "A-5" Agricultural, and the majority of the site is vacant. A single residential home exists on a portion of the site.

Surrounding Land Use and Zoning:

North: Inkster Garden Drive, then detached residential homes ("R1-5") and vacant land ("A" & "A-5")
South: Vacant land and a church ("A-5"), then Inkster Boulevard
East: A public lane right of way, then detached residential homes ("R1-5") and Belton St.
West: King Edward St., then vacant land ("A").

DEVELOPMENT DESCRIPTION:

The applicant, Global Homes, proposes to rezone the property to "R1-3.5" Residential, and subdivide the property. As part of the development proposal, the developer has applied to close the public lane right-of-way on the east boundary of the site and incorporate the land into the development (see related file DAC 21/03). The subject properties are approximately 5.7 acres in size, and the applicant is proposing to develop sixty-one (61) single family residential lots. The remainder of the site will be occupied by road rights-of-way, and a service road.

PLAN WINNIPEG:

The subject property falls within a designated Neighbourhood Policy Area under Plan Winnipeg, which allows for mixed use, commercial, and residential development; thus, the proposed rezoning is in conformance with Plan Winnipeg 2020.

ADMINISTRATIVE COMMENTS:

The Planning & Land Use Division has no objections to the proposed rezoning, as the proposed zoning designation of R1-3.5 Residential is compatible with the adjacent residential properties. The applicant had originally requested a rezoning to "R1-3" Residential; however, a "R1-3" district requires access from a public lane. The following issues have been identified, and have been included as conditions of approval under the rezoning or the development agreement for the proposed subdivision:

- Inclusion of the 1.33 metre strip of City-owned property located to the east of the subject site be included in the rezoing and plan of subdivision

- Off-site street and infrastructure improvements on King Edward Street

- Share of the cost of the regional land drainage system

- Provision of a frontage road

At its May 18th, 2004 hearing, the Lord-Selkirk Community Committee adjurned this item over neighbourhood concerns in regards to lot sizes, grading & drainage, and other issues. The Community Committee directed the applicant to hold a meeting with the neighbours to discuss their concerns, and that the Planner be present to facilitate the meeting. A meeting was held on June 23rd, 2004 at the Meadows West School with twenty-one members of the public attending. A variety of concerns were discussed and addressed, and a consensus emerged between the developer and the neighbours that a modified subdivision plan with a mix of forty-two (42') foot, thirty-nine (39') foot, and thirty-eight (38') foot wide lots would be acceptable. The developer is revising the subdivision plan as of the time of this report submittal to address these concerns, and the Planner will provide an update in regards to this updated plan at the time of the hearing.

RECOMMENDATION:

I. That the plan of subdivision proposed under File No. DASZ 24/03 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File No. DASZ 24/03, attached hereto and dated May 11th, 2004, for registration in the Winnipeg Land Titles Office, subject to the following:

   A. That the Developer be required to enter into a Development Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated April 27th, 2004;

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 24/03, attached hereto and dated May 11th, 2004, to an "R1-3.5" Residential District.

IV. That Caveat Nos. 87-14083, 87-14085, and 1023423 be withdrawn.

V. That the applicant shall purchase the 1.33 metre strip of City-owned land east of the subject properties between Garton Avenue and Chapman Avenue, and between Chapman Avenue and Inkster Garden Drive, and shall be included in the rezoning and plan of subdivision.

VI. That a 10 percent dedication be made by a payment of a sum of money to the City in lieu of the requirement for land dedication based on the increase in market value of the land and the creation of additional sites.

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

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

IX. 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.

X. 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.

XI. 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.

XII. 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.

Yours truly,

C. Knoll
Manager of Planning and Land Use

_____

Per: David Marsh AICP, Planner III
986-5549

By-Law No. _____

File No. **DASZ 24/03**

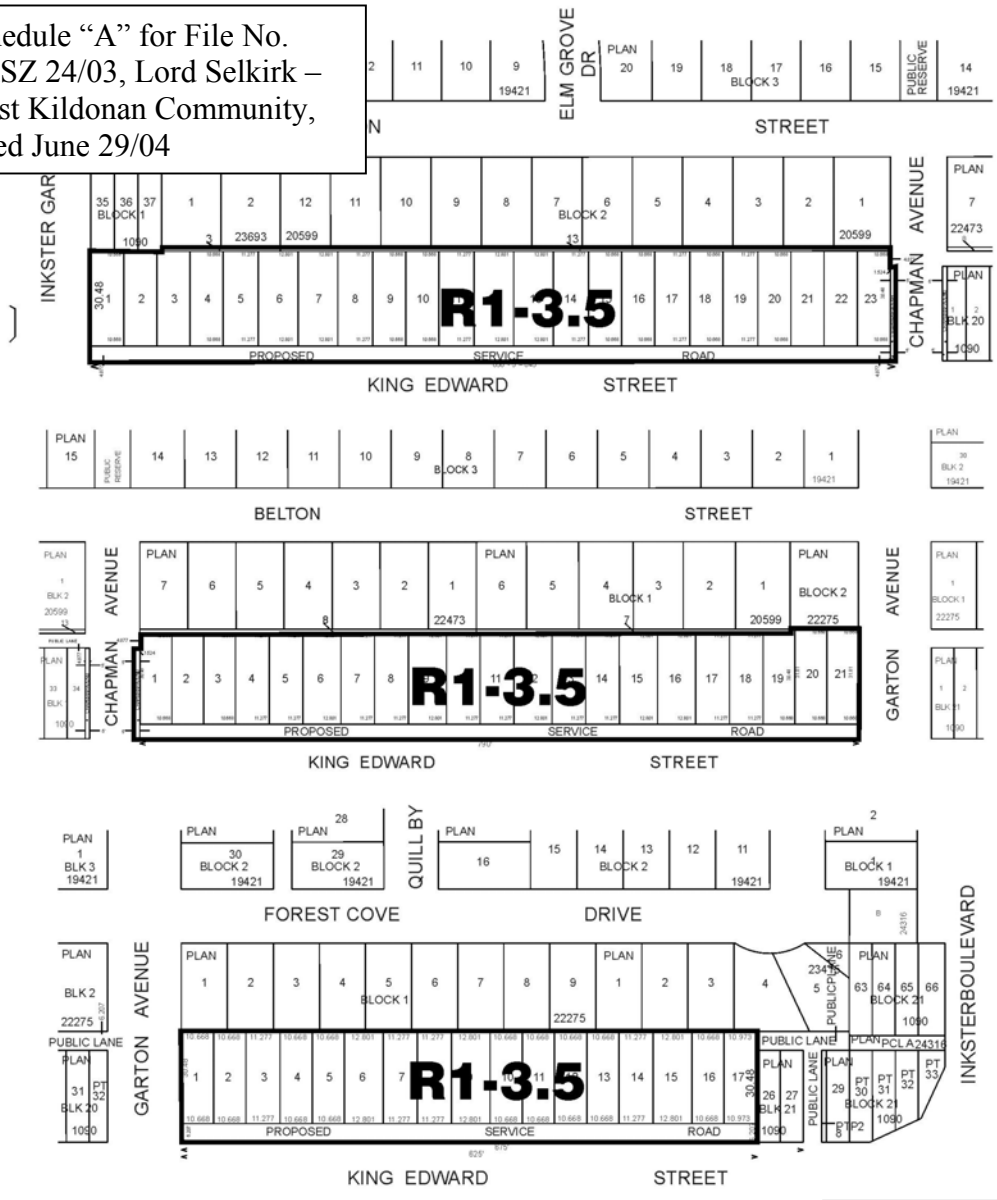
Atlas Sheet No. **T20**

LORD SELKIRK WEST KILDONAN COMMUNITY

Explanation

An application for the approval of the plan of subdivision shown outlined below and for a proposed zoning change to By-law No. 6400/94 by rezoning the land located on the east side of King Edward Street between Inkster Garden Drive and Inkster Boulevard from an "A.5" AGRICULTURAL DISTRICT to an "R1-3.5" SINGLE-FAMILY DISTRICT as shown outlined below.

Schedule "A" for File No. DASZ 24/03, Lord Selkirk – West Kildonan Community, dated June 29/04



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

Exhibit "8" referred to in File DASZ 24/2003

Re: Proposed subdivision and rezoning on land located on the east side of King Edward Street between Inkster Garden Drive and Inkster Boulevard – DASZ 24/03

An application has been submitted by Global Homes Ltd. to subdivide and rezone land located on the east side of King Edward Street between Inkster Garden Drive and Inkster Boulevard.

It is recommended that the Applicant amend its plan as follows:

1. The proposed frontage roads are to be accommodated with a minimum right-of-way width of 7.5m and the terminus points of the frontage roads are to be located and designed to the satisfaction of the Director of Public Works.

2. By including the 1.33m strip of City-owned land adjacent to the lane right-of-way north of Garton Avenue within the proposed lots.

It is recommended that approval of the plan of subdivision amended as per 1. and 2. above be subject to the Developer entering into a Servicing Agreement with the City as follows:

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

2. a) The Developer shall pay its share of the cost of existing underground services in King Edward Street not previously paid for under Local Improvements as determined by the Director of Water and Waste.
   b) The Developer shall pay its share of the cost of the regional land drainage system as determined by the Director of Water and Waste.
   c) The Developer shall provide a lot grading plan prepared by a municipal engineer and shall grant any easements indicated by that plan.

3. a) The Developer shall, at no expense to the City, construct portland cement concrete pavements to a width of 6.0m by 150mm in thickness within the proposed frontage roads within the proposed subdivision, as determined by and to the satisfaction of the Director of Public Works.
   b) Funds collected by the City from the property owners fronting onto the west side of Belton Street, adjacent to the proposed subdivision, shall be paid to the Developer to be used to pay for a share of the cost of the proposed frontage road.
   c) There are to be no private approaches serving single or two family residential development off of King Edward Street except where frontage roads are provided.

4. The Developer shall, at no expense to the City, construct a 1.5m in width by 100mm in thickness portland cement concrete sidewalk along the east side of King Edward Street,

between Garton Avenue and Inkster Garden Drive, except where frontage roads are constructed, as determined by and to the satisfaction of the Director of Public Works.

5. The Developer shall, at no expense to the City, sod the boulevard area between the portland cement concrete pavement in the frontage road and the front property line of the proposed lots to the satisfaction of the Director of Public Works.

6. The Developer shall, pay to the City in cash, on demand, its share of the cost of the following services previously installed or to be installed in King Edward street along the full length of the subject property abutting the east side of King Edward Street:

   a) 4.0m in width by 200mm in thickness portland cement concrete lane of pavement and all related works;
   b) street lighting in the east boulevard;
   c) landscaping in the east boulevard;
   d) any necessary land drainage works;

   all as determined by the Director of Public Works.

7. The Developer shall, at no expense to the City, cause underground electrical and telephone services to be installed to serve the proposed subdivision to the satisfaction of the Director of Public Works.

8. The Developer shall pay all costs associated with the relocation of streetlights and other utilities made necessary as a result of or required to accommodate works, which are to be constructed 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, 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 houses, until 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 all costs in remedying the situation to the satisfaction of the Director of Public Works.

10. The Developer shall, at no expense to the City, ensure that construction traffic uses 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 condition, free of dropped and tracked-on mud, and shall undertake regular cleaning of streets until building construction, including landscaping is complete, all as determined by and to the satisfaction of the Director of Public Works.

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

12. 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 servicing agreement.

THIS REPORT SUBMITTED BY:
Administrative Coordinating Group

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

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

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