Agenda - Council - July 27, 2005

Report - Standing Policy Committee on Property and Development - July 5, 2005

Item No. 12 Subdivision and Rezoning - 111 Eastcote Drive and adjoining public reserve
File DASZ 31/2004

STANDING COMMITTEE RECOMMENDATION:

On July 20, 2005, the Executive Policy Committee concurred in the recommendations from the Standing Policy Committee on Property and Development and the Riel Community Committee and submits the following to Council:

1. That the plan of subdivision proposed under File DASZ 31/2004 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 31/2004 dated May 17, 2005, for registration in the Winnipeg Land Titles Office.

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 shown on Schedule "A" for File DASZ 31/2004 dated May 17, 2005, to an "R1-5" Residential District.

4. 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 (if applicable).

5. 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.

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

7. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision has been registered in the Winnipeg Land Titles Office.

Report - Standing Policy Committee on Property and Development - July 5, 2005

8. 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.

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

Report - Standing Policy Committee on Property and Development - July 5, 2005

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On July 20, 2005, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the Riel Community Committee and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On July 5, 2005, the Standing Policy Committee on Property and Development concurred in the recommendation from the Riel Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On June 21, 2005, the Riel Community Committee concurred in the administrative recommendation and submitted its recommendation to the Standing Policy Committee on Property and Development.

On May 17, 2005, the Riel Community Committee adjourned the public hearing to its meeting on June 21, 2005.

RE: **Subdivision and Rezoning - 111 Eastcote Drive and adjoining public reserve**
File DASZ 31/2004

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

Prepared by: **Marc A. Pittet Clerk,**
Riel Community Committee

Report date: **June 23, 2005**

COMMUNITY COMMITTEE RECOMMENDATION:

On June 21, 2005, the Riel Community Committee concurred in the administrative recommendation and recommends to the Standing Policy Committee on Property and Development:

1. That the plan of subdivision proposed under File DASZ 31/2004 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 31/2004 dated May 17, 2005, for registration in the Winnipeg Land Titles Office.

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 shown on Schedule "A" for File DASZ 31/2004 dated May 17, 2005, to an "R1-5" Residential District.

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

7. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision has been registered in the Winnipeg Land Titles Office.

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

The Riel Community Committee provided the following supporting reason for its recommendation:

1. The Riel Community Committee agreed with the administrative comments contained in the report from the Manager of Planning and Land Use dated May 17, 2005.

PUBLIC HEARING SUMMARY

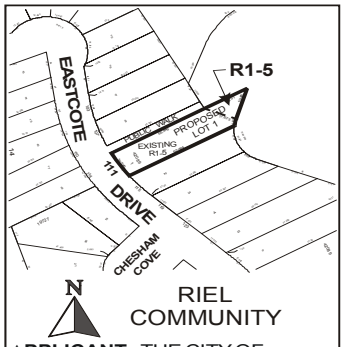
File: DASZ 31/2004

Before: Riel Community Committee
Councillor Steeves, Chairperson
Councillor Magnifico
Councillor Swandel

Public Hearing: June 21, 2005
Community Committee Chamber, 604 St. Mary's Road
May 17, 2005
Community Committee Chamber, 219 Provencher Boulevard

Applicants: The City of Winnipeg and Mr. Robert Chamberlain

Subject:



APPLICANT: THE CITY OF WINNIPEG
FILE: DASZ 31/04
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 & RECREATION DISTRICT to an "R1-5" RESIDENTIAL DISTRICT. **For information, phone Mr. K. Lalor, Planner at 986-5069.**
DEMANDEUR : VILLE DE WINNIPEG
N° DE RÉFÉRENCE : DALZ 31/04
PROJET : Demande d'approbation par le Conseil du plan de lotissement indiqué ci-dessus et proposition de modification du *Règlement municipal n° 6400/94* visant à changer le zonage des sols délinéés ci-dessus qui passeraient de la catégorie PR1 (SECTEUR DES PARCS ET DES LOISIRS) à la catégorie R1-5 (SECTEUR RÉSIDENTIEL). **Pour plus de renseignements, veuillez communiquer avec M. K. Lalor, urbaniste, au 986-5069.**

Premises Affected: 111 Eastcote Drive and adjoining public reserve

Exhibits Filed:

1. Application dated March 3, 2005
2. Notification of Public Hearing dated March 11, 2005
3. Title Searches 1718779, 1980830
4. Letter of authorization dated January 6, 2005 from Bob Chamberlain to The City of Winnipeg
5. Plans (1 page)
6. Report from the Manager of Planning and Land Use May 16, 2005
7. Inspection Report

REPRESENTATIONS:

In Support:

R. Chamberlain
Fred Larkins

In Opposition

Brian Kolley

For the City:

Kevin Lalor, Senior Planner, Planning, Property and Development Department
Kevin Nixon, Park Strategic Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

June 21, 2005
The applicant, Robert Chamberlain, appeared in support of the application.

May 17, 2005
The applicant, Robert Chamberlain, appeared in support of the application and gave a brief overview of his proposal. Mr. Chamberlain stated that he had purchased the parcel in question a number of years ago and he wished to rezone it and amalgamate it with his property.

Fred Larkins appeared in support of the application. Mr. Larkins stated that he lives across the street from the lot in question and that, for many years, Mr. Chamberlain has maintained the parcel of land in question.

Brian Collie appeared in opposition to the application. Mr. Collie stated that he was opposed to the application as it would cut off access to the parkland located adjacent to Mr. Chamberlain's property.

Mr. Chamberlain returned in rebuttal. Discussion ensued and Mr. Chamberlain stated that he had already purchased the parcel in land in question and had received permission from the City to build a fence on it. Councillor Swandel indicated that he would recommend adjourning the matter to provide the applicant with the opportunity to meet with the administration for further clarification.

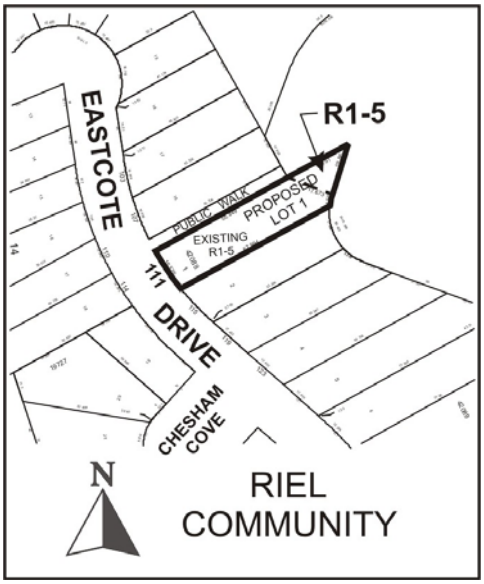
Exhibit "6" referred to in File DASZ 31/2004

Planning, Property and Development Department Report

To the Riel Community Committee

Date: May 16, 2005
File: DASZ 31/04
Subject: To subdivide a 1,888sqft (175.4m^2) portion of excess city owned property and consolidate it with the property located at 111 Eastcote Drive, and, to rezone that 1,888sqft (175.4m^2) portion from "PR" Park and Recreation District to an "R1-5" Residential District

Location: 111 Eastcote Drive, and adjoining public reserve
Legal Description: Block 1, Plan 18120, and Lot 1 Plan 42089



Applicant: City of Winnipeg, Planning Property and Development Department, Real Estate Division and Mr. Robert Chamberlain

6146

Owner: **City of Winnipeg, Planning Property and Development Department, Real Estate Division and Mr. Robert Chamberlain.**

Recommendation: Approved

Site Description

The property located at 111 Eastcote Drive is 10,946sqft (1,016m^2) in area, is within an "R1-5" Residential District and is occupied by a single-family house. With the exception of the adjacent property to the northeast, the subject property is primarily surrounded by single-family residential homes. The property to the northeast is vacant City of Winnipeg owned parkland (Burland Park) that includes a drainage retention pond, and is zoned "PR1" Parks and Recreation District.

Background

Mr. Chamberlain, the property owner of 111 Eastcote Drive, first contacted the City of Winnipeg requesting to purchase the subject land on July 26, 1997. At that time Mr. Chamberlain expressed that the grass on the City of Winnipeg owned property was rarely cut. Therefore, Mr. Chamberlain wanted to purchase this land in order to extend the fence line to the edge of the retention pond, and assume responsibility for the maintenance of the grass area.

Description of the Proposed Development

The applicant is proposing to subdivide a 1,888sqft (175.4m^2) portion of the city owned parkland, and consolidate it with the property located at 111 Eastcote Drive.

Analysis

The subject property is designated Neighbourhood Policy Area under *Plan Winnipeg 2020 Vision*. The Neighbourhood Policy Area allows for a variety of uses including: residential, commercial, institutional and mixed uses. Therefore, the proposal conforms to *Plan Winnipeg 2020 Vision*.

The Water and Waste Department have advised that there is an existing 1050mm outfall pipe, associated with the adjacent retention pond, which is located on the 1,888sqft (175.4m^2) portion to be consolidated to property located at 111 Eastcote Drive. As such an easement would be required for access and maintenance of this outfall pipe.

After consolidation the subject property would be 12,834sqft (1,192.3m2). The neighboring properties, adjacent to Burland Park, range in size from approximately 10,500sqft (975.5m^2) to 14,300sqft (1328.5m^2). Therefore, the proposed increased lot size of the subject property is not considered excessive in comparison to neighboring properties.

The subject property is adjacent to a public pathway that permits access to Burland Park for the residents in the surrounding neighborhood. The proposed subdivision, and subsequent consolidation, would not affect this pathway or access to the park.

Considering the above mentioned, it is the opinion of the Planning Property and Development Department that the application be approved.

Recommendation

The Planning and Land Use Division recommend approval for the following reasons:

- The proposal is consistent with policies in Plan Winnipeg 2020 Vision;
- The proposal does not constitute a substantial adverse effect on adjacent properties or uses; and
- The proposal is compatible with the area in which the property is situated.

Recommended Conditions of Approval

I. That the plan of subdivision proposed under File No. DASZ 31/04 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File No. DASZ 31/04, attached hereto and dated May 17, 2005 for registration in the Winnipeg Land Titles Office.

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

III That The Winnipeg Zoning By-Law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File No. DASZ 31/04, attached hereto and dated May 17, 2005 to an "R1-5" Residential District.

IV That a ten (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, (if applicable).

V. 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.

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

VII. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision has been registered in the Winnipeg Land Titles Office.

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

IX. In the event that the necessary City of Winnipeg mylar approval signatures have not been secured within 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.

This Report Submitted by:
Planning, Property and Development Department
Planning and Land Use Division

Report Prepared by: Derek Eno, Planner
PPD File # (5.529)

Schedule "A"

By-Law No. _____

File No. **DASZ 31/04**

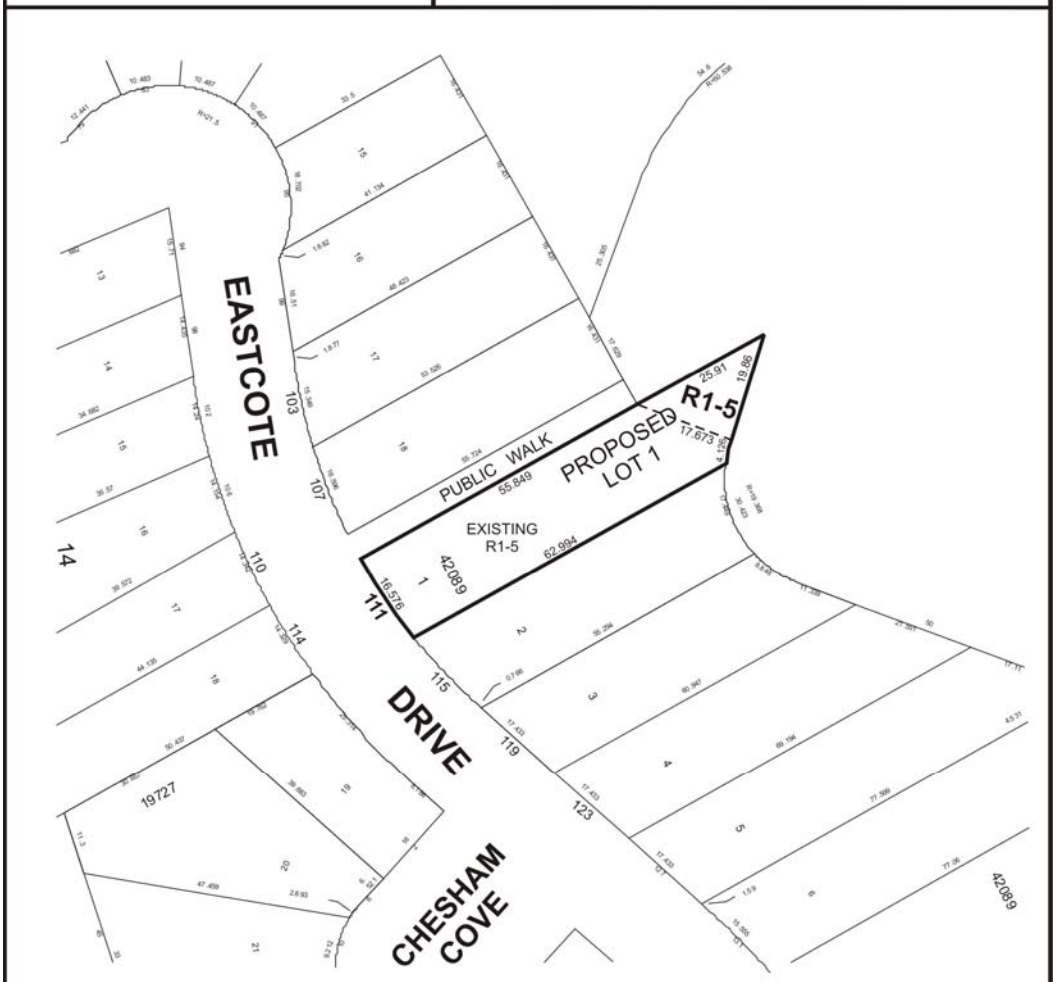
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Explanation

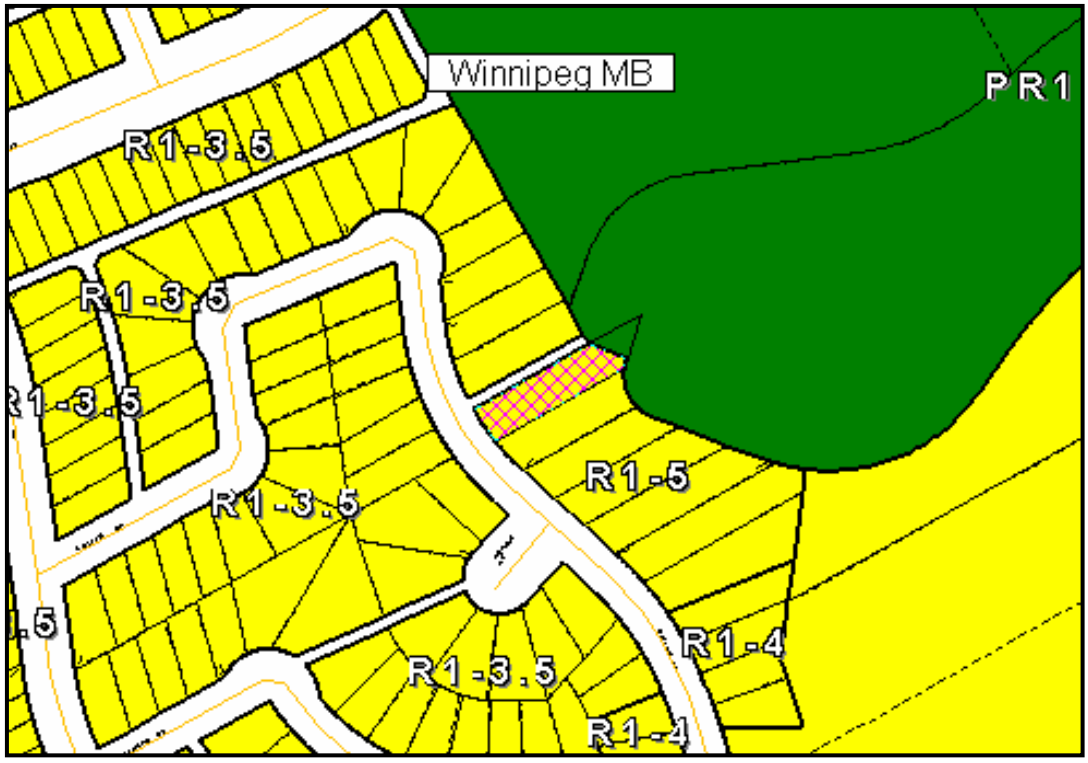
An application for the approval of the plan of subdivision shown outlined below and for a proposed zoning change to By-law No. 6400/94 by rezoning the land located at 111 Eastcote Drive from a "PR1" PARKS AND RECREATION DISTRICT to an "R1-5" RESIDENTIAL DISTRICT as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____


Subject Property
CHESHAM CV


Winnipeg MB
P R1
R1-3.5
R1-3.5
R1-3.5
R1-3.5
R1-5
R1-4
R1-3.5
R1-4