**Agenda - Council - October 26, 2005**

**Report - Standing Policy Committee on Property and Development - October 4, 2005**

**Item No. 17 Subdivision and Rezoning - 1927 St. Mary's Road**
**File DASZ 32/2005**

STANDING COMMITTEE RECOMMENDATION:

On October 19, 2005, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the Riel Community Committee, as amended, and submits the following to Council:

1. That the plan of subdivision proposed under File DASZ 32/2005 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 32/2005 dated September 6, 2005, for registration in the Winnipeg Land Titles Office, subject to the following:

    A. That the Developer be required to enter into a Servicing Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated August 10, 2005.

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 32/2005 dated September 6, 2005, to an "R1-5" Residential District and a "C1-5" Commercial District subject to the applicant entering into a Zoning Agreement with the City to affect the 'C1-5' Commercial District land pursuant to Section 240 (1) of The City of Winnipeg Charter to, to include the following condition:

    A. That final site plans illustrating building locations/elevations, parking areas, approaches, exterior lighting, garbage enclosures, fencing and landscaping etc. be submitted to and approved by the Director of Planning, Property and Development and the Riel Community Committee prior to the issuance of any building permits.

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).

**Report - Standing Policy Committee on Property and Development - October 4, 2005**

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

8. 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 the Zoning Agreement has been filed by caveat 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.

9. 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.

10. 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 - October 4, 2005**

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On October 19, 2005, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the Riel Community Committee, as amended, and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On October 4, 2005, the Standing Policy Committee on Property and Development concurred in the recommendation of the Riel Community Committee with the following amendments, namely:

- That Recommendation 3. be amended by adding the words "to affect the 'C1-5' Commercial District land" after the words "with the City" in the fourth line

- That Recommendation 3.A. be amended by deleting the words "Planning and Land Use Division" in the second line and substituting therefore the words "Director of Planning, Property and Development"

and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On September 13, 2005, the Riel Community Committee concurred in the administrative recommendation and submitted its recommendation to the Standing Policy Committee on Property and Development.

**RE:** **Subdivision and Rezoning - 1927 St. Mary's Road**
**File DASZ 32/2005 [c/r DAV 140048/2005D]**

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

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

**Report date:** **September, 2005**

COMMUNITY COMMITTEE RECOMMENDATION:

On September 13, 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 32/2005 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 32/2005 dated September 6, 2005, for registration in the Winnipeg Land Titles Office, subject to the following:

    A. That the Developer be required to enter into a Servicing Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated August 10, 2005.

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 32/2005, dated September 6, 2005, to an "R1-5" Residential District and a "C1-5" Commercial District, subject to the applicant entering into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to, to include the following condition:

    A. That final site plans illustrating building locations/elevations, parking areas, approaches, exterior lighting, garbage enclosures fencing and landscaping etc. be submitted to and approved by the Planning and Land Use Division and the Riel Community Committee prior to the issuance of any building permits.

4. 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).

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

8. 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 the Zoning Agreement has been filed by caveat 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.

9. 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.

10. 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 September 6, 2005, and in the report from the Administrative Coordinating Group dated August 10, 2005.

## PUBLIC HEARING SUMMARY

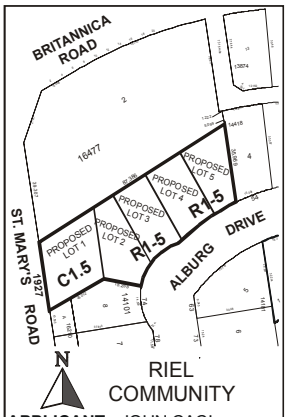
File: DASZ 32/2005 [c/r DAV 140048/2005D]

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

Public Hearing: September 13, 2005
Community Committee Chamber, 219 Provencher Boulevard

Applicant: John Caci

Subject:




**APPLICANT :** JOHN CACI
**FILE:** DASZ 32/05
**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 "R1-5" RESIDENTIAL DISTRICT and a "C1.5" COMMERCIAL DISTRICT. **For information, phone Mr. K. Lalor, Planner at 986-5069.**
**DEMANDEUR :** JOHN CACI
**N° DE RÉFÉRENCE :** DALZ 32/05
**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 A.5 (SECTEUR AGRICOLE) à la catégorie R1-5 (SECTEUR RÉSIDENTIEL) et à la catégorie C1.5 (SECTEUR COMMERCIAL). **Pour plus de renseignements, veuillez communiquer avec M. K. Lalor, urbaniste, au 986-5069.**

Premises Affected: 1927 St. Mary's Road
3212

Exhibits Filed:

1. Application dated July 15, 2005
2. Notification of Public Hearing dated July 21, 2005
3. Manitoba Status of Titles 1757097, 1785023 and 1910080
4. Letter of authorization dated June 17, 2005 from Qualico Developments (Winnipeg) Ltd. to John Caci
5. Drawing of subject property
6. Plans (2 pages)
7. Report from the Administrative Coordinating Group dated August 10, 2005
8. Report from the Manager of Planning and Land Use dated September 6, 2005
9. Inspection Report

REPRESENTATIONS:

In Support:

John Caci
Joseph Lechman

For Information:

Brenda Myall
Russ Prior
Donna Richardson

For the City:

Kevin Lalor, Senior Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

The applicant, John Caci, appeared in support of the application and gave a brief overview of the proposal.

Brenda Myall appeared for informational purposes. The Senior Planner, Kevin Lalor, provided a further overview of the proposed development. Ms. Myall stated that she was supportive of the residential component of the development but stated that she would prefer if a buffer could be constructed adjacent to the commercial portion.

Russ Prior appeared for informational purposes. Mr. Prior stated that he was in favour of the development but requested that the applicant preserve the trees that he had planted on the lot in question.

In rebuttal, Mr. Caci stated that he would do his best to protect the trees referenced by Mr. Prior but indicated that, once ownership of the property in question is transferred, he would no longer have the authority to ensure their preservation. Mr. Caci further stated that he would be willing to construct a fence along the commercial component to be agreed upon by himself and the owners of 74 Alburg Drive.

Exhibit "8" referred to in File DASZ 32/2005 [c/r DAV 140048/2005D]

Winnipeg

## Planning, Property and Development Department Report

**To the Riel Community Committee**

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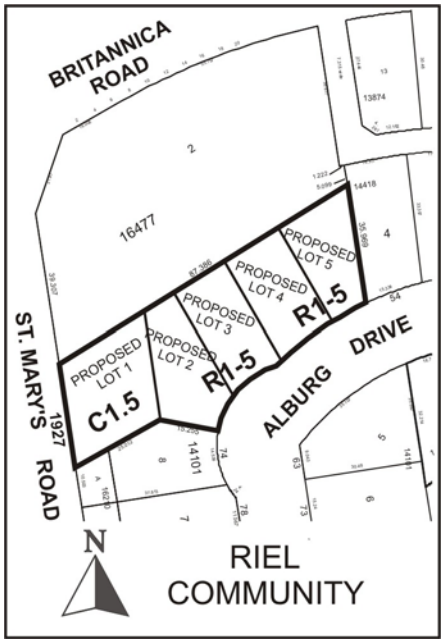
**Date: September 6/05**
**File: DASZ 32 /05**
**Related Files: DAV 05 140048D**
**Subject: To subdivide and rezone the bulk of the subject property into four R1-5 single family lots which will have frontage on Alburg Drive . The remaining residual piece to be developed as a small commercial site with access restricted to St. Mary's Road.**

**Location: 1927 St. Mary's Road**
**Legal Description: Lot 9 Plan 23769 62 St.V**



**Applicant: John Caci**
**Owner: same as above**

**Recommendation:** Approved with Conditions

**Site Description**

The overall site area of the subject property is approximately 26,265 sq.ft. It is a rectangular parcel with 286' of depth and about 90' of frontage along St. Mary's Road. There is a one and one half story dwelling sitting on the most westerly half of the lot and up until recently there was no legal access from the site to Alburg Drive. There is a well established twenty year old residential neighbourhood to the east and south which is zoned R1-5 single family. To the immediate north is multi –tenant commercial mall (Mac's Store etc. ) zoned C2 Commercial. To the west across St. Mary's Road is a mix of business and large lot residential zoned R1-5.

**Background**

During the mid eighties, Qualico Developments assembled and developed the adjoining lands and constructed Alburg Drive as part of the internal road system. For unknown reasons , they were not able to acquire the subject parcel . In the interim, the property has remained zoned Agricultural and has been occupied with a dwelling and accessory buildings. The City of Winnipeg retained a strip of land along Alburg in order to prevent legal access to the subject property from the existing internal street system. In recent months the applicant made application to purchase the subject City lands for consolidation and expressed interest in developing the property. The City agreed to sell its properties with an understanding that the Alburg frontage would only be utilized for single family residential development. The applicant has concurred as indicated in the accompanying plan of development.

**Description of the Proposed Development**

Four fifths of the overall site is to be subdivided into four single family housing lots of equal area. All four lots will have a minimum sq. footage of 5,000 sq. ft. which is in compliance and conformity with the existing neighbourhood zoning. Access to all four residential lots will be off of Alburg Drive. The residual parcel will front onto St. Mary's Road with no access to Alburg Drive. The lot will be approximately 6200 sq. feet in area with a small two story commercial building proposed for the north west corner of the site. The building itself will have a height of approximately 20' and each floor an area of 1540 sq. ft. Eight parking stalls are proposed to align the south property line of the delineated commercial site.

**Analysis**

The provision of new housing at the subject location will finally complete development on Alburg Drive. The proposed lot sizes will be in character with adjoining properties to the east and south and are certainly in accordance with Plan Winnipeg's Policy of providing new infill

housing whenever possible in existing neighbourhoods where an array of services is already in place. The small residual lot along the St. Mary's frontage is not really suitable for residential housing but would appear to be acceptable as a restricted neighbourhood commercial site. In other words, the proposed C1-5 Commercial category only allows for uses (like offices) which do not generate much traffic and therefore have little effect on adjoining residential properties. Problem uses like carwashes, convenience stores, and drive –thru restaurants etc. are not permitted outright under the C1-5 zoning. The proposed subdivision and rezoning appears to finally be a solution to addressing the issue of the derelict and vacant appearance of the site. The Planning and Land Use Division fully supports the proposal subject to all of the provisions outlined in the Report of The Administrative Coordinating Group.

**Recommendation**

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

- That part of the subject property which adjoins Alburg has sat remained vacant and unsightly for years. The proposed use of most of that land for residential development is entirely appropriate from a land use perspective and will provide much needed new infill housing in an area where all the underground and community services are in place.

**Recommended Conditions of Approval**

I. That the plan of subdivision proposed under File No. DASZ 32/05 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File No. DASZ 32/05, attached hereto and dated September 6/05, for registration in the Winnipeg Land Titles Office, subject to the following:

A. That the Developer be required to enter into a Servicing Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated August 10/05.

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 32/05, attached hereto and dated September 6/05, to an "R1-5" Residential District and a"C1-5" Commercial District, subject to the applicant entering into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to, to include the following conditions:

A. That final site plans illustrating building locations/elevations, parking areas, approaches, exterior lighting, garbage enclosures fencing and landscaping etc. be submitted to and approved by the Planning and Land Use Division and the Riel Community Committee prior to the issuance of any building permits.

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

VIII. 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 the Zoning Agreement has been filed by caveat 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.**

IX. 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.

X. 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: (Kevin Lalor)
PPD File # (529)

## Schedule "A"

By-Law No. _____

File No. **DASZ 32/05**

Atlas Sheet No.

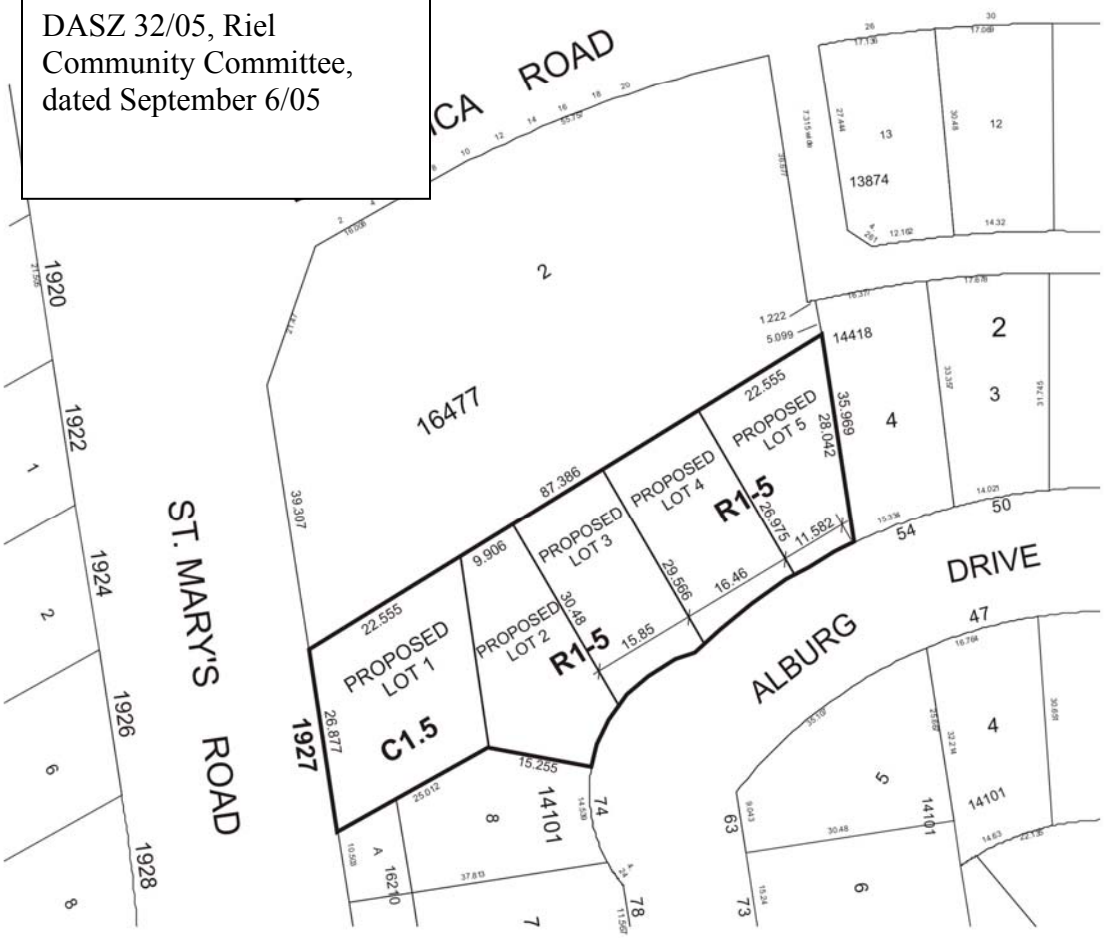
N

**AJ27**
**RIEL**
**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 at 1927 St. Mary's Road from an "A.5" AGRICULTURAL DISTRICT to an "R1-5" RESIDENTIAL DISTRICT and a "C1.5" COMMERCIAL DISTRICT as shown outlined below.

Schedule "A" for File No. DASZ 32/05, Riel Community Committee, dated September 6/05




THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

Exhibit “7” referred to in File DASZ 32/2005 [c/r DAV 140048/2005D]

**Re: Proposed subdivision and rezoning of land located at 1927 St. Mary's Road - DASZ 32/05**

An application has been submitted by John Caci to subdivide and rezone land located at 1927 St. Mary's Road. The services in Alburg Drive were installed in the late 1970's by Lechmann Agencies; Mr. Caci and Lechmann Agencies have entered into a private agreement dealing with the cost of the services in Alburg Drive.

It is recommended that approval of DASZ 32/05 be subject to the Developer entering into a Servicing Agreement with the City as follows:

1. The Developer shall pay its share of the regional land drainage system benefiting the proposed subdivision as determined by the Director of Water and Waste. The 2005 rate therefor is $12,967.00/acre.

2. The Developer shall provide a lot grading plan prepared by a municipal engineer and shall grant any easements as may be necessitated by the design.

3. The Developer shall install sod and plant trees on the boulevard on Alburg Drive abutting Lots 2 to 5 in accordance with specifications approved by the Director of Public Works.

4. The Developer shall, pay to the City its share of the cost of the following services previously installed in St. Mary's Road along the full length of the subject property abutting St. Mary's Road:

    a) a 4.0m in width by 200mm in thickness portland cement concrete lane of pavement and related works;
    b) a 1.5m in width by 100mm in thickness portland cement concrete sidewalk in the east boulevard;
    c) street lighting in the east boulevard;
    d) landscaping in the east boulevard;

    all as determined by the Director of Public Works. (The 2005 rate therefor is $289.90/ft.)

5. The Developer shall 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.

6. 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.

7. 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 scarping 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.

8. 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.

THIS REPORT SUBMITTED BY:

Administrative Coordinating Group
File No. AG 32/05
August 10, 2005

v/acg reports/05ag32-report

**"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