Agenda – Council – February 22, 2006

Report - Standing Policy Committee on Property and Development - January 31, 2006

Item No. 6 Subdivision and Rezoning - Bessboro Street North, south of Scurfield Boulevard
File DASZ 50/2005 [c/r DAC 30/2005]

STANDING COMMITTEE RECOMMENDATION:

On February 15, 2006, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the Assiniboia Community Committee, as amended, and submits the following to Council:

1. That the plan of subdivision proposed under File DASZ 50/2005 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 50/2005 dated January 3, 2006, for registration in the Winnipeg Land Titles Office subject to the following:

    A. That the Developer be required to enter into an addendum to Development Agreement AG 44/2004 with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated January 3, 2006.

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

3. That The Winnipeg Zoning By-1aw No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 50/2005 dated January 3, 2006, to an "R1-4" Residential 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 include the following condition:

    A. That the owners of the lots backing onto Columbia Drive are required to maintain the fence at the rear of their lots to the satisfaction of the Director of Planning, Property and Development.

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

Report - Standing Policy Committee on Property and Development - January 31, 2006

6. 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.

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 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.

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.

10. That the Proper Officers of the City are hereby authorized to execute any agreements and documents connected with the development.

11. That the City Solicitor/Manager of Legal Services be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

Report - Standing Policy Committee on Property and Development - January 31, 2006

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On February 15, 2006, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the Assiniboia Community Committee, as amended, and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On January 31, 2006, the Standing Policy Committee on Property and Development concurred in the recommendation of the Assiniboia Community Committee, as amended, namely:

- That Recommendation No. 3.A. be amended by deleting the words "Public Works" in the second and third lines thereof and substituting therefore the words "Planning, Property and Development",

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

COMMUNITY COMMITTEE RECOMMENDATION:

On January 17, 2006, the Assiniboia Community Committee concurred in the administrative recommendation with the following amendment, namely:

- That Recommendation No. 4 be deleted in its entirety and the remaining recommendations renumbered accordingly

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

RE: **Subdivision and Rezoning - Bessboro Street North, south of Scurfield Boulevard**
File DASZ 50/2006 [c/r DAC 30/2005]

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

Prepared by: **Carlos Gameiro, Clerk,**
Assiniboia Community Committee

Report date: **January 18, 2006**

COMMUNITY COMMITTEE RECOMMENDATION:

On January 17, 2006, The Assiniboia 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 50/2005 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 50/2005, dated January 3, 2006, for registration in the Winnipeg Land Titles Office, subject to the following:

    A. That the Developer be required to enter into an addendum to Development Agreement AG 44/2004 with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated January 3, 2006.

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

3. That The Winnipeg Zoning By-1aw No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 50/2005, dated January 3, 2006, to an "R1-4" Residential 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 include the following condition:

    A. That the owners of the lots backing onto Columbia Drive are required to maintain the fence at the rear of their lots to the satisfaction of the Director of Public Works.

~~***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 for the creation of additional sites.***~~

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.

11. That the Proper Officers of the City are hereby authorized to execute any agreements and documents connected with the development.

12. That the City Solicitor/Manager of Legal Services be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

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

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

1. The Assiniboia Community Committee agreed with the administrative comments contained in the report of the Manager of Planning and Land Use dated January 3, 2006 and in the report from the Administrative Coordinating Group dated January 3, 2006.

PUBLIC HEARING SUMMARY

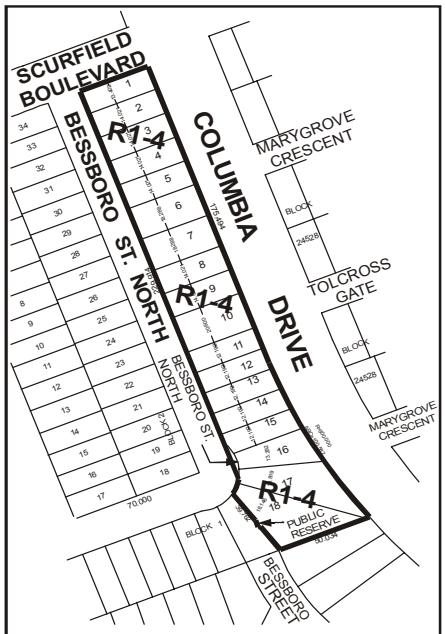
File: DASZ 50/2005 [c/r DAC 30/2005]

Before: Assiniboia Community Committee
Councillor Clement, Chairperson
Councillor De Smedt

Public Hearing: January 17, 2006
Council Building, 510 Main Street

Applicant: Qualico Developments (Winnipeg) Ltd. (Lyne Jones)

Subject:



APPLICANT : QUALICO DEVELOPMENT (WINNIPEG) LTD.
FILE : DASZ 50/05
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 and an "R1-20" RESIDENTIAL DISTRICT to an "R1-4" RESIDENTIAL DISTRICT. **For information, phone Mr. J. Veitch, Planner at 986-7728.**

Premises Affected: Bessboro Street North, south of Scurfield Boulevard

Exhibits Filed:

1. Application dated November 22, 2005
2. Notification of Public Hearing dated December 14, 2005
3. Manitoba Statuses of Titles 1133918, 1134107, 1255679, 1907325, 2079549, 2079716, 2079717, 2096676, 2096677, 2096733, 2096990, and 2101435

4A. Letter of authorization dated November 2, 2005 from The City of Winnipeg to Lyne B. Jones, Qualico Developments (Winnipeg) Ltd.

4B. Letter of authorization dated August 5, 2005 from Robert McMillan and Marilyn Roznowsky to Qualico Developments (Winnipeg) Ltd.

4C. Letter of authorization dated August 10, 2005 from Anita and Monique Huppe to Qualico Developments (Winnipeg) Ltd.

4D. Letter of authorization dated November 16, 2005 from Eric Vogan, 4906358 Manitoba Ltd. to Qualico Developments (Winnipeg) Ltd.

5. Plans (2)
6. Report from the Manager of Planning and Land Use dated January 3, 2006
7. Report from the Administrative Coordinating Group dated January 3, 2006

REPRESENTATIONS:

In Support:

Eric Vogan, Qualico Developments (Winnipeg) Ltd.
Richard McMillan, WRRA

In Opposition

Nil

For the City:

Mr. J. Veitch, Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

The applicant, Eric Vogan, Qualico Developments (Winnipeg) Ltd., appeared in support of the application and indicated concurrence in the recommendations contained in the administrative reports from the Manager of Planning and Land Use and the Administrative Coordinating Group both dated January 3, 2006.

Exhibit "6" referred to in File DASZ 50/2005

Planning, Property and Development Department Report

To the Assiniboia Community Committee

Date: January 3, 2006

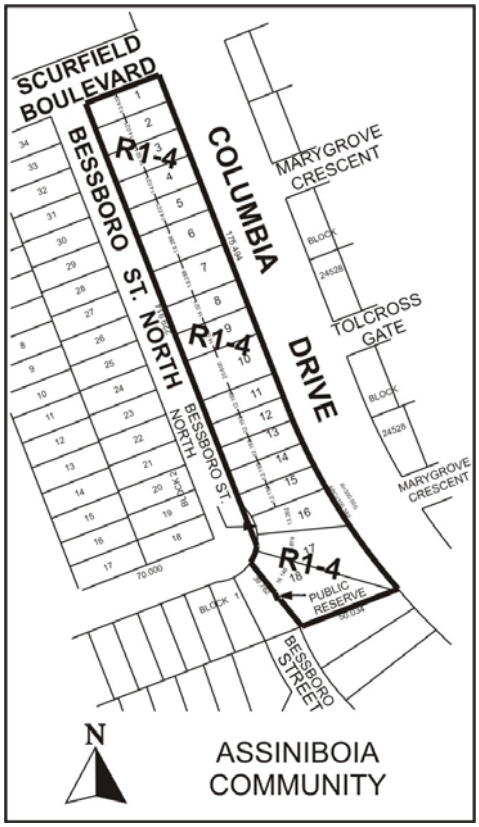
File: **DASZ 50/05**

Related Files: DAC 30/05, DASZ 44/04

Subject: To create 18 single-family lots from 31 lots and to rezone from an 'R1-20' Single Family Residential District and an 'A5' Agricultural District to an 'R1-4' Single Family Residential District.

Location: Bessboro Street North, south of Scurfield Boulevard

Legal Description: Firstly: Lots 17 to 41 Plan 1988 WLTO in OTM Lots 31 to 35 Parish of St. Vital
Secondly: Parcels F, G, H, J, K, L, Plan 21294 WLTO in OTM Lots 31 to 35 Parish of St. Vital
Lots 1 and 2 Block 4 Plan 24528 WLTO Exc Plan 44088 WLTO in OTM Lots 31 to 35 Parish of St. Vital
Columbia Drive, Marygrove Crescent, McGillivray Boulevard and Tolcross Gate Plan 24528 WLTO in OTM Lots 31 to 35 Parish of St. Vital
Block 5 Plan 44088 WLTO in OTM Lots 31 to 35 Parish of St. Vital
Lots 44 and 45 Block 1 Plan 44088 WLTO in OTM Lots 31 to 35 Parish of St. Vital



Applicant: Qualico Developments (Winnipeg) Ltd. (Lyne Jones)

Owner: Robert McMillan & Marilyn Roznowsky, Qualico Developments (Winnipeg) Ltd., Anita Huppe & Monique Huppe, The City of Winnipeg, Her Majesty the Queen in Right of the Province of Manitoba and 4906358 Manitoba Ltd.

Recommendation: Approved with Conditions

Site Description

The subject site is located in the Whyte Ridge Neighbourhood of the Charleswood / Tuxedo Ward and is made up of several separate parcels under a series of owners. The area is bordered on the west, south and east sides by single family residential and to the north by McGillivray Boulevard. The site is presently zoned 'R1-20' Residential as well as a small triangular 'A5' Agricultural piece.



Figure 1: Subject Site (area shown is approximate) (Aerial Photograph Flown 2005)

Surrounding Land Use and Zoning

North: Scurfield Boulevard then 'R1-4' Residential then McGillivray Boulevard
South: 'R1-3.5' Residential and 'R1-4' Residential
East: Columbia Drive then 'R1-4' Residential
West: Bessboro Street North then 'R1-3.5' Residential

Background

The rezoning and subdivision of the adjacent lands to the west and north of the subject site went through in January 2005, (DASZ 44/04). The area development is based on a Concept Plan that came out of a recommendation during the review of an earlier application for this area in 1987, (DASZ 38/87). It has taken some time for the developer to assemble these remaining parcels along the west side of Bessboro to a point where application for subdivision and rezoning could be made.

Description of the Proposed Development

The area under consideration in this application is one of the last remaining pieces of the Whyte Ridge Subdivision to be subdivided and rezoned. The application proposes the creation of 18 new residential lots from 31 existing lots, rezoning the lots to 'R1-4' Single Family Residential. The subdivision also acquires a portion of the west side of the Columbia Drive right of way and allows the existing fence to be incorporated into the proposed private lots. All of the existing buildings within the subject site are expected to be removed, except for the house located on proposed lot 10.

Analysis

Plan Winnipeg Compliance

The area is designated Neighbourhood Policy in Plan Winnipeg 2020. The proposed rezoning to 'R1-4' Single Family Residential complies with several Plan Winnipeg Policies such as compact urban form and encouraging development where there can be the full range of municipal infrastructure.

In tandem with this application is the road closing application, DAC 30/05 which proposes to reduce the width of Columbia Drive. The applicant will acquire this portion of the right of way and incorporate it into the rezoning and subdivision. The existing timber fence with brick pillars along this right of way will eventually be incorporated into the newly subdivided lots on private property.

Recommendation

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

- Complies with Plan Winnipeg
- Consistent / compatible with the area
- Allows the Developer's character fencing to be incorporated into the subdivision onto private lots

Recommended Conditions of Approval

I. That the plan of subdivision proposed under File No. DASZ 50/05 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File No. DASZ 50/05, attached hereto and dated January 3, 2006, for registration in the Winnipeg Land Titles Office, subject to the following:

A. That the Developer be required to enter into an addendum to Development Agreement AG 44/04 with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated January 3, 2006;

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 50/05, attached hereto and dated January 3, 2006, to an "R1-4" Residential 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. The owners of the lots backing onto Columbia Drive are required to maintain the fence at the rear of their lots to the satisfaction of the Director of Public Works.

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 for the creation of additional sites.

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.

XI. That the Proper Officers of the City are hereby authorized to execute any agreements and documents connected with the development.

XII. That the City Solicitor/Manager of Legal Services be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

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

Report Prepared by: James Veitch
PPD File # DASZ 50/05

5094

Schedule "A"

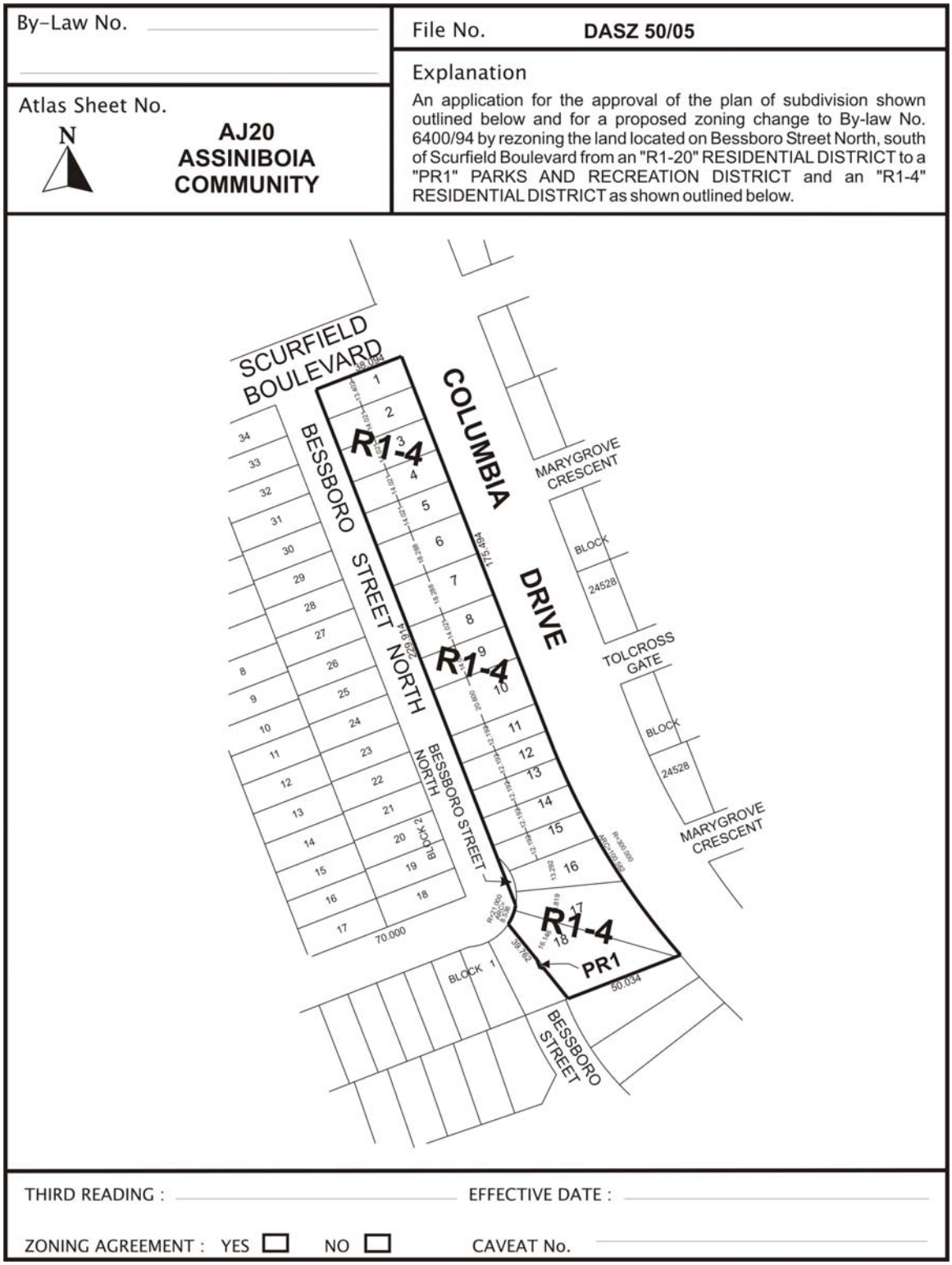


Figure 2: Schedule "A" to the report to the Assiniboia Community Committee for File No. DASZ 50/2005, dated January 3, 2006.

Exhibit "7" referred to in File DASZ 20/2005

Re: Proposed subdivision and rezoning of land located on Bessboro Street North, south of Scurfield Blvd. -- DASZ 50/05

FOR SUBMISSION TO THE CHAIRPERSON AND MEMBERS OF THE ASSINIBOIA COMMUNITY COMMITTEE

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

January 3, 2006

5096

Re: Proposed subdivision and rezoning of land located on Bessboro Street North, south of Scurfield Blvd. – DASZ 50/05

An application has been submitted by Qualico Developments (Winnipeg) Ltd. to subdivide and rezone land located on Bessboro Street North, south of Scurfield Blvd..

Under the terms of Development Agreement 2/89, the Developer is required to construct a fence along the west side of Columbia Drive from Bourne Avenue (now closed) to McGillivray Boulevard. The fence has been constructed at the rear of proposed Lots 3 to 17. The proposal under DASZ 50/05 is to establish 17 lots on the east side of Bessboro Street North which would abut the fence constructed or to be constructed on the west side of Columbia Drive. Included within the proposed lots is city-owned property described as Lots 1 and 2, Block 4, Plan 24528 and a portion of Columbia Drive being closed under DAC 30/05. Bessboro Street North was serviced by the Developer in 2005 under the terms of Development Agreement AG 44/04.

It is therefore recommended that approval of DASZ 50/05 be subject to the Developer entering into an Addendum to Development Agreement AG 44/04 as follows:

1. By attaching to AG 44/04 a copy of the plan of subdivision approved under DASZ 50/05;

2. By adding a clause that the Developer shall pay its share of the cost of the regional land drainage system benefiting the land covered under DASZ 50/05 (2005 rate = $6,479.00/acre).

3. By adding a clause that the Developer shall pay its share of the cost of the existing oversized land drainage sewer in Columbia Drive benefiting the land covered under DASZ 50/05 (2005 rate = $3,474.00/acre).

4. By adding a clause that the Developer shall grant the City an easement to a width satisfactory to the Director of Water and Waste for maintenance of the land drainage sewer within the rear yards of proposed Lots 17 and 18.

5. By adding a clause that private approaches will not be permitted off Scurfield Boulevard and off Columbia Drive.

6. By adding a clause that the Developer shall pay $1,650.00 to defray the City's administration and related costs associated with the preparation and implementation of the Addendum.

7. By adding a clause that the Developer shall pay cash in lieu of dedication of land for public open space in accordance with the Development Agreement Parameters.

It is also recommended that the Developer enter into a Zoning Agreement requiring the owners of the lots backing on Columbia Drive to maintain the fence at the rear of the lots as constructed to the satisfaction of the Director of Public Works.

It is further recommended that the City shall transfer Lots 1 and 2, Block 4, Plan 24528 and the portion of Columbia Drive being closed under DAC 30/05 to the Developer for $1.00 for inclusion within the proposed plan of subdivision.

THIS REPORT SUBMITTED BY:
Administrative Coordinating Group
File No. AG 50/05
January 3, 2006

ASSINIBOIA COMMUNITY COMMITTEE
January 3, 2006
AG 50/05

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

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

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