Agenda - Council - June 28, 2006

Report - Standing Policy Committee on Property and Development - June 6, 2006

Item No. 5 Subdivision and Rezoning – east side of Camp Manitou Road, south of Thompson Avenue
File DASZ 40/2005

STANDING COMMITTEE RECOMMENDATION:

On June 21, 2006, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the Assiniboia Community Committee and submits the following to Council:

1. That the plan of subdivision proposed under File DASZ 40/2005 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 40/2005 dated May 4, 2006, 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 the following conditions:
        i. That the Developer shall pay its share of the cost of the watermain to be installed by others in Camp Manitou Road.
        ii. That the Developer shall, at no expense to the City, install a wastewater sewer within an easement to be established adjacent to the east limit of Camp Manitou Road from the proposed Oak Forest Crescent to the south, all to the satisfaction of the Director of Water and Waste.

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 40/2005 dated May 4, 2006, to an "R1-9" 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).

Report - Standing Policy Committee on Property and Development - June 6, 2006

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 approved plan of subdivision not be released for registration in the Land Titles Office until the full range of services can be provided to the satisfaction of the City.

8. That the approved plan of subdivision not be released for registration in the Land Titles Office until:

   A. A Servicing and Maintenance Agreement between the Rural Municipality of Headingley and the City regarding Camp Manitou Road travel surface plus any other infrastructure within the right of way, has been executed.

   B. Written confirmation of access to the proposed lots signed by the authorities having jurisdiction has been submitted to the City of Winnipeg.

9. That the approved plan of subdivision not be released for registration in the Land Titles Office until the full range of services can be provided to the satisfaction of the City of Winnipeg.

10. 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.

11. 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.

12. 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.

13. 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 - June 6, 2006

14. 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 - June 6, 2006

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On June 21, 2006, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the Assiniboia Community Committee and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On June 6, 2006, the Standing Policy Committee on Property and Development concurred in the recommendation of the Assiniboia Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On May 16, 2006, the Assiniboia Community Committee concurred in the administrative recommendation and submitted its recommendation to the Standing Policy Committee on Property and Development.

On March 14, 2006, the Assiniboia Community Committee did not hear any representation on the application and adjourned the public hearing to its meeting on May 16, 2006.

On October 18, 2005, the Assiniboia Community Committee did not hear any representation on the application and adjourned the public hearing to its meeting in March, 2006.

RE: **Subdivision and Rezoning - Camp Manitou Road, east side, south of Thompson Avenue**
File DASZ 40/2005

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

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

Report date: **May 17, 2006**

COMMUNITY COMMITTEE RECOMMENDATION:

On May 16, 2006, the Assiniboia 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 40/2005 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 40/2005, dated May 4, 2006, 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 the following conditions:

        i. That the Developer shall pay its share of the cost of the watermain to be installed by others in Camp Manitou Road.

        ii. That the Developer shall, at no expense to the City install a wastewater sewer within an easement to be established adjacent to the east limit of Camp Manitou Road from the proposed Oak Forest Crescent to the south, all to the satisfaction of the Director of Water and Waste.

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 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 40/2005, dated May 4, 2006, to an "R1-9" 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 approved plan of subdivision not be released for registration in the Land Titles Office until the full range of services can be provided to the satisfaction of the City.

8. That the approved plan of subdivision not be released for registration in the Land Titles Office until:

   A. A Servicing and Maintenance Agreement between the Rural Municipality of Headingley and the City regarding Camp Manitou Road travel surface plus any other infrastructure within the right of way, has been executed;

   B. Written confirmation of access to the proposed lots signed by the authorities having jurisdiction has been submitted to the City of Winnipeg.

9. That the approved plan of subdivision not be released for registration in the Land Titles Office until the full range of services can be provided to the satisfaction of the City of Winnipeg.

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11. 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.

12. 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.

13. 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.

14. 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.

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

1. This meets Plan Winnipeg growth.

PUBLIC HEARING SUMMARY

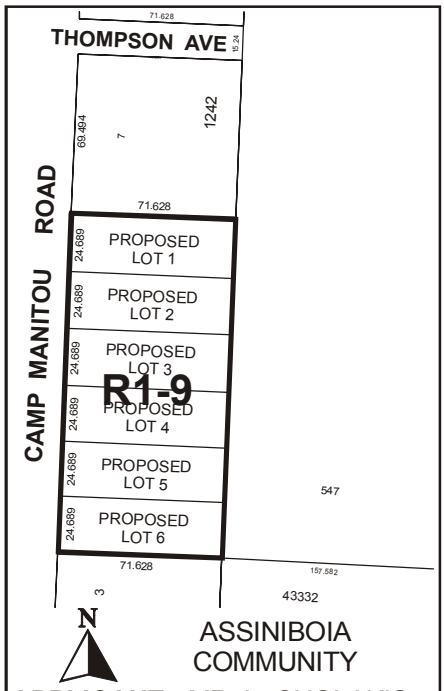
File: DASZ 40/2005

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

Public Hearing: May 16, 2006

Applicant: Leo Cholakis

Subject:



APPLICANT : MR. L. CHOLAKIS
FILE : DASZ 40/05
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" AGRICULTURAL DISTRICT to an "R1-9" RESIDENTIAL DISTRICT. **For information, phone Mr. J. Veitch, Planner at 986-7728.**

Premises Affected: Camp Manitou Road, east side, south of Thompson Avenue
4050

Exhibits Filed:

1. Application dated September 14, 2005
2. Notification of Public Hearing dated September 14, 2005
3. Certificate of Title B 5074
4. Letter of authorization dated August 3, 2005 from Leo Cholakis
5. Plans (2 pages)
6. Report from the Manager of Planning and Land Use dated October 5, 2005
7. Inspection Report
8. Presentation in support of the application, submitted by Leo Cholakis.
9. Presentation in opposition to the application, submitted by Valinda Morris, Provincial Council of Women of Manitoba Inc.
10. Report from the District Planner dated March 2, 2006, requesting an adjournment of the public hearing
11. Notification of Public Hearing dated April 19, 2006
12. Report from the Manager of Planning and Land Use dated May 4, 2006
13. Communication date May 16, 2006, in opposition to the application, from Patricia Powel, President, Council of Women of Winnipeg and Mary Scott, President, Provincial Council of Women of Manitoba Inc. submitted and read into the record at the public hearing by Patricia Powel, President, Council of Women of Winnipeg and Elizabeth Fleming, Provincial Council of Women of Manitoba

REPRESENTATIONS:

In Support:

Leo Cholakis

In Opposition

Patricia Powel, President, Council of Women of Winnipeg
Elizabeth Fleming, Provincial Council of Women of Manitoba Inc.
Valinda Morris, Provincial Council of Women of Manitoba Inc.
Mary Scott, President, Provincial Council of Women of Manitoba Inc.
Dr. Mary Pankiw, Council of Women of Winnipeg

For the City:

Mr. J. Veitch, Planner Planning, Property and Development Department
Mr. E. Carrière, Land Development Engineer, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

The applicant, Mr. Leo Cholakis, appeared in support of the application and indicated concurrence in the recommendation contained in the administrative report from the Manager of Planning and Land Use dated May 4, 2006.

In response to questions from the applicant, the Land Development Engineer, Planning, Property and Development Department, Mr. E. Carriere clarified the conditions of approval with respect to:

- the required Servicing Agreement regarding the watermain and wastewater sewer to be installed in Camp Manitou Road as well

- the required Servicing and Maintenance Agreement between the Rural Municipality of Headingley and the City regarding Camp Manitou Road travel surface and confirmation of access to the proposed lots

Patricia Powel, President, accompanied by Elizabeth Fleming, The Council of Women of Winnipeg, appeared in opposition to the application and read into the record a communication dated May 16, 2006 from Patricia Powel, President, Council of Women of Winnipeg and, Mary Scott, President, Council of Women of Manitoba Inc. filed as Exhibit 13.

Discussion ensued with respect to the access and upgrading of the intersection of Camp Manitou Road and P.T.H. 1. Councillor De Smedt indicated it will be a signalized intersection.

In rebuttal, the applicant responded to the concerns expressed by those who spoke in opposition to the application. Mr. Cholakis stated that the signalized intersection in front of the Point West Auto Mall should be synchronized with the future signalized intersection of Camp Manitou Road and P.T.H. 1. to ensure the steady flow of traffic.

Exhibit "12" referred to in File DASZ 40/2005

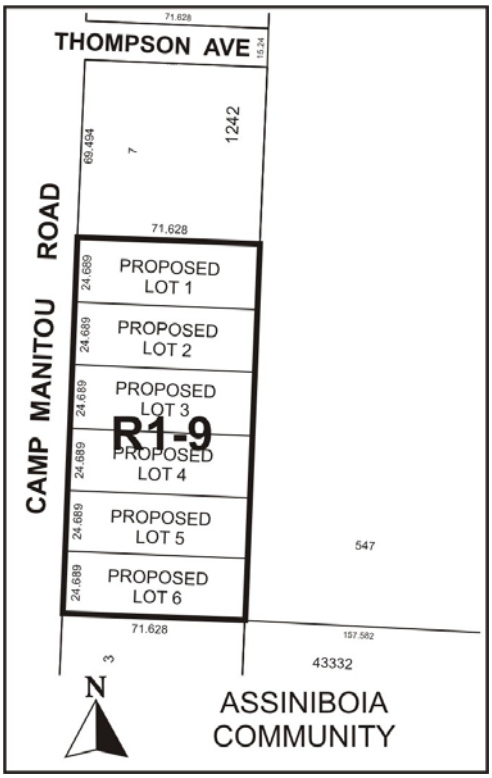
Winnipeg

Planning, Property and Development Department Report

To the Assiniboia Community Committee

Date: May 4, 2006
File: **DASZ 40/05 - REVISED**
Related Files: DASZ 40/05, DASZ 44/05
Subject: Subdivision application to establish 6 residential building lots as well as rezone them from 'A' Agricultural to 'R1-9' Residential.

Location: East side of Camp Manitou Road south of Thompson Avenue
Legal Description: Lots 4, 5 & 6, Block No. 10, Plan 1242



Applicant: Mr. Leo Cholakis
Owner: Mr. Leo Cholakis

Recommendation: Approval with Conditions

Report Summary:

- The applicant has revised his proposal from **four** (4) to **six** (6) single-family residential lots on **2.6 acres** of land fronting Camp Manitou Road.
- The single-family residential lots will be a minimum **81 feet** in width, **235 feet** in length and **19,000 square feet** in area.
- There is no water, sewer, or land drainage servicing the subject site at this time.
- The applicant intends to service the lots from the sewer and water infrastructure that will be brought into the area as part of the residential development to the south, (DASZ 44/06).

Site Description

Existing Land Use and Zoning

The subject site is located in the Assiniboia Downs Neighbourhood of the Assiniboia Community on the east side of Camp Manitou Road south of Portage Avenue (PTH No.1 W). The site is currently vacant, and zoned 'A' Agricultural.

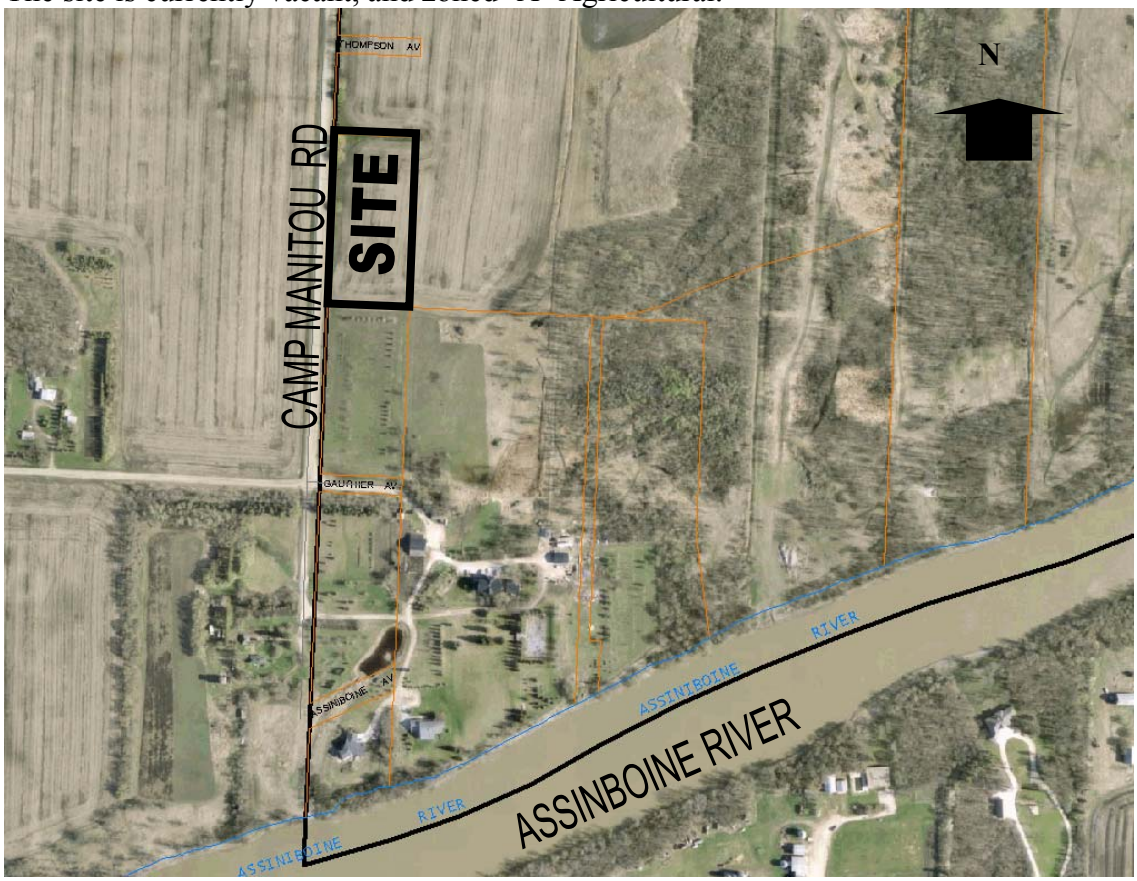


Figure 1: Subject Site (Aerial Photograph 2005)

Surrounding Land Use and Zoning
North: 'A' Agricultural (Chapel Lawn Memorial) then Portage Avenue (PTH No.1 W)
South: Assiniboine River then the R.M. of Headingley
East: 'A' Agricultural (Chapel Lawn Memorial) then Perimeter Highway 100
West: R.M. of Headingley, Camp Manitou Road & future proposed residential

Background

On October 18, 2005 at the Assiniboia Community Committee meeting DASZ 40/2005, applicant Mr. Leo Cholakis was on the Minutes. The application proposed the creation of 4 lots as well as a rezoning to 'R1-20' Residential. The timing of the proposal was seen to be premature, the proposed lots would require the full arrange of City infrastructure and City services were not in the vicinity.

The Assiniboia Community Committee and the applicant agreed that DASZ 40/2005 would be tabled until March 2006. Presumably that time period would allow the City a clearer indication of the availability of City infrastructure to the area.

In March of 2006 the applicant requested that the application be further adjourned to May of 2006 as he was going to be unavailable.

Description of the Proposed Development

The applicant wishes to subdivide the existing 2.6-acre site into 6 lots for single-family residential use. All of the lots will have frontage along Camp Manitou Road and will be approximately 19,000 square feet (0.43 acres) in area.

Analysis

Plan Winnipeg Compliance
The subject site is located within an area designated Neighbourhood Policy Area in Plan Winnipeg 2020 Vision, which was adopted on December 21, 2001. Under this designation the proposed residential development would be permitted upon a successful re-zoning and subdivision of the land and provision of the full range of Municipal infrastructure.

Compatibility with Existing Neighbourhood and Surrounding Uses
Immediately south of the subject site a 95-acre residential development was approved by Council January 25, 2006. The developer for this mixed residential use project anticipates that the construction of dwellings will begin in the fall of 2006.

Transportation and Site Access
The proposed lots will each have a private access fronting onto Camp Manitou Road located in the R.M. of Headingley. Camp Manitou Road runs south off of Portage Avenue and terminates at the Assiniboine River where it will also provide access to the 95-acre residential development south of the subject site.

Transit Service
Currently there is no City bus service west of the Perimeter Highway that would service this area. City of Winnipeg Transit has advised in previous development review meetings for this area that the expected demand from this proposal and the larger residential development referred to above would not warrant the extension of transit service to this area at this time. This is similar to other large lot residential areas in the City such as the St. Germaine / Vermette Area and the south Charleswood Area.

Servicing
The City sewer and water services will be extended into the immediate context by the developer responsible for the servicing of the 95-acre project to the south. In terms of the property involved in this application, it will be the developer's responsibility to provide and finance all of the required services to this project.

Comments from other departments
The revised proposal for 6 residential lots will be reviewed by all of the relevant City departments and will go back through the Administrative Coordinating Group. Their development requirements will be contained within the Recommended Conditions of Approval at the back of this report.

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

- The subject site is within an area of Neighbourhood Policy designation in Plan Winnipeg 2020,

- The demand and market for single family residential lots in Winnipeg is very strong, particularly in this area of west Winnipeg where, until recently very little new residential development has occurred,

- The developer will be required to provide the full range of services to the proposed lots,

- As recommended in the Planning and Land Use report for the initial public hearing October 18, 2005 on this project;

  *'This smaller land holding should not proceed until the larger, adjacent **95 acres** subject to **DASZ 44/05** has been conditionally approved at the Assiniboia Community Committee. **DASZ 44/05** was received by the Planning and Land-Use Division on **October 5, 2005** and will require a through analysis prior to the scheduling of a Public Hearing. Services will be available from the City of Winnipeg if the larger residential development proceeds. The subject lands would also then be contiguous to residential development and would then be a logical completion of the under-developed lands between the Perimeter Highway and Camp Manitou Road.'*

As discussed earlier, Council has since approved DASZ 44/05.

Recommended Conditions of Approval

I. That the plan of subdivision proposed under File No. DASZ 40/05 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File No. DASZ 40/05, attached hereto and dated May 4, 2006, 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 the following conditions:

iii. The Developer shall pay its share of the cost of the watermain to be installed by others in Camp Manitou Road;

iv. The Developer shall, at no expense to the City install a wastewater sewer within an easement to be established adjacent to the east limit of Camp Manitou Road from the proposed Oak Forest Crescent to the south, all to the satisfaction of the Director of Water and Waste.

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 40/05, attached hereto and dated May 4, 2006, to an "R1-9" 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 approved plan of subdivision not be released for registration in the L.T.O. until the full range of services can be provided to the satisfaction of the City.

VII. That the approved plan of subdivision not be released for registration in the L.T.O. until:

a. A Servicing and Maintenance Agreement between the R.M. of Headingley and the City regarding Camp Manitou Road travel surface plus any other infrastructure within the right of way, has been executed;

b. Written confirmation of access to the proposed lots signed by the authorities having jurisdiction has been submitted to the City of Winnipeg.

IX. That the approved plan of subdivision not be released for registration in the L.T.O. until the full range of services can be provided to the satisfaction of the City of Winnipeg.

X. 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.

XI. 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.

XII. 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.

XIII. 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.

XIV. 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 40/05

Schedule "A"

By-Law No. _____

File No. **DASZ 40/05**

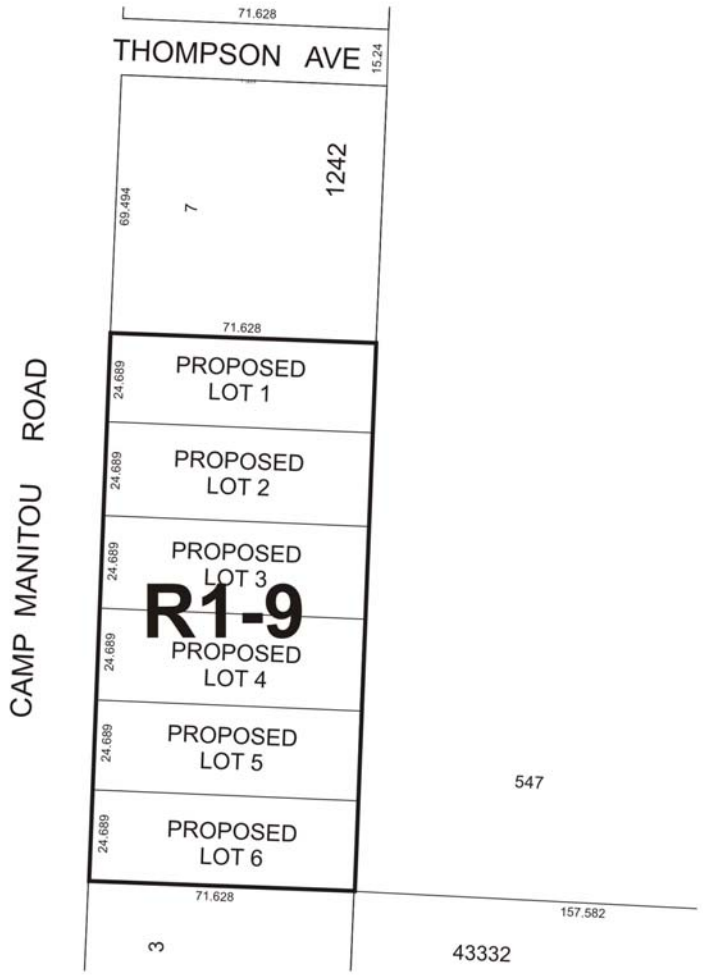
Atlas Sheet No.

N

AC10
ASSINIBOIA
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 east of Camp Manitou Road, south of Thompson Avenue from an "A" AGRICULTURAL DISTRICT to an "R1-9" RESIDENTIAL DISTRICT as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

Schedule "A" to the report to Assiniboia Community Committee for file # DASZ 40/05 – REVISED dated May 4, 2006.