Minute No. 538
Report - Standing Policy Committee on Property and Development – May 2, 2006

Item No. 14 Subdivision and Rezoning - 80, 90 and 100 King's Drive
File DASZ 55/2005

COUNCIL DECISION:

Council concurred in the recommendation of the Standing Policy Committee on Property and Development and adopted the following:

1. That the plan of subdivision proposed under File DASZ 55/2005 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 55/2005 dated April 18, 2006, 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 55/2005 dated April 18, 2006, to an "R1-9" Residential District.

4. That a ten per cent (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.

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.

Report - Standing Policy Committee on Property and Development – May 2, 2006

COUNCIL DECISION (continued):

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 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 – May 2, 2006

DECISION MAKING HISTORY:

Moved by Councillor De Smedt,

That the recommendation of the Standing Policy Committee on Property and Development be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On May 17, 2006, 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 May 2, 2006, the Standing Policy Committee on Property and Development concurred in the recommendation of the Riel Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On April 25, 2006, 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 - 80, 90 & 100 King's Drive**
File DASZ 55/2005

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

Prepared by: **Inga K. Skundberg, Clerk,**
Riel Community Committee

Report date: **April 26, 2006**

COMMUNITY COMMITTEE RECOMMENDATION:

On April 25, 2006, 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 55/2005 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 55/2005, dated April 18, 2006, 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 55/2005, dated April 18, 2006, to an "R1-9" Residential District.

4. That a ten per cent (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.

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 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.

10. 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 Riel Community Committee provided the following supporting reasons for its recommendation:

1. The Riel Community Committee agreed with the administrative comments contained in the report from the Planning and Land Use Division dated April 18, 2006.

2. There was no opposition registered to the public hearing.

PUBLIC HEARING SUMMARY

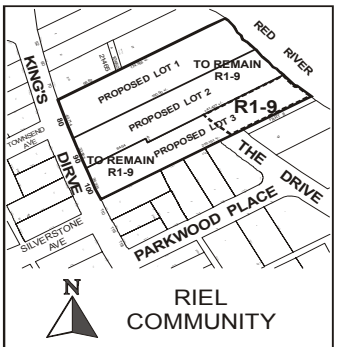
File: DASZ 55/2005

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

Public Hearing: April 25, 2006
Council Building, 510 Main Street

Applicant: Barnes & Duncan (Christian Korell)

Subject:



APPLICANT: BARNES & DUNCAN LAND SURVEYING & GEOMATICS
FILE: DASZ 55/05
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 a "PR1" PARKS AND RECREATION DISTRICT to an "R1-9" RESIDENTIAL DISTRICT. **For information, phone Mr. K. Lalor, Planner at 986-5069.**
DEMANDEUR : BARNES & DUNCAN LAND SURVEYING & GEOMATICS
N° DE RÉFÉRENCE : DALZ 55/05
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 PR1 (SECTEUR DES PARCS ET DES LOISIRS) à la catégorie R1-9 (SECTEUR RÉSIDENTIEL). **Pour plus de renseignements, veuillez communiquer avec M. K. Lalor, urbaniste, au 986-5069.**

Premises Affected: 80, 90 & 100 King's Drive

Exhibits Filed:

1. Application dated March 6, 2006
2. Notification of Public Hearing dated March 14, 2006
3. Manitoba Status of Titles 1185133 and 2006150
4. Manitoba Certificate of Titles A 47039; B 60722; B 61196; B 87439
5. Letter of authorization dated August 31, 2005 from Donald, Whitmore, Florence E. Whitmore, Lois Margaret Brockman, Clifford Kenneth Irwin Roulston and Diane Roulston to Christian P. Korell of Barnes and Duncan Manitoba Land Surveyors
6. Surveyor's Building Location Certificate and sketch dated February 20, 2006
7. Plans (2 pages)
8. Report from the Planning and Land Use Division dated April 18, 2006
9. Inspection Report

REPRESENTATIONS:

In Support:

Lois Brockman
Murdoch MacKay
Donald W. Whitmore

In Opposition

Nil

For the City:

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

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS MADE AT THE PUBLIC HEARING

Murdoch MacKay appeared in support of the application.

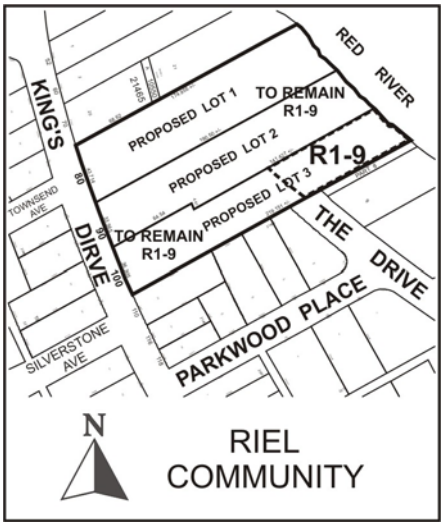
Exhibit "8" referred to in File DASZ 55/2005

Planning, Property and Development Department Report

To the Riel Community Committee

Date: April 18/06
File: DASZ 55/05
Related Files: N/A
Subject: A DASZ application has been made to re-align lot lines between three existing holdings upon completion of a road closing & to rezone the rear portion of proposed Lot 3 from its current " PR-1 " Parks & Recreation District category to a " R1-9" Residential District category to match the existing zoning of the remainder of the lot.

Location: 80, 90, & 100 King's Drive
Legal Description: River Lots 118 & 119 Parish of St. Norbert being Lots 6& 7 and Part Lot 8, Block 26, Plan No.2211, Parcel B, Plan No. 10550, Lots 22, 23, 24, and 25 Plan No. 21465 and Parcel A, Plan 27247



Applicant: Barnes & Duncan Surveyors
Owners: Clifford & Diane Roulston, Donald & Florence Whitmore, Lois Brockman, City of Winnipeg

Recommendation: Approved with Conditions

Site Description

The lands in question lie to the north of Parkwood Place between King's Drive and the Red River. The three subject properties are large lots each occupied with a dwelling and zoned R1-9 Residential. The R1-9 designation allows for a minimum lot area of 9000 sq. ft. and a minimum frontage of 75 ft. An unopened right-of-way called the Drive currently bisects these three properties linking Parkwood with King's Drive further to the north. The riverbank frontage directly behind the Roulston property at 100 King's Drive is owned by the City of Winnipeg and currently zoned PR-1 Public Reserve but has been declared surplus to the City's long term needs. It will be transferred to Mr. Roulston in exchange for river frontage land that he currently owns adjoining to the north that will be transferred to his Mr. Brockman as part of a proposed new re-alignment of existing lot lines. Surrounding the subject three lots to the north, west and east are well established housing subdivisions; all zoned R1-9 Residential.

Description of the Proposed Development

In essence, what is occurring is that the current unopened right-of way extending through the subject three properties is to be permanently closed, divided up, and incorporated into the

existing Whitmore, Brockman and Roulston properties. A riverbank parcel, owned by the City , has been declared surplus to the City's needs and is to be transferred to Mr. Roulston, making all of the subject lots, (80, 90, and 100 King's Drive) more or less equal in size and configuration. The aforementioned City parcel is being rezoned to an R1-9 Residential category to match the current zoning of the existing three lots. The transfer of the surplus City property along the river to Mr. Roulston is compensation for an emergency dyke that was constructed on his property during the 1997 flood.

Analysis

The Planning, Property and Land Use Division fully supports 1) the proposed road closure and incorporation of the right-of-way lands into the lots owned by the Whitmores, Brockmans and Roulstons. The property owners affected do not want a road constructed through their properties, so having it there, whether opened or unopened, serves no viable purpose. The reworking of the property lines and the subsequent consolidation of the closed right-of-way and the former public reserve parcel into the existing lots will ultimately result in the three lots all having unencumbered access to the river. And all will be of similar area, configuration and zoning. No new lots are created but all three existing lots will increase in size.

Recommendation

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

- The existing road right-of –way no longer serves a purpose as the existing property owners have no desire to subdivide the rear portions of their land . The parcel of city land , declared surplus and being transferred to one of the existing property owners, should have identical zoning as the frontage properties. Furthermore it has been declared surplus, so the public reserve zoning is no longer required.

Recommended Conditions of Approval

I. That the plan of subdivision proposed under File No. DASZ 55/05 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File No. DASZ 55/05, attached hereto and dated April 18/06, 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 55/05, attached hereto and dated April 18/06, 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 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.

X. 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: Kevin Lalor
PPD File # (.624)

By-Law No. _____

File No. **DASZ 55/05**

Atlas Sheet No.

N

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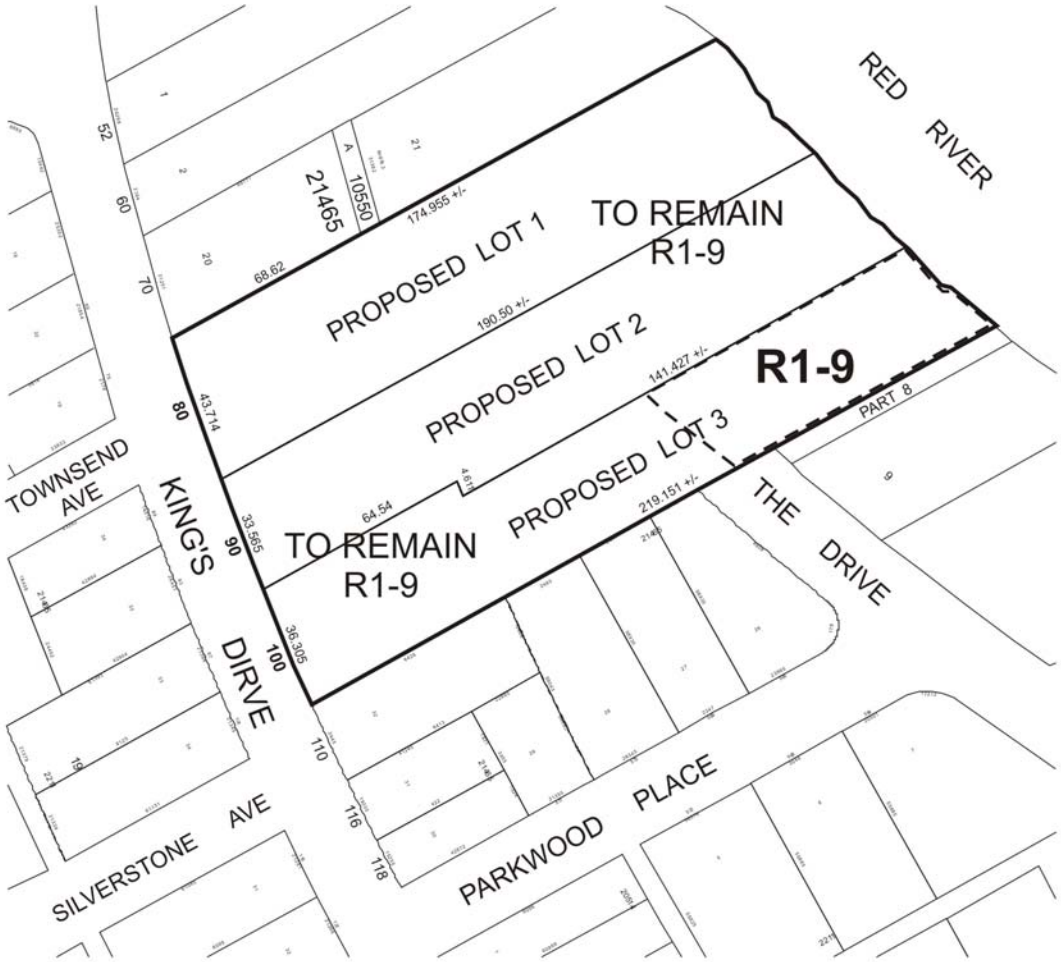
RIEL
COMMUNITY

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 100 King's Drive from a "PR1" PARKS AND RECREATION DISTRICT to an "R1-9" RESIDENTIAL DISTRICT as shown outlined below.



Schedule "A" for File No. DASZ 55/05, Riel Community Committee, dated April 18/06

EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____