Minute No. 466
Report - Standing Policy Committee on Property and Development - April 4, 2006

Item No. 18 **Subdivision and Rezoning - 1262 Comdale Avenue and adjacent Public Reserve**
File DASZ 2/2006

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 2/2006 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 2/2006 dated March 21, 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 2/2006 dated March 21, 2006, to an "R1-4" Residential District.

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 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.

Report - Standing Policy Committee on Property and Development - April 4, 2006

COUNCIL DECISION (continued)

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 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 - April 4, 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 April 19, 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 April 4, 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 March 28, 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 - 1262 Comdale Avenue and adjacent Public Reserve**
File DASZ 2/2006

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

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

Report date: **March 29, 2006**

COMMUNITY COMMITTEE RECOMMENDATION:

On Mach 28, 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 2/2006 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 2/2006 dated March 21, 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 2/2006 dated March 21, 2006, to an "R1-4" Residential District.

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 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 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 reason 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 March 21, 2006.

PUBLIC HEARING SUMMARY

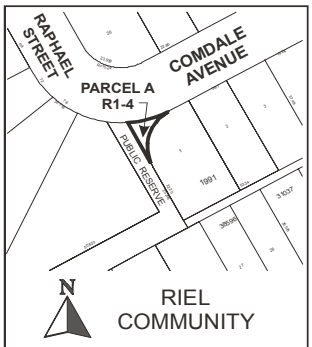
File: DASZ 2/2006

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

Public Hearing: March 28, 2006
Council Building, 510 Main Street

Applicant: Barnes and Duncan

Subject:



APPLICANT: BARNES & DUNCAN
FILE: DASZ 2/06
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 "R1-4" RESIDENTIAL DISTRICT. **For information, phone Mr. K. Lalor, Planner at 986-5069.**
DEMANDEUR : BARNES & DUNCAN
N° DE RÉFÉRENCE : DALZ 2/06
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 R1-4 (SECTEUR RÉSIDENTIEL). **Pour plus de renseignements, veuillez communiquer avec M. K. Lalor, urbaniste, au 986-5069.**

Premises Affected: 1262 Comdale Avenue and adjacent Public Reserve

Exhibits Filed:

1. Application dated February 10, 2006
2. Notification of Public Hearing dated February 20, 2006
3. Manitoba Status of Titles 2025209 and 2133422
4. Letter of authorization dated November 29, 2005 from Carlynne Enterprises Ltd. to Don Shiach of Barnes and Duncan Land Surveyors
5. Plan
6. Site Plan
7. Report from the Planning and Land Use Division dated March 21, 2006
8. Inspection Report

REPRESENTATIONS:

In Support:

Nil

In Opposition

Nil

For the City:

Mr. K. Lalor, Senior Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

No persons registered with respect to the application.

Exhibit "7" referred to in File DASZ 2/2006

Winnipeg

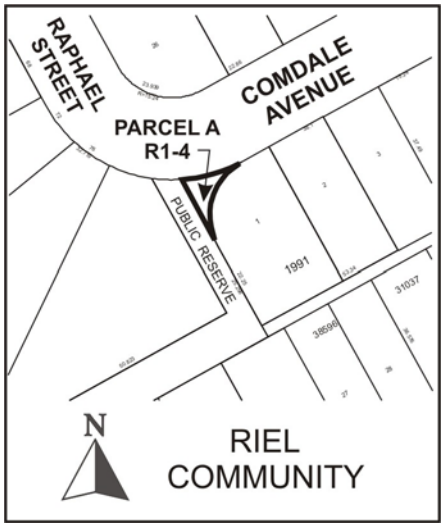
Planning, Property and Development Department Report

To the Riel Community Committee

Date: March 21/06
File: DASZ 2 /06
Related Files: N/A

Subject: To take an already defined surplus parcel of Public Reserve land, rezone it to an R1-4 Residential category and incorporate it into an existing adjoining residential lot at 1262 Comdale Ave.

Location: 1262 Comdale Ave.
Legal Description: Public Reserve Plan 42877 & Lot 1 , Plan 44597



Applicant: Barnes & Duncan
Owner: City of Winnipeg

Recommendation: Approve with Conditions

Site Description

The subject parcel of Public Reserve land lies at the s.e. corner of Raphael Street and Comdale Avenue. It forms part of a Public Reserve access-way to a large recently established retention lake west of Raphael Street and south of Lee Boulevard. To the west, east and north of the subject parcel are newly established R1-4 residential lots many of which are currently being sold for the construction of new housing.

Background

In 2003, under DAZ 243/03, The City of Winnipeg rezoned the subject parcel to a "PR-1 " Public Reserve designation as part of a much larger subdivision plan encompassing almost 60 acres and extending as far east as Shore Street and as far north as Lee Boulevard. The subject parcel formed part of a public access-way to a larger area adjoining to the west; a retention lake area. Most of the remaining land was rezoned to an R1-4 Residential category for new housing lots. The owners of adjoining Lot 1, Plan 44597, immediately to the east made application to purchase a portion of the public reserve area in order to provide both adequate frontage and a suitable approach to the lot at 1262 Comdale Ave. A portion of that public reserve area has been declared surplus to the City's needs (as advertised) and will be sold to the neighbouring property owner if an when the subject application is approved by City Council. It will then be consolidated with the larger parcel to provide adequate frontage and access to a future dwelling unit at that location.

Description of the Proposed Development

As outlined, if and when the subject subdivision and rezoning are approved by City Council, the smaller parcel will be consolidated with the overall larger parcel in order to facilitate the proper development of Lot 1, Plan 44597. The substantial increase in frontage will allow for a viable approach to the aforementioned residential lot.

Analysis

The proposed subdivision, rezoning and consolidation makes infinite sense and will benefit all parties involved. The City does not require the extra land involved in this transaction and the lot at 1262 Comdale is not a particularly viable building site without the proposed acquisition and consolidation. It is therefore recommended that your Committee endorse the application as submitted.

Recommendation

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

- The subject public reserve parcel is surplus to the City's needs and through the proposed consolidation, the adjoining residential lot will be able to have a proper approach off of Comdale Ave.

Recommended Conditions of Approval

I. That the plan of subdivision proposed under File No. DASZ 2/06 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File No. DASZ 2/06, attached hereto and dated March 21/06, 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 2/06, attached hereto and dated March 21/06, to an "R1-4" 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, 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.**

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 # .637

By-Law No. _____

File No. **DASZ 2/06**

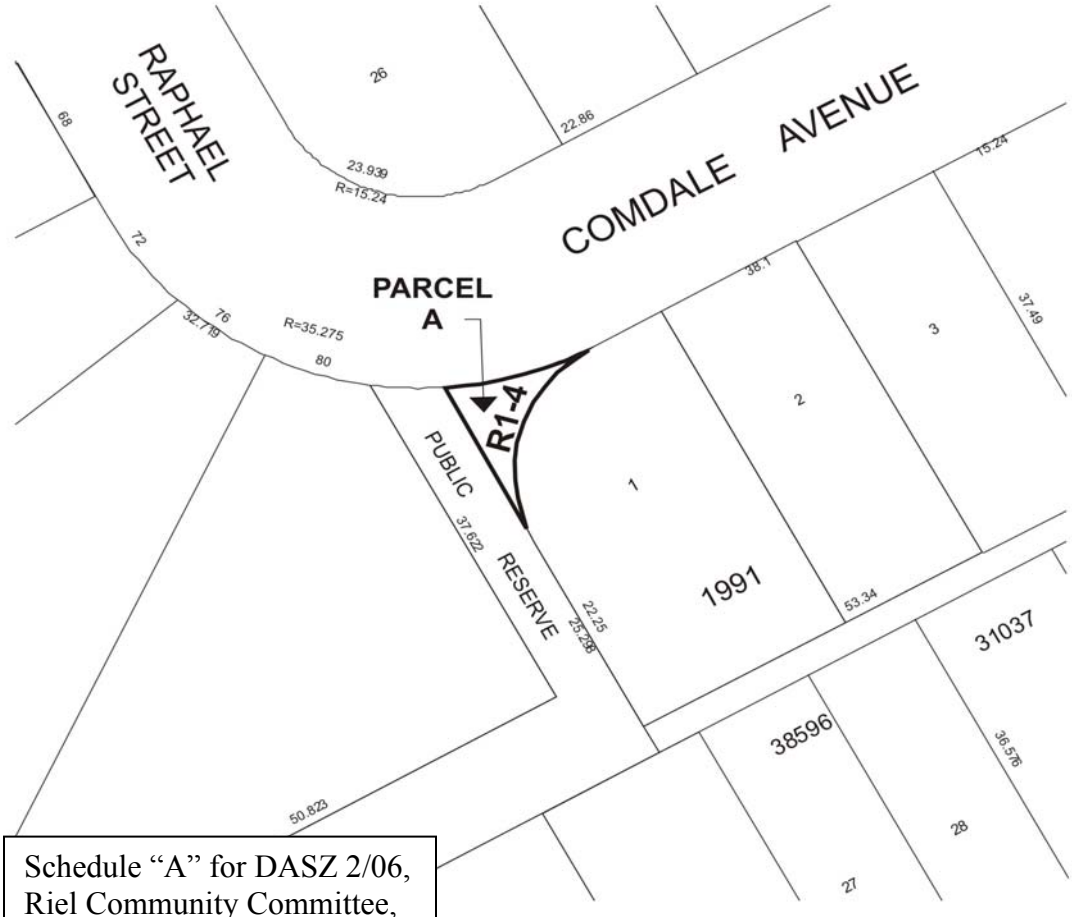
Atlas Sheet No.

N

AL23
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 1262 Comdale Avenue from a "PR1" PARKS AND RECREATION DISTRICT to an "R1-4" RESIDENTIAL DISTRICT as shown outlined below.



Schedule "A" for DASZ 2/06, Riel Community Committee, dated March 21/06

THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____