Agenda - Council - January 24, 2007

Report - Standing Policy Committee on Property and Development - January 9, 2007

Item No. 26 Subdivision and Rezoning - 974 John Bruce Road
File DASZ 44/2006

STANDING COMMITTEE RECOMMENDATION:

On January 17, 2007, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the Riel Community Committee and submits the following to Council:

1. That the plan of subdivision under File DASZ 44/2006 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 44/2006 dated November 29, 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 44/2006 dated November 29, 2006, to an "R1-4" 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 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 - January 9, 2007

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 - January 9, 2007

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On January 17, 2007, 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 January 9, 2007, 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 December 5, 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 - 974 John Bruce Road**
File DASZ 44/2006

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

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

Report date: **December 7, 2006**

COMMUNITY COMMITTEE RECOMMENDATION:

On December 5, 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 under File DASZ 44/2006 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 44/2006 dated November 29, 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.

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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 November 29, 2006.

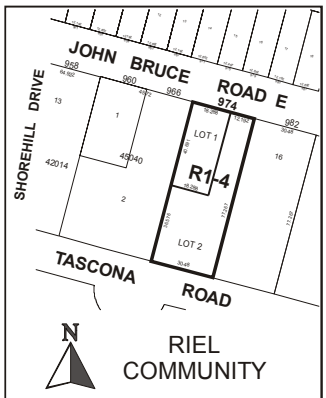
PUBLIC HEARING SUMMARY

File: DASZ 44/2006

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

Public Hearing: December 5, 2006
Council Building, 510 Main Street

Subject:



APPLICANT : CHAHAL HOLDING INC.
FILE: DASZ 44/06
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 an "R1-20" RESIDENTIAL DISTRICT to an "R1-4" RESIDENTIAL DISTRICT. **For information, phone Mr. K. Lalor, Planner at 986-5069.**
DEMANDEUR : CHAHAL HOLDING INC.
N° DE RÉFÉRENCE : DALZ 44/06
PROJET : Demande visant à faire approuver par le Conseil le plan de lotissement indiqué ci-dessus et proposition de modification du *Règlement municipal n° 6400/94* visant à faire changer le zonage des sols délinéés ci-dessus qui passeraient de la catégorie R1-20 (SECTEUR RÉSIDENTIEL) à la catégorie R1-4 (SECTEUR RÉSIDENTIEL). **Pour plus de renseignements, veuillez communiquer avec M. K. Lalor, urbaniste, au 986-5069.**

Premises Affected: 974 John Bruce Road

Exhibits Filed:

1. Application dated October 26, 2006
2. Notification of Public Hearing dated November 7, 2006
3. Manitoba Status of Title 1418972
4. Letter of authorization dated September 12, 2006 from Edith Morin to Chahal Holding Inc. (Sunny Chahal)
5. Surveyor's Building Location Certificate and sketch dated June 28, 1978
6. Site Plan dated October 24, 2006
7. Site Plan dated November 2, 2006
8. Report from the Planning and Land Use Division dated November 29, 2006
9. Inspection Report

REPRESENTATIONS:

In Support:

Sunny Chahal

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

No verbal representation was made at the public hearing.

Exhibit "9" referred to in File DASZ 44/2006

Winnipeg

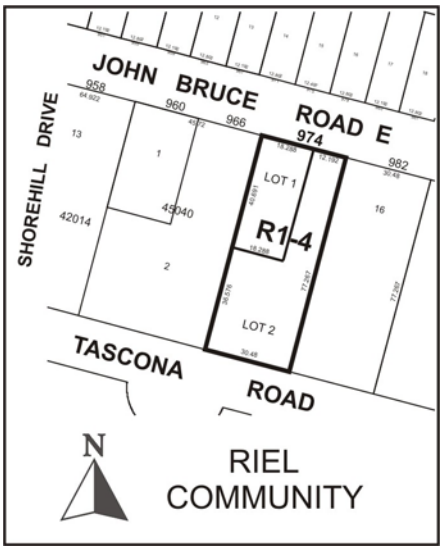
Planning, Property and Development Department Report

To the Riel Community Committee

Date: November 29/06
File: DASZ 44 /06
Related Files: NA

Subject: The purpose of the subject application is to rezone the subject property from an "R1-20" Residential category to an " R1-4" Single Family Residentail category to permit the creation of an immediate additional lot fronting onto John Bruce Road and at least several future lots along Tascona Road when and if that street r.o.w. is constructed.

Location: 974 John Bruce Road
Legal Description: Lot 15, Plan 12000



Applicant: Chahal Holdings Inc.

Owner: Edith M. Morin

Recommendation: Approved with Conditions

Site Description

The property in question has a 110' of frontage and 253' of depth for an overall area of 25,300 sq. ft. An existing residence occupies the west half of the property which is zoned "R1-20" Residential Single Family.

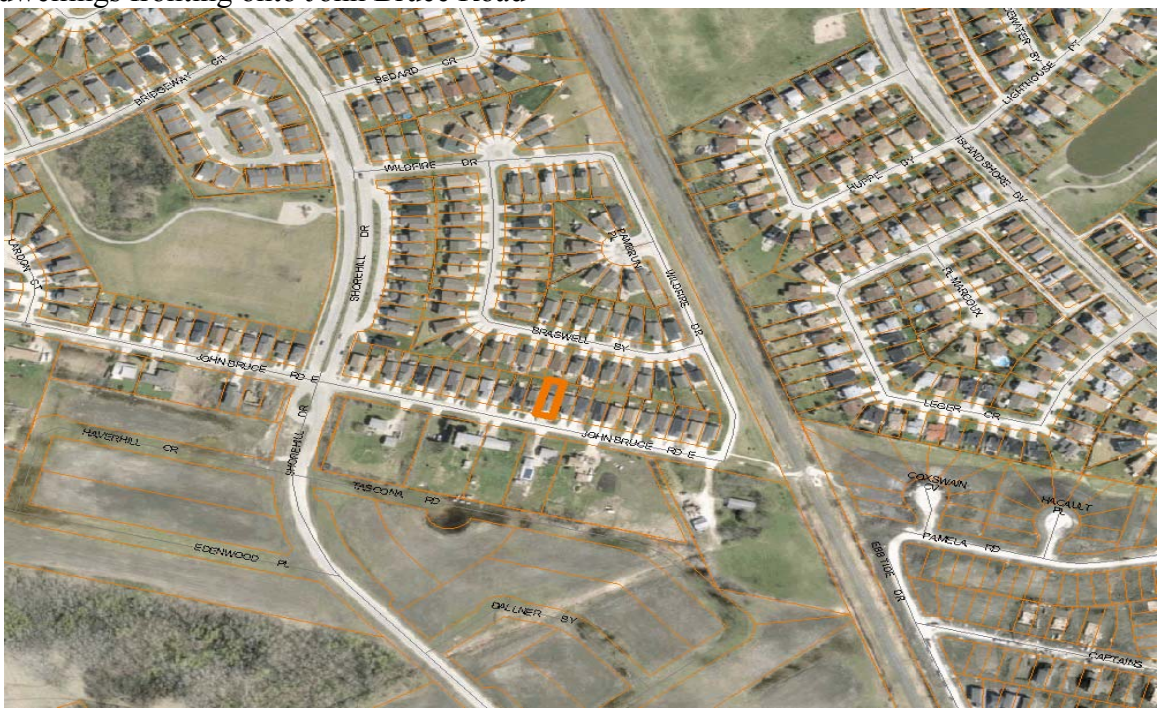
Surrounding Land Use & Zoning :

North :
To the north is an established single family residential subdivision fronting onto John Bruce Road and zoned "R1-4" Residential.

East :
To the east are several single family dwellings occupying the south side of John Bruce Road on large lots similarly zoned "R1-20" Residential. It should be noted that just east of the subject property, John Bruce Road effectively terminates as a street and does not extend east of the existing railway r.o.w.

South :
To the south is a future unopened r.o.w. identified as Tascona Road which is part of the ongoing Royal Wood Phase II housing development. Those immediate adjoining lands are zoned "R1-20" Residential and are currently vacant.

West:
To the west as far as Shorehill Drive are several large single family lots occupied by several dwellings fronting onto John Bruce Road



Description of the Proposed Development

The applicants had originally planned on demolishing the existing dwelling in order to create four new lots , two of which would front onto John Bruce Road with the remaining two rearage fronting onto the future Tascona Road. The proposed zoning would allow for a single 40' wide lot, and a 60' wide lot along John Bruce Road with the two rearage lots having frontages of 50'. Because the two proposed rearage lots would be effectively landlocked and not developable in the immediate future, the applicants have modified their proposal to the extent that only two lots are to be created. As previously outlined, the existing dwelling will be demolished and replaced by a 60' by 133' parcel (lot 1)for redevelopment purposes. The remaining property will have 40' of frontage along John Bruce Road and 100' of frontage along the future Tascona r.o.w. Eventually, when the adjoining Ladco lands to the south develop, proposed Lot 2 could be further subdivided into an additional two single family lots.

Plan Winnipeg:

The subject land lies within the Neighbourhood Policy Area which allows for single family development proposals.

Analysis

The Planning and Land Use Division supports the proposal for several reasons. First of all, the proposed lot sizes are very much in character with existing and proposed new subdivisions in Royal Wood Phase I and Phase II as well as along John Bruce Road from Wildfire Road in the east to Wilmington Drive in the west. Secondly, the creation of new infill housing at a reasonable density is consistent with Plan Winnipeg Policy .

Recommendation

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

- The proposed zoning is consistant with adjoining land uses and in compliance with Plan Winnipeg Policy to create new infill housing.

Recommended Conditions of Approval

I. That the plan of subdivision proposed under File No. DASZ 44/2006 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File No. DASZ 44/2006, attached hereto and dated November 29/2006, 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 44/2006, attached hereto and dated November 29/2006, 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.

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 # .555

3464

By-Law No. _____

File No. **DASZ 44/06**

Atlas Sheet No.

N

AG29
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 974 John Bruce Road from an "R1-20" RESIDENTIAL DISTRICT to an "R1-4" RESIDENTIAL DISTRICT as shown outlined below.



Schedule "A" for File No. DASZ 44/2006, Riel Community Committee, dated November 29/2006

THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____