Minute No. 438
Report - Standing Policy Committee on Property and Development – May 1, 2007

Item No. 5 Subdivision - 212 Halparin Drive
File DAS 48/2006

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 under File DAS 48/2006 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DAS 48/2006 dated February 6, 2007, for registration in the Winnipeg Land Titles Office subject to the following:

    A. That the applicant enter into a Development Agreement with the City containing all of the conditions outlined in the report of the Administrative Coordinating Group dated January 26, 2007, with the following amendments:

        i. That Recommendation 1 be deleted in its entirety and replaced with the following:

            "1.A. The Developer shall, at no expense to the City, construct an asphaltic concrete roadway in Halparin Drive from the existing terminus of the asphaltic concrete roadway at the south limit of the Planned Area to the north limit of the Planned Area, in accordance with current RR2 standards as determined by and to the satisfaction of the Director of Public Works.

            1.B. The Developer shall, at no expense to the City, construct a cul-de-sac vehicle turnaround at the terminus of the temporary dead end at the north limit of the Planned Area, including gravel shoulders, to achieve a satisfactory turnaround diameter, as determined by and to the satisfaction of the Director of Public Works."

        ii. That Recommendation 2 be amended by deleting the words "Donridge Drive" and replacing with the words "the north limit of the proposed subdivision".

Report - Standing Policy Committee on Property and Development – May 1, 2007

COUNCIL DECISION (continued)

iii. That Recommendation 3 be deleted in its entirety and the remaining recommendations renumbered accordingly.

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

3. 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.

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

5. 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.

6. 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.

7. 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 1, 2007

DECISION MAKING HISTORY:

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

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On May 9, 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 May 1, 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 April 10, 2007, the Riel Community Committee concurred in the administrative recommendation with the following amendments, namely:

- That the report of the Administrative Coordinating Group dated January 26, 2007, be amended as follows:

    1. That Recommendation 1 be deleted in its entirety and replaced with the following:

        "1.A. The Developer shall, at no expense to the City, construct an asphaltic concrete roadway in Halparin Drive from the existing terminus of the asphaltic concrete roadway at the south limit of the Planned Area to the north limit of the Planned Area, in accordance with current RR2 standards as determined by and to the satisfaction of the Director of Public Works.

        1.B. The Developer shall, at no expense to the City, construct a cul-de-sac vehicle turnaround at the terminus of the temporary dead end at the north limit of the Planned Area, including gravel shoulders, to achieve a satisfactory turnaround diameter, as determined by and to the satisfaction of the Director of Public Works."

Report - Standing Policy Committee on Property and Development – May 1, 2007

DECISION MAKING HISTORY (continued)

COMMUNITY COMMITTEE RECOMMENDATION (continued)

2. That Recommendation 2 be amended by deleting the words "Donridge Drive" and replacing with the words "the north limit of the proposed subdivision".

3. That Recommendation 3 be deleted in its entirety and the remaining recommendations renumbered accordingly.

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

On March 13, 2007, the Riel Community Committee further adjourned the public hearing to its meeting on April 10, 2007.

On February 13, 2007, the Riel Community Committee adjourned the public hearing to its meeting on March 13, 2007.

RE: **Subdivision - 212 Halparin Drive**
File DAS 48/2006 [c/r DAV 162961/2006D]

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

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

Report date: **April 16, 2007**

COMMUNITY COMMITTEE RECOMMENDATION:

On April 10, 2007, the Riel 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 under File DAS 48/2006 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DAS 48/2006 dated February 6, 2007, for registration in the Winnipeg Land Titles Office, subject to the following:

    A. That the applicant enter into a Development Agreement with the City containing all of the conditions outlined in the report of the Administrative Coordinating Group dated January 26, 2007***, with the following amendments:***

        i. That Recommendation 1 be deleted in its entirety and replaced with the following:

            "1.A. The Developer shall, at no expense to the City, construct an asphaltic concrete roadway in Halparin Drive from the existing terminus of the asphaltic concrete roadway at the south limit of the Planned Area to the north limit of the Planned Area, in accordance with current RR2 standards as determined by and to the satisfaction of the Director of Public Works.

            1.B. The Developer shall, at no expense to the City, construct a cul-de-sac vehicle turnaround at the terminus of the temporary dead end at the north limit of the Planned Area, including gravel shoulders, to achieve a satisfactory turnaround diameter, as determined by and to the satisfaction of the Director of Public Works."

ii. That Recommendation 2 be amended by deleting the words "Donridge Drive" and replacing with the words "the north limit of the proposed subdivision".

iii. That Recommendation 3 be deleted in its entirety and the remaining recommendations renumbered accordingly.

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

3. 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.

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

5. 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.

6. 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.

7. 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 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 February 6, 2007 and in the report from the Administrative Coordinating Group dated January 26, 2007.

PUBLIC HEARING SUMMARY

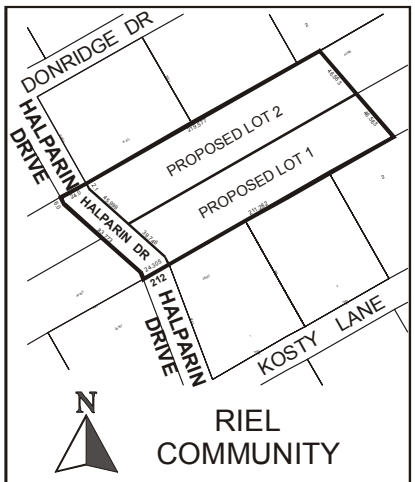
File: DAS 48/2006 [c/r DAV 162961/2006D]

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

Public Hearing: April 10, 2007
March 13, 2007
February 13, 2007
Council Chamber, Council Building, 510 Main Street

Applicant: R. & A. Robert

Subject:



APPLICANT : R. & A. ROBERT
FILE: DAS 48/06
PROPOSAL: An application for the approval of the plan of subdivision shown outlined above as may be determined by Council. **For information, phone Mr. K. Lalor, Planner at 986-5069.**
DEMANDEUR : R. & A. ROBERT
N° DE RÉFÉRENCE : DAL 48/06
PROJET : Demande d'approbation du plan de lotissement précisé ci-dessus selon ce que détermine le Conseil. **Pour plus de renseignements, veuillez communiquer avec M. K. Lalor, urbaniste, au 986-5069.**

Premises Affected: 212 Halparin Drive

Exhibits Filed:

1. Application dated December 15, 2006
2. Notification of Public Hearing dated December 18, 2006
3. Manitoba Status of Title 2178488
4. Letter of authorization dated November 30, 2006 from Amanda Robert to Rasul Robert
5. Plans (2 pages)
6. Report from the Planning and Land Use Division dated February 6, 2007
7. Report from the Administrative Coordinating Group dated January 26, 2007
8. Inspection Report
9. Communication from Russell Robert with respect to the application

REPRESENTATIONS:

In Support:

Dale Recksiedler
Russell Robert

In Opposition

Valerie Stopa and Tim Tardiff

For the City:

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

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

February 13, 2007
No representations were heard inasmuch as the Riel Community Committee adjourned the Public Hearing with respect to this application prior to opening representations.

March 13, 2007
The applicant, Russell Robert, appeared in support of the application and read into the record a communication, filed as Exhibit 9. Mr. Robert did not concur with Condition 1 of the of the Administrative Coordinating Group Report pertaining to the construction of "an asphaltic concrete roadway in Halparin Drive from the existing terminus of the asphaltic concrete roadway at the south limit of the Planned Area to Donridge Drive, in accordance with current RR2 standards as determined by and to the satisfaction of the Director of Public Works". Mr. Robert stated that he would be willing to dedicate lands required for the extension of Halparin Drive and construct a very basic gravel road to the south boundary of the northernmost lot of the proposed subdivision in order to provide access to this lot but anything further would be cost prohibitive.

In response to questions from Committee, Kevin Lalor, Senior Planner, Planning, Property and Development responded:

- The Perimeter South Secondary Plan stipulates that the proposed roadway must be asphaltic-concrete in accordance with City standards.
- The proposed roadway should be extended to Donridge Drive to provide two (2) access points to the subdivision.

April 10, 2007
The applicant, Russell Robert, appeared in support of the application. Mr. Robert reiterated that he would be willing to construct a very basic gravel road to the south boundary of the northernmost lot of the proposed subdivision but anything further would be cost prohibitive.

The Senior Planner stated that he and the applicant had met with Roy Hartman, Traffic Assessment Engineer, Public Works Department and that Mr. Hartman maintained that the applicant be required to construct an asphaltic roadway from the south limit of his property to Donridge Drive. In response to a question from Councillor Steeves, the Senior Planner stated that the minimum the administration would accept would be an extension of the asphalt roadway to the northernmost limit of Mr. Russell's property with a turnaround at its end.

Valerie Stopa and Tim Tardiff appeared in opposition to the application. Ms. Stopa indicated that she and Mr. Tardiff reside on Donridge Drive and, when they purchased their lot, they were under the impression that Halparin would be extended to Donridge Drive. Ms. Stopa stated that the extension of Halparin Road is identified as a street on the City of Winnipeg website. Mr. Tardiff stated that allowing the developer to create a turnaround on the subject property would create a dead-end situation similar to the configuration of Ramblewood Road. Mr. Tardiff stated that the dedicated roadway would become an eyesore if the asphalt road is not constructed.

In rebuttal, Mr. Robert stated that the community had circulated a petition some time ago against the extension of Halparin Road. In response to a question from Councillor Swandel, the Senior Planner stated that he had heard of a petition against the extension of Halparin being circulated but that he had not seen it.

Exhibit "6" referred to in File DAS 48/2006 [c/r DAV 162961/2006D]

Winnipeg

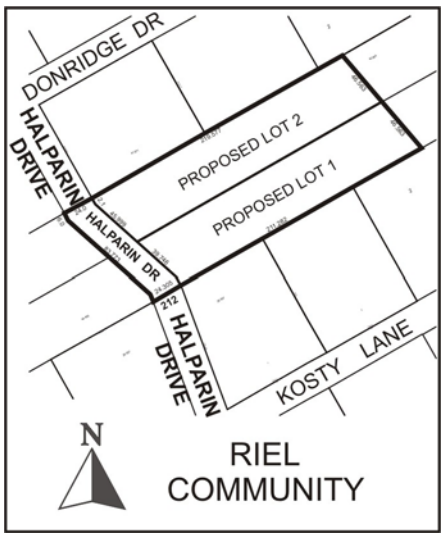
Planning, Property and Development Department Report

To the Riel Community Committee

Date: February 6/2007
File: DAS 48/06
Related Files: DAV 162961D
Subject: The purpose of the subject application is to create new two acre plus lots (proposed 1&2) and to extend Halparin Drive north from existing Lot 3, Plan 44469.

Location: 212 Halparin Drive

Legal Description: Lot 3, Plan 44469

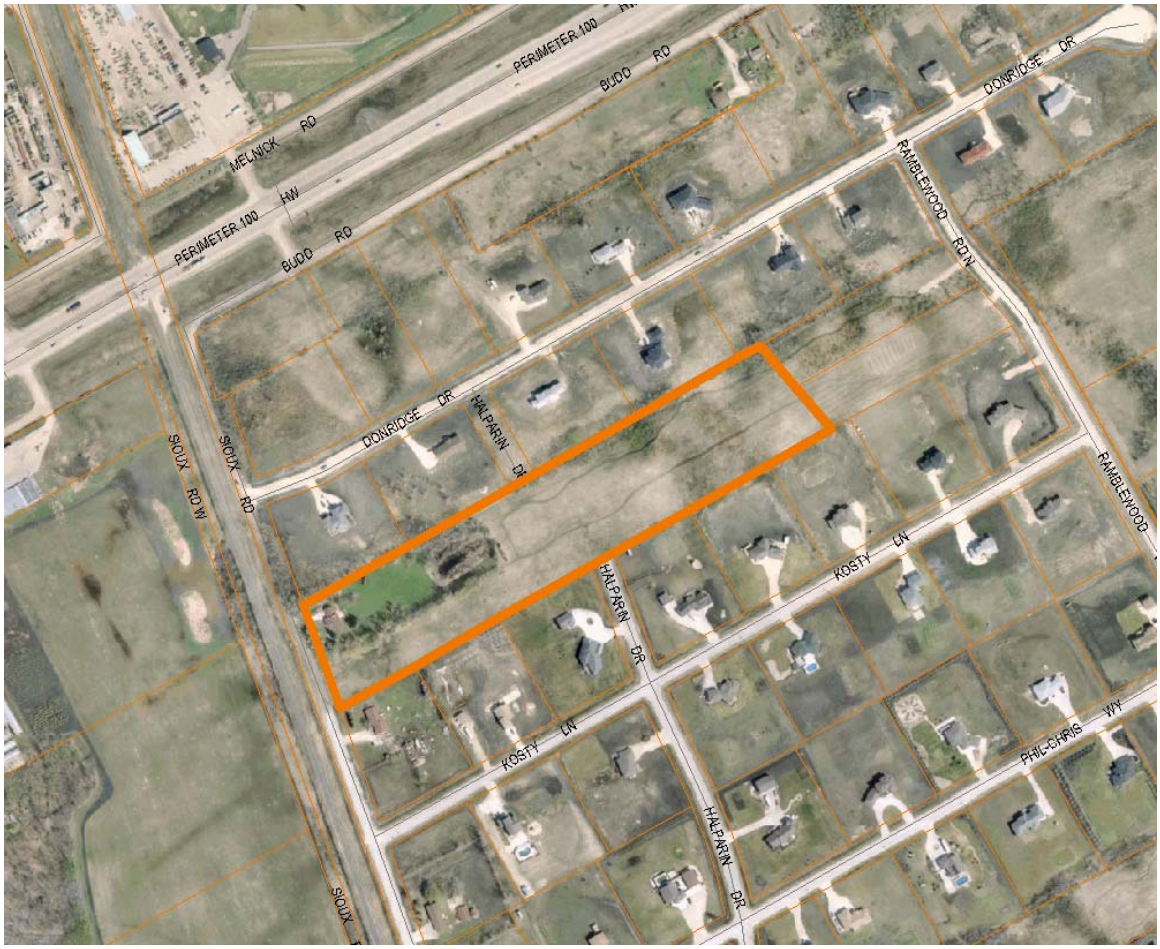


Applicant: Rasul and Amanda Robert

Owner: Same as above

Recommendation: (Approved with Conditions)

Site Description:



The overall parcel of land in question totals 4.83 acres and is situated south of Donridge Drive and east of the proposed Halparin Drive extension. It is zoned A-5 Agricultural and is one of the few remaining undeveloped parcels of land in the area south of the Perimeter, east of Seine River, west of Highway 59. Most of the adjoining land has been developed into two acre parcels in the last fifteen years in accordance with the objectives of the Perimeter South Secondary Plan.

Background:

The development of the surrounding lands for two acre housing has been slow but in accordance with an overall subdivision plan that covers the area from Budd Road south to Prairie Grove. The last major subdivision took place in 2003 when 24 new 2 acre lots were created along Donridge Drive with primary access being via Ramblewood to the east. Under the Perimeter South Secondary Plan, the area east of St. Anne's to Highway 59 and south of the Perimeter is a designated minimum 2 acre subdivision area.

Description of the Proposed Development:

The applicant is proposing to extend Halparin Drive northwards to link up with an unopened right-of-way already in place off of Donridge Drive. The second major access-way north , thereby completing overall plan will be in place. Having constructed a public access-way to a City standard, he will then be in a position to obtain building permits for the two new proposed lots which will front onto the new connection. He is ready to start construction on proposed lot 1 (the most southerly of the two lots) which he currently has immediate access to. Proposed lot 1 will be 2.38 acres in area and proposed lot 2 will be 2.45 acres in area. Although the proposed lots meet the minimum lot areas under the Secondary Plan, they are less than the 5 acre minimum area required under the agricultural zoning category; therefore variances are required for lot area and lot width (152' instead of 300'.)

Analysis:

The proposed subdivision and road extension are in compliance with the overall Secondary Plan and the concept Plan for development endorsed years ago by the Riel Community Committee and the Administration. The Neighbourhood Planning Branch therefore fully endorses the proposal, in accordance with the accompanying recommendations of the Administrative Coordinating Group.

Recommendation:

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

- The proposed plan of subdivision fully complies with the Perimeter South Secondary Plan and adheres to the overall development concept for the area.

Recommended Conditions of Approval

I. That the plan of subdivision proposed under File No. DAS /05 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File No. DAS 48/06, attached hereto and dated February 6/07, for registration in the Winnipeg Land Titles Office, subject to the following:

A). That the applicant enter into a Development Agreement with the City containing all of the conditions outlined in the report of the Administrative Coordinating Group dated January 26/2007.

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

III. 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.

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

V. 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.

VI. 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.

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

Report Prepared by: Kevin Lalor
PPD File # (.543)

By-Law No. _____

File No. **DAS 48/06**

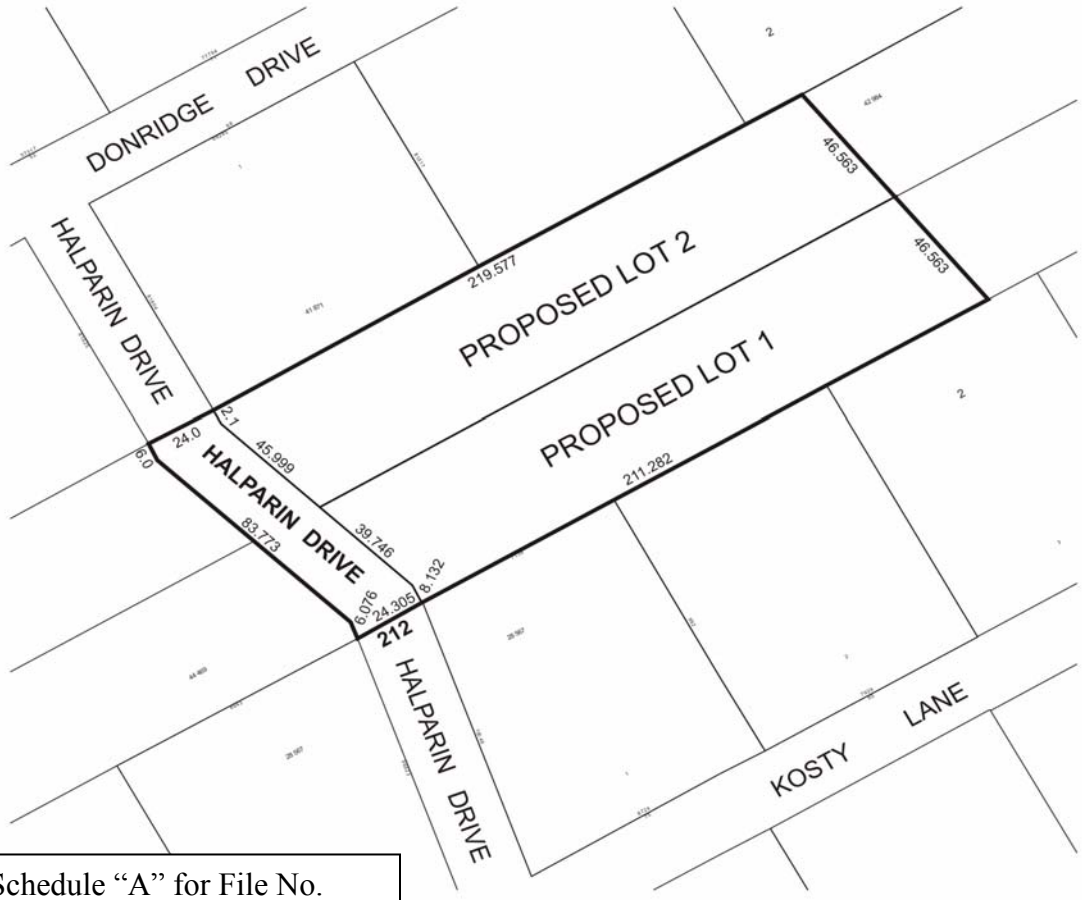
Explanation

An application for the approval of the plan of subdivision shown outlined below.

Atlas Sheet No.

N

AJ30
RIEL
COMMUNITY



Schedule "A" for File No. DAS 48/2006, Riel Community Comm., Feb.6/07

THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

Exhibit "7" referred to in File DAS 48/2006 [c/r DAV 162961/2006D]

Re: PROPOSED SUBDIVISION OF LAND LOCATED AS 212 HALPARIN DRIVE – DAS 48/06

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

(original signed by E.L. Carrière, P.Eng.)

E.L. Carrière
Chairman
Administrative Coordinating Group

January 26, 2007

Re: Proposed subdivision of land located at 212 Halparin Drive - DAS 48/06.

An application has been submitted by Rasul and Amanda Robert to subdivide land located at 212 Halparin Drive. It is recommended that approval of this application be subject to the Developer entering into a Development Agreement as follows:

1. The Developer shall, at no expense to the City, construct an asphaltic concrete roadway in Halparin Drive from the existing terminus of the asphaltic concrete roadway at the south limit of the Planned Area to Donridge Drive, in accordance with current RR2 standards as determined by and to the satisfaction of the Director of Public Works. (Under Development Agreement AG 3/03 the developer of Donridge Drive has an obligation to construct the earth grade in Halparin Drive between the north limit of the current application and Donridge Drive).

2. The Developer shall, at no expense to the City, cause ornamental street lighting to be installed along Halparin Drive from the south limit of the proposed subdivision to Donridge Drive.

3. The Developer shall, at no expense to the City, cause to be installed standard reflectorized permanent street name signs at the new street intersection of Donridge and Halparin Drives.

4. The Developer shall, at no expense to the City, cause electrical and telephone services to be installed to serve the proposed subdivision to the satisfaction of the Director of Public Works.

5. The Developer shall provide a lot grading plan prepared by a municipal engineer and shall grant any easements as may be necessitated by the design. Further, the water and wastewater services shall be private and the wastewater service shall be in accordance with the Sewer By-Law.

6. The Developer for itself, its successors and assigns shall be required to covenant with the City to cut and maintain all areas within the landscaped street right-of-way adjacent to each lot between the travelled road surface and the property line to the satisfaction of the Director of Public Works, which covenant shall be registered in the Land Titles Office by caveat against each lot within the proposed subdivision.

7. The Developer shall at no expense to the City, be responsible to control and to initiate the cleanup of litter and refuse from the contractors and builders for this development, both on-site and off-site, during the installation of services and construction of homes, until completion of all construction. The cleanup of litter and refuse shall be done on a regular basis as determined by the Director of Public Works. This shall include initiating action and assuming all costs in remedying the situation to the satisfaction of the Director of Public Works

8. The Developer shall, at no expense to the City, ensure that construction traffic uses routes as determined by the Director of Public Works. The Developer shall maintain, at no expense to the City, the access routes in a clean dust free condition, free of dropped and tracked on mud, and shall undertake regular cleaning of streets until building construction, including landscaping is complete, all as determined by and to the satisfaction of the Director of Public Works.

9. The Developer shall pay the full cost of engineering services provided by or on behalf of the City in connection with the construction of the roadway.

10. The Developer shall pay $1,650.00 to defray the City's administration and related costs associated with the preparation and implementation of the Development Agreement.

THIS REPORT SUBMITTED BY:

Administrative Coordinating Group
File No. AG 48/06
January 26, 2007

(original signed by E.L. Carrière, P.Eng.)

Land Development Engineer

(original signed by R.J. Hartmann, P.Eng.)

Public Works Department
Transportation Division

(original signed by T.S. Josephson, P.Eng.)

Water and Waste Department

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