Report - Standing Policy Committee on Property and Development - January 6, 2003

Item No. 4 Proposed Plan of Subdivision and Rezoning - 1100 Charleswood Road File DASZ 25/2002 (c/r DAV 965/2002D)

STANDING COMMITTEE RECOMMENDATION:

On January 22, 2003, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the Assiniboia Community Committee, and recommended to Council that the application under DASZ 25/2002 be denied.

Report - Standing Policy Committee on Property and Development - January 6, 2003

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On January 22, 2003, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the Assiniboia Community Committee, and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On January 6, 2003, the Standing Policy Committee on Property and Development concurred in the recommendation of the Assiniboia Community Committee, and submitted its recommendation to Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On December 10, 2002, the Assiniboia Community Committee concurred in the administrative recommendation, and submitted its recommendation to the Standing Policy Committee on Property and Development.

RE:	**Proposed Subdivision and Rezoning - 1100 Charleswood Road DASZ 25/2002 (c/r DAV 965/2002D)**
For submission to:	**Standing Policy Committee on Property and Development**
Prepared by:	**Josie Marques, Clerk, Assiniboia Community Committee**
Report date:	**December 13, 2002**

COMMUNITY COMMITTEE RECOMMENDATION:

The Assiniboia Community Committee concurred in the administrative recommendations and recommends that the application be denied.

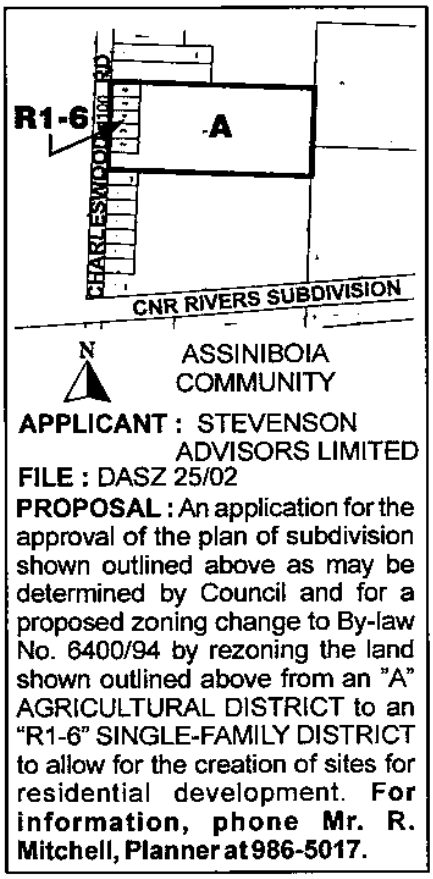
The Assiniboia Community Committee provided the following supporting reason(s) for its recommendations:

1. That the Assiniboia Community Committee agreed with the administrative comments contained in the report of the Manager of Planning and Land Use.

PUBLIC HEARING SUMMARY

File:	DASZ 25/2002 (c/r DAV 965/2002D)
Before:	Assiniboia Community Committee Councillor Eadie, Chairperson Councillor Clement Councillor De Smedt
Hearing:	December 10, 2002 Community Committee Chamber, 2000 Portage Avenue
Applicant:	Stevenson Advisors Ltd. (Patrick Hamilton) 276A Colony Street Winnipeg, Manitoba R3C lW3

Subject:



Premises Affected: 1100 Charleswood Road

Exhibits Filed:

1. Application dated October 18, 2002
2. Notification of Public Hearing to Applicant dated November 14, 2002
3. Manitoba Status of Titles A79129 and A79130
4. Surveyor's Building Location Certificate and Sketch dated October 9, 2002
5. Letter of Authorization dated October 4, 2002
6. Report from the Administrative Coordinating Group dated November 21, 2002
7. Report from the Manager of Planning and Land Use dated November 26, 2002
8. Photograph(s) of the site and Inspection Notice

REPRESENTATIONS:

In Support:

Patrick Hamilton, Stevenson Advisors Ltd., 276A Colony Street, Winnipeg, R3C lW3
Bill Rennie, c/o Stevenson Advisors Ltd., 276A Colony Street, Winnipeg, R3C lW3

In Opposition:

Greg Lyon, 1103 Charleswood Road, Winnipeg, R3R 3X1
Marlene and Robert McKenna, 1003 Charleswood Road, Winnipeg, R3R 3W9
Derek Risbey and Lisa Sanka, 1081 Charleswood Road, Winnipeg, R3R 3X1

For the City:

John S. Wintrup , Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING:

Patrick Hamilton appeared in support of the application and gave an overview on the application. He stated that the application was not inconsistent with Plan Winnipeg, that sewer and water services were already available to the property, and that he had no issues with the Administrative Coordinating Group's report and concurred with the conditions contained in it.

Derek Risbey appeared in opposition to the application. He stated that he owned the lot on the north side, adjacent to the proposed development. He further stated that his first concern was with the proposed roadway and where it was going to be placed.

Councillor Clement stated that the drawing showed a roadway on the extreme south of the property and that there was a 22 metre right-of-way which would be right ton the southwest corner.

Derek Risbey stated that his second concern was with traffic and that another set of houses would add to the problem. He further stated that the planner's report stated that the application and proposed development did not comply with Plan Winnipeg.

Councillor Clement stated that under the City of Winnipeg Act, people have the right to make an application and to oppose the application.

Derek Risbey concluded by stating that he agreed with the planner's report, including the comments on traffic volume, sidewalks and ditches.

Greg Lyon appeared in opposition to the application. He stated that he owned the property on the other side of the proposed development. He further stated that he had concerns with the road allowance, the application and proposed development not complying with Plan Winnipeg, and the land drainage. He requested that consideration be given to having a conceptual plan in place before considering the development. He also stated concerns that the property was not posted 14 days prior to the meeting. He inquired as to whether the applicant had considered giving parts of the land to other owners and suggested that the road be placed between the applicant's lots.

Lisa Sanka appeared in opposition to the application. She stated that the application and proposed development did not comply with Plan Winnipeg. She further stated concerns with traffic flow and the ability to maintain the natural trees and vegetation in the area. She inquired as to the number of lots and sizes, and where the road allowance was going to be placed.

Marlene and Robert McKenna appeared for information. Mr. McKenna inquired as to how many houses were being proposed, how far back from Charleswood Road would they be, and as to the access for Charleswood road.

Councillor Clement responded that there were a total of 5 lots, fronting on Charleswood Road, being proposed.

John S. Wintrup, confirmed the number and sizes of the lots.

Robert McKenna stated that if the development was only for 5 lots he would not object to the application, but he still had concerns with the changes that may occur with the development. He further stated concerns with traffic.

Patrick Hamilton stated that he himself posted the property 2 weeks in advance to the hearing, as required. He further stated that the application was for 5 lots and any future development would be under a new application, that one of the conditions in the Administrative Coordinating Group was that the applicant extend the wastewater sewer at no expense to the City, that the applicant would try to preserve as much as the natural trees and vegetation as much as possible. He also stated that the issue in planner's report, as to whether or not the development was appropriate, all departments had been apprised and there were no concerns. He also stated that the sole objection of the Planning, Property and Development Department was with Plan Winnipeg, and commented that Plan Winnipeg was a guide for Council to make priorities and decisions.

In reply please refer to / Référence à rappeler :

Ross Mitchell
(204) 986-5017
Fax / TJlJc. : (204) 986-3684

File No. DASZ 25/02
Our c/f CP 500 (.649)

November 26, 2002

Ms. Josie Marques, Clerk
Assiniboia Community Committee
Council Building
510 Main Street
Winnipeg, MB R3B 1B9

Dear Ms. Marques:

SUBDIVISION AND REZONING
1100 Charleswood Road
Assiniboia Community
File No. DASZ 25/02

An application has been received from Stevenson Advisors Ltd. for approval of a plan of subdivision and related zoning change to Zoning By-Law No. 6400/94 by rezoning the subject lands from an "A" Agricultural District to a "R1-6"Single-Family Residential District to permit the development of 5 building lots.

RELATED FILES: DAV 956/02D



SITE DESCRIPTION:

Site Area: 6.8 acres

Existing Land Use and Zoning: vacant land zoned "A" Agricultural District.

Surrounding Land Use and Zoning: single-family housing on lands zoned "A" Agricultural District.

DEVELOPMENT DESCRIPTION:

The proposal is to subdivide 5 housing lots along the Charleswood Road frontage. The balance of the property would retain the agricultural zoning and be reserved for future residential development with provision for access onto Charleswood Road.

PLAN WINNIPEG:

This application does not comply with Plan Winnipeg. Section 3B-02 governing the development of new and existing residential areas states the following:

> *"The City shall guide the development of new and existing residential areas designated as Neighbourhood …by:*
>
> *i)* ***requiring developments to provide a full range of municipal infrastructure*** *in an environmentally-sound, economical, and timely manner." (p.32)*

Moreover, Section 583 of *The City of Winnipeg Act* states the following:

"…no public work, undertaking or development shall be inconsistent with a Plan Winnipeg by-law."

The subject development proposes the servicing of 5 housing lots with sewer and water. The reference in Plan Winnipeg to "full services" is interpreted as requiring paved roads and underground land drainage. Charleswood road is constructed to a rural standard with a macadam surface and ditch drainage. Upgrading to a suburban standard (concrete, curb and gutter) with piped land drainage is not practical or cost-effective in this instance.

ADMINISTRATIVE COMMENTS:

The Planning and Land Use Division is of the opinion that this application should be rejected on the following grounds:

- The application and proposed development do not comply with Plan Winnipeg.
- Ridgewood South, containing the subject site, is designated "Neighbourhood Policy Area" under Plan Winnipeg in anticipation of fully serviced development.

- The development is premature until such time as Charleswood Road is upgraded to an urban cross-section as a prerequisite for the area's overall suburban development.

Discussion: Ridgewood South contains over 400 acres of land that is reserved for suburban development. It is the opinion of the Division that this area should be considered for fully serviced development in the context of upcoming discussions concerning the redesignation of lands elsewhere from Rural Policy Area to Suburban Policy area to accommodate future growth in southwest Winnipeg.

There are two major constraints to suburban development in Ridgewood South. First, the ditch drainage system in Charleswood is at or over capacity. Therefore one or more land drainage trunks are required in order to drain this area as well as parts of Charleswood north of the Hart Trail (Ridgewood Corridor) to the Assiniboine River. These trunks can only work in conjunction with retention lakes that must be constructed as part of future subdivision development within the Ridgewood South area.

The second constraint is that much of the collector street system in Charleswood is sub-standard in terms of design and construction. Over the years, infill development was allowed to occur in Charleswood without developers having to contribute financially to the upgrading of collector streets. Moreover, frontage development with driveway approaches was universally allowed. The substandard collectors have a reduced traffic capacity and are less safe for drivers and pedestrians because of the ditch drainage, front approaches, and absence of sidewalks.

Currently, several north-south collector streets extend into the Ridgewood South area connecting Roblin Boulevard to Wilkes Avenue, a major one being Charleswood Road. A decision will have to be made regarding the feasibility of upgrading these streets in order to accommodate frontage development, piped land drainage, and increased traffic volumes.

Future development traffic from the area is a concern to existing residents living along collector streets north of the Hart Trail. To partially address this issue, the future Ridgewood Corridor/Moray Street connection and upgraded Wilkes Avenue are intended to provide future residents with alternatives to north-south collector streets for accessing shopping, employment, and Regional Streets like Grant, Roblin and Portage. Decisions must also be made regarding which north-south collector streets will continue to provide access to Wilkes across the CN mainline. The closure of Charleswood Road at the tracks was considered at one time in connection with the abandoned Charleswood Park Subdivision (DASZ 7/91).

If the Ridgewood South area is to be developed to a suburban standard in accordance with Plan Winnipeg, every piece of developable acreage must be made to contribute to the cost of road and land drainage upgrading. In part, it is the failure of previous administrations to enforce this requirement that has hindered development in South Charleswood to date. Allowing piecemeal development such as that being proposed reduces the motivation of landholders to coordinate their development efforts, increases the costs of any subsequent development, and introduces new residents who may oppose future development due to concerns over traffic and property enjoyment.

RECOMMENDATION:

It is therefore recommended that the application under DASZ 25/02 be denied.

However, should your Committee choose to recommend approval of the application, the following Council Instructions are recommended.

I. That the plan of subdivision proposed under File No. DASZ 25/02 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File No. DASZ 25/02, attached hereto and dated November 26, 2002, for registration in the Winnipeg Land Titles Office, subject to the following:

   A. That the plan be amended to provide for a 22-metre right-of-way connection for Lot 1 with Charleswood Road.

   B. That the Developer be required to enter into a Servicing Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated November 19, 2002.

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

III. That Zoning By-Law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File No. DASZ 25/02, attached hereto and dated November 26, 2002, to a "R1-6" Single-Family Residential District.

IV. That the Developer be required to pay to the City 10% cash dedication in lieu of land dedication, to be calculated on the basis of 5 additional building site(s) being created.

V. That, in the event this application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months after adoption of this report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

VI. That the City Solicitor be requested to prepare the necessary by-law in accordance with the above.

VII. That the subdivision section of the by-law shall come into force and effect upon execution by the City of Winnipeg of the Servicing Agreement.

VIII 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 **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.

IX. 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.

X. In the event that the necessary City of Winnipeg mylar approval signatures have not been secured within 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.

Yours truly,

V. Buckley
Manager of Planning and Land Use

_____

Per: Ross Mitchell, Senior Planner
(Assiniboia Community)
986-5017

/jc

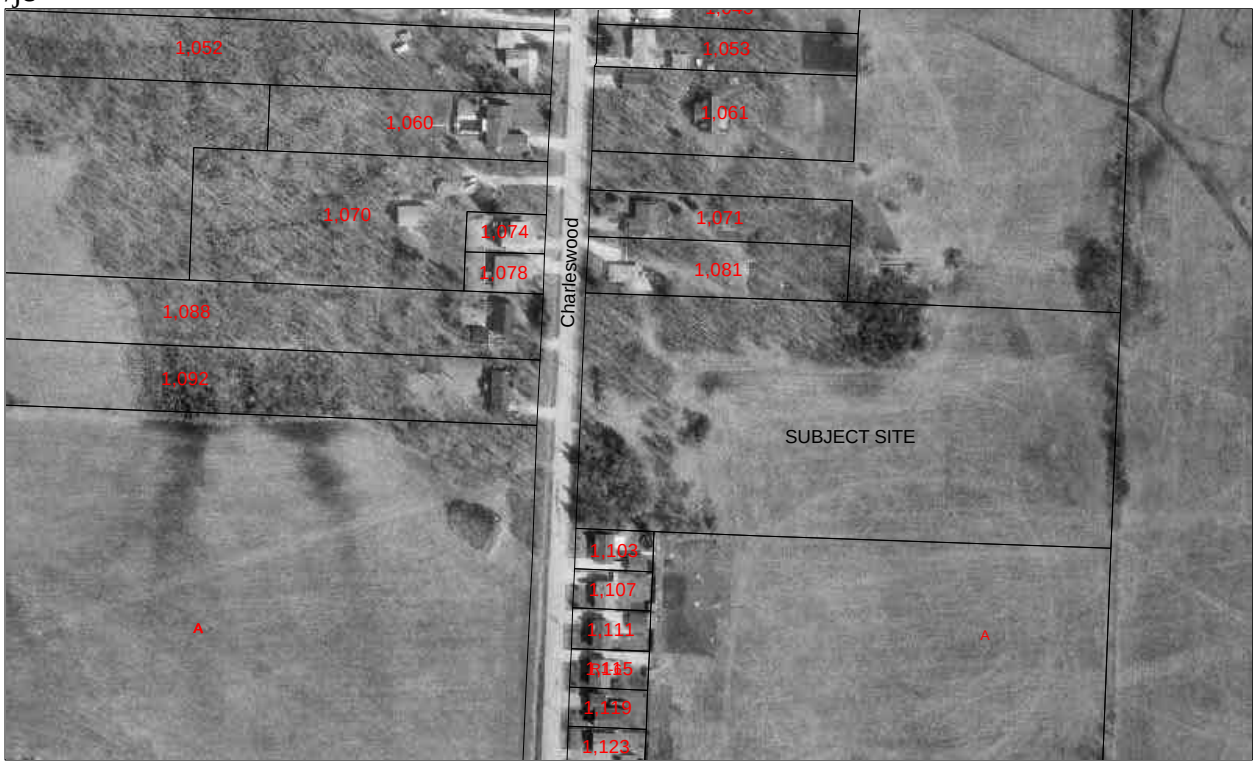




Figure 1: Schedule "A" to the report to the Assiniboia Community Committee for File No. DASZ 25/02, dated November 26, 2002.

Re: Proposed subdivision and rezoning on land located at 1100 Charleswood Road

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

"Original signed by E.L. Carrière"
E.L. Carrière, P.Eng.
Land Development Engineer

November 19, 2002

Re: Proposed subdivision and rezoning on land located at 1100 Charleswood Road

An application has been submitted by Stevenson Advisors Ltd. to subdivide and rezone land located at 1100 Charleswood Road.

It is recommended that the Applicant amend its plan by widening the frontage of proposed Lot 1 on Charleswood Road to 22m to accommodate a future collector street.

It is recommended that approval of the amended plan be subject to the Developer entering into a Servicing Agreement containing the following:

1. The Developer shall, at no expense to the City, extend the wastewater sewer in Charleswood Road from its current terminus south of the proposed subdivision to the north limit of the proposed subdivision as determined by and to the satisfaction of the Director of Water and Waste.
2. The Developer shall, at no expense to the City, install water and wastewater lot line connections to serve each lot within the proposed subdivision.
3. The Developer shall pay the Charleswood Transportation Levy attributable to the five proposed single-family lots. The 2002 rate is $0.35/sq. ft.
4. The Developer shall provide a lot grading plan prepared by a municipal engineer and shall grant to the City any easements indicated by that plan.
5. The Developer shall pay the full cost of engineering services provided by or on behalf of the City in connection with the installation of services.
6. The Developer shall pay $1,650.00 to defray the City's administration and related costs associated with the preparation and implementation of the Servicing Agreement.

THIS REPORT SUBMITTED BY:

Administrative Coordinating Group
File No. AG 25/02
November 19, 2002

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"Original signed by E.L. Carrière"
Land Development Engineer

"Original signed by K.T. Raban"
Water and Waste Department

"Original signed by R.J. Hartmann"
Public Works Department
Transportation Division