Agenda – Council – January 23, 2008

Report – Standing Policy Committee on Property and Development – January 8, 2008

Item No. 1 Subdivision - River Pointe - Settlers Road Extension
(St. Vital Ward)
File DAS 39/2007

STANDING COMMITTEE RECOMMENDATION:

On January 16, 2008, the Executive Policy Committee concurred in the recommendation 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 DAS 39/2007 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DAS 39/2007 dated November 28, 2007, for registration in the Winnipeg Land Titles Office, subject to the following:

   A. That the Developer be required to enter into an Addendum to Servicing Agreement AG 41/86 with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated November 20, 2007.

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. 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.

Report – Standing Policy Committee on Property and Development – January 8, 2008

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 – January 8, 2008

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On January 16, 2008, the Executive Policy Committee concurred in the recommendation 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 8, 2008, 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 4, 2007, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service and submitted its recommendation to the Standing Policy Committee on Property and Development.

RE: **Subdivision - River Pointe - Settlers Road Extension**
File DAS 39/2007

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

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

Report date: **December 12, 2007**

COMMUNITY COMMITTEE RECOMMENDATION:

On December 4, 2007, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service and recommends to the Standing Policy Committee on Property and Development:

1. That the plan of subdivision under File DAS 39/2007 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DAS 39/2007 dated November 28, 2007, for registration in the Winnipeg Land Titles Office, subject to the following:

    A. That the Developer be required to enter into an Addendum to Servicing Agreement AG 41/86 with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated November 20, 2007.

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. 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.

The Riel Community Committee provided the following supporting reason for its recommendation:

1. The Riel Community Committee agreed with the comments contained in the report from the Planning and Land Use Division dated November 28, 2007 and in the report from the Administrative Coordinating Group dated November 20, 2007.

PUBLIC HEARING SUMMARY

File: DAS 39/2007

Before: Riel Community Committee
Councillor Steeves, Chairperson
Councillor Swandel

Public Hearing: December 4, 2007
Council Chamber, Council Building, 510 Main Street

Applicant: Qualico Developments (Winnipeg) Ltd. (Lyne Jones)

Subject:



Premises Affected: River Pointe - Settlers Road Extension

Exhibits Filed:
1. Application dated October 4, 2007
2. Notification of Public Hearing dated October 26, 2007

3. Manitoba Status of Titles 1003756, 1092155, 1092156, 1092157, 1092159, 1092161, 1092187, 1092226, 1194348,
4. Title Search 1194349
5. Site Plan
6. Report from the Planning and Land Use Division dated November 28, 2007
7. Report from the Administrative Coordinating Group dated November 20, 2007.
8. Inspection Report

REPRESENTATIONS:

In Support:

Eric Vogan, Qualico Developments (Winnipeg) Ltd

In Opposition

Stephanie Barke
Mark Dahl
Steve Greene

For Information:

Dave and Erika Chura

For the City:

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

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

Eric Vogan, Qualico Developments (Winnipeg) Ltd, appeared in support of the application and provided an overview of the proposal. Mr. Vogan stated that prior to the hearing approximately 180 notices were mailed to area residents advising same of the application. Mr. Vogan stated that, in view of concerns raised by area residents, the developer would be willing to investigate the possibility of creating a temporary access for construction traffic off of River Road. Mr. Vogan indicated concurrence in the recommendations contained in the administrative report from the Manager of Planning and Land Use dated November 28, 2007, and the Administrative Coordinating Group Report dated November 20, 2007.

Stephanie Barke appeared in opposition to the application for the following reasons:

- She is opposed to the construction of two-storey homes adjacent to the Riel House property;
- The proposed development does not provide public access to River Road;
- The lands in question should be used as a greenspace for area residents.

Ms. Barke requested that the existing public walkway be extended from Ravine Drive to River Road and that, should the application be approved, construction traffic be limited to accessing the site via River Road.

Mark Dahl appeared in opposition to the application. Mr. Dahl indicated that, if approved, the proposal should provide a pedestrian walkway between proposed lots 8 and 9. Mr. Dahl reiterated the request to limit construction access to the site via River Road.

Steve Greene appeared in opposition to the application. Mr. Greene stated that he was not opposed to the development itself but the fact that the development will cut off pedestrian access to River Road. Mr. Greene also reiterated concerns with respect to construction traffic.

Eric Vogan returned in rebuttal. Mr. Vogan indicated that the arrangement his company has with the Hochkevich family is quite specific and the provision of lands for a pathway would result in a loss of yield of approximately $40,000.00 to $50,000.00 and would adversely impact 4 lots. Mr. Vogan stated that his company would be sensitive with respect to the construction traffic issue and do its best to ensure the tidiness of the site. Mr. Vogan further stated that the application satisfies the City of Winnipeg criteria with respect to access to transit services.

In response to a question from Councillor Steeves, Mr. Vogan indicated that the construction of a walkway between lots 8 and 9 would not be possible as it would lead to federally owned crown land and there is no assurance that the Federal Government would allow the access.

Exhibit "6" referred to in File DASZ 37/2007

Winnipeg

Planning, Property and Development Department Report

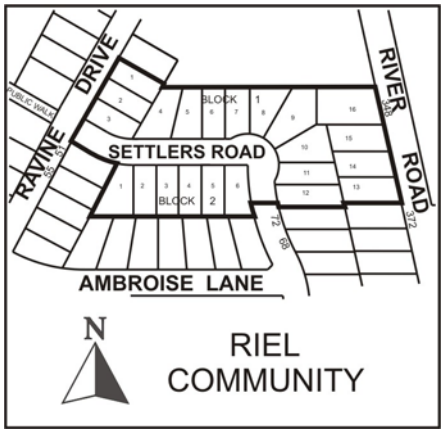
To the Riel Community Committee

Date: November 28/2007
File: DAS 39 /07
Related Files: DASZ 41/86

Subject: An application to complete the Settler's Road right-of-way and create twenty-two new lots, twenty –one of which are new build-able sites

Location: Residual lands north of Ambroise Lane and east of Ravine Drive

Legal Description: See File No. DAS 39/07



Applicant: Qualico Developments

Owner: Victor & Nellie Hochkevich and 73898 Manitoba Ltd.

Recommendation: Approval with conditions

Site Description:



The subject property is generally surrounded on all sides by an established residential subdivision created by application DASZ 41/86. The existing adjoining lots are zoned R1-5, R1-5.5 or R1-6 single family. To the immediate north is a National Historic Site upon which stands the original Riel family home.

Background:

In 1986, Qualico submitted application File No. DASZ 41/86 which rezoned all of the land in what is called the River Pointe area to either " R1-5", R1-5.5" or " R1-6" single family residential categories. Several residual parcels, the land west of the St. Amants Centre and the subject land south of the Riel National Historic Site, were either not owned or only partially owned by Qualico and remained undeveloped. However, provision was made for vehicular access to both areas in order to facilitate future development. The lands west of the St. Amants Centre were recently purchased and converted into single family housing.

Description of the Proposed Development:

The applicants propose to complete Settler's Road through to Ravine Drive and by way of subdivision, create twenty- two new lots. One of the proposed new lots at 348 River Road currently has a dwelling situated on it. Three of the new buildable sites will also have frontage on River Road, in addition three also having frontage on Ravine Drive. All of the proposed lots are already zoned for R1-5 single family development. The lots range in size from 6000 sq. ft. in area to 9000 sq. ft. in area.

Analysis:

The subject parcel encompasses 4.4 acres (approx.) of land east of Ravine Drive and north of Ambroise Lane. It constitutes the last infill area in the River Pointe subdivision for single family housing and is large enough to accommodate twenty-one **new** buildable sites. An existing dwelling at 348 River Road (the 22nd lot) is also included in the subdivision. When the original subdivision (file no. DASZ 41/86) was approved in 1986, provision was made for several access points to the subject lands, until such time as those lands , still under private ownership (specifically the Hochkevich nursery), could be acquired and incorporated into the overall scheme. A portion of the Settler's Road r.o.w. , off of Ravine Drive, was also established , at that time, as an unopened street. Four future build-able sites were also created , during the original process, on the south-side of the future aforementioned street. Those four lots form part of the proposed twenty two lot subdivision. As outlined, the nursery is now part of the Qualico holdings (exclusive of the house at 348 River Road) and Settler's Road can be completed. All of the existing and proposed lots will , in area and width , comply with the minimum requirements of the R1-5 zoning. In fact, most are well in excess of the minimum requirements and of equivalent size to lots in the adjoining neighbourhood. The smallest lot proposed is 6,060 sq. ft. in area and the largest has an area of 9,989 sq. ft. The proposed development is in accordance with Plan Winnipeg Policy to provide infill housing lots in areas that currently provide a full range of services; the Neighbourhood Planning Branch therefore recommends that your Committee approve the application as submitted. It should be noted that concerns may be raised by existing residents along Ravine Drive and Settler's Road with respect to heavy vehicle traffic during the construction phase. Should that become an issue, it may be possible to divert traffic directly off of River Road during the early phases of development.

Recommendation:

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

- The proposed subdivision is compatible and in character with the adjoining existing neighbourhood and is the final phase in a overall plan endorsed over twenty years ago.

Recommended Conditions of Approval

I. That the plan of subdivision proposed under File No. DAS 39/07 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File No. DAS 39/07, attached hereto and dated November 28/07, for registration in the Winnipeg Land Titles Office, subject to the following:

That the Developer be required to enter into an Addendum to Servicing Agreement AG 41/86 with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated November 28/07.

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:
Planning, Property and Development Department
Planning and Land Use Division

Report Prepared by: Kevin Lalor
PPD File # DAS 39/07

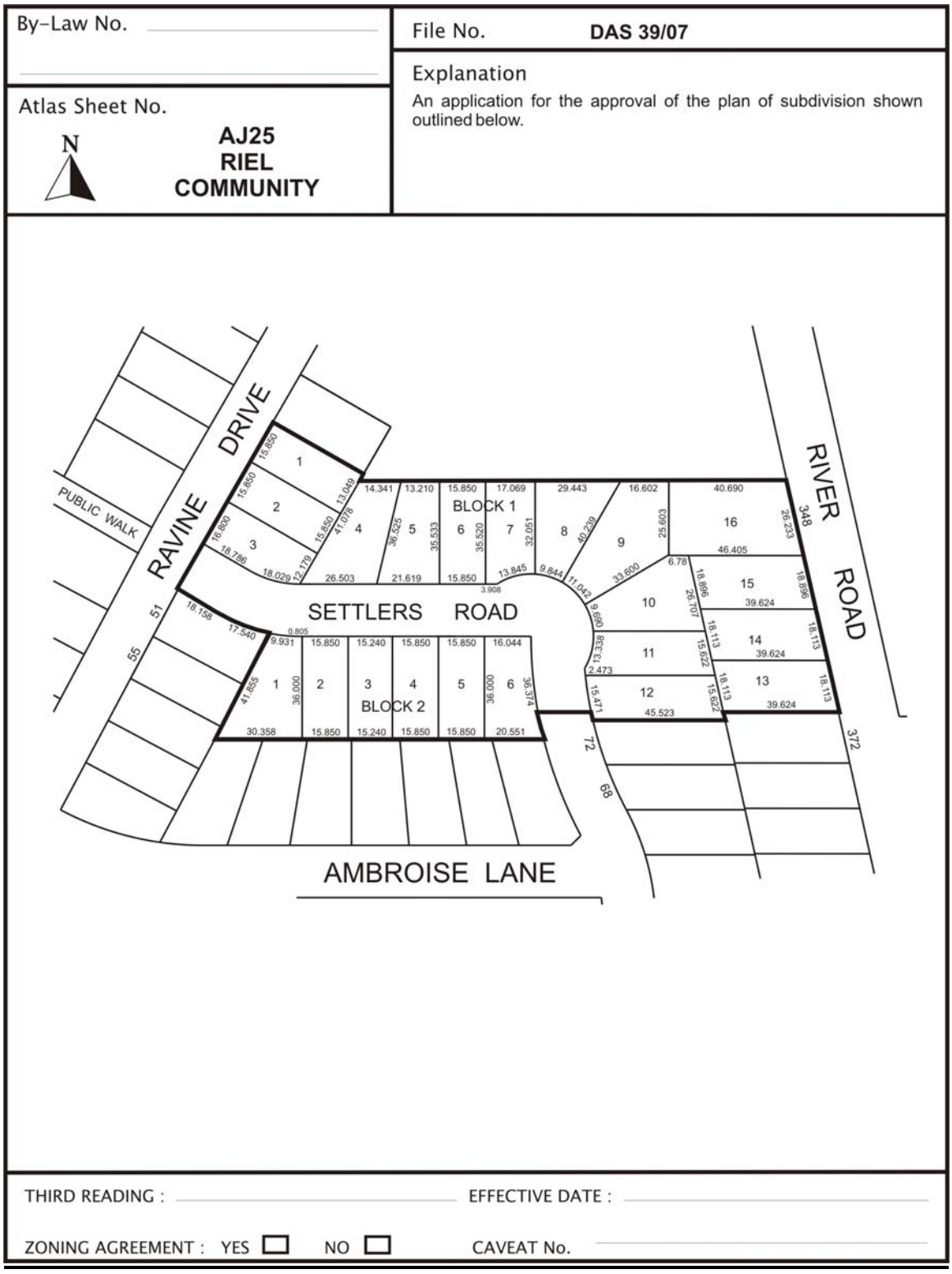


Figure 1: Schedule "A" to the report to the Riel Community Committee for File DAS 39/2007, dated November 28, 2007

Exhibit "7" referred to in File DASZ 37/2007

RE: PROPOSED SUBDIVSION AND REZONING OF LAND LOCATED ON SETTLERS ROAD – DASZ 39/07

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

_____

E.L. Carrière
Chairman
Administrative Coordinating Group

November 20, 2007

Re: Proposed subdivision and rezoning of land located on Settlers Road – DASZ 39/07

An application has been submitted by Qualico Developments Ltd. to subdivide and rezone land located on Settlers Road. The subject land is located adjacent to land covered under the Riverpointe Development Agreement AG 41/86 between the City and Qualico Developments Ltd.

1. It is recommended that approval of DASZ 39/07 be subject to the Developer entering into an Addendum to Development Agreement AG 41/86 as follows:

    a) By adding to AG 41/86 a copy of the plan of subdivision approved under DASZ 39/07

    b) By adding to AG 41/86 a copy of a drawing showing the specific requirements to service the lots approved under DASZ 39/07.

    c) By adding a clause that the Developer shall pay $1,200.00 per acre to defray the City's Administration and related costs associated with the preparation of the Addendum to AG 41/86.

2. It is recommended that dedication of land for public open space is not applicable for DASZ 39/07 as sufficient dedication was provided under AG 41/86 to cover the land within DASZ 39/07.

THIS REPORT SUBMITTED BY:
Administrative Coordinating Group
File no. AG 39/07

_____
Land Development Engineer

_____
Water and Waste Department

_____
Public Works Department