Agenda - Executive Policy Committee - March 26, 2008

REPORTS

Item No. 1 Subdivision and Rezoning - 990 John Bruce Road East (St. Boniface Ward) File DASZ 4/2008

COMMUNITY COMMITTEE RECOMMENDATION:

On March 17, 2008, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service and, via the Priority Rezoning Process, recommends to the Executive Policy Committee:

1. That the plan of subdivision under File DASZ 4/2008 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 4/2008 dated March 10, 2008, for registration in the Winnipeg Land Titles Office subject to the following:

    A. That the Developer be required to enter into a Servicing Agreement with the City containing all the conditions outlined in the report from the Administrative Coordinating Group dated March 5, 2008.

2. That The Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 4/2008 dated March 10, 2008 to an "R1-L" Single Family Residential District, subject to the following:

    A. That the applicant enter into a Zoning Agreement with the City pursuant to Section 240(1) of The City of Winnipeg Charter to include the following conditions:

        i. That if a building permit is issued for proposed lot 7, said dwelling unit shall be sited such that its east wall is within fifty feet (50') of the west property line of the lot and its front wall lies within thirty-five feet (35') of either John Bruce Road or Tascona Road.

3. 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 lots.

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

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

8. 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.

9. 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.

10. 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.

11. 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.

DECISION MAKING HISTORY:

COMMUNITY COMMITTEE RECOMMENDATION:

On March 17, 2008, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service and, via the Priority Rezoning Process, submitted its recommendation to the Executive Policy Committee.

RE: **Subdivision and Rezoning - 990 John Bruce Road East**
File DASZ 4/2008

For submission to: **Executive Policy Committee**

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

Report date: **March 18, 2008**

COMMUNITY COMMITTEE RECOMMENDATION:

On March 17, 2008, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service and, via the Priority Rezoning Process, recommends to the Executive Policy Committee:

1. That the plan of subdivision under File DASZ 4/2008 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 4/2008 dated March 10, 2008, for registration in the Winnipeg Land Titles Office subject to the following:

    A. That the Developer be required to enter into a Servicing Agreement with the City containing all the conditions outlined in the report from the Administrative Coordinating Group dated March 5, 2008.

2. That The Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 4/2008 dated March 10, 2008 to an "R1-L" Single Family Residential District, subject to the following:

    A. That the applicant enter into a Zoning Agreement with the City pursuant to Section 240(1) of The City of Winnipeg Charter to include the following conditions:

        i. That if a building permit is issued for proposed lot 7, said dwelling unit shall be sited such that its east wall is within fifty feet (50') of the west property line of the lot and its front wall lies within thirty-five feet (35') of either John Bruce Road or Tascona Road.

3. 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 lots.

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

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

8. 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.

9. 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.

10. 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.

11. 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 of the Planning and Land Use Division dated March 10, 2008 and in the report from the Administrative Coordinating Group dated March 5, 2008.

PUBLIC HEARING SUMMARY

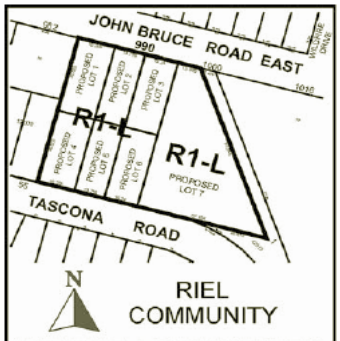
File: DASZ 4/2008

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

Public Hearing: March 17, 2008
Council Chamber, Council Building
510 Main Street

Applicant: Frank Manfredi

Subject:



APPLICANT : FRANK MANFREDI
FILE: DASZ 4/08
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. 200/2006 by rezoning the land shown outlined above from an "R1-20"("R1-E") RESIDENTIAL DISTRICT to an "R1-L" RESIDENTIAL DISTRICT. **For information, phone Mr. K. Lalor, Planner at 986-5069.**
DEMANDEUR : FRANK MANFREDI
N° DE RÉFÉRENCE : DALZ 4/08
PROJET : Demande visant à faire approuver par le Conseil le plan de lotissement indiqué ci-dessus et proposition de modification du Règlement municipal no 200/2006 visant à faire changer le zonage des sols délinéés ci-dessus qui passeraient de la catégorie R1-20 (R1-E) (SECTEUR RÉSIDENTIEL) à la catégorie R1-L (SECTEUR RÉSIDENTIEL). **Pour plus de renseignements, veuillez communiquer avec M. K. Lalor, urbaniste, au 986-5069.**

Premises Affected: 990 John Bruce Road East

Exhibits Filed:

1. Application dated February 1, 2008
2. Notification of Public Hearing dated February 15, 2008
3. Manitoba Status of Title 2178022
4. Letter of authorization dated January 24, 2008 from Carol Mandredi to Frank Manfredi
5. Surveyor's Building Location Certificate and sketch
6. Site Plan
7. Report from the Planning and Land Use Division dated March 10, 2008
8. Report from the Administrative Coordinating Group dated March 5, 2008
9. Inspection Report
10. Audio Recording of representations

REPRESENTATIONS:

In Support:

Frank Manfredi

In Opposition

Nil

For the City:

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

Exhibit "7" referred to in File DASZ 4/2008

Winnipeg

Planning, Property and Development Department Report

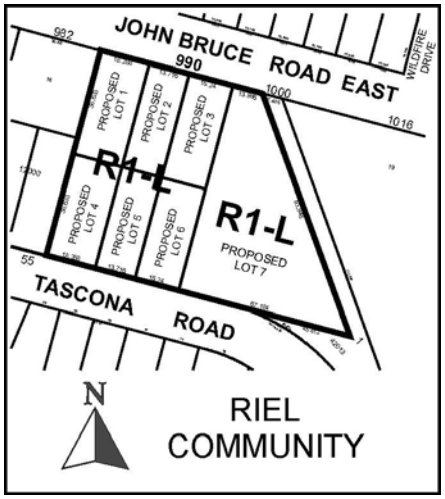
To the Riel Community Committee

Date: March 10/ 08
File: DASZ 4 /08
Related Files: NA

Subject: The purpose of the subject application is to rezone and subdivide the property in question in order to create seven (7) new single family housing lots.

Location: 990 John Bruce Road

Legal Description: Lot 17, Plan 1200



Applicant: Frank Manfredi

Owner: Frank & Carol Manfredi

Recommendation: Recommend approval with conditions

Site Description:



The subject parcel is 1.67 acres in size and lies east of Shorehill Drive and south of John Bruce Road. It is the last remaining large parcel of land on the south side of John Bruce Road except for the Wilmet Bruce property which is 3 acres in overall area and lies adjacent to the CPR right-of-way. It is currently zoned "R1-Estate" which is a single family housing category where minimum lot size is 20,000 sq. ft. Immediately to the east is a narrow parcel of City of Winnipeg land and to the east of that is the Bruce property also zoned "R1-Estate". There is a dwelling and accessory buildings currently on that site. To the south is the final phase of the Royal Wood subdivision and Tascona Road, which is fully in place in addition to water and wastewater

services. Construction of this neighbourhood is well underway with a range of medium sized lots, zoned “R1-M” single family already in place. Minimum lot size for “R1-M” lots is 3500 sq. ft. To the west along the south side of John Bruce Road are a collection of single family dwellings, some zoned “R1-M” single family with the remainder zoned “ R1-Estate”. Frontage lots along the north side of John Bruce Road are similar in size to the lots along Tascona Rd. and are similarly zoned “R1-M”single family. Most of these homes are of recent construction.

Description of the Proposed Development:

The applicant is proposing to subdivide his property and create seven (7) new lots, one of which will be occupied by the existing dwelling at 990 John Bruce Road. The land is to be rezoned to an “R1-L” single family category whereby the minimum lot area is 5500 sq. ft. Three of the proposed lots (including 990 John Bruce) will have frontage on John Bruce Road and will range in size from 5670 sq. ft. to 7560 sq. ft. Three additional lots, of equivalent size, will face Tascona Road and will eventually be accessed via Tascona Road. A large residual parcel, triangular in configuration, will be left, presumably until such time as an overall conceptual development plan is done for the adjoining lands to the east which will include said residual parcel.

Analysis:

The Planning & Land Use Division is supportive of the subject application which proposes to create more single family lots along John Bruce Road, all of which will be in character with the existing Royal Wood neighbourhoods to the north and to the south. The application conforms to Plan Winnipeg Policy to establish new infill housing which is compatible with the surrounding area and where the infrastructure is in place. Ultimately the remaining adjoining parcels, some City owned will be consolidated with the applicant’s residual parcel 7 to complete the development in this area. It should be noted that the applicant will be required to contribute towards his share of the services previously installed along Tascona Road prior to his being able to connect to those services or take access to the existing street. Finally, in the event that applicant wishes to obtain a building permit on residual lot 7, the planning division has , (within the context of the zoning agreement), restricted said construction close to the west property line and within a specified distance from either Tascona Road or John Bruce Road. This will ensure that any immediate residential construction on the residual lot will not adversely affect the design and layout of future lots, in a future subdivision application , when eventual consolidation with adjacent properties takes place.

Recommendation:

The Planning and Land Use Division recommends approval of the proposed rezoning and subdivision for the following reasons:

- The proposed subdivision is fully serviceable and is in character with the adjoining neighbourhood.

Recommended Conditions of Approval:

1. That the plan of subdivision proposed under File DASZ 4/2008 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 4/2008 dated March10 2008, for registration in the Winnipeg Land Titles Office subject to the following:

    A. 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 March 5/2008.

2. That The Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 4/2008 dated March 10/2008 to a "R1-L" Single Family Residential District subject to the following:

    a. That the applicant enter into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to include the following conditions:

        a. That if a building permit is issued for proposed lot 7, said dwelling unit shall be sited such that it's east wall is within fifty feet (50') of the west property line of the lot and its front wall lies within thirty five feet (35') of either John Bruce Road or Tascona Road.

3. 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 lots.

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

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

8. 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.

9. 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.

10. 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.

11. 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

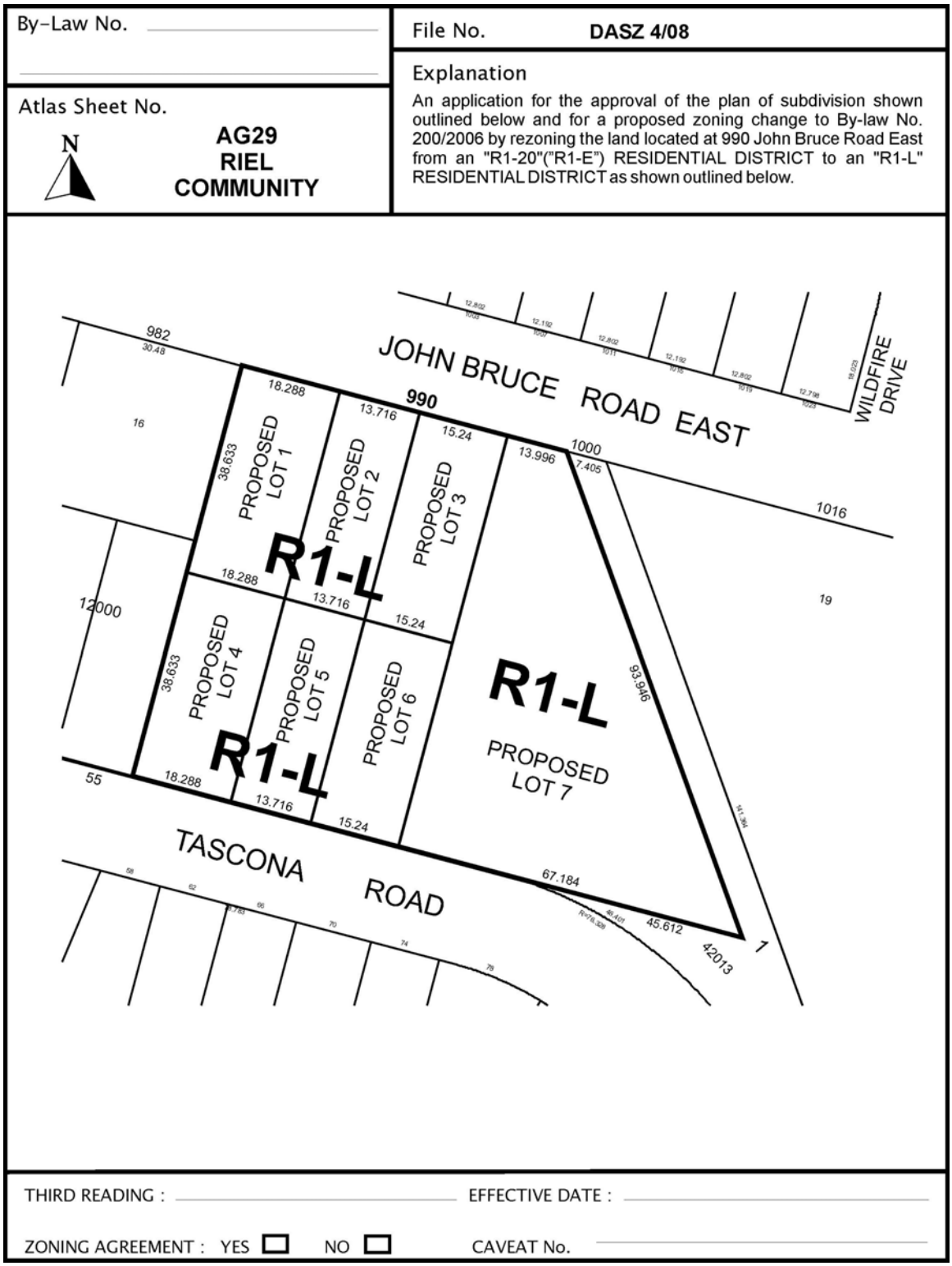


Figure 1: Schedule "A" to the report to the Riel Community Committee for File DASZ 4/2008, dated March 10, 2008.

Exhibit "7" referred to in File DASZ 4/2008

RE: PROPOSED SUBDIVISION AND REZONING OF LAND LOCATED AT 990 JOHN BRUCE ROAD EAST – DASZ 4/08

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

E.L. Carrière
Chairman
Administrative Coordinating Group

March 5, 2008

Re: Proposed subdivision and rezoning oF LAND LOCATED AT 990 JOHN BRUCE ROAD EAST - DASZ 4/08

An application has been submitted by Frank Manfredi to subdivide and rezone land located at 990 John Bruce Road East. Tascona Road was established and serviced by Ladco pursuant to the Royalwood Phase 2 Development Agreement. The services in John Bruce Road East were installed by Ladco pursuant to the Royalwood Phase 1 Development Agreement and by Novamet pursuant to the Island Lakes Development Agreement.

It is recommended that approval of DASZ 4/08 be subject to the Developer entering into a Servicing Agreement as follows:

1. The Developer shall prior to the issuance of building permits pay its share of the cost of the services installed by others in John Bruce Road East and in Tascona Road as determined by the Director of Planning, Property and Development.

2. a) The Developer shall provide a lot grading plan prepared by a municipal. engineer, shall grant any easements and if required shall construct at no expense to the City any catchbasins, and leads as may be necessitated by the design.

   b) The Developer shall pay its share of the cost of the catchbasin to be installed by the owner of the adjoining property as determined by the Director of Water and Waste.

   c) The City shall reimburse the Developer for a proportionate share of the cost of catchbasins installed by the Developer and benefiting private property, if any, as determined by the Director of Water and Waste.

3. a) The Developer shall connect the existing house at 990 John Bruce Road East to the City water and wastewater services when and as determined by the Director of Water and Waste.

   b) The Developer shall install water and wastewater lot line connections to serve each lot within the proposed subdivision as determined by the Director of Water and Waste.

4. The Developer shall install sod and plant trees on the boulevard on Tascona Road abutting the proposed subdivision in accordance with specifications approved by the Director of Public Works.

5. The Developer shall pay the full cost of engineering services provided by the City and others in connection with the installation of catchbasins and leads, and the water and wastewater lot line connections required to serve the proposed subdivision.

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.

It is also recommended that the Developer provide a 2.0m widening along the north side of Tascona Road across the full frontage of the proposed subdivision.

THIS REPORT SUBMITTED BY:

Administrative Coordinating Group
File No. AG 4/08
March 5, 2008

_____
Land Development Engineer

_____
Public Works Department

_____
Water and Waste Department

ELC/cm