Agenda - Council - June 24, 2009

Report - Standing Policy Committee on Property and Development - June 2, 2009

Item No. 6 Plan of Subdivision – North side of Fraser Road between Two Mile Road and end of Fraser Road
(St. Vital Ward)
File DAS 10/2009

STANDING COMMITTEE RECOMMENDATION:

On June 10, 2009, 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 10/2009 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" dated May 18, 2009 with such minor changes as may be required, and registration in the Winnipeg Land Titles Office subject to the following:

    A. That the Developer be required to enter into a Development Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated April 24, 2009 as "Schedule B" to this report, with the following amendments, namely:

        i. Amend Recommendation 13 under section C. Development Agreement by deleting "$1,200.00" and replacing with "$100.00".

        ii. Add the following Recommendation 14 to section C. Development Agreement, namely:

            "14. That the Developer be required to pre-pay the cost of maintaining, in perpetuity, the granular roadway fronting the lots within the planned area (current rate is $20.00 per frontage foot).

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

3. That in the event the matter is not proceeded with expeditiously and the by-law is not passed 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.

Report - Standing Policy Committee on Property and Development – June 2, 2009

4. That the Acting 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 one year from the date the by-law is passed, failing which the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

6. That the Acting 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.

7. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

Report - Standing Policy Committee on Property and Development - June 2, 2009

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On June 10, 2009, 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 June 2, 2009, 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 May 25, 2009, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service dated May 18, 2009, with the following amendment, namely:

- Amend Recommendation 1. A. by adding the following after the words "to this report", namely:

  "with the following amendments, namely:

  i. Amend Recommendation 13 under section C. Development Agreement by deleting "$1,200.00" and replacing with "$100.00".

  ii. Add the following Recommendation 14 to section C. Development Agreement, namely:

  "14. That the Developer be required to pre-pay the cost of maintaining, in perpetuity, the granular roadway fronting the lots within the planned area (current rate is $20.00 per frontage foot)",

and forwarded to the Standing Policy Committee on Property and Development.

RE: **Plan of Subdivision – North side of Fraser Road between Two Mile Road and end of Fraser Road**
File DAS 10/2009

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

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

Report date: **May 27, 2009**

COMMUNITY COMMITTEE RECOMMENDATION:

On May 25, 2009, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service, as amended, and recommends to the Standing Policy Committee on Property and Development:

1. That the plan of subdivision under File DAS 10/2009 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" dated May 18, 2009 with such minor changes as may be required, and registration in the Winnipeg Land Titles Office subject to the following:

    A. That the Developer be required to enter into a Development Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated April 24, 2009 as "Schedule B" to this report, ***with the following amendments, namely:***

        i. Amend Recommendation 13 under section C. Development Agreement by deleting "$1,200.00" and replacing with "$100.00".

        ii. Add the following Recommendation 14 to section C. Development Agreement, namely:

            "14. That the Developer be required to pre-pay the cost of maintaining, in perpetuity, the granular roadway fronting the lots within the planned area (current rate is $20.00 per frontage foot).

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

3. That in the event the matter is not proceeded with expeditiously and the by-law is not passed 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 Acting 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 one year from the date the by-law is passed, failing which the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

6. That the Acting 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 of the Planning and Land Use Division dated May 18, 2009.

PUBLIC HEARING SUMMARY

File: DAS 10/2009

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

Public Hearing: May 25, 2009
Council Chamber
Council Building, 510 Main Street

Applicant: Pollock & Wright (Jim Watling)

Subject:



Premises Affected: North side of Fraser Road between Two Mile Road and end of Fraser Road

Exhibits Filed:

1. Application dated March 23, 2009
2. Notification of Public Hearing dated April 15, 2009
3. Manitoba Status of Title 2330272
4. Letter of authorization dated February 4, 2009 from Paul Veert to Pollock and Wright Land Surveyors
5. Plan
6. Report from the Planning and Land Use Division dated May 18, 2009
7. Inspection Report
8. Audio Recording of representations of public hearing held on May 25, 2009

REPRESENTATIONS:

In Support:

James Ivanyshyn
Bill Lopushniuk
Paul and Joyce Veert
Jim Watling

In Opposition

Nil

For Information:

Todd Habicht

For the City:

Ms. S. Matille, Land Development Engineer, Planning, Property and Development Department
Mr. J. Wintrup, Senior Planner, Planning, Property and Development Department

Exhibit "6" referred to in File DAS 10/2009

ADMINISTRATIVE REPORT

ISSUE: Fraser Road - DAS 10 / 2009

Critical Path: RIEL Community Committee

AUTHORIZATION

Author	Department Head	CFO	CAO
Kevin Lalor Senior Planner			

RECOMMENDATIONS

1. That the plan of subdivision under File DAS 10/2009 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" dated May 18, 2009 with such minor changes as may be required, and registration in the Winnipeg Land Titles Office subject to the following:

    A. That the Developer be required to enter into a Development Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated April 24, 2009 and attached as "Schedule B" to this report.

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

3. That in the event the matter is not proceeded with expeditiously and the by-law is not passed 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 one year from the date the by-law is passed, failing

which the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

6. 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.

IMPLICATIONS OF THE RECOMMENDATIONS

- The purpose of the subject application is to:
    a. Allow for the extension of Fraser Road eastwards in order to permit the creation of a new six (6) lot sub-division.
    b. All new lots to be five (5) acres or larger in conformance with the policies outlined in the St. Vital Perimeter South Secondary Plan for the subject area

HISTORY

APPLICANT:	Pollock & Wright
OWNER:	Veert Landscaping Inc**.**
LOCATION:	North side of Fraser Road, between Two Mile Road and the current end of Fraser Road, north of the Red River Floodway in the St. Vital Perimeter South Neighbourhood (5.543) of the St. Vital Ward.
LEGAL DESCRIPTION:	Parcel 8, Plan 10104
SITE DESCRIPTION:	
Size:	37 acres (Planned Area)
Plan Winnipeg:	Rural Policy Area
Secondary Plan:	Public Reserve
Zoning:	RR5 Rural Residential
CURRENT LAND USE:	Under developed land (Attachment “1”).

SURROUNDING LAND USES AND ZONING:

North: a broad expanse of vacant privately owned agricultural land and to the north of that are five acre lots extending along both sides of Forbes Road.

South: Manitoba Floodway.

West: Five acre lots, many occupied with single family dwellings and zoned “RR-5” Rural Residential

East: Manitoba Floodway

DESCRIPTION OF THE DEVELOPMENT:

- The owners of the subject lands propose to extend the existing Fraser Road right-of – way and a new right-of-way over 3300 feet in an easterly and ultimately northerly direction.
- Six new lots are to be created, four of which will be in the 5 acre range; the two most easterly lots will be over 6 acres in area.
- The new roadway will be in accordance with current RR5 standards and provision will be made in the plan for eventual access to the lands adjoining to the north.

A. DEVELOPMENT CONSIDERATIONS

1. Background

- In February, 2009, a pre-application was submitted by the applicant in order to help the City identify potential issues related to the proposed road extension and subdivision.
- As a result of the ensuing review process, the following observations and recommendations were outlined by several City Departments:
    - The Water and Waste Department indicated that the developer would be required to provide a report prepared by a qualified engineering consultant confirming that the area could be properly drained and what, if any, improvements would have to be made to the ditching system.
    - The developer was also asked to provide /grant an easement along the north property line for a future regional drainage channel – as much as 25m in width.
    - The Public Works Department advised that regarding the new road rights-of-way, the current standard is 24m in width.
    - Existing sections of Fraser Road already in place would have to be widened to at least 22.059 m.
    - Also the new section of Fraser Road shall be extended north between the proposed lots 5 & 6 to the northern limit of the planned area to accommodate a future extension into the land to the north.
    - In addition a temporary turn around with a 25m radius will be required at the dead end by way of easements to accommodate the bulb.
    - Finally, the Planning, Property and Development Department indicated that from, a land use perspective, the proposal is supportable and that all proposed lots are of an adequate size to meet the minimum requirements of the Secondary Plan.
- Currently, Fraser Road provides the only access to the subject property. Under the policy guidelines of the St. Vital Perimeter South Secondary Plan, the subject area is designated as a Public Reserve Area but it has been determined by the City's Legal Services that minimum five acre lot subdivisions can be approved in those defined areas without being, in any way, in conflict with Secondary Plan.

2. Land Use Analysis

- The proper zoning is in place for 5 acre minimum subdivision development and all of the proposed housing lots meet the minimum requirements of the Secondary Plan.
- Concerns have been raised regarding drainage in the area and those concerns will have to be addressed by the developer, in accordance with very explicit conditions outlined in the Development Agreement attached to this report.
- Similarly, the new road rights-of-way and turn around radii will have to meet the minimum A5(RR5) standards of construction.

- It is therefore recommended that your Committee endorse the proposed 6 lot subdivision and road extension as submitted.

B. REASONS FOR RECOMMENDATION

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

- The subdivision lots meet the minimum lot size requirements of the St. Vital Perimeter South Secondary Plan

- The precedent for five acre lot subdivision has already been established to the west along Fraser Road and along Chrypko Drive (DASZ 8/89).

C. CONDITIONS OF RECOMMENDATION

- The land owner will be required to sign a development agreement that will address the concerns of the Water and Waste, and Public Works engineers.

FINANCIAL IMPACT

Financial Impact Statement

Date:

Project Name:

First Year of Program

	0	1	2	3	4
Capital					
Capital Expenditures Required	$ -	$ -	$ -	$ -	$ -
Less: Existing Budgeted Costs	-	-	-	-	-
Additional Capital Budget Required	$ -	$ -	$ -	$ -	$ -
Funding Sources:					
Debt - Internal	$ -	$ -	$ -	$ -	$ -
Debt - External	-	-	-	-	-
Grants (Enter Description Here)	-	-	-	-	-
Reserves, Equity, Surplus	-	-	-	-	-
Other - Enter Description Here	-	-	-	-	-
Total Funding	$ -	$ -	$ -	$ -	$ -
Total Additional Capital Budget Required	$ -				
Total Additional Debt Required	$ -				
Current Expenditures/Revenues					
Direct Costs	$ -	$ -	$ -	$ -	$ -
Less: Incremental Revenue/Recovery	-	-	-	-	-
Net Cost/(Benefit)	$ -	$ -	$ -	$ -	$ -
Less: Existing Budget Amounts	-	-	-	-	-
Net Budget Adjustment Required	$ -	$ -	$ -	$ -	$ -

Additional Comments:

original signed by
Department Controller

CONSULTATION

In preparing this Report there was consultation with:

N/A

SUBMITTED BY

Department	Planning, Property and Development
Division	Planning and Land Use
Prepared by:	Kevin Lalor
Date:	May 18, 2009
File No.	DAS 10/09

Appendix:
1. Schedule “A” for File No. DAS 10/09, Riel Community Committee, dated May 18, 2009.
2. Schedule “B” Administrative Coordinating Group Development Agreement dated April 24, 2009
3. Attachment “1” – Existing Land-Uses for ‘Planned Area’ and Surrounding Lands
4. Attachment “2” – Existing Zoning for ‘Planned Area’ and Surrounding Lands.

KL/jsw

5054

SCHEDULE "A" for File No. DASZ 12/09, Riel Community Committee, dated May 18, 2009.

By-Law No. _____

File No. **DAS 10/09**

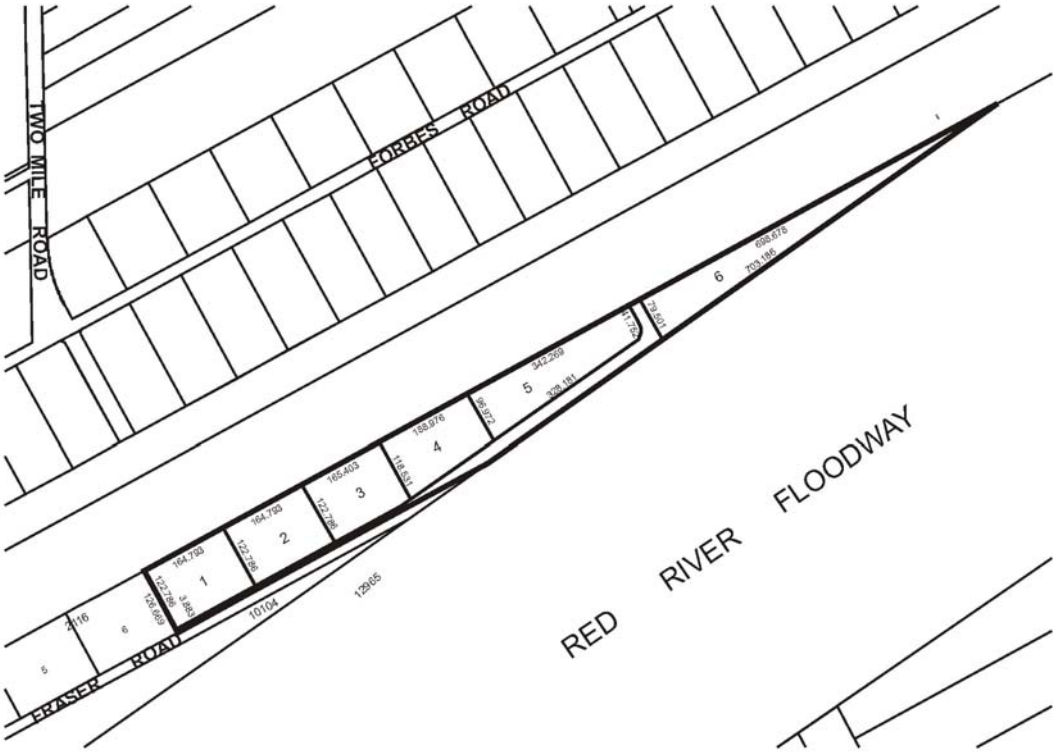
Atlas Sheet No.

N

AN29
RIEL
COMMUNITY

Explanation

An application for the approval of the plan of subdivision shown outlined below on the land located on the north side of Fraser Road between Two Mile Road and current end of Fraser Road which will be extended eastward and create six (6) new residential lots as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

SCHEDULE “B” - REPORT OF THE ADMINISTRATIVE CO-ORDINATING GROUP

RE: PROPOSED EXTENSION OF FRASER ROAD EASTWARD AND CREATION OF SIX NEW LOTS - DAS 10/09

Jim Watling of Pollock & Wright has submitted an application to subdivide the property on the north side of Fraser Road at its current eastern terminus to extend Fraser Road eastward and northward and create six new residential (RR5) lots.

It is recommended that the approval of DAS 10/09 be subject to the following:

A. Plan Considerations

That the Developer transfer and legally open, at no cost to the City, property required for the 24.0-m-wide extension of the Fraser Road right-of-way, including the widening to 24.0 m of the existing Fraser Road right-of-way abutting the westerly portion of the Planned Area.

B. Engineering Report

The submission, at the Developer’s expense, of an approved engineering report, prepared by a qualified engineering consultant, which demonstrates that the Developer can adequately drain the proposed development, and includes all upgrading measures to the existing ditch system, both within the Planned Area and downstream of it, required to ensure adequate drainage.

C. Development Agreement

The Developer entering into a Development Agreement with the City, containing the following conditions:

1. That the Developer, at no expense to the City, construct all of the measures identified in the engineering report as being required to achieve adequate drainage.
2. That the Developer, at no expense to the City, provide a lot grading plan, prepared by a municipal engineer to the satisfaction of the Director of Water & Waste, for the Planned Area, and provide all required easements.
3. That the Developer, at no expense to the City, grant a wide (20-m-plus) easement along the north line of the Planned Area for a future regional drainage channel.

4. That the water and wastewater services be private, with the wastewater services conforming to the Sewer By-law.
5. That the Developer, at no expense to the City, construct a granular roadway in the extension of Fraser Road, from it current terminus within the proposed subdivision, in accordance with current A-5 standards, and remove the existing temporary turnaround, as determined by, and to the satisfaction of, the Director of Public Works.
6. That the Developer, at no expense to the City, construct a temporary cul-de-sac vehicle turnaround, to a radius of 17.0 m, at the terminus of the temporarily dead-ended street, and provide any right-of-way or easements, to a radius of 25.0 m, necessary to accommodate same, all as determined by, and to the satisfaction of, the Director of Public Works.
7. That the Developer, at no expense to the City, cause wood pole street lighting to be installed within the proposed subdivision.
8. That the Developer initiate, control, and pay all costs associated with the regular clean-up 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 houses, until completion of all construction, all as determined by, and to the satisfaction of, the Director of Public Works.
9. That the Developer ensure that construction traffic uses access 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, safe condition, free of dropped and tracked-on mud, and shall undertake the 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.
10. That the Developer, for itself, its successors, and assigns, shall covenant with the City to cut all grass 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 Planned Area.
11. That the Developer be required to pay cash in lieu of dedication of land for public open space, in accordance with City Policy, and that the cash, payable to the Riel Committee Land Dedication Fund, be directed to the St. Germain/Vermette Parks and Recreation Fund.
12. That the Developer be required to pay the full cost of engineering services provided by or on behalf of the City in connection with the installation of services required to serve the Planned Area.
13. That the Developer be required to pay $1,200.00 plus GST per acre to defray the City’s administration and related costs associated with the preparation and implementation of the Development Agreement.

THIS REPORT SUBMITTED BY:

Administrative Co-ordinating Group
File No. DAS 10/09
April 24, 2009

"original signed by S. Matile, P. Eng."
S. Matile, P. Eng., Chair
Land Development Branch

"original signed by R. Hartmann, P.Eng."
R. Hartmann, P. Eng.
Public Works Department, Transportation Division

"original signed by F. Mazur, P. Eng."
F. Mazur, P. Eng.
Water & Waste Department

"original signed by D. Beaton, MLArch"
D. Beaton, MLArch
Parks, Riverbanks, & Community Initiatives Branch

Attachment “1” – Existing Land-Uses for ‘Planned Area’ and Surrounding Lands.



Attachment “2” – Existing Zoning for ‘Planned Area’ and Surrounding Lands.

