Agenda - Council - March 26, 2003

Report - Standing Policy Committee on Property and Development - March 4, 2003

Item No. 8 Proposed Subdivision and Rezoning Change - 0 McCreary Road - east side, south of Wilkes Avenue
File DASZ 1/2003 [c/r DAV 20/2003D]

STANDING COMMITTEE RECOMMENDATION:

On March 18, 2003, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and Assiniboia Community Committee, and submits the following to Council:

1. That the plan of subdivision proposed under File DASZ 1/2003 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 1/2003, attached hereto and dated February 4, 2003, for registration in the Winnipeg Land Titles Office.

2. That the Developer shall transfer to the City, at no cost, proposed Lot 12 for future public works or water and waste purposes at the time of registration of the approved subdivision mylar in the Winnipeg Land Tittles Office.

3. That the Developer shall transfer to the City and legally open, at no cost to the City, property required for a 7.161 metre (23.49 feet) widening to the McCreary Road right-of-way along the full length of the subject property abutting McCreary Road.

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

5. That Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land, except proposed Lot 12, as shown on Schedule "A" for File DASZ 1/2003, attached hereto and dated February 4, 2003, to a "RR-2" Rural Residential District, subject to the applicant entering 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 the minimum size of building lot be restricted to 2.02 hectares (5.0 acres).

   B. That the Developer be required to pay to the City ten percent (10%) cash dedication in lieu of land dedication, to be calculated on the basis of additional building sites being created, and the portion of the monies payable to the Assiniboia Community Committee under File DASZ 1/2003, be earmarked for the Wilkes South Area Development Land Dedication Reserve.

Report - Standing Policy Committee on Property and Development - March 4, 2003

C. That prior to the issuance of a development permit, plans showing the lot layout including the driveway access and house sitting, be submitted to the Director of Planning, Property and Development or his designate for approval.

6. 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.

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

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 as a first charge 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 that the necessary City of Winnipeg mylar approval signatures have not been secured within twenty (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 - March 4, 2003

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On March 18, 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 March 4, 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 February 18, 2003, the Assiniboia Community Committee concurred in the administrative recommendation as amended, namely:

- Amend Recommendation 5.B. by adding the following at the end of the sentence "and the portion of the monies payable to the Assiniboia Community Committee under File DASZ 1/2003, be earmarked for the Wilkes South Area Development Land Dedication Reserve."

- Amend Recommendation 5. by adding a 5.C. "That prior to the issuance of a development permit, plans showing the lot layout including the driveway access and house sitting, be submitted to the Director of Planning, Property and Development or his designate for approval."

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

RE: **Proposed Subdivision and Rezoning Change - 0 McCreary Road - east side, south of Wilkes Avenue**
DASZ 1/2003 [c/r DAV 20/2003D]

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

Prepared by: **Josie Marques, Clerk, Assiniboia Community Committee**

Report date: **February 21, 2003**

COMMUNITY COMMITTEE RECOMMENDATION:

The Assiniboia Community Committee concurred, in part, the Administrative recommendation and recommends to the Standing Policy Committee on Property and Development:

1. That the plan of subdivision proposed under File DASZ 1/2003 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 1/2003, attached hereto and dated February 4, 2003, for registration in the Winnipeg Land Titles Office.

2. That the Developer shall transfer to the City, at no cost, proposed Lot 12 for future public works or water and waste purposes at the time of registration of the approved subdivision mylar in the Winnipeg Land Tittles Office.

3. That the Developer shall transfer to the City and legally open, at no cost to the City, property required for a 7.161 metre (23.49 feet) widening to the McCreary Road right-of-way along the full length of the subject property abutting McCreary Road.

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

5. That Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land, except proposed Lot 12, as shown on Schedule "A" for File DASZ 1/2003, attached hereto and dated February 4, 2003, to a "RR-2" Rural Residential District, subject to the applicant entering 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 the minimum size of building lot be restricted to 2.02 hectares (5.0 acres).

    B. That the Developer be required to pay to the City ten percent (10%) cash dedication in lieu of land dedication, to be calculated on the basis of additional building sites being created, ***and the portion of the monies payable to the***

Assiniboia Community Committee under File DASZ 1/2003, be earmarked for the Wilkes South Area Development Land Dedication Reserve.

C. That prior to the issuance of a development permit, plans showing the lot layout including the driveway access and house sitting, be submitted to the Director of Planning, Property and Development or his designate for approval.

6. 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.

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

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 as a first charge 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 that the necessary City of Winnipeg mylar approval signatures have not been secured within twenty (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.

Note: Bold and italicized wording denotes variation between administrative recommendations and recommendations of the Assiniboia Community Committee.

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

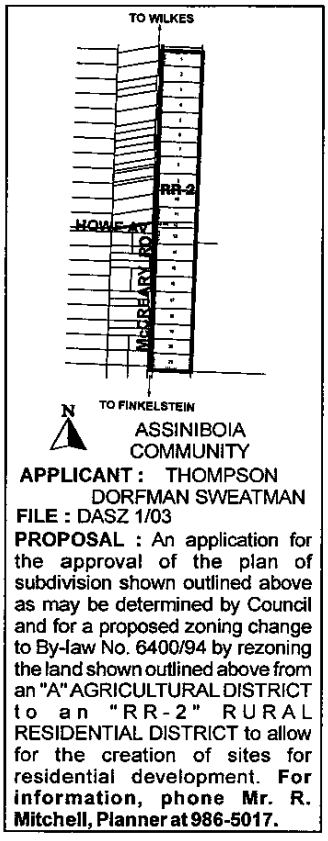
File: DASZ 1/2003 (c/r DAV 965/2002D

Before: Assiniboia Community Committee
Councillor Clement, Chairperson
Councillor De Smedt
Councillor Eadie

Hearing: February 18, 2003
West Committee Room, Council Building, 510 Main Street

Applicant: Thompson Dorfman Sweatman (Elmer J. Gomes)
2200 - 201 Portage Avenue
Winnipeg, MB
R3B 3L3

Subject:



Premises Affected: 0 McCreary Road
east side, south of Wilkes Avenue

Exhibits Filed:

1. Application dated January 15, 2003
2. Notification of Public Hearing to Applicant dated January 22, 2003
3. Manitoba Status of Title 1905330
4. Letter of authorization dated November 27, 2002
5. Plan of subject property
6. Report from the Manager of Planning and Land Use dated February 4, 2003.
7. Photograph(s) of the site and Inspection Notice

REPRESENTATIONS:

In Support:

Ken Powell, President, 4577788 Manitoba Inc., 301 - 140 Bannatyne Avenue, Winnipeg, R3B 3C5

In Opposition:

Nil

For Information:

Tony Boken, 1550 McCreary Road, Winnipeg, R3P 0M7
Bob Borys, 19 Cuthbertson Place, Winnipeg, R3P 0S7
Morris Chia, 2627A Portage Avenue, Winnipeg, R3J 0P7
Shael Glesby, 401 Boreham Boulevard, Winnipeg, R3P 0S9
Bill and Grace Martens, 1652 McCreary Road, Winnipeg, R3P 0M7
J. I. Nagy and G. Stevens, 1662 McCreary Road, Winnipeg, R3P 0M7
Ed Weselak, 6368 Bestworth Avenue, Winnipeg, R3R 0K2

For the City:

Ross Mitchell, Senior Planner, Planning, Property and Development Department

SUMMARIZATION FO REPRESENTATIONS AND SUBMISSIONS
MADE AT PUBLIC HEARING

Ken Powell appeared in support of the application and gave a brief overview of the application.

Councillor Clement advised the persons in attendance, that the monies do deal with the flooding issues in the area were part of the capital budget for the years 2007 and 2008. He then asked the applicant if he had any comments with regards to the administrative report.

Ken Powell advised that he had no comments, that he found the recommendations reasonable and was willing to comply with them.

Councillor Clement asked for clarification that under the "RR-2" Rural Residential District a lot under 180 feet would not comply and therefore would need a variance.

The Senior Planner confirmed the requirement of the variance under that circumstance.

Councillor Clement inquired as to being able to add a condition to suggest that the intention was that none of these lots be subdivided.

The Senior Planner advised that typically there would be a plan approval and a plan approval clause could be added that would require the houses to be centered.

Councillor Clement asked the applicant if this would cause a marketing problem.

Ken Powell inquired as to having a requirement for a side yard.

The Senior Planner asked the applicant who would be marketing homes.

Ken Powell advised that it would be the builders and that he would only do the sale of the lots.

The Senior Planner suggested that the administration be delegated the authority to ensure that the side yard requirements of the principle dwellings would not promote future subdivision

Councillor Clement inquired as to being able to do that with a side yard requirement.

The Senior Planner advised that to subdivide the lot, it would have to be done down the middle and there is a requirement of 50 feet for a septic tank under the Wilkes South Secondary Plan.

Councillor De Smedt commented that because of septic field side yard requirement, the lots could not even be subdivided down the middle.

The Senior Planner reiterated that part of the zoning agreement could have a condition that the site plan approvals be delegated to the administration to ensure that the lots would not be subdivided.

Mr. G. Stevens stated that this development was going to create quite a change for McCreary Road. He inquired as to having a stipulation that approval of the development would include having to have the building erected centered.

Councillor Clement advised that the building would require a reasonable side yard.

Mr. Stevens inquired as to the widening of McCreary Road.

Councillor Clement clarified that the city required the land for the widening to occur, but his opinion was that the actual widening would not occur in the imminent future. He reiterated that the monies to deal with the flooding issues in the area were part of the capital budget for the years 2007 and 2008

Mr. Stevens stated that he already had concerns with traffic and that the widening of road would only increase the problem.

Councillor Clement reiterated that the road was not being widened in the imminent future. He stated that he was aware of the traffic problems. He further stated that he thought that some of the traffic problems would be solved with the possible creation of the Kenaston underpass and the fact that the railway piggyback transportation site in the area would close in October.

Ken Powell stated that he wanted to reassure everyone that the intent is to do a nice and friendly development.

In reply please refer to / Référence à rappeler :

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

File No. DASZ 1/03 (c/r DAV 20/03D) February 4, 2003
Our c/f CP 500 (.658)

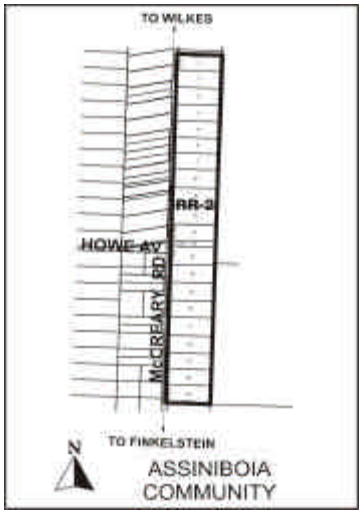
Ms. Josie Marques, Clerk
Assiniboia Community Committee
Council Building
510 Main Street
Winnipeg, MB R3B 1B9

Dear Ms. Marques:

SUBDIVISION AND REZONING
Land located on the east side of McCreary Road south of Wilkes Avenue
Assiniboia Community
File No. DASZ 1/03

An application has been received from Thompson Dorfman Sweatman (E. Gomes) 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 an "RR-2" Rural Residential District to allow for the creation of 21 single-family building lots.

RELATED FILES: DAV 20/03D



SITE DESCRIPTION:

Site Area: About 105 acres; approx. 1.2 mi. of frontage on McCreary

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

Surrounding Land Use and Zoning:

North: Large-lot rural residential zoned "A"
South: Fort Whyte Centre zoned "A"
East: Fort Whyte Centre zoned "A"
West: Large-lot rural residential zoned "A"

DEVELOPMENT DESCRIPTION:

The proposal is to subdivide the subject lands into twenty-one (21), five-acre, single-family building sites. The lots measure 300 feet wide by 745 feet deep. The related zoning variance application under DAV 20/03D would permit the establishment of a lot (Lot 12) with a width of 140 feet instead of the required 180 feet, which is the minimum lot width in the "RR-2" zoning district. This lot is located roughly opposite Howe Avenue, and is being transferred to the City for public works or land drainage purposes.

The subject lands span about 1.2 miles of McCreary Road frontage, and bound the west side of the Fort Whyte Nature Centre.

The Public Works Department is requesting that lands be transferred from the subject property to the City for the future widening of McCreary Road.

PLAN WINNIPEG:

The proposed development complies with Plan Winnipeg and the Wilkes South Secondary Plan, which permits 2.5 acre subdivision on McCreary Road. It is noted that a previous application under DASSF 526/02 (DAV 364/02D) for 2.5 acre lots was denied.

ADMINISTRATIVE COMMENTS:

The Development Management Branch supports the proposed development for the following reasons:

- The application complies with Plan Winnipeg and the Wilkes South Secondary Plan;
- The 5 acre lots are in keeping with the residential character of the area;

- A Zoning Agreement will be placed on the lands ensuring a minimum lot size of 5 acres for buildable lots (excluding proposed Lot 12).
- The Development Management Branch is of the opinion that the proposed housing and the Fort Whyte Nature Centre can co-exist.

RECOMMENDATION:

I. That the plan of subdivision proposed under File No. DASZ 01/03 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File No. DASZ 1/03, attached hereto and dated February 4, 2003, for registration in the Winnipeg Land Titles Office.

II. The Developer shall transfer to the City at no cost proposed Lot 12, for future public works or water and waste purposes, at the time of registration of the approved subdivision mylar in the WLTO.

III. The Developer shall transfer to the City and legally open, at no cost to the City, property required for a 7.161 metre (23.49 ft.) widening to the McCreary Road right-of-way along the full length of the subject property abutting McCreary Road.

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

V. That Zoning By-Law No. 6400/94 be amended by rezoning the subject land, except proposed Lot 12, as shown on Schedule "A" for File No. DASZ 1/03, attached hereto and dated February 4, 2003, to a "RR-2" Rural Residential District, subject to the applicant entering 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 the minimum size of building lot be restricted to 2.02 hectares (5.0 acres).

B. 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 additional building sites being created.

VI. 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.

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

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 and the Zoning Agreement has been filed by caveat as a first charge 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.**

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

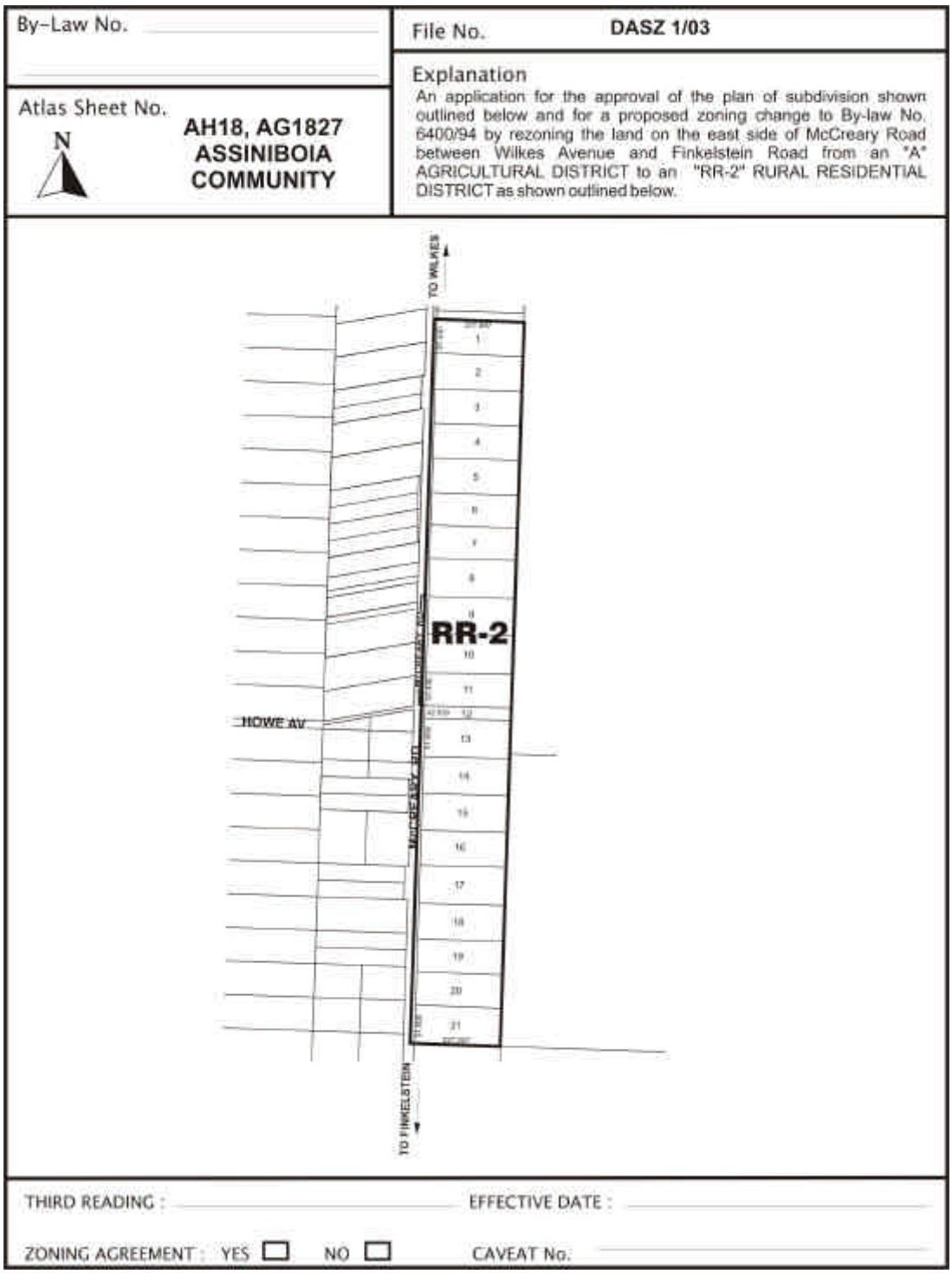


Figure 1: Schedule "A" to the report to the Assiniboia Community Committee for File No. DASZ 1/03, dated February 4, 2003.