Agenda - Standing Policy Committee on Property and Development - April 8, 2003

REPORTS

Item No. 6 **Proposed plan of subdivision on land located at 2362 McPhillips Street**
File DASSF 503/2003

COMMUNITY COMMITTEE RECOMMENDATION:

On March 11, 2003, the Lord Selkirk-West Kildonan Community Committee concurred in the administrative recommendation and recommends to the Standing Policy Committee on Property and Development that the Plan of Subdivision under File DASSF 503/2003 be approved subject to the following conditions:

1. That the owner be required to enter into a Subdivision Agreement with the City containing the following conditions to be imposed on proposed Lots 1 and 2:

    A. That a cross access agreement be put in place to guarantee access to proposed Lot 2 over proposed Lot 1.

    B. The applicant shall execute a joint Services Agreement which shall obligate all present and future owners of the proposed lots to be jointly responsible for the proper use, maintenance, repair and replace of any shared water, wastewater and land drainage facilities.

2. The Proper Officers of the City be authorized to execute the Subdivision Agreement.

3. That the Director of Planning, Property and Development be authorized to sign and release the survey mylars for DASSF 503/2003 upon the execution of the Subdivision Agreement but that authority shall expire 2 years after the date of approval unless extended by further resolution of the Standing Policy Committee on Property and Development.

4. That this approval shall come into force and effect upon the subdivision mylars being registered din the Winnipeg Land Titles Office in series with the Subdivision Agreement.

5. Confirmation from Manitoba Hydro that a joint easement agreement with Manitoba Hydro, MTS Netcom Inc. and Shaw Cable has been secured. Please note any removal or relocation of Manitoba Hydro's existing facilities as a result of the proposed subdivision will be at the expense of the Developer and/or customer.

6. The payment of ten percent (10%) dedication based on the creation of an additional building site.

7. The terms and conditions of Variance Order No. DAV 68/2003C and all conditions attached thereto.

DECISION MAKING HISTORY:

COMMUNITY COMMITTEE RECOMMENDATION:

On March 11, 2003, the Lord Selkirk-West Kildonan Community Committee concurred in the administrative recommendation, and submitted its recommendation to the Standing Policy Committee on Property and Development.

RE: Proposed plan of subdivision on land located at 2362 McPhillips Street - File No. DASSF 503/03

FOR SUBMISSION TO THE CHAIRPERSON AND MEMBERS OF THE LORD SELKIRK-WEST KILDONAN COMMUNITY COMMITTEE

- Original Signed by E. Axelrod -
E. Axelrod
Subdivision Officer

FEBRUARY 26, 2002

RE: Proposed plan of subdivision on land located at 2362 McPhillips Street - File No. DASSF 503/03

RECOMMENDATION:

That your Committee recommend to the Standing Policy Committee on Property and Development that the Plan of Subdivision under File No. DASSF 503/03 be approved subject to the following conditions:

I. That the owner be required to enter into a Subdivision Agreement with the City containing the following conditions to be imposed on proposed Lots 1 and 2:

C. That a cross access agreement be put in place to guarantee access to proposed Lot 2 over proposed Lot 1.

D. The applicant shall execute a joint Services Agreement which shall obligate all present and future owners of the proposed lots to be jointly responsible for the proper use, maintenance, repair and replace of any shared water, wastewater and land drainage facilities.

II. The proper officer of the City be authorized to execute the Subdivision Agreement.

III. That the Director of Planning, Property and Development be authorized to sign and release the survey mylars for DASSF 503/03 upon the execution of the Subdivision Agreement but that authority shall expire 2 years after the date of approval unless extended by further resolution of the Standing Policy Committee on Property and Development.

IV. This approval shall come into force and effect upon the subdivision mylars being registered din the Winnipeg Land Titles Office in series with the Subdivision Agreement.

V. Confirmation from Manitoba Hydro that a joint easement agreement with Manitoba Hydro, MTS Netcom Inc. and Shaw Cable has been secured. Please note any removal or relocation of Manitoba Hydro's existing facilities as a result of the proposed subdivision will be at the expense of the Developer and/or customer. For information on electrical service to new subdivisions or questions regarding the aforementioned agreement, please contact Ms Louise Willison, Manitoba Hydro at 474-4038 for information.

VI. Subject to the payment of ten percent (10%) dedication based on the creation of an additional building site.

VII. Subject to the terms and conditions of Variance File Order No. DAV 68/03 C and all conditions attached thereto.

REASON:

Approval is required by the Standing Policy Committee for conditions of approval that require a Subdivision Agreement.

DISCUSSION:

An application has been received from ND Lea Engineers & Planners Inc., Attention: Mr. Michael Carruthers, 111 - 93 Lombard Avenue, Winnipeg, Manitoba, R3B 3B1. The applicant is proposing to subdivide Lot 3 as shown on Schedule "A" attached into two (2) lots as shown on Schedule "B" in order to create an additional site for commercial development (proposed Tim Horton's). The related Variance File No DAV 68/03 C deals with the establishment of a lot (proposed Lot 2) to permit no frontage on a public street. The Conditional Use application DCU 30/03 C deals with the establishment of a restaurant with a floor area of 2,813 square feet and to allow for a drive-through restaurant.

In order to ensure access over proposed Lot 1 to proposed Lot 2 a cross access agreement is required, and also to ensure that the joint services are maintained the aforementioned Subdivision Agreement is required.

THIS REPORT SUBMITTED BY:

E. Axelrod
Subdivision Officer
February 26, 2003
File: DASSF 503/03

c.c. ND Lea Engineers & Planners Inc., Attn: D. Toews, 111-93 Lombard Ave, Wpg., R3B 3B1
Councillor O'Shaughnessy
R. J. Hartmann, Public Works
K. Raban, Water & Waste



DASSF 503/03 MAP 1

N

SUBJECT PROPERTY

SCHEDULE "A" FOR THE REPORT TO THE LORD SELKIRK-WEST KILDONAN COMMUNITY COMMITTEE FOR FILE NO. DASSF 503/03

DATED: FEBRUARY 26, 2003



DASSF 503/03 MAP 2

N

PROPOSED SUBDIVISION

SCHEDULE "B" FOR THE REPORT TO THE LORD SELKIRK-WEST KILDONAN COMMUNITY COMMITTEE FOR FILE NO. DASSF 503/03

DATED: FEBRUARY 26, 2003