Agenda - Council - April 30, 2003

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

Item No. 2 Proposed Subdivision and Rezoning Change - south side of McGillivray Boulevard, east side of Linden Ridge Drive File DASZ 30/2002

STANDING COMMITTEE RECOMMENDATION:

On April 23, 2003, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the City Centre Community Committee, and submits the following to Council:

1. That the plan of subdivision proposed under File DASZ 30/2002 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 30/2002, dated February 19, 2003, for registration in the Winnipeg Land Titles Office, subject to the following:

   A. That the Developer be required to enter into an Addendum to Development Agreement File AG 6/97 containing all the conditions outlined in the report of the Administrative Coordinating Group dated February 24, 2003, amended as follows:

      That Clause 5 ii) be deleted and the following substituted therefore:
      "5 ii) Phase 3: one-third"

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

3. That Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 30/2002, dated February 19, 2003, to an "A" Agricultural District and a "R1-4" Residential District.

4. 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 Council extends that time.

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

6. That the subdivision section of the by-law shall come into force and effect upon execution by the City of Winnipeg of the Development Agreement Addendum.

7. 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, 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.

8. 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.

9. 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.

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On April 23, 2003, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the City Centre Community Committee, and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On April 8, 2003, the Standing Policy Committee on Property and Development concurred in the recommendation of the City Centre Community Committee and submitted its recommendation to Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On March 4, 2003, the City Centre Community Committee concurred in the administrative recommendation as amended, namely:

- Amend Recommendation 1.A. by adding the following "That Clause 5 ii) be deleted and the following substituted therefore: 5 ii) Phase 3: one-third" after the words "Administrative Coordinating Group dated February 24, 2003",

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

RE: **Proposed Subdivision and Zoning Change - south side of McGillivray Boulevard, east side of Linden Ridge Drive**
File DASZ 30/2002

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

Prepared By: Carol Freeman, Clerk, City Centre Community Committee

Report date: **March 13, 2003**

COMMUNITY COMMITTEE RECOMMENDATION:

The City Centre Community Committee concurred in the administrative recommendation as amended and recommends to the Standing Policy Committee on Property and Development:

1. That the plan of subdivision proposed under File DASZ 30/2002 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 30/2002 dated February 19, 2003, for registration in the Winnipeg Land Titles Office, subject to the following:

    A. That the Developer be required to enter into an Addendum to Development Agreement AG 6/97 containing all the conditions outlined in the report of the Administrative Coordinating Group dated February 24, 2003, amended as follows:

    That Clause 5 ii) be deleted and the following substituted therefore:
    "5 ii) Phase 3: one-third"

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

3. That Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 30/2002, dated February 19, 2003, to an "A" Agricultural District and a "R1-4" Residential District.

4. 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 Council extends that time.

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

6. That the subdivision section of the by-law shall come into force and effect upon execution by the City of Winnipeg of the Development Agreement Addendum.

7. 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, 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.

8. 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.

9. 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.

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

1. The application complies with Plan Winnipeg.

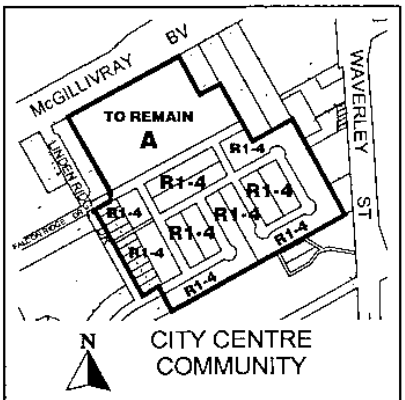
2. The lands are designated Neighbourhood Policy Area.

3. The current application is the logical expansion of the Linden Ridge residential community.

4. The cash-in-lieu of park dedication was honoured under the initial development agreement for Linden Ridge.

PUBLIC HEARING SUMMARY

File:	DASZ 30/2003
Public Hearing:	March 4, 2003 Community Committee Chamber, 300 Assiniboine Av
Before:	City Centre Community Committee Councillor Gerbasi, Chairperson Councillor Smith Councillor Steek
Applicant:	Linden Ridge Development Corporation 753 Marion Street Winnipeg, MB R2J 0K6
Subject:	



N CITY CENTRE COMMUNITY

APPLICANT : LINDEN RIDGE DEVELOPMENT CORP.
FILE : DASZ 30/02
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. 6400/94 by rezoning the land shown outlined above from an "A" AGRICULTURAL DISTRICT, an "M2" INDUSTRIAL DISTRICT and an "R1-4" SINGLE-FAMILY DIRTRICT to an "R1-4" SINGLE-FAMILY DISTRICT to allow for the creation of sites for single-family development. **For information, phone Mr. R. Mitchell, Planner at 986-5017.**

Premises Affected:	south side of McGillivray Boulevard, east side of Linden Ridge Drive

Exhibits Filed:

1. Application dated December 24, 2002
2. Advertising Notice dated January 27, 2003
3. Manitoba Status of Title Nos. 1772107, 1772108, 1772112 and 1826853
4. Plan showing proposed subdivision
5. Report from the Manager of Planning and Land Use dated February 19, 2003
6. Report from the Administrative Co-ordinating Group dated February 24, 2003
7. Photographs of the Site and Inspection Notice
8. By-law No. 41/2003.

REPRESENTATIONS:

In Support:

Dave Sharpe, Linden Ridge Development Corp., 753 Marion Street, Winnipeg, R2J 0K6
Ross McGowan, 200 - 120 Fort Street, Winnipeg, R3C 1C7
Leo E. O'Neill, P.O. Box 23056, RP0 McGillivray, Winnipeg, R3T 5S3

In Opposition:

Nil

For the City:

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

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSONS
MADE AT THE PUBLIC HEARING

No representation was made at the public hearing.

In reply please refer to / Référence à rappeler :

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

File No. DASZ 30/02
Our c/f CP 500 (.664)

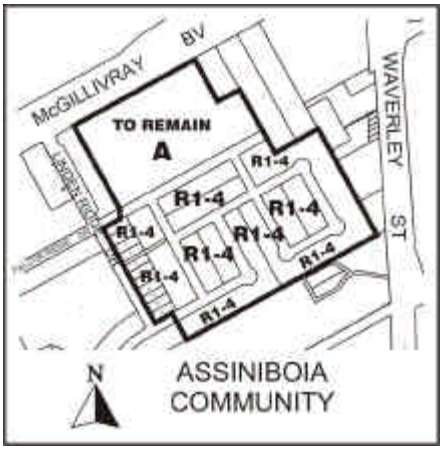
February 19, 2003

Ms. Carol Freeman, Clerk
City Centre Community Committee
Council Building
510 Main Street
Winnipeg, MB R3B 1B9

Dear Ms. Freeman:

SUBDIVISION AND REZONING
Land located south of McGillivray Boulevard, east of Linden Ridge Drive
City Centre Community
File No. DASZ 30/02

An application has been received from Linden Ridge Development Corporation 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 and "M2" Industrial District to a "R1-4" Residential District to permit housing development. Some lands are to remain zoned "A" Agricultural District.



SITE DESCRIPTION:

Site Area: Approx. 40 acres

Existing Land Use: vacant

Surrounding Land Use: The Linden Woods neighbourhood lies to the north of the subject lands across McGillivray Boulevard. The west side of Waverley Street, to the east of the subject lands, is developed with a mix of commercial and industrial uses. The lands are bounded on the south by the Waverley Memorial Gardens cemetery and funeral home at 1501 Waverley. Beyond the cemetery, across Chevrier Boulevard, lies the Fort Garry Industrial neighbourhood. The lands to the west are developed with housing as part of the initial stages of the Linden Ridge Community.

DEVELOPMENT DESCRIPTION:

The site is bisected by the easterly extention of Falcon Ridge Drive. The lands to the north of Falcon Ridge, about 12 acres, are to remain in agricultural zoning for the time being. The lands to the south of Falcon Ridge Drive are being rezoned "R1-4" and will accommodate about 130 single-family homes on 40+ foot lots. The applicant is registering a block plan that will open the public rights-of-way. As lots are required, the blocks will be further subdivided under "short-form" (DASSF) subdivision applications. Initally, 11 lots are being subdivided fronting Linden Ridge Drive, ranging in width from 55 feet to 60 feet. The concept plan allows for the future integration of adjacent private lands to the northeast that are currently underdeveloped.

PLAN WINNIPEG:

The application complies with Plan Winnipeg. The lands are designated Neighbourhood Policy Area.

ADMINISTRATIVE COMMENTS:

The Development Management Branch was opposed to the redesignation of the Linden Ridge neighbourhood from Industrial Policy Area to Neighbourhood Policy Area in view of the surrounding industrial development and the inability of the area to generate enough students for a public school. However, as City Council approved the redesignation and the subsequent residential development, the administration accepts the current application as the logical expansion of the Linden Ridge residential community. It is noted that the cash-in-lieu of park dedication has been honoured under the initial development agreement for Linden Ridge.

RECOMMENDATION:

I. That the plan of subdivision proposed under File No. DASZ 30/02 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with

Schedule "A" for File No. DASZ 30/02, attached hereto and dated February 19, 2003, for registration in the Winnipeg Land Titles Office, subject to the following:

A. That the Developer be required to enter into an Addendum to Development Agreement AG 6/97 covering the specific servicing requirements of the proposed development.

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

III. That Zoning By-Law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File No. DASZ 30/02, attached hereto and dated February 19, 2003, to an "A" Agricultural District and a "R1-4" Residential District.

IV. 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.

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

VI. That the subdivision section of the by-law shall come into force and effect upon execution by the City of Winnipeg of the Development Agreement Addendum.

VII. 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, **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.**

VIII. 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.

IX. 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
(City Centre Community) 986-5017



Figure 1: Air Photo of Subject Lands

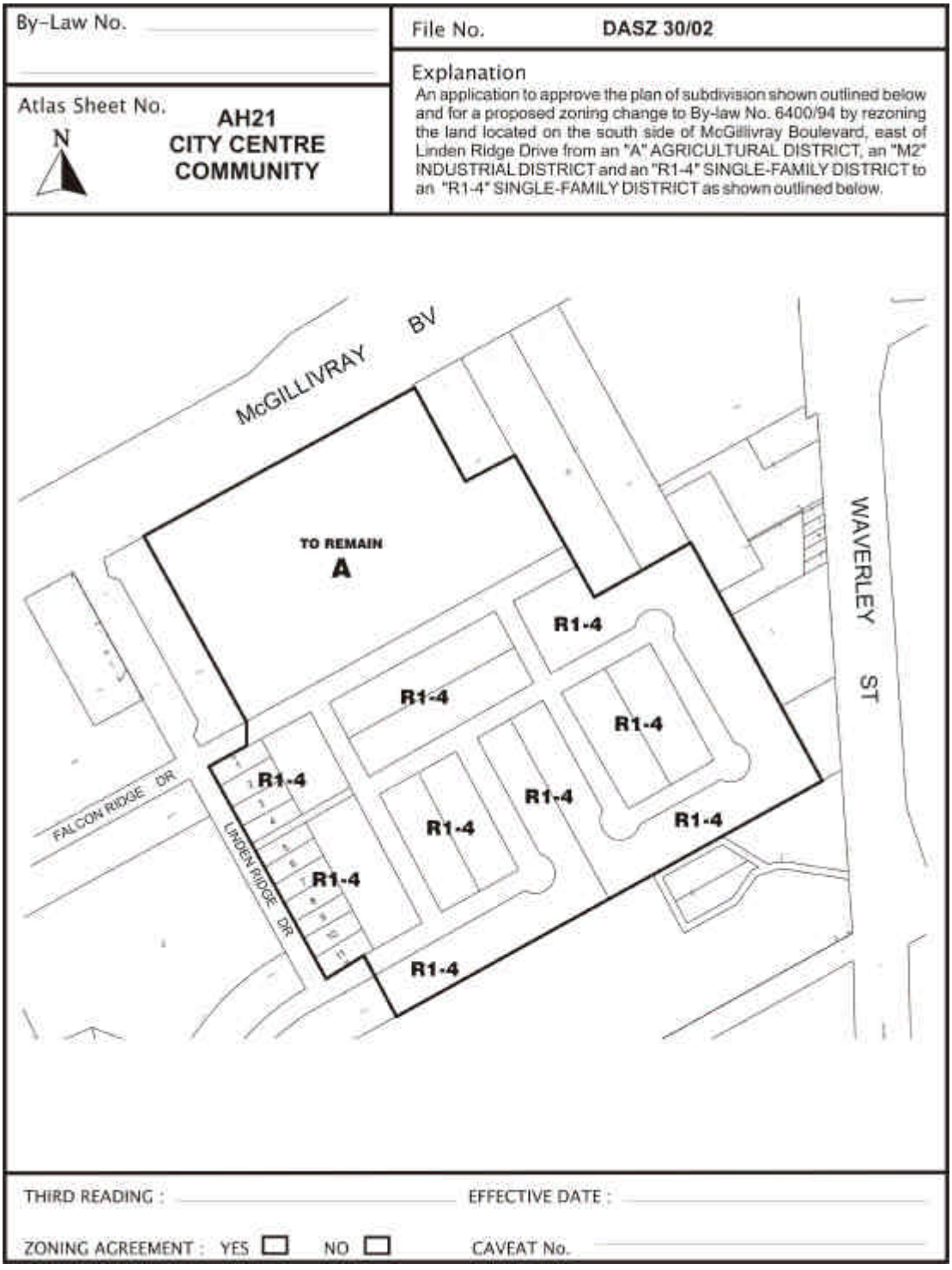


Figure 22: Schedule "A" to the report to the City Centre Community Committee for File No. DASZ 30/02, dated February 19, 2003.

Re: Proposed subdivision and rezoning of land located south of McGillivray Boulevard, east of Linden Ridge Drive – DASZ 30/02

FOR SUBMISSION TO THE CHAIRPERSON AND MEMBERS OF THE CITY CENTRE COMMUNITY COMMITTEE

"Original signed by E.L. Carrière"

E.L. Carrière, P.Eng.
Chairperson
Administrative Coordinating Group

February 24, 2003

Re: Proposed subdivision and rezoning of land located south of McGillivray Boulevard, east of Linden Ridge Drive - DASZ 30/02

An application has been submitted by Linden Ridge Development Corp. to subdivide and rezone land located south of McGillivray Boulevard, east of Linden Ridge Drive. The land is located east of and immediately adjacent to the portion of Linden Ridge approved under development application DASZ 6/97 and covered under Development Agreement AG 6/97 as amended on November 11, 2000. It is recommended that approval of DASZ 30/02 be subject to the Developer entering into an addendum to Development Agreement AG 6/97.

Development Agreement AG 6/97 contains certain arrangements with respect to the Developer's financial obligations which are tied to the staging and phasing of development. The details of those arrangements require clarification.

It is therefore recommended that Development Agreement AG 6/97 be amended as follows:

1. By attaching to the development agreement a copy of the plan of subdivision approved under DASZ 30/02;
2. By attaching to the development agreement a copy of a conceptual drawing showing the servicing requirements for the land within the plan of subdivision approved under DASZ 30/02;
3. By adding a clause to the development agreement requiring the Developer to pay $1,200.00/acre of Phase 3 in lieu of the City's administration and related costs associated with the preparation and implementation of the Addendum to Development Agreement AG 6/97.
4. By amending the development agreement throughout so that the portions of Linden Ridge west of Linden Ridge Drive are consistently identified as Phases 1 and 2 and the portion east of Linden Ridge Drive is consistently identified as Phase 3;
5. By amending Clause 9.a) in Schedule "C" of the development agreement to stipulate that the Developer's share of the cost of road improvements in McGillivray Boulevard be apportioned as follows:
   i) Phases 1 and 2: two-thirds
   ii) Phase 1: one-third;
6. By amending the amendment to the development agreement dated November 11, 2000 to stipulate that letters of credit shall be posted in connection with performance and builders' liens prior to commencement of Phase 3.

Dedication of land for public open space is not applicable to DASZ 30/02 as this requirement was fully satisfied within Phases 1 and 2 under DASZ 6/97.

THIS REPORT SUBMITTED BY:

Administrative Coordinating Group
File No. AG 30/02
February 24, 2003

_____
Land Development Engineer

_____
Water and Waste Department

_____
Public Works Department
Transportation Division

REFERENCE: FILE NO. DASZ 30/02

THE CITY OF WINNIPEG

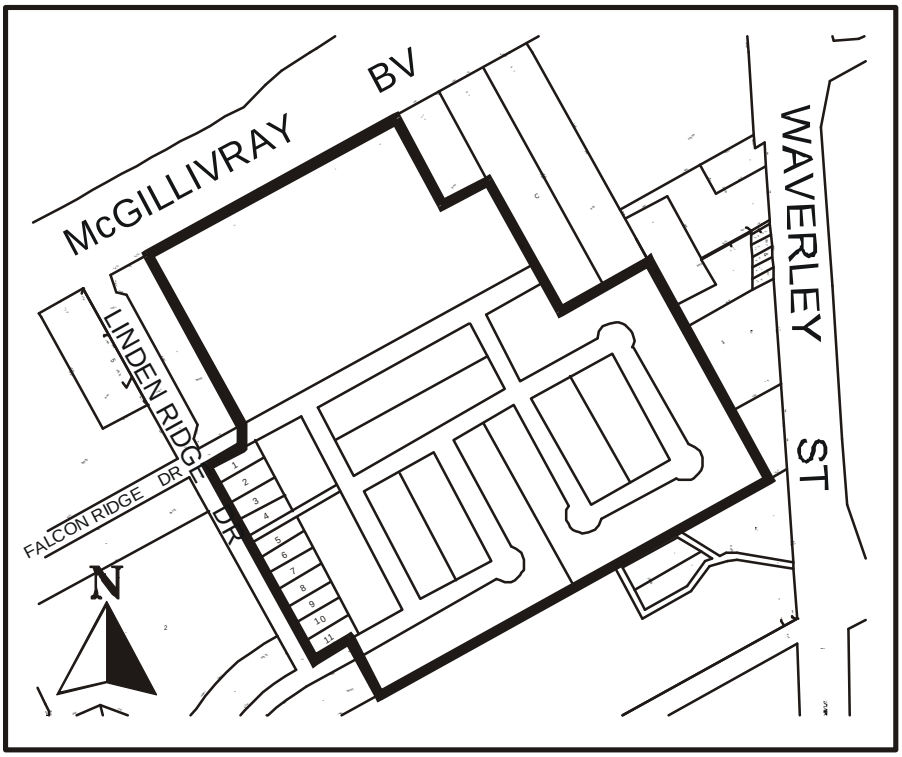
BY-LAW NO. 41/2003

A By-law of THE CITY OF WINNIPEG to approve a Plan of Subdivision and to amend Zoning By-law No. 6400/94 for the enactment of a zoning change on land located east of Linden Ridge Drive and south of McGillivray Boulevard in the CITY CENTRE COMMUNITY.

THE CITY OF WINNIPEG in Council assembled, enacts as follows:

PLAN OF SUBDIVISION

1. Pursuant to Section 259 of The City of Winnipeg Charter Act, the plan of subdivision shown below is hereby approved for preparation as a legal plan of subdivision by a Manitoba Land Surveyor and registration in the Winnipeg Land Titles Office with such minor changes as may be required for that purpose.

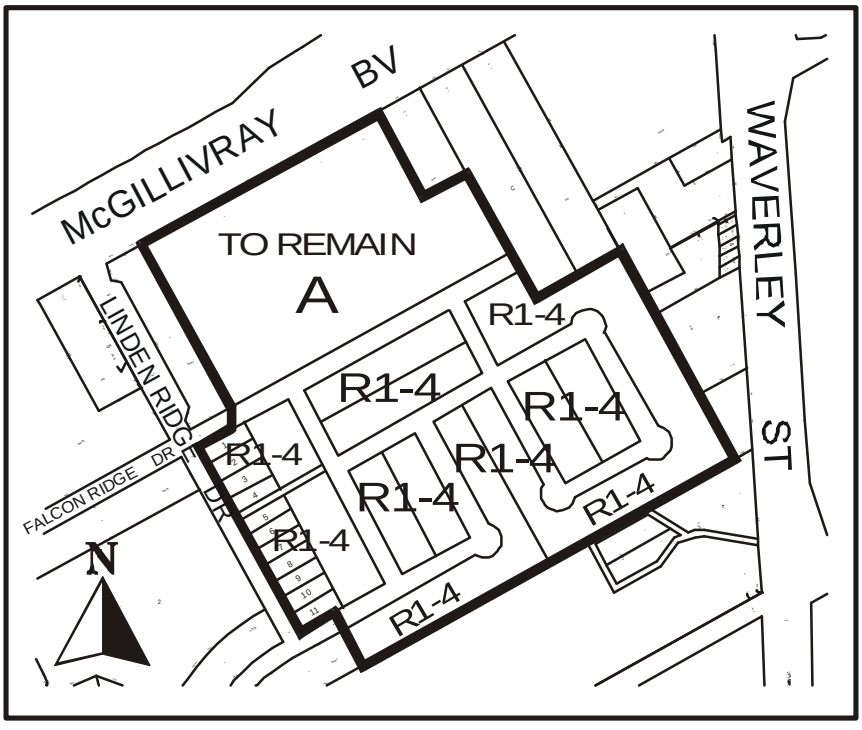

McGILLIVRAY BV
WAVERLEY ST
LINDEN RIDGE DR
FALCON RIDGE DR
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ZONING

2. By-law No. 6400/94, as amended, is hereby further amended as follows:

(a) Notwithstanding anything elsewhere contained in this By-law or shown on the District Map the lands outlined on the Plan included in Clause (b) of this subsection and designated thereon as "A" and an "R1-4" are hereby zoned as "A" AGRICULTURAL DISTRICT and an "R1-4" SINGLE-FAMILY DISTRICT and the District Map shall hereafter be read and construed as shown on that Plan; and

(b) The zoning districts and zoning district boundaries referred to in clause (a) of this subsection are hereby located as shown on the Plan below."



ENACTMENT

3. Section 2 of this By-law shall come into force and effect upon the registration in the Winnipeg Land Titles Office of the plan of subdivision approved by Section 1 of this By-law.

DONE AND PASSED in Council assembled this.....day of ..... A.D. .....

.....
Mayor

.....
City Clerk

Certified as to Planning Details:

.....
for Director of Planning, Property & Development

Certified as to Form:

.....
for City Solicitor

Reference: File No. DASZ 30/02 Atlas Sheet No. AH 21

By-Law No. _____

_____

File No. **DASZ 30/02**

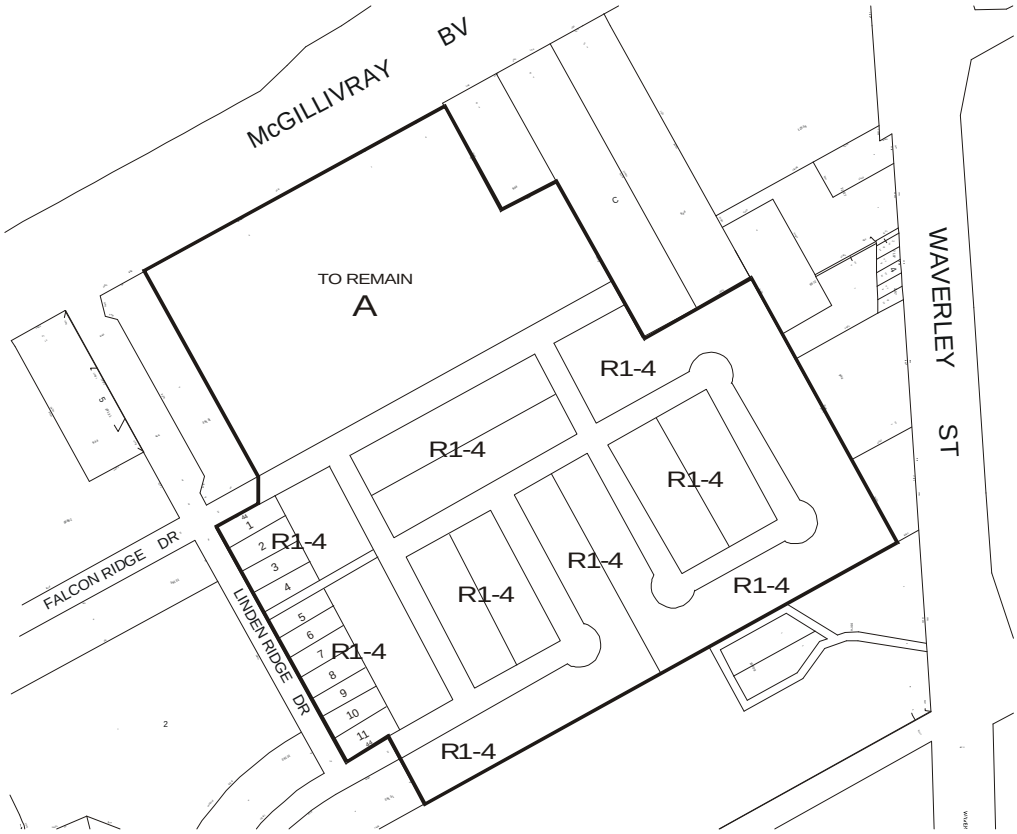
Atlas Sheet No.

N

AH21
ASSINIBOIA
COMMUNITY

Explanation

An application to approve the plan of subdivision shown outlined below and for a proposed zoning change to By-law No. 6400/94 by rezoning the land located on the south side of McGillivray Boulevard, east of Linden Ridge Drive from an "A" AGRICULTURAL DISTRICT, an "M2" INDUSTRIAL DISTRICT and an "R1-4" SINGLE-FAMILY DISTRICT to an "R1-4" SINGLE-FAMILY DISTRICT as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____