Agenda – Council – April 25, 2012

Report – Standing Policy Committee on Property and Development – April 10, 2012

Item No. 2 Subdivision and Rezoning – Southeast corner of Shorehill Drive and John Bruce Road East (St. Boniface Ward) File DASZ 42/2011

STANDING COMMITTEE RECOMMENDATION:

On April 18, 2012, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development, and submits the following to Council:

1. That the plan of subdivision under File DASZ 42/2011 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 42/2011 dated February 14, 2012 with such minor changes as may be required, and 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 February 23, 2012 which is Schedule "B" of this report.

2. That The Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the planned area as shown on Schedule "A" for File DASZ 42/2011 dated February 14, 2012, to an "R1-M" Residential Single Family District.

3. That the City-owned property shown in outline and identified as "Subject City Property" shown on Misc. Plan No. 14074 (Schedule C) be declared as surplus to the City's needs.

4. That the Director of Planning, Property and Development be authorized to negotiate and approve the sale of the "Subject City Property" as shown on Misc. Plan No. 14074 (Schedule C), to the applicant on terms and conditions satisfactory to the Director of Planning, Property and Development and the Director of Legal Services and City Solicitor in order to protect the interests of the City and to achieve the intent of the Standing Policy Committee on Property and Development.

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

Report – Standing Policy Committee on Property and Development – April 10, 2012

6. That in the event the matter is not proceeded with expeditiously and the by-law is not passed within two (2) years 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 the two (2)-year period and Council approves the extension.

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

8. 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.

9. That the zoning section of the by-law shall come into force and effect when the plan of subdivision is registered in the Winnipeg Land Titles Office.

10. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within one (1) 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 an extension of time is applied for prior to the expiry of the one-year period and Council approves the extension.

11. That in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twelve (12) months after adoption of the by-law, 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 twelve (12) month period and the extension is subsequently approved by Council.

12. That the Director of Legal Services and City Solicitor be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

Report – Standing Policy Committee on Property and Development – April 10, 2012

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On April 18, 2012, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development, and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On April 10, 2012, 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 March 6, 2012, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service and forwarded the matter to the Standing Policy Committee on Property and Development.

RE: **Subdivision and Rezoning – Southeast Corner of Shorehill Drive and John Bruce Road East**
File DASZ 42/2011

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

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

Report date: **March 6, 2012**

COMMUNITY COMMITTEE RECOMMENDATION:

On March 5, 2012, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service and recommends to the Standing Policy Committee on Property and Development:

1. That the plan of subdivision under File DASZ 42/2011 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 42/2011 dated February 14, 2012 with such minor changes as may be required, and 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 February 23, 2012 which is Schedule "B" of this report.

2. That The Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the planned area as shown on Schedule "A" for File DASZ 42/2011 dated February 14, 2012, to an "R1-M" Residential Single Family District.

3. That Council declare the City-owned property shown in outline and identified as "Subject City Property" shown on Misc. Plan No. 14074 (Schedule C) as surplus to the City's needs.

4. That the Director of Planning, Property and Development be authorized to negotiate and approve the sale of the "Subject City Property" as shown on Misc. Plan No. 14074 (Schedule C), to the applicant on terms and conditions satisfactory to the Director of Planning, Property and Development and the Director of Legal Services in order to protect the interests of the City and to achieve the intent of the Standing Policy Committee on Property and Development.

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

6. That in the event the matter is not proceeded with expeditiously and the by-law is not passed within two (2) years 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 the two (2)-year period and Council approves the extension.

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

8. 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.

9. That the zoning section of the by-law shall come into force and effect when the plan of subdivision is registered in the Winnipeg Land Titles Office.

10. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within one (1) 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 an extension of time is applied for prior to the expiry of the one-year period and Council approves the extension.

11. That in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twelve (12) months after adoption of the by-law, 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 twelve (12) month period and the extension is subsequently approved by Council.

12. That the Director of Legal Services and City Solicitor 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 February 14, 2012.

PUBLIC HEARING SUMMARY

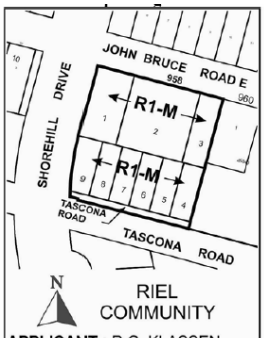
File: DASZ 42/2011

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

Public Hearing: March 5, 2012
Council Chamber
Council Building, 510 Main Street

Applicant: R.G. Klassen Consulting Inc. (Ray Klassen)

Subject:



APPLICANT : R.G. KLASSEN CONSULTING INC.
FILE : DASZ 42/11
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-E" RESIDENTIAL SINGLE-FAMILY (Estate) DISTRICT to an "R1-M" RESIDENTIAL SINGLE-FAMILY (Medium) DISTRICT to allow for the creation of sites for future residential development. **For information, phone Mr. R. Kostiuk, Planner, at 986-7367.**
DEMANDEUR : R.G. KLASSEN CONSULTING INC.
N° DE RÉFÉRENCE : DALZ 42/11
PROJET : Demande d'approbation par le Conseil du plan de lotissement relatif aux sols délinéés ci-dessus et proposition de modification du Règlement municipal n° 200/06 visant à changer le zonage des sols délinéés ci-dessus qui passeraient de la catégorie R1-E (SECTEUR D'HABITATIONS UNIFAMILIALES DOMANIALES) à la catégorie R1-M (SECTEUR D'HABITATIONS UNIFAMILIALES MOYENNES), en vue de permettre la création de lots résidentiels à bâtir. **Pour plus de renseignements, veuillez communiquer avec M. R. Kostiuk, urbaniste, au 986-7367.**

Premises Affected:	Southeast Corner of Shorehill Drive and John Bruce Road East

Exhibits Filed:

1. Application dated December 1, 2011
2. Notification of Public Hearing dated January 13, 2012
3. Manitoba Status of Titles 1187158, 1187159, 1983110 and 2303719

4a. Letter of authorization dated April 29, 2011, from Andre H. Larochelle and Lucille LaRochelle to Waterside Development Corporation or its Nominee

4b. Letter of authorization dated November 9, 2011, from The City of Winnipeg, to Waterside Development Corporation

4c. Letter of authorization dated November 7, 2011, from Waterside Development Corporation to Ray Klassen (R.G. Klassen Consulting Inc.)

5. Plans (2 pages)
6. Report from the Planning and Land Use Division dated February 14, 2012
7. Inspection Report
8. Audio Recording of representations

REPRESENTATIONS:

In Support:

Ray Klassen

In Opposition

John Rodrigues

For the City:

Kim Raban, Land Development Administrator, Planning, Property and Development Department
Robert Kostiuk, Planner, Planning, Property and Development Department

Exhibit "6" referred to in File DASZ 42//2011

ADMINISTRATIVE REPORT

Title: DASZ 42/2011 – SE Shorehill and John Bruce Road East Public Hearing

Issue: For consideration at the Public Hearing for the creation of nine (9) single-family residential lots zoned "R1-M" Residential Single-Family Medium.

Critical Path: Riel Community Committee – Standing Policy Committee on Property and Development – Executive Policy Committee – Council as per the *Development Procedures By-law* and *The City of Winnipeg Charter*.

AUTHORIZATION

Author	Department Head	CFO	CAO
P. Regan	N/A	N/A	

RECOMMENDATIONS

1. That the plan of subdivision proposed under File DASZ 42/2011 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 42/2011 dated February 14, 2012 with such minor changes as may be required, and 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 February 23, 2012 which is Schedule "B" of this report.

2. That The Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the planned area as shown on Schedule "A" for File DASZ 42/2011 dated February 14, 2012, to an "R1-M" Residential Single Family District.

3. That Council declare the City-owned property shown in outline and identified as "Subject City Property" shown on Misc. Plan No. 14074 (Schedule C) as surplus to the City's needs.

4. That the Director of Planning, Property and Development be authorized to negotiate and approve the sale of the "Subject City Property" as shown on Misc. Plan No. 14074 (Schedule C), to the applicant on terms and conditions satisfactory to the Director of Planning, Property and Development and the Director of Legal Services in order to protect the interests of the City and to achieve the intent of the Standing Policy Committee on Property and Development.

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

6. That in the event the matter is not proceeded with expeditiously and the by-law is not passed within two (2) years 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 the two (2)-year period and Council approves the extension.

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11. That in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twelve (12) months after adoption of the by-law, 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 twelve (12) month period and the extension is subsequently approved by Council.

12. That the Director of Legal Services and City Solicitor be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

REASON FOR THE REPORT

- The applicant is proposing to rezone the site from “R1-E” Residential Single-Family Estate to “R1-M” Residential Single-Family Medium and subdivide the land into a total of nine (9) single-family residential lots.
- The proposed lots will range from approximately 4,424 square feet to 17,867 square feet in area and will range in width from 38.5 feet to 51 feet.
- The subject subdivision and rezoning includes 7,122 square feet of City-owned land (see Schedule “C” of this report).
- Subdivisions and rezonings require a Public Hearing as per the *Development Procedures By-law* and *The City of Winnipeg Charter.*
- The Report is being submitted for the Committee’s consideration of the development application at the Public Hearing.

IMPLICATIONS OF THE RECOMMENDATIONS

- If the recommendations of the Urban Planning Division are concurred in, the subject site will be subdivided into nine (9) residential lots zoned R1-M.
- The recommendations of the Urban Planning Division will also facilitate the sale of City-owned land as shown on Misc. Plan No. 14074 (see Schedule C of this report).

HISTORY

- N/A

CONSULTATION

In preparing this report there was consultation with: N/A

SUBMITTED BY

Department	Planning, Property and Development
Division	Urban Planning
Prepared by:	Robert Kostiuk
Date:	February 14, 2012
File No.	DASZ 42/2011

List of Schedules and Attachments

1. Appendix A — Planning Discussion
2. Schedule “A” — Recommended File No. DASZ 42/2011 Riel Community Committee, dated February 14, 2012.
3. Schedule “B” — Report of the Administrative Coordinating Group
4. Schedule “C” — Miscellaneous Plan No. 14074

APPENDIX 'A'

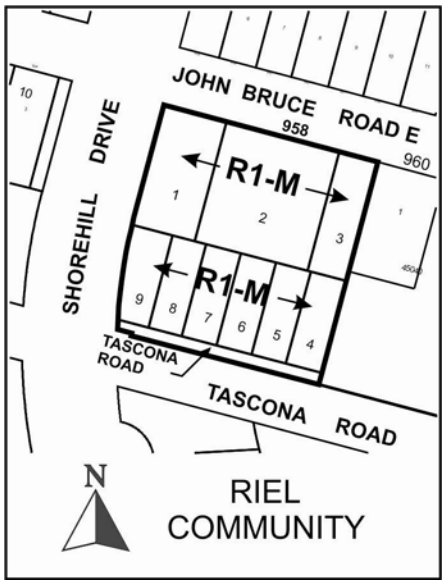
DATE: February 14, 2012

FILE: DASZ 42/2011
RELATED FILES: DAV 11-178614/D (c/r),

COMMUNITY: Riel
NEIGHBOURHOOD #: 5.555

SUBJECT: To rezone the land from "R1-E" Residential Single-Family Estate to "R1-M" Residential Single-Family Medium in order to create nine (9) residential lots intended for detached single-family residential development.

LOCATION: 958 John Bruce RD E
LEGAL DESCRIPTION: LOT 12/13 PLAN 12000 122 ST B



APPLICANT: Ray Klassen (R.G. Klassen Consulting Inc.)
1430 MCCREARY RD
1430 MCCREARY RD WINNIPEG MB R3P 0M7

OWNER: ANDRE H & LUCILLE A LAROCHELLE
958 JOHN BRUCE RD E
WINNIPEG MB R3X 1Y5

City of Winnipeg

RECOMMENDATION: Approval

REPORT SUMMARY

- The applicant is proposing to rezone the site from “R1-E” Residential Single-Family Estate to “R1-M” Residential Single-Family Medium and subdivide the land into a total of nine (9) single-family residential lots.
- The proposed lots will range from approximately 4,424 square feet to 17,867 square feet in area and will range in width from 38.5 feet to 51 feet.
- The subject subdivision and rezoning includes 7,122 square feet of City-owned land (see Schedule “C” of this report).
- The Urban Planning Division recommends supporting this application.

SITE DESCRIPTION

- The subject site is located on the east side of Shorehill Drive between John Bruce Road East and Tascona Road in the Royalwood neighbourhood of the St. Boniface Ward.
- The site is comprised of two parcels: 958 John Bruce Road East, which is approximately 1.2 acres in area; and, a vacant City-owned parcel that is approximately 7,122 square feet in area (see Schedule “C” of this report). Combined, the site is approximately **59,394 square feet (1.36 acres) in area.**
- The City of Winnipeg Real Estate Department has provided a letter of authorization to include the City-owned land in the application.
- There is a one-storey detached home and a detached garage located on 958 John Bruce Road East. The home has a footprint of about 1,100 square feet and was built in 1967. The home and detached garage will remain on the site on Lot 2 of the proposed subdivision.
- The site is located within the Areas of Stability – Recent Communities Policy Area under the Complete Communities Direction Strategy and is zoned “R1-E” Residential Single-Family Estate.

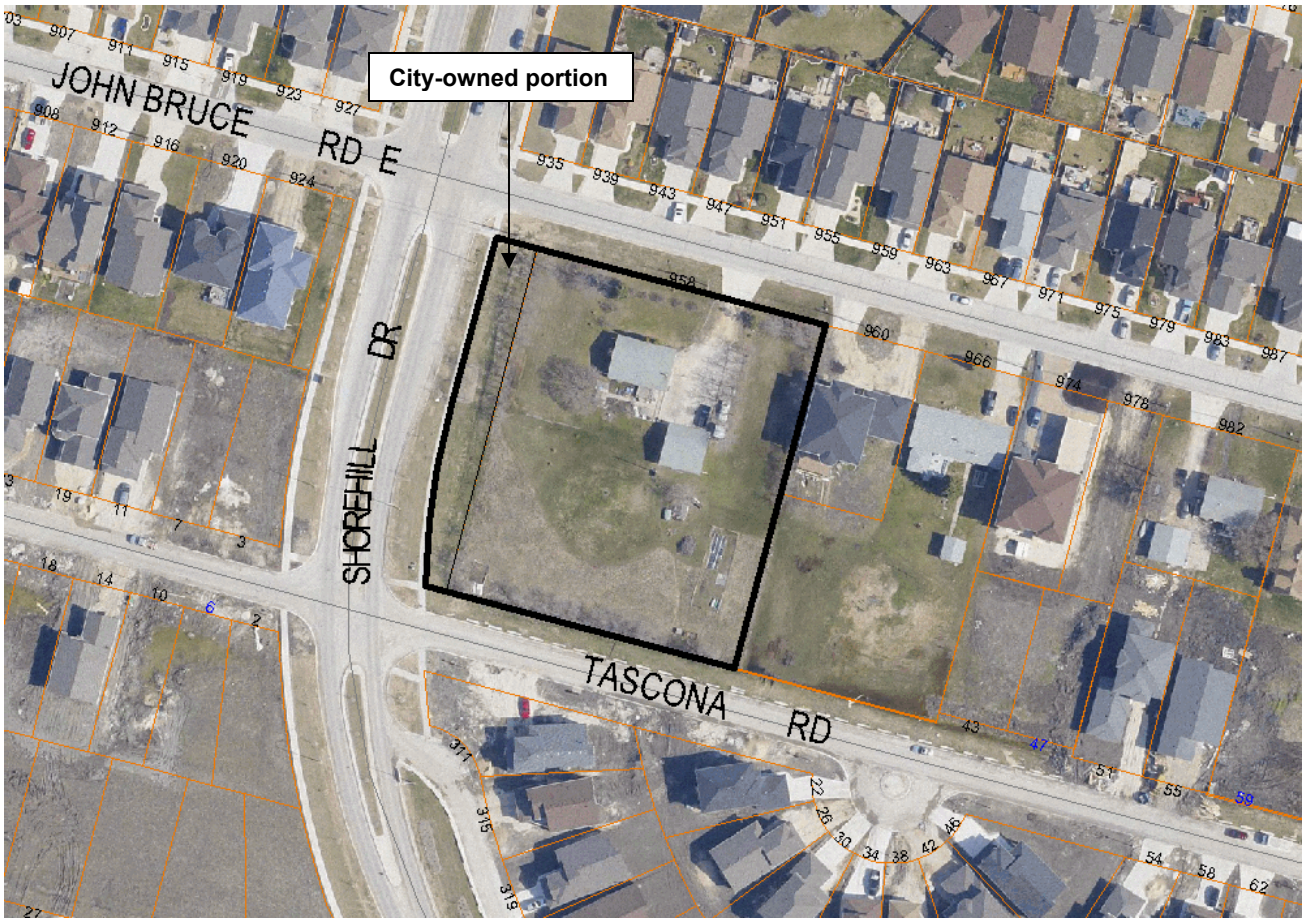


Figure 1: Aerial photograph showing approximate area of the subject site and surrounding area (2009)

SURROUNDING LAND USES AND ZONING (See Figure 2)

North: Detached single-family homes zoned R1-M.

South: Detached single-family homes zoned R1-M.

East: Detached single-family homes zoned R1-E.

West: Shorehill Drive and detached single-family homes zoned R1-M and R1-E.

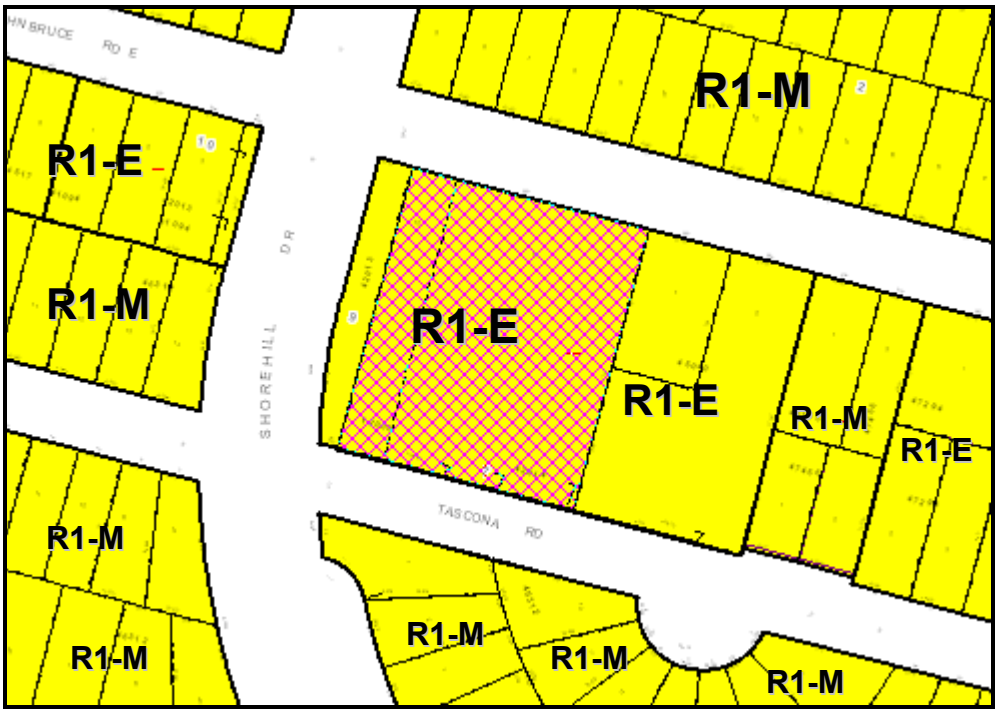


Figure 2: Zoning of the site and surrounding area.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant is proposing to rezone the site from "R1-E" Residential Single-Family Estate to "R1-M" Residential Single-Family Medium and subdivide the land into a total of nine (9) single-family residential lots.
- The proposed lots will range from approximately 4,424 square feet to 17,867 square feet in area and will range in width from 38.5 feet to 51 feet (see chart below).

Proposed Lot	Approximate Lot Width (feet)	Approximate Lot Area (square feet)
1	71	9,301
2	129	17,867
3	43	5,955
4	40	4,602
5	40	4,602
6	40	4,602
7	40	4,602
8	38.5	4,427
9	39.8	4,595

- Proposed Lots 1 to 3 will front onto John Bruce Road East and proposed Lots 4-9 will front onto Tascona Road.
- The dwelling and detached garage located at 958 John Bruce Road East will remain on proposed Lot 2.
- The City-owned land will be used to form parts of Lots 1 and 9.

- A variance application (DAV 11-178614/D) for lot area and lot width is required in association with the subject rezoning and subdivision application (see Land Use By-Law – Variances section of this report).

ANALYSIS AND ISSUES

COMPLETE COMMUNITIES DIRECTION STRATEGY

- Under the *Complete Communities Direction Strategy* the proposed development is within the Areas of Stability – Recent Communities policy area. Key relevant policies guiding development within Areas of Stability include:
    - Support low to moderate change in low-density neighbourhoods through development and redevelopment that is complimentary to the existing scale, character and built form.
    - Promote the form of buildings and spaces that are sensitive to the community context and address the transition between new and existing developments.
    - Support the subdivision of a parcel of land into two or more lots when it is done in a context sensitive manner.

ZONING

"R1-E" Residential Single-Family Estate District

- The R1-E district requires: a minimum lot width of 25 feet, a minimum lot area of 20,000 square feet, side yards of 15 feet, a front yard of 30 feet, and a rear yard of 25 feet. The maximum building height is 35 feet and the maximum lot coverage is 30 percent.

"R1-M" Residential Single-Family Medium District

- The R1-M district requires: a minimum lot width of 25 feet, a minimum lot area of 3,500 square feet, side yards of 4 feet, a front yard of 15 feet, and a rear yard of 25 feet. The maximum building height is 35 feet and the maximum lot coverage is 45%.

LAND USE BY-LAW

Rezoning

- Under the current zoning, R1-E, the applicant would not be able to create proposed Lots 1 to 9 because the minimum lot area requirement within the R1-E zoning district is 20,000 square feet. The applicant is proposing to rezone to R1-M, which requires minimum lot areas of 3,500 square feet and can accommodate all of the proposed lots.

Variances

- The proposed development does not meet the Special Boundary Conditions of Zoning By-Law No. 200/2006. Section 138 of Zoning By-law No. 200/06 prescribes Special Boundary Conditions pertaining to the subdivision of land. If an undeveloped parcel of land is located in the R1 or R2 zoning districts, or proposed for rezoning to the R1 or R2 zoning districts, and abuts an existing R1 or R2 zoning district, or is separated from an R1 or R2 zoning district by a street right-of-way, railroad right-of-way, or waterway, the undeveloped parcel must not be subdivided unless the width/square footage of the proposed lot(s) within 200 feet (measured from the edges of the proposed subdivision) of the adjacent R1 or R2 zoning district is not less

than the average lot width/square footage of existing developed lots in residential use in the adjacent R1 or R2 areas along such shared boundary, but in no case may be less than 35 feet.

- The average lot width and lot areas of existing developed lots in the adjacent R1 and R2 zoned properties within 200 feet of the subject site are:
    - lot widths of 58.5 feet, and
    - lot areas of 8,058 square feet.
- The proposed lot width and area of:
    - Lot 3 (which fronts onto John Bruce Road East) is 43 feet and 5,955 square feet respectively;
    - Lots 4-7 (which front onto Tascona Road) are 40 feet and 4,602 square feet respectively;
    - Lot 8 (which fronts onto Tascona Road) is 38.5 feet and 4,427 square feet respectively; and,
    - Lot 9 (which fronts onto Tascona Road) is 39.8 feet and 4,595 square feet respectively
- As such, Lots 3-9 do not meet the special boundary conditions for both lot width and lot area and require variances.

COMPATIBILITY WITH THE SURROUNDING NEIGHBOURHOOD

- The subject site was among the few properties located along Tascona Road that were not included in the subdivision and rezoning for Royalwood under DASZ 19/2000 (see Figure 3). The property was also excluded from the first phase of development for Royalwood (under file DASZ 5/1990), where John Bruce Road East formed the southern boundary of that phase.
- In the past year alone, several large properties near the subject site have been rezoned and subdivided into smaller lots that conform better to the neighbourhood as it exists today through the development of Royalwood. Specifically, under DASZ 30/2010 and DASZ 12/2011 about 5.5 acres of land has been rezoned and subdivided into a total of twenty-eight (28) lots along John Bruce Road East and Tascona Road, east of Shorehill Drive.

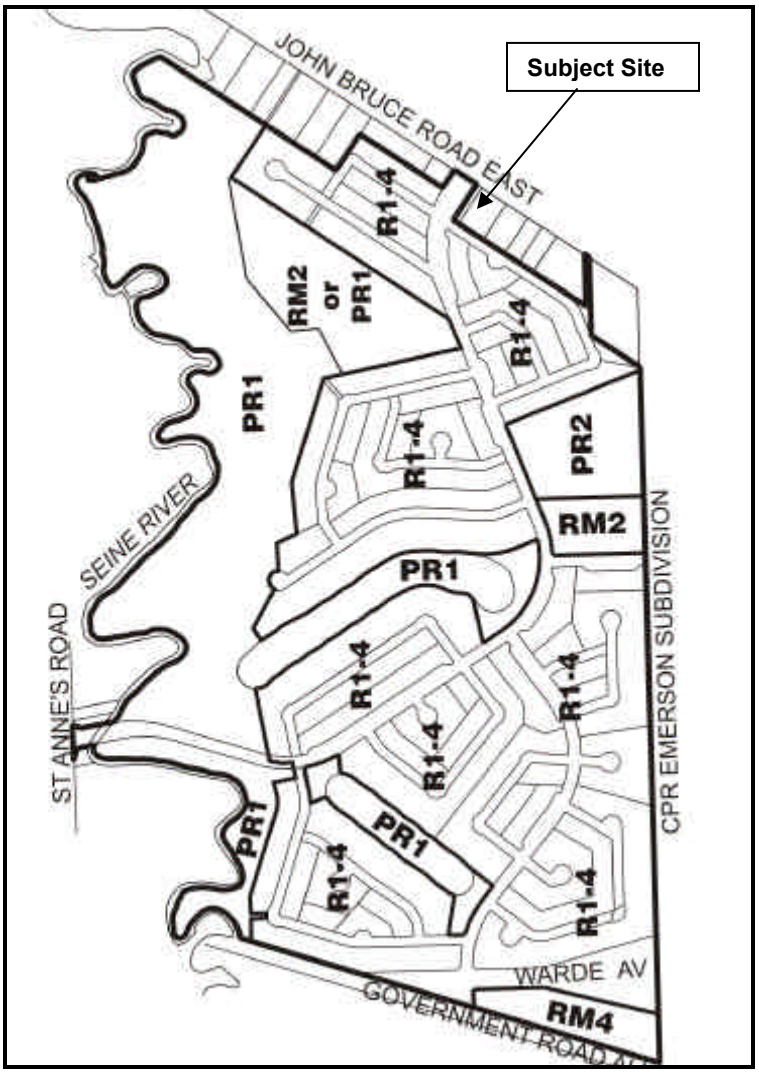


Figure 3: Subject site in relation to DASZ 19/2000 (Royalwood)

- The proposed lots range in area from approximately 4,424 square feet to 17,867 square feet and in width from 38.5 feet to 51 feet. By comparison, many of the lots along Tascona Road and John Bruce Road East near the subject site have lot widths of approximately 42 feet and lot areas that range between approximately 4,700 square feet to 6,000 square feet in area. The majority of the proposed lots are at least 40 feet wide and 4,600 square feet in area, which is virtually the same as most existing lots on Tascona Road and John Bruce Road East near the subject site.
- Many of the proposed lots require variances due to not meeting the special boundary conditions of the Zoning By-law. The average lot width of 58.5 feet and lot area of 8,058 square feet calculation of the special boundary condition can be misleading due to the fact that this calculation includes 960, and, most notably, 966 John Bruce Road East. Both of these lots are much larger than most lots in the surrounding vicinity that were created through the Royalwood subdivisions. In fact, at 28,650 square feet in area, 966 John Bruce Road is one of the largest single-family-zoned properties in Royalwood. Excluding these exceptionally large lots from the special boundaries

calculation would significantly reduce the average lot width and lot area calculation and would show that the lot sizes proposed are not much different than the majority of developed lots in the surrounding area.

- It should be noted that due to the 2 metre road widening for Tascona Road required in Section 1 of the Report of the ACG (Schedule "B"), the proposed lots along Tascona Road will be further reduced in size. The requirement for the road widening was identified after the subject application was processed. The street widening will not affect the conformity with the variance or Zoning By-Law for the proposed lots along Tascona Road as per Section 35(2) of the Zoning By-Law:

  If a lot having a lesser width and/or area than that required by this By-law is created by expropriation or street-widening or other land acquisition from the owner of the lot by the City and the non-conformity is due to no other cause, the lot is deemed to comply with this By-law and a building or structure may be erected, altered or repaired and used on the lot provided that it conforms to all other requirements of this By-law..

LAND DEDICATION

- Land dedication for this application is identified in the Report of the ACG (see Schedule B, Section 11).

RECOMMENDATION

The Urban Planning Division recommends **approval** for the following reasons:

- The proposed rezoning and subdivision application is consistent with the Complete Communities Direction Strategy.
- The applicant is proposing to create lots intended for the development of detached single-family residences in an area surrounded by detached single-family residences.
- The proposed lots are similar in size to most of the existing single-family lots in the surrounding area.

This Report Submitted by:
Planning, Property and Development Department
Urban Planning Division

Report Prepared By: Robert Kostiuk, MCIP
PPD File # DASZ 42/2011

Schedule "A" for File No. DASZ 42/2011, Riel Community Committee, dated February 14, 2012

By-Law No. _____

File No. **DASZ 42/11**

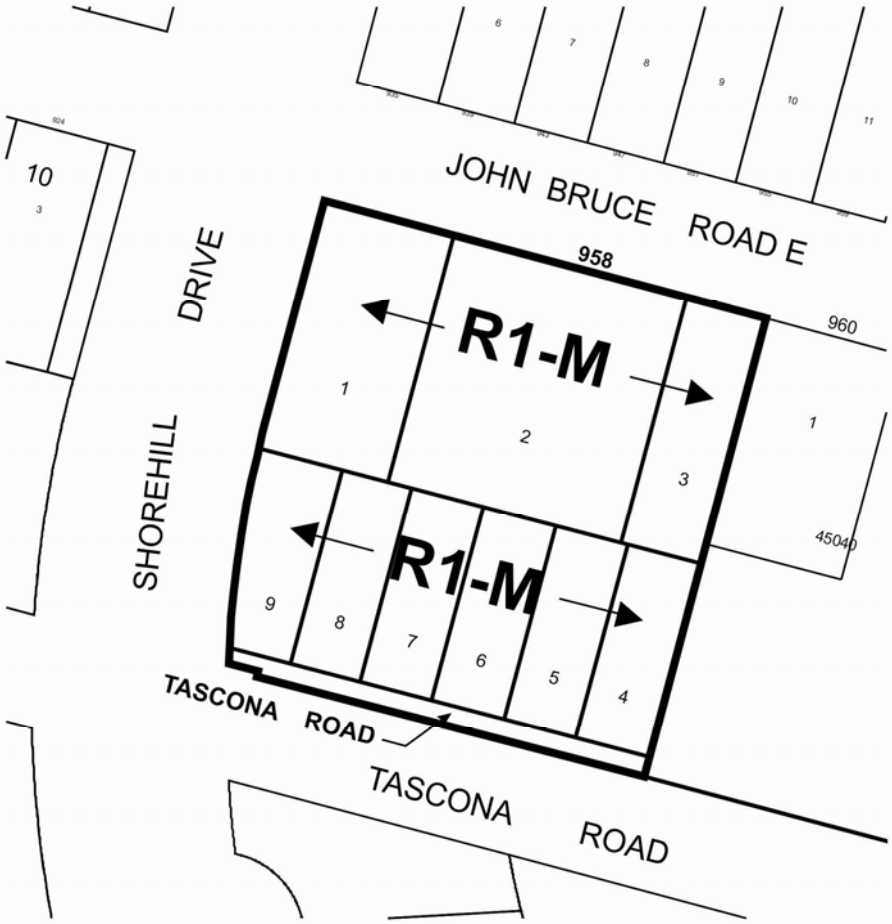
Atlas Sheet No.

N

AG29
RIEL
COMMUNITY

Explanation

An application for the approval of the plan of subdivision shown outlined below and for a proposed zoning change to By-law No. 200/2006 by rezoning the land located at 958 John Bruce Road from an "R1-E" RESIDENTIAL SINGLE-FAMILY (Estate) DISTRICT to an "R1-M" RESIDENTIAL SINGLE-FAMILY (Medium) DISTRICT to allow for the creation of sites for future residential development as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

SCHEDULE B

REPORT OF THE ADMINISTRATIVE CO-ORDINATING GROUP – FEB. 23, 2012

RE: PROPOSED SUBDIVISION AND REZONING OF LAND LOCATED AT 958 JOHN BRUCE ROAD EAST – DASZ 42/2011

It is recommended that the approval of DASZ 42/2011, if granted, be subject to the applicant entering into a Servicing Agreement with the City of Winnipeg, containing the following conditions:

1. The Developer shall transfer and legally open property required for a 2.0 metre widening to the Tascona Road right-of-way for the full length of the subject property abutting Tascona Road, as determined by, and to the satisfaction of the Director of Public Works. The 2.0 metre widening is required to accommodate the oversized land drainage sewer installed in Tascona Road and is consistent with similar widenings obtained from properties to the east.

2. The Developer shall pay its share of the cost of services previously installed or to be installed by others in John Bruce Road East abutting the Planned Area, as determined by the Director of Public Works and the Director of Water and Waste.

3. The Developer shall pay its share of the cost of services previously installed or to be installed by others in Tascona Road abutting the Planned Area, as determined by the Director of Public Works and the Director of Water and Waste.

4. The Developer shall, subject to appropriate flankage allowances, pay its share of the cost of services previously installed or to be installed by others in Shorehill Drive abutting the Planned Area, as determined by the Director of Public Works and the Director of Water and Waste.

5. The Developer shall, at no expense to the City, construct and install wastewater and water building service connections from the wastewater sewer and watermain in the street to the property line and beyond as necessary, to service all lots within the Planned Area, as determined by, and to the satisfaction of, the Director of Water and Waste.

    i. The Developer shall ensure that each sewer service remains plugged, from its time of installation until the foundation excavation has been backfilled and the roof of the dwelling has been sheathed, after which the house sewer may be connected. The Developer hereby indemnifies the City against all actions, claims, demands, damages, losses, and costs, including legal and court costs, suffered or incurred by the City arising out of any failure to do so.

    ii. The Developer shall replace or repair any water or sewer service found to be defective within one year following the date the water is turned on for domestic use, and shall pay the City any cost incurred by the City arising out of any such defect.

6. The Developer shall, at no expense to the City, provide a lot grading plan, prepared by a municipal engineer, for the Planned Area, and construct all drainage works necessitated by the design.

7. The Developer shall, at no expense to the City, construct all swales, catchbasins, and leads required to provide lot drainage prior to the issuance of building permits.

8. The Developer shall, at no expense to the City, provide all easements with respect to the installation, maintenance, and replacement of swales, catchbasins, and leads for lot drainage upon registration of the approved subdivision mylars in the Land Titles Office.

9. The Developer shall, at no expense to the City, sod, and plant trees on, all boulevards fronting the Planned Area, all in accordance with City specifications and guidelines and, where required, with concept plans prepared by the Developer and submitted to, and approved by, the Director of Public Works.

10. The Developer shall, at no expense to the City, maintain the boulevard improvements for one year, in accordance with specifications approved by the Director of Public Works.

11. In lieu of dedication of land for public open space, the Developer shall pay to the City, prior to the release of the subdivision mylars for registration in the Land Titles Office, 8% of the appraised increase in value of the land plus the cost of landscaping and services which it would have contributed to the City if public open space had been dedicated.

12. Following completion of all major construction works, the Developer shall, at its cost, have the locations of the survey monuments verified and, where the survey monuments have been disturbed, moved, covered, mutilated, or destroyed, have them replaced by a Manitoba Land Surveyor, who shall provide the Director of Planning, Property and Development with a certificate that all survey monuments within the Planned Area have been verified and/or replaced.

13. The Developer shall pay the full cost of engineering services provided by or on behalf of the City in connection with the installation of, and provision of as-built drawings by March 31 of the year following substantial performance showing, the services required to serve the Planned Area.

14. The Developer shall pay to the city, prior to the release of the subdivision mylars for registration in the Land Titles Office, $1,200.00 plus GST per acre of the Planned Area (minimum $1,650.00), 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. DASZ 42/11

February 23, 2012

_____
Land Development Branch
Planning, Property & Development Department

_____
R.J. Hartmann, P. Eng.
Public Works Department, Transportation Division

_____
F.C. Mazur, P. Eng.
Water & Waste Department

/ktr

Schedule "C" **Misc. Plan No. 14074**

