Report - Standing Policy Committee on Property and Development - May 6, 2003

Minute No. 415
Item No. 1 Request for Extension of Time - Subdivision of land located on the north side of McIvor Avenue, east of Ranch Road
File DAS 28/2000

COUNCIL DECISION:

Council concurred in the recommendation of the Standing Policy Committee on Property and Development and adopted the following:

1. That the time limit for the enactment of the subdivision by-law for DAS 28/2000 approved by Council April 25, 2001 be extended to April 25, 2004.

2. A. That registration of the plan approved by Council may be effectuated in two phases. Phase I would be registered pursuant to the enactment of a subdivision by-law covering the most easterly 2.9 acres and Phase II pursuant to a short-form subdivision (DASSF) covering the most easterly 0.65 acres.

   B. That in the event the plan of subdivision approved under DAS 28/2000 is registered in two phases, the following conditions be added to the Administrative Coordinating Group's report dated February 13, 2001 which report forms the basis of the Development Agreement referred to in Recommendation I.A. of Council's approval of DAS 28/2000 on April 25, 2001:

      i. All portions of the lots proposed on the Shmigelsky land that lie within the Shkrumeda land be transferred to the City for $1.00 for subsequent transfer to the developer of the Shmigelsky land;

      ii. No building permit be issued for proposed Lot 9 until the triangular parcel from the Shmigelsky land is available. (The City would obtain ownership of this triangular parcel for $1.00 when the Shmigelsky land is developed and transferred to the developer of the Shkrumeda land.)

      iii. The City shall collect the cost of services installed within the new cul-de-sac from the developer of the Shmigelsky land.

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DECISION MAKING HISTORY:

Moved by Councillor Vandal,

That the recommendation of the Standing Policy Committee on Property and Development be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On May 21, 2003, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the East Kildonan-Transcona Community Committee, and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On May 6, 2003, the Standing Policy Committee on Property and Development concurred in the recommendation of the East Kildonan-Transcona Community Committee, and submitted its recommendation to Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On April 22, 2003, the East Kildonan-Transcona Community Committee concurred in the administrative recommendation, and submitted its recommendation to the Standing Policy Committee on Property and Development.

COUNCIL:

On April 25, 2001, Council adopted the following:

I. That the plan of subdivision proposed under File DAS 28/2000 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "B" for File DAS 28/2000 dated February 20, 2001, for 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 February 13, 2001, with the following amendment:

      1. That the turn-around be permitted with a radius of 15 metres.

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DECISION MAKING HISTORY (continued):

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

III. 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.

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

V. 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.

VI. 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.

VII. 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.

Re: Proposed subdivision of land located on the north side of McIvor Avenue, east of Ranch Road – DAS 28/2000

FOR SUBMISSION TO THE CHAIRPERSON AND MEMBERS OF THE EAST KILDONAN-TRANSCONA COMMUNITY COMMITTEE

"Original signed by E.L. Carrière"

E.L. Carrière, P.Eng.
Land Development Engineer

March 28, 2003

Re: Proposed subdivision of land located on the north side of McIvor Avenue, east of Ranch Road – DAS 28/00

At its meeting held on April 25, 2001, Council approved DAS 28/00 being an application to subdivide land located on the north side of McIvor Avenue, east of Ranch Road subject to a number of conditions including:

"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."

To date the by-law has not been enacted and the 24 month time limit expires on April 25, 2003.

The land covered by DAS 28/00 was under option by Sanderson & Associates Inc. who made the application to subdivide the land. The easterly portion of DAS 28/00 comprising approximately 2.9 acres is owned by Stephanie Shkrumeda while the westerly portion comprising approximately 0.67 acres is owned by Robert Shmigelsky. Sanderson & Associates' options have lapsed and the land has now been conditionally sold to two new parties…the easterly portion to Arlt Homes Ltd. and the westerly portion to Mr. Henry Pauls. Although the two new parties have not agreed to develop the subject land as a joint venture, it is feasible to develop the land in accordance with the plan approved under DAS 28/00. This can be accomplished by:

1. The City enacting a subdivision by-law covering the easterly portion of the land,

2. Arlt Homes registering the plan of subdivision and servicing the easterly portion of the land, and

3. Henry Pauls later paying his share of the cost of the services installed by Arlt Homes as determined by the City. (Henry Pauls would be able to proceed with a short-form subdivision (DASSF) as no new street rights-of-way are required.)

Attached is a copy of Schedule "B" of Council's approval of DAS 28/00 which shows the approved plan of subdivision and also shows the ownership of the land.

It is therefore recommended that:

1. The time limit for the enactment of the subdivision by-law for DAS 28/00 approved by Council April 25, 2001 be extended to April 25, 2004.

2. a) Registration of the plan approved by Council may be effectuated in two phases. Phase I would be registered pursuant to the enactment of a subdivision by-law covering the most easterly 2.9 acres and Phase II pursuant to a short-form subdivision (DASSF) covering the most easterly 0.65 acres.

b) In the event the plan of subdivision approved under DAS 28/00 is registered in two phases, the following conditions be added to the Administrative Coordinating Group's report dated February 13, 2001 which report forms the basis of the Development Agreement referred to in Recommendation I.A. of Council's approval of DAS 28/00 on April 25, 2001:

a) All portions of the lots proposed on the Shmigelsky land that lie within the Shkrumeda land be transferred to the City for $1.00 for subsequent transfer to the developer of the Shmigelsky land;
b) No building permit be issued for proposed Lot 9 until the triangular parcel from the Shmigelsky land is available. (The City would obtain ownership of this triangular parcel for $1.00 when the Shmigelsky land is developed and transferred to the developer of the Shkrumeda land.)
c) The City shall collect the cost of services installed within the new cul-de-sac from the developer of the Shmigelsky land.

THIS REPORT SUBMITTED BY:

E.L. Carrière, P.Eng.
Land Development Engineer
File No. AG 28/00
March 28, 2003

Enclosure

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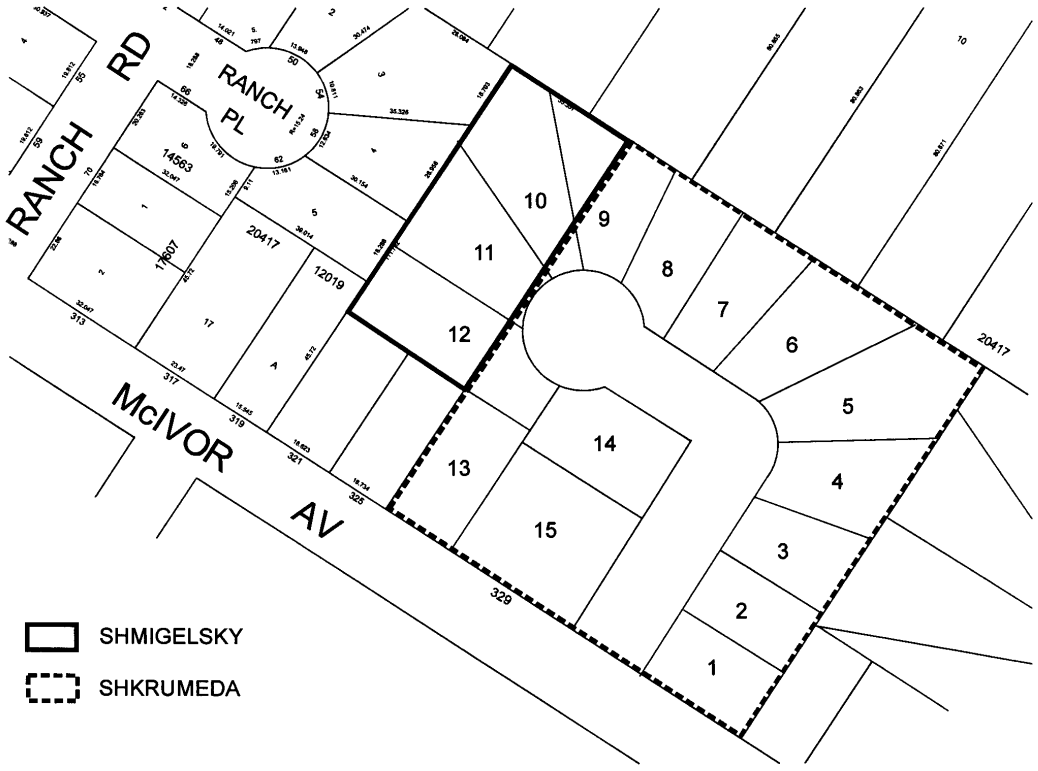
Schedule "B" referred to in Clause 3 of the Report of the Standing Policy Committee on Property and Development dated April 3, 2001

By-Law No. _____	File No. **DAS 28/02**
Atlas Sheet No. **T30** N **EAST KILDONAN TRANSCONA COMMUNITY**	Explanation An application for the approval of the plan of subdivision shown outlined below.



SCHEDULE "B" FOR DAS 28/00
EAST KILDONAN / TRANSCONA
COMMUNITY COMMITTEE
FEBRUARY 20, 2001

THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____