Minute No. 471
Report - Standing Policy Committee on Property and Development - June 3, 2003

Item No. 4 **Proposed Subdivision and Rezoning - East of Sioux Road, north of Kosty Lane**
File DASZ 3/2003 [c/r DAV 132/2003D]

COUNCIL DECISION:

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

1. That the plan of subdivision proposed under File DASZ 3/2003 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule " A" for File DASZ 3/2003 dated April 27, 2003, 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 April 23, 2003, with the following amendments:

      i. That Clause 1 a) be deleted in its entirety and replaced with the following:

         1 a) The Developer shall, at no expense to the City, construct asphaltic concrete roadways in all streets within the proposed subdivision, except in Halparin Road in which the Developer shall construct the earth work only, in accordance with "RR-2" standards i.e. 24' asphalt traveling surface with 5' shoulders on each side.

      ii. That Clause 1 b) be deleted in its entirety and replaced with the following:

         1 b) The Developer shall pay its share of oiling and grading the Sioux Road roadway abutting the proposed subdivision as determined by the Director of Public Works. The 2003 rate therefor is $20.00/foot.

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 3/2003 dated April 6, 2003, to an " RR-2" Residential District.

Report - Standing Policy Committee on Property and Development - June 3, 2003

COUNCIL DECISION (continued)

4. 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 an extension of this time is applied for prior to the expiry of this twenty-four (24) month period and the extension is subsequently approved by Council.

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.

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.

8. That the Plan of Subdivision shall be approved and signed by the Director of Planning, Property and Development within twenty-four (24) months 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 an extension of this time is applied for prior to the expiry of this twenty-four (24) month period and the extension is subsequently approved by Council.

Report - Standing Policy Committee on Property and Development - June 3, 2003

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 June 18, 2003 the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the Riel Community Committee, as amended, and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On June 3, 2003, the Standing Policy Committee on Property and Development concurred in the recommendation of the Riel Community Committee, as amended, namely:

- Recommendation 4:
  Delete the words “Council extends that time” and replace them with “an extension of this time is applied for prior to the expiry of this twenty-four (24) month period and the extension is subsequently approved by Council”

- Recommendation 8:
  Delete the words “two (2) years” and replace them with “twenty-four (24) months”

- Recommendation 9:
  Delete the words “Council extends that time” and replace them with “an extension of this time is applied for prior to the expiry of this twenty-four (24) month period and the extension is subsequently approved by Council”

and submitted its recommendation to Executive Policy Committee and Council.

Report - Standing Policy Committee on Property and Development - June 3, 2003

DECISION MAKING HISTORY (continued):

COMMUNITY COMMITTEE RECOMMENDATION:

On May 5, 2003, the Riel Community Committee concurred in the administrative recommendation as amended, namely:

- Amend Recommendation 1. A. by adding the following after "dated April 23, 2003":

  "with the following amendments:

  i. That Clause1 a) be deleted in its entirety and replaced with the following:

     1 a) The Developer shall, at no expense to the City, construct asphaltic concrete roadways in all streets within the proposed subdivision, except in Halparin Road in which the Developer shall construct the earth work only, in accordance with "RR-2" standards i.e. 24' asphalt traveling surface with 5' shoulders on each side.

  ii. That Clause 1 b) be deleted in its entirety and replaced with the following:

     1 b) The Developer shall pay its share of oiling and grading the Sioux Road roadway abutting the proposed subdivision as determined by the Director of Public Works. The 2003 rate therefor is $20.00/foot."

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

On April 15, 2003, Riel Community Committee adjourned the public hearing with respect to the application.

Re: **Proposed Subdivision and Rezoning - East of Sioux Road, north of Kosty Lane**
File DASZ 3/2003 (c/r DAV 132/2003D)

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

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

Report date: **May 13, 2003**

COMMUNITY COMMITTEE RECOMMENDATION:

The Riel 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 3/2003 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule " A" for File DASZ 3/2003 dated April 27, 2003, 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 April 23, 2003***, with the following amendments:***

        i. That Clause 1 a) be deleted in its entirety and replaced with the following:

            1 a) The Developer shall, at no expense to the City, construct asphaltic concrete roadways in all streets within the proposed subdivision, except in Halparin Road in which the Developer shall construct the earth work only, in accordance with "RR-2" standards i.e. 24' asphalt traveling surface with 5' shoulders on each side.

        ii. That Clause 1 b) be deleted in its entirety and replaced with the following:

            1 b) The Developer shall pay its share of oiling and grading the Sioux Road roadway abutting the proposed subdivision as determined by the Director of Public Works. The 2003 rate therefor is $20.00/foot.

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

3. That Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule " A" for File DASZ 3/2003 dated April 6, 2003, to an " RR-2" Residential District.

4. 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.

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.

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.

8. 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. 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.

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

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

1. The Riel Community Committee agrees with the administrative comments contained in the report of the Manager of Planning and Land Use dated April 27, 2003.

REPORT SUMMARY

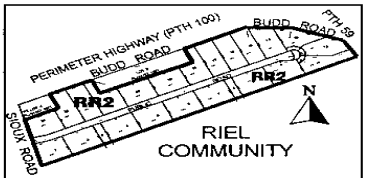
File: DASZ 3/2003 (c/r DAV 132/2003D)

Before: Riel Community Committee
Councillor Angus, Chairperson
Councillor Steeves

Public Hearing: May 5, 2003
St. Norbert Community Centre, 3450 Pembina Highway
April 15, 2003
Community Committee Chamber, 604 St. Mary's Road

Applicant: Bill McGarry
22 Riverside Drive
Winnipeg, MB R3T 0E8

Subject:



APPLICANT: MR. B. McGARRY
FILE: DASZ 3/03
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.5" AGRICULTURAL DISTRICT to an "RR-2" RURAL RESIDENTIAL DISTRICT to allow for the creation of sites for residential development; and considering special yards along P.T.H 100 and P.T.H. 59 (Budd Road).
For information, phone Mr. K. Lalor, Planner at 986-5069.
DEMANDEUR : M. B. McGARRY
RÉFÉRENCE : DALZ 3/03
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° 6400/94* visant à changer le zonage des sols délinéés ci-dessus, zonage qui passerait de la catégorie A.5 SECTEUR AGRICOLE à la catégorie RR-2 SECTEUR RÉSIDENTIEL EN MILIEU RURAL afin de permettre la création de sites d'expansion domiciliaire et l'aménagement de cours spéciales le long des routes provinciales à grande circulation n° 100 et 59 (chemin Budd). **Pour plus de renseignements, veuillez communiquer avec M. K. Lalor, urbaniste, au 986-5069.**

Premises Affected: East of Sioux Road, north of Kosty Lane

Exhibits Filed:

1. Application dated March 4, 2003
2. Notification of Public Hearing to Applicant dated March 18, 2003
3. Manitoba Status of Titles 1790159, 1791476 and 1795171
4. Letter of Authorization from Anne Kostyny to Alvin Kleinsasser dated August 30, 2002
5. Extract of Atlas Sheet AJ30
6. Site Plan
7. Report from the Administrative Coordinating Group dated April 3, 2003
8. Report from the Manager of Planning and Land Use dated April 6, 2003
9. Photograph(s) of the site and Inspection Notice
10. Revised Notification of Public Hearing to Applicant dated April 16, 2003
11. Revised Extract of Atlas Sheet AJ30
12. Revised Report from the Administrative Coordinating Group dated April 23, 2003
13. Revised Report from the Manager of Planning and Land Use dated April 27, 2003.
14. Revised Site Plan submitted by Albert Degnar at the Public Hearing on May 5, 2003
15. Photograph(s) of the site and Inspection Notice

REPRESENTATIONS:

In Support:
Albert G. Degner, Pollock and Wright, 117 Fort Street, Winnipeg, Manitoba, R3C 1C6
Norbert Hansch, 1 Terracon Place, Winnipeg, Manitoba, R2J 4B3
Bill McGarry, 22 Riverside Drive, Winnipeg, Manitoba, R3T 0E8

In Opposition:

Nil

For Information:
Georgina Jarema, 830 Paul Boulevard, Winnipeg, Manitoba, R2N 4E5

For the City:
Kevin Lalor, Senior Planner, Planning, Property and Development
Ernest Carrière, Land Development Engineer, Planning, Property and Development

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS MADE AT THE PUBLIC HEARING:

April 15, 2003

Al Degner, Pollock & Wright, and Jason Saukar appeared in support of the application. The Senior Planner indicated that the Planning, Property and Development Department had recently had discussions with the applicant and that the application would have to be re-advertised as changes were going to be made.

May 5, 2003

Albert G. Degner, Norbert Hansch and Bill McGarry appeared support of the application. Mr. Degner indicated that all of the lots in the proposed subdivision will be two (2) acres or larger and that only two (2) yards now require variances. Mr. Degner submitted a revised plan, filed as Exhibit 14. Mr. Degner indicated that condition 1A in the Administrative Coordinating Group's report should be revised to exclude Halparin Road and that 1B be adjusted to indicate that the Developer shall pay its share of oiling and grading the Sioux Road roadway abutting the proposed subdivision and that the 2003 rate is $20.00/foot.

Georgina Jarema appeared for informational purposes. Ms. Jarema asked that the Riel portion of any dedication paid on these lands be allocated to the St. Germain / Vermette Parks and Recreation Fund. The Land Development Engineer indicated that the administration will ensure that this is the case. Ms. Jarema also questioned drainage in the area and the Land Development Engineer indicated that a master-grading plan would be put in place as part of the Development Agreement.

In reply please refer to / Référence à rappeler: **Kevin Lalor**
(204) 986-5069
Fax / Téléc. : (204) 986-3684

File No. DASZ 3/03 April 27, 2003
Our c/f CP 500 (. 543)

REVISED

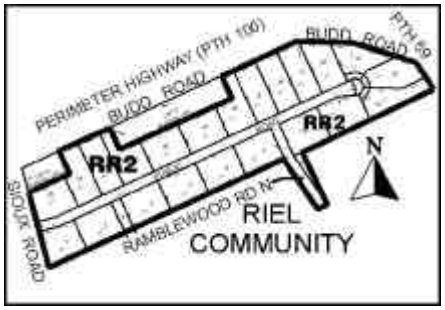
Mr. Marc Pittet
Community Committee
Council Building
510 Main Street
Winnipeg, MB R3B 1B9

Dear: Mr. Pittet

SUBDIVISION AND REZONING
Land located : East of Sioux Rd., North of Kosty Lane
Riel Community
File No. DASZ 3/03

An application has been received from Bill McGarry 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-5" Agricultural District to an " RR-2" Residential District to allow for the establishment of 22 single family two acre lots.

RELATED FILES:DAV132/02D



SITE DESCRIPTION:

Site Area:

The area overall totals approximately 50 acres.

Existing Land Use and Zoning:

The lands in question are currently zoned A-5 Agricultural but vacant.

Surrounding Land Use and Zoning:

North: To the north is Budd Road and the Perimeter Highway.
South: To the south are partially developed areas zoned for RR-2 residential development.
East: To the east is Budd Road and Lagimodiere Blvd.
West: To the west are a few scattered homes and the Seine River.

DEVELOPMENT DESCRIPTION:

The applicant proposes to rezone and subdivide one of the few remaining areas north of Prairie Grove Road to the minimum 2 acre category permitted under the Perimeter South Action Area Plan. In the preliminary plans , provision for access to the south to tie in with both Ramblewood Drive and Halparin Road was made but a deal with the adjoining property owner was not finalized at the time of the first advertising. The intent initially was to provide a temporary access from the proposed subdivision north to Budd Road via one of the proposed lots. However in the days immediately preceding the April Public Hearing, negotiations were finalized with the adjacent property owner , Henry Williams, which effectively allowed for a connection to Ramblewood Road North. Consequently the addition of the new access and additional land necessitated a readvertising of the application to the May Public Hearing. All of the proposed buildable lots (22 in total) exceed the 2 acre minimum requirement; however in several instances, the lot widths are less than the 180ft. requirement thereby necessitating the accompanying variance. The Planning Department in the past has supported less than the required lot widths in these rural subdivision areas, provided that the lot area requirements are met. Most other concerns have been addressed in the report of the ACG.

PLAN WINNIPEG:

There is a Secondary Plan in place for this area which clearly permits applications for and the development of 2 acre lots. The proposal therefore fully complies with Plan Winnipeg Policy.

ADMINISTRATIVE COMMENTS:

As previously outlined, the proposed development fully complies with the Secondary Plan and the conceptual plan for development of this area. The initial plan submitted for DASZ3/03 with temporary access north to Budd Road was deemed to be workable but it was

always intended under the area conceptual plan that the eventual extensions of Ramblewood and Halparin would constitute the primary accesses to the subject property. The purchase of and subsequent addition to the initial plan of a full public right –of – way connection to Ramblewood Road makes for an infinitely better plan in our estimation. It is recommended that your Committee endorse the proposed application as submitted in accordance with the conditions as outlined by the Administrative Coordinating Group.

RECOMMENDATION:

I. That the plan of subdivision proposed under File No. DASZ 3/03 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule " A" for File No. DASZ 3/03, attached hereto and dated April 6/03, 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 March 26/03.

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 3/03, attached hereto and dated April 6/03, to an " RR-2" 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.

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.

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.

Final

Yours truly,

Chris Knoll
Acting Manager of Planning and Land Use

Kevin Lalor
Per: Acting Coordinator, Urban Planning

Br.

Riel Community
986-5069

/jc

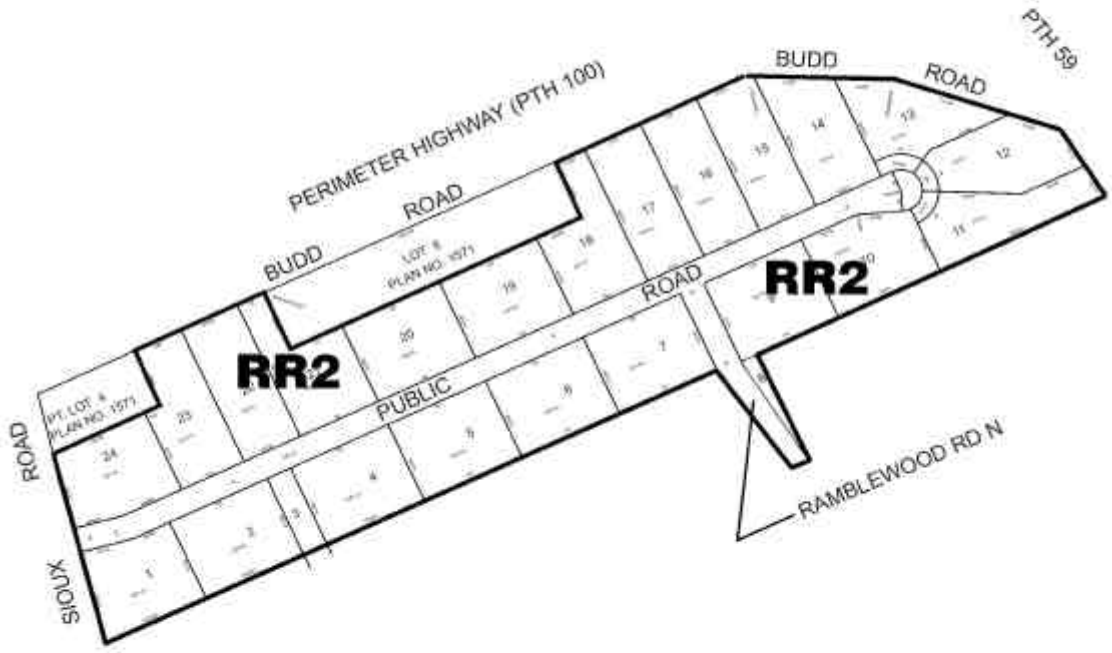
By-Law No. _____

File No. **DASZ 3/03**

Atlas Sheet No. **AJ30**
N
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. 6400/94 by rezoning the land on the east side of Sioux Road, south of the Perimiter Highway (PTH 100) from an "A.5" AGRICULTURAL DISTRICT to an "RR-2" RURAL RESIDENTIAL DISTRICT as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

RE: Proposed subdivision and rezoning of land located on the south side of the Perimeter Highway between Sioux Road and Lagimodiere Boulevard – DASZ 3/03

FOR SUBMISSION TO THE CHAIRPERSON AND MEMBERS OF THE RIEL COMMUNITY COMMITTEE

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

April 23, 2003

RE: Proposed subdivision and rezoning of land located on the south side of the Perimeter Highway between Sioux Road and Lagimodiere Boulevard – DASZ 3/03

At the Public Hearing held on April 15, 2003, the Riel Community Committee adjourned the above-referenced development application to the Public Hearing to be held on May 5, 2003. The application was readvertized to include the extension of Ramblewood Road North across Lot 3, Plan No. 11390 (335 Sioux Road).

It is recommended that approval of the latest plan be subject to the following amendments:

1. The design of the proposed cul-de-sac roadway and the right-of-way for same shall be as determined by and to the satisfaction of the Director of Public Works. The radius of the right-of-way for the cul-de-sac shall be a minimum of 25.0m.
2. Lot 3 is to be shown as a public right - of - way (Halparin Road) and
3. A 33' (10.058m) widening shall be dedicated along the full length of the subject property abutting Sioux Road.

and subject to the Developer entering into a Development Agreement with the City containing the following:

1. a) The Developer shall, at no expense to the City, construct asphaltic concrete roadways in all streets within the proposed subdivision, in accordance with RR-2 standards i.e. 24' asphalt travelling surface with 5' shoulders on each side.
   b) The Developer shall pay its share of upgrading the Sioux Road roadway abutting the proposed subdivision to an asphalt roadway as determined by the Director of Public Works. The 2003 rate therefor is $60.00/foot.
2. The Developer shall, at no expense to the City, construct drainage ditches, outflows to streams and existing ditches, culverts rip-rap and related works including the upgrading of existing ditches to the satisfaction of the Director of Public Works and the Director of Water and Waste.
3. a) The Developer shall, at no expense to the City, cause electrical and telephone services to be installed overhead to serve the proposed subdivision all to the satisfaction of the Director of Public Works.
   b) The Developer shall, at no expense to the City, cause ornamental street lighting to be installed within the proposed subdivision.
4. The Developer covenants and agrees that:
   i) Sewage disposal facilities shall be private and in accordance with the City of Winnipeg Sewer By-law, and
   ii) Water supply facilities shall be private and the City will not be charged with any duties or responsibilities related to any aspect thereof and any wells be pitless units.
5. a) The Developer for itself, its successors and assigns shall be required to covenant with the City not to apply for or request a further division of any lot within the subdivision, or to request the City to extend the City wastewater sewers or City

watermains to the subdivision which covenant shall be registered in the Land Titles Office by caveat against each lot within the proposed subdivision.

b) The Developer for itself, its successors and assigns shall be required to covenant with the City to cut and maintain all areas within the landscaped street right-of-way adjacent to each lot between the travelled road surface and the property line to the satisfaction of the Director of Public Works, which covenant shall be registered in the Land Titles Office by caveat against each lot within the proposed subdivision.

6. The Developer shall, at no expense to the City, be responsible to control and to initiate the clean-up of litter and refuse from the contractors and builders for this development, both on-site and off-site, during the installation of services and construction of homes, until completion of all construction. The clean-up of litter and refuse shall be done on a regular basis as determined by the Director of Public Works. This shall include initiating action and assuming all costs in remedying the situation to the satisfaction of the Director of Public Works.
7. The Developer shall, at no expense to the City, ensure that construction traffic uses routes as determined by the Director of Public Works. The Developer shall maintain, at no expense to the City, the access routes in a clean dust free condition, free of dropped and tracked-on mud, and shall undertake regular cleaning of streets until building construction, including landscaping is complete, all as determined by and to the satisfaction of the Director of Public Works.
8. The Developer shall, at no expense to the City, construct a cul-de-sac vehicle turnaround at the terminus of any temporarily dead-ended streets and provide any right-of-way or easements necessary to accommodate same, all as determined by and to the satisfaction of the Director of Public Works.
9. The Developer shall, at no expense to the City, erect and maintain barricades and signing across the full width of any temporarily dead-ended streets immediately upon completion of the street works or when house construction has begun, whichever is sooner, as determined by and to the satisfaction of the Director of Public Works.
10. The Developer shall ensure that two means of vehicular access are available at all times through all stages of development of the Planned Area to the satisfaction of the Director of Public Works. This may require the construction of temporary roadways and the provision of easements or right-of-way therefor.
11. The Developer shall provide a lot grading plan prepared by a municipal engineer and shall grant any required easements.
12. The Developer shall notify prospective lot purchasers that it shall be their responsibility to provide positive site grading to ensure surface drainage away from dwellings and septic fields to the satisfaction of the Director of Water and Waste.
13. The Developer shall pay cash-in-lieu of 10% dedication of land for public open space plus $307.50 per acre in lieu of the landscaping and serviced park frontage which the Developer would have been required to contribute if land had been dedicated within the proposed subdivision, prior to the release of subdivision mylars by the City.

14. The Developer shall pay $200.00 per acre in lieu of the City's administrative and related costs associated with the preparation and implementation of the Development Agreement.
15. The Developer shall cause standard reflectorized street name signs to be installed at all new street intersections.
16. The Developer shall pay its share of the cost of the Seine River Waterway Acquisition Program and its share of the cost of the area's land drainage study. The 2003 rates for the above are $145.00 per acre and $23.30 per acre respectively.
17. The Developer shall pay the full cost of engineering services provided by or on behalf of the City in connection with the roadway and drainage improvements required to serve the proposed subdivision.
18. Private approaches will not be permitted to Budd Road from those lots backing onto Budd Road.

THIS REPORT SUBMITTED BY:

Administrative Coordinating Group
File No.: AG 3/03
April 23, 2003

ELC/hp

_____
Land Development Engineer

_____
Water and Waste Department

_____
Public Works Department
Transportation Division

In reply please refer to / Référence à rappeler :

(204) 986-5069
Fax / Téléc. : (204) 986-3684

File No. DASZ 3/03 April 6, 2003
Our c/f CP 500 (. 543)

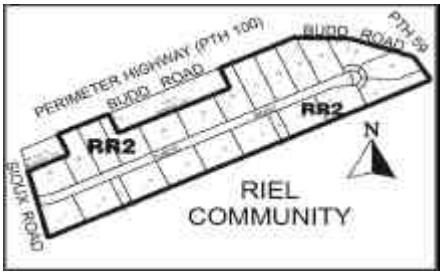
Mr. Marc Pittet
Community Committee
Council Building
510 Main Street
Winnipeg, MB R3B 1B9

Dear: Mr. Pittet

SUBDIVISION AND REZONING
Land located : East of Sioux Rd., North of Kosty Lane
Riel Community
File No. DASZ 3/03

An application has been received from Bill McGarry 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-5" Agricultural District to an " RR-2" Residential District to allow for the establishment of 24 single family two acre lots.

RELATED FILES:
DAV 132/03D



SITE DESCRIPTION:

Site Area:

The area overall totals approximately 50 acres.

Existing Land Use and Zoning:

The lands in question are currently zoned A-5 Agricultural but vacant.

Surrounding Land Use and Zoning:

North: To the north is Budd Road and the Perimeter Highway.
South: To the south are partially developed areas zoned for RR-2 residential development.
East: To the east is Budd Road and Lagimodiere Blvd.
West: To the west are a few scattered homes and the Seine River.

DEVELOPMENT DESCRIPTION:

The applicant proposes rezone and subdivide one of the few remaining areas north of Prairie Grove Road to the minimum 2 acre category permitted under the Perimeter South Action Area Plan. In the long term the plan calls for Ramblewood Road and Halparin Road to be extended north into the new area to provide primary access to and from the subdivision of 24 lots. However, in the interim, a temporary access will have to be established through to Budd Road north of the proposed subdivision and in addition Sioux Road will , if necessary, also be used as an emergency access. All of the proposed lots (24 in total) exceed the 2 acre minimum requirement; however in several instances, the lot widths are less than the 180ft. requirement thereby necessitating the accompanying variance. The Planning Department in the past has supported less than the required lot widths in these rural subdivision areas, provided that the lot area requirements are met. Most other concerns have been addressed in the report of the ACG.

PLAN WINNIPEG:

There is a Secondary Plan in place for this area which clearly permits applications for and the development of 2 acre lots. The proposal therefore fully complies with Plan Winnipeg Policy.

ADMINISTRATIVE COMMENTS:

As previously outlined, the proposed development fully complies with the Secondary Plan and the conceptual plan for development of this area. The interim access to Budd Road is only intended as a temporary access and is admittedly less suitable than the future connections to Halparin Rd. and Ramblewood Rd. However when those connections are realized, the last phase of development will be near completion. It is recommended that your Committee endorse the proposed application as submitted in accordance with the conditions as outlined by the Administrative Coordinating Group.

RECOMMENDATION:

I. That the plan of subdivision proposed under File No. DASZ 3/03 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule " A" for File No. DASZ 3/03, attached hereto and dated April 6/03, 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 March 26/03.

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 24 additional building site(s) being created.

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 3/03, attached hereto and dated April 6/03, to an " RR-2" 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.

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.

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.

Final

Yours truly,

Chris Knoll
Manager of Planning and Land Use

Kevin Lalor

Per: Acting Coordinator, Urban Planning Br.
Riel Community
986-5

/jc

By-Law No. _____

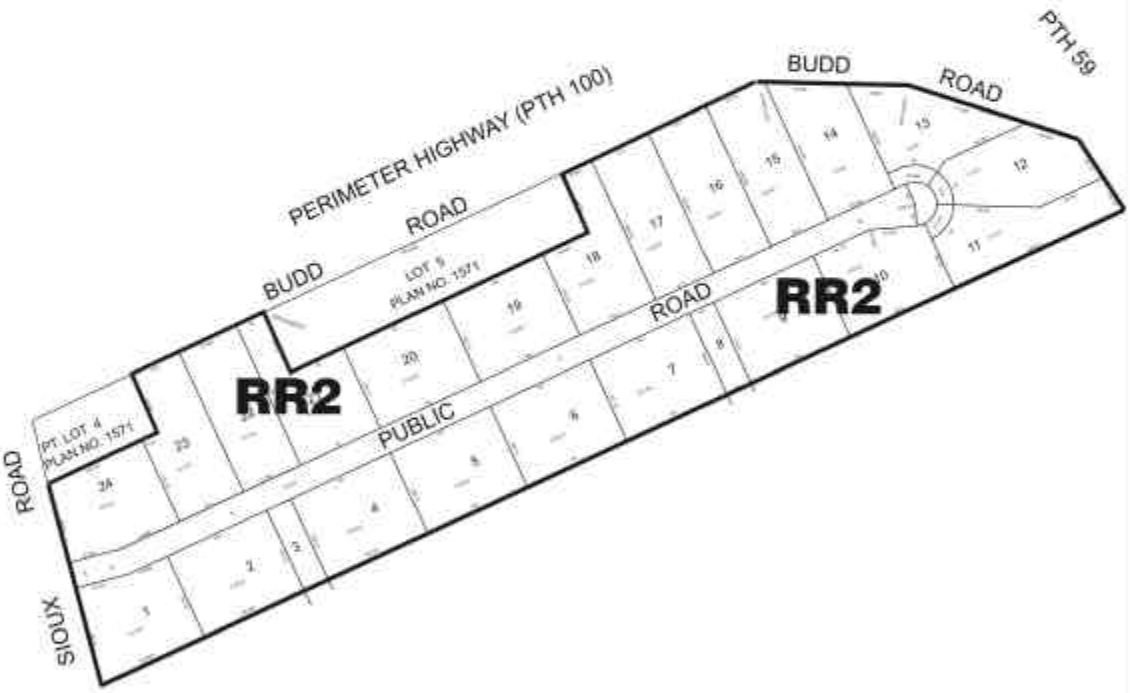
File No. **DASZ 3/03**

Atlas Sheet No. **AJ30 RIEL COMMUNITY**

N

Explanation

An application for the approval of the plan of subdivision shown outlined below and for a proposed zoning change to By-law No. 6400/94 by rezoning the land on the east side of Sioux Road, south of the Perimiter Highway (PTH 100) from an "A.5" AGRICULTURAL DISTRICT to an "RR-2" RURAL RESIDENTIAL DISTRICT as shown outlined below.



Schedule " A" for File No. DASZ 3/03, Riel Community Committee, dated April 6/03

THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

INTER-OFFICE MEMORANDUM

Planning, Property and Development Department

Development and Inspections Division, Land Development Branch

Main Floor, 65 Garry Street

Winnipeg

Date: April 3, 2003

To: M. Pittet, Clerk

From: E.L. Carrière, Land Development Branch

RE: **Proposed subdivision and rezoning of land located on the south side of the Perimeter Highway between Sioux Road and Lagimodiere Boulevard – DASZ 3/03**
FILE: AG 3/03 (PLEASE QUOTE WHEN REPLYING)

Enclosed is a report of the Administrative Coordinating Group dated March 26, 2003 in connection with the above referenced development application being submitted for consideration by the Riel Community Committee at its meeting to be held on April 15, 2003.

"Original signed by E.L. Carrière"
E.L. Carrière, P.Eng.
Land Development Engineer

ELC/ld

cc: E. Axelrod, Subdivision Officer
W.R. Stovel, Legal Services
R.J. Hartmann, P.Eng., Public Works Department
K.T. Raban, P.Eng., Water and Waste Department
K. Lalor, Planner
Councillor G. Steeves

Mr. Bill McGarry, 22 Riverside Drive, Winnipeg, Manitoba, R3T 0E8

Enclosure

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RE: Proposed subdivision and rezoning of land located on the south side of the Perimeter Highway between Sioux Road and Lagimodiere Boulevard – DASZ 3/03

FOR SUBMISSION TO THE CHAIRPERSON AND MEMBERS OF THE RIEL COMMUNITY COMMITTEE

"Original signed by E.L. Carrière"
E.L. Carriere, P.Eng.
Chairperson
Administrative Coordinating Group

March 26, 2003

RE: Proposed subdivision and rezoning of land located on the south side of the Perimeter Highway between Sioux Road and Lagimodiere Boulevard – DASZ 3/03

An application has been submitted on behalf of Anne Kostynyk to subdivide and rezone land located on the south side of the Perimeter Highway between Sioux Road and Lagimodiere Boulevard. The subject lands were previously included in DASZ 8/00 which was approved by Council on October 18, 2000. The owner of the land known as 335 Sioux Road withdrew his land from DASZ 8/00 thereby necessitating a new application.

It is recommended that approval of DASZ 8/00 be subject to the following amendments:

1. The design of the proposed cul-de-sac roadway and the right-of-way for same shall be as determined by and to the satisfaction of the Director of Public Works. The radius of the right-of-way for the cul-de-sac shall be a minimum of 25.0m.
2. Lots 3 and 8 are to be shown as public rights-of-way.
3. A 33' (10.058m) widening shall be dedicated along the full length of the subject property abutting Sioux Road.

and subject to the Developer entering into a Development Agreement with the City containing the following:

1. The Developer shall, at no expense to the City, construct asphaltic concrete roadways in all streets within the proposed subdivision plus in Sioux Road from the north limit to the south limit of the proposed subdivision, in accordance with RR-2 standards i.e. 24' asphalt travelling surface with 5' shoulders on each side.
2. The Developer shall, at no expense to the City, construct drainage ditches, outflows to streams and existing ditches, culverts rip-rap and related works including the upgrading of existing ditches to the satisfaction of the Director of Public Works.
3. a) The Developer shall, at no expense to the City, cause electrical and telephone services to be installed overhead to serve the proposed subdivision all to the satisfaction of the Director of Public Works.
   c) The Developer shall, at no expense to the City, cause ornamental street lighting to be installed within the proposed subdivision.
4. The Developer covenants and agrees that:
   iii) Sewage disposal facilities shall be private and in accordance with the City of Winnipeg Sewer By-law, and
   iv) Water supply facilities shall be private and the City will not be charged with any duties or responsibilities related to any aspect thereof and any wells be pitless units.
5. a) The Developer for itself, its successors and assigns shall be required to covenant with the City not to apply for or request a further division of any lot within the subdivision, or to request the City to extend the City wastewater sewers or City

watermains to the subdivision which covenant shall be registered in the Land Titles Office by caveat against each lot within the proposed subdivision.

b) The Developer for itself, its successors and assigns shall be required to covenant with the City to cut and maintain all areas within the landscaped street right-of-way adjacent to each lot between the travelled road surface and the property line to the satisfaction of the Director of Public Works, which covenant shall be registered in the Land Titles Office by caveat against each lot within the proposed subdivision.

8. The Developer shall, at no expense to the City, be responsible to control and to initiate the clean-up of litter and refuse from the contractors and builders for this development, both on-site and off-site, during the installation of services and construction of homes, until completion of all construction. The clean-up of litter and refuse shall be done on a regular basis as determined by the Director of Public Works. This shall include initiating action and assuming all costs in remedying the situation to the satisfaction of the Director of Public Works.

9. The Developer shall, at no expense to the City, ensure that construction traffic uses routes as determined by the Director of Public Works. The Developer shall maintain, at no expense to the City, the access routes in a clean dust free condition, free of dropped and tracked-on mud, and shall undertake regular cleaning of streets until building construction, including landscaping is complete, all as determined by and to the satisfaction of the Director of Public Works.

8. The Developer shall, at no expense to the City, construct a cul-de-sac vehicle turnaround at the terminus of any temporarily dead-ended streets and provide any right-of-way or easements necessary to accommodate same, all as determined by and to the satisfaction of the Director of Public Works.

9. The Developer shall, at no expense to the City, erect and maintain barricades and signing across the full width of any temporarily dead-ended streets immediately upon completion of the street works or when house construction has begun, whichever is sooner, as determined by and to the satisfaction of the Director of Public Works.

10. The Developer shall ensure that two means of vehicular access are available at all times through all stages of development of the Planned Area to the satisfaction of the Director of Public Works. This may require the construction of temporary roadways and the provision of easements or right-of-way therefor.

11. Until such time as the Halparin Drive and Ramblewood Road North roadways have been extended to connect to the subject lands the Developer shall, at no expense to the City, maintain, as determined by and to the satisfaction of the Director of Public Works, Sioux Road and Budd Road from the terminus of the works to be constructed in Sioux Road under Clause 1. above, to the location of a second temporary means of access on Budd Road constructed pursuant to Clause 10., above. Such maintenance may include but not necessarily be limited to removal of dropped or tracked on mud, regrading, re-gravelling and dust control on granular and/or oiled surface roadways.

12. The Developer shall provide a lot grading plan prepared by a municipal engineer and shall grant any required easements.

13. The Developer shall notify prospective lot purchasers that it shall be their responsibility to provide positive site grading to ensure surface drainage away from dwellings and septic fields to the satisfaction of the Director of Water and Waste.
14. The Developer shall pay cash-in-lieu of 10% dedication of land for public open space plus $307.50 per acre in lieu of the landscaping and serviced park frontage which the Developer would have been required to contribute if land had been dedicated within the proposed subdivision, prior to the release of subdivision mylars by the City.
15. The Developer shall pay $200.00 per acre in lieu of the City's administrative and related costs associated with the preparation and implementation of the Development Agreement.
16. The Developer shall cause standard reflectorized street name signs to be installed at all new street intersections.
17. The Developer shall pay its share of the cost of the Seine River Waterway Acquisition Program and its share of the cost of the area's land drainage study. The 2003 rates for the above are $145.00 per acre and $23.30 per acre respectively.
18. The Developer shall pay the full cost of engineering services provided by or on behalf of the City in connection with the roadway and drainage improvements required to serve the proposed subdivision.
19. Private approaches will not be permitted to Budd Road from those lots backing onto Budd Road.

THIS REPORT SUBMITTED BY:
Administrative Coordinating Group
File No.: AG 3/03
March 26, 2003

ELC/ld

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"Original signed by E.L. Carrière"
Land Development Engineer

"Original signed by F.C. Mazur"
Water and Waste Department

"Original signed by R.J. Hartmann"
Public Works Department
Transportation Division