Agenda – Council – April 30, 2014

Report – Standing Policy Committee on Property and Development – April 15, 2014

Item No. 7 Repeal of By-law No. 15/2013 – Opening Station Road, West of Pembina Highway (St. Norbert Ward) File DAO 12/2011

STANDING COMMITTEE RECOMMENDATION:

On April 23, 2014, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and submitted the following to Council:

1. That By-law 15/2013 be repealed.

2. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

Report – Standing Policy Committee on Property and Development – April 15, 2014

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On April 23, 2014, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the Riel Community Committee, and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On April 15, 2014, 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 10, 2014, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service and forwarded to the Standing Policy Committee on Property and Development.

ADMINISTRATIVE REPORT

Title: **BY-LAW 15/2013: TO SEEK COUNCIL APPROVAL TO REPEAL THE BY-LAW OPENING STATION ROAD, WEST OF PEMBINA HIGHWAY UNDER DAO 12/2011**

Critical Path: **RIEL COMMUNITY COMMITTEE – STANDING POLICY COMMITTEE ON PROPERTY AND DEVELOPMENT – EXECUTIVE POLICY COMMITTEE – COUNCIL**

AUTHORIZATION

Author	Department Head	CFO	CAO
M. Pittet	B. Thorgrimson	N/A	N/A

RECOMMENDATIONS

1. That By-law 15/2013 be repealed.

2. That the Proper Officers of the City be authorized to do all things necessary to effect the intent of the foregoing.

REASON FOR THE REPORT

The repeal of By-law 15/2013 requires Council approval.

IMPLICATIONS OF THE RECOMMENDATIONS

There are no policy, regulatory, environmental, human resource or general implications associated with the recommendations.

All costs associated with the repeal of By-law 15/2013 are the responsibility of the applicant. There are no financial implications for the City of Winnipeg.

HISTORY

In December of 2011, The Planning, Property and Development Department received a request from BMH Management, to open the extension of Station Road so identified on Misc. Plan No. 14199/2. The opening application was processed concurrently with subdivision application DAPS 12/2011. The subdivision boundary comprises all of Parcel "D", Plan 52224 WLTO. Copies of Misc. Plan No. 14199/2 and the sketch for DAPS 12/2011 appear in Appendix "B" of this report.

The requirement for the opening stemmed from Clause 2(c) of the original subdivision agreement dated September 30, 1997 under DASSF 543/97 and registered by way of Caveat No. 2225970 against the land. Clause 2(c) of the agreement states that no building permits shall be issued on the land until the Owner has entered into a Servicing Agreement with the City and legally and physically provide for a turnaround at the west terminus of Station Road. However, the ensuing Clause 3 of the agreement states that a Servicing Agreement will not be required if all of the land or portions thereof are consolidated with adjacent properties.

When the DAPS application was originally made, consolidation of the proposed new parcels was not contemplated. The opening of the extension of Station Road was to provide the adjoining parcels with frontage on a public street, thereby satisfying zoning requirements.

The opening was considered by the Riel Community Committee on March 5, 2012 and subsequently approved by Council at its meeting held on April 25, 2012. At its meeting held on January 30, 2013, Council passed By-law 15/2013 opening Station Road.

The Planning, Property and Development Department has now received a request from BMH Management to repeal By-law 15/2013. BMH Management is in the process of applying for a Consent Application to consolidate the parcels within DAPS 12/2011 with properties that front on Pembina Highway. Parcel "A" will form a separate title with frontage on rue des Trappistes. Parcel "B" will be consolidated with Special Plot Lot 3, Plan No. 19901 forming a second title. Parcel "C" will be consolidated with Special Plot Lot 2, Plan No. 19901 forming a third title. Parcels "D", "E" and "F" will be consolidated with Special Plot Lots 1, 5 and 6, Plan No. 11447 forming a fourth title.

Subject to the Consent Application being made, the opening would no longer be required pursuant the provisions of Clause 3 of the original subdivision agreement processed under DASSF 543/97.

CONSULTATION

In preparing this Report there was consultation with:

Internal Consultation:

N/A

External Consultation:

N/A

SUBMITTED BY

Department:	Planning, Property and Development
Division:	Development and Inspections
Prepared by:	Bohdan Buyachok, Real Property Officer
Date:	February 12, 2014
File No.	8995

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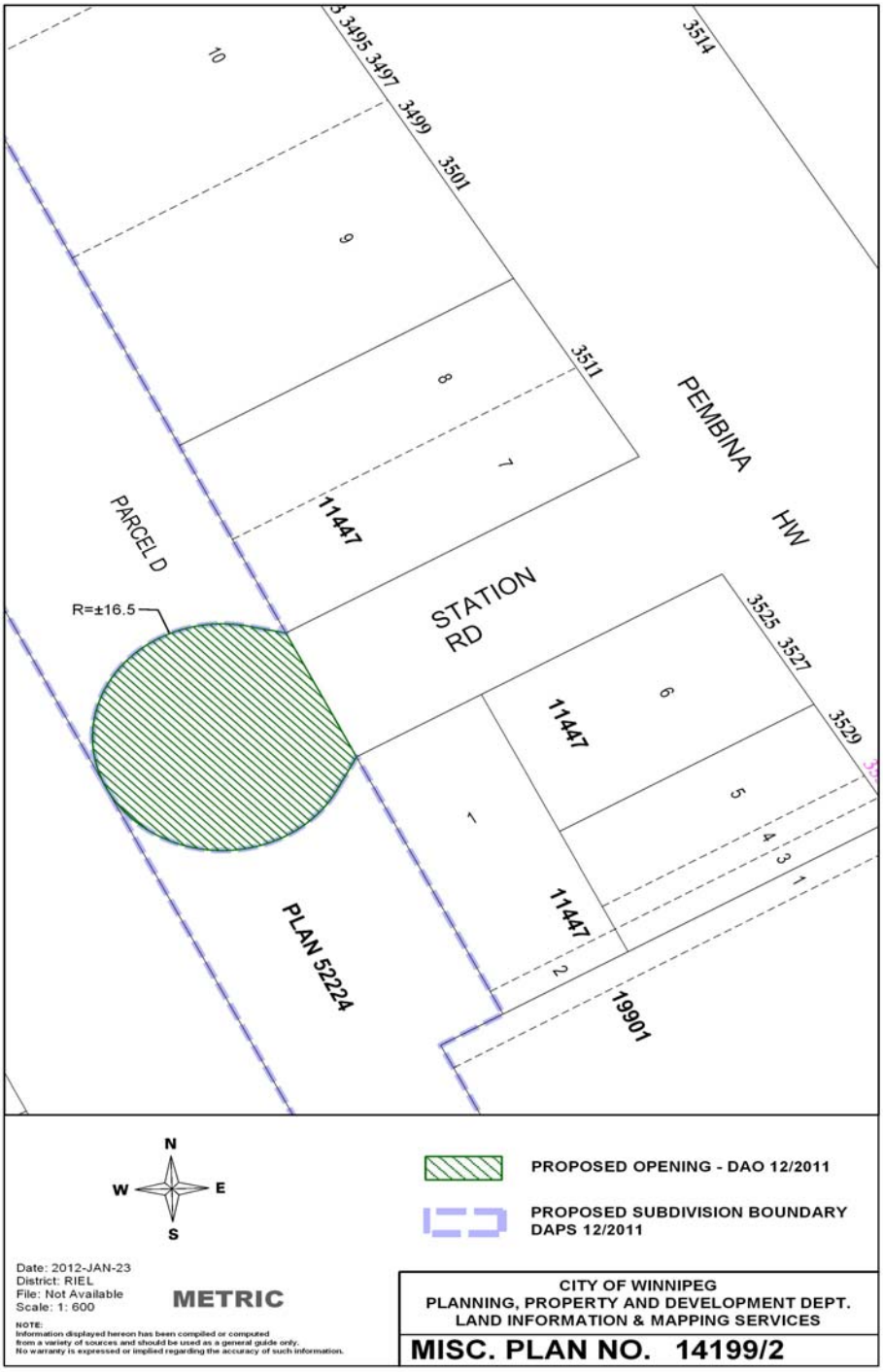
APPENDIX "A"

Administrative Approval

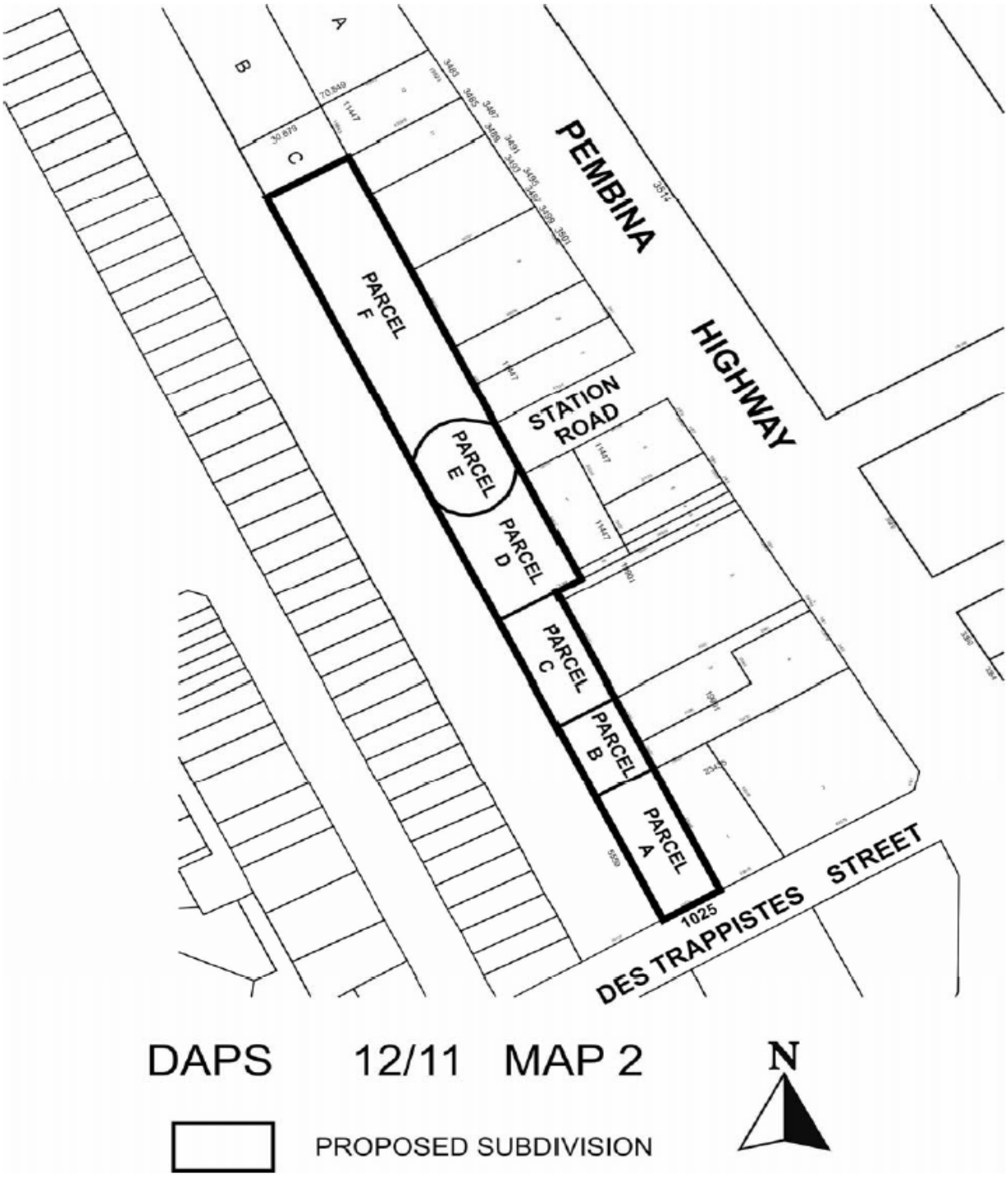
All City departments and public utilities originally contacted for comment with respect to opening application DAO 12/2011 have been informed of the proposal. There are no administrative objections or conditions to repeal the By-law.

APPENDIX "B"

Miscellaneous Plan



DAPS 12/2011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STATION ROAD
DES TRAPPISTES STREET
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DAPS 12/11 MAP 2
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PROPOSED SUBDIVISION