Minutes - Executive Policy Committee - September 17, 2003

Minute No. 364
Report - Standing Policy Committee on Property and Development - September 4, 2003

Item No. 13 **Subdivision and Rezoning - land located on the north side of Polaris Avenue, east of Dieppe Road**
File DASZ 18/2003

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

The Executive Policy Committee laid over consideration of the matter to a Special Meeting to be held at the call of the Chairperson.

Minutes - Executive Policy Committee - September 17, 2003

Report - Standing Policy Committee on Property and Development - September 4, 2003

DECISION MAKING HISTORY:

Moved by Councillor Vandal,

That consideration of the matter be laid over to a Special Meeting of the Executive Policy Committee to be held at the call of the Chairperson.

Carried

STANDING COMMITTEE RECOMMENDATION:

On September 4, 2003, the Standing Policy Committee on Property and Development concurred in the recommendation of the Assiniboia Community Committee and submitted the following to Executive Policy Committee and Council:

1. That the plan of subdivision proposed under File DASZ 18/2003 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 18/2003 dated July 7, 2003, for registration in the Winnipeg Land Titles Office, subject to the following:

   A. That for the sum of $1.00 (one dollar), the owner dedicate to the City a 40 foot (12.2 metre) strip of land (future Right-of-Way on the proposed plan) for the future northerly extension of Cambrian Street.

   B. 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 July 3, 2003, with the following amendments:

      i. That the following recommendations be deleted in their entirety, namely:

      "5. The Developer shall prepay its share of the cost of land drainage lateral and trunk services to be installed in the future. Based on 2003 rates therefor those shares would be calculated as follows:

      i. Lateral sewer 221 ft x $18.00 per foot = $3,978.00

      ii. Trunk services $\frac{221 \times 127 \text{ ft}}{43,560}$ x $17,322.00/acre = $11,161.08

      6. The Developer shall prepay its share of the cost of concrete pavement and ornamental lighting to be installed in Polaris Avenue. Based on 2003 rates those shares are calculated as follows:

      i. Concrete pavement 221 ft x $120.00/ft. = $26,520.00

      ii. Ornamental street lighting 221 ft x $9.40/ft. = $2,077.40"

Report - Standing Policy Committee on Property and Development - September 4, 2003

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

3. That The Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 18/2003 dated July 7, 2003 to a "R1-5.5" Residential District.

4. That a ten percent (10%) dedication be made by a payment of a sum of money to the City in lieu of the requirement for land dedication to be calculated on the basis of four (4) additional building lots being created.

5. 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.

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

7. 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.

8. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision has been registered in the Winnipeg Land Titles Office provided that the said effective date occurs within twenty-four (24) months from the date that the said rezoning by-law is adopted by Council 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.

9. That the Plan of Subdivision shall be approved and signed by the Director of Planning, Property and Development within two (2) years of the date of passage of the aforementioned by-law.

10. That in the event that the necessary City of Winnipeg mylar approval signatures have not been secured within twenty-four (24) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

COMMUNITY COMMITTEE RECOMMENDATION:

On July 15, 2003, the Assiniboia Community Committee concurred in the administrative recommendation as amended, namely:

- That recommendations 5 and 6 of the Administrative Coordinating Group be deleted in their entirety,

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

RE: **Subdivision and Rezoning - land located on the north side of Polaris Avenue, east of Dieppe Road**
File DASZ 18/2003

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

Prepared by: **Josie Marques, Clerk**
Assiniboia Community Committee

Report date: **July 18, 2003**

COMMUNITY COMMITTEE RECOMMENDATION:

The Assiniboia Community Committee concurred in the administrative recommendation and recommends to the Standing Policy Committee on Property and Development:

1. That the plan of subdivision proposed under File DASZ 18/2003 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 18/2003, attached hereto and dated July 7, 2003, for registration in the Winnipeg Land Titles Office, subject to the following:

   A. That for the sum of $1.00 (one dollar), the owner dedicate to the City a 40-foot (12.2 metre) strip of land (future Right-of-Way on the proposed plan) for the future northerly extension of Cambrian Street.

   B. 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 July 3, 2003, ***with the following amendments:***

      i. That the following recommendations be deleted in their entirety, namely:

      "5. The Developer shall prepay its share of the cost of land drainage lateral and trunk services to be installed in the future. Based on 2003 rates therefor those shares would be calculated as follows:
      i. Lateral sewer 221 ft x $18.00/ft. = $3,978.00
      ii. Trunk services $\frac{221 \times 127 \text{ ft}}{43{,}560}$ x $17,322.00/acre= $11,161.08

      6. The Developer shall prepay its share of the cost of concrete pavement and ornamental lighting to be installed in Polaris Avenue. Based on 2003 rates those shares are calculated as follows:
      i. Concrete pavement 221 ft x $120.00/ft. = $26,520.00
      ii. Ornamental street lighting 221 ft x $9.40/ft. = $2,077.40"

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

3. That The Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 18/2003, attached hereto and dated July 7, 2003, to a "R1-5.5" Residential District

4. That a ten percent (10%) dedication be made by a payment of a sum of money to the City in lieu of the requirement for land dedication to be calculated on the basis of four (4) additional building lots being created.

5. 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.

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

7. 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.

8. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision has been registered in the Winnipeg Land Titles Office provided that the said effective date occurs within twenty-four (24) months from the date that the said rezoning by-law is adopted by Council 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.

9. That the Plan of Subdivision shall be approved and signed by the Director of Planning, Property and Development within two (2) years of the date of passage of the aforementioned by-law.

10. That in the event that the necessary City of Winnipeg mylar approval signatures have not been secured within twenty-four (24) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

The Assiniboia Community Committee provided the following supporting reason(s) for its recommendation:

1. That the Assiniboia Community Committee agreed with the administrative comments contained in the report of the Acting Manager of Planning and Land Use and in the report of the Administrative Coordinating Group.

PUBLIC HEARING SUMMARY

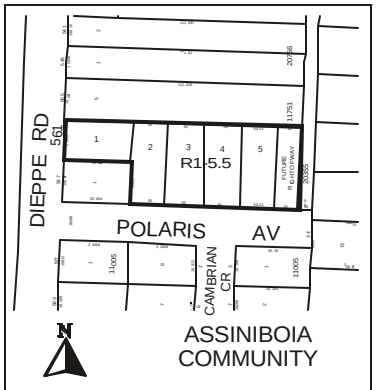
File: DASZ 18/2003

Before: Assiniboia Community Committee
Councillor Clement, Chairperson
Councillor De Smedt
Councillor Eadie

Public Hearing: July 15, 2003
West Committee Room, Council Building
510 Main Street

Applicant: Stradfield Properties (Abe Friesen)
3611 Roblin Boulevard
Winnipeg, MB
R3R 0C6

Subject:



APPLICANT : STRADFIELD PROPERTIES
FILE : DASZ 18/03
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 "R1-20" SINGLE-FAMILY DISTRICT to an "R1-5.5" SINGLE-FAMILY to allow for the creation of lots for single family development. **For information, phone Mr. R. Mitchell, Planner at 986-5017.**

Premises Affected: land located on the north side of Polaris Avenue, east of Dieppe Road

Exhibits Filed:

1. Application dated June 17, 2003
2. Notification of Public Hearing to Applicant dated June 20, 2003
3. Manitoba Status of Titles1210947 and 1466922
4. Surveyors Certificate and Sketch dated September 17, 1996
5. Letters of authorization dated May 27, 2003
6. Plans (2 pages) of subdivision
7. Report from the Acting Manager of Planning and Land Use dated July 7, 2003
8. Report from the Administrative Coordinating Group dated July 5, 2003
9. Photograph(s) of the site and Inspection Notice

REPRESENTATIONS:

In Support:

Abe Friesen, Stradfield Properties
John Friesen
Bob Matias

In Opposition:

Nil

For the City:

Kevin Lalor, Senior Planner, Planning, Property and Development Department
Ernie Carrière, Land Development Engineer, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

The applicant, John Friesen, Stradfield Properties, appeared in support of the application. Mr. Friesen stated concerns with three of the administrative recommendations, recommendations 5 and 6 of the Administrative Coordinating Group report and recommendation 4 of the Acting Manager of Planning and Land Use report. He stated that he did not agree with pre-paying the costs of the future installation of the land drainage lateral trunk services and the concrete pavement and ornamental lighting. He further stated that he did not agree with having to pay dedication fees, as they were already giving land up.

The Land Development Engineer stated that the land being given up was required for street purposes. Discussion ensued as to what lands the dedication fees would be payable upon, what the estimated dedication amount would be, and to what the existing services of watermain and wastewater were on Polaris Avenue.

Councillor Clement inquired as to recommendations 5 and 6 of the Administrative Coordinating Group report.

The Land Development Engineer stated that the recommendations were placed in the report as a matter of giving notice and that the department had not collected pre-payments since 1982.

Councillor De Smedt suggested removing recommendations 5 and 6 from the Administrative Coordinating Group report.

Councillor De Smedt requested the administration to provide further information to the Standing Policy Committee on Property and Development on recommendations 1 and 4 of the Administrative Coordinating Group report as to: one, if it would be possible to dead-end the watermain in Polaris Avenue rather than connecting it to the main in Dieppe Road and, two, what, if any, were the terms of the agreement between the City and the owner of 34 Polaris Avenue with respect to cost recoveries from persons hooking up to the watermain and wastewater sewer installed by the owner of 34 Polaris Avenue.

In reply please refer to / Référence à rappeler :

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

File No. DASZ 18/03 July 7, 2003
Our c/f CP 500 (.614)

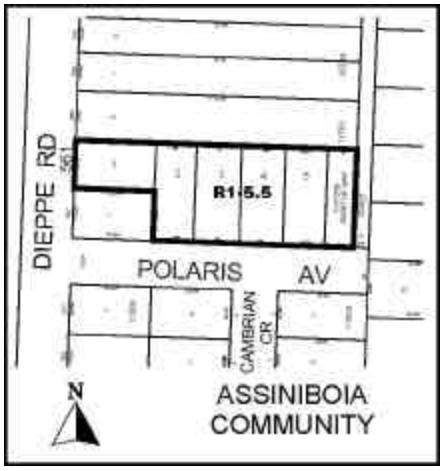
Ms. Josie Marques, Clerk
Assiniboia Community Committee
Council Building
510 Main Street
Winnipeg, MB R3B 1B9

Dear Ms. Marques:

SUBDIVISION AND REZONING
Land located on the north side of Polaris, east of Dieppe
Assiniboia Community
File No. DASZ 13/03

An application has been received from Stradfield Properties (Abe Friesen) for approval of a plan of subdivision and related zoning change to Zoning By-Law No. 6400/94 by rezoning the subject lands from a "R1-20" Residential District to a "R1-5.5" Residential District to permit the creation of 4 additional building lots.

RELATED FILES: N.A.



SITE DESCRIPTION:

Site Area: Approx. 39,800; 0.91 acres.

Existing Land Use and Zoning: - 561 Dieppe, house (to remain) and vacant back lands;
- vacant lot (Lot 2, Plan 27034).

Surrounding Land Use and Zoning:

North: single-family housing zoned "R1-20" and "R1-6"
South: across Polaris, single-family housing zoned "R1-6"
East: single-family housing zoned "R1-6"
West: across Dieppe, public school zoned "PR-1" Parks and Recreation District

DEVELOPMENT DESCRIPTION:

The proposal is to subdivide the back lands of 561 Dieppe and combine them with the former back lands of 567 Dieppe (Lot 2, Plan 27034). This land will then be subdivided into 4 building lots (55' by 127.18'), plus a 40-foot wide parcel (Future Right-of-Way on Figure 2) to accommodate the possible northerly extension of Cambrian. The 40' parcel will be combined with an existing 20 foot-wide, unimproved public lane bounding the east limit of the site to provide the necessary 60 foot-wide street right-of-way. This street extension, while not inevitable, would enable the possible future residential infill of the back lands of lots fronting Buckingham and Dieppe.

PLAN WINNIPEG:

In Neighbourhood Policy Areas, Plan Winnipeg requires the full range of municipal services in order to subdivide land. Sewer and water services are available to the subject site. However, the area is currently serviced with asphalt roadways and ditch drainage. The Neighbourhood Planning Branch is of the opinion that the subdivision can proceed on the basis of it being minor residential infilling, as long as a prepayment is collected for possible future road and land drainage improvements.

ADMINISTRATIVE COMMENTS:

The Neighbourhood Planning Branch supports the proposed development for the following reasons:

- the proposal is consistent with existing development and standards of servicing;

- there is a pent-up demand for building lots in Charleswood;
- the Department supports residential infill that is compatible with the surrounding area.

The Administrative Coordinating Group has reviewed the proposed development and has submitted their report under separate cover. The requirements for development include the following servicing improvements:

- extension of watermain from Cambrian to Dieppe;
- construction of wastewater sewer in Polaris;
- payment of Local Improvement charges for existing services in Polaris;
- prepayment of future land drainage improvements in Polaris;
- payment of Charleswood Transportation Levy.

RECOMMENDATION:

1. That the plan of subdivision proposed under File No. DASZ 18/03 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File No. DASZ 18/2003, attached hereto and dated July 7, 2003, for registration in the Winnipeg Land Titles Office, subject to the following:

    a) That, for the sum of $1.00 (one dollar), the owner dedicate to the City a 40-foot (12.2 metre) strip of land (Future Right-of-Way on the proposed plan) for the future northerly extension of Cambrian Street.

    b) 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 July 3, 2003.

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 No. DASZ 18/2003, attached hereto and dated July 7, 2003, to a "R1-5.5" Residential District

4. That a 10 (10%) percent dedication be made by a payment of a sum of money to the City in lieu of the requirement for land dedication to be calculated on the basis of 4 additional building lots being created.

5. 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.

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

7. 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.

8. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision has been registered in the Winnipeg Land Titles Office provided that the said effective date occurs within twenty-four (24) months from the date that the said rezoning by-law is adopted by Council 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.

9. That the Plan of Subdivision shall be approved and signed by the Director of Planning, Property and Development within two (2) years of the date of passage of the aforementioned by-law.

10. That in the event that the necessary City of Winnipeg mylar approval signatures have not been secured within 24 months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

Yours truly,

C. Knoll
Acting Manager of Planning and Land Use

_____

Per: Ross Mitchell, Senior Planner
(City Centre and Assiniboia Communities)
986-5017

/jc



Figure 1: Air Photo

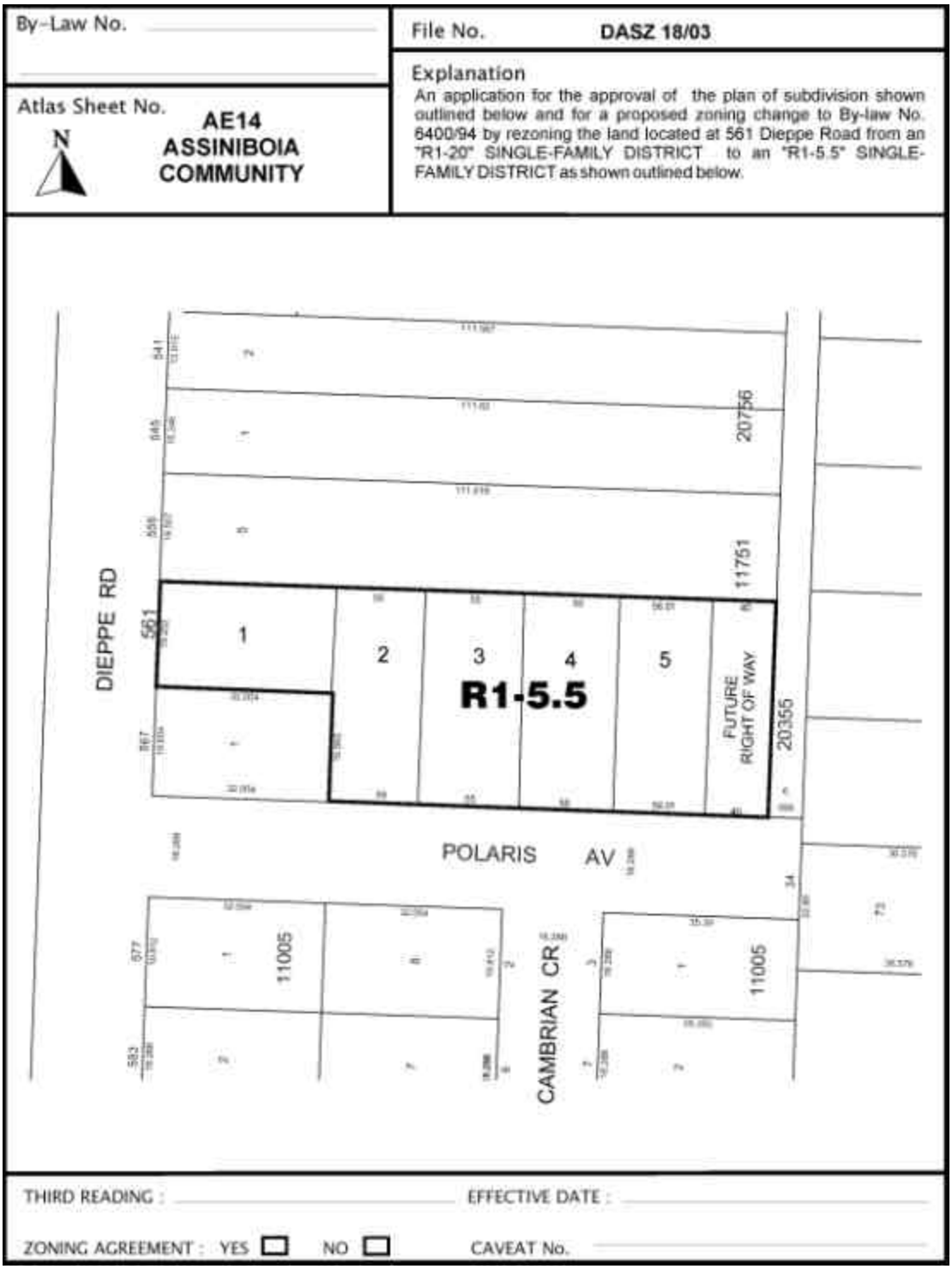


Figure 21: Schedule "A" to the report to the Assiniboia Community Committee for file No. DASZ 18/03, dated July 7, 2003.

Re: Proposed subdivision and rezoning on land located on the north side of Polaris Avenue, east of Dieppe Road – DASZ 18/03

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

ORIGINAL SIGNED BY E. L. CARRIERE

E.L. Carrière
Chairman
Administrative Coordinating Group

July 3, 2003

Re: Proposed subdivision and rezoning on land located on the north side of Polaris Avenue, east of Dieppe Road – DASZ 18/03

The above-referenced application was reviewed by the Administrative Coordinating Group (ACG) on July 2, 2003 and it was recommended that approval be subject to the Developer entering into a Servicing Agreement as follows:

1. The Developer shall at no expense to the City construct a watermain in Polaris Avenue from its current terminus at Cambrian Crescent to the existing watermain in Dieppe Road;
2. The Developer shall at no expense to the City construct a wastewater sewer in Polaris Avenue from its current terminus at Cambrian Crescent to the centre of proposed Lot 2;
3. The Developer shall at no expense to the City install water and wastewater lot line connections to serve each lot within the proposed subdivision;
4. The Developer shall pay its share of the cost of the existing watermain and wastewater sewer in Polaris Avenue based on the Local Improvement rates prevailing at the time payment is received. Based on 2003 rates that share would be approximately as follows:
   i) Wastewater sewer 85' x $38.00/ft. = $3,230.00
   ii) Watermain 70' x $36.00/ft. = $2,520.00
5. The Developer shall prepay its share of the cost of land drainage lateral and trunk services to be installed in the future. Based on 2003 rates therefor those shares would be calculated as follows:
   i) Lateral sewer 221' x $18.00/ft. = $3,978.00
   ii) Trunk services $\frac{221' \times 127'}{43{,}560}$ x $17,322.00/acre = $11,161.08
6. The Developer shall prepay its share of the cost of concrete pavement and ornamental lighting to be installed in Polaris Avenue. Based on 2003 rates those shares are calculated as follows:
   i) Concrete pavement 221' x $120.00/ft. = $26,520.00
   ii) Ornamental street lighting 221' x $9.40/ft. = $2,077.40
7. The Developer shall pay the full cost of engineering services provided by or on behalf of the City in connection with the installation of the watermain, wastewater sewer and lot line connections required to serve the proposed subdivision.
8. The Developer shall pay the Charleswood Transportation Levy ($0.35/sq. ft.) attributable to proposed Lots 2, 3, 4 and 5.
9. The Developer shall pay $1,650.00 to defray the City's administration and related costs associated with the preparation of the servicing agreement.
10. The Developer shall provide a lot grading plan prepared by a municipal engineer and shall grant the City any required easements.

THIS REPORT SUBMITTED BY:

Administrative Coordinating Group
File No. AG 18/03
July 3, 2003

ORIGINAL SIGNED BY E. L. CARRIERE

_____

Land Development Engineer

ORIGINAL SIGNED BY F. MAZUR

_____

Water and Waste Department

ORIGINAL SIGNED BY R. J. HARTMANN

_____

Public Works Department
Transportation Division