Agenda - Council - September 24, 2003

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

Item No. 6 Subdivision and Rezoning - Macbell Road south of Cloutier Drive File DASZ 10/2003

STANDING COMMITTEE RECOMMENDATION:

On September 17, 2003, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the Riel Community Committee and recommends to Council that the subdivision and rezoning under File DASZ 10/2003 not be proceeded with.

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

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On September17, 2003, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the Riel Community Committee, and recommended to Council that the subdivision and rezoning under File DASZ 10/2003 not be proceeded with.

STANDING COMMITTEE RECOMMENDATION:

On September 4, 2003, the Standing Policy Committee on Property and Development concurred in the recommendation of the Riel Community Committee and submitted the matter to Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On July 22, 2003, the Riel Community Committee did not concur in the administrative recommendation, recommended that the subdivision and rezoning proposed under File DASZ 10/2003 not be proceeded with, and submitted its recommendation to the Standing Policy Committee on Property and Development.

Re: **Proposed Plan of Subdivision and Zoning Change Report - Macbell Road south of Cloutier Drive**
File DASZ 10/2003

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

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

Report date: **August 18, 2003**

COMMUNITY COMMITTEE RECOMMENDATION:

The Riel Community Committee did not concur in the administrative recommendation and recommends to the Standing Policy Committee on Property and Development that the Plan of Subdivision and Rezoning not be proceeded with.

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

1. The Riel Community Committee did not agree with the administrative comments contained in the report of the Acting Manager of Planning and Land Use.

2. The proposed development would not be consistent with the contiguous area.

REPORT SUMMARY

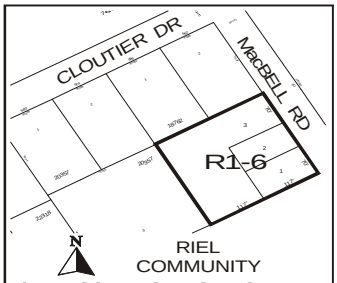
File: DASZ 10/2003

Before: Riel Community Committee
Councillor Steeves, Chairperson
Councillor Angus
Councillor Vandal

Public Hearing: July 22, 2003
Community Committee Chamber, 604 St. Mary's Road

Applicant: C. Zeglinski
108 Uxbridge Road North
Winnipeg, MB R2G 1Z8

Subject:



APPLICANT: C. ZEGLINSKI
FILE: DASZ 10/03
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 "R1-6" SINGLE-FAMILY DISTRICT to allow for the creation of sites for single-family development. **For information, phone Mr. K. Lalor, Planner at 986-5069.**
DEMANDEUR : C. ZEGLINSKI
RÉFÉRENCE : DALZ 10/03
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 qui passerait de la catégorie A.5 SECTEUR AGRICOLE à la catégorie R1-6 SECTEUR D'HABITATIONS UNIFAMILIALES, en vue de permettre la création de sites pour la construction d'habitations unifamiliales. **Pour plus de renseignements, veuillez communiquer avec M. K. Lalor, urbaniste, au 986-5069.**

Premises Affected: Macbell Road south of Cloutier Drive

Exhibits Filed:

1. Application dated May 12, 2003
2. Notification of Public Hearing to Applicant dated June 2, 2003
3. Manitoba Status of Title 1570831
4. Letter of Authorization from C. Zeglinski to The City of Winnipeg dated April 29, 2003
5. Zoning Agreement and Easement Agreement
6. Extract of Atlas Sheet AN24
7. Aerial Photograph
8. Site Plan
9. Report from the Acting Manager of Planning and Land Use dated July 15, 2003
10. Report from the Administrative Coordinating Group dated June 30, 2003
11. Photograph(s) of the site and Inspection Notice
12. Communication opposing the application dated July 19, 2003 from Evelyn Kristjanson Downey
13. Presentation submitted by Janice Lukes at the Public Hearing on July 22, 2003
14. Presentation submitted by Sigrun A. Eysel at the Public Hearing on July 22, 2003

REPRESENTATIONS:

In Support:

Elizabeth Black
C. Zeglinski

In Opposition:

Donna Lynne Bailley
Terry Bailey
Hans H. Eysel
Sigrum Eysel
Craig Fredette
Russell Holmes
Brain Kelly
Evelyn Kristjanson Downey
Janice Lukes
Richard Lukes
Joan MacKenzie
Mr. and Mrs. Don Sullivan

For Information:

Lloyd Simmons

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:

The applicant, C. Zeglinski, appeared in support of the application. Mr. Zeglinski indicated that he had met with the Land Development Engineer and that he agreed with the conditions contained in the report of the Acting Manager of Planning and Land Use dated July 15, 2003.

Elizabeth Black appeared in support of the application on behalf of her brother whom she indicated would be interested in purchasing a lot from Mr. Zeglinski should the subdivision be approved.

Brian Kelly appeared in opposition to the application. Mr. Kelly stated that the property was not correctly posted and that many property owners residing near the proposed development were not aware of the application. Mr. Kelly indicated that the proposed development was not consistent with existing lots in the area and approval of this application would set a precedent that could eventually change the nature of the "rural" neighbourhood. Mr. Kelly stated that further development in the area would worsen an already dangerous traffic situation. Mr. Kelly asked that the Riel Community Committee adjourn the application to ensure that all area residents would be aware of the application.

Terry Bailey appeared in opposition to the application. Mr. Bailey reiterated many of the concerns voiced by Mr. Kelly and indicated that he had driven passed the site almost daily and had not noticed any yellow posters on the site.

Janice Lukes appeared in opposition to the application and read from a prepared statement filed as Exhibit 13.

Joan MacKenzie appeared in opposition to the application. Ms. MacKenzie stated that, even if the subdivision was approved, homes could not be constructed on the individual lots as said lots would not be large enough to accommodate the flood proofing guidelines for the area. Ms. Mackenzie asked if she would be compensated if the proposed lots were in fact developed and the property owners were not required to follow the strict guidelines that she was required to follow in constructing her home.

In response to a question from Councillor Angus, the Land Development Engineer indicated that area building regulations, as set by the Province of Manitoba, would have to be followed by the developer should the subdivision be approved.

Councillor Angus stated that another option would be to subdivide the subject land into three (3) larger lots; said lots would be narrower and deeper than existing lots in the area. Ms. MacKenzie indicated that if this would be the case she would still not support the application as there would be three (3) lots bordering her property.

Hans and Sigrum Eysel appeared in opposition to the application and read from a prepared statement submitted as Exhibit 14.

Russell Holmes appeared in opposition to the application and reiterated many of the concerns raised by previous presenters. Mr. Holmes stated that his neighbour had applied for a variance to decrease the size of his lot to fourteen thousand (14,000) square feet and was rejected. Mr. Holmes further stated that it was beyond his understanding how the City of Winnipeg's administration would be supportive of a subdivision with lot sizes much smaller than what is in the contiguous area.

Don Sullivan appeared in opposition to the application. Mr. Sullivan indicated that his home was built prior to the current flood-proofing laws and that the elevation of the proposed development would adversely affect drainage from his property. He further stated that he did not want a backlane at the rear of his property.

Craig Fredette appeared in opposition to the application. Mr. Fredette stated that, should this application be approved, more downsizing of lots would likely be allowed along Stormont Drive. Mr. Fredette further stated that Stormont Drive would be extended to Macbell Road and said extension would create more traffic in the area. Councillor Angus stated that, in all likelihood, Stormont Drive would eventually be extended to Macbell Road.

Lloyd Simmons appeared for informational purposes. He indicated that he was not opposed to development but that the proposed subdivision would not be in character with existing homes in the area.

Mr. Zeglinski returned in rebuttal. He stated that any lot deeper than one hundred and fifty (150) feet would result in wasted land. If he would create three lots as suggested by Councillor Angus, said lots would be two hundred and thirty-four (234) feet in length. Mr. Zeglinski indicated that the taxes were quite high in this area and potential homeowners would pay high taxes for land they will not even require.

Mr. Zeglinski asked that the Councillors consider the application as submitted and stated that he was not willing to alter his proposal in any way. Mr. Zeglinski stated that the Riel Community Committee had previously allowed a similar subdivision under DASZ 21/2000 to Mr. Plesko. Councillor Angus stated that the proposed development would not be consistent with existing lots located west of Macbell Road and that the proposed lots were much smaller than those approved under DASZ 21/2000.

In reply please refer to / Référence à rappeler :

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

File No. DASZ 10/03 July 15, 2003
Our c/f CP 500 (.635)

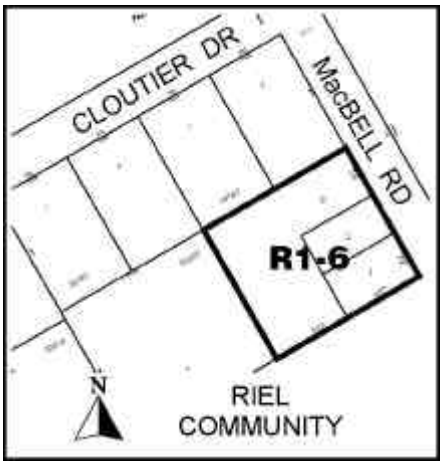
Mr. Marc Pittet
Riel Community Committee
Council Building
510 Main Street
Winnipeg, MB R3B 1B9

Dear: Mr. Pittet

SUBDIVISION AND REZONING
Land located: West side Macbell Road, South of Cloutier Drive
Riel Community
File No. DASZ 10/03

An application has been received from Mr. C. Ziglinski 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 a "R1-6 " Residential District to allow for the establishment of three (3) residential lots.

RELATED FILES:



SITE DESCRIPTION:

Site Area:

The overall area totals approximately 49,140 sq. ft. or a little more than an acre.

Existing Land Use and Zoning:

The land is currently vacant and zoned A-5 Agricultural.

Surrounding Land Use and Zoning:

North: There are several one half-acre lots along the south side of Cloutier Drive, most occupied with residential dwellings. The lots are zoned A-5.
South: To the south are several large parcels, vacant and heavily treed and zoned A-5 Agricultural.
East: To the east are several dwellings on large parcels, zoned A-5 Agricultural. There is an active subdivision in the works for the Plesko property immediately to the east of Macbell.
West: There are new homes in place along Stormont to the west. The area still remains zoned A-5 Agricultural.

DEVELOPMENT DESCRIPTION:

The applicant is proposing to subdivide his existing lot into three parcels, two of which will be approximately 8,000 sq. ft. in total area. The third will have a total overall area of almost 33,000 sq. ft. and will be further subdivided at some point in the future when Stormont Drive is extended through to Macbell Road.

PLAN WINNIPEG:

The area falls within a designated Neighbourhood Policy Area. The application therefore complies with Plan Winnipeg Policy.

ADMINISTRATIVE COMMENTS:

As referenced in the ACG Report and in the following Recommendation Section, this application is closely tied to a separate subdivision application (DASZ 21/00) by D. Plesko which was approved by Riel Community Committee three years ago but has not as yet been registered. Both applicants are required to install a full range of services on Macbell as a condition of approval by the City and because the aforementioned infrastructure costs are significant it is imperative that both parties work together to make both of their developments a reality. With that in mind, the City has given Mr. Ziglinski thirty six (36) months to enact the subject by-law to coincide with an extension recently given to Mr. Plesko to register his plan which was granted until March of 2006. From a land use standpoint, the Planning and Land Use Division supports the proposal for at least three new fully serviced dwelling units on Macbell at

some point in the future. The plan also allows for the future creation of a fourth lot if and when the Stormont Drive extension is established.

RECOMMENDATION:

I. That the plan of subdivision proposed under File No. DASZ 10/03 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule " A" for File No. DASZ 10/03, attached hereto and dated July 15/03, 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 June 30/03.

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 additional building site(s) being created.

II. That the subdivision/rezoning By-Law for this application not be enacted unless and until the plan of subdivision approved by the City under DASZ 21/00 covering the land on the east side of Macbell Road has been registered in the Land Titles Office.

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 10/03, attached hereto and dated July 10/03, to an "R1-6" Residential District.

VI. That, in the event this application is not proceeded with expeditiously and the by-law is not enacted within thirty-six (36) 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 time is applied for prior to the expiry of this thirty-six (36) month period and the extension is subsequently approved by Council.

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

VIII. 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.

IX. 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.

X. The Plan of Subdivision shall be approved and signed by the Director of Planning, Property and Development within three (3) years of the date of passage of the aforementioned by-law.

XI. In the event that the necessary City of Winnipeg mylar approval signatures have not been secured within thirty-six (36) 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,

C. Knoll
Acting Manager of Planning and Land Use

Per: Acting Coordinator, Urban Planning
Riel Community
986-5069

/jc

By-Law No. _____

File No. **DASZ 10/03**

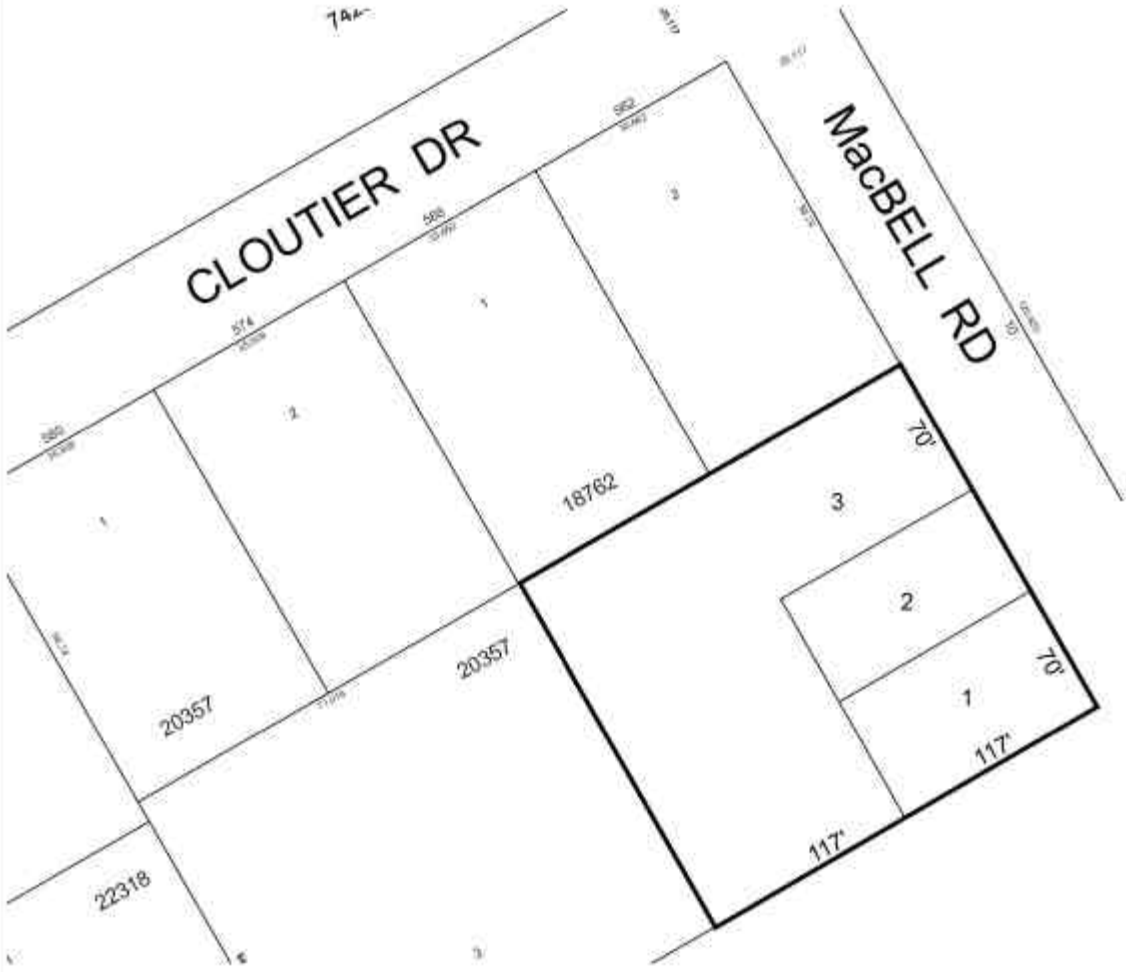
Atlas Sheet No. **AN24**

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 west of MacBell Road south of Cloutier Drive from an "A.5" AGRICULTURAL DISTRICT to an "R1-6" SINGLE-FAMILY DISTRICT as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

Re: Proposed subdivision and rezoning on land located on the west side of Macbell Road south of Cloutier Drive – DASZ 10/03

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

ORIGINAL SIGNED BY E. L. CARRIERE

E.L. Carrière, P.Eng.
Chairman
Administrative Coordinating Group

June 30, 2003

Re: Proposed subdivision and rezoning on land located on the west side of Macbell Road south of Cloutier Drive – DASZ 10/03

An application has been submitted by Chester Zeglinski to subdivide and rezone land located south of Cloutier Drive, on the west side of Macbell Road.

It is recommended that approval of this application be subject to the Developer entering into a Servicing Agreement containing the following:

1. The Developer shall pay its share of the cost of services installed by others in Macbell Road as determined by the Director of Public Works and the Director of Water and Waste.
2. The Developer shall, at no expense to the City, cause underground electrical and telephone services to serve the proposed subdivision to the satisfaction of the Director of Public Works.
3. The Developer shall install wastewater sewer and water connections to serve each lot within the proposed subdivision.
4. The Developer shall pay $545.00 to defray the City's administration and related costs associated with the preparation and implementation of the Servicing Agreement.

It is further recommended that the subdivision/rezoning by-law for this application not be enacted unless and until the plan of subdivision approved by the City under DASZ 21/00 covering land on the east side of Macbell Road has been registered in the Land Titles Office.

THIS REPORT SUBMITTED BY:

E.L. Carrière, P.Eng.
Land Development Engineer
File No. AG 10/03
June 30, 2003

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ORIGINAL SIGNED BY E. L. CARRIERE

_____

Land Development Engineer

ORIGINAL SIGNED BY F. MAZUR

_____

Water and Waste Department

ORIGINAL SIGNED BY R. HARTMANN

_____

Public Works Department
Transportation Division