Agenda - Council - September 24, 2003

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

Item No. 10 Subdivision and Rezoning - 585 St. Anne's Road
File DASZ 15/2003 [c/r DAV 314653/2003D and DAC 12/2003]

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 (as amended), and submits the following to Council:

1. That the plan of subdivision proposed under File DASZ 15/2003 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 15/2003 dated July 15, 2003, for registration in the Winnipeg Land Titles Office, subject to the following:

    A. That the Developer enter into a Servicing Agreement as follows:

        i. The developer shall, at no expense to the City, reconstruct the lane roadway to similar standards as the current lane roadway, within the lane right-of–way sections where the roadway didn't previously exist, as determined by and to the satisfaction of the Director of Public Works.

        ii. The Developer shall pay the full cost of engineering services provided by or on behalf of the City in connection with the reconstruction of the lane roadway.

        iii. The Developer shall pay $1,650.00 to defray the City's administration and related costs associated with the preparation and implementation of the Servicing Agreement.

2. That the Developer be required to enter into a Subdivision Agreement with the City to be imposed on Proposed Lot 2 containing the following condition:

    A. That access for proposed Lot 2, the proposed Commercial site, shall not be permitted to/from the public lane at the rear of the subject property unless the subject lane right-of-way is widened to 7.25 metres and the lane brought up to current standards, as determined by and to the satisfaction of the Director of Public Works.

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

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

4. That The Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule “A” for File DASZ 15/2003 dated July 15, 2003, to an “MH-P” Mobile Home District and a “C2” Commercial District.

5. 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 based on the increase in market value of the land.

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

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

8. 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.

9. 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.

10. 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.

11. 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.

Agenda - Council - September 24, 2003

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

DECISION MAKING HISTORY:

EXECUTIVE POLICY 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 (as amended) and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On September 4, 2003, the Standing Policy Committee on Property and Development concurred in the recommendation of the Riel Community Committee as amended, namely:

- Delete Recommendation 2 in its entirety and substitute the following:

    2. That the Developer be required to enter into a Subdivision Agreement with the City to be imposed on Proposed Lot 2 containing the following condition:

        A. That access for proposed Lot 2, the proposed Commercial site, shall not be permitted to/from the public lane at the rear of the subject property unless the subject lane right-of-way is widened to 7.25 m and the lane brought up to current standards, as determined by and to the satisfaction of the Director of Public Works,

and submitted the matter to Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On July 22, 2003, the Riel Community Committee concurred in the administrative recommendation and submitted its recommendation to the Standing Policy Committee on Property and Development.

Re: **Proposed Plan of Subdivision and Zoning Change Report - 585 St. Anne's Road**
File DASZ 15/2003 [c/r DAV 314653/2003D and DAC 12/2003]

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

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

Report date: **August 14, 2003**

COMMUNITY COMMITTEE RECOMMENDATION:

The Riel 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 15/2003 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 15/2003, dated July 15, 2003, for registration in the Winnipeg Land Titles Office, subject to the following:

    A. That the Developer enter into a Servicing Agreement as follows;

        i. the developer shall, at no expense to the City, reconstruct the lane roadway to similar standards as the current lane roadway, within the lane right-of–way sections where the roadway didn't previously exist, as determined by and to the satisfaction of the Director of Public Works.

        ii. the Developer shall pay the full cost of engineering services provided by or on behalf of the City in connection with the reconstruction of the lane roadway.

        iii. the Developer shall pay $1,650.00 to defray the City's administration and related costs associated with the preparation and implementation of the Servicing Agreement.

2. That access for proposed Lot 2, the proposed Commercial site, shall not be permitted to/from the public lane at the rear of the subject property unless the subject lane right-of-way is widened to 7.25 metres and the lane brought up to current standards, as determined by and to the satisfaction of the Director of Public Works.

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

4. That The Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 15/2003 dated July 15, 2003, to an "MH-P" Mobile Home District and a "C2" Commercial District.

5. That a ten (10) percent dedication be made by a payment of a sum of money to the City in lieu of the requirement for land dedication based on the increase in market value of the land.

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

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

8. 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.

9. 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.

10. 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.

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

1. The Riel Community Committee agreed with the administrative comments contained in the report of the Acting Manager of Planning and Land Use.

REPORT SUMMARY

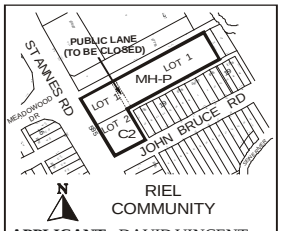
File: DASZ 15/2003 [c/r DAV 314653/2003D and DAC 12/2003]

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: David Vincent
246 St. Anne's Road
Winnipeg, MB R2M 3A4

Subject:



APPLICANT: DAVID VINCENT
FILE: DASZ 15/03
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 "R1-5" SINGLE-FAMILY DISTRICT and a "C1" COMMERCIAL DISTRICT to a "MH-P" MOBILE HOME PARK DISTRICT and a "C2" COMMERCIAL DISTRICT to allow for the establishment of a mobile home park and for future commercial development. **For information, phone Mr. K. Lalor, Planner at 986-5069.**
DEMANDEUR : DAVID VINCENT
RÉFÉRENCE : DALZ 15/03
PROJET : Demande d'approbation par le Conseil du plan de lotissement indiqué ci-dessus et proposition de modification du *Règlement municipal n° 6400/94* visant à changer le zonage des sols délinéés ci-dessus qui passeraient des catégories R1-5 (SECTEUR D'HABITATIONS UNIFAMILIALES) et C1 (SECTEUR COMMERCIAL) à la catégorie MH-P (SECTEUR DE PARC POUR MAISONS MOBILES) et C2 (SECTEUR COMMERCIAL), en vue de permettre l'aménagement d'un parc pour maisons mobiles et le lotissement à des fins commerciales. **Pour plus de renseignements, veuillez communiquer avec M. K. Lalor, urbaniste, au 986-5069.**

Premises Affected: 585 St. Anne's Road

Exhibits Filed:

1. Application dated June 17, 2003
2. Notification of Public Hearing to Applicant dated June 9, 2003
3. Manitoba Status of Title 1807851, 1808009 and 1808151
4. Letter of Authorization from Steve Swerdyliak, Danny Thomas Swerdyliak, Vince Swerdyliak and Agnes Marie Swerdyliak to David Vincent dated March 18, 2003
5. Extract of Atlas Sheet AG28
6. Plans (7 pages)
7. Report from the Manager of Planning and Land Use dated July 15, 2003
8. Photograph(s) of the site and Inspection Notice

REPRESENTATIONS:

In Support:

Garry Hartwell
David Lewis
Rick Lewis
Daniel Orlikow

In Opposition:

Peter E. Falk
E. Leclerc

For Information:

Louis Ouellette
John Swerdyliak
Connie Wachsmann

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:

Daniel Orlikow and Gerry Harwell appeared in support of the application on behalf of the applicant. Mr. Orlikow stated that the intent of the development was to clean up the area by constructing a quality trailer park for senior citizens.

In response to a question from Councillor Vandal, Mr. Orlikow indicated the existing trailers would be removed and new permanent trailers, each costing approximately eighty thousand ($80.000.00) dollars, would be installed. Mr. Orlikow stated that development of the subject property is limited due to its dimensions.

Peter Falk appeared in opposition to the application. Mr. Falk indicated that his property is adjacent to the current campground and stated concern that the proposed mobile home park may adversely affect the riverbank. Mr. Falk stated that he would like for the site's backlane to be between sixteen (16) and eighteen (18) feet wide. Mr. Falk further stated that he would not withdraw his opposition until he had a better idea of what improvements the developer has planned for the subject property.

Connie Wachsmann appeared in opposition to the application. Ms. Wachsmann stated that she owned a trailer and was living on the subject property. She further stated that there is a demand for mobile home lots but there are no lots available and, should the rezoning proceed, she would be forced to move as her trailer would not comply and she would not be of age to live there. Ms. Wachsmann asked how long it would be until a final decision would be made on the application to which Councillor Angus replied, at the very earliest, at the Council meeting in September.

Mr. Orlikow and Mr. Harwell returned in rebuttal. In response to a question from Councillor Steeves, the Senior Planner stated that the application had been discussed with the Riverbank Management Engineer and, should the application be approved, the developer would be required to obtain the required permits for building in proximity to a river.

Councillor Steeves asked what would happen to the people currently residing in the trailer park. Mr. Orlikow indicated that the ownership group would be willing to accommodate existing tenants providing they paid rent and that development was not planned until November of 2003.

In reply please refer to / Référence à rappeler :

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

File No. DASZ 15/03 July 15, 2003
Our c/f CP 500 (.554)

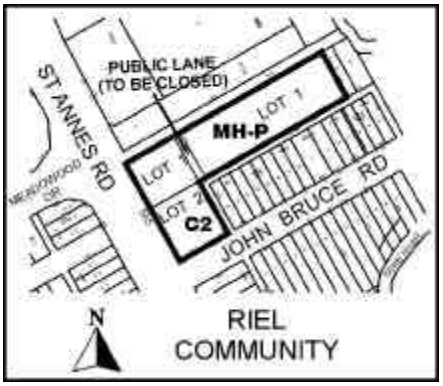
Marc Pittet
Riel Community Committee
Council Building
510 Main Street
Winnipeg, MB R3B 1B9

Dear: Mr. Pittet

SUBDIVISION AND REZONING
Land located: 585 St. Anne's Road
Riel Community
File No. DASZ 15/03

An application has been received from Mr. David Vincent 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 "R1-5" Residential District and a "C1" Commercial District to a " MH-P" Mobile Home Park District and a "C2"Commercial District in order to allow for the redevelopment of an existing trailer park.

RELATED FILES: DAV03-314653D, DAC12/03



SITE DESCRIPTION:

Site Area:

The overall site area totals approximately 1.5 acres, only 0.3 acres of which is to be retained as commercial.

Existing Land Use and Zoning:

The frontage portion of the property is currently zoned C1 Commercial and occupied by a retail commercial building on the south half and existing trailer units on the north half. The rear portion extending east almost to the Seine River is occupied with existing trailer units and zoned R1-5 Residential. An unopened lane right-of –way separates the two parcels.

Surrounding Land Use and Zoning:

North: To the immediate north is the Manitoba Baptist Home Care Facility zoned RM-3 Multiple.
South: To the immediate south are single family homes fronting onto John Bruce Road zoned R1-5 Single Family Residential.
East: To the east is the Seine River zoned PR-1 Parks and Recreational.
West: To the west of St. Anne's Road is a Regional Recreational Complex zoned PR-1 Parks and Recreational.

DEVELOPMENT DESCRIPTION:

The applicants propose to close part of an existing lane right-of –way and incorporate it into their existing overall holding. They then propose to redevelop what is an existing trailer park into a new mobile home facility with fewer units on larger lots. In order to that procedurally, a rezoning to a Mobile Home Zoning category is required. A portion of the existing St. Anne's frontage is to be retained as commercial but rezoned from a C1 to a C2 category. Access to the site will be via St. Anne's Road.

PLAN WINNIPEG:

The site is situated in a Neighbourhood Policy Area under Plan Winnipeg, which allows for both commercial and residential development.

ADMINISTRATIVE COMMENTS:

The existing trailer park is one of the few in South Winnipeg and has been operating without much change for many years. However unlike the larger neighbouring mobile home parks like Southglen, the site is congested with as many as 2-3 dozen units situated close together on small lots. The applicants propose to essentially upgrade the site and create a new 15 unit (Seniors) mobile home park (proposed Lot 1). Procedurally in order to so, a rezoning to an appropriate mobile home zoning category is required and in order to make the project more efficient overall, a portion of an existing lane is to be closed and incorporated into the project.

Only a half of the existing frontage commercial area is to be retained as commercial. The housing area is to be completely gated, landscaped and controlled by a stringent development agreement. Each unit will have a deck and carport. It is the view of the Planning and Land Use Division that the proposed changes will be a marked improvement over the current situation and should only benefit the adjoining neighbourhood. It should be noted that land dedication for PR purposes along the Seine River is not required in this instance, as the City currently owns a significant level of river frontage in this area. It should further be noted that, in accordance with a recommendation from the Public Works Department, a condition is being inserted in the following section, which will prohibit access the proposed commercial site on proposed Lot 2 from the existing rear public lane unless the subject lane right-of-way is widened to 7.25 metres and the lane brought up to current standards, concrete pavement etc.

RECOMMENDATION:

I. That the plan of subdivision proposed under File No. DASZ 15/03 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File No. DASZ 15/03 attached hereto and dated July 15/03, for registration in the Winnipeg Land Titles Office subject to the following:

   a. That the Developer enter into a Servicing Agreement as follows;
      i. the developer shall, at no expense to the City, reconstruct the lane roadway to similar standards as the current lane roadway, within the lane right-of – way sections where the roadway didn't previously exist, as determined by and to the satisfaction of the Director of Public Works.
      ii. the Developer shall pay the full cost of engineering services provided by or on behalf of the City in connection with the reconstruction of the lane roadway.
      iii. the Developer shall pay$1,650.00 to defray the City's administration and related costs associated with the preparation and implementation of the Servicing Agreement.

II. That access for proposed Lot 2, the proposed Commercial site, shall not be permitted to/from the public lane at the rear of the subject property unless the subject lane right-of– way is widened to 7.25m and the lane brought up to current standards, as determined by and to the satisfaction of the Director of Public Works.

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

IV. That Zoning By-Law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File No. DASZ 15/03, attached hereto and dated July 15/03, to an "MH-P" Mobile Home District and a "C2" Commercial District.

V. That a 10 percent dedication be made by a payment of a sum of money to the City in lieu of the requirement for land dedication based on the increase in market value of the land.

VI. 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 time is applied for prior to the expiry of this twenty four (24) 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 two (2) 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 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,

C. Knoll
Acting Manager of Planning and Land Use

Kevin Lalor
Per: Acting Coordinator Urban Planning Br.

By-Law No. _____

File No. **DASZ 15/03**

Atlas Sheet No. **AG28 RIEL COMMUNITY**

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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 located at 585 St. Anne's Road from an "R1-5" SINGLE-FAMILY DISTRICT and a "C1" COMMERCIAL DISTRICT to an "MH-P" MOBILE HOME PARK DISTRICT and a "C2" COMMERCIAL DISTRICT as shown outlined below.



Schedule " A" for File No. DASZ 15/03, Riel Community Committee, dated July 15/03

THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____