Agenda - Council - September 24, 2003

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

Item No. 19 Subdivision and Rezoning - east side of Eaglemere Drive, west of Lagimodiere Boulevard
File DASZ 9/2003

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 submits the following to Council:

1. That the July 23, 2003 Council decision with respect to subdivision and rezoning under File DASZ 9/2003, be amended by replacing Recommendation 5 with the following:

   "5. That a minimum rear yard of 65.6 feet (20 metres) to principle dwellings be established for all residential lots abutting Lagimodiere Boulevard."

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

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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 submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On September 4, 2003, the Standing Policy Committee on Property and Development passed the following motion:

WHEREAS on July 23, 2003 Council approved a subdivision and rezoning for lands located on the east side of Eaglemere Drive, west of Lagimodiere Boulevard, under File DASZ 9/2003;

AND WHEREAS the Council approval provided as follows:

> "5. That a minimum rear yard of 73.8 feet (22.5metres) to principle dwellings be established for all residential lots abutting Lagimodiere Boulevard."

AND WHEREAS it was intended that the minimum rear yard be 65.6 feet (20 metres) and it was inadvertently submitted as 73.8 (22.5 metres);

THEREFORE BE IT RESOLVED:

1. That the July 23, 2003 Council decision with respect to subdivision and rezoning under File DASZ 9/2003, be amended by replacing Recommendation 5 with the following:

   "5. That a minimum rear yard of 65.6 feet (20 metres) to principle dwellings be established for all residential lots abutting Lagimodiere Boulevard."

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

and submitted the matter to Executive Policy Committee and Council.

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DECISION MAKING HISTORY (continued):

COUNCIL:

On July 23, 2003, Council concurred in the recommendation of its Standing Policy Committee on Property and Development and adopted the following:

1. That the plan of subdivision proposed under File DASZ 9/2003 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 9/2003 dated June 9, 2003, for phased registration in the Winnipeg Land Titles Office, subject to the following:

    A. That the Developer be required to enter into an Addendum to Development Agreement AG 26/88 with the City containing all the conditions outlined in the report of the Administrative Coordinating Group File AG 9/03 dated June 3, 2003.

    B. That phasing of registration of the plans of subdivision be subject to the approval of the Director of Planning, Property and Development.

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 9/2003 dated June 9, 2003, to an "R1-3.5" Residential District, subject to the applicant entering into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to apply to the lands as shown on Schedule "A", to include the following conditions:

    A. That any lots fronting onto Eaglemere Drive shall have a minimum width of 40 feet.

    B. That a minimum six (6) foot high ornamental wood fence and berm be constructed along the rear lot line of all lots abutting Lagimodiere Boulevard.

4. That a Building Location Certificate be provided prior to the release of the mylars and if any structures located at 230 and 250 Grassie Boulevard are not in compliance with

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DECISION MAKING HISTORY (continued):

the minimum zoning setbacks they may either be relocated or removed prior to the release of the mylars.

5. That a minimum rear yard of 73.8 feet (22.5metres) to principle dwellings be established for all residential lots abutting Lagimodiere Boulevard.

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 this 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, and when the Zoning Agreement has been filed by caveat as a first charge in the Winnipeg Land Titles Office against those lands 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.

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.