Agenda - Council - March 24, 2004

Report - Standing Policy Committee on Property and Development - March 2, 2004

Item No. 10 Subdivision and Rezoning - 88 and 90 Worthington Avenue
File DASZ 31/2003

STANDING COMMITTEE RECOMMENDATION:

On March 17, 2004, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the Riel Community Committee and submits the following to Council:

1. That the plan of subdivision proposed under File DASZ 31/2003 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 31/2003, dated January 13, 2004, amended to illustrate two (2) lots on Chokecherry Cove and the alignment of the rear property lines with existing holdings on Worthington Avenue**,** 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 File AG 31/03) dated December 12, 2003, with the following amendment:

        i. That Recommendation 6 be amended by deleting the words "four (4)" and replacing with the words "three (3)".

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 31/2003 dated January 13, 2004, to an "R1-3.5" Residential District.

4. That in the event the application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months after adoption of the 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.

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

Report - Standing Policy Committee on Property and Development - March 2, 2004

6. That the subdivision section of the by-law shall come into force and effect upon execution by the City of Winnipeg of the Servicing Agreement.

7. 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.

8. 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.

9. 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.

10. 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 - March 2, 2004

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On March 17, 2004, 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 March 2, 2004, 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 February 24, 2004, the Riel Community Committee concurred in the administrative recommendation as amended, namely:

- Amend Recommendation 1 by adding after the words "dated January 13, 2004," the words **"**amended to illustrate two (2) lots on Chokecherry Cove and the alignment of the rear property lines with existing holdings on Worthington Avenue,"

- Amend Recommendation 6 of the report of the Administrative Coordinating Group dated December 12, 2003, by deleting the words "four (4)" and replacing with the words "three (3)".

- Delete Recommendation 1. B. in its entirety,

and forwarded to the Standing Policy Committee on Property and Development.

On January 20, 2004, the Riel Community Committee adjourned the Public Hearing for the Subdivision and Rezoning application to the meeting of the Riel Community Committee to be held on February 24, 2004, in the Community Committee Chamber, 604 St. Mary's Road.

RE: **Subdivision and Rezoning - 88 and 90 Worthington Avenue**
File DASZ 31/2003 [c/r DAV 332017/200D]

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

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

Report date: **February 25, 2004**

COMMUNITY COMMITTEE RECOMMENDATION:

On February 24, 2004, the Riel Community Committee concurred in the administrative recommendation, as amended, and recommends to the Standing Policy Committee on Property and Development:

1. That the plan of subdivision proposed under File DASZ 31/2003 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 31/2003, dated January 13, 2004, ***amended to illustrate two (2) lots on Chokecherry Cove and the alignment of the rear property lines with existing holdings on Worthington Avenue*** 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 report (File AG 31/03) dated December 12, 2003***, with the following amendment:***

      i: That Recommendation 6 be amended by deleting the words "four (4)" and replacing with the words "three (3)".

   ~~***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 four (4) additional building site(s) being created.***~~

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 31/2003, dated January 13, 2004, to an "R1-3.5" Residential District.

4. 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.

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

6. That the subdivision section of the by-law shall come into force and effect upon execution by the City of Winnipeg of the Servicing Agreement.

7. 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.

8. 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. 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.

Note: Bold and italicized wording denotes variation between administrative recommendations and recommendations of the Riel Community Committee.

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 Manager of Planning and Land Use dated January 13, 2004, and in the report from the Administrative Coordinating Group dated December 12, 2003.

PUBLIC HEARING SUMMARY

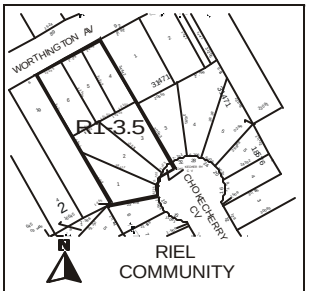
File: DASZ 31/2003 [c/r DAV 332017/2003D]

Before: Riel Community Committee
Councillor Steeves, Chairperson
Councillor Vandal

Public Hearing: February 24, 2004
Community Committee Chamber, 604 St. Mary's Road
January 20, 2004
Community Committee Chamber, 219 Provencher Boulevard

Applicant: Andre L. Grenier

Subject:



APPLICANT: ANDRE L. GRENIER
FILE: DASZ 31/03
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 to an "R1-3.5" 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 : ANDRÉ L. GRENIER
RÉFÉRENCE : DALZ 31/03
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 passeraient de la catégorie R1-5 (SECTEUR D'HABITATIONS UNIFAMILIALES) à la catégorie R1-3.5 (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: 88 & 90 Worthington Avenue

Exhibits Filed:

1. Application dated October 31, 2003
2. Notification of Public Hearing dated December 22, 2003
3. Manitoba Status of Titles 1223731, 1377l14, 1377115, 1955087 and 1957919
4. Surveyor's Building Location Certificate and sketch dated July 26, 1999
5. Surveyor's Building Location Certificate and sketch dated May 15, 2002
6. Revised Plans (3 pages)
7. Report from the Manager of Planning and Land Use dated January 13, 2004
8. Report from the Administrative Coordinating Group dated December 12, 2003
9. Inspection Report
10. Petition in opposition to the application purporting to contain the signatures of 17 area residents submitted by Chris Liba on February 24, 2004

REPRESENTATIONS:

In Support:

Andre Grenier
Dan Labossiere

In Opposition:

Suad Balic
Shane Hennessy
Claude Jubinville
Chris Liba
Chris and Diane Miner
Diane Parisien-Madrigga and Allen Madrigga
Christine and James Shirley
Sherry Tuck

For Information:

Heather Wardrop and Mitchell Teleqlow

For the City:

Kevin Lalor, Senior Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

Andre Grenier and Dan Labossiere appeared in support of the application and provided a brief overview of the proposed development.

Chris Liba and Shane Hennessy appeared in opposition to the application and submitted a petition opposition the application (filed as Exhibit 10).

In response to a question from Councillor Vandal, Mr. Liba stated that area residents were aware that development would eventually occur on the subject Chokecherry Cove lots but that area residents were opposed to allowing the development of three (3) lots. Mr. Liba also raised concerns regarding fire safety and the lack of storage space for snow removal.

Andre Grenier and Dan Labossiere returned in rebuttal. Mr. Labossiere stated that the proposed lots would have twenty-five (25) foot driveways that would be ample for parking. Mr. Labossiere iterated that the increased taxes generated by this development would more than cover the increased cost of snow removal. Mr. Labossiere further stated that it was his belief that the safety of area residents would not be compromised by this development.

In response to a question from Councillor Vandal, the Senior Planner advised that the proposed lots on Chokecherry Cove would be marginally smaller than the developed pie-shaped lots on the Cove but larger than any other lot on said Cove. In response to a further question from Councillor Vandal, the Senior Planner advised that the applicants would be required to submit a drainage plan which will be inspected and approved by the City of Winnipeg's Water and Waste Department.

Councillor Steeves stated that he would be supportive of the application but would recommend that development be limited to five lots and that the back boundaries of the three new lots on Worthington Avenue would have to be aligned with existing lots on said Avenue.

Exhibit “7” referred to in File DASZ 31/2003

In reply please refer to / Référence à rappeler :

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

File No. DASZ 31/03 January 13, 2004
Our c/f CP 500 (.517)

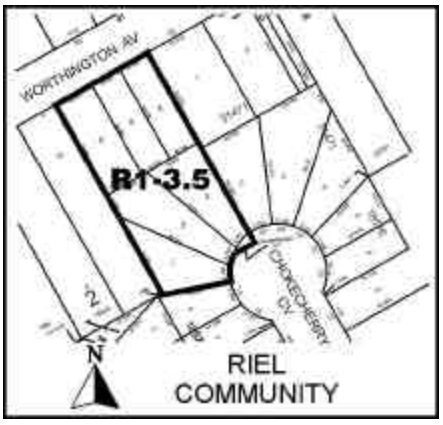
Marc Pittet
Clerk
Riel Community Committee
Council Building
510 Main Street
Winnipeg, MB R3B 1B9

Dear: Mr. Pittet

SUBDIVISION AND REZONING
Land located: 88/90 Worthington
Riel Community
File No. DASZ 31 /03

An application has been received from Andre Grenier 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 to an “ R1-3.5” Residential District to for the creation of six new residential lots.

RELATED FILES:DAV03-332001D



SITE DESCRIPTION:

Site Area:

The overall area of the six combined proposed residential lots is 25,203.4 sq. feet.

Existing Land Use and Zoning:

Only two dwellings currently exist on the overall site. They both have frontage onto Worthington Ave. A small portion of the land along Chokecherry is zoned R1-3.5 Residential; the bulk of the land is zoned R1-5 Residential.

Surrounding Land Use and Zoning:

North: Land to the north of Worthington forms part of a fully developed neighbourhood zoned R1-5 Residential.
South: Properties to the south along Chokecherry Cove are all occupied with residences zoned R1-3.5 Residential.
East: To the east are single family dwellings, some zoned R1-3.5, most zoned R1-5 Residential.
West: To the west along the south side of Worthington are residences zoned R1-5 Residential.

DEVELOPMENT DESCRIPTION:

The applicant by consolidating all of his property along Worthington with small residual parcels along Chokecherry, can create a total of six lots, three on Worthington and three on Chokecherry Cove. Two of the newly configured lots will already have homes on them. The lots will range in size from 3550 sq. ft. to 4750 sq. feet. The proposed R1-3.5 zoning will therefore be required to accommodate the minimum lot sizes being proposed.

PLAN WINNIPEG:

The area falls within a designated Neighbourhood Policy Area which permits a wide range of residential development, including that which is being proposed.

ADMINISTRATIVE COMMENTS:

The proposed new property configuration and consolidation which results in the creation of four new dwellings is in keeping with Plan Winnipeg Policy to support and establish were possible infill residential development in older neighbourhoods. The proposed lot sizes are generally in character with adjoining neighbourhoods; new lots proposed for Chokecherry Cove will be of similar size and will have the same zoning as existing lots along that street. Two of the the newly proposed lots on Worthington will be smaller than the norm along Worthington but 3500 sq.foot

lots do exist at intervals along the street. The Planning Department supports the proposed new subdivision and rezoning and is of the view that the surrounding neighbourhood will not be adversely affected.

RECOMMENDATION:

I. That the plan of subdivision proposed under File No. DASZ 31/03 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule " A" for File No. DASZ 31/03, attached hereto and dated January 13/04, 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 report File No. AG 31/03 dated December 12/03 and

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 four (4) additional building site(s) being created.

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 31/03, attached hereto and dated January 13/04, to an " R1-3.5" Residential District .

IV. 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 .

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

VI. That the subdivision section of the by-law shall come into force and effect upon execution by the City of Winnipeg of the Servicing Agreement.

VII. 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.

VIII. 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.

IX. 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
Manager of Planning and Land Use

Per: Kevin Lalor , Senior Planner
Riel Community
986-5069

/jc

3108

By-Law No. _____

File No. **DASZ 31/03**

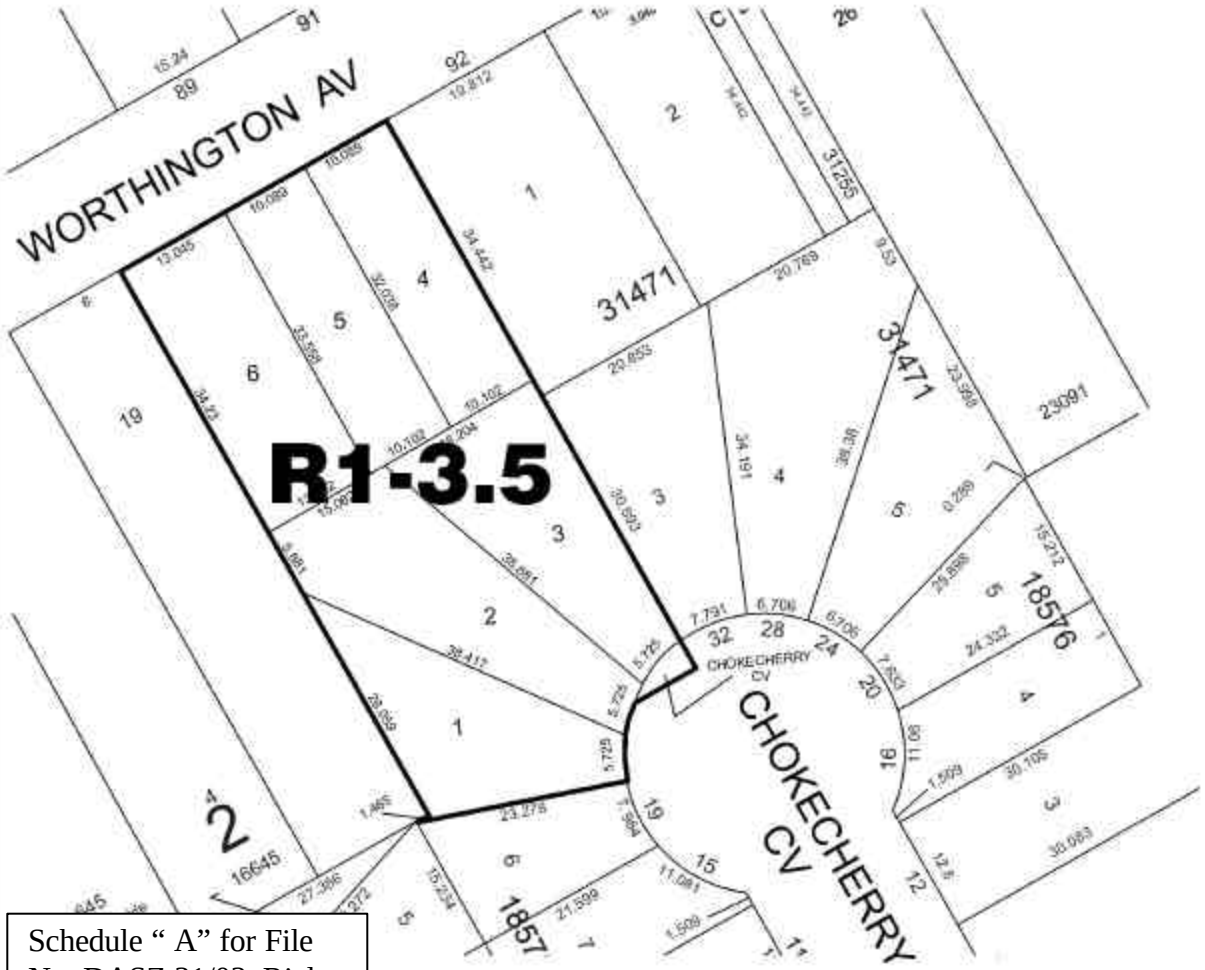
Atlas Sheet No. **AF27**

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 located on the south side of Worthington Avenue and the north side of Chokecherry Cove from an "R1-5" SINGLE-FAMILY DISTRICT to an "R1-3.5" SINGLE-FAMILY DISTRICT as shown outlined below.



Schedule " A" for File No. DASZ 31/03, Riel Community Committee, dated January 13/04

THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

Exhibit “8” referred to in File DASZ 31/2003

Re: Proposed subdivision and rezoning on land located on the north side of Chokecherry Cove south side of Worthington Avenue - DASZ 31/03.

An application has been submitted by André Grenier to subdivide and rezone land located on Worthington Avenue and on Chokecherry Bay.

Chokecherry Bay was established in 1982 and Bonaventure Developments Ltd. installed the services in Chokecherry Bay pursuant to the terms of Development Agreement AG 14/81. Under the terms of Development Agreement AG 14/81, the Developer transferred Lot 7, Block 2, Plan 18576 to the City for development control purposes. The Applicant has included Lot 7, Block 2, Plan 18576 in the proposed plan of subdivision. It is recommended that approval of DASZ 31/03 be subject to the Developer entering into a Servicing Agreement with the City as follows:

1. The Developer shall purchase Lot 7, Block 2, Plan 18576 from the City for the sum of $1,041.10, i.e. $1.00 per square ft.

2. The Developer shall pay its share of the cost of services installed by Bonaventure Developments Ltd. in Chokecherry Bay on the basis of the City's Local Improvement rates prevailing at the time payment is received.

3. The Developer shall provide a lot grading plan prepared by a municipal engineer and shall grant any easements and, if required, shall construct at no expense to the City any catch basins and leads as may be necessitated by the lot grading plan.

4. The Developer shall install sod on the boulevard on Chokecherry Bay to the satisfaction of the Director of Public Works.

5. The Developer shall deposit $2,300.00 with the City to ensure that the survey monuments are restored following completion of the new dwellings.

6. The Developer shall pay cash in lieu of 10% dedication of land for public open space on the basis of four (4) additional building sites.

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 catch basins and leads, if required.

8. 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.

THIS REPORT SUBMITTED BY:
Administrative Coordinating Group
File No. AG 31/03
December 12, 2003

_____
Land Development Engineer

_____
Public Works Department
Transportation Division

_____
Water and Waste Department

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