Agenda - Council - March 24, 2004

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

Item No. 11 Subdivision and Rezoning - 2307 St. Mary's Road
File DASZ 34/2003

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 34/2003 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 34/2003 dated February 17, 2004, for registration in the Winnipeg Land Titles Office, subject to the following:

    A. That the Developer be required to enter into a Development Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated February 11, 2004.

2. That the Developer be required to pay to the City ten percent (10%) cash dedication in lieu of land dedication, to be calculated on the basis of six (6) additional building sites being created.

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 34/2003 dated February 17, 2004, to an "R1-3.5" Residential District and an "R2" 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 Lot 7 to include the following condition:

    A. That a minimum side yard set back to habitable space is to be established for proposed Lot 7 in order to provide an effective fifteen (15) metre (49.21 feet) set back from the projection of the east property line of St. Mary's Road as shown on Schedule "B" for File DASZ 34/2003 dated February 17, 2004.

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

5. 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 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.

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.

11. 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 with the following amendment, namely:

- Amend Recommendation 2 by deleting the word “seven (7)” and replacing with the word “six (6)”,

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

RE: **Subdivision and Rezoning - 2307 St. Mary's Road**
File DASZ 34/2000 [c/r DAV 340838/2003]

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 34/2003 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 34/2003 dated February 17, 2004, for registration in the Winnipeg Land Titles Office, subject to the following:

    B. That the Developer be required to enter into a Development Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated February 11, 2004;

2. That the Developer be required to pay to the City ten percent (10%) cash dedication in lieu of land dedication, to be calculated on the basis of ***~~seven (7)~~ six (6)*** additional building sites being created.

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 34/2003, dated February 17, 2004, to an "R1-3.5" Residential District and an "R2" 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 Lot 7 to include the following condition:

    A. That a minimum side yard set back to habitable space is to be established for proposed Lot 7 in order to provide an effective fifteen (15) metre (49.21 feet) set back from the projection of the east property line of St. Mary's Road as shown on Schedule "B" for File DASZ 34/2003 dated February 17, 2004.

5. 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 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.

9. That he 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.

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 February 6, 2004, and in the report from the Administrative Coordinating Group dated February 12, 2004.

PUBLIC HEARING SUMMARY

File: DASZ 34/2003 [c/r DAV 340838/2003]

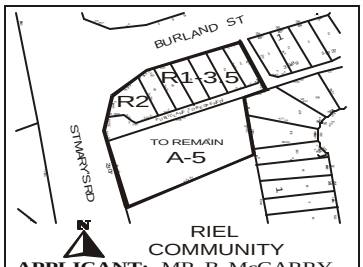
Before: Riel Community Committee
Councillor Steeves, Chairperson
Councillor Vandal

Public Hearing: February 24, 2004
Community Committee Chamber, 604 St. Mary's Road

File: DASZ 34/2003

Applicant: Bill McGarry

Subject:



APPLICANT: MR. B. McGARRY
FILE: DASZ 34/03
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 "R1-3.5" RESIDENTIAL DISTRICT and an "R2" RESIDENTIAL DISTRICT to allow for the creation of sites for residential development and to consider a special rear yard setback along St. Mary's Road. **For information, phone Mr. K. Lalor, Planner at 986-5069.**
DEMANDEUR : M. B. McGARRY
RÉFÉRENCE : DALZ 34/03
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) aux catégories R1-3.5 (SECTEUR RÉSIDENTIEL) et R2 (SECTEUR RÉSIDENTIEL) en vue de permettre le lotissement résidentiel et d'envisager la possibilité d'une marge d'isolement arrière spéciale le long du chemin St. Mary's. **Pour plus de renseignements, veuillez communiquer avec M. K. Lalor, urbaniste, au 986-5069.**

Premises Affected: 2307 St. Mary's Road

Exhibits Filed:

1. Application dated December 1, 2003
2. Notification of Public Hearing dated February 4, 2004
3. Manitoba Status of Titles 1408775 and 1508035
4. Letter of authorization
5 Drawing of subject property
6. Report from the Manager of Planning and Land Use dated February 6, 2004
7. Report from the Administrative Coordinating Group dated February 12, 2004
8. Inspection Report

REPRESENTATIONS:

In Support:

Al Degnar
Bill McGarry

In Opposition:

Nil

For Information:

Ray Elhatton

For the City:

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

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

Bill McGarry and Al Degnar appeared in support of the application. Mr. Degnar indicated that he concurred with the recommendations contained in the report of the Manager of Planning and Land Use dated February 6, 2004, but asked that Recommendation 2 be amended by deleting the reference to seven (7) additional building sites being created as only six (6) would be created.

Exhibit “6” referred to in File DASZ 34/2003

In reply please refer to / Référence à rappeler :

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

File No. DASZ 34/03 February 6, 2004
Our c/f CP 500 (.529)

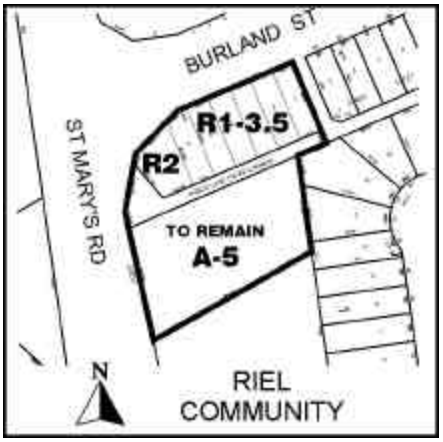
Marc Pittet
Community Committee
Council Building
510 Main Street
Winnipeg, MB R3B 1B9

Dear: Mr. Pittet

SUBDIVISION AND REZONING
Riel Community
File No. DASZ 34/03

An application has been received from Bill McGarry 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 “R1-3.5” Single Family Residential District and a “R2” Two Family Residential District to allow for the creation of seven (7) new housing lots.

RELATED FILES: DAV03-340838D



SITE DESCRIPTION:

Site Area:
Overall area, currently under title to the Premecz's, (excluding lane right-of-way) totals 69,480 sq. ft., 41,334 sq.ft. of which is to remain zoned A-5 Agricultural.

Existing Land Use and Zoning:
The Premecz home currently occupies the most southerly two thirds of the subject site. They have an existing approach to St. Mary's Road. The land in its entirety is zoned A-5 Agricultural.

Surrounding Land Use and Zoning:
North: There is a multiple family complex to the north of Burland zoned RM-1 Multiple.
South: To the south is a church zoned A-5 Agricultural.
East: To the east is an established single-family subdivision zoned R1-3.5 Residential.
West: On the west side of St. Mary's is a personal care home zoned RM-1 Multiple and a small vacant parcel zoned R1-6 Residential.

DEVELOPMENT DESCRIPTION:

The applicants propose to subdivide the overall property into two separate parcels. Part of the most northerly parcel is to be rezoned to a R1-3.5 single-family category and subdivided into six lots, all of which will be of approximately equivalent size (10.7 metres by 33.5 metres). The most westerly portion of this aforementioned parcel (the seventh and largest of the proposed new lots) is to be rezoned to an R2 Two Family District and could accommodate a duplex or two family dwelling. The most southerly portion of the property, which is currently occupied by a dwelling, will remain zoned A Agricultural. A lane right-of-way to be opened as part of this plan will separate the two parcels. The existing dwelling will continue to have access to St. Mary's Rd while the seven new lots will be accessed by the rear lane which , in turn, accesses Burland St.

PLAN WINNIPEG:

The area falls within a fully serviced and designated Neighbourhood Policy Area which permits new residential development to occur.

ADMINISTRATIVE COMMENTS:

The Planning Department fully endorses the proposed use of the subject property. Single-family development (of the density proposed) at this corner is appropriate and in keeping with the character of existing housing/ lot size along Burland St. The property in question is too small for suitable commercial development and likewise too small and narrow for multiple family development. The lot lying immediately adjacent to St. Mary's Rd. (lot 7) is large enough to accommodate a duplex and the zoning suggests that that is the intent of the developer. However R2 also permits as of right a single-family dwelling. It should be noted that Public Works in this instance, has agreed to a reduction of their standard set back requirement for habital space along St. Mary's Road to more easily permit the construction of a dwelling on Lot seven.

RECOMMENDATION:

II. That the plan of subdivision proposed under File No. DASZ 34/03 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File No. DASZ 34/03, attached hereto and dated February 17/04, for registration in the Winnipeg Land Titles Office, subject to the following:

A. That the Developer be required to enter into a Development Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated January 14, 2004;

III. 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 seven (7) additional building site(s) being created.

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

V. That Zoning By-Law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File No. DASZ 34/03, attached hereto and dated February 17/04, to an "R1-3.5" and an "R2" 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 Lot 7 to include the following conditions:

A. That a minimum side yard set back to habitable space is to be established for proposed Lot 7 in order to provide an effective 15 m (49.21 feet) set back from the projection of the east property line of St. Mary's Road as shown on Schedule "B" File No. DASZ 34/03, attached hereto and dated February 17/04.

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/ Manager of Legal Services 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
Manager of Planning and Land Use

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

/jc

3122

By-Law No. _____

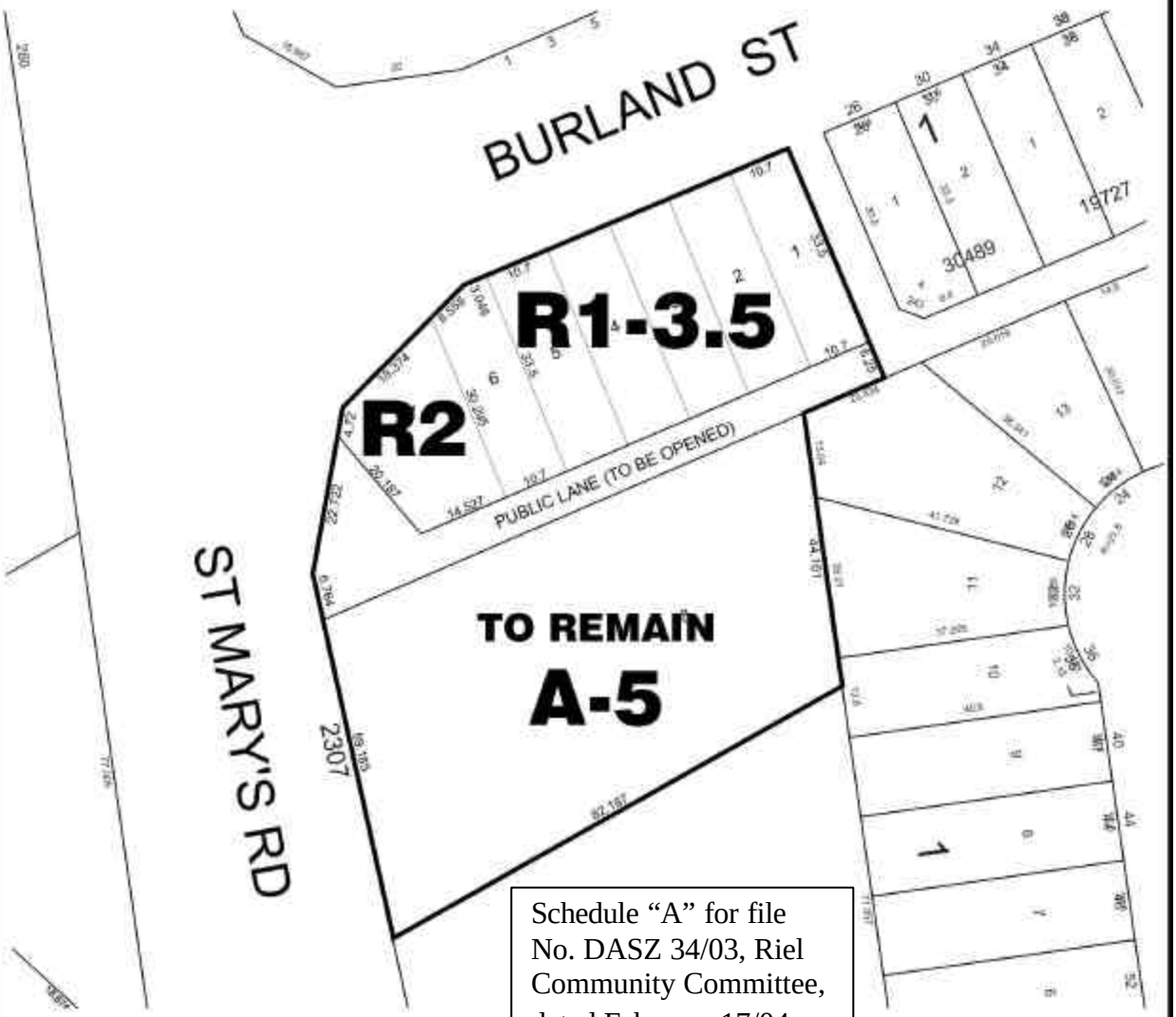
File No. **DASZ 34/03**

Atlas Sheet No. **AL27**
RIEL COMMUNITY

N

Explanation

an application for the approval of the plan of subdivsion shown outlined below and for a proposed zoning change to By-law No. 6400/94 by rezoning the land located at 2307 St. Mary's Road from an "A.5" AGRICULTURAL DISTRICT to an "R1-3.5" SINGLE-FAMILY DISTRICT and an "R2" TWO-FAMILY DISTRICT as shown outlined below.



Schedule "A" for file No. DASZ 34/03, Riel Community Committee, dated February 17/04

THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

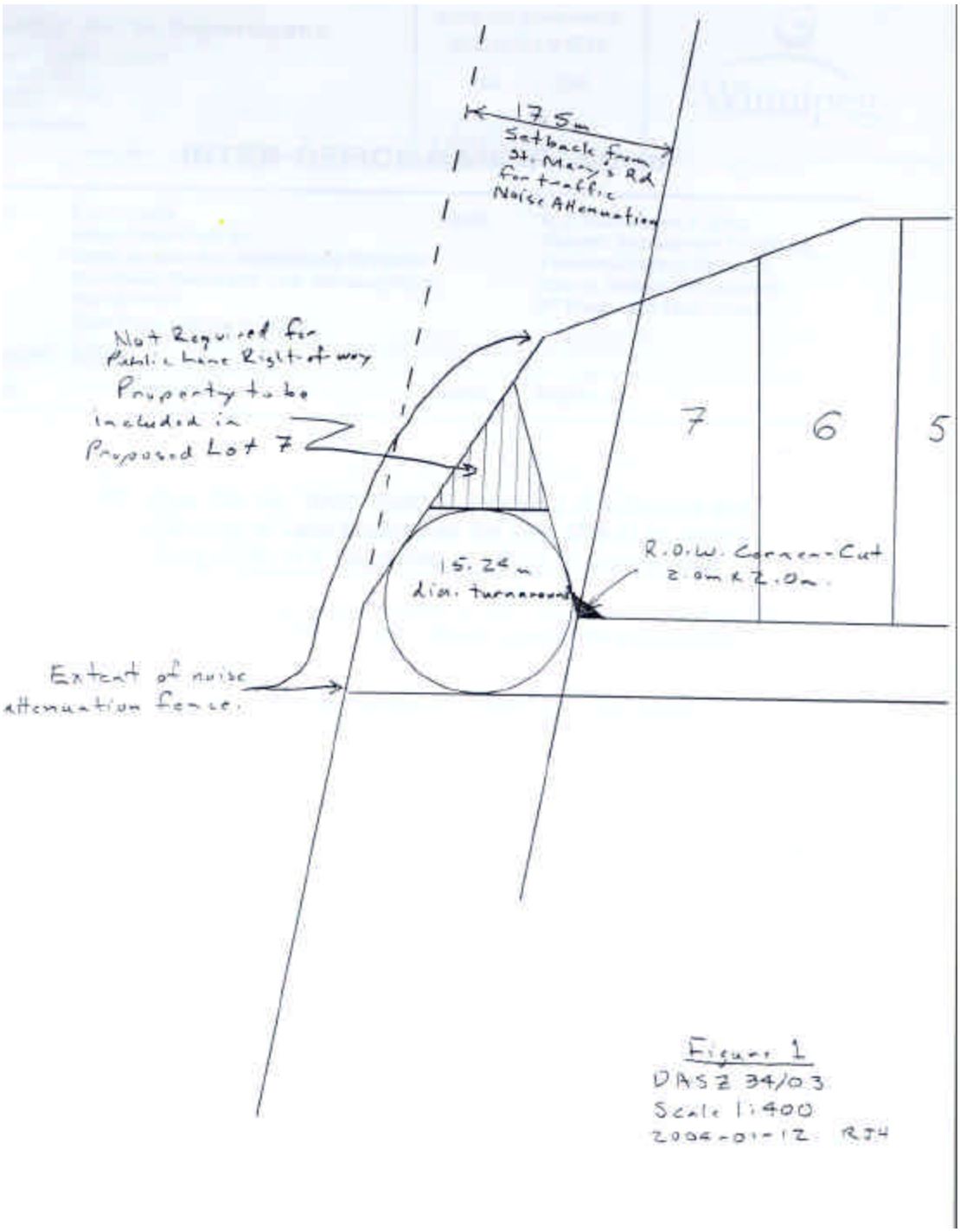


Figure 1
DASZ 34/03
Scale 1:400
2004-01-12 RJH

Schedule "B" for file No. DASZ 34/03, Riel Community Committee, dated February 17/04

Exhibit "7" referred to in File DASZ 34/2003

Re: Proposed subdivision and rezoning of land located at the southeast corner of St. Mary's Road and Burland Avenue - DASZ 34/03

An application has been submitted by Mr. Bill McGarry to subdivide and rezone land located at the southeast corner of St. Mary's Road and Burland Avenue.

It is recommended that approval of DASZ 34/03 be subject to the Developer entering into a Development Agreement as follows:

1. The Developer shall, at no expense to the City, construct portland cement concrete pavement to a width of 5.0m and a thickness of 150mm in the proposed lane and to a diameter of 15.0m and a thickness of 150mm in the lane turn-around, and all related works, all as determined by and to the satisfaction of the Director of Public Works.

2. a) The Developer shall pay its share of the cost of surface improvements installed by the City and others in St. Mary's Road as determined by the Director of Public Works. (Only that portion of Lot 2, Block 2, Plan 30489 lying to the north of proposed Lot 8 will be subject to this charge at this time.) Based on the 2004 rates therefor, that share is calculated as follows:

i)	22.2' x $272.60/ft. =	$6,051.72
ii)	G.S.T. (7%) on i) above	423.62
		$6,475.34

b) The Developer shall pay its share of the cost of the concrete pavement installed by others in the existing north-south lane abutting the proposed subdivision as determined by the Director of Public Works. Based on the 2004 rate therefor that share is calculated as follows:

i)	35.6' x $66.86/ft. =	$2,380.22
ii)	G.S.T. (7%) on i) above	166.62
		$2,546.84

3. The Developer shall, at no expense to the City, construct within the side yard of proposed Lot 7 and along the west limit of the public lane and lane turnaround abutting St. Mary's Road, a uniform noise attenuation fence 2.0m in height, to the satisfaction of the Director of Public Works. The Developer is to permit the City to file a caveat against the title of proposed Lot 7 abutting St. Mary's Road requiring the owner to maintain and/or repair or replace the fence as originally constructed, to the satisfaction of the Director of Public Works.

4. The Developer shall pay the land drainage trunk charge applicable to the portion of Lot 2, Block 2, Plan 30489 lying to the north of proposed Lot 8 as determined by the Director of Water and Waste. The 2004 rate therefor is $8,968.00 per acre.

5. The Developer shall, at no expense to the City install separate water and wastewater lot line connections to serve each dwelling unit within the proposed subdivision as detailed by and to the satisfaction of the Director of Water and Waste.

6. a) The Developer shall, at no expense to the City, provide a lot grading plan prepared by a municipal engineer and shall grant any required easement.

   b) The Developer shall at no expense to the City, install land drainage sewers and catch basins required to serve the proposed subdivision as determined by and to the satisfaction of the Director of Water and Waste.

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 services required to serve the proposed subdivision.

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 development agreement.

9. The Developer shall, at no expense to the City, provide underground electrical and telephone services to serve the proposed subdivision and will pay the full cost to convert any existing overhead services within the proposed subdivision to underground.

10. The Developer is to pay all costs associated with the installation and/or relocation of street lights and other utilities made necessary as a result of or required to accommodate works, which are required by the Developer to serve the proposed subdivision, as determined by and to the satisfaction of the Director of Public Works.

11. The Developer shall be responsible to control and to initiate the clean up of litter and refuse from the contractors and builders for this development, both on-site and off-site, during the installation of services and construction of buildings, until substantial completion of all construction. The clean up of litter and refuse shall be done on a regular basis as determined by the Director of Public Works. This shall include initiating action and assuming any costs in remedying the situation to the satisfaction of the Director of Public Works.

12. The Developer shall ensure that construction traffic uses access routes as determined by the Director of Public Works. The Developer shall maintain, at no expense to the City, the access routes in a clean, dust free and safe condition, free of dropped and tracked-on mud, and shall undertake regular scraping and sweeping of streets until building

construction, including landscaping is complete, all as determined by and to the satisfaction of the Director of Public Works.

It is also recommended that:

a) there are to be no private approaches serving single or two family residential development off of St. Mary's Road or Burland Avenue,

b) a minimum side yard set back is to be established for proposed Lot 7 in order to provide an effective 15m set back from the projection of the east property line of St. Mary's Road.

THIS REPORT SUBMITTED BY:

E.L. Carrière, P. Eng.
Land Development Engineer
File No.: AG 34/03
February 12, 2004

"Original signed by E.L. Carrière"
Land Development Engineer

"Original signed by K.T. Raban"
Water and Waste Department

_____
Public Works Department
Transportation Division