Minutes - Executive Policy Committee - May 12, 2004

Minute No. 367
Report - Standing Policy Committee on Property and Development - April 27, 2004

Item No. 8 Subdivision and Rezoning - south of McGillivray Boulevard, east of Linden Ridge Drive
File DASZ 6/2004 [c/r DASZ 30/2002, DASZ 6/97]

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

The Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the City Centre Community Committee and submits the following to Council:

1. That the plan of subdivision proposed under File DASZ 6/2004 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 6/2004 dated March 25, 2004, for 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 6/97 containing all the conditions outlined in the report of the Administrative Coordinating Group dated March 22, 2004.

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

3. 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.

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

5. 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.

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6. 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 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.

7. 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.

8. 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.

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DECISION MAKING HISTORY:

Moved by Councillor Pagtakhan,

That the recommendations of the Standing Policy Committee on Property and Development and the City Centre Community Committee be concurred in and forwarded to Council.

Carried

STANDING COMMITTEE RECOMMENDATION:

On April 27, 2004, the Standing Policy Committee on Property and Development concurred in the recommendation of the City Centre Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On April 13, 2004, the City Centre Community Committee concurred in the administrative recommendation and submitted its recommendation to the Standing Policy Committee on Property and Development.

RE: Subdivision and Rezoning - south of McGillivray Boulevard, east of Linden Ridge Drive

File DASZ 6/2004 [c/r DASZ 30/2002, DASZ 6/97]

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

Prepared by: Josie Marques, Clerk,
City Centre Community Committee

Report date: April 16, 2004

COMMUNITY COMMITTEE RECOMMENDATION:

On April 13, 2004, the City Centre 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 6/2004 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 6/2004, dated March 25, 2004, for 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 6/97 containing all the conditions outlined in the report of the Administrative Coordinating Group dated March 22, 2004.

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

3. 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.

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

5. 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.

6. 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 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.

7. 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.

8. 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.

The City Centre Community Committee provided the following supporting reason(s) for its recommendation:

1. The City Centre Community Committee agreed with the administrative comments contained in the report from the Manager of Planning and Land Use dated March 25, 2004, and in the report from the Administrative Coordinating Group dated April 6, 2004.

PUBLIC HEARING SUMMARY

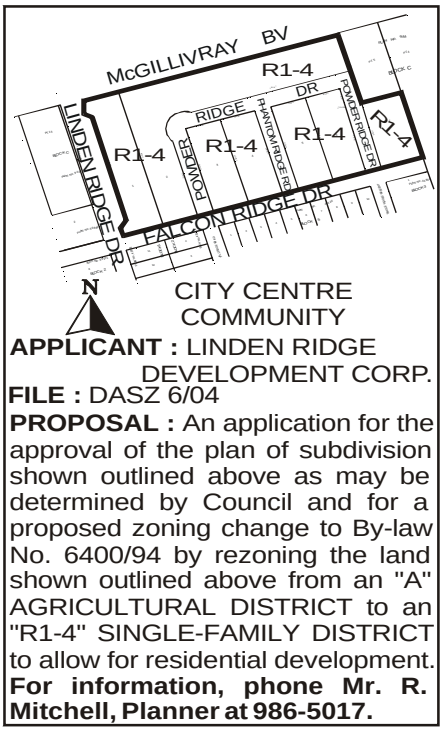
File: DASZ 6/2004 [c/r DASZ 30/2002, DASZ 6/97]

Before: City Centre Community Committee
Councillor Smith, Chairperson
Councillor Gerbasi
Councillor Steek

Public Hearing: April 13, 2004
North Committee Room
Council Building, 510 Main Street

Applicant: Linden Ridge Development Corporation (Dave Sharpe)

Subject:



Premises Affected: south of McGillivray Boulevard, east of Linden Ridge Drive

Exhibits Filed:
1. Application dated March 9, 2004
2. Notification of Public Hearing dated March 11, 2004

3. Manitoba Status of Titles 1955580 and 1772114
4. Extract of Atlas Sheet AH21
5. Drawing of
6. Plans (1 page)
7. Report from the Manager of Planning and Land Use dated March 25, 2004
8. Report from the Administrative Coordinating Group dated April 6, 2004
9. Inspection Report

REPRESENTATIONS:

In Support:

David Sharpe
Rennie Zegalski

In Opposition:

Nil

For the City:

Mr. R. Mitchell, Senior Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

No verbal representation was made at the public hearing.

Exhibit “7” referred to in File DASZ 6/2004 [c/r DASZ 30/2002, DASZ 6/97]

In reply please refer to / Référence à rappeler :

Ross Mitchell
(204) 986-5017
Fax / Téléc. : (204) 986-7524

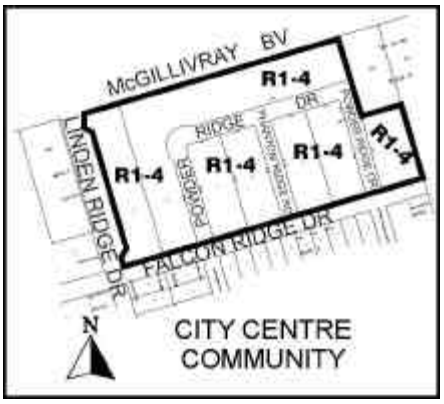
File No. DASZ 6/04 March 25, 2004
Our c/f CP 500 (.664)

Ms. Josie Marques, Clerk
City Centre Community Committee
Council Building
510 Main Street
Winnipeg, MB R3B 1B9

Dear Ms. Marques:

SUBDIVISION AND REZONING
Land located on the south side of McGillivray, east of Linden Ridge Drive, north of Falcon Ridge Drive.
City Centre Community
File No. DASZ 6/04

An application has been received from Linden Ridge Development Corp. (Dave Sharpe) 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” Agricultural District to a “R1-4” Single-family Residential District to permit the construction of single-family houses.



SITE DESCRIPTION:
The lands are currently vacant and amount to about 13 acres in area.

DEVELOPMENT DESCRIPTION:

The lands will accommodate about seventy (70) 40-foot lots.

PLAN WINNIPEG:

The application complies with Plan Winnipeg.

ADMINISTRATIVE COMMENTS:

The development is the logical and anticipated expansion of the Linden Ridge residential community. The application is supported by the Administrative Coordinating Group. Park Dedication was satisfied under DASZ 6/97. Future development of the adjacent private lands to the north and east of the subdivision area can be accommodated with access off McGillivray or by extending Powder Ridge Drive or Falcon Ridge Drive.

RECOMMENDATION:

I. That the plan of subdivision proposed under File No. DASZ 6/04 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File No. DASZ 6/04, attached hereto and dated March 25, 2004, for 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 6/97 containing all the conditions outlined in the report of the Administrative Coordinating Group dated March 22, 2004.

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

III. 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.

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

V. 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.

VI. 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 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.

VII. 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.

VIII. 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.

Yours truly,

C. Knoll
Manager of Planning and Land Use

_____

Per: Ross Mitchell , Senior Planner
(City Centre Community)
986-5017

/jc

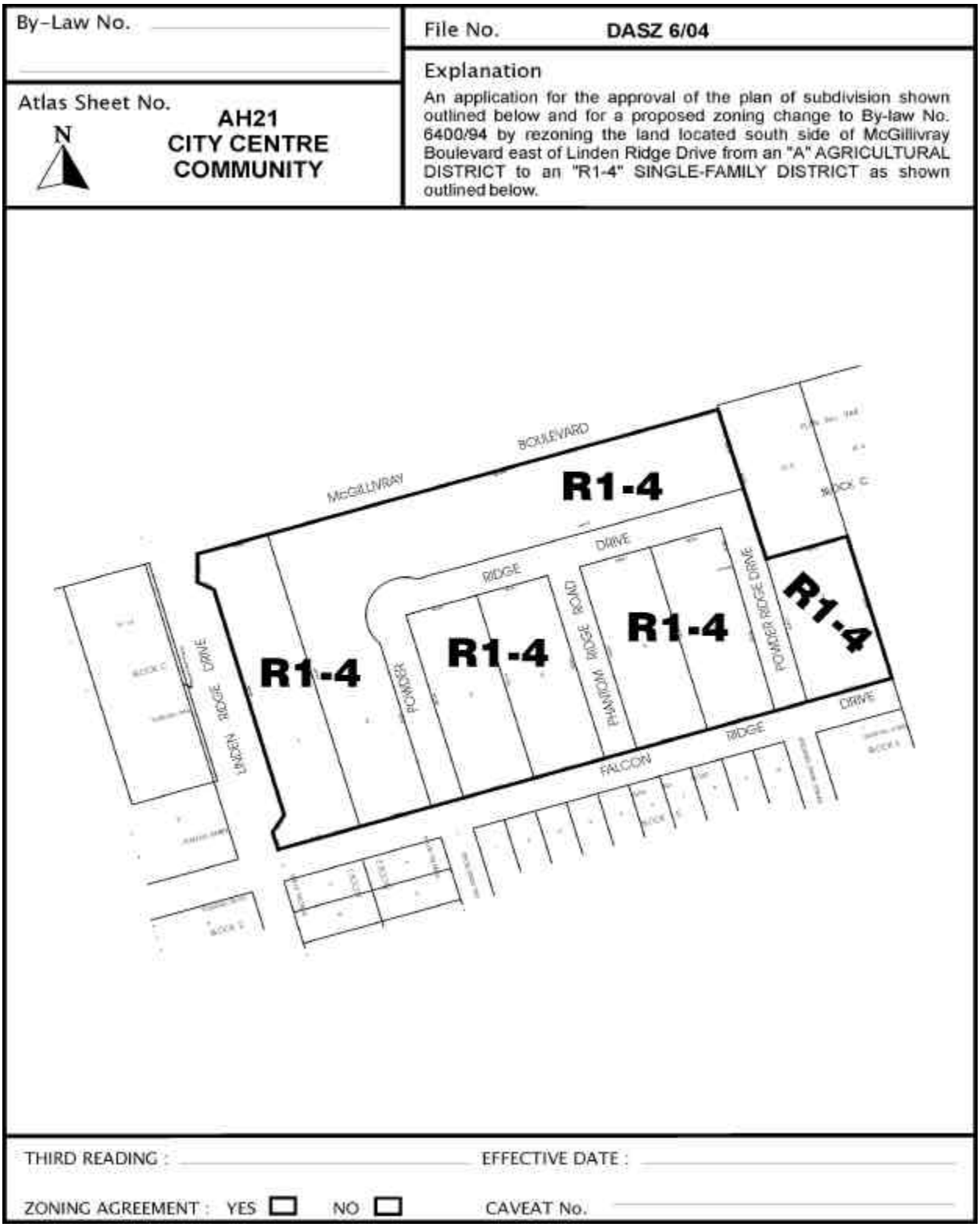


Figure 1: Schedule "A" to the report to the City Centre Community Committee for File No. DASZ 6/04, dated March 25, 2004.

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Exhibit “8” referred to in File DASZ 6/2004 [c/r DASZ 30/2002, DASZ 6/97]

Re:Proposed subdivision and rezoning of land located south of McGillivray Boulevard, east of Linden Ridge Drive – DASZ 6/04

An application has been submitted by Linden Ridge Development Corp. to subdivide and rezone land located south of McGillivray Boulevard, east of Linden Ridge Drive. The land is located east and north of and immediately adjacent to the portions of Linden Ridge approved under development applications DASZ 6/97 and DASZ 30/02 and covered under Development Agreement AG 6/97 and amendments and addenda thereto. It is recommended that approval of DASZ 6/04 be subject to the Developer entering into a further addendum to Development Agreement AG 6/97.

It is therefore recommended that Development Agreement AG 6/97 be amended as follows:

1. By attaching to the development agreement a copy of the plan of subdivision approved under DASZ 6/04;
2. By attaching to the development agreement a copy of a conceptual drawing showing the servicing requirements for the land within the plan of subdivision approved under DASZ 6/04;
3. By adding a clause to the development agreement requiring the Developer to pay $1,200.00/acre for the land being rezoned under DASZ 6/04 to defray the City's administration and related costs associated with the preparation and implementation of the Addendum to Development Agreement AG 6/97.
4. By adding a clause to the development agreement requiring the Developer to construct, at no expense to the City, within the rear or side yards of all lots backing or flanking onto McGillivray Boulevard, a uniform sound attenuation fence 2.0m in height to the satisfaction of the Director of Public Works. The Developer shall permit the City to file a caveat against the title of each affected lot requiring the owner to maintain and/or repair or replace the fence as originally constructed to the satisfaction of the Director of Public Works.
5. By adding a clause to the development agreement requiring the Developer to transfer a 1' strip to the City adjacent to the property known as 1780 McGillivray Boulevard for development control purposes and to ensure that the owner of 1780 McGillivray Boulevard pays its share of the cost of services installed by the Developer in Powder Ridge Drive.

Dedication of land for public open space is not applicable to DASZ 6/04 as this requirement was fully satisfied under DASZ 6/97.

THIS REPORT SUBMITTED BY:

Administrative Coordinating Group
File No. AG 6/04
March 22, 2004

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

"Original signed by F.C. Mazur"
Water and Waste Department

"Original signed by R.J. Hartmann"
Public Works Department
Transportation Division