Agenda - Council - May 19, 2004

Report - Standing Policy Committee on Property and Development - April 27, 2004

Item No. 16 Rezoning - John Bruce Road, south side opposite Bridgeway Crescent File DAZ 203/2004

STANDING COMMITTEE RECOMMENDATION:

On May 12, 2004, 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 Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 203/2004 dated March 15, 2004, to an "RM-L" Multiple-Family District, subject to the following:

    A. That the applicant enter into a zoning agreement with the City of Winnipeg pursuant to Subsection 240(1) of The City of Winnipeg Charter to provide for the following:

        i. That final site plans indicating details of approaches, building locations, parking, signage, garbage enclosure and fencing (specifically as it relates to the construction of a six (6) foot high solid wood fence along both the east and west property lines of the site) be submitted to and approved by the Director of Planning, Property & Development Department prior to the issuance of any building permits.

        ii. That the owners pay their share of the cost of services installed or to be installed on John Bruce Road East on the basis of Local Improvement Rates prevailing at the time in five equal payments, including interest, over a period of five (5) years from the date of Council approval of the application.

2. 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 the market value of the land.

Report - Standing Policy Committee on Property and Development - April 27, 2004

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 rezoning by-law and forward same to Council for all three readings.

5. That the rezoning by-law shall come into effect when the Zoning Agreement has been registered by caveat as a first charge against the subject land at 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.

6. That the Proper Officers of the City are hereby authorized to execute said Zoning Agreement.

7. That the City Solicitor/Manager of Legal Services be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

Report - Standing Policy Committee on Property and Development - April 27, 2004

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On May 12, 2004, 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 April 27, 2004, the Standing Policy Committee on Property and Development concurred in the recommendation of the Riel Community Committee with the following amendment, namely:

- Delete recommendation 2 in its entirety and replace it with the following:

    "2. 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 the market value of the land."

and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On April 20, 2004, the Riel Community Committee concurred in the administrative recommendation, with the following amendments, namely:

- Delete Recommendation 1. A. ii. in its entirety and replace with the following:
    ii. That the owners pay their share of the cost of services installed or to be installed on John Bruce Road East on the basis of Local Improvement Rates prevailing at the time in five equal payments, including interest, over a period of five (5) years from the date of Council approval of the application.

- Delete Recommendation 2 in it's entirety and replace with the following:
    2. That the ten (10) percent dedication in lieu of the requirement for land dedication based on the increase in the market value of the land be waived as it has already been paid under a previous subdivision application for this area,

and submitted its recommendation to the Standing Policy Committee on Property and Development.

RE: **Rezoning - John Bruce Road, south side opposite Bridgeway Crescent File DAZ 203/2004 [c/r DAV 109163/2004D]**

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

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

Report date: **April 21, 2004**

COMMUNITY COMMITTEE RECOMMENDATION:

On April 20, 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 Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for file DAZ 203/2004 dated March 15, 2004, to an "RM-L" Multiple-Family District, subject to the following:

    A. That the applicant enter into a zoning agreement with the City of Winnipeg pursuant to Subsection 240(1) of The City of Winnipeg Charter to provide for the following:

        i. That final site plans indicating details of approaches, building locations, parking, signage, garbage enclosure and fencing (specifically as it relates to the construction of a six (6') foot high solid wood fence along both the east and west property lines of the site) be submitted to and approved by the Director of Planning, Property & Development Department prior to the issuance of any building permits.

        ~~***ii. That no building permits be issued until the owners have paid their share of the cost of services installed or to be installed by others on John Bruce Road East on the basis of the Local Improvement Rates prevailing at the time the building permit is issued.***~~

        ii. That the owners pay their share of the cost of services installed or to be installed on John Bruce Road East on the basis of Local Improvement Rates prevailing at the time in five equal payments, including interest, over a period of five (5) years from the date of Council approval of the application.

~~***2. 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 the market value of the land.***~~

2. That the ten (10) percent dedication in lieu of the requirement for land dedication based on the increase in the market value of the land be waived as it has already been paid under a previous subdivision application for this area.

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 rezoning by-law and forward same to Council for all three readings.

5. That the rezoning by-law shall come into effect when the Zoning Agreement has been registered by caveat as a first charge against the subject land at 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.

6. That the Proper Officers of the City are hereby authorized to execute said Zoning Agreement.

7. That the City Solicitor/Manager of Legal Services be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

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 from the Manager of Planning and Land Use dated March 15, 2004.

PUBLIC HEARING SUMMARY

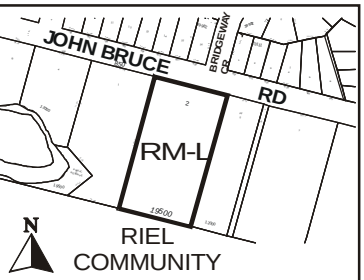
File: DAZ 203/2004 [c/r DAV 109163/2004D]

Before: Riel Community Committee
Councillor Vandal, Chairperson
Councillor Angus
Councillor Angus

Public Hearing: April 20, 2004
Community Committee Chamber, 219 Provencher Boulevard
March 22, 2004
St. Norbert Community Centre, 3450 Pembina Highway

Applicant: Alain J. Hogue & Associates (Alain Hogue)

Subject:



APPLICANT: ALAIN J. HOGUE & ASSOCIATES
FILE: DAZ 203/04
PROPOSAL: To rezone the land shown outlined above from an "R1-20" SINGLE-FAMILY DISTRICT to an "RM-L" MULTIPLE-FAMILY DISTRICT to allow for the construction of a multiple-family development (Condominium). **For information, phone Mr. K. Lalor, Planner at 986-5069.**
DEMANDEUR : ALAIN J. HOGUE & ASSOCIÉS
N° DE DOSSIER : DAZ 203/04
PROJET : Changer le zonage du bien-fonds délinéé ci-dessus afin de le faire passer de la catégorie R1-20 (SECTEUR D'HABITATIONS UNIFAMILIALES) à la catégorie RM-L (SECTEUR D'HABITATIONS MULTIFAMILIALES) et de permettre ainsi la construction d'habitations multifamiliales (condominiums). **Pour plus de renseignements, veuillez communiquer avec M. K. Lalor, urbaniste, au 986-5069.**

Premises Affected: John Bruce Road, south side opposite Bridgeway Crescent
6170

Exhibits Filed:

1. Application dated January 15, 2004
2. Notification of Public Hearing dated January 28, 2004
3. Manitoba Status of Title 1143582
4. Letter of authorization dated December 30, 2003 from Muriel Hogue to Alain Hogue
5. Plans (6 pages)
6. Report from the Manager of Planning and Land Use dated March 15, 2004
7. Inspection Report

REPRESENTATIONS:

In Support:

Alain Hogue

In Opposition:

Margaret Delmage

For the City:

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

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

April 20, 2004

The applicant, Alain Hogue, appeared in support of the application and provided Committee with a brief overview of the proposal. Mr. Hogue indicated concurrence in the administrative report from the Manager of Planning and Land Use dated March 15, 2004, with the following exceptions:

- Mr. Hogue requested that Recommendation 2 be deleted as the dedication for the subject property had been previously paid to the City under a prior subdivision application for the area.

- Mr. Hogue requested that Recommendation 1. A ii. be amended to provide the developer with a period of five (5) years to pay their share of the cost of services installed or to be installed on John Bruce Road East.

Margaret Delmage appeared in opposition to the application and requested that a six (6) foot privacy fence be constructed along the property line.

Alain Hogue returned in rebuttal and advised that that the fence requested by Mrs. Delmage was included as a condition in the report of the Manager of Planning and Land Use dated March 15, 2004.

March 22, 2004

No representations were heard inasmuch as the Riel Community Committee adjourned the Public Hearing with respect to this application prior to opening representations.

Exhibit "6" referred to in File DAZ 203/2004

Winnipeg

Planning, Property & Development Department · Service de l'urbanisme, des biens et de l'aménagement

Planning and Land Use Division • Division de l'urbanisme et de l'usage des sols

In reply please refer to / Référence à rappeler :

(204) 986-5069
Fax / Téléc. : (204) 986-7524

File No. DAZ 203/04 March 15, 2004
Our c/f CP 500 (.555)

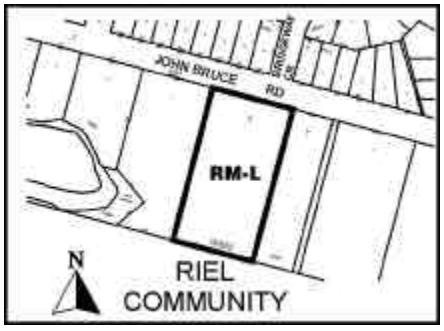
Marc Pittet, Clerk
Riel Community Committee
Council Building
510 Main Street
Winnipeg, MB R3B 1B9

Dear Mr. Pittet:

REZONING
John Bruce Road East
Riel Community Committee
File No. DAZ 203/04

An application has been received from Piquier Entreprises Ltd (Alain Hogue), to amend By-Law No. 6400/94 by rezoning the land shown below from a "R1-20" Single-Family District to a "RM-L" Multiple-Family District to allow for a 12 unit condo development.

RELATED FILES: DAV 109163/04



6173

SITE DESCRIPTION:

Site Area: 76,290 Square Feet (7,087.5 M2)

Existing Land Use and Zoning: Vacant Land with an "R1-20" Single-Family District zoning.

Surrounding Land Use and Zoning:

North: Along Bridgeway Crescent are single-family dwellings designated "R1-5" and along John Bruce Road East the homes are zoned as "R1-4".

South: The subject property backs on to parkland zoned "PR1".

East: Immediately to the East of the property is vacant land, beyond this are a few businesses zoned "R1-20".

West: Immediately to the West is Ambassador Sales, a commercial business zoned "R1-20" and a few single-family homes zoned "R1-20".

DEVELOPMENT DESCRIPTION:

The applicant is proposing to create twelve semi-detached bungalow condominiums by rezoning the subject property to a "RM-L" Multiple-Family District. The subject property has a width of 200 feet (60.96 metres) and a depth of 381.45 feet (116.266 metres).

PLAN WINNIPEG:

The proposed concept complies with Plan Winnipeg in that a residential rezoning is allowed in Neighbourhood Policy Areas.

ADMINISTRATIVE COMMENTS:

The proposed rezoning to an "RM-L" Multiple-Family District is compatible with the area. The proposed development consists of small semi-detached bungalows that follow the fit and design of the newly developed homes of Royal Wood. There is a similar type of development at the corner of Bridgeway Crescent and Shorehill Drive that is relatively integrated with the neighbourhood. There are also some older homes and businesses along John Bruce Road East, that add to the general mixed- nature of the road. There has been a request by the adjoining property owner to the east for the applicant to install a solid six (6) foot fence along the most easterly property line to ensure that their privacy is maintained. A solid six (6) foot fence is also recommended for the west side. This Branch is recommending that this be a condition of approval in the Zoning Agreement.

The Department supports multiple-family housing on the subject land. This proposed use is complementary to the surrounding context of existing single-family residential development in the adjoining Royalwood neighbourhood to the north and it will also be compatible with the proposed residential neighbourhood currently underway to the south.

RECOMMENDATION:

I. That By-law 6400/94 be amended by rezoning the subject land as shown on Schedule "A", for file DAZ 203/04, attached hereto and dated March 15, 2004, to a "RM-L" Multiple-Family District, subject to the following:

A. That the applicant enter into a zoning agreement with the City of Winnipeg pursuant to Subsection 240(1) of The City of Winnipeg Charter, to provide for the following:

1. That final site plans indicating details of approaches, building locations, parking, signage, garbage enclosure and fencing (specifically as it relates to the construction of a 6' foot high solid wood fence along both the east and west property lines of the site) be submitted to and approved by the Director of Planning, Property & Development Department prior to the issuance of any building permits.

2. That no building permits be issued until the owners have paid their share of the cost of services installed or to be installed by others on John Bruce Road East on the basis of the Local Improvement Rates prevailing at the time the building permit is issued.

II. That a 10 per cent 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 the market value of the land.

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.

III. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary rezoning by-law and forward same to Council for all three readings.

IV. That the rezoning by-law shall come into effect when the Zoning Agreement has been registered by caveat as a first charge against the subject land at 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.

V. That the Proper Officers of the City are hereby authorized to execute said Zoning Agreement.

VI. That the City Solicitor be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

_____

Kevin Lalor, Planner

_____
J. East

_____
E. Axelrod

_____
E. Carriere (if Servicing Agreement)

Yours truly,

C. Knoll

Manager of Planning and Land Use


JOHN BRUCE
RD E

By-Law No. _____

File No. **DAZ 203/04**

Atlas Sheet No.

N

AG 29
RIEL
COMMUNITY

Explanation

A proposed zoning change to By-law No. 6400/94 by rezoning the land located on the south side of John Bruce Road opposite Bridgeway Crescent from an "R1-20" SINGLE-FAMILY DISTRICT to an "RM-L" MULTIPLE-FAMILY DISTRICT as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____