**Agenda - Council - July 21, 2004**

**Report - Standing Policy Committee on Property and Development - July 9, 2004**

**Item No. 5 Subdivision and Rezoning - 872 John Bruce Road**
**File DASZ 14/2004**

STANDING COMMITTEE RECOMMENDATION:

On July 14, 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 14/2004 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 14/2004 dated June 7, 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 May 28, 2004.

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 14/2004 dated June 7, 2004, to an "R1-5" 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 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 Development 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.

**Report - Standing Policy Committee on Property and Development – July 9, 2004**

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.

**Report - Standing Policy Committee on Property and Development - July 9, 2004**

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On July 14, 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 July 9, 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 June 14, 2004, the Riel Community Committee concurred in the administrative recommendation and submitted its recommendation to the Standing Policy Committee on Property and Development.

**RE:** **Subdivision and Rezoning - 872 John Bruce Road**
**File DASZ 14/2004**

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

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

**Report date:** **June 28, 2004**

COMMUNITY COMMITTEE RECOMMENDATION:

On June 14, 2004, the Riel 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 14/2004 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 14/2004 dated June 7, 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 May 28, 2004.

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 14/2004 dated June 7, 2004, to an "R1-5" 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 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 Development 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.

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 June 7, 2004 and in the report from the Administrative Coordinating Group dated May 28, 2004.

## PUBLIC HEARING SUMMARY

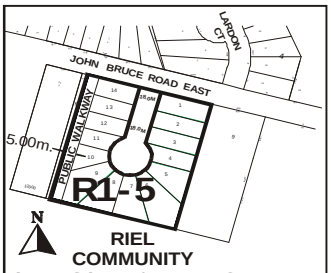
File: DASZ 14 /2004

Before: Riel Community Committee
Councillor Angus, Chairperson
Councillor Steeves

Public Hearing: June 14, 2004
St. Norbert Community Centre, 3450 Pembina Highway

Applicant: Abe Friesen

Subject:




**APPLICANT:** ABE FRIESEN
**FILE:** DASZ 14/04
**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 "R1-20" SINGLE-FAMILY DISTRICT to an "R1-5" SINGLE-FAMILY DISTRICT, and to withdraw the existing Zoning Agreement affecting the subject lands. **For information, phone Mr. K. Lalor, Planner at 986-5069.**
**DEMANDEUR :** ABE FRIESEN
**N° DE DOSSIER :** DALZ 14/04
**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 R1-20 (SECTEUR D'HABITATIONS UNIFAMILIALES) à la catégorie R1-5 (SECTEUR D'HABITATIONS UNIFAMILIALES) et à abroger la convention collective existante s'appliquant aux sols visés. **Pour plus de renseignements, veuillez communiquer avec M. K. Lalor, urbaniste, au 986-5069.**

Premises Affected: 872 John Bruce Road

Exhibits Filed:

1. Application dated April 22, 2004
2. Notification of Public Hearing dated May 18, 2004
3. Manitoba Certificate of Titles C 70675 and C 74511
4. Surveyor's Building Location Certificate and sketch dated September 19, 1974
5. Letter of authorization dated April 10, 2004 from Daisy Ungungai of Baker Lake Construction
6. Zoning Agreement DAZ 242/1991
7. Plans (2 pages)
8. Report from the Manager of Planning and Land Use dated June 7, 2004
9. Report from the Administrative Coordinating Group dated May 28, 2004
10. Inspection Report

REPRESENTATIONS:

In Support:

Abe Friesen

In Opposition:

Nil

For the City:

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

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

The applicant, Abe Friesen, appeared in support of the application.

Exhibit “8” referred to in File DASZ 14/2004

**In reply please refer to / Référence à rappeler :**

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

**File No. DASZ 14/04**
Our c/f CP 500 (.531)

June 7, 2004

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

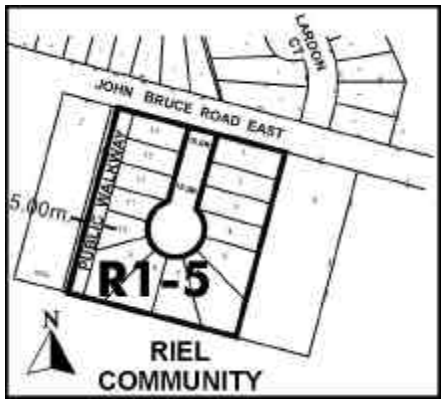
Dear Mr. Pittet:

**SUBDIVISION AND REZONING**
Land located: 872 John Bruce Rd.
Riel Community
**File No. DASZ 14 /04**

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An application has been received from Abe Friesen 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 “R1-20” Residential District to an “R1-5” Residential District to allow for fourteen (14) new residential housing lots.

RELATED FILES:



**SITE DESCRIPTION:**

Site Area:

The subject parcel has approximately 340 feet of frontage along John Bruce Road and a total overall area of three (3) acres.

Existing Land Use and Zoning:

Up until recently, a good portion of the overall property was utilized for a contractors yard. In 1991, a temporary rezoning was granted to permit the establishment of a contractors workshop and storage compound. As stipulated in the original agreement, the zoning reverted back to a residential category (R1-20) when the services, water and sewer, were installed.

Surrounding Land Use and Zoning:

North: To the north is a newly established residential community zoned R1-4 & R1-5.
South: To the south is the recently approved Royalwood Phase II residential area. It is largely undeveloped and zoned R1-4 residential.
East: To the east is a remaining operational business and a dwelling, both zoned R1-4.
West: To the immediate west is a vacant lot destined to have a dwelling constructed on it in the near future.

**DEVELOPMENT DESCRIPTION:**

The applicant has consolidated two adjoining lots into a single three-acre lot for purposes of establishing a residential subdivision. The fourteen (14) proposed new lots are all similar in size, approximately 50'-55' in width and 140' in depth. All front onto a minimum 60' wide cul-de-sac, which accesses John Bruce Road. The proposed subdivision is certainly in character with adjoining new subdivisions north and south of John Bruce Road. In fact most, if not all, of the new lots are larger than existing lots lying directly adjacent on the north side of John Bruce. Also in conjunction with the proposal, is a dedicated public reserve pathway which runs along the west periphery of the site.

**PLAN WINNIPEG:**

The subject land lies within a Neighbourhood Policy Area which allows for single family development proposals.

**ADMINISTRATIVE COMMENTS**:

The Planning and Land Use Division supports the proposal for several reasons. First of all, the proposed lot sizes are very much in character with existing and proposed new subdivisions in Royalwood Phase I and Royalwood Phase II. Secondly, and more importantly, the creation of new infill housing is not only consistent with Plan Winnipeg Policy but ultimately, it means the removal of small industrial businesses which are not compatible with the neighbourhood. As a condition of approval, the City is also able to acquire land for a public pathway connection linking the forested areas in Royalwood Phase II with John Bruce Road. It is therefore recommended that your Committee endorse the proposal and the recommendations of the ACG as submitted. It should be noted that there is nor requirement for cash dedication given that the City is acquiring land from the applicant for public pathway purposes.

**RECOMMENDATION:**

I. That the plan of subdivision proposed under File No. DASZ 14/04 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File No. DASZ 14/04, attached hereto and dated June 7/04, 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 May 28/04.

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 14/04, attached hereto and dated June 7/04, to an "R1-5" 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 time is applied for prior to the expiry of this twenty-four (24) month period and the extension is subsequently approved by Council.

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

VII. 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.

VIII. 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.

IX. 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.

X. 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

3054

By-Law No. _____

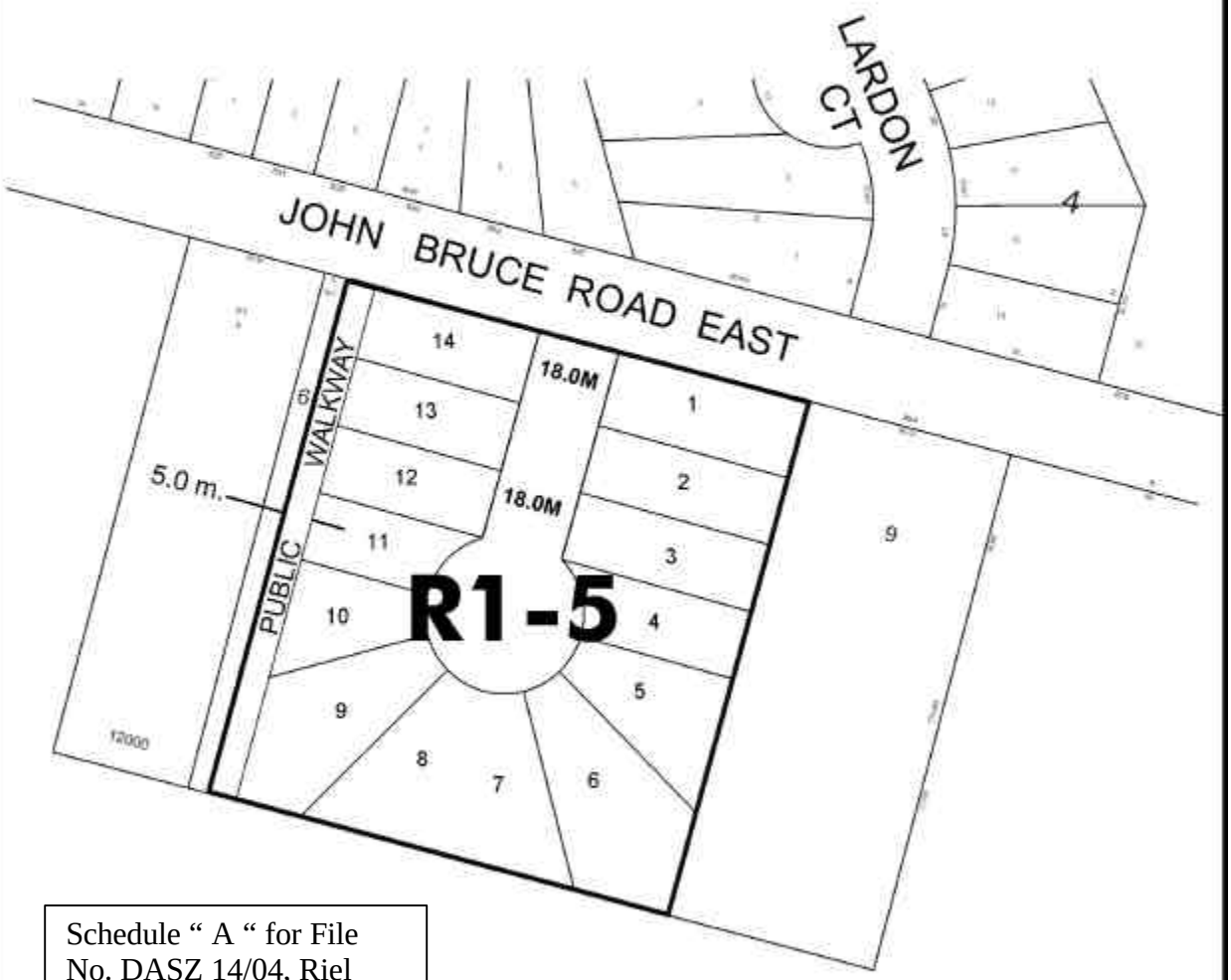
File No. **DASZ 14/04**

Atlas Sheet No. **AG29**
**RIEL COMMUNITY**

N

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 at 872 John Bruce Road from an "R1-20" SINGLE-FAMILY DISTRICT DISTRICT to an "R1-5" SINGLE-FAMILY DISTRICT as shown outlined below.




Schedule " A " for File No. DASZ 14/04, Riel Community Committee, dated June 7/04

THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

Exhibit "9" referred to in File DASZ 14/2004

**Re: Proposed subdivision and rezoning of land located on the south side of John Bruce Road west of Shorehill Drive – DASZ 14/04**

An application has been submitted to subdivide and rezone land located on the south side of John Bruce Road west of Shorehill Drive.

It is recommended that the Applicant amend its plan as follows:

1. Right-of-way to accommodate the cul-de-sac turnaround is to be consistent with the dimensions illustrated on Street and Transportation Drawing ST-90 as a minimum.

It is recommended that approval of the amended plan be subject to the Developer entering into a Development Agreement with the City as follows:

1. The Developer shall, at no expense to the City, install watermains, wastewater sewers and land drainage sewers to serve the proposed subdivision to the satisfaction of the Director of Water and Waste.
2. The Developer shall, at no expense to the City, install water and wastewater lot line connections to serve each lot within the proposed subdivision as determined by and to the satisfaction of the Director of Water and Waste.
3. The Developer shall provide a lot grading plan prepared by a municipal engineer and shall grant any required easements to the City as indicated by the lot grading plan.
4. The Developer shall, at no expense to the City, construct portland cement concrete pavement to a width of 7.5m and a thickness of 150mm in the proposed street and to a diameter of 21.0m and a thickness of 150mm in the cul-de-sac turn-around, and all related works, including but not necessarily limited to street lighting, boulevard landscaping and land drainage sewer all as determined by and to the satisfaction of the Director of Public Works.
5. The Developer shall pay its share of the cost of services installed or to be installed by others in John Bruce Road on the basis of the Local Improvement rates prevailing at the time payment is made.
6. The Developer shall, at no expense to the City, cause to be installed standard reflectorized permanent street name signs at the new street intersection being created by the proposed subdivision, as determined by the Director of Public Works.
7. 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.
8. 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.
9. 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.

10. The Developer shall ensure the 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.
11. The Developer shall, at no expense to the City, install sod and interlocking paving stones within the cul-de-sac island to the satisfaction of the Director of Public Works.
12. The Developer shall pay cash in lieu of dedication of land for public open space in accordance with City policy. (The Developer shall be credited with the area of the public walkway being dedicated in the open space calculations.)
13. The Developer shall pay the full cost of engineering services provided by or on behalf of the City in connection with the installation of municipal services required to serve the proposed subdivision.
14. The Developer shall pay $1,200.00 per acre to defray the City's administration and related costs associated with the preparation and implementation of the development agreement.

THIS REPORT SUBMITTED BY:

Administrative Coordinating Group
File No. AG 14/04
May 28, 2004

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RIEL COMMUNITY COMMITTEE

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

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

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