Minute No. 35
Report - Standing Policy Committee on Property and Development - November 2, 2004

Item No. 10 Subdivision and Rezoning - 900 - 910 John Bruce Road
File DASZ 25/2004

COUNCIL DECISION:

Council concurred in the recommendations of the Standing Policy Committee on Property and Development and adopted the following:

1. That the plan of subdivision proposed under File DASZ 25/2004 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 25/2004 dated August 7, 2004, for registration in the Winnipeg Land Titles Office, subject to the applicant entering into a subdivision agreement to contain the following conditions:

   A. That prior to the issuance of a building permit for each of Lots 1, 2 and 3 the applicant shall pay the share of the cost of services installed or to be installed by others in John Bruce Road benefiting each of Lots 1, 2 and 3 based on Local Improvement Rates, plus a proportionate share (1/3) of the cost of services benefiting Lot 4.

   B. That prior to the issuance of a building permit for each of Lots 6, 7 and 8, the applicant shall pay the share of the cost of services installed or to be installed by others in John Bruce Road benefiting each of Lots 6, 7 and 8 based on Local Improvement Rates, plus a proportionate share (1/3) of the cost of services benefiting Lot 5.

   C. That the applicant shall pay, prior to the issuance of a building permit for Lots 1, 2, 3, 6, 7 and 8, the ten percent (10%) cash dedication at the then prevailing rates as determined for each lot.

   D. That the applicant shall pay the boulevard sod and tree planting deposit on a lot by lot basis at such time as building permits are requested, except for the payment of the deposit for Lot 4 which shall be paid at such time as a building permit is requested for Lots 1, 2 or 3, and the deposit for Lot 5 shall be paid at such time as a building permit is requested for Lots 6, 7 or 8.

2. That the applicant shall pay the lot fees for the eight (8) lots prior to the release of the subdivision mylars for registration.

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

COUNCIL DECISION (continued)

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 25/2004 dated August 7, 2004 to an "R1-4" Zoning District.

5. 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 market value of the land and the creation of additional sites (if applicable).

6. 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.

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

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 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.

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

DECISION MAKING HISTORY:

Moved by Councillor De Smedt,
That the recommendation of the Standing Policy Committee on Property and Development be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On November 17, 2004, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the Riel Community Committee, as amended, and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On November 2, 2004, the Standing Policy Committee on Property and Development concurred in the recommendation of the Riel Community Committee, with the following amendments, namely:

- Recommendation 1
  Delete Recommendation A. in its entirety and replace with the following, namely:

  "A. That prior to the issuance of a building permit for each of Lots 1, 2 and 3, the applicant shall pay the share of the cost of services installed or to be installed by others in John Bruce Road benefiting each of Lots 1, 2 and 3 based on Local Improvement Rates, plus a proportionate share (1/3) of the cost of services benefiting Lot 4."

  Add the following new recommendations, namely:

  "B. That prior to the issuance of a building permit for each of Lots 6, 7 and 8, the applicant shall pay the share of the cost of services installed or to be installed by others in John Bruce Road benefiting each of Lots 6, 7 and 8 based on Local Improvement Rates, plus a proportionate share (1/3) of the cost of services benefiting Lot 5.

  C. That the applicant shall pay prior to the issuance of a building permit for Lots 1, 2, 3, 6, 7 and 8, the ten percent (10%) cash dedication at the then prevailing rates as determined for each lot.

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

DECISION MAKING HISTORY (continued):

D. That the applicant shall pay the boulevard sod and tree planting deposit on a lot by lot basis at such time as building permits are requested, except for the payment of the deposit for Lot 4 which shall be paid at such time as a building permit is requested for Lots 1, 2 or 3, and the deposit for Lot 5 shall be paid at such time as a building permit is requested for Lots 6, 7 or 8."

Add a new Recommendation 2, namely:

"2. That the applicant shall pay the lot fees for the eight (8) lots prior to the release of the subdivision mylars for registration."

Renumber the remaining Recommendations,

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

COMMUNITY COMMITTEE RECOMMENDATION:

On October 18, 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 - 900 - 910 John Bruce Road - File DASZ 25/2004

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

Prepared by: Marc Pittet, Clerk,
Riel Community Committee

Report date: October 20, 2004

COMMUNITY COMMITTEE RECOMMENDATION:

On October 18, 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 25/2004 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 25/2004 dated August 7, 2004, for registration in the Winnipeg Land Titles Office, subject to the applicant entering into a subdivision agreement with the following condition:

    A. The applicants pay their share, prior to the issuance of building permits, of the costs of services installed or to be installed by other in John Bruce Road based upon Local Improvement Rates prevailing at the time payment is made.

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 25/2004 dated August 7, 2004 to an "R1-4" Zoning District.

4. 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 market value of the land and the creation of additional sites (if applicable).

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 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 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 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 September 14, 2004

PUBLIC HEARING SUMMARY

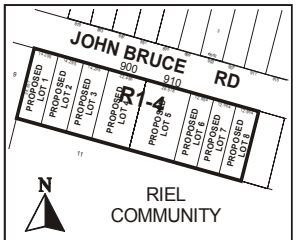
File: DASZ 25/2004

Before: Riel Community Committee
Councillor Angus, Chairperson
Councillor Magnifico
Councillor Steeves

Public Hearing: October 18, 2004
St. Norbert Community Centre, 3450 Pembina Highway
September 21, 2004
Community Committee Chamber, 605 St. Mary's Road

Applicants: S. Rizvi and S. Bhatnagar

Subject:



APPLICANT: S. RIZVI & O. BHATNAGAR
FILE: DASZ 25/04
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 "R1-4" SINGLE-FAMILY DISTRICT. **For information, phone Mr. K. Lalor, Planner at 986-5069.**
DEMANDEUR : S. RIZVI et O. BHATNAGAR
N° DE DOSSIER : DALZ 25/04
PROJET : Demande d'approbation par le Conseil du plan de lotissement indiqué 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 R1-4 (SECTEUR D'HABITATIONS UNIFAMILIALES). **Pour plus de renseignements, veuillez communiquer avec M. K. Lalor, urbaniste, au 986-5069.**

Premises Affected: 900 & 910 John Bruce Road

Exhibits Filed:

1. Application dated July 12, 2004
2. Notification of Public Hearing dated July 16, 2004
3. Manitoba Status of Titles 1294713 and 1300753
4. Letters of authorization dated July 8, 2004 from Alia P. Rizvi, Om Narain Bhatnagar and Shashi Bhatnagar to S. M. Wasi Rizvi
5. Plans (1 page)
6. Report from the Manager of Planning and Land Use dated September 14, 2004
7. Inspection Report

REPRESENTATIONS:

In Support:

Om N. Bhatnagar
Wasi Rizvi

In Opposition

Nil

For Information:

Joel Bretecher
Mark Strople

For the City:

Kevin Lalor, Senior Planner, Planning, Property and Development Department
Michael Robinson, Planner, Planning, Property and Development Department
Chris Torpey, Land Development Administrator, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

October 18, 2004
Om N. Bhatnagar and Wasi Rizvi appeared in support of the application. In response to a question from Mr. Bhatnagar, the Land Development Administrator stated that a sidewalk is to be installed on John Bruce Road but, should said sidewalk not be constructed, the applicants would not have to pay their share of the costs associated with its installation. In response to a question from Mr. Rizvi, the Land Development Administrator indicated that the Applicant's share of the costs of services installed or to be installed in John Bruce Road will be collected prior to the issuance of building permits on a lot by lot basis.

September 21, 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 DASZ 25/2004

In reply please refer to / Référence à rappeler :

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

File No. DASZ 25/04 September 14, 2004
Our c/f CP 500 (.555)

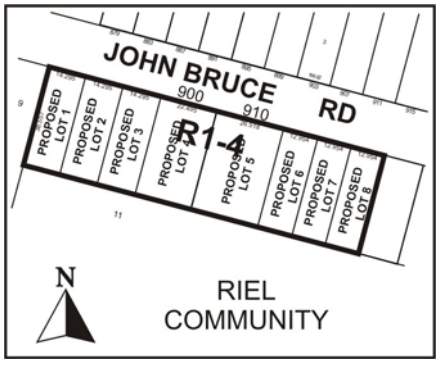
Marc Pettit, Clerk
Riel Community Committee
Council Building
510 Main Street
Winnipeg, MB R3B 1B9

Dear Mr. Pittet:

SUBDIVISION AND REZONING
Land located: 900-910 John Bruce Road
Riel Community
File No. DASZ 25/04

An application has been received from S.M. Wasi Rizvi and Om Narain Bhatnagar 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" Zoning District to a "R1-4" Zoning District to allow for eight (8) single-family residential lots.

RELATED FILES:



SITE DESCRIPTION:

Site Area:
The subject parcels have a combined ±435 feet of frontage along John Bruce Road and a total overall area of 4.32 acres.

Existing Land Use and Zoning:
The properties are currently zoned R1-20. There is a single family residence on each parcel.

Surrounding Land Use and Zoning:

North: To the north are single family residences – some of which are still under construction – zoned R1-4
South: To the south is the recently approved Royalwood Phase II residential area. The portion directly behind the subject properties is still undeveloped and it is zoned R1-4
East: To the immediate east is one home, zoned R1-4, and two vacant parcels also zoned R1-4. On John Bruce Road east of Shorehill Road are single family residences zoned R1-4 on the north side of the road and R1-20 on the south side of the road.
West: To the west are a mix of residential and industrial properties zoned R1-20 on the south side of the road and single family residential properties zoned R1-4 on the north side of the road.

DEVELOPMENT DESCRIPTION:

The applicants are proposing to consolidate two adjoining lots into a single 4.32 acre lot for the purpose of establishing a residential subdivision. The existing residences will remain and six new lots will be created. Three lots will measure 46.9 feet in width by 126.5 feet in depth (±5933 sq ft) and three lots will measure 42.5 feet in width by 126.5 feet in depth (+5,376 sq ft). The existing residences will remain on lots which are significantly larger: ±10,133 sq ft and ±11,005, respectively. All lots will front onto John Bruce Road.

John Bruce Road has developed an R1-4 residential pattern with the construction of R1-4 zoned single family residential along the north side of the street from Wildfire Drive on the east to Wilmington Drive on the west. On the south side of the street, lot sizes are typically larger but rezonings to R-4 have already begun to occur. Subsequently, this area is now predominantly R1-4 in character.

PLAN WINNIPEG:

The subject land lies within the 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 Phase II as well as along John Bruce Road from Wildfire Road on the east to Wilmington Drive on the west. Secondly, the creation of new infill housing is not only consistent with Plan Winnipeg Policy but ultimately, it means the eventual phasing out of small industrial businesses which still exist along John Bruce Road to the west. Thus, the surrounding character and future development trend is consistent with what is being proposed here.

RECOMMENDATION:

I. That the plan of subdivision proposed under File No. DASZ 25/04 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File No. DASZ 25/04, attached hereto and dated August 7, 2004 for registration in the Winnipeg Land Titles Office, subject to the applicant enter into a subdivision agreement with the following condition:

a) The applicants pay their share, prior to the issuance of building permits, of the costs of services installed or to be installed by other in John Bruce Road based upon Local Improvement Rates prevailing at the time payment is made.

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 25/04, attached hereto and dated August 7, 2004 to an "R1-4" Zoning District.

IV. That a 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 market value of the land and the creation of additional sites, (if applicable).

V. 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.

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

By-Law No. _____

File No. **DASZ 25/04**

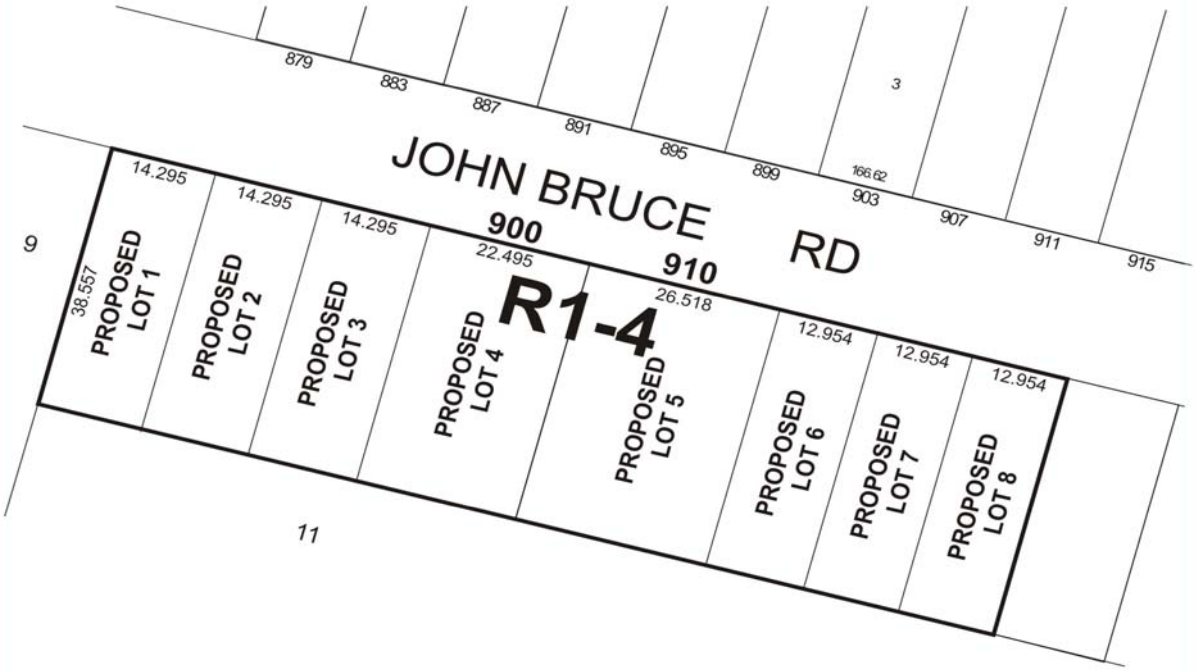
Atlas Sheet No.

N

AG29
RIEL
COMMUNITY

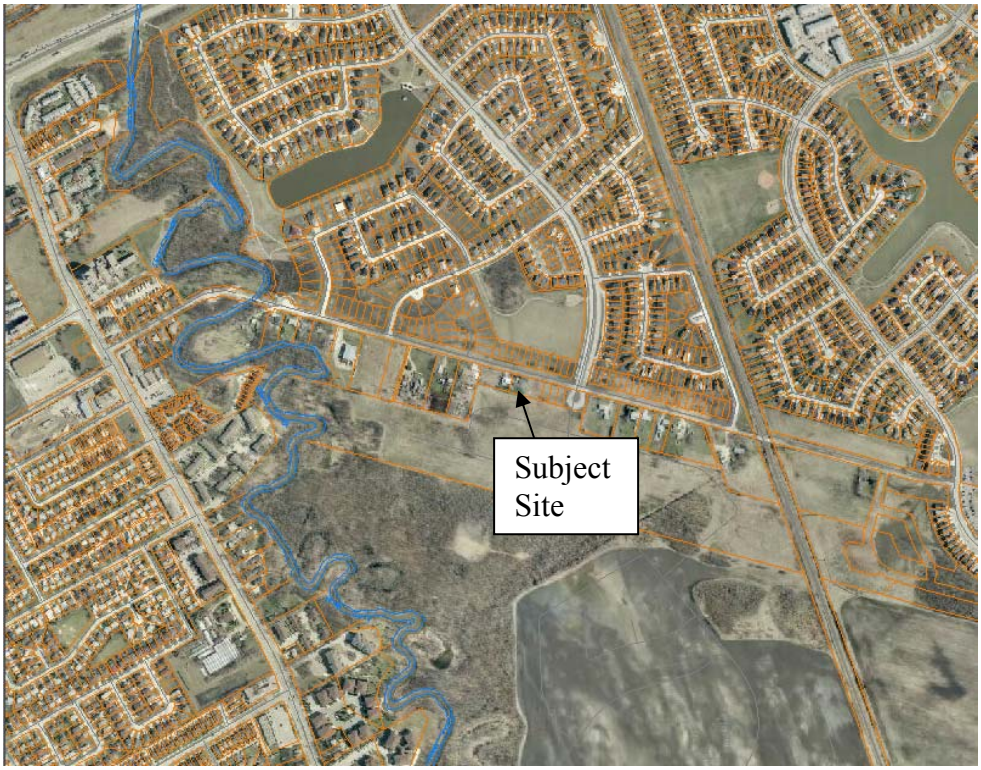
Explanation

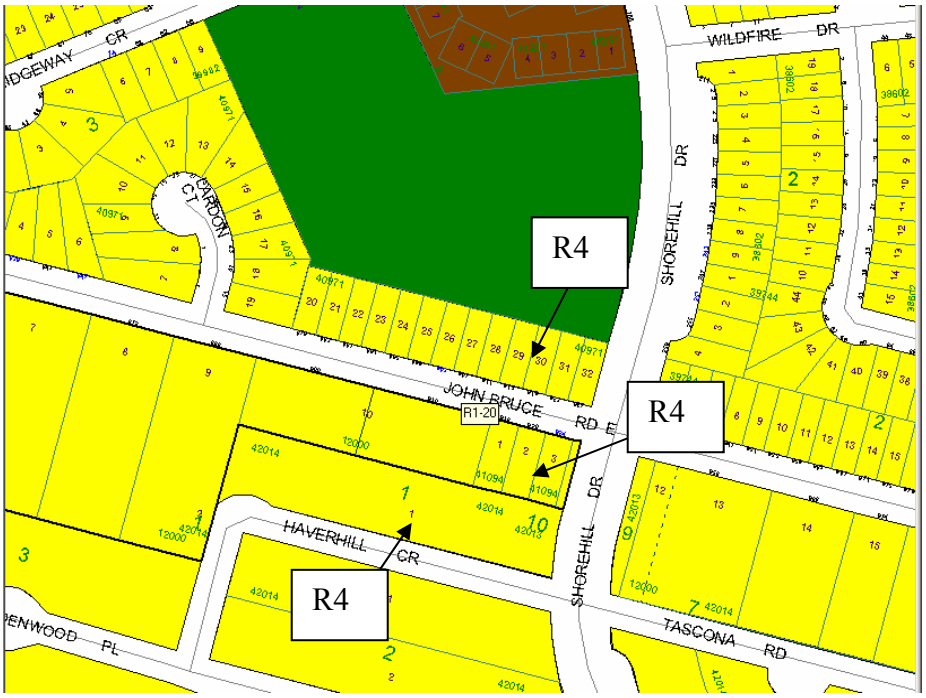
An application for the approval of the plan of subdivision shown outlined below and for a proposed zoning change to By-law No. 6400/94 by rezoning the land located at 900/910 John Bruce Road from an "R1-20" SINGLE-FAMILY DISTRICT to an "R1-4" SINGLE-FAMILY DISTRICT as shown outlined below.



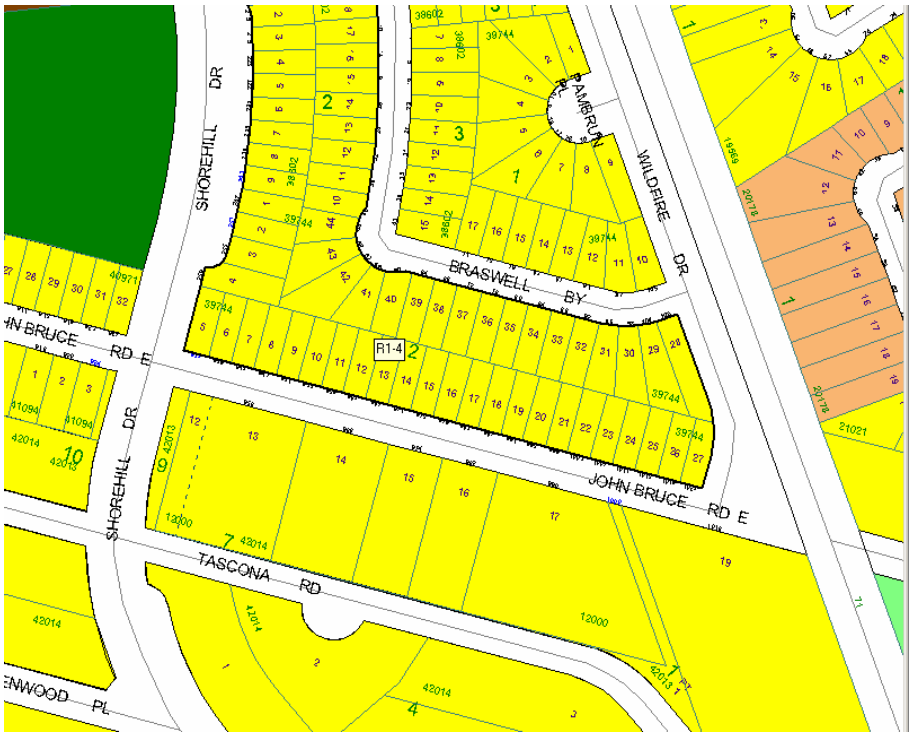
THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____


Subject
Site



Existing zoning on John Bruce across the street from and to the east of the subject property is R-4. The land directly behind the proposed subdivision is also zoned R-4



The pattern of development along the north side of John Bruce from Wildfire Drive to the west is R-4. Rezonings have already begun to occur on the south side of the road.