Minute No. 36
Report - Standing Policy Committee on Property and Development - November 2, 2004

Item No. 11 Subdivision and Rezoning - Block 2, Plan 20781 Lambeth Road and Goldthorpe Crescent
File DASZ 32/2004

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 32/2004 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 32/2004 dated October 8, 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 October 15, 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 32/2004 dated October 8, 2004, to a "R1-3.5" 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 include the following conditions:

    A. A six (6) foot high wooden fence shall be erected along the rear (east) property line of Lots 1-3 and along the south property line of Lot 1, where it is adjacent to private property, in the event that the existing wooden fence is removed.

    B. Lot 3, in anticipation of a future extension of Goldthorpe Crescent to the northeast, shall be classified as a corner lot and all required setbacks for a corner lot in the "R1-3.5" Residential District, under The Winnipeg Zoning By-law No. 6400/94, shall apply.

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.

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

COUNCIL DECISION (continued)

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 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, and the Zoning Agreement has been filed by caveat in the Winnipeg Land Titles Office against those lands 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.

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 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 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 - Block 2, Plan 20781, Lambeth Road and Goldthorpe Crescent**
File DASZ 32/2004

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 32/2004 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 32/2004 dated October 8, 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 October 15, 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 32/2004 dated October 8, 2004, to a "R1-3.5" 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, to include the following conditions:

    A. A six (6) foot high wooden fence shall be erected along the rear (east) property line of Lots 1-3 and along the south property line of Lot 1, where it is adjacent to private property, in the event that the existing wooden fence is removed.

    B. Lot 3, in anticipation of a future extension of Goldthorpe Crescent to the northeast, shall be classified as a corner lot and all required setbacks for a corner lot in the "R1-3.5" Residential District, under The Winnipeg Zoning By-law No. 6400/94, shall apply.

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.

5. 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.

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 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, and the Zoning Agreement has been filed by caveat in the Winnipeg Land Titles Office against those lands 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.

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.

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 October 8, 2004, and in the report from the Administrative Coordinating Group dated October 15, 2004.

PUBLIC HEARING SUMMARY

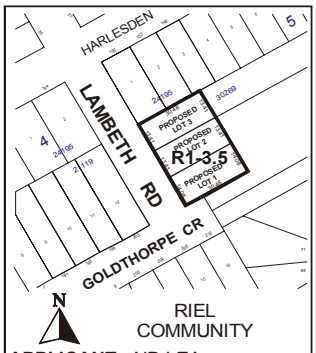
File: DASZ 32/2004

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

Public Hearing: October 18, 2004
St. Norbert Community Centre, 3540 Pembina Highway

Applicant: ND LEA (Donovan Toews)

Subject:



APPLICANT : ND LEA
FILE : DASZ 32/04
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 "A" AGRICULTURAL DISTRICT to an "R1-3.5" SINGLE-FAMILY DISTRICT. **For information, phone Mr. K. Lalor, Planner at 986-5069.**
DEMANDEUR : ND LEA
N° DE DOSSIER : DALZ 32/04
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 A (SECTEUR AGRICOLE) à la catégorie R1-3.5 (SECTEUR D'HABITATIONS UNIFAMILIALES). **Pour plus de renseignements, veuillez communiquer avec M. K. Lalor, urbaniste, au 986-5069.**

Premises Affected: Block 2, Plan 20781, Lambeth Road and Goldthorpe Crescent

Exhibits Filed:

1. Application dated August 20, 2004
2. Notification of Public Hearing dated September 17, 2004
3. Manitoba Status of Titles 1058045, 2007591 and 2013305
4. Letter of authorization dated August 18, 2004 from 71512 Manitoba Ltd. and Minox Equities Ltd. to ND LEA Engineers and Planners Inc.
5. Plan (1 page)
6. Report from the Manager of Planning and Land Use dated October 8, 2004
7. Report from the Administrative Coordinating Group dated October 15, 2004
8. Inspection Report

REPRESENTATIONS:

In Support:

Veronica Hicks

In Opposition

Nil

For the City:

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

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

Veronica Hicks appeared in support of the application.

Exhibit "6" referred to in File DASZ 32/2004

In reply please refer to / Référence à rappeler :

Michael Robinson (204) 986-3213
Fax / Téléc. : (204) 986-7524

File No. DASZ 32/04 October 8, 2004
Our c/f CP 500 (.530)

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

Dear Mr. Pittet:

SUBDIVISION AND REZONING
Land located: Lambeth Road & Goldthorpe Crescent
Riel Community
File No. DASZ 32/04

An application has been received from ND Lea for approval of a plan of subdivision and related zoning change to Zoning By-Law No. 6400/94 by rezoning a portion of land from an "A" Agricultural District to a "R1-3.5" Residential District and consolidating that portion of land to allow for three (3) single-family residential lots.

RELATED FILES:



SITE DESCRIPTION:

Site Area:
The subject parcel has 134.19 feet of frontage along Lambeth Road and a total area of 13,419 square feet (.31 acres).

Existing Land Use and Zoning:
The property is currently zoned "A" Agricultural.

Surrounding Land Use and Zoning:

North: To the north are single-family homes zoned "R1-3.5" Single-Family Residential
South: To the south are single-family homes zoned "R1-3.5" Single-Family Residential
East: To the east is a mobile home park zoned "A-5" Agricultural
West: To the west are single-family homes zoned "R1-3.5" Single-Family Residential

DEVELOPMENT DESCRIPTION:
The applicants are proposing to rezone a portion of land currently zoned "A-5" Agricultural to R1-3.5 Residential and to consolidate that piece of land with another parcel currently zoned "R1-3.5" Residential for the purposes of creating a three (3) lot subdivision. Two of the new lots will measure 44 feet in width by 100 feet in depth (4400 sq ft) and one lot will measure 46.19 feet in width by 100 feet in depth (4,619 sq ft). All lots will front onto Lambeth Road.

Both Lambeth Drive and Goldthorpe Crescent are zoned R1-3.5 and are single-family residential in character. The proposed subdivision will create three lots which are consistent in size with the existing lots in the area.

Directly behind the proposed subdivision is a mobile home park. Currently, there is a six foot high fence separating the two properties. It is recommended that as a condition of approval, the fence be maintained.

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 this proposal. The proposed rezoning and new lots are very much in character with the existing residential development in the Dakota Crossing neighbourhood and the creation of new infill housing is consistent with Plan Winnipeg Policy.

RECOMMENDATION:

I. That the plan of subdivision proposed under File No. DASZ 32/04 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File No. DASZ 32/04, attached hereto and dated October 8, 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 October 15, 2004;

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 32/04, attached hereto and dated October 8, 2004, to a "R1-3.5" 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, to include the following conditions:

A. A six foot high wooden fence shall be erected along the rear (east) property line of Lots 1-3 and along the south property line of Lot 1, where it is adjacent to private property, in the event that the existing wooden fence is removed.

.

C. Lot 3, in anticipation of a future extension of Goldthorpe Crescent to the northeast, shall be classified as a corner lot and all required setbacks for a corner lot in the "R1-3.5" Residential District, under By-Law No. 6400/94, shall apply.

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.

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.

VII. That the subdivision section of the by-law shall come into force and effect upon execution 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, and the Zoning Agreement has been filed by caveat in the Winnipeg Land Titles Office against those lands **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.**

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.

_____
Michael Robinson, Planner

_____
C. Torpey, Land Devt. Administrator

_____
E. Axelrod, Subdivision Officer

_____
E. Carriere, Land Devt. Engr.

_____
J. East, Urban & Neighborhood Planning Coordinator

Final

Yours truly,

C. Knoll
Manager of Planning and Land Use

_____
Per: Michael Robinson, Planner
(Riel Community)
986-3213

By–Law No. _____

File No. **DASZ 32/04**

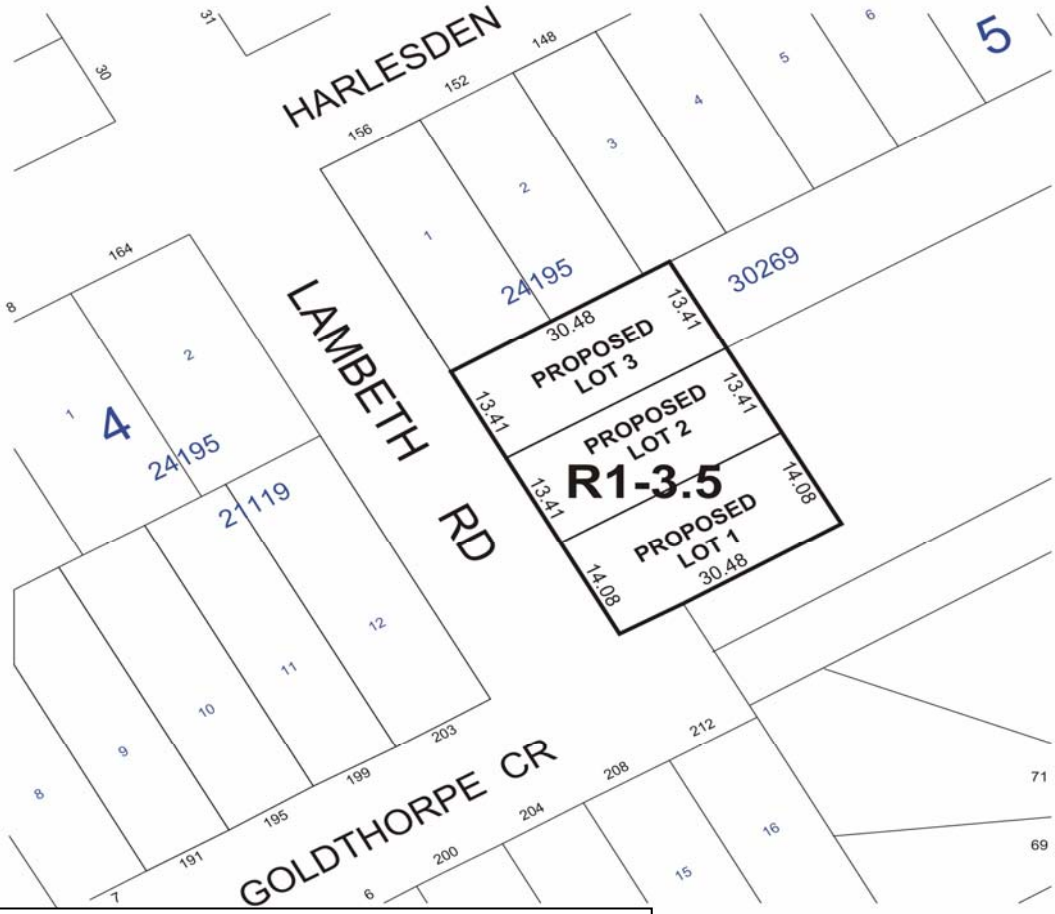
Atlas Sheet No.

N

AJ28
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 on the north side of Templeton Avenue, west of Diplomat Drive from an "R1-20" SINGLE-FAMILY DISTRICT to an "R1-3.5" SINGLE-FAMILY DISTRICT as shown outlined below.



Schedule "A" for File No. DASZ 32/04, Riel Community Committee dated October 8, 2004

THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____



Exhibit 1: Aerial Photograph (Flown in 2002)

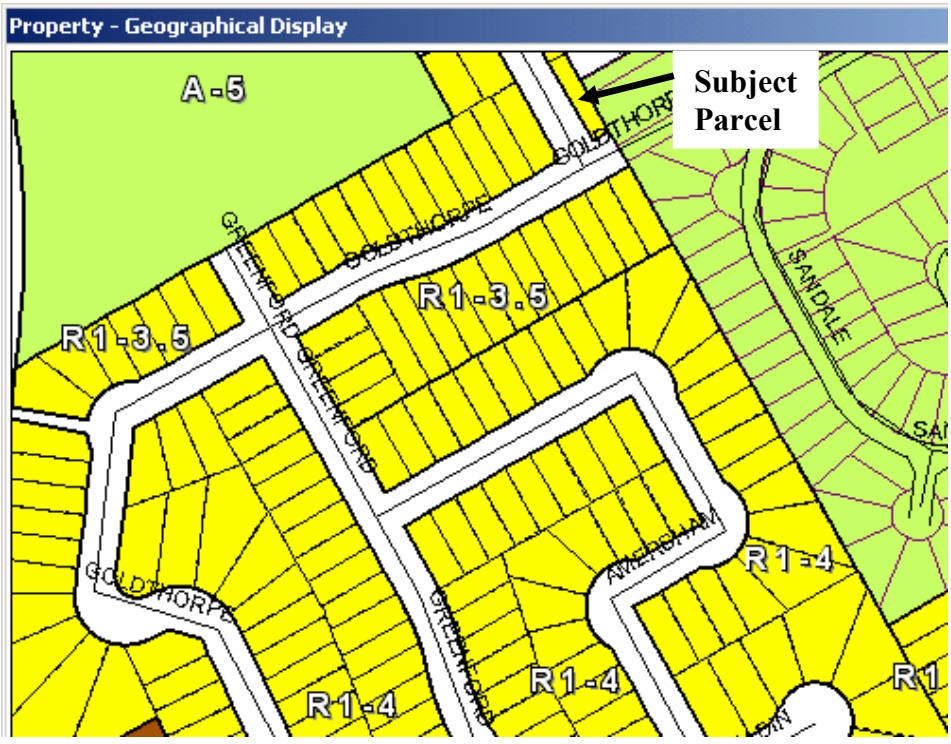


Exhibit 2: Zoning Map

Exhibit "7" referred to in File DASZ 32/2004

Re: Proposed subdivision and rezoning of land located on the east side of Lambeth Road at Goldthorpe Crescent – DASZ 32/04

An application has been submitted by ND Lea to subdivide and rezone land located on the east side of Lambeth Road at Goldthorpe Crescent.

It is recommended that approval of this application be subject to the Developer entering into a Servicing Agreement containing the following:

1. The Developer shall, at no expense to the City, construct a wastewater sewer in Lambeth Road to serve the proposed subdivision as determined by and to the satisfaction of the Director of Water and Waste.
2. The Developer shall, at no expense to the City, install separate water and wastewater service connections to serve each lot within the proposed subdivision.
3. The Developer shall provide a lot grading plan prepared by a municipal engineer, shall grant any easements and if required shall construct, at no expense to the City, any catch basins and leads as may be necessitated by the design.
4. The Developer shall plant trees and install sod on the boulevard on the east side of Lambeth Road abutting the proposed subdivision, in accordance with specifications approved by the Director of Public Works.
5. The Developer shall pay its share of the cost of land drainage trunk facilities benefiting the proposed subdivision as determined by the Director of Water and Waste.
6. The Developer shall pay $1,650.00 in lieu of the City's administration and related costs associated with the preparation and implementation of the servicing agreement.
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 the wastewater sewer, service connections and lot drainage works required to serve the proposed subdivision.

THIS REPORT SUBMITTED BY:

E.L. Carrière, P.Eng.
File No. AG 32/04
October 15, 2004

V:\7-ACG Reports\04ag32-report.doc