Agenda - Council - December 15, 2004

Report - Standing Policy Committee on Property and Development - November 30, 2004

Item No. 1 Subdivision - south side of rue Messager between avenue Taché and rue St. Joseph
File DAS 19/2004

STANDING COMMITTEE RECOMMENDATION:

On December 8, 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 submits the following to Council:

1. That the plan of subdivision proposed under File DAS 19/2004 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DAS 19/2004 dated June 29, 2004, for registration in the Winnipeg Land Titles Office, subject to the following:

    A. That the City as Developer be required to construct/install:

        i. concrete pavement to a width of 5m in the lane serving the proposed subdivision from rue St. Joseph to rue Hebert.

        ii. water and wastewater connections from the mains in rue Messager to each lot prior to the construction of the proposed concrete street pavement.

        iii. new sidewalks.

    B. That the City provide a grading plan prepared by a municipal engineer, retain any easements and install catch basins and leads as may be necessitated by the grading design.

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

3. 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, if applicable.

Report - Standing Policy Committee on Property and Development - November 30, 2004

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 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.

7. 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 30, 2004

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On December 8, 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 30, 2004, the Standing Policy Committee on Property and Development concurred in the recommendation of the Riel Community Committee, as amended, namely:

- Amend and renumber Recommendation 1C. to become 1A. iii) and read as follows:

  1A.iii) new sidewalks

- Add a new Recommendation 3 as follows and renumber the remaining recommendations accordingly:

  3. 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, if applicable.

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

COMMUNITY COMMITTEE RECOMMENDATION:

On November 17, 2004, the Riel Community Committee concurred in the administrative recommendation and submitted the matter to the Standing Policy Committee on Property and Development.

On September 21, 2004, the Riel Community Committee adjourned the public hearing to its meeting on November 16, 2004, at 6:00 p.m., in the Community Committee Chamber located at 219 Provencher Boulevard.

On July 6, 2004, the Riel Community Committee adjourned the public hearing to its meeting on September 21, 2004, at 6:00 p.m., in the Community Committee Chamber located at 604 St. Mary's Road.

RE: **Subdivision - South side of rue Messager between avenue Taché and rue St. Joseph**
File DAS 19/2004

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

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

Report date: **November 19, 2004**

COMMUNITY COMMITTEE RECOMMENDATION:

On November 17, 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 DAS 19/2004 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DAS 19/2004 dated June 29, 2004, for registration in the Winnipeg Land Titles Office, subject to the following:

    A. That the City as Developer be required to construct/install:

        i. concrete pavement to a width of 5m in the lane serving the proposed subdivision from rue St. Joseph to rue Hebert,

        ii. water and wastewater connections from the mains in rue Messager to each lot prior to the construction of the proposed concrete street pavement.

    B. That the City provide a grading plan prepared by a municipal engineer and shall retain any easements and install catch basins and leads as may be necessitated by the grading design.

    C. That in lieu of land dedication, the City allocate funds towards the installation of new sidewalks.

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.

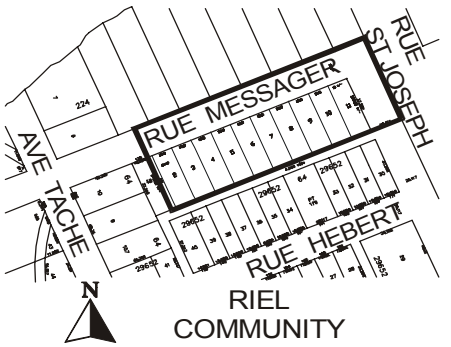
5. That the Plan of Subdivision shall be approved and signed by the Director of Planning, Property and Development within two (2) years of the date of passage of the aforementioned by-law.

6. That 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.

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 29, 2004.

PUBLIC HEARING SUMMARY

File:	DAS 19/2004
Before:	Riel Community Committee Councillor Magnifico, Chairperson Councillor Angus Councillor Steeves
Public Hearing:	November 17, 2004 Community Committee Chamber, 219 Provencher Boulevard
Adjourned from:	September 21, 2004 Community Committee Chamber, 604 St. Mary's Road July 6, 2004 Community Committee Chamber, 219 Provencher Boulevard
Applicant:	The City of Winnipeg
Subject:	 **APPLICANT:** THE CITY OF WINNIPEG **FILE:** DAS 19/04 **PROPOSAL:** An application for the approval of the plan of subdivision shown outlined above as may be determined by Council. **For information, phone Mr. K. Lalor, Planner at 986-5069.** **DEMANDEUR :** VILLE DE WINNIPEG **N° DE DOSSIER :** DAL 19/04 **PROJET :** Demande d'approbation du plan de lotissement précisé ci-dessus selon ce que détermine le Conseil. **Pour plus de renseignements, veuillez communiquer avec M. K. Lalor, urbaniste, au 986-5069.**
Premises Affected:	South side of rue Messager between avenue Taché and rue St. Joseph

Exhibits Filed:

1. Application dated May 4, 2004
2. Notification of Public Hearing dated June 10, 2004
3. Title Searches 1238895, 1308625, 1308628, 1309954, 1402589, 1402590, 1402591
4. Plan
5. Report from the Manager of Planning and Land Use dated June 29, 2004
6. Inspection Report

REPRESENTATIONS:

In Support:

Ed Dolhun
Fernand et Doris Gauthier
Angele Joyal
Mireille Lamontagne
David Lesage
Neil Maffenbeier
Leo J. R. Pelland
Réal Rioux
Tom Scott

In Opposition:

Nil

For Information:

Norm Gousseau

For the City:

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

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

November 17, 2004
The applicant, Ed Dolhun, appeared in support of the application.

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

July 6, 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 “5” referred to in File DAS 19/2004 [c/r DAV 133385/2004ZD]

In reply please refer to / Référence à rappeler :

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

File No. DAS 19/04
Our c/f CP 500 (.501)

June 29/04, 2004

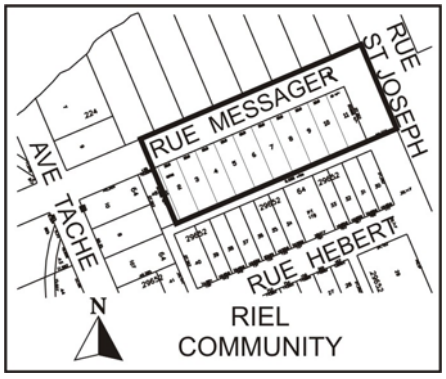
Marc Pettit, Clerk
Riel Community Committee
Council Building
510 Main Street
Winnipeg, MB R3B 1B9

Dear Mr. Pittet:

SUBDIVISION AND REZONING
Land located: South side Rue Messager
Riel Community
File No. DASZ 19 /04

An application has been received from the City of Winnipeg for approval of a plan of subdivision to create eleven (11) new lots and legally open a portion of Rue Messager and Rue St. Joseph. One of the proposed new lots is a residual parcel, which is substandard in width and area. It does not constitute a buildable lot and will be sold to an adjoining existing property owner.

RELATED FILES: DAV04 133355D



SITE DESCRIPTION:

Site Area:

The subject subdivision encompasses an area of 2.14 acres; that includes the proposed residential lot area and the rights-of –way. Of that total, 1.2 acres are set aside as future residential (10 buildable lots and one residual undersized lot which is to be sold to an adjoining property owner).

Existing Land Use and Zoning:

The aforementioned street rights-of-way are not legally open but are physically open and are open to vehicle traffic. The land on the south side of Messager is currently vacant and zoned R1-3.5 single family residential.

Surrounding Land Use and Zoning:

North: To the north are related park facilities/ open space areas (including Fort Gibraltar) zoned PR-1 Parks and Recreational.
South: To the south is an established single family housing area zoned R1-3.5 and R2 Residential. Some lots and homes are privately owned, others are owned by the City of Winnipeg.
East: To the east is Whittier Park zoned PR Parks and Recreational.
West: To the west are several homes zoned R2 Residential and several homes west of Tache zoned M2 Industrial.

DEVELOPMENT DESCRIPTION:

Under the proposed subdivision application, parts of Rue Messager and Rue St. Joseph will be legally opened. While the aforementioned streets have remained physically open over the years, they were in part legally closed over fifteen years ago as part of a previous application. The legal opening of both streets allows for the creation of new lots and the construction of new homes on the south side of Rue Messager. There will be ten (10) new buildable sites created and an eleventh lot, which is deficient in width and area, will be sold to existing neighbouring property owner for future consolidation purposes. The overall area was zoned to a R1-3.5 single family residential category in 2003, allowing for a minimum of 35’ wide lots. The aforementioned ten new lots will, however, all have 42’ frontages and depths of 122.25’. Front approaches off of Rue Messager will not be permitted; all approaches and garages will be via the existing rear lane which is to be upgraded and hard surfaced. There are clearly defined development standards being put in place for the lots in question which will allow for and require , for example, a) reduced front yards and b) mandatory attached front porches. As with the rear lane, this proposal calls for the hard surfacing of both Rue Messager and a portion of Rue St. Joseph. The City, as Developer , will tender the subject lots upon completion of the subject subdivision application.

PLAN WINNIPEG:

All of the subject lands south of Rue Messager, west of Rue St. Joseph, east of Rue Tache and north of Rue Hebert are in a Neighbourhood Policy Area under Plan Winnipeg which allows for residential development applications to be processed and evaluated.

ADMINISTRATIVE COMMENTS:

Under a Council Directive dated July 10/02, it was recommended that the City of Winnipeg, in accordance with Plan Winnipeg Policy and the stated objectives of the St. Boniface Action Area Plan proceed with the redevelopment of the lands north of the Highline in North St. Boniface for mixed use residential development. The first step was to rezone all City lands between Rue St. Joseph and Rue Tache and north of Rue Darveau to either R1-3.5 Single Family or RM-1 Multiple Family. That was accomplished under DAZ 228/03. The next step in the ongoing process is the subdivision and sale of the lots along the south side of Rue Messager which constitutes the first phase of development. The Planning and Land Use Division in conjunction with other City Departments, fully supports the proposed development which , in our view, will act as a catalyst for continuing residential development along the remaining streets north of Rue Darveau. It should be noted that land dedication for open space requirements are not necessary in this instance; that instead monies be allocated towards the installation of sidewalks in this area.

RECOMMENDATION:

I. That the plan of subdivision proposed under File No. DAS 19/04 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File No. DAS 19/04, attached hereto and dated June 29/04, for registration in the Winnipeg Land Titles Office, subject to the following:

   A. That the City as Developer be required to construct/install:

      1) concrete pavement to a width of 5m in the lane serving the proposed subdivision from Rue St. Joseph to Rue Hebert,
      2) water and wastewater connections from the mains in Rue Messager to each lot prior to the construction of the proposed concrete street pavement.

   B. That the City provide a grading plan prepared by a municipal engineer and shall retain any easements and install catchbasins and leads as may be necessitated by the grading design.

   C. That in lieu of land dedication, the City allocate funds towards the installation of new sidewalks.

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. 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.

VI. 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

4012

By-Law No. _____

File No. **DAS 19/04**

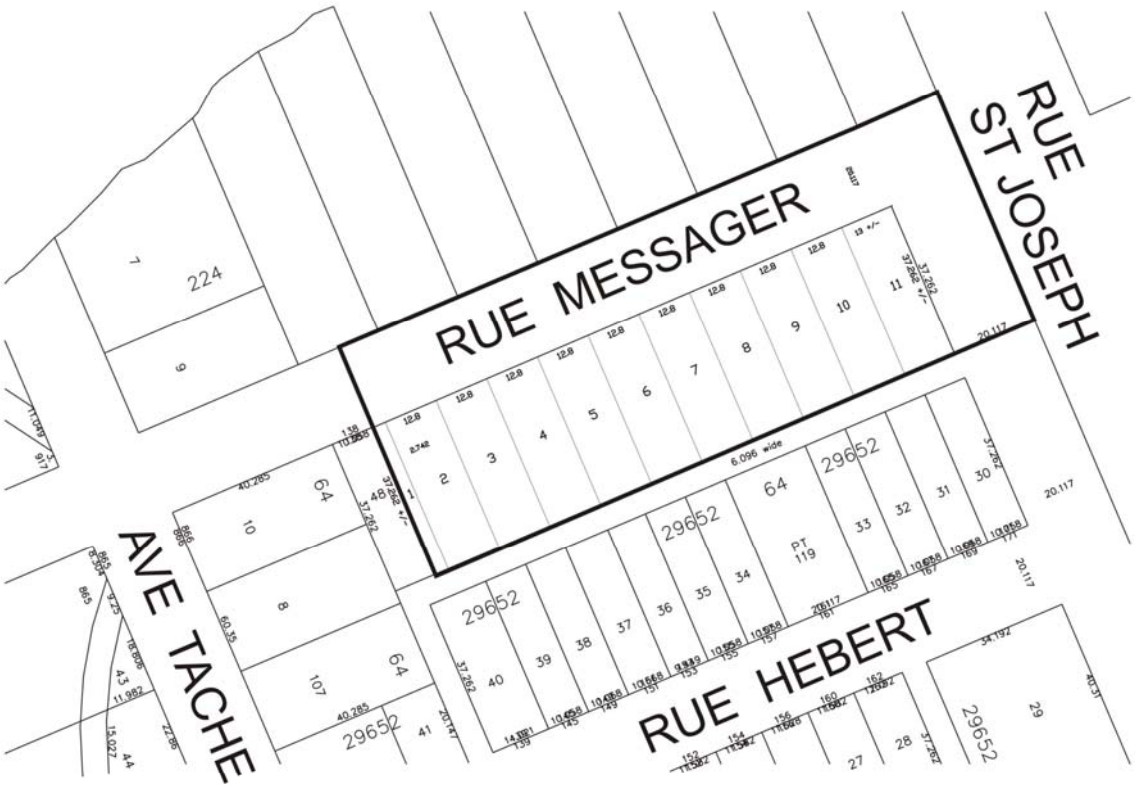
Explanation

An application for the approval of the plan of subdivision shown outlined below.

Atlas Sheet No.

N

Z25
RIEL
COMMUNITY



Schedule " A" for File No. DAS 19/04, Riel Community Committee, dated June 29/04

THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____