Agenda – Council - January 25, 2006

Report - Standing Policy Committee on Property and Development - January 10, 2006

Item No. 5 Subdivision and Rezoning - 509 Templeton Avenue and east end of Arrowhead Court
File DASZ 47/2005

STANDING COMMITTEE RECOMMENDATION:

On January 18, 2006, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the Lord Selkirk-West Kildonan Community Committee, as amended, and submits the following to Council:

1. That the plan of subdivision proposed under File DASZ 47/2005 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 47/2005 dated November 21, 2005, for registration in the Winnipeg Land Titles Office subject to the following:

    A. That the Developer be required to enter into an Addendum to Development Agreement AG 29/2004 containing all the conditions outlined in the report of the Administrative Coordinating Group dated November 18, 2005, with the following amendment:

        i. That a new Condition No. 4 be added as follows, namely:

            "4. The Developer shall ensure that there is adequate space for snow storage by constructing or alternatively by including in the sales agreement(s) the following:

                A. That the private approaches on Lots 2 to 8 be limited to a maximum width of three (3.0) metres.

                B. That the private approaches on Lots 3 to 8 be established as joint approaches."

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 outlined on Schedule "A" for File DASZ 47/2005 dated November 21, 2005, to an "R1-3.5" Residential District.

Report - Standing Policy Committee on Property and Development - January 10, 2006

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 Addendum to 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, 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.

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.

10. 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 - January 10, 2006

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On January 18, 2006, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the Lord Selkirk-West Kildonan Community Committee, as amended, and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On January 10, 2006, the Standing Policy Committee on Property and Development concurred in the recommendation of the Lord Selkirk-West Kildonan Community Committee, as amended, namely:

- That Recommendation 1.A. be amended by adding the words "dated November 18, 2005" after the word "Group" in the third line thereof.

- That a new Condition No. 4 be added to Development Agreement AG 29/2004 as follows, namely:

    "4. The Developer shall ensure that there is adequate space for snow storage by constructing or alternatively by including in the sales agreement(s) the following:

        A. That the private approaches on Lots 2 to 8 be limited to a maximum width of three (3.0) metres.

        B. That the private approaches on Lots 3 to 8 be established as joint approaches."

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

COMMUNITY COMMITTEE RECOMMENDATION:

On December 6, 2005, the Lord Selkirk-West Kildonan Community Committee concurred in the administrative recommendation and submitted its recommendation to the Standing Policy Committee on Property and Development.

RE: **Subdivision and Rezoning - 509 Templeton Avenue and east end of Arrowhead Court**
File DASZ 47/2005

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

Prepared by: **Diane Timmins, Clerk**
Lord Selkirk-West Kildonan Community Committee

Report date: **December 12, 2005**

COMMUNITY COMMITTEE RECOMMENDATION:

On December 6, 2005, the Lord Selkirk-West Kildonan 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 47/2005 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 47/2005 dated November 21, 2005 for registration in the Winnipeg Land Titles Office, subject to the following:

    A. That the Developer be required to enter into an Addendum to Development Agreement AG 29/2004 containing all the conditions outlined in the report of the Administrative Coordinating Group.

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 outlined on Schedule "A" for File DASZ 47/2005 dated November 21, 2005, to an "R1-3.5" 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 Addendum to 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, 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.

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.

9. In the event that 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.

10. 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.

The Lord Selkirk-West Kildonan Community Committee provided the following supporting reason for its recommendation:

1. The Lord Selkirk-West Kildonan Community Committee agreed with the administrative comments contained in the report from the Manager of Planning and Land Use dated November 21, 2005 and in the report from the Administrative Coordinating Group dated November 18, 2005.

PUBLIC HEARING SUMMARY

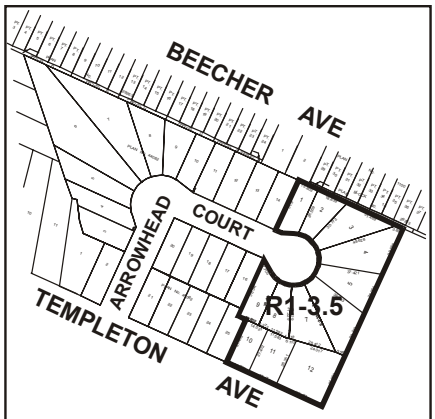
File: DASZ 47/2005

Before: Lord Selkirk-West Kildonan Community Committee
Councillor Lazarenko, Chairperson
Councillor O'Shaughnessy
Councillor Pagtakhan

Public Hearing: December 6, 2005
West Committee Room, Council Building
510 Main Street

Applicant: Doug Henne Planning Services (Doug Henne)

Subject:



LORD SELKIRK
WEST KILDONAN
COMMUNITY
APPLICANT : DOUG HENNE
PLANNING SERVICES
FILE : DASZ 47/05
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" RESIDENTIAL DISTRICT to a "R1-3.5" RESIDENTIAL DISTRICT.
For information, phone Mr. M. Robinson, Planner at 986-3213.

Premises Affected: 509 Templeton Avenue and east end of Arrowhead Court

Exhibits Filed:

1. Application dated October 27, 2005
2. Notification of Public Hearing dated November 7, 2005
3. Manitoba Status of Titles 1879097 and 2095980
4. Letters of authorization from the Executrices of the Estate of Annie Kuchak to North Grassie Properties Inc. dated October 3, 2005 and from North Grassie Properties Inc. to Doug Henne Planning Services dated October 14, 2005
5. Plan
6. Report from the Manager of Planning and Land Use dated November 21, 2005
7. Report from the Administrative Coordinating Group dated November 18, 2005
8. Inspection Report

REPRESENTATIONS:

In Support:

Doug Henne, Doug Henne Planning Services
Helen Kuchak
John Kuchak

In Opposition

Nil

For the City:

Mr. M. Robinson, Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

Doug Henne, Doug Henne Planning Services, appeared in support of the application and indicated concurrence in the recommendations outlined in the reports of the Manager of Planning and Land Use (Exhibit 6) and the Administrative Coordinating Group (Exhibit 7). In response to Committee's question, Mr. Henne confirmed the proposed development was a logical completion of the cul-de-sac.

Exhibit "6" referred to in File DASZ 47/2005

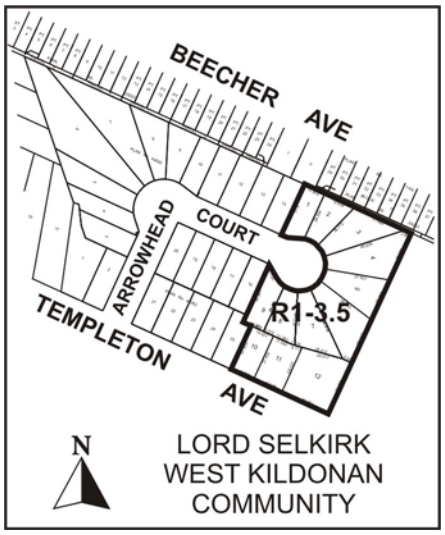
Winnipeg

Planning, Property and Development Department Report

To the Lord Selkirk-West Kildonan Community Committee

Date: November 21, 2005
File: DASZ 47/05
Related Files: DASZ 29/04
Subject: An application has been received from Doug Henne Planning Services for approval of a plan of subdivision and related zoning change to By-law 6400/94 by rezoning the subject lands from an "R1-20" Residential District to a "R1-3.5" Residential District to allow for single-family residential subdivision.

Location: 509 Templeton Avenue at East End Arrowhead Court



Applicant: Doug Henne Planning Services
Owner: Mary Shott, Helen Kuchak, and North Grassie Properties, Inc.
4064

Recommendation: **Approved**

Report Summary:

- The proposed subdivision is the extension of a previous subdivision approved by the LSWK Community Committee last year.
- A total of 11 lots are proposed
- The lots sizes range from 4,140 square feet to 8,400 square feet
- The lot widths range from 42 feet to 58 feet

Site Description

The subject site, which measures 1.43 acres, is located in the Templeton-Sinclair neighbourhood of the Old Kildonan Ward.

North: Detached residences and undeveloped land zoned "R1-20" Residential
South: Templeton Ave, then detached residences zoned "RM-1" & "R1-6" and undeveloped land zoned "A" & "PR1"
East: Detached residences and undeveloped land zoned "R1-20" and R1-5" Residential
West: Detached residences zoned "RM-3" Multiple Family Residential

Background

In 2004, the LSWK Community Committee approved a 4.56 acre rezoning and subdivision just to the west of the subject land (DASZ 29/04). A condition of approval recommended that the proposed street (Arrowhead Court) end in a cul-de-sac, permitting future development of the land to the east, while limiting access to the future McGregor Street extension.

Description of the Proposed Development

The applicant proposed to rezone the subject land to "R1-3.5" Residential and subdivide the property to facilitate single-family residential development. This subdivision is the extension of a previous subdivision approved last year by the LSWK Community Committee (DASZ 29/04).

Analysis

Plan Winnipeg

The subject property falls within a designated Neighbourhood Policy Area under Plan Winnipeg, which allows for mixed use, commercial, and residential development; thus, the proposed rezoning is in conformance with Plan Winnipeg 2020.

Compatibility with existing neighbourhood and surrounding uses

The proposed rezoning, size of lots, and lot layout are substantially similar to developments to the northwest, west, and southwest of the site. This subdivision is the logical extension of the subdivision which was approved by Community Committee last year (DASZ 29/04).

Transportation and Site Access
Access will come off of Templeton Avenue onto Arrowhead Court, which will terminate in a cul-de-sac.

Servicing
Servicing requirement are covered in the attached ACG Report

Site Design Issues
The pie shaped lots around the cul-de-sac narrow down slightly more than 20 feet at the front property line and less than 20 feet at the curb. Public Works has indicated that these narrow lot widths, coupled with wide driveways, often provide difficulties for snow storage. Therefore, it is recommended that a clause be added to the development agreement to read as follows:

The Developer shall ensure that there is adequate space for snow storage by constructing or alternatively by including in the sales agreement(s) the following:

That the private approaches on Lots 2-8 be limited to a maximum width of 3.0m.
That the private approaches on Lots 3-8 be established as joint approaches.

Recommendation

The Planning and Land Use Division recommend approval for the following reasons:
- The proposed rezoning, size of lots, and lot layout are substantially similar to developments to the northwest, west, and southwest of the site.
- This subdivision is the logical extension of the subdivision which was approved by Community Committee last year (DASZ 29/04).
- The application is in conformance with Plan Winnipeg

Recommended Conditions of Approval

I. That the plan of subdivision proposed under File No. DASZ 47/05 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File No. DASZ 47/05, attached hereto and dated November 21, 2005 for registration in the Winnipeg Land Titles Office, subject to the following:

   A. That the Developer be required to enter into an Addendum to Development Agreement AG 29/04 containing all the conditions outlined in the report of the Administrative Coordinating Group.

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

III. That The Winnipeg Zoning By-Law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File No. DASZ 47/05, attached hereto and dated November 21, 2005, to an "R1-3.5" Residential District.

IV. 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.

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

VI. That the subdivision section of the by-law shall come into force and effect upon execution by the City of Winnipeg of the Addendum to Development Agreement.

VII. 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, **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.**

VIII. 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.

IX. In the event that 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.

X. 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.

This Report Submitted by:
Planning, Property and Development Department
Planning and Land Use Division

Report Prepared by: Michael Robinson, AICP
PPD File # 3.324

Schedule "A"

By-Law No. _____

File No. **DASZ 47/04**

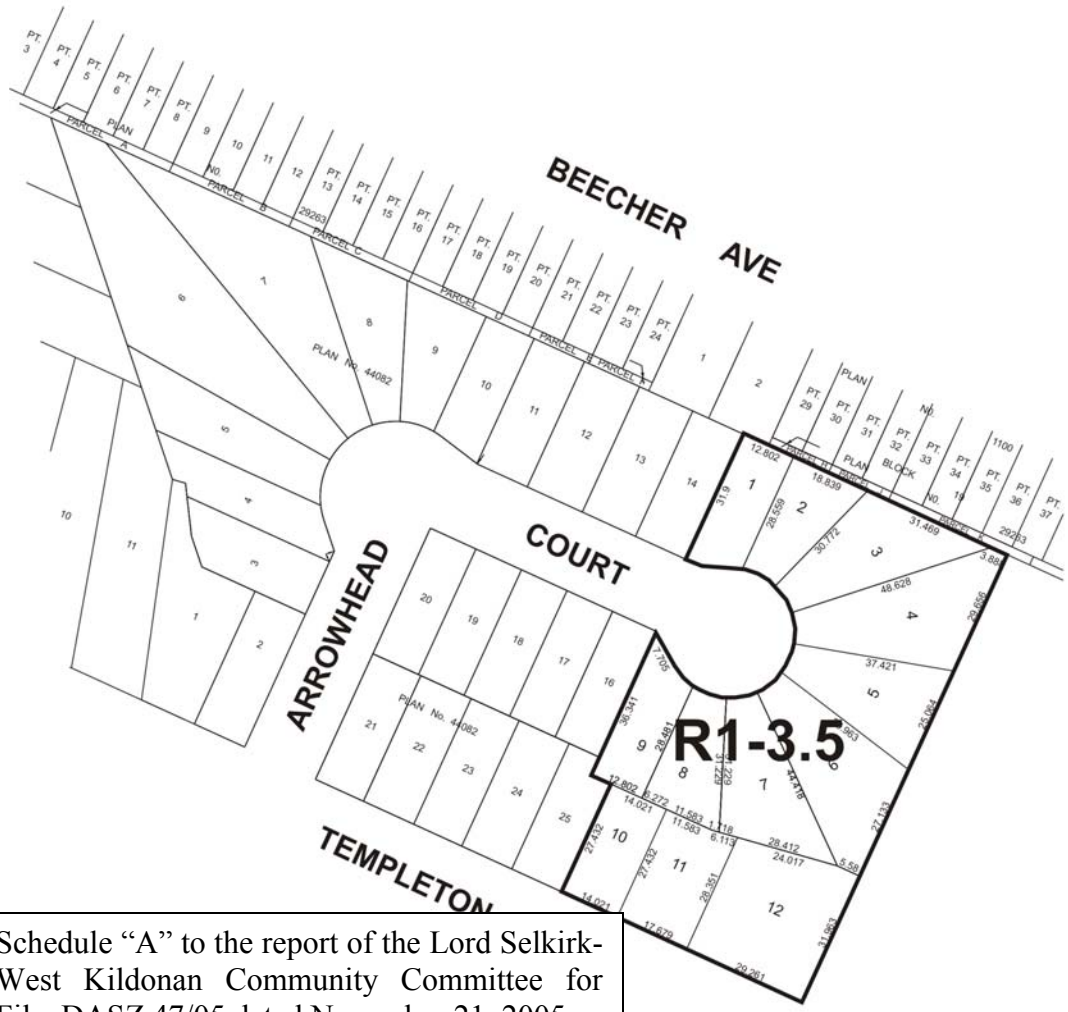
Atlas Sheet No. **T26**

N

LORD SELKIRK WEST KILDONAN 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 Arrowhead Court and the north side of Templeton Avenue from an "R1-20" RESIDENTIAL DISTRICT to an "R1-3.5" RESIDENTIAL DISTRICT as shown outlined below.



Schedule "A" to the report of the Lord Selkirk-West Kildonan Community Committee for File. DASZ 47/05 dated November 21, 2005.

THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

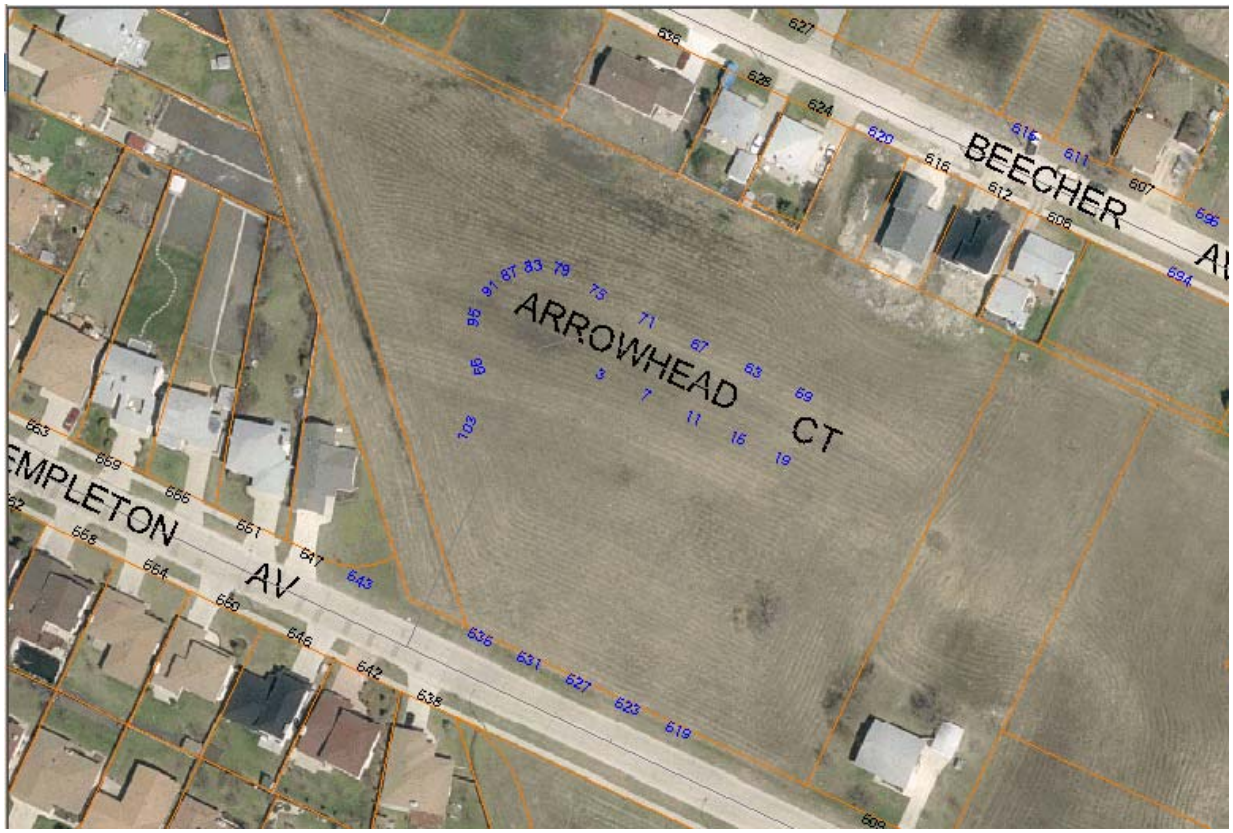


Figure 1: Aerial Photo (Flown in 2002)

Exhibit "7" referred to in File DASZ 47/2005

Re: Proposed subdivision and rezoning on land located on Arrowhead Court on the north side of Templeton Avenue - DASZ 47/05

An application has been submitted by Doug Henne Planning Services to subdivide and rezone land located on the north side of Templeton Avenue at the east terminus of Arrowhead Court.

The Developer has acquired the property known as 509 Templeton Avenue and wishes to create a lot fronting Templeton Avenue to accommodate the existing dwelling and to establish new lots on the Arrowhead Court cul-de-sac turnaround with the rearage land. Arrowhead Court was registered and serviced during 2005 pursuant to the approval of DASZ 29/04 under the terms of Development Agreement AG 29/04. It is therefore recommended that approval of DASZ 47/05 be subject to the Developer entering into an Addendum to Development Agreement AG 29/04 as follows:

1. By attaching to Development Agreement AG 29/04 a copy of the plan of subdivision covered under DASZ 47/05.

2. By adding a clause to Development Agreement AG 29/04 requiring the Developer to pay an administration fee of $1,200.00/acre for the area of the land known as 509 Templeton Avenue.

3. By adding a clause to Development Agreement AG 29/04 requiring the Developer to pay cash in lieu of dedication for the land known as 509 Templeton Avenue.

THIS REPORT SUBMITTED BY:
Administrative Coordinating Group
File No. AG 47/05
November 18, 2005

"Original signed by E.L. Carriere"
Land Development Engineer
"Original signed by K.T. Raban"
Water and Waste Department
"Original signed by R.J. Hartmann"
Public Works Department
Transportation Division

4070