Minutes - Executive Policy Committee – April 19, 2006

Minute No. 360
Report - Standing Policy Committee on Property and Development - April 4, 2006

Item No. 13 Subdivision and Rezoning - 11 Arrow Street
File DASZ 45/2005

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

The Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the Lord Selkirk-West Kildonan Community Committee and submits the following to Council:

1. That the plan of subdivision proposed under File DASZ 45/2005 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 45/2005 dated February 7, 2006, for registration in the Winnipeg Land Titles Office.

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 45/2005 dated February 8, 2006, to an "R1-3" Residential District and an "R1-4" 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 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.

Report - Standing Policy Committee on Property and Development - April 4, 2006

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.

Minutes - Executive Policy Committee – April 19, 2006

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DECISION MAKING HISTORY:

Moved by Councillor De Smedt,

That the recommendation of the Standing Policy Committee on Property and Development and the Lord Selkirk-West Kildonan Community Committee be concurred in and forwarded to Council.

Carried

STANDING COMMITTEE RECOMMENDATION:

On April 4, 2006, the Standing Policy Committee on Property and Development concurred in the recommendation of the Lord Selkirk-West Kildonan Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On March 28, 2006, 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.

On February 21, 2006, the Lord Selkirk-West Kildonan Community Committee did not hear any representation on the application and adjourned the public hearing to its meeting on March 28, 2006 in accordance with the applicant's request.

RE: **Subdivision and Rezoning - 11 Arrow Street**
File DASZ 45/2005

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

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

Report date: **March 29, 2006**

COMMUNITY COMMITTEE RECOMMENDATION:

On March 28, 2006, 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 45/2005 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 45/2005 dated February 7, 2006 for registration in the Winnipeg Land Titles Office.

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 45/2005 dated February 8, 2006, to an "R1-3" Residential District and an "R1-4" 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 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.

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 Planning and Land Use Division dated March 21, 2006 and in the report from the Administrative Coordinating Group dated March 16, 2006.

PUBLIC HEARING SUMMARY

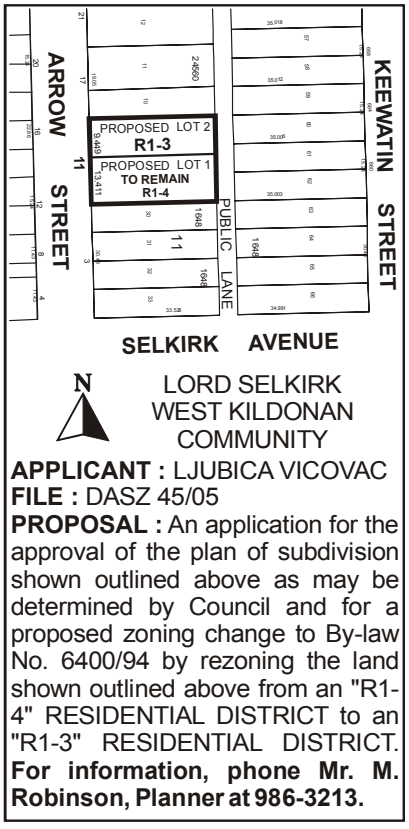
File: DASZ 45/2005

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

Public Hearing: March 28, 2006
February 21, 2006
West Committee Room, Council Building,
510 Main Street

Applicant: Ljubica Vicovac

Subject:



Premises Affected: 11 Arrow Street

Exhibits Filed:

1. Application dated November 15, 2005
2. Notification of Public Hearing dated December 20, 2005
3. Manitoba Status of Titles 2095027 and 2095029
4. Surveyor's Building Location Certificate and sketch dated May 28, 1990
5. Variance Order DAV 115604/2005B
6. Drawing of subject property
7. Plan showing proposed subdivision
8. Communication from the applicant dated February 6, 2006 requesting that the public hearing with respect to the application be adjourned to the March meeting of the Lord Selkirk-West Kildonan Community Committee
9. Report from the Planning and Land Use Division dated February 7, 2006
10. Inspection Report

REPRESENTATIONS:

In Support:

David and Ljubica Hanslip

In Opposition

Nil

For Information:

For the City:

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

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

David Hanslip appeared in support of the application and stated concurrence in the recommendations outlined in the report of the Planning and Land Use Division February 7, 2006 ("Exhibit 9").

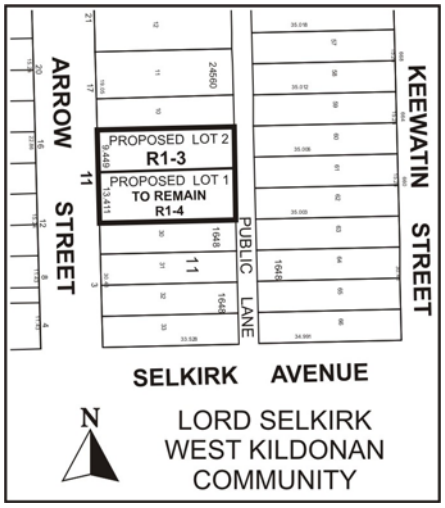
Exhibit "9" referred to in File DASZ 45/2005

Planning, Property and Development Department Report

To the Lord Selkirk-West Kildonan Community Committee

Date: **February 7, 2006**
File: **DASZ 45/05**
Related Files: **DAV 05-115604/B**
Subject: **An application has been received from Ljubica Vicovac for approval of a plan of subdivision and related zoning change to By-law 6400/94 by rezoning the subject land from an "R1-4" Residential District to a "R1-3" Residential District to allow the creation of a new single-family residential building lot.**

Location: **11 Arrow Street**



Applicant: **Ljubica Vicovac**
Owner: **Same**

Recommendation: **Approval**

Report Summary:

- Proposal to resubdivide two existing building lots, as approved under DAV 05-115604/B and DASSF 515/05.
- The properties are zoned "R1-4", requiring a 40 foot lot width
- The lots are currently 37 feet (Lot 1) and 38 feet (Lot 2) wide
- No changes will be made to the residence on Lot 1
- A new single-family residence will be built on Lot 2
- A rear public lane services the subject properties
- Within the subject block, the majority of properties provide a lot width exceeding 50 feet.
- Two dwellings, located at numbers 4 and 8 Arrow Street, provide lot widths of 37.5 feet
- Within the same block, the are two (2) properties that are zoned "R2" Two-family District and there is a side by side dwelling constructed on each property. Each dwelling unit provides a lot width of 25 feet.

Site Description

The subject properties are located on Arrow Street between Selkirk Avenue and Manitoba Avenue in the Tyndall Park neighbourhood of the Point Douglas Ward. The lots are zoned "R1-4" Residential. Adjacent properties are also zoned "R1-4" Residential.

North: Single-family residences zoned "R1-4" Residential
South: Single-family residence zoned "R1-4" Residential then industrial uses zoned "M1" Industrial
East: Single-family residences zoned "R1-4" Residential
West: Single-family residences zoned "R1-4" Residential

Background

In March of 2005, a variance to allow the creation of two lots with widths of 37 feet and 38 feet, instead of the required 40 feet, was approved by the Zoning and Permits Branch. (DAV 05-115604/B and DASSF 515/05).

The applicant originally intended to move the existing residence several feet to the south in conjunction with this application. However, after receiving bids to do this work, he determined that it was prohibitively expensive. In light of this, he is required to resubdivide his property in order to create a second buildable lot.

Description of the Proposed Development
At this time, the applicant is requesting approval to resubdivide his property to allow for a reduced lot area and lot width for Lot 2.

Under this proposal, the lot sizes would be modified as follows:

	Current Width	Proposed Width	Current Lot Area	Proposed Lot Area
Lot 1	37 feet	44 feet	4,070 sq ft	4,840 sq ft
Lot 2	38 feet	31 feet	4,180 sq ft	3,410 sq ft

It should be noted that only **Lot 2** will require a rezoning in light of the fact that both the width and area of Lot 1 meet the minimum dimensional requirements of the existing zoning district (R1-4).

Analysis

Plan Winnipeg Compliance
The subject parcel falls within a designated Neighbourhood Policy Area under Plan Winnipeg, which allows for a variety of residential, commercial, institutional, and mixed uses; thus, the proposed rezoning is in conformance with Plan Winnipeg 2020.

Plan Winnipeg encourages residential infill development, where appropriate through the following policies:

3A-02

the City shall promote compact urban form in support of sustainability by
iv) encouraging infilling of vacant lands and the revitalization of existing neighbourhoods to maximize the use of existing infrastructure
v) supporting new development which is adjacent to, and compatible with, existing development and which is designed to minimize the spatial use of land

Compatibility with existing neighbourhood and surrounding uses
There is a mix of residence types including single-family and two-family dwellings on the subject block and a mix of lot sizes ranging from 75 feet on the high end to 37 feet on the low end.

Transportation and Site Access
The subject site is serviced by a rear lane and is adjacent to transit services.

Recommendation

The Planning and Land Use Division recommend approval for the following reasons:

- The proposed rezoning is compliant with Plan Winnipeg and its policies;
- The proposed rezoning is compatible with the surrounding properties;
- The proposed use will not create an adverse effect on the amenities, use, safety and convenience of the adjoining properties and adjacent area;

Recommended Conditions of Approval

I. That the plan of subdivision proposed under File No. DASZ 45/05 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File No. DASZ 45/05, attached hereto and dated November 30, 2005, for registration in the Winnipeg Land Titles Office.

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 45/05, attached hereto and dated February 8, 2006, to an "R1-3" Residential District and an "R1-4" 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 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.

XI. 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 # 3.325

Schedule "A"

By-Law No. _____

File No. **DASZ 45/05**

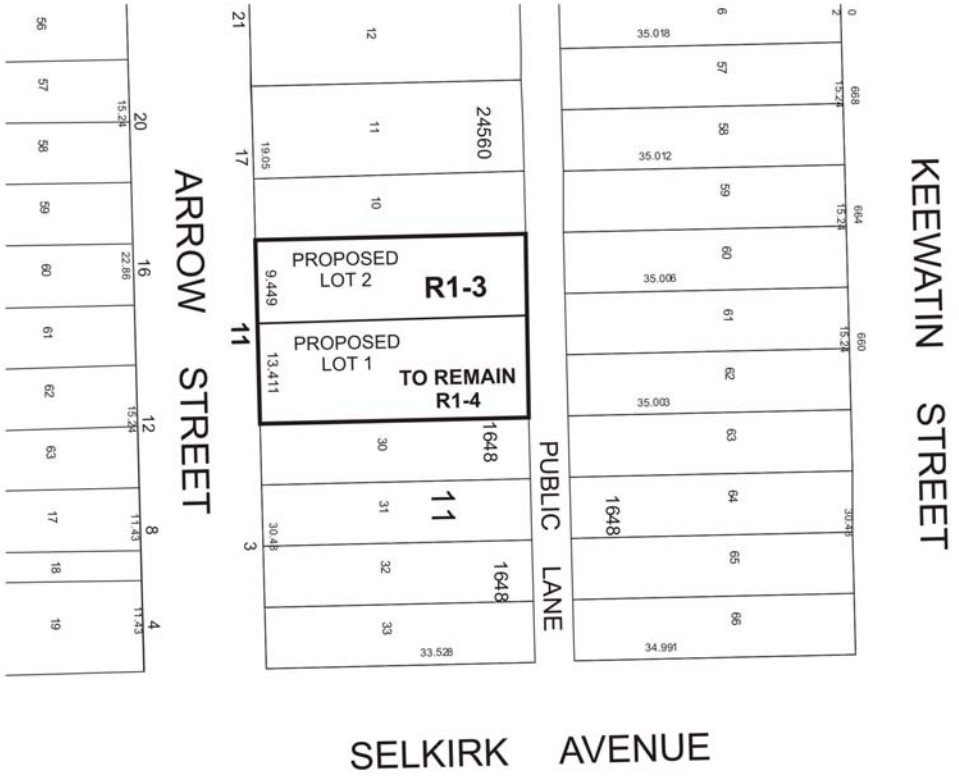
Atlas Sheet No. **V20**

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 at 11 Arrow Street from an "R1-4" RESIDENTIAL DISTRICT to an "R1-3" RESIDENTIAL DISTRICT as shown outlined below.



Schedule "A" to the report of the Lord Selkirk-West Kildonan Community Committee for File No. DASZ 45/05 dated February 7, 2006.

THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____



Figure 1: Aerial Photo (Flown in 2002)

Exhibit "7" referred to in File DAZS 45/2005

