Agenda – Council – April 26, 2006

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

Item No. 15 Subdivision and Rezoning - 2471 and 2473 King Edward Street and Parcel A, Plan 44095
File DASZ 8/2006

STANDING COMMITTEE RECOMMENDATION:

On April 19, 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 and submits the following to Council:

1. That the plan of subdivision proposed under File DASZ 8/2006 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 8/2006 dated March 21, 2006, 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 March 16, 2006.

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 8/2006 dated March 21, 2006, 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 Development Agreement.

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

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 Proper Officers of the City are hereby authorized to execute said Development Agreement.

11. 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 - April 4, 2006

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On April 19, 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 and submitted the matter to Council.

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 CO MMITTEE 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.

RE: **Subdivision and Rezoning - 471 and 2473 King Edward Street and Parcel A, Plan 44095**
File DASZ 8/2006

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 30, 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 8/2006 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 8/2006 dated March 21, 2006, 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 March 16, 2006.

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 8/2006 dated March 21, 2006, 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 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 Proper Officers of the City are hereby authorized to execute said Development Agreement.

11. 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

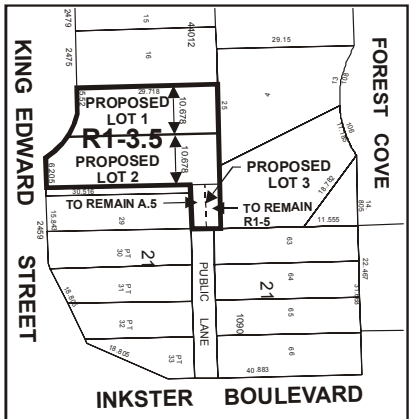
File: DASZ 8/2006

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

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

Applicant: Global Homes Ltd. (Bernhard Goertzen)

Subject:



LORD SELKIRK
WEST KILDONAN
COMMUNITY

APPLICANT : GLOBAL HOMES LTD.

FILE : DASZ 8/06

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.5" AGRICULTURAL DISTRICT and an "R1-5" RESIDENTIAL DISTRICT to an "R1-3.5" RESIDENTIAL DISTRICT. **For information, phone Mr. M. Robinson, Planner at 986-3213.**

Premises Affected: 2471 and 2473 King Edward Street and Parcel A, Plan 44095

Exhibits Filed:

1. Application dated February 21, 2006
2. Notification of Public Hearing dated March 2, 2006
3. Manitoba Status of Titles 2091746 and 2097089
4. Letter of authorization dated February 6, 2006 from The City of Winnipeg to Global Homes Ltd.
5. Misc. Plan No. 12780/1
6. Revised Plan
7. Report from the Planning and Land Use Division dated March 21, 2006
8. Report from the Administrative Coordinating Group dated March 16, 2006
9. Inspection Report

In Support:

Baldev S. Bedi
Bernhard Goertzen, Global Homes Ltd.

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

Bernhard Goertzen, Global Homes Ltd, appeared in support of the application and stated concurrence in the recommendations outlined in the report of the Planning and Land Use Division dated March 21, 2006 ("Exhibit 7").

In response to Councillor O'Shaughnessy's question, the Planner confirmed that the small triangular piece of land (proposed Lot 3) will, for the time being, remain under City ownership, remain an "A.5" Agricultural zoning designation, and eventually be parcelled off.

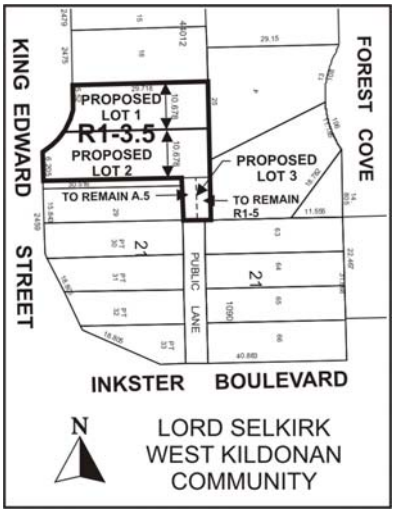
Exhibit "7" referred to in File DASZ 8/2006

Planning, Property and Development Department Report

To the Lord Selkirk-West Kildonan Community Committee

Date: **March 21, 2006**
File: **DASZ 8/06**
Related Files: **DAV 06-112989/D**
Subject: **Subdivision and rezoning application to create two (2) residential lots.**

Location: **King Edward Street between Inkster Boulevard and Garton Avenue**



Applicant: **Global Homes Ltd. (Bernhard Goertzen)**
Owner: **Same**

Recommendation: **Approval**

Report Summary:

- **Application to rezone and subdivide lands for residential development**

- **Two city-owned strips of land are included in the rezoning and plan of subdivision**
- **The proposed lot size and zoning are consistent with adjacent lots to the north, which also front on King Edward Street**

Site Description

The subject land, which is on the east side of King Edward Street, between Inkster Boulevard and Garton Avenue, is located in the Inkster Gardens neighbourhood of the Old Kildonan ward.
North: Land zoned "R1-3.5" Residential which is currently under development for residences
South: A church zoned "A-5" Agricultural
East: Residences zoned "R1-5" Residential
West: Vacant land zoned "A" Agricultural

Background
DASZ 24/03
Adjoining lands to the north, fronting on King Edward Boulevard, were rezoned and subdivided from "A-5" Agricultural to "R1-3.5" Residential by the same applicant in 2004. The lands included in this proposal were not part of that application.

Description of the Proposed Development
The applicant is proposing to acquire city-owned land, which is part of an unused right-of-way, and consolidate these lands with other holdings in order to create two buildable residential lots.

In conjunction with the subdivision, the applicant is requesting that the newly created parcels (Lots 1 & 2) be rezoned from "A-5" Agricultural to "R1-3.5" Residential.

Proposed Lot 3, will remain under City ownership, with no change to the current zoning. This lot is unbuildable and will likely be sold off and incorporated into adjoining properties in the future.

Analysis
Plan Winnipeg
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.

Compatibility with existing neighbourhood and surrounding uses
The requested change in zoning and the proposed lot sizes will be consistent with the adjacent residential lots to the north fronting on King Edward Street.

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 8/06 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File No. DASZ 8/06, attached hereto and dated March 21, 2006, 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 March 16, 2006.

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 8/06, attached hereto and dated March 21, 2006, 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 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 Proper Officers of the City are hereby authorized to execute said Development Agreement.

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 # 3.319

Schedule "A"

By-Law No. _____

File No. **DASZ 8/06**

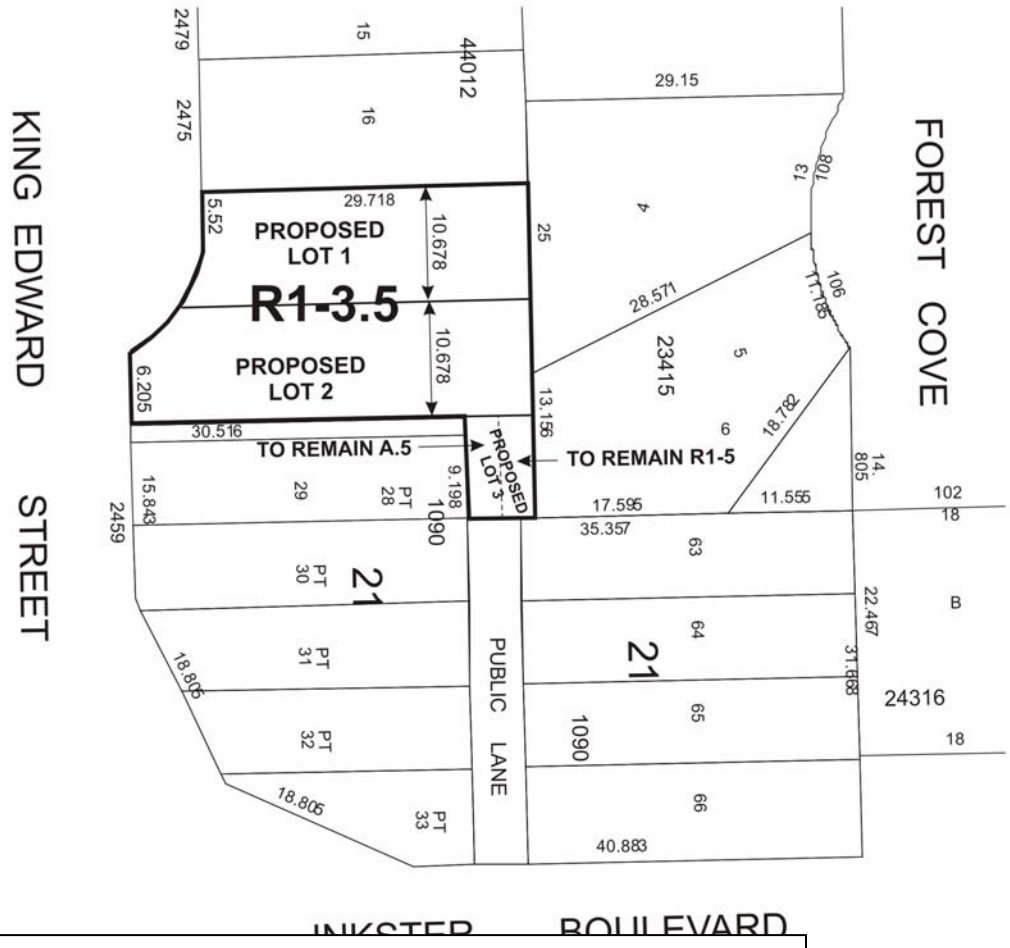
Atlas Sheet No. **T20**

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 2471 and 2473 King Edward Street from an "A.5" AGRICULTURAL DISTRICT and "R1-5" RESIDENTIAL DISTRICT to an "R1-3.5" RESIDENTAIL DISTRICT as shown outlined below.



Schedule "A" to the report of the Lord Selkirk-West Kildonan Community Committee for File No. DASZ 8/06, dated March 21, 2006

THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

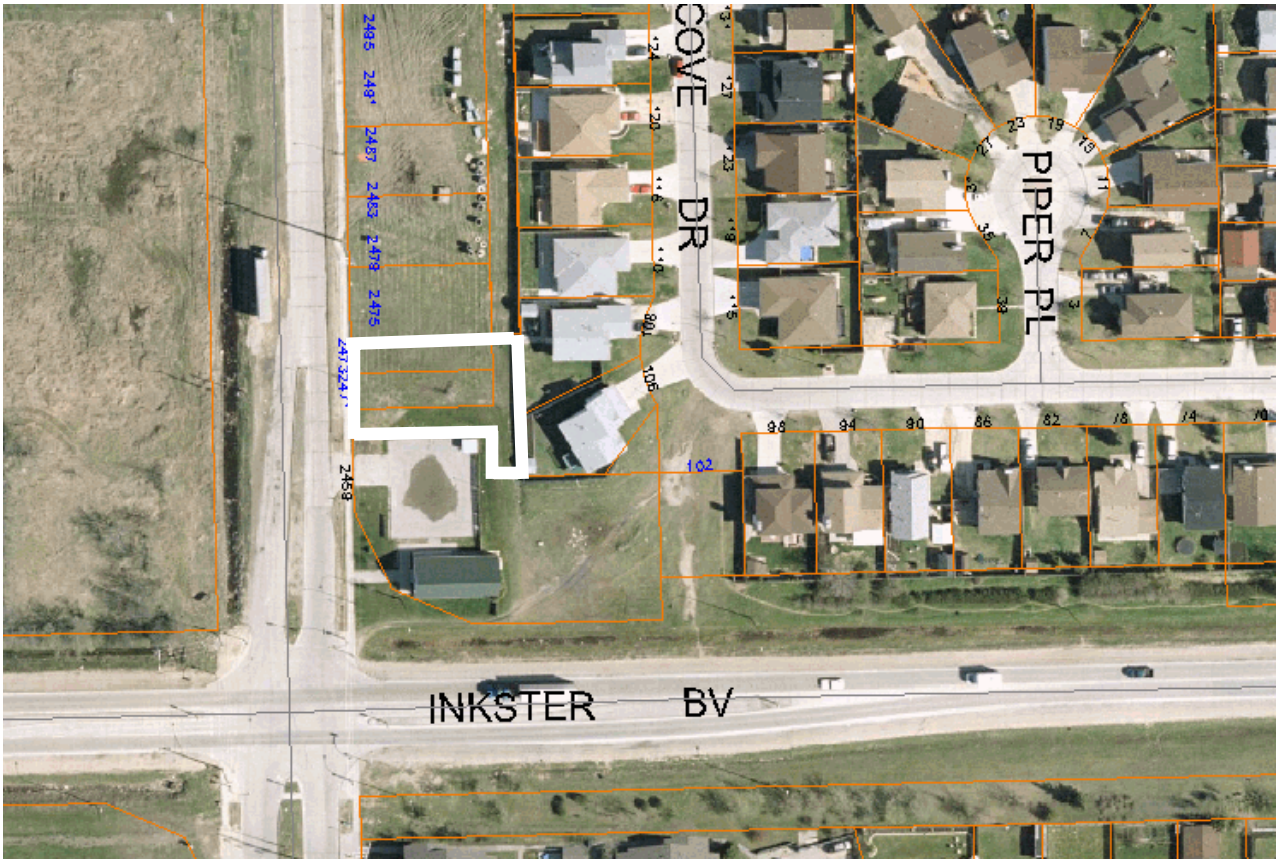


Figure 1: Aerial Photo (Flown in 2005)

Exhibit "8" referred to in File DASZ 8/2006

Re: Proposed subdivision and rezoning on land located at 2471 and 2473 King Edward Street – DASZ 8/06

An application has been submitted by Global Homes to subdivide and rezone land located at 2471 and 2473 King Edward Street. The subject land is located immediately south and adjacent to land developed by Global Homes in 2005 under the terms of Development Agreement AG 24/03 (Phase 1).

It is therefore recommended that approval of DASZ 8/06 be subject to the Developer entering into an Addendum to Development Agreement AG 24/03 (Phase l) as follows:

1. By attaching to AG 24/03 a copy of the plan of subdivision approved under DASZ 8/06;

2. By attaching to AG 24/03 a copy of servicing drawings showing the extension of the frontage road and the wastewater sewer to accommodate the land covered under DASZ 8/06 as determined by and to the satisfaction of the Director of Public Works and the Director of Water and Waste;

3. By adding a clause that the Developer shall pay $525.00 plus G.S.T. to defray the City's administration and related costs associated with the preparation and implementation of the addendum;

4. By adding a clause that the Developer shall pay its share of the cost of land drainage trunk facilities benefiting the land covered under DASZ 8/06.

THIS REPORT SUBMITTED BY:

Administrative Coordinating Group
File No. AG 8/06
March 16, 2006

V:ACG Reports\06ag8-report.doc

"Original signed by E. L. Carrière"
Land Development Engineer

"Original signed by K. T. Raban"
Water and Waste Department

"Original signed by R. J. Hartmann"
Public Works Department
Transportation Division