Agenda – Council - July 26, 2006

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

Item No. 12 Subdivision and Rezoning - 145 Emerson Avenue
File DASZ 17/2006

STANDING COMMITTEE RECOMMENDATION:

On July 19, 2006, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the East Kildonan-Transcona Community Committee and submits the following to Council:

1. That the plan of subdivision proposed under File DASZ 17/2006 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 17/2006 dated May 30, 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 shown on Schedule "A" for File DASZ 17/2006 dated May 30, 2006, to a "R1-5.5" Single Family 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 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.

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 when the Plan of Subdivision has been registered in the Winnipeg Land Titles Office.

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

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 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.

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 – July 4, 2006

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On July 19, 2006, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the East Kildonan-Transcona Community Committee and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On July 4, 2006, the Standing Policy Committee on Property and Development concurred in the recommendation of the East Kildonan-Transcona Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On June 13, 2006, the East Kildonan-Transcona Community Committee concurred in the administrative recommendation and submitted its recommendation to the Standing Policy Committee on Property and Development.

RE: **Subdivision and Rezoning - 145 Emerson Avenue**
File DASZ 17/2006

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

Prepared by: **Inga K. Skundberg, Clerk,**
East Kildonan-Transcona Community Committee

Report date: **June 20, 2006**

COMMUNITY COMMITTEE RECOMMENDATION:

On June 13, 2006, the East Kildonan-Transcona 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 17/2006 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 17/2006 dated May 30, 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 shown on Schedule "A" for File DASZ 17/2006 dated May 30, 2006, to a "R1-5.5" Single Family 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 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.

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

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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 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.

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 East Kildonan-Transcona Community Committee provided the following supporting reason for its recommendation:

1. The East Kildonan-Transcona Community Committee agreed with the administrative comments contained in the report of the Planning and Land Use Division dated May 30, 2006.

PUBLIC HEARING SUMMARY

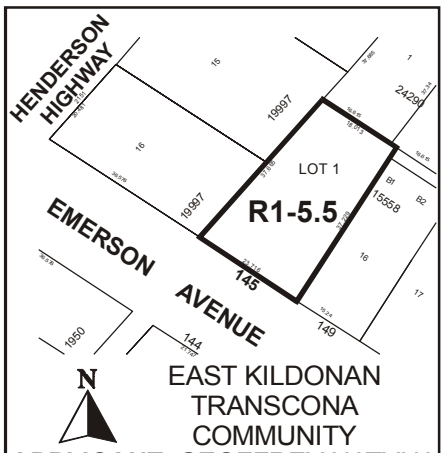
File: DASZ 17/2006

Before: East Kildonan-Transcona Community Committee
Councillor Lubosch, Chairperson
Councillor Wyatt

Public Hearing: June 13, 2006
Community Committee Chambers, 755 Henderson Highway

Applicant: Geoffrey Natyna

Subject:



APPLICANT: GEOFFREY NATYNA
FILE : DASZ 17/06
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 a "C1" and "C2" COMMERCIAL DISTRICTS to an "R1-5.5" RESIDENTIAL DISTRICT. **For information, phone Mr. J. Wintrup, Planner at 986-5102.**

Premises Affected: 145 Emerson Avenue

Exhibits Filed:
1. Application dated April 28, 2006
2. Notification of Public Hearing dated May 3, 2006
3a. Certificate of Title 933476
3b. Title Search 1194115

4. Letter of authorization dated April 27, 2006, from the City of Winnipeg to Geoffrey Natyna
5. Surveyor's Building Location Certificate and sketch dated January 21, 1991
6. Drawings of subject property (3 pages)
7. Plans (2 pages)
8. Report from the Planning and Land Use Division dated May 30, 2006
9. Inspection Report

REPRESENTATIONS:

In Support:

Geoffrey Natyna

In Opposition:

Nil

For the City:

Mr. J. Wintrup, Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

Geoffrey Natyna appeared in support of the application. He advised that he wishes to rezone the closed public lane for consolidation with his residential property, and to construct a detached garage on the subject site.

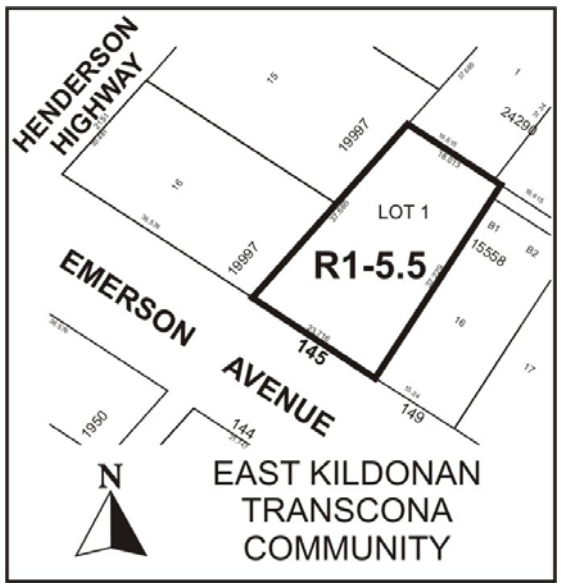
Exhibit "8" referred to in File DASZ 17/2006

Planning, Property and Development Department Report

To the East Kildonan - Transcona Community Committee

Date: **May 30, 2006**
File: **DASZ 17/06**
Subject: **Rezone and consolidate the surplus City property with the adjacent residential lot.**

Location: **145 Emerson Avenue**



Applicant: **Geoffrey Natyna, 145 Emerson Ave**
Owner: **City of Winnipeg**

Recommendation: **Approve**
Report Summary:

- The applicant is proposing to consolidate the closed public lane with the abutting residential property.
- The lane was never paved and served no apparent public purpose.
- The applicant has been using the City land and paying an encroachment fee.

- The applicant intends to demolish the existing garage and build a double garage on the site.

Site Description

The subject property currently zoned commercial is **16.0 feet by 122 feet** located between 2151 and 2157 Henderson Hwy, and 145 Emerson Avenue in the River East neighbourhood of the North Kildonan Ward. The site is zoned "C1" and "C2" Commercial District. Adjacent properties include residential dwellings to the north zoned "R1-5.5" Residential Districts.

Background

The public lane adjacent to 145 Emerson Avenue was created in 1912 by the subdivision of the adjoining lands. The lane is unpaved and serves no apparent public purpose.
In 1987, the East Kildonan-Transcona Community Committee approved DAC 20/87, an application to close all of the public lanes between Emerson and Glenway Avenues. The application was later reduced to the northerly portion of the lane, which was eventually incorporated into the property at 214 Glenway, leaving the balance of the lane open.
In April of 2005, the Planning, Property and Development Department received a request from Mr. Geoffrey Natyna, the owner of 145 Emerson Avenue, to purchase the balance of the public lane.

At the June 14, 2005 meeting of the East Kildonan-Transcona Community Committee, the Public Lane was legally closed. There was no opposition at this Public Hearing.

Description of the Proposed Development

The applicant wishes to purchase the portion of the closed public lane. He is currently paying an annual fee for the encroachment of his garage into the lane. He intends to demolish the existing garage and build a double garage on the site, should his application to purchase the land be successful.

Analysis

PLAN WINNIPEG
The proposed concept complies with Plan Winnipeg in that a residential rezoning is allowed in Neighbourhood Policy Areas.

ZONING
- The **"R1-5.5" Single Family Residential District** requires a minimum lot size of 5,500 square feet and a minimum lot width of 50 feet. A side yard of 5 feet is required.

TRANSPORTATION AND SITE ACCESS
The proposal to close the lane had been considered by all affected City departments and public utilities. There were no administrative objections to the closing.

SITE PLAN
The applicant has submitted a plan illustrating the proposed new lot width. The residential lot will be increased from 61.75 to **77.75 feet**. The applicant intends to construct the new garage in the northwest corner of the lot.

COMPATIBILITY WITH SURROUNDING USES
The adjacent property at 2157 Henderson Hwy has been zoned commercial and vacant for years. The East Kildonan – Transcona Community Committee recently approved for this property a site and building plan for a one story building located approximately **20 feet** from the front property line and **22 feet** from the south property line. The parking area for **6 parking stalls** will be located behind the building in the rear yard. A privacy fence will be constructed along a portion of the south, and north property lines; and along the entire west property line, limiting access to the City of Winnipeg owned property subject to this rezoning. A building permit for this commercial development was issued on March 27, 2006. The lane is unpaved and serves no apparent public purpose.

Recommendation

The Planning and Land-Use Division supports rezoning the closed public lane to "R1-5.5". The lane is unpaved and serves no apparent public purpose.

Recommended Conditions of Approval

1. That the plan of subdivision proposed under File No. **DASZ 17/06** be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File No. **DASZ 17/06,** attached hereto and dated **May 30, 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 shown on Schedule "A" for File No. **DASZ 17/06** attached hereto and dated **May 30, 2006**, to a **"R1-5.5" Single Family 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 a ten (10) per cent 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.

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 when the Plan of Subdivision has been registered in the Winnipeg Land Titles Office.

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 **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. 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. 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.

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.

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

Report Prepared by: John S. Wintrup
PPD File # DASZ 17/06

Schedule "A"

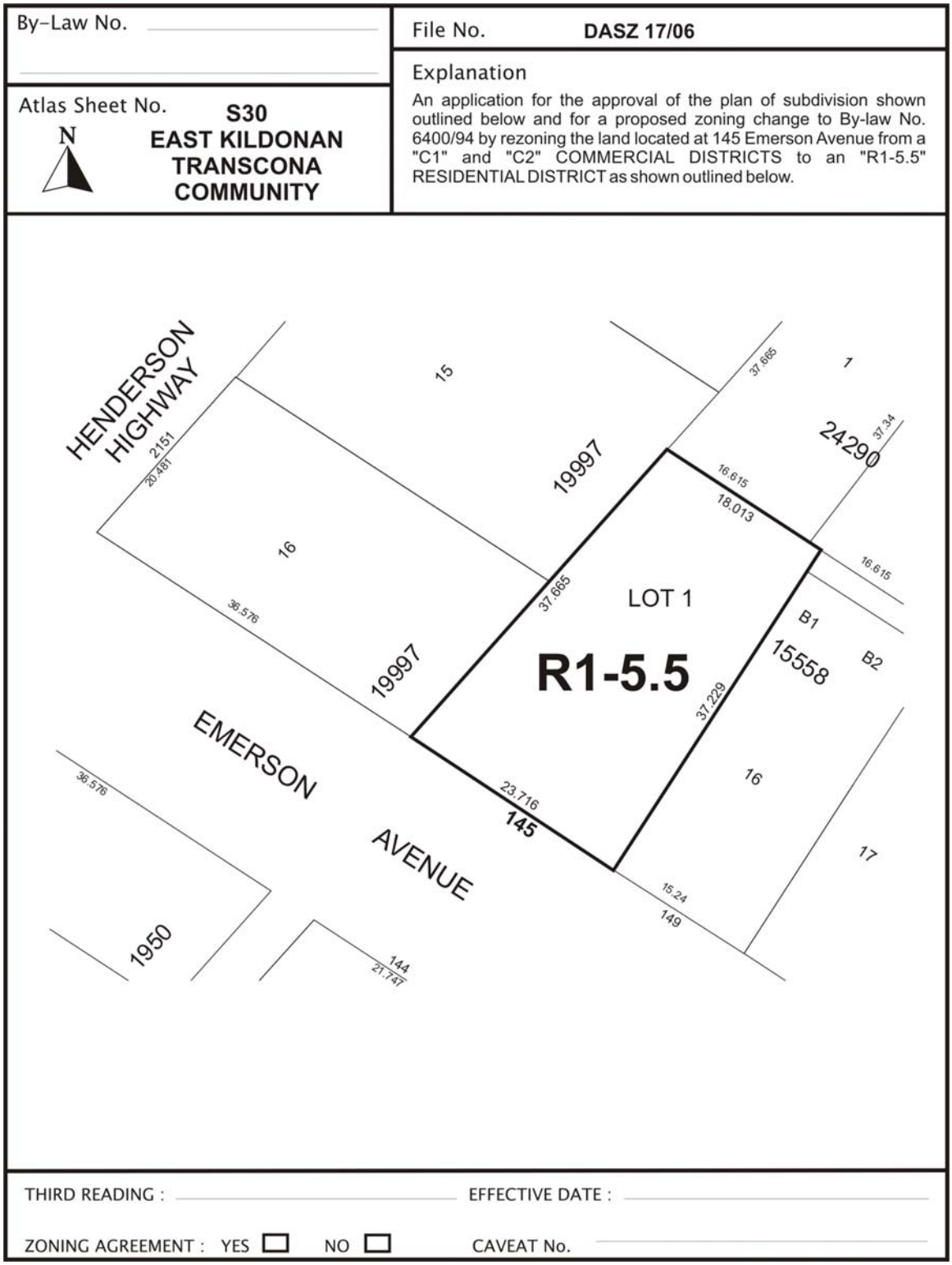


Figure 1: Schedule "A" to the report to the East Kildonan - Transcona Community Committee for File No. DASZ 17/2006, dated May 30, 2006.



Figure 2: Existing Land-Uses for subject property and Surrounding Area.

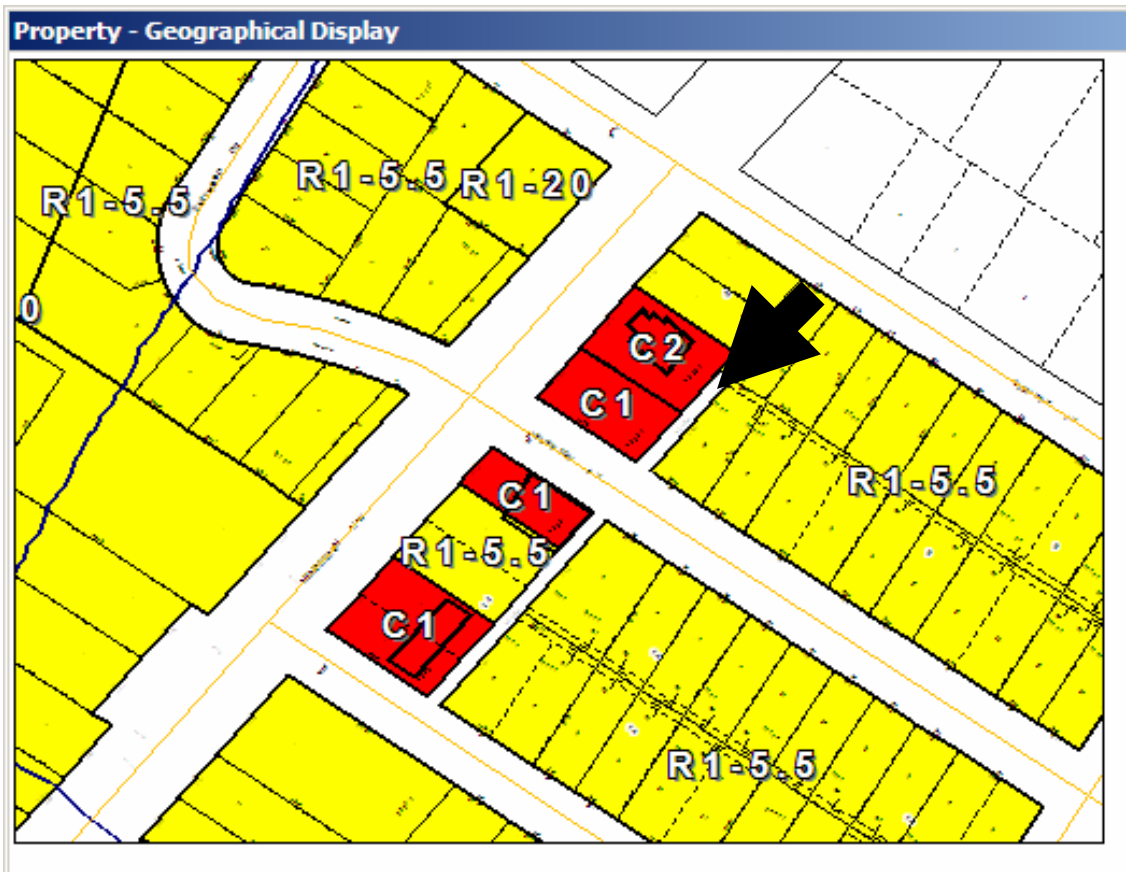


Figure 3: Existing Zoning for subject property and Surrounding Area.

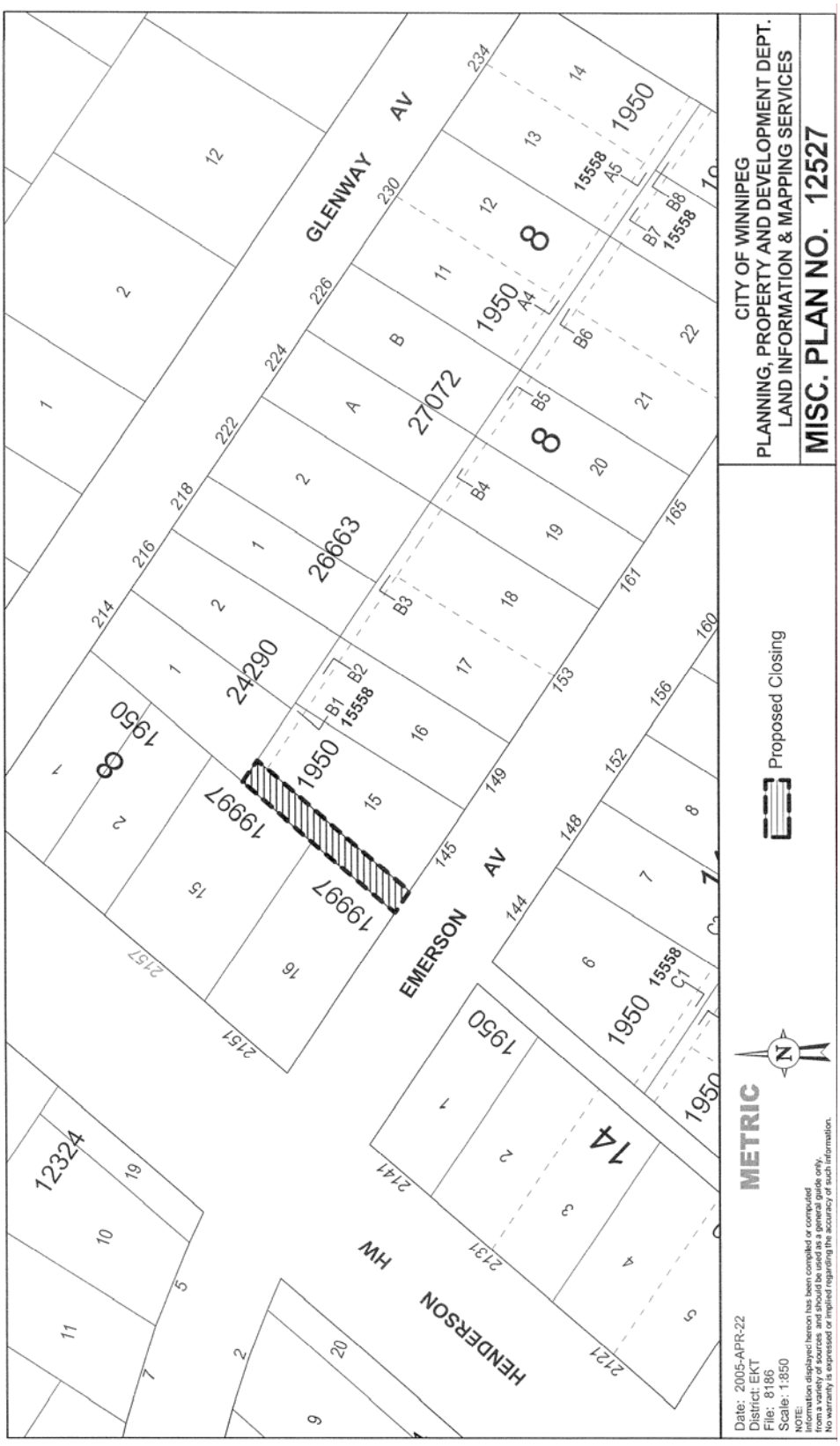


Figure 4: "Lane Closing" on Misc. Plan No. 12527.