Agenda – Council - July 26, 2006

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

Item No. 13 Subdivision and Rezoning – 141, 145 and part of 195 Kildonan Meadow Drive
File DASZ 18/2006

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 recommends to Council that the application for subdivision and rezoning under File DASZ 18/2006 not be proceeded with.

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 did not concur in the administrative recommendation and recommends to the Standing Policy Committee on Property and Development that the application for subdivision and rezoning under File DASZ 18/2006 not be proceeded with.

RE: **Subdivision and Rezoning – 141, 145 and part of 195 Kildonan Meadow Drive**
File DASZ 18/2006

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 22, 2006**

COMMUNITY COMMITTEE RECOMMENDATION:

On June 13, 2006, the East Kildonan-Transcona Community Committee did not concur in the administrative recommendation and recommends to the Standing Policy Committee on Property and Development that the application for subdivision and rezoning under File DASZ 18/2006 not be proceeded with.

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

1. Walkways are part of our system and the subject walkway is part of the subject community. If walkways are closed in one area, consideration would have to be given to close walkways in other areas.

2. The park accessed from Kildonan Meadow Drive is a nice park and is accessed by the community on a regular basis.

PUBLIC HEARING SUMMARY

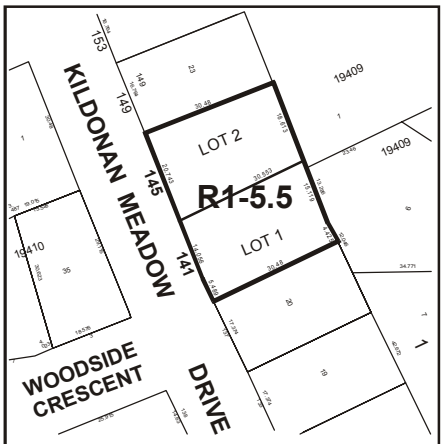
File: DASZ 18/2006

Applicant: Bruce Andrews

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

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

Subject:



EAST KILDONAN TRANSCONA COMMUNITY

APPLICANT : MR. B. ANDREWS
FILE : DASZ 18/06
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 "PR1" PARKS AND RECREATION DISTRICT to an "R1-5.5" RESIDENTIAL DISTRICT. **For information, phone Mr. J. Wintrup, Planner at 986-5102.**

Premises Affected: 141, 145 and part of 195 Kildonan Meadow Drive

Exhibits Filed:

1. Application dated April 27, 2006
2. Notification of Public Hearing dated May 17, 2006
3. Manitoba Status of Titles 1231162, 1121700 and 1240532
4a. Letter of authorization dated April 21, 2006, from Bruce and Valerie Andrews to The City of Winnipeg agreeing to purchase the City-owned property between 141 and 145 Kildonan Meadow Drive
4b. Letter of authorization dated April 21, 2006, from Sharon and Derek Spitzke to The City of Winnipeg agreeing to purchase the City-owned property between 141 and 145 Kildonan Meadow Drive
4c. Letter of authorization dated March 20, 2006 from the Manager of Real Estate, Planning, Property and Development Department, City of Winnipeg, to Bruce Andrews
5. Surveyor's Building Location Certificate and sketch dated October 3, 1989
6. Misc. Plan No. 12772
7. Drawings of subject property (2 pages)
8. Report from the Planning and Land Use Division dated May 30, 2006
9. Communication dated June 5, 2006, from Jim, Bonnie and Wade Baxter in opposition to the application
10. Inspection Report
11. Communication dated June 8, 2006, from Lori Skoropad in opposition to the application
12. Communication dated June 9, 2006, from Glen and Tracey Armour in opposition to the application
13. Communication dated June 10, 2006, from Sandy Walker in opposition to the application
14. Communication dated June 11, 2006, from J. Barth in opposition to the application
15. Communication dated June 11, 2006, from Glenn, Cindy, Justin, Aaron, Kristen, and Jessica Campbell in opposition to the application
16. Communication dated June 11, 2006, from Rose and Eric Gebhardt in opposition to the application
17. Communication dated June 12, 2006, from Dennis, Jane, Jaye, and Jerilyn Jackson and Chris Duncum in opposition to the application
18. Communication dated June 13, 2006, from Liz Dickinson in opposition to the application
19. Communication dated June 13, 2006, from Jennifer and James Matthewson in opposition to the application

20. Communication dated June 13, 2006, from Allison and Mark Blank in opposition to the application
21. Communication dated June 12, 2006, from Glenn Trainer in opposition to the application
22. Communication dated June 13, 2006, from Ken Macey in opposition to the application
23. Communication dated June 13, 2006, from Kim Carpenter and David Lutes in opposition to the application
24. Communication dated June 13, 2006, from Robert and Joyce Kurnell and family, in opposition to the application
25. Communication dated June 11, 2006, from Kevin and Erica Wood in opposition to the application
26. Communication in support of the application submitted by Derrick Spitzke at the public hearing
27. Photographs of the subject property submitted by Derrick Spitzke at the public hearing
28. Communication dated June 13, 2006, from Doug Neill, with respect to the application submitted by Derrick Spitzke at the public hearing
29. Communication dated June 13, 2006, from Kathy Schmidt, in support of the application submitted by Derrick Spitzke at the public hearing

REPRESENTATIONS:

In Support:

Bruce Andrews
Sylvain Baril
Kathy Schmidt
Derrick B. Spitzke

In Opposition:

Glen and Tracey Armour
J. Barth
Jim, Bonnie and Wade Baxter
Allison and Mark Blank
Glenn, Cindy, Justin, Aaron, Kristen, and Jessica Campbell
Liz Dickinson
Jennifer and Stewart Downey
Chris Duncum

Rose and Eric Gebhardt
Dennis, Jane, Jaye, and Jerilyn Jackson
Robert and Joyce Kurnell
Kim Carpenter and David Lutes
Ken Macey
Jennifer and James Matthewson
Dave and Karen McCutcheon
Lori Skoropad
Glenn Trainer
Sandy Walker
Kevin and Erica Wood

For information:

Doug Neill

For the City:

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

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

Bruce Andrews appeared in support of the application. He expressed concerns relative to the clean-up of the subject property and in this connection, purported that he has often cleaned up debris after dogs and remnants from parties. He referenced two letters which were received in relation to concerns about the existing walkway.

Derrick B. Spitzke appeared in support of the application, and provided an overview of the subject property which he indicated that both he and Bruce Andrews would like to consolidate with their own existing properties. He read into the record his presentation, filed as Exhibit 26, and submitted photographs referenced in his presentation, filed as Exhibit 27. He also read into the record the letters referred to by Bruce Andrews, namely, a letter from Doug Neill with respect to the application, and a letter from Kathy Schmidt in support of the application, filed as Exhibits 28 and 29, respectively.

Sylvain Baril appeared in support of the application. He expressed concern relative to safety and noise and commented that those that live close to the walkways suffer the most and purported that others chose not to get involved.

Glenn Trainer appeared in opposition to the application, and referenced his submission, filed as Exhibit 21.

Glenn Campbell appeared in opposition to the application, and referenced his submission, filed as Exhibit 15. He indicated that the concerns expressed by those in support of the application are legitimate concerns, and in this connection, suggested that there is more than one way to derive a solution to the problem, other than closing access to the park. He further indicated that he purchased his house because of the access to parks and greenspace.

Jennifer Downey appeared in opposition to the application, and advised that her family resides across from the park. She expressed concern that if the walkway no longer existed, parking on Dawnville Drive would increase.

Derrick B. Spitzke reiterated that a significant amount of money has been put forward in an effort to address the concerns related to the walkway.

Bruce Andrews commented that the subject property is not a transportation corridor from one street to the next.

Councillor Wyatt indicated that he would request the Administration to follow-up on clean-up and maintenance of the site, as well as install signage restricting access hours. In an effort to address the safety concerns in the neighbourhood, he suggested that citizens of the area become involved with the Citizens on Patrol program.

Submissions in opposition to the application were also received from Jim, Bonnie and Wade Baxter (Exhibit 9); Lori Skoropad (Exhibit 11); Glen and Tracey Armour (Exhibit 12); Sandy Walker (Exhibit 13); J. Barth (Exhibit 14); Rose and Eric Gebhardt (Exhibit 16); Dennis, Jane, Jaye, and Jerilyn Jackson and Chris Duncum (Exhibit 17); Liz Dickinson (Exhibit 18); Jennifer and James Matthewson (Exhibit 19); Allison and Mark Blank (Exhibit 20); Ken Macey (Exhibit 22); Kim Carpenter and David Lutes (Exhibit 23); Robert and Joyce Kurnell (Exhibit 24); Kevin and Erica Wood (Exhibit 25).

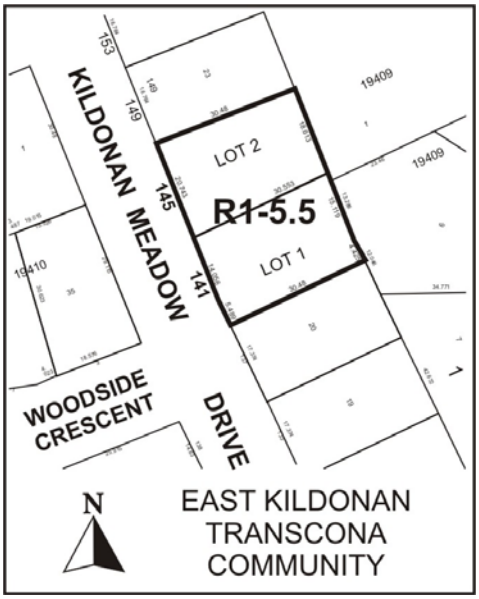
Exhibit "8" referred to in File DASZ 18/2006

Planning, Property and Development Department Report

To the East Kildonan - Transcona Community Committee

Date: **May 30, 2006**
File: **DASZ 18/06**
Subject: **Rezone and consolidate the property with adjacent residential lots.**

Location: **141, 145 & a part of 195 Kildonan Meadows Blvd**



Applicant: **Bruce Andrews**
Owner: **Bruce & Valerie Andrews, 145 Kildonan Meadows Drive**
Sharon Spitzke, 141 Kildonan Meadows Drive
City of Winnipeg, 195 Kildonan Meadows Blvd

Recommendation: **Approve**
Report Summary:

- The applicant is proposing to close the existing walkway lands to consolidate with the abutting residential properties

Site Description

The subject property currently zoned "PR1" Parks and Recreation District is **12.0 feet by 100 feet (12,000 square feet)** pedestrian walkway located between 141 and 145 Kildonan Meadows Drive in the Meadows neighbourhood of the Transcona Ward. Adjacent properties include residential dwellings to the north and south zoned "R1-5.5" Residential District.

Background

The applicant indicated in a letter August 29, 2005 to the Manager of Real Estate that the existing walkway has resulted in noise, property damage / loss negatively impacting the adjacent residential dwellings. The applicant indicated an interest in purchasing the pedestrian walkway to eliminate the negative impacts.

Description of the Proposed Development

The applicant and the neighbour intend to split the existing walkway in half and consolidate each portion with their existing lots.

Analysis

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

SECONDARY PLAN
The Planning and Land-Use Division has recently initiated a Secondary Plan planning process for the **'Transcona West Area'** whose eastern boundary is Plessis Road and southern boundary is Regent Avenue. The subject property is within this Secondary Plan area, however, the proposed development is consistent with the existing Kildonan Meadows subdivision.

ZONING

- The **"PR-1" Parks and Recreation District** is intended to regulate local publicly-owned parks and recreation sites in a manner consistent with their neighbourhood location. It allows 10 permitted uses, and 17 conditional uses. The minimum front yard is 20 feet, rear yard 25 feet and maximum building height of 30 feet.
- 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
Access to the park from Kildonan Meadows will remain with a 1,000 foot wide opening approximately 600 feet (12 houses) north of the subject property. The playground equipment is located near this opening along with a pathway that connects Kildonan Meadows Drive with Dawnville Drive.

SITE PLAN
The applicant has submitted a plan illustrating the proposed new lot widths. The lot width for 141 Kildonan Meadows Drive will be increased from 40 feet to 46 feet. The lot width for 145 Kildonan Meadows Drive will increase from 62 feet to 68 feet.

Recommendation

The Planning and Land-Use Division supports rezoning the walkway property from "PR-1" to "R1-5.5". Access to the park will be maintained along Kildonan Meadows Drive at the existing park frontage.

Recommended Conditions of Approval

1. That the plan of subdivision proposed under File No. **DASZ 18/06** be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File No. **DASZ 18/06,** 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 18/06** 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) percent 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 creation of additional sites.

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 18/06

Schedule "A"

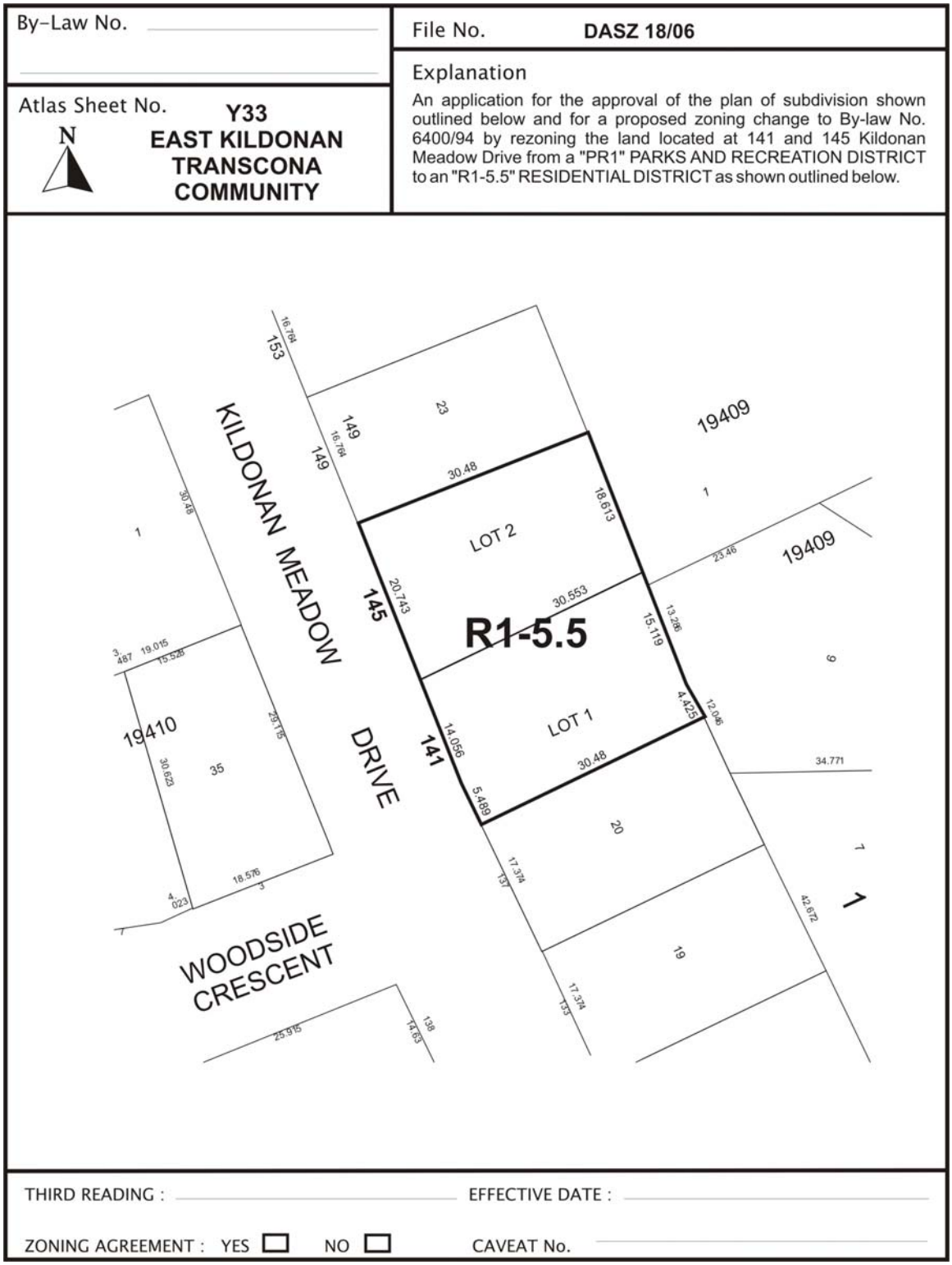


Figure 1: Schedule "A" to the report to the East Kildonan - Transcona Community Committee for File No. DASZ 18/2006, dated May 30, 2006.



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

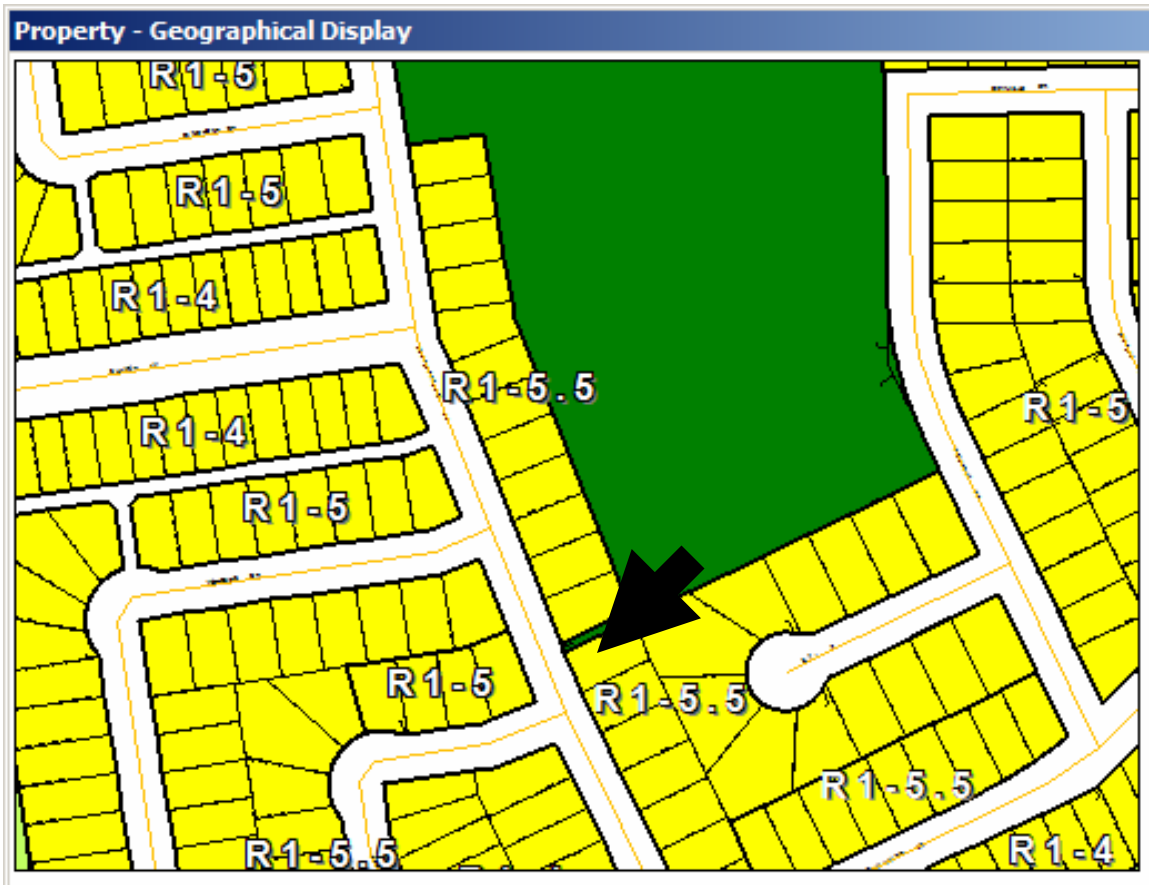


Figure 3: Existing Zoning for subject property and Surrounding Area.