Minute No. 322
Report - Standing Policy Committee on Property and Development - February 27, 2007

Item No. 12 Subdivision and Rezoning - 849-855 Elizabeth Road
File DASZ 2/2007

COUNCIL DECISION:

Council concurred in the recommendations of the Standing Policy Committee on Property and Development and adopted the following:

1. That the plan of subdivision proposed under File DASZ 2/2007 be approved for preparation as a Plan of Subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 2/2007 dated February 6, 2007, 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 2/2007 dated February 6, 2007, to an "RM-2" Multiple Family District subject to the applicant entering into a new Zoning Agreement with the City pursuant to Section 240(1) of The City of Winnipeg Charter to include the following condition:

   A. That prior to new construction on the site detailed site plans illustrating the location of new buildings or new additions , building profiles, parking areas, approaches, landscaping and fencing be submitted to and approved by the Director of Planning, Property and Development and the Riel Community Committee prior to the issuance of any building permits.

4. That the Developer legally open, at no cost to the City, property previously identified for a 2.113 m (7.0 ft.) widening to the Elizabeth Road right-of-way as determined by the Director of Public Works.

5. 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.

Report - Standing Policy Committee on Property and Development - February 27, 2007

COUNCIL DECISION (continued)

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 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, and the Zoning Agreement has been filed by caveat in the Winnipeg Land Titles Office against those lands 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 Zoning 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 - February 27, 2007

DECISION MAKING HISTORY:

Moved by Councillor Swandel,
That the recommendation of the Standing Policy Committee on Property and Development be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On March 14, 2007, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the Riel Community Committee and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On February 27, 2007, the Standing Policy Committee on Property and Development concurred in the recommendation of the Riel Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On February 13, 2007, the Riel Community Committee concurred in the administrative recommendation and submitted its recommendation to the Standing Policy Committee on Property and Development.

RE: **Subdivision and Rezoning - 849 - 855 Elizabeth Road**
File DASZ 2/2007 [c/r DAV 109847/2007]

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

Prepared by: **Marc Pittet, Clerk,**
Riel Community Committee

Report date: **February 14, 2007**

COMMUNITY COMMITTEE RECOMMENDATION:

On February 13, 2007, the Riel 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 2/2007 be approved for preparation as a Plan of Subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 2/2007 dated February 6, 2007, 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 2/2007 dated February 6, 2007, to an "RM-2" Multiple Family District subject to the applicant entering into a new Zoning Agreement with the City pursuant to Section 240(1) of The City of Winnipeg Charter to include the following condition:

    A. That prior to new construction on the site, detailed site plans illustrating the location of new buildings or new additions , building profiles, parking areas, approaches, landscaping and fencing be submitted to and approved by the Director of Planning, Property and Development and the Riel Community Committee prior to the issuance of any building permits.

4. That the Developer legally open, at no cost to the City, property previously identified for a 2.113 m (7.0 ft.) widening to the Elizabeth Road right-of-way as determined by the Director of Public Works.

5. 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.

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 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, and the Zoning Agreement has been filed by caveat in the Winnipeg Land Titles Office against those lands 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 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 Proper Officers of the City are hereby authorized to execute said Zoning 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 Riel Community Committee provided the following supporting reason for its recommendation:

1. The Riel Community Committee agreed with the administrative comments contained in the report from the Planning and Land Use Division dated February 6, 2007.

PUBLIC HEARING SUMMARY

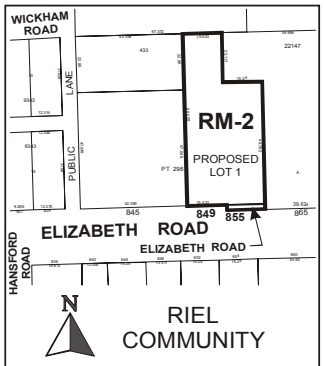
File: DASZ 2/2007 [c/r DAV 109847/2007]

Before: Riel Community Committee
Councillor Vandal, Chairperson
Councillor Swandel

Public Hearing: February 13, 2007
Council Chamber, Council Building, 510 Main Street

Applicant: 5392595 Manitoba Ltd. (Don Oliver)

Subject:



APPLICANT : 5392595 MANITOBA LTD.
FILE: DASZ 2/07
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 "RM-2" MULTIPLE-FAMILY DISTRICT. **For information, phone Mr. K. Lalor, Planner at 986-5069.**
DEMANDEUR : 5392595 MANITOBA LTD.
N° DE RÉFÉRENCE : DALZ 2/07
PROJET : Demande d'approbation par le Conseil du plan de lotissement indiqué ci-dessus et proposition de modification du *Règlement municipal n° 6400/94* visant à changer le zonage des sols délinéés ci-dessus qui passeraient de la catégorie PR1 (SECTEUR DES PARCS ET DES LOISIRS) à la catégorie RM-2 (SECTEUR D'HABITATIONS MULTIFAMILIALES). **Pour plus de renseignements, veuillez communiquer avec M. K. Lalor, urbaniste, au 986-5069.**

Premises Affected: 849 - 855 Elizabeth Road

Exhibits Filed:

1. Application dated January 18, 2007
2. Notification of Public Hearing dated January 18, 2007
3. Manitoba Status of Titles 2197700, 2197701 and 2202179
4. Plans (8 pages)
5. Plan
6. Site Plan
7. Report from the Planning and Land Use Division dated February 6, 2007
8. Inspection Report

REPRESENTATIONS:

In Support:

Don Oliver and Kent Woloschuk

In Opposition

Nil

For the City:

Mr. K. Raban, Land Development Administrator, Planning, Property and Development Department
Mr. K. Lalor, Senior Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS MADE AT THE PUBLIC HEARING

Don Oliver and Kent Woloschuk appeared in support of the application.

Exhibit "7" referred to in File DASZ 2/2007 [c/r DAV 109847/2007]

Winnipeg

Planning, Property and Development Department Report

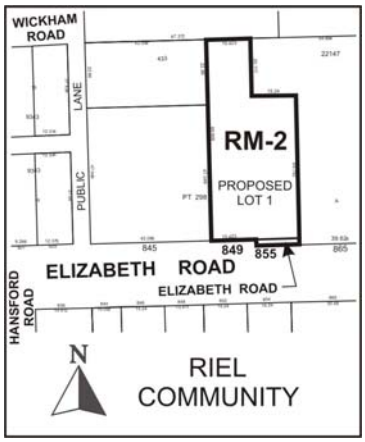
To the Riel Community Committee

Date: February 6/07
File: DASZ 2 /07
Related Files: DAV 07 109400D

Subject: The purpose of the subject application is to consolidate three lots at addresses 849-855 Elizabeth Road and rezone the overall property from a " PR-1" Parks and Recreation District to an " RM-2" Multiple Family District to allow for the construction of ten unit condo development.

Location: 849-855 Elizabeth Road

Legal Description: Parcel A, Plan 8178 WLTO in Lot 298, Roman Catholic Mission Property, ELY 50.6 Feet PERP of WLY 188.6 PERP OF SLY 236.36 feet PERP OF LOT 298 PLAN 433 WLTO, EXC ELIZABETH ROAD PINK ON PLAN 6395 WLTO, IN Roman Catholic Mission Property, ELY 50 Feet of WLY 238.6 Feet of SLY 236.36 Feet of lot 298 plan 433 WLTO, EXC PLANS 8178 WLTO, OF The Roman Catholic Mission Property

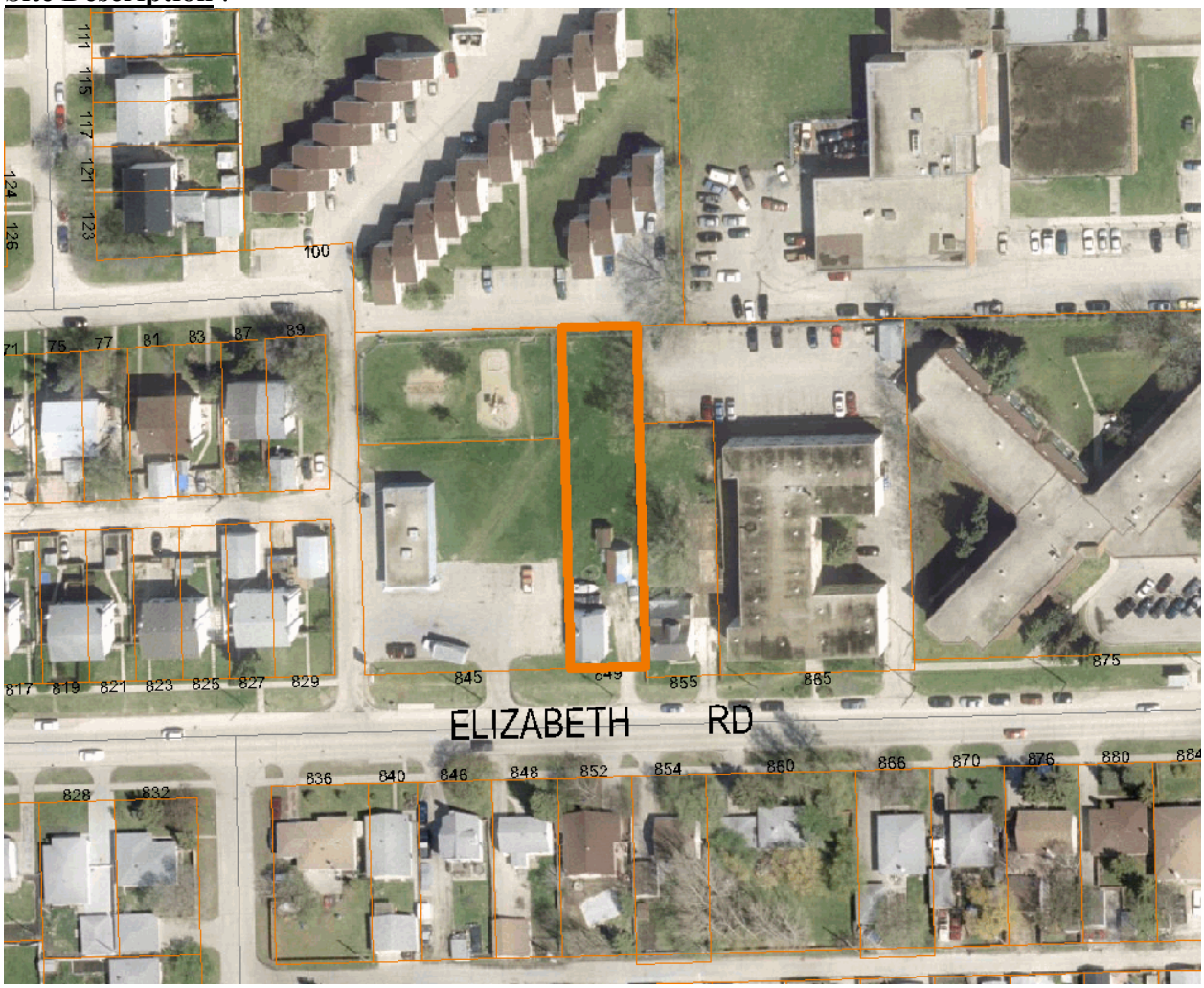


Applicant: 5392595 Manitoba Ltd.

Owner: Same as above

Recommendation: Approve with Conditions

Site Description :



The subject property is zoned "PR1" Parks and Recreation District. The overall property, which is approximately one half acre in size, was formerly occupied by a two single-family residences.

Surrounding Land Use
North: Townhouses zoned "PR1" Parks and Recreation .
South: Single-family residences zoned "R1-5" Residential.
East: Multi-story apartment building zoned "PR1" Parks and Recreation.
West: Immediately to the west is a convenience store zoned "C1" Commercial.

Existing Zoning
Under the current "PR1" zoning, multiple-family structures are not permitted. In the "RM-2" Multiple Family Residential District however, multiple-family dwellings (including bare-land condos) are permitted.

Background:

In 1994, many areas within the City of Winnipeg were rezoned in order to reflect new zoning district classifications which were adopted in conjunction with the Zoning By-law update (6400/94).

Through an administrative oversight, the subject parcels were inadvertently rezoned to "PR1" Parks and Recreation District. This zoning designation typically applies to parks, schools, and other public facilities and permits certain uses which are not allowed within residential zoning districts. Several large multiple family buildings on the adjoining land to the east continue to remain zoned " PR-1".

Description of the Proposed Development:

The applicants intend to develop a ten unit bare land condo project on the overall subject site under the development name of Elizabeth Close. The site will be developed around a single paved drive aisle, serving three separate buildings. Two of the blocks directly off of Elizabeth Road will consist of four units each and a two car garage. The remaining block at the north end of the property will consist of two units with a single car garage. Each building component will be three stories in height with mono pitched roofs and will be of wood frame construction on concrete foundations. The suites will range in size from 1480 sq. ft. to 1574 sq. ft. The site will be completely fenced on the three sides abutting neighbouring properties.

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.

Compatibility with existing neighbourhood and surrounding uses
The proposed zoning is intended to accommodate limited multiple-family development in lower-density transitional neighbourhoods.

The character of the area, given the variety of uses, is transitional in nature. It serves as a buffer between the single-family residences to the south and the higher density residential properties to the east and to the north. In light of this, a rezoning to "RM-2" Multiple Family is compatible with the surrounding area.

Dedication
Prior to the current zoning by-law, the subject lands were zoned R3, Multiple-family District under the St. Boniface Town Planning Scheme 1957. The purpose of the aforementioned rezoning was to standardize zoning districts and not to change individual zoning, excepting properties along regional streets in older established areas.

Consequently, the subject lands were zoned to PR in error; the property should have been zoned RM-3 to reflect the current lot size and land use. In light of the City's error, the Planning and Land Use Division recommends that condition in the next section with respect to land dedication fees be waived:

Recommendation:

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

- The proposed development is well designed architecturally and is of a scale that is not out of character with adjoining land uses.

Recommended Conditions of Approval

I. That the plan of subdivision proposed under File No. DASZ 2/07 be approved for preparation as a Plan of Subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File # DASZ 2/07 attached hereto and dated February 6/07 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 2/07, attached hereto and dated February 6/07, to a "RM-2" Multiple Family category, subject to the applicant entering into a new Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to, to include the following conditions:

A. That prior to new construction on the site, detailed site plans illustrating the location of new buildings or new additions , building profiles, parking areas, approaches, landscaping and fencing be submitted to and approved by the Director of Planning, Property and Development and the Riel Community Committee prior to the issuance of any building permits.

IV. That the Developer legally open, at no cost to the City, property previously identified for a 2.113 m (7.0 ft.) widening to the Elizabeth Road right-of-way as determined by the Director of Public Works.

V. 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.

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

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, and the Zoning Agreement has been filed by caveat in the Winnipeg Land Titles Office against those lands **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 Zoning 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: Kevin Lalor
PPD File Number 5.511

By-Law No. _____

File No. **DASZ 2/07**

Atlas Sheet No.

N

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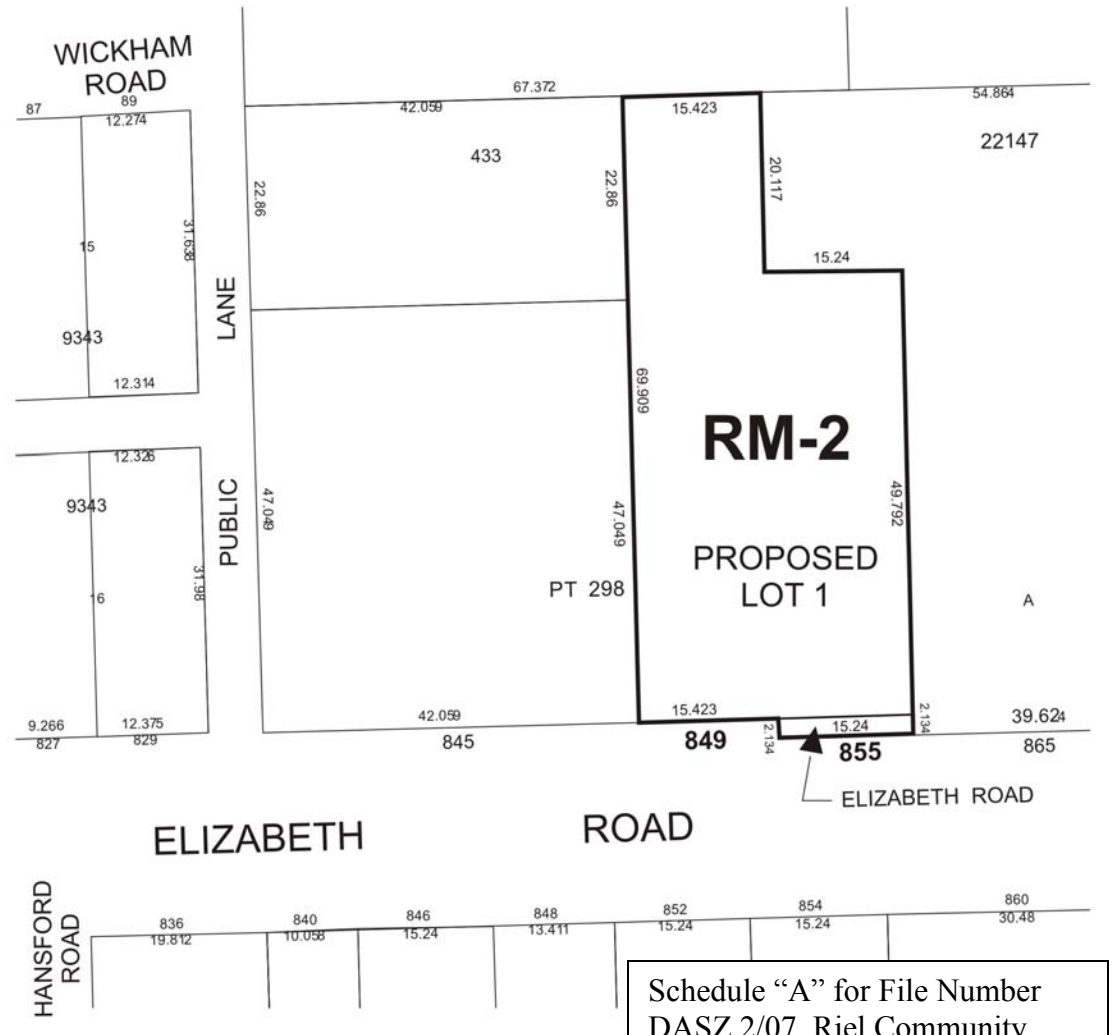
RIEL
COMMUNITY

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 849-855 Elizabeth Road from a "PR1" PARKS AND RECREATION DISTRICT to an "RM-2" MULTIPLE-FAMILY DISTRICT as shown outlined below.



Schedule "A" for File Number DASZ 2/07, Riel Community Committee, dated February 6/07

THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____