Agenda - Executive Policy Committee - July 18, 2007

Report - Standing Policy Committee on Property and Development - July 13, 2007

Item No. 9 Subdivision and Rezoning - 484 Almey Avenue (Transcona Ward) File DASZ 20/2007

STANDING COMMITTEE RECOMMENDATION:

On July 13, 2007, the Standing Policy Committee on Property and Development concurred in the recommendation of the East Kildonan-Transcona Community Committee and submits the following to Council:

1. That the plan of subdivision under File DASZ 20/2007 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with revised Schedule "A" for File DASZ 20/2007 dated July 9, 2007, for registration in the Winnipeg Land Titles Office.

2. 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 market value of the land and the creation of additional lots.

3. That the Director of Planning, Property and Development be authorized to certify any documents in connection therewith.

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 registration of the Plan of Subdivision in the Winnipeg Land Titles Office.

7. 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.

Report - Standing Policy Committee on Property and Development - July 13, 2007

8. 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.

9. 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.

Agenda - Executive Policy Committee - July 18, 2007

Report - Standing Policy Committee on Property and Development - July 13, 2007

DECISION MAKING HISTORY:

STANDING COMMITTEE RECOMMENDATION:

On July 13, 2007, 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 July 9, 2007, the East Kildonan-Transcona Community Committee did not concur in the administrative recommendation and submitted its recommendation to the Standing Policy Committee on Property and Development.

RE: **Subdivision and Rezoning - 484 Almey Avenue**
File DASZ 20/2007

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

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

Report date: **July 10, 2007**

COMMUNITY COMMITTEE RECOMMENDATION:

On July 9, 2007, the East Kildonan-Transcona Community Committee did not concur 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 20/2007 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with revised Schedule "A" for File DASZ 20/2007 dated July 9, 2007, for registration in the Winnipeg Land Titles Office.

2. 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 market value of the land and the creation of additional lots.

3. That the Director of Planning, Property and Development be authorized to certify any documents in connection therewith.

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 registration of the Plan of Subdivision in the Winnipeg Land Titles Office.

7. 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.

8. 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.

9. 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 reasons for its recommendation:

1. The subject street has recently undergone services for water and sewer which is not a full range of municipal services but is a major improvement which has created additional taxes for the area.

2. The subject property is a large lot and is consistent with the neighbourhood.

3. The subject application allows the owner to subdivide the property and sell lots if they choose, which will also add to the tax base of the City of Winnipeg.

PUBLIC HEARING SUMMARY

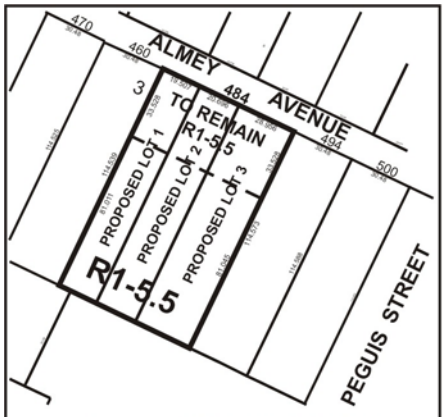
File: DASZ 20/2007

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

Public Hearing: July 9, 2007
Community Committee Chambers, 755 Henderson Highway

Applicant: Judith Pshednovak

Subject:



EAST KILDONAN TRANSCONA COMMUNITY

APPLICANT : JUDITH PSHEDNOVAK

FILE : DASZ 20/07

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 an "A.5" AGRICULTURAL DISTRICT and an "R1-5.5" RESIDENTIAL DISTRICT to an "R1-5.5" RESIDENTIAL DISTRICT. **For information, phone Mr. J. Wintrup, Planner at 986-5102.**

Premises Affected: 484 Almey Avenue

Exhibits Filed:

1. Application dated May 16, 2007
2. Notification of Public Hearing dated May 25, 2007
3. Manitoba Status of Title 1124107
4. Letter of authorization dated May 16, 2007, from Peter Anthony Pshednovak to Judith Pshednovak
5. Surveyor's Building Location Certificate and sketch dated January 20, 1992
6. Communication dated May 10, 2007, to Judith C. and Peter A. Pshednovak advising that the Executive Policy Committee allowed the appeal of Plan Winnipeg By-law No. 7630/2000 affecting 484 Almey Avenue and cancelled the decision of the Zoning and Permits Administrator, Planning, Property and Development Department to refuse the application to subdivide the subject property without a hearing
7. Drawing of subject property
8. Report from the Planning and Land Use Division dated July 4, 2007
9. Inspection Report
10. Presentation dated July 9, 2007, in support of the application submitted by Judy Pshednovak at the public hearing
11. Photographs (2) of the subject property submitted by Judy Pshednovak at the public hearing
12. Petition in support of the application purporting to contain the signatures of 9 area residents, submitted by Judy Pshednovak at the public hearing

REPRESENTATIONS:

In Support:

Peter and Judith Pshednovak
Jeff Okun

In Opposition

Nil

For Information:

Nil

For the City:

Kim Raban, Land Development Administrator, Planning, Property and Development Department
John Wintrup, Senior Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

Judith Pshednovak, Applicant, appeared in support of the application, and read into the record her presentation, which included photographs and a petition in support of the application, filed as Exhibits 10 to 12 respectively. She did not concur with the recommendation in the administrative report from the Planning and Land Use Division dated July 4, 2007 that the subject application not be proceeded with and indicated concurrence in the alternative recommendations contained in the report, with the following exception:

- That the Plan of Subdivision be amended by providing Lots 1 and 3 to a maximum depth of 33.528 metres (110 feet).

Councillor Wyatt questioned the front and rear yard requirements, to which John Wintrup, Senior Planner, advised the requirements of The Winnipeg Zoning By-law No. 6400/94.

Councillor Wyatt questioned the applicant if she would support the rear of the 3 lots being zoned "A.5" Agricultural District, to which Judith Pshednovak responded by advising that they wish the total depth of the lots to be entirely zoned "R1-5.5" Residential District.

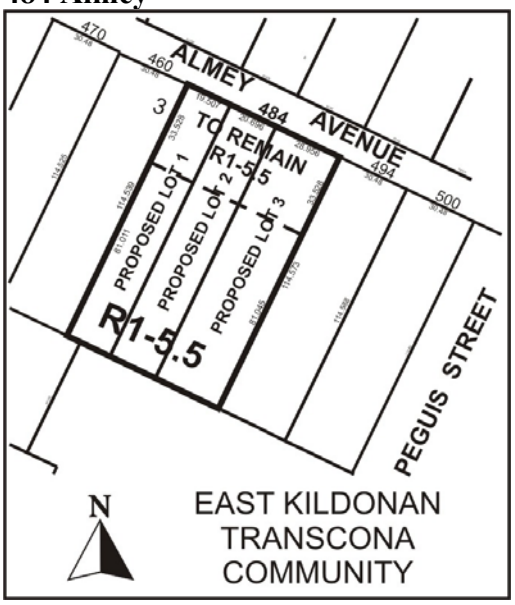
Exhibit "8" referred to in File DASZ 20/2007

Winnipeg

Planning, Property and Development Department Report

To the East Kildonan - Transcona Community Committee

Date: **July 4, 2007**
File: **DASZ 20/07**
Subject: **Rezone and subdivide into single family residential lots.**
Location: **484 Almey**



Applicant: **JUDITH C PSHEDNOVAK**
Owners: **PETER A & JUDITH C PSHEDNOVAK**

Recommendation: **Reject**

Report Summary:

- Three (3) residential lots on Almey Avenue, no municipal land drainage.
- The prevailing lands nearby will be developed to a full range of municipal services.
- Proposed plan of subdivision will increase the fragmentation of land ownership, decreasing the likelihood of developing the adjacent lands to an urban standard.
- No lot in the Almey-Ravelston Area has "R1-5.5" zoning beyond 110' depth.
- There are existing vacant lots between Lagimodiere and Peguis.

Site Description

The subject property is 1.91 acres with 226.0 feet of frontage and 375.85 of depth located on the south side of Knowles Avenue in the Peguis neighbourhood of the Transcona Ward. The site is zoned "R1-5.5" Residential District for a depth of 110 feet and "A-5" Agricultural District for the remaining 265.85 feet towards the rear property line. A one storey single family dwelling of 1,842 sq. ft constructed in 1991 occupies the site.

Background

Almey Avenue, east of Lagimodiere Blvd and west of Peguis Street has a total of 55 single-family dwellings on 66 lots. Most of these lots were created well before Plan Winnipeg established clear standards for municipal infrastructure: 85 percent (49 homes) are on lots created between 1948 and 1971. Six (6) dwellings are on lots created between 1972 and 1987, and 9 lots (14 percent) are vacant for a total of 66 lots (2005). The last plan of subdivision approved in 1987 (DASSF 54/87) for the creation of two lots required variances with a restriction that no building permits be issued for the new lot until municipal infrastructure was available.

Since the adoption of Plan Winnipeg in 1986, further subdivision of land along Almey without a full range of municipal infrastructure has been prohibited. Except for "lots of record" meaning lots created prior to existing regulations on which homes may still be built with existing sub-standard infrastructure, no new buildable lots have been created on Almey.

The City of Winnipeg has rejected a number of enquiries and applications for subdivisions in the Almey / Ravelston / Lagimodiere area based on the Plan Winnipeg policy requiring a full range of municipal infrastructure.

The rejections included two previous applications (DAZ 214/92 and DAZ 201/93) to develop the property at the Almey / Ravelston / Lagimodiere intersection due to the lack of piped municipal infrastructure; and DASSF 524/90 for the property located at 484 Almey Avenue, the subject property of this application.

In 1999, the City of Winnipeg approved a development application (DASZ 14/1999) at the Almey / Ravelston / Lagimodiere intersection. A full range of municipal infrastructure was available for that site because an on-site storage facility for land drainage was required, and water and sewer were extended along Almey in 2005 as a Local Improvement to serve this commercial development.

Description of the Proposed Development

The owners of the subject property intend to subdivide the parcel into three lots fronting Almey Avenue with widths of 64.0 feet to 95.0 feet, 375 feet in depth zoned "R1-5.5"

Analysis

An application was received to subdivide 484 Almey Avenue. The Public Service rejected this application, as it is contrary to Plan Winnipeg 2020.

Section 3A-02 Promote Compact Urban Form of Plan Winnipeg 2020 states that:

"The City shall promote compact urban form in support of sustainability by approving new residential, commercial, and industrial subdivisions only where there is a reasonable relationship between the supply of land and the projected demand and when a full range of municipal infrastructure can be provided in an environmentally- sound, economical and timely manner".

The subject land does not have a full range of municipal infrastructure. A full range of municipal infrastructure includes piped water, sanitary sewer, land drainage system and improved right of ways. Almey Avenue is currently serviced with only piped water and sanitary sewer and a rural cross section roadway. There is currently no access to an urban land drainage system.

The intent of requiring a full range of municipal infrastructure for new development is the recognition that piped water, sanitary sewer, land drainage and paved rights of way define an urban standard of development that meet economic and environmental objectives.

The following considerations reflect potential outcomes of development in Neighbourhood Policy Areas that lack a full range of municipal infrastructure:

- Under serviced homes in an urban area often create pressures later to provide a full standard of municipal infrastructure on an unplanned basis.
- Piecemeal development negatively impacts the economic viability of the installation of infrastructure in the future.
- The incremental and unplanned subdivision of land can preclude broader development objectives, thus delaying the municipal revenues to be realized by complete development at an urban standard.
- By approving even a minor subdivision, a precedent is set for similar development in areas with sub-standard infrastructure. For example, if each Almey Avenue landowner is permitted the same development rights outlined in the subject application, there is a potential of an additional 82 homes on a rural road, without land drainage.

Under Section 189 (1) of the City of Winnipeg Charter, the applicant may appeal an administrative decision to reject an application. An appeal hearing was held on May 9th, 2007 at the Executive Policy Committee: The Executive Policy Committee allowed the appeal and cancelled the decision of the Zoning and Permits Administrator, Planning, Property and Development Department dated April 12, 2007, regarding provisions of Plan Winnipeg By-law No. 7630/2000 for the premises located at 484 Almey Avenue.

SECONDARY PLAN
The level of servicing required for the Almey / Ravelston / Lagimodiere area was reviewed in 2005 as part of the 'Transcona West Secondary Plan'. Proposed land-use concept plans include single family residential development with a new retention lake north of Almey Avenue, and policies that require a full range of municipal services to support development. A transportation concept plan for the Almey –Ravelston Area was also specifically developed that indicates a future east-west street right-of-way can be extended from Peguis Street, parallel to Almey Avenue to City of Winnipeg owned property on the south side of Almey Avenue.

ZONING

- The **"R1-5.5" Residential District** extends 110 feet deep from Almey Avenue with the remainder of the lot zoned "A-5".

SITE PLAN
The applicant intends to create three new lots. The lots will have a width of 64 feet, 67.9 feet, and 95 feet. The depth of the lots will each be 375.85 feet. The existing single family dwelling will be on the middle lot, proposed lot 2.

Recommendation

The Planning and Land Use Division recommends rejection of the proposed rezoning and subdivision, which was previously rejected in 1990, for the following reasons:

- The three "neighbourhoods" (Grassie, Meadows, and Peguis) in the area east of Lagimodiere Blvd, north of Reenders, presently contains 674 acres of vacant land located outside of approved subdivisions.
- Approximately 75 percent of these lands are presently in the ownership of major development companies and major land owners.
- In the last three years (2004 - 2006) 1,025 fully serviced single family lots have been approved for development as municipal piped water, sanitary sewer and land drainage is being progressively extended within the neighbourhoods of Transcona West.
- The remaining land ownership is fragmented in smaller holdings with limited / private services, many of these being concentrated west of Peguis Street and particularly in the area of Almey Avenue, Ravelston Avenue and Lagimodiere Blvd in the Peguis Neighbourhood.
- The fragmentation of the land ownership in the Almey – Ravelston area will increase the difficulty of establishing a full range of municipal services in the future as more owners will now be required to agree to participate in a servicing plan thus increasing the potential for disagreement and hindering infill development.
- The absence of a full range of municipal services is contrary to the prevailing area which is anticipated will be fully serviced to a high urban standard (neighbourhoods on both sides of Lagimodiere characterized by piped water, piped sewer, piped land drainage, paved ROW's, ornamentally street lights, and sidewalks).
- There are existing vacant land parcels at this time between Peguis and Ravelston that can absorb any demand for single family houses in this specific area of Peguis.

However, if the Committee is of the opinion the subdivision / rezoning application should be approved, the Division is recommending that the "A-5" land remain with the present zoning. No other lot in the Almey-Ravelston Area, including previous lots created through subdivision, have "R1-5.5" to the rear property line. The rear lands zoned "A-5" should also remain consolidated with one of the fronting lots, thus, only two additional lots with a depth of 110 feet and the existing "R1-5.5" zoning be created. This alternative plan of subdivision will allow the rear lands to remain concentrated with one land owner, which may assist in mitigating the negative effects of fractured land ownership, and may better facilitate the future subdivision of these lands with a through, east-west street.

Recommended Conditions of Approval

1. That the plan of subdivision proposed under File DASZ 20/2007 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 20/2007 dated July 4, 2007, for registration in the Winnipeg Land Titles Office subject to the following:

    A. That the Plan of Subdivision be amended by providing Lots 1 and 3 to a maximum depth of 33.528 metres (110 feet).

2. 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 market value of the land and the creation of additional lots.

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9. 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 20/07

Revised Schedule "A"

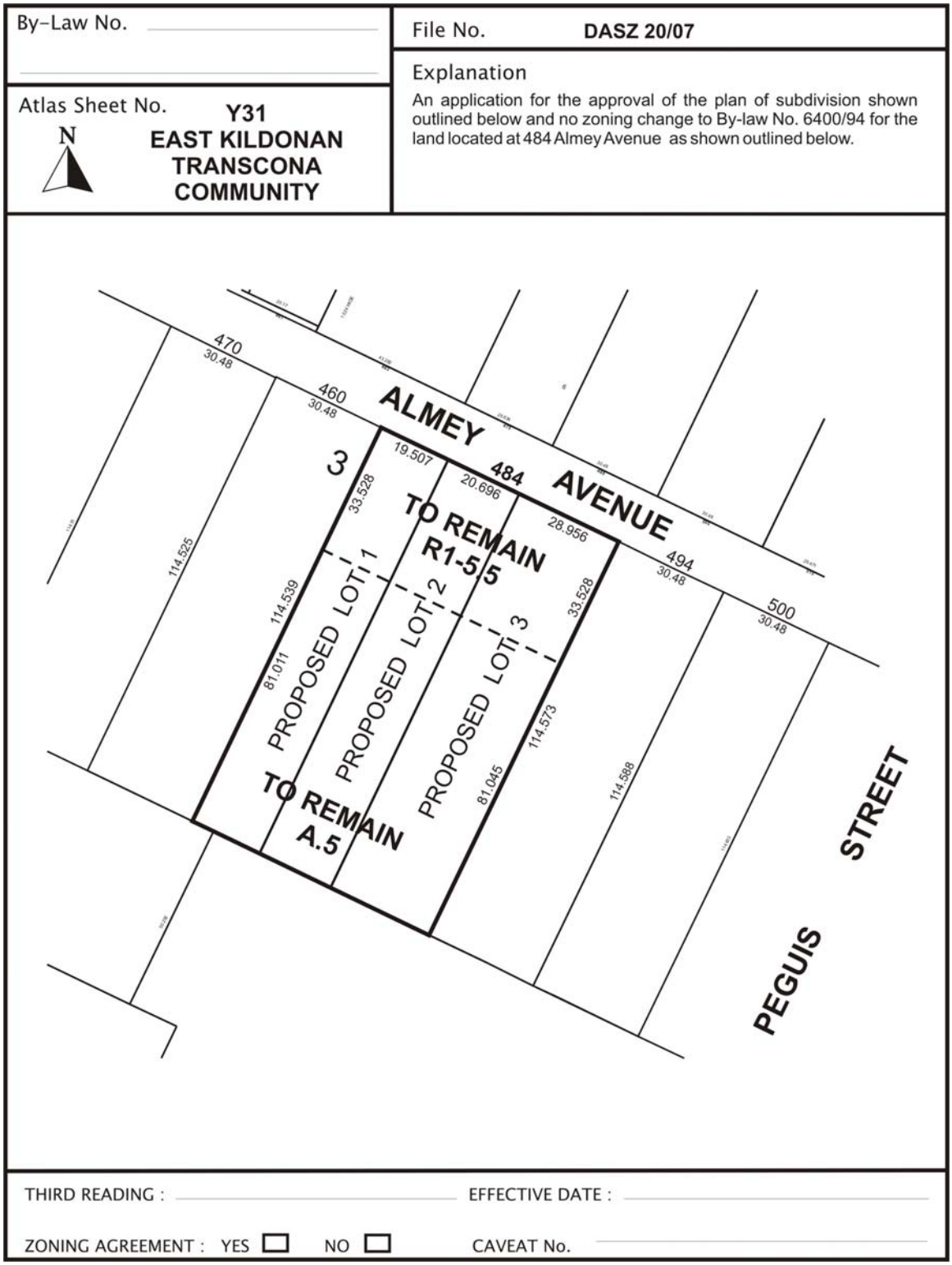

Figure 1: Revised Schedule "A" to the report to the East Kildonan - Transcona Community Committee for File No. DASZ 23/2007, dated July 9, 2007.



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

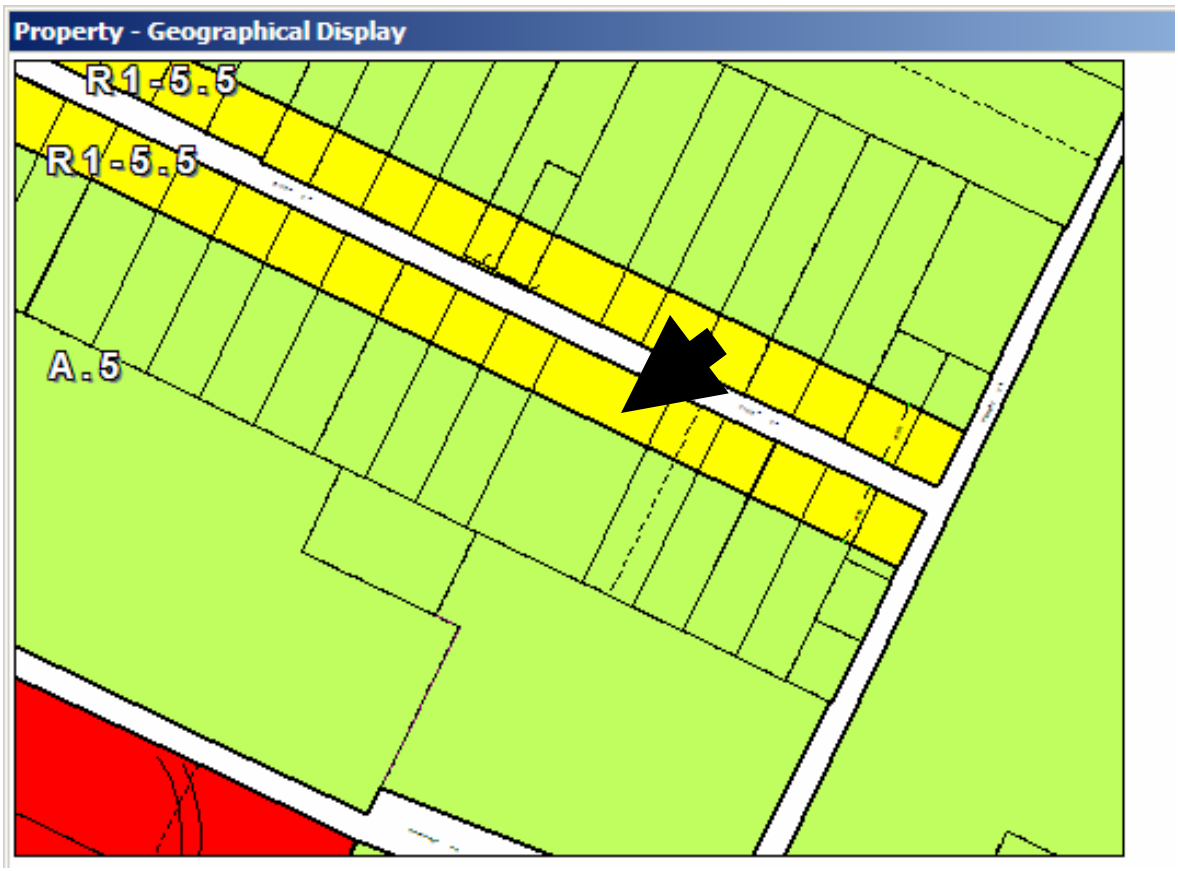

Figure 3: Existing Zoning for subject property.