Minute No. 77
Report - Standing Policy Committee on Property and Development - November 19, 2002

Item No. 3 Proposed Plan of Subdivision and Rezoning - land located at Brunswick Street, east side, south of Red Oak Drive - File DASZ 15/2002 [c/r DASZ 12/76, DASZ 6/92 and DAV 222/92D]

COUNCIL DECISION:

Council concurred in the recommendation of the Standing Policy Committee on Property and Development that the proposed plan of subdivision and zoning change for File DASZ 15/2002 not be proceeded with.

Report - Standing Policy Committee on Property and Development - November 19, 2002

DECISION MAKING HISTORY:

Moved by Councillor Vandal,

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

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On December 4, 2002, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development.

STANDING COMMITTEE RECOMMENDATION:

On November 19, 2002, the Standing Policy Committee on Property and Development concurred in the recommendation from the East Kildonan-Transcona Community Committee.

COMMUNITY COMMITTEE RECOMMENDATION:

On August 27, 2002, the East Kildonan-Transcona Community Committee did not concur in the administrative recommendation, and recommended that the proposed plan of subdivision and zoning change for File DASZ 15/2002 not be proceeded with.

RE: **Proposed Plan of Subdivision and Zoning Change Report - land located on Brunswick Street, east side, south of Red Oak Drive File DASZ 15/2002**

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

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

Report date: **September 12, 2002**

COMMUNITY COMMITTEE RECOMMENDATION:
The East Kildonan-Transcona Community Committee did not concur in the administrative recommendations and recommends that the application File DASZ 15/2002 for a proposed plan of subdivision and a proposed zoning change by rezoning the subject lands from a "C2" Commercial District to an "R1-3" Single-Family District or an "R1-4" Single-Family District not be proceeded with.

The East Kildonan-Transcona Community Committee provided the following supporting reason(s) for its recommendations:

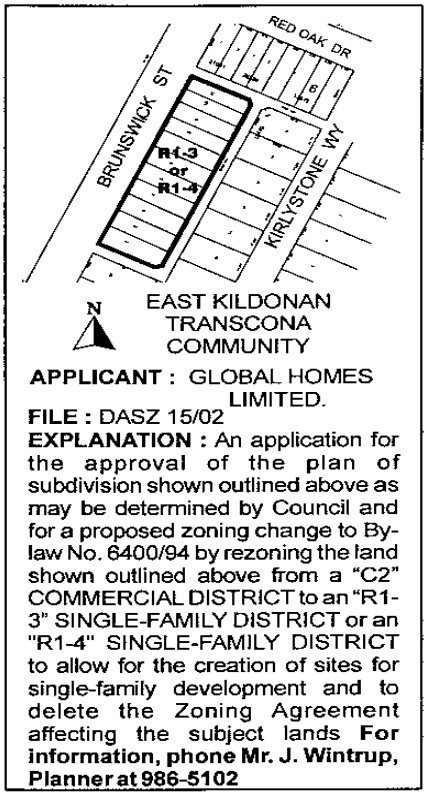
1. Representation received are those opposed to the project and no supportive representation was received, aside from the applicant.

2. The subject application is not compatible with the surrounding residential area.

PUBLIC HEARING SUMMARY

File:	DASZ 15/2002
Before:	East Kildonan-Transcona Community Committee Councillor Lubosch, Chairperson Councillor Thomas Councillor Timm-Rudolph
Public Hearing:	August 27, 2002 Community Committee Chamber, 755 Henderson Highway
Applicant:	Global Homes Ltd. 330 - 1695 Henderson Highway Winnipeg, MB R2G 1P1

Subject:



Premises Affected: Brunswick Street, east side, south of Red Oak Drive

Exhibits Filed:

1. Application dated June 21, 2002
2. Advertising notice dated July 23, 2002
3. Manitoba Status of Title 1480054
4. Extract of Atlas Sheet No. V3
5. Report of the Manager of Planning and Land Use dated August 2, 2002
6. Report from the Administrative Coordinating Group dated August 6, 2002
7. Photograph(s) of the Site and Inspection Notice
8. Communication from Bernhard Goertzen, Global Homes Ltd. with respect to the application dated August 27, 2002

REPRESENTATIONS:

In Support:
Bernhard Goertzen, Global Homes Ltd., 330 - 1695 Henderson Highway, Winnipeg R2G 1P1

In Opposition:
Heather and Richard Gasior, 16 Kirlystone Way, Winnipeg R2G 3B5

For the City:
John Wintrup, Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS MADE AT THE PUBLIC HEARING:

Bernhard Goertzen appeared in support of the application, and advised that the proposal would include the development of single family residences of approximately 800 to 950 square feet. He submitted a communication send of the neighbors to the subject property indicating that if the property is not developed as a single-family district, it would be developed in a commercial manner, filed as Exhibit 8.

Richard Gasior appeared in opposition to the application, and commented that the applicant has proposed to develop 11 lots on Brunswick Street in approximately the same area size as the development on Kirlystone Way, which is only 6 lots. He expressed his opinion that the proposed smaller lots will devalue the larger lots on Kirlystone Way.

Heather Gasior indicated that she would support the residential development if the homes were developed to a higher value and equivalent to those on Kirlystone Way, however, she is opposed to the development of homes on Brunswick Street if they are approximately 900 square feet and on smaller lots as proposed.

Councillor Timm-Rudolph questioned the number of people that would be willing to purchase a higher valued home when they would face an existing industrial area. She reiterated that if the property is not developed as a residential area, it currently has the zoning for commercial development and likely proceed as such if the proposed development is not proceeded with. In this connection, she suggested the development of seven as opposed to the proposed 11 lots so that each lot would be larger, to which Heather and Richard Gazior indicated that they would than be more amenable to the development.

Bernhard Goertzen responded by advising that the development of anything less than 10 lots is not economically viable due to the cost of the required services, and indicated that he would only consider the development of 10 as opposed to 11 lots.

In reply please refer to / Référence à rappeler :John S. Wintrup

(204) 986-5102
Fax / Téléc. : (204) 986-3684

File No. DASZ 15/02 August 02, 2002
Our c/f CP 500 (.420)

Ms. Inga Skundberg, Community Clerk
East Kildonan – Transcona Community Committee
Council Building
510 Main Street
Winnipeg, MB R3B 1B9

Dear Ms. Skundberg:

SUBDIVISION AND REZONING
Land located on the east side of Brunswick Street south of Red Oak Drive
East Kildonan - Transcona Community Committee
File No. DASZ 15/02

An application has been received from Global Homes LTD. (Bernhard Goertzen), for approval of a plan of subdivision and related zoning change to amend By-Law No. 6400/94 by rezoning the land shown below from a “C2” Agricultural District to a “R1-3” or “R1-4” Residential District.

RELATED FILES: DASZ 12/76, DASZ 6/92 and DAV 222/92D



SITE DESCRIPTION:

Site Area: The subject site has a frontage of 375.31 feet (114.39 metres) and a depth of 120.0 feet (36.57 metres). The site area is approximately 44,935.02 square feet (4174.6 square metres).

Existing Land Use and Zoning: Vacant land zoned "C-2" Commercial District.

Surrounding Land Use and Zoning:

North: Across public lane, two-family dwellings on 30 foot (9.24 m) width lots zoned "R2" Two Family District; across Red Oak Drive, single family dwellings on 40 foot (12.19 m) width lots zoned "R1-3.5" Single-Family District.

South: Across public lane, single family dwellings on 52 foot (15.85 m) and 40 foot (12.41 m) width lots zoned "R1-5.5" Single Family District along Brunswick Street.

East: Across rear public lane, single family dwellings on 56.5 foot (17.22 m) width lots zoned "R1-5.5" Single Family District along Kirlystone Way.

West: Across Brunswick Street, industrial land zoned "M2" Industrial District, Palliser Furniture.

DEVELOPMENT DESCRIPTION:
The applicant intends to create eleven lots and rezone the subject property from "C-2" Commercial District to "R1-3" Residential District. The lots will be 34 feet (10.3 metres) by 110 feet (33.5 metres) for a lot area of 3,740 square feet (347.4 square metres). The lots will front on Brunswick Street and have access to the rear public lane, which is required for a "R1-3" zoning district. The applicant is also willing to consider an "R1-4" zoning designation with 40 feet wide lots or 37 foot wide lots (which would need a variance) if the "R1-3" designation with 34 foot wide lots is deemed unacceptable.

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

ADMINISTRATIVE COMMENTS:
The site, Lot 21 Plan 13493, was zoned "C2" Commercial District under DASZ 12/76. The intent of the zoning was to provide a location for commercial establishments serving the adjacent residential and industrial area. The economic viability of commercial development on the site is questionable. The site has remained undeveloped since 1976. In 1992, Mr. R. Gillespie made an application to subdivide the site into 11 lots with lot widths of 34 feet (10.3 metres), and rezone the land "R1-3.5" (DASZ 6/92 and DAV 222/92D). A variance was necessary because "R1-3.5" requires a minimum lot width of 35 feet (10.6 metres), whereas "R1-3" requires a minimum lot width of 30 feet (9.14 metres). An existing caveat, 248051, on the subject land restricts the commercial uses.

The Department supported the original proposed subdivision and rezoning of the subject lands to a single family residential use. This proposed use of the site is compatible to the surrounding context of family residential uses on the adjacent lands to the north, south and east. The existence of the industrial development facing these lots on the west side of Brunswick Road makes them somewhat relatively less attractive for residential development compared to lots located within the residential subdivision to the east. Thus, the proposal for smaller residential lots (34 feet) compared to other residential lots (30 – 56 foot) in the vicinity is considered to be a reasonable response to the locational characteristics of the site.

For the application in 1992, the East Kildonan – Transcona Community Committee laid the public hearing for this matter over a number of times (July 21, September 14, November 17 and December 15, 1992, and February 16, 1993). The District Planner attempted to resolve the issues between the local residents opposed to the proposed lot sizes and the developer. The EKT Community Committee eventually recommended that the proposed subdivision and rezoning be not proceeded with for the following reasons:

A. The type of buildings proposed will not be compatible with the surrounding homes.

B. There is sufficient opposition to the proposal, demonstrated by a petition purporting to contain 14 signatures of area residents in opposition to the application as well as a communication from Mr. and Mrs. Wiebe, also in opposition.

The Division supports this new application. A commercial zoning designation is not feasible for the subject lands. Commercial growth servicing the neighbourhood can be accommodated along McLeod Avenue to the south. A residential designation for the subject lands will be more attuned to the existing residential land-uses in the community. The locational peculiarities of the subject land – opposite the Palliser Furniture Park – indicates that smaller residential lots of 34 feet would be viable. The smaller lots would also be compatible with the nearby residential lots that range in size from 30 – 56 feet.

RECOMMENDATION:

I. That Zoning By-Law 6400/94 be amended by rezoning the subject land as shown on Schedule 'A' for file No. DASZ 15/02, attached hereto and dated July 11 to "R1-3" Single Family Residential District.

II. That the plan of subdivision proposed under File No. DASZ 15/02 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File No. DASZ 15/02, attached hereto and dated July 11 2002, for registration in the Winnipeg Land Titles Office.

III. That the Developer enter into a Servicing Agreement with the City containing all the conditions outlined in the report of the Land Development Engineer dated 06 August 2002;

IV. That, the existing caveat 248051 as it affects the subject property be discharged.

V. That, in the event this application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months after adoption of this report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

VI. That the City Solicitor 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.

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.

Final

Yours truly,

V. Buckley
Manager of Planning and Land Use

_____

Per: John S. Wintrup, Planner
East Kildonan - Transcona Community
986-5102

By-Law No. _____

File No. **DASZ 15/02**

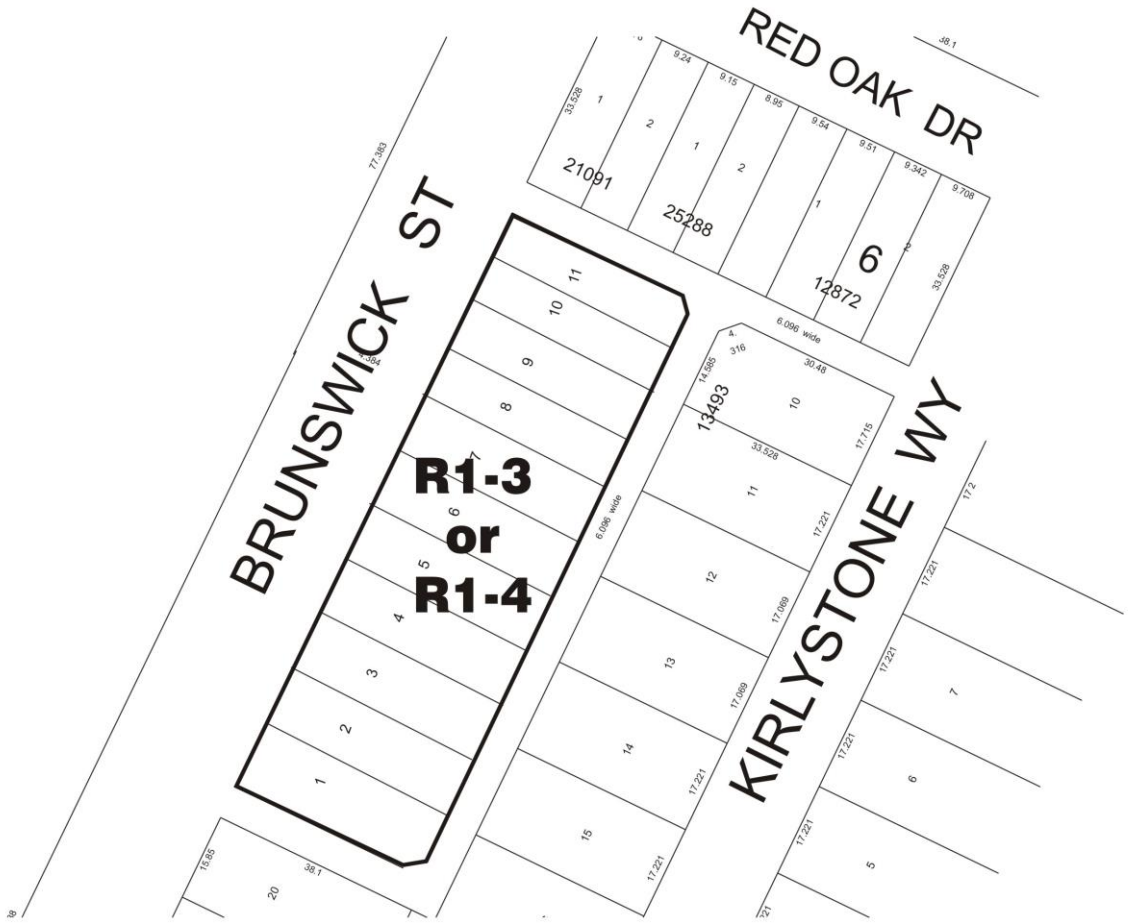
Atlas Sheet No. **V3**

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EAST KILDONAN TRANSCONA 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 on Brunswick Avenue south of Red Oak Drive from a "C2" COMMERCIAL DISTRICT to an "R1-3" SINGLE-FAMILY DISTRICT or an "R1-4 SINGLE-FAMILY DISTRICT as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

Re: Proposed subdivision and rezoning of land located on the east side of Brunswick Street – DASZ 15/02

FOR SUBMISSION TO THE CHAIRPERSON AND MEMBERS OF THE EAST KILDONAN-TRANSCONA COMMUNITY COMMITTEE

"Original signed by E.L. Carrière"

E.L. Carrière, P.Eng.
Land Development Engineer

August 6, 2002

Re: Proposed subdivision and rezoning of land located on the east side of Brunswick Street – DASZ 15/02

An application has been submitted by Global Homes Ltd. to subdivide and rezone land located on the east side of Brunswick Street.

It is recommended that approval of DASZ 15/02 be subject to the Developer entering into a Servicing Agreement with the City as follows:

1. a) The Developer shall, at no expense to the City, install separate water and wastewater lot line services to serve each detached or semi-detached dwelling within the proposed subdivision.
   b) The Developer shall ensure that no lot line services are brought into lots by it or by any housebuilder or other purchaser of a lot until the foundation excavation has been backfilled and the roof of the dwelling has been sheathed and shall indemnify the City against all actions, claims, demands, damages, loss and costs, including legal and court costs suffered or incurred by the City arising out of any failure to do so prior to issuance of a Final Acceptance Certificate certifying completion of all work under this Agreement.

2. The Developer shall submit a lot grading and site servicing plan prepared by a municipal Consulting Engineer for the approval of the Director of Water and Waste.

3. The Developer shall, at no expense to the City, lay sod and plant trees on the boulevard abutting the proposed subdivision in accordance with plans and specifications approved by the Director of Public Works.

4. The Developer shall pay all costs associated with the installation and/or relocation of street lights and other utilities made necessary as a result of works which the Developer is required to install to serve the proposed subdivision, as determined by and to the satisfaction of the Director of Public Works.

5. The Developer shall pay the cost of removing:

   a) litter generated from the housebuilders' activities, and
   b) the deposits of earth, mud, clay, etc. on City streets from vehicles or wheels of vehicles generated from the housebuilders' activities,

   until the house construction phase has been completed.

6. The Developer shall pay $1,500.00 in lieu of administration and other costs associated with the preparation and implementation of the Servicing Agreement.

7. The Developer shall pay the full cost of engineering services provided by or on behalf of the City with respect to the installation of municipal services required to serve the proposed subdivision.

It is also recommended that the Community Committee advise the Developer that private approaches will not be permitted off Brunswick Street as there is an existing rear lane to serve the proposed subdivision.

Cash-in-lieu of dedication for public open space is not applicable in this instance as this has been fully provided for pursuant to Development Agreement AG 12/76 with Willart Holdings Ltd. which Agreement previously covered the subject land.

THIS REPORT SUBMITTED BY:

E.L. Carrière, P.Eng.
Land Development Engineer
File No. AG 15/02
August 6, 2002

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