**Agenda – Council – May 14, 2008**

**Report - Executive Policy Committee - April 30, 2008**

**Item No. 1 Subdivision and Rezoning - 31 Shaughnessy Street (Point Douglas Ward) File DASZ 8/2008 [c/r DAC 6/2008]**

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On April 30, 2008, the Executive Policy Committee concurred in the recommendation of the Lord Selkirk-West Kildonan Community Committee and submits the following to Council:

1. That the plan of subdivision proposed under File DASZ 8/2008 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 8/2008 dated April 1, 2008, for registration in the Winnipeg Land Titles Office subject to the following:

    A. That the Developer be required to enter into a Servicing Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated March 18, 2008.

    B. That the Plan of Subdivision be amended by providing property required for a 0.687 metre (2.25 feet) widening to the north side of the existing Public Lane right-of-way for the full length of the proposed subdivision. The described widenings are to be dedicated at no expense to the City. Furthermore, the proposed public lane is to be accommodated with a right-of-way width of 6.25m (20.50 feet) and its centerline is to be coincident with the centerline of the existing public lane to the east thereof.

2. That The Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 8/2008 dated April 1, 2008, to an "R1-2.5" Residential District.

3. 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.

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

**Report - Executive Policy Committee - April 30, 2008**

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 subdivision section of the by-law shall come into force and effect upon execution by the City of Winnipeg of the Servicing Agreement.

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.

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 - Executive Policy Committee - April 30, 2008**

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On April 30, 2008, the Executive Policy Committee concurred in the recommendation of the Lord Selkirk-West Kildonan Community Committee and submitted the matter to Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On April 8, 2008, the Lord Selkirk-West Kildonan Community Committee concurred in the recommendation of the Winnipeg Public Service and, via the Priority Rezoning Process, submitted its recommendation to the Executive Policy Committee.

**RE:** **Subdivision and Rezoning - 31 Shaughnessy Street**
**(Point Douglas Ward)**
**File DASZ 8/2008 [c/r DAC 6/2008]**

**For submission to:** **The Executive Policy Committee**

**Prepared by:** **Diane Timmins, Clerk,**
**Lord Selkirk-West Kildonan Community Committee**

**Report date:** **April 10, 2008**

COMMUNITY COMMITTEE RECOMMENDATION:

On April 8, 2008, the Lord Selkirk-West Kildonan Community Committee concurred in the recommendation of the Winnipeg Public Service and, via the Priority Rezoning Process, recommends to the Executive Policy Committee:

1. That the plan of subdivision proposed under File DASZ 8/2008 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 8/2008 dated April 1, 2008, for registration in the Winnipeg Land Titles Office subject to the following:

    A. That the Developer be required to enter into a Servicing Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated March 18, 2008.

    B. That the Plan of Subdivision be amended by providing property required for a 0.687 metre (2.25 feet) widening to the north side of the existing Public Lane right-of-way for the full length of the proposed subdivision. The described widenings are to be dedicated at no expense to the City. Furthermore, the proposed public lane is to be accommodated with a right-of-way width of 6.25m (20.50 feet) and its centerline is to be coincident with the centerline of the existing public lane to the east thereof.

2. That The Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 8/2008 dated April 1, 2008, to an "R1-2.5" Residential District.

3. 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.

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

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 subdivision section of the by-law shall come into force and effect upon execution by the City of Winnipeg of the Servicing Agreement.

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.

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.

The Lord Selkirk-West Kildonan Community Committee provided the following supporting reason for its recommendation:

1. The Lord Selkirk-West Kildonan Community Committee agreed with the comments contained in the report from the Planning and Land Use Division dated April 1, 2008 and in the report from the Administrative Coordinating Group dated March 18, 2008.

**PUBLIC HEARING SUMMARY**

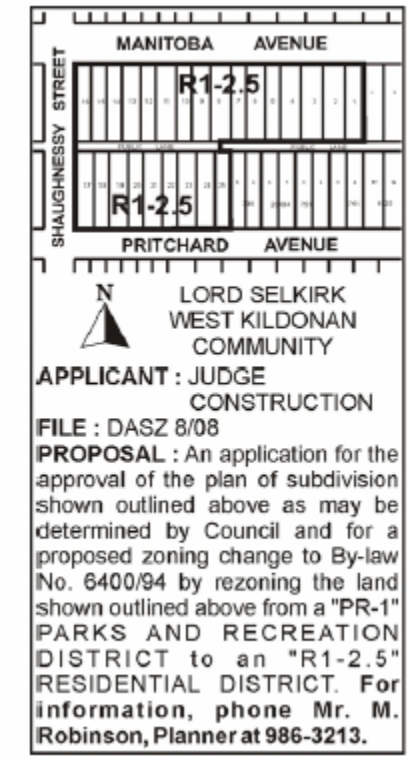
File: DASZ 8/2008 [c/r DAC 6/2008]

Before: Lord Selkirk-West Kildonan Community Committee
Councillor O'Shaughnessy, Chairperson
Councillor Lazarenko
Councillor Pagtakhan

Public Hearing: April 8, 2008
West Committee Room
Council Building, 510 Main Street

Applicant: Judge Construction (Gary Judge)

Subject:




Premises Affected: 31 Shaughnessy Street

Exhibits Filed:
1. Application dated February 22, 2008
2. Notification of Public Hearing dated February 27, 2008
3. Manitoba Status of Title 1250284
4. Proposed Plan of Subdivision dated February 7, 2008

5. Surveyor's Building Location Certificate and sketch dated February 7, 2008
6. Misc. Plan13317
7. Report from the Planning and Land Use Division dated April 1, 2008
8. Report from the Administrative Coordinating Group dated March 18, 2008
9. Inspection Report
10. Audio Recording of representations

REPRESENTATIONS:

In Support:

Gary Judge, Judge Construction
Chatinder Judge
Gurmail S. Judge
Judy Monahan

In Opposition

Nil

For the City:

Mr. M. Robinson, Planner, Planning, Property and Development Department
Mr. B. Buyachok, Real Property Officer, Planning, Property and Development Department

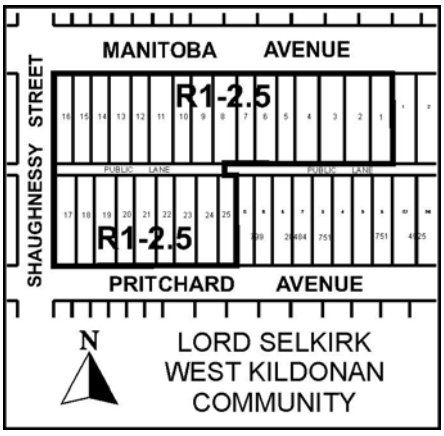
Exhibit "7" referred to in File DASZ 8/2008 [c/r DAC 6/2008]

## Planning, Property and Development Department Report

**To the Lord Selkirk-West Kildonan Community Committee**

---

**Date:** **April 1, 2008**
**File:** **DASZ 8/08**
**Related Files:**
**Subject:** **Application to amend By-Law No. 6400/94 by rezoning the land shown below from a "PR-1" Parks and Recreation District to an "R1-2.5" Residential District.**
**Location:** **East side Shaughnessy Street, between Pritchard and Manitoba**




**Applicant:** **Judge Construction**
**Owner:** **Gurchait Singh Judge**
**Recommendation:** **Approval**

**Report Summary:**

- The Planning and Land Use Division recommends that this application be approved
- The applicant proposed to subdivide the subject land and construct 25 single-family homes
- The subject lands have been declared surplus by the Winnipeg School Division and sold to a private developer
- Public consultation was undertaken by the School Division and the applicant
- The Division has deemed the proposed application to be the most compatible with the area.

**Site Description**
The subject property, which is currently zoned "PR-1" Parks and Recreation District, is located on Shaugnessy Street, between Pritchard and Manitoba, in the Shaugnessy Park neighbourhood of the Point Douglas ward.

**North:** Residences zoned "R1-3.5" Residential
**South:** Residences zoned "R1-4" Residential
**East:** Residences zoned "R1-4" and "R2" Residential
**West:** Residences zoned "R2" and "R1-3.5" Residential

**Background**
The Winnipeg School Division determined that the subject property, which was formally the site of Florence Nightingale School, was surplus to their needs.

In light of this, the Division established a Property Review Committee comprised of community and parent representatives as well as administrators of the Winnipeg School Division to determine the future of the school property.

The Committee planned and publicized a public meeting, which was held on December 5, 2005 at Northwood Community Club. Residents of the community were invited to the meeting by way of advertisements, posters displayed at various locations in the community, flyers distributed to nearby homes, and notices posted in school newsletters. It was explained to those in attendance that the Winnipeg School Division did not envisage any future need for that property. Feedback regarding the possible use of the property was received from those in attendance.

Subsequently, the Review Committee held a second public meeting on April 12, 2006. The local residents in attendance discussed suggestions for possible use of the property. These suggestions included single-family homes, a senior's home, and maintaining the space for community use.

The Board of Trustees of the Winnipeg School Division received a report from the Review Committee and adopted a motion to proceed with the sale of the property. Subsequently, the Division followed the provincial policy guidelines for the disposal of a school division property, which involved publicly inviting proposals for the purchase and use of the property. After reviewing six proposals, the Division selected the proposal of Judge Construction (the applicant) and proceeded to sell the land to them.

**Description of the Proposed Development**
The applicant proposed to subdivide the subject land into residential lots and construct 25 new homes varying in size from 950 to 1,250 square feet.

The applicant is also varying the lot sizes slightly in order to provide several different house plans, which will give the development a more appealing look and help it to blend in with the surrounding neighbourhood.

The lot sizes vary in width from 25 feet to 36 feet and vary in lot size from 3,110 square feet to 4,478 square feet.

The average lot width is 28.7 feet and the average lot area is 3,567 square feet.

**Analysis**

**Plan Winnipeg**

The subject parcels fall with 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 subject property is located in an area which is predominantly single family and two family residential. The adjoining lots sizes vary in size from 25-50 feet. As such, the proposed lot type and size are consistent with the context and will be compatible with the area.

**Transportation and Site Access**

The applicant is proposing to close existing public lanes which connect to Pritchard and Manitoba Avenues and to replace them with a new lane, which would run through the block, from east to west, and connect with Shaugnessy Street. The new lane, if approved, would make the subject block consistent with adjacent blocks.

**Servicing**

Adequate City services are available to serve to proposed new development

**Site Design Issues**

The proposed frontal elevations (preliminary) appear to fit with the surrounding neighbourhood.

**Public Input**

As previously mentioned, the subject proposal was accepted over five other proposals by the School Division because it was deemed to be compatible with the area and in step with feedback received at the community consultations held by the School Division.

More recently, the applicant held a public open house on March 28, 2008 for neighbours to make them aware of the proposed development. The applicant indicated that approximately 25 residents were in attendance and that the feedback from this meeting was positive.

**Recommendation**

The Planning and Land Use Division recommends approval of the proposed rezoning and subdivision for the following reasons:

- The subject property has been declared surplus by the Winnipeg School Division and sale to a private developer for residential development was determined to be the best use for the land

- The proposed development was selected by the Winnipeg School Division as the most appropriate for the area, after public consultation
- The proposed development is consistent with the adjoining context of single and two family homes
- The proposed infill development will contribute positively to the area

**Recommended Conditions of Approval**

1. That the plan of subdivision proposed under File DASZ 08/2008 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 08/2008 dated April 1, 2008, for registration in the Winnipeg Land Titles Office subject to the following:

    A. That the Developer be required to enter into a Servicing Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated March 18, 2008.

    B. That the Plan of Subdivision be amended by providing property required for a 0.687 metre (2.25 feet) widening to the north side of the existing Public Lane right-of-way for the full length of the proposed subdivision. The described widenings are to be dedicated at no expense to the City. Furthermore, the proposed public lane is to be accommodated with a right-of-way width of 6.25m (20.50 feet) and its centerline is to be coincident with the centerline of the existing public lane to the east thereof.

2. That The Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 8/2008 dated April 1, 2008, to an "R1-2.5" Residential District.

3. 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.

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

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 subdivision section of the by-law shall come into force and effect upon execution by the City of Winnipeg of the Servicing Agreement.

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.

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.

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

Report Prepared by: Michael Robinson, AICP
PPD File # DASZ 08/2008

**Schedule "A"**

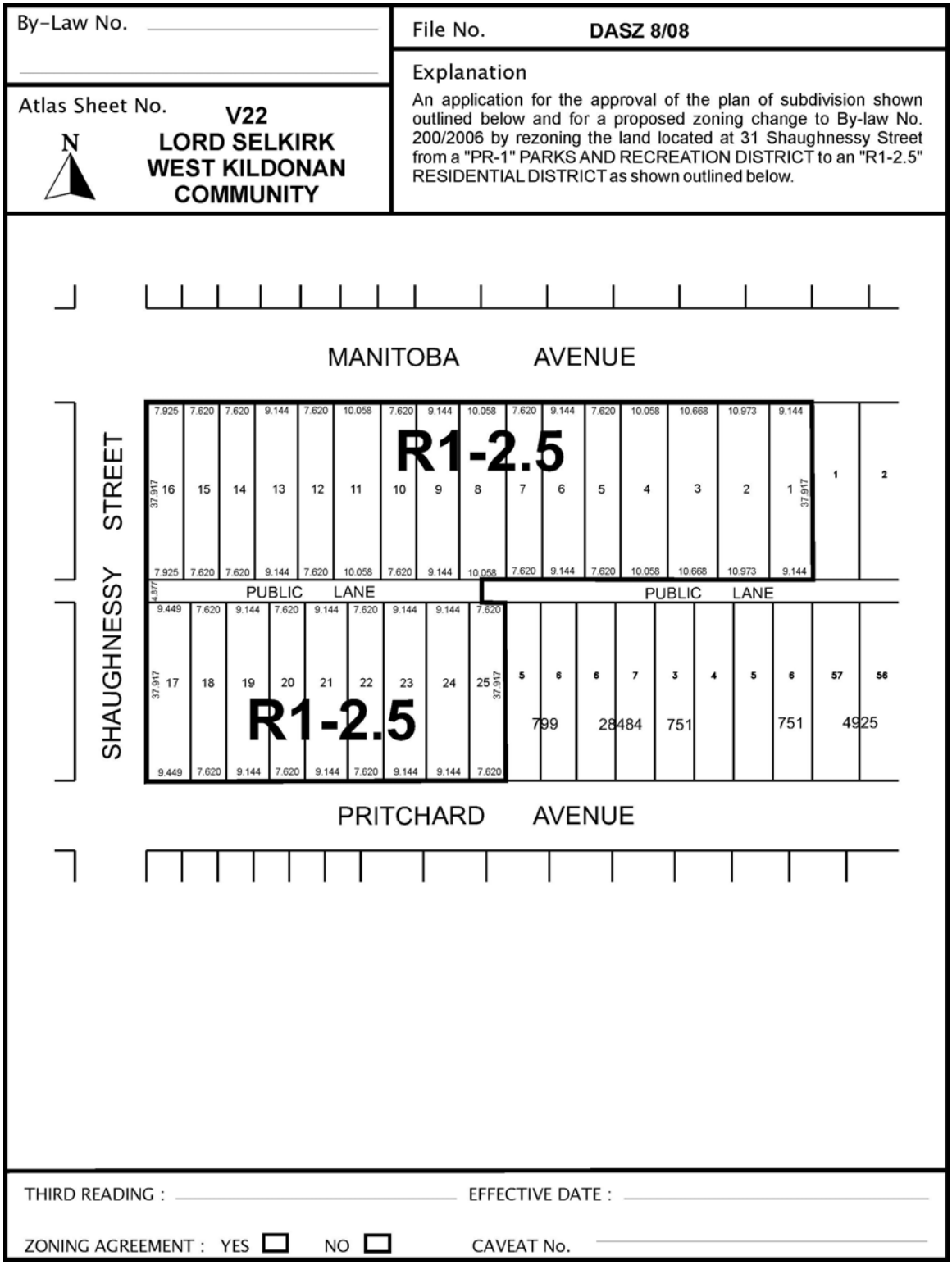



**Figure 1: Schedule "A" to the report to theLord Selkirk-West Kildonan Community Committee for File DASZ 8/2008, dated April 1, 2008.**




**Aerial Photo (Flown in 2005)**

Exhibit “8” referred to in File DASZ 8/2008

**RE: PROPOSED SUBDIVISION AND REZONING OF LAND LOCATED BETWEEN MANITOBA AND PRITCHARD AVENUES, EAST OF SHAUGHNESSY STREET**

**FOR SUBMISSION TO THE CHAIRPERSON AND MEMBERS OF THE LORD SELKIRK/ WEST KILDONAN COMMUNITY COMMITTEE**

**S.M. Matile**
**Chair**
**Administrative Coordinating Group**
**March 18, 2008**

**Re: PROPOSED SUBDIVISION AND REZONING OF LAND LOCATED BETWEEN MANITOBA AND PRITCHARD AVENUES, EAST OF SHAUGHNESSY STREET**

An application has been submitted by Judge Construction to subdivide and rezone land located between Manitoba and Pritchard Avenue, east of Shaughnessy Street. It is recommended that approval of DASZ 8/08 be subject to the following:

I. Plan Amendments

The proposed public lane is to be accommodated with a right-of-way width of 6.25m and its centerline is to be coincident with the centerline of the existing public lane to the east thereof. The right-of-way on the north side of the existing public lane is to be widened by 0.687m for the full length of the subject lane abutting the planned area.

II. Servicing Agreement

The Developer shall enter into a Servicing Agreement containing the following:

1. The Developer shall, at no expense to the City, construct portland cement concrete pavement to a width of 5.0m by 150mm in thickness in the proposed public lane, tying into the existing public lane pavement, the centerline is to be coincident with the centerline of the existing public lane pavement to the east, and all related works all as determined by and to the satisfaction of the Director of Public Works.

2. The Developer shall, at no expense to the City, remove the concrete lane pavement within the legally closed public lane included in this application, and all related works, including the restoration of the curb, boulevard and sidewalk along Manitoba and Pritchard Avenues where the lane approaches connect to the roadways in those streets.

3. The Developer shall, at no expense to the City, construct water and wastewater lot line connections from the mains in the street to serve each lot within the proposed subdivision.

4. a) The Developer shall grant a 3.0m wide easement for the existing catch basin lead that crosses the property
   b) The Developer shall provide a lot grading plan prepared by a municipal engineer, shall grant any easements and if required, shall construct, at no expense to the City, any catch basins and leads as my be necessitated by the design.

5. The Developer shall pay all costs associated with the relocation of streetlights and other utilities made necessary as a result of or required to accommodate works, which are to be constructed by the Developer to serve the Planned Area, as determined by and to the satisfaction of the Director of Public Works.

6. The Developer shall, at no expense to the City, be responsible to control and to initiate the cleanup of litter and refuse from the contractors and builders for this development, both on-site and off-site, during the 8installaiton of services and construction of houses, until completion of all construction. The clean up of litter and refuse shall be done on a regular basis as determined by the Director of Public Works. This shall include initiating action and assuming all costs in remedying the situation to the satisfaction of the Director of Public Works.

7. The Developer shall, at no expense to the City, ensure that construction traffic uses routes as determined by the Director of Public Works. The Developer shall maintain, at no expense to the City, the access routes in a clean dust free condition, free of dropped and tracked-on mud, and shall undertake regular cleaning of streets until building construction, including landscaping is complete, all as determined by and to the satisfaction of the Director of Public Works.

8. The Developer shall pay $1,650.00 to defray the City's administration and related costs associated with the preparation and implementation of the servicing agreement.

9. The Developer shall pay the full cost of engineering services provided by the City and others in connection with the installation of services required to serve the proposed subdivision.

THIS REPORT SUBMITTED BY:

Administrative Coordinating Group
File No. DASZ 8/08
March 18, 2008

*"original signed by S.M. Matile, P. Eng."*
Land Development Engineer

*"original signed by R. Hartmann, P.Eng."*
Public Works Department

*"original signed by R. Hartmann, P. Eng."*
Water and Waste Department
ELC/cm