Agenda - Council - July 16, 2008

Report - Standing Policy Committee on Property and Development - June 24, 2008

Item No. 10 Subdivision and Rezoning - 15 Chester Street (Elmwood-East Kildonan Ward) File DASZ 10/2008

STANDING COMMITTEE RECOMMENDATION:

On July 9, 2008, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the East Kildonan-Transcona Community Committee and submits the following to Council:

1. That the plan of subdivision under File No. DASZ 10/2008 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File No. DASZ 10/2008 dated May 6, 2008, as amended to achieve the following intent, namely:

   A. 24 instead of 25 buildable lots;
   B. Lot 1 to remain a "PR-2" Parks and Recreation 2 District;
   C. development of Lot 1 as a "peanut park";

   for registration in the Winnipeg Land Titles Office subject to the following:

   i. That the Developer be required to enter into a Development Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated April 28, 2008.

   ii That the Plan of Subdivision be amended in accordance with the report of the Administrative Coordinating Group dated April 28, 2008.

2. That the Winnipeg Zoning By-Law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File No. DASZ 10/2008 dated May 6, 2008 (as amended by Recommendation 1), to an "R1-M" Residential Single-Family District and "R2" Residential Two-Family 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, reduced proportionately in consideration of the value of Lot 1 being dedicated to the City as parkland.

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

Report - Standing Policy Committee on Property and Development - June 24, 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 Development 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 - Standing Policy Committee on Property and Development - June 24, 2008

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On July 9, 2008, the Executive Policy Committee concurred in the recommendation 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 June 24, 2008, 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 May 12, 2008, the East Kildonan-Transcona Community Committee concurred in the recommendation of the Winnipeg Public Service as amended, namely:

- Amend Recommendation 1. by adding the following after the words "May 6, 2008":

  as amended to achieve the following intent, namely:

  A. 24 instead of 25 buildable lots;
  B. Lot 1 to remain "PR-2" Parks and Recreation 2 District;
  C. Development of Lot 1 as a "peanut park";

- Amend Recommendation 3. by adding the following after the words "as parkland;"

  reduced proportionately in consideration of the value of Lot 1 being dedicated to the City as parkland.

and submitted the matter to the Standing Policy Committee on Property and Development.

RE: **Subdivision and Rezoning – 15 Chester Street**
File DASZ 10/2008 [c/r DAV 110655/2008D]

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

Prepared by: **Monique Wright, Clerk**
East Kildonan-Transcona Community Committee

Report date: **June 6, 2008**

COMMUNITY COMMITTEE RECOMMENDATION:

On May 12, 2008, the East Kildonan-Transcona Community Committee concurred in the recommendation of the Winnipeg Public Service, as amended, and recommends to the Standing Policy Committee on Property and Development:

1. That the plan of subdivision proposed under File No. DASZ 10/2008 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File No. DASZ 10/2008 dated May 6, 2008 ***as amended to achieve the following intent, namely:***

   A. 24 instead of 25 buildable lots;
   B. Lot 1 to remain "PR-2" Parks and Recreation 2 District;
   C. Development of Lot 1 as a "peanut park";

   for registration in the Winnipeg Land Titles Office subject to the following:

   i. That the Developer be required to enter into a Development Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated April 28, 2008.

   ii That the Plan of Subdivision be amended in accordance with the report of the Administrative Coordinating Group dated April 28, 2008.

2. That the Winnipeg Zoning By-Law No. 200/06 be amended by rezoning the subject land as shown on Schedule "A" for File No. DASZ 10/2008 dated May 6, 2008 ***(as amended by Recommendation 1),*** to an "R1-M" Residential Single-Family District and "R2" Residential Two-Family 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, ***reduced proportionately in consideration of the value of Lot 1 being dedicated to the City as parkland.***

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 Development 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.

Note: The wording in bold and italics denotes amendments made by the Community Committee.

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

1. The residential use is the best use of the land.
2. This is not a commercial enterprise.
3. There is a need for infill housing in this area.
4. There is a commitment to pursue additional child care spaces in the area.
5. There is a demand for reasonably priced housing in the area.

PUBLIC HEARING SUMMARY

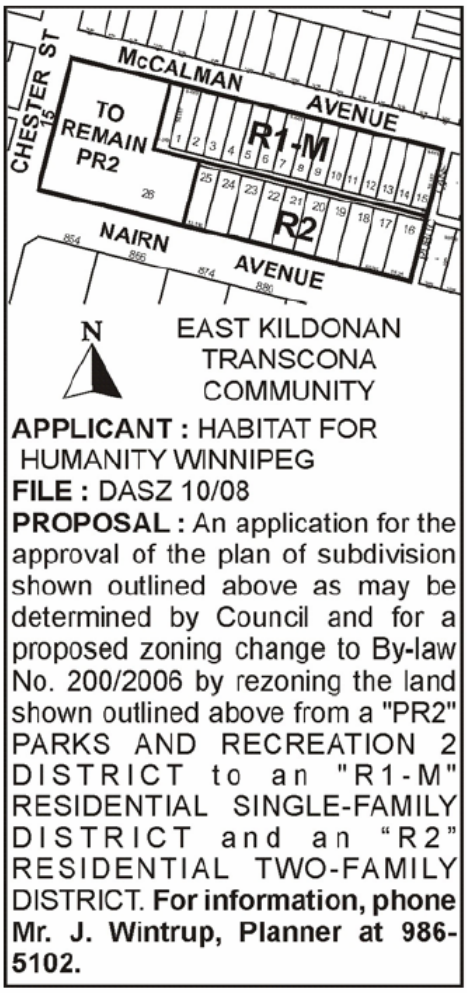
File: DASZ 10/2008 [c/r DAV 110655/2008D]

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

Public Hearing: May 12, 2008
755 Henderson Highway

Applicant: Habitat for Humanity Winnipeg

Subject:



Premises Affected: 15 Chester Street

Minutes – East Kildonan-Transcona Community Committee – May 12, 2008

Exhibits Filed:

1. Application dated April 1, 2008
2. Notification of Public Hearing dated April 3, 2008
3. Manitoba Status of Title No. 2262115
4. Surveyor's Building Location Certificate and sketch dated October 19, 2007
5. Site plans
6. Letter of authorization from the Chief Executive Officer, Habitat for Humanity Winnipeg to Vern Koop, Director, Construction, dated February 21, 2008
7. Subdivision Plans (2 pages)
8. Atlas Sheet
9. Report from the Administrative Coordinating Group dated April 28, 2008
10. Report from the Planning and Land Use Division dated May 6, 2008
11. Inspection Report
12. Audio Recording of representations of public hearing

REPRESENTATIONS:

In Support:

Rabinel Ahasan
Sandy Hopkins
Adam Levene
Joe and Estelle Melnick
Michelle Nyhof
Jerald Peters, Friesen Tokar

In Opposition:

Dale Baron
Pauline Ehr
Dolly Gashyna
Nellie Marchenski
Cathy McGuinness
Doreen Ridler

For Information:

Jo and Halina Gospodyn
Barb Heinrichs
Silvana Passante-Cantafio

For the City:

Shirley Matile, Land Development Engineer, Planning, Property and Development Department
John Wintrup, Senior Planner, Planning, Property and Development Department

Exhibit "10" referred to in File DASZ 10/2008

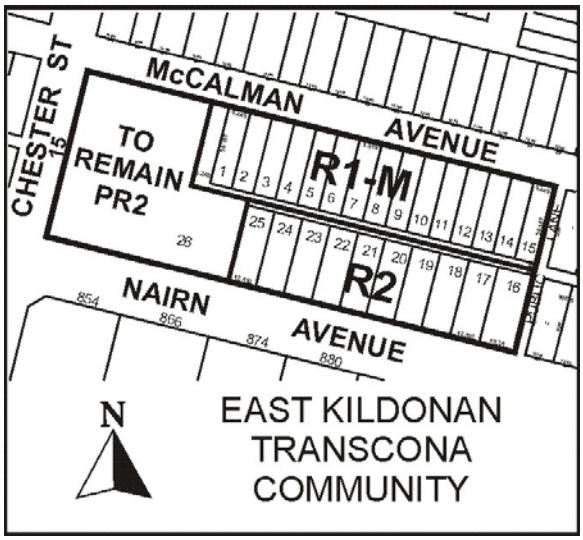
Winnipeg

Planning, Property and Development Department Report

To the East Kildonan - Transcona Community Committee

Date: **May 6, 2008**
File: **DASZ 10/08**
Subject: **Rezone and subdivide property into 25 single family lots, 10 two-family lots, & retain the school building.**

Location: **15 Chester Street**
Legal Description: LOT 1/21 BLOCK 9 PLAN 1115 68 ST B EXC LANE PL 29662 LOT 22 LOT 36/56 EXC LANE PL 29662 LOT 57 PT RL 68 ST B SHOWN AS PUBLIC LANE N OF & ADJ LOTS 36/56 & PT LOT 57 NOW CLOSED & COLORED GREEN ON PL 29662



Applicant: Winnipeg Habitat for Humanity (Vern Koop)
60 Archibald St
Winnipeg, MB

Owner: Winnipeg Habitat For Humanity Inc.
60 Archibald St
Winnipeg, MB

Recommendation: Approve

Report Summary:

- The owner has applied to rezone and subdivide the former open space associated with Sir Sam Steele School into 15 single family lots along McCalman Avenue and 10 two family lots along Nairn Avenue.
- The proposed lots fronting McCalman Avenue will be 31 feet in width and **3,406.9 sq.ft**. in area.
- The proposed lots fronting Nairn Avenue will be 40 feet in width, **4,396 sq. ft** in area.
- The proposed R1-M zone is consistent and compatible with the R1-M zoning for all the lands along McCalman Avenue.
- The R2 is appropriate along Nairn Avenue given the commercial / industrial / residential characteristics of this collector.
- The existing Sir Sam Steele building is a Grade III Historical building that will remain.

Site Description

- The subject property is **3.6 acres** located on the north east corner of Chester Street and Nairn Avenue in the East Elmwood neighbourhood of the Elmwood – East Kildonan Ward.
- The site is zoned **"PR2" Parks and Recreation 2 (Community)** District and has a one story, brick building with a grass field – Sir Sam Steele School and yard encircled with an 8 foot high chain link fence.
- Adjacent properties include residential dwellings to the east zoned "R1-M" Residential Districts.
- Surrounding lands include single family dwellings zoned "R1-M" to the north along McCalman; single family dwellings to the east along Nairn & McCalman zoned "R1-S"; and commercial land-uses to the south along Nairn zoned 'C3' Commercial.

Background

Winnipeg School Division Number 1 was the previous owner of the building and lands. In 1981, the University of Manitoba's Winnipeg Education Centre, which delivered special access programs in education and social work, began leasing the school. The lease expired in 2005.

Winnipeg School Division Number 1 declared the land surplus January, 2007 and sold the property June, 2007. Students from Andrew Mynarski V.C. School were re-located to Sir Sam Steele in February, 2007 on a temporary basis due to flooding at AMVC.

Description of the Proposed Development

The owner has applied to rezone and subdivide the former open space associated with Sir Sam Steele School into 15 single family lots along McCalman Avenue and 10 two family lots on Nairn Avenue. Sir Sam Steele School building will remain zoned Parks and Recreation.

Analysis

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

ZONING

- **"PR2" Parks and Recreation 2 (Community)** is intended for sites that include community recreation facilities and parks that are accessed by a mix of pedestrian and vehicular traffic. These sites may provide active programs and activities, including community centres, hockey pens, arenas, indoor soccer, wading pools, spray parks, skateboard parks and athletic fields. Parking facilities ranging from 10 to 100 stalls may be associated with these uses. These parks and facilities typically occur along collectors.
- **"R1-S" Residential Single-Family District** is intended to accommodate primarily single family residential development in lower-density neighbourhood. Lot sizes of 2,500 square feet are required. Side Yards of 3 feet are required.
- **"R1-M" Residential Single-Family District** lot sizes of 3,500 square feet are required. Side yards of 4 feet are required.
- **"R2" Residential Two Family District** is intended to accommodate the development of single and two-family units and where appropriate limited multi-family units in lower density neighbourhoods. There is a front yard requirement of 20 feet and the maximum building height is 35 feet. The minimum lot width is 25 feet and lot area 5,000 square feet (2,500 per dwelling unit).

LAND USE BY-LAW ISSUES
The Special Boundary Conditions of Zoning By-Law No. 200/2006 require that infill lots reflect the dimensions of the immediately adjacent lots. Variances have been requested for substandard lot width and sizes based on the Special Boundary calculations for the nearby average lot dimensions; for the R1-M zoning bulk regulations for side yards; and for the R2 bulk regulations (DAV 08-110655/D).

TRANSPORTATION AND SITE ACCESS
The existing rear lane between Nairn and McCalman Avenues will be extended west through the site and connected to McCalman 9.197 metres from the old school building. Parking for each dwelling will be from the rear public lane.

COMPATIBILITY WITH SURROUNDING USES
The proposed zoning category is consistent with residential subdivisions in Winnipeg such as Eaglemere, Amber Trails, Canterbury Park, Whyte Ridge and Riverbend South. All the dwellings along McCalman between Chester and Kent Road are zoned 'R1-M'.

SITE DESIGN ISSUES
There are no firm policies regarding the appropriate amount, type and location of open space required in new and existing Winnipeg neighbourhoods. There is a 24,166 sq. ft open space 200 feet north on Herbert Avenue; a 14,110 sq. ft open space 600 feet west between McCalman and Herbert Avenues; and Kent Road School / East Elmwood Community Centre is 1,400 feet north on Kent Road.

LAND DEDICATION
It will be recommended that the Developer pay cash in lieu of dedication of land for public open space.

HERITAGE STATUS
On November 25, 1997, Sir Sam Steele School building was listed on the Building Conservations List as 'Grade III'. Grade III buildings have been identified as moderately significant heritage examples worthy of listing. Suitable exterior alterations and modifications may be permitted. There is usually no restriction on interior alterations. Except for ordinary maintenance, no permit will be issued for the exterior alteration, repair, demolition, or removal of any building on the Buildings Conservation List, located in the City of Winnipeg outside the Exchange District, without prior issuance of an approval form called a Certificate of Suitability.

Recommendation

The Planning and Land-Use Division supports the rezoning and subdivision.

The new R1 zoning complements the existing zoning to the north and east along McCalman Avenue that all have a "R1-M" designation.

The "R2" Residential Two Family District is appropriate along Nairn Avenue given the locational characteristics of the commercial area directly south that was previously zoned 'Industrial' under zoning by-law 6400/94.

The proposed zoning designation will further diversify the type of dwellings available in the neighbourhood providing a mix of lot sizes and types.

The only concern is in regards to the possibility of the applicant using the exact same house design. This would create a repetitious look for the streetscape. The applicant should be encouraged to have a variety of façade designs to deter the possibility of monotony on the streetscape.

Recommended Conditions of Approval

1. That the plan of subdivision proposed under File No. DASZ 10/08 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File No. DASZ 10/08, attached hereto and dated May 6, 2008, for registration in the Winnipeg Land Titles Office subject to the following:

    A. That the Developer be required to enter into a Development Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated April 28, 2008.

    B. That the Plan of Subdivision be amended in accordance with the report of the Administrative Coordinating Group dated April 28, 2008.

2. That The Winnipeg Zoning By-Law No. 200/06 be amended by rezoning the subject land as shown on Schedule "A" for File No. DASZ 10/08 attached hereto and dated May 6, 2008, to a "R1-M" Residential Single-Family District and "R2" Residential Two-Family 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 Development 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: John S. Wintrup
PPD File # DASZ 10/2008

Schedule "A"

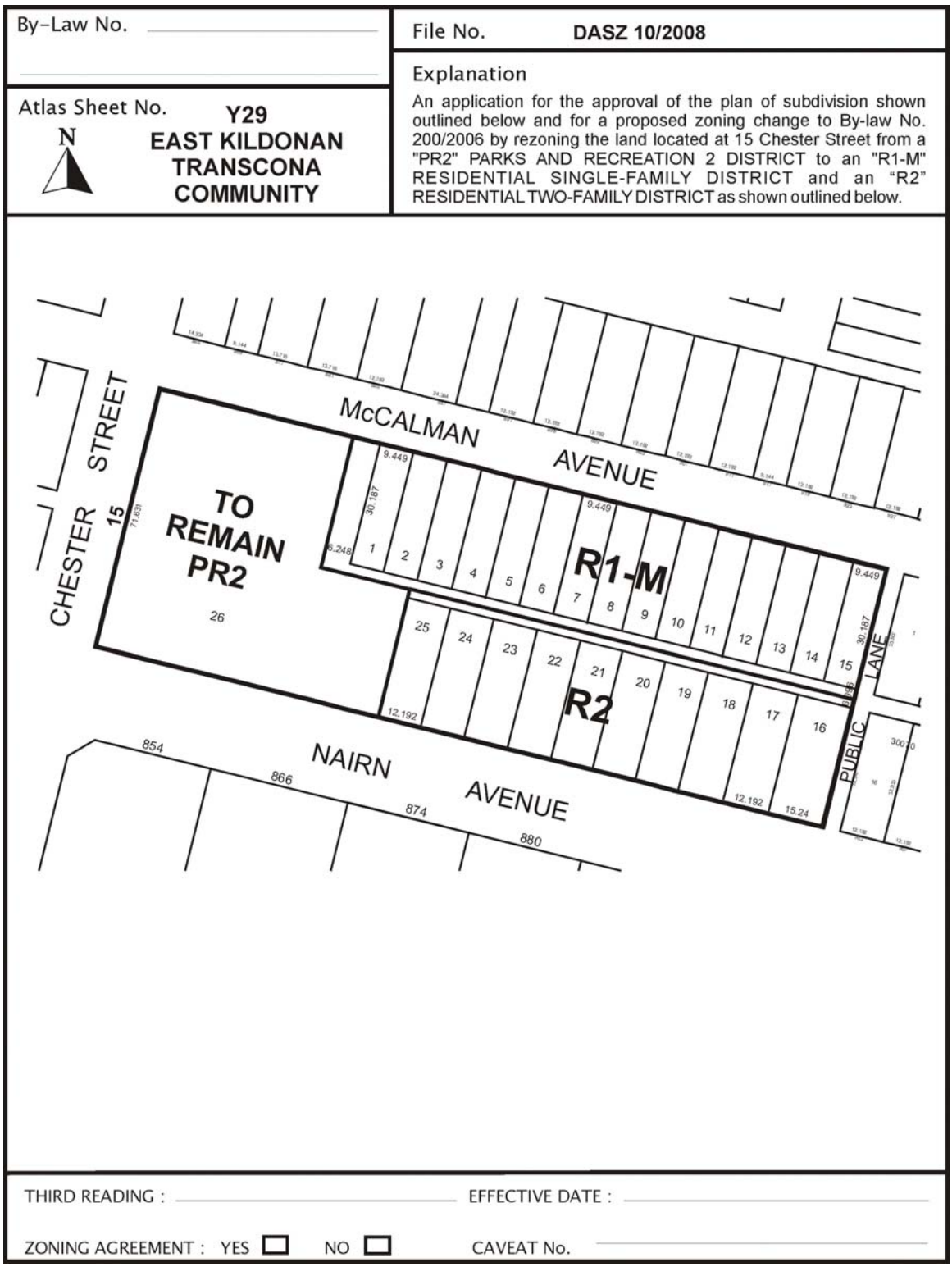


Figure 1: Schedule "A" to the report to the East Kildonan - Transcona Community Committee for File No. DASZ 10/2008, dated May 6, 2008.



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

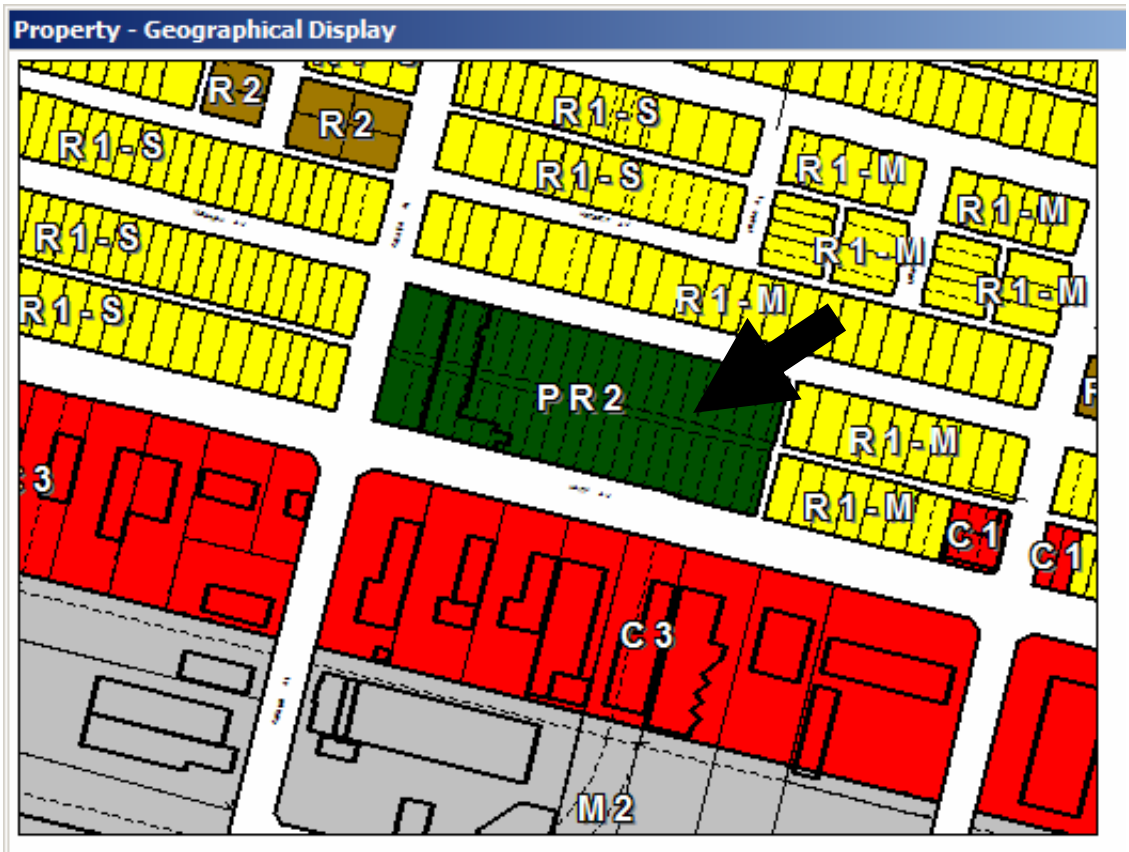


Figure 3: Existing Zoning for subject property and Surrounding Area.

Exhibit "9" referred to in File DASZ 10/2008

RE: PROPOSED SUBDIVSION AND REZONING OF LAND AT 15 CHESTER STREET – DASZ 10/08

An application has been submitted by Vern Koop of Winnipeg Habitat for Humanity Inc. to subdivide and rezone the land at 15 Chester Street, between McCalman and Nairn Avenues, to provide for the subdivision of the former school yard into 15 lots fronting on McCalman Avenue and 10 lots fronting on Nairn Avenue, with a public lane between them.

It is recommended that the approval of DASZ 10/08 be subject to the following:

A. Plan Amendments

The preparation of a Plan of Subdivision showing an east/west and north/south public lane with a right-of-way width of 6.25m, with the centreline of the east/west portion coincident with the centreline of the existing public lane to the east, and with 3.0m by 3.0m right-of-way corner-cuts on the inside of its 90° bend and where its east/west leg meets the existing north/south lane to the east, all to the satisfaction of the Director of Public Works.

B. Development Agreement

The applicant entering into a Development Agreement with the City, containing the following:

1. The Developer shall, at no expense to the City, install water and wastewater sewer lot line connections from the street mains to service each lot within the proposed development.

2. The Developer may, at its option, and at no expense to the City, construct a wastewater sewer within the proposed public lane.

3. The Developer shall, at no expense to the City, provide a lot grading plan, prepared by a municipal engineer, for the proposed development, and install, and provide all required easements for, all drainage works necessitated by the design.

4. The Developer shall, at no expense to the City, construct 150-mm-thick portland cement concrete pavement to a width of 5.0 m in the proposed public lane, with the centerline of the pavement of the east-west leg coincident with that of the existing public lane pavement to the east, and with appropriate radii in the right-of-way corner-cuts, and all related works, all as determined by, and to the satisfaction of, the Director of Public Works.

5. The Developer shall pay all costs associated with the relocation of street lights and other utilities made necessary as a result of, or required to accommodate, the works 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, initiate, control, and pay all costs associated with the regular clean-up of litter and refuse from the contractors and builders for this development, both on-site and off-site, during the installation of services and construction of houses, until completion of all construction, all as determined by, and to the satisfaction of, the Director of Public Works.

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

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

9. The Developer shall pay $1,650.00 plus GST to defray the City's administration and related costs associated with the preparation and implementation of the Development Agreement.

THIS REPORT SUBMITTED BY:

Administrative Co-ordinating Group
File No. DASZ 10/08
April 28, 2008

_____
S. M. Matile, P. Eng., Chair
Land Development Branch

_____
R. J. Hartmann, P. Eng.
Public Works Department, Transportation Division

_____
T. S. Josephson, P. Eng.
Water & Waste Department

Exhibit “8” referred to in File DASZ 10/2008

By-Law No. .....

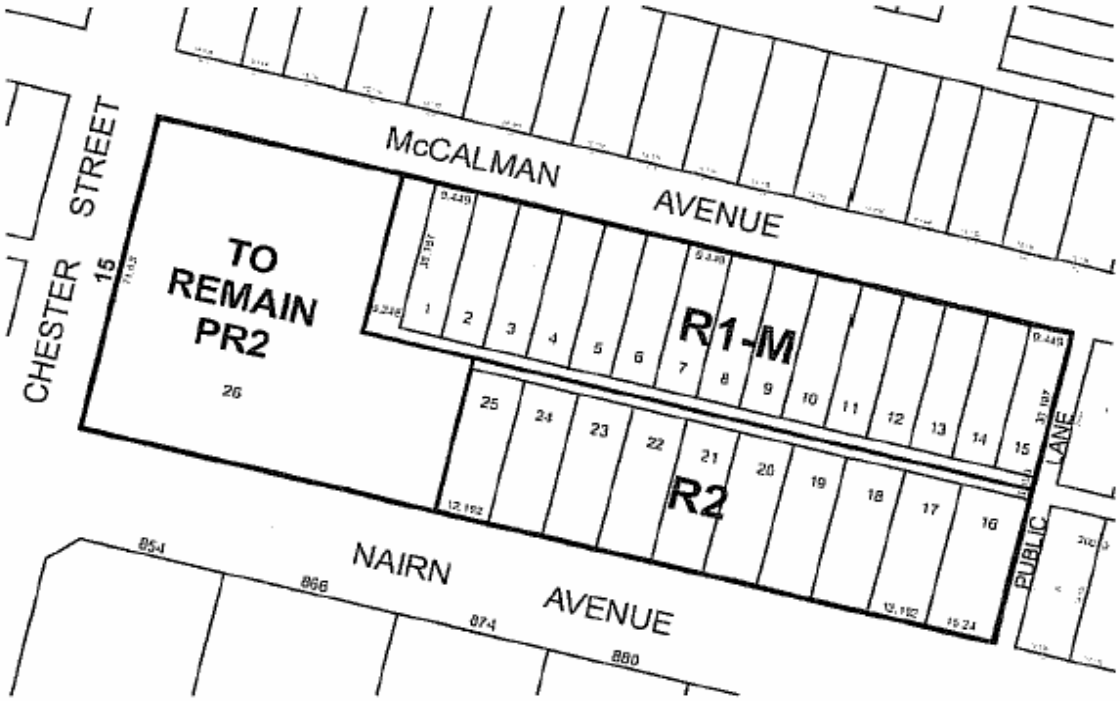
File No. **DASZ 10/2008**

Atlas Sheet No. **Y29**

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. 200/2006 by rezoning the land located at 15 Chester Street from a "PR2" PARKS AND RECREATION 2 DISTRICT to an "R1-M" RESIDENTIAL SINGLE-FAMILY DISTRICT and an "R2" RESIDENTIAL TWO-FAMILY DISTRICT as shown outlined below.

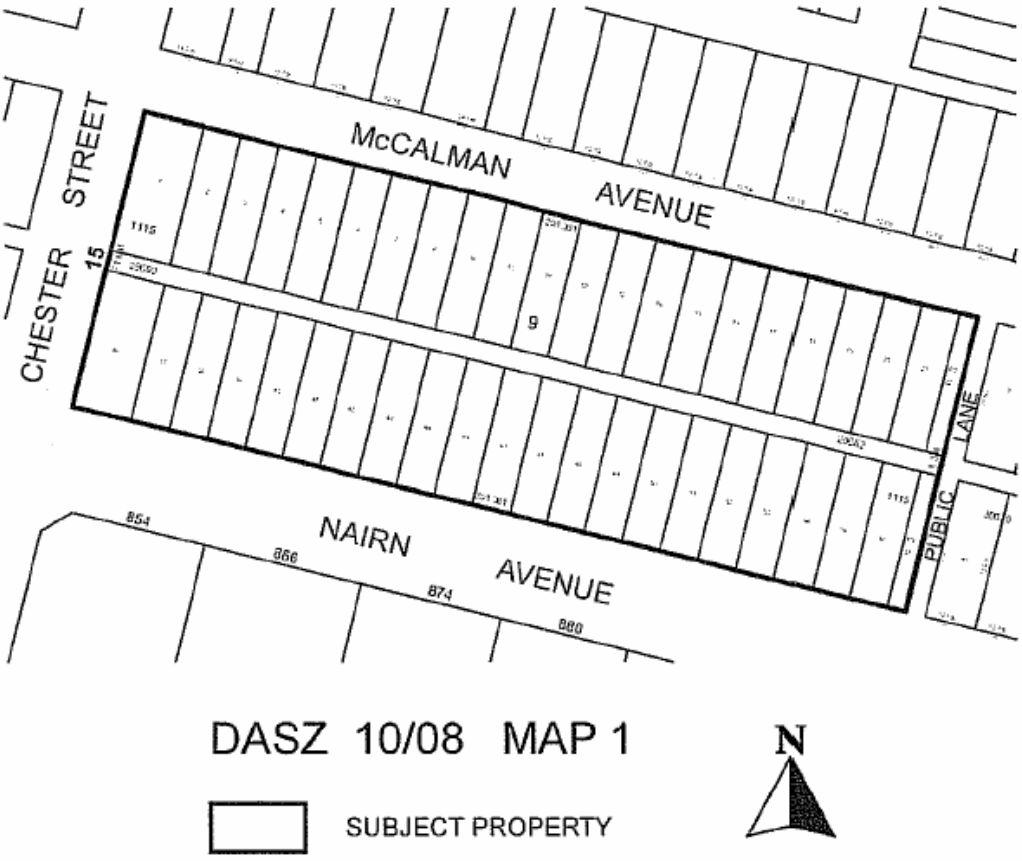


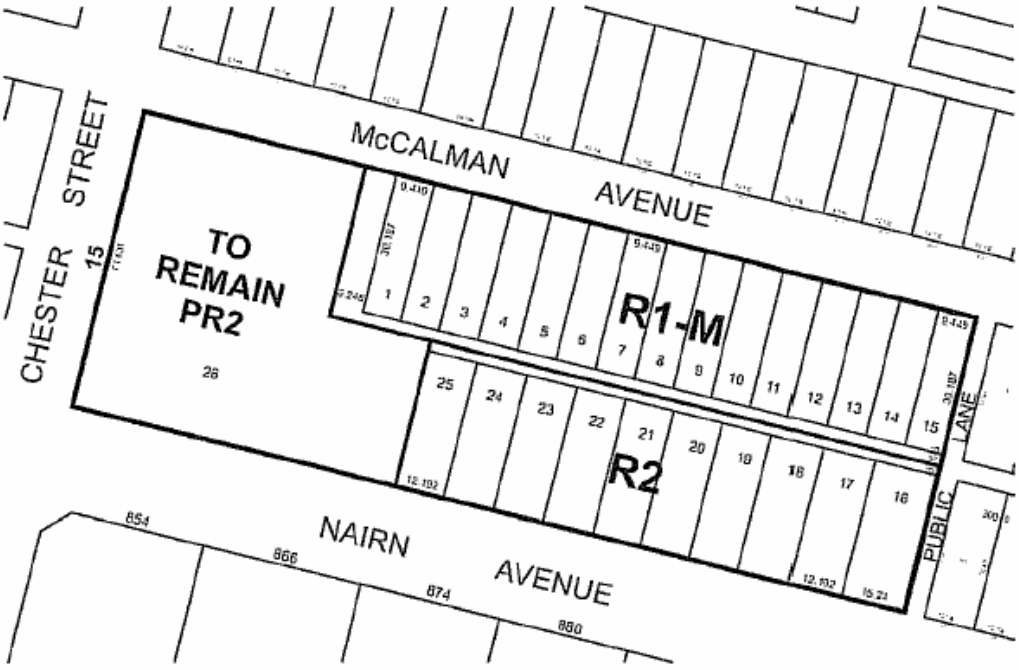
THIRD READING : ..... EFFECTIVE DATE : .....

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. .....

Exhibit “7” referred to in File DASZ 10/2008

CT NO: 2262115



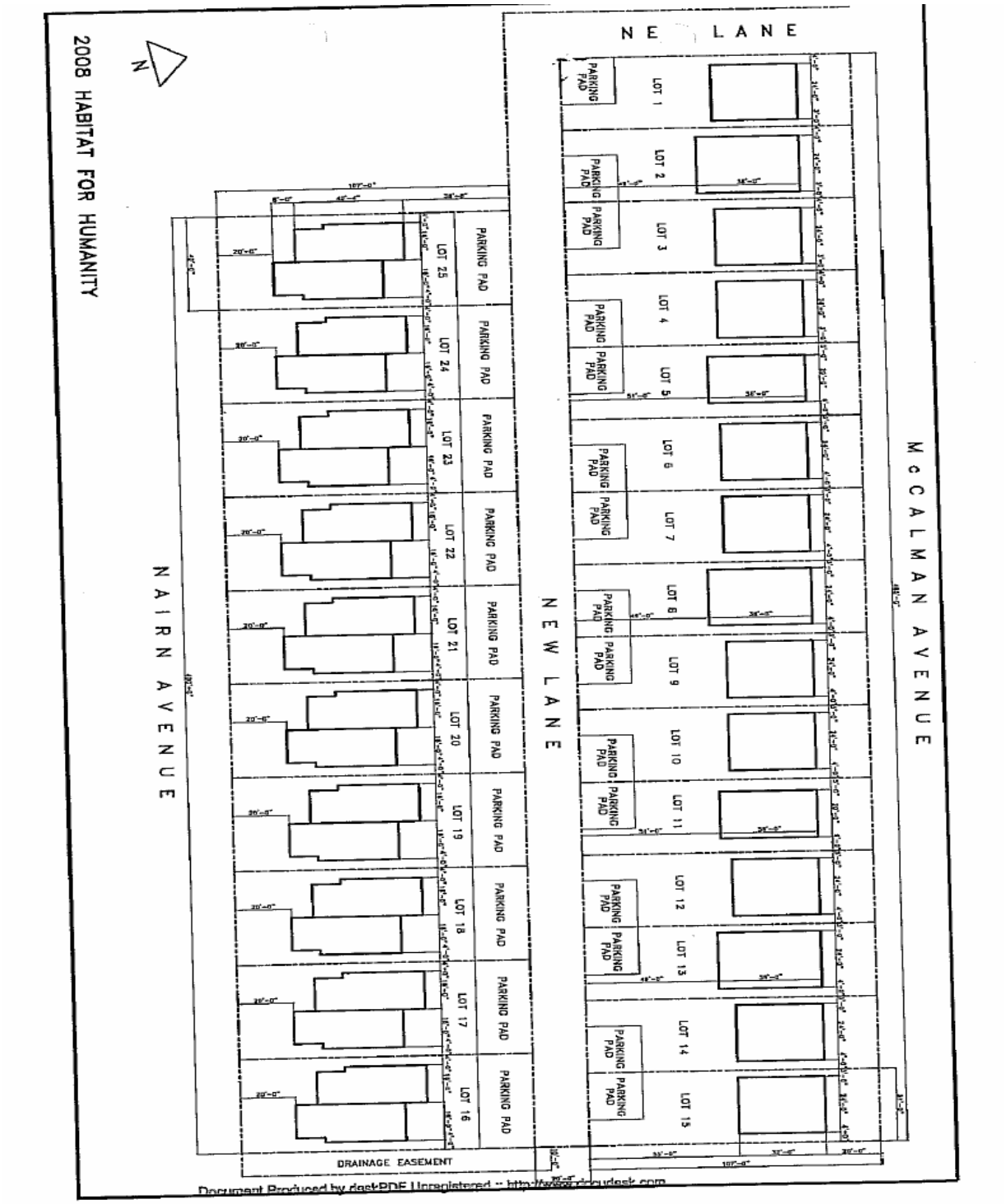


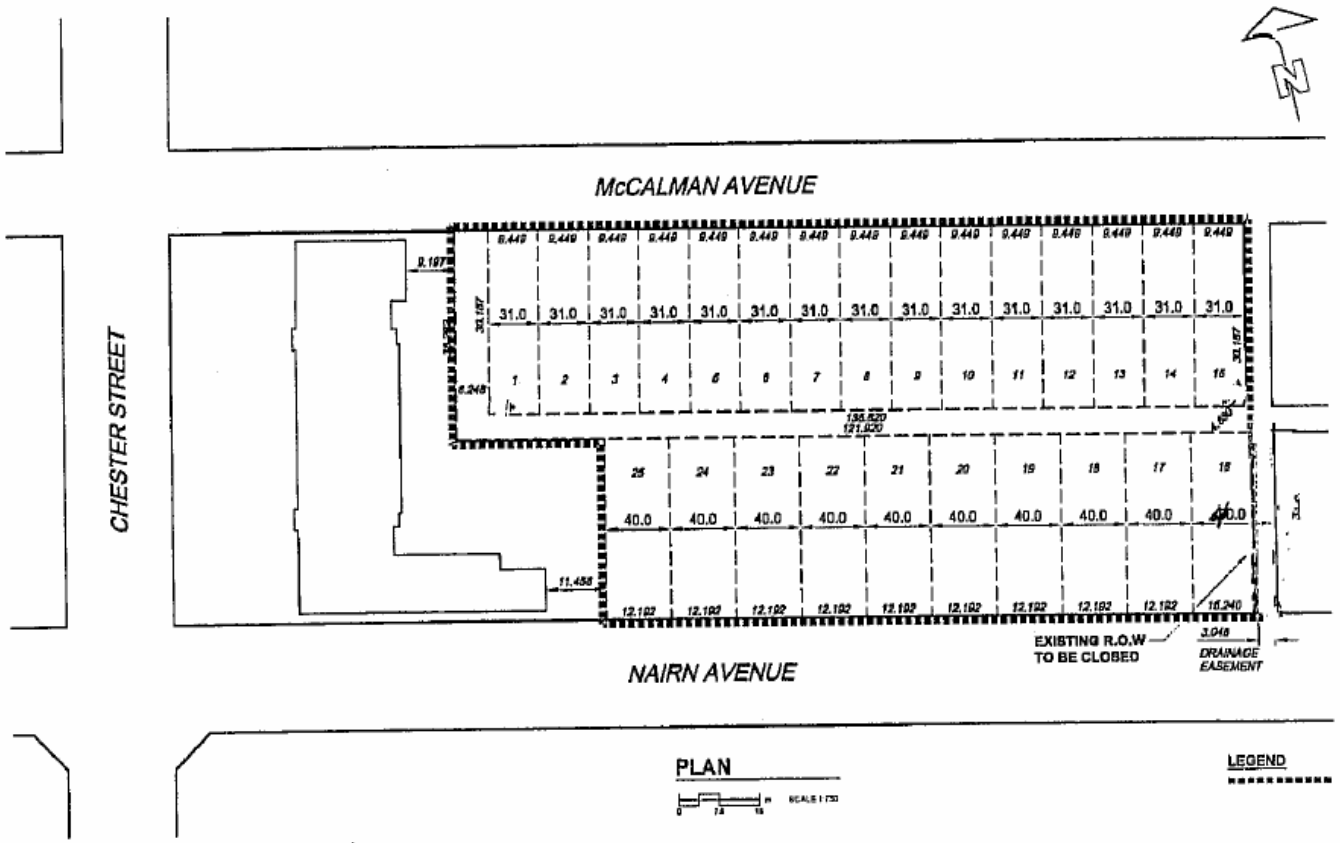
DASZ 10/08 MAP 2

N

PROPOSED SUBDIVISION

Exhibit “5” referred to in File DASZ 10/2008





Habitat for Humanity - Winnipeg

UMA

Figure -

5326