Report - Executive Policy Committee - December 3, 2008

Item No. 3 Subdivision and Rezoning – Mahatma Gandhi Drive, between Helen Mayba Crescent and Tommy Douglas Drive (Transcona Ward) File DASZ 31/2008

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On December 3, 2008, the Executive Policy Committee concurred in the recommendation of the East Kildonan-Transcona Community Committee and submits the following to Council:

1. That the plan of subdivision proposed under File DASZ 31/2008 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 31/2008, attached hereto and dated November 10, 2008, for registration in the Winnipeg Land Titles Office.

2. That The Winnipeg Zoning By-Law No. 200/06 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 31/2008 attached hereto and dated November 10, 2008, to an "R2" Residential Two-Family District.

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 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

Report - Executive Policy Committee - December 3, 2008

8. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within two (2) years of the date of passage of the aforementioned by-law.

9. That in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twenty-four (24) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

10. That the 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 - December 3, 2008

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On December 3, 2008, the Executive Policy Committee concurred in the recommendation of the East Kildonan-Transcona Community Committee and submitted the matter to Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On November 17, 2008, the East Kildonan-Transcona 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 – Mahatma Gandhi Drive, between Helen Mayba Crescent and Tommy Douglas Drive File DASZ 31/2008 [c/r DAV 145437/2008D]**

For submission to: **Executive Policy Committee**

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

Report date: **November 18, 2008**

COMMUNITY COMMITTEE RECOMMENDATION:

On November 17, 2008, the East Kildonan-Transcona 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 31/2008 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 31/2008, attached hereto and dated November 10, 2008, for registration in the Winnipeg Land Titles Office.

2. That The Winnipeg Zoning By-Law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 31/2008 attached hereto and dated November 10, 2008, to an "R2" Residential Two-Family District.

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 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

8. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within two (2) years of the date of passage of the aforementioned by-law.

9. That in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twenty-four (24) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

10. That the 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 East Kildonan-Transcona Community Committee agreed with the administrative comments contained in the report of the Planning and Land Use Division dated November 10, 2008.

2. The proposed development is consistent with Plan Winnipeg and the neighbourhood plan.

3. The subject land is not yet developed and the rezoning to an "R2" Residential Two-Family District will result in a lower density than the current zoning, and will be similar to the existing development immediately around the corner.

4. The proposed development is in keeping with the residential neighbourhood.

PUBLIC HEARING SUMMARY

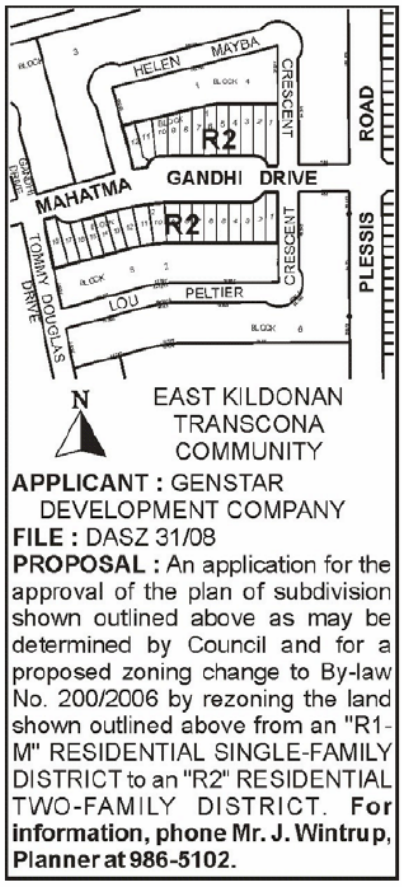
File: DASZ 31/2008 [c/r DAV 145437/2008D]

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

Public Hearing: November 17, 2008
Theatre, River East Collegiate
295 Sutton Avenue

Applicant: Genstar Development Company (Dave Boles)

Subject:



Premises Affected: Mahatma Gandhi Drive,
between Helen Mayba Crescent and Tommy Douglas Drive

Exhibits Filed:

1. Application dated September 29, 2008
2. Notification of Public Hearing dated October 8, 2008
3. Manitoba Status of Titles 2259161 and 2259163
4. Plans (2 pages)
5. Report from the Planning and Land Use Division dated November 10, 2008
6. Inspection Report
7. Audio recording of representations of Public Hearing

REPRESENTATIONS:

In Support:

Dave Boles Genstar Development Company
Jerry Klein, Genstar Development Company

In Opposition:

Nil

For Information:

Nil

For the City:

John Wintrup, Senior Planner, Planning, Property and Development Department

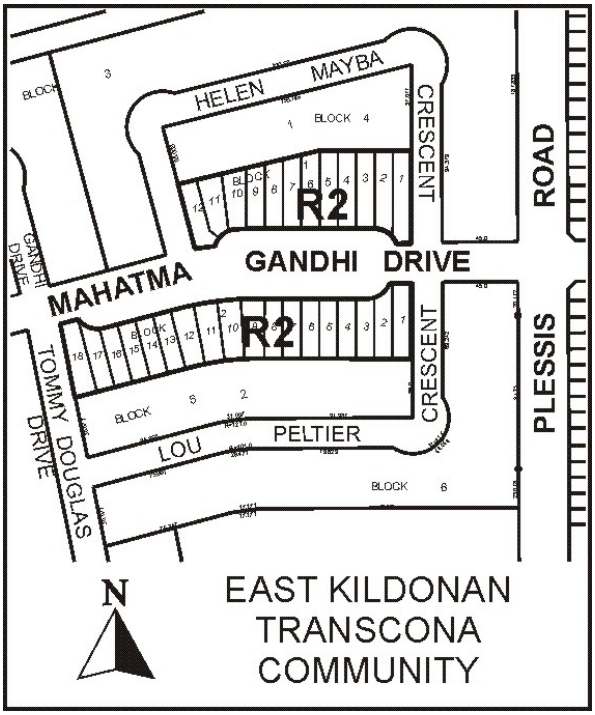
Exhibit "5" referred to in File DASZ 31/2008 [c/r DAV 145437/2008D]

Planning, Property and Development Department Report

To the East Kildonan - Transcona Community Committee

Date: November 10, 2008
File: DASZ 31/08
Related Files: DASZ 21/06; DASSF 565/08; DAV 08-145437/D
Subject: Subdivide and rezone the land for two family dwellings.

Location: Mahatma Ghandi Drive
Legal Description: Part of Lot 2, Block 4 and all of Lot 1, Block 5, Plan 46704 WLTO



Applicant: Genstar Development Company
Owner: Genstar Titleco Ltd.

Recommendation: Approval

Report Summary:

- Genstar has applied to create 30, two family lots to accommodate 15, two-family dwellings along Mahatma Ghandi Drive, between Tommy Douglas and Plessis Road.
- This collector street was original envisioned as a single family block under the original subdivision / rezoning application 2 years ago and a rezoning is required for the two-family dwellings.
- The proposed lots front onto Mahatma Ghandi Drive and will gain access via frontage roads.
- Mahatma Ghandi Drive was legally opened as a public road by Plan 46704 WLTO and the road will be physically developed as part of this phase of the Kildonan Green community.

Site Description

The subject property is **1.37 hectares** located on the north and south sides of Mahatma Ghandi Drive, east of Plessis Rd and west of Tommy Douglas Drive in the Meadows neighbourhood of the Transcona Ward.

The subject property is zoned "R1-M" and is in Phase 4 of Kildonan Green subdivision plan.

Surrounding lands include the lands zoned for single family residential on Tommy Douglas Drive to the west, Lou Peltier Crescent to the south & east, and Helen Mayba Crescent to the north.

Background

DASZ 20/04

On September 27, 2006, Council approved the Kildonan Green Subdivision located north of Devonshire Drive West, south of the CPR Keewatin (mainline) ROW, and west of Plessis Road.

The applicant proposed to develop 437 residential lots, a 6.05 acre park, a 7.28 acre commercial site, and 10 acres of multi-family lands in five (5) phases.

- Phases 1 (20.2 acres) will have **87** residential lots including 8, two family lots. There will also be 3.41 acres of multi-family lands.
- Phase 2 (13.20) acres will be developed with **82** single family lots.
- Phase 3 (27.93) acres will have **125** lots and a **6.05 acre park**.
- Phase 4 (24.8 acres) will have **143** single family lots.
- Phase 5 will have 7.28 acres for future commercial development and 6.59 acres of multi-family lands along the east side of Tommy Douglas, just north of Devonshire.

Phase 1 and 2 single family lots were created at the time of the first application, and are under construction (south side of the development). Only a block plan for Phase 3 and 4 were approved - not the lots – the north side of the development (Phase 3 and 4) remain vacant. The commercial lands of Phase 5 remain vacant and the multiple family lands on the north side of Kildonan Green Drive are under construction with 78 units, a mix of one bedroom and two bedrooms, 48 parking stalls and a gross building floor area of 8,248 square meters.

DASSF 565/08
Genstar has made application to create 209 residential lots along Tychonick Bay, Helen Mayba Crescent, Lou Peltier Crescent, Mahtatma Gandhi Drive east of Tommy Douglas, and Tommy Douglas Drive north of Edna Perry Way. This will be Phase 3 and 4 of the approved subdivision plan.

Description of the Proposed Development
Genstar has applied to create 30, two family lots to accommodate 15, two-family dwellings along Mahatma Ghandi Drive, between Tommy Douglas and Plessis Road. This collector street was original envisioned as a single family block under the original subdivision / rezoning application 2 years ago and a rezoning is required for the two-family dwellings.

Analysis

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

SECONDARY PLAN
Council on July 16, 2008 adopted By-law No. 215/2006, a Secondary Plan for the Transcona West neighbourhood. The **'Transcona West Area'** eastern boundary is Plessis Road and southern boundary is Regent Avenue. The subject lands are within this Secondary Plan area and the proposed development is consistent with this Plan.

ZONING
- **R1-M Residential Single-Family District** minimum lot sizes of 3,500 square feet are required. Side yards of 4 feet are required. Front yard requirements are 15 feet; rear yard requirements are 25 feet. Maximum building height is 35 feet.

- **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
Variances are required as 16 lots will have lot areas ranging from 4255 square feet (395.3 square metres) to 4968 square feet (4606 square metres) instead of 5000 square feet (464.5 square metres) that is required under the R2 Zone.

The variances may be appealed to the Appeals Committee for an additional public hearing, whereas the recommendation by the Community Committee for a rezoning proceeds to Council without an additional public hearing.

COMPATIBILITY WITH SURROUNDING USES
The application is consistent with the approved plan of subdivision for Kildonan Green.

TRANSPORTATION AND SITE ACCESS
The proposed lots front onto Mahatma Ghandi Drive and will gain access via frontage roads. Mahatma Ghandi Drive was legally opened as public road by Plan 46704 WLTO and the road will be physically developed as part of this phase of the Kildonan Green community. Mahatma Ghandi Drive will intersect with the newly twinned Plessis Road just east of the area affected by this development.

LAND DEDICATION
Finally, it should be noted that dedication of land for public open space or payment of cash in lieu thereof is not applicable. This requirement has been satisfied through the Development Agreement between the City and Genstar for DASZ 21/06 when the subject lands were made into a block plan.

Recommendation

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

- The plan of subdivision will complement the approved plan for Kildonan Green.
- The development represents a logical completion of Mahatma Ghandi Drive.

Recommended Conditions of Approval

1. That the plan of subdivision proposed under File No. DASZ 31/08 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File No. DASZ 31/08, attached hereto and dated November 10, 2008, for registration in the Winnipeg Land Titles Office.

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 31/08 attached hereto and dated November 10, 2008, to a "R2" Residential Two-Family District.

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.

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10. 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 31/2008

Schedule "A"

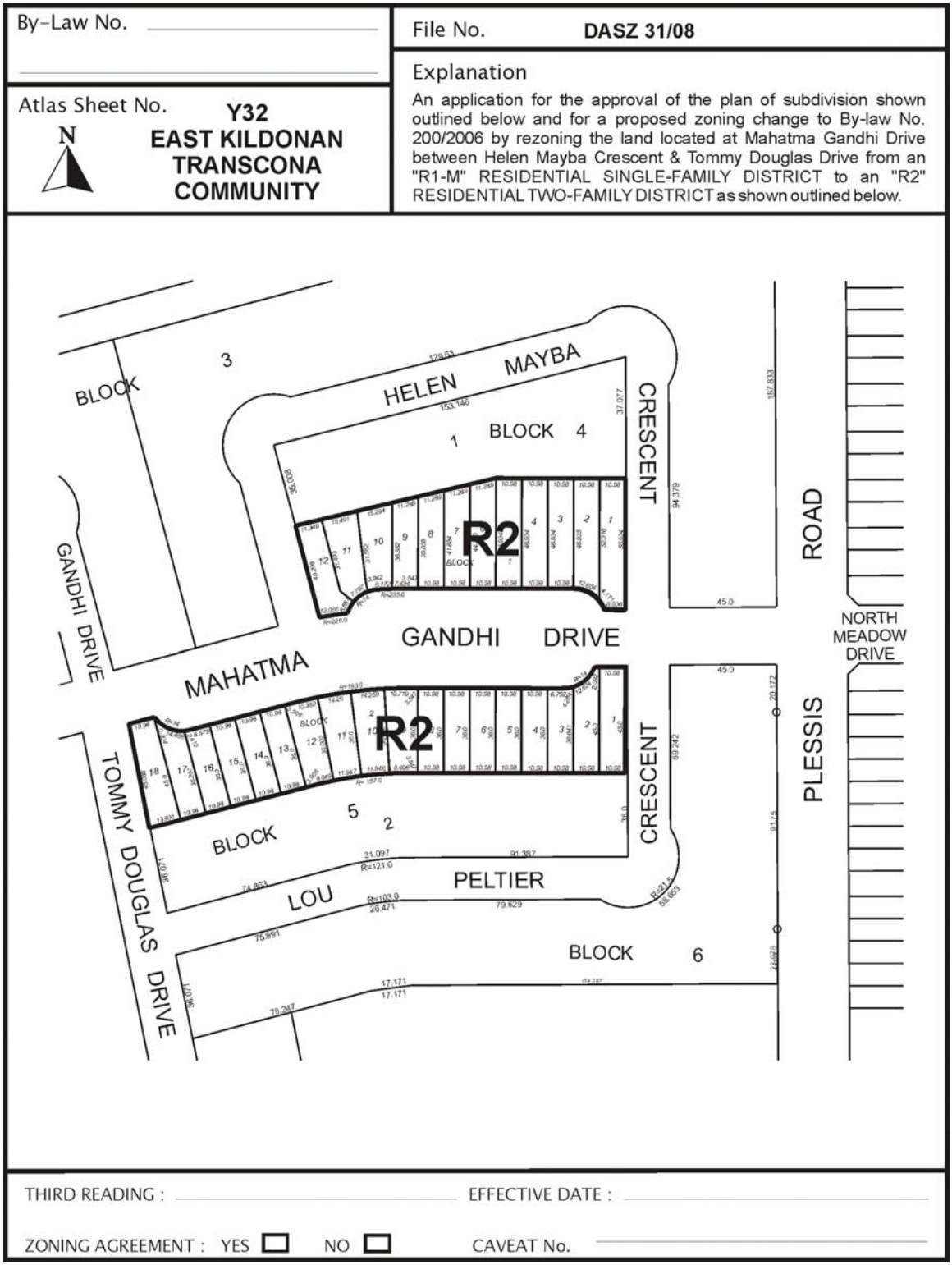


Figure 1: Schedule "A" to the report to the East Kildonan - Transcona Community Committee for File DASZ 31/2008, dated November 10, 2008.



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

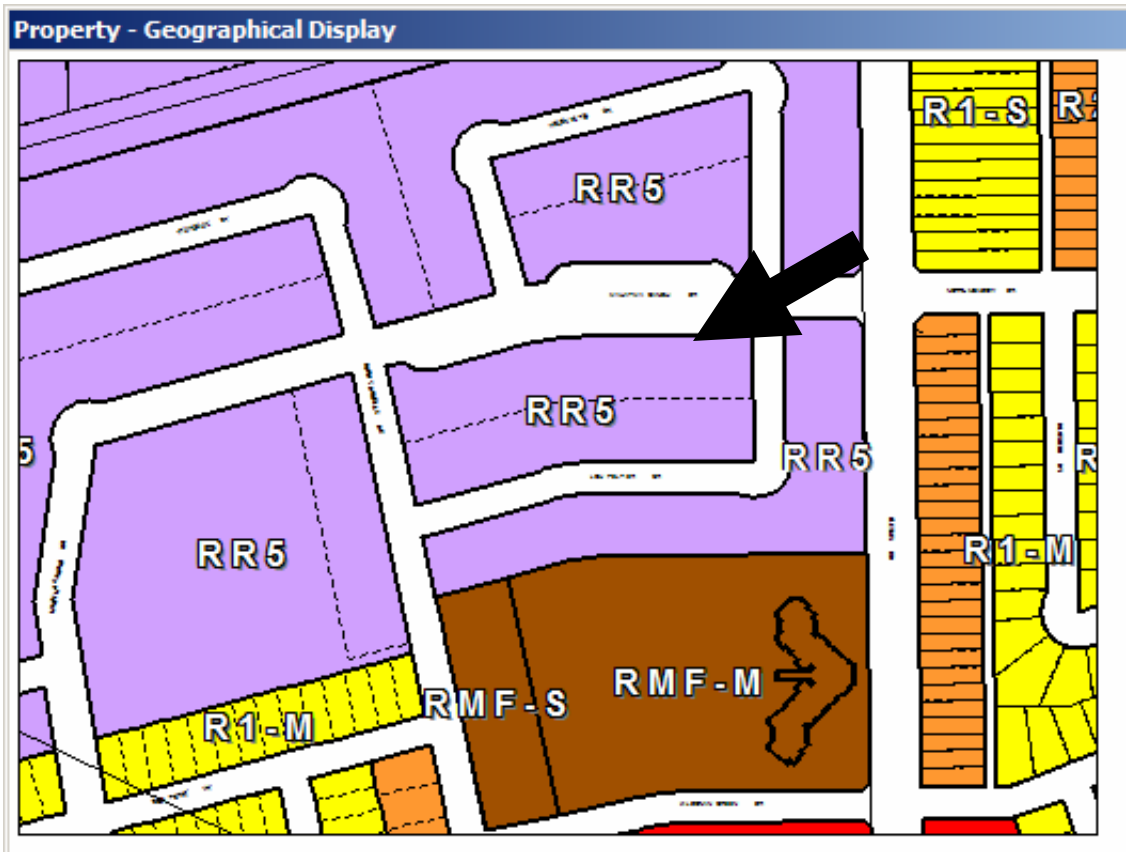


Figure 3: Existing Zoning for subject property and Surrounding Area.

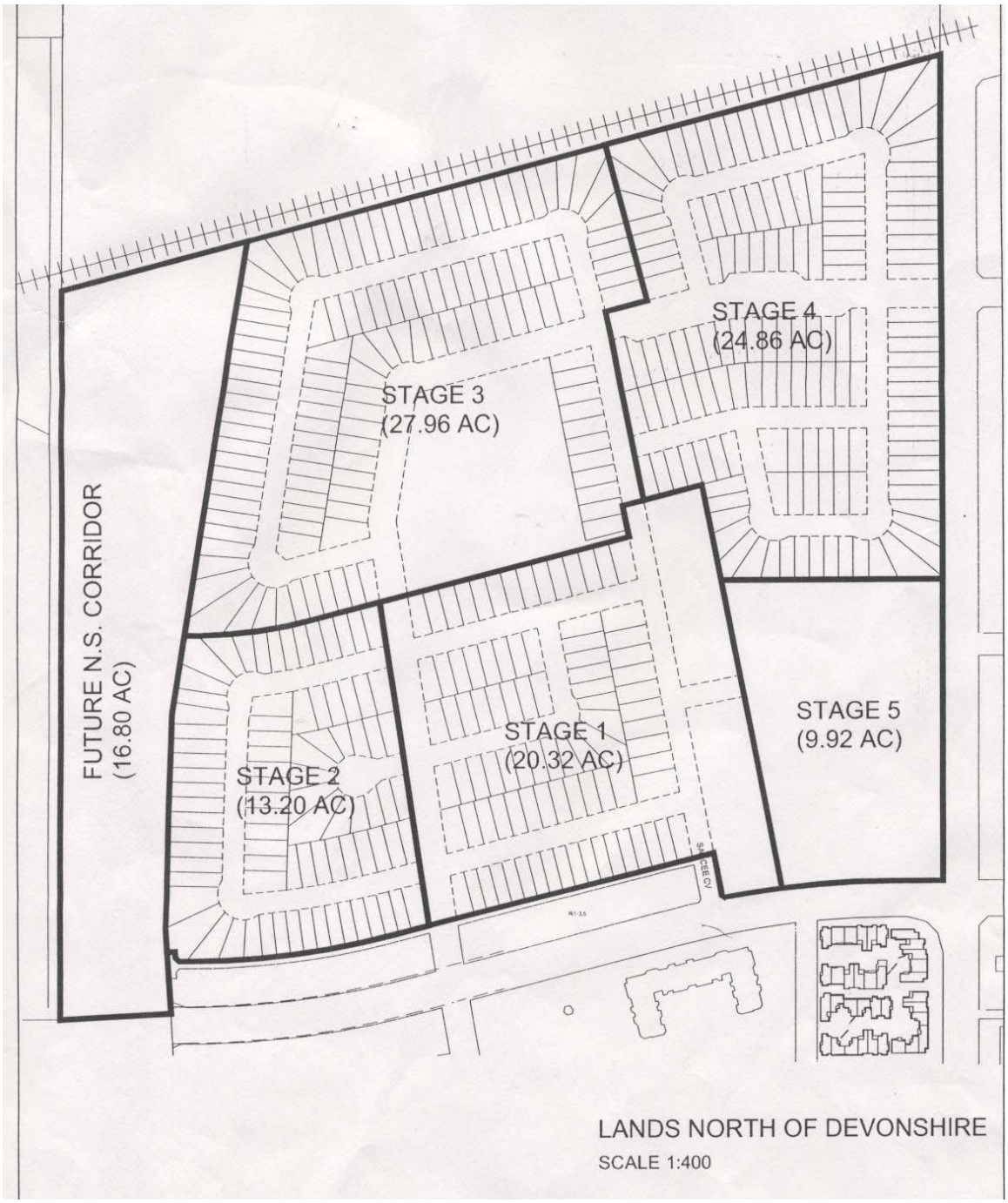
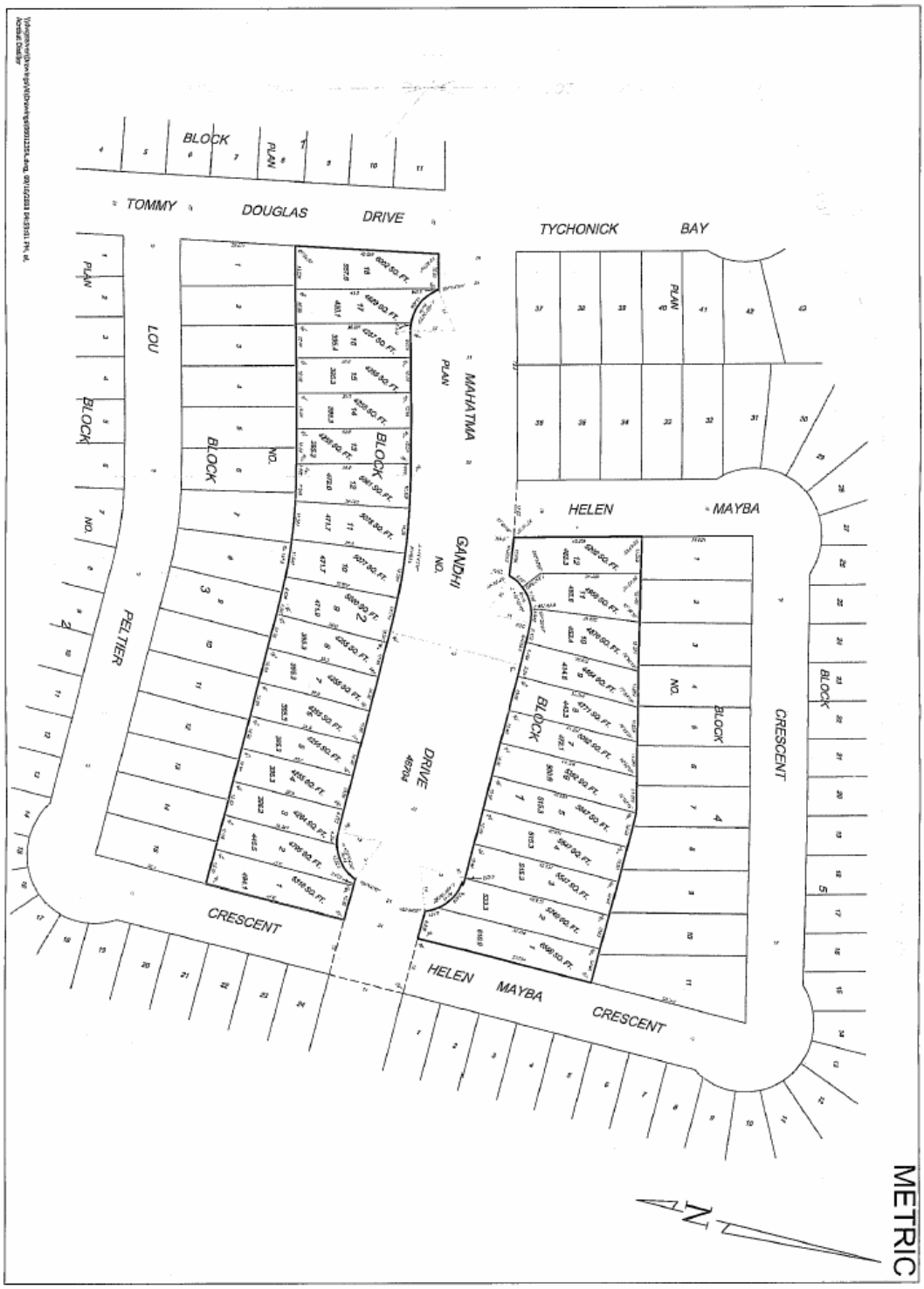
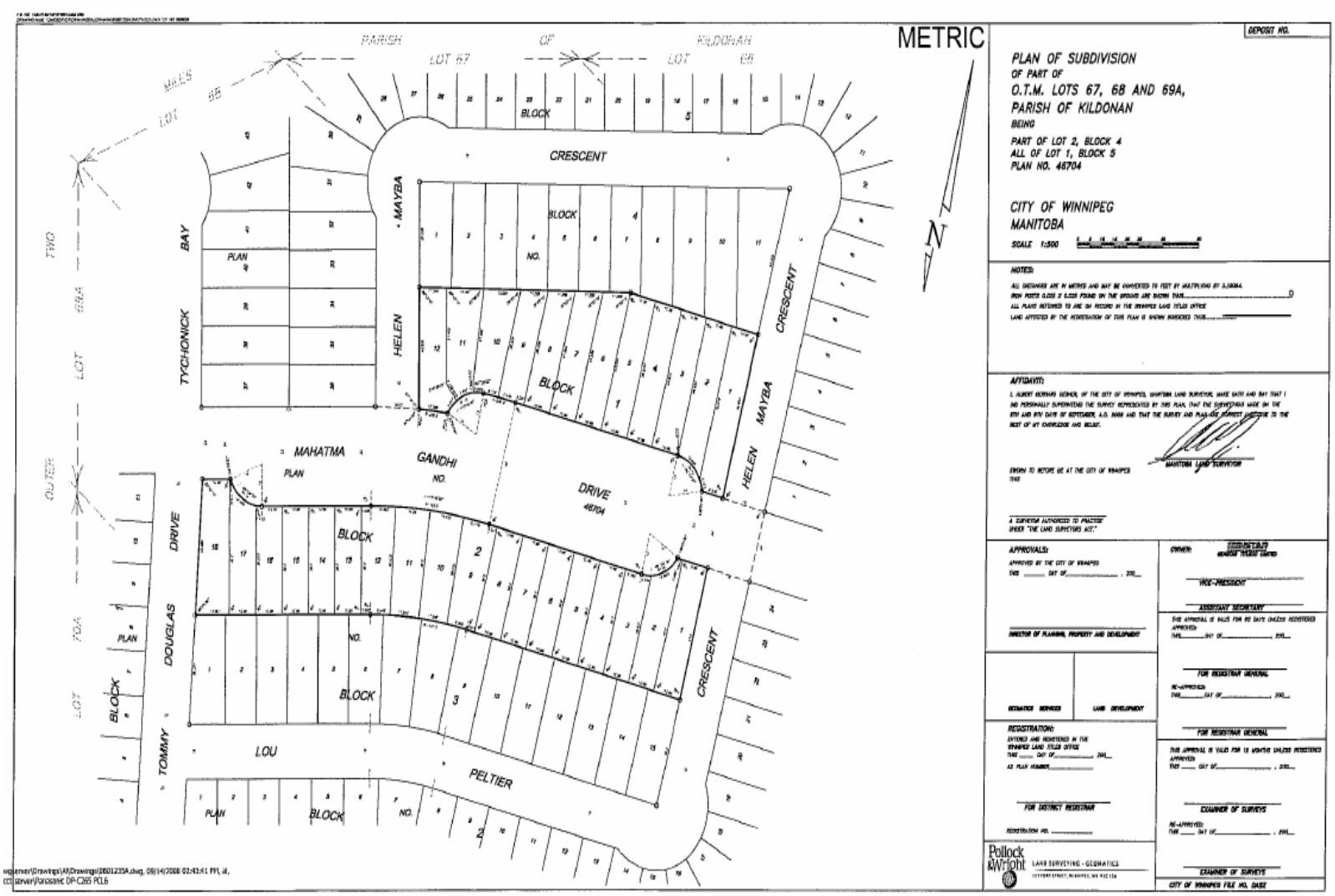


Figure 4: Phase Plan for Kildonan Green Subdivision.

Exhibit “4” referred to in File DASZ 31/2008 [c/r DAV 145437/2008D]




METRIC
DEPOSIT NO.
PLAN OF SUBDIVISION
OF PART OF
O.T.M. LOTS 67, 68 AND 69A,
PARISH OF KILDONAN
BEING
PART OF LOT 2, BLOCK 4
ALL OF LOT 1, BLOCK 5
PLAN NO. 46704
CITY OF WINNIPEG
MANITOBA
SCALE 1:500
NOTES:
AFFIDAVIT:
MANITOBA LAND SURVEYOR
APPROVALS:
DIRECTOR OF PLANNING, PROPERTY AND DEVELOPMENT
GEOMATICS SERVICES
LAND DEVELOPMENT
REGISTRATION:
FOR DISTRICT REGISTRAR
OWNER:
VICE-PRESIDENT
ASSISTANT SECRETARY
FOR REGISTRAR GENERAL
EXAMINER OF SURVEYS
CITY OF WINNIPEG FILE NO. DASZ
Pollock & Wright
LAND SURVEYING - GEOMATICS
PARISH OF KILDONAN
LOT 67
LOT 68
MILES
LOT 68
TWO
OUTER
LOT 69A
LOT 69A
LOT 69A
BLOCK
CRESCENT
MAYBA
HELEN
BAY
TYCHONICK
PLAN
MAHATMA
GANDHI
DRIVE
46704
DOUGLAS
TOMMY
LOU
PELTIER
NO.