Agenda – Executive Policy Committee – April 21, 2010

Report – Standing Policy Committee on Property and Development – April 6, 2010

Item No. 1 Subdivision and Rezoning – Northeast corner of Pipeline Road and Simkin Drive
(Old Kildonan Ward)
File DASZ 7/2009

STANDING COMMITTEE RECOMMENDATION:

On April 6, 2010, the Standing Policy Committee on Property and Development did not concur in the recommendation of the Lord Selkirk-West Kildonan Community Committee, concurred in the recommendation of the Winnipeg Public Service, as amended, and submits the following to Council:

1. That the plan of subdivision proposed under File DASZ 7/2009 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor 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 Schedule "B" – the report of the Administrative Coordinating Group dated April 24, 2009.

    B. That the Plan of Subdivision be amended by providing only two (2) lots of 13.716 metres and 15.24 metres in width fronting Simkin Road; and three (3) lots fronting Pipeline Road.

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 7/2009 dated November 25, 2009, to an "R1-S" Residential Single-Family District and an "R1-M" Residential Single-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.

Report – Standing Policy Committee on Property and Development – April 6, 2010

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 Director of Legal Services and City Solicitor 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 Director of Legal Services and City Solicitor be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

Agenda – Executive Policy Committee – April 21, 2010

Report – Standing Policy Committee on Property and Development – April 6, 2010

DECISION MAKING HISTORY:

STANDING COMMITTEE RECOMMENDATION:

On April 6, 2010, the Standing Policy Committee on Property and Development did not concur in the recommendation of the Lord Selkirk-West Kildonan Community Committee and concurred in the recommendation of the Winnipeg Public Service with the following amendments, namely:

- Amend Recommendation 1. by deleting the following:

  "in accordance with Schedule "A" for File DASZ 7/2009 dated November 25, 2009"

- Delete Recommendation 1. B. in its entirety and replace with the following:

  "B. That the Plan of Subdivision be amended by providing only two (2) lots of 13.716 metres and 15.24 metres in width fronting Simkin Road; and three (3) lots fronting Pipeline Road."

and forwarded to the Executive Policy Committee and Council.

On March 2, 2010, the Standing Policy Committee on Property and Development laid over the matter to its meeting on April 6, 2010.

COMMUNITY COMMITTEE RECOMMENDATION:

On February 9, 2010, the Lord Selkirk-West Kildonan Community Committee did not concur in the recommendation of the Winnipeg Public Service and rejected the application for subdivision and rezoning under File DASZ 7/2009, and forwarded the matter to the Standing Policy Committee on Property and Development.

On December 7, 2009, the Lord Selkirk-West Kildonan Community Committee did not hear any representation on the application and adjourned the public hearing to its meeting on February 9, 2010 at 5:00 p.m. in the Council Building, 510 Main Street, in accordance with the applicant's request.

RE: **Subdivision and Rezoning – Northeast corner of Pipeline Road and Simkin Drive**
File DASZ 7/2009 [c/r DAV 109644/2009D]

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

Prepared by: **Inga Skundberg, Committee Clerk**
Lord Selkirk – West Kildonan Community Committee

Report date: **February 11, 2010**

COMMUNITY COMMITTEE RECOMMENDATION:

On February 9, 2010, the Lord Selkirk – West Kildonan Community Committee did not concur in the recommendation of the Winnipeg Public Service and recommends to the Standing Policy Committee on Property and Development that the application for subdivision and rezoning under File DASZ 7/2009 [c/r DAV 109644/2009D] be rejected.

The Lord Selkirk – West Kildonan Community Committee provided the following supporting reasons for its recommendation:

1. A different configuration for the development than what has been proposed may have resulted if the developer and neighbouring residents had an opportunity for consultation.

2. The residents have indicated that they are not opposed to development, and would favour one that is somewhat consistent with the neighbourbood.

PUBLIC HEARING SUMMARY

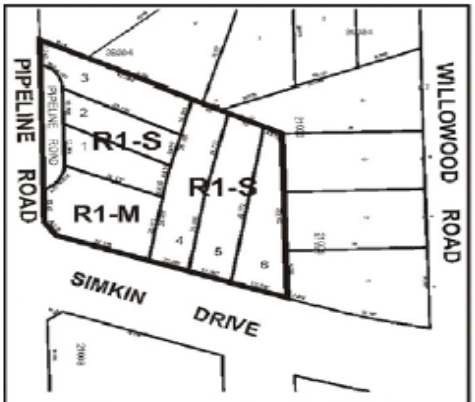
File: DASZ 7/2009 [c/r DAV 109644/2009D]

Before: Lord Selkirk – West Kildonan Community Committee
Councillor Lazarenko, Chairperson
Councillor Pagtakhan

Public Hearing: February 9, 2010
Council Chamber
December 7, 2009
West Committee Room
Council Building, 510 Main Street

Applicant: Global Homes Ltd. (c/o Perry McDonald)

Subject:



Premises Affected: Northeast corner of Pipeline Road and Simkin Drive

Exhibits Filed:

1. Application dated March 17, 2009
2. Notification of Public Hearing dated October 5, 2009
3a. Manitoba Status of Title2244352
3b. Title Search 1066031
4a. Letter of authorization dated January 27, 2009 from The City of Winnipeg to Global Homes Ltd.
4b. Letter of authorization undated from the Estate of Gladdys Malzansky to Global Homes Ltd.
5. Surveyor's Building Location Certificate and sketch dated January 19, 2009
6. Plan
7. Report from the Planning and Land Use Division dated November 25, 2009
8. Communication dated November 30, 2009, from Kathy and Frank Hrechka in opposition to the application
9. Inspection Report
10. Communication dated December 7, 2009, from Perry McDonald, Global Homes, requesting an adjournment to February 2010
11. Communication dated December 7, 2009, from Diane Sawyer, with respect to the application
12. Notice of Adjournment dated December 8, 2009
13. Communication dated February 5, 2010 from the Land Development Engineer, Planning, Property and Development Department, requesting an amendment to the Report of the Administrative Coordinating Group
14. Communication dated February 9, 2010, from Filomena Lafleur, on behalf of Italo and Elvira Melon, Frank and Cathy Hrechka, and Felix and Mary Perera, in opposition to the application
15. Plans (2 pages), Maps (2 pages) and Photographs (3) submitted by Bernhard Goertzen at the public hearing
16. Plans (5 pages) and copy of public hearing notice submitted by Mark Golub at the public hearing
17. Communication dated February 9, 2010 from Diane and Chuck Sawyer in opposition to the application submitted by Richard Dawybida at the public hearing
18. Communication dated December 1, 2009 addressed to Diane and Chuck Sawyer from Kathy Hrechka, Sutton Group-Kilkenny Real Estate, with respect to the application submitted by Richard Dawybida at the public hearing
19. Plans (4 pages) submitted by Richard Dawybida at the public hearing

20. Communication dated December 7, 2009 from Sandra Kolter in opposition to the application submitted at the public hearing
21. Petition in opposition to the application purporting to contain the signatures of 190 area residents submitted by Jodi Gilmore at the public hearing
22. Petition in opposition to the application purporting to contain the signatures of 263 area residents submitted by Jodi Gilmore at the public hearing
23. Audio Recording of representations of public hearing held on February 9, 2010

REPRESENTATIONS:

In Support:

Bernhard Goertzen, Global Homes
Perry McDonald, Global Homes
Ray Goertzen

In Opposition

Heather M. Bancroft
Ken Berezowski
Gurpal Bhullar
Dalip, Urmila and Manraj Bedi
Ken Butler
Roger and Elenita Carabeo
Arthur Chapman
Marcel Chartier
Robert Claydon
Frank and Brenda Dahle
Richard Dawybida
Romano Domenico
Felino de Jesus
Barbara and Trevor Dyson
Peter and Rita Feuerstein
Jodi and Howie Gilmore
Ron and Joan Glennie
Mark and Murray Golub
Nick Halvadzija
Terry Herak
Frank and Kathy Hrechka

Marian and Adelheid Jakob
Dusan and Bozana Jelic
Sandra Kolter
Bhullar Kuldip
Jim Kulik
Filomena Lafleur
Linda MacDonald
Vijay Mahadeo
Maria Melnyk
Len and Kathy Miller
Michele Hoch-Faintuch
Brad and Stephanie Ocharuk
Jacinto Pacheco
Norman E. Rosenblat
Byron and Cathy Sault
Charles and Diane Sawyer
John, Karin and Robert Schroth
Lachhman Singh and Rajinder Sidhu
Mark Slivinski
Ron Sorokowski
Giovanni and Domenica Versace

For Information:

Nil

For the City:

Ms S. Matile, Land Development Engineer, Planning, Property and Development Department
Mr. G. Doney, Senior Planner, Planning, Property and Development Department

Exhibit "7" referred to in File DASZ 7/2009 [c/r DAV 109644/2009D]

ADMINISTRATIVE REPORT

ISSUE: DASZ 7/2009 – 157 Pipeline Road – Public Hearing

Critical Path: Lord Selkirk – West Kildonan Community Committee as per the *Development Procedures By-law* and *The City of Winnipeg Charter*

AUTHORIZATION

Author	Department Head	CFO	CAO
D. Himbeault	n/a	n/a	

RECOMMENDATIONS

1. That the plan of subdivision proposed under File DASZ 7/2009 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 7/2009 dated November 25, 2009, 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 Schedule "B" – the report of the Administrative Coordinating Group dated April 24, 2009.

   B. That the Plan of Subdivision be amended in accordance with Schedule "B" – the report of the Administrative Coordinating Group dated April 24, 2009.

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 7/2009 dated November 25, 2009, to an "R1-S" Residential Single-Family District and an "R1-M" Residential Single-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.

12. 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.

13. 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.

14. 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*.

IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendations of the Planning and Land Use Division are concurred in:

- the land can be subdivided into seven (7) lots with one of the lots encompassing an existing single-family dwelling and a garage accessory to that dwelling; and
- a frontage road, abutting Pipeline Road just north of Simkin Drive, can be created.

CONSULTATION

In preparing this Report there was consultation with:

- Planning, Property and Development;
- Water and Waste; and
- Public Works.

SUBMITTED BY

Department	Planning, Property and Development
Division	Planning and Land Use
Prepared by	J. Glen Doney
Date	November 25, 2009
File	DASZ 7/2009

Attachments and Schedules

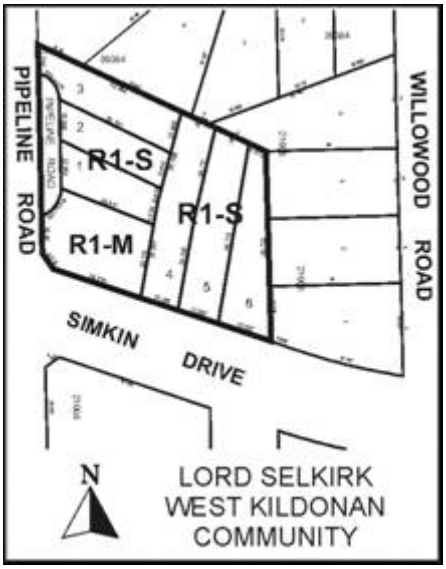
Attachment 1 – Planning Discussion

Schedule “A” for File No. DASZ 7/2009, Lord Selkirk – West Kildonan Community Committee, dated November 25, 2009

Schedule “B” – Report of the Administrative Coordinating Group, Proposed Subdivision and Rezoning of Land at 157 Pipeline Road – DASZ 7/09

ATTACHMENT 1 – PLANNING DISCUSSION

Date	November 25, 2009
File	DASZ 7/2009
Related Files	DAV 09-109644D
Subject	plan of subdivision and rezoning application to create seven (7) lots and to rezone the proposed lots to "R1-S" Residential Single Family District and to "R1-M" Residential Single Family District for the proposed lot encompassing the existing dwelling
Location	157 Pipeline Road and adjacent land immediately NE of Pipeline Road and Simkin Drive



Applicant	Global Homes, (Perry McDonald)
Owners	The City of Winnipeg William and Anna Malzensky (as executors under the Will of Gladys Malzensky)
Recommendation	Approval as modified

SUBJECT LAND AND CONTEXT

LOCATION AND SIZE

The subject land is approximately 35,335 square feet and is at the northeast corner of Pipeline Road and Simkin Drive. It is in the Leila – McPhillips Triangle Neighbourhood and the Old Kildonan Ward. The subject land consists of one lot of approximately 31,502 square feet and one block that is approximately 3,833 square feet. The block is owned by the City of Winnipeg and is being sold to the developer.

LAND USE

A single-family dwelling is on the lot and a garage that is accessory to the dwelling is on the abutting block. Two-family dwellings are west of the subject land and are on lots of approximately 6,000 square feet or more. Single-family dwellings are north, east and south of said land. Seven single-family dwelling lots are abutting the subject land and have an average area of 7,700 square feet. A single-family dwelling is across Simkin Drive from the subject land. It is on a lot that is approximately 11,000 square feet.

Figure 1 is 2009 aerial photography showing the subject land and vicinity.

ZONING AND POLICY AREA

The subject land is in an "R1-E" Residential Single-Family District and is abutting an "R1-L" District. It is near other "R1-L" Districts and an "R2" Residential Two-Family District.

The subject land is in a Neighbourhood policy area of *Plan Winnipeg 2020 Vision.*

Figure 2 shows existing zoning.

TRANSPORTATION

Simkin Drive has private approaches east of the subject land (but not south of said land). There are no private approaches from Pipeline Road in the vicinity of the subject land. A Winnipeg Transit bus route is on Pipeline Road at and near the subject land. Simkin Drive is one of the few public streets that connects with Pipeline Road from the east, in the vicinity of the subject land.

PROPOSED DEVELOPMENT

The proposal is to:

- create seven (7) lots with six (6) new single-family dwellings and one existing single-family dwelling and a five metre (16.4 foot) wide frontage road abutting Pipeline Road; and
- to rezone seven of the proposed lots to "R1-S" Residential Single Family District and the proposed lot to encompass the existing dwelling to "R1-M" Residential Single Family District.

Three proposed lots and the existing single family dwelling would front on the proposed frontage road and would have private approaches from it. Three proposed lots would front on Simkin Drive and would have private approaches from Simkin.

The areas and widths of the proposed lots and residual portion are shown below.

proposed lot	area (sq. ft.)	width (ft.)
1	3,274	35.2
2	3,320	32.0
3	4,430	35.0
4	5,552	34.0
5	5,660	36.0
6	5,110	31.5
existing dwelling	6,142	67.0

BACKGROUND

In response to an inquiry approximately one year ago from the owner of the existing lot (Anna Malzensky as an executor under the Will of Gladys Malzensky), the Planning and Land Use Division informed Ms. Malzensky that the Division would support creating four single-family dwelling lots (with no residual portion) from her land and the block owned by the City. The owner was also informed that these lots must front on to Simkin Drive with two shared private approaches (two lots per driveway) from Simkin.

ANALYSIS

PLAN WINNIPEG

Given that the subject land is in a Neighbourhood policy area and is abutting or near “R1” Districts, the proposed rezoning conforms to Plan Winnipeg. It is of note that the proposed development would infill vacant land in a developed residential area, which is in accordance with Policy 3A-02. This policy encourages infilling of vacant lands and the revitalization of neighbourhoods to maximize the use of existing infrastructure.

ZONING

The following table shows the minimum lot area requirements of the existing and proposed zoning.

	existing zoning district	min. lot area (sq. ft.)
subject land	R1-E	20,000
abutting or nearby land	R1-L	5,500
nearby land	R2	5,000
	proposed zoning district	**min. lot area (sq. ft.)**
subject land	R1-M	3,500
subject land	R1-S	2,500

The "Special Boundary Conditions" of the zoning by-law also apply to the subject land because the subject land is within 200 feet of existing "R1" Districts and an "R2" District in residential use. The Special Boundary Conditions require the area and width of each proposed lot to be no less than the average area and average width of the abutting lots, the lots across Pipeline Road from the subject land and the lots across Simkin Drive from the subject land. In addition, the Special Boundary Conditions require a minimum lot width of 35 feet.

As per the requirements of the Special Boundary Conditions applied to the proposed lots and residual portion:

- the minimum lot area requirement ranges from 5,627 square feet to 8,085 square feet; and
- the minimum lot width requirement ranges from 46 to 66 square feet.

The variance application associated with the proposed development, which is File 09-109644D, includes variances to the minimum lot area and lot width requirements of the Special Boundary Conditions.

LAND USE

The proposed zoning districts are consistent with recent residential subdivisions in Winnipeg such as Eaglemere, Amber Trails, Canterbury Park, Whyte Ridge and Riverbend South. A number of developers have stated that today's main single-family dwelling market is willing to purchase 35 to 48 foot wide lots, and a minority of the market is willing to purchase 50 foot wide lots.

TRANSPORTATION

As stated in Schedule "B" of this report, Public Works requires a frontage road along Pipeline Road to be at least nine metres (29.5 feet) wide. The applicant was informed of this requirement.

RECOMMENDATION

The Planning and Land Use Division recommends that the proposed plan of subdivision be modified by changing the frontage road width to nine metres (29.5 feet) to be in accordance with Schedule "B" of this report.

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

Report Prepared by
J. Glen Doney

PPD File DASZ 7/2009

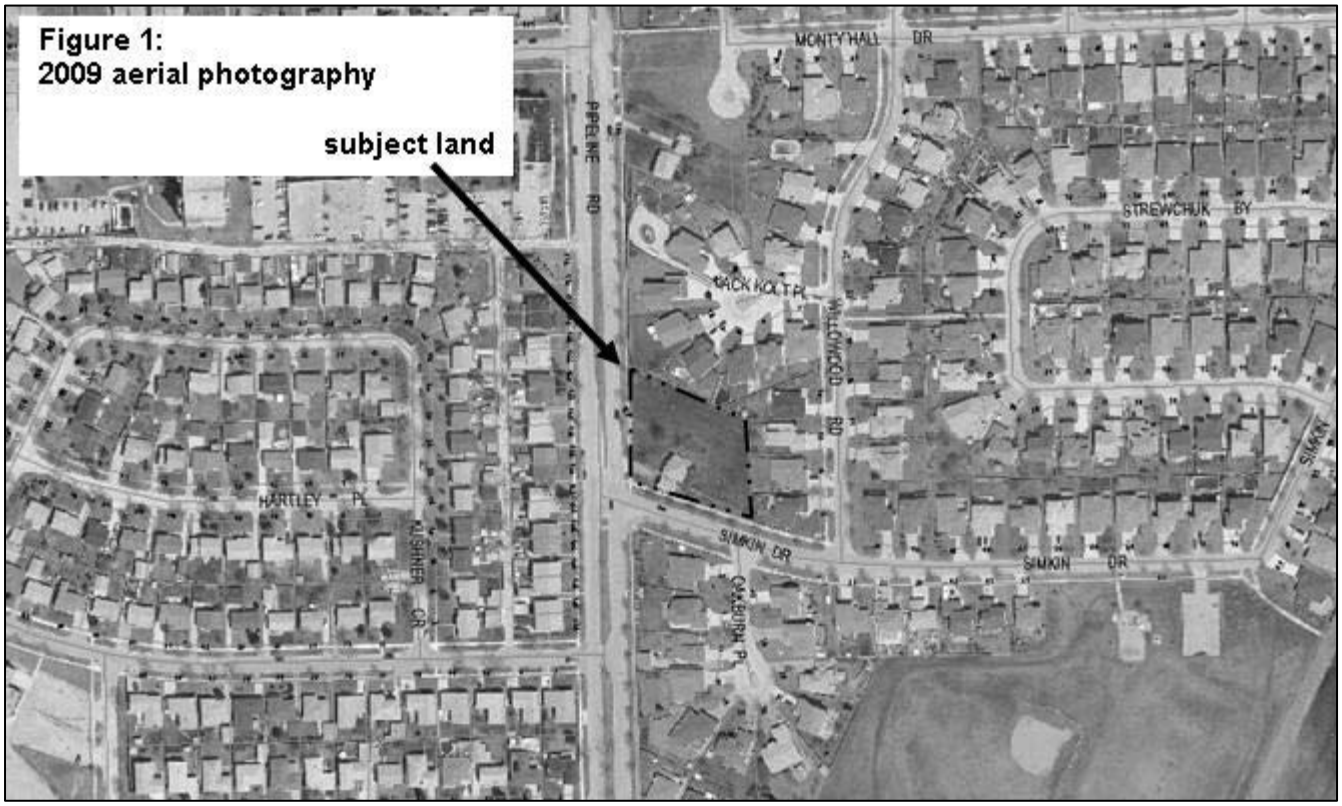


Figure 1:
2009 aerial photography
subject land
PIPELINE RD
MONTY HALL DR
STREWCHUK BY
JACK KOLT PL
WILLOWOOD RD
SIMKIN DR
HARTLEY PL
ASHNER CR
CARBURN PL

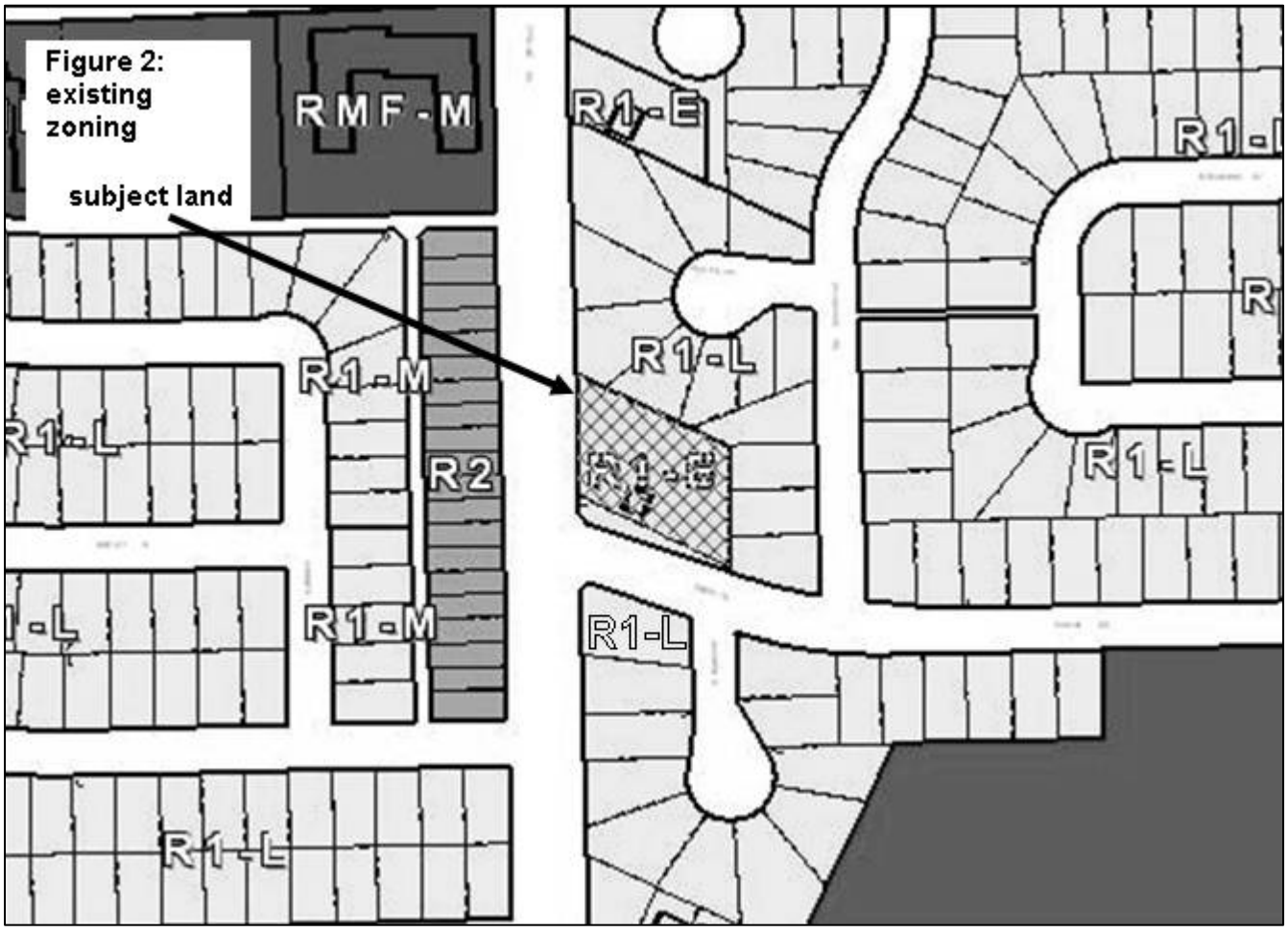


Figure 2:
existing
zoning
subject land
RMF-M
R1-E
R1-L
R1-M
R2

SCHEDULE "A" FOR FILE NO. DASZ 7/2009

Lord Selkirk – West Kildonan Community Committee, Dated November 25, 2009

By-Law No. _____

File No. **DASZ 7/09**

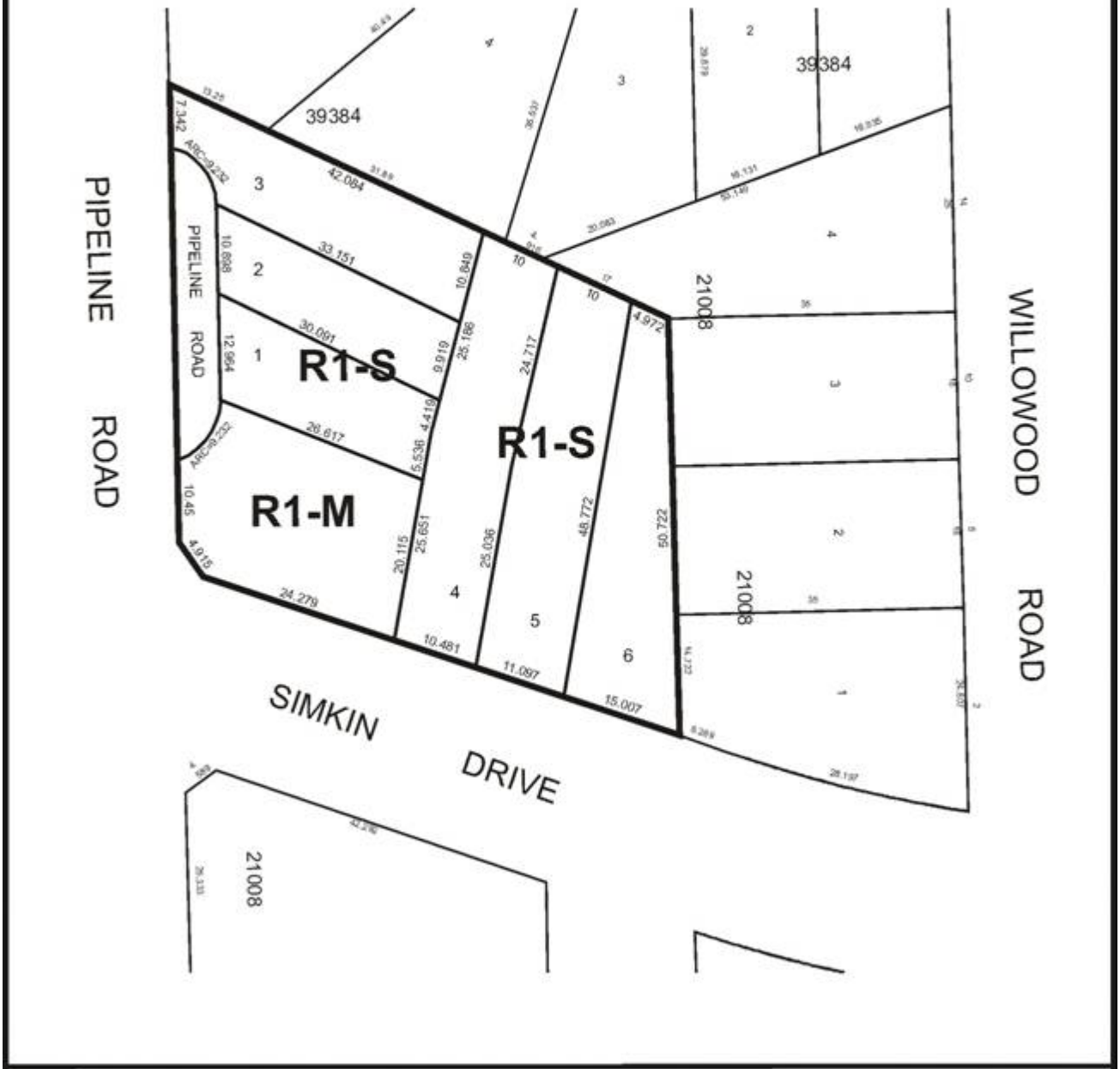
Atlas Sheet No. **S23**

N

LORD SELKIRK WEST KILDONAN 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 157 Pipeline Road from an "R1-E" RESIDENTIAL SINGLE-FAMILY DISTRICT to an "R1-M" and "R1-S" RESIDENTIAL SINGLE-FAMILY DISTRICTS as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

SCHEDULE "B" - REPORT OF THE ADMINISTRATIVE CO-ORDINATING GROUP
Proposed Subdivision And Rezoning of Land at 157 Pipeline Road – DASZ 7/09

Global Homes has submitted an application to subdivide and rezone 157 Pipeline Road, plus Block 8, Plan 21008, which it wishes to purchase from the City, to create six new lots plus "residual land" for the existing house and garage (the latter of which encroaches on the City parcel).

In accordance with Clause 2, Section 2, Schedule C of Development Agreement AG 39/85 between the City of Winnipeg and Genstar Corporation, the City acquired Block 8, Plan 21008 on the understanding that it not be conveyed until the purchaser paid to the City both market value for it and its share of the services in Simkin Drive, based on the local improvement rates in effect at the time of payment, for repayment to Genstar Corporation.

It is recommended that the approval of DASZ 7/09 be subject to the following:

A. Plan Considerations

1. The proposed frontage road right-of-way having a minimum width of 9.0 m with its terminus points located and designed to the satisfaction of the Director of Public Works.

B. Development Agreement

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

1. That the Developer pay its share of the cost of the existing services in Simkin Drive.

2. That the Developer, at no expense to the City, construct all lot line connections required to service the proposed development.

3. That the Developer pay the Leila Trunk User Charge ($938.00/acre).

4. That the Developer, at no expense to the City, provide a lot grading plan, prepared by a municipal engineer to the satisfaction of the Director of Water & Waste, for the proposed development, and provide all required easements, and install all drainage works necessitated by the design.

5. That the Developer pay for its share of the Pipeline East Major Services.

6. That the Developer, at no expense to the City, construct portland cement concrete pavement to a width of 6.0 m and a thickness of 150 mm in the proposed frontage road within the Planned Area, as determined by, and to the satisfaction of, the Director of Public Works.

7. That the Developer, at no expense to the City, retain/reconstruct, within the Pipeline Road frontage road ‘island/boulevard', the public sidewalk, complete with the appropriate paraplegic ramps, to prevent pedestrians from having to walk in the roadway.

8. That the Developer 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 proposed subdivision, as determined by, and to the satisfaction of, the Director of Public Works.

9. That the Developer, at no expense to the City, cause underground electrical and telephone services to be installed to serve the proposed subdivision, to the satisfaction of the Director of Public Works.

10. That the Developer, 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.

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

12. That no private approaches serving single- or two-family residential development be permitted off Pipeline Road.

13. That proposed Lots 4 and 5 be served by a joint private approach.

14. That the Developer be required to pay cash in lieu of dedication of land for public open space, in accordance with City Policy.

15. That the Developer be required to pay the full cost of engineering services provided by or on behalf of the City in connection with the installation of services required to serve the Planned Area.

16. That the Developer be required to pay $1,200.00 plus GST per acre 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 7/09

April 24, 2009

"original signed by S. Matile, P. Eng."
S. Matile, P. Eng., Chair
Land Development Branch

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

"original signed by F. Mazur, P. Eng."
F. Mazur, P. Eng.
Water & Waste Department

"original signed by D. Beaton, MLArch"
D. Beaton, MLArch
Parks, Riverbanks, & Community Initiatives Branch