Agenda - Council - March 26, 2003

Report - Standing Policy Committee on Property and Development - March 4, 2003

Item No. 7 Proposed Plan of Subdivision and a Proposed Zoning Change – 48 Dahlia Avenue (Airlies Street and Carruthers Avenue) File DASZ 29/2002

STANDING COMMITTEE RECOMMENDATION:

On March 18, 2003, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the Lord Selkirk-West Kildonan Community Committee, and submits the following to Council:

1. That the plan of subdivision proposed under File DASZ 29/2002 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 29/2002, attached hereto and dated January 27, 2003, for registration in the Winnipeg Land Titles Office.

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

3. That Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 29/2002, attached hereto and dated January 27, 2003, to an " R1-4" Residential District, subject to the applicant entering into a Zoning Agreement with the City pursuant to Section 240(1) of The City of Winnipeg Charter to include the following conditions:

    A. That proposed Lots 1, 2 and 3 be served by individual front approaches off of Airlies Street and proposed Lots 4 and 5 be served by front approaches off of Dahlia Avenue.

4. 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 to be calculated on the additional lots being created.

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

Report - Standing Policy Committee on Property and Development - March 4, 2003

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 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, and when the Zoning Agreement has been filed by caveat as a first charge in the Winnipeg Land Titles Office against those lands provided that the said effective date occurs within twenty four (24) months from the date that the said rezoning by-law is adopted by Council.

8. 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. In the event that 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.

Report - Standing Policy Committee on Property and Development - March 4, 2003

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On March 18, 2003, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the Lord Selkirk-West Kildonan Community Committee, and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On March 4, 2003, the Standing Policy Committee on Property and Development concurred in the recommendation of the Lord Selkirk-West Kildonan Community Committee, and submitted its recommendation to Executive Policy Committee and Council:

COMMUNITY COMMITTEE RECOMMENDATION:

On February 4, 2003, the Lord Selkirk-West Kildonan Community Committee concurred in the administrative recommendation as amended, namely:

- Recommendation 3.A. be amended by deleting the words “lot 3 be required to take access off of Carruthers Avenue and that proposed lots 1& 2 be served by a joint approach on their common property line” and substituting the following words “Lots 1, 2 and 3 be served by individual front approaches off of Airlies Street and proposed Lots 4 and 5 be served by front approaches off of Dahlia Avenue.”

- Recommendation 3.B. be deleted in its entirety

and submitted its recommendation to the Standing Policy Committee on Property and Development.

RE: **Proposed Plan of Subdivision and a Proposed Zoning Change - 48 Dahlia Avenue (Airlies Street & Carruthers Avenue) - File DASZ 29/2002**

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

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

Report date: **February 14, 2003**

COMMUNITY COMMITTEE RECOMMENDATION:

The Lord Selkirk-West Kildonan Community Committee concurred in the administrative recommendations, as amended, and recommends as follows:

1. That the plan of subdivision proposed under File No. DASZ 29/2002 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File No. DASZ 29/2002, attached hereto and dated January 27, 2003, for registration in the Winnipeg Land Titles Office.

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

3. That Zoning By-Law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File No. DASZ 29/2002, attached hereto and dated January 27, 2003, to an " R1-4" Residential District, subject to the applicant entering into a Zoning Agreement with the City pursuant to Section 240(1) of The City of Winnipeg Charter to include the following conditions:

   A. That proposed ***Lots 1, 2 and 3 be served by individual front approaches off of Airlies Street and proposed Lots 4 and 5 be served by front approaches off of Dahlia Avenue.*** ~~lot 3 be required to take access off of Carruthers Avenue and that proposed lots 1& 2 be served by a joint approach on their common property line.~~

   ~~B. That proposed lots 4& 5 be required to have their front yards oriented towards Dahlia Avenue and their approachs off of Carruthers Avenue.~~

4. That a 10 percent (10%) dedication be made by a payment of a sum of money to the City in lieu of the requirement for land dedication to be calculated on the additional lots being created.

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

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 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, and when the Zoning Agreement has been filed by caveat as a first charge in the Winnipeg Land Titles Office against those lands provided that the said effective date occurs within twenty four (24) months from the date that the said rezoning by-law is adopted by Council.

8. 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. In the event that the necessary City of Winnipeg mylar approval signatures have not been secured within 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.

* ***the wording in bold and italics denotes difference between administrative and Community Committee recommendations***

The Lord Selkirk-West Kildonan Community Committee provided the following supporting reason(s) for its recommendations:

1. Plan Winnipeg encourages infill development and this application proposes to do just that.

2. The Lord Selkirk-West Kildonan Community Committee is of the view the homes to be constructed by the applicant will be compatible with the surrounding area, inasmuch as there already is a mix of old and new homes on Carruthers Avenue.

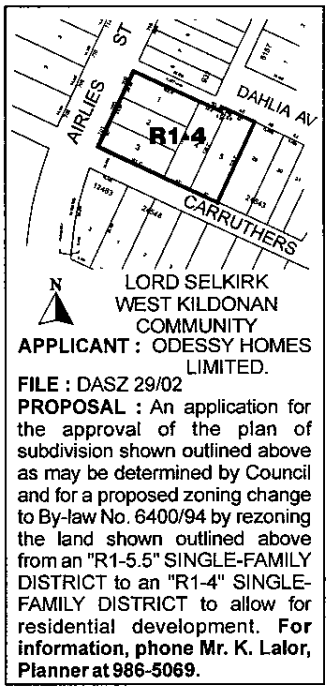
3. There are homes already with front approaches on Airlies Street and the front approaches for the homes on Lots 1 to 3 will not be precedent setting.

PUBLIC HEARING SUMMARY

File: DASZ 29/2002

Applicant: Odessy Homes Ltd. (Rob Brosi)
122 Trudell Bay
Winnipeg, Manitoba
R2C 4X5

Subject:



Premises Affected: 48 Dahlia Avenue, Airlies Street and Carruthers Avenue

Exhibits Filed:

1. Application dated December 23, 2002
2. Advertising Notice dated January 7, 2003
3. Manitoba Certificate of Titles 784271 and 784272
4. Letter of authorization dated November 21, 2002
5. Building Location Certificate and Sketch dated November 28, 2002
6. Plan showing proposed subdivision dated December 17, 2002
7. Report from the Manager of Planning and Land Use dated January 28, 2003

8. Photograph(s) of the site and Inspection Notice
9. A package of information identified as “Petitioners’ Exhibit List”, submitted by John Perry, 48 Dahlia Avenue at the public hearing, containing, a petition purporting to contain the signatures of fifty-five (55) residents of the immediate area in opposition to the application, Petitioners’ neighbourhood area map, Petitioners’ sketch, Applicant’s sketch and regulations for single-family districts
10. Photographs (8) submitted by John Perry, 48 Dahlia Avenue, at the public hearing illustrating the character and size of the surrounding homes in the area

REPRESENTATIONS:

In Support:

Robert Brosi, Odessy Homes Ltd., 122 Trudell Bay, Winnipeg, R3C 4X5
Norm Boyle, 1309 Hoka Street, Winnipeg, R2C 3V8
Warren Earl, 85 Wiebes Drive, Winnipeg, R2G 3E5

In Opposition:

John and Patricia Perry, 46 Dahlia Avenue, Winnipeg, R2V 2K1
Wayne and Angie Williams, 38 Dahlia Avenue, Winnipeg, R2V 2K1

For Information:

Dennis Drabyk, 723 Airlies Street, Winnipeg, R2V 2Z4

For the City:

Kevin Lalor, Senior Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS MADE AT THE PUBLIC HEARING

Robert Brosi, on behalf of the applicant, appeared in support of the application. Mr. Brosi advised Committee of the fact that he would like to revise the plans in order that all of the homes fronting Airlies Street have front approaches. In this connection, he noted there are existing homes on Airlies Street with front approaches and having front approaches for the three new homes would not be out of character with the neighbourhood. In response thereto, the Senior Planner advised Committee that the condition requiring access off of Carruthers Avenue came from the Public Works Department. Mr. Brosi also stated concern with respect to the requirement for a joint approach for proposed Lots 1 and 2, which in his opinion, will create problems for the two future property owners. In conclusion, Mr. Brosi stated that as 95% of new housing construction involves front approaches, he requested that he be given approval to construct his new homes, all with individual front approaches.

Norm Boyle, Private Citizen, also appearing in support of the application, advised Committee that he sells homes for a living and confirmed that the modern family wants a front drive with an attached garage.

Warren Earl, Private Citizen, also appearing in support of the application, advised Committee that he is familiar with the quality of homes that Odyssey Homes builds, and that the new houses proposed with this application, will only serve to enhance the surrounding area. Mr. Earl reminded Committee of the fact that infill housing is advantageous from the City's perspective as no new roads or services are required.

John and Patricia Perry, Private Citizens, appeared in opposition to the application and advised Committee of the fact that they live beside one of the proposed lots on Dahlia Avenue. Mr. Perry submitted a petition purporting to be signed by fifty-five (55) residents of the immediate area in opposition to the application, filed as Exhibit xx. Mr. Perry also submitted eight (8) photographs illustrating the character and size of the surrounding homes in the area, filed as Exhibit xx. He indicated the neighbourhood is not opposed to new development, but rather to development that is not compatible with the area. Mr. Perry questioned the size of the homes proposed to be constructed on the subdivided lots and expressed concern that the new homes would only be two bedroom bi-levels. In summation, Mr. Perry expressed the opinion that approval of this application would downgrade the area.

In rebuttal, Mr. Brosi stated the houses he proposes to build on the new lots would be single-family dwellings, averaging 1000 to 1100 square feet in size, with two or three bedrooms and urged Committee to recommend approval of this application.

In reply please refer to / Référence à rappeler :

Kevin Lalor
(204) 986-5069
Fax / Téléc. : (204) 986-3684

File No. DASZ 29/02 March 25, 2003
Our c/f CP 500 (.316)

Diane Timmins, Community Clerk
Lord Selkirk-West Kildonan Community Committee
Council Building
510 Main Street
Winnipeg, MB R3B 1B9

Dear Ms. Timmins:

SUBDIVISION AND REZONING
Land located: Airlies & Carruthers – 48 Dahlia Ave.
Lord Selkirk-West Kildonan Community
File No. DASZ 29/02

An application has been received from Odessy Homes Ltd. for approval of a plan of subdivision and related zoning change to Zoning By-Law No. 6400/94 by rezoning the subject lands from an "R1-5.5" Residential District to a "R1-4" Residential District to create five (5) single family lots.

RELATED FILES:



SITE DESCRIPTION:

Site Area:

The owner of the land in question currently has title to two adjacent parcels, the smaller of which is 6437 sq. ft. in size and the larger of which is 16,141 sq. ft. in area.

Existing Land Use and Zoning:

The larger of the two parcels currently is occupied by a dwelling and the entire area is zoned R1-5 Single Family Residential.

Surrounding Land Use and Zoning:

North: Properties to the north are occupied with single family homes zoned R1-5.5 Single Family.
South: Lots to the south are occupied with single family dwellings zoned R1- 4 Single Family.
East: To the east are single family homes zoned R1-5.5 .
West: To the west are single family homes zoned R1-5.5 and a large Public Reserve Area.

DEVELOPMENT DESCRIPTION:

The applicants on behalf of the owner Mr. Charles Reynolds, proposes to consolidate the entire property into one 22,000 sq. ft. parcel , demolish the existing dwelling, and then upon completion of the rezoning R1-4, re sub-divide the land into five 40' wide-42'wide single family parcels. The current zoning R1-5.5 would accomodate approximately four(4) single family lots. Proposed lots 1-3 are to be oriented towards Airlies St.; lots 4&5 oriented towards Dahlia with front approaches off of Dahlia.

PLAN WINNIPEG:

The area in question is designated a Neighbourhood Policy Area under Plan Winnipeg which allows for residential subdivision development.

ADMINISTRATIVE COMMENTS:

In spite of the adjacent R1-5.5 zoning to the east, west and north, it is our view that the five proposed lots will generally not be out of character or scale with many of the existing adjoining lots. Lots to the west of Airlies, while zoned for 55' widths, actually are 46'.9''in width. The two immediate adjacent lots to the east are 45'.5 wide and 31'.7 wide. And the adjoining lots south of Carruthers range from 39'.6 feet in width to 45'.9 feet in width. It should be noted that the Public Works Department has stipulated that as a condition of approval, proposed lot 3 should be required to take access off of Carruthers and proposed lots 1 and 2 should be served by a joint approach off of Airlies St. The obvious purpose of that is to reduce the number of approaches directly onto Airlies which is a collecter street. Those requirements should be caveated against the titles of those proposed lots. Additionally from our perspective, while we do not oppose the layout of the five lots , we do not support the idea of proposed lots 4

and 5 having what appears to be front approachs onto Dahlia. The reason for that is that while existing homes to the east front onto Dahlia, their approaches are uniformly off of Carruthers Ave. To allow for front attached garages with front approaches onto Dahlia for proposed lots 4& 5 would immediately put those two homes out of alignment with and be out of character with adjacent existing homes along the south side of Dahlia. The builder should , in those two instance at least, look at alternative housing designs which still orient the homes on lots 4& 5 towards Dahlia but which provide for rear approaches off of Carruthers.

RECOMMENDATION:

I. That the plan of subdivision proposed under File No. DASZ 29/02 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File No. DASZ 29/02, attached hereto and dated January 27, 2003, for registration in the Winnipeg Land Titles Office.

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

III. That Zoning By-Law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File No. DASZ 29/02, attached hereto and dated January 27, 2003, to an " R1-4" Residential District , subject to the applicant entering into a Zoning Agreement with the City pursuant to Section 240(1) of the City of Winnipeg Charter to include the following conditions:

1) That proposed lot 3 be required to take access off of Carruthers Ave. and that proposed lots 1& 2 be served by a joint approach on their common property line and

2) That proposed lots 4& 5 be required to have their front yards oriented towards Dahlia and their approachs off of Carruthers Ave.

IV. That a 10 percent dedication be made by a payment of a sum of money to the City in lieu of the requirement for land dedication to be calculated on the additional lots being created.

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

VI. That the City Solicitor be requested to prepare the necessary by-law in accordance with the above.

VII. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision has been registered in the Winnipeg Land Titles Office , and when the Zoning Agreement has been filed by caveat as a first charge in the Winnnipeg Land Titles Office against those lands provided that the said effective date occurs within twenty four (24) months from the date that the said rezoning by-law is adopted by Council.

VIII. The Plan of Subdivision shall be approved and signed by the Director of Planning, Property and Development within two (2) years of the date of passage of the aforementioned by-law.

IX. In the event that the necessary City of Winnipeg mylar approval signatures have not been secured within 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.

Final

Yours truly,

V. Buckley
Manager of Planning and Land Use

_____

Per: Kevin Lalor, Senior Planner
(Lord Selkirk-West Kildonan Community)
986-5069

KL/jc

By-Law No. _____

File No. **DASZ 29/02**

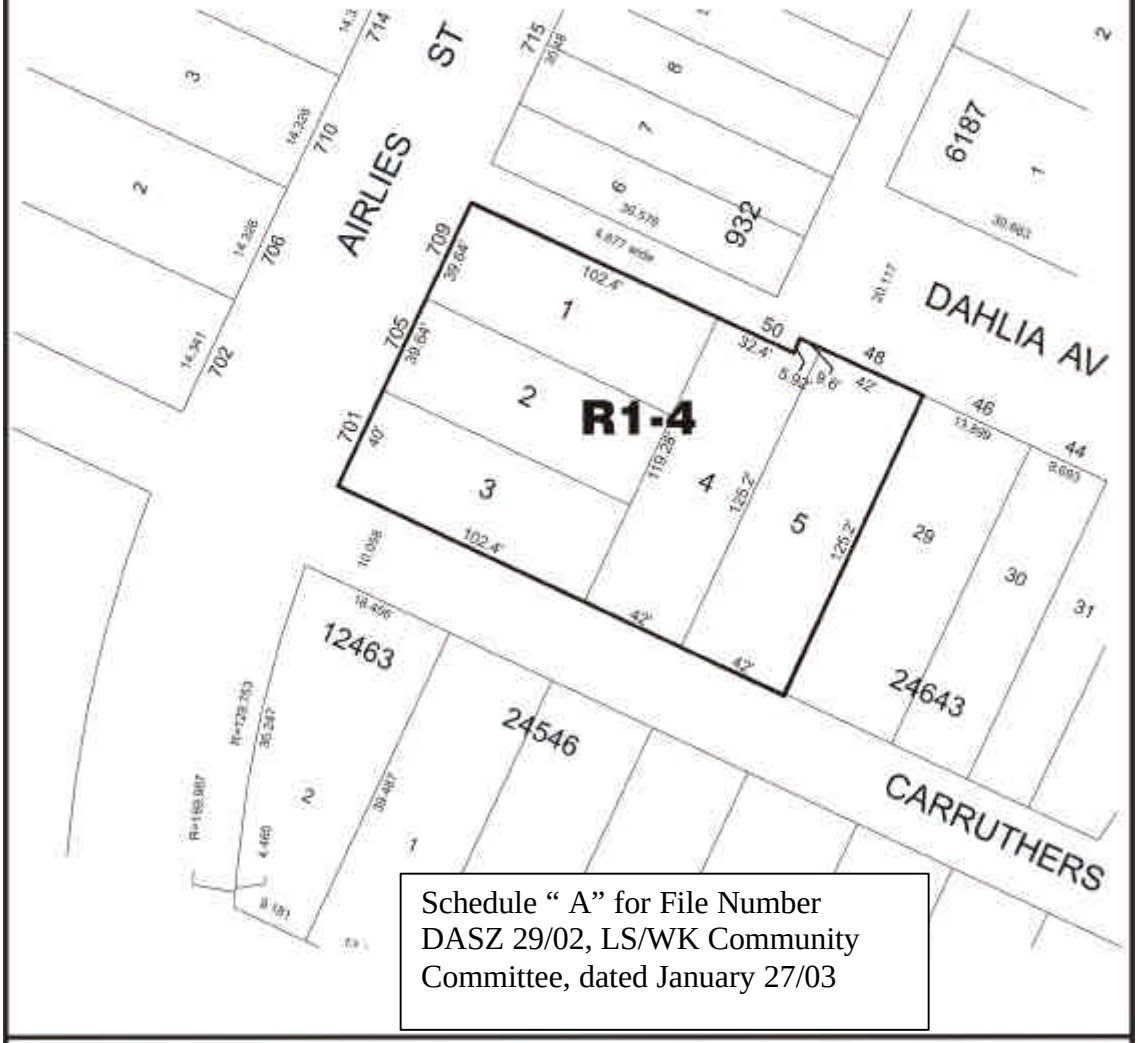
Atlas Sheet No. **U24**

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. 6400/94 by rezoning the land located at 941 Carruthers Avenue and 48 Dahlia Street from an "R1-5.5" SINGLE-FAMILY DISTRICT to an "R1-4" SINGLE-FAMILY DISTRICT as shown outlined below.



Schedule " A" for File Number DASZ 29/02, LS/WK Community Committee, dated January 27/03

THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____