Agenda - Council – July 21, 2010

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

Item No. 11 Subdivision and Rezoning - 40 Paulley Drive (Transcona Ward) File DASZ 6/2010

STANDING COMMITTEE RECOMMENDATION:

On July 14, 2010, the Executive Policy Committee concurred in the recommendations 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 proposed under File DASZ 6/2010 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 6/2010 dated June 6, 2010 with such minor changes as may be required, and 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 6/2010 dated June 6, 2010, to R2 Residential Two Family District subject to the following:

    A. That the applicant enter into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to include the following conditions:

        i. That a maximum of two (2) detached single family dwellings shall be permitted on Lot 1

        ii. That there shall be no front driveway approaches permitted on Lot 1.

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.

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.

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

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 registration of the Plan of Subdivision in the Winnipeg Land Titles Office.

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 and the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the subject lands, provided that the said effective date occurs within one year from the date the by-law is passed.

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 thing necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

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

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On July 14, 2010, the Executive Policy Committee concurred in the recommendations 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 July 6, 2010, 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 June 15, 2010, the East Kildonan-Transcona Community Committee concurred in the recommendation of the Winnipeg Public Service, with the following amendments, namely:

- Amend Recommendation 2. by adding the following after the words "Family District":

  "subject to the following:

  A. That the applicant enter into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to include the following conditions:

     i. That a maximum of two (2) detached single family dwellings shall be permitted on Lot 1

     ii. That there shall be no front driveway approaches permitted on Lot 1."

- Amend Recommendation 8. by adding the following after the words "Land Titles Office"

  "and the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the subject lands, provided that the said effective date occurs within one year from the date the by-law is passed."

and forwarded to the Standing Policy Committee on Property and Development.

RE: **Subdivision and Rezoning - 40 Paulley Drive**
(Transcona Ward)
File DASZ 6/2010

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

Prepared by: **Carlos Gameiro, Senior Committee Clerk**
East Kildonan-Transcona Community Committee

Report date: **June 16, 2010**

COMMUNITY COMMITTEE RECOMMENDATION:

On June 15, 2010, the East Kildonan-Transcona Community Committee concurred in the recommendation of the Winnipeg Public Service and recommends to the Standing Policy Committee on Property and Development:

1. That the plan of subdivision proposed under File DASZ 6/2010 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 6/2010 dated June 6, 2010 with such minor changes as may be required, and 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 6/2010 dated June 6, 2010, to "R2" Residential Two Family District, ***subject to the following***:

    A. That the applicant enter into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to include the following conditions:

        i. That a maximum of two (2) detached single family dwellings shall be permitted on Lot 1

        ii. That there shall be no front driveway approaches permitted on Lot 1.

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.

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 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 registration of the Plan of Subdivision in the Winnipeg Land Titles Office.

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 ***and the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the subject lands, provided that the said effective date occurs within one year from the date the by-law is passed***.

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 thing 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.

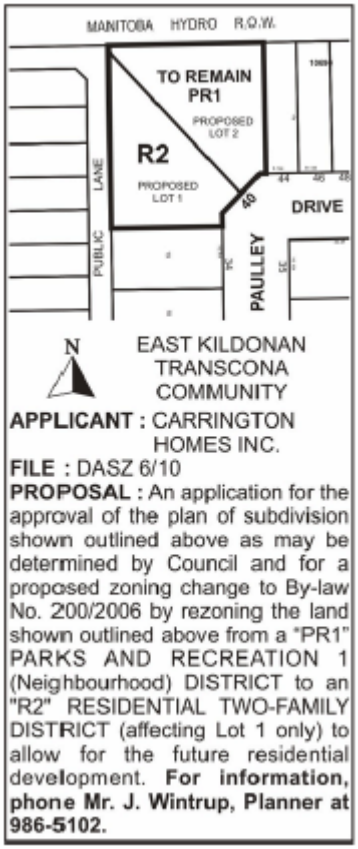
The East Kildonan-Transcona Community Committee provided the following supporting reasons for its recommendation:

1. This ensures that the Neighbourhood remains single family.

2. It is consistent with the homes on the West Side of Paulley with access only from the back lane.

3. The funds from this sale are going directly to supporting the parks and playgrounds in the neighbourhood.

PUBLIC HEARING SUMMARY

File:	DASZ 6/2010
Before:	East Kildonan-Transcona Community Committee Councillor Browaty, Chairperson Councillor Thomas Councillor Wyatt
Public Hearing:	June 15, 2010 The Royal Canadian Legion, Transcona Branch 117 Regent Avenue East
Applicant:	Carrington Homes Inc.(Carl Devlin)
Subject:	
Premises Affected:	40 Paulley Drive

Exhibits Filed:

1. Application dated March 11, 2010
2. Notification of Public Hearing dated April 6, 2010
3. Manitoba Status of Title 2365790
4. Letter of authorization dated March 11, 2010 from the City of Winnipeg to Carrington Homes Inc.
5. Plans (3 pages)
6. Report from the Planning and Land Use Division dated June 6, 2010
7. Inspection Report
8. Audio Recording of representations

REPRESENTATIONS:

In Support:

Karl Devlin
Bruce Frost

In Opposition

Nil

For Information:

James Biyak
Andrea L. Frost

For the City:

Mr. J. Wintrup, Senior Planner, Planning, Property and Development Department

Exhibit "6" referred to in File DASZ 6/2010

ADMINISTRATIVE REPORT

Title: DASZ 6/2010 – 40 Paulley Drive.

Issue: For consideration at the Public Hearing for a rezoning to allow a residential use, to create a new lot, and to retain a public reserve.

Critical Path: East Kildonan - Transcona Community Committee → Standing Policy Committee on Property and Development → Executive Policy Committee → Council

AUTHORIZATION

Author	Department Head	CFO	CAO
P. Regan	n/a	n/a	

RECOMMENDATIONS

1. That the plan of subdivision proposed under File DASZ 6/10 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 6/10 dated June 6, 2010 with such minor changes as may be required, and 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 6/10 dated June 6, 2010, to 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.

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 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 registration of the Plan of Subdivision in the Winnipeg Land Titles Office.

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 be requested to do all thing necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

REASON FOR THE REPORT

- The applicant has applied to subdivide the 21,701 square feet of land into two parcels (10,476 square feet and 11,225 square feet).
- The northeastern section of the Planned Area (11,225 square feet) will be maintained as passive park with a connection to the future 'Transcona Trail' active transportation pathway to the north.
- The southwest section, which backs onto the rear public lane, will be a 10,476 square feet lot and rezoned to R2 to facilitate the construction of a two-family residential dwelling.

IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendations of the Planning and Land Use Division are concurred in, a two-family dwelling will be allowed for construction on the southwest section of the land.

CONSULTATION

In preparing this Report there was consultation with:

N/A

SUBMITTED BY

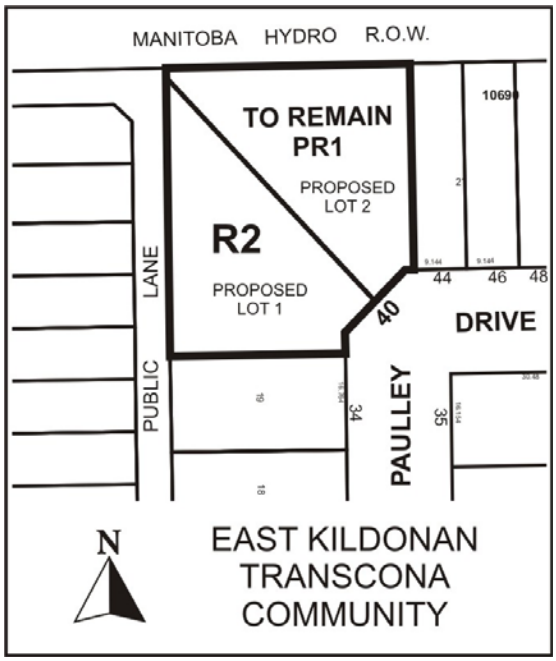
Department	Planning, Property and Development
Division	Planning and Land Use
Prepared by	John Wintrup
Date:	June 6, 2010
File No.	DASZ 6/10

APPENDIX 'A'

DATE: June 6, 2010
FILE: DASZ 6/10
RELATED FILES:
COMMUNITY: East Kildonan – Transcona Community
NEIGHBOURHOOD #: 4.410

SUBJECT: Rezoning to allow a residential use, to create a new lot, and to retain a public reserve

LEGAL: LOT 20 BLOCK 6 PLAN 10690 SE 9 11 4E (the Planned Area)
LOCATION: 40 Paulley Drive



APPLICANT: Carrington Homes Inc.
2 Kristie Place
East St. Paul, R2E 0M1

OWNER: City of Winnipeg

RECOMMENDATION: Approval

REPORT SUMMARY

- The applicant has applied to subdivide the 21,701 square feet of land into two parcels (10,476 square feet and 11,225 square feet).
- The northeastern section of the Planned Area (11,225 square feet) will be maintained as passive park with a connection to the future 'Transcona Trail' active transportation pathway to the north.

- The southwest section, which backs onto the rear public lane, will be a 10,476 square feet lot and rezoned to R2 to facilitate the construction of a two-family residential dwelling.

SITE DESCRIPTION

- The subject property is **21,701 square feet** located on the north west corner of Paulley Drive, west of Bayview Place and north of Dowling Avenue East in the Kildare - Redonda neighbourhood of the Transcona Ward.
- The site is zoned **PR1 Parks and Recreation 1 (Neighbourhood) District.**
- Adjacent properties include under utilized lands to the north zoned **'A' Agricultural** where the City of Winnipeg will be constructing the 'Transcona Trail' as an Active Transportation pathway; two-family dwellings to the east zoned "R2 Residential Two Family District"; and single family dwellings to the east zoned **R1-M Residential Single-Family District – Medium**.
- Directly west across the rear public lane and along Wayota Street is two-family dwellings zoned "R2 Residential Two Family District.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- Maintain the northeastern section of the Planned Area (11,225 square feet) as passive park with a connection to the future 'Transcona Trail' active transportation pathway to the north.
- Rezone the 10,476 square feet in the southwest section, which backs onto the rear public lane, to facilitate the construction of a residential dwelling.

ANALYSIS AND ISSUES

PLAN WINNIPEG

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

ZONING

- **R1-M Residential Single-Family District – Medium** 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.

- **PR1 Parks and Recreation 1 (Neighbourhood) Distric**t is intended for sites that are generally passive neighbourhood and community parks and facilities with predominantly pedestrian and cyclist access.
    - These sites may provide unstructured drop-in play and recreation opportunities, including play structures, passive parks, plazas and natural areas.
    - Generally, no parking facilities are associated with these uses.
    - These parks and open spaces typically occur in a residential neighbourhood or riverbank context and are generally accessed by residential streets.

- **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.
- Side yards are minimum 4 feet.
- The minimum lot width is 25 feet and lot area 5,000 square feet (2,500 per dwelling unit).

COMPATIBILITY WITH SURROUNDING USES
The lands directly west across the rear public lane and along Wayota Street are two-family dwellings zoned “R2 Residential Two Family District. All the lands on the north side of Paulley Drive two-family dwellings to the east zoned “R2 Residential Two Family District” from the Planned Area to just east of Bayview Place.

OPEN SPACE
There are several passive and active open spaces in the Kildare - Redonda neighbourhood. These open spaces range in scale from ‘pocket parks’ measured in a few square feet to large open fields of a few acres. Of note is the 5.4 acre Bayview Park that is 185 metres (600 feet) away from the location of Planned Area subject to this development application; and the Oxford Heights Community Centre that is 450 metres (1492 feet) away from the location of Planned Area subject to this development application. These would both be deemed ‘walkable’. It should be noted that there are no firm policies regarding the appropriate amount, type and location of open space required in new and existing Winnipeg neighbourhoods.

LAND DEDICATION
- When a developer rezones and/or subdivides a parcel of land, they are required to put in an application with the City of Winnipeg.
- As a condition of rezoning or subdivision, a developer is required to contribute a portion of the land to be developed to the City for parks purposes.
- The amount of lands is not less than 10%. The developer will provide land or ‘cash in lieu’ as determined by the Planning, Property and Development Department.
- If dedication is ‘cash in lieu’ of land, then the developer is required to pay the City its share of the costs of landscaping and services that it would have expended had a dedication of the land been made, which will equal 10 %.
- ‘Cash in lieu’ of land will be required under this development application.

REASONS FOR RECOMMENDATIONS

The Planning and Land-Use Division supports rezoning the property to residential to allow the construction of a residential dwelling. The proposed use is consistent with the adjacent properties on the nearby streets and on Paulley Street.

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

Report Prepared by: John Wintrup
PPD File # DASZ 6/10

Schedule “A” for File No. DASZ 6/10, East Kildonan – Transcona Community Committee, dated June 6, 2010.

By–Law No. _____

File No. **DASZ 6/10**

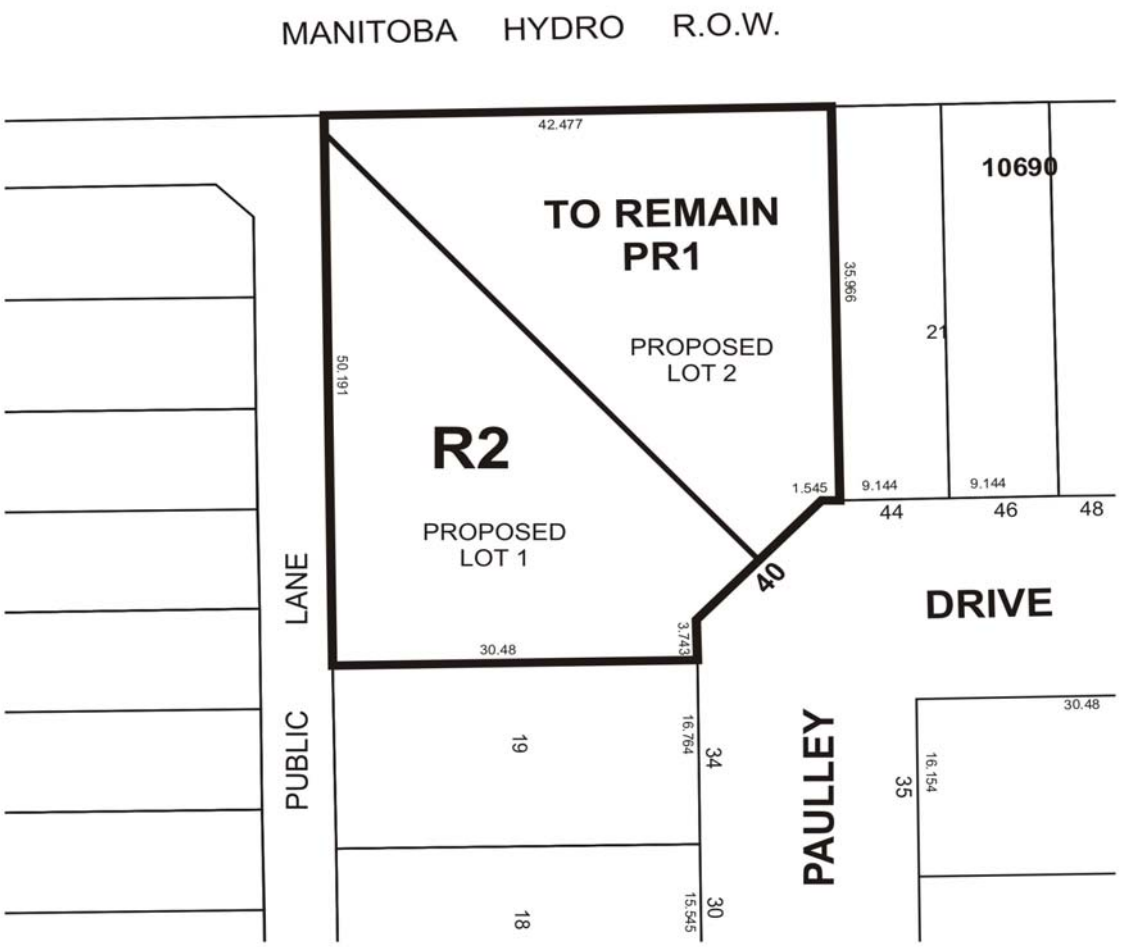
Atlas Sheet No. **Y36**

N

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 40 Paulley Drive from a “PR1” PARKS AND RECREATION 1 (Neighbourhood) DISTRICT to an "R2" RESIDENTIAL TWO-FAMILY DISTRICT (affecting Lot 1 only) to allow for the future residential development as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

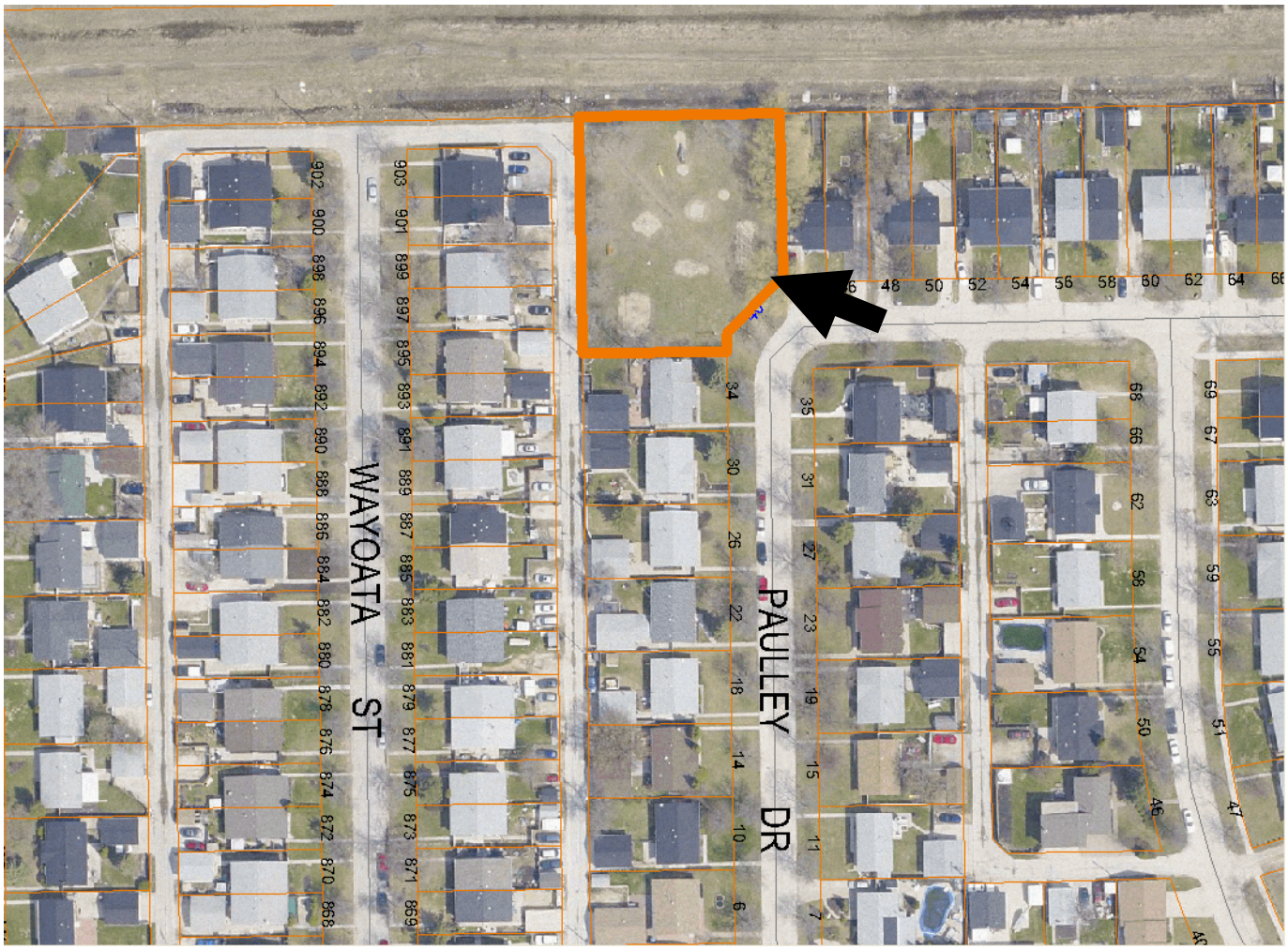


Figure 1: Air Photo of subject property and Surrounding Context.



Figure 2: Zoning Map of subject property and Surrounding Context.