Agenda – Council – January 26, 2011

Report – Executive Policy Committee – January 12, 2011

Item No. 3 Subdivision and Rezoning – Southwest corner of Redwood Avenue and Fife Street – DASZ 23/2010 (Point Douglas Ward)

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On January 12, 2011, the Executive Policy Committee concurred in the recommendation of the Lord Selkirk-West Kildonan Community Committee and submits the following to Council:

1. That the plan of subdivision proposed under File DASZ 23/2010 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 23/2010 dated December 6, 2010 with such minor changes as may be required, and 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 November 25, 2010, which is Schedule "B" of this report.

2. That The Winnipeg Zoning By-law No. 200/06 be amended by rezoning the planned area as shown on Schedule "A" for File DASZ 23/2010 dated December 6, 2010 to an "R1-S" Residential Single-Family [smaller lots] District and a "PR1" Parks and Recreation 1 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 Director of Legal Services and City Solicitor be requested to prepare the necessary by-law in accordance with the above.

Report – Executive Policy Committee – January 12, 2011

6. 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.

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 twelve (12) months after adoption of the by-law, 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 twelve (12) month period and the extension is subsequently approved by Council.

10. 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 – Council – January 26, 2011

Report – Executive Policy Committee – January 12, 2011

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On January 12, 2011, the Executive Policy Committee concurred in the recommendation of the Lord Selkirk-West Kildonan Community Committee and submitted the matter to Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On December 14, 2010, the Lord Selkirk-West Kildonan 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 - Southwest corner of Redwood Avenue and Fife Street**
File DASZ 23/2010

For submission to: **Executive Policy Committee**

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

Report date: **December 15, 2010**

COMMUNITY COMMITTEE RECOMMENDATION:

On December 14, 2010, the Lord Selkirk - West Kildonan 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 23/2010 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 23/2010 dated December 6, 2010 with such minor changes as may be required, and 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 November 25, 2010, which is Schedule "B" of this report.

2. That The Winnipeg Zoning By-law No. 200/06 be amended by rezoning the planned area as shown on Schedule "A" for File DASZ 23/2010 dated December 6, 2010 to an "R1-S" Residential Single-Family [smaller lots] District and a "PR1" Parks and Recreation 1 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 Director of Legal Services and City Solicitor 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 execution by the City of Winnipeg of the Development Agreement.

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 twelve (12) months after adoption of the by-law, 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 twelve (12) month period and the extension is subsequently approved by Council.

10. 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.

The Lord Selkirk - West Kildonan Community Committee provided the following supporting reason for its recommendation:

1. This is a good proposal and the subject area requires more infill development.

PUBLIC HEARING SUMMARY

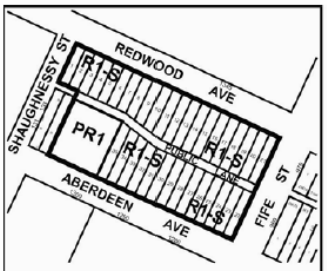
File: DASZ 23/2010

Before: Lord Selkirk - West Kildonan Community Committee
Councillor Pagtakhan, Chairperson
Councillor Eadie
Councillor Sharma

Public Hearing: December 14, 2010
West Committee Room
Council Building, 510 Main Street

Applicant: Judge Construction Ltd. (Gary Judge)

Subject:



Premises Affected: Southwest corner of Redwood Avenue and Fife Street

Exhibits Filed:
1. Application dated August 24, 2010
2. Notification of Public Hearing dated October 12, 2010
3. Manitoba Certificate of Titles 387247, 423431, 447408, 447453, 461255, 435634, 435631, 462016, 499747, 525568, 558940, 567440 and 817875

4a. Letter of authorization dated July 9, 2010 from The City of Winnipeg to Paramjit Kaur and Rupinder Singh
4b. Letter of authorization dated July 20, 2010 from Paramjit Kaur and Rupinder Singh to Judge Construction Ltd.
5. Plans (6 pages)
6. Report from the Planning and Land Use Division dated December 6, 2010
7. Inspection Report
8. Audio Recording of representations of public hearing held on December 14, 2010

REPRESENTATIONS:

In Support:

Jerome Basa
Elsie, Nepo and Mary Castillo
Brunel Dupuis
R. Eustaquio
Sergio Felix
Romulo Francisco
Gurmail and Gary Judge
Jonathan Klassen
Jun Mapatae
E. and Felix Pao
Dennis Sapong
Niko Tugade
Hailey Tworek
Jennet Vergara
Rupinder, Paramjit and Ranjit Walia

In Opposition:

Nil

For Information:

Nil

For the City:

Mr. G. Doney, Senior Planner, Planning, Property and Development Department
Mr. K. Raban, Land Development Administrator, Planning, Property and Development Department

Exhibit "6" referred to in File DASZ 23/2010

ADMINISTRATIVE REPORT

Title: Subdivision and Rezoning Application File DASZ 23/2010, southwest of Redwood Avenue and Fife Street

Issue: proposed plan of subdivision to create 35 lots, one public reserve and one public lane and proposed rezoning of the lots to "R1-S" Residential Single-Family [small lots] District, and the public reserve to "PR1" Parks and Recreation 1 District

Critical Path: Lord Selkirk – West Kildonan Community Committee → Standing Policy Committee on Property and Development (only if opposition or if Community Committee's recommendations differ from the recommendations in this report) → Executive Policy Committee → Council

AUTHORIZATION

Author	Department Head	CFO	CAO
Patti Regan	n/a	n/a	n/a

RECOMMENDATIONS

1. That the plan of subdivision proposed under File DASZ 23/2010 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 23/2010 dated December 6, 2010 with such minor changes as may be required, and 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 November 25, 2010, which is Schedule "B" of this report.

2. That The Winnipeg Zoning By-law No. 200/06 be amended by rezoning the planned area as shown on Schedule "A" for File DASZ 23/2010 dated December 6, 2010 to an "R1-S" Residential Single-Family [smaller lots] District and a "PR1" Parks and Recreation 1 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 Director of Legal Services and City Solicitor 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 execution by the City of Winnipeg of the Development Agreement.

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 twelve (12) months after adoption of the by-law, 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 twelve (12) month period and the extension is subsequently approved by Council.

10. 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.

REASON FOR THE REPORT

The proposal is the construction of 35 single-family dwellings and one public lane and the creation of a public reserve to encompass an existing stand of trees.

For this proposal to proceed, a plan of subdivision, creating 35 lots, one public lane and one public reserve, must be approved. As well, a rezoning of the proposed lots to “R1-S” District and the proposed public reserve to “PR1” District must be approved.

The Winnipeg Public Service recommends approval of the application with conditions because it conforms to *Plan Winnipeg 2020 Vision* and is compatible with the neighbourhood.

IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendations are implemented, a development permit can be issued.

CONSULTATION

Consultation with City Departments is reflected in the recommended development agreement, which is Schedule “B” of this report.

SUBMITTED BY

Department: Planning, Property and Development
Division: Planning and Land Use
Prepared by: J. G. Doney
Date: December 6, 2010
File No. DASZ 23/2010

Attachments and Schedules

1. Attachment 1 – planning discussion
2. Schedule “A” – proposed plan of subdivision and rezoning
3. Schedule “B” – report of the Administrative Coordinating Group

ATTACHMENT 1 – planning discussion

DATE	December 6, 2010
FILE	DASZ 23/10
RELATED FILE	DAV 10-150799/A
COMMUNITY	Lord Selkirk – West Kildonan
NEIGHBOURHOOD	3.315
SUBJECT	proposed plan of subdivision consisting of 35 lots, one public lane and one public reserve proposed rezoning of the proposed lots to "R1-S" District and the proposed public reserve to "PR1" District
LOCATION	southwest of Redwood Avenue and Fife Street
LEGAL DESCRIPTION:	Block 2, Plan 943; Block 16, Plan 1164; Plan 9240; and Plan 6034



APPLICANT:	Gary Judge – Judge Construction 156 Luxon Avenue R2W 0L9
OWNER:	City of Winnipeg
RECOMMENDATION:	Approval with conditions

REPORT SUMMARY

The proposal is the construction of 35 single-family dwellings and one public lane and the creation of a public reserve to encompass an existing stand of trees.

For this proposal to proceed, a plan of subdivision, creating 35 lots, one public lane and one public reserve, must be approved. As well, a rezoning of the proposed lots to "R1-S" District and the proposed public reserve to "PR1" District must be approved.

The Winnipeg Public Service recommends approval of the application with conditions because it conforms to *Plan Winnipeg 2020 Vision.*

THE PLANNED AREA (THE SITE)

The planned area is:

- in the Shaughnessy Park Neighbourhood and the Point Douglas Ward;
- southwest of Redwood and Fife; and
- consists of several lots and part lots that, together, are approximately three acres.

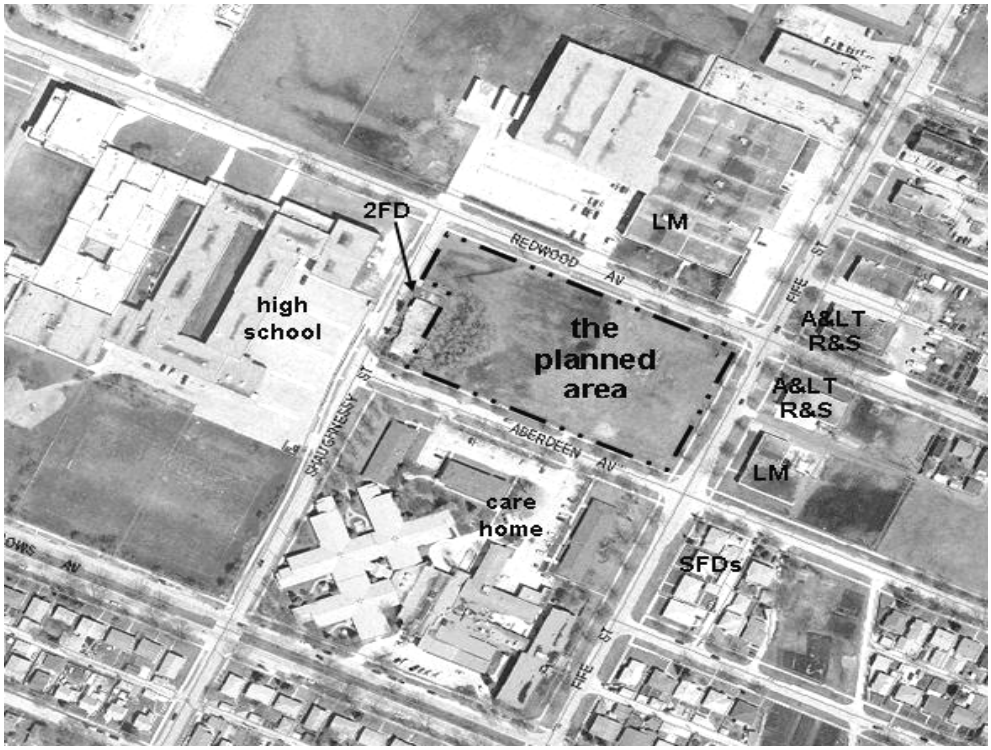
The following image is of 2009 aerial photography on which existing land uses are identified. It shows that the planned area:

- is undeveloped;
- encompasses a significant stand of trees that is near the southwest corner of the planned area; and
- is near single-family dwellings (SFDs), a two-family dwelling (2FD), a high school, a care home, light manufacturing uses (LMs) and the repair and service of automobiles and light-trucks (A&LTR&Ss).

The image on the next page identifies existing zoning. It shows that the planned area: is in an "M2" Manufacturing General District; and is near other "M2" Districts, "R1-M" Residential Single-Family [medium size lots] Districts, a "PR2" Parks and Recreation 2 District, a "PR3" Parks and Recreation 3 District and an "RMF-M" Residential Mulitple-Family [medium scale] District.

The planned area is in a Neighbourhood policy area of *Plan Winnipeg 2020 Vision.* The lands that are in an "M2" District and north of Redwood Avenue are in an Industrial policy area.

Winnipeg Transit bus routes are alongside the planned area on Fife Street and on Burrows and Mountain Avenues and McPhillips Street.



THE PROPOSED DEVELOPMENT

The proposal is the construction of 35 single-

family dwellings and one public lane and the creation of a public reserve to encompass an existing stand of trees.

For this proposal to proceed, a plan of subdivision, that would create 35 lots, one public lane and one public reserve must be approved. As well, a rezoning of the proposed lots to "R1-S" District and the proposed public reserve to "PR1" District must be approved.

As well, the minimum lot area requirement had to be varied as a tolerance to allow lot areas one percent less than the minimum. The public service approved this variance.



ANALYSIS AND ISSUES

Plan Winnipeg Compliance

The proposed development and associated subdivision-rezoning application conform to *Plan Winnipeg, 2020 Vision*, particularly to:

- Policy 1B-01, Support Neighbourhood Revitalization, which states: "The City shall support neighbourhood revitalization…[by] encouraging targeted private sector investment in neighbourhoods including the provision of infill housing…"; and
- Policy 3A-02, Promote Compact Urban Form, which states: "The City shall promote compact urban form in support of sustainability by… encouraging infilling of vacant lands and the revitalization of existing neighbourhoods to maximize the use of existing infrastructure…"

Policy 3A-01, Promote Orderly Development, states: "The City shall promote orderly development through land use designations on Policy Plate A by... considering the Neighbourhood designation to signify areas of local identity with mutually supportive uses generally including a residential mix together with a variety of educational, recreational, institutional, commercial, and possibly industrial uses, at a scale and density compatible with each other." This policy indicates that, in general, the "R1-S" District is more appropriate in Neighbourhood policy areas than the "M2" District, which is the current zoning of the planned area.

Compatibility with the Neighbourhood

Given that single-family dwellings and a school are near the planned area, the proposed uses (single-family dwellings and a passive park) are compatible with the neighbourhood.

In addition, a comparison of the requirements of the "R1-M" District, which is the "R1" District near the planned area, to the "R1-S" District, shows that the minimum lot area requirement of the "R1-S" District is only 29 percent less than that of the "R1-M" District and that the minimum side yard requirement is only 25 percent less. The following table shows these different requirements.

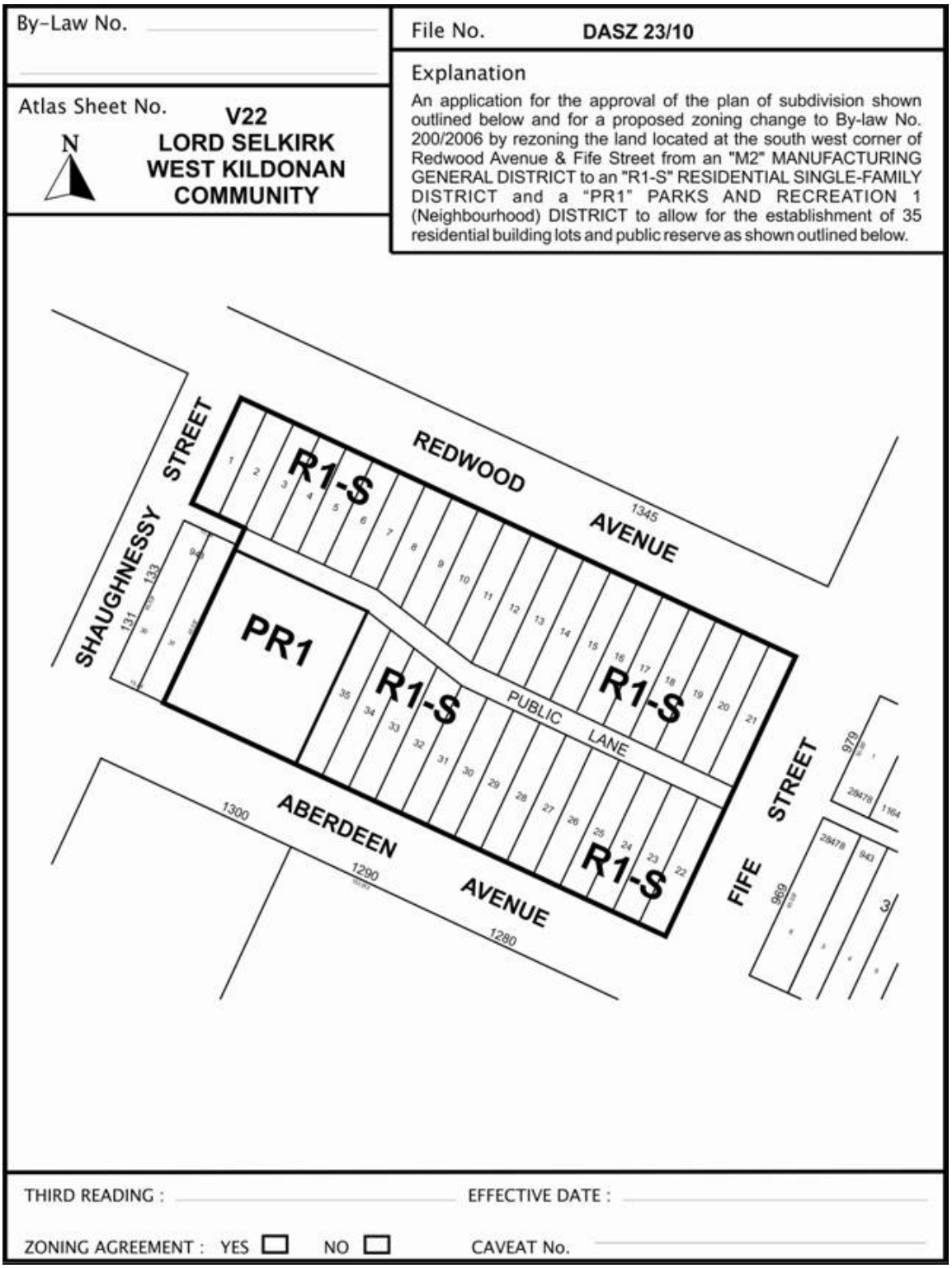
	min. lot area req.	**min. side yard req.**
R1-S	2500 SF	3 ft. or 2 ft. & 4ft.
R1-M	3500 SF	4 ft.

REASONS FOR THE RECOMMENDATIONS

The Winnipeg Public Service recommends approval of the application with conditions because it conforms to *Plan Winnipeg 2020 Vision* and is compatible with the neighbourhood.

This Report Submitted by:
Planning, Property and Development Department
Planning and Land Use Division
Report Prepared by: J. Glen Doney
PPD File DASZ 23/10

SCHEDULE "A"



Schedule "A" to the report to the Lord Selkirk – West Kildonan Community Committee for File DASZ 22/10, dated December 6, 2010

SCHEDULE "B"

REPORT OF THE ADMINISTRATIVE CO-ORDINATING GROUP – NOVEMBER 25, 2010

RE: PROPOSED SUBDIVISION AND REZONING OF LAND AT THE SOUTHWEST CORNER OF REDWOOD AVENUE AND FIFE STREET - DASZ 23/10

It is recommended that the approval of DASZ 23/10 be subject to the following:

A. Plan Considerations

1. The Applicant providing a right-of-way width of 6.25 m for the proposed public lane, to the satisfaction of the Director of Public Works.

2. The Applicant widening, at no expense to the City, the right-of-way of the short section of existing Public Lane immediately east of Shaughnessy Street to 6.25 m, to the satisfaction of the Director of Public Works.

B. Development Agreement

The applicant entering into a **Development Agreement** with the City of Winnipeg, containing the following conditions:

1. The Developer shall install lot line services to service all lots within the Planned Area, as follows:

    i. The Developer shall, at no expense to the City, construct and install wastewater and water building services from the wastewater sewer and watermain, to service all lots within the Planned Area, as determined by, and to the satisfaction of, the Director of Water and Waste.
    ii. The Developer shall ensure that each sewer service remains plugged from installation until the foundation excavation has been backfilled and the roof of the dwelling has been sheathed, after which the house sewer may be connected. The Developer herby indemnifies the City against all actions, claims, demands, damages, losses, and costs, including legal and court costs, suffered or incurred by the City arising out of any failure to do so.
    iii. The Developer shall replace or repair any water or sewer service found to be defective within one year following the date the water is turned on for domestic use, and shall pay the City any cost incurred by the City arising out of any such defect.

2. The Developer shall, at no expense to the City, provide a lot grading plan, prepared by a municipal engineer, for the Planned Area, and construct all drainage works necessitated by the design.

3. The Developer shall, at no expense to the City, construct all swales, catchbasins, and leads required to provide lot drainage prior to the issuance of building permits.

4. The Developer shall, at no expense to the City, provide all easements with respect to the installation, maintenance, and replacement of swales, catchbasins, and leads for lot drainage upon registration of the approved subdivision mylars in the Land Titles Office.

5. The Developer shall, at no expense to the City, construct, within the proposed public lane within the Planned Area, a 5.0-m-wide by 150-mm-thick portland cement concrete pavement and all related works, as determined by, and to the satisfaction of, the Director of Public Works.

6. The Developer shall, at no expense to the City, widen the short section of existing public lane pavement immediately east of Shaughnessy Street to 5.0 m, and modify/widen the lane turn-out from Shaughnessy Street, as determined by, and to the satisfaction of, the Director of Public Works.

7. The Developer shall, at no expense to the City, construct a 1.5-m-wide by 100-mm-thick portland cement concrete sidewalk along the east side of Shaughnessy Street between Aberdeen and Redwood Avenues, as determined by, and to the satisfaction of, the Director of Public Works.

8. The Developer shall, at no expense to the City, re-sod the boulevards and plant and re-plant trees on all streets surrounding the Planned Area, as required, to the satisfaction of the Director of Public Works.

9. The Developer shall, at no expense to the City, maintain the boulevard improvements for one year, in accordance with specifications approved by the Director of Public Works.

10. The Developer shall, at no expense to the City, ensure that development of the Planned Area does not negatively affect the preserved habitat within the adjacent public reserve by ensuring, in consultation with the City Naturalist, the application of appropriate tree and vegetation protection, and by providing drainage away from the adjacent public reserve.

11. The Developer shall, at no expense to the City, cause underground electrical and telephone services to be installed to serve the Planned Area, to the satisfaction of the Director of Public Works.

12. 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.

13. 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.

14. The Developer shall, at no expense to the City, initiate and control the regular cleanup 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 buildings, until completion of all construction, as determined by, and to the satisfaction of, the Director of Public Works.

15. Following completion of all major construction works, the Developer shall, at its cost, have the locations of the survey monuments within the Planned Area verified and, where the survey monuments have been disturbed, moved, covered, mutilated, or destroyed, have them replaced by a Manitoba Land Surveyor, who shall provide the Director of Planning, Property and Development with a certificate that all survey monuments within the Planned Area have been verified and/or replaced.

16. In lieu of dedication of land for public open space, the Developer shall pay to the City, prior to the release of the subdivision mylars for registration in the Land Titles Office, 10% of the appraised increase in value of the land, the Community's share of which shall be used to improve the adjacent public reserve.

17. The Developer shall pay the full cost of engineering services provided by or on behalf of the City in connection with the installation of, and provision of as-built drawings by March 31 of the year following substantial performance showing, the services required to serve the Planned Area.

18. The Developer shall pay to the City, prior to the release of the subdivision mylars for registration in the Land Titles Office, $1,200.00 plus GST per acre of the Planned Area (minimum $1,650.00) 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 23/10
November 25, 2010

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

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

“original signed by F. C. Mazur, P. Eng.”
F. C. Mazur, P. Eng.
Water & Waste Department

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

/sm