Agenda – Council – September 27, 2012

Report – Standing Policy Committee on Property and Development – September 11, 2012

Item No. 15 Subdivision and Rezoning – 431 Haney Street (Charleswood-Tuxedo Ward) File DASZ 14/2012

STANDING COMMITTEE RECOMMENDATION:

On September 19, 2012, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development, and submits the following to Council:

1. That the plan of subdivision under File DASZ 14/2012 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 14/2012 dated August 29, 2012, with such minor changes as may be required, and 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 14/2012 dated August 29, 2012, to an "R1-L" Residential District.

3. That in lieu of the requirement for land dedication, a sum of money, calculated as ten percent (10%) of the increase in market value of the land and the creation of additional lots, be paid to the City for the purchase of land for purposes of the City other than streets.

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

5. That in the event the matter is not proceeded with expeditiously and the by-law is not passed within two (2) years 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 the two (2) year period and Council approves the extension.

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.

Report – Standing Policy Committee on Property and Development – September 11, 2012

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 one (1) year from the date the by-law is passed, failing which 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 the one-year period and Council approves the extension.

10. 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.

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.

Report – Standing Policy Committee on Property and Development – September 11, 2012

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On September 19, 2012, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development, and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On September 11, 2012, the Standing Policy Committee on Property and Development concurred in the recommendation of the Assiniboia Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On September 5, 2012, the Assiniboia Community Committee concurred in the recommendation of the Winnipeg Public Service and forwarded to the Standing Policy Committee on Property and Development.

RE: **Subdivision and Rezoning - 431 Haney Street**
File DASZ 14/2012

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

Prepared by: **Ms Danielle Caron, Committee Clerk**
Assiniboia Community Committee

Report date: **September 6, 2012**

COMMUNITY COMMITTEE RECOMMENDATION:

On September 5, 2012, the Assiniboia 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 14/2012 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 14/2012 dated August 29, 2012, with such minor changes as may be required, and 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 14/2012 dated August 29, 2012, to an "R1-L" Residential District.

3. That in lieu of the requirement for land dedication, a sum of money, calculated as ten percent (10%) of the increase in market value of the land and the creation of additional lots, be paid to the City for the purchase of land for purposes of the City other than streets.

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

5. That in the event the matter is not proceeded with expeditiously and the by-law is not passed within two (2) years 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 the two (2) year period and Council approves the extension.

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 one (1) year from the date the by-law is passed, failing which 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 the one-year period and Council approves the extension.

10. 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.

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.

The Assiniboia Community Committee provided the following supporting reason for its recommendation:

1. The Assiniboia Community Committee agreed with the administrative comments contained in the report of the Planning and Land Use Division dated August 29, 2012.

PUBLIC HEARING SUMMARY

File: DASZ 14/2012

Before: Assiniboia Community Committee
Councillor Havixbeck, Chairperson
Councillor Fielding
Councillor Nordman

Public Hearing: September 5, 2012
West Committee Room
Council Building, 510 Main Street

Applicant: Selver Planincic

Subject:



APPLICANT : SELVER PLANINCIC
FILE : DASZ 14/12
PROPOSAL : An application for the approval of the plan of subdivision shown outlined above as may be determined by Council and for a proposed zoning change to By-law No. 200/2006 by rezoning the land shown outlined above from an "R1-E" RESIDENTIAL SINGLE-FAMILY (Estate) DISTRICT to an "R1-L" RESIDENTIAL SINGLE-FAMILY (Large) DISTRICT to allow for the creation of a residential building lot for future development. **For information, phone Mr. J. Veitch, Planner, at 204-986-7728.**

Premises Affected: 431 Haney Street

Exhibits Filed:

1. Application dated June 15, 2012
2. Notification of Public Hearing dated July 11, 2012
3. Manitoba Status of Titles 2317634 and 2331747
4a. Letter of authorization dated June 6, 2012 from The City of Winnipeg to Selver and Lejla Planincic
4b. Letter of authorization dated June 8, 2012 from Lejla Planincic to Selver Planincic
5. Surveyor's Building Location Certificate and sketch dated August 24, 2012
6. Miscellaneous Plan No. 14141
7. Plans (2 pages)
8. Report from the Planning and Land Use Division dated August 29, 2012
9. Inspection Report
10. Communication dated September 4, 2012 from Robert France, in opposition to the application
11. Audio Recording of representations

REPRESENTATIONS:

In Support:

Selver Planincic
Milan Stepic

In Opposition:

Robert France

For Information:

Nil

For the City:

Mr. K. Raban, Land Development Administrator, Planning, Property and Development Department
Mr. M. Robinson, Senior Planner, Planning, Property and Development Department
Mr. J. Veitch, Acting Principal Planner, Planning, Property and Development Department

Exhibit "8" referred to in File DASZ 14/2012

ADMINISTRATIVE REPORT

Title: DASZ 14/12 – 431 Haney Street

Issue: For consideration at the Public Hearing for a subdivision and rezoning to create a new 'R1-L' Single Family lot.

Critical Path: Assiniboia Community Committee – Standing Policy Committee on Property and Development – Executive Policy Committee – Council as per the *Development Procedures By-law* and *The City of Winnipeg Charter*.

AUTHORIZATION

Author	Department Head	CFO	CAO
P. Regan	N/A	N/A	

RECOMMENDATIONS

1. That the plan of subdivision proposed under File DASZ 14/2012 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 14/2012 dated August 29, 2012, with such minor changes as may be required, and 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 14/2012 dated August 29, 2012, to an "R1-L" Residential District.

3. That in lieu of the requirement for land dedication, a sum of money, calculated as ten percent (10%) of the increase in market value of the land and the creation of additional lots, be paid to the City for the purchase of land for purposes of the City other than streets.

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

5. That in the event the matter is not proceeded with expeditiously and the by-law is not passed within two (2) years 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 the two (2) year period and Council approves the extension.

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 one (1) year from the date the by-law is passed, failing which 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 the one-year period and Council approves the extension.

10. 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.

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.

REASON FOR THE REPORT

- The applicant is proposing to consolidate, subdivide and rezone two (2) existing parcels to create one new 'R1-L' Residential Single Family lot with the residual lands remaining as an 'R1-E' Residential lot;
    - A 35,319 square foot parcel addressed 431 Haney Street is currently zoned 'R1-E' Single Family Residential Estate,
    - A 2,120 +/- square foot City Owned parcel known as Part Lot 5, Block 4, Plan 20019, zoned 'R1-L' Residential Single Family Large,
- Proposed Lot 1 will be 12,316 square feet, created by consolidating part of 431 Haney with the 12,120 square foot City of Winnipeg parcel, rezoned to 'R1-L' Single Family Residential Large and will take access off of Sammons Crescent,
- Proposed Lot 2 will be 35,328 square feet, zoned 'R1-E' Single Family Residential Estate and will continue to take access off of Haney Street,
- Subdivisions and rezonings require a Public Hearing as per the *Development Procedures By-law* and *The City of Winnipeg Charter.*
- The Report is being submitted for the Committee's consideration of the development application at the Public Hearing.

IMPLICATIONS OF THE RECOMMENDATIONS

- If the recommendations of the Urban Planning Division are concurred in, the two lots will be consolidated, subdivided with the new proposed Lot 1 being rezoned to 'R1-L' Single Family Residential Large.

CONSULTATION

In preparing this report there was consultation with: N/A

SUBMITTED BY

Department	Planning, Property and Development
Division	Urban Planning
Date:	August 29, 2012
File No.	DASZ 14/12

List of Schedules and Attachments

1. Appendix A – Planning Discussion
2. Schedule “A” for File No. DASZ 14/12

APPENDIX 'A'

DATE: August 29, 2012

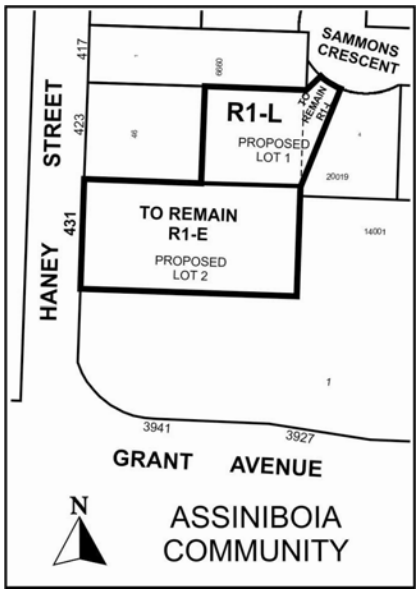
FILE: **DASZ 14/12**
RELATED FILES: NA

COMMUNITY: Assiniboia
NEIGHBOURHOOD #: 2.608 (Varsity View)

SUBJECT: To subdivide and rezone the subject lands currently 'R1-E' Residential Single Family Estate and 'R1-L' Residential Single Family Large in order to create two (2) residential lots.

LOCATION: 431 Haney Street

LEGAL DESCRIPTION: SP Lot 47 Plan 20554 in RL 37 and 38 Parish of St. Charles
All that portion of Lot 5 Block 4 Plan 20019 WLTO which lies south of the southern limit of Sammons Crescent Plan 21038 WLTO in RL37 and 38 Parish of St. Charles



APPLICANT: Selver Planincic
431 Haney Street
WINNIPEG MB R3R 0Y5

OWNERS: Selver & Lejla Planincic
431 Haney Street
WINNIPEG MB R3R 0Y5,
and the City of Winnipeg

RECOMMENDATION: Approval

REPORT SUMMARY

- The applicant is proposing to consolidate, subdivide and rezone two (2) existing parcels to create one new ‘R1-L’ Residential Single Family lot with the residual lands remaining as an ‘R1-E’ Residential lot;
    - A 35,319 square foot parcel addressed 431 Haney Street is currently zoned ‘R1-E’ Single Family Residential Estate,
    - A 2,120 +/- square foot City Owned parcel known as Part Lot 5, Block 4, Plan 20019, zoned ‘R1-L’ Residential Single Family Large,
- Proposed Lot 1 will be 12,316 square feet, rezoned to ‘R1-L’ Single Family Residential Large and will take access off of Sammons Crescent,
- Proposed Lot 2 will be 35,328 square feet, zoned ‘R1-E’ Single Family Residential Estate and will continue to take access off of Haney Street,
- The Urban Planning Division recommends supporting this subdivision and rezoning application.

SITE DESCRIPTION

- The majority of subject lands are located on the east side of Haney Street; the smaller City owned parcel is located off the south side of Sammons Crescent, the lands are in the Varsity View neighbourhood of the Charleswood - Tuxedo Ward.
- The 431 Haney property is approximately **35,319 square feet in area,** The City Owned parcel is approximately **12,120 square feet in area**.
- 431 Haney Street contains a one storey, 1,540 square foot house that was built in 1956.
- The site is within the *Complete Communities Direction Strategy*, the site is within the Areas of Stability – Recent Communities Policy Area.
- 431 Haney Street is zoned 'R1-E' Residential Single Family Estate, the City Owned lands are zoned 'R1-L' Residential Single Family Large.

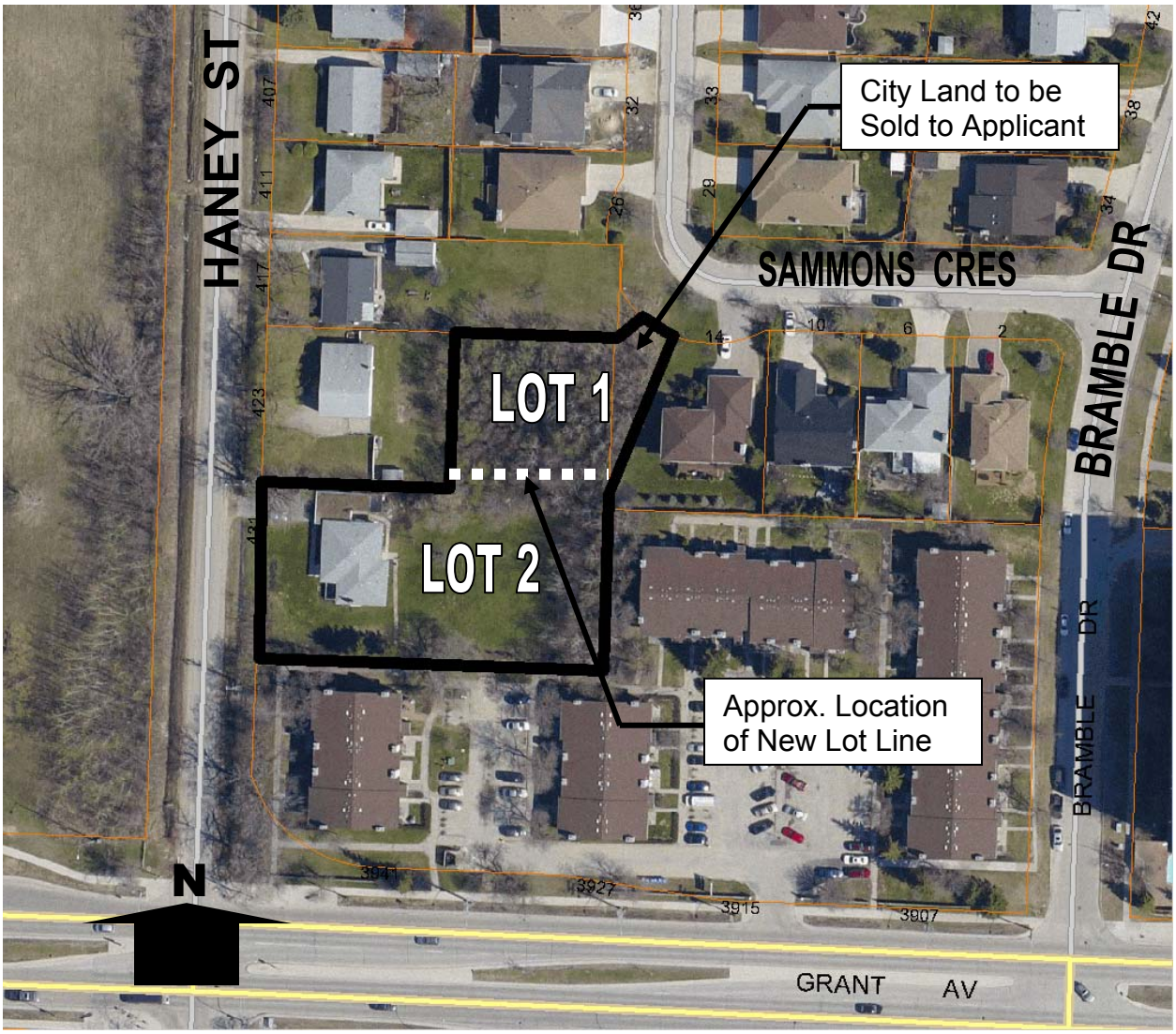


Figure 1: Aerial photograph showing subject lands (flown 2009)

SURROUNDING LAND USES & ZONING (See Figure 2)

North: Detached single-family homes zoned "R1-E" Residential Single-Family Estate.

South: 'C2' Commercial (Multiple Family Residential)

East: 'C2' Commercial and 'R1-L' Residential Single Family Large.

West: Haney Street then 'PR1' Parks and Recreation (William R. Clement Parkway)

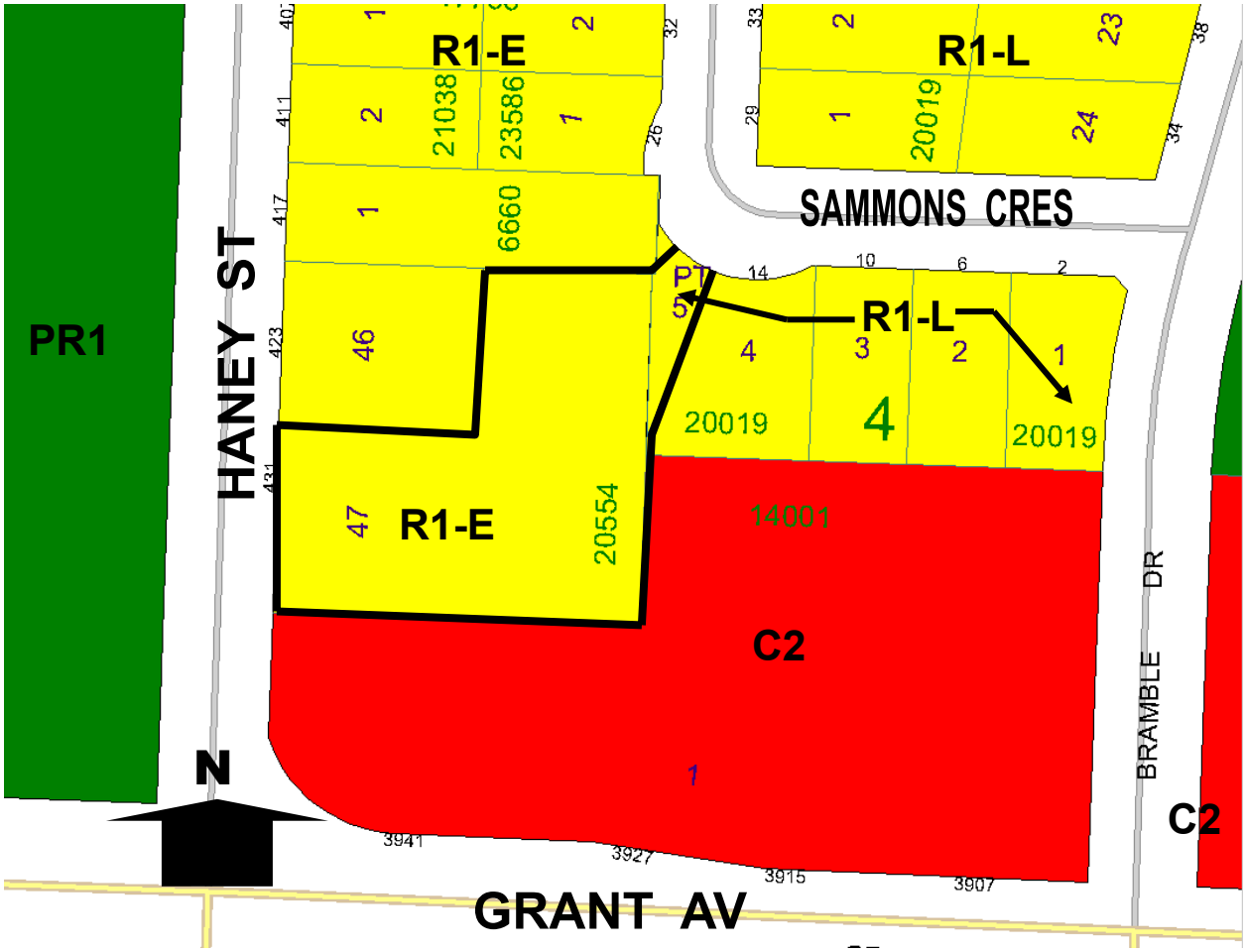


Figure 2: Zoning of the site and surrounding area.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant is proposing to consolidate, subdivide and rezone two (2) existing parcels to create one new 'R1-L' Residential Single Family lot with the residual lands remaining as an 'R1-E' Residential lot;
    - A 35,319 square foot parcel addressed 431 Haney Street is currently zoned 'R1-E' Single Family Residential Estate,
    - A 2,120 +/- square foot City Owned parcel known as Part Lot 5, Block 4, Plan 20019, zoned 'R1-L' Residential Single Family Large,
- Proposed Lot 1 will be 12,316 square feet, rezoned to 'R1-L' Single Family Residential Large and will take access off of Sammons Crescent,

- Proposed Lot 2 will be 35,328 square feet, zoned ‘R1-E’ Single Family Residential Estate and will continue to take access off of Haney Street,
- Proposed Lot 1 will then be available for sale and the development of a single family dwelling.

ANALYSIS AND ISSUES

DRAFT COMPLETE COMMUNITIES DIRECTION STRATEGY

- Under the *Complete Communities Direction Strategy* the proposed development is within the Areas of Stability – Recent Communities policy area. Key relevant policies guiding development within Areas of Stability include:
    - Support low to moderate change in low-density neighbourhoods through development and redevelopment that is complimentary to the existing scale, character and built form.
    - Support Complete Communities by ensuring diverse and high quality housing stock.
    - In order to meet the full life-cycle of housing needs within the community, promote a mix of housing type and tenure, such as duplexes, low rise apartments, secondary suites, semi-detached homes, townhouses.
    - Support the subdivision of a parcel of land into two or more lots when it is done in a context sensitive manner.

ZONING

‘R1-E’ Residential single Family Estate

- The Residential Single-Family (R1) district is intended to accommodate primarily single-family residential development in lower-density neighbourhoods. The ‘R1-E’ district requires: a minimum lot width of 25 feet, a minimum lot area of 20,000 square feet, 10 foot side yards, a front yard of 30 feet, and a rear yard of 25 feet. The maximum building height is 35 feet.

‘R1-L’ Residential Single Family Large

- The Residential Single-Family (R1) district is intended to accommodate primarily single-family residential development in lower-density neighbourhoods. The ‘R1-L’ district requires: a minimum lot width of 25 feet, a minimum lot area of 5,500 square feet, 4 foot side yards, a front yard of 20 feet, and a rear yard of 25 feet. The maximum building height is 35 feet.

LAND USE BY-LAW

Rezoning

- The applicant intends to rezone proposed Lot 1 to ‘R1-L’ Single Family Residential Large to allow the development of a new single family dwelling.

Variances

- There are no variances associated with this application.

COMPATIBILITY WITH THE SURROUNDING NEIGHBOURHOOD

- The subject lands front onto Haney Street and back onto Sammons Crescent. Proposed Lot 2 will remain zoned ‘R1-E’ and will remain larger in width, area and setback with the adjacent ‘R1-E’ single family lots to the north.
- The proposed Lot 1 will front onto Sammons Crescent and will be zoned ‘R1-L’ Residential Single Family Large. Lot 1 is compatible in size to the existing ‘R1-L’ lots fronting onto Sammons Crescent.

- The proposed development is consistent with the relevant *Complete Communities* policies as it allows for moderate change that is consistent with the existing built form and character of the area.

SUBDIVISION SERVICING COSTS

The City is obliged under Development Agreement AG 37/85 to endeavor to recover from the owner(s) of lands abutting the buffer control strip fronting this property, a proportionate share of the value of services installed and improvements made by the others in Sammons Crescent. The City is required to collect and pay recoveries for the services directly to the Developer under terms of the AG 37/85 agreement. Also, pursuant to the City's Development Agreement Parameters, certain regional servicing costs are applicable to the subject land.

As information therefore, in addition to the normal processing fees, requirements and payments, payment for the following items will be required prior to release of the Subdivision mylars.

- Fronting Services (watermain, wastewater sewer, lateral land drainage sewer, pavement, street lighting)
- Charleswood Transportation Levy
- Charleswood Area C regional land drainage trunk (TSR) charge

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 land is not less than 10%.
- The developer is to provide land or 'cash in lieu' as determined by the Planning, Property and Development Department.
- The City is requesting cash in lieu for this application.

RECOMMENDATION

The Urban Planning Division recommends **approval** for the following reasons:

- Increasing residential density and helping to achieve a compact urban form are key policies of *OurWinnipeg* and the *Complete Communities Direction Strategy* that are fulfilled by this application.
- The scale and form of the development is consistent with the neighbouring R1-zoned properties.
- The creation of this new residential infill lot, (Lot 1) does not preclude the development of the adjacent lands to the north.

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

Report Prepared By: James Veitch
PPD File # DASZ 14/12

Schedule "A" for File No. DASZ 14/2012, Assiniboia Community Committee, dated August 29, 2012

