Minute No. 470
Report - Standing Policy Committee on Property and Development - June 3, 2003

Item No. 3 **Proposed Subdivision and Rezoning - south side Pandora Avenue West between Atwood and Robson Streets**
File DASZ 22/2002

COUNCIL DECISION:

Council concurred in the recommendation of the Standing Policy Committee on Property and Development that the application under File DASZ 22/2002 not be proceeded with.

Report - Standing Policy Committee on Property and Development - June 3, 2003

DECISION MAKING HISTORY:

Moved by Councillor Vandal,

That the recommendation of the Standing Policy Committee on Property and Development, that the application not be proceeded with, be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On June 18, 2003 the Executive Policy Committee concurred in the recommendation 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 June 3, 2003, the Standing Policy Committee on Property and Development concurred in the recommendation of the East Kildonan-Transcona Community Committee, and submitted its recommendation to Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On April 22, 2003, the East Kildonan-Transcona Community Committee concurred in the administrative recommendation, that the application under File DASZ 22/2002 not be proceeded with, and submitted its recommendation to the Standing Policy Committee on Property and Development that the application not be proceeded with.

RE: **Proposed Subdivision and Rezoning - South side Pandora Avenue West, between Atwood and Robson Streets**
File DASZ 22/2002

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

Prepared by: **Inga K. Skundberg, Clerk, East Kildonan-Transcona Community Committee**

Report date: **May 6, 2003**

COMMUNITY COMMITTEE RECOMMENDATION:

The East Kildonan-Transcona Community Committee concurred in the administrative recommendation and recommends to the Standing Policy Committee on Property and Development that the application not be proceeded with.

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

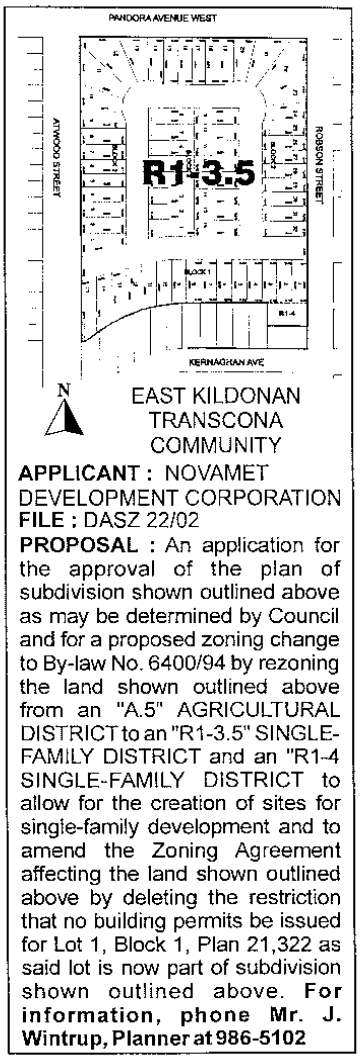
1. That the East Kildonan-Transcona Community Committee agreed with administrative comments contained in the reports of the Manager of Planning and Land Use dated January 9, 2003 and April 16, 2003 to not proceed with the subject application.

PUBLIC HEARING SUMMARY

File:	DASZ 22/2002
Before:	East Kildonan-Transcona Community Committee Councillor Lubosch, Chairperson Councillor Wyatt
Public Hearing:	April 22, 2003 Community Committee Chamber, 755 Henderson Highway March 18, 2003 Helen Mayba Theatre, Miles Macdonell Collegiate, 757 Roch St. February 18, 2003 Helen Mayba Theatre, Miles Macdonell Collegiate, 757 Roch St. January 21, 2003 Community Committee Chamber, 755 Henderson Highway

Applicant: Novamet Development Corporation (Lyne Jones)
30 Speers Road
Winnipeg, MB R2J 1L9

Subject:



Premises Affected: South side Pandora Avenue West between Atwood and Robson Streets

Exhibits Filed:
1. Application dated November 21, 2002
2. Advertising notice dated January 3, 2003
3. Manitoba Status of Titles 1074439, 1892648

4. Letter of authorization from Dennis Schultz, Shirichlee Ltd. to Novamet Development Corporation dated October 22, 2002
5. Extract of Atlas Sheet AA33
6. Plan of subject property
7. Report from the Administrative Coordinating Group dated January 8, 2003
8. Report from the Manager of Planning and Land Use dated January 9, 2003
9. Photograph(s) of the Site and Inspection Notice
10. Communication from the Manager, Qualico Single Family Homes, dated January 16, 2003, with respect to the application
11. Package provided by Novamet Development Corporation to residents currently living on Atwood Street
12. Letters of Support (9) of the application submitted by Eric Vogan, Land Development Manager, Novamet Development Corporation
13. Communications from the Land Development Manager, Novamet Development Corporation, dated December 30, 2002, to the residents on Atwood Street, Kernaghan Avenue and Robson Street
14. Communication from Karen Jashyn in opposition to the application, undated, submitted at the public hearing held on January 21, 2003
15. Letter in Opposition (1) to the application submitted by Eric Vogan, Land Development
16. Communication from the Land Development Manager, Novamet Development Corporation, dated February 17, 2003, with respect to the application
17. Photographs (3) of fence and Restrictive Covenant regarding maintenance of fence submitted by Eric Vogan, Land Development Manager, Novamet Development Corporation, at the public hearing held on February 18, 2003
18. Letters in Opposition (6) to the application submitted by Derek Klassen at the public hearing held on February 18, 2003
19. Communication from the Land Development Manager, Novamet Development Corporation, dated March 11, 2003, requesting the application be adjourned to April 22, 2003

20. Package provided by the Land Development Engineer, Novamet Development Corporation, to residents living on Atwood Street which proposes two alternatives to the original street configuration
21. Communication from the Manager, Qualico Developments, and the President, Randall Homes, dated April 15, 2003, in response to the proposed alternatives to the original street configuration
22. Supplementary Report from the Manager of Planning and Land Use dated April 16, 2003
23. Responses of area residents to alternative configurations submitted by Derek Klassen at the public hearing held on April 22, 2003
24. Petition (one page) in opposition to the application submitted by Lois Hadden at the public hearing held on April 22, 2003
25. Alternative concept 4 submitted by Lois Hadden at the public hearing held on April 22, 2003
26. Communication from Karen Jashyn in opposition to the application, undated, submitted at the public hearing held on April 22, 2003

REPRESENTATIONS:

In Support:
Ken Braun, Manager, Qualico Single Family Homes, 30 Speers Road, Winnipeg, Manitoba R2J 1L9
Gregg Davey, 200 Tache Avenue, Winnipeg, Manitoba R2H 1A7
Bob Hinkelman, 200 Tache Avenue, Winnipeg, Manitoba R2H 1A7
Albert Toews, 509 Pandora Avenue West, Winnipeg, Manitoba R2C 1M8
Eric Vogan, 30 Speers Road, Winnipeg, Manitoba R2J 1L9

In Opposition:
Alan & Joy Balkwill, 35 Atwood Street, Winnipeg, Manitoba R2C 4K5
Grant Beakley, 839 Barry Avenue, Winnipeg, Manitoba R2C 1L9
Jacquie and Paul Bergman, 43 Atwood Street, Winnipeg, Manitoba R2C 5K9
Ingrid Fredette, 23 Atwood Avenue, Winnipeg, Manitoba R2C 5K9
Lois Hadden, 55 Robson Street, Winnipeg, Manitoba R2C 2Y8
Richard Hammond, 67 Atwood Street, Winnipeg, Manitoba R2C 5K9
Shannon Harman, 7 Atwood Street, Winnipeg, Manitoba R2C 5K9
Kelly Holben, 27 Atwood Street, Winnipeg, Manitoba R2C 5K9
Karen Jashyn, 16 Robson Street, Winnipeg, Manitoba R2C 3P7
Derek Klassen, 19 Atwood Street, Winnipeg, Manitoba R2C 5K9

Mr. and Mrs. Phil Perreault, 63 Atwood Street, Winnipeg, Manitoba R2C 4Z9
Daren St. Pierre, 59 Atwood Street, Winnipeg, Manitoba R2C 5K9
Luis & Anna Santos, 15 Atwood Street, Winnipeg, Manitoba R2C 5K9
Ted Slobodian, 11 Atwood Street, Winnipeg, Manitoba R2C 5K9
J. & G. Stuve, 47 Atwood Street, Winnipeg, Manitoba R2C 5K9

For Information:
Norm Boyle, 1309 Hoka Street, Winnipeg, Manitoba R2C 2V8
Lori-Ann Rosche, 22 Hickorywood Place, Winnipeg, Manitoba R2C 4Z2

For the City:
Ernie Carriere, Land Development Engineer, Planning, Property and Development Department
John McNairnay, Development Management Coordinator, Planning, Property and Development Department
John Wintrup, Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSONS MADE AT THE PUBLIC HEARING

January 21, 2003

Eric Vogan, Land Development Manager, Novamet Development Corporation, appeared in support of the application. He indicated that the subject in-fill housing area is not an easily fed market and cited different applications that have not been successful. He advised the lack of services on Robson Street, and the high power line on the east side of Atwood Street, had some basis in situating the fronts of the existing residences along Atwood and Robson streets to face the rear yards of the proposed development. In this connection, he commented that backyards flanking onto front yards are not uncommon in other subdivisions.

He advised that the fencing which will be directed toward the existing residences that face the subject property will be a quality pressure treated fence constructed of significant thickness to ensure a long life. Ernie Carriere, Land Development Engineer, indicated that the City of Winnipeg would file a caveat to ensure the fences are maintained.

Councillor Wyatt questioned if the applicant would object to the installation of a sidewalk on the south side of Pandora Avenue as recommended by the administration, as well as a sidewalk on Barry Avenue. Eric Vogan responded he could support a sidewalk on Pandora Avenue but would be reluctant to install a sidewalk on any street other than a collector street.

Eric Vogan referenced letters of support, seven of which indicated that the required cash in lieu dedication be directed to enhanced landscaping on Atwood Street, filed as Exhibit 11. Further, he indicated that he has received no phonecalls with respect to anyone opposing the project.

With respect to the report from the Manager of Planning and Land Use, filed as Exhibit 6, Eric Vogan indicated that the applicant is not willing to consider a "R1-4" zoning designation and commented that value should not be equated with lot width, as larger lot sizes often equal a smaller house due to budgetary constraints. He further indicated that two-storey homes fit nicely on the subject sized lots.

Councillor Lubosch questioned if the administration has looked at this proposed project on an environmental basis inasmuch as the Planning, Property and Development Department, in coordination with other civic departments, are considering guidelines to more community and environmental neighbourhoods. John McNairnay, Development Management Coordinator, responded that although such guidelines have not yet been implemented, the administration would support the design if it fits with the neigbourhood and facilitates interaction of people within the community. He indicated that the administration is supportive of developing the subject lands as a single family residential use only if it respects what is currently there, such as the investment in existing homes, the existing streets and street patterns, and the integration with and contribution to the rest of the neighorhood.

In this connection, Councillor Lubosch questioned if the applicant would consider an amended design, to which Eric Vogan responded that the applicant has to face the constraints on developing in-fill lands and reiterated the lack of services on Robson Street and the high power line on the east side of Atwood Street.

Albert Toews, General Manager of Kensington Homes, appeared in support of the application.

Lori-Ann Rosche appeared for information, and advised that she has been a Transcona resident for over 30 years. She indicated that she has been hoping to remain in the area and upgrade to a bungalow style of home, as opposed to a two-storey one, and hoped the subject lots would have been larger and priced more like the area she currently lives in. She commented that if she lived on Atwood Street, she would not want to face a fence and felt that it would create a barricade type of feeling.

Richard Hammond appeared in opposition to the application, and advised that he resides at the Atwood Street entrance to the proposed development. He expressed concern regarding the development of only two entrances to the development and suggested that another entrance/exit be considered, possibly on Pandora Avenue West. In this connection, he indicated that Atwood Street has no stop signs down the entire street.

Grant Beakley appeared in opposition to the application, and advised that he has lived in the area for 36 years. He expressed concern regarding the impact of increased traffic on Barry Avenue, and of the maintenance to the proposed fence. With respect to the fence, he indicated that those leaving the local hotel have been known to pull out signage and throw them in the field by Barry

Avenue and in this connection, expressed concern that the fence surrounding the development likely would be vandalized as well.

Karen Jashyn appeared in opposition to the application, and read into the record her presentation, filed as Exhibit 13.

Eric Vogan advised that many of the proposed lots would be suitable and large enough for the development of bungalow style homes. He agreed that due to limited traffic control on Atwood Street, vehicles could increase their speed unnecessarily. He emphasized with the homeowner on Robson Street that currently enjoys facing the current empty subject property and indicated in a few years the owner would be looking at more than a fence with landscaping if the proposed development was to proceed.

Councillor Lubosch questioned the numbers of lots that could be created if the proposed plan was reconfigured to include one road, as opposed to a bay, and the difference in pavement and land drainage costs. Eric Vogan responded by advising it would create more lots, half of them facing Atwood Street with a hydro line in the front yard, which in his opinion would be a mediocre as opposed to a better quality solution as proposed.

John McNairnay advised that the administration suggested other alternatives that would integrate the proposal into the neighbourhood as opposed to turning its back on the community.

Eric Vogan advised that the installation of a walkway onto Pandora Avenue West and on the north side of Barry Avenue would be possible.

Councillor Wyatt commented that at the subject location, it is possible existing residents may get something they do not support other than this specific project if it were not to proceed. He further commented that no development at the subject location may not be a reasonable consideration either. He indicated that considering there are some outstanding issues that need to be resolved, he will be recommending that the public hearing be adjourned to allow the developer to meet with area residents and to allow the administration to consider traffic impact. He requested that a revised plan be considered with a "R1-4" zoning designation as well as the installation of a walkway not only on Pandora Avenue and Robson Street, but also on Atwood Street and the north side of Barry Street. He also requested that consideration be given when addressing landscaping and fencing to those that would be looking and facing onto it.

February 18, 2003

Eric Vogan appeared in support of the application and advised that Novamet Development Corporation is prepared to construct sidewalks on the south side of Pandora Avenue from Robson Street to Atwood Street and on the west side of Robson Street from Kernaghan Avenue to Pandora Avenue, as required in the development agreement, filed as Exhibit 6, as well as construct an additional sidewalk on the north side of the extension of Barry Avenue.

In addition, he advised that Novamet is also proposing a landscaping plan for a six foot asphalt utility corridor on the east side of Atwood Street, which would include existing bush as well as the provision of additional trees, filed as Exhibit 15. In this connection, he suggested that cash-in-lieu of land dedication be directed towards the landscaping plan.

He advised that the fence would be constructed of pressure treated wood, and homeowners would be required to sign a caveat to ensure maintenance of the fence, and submitted a copy of a Restrictive Covenant in this connection, filed as Exhibit 16.

Councillor Wyatt questioned the applicant if they would be prepared to install a sidewalk, as opposed to a pathway, on Atwood Street, as originally indicated to the residents on Atwood Street by the applicant. Eric Vogan responded that they revised the installation of a sidewalk to Robson Street from Atwood Street when the condition in the report from the Administrative Coordinating Group (Exhibit 6) was changed to require a sidewalk on Robson Street. He indicated that installation of a sidewalk would be an expense equal to approximately ½ the cost of a lot and he felt that resources should be directed to expenses that are more necessary. In this connection, he expressed his opinion that a pathway on Atwood Street would be a fun alternative to a sidewalk.

Councillor Wyatt questioned the applicant on the amount of landscaping to be provided on Robson Street and Pandora Avenue, to which Eric Vogan responded that both Robson Street and Pandora Avenue are standard boulevards and that the applicant will be adhering to City requirements.

With respect to the location of the houses, Councillor Wyatt questioned if further consideration had been given to facing the houses, as opposed to backing them, onto Atwood Street. Eric Vogan responded the applicant is of the opinion that the location of the houses, as proposed, is the best solution considering responsibilities to existing residents as well as potential homeowners, and reiterated the compromise of Atwood and Robson Street frontages due to the lack of services on Robson Street and the existing power line on the east side of Atwood Street.

Derek Klassen appeared in opposition to the application, and advised that he lives on Atwood Street and does not want to face the fence of the proposed development. He felt that the fence creates a barrier and would separate the community, and would decrease the value of his property. He also expressed concern regarding the increase in traffic, especially on Atwood

Street. He indicated he would like to see other proposals for the site. He indicated that other streets in the area are zoned "R1-4" and that the lots in the subject development will have a number of lots less that 40 feet and in his opinion, sandwiching houses on them will not be appealing. He submitted letters in opposition to the application, filed as Exhibit 17.

Councillor Wyatt, after examining the letters of opposition, indicated that a number of letters expressed concern regarding the fence. In this connection, he questioned if extensive landscaping were undertaken along the fence, if that would improve the situation. Derek Klassen responded that the fence would still be a barrier and that the existing houses on Atwood Street should be facing the front of the houses and not a fence. Councillor Wyatt questioned whether he would be opposed to a housing development occurring at the subject location, to which Derek Klassen responded that he would support a housing development and would be receptive to meeting with the developer and working to resolve outstanding issues.

Lois Hadden appeared in opposition to the application, and commented that a fence bordering the property would make the development look like a jail. She questioned why the houses would not face Atwood and Robson Streets and Pandora Avenue with garages to the back of the houses off a backlane, instead of the current proposal.

Karen Jashyn appeared in opposition to the application. She advised that her house currently faces an empty lot and she does not want to face a fence once the property is developed. She expressed concern that the application will negatively impact traffic, noise and the sewer system.

Lori-Ann Rosche appeared for information, and commented that the fence would be a barrier in the community. She expressed her opinion that the lot sizes are not large enough and that the proposed housing is overpriced for the area. As a compromise to facing the back of houses, she suggested that the proposed houses be rotated on the subject property so that existing property owners view the side of the new houses as opposed to the back of them.

Eric Vogan indicated that the statements made describe how difficult and challenging deriving a development proposal in the subject area is. He further indicated that cost-value is heavily examined in this area and that the applicant wants to satisfy demands for larger houses in Transcona. Based on the demand and the existing constraints earlier indicated, he expressed his opinion that the proposed plan is the best way to address the needs.

Councillor Wyatt expressed his opinion that concerns indicated at the public hearing could be addressed and resolved with more dialogue between the area residents and the applicant. In this connection, he indicated he will be recommending that the application be adjourned to the public hearing to be held on March 18, 2003 to provide the applicant the opportunity to meet with representatives from all public hearings to resolve outstanding issues of fencing, landscaping, and to reconsider the design to include lots fronting or siding existing streets, in an effort to derive a compromise.

March 18, 2003

No representation was made at the public hearing.

April 22, 2003

Eric Vogan, Novamet Development Corporation, appeared in support of the application, and advised that the subject property was previously in tax sale. He indicated that they are proposing homes valued in the range of $170,000.00 to $200,000.00 offered in a quiet bay, and if the application does not proceed, consideration may be given to developing townhouses on the subject property. He advised that alternative configurations (Concepts) were presented to area residents and also presented to builders for their comments, the builders'responses are filed as Exhibit 21.

Councillor Wyatt advised that there has been progress is attempting to find a compromise between the applicant and the residents. He indicated that although builders have rejected the alternative Concept 8, the next favorite of the residents, alternative Concept 5, is a compromise as it would allow the applicant more lots than the original plan even though 6 or 7 lots would be facing Pandora Avenue West. Eric Vogan responded by purporting that the lots facing Pandora Avenue would not sell. In this connection, Councillor Wyatt questioned if Concept 5 was presented to the builders, to which Eric Vogan responded that they had not commented on it.

Derek Klassen appeared in opposition to the application. He advised the residents of Atwood Street are not opposed to development, however, they do not feel the subject proposal integrates into the community. He indicated that the existing residential area is zoned "R1-4" Single-Family or higher, and expressed concern regarding the fence as it would be contrived as a barrier, and of the increased traffic it would have on Atwood Street. In this connection, he indicated that the Atwood Street residents had asked the applicant to redesign the plan to consist of lots facing Atwood Street and to include a service road. In response, he purported that the applicant indicated the plan was not feasible because of the costs and marketing involved.

Councillor Wyatt questioned if the residents would support alternative Concept 5, to which Derek Klassen responded in the affirmative as houses would face Atwood Street. In this connection, he submitted the responses of area residents to the alternatives concepts presented to them, filed as Exhibit 23.

Alan Balkwill appeared in opposition to the application. He advised that he would support a proposal if it included the creation of a roadway leading onto Pandora Avenue, as he felt that would help lessen the traffic on Atwood Street.

Lois Hadden appeared in opposition to the application, and submitted a petition as well as another alternative to the proposal, filed as Exhibits 24 and 25 respectively. She indicated that

although she would like the subject property developed, she expressed her opinion that some of the lots should be larger and that Peake Avenue should continue west and connect directly to Atwood Street.

The Clerk read into the record a presentation from Karen Jashyn in opposition to the application, filed as Exhibit 26.

In rebuttal, Eric Vogan indicated that when looking at infill housing, consideration must be given to who can be attracted into the area. In this connection, he indicated that Novamet wants to capture the upscale market for single family homes as he felt competition from existing homes would address the first time buyers (starter home) market. He purported that upscale homes cannot be developed unless it includes a bay concept. He advised that as they cannot find a market that is strong or large enough to absorb a home in the alternative Concepts 5 or 8, the project cannot proceed as these alternative concepts are not economically feasible. He indicated that the establishment of a fence is a well-defined concern with the subject application, although Novamet has put up such fences regularly in other areas and have found that they have worked well.

Councillor Wyatt expressed his opinion that the subject property is well located where services already exist, which is a benefit of infill housing. He acknowledged the work the residents and the applicant have already undertaken towards a resolution. He suggested the situation could be resolved if the applicant considered working with City Administration and area residents to revisit and change alternative Concept 5 and eliminate houses facing Pandora Avenue. Eric Vogan responded by advising that alternative Concept 5 speaks to the starter home market which is not their target market, and therefore the applicant may consider the development of townhouse condominiums as an alternative.

In reply please refer to / Référence à rappeler :

John S. Wintrup
(204) 986-5102
Fax / Téléc. : (204) 986-3684

File No. DASZ 22/02 January 09, 2003
Our c/f CP 500 (.416)

Ms. Inga Skundberg, Community Clerk
East Kildonan – Transcona Community Committee
Council Building
510 Main Street
Winnipeg, MB R3B 1B9

Dear Ms. Skundberg:

SUBDIVISION AND REZONING
Land Located South of Pandora Avenue West between Atwood and Robson Streets
SP Lot 1, Plan 18,995; Lot 1 and 14 of Block 1, Plan 21,322
East Kildonan - Transcona Community Committee
File No. DASZ 22/02

An application has been received from Novamet Development Corporation (Lyne Jones) for approval of a plan of subdivision and related zoning change to amend By-Law No. 6400/94 by rezoning the land shown below from a “A-5” Agricultural District to a “R1-3.5” Residential District.

RELATED FILES: DASZ 36/84, DAV 1020/02A



SITE DESCRIPTION:

Site Area: The site area is approximately 9.172 acres (37,118.111 square metres). The subject site has a frontage of 589.198 feet (179.588 metres) and a depth of 668.12 feet (203.642 metres).

Existing Land Use and Zoning: Vacant land designated "A-5" Agricultural District. Single Family Dwelling on Lot 14, Block 1, Plan 21,322 designated "A-5" Agricultural District.

Surrounding Land Use and Zoning:

North: Across Pandora Avenue, commercial land designated "C-2" and "C3-1".
South: Fronting Kernaghan Avenue, single family dwellings on 40 to 50 foot wide lots zoned "R1-4" with rear yards adjacent to the subject property.
East: Across Robson Street, single family dwellings on 50 – 90 foot lots zoned "R1-4" with flankage and frontage along Robson Street.
West: Across Atwood Street, single family dwellings on 40 foot wide lots zoned "R1-4" with frontage along Atwood.

DEVELOPMENT DESCRIPTION:

The applicant, Novamet Development Corporation, intends to create 63 lots and rezone the subject property from "A-5" Agricultural District to a "R1-3.5" Residential District. The lots will range in width from 34 feet (10.363 metres) to 44 feet (13.411 metres) in width.

The subject land is bounded by Atwood, Robson and Pandora. A new street aligned with Barry Avenue will extend west through the lands from Robson and terminate at Atwood. A horseshoe bay will be constructed to connect with the Barry Avenue extension. The street pattern allows a subdivision design that has all the new lots facing the interior of the site, essentially turning its back on the surrounding residential neighbours. For example, the fronts of the existing residences along Atwood and Robson Streets will face the rear yards of this new development. The applicant has suggested that wooden privacy fencing will encircle the entire periphery of the proposed development and be directed towards the existing residences that face the subject property.

The applicant is not willing to consider an "R1-4" zoning designation with 40 feet wide lots similar to the zoning of the surrounding neighbourhood. Thus, the "R1-4" designation was not included in the public notice for the Novamet Lands.

A zoning agreement in a previous subdivision (DASZ 36/84) restricts the issuing of building permits on a portion of the subject property until such time as it has been consolidated with the adjoining land to the north. This portion is Lot 1, Block 1, Plan 21,322 and is on the south end of the subject property fronting on Atwood Street. The caveat must be withdrawn for this application to proceed.

Lot 14, Block 1, Plan 21,322 designated "A-5" Agricultural District has an existing single family dwelling that fronts Robson Street. This lot will need to be rezoned to "R1-4" , which is a compatible zoning designation to the existing adjacent residential lots to the south and west, and reflects the existing 40 foot width of the lot. This is the only lot that is part of the subject rezoning that will rezoned to "R1-4"; and is not part of the Novamet subdivision plan.

A variance (DAV 1020/02A) associated with the application is for substandard lot widths. Four lots will have a 2.85% tolerance granted from a lot width of 35 feet.

The applicant has not submitted detailed drawings showing fencing construction materials or landscaping that will surround the periphery of the development. This is a concern for the Department especially in regards to the proposed back lot view for the residences along Atwood Street: the blank façade of the fence, its quality of material, and the lack of landscaping to buffer it from the adjacent properties are issues that need to be addressed in the final design of the subdivision. Nonetheless, the East Kildonan - Transcona Community Committee can approve this application subject to the Developer submitting detailed landscaping and fencing plans, which addresses the issues, for Community Committee approval prior to the issuance of a Development Permit.

PLAN WINNIPEG:

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

ADMINISTRATIVE COMMENTS:

The Department supports single family residential use on the subject lands. This proposed use is consistent to the surrounding context of single family residential uses in the Mission Gardens Neighbourhood. The influx of new residents with families and children will greatly augment the neighbourhood and the community of Transcona. However, the Department has strong concerns regarding the proposed lot sizes and design of this subdivision.

The requested zoning is for lot sizes with a minimum width of 35 feet with four lots requiring a variance for substandard widths. The surrounding residential neighbourhood is zoned "R1-4" and "R1-5" with 40 and 50 foot wide lots (Figure 2). For example, the existing residential housing

along Atwood that faces the new development is designated "R1-4" with 40 foot wide lots. The size of lots along Kernaghan Avenue to the south is also 40 foot wide, and the lots east of Robson Street are + 50 feet. The proposal for smaller residential lots (35 feet) compared to other residential lots (40 – 60 foot) in the vicinity is not considered to be a reasonable response to the locational characteristics of the site. Thus, the proposed zoning of "R1-3.5" is inconsistent with the established pattern of development for the area.

The design of the subdivision is not compatible to the neighbouring single family dwellings. The proposed design is contrary to typical residential development in Transcona and in the rest of the City. Residences are expected to face the street and, with front yard landscaping, contribute to the open, park-like character of our neighbourhoods. Narrow lots also tend to produce 'snout houses' whose front facades are dominated by double car attached garages. The proposed design will do little to facilitate the interaction of people within their community. The visual impact for the recently constructed residential houses along Atwood will be negative. The existing residences will now face a dead street, back yards and a wood barrier. There are other examples in the City, such as Peppertree Corners along Gateway and Springfield Road, where the condition of the wood privacy fence has deteriorated to a point where it is a visual eyesore and a source of friction in the neighbourhood (Figure 3). The non-porous nature of this subdivision design will also have a negative impact on the new residents living in the development. The lack of integration will hinder their ability to access the neighbourhood amenities, such as parks and schools, that are in the surrounding area.

The Department has advised the applicant that this subdivision design will have a negative impact on the property enjoyment of the existing neighbours. We have presented alternative designs that can achieve the goal of integrating the development into the neighbourhood, and have offered to discuss this further with the applicant. The applicant, however, has decided to proceed with the original design and submit it to the public hearing.

RECOMMENDATION:

The Department recommends that this application be laid over and that the applicant be instructed to redesign the development so that new lots either front or side an established street. If the applicant is not prepared to reconsider this design, it is recommended that application as submitted be DENIED. However, should the East Kildonan-Transcona Community Committee approve the application, the following conditions will apply:

I. That, Zoning By-Law 6400/94 be amended by rezoning the subject lands as shown on Schedule 'A' for file No. DASZ 22/02, attached hereto and dated January 09, 2003 to to "R1-3.5" Single Family Residential District and "R1-4" Single Family Residential District subject to the applicant entering into a zoning agreement subject to the following:

1. That, prior to the issuing any building or development, plans shall be submitted to and approved by the EKT Community Committee, showing the location and design of the proposed fence and landscaping along Atwood, Pandora, and Robson.

2. That, the proposed fencing along Atwood, Pandora and Robson be maintained thereafter to the satisfaction of the Director of Planning, Property and Development.

II. That the plan of subdivision proposed under File No. DASZ 22/02 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File No. DASZ 22/02, attached hereto and dated January 09, 2003, for registration in the Winnipeg Land Titles Office.

III. That Caveat 87-87591 be withdrawn as it affects Lot 1, Block 1, Plan 21,322.

IV. That, the Developer be required to enter into a Development Agreement with the City containing the conditions as outlined in the Administrative Coordinating Group report File No. AG 22/02 and dated January 08, 2003.

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 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.**

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.

Final

Yours truly,

V. Buckley
Manager of Planning and Land Use

_____

Per: John S. Wintrup, Planner
East Kildonan - Transcona Community
986-5102

By-Law No. _____

File No. **DASZ 22/02**

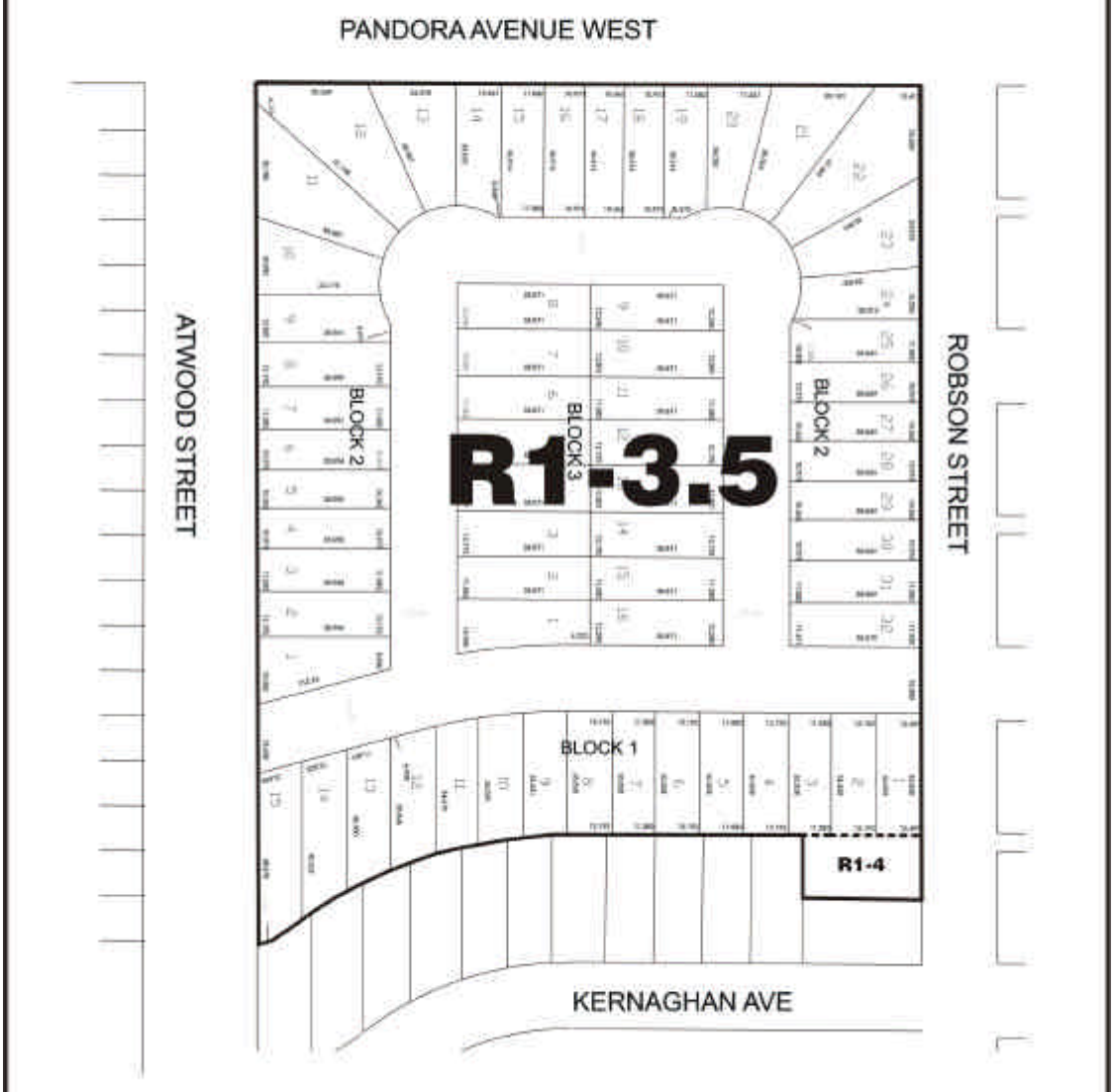
Explanation

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 on the south side of Pandora avenue west between Atwood Street and Robson Street from an "A.5" AGRICULTURAL DISTRICT to a "R1-3.5" SINGLE-FAMILY DISTRICT and an "R1-4" SINGLE-FAMILY DISTRICT as shown outlined below.

Atlas Sheet No. **AA33**

N

EAST KILDONAN TRANSCONA COMMUNITY



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

Figure 1: Schedule "A" to the report to the East Kildonan -Transcona Community Committee for File No. DASZ 22/02, dated January 09, 2003.

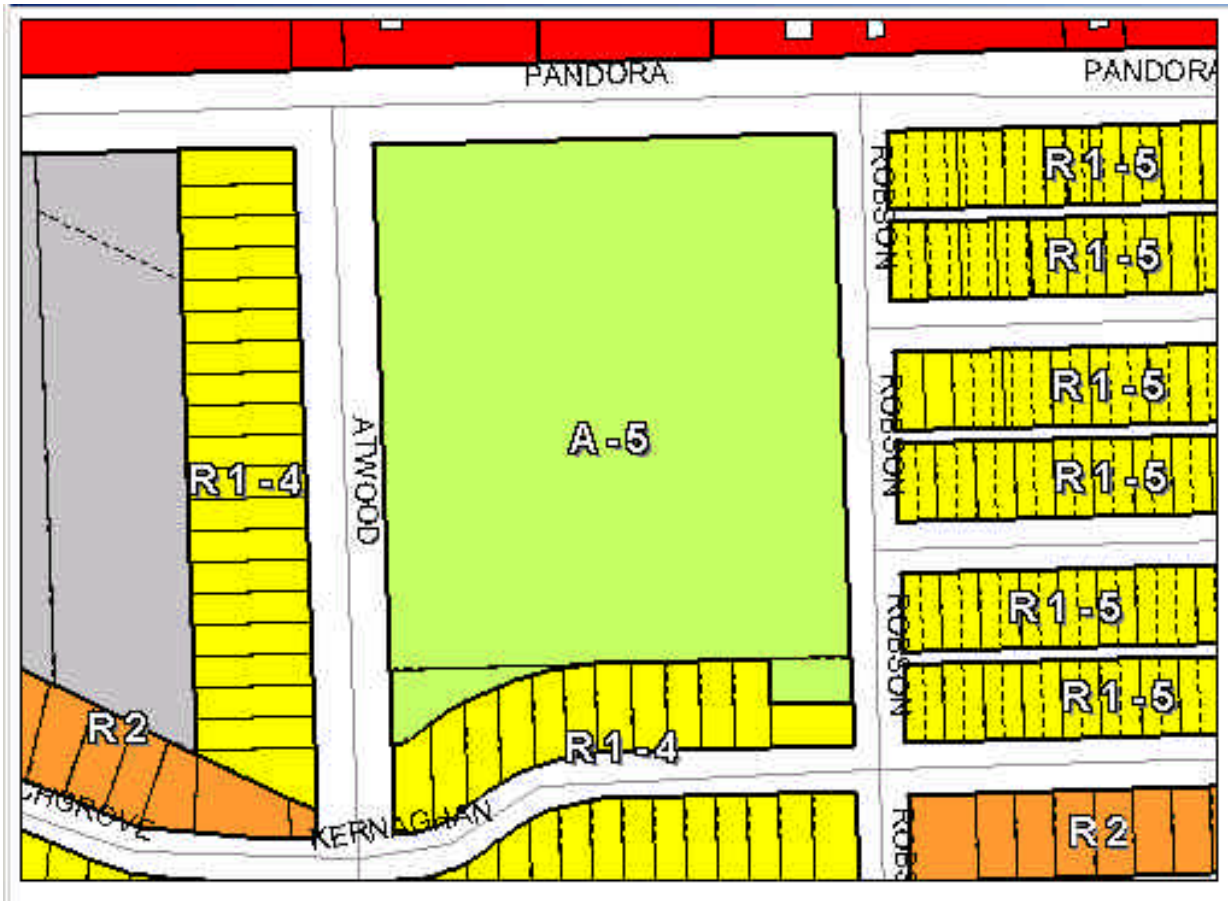


Figure 2: Existing Zoning For Pandora, Atwood, Robson.



Figure 2: Peppertree Corners Back Lot Fencing

Re: Proposed subdivision and rezoning of land located on the south side of Pandora Avenue West, between Robson Street and Atwood Street – DASZ 22/02

FOR SUBMISSION TO THE CHAIRPERSON AND MEMBERS OF THE EAST KILDONAN-TRANSCONA COMMUNITY COMMITTEE

"Original signed by E.L. Carrière"

E.L. Carrière, P.Eng.
Chairman
Administrative Coordinating Group

January 8, 2003

Re: Proposed subdivision and rezoning of land located on the south side of Pandora Avenue West, between Robson Street and Atwood Street – DASZ 22/02

An application has been submitted by Novamet Development Corporation to subdivide and rezone land located on the south side of Pandora Avenue West, between Robson Street and Atwood Street.

The application was reviewed by the Administrative Coordinating Group on December 4, 2002 and the conditions of a development agreement for the subject property were determined for the land. The Planner advised the Group that he does not support the requested R1-3.5 zoning category or the proposed layout.

In the event that your Committee approves the plan proposed by the Applicant or a plan with a different layout, it is recommended that your approval be subject to the Developer entering into a Development Agreement as follows:

1. a) The Developer shall, at no expense to the City, install watermains, wastewater sewers and land drainage sewers required to serve the proposed subdivision to the satisfaction of the Director of Water and Waste.
   b) The Developer shall, at no expense to the City, install water and wastewater lot line connections to serve each lot within the proposed subdivision.
2. a) The Developer shall, at no expense to the City, construct concrete pavements to a minimum width of 7.5m in all streets within the proposed subdivision to the satisfaction of the Director of Public Works.
   b) The Developer shall, at no expense to the City, construct sidewalks at the following locations:

      i) On the south side of Pandora Avenue from Robson Street to Atwood Street,
      ii) On the west side of Robson Street from Kernaghan Avenue to Pandora Avenue

      to the satisfaction of the Director of Public Works.

3. The Developer shall, at no expense to the City, install ornamental street lighting in all streets within the proposed subdivision to the satisfaction of the Director of Public Works.
4. The Developer shall, at no expense to the City, install sod and plant trees on all boulevards within and abutting the proposed subdivision as determined by and to the satisfaction of the Director of Public Works.
5. The Developer shall, at no expense to the City, cause to be installed standard reflectorized permanent street name signs at each new intersection within or adjacent to the Planned Area, as determined by the Director of Public Works.

6. The Developer shall, at no expense to the City, provide underground electrical and telephone services to serve the proposed subdivision and will pay the full cost to convert any existing overhead services within the proposed subdivision to underground.
7. The Developer is to pay all costs associated with the installation and/or relocation of street lights and other utilities made necessary as a result of or required to accommodate works, which are required by the Developer to serve the proposed subdivision, as determined by and to the satisfaction of the Director of Public Works.
8. The Developer shall, at no expense to the City, construct a cul-de-sac type vehicle turnaround at the terminus of each temporarily dead-ended street and provide any right-of-way or easement necessary to accommodate same, all as determined by and to the satisfaction of the Director of Public Works.
9. The Developer shall be responsible to control and to initiate the clean up of litter and refuse from the contractors and builders for this development, both on-site and off-site, during the installation of services and construction of buildings, until substantial completion of all construction. The clean up of litter and refuse shall be done on a regular basis as determined by the Director of Public Works. This shall include initiating action and assuming any costs in remedying the situation to the satisfaction of the Director of Public Works.
10. The Developer shall ensure that construction traffic uses access routes as determined by the Director of Public Works. The Developer shall maintain, at no expense to the City, the access routes in a clean, dust free and safe condition, free of dropped and tracked-on mud, and shall undertake regular scraping and sweeping of streets until building construction, including landscaping is complete, all as determined by and to the satisfaction of the Director of Public Works.
11. The Developer shall, at no expense to the City, erect and maintain barricades and signing across the full width of any temporarily dead-ended streets, due to phasing of development, immediately upon completion of the paving or when house construction has begun, whichever is sooner, as determined by and to the satisfaction of the Director of Public Works.
12. The Developer shall ensure that two paved means of vehicular access are available at all times through all stages of development of the Planned Area to the satisfaction of the Director of Public Works. This may require the construction of temporary roadways and the provision of easements or right-of-way therefor.
13. The Developer shall pay cash in lieu of public open space dedication including landscaping and servicing which it would have been required to provide to the City if public open space had been required within the proposed subdivision.
14. The Developer shall pay $1,200.00 per acre to defray the City's administration and related costs associated with the preparation and implementation of the development agreement.
15. The Developer shall pay for the cost of engineering services provided by or on behalf of the City in connection with the installation of services required to serve the proposed subdivision.

THIS REPORT SUBMITTED BY:
Administrative Coordinating Group
File No. AG 22/02
January 8, 2003
V:\7-ACG Reports\02ag22-report.doc

In reply please refer to / Référence à rappeler :

John S. Wintrup
(204) 986-5102
Fax / Téléc. : (204) 986-3684

File No. DASZ 22/02 April 16, 2003
Our c/f CP 500 (.416)

Ms. Inga Skundberg, Community Clerk
East Kildonan – Transcona Community Committee
Council Building
510 Main Street
Winnipeg, MB R3B 1B9

Dear Ms. Skundberg:

SUBDIVISION AND REZONING
Land Located South of Pandora Avenue West between Atwood and Robson Streets
SP Lot 1, Plan 18,995; Lot 1 and 14 of Block 1, Plan 21,322
East Kildonan - Transcona Community Committee
File No. DASZ 22/02 SUPPLEMENTARY REPORT

An application has been received from Novamet Development Corporation (Lyne Jones) for approval of a plan of subdivision and related zoning change to amend By-Law No. 6400/94 by rezoning the land shown below from a "A-5" Agricultural District to a "R1-3.5" Residential District. The application was last heard March 18, 2003 and subsequently laid over to allow the applicant to meet with concerned residents.

The applicant and the residents along Atwood Street have held a number of informal meetings to discuss the residents' concerns. These concerns are mainly the presence of the rear yards and the barrier fencing directed towards their houses.

The applicant responded to these concerns by designing a number of alternative concept plans for the development of the subject property. These concepts were subsequently reviewed by the

residents who indicated two of these plan, Concept 8 and 5, were found satisfactory in addressing their concerns. A majority selected Concept 8 as the best plan.

Concept 8 has a 'T'street bisecting the property and a service road along Atwood with houses fronting Atwood and Robison street. Side flankage of houses will be directed towards Pandora. Barry Avenue will be extended west through the subject lands. This concept will yield 64 lots.

The second most favourite plan is Concept 5 that has a similar street pattern but with flankage along Robson Street and frontage along Pandora. Peake Avenue will also be extended west through the subject lands to new north/south street. This concept will yield 68 lots.

The Administration feels these concept as well as many of the other concepts introduced by the applicant are satisfactory:

- The new buildings will face the street and, with front yard landscaping, contribute to the open, park-like character of our neighbourhoods.
- The visual impact for the recently constructed residential houses along Atwood will be positive.
- The proposed design will facilitate the interaction of people within their community.
- The new development will allow the new residents access to the neighbourhood amenities, such as parks and schools, that are in the surrounding area.

The concepts essentially mitigate the key issues of the proposed development - integrate the new with the existing. The concepts were circulated among other Civic Departments (Water and Waster, Public Works) who felt the plan was feasible from a servicing point of view. Public Works and Land Development has suggested the possibility of the 'T' street ending in a cul-de-sac to create a bay for the development.

The applicant has subsequently indicated that Concept 8 is not marketable: that the builders are not willing to make a commitment to this proposed layout. "The concerns the builders have with concept 8 include exposure to Robson and Pandora, which directly affect approximately 12 lots, and the absence of a relatively quiet bay . . .". The residents requested letters from the builders indicating this view but the applicant refused. No reason given why Concept 5 is not possible.

The applicant has suggested in a letter to residents that "if the Community Committee is not prepared to recommend either of our bay proposals, we will consider amending our application to seek a combination of single family homes and townhouse condos". The applicant is also suggesting a horseshoe bay with two new opening along Atwood.

The Administration is of the view that such changes in the application is significant. The public hearing was advertised as a "R1-3.5" Residential District with a concept plan for the entire property indicating only one access point to Atwood. A different street pattern and different

zoning designations would require re-advertisement to ensure the impacted residents of such a plan of subdivision and rezoning have been legally notified.

RECOMMENDATION:

The Administration recommends that the EKT CC lay this matter over to allow the Applicant additional time to consider:

1. The possible development of Concept 5, which appears to address the concerns of the neighbours, the builders, and the residents;

2. The chance to withdraw the current application in order to submit a new application with single family and/or multiple family dwellings and/or large tracts of vacant land for future development;

3. The possible development of another concept that addresses the concerns of all parties including the residents and the builders.

Regarding the first application, if the applicant is not prepared to reconsider this design, it is recommended that application as submitted be DENIED. However, should the East Kildonan-Transcona Community Committee approve the application, the following conditions will apply:

I. That, Zoning By-Law 6400/94 be amended by rezoning the subject lands as shown on Schedule 'A' for file No. DASZ 22/02, attached hereto and dated January 09, 2003 to to "R1-3.5" Single Family Residential District and "R1-4" Single Family Residential District subject to the applicant entering into a zoning agreement subject to the following:

    1. That, prior to the issuing any building or development, plans shall be submitted to and approved by the EKT Community Committee, showing the location and design of the proposed fence and landscaping along Atwood, Pandora, and Robson.

    2. That, the proposed fencing along Atwood, Pandora and Robson be maintained thereafter to the satisfaction of the Director of Planning, Property and Development.

II. That the plan of subdivision proposed under File No. DASZ 22/02 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File No. DASZ 22/02, attached hereto and dated January 09, 2003, for registration in the Winnipeg Land Titles Office.

III. That Caveat 87-87591 be withdrawn as it affects Lot 1, Block 1, Plan 21,322.

IV. That, the Developer be required to enter into a Development Agreement with the City containing the conditions as outlined in the Administrative Coordinating Group report File No. AG 22/02 and dated January 08, 2003.

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 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.**

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.

Final

Yours truly,

V. Buckley
Manager of Planning and Land Use

_____

Per: John S. Wintrup, Planner
East Kildonan - Transcona Community
986-5102

By–Law No. _____

File No. **DASZ 22/02**

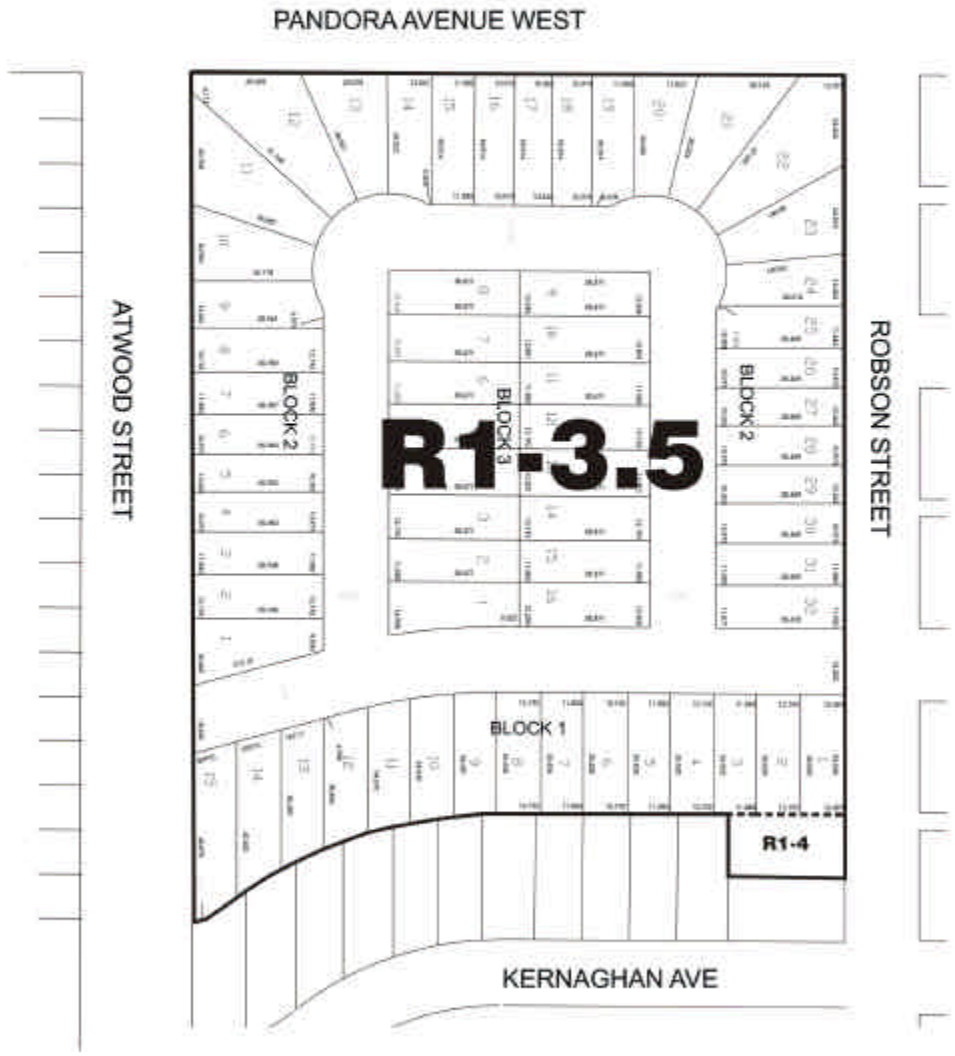
Atlas Sheet No. **AA33**

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. 6400/94 by rezoning the land located on the south side of Pandora avenue west between Atwood Street and Robson Street from an "A.5" AGRICULTURAL DISTRICT to a "R1-3.5" SINGLE-FAMILY DISTRICT and an "R1-4" SINGLE-FAMILY DISTRICT as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

Figure 3: Schedule "A" to the report to the East Kildonan -Transcona Community Committee for File No. DASZ 22/02, dated January 09, 2003.



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Figure 4: Existing Zoning For Pandora, Atwood, Robson.

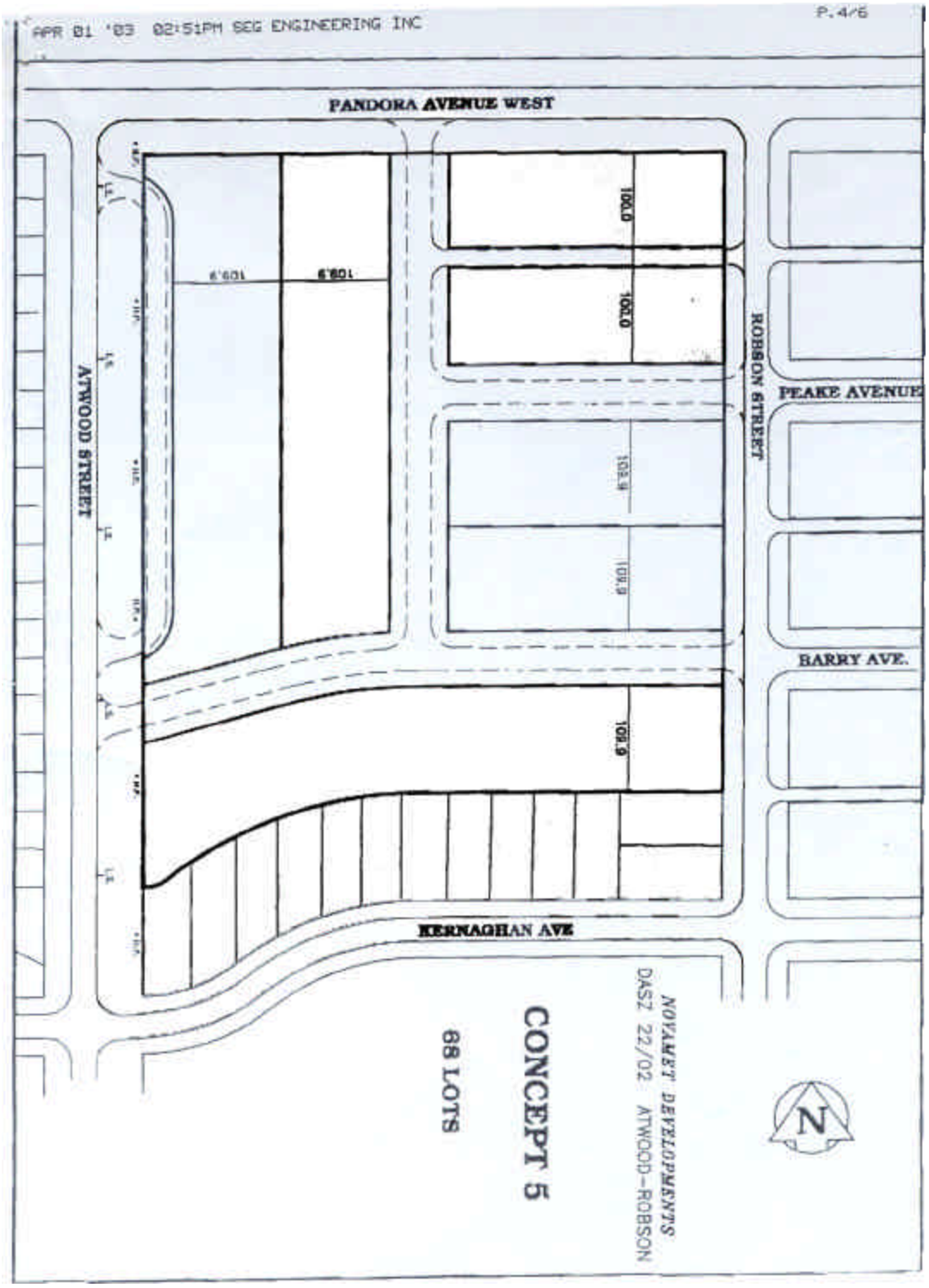

Figure 5: Concept 5

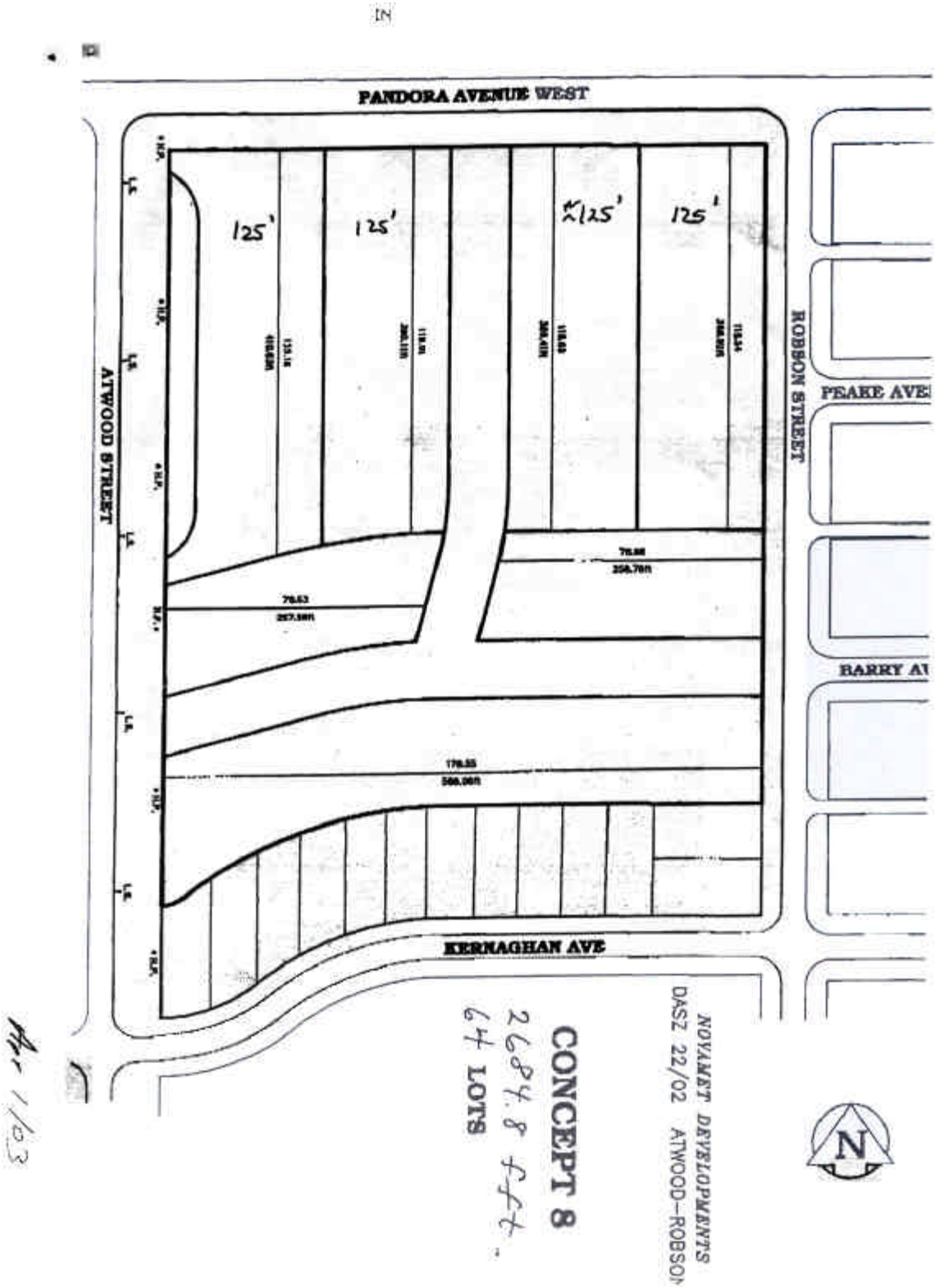

Figure 6: Concept 8