Minute No. 38
Report - Standing Policy Committee on Property and Development - October 28, 2003

Item No. 6 Subdivision and Rezoning - east side of Brunswick Street, south of Red Oak Drive - File DASZ 25/2003

COUNCIL DECISION:

Council concurred in the recommendation of the Standing Policy Committee on Property and Development and adopted the following:

1. That the plan of subdivision proposed under File DASZ 25/2003 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 25/2003, dated October 6, 2003, for registration in the Winnipeg Land Titles Office, subject to the following:

   A. That the Developer be required to enter into a Servicing Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated September 16, 2003.

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

3. That The Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 25/2003, dated October 6, 2003, to an "R1-3.5" Single Family District.

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 this 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 City Solicitor/Manager of Legal Services 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 Servicing Agreement.

Report - Standing Policy Committee on Property and Development - October 28, 2003

COUNCIL DECISION (continued)

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 provided that the said effective date occurs within twenty-four (24) months from the date that the said rezoning by-law is adopted by Council.

8. 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.

Report - Standing Policy Committee on Property and Development - October 28, 2003

DECISION MAKING HISTORY:

Moved by Councillor Vandal,

That the recommendation of the Standing Policy Committee on Property and Development be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On November 19, 2003, 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 October 28, 2003, the Standing Policy Committee on Property and Development concurred in the recommendation of the East Kildonan-Transcona Community Committee and submitted the matter to Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On October 14, 2003, the East Kildonan-Transcona Community Committee concurred in the administrative recommendation, and submitted its recommendation to the Standing Policy Committee on Property and Development.

RE: **Subdivision and Rezoning – East side of Brunswick Street, south of Red Oak Drive**
File DASZ 25/2003

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

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

Report date: **October 21, 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:

1. That the plan of subdivision proposed under File DASZ 25/2003 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 25/2003, dated October 6, 2003, for registration in the Winnipeg Land Titles Office, subject to the following:

    A. That the Developer be required to enter into a Servicing Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated September 16, 2003.

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

3. That The Winnipeg Zoning By-Law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 25/2003, dated October 6, 2003, to an "R1-3.5" Single Family District.

4. 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 an extension of this 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 City Solicitor/Manager of Legal Services 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 Servicing 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 provided that the said effective date occurs within twenty-four (24) months from the date that the said rezoning by-law is adopted by Council.

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

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

1. That the East Kildonan-Transcona Community Committee agreed with the administrative comments contained in the report of the Manager of Planning and Land Use dated October 6, 2003 and in the report from the Administrative Coordinating Group dated September 16, 2003.

2. There is a growing support in the community of the adjacent streets for a residential development and that the community understands that the subject development will consist of smaller lots and smaller houses.

3. Downsizing from a commercial to a residential development is appropriate at the subject location.

PUBLIC HEARING SUMMARY

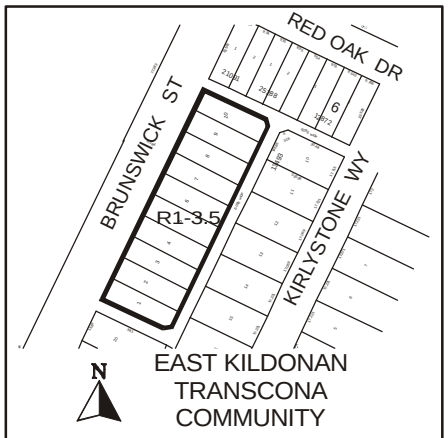
File: DASZ 25/2003

Before: East Kildonan-Transcona Community Committee
Councillor Thomas, Chairperson
Councillor Lubosch
Councillor Wyatt

Public Hearing: October 14, 2003
Community Committee Chamber
755 Henderson Highway

Applicant: Global Homes Ltd. (Bernhard Goertzen)

Subject:



APPLICANT : GLOBAL HOMES LTD.
FILE : DASZ 25/03
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. 6400/94 by rezoning the land shown outlined above from a "C2" COMMERCIAL DISTRICT to an "R1-3.5" SINGLE-FAMILY DISTRICT to allow for the creation of sites for single-family development and to delete the Zoning Agreement affecting the subject lands. **For information, phone Mr. M. Grady, Planner at 986-6427.**

Premises Affected: East side of Brunswick Street, South of Red Oak Drive

Exhibits Filed:

1. Application dated August 13, 2003
2. Notification of Public Hearing to Applicant dated August 27, 2003
3. Manitoba Status of Title 1480054
4. Extract of Atlas Sheet V31
5. Report from the Manager of Planning and Land Use dated October 6, 2003.
6. Report from the Administrative Coordinating Group dated September 16, 2003
7. Inspection Report
8. Petition in support of the application purporting to contain the signatures of 17 area residents, submitted by Bernhard Goertzen, President of Global Homes Ltd.

REPRESENTATIONS:

In Support:

Bernhard Goertzen, Global Homes Inc.
Norman Beier
Amos Chwaiewsky
Gerhard Goertzen
Nettie Goertzen
Edwin Harder
Ewald Harder
Alvin Kleinsasser
Frank Reimer
Ashley and Irene Vincent

In Opposition:

Heather and Richard Gasior

For the City:

Martin Grady, Senior Planner, Planning, Property and Development Department

SUMMARIZATON OF REPRESENTATIONS AND SUBMISSIONS MADE AT THE PUBLIC HEARING

Bernhard Goertzen, Global Homes Ltd., appeared in support of the application, and submitted a petition in support, filed as Exhibit 8. He indicated that the two previous applications on the subject property were for 11 lots of 34-foot widths, which proposals were opposed by the surrounding community and subsequently rejected. In this connection, he indicated that the current application is for less lots of a wider width, or 10 lots of a width of approximately 37.5 feet. He further indicated that the houses will be valued between approximately $100,000 and $107,000, and will be approximately 900 square feet in size.

Nettie Goertzen appeared in support of the application. She expressed her opinion that residents backing onto the subject property will benefit from the development of single-family homes, as opposed to backing onto the current field, which is purportedly negative for resale value.

Ashley Vincent appeared in support of the application and advised that he has resided in the subject area for 20 years. He indicated that he was opposed to the previous application because the proposed lots were only a width of 34 feet, which have now been increased to be approximately 37.5 feet in width. He indicated he is in favour of residential development behind his house as opposed to a commercial development.

Alvin Kleinsasser appeared in support of the application and expressed his opinion that it would be positive for the neighbourhood to have residential homes as opposed to a commercial development on the subject property.

Richard Gasior appeared in opposition to the application and indicated that he was opposed to the previous application as well as the current one because of the size of the houses proposed to be developed behind his home. He advised that the majority of houses nearby to his residence are approximately 1200 square feet or larger and that he did not believe that the proposed homes would fit into the neighbourhood. He further advised his concern that the development will attract people for the short-term who may allow their houses to deteriorate, as they have no long-term investment in the property. At that time, he indicated that he was prepared to support the development of 8 houses and that the applicant was asked to develop less houses as well as to upsize them. Richard Gasior advised that he would like to see a residential development behind his home as opposed to a commercial development.

Heather Gasior appeared in opposition to the application, and advised that her and husband have resided in the area since 1991. She advised that she is not opposed to a residential development behind her home but is opposed to something she feels is not compatible to the neighborhood. She expressed concern that people that are planning to raise a family are not going to remain in a two bedroom home and will sell their house in order to upgrade. In this connection, she commented that she does not want to reside in a transient type of neighbourhood.

Councillor Lubosch advised that the subject property is currently zoned "C2" Commercial District which currently leaves the subject property basically wide open for development. He indicated that although representation for the subject application is from all parts of the City of Winnipeg, he is most concerned with those living adjacent to the subject property. He questioned if the applicant would be willing to develop different size lots in the development. The applicant, Bernhard Goertzen, responded in the affirmative, however, indicated that the City of Winnipeg Administration requested that the lot sizes remain uniform, and therefore the application is for widths of approximately 37.5 feet.

Councillor Lubosch questioned if only 9 lots were developed in order to allow larger lots of 40 feet in width, could the applicant build larger houses of approximately 1000 square feet? Bernhard Goertzen responded by advising that the development of larger homes might not sell in the area.

Councillor Wyatt expressed his opinion that the subject application would strengthen the area, as it is a positive infill housing development, especially considering that west of the proposal is zoned "M2" Industrial. He further commented that inasmuch as there are a number of good schools in the area, a transient housing situation is unlikely.

Exhibit 5 referred to in File DASZ 25/2003

In reply please refer to / Référence à rappeler : **Martin Grady**
(204) 986-6427
Fax / Téléc. : (204) 986-3684

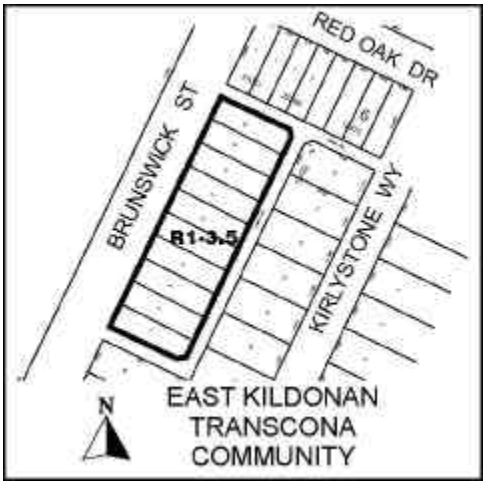
File No. DASZ 25/03 October 6, 2003
Our c/f CP 500 (.423)

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

SUBDIVISION AND REZONING
Land located on the East Side of Brunswick Street,
South of Red Oak Drive
East Kildonan – Transcona Community Committee
File No. DASZ 25/03

An application has been received from Global Homes Ltd. (Mr. Bernhard Goertzen) for approval of a plan of subdivision and related zoning change to Zoning By-Law No. 6400/94 by rezoning the subject lands from a “C-2” Commercial District to an “R1-3.5” Single Family Residential District.

RELATED FILES: DASZ 6/92, DASZ 15/02



SITE DESCRIPTION:

Site Area: The site has a frontage of 375.31 feet (114.39 metres) and a depth of 120.0 feet (36.57 metres) with a total site area of approximately 44,935.02 square feet (4174.6 square metres).

Existing Land Use and Zoning: Vacant land zoned "C-2" Commercial District

Surrounding Land Use and Zoning:

North: Two family dwellings across the public lane on 30 foot (9.24m) wide lots zoned "R2" Two Family District.

South: Across the public lane, Single family dwellings on 52 foot (15.85m) and 40 foot (12.41m) wide lots zoned "R1-5.5" Single family district along Brunswick Street.

East: Across the rear public lane, single family dwellings on 56.5 foot (17.2m) wide lots zoned "R1-5.5" Single Family District along Kirlystone Way.

West: Across Brunswick Street, industrial land zoned "M2" Industrial District, Palliser Furniture.

DEVELOPMENT DESCRIPTION:

The applicant is proposing to re-zone the subject lands from "C-2" Commercial District to "R1-3.5" Single Family Residential District to facilitate the subdivision of ten lots for residential development. The proposed lots will have a width of 37.53 feet (11.43m) and a depth of 110.32 feet (33.62m) with a lot area of 4140.3 square feet (384.63 sq.m.)

PLAN WINNIPEG:

The proposed subdivision and rezoning is in compliance with the policies of Plan Winnipeg since residential rezoning is allowed in Neighbourhood Policy Areas.

ADMINISTRATIVE COMMENTS:

Background

The subject site was zoned to a Commercial District in 1976 to provide a location for commercial uses that would serve the adjacent residential and industrial area. The economic viability of commercial development on the site has been questionable and the land has remained vacant since 1976.

In 1992 an application was made to rezone and subdivide the site into eleven lots with proposed widths of 34 feet (10.3m). This proposal faced considerable opposition from the surrounding community and in February 1993, the East Kildonan – Transcona Community Committee recommended that the proposed rezoning and subdivision not proceed for the following reasons:

- The type of buildings proposed will not be compatible with the surrounding homes.

- There is sufficient opposition to the proposal…..

In June, 2002 an application was submitted by Global Homes to rezone the subject property to an "R1-3.0" Single Family District to allow for the subdivision of eleven lots with a proposed lot width of 34 feet(10.3m).

This proposal was also opposed by the surrounding community and in August, 2002, the East Kildonan – Transcona Community Committee recommended that this proposed rezoning and subdivision also not proceed for the following reasons:

- Representation received (at the hearing) are those opposed to the project and no supportive representation was received, aside from the applicant.

- The subject application is not compatible with the surrounding residential area.

Comments

The department supported both previous applications to rezone the subject lands for a single family residential use since the proposed use is compatible with the surrounding community of single family residential development on adjacent lands to the north, south and east. The proposed rezoning and subdivision will also provide a buffer to the existing industrial uses to the west of the subject site across Brunswick Street.

In addition, the department supports the principle of encouraging "infill" subdivision in existing residential neighbourhoods to increase the efficiency of existing infrastructure and develop land that would otherwise remain vacant.

Lastly there is no requirement for a cash-in-lieu dedication for public open space as this was previously provided pursuant to Development Agreement AG12/76.

RECOMMENDATION:

I. That the plan of subdivision proposed under File No. DASZ 25/03 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File No. DASZ 25/03, attached hereto and dated October 6, 2003, for registration in the Winnipeg Land Titles Office, subject to the following:

A. That the Developer be required to enter into a Servicing Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated September 16, 2003.

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

III. That Zoning By-Law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File No. DASZ 25/03, attached hereto and dated October 6, 2003, to an "R-1 3.5" Single Family District.

IV. 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 an extension of this time is applied for prior to the expiry of this twenty four (24) month period and the extension is subsequently approved by Council.

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

VI. 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.

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 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,

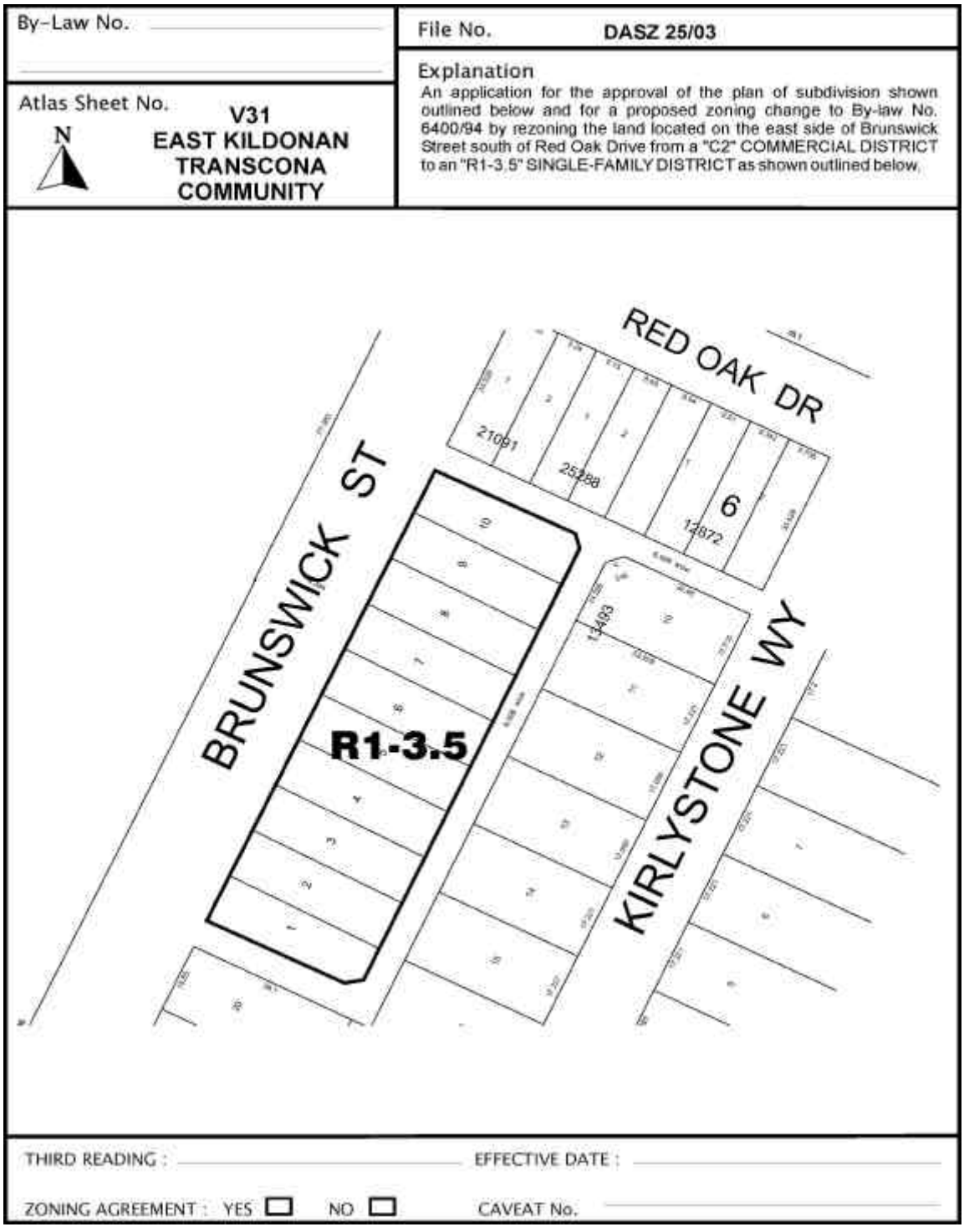
C. Knoll
Acting Manager of Planning and Land Use

_____

Per: Martin Grady, Senior Planner, 986-6427
East Kildonan – Transcona Community



Figure 1: Air photo of subject property DASZ 25/03.



Schedule "A": File No. DASZ 25/03, subdivision and rezoning dated October 6, 2003.

INTER-OFFICE MEMORANDUM

I **Planning, Property and Development Department**

Development and Inspections Division, Land Development Branch
Main Floor, 65 Garry Street

Winnipeg

To: I. Skundberg, Clerk
From: E.L. Carrière, Land Development Branch
RE: **Proposed subdivision and rezoning of land located on the east side of Brunswick Street – DASZ 25/03**
FILE: AG 25/03 (PLEASE QUOTE WHEN REPLYING)

Enclosed is a report of the Administrative Coordinating Group dated September 16, 2003 in connection with the above referenced development application being submitted for consideration by the East Kildonan-Transcona Community Committee at its meeting to be held on October 14, 2003.

"Original signed by E.L. Carrière"

E.L. Carrière, P.Eng.
Land Development Engineer

ELC/ld

cc: E. Axelrod, Subdivision Officer
W.R. Stovel, Legal Services
R.J. Hartmann, P.Eng., Public Works Department
K.T. Raban, P.Eng., Water and Waste Department
M. Grady, Planner
Councillor M. Lubosch

Global Homes Ltd., 330 – 1695 Henderson Highway, Winnipeg, Manitoba, R2G 1P1
Attention: B. Goertzen

Enclosure

Re: Proposed subdivision and rezoning of land located on the east side of Brunswick Street – DASZ 25/03

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

September 16, 200

Re: Proposed subdivision and rezoning of land located on the east side of Brunswick Street – DASZ 25/03

An application has been submitted by Global Homes Ltd. to subdivide and rezone land located on the east side of Brunswick Street.

It is recommended that approval of DASZ 25/03 be subject to the Developer entering into a Servicing Agreement with the City as follows:

1. a) The Developer shall submit a lot grading and site servicing plan prepared by a municipal Consulting Engineer for the approval of the Director of Water and Waste. The Developer shall grant any easements to the City as may be necessitated by the design.
   b) The Developer shall, at no expense to the City, install separate water and wastewater lot line services to serve each lot within the proposed subdivision.
   c) The Developer shall ensure that no lot line services are brought into lots by it or by any housebuilder or other purchaser of a lot until the foundation excavation has been backfilled and the roof of the dwelling has been sheathed and shall indemnify the City against all actions, claims, demands, damages, loss and costs, including legal and court costs suffered or incurred by the City arising out of any failure to do so prior to issuance of a Final Acceptance Certificate certifying completion of all work under this Agreement.
2. The Developer shall, at no expense to the City, lay sod and plant trees on the boulevard abutting the proposed subdivision in accordance with plans and specifications approved by the Director of Public Works.
3. The Developer shall pay all costs associated with the installation and/or relocation of street lights and other utilities made necessary as a result of works which the Developer is required to install to serve the proposed subdivision, as determined by and to the satisfaction of the Director of Public Works.
4. The Developer shall pay the cost of removing:

   a) litter generated from the housebuilders' activities, and
   b) the deposits of earth, mud, clay, etc. on City streets from vehicles or wheels of vehicles generated from the housebuilders' activities,

   until the house construction phase has been completed.

5. The Developer shall pay $1,500.00 in lieu of administration and other costs associated with the preparation and implementation of the Servicing Agreement.
6. The Developer shall pay the full cost of engineering services provided by or on behalf of the City with respect to the installation of municipal services required to serve the proposed subdivision.

It is also recommended that the Community Committee advise the Developer that private approaches will not be permitted off Brunswick Street as there is an existing rear lane to serve the proposed subdivision.

Cash-in-lieu of dedication for public open space is not applicable in this instance as this has been fully provided for pursuant to Development Agreement AG 12/76 with Willart Holdings Ltd. which Agreement previously covered the subject land.

THIS REPORT SUBMITTED BY:

Administrative Coordinating Group
File No. AG 25/03
September 16, 2003

"Original signed by E.L. Carrière"
Land Development Engineer

"Original signed by K.T. Raban"
Water and Waste Department

"Original signed by R.J. Hartmann"
Public Works Department
Transportation Division