Minutes - Executive Policy Committee - May 12, 2004

Minute No. 370
Report - Standing Policy Committee on Property and Development - April 27, 2004

Item No. 11 Subdivision and Rezoning - 1211 - 1243 Kildare Avenue East
File DASZ 7/2004

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

The Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the East Kildonan-Transcona Community Committee and submits the following to Council:

1. That the plan of subdivision proposed under File DASZ 07/2004 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor for registration in the Winnipeg Land Titles Office, subject to the following:

   A. That the plan be amended to show three (3) lots fronting onto Binscarth Street at a minimum width lot size of forty-eight (48) feet, and five (5) lots fronting onto Kildare Avenue East at a minimum width lot size of forty (40) feet. The lots on Kildare Avenue are to be accessed via a frontage road.

   B. That the Developer be required to enter into a Servicing Agreement with the City of Winnipeg containing the conditions as outlined in the Administrative Coordinating Group report File AG 7/2004 dated March 18, 2004, with the following amendments:

      i. That Recommendation 2 be amended by adding the following words "on the boulevard on Binscarth Street and," after the words "install sod and plant trees" and before the words "on the divider".

      ii. That Recommendation 3.a) be amended by adding the following words "and in Binscarth Street" after the words "Kildare Avenue East" and before the words "on the basis of the Local Improvement rates".

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 7/2004 dated March 31, 2004, to a "R1-3.5" Residential District subject to the applicant entering into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to include the following conditions:

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A. That the final plans showing the location, details and exterior designs of the dwellings as well as landscaping, including fencing, shall be submitted to the East Kildonan-Transcona Community Committee for approval prior to the issuing of any development or building permits and that there shall be five (5) different façade designs for consideration.

B. That the Developer shall erect a perimeter fence according to the plans submitted to the East Kildonan-Transcona Community Committee for approval. Future owners of the individual building lots along this fencing shall be responsible for maintaining this fencing to the satisfaction of the Director of Planning, Property and Development.

4. That the ten percent (10%) requirement for land dedication based on the creation of additional building lots on the land (if applicable) be waived in this instance.

5. That in the event the application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months after adoption of the report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of this twenty-four (24) month period and the extension is subsequently approved by Council.

6. That the City Solicitor/Manager of Legal Services 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 execution by the City of Winnipeg of the Servicing Agreement.

8. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision has been registered in the Winnipeg Land Titles Office, and the Zoning Agreement has been filed by caveat 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.

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

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10. That in the event that the necessary City of Winnipeg mylar approval signatures have not been secured within twenty-four (24) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

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DECISION MAKING HISTORY:

Moved by Councillor Pagtakhan,

That the recommendations of the Standing Policy Committee on Property and Development and the East Kildonan-Transcona Community Committee be concurred in and forwarded to Council.

Carried

STANDING COMMITTEE RECOMMENDATION:

On April 27, 2004, the Standing Policy Committee on Property and Development concurred in the recommendation of the East Kildonan-Transcona Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On April 6, 2004, the East Kildonan-Transcona Community Committee concurred in the administrative recommendation, with the following amendments, namely:

- That Recommendation 1 be amended by deleting the words "in accordance with Schedule "A" for DASZ 07/2004, dated March 31, 2004".

- That Recommendation 1.A. be renumbered to No. 1.B. and be amended to read as follows:

  "1.B. That the Developer be required to enter into a Servicing Agreement with the City of Winnipeg containing the conditions as outlined in the Administrative Coordinating Group report File AG 7/2004 dated March 18, 2004, with the following amendments:

  i. That Recommendation 2 be amended by adding the following words "on the boulevard on Binscarth Street and," after the words "install sod and plant trees" and before the words "on the divider".

  ii. That Recommendation 3.a) be amended by adding the following words "and in Binscarth Street" after the words "Kildare Avenue East" and before the words "on the basis of the Local Improvement rates".

- That a new Recommendation 1.A. be added as follows:

Report - Standing Policy Committee on Property and Development - April 27, 2004

DECISION MAKING HISTORY (continued):

"1.A. That the plan be amended to show three (3) lots fronting onto Binscarth Street at a minimum width lot size of forty-eight (48) feet, and five (5) lots fronting onto Kildare Avenue East at a minimum width lot size of forty (40) feet. The lots on Kildare Avenue are to be accessed via a frontage road."

- That Recommendation 3.A. be amended to read as follows:

"3.A. That the final plans showing the location, details and exterior designs of the dwellings as well as landscaping, including fencing, shall be submitted to the East Kildonan – Transcona Community Committee for approval prior to the issuing of any development or building permits; and that there shall be five (5) different façade designs for consideration."

- That Recommendation 3.B. be added as follows:

"3.B. That the Developer shall erect a perimeter fence according to the plans submitted to the East Kildonan-Transcona Community Committee for approval. Future owners of the individual building lots along this fencing shall be responsible for maintaining this fencing to the satisfaction of the Director of Planning, Property and Development."

- That Recommendation 4 be deleted in its entirety and replaced with the following new recommendation, namely:

"4. That the ten percent (10%) requirement for land dedication based on the creation of additional building lots on the land (if applicable) be waived in this instance."

and submitted its recommendation to the Standing Policy Committee on Property and Development.

RE: **Subdivision and Rezoning -1211 - 1243 Kildare Avenue East**
File DASZ 7 /2004

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

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

Report date: **April 20, 2004**

COMMUNITY COMMITTEE RECOMMENDATION:

On April 6, 2004, the East Kildonan-Transcona Community Committee concurred in the administrative recommendation, as amended, and recommends to the Standing Policy Committee on Property and Development:

1. That the plan of subdivision proposed under File DASZ 07/2004 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor ~~***in accordance with Schedule "A" for File DASZ 07/2004, dated March 31, 2004***~~, for registration in the Winnipeg Land Titles Office, subject to the following:

   A. ***That the plan be amended to show three (3) lots fronting onto Binscarth Street at a minimum width lot size of forty-eight (48) feet, and five (5) lots fronting onto Kildare Avenue East at a minimum width lot size of forty (40) feet. The lots on Kildare Avenue are to be accessed via a frontage road.***

   B. That the Developer be required to enter into a Servicing Agreement with the City of Winnipeg containing the conditions as outlined in the Administrative Coordinating Group report File AG 7/2004, dated March 18, 2004, ***with the following amendments***:

      i. ***That Condition No. 2 be amended by adding the following words "on the boulevard on Binscarth Street and," after the words "install sod and plant trees" and before the words "on the divider".***

      ii. ***That Condition No. 3.a) be amended by adding the following words "and in Binscarth Street" after the words "Kildare Avenue East" and before the words "on the basis of the Local Improvement rates".***

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 7/2004 dated March 31, 2004, to a "R1-3.5" Residential District subject to the applicant entering into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to include the following conditions:

A. That the final plans showing the location, details and exterior designs of the dwellings ***as well as landscaping, including fencing***, shall be submitted to the East Kildonan – Transcona Community Committee for approval prior to the issuing of any development or building permits; ***and that there shall be five (5) different façade designs for consideration.***

B. That the Developer shall erect a perimeter fence according to the plans submitted to the East Kildonan – Transcona Community Committee for approval. Future owners of the individual building lots along this fencing shall be responsible for maintaining this fencing to the satisfaction of the Director of Planning, Property and Development.

~~***4. That a ten percent (10%) dedication be made by a payment of a sum of money to the City in lieu of the requirement for land dedication based on the creation of additional building lots on the land (if applicable).***~~

4. That the ten percent (10%) requirement for land dedication based on the creation of additional building lots on the land (if applicable) be waived in this instance.

5. That in the event the application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months after adoption of the report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of this twenty-four (24) month period and the extension is subsequently approved by Council.

6. That the City Solicitor/Manager of Legal Services 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 execution by the City of Winnipeg of the Servicing Agreement.

8. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision has been registered in the Winnipeg Land Titles Office, and the Zoning Agreement has been filed by caveat 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.

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

10. That in the event that the necessary City of Winnipeg mylar approval signatures have not been secured within twenty-four (24) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

Note: The wording in bold and italics denotes amendments made by the Community Committee.

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

1. The lots to be developed will require a minimum of 40 feet in width to ensure that the integrity of the neighbourhood is maintained.

2. Transcona is a community of all backgrounds and accommodates a diverse style of homes.

PUBLIC HEARING SUMMARY

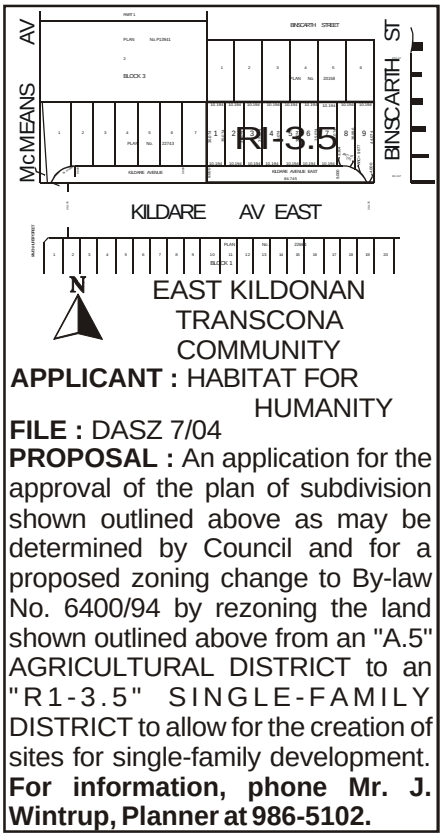
File: DASZ 7/2004

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

Public Hearing: April 6, 2004
Community Committee Chamber
755 Henderson Highway

Applicant: Wayne Sage, Habitat for Humanity

Subject:



APPLICANT : HABITAT FOR HUMANITY
FILE : DASZ 7/04
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 an "A.5" AGRICULTURAL DISTRICT to an "R1-3.5" SINGLE-FAMILY DISTRICT to allow for the creation of sites for single-family development. **For information, phone Mr. J. Wintrup, Planner at 986-5102.**

Premises Affected: 1211 - 1243 Kildare Avenue East

Exhibits Filed:
1. Application dated March 4, 2004
2. Notification of Public Hearing dated March 9, 2004
3. Manitoba Status of Titles 1916252 and 1916255

4a. Letter of authorization dated February 28, 2004, from Vince Malizia to Winnipeg Habitat for Humanity Inc.
4b. Letter of authorization dated February 29, 2004, from Luigi Marinelli to Winnipeg Habitat for Humanity Inc.
5. Plan
6. Report from the Manager of Planning and Land Use dated March 31, 2004
7. Report from the Administrative Coordinating Group dated March 18, 2004
8. Inspection Report
9. Petition in opposition to the application purporting to contain the signatures of 143 area residents, submitted by Nancy Lavrencelle
10. Photographs (5), including those of the subject property, submitted by Todd Guest
11. Plan depicting the development of 8 lots on the subject property submitted by Carey Barnett

REPRESENTATIONS:

In Support:

Ken Bishop, Habitat for Humanity
Wayne Sage, Habitat for Humanity

In Opposition:

Carey Barnett
Carol Bergson
Perry Bernier
Fred Buttay
Kim Buttay
Daniel Chudy
Launey Chudy
Patrick J. Connors
Terry Dubell
Barbara Dunstan
Keith Dunstan
Rick Forsyth
Tracy Forsyth
Gerry Francis
Mauricio Fuardado
Don Gale

Kim Guest
Todd Guest
Dawn Kilfoyle
Sarah Kuzyk
Demi Kuzyk-Bernier
D. Kuzyk-Bernier
Nancy Lavrencelle
Ron Lavrencelle
Kathy Long
Carol Marinelli
Corissa McMullan
Dave McMullen
Shirley McMullen
Tanya Penner
Julie Perrier
Jeff Pringle
Linda Pringle
Bryan Schwartz
Krista Schwartz
Dan Sinclair
Georges St. Amant
Leslie St. Amant
Mr. and Mrs. W. E. Thomas
Tom Wasylyk
E. Wegner

For Information:

Linda Vandenakker
Ken Vandenakker

For the City:

John Wintrup, Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

Wayne Sage, Habitat for Humanity, appeared in support of the application. He advised that the subject property had been purchased in the last year and had been undeveloped for approximately the last 30 years. He indicated that they had initially proposed developing ten residential lots but have since downsized the application to nine lots. He further indicated that they have attempted to develop a proposal that is consistent with what currently exists in the neighbourhood. Wayne Sage advised that if the project were to proceed, it would be completed this fall. He further advised that approximately 100 R2000 houses have been built by Habitat for Humanity in Winnipeg and all have been build in accordance with building codes, and are complete with a warranty. He requested that the ten per cent (10%) land dedication fee be waived for the not-for profit organization.

W. E. Thomas appeared in opposition to the application. He questioned the type of design to be used for the dwellings as well as where the cars will be parked, and suggested that the number of houses built be decreased to allow for front parking.

Tanya Penner appeared in opposition to the application and expressed concern regarding the number of lots to be developed.

Keith Dunstan appeared in opposition to the application. He advised that he is not opposed to the creation of single-family homes but expressed concern regarding the development of low-income housing and its impact on property values.

Julie Perrier appeared in opposition to the application and questioned if the value of the subject development would be equal to the existing homes in the area.

Nancy Lavrencelle appeared in opposition to the application, and submitted a petition in opposition to the application, filed as Exhibit 9. She commented that some homes in the vicinity of the subject property are valued at approximately $200,000.00 and expressed concern that the Habitat for Humanity houses would not fit into the area. She further commented that Transcona already has a number of low-income housing, including Manitoba Housing down the street from Kildare Avenue. She expressed concern relative to the following; the ability of the low-income homeowners to maintain their properties; the number of properties proposed to be built in a row; and, the extension of Kildare Avenue to access the development and its impact on safety, especially for the children in the area.

Ron Lavrencelle appeared in opposition to the application.

Perry Bernier appeared in opposition to the application. He advised that he has resided in his house in Canterbury Park for 14 years and purported that property values have been increasing. He commented he had been told that the subject land for development was to be a park. He further commented that there is already a number of low-income housing in the area and

expressed concern regarding the size of the proposed lots and that the development would devalue his property.

Jeff Pringle appeared in opposition to the application, and advised that he resides behind the subject development. He expressed concerned relative to the following; the size of the proposed lots which he felt should be a minimum of 40 to 45 feet in width; looking into someone else's backdoor as opposed to looking out onto an empty property; and, room for parking.

Linda Pringle appeared in opposition to the application, and expressed concern regarding the builder of the proposed homes.

Dave McMullen appeared in opposition to the application, and advised that his house looks onto the subject empty property. He advised that although he is not opposed to the work of Habitat for Humanity, he is concerned about the size of the Habitat lots and the development of nine dwellings onto the subject property, which he felt should only accommodate five or six dwellings. He indicated that he would support the application if the lots were larger and assimilated with the neighbourhood.

Shirley McMullen appeared in opposition to the application, and advised that she has resided in her house for 17 years. She indicated that she had been told the subject property would be a park and expressed concern regarding the size of the proposed lots.

Patrick Connors appeared in opposition to the application, and advised that he built his house less than 2 years ago and resides in the next block on the same side of the street. He indicated that he chose to live in the area because of the quality of the houses and that he was purportedly told that the lots in the area had to be a minimum of 40 feet in width. He expressed concern relative to the following; the smaller proposed lot sizes, and impact on property values and the standard of the neighbourhood.

Todd Guest appeared in opposition to the application, and submitted photographs, including those of the subject property, filed as Exhibit 10. He indicated that if nine houses were to be established on the subject property, he would be looking from his master bedroom at 9 backyards. He further indicated that he would like to see the same size lots as the 40 foot width lots that have already been established. In this connection, he indicated that 5 lots could be accommodated on the subject property.

Georges St. Amant appeared in opposition to the application, and read portions of an article regarding Habitat for Humanity that he accessed through the internet.

Carey Barnett appeared in opposition to the application, and submitted a plan depicting the development of 8 lots on the subject property as opposed to 9 lots, 3 lots fronting onto Binscarth Street and 5 lots fronting onto Kildare Avenue East, filed as Exhibit 11.

Don Gale appeared in opposition to the application, and advised that he resides on William Gibson Bay, where the homes are valued at approximately $200,000.00. He purported that many

families grew up in Transcona in smaller houses and wish to purchase larger homes and remain in Transcona. He commented that the 2nd phase of William Gibson Bay is sold out, which he felt indicates the subject property would be more useful if it was sold to a developer that would build on sizeable lots to satisfy the desire for larger houses in the area. He further commented that the subject proposal has insufficient room for driveways or garages and it if were to proceed would decrease property values. In this connection, he expressed his opinion that the application does not fit the needs of Transcona.

Mauricio Fuardado appeared in opposition to the application, and advised that he has recently moved in a house four houses from the subject property. He expressed concern regarding the proposed lot sizes and indicated that he worked 14 hours a day in order to afford a house in the area so that he could raise a young family of 3 in a community which reflects where they want to be in life. He commented that he pays high taxes and respects and want to maintain the rules of the area. He indicated that he is not opposed to low-income families, however, houses build should be build consistent to his and his neighbours. He further indicated that if he was aware that the proposed project was to proceed, he would not have purchased a house in the area.

Demi Kuzyk-Bernier appeared in opposition to the application, and advised that she resides in the loop next to the vacant subject property. She further advised that her house is built on a lot 42 feet by 115 feet and expressed her opinion that the size of the houses and lots are too small and that too many houses are proposed to be built on the subject piece of property. She indicated that she was told that the subject property was going to be a park, which she wants it developed as. She expressed concern regarding traffic and parking, which she felt is already an issue. With respect to the traffic, she suggested that if the project were to proceed, the project have a separate loop not connected to the existing loop.

Linda Vandenakker appeared for information and suggested that the subject property be rezoned to reflect the larger lot sizes of the homes across on Kildare Avenue, which she expressed her opinion would be more appropriate that having the property rezoned to reflect the houses behind the subject property on William Gibson Bay, which are valued at over $200,000.00.

Wayne Sage advised that the subject property was purchased from a private individual and was not slated for development as a park. He indicated that the location of the loop is up for debate and that they would endeavour to do whatever they can to fit into the neighbourhood. He further indicated that they will not be building row housing or houses that all look the same. He advised that their original downsizing of the proposed development from 10 to 9 lots has likely cost Habitiat for Humanity $100,000.00 in mortgage money. With respect to the rezoning application to an “R1-3.5” Single-Family District, he indicated that the houses built north across the street are situated on 10 lots, as opposed to the 9 Habitat is proposing to develop. In this connection, he commented that there is a number of different zoning designations within a few blocks in the neighbourhood.

Councillor Lubosch indicated that one of the concerns expressed by those in opposition is that Habitat for Humanity builds houses on a smaller scale. In this connection, he questioned

whether the proposed houses will be built at a lesser grade, to which Wayne Sage responded that they abide by the same rules as everybody else.

Councillor Wyatt questioned if the applicant would consider increasing the lot sizes and rearranging them so that some would face Binscarth Street. Wayne Sage responded they would consider rearranging the configuration of the lots if the number of lots remained at 9 in order to ensure a feasible project. Councillor Wyatt suggested that 8 lots may be workable considering that the loop could than be reduced which would decrease development costs. He questioned if any consultation with the community had occurred, to which Wayne Sage responded that unfortunately there was little opportunity as the property was just purchased a few months ago and therefore there was little timeline.

Ken Bishop, Habitat for Humanity, advised that the houses to be developed will be appraised at approximately $110,000.00. He further advised that the subject property was a multiple listing which Habitat for Humanity purchased to build safe and affordable housing. He indicated that the homeowners are not on welfare and are required to have worked and lived in the City of Winnipeg for a minimum of 3 years. He further indicated that the homeowners pay for their houses and have put in over 400 hours of sweat equity. He commented that these families will look after their homes as they are hardworking people and want to assimilate into the neighbourhood. Ken Bishop indicated that homeowners pay 25% of their income on the houses.

Councillor Wyatt questioned if Ken Bishop would be willing to compromise by developing 8 as opposed to 9 lots, to which Ken Bishop responded that they would be willing to compromise and develop 8 lots.

Councillor Wyatt questioned John Wintrup, Planner, City of Winnipeg, if the lots were reconfigured to 3 facing Binscarth Street and 5 facing Kildare Avenue, if the loop would be reduced in length. John Wintrup responded by advising that the loop would not have to be as long.

Councillor Wyatt indicated that the subject property is currently zoned as an Agricultural District and will some day be developed one way or another. He indicated that Habitat for Humanity, the applicant of the subject development, is performing a worthy cause and assists working people to have home ownership. He advised that he will be recommending that the land dedication requirement be waived inasmuch as Habitat for Humanity is a not-for-profit organization.

Councillor Lubosch commented that the development of 8 lots, as opposed to 9 lots, is a reasonable compromise and that this infill housing development will be an asset to the community.

Exhibit "6" referred to in File DASZ 7/2004

In reply please refer to / Référence à rappeler :

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

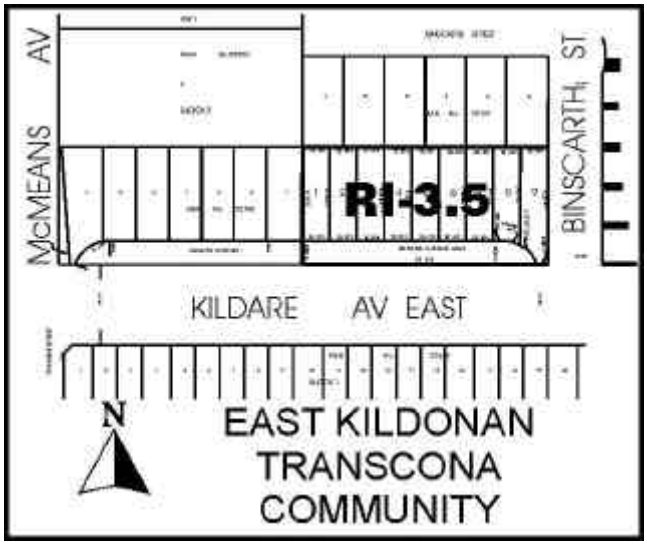
File No. DASZ 07/04 March 31, 2004
Our c/f CP 500 (.414)

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
1211 – 1243 Kildare Avenue East
East Kildonan - Transcona Community Committee
File No. DASZ 07/04

An application has been received from Habitat for Humanity (Wayne Sage) 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 an "A-5" Agricultural District to an "R1-3.5" Single Family District.



6110

SITE DESCRIPTION:

Site Area: The site area is approximately 43,536 square feet (1 acre). The subject site has a length of 301.0 feet and a width of 115.07 feet.

Existing Land Use and Zoning: Vacant land designated "A-5" Agricultural District.

Surrounding Land Use and Zoning:

North: Along Binscarth Street, single family dwellings zoned "R1-5.5".
South: Across Kildare Avenue East, single family dwellings zoned "R1-3".
East: Across Binscarth Street, single family dwellings zoned "R1-3".
West: Single family dwellings zoned "RM-3".

DEVELOPMENT DESCRIPTION:

The applicant intends to subdivide and rezone the subject property from "A-5" Agricultural District to a "R1-3.5" Single Family District in order to construct residential dwellings.

The "R1-3.5" zoning category requires a minimum lot width of 35 feet and lot area of 3,500 square feet. This zoning will allow the applicant to construct eight (8) lots at 37.6 feet; or eight (8) lots at 35.0 feet with 21 feet of residual land.

The applicant is proposing to develop nine (9) residential lots. These lots will each be 33.44 feet and 3,848.0 square feet in area. A variance will be required for a reduction of the required widths by 5 percent (33.44 feet versus 35 feet).

The lots will all front onto Kildare Avenue East and access will be from a new frontage road consistent with the existing frontage road to the immediate west of the subject property.

The applicant, Habitat for Humanity (a not-for-profit organization) has requested that the 10 per cent dedication fee be waived. Dedication has been recommended by Council to be waived only for non-profit seniors housing. The current application is not for seniors housing. However, the Community Committee may recommend waiver or reduction of the dedication.

PLAN WINNIPEG:

The proposed concept complies with Plan Winnipeg in that a residential rezoning is allowed in Neighbourhood Policy Areas. The development constitutes infill development and supports compact urban form.

ADMINISTRATIVE COMMENTS:

The Department supports single family residential use on the subject lands. The proposed use is consistent with the surrounding single family residential uses in the Canterbury Park Neighbourhood. The proposed zoning designation will further diversify the type of single family dwellings available in the neighbourhood providing a mix of lot sizes and types.

The only concern the Department has is in regards to the possibility of the applicant using the exact same house design nine times. This would create a repetitious look for the streetscape. The applicant should be encouraged to have a variety of façade designs to deter the possibility of monotony on the streetscape. Final plans for the façade designs of the dwellings should require approval by the East Kildonan – Transcona Community Committee.

RECOMMENDATION:

A. That the plan of subdivision proposed under File No. DASZ 07/2004 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File No. DASZ 07/2004, attached hereto and dated March 31, 2004, for registration in the Winnipeg Land Titles Office, subject to the following:

    1. That the Developer be required to enter into a Servicing Agreement with the City of Winnipeg.

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

C. That Zoning By-Law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File No. DASZ 7/2004, attached hereto and dated March 31, 2004, to a "R1-3.5" Residential District subject to the applicant entering into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to include the following conditions:

    1. That, the final plans showing the location, details and exterior designs of the dwellings shall be submitted to the East Kildonan – Transcona Community Committee for approval prior to the issuing of any development or building permits.

D. That, a 10 percent dedication be made by a payment of a sum of money to the City in lieu of the requirement for land dedication based on the creation of additional building lots on the land (if applicable).

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

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

G. 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.

H. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision has been registered in the Winnipeg Land Titles Office, and the Zoning Agreement has been filed by caveat 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.**

I. 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.

J. In the event that the necessary City of Winnipeg mylar approval signatures have not been secured within 24 months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

Final

Yours truly,

C. Knoll
Manager of Planning and Land Use

_____

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

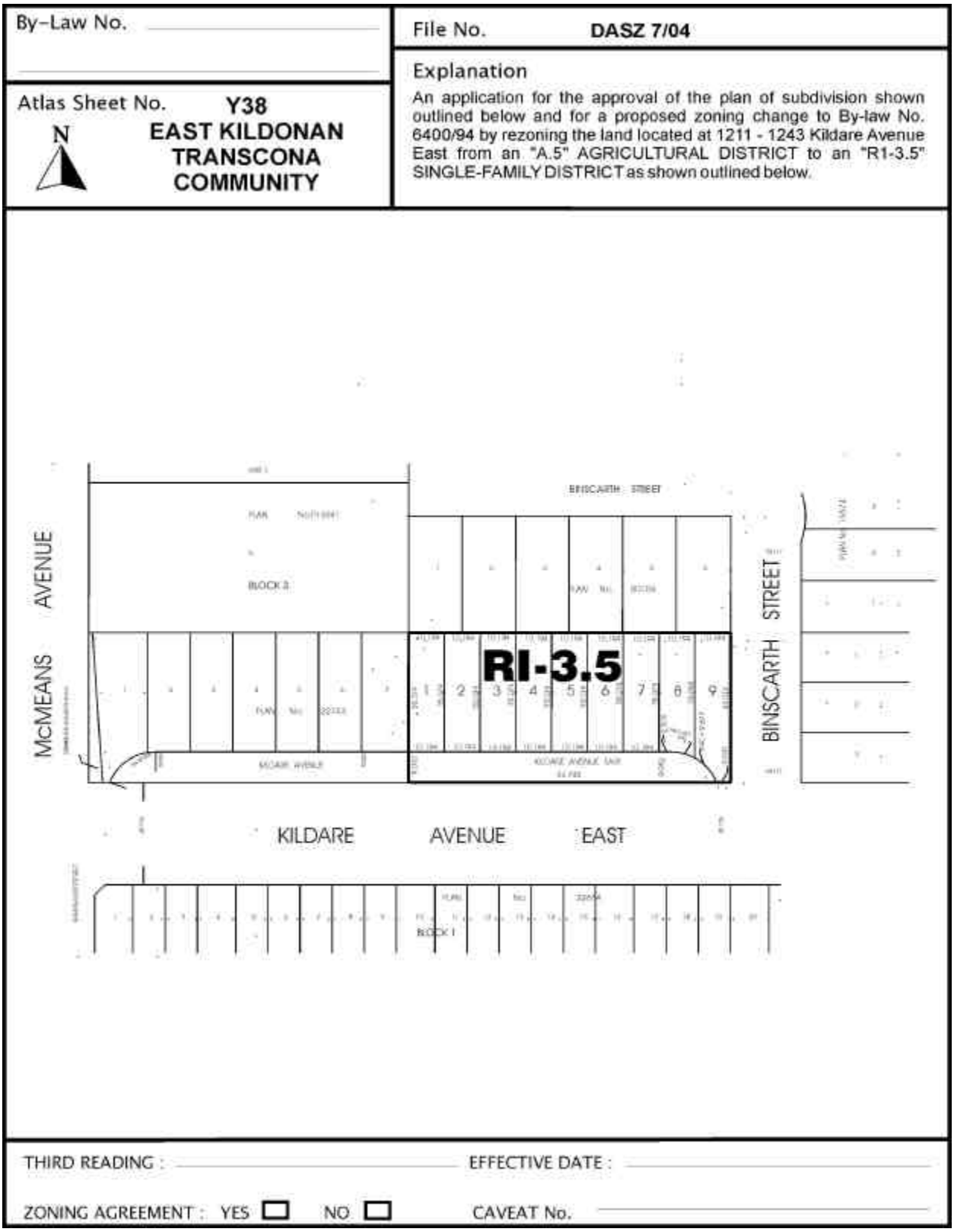


Figure 1: Schedule "A" to the report to the East Kildonan -Transcona Community Committee for File No. DASZ 07/04, dated March 31, 2004.

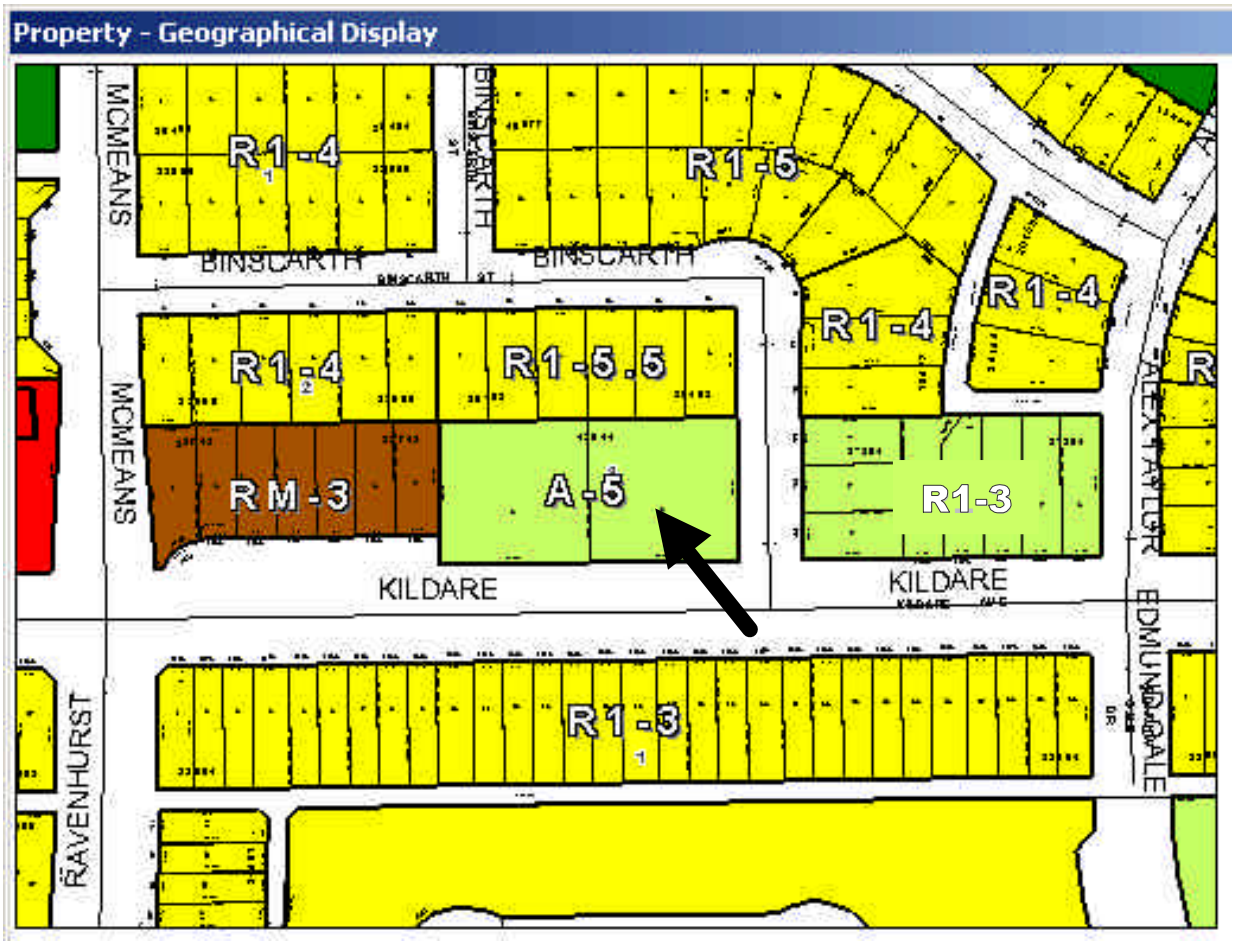


Figure 2: Existing Zoning for subject property and Surrounding Area.



Figure 3: Existing Land-Uses for subject property and Surrounding Area.

Exhibit "7" referred to in File DASZ 7/2004

Re: Proposed subdivision and rezoning of land located at the northwest corner of Kildare Avenue East and Binscarth Street – DASZ 7/04

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

"Original signed by E.L. Carrière"
E.L. Carrière, Chairman
Administrative Coordinating Group

March 18, 2004

Re: Proposed subdivision and rezoning of land located at the northwest corner of Kildare Avenue East and Binscarth Street – DASZ 7/04

An application has been submitted by Habitat for Humanity Inc. to subdivide and rezone land located at the northwest corner of Kildare Avenue East and Binscarth Street. The proposed frontage road is to be accommodated with a minimum right-of-way width consistent with the existing frontage road immediately to the west of the subject application. The terminus point of the frontage road is to be located and designed to the satisfaction of the Director of Public Works.

It is recommended that approval of this application be subject to the Developer entering into a Servicing Agreement as follows:

1. The Developer shall, at no expense to the City, construct portland cement concrete pavement to a width consistent with the existing frontage road immediately to the west of the subject application, by 150mm in thickness, tying into the existing frontage road and within the proposed frontage road and all related works including, but not necessarily limited to removal of the existing easterly entrance terminal to the existing frontage road, removal of the existing sidewalk along the length where the new frontage road is to be constructed and all necessary restorations of curb, sidewalk and boulevard landscaping, all as determined by and to the satisfaction of the Director of Public Works.

2. The Developer shall, at no expense to the City, install sod and plant trees on the divider between the street pavement and the proposed frontage road in accordance with plans and specifications approved by the Director of Public Works.

3. a) The Developer shall pay its share of the cost of services installed by the City and others in Kildare Avenue East on the basis of the Local Improvement rates prevailing at the time payment is received.

   b) The Developer shall pay the Kildare Trunk User Charge at $818.09/acre and its share of the cost of the area land drainage study at $13.69/acre.

4. The Developer shall provide a lot grading plan for the subject property and grant the City all easements required by that plan. If required the Developer shall construct, at no expense to the City, any catchbasins and leads as may be necessitated by the grading plan.

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

6. The Developer shall pay all costs associated with the relocation of streetlights and other utilities made necessary as a result of or required to accommodate works, which are to be constructed by the Developer to serve the Planned Area, as determined by and to the satisfaction of the Director of Public Works.

7. The Developer shall, at no expense to the City, be responsible to control and to initiate the clean-up of litter and refuse form the contractors and builders for this development, both on-site and off-site, during the installation of services and construction of houses, until 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 all costs in remedying the situation to the satisfaction of the Director of Public Works.

8. The Developer shall, at no expense to the City, ensure that construction traffic uses 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 condition, free of dropped and tracked-on mud, and shall undertake regular cleaning of streets until building construction, including landscaping is complete, all as determined by and to the satisfaction of the Director of Public Works.

9. The Developer shall, at no expense to the City, install separate water and wastewater connections to serve each lot within the proposed subdivision.

10. The Developer shall pay the full 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.

11. 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 Servicing Agreement.

THIS REPORT SUBMITTED BY:

Administrative Coordinating Group
File No. AG 7/04
March 18, 2004

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

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

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Public Works Department
Transportation Division