Minute No. 393
Report - Standing Policy Committee on Property and Development - June 8, 2004

Item No. 12 Subdivision and Rezoning - land located on the north side of Foley Avenue at Gibbs Street
File DASZ 5/2004 [c/r DAC 4/2004]

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

The Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the Lord Selkirk-West Kildonan Community Committee and submits the following to Council.

1. That the plan of subdivision proposed under File DASZ 5/2004 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 5/2004 dated March 30, 2004, for registration in the Winnipeg Land Titles Office, subject to the following:

   A. That the Developer enter into an Addendum to Development Agreement AG 20/98 in accordance with the report from the Administrative Coordinating Group dated March 31/2004.

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 outlined on Schedule "A" for File DASZ 7/2004 dated March 30, 2004, to a "R1-3.5" Residential District and "PR-1" Parks and Recreation.

4. That lots with rearage on Foley Avenue [future extension of Chief Peguis Trail (Kildonan Corridor)] shall provide a minimum rear yard of 22.5 metres.

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.

Report - Standing Policy Committee on Property and Development - June 8, 2004

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 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.

Report - Standing Policy Committee on Property and Development - June 8, 2004

DECISION MAKING HISTORY:

Moved by Councillor Gerbasi,

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

Carried

STANDING COMMITTEE RECOMMENDATION:

On June 8, 2004, the Standing Policy Committee on Property and Development concurred in the recommendation of the Lord Selkirk-West Kildonan Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On April 20, 2004, the Lord Selkirk-West Kildonan Community Committee concurred in the administrative recommendation and submitted its recommendation to the Standing Policy Committee on Property and Development.

RE: **Subdivision and Rezoning - land located on the north side of Foley Avenue at Gibbs Street**
File DASZ 5/2004 [c/r DAC 4/2004]

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

Prepared by: **Diane Timmins, Clerk,**
Lord Selkirk-West Kildonan Community Committee

Report date: **April 26, 2004**

COMMUNITY COMMITTEE RECOMMENDATION:

On April 20, 2004, the Lord Selkirk-West Kildonan 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 5/2004 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 5/2004, dated March 30, 2004, for registration in the Winnipeg Land Titles Office, subject to the following:

    A. That the Developer enter into an Addendum to Development Agreement AG 20/98 in accordance with the Administrative Coordinating Group's report dated March 31, 2004.

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 outlined on Schedule "A" for File DASZ 7/2004, and dated March 30, 2004, to a "R1-3.5" Residential District and "PR-1" Parks and Recreation.

4. That lots with rearage on Foley Avenue (future extension of Chief Peguis Trail (Kildonan Corridor) shall provide a minimum rear yard of 22.5 metres.

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 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.

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 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.

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

1. The Lord Selkirk-West Kildonan Community Committee agreed with the administrative comments contained in the report from the Manager of Planning and Land Use dated March 30, 2004 and in the report from the Administrative Coordinating Group dated March 31, 2004.

PUBLIC HEARING SUMMARY

File: DASZ 5/2004 [c/r DAC 4/2004]

Before: Lord Selkirk-West Kildonan Community Committee
Councillor Pagtakhan, Chairperson
Councillor Lazarenko
Councillor O'Shaughnessy

Public Hearing: April 20, 2004
Council Chamber, Council Building
510 Main Street

Applicant: Novament Development Corporation (Lyne Jones)

Subject:



LORD SELKIRK
WEST KILDONAN
COMMUNITY

APPLICANT : NOVAMET
DEVELOPMENT CORPORATION
FILE : DASZ 5/04
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 "M2" INDUSTRIAL DISTRICT and an "R1-20" SINGLE-FAMILY DISTRICT to a "PR1" PARKS AND RECREATION DISTRICT and an "R1-3.5" SINGLE-FAMILY DISTRICT to allow for residential development and to consider a special rear yard setback along Foley Avenue. **For information, phone Mr. J. Wintrup, Planner at 986-5102.**

Premises Affected: north side of Foley Avenue at Gibbs Street

Exhibits Filed:

1. Application dated March 5, 2004
2. Notification of Public Hearing dated March 26, 2004
3. Manitoba Status of Titles 1121446, 1121448, 1121450, 1121451 and 1121465
4. Letter of authorization dated July 26, 2002 from The City of Winnipeg to Novamet Development Corporation
5. Site Plans (4 pages)
6. Report from the Manager of Planning and Land Use dated March 30, 2004
7. Report from the Administrative Coordinating Group dated March 31, 2004
8. Inspection Report

REPRESENTATIONS:

In Support:

Eric Vogan, Novamet Development Corporation

In Opposition:

Nil

For the City:

John Wintrup, Planner, Planning, Property and Development Department
Ernest Carriere, Land Development Engineer, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS MADE AT THE PUBLIC HEARING

Eric Vogan, on behalf of Novamet Development Corporation, appeared in support of the application and indicated concurrence in the recommendations outlined in the reports of the Manager of Planning and Land Use dated March 30, 2004 and the Administrative Coordinating Group dated March 31, 2004.

Exhibit “6” referred to in File DASZ 5/2004

In reply please refer to / Référence à rappeler :

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

File No. DASZ 05/04 March 30, 2004
Our c/f CP 500 (.323)

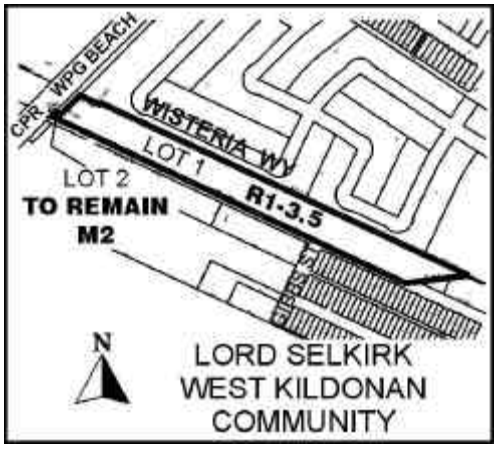
Ms. Diane Timmins, Community Clerk
Lord Selkirk - West Kildonan Community Committee
Council Building
510 Main Street
Winnipeg, MB R3B 1B9

Dear Ms. Diane Timmins:

SUBDIVISION AND REZONING
N/S Foley Avenue @ Gibbs Street
Lord Selkirk - West Kildonan Community Committee
File No. DASZ 05/04

An application has been received from Novamet Development Corporation (Lynn 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 an "M2" Industrial District and an "R1-20" Single-Family District to an "R1-3.5" Single Family District and "PR-1" Parks and Recreation District.

RELATED FILES: DASZ 20/98; DASSF 513/04; DAZ 215/04; DAC 4/2004



SITE DESCRIPTION:

Site Area: The site area is approximately 5.96 acres.

Existing Land Use and Zoning: Vacant lands zoned “M2” Industrial District and “R1-20” Single-Family District.

Surrounding Land Use and Zoning:

North: Vacant land zoned “R1-4” with a proposal to rezone to “R1-3.5”
South: Vacant land zoned “M2” (proposed Chief Pequis Trail Kildonan Corridor extension west of Main Street).
East: Mostly vacant; zoned “R1-20”
West: Winnipeg Beach CPR Rail line; vacant land zoned “A”

DEVELOPMENT DESCRIPTION:

The applicant intends to subdivide and rezone the subject property from an “M2” Industrial District and an “R1-20” Single-Family District to an “R1-3.5” Single Family District and “PR-1” Parks and Recreation District. The lands will then be included with the proposed Riverbend South residential subdivision to the north. The future residential lots will front onto Wisteria Way and back onto the proposed Chief Peguis Trail Kildonan Corridor extension west of Main Street.

Proposed Lot 2 will remain “M2” Industrial. This lot is the north section of Foley Avenue that is subject to a road closing by-law. Manitoba Hydro owns a corridor of land that is 8.084 metres wide that runs parallel to the CPR Tracks immediately north and south of Foley Avenue. The Manitoba Hydro corridor is currently zoned “M2” and lot 2 will be transferred to Manitoba Hydro.

A triangular section of lot 1 on the eastern edge of the property will be rezoned to “PR-1” Parks and Recreation to match the proposed zoning for the adjacent land to the north. The lands to the north are approximately 3.88 acres of wetland that has a historic significance, and is a habitat for the boreal chorus frogs.

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 uses on the subject lands. The proposed use is consistent with the surrounding residential uses. The applicant intends to construct a variety of new single family dwellings that will diversify the housing stock and provide residents with different options.

Public Works has recommended a special rear yard setback be established to provide sound attenuation for the future Chief Peguis Trail, which will be south of Foley Avenue. The original rezoning for DASZ 20/1998 allowed for rear yards of a minimum 17.5 metre rear yards, in addition to a 20 metre (width) road widening reserve. The Developer also was given the option to construct a sound attenuation berm along the future corridor extension and reduce the road widening reserve to 10 metres (width). This second option would require the minimum rear yards be increased to 27.5 metres. The Developer has indicated they will be constructing a berm along the south end of the lots fronting Wisteria Way. The north half of Foley Avenue will be closed and sold to the Developer. Public Works is now prepared to support a rear yard of 22.5 metres as a setback from Foley Avenue to any habitable portion of the dwellings on Wisteria Way.

RECOMMENDATION:

A. That the plan of subdivision proposed under File No. DASZ 05/2004 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File No. DASZ 05/2004, attached hereto and dated March 30, 2004, for registration in the Winnipeg Land Titles Office, subject to the following:

    1. That the Developer enter into an Addendum to Development Agreement AG 20/98 in accordance with the ACG's report dated March 31/04.

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 30, 2004, to a "R1-3.5" Residential District and "PR-1" Parks and Recreation.

D. That lots with rearage on Foley Avenue (future extension of Chief Peguis Trail (Kildonan Corridor) shall provide a minimum rear yard of 22.5 metres.

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 **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
Lord Selkirk - West Kildonan Community
986-5102

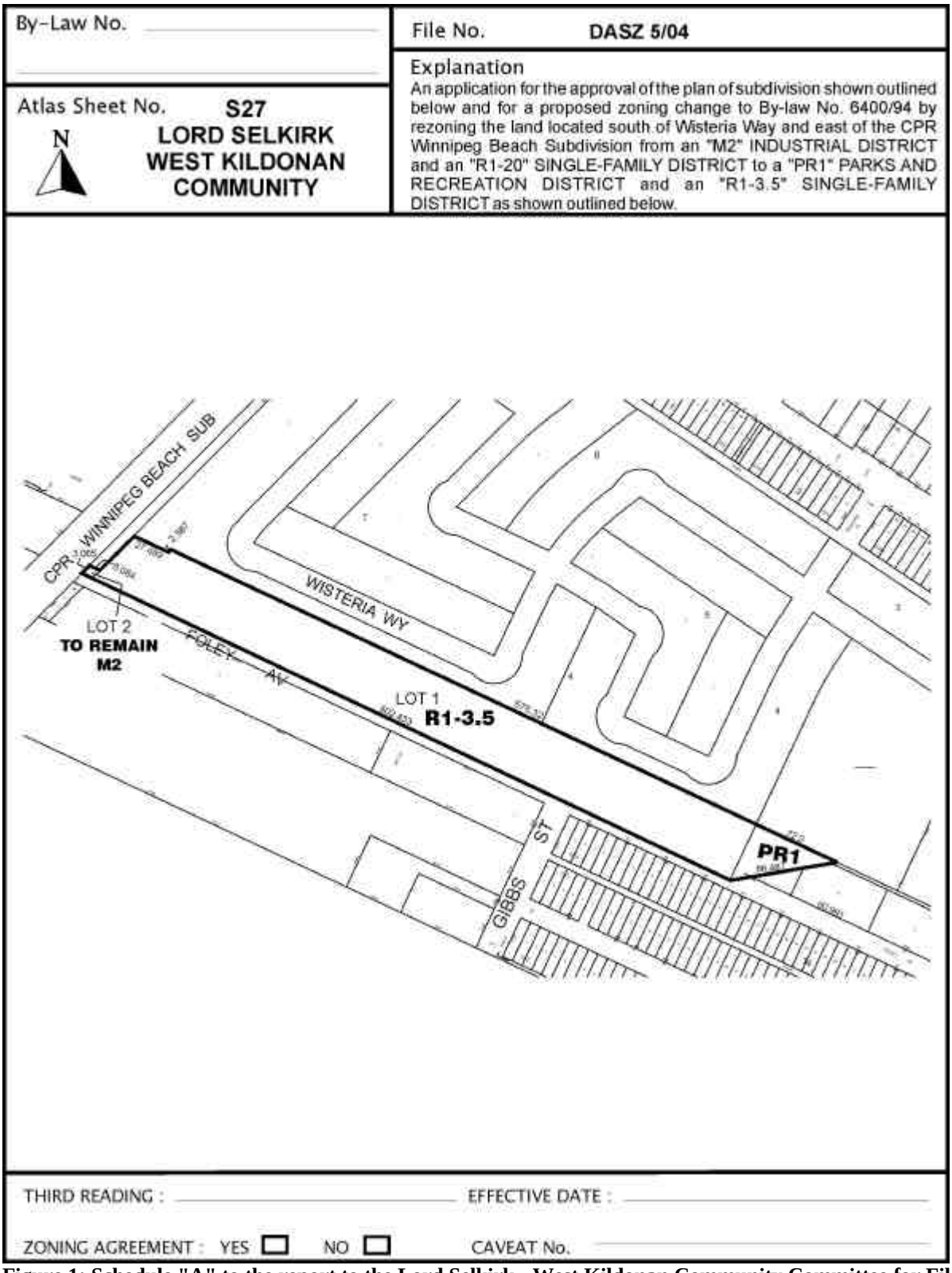


Figure 1: Schedule "A" to the report to the Lord Selkirk - West Kildonan Community Committee for File No. DASZ 05/04, dated March 30, 2004.

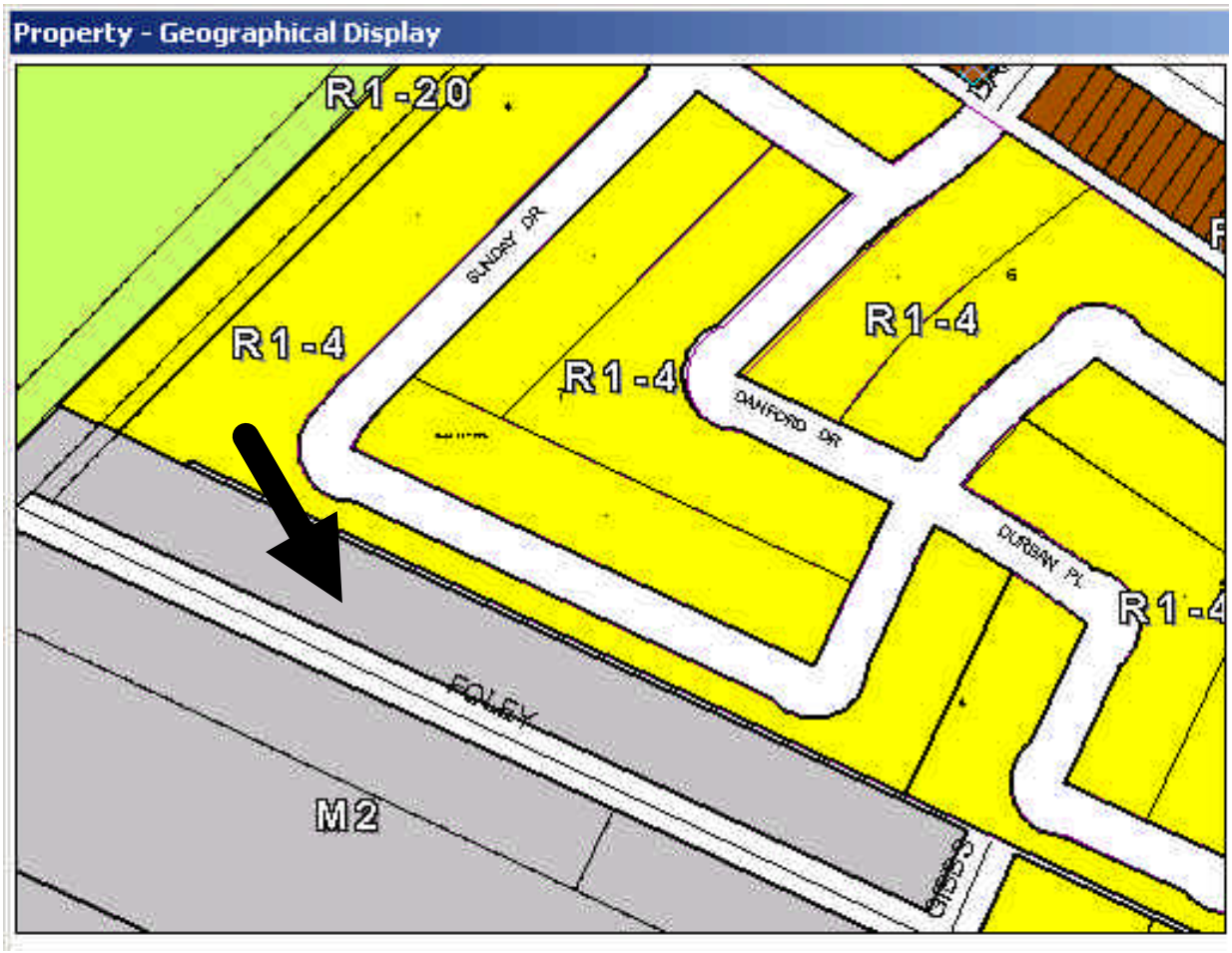


Figure 2: Existing Zoning for subject property and Surrounding Area.

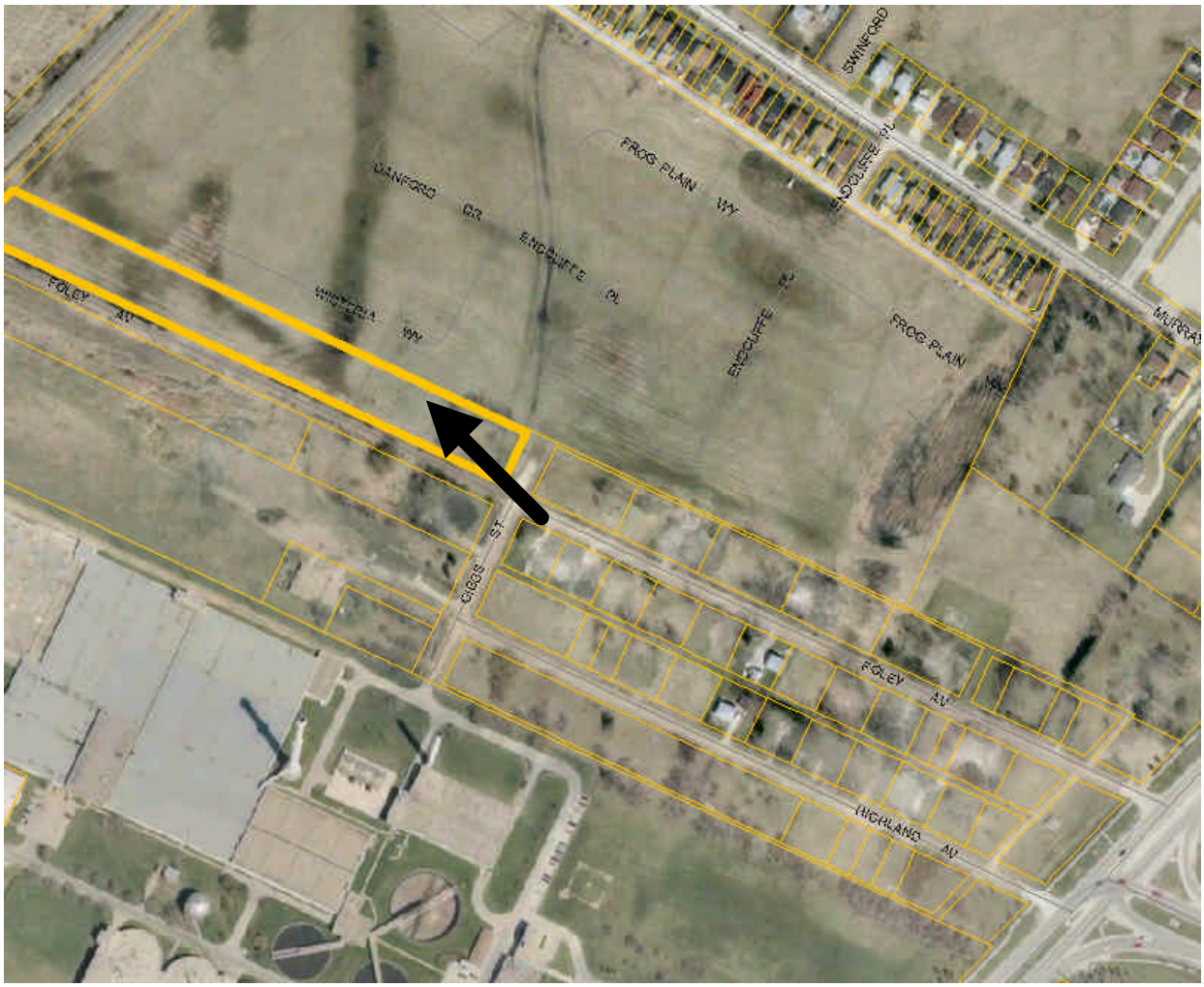


Figure 3: Existing Land-Uses for subject property and Surrounding Area.

Exhibit "7" referred to in File DASZ 5/2004

Re: Proposed subdivision and rezoning on land located south of Wisteria Way east of the Canadian Pacific Railway – DASZ 5/04

An application has been submitted by Novamet Development Corporation to subdivide and rezone land located south of Wisteria Way east of the Canadian Pacific Railway. The land is surplus to the City's needs for the Chief Peguis Trail and is located immediately south and adjacent to the land covered under Development Agreement AG 20/98 with Novamet Development Corporation.

It is recommended that the Developer amend its plan by delineating the triangular parcel created by extending the western boundary of the City's future wetland park southerly across the subject land as Public Reserve. This land will be zoned "PR1" Parks and Recreation District.

It is recommended that approval of the amended plan be subject to the Developer entering into an Addendum to Development Agreement AG 20/98 as follows:

1. By attaching the approved plan of subdivision to the development agreement;
2. By adding a clause requiring the Developer to pay cash in lieu of dedication of land in accordance with City policy. (The Developer will receive a credit of approximately 6.4% against the land dedication requirement of 8.0% in consideration of the triangular Public Reserve being dedicated to the City.)
3. By adding clauses requiring the Developer to construct a berm and a sound attenuation fence at the rear of all residential lots backing onto the future Chief Peguis Trail.
4. By adding a clause requiring the Developer to pay $1,200.00 per acre to defray the City's administration and related costs associated with the preparation and implementation of the Addendum.
5. By adding a clause requiring the Developer to pay the TSR applicable to the land being developed. The 2004 rate is $11,352.00 per acre.

THIS REPORT SUBMITTED BY:

Administrative Coordinating Group
File No. AG 5/04
March 31, 2004

V:\7-ACG Reports\04ag5-report.doc

"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