Minute No. 485
Report - Standing Policy Committee on Property and Development - June 8, 2004

Item No. 15 **Subdivision and Rezoning - northwest corner of Day Street and Larche Avenue West**
File DASZ 10/2004

COUNCIL DECISION:

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

1. That the plan of subdivision proposed under File DASZ 10/2004 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 at a minimum width lot size of forty-eight (48) feet on the westerly portion of the site.

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 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 condition:

   A. That final plans showing exterior designs of the dwelling, as well as location of private approaches and fencing, shall be submitted to the East Kildonan-Transcona Community Committee for approval prior to the issuing of any development or building permits.

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.

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COUNCIL DECISION: (continued)

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 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.

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.

9. That in the event 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 recommendation of the Standing Policy Committee on Property and Development be adopted.

Moved by Councillor Wyatt,
Seconded by Councillor Pagtakhan,

WHEREAS an application for subdivision and rezoning of residential lots at the northwest corner of Larche and Day was considered at a Public Hearing of the East Kildonan - Transcona Community Committee on May 4, 2004;

AND WHEREAS the East Kildonan - Transcona Community Committee resolved to limit development to six (6) lots, with three (3) 50 foot lots on the westerly portion of the subject property in order to respect the character of existing residential lots to the west and south;

AND WHEREAS there was a calculation error at the public hearing of the East Kildonan - Transcona Community Committee regarding the total frontage available for development at the northwest corner of Larche and Day (DASZ 10/04) and the combination of three (3) 50 foot lots and three (3) 35 foots lots cannot be physically accommodated on the subject property;

THEREFORE BE IT RESOLVED that Recommendation 1.A. be amended to read as follows:

> *That the plan be amended to show three (3) lots at a minimum width lot size of forty-eight (48) feet on the westerly portion of the site.*

The motion was put and declared carried.

The motion for adoption of the item, as amended, was put and declared carried.

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On June 16, 2004, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and submitted the matter to Council.

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DECISION MAKING HISTORY (continued):

STANDING COMMITTEE RECOMMENDATION:

On June 8, 2004, the Standing Policy Committee on Property and Development concurred in the recommendation of the East Kildonan-Transcona Community Committee with the following amendments, namely:

- Recommendation 1A
  Delete the words "and three (3) lots at a minimum width lot size of 35 feet on the easterly portion of the site."

- Recommendation 3A
  Delete the words "and that there shall be three (3) different façade designs for consideration"

and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On May 4, 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 10/2004 dated April 26, 2004" after the words "Manitoba Land Surveyor" and before the words "for registration in the Winnipeg Land Titles Office".

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

  "1.A. That the plan be amended to show three (3) lots at a minimum width lot size of fifty (50) feet on the westerly portion of the site, and three (3) lots at a minimum width lot size of 35 feet on the easterly portion of the site."

- That Recommendation 3. be amended by deleting the words "as shown on Schedule "A" for File DASZ 10/2004 dated April 26, 2004" after the words "subject land" and before the words "to a R1-3.5 Residential District." Further, that the following words be added to the end of the sentence ", 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 condition:"

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

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

DECISION MAKING HISTORY (continued):

> "3.A. That final plans showing exterior designs of the dwelling, as well as location of private approaches and 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 three (3) different façade designs for consideration."

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

RE:	**Subdivision and Rezoning - Northwest corner of Day Street and Larche Avenue West File DASZ 10/2004**
For submission to:	**The Standing Policy Committee on Property and Development**
Prepared by:	**Inga Skundberg, Clerk, East Kildonan-Transcona Community Committee**
Report date:	**May 19, 2004**

COMMUNITY COMMITTEE RECOMMENDATION:

On May 4, 2004, 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 10/2004 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor ~~***in accordance with Schedule "A" for File DASZ 10/2004 dated April 26, 2004***~~, for registration in the Winnipeg Land Titles Office, ***subject to the following:***

   A. That the plan be amended to show three (3) lots at a minimum width lot size of fifty (50) feet on the westerly portion of the site, and three (3) lots at a minimum width lot size of 35 feet on the easterly portion of the site.

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 10/2004 dated April 26, 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 condition:***

   A. That final plans showing exterior designs of the dwelling, as well as location of private approaches and 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 three (3) different façade designs for consideration.

4. That a 10 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.

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 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.

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.

9. 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 subject application maintains the integrity of the neighbourhood.

2. The subject site is a good opportunity for infill housing to occur.

PUBLIC HEARING SUMMARY

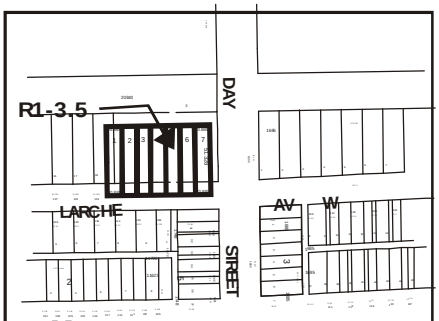
File: DASZ 10/2004

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

Public Hearing: May 4, 2004
Community Committee Chamber
755 Henderson Highway

Applicant: Bernhard Goertzen
Global Homes Ltd.

Subject:



EAST KILDONAN TRANSCONA COMMUNITY

APPLICANT: GLOBAL HOMES
FILE: DASZ 10/04
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 6400/94 by rezoning the land shown outlined above from a "CF" COMMERCIAL FABRICATION DISTRICT to an "R1-3.5" SINGLE-FAMILY DISTRICT to allow for the creation of sites for residential development. **For information phone Mr. J. Wintrup,Planner at 986-5102**

Premises Affected: Northwest corner of Day Street and Larche Avenue West

Exhibits Filed:

1. Application dated March 25, 2004
2. Notification of Public Hearing dated March 31, 2004
3. Certificate of Titles 842860, 875409
4. Surveyor's Sketch dated November 14, 2003
5. Letter of authorization dated March 4, 2004 from Karen Carswell, Land Agent, Manitoba Hydro to Global Homes Ltd.
6. Plans (2 pages)
7. Report from the Manager of Planning and Land Use dated April 26, 2004
8. Inspection Report
9. Petition in opposition to the application purporting to contain the signatures of 34 area residents submitted by Fred Bobrowski

REPRESENTATIONS:

In Support:

Bernhard Goertzen, Global Homes Ltd.
Alvin Kleinsasser

In Opposition:

Fred Bobrowski
Robert Burgess
Dawn Goring
Marc Rouault

For Information:

Nil

For the City:

John Wintrup, Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

Bernhard Goertzen appeared in support of the application. He advised that if the application were to proceed, the houses would be valued at approximately $115,000 to $120,000, and would likely be completed by the fall or winter. He expressed his opinion that the quality of housing will fit with the existing community. He advised that he had spoken with the neighbouring area and as a result, feedback indicated that 50 foot lots were desired as opposed to the proposed 35 foot lots. In this connection, he advised that acquisition of the subject property was purportedly expensive and that servicing each house would also be expensive. He commented that with the current zoning designation, a commercial facility could be developed on the subject property.

Councillor Lubosch questioned the applicant that if 50 foot lots were developed, as opposed to the proposed 35 foot lots, if it would be detrimental to the applicant's plans. Bernhard Goertzen responded by advising that he would be willing to consider the revised option of developing 50 foot lots if required.

Fred Bobrowski appeared in opposition to the application, and submitted a petition in opposition, filed as Exhibit 9. He indicated that he would not be opposed to the rezoning of land to an "R1-5" Single-Family District, as 50 foot lots would be consistent with the current lots on Larche Avenue West on which he lives. He advised that his concern with the proposal is the size of the proposed lots of 35 feet.

Councillor Lubosch questioned Fred Bobrowski if he was aware of what is allowable under the current zoning designation of a "CF" Commercial Fabrication District, to which John Wintrup, Planner, City of Winnipeg, responded by advising what is permissible under the current zoning designation.

Fred Bobrowski indicated that although he understood what could be developed at the subject site may be more detrimental to the neighbouring area than what is proposed, he felt that another type of development could be better than what is currently proposed. In this connection, he requested a compromise in the development of the subject site.

Robert Burgess appeared in opposition to the application. He advised that he is not opposed to development of the property but is opposed to the development of 35 foot lots. He expressed his opinion that 35 foot lots do not fit into the neighbourhood.

Councillor Wyatt commented that infill housing is a challenge to harmonize with the neighbourhood, and indicated that there is a mixture of housing in the area, including duplexes on 30 foot lots. He suggested that if the proposal was reduced from seven lots to six, that a couple of options could be considered, such as developing three lots at the western end of the subject site as 50 foot lots and the other 3 lots as 35 feet lots, or by developing 6 lots at approximately 40 feet each.

Bernhard Goertzen indicated that the first preference would be to develop the lots as proposed at 35 feet, as reducing the lots from 7 to 6 would purportedly equate to a loss of $20,000. He indicated that however, if the recommendation is to reduce the lots to 6, the preference would be that the lot sizes be divided equally and be approximately 41 feet in width. In this connection, he advised that different lot sizes of 50 feet and 35 feet would be more difficult to market.

Exhibit "7" referred to in File DASZ 10/2004

In reply please refer to / Référence à rappeler :

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

File No. DASZ 10/04 April 26, 2004
Our c/f CP 500 (.408)

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
N/W Corner Day Street and Larche Avenue West
East Kildonan - Transcona Community Committee
File No. DASZ 10/04

An application has been received from Global Homes (Bernard Geortzen) 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 "CF" Commercial Fabrication District to an "R1-3.5" Single Family District.



SITE DESCRIPTION:

Site Area: The site area is approximately 39,443 square feet (0.905 acres). The site has 250 feet of frontage along Larche Avenue West.

Existing Land Use and Zoning: Vacant land designated "CF" Commercial Fabrication District.

Surrounding Land Use and Zoning:

North: Vacant land zoned "M-2" Industrial District.
South: Across Larche Avenue West, single family dwellings zoned "R1-5" and flankage of single family homes zoned "R2".
East: Across Day Street, Hydro Sub-station zoned "CF".
West: Single family dwellings zoned "RM-3".

DEVELOPMENT DESCRIPTION:

The applicant intends to subdivide and rezone the subject property from ""CF" Commercial Fabrication District to an "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 seven (7) lots at 35 feet. The lots will all front onto Larche Avenue West.

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 Radisson 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 "CF" Commercial Fabrication District is intended to provide a transitional zone between an industrial area and a commercial or resident district, and to accommodate existing industrial uses

that have continued within the surroundings of a residential neighbourhood. A variety of commercial and industrial uses are permitted outright in this zone such as Fish Products (Processing); Metal Manufacturing; Restaurants, etc. A rezone to single family would be more compatible with the adjacent residential area.

The Division's only concern is in regards to lot sizes. The applicant is proposing seven, 35-foot wide lots. The existence of the industrial development facing these lots on the east side of Day Street and house flankages on the south side makes the land relatively less attractive for residential development compared to lots located further west along Larche Avenue. Thus, the proposal for smaller residential lots (35 feet) compared to other residential lots (50 foot) in the vicinity is considered to be a reasonable response to the locational characteristics of the site.

However, there may be concern from the surrounding residents that the lots do not match with the existing residential lots. It is possible that the developer can implement three 50-foot lots along the most westerly portion of the subject property to match the lots sizes directly across the street. The remainder of the property to the east would allow three 35-foot lots for a grand total of six (6) lots.

RECOMMENDATION:

A. That the plan of subdivision proposed under File No. DASZ 10/2004 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File No. DASZ 10/2004, attached hereto and dated April 26, 2004, for registration in the Winnipeg Land Titles Office.

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 10/2004, attached hereto and dated April 26, 2004, to a "R1-3.5" Residential District.

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.

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 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.

H. 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.

I. 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

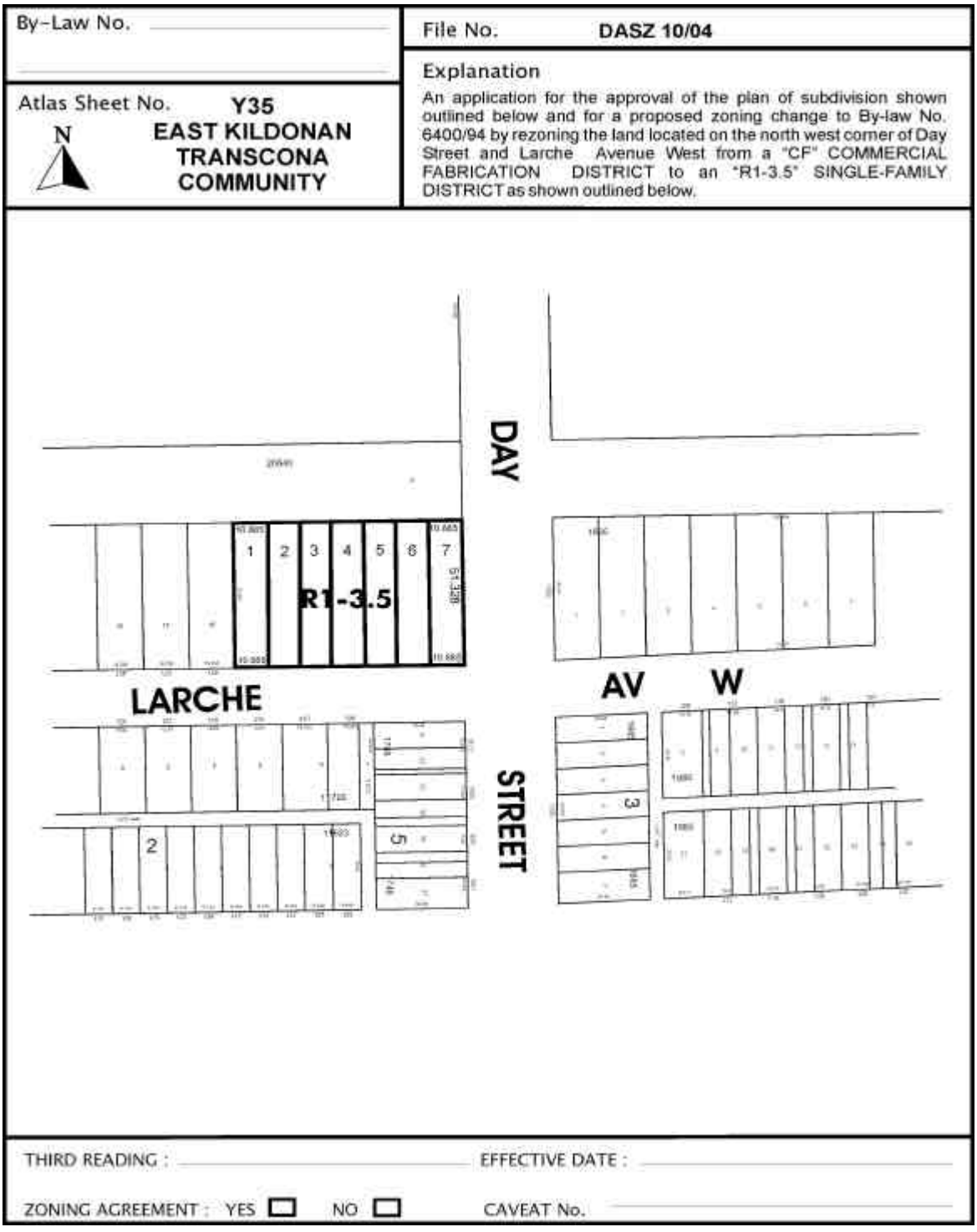


Figure 1: Schedule "A" to the report to the East Kildonan -Transcona Community Committee for File No. DASZ 10/04, dated April 26, 2004.

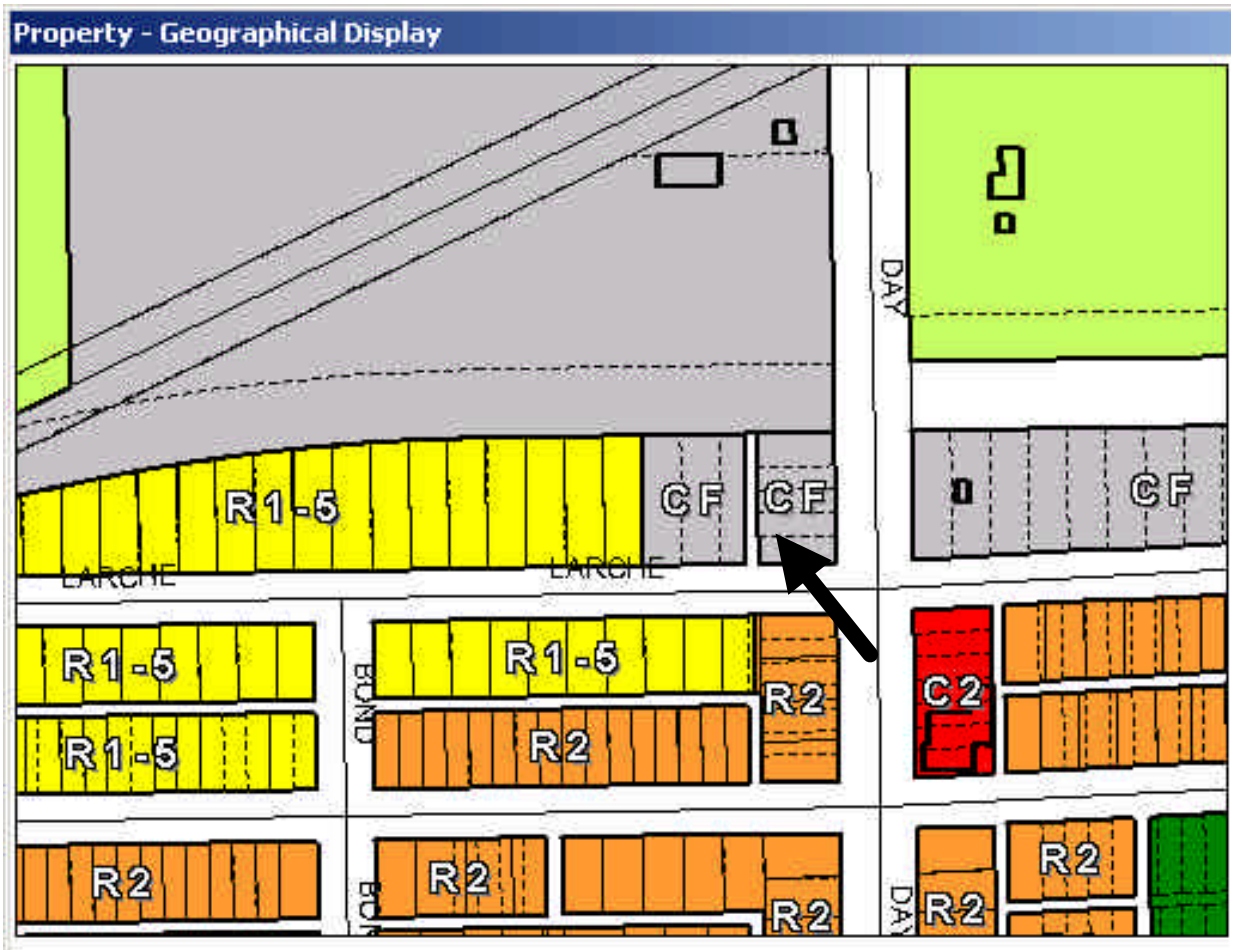


Figure 2: Existing Zoning for subject property and Surrounding Area.

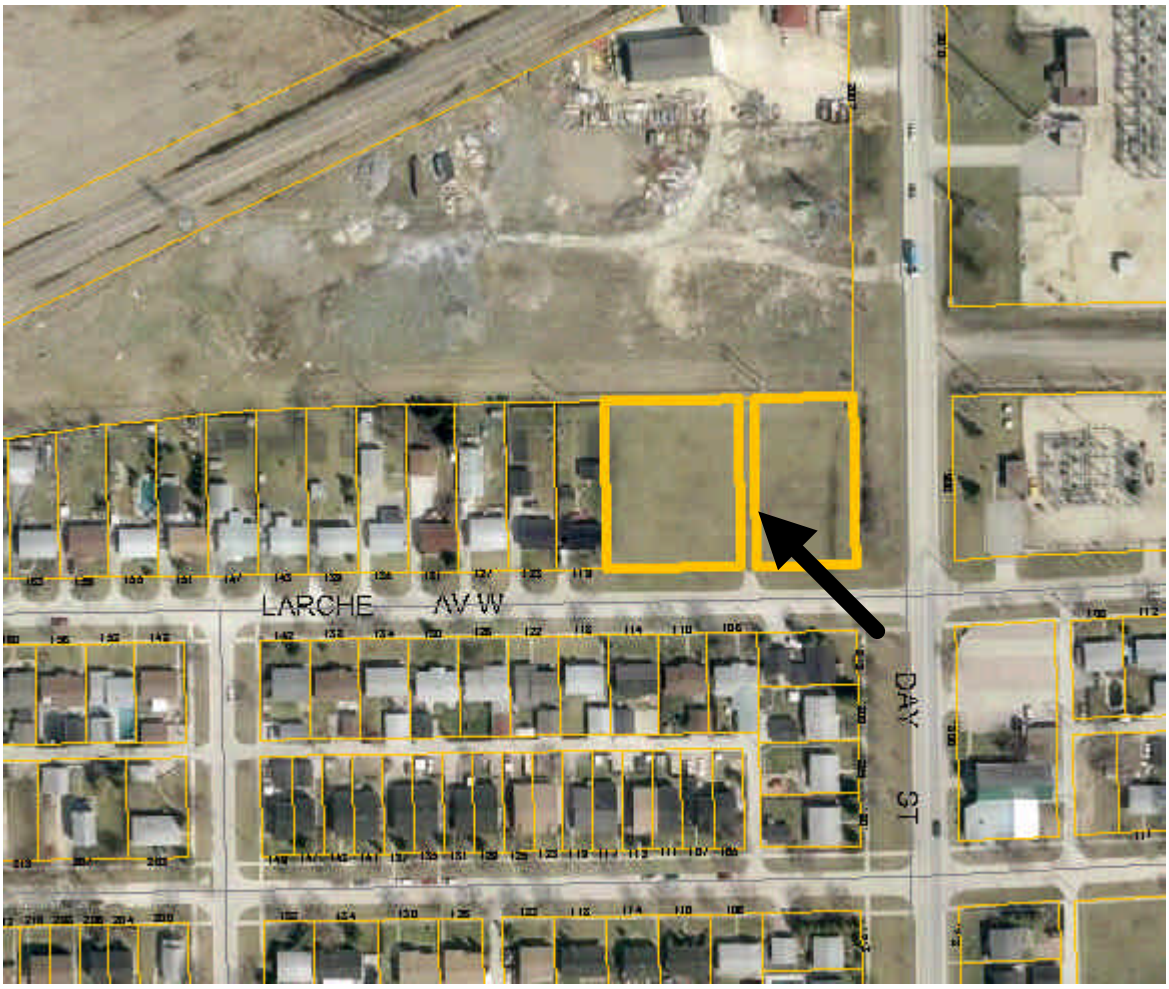


Figure 3: Existing Land-Uses for subject property and Surrounding Area.