**Agenda - Council - September 29, 2004**

**Report - Standing Policy Committee on Property and Development – September 7, 2004**

**Item No. 21 Rezoning - west side of Dovercourt Drive north of Scurfield Boulevard**
**File DAZ 238/2004**

STANDING COMMITTEE RECOMMENDATION:

On September 22, 2004, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the City Centre Community Committee and submits the following to Council:

1. That The Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 238/2004 dated July 2, 2004, to an "RM-3" Residential District, subject to the following:

   A. That the developer be required to enter into Servicing Agreement AG 238/2004 in accordance with the Administrative Coordinating Group's report dated July 2, 2004.

2. 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 increase in the market value of the land.

3. 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.

4 That the City Solicitor/Manager of Legal Services be requested to prepare the necessary rezoning by-law and forward same to Council for all three readings.

5. That the Proper Officers of the City are hereby authorized to execute said Zoning Agreement.

6. That the City Solicitor/Manager of Legal Services be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

**Report - Standing Policy Committee on Property and Development - September 7, 2004**

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On September 22, 2004, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the City Centre Community Committee and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On September 7, 2004, the Standing Policy Committee on Property and Development concurred in the recommendation of the City Centre Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On July 13, 2004, the City Centre Community Committee concurred in the administrative recommendation and submitted its recommendation to the Standing Policy Committee on Property and Development.

**RE:** **Rezoning - west side of Dovercourt Drive north of Scurfield Boulevard**
**File DAZ 238/2004**

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

**Prepared by:** **Josie Marques, Clerk,**
**City Centre Community Committee**

**Report date:** **July 22, 2004**

COMMUNITY COMMITTEE RECOMMENDATION:

The City Centre Community Committee concurred in the administrative recommendation and recommends to the Standing Policy Committee on Property and Development:

1. That The Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 238/2004 dated July 2, 2004, to an "RM-3" Residential District, subject to the following:

   A. That the developer be required to enter into Servicing Agreement AG 238/04 in accordance with the Administrative Coordinating Group's report dated July 2, 2004.

2. 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 increase in the market value of the land.

3. 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.

4 That the City Solicitor/Manager of Legal Services be requested to prepare the necessary rezoning by-law and forward same to Council for all three readings.

5. That the Proper Officers of the City are hereby authorized to execute said Zoning Agreement.

6. That the City Solicitor/Manager of Legal Services be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

The City Centre Community Committee provided the following supporting reason for its recommendation:

1. The City Centre Community Committee agreed with the administrative comments contained in the report of the Manager of Planning and Land Use dated June 28, 2004, and in the report from the Administrative Coordinating Group dated July 5, 2004.

## PUBLIC HEARING SUMMARY

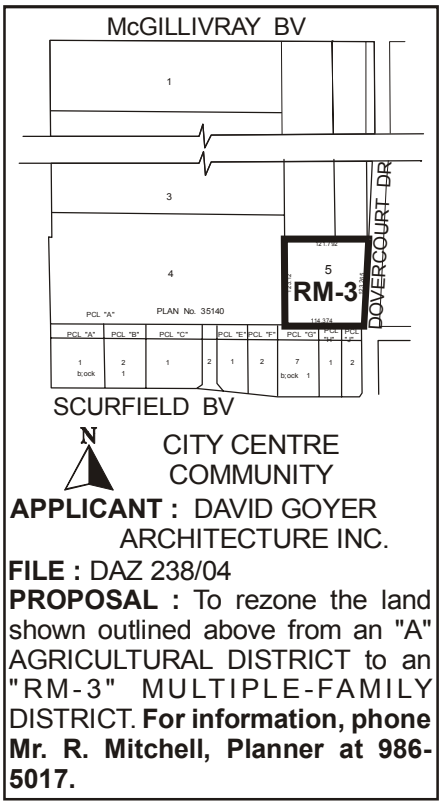
File: DAZ 238/2004

Before: City Centre Community Committee
Councillor Smith, Chairperson
Councillor Benham
Councillor Gerbasi

Public Hearing: July 13, 2004
Council Chambers
Council Building, 510 Main Street

Applicant: Darcy Harms, David Goyer Architecture Inc.

Subject:




Premises Affected: west side of Dovercourt Drive north of Scurfield Boulevard

Exhibits Filed:
1. Application dated June 11, 2004
2. Notification of Public Hearing dated June 16, 2004
3. Manitoba Status of Title(s) 1662738

4. Letter of authorization dated May 31, 2004 from Hubert Kleysen, President, Kleysen Transport Ltd. to David Goyer Architecture Inc.
5. Extract of Atlas Sheet AC23
6. Plan (1 page)
7. Report from the Manager of Planning and Land Use dated June 28, 2004
8. Report from the Administrative Coordinating Group dated July 5, 2004
9. Inspection Report

REPRESENTATIONS:

In Support:

Frank Bueti
Chris Dudeck
David Goyer, David Goyer Architecture Inc.
Garry Loewen
Vince Spezzano

In Opposition:

Nil

For the City:

Mr. M. Grady, Senior Planner, Planning, Property and Development Department
Mr. C. Torpey, Land Development Administrator, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

The applicant, David Goyer, David Goyer Architecture Inc. appeared in support of the application and stated concurrence with the administrative recommendation.

**Exhibit "7" referred to in File DAZ 238/2004**

**In reply please refer to / Référence à rappeler :**

**James Veitch**
**(204) 986-7728**
**Fax / Téléc. : (204) 986-7524**

**File No. DAZ 238/04** June 28, 2004
Our c/f CP 500 (.664)

Ms. Josie Marques, Clerk
City Centre Community Committee
Council Building
510 Main Street
Winnipeg, MB R3B 1B9

Dear Ms. Marques:

**REZONING**
Location: West side of Dovercourt Drive, North of Scurfield Boulevard
City Centre Community Committee
**File No. DAZ 238/04**

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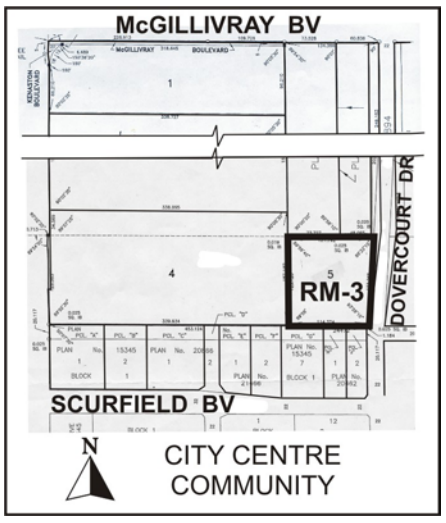
An application has been received from David Goyer Architecture Inc. (Mr. Darcy Harms) on behalf of owner Kleysen Transport Ltd., to amend By-Law No. 6400/94 by rezoning the land shown below from an "A" Agricultural District to an "RM-3" Residential District to allow for twenty (20) duplex bungalow units with double car garages.

RELATED FILES: DASZ 22/98, DAZ 304 B/79



**SITE DESCRIPTION:**

Site Area:
The overall site area is approximately 156,404 square feet or 3.6 acres, (14,530 square metres). The east property line is 404.4' and fronting onto Dovercourt Drive; the south property line is 375.2' and backs onto the existing industrial development of Scurfield Boulevard.

Existing Land Use and Zoning:
The subject property is currently zoned A: Agricultural and is vacant.

Surrounding Land Use and Zoning:

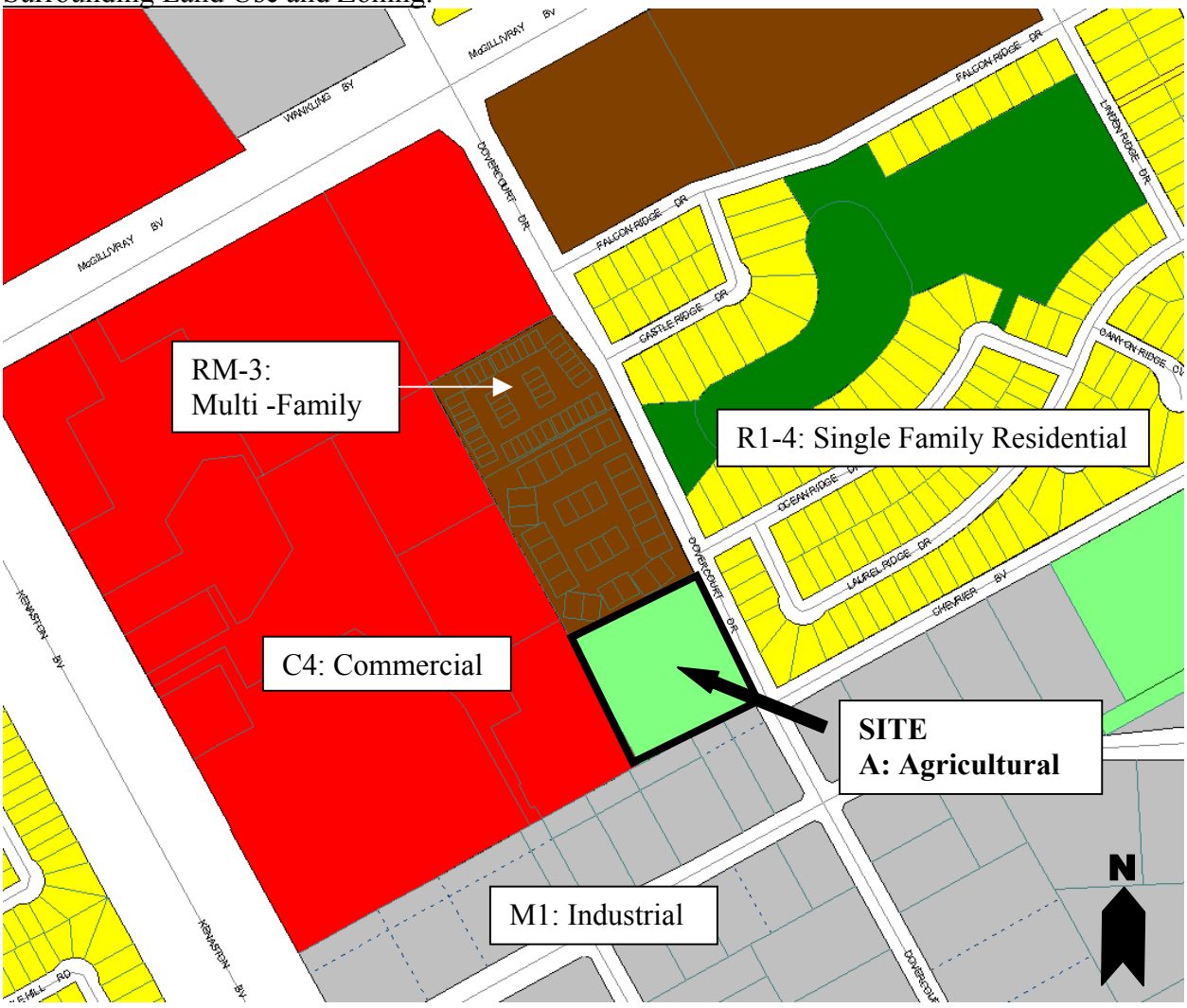



**Figure 1: Existing Zoning for Subject Property and Surrounding Area**

North: The land adjacent to the north is zoned RM-3: Multiple Family, duplex bungalow units are currently under construction and nearing completion.

South: The land to the south fronts onto Scurfield boulevard and is zoned M1: Industrial. These adjacent properties are occupied by various professional businesses.

East: The land to the east, fronting onto the east side of Dovercourt Drive is zoned both R1-4 and R1-5: Single Family Residential. This residential subdivision is approximately 95% complete and occupied.

West: The land to the west of the subject property is zoned C4-Commercial and is currently occupied by the Linden Ridge Shopping Centre.




**Figure 2: Existing Land-Uses for Subject Property and Surrounding Area.**

**DEVELOPMENT DESCRIPTION:**
Darcy Harms of David Goyer Architects will forward details on the project July 5 or 6th.

**PLAN WINNIPEG:**
The site is within a greater area designated as 'Neighbourhood' in Plan Winnipeg. The document further highlights the immediate context as an 'Area of Regional Commercial and Mixed Use Concentration'. The application complies with Plan Winnipeg.

**ADMINISTRATIVE COMMENTS**:
The Planning and Land Use Division supports the proposed change in rezoning for the following reasons: 1) The immediate context is a mix of single family and multi-family residential uses in conjunction with some light industrial, (professional offices) and commercial uses. The existing 'A': Agricultural zoning designation of the subject property pre-dates the surrounding development and thus does not fit the current direction of it's context. 2) The design details of the proposal are similar in density and character to the multi-family residential project nearing completion to the north. 3) This rezoning and associated development will make use of an existing vacant piece of land, The proposed multiple family project will help to complete the growing residential fabric of the area.

**RECOMMENDATION:**

I. That By-law 6400/94 be amended by rezoning the subject land as shown on Schedule "A", for file DAZ 238/04, attached hereto and dated, July 2, 2004, to an "RM3" Residential District, subject to the following:

   A. That the developer be required to enter into Servicing Agreement AG 238/04 in accordance with the Administrative Coordinating Group's report dated July 2, 2004.

II. That a 10 per cent 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 increase in the market value of the land.

III. 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.

IV. That the City Solicitor be requested to prepare the necessary rezoning by-law and forward same to Council for all three readings.

V. That the Proper Officers of the City are hereby authorized to execute said Zoning Agreement.

VI. That the City Solicitor be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Act.

Draft

_____
James Veitch, Planner

_____
J. East

_____
E. Axelrod

_____
E. Carriere (if Servicing Agreement)

Final

Yours truly,

C. Knoll
Manager of Planning and Land Use

Per: _____
Ross Mitchell, Senior Planner
(Assiniboia/City Centre Community)
986-5017

/jc

By-Law No. _____

Subsection (474)

File No. **DAZ 238/04**

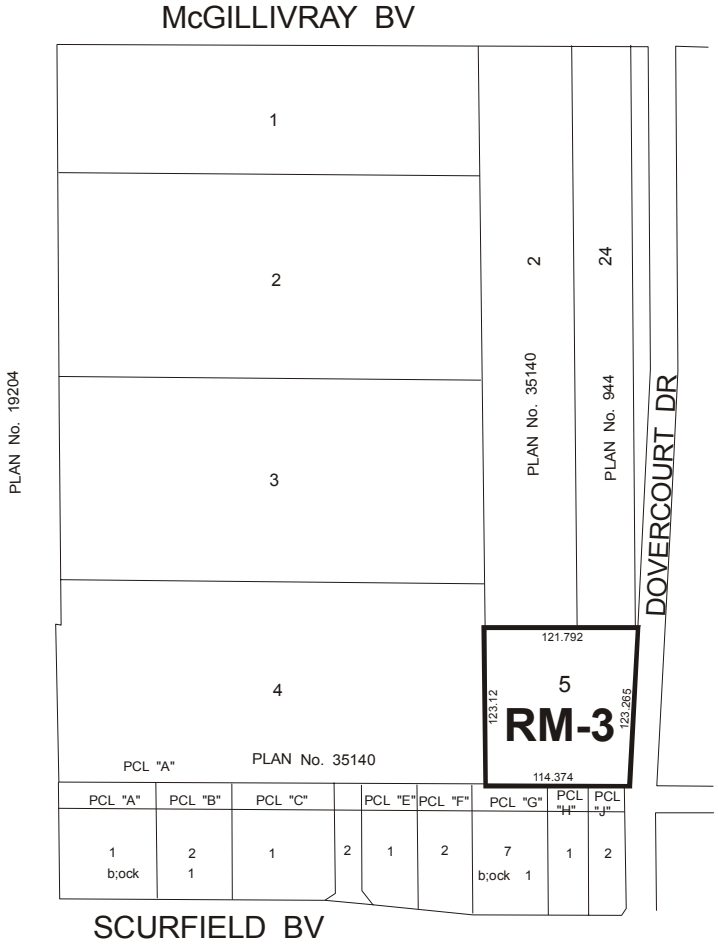
Atlas Sheet No.

N

**AJ20**
**CITY CENTRE**
**COMMUNITY**

Explanation

The attached By-Law amends By-Law No. 6400/94 by rezoning the land located on the west side of Dovercourt Drive North of Scurfield Boulevard from an "A" AGRICULTURAL DISTRICT to an "RM-3" MULTIPLE-FAMILY DISTRICT as shown outlined below.




THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

**Exhibit “8” referred to in File DAZ 238/2004**

## Figure 3: Schedule "A" to the report to the City Centre Community Committee for File No. DAZ 238/04, dated June 28, 2004.

**Exhibit “6” referred to in File DAZ 238/2004**

**Re: Proposed rezoning of land located on the west side of Dovercourt Drive, north of Scurfield Boulevard – DAZ 238/04**

An application has been submitted by David Goyer Architecture Inc. to rezone land located on the west side of Dovercourt Drive, north of Scurfield Boulevard.

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 a wastewater sewer in Dovercourt Drive to serve the proposed development as determined by and to the satisfaction of the Director of Water and Waste.

2. a) The Developer shall pay the land drainage trunk charge (TSR) attributable to the proposed development as determined by the Director of Water and Waste.

   b) The Developer shall pay $18.00/ft. as its share of the cost of the existing land drainage sewer in Dovercourt Drive.

3. The Developer shall pay the full cost of engineering services provided by or on behalf of the City in connection with the installation of the wastewater sewer required to serve the proposed development.

4. The Developer shall pay $1,650.00 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 238/04
July 2, 2004

*"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