Minute No. 641
Report - Standing Policy Committee on Property and Development – September 7, 2004

Item No. 11 Subdivision and Rezoning – 346 Scotia Street
File DASZ 18/2004

COUNCIL DECISION:

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

1. That the plan of subdivision proposed under File DASZ 18/2004 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 18/2004 dated June 29, 2004, for registration in the Winnipeg Land Titles Office.

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 18/2004 dated June 29, 2004, to an "R1-4" Residential District.

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 an additional lot.

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 Development 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.

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

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 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 - September 7, 2004

DECISION MAKING HISTORY:

Moved by Councillor Pagtakhan,

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

Carried

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 Lord Selkirk-West Kildonan 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 Lord Selkirk-West Kildonan Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On July 6, 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 - 346 Scotia Street**
File DASZ 18/2004

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

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

Report date: **July 23, 2004**

COMMUNITY COMMITTEE RECOMMENDATION:

On July 6, 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 18/2004 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 18/2004 dated June 29, 2004, for registration in the Winnipeg Land Titles Office.

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 18/2004 dated June 29, 2004, to an "R1-4" Residential District.

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 an additional lot.

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 Development 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 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.

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 June 29, 2004.

PUBLIC HEARING SUMMARY

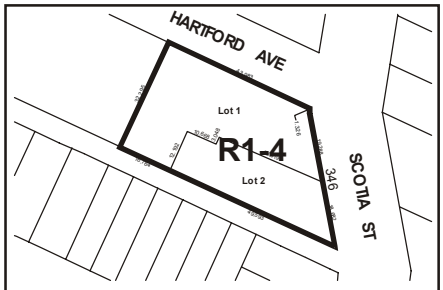
File: DASZ 18/2004

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

Public Hearing: July 6, 2004
Council Chamber, Council Building
510 Main Street

Applicant: Daniel and Arlene Gibson

Subject:



LORD SELKIRK
WEST KILDONAN
COMMUNITY

APPLICANT : A & D GIBSON
FILE : DASZ 18/04
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 "PR1" PARKS AND RECREATION DISTRICT to a "R1-4" SINGLE-FAMILY DISTRICT. **For information, phone Mr. D. Marsh, Planner at 986-5549.**

Premises Affected: 346 Scotia Street

Exhibits Filed:

1. Application dated May 20, 2004
2. Notification of Public Hearing dated June 8, 2004
3. Manitoba Status of Titles 1750875 and 1750878
4. Proposed Plan of subdivision
5. Report from the Manager of Planning and Land Use dated June 29, 2004
6. Revised Conditions of Approval submitted by the Manager of Planning and Land Use dated July 6, 2004
7. Inspection Report

REPRESENTATIONS:

In Support:

Arlene Gibson

In Opposition:

Nil

For Information:

Terry Shaw

For the City:

Mr. C. Torpey, Land Development Administrator, Planning, Property and Development Department
Mr. D. Marsh, Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

Arlene Gibson, the applicant, appeared in support of the application and stated concurrence in the recommendations outlined in the revised conditions of approval submitted by the Manager of Planning and Land Use dated July 6, 2004.

Exhibit "6" referred to in File DASZ 18/2004

Revised Conditions of Approval - DASZ 18/2004
July 6th, 2004 Lord Selkirk-West Kildonan Community Committee meeting

RECOMMENDATION:

I. That the plan of subdivision proposed under File No. DASZ 18/04 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File No. DASZ 18/2004 attached hereto and dated June 29, 2004, for registration in the Winnipeg Land Titles Office.

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

III. That Zoning By-Law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File No. DASZ 18/04, attached hereto and dated June 29, 2004, to an "R1-4" Residential District.

IV. 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 an additional lot.

V. 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.

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

VII. That the subdivision section of the by-law shall come into force and effect upon execution by the City of Winnipeg of the Development Agreement.

VIII. 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.**

IX. 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.

X. That in the event 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.

Exhibit "5" referred to in File DASZ 18/2004

In reply please refer to / Référence à rappeler :

David Marsh, AICP
(204) 986-5549
Fax / Téléc. : (204) 986-7524

File No. DASZ 18/04
Our c/f CP 300 (.314)

June 29th , 2004

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

Dear Ms. Timmins:

SUBDIVISION AND REZONING
346 Scotia Street
Lord Selkirk – West Kildonan Community
File No. DASZ 18/04

An application has been received from Arlene & Daniel Gibson for approval of a plan of subdivision and related zoning change to Zoning By-Law No. 6400/94 by rezoning the subject lands from a "PR1" Parks and Recreation District to a "R1-4" Residential District.

RELATED FILES: City of Winnipeg Zoning By-Law 4450/86



SITE DESCRIPTION:

Site Area, Existing Land Use and Zoning:

The site in question is currently occupied by a single detached residential home, and is approximately 19,000 sqaure feet (0.44 acres) in size. The majority of the site is zoned 'R1-4' Residential, while a triangular piece in the southwest corner of the lot is zoned 'PR1' Parks and Recreation.

Surrounding Land Use and Zoning:

North: Hartford Avenue, then detached residential buildings (R1-4)
South: A public lane, then detached residential buildings (R1-4)
East: Scotia Street, then detached residential buildings (R1-4)
West: A park area and a school (PR1)

DEVELOPMENT DESCRIPTION:

The applicant is proposing to rezone a portion of the site from 'PR1' Parks and Recreation District to 'R1-4' Residential District, and subdivide the property into two lots. The existing detached residential home would remain on a larger lot (12,176 square feet), while a new lot would be created in the south eastern portion of the site, with a proposed lot area of 6,898 square feet. Both of the proposed lots comply with the development standards for the 'R1-4' Residential District, and are consistent in size with other residential lots in the surrounding area.

PLAN WINNIPEG:

The subject property falls within a designated Neighbourhood Policy Area under Plan Winnipeg, which allows for mixed use, commercial, and residential development; thus, the proposed rezoning is in conformance with Plan Winnipeg 2020.

ADMINISTRATIVE COMMENTS:

The Planning & Land Use Division supports the proposed rezoning and subdivision of the subject property. The rear portion of the site in question was incorrectly rezoned to "PR1" Parks and Recreation District as part of the City of Winnipeg By-Law 4450/86, also known as the "Lord Selkirk – West Kildonan By-Law", which established the zoning and development standards for the north west portion of the City. As part of the process of establishing the by-law, the City of Winnipeg drafted a series of zoning maps for the area to be incorporated into the by-law document. During the course of drafting the zoning maps, the zoning boundary for the subject property was incorrectly moved, and now no longer matches the boundaries of the present lot. It is important to note that the zoning boundary prior to the establishment of By-Law 4450/86 did match the existing lot boundaries, and the entire site was zoned 'R1-4' Residential. The proposed rezoning will correct this previous error, and re-establish the proper zoning for the entire site. In addition, the proposed subdivision meets all development standards in terms of lot size, width, and setbacks, and is consistent with the character of the residential area.

RECOMMENDATION:

I. That the plan of subdivision proposed under File No. DASZ 18/04 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File No. DASZ 18/04, attached hereto and dated June 29, 2004, for registration in the Winnipeg Land Titles Office.

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

III. That Zoning By-Law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File No. DASZ 18/04, attached hereto and dated June 29, 2004, to an "R1-4" Residential District.

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

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

VI. That the subdivision section of the by-law shall come into force and effect upon execution by the City of Winnipeg of the Development Agreement.

VII. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision has been registered in the Winnipeg Land Titles Office, **provided that the said effective date occurs within twenty-four (24) months from the date that the said rezoning by-law is adopted by Council.**

VIII. 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.

IX. That in the event 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.

Yours truly,

C. Knoll
Manager of Planning and Land Use

_____

Per: David Marsh AICP, Planner III
986-5549

By-Law No. _____

File No. **DASZ 18/04**

Atlas Sheet No. **V26**

N

LORD SELKIRK WEST KILDONAN COMMUNITY

Explanation

An application for the approval of the plan of subdivision shown outlined below and for a proposed zoning change to By-law No. 6400/94 by rezoning the land located at 346 Scotia Street from a "PR1" PARKS AND RECREATION DISTRICT to an "R1-4" SINGLE-FAMILY DISTRICT as shown outlined below.



Schedule "A" for File No. DASZ 18/04, LS/WK Community, dated June 29/04

THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____