Agenda - Council - October 27, 2004

Report - Standing Policy Committee on Property and Development - October 5, 2004

Item No. 6 Rezoning - 121 Pandora Avenue West
File DAZ 241/2004

STANDING COMMITTEE RECOMMENDATION:

On October 20, 2004, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the East Kildonan -Transcona Community Committee, as amended, 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 241/2004 dated July 22, 2004, to a "R2" Residential District.

2. That the ten percent (10%) requirement for land dedication based on the increase in market value of the land is not applicable when rezoning from an "M1" Industrial District to an "R2" Residential District.

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 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 Act.

Report - Standing Policy Committee on Property and Development - October 5, 2004

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE:

On October 20, 2004, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the East Kildonan -Transcona Community Committee, as amended, and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On October 5, 2004, the Standing Policy Committee on Property and Development concurred in the recommendation of the East Kildonan-Transcona Community Committee with the following amendment:

- Delete recommendation 2 in its entirety and replace it with the following recommendation, namely:

    "2. That the ten percent (10%) requirement for land dedication based on the increase in market value of the land is not applicable when rezoning from an "M1" Industrial District to an "R2" Residential District.",

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

COMMUNITY COMMITTEE RECOMMENDATION:

On September 14, 2004, the East Kildonan-Transcona Community Committee concurred in the administrative recommendation with the following amendment, namely:

- That Recommendation 2 be deleted in its entirety and replaced with the following new recommendation, namely:

    "2. That a ten percent (10%) requirement for land dedication based on the increase in market value of the land be waived in this instance."

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

RE: **Rezoning – 121 Pandora Avenue West**
File DAZ 241/2004 [c/r DAV 314086/2004D]

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

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

Report date: **September 24, 2004**

COMMUNITY COMMITTEE RECOMMENDATION:

On September 14, 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 Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A", for File DAZ 241/2004, dated July 22, 2004, to a "R2" Residential District.

2. That a ten percent (10%) requirement for land dedication based on the increase in market value of the land be waived in this instance.

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 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 Act.

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

1. The application is consistent with the surrounding area as the subject property is surrounded by residential on three sides.

PUBLIC HEARING SUMMARY

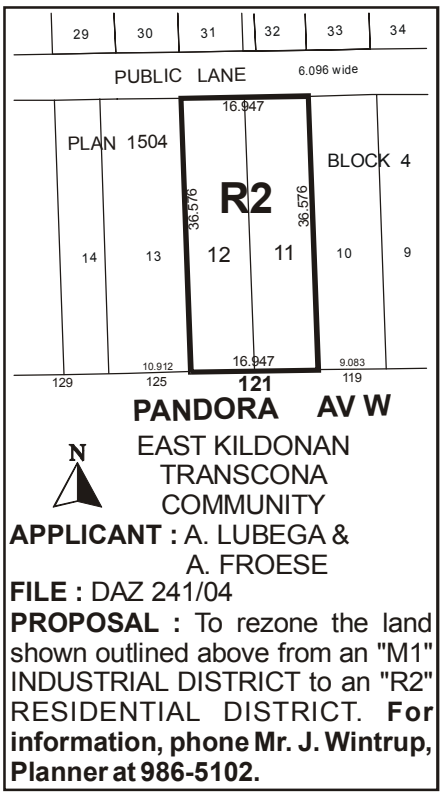
File: DAZ 241/2004 [c/r DAV314086/2004]

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

Public Hearing: September 14, 2004
Community Committee Chamber
755 Henderson Highway

Applicant: Abbey Lubega and Aganetha Froese

Subject:



Premises Affected: 121 Pandora Avenue West

Exhibits Filed:

1. Application dated June 21, 2004
2. Notification of Public Hearing dated July 14, 2004
3. Manitoba Status of Title 1878348
4. Surveyor's Building Sketch dated March 25, 1993
5. Letter of authorization dated April 23, 2004 from Ken Drewry and John Newmann

6. Report from the Manager of Planning and Land Use dated July 22, 2004
7. Inspection Report

REPRESENTATIONS:

In Support:

Aganetha Froese
Abbey Lubega

In Opposition:

Nil

For Information:

Nil

For the City:

John Wintrup, Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

Abbey Lubega and Aganetha Froese appeared in support of the application, and expressed concern regarding the administrative recommendation relative to the requirement for land dedication.

Exhibit "6" referred to in File DAZ 241/2004 [c/r DAV 314086/2004D]

In reply please refer to / Référence à rappeler :

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

File No. DAZ 241/04 July 22, 2004
Our c/f CP 500 (.402)

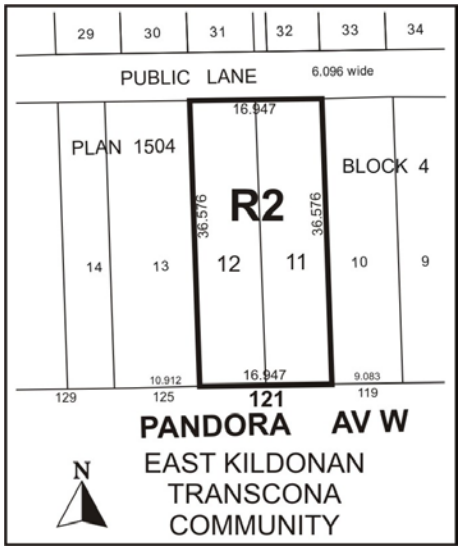
Ms. Inga Skundberg, Community Clerk
East Kildonan - Transcona Community Committee
Council Building
510 Main Street
Winnipeg, MB R3B 1B9

Dear Ms. Skundberg:

REZONING
121 Pandora Avenue West
East Kildonan - Transcona Community Committee
File No. DAZ 241/04

An application has been received from Abbey Lubega and Aganetha Froese to amend By-Law No. 6400/94 by rezoning the land shown below from a "M1" Industrial District to a "R2" Residential District for future construction of a single or two family dwelling.

Related Files: DAV 04-314086D



SITE DESCRIPTION:

Site Area: 619 square metres (6,672 square feet).

Existing Land Use and Zoning: Vacant land with a detached garage zoned "M1".

Surrounding Land Use and Zoning:

North: across public lane, single family dwellings zoned "R1-4".
South: Across Pandora Avenue West, CN Rail zoned "M3".
East: Single family dwelling zoned "M1".
West: Single family dwelling, zoned "M1".

DEVELOPMENT DESCRIPTION:

The applicant intends to rezone the property in order to construct a single or two family (duplex) dwelling.

PLAN WINNIPEG:

The proposed concept complies with Plan Winnipeg in that a residential rezoning is allowed in Neighbourhood Policy Areas.

ADMINISTRATIVE COMMENTS:

The Planning and Land-Use Division supports the rezoning application. The characteristics of Pandora Avenue along the north side is mainly residential. There are a few commercial and industrial related uses mixed in with the residential dwellings. This can be expected given that Pandora Avenue serves as a boundary between the CNR Transcona Yards to the south and the residential neighbourhood of Transcona to the north. Additional residential dwellings will compliment the existing residential component.

There is a related variance to maintain the detached garage as an accessory structure without the existence of a principle dwelling.

RECOMMENDATION:

I. That By-law 6400/94 be amended by rezoning the subject land as shown on Schedule "A", for file DAZ 241/04, attached hereto and dated, July 22, 2004, to a "R2" Residential District.

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

Final

Yours truly,

C. Knoll
Manager of Planning and Land Use

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

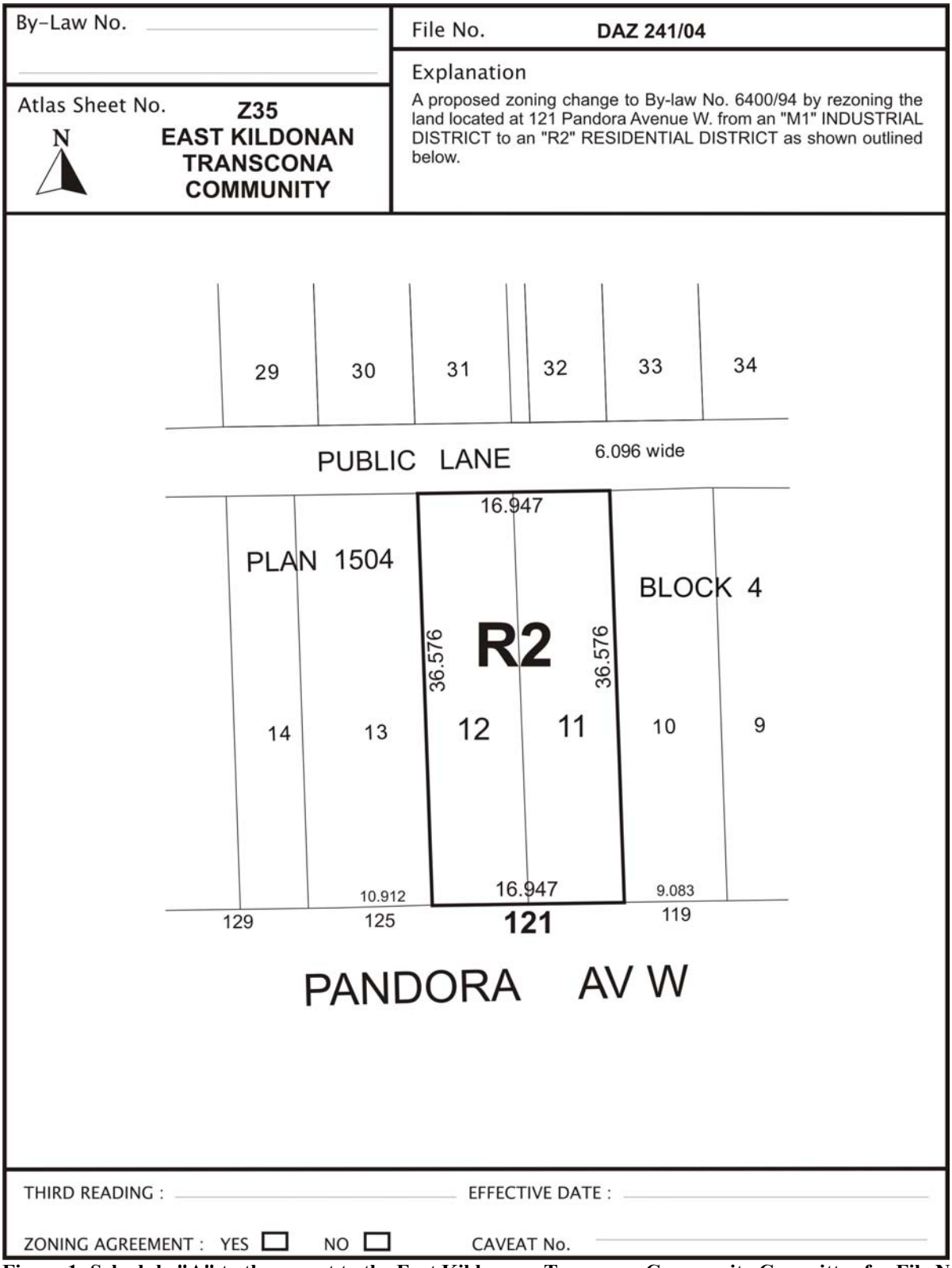


Figure 1: Schedule "A" to the report to the East Kildonan - Transcona Community Committee for File No. DAZ 241/04, dated July 22, 2004.



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



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