Agenda - Council - March 23, 2005

Report - Standing Policy Committee on Property and Development - March 7, 2005

Item No. 11 Subdivision and Rezoning - 1491 - 1531 Leila Avenue
File DASZ 2/2005 [c/r DAC 3/2005]

STANDING COMMITTEE RECOMMENDATION:

On March 16, 2005, 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 2/2005 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 2/2005 dated February 15, 2005, for registration in the Winnipeg Land Titles Office subject to the following:

   A. That the Developer be required to enter into a Development Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated January 31, 2005.

2. That Caveat No. 258514 be discharged for the subject property.

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

4. That The Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 2/2005 dated February 15, 2005, to a "R1-3" Residential District.

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 the 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.

Report - Standing Policy Committee on Property and Development - March 7, 2005

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.

9. That the Plan of Subdivision 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 - March 7, 2005

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On March 16, 2005, 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 submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On March 7, 2005, 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 February 22, 2005, 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 - 1491 - 1531 Leila Avenue**
File DASZ 2/2005 [c/r DAC 3/2005]

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

Prepared by: **Josie Marques, Clerk,**
Lord Selkirk-West Kildonan Community Committee

Report date: **February 24, 2005**

COMMUNITY COMMITTEE RECOMMENDATION:

On February 22, 2005, 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 2/2005 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 2/2005 dated February 15, 2005, for registration in the Winnipeg Land Titles Office, subject to the following:

    A. That the Developer be required to enter into a Development Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated January 31, 2005.

2. That Caveat No. 258514 be discharged for the subject property.

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

4. That The Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 2/2005 dated February 15, 2005, to a "R1-3" Residential District.

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 the 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.

9. That the Plan of Subdivision 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(s) 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 February 15, 2005, and in the report from the Administrative Coordinating Group dated January 31, 2005.

2. That the development was for infill housing with nicer and bigger homes than currently exist on the other side of the street.

3. That the back lane would have to be built to standard.

PUBLIC HEARING SUMMARY

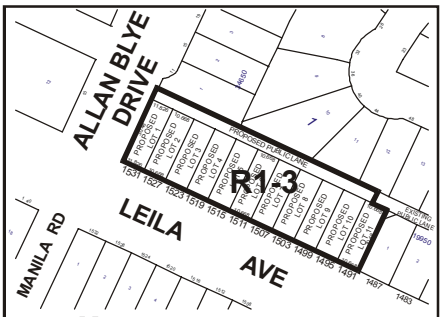
File: DASZ 2/2005 [c/r DAC 3/2005]

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

Public Hearing: February 22, 2005
West Committee Room, Council Building
510 Main Street

Applicant: 4572026 Manitoba Ltd. o/a Legend Homes
(Joe Martins)

Subject:



LORD SELKIRK WEST KILDONAN COMMUNITY

APPLICANT : 4572026 MANITOBA LTD.

FILE : DASZ 2/05

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 a "C2" COMMERCIAL DISTRICT to an "R1-3" RESIDENTIAL DISTRICT and to withdraw the Zoning Agreement affecting the subject lands. **For information, phone Mr. D. Marsh, Planner at 986-5549.**

Premises Affected: 1491 - 1531 Leila Avenue

Exhibits Filed:

1. Application dated January 17, 2005
2. Notification of Public Hearing dated January 20, 2005
3. Manitoba Status of Title 1883995
4. Surveyor's Building Location Certificate and Sketch dated January 13, 2005
5. Communication dated February 15, 2005, from Bernie Verreault stating concerns with the application
6. Communication dated February 15, 2005, from Valerie Jones in opposition to the application
7. Report from the Manager of Planning and Land Use dated February 15, 2005
8. Report from the Administrative Coordinating Group dated January 31, 2005
9. Inspection Report
10. Communication dated February 21, 2005, from Donna and Larry Swenarchuk in opposition to the application
11. Communication dated February 22, 2005, from Mary Doerr stating concerns with the application
12. Presentation in opposition to the application submitted by Tom Marostica at the public hearing.
13. Presentation in opposition to the application submitted by Nadine Scholl at the public hearing.

REPRESENTATIONS:

In Support:

Joe Martins
Vinko Paulich
Tony Rodrigues

In Opposition

R. J. Borger
Jaswinder Chahal
Valerie Jones
Tom and Marilyn Marostica
V. Scherton
Charles and Nadine Scholl
Donna and Larry Swenarchuk
Bernie Verreault
Marilyn Wansbutter

For Information:

Mary Doerr

For the City:

Mr. D. Marsh, Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

The applicant, Joe Martins, 4572026 Manitoba Ltd. o/a Legend Homes, appeared in support of the application and gave a brief overview of the proposal. In response to committee's questions, Mr. Martins stated that the lots were 35 feet wide with 8 feet between houses.

Tony Rodrigues appeared in support of application. Mr. Rodrigues stated that the development would beautify neighbourhood.

Bernard Verreault appeared in opposition to the application. Mr. Verreault stated concerns with the lot sizes, the density of houses, and safety for the children attending the neighbourhood school with the requirement of the back lane extension creating an additional intersection.

Tom Marostica appeared in opposition to the application and submitted a written presentation placed on file as Exhibit No. 12.

Nadine Scholl appeared in opposition to the application. Ms Scholl stated she was long time resident of the area and submitted a written presentation placed on file as Exhibit 13.

In rebuttal, the applicant stated that the plan was to build 1,100 to 1,200 square foot homes, ranging in price between $130,000 and $140,000. He also stated that back lane was required by the City. He further stated the density proposed was required to make the development financially viable.

Exhibit "7" referred to in File DASZ 2/2005 [c/r DAC 3/2005]

Winnipeg

Planning, Property and Development Department Report

To the Lord Selkirk – West Kildonan Community Committee

Date: February 15th, 2005
File: DASZ 2/05
Related Files: DAC 3/05
Subject: Approval of a plan of subdivision and related zoning change to Zoning By-Law No. 6400/94 by rezoning the subject lands from a "C2" Commercial District to a "R1-3" Residential District.

Location: 1491-1531 Leila Ave
Legal Description: Lot 10 Plan 14408 WLTO in RL 15 and 16 OTM Parish of Kildonan



Applicant: 4572026 Manitoba Ltd
Owner: Same

Recommendation: Approval with conditions.

Report Summary:

- The proposed development is in compliance with Plan Winnipeg & its policies;
- The proposed development is compatible with the surrounding properties

- The proposed development is contiguous to existing residential development, and thus may be considered orderly development.

Site Description

Existing Land Use and Zoning:

The property in question is currently vacant, and is zoned "C2" Commercial. The subject site is approximately 43,200 square feet (0.99 acres) in size.

Surrounding Land Use and Zoning:

North: Detached residential buildings (R1-4 & R1-5)
South: Leila Ave, then detached residential buildings (R1-4)
East: A public lane, the detached residential buildings and vacant land (R2)
West: Allen Blye Dr, then a fire station (RM-3) and public school (PR1)

Background

A previous rezoning& subdivision application on this site from "C2" Commercial to "R2" Residential (DASZ 34/04) was scheduled to be reviewed by the Lord Selkirk – West Kildonan Community Committee at its November 2nd, 2004 hearing. The applicant withdrew the application owing to concerns about the potential for duplex homes on-site, as opposed to the single family detached homes requested by the surrounding property owners.

Description of the Proposed Development

The applicant, 4572026 Manitoba Ltd, proposes to rezone the property from "C2" Commercial to "R1-3" Residential, and subdivide the property to facilitate residential development. As part of the development proposal, the developer has applied for abandonment and purchase of the north-south public lane owned by the City of Winnipeg on the east boundary of the site (see related file DAC 3/05). The developer proposes to incorporate the land into the proposed development, and extend the existing east-west public lane to Allen Blye Drive.

Analysis

The Planning & Land Use Division has no objections to the proposed rezoning and subdivision application. The proposed zoning is generally consistent with that located immediately to the east, and is substantially similar to that found along this section of Leila Ave. The lots proposed by the developer are similar in size to that of the residential lots to the east and south, and will have substantially similar setbacks, with the exception of 'R1-3' Residential being permitted to have a detached garage immediately adjacent to the proposed public lane. Dedications have already been paid for this site as part of the current 'C2' Commercial zoning through an earlier rezoning and development agreement, thus dedications are not required (see DASZ 338/76; DASSF 150/76; AG 338/76).

Plan Winnipeg Compliance:

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.

Recommendation

The Planning and Land Use Division recommend approval for the following reasons:

- The proposed development is in compliance with Plan Winnipeg & its policies;
- The proposed development is compatible with the surrounding properties
- The proposed development is contiguous to existing residential development, and thus may be considered orderly development.

Recommended Conditions of Approval

I. That the plan of subdivision proposed under File No. DASZ 2/05 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File No. DASZ 2/05, attached hereto and dated February 15, 2005, for registration in the Winnipeg Land Titles Office, subject to the following:

A. That the Developer be required to enter into a Development Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated January 31st, 2005;

II. That Caveat No. 258514 be discharged for the subject property.

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

IV. That The Winnipeg Zoning By-Law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File No. DASZ 2/05, attached hereto and dated February 15, 2005, to a "R1-3" Residential District.

V. 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.

VI. That the City Solicitor/Manager of Legal Services 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 Servicing 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.

IX. 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. 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.

This Report Submitted by:
Planning, Property and Development Department
Planning and Land Use Division

Report Prepared by: David Marsh AICP, Planner
PPD File # 3.377

Schedule "A"

By-Law No. _____

File No. **DASZ 2/05**

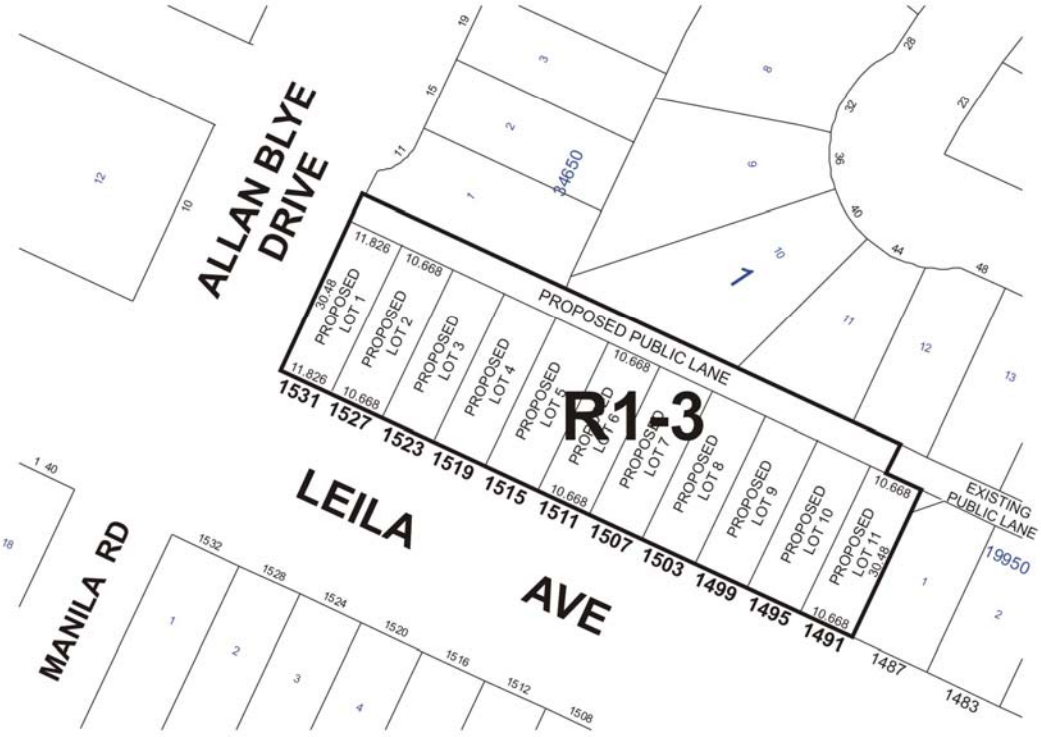
Explanation

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 1491-1531 Leila Avenue from a "C2" COMMERCIAL DISTRICT to an "R1-3" RESIDENTIAL DISTRICT as shown outlined below.

Atlas Sheet No. **S22**

N

LORD SELKIRK WEST KILDONAN COMMUNITY



Schedule "A" for File No. DASZ 2/05, Lord Selkirk – West Kildonan Community, dated February 15, 2005

THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

Exhibit "8" referred to in File DASZ 2/2005 [c/r DAC 3/2005]

Re: Proposed subdivision and rezoning of land located at the northeast corner of Leila Avenue and Allan Blye Drive – DASZ 2/05

FOR SUBMISSION TO THE CHAIRPERSON AND MEMBERS OF THE LORD SELKIRK-WEST KILDONAN COMMUNITY COMMITTEE

"Original signed by E.L. Carrière"
E.L. Carrière
Chairman
Administrative Coordinating Group

January 31, 2005

Re: Proposed subdivision and rezoning of land located at the northeast corner of Leila Avenue and Allan Blye Drive – DASZ 2/05

An application has been submitted by 4572026 Manitoba Ltd. to subdivide and rezone land located at the northeast corner of Leila Avenue and Allan Blye Drive.

It is recommended that approval of this application be subject to the Developer entering into a servicing agreement containing the following:

1. The Developer shall, at no expense to the City, construct portland cement concrete pavement to a width consistent with the existing public lane immediately to the east of the subject application, by 150mm in thickness, tying into the existing public lane pavement and all related works all as determined by and to the satisfaction of the Director of Public Works.
2. The Developer shall pay, to the City in cash, its share of the cost of boulevard landscaping previously installed or to be installed by the City in the future in Leila Avenue for the full length of the subject property abutting Leila Avenue, as determined by the Director of Public Works.
3. The Developer shall, at no expense to the City, install separate water and wastewater service connections to serve each dwelling unit within the proposed subdivision as determined by and to the satisfaction of the Director of Water and Waste.
4. The Developer shall provide a lot grading plan prepared by a municipal engineer, shall grant any easements and, if required, shall construct at no expense to the City, any catch basins and leads as may be necessitated by the design.
5. The Developer shall, at no expense to the City, cause underground electrical and telephone services to be installed to serve the proposed subdivision to the satisfaction of the Director of Public Works.
6. The Developer shall pay all costs associated with the relocation of streetlights and other utilities made necessary as a result of or required to accommodate works, which are to be constructed by the Developer to serve the proposed subdivision, as determined by and to the satisfaction of the Director of Public Works.
7. The Developer shall, at no expense to the City, be responsible to control and to initiate the clean-up of litter and refuse from the contractors and builders for this development, both on-site and off-site, during the installation of services and construction of houses, until completion of all construction. The clean up of litter and refuse shall be done on a regular basis as determined by the Director of Public Works. This shall include initiating action and assuming all costs in remedying the situation to the satisfaction of the Director of Public Works.
8. The Developer shall, at no expense to the City, ensure that construction traffic uses routes as determined by the Director of Public Works. The Developer shall maintain, at no expense to the City, the access routes in a clean dust free condition, free of dropped and tracked-on mud, and shall undertake regular cleaning of streets until building construction, including landscaping is complete, all as determined by and to the satisfaction of the Director of Public Works.
9. The Developer shall pay $1,650.00 in lieu of the City's administration and related costs associated with the preparation and implementation of the servicing agreement.

10. 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 concrete lane pavement, service connections and lot drainage works required to serve the proposed subdivision.

THIS REPORT SUBMITTED BY:
Administrative Coordinating Group
File No. AG 2/05
January 31, 2005

"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