Agenda - Council - May 18, 2005

Report - Standing Policy Committee on Property and Development - May 3, 2005

Item No. 7 Subdivision and Rezoning - east side of Redonda Street between Pandora Avenue and Rothshire Drive File DASZ 5/2005

STANDING COMMITTEE RECOMMENDATION:

On May 11, 2005, 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 plan of subdivision proposed under File DASZ 5/2005 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 Developer be required to enter into Development Agreement AG 5/2005 with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated February 21, 2005.

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 5/2005 dated February 24, 2005, to a "R1-3" Residential District.

4. That prior to the by-law proceeding to Council the applicant shall submit to the East Kildonan-Transcona Community Committee plans indicating the design of each of the dwelling units to be constructed on the subject lands.

5. 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 sites (if applicable).

6. 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.

Report - Standing Policy Committee on Property and Development - May 3, 2005

7. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary by-law in accordance with the above.

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 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 - May 3, 2005

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On May 11, 2005, 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 May 3, 2005, the Standing Policy Committee on Property and Development concurred in the recommendation of the East Kildonan-Transcona Community Committee with the following amendments, namely:

- That the following words be deleted from Recommendation 3, namely:

  "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 plans shall be submitted showing house designs to the East Kildonan-Transcona Community Committee for plan approval."

- That a new clause be added as Recommendation 4, namely:

  "4. That prior to the by-law proceeding to Council the applicant shall submit to the East Kildonan-Transcona Community Committee plans indicating the design of each of the dwelling units to be constructed on the subject lands."

- That the remaining recommendations be renumbered accordingly.

- That the following words be deleted from new Recommendation 8, namely:

  "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",

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

Report - Standing Policy Committee on Property and Development - May 3, 2005

DECISION MAKING HISTORY (continued):

COMMUNITY COMMITTEE RECOMMENDATION:

On April 5, 2005, the East Kildonan-Transcona Community Committee concurred in the administrative recommendation with the following amendments, namely:

- That the following words be added to Recommendation 3, namely:

  "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 plans shall be submitted showing house designs to the East Kildonan-Transcona Community Committee for plan approval."

- That the following words be added to Recommendation 7, namely:

  "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."

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

On March 1, 2005, the East Kildonan-Transcona Community Committee did not hear any representation on the application and adjourned the public hearing to its meeting on April 5, 2005.

RE: **Subdivision and Rezoning - East side of Redonda Street between Pandora Avenue and Rothshire Drive**
File DASZ 5/2005 [c/r DAV 110374/2005D]

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

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

Report date: **April 25, 2005**

COMMUNITY COMMITTEE RECOMMENDATION:

On April 5, 2005, 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 plan of subdivision proposed under File DASZ 5/2005 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 Developer be required to enter into Development Agreement AG 5/05 with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated February 21, 2004;

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 5/2005, dated February 24, 2005, to a "R1-3" 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 plans shall be submitted showing house designs to the East Kildonan-Transcona Community Committee for plan approval.

3. 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 the creation of additional sites (if applicable).

4. 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 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 is a very good infill housing development.

2. There is a demand for housing for Habitat for Humanity which has provided good community spirit and consultation.

3. Final plan approval will be considered by the Community Committee regarding lot and property design.

PUBLIC HEARING SUMMARY

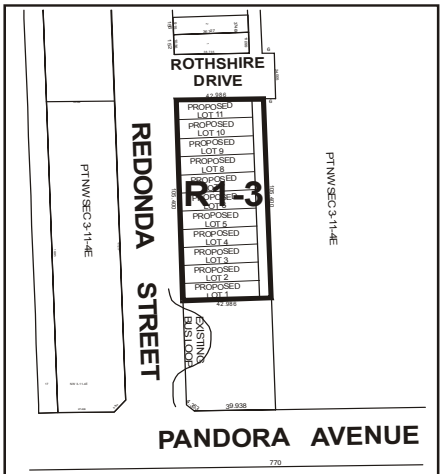
File: DASZ 5/2005 [c/r DAV 110374/2005D]

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

Public Hearing: April 5, 2005
Helen Mayba Theatre, Miles Macdonell Collegiate, 757 Roch Street
March 1, 2005
Gymnasium B, Miles Macdonell Collegiate, 757 Roch Street

Applicant: Habitat for Humanity Winnipeg

Subject:



APPLICANT : HABITAT FOR HUMANITY WINNIPEG
FILE : DASZ 5/05
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 an "A.5" AGRICULTURAL DISTRICT to an "R1-3" RESIDENTIAL DISTRICT.
For information, phone Mr. M. Robinson, Planner at 986-3213.

Premises Affected:	East side of Redonda Street between Pandora Avenue and Rothshire Drive

Exhibits Filed:

1. Application dated January 27, 2005
2. Notification of Public Hearing dated February 7, 2005
3. Title Search 1705923
4. Plan
5. Report from the Manager of Planning and Land Use dated February 24, 2005
6. Report from the Administrative Coordinating Group dated February 21, 2005
7. Inspection Report

REPRESENTATIONS:

In Support:

Ken Bishop on behalf of Habitat for Humanity
Henry Quiring
Eric Vogan

In Opposition

Nil

For Information:

Nil

For the City:

Ernie Carriere, Land Development Engineer, Planning, Property and Development Department
John Wintrup, Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

March 1, 2005

No representations were heard inasmuch as the East Kildonan-Transcona Community Committee adjourned the Public Hearing with respect to this application prior to opening representations.

April 5, 2005

Ken Bishop was heard in support of the application and commented that that it may be desirous to continue the backlane directly to Pandora Avenue on a cost-sharing basis with the City of Winnipeg.

Eric Vogan was heard in support of the application and advised that Qualico is prepared to work with Habitat for Humanity and to bring builders into the area with an intention to have a mix welcoming Habitat in the community. He indicated that Qualico has approval for a street immediately east in the area and requested that Community Committee recognize the opportunity for front drives.

Councillor Wyatt commented that he wishes to ensure design differential and would like the applicant to work together with the Planner for the area in this connection. He further commented that in principle, he does not have a problem with allowing front approaches and indicated that the land dedication requirement (if applicable) may be utilized towards playgrounds.

Exhibit "5" referred to in File DASZ 5/2005 [c/r DAV 110374/2005D]

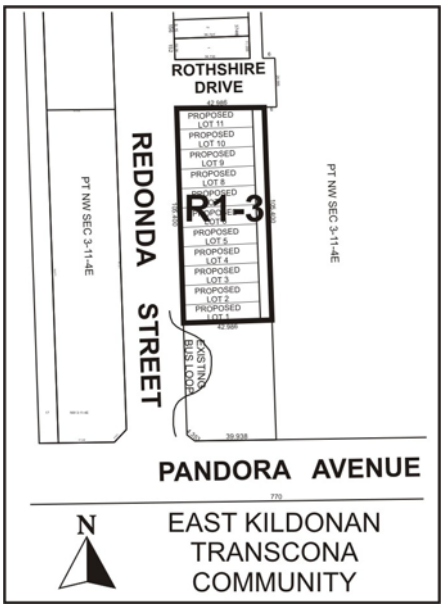
Winnipeg

Planning, Property and Development Department Report

To the East Kildonan - Transcona Community Committee

Date: **February 24, 2005**
File: **DASZ 5/05**
Related Files: **DAV 05-110374D; DASZ 33/04**
Subject: **Rezone and subdivide one (1) lot into eleven 11 single family lots with a residual parcel remaining "A-5".**

Location: **E/Side of Redonda St btw Pandora & Rothshire**



Applicant: **Habitat for Humanity (Wayne Sage)**

Owner: **City of Winnipeg**

Recommendation: **Approval**

4114

Report Summary:

- The applicant is proposing to develop eleven (11) single family residential lots fronting Redonda Street with a rear public lane accessed by Rothshire Drive.
- The proposed use and zoning is consistent with the surrounding single family residential lots.
- The proposed lot configuration is consistent with the surrounding neighbourhood.

Site Description

The subject property is zoned "A-5" Agricultural District. The parcel is 71,376 square feet with frontage on Redonda Street. The land that is to be subdivided into 11 single family lots is 48,758 square feet (Parcel B – Figure 4). The residual parcel to remain "A-5" is 22,618 square feet (Parcel C).

Adjacent properties include vacant land to the east zoned "A-5" but approved as part of the Canterbury Park subdivision for single family residential dwellings. Surrounding properties include single family dwellings zoned "R1-3" to the north across Rothshire Drive, and single family dwellings zoned "R1-3" on the west side of Redonda Street.

Background

Parcels A, B and C, on Misc. Plan No. 10462 (Figure 4) were acquired by the City in tax sale in 1985. On November 19, 1997, Council adopted the recommendation of the Committee on Protection, Parks and Culture, dated November 3, 1997, amended by the Executive Policy Committee as follows:

That the properties identified as Parcel A and Parcel B on Misc. Plan No. 10462, located at the Northeast and Northwest corners of Pandora Avenue East at Redonda Street be declared surplus to the City's parks and recreation requirements, with the sale of Parcel A and Parcel B for residential purposes only, i.e. "R1" or "R2" housing only, and be disposed of accordingly.

Parcel A has subsequently been rezoned and subdivided under DASZ 33/04 to construct 15 single family dwellings. The dwelling have not been constructed and the land is relatively vacant.

Description of the Proposed Development

The applicant is proposing to develop eleven (11) single family residential lots fronting Redonda Street with a rear public lane accessed by Rothshire Drive on Parcel B. A residual parcel of land

will remain vacant and zoned “A-5”. This parcel is at the northeast corner of Redonda and Pandora Avenue and has an existing bus loop turnaround (Parcel C). The residential lots fronting Redonda will be 31 feet in width.

Analysis

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

ZONING
This zoning designation will require a minimum lot size of 3,000 square feet and minimum lot width of 30 feet. Access to a public lane must be required for the “R1-3” zoning lot.

TRANSPORTATION AND SITE ACCESS
The lots will be accessed by a public lane via Rothshire Drive.

COMPATIBILITY WITH SURROUNDING USES
The East Kildonan – Transcona Community Committee recently recommended approval of 15 single family lots directly across Redonda Street (DASZ 33/04). The plan of subdivision approved by Council required the developer to construct five (5) lots at 37 feet in width, and ten (10) lots at 32 feet in width. The sequencing of the lots shall be two (2) lots of 32 feet, followed by one (1) lot of 37 feet. Directly north of Rothshire Drive are 13 single family dwellings zoned “R1-3” with lot widths of 30 feet.

Recommendation

The Department strongly supports single family residential use on the subject lands. This proposed infill project is consistent to the surrounding context of single family residential uses in the neighbourhood. The influx of new residents with families and children attracted to this area will greatly augment the neighbourhood and the community of Transcona. The request for a “R1-3” zoning designation is reasonable given the characteristics of the site with industrial properties directly to the south, and fronting Redonda Street (which is a ‘through’ street servicing the entire community). The proposed development will further add single family dwellings in the neighbourhood and accommodate the growing demand for housing in the East Kildonan – Transcona community.

The applicant, Habitat for Humanity (a not-for-profit organization) has requested that the 10 per cent dedication fee be waived. Dedication has been recommended by Council to be waived only for non-profit seniors housing. The current application is not for seniors housing. However, the Community Committee may recommend waiver or reduction of the dedication.

Recommended Conditions of Approval

1. That the plan of subdivision proposed under File No. DASZ 5/2005 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 Developer be required to enter into Development Agreement AG 5/05 with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated February 21, 2004;

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 No. DASZ 5/2005, attached hereto and dated February 24, 2005, to a "R1-3" Residential District.

4. That a ten (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 the creation of additional sites(if applicable).

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.

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.

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

Report Prepared by: John S. Wintrup
PPD File # 4.416

Schedule "A"

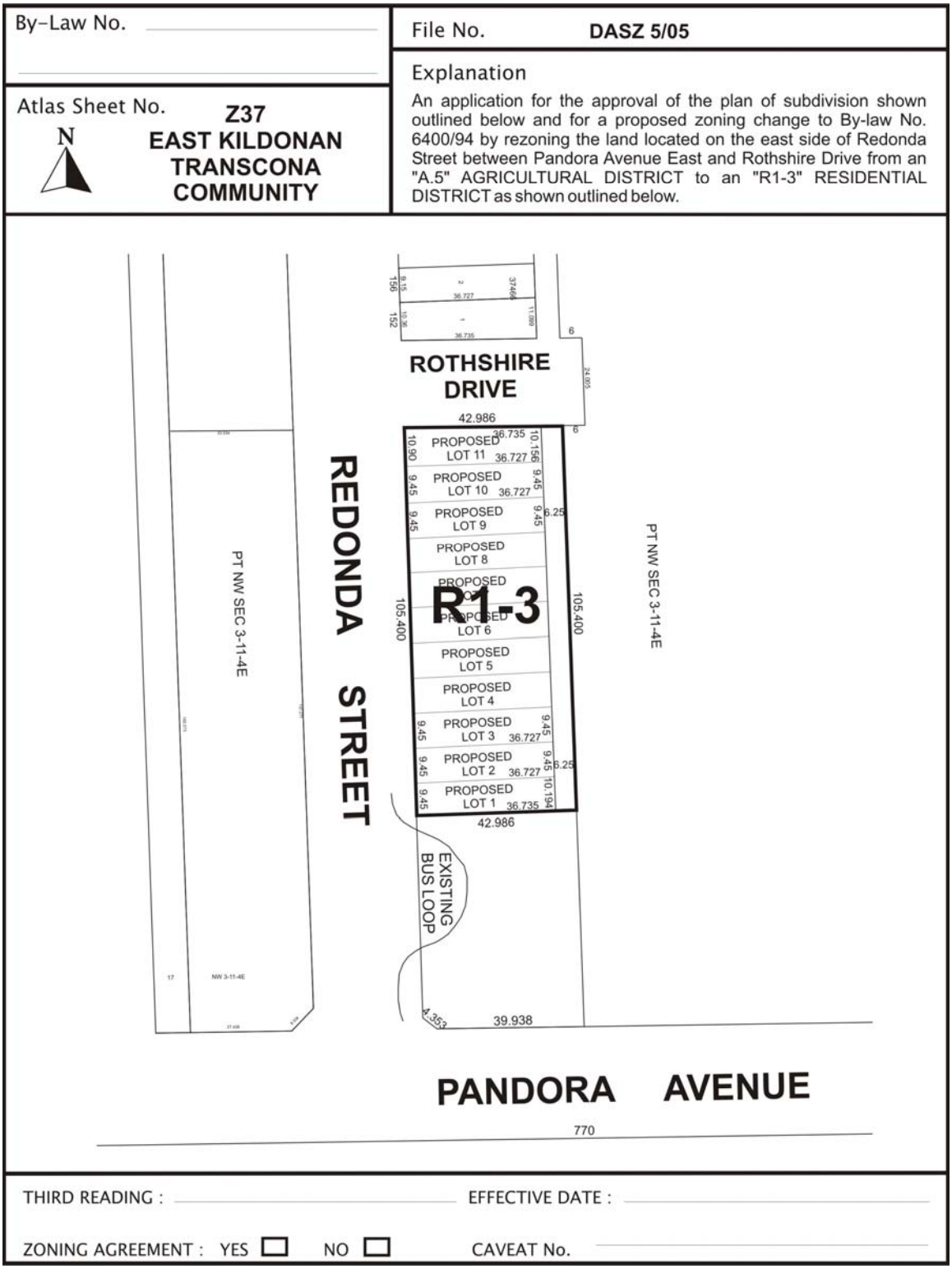


Figure 1: Schedule "A" to the report to the East Kildonan - Transcona Community Committee for File No. DASZ 5/2005, dated February 24, 2005.



Figure 2: Existing Land-Uses for subject property and Surrounding Area.

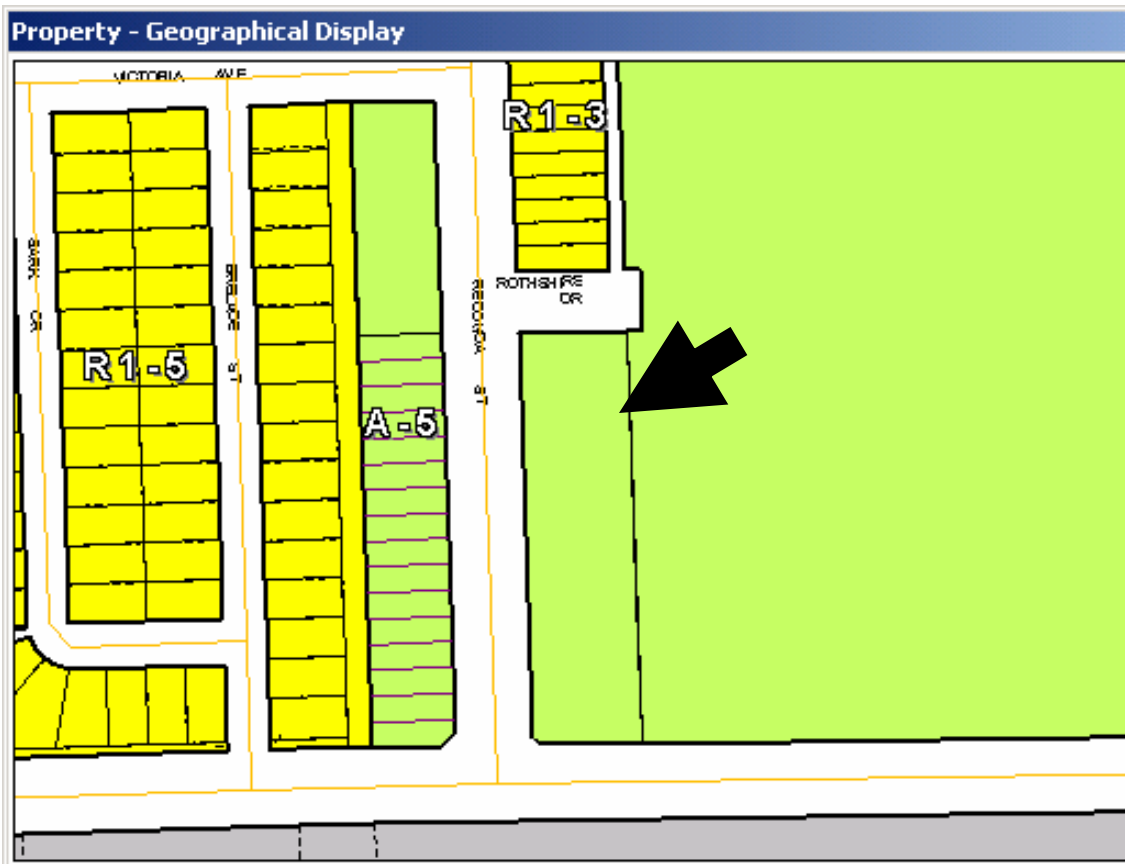


Figure 3: Existing Zoning for subject property and Surrounding Area.

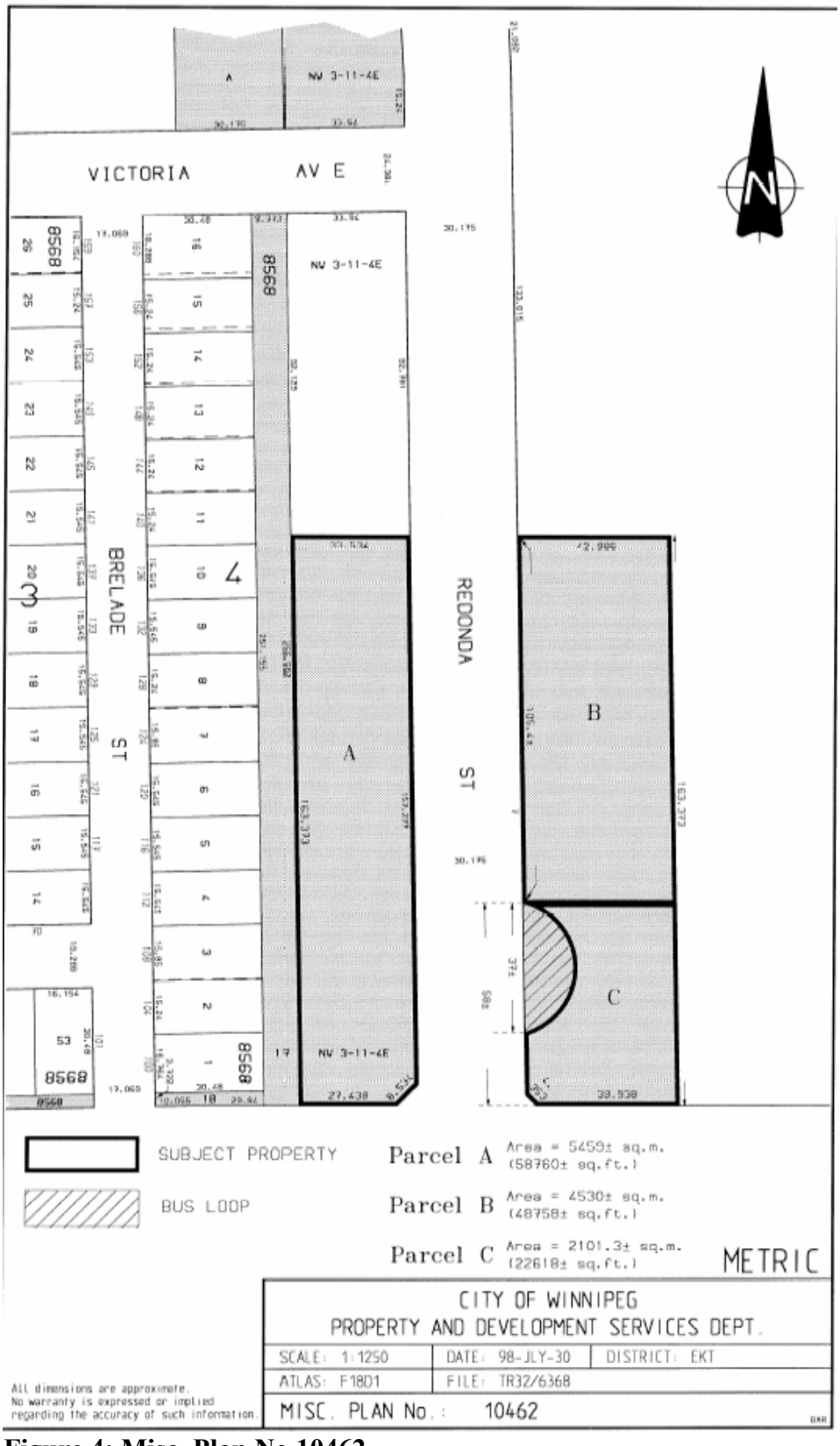


Figure 4: Misc. Plan No 10462

Exhibit "6" referred to in File DASZ 5/2005 [c/r DAV 110374/2005D]

Re: Proposed subdivision and rezoning of land located on the east side of Redonda Street between Pandora Avenue and Rothshire Drive – DASZ 5/05

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 portland cement concrete pavement to a width of 5.0m and a thickness of 150mm and all related works in the proposed lane, all as determined by and to the satisfaction of the Director of Public Works.

2. The Developer shall, at no expense to the City, construct a paved temporary access extension of the proposed public lane out to Redonda Street through proposed Lot 1 and provide any easement necessary to accommodate same all as determined by and to the satisfaction of the Director of Public Works.

3. The Developer shall, at no expense to the City, construct a portland cement concrete sidewalk to a width of 1.5m by 100mm in thickness on the east side of Redonda Street abutting the proposed subdivision, all as determined by and to the satisfaction of the Director of Public Works.

4. The Developer shall, at no expense to the City, install separate water and wastewater service connections to serve each lot within the proposed subdivision.

5. The Developer shall provide a grading plan prepared by a municipal engineer and shall grant any easements and if required, shall construct at no expense to the City, any catchbasins and leads as may be necessitated by the design.

6. The Developer shall, at no expense to the City, provide underground electrical and telephone services to serve the proposed subdivision and will pay the full cost to convert any existing overhead services within the proposed subdivision to underground.

7. The Developer is to pay all costs associated with the installation and/or relocation of street lights and other utilities made necessary as a result of or required to accommodate works, which are required by the Developer to serve the proposed subdivision, as determined by and to the satisfaction of the Director of Public Works.

8. The Developer shall 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 buildings, until substantial 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 any costs in remedying the situation to the satisfaction of the Director of Public Works.

9. The Developer shall ensure that construction traffic uses access 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 and safe condition, free of dropped and tracked-on mud, and shall undertake regular scraping and sweeping of streets until building construction, including landscaping is complete, all as determined by and to the satisfaction of the Director of Public Works.

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 works to serve the proposed subdivision.

11. The Developer shall pay $1,200.00/acre in lieu of 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 5/05
February 21, 2005 V:\7-ACG
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"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