Agenda - Council - May 18, 2005

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

Item No. 8 Subdivision and Rezoning - 1076 Pandora Avenue West
File DASZ 7/2005

STANDING 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 and submits the following to Council:

1. That the plan of subdivision proposed under File DASZ 7/2005 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 an addendum to Development Agreement AG 30/2003 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 7/2005 dated February 22, 2005, to a "R1-4" Residential District

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.

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

6. 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.

7. 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.

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

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

COMMUNITY COMMITTEE RECOMMENDATION:

On April 5, 2005, the East Kildonan-Transcona Community Committee concurred in the administrative recommendation 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 - 1076 Pandora Avenue West**
File DASZ 7/2005 [c/r DAV 110625/2005D]

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

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

Report date: **April 19, 2005**

COMMUNITY COMMITTEE RECOMMENDATION:

On April 5, 2005, the East Kildonan-Transcona 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 7/2005 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 an addendum to Development Agreement AG 30/03 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 7/2005, dated February 22, 2005, to a "R1-4" Residential District

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.

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

6. 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.

7. 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.

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

1. The subject application completes the outstanding lots from an existing development application previously approved by the East Kildonan-Transcona Community Committee.

PUBLIC HEARING SUMMARY

File: DASZ 7/2005 [c/r DAV 110625/2005D]

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: Global Homes Ltd.

Subject:



Premises Affected: 1076 Pandora Avenue West

Exhibits Filed:
1. Application dated January 31, 2005
2. Notification of Public Hearing dated February 3, 2005

3. Manitoba Status of Titles 2023456, 2047199
4. Surveyor's Building Location Certificate and Sketch dated January 21, 2005
5. Plan
6. Report from the Manager of Planning and Land Use dated February 22, 2005
7. Report from the Administrative Coordinating Group dated February 21, 2005
8. Inspection Report

REPRESENTATIONS:

In Support:

Bernhard Goertz, Global Homes Ltd.

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

The applicant, Bernhard Goertz, appeared in support of the application and stated concurrence with the administrative report.

Exhibit "6" referred to in File DASZ 7/2005 [c/r DAV 110625/2005D]

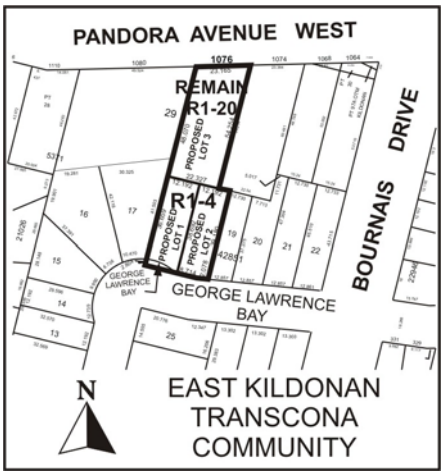
Winnipeg

Planning, Property and Development Department Report

To the East Kildonan - Transcona Community Committee

Date: **February 22, 2005**
File: **DASZ 7/05**
Related Files: **DAV05-110625D; DASZ 30/03**
Subject: **Rezone and subdivide two lots into three single family lots.**

Location: **1076 Pandora Avenue**
Legal Description:



Applicant: **Global Homes Ltd.**
Owner: **Global Homes Ltd.**

Recommendation: **Approval**

Report Summary:

- The applicant is proposing to develop three (3) single family residential lots, two fronting George Lawrence Bay and one fronting Pandora Avenue.

- 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 "R1-20" Residential District. It includes the property at 1076 Pandora, which is a 'through lot' that fronts on Pandora Avenue and backs on George Lawrence Bay. The subject property also includes a 2.05 metre wide lot that fronts George Lawrence Bay and is adjacent to the east limit of the property at 1076 Pandora.

Adjacent properties include: residential dwellings to the west and east along Pandora Avenue designated "R1-20" Residential Districts; and residential dwellings to the west and east along George Lawrence Bay designated "R1-4".

The subject area is roughly 22,656 square feet with 76 feet of frontage on Pandora Avenue and 80 feet on George Lawrence Bay.

Background

In 2003 the then landowner at 1076 Pandora Avenue West did not be participate in the subdivision / rezoning that created 31 residential lots and George Lawrence Bay along the rear of the property. The City recommended that the applicant amend the proposed plan for DASZ 30/03 by introducing a 2.05 metre wide lot adjacent to the east limit of the privately-owned property at 1076 Pandora. This strip of land would allow the future development of the back lands for 1076 Pandora with similar lot sizes fronting George Lawrence Bay.

Description of the Proposed Development

The applicant is proposing to subdivide the property into three lots. Two new vacant lots will be zoned "R1-4" and front onto George Lawrence Bay. One new lot will retain the existing single family dwelling fronting Pandora Avenue and remain "R1-20". The lots fronting George Lawrence will be 40 feet in width. The lot fronting Pandora Avenue will be 76 feet in width and 12,295 square feet.

Analysis

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

ZONING
The lot fronting Pandora Avenue will be 76 feet in width and 12,295 square feet. The creation of this lot will require a variance for substandard lot area (DAV05-110625D). The Division is supporting the variance application.

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 Mission Gardens 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 ten (10) percent dedication for land dedication based on the increase in market value of the land and the creation of additional sites will be collected under the Development Agreement.

Recommended Conditions of Approval

1. That the plan of subdivision proposed under File No. DASZ 7/2005 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 an addendum to Development Agreement AG 30/03 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 7/2005, attached hereto and dated February 22, 2005, to a "R1-4" Residential District

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.

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

6. 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.

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8. 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"

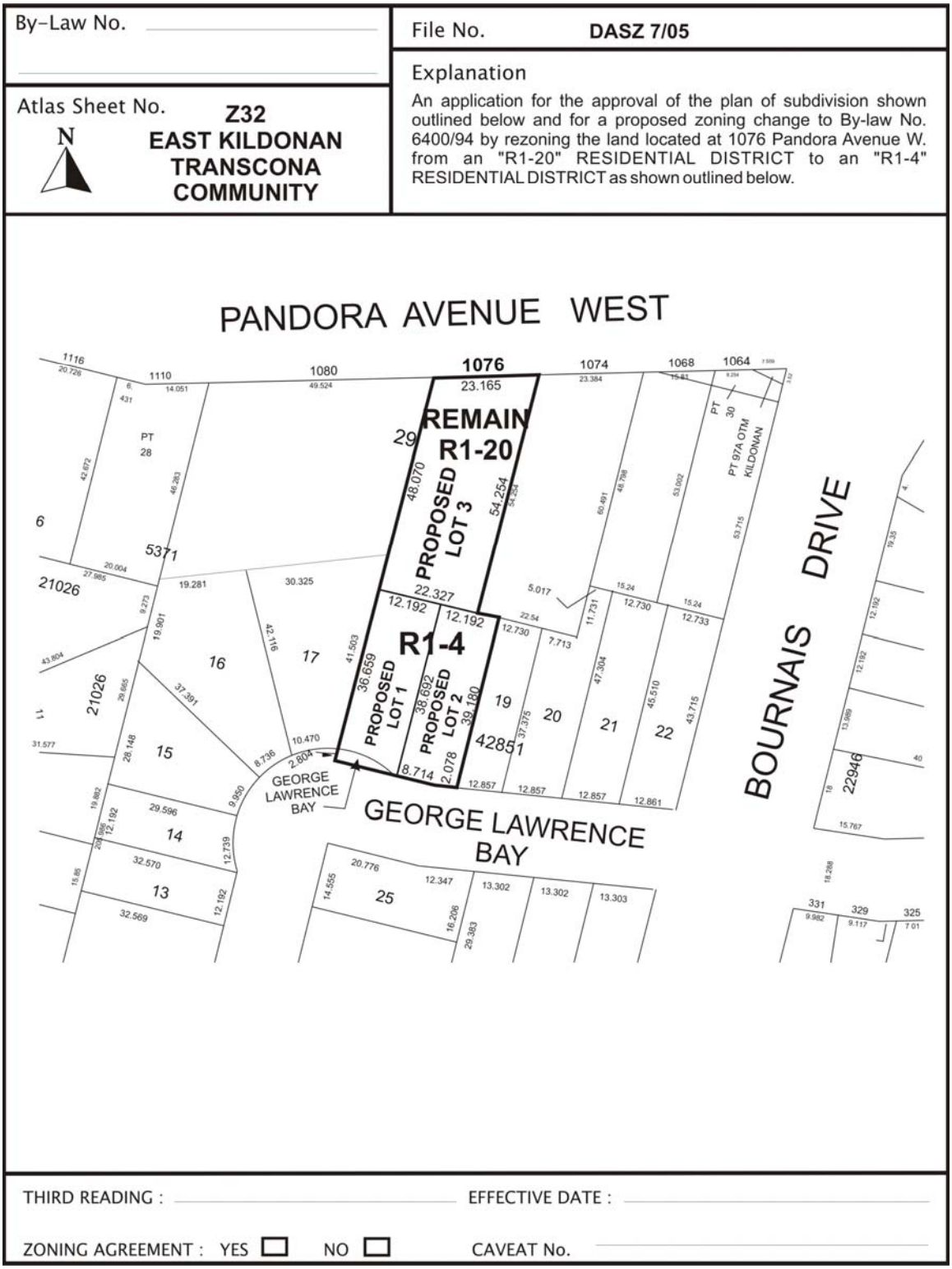

Figure 1: Schedule "A" to the report to the East Kildonan - Transcona Community Committee for File No. DASZ 7/2005, dated February 22, 2005.



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

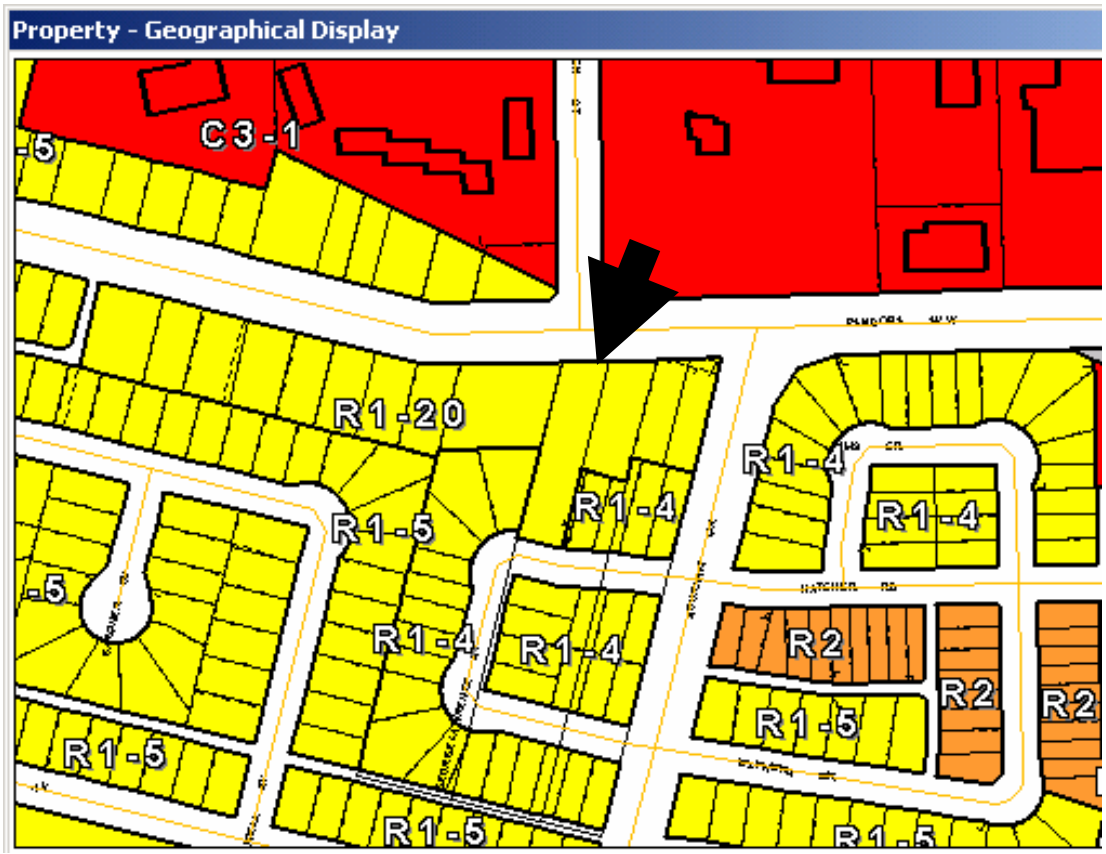

Figure 3: Existing Zoning for subject property and Surrounding Area.

Exhibit "7" referred to in File DASZ 7/2005 [c/r DAV 110625/2005D]

Re: Proposed subdivision and rezoning of land located at 1076 Pandora Avenue West (backing onto George Lawrence Bay) – DASZ 7/05

An application has been submitted by Global Homes Ltd. to subdivide and rezone land located at 1076 Pandora Avenue West (backing onto George Lawrence Bay). The subject land is located immediately adjacent to land developed by Global Homes Ltd. under the terms of Development Agreement AG 30/03.

It is recommended that approval of DASZ 7/05 be subject to the Developer entering into an Addendum to AG 30/03 as follows:

1. By attaching to AG 30/03 a copy of the plan of subdivision covered by DASZ 7/05;
2. By adding a clause to AG 30/03 that proposed Lots 1 and 2 shown on DASZ 7/05 shall be covered under the terms of AG 30/03;
3. By adding clauses to AG 30/03 that the Developer shall pay the following charges attributable to proposed Lots 1 and 2:
   i) land drainage trunk charge @ $901.40/acre,
   ii) administration fee @ $1,200.00/acre, and
   iii) open space dedication @ $7,704.00/acre.

THIS REPORT SUBMITTED BY:

E.L. Carrière, P.Eng.
Land Development Engineer
File No. AG 7/05
February 21, 2005