Agenda - Council - June 29, 2005

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

Item No. 13 Subdivision and Rezoning - 290 Jacques Avenue
File DASZ 14/2005

STANDING COMMITTEE RECOMMENDATION:

On June 22, 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 14/2005 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 14/2005 dated April 20, 2005, for registration in the Winnipeg Land Titles Office, subject to the following:

   A. That the Developer be required to enter into a Servicing Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated April 18, 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 14/2005 dated April 20, 2005, to a "R1-4" Single Family 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 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.

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 - June 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 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 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 - June 7, 2005

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On June 22, 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 June 7, 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 May 10, 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.

RE: **Subdivision and Rezoning - 290 Jacques Avenue**
File DASZ 14/2005

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

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

Report date: **May 18, 2005**

COMMUNITY COMMITTEE RECOMMENDATION:

On May 10, 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 14/2005 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 14/2005, dated April 20, 2005, for registration in the Winnipeg Land Titles Office, subject to the following:

    A. That the Developer be required to enter into a Servicing Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated April 18, 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 14/2005, dated April 20, 2005, to a "R1-4" Single Family 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 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.

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 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 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 is consistent with the plan for the area and complies with Plan Winnipeg.

PUBLIC HEARING SUMMARY

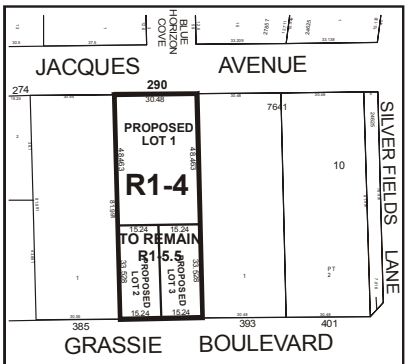
File: DASZ 14/2005

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

Public Hearing: May 10, 2005
Helen Mayba Theatre
Miles Macdonell Collegiate
757 Roch Street

Applicant: Ernest Koop

Subject:



APPLICANT : MR. E. KOOP
FILE : DASZ 14/05
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 "R1-4" RESIDENTIAL DISTRICT. **For information, phone Mr. J. Wintrup, Planner at 986-5102.**

Premises Affected: 290 Jacques Avenue

Exhibits Filed:

1. Application dated March 22, 2005
2. Notification of Public Hearing dated April 7, 2005
3. Manitoba Status of Title(s) 1942387
4. Surveyor's Building Location Certificate and sketch dated October 3, 2003
5. Letter of authorization dated March 11, 2005 from Melody Koop to Ernie Isaac Koop
6. Plans (2 pages)
7. Report from the Manager of Planning and Land Use dated April 20, 2005
8. Report from the Administrative Coordinating Group dated April 18, 2005
9. Inspection Report

REPRESENTATIONS:

In Support:

Ernest Koop

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

Ernest Koop appeared in support of the application, and indicated concurrence in the recommendations contained in the administrative report from the Manager of Planning and Land Use dated April 20, 2005, and the Administrative Coordinating Group Report dated April 22, 2005.

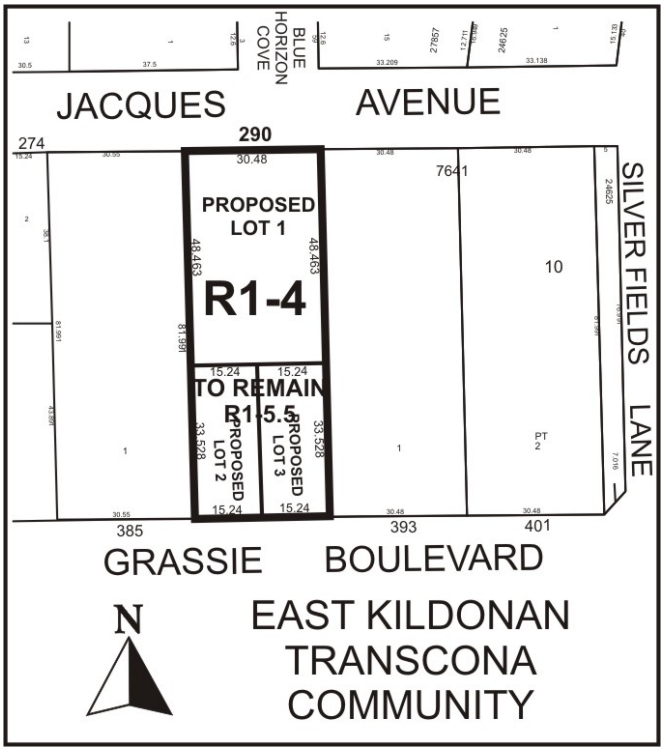
Exhibit “7” referred to in File DASZ 14/2005

Planning, Property and Development Department Report

To the East Kildonan - Transcona Community Committee

Date: **April 20, 2005**
File: **DASZ 14/05**
Subject: **Rezone and subdivide property into three residential lots.**

Location: **290 Jacques Avenue**



Applicant: **Ernest Koop**
Owner: **Ernest and Melody Koop**

5232

Recommendation: Approve with Conditions

Report Summary:

- The applicant is proposing to develop **three** (3) single family residential lots, **two** (2) fronting Grassie Blvd and **one** (1) fronting Jacques Avenue.
- The proposed lot fronting Jacques Avenue will be **100 feet** in width and **15,900 square feet** in area.
- The two new residential lots fronting Grassie Boulevard will be **50 feet** in width and **5,500 square feet** in area.
- The applicant has submitted a plan illustrating the proposed building foot prints.
- The applicant is proposing an 8 foot side east yard against **393 Grassie Blvd** that has no west side yard.

Site Description

The subject property is **100 feet by 269 feet (26,900 square feet)** located on the north side of Grassie Blvd, west of Silver Fields Lane in the Grassie neighbourhood of the Transcona Ward. The site is zoned "A-5" Rural and "R1-5.5" Residential Districts. Adjacent properties include residential dwellings to the west designated "A-5" Rural and "R1-5.5" Residential Districts. Surrounding lands include single family dwellings zoned "R1-4" to the north.

Background

The applicant constructed a new single family dwelling fronting Jacques Avenue in 2003.

Description of the Proposed Development

Mr. Ernest Koop has applied to rezone and subdivide a 'through lot' that is between Jacques Ave and Grassie Blvd. The lot is currently zoned "Agricultural" along Jacques Ave and "Residential" along Grassie Blvd. Mr. Koop would like to develop two residential lots fronting Grassie Blvd and one lot fronting Jacques Avenue. The two new residential lots fronting Grassie Boulevard will be **50 feet** in width and **5,500 square feet** in area. The proposed lot fronting Jacques Avenue will be **100 feet** in width and **15,900 square feet** in area.

Analysis

PLAN WINNIPEG
The proposed concept complies with Plan Winnipeg in that a residential rezoning is allowed in Neighbourhood Policy Areas. The proposed development also achieves the Plan Winnipeg policy of intensifying residential density through infill development.

SECONDARY PLAN
The Planning and Land-Use Division has recently initiated a Secondary Plan planning process for the **'Transcona West Area'** whose northern boundary is Grassie Blvd and southern boundary is Regent Avenue. The subject property is outside this Secondary Plan area.

ZONING
The applicant has a right to construct one single family dwelling on the subject property. A building permit has been issued to construct the dwelling at 290 Jacques Avenue. The **"R1-5.5" Residential District** extends 110 feet deep from Grassie Blvd with the remainder of the lot zoned "A-5".

- The **"R1-4" Single Family Residential District** requires a minimum lot size of 4,000 square feet and minimum lot width of 40 feet.
- The **"R1-5.5" Single Family Residential District** requires a minimum lot size of 5,500 square feet and a minimum lot width of 50 feet. A side yard of 5 feet is required.

TRANSPORTATION AND SITE ACCESS
Two new approaches on Grassie Blvd will be required. Public Works has a desire to reduce the number of approaches along Grassie Blvd due to the high volume of traffic on this collector street.

SITE PLAN
The applicant has submitted a plan illustrating the proposed building foot prints. The two (2) new dwellings fronting Grassie Blvd on lots 2 and 3 will have front yards of 35 feet. The west side yard for Lot 2 will be **24 feet** and for Lot 3, **21 feet**. The east side yards will be **5 feet** and **8 feet** respectively.

The Administration notes that the adjacent dwelling to the east at **393 Grassie Blvd** has no west side yard. The applicant is proposing an 8 foot side yard against this same property line whereas the new west side yard for Lot 3 will be 21 feet. The Administration is of the opinion the larger side yard for the new dwelling on Lot 3 should be against 393 Grassie Blvd.

The existing dwelling at **385 Grassie Blvd**, to the west of the proposed lots, has an east side yard of approximately 30 feet. The applicant is proposing a side yard of 21 feet against this property line, which is more than sufficient.

Recommendation

The Administration supports rezoning the portion of the property from "A-5" to "R1-4". The new zoning designation will complement the existing zoning to the north and east along Jacques Avenue that have a "R1-4" designation. The Administration believes that future subdivisions and rezonings along the south side of Jacques Avenue will be for new lots ranging from 40 – 60 feet. A mixture of lot sizes such as this will encourage a diversity of incomes and housing types for the neighbourhood.

The Administration does support the subdivision of the front portion of the property designated as Lots 2 and 3 that will remain as a **"R1-5.5"** zone. All the single family residential lots that front Grassie Boulevard in this neighbourhood are designated "R1-5" and "R1-5.5". The Administration feels subdividing the lots to 50 foot will be consistent with the character of the street with large lots fronting Grassie Blvd. This will ensure the number of approaches remains minimal while still allowing the existing 100 foot wide lots to be subdivided to encourage infill development.

Recommended Conditions of Approval

10. That the plan of subdivision proposed under File No. **DASZ 14/05** be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File No. **DASZ 14/05,** attached hereto and dated **April 20, 2005**, for registration in the Winnipeg Land Titles Office, subject to the following:

    A. That the Developer be required to enter into a Servicing Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated **April 18, 2005**;

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

12. 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 14/05,** attached hereto and dated **April 20, 2005**, to a **"R1-4" Single Family Residential District**.

13. 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.

14. 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 on the creation of additional sites.

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

16. 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.

17. 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**.

18. 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.

19. 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 # 4.424

Schedule "A"

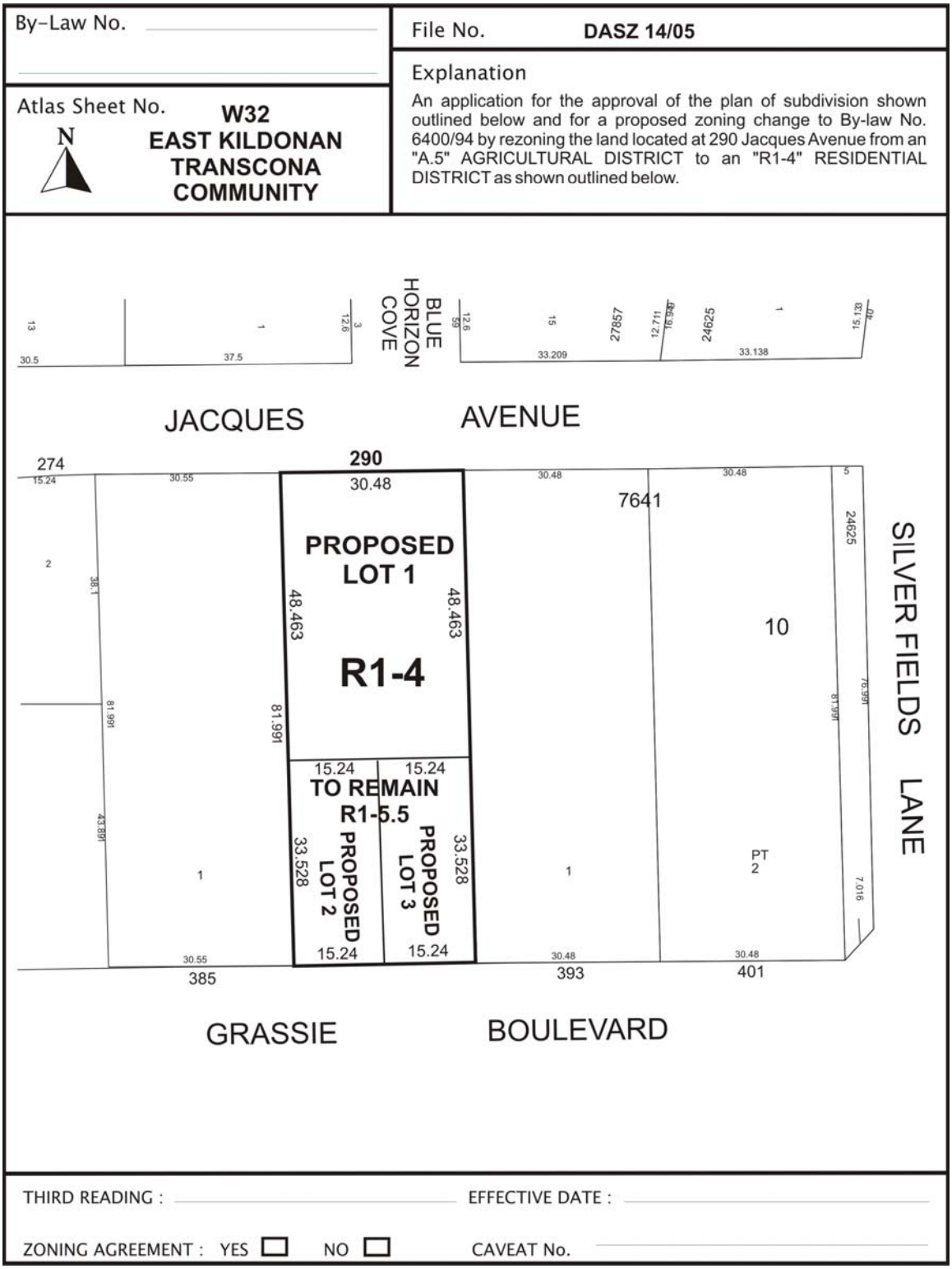


Figure 1: Schedule "A" to the report to the East Kildonan - Transcona Community Committee for File No. DASZ 14/2005, dated April 20, 2005.

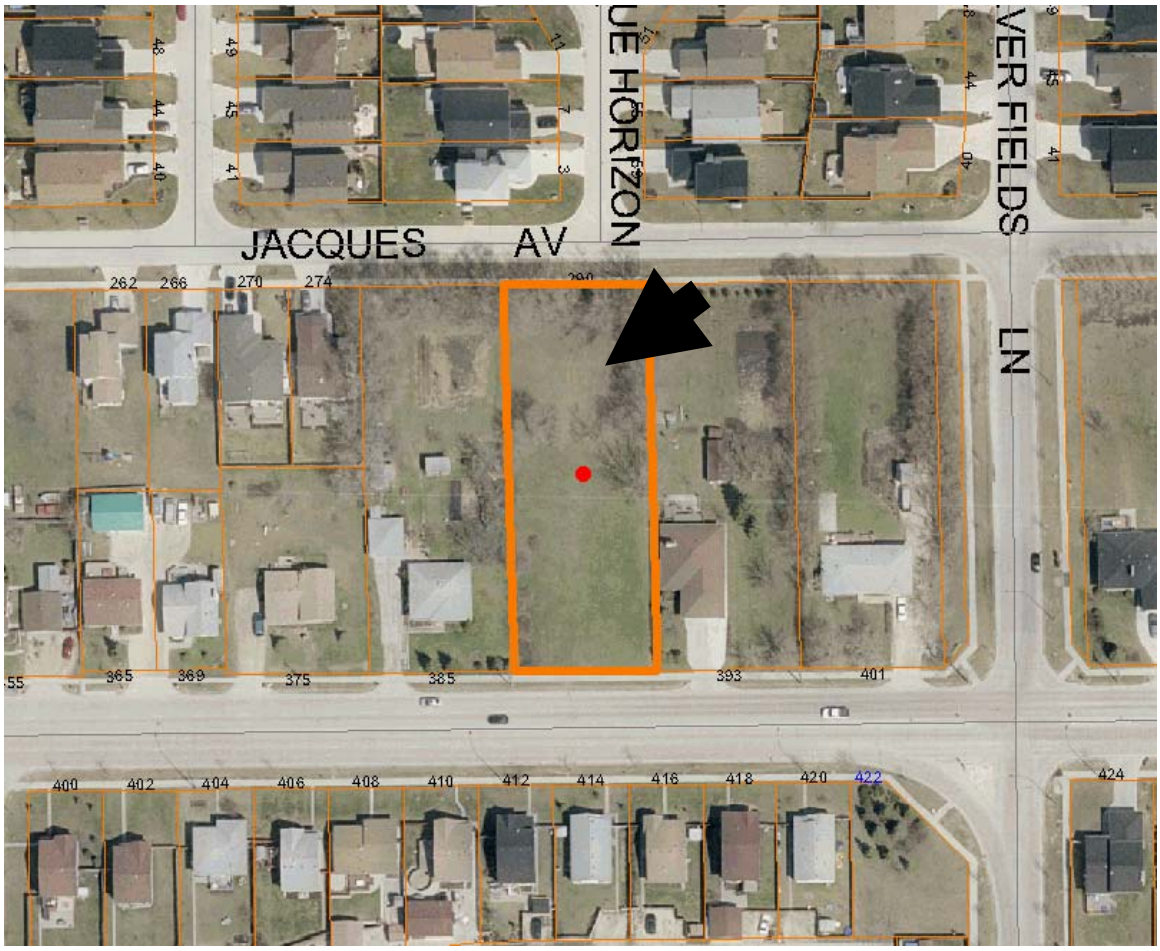


Figure 2: Existing Land-Uses for subject property and Surrounding Area.

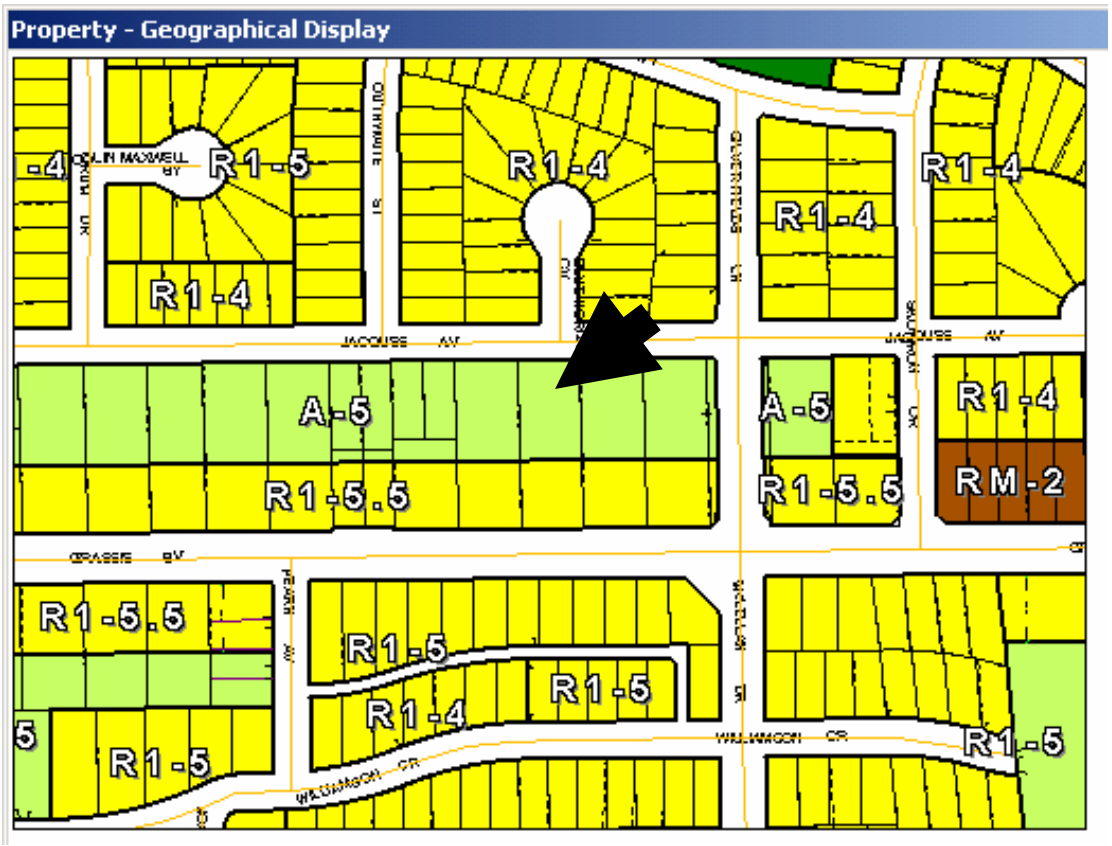


Figure 3: Existing Zoning for subject property and Surrounding Area.

Exhibit “8” referred to in File DASZ 14/2005

Re: Proposed subdivision and rezoning on land located at 290 Jacques Avenue – DASZ 14/05

An application has been submitted by Ernest Koop to subdivide and rezone land located at 290 Jacques Avenue.

It is recommended that approval of DASZ 14/05 be subject to the Developer entering into a Servicing Agreement containing the following:

1. The Developer shall pay its share of the cost of improvements installed by others in Grassie Boulevard on the basis of Local Improvement rates prevailing at the time payment is received.
2. The Developer shall pay its share of the cost of traffic improvements constructed by others at and near the intersection of Grassie Boulevard and Lagimodiere Boulevard as determined by the Director of Planning, Property and Development.
3. The Developer shall pay its share of the cost of land drainage trunk facilities benefiting the proposed subdivision as determined by the Director of Water and Waste.
4. The Developer shall submit a lot grading plan by a municipal engineer and shall grant easements and install any catch basin and lead indicated by the lot grading plan.
5. The Developer shall pay $525.00 to defray the City's administration and related costs associated with the preparation and implementation of the servicing agreement.
6. The Developer shall install sod on the boulevard abutting proposed Lot 1 fronting on Jacques Avenue in accordance with specifications approved by the Director of Public Works.

THIS REPORT SUBMITTED BY:

Administrative Coordinating Group
File No. AG 14/05
April 18, 2005

"Original signed by E.L. Carrière"
Land Development Engineer

"Original signed by R.J. Hartmann"
Public Works Department
Transportation Division

"Original signed by K.T. Raban"
Water and Waste Department

5240