Agenda - Council - July 27, 2005

Report - Standing Policy Committee on Property and Development - July 18, 2005

Item No. 15 Subdivision and Rezoning - 444 Grassie Boulevard
File DASZ 21/2005

STANDING COMMITTEE RECOMMENDATION:

On July 20, 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 21/2005 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 21/2005 dated June 27, 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 June 27, 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 21/2005 dated June 27, 2005, to an "R1-5" Single Family Residential District and a "R1-4" Single Family 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 a 25 foot front yard adjacent to Williamson Crescent be established.

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 subdivision section of the by-law shall come into force and effect upon execution by the City of Winnipeg of the Development Agreement.

Report - Standing Policy Committee on Property and Development - July 18, 2005

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 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.

10. 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.

Report - Standing Policy Committee on Property and Development - July 18, 2005

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On July 20, 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 July 18, 2005, the Standing Policy Committee on Property and Development concurred in the recommendation from the East Kildonan-Transcona Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On July 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.

RE: **Subdivision and Rezoning – 444 Grassie Boulevard**
File DASZ 21/2005

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

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

Report date: **July 12, 2005**

COMMUNITY COMMITTEE RECOMMENDATION:

On July 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 21/2005 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 21/2005, dated June 27, 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 June 27, 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 21/2005, dated June 27, 2005, to an "R1-5" Single Family Residential District and a "R1-4" Single Family 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 conditions:

    A. That a 25 foot front yard adjacent to Williamson Crescent be established.

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 subdivision section of the by-law shall come into force and effect upon execution by the City of Winnipeg of the Development Agreement.

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. 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.

10. 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.

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

1. The subject application is consistent with the existing development in the area.

PUBLIC HEARING SUMMARY

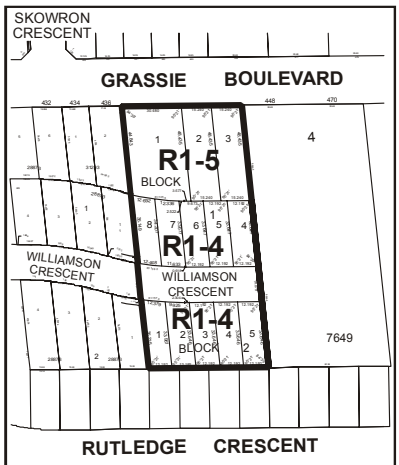
File: DASZ 21/2005

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

Public Hearing: July 5, 2005
Community Committee Chambers
755 Henderson Highway

Applicant: Global Homes Ltd. (Bernhard Goertzen)

Subject:



APPLICANT: GLOBAL HOME LTD.
FILE : DASZ 21/05
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 and an "R1-5.5" RESIDENTIAL DISTRICT to an "R1-4" RESIDENTIAL DISTRICT and "R1-5" RESIDENTIAL DISTRICT. **For information, phone Mr. J. Wintrup, Planner at 986-5102.**

Premises Affected: 444 Grassie Boulevard

Exhibits Filed:

1. Application dated June 9, 2005
2. Notification of Public Hearing dated June 13, 2005
3. Manitoba Status of Title 1265451
4. Letter of authorization dated September 30, 2004 from Norma and Hubert Whitfield to Global Homes Ltd.
5. Plans (3 pages)
6. Report from the Manager of Planning and Land Use dated June 27, 2005
7. Report from the Administrative Coordinating Group dated June 28, 2005
8. Inspection Report
9. Plans (3 pages) submitted by Bernhard Goertzen at the public hearing

REPRESENTATIONS:

In Support:

Alvin Kleinsasser
Bernhard Goertzen

In Opposition

Nil

For Information:

Norma Whitfield

For the City:

John Wintrup, Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

Bernhard Goertzen appeared in support of the application and submitted plans of the referenced area, filed as Exhibit 9. He expressed concern regarding the following recommendations of the Administrative Coordinating Group, namely:

- that development shall not occur until the existing retention basin in the Harbourview South subdivision is expanded and the existing temporary lift station is replaced with an outfall to the Cordite Ditch;
- Condition 1c) with respect to the Developer paying its share of the regional land drainage system and the local improvement charges for the existing land drainage sewer in Grassie Boulevard partly fronting the subject property;
- Condition 3a) with respect to the Developer paying its share of the cost of concrete pavement at the intersection of Grassie Boulevard and Lagimodiere Boulevard;
- Condition 3c) with respect to the Developer paying its share of the cost of concrete pavement and sidewalk, boulevard sodding and trees and ornamental street lighting in Grassie Boulevard on the basis of Local Improvement rates; and,
- Condition 4) with respect to the Developer paying its share of the cost of a permanent north-south secondary access street connecting Williamson Crescent to Grassie Boulevard.

Exhibit "6" referred to in File DASZ 21/2005

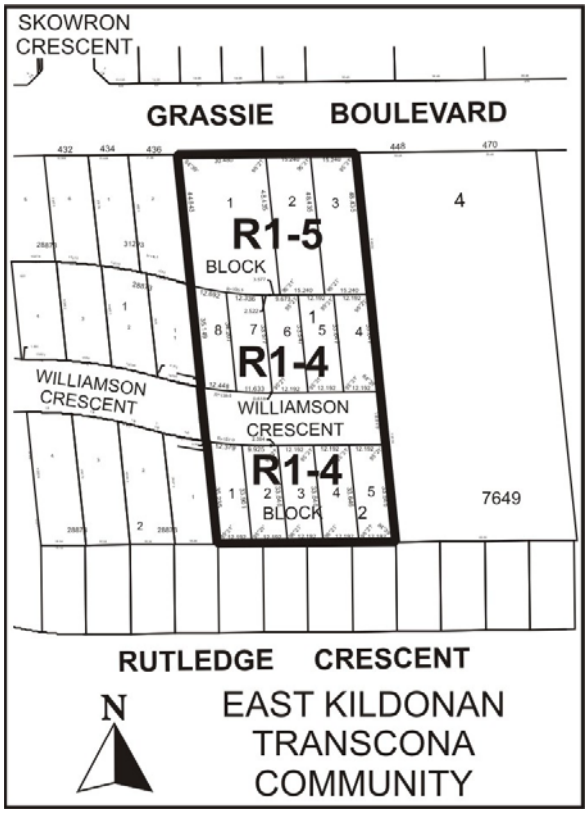
Winnipeg

Planning, Property and Development Department Report

To the East Kildonan - Transcona Community Committee

Date: **June 27, 2005**
File: **DASZ 21/05**
Related Files: **DASZ 5/1989; DASZ 50/04**
Subject: **Rezone and subdivided property into 13 residential lots.**

Location: **444 Grassie Blvd**



Applicant: **Global Homes - Bernhard Goertzen**
Owner: **H. & N. Whitfield**

Recommendation: **Approve with Conditions**
Report Summary:

- The applicant is proposing to develop thirteen (13) single family residential lots.
- Williamson Crescent will be extended with ten (10) single family residential lots.
- Municipal services will be extended along Grassie Blvd to permit three new residential lots fronting Grassie.
- The existing dwelling at 444 Grassie Blvd will remain.
- The proposed land-use is consistent with the surrounding single family residential lots.
- The proposed site design is compatible with the surrounding neighbourhood and the concept plan drafted for the future development of Williamson Crescent.

Site Description

The subject property is **200 feet by 439 feet (87,800 square feet)** located on the south side of Grassie Blvd, west of McLellan Drive 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 east designated "A-5" Rural and "R1-5.5" Residential Districts. Surrounding lands include single family dwellings zoned "R1-5" and "R1-4" to the north, west and south.

Background

A concept plan drafted for the future extension of Williamson Crescent was previously prepared. This concept plan indicates the possible development of the back lands for the lots fronting the south side of Grassie, east of McLellan Drive. The concept plan indicates Williamson Crescent terminating in a cul-de-sac with a secondary connection to Grassie Blvd.

Description of the Proposed Development

The applicant is proposing to subdivide the property into 13 lots for single family dwellings. Three lots will front Grassie and will include one lot for the existing dwelling at 444 Grassie Blvd. Ten lots will be along Williamson Crescent, which will be extended east from its existing terminus to allow the development of the back lands at 444 Grassie Blvd. The lots fronting Williamson will be approximately 40 feet in width and 111 feet in depth. The lots fronting Grassie Blvd will be 50 feet in width except the existing dwelling will reside on a lot 100 feet in width.

Analysis

PLAN WINNIPEG
The proposed concept complies with Plan Winnipeg in that a residential rezoning is allowed in Neighbourhood Policy Areas. The proposed development is supported by the following policies:

3A-02 Promote Compact Urban Form
The City shall promote compact urban form in support of sustainability by:

iv) encouraging infilling of vacant land and the revitalization of existing neighbourhoods to maximize the use of existing infrastructure;
v) supporting new development which is adjacent to, and compatible with, existing development and which is designed to minimize the spatial use of land.

SECONDARY PLAN
The Administration has recently initiated a Secondary Plan planning process for the 'Transcona West Area' whose northern boundary is the Cordite Ditch. The subject property is within this Secondary Plan area. The proposed development is consistent with previously approved residential land-uses for the surrounding area and can proceed.

ZONING
- 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.
- The **"R1-5" Single Family Residential District** will require a minimum lot size of 5,000 square feet and minimum lot width of 50 feet.
- The **"R1-4" Single Family Residential District** will require a minimum lot size of 4,000 square feet and minimum lot width of 40 feet.

COMPATIBILITY WITH EXISTING NEIGHBOURHOOD
The Administration supports single family residential uses on the subject site: the proposal represents a logical extension of Williamson Crescent. The Administration notes that the existing residential dwellings on Williamson Crescent to the immediate west were developed under the previous zoning by-law that required 25 foot front yards. This front yard dimension has established the characteristics of this street.

LAND USE BY-LAW ISSUES
The proposed zoning categories are consistent with residential subdivisions in Winnipeg such as Eaglemere, Amber Trails, Canterbury Park, Whyte Ridge and Riverbend South. A number of developers have stated today's main market is willing to purchase the 35 - 48 foot wide lots, and a minority of the market is willing to purchase 50 foot wide lots. There are a large number of 50 foot wide lots in the North Kildonan and Transcona area, and there is also a large number of 35 - 45 foot wide lots especially west of McLellan Dr and south of Rutledge. The 35-45 foot wide lots dominate the Harbourview area (Phase I and II) . The range of lot sizes permit the construction of a variety of new single family dwellings that diversify the housing stock and provide residents with different housing options.

TRANSPORTATION AND SITE ACCESS
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. The Planning and Land Use Division has advised the applicant that the number of new dwelling along Grassie Blvd will be restricted to two new lots.

Public Works has also indicated that the plan as proposed results in a dead-end of approximately 180 metres from McLellan Drive and containing 26 single family dwellings with only a single means of access. Public Works will not allow any further extensions of Williamson Crescent until a second permanent means of access out to Grassie Blvd is provided.

SITE DESIGN ISSUES
Water and Waste has indicated this proposed development is outside the current service area boundary of the regional land drainage system. The ACG Committee is recommending that the proposal proceed, however, development shall not occur until the existing retention basin in the Harbourview South subdivision is expanded and the existing temporary lift station is replaced with an outfall to the Cordite Ditch. It is anticipated this work will occur shortly in conjunction with the recently approved development of Harbourview South Phase II (**DASZ 50/04)**.

Recommendation

The Administration recommends approval for the following reasons:
- The proposed land-use is consistent with the surrounding area.
- The site plan is compatible with the concept plan drafted for the future extension of Williamson Crescent

The Administration is also recommending that the proposed residential houses along Williamson be approved subject to a 25 foot front yard, which is consistent with the adjacent residential dwellings.

Recommended Conditions of Approval

1. That the plan of subdivision proposed under File No. **DASZ 21/05** be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File No. **DASZ 21/05,** attached hereto and dated **June 27, 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 **June 27, 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 No. **DASZ 21/05,** attached hereto and dated **June 27, 2005**, to an "R1-5" Single Family Residential District and a "R1-4" Single Family 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 conditions:

   A. That a 25 foot front yard adjacent to Williamson Crescent be established.

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 subdivision section of the by-law shall come into force and effect upon execution by the City of Winnipeg of the Development Agreement.

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. 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 # 4.424

Schedule "A"

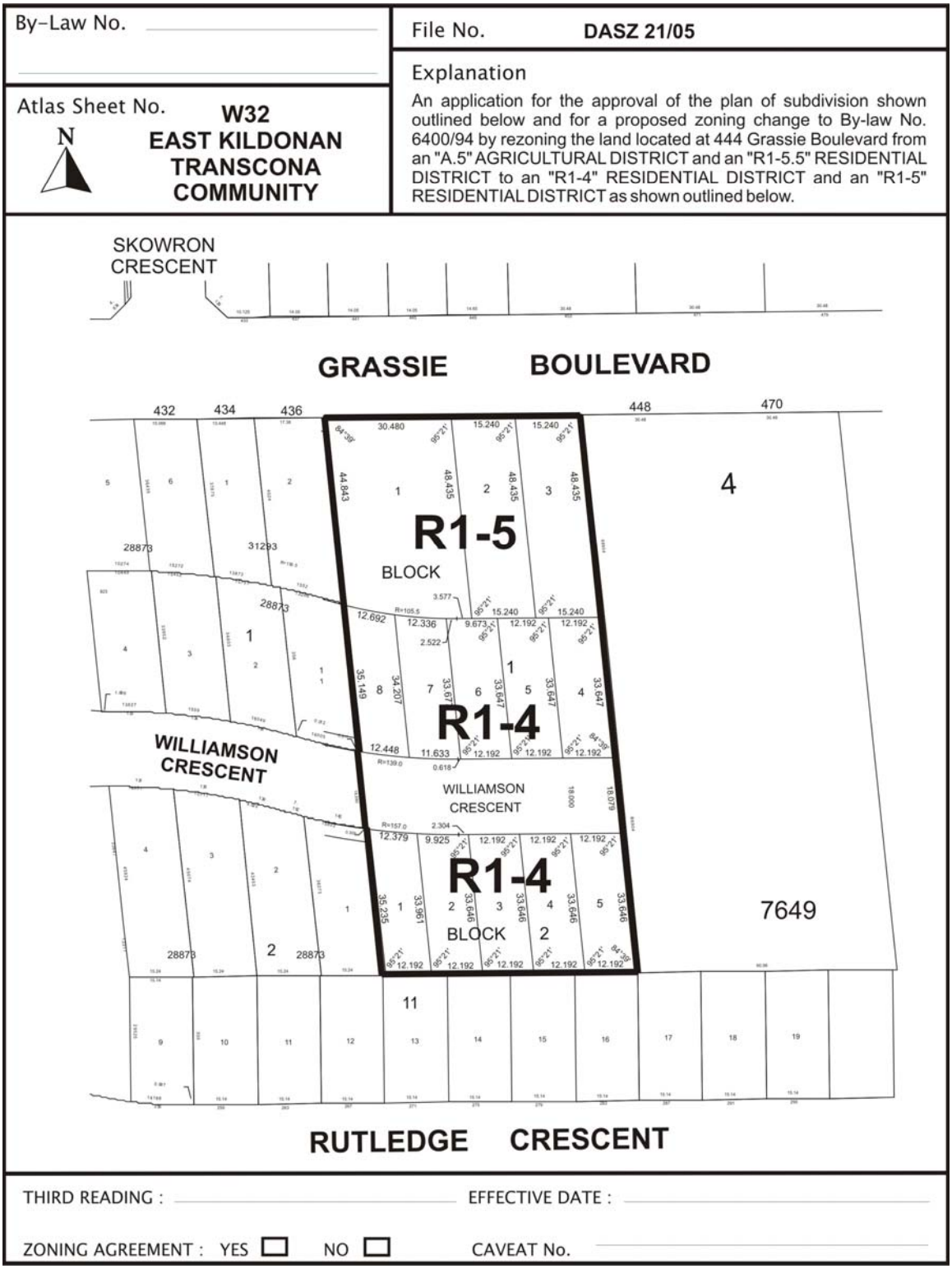


Figure 1: Schedule "A" to the report to the East Kildonan - Transcona Community Committee for File No. DASZ 21/2005, dated June 27, 2005.



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

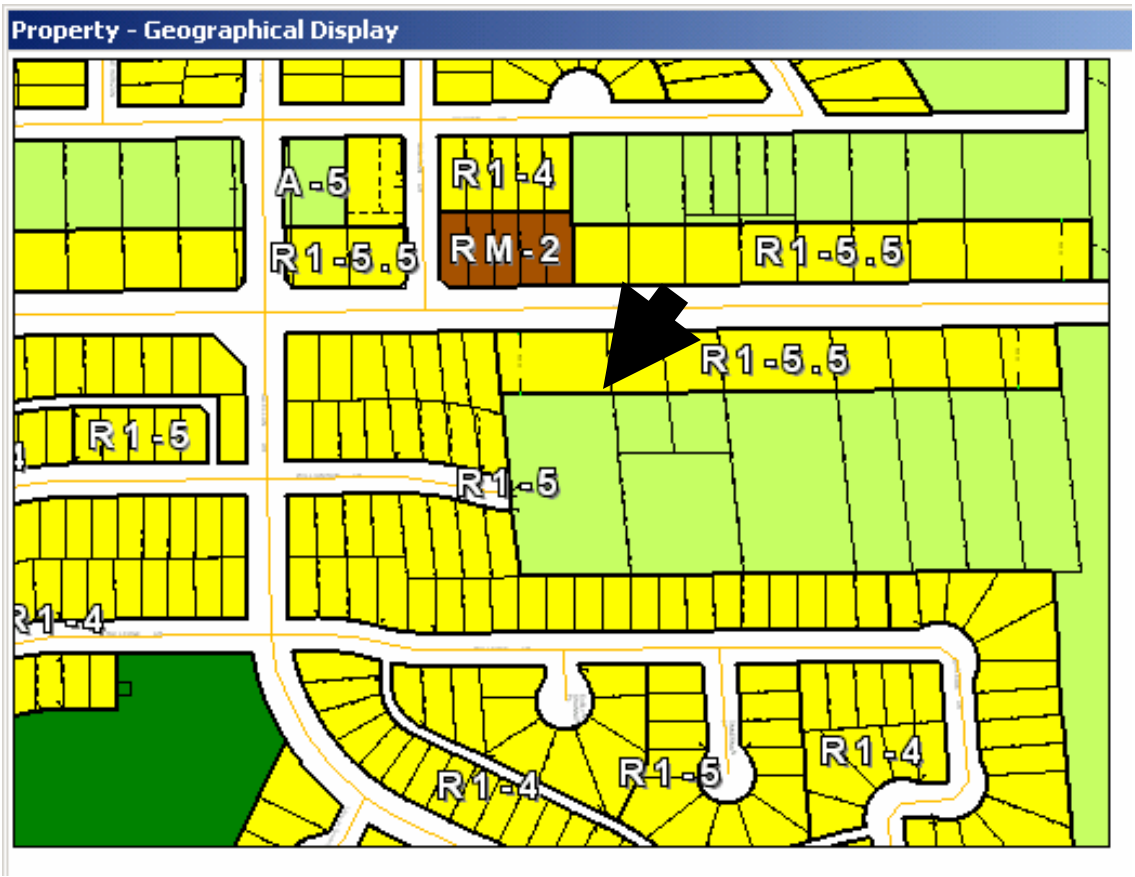


Figure 3: Existing Zoning for subject property and Surrounding Area.

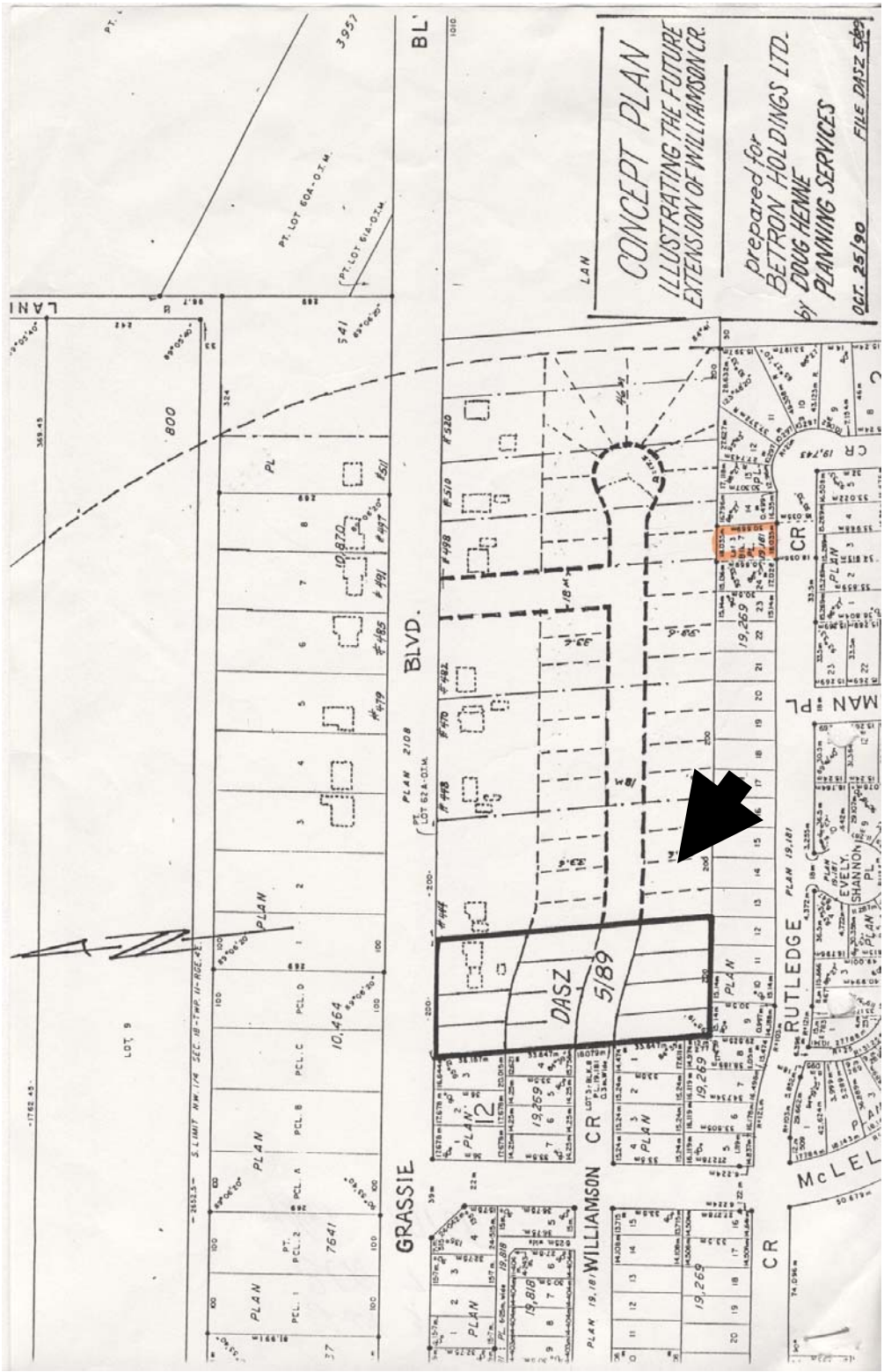


Figure 4: Concept Plan for Williamson Crescent.

Exhibit "7" referred to in File DASZ 21/2005

Re: Proposed subdivision and rezoning on land located at 444 Grassie Boulevard - DASZ 21/05

The Public Works Department has reviewed the above-referenced subdivision proposal and advises that the plan as proposed results in a dead-end of approximately 180m containing 26 single family residential lots with only a single means of access. The current recommended length for a cul-de-sac is 105m. No further extensions of Williamson Crescent are to be permitted until a second permanent means of access out to Grassie Boulevard is provided.

This proposed development is outside of the current service area boundary of the regional land drainage system. Therefore, no development within the proposed subdivision can proceed until the existing retention basin in the Harbourview South subdivision is expanded and the existing temporary lift station is replaced with an outfall to the Cordite Ditch.

It is recommended that approval of this application be subject to the Developer entering into a Development Agreement as follows:

1 a) The Developer shall, at no cost to the City, construct all watermains, wastewater sewers and land drainage sewers in Grassie Boulevard and Williamson Crescent from their existing termini to the east limit of the proposed subdivision. This shall include a looped watermain connection at the east end of the development.

b) The Developer shall oversize the watermain in Grassie Boulevard and the City shall reimburse the Developer for the oversized portion in accordance with the Development Agreement Parameters.

c) The Developer shall pay for its share of the regional land drainage system (2005 rate = $8,869.00/acre) and shall pay the local improvement charges for the existing land drainage sewer in Grassie Boulevard partly fronting the subject property.

d) The Developer shall provide a lot 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.

2) The Developer shall, at no expense to the City, construct portland cement concrete pavement to a width of 7.5m and a thickness of 150mm in the street within the proposed subdivision, and all related works including, but not necessarily limited to boulevard landscaping, ornamental street lighting and land drainage sewer, all as determined by and to the satisfaction of the Director of Public Works.

3 a) The Developer shall pay its share of the cost of concrete pavement constructed by others at and near the intersection of Grassie Boulevard and Lagimodiere Boulevard as determined by the Director of Public Works.

b) The Developer shall pay its share of the cost of traffic signals installed at the intersections of Grassie Boulevard with Lagimodiere Boulevard and McLellan Drive as determined by the Director of Public Works.

c) The Developer shall pay its share of the cost of concrete pavement, concrete sidewalk, boulevard sodding and trees and ornamental street lighting to be installed by the City and others in Grassie Boulevard on the basis of Local Improvement rates therefor prevailing at the time payment is made.

4) The Developer shall pay its share of the cost of acquiring and servicing a permanent north-south secondary access street connecting Williamson Crescent to Grassie Boulevard as determined by the Director of Planning, Property and Development.

5) 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.

6) 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.

7) The Developer shall be responsible to control and to initiate the cleanup 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.

8) 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.

9) The Developer shall, at no expense to the City, erect and maintain barricades and signing across the full width of any temporarily dead-ended streets, due to phasing of development, immediately upon completion of the paving or when house construction has begun, whichever is sooner, as determined by and to the satisfaction of the Director of Public Works.

10) The Developer shall, at no expense to the City, construct a cul-de-sac type vehicle turnaround at the terminus of the temporarily dead-ended street and provide any right-of-way or easements necessary to accommodate same, all as determined by and to the satisfaction of the Director of Public Works.

11) The Developer shall pay the full cost of engineering services provided by or on behalf of the City in connection with the installation of services required to serve the proposed subdivision.

12) The Developer shall pay cash in lieu of dedication of land for public open space including landscaping and services in accordance with City policy.

13) The Developer shall pay $1,200.00 per acre to defray the City's administration and related costs associated with the preparation and implementation of the Development

THIS REPORT SUBMITTED BY:

Administrative Coordinating Group
File No. DASZ 21/05
June 27, 2005

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

_____
Public Works Department
Transportation Division

_____
Water and Waste Department

6696