Agenda - Council - October 26, 2005

Report - Standing Policy Committee on Property and Development - October 4, 2005

Item No. 18 Subdivision and Rezoning - 341 Grassie Boulevard
File DASZ 33/2005

STANDING COMMITTEE RECOMMENDATION:

On October 19, 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 33/2005 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 33/2005 dated August 5, 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 August 11, 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 33/2005 dated August 5, 2005 to a "R1-4" Single Family Residential District and a "R1-5.5" 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 - October 4, 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.

11. 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 - October 4, 2005

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On October 19, 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 October 4, 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 September 6, 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 – 341 Grassie Boulevard**
File DASZ 33/2005

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

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

Report date: **September 9, 2005**

COMMUNITY COMMITTEE RECOMMENDATION:

On September 6, 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 33/2005 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 33/2005, dated August 5, 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 August 11, 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 33/2005, dated August 5, 2005 to a "R1-4" Single Family Residential District and a "R1-5.5" 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 (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.

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.

11. 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 other developments in the area.

PUBLIC HEARING SUMMARY

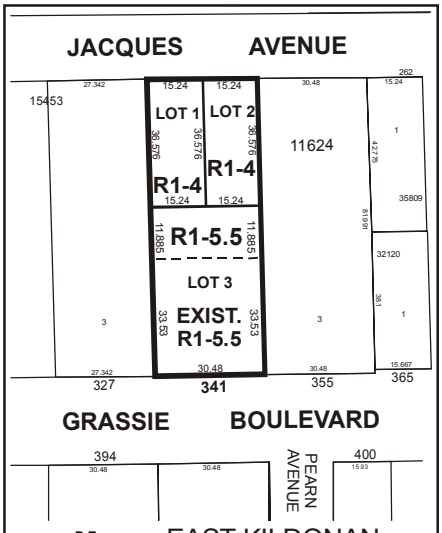
File: DASZ 33/2005

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

Public Hearing: September 6, 2005
Community Committee Chambers, 755 Henderson Highway

Applicant: Douglas and Darryl-Lynn Kehler

Subject:



APPLICANT : DOUGLAS & DARRYL-LYNN KEHLER
FILE : DASZ 33/05
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 an "R1-5.5" RESIDENTIAL DISTRICT. **For information, phone Mr. J. Wintrup, Planner at 986-5102.**

Premises Affected: 341 Grassie Boulevard

Exhibits Filed:

1. Application dated July 19, 2005
2. Notification of Public Hearing dated August 11, 2005
3. Manitoba Status of Title 1305917
4. Surveyor's Building Location Certificate and sketch dated August 2, 1983
5. Plans (2 pages)
6. Report from the Manager of Planning and Land Use dated August 5, 2005
7. Report from the Administrative Coordinating Group dated August 11, 2005
8. Inspection Report

REPRESENTATIONS:

In Support:

Darryl Lynn Kehler

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

Darryl Lynn Kehler appeared in support of the application, and advised that he wishes to rezone and subdivide the lot.

Councillor Wyatt indicated that he would like to see a sidewalk established on the south side of Jacques Avenue.

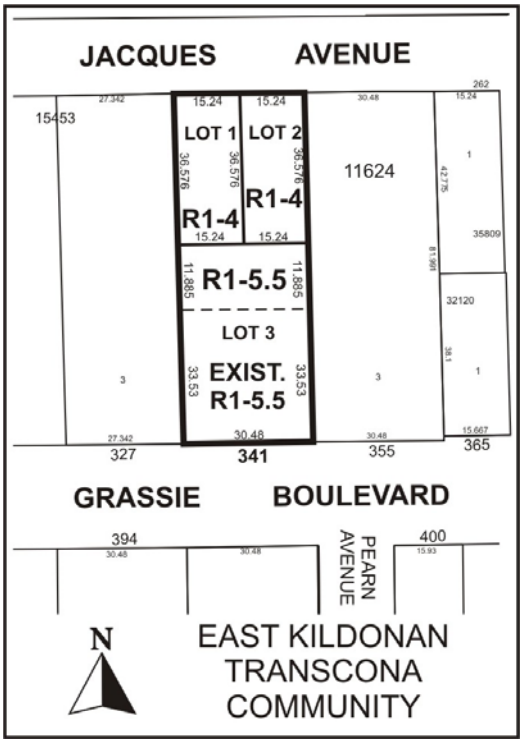
Exhibit “6” referred to in File DASZ 33/2005

Planning, Property and Development Department Report

To the East Kildonan - Transcona Community Committee

Date: **August 5, 2005**
File: **DASZ 33/05**
Subject: **Rezone and subdivide property into three residential lots.**

Location: **341 Grassie Blvd**



Applicant: **Douglas and Darryl – Lynn Kehler**
Owner: **Douglas and Darryl – Lynn Kehler**

Recommendation: Approve with Conditions
Report Summary:

- The applicant is proposing to develop **three** (3) single family residential lots, **two** (2) fronting Jacques Avenue and **one** (1) fronting Grassie Blvd.
- The proposed lots fronting Jacques Avenue will be **50 feet** in width, **120 feet** in depth and **6,000 square feet** in area.
- The existing residential lot fronting Grassie Boulevard will be **100 feet** in width, **149 feet** in depth and **14,899 square feet** in area.
- The applicant is proposing to maintain the existing single family dwelling on the proposed new lot.

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 existing single family dwelling fronting Grassie Blvd was constructed in 1983. Previous applications for the subdivision and rezoning of lands on the north side of Grassie include: **DASZ 14/2005,** and **DASZ 37/2003.**

Description of the Proposed Development

Douglas and Darryl – Lynn Kehler have 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. The Kehlers would like to develop two residential lots fronting Jacques Ave and one lot fronting Grassie Blvd. The two new residential lots fronting Jacques Ave will be **50 feet** in width and **6,000 square feet** in area. The proposed lot fronting Grassie Blvd will be **100 feet** in width and **14,899 square feet** in area and have a depth of **149 feet.** Only the front 110 feet of property along Grassie is zoned "R1-5.5", thus the applicant will need to rezone 39 feet of the rear yard to "R1-5.5", and the remaining 120 feet will be rezoned "R1-4".

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 **"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
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 existing single family dwelling fronting Grassie will maintain an approach.

SITE PLAN
The applicant has not submitted a plan illustrating the proposed building foot prints.

Recommendation

The Planning and Land-Use Division supports rezoning the rear 120 feet 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 Planning and Land-Use Division 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 Planning and Land-Use Division also supports rezoning 38.999 feet of the property from "A-5" to "R1-5.5" that will be included in Lots 3. All the single family residential lots that front Grassie Boulevard in this neighbourhood are designated "R1-5" and "R1-5.5".

Recommended Conditions of Approval

1. That the plan of subdivision proposed under File No. **DASZ 33/05** be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File No. **DASZ 33/05,** attached hereto and dated **August 5, 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 **August 11, 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 33/05,** attached hereto and dated **August 5, 2005**, to a **"R1-4" Single Family Residential District and a "R1-5.5" 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.

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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. 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. 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.

11. 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.

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"

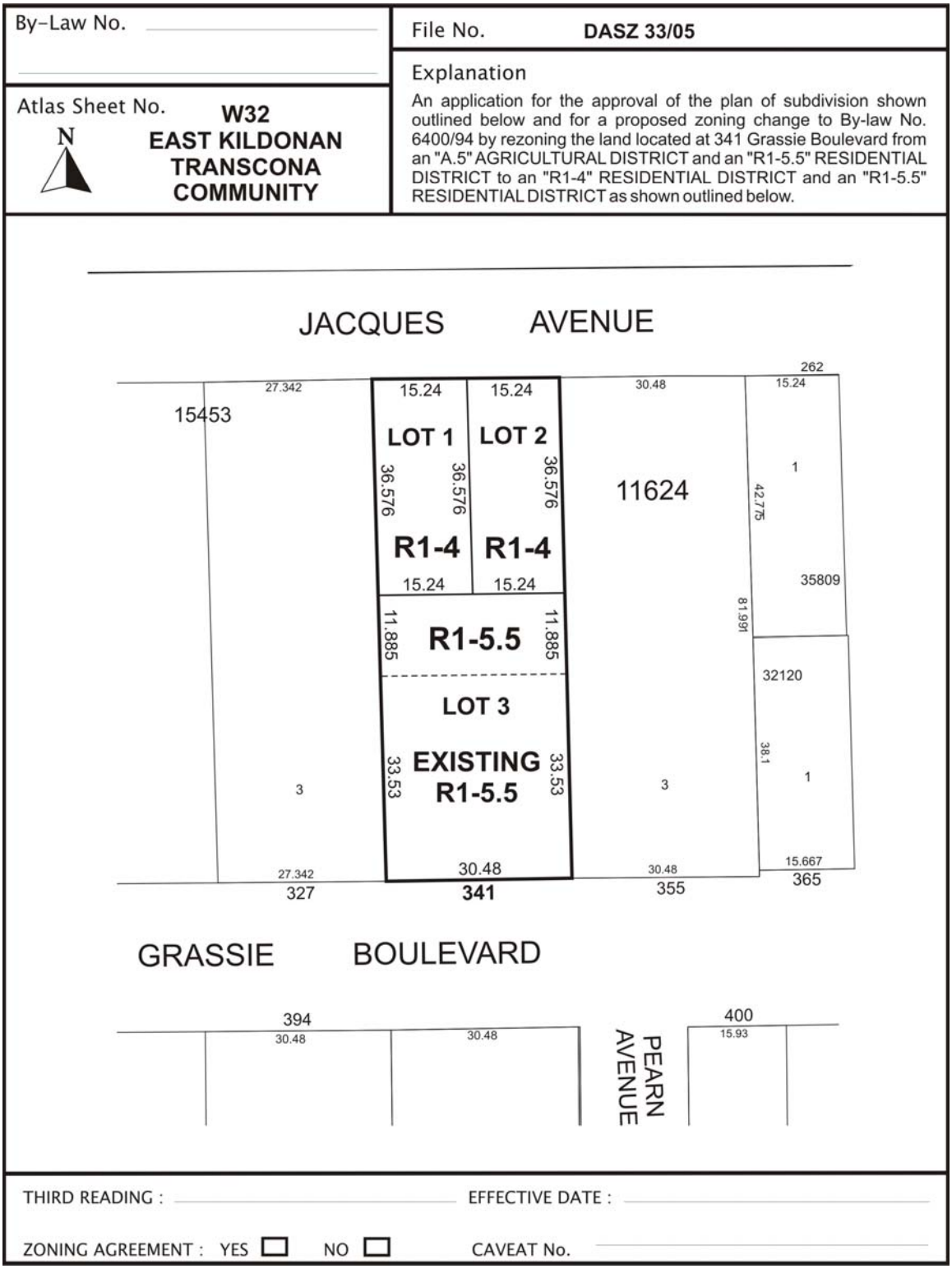

Figure 1: Schedule "A" to the report to the East Kildonan - Transcona Community Committee for File No. DASZ 33/2005, dated August 5, 2005.

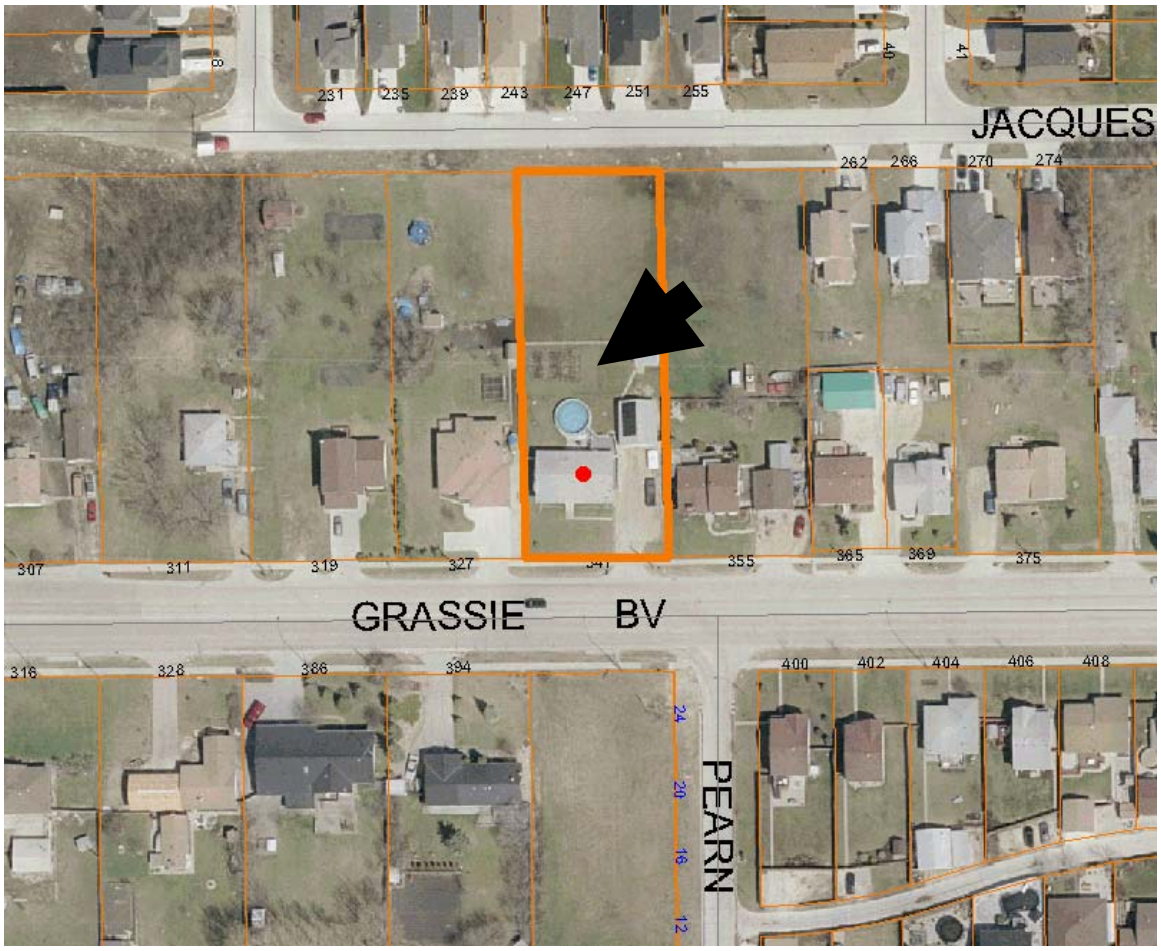

Figure 2: Existing Land-Uses for subject property and Surrounding Area.

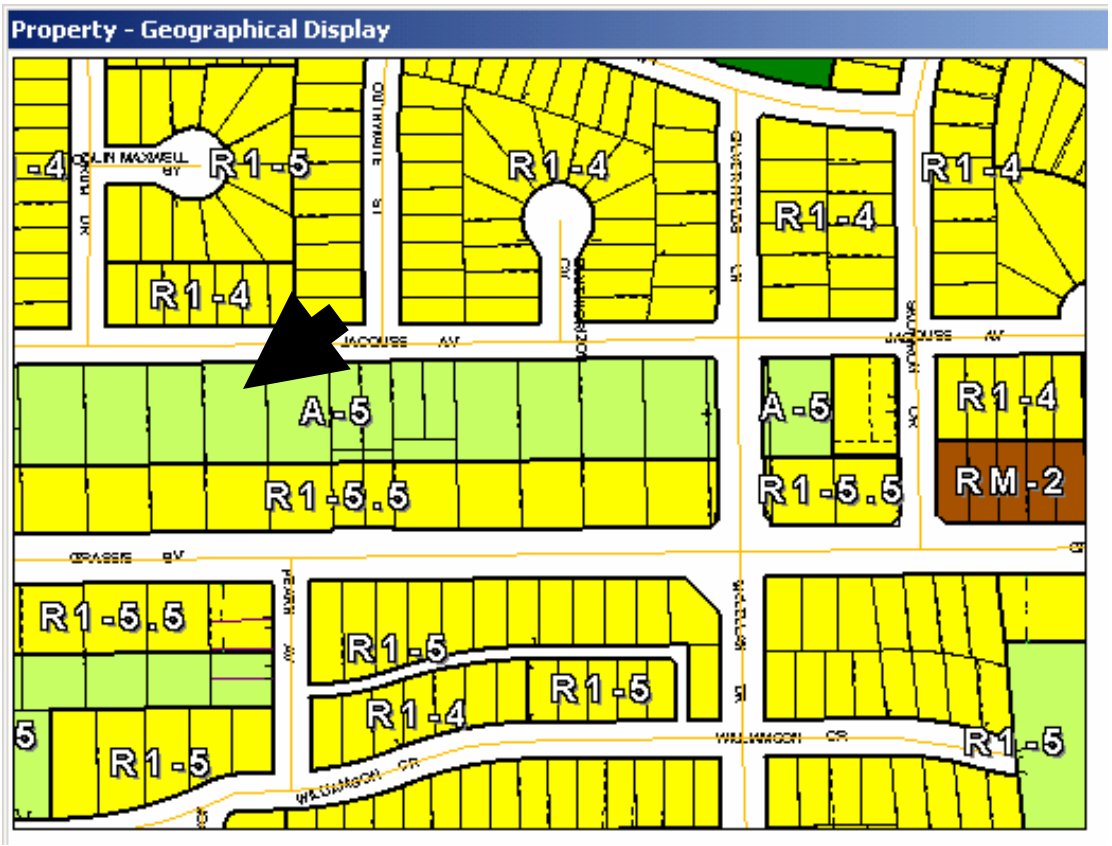

Figure 3: Existing Zoning for subject property and Surrounding Area.

Exhibit "7" referred to in File DASZ 33/2005

Re: Proposed subdivision and rezoning of land located at 341 Grassie Boulevard - DASZ 33/05

An application has been submitted by Douglas and Darryl - Lynn Kehler to subdivide and rezone land located at 341 Grassie Boulevard.

It is recommended that approval of DASZ 33/05 be subject to the Developer entering into a Servicing Agreement containing the following:

1. The Developer shall pay its share of the cost of a full range of services installed by others in Jacques Avenue 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 surface improvements installed by others in Grassie Boulevard on the basis of Local Improvement rates prevailing at the time payment is received.

3 a. The Developer shall pay its share of the cost of portland cement concrete pavement previously constructed by others at and in the vicinity of 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 control signals previously installed at the intersections of Grassie Boulevard with Lagimodiere Boulevard and McLellan Drive as determined by the Director of Public Works.

4. The Developer shall pay its share of the cost of land drainage trunk facilities benefiting proposed Lots 1 and 2 as determined by the Director of Water and Waste.

5. The Developer shall submit a lot grading plan prepared by a municipal engineer and shall grant easements and install any catch basin and lead indicated by the lot grading plan.

6. The Developer shall, at no expense to the City, plant trees on the boulevard abutting Lots 1 and 2 in accordance with specifications approved by the Director of Public Works.

7. 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.

8. 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.

9. 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.

10. 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 tacked-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.

11. 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.

THIS REPORT SUBMITTED BY:
Administrative Coordinating Group
File No. AG 33/05
August 11, 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

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