Agenda - Council - October 26, 2005

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

Item No. 19 Subdivision and Rezoning - 226/228 Grassie Boulevard
File DASZ 37/2005

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 37/2005 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 37/2005 dated August 17, 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 19, 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 37/2005 dated August 17, 2005, to a "R1-5.5" Single Family Residential District and a "RM-2" Multiple Family 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 on the lands being rezoned "RM-2" Multiple Family Residential District and the existing "RM-2" Multiple Family Residential District involved in this application:

    A. That for the development of any building, accessory parking area or signage, plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, driveways, exterior lighting, garbage enclosures, loading areas, fencing, landscaping, lot grading, facia signage, free standing signs and balcony enclosure to the Director of Planning, Property and Development and the East Kildonan – Transcona Community Committee for plan approval prior to the issuance of any building or development permit and the applicant shall maintain the landscaping and fencing to the satisfaction of the Director of Planning, Property and Development.

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

B. That no building on the land shall exceed a height of two (2) storeys.

C. That a personal care home shall not exceed two hundred (200) beds.

D. That a set-back of twenty-five (25) feet be established to the north, west, and east property lines.

4. That Caveat 1582882 be discharged.

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 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 increase in value and the creation of additional sites.

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

9. 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.

10. 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.

11. 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 - October 4, 2005

12. 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 19, 2005, the East Kildonan-Transcona Community Committee concurred in the administrative recommendation with the following amendments, namely:

- That Recommendation 3.A. be amended by adding the words “lot grading” after the words “landscaping” and before the words “facia signage”.

- That Recommendation 3.D. be added as follows:

  “3.D. That a set-back of twenty-five (25) feet be established to the north, west, and east property lines.”

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

RE: **Subdivision and Rezoning – 226 / 228 Grassie Boulevard**
File DASZ 37/2005 [c/r DAV 142164/2005D]

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

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

Report date: **September 23, 2005**

COMMUNITY COMMITTEE RECOMMENDATION:

On September 19, 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 37/2005 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 37/2005, dated August 17, 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 19, 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 37/2005, dated August 17, 2005 to a "R1-5.5" Single Family Residential District and a "RM-2" Multiple Family 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 on the lands being rezoned "RM-2" Multiple Family Residential District and the existing "RM-2" Multiple Family Residential District involved in this application:

    A. That for the development of any building, accessory parking area or signage, plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, driveways, exterior lighting, garbage enclosures, loading areas, fencing, landscaping, ***lot grading***, facia signage, free standing signs, balcony enclosure to the Director of Planning, Property and Development and East Kildonan – Transcona Community Committee for plan approval prior to the issuance of any building or development permit; and the applicant shall maintain the landscaping

and fencing to the satisfaction of the Director of Planning, Property and Development.

B. That no building on the land shall exceed a height of two (2)-storeys.

C. That a personal care home shall not exceed two hundred (200) beds.

D. That a set-back of twenty-five (25) feet be established to the north, west, and east property lines.

4. That Caveat 1582882 be discharged.

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 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 increase in value and the creation of additional sites.

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

9. 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.

10. 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.

11. 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.

12. 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.

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 contiguous to the existing personal care home.

2. There is a high demand for senior care facilities in the Elmwood-East Kildonan Ward.

PUBLIC HEARING SUMMARY

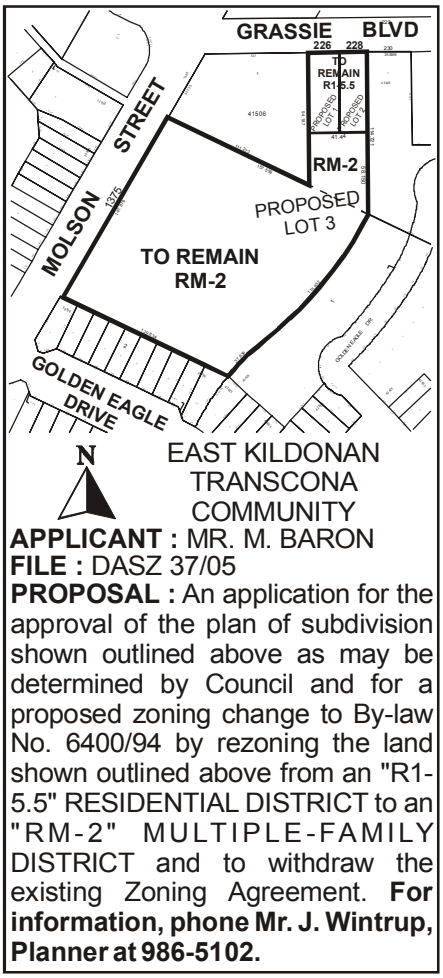
File: DASZ 37/2005 [c/r DAV 142164/2005D]

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

Public Hearing: September 19, 2005

Applicant: Michael Baron (c/o Ron Baron)

Subject:



APPLICANT : MR. M. BARON
FILE : DASZ 37/05
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 "R1-5.5" RESIDENTIAL DISTRICT to an "RM-2" MULTIPLE-FAMILY DISTRICT and to withdraw the existing Zoning Agreement. **For information, phone Mr. J. Wintrup, Planner at 986-5102.**

Premises Affected: 226 / 228 Grassie Boulevard

Exhibits Filed:
1. Application dated July 29, 2005
2. Notification of Public Hearing dated August 25, 2005

3. Manitoba Status of Titles 1285477, 1265389
4. Surveyor's Building Location Certificate and sketch dated July 14, 2005
5a. Letter of authorization dated April 11, 2005 from John H. Neufeld and Eva M. Neufeld to Michael Baron
5b. Letter of authorization dated August 26, 2005 from River East Personal Care Home Ltd. to Michael Baron
6. Plan
7. Report from the Manager of Planning and Land Use dated August 17, 2005
8. Report from the Administrative Coordinating Group dated August 19, 2005
9. Inspection Report

REPRESENTATIONS:

In Support:

Ron Baron

In Opposition:

Nil

For Information:

Kelley Ewert
Eva and John H. Neufeld
Jennifer and Tyler Oswald
Eric Vogan

For the City:

John Wintrup, Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

Ron Baron appeared in support of the application. He advised that although the applicant is considering amalgamating property with the personal care home, there are no specific plans for development of the property at this time.

Councillor Thomas questioned the demand and in this connection, commented that the largest population of seniors reside in the Elmwood-East Kildonan Ward, to which Ron Baron responded by advising the personal care home has a waiting list. He indicated that one consideration is for a supportive housing project inasmuch as there is a need in the area, including facilities providing lighter care.

Tyler Oswald appeared for information and advised that he purchased land directly behind the subject property. He questioned the type of building to be developed and the impact of balconies, if any, on neighbouring properties. Councillor Lubosch responded by advising that the Administration is recommending that no building on the land exceed a height of two storeys.

John Neufeld appeared for information. He indicated that he was not concerned with the building but questioned the height of the property and its impact on drainage. In this connection, he requested that the landscaping not be raised unless absolutely necessary.

John Wintrup responded by indicating that the applicant would be required to submit a landscaping plan prior to the issuance of any building or development permits and that the administration would try to mitigate any effects in terms of landscaping.

Eric Vogan, representing Rivereast Developments, appeared for information. He advised that a number of lots have been sold adjacent to the subject property in Eaglemere.

Kelley Ewert appeared for information, and advised that she resides behind the subject land. She questioned the height of the property and how it may affect their own property.

In rebuttal, Ron Baron indicated that Michael Baron would like to purchase the property for the future and that at this time, there is no concrete plans for the development of it. In this connection, he indicated that talk has occurred regarding development of a park for their residents. Councillor Thomas responded that a park could also be an opportunity for the residents of Eaglemere to have more passive space in the northern part of the development.

Exhibit "7" referred to in File DASZ 37/2005 [c/r DAV 142164/2005D]

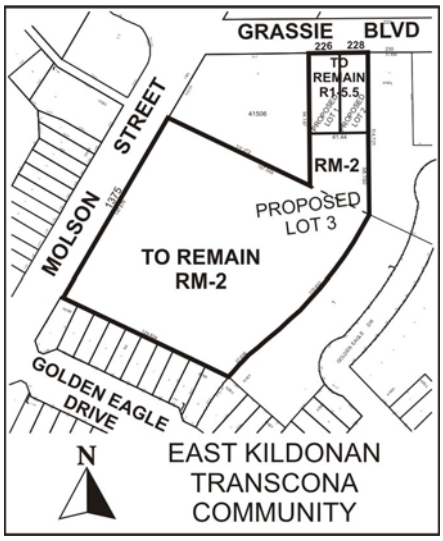
Winnipeg

Planning, Property and Development Department Report

To the East Kildonan - Transcona Community Committee

Date: August 17, 2005
File: DASZ 37/05
Related Files: DAV 05-142164/D; DASZ 12/91; ZAA 5/99; DAV 601/94C; DASSF 548/94
Subject: Rezone and subdivide one lot into two single family residential lots and one multiple family lot that will be consolidated with the adjacent property.

Location: 226/228 Grassie Blvd, 1395 Molson Street



Applicant: Michael Baron
Owner: John and Eve Neufeld

Recommendation: Approve with Conditions

Report Summary:

- The applicant is proposing to subdivide **one** (1) single family residential lot into **two** (2) lots fronting Grassie Blvd with the rear yard of the existing property being consolidated with the adjacent multiple family property to the southwest.
- The proposed lots fronting Grassie Blvd will be **76 feet** and **59 feet** in width, **185 feet** in depth, and remain zoned for single family dwellings.
- Lot 3 will include a 135 feet in width and 190 feet in depth section of the existing property that will be rezoned to multiple family and consolidated with the adjacent property to the south at 1375 Molson St.
- The existing multiple family lot at 1375 Molson St is **5.4 acres** and will be enlarged by **21,343 square feet**.
- The existing zoning agreement for 1375 Molson Street will be discharged and re-applied to the new, consolidated Lot 3.

Site Description

The subject property is **135.9 feet by 376 feet (46,596 square feet)** located on the south side of Grassie Blvd, east of Molson St in the Eaglemere neighbourhood of the Elmwood – East Kildonan Ward. The site is zoned "R1-5.5" Residential District. Adjacent properties include residential dwellings to the south in Eaglemere zoned "R1-3.5" Residential District, multiple family dwellings to the south and west zoned "RM-2". Surrounding lands include single family dwellings zoned "R1-5.5" to the east along Grassie Blvd.

Background

The existing single family dwelling at 226 Grassie Blvd was constructed in 1961. The second dwelling was constructed in 1964 and moved onto the subject land in 1994. Previous applications were granted in 1994 to permit the second dwelling on the land and the subdivision of the property. Variance **DAV 601/94** was granted by the Board of Adjustment to permit a second single family dwelling on the site for a period not to exceed five (5) years. **DASSF 548/94** for the subdivision of the property was also granted in 1994. The applicant did not submit the required ten percent cash dedication and lot fees, and the mylar drawings to legally complete the short-form subdivision. The Zoning Enforcement Officer has notified the applicant that two houses on one lot is not permitted in the City of Winnipeg, and the variance to permit this type of land-use has expired.

Description of the Proposed Development

Michael Baron is proposing to subdivide **one** (1) single family residential lot into **two** (2) lots fronting Grassie Blvd with the rear yard cut out and consolidated with the adjacent multiple family property to the west. The proposed lots fronting Grassie Blvd will be **76 feet** and **59 feet**

in width, **185 feet** in depth, and remain zoned for single family dwellings. Lot 3 will include a 135 feet in width and 190 feet in depth section of the existing property. This section of the single family property will be rezoned to multiple family and consolidated with the adjacent property to the west. The zoning agreement currently on the existing multiple family property at 1375 Molson Street will be discharged and re-applied to the consolidated property of Lot 3 that incorporates 1375 Molson and the rear yard of 226 Grassie.

Analysis

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

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. A side yard of 5 feet is required.
- The **"RM-2" Multiple Family Residential District** permits a maximum building height of 35 feet and requires a rear and front yard of 25 feet.
- The creation of these lots will require a variance(**DAV 05-142164/D**) for the maintenance of substandard yards for existing decks, garages and the houses.
- Zoning Agreement **No. 1582882** for 1375 Molson Street requires the following:

That no other uses shall be established or permitted on the lands except:

a) a personal care home not exceeding 200 beds;
b) Accessory uses.

That no building on the lands shall exceed two (2) storeys in height.

No buildings, structures or works shall be erected or located on the land and no building permit issued for construction on the land unless and until plans including the location and design of the proposed buildings, the location and design of the accessory parking areas, loading areas, private approaches, driveways, fencing, garbage enclosures, exterior lighting, facia signs, free standing signs, balcony enclosure and a landscaping plan are submitted to and approved by the Director of Planning, Property and Development, or his designate, and the East Kildonan – Transcona Community Committee and thereafter identified by the signature of the Director of Planning, Property and Development, or his designate, under the designation of Schedule "A" and no buildings, structures or works shall be constructed or placed on the land except in accordance with Schedule "A" to this agreement and any amendments thereto.

SITE PLAN
The applicant has not submitted a plan illustrating a proposed development for the additional RM-2 lands.

Recommendation

The Planning and Land-Use Division supports rezoning the rear 190 feet of the property from "R1-5.5" to "RM-2". The new zoning will complement the existing zoning to the west. The Planning and Land-Use Division is recommending that Zoning Agreement **No. 1582882** be discharged and a new zoning agreement similar in purpose be re-applied to the newly expanded multiple family property.

The Division is also supporting the subdivision of the front 185 feet of the property into two, single family lots that correspond with the existing single family dwellings. The dwellings reflect the existing characteristics of lots fronting Grassie Blvd and the subdivision will legally establish the houses on separate lots.

Recommended Conditions of Approval

1. That the plan of subdivision proposed under File No. **DASZ 37/05** be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File No. **DASZ 37/05,** attached hereto and dated **August 17, 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 19, 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 37/05,** attached hereto and dated **August 17, 2005**, to **a "R1-5.5" Single Family Residential District and a "RM-2" Multiple Family 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 on the lands being rezoned "**RM-2**" **Multiple Family Residential District** and the existing "**RM-2**" **Multiple Family Residential District** involved in this application:

    A. That for the development of any building, accessory parking area or signage, plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, driveways, exterior lighting, garbage enclosures, loading areas, fencing, landscaping, facia signage, free standing signs, balcony enclosure to the Director of Planning, Property and Development and East Kildonan – Transcona Community Committee for plan approval prior to the

issuance of any building or development permit; and the applicant shall maintain the landscaping and fencing to the satisfaction of the Director of Planning, Property and Development.

B. That no building on the land shall exceed a height of two-storeys.

C. That a personal care home shall not exceed 200 beds.

4. That, Caveat **1582882** be discharged.

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 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 increase in value and the creation of additional sites.

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

9. 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.**

10. 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.

11. 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.

12. 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 # 4.423

Schedule "A"

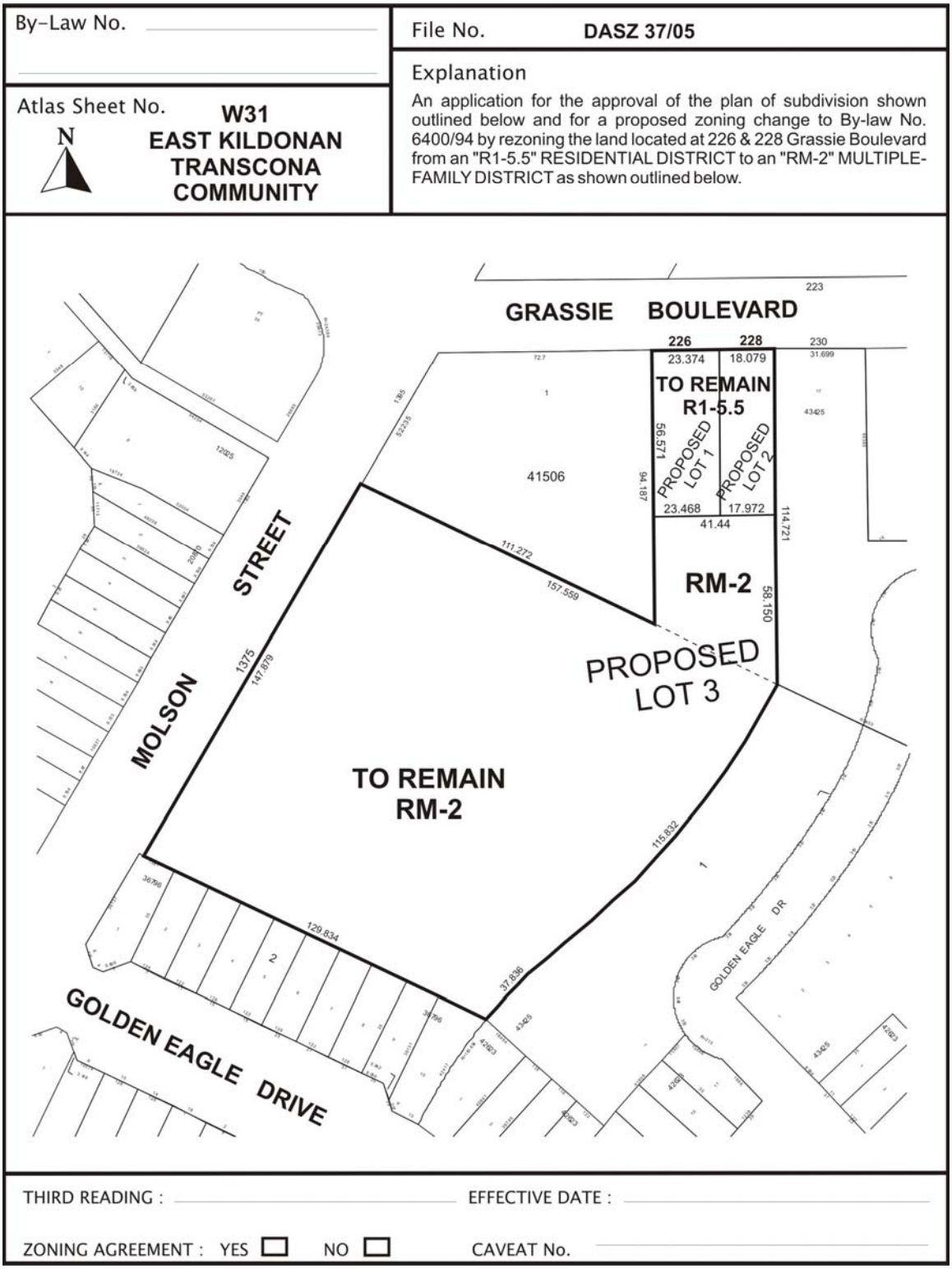


Figure 1: Schedule "A" to the report to the East Kildonan - Transcona Community Committee for File No. DASZ 37/2005, dated August 17, 2005.

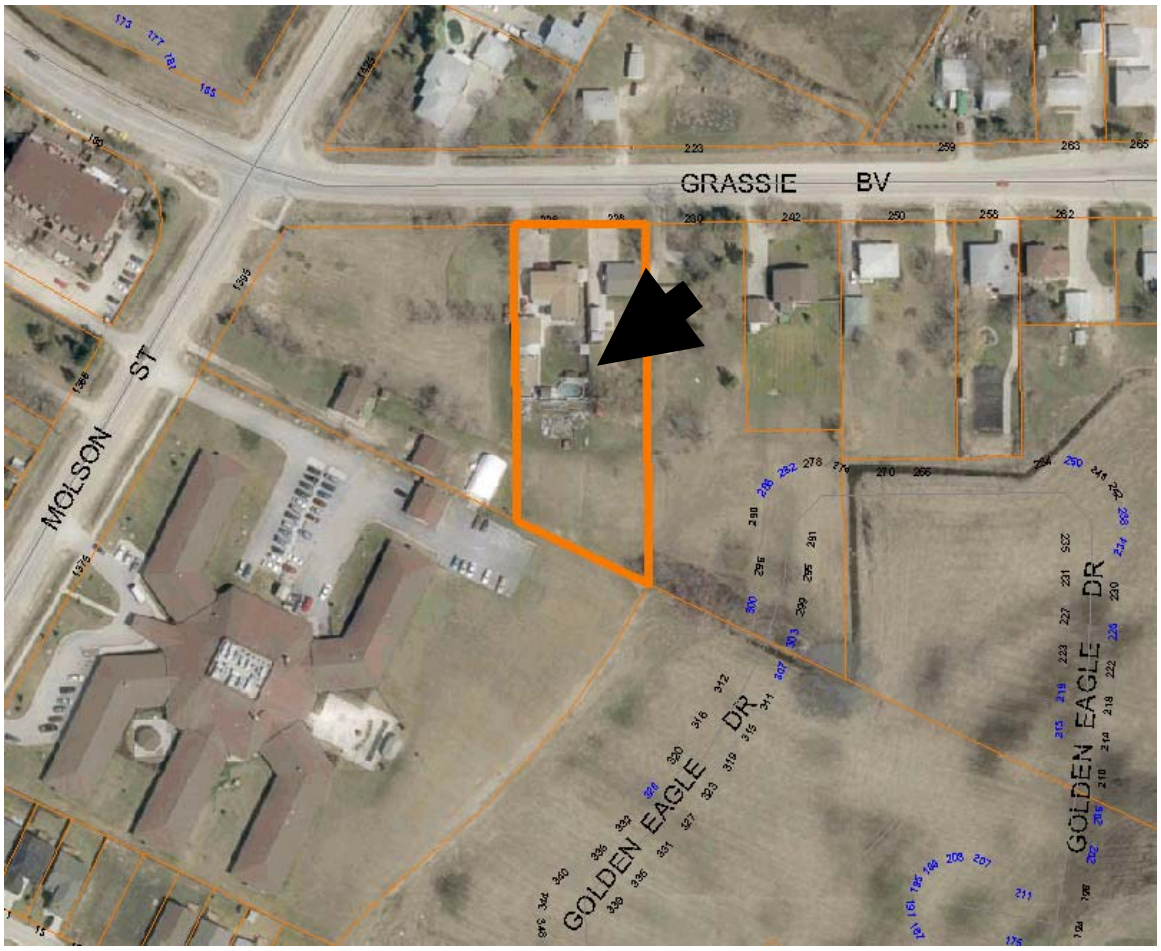


Figure 2: Existing Land-Uses for subject property and Surrounding Area.

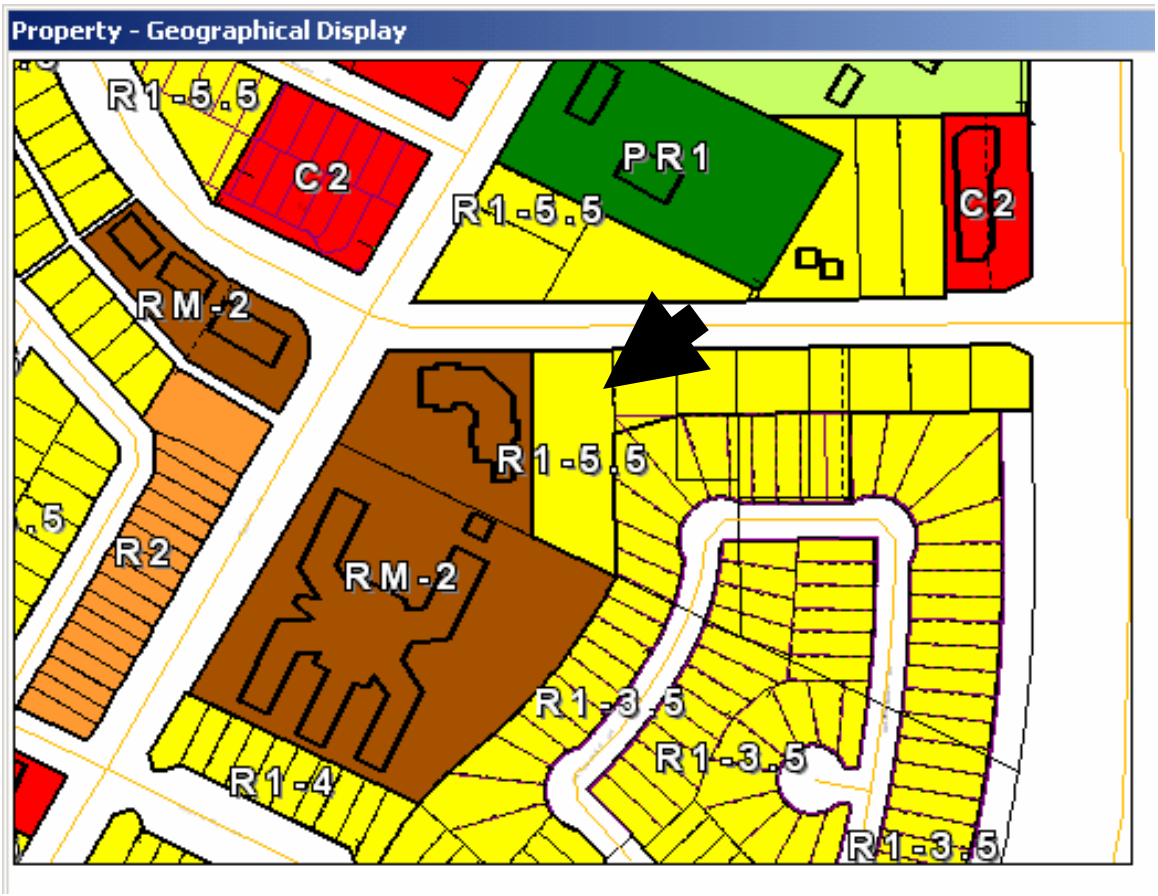


Figure 3: Existing Zoning for subject property and Surrounding Area.

Exhibit “8” referred to in File DASZ 37/2005 [c/r DAV 142164/2005D]

Re: Proposed subdivision and rezoning on land located at 226/228 Grassie Boulevard – DASZ 37/05

An application has been submitted by Michael Baron to subdivide and rezone land located at 226/228 Grassie Boulevard. Mr. Baron is purchasing the rear ±0.5 acres of 226 and 228 Grassie Boulevard for the future expansion of the Kildonan Personal Care Home.

It is recommended that approval of DASZ 37/05 be subject to the Developer entering into a Servicing Agreement as follows:

1. The Developer shall pay the land drainage trunk capacity charge (TSR) attributable to the land being rezoned to RM-2 as determined by the Director of Water and Waste.
2. The Developer shall pay $565.00 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 37/05
August 19, 2005

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

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