Minute No. 532
Report - Standing Policy Committee on Property and Development - May 2, 2006

Item No. 8 Subdivision and Rezoning - 327 Grassie Boulevard
File DASZ 3/2006

COUNCIL DECISION:

Council concurred in the recommendation of the Standing Policy Committee on Property and Development and adopted the following:

1. That the plan of subdivision proposed under File DASZ 3/2006 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 3/2006 dated February 13, 2006, 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 March 1, 2006, with the following amendment:

        i. That a new Condition be added as No. 12 as follows, namely:

            "12. The Developer shall, at no expense to the City, continue the sidewalk on the south side of Jacques Avenue in accordance with the specifications approved by the Director of Public Works."

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 3/2006 dated February 13, 2006, 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.

Report - Standing Policy Committee on Property and Development - May 2, 2006

COUNCIL DECISION (continued):

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 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 - May 2, 2006

DECISION MAKING HISTORY:

Moved by Councillor De Smedt,

That the recommendation of the Standing Policy Committee on Property and Development be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On May 17, 2006, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the East Kildonan-Transcona Community Committee and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On May 2, 2006, the Standing Policy Committee on Property and Development concurred in the recommendation of the East Kildonan-Transcona Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On April 11, 2006, the East Kildonan-Transcona Community Committee concurred in the administrative recommendation with the following amendments, namely:

Report of the Administrative Coordinating Group

- That a new Condition be added as No. 12 as follows, namely:

    "12. The Developer shall, at no expense to the City, continue the sidewalk on the south side of Jacques Avenue in accordance with the specifications approved by the Director of Public Works" ,

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

On March 21, 2006, the East Kildonan-Transcona Community Committee adjourned the public hearing to its meeting on April 11, 2006.

RE: **Subdivision and Rezoning - 327 Grassie Boulevard**
File DASZ 3/2006

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

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

Report date: **April 24, 2006**

COMMUNITY COMMITTEE RECOMMENDATION:

On April 11, 2006, 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 3/2006 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 3/2006 dated February 13, 2006, 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 March 1, 2006, ***with the following amendment:***

        i. That a new Condition be added as No. 12 as follows, namely:

            "12. The Developer shall, at no expense to the City, continue the sidewalk on the south side of Jacques Avenue in accordance with the specifications approved by the Director of Public Works."

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 3/2006 dated February 13, 2006, 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 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.

Note: The wording in bold and italics denotes amendments made by the Community Committee.

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

1. The subject application is a continuation of in-fill residential development and is contiguous with what currently exists, and was undertaken in cooperation with an existing property owner.

PUBLIC HEARING SUMMARY

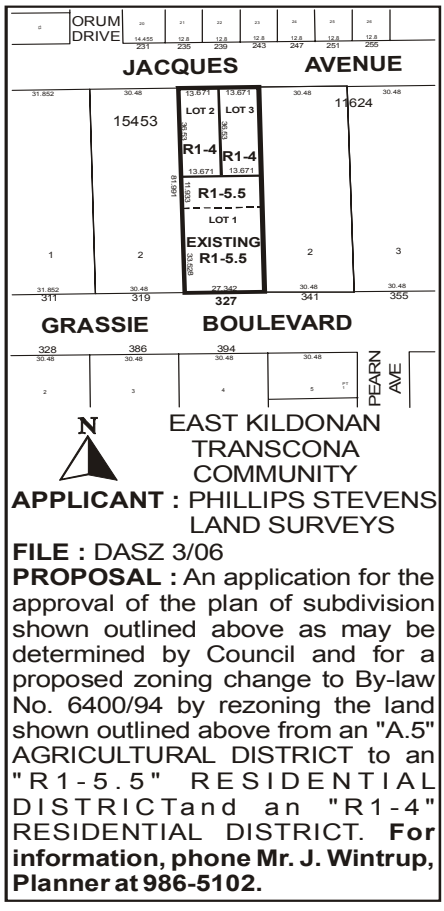
File: DASZ 3/2006

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

Public Hearing: April 11, 2006
March 21, 2006
Community Committee Chamber, 755 Henderson Highway

Applicant: Phillips & Stevens Land Surveys (Wilson Phillips)

Subject:



Premises Affected: 327 Grassie Boulevard

Exhibits Filed:

1. Application dated February 6, 2006
2. Notification of Public Hearing dated February 13, 2006
3. Manitoba Status of Title 1572091
4. Surveyor's Building Location Certificate and sketch dated December 22, 2005
5. Letter of authorization dated December 19, 2005, from Henry and Elsie Dueck to Phillips & Stevens Land Surveys
6. Sketch Showing Proposed Subdivision
7. Caveat No. 86-90461 dated September 2, 1986
8. Report from the Planning and Land Use Division dated February 13, 2006
9. Report from the Administrative Coordinating Group dated March 6, 2006
10. Inspection Report

REPRESENTATIONS:

In Support:
Brandon Dueck
Sara Dueck
Wilson Phillips, Phillips & Stevens Land Surveys

In Opposition
Nil

For Information:
Dick and Elizabeth Penner

For the City:
Mr. Wintrup, Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

March 21, 2006

Wilson Phillips, Phillips & Stevens Land Surveys, requested that the subject application be adjourned to the East Kildonan-Transcona Community Committee meeting on April 11, 2006.

April 11, 2006

Wilson Phillips, Phillips & Stevens Land Surveys, appeared in support of the application, and on behalf of Elsie Dueck who is one of the registered owners. He indicated he had requested at the previous public hearing held on March 21, 2006 that the subject application be adjourned to the present date to provide the opportunity for the parties affected to be aware of the administrative recommendations.

Councillor Wyatt questioned if the applicant would have any concerns if there was a requirement imposed to continue the sidewalk on the south side of Jacques Avenue, to which Wilson Phillips responded in the negative.

Exhibit "8" referred to in File DASZ 3/2006

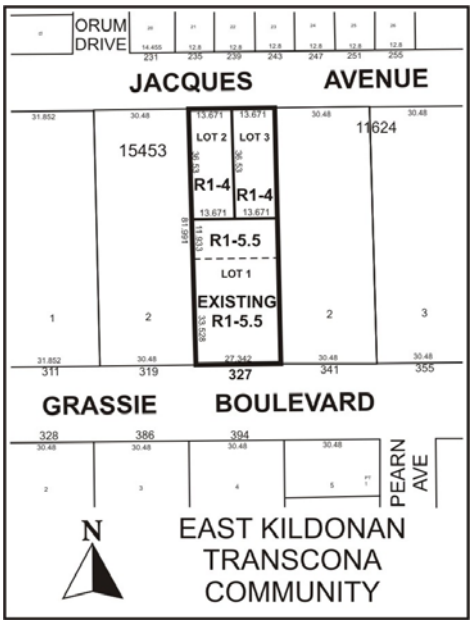
Winnipeg

Planning, Property and Development Department Report

To the East Kildonan - Transcona Community Committee

Date: **February 13, 2006**
File: **DASZ 3/06**
Subject: **Rezone and subdivide property into three residential lots.**

Location: **327 Grassie Blvd**



Applicant: **Phillips – Stevens Land Surveys**
Owner: **Henry and Elsie Dueck**

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 **44.9 feet** in width, **119.7 feet** in depth and **5,392 square feet** in area.
- The existing residential lot fronting Grassie Boulevard will be **89.8 feet** in width, **148.9 feet** in depth and **13,401 square feet** in area.
- The applicant is proposing to maintain the existing single family dwelling on the proposed new lot fronting Grassie.
- A new, **1,552 square foot** dwelling with be constructed this year on the eastern most lot fronting Jacques Avenue.

Site Description

The subject property is **89.9 feet by 268 feet (24,118 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, DASZ 37/2003, DASZ 33/2005,** and **DASZ 39/05.**

Description of the Proposed Development

Phillips – Stevens Land Surveys 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. The applicant would like to develop two residential lots fronting Jacques Ave and one lot fronting Grassie Blvd. The proposed lots fronting Jacques Avenue will be **44.9 feet** in width, **119.7 feet** in depth and **5,392 square feet** in area. The existing residential lot fronting Grassie Boulevard will be **89.8 feet** in width, **148.9 feet** in depth and **13,401 square feet** in area. 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. A side yard of 4 feet is required.
- 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. New approaches will be constructed to connect to Jacques Avenue.

SITE PLAN
The applicant has submitted a plan illustrating the proposed building foot print for one new dwelling on the eastern most lot fronting Jacques Avenue. The dwelling will be **1,552 square foot** with 4 foot side yards and a 30.5 foot rear yard.

Recommendation

The Planning and Land-Use Division supports rezoning the rear 119 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 **39 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 3/06** be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with

Schedule "A" for File No. **DASZ 3/06,** attached hereto and dated **February 13, 2006**, 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 **March 1, 2006**;

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 3/06** attached hereto and dated **February 13, 2006**, 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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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"

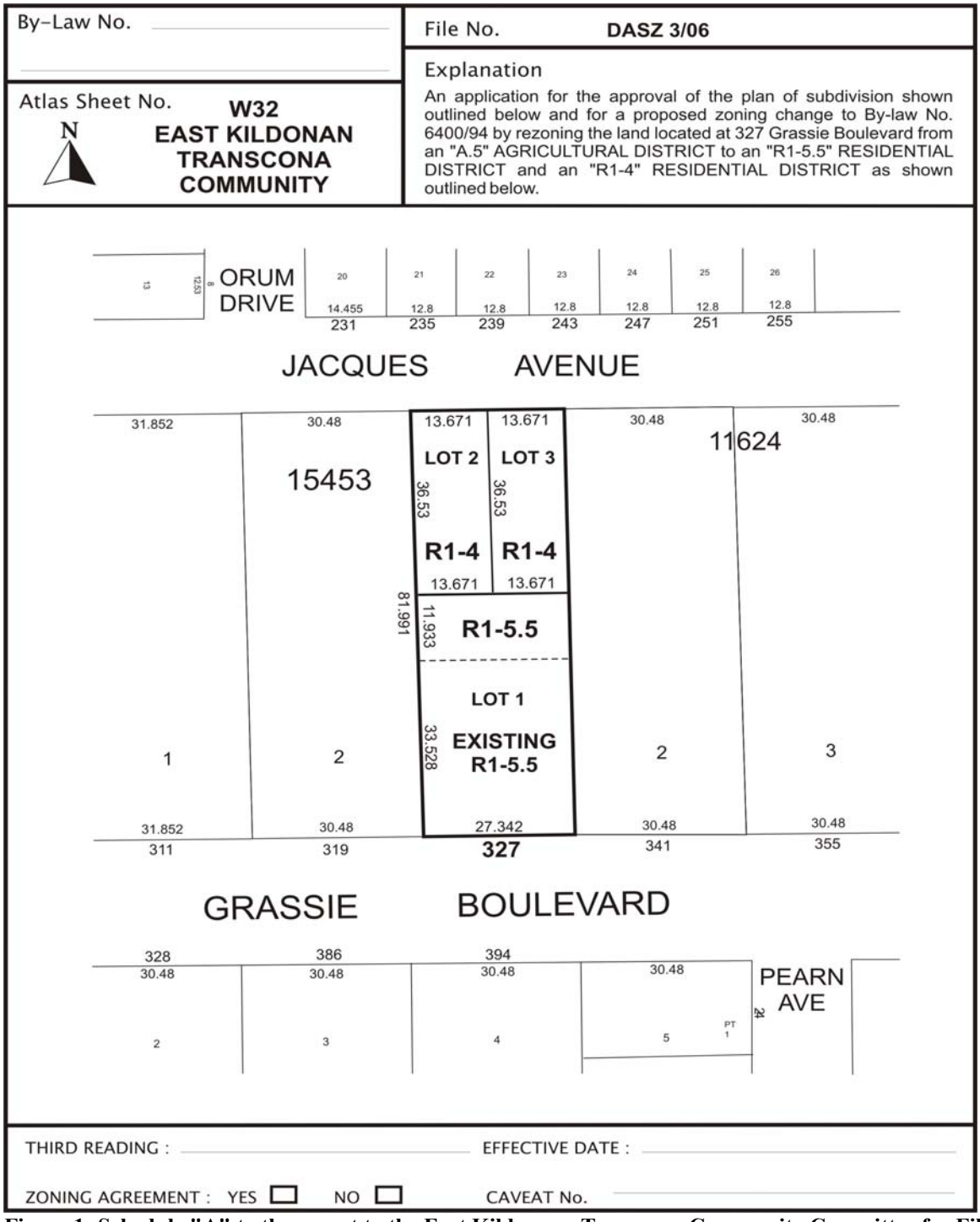

Figure 1: Schedule "A" to the report to the East Kildonan - Transcona Community Committee for File No. DASZ 3/2006, dated February 13, 2006.

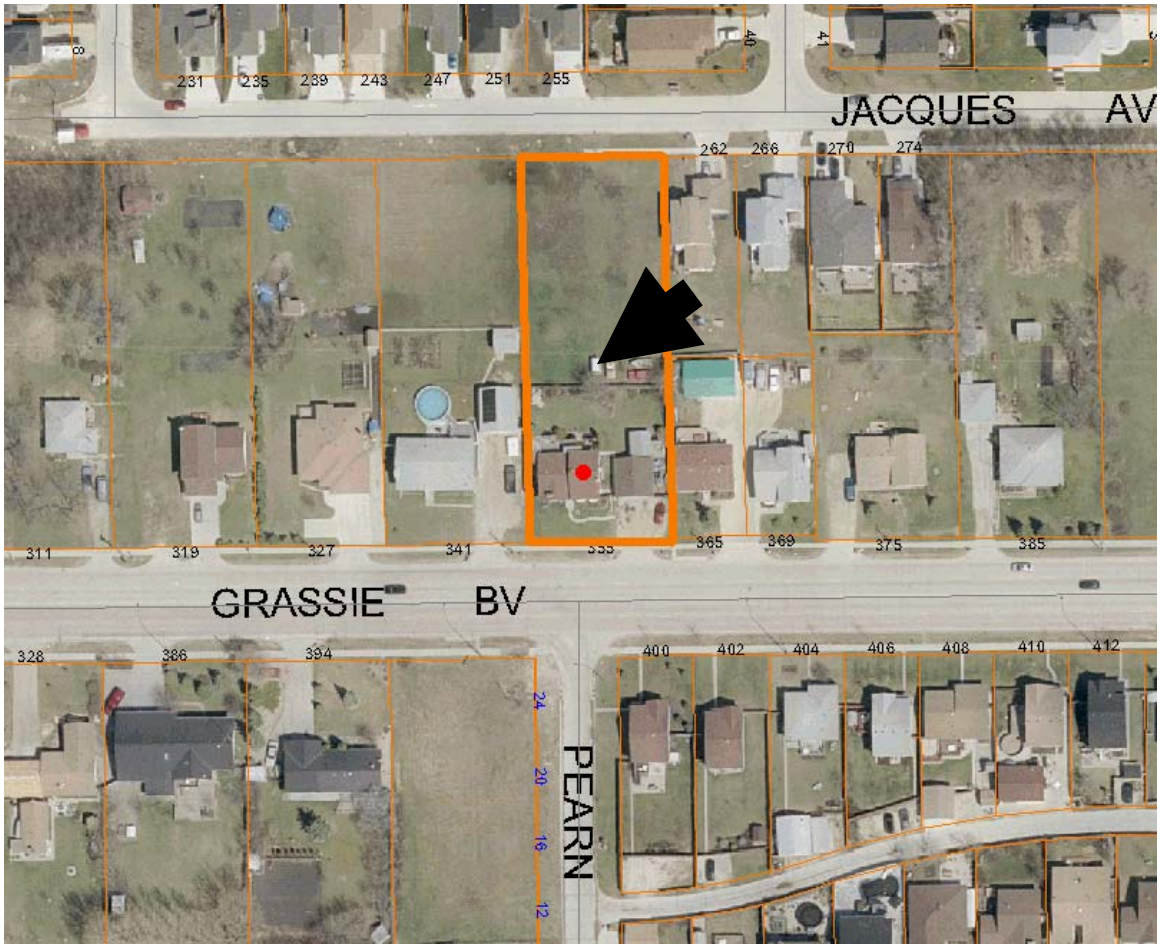

Figure 2: Existing Land-Uses for subject property and Surrounding Area.

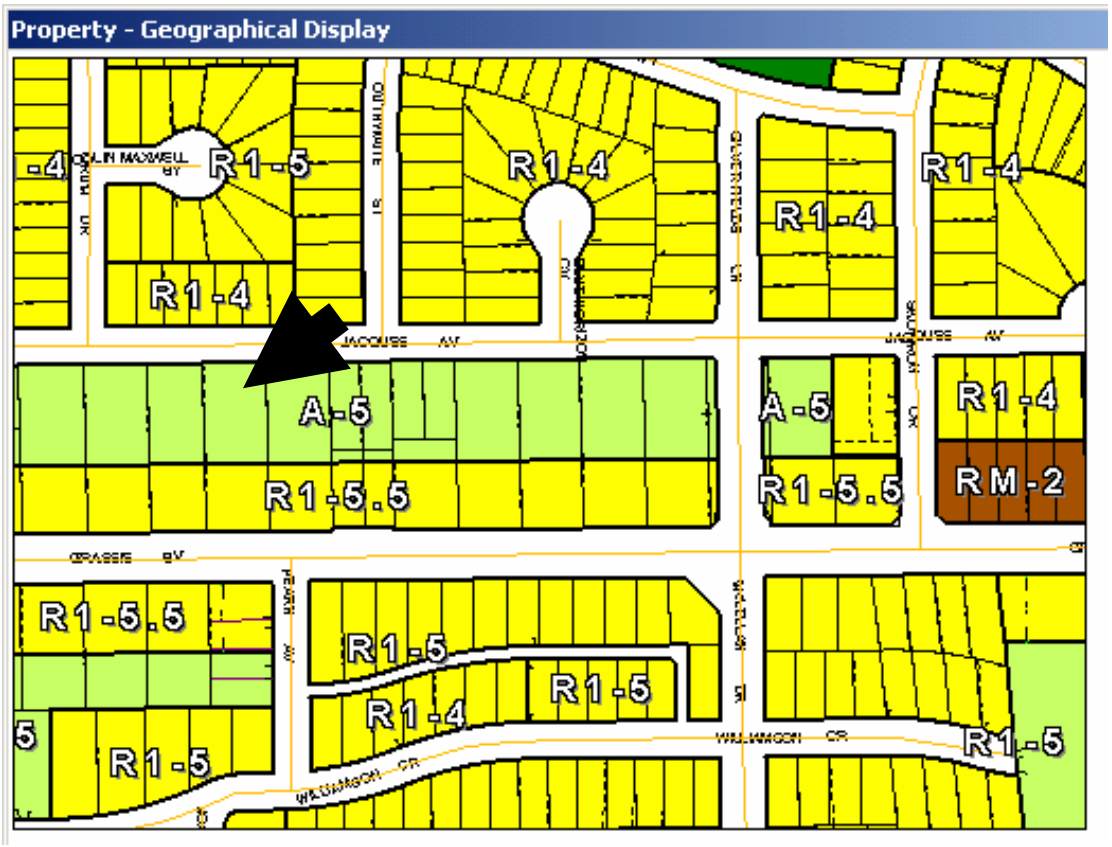

Figure 3: Existing Zoning for subject property and Surrounding Area.

Exhibit "9" referred to in File DASZ 3/2006

Re: Proposed subdivision and rezoning on land located at 327 Grassie Boulevard – DASZ 3/06

An application has been submitted to subdivide and rezone land located at 327 Grassie Boulevard.

It is recommended that approval of DASZ 3/06 be subject to the Developer entering into a Servicing Agreement containing the following:

1. The Developer shall pay its share of the cost 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.

3 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 2 and 3 of the proposed subdivision as determined by the Director of Water and Waste. The 2006 rate is $9,048.00/acre.

5 a. The Developer shall submit a lot grading plan prepared by a municipal engineer and shall grant easements indicated by the lot grading plan.

5 b. The Developer shall pay its share of the cost of a catch basin and lead to be installed by others on the adjacent property to the east. Building permits will not be issued until the catch basin and lead have been installed.

6. The Developer shall, at no expense to the City, plant trees on the boulevard abutting Lots 2 and 3 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.

EAST KILDONAN-TRANSCONA COMMUNITY COMMITTEE
March 6, 2006
AG 3/06

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 3/06
March 6, 2006

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

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

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