Agenda – Executive Policy Committee – July 19, 2006

Report - Standing Policy Committee on Property and Development – July 4, 2006

Item No. 11 Subdivision and Rezoning – 739 Bonner Avenue
File DASZ 12/2006

STANDING COMMITTEE RECOMMENDATION:

On July 4, 2006, the Standing Policy Committee on Property and Development concurred in the recommendation of the East Kildonan-Transcona Community Committee and submits the following to Council:

1. That the plan of subdivision proposed under File DASZ 12/2006 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 12/2006 dated May 30, 2006, for registration in the Winnipeg Land Titles Office.

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 12/2006 dated May 30, 2006, to a "R1-5" 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 no building permit be issued for Lot 2 until such time as a plan of subdivision is filed and approved for Lot 2 indicating the continuation of the public right-of-way (Cindy Klassen Way).

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.

Report - Standing Policy Committee on Property and Development – July 4, 2006

7. That the subdivision 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.

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 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.

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.

Agenda – Executive Policy Committee – July 19, 2006

Report - Standing Policy Committee on Property and Development – July 4, 2006

DECISION MAKING HISTORY:

STANDING COMMITTEE RECOMMENDATION:

On July 4, 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 June 13, 2006, 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 – 739 Bonner Avenue**
File DASZ 12/2006

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

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

Report date: **June 20, 2006**

COMMUNITY COMMITTEE RECOMMENDATION:

On June 13, 2006, 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 12/2006 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 12/2006 dated May 30, 2006, for registration in the Winnipeg Land Titles Office.

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 12/2006 dated May 30, 2006, to a "R1-5" 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 no building permit be issued for Lot 2 until such time as a plan of subdivision is filed and approved for Lot 2 indicating the continuation of the public right-of-way (Cindy Klassen Way).

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 when the Plan of Subdivision has been registered in the Winnipeg Land Titles Office.

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, 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.

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 reasons for its recommendation:

1. The East Kildonan-Transcona Community Committee agreed with the administrative comments contained in the report from the Planning and Land Use Division dated May 30, 2006.

2. The proposed roadway has not yet been constructed and there is flexibility to move the exact location east or west.

3. The size of the lots on either side of Cindy Klassen Way have not yet been determined.

PUBLIC HEARING SUMMARY

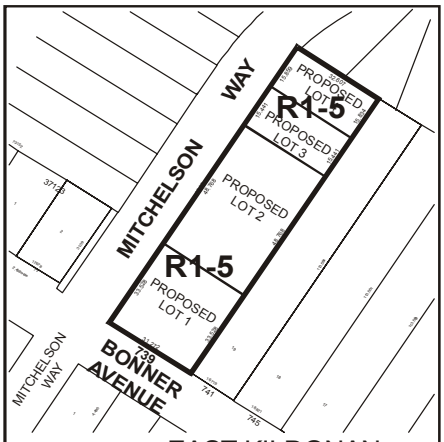
File: DASZ 12/2006

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

Public Hearing: June 13, 2006
Community Committee Chambers, 755 Henderson Highway

Applicant: Heinz and Anita Hindemith

Subject:



APPLICANT : H. & A. HINDEMITH
FILE : DASZ 12/06
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 "R1-5" RESIDENTIAL DISTRICT. **For information, phone Mr. J. Wintrup, Planner at 986-5102.**

Premises Affected: 739 Bonner Avenue

Exhibits Filed:
1. Application dated April 19, 2006
2. Notification of Public Hearing dated May 24, 2006

3. Certificate of Title B 48866
4. Sketch showing Proposed Plan of Subdivision dated May 5, 2006
5. Report from the Planning and Land Use Division dated May 30, 2006
6. Inspection Report
7. Communication from Rod and Sandra Klinck, Donn Poitras, Al Wozny and Heather and Andre Trudeau in opposition to the application submitted at the public hearing by Rod Klinck

REPRESENTATIONS:

In Support:

Randall D. Hay
Doug Henne
Heinz and Anita Hindemith
Henry and Irena Kosciuczyk

In Opposition:

Rod and Sandra Klinck
Donn Poitras
Heather and Andre Trudeau
Al Wozny

For the City:

Mr. J. Wintrup, Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

Heinz Hindemith appeared in support of the application.

Doug Henne appeared in support of the application and advised that the application is to develop one lot north of Bonner Avenue, two lots on the northerly extremity of the subject property, with a third lot in the middle, Lot 2, to be held in reserve.

Rod Klinck appeared in opposition to the application, and read into the record a presentation on behalf of himself and Sandra Klinck, Donn Poitras, Al Wozny, and Heather and Andre Trudeau, filed as Exhibit 7.

In response to Rod Klinck's comments with respect to a future roadway and limiting the lot sizes of the two northerly lots to a total width of 90 feet, Councillor Lubosch requested the Administration to provide clarification.

John Wintrup, Planner, responded by advising that consideration has been given to protecting the neighbours as much as possible and that there is allowance within Lot 2, the residual lot, for the location of the roadway and to allow flexibility for some deeper lots.

In rebuttal, Doug Henne, on behalf of the applicant, expressed concern related to the comments expressed by Rod Klinck regarding the proposed lot sizes and allowing the opportunity to add more depth to the properties on Bonner Avenue.

Heinz Hindemith stated that he cannot accept lot sizes limited to 45 feet in width.

Exhibit "5" referred to in File DASZ 12/2006

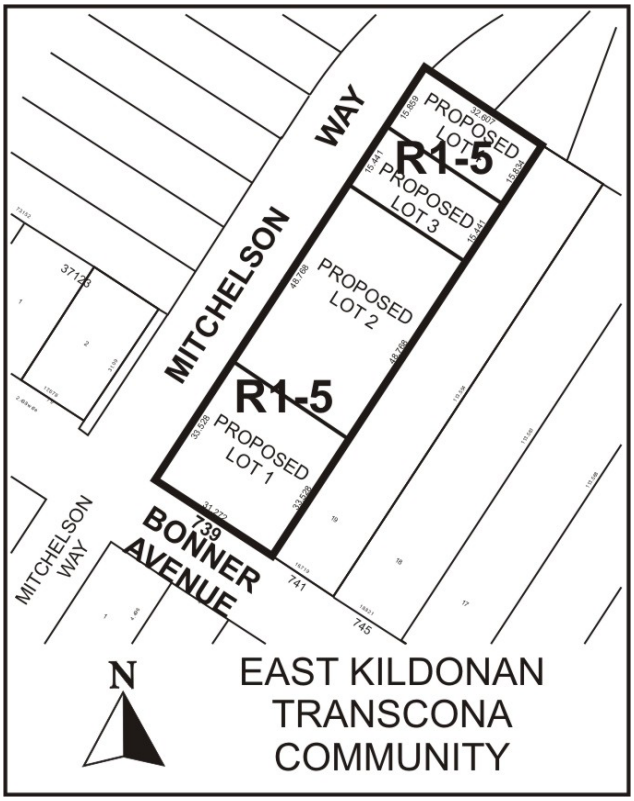
Winnipeg

Planning, Property and Development Department Report

To the East Kildonan - Transcona Community Committee

Date: **May 30, 2006**
File: **DASZ 12/06**
Subject: **Rezone and subdivide property into three residential lots with a fourth lot remaining undeveloped.**

Location: **739 Bonner Avenue**



Applicant: **Heniz & Anita Hindemith**
Owner: **Heniz & Anita Hindemith**

Recommendation: **Approve**

Report Summary:

- The applicant is proposing to develop **three** (3) single family residential lots, **two** (2) fronting Mitchelson Way and **one** (1) fronting Bonner Avenue.
- A fourth lot (Lot 2) fronting Mitchelson Way will remain vacant for future subdivision.
- This application will not determine the exact location of the future road running east from Mitchelson Way.
- A Zoning Agreement will prevent the development of Lot 2 until the future road location is determined.

Site Description

The subject property is **102.6 feet by 372.56 feet (38,224.556 square feet)** located on the northeast corner of Bonner Avenue and Mitchelson Way in the Springfield North neighbourhood of the North Kildonan Ward. The site is zoned "A-5" Rural and "R1-5.5" Residential Districts for a depth of 110 feet along Bonner Avenue. Adjacent properties include residential dwellings to the east designated "A-5" Rural and "R1-5.5" Residential Districts. Surrounding lands include the Arrowwood Subdivision zoned "R1-3.5" to the north.

Background

DASZ 20/04 Arrowwood

This application was made in June of 2004. The Division recommended in October, 2004 at a Public Hearing that DASZ 20/04 be laid over to allow the developer time to work with the City of Winnipeg to generate a revised plan due to issues surrounding lake size, street pattern, street location, etc. The developer was also asked to submit a concept plan for the properties on the north side of Bonner, east of Mitchelson Way (Figure 4). DASZ 20/04 went to a Public Hearing in February of 2005 and was approved by Council on May 18, 2005 (Figure 5).

Description of the Proposed Development

- The owners of the property have applied to rezone and subdivide the rear yard of their property that abuts Mitchelson Way to develop two residential lots fronting Mitchelson Way and one lot fronting Bonner Ave.
- The applicant will be acquiring a strip of City owned land **4.94 feet** along the length of Mitchelson Way, resulting in a wider residential lot.
- The City of Winnipeg will be acquiring an **8 foot** strip along the Bonner Avenue frontage.
- The existing residential lot (Lot 1) fronting Bonner Avenue will be **107.54 feet** in width, **102.0 feet** in depth.
- The proposed residential lots (Lot 3 & 4) fronting Mitchelson Way will be **50.56 feet** and **52.0 feet** in width, **107.54 feet** in depth.
- The residual parcel (Lot 2) will be **160.0 feet** in width and will remain vacant for future subdivision that will include a road extending east through the property.
- The existing sheds in the rear yard will be removed to accommodate the new property line between Lot 1 and Lot 2.

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.

ZONING
The **"R1-5.5" Residential District** extends 110 feet deep from Bonner Avenue with the remainder of the lot zoned "A-5".

- The **"R1-5" Single Family Residential District** requires a minimum lot size of 5,000 square feet and minimum lot width of 50 feet. A side yard of 4 feet, a front yard of 20 feet and rear yard of 25 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
A concept plan (Figure 4) prepared in association with DASZ 20/2004 indicates a road can be extended east from Mitchelson Way and connected north to Headmaster Way through the Arrowwood Subdivision.

PUBLIC INPUT
The Division met with residents during DASZ 20/2004 regarding the future subdivision of properties on the north side of Bonner between Mitchelson Way and De Vries. The Division provided the following: an analysis of their land holdings using air photos and zoning memorandums revealed that the location of existing residential dwellings would not preclude the future development of their rear properties as proposed by the developer's concept plan for their lands.

The lot lengths are approximately 370 feet. This would allow two, 100 foot deep lots fronting a new 60 foot wide street leaving 110 foot deep lots fronting Bonner. The majority of the houses would be left with at least a 25 foot rear yard and 20 foot rear yard that is required under the Zoning By-law. Any reduction in front or rear yards for the existing Bonner Avenue homes due to a new subdivision of their rear properties would require a variance that will most likely be supported by the Planning and Land-use Division. A variance would be required regardless of a future subdivision if a resident has constructed their dwelling that extends into the required rear yard since the zoning by-law requires a 25 foot rear yard as measured to the zoning lot line, 110 feet from the front property line not the rear property line.

SITE PLAN
The applicant has indicated that Lot 2 will remain vacant and undeveloped at this time. This will allow flexibility in determining the exact location of the roadway that could be extended east for further subdivisions. The approved plan for Arrowwood indicates that there will be lots fronting Mitchelson Way directly across the street.

Recommendation

The Planning and Land-Use Division supports rezoning the rear of the property from "A-5" to "R1-5", and the front 110.0 feet from "R1-5.5" to "R1-5". The new zoning will complement the approved subdivision plan for lots fronting Mitchelson Way.

The Planning and Land-Use Division believes that future subdivisions and rezonings along the north side of Bonner Avenue are still possible since Lot 2 will be left vacant at this time to allow flexibility in determining the exact road location. The Division is recommending this lot be restricted from development until the exact location of the road is determined.

Recommended Conditions of Approval

1. That the plan of subdivision proposed under File No. **DASZ 12/06** be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File No. **DASZ 12/06,** attached hereto and dated **May 30, 2006**, for registration in the Winnipeg Land Titles Office.

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 12/06** attached hereto and dated **May 30, 2006**, to a **"R1-5" 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:

    1. That no building permit be issued for Lot 2 until such time as a plan of subdivision is filed and approved for Lot 2 indicating the continuation of the public right-of-way (Cindy Klassen Way).

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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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 # DASZ 12/06

Schedule "A"

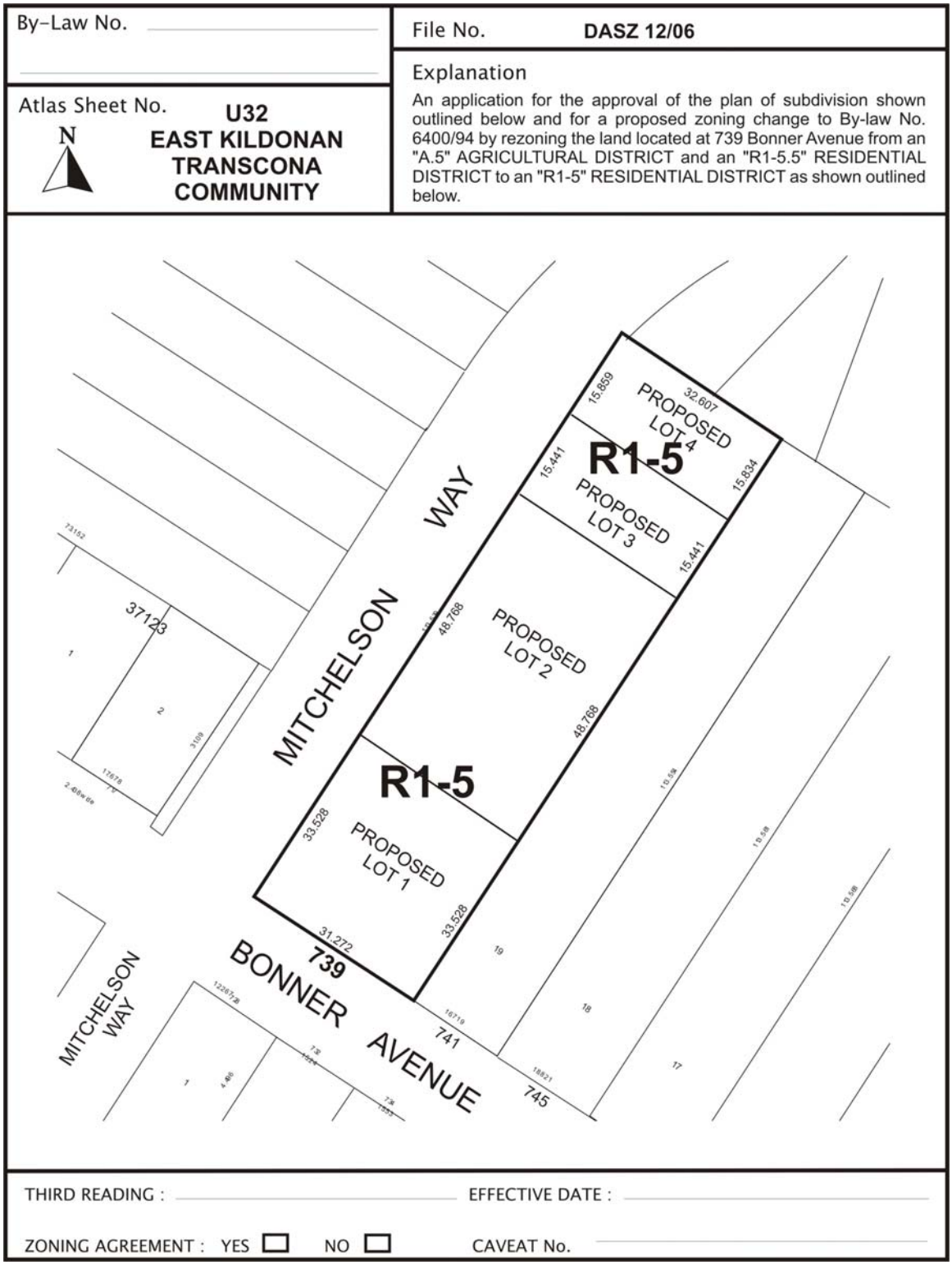


Figure 1: Schedule "A" to the report to the East Kildonan - Transcona Community Committee for File No. DASZ 12/2006, dated May 30, 2006.



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

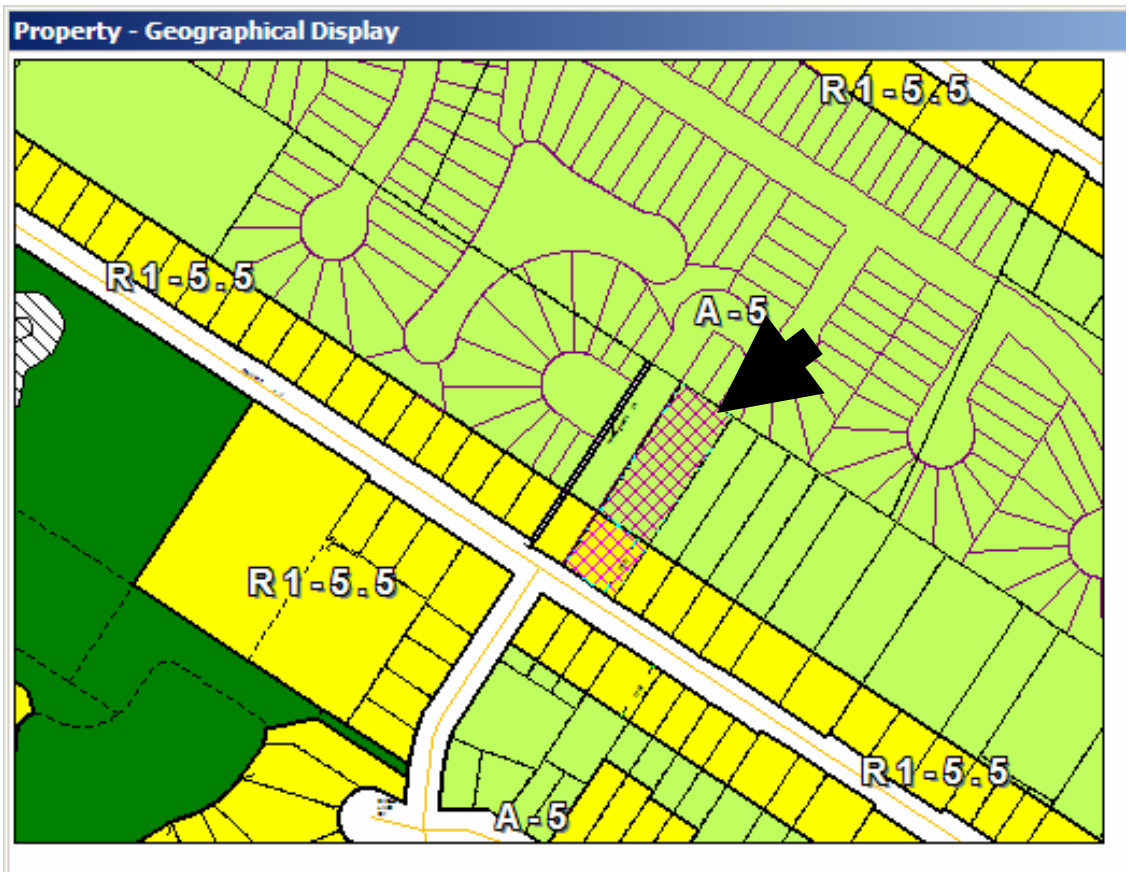


Figure 3: Existing Zoning for subject property.

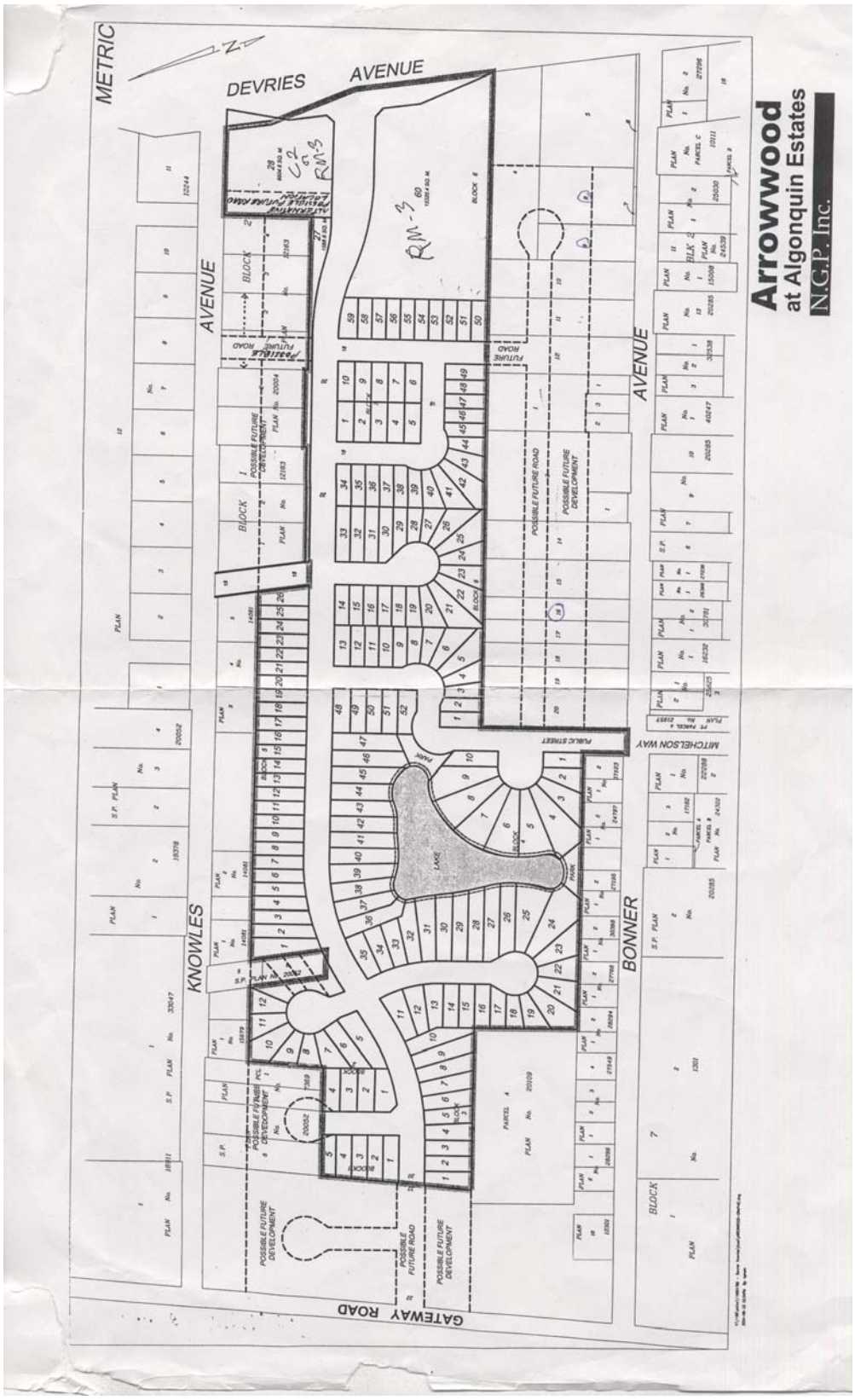


Figure 4: Concept Plan for adjacent lands to Arrowwood Subdivision.

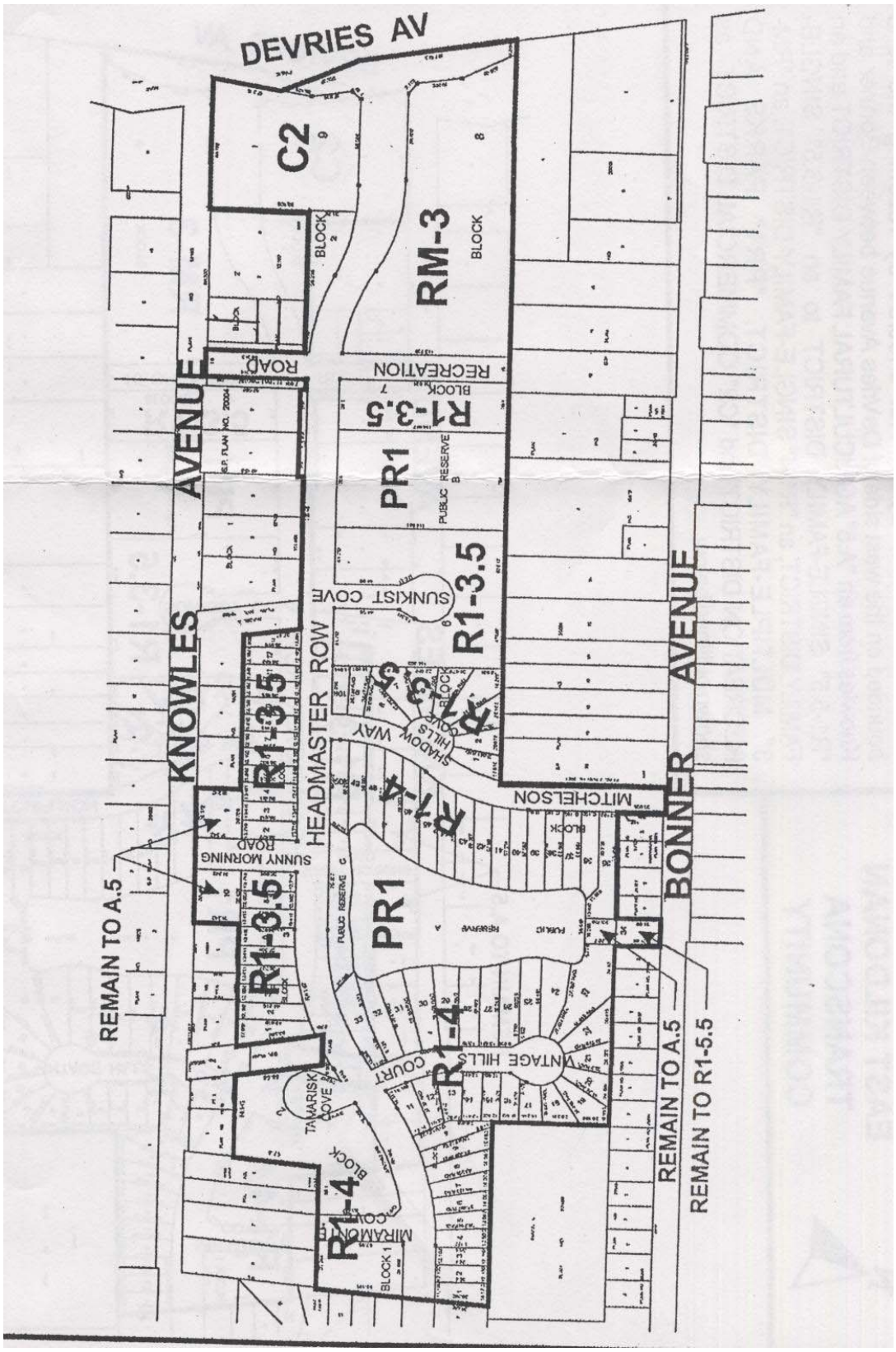


Figure 5: Approved Plan of Subdivision and Rezoning for Arrowwood (DASZ 20/2004).