Agenda – Council – September 27, 2006

Report - Standing Policy Committee on Property and Development - September 19, 2006

Item No. 10 Subdivision and Rezoning - 319 Grassie Boulevard
File DASZ 27/2006

STANDING COMMITTEE RECOMMENDATION:

On September 21, 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 submits the following to Council:

1. That the plan of subdivision proposed under File DASZ 27/2006 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 27/2006 dated June 27, 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 August 21, 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 DASZ 27/2006 dated June 27, 2006, to a **"**R1-4" Single Family Residential District and "R1-5.5" Single Family 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 - September 19, 2006

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 - September 19, 2006

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On September 21, 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 September 19, 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 September 12, 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 - 319 Grassie Boulevard**
File DASZ 27/2006

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

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

Report date: **September 14, 2006**

COMMUNITY COMMITTEE RECOMMENDATION:

On September 12, 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 27/2006 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 27/2006 dated June 27, 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 August 21, 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 DASZ 27/2006 dated June 27, 2006, to a **"**R1-4" Single Family Residential District and "R1-5.5" Single Family 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.

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.

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

1. The subject application is timely and is consistent with the neighbouring residential area.

PUBLIC HEARING SUMMARY

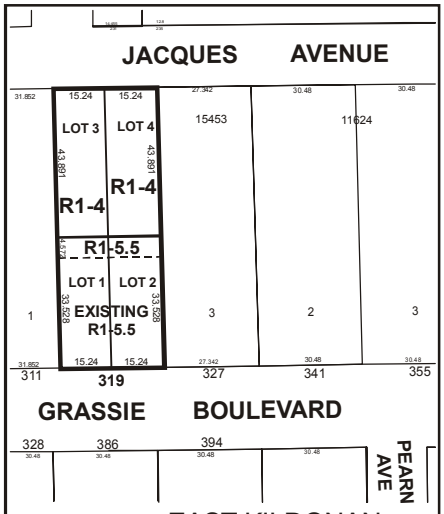
File: DASZ 27/2006

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

Public Hearing: September 12, 2006
Community Committee Chambers, 755 Henderson Highway

Applicant: Amerjit Singh Dhillon

Subject:



EAST KILDONAN TRANSCONA COMMUNITY

APPLICANT : MR. A. SINGH DHILLON

FILE : DASZ 27/06

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 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: 319 Grassie Boulevard

Exhibits Filed:

1. Application dated June 12, 2006
2. Notification of Public Hearing dated June 15, 2006
3. Manitoba Status of Title 1725333
4. Letter of authorization dated March 23, 2006, from Balbir Singh Dhillon to Amerjit Singh Dhillon
5. Surveyor's Building Location Certificate and sketch dated February 2, 1987
6. Report from the Planning and Land Use Division dated June 27, 2006
7. Report from the Administrative Coordinating Group dated August 21, 2006
8. Inspection Report

REPRESENTATIONS:

In Support:

Amerjit Singh Dhillon
Jake and Elizabeth Peters

In Opposition

Nil

For the City:

Mr. E. Carriere, Land Development Engineer, Planning, Property and Development Department
Mr. J. Wintrup, Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

Amerjit Singh Dhillon appeared in support of the application.

Councillor Wyatt questioned the civic administration with respect to the requirement of sidewalks, to which Ernie Carriere, the Land Development Engineer, provided an explanation.

In this connection, Councillor Wyatt questioned if the applicant was aware of the requirement, to which Amerjit Singh Dhillon responded in the affirmative.

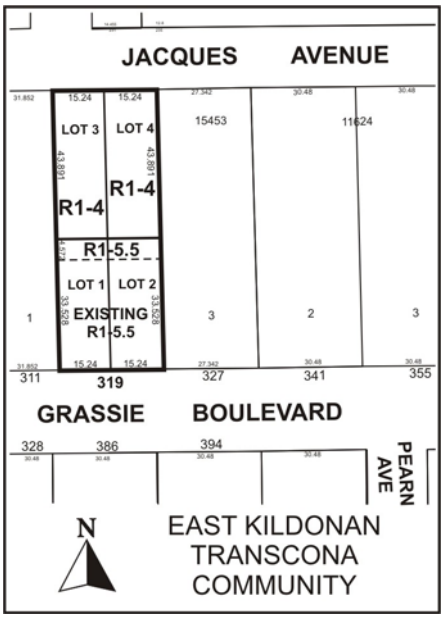
Exhibit "6" referred to in File DASZ 27/2006

Planning, Property and Development Department Report

To the East Kildonan - Transcona Community Committee

Date: **June 27, 2006**
File: **DASZ 27/06**
Subject: **Rezone and subdivide property into four residential lots.**

Location: **319 Grassie Blvd**



Applicant: **Amerjit Singh Dhillon**
Owner: **Balbir Singh Dhillon**

Recommendation: **Approve with Conditions**

Report Summary:

- The applicant is proposing to develop **four** (4) single family residential lots, **two** (2) fronting Jacques Avenue and **two** (2) fronting Grassie Blvd.
- The proposed lots fronting Jacques Avenue will be **50 feet** in width, **144 feet** in depth and **7,200 square feet** in area.

- The residential lots fronting Grassie Boulevard will be **50 feet** in width, **125 feet** in depth and **6,250 square feet** in area.
- The applicant is proposing to maintain the existing single family dwelling on one of the proposed new lots fronting Grassie.

Site Description

The subject property is **100 feet by 268 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 1986.

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, DASZ 39/05** and **DASZ 3/06.**

Description of the Proposed Development

The applicant 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 two lots fronting Grassie Blvd. The proposed lots fronting Jacques Avenue will be **50 feet** in width, **144 feet** in depth and **7,200 square feet** in area. The residential lots fronting Grassie Boulevard will be **50 feet** in width, **125 feet** in depth and **6,250 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 15 feet of the rear yard to "R1-5.5", and the remaining 144 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 the Cordite Ditch. The proposed subdivision is consistent with the previous approved developments in the area and the land-use concepts envisioned for this neighbourhood.

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.

Recommendation

The Planning and Land-Use Division supports rezoning the rear 144 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 continue to 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 **15 feet** of the rear yard from "A-5" to "R1-5.5" that will be included in Lots 1 and 2. The applicant has the right to create two, 50 foot wide lots under the existing zoning and the proposed change will only increase the depth of the rear yards. 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 27/06** be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File No. **DASZ 27/06,** attached hereto and dated **June 27, 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 **August 21, 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 27/2006** attached hereto and dated **June 27, 2006**, to a **"R1-4" Single Family Residential District and "R1-5.5" Single Family 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. 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 27/2006

Schedule "A"

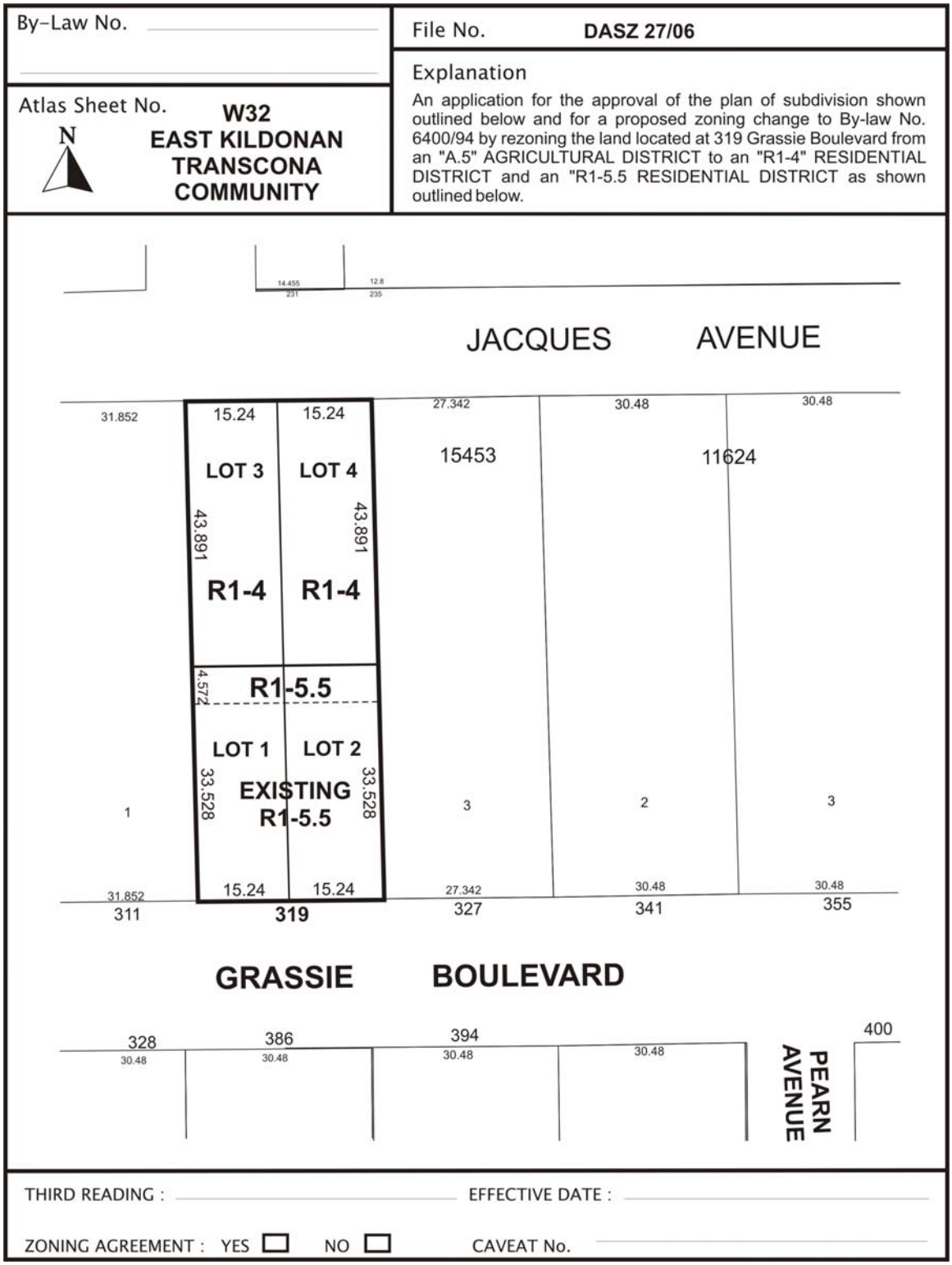


Figure 1: Schedule "A" to the report to the East Kildonan - Transcona Community Committee for File No. DASZ 27/06, dated June 27, 2006.



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

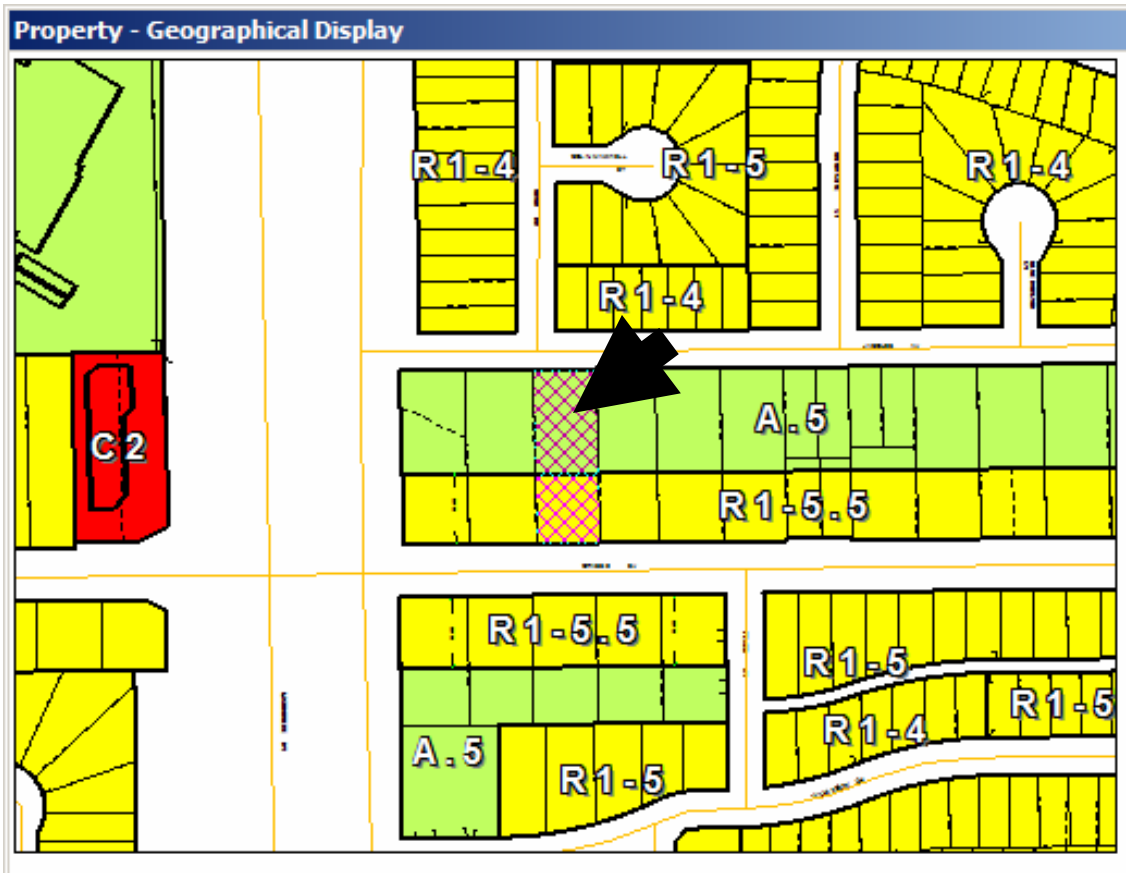


Figure 3: Existing Zoning for subject property and Surrounding Area.

Exhibit "7" referred to in File DASZ 27/2006

Re: Proposed subdivision and rezoning on land located at 319 Grassie Boulevard – DASZ 27/06

An application has been submitted to subdivide and rezone land located at 319 Grassie Boulevard.

It is recommended that approval of DASZ 27/06 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 or to be 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 3 and 4 of the proposed subdivision as determined by the Director of Water and Waste. The 2006 rate is $9,048.00/acre.

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

6. The Developer shall, at no expense to the City, plant trees on the boulevard abutting Lots 3 and 4 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 27/06
August 21, 2006

["Original signed by E. Carriere"]
Land Development Engineer

["Original signed by T.S. Josephson"]
Water and Waste Department

["Original signed by R.J. Hartman"]
Public Works Department
Transportation Division