Minute No. 50
Report - Standing Policy Committee on Property and Development – November 1, 2005

Item No. 7 **Subdivision and Rezoning - southwest Grassie Boulevard and Pearn Avenue**
File DASZ 49/2004

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 49/2004 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor 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 January 24, 2004.

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 "B" for File DASZ 49/2004 dated October 4, 2005, to an "R1-4" Single 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

    A. That a minimum yard setback of forty-eight (48) feet be established adjacent to Grassie Blvd.

    B. That site plan approval showing the location of dwellings be submitted 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 thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development.

4. 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 market value of the land and the creation of additional sites.

Report - Standing Policy Committee on Property and Development – November 1, 2005

COUNCIL DECISION (continued):

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 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 Development 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, 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.

Report - Standing Policy Committee on Property and Development – November 1, 2005

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 November 16, 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, as amended, and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On November 1, 2005, the Standing Policy Committee on Property and Development concurred in the recommendation of the East Kildonan-Transcona Community Committee with the following amendment, namely:

- That Recommendation 3.B. be amended by deleting the words “and building footprints” in the first line thereof,

and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On October 4, 2005, the East Kildonan-Transcona Community Committee concurred in the administrative recommendation with the following amendments, namely:

- That Recommendation 3 be amended by substituting the words “Schedule A” with the words “Schedule B” and substituting the words “June 28, 2005” with the words “October 4, 2005”.

- That Recommendation 3.A. be amended by substituting the words “50 feet” with the words “48 feet”.

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

Report - Standing Policy Committee on Property and Development – November 1, 2005

DECISION MAKING HISTORY (continued):

COMMUNITY COMMITTEE RECOMMENDATION (continued):

> "3.B. That site plan approval showing the location of dwellings and building foot prints be submitted 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 thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development."

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

On September 6, 2005, the East Kildonan-Transcona Community Committee adjourned the public hearing to its meeting on October 4, 2005.

On July 5, 2005, the East Kildonan-Transcona Community Committee did not hear any representation on the application and adjourned the public hearing to its meeting on September 6, 2005.

On June 14, 2005, the East Kildonan-Transcona Community Committee did not hear any representation on the application and adjourned the public hearing to its meeting on July 5, 2005.

On May 10, 2005, the East Kildonan-Transcona Community Committee adjourned the public hearing to its meeting on June 14, 2005 to allow the applicant the opportunity to work with the Administration and address some of the concerns raised.

On April 5, 2005, the East Kildonan-Transcona Community Committee did not hear any representation on the application and adjourned the public hearing to its meeting on May 10, 2005.

On February 1, 2005, the East Kildonan-Transcona Community Committee adjourned the public hearing to its meeting on April 5, 2005.

RE: **Subdivision and Rezoning - southwest Grassie Boulevard and Pearn Avenue**
File DASZ 49/2004

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

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

Report date: **October 17, 2005**

COMMUNITY COMMITTEE RECOMMENDATION:

On October 4, 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 49/2004 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor, 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 January 24, 2004;

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 "***B***" ~~***"A"***~~ for File DASZ 49/2004, dated ***October 4, 2005*** ~~***June 28, 2005***~~, to an "R1-4" Single 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

   A. That a minimum yard setback of ***48*** ~~***50***~~ feet be established adjacent Grassie Blvd.

   B. That site plan approval showing the location of dwellings and building foot prints be submitted 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 thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development.

4. 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 market value of the land and the creation of additional sites.

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 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 Development 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, 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.

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 for infill housing ensures the integrity of the area, and is a positive compromise between the applicant and the neighbouring residents.

PUBLIC HEARING SUMMARY

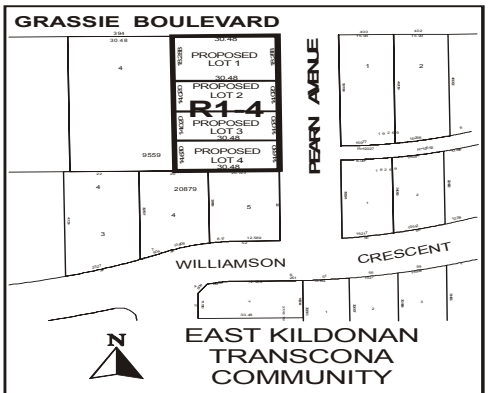
File: DASZ 49/2004

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

Public Hearing: October 4, 2005
September 6, 2005
July 5, 2005
June 14, 2005
Community Committee Chambers, 755 Henderson Highway
May 10, 2005
April 5, 2005
Helen Mayba Theatre, Miles Macdonnell Collegiate,
757 Roch Street
February 1, 2005
Community Committee Chambers, 755 Henderson Highway

Applicant: Rivereast Developments Limited

Subject:



APPLICANT : RIVEREAST DEVELOPMENTS LIMITED
FILE : DASZ 49/04
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" SINGLE-FAMILY DISTRICT to an "R1-4" SINGLE-FAMILY DISTRICT. **For information, phone Mr. J. Wintrup, Planner at 986-5102.**

Premises Affected: southwest Grassie Boulevard and Pearn Avenue

Exhibits Filed:

1. Application dated December 22, 2004
2. Notification of Public Hearing dated January 6, 2005
3. Manitoba Status of Titles 1143303, 1567494
4. Plan
5. Report from the Manager of Planning and Land Use dated January 24, 2005
6. Report from the Administrative Coordinating Group dated January 26, 2005
7. Inspection Report
8. Communication dated March 22, 2005, from Eric Vogan, Land Development Manager, Qualico, requesting that the subject application be adjourned to the May meeting of the East Kildonan-Transcona Community Committee
9. Conceptual Plan of Subdivision / Proposed House Location submitted by Eric Vogan, Land Development Manager, Qualico, at the public hearing held on May 10, 2005
10. Communication, undated, in opposition to the application submitted by Wayne Zurba at the public hearing held on May 10, 2005
11. Communication dated June 14, 2005, from Lyne Jones, Qualico Developments, requesting that the subject application be adjourned to the July 5, 2005 meeting of the East Kildonan-Transcona Community Committee
12. Revised Report from the Manager of Planning and Land Use dated June 28, 2005
13. Communication dated July 4, 2005, from Lyne Jones, Qualico Developments, requesting that the subject application be adjourned to the September 6, 2005 meeting of the East Kildonan-Transcona Community Committee
14. Revised Conceptual Plan of Subdivision / Proposed House Location dated September 7, 2005 submitted by Eric Vogan, Land Development Manager, Qualico, at the public hearing held on October 4, 2005

REPRESENTATIONS:

In Support:
Eric Vogan

In Opposition
Darryl-Lynn Kehler
Brian and Joyce Litton
Holger and Ingrid Reuter
Wayne Zurba

For Information:
Neil Boyd
Andrew Hretzay, Anson Development
Keith and Norma Roulston

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

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS MADE AT THE PUBLIC HEARING

February 1, 2005

Eric Vogan appeared in support of the application. He indicated that lots to the west of the subject property are approximately half acre lots and that attempts to develop the land in a more compact form is more consistent to the land south of the subject area. In this connection, he advised that they are requesting a change in zoning to a "R1-4" Single-Family designation for the development of four lots. He commented that introduction of the subject plan should have occurred with the neighbours prior to the public hearing date and he is of the opinion that neighbouring residences would prefer to see only one house developed on the property. In this connection, he indicated that one house would not be economically feasible and the property would have to be developed more compactly than that.

Councillor Wyatt indicated that the proposal obstructs the site line of the property facing Grassie Boulevard. Eric Vogan responded by advising that the existing house on Grassie Boulevard has an extreme setback and that he doubts anything that he would suggest would be setback as far as the neighbouring house. He commented that although there is a comfort level in that the area has currently been a field for many years, if the property were to be developed as a "R1-5.5" Single-Family designation, side yards could be less than what they are currently proposing.

Brian Litton appeared in opposition to the application and advised that he is a property owner on Grassie Boulevard and resides adjacent to the land in question. He commented that the subject

application is inconsistent with the surrounding neighbourhood and that the houses should face the same as those existing, which face Grassie Boulevard. He expressed his opinion that the development will have a negative affect on Grassie residents and that the proposal does not respect the Grassie Road alignment.

Councillor Wyatt questioned that if the houses were turned in order to face Grassie Boulevard, and had similar setbacks, would the application be less of an issue. Brian Litton responded that if those changes were made, it would be more acceptable.

Holger Reuter appeared in opposition to the application, and advised that he resides two houses over from the proposed development. He commented that the houses should face the same direction as the existing houses do, and that he does not want to look into someone's side house when travelling down Grassie Boulevard.

Wayne Zurba appeared in opposition to the application. He indicated that all houses on the Grassie Boulevard strip should be aligned consistently and that the subject property is the only land left undeveloped. He questioned if the property owner of proposed Lot 1, at the corner of Grassie Boulevard and Pearn Avenue, would be allowed to install a fence along Grassie Boulevard. Michael Robinson responded by advising that it was his understanding that they would be able to as it is considered a side yard. In this connection, William Zerba expressed his opinion that a fence would create a blind spot for those exiting off the street.

Mr. Roulston appeared for information and advised that he resides on the corner of Pearn Avenue and Williamson Crescent behind the subject property. He expressed his opinion that something should be established on the property and would prefer that it was residential rather than commercial. He commented that the current proposal has changed since the one proposed many years earlier by Qualico, and questioned the type of house that would be built and if they will be smaller than existing surrounding houses.

Eric Vogan responded by advising that in developing the proposal, they were mindful of the houses on Williamson Crescent, and that the intention is to build good quality houses. He indicated that the issue of the Grassie Boulevard homeowners needs to be addressed, however, the development of one house is not feasible and that there is an obligation to have access off of Pearn Avenue.

April 5, 2005

No representations were heard inasmuch as the East Kildonan-Transcona Community Committee adjourned the Public Hearing prior to opening representations.

May 10, 2005

Eric Vogan appeared in support of the application. He advised that the applicant has met with the neighbour residing on Grassie Boulevard and has also mailed out a revised Conceptual Plan of Subdivision for proposed house location to the adjacent landowners, filed as Exhibit 9. He indicated that the revised plan consists of 3 lots, as opposed to the initial proposed 4 lots, with access onto Pearn Avenue. He expressed his opinion that the development of only one lot on the subject site would be underutilizing the subject property.

Brian Litton appeared in opposition to the application and advised that he resides immediately left of the subject property. He expressed concern that the proposed house location does not line up with the front of his house and the other houses on Grassie Boulevard.

Holger Reuter appeared in opposition to the application. He advised that he would prefer to see only 2 lots developed on the subject property and that the houses be lined up with the rest of the houses on that block of Grassie Boulevard. He questioned the size of the fence to be built in the vicinity of Lot 1.

Keith Roulston appeared for information and indicated that he resides immediately south of the subject property. He questioned the size of the houses that are proposed to be built.

In rebuttal, Eric Vogan advised the difference of the amended plan (Exhibit 9) to the original plan and indicated that the new plan increases the front yard on Grassie Boulevard and reduces the number of proposed lots from 4 to 3, thereby increasing the size of the lots. With respect to the comment regarding the fence, he expressed his opinion that it should not impact site lines.

June 14, 2005

No representations were heard inasmuch as the East Kildonan-Transcona Community Committee adjourned the Public Hearing prior to opening representations.

July 5, 2005

No representations were heard inasmuch as the East Kildonan-Transcona Community Committee adjourned the Public Hearing with respect to this application prior to opening representations.

September 6, 2005

Eric Vogan requested that the subject application be adjourned to the October 4, 2005 meeting of the East Kildonan-Transcona Community Committee.

October 4, 2005

Eric Vogan appeared in support of the application, and submitted a further revised Conceptual Plan of Subdivision and Proposed House Location, filed as Exhibit 14. He confirmed that construction of only main floor bungalows and two-storey houses will be permitted in the subject development.

Holger Reuter appeared in opposition to the application. He advised that he had met with Eric Vogan and is unclear why driveway access cannot be located off of Grassie Boulevard. He commented that he would like to see the whole block unified and that other then preferring the access off Grassie Boulevard as opposed to Pearn Avenue, he had no problem with the application.

Brian Litton appeared in opposition to the application, and advised that he resides in the house west of the subject development. He indicated that there has not been much time to look at the revised plan (Exhibit 14) submitted by Eric Vogan, and in this connection, requested an opportunity to do so.

Councillor Wyatt commented that from what he could see, the frontage issue has been addressed, and in this connection, question if the situation is more satisfactory than before. Brian Litton responded in the affirmative.

Keith Roulston appeared for information, and advised that he resides directly south of the subject property. He indicated that he is not opposed to the revised plan submitted by Eric Vogan (Exhibit 14) if he could be guaranteed that no raised bungalows would be built. In this connection, he indicated that he has no issue with the building of a two storey house as long as the deck is not higher than 3 feet above ground level.

In rebuttal, Eric Vogan responded to the concerns expressed by the residents and indicated that because Grassie Boulevard is a very busy street that carries several thousand vehicles per day, access to the property is required off of Pearn Avenue. With respect to the concern regarding the main floor level of houses to be built, he confirmed that grounds will have a low ground floor level and low decks.

Councillor Wyatt questioned how the issue of a raised deck can be addressed to alleviate the concerns expressed, to which John Wintrup responded by advising that height can be addressed by approval of a site plan as a condition of the zoning agreement.

Exhibit "12" referred to in File DASZ 49/2004

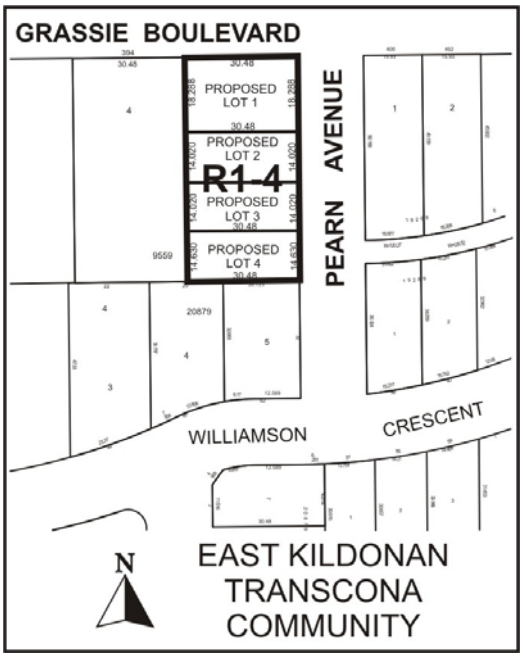
Winnipeg

Planning, Property and Development Department Report

To the East Kildonan - Transcona Community Committee

Date: **June 28, 2005**
File: **DASZ 49/04**
Related Files: **DAZ 225/1990; DASZ 18/1992; DASZ 5/1989; DASZ 14/05 DASZ 21/05**
Subject: **Rezone and subdivided property into four residential lots.**

Location: **SW Grassie Blvd and Pearn Avenue**



Applicant: **Rivereast Developments Ltd. – Lyne Jones**

Owner: **Qualico Development – Lyne Jones**

Recommendation: **Approve with Conditions**

Report Summary:

- The applicant is proposing to develop four (4) single family residential lots fronting Pearn Avenue.
- The proposed use and zoning is consistent with the surrounding single family residential lots.
- The proposed lot configuration is inconsistent with the surrounding neighbourhood and impacts the quality of life for the adjacent property owner.
- The proposed reverse corner side yard along Grassie does not respect the Grassie Blvd alignment and negatively impacts the adjacent neighbour.

Site Description

The subject property is **100 feet by 200 feet** (**20,000 square feet**) located on the south west corner of Grassie Blvd and Pearn Avenue 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 "R1-5" and "R1-4" to the east and south. Across Grassie Blvd are residential dwellings zoned "A-5" Rural and "R1-5.5" Residential Districts.

Background

DASZ 18/92
The applicant made a similar application in 1992 with four lots fronting Pearn Avenue. The District Planner advised the applicant that the Division would not support that application since *it is considered desirable to avoid reverse corner lot configurations as much as possible* and *it would set a precedent since there are no similar situations on Grassie.* The application was subsequently withdrawn.

DASZ 49/04
The applicant submitted the same plan of subdivision similar to DASZ 18/92. The Division indicated in a report dated January 24, 2005 that: ***the Division has consistently not supported reverse corner lots with side yard house flankages along Grassie Blvd.*** Six residents including the immediate neighbour to the west of the subject property registered in opposition at the Public Hearing on this matter on February 1, 2005. The EKT CC recommended this application be laid over until April 5, 2005. The applicant requested in April that the matter be laid over to the May 10, 2005 meeting due to the significant volume of applications to be heard at the April 5, 2005 public meeting.

The applicant subsequently submitted at the May 10, 2005 public hearing a revised site plan that reduced the number of lots to three from four, however, maintained a reverse corner yard along Grassie Blvd. Seven residents appeared in opposition though the applicant had previously provided them copies of the new site plan with three lots fronting Pearn Avenue instead of four. The EKTCC recommended the application be laid over to the June 14, 2005 meeting. The Division indicated in an email dated June 6, 2005 to the applicant the support for two, three or four lot subdivision design so long as a lot(s) fronted Grassie Blvd. The applicant requested on June 14, 2005 that the matter be laid over to the July meeting.

Description of the Proposed Development

The applicant is proposing to subdivide the property into four lots for single family dwellings. The lots will all front Pearn Avenue and have lot widths of 60 feet (18.288 metres), 46 feet (14.020 metres), 46 feet (14.020 metres), and 48 feet (14.630 metres).

The applicant has also proposed to subdivide the property into three lots all fronting Pearn Avenue. The lot widths would range from 60 – 80 feet in width. The reverse corner lot on Grassie Blvd would have a 40 foot setback.

Analysis

PLAN WINNIPEG
The proposed concept complies with Plan Winnipeg in that a residential rezoning is allowed in Neighbourhood Policy Areas. The proposed development is supported by the following policies:

3A-02 Promote Compact Urban Form
The City shall promote compact urban form in support of sustainability by:

iv) encouraging infilling of vacant land and the revitalization of existing neighbourhoods to maximize the use of existing infrastructure;
v) supporting new development which is adjacent to, and compatible with, existing development and which is designed to minimize the spatial use of land.

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 subject property is within this Secondary Plan area. However, the proposed development is consistent with previously approved residential land-uses for the surrounding area (Harbourview South) and can proceed.

ZONING
The applicant has a right to construct one single family dwelling on the subject property. The "R1-5.5" Residential District extends 100 feet deep from Grassie Blvd with the remainder of the lot zoned "A-5".

COMPATIBILITY WITH EXISTING NEIGHBOURHOOD
The Division has consistently not supported applications that have resulted in reverse corner lots with side yard house flankages along Grassie Blvd. A similar application at the north east corner of Grassie and Skowron was made in 1990 (**DAZ 225/90**) that was rejected by the Community Committee.

The Division's position was that ***it is considered desirable to avoid reverse corner lot configurations as much as possible*** (**Figure 4)**. The adjacent residents' enjoyment of their property is negatively impacted. Sight lines are reduced and shadowing generated when new buildings are constructed closer to the street right-of-way (out of alignment with the adjacent dwellings).

The characteristic of the streetscape is drastically altered by allowing a reverse corner side yard that is substantially smaller than the adjacent front yards. A well landscaped yard is replaced by a residential building that appears to be out-of-line with the adjacent dwellings on the street. Especially considering the adjacent dwelling at 394 Grassie Blvd has a front yard of 60 feet. **The immediate neighbour will be injuriously affected by a reduced yard along Grassie Blvd**.

And, there are no similar situations on Grassie Blvd: there are no houses flanking Grassie Avenue east of Lagimodiere Blvd. The characteristics of Grassie Blvd at this location are well established with dwellings fronting the street. There is a certain expectation that a building would face the street and have a front yard similar to the adjacent dwellings. **The Division has supported numerous application in recent years that has allowed additional lots fronting Grassie Blvd**. **(DASZ 5/1989, DASZ 14/05, DASZ 21/05)**

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. Public Works has indicated a requirement for a 7.5 metre yard setback from Grassie Blvd.

SITE PLAN
The applicant has submitted a plan illustrating the building foot prints on an air photo detailing the relationship between the new dwellings and the surrounding houses (**Figure 5**).

The applicant, at the time of the January report and this report, has still not submitted detailed drawings showing fencing construction materials, and/or landscaping that will surround the periphery of the development. This is a concern for the Department especially in regards to the proposed view for the residences along Grassie Blvd: the blank façade of a fence, its quality of material, and the lack of landscaping to buffer it from the adjacent properties, the building foot print (location of garage, etc) are issues that need to be addressed.

Recommendation

The Planning and Land Use Division recommends denial of any subdivision plan that includes a reverse corner lot along Grassie Blvd. for the following reasons:

- The proposed lot configuration is not consistent or compatible with the surrounding area.
- The adjacent habitants' enjoyment of their property will be negatively impacted by the reverse corner side yard.

Nonetheless, the East Kildonan - Transcona Community Committee may consider approving the application based on new information that is supplied at the meeting, such as landscape/building details for the treatment of the reverse corner side yard proposed for Grassie Blvd. The following conditions, which include a building setback of 50 feet along Grassie Blvd, should be considered if approving this application:

Recommended Conditions of Approval

1. That the plan of subdivision proposed under File No. **DASZ 49/2004** be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor, 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 January 24, 2004;

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 49/2004, attached hereto and dated **June 28, 2005**, to an "R1-4" Single 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

    A. That a minimum yard setback of 50 feet be established adjacent Grassie Blvd.

4. 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 market value of the land and the creation of additional sites.

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 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 Development 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, 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. 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.

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"

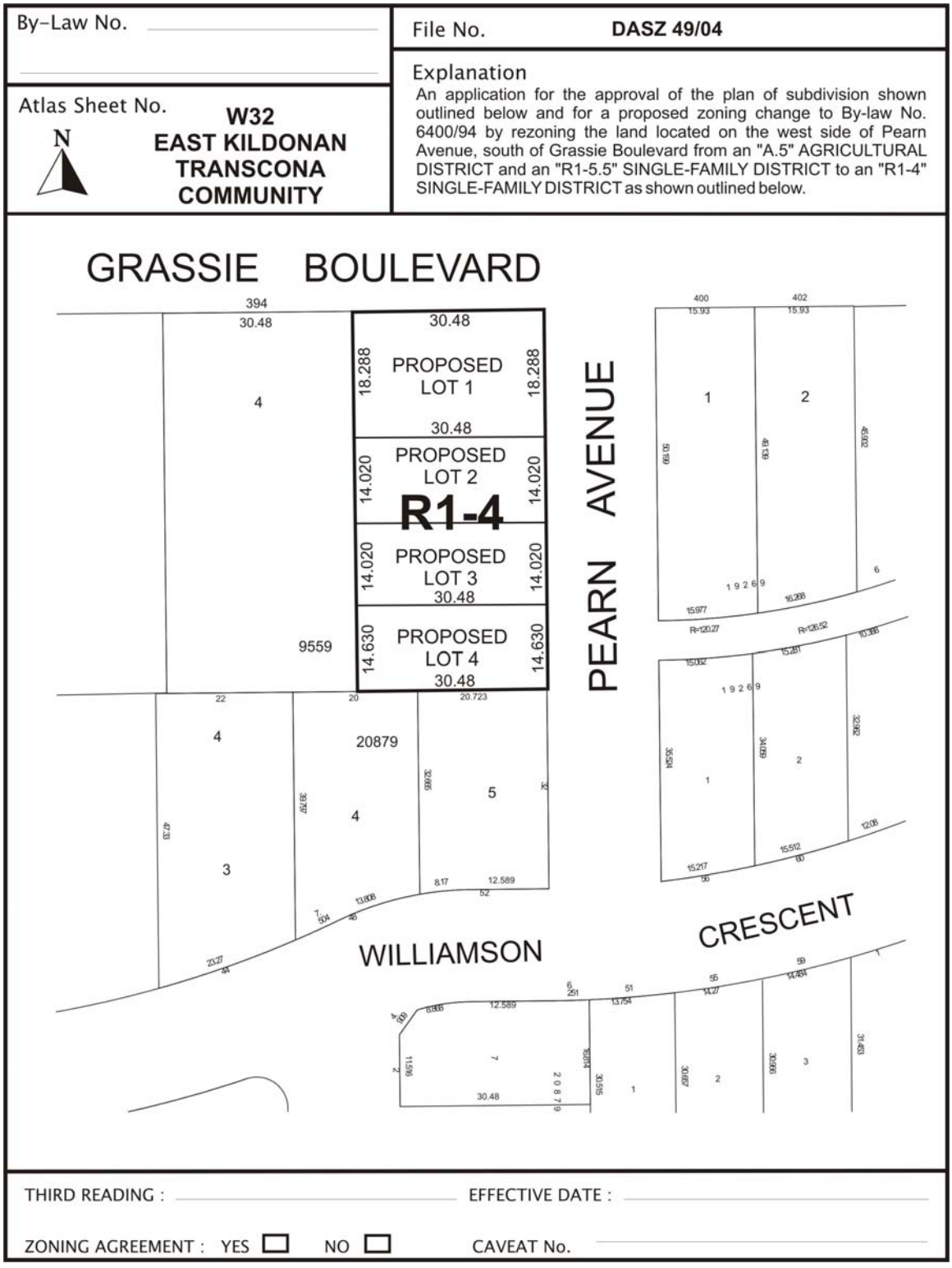

By-Law No.
File No. DASZ 49/04
Explanation
An application for the approval of the plan of subdivision shown outlined below and for a proposed zoning change to By-law No. 6400/94 by rezoning the land located on the west side of Pearn Avenue, south of Grassie Boulevard from an "A.5" AGRICULTURAL DISTRICT and an "R1-5.5" SINGLE-FAMILY DISTRICT to an "R1-4" SINGLE-FAMILY DISTRICT as shown outlined below.
Atlas Sheet No.
W32
EAST KILDONAN TRANSCONA COMMUNITY
N
GRASSIE BOULEVARD
PROPOSED LOT 1
PROPOSED LOT 2
R1-4
PROPOSED LOT 3
PROPOSED LOT 4
PEARN AVENUE
WILLIAMSON CRESCENT
9559
20879
THIRD READING :
EFFECTIVE DATE :
ZONING AGREEMENT : YES NO
CAVEAT No.

Figure 1: Schedule "A" to the report to the East Kildonan - Transcona Community Committee for File No. DASZ 49/2004, dated June 28, 2005.



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

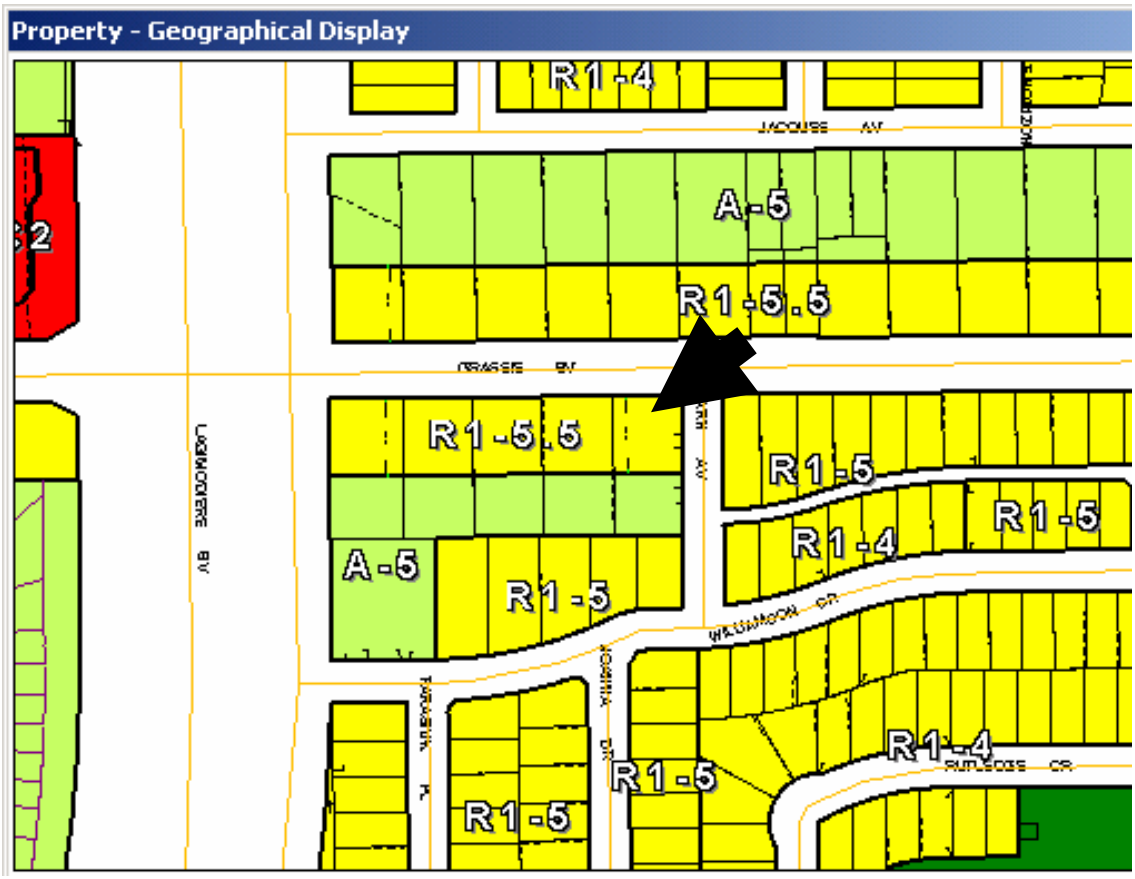


Figure 3: Existing Zoning for subject property and Surrounding Area.

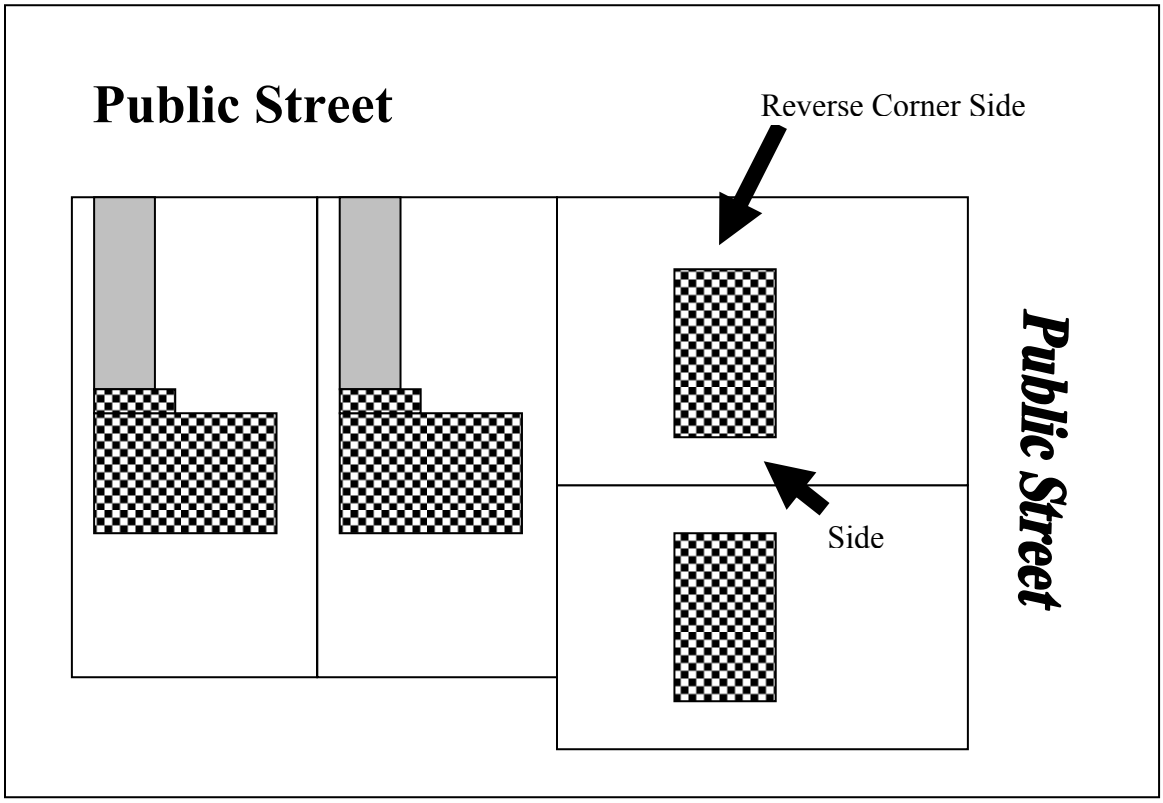


Figure 4: The Definition of a Reverse Corner Side Yard

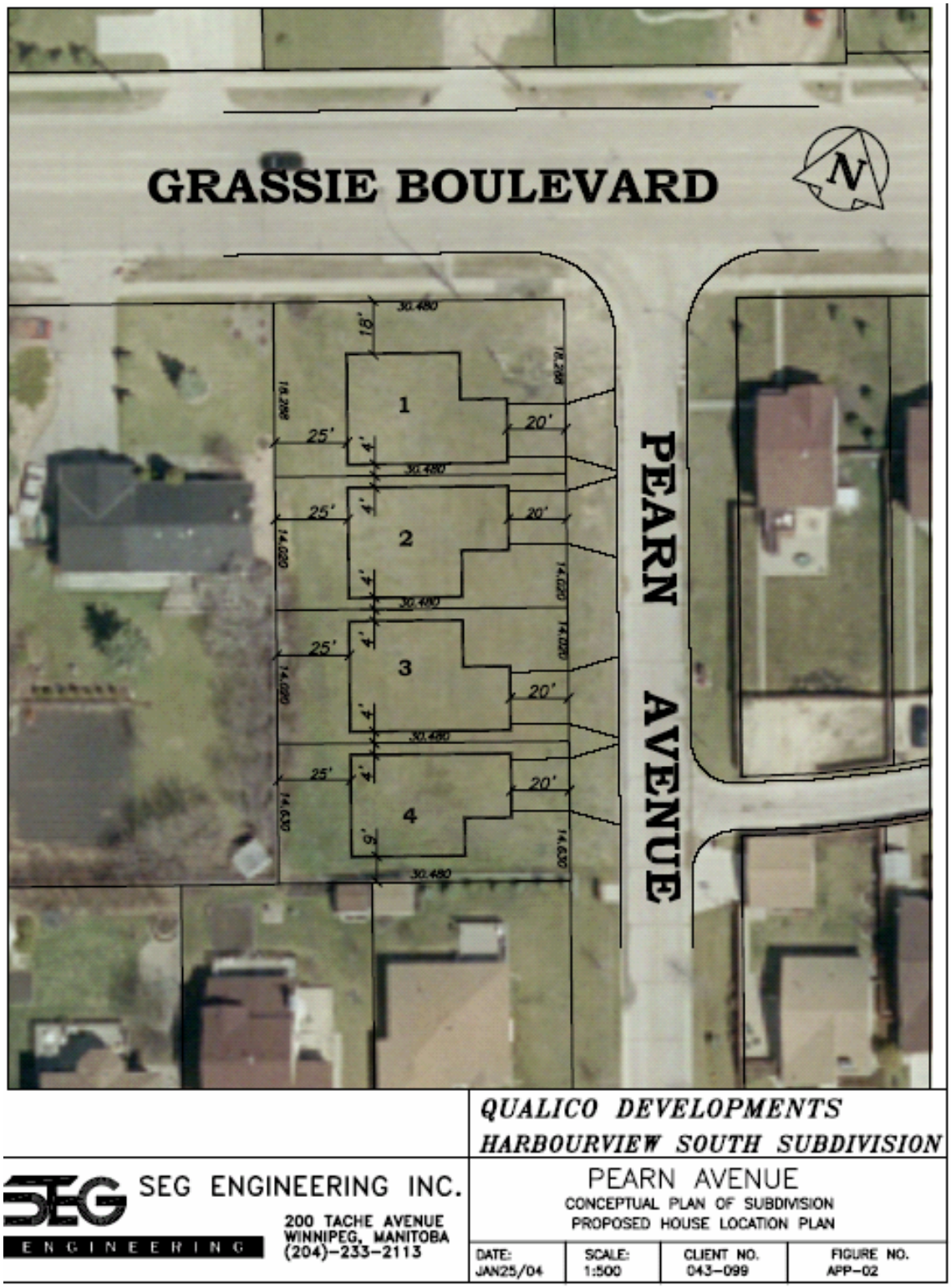


Figure 5: Proposed building foot print on subject property.

Exhibit "6" referred to in File DASZ 49/2004

Re: Proposed subdivision and rezoning of land located on the west side of Pearn Street – DASZ 49/04

An application has been submitted by River East Developments to subdivide and rezone land located on the west side of Pearn Street.

It is recommended that approval be subject to the Developer entering into a Servicing Agreement containing the following:

1. The Developer shall, at no expense to the City, install a wastewater sewer in Pearn Street to serve the proposed subdivision as determined by and to the satisfaction of the Director of Water and Waste.
2. The Developer shall, at no expense to the City, install water and wastewater lot line connections to serve each lot within the proposed subdivision to the satisfaction of the Director of Water and Waste.
3. The Developer shall provide a lot grading plan prepared by a municipal engineer, shall grant any easements and, if required, shall construct, at no expense to the City, any catch basins and leads as may be necessitated by the design.
4. The Developer shall pay its share of the cost of the regional land drainage system benefiting the proposed subdivision as determined by the Director of Water and Waste.
5. The Developer shall pay the full cost of engineering services provided by or on behalf of the City in connection with the installation of services required to serve the proposed subdivision.
6. The Developer shall pay $1,650.00 plus 7% G.S.T. 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 49/04
January 25, 2005

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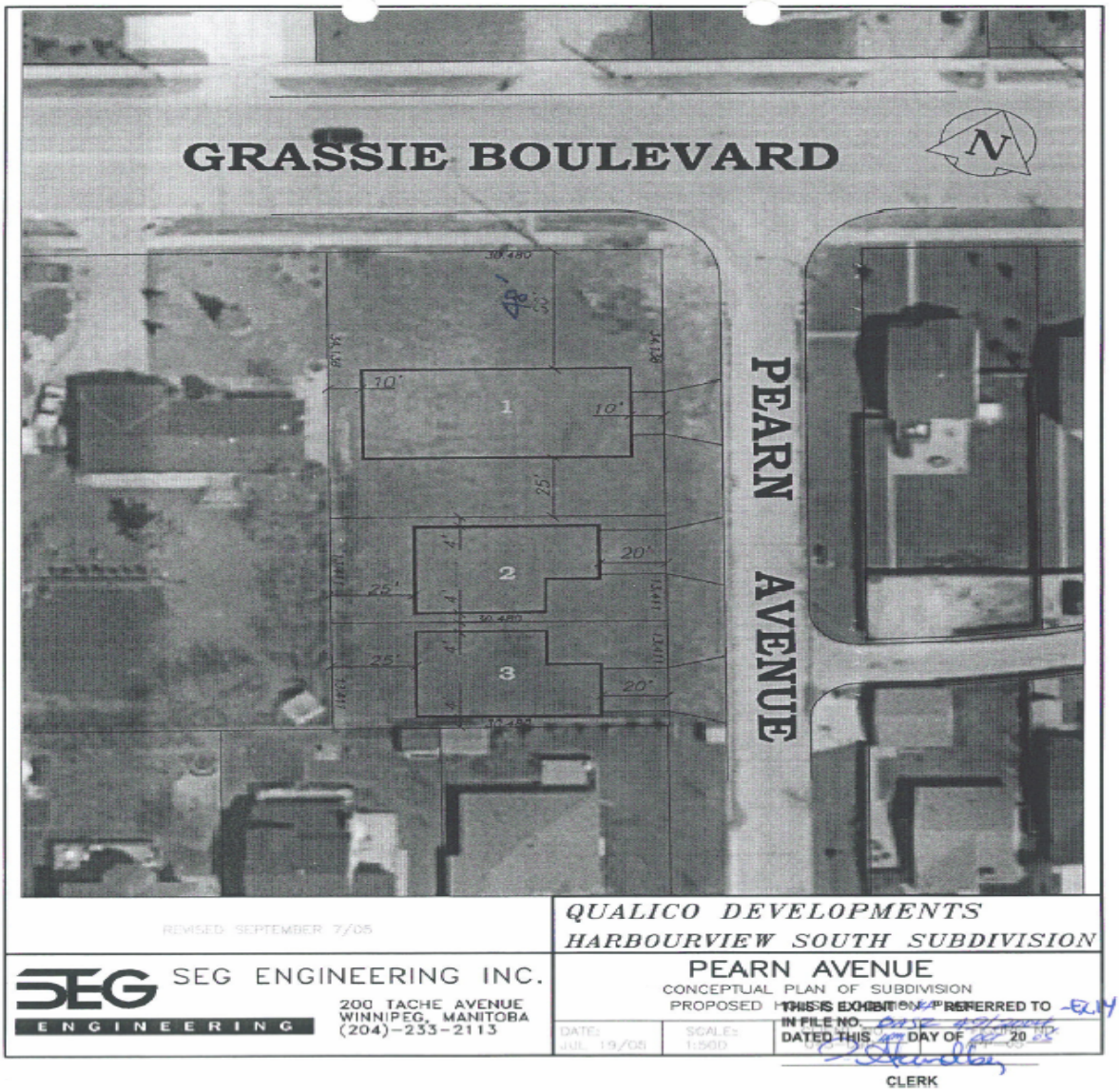
EAST KILDONAN-TRANSCONA COMMUNITY COMMITTEE
January 25, 2005
AG 49/04

"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

Schedule B


GRASSIE BOULEVARD
N
PEARN AVENUE
1
2
3
10'
10'
25'
20'
25'
25'
20'
REVISED SEPTEMBER 7/05
QUALICO DEVELOPMENTS
HARBOURVIEW SOUTH SUBDIVISION
SEG ENGINEERING INC.
200 TACHE AVENUE
WINNIPEG, MANITOBA
(204)-233-2113
PEARN AVENUE
CONCEPTUAL PLAN OF SUBDIVISION
DATE: JUL 19/05
SCALE: 1:500
THIS IS EXHIBIT "A" REFERRED TO
IN FILE NO.
DATED THIS DAY OF 20
CLERK