Minutes - Executive Policy Committee – April 18, 2007

Minute No. 302
Report - Standing Policy Committee on Property and Development – April 3, 2007

Item No. 11 Subdivision and Rezoning - Tamarisk Cove at Headmaster Row File DASZ 53/2005

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

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 53/2005 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 53/2005 dated March 12, 2007, for registration in the Winnipeg Land Titles Office subject to the following:

   A. That the Developer be required to enter into an Addendum to Development Agreement AG 20/2004 with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated March 13, 2007.

2. That The Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 53/2005 dated March 12, 2007, to a "R1-4" Residential District.

3. That the Director of Planning, Property and Development be authorized to certify any documents in connection therewith.

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 the City Solicitor/Manager of Legal Services be requested to prepare the necessary by-law in accordance with the above.

6. 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.

7. 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.

Report - Standing Policy Committee on Property and Development – April 3, 2007

8. 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.

9. 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.

10. 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.

Minutes - Executive Policy Committee – April 18, 2007

Report - Standing Policy Committee on Property and Development – April 3, 2007

DECISION MAKING HISTORY:

Moved by Councillor Swandel,

That the recommendations of the Standing Policy Committee on Property and Development and the East Kildonan-Transcona Community Committee be concurred in and forwarded to Council.

Carried

STANDING COMMITTEE RECOMMENDATION:

On April 3, 2007, 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 March 19, 2007, 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 - Tamarisk Cove at Headmaster Row**
File DASZ 53/2005

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

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

Report date: **March 21, 2007**

COMMUNITY COMMITTEE RECOMMENDATION:

On March 19, 2007, 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 53/2005 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 53/2005 dated March 12, 2007, for registration in the Winnipeg Land Titles Office subject to the following:

    A. That the Developer be required to enter into an Addendum to Development Agreement AG 20/2004 with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated March 13, 2007.

2. That The Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 53/2005 dated March 12, 2007, to a "R1-4" Residential District.

3. That the Director of Planning, Property and Development be authorized to certify any documents in connection therewith.

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 the City Solicitor/Manager of Legal Services be requested to prepare the necessary by-law in accordance with the above.

6. 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.

7. 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.

8. 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.

9. 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.

10. 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.

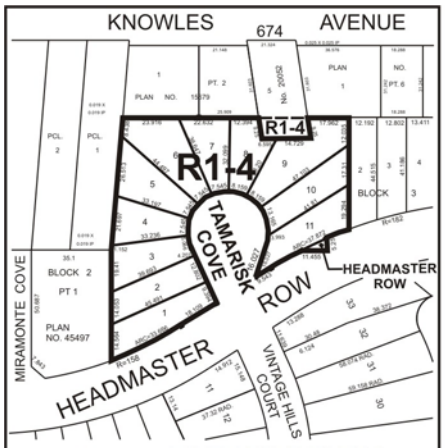
The East Kildonan-Transcona Community Committee provided the following supporting reasons for its recommendation:

1. It is positive that the subject land in North Kildonan is being developed for the construction of homes.

2. The development provides for traffic signalization which will be important for addressing traffic as development proceeds further east.

PUBLIC HEARING SUMMARY

File:	DASZ 53/2005
Before:	East Kildonan-Transcona Community Committee Councillor Thomas, Chairperson Councillor Browaty Councillor Wyatt
Public Hearing:	March 19, 2007 Community Committee Chambers, 755 Henderson Highway
Applicant:	Doug Henne Planning Services (Doug Henne)
Subject:	



Premises Affected: Tamarisk Cove at Headmaster Row

Exhibits Filed:

1. Application dated February 13, 2007
2. Notification of Public Hearing dated February 20, 2007
3. Manitoba Status of Titles 2181761, 2142592, 2181763, 2145587
4a. Letter of Consent dated January 19, 2007, from Gertrude Schoofs to North Grassie Properties Inc. or its Agent
4b. Letter of Consent dated February 6, 2007, from North Grassie Properties Inc. to Doug Henne Planning Services
5. Surveyor's Building Location Certificate and sketch dated January 29, 2007
6a. Development Lot Width and Area Calculations for Option "A"
6b. Development Lot Width and Area Calculations for Option "B"
7. Title Plot
8. Report from the Planning and Land Use Division dated March 12, 2007
9. Report from the Administrative Coordinating Group dated March 13, 2007
10. Inspection Report

REPRESENTATIONS:

In Support:

Norm Boyle
Doug Henne

In Opposition

Nil

For Information:

Nil

For the City:

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

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

Doug Henne, Doug Henne Planning Services, appeared in support of the application and provided a brief overview of the proposal. He advised that his client owns 674 Knowles Avenue and indicated that if the subject application is adopted by Council, development of the subject property will likely occur quickly.

Exhibit "8" referred to in File DASZ 53/2005

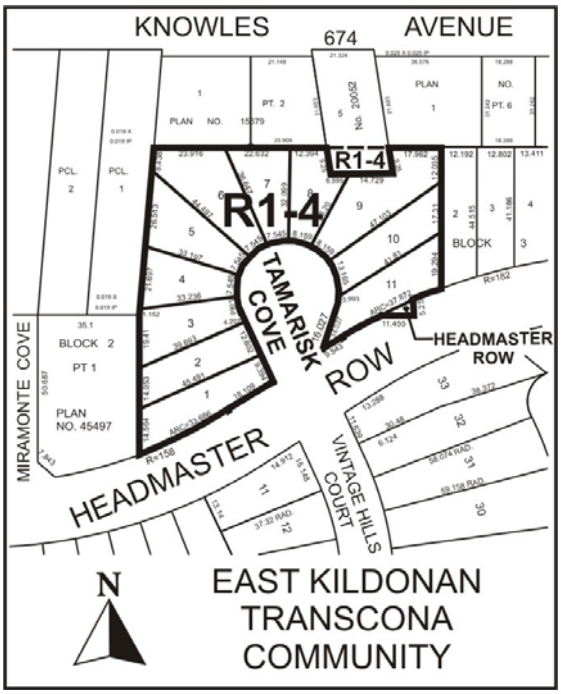
Winnipeg

Planning, Property and Development Department Report

To the East Kildonan - Transcona Community Committee

Date: **March 12, 2007**
File: **DASZ 53/05**
Related Files: **DASZ 20/04; DASZ 45/04; DASZ 12/06**
Subject: **Rezone and subdivide property into 11 residential lots.**

Location: **Tamarisk Cove at Headmaster**



Applicant: **Doug Henne Planning Services**
Owner: **North Grassie Properties Inc.**
74841 Manitoba Ltd.
Gertrude Schoofs

6140

Recommendation: Approval

Report Summary:

- The Developer has acquired **11,186.00 square feet** and rights to **2,096.379 square feet** of land in order to subdivide the block around Tamarisk Cove into single family lots.
- An existing lot zoned "R1-3.5" fronting the north side of Headmaster will be consolidated and subdivided into the new lots.
- The rear yard of 674 Knowles Avenue, 2,096.379 square, will be rezoned at this time but not subdivided until a later date.

Site Description

The subject property is **71,429.31 square feet** located north of Headmaster Row and west of Mitchelson Way in the Springfield North neighbourhood of the North Kildonan Ward.

The subject property is zoned: "A-5" Rural for **11,186 square feet**, "R1-3.5" for **7,664.572 square feet**, "R1-5.5" for **2,096.379 square feet**, and "R1-4" for the remainder. Adjacent properties include residential dwellings to the east zoned "A-5" Rural and "R1-5.5" Residential Districts; and "R1-3.5". Surrounding lands include the Arrowwood Subdivision zoned for single family residential.

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. DASZ 20/04 went to a Public Hearing in February of 2005 and was approved by Council on May 18, 2005. Tamarisk Cove was created as a street right-of-way and **58, 46.621 square feet** of the subject property was zoned for 'residential' in a simple block plan. Single family lots fronting the north side of Headmaster were also created at a minimum lots width of 35 feet.

Description of the Proposed Development

The Developer of Arrow wood has acquired **11,186.00 square feet** and rights to **2,096.379 square feet** of land in order to subdivide the block around Tamarisk Cove into single family lots.

An existing lot zoned "R1-3.5" fronting the north side of Headmaster will be consolidated and subdivided into the new lots. The rear yard of 674 Knowles Avenue, 2,096.379 square, will be rezoned at this time but not subdivided until a later date. The reason is that this lot currently supports a single family dwelling that relies on a septic field system for waste disposal. The property can not be physically reduced until sewer and water services are installed in Knowles Avenue.

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" Single Family Residential District** requires a minimum lot size of 5,500 square feet and a minimum lot width of 50 feet. A side yard of 5 feet is required.
- The **"R1-4" Single Family Residential District** will require a minimum lot size of 4,000 square feet and minimum lot width of 40 feet.
- The **"R1-3.5" Single Family Residential District** will require a minimum lot size of 3,500 square feet and minimum lot width of 35 feet.

COMPATIBILITY WITH SURROUNDING USES
The application is consistent with the approved plan of subdivision for Arrow wood and the concept plan drafted at the time of DASZ 20/2004.

LAND USE BY-LAW ISSUES
The proposed zoning category is consistent with a number of residential subdivisions in Winnipeg such as Eaglemere, Amber Trails, Canterbury Park, Whyte Ridge and Riverbend South. The range of lot sizes will permit the construction of a variety of new single family dwellings that will diversify the housing stock and provide residents with different housing options.

SITE DESIGN ISSUES
Public Works has indicated that land is required along the frontage of 674 Knowles Avenue. This land is for a widening to the Knowles Avenue right-of-way and is consistent with previous widenings along both sides of Knowles Avenue to the east and west of the subject property. The widening is intended to achieve a right-of-way width for Knowles Avenue of 20.117 metres (66 feet). This land will be acquired under a future application that subdivides out the rear yard of 674 Knowles in order to consolidate with lots fronting Tamarisk Cove. Land required for the new Headmaster Row **(315.15 square feet**) will be dedicated to the City as street right-of-way as shown in Schedule "A".

LAND DEDICATION
Finally, it should be noted that dedication of land for public open space or payment of cash in lieu thereof is not applicable to **58, 46.621 square feet** of the subject property as this requirement was fully satisfied through the Arrow wood Development Agreement AG 20/04 between the City and North Grassie Properties Ltd. However, **11,186 square feet** and **2,096.379 square feet** of the development was not included in this previous agreement, thus is subject to land dedication. The payment of land dedication is incorporated into the addendum to the Development Agreement.

Recommendation

The Planning and Land Use Division recommends approval of the proposed rezoning and subdivision for the following reasons:

- The plan of subdivision will complement the approved plan for Arrow wood.
- The proposed subdivision will reduce the number of lots fronting Headmaster Row by one.
- The development represents a logical completion of Tamarisk Cove.

Recommended Conditions of Approval

1. That the plan of subdivision proposed under File DASZ 53/2005 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 53/2005 dated March 12, 2007, for registration in the Winnipeg Land Titles Office subject to the following:

    A. That the Developer be required to enter into an Addendum to Development Agreement AG 20/04 with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated March 13, 2007.

2. That The Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 53/2005 dated March 12, 2007, to a "R1-4" Residential District.

3. That the Director of Planning, Property and Development be authorized to certify any documents in connection therewith.

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 the City Solicitor/Manager of Legal Services be requested to prepare the necessary by-law in accordance with the above.

6. 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.

7. 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.

8. 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.

9. 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.

10. 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 # .419

Schedule "A"

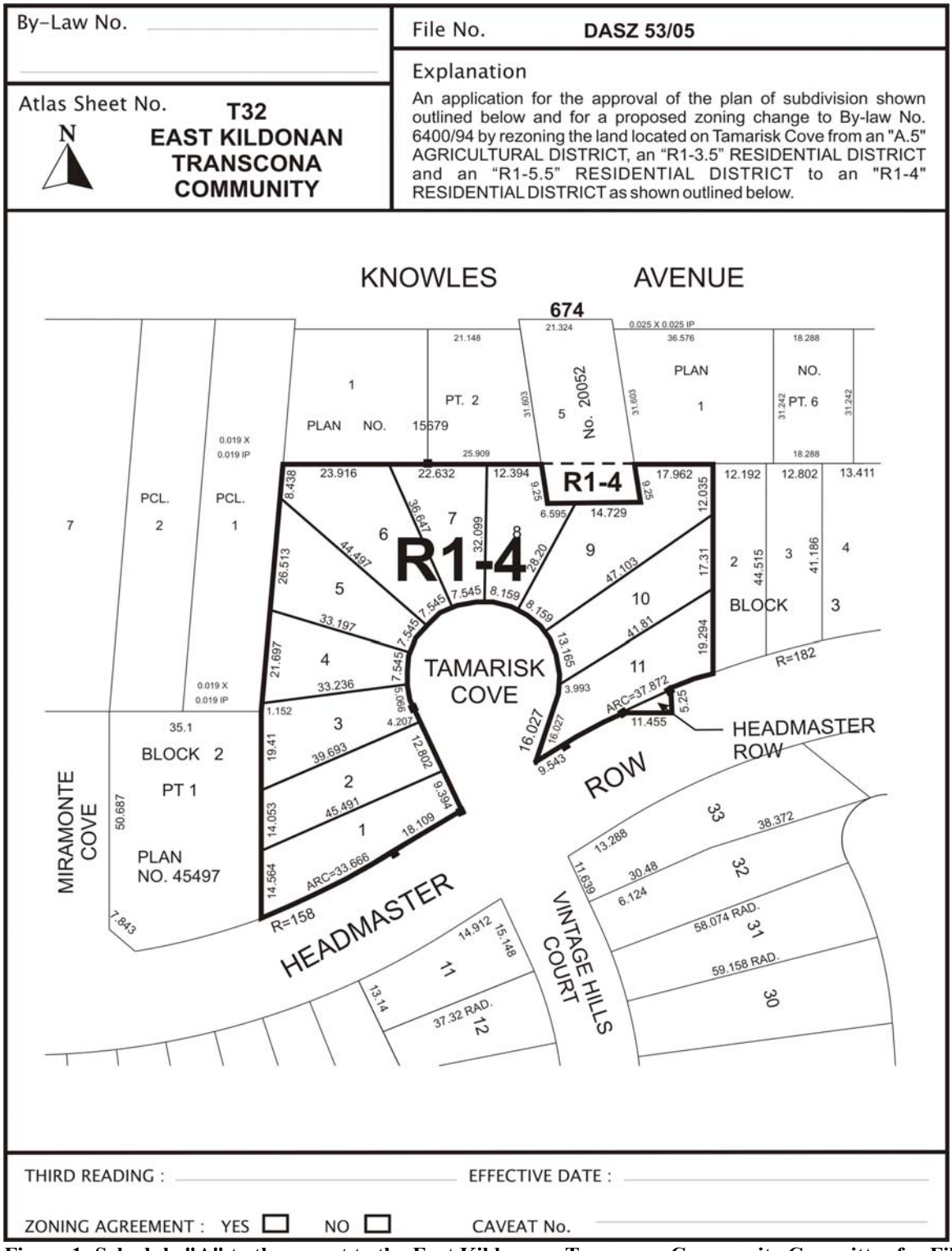


Figure 1: Schedule "A" to the report to the East Kildonan - Transcona Community Committee for File DASZ 53/2005, dated March 12, 2007.



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

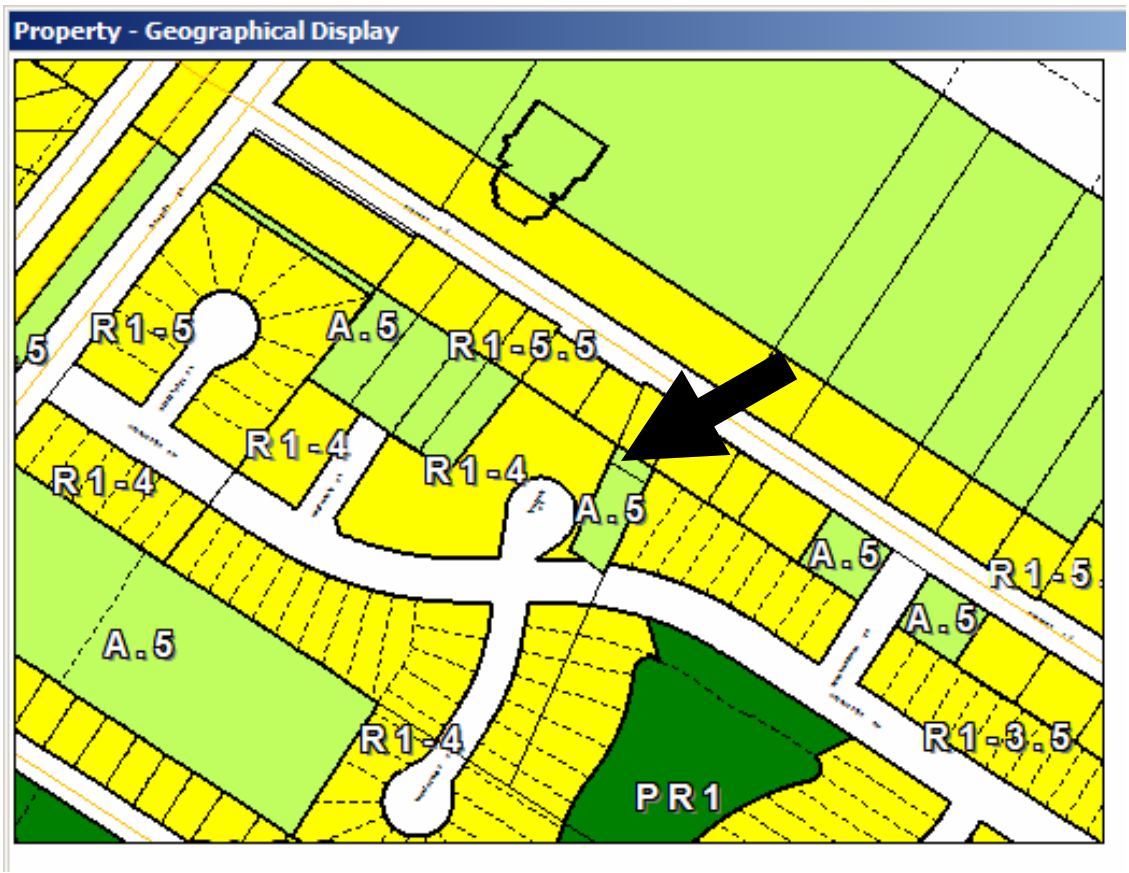


Figure 3: Existing Zoning for subject property and Surrounding Area.

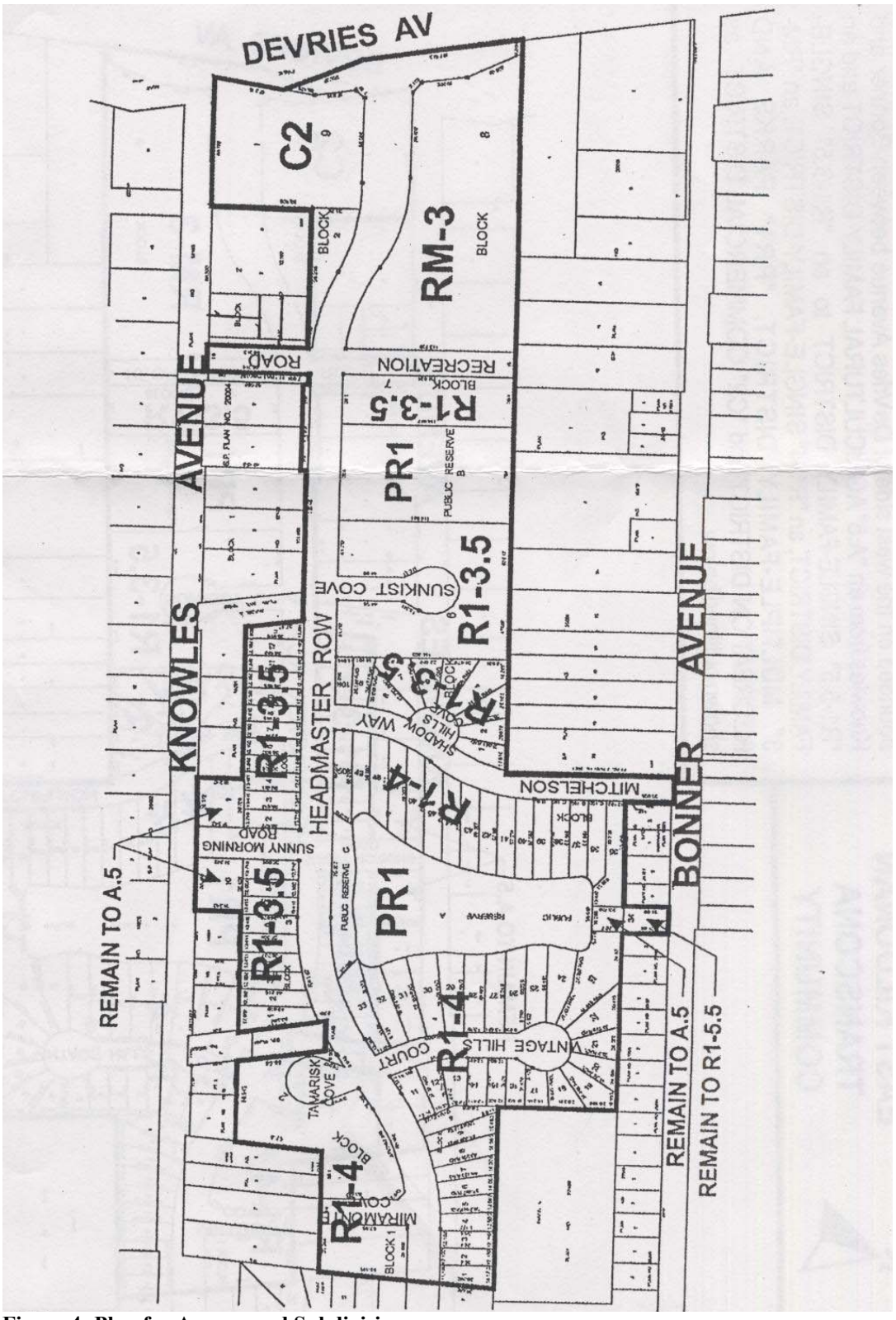


Figure 4: Plan for Arrowwood Subdivision.

Exhibit "9" referred to in File DASZ 53/2005

Re: Proposed subdivision and rezoning of land located on Tamarisk Cove at Headmaster Row - DASZ 53/05

An application has been submitted by Doug Henne Planning Services on behalf of North Grassie Properties Inc. to subdivide and rezone land located on Tamarisk Cove at Headmaster Row. The subject land is comprised partly of land developed by North Grassie Properties in 2006 under the terms of Development Agreement AG 20/04 and it also incorporates land to the rear of 674 Knowles Avenue.

A street widening is required along the frontage of 674 Knowles Avenue to be consistent with previous widenings along both sides of Knowles Avenue to the east and west of the subject property. This will be done under a future subdivision application that will also incorporate the re-zoned portion of the rear of 674 Knowles Avenue into the new lots fronting on Tamarisk Cove.

It is therefore recommended that approval of DASZ 53/05 be subject to the Developer entering into an Addendum to Development Agreement AG 20/04 as follows:

1. By attaching to AG 20/04 a copy of the plan of subdivision approved under DASZ 53/05;

2. By attaching to AG 20/04 a copy of servicing drawings showing the extension of services to accommodate the land covered under DASZ 53/05 as determined by and to the satisfaction of the Director of Public Works and the Director of Water and Waste;

3. By adding a clause that the Developer shall pay $545.00 plus G.S.T. to defray the City's administration and related costs associated with the preparation and implementation of the addendum;

4. By adding a clause that the Developer shall pay dedication for land not previously covered under Development Agreement AG 20/04 being Lot 6 and Part Lot 5, Plan 20052;

5. The Developer shall pay a share of the regional land drainage facilities for land not previously covered under Development Agreement AG 20/04 being Lot 6 Plan 20052.

THIS REPORT SUBMITTED BY:

Administrative Coordinating Group
File No. AG 53/05
March 13, 2007

"Original signed by K.T.Raban"
(for) Land Development Engineer

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

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