Minute No. 496
Report - Standing Policy Committee on Property and Development – May 22, 2007

Item No. 9 Subdivision and Rezoning – 401 Grassie Boulevard
File DASZ 5/2007

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 5/2007 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 5/2007 dated April 25, 2007, 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 May 6, 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 5/2007 dated April 25, 2007, to a "R1-4" Single Family Residential District and a "R1-5.5" Single Family Residential District.

3. 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 increase in market value of the land and the creation of additional lots.

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

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.

Report - Standing Policy Committee on Property and Development – May 22, 2007

COUNCIL DECISION (continued):

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.

9. That the Plan of Subdivision shall be approved and signed by the Director of Planning, Property and Development within two (2) years of the date of passage of the aforementioned by-law.

10. That in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twenty-four (24) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

11. That the City Solicitor/Manager of Legal Services be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

Report - Standing Policy Committee on Property and Development – May 22, 2007

DECISION MAKING HISTORY:

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

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On June 13, 2007, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the East Kildonan-Transcona Community Committee and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On May 22, 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 May 14, 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 – 401 Grassie Boulevard (Transcona Ward) File DASZ 5/2007**

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

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

Report date: **May 16, 2007**

COMMUNITY COMMITTEE RECOMMENDATION:

On May 14, 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 5/2007 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 5/2007 dated April 25, 2007, 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 May 6, 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 5/2007 dated April 25, 2007, to a "R1-4" Single Family Residential District and a "R1-5.5" Single Family Residential District.

3. 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 increase in market value of the land and the creation of additional lots.

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

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 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.

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.

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

1. The subject application for a subdivision and single-family housing development is consistent with Plan Winnipeg and consistent with the neighbourhood.

2. The East Kildonan-Transcona Community Committee agreed with the administrative comments contained in the report of the Planning and Land Use Division dated April 25, 2007, and in the report from the Administrative Coordinating Group dated May 7, 2007.

PUBLIC HEARING SUMMARY

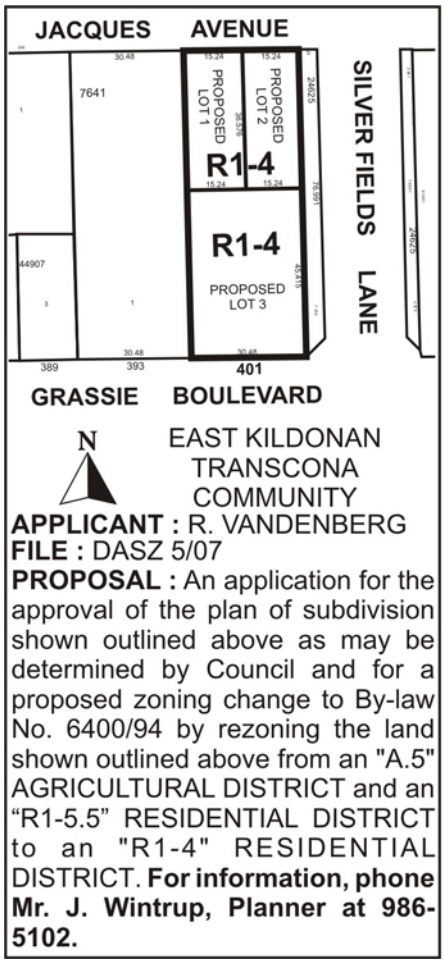
File: DASZ 5/2007

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

Public Hearing: May 14, 2007
Community Committee Chambers, 755 Henderson Highway

Applicant: Roelof Vandenberg

Subject:



Premises Affected: 401 Grassie Boulevard

Exhibits Filed:

1. Application dated February 15, 2007
2. Notification of Public Hearing dated April 19, 2007
3. Manitoba Status of Title 1147992
4. Letter of authorization dated January 30, 2007 from Roelof Vandenberg and Cornelia Vandenberg to Roelof Vandenberg
5. Surveyor's Building Location Certificate and sketch dated December 14, 1998
6. Report from the Planning and Land Use Division dated April 25, 2007
7. Report from the Administrative Coordinating Group dated May 7, 2007
8. Inspection Report

REPRESENTATIONS:

In Support:
Warren Earl

In Opposition
Nil

For the City:
Mr. K. Raban, Land Development Administrator, Planning, Property and Development Department
Mr. J. Wintrup, Senior Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS MADE AT THE PUBLIC HEARING

Warren Earl appeared on behalf of the applicant in support of the application, and indicated he had read the recommendations contained in the administrative report from the Manager of Planning and Land Use dated April 25, 2007, and the Administrative Coordinating Group Report dated May 7, 2007. With respect to the Administrative Coordinating Group, he posed questions regarding the recommendations proposed in the servicing agreement related to the applicant paying its share of cost of services installed by others, and specifically referenced Recommendation No. 3.a. (Exhibit 7) as it relates to the cost of portland cement concrete payment in the vicinity of Grassie and Lagimodiere Boulevards.

Kim Raban, Land Development Administrator, responded by advising the process of the City of Winnipeg recovering funds on behalf of developers. He assured Warren Earl that the subject applicant is not the only applicant that has been required to pay its share of cost of services installed by others as it relates to the subject services.

Exhibit "6" referred to in File DASZ 5/2007

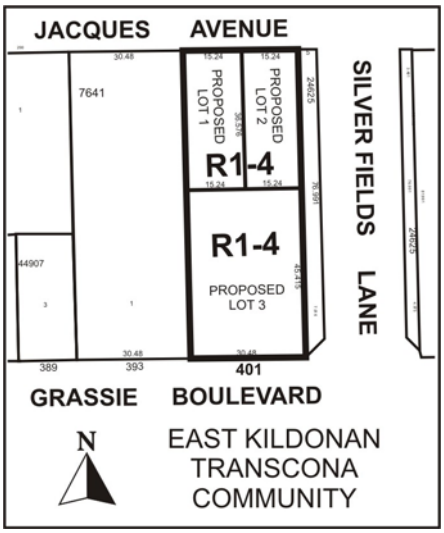
Winnipeg

Planning, Property and Development Department Report

To the East Kildonan - Transcona Community Committee

Date: **April 25, 2007**
File: **DASZ 5/07**
Subject: **Rezone and subdivide property into three residential lots.**

Location: **401 Grassie Blvd**



Applicant: **Roelof Vandenberg**
Owner: **Roelof and Cornelia Vandenberg**

Recommendation: **Approve with Conditions**

Report Summary:

- The applicant is proposing to develop **three** (3) single family residential lots, **two** (2) fronting Jacques Avenue and **one** (1) fronting Grassie Blvd.
- The proposed lots fronting Jacques Avenue will be **50 feet** in width, **119.7 feet** in depth and **5,985 square feet** in area.

- The existing residential lot fronting Grassie Boulevard will be **100 feet** in width, **148.9 feet** in depth and **14,890 square feet** in area.
- The applicant is proposing to maintain the existing single family dwelling on the proposed new lot fronting Grassie.
- New dwelling with be constructed on the lots fronting Jacques Avenue.

Site Description

The subject property is **100 feet by 268 feet (26,800 square feet)** located on the north side of Grassie Blvd, west of Silver Fields Lane in the Grassie neighbourhood of the Transcona Ward. The site is zoned "A-5" Rural and "R1-5.5" Residential Districts. Adjacent properties include residential dwellings to the west designated "A-5" Rural and "R1-5.5" Residential Districts. Surrounding lands include single family dwellings zoned "R1-4" to the north.

Background

The existing single family dwelling fronting Grassie Blvd was constructed in 1983. Previous applications for the subdivision and rezoning of lands on the north side of Grassie include: **DASZ 14/2005, DASZ 37/2003, DASZ 33/2005, DASZ 39/05,** and **DASZ 3/2006.**

Description of the Proposed Development

The owner has applied to rezone and subdivide a 'through lot' that is between Jacques Ave and Grassie Blvd. The lot is currently zoned "Agricultural" along Jacques Ave and "Residential" along Grassie Blvd. The applicant would like to develop two residential lots fronting Jacques Ave and one lot fronting Grassie Blvd. The proposed lots fronting Jacques Avenue will be **50 feet** in width, **119.7 feet** in depth and **5,985 square feet** in area. The existing residential lot fronting Grassie Boulevard will be **100 feet** in width, **148.9 feet** in depth and **14,890 square feet** in area. Only the front 110 feet of property along Grassie is zoned "R1-5.5", thus the applicant will need to rezone 39 feet of the rear yard to "R1-5.5", and the remaining 120 feet will be rezoned "R1-4".

Analysis

PLAN WINNIPEG
The proposed concept complies with Plan Winnipeg in that a residential rezoning is allowed in Neighbourhood Policy Areas. The proposed development also achieves the Plan Winnipeg policy of intensifying residential density through infill development.

SECONDARY PLAN
The Planning and Land-Use Division has recently initiated a Secondary Plan planning process for the **'Transcona West Area'** whose northern boundary is Grassie Blvd and southern boundary is Regent Avenue. The subject property is outside this Secondary Plan area.

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

- The **"R1-4" Single Family Residential District** requires a minimum lot size of 4,000 square feet and minimum lot width of 40 feet. A side yard of 4 feet is required.
- The **"R1-5.5" Single Family Residential District** requires a minimum lot size of 5,500 square feet and a minimum lot width of 50 feet. A side yard of 5 feet is required.

TRANSPORTATION AND SITE ACCESS
Public Works has a desire to reduce the number of approaches along Grassie Blvd due to the high volume of traffic on this collector street. The existing single family dwelling fronting Grassie will maintain an approach. New approaches will be constructed to connect to Jacques Avenue.

SITE PLAN
The site was advertised as rezoning the existing "R1-5.5" to an "R1-4". For the purposes of consistency since all the lands fronting Grassie to the west have an "R1-5.5" zoning district, the Division is recommending that the lands fronting Grassie also retain the "R1-5.5" zoning. This is allowable since the advertised zone of "R1-4" is considered stricter than "R1-5.5" and Council can approve a less restrictive zoning category.

Recommendation

The Planning and Land-Use Division supports rezoning the rear 119 feet of the property from "A-5" to "R1-4". The new zoning designation will complement the existing zoning to the north and east along Jacques Avenue that have a "R1-4" designation. The Planning and Land-Use Division believes that future subdivisions and rezonings along the south side of Jacques Avenue will be for new lots ranging from 40 – 60 feet. A mixture of lot sizes such as this will encourage a diversity of incomes and housing types for the neighbourhood.

The Planning and Land-Use Division also supports rezoning **39 feet** of the property from "A-5" to "R1-5.5" that will be included in Lots 3. All the single family residential lots that front Grassie Boulevard in this neighbourhood are designated "R1-5" and "R1-5.5".

Recommended Conditions of Approval

1. That the plan of subdivision proposed under File No. DASZ 5/07 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File No. DASZ 5/07, attached hereto and dated April 25, 2007, 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 May 06, 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 No. DASZ 5/07 attached hereto and dated April 25, 2007, to a "R1-4" Single Family Residential District and a "R1-5.5" Single Family Residential District.

3. 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 increase in market value of the land and the creation of additional lots.

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

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.

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8. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision has been registered in the Winnipeg Land Titles Office

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.

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11. That the City Solicitor/Manager of Legal Services be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

This Report Submitted by:
Planning, Property and Development Department
Planning and Land Use Division
Report Prepared by: John S. Wintrup
PPD File # 4.424

Schedule "A"

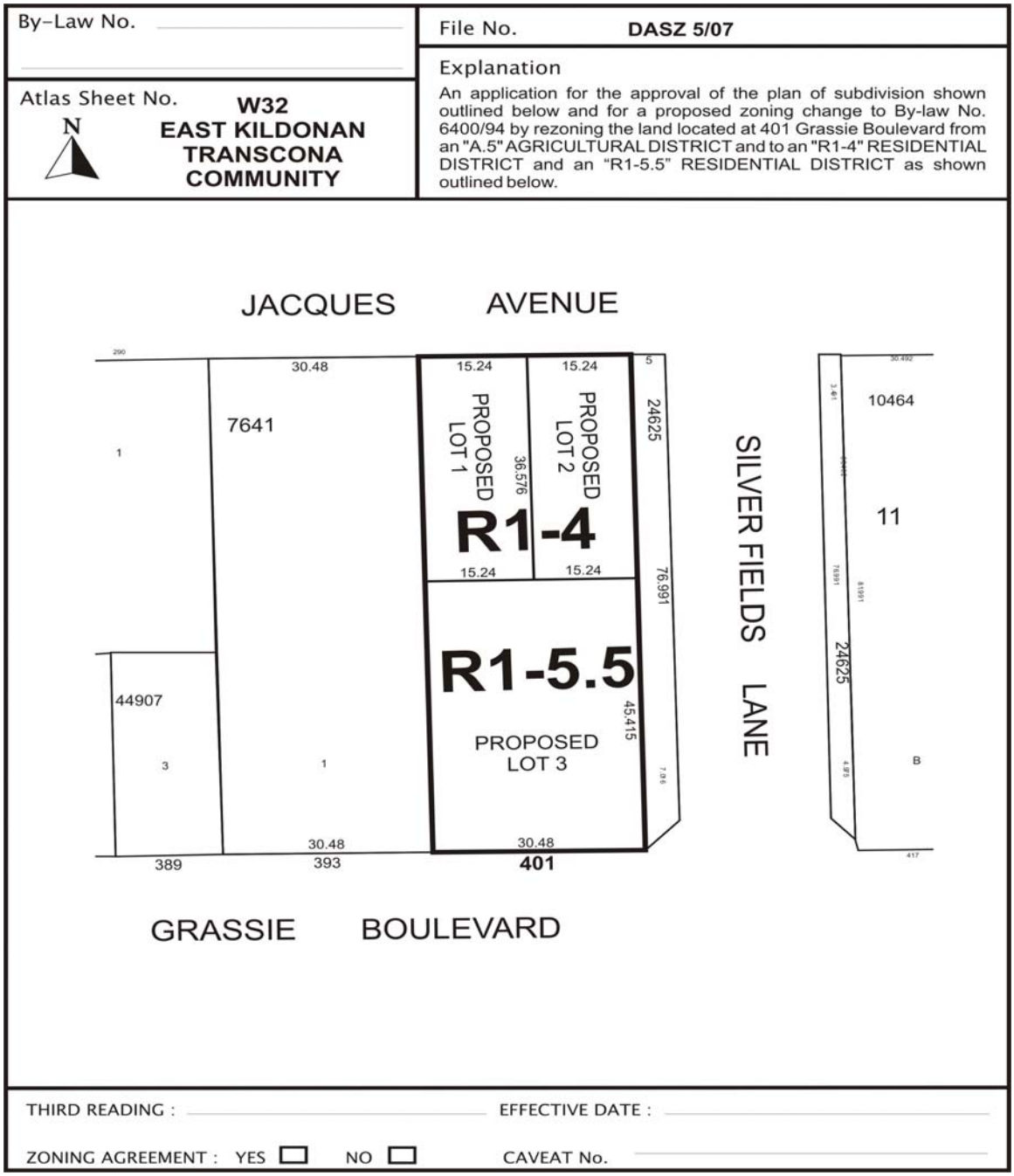

Figure 1: Schedule "A" to the report to the East Kildonan - Transcona Community Committee for File No. DASZ 5/2007, dated April 25, 2007.

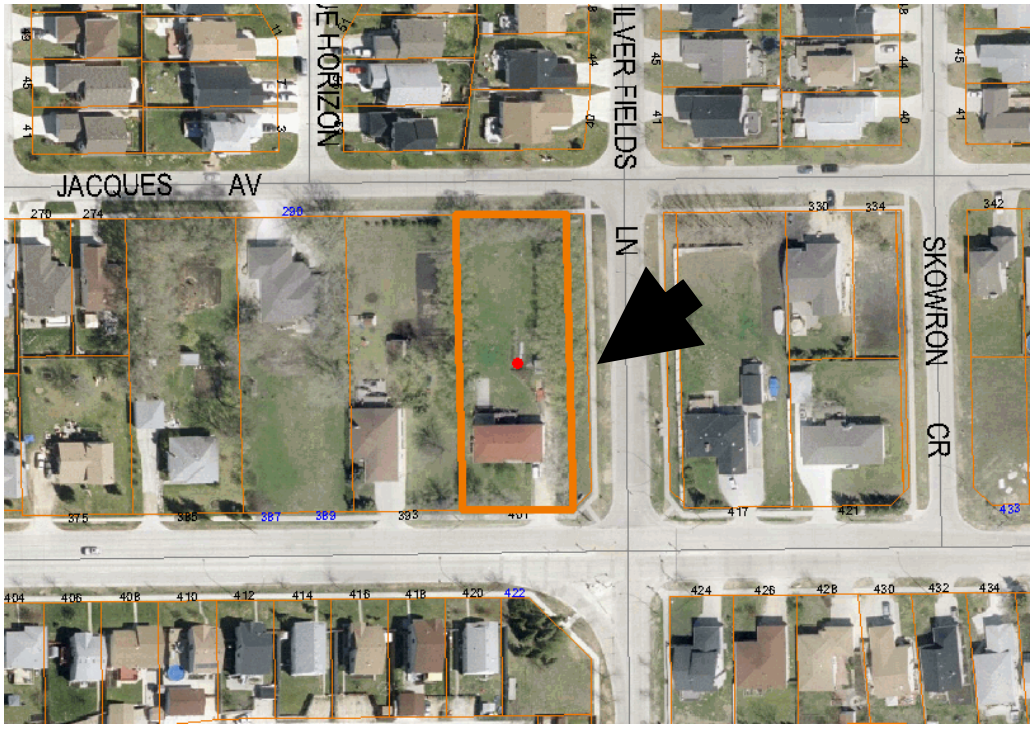

Figure 2: Existing Land-Uses for subject property and Surrounding Area.

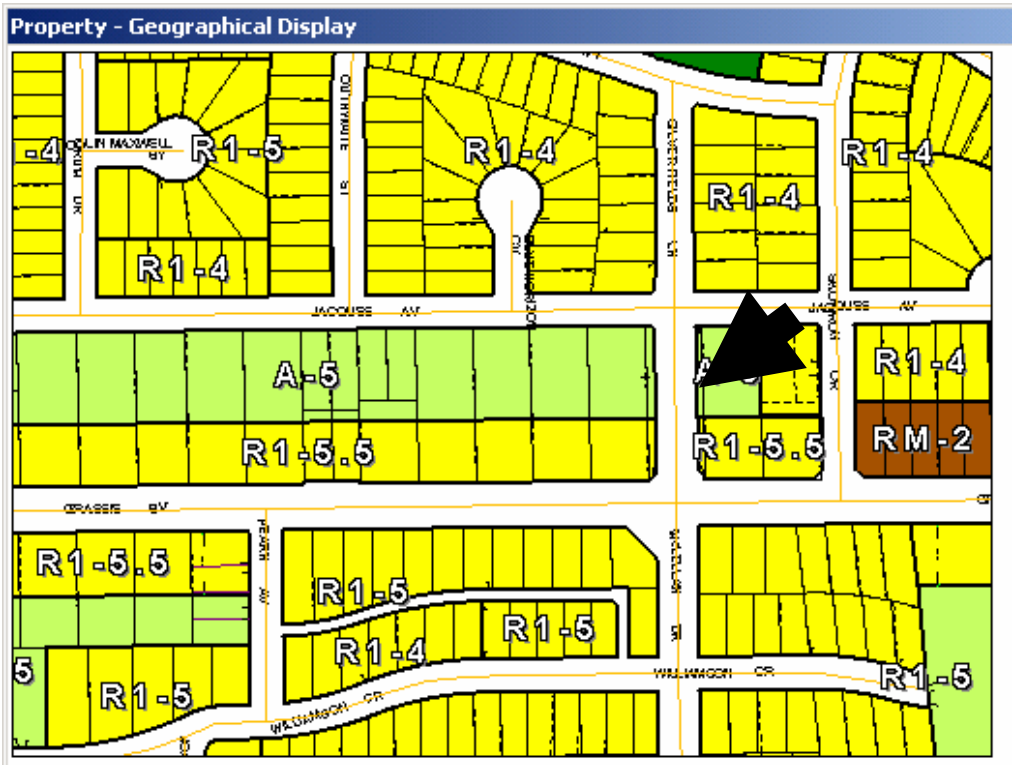

Figure 3: Existing Zoning for subject property and Surrounding Area.

Exhibit "7" referred to in File DASZ 5/2007

Re: Proposed subdivision and rezoning on land located at 401 Grassie Boulevard – DASZ 5/07

An application has been submitted by Roelof Vandenberg to subdivide and rezone land located at 401 Grassie Boulevard.

It is recommended that approval of this application be subject to the Developer entering into a Servicing Agreement as follows:

1. The Developer shall pay its share of the cost of services installed by others in Jacques Avenue on the basis of Local Improvement rates prevailing at the time payment is received.

2. The Developer shall pay its share of the cost of services 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.
    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 1 and 2 of the proposed subdivision as determined by the Director of Water and Waste. The 2007 rate is $9,223.00/acre.

5.
    a. The Developer shall submit 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 catchbasins and leads as may be necessitated by the design.
    b. The Developer shall abandon their existing private water and wastewater services and connect 401 Grassie Boulevard to City services.

6. The Developer shall, at no expense to the City, plant trees and sod the boulevard abutting proposed Lots 1 and 2 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 tracked-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.

12. The Developer shall install sod on the boulevard abutting proposed Lots 1 and 2 fronting on Jacques Avenue in accordance with specifications approved by the Director of Public Works.

THIS REPORT SUBMITTED BY:

Administrative Coordinating Group
File No. AG 5/07
May 7, 2007

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EAST KILDONAN-TRANSCONA COMMUNITY COMMITTEE
May 7, 2007
AG 5/07

"Original signed by K.T. Raban"
[for] Land Development Engineer

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

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