Agenda - Executive Policy Committee - May 7, 2008

Report - Standing Policy Committee on Property and Development - April 29, 2008

Item No. 10 Subdivision and Rezoning - 1922 De Vries Avenue (North Kildonan Ward) File DASZ 40/2007

STANDING COMMITTEE RECOMMENDATION:

On April 29, 2008, the Standing Policy Committee on Property and Development concurred in the recommendation of the East Kildonan-Transcona Community Committee, as amended, and submits the following to Council:

1. That the plan of subdivision proposed under File DASZ 40/2007 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 40/2007 dated December 3, 2007 for registration in the Winnipeg Land Titles Office, subject to the following:

    A. That the Developer be required to enter into an Addendum for Development Agreement AG 35/03 with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated December 27, 2007, with the following amendment, namely:

        i. Delete Recommendation b) in its entirety and replace with the following:

            b) By adding to AG 35/03 a drawing showing the specific requirements to service the land covered under DASZ 40/07 that will require approval from the Director of Public Works; Director of Planning, Property and Development; and the East Kildonan - Transcona Community Committee prior to the issuance of any development permits.

        ii. Add the following Recommendations:

            j. That all construction access shall be determined by and to the satisfaction of the Director of Public Works.

            k. That the Developer be required to construct a portland cement concrete sidewalk on the north side of McIvor Avenue from Strongberg Drive to DeVries Avenue, as determined by and to the satisfaction of the Director of Public Works, if, or when, the East Kildonan-Transcona Community Committee deems necessary.

Agenda - Executive Policy Committee - May 7, 2008

Report - Standing Policy Committee on Property and Development - April 29, 2008

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 40/2007 dated December 3, 2007, to an "R1-3.5" Residential District subject to the following:

    A. That the applicant enter into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to include the following condition:

        i. Where single family residential lots back onto De Vries Avenue, the said lots are to be established with minimum rear yards of 11.99 metres (39.37 feet).

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 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.

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.

Agenda - Executive Policy Committee - May 7, 2008

Report - Standing Policy Committee on Property and Development - April 29, 2008

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.

Agenda - Executive Policy Committee - May 7, 2008

Report - Standing Policy Committee on Property and Development - April 29, 2008

DECISION MAKING HISTORY:

STANDING COMMITTEE RECOMMENDATION:

On April 29, 2008, the Standing Policy Committee on Property and Development concurred in the recommendation of the East Kildonan-Transcona Community Committee, with the following amendments, namely:

- Amend Recommendation 1. as follows:

  Delete the words "amended to a cul-de-sac design, with a permanent access road to De Vries Avenue and no thruway to McIvor Avenue, and"

  Insert the words "in accordance with Schedule "A" for File DASZ 40/2007 dated December 3, 2007" after the word "Surveyor" and before the words "for registration"

- Delete Recommendation 1. B in its entirety

- Delete Recommendation b) of the report of the Administrative Coordinating Group dated December 27, 2007 in its entirety and replace with the following:

  b) By adding to AG 35/03 a drawing showing the specific requirements to service the land covered under DASZ 40/07 that will require approval from the Director of Public Works; Director of Planning, Property and Development; and the East Kildonan - Transcona Community Committee prior to the issuance of any development permits,

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

STANDING COMMITTEE RECOMMENDATION:

On March 25, 2008, the Standing Policy Committee on Property and Development laid the matter over for thirty (30) days.

On February 26, 2008, the Standing Policy Committee on Property and Development laid the matter over for thirty (30) days.

On January 29, 2008, the Standing Policy Committee on Property and Development laid the matter over for thirty (30) days.

Report - Standing Policy Committee on Property and Development - April 29, 2008

DECISION MAKING HISTORY (continued):

COMMUNITY COMMITTEE RECOMMENDATION (continued):

On January 14, 2008, the East Kildonan-Transcona Community Committee concurred in the recommendation of the Winnipeg Public Service, with the following amendments, namely:

Report of the Manger of Planning and Land Use
That the report of the Manger of Planning and Land Use dated December 3, 2007 be amended as follows:

- Amend Recommendation 1. as follows:

  Add the words "amended to a cul-de-sac design, with a permanent access road to De Vries Avenue and no thruway to McIvor Avenue, and" after the word "be" and before the word "approved";

  Delete the words "in accordance with Schedule "A" for File DASZ 40/2007 dated December 3, 2007."

- Add the following recommendation, namely:

  1. B. That the Developer be required to enter into an Easement Agreement with the City to allow for the extension of municipal services from McIvor Avenue to the new St. Moritz cul-de-sac.

Report of the Administrative Coordinating Group of Planning and Land Use
That the report of the Administrative Coordinating Group dated December 27, 2007 be amended as follows:

- Add the following Recommendations:

  j) That all construction access shall be determined by and to the satisfaction of the Director of Public Works.

  k) That the Developer be required to construct a portland cement concrete sidewalk on the north side of McIvor Avenue from Strongberg Drive to DeVries Avenue, as determined by and to the satisfaction of the Director of Public Works, if, or when, the East Kildonan-Transcona Community Committee deems necessary,

and forwarded the matter to the Standing Policy Committee on Property and Development.

RE: **Subdivision and Rezoning – 1922 De Vries Avenue**
File DASZ 40/2007 [c/r DAV 157756/2007D]

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

Prepared by: **Monique Wright, Clerk,**
East Kildonan-Transcona Community Committee

Report date: **January 16, 2008**

COMMUNITY COMMITTEE RECOMMENDATION:

On January 14, 2008, the East Kildonan-Transcona Community Committee concurred in the recommendation of the Winnipeg Public Service, as amended, and recommends to the Standing Policy Committee on Property and Development:

1. That the plan of subdivision proposed under File DASZ 40/2007 ***be amended to a cul-de-sac design, with a permanent access road to De Vries Avenue and no thruway to McIvor Avenue, and*** ~~***the plan of subdivision proposed under File DASZ 40/2007 be***~~ approved for preparation as a plan of subdivision by a Manitoba Land Surveyor ~~***in accordance with Schedule "A" for File DASZ 40/2007 dated December 3, 2007,***~~ for registration in the Winnipeg Land Titles Office, subject to the following:

    A. That the Developer be required to enter into an Addendum for Development Agreement AG 35/03 with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated December 27, 2007, ***as well as***

        j) That all construction access shall be determined by and to the satisfaction of the Director of Public Works.

        k) That the Developer be required to construct a portland cement concrete sidewalk on the north side of McIvor Avenue from Strongberg Drive to DeVries Avenue, as determined by and to the satisfaction of the Director of Public Works, if, or when, the East Kildonan-Transcona Community Committee deems necessary.

    B. That the Developer be required to enter into an Easement Agreement with the City to allow for the extension of municipal services from McIvor Avenue to the new St. Moritz cul-de-sac.

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 40/2007 dated December 3, 2007, to a "R1-3.5" Residential District subject to the following:

A. That the applicant enter into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to include the following condition:

i. Where single family residential lots back onto De Vries Avenue, the said lots are to be established with minimum rear yards of 11.99 metres (39.37 feet).

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 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.

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.

Note: The wording in bold and italics denotes amendments made by the Community Committee.

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

1. A cul-de-sac design with no thruway to McIvor Avenue addresses the traffic and safety concerns expressed by the area residents.

2. A new permanent access road to De Vries Avenue will serve the residents well, same as the temporary access road has done for the past 20 years.

3. The cul-de-sac design and permanent road access to De Vries Avenue will create a distinct and separate subdivision from McIvor Avenue, and will insulate the existing neighbourhood from additional traffic looking to access McIvor Avenue to proceed further on to neighbouring subdivisions.

4. The two (2) access roads into the subdivision will provide sufficient access for emergency services and are appropriate for servicing this neighbourhood.

PUBLIC HEARING SUMMARY

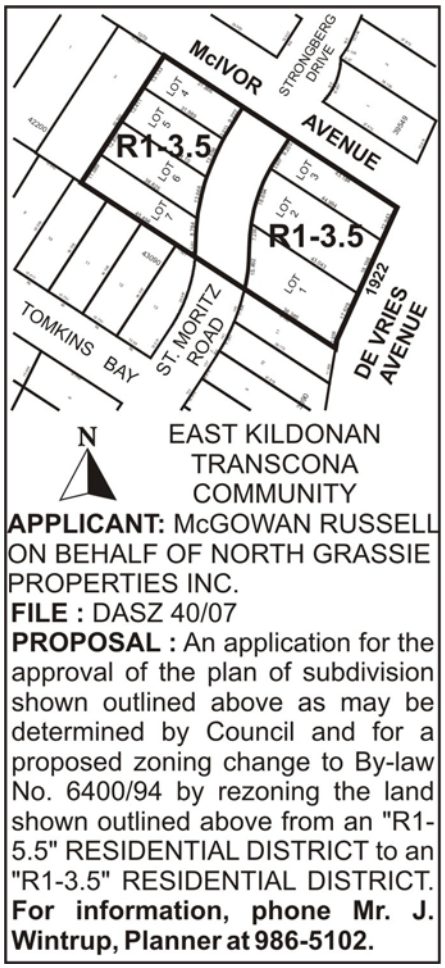
File: DASZ 40/2007

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

Public Hearing: January 14, 2008
755 Henderson Highway

Applicant: McGowan, Russell (Susan Russell)

Subject:



Premises Affected: 1922 De Vries Avenue

Exhibits Filed:

1. Application dated October 30, 2007
2. Notification of Public Hearing dated November 13, 2007
3. Manitoba Status of Title 1789428
4. Letter of authorization dated September 2007 from William Michael Hrushovetz to North Grassie Properties Inc., or its Agent
5. Letter of authorization dated October 17, 2007 from North Grassie Properties Inc. to McGowan Russell
6. Surveyor's Staking & Building Location Certificate and sketch dated June 6, 2007
7. Plan (1 page)
8. Report from the Planning and Land Use Division dated December 3, 2007
9. Report from the Administrative Coordinating Group dated December 27, 2007
10. Inspection Report

REPRESENTATIONS:

In Support:

Susan Russell
Norm Boyle
Kristopher and Melanie McGill

In Opposition:

Bob and Michelle Adams
Gord Froese
Andrew and Zdenka Kinnear
Louis Sr. and Jan Nemeth
Louis S. Jr. and Lee Nemeth
Ed Rudolph and Shirley Timm-Rudolph
Paul Schimnowski
Jason and Dawn Skromeda
Vern Toews

For Information:

Nil

For the City:

Ernie Carrière, Land Development Engineer
John Wintrup, Senior Planner

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS MADE AT THE PUBLIC HEARING

Susan Russell of McGowan Russell Group, appeared on behalf of the applicant, North Grassie Properties Inc., in support of the application. She reiterated those comments contained in the Report from the Planning and Land Use Division, namely: that the proposed subdivision is consistent with the surrounding neighbourhood; the lot sizes are the same as the subdivision to the south, ranging from 38 feet to 66 feet in width, allowing for a diverse housing stock to provide a variety of housing options; is in keeping with the concept plan for the area, connecting St. Moritz Road to McIvor Avenue, aligned with Strongberg Drive to the north. She noted that a full range of services will be extended from McIvor Avenue. She had received only one inquiry pursuant to the application with respect to the future opening and/or closing of McIvor Avenue, which the Public Works Department indicated would be considered as part of the Chief Peguis Trail extension public forum process.

Gord Froese addressed Committee in opposition to the application. He posed a number of questions to the Committee, namely: If St. Moritz Road was not connected to McIvor Avenue, what would be length of a possible cul-de-sac design? Were there no concerns put forward by the Public Works Department with respect to additional traffic on De Vries and McIvor Avenues? Will the existing residence and detached garage be later vacated? If so, will the property revert to the developer? Would that allow a house to be built at the end of St. Moritz Road? How will construction traffic access the development, via McIvor, Bonner, Knowles Avenues? He went on to comment that even if a sidewalk was to be constructed on the north side of McIvor Avenue, St. Moritz Road residents would still have to cross McIvor Avenue or walk along the ditch to get to the existing bus stop. If a sidewalk was to be constructed on the south side of McIvor Avenue, then the Strongberg Drive residents would not have access. Sidewalks should then be constructed along both sides of McIvor Avenue. Furthermore, development of St. Moritz Road should be held in abeyance pending completion of the Chief Peguis Trail extension.

Jan Nemeth appeared in opposition to the application. She advised that she and her husband had recently moved to the area, and had chosen to purchase on St. Moritz Road as it is a quiet residential street, with not a lot of traffic. The safety of their grandchildren is of utmost concern and was a primary consideration in their purchase. In her opinion, there would be an unbelievable amount of traffic if St. Moritz Road was to be connected to McIvor Avenue as proposed.

Paul Schimnowski also addressed Committee in opposition to the application. He suggested that opening St. Moritz Road to McIvor Avenue would create an extremely dangerous traffic situation. Assuming that there will be no stop signs on McIvor Avenue and St. Moritz Road, as the four-way stop at De Vries and McIvor Avenues is a short distance away, the frequent speeders along McIvor Avenue will pose a significant risk to neighbouring residents accessing Algonquin Estates as they frequently do for walks, etc. Many people choose to walk along De Vries Avenue because it is quieter. There are many young families in the area, and there are no crosswalks or stop signs. The solution is to construct sidewalks on both sides of McIvor Avenue. He stated that most, if not all, homes in Algonquin Estates have attached garages,

therefore maintenance of the existing detached garage is unacceptable as it will have a negative effect on property values.

Vern Toews also spoke in opposition to the application. He indicated that while the Public Works Department continues to state that discussions on the future opening and/or closing of McIvor Avenue will take place as part of the Chief Peguis Trail extension public forum process, it is not a separate issue and will continue to be an issue for any development in this area. Concerns on safety are paramount. There has been no traffic impact study to assess what will happen when the existing access is closed. There has been no forward thinking to help protect the neighbourhood as a whole that would still allow emergency services continuous access. McIvor Avenue, Strongberg Drive and St. Moritz Road residents will suffer as a result of the opening of McIvor Avenue. He proposed that the development plan be totally revised to include closure of McIvor Avenue for safety reasons, and that all current access points be maintained for the delivery of emergency services and better traffic flow. As proposed, this small development will harm the area residents, not benefit area.

Shirley Timm-Rudolph echoed the concerns expressed by the area residents in opposition to the application. She indicated that there have been traffic problems in the area since the 1970s, which have progressively worsened. When development to the north of McIvor Avenue was approved, McIvor Avenue was to be part of the streets system within the development. When the Sun Valley subdivision was later developed, McIvor Avenue was to be closed, but this did not occur. During construction of the development to the north, construction vehicles utilized McIvor Avenue, frequently travelling in excess of 120 km/hr. Car thefts, break-ins and robberies have all increased in the area as a result of traffic coming from all over Winnipeg using McIvor Avenue. If this development is proceeded with, there will be three full intersections within less than 300 feet of each other. As well, there is an existing three foot drop on McIvor Avenue at the proposed St. Moritz Road connection. The companion Variance application will also have an injurious effect, as the existing garage will block visibility to an even greater degree where traffic is at its worst. The proposed connection of St. Moritz Road will create another shortcut and a direct means of travel from All Seasons Estates along McIvor Avenue to Henderson Highway. She suggested that the development application should be held in abeyance until the parameters of the Chief Peguis Trail extension have been resolved. Existing traffic problems should be addressed before more traffic is added.

Jason Skromeda indicated that while he and his wife originally registered for information, they wished to now be registered in opposition to the application. He advised that because there are no sidewalks in the immediate vicinity, pedestrians walk along the streets. If sidewalks were to be constructed on McIvor Avenue, the existing bus stop would have to be relocated, resulting in additional safety and traffic concerns.

Andrew Kinnear also indicated that while he and his wife registered for information, they wished to now be recorded in opposition to the application. He advised that they were informed of the proposed subdivision before moving onto St. Moritz Road, but they would prefer a cul-de-sac configuration instead of a roadway connecting to McIvor Avenue. He also inquired as to what will happen to the existing residence at 1922 De Vries Avenue.

Bob Adams addressed Committee and also advised that while he and his wife registered for information, they wished to now be recorded in opposition to the application. He questioned why four of the proposed lots were configured to face St. Moritz Road and not McIvor Avenue. His property backs onto proposed Lot 7, resulting in a new home possibly being located one foot from his rear fence. He will also be immediately adjacent to the increased traffic on St. Moritz Road.

The applicant, Susan Russell, returned to respond to the questions posed by the area residents. She indicated that the connection of St. Moritz Road to McIvor Avenue at Stronberg Drive has been planned and on record since 1996. A second access to the neighbourhood (Tomkins Bay and St. Moritz Road) is required for emergency service vehicles. As the minimum requirements cannot be met by the existing temporary access to De Vries Avenue which is substandard, there is no opportunity to provide permanent access with the existing roadway; the only option is to connect to McIvor Avenue. In addition, the extension of St. Moritz Road allows for a clean connection for land drainage and sewer services. The Public Works Department has proposed to establish a stop sign on St. Moritz Road at McIvor Avenue, which will later be reviewed and a four-way stop will be established if necessary. No traffic study was required inasmuch as the development creates only an additional seven new homes in the area. She indicated that while the existing detached garage on proposed Lot 2 now faces De Vries Avenue, the homeowner plans to re-orient its doors to face St. Moritz Road. The existing detached garage does not block visibility. She again reiterated the Public Works Department's position that traffic must be looked at in the context of the Chief Peguis Trail extension, and would be dealt with during that public forum process. Further, in keeping with provisions of the Zoning By-law, a house cannot be built within one foot of the side yard, and would require a variance and be subject to a public hearing.

Councillor Wyatt asked the applicant if the developer would be opposed to a cul-de-sac design, and if services could be accommodated through an easement if such a design was approved.

The applicant advised that, from the outset, they were advised by the Winnipeg Public Service that the subdivision had to include a connection to McIvor Avenue, and therefore a cul-de-sac design was not contemplated.

John Wintrup, the Senior Planner, indicated that the standard length of a cul-de-sac is set by the Association of Civil Engineers. A standard cul-de-sac is less than 75 metres in length and is generally limited to 10 to 12 houses, hence the proposed subdivision configuration with the extension of St. Moritz Road to McIvor Avenue. The existing temporary access is located on a lot proposed for a single family dwelling. As to future plans for the dwelling at 1922 De Vries Avenue, the owner has indicated he wishes to remain in his home. While his home faces De Vries Avenue, his existing garage will remain in the rear yard, but will front onto St. Moritz Road. If, or when, the existing home is demolished the existing garage would no longer be permitted. On many occasions, the homeowner has indicated a love of his home, yard and garden, and likely no other changes are being contemplated, such as removal of the large oak tree on the site. This is the last remaining piece of farmland owned by the Hrushovetz family, and with only very little vacant land remaining at Knowles Avenue there will be no further large

developments possible in this area. Although development has been piece meal, this is a logical completion of the area.

As to the sidewalk construction along McIvor Avenue, Ernie Carrière, Land Development Engineer, suggested that, if deemed necessary, there should be a sidewalk along the north side only as North Grassie Properties Inc. has already filled in the ditch and diverted drainage to the south. However, no sidewalk is required if McIvor Avenue remains open. Residents can then walk where they feel is it safest.

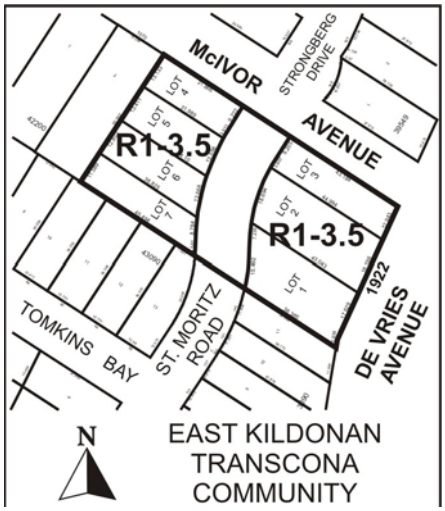
Exhibit "8" referred to in File DASZ 40/2007

Winnipeg

Planning, Property and Development Department Report

To the East Kildonan - Transcona Community Committee

Date:	**December 03, 2007**
File:	**DASZ 40/2007**
Related Files:	**DASZ 35/03; ZAA 01/03; ZAA 7/01; DASZ 13/00; DASZ 24/94; DASZ 16/80**
Subject:	**Rezone and subdivide property into 7 residential lots.**
Location:	**1922 DeVries Avenue**



Applicant:	**McGowan Russell (Susan Russell)**
Owner:	**William Michael Hrushovetz**
Recommendation:	**Approval**

Report Summary:

- The applicant has acquired rights to **1.2 acres** of land in order to create 7 single family lots for 6 new houses.
- St. Moritz Road will be extended and connected to McIvor Avenue.
- A special rear yard setback of 11.99 metres for the lots adjacent to De Vries is required.

Site Description

The subject property is **1.2 acres** located at the southwest corner of McIvor and De Vries Avenue in the Springfield North neighbourhood of the North Kildonan Ward.

The subject property is zoned "R1-5.5" Residential and is occupied by a single family dwelling. Adjacent properties include residential dwellings to the west zoned "R1-5.5"; residential dwellings to the south zoned "R1-3.5". Surrounding lands include single family dwellings zoned residential on the north side of McIvor.

Background

DASZ 35/03

An application was approved for single family dwellings zoned "R1-3.5" that extended Tomkins Bay north, connecting back to St. Moritz but not connecting either street to McIvor.

DASZ 13/86

An application was approved for single family dwellings zoned "R1-4" that created Tomkins Bay connected to an extension of St. Moritz Road from Rushmore Road.

Description of the Proposed Development

The applicant intends to develop 7 new lots for 6 new single family dwellings. The lots will range from 38 feet to 66 feet in width. The existing single family dwelling constructed in 1963 will remain on proposed lot 2 with a width of 59 feet. St.Moritz Road will be extended and connected to McIvor 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 **DASZ 35/03** and the concept plan drafted for **DASZ 11/77** and **DASZ 13/86**.

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.

TRANSPORTATION AND SITE ACCESS
The proposed subdivision is consistent with the concept plans for the development of the neighbourhood: St. Moritz Road will be connected to McIvor Avenue at Strongberg Drive. The temporary access to De Vries Avenue from St. Moritz Road will be severed, the land returned to the Developer of that subdivision, and a house constructed.

The connection of St. Moritz Road to McIvor is needed: the length of cul-de-sacs are generally limited to 10 – 15 houses, approximately 75 metres. A cul-de-sac over 800 metres in length for Tomkins Bay and St. Moritz Road from Rushmore Road is not considered good subdivision planning or design for reasons of public safety, neighbourhood interconnectivity and convenience. The Winnipeg Fire and Paramedic Service has insisted in the past that cul-de-sac length be limited. The temporary access to De Vries can be considered substandard and not appropriate for servicing this neighbourhood.

LAND DEDICATION
Finally, it should be noted that dedication of land for public open space or payment of cash in lieu thereof is applicable to the subject properties as this requirement was not satisfied through previous subdivision applications.

SPECIAL REAR YARD
The Public Works Department recommends that all lots backing onto De Vries Avenue have a special rear yard of 17.5 metres (57.4 feet). Public Works has also made this recommendation for the residential lots along Strongberg Drive and Drobot Place to the north. This special rear yard setback was established to increase the separation distance between De Vries / Lagimodiere Blvd and the residential dwellings in order to alleviate traffic noises from the residents.

A recent Zoning Agreement Amendment (ZAA 7/2001) reduced the special yard requirement for three (3) lots in Block 2, DASZ 6/98 on the northwest corner of McIvor Avenue and De Vries Avenue along Strongberg Drive. The Division supported this application because De Vries Avenue curves west away from Lagimodiere Boulevard, thus providing an increased separation distance from traffic. Lot 1 has a rear yard setback of 42.0 feet; lot 2 has a rear yard setback of 43.0 feet; and lot 3 has a rear yard setback of 52 feet.

This same situation occurs for lots 11, 10, and 9, Block 3 in DASZ 35/03. The lots range in length from 36.385 metres (119.373 feet) to 41.816 metres (137.19 feet) due to the change in De Vries Avenue curving west away from Lagimodière Boulevard. The Division recommended that the special rear yard for those three lots be reduced to 39.37 feet, 43.2 feet and 52.19 feet respectively.

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 concept plans for Tomkins and St. Moritz Road.
- The proposed subdivision will ensure a full range of municipal services are extended to McIvor Avenue, facilitating future extension of services along McIvor Avenue.
- The development represents a logical completion of St. Moritz Road and is aligned to the previously approved plans of subdivision for the area.
- St. Moritz Road will be connected to McIvor to provide a proper access point into the neighbourhood.

The Division is recommending that lots 1, 2, and 3 that back onto De Vries have the same special rear setback of 39.33 feet as for the adjacent lot (lot 11) that was created under DASZ 35/2003. De Vries Avenue curves west away Lagimodière Boulevard, thus providing an increased separation distance from traffic. And the proposed rear yard setback would be consistent with the adjacent lot. The existing house on the property has a setback of 31.98 feet (9.75 metres): this house will have a non-conforming right to maintain this setback until such time as the house is demolished or destroyed. A new house constructed will have to abide by the setback of 11.99 metres.

Recommended Conditions of Approval

1. That the plan of subdivision proposed under File DASZ 40/2007 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 40/2007 dated December 3, 2007, for registration in the Winnipeg Land Titles Office subject to the following:

    A. That the Developer be required to enter into an Addendum for Development Agreement AG 35/03 with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated December 27, 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 40/2007 dated December 3, 2007, to a "R1-3.5" Residential District subject to the following:

    A. That the applicant enter into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to include the following conditions:

        a. Where single family residential lots back onto De Vries Avenue, the said lots are to be established with minimum rear yards of 11.99 metres (39.37 feet).

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 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.

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 # DASZ 40/2007

Schedule "A"

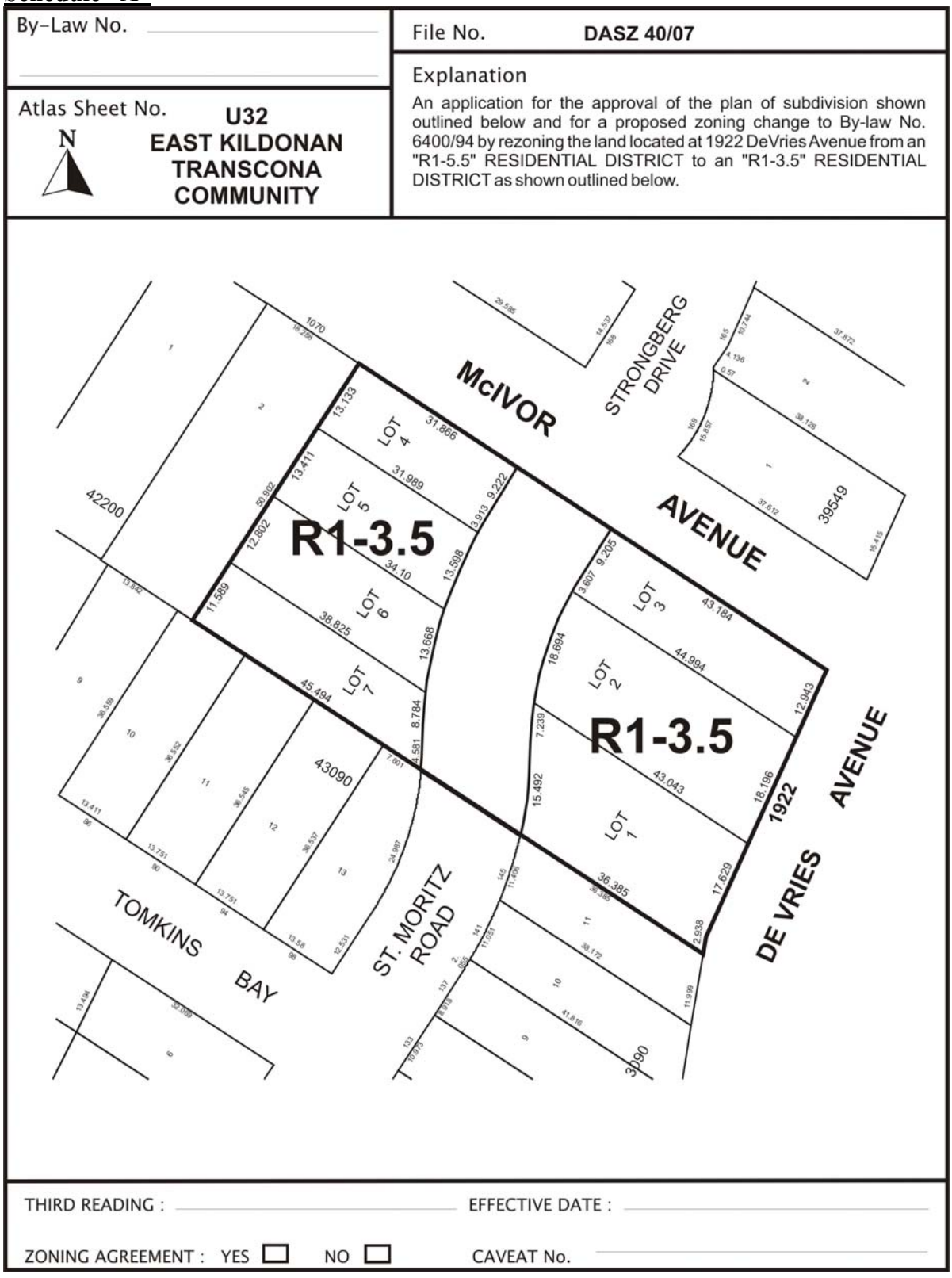


Figure 1: Schedule "A" to the report to the East Kildonan - Transcona Community Committee for File DASZ 40/2007, dated December 3, 2007.



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

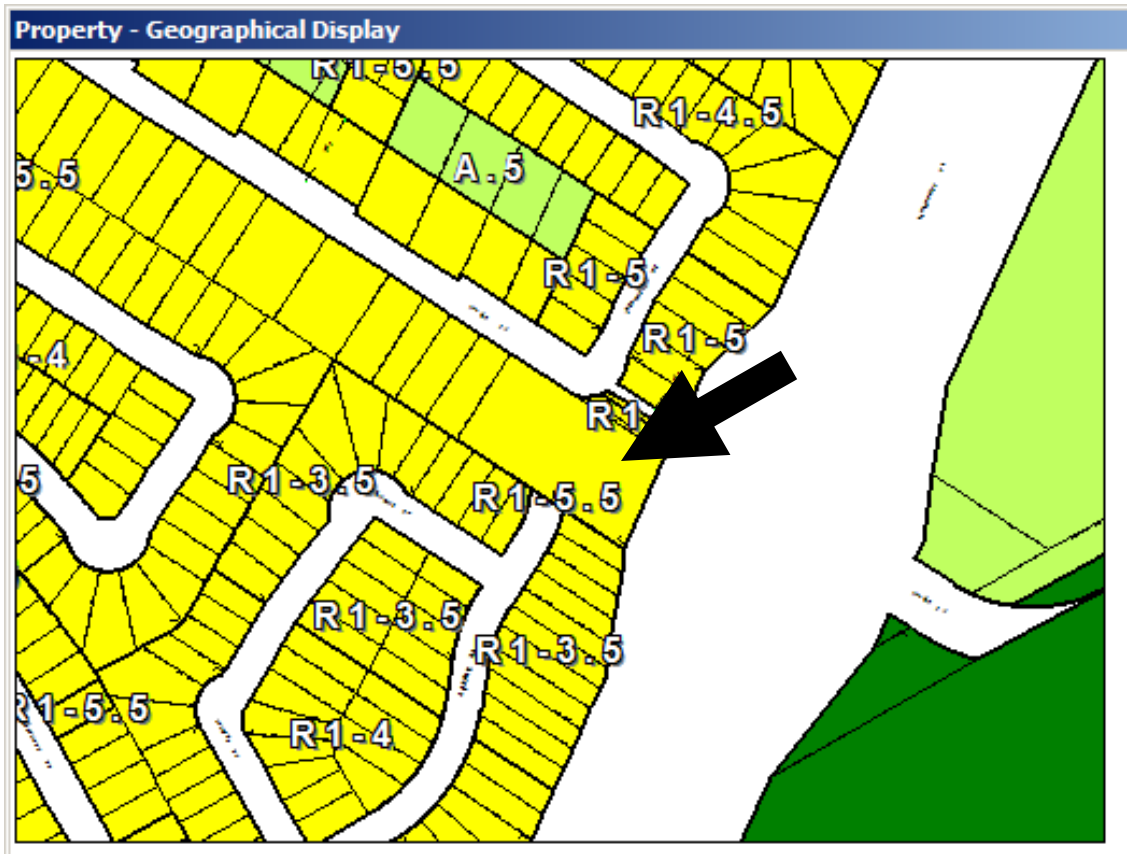


Figure 3: Existing Zoning for subject property and Surrounding Area.

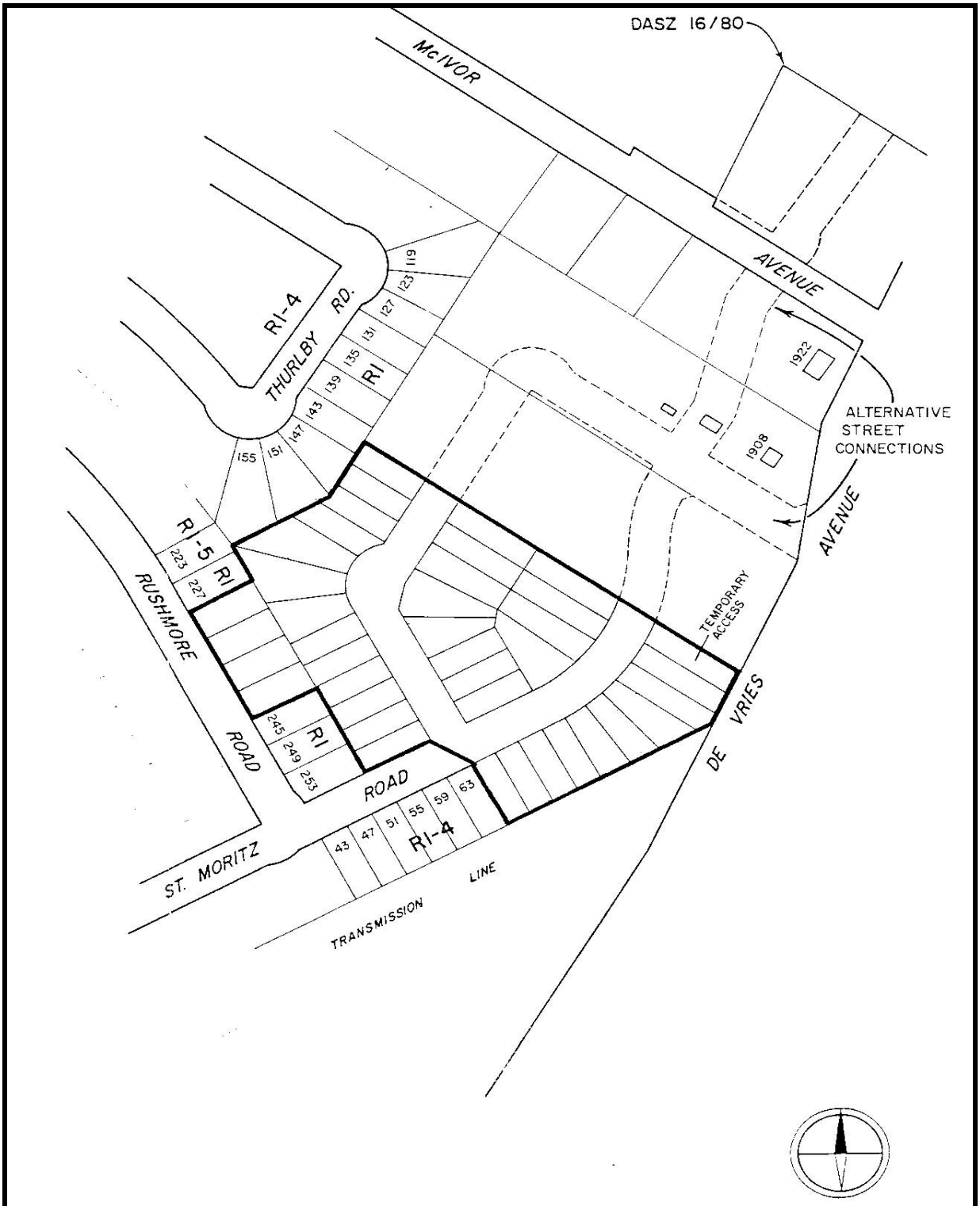


Figure 4: Concept Map for St. Moritz Road and Tomkins Bay, DASZ 13/1986.

Re: Proposed subdivision and rezoning on land located at 1922 deVries Avenue

FOR SUBMISSION TO THE CHAIRPERSON AND MEMBERS OF THE EAST KILDONAN – TRANSCONA COMMUNITY COMMITTEE

E.L. Carrière
Chairman
Administrative Coordinating Group

December 27, 2007

3148

Re: Proposed subdivision and rezoning on land located at 1922 DeVries Avenue

An application has been submitted on behalf of North Grassie Properties Inc. (the Developer) to subdivide and rezone the land located on 1922 De Vries Avenue. The subject land is located immediately north and adjacent to land developed by the Developer under Development Agreement AG 35/03.

It is recommended that approval of DASZ 40/07 be subject to the Developer entering into an Addendum to Development Agreement AG 35/03 as follows:

a) By adding to AG 35/03, a copy of the plan of subdivision approved under DASZ 40/07;
b) By adding to AG 35/03 a drawing showing the specific requirements to service the land covered under DASZ 40/07;
c) By adding a clause requiring the Developer to pay its share of the cost of the land drainage trunk and sub-trunk systems benefiting the subject land;
d) By adding a clause requiring The Developer to abandon the existing access from St. Moritz Road to De Vries Avenue across Lot 9, Block 3, Plan 21193;
e) By adding a clause requiring the Developer to abandon the private water and wastewater services and connect 1922 De Vries Avenue to City services
f) By adding a clause requiring the Developer to build a uniform sound attenuation fence 2.0m in height within the rear yards of all lots backing onto De Vries Avenue to the satisfaction of the Director of Public Works.
g) By adding a clause prohibiting private approaches off De Vries Avenue and off McIvor Avenue and requiring the Developer to remove the existing private approaches off McIvor Avenue and off De Vries Avenue as determined by and to the satisfaction of the Director of Public Works.
h) By adding a clause requiring the Developer to pay $1,200.00/acre in lieu of the City's administration and related costs associated with the preparation and implantation of the Addendum to AG 35/03.
i) By adding a clause requiring the Developer to pay cash in lieu of dedication of land for public open space in accordance with City policy.

THIS REPORT SUBMITTED BY:

Administrative Coordinating Group
File No. DASZ 40/07
December 27, 2007

_____
Land Development Engineer

_____
Public Works Department

_____
Water & Waste Department