Agenda - Council - October 22, 2008

Report - Standing Policy Committee on Property and Development - October 2, 2008

Item No. 7 Subdivision and Rezoning - Miramonte Cove (North Kildonan Ward) File DASZ 24/2008

STANDING COMMITTEE RECOMMENDATION:

On October 15, 2008, the Executive Policy Committee concurred in the recommendation 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 24/2008 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 24/2008 dated September 10, 2008, for registration in the Winnipeg Land Titles Office subject to the following:

   A. That the Developer be required to enter into a Development Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated August 21, 2008.

2. That the Winnipeg Zoning By-Law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 24/2008 dated September 10, 2008, to an "R1-M" Residential Single-Family 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.

Report - Standing Policy Committee on Property and Development - October 2, 2008

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.

Report - Standing Policy Committee on Property and Development - October 2, 2008

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On October 15, 2008, the Executive Policy Committee concurred in the recommendation 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 October 2, 2008, the Standing Policy Committee on Property and Development concurred in the recommendation of the East Kildonan-Transcona Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On September 15, 2008, the East Kildonan-Transcona Community Committee concurred in the recommendation of the Winnipeg Public Service and forwarded the matter to the Standing Policy Committee on Property and Development.

RE: **Subdivision and Rezoning – Miramonte Cove**
File DASZ 24/2008 [c/r DAV 123813/2008D]

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

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

Report date: **September 16, 2008**

COMMUNITY COMMITTEE RECOMMENDATION:

On September 15, 2008, the East Kildonan-Transcona Community Committee concurred in the recommendation of the Winnipeg Public Service and recommends to the Standing Policy Committee on Property and Development:

1. That the plan of subdivision proposed under File DASZ 24/2008 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 24/2008 dated September 10, 2008, for registration in the Winnipeg Land Titles Office subject to the following:

    A. That the Developer be required to enter into a Development Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated August 21, 2008.

2. That the Winnipeg Zoning By-Law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 24/2008 dated September 10, 2008, to an "R1-M" Residential Single-Family 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. The East Kildonan-Transcona Community Committee agreed with the administrative comments contained in the report of the Planning and Land Use Division dated September 10, 2008 and in the report from the Administrative Coordinating Group dated August 21, 2008.

2. The proposed plan of subdivision is consistent with the approved plan of subdivision for Arrowwood and the concept plan drafted at the time of File DASZ 20/2004.

PUBLIC HEARING SUMMARY

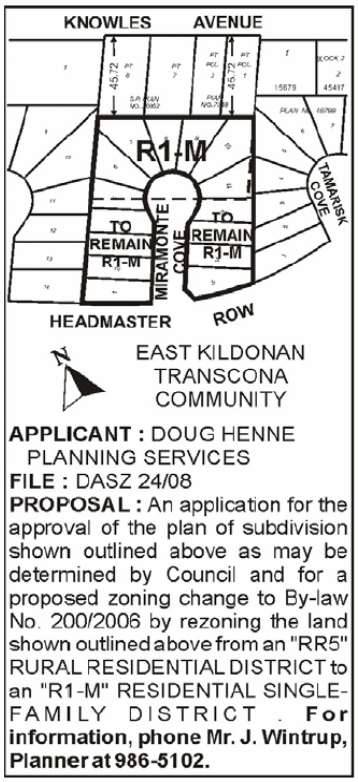
File: DASZ 24/2008 [c/r DAV 123813/2008D]

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

Public Hearing: September 15, 2008
755 Henderson Highway

Applicant: Doug Henne Planning Services

Subject:



Premises Affected: Miramonte Cove

Exhibits Filed:

1. Application dated June 9, 2008
2. Notification of Public Hearing dated June 24, 2008
3. Manitoba Status of Titles 1547993, 1577507, 1865996, 2181627, 2181760 and 2181761
4a. Letter of authorization from Leon Prevost and Kathleen Prevost to North Grassie Properties Inc. dated November 19, 2007
4b. Letter of authorization from Randal Leslie Thomas and Susan Martha Thomas to North Grassie Properties Inc. dated December 4, 2007
4c. Letter of authorization from Ludovicus Carolus Schoofs and Anna Agatha Schoofs to North Grassie Properties Inc. dated September 5, 2007
4d. Letter of authorization from Richard Ryzner to North Grassie Properties Inc. dated December 13, 2007
4e. Letter of authorization from North Grassie Properties Inc. to Doug Henne Planning Services dated May 23, 2008
5. Surveyor's Building Location Certificate dated March 31, 2008
6. Caveat No. 3361822
7. Report from the Planning and Land Use Division dated September 10, 2008
8. Report from the Administrative Coordinating Group dated August 21, 2008
9. Inspection Report

REPRESENTATIONS:

In Support:

Norm Boyle
Doug Henne, Doug Henne Planning Services

In Opposition

Anita Quiring

For Information:

Nil

For the City:

Kim Raban, Land Development Administrator, Planning, Property and Development Department
John Wintrup, Senior Planner, Planning, Property and Development Department

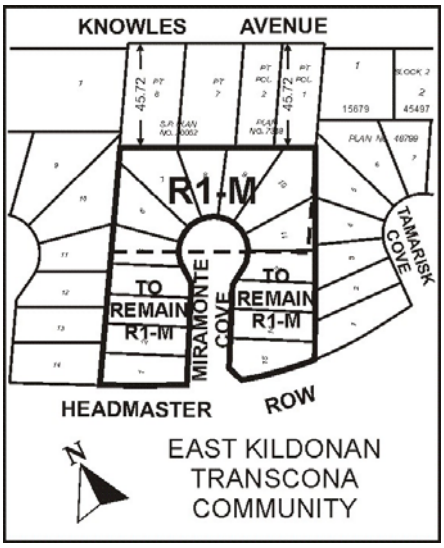
Exhibit "7" referred to in File DASZ 24/2008 [c/r DAV 123813/2008D]

Winnipeg

Planning, Property and Development Department Report

To the East Kildonan - Transcona Community Committee

Date:	**September 10, 2008**
File:	**DASZ 24/08**
Related Files:	**DASZ 20/04; DASZ 45/04; DASZ 53/05; DASZ 12/06; DASZ 38/2007**
Subject:	**Rezone and subdivide property into 15 residential lots.**
Location:	**Miramonte Cove at Headmaster**



Applicant:	**Doug Henne Planning Services**
Owner:	**North Grassie Properties Inc.**
	RICHARD RYZNER
	LEON & KATHLEEN PREVOST
	RANDAL L & SUSAN M THOMAS
	LUDOVICUS C & ANNA A SCHOOFS

Recommendation: Approval

Report Summary:

- The Developer has acquired rights to land in order to subdivide the block around the Miramonte Cove street stub into 15 single family lots.
- The new lots will be fully serviced and will front Miramonte Cove.
- The residual parcels will continue to front Knowles Avenue with their existing single family dwellings.
- A strip of land along the Knowles Avenue right-of-way will be acquired from the residual parcels that front Knowles in order to facilitate the future widening of this street.

Site Description

The subject property is **43,000 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: "RR5" Rural for **41,000 square feet**, "R1-M" for **44,000 square feet** on the east and west sides of the existing Miramonte Cove stub. Adjacent properties include residential dwellings to the east zoned "RR5" Rural Residential Districts; and "R1-M". 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. Miramonte Cove was created as a street right-of-way stub that was zoned for 'residential' on both sides of the stub.

Description of the Proposed Development

The Developer of Arrow wood has acquired **41,000 square feet** of the rear yards for lots that front on Knowles Avenue in order to extend the Miramonte Cove street stub northwards into a proper cul-de-sac with 15 single family lots.

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

- **"RR5" Rural Residential** require a minimum lot area of 5 acres, side yards of 25 feet, and front yards of 100 feet.
- **"R1-M" Residential Single-Family District** lot sizes of 3,500 square feet are required. Side yards of 4 feet are required.

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
A variance (**DAV 08-123813/D**) is required to allow lot widths ranging from 42 feet to 49.5 feet instead of 50 feet; and lot areas ranging from 4493 square feet and 7680 square feet instead of 8568.2 square feet.

The variances may be appealed to the Appeals Committee for an additional public hearing, whereas the recommendation by the Community Committee for a rezoning proceeds to Council without an additional public hearing.

SITE DESIGN ISSUES
Public Works has indicated that land is required along the frontage of 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).

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 **43,000 square feet** of the subject property as this requirement has not been satisfied through the Arrow wood Development Agreement AG 20/04 between the City and North Grassie Properties Ltd. However, the lands that he Developer previously controlled immediately south of the 43,000 square feet was included in this previous agreement and is not subject to land dedication. The payment of land dedication is incorporated into 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 No. DASZ 24/08 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File No. DASZ 24/08, attached hereto and dated September 10, 2008, for registration in the Winnipeg Land Titles Office subject to the following:

    A. That the Developer be required to enter into a Development Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated April 21, 2008.

2. That The Winnipeg Zoning By-Law No. 200/06 be amended by rezoning the subject land as shown on Schedule "A" for File No. DASZ 24/08 attached hereto and dated September 10, 2008, to a "R1-M" Residential Single-Family 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 # DASZ 24/2008

Schedule "A"

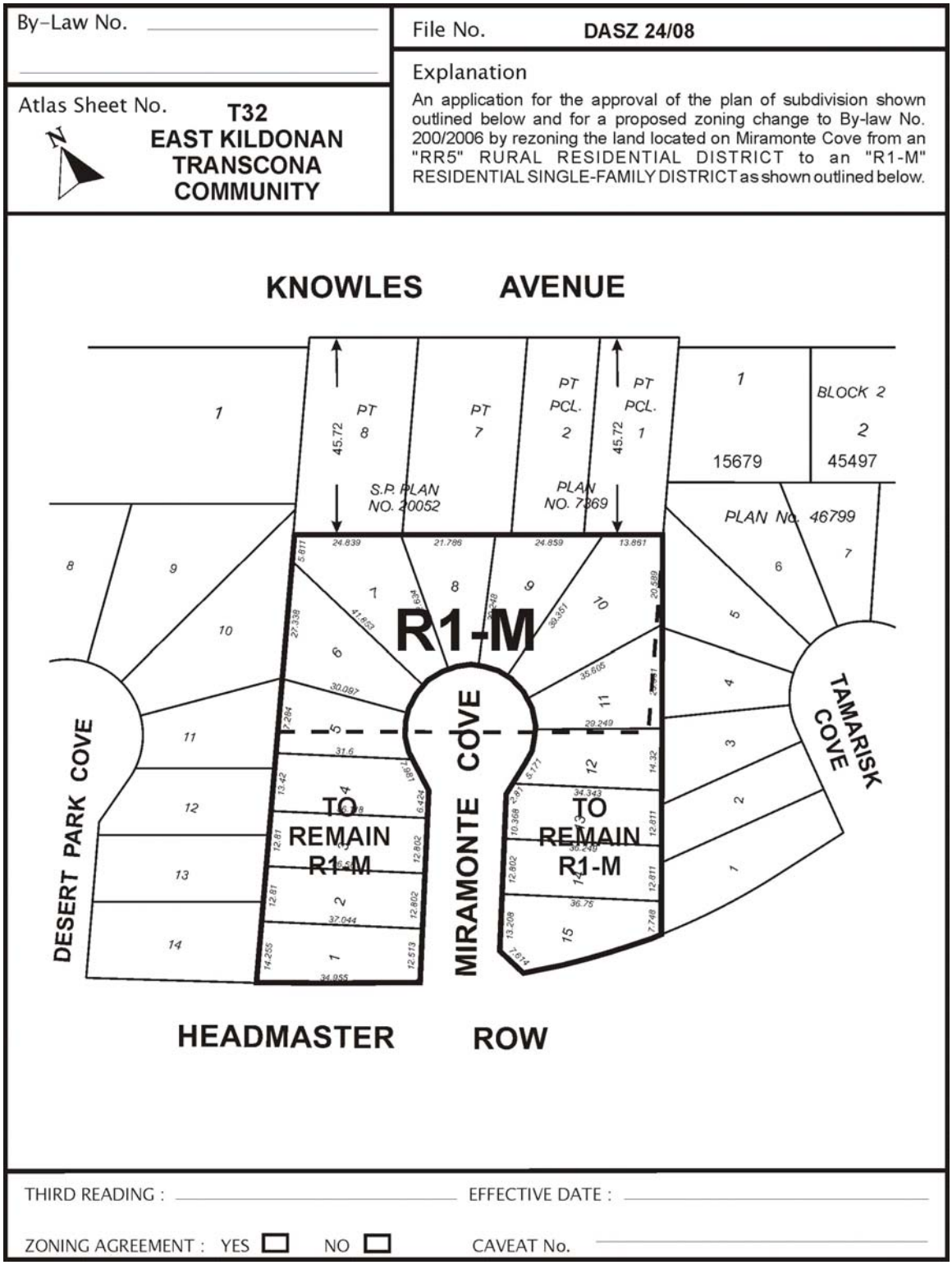


Figure 1: Schedule "A" to the report to the East Kildonan - Transcona Community Committee for File DASZ 24/2008, dated September 10, 2008.



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

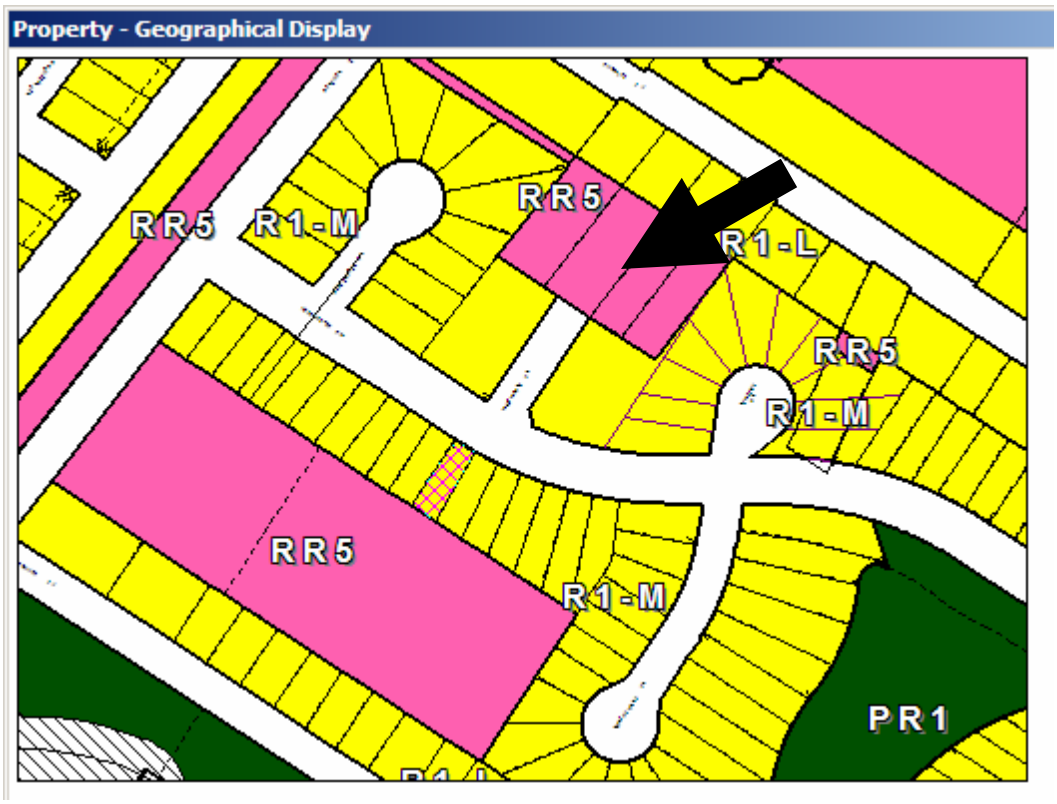


Figure 3: Existing Zoning for subject property and Surrounding Area.

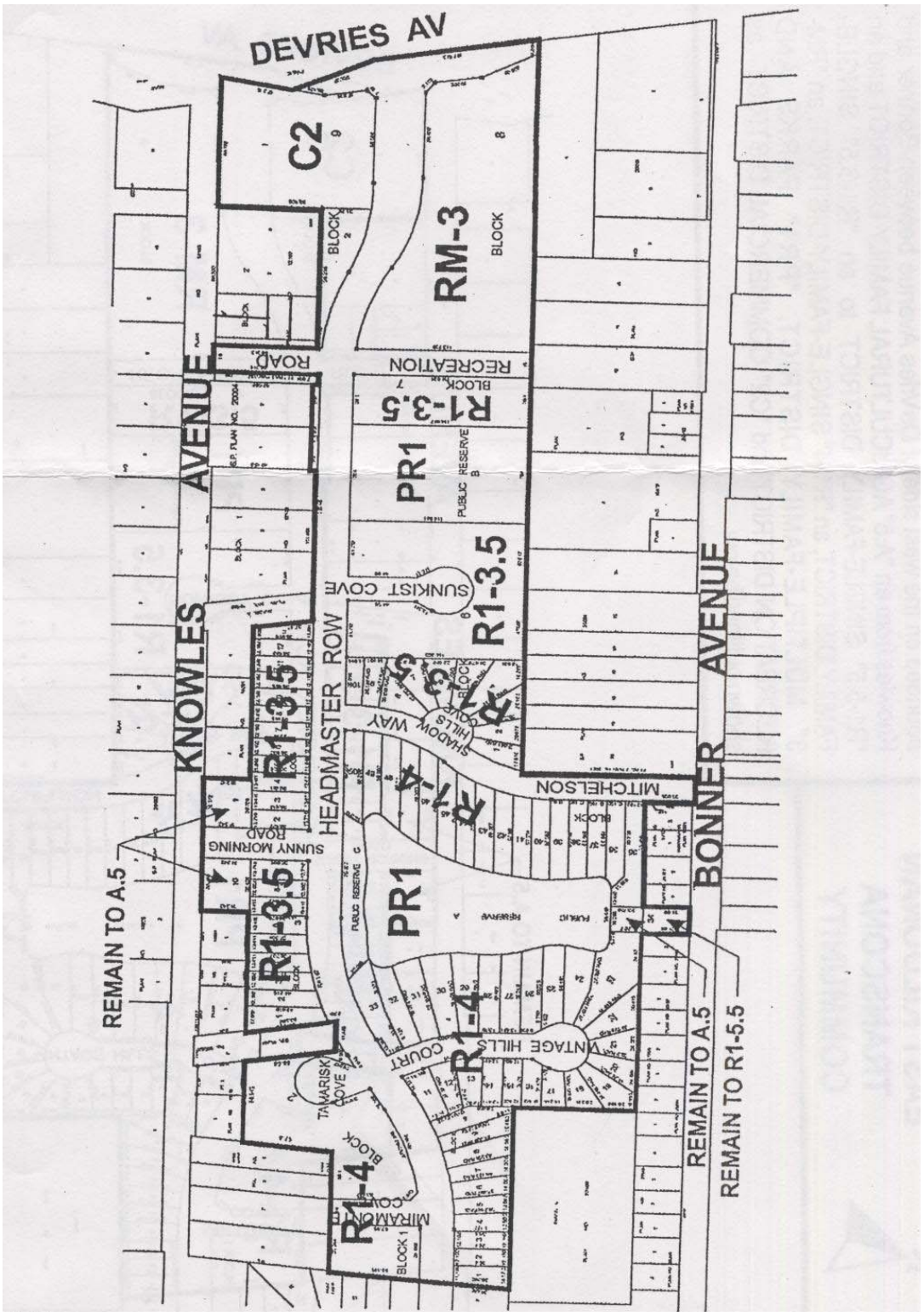


Figure 4: Plan for Arrowwood Subdivision.

Exhibit "8" referred to in File DASZ 24/2008 [c/r DAV 123813/2008D]

RE: PROPOSED MIRAMONTE COVE REALIGNMENT AND EXTENSION (SUBDIVISION OF 638, 646, 650, AND 656 KNOWLES AVENUE)

FOR SUBMISSION TO THE EAST KILDONAN-TRANSCONA COMMUNITY COMMITTEE

S.M. Matile, P. Eng.
Chair, Administrative Co-ordinating Group

August 21, 2008

RE: PROPOSED MIRAMONTE COVE REALIGNMENT AND EXTENSION (SUBDIVISION OF 638, 646, 650, AND 656 KNOWLES AVENUE)

An application has been submitted by Doug Henne Planning Services, on behalf of North Grassie Properties Inc., to subdivide the land at 638, 646, 650, and 656 Knowles Avenue, incorporate the rear 154 feet of each of these lots with Block 1 and Part Lot 1, Block 2, Plan 45497, and re-align the existing Miramonte Cove right-of-way to create a complete cul-de-sac with 15 R1-M lots.

It is recommended that the approval of DASZ 24/08 be:

1. Conditional upon the abandonment of the septic fields at 638, 646, and 656 Knowles Avenue (650 Knowles Avenue is serviced with a holding/pumpout tank) and their replacement with
    a. holding/pumpout tanks (if the current Local Improvement petition is not successful), or
    b. connections to a (future) wastewater sewer in Knowles Avenue (if the current Local Improvement petition is successful); and

2. Subject to the following:

    A. Plan Amendments

    The applicant transferring to the City and legally opening, at no expense to the City, property required for a 2.286-m (7.5-ft) widening to the Knowles Avenue right-of-way, for consistency with previous widenings along both sides of Knowles Avenue to the east and west of the subject property, to achieve a Knowles Avenue right-of-way width of 20.117 m (66.0 ft).

    B. Development Agreement

    The applicant entering into an addendum to Development Agreement 20/04, under which Miramonte Cove was originally created, to include the proposed lands in Phase 2 of the Arrowwood Development, as follows:

1. By adding to AG 20/04 the Plan of Subdivision approved under DASZ 24/08;

2. By adding to AG 20/04 the conceptual servicing drawing and lot grading plan for the land covered under DASZ 24/08;

3. By adding to AG 20/04 the requirement that the land covered under DASZ 24/08 be subject to the land drainage trunk and sub-trunk charges (2008 Rate = $21,991.00/acre) stipulated in AG 20/04.

4. By adding to AG 20/04 the requirement that the land covered under DASZ 24/08 be subject to the cash-in-lieu-of-open-space dedication charges stipulated in AG 20/04.

5. By adding to AG 20/04 the recognition that the increase, from 19% in AG 20/04 to 26% in Addendum Agreement AG 38/07, of the Developer's share, based on traffic generation, of the cost of the Lagimodiere Boulevard/Headmaster Row intersection improvements, includes the land covered under DASZ 24/08 (i.e. that there is no additional share of the intersection improvement costs attributable to the land covered under DASZ 24/08).

6. By adding to AG 20/04 the requirement that the Developer pay $1,650.00 plus GST to defray the City's administration and related costs associated with the preparation and implementation of the new addendum.

THIS REPORT SUBMITTED BY:

Administrative Co-ordinating Group
File No. DASZ 24/08
August 21, 2008

"original signed by S.M. Matile"
S. M. Matile, P. Eng., Chair
Land Development Branch

"original signed by D.Emerson"
D. Emerson, P. Eng.
Public Works Department, Transportation Division

"original signed by T.S. Josephson"
T. S. Josephson, P. Eng.
Water & Waste Department

Exhibit “5” referred to in File DASZ 24/2008 [c/r DAV 123813/2008D]

