Agenda – Council – February 23, 2011

Report – Executive Policy Committee – February 2, 2011

Item No. 1 Subdivision and Rezoning – 674 Knowles Avenue (North Kildonan Ward) File DASZ 26/2010

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On February 2, 2011, the Executive Policy Committee concurred in the recommendation of the East Kildonan-Transcona Community Committee and submits the following to Council:

1. That the plan of subdivision under File DASZ 26/2010 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 26/2010 dated January 7, 2011 with such minor changes as may be required, and 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 53/05 with the City containing all conditions outlined in the report of the Administrative Coordinating Group dated January 4, 2011.

2. That The Winnipeg Zoning By-law No. 200/06 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 26/2010 dated January 7, 2011, to a "R1-M" Residential Single Family 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 Director of Legal Services and City Solicitor be requested to prepare the necessary by-law in accordance with the above.

Report – Executive Policy Committee – February 2, 2011

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 is registered in the Winnipeg Land Titles Office and the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the subject lands, provided that the said effective date occurs within one year from the date the by-law is passed.

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 twelve (12) months after adoption of the by-law, 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 twelve (12) month period and the extension is subsequently approved by Council.

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

Report – Executive Policy Committee – February 2, 2011

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On February 2, 2011, the Executive Policy Committee concurred in the recommendation of the East Kildonan-Transcona Community Committee and submitted the matter to Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On January 18, 2011, the East Kildonan-Transcona Community Committee concurred in the recommendation of the Winnipeg Public Service and, via the Priority Rezoning Process, submitted its recommendation to the Executive Policy Committee.

RE: **Subdivision and Rezoning – 674 Knowles Avenue – DASZ 26/2010**

For submission to: **Executive Policy Committee**

Prepared by: **Carlos Gameiro, Senior Committee Clerk**
East Kildonan-Transcona Community Committee

Report date: **January 19, 2011**

COMMUNITY COMMITTEE RECOMMENDATION:

On January 18, 2011, the East Kildonan-Transcona Community Committee concurred in the recommendation of the Winnipeg Public Service and, via the Priority Rezoning Process, recommends to the Executive Policy Committee:

1. That the plan of subdivision proposed under File DASZ 26/2010 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 26/2010 dated January 7, 2011 with such minor changes as may be required, and 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 53/05 with the City containing all conditions outlined in the report of the Administrative Coordinating Group dated January 4, 2011.

2. That The Winnipeg Zoning By-law No. 200/06 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 26/2010 dated January 7, 2011, to a "R1-M" Residential Single Family 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.

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6. That the Director of Legal Services and City Solicitor 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 is registered in the Winnipeg Land Titles Office and the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the subject lands, provided that the said effective date occurs within one year from the date the by-law is passed.

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 twelve (12) months after adoption of the by-law, 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 twelve (12) month period and the extension is subsequently approved by Council.

11. That the Director of Legal Services and City Solicitor 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 reason for its recommendation:

1. This is just to finish off the lots on Tamarisk Cove in a logical way.

PUBLIC HEARING SUMMARY

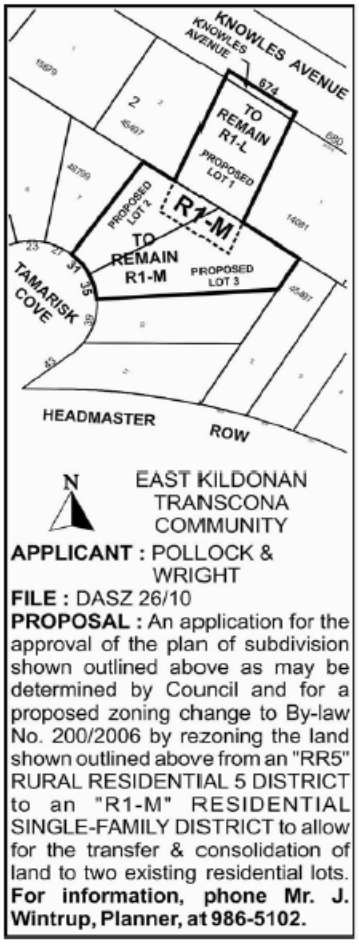
File: DASZ 26/2010

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

Public Hearing: January 18, 2011
Bronx Park Community Centre
720 Henderson Highway

Applicant: Pollock and Wright
(Les McLaughlin)

Subject:



Premises Affected: 674 Knowles Avenue

Exhibits Filed:

1. Application dated September 27, 2010
2. Notification of Public Hearing dated November 24, 2010
3. Manitoba Status of Titles 2222969, 2263092, 2263093
4. Letter of authorization dated August 31, 2010, from North Grassie Properties Inc. to Pollock and Wright
5. Surveyor's sketch dated September 1, 2010

6a. Caveat 3538020

6b. Caveat 3538021

7. Plans (2 pages)
8. Report from the Planning and Land Use Division dated January 7, 2011
9. Inspection Report
10. Audio Recording of representations

REPRESENTATIONS:

In Support:

Les McLaughlin, Pollock and Wright

In Opposition

Nil

For Information:

Nil

For the City:

Ms. S. Matile, Land Development Engineer, Planning, Property and Development Department
Mr. J. Wintrup, Senior Planner, Planning, Property and Development Department

Exhibit "8" referred to in File DASZ 26/2010

ADMINISTRATIVE REPORT

Title: DASZ 26/2010 – 674 Knowles Avenue

Issue: For consideration at the Public Hearing for a subdivision and rezoning to consolidate an existing parcel with two fully-serviced residential lots.

Critical Path: East Kildonan - Transcona Community Committee → Standing Policy Committee on Property and Development → Executive Policy Committee → Council

AUTHORIZATION

Author	Department Head	CFO	CAO
P. Regan	n/a	n/a	

RECOMMENDATIONS

1. That the plan of subdivision proposed under File DASZ 26/2010 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 26/2010 dated January 7, 2011 with such minor changes as may be required, and 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 53/05 with the City containing all conditions outlined in the report of the Administrative Coordinating Group dated January 4, 2011.

2. That the Winnipeg Zoning By-law No. 200/06 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 26/2010 dated January 7, 2011, to a "R1-M" Residential Single Family district.

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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 Director of Legal Services and City Solicitor 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 is registered in the Winnipeg Land Titles Office and the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the subject lands, provided that the said effective date occurs within one year from the date the by-law is passed.

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 twelve (12) months after adoption of the by-law, 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 twelve (12) month period and the extension is subsequently approved by Council.

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

REASON FOR THE REPORT

- The applicant intends to rezone the portion of the subject property zoned “RR5” to “R1-M” and consolidate it with two lots adjacent to the south (Lots 8 and 9, Plan 46799).
- This proposal received previous approval under DASZ 53/05, but was never enacted. The “RR5” parcel was used to accommodate a septic field system for waste disposal for a single family dwelling, and its removal was contingent upon the installation of piped water and wastewater along Knowles. This was recently installed via Local Improvement, so the proposal can only now proceed.
- The proposed development complies with Plan Winnipeg and the provision of a full range of municipal services because there will be no intensification along Knowles.

IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendations of the Planning and Land Use Division are concurred in, a development permit can be issued.

HISTORY

DASZ 20/2004

- On May 18, 2005, Council approved a subdivision and rezoning application to accommodate up to 155 future single family residential dwellings on 40 acres of land along an extended Headmaster Row.
- This application created 84 lots, as well as a block plan that was further subdivided into lots by DASZ 53/2005.

DASZ 53/2005

- On April 25, 2007, Council approved a subdivision and rezoning application to create 11 single family residential lots from an block plan (DASZ 20/2004) along Tamarisk Cove.
- The land was rezoned to "R1-4" under the previous Zoning By-law No. 6400/94, and "R1-M" under the existing Zoning By-law No. 200/06.
- Originally, this application was to include the rezoning of the "RR5" parcel on the subject property. However, at the time of application, a two-phased approval was sought where this parcel would be registered at a later date, the reason being that it supported a septic field system for waste disposal for a single family dwelling; 674 Knowles could not be reduced in size until water and wastewater services were installed along Knowles, because the installation of an interim pump out retention system would not be economically feasible. Council required that this land be registered within two years; since water and wastewater services have only recently become available via a Local Improvement, Council's approval had expired.

CONSULTATION

In preparing this report there was consultation with:

N/A

SUBMITTED BY

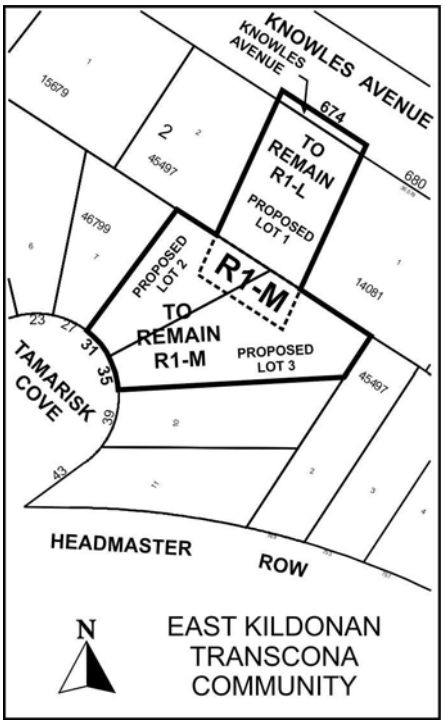
Department	Planning, Property and Development
Division	Planning and Land Use
Prepared by	Michael Pyl
Date:	January 7, 2011
File No.	DASZ 26/10

APPENDIX 'A'

DATE: January 7, 2011
FILE: DASZ 26/10
RELATED FILES: DASZ 53/2005; DASZ 20/2004
COMMUNITY: North Kildonan
NEIGHBOURHOOD #: 4.419

SUBJECT: Subdivision and Rezoning to consolidate an existing parcel with two existing, fully-serviced lots.

LOCATION: 674 Knowles



APPLICANT: John Wiebe
North Grassie Properties Inc.
Box 25094 Mission Park Post Office
Kelowna, BC

OWNER: John Wiebe
North Grassie Properties Inc.
Box 25094 Mission Park Post Office
Kelowna, BC

RECOMMENDATION: Approval

REPORT SUMMARY

- The applicant intends to rezone the portion of the subject property zoned “RR5” to “R1-M” and consolidate it with two lots adjacent to the south (Lots 8 and 9, Plan 46799).
- This proposal received previous approval under DASZ 53/05, but was never enacted. The “RR5” parcel was used to accommodate a septic field system for waste disposal for a single family dwelling, and its removal was contingent upon the installation of piped water and wastewater along Knowles. This was recently installed via Local Improvement, so the proposal can only now proceed.
- The proposed development complies with Plan Winnipeg and the provision of a full range of municipal services because there will be no intensification along Knowles.

SITE DESCRIPTION

- The subject property is located on the south side of Knowles Ave between Gateway Rd and Sunny Morning Rd in the Springfield neighbourhood of the North Kildonan ward.
- The site is 70 ft. wide, 172 ft. deep, and 12,040 sq. ft. in area. It is split-zoned; the northernmost 142 ft. is zoned “R1-L” Residential Single Family district while the southernmost 30 ft. is zoned “RR5” Rural Residential 5.
- The subject property is occupied by a 1,157 sq. ft., one storey single family dwelling built in 1959 as well as a detached garage and front approach along the west side of the property. All existing structures are located on the northernmost “R1-L” portion of the site.
- Adjacent properties include a vacant lot zoned “R1-L” to the west, a single family dwelling zoned “R1-L” to the east, two vacant lots zoned “R1-M” to the south, and a church on a 8.1 acre site zoned “R1-L” and “RR5” to the north.



Figure 1: Site map of subject property and surrounding neighbourhood

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant intends to rezone the portion of the subject property zoned “RR5” to “R1-M” and consolidate it with two lots adjacent to the south (Lots 8 and 9, Plan 46799).
- The proposed development does not represent any additional intensity along Knowles Ave. The existing dwelling and garage will remain on a residual parcel zoned “R1-L”; the rear portion is simply being added to the lots adjacent to the south.

BACKGROUND

Knowles Ave development and the provision of a full range of municipal services

- Both Plan Winnipeg and OurWinnipeg prohibit development without a full range of municipal infrastructure, defined in OurWinnipeg as piped water, piped wastewater, piped land drainage, and an urban standard roadway. All of the lots along Knowles Ave were created well before these standards were established (beginning in 1912 with Plan 1950) with the adoption of Plan Winnipeg in 1986.
- Since 2004, Council has approved a number of applications for residential development in the area when a full range of municipal services have been provided. They are:
    - DASZ 20/04 (DeVries, west side)
    - DASZ 45/04 (626 Knowles)
    - DASZ 53/05 (Tamarisk Cove & Headmaster)
    - DASZ 12/06 (739 Bonner)

- DASZ 15/07 (SW Headmaster & DeVries)
- DASZ 23/07 (800 Knowles)
- DAZ 223/2007 (625 Knowles)
- DASZ 24/08 (Miramonte Cove & Headmaster)

- Conversely, the City of Winnipeg has either modified or outright rejected a number of other applications based on this requirement during this time. They are:
  - DASSF 550/04 (825 Knowles – two new lots rejected)
  - DASZ 45/04 (626 Knowles – five lots removed from Knowles Av frontage)
  - DASZ 23/07 (800 Knowles – lots reoriented to front Cindy Klassen Way)
  - DASZ 38/2007 (Sunny Morning Rd – lots reoriented to front Sunny Morning Rd)
  - DASZ 26/2008 (830 Knowles – two lots removed from Knowles Av frontage)
  - DASSF 549/09 (781 Knowles – two lots rejected)
  - DASSF 542/09 (795 Knowles – two lots rejected)
- As a condition of approval as per DASZ 20/2004, a full range of municipal infrastructure was installed by the developer along Headmaster Row, including a 3.1 acre retention lake for land drainage and land drainage pipes. It was also installed north on Cindy Klassen Way and Sunny Morning Rd to enable the extension of these services along Knowles. This infrastructure was sized in order to provide capacity for all the lands along Bonner Ave, Knowles Ave, and north to the city boundary.
- Local improvements:
  - The extension of piped water, wastewater, and land drainage was recently installed from Gateway Rd to Sunny Morning Rd in 2010 via a Local Improvement[1]. However, to date, Knowles Ave will remain as a rural standard road with open ditches and chip seal coating from Gateway to DeVries.
  - The extension of piped water and piped wastewater have been approved for construction from Sunny Morning Rd to DeVries Ave in 2010 via a Local Improvement[2].

DASZ 20/2004

- On May 18, 2005, Council approved a subdivision and rezoning application to accommodate up to 155 future single family residential dwellings on 40 acres of land along an extended Headmaster Row.
- This application created 84 lots, as well as a block plan that was further subdivided into lots by DASZ 53/2005.

DASZ 53/2005

- On April 25, 2007, Council approved a subdivision and rezoning application to create 11 single family residential lots from an block plan (DASZ 20/2004) along Tamarisk Cove.
- The land was rezoned to “R1-4” under the previous Zoning By-law No. 6400/94, and “R1-M” under the existing Zoning By-law No. 200/06.

[1] Wastewater sewer, Knowles Avenue from Gateway Rd to Sunny Morning Rd – Work Order No. 1420010408; Land drainage sewer (laterals and trunks), Knowles Avenue from Gateway Rd to Sunny Morning Rd – Work Order No. 14200200208; Watermain, Knowles Avenue from Gateway Rd to Sunny Morning Rd – Work Order No. 14200600408.

[2] Wastewater sewer, Knowles Avenue from Sunny Morning Rd to DeVries Ave – Work Order No. 1420010208; Watermain, Knowles Avenue from Sunny Morning Rd to DeVries Ave – Work Order No. 1420060208.

- Originally, this application was to include the rezoning of the “RR5” parcel on the subject property (see Figure 2 below). However, at the time of application, a two-phased approval was sought where this parcel would be registered at a later date, the reason being that it supported a septic field system for waste disposal for a single family dwelling; 674 Knowles could not be reduced in size until water and wastewater services were installed along Knowles, because the installation of an interim pump out retention system would not be economically feasible. Council required that this land be registered within two years; since water and wastewater services have only recently become available via a Local Improvement, Council’s approval had expired.

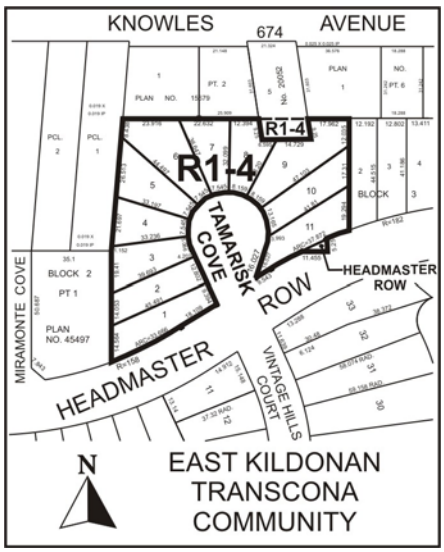


Figure 2: The “RR5” parcel was originally intended to be rezoned as per DASZ 53/2005, but has since expired

ANALYSIS AND ISSUES

Plan Winnipeg

- The subject property is designated as Neighbourhood Policy Area in Plan Winnipeg.
- Policy 3B-02 Guide the Development of New and Existing Residential Areas requires “developments to provide a full range of municipal infrastructure in an environmentally-sound, economical, and timely manner”.
- There is currently not a full range of municipal services along Knowles Ave – while piped water, wastewater, and land drainage were recently installed, Knowles is still not an urban standard roadway. However, the applicant is not proposing any additional intensity along Knowles; the portion remaining is simply a residual parcel. As a result, the proposed development complies with Plan Winnipeg.

Zoning

- The Rural Residential 5 (RR5) district is intended to provide areas for large-lot rural residential development, along with limited agricultural uses.

- The Residential Single-Family (R1) district is intended to accommodate primarily single-family residential development in lower-density neighbourhoods.

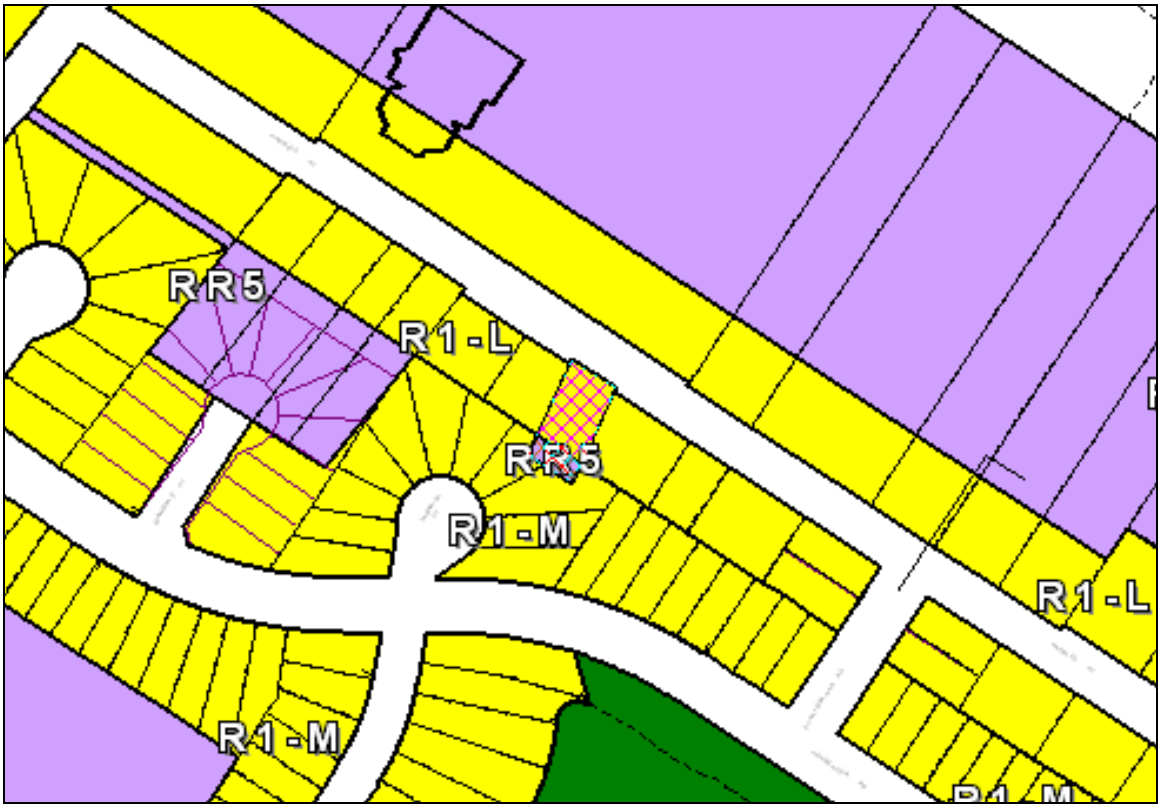


Figure 3: Zoning map of subject property and surrounding neighbourhood

- Section 137 of the zoning by-law prescribes the following dimensional standards for both the “RR5” and the “R1-M” districts:

Zoning District	Min. Lot Area (sq. ft.)	Min. Lot Width (sq. ft.)	Min. Front Yard (ft.)	Min. Rear Yard (ft.)	Min. Side Yard (ft.)	Min. Reverse Corner Street Side Yard	Max. Height of Building (ft.)	Max. Lot Coverage (%)
RR5	5 acres	25	25	25	25	25	35	30
R1-M	3,500	25	15	25	4	4	35	45

Figure 4: Dimensional standards for the “RR5” and “R1-M” zoning districts

ACG requirements

- An ACG report has been prepared by the administration. Among other requirements, the applicant will be required to:

- Transfer to the city and legally open property for a 2.286m widening of Knowles Av along the entirety of the north property line.
- Pay for its share of improvements at the Headmaster and Lagimodiere intersection

Local improvements

- There are currently three active local improvements along Knowles Av for piped water, wastewater, and land drainage currently being assessed against the subject property. This application will have no effect on it.

RECOMMENDATIONS

- The Planning and Land Use Division recommends approval of the proposed development for the following reasons:
    - This proposal was previously approved under DASZ 53/05; it simply expired because it took longer than two years to have piped water and wastewater installed along Knowles.
    - Consolidation of the “RR5” parcel into the two “R1-M” lots on Tamarisk Cove will permit its orderly development and the implementation of what was originally envisioned.
    - There are no issues relating to Plan Winnipeg and the provision of a full range of municipal services because there is no proposed intensification along Knowles.

This Report Submitted by: Michael Pyl
Planning, Property and Development Department
Planning and Land Use Division
Report Prepared by:
PPD File # DASZ 26/10

APPENDIX 'B'

Schedule "A" for File No. DASZ 26/10, East Kildonan – Transcona Community Committee, dated January 7, 2011

By-Law No. _____

File No. **DASZ 26/10**

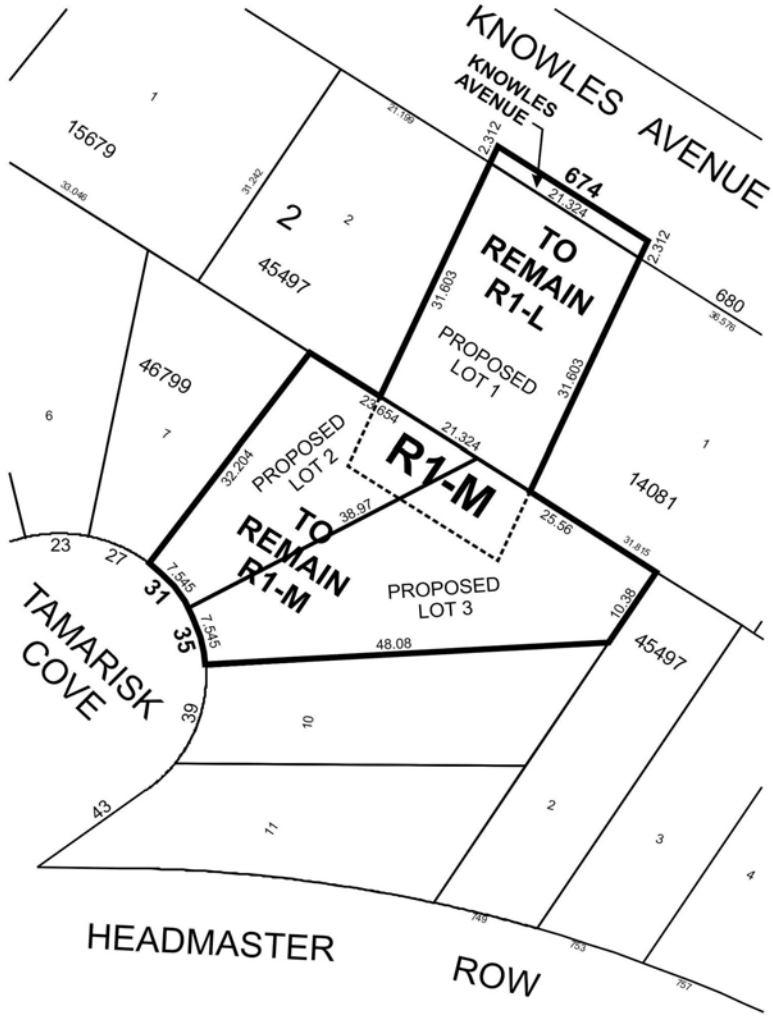
Explanation

An application for the approval of the plan of subdivision shown outlined below and for a proposed zoning change to By-law No. 200/2006 by rezoning the land located at 674 Knowles Avenue from an "RR5" RURAL RESIDENTIAL 5 DISTRICT to an "R1-M" RESIDENTIAL SINGLE-FAMILY DISTRICT to allow for the transfer & consolidation of land to two existing residential lots as shown outlined below.

Atlas Sheet No. **T32**

N

EAST KILDONAN TRANSCONA COMMUNITY



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

Schedule “B”

REPORT OF THE ADMINISTRATIVE CO-ORDINATING GROUP – JANUARY 4, 2011

RE: PROPOSED SUBDIVISION AND REZONING OF LAND AT 674 KNOWLES AVENUE - DASZ 26/10

It is recommended that the approval of DASZ 26/10 be subject to the following:

A. Plan Considerations

1. The Developer, at no expense to the City, transferring and legally opening property required for a 2.286m widening to the Knowles Avenue right-of-way for the full length of the Planned Area abutting Knowles Avenue to the satisfaction of the Director of Public Works.

B. Development Agreement Addendum

The Developer entering into an addendum to Agreement AG 53/05, which is, itself, and addendum agreement to Development Agreement AG 20/04, with the City of Winnipeg, containing such clauses as may be required to obligate the Developer to the following conditions:

1. The Developer shall, at no expense to the City, provide a lot grading plan, prepared by a municipal engineer, for the Planned Area, and construct all drainage works necessitated by the design.

2. The Developer shall, at no expense to the City, construct all swales, catchbasins, and leads required to provide lot drainage prior to the issuance of building permits.

3. The Developer shall, at no expense to the City, provide all easements with respect to the installation, maintenance, and replacement of swales, catchbasins, and leads for lot drainage upon registration of the approved subdivision mylars in the Land Titles Office.

4. The Developer shall pay his share of the cost of improvements previously installed by others at and in the vicinity of the intersection of Headmaster Row and Lagimodiere Boulevard, as determined by the Director of Public Works.

5. The Developer shall pay his share of the cost of oversize pavement previously installed by others in Headmaster Row as determined by the Director of Public Works.

6. The Developer shall pay to the City, prior to the release of the subdivision mylars for registration in the Land Titles Office, $1,200.00 plus GST per acre of the Planned Area (minimum $1,650.00) to defray the City's administration and related costs associated with the preparation and implementation of the Development Agreement.

Administrative Co-ordinating Group
File No. DASZ 26/10
January 4, 2011

"original signed by K.T. Raban, P. Eng."
K. T. Raban, P. Eng.
Land Development Branch

"original signed by R.J. Hartmann, P. Eng."
R. J. Hartmann, P. Eng.
Public Works Department, Transportation Division

"original signed by F. C. Mazur, P. Eng."
F. C. Mazur, P. Eng.
Water and Waste Department