Minutes - Executive Policy Committee – July 15, 2011

REPORTS

Minute No. 411 Subdivision and Rezoning – 1016 John Bruce Road East (St. Boniface Ward) File DASZ 12/2011 [c/r DAV 128320/2011D]

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

The Executive Policy Committee concurred in the recommendation of the Riel Community Committee and recommends to Council:

1. That the plan of subdivision under File DASZ 12/2011 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "B" for File DASZ 12/2011 dated June 16, 2011 with such minor changes as may be required, and 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 June 29, 2011 which is Schedule "C" of this report.

2. That The Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the planned area as shown on Schedule "B" for File DASZ 12/2011 dated June 16, 2011 to an "R1-M" Single Family 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:

        i. That the Developer shall construct a uniform 2.0-metre high fence abutting the Canadian Pacific Railway Emerson Subdivision to the satisfaction of the Director of Public Works and shall maintain this fencing to the satisfaction of the Director of Public Works.

        ii. That the following condition(s) shall apply to lots 1, 2, 18, 19, 20, 21, and 22:

            a. That no habitable dwelling shall be less than 49.2 feet (15 metres) from western limit of the Canadian Pacific Railway Emerson Subdivision.

3. That the Zoning Agreement approved under DASZ 30/2010 be withdrawn.

4. That the City-owned property shown in outline and identified as "Subject City Property" shown on Misc. Plan No. 13883 (Schedule D) be declared surplus to the City's needs.

5. That the Director of Planning, Property and Development be authorized to negotiate and approve the sale of the "Subject City Property" as shown on Misc. Plan No. 13883 (Schedule D), to the applicant on terms and conditions satisfactory to the Director of Planning, Property and Development and the Director of Legal Services and City Solicitor in order to protect the interests of the City and to achieve the intent of the Standing Policy Committee on Property and Development.

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

7. That in the event the matter is not proceeded with expeditiously and the by-law is not passed within two (2) years 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 the two (2)-year period and Council approves the extension.

8. That the Director of Legal Services and City Solicitor be requested to prepare the necessary by-law in accordance with the above.

9. 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.

10. 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 (1) year from the date the by-law is passed.

11. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within one (1) year from the date the by-law is passed, failing which 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 the one-year period and Council approves the extension.

12. 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.

13. 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.

DECISION MAKING HISTORY:

Moved by Councillor Browaty,

That the recommendation of the Riel Community Committee be concurred in and forwarded to Council.

Carried

COMMUNITY COMMITTEE RECOMMENDATION:

On July 11, 2011, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service and, via the Priority Rezoning Process, recommends to the Executive Policy Committee:

RE: **Subdivision and Rezoning – 1016 John Bruce Road East**
File DASZ 12/2011 [c/r DAV 128320/2011D]

For submission to: **Executive Policy Committee**

Prepared by: **Marc Pittet, Senior Committee Clerk**
Riel Community Committee

Report date: **July 12, 2011**

COMMUNITY COMMITTEE RECOMMENDATION:

On July 11, 2011, the Riel 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 under File DASZ 12/2011 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "B" for File DASZ 12/2011 dated June 16, 2011 with such minor changes as may be required, and 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 June 29, 2011 which is Schedule "C" of this report.

2. That The Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the planned area as shown on Schedule "B" for File DASZ 12/2011 dated June 16, 2011 to an "R1-M" Single Family 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:

        i. That the Developer shall construct a uniform 2.0-metre high fence abutting the Canadian Pacific Railway Emerson Subdivision to the satisfaction of the Director of Public Works and shall maintain this fencing to the satisfaction of the Director of Public Works.

        ii. That the following condition(s) shall apply to lots 1, 2, 18, 19, 20, 21, and 22:

            a. That no habitable dwelling shall be less than 49.2 feet (15 metres) from western limit of the Canadian Pacific Railway Emerson Subdivision.

3. That the Zoning Agreement approved under DASZ 30/2010 be withdrawn.

4. That the City-owned property shown in outline and identified as "Subject City Property" shown on Misc. Plan No. 13883 (Schedule D) be cleared surplus to the City's needs.

5. That the Director of Planning, Property and Development be authorized to negotiate and approve the sale of the "Subject City Property" as shown on Misc. Plan No. 13883 (Schedule D), to the applicant on terms and conditions satisfactory to the Director of Planning, Property and Development and the Director of Legal Services in order to protect the interests of the City and to achieve the intent of the Standing Policy Committee on Property and Development.

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

7. That in the event the matter is not proceeded with expeditiously and the by-law is not passed within two (2) years 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 the two (2)-year period and Council approves the extension.

8. That the Director of Legal Services and City Solicitor be requested to prepare the necessary by-law in accordance with the above.

9. 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.

10. 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 (1) year from the date the by-law is passed.

11. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within one (1) year from the date the by-law is passed, failing which 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 the one-year period and Council approves the extension.

12. 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.

13. 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 Riel Community Committee provided the following supporting reason for its recommendation:

1. The Riel Community Committee agreed with the administrative comments contained in the report of the Planning and Land Use Division dated June 16, 2011.

PUBLIC HEARING SUMMARY

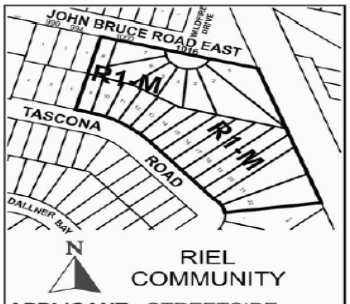
File: DASZ 12/2011

Before: Riel Community Committee
Councillor Vandal, Chairperson
Councillor Steeves
Councillor Swandel

Public Hearing: July 11, 2011
Council Chamber
Council Building, 510 Main Street

Applicant: StreetSide Development Corporation (David Hill)

Subject:



APPLICANT : STREETSIDE DEVELOPMENT CORP.
FILE : DASZ 12/11
PROPOSAL: An application for the approval of the plan of subdivision shown outlined above as may be determined by Council and for a proposed zoning change to By-law No. 200/2006 by rezoning the land shown outlined above from an "R1-L" and "R1-E" RESIDENTIAL SINGLE-FAMILY DISTRICTS and "RR5" RURAL RESIDENTIAL 5 DISTRICT to an "R1-M" RESIDENTIAL SINGLE-FAMILY DISTRICT to allow for the creation of lots for future residential development. **For information, phone Mr. R. Kostiuk, Planner at 986-7367.**
DEMANDEUR : STREETSIDE DEVELOPMENT CORP.
N° DE RÉFÉRENCE : DALZ 12/11
PROJET : Demande d'approbation par le Conseil du plan de lotissement relatif aux sols délinéés ci-dessus et proposition de modification du Règlement municipal n° 200/2006 visant à changer le zonage des sols délinéés ci-dessus qui passeraient des catégories R1-L et R1-E (SECTEUR D'HABITATIONS UNIFAMILIALES) et de la catégorie RR5 (SECTEUR RÉSIDENTIEL EN MILIEU RURAL 5) à la catégorie R1-M (SECTEUR D'HABITATIONS UNIFAMILIALES MOYENNES), en vue de permettre la création de lots résidentiels à bâtir. **Pour plus de renseignements, veuillez communiquer avec M. R. Kostiuk, urbaniste, au 986-7367.**

Premises Affected: 1016 John Bruce Road East

Exhibits Filed:

1. Application dated May 5, 2011
2. Notification of Public Hearing dated May 25, 2011
3. Manitoba Status of Titles 1878179, 1983113 and 2178022
4. Letter of authorization dated March 12, 2011, from Frank and Carol Manfredi to David Hill, StreetSide Development Corporation
5. Letter of authorization dated March 15, 2011 from Wilmet Bruce to David Hill, StreetSide Development Corporation
6. Surveyor's Building Location Certificate and sketch dated February 14, 2011
7. Caveat No. 3763142 dated April 23, 2009
8. Plan
9. Report from the Planning and Land Use Division dated June 16, 2011

REPRESENTATIONS:

In Support:

Liz Bruce
David Hill, StreetSide Development Corporation
Heather Reid

In Opposition

Nil

For the City:

Ms. S. Matile, Land Development Engineer, Planning, Property and Development Department
Mr. R. Kostiuk, Planner, Planning, Property and Development Department

Exhibit "9" referred to in File DASZ 12/2011

ADMINISTRATIVE REPORT

Title: DASZ 12/2011 – 1016 John Bruce Road East Public Hearing

Issue: For consideration at the Public Hearing for a subdivision of a 4.32 acre site into twenty-two (22) single-family lots and a rezoning from RR5, R1-E, and R1-L to R1-M.

Critical Path: Riel Community Committee – Standing Policy Committee on Property and Development – Executive Policy Committee – Council as per the *Development Procedures By-law* and *The City of Winnipeg Charter*.

AUTHORIZATION

Author	Department Head	CFO	CAO
P. Regan	N/A	N/A	

RECOMMENDATIONS

1. That the plan of subdivision proposed under File DASZ 12/2011 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "B" for File DASZ 12/2011 dated June 16, 2011 with such minor changes as may be required, and 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 June 29, 2011 which is Schedule "C" of this report.

2. That The Winnipeg Zoning By-law No. 200/06 be amended by rezoning the planned area as shown on Schedule "B" for File DASZ 12/2011 dated June 16, 2011 to an "R1-M" Single Family 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:

      i) That the Developer shall construct a uniform 2.0-metre high fence abutting the Canadian Pacific Railway Emerson Subdivision to the satisfaction of the Director of Public Works and shall maintain this fencing to the satisfaction of the Director of Public Works.

ii) That the following condition(s) shall apply to lots 1, 2, 18, 19, 20, 21, and 22:

a. That, no habitable dwelling shall be less than 49.2 feet (15 metres) from western limit of the Canadian Pacific Railway Emerson Subdivision.

3. That the Zoning Agreement approved under DASZ 30/2010 be withdrawn.

4. That Council declare the City-owned property shown in outline and identified as "Subject City Property" shown on Misc. Plan No. 13883 (Schedule D) as surplus to the City's needs.

5. That the Director of Planning, Property and Development be authorized to negotiate and approve the sale of the "Subject City Property" as shown on Misc. Plan No. 13883 (Schedule D), to the applicant on terms and conditions satisfactory to the Director of Planning, Property and Development and the Director of Legal Services in order to protect the interests of the City and to achieve the intent of the Standing Policy Committee on Property and Development.

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

7. That in the event the matter is not proceeded with expeditiously and the by-law is not passed within two (2) years 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 the two (2)-year period and Council approves the extension.

8. That the Director of Legal Services and City Solicitor be requested to prepare the necessary by-law in accordance with the above.

9. 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.

10. 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 (1) year from the date the by-law is passed.

11. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within one (1) year from the date the by-law is passed, failing which 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 the one-year period and Council approves the extension.

12. 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.

13. 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 is proposing to subdivide and rezone the subject site from R1-E, R1-L, and RR-5 to R1-M in order to create twenty-two (22) lots for single-family residential development.
- The site includes two properties that are currently owned by the City of Winnipeg. The City of Winnipeg Real Estate Department has provided a letter of authorization to include the subject land in the application.
- The proposed lots will range in size from approximately 4,850 square feet to 15,200 square feet. Lot widths will range from 38.5 feet to 51 feet
- It should be noted that the original submission of the application included slightly larger lots, notably lots 6-22. However, the Planning and Land Use Division requested a 6 metre wide pathway connection between Tascona Road and John Bruce Road East at the western extent of the site. The original submission is reflected in Schedule "A" and the updated application is shown in Schedule "B".
- Subdivisions and rezonings require a Public Hearing as per the *Development Procedures By-law* and *The City of Winnipeg Charter.*
- The Report is being submitted for the Committee's consideration of the development application at the Public Hearing.

IMPLICATIONS OF THE RECOMMENDATIONS

- If the recommendations of the Planning and Land Use Division are concurred in, the subject 4.32 acre site will be subdivided into 22 lots and rezoned from RR5, R1-E, and R1-L to R1-M.

HISTORY

DASZ 4/08

- On April 23, 2008, Council recommended approval of the subdivision and rezoning of land at 990 John Bruce Road East. This application was to create six (6) lots and one (1) remnant parcel zoned "R1-L" Residential Single-Family Large; however, DASZ 4/08 expired as per condition 5 of the subdivision and rezoning for this file, which states:
    - 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.

DASZ 30/10

- On April 13, 2011, Council approved the subdivision and rezoning of land at 990 and 994 John Bruce Road East. This application was to create six (6) lots and one (1) remnant parcel zoned "R1-L" Residential Single-Family Large. A zoning agreement was included as a condition of the subdivision and rezoning, which states:
    - That, if a building permit is issued for Proposed Lot 7, said dwelling unit shall be sited in such a manner that its easternmost wall will be within fifty feet (50') of the west property line of said lot, and the front wall of said dwelling unit shall be constructed within thirty-five feet (35) of either John Bruce Road East or Tascona Road.

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:	Robert Kostiuk
Date:	June 16, 2011
File No.	DASZ 12/11

List of Schedules and Attachments

1. Appendix A — Planning Discussion
2. Schedule “A” — Advertised Subdivision and Rezoning for Planned Area
3. Schedule “B” — Recommended File No. DASZ 12/11 Riel Community Committee, dated June 16, 2011.
4. Schedule “C” — Report of the Administrative Coordinating Group
5. Schedule “D” — Miscellaneous Plan No. 13883

APPENDIX 'A'

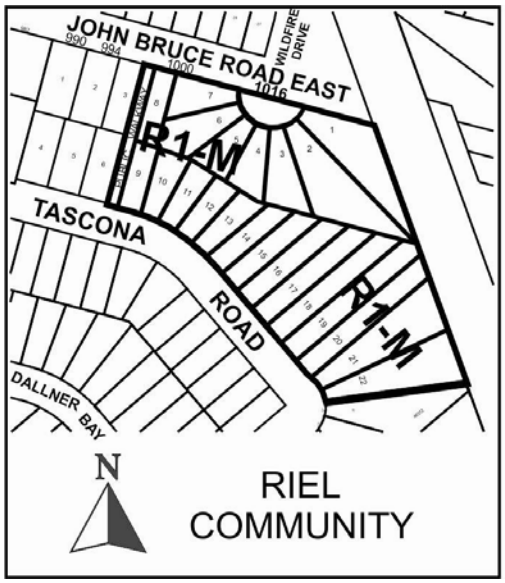
DATE: June 16, 2011

FILE: DASZ 12/11
RELATED FILES: DAV-11-128320/D (c/r), DASZ 30/10, DASZ 4/08

COMMUNITY: Riel
NEIGHBOURHOOD #: 5.555

SUBJECT: To subdivide and rezone the subject land from RR5, R1-E, and R1-L to R1-M in order to create twenty-two (22) singly-family residential lots and a public walkway between John Bruce Road East and Tascona Road.

LOCATION: 1016 John Bruce RD E
LOT 19 PLAN 12000 122 ST B



APPLICANT: Streetside Development Corp (David NW Hill)
1 DR. DAVID FRIESEN DR
WINNIPEG MB R3X 0G8

OWNERS: Wilmet Bruce
1016 John Bruce RD E
Winnipeg MB R3X 1Y8

City of Winnipeg

Frank & Carol Manfredi
990 John Bruce Road East
Winnipeg, MB R3X 1Y8

RECOMMENDATION: Approval with Conditions

REPORT SUMMARY

- The applicant is proposing to subdivide and rezone the subject site from R1-E, R1-L, and RR-5 to R1-M in order to create twenty-two (22) lots for single-family residential development.
- The site includes two (2) properties that are currently owned by the City of Winnipeg. The City of Winnipeg Real Estate Department has provided a letter of authorization to include the subject land in the application.
- The proposed lots will range in size from approximately 4,850 square feet to 15,200 square feet. Lot widths will range from 38.5 feet to 51 feet
- It should be noted that the original submission of the application included slightly larger lots, notably lots 6-22. However, the Planning and Land Use Division requested a 6 metre wide pathway connection between Tascona Road and John Bruce Road East at the western extent of the site. The original submission is reflected in Schedule "A" and the updated application is shown in Schedule "B".
- Variances are required for lot widths and lot areas for lots 8-22 as these proposed lots do not meet the special boundary conditions of the Zoning By-Law.
- The Planning and Land Use Division recommends supporting this subdivision and rezoning application.

SITE DESCRIPTION

- The subject site is located between the eastern extent of John Bruce Road East and Tascona Road in the Royalwood neighbourhood of the St. Boniface Ward.
- The site is comprised of several properties that have multiple owners. The majority of the site is made-up of 1016 John Bruce Road East, which is approximately 3 acres (130,680 square feet) in area. This property currently has a one-storey, 1,600 square foot house on the lot along with two garages that are located near the western property line. The house was constructed in 1964.
- Two (2) of the properties are currently owned by the City of Winnipeg. Combined, these two properties are vacant and are approximately 28,000 square feet in area. The City of Winnipeg Real Estate Department has provided a letter of authorization to include the subject land in the application.
- The remainder of the site is comprised of approximately 29,500 square feet of the easternmost portion of land that was a remnant parcel included in file DASZ 30/10. This land is vacant and has been approved by Council for subdivision and rezoning under DASZ 30/10.
- In total, the site is approximately **4.32 acres (188,180 square feet)** in area.
- The site is within Plan Winnipeg 2020's Neighbourhood Land Use Policy Area and within the Areas of Stability – Recent Communities Policy Area under the *Draft* Complete Communities Direction Strategy. The property is zoned "R1-E" Residential Single-Family Estate, "R1-L" Residential Single-Family Large, and "RR5" Rural Residential 5.



Figure 1: Aerial photograph showing approximate area of subject property (flown 2009)

SURROUNDING LAND USES & ZONING (See Figure 2)

North: Detached single-family homes zoned R1-M.

South: Detached single-family homes zoned R1-M.

East: The Canadian Pacific Railway Emerson Subdivision and detached single-family homes zoned R1-M.

West: Detached single-family homes and vacant land zoned R1-L under DASZ 30/2010.

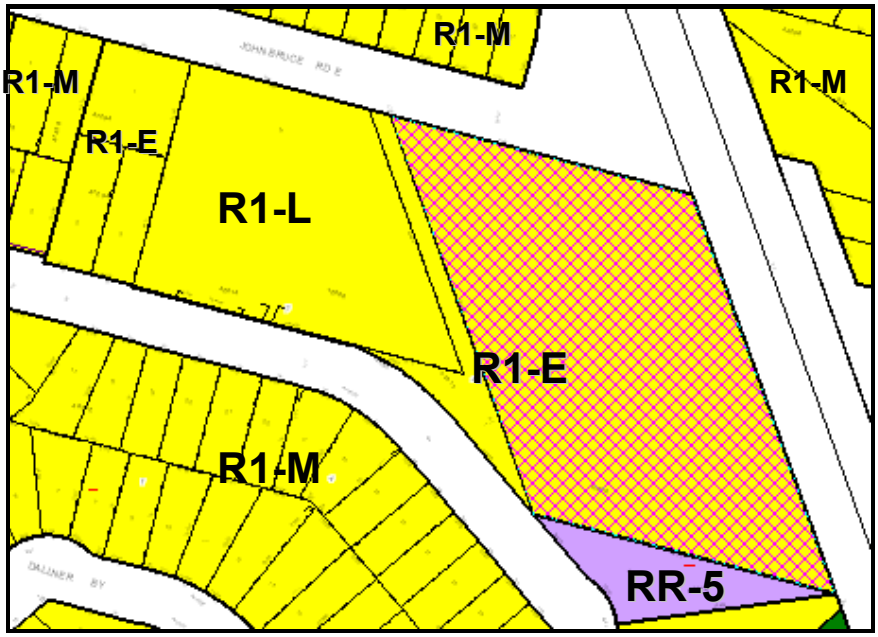


Figure 2: Zoning of the site and surrounding area.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant is proposing to subdivide and rezone the subject site from R1-E, R1-L, and RR-5 to R1-M in order to create twenty-two (22) lots for single-family residential development.
- The proposed lots will range in size from approximately 4,850 square feet to 15,200 square feet. Lot widths will range from 38.5 feet to 51 feet (see chart below).

Proposed Lot	Approximate Lot Width (feet)	Approximate Lot Area (square feet)
1	51.4	13,682
2	48.2	15,232
3	44.8	7,170
4	44.7	5,463
5	47	5,389
6	44.8	7,191
7	45.8	5,541
8	38.5	4,858
9	40.5	4,898
10	41.8	5,357
11	39.4	4,936
12	40.2	5,007
13	39.7	5,346
14	38.5	5,887
15	38.5	6,913
16	38.5	7,946
17	38.5	8,980
18	38.5	10,013
19	38.5	10,794
20	38.5	10,379
21	39	14,191
22	42	14,805

- Proposed lots 1-7 will have frontage on a half cul-de-sac that will be located near the eastern extent of John Bruce Road East. Lot 8 will be located immediately west of the lots 6 and 7, but will front directly onto John Bruce Road East.
- Proposed lots 9-22 will all front onto Tascona Road.
- It should be noted that the original submission of the application included slightly larger lots, notably lots 6-22. However, the Planning and Land Use Division requested a 6 metre wide pathway connection between Tascona Road and John Bruce Road East at the western extent of the site. The original submission is reflected in Schedule "A" and the updated application is shown in Schedule "B".
- Variances are required for lot widths and lot areas for lots 8-22 as these proposed lots do not meet the special boundary conditions of the Zoning By-Law.

ANALYSIS AND ISSUES

PLAN WINNIPEG

- The proposed development is within the Neighbourhood Policy Area and complies with *Plan Winnipeg 2020*.

DRAFT COMPLETE COMMUNITIES DIRECTION STRATEGY

- Under the *Draft Complete Communities Direction Strategy* the proposed development is within the Areas of Stability – Recent Communities policy area. Key relevant policies guiding development within Areas of Stability include:
    - Support low to moderate change in low-density neighbourhoods through development and redevelopment that is complimentary to the existing scale, character and built form.
    - Promote the form of buildings and spaces that are sensitive to the community context and address the transition between new and existing developments.
    - Promote a quality public realm with a high level of accessibility to community services and amenities and opportunities for gathering and social interaction.
    - In order to meet the full life-cycle of housing needs within the community, promote a mix of housing type and tenure, such as duplexes, low rise apartments, secondary suites, semi-detached homes, townhouses.
    - Ensure that existing public open spaces meet the neighbourhood's current and future requirements.

ZONING

"RR5" Rural Residential 5 District

- The RR5 district is intended to provide areas for large-lot rural residential development along with limited agricultural uses. The RR5 district requires: a minimum lot width of 25 feet, a minimum lot area of 5 acres, side yards of 25 feet, a front yard of 25 feet, and a

rear yard of 25 feet. The maximum building height is 35 feet and the maximum lot coverage is 30%.

"R1-E" Residential Single-Family Estate District

- The R1-E district requires: a minimum lot width of 25 feet, a minimum lot area of 20,000 square feet, side yards of 15 feet, a front yard of 30 feet, and a rear yard of 25 feet. The maximum building height is 35 feet and the maximum lot coverage is 30 percent.

"R1-L" Residential Single-Family Large District

- The R1-L district requires: a minimum lot width of 25 feet, a minimum lot area of 5,500 square feet, side yards of 4 feet, a front yard of 20 feet, and a rear yard of 25 feet. The maximum building height is 35 feet and the maximum lot coverage is 40 percent.

"R1-M" Residential Single-Family Medium District

- The R1-M district requires: a minimum lot width of 25 feet, a minimum lot area of 3,500 square feet, side yards of 4 feet, a front yard of 15 feet, and a rear yard of 25 feet. The maximum building height is 35 feet and the maximum lot coverage is 45%.

LAND USE BY-LAW

Rezoning

- The RR5, R1-E, and R1-L zoning districts are intended for either rural development or large-lot single-family residential development. The majority of the site is zoned R1-E and RR5 where the lot area requirements are 20,000 square feet and 5 acres respectively.
- The applicant is proposing to rezone the land from RR5, R1-E, and R1-L to R1-M in order to create a residential subdivision with lot areas that range between 4,850 square feet and 15,200 square feet.

Variances

- The proposed development also does not meet the Special Boundary Conditions of Zoning By-Law No. 200/2006. Section 138 of Zoning By-law No. 200/06 prescribes Special Boundary Conditions pertaining to the subdivision of land. If an undeveloped parcel of land is located in the R1 or R2 zoning districts, or proposed for rezoning to the R1 or R2 zoning districts, and abuts an existing R1 or R2 zoning district, or is separated from an R1 or R2 zoning district by a street right-of-way, railroad right-of-way, or waterway, the undeveloped parcel must not be subdivided unless the width/square footage of the proposed lot(s) within 200 feet (measured from the edges of the proposed subdivision) of the adjacent R1 or R2 zoning district is not less than the average lot width/square footage of existing developed lots in residential use in the adjacent R1 or R2 areas along such shared boundary, but in no case may be less than 35 feet.
- The average lot width and lot areas of existing developed lots in the adjacent R1 and R2 zoned properties within 200 feet of the proposed lots fronting onto John Bruce Road are:
    - lot widths of 41.5 feet, and
    - lot areas of 5,163 square feet.

- The proposed lot width and area of lot 8 (which fronts onto John Bruce Road East) is 38.5 feet and 4,858 square feet. As such, lot 8 does not meet the special boundary conditions for both lot width and lot area and requires a variance.
- The average lot width and lot areas of existing developed lots in the adjacent R1 and R2 zoned properties within 200 feet of the proposed lots fronting onto Tascona Road (i.e. lots 9-22) are:
    - lot widths of 45.62 feet, and
    - lot areas of 5,048 square feet.
- The applicant is proposing lot widths ranging from 38.5 feet to 42 feet for the proposed lots fronting Tascona Road. These widths do not meet the special boundary conditions, which require a minimum lot width of 45.62.
- The special boundary conditions also require a minimum lot area of 5,048 square feet for the proposed lots fronting onto Tascona Road. Only proposed lots 9, 11 and 12 do not meet this condition as these lots are 4,898, 4,936, and 5,007 square feet in area respectively. The remainder of the proposed lots have lot areas that are much greater than the lot area required by the special boundary conditions.

COMPATIBILITY WITH THE SURROUNDING NEIGHBOURHOOD

- The applicant is proposing to create lots intended for the development of detached single-family residences in an area surrounded by detached single-family residences.
- The lot areas of these proposed lots are generally much larger than most lots in the surrounding neighbourhood, except for proposed lots 8, 9, 11, and 12, which are 4,858, 4,898, 4,936, and 5,007 square feet in area respectively. However, these lots are only slightly smaller – between 1% and 6% - than the average lot areas calculated under the special boundary conditions.
- The average lot size within the proposed development is 8,180 square feet. This average is 27% greater than the higher lot area requirement under the special boundary conditions, which is 5,163 square feet.
- The average lot width within the proposed development is 41.7 feet, which is similar to many lots in the area.
- Although there are several 38.5 foot wide lots proposed it should be noted that the majority of these lots are also very deep which makes the lot areas for these lots greater than most in the surrounding area. The average lot area for the nine lots with 38.5 foot widths is 7,308 square feet.

SALE OF CITY-OWNED LAND

- Two City-owned parcels are being included in the application and are being recommended to be declared surplus and sold to the applicant. These lands have ultimately acted as buffer strips over the years.
- The Planning and Land Use Division has maintained that they would not support the sale of the City-owned lands unless a proposal demonstrating how the integration of

these lands with adjacent lands could support development that is compatible with the surrounding area. The Planning and Land Use Division believes that the proposed development is an example of compatible development.

PUBLIC WALKWAY

- The Planning and Land Use Division has requested to include a 6 metre wide public walkway to create a better pedestrian connection between Tascona Road and John Bruce Road East that is located close to the pedestrian crossing that goes over the railway tracks to the east.
- The applicant has accommodated this request and adjusted the application to include the walkway. The inclusion of the walkway resulted in a change to the original submission and resulted in lots 6-22 being slightly smaller than originally proposed.
- Although the applicant has made the adjustment to the application, the adjustments were not made in advance of the advertising and posting of the site for the subdivision. As such, the site was advertised and posted showing the original application submitted, which is shown on Schedule “A” of this report.
- The City of Winnipeg can designate land at a lower intensity zoning (down-zone) if required, but can not designate land at a higher intensity zoning (up-zone) than advertised. The Planning and Land Use Division is recommending that Schedule “B,” which shows the land to be used for the public walkway be approved.
- It should be noted that the required adjustments to the variances were made in time to satisfy posting requirements for the variance.

REMOVAL OF OLD ZONING AGREEMENT

- Under DASZ 30/10, the western extent of the subject site was rezoned to R1-L and a zoning agreement was placed on this remnant parcel stating the following:

  That, if a building permit is issued for Proposed Lot 7, said dwelling unit shall be sited in such a manner that its easternmost wall will be within fifty feet (50’) of the west property line of said lot, and the front wall of said dwelling unit shall be constructed within thirty-five feet (35) of either John Bruce Road East or Tascona Road.
- The above condition was included to ensure that any immediate residential construction on the residual lot would not adversely affect the design and layout of future lots in a future subdivision application when/if the eventual consolidation with adjacent properties takes place.
- Since the remnant parcel is now being consolidated into the proposed subdivision, the Division recommends removing the zoning agreement registered under DASZ 30/10 as it is no longer necessary.

RECOMMENDED ZONING AGREEMENT

Setback from Rail Line Right-Of-Way

- Since about 2008/2009, the Planning and Land Use Division has been recommending setbacks from rail right-of-ways that are consistent with those identified in *The Proximity Guidelines and Best Practices* (2007) report, which was prepared for the Federation of Canadian Municipalities and the Railway Association of Canada.
- The report lists measures to reduce issues and potential issues associated with rail uses that may impact neighbouring developments. Specifically, the report lists ways to try and reduce the potential impact of derailments, noise, vibration, and safety issues associated rail use predominantly through setbacks, berming, and fencing.
- The Division is recommending that habitable dwelling shall be less than 49.2 feet (15 metres) from the western limit of the Canadian Pacific Railway Emerson Subdivision for proposed lots 1, 2, 18, 19, 20, 21, and 22.
- The Division is also recommending that the developer erect and maintain a uniform 2.0 metre tall barrier fence along the Emerson Subdivision, or the eastern extent of the site.

LAND DEDICATION

- When a developer rezones and/or subdivides a parcel of land, they are required to put in an application with the City of Winnipeg.
- As a condition of rezoning or subdivision, a developer is required to contribute a portion of the land to be developed to the City for parks purposes.
- The amount of land is not less than 10%.
- The developer is to provide land or 'cash in lieu' as determined by the Planning, Property and Development Department.
- The City is requesting land (the public walkway) for this application as identified in the Report of the ACG (Section 16, Schedule B).

RECOMMENDATION

The Planning and Land Use Division recommends **approval** for the following reasons:

- The applicant is proposing to create lots intended for the development of detached single-family residences in an area surrounded by detached single-family residences.
- The average lot width within the proposed development is 41.7 feet, which is similar to many lots in the area.
- The average lot size within the proposed development is 8,180 square feet. This average is 27% greater than the higher lot area requirement under the special boundary conditions, which is 5,163 square feet.
- Although there are several 38.5 foot wide lots proposed it should be noted that the majority of these lots are also very deep which makes the lot areas for these lots greater than most in the surrounding area. The average lot area for the nine lots with 38.5 foot widths is 7,308 square feet.

This Report Submitted by:
Planning, Property and Development Department
Planning and Land Use Division

Report Prepared By: Robert Kostiuk, MCIP
PPD File # DASZ 12/11

Schedule "A" Advertised Subdivision and Rezoning for Planned Area

By-Law No. _____

File No. **DASZ 12/11**

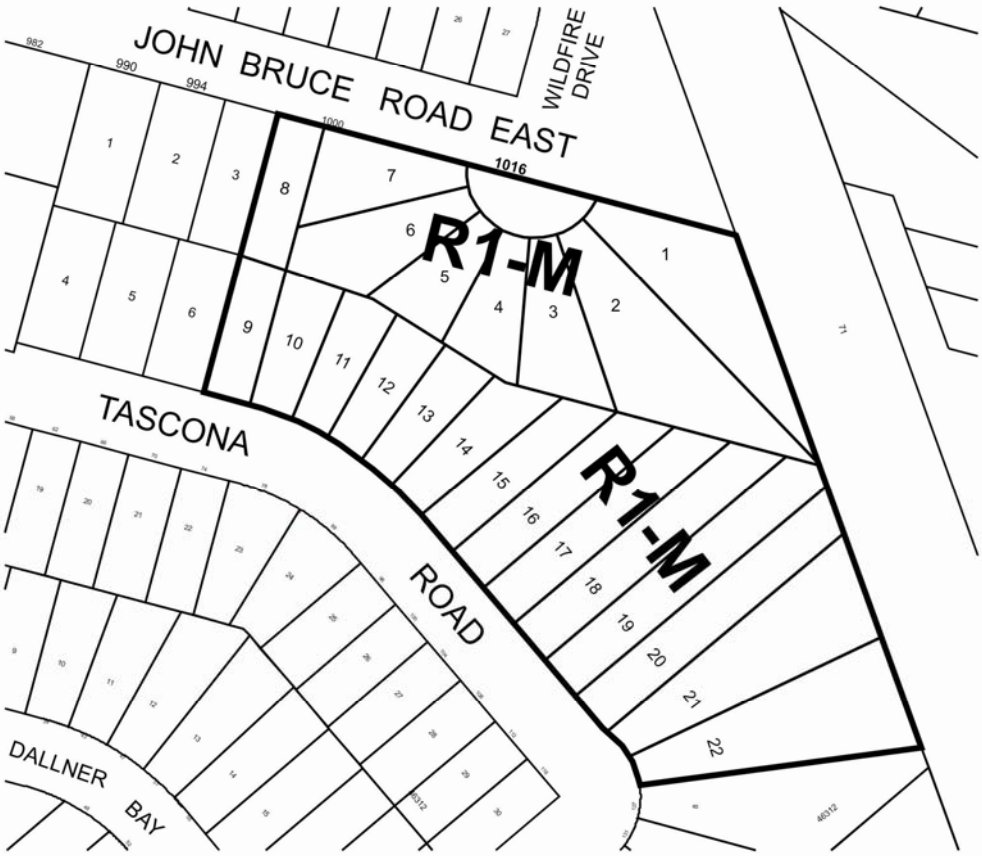
Atlas Sheet No.

N

AG29
RIEL
COMMUNITY

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 1016 John Bruce Road East from an "R1-L" and "R1-E" RESIDENTIAL SINGLE-FAMILY DISTRICTS and "RR5" RURAL RESIDENTIAL 5 DISTRICT to an "R1-M" RESIDENTIAL SINGLE-FAMILY DISTRICT to allow for the creation of lots for future residential development as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

Schedule "B" for File No. DASZ 12/2011, Riel Community Committee, dated June 16, 2011

By-Law No. _____

File No. **DASZ 12/11**

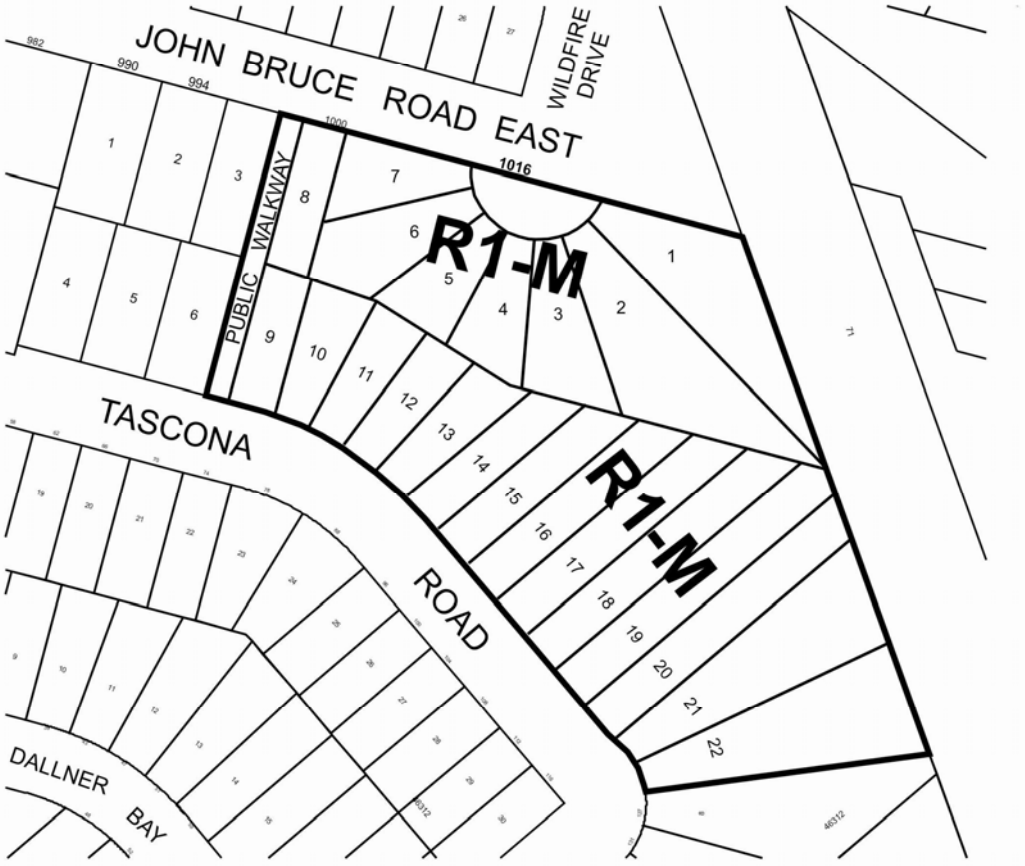
Atlas Sheet No.

N

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THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

SCHEDULE C

REPORT OF THE ADMINISTRATIVE CO-ORDINATING GROUP – JUNE 29, 2011

1. RE: PROPOSED SUBDIVISION AND REZONING OF LAND AT 1016 JOHN BRUCE ROAD EAST – DASZ 12/11

It is recommended that the approval of DASZ 12/11 be subject to the following:

A. Plan Considerations

1. To accommodate the oversized land drainage sewer installed in Tascona Road, the Developer transferring to the City and legally opening, at no cost to the City, property for the continuation of the transition to the widening previously obtained from the property to the west of the Planned Area, and the widening, of the Tascona Road right-of-way, as determined by the Director of Public Works.

2. The Developer providing right-of-way to accommodate the proposed "eyebrow"-style cul-de-sac turnaround consistent with the dimensions shown on Streets and Transportation Drawing ST-90-A as a minimum, to the satisfaction of the Director of Public Works.

3. The Developer providing a 6-m-wide public pedestrian corridor right -of-way connecting Tascona Road to John Bruce Road.

B. Plan Registration Considerations

1. The mylars for this application not being released to the applicant until the Plan for DASZ 30/10 has been **registered**.

C. Development Agreement

The applicant entering into a **Development Agreement** with the City of Winnipeg, containing the following conditions:

1. The Developer shall pay its share of the cost of services, previously installed or to be installed, by others, in John Bruce Road East abutting proposed Lots 1 to 8, as determined by the Directors of Public Works and Water and Waste.

2. The Developer shall pay its share of the cost of services, previously installed or to be installed, by others, in Tascona Road abutting proposed Lots 9 to 22, as determined by the Directors of Public Works and the Water and Waste.

3. The Developer shall, at no expense to the City, extend the wastewater sewer in John Bruce Road East to serve the Planned Area, as determined by, and to the satisfaction of, the Director of Water and Waste.

4. The Developer shall install lot line services to service all lots within the Planned Area, as follows:

    i. The Developer shall, at no expense to the City, construct and install wastewater and water building services from the wastewater sewer and watermain, to service all lots within the Planned Area, as determined by, and to the satisfaction of, the Director of Water and Waste.

    ii. The Developer shall ensure that each sewer service remains plugged from installation until the foundation excavation has been backfilled and the roof of the dwelling has been sheathed, after which the house sewer may be connected. The Developer hereby indemnifies the City against all actions, claims, demands, damages, losses, and costs, including legal and court costs, suffered or incurred by the City arising out of any failure to do so.

    iii. The Developer shall replace or repair any water or sewer service found to be defective within one year following the date the waters is turned on for domestic use, and shall pay the City any cost incurred by the City arising out of any such defect.

5. 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.

6. 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.

7. 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.

8. The Developer shall, at no expense to the City, construct 150-mm-thick Portland cement concrete pavement to a width of 7.0 m and a radius of 10.5 m, and all related works, including, but not limited to, a hard-surfaced centre island, street lighting, and drainage facilities, in the proposed “eyebrow”-style cul-de-sac turnaround, all as determined by, and to the satisfaction of, the Director of Public Works.

9. The Developer shall, at no expense to the City, sod, and plant trees on, all boulevards within the Planned Area, all in accordance with City specifications and guidelines and, where required, with concept plans prepared by the Developer and submitted to, and approved by, the Director of Public Works.

10. The Developer shall, at no expense to the City, maintain the boulevard improvements for one year, in accordance with specifications approved by the Director of Public Works.

11. The Developer shall, at no expense to the City:

    iv. ensure that construction traffic uses access routes determined by the Director of Public Works;

    v. maintain those access routes in a clean, dust-free condition, free of dropped and tracked-on mud; and

    vi. undertake the regular cleaning, including, but not limited to, scraping and sweeping of those access routes and all streets within the Planed Area,

    until building construction, including landscaping, is complete, and all as determined by, and to the satisfaction of, the Director of Public Works.

12. The Developer shall, at no expense to the City, cause underground electrical and telephone services to be installed to serve the Planned Area, to the satisfaction of the Director of Public Works.

13. The Developer shall pay all costs associated with the relocation of street lights and other utilities made necessary as a result of, or required to accommodate, the works to be constructed by the Developer to serve the Planned Area, as determined by, and to the satisfaction of, the Director of Public Works.

14. To ensure that pedestrian trespass to the railway tracks does not become a consequence of this development, thereby creating safety issues and jeopardizing existing and/or future anti-whistling regulations along the railway line, the Developer shall, at no expense to the City, construct, within the Planned Area abutting the CPR Emerson Subdivision, a uniform fence, 2.0 m in height, as determined by, and to the satisfaction of, the Director of Public Works; and the Developer shall permit the City to file caveats against the titles of the proposed lots abutting the CPR Emerson Subdivision, requiring the owner(s) to maintain and/or repair or replace the fence as originally constructed, to the satisfaction of the Director of Public Works.

15. The Developer shall, at no expense to the City, initiate and control the regular cleanup 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 completion of all construction, as determined by, and to the satisfaction of, the Director of Public Works.

16. In lieu of dedication of land for public open space, the Developer shall, at no expense to the City, open a 6.0-m-wide right-of-way for, construct a 2.4-m-wide asphaltic concrete pathway within, and landscape the remainder of, a public pedestrian corridor connecting Tascona Road and John Bruce Road. Landscaping shall include grading, land drainage, sodding, and approximately five trees. The 2.4-m-wide asphalt pathway shall include a paraplegic ramp off Tascona Road,

and the supply and installation of barrier posts/bollards along the Tascona Road and John Bruce Road frontages (to restrict vehicular access to the path), all in accordance with City Standards and drawings to be approved by the Director of Public Works.

17. The Developer shall assume responsibility for the maintenance of the public pedestrian corridor until accepted by the City for maintenance.

18. Following completion of all major construction works, the Developer shall, at its cost, have the locations of the survey monuments within each phase verified and, where the survey monuments have been disturbed, moved, covered, mutilated, or destroyed, have them replaced by a Manitoba Land Surveyor, who shall provide the Director of Planning, Property and Development with a certificate that all survey monuments within the Planned Area have been verified and/or replaced.

19. The Developer shall pay the full cost of engineering services provided by or on behalf of the City in connection with the installation of, and provision of as-built drawings by March 31 of the year following substantial performance showing, the services required to serve the Planned Area.

20. 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.

THIS REPORT SUBMITTED BY:

Administrative Co-ordinating Group
File No. DASZ 12/11
June 29, 2011

"original signed by S.M. Matile, P. Eng."
S.M. Matile, P. Eng., Chair
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 & Waste Department

"original signed by D. Beaton, MLArch."
D. Beaton, MLArch.
Parks, Riverbanks, & Community Initiatives Branch

/sm

Schedule "D" Miscellaneous Plan No. 13883

