Report - Standing Policy Committee on Property and Development - May 6, 2003

Minute No. 417
Item No. 3 Proposed Subdivision and Rezoning - land located on the north and south sides of John Huyda Drive
File DASZ 2/2003 [c/r DAV 58/2003D and DAC 3/2003]

COUNCIL DECISION:

Council concurred in the recommendation the Standing Policy Committee on Property and Development and adopted the following:

1. That Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject lands as shown on Schedule "A" for File DASZ 2/2003, and dated April 1, 2003 to "R1-5" Single Family District and an "R1-5.5" Single Family District.

2. That the plan of subdivision proposed under File DASZ 2/2003 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 2/2003 dated April 1, 2003, for registration in the Winnipeg Land Titles Office.

3. That Caveat 86-37671 be withdrawn as it affects Lot 11, Block 9, Plan 19,846.

4. That Caveat 2688381 be withdrawn as it affects Lot 2, Plan 40247.

5. That the Developer be required to enter into a Servicing Agreement with the City containing the conditions as outlined in the Administrative Coordinating Group report File AG 2/2003 and dated April 1, 2003.

6. That in the event this application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months after adoption of this report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

7. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary by-law in accordance with the above.

8. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision has been registered in the Winnipeg Land Titles Office provided that the said effective date occurs within twenty-four (24) months from the date that the said rezoning by-law is adopted by Council.

Report - Standing Policy Committee on Property and Development - May 6, 2003

COUNCIL DECISION (continued)

9. 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.

Report - Standing Policy Committee on Property and Development - May 6, 2003

DECISION MAKING HISTORY:

Moved by Councillor Vandal,

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

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On May 21, 2003, 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 May 6, 2003, the Standing Policy Committee on Property and Development concurred in the recommendation of the East Kildonan-Transcona Community Committee, and submitted its recommendation to Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On April 22, 2003, the East Kildonan-Transcona Community Committee concurred in the administrative recommendation, and submitted its recommendation to the Standing Policy Committee on Property and Development.

RE: **Proposed Plan of Subdivision and a Proposed Zoning Change - land located on the north and south sides of John Huyda Drive File DASZ 2/2003 (c/r DAV 58/2003D and DAC 3/2003)**

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

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

Report date: **April 30, 2003**

COMMUNITY COMMITTEE RECOMMENDATION:

The East Kildonan-Transcona Community Committee concurred in the administrative recommendation and recommends to the Standing Policy Committee on Property and Development:

1. That Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject lands as shown on Schedule 'A' for File DASZ 2/2003, and dated April 1, 2003 to "R1-5" Single Family District and an "R1-5.5" Single Family District.

2. That the plan of subdivision proposed under File DASZ 2/2003 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 2/2003 dated April 1, 2003, for registration in the Winnipeg Land Titles Office.

3. That Caveat 86-37671 be withdrawn as it affects Lot 11, Block 9, Plan 19,846.

4. That Caveat 2688381 be withdrawn as it affects Lot 2, Plan 40247.

5. That the Developer be required to enter into a Servicing Agreement with the City containing the conditions as outlined in the Administrative Coordinating Group report File AG 2/2003 and dated April 1, 2003.

6. That in the event this application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months after adoption of this report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

7. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary by-law in accordance with the above.

8. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision has been registered in the Winnipeg Land Titles Office provided that the said effective date occurs within twenty-four (24) months from the date that the said rezoning by-law is adopted by Council.

9. 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.

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

1. That the East Kildonan-Transcona Community Committee agreed with administrative comments contained in the report of the Acting Manager of Planning and Land Use and in the Report from the Administrative Coordinating Group.

PUBLIC HEARING SUMMARY

File: DASZ 2/2003 (c/r DAV 58/2003D and DAC 3/2003)

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

Public Hearing: April 22, 2003
Community Committee Chamber,
755 Henderson Highway

Applicant: North Grassie Properties Inc. (Doug Henne)
917 Simpson Avenue
Winnipeg, MB R2K 1S5

Subject:



Premises Affected: land located on the north and south sides of John Huyda Drive

Exhibits Filed:

1. Application dated January 31, 2003
2. Advertising notice dated April 8, 2003
3. Manitoba Status of Titles 1194307, 1215726, 1434132, 1688559, 1688561, 1854000 and1866271
4. Letter of Authorization from Jerry Kowalchuk, Joseph Skinder and Peter Skinder to Doug Henne dated December 4, 2002
5. Letter of Authorization from John E. Wiebe, North Grassie Properties Inc., to Doug Henne Planning Services dated December 16, 2002
6. Letter of Authorization from Marion and Guenther Kuklik, to Doug Henne Planning Services, dated January 6, 2003
7. Extract of Atlas Sheet U32
8. Caveat
9. Plan
10. Report from the Administrative Coordinating Group dated April 9, 2003
11. Report from the Acting Manager of Planning and Land Use dated April 1, 2003
12. Photograph(s) of the Site and Inspection Notice
13. Petition (one page) in opposition to the application submitted by Peter Kuffel at the public hearing

REPRESENTATIONS:

In Support:

Doug Henne, 917 Simpson Avenue, Winnipeg, R2K 1S5

In Opposition:

H. and V. Bodnaruk, 738 Bonner Avenue, Winnipeg, R2G 2J7
Henry Kosciuczyk, 734 Bonner Avenue, Winnipeg, R2J 2J7
Peter Kuffel, 185 Ragsdill Road, Winnipeg, R2G 4C9
Gord and Joan Kuzinam, 169 Ragsdill Road, Winnipeg, R2G 4C6
Dan and Gail Moroz, 754 Bonner Avenue, Winnipeg, R2G 2J7

For the City:

Ernie Carriere, Land Development Engineer, Planning, Property and Development Department
John Wintrup, Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

Doug Henne, North Grassie Properties Inc. appeared in support of the application. He advised that although there are some missing pieces of land from property owners who have elected not to participate in the proposed subdivision and rezoning of land, sufficient lands have been acquired to proceed with the subject application. He expressed his opinion that the proposed development is consistent with the existing development in the area.

Councillor Lubosch questioned how the project will look in comparison to what currently exists and has already been built. Doug Henne responded by advising that the proposed development would be similar to the current construction in the area and in this connection, advised that bungalows will be 1400 square feet or larger, and that two-storey homes will be 1800 square feet or larger. He further advised that homes built on the south side of John Huyda Drive will range from $160,000.00 to $180,000.00 in value and that homes on the north side will likely be larger and higher valued as they are situated on larger lots.

Henry Kosciuczyk appeared in opposition to the application. He advised that his property is not part of the subject application as he wants his lot to remain as it is and does not want anything developed behind his property.

Herb Bodnaruk appeared in opposition to the application and advised that he wants to keep his entire property and not participate in the subject application. He purported that the applicant wants him to contribute 10 to 12 feet of his property to the right-of-way. He indicated that he received a letter from Doug Henne providing him with a couple of options involving his property, one inviting him to be part of the subject application and the other, which he expressed concern about, indicated that if he chose not to be part of the application, that development costs would be added to his tax bill.

Gord Kuzinam appeared in opposition to the application, and advised that he wants the subject area to remain as green space. He further advised that he just moved into the area and is concerned about the proposed development's impact on the value of his home as the houses on Ragsdill Road are valued in excess of $200,000.00, whereas in his opinion the proposed homes will be built in too small of an area.

Peter Kuffel appeared in opposition to the application, and submitted a petition in opposition to the application, filed as Exhibit 13. He advised that he has resided in Algonquin Estates for many years and expressed concern that there is no greenspace in the area other than Gateway Recreation Centre and in this connection, suggested some greenspace be preserved with good public access. He also expressed concern that his property value would decrease and felt that the proposed development should not be compared to development in the last two years but be compared to the housing developed backing onto the subject property. In this connection, he

advised that his frontage is 65 feet and the square footage of his home is greater than 2000 square feet.

Peter Kuffel questioned how the Caveat affecting Lot 11, Block 9, Plan 19,846 could be withdrawn as recommended in the administrative report of the Acting Manager of Planning and Land Use (Exhibit 11). Ernie Carriere, Land Development Engineer, responded by advising that the capacity of the sewer was increased several years ago so the intent of the caveat has been fully satisfied.

Gail Moroz appeared in opposition to the application. She questioned the reference to the extension or cutting back of property lines on the north side of John Huyda Drive, as well as to how the services can be installed if all the rearages of the properties have not been obtained and not all the properties are involved in the subject application. John Wintrup, Planner, responded by advising that with respect to the properties on the north side of John Huyda Drive, the reference was regarding the placement of the house on the lot, not changing the size of the lot, while still maintaining the 25 foot rear yard setback.

Ernie Carriere responded with respect to the installation of services that the watermain would be installed on the north side, and the full range of underground services as well as concrete services would be accommodated within the narrowed section of the right-of-way. In this connection, he indicated that both Hydro and Manitoba Telephone Services have no objections to the proposal.

Dan Moroz appeared in opposition to the application, and expressed concern that if construction was to begin, how the road bed, which is approximately 1 metre higher, is sloped so the construction does not spill into the existing lower grade. Ernie Carriere responded by advising that the City impresses upon contractors and developers to respect private property rights, and in this connection, the land surveyor would indicate where each property ends.

Gail Moroz expressed concern that initially she had the understanding that 10 lots were proposed to be developed on the south side of John Huyda Drive, however the latest plan indicated 11 lots. She requested clarification on an understanding she had that if the developer installed services, private property owners could apply for a one foot easement so they would not have to pay local improvement charges for services they are not using. In this connection, Ernie Carriere responded that a condition could be included in the servicing agreement to ensure a local improvement levy would not be charged in this connection.

Doug Henne responded to concerns expressed by the representations made. With respect to the property owner of 738 Bonner Avenue, he advised they would not have to contribute any more than the 10 to 12 feet that juts into the proposed right-of-way in order to complete it. With respect to the property owner at 169 Ragsdill Road's concerns, he indicated that the subject land has been vacant for some time and that although it may have been used for recreation, his client has been paying taxes on the subject property for many years. With respect to the comparison of value of homes, Doug Henne indicated that it is conceivable the most westerly 3 or 4 lots that are

deeper, and the properties on the north side of John Huyda Drive that are larger, will exceed the $200,000.00 value.

Doug Henne responded to the concerns raised by the property owners of 754 Bonner Avenue, and advised that onsite pins will clearly define where the alignment of the street will go. He also advised that the contractors will be sensitive to those not partaking in the subject application. With respect to the local improvement concern, he clarified that a letter was sent to property owners to welcome them to participate in the application process and to inform them openly that if they chose not to participate in the subject application, that the developer would exercise his/her right to petition for a local improvement to recover the cost of the right-of way from those benefiting. He indicated that because his client does not control all the land on the north side, it would not be feasible to proceed with the application for subdivision if the opportunity to petition for a local improvement was not available because the developer could be carrying the costs of frontage improvements for several more years. He advised that in regards to the concern expressed about developing 11 lots, as opposed to the initial 10 lots on the south side of John Huyda Drive, is an attempt to maximize the potential of the land.

Councillor Lubosch acknowledged the commitment of those who currently reside in the area and who are naturally concerned about the evolution of their neighbourhood. He advised that he would have misgivings if the lots were proposed to be 45 feet, however only some of the lots are approximately a foot and a half smaller than the minimum standard of 50 feet, and therefore he would be supporting the application.

In reply please refer to / Référence à rappeler : John S. Wintrup

(204) 986-5102
Fax / Téléc. : (204) 986-3684

File No. DASZ 02/03 April 01, 2003
Our c/f CP 500 (.419)

Ms. Inga Skundberg, Community Clerk
East Kildonan – Transcona Community Committee
Council Building
510 Main Street
Winnipeg, MB R3B 1B9

Dear Ms. Skundberg:

SUBDIVISION AND REZONING
John Huyda Drive
East Kildonan - Transcona Community Committee
File No. DASZ 02/03

An application has been received from North Grassie Properties (Doug Henne) for approval of a plan of subdivision and related zoning change to amend By-Law No. 6400/94 by rezoning the land shown below from a "A-5" Agricultural District and an "R1-5.5" Single Family District to an "R1-5.5" Single Family District and an "R1-5" Single Family District.

RELATED FILES: DAV 58/03D, DAC 03/03, DASZ 27/77, DASZ 65/86, DASSF 529/91, DASSF 599/91, DASSF 548/01



SITE DESCRIPTION:

Site Area: The site area is approximately 106,408 square feet (9,885.30 square metres). The subject site has a frontage of 620.40 feet (189.1 metres) along the south side of John Huyda Drive, and a frontage of 303.41 feet (92.48 metres) along the north side of John Huyda Drive.

Existing Land Use and Zoning: Vacant land designated "A-5" Agricultural District and "R1-5.5" Single Family District. Existing single family dwelling on 762 Bonner Avenue. John Huyda Drive is an unimproved right-of-way.

Surrounding Land Use and Zoning:

North: Along Bonner Avenue, single family dwellings designated "R1-5.5" with a variety of lot widths fronting Bonner Avenue.
South: Fronting Ragsdill Road, single family dwellings on 40 to 68 foot wide lots zoned "R1-5" and "R1-5.5" with rear yards adjacent to the subject property.
East: Along John Huyda Drive, single family dwellings on 59 – 62 foot lots zoned "R1-5.5" with rear yards adjacent to the subject property.
West: Fronting Mitchelson Way, single family dwellings on 57 foot wide lots zoned "R1-5" with rear yards adjacent to the subject property.

DEVELOPMENT DESCRIPTION:

The applicant intends to create 18 lots and rezone the subject property from "A-5" Agricultural District and "R1-5.5" Single Family District to an "R1-5.5" Single Family District and an "R1-5" Single Family District.

Eleven lots will be on the south side of John Huyda Drive and will range in width from 48 feet (14.8 metres) to 60 feet (18.0 metres). These lots will range in depth from 100 feet (30.5 metres) to 147 feet (45 metres). Six lots will be on the north side of John Huyda Drive and will be 50 feet (15.5 metres) in width. These lots will range in depth from 134 feet (41 metres) to 167 feet (51 metres). One lot is 762 Bonner Avenue and will be 100 feet (30.48 metres) by 197 feet (60 metres). This lot has an existing single family dwelling.

John Huyda Drive will be developed as an improved roadway from its present terminus just north of Ragsdill Road to Mitchelson Way. The applicant is requesting a portion of the John Huyda Drive right-of-way be closed and incorporated into the subdivision (DAC 3/03).

A zoning agreement in a previous subdivision (DASZ 65/86) restricts the development of a portion of the subject property until such time as the capacity of the storm water retention pond

needed to serve that development has been increased. This portion of land is Lot 11, Block 9, Plan 19,846 and is on the south side of the John Huyda Drive currently designated "A-5". The caveat must be withdrawn for this application to proceed.

A subdivision agreement in a previous subdivision (DASSF 548/01) restricts the issuing of buildings permits on proposed Lots 2 and 3 on the north side of John Huyda Drive until such time the land has been rezoned and a full range of municipal has been installed. The caveat can be withdrawn if this application proceeds.

A variance (DAV 58/03D) associated with the application is for substandard lot widths of 48 feet instead of the required 50 feet. These lots will also have substandard lot areas of 4,850 square feet instead of 5,000 square feet. The applicant is also proposing to have a substandard front yard of 15 feet instead of 20 feet for all 11 lots on the south side of John Huyda.

PLAN WINNIPEG:

The proposed concept complies with Plan Winnipeg in that a residential rezoning is allowed in Neighbourhood Policy Areas.

ADMINISTRATIVE COMMENTS:

The Department supports single family residential use on the subject lands. This proposed use is consistent to the surrounding context of single family residential uses in the Springfield North Neighbourhood. The development of John Huyda Drive with single family dwellings has been planned for this neighbourhood for the last 20 years.

RECOMMENDATION:

1. That, Zoning By-Law 6400/94 be amended by rezoning the subject lands as shown on Schedule 'A' for file No. DASZ 02/03, attached hereto and dated April 01, 2003 to "R1-5" Single Family District and an "R1-5.5" Single Family District .

2. That, the plan of subdivision proposed under File No. DASZ 02/03 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File No. DASZ 02/03, attached hereto and dated April 01, 2003, for registration in the Winnipeg Land Titles Office.

3. That, Caveat 86-37671 be withdrawn as it affects Lot 11, Block 9, Plan 19,846.

4. That, Caveat 2688381 be withdrawn as it affects Lot 2, Plan 40247.

5. That, the Developer be required to enter into a Servicing Agreement with the City containing the conditions as outlined in the Administrative Coordinating Group report File No. AG 2/03 and dated April 01, 2003.

6. That, in the event this application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months after adoption of this report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

7. That the City Solicitor be requested to prepare the necessary by-law in accordance with the above.

8. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision has been registered in the Winnipeg Land Titles Office **provided that the said effective date occurs within twenty-four (24) months from the date that the said rezoning by-law is adopted by Council.**

9. 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.

Final

Yours truly,

C. Knoll
Acting Manager of Planning and Land Use

_____

Per: John S. Wintrup, Planner
East Kildonan - Transcona Community
986-5102

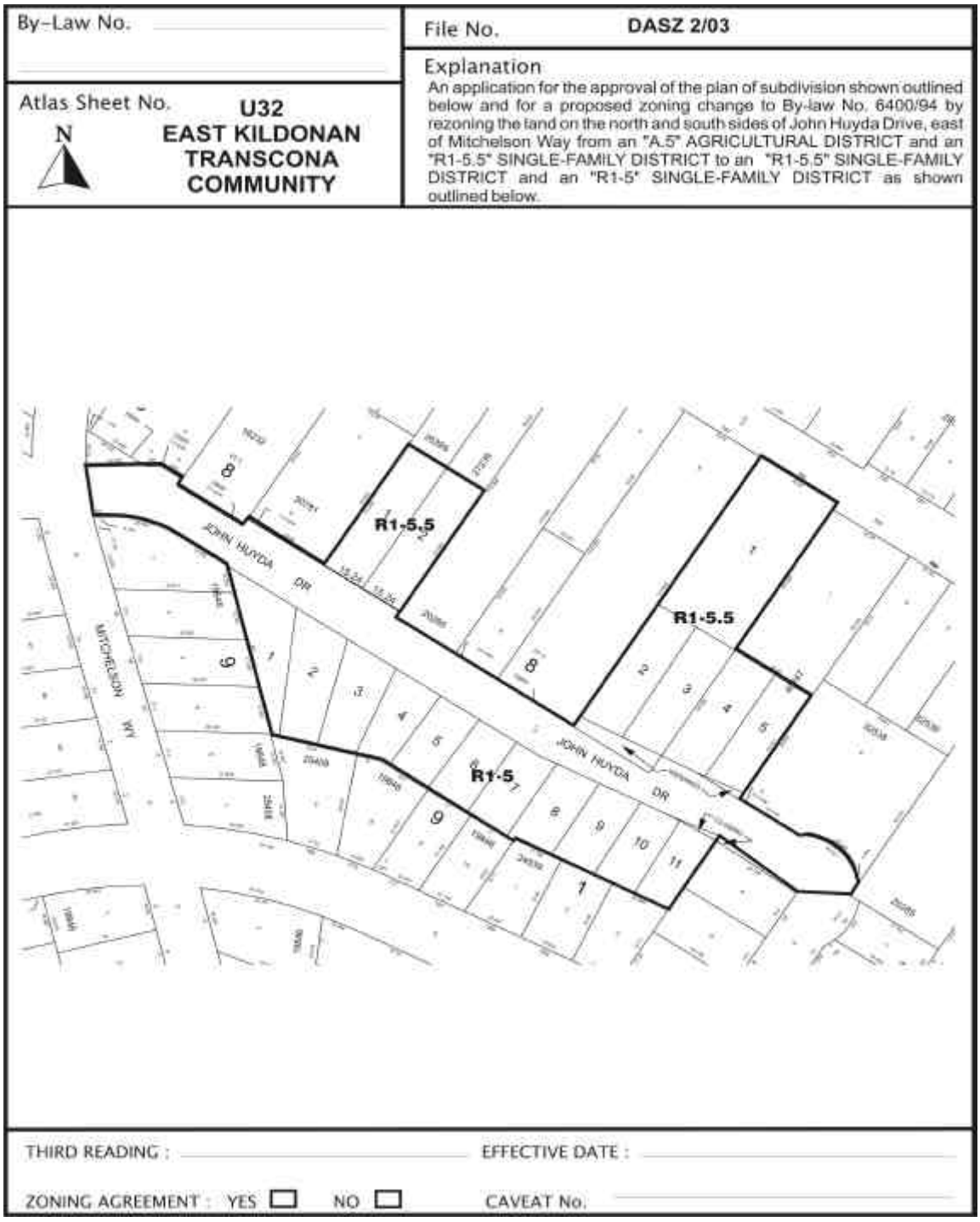


Figure 1: Schedule "A" to the report to the East Kildonan -Transcona Community Committee for File No. DASZ 02/03, dated April 01, 2003.

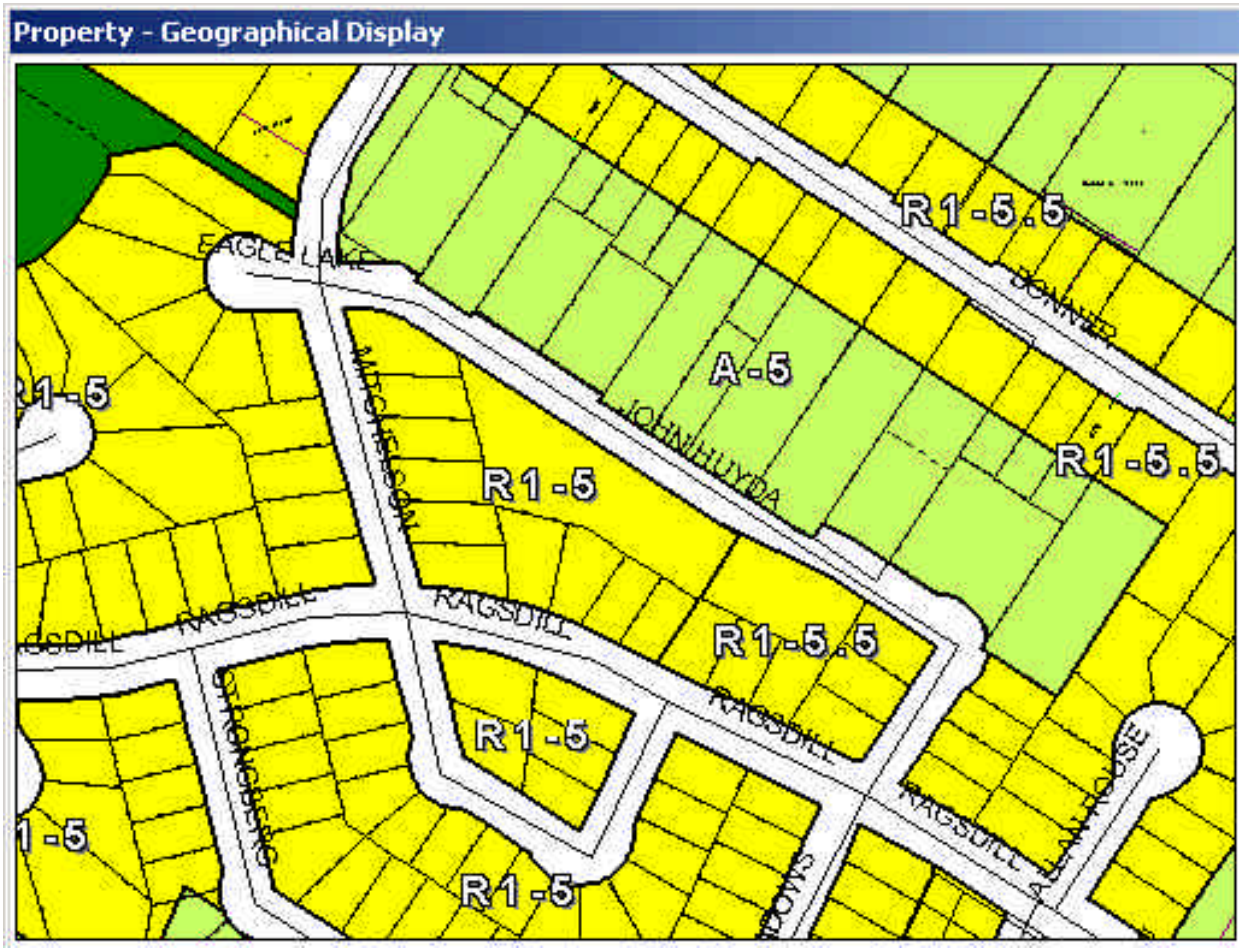


Figure 2: Existing Zoning For John Huyda Drive and Surrounding Area.



Figure 3: Existing Land-Uses For John Huyda Drive and Surrounding Area.

Re: Proposed subdivision and rezoning of land located on the north and south sides of John Huyda Drive – DASZ 2/03

An application has been submitted by North Grassie Properties Inc. to subdivide and rezone land located on the north and south sides of John Huyda Drive. The John Huyda Drive right-of-way and the land on the south side of John Huyda Drive were previously covered under Development Agreements AG 27/77 and AG 65/86 between the City and Algonquin Park East Development Inc. North Grassie Properties Inc. has acquired ownership of Algonquin Park East's land and has also acquired six lots on the north side of John Huyda Drive.

It is recommended that approval of DASZ 2/03 be subject to the Developer entering into a Servicing Agreement as follows:

1. a) The Developer shall, at no expense to the City, install watermains, wastewater sewers and land drainage sewers to serve the proposed subdivision to the satisfaction of the Director of Water and Waste.

   b) The Developer shall either obtain a 3m wide easement along the north side of the narrow sections of right-of-way if it is proposed to install the wastewater sewer on the north side of the new street or alternatively install the watermain on the north side of the new street.

   c) The Developer shall provide a lot grading plan and shall grant any easements required by that plan.

2. The Developer shall, at no expense to the City, construct a concrete pavement to a width of 7.5m in John Huyda Drive from the present terminus of the pavement in John Huyda Drive to the concrete pavement in Mitchelson Way.

3 The Developer shall, at no expense to the City, cause ornamental street lighting to be installed in John Huyda Drive to the satisfaction of the Director of Public Works.

4. If requested by the Developer, the City will advertise the installation of a full range of services in the new street as Local Improvements and if successful the City will levy the cost of the services against the properties on the north side of the new street whose land has not been included in the proposed plan of subdivision.

5. The Developer shall, at no expense to the City, install sod and plant trees on the boulevards abutting Developer owned land within the proposed subdivision and on the flankage of 22 Mitchelson Way and 12 John Huyda Drive in accordance with specifications approved by the Director of Public Works.

6. The Developer shall, at no expense to the City, install water and wastewater lot line connections to serve each lot within the proposed subdivision.

7. The Developer shall pay its share of the cost of regional land drainage facilities benefiting the proposed subdivision as determined by the Director of Water and Waste. The 2003 rate therefor is $16,109.00/acre.

8. The Developer shall, at no expense to the City, cause to be installed standard reflectorized permanent street name signs at the new street intersection being created by the proposed subdivision, as determined by the Director of Public Works.

9. The Developer shall, at no expense to the City, provide underground electrical and telephone services to serve the proposed subdivision and will pay the full cost to convert any existing overhead services within the proposed subdivision to underground.

10. The Developer is to pay all costs associated with the installation and/or relocation of street lights and other utilities made necessary as a result of or required to accommodate works, which are required by the Developer to serve the proposed subdivision, as determined by and to the satisfaction of the Director of Public works.
11. The Developer shall be responsible to control and to initiate the 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 substantial completion of all construction. The clean up of litter and refuse shall be done on a regular basis as determined by the Director of Public Works. This shall include initiating action and assuming any costs in remedying the situation to the satisfaction of the Director of Public Works.
12. The Developer shall ensure that construction traffic uses access routes as determined by the Director of Public Works. The Developer shall maintain, at no expense to the City, the access routes in a clean, dust free and safe condition, free of dropped and tracked-on mud, and shall undertake regular scraping and sweeping of streets until building construction, including landscaping, is complete, all as determined by and to the satisfaction of the Director of Public Works.
13. The Developer shall, at no expense to the City, erect and maintain barricades and signing across the full width of any temporary dead-ended streets, due to phasing of development, immediately upon completion of the paving or when house construction has begun, whichever is sooner, as determined by and to the satisfaction of the Director of Public Works.
14. The Developer shall pay the full cost of engineering services provided by or on behalf of the City in connection with the installation of services required to serve the proposed subdivision.
15. The Developer shall pay $545.00 to defray the City's administration and related costs associated with the preparation and implementation of the Servicing Agreement.

It is also recommended that the Developer pay cash in lieu of 10% dedication on the basis of seven additional building lots. (The land on the south side of John Huyda Drive was previously included in Development Agreements 27/77 and 65/86 and is subject to dedication for only 1 lot.)

THIS REPORT SUBMITTED BY:

Administrative Coordinating Group
File No. AG 2/03
April 1, 2003