Minute No. 398
Report – Executive Policy Committee – April 9, 2014

Item No. 6 Subdivision and Rezoning – 750 Bonner Avenue (North Kildonan Ward) File DASZ 48/2013

COUNCIL DECISION:

Council concurred in the recommendation of the Executive Policy Committee and adopted the following:

1. That the plan of subdivision proposed under File DASZ 48/2013 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 48/2013 dated March 4, 2014 with such minor changes as may be required, and registration in the Winnipeg Land Titles Office, subject to the following:

   A. That the developer shall adequately address to the satisfaction of the Director of Planning, Property, and Development the Plan Considerations and Servicing Considerations identified in the report of the Administrative Coordinating Group dated December 11, 2013 included as Schedule "B" of this report.

2. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for file DASZ 48/2013 dated March 4, 2014, to an "R1-L" Residential Single Family district.

3. That in lieu of the requirement for land dedication, a sum of money, calculated as ten percent (10%) of the increase in market value of the land and the creation of additional lots, be paid to the City for the purchase of land for purposes of the City other than streets.

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

5. That in the event the matter is not proceeded with expeditiously and the by-law is not passed within two 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-year period and Council approves the extension.

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 – April 9, 2014

COUNCIL DECISION (continued):

7. That the subdivision section of the by-law shall come into force and effect upon registration of the Plan of Subdivision in the Winnipeg Land Titles Office.

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.

9. That the plan of subdivision shall be approved and signed by the Director of Planning, Property, and Development within one 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.

10. 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 – April 9, 2014

DECISION MAKING HISTORY:

Moved by His Worship Mayor Katz,

That the recommendation of the Executive Policy Committee be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On April 9, 2014, 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 March 18, 2014, 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 – 750 Bonner Avenue**
File DASZ 48/2013

For submission to: **Executive Policy Committee**

Prepared by: **Josie Marques, Senior Committee Clerk**
East Kildonan-Transcona Community Committee

Report date: **March 19, 2014**

COMMUNITY COMMITTEE RECOMMENDATION:

On March 18, 2014, the East Kildonan-Transcona Community Committee concurred in the recommendation of the Winnipeg Public Service and, via the Priority Rezoning Process, recommended to the Executive Policy Committee:

1. That the plan of subdivision proposed under File DASZ 48/2013 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 48/2013 dated March 4, 2014 with such minor changes as may be required, and registration in the Winnipeg Land Titles Office, subject to the following:

    A. That the developer shall adequately address to the satisfaction of the Director of Planning, Property, and Development the Plan Considerations and Servicing Considerations identified in the report of the Administrative Coordinating Group dated December 11, 2013 included as Schedule "B" of this report.

2. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for file DASZ 48/2013 dated March 4, 2014, to an "R1-L" Residential Single Family district.

3. That in lieu of the requirement for land dedication, a sum of money, calculated as ten percent (10%) of the increase in market value of the land and the creation of additional lots, be paid to the City for the purchase of land for purposes of the City other than streets.

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

5. That in the event the matter is not proceeded with expeditiously and the by-law is not passed within two 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-year period and Council approves the extension.

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 registration of the Plan of Subdivision in the Winnipeg Land Titles Office.

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.

9. That the plan of subdivision shall be approved and signed by the Director of Planning, Property, and Development within one 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.

10. 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(s) for its recommendation:

1. This is part of a logical completion of John Huyda Drive and will create another property tax paying lot.

PUBLIC HEARING SUMMARY

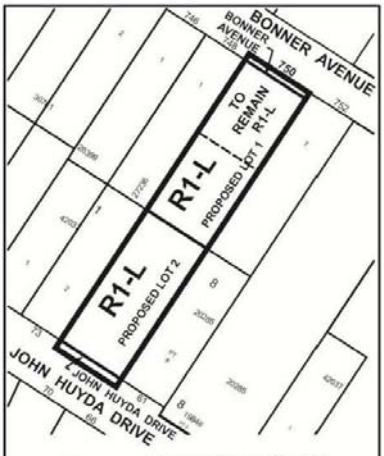
File: DASZ 48/2013

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

Public Hearing: March 18, 2014
Council Building, 510 Main Street

Applicant: Paul Saltel

Subject:



APPLICANT : P.L.J. SALTEL ENTERPRISES LTD.
FILE : DASZ 48/13
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 "RR5" RURAL RESIDENTIAL 5 DISTRICT to an "R1-L" RESIDENTIAL SINGLE-FAMILY (Large) DISTRICT to allow for the creation of an infill residential building lot for future development. **For information, phone Mr. M. Pyl, Planner, at 204-986-5595.**

Premises Affected: 750 Bonner Avenue

Exhibits Filed:

1. Application dated November 15, 2013
2. Notification of Public Hearing dated December 11, 2013
3. Manitoba Status of Title 2129424/1
4. Letter of authorization undated from Paul LJ Saltel, PLJ Saltel Enterprises Ltd.
5. Surveyor's Building Location Certificate and sketch dated July 26, 2011
6. Report from the Urban Planning Division dated March 4, 2014
7. Inspection Report
8. Audio Recording of representations

REPRESENTATIONS:

In Support:

Paul Saltel

In Opposition

Nil

For Information:

Nil

For the City:

Mr. G. Jasper, Land Development Engineer, Planning, Property and Development Department
Mr. M. Pyl, Planner, Planning, Property and Development Department

Exhibit "6" referred to in File DASZ 48/2013

ADMINISTRATIVE REPORT

Title: DASZ 48/13 – 750 Bonner Av

Issue: For consideration at the public hearing to create two lots and to rezone the subject property to "R1-L" Residential Single Family district

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

AUTHORIZATION

Author	Department Head	CFO	CAO
B. Smith	n/a	n/a	

RECOMMENDATIONS

1. That the plan of subdivision proposed under File DASZ 48/2013 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 48/2013 dated March 4, 2014 with such minor changes as may be required, and registration in the Winnipeg Land Titles Office, subject to the following:

    A. That the developer shall adequately address to the satisfaction of the Director of Planning, Property, and Development the Plan Considerations and Servicing Considerations identified in the report of the Administrative Coordinating Group dated December 11, 2013 included as Schedule "B" of this report.

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 48/2013 dated March 4, 2014, to an "R1-L" Residential Single Family district.

3. That in lieu of the requirement for land dedication, a sum of money, calculated as ten percent (10%) of the increase in market value of the land and the creation of additional lots, be paid to the City for the purchase of land for purposes of the City other than streets.

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

5. That in the event the matter is not proceeded with expeditiously and the by-law is not passed within two 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-year period and Council approves the extension.

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 registration of the Plan of Subdivision in the Winnipeg Land Titles Office.

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.

9. That the plan of subdivision shall be approved and signed by the Director of Planning, Property, and Development within one 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.

10. 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 subdivide the subject property in half to create one lot fronting John Huyda Dr with the other fronting Bonner.
- The applicant has not submitted plans with this application for the development of the John Huyda lot.
- The subject property is currently zoned “R1-L” Residential Single Family district and “RR5” Rural Residential 5 district.

IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendations of the Urban Planning Division are concurred in, the subject property will be subdivided and rezoned.

CONSULTATION

In preparing this report there was consultation with:

N/A

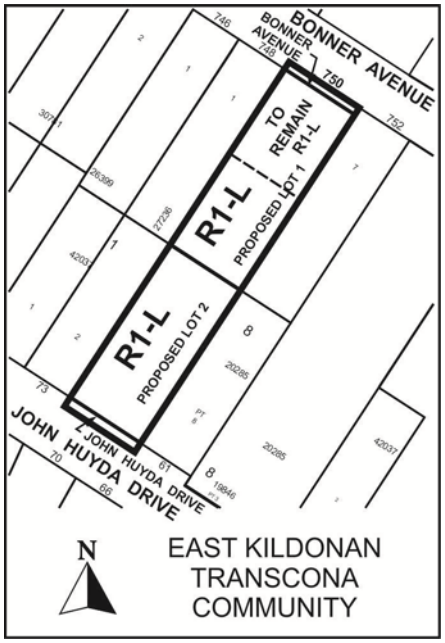
SUBMITTED BY

Department Planning, Property and Development
Division Urban Planning Division
Prepared by Michael Pyl
Date: March 4, 2014
File No. DASZ 48/13
APPENDIX 'A'

DATE: March 4, 2014
FILE: DASZ 48/13
RELATED FILES:
COMMUNITY: East Kildonan-Transcona
NEIGHBOURHOOD #: 4.419

SUBJECT: To create two residential lots and to have them both rezoned to "R1-L" Residential Single Family district

LOCATION: 750 Bonner Av



APPLICANT: Paul Saltel
255 Tache Av
Winnipeg MB R2H 1Z8

OWNER: P.L.J. Saltel Enterprises Ltd.

RECOMMENDATION: Approval

REPORT SUMMARY

- The applicant intends to subdivide the subject property in half to create one lot fronting John Huyda Dr with the other fronting Bonner.
- The applicant has not submitted plans with this application for the development of the John Huyda lot.
- The subject property is currently zoned “R1-L” Residential Single Family district and “RR5” Rural Residential 5 district.

SITE DESCRIPTION

- The subject property is a through lot located between Bonner Av to the north and John Huyda Dr to the south, east of Mitchelson Way, in the Springfield North neighbourhood of the North Kildonan ward.
- The site is split-zoned both “R1-L” Residential Single Family district and “RR5” Rural Residential 5 district and is occupied by a one storey, 1,568 sq. ft. single family dwelling on the north half of the property oriented to Bonner. It also has a 720 sq. ft. detached garage. The south half of the property is currently vacant. The property is 77 ft. wide, 377 ft. deep, and 29,000 sq. ft. in area.
- Adjacent properties include single family dwellings zoned “R1-L” to the north, east, and west, and single family dwellings zoned “R1-M” to the south. The properties to the east and west are also partially zoned “RR5”. There is also a 1 ft. control strip to the south of the subject property preventing it from obtaining frontage onto John Huyda.



Figure 1: Site map of subject property and surrounding neighbourhood

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant intends to subdivide the subject property in half to create one lot fronting John Huyda Dr with the other fronting Bonner.
- As well, the back 237 ft. of the subject property is zoned “RR5” Rural Residential 5 district; the applicant intends to rezone this to “R1-L” Residential Single Family district so that the two proposed lots have a consistent and uniform zoning.
- The lot fronting John Huyda will be 167 ft. deep and 12,859 sq. ft. in area while the lot fronting Bonner will be 192 ft. deep and 14,784 sq. ft. in area. The John Huyda lot is intended to accommodate future single family development while the existing single family dwelling and detached garage will be maintained on the Bonner lot.
- The first 9.85 ft. of the John Huyda lot and the first 8 ft. of the Bonner lot will be opened as public right-of-way to widen both streets.
- The applicant has not submitted plans with this application for the development of the John Huyda lot.

ANALYSIS AND ISSUES

OurWinnipeg and Complete Communities Direction Strategy

- The Complete Communities Direction Strategy is one of four direction strategies supporting OurWinnipeg, the city's long-range development plan, and has statutory authority as a secondary plan. The strategy serves to guide land use and development in Winnipeg.
- The subject property is classified as an "Area of Stability" is Complete Communities' Urban Structure map. Areas of Stability will accommodate low to moderate density infill development to support more efficient use of land, infrastructure, and services as well as enhance housing choice and affordability.
- Supporting Direction and Enabling Strategies for Areas of Stability include:
    - Support low to moderate change in low-density neighbourhoods through development and redevelopment that is complementary to the existing scale, character, and built form.
    - Support the subdivision of a parcel of land into two or more lots when it is done in a context sensitive manner.

Zoning

- The Residential Single-Family (R1) district is intended to accommodate primarily single-family residential development in lower-density neighbourhoods.
- The Rural Residential 5 (RR5) district is intended to provide areas for large-lot rural residential development, along with limited agricultural uses.

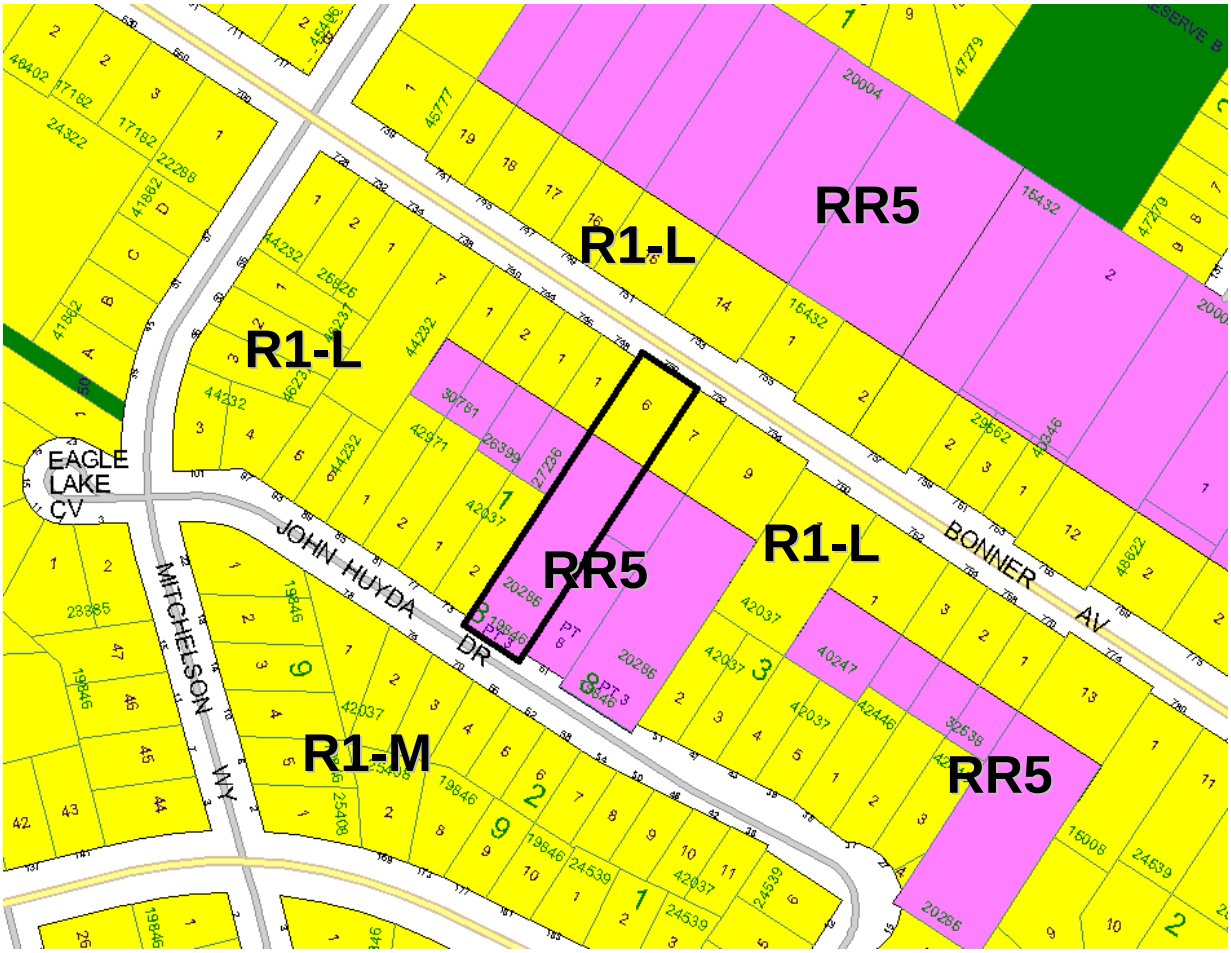


Figure 2: Zoning map of subject property and surrounding neighbourhood

- Section 137 of the zoning by-law prescribes the following dimensional standards for the "R1-L" 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 (%)
5,500	25	20	25	4*	10	35	40
* - Where the lot width is less than 40 feet, the side yards may be reduced to 10% of the width of the lot but must not be less than 3 feet.							

Figure 3: Zoning map of subject property and surrounding neighbourhood

Compatibility with the surrounding neighbourhood

- The Urban Planning Division is broadly supportive of infill development, as it minimizes the spatial use of land and provides a wider range of housing options in the neighbourhood.
- This block of Bonner Av and John Huyda Dr is comprised of lots ranging in widths from 45 ft. to 100 ft., to which the proposed 77 ft. wide lots are completely compatible.
- This application is consistent with how the rest of the lots on the north side of John Huyda have developed. They were all derived from the subdivision of larger through lots such as the subject property.
- Rezoning from “RR5” Rural Residential 5 district to “R1-L” Residential Single Family district is desirable so that the proposed Bonner lot will have a uniform and consistent zoning, facilitating administrative clarity. An “R1-L” zoning district is also better reflective of the proposed land use and is more consistent with the surrounding neighbourhood; the “RR5” zoning is a remnant of the area’s large lot rural residential past and does not reflect the infill development that has occurred over the last several decades.

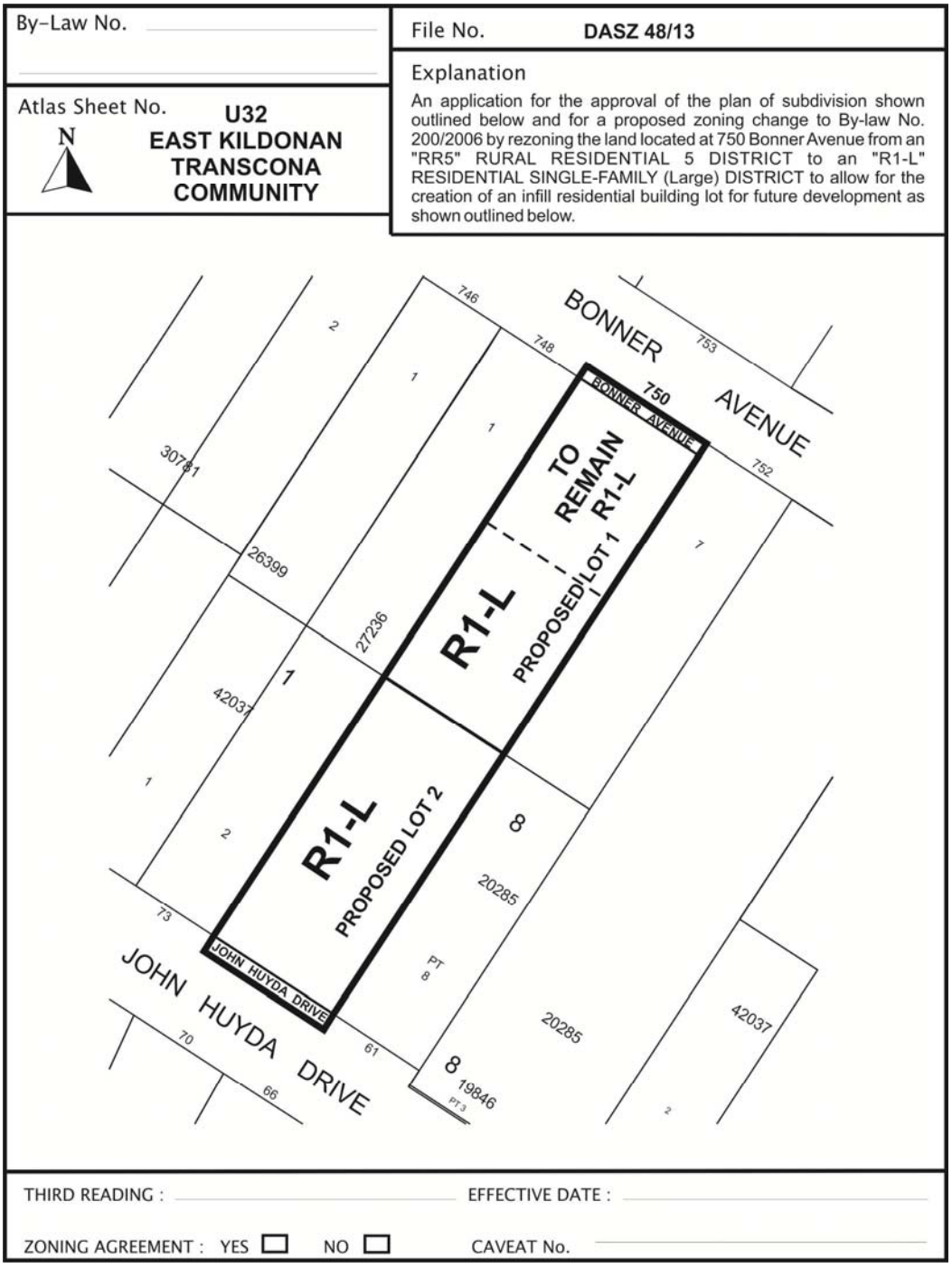
RECOMMENDATION

The Urban Planning Division is broadly supportive of infill development, as it minimizes the spatial use of land and provides a wider range of housing options in the neighbourhood. The proposed development is a logical continuation of the John Huyda block and will create lots that are compatible with the surrounding neighbourhood.

This Report Submitted by: Michael Pyl
Planning, Property and Development Department
Urban Planning Division
Report Prepared by: PPD File # DASZ 48/2013

APPENDIX 'B'

Schedule "A" for File No. DAZ 48/13, East Kildonan-Transcona Community Committee, dated March 4, 2014.



Schedule "B"

REPORT OF THE ADMINISTRATIVE CO-ORDINATING GROUP – December 11, 2013

RE: PROPOSED SUBDIVISION AND REZONING OF LAND LOCATED AT 750 BONNER AVENUE – DASZ 48/2013

It is recommended that the approval of DASZ 48/2013, if granted, be subject to the Developer adequately addressing, to the satisfaction of the City of Winnipeg, the following considerations;

A. Plan Considerations

1. The Developer shall transfer to the City and legally open, property for a 2.438m widening to the Bonner Avenue right-of-way for the full length of the Planned Area abutting Bonner Avenue as determined by and to the satisfaction of the Director of Public Works.

2. The Developer shall transfer to the City and legally open, property for a 3.000m widening to the John Huyda Drive right-of-way for the full length of the Planned Area abutting John Huyda Drive, and legally open the 0.300m control strip along John Huyda Drive, as determined by and to the satisfaction of the Director of Public Works.

B. Servicing Considerations

1. Regional Land Drainage facilities

   The Developer shall pay to the City, in cash prior to the release of subdivision mylars for registration in the Winnipeg Land Titles Office, its share of the cost of Regional land drainage facilities (2014 TSR Rate = $20,731.00/acre) for proposed new Lot 2, as determined by and to the satisfaction of the Director of Water and Waste.

2. Lot Line Connections

   The Developer shall submit to the Land Development Branch a signed letter stating that:

   a) they understand that they are responsible for the costs to install separate sewer and water lot line services from the respective main in John Huyda Drive to the property line to the newly created Lot 2 and;

   b) in the event that they sell newly created Lot 2, that they undertake to advise the new owners of their responsibility of the above costs.

3. Lot Grading Plans

The Developer shall, at no expense to the City and prior to release of subdivision mylars for registration in the Winnipeg Land Titles Office, submit a lot grading plan prepared by a qualified Municipal Engineer to the Water and Waste Department for approval. In accordance with the approved lot grading plan design, the Developer shall, as necessary, grant easements and construct, at no expense to the City, all drainage works as necessitated by the drainage design. Further, if the approved plan indicates the need for any required catch basin(s) and leads, the Developer shall, prior to the release of the subdivision mylars construct said works, or post a security deposit in the amount as determined by the Director of Water and Waste Department. In the event that the design utilizes existing catch-basin(s), the Developer shall pay a proportionate share of the cost of the catch basin(s) as determined by and to the satisfaction of the Director of Water and Waste. The preliminary security estimate is $20,000.00 for each proposed catch basin installation. If a drainage easement is required, it will be necessary to register an easement agreement in the Winnipeg Land Titles Office in series with the plan of subdivision. The agreement is prepared by the City.

4. Boulevard Deposits

   Payment to the City of a boulevard sodding and tree planting security deposit of $1250.00.

   The deposit will be refunded following a maintenance period (one year for sod and two years for trees) and upon final acceptance of the sodding and tree planting(s) by the City in accordance with City landscaping specifications.

THIS REPORT SUBMITTED BY:

Administrative Co-ordinating Group
File No. DASZ 48/2013
December 11, 2013

"Original signed by R.Deighton, P.Eng."
R.R. Deighton, P. Eng.
Land Development Branch

"Original signed by C.Desjardine, P.Eng."
C. Desjardine, P.Eng.
Public Works Department, Transportation Division

"Original signed by F.Mazur, P.Eng."
F. C. Mazur, P. Eng.
Water & Waste Department
RD/rd