Agenda – Council – May 27, 2014

Report – Standing Policy Committee on Property and Development – May 13, 2014

Item No. 5 Subdivision and Rezoning – 774 Bonner Avenue (North Kildonan Ward) File DASZ 57/2013 [c/r DAV 179371/2013D]

STANDING COMMITTEE RECOMMENDATION:

On May 21, 2014, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and submitted the following to Council:

1. That the plan of subdivision under File DASZ 57/2013 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 57/2013 dated March 11, 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 February 5, 2014, included as Schedule "C" 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 57/2013 dated March 11, 2014, to an "R1-L" Residential Multifamily 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:

        1. That the private approaches and the portions of the driveways, shown on Schedule "A", leading to the dwellings constructed on proposed Lots 3 and Lot 4 shall be constructed between the existing pavement in John Huyda Drive and the said dwellings, in accordance with the attached Schedule "A" (Exhibit 18).

        2. That the private approaches shall be delineated, where adjoining, by a sawcut or a poured and trowelled joint.

Report – Standing Policy Committee on Property and Development – May 13, 2014

3. That conditions 1 and 2 above shall be developed and maintained in accordance with "Schedule A" (Exhibit 18), all to the satisfaction of the Director of Planning, Property, and Development.

4. That a minimum side yard of 1.524 metres (5 feet) shall be provided for each dwelling constructed on the site.

5. That any attached garage constructed on proposed Lot 4 shall be located adjacent to the east property limit of the said Lot.

6. That the west "front wall of the living area" of the dwelling constructed on proposed Lot 4 shall have a minimum front yard setback equal to or greater than the east "front wall of the living area of the dwelling" on Lot 3, Plan 42446 (No. 27 John Huyda Drive), in order to align the front setback of the habitable front walls of both dwellings.

7. That no fencing shall be constructed between the front property line and the front wall of any dwelling constructed on proposed Lots 3 and 4.

8. That any dwelling constructed on proposed Lot 3 shall have a minimum front yard equal to or greater than the front yard provided for the existing dwelling located on Lot 1, Block 2, Plan 24539 (No. 15 John Huyda Drive).

9. That final plans showing the location of any proposed dwelling and/or garage shall be submitted to the Director of Planning, Property, and Development and the East Kildonan -Transcona Community Committee for approval prior to the issuance of any building or development permit.

11. That any dwellings constructed on proposed Lots 3 and 4 shall be constructed with the following architectural requirements:

    a. Houses shall have a minimum double attached garage with the doors facing the front street.
    b. Houses with identical front elevations are not permitted.
    c. Roof lines shall have a minimum 5:12 slope and shall be covered with either asphalt singles or cedar shakes.

d. The front exterior elevation, excluding any garage doors, pedestrian doors or windows, shall consist of Brick or Stone and cover a minimum of 40 % of the front elevation.

e. If the front exterior is less than 100 % Brick or Stone, one or more of the following materials shall be included on the front exterior:
   1. Hardy Board;
   2. Stucco;
   3. Wood;
   4. Vinyl.

f. Bungalows and Bi-Levels shall be a minimum of 1500 square feet.

g. Two Storey dwellings shall be a minimum of 1800 square feet.

h. Cab Over dwellings shall be a minimum of 1700 square feet.

3. That the City-owned property located north of John Huyda Drive, identified as "Subject City Property" in Misc. Plan No. 12137/1 in accordance with Schedule "B" for file DASZ 57/13 be declared surplus to the needs of the City.

4. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing condition.

5. 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.

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 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.

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

Report – Standing Policy Committee on Property and Development – May 13, 2014

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 Tittles Office by caveats against the subject lands, provided that the said effective date occurs within one 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 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 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 – Standing Policy Committee on Property and Development – May 13, 2014

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On May 21, 2014, the Executive Policy Committee concurred in the recommendations 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 13, 2014, the Standing Policy Committee on Property and Development concurred in the recommendation of the East Kildonan-Transcona Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On April 22, 2014, the East Kildonan-Transcona Community Committee concurred in the recommendation of the Winnipeg Public Service with the following amendments:

- Recommendation 2, add the following:

  "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:

     1. That the private approaches and the portions of the driveways, shown on Schedule "A", leading to the dwellings constructed on proposed Lots 3 and Lot 4 shall be constructed between the existing pavement in John Huyda Drive and the said dwellings, in accordance with the attached Schedule "A" (Exhibit 18).

     2. That the private approaches shall be delineated, where adjoining, by a sawcut or a poured and trowelled joint.

Report – Standing Policy Committee on Property and Development – May 13, 2014

DECISION MAKING HISTORY (continued):

COMMUNITY COMMITTEE RECOMMENDATION (continued):

3. That conditions 1 and 2 above shall be developed and maintained in accordance with "Schedule A" (Exhibit 18), all to the satisfaction of the Director of Planning, Property, and Development.

4. That a minimum side yard of 1.524 metres (5 feet) shall be provided for each dwelling constructed on the site.

5. That any attached garage constructed on proposed Lot 4 shall be located adjacent to the east property limit of the said Lot.

6. That the west "front wall of the living area" of the dwelling constructed on proposed Lot 4 shall have a minimum front yard setback equal to or greater than the east "front wall of the living area of the dwelling" on Lot 3, Plan 42446 (No. 27 John Huyda Drive), in order to align the front setback of the habitable front walls of both dwellings.

7. That no fencing shall be constructed between the front property line and the front wall of any dwelling constructed on proposed Lots 3 and 4.

8. That any dwelling constructed on proposed Lot 3 shall have a minimum front yard equal to or greater than the front yard provided for the existing dwelling located on Lot 1, Block 2, Plan 24539 (No. 15 John Huyda Drive).

9. That final plans showing the location of any proposed dwelling and/or garage shall be submitted to the Director of Planning, Property, and Development and the East Kildonan -Transcona Community Committee for approval prior to the issuance of any building or development permit.

11. That any dwellings constructed on proposed Lots 3 and 4 shall be constructed with the following architectural requirements:

    a. Houses shall have a minimum double attached garage with the doors facing the front street.
    b. Houses with identical front elevations are not permitted.

Report – Standing Policy Committee on Property and Development – May 13, 2014

DECISION MAKING HISTORY (continued):

COMMUNITY COMMITTEE RECOMMENDATION (continued):

c. Roof lines shall have a minimum 5:12 slope and shall be covered with either asphalt singles or cedar shakes.
d. The front exterior elevation, excluding any garage doors, pedestrian doors or windows, shall consist of Brick or Stone and cover a minimum of 40 % of the front elevation.
e. If the front exterior is less than 100 % Brick or Stone, one or more of the following materials shall be included on the front exterior:
    1. Hardy Board;
    2. Stucco;
    3. Wood;
    4. Vinyl.
f. Bungalows and Bi-Levels shall be a minimum of 1500 square feet.
g. Two Storey dwellings shall be a minimum of 1800 square feet.
h. Cab Over dwellings shall be a minimum of 1700 square feet."

- Recommendation 10, add the following:

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

and forwarded to the Standing Policy Committee on Property and Development.

On March 18, 2014, the East Kildonan-Transcona Community Committee adjourned the public hearing to its meeting on April 22, 2014 at 6:00 p.m. in the Council Building, 510 Main Street.

RE: **Subdivision and Rezoning – 774 Bonner Avenue**
File DASZ 57/2013

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

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

Report date: **April 23, 2014**

COMMUNITY COMMITTEE RECOMMENDATION:

On April 22, 2014, the East Kildonan-Transcona Community Committee concurred in the recommendation of the Winnipeg Public Service, ***as amended***, and recommended to the Standing Policy Committee on Property and Development:

1. That the plan of subdivision proposed under File DASZ 57/2013 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 57/2013 dated March 11, 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 February 5, 2014, included as Schedule "C" 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 57/2013 dated March 11, 2014, to an "R1-L" Residential Multifamily District ***subject to the following***.

    A. That the applicant enter into a Zoning Agreement with the City pursuant to Section 240(1) of the cit of Winnipeg Charter to include the following conditions:

        1. That the private approaches and the portions of the driveways, shown on Schedule "A", leading to the dwellings constructed on proposed Lots 3 and Lot 4 shall be constructed between the existing pavement in John Huyda Drive and the said dwellings, in accordance with the attached Schedule "A" (Exhibit 18).

        2. That the private approaches shall be delineated, where adjoining, by a sawcut or a poured and trowelled joint.

3. ***That conditions 1 and 2 above shall be developed and maintained in accordance with "Schedule A" (Exhibit 18), all to the satisfaction of the Director of Planning, Property, and Development.***

4. ***That a minimum side yard of 1.524 metres (5 feet) shall be provided for each dwelling constructed on the site.***

5. ***That any attached garage constructed on proposed Lot 4 shall be located adjacent to the east property limit of the said Lot.***

6. ***That the west "front wall of the living area" of the dwelling constructed on proposed Lot 4 shall have a minimum front yard setback equal to or greater than the east "front wall of the living area of the dwelling" on Lot 3, Plan 42446 (No. 27 John Huyda Drive), in order to align the front setback of the habitable front walls of both dwellings.***

7. ***That no fencing shall be constructed between the front property line and the front wall of any dwelling constructed on proposed Lots 3 and 4.***

8. ***That any dwelling constructed on proposed Lot 3 shall have a minimum front yard equal to or greater than the front yard provided for the existing dwelling located on Lot 1, Block 2, Plan 24539 (No. 15 John Huyda Drive).***

9. ***That final plans showing the location of any proposed dwelling and/or garage shall be submitted to the Director of Planning, Property, and Development and the East Kildonan -Transcona Community Committee for approval prior to the issuance of any building or development permit.***

11. ***That any dwellings constructed on proposed Lots 3 and 4 shall be constructed with the following architectural requirements:***

- ***a.*** ***Houses shall have a minimum double attached garage with the doors facing the front street.***
- ***b.*** ***Houses with identical front elevations are not permitted.***
- ***c.*** ***Roof lines shall have a minimum 5:12 slope and shall be covered with either asphalt singles or cedar shakes.***
- ***d.*** ***The front exterior elevation, excluding any garage doors, pedestrian doors or windows, shall consist of Brick or Stone and cover a minimum of 40 % of the front elevation.***
- ***e.*** ***If the front exterior is less than 100 % Brick or Stone, one or more of the following materials shall be included on the front exterior:***
  - ***1.*** ***Hardy Board;***

2. Stucco;
3. Wood;
4. Vinyl.

f. Bungalows and Bi-Levels shall be a minimum of 1500 square feet.

g. Two Storey dwellings shall be a minimum of 1800 square feet.

h. Cab Over dwellings shall be a minimum of 1700 square feet.

3. That the City-owned property located north of John Huyda Drive, identified as "Subject City Property" in Misc. Plan No. 12137/1 in accordance with Schedule "B" for file DASZ 57/13 be declared surplus to the needs of the City.

4. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing condition.

5. 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.

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 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.

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

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 Tittles Office by caveats against the subject lands, provided that the said effective date occurs within one 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 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 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.

Note: The wording in bold and italics denotes amendments made by the Community Committee.

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

1. There are challenges to completing this application

2. This is a logical completion of this street.

3. The applicant has been cognisant, reasonable and fair to work with neighbours to come up with solutions to minimize impacts.

PUBLIC HEARING SUMMARY

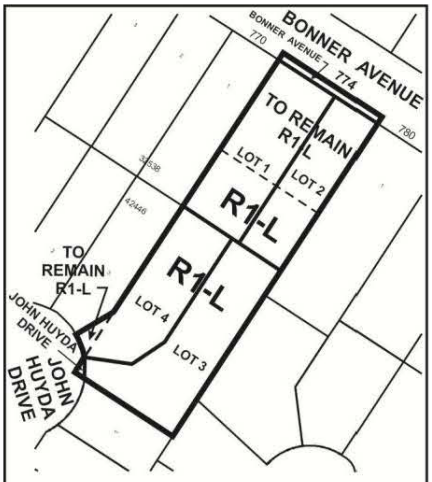
File: DASZ 57/2013

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

Public Hearing: April 22, 2014
Council Building, 510 Main Street

Applicant: J. Wintrup Consulting Ltd. (John Wintrup)

Subject:



APPLICANT : J. WINTRUP CONSULTING LTD.

FILE : DASZ 57/13

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 infill residential building lots for future development. **For information, phone Mr. M. Pyl, Planner, at 204-986-5595.**

Premises Affected: 774 Bonner Avenue

Exhibits Filed:

1. Application dated January 6, 2014
2. Notification of Public Hearing dated January 23, 2014
3. Manitoba Status of Titles 2000060/1 and 2013737/1
4. Letter of authorization dated December 16, 2013 from David Walker Watters Scott and Marie Georgette Alice Scott to Waterside Development Corp.
5. Letter of authorization dated December 20, 2013 from Waterside Development Corp. to John Wintrup
6. Surveyor's Building Location Certificate and sketch dated December 19, 2013
7. Zoning Development Information
8. Notice of Deferments 3423375 and 4304135/1
9. Plans (1 page)
10. Report from the Urban Planning Division dated March 11, 2014
11. Inspection Report
12. Listing lot areas, in support of the application, submitted by the applicant at the public hearing
13. Area map, in support of application, submitted by the applicant at the public hearing
14. Ownership and concept Map, in opposition to the application, submitted by Cathy Cox at the public hearing
15. Audio Recording of representations of public hearing held on March 18, 2014
16. Notice of Adjournment dated March 21, 2014
17. Proposed Zoning Agreement Conditions of Approval, in support of the application, submitted by applicant at the public hearing
18 Schedule A, in support of the application, submitted by the applicant at the public hearing
19. Conceptual Plan, in support of the application, submitted by the applicant at the public hearing
18. Audio Recording of representations of public hearing held on April 22, 2014

REPRESENTATIONS:

In Support:

John Wintrup, J. Wintrup Consulting Ltd.
Ray Klassen
Bill McGarry

In Opposition

Robert Huyghe

For Information:

Cathy Cox
Bruce Seman
Harvey and Jackie Yeo

For the City:

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

Exhibit "10" referred to in File DASZ 57/2013

ADMINISTRATIVE REPORT

Title: DASZ 57/13 – 774 Bonner Av

Issue: For consideration at the public hearing to create four residential lots and to rezone the property entirely 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 57/2013 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 57/2013 dated March 11, 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 February 5, 2014, included as Schedule "C" 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 57/2013 dated March 11, 2014, to an "R1-L" Residential Multifamily District.

3. That the City-owned property located north of John Huyda Drive, identified as "Subject City Property" in Misc. Plan No. 12137/1 in accordance with Schedule "B" for file DASZ 57/13 be declared surplus to the needs of the City.

4. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing condition.

5. 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.

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 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.

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

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.

11. 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.

12. 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 to create four lots – two will front onto Bonner Av while the other two will front onto John Huyda Dr.
- The applicant will maintain the existing dwelling on Proposed Lot 1. They have not submitted plans with this application for the development of the three additional lots.
- The subject property is currently zoned “R1-L” Residential Single Family district and “RR5” Rural Residential 5 district.
- Council approval is required to declare the subject City-owned property surplus to the needs of the City.
- The Planning, Property, and Development Department intends to sell the subject City property to the adjoining owner at 774 Bonner Av for consolidation with its current holding, in accordance with the delegated authority granted to the Director for the sale of small parcels to be used for residential purposes.

IMPLICATIONS OF THE RECOMMENDATIONS

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

There are no regulatory or human resource implications associated with the report.

The City's standard terms and conditions of sale will include provisions to protect the City's interests in the event that environmental contamination is discovered.

There are no direct financial implications associated with this recommendation.

CONSULTATION

In preparing this report there was consultation with:

N/A

SUBMITTED BY

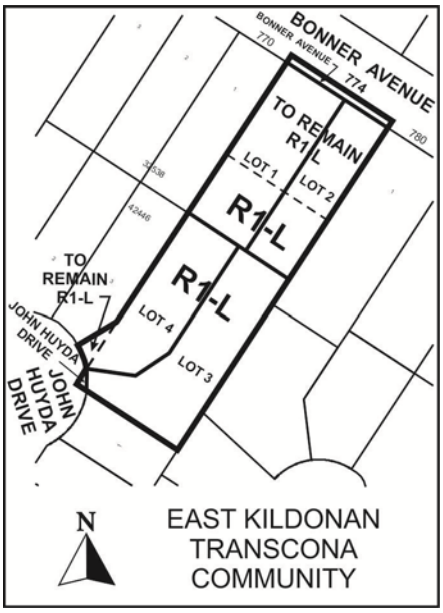
Department	Planning, Property and Development
Division	Urban Planning Division
Prepared by	Michael Pyl
Date:	March 11, 2014
File No.	DASZ 57/13

APPENDIX 'A'

DATE: March 11, 2014
FILE: DASZ 57/13
RELATED FILES:
COMMUNITY: East Kildonan-Transcona
NEIGHBOURHOOD #: 4.419

SUBJECT: To create four residential lots from one and to have all of them zoned entirely "R1-L" Residential Single Family district

LOCATION: 774 Bonner Av



APPLICANT: John Wintrup
J. Wintrup Consulting Ltd.
301-139 Roslyn Rd.
Winnipeg MB R3L 0G7

OWNER: David and Marie Scott
774 Bonner Av
Winnipeg MB R2G 2J7

RECOMMENDATION: Approval

REPORT SUMMARY

- The applicant intends to subdivide the subject property to create four lots – two will front onto Bonner Av while the other two will front onto John Huyda Dr.
- The applicant will maintain the existing dwelling on Proposed Lot 1. They have not submitted plans with this application for the development of the three additional lots.

- 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, 1,438 sq. ft. single family dwelling on the north half of the property oriented to Bonner as well as a detached garage. The south half of the property is currently vacant. The property is 116 ft. wide, 368.5 ft. deep, and 42,746 sq. ft. in area.
- Adjacent properties include single family dwellings zoned “R1-L” on all sides with a portion to the west that is also split-zoned “RR5” Rural Residential 5 district. There is also a 529 sq. ft. triangular shaped property adjacent to the southwest along John Huyda owned by the City zoned “R1-L”.



Figure 1: Site map of subject property and surrounding neighbourhood

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant intends to subdivide the subject property to create four lots – two will front onto Bonner Av while the other two will front onto John Huyda Dr.

- In order to facilitate the two lots fronting onto John Huyda, a 529 sq. ft. triangular shaped lot adjacent to the subject property to the southwest will be consolidated. This lot was originally obtained by the City via DASZ 21/2003 to enable the creation of these lots.
- As well, the southernmost two-thirds of the property is zoned “RR5” Rural Residential 5 district; the applicant intends to rezone this to “R1-L” Residential Single Family district so that all lots have a consistent and uniform zoning.
- The dividing line between the Bonner and John Huyda lots will be established at a point 181 ft. to the south of the existing north property line.
- Proposed Lot 1 will accommodate the maintenance of the existing dwelling with a 5 ft. east side yard to the proposed property line. It will be 66 ft. wide and 11,444 sq. ft. in area. Proposed Lot 2 will be the other lot fronting Bonner. It will be 50 ft. wide and 8,624 sq. ft. in area. Proposed Lot 3 will be the easternmost of the two John Huyda-fronting lots and will be 58 ft. wide at its rear property line and 13,258 sq. ft. in area while Proposed Lot 4 will be the remaining lot that will be consolidated with the triangular, City-owned lot. It will also be 58 ft. wide and its rear property line and 9,813.5 sq. ft. in area.
- The northernmost 8 ft. of the subject property will be taken by the City for the Bonner right-of-way while a 110 sq. ft. triangular piece in the southwest corner of the property will be taken for the John Huyda right-of-way.
- The applicant has not submitted plans with this application for the development of the three additional lots.

BACKGROUND

DASZ 21/2003

- On September 30, 2003, Council approved a subdivision and rezoning application that created the three residential lots adjacent to the west of the subject property (27, 31, and 35 John Huyda Dr).
- It was noted during this application that the future subdivision of 774 Bonner Av might be hindered. As a result, through this application the City acquired a 529 sq. ft. wedge-shaped piece of land that would be consolidated with 774 Bonner upon receipt of a subdivision application. This land was acquired via a Development Agreement.

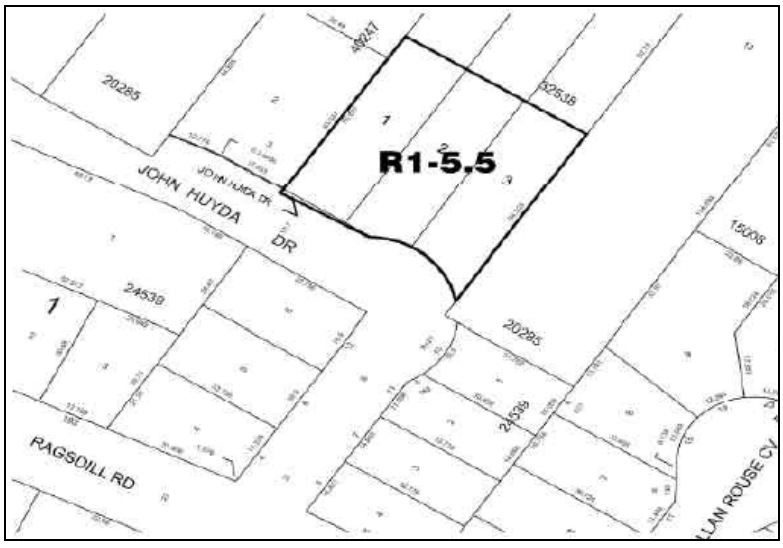


Figure 2: Map of DASZ 21/2003

- In concurrence with this application, the applicant has also applied to vary the Special Boundary Conditions of the proposed "R1-L" dimensional standards for the establishment of four residential building lots to permit as follows:
    - On Proposed Lot 1, a lot width of 66.15 ft. instead of 72.3 ft.
    - On Proposed Lot 2, a lot area of 8,624 sq. ft. instead of 10,280 sq. ft. and a lot width of 49.75 ft. instead of 72.3 ft.
    - On Proposed Lot 3, a lot width of 49.75 ft. instead of 72.3 ft.
    - On Proposed Lot 4, a lot area of 9,813.5 sq. ft. instead of 10,280 sq. ft. and a lot width of 59.09 ft. instead of 72.3 ft.

Real Estate Division background

- The City of Winnipeg acquired Lot 4 Plan 42446 under DASZ 21/2003 [AG 2/2003] as per the Planner's Report dated September 4, 2003. The developer was required to transfer lot 4 to the City for $1 with the understanding that it would be consolidated with 774 Bonner Ave in the future to facilitate the future subdivision of the adjacent lands.
- The City intends to sell the Subject City Property at fair market value to the adjacent owner and to distribute the proceeds to the developer of DASZ 21/03, North Grassie Properties Inc.

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.

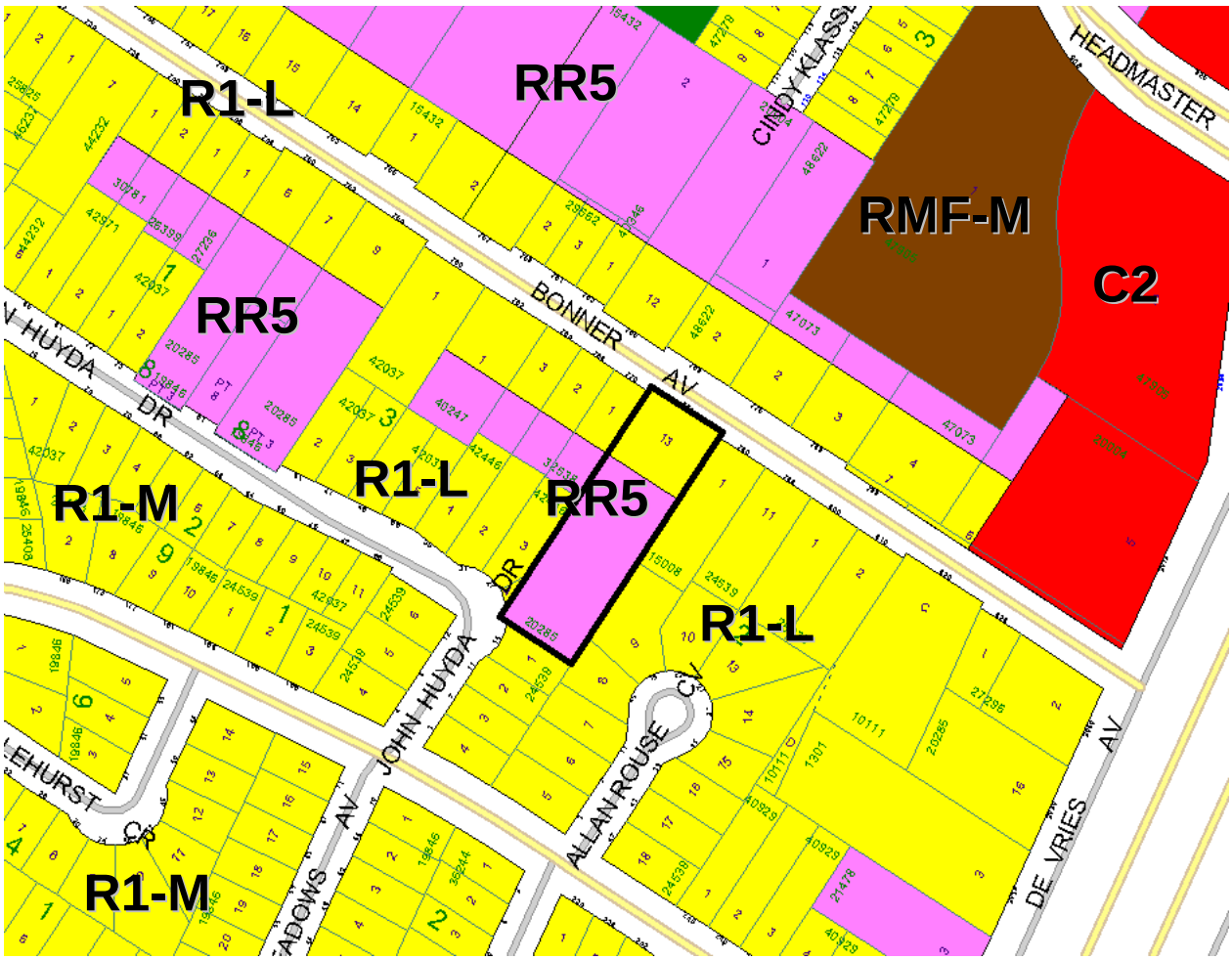


Figure 2: Zoning map of subject property and surrounding neighbourhood

- 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: Dimensional standards for the "R1-L" district

Disposition of surplus City property

- It is recommended via this report that Council declare the “Subject City Property” identified in Misc. Plan No. 12137/1 in Schedule “B” surplus and that Administration negotiate its sale for the purpose of this subdivision and rezoning application.

Access onto John Huyda Dr

- Public Works has confirmed that the John Huyda frontages of Proposed Lots 3 and 4 are wide enough to accommodate front approaches (Public Works requires a minimum width of 3m).
- The approaches will need to be designed so that they are contained within each property (no shared approaches are allowed in this case). However, as the black line in Figure 4 below indicates, the front property lines of the existing lots along John Huyda are drawn approximately halfway up the existing driveways. Some overlap in the public right-of-way is acceptable, and inevitable. If any modifications to the existing approaches at 15 and 27 John Huyda are required, then the developer will be responsible for assuming these costs.
- As per Section 159 of Zoning By-law No. 200/06, driveways can be built to property line limits, as they are permitted projections in all zoning districts.



Figure 4: The black line denotes the front property lines of the existing lots along John Huyda

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 is comprised of lots ranging in width from 50 ft. to 100 ft., to which the proposed 66 and 50 ft. wide lots are completely compatible. Similarly, the proposed lots along John Huyda are a logical completion of the street, compatible with the 50 ft. wide lots on the block.
- 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.

- The consolidation of the triangular-shaped City-owned land adjacent to the southwest was always intended to occur since it was created in 2003.
- 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.

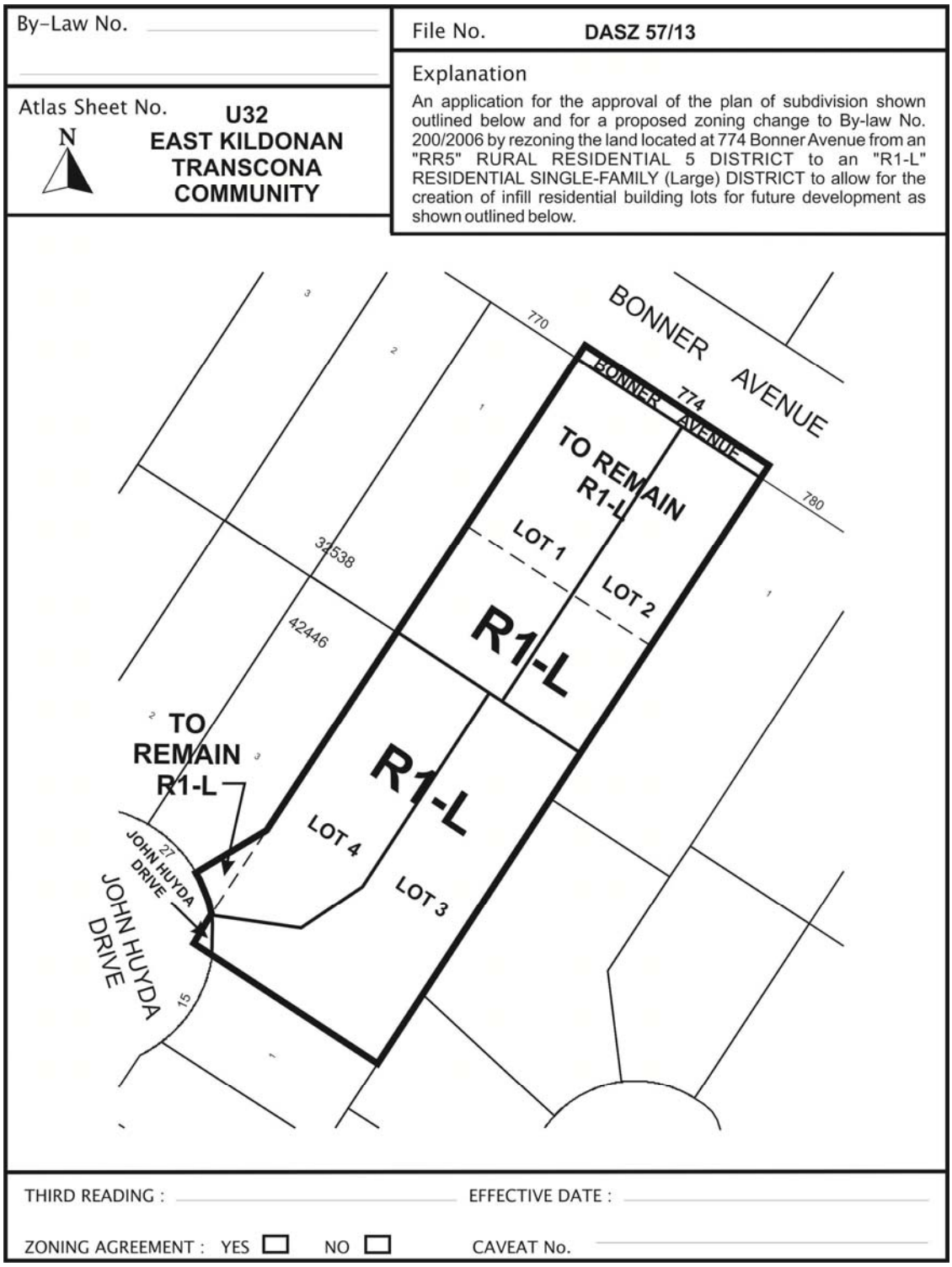
RECOMMENDATION

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 along both this street and Bonner 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 57/2013

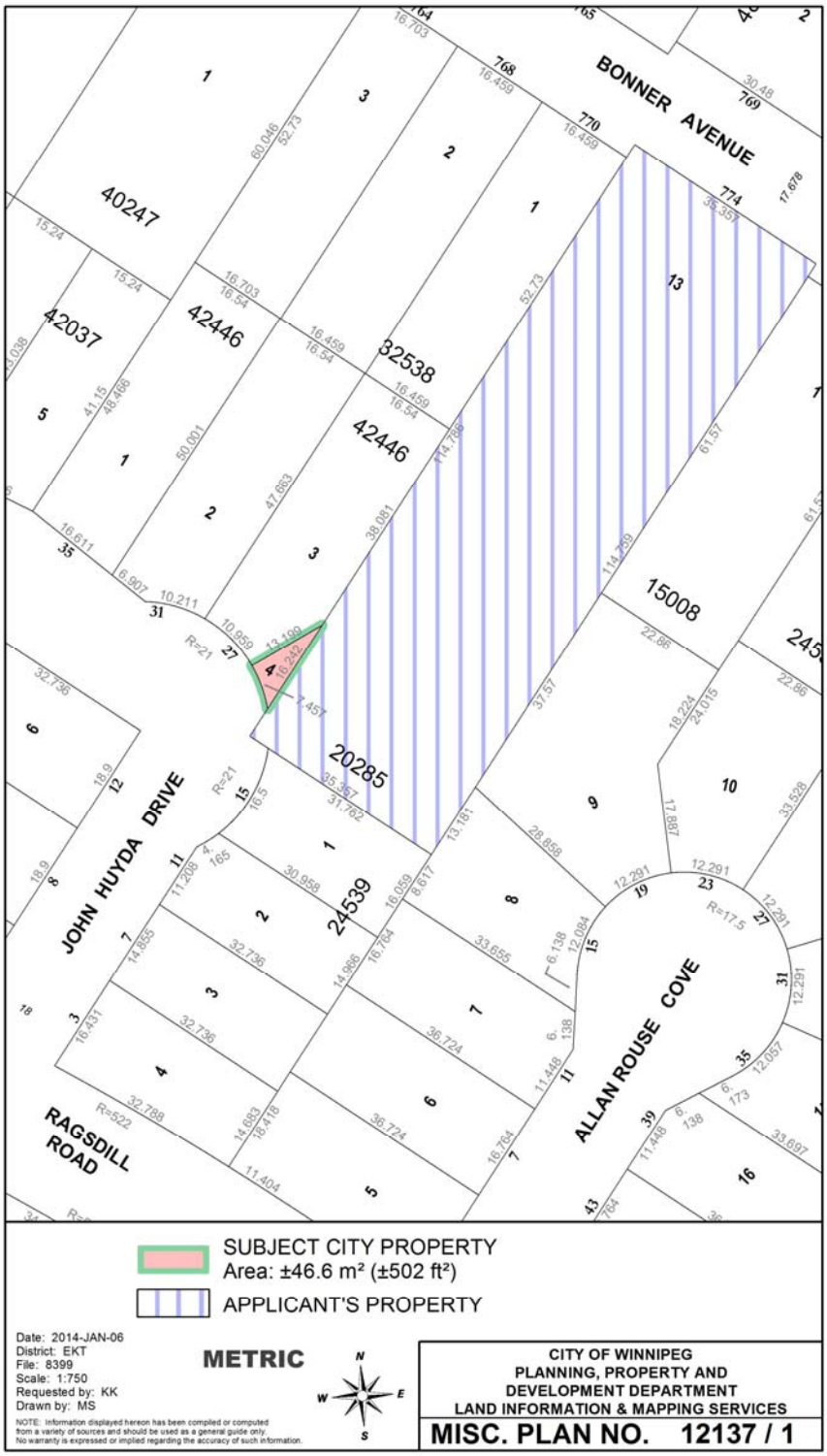
APPENDIX 'B'

Schedule "A" for File No. DAZ 57/13, East Kildonan-Transcona Community Committee, dated March 11, 2014.



Schedule “B”

Real Estate Division
Misc. Plan No. 12137/1



Schedule "C"

REPORT OF THE ADMINISTRATIVE CO-ORDINATING GROUP – February 5, 2014

RE: PROPOSED SUBDIVISION AND REZONING OF LAND LOCATED AT 774 BONNER AVENUE – DASZ 57/2013

It is recommended that the approval of DASZ 57/2013, 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.

1. The Developer shall transfer to the City and legally open the triangular shaped piece of property to complete the right-of-way bulb configuration on the outside of the 90 degree deflection in John Huyda Drive right-of-way, 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 Lots 3 and 4 (lots fronting John Huyda Drive), 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 Lots 2, 3 and 4 and;

   b) in the event that they sell newly created Lots 2, 3 and 4, 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 ditch restoration security deposit of $1,100.00.

   The deposit will be refunded following a maintenance period (one year for sod) and upon final acceptance of the sodding and ditch restoration by the City in accordance with City landscaping specifications.

THIS REPORT SUBMITTED BY:

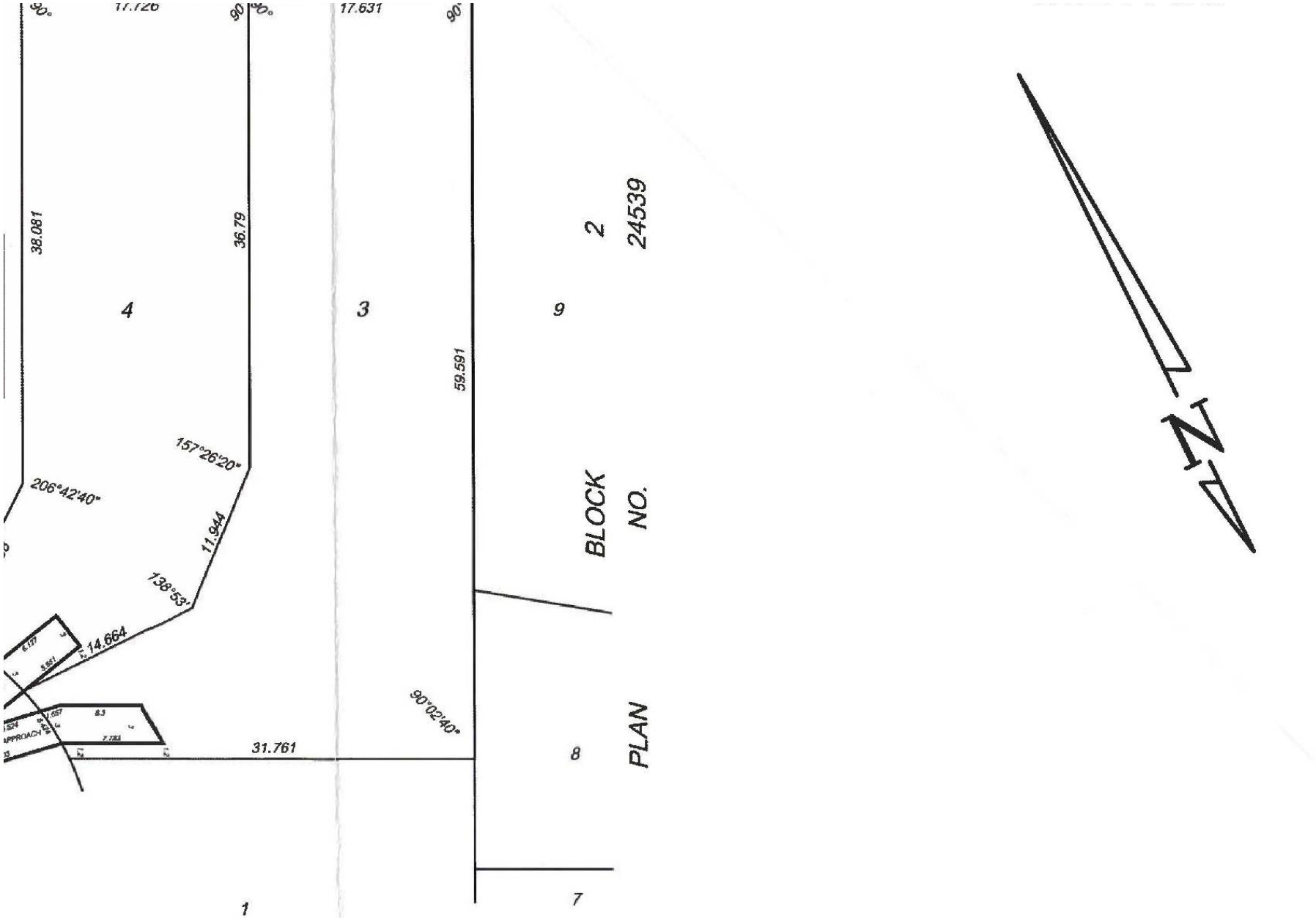
Administrative Co-ordinating Group
File No. DASZ 57/2013
February 5, 2014

"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



SCHEDULE A

ATIONS
US.....

SURVEYOR'S SKETCH SHOWING
PROPOSED LOCATION OF DRIVEWAYS
FOR LOTS 3 AND 4, DEPOSIT 290/13

Pollock LAND SURVEYING • GEOMATICS