Minute No. 122
Report – Executive Policy Committee – January 7, 2015

Item No. 3 Subdivision and Rezoning – 626 Knowles Avenue (North Kildonan Ward) File DASZ 23/2014 [c/r DAV 147225/2014D]

COUNCIL DECISION:

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

1. That the plan of subdivision under File DASZ 23/2014 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 23/2014 dated November 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 be required to enter into a Servicing Agreement with the City of Winnipeg containing all the conditions outlined in the report of the Administrative Coordinating Group dated October 31, 2014.

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 23 /2014 dated November 4, 2014, to a "R1-L" Residential 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 request to prepare the necessary by-law in accordance with the above.

7. That the subdivision section of the by-law shall come into force and effect upon execution by the City of Winnipeg of the Servicing Agreement.

Report – Executive Policy Committee – January 7, 2015

COUNCIL DECISION (continued):

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 in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twelve (12) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of this twelve (12) month period and the extension is subsequently approved by Council.
11. That the Director of Legal Services and City Solicitor be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

Report – Executive Policy Committee – January 7, 2015

DECISION MAKING HISTORY:

Moved by His Worship Mayor Bowman,

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

Carried

STANDING COMMITTEE RECOMMENDATION:

On January 7, 2015, 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 December 15, 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.

On November 18, 2014, the East Kildonan-Transcona Community Committee did not hear any representation on the application and adjourned the public hearing to its meeting on December 15, 2014 at 6:00 p.m. in the Council Building, 510 Main Street.

RE: **Subdivision and Rezoning – 626 Knowles Avenue**
File DASZ 23/2014

For submission to: **Executive Policy Committee**

Prepared by: **Andrew Poitras, Senior Committee Clerk**
East Kildonan-Transcona Community Committee

Report date: **December 17, 2014**

COMMUNITY COMMITTEE RECOMMENDATION:

On December 15, 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 under File DASZ 23/2014 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 23/2014 dated November 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 be required to enter into a Servicing Agreement with the City of Winnipeg containing all the conditions outlined in the report of the Administrative Coordinating Group dated October 31, 2014.

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 23 /2014 dated November 4, 2014, to a "R1-L" Residential 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 request to prepare the necessary by-law in accordance with the above.

7. That the subdivision section of the by-law shall come into force and effect upon execution by the City of Winnipeg of the Servicing Agreement.

8. That the zoning section of the by-law shall come into force and effect when the plan of subdivision is registered in the Winnipeg Land Titles Office.

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 in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twelve (12) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of this twelve (12) month period and the extension is subsequently approved by Council.
11. That the Director of Legal Services and City Solicitor be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

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

1. This is the logical progression and completion of these buildable lots.
2. The area is finishing up nicely.
3. This is the most appropriate use and best outcome we could conceive for this type of space.

PUBLIC HEARING SUMMARY

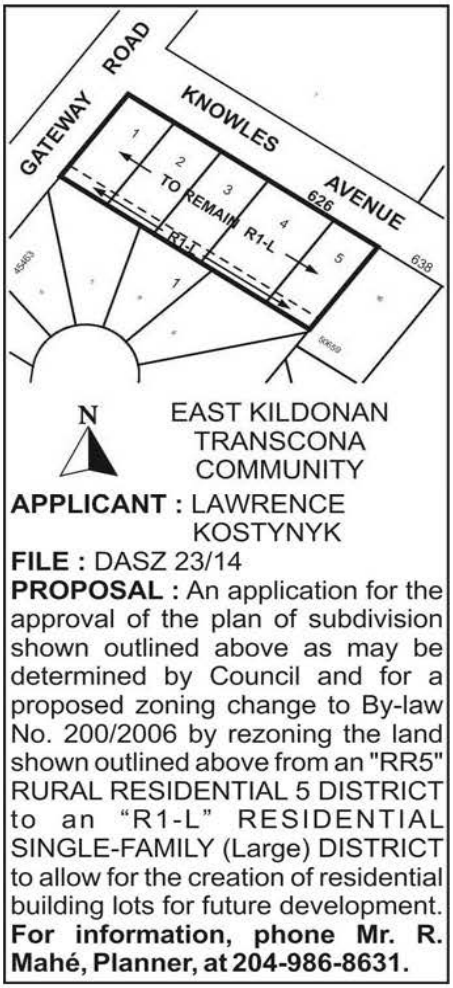
File: DASZ 23/2014

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

Public Hearing: December 15, 2014
November 18, 2014
Council Building, 510 Main Street

Applicant: Lawrence Kostynyk

Subject:



Premises Affected: 626 Knowles Avenue

Exhibits Filed:

1. Application dated August 8, 2014
2. Notification of Public Hearing dated September 18, 2014
3. Manitoba Status of Title 2179670/1
4. Letter of authorization dated August 5, 2014 from Marlene Kostynyk to Lorne Kostynyk
5. Surveyor's Building Location Certificate and sketch dated July 28, 2014
6. Plans (1 page)
7. Petition in support of the application purporting to contain the signatures of 4 area residents, submitted by the Applicant
8. Report from the Urban Planning Division dated November 4, 2014
9. Inspection Report
10. Notice of Adjournment dated November 21, 2014
11. Letter of authorization dated November 21, 2014 from Lorne Kostynyk to Angie Januska
12. Audio Recording of representations of public hearing held on December 15, 2014

REPRESENTATIONS:

In Support:
Angie Januska
Lorne Kostynyk

In Opposition
Nil

For Information:
Nil

For the City:
Mr. R. Mahe, Planner, Planning, Property and Development Department
Mr. G. Jasper, Land Development Engineer, Planning, Property and Development Department

Exhibit "8" referred to in File DASZ 23/2014

ADMINISTRATIVE REPORT

Title: DASZ 23/14 – 626 Knowles

Issue: For consideration at the public hearing to facilitate the subdivision of 1 residential lot into five (5) new residential lots and rezone the rear RR5 portion into R1-L.

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 23/2014 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 23/2014 dated November 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 be required to enter into a Servicing Agreement with the City of Winnipeg containing all the conditions outlined in the report of the Administrative Coordinating Group dated October 31, 2014.

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 23 /2014 dated November 4, 2014, to a "R1-L" Residential 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.

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10. That in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twelve (12) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of this twelve (12) month period and the extension is subsequently approved by Council.

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

REASON FOR THE REPORT

- The applicant intends to subdivide and rezone the rear portion of the RR5 residential lot to create 5 new residential lots zoned R1-L.

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	Richard Mahé
Date:	November 4, 2014
File No.	DASZ 23/14

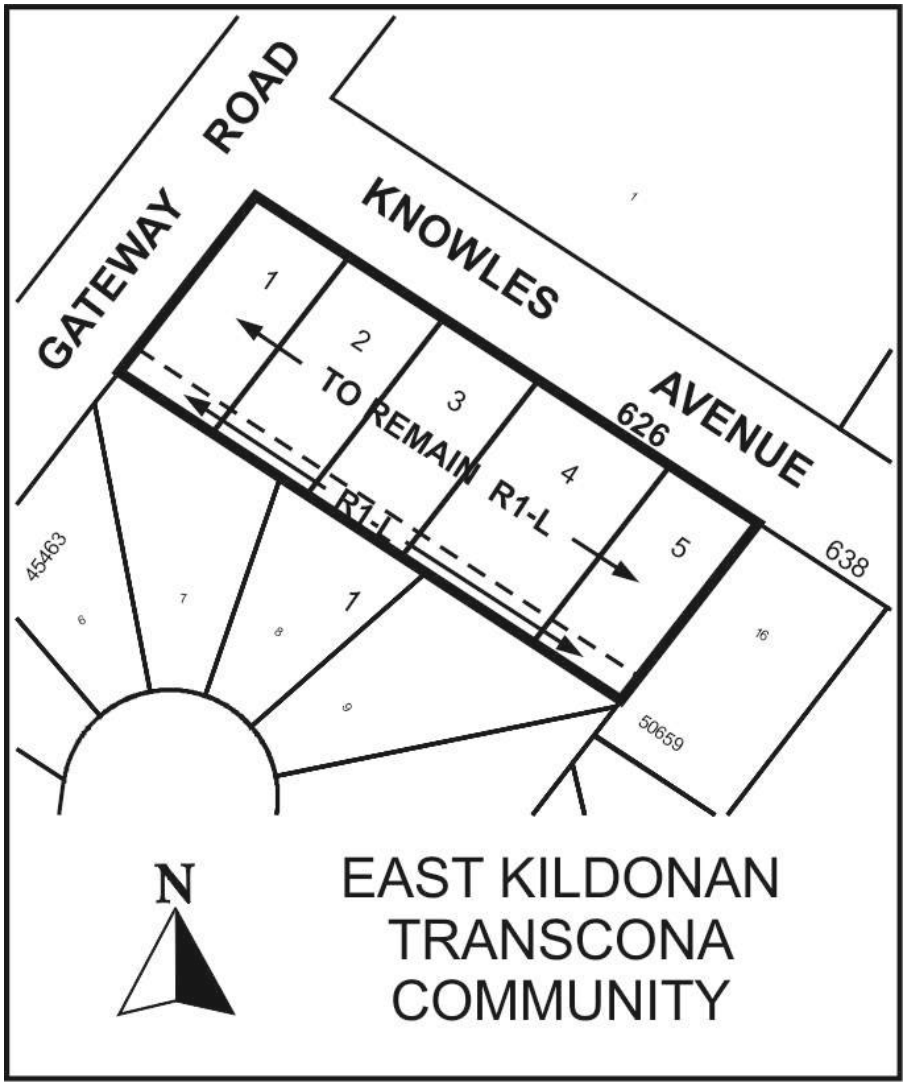
APPENDIX 'A'

DATE: November 4, 2014
FILE: DASZ 23/14
RELATED FILES: DAV 14-147225D

COMMUNITY: East Kildonan - Transcona
NEIGHBOURHOOD #: 4.419

SUBJECT: For consideration at the public hearing to facilitate the subdivision of 1 residential lot into five (5) new residential lots and rezone the rear RR5 portion into R1-L.

LOCATION: 626 Knowles Avenue



APPLICANT: Lawrence Kostynyk
626 Knowles Avenue
Winnipeg, MB R2G 2K2

OWNER: Lawrence Kostynyk
626 Knowles Avenue
Winnipeg, MB R2G 2K2

RECOMMENDATION: Approved with conditions

SITE DESCRIPTION

- The subject lands of the Planned Area are located on the southeast corner of Gateway Road and Knowles Avenue in the Springfield North Neighbourhood of the North Kildonan Ward.
- The subject property is split zoned, with the portion fronting onto Bonner Avenue zoned "R1-L" and the rear of the properties zoned "RR5".
- The entire site is approximately 37,967 square feet (0.87 acres) and contains one (1) 2,038 square foot, 4-level split single-family dwelling built in 1977.



Figure 1: Site map of subject property and surrounding neighbourhood

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant is looking to rezone the back portion of his residential lot to R1-L from RR5 and subdivide the lot into five (5) residential lots. The applicant is also proposing to keep the existing shed on proposed lot 4.
- Variances will be required for Special Boundary Conditions as well as for the maintenance of the shed in association with this application.
- Transportation and Site Access
    - The intent is to have each of the residential zoning lots have their own individual private approaches.
- Land Use
    - The proposed 5 residential lots are to be zoned R1-L vary in lot size between 55.36 to 83.7 feet wide, and 7,155 square feet to 9,951 square feet in area.
- Parks and Open Space
    - No parks and open space are being provided as part of this application.
- Servicing
    - A full range of municipal services will be provided.
- Building and Site Design
    - The applicant has not submitted building plans with this application; it only establishes land for future development.



Figure 2: Proposed Plan of Subdivision

BACKGROUND

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

- Since 2004, Council has approved a number of applications for residential development in the area when a full range of municipal services have been provided. They are:
    - DASZ 20/04 (DeVries, west side)
    - DASZ 45/04 (626 Knowles)
    - DASZ 53/05 (Tamarisk Cove & Headmaster)
    - DASZ 12/06 (739 Bonner)
    - DASZ 15/07 (SW Headmaster & DeVries)
    - DASZ 23/07 (800 Knowles)
    - DAZ 223/2007 (625 Knowles)
    - DASZ 24/08 (Miramonte Cove & Headmaster)
- Conversely, the City of Winnipeg has either modified or outright rejected a number of other applications based on this requirement during this time. They are:
    - DASSF 550/04 (825 Knowles – two new lots rejected)
    - DASZ 45/04 (626 Knowles – five lots removed from Knowles Av frontage)
    - DASZ 23/07 (800 Knowles – lots reoriented to front Cindy Klassen Way)
    - DASZ 38/2007 (Sunny Morning Rd – lots reoriented to front Sunny Morning Rd)
    - DASZ 26/2008 (830 Knowles – two lots removed from Knowles Av frontage)
    - DASSF 549/09 (781 Knowles – two lots rejected)
    - DASSF 542/09 (795 Knowles – two lots rejected)
- As a condition of approval as per DASZ 20/2004, a full range of municipal infrastructure was installed by the developer along Headmaster Row, including a 3.1 acre retention lake for land drainage and land drainage pipes. It was also installed north on Cindy Klassen Way and Sunny Morning Rd to enable the extension of these services along Knowles. This infrastructure was sized in order to provide capacity for all the lands along Bonner Ave, Knowles Ave, and north to the city boundary.
- Local improvements:
    - Piped water and piped wastewater was installed from Gateway Rd to DeVries Ave in 2010 via a Local Improvement.
    - Land drainage sewer was installed in Knowles from Gateway to Sunny Morning in 2010 via a Local Improvement.
    - However, to date, Knowles Ave will remain as a rural standard road with open ditches and chip seal coating from Gateway to DeVries.

DASZ 11/2010

- On December 15, 2010, Council approved a subdivision and rezoning application at 683/711 Knowles that created 27 new residential lots as well as Popko Cr.
- As part of the application, the applicant submitted a concept plan to demonstrate how the subdivision plan could be extended across multiple properties.

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 new long-range development plan, and has gained statutory authority as a secondary plan. The strategy serves as a "playbook" to guide land use and development in Winnipeg. It received third reading at City Council on July 20, 2011, and became effective on August 17, 2011.
- Under the *Complete Communities Direction Strategy* the proposed development is located within the Areas of Stability – Recent Communities policy area. Key relevant policies guiding development within Areas of Stability include:
    - Support low to moderate change in low-density neighbourhoods through development and redevelopment that is complimentary to the existing scale, character and built form.
    - Promote the form of buildings and spaces that are sensitive to the community context and address the transition between new and existing developments.
    - Support the subdivision of a parcel of land into two or more lots when it is done in a context sensitive manner.

ZONING

- Existing zoning:
    - The current property is split zoned R1-L and Rural Residential 5 (RR5).
- Proposed zoning:
    - Section 54. (1) of the Zoning By-law states that: The residential zoning districts contained in this section are intended to:
        - (a) provide appropriately located areas for residential development that are consistent with the Complete Communities Direction Strategy By-law and with standards for public health, safety, and general welfare; (amended 95/2014)
        - (b) allow for a variety of housing types and community amenities that meet the diverse physical, economic, and social needs of residents; (amended 95/2014)
        - (c) respect the scale and character of existing residential neighbourhoods and surrounding areas; and (amended 95/2014)
        - (d) support the development of complete communities. (added 95/2014)
    - The Residential Single-Family (R1) district is intended to accommodate primarily single-family residential development in lower-density areas. (amended 95/2014)

- There are Variances associated with this application (DAV 14-147225D).The Variances are as follows:
    - 1) on proposed lots 1, 2, and 3, lot areas of 7,155 square feet (664.7 square metres) instead of 9,748.5 square feet (905.67 square metres);
    - 2) on proposed lot 5:
        - A) a lot width of 55.36 feet (611.12 square metres) instead of 59.13 feet (18.02 metres)
        - B) a lot area of 6,578 square feet (611.12 square metres) instead of 9,748.5 square feet (905.67 square metres);
    - 3) for the maintenance of a shed on proposed lot 4 to permit a 1.3 foot (0.4 metre) east side yard instead of 2 feet (0.61 metres).



Figure 2: Existing zoning map of subject property and surrounding neighbourhood

LAND USE & NEIGHBOURHOOD CONTEXT

- 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 creation of five (5) single-family lots (zoned R1-L) with lot widths that vary between 55.36 to 83.7 feet wide, and 6,578 square feet to 9,951 square feet in area, is similar in size as to other lots along Knowles Avenue.
- The size of the proposed lots are on the smaller size in comparison to the existing lots on Knowles Avenue, however, there are lots that measure approximately 60 feet in width (656 and 688 Knowles Avenue).
- Popko Crescent, a newer residential single-family development off of Knowles Avenue to the east of the subject site, has lot sizes that range between 42 feet to 48 feet in width.
- Further down Knowles Avenue to the east, near Lagimodière Boulevard, subdivision of lots on less than a full range of municipal services have been approved on lot sizes that vary between 57 feet in width and 60 feet in width.

TRANSPORTATION AND SITE ACCESS

- The applicant is proposing that the newly created single family lots to get access from Knowles Avenue.
- The applicant will be required to improve the roadway to an urban standard as per the ACG Report below.

PARKS AND OPEN SPACE

- The closest park to the subject property is the Northeast Pioneers Greenway, located across the street from the subject property.
- The Gateway Recreation Complex and Gateway Park is the closest active park space to the subject property. The approximately 30 acre complex is located within less than 600 feet of the subject property.



Figure 3: Existing parks and open space map of surrounding neighbourhood

- Parks Branch does not require designated parks space as part of this application.

SERVICING

- The proposed extension of Cindy Klassen Way will have a full range of municipal services.

LAND DEDICATION

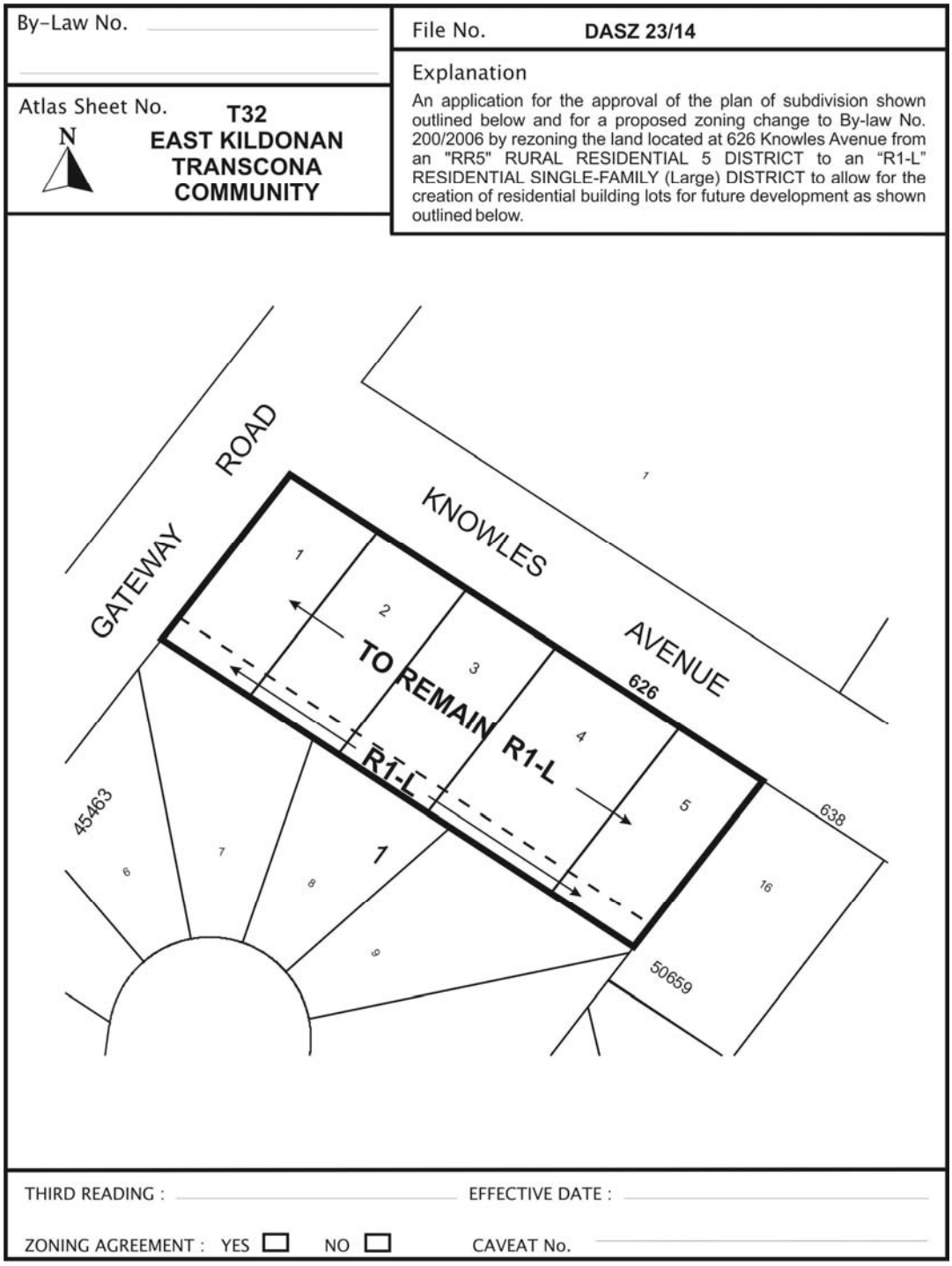
- When a developer rezones and/or subdivides a parcel of land, they are required to put in an application with the City of Winnipeg.
- As a condition of rezoning or subdivision, a developer is required to contribute a portion of the land to be developed to the City for parks purposes.
- The developer is to provide land or 'cash in lieu' as determined by the Planning, Property and Development Department.

RECOMMENDATION

The Urban Planning Division recommends approval of the proposed development, as it is consistent with the Transcona North Precinct Plan.

This Report Submitted by: Richard Mahé
Planning, Property and Development Department
Urban Planning Division
Report Prepared by: PPD File # DASZ 23/2014

Schedule “A” for File No. DASZ 23/2014, East Kildonan-Transcona Community Committee, dated November 4, 2013.



Schedule "B"

SCHEDULE B

REPORT OF THE ADMINISTRATIVE CO-ORDINATING GROUP – October 31,2014

RE: PROPOSED SUBDIVISION AND REZONING OF LAND LOCATED AT 626 KNOWLES AVENUE – DASZ 23/2014

It is recommended that the approval of DASZ 23/2014, if granted, be subject to the Developer adequately addressing, to the satisfaction of the City, the following:

1. Lot Line Connections

The Developer shall, prior to the release of mylars, provide a letter 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 Knowles Avenue to the property line of the newly created Lots 1, 2, 3 and 5; and

b) in the event that they sell newly created Lots 1, 2, 3 and/or 5, that they undertake to advise the new owners of their responsibility of the above costs

2. Lot Grading Plan

The Developer shall, prior to the release of mylars and at no expense to the City:

a) provide a lot grading plan, prepared by a qualified Municipal Engineer, to the Water and Waste Department for approval;

b) grant any easements as required by the engineer's design

3. Land Drainage

The Developer shall, at no expense to the City, construct, any catchbasins and leads as required by the approved lot grading plan.

4. Pavement

The Developer shall, prior to the release of mylars, pay their share of the following in Knowles Avenue along the length of the subject property abutting Knowles Avenue:

a) a Portland cement concrete urban roadway to a width of 7.5m by 150mm in thickness and all related works,

b) sodding on both sides, and

c) a 1.5m by 100mm in thickness Portland cement concrete sidewalk in the north boulevard.

all as determined by and to the satisfaction of the Director of Public Works.

THIS REPORT SUBMITTED BY:

Administrative Co-ordinating Group
File No. DASZ 23/2014
October 31, 2014

_____
G.V. Jasper, P. Eng.
Land Development Branch

_____
C. Desjardine, P.Eng.
Public Works Department, Transportation Division

_____
F. C. Mazur, P. Eng.
Water & Waste Department

GJ/gj