Minute No. 149
Report – Standing Policy Committee on Property and Development – January 13, 2015

Item No. 7 Subdivision and Rezoning – 741 - 765 Bonner Avenue (North Kildonan Ward) File DASZ 19/2014 [c/r DAV 135956/2014D]

COUNCIL DECISION:

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

1. That the plan of subdivision under File DASZ 19/2014 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A Option 1" for File DASZ 19/2014 dated November 10, 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 enter into a Development Agreement with the City of Winnipeg containing all the conditions outlined in the report of the Administrative Coordinating Group dated October 30, 2014, with the following amendment to B. Agreement Conditions, Section I – Servicing:

        i. Add the following new Condition 14:

            14. The Developer shall, at no expense to the City, provide any easements necessary to accommodate snow storage, and/or servicing requirements, as a result of the reduced right of way, all as determined by and to the satisfaction of the Director of Public Works.

2. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the planned area as shown on Schedule "A" for File DASZ 19/2014 dated November 10, 2014 to: "R1-M" and "R1-L" Residential Single-Family Districts; 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:

Report - Standing Policy Committee on Property and Development - January 13, 2015

COUNCIL DECISION (continued):

i. The Developer shall, at no expense to the City, provide continuous chain link or other approved type of fencing along all properties abutting public reserve land. The Developer is to permit the City to file a caveat against the title of each of these proposed lots requiring the owner(s) to maintain and/or repair or replace the fence as originally constructed, to the satisfaction of the Director of Public Works.

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 Caveat 1669712/1 be withdrawn as it affects Lot 2, Plan 40346.

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

6. 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.

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

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

9. That the zoning section of the by-law shall come into force and effect when the plan of subdivision is registered in the Winnipeg Land Titles Office and the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the subject lands, provided that the said effective date occurs within one year from the date the by-law is passed.

10. 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.

Report - Standing Policy Committee on Property and Development - January 13, 2015

COUNCIL DECISION (continued):

11. 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.

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 – January 13, 2015

DECISION MAKING HISTORY:

Moved by Councillor Orlikow,

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

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On January 21, 2015, 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 January 13, 2015, the Standing Policy Committee on Property and Development concurred in the recommendation of the East Kildonan-Transcona Community Committee, with the following amendment:

- That Recommendation 1. A. i. 14. be amended by adding ", and/or underground servicing" after "snow storage".

and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On December 15, 2014, the East Kildonan-Transcona Community Committee concurred in the recommendation of the Winnipeg Public Service be concurred in with the following amendments:

- Amend Recommendation 1 by deleting "Schedule "A Option 2"" and replacing it with "Schedule "A Option 1""

Report - Standing Policy Committee on Property and Development - January 13, 2015

DECISION MAKING HISTORY (continued):

COMMUNITY COMMITTEE RECOMMENDATION (continued):

- Amend Recommendation 1. A. by adding the following after "October 30, 2014":

  ", with the following amendment to B. Agreement Conditions, Section I – Servicing:

  i. Add the following new Condition 14:

  "14. The Developer shall, at no expense to the City, provide any easements necessary to accommodate snow storage requirements as a result of the reduced right of way, all as determined by and to the satisfaction of the Director of Public Works.""

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

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 – 741 - 765 Bonner Avenue**
File DASZ 19/2014

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

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

Report date: **December 18, 2014**

COMMUNITY COMMITTEE RECOMMENDATION:

On December 15, 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 under File DASZ 19/2014 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with ***Schedule "A Option 1"*** for File DASZ 19/2014 dated November 10, 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 enter into a Development Agreement with the City of Winnipeg containing all the conditions outlined in the report of the Administrative Coordinating Group dated October 30, 2014***, with the following amendment to B. Agreement Conditions, Section I – Servicing:***

        i. Add the following new Condition 14:

            14. The Developer shall, at no expense to the City, provide any easements necessary to accommodate snow storage requirements as a result of the reduced right of way, all as determined by and to the satisfaction of the Director of Public Works.

2. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the planned area as shown on Schedule "A" for File DASZ 19/2014 dated November 10, 2014 to: "R1-M" and "R1-L" Residential Single-Family Districts; subject to the following:

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

i. The Developer shall, at no expense to the City, provide continuous chain link or other approved type of fencing along all properties abutting public reserve land. The Developer is to permit the City to file a caveat against the title of each of these proposed lots requiring the owner(s) to maintain and/or repair or replace the fence as originally constructed, to the satisfaction of the Director of Public Works.

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 Caveat 1669712/1 be withdrawn as it affects Lot 2, Plan 40346.

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

6. 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.

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

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

9. That the zoning section of the by-law shall come into force and effect when the plan of subdivision is registered in the Winnipeg Land Titles Office and the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the subject lands, provided that the said effective date occurs within one year from the date the by-law is passed.

10. 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.

11. 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.

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. This is great for the City of Winnipeg.
2. The idea of taking rear lots which are mostly zoned RR5 and putting them on the tax roll is wonder for the City.
3. The servicing is there and the land drainage ponds were oversized in anticipation of this.
4. This is the logical completion of this particular area.

PUBLIC HEARING SUMMARY

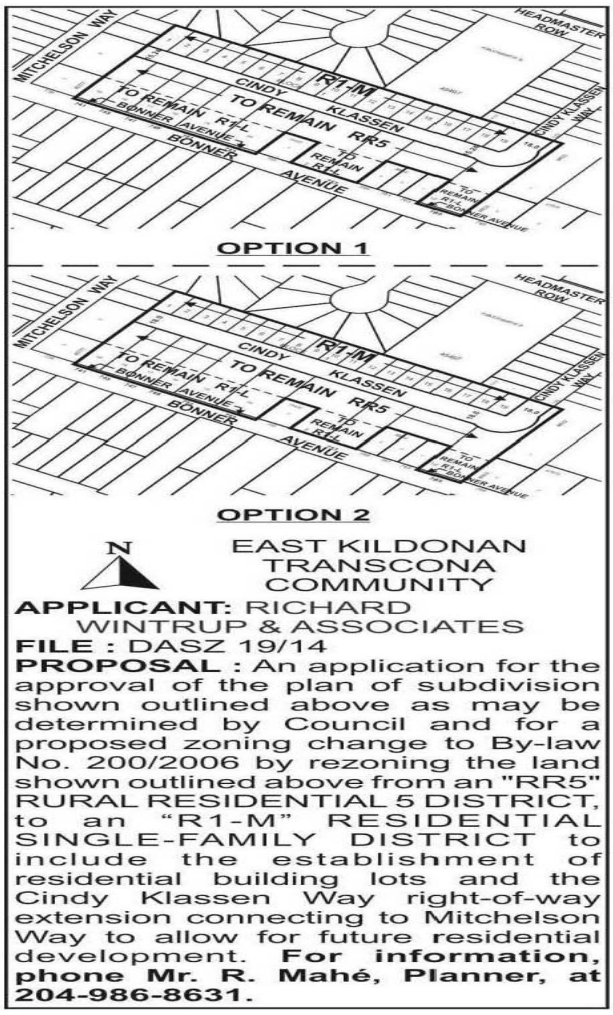
File: DASZ 19/2014

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: Richard Wintrup and Associates (John Wintrup)

Subject:



Premises Affected: 741 - 765 Bonner Avenue

Exhibits Filed:

1. Application dated July 31, 2014
2. Notification of Public Hearing dated October 1, 2014
3. Manitoba Status of Title 2369978/1
4. Letter of authorization dated April 11, 2014 from Andre Trudeau to Richard Wintrup and Associates
5. Surveyor's Building Location Certificate and sketch dated December 13, 2013
6. Manitoba Status of Title 2676456/1
7. Letter of authorization dated May 7, 2014 from Corey Wozny to Kris Sidhu
8. Letter of authorization dated May 10, 2014 from Kris Sidhu to John Wintrup
9. Surveyor's Building Location Certificate and sketch dated December 24, 2013
10. Manitoba Status of Title 2355059/1
11. Letter of authorization dated April 11, 2014 from Donn and Sandra Poitras to Richard Wintrup and Associates
12. Surveyor's Building Location Certificate and sketch dated December 13, 2013
13. Manitoba Status of Title 1083130/1
14. Letter of authorization dated April 9, 2014 from Sandra Kunck to Richard Wintrup and Associates
15. Surveyor's Building Location Certificate and sketch dated December 13, 2013
16. Manitoba Status of Title 2465143/1
17. Letter of authorization dated April 10, 2014 from Kazimiera and Robert Gigiel to Richard Wintrup and Associates
18. Surveyor's Building Location Certificate and sketch dated December 16, 2013
19. Manitoba Status of Title 1961432/1
20. Letter of authorization dated April 12, 2014 from Bruce and Nancy Adams to Richard Wintrup and Associates
21. Surveyor's Building Location Certificate and sketch dated December 16, 2013
22. Manitoba Status of Title 1785899/1
23. Letter of authorization dated April 12, 2014 from Henry and Peter Kotyk to Richard Wintrup and Associates
24. Surveyor's Building Location Certificate and sketch dated December 18, 2013
25. Manitoba Status of Title 2325329/1

26. Letter of authorization dated April 12, 2014 from Roger and Stacey Labossiere to Richard Wintrup and Associates
27. Surveyor's Building Location Certificate and sketch dated December 18, 2013
28. Manitoba Certificate of Title 2303281
29. Letter of authorization dated April 4, 2014 from Mike and Rosalie Shupenia to Richard Wintrup and Associates
30. Surveyor's Building Location Certificate and sketch dated December 23, 2013
31. Manitoba Status of Title 2655024/1
32. Letter of authorization dated April 12, 2014 from Mahipaul Sidhu to Richard Wintrup and Associates
33. Caveat 1669712
34. Plans (6 pages)
35. Report from the Urban Planning Division dated November 10, 2014
36. Inspection Report
37. Notice of Adjournment dated November 21, 2014
38. Communication dated November 18, 2014, from Jason McKechnie in support of the application
39. Communication submitted at the meeting, from Anita Hindemith in opposition to the application
40. Petition in support of to the application purporting to contain the signatures of 15 area residents, submitted by the Applicant
41. Audio Recording of representations of public hearing held on December 15, 2014

REPRESENTATIONS:

In Support:
Bruce and Nancy Adams
R. Klinck
Peter Kotyk
Roger Laboissiere
Jason McKechnie
Mike and Rosalie Shupenic
Kris Sidhu
Andre Trudeau
Paul Walsh
John Wintrup

In Opposition
Randall Hay
Anita Hindemith

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 "35" referred to in File DASZ 19/2014

ADMINISTRATIVE REPORT

Title: DASZ 19/14 – 741 Bonner

Issue: For consideration at the public hearing to facilitate the development of a new public right-of-way by continuing Cindy Klassen Way up to Mitchelson Way for the proposed establishment of 19 residential lots (zoned R1-M) and retaining the residual land as 10 split zoned lots (zoned R1-L and RR5).

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 19/2014 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A Option 2" for File DASZ 19/2014 dated November 10, 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 enter into a Development Agreement with the City of Winnipeg containing all the conditions outlined in the report of the Administrative Coordinating Group dated October 30, 2014.

2. That The Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the planned area as shown on Schedule "A" for File DASZ 19/2014 dated November 10, 2014 to: "R1-M" and "R1-L" Residential Single-Family Districts; subject to the following:

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

        (i) The Developer shall, at no expense to the City, provide continuous chain link or other approved type of fencing along all properties abutting public reserve land. The Developer is to permit the City to file a caveat against the title of each of these proposed lots requiring the owner(s) to maintain and/or repair or replace the fence as originally constructed, to the satisfaction of the Director of Public Works.

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 Caveat 1669712/1 be withdrawn as it affects Lot 2, Plan 40346.

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

6. 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.

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

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

9. That the zoning section of the by-law shall come into force and effect when the plan of subdivision is registered in the Winnipeg Land Titles Office and the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the subject lands, provided that the said effective date occurs within one year from the date the by-law is passed.

10. 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.

11. 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.

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 and rezone the subject property into 19 single family lots (zoned R1-M) and retain 10 existing split zoned lots (zoned R1-L and RR5). As part of this application, the applicant intends to develop a new public right-of-way by continuing Cindy Klassen Way up to Mitchelson Way.
- The application also includes two (2) roadway options, one measuring 50 feet wide (15.24 metres) and another option measuring 59.1 feet wide (18 metres).

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: Public Works and Water and Waste Departments

SUBMITTED BY

Department	Planning, Property and Development
Division	Urban Planning Division
Prepared by	Richard Mahé
Date:	November 10, 2014
File No.	DASZ 19/14

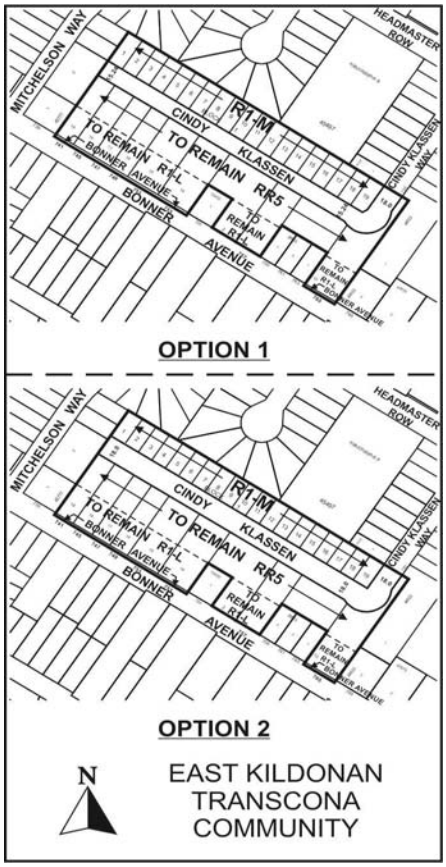
APPENDIX 'A'

DATE: November 10, 2014
FILE: DASZ 19/14
RELATED FILES: DAV 14-135956D; **DAS 49/13;** DASZ 12/06 (B/L 186/06); DASSF 560/12; DASSF 572/08; DASZ 20/04 (B/L 90/06); DASSF 556/07; DASZ 15/07 (B/L 41/08); DASSF 544/00; DASSF 573/92; DASZ 10/90; ZAA 8/12 (withdrawn)

COMMUNITY: East Kildonan - Transcona
NEIGHBOURHOOD #: 4. 419

SUBJECT: For consideration at the public hearing to facilitate the development of a new public right-of-way by continuing Cindy Klassen Way up to Mitchelson Way for the proposed establishment of 19 residential lots (zoned R1-M) and retaining the residual land as 10 split zoned lots (zoned R1-L and RR5).

LOCATION: 741-765 Bonner Avenue (also related to 90 Mitchelson Way)



APPLICANT: John Wintrup Richard Wintrup & Associates
29 BENSON BLVD
OAK BLUFF MB R4G 0A2

OWNER: MICHAEL & ROSALIE A SHUPENIA
765 BONNER AVE
WINNIPEG MB R2G 2J8

RECOMMENDATION: Approved with conditions

SITE DESCRIPTION

- The subject lands of the Planned Area are located on the north side of Bonner Avenue, east of Mitchelson Way and south of the terminus of Cindy Klassen Way 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".



Figure 1: Site map of subject property and surrounding neighbourhood

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- Transportation and Site Access
    - The intent is to extend Cindy Klassen Way south and connect with Mitchelson Way to the west. This extension of Cindy Klassen Way will severe in two the back portion of the lots that are split zoned R1-L and RR5.
    - The applicant intends to request that the proposed extension of Cindy Klassen Way be 15.24 metres (50 feet) in width as opposed to the Administration's preference of 18.0 metre (59.1 feet) in width. (see schedules Options 1 and 2)
- Land Use
    - The proposed 19 lots to the north of the new extension of Cindy Klassen Way are intended to be zoned R1-M and vary in lot size between 44 and 45 feet wide.
    - The applicant intends to leave the current split zoning designation (R1-M and RR5) for the lots south of the proposed extension of Cindy Klassen Way.
- Parks and Open Space
    - No parks and open space are being provided as part of this application.
- Servicing
    - The proposed extension of Cindy Klassen Way will have a full range of municipal services.
- Caveats
    - The applicant would like to have discharged the current Caveat 1669712/1 on Lot 2 Plan 40346, as this agreement restricts the issuance of building permits due to the lack of street frontage.
    - The applicant would also like to have discharged Caveat 3765507/1 on Lot 1 Plan 48622 and Lot 8 Block 3 as per DASSF 556/2007 (both are outside the Planned Area), as this provides an easement to allow the temporary turnaround and snow storage for the current terminus point of Cindy Klassen Way just south of Headmaster Row.
- Building and Site Design
    - The applicant has not submitted building plans with this application; it only establishes land for future development.

BACKGROUND

DAS 49/13

- On April 23, 2014, Council approved a re-zoning and creation of two (2) single-family homes and the dedication of land for a public right-of-way anticipating the future connection of Cindy Klassen Way.
- Council concurred in the recommendation of the Standing Policy Committee on Property and Development and adopted the plan of subdivision subject to the following:
    - A. That the Developer be required to enter into a Development Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated January 22, 2014, with the following amendment:
        - A. PLAN CONSIDERATIONS - Recommendation 1:
            - Delete “an 18.0m” and replace with “a 15.0m”;
            - Delete “(20.m if the future land drainage sewer requirements greater than 525mm)”.

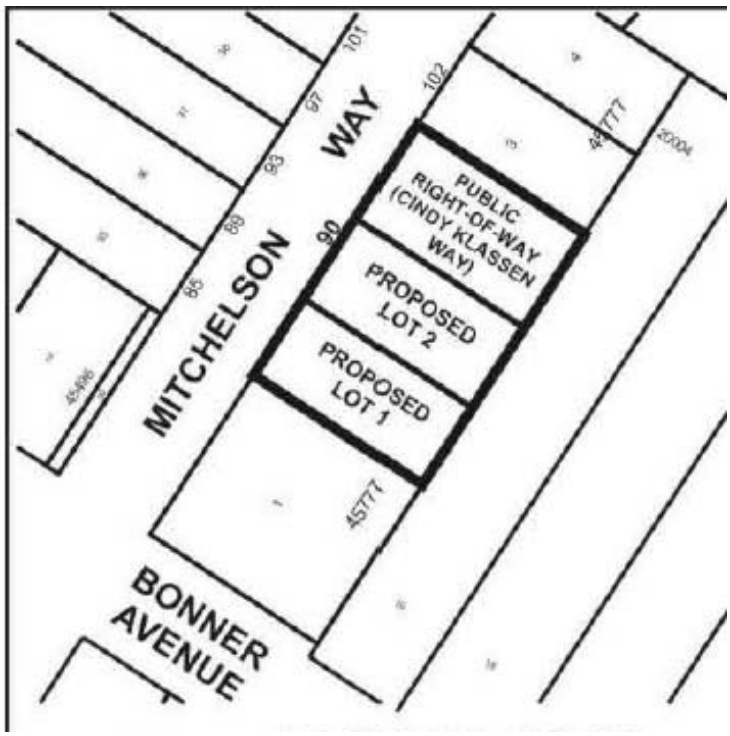


Figure 2: Plan of Subdivision as per DAS 49/13

DAV 13-174046D

- In concurrence with this application, the applicant has also applied to vary the Special Boundary Conditions of the zoning by-law for the establishment of two residential building lots to permit as follows:
    - Lot areas of 5,428.45 sq. ft. instead of 8,246.7 sq. ft.
    - Lot widths on proposed Lot 1 and 2 of 50.47 ft. instead of 52.1 ft.

ZAA 8/12 (withdrawn)

- On December 11, 2012, the East Kildonan-Transcona Community Committee recommended rejection of a proposal to remove the following clause from the property's zoning agreement:
    - That no building permit be issued for Lot 2 until such time as a plan of subdivision is filed and approved for Lot 2 indicating the continuation of the public right-of-way.
- The applicant proposed to create three residential lots on the subject property with widths of 56, 52, and 52 ft. They had indicated that while they would build on two of these lots in short order, the third would be held until January 2017 (10 years from the date the zoning agreement came into effect) to provide potential access to the rear of the properties along Bonner Av. If by this time this access had not been acted upon, the applicant would then sell the third lot for residential development.
- After Community Committee had recommended rejection, the applicant subsequently withdrew the application.

DASZ 12/06 (B/L 186/06)

- On July 4, 2006, Council approved a DASZ that created four residential lots along the east side of Mitchelson way immediately north of Bonner Av. Proposed Lots 1, 3, and 4 were intended for immediate residential development.
- Proposed Lot 2 was intended to remain vacant for future subdivision that will include a road extending east. The intent of this road is to facilitate the future subdivision of the rear portion of lots fronting on the north side of Bonner (that are approximately 370 ft. in depth).
    - In order to enforce this, the application was approved subject to the applicant entering into a zoning agreement with the City with the following condition:
        - That no building permit be issued for Lot 2 until such time as a plan of subdivision is filed and approved for Lot 2 indicating the continuation of the public right-of-way.
        - The planner's report noted that the depth of these lots would allow for two 100 ft. deep lots fronting a 60 ft. wide public right-of-way. The residual lots fronting onto Bonner would be 110 ft. deep, which would leave 25 ft. front yards and 20 ft. rear yards for the majority of the existing dwellings.

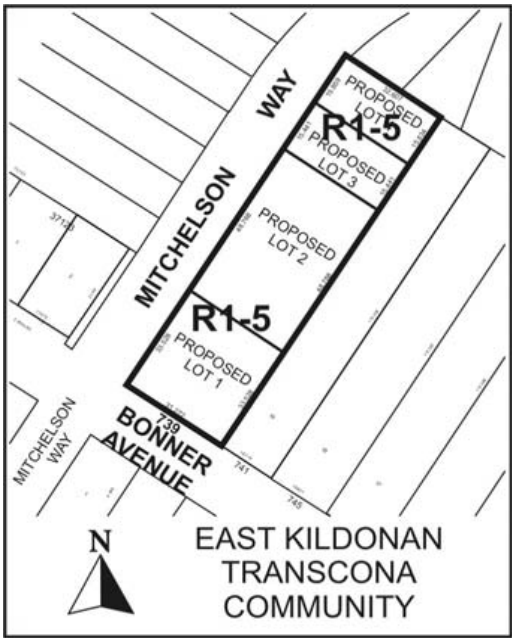


Figure 3: Plan of Subdivision as per DASZ 12/06

DASZ 20/04 (B/L 90/06)

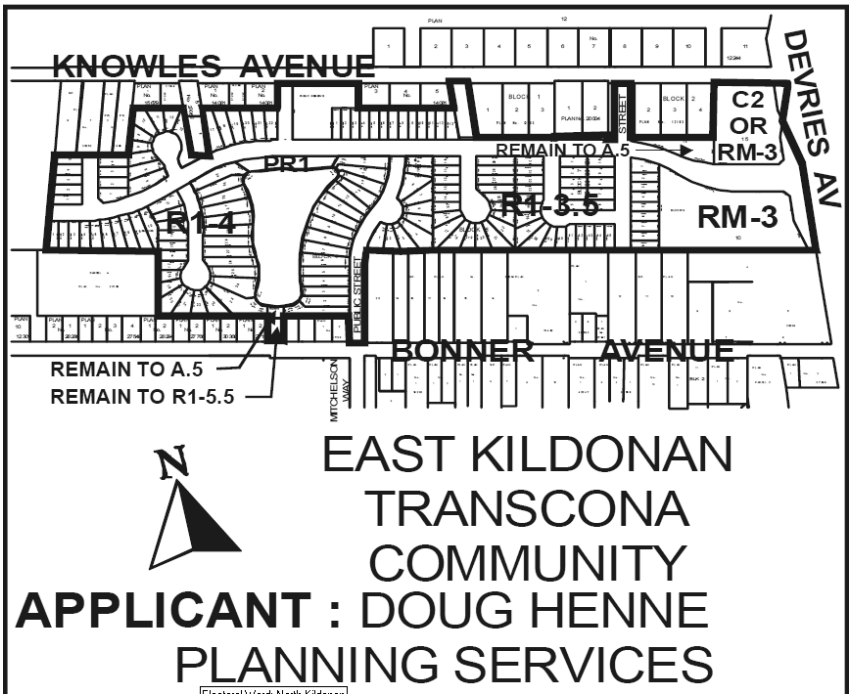


Figure 4: Plan of Subdivision as per DASZ 20/04

DASZ 10/90

- This application was the precursor to DASZ 20/04.
- The EKT CC recommended approval of a previous application, DASZ 10/1990, for single family dwellings on the lands to the north and west of the subject lands on February 26, 1991 after four public hearings that included neighbourhood opposition and support. This application included a 2.77 acre retention lake surrounded by parkland, 155 lots, "R1-4" zoning, commercial zoning along Lagimodiere, and the extension of Headmaster Row from Gateway to Lagimodiere. The recommendation was adopted by Council on May 29, 1991.
- The applicant at that time, Kingsford Development Corporation, did not proceed with the approved plans. An extension of time was requested for this plan in September, 2001 and the request was not granted. This plan has subsequently expired.

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 Rural Residential 5 (RR5) district is intended to provide areas for large-lot rural residential development, along with limited agricultural uses.
- 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 14-135956D).The Variances are as follows:
    - 1) for the maintenance of four (4) residential lots to permit:
        - a) On Lot 19 Plan 20004, a lot width of 54.96 feet (16.75 metres) instead of 67.98 feet (20.72 metres);
        - b) On Lot 18 Plan 20004, a lot width of 61.75 feet (18.82 metres) instead of 86 feet (26.21 metres);
        - c) On Lot 17 Plan 20004, a lot width of 58.36 feet (17.79 metres) instead of 68 feet (20.73 metres);
        - d) On Lot 2 Plan 15432, a lot width of 78.4 feet (23.9 metres) instead of 92.8 feet (28.29 metres);
    - 2) for the establishment of nineteen (19) residential lots to permit:
        - a) lot widths of 44 feet (13.41 metres) instead of 55 feet (16.76 metres);
        - b) lot areas of 4,000 square feet (371.61 square metres) instead of 6,830 square feet (634.53 square metres).
    - To vary the "RR5" Dimensional Standards of Zoning By-law No. 200/2006 for the maintenance of ten (10) residential lots to permit lot areas ranging from 0.28 acres (0.11 hectares) to 0.59 acres (0.24 hectares) instead of 5 acres (2 hectares).



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

LAND USE

- The proposed creation of 19 single-family lots (zoned R1-M) to the north of the new extension of Cindy Klassen Way, with lot sizes that vary between 44 and 45 feet wide, is consistent with the character of the newer development to the north (along Cindy Klassen Way and Sunkist Cove) and is reflective of changing housing market conditions that created the lots that front onto Bonner Avenue in the 1970s.
- The applicant intends to leave the current split zoning designation (R1-M and RR5) for the lots south of the proposed extension of Cindy Klassen Way. These lots will be able to be rezoned and subdivided in the future at the private landowner's discretion.
- The Urban Planning Division recommends a control strip be placed along the newly created extension of Cindy Klassen Way to ensure when these development applications take place that they can contribute their share of the costs for the infrastructure services.

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 size of the proposed lots along Cindy Klassen Way – 44-45.4 ft. wide, and 4,012 – 4,431 sq. ft. in area – are completely compatible with the surrounding neighbourhood. The narrowest lots in the immediate vicinity are across the street on the west side of Mitchelson; are all approximately 40 ft. wide. The two lots immediately to the north of the subject property on the east side of Mitchelson are 50 ft. wide. In this context, there is no concern about the size of the proposed lots.
- The creation of single family residential lots along the extension of Cindy Klassen Way represents the most logical completion of the remaining land as part of previous development applications. This type of development is the most compatible with the surrounding area. The previous application on the subject property, DASZ 12/2006, anticipated that this would eventually occur.

TRANSPORTATION AND SITE ACCESS

- The applicant is proposing to extend Cindy Klassen Way south and westerly to connect to Mitchelson Way. This proposed roadway extension and connection provides for the logical development of the subject lands.
- However, the applicant is intending to develop the extension of Cindy Klassen Way at 15.0 metres (49.2 feet) instead of the City of Winnipeg standard roadway width of 18.0 metres (59.1 feet).
- As part of the approval of DASZ 12/06, the planner's report noted that the depth of these lots would allow for two 100 ft. deep lots fronting a 60 ft. wide public right-of-way. The residual lots fronting onto Bonner would be 110 ft. deep, which would leave 25 ft. front yards and 20 ft. rear yards for the majority of the existing dwellings.

- As part of the approval of DAS 49/13, the width of the right-of-way created for the future extension of Cindy Klassen Way is 15 metres (49.2 feet). This was approved despite the concerns raised by the Winnipeg Public Service.
- Two right-of-way options are being presented as part of this application. Option 1 provides a reduced right-of-way whereas Option 2 provides a right-of-way that meets the City of Winnipeg's streets standards. The proposed right-of-way width of 59 ft. is the standard width for local residential streets that can accommodate a two-lane roadway and a boulevard large enough to provide adequate snow storage. The Public Works Department cannot be flexible with this width.
- Further, Water and Waste Department's concerns are wtih fitting our underground infrastructure within the narrow right-of-way without jeopardizing the integrity of the pavement, street lighting, shallow underground infrastructure, etc. Further, with the narrow ROW (as presented in Option 1), we will likely end up aligning our sewers and/or watermains under the pavement, which will lead to future maintenance and rehabilitation costs being much higher than if they were located within the boulevards in accordance with City Standards

PARKS AND OPEN SPACE

- The closest park to the subject property is Olympic Park, a 2 acre park located on Headmaster Row between Mitchelson Way and Cindy Klassen Way.



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.

EXISTING CAVEATS

- The Winnipeg Public Service is supportive of the applicant's desire to have discharged the current Caveat 1669712/1 on Lot 2 Plan 40346, as this agreement restricts the issuance of building permits due to the lack of street frontage. This proposed application will provide street frontage for the lot referenced in the Caveat and as such, the Caveat is no longer required.
- The applicant would also like to have discharged Caveat 3765507/1 on Lot 1 Plan 48622 and Lot 8 Block 3 as per DASSF 556/2007 (both are outside the Planned Area), as this provides an easement to allow the temporary turnaround and snow storage for the current terminus point of Cindy Klassen Way just south of Headmaster Row. If the landowner(s) wishe to discharge this Caveat, they will need to apply for a Zoning Agreement Amendment because the properties are outside the planning area.

RECOMMENDED ZONING AGREEMENT

- The Winnipeg Public Service recommends placing a caveat for fencing for the residential zoning lots that will back onto the existing park on Headmaster Row (Olympic Park) in order to ensure a delineation between public and private space.

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.
- 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.

RECOMMENDATION

The Urban Planning Division recommends approval of Option 2, as it is consistent with City of Winnipeg street standards.

The Urban Planning Division also recommends discharging Caveat 1669712/1 on Lot 2 Plan 40346.

The Urban Planning Division also recommends 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.

This Report Submitted by: Richard Mahé
Planning, Property and Development Department
Urban Planning Division
Report Prepared by: PPD File # DASZ 18/2014

Schedule “A” for File No. DASZ 19/2014, East Kildonan-Transcona Community Committee, dated November 10, 2013.

By–Law No. _____

File No. **DASZ 19/14**

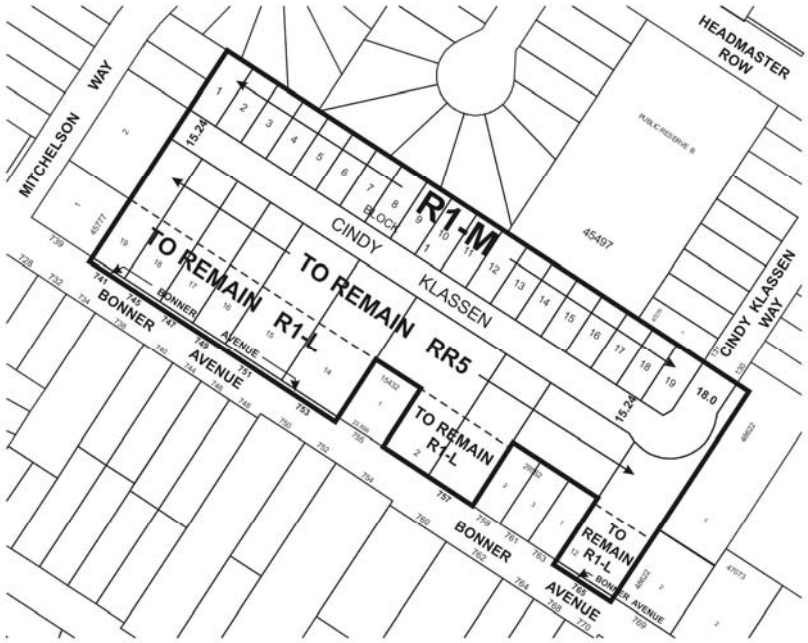
Explanation

An application for the approval of the plan of subdivision shown outlined below and for a proposed zoning change to By-law No. 200/2006 by rezoning the land located at 741 – 765 Bonner Avenue from an "RR5" RURAL RESIDENTIAL 5 DISTRICT, to an “R1-M” RESIDENTIAL SINGLE-FAMILY DISTRICT to include the establishment of residential building lots and the Cindy Klassen Way right-of-way extension connecting to Mitchelson Way to allow for future residential development as shown outlined below.

Atlas Sheet No. **U32**

N

EAST KILDONAN TRANSCONA COMMUNITY



OPTION 1

THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

By–Law No. _____

File No. **DASZ 19/14**

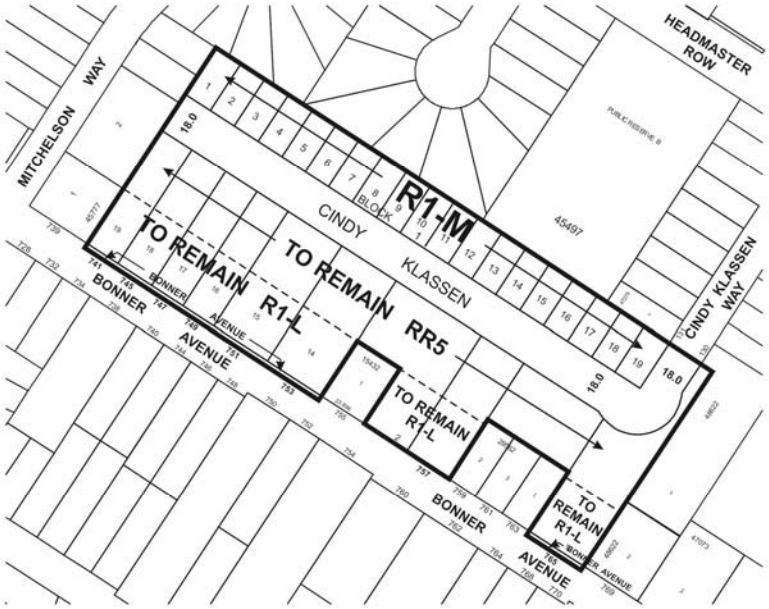
Explanation

An application for the approval of the plan of subdivision shown outlined below and for a proposed zoning change to By-law No. 200/2006 by rezoning the land located at 741 – 765 Bonner Avenue from an "RR5" RURAL RESIDENTIAL 5 DISTRICT, to an "R1-M" RESIDENTIAL SINGLE-FAMILY DISTRICT to include the establishment of residential building lots and the Cindy Klassen Way right-of-way extension connecting to Mitchelson Way to allow for future residential development as shown outlined below.

Atlas Sheet No. **U32**

N

EAST KILDONAN TRANSCONA COMMUNITY



OPTION 2

THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

Schedule "B"

SCHEDULE B

REPORT OF THE ADMINISTRATIVE CO-ORDINATING GROUP – October 30, 2014

RE: PROPOSED SUBDIVISION AND REZONING OF LAND LOCATED AT 741 to 765 BONNER AVENUE – DASZ 19/2014

It is recommended that the approval of DASZ 19/2014, if granted, be subject to the applicant entering into a Development Agreement addressing the following items:

A. PLAN CONSIDERATIONS

1. The Water and Waste Department is supportive of Option 2 showing the 18.0 m width right-of-way. This will allow for the proper alignment of municipal services and utilities.

2. Public Works is also supportive of Option 2 with an amendment to shift Cindy Klassen Way south by 2.76m for the north property line of Cindy Klassen Way to be in-line with the south lot line of 102 Mitchelson Way.

3. The Developer shall, at no expense to the City, transfer to the City and legally open property required for the extension of Cindy Klassen Way to contain an 18.0m right-of-way, as determined by and to the satisfaction of the Director of Public Works.

4. The Developer shall, at no expense to the City, transfer to the City and legally open property required for a 2.438m widening to the Bonner Avenue right-of-way for the full length of 741 Bonner Avenue, 745 Bonner Avenue, 747 Bonner Avenue, 749 Bonner Avenue, 751 Bonner Avenue, 753 Bonner Avenue, 757 Bonner Avenue, and 765 Bonner Avenue, abutting Bonner Avenue, as determined by and to the satisfaction of the Director of Public Works.

B. AGREEMENT CONDITIONS

SECTION I – SERVICING

1. Wastewater Sewers

   The Developer shall, at no expense to the City, construct and install wastewater sewers required to serve the Planned Area, all to the satisfaction of the Director of Water and Waste.

2. Watermains

The Developer shall, at no expense to the City, construct and install watermains required to serve the Planned Area, all to the satisfaction of the Director of Water and Waste.

3. Lot Line Servicing

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

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

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

4. Land Drainage

a) The Developer shall, at no expense to the City, construct and install land drainage sewers required to serve the Planned Area, all to the satisfaction of the Director of Water and Waste.

b) The Developer shall pay his share of the Regional Land Drainage System, the amount as determined by the Director of Water and Waste.

5. Lot Grading

a) Upon registration of the approved plan of subdivision mylars in the Land Titles Office, the Developer shall, at no expense to the City, provide to the City all easements the City considers necessary with respect to the installation, construction, maintenance, and replacement of swales, catchbasins, and leads for drainage of the Planned Area.

b) Prior to the issuance of building permits, the Developer shall, at no expense to the City:

i. Submit to the City, for approval, a lot grading plan for the Planned Area, prepared by a municipal engineer; and

ii. Construct all swales, catchbasins, and leads necessitated by the approved lot grading plan

6. Pavement

The Developer shall, at no expense to the City construct a reinforced Portland cement concrete pavement to a width of 7.5m and thickness of 150mm in the extension of Cindy

Klassen Way from the existing terminus of Cindy Klassen Way approximately 115m south of Headmaster Row to Mitchelson Way, and all related works including, but not necessarily limited to ornamental street lighting, boulevard landscaping and land drainage sewer, as determined by and to the satisfaction of the Director of Public Works.

7. Temporary Dead-End Streets

   a) The Developer shall, at no expense to the City, construct a paved cul-de-sac-style vehicle turnaround at the terminus of each temporarily dead-ended street within the Planned Area, and provide to the City any rights-of-way or easements necessary to accommodate same, all as determined by and to the satisfaction of the Director of Public Works.

   b) The Developer shall, at no expense to the City, erect and maintain barricades and signage, across the full width of any streets which are temporarily dead-ended due to phasing of development, immediately upon completion of the paving or when house construction has begun, whichever is sooner, as determined by and to the satisfaction of the Director of Public Works.

8. Boulevards

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

   b) The Developer shall, at no expense to the City, maintain the sod for a period of one year and the trees for a period of two years, in accordance with specifications approved by the Director of Public Works.

9. Construction Traffic

   The Developer shall ensure that construction traffic uses access routes as determined by the Director of Public Works. The Developer shall maintain, at no expense to the City, the access routes in a clean, dust free and safe condition, free of dropped and tracked-on mud, and shall undertake regular scraping and sweeping of streets until building construction, including landscaping is complete, all as determined by and to the satisfaction of the Director of Public Works.

10. Street Name Signs

    The Developer shall, at no expense to the City, cause to be installed standard reflectorized permanent street name signs to be installed at all new street intersections being created as a result of the subdivision.

11. Utilities

    a) The Developer shall, at no expense to the City, cause underground electrical and

telephone services to be installed to serve the proposed subdivision and will pay the full cost to convert any existing overhead services within the proposed subdivision to underground to the satisfaction of the Director of Public Works.

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

12. Litter and Refuse Control and Clean-Up

a) The Developer shall, at no expense to the City, and of its own volition, initiate and control the regular cleanup of litter and refuse from the contractors and builders for this development, both on-site and off-site, during the installation of services and construction of buildings, until substantial completion of all construction, as determined by and to the satisfaction of the Director of Public Works.

b) The cleanup of litter and refuse shall be done on a regular basis as determined by the Director of Public Works. This shall include initiating action and assuming any costs in remedying the situation to the satisfaction of the Director of Public Works.

13. Survey Monuments

Following completion of all major construction works, the Developer shall at its cost have the locations of the survey monuments within the Planned Area verified and, where the survey monuments have been disturbed, moved, covered, mutilated or destroyed, shall have them replaced by a Manitoba Land Surveyor. The Developer shall ensure that the Manitoba Land Surveyor provides the Director of Planning, Property and Development with a certificate stating that all survey monuments within the Planned Area have been verified and/or replaced, as the case may be.

SECTION II – COSTS AND FEES

1. By-laws and Approvals

The Developer shall pay all of its and the City's costs, fees, and expenses associated with the preparation and attainment of approval for registration of the Zoning By-law(s) and plan(s) of subdivision, including all Municipal Board, Land Titles Office and other fees and expenses, all survey, engineering and advertising fees and costs, and all expenses incidental to the preparation of the Agreement and the physical development of the Planned Area.

2. Professional Fees

a) The Developer shall pay the full cost of all design services, including preliminary engineering studies, servicing reports, servicing criteria, construction drawings and specifications, and grading and landscaping plans and specifications, to be provided by

Consulting Engineer(s) approved by the City, for the design of the municipal services, and associated works required to serve the Planned Area;

b) The Developer shall pay the full cost of construction and landscaping supervision services provided by or on behalf of the City for field inspection, preparation of progress estimates, provision of as-built drawings by March 31 of the year following substantial performance of the work, and all other engineering consulting services related to the installation and acceptance of municipal services, and all associated works to serve the Planned Area.

3. Administration Fees

The Developer shall, prior to the release of the subdivision mylars for registration in the Land Titles Office, pay to the City, $1200.00/acre of the planned area to help defray the City's administration and related costs associated with the preparation and implementation of the Development Agreement.

THIS REPORT SUBMITTED BY:
Administrative Co-ordinating Group
File No. DASZ 19/2014
Prepared October 30,2014

"Original Signed by G.V. Jasper"
G.V. Jasper P. Eng.,
Land Development Branch

"Original Signed by F.C. Mazur"
F. C. Mazur, P. Eng.
Water & Waste Department

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

GJ/gj