Agenda – Council – October 28, 2015

Report – Executive Policy Committee – October 14, 2015

Item No. 1 Subdivision and Rezoning – 393 Grassie Boulevard (Transcona Ward) File DASZ 26/2015 [c/r DAV 142476/2015D]

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On October 14, 2015, the Executive Policy Committee concurred in the recommendation of the East Kildonan-Transcona Community Committee and submitted the following to Council:

1. That the plan of subdivision under File DASZ 26/2015 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 26/2015 dated September 14, 2015 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 Schedule "B" of the report of the Administrative Coordinating Group dated August 19, 2015.

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 26/2015 dated September 14, 2015 to an "R1-L" Residential Single-Family Large District.

3. That, in lieu of the dedication of land, the Developer shall provide a cash payment representing 10% of the appraised value of the Development Application, as determined by the City.

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 (2) 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 (2) year period and Council approves the extension.

6. That the Director of Legal Services and City Solicitor be requested to prepare the necessary rezoning by-law and forward the same to Council for all three (3) readings.

Report – Executive Policy Committee – October 14, 2015

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 has been 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 (1) 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 – October 14, 2015

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On October 14, 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 September 22, 2015, the East Kildonan-Transcona Community Committee concurred in the recommendation of the Winnipeg Public Service and, via the Priority Rezoning Process, submitted its recommendation to the Executive Policy Committee.

RE: **Subdivision and Rezoning – 393 Grassie Boulevard**
File DASZ 26/2015

For submission to: **Executive Policy Committee**

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

Report date: **September 24, 2015**

COMMUNITY COMMITTEE RECOMMENDATION:

On September 22, 2015, 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 26/2015 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 26/2015 dated September 14, 2015 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 Schedule "B" of the report of the Administrative Coordinating Group dated August 19, 2015.

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 26/2015 dated September 14, 2015 to an "R1-L" Residential Single-Family Large District.

3. That, in lieu of the dedication of land, the Developer shall provide a cash payment representing 10% of the appraised value of the Development Application, as determined by the City.

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 (2) 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 (2) year period and Council approves the extension.

6. That the Director of Legal Services and City Solicitor be requested to prepare the necessary rezoning by-law and forward the same to Council for all three (3) readings.

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 has been 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 (1) 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.

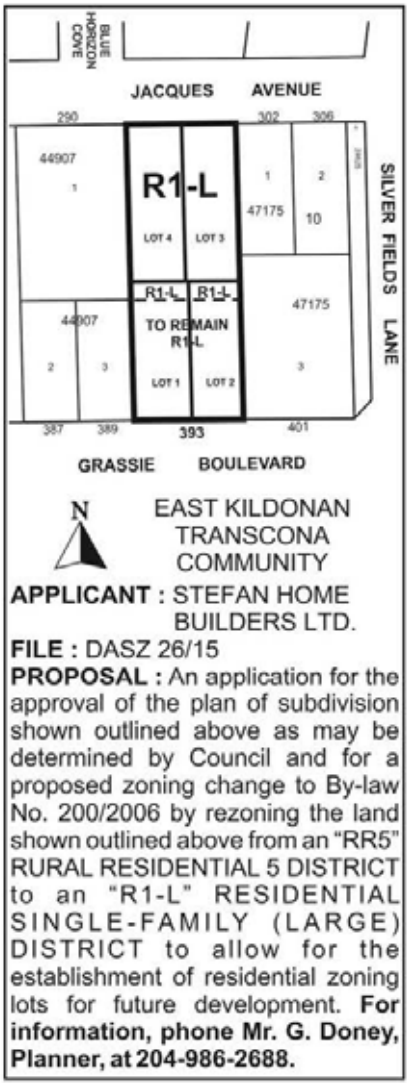
11. That the Director of Legal Services and City Solicitor be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

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

1. This is consistent with OurWinnipeg and the existing neighbourhood known as Kildonan Estates.
2. This is subdividing lands which are on serviced land along Jacques Avenue and consistent with other land which have been subdivided along the south side of Jacques Avenue.
3. This is infill development taking place in an existing neighbourhood in the City of Winnipeg and therefore more sustainable.
4. There is a demand for housing in the neighbourhood that doesn’t seem to abate.
5. The developer is reputable and is a long time builder in northeast Winnipeg and has done business for many years in this area.

PUBLIC HEARING SUMMARY

File:	DASZ 26/2015
Before:	East Kildonan-Transcona Community Committee Councillor Browaty, Chairperson Councillor Schreyer Councillor Wyatt
Public Hearing:	September 22, 2015 Council Building, 510 Main Street
Applicant:	Stefan Home Builders Ltd. (Randy Douglas)
Subject:	



Premises Affected:	393 Grassie Boulevard

Exhibits Filed:

1. Application dated July 22, 2015
2. Notification of Public Hearing dated July 27, 2015
3. Manitoba Status of Title 2782083/1
4. Letter of authorization dated July 1, 2015 from Lukas Douglas to Stefan Home Builders Ltd.
5. Caveat 85 94873
6. Plans (2 pages)
7. Report from the Urban Planning Division dated September 14, 2015
8. Inspection Report
9. Recording of Representations

REPRESENTATIONS:

In Support:

Lukas Douglas
Randy Douglas

In Opposition:

Nil

For Information:

Nil

For the City:

Mr. G. Doney, Senior Planner, Planning, Property and Development Department
Mr. G. Jasper, Land Development Engineer, Planning, Property and Development Department

Exhibit "7" referred to in File DASZ 26/2015

ADMINISTRATIVE REPORT

Title: DASZ 26/2015, 393 Grassie Blvd.

Issue: application for approval of a proposed plan of subdivision and a proposed rezoning of property at 393 Grassie Blvd: from one parcel to four lots; and from "RR5" Rural Residential 5 to "R1-L" Residential Single-Family Large

Critical Path: East Kildonan – Transcona Community Committee → Standing Policy Committee on Property and Development → Executuve Policy Committee → Council as per the Development Procedures By-law and *The City of Winnipeg Charter.*

AUTHORIZATION

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

RECOMMENDATIONS

1. That the plan of subdivision proposed under File DASZ 26/2015 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 26/2015 dated September 14, 2015 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 Schedule "B" of the report of the Administrative Coordinating Group dated August 19, 2015.
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 26/2015 dated September 14, 2015 to an "R1-L" Residential Single-Family Large District.
3. That, in lieu of the dedication of land, the Developer shall provide a cash payment representing 10% of the appraised value of the Development Application, as determined by the City.
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 (2) 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 (2) year period and Council approves the extension.

6. That the Director of Legal Services and City Solicitor be requested to prepare the necessary rezoning by-law and forward the same to Council for all three (3) readings.

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 has been 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 (1) 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.

REASON FOR THE REPORT

This report provides information and makes recommendations regarding Subdivision and Rezoning Application DASZ 26/2015. Subdivision and rezoning applications require a Public Hearing as per the *Development Procedures By-law* and *The City of Winnipeg Charter.*

IMPLICATIONS OF THE RECOMMENDATIONS

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

CONSULTATION

In preparing this report there was consultation with the City's Administrative Coordinating Group.

SUBMITTED BY

Department	Planning, Property and Development
Division	Urban Planning
Prepared by	Glen Doney
Date	September 14, 2015
File No.	DASZ 26/2015

Attachments

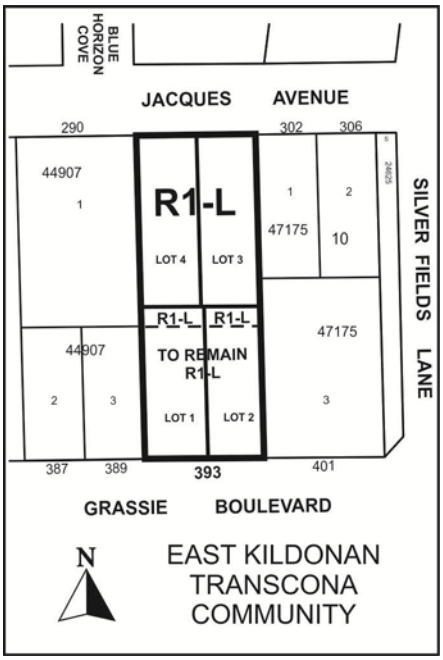
Appendix “A,” Planning Discussion

Schedule “A” for File DASZ 26/2015, East Kildonan – Transcona Community Committee, dated September 14, 2015

Schedule “B,” Report Of The Administrative Co-Ordinating Group of August 19, 2015

Appendix "A," Planning Discussion

DATE:	September 14, 2015
FILE:	DASZ 26/2015
RELATED FILE:	DAV 15-141927D
COMMUNITY:	East Kildonan - Transcona
NEIGHBOURHOOD #:	4.424
SUBJECT:	application for approval of a proposed plan of subdivision and a proposed rezoning of property at 393 Grassie Blvd: from one parcel to four lots; and from "RR5" Rural Residential 5 to "R1-L" Residential Single-Family Large
LOCATION:	393 Grassie Blvd
LEGAL DESCRIPTION:	Parcel 1, Plan 7641



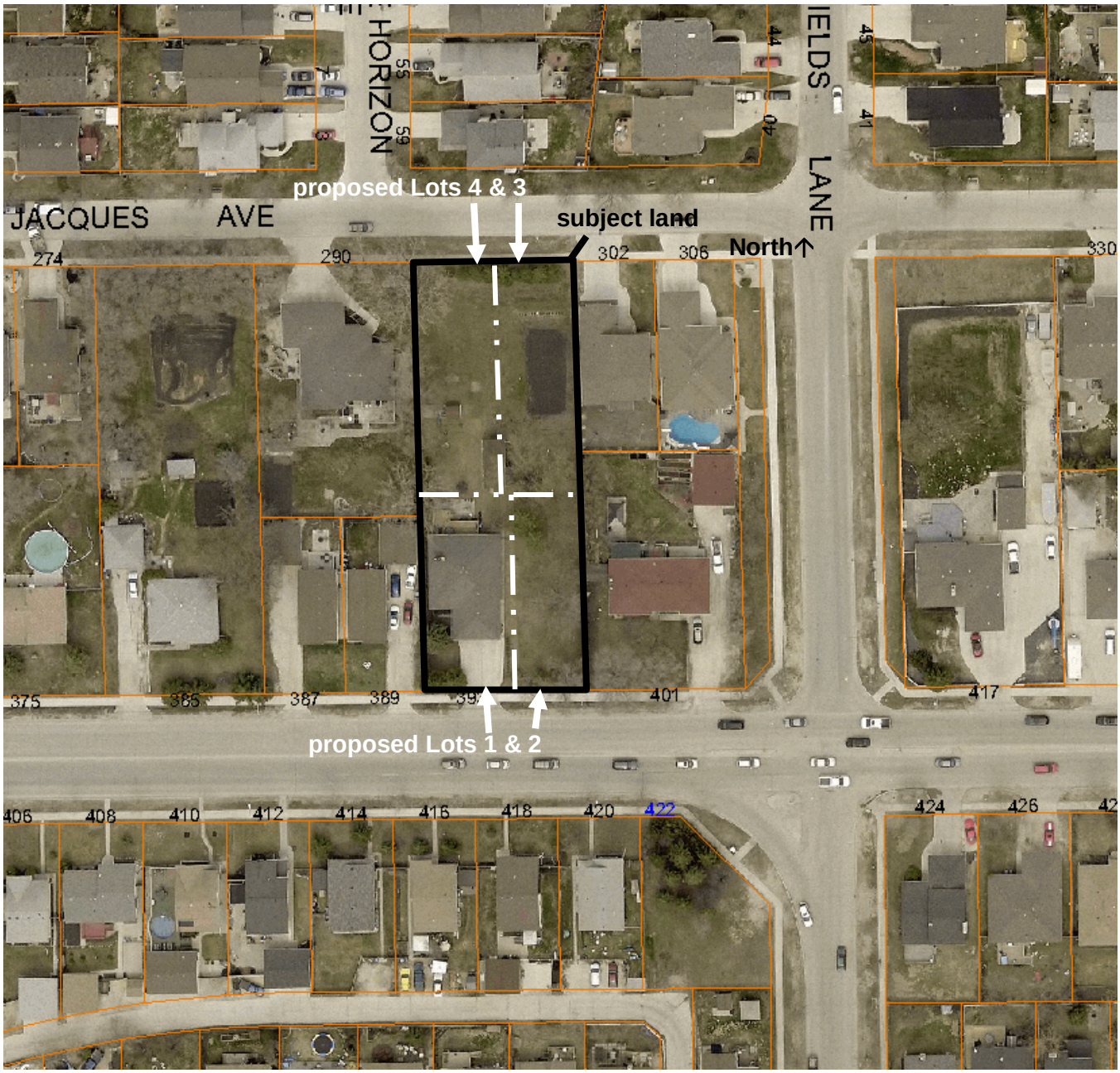
APPLICANT:	Randy Douglas Stefan Home Builders 70 Drobbot Place Winnipeg, MB R2G 4H6
OWNER:	Lukas Allan Douglas 393 Grassie Boulevard Winnipeg, MB R3W 1S5
RECOMMENDATION:	Approval

SUBJECT LAND DESCRIPTION

The subject land (shown in relation to other lands in Figures 1 and 2) is:

- along the north side of Grassie Boulevard and along the south side of Jacques Avenue, and west of Silver Fields Lane, in the Grassie Neighbourhood and the Transcona Ward;
- approximately 100 feet wide and approximately 26,887 square feet;
- containing a single-family dwelling, that is approximately 35 feet from the south property line approximately six feet from the west property line, and two detached sheds;
- partly in an “RR5” Rural Residential 5 District (the southerly 110 feet), partly in an “R1-L” District (all

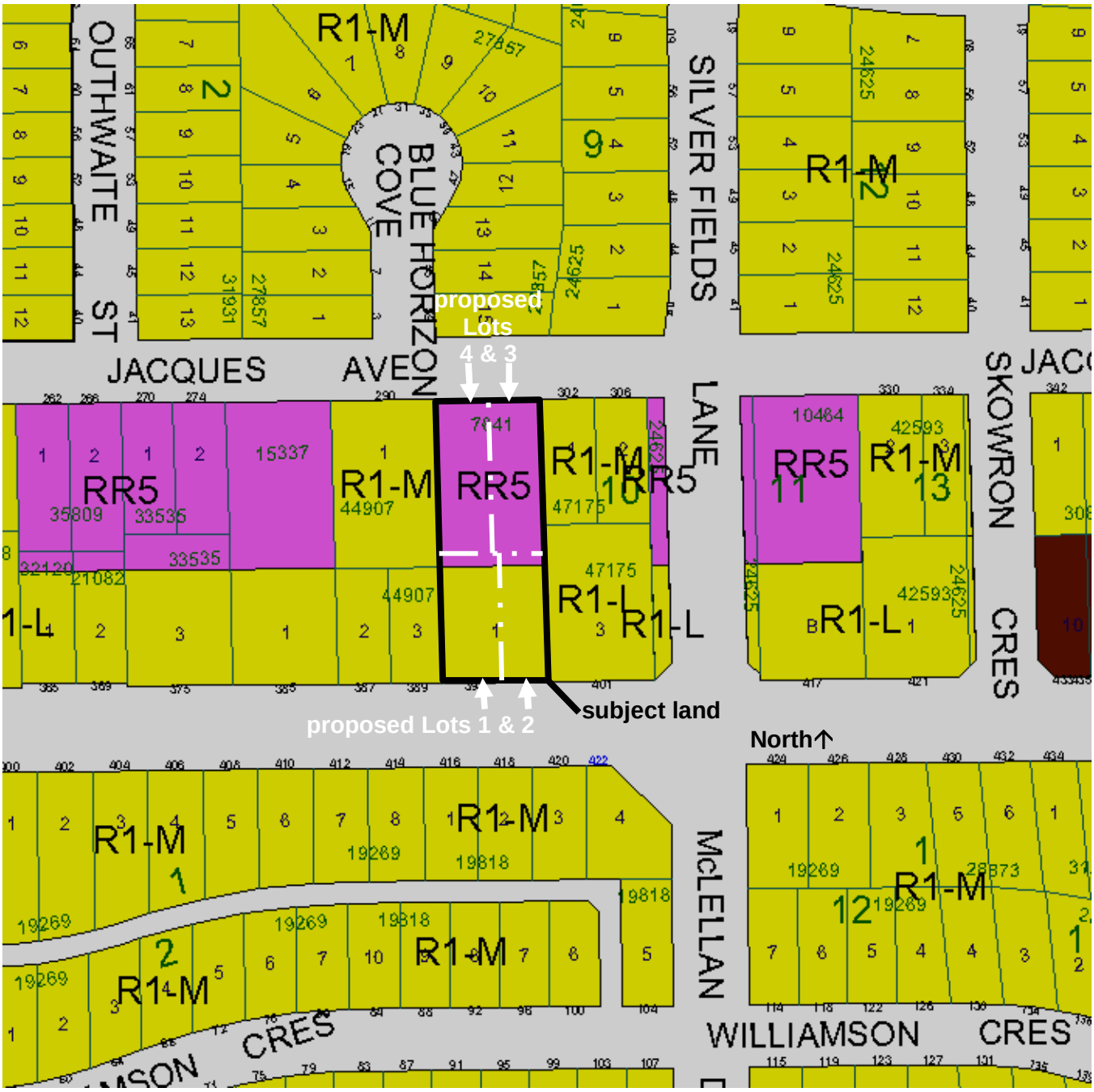
Figure 1: Existing Properties and Proposed Subdivision, 2014 Aerial Photography



but the southerly 110 feet) and a Recent Communities Policy Area (a type of Area of Stability) of *Complete Communities*;

- near other single-family dwellings in "R1-L," "R1-M" Residential Single-Family Medium and "RR5" Districts, several of which have motor-vehicle access from a public street; and
- is adjacent to one lot that is 5497 square feet and another that is 5982 square feet that
  - each contain a single-family dwelling (as the principal use),
  - are in "R1-L" Districts and
  - are each 50 feet wide.

Figure 2: Existing Properties and Zoning and Proposed Subdivision



Presently, motor-vehicle access to the subject land is from Grassie Boulevard. The full range of municipal services (piped wastewater sewer, land drainage sewer and water, and an urban standard roadway) is in Grassie Bouelvard and Jacques Avenue.

DESCRIPTION OF THE PROPOSED SUBDIVISION, REZONING AND DEVELOPMENT

The proposal is to subdivide the existing parcel into four lots, to rezone the portion of the subject land that is in an "RR5" District to "R1-L" so that all of the subject land is in an "R1-L" District and to vary the Special Boundary Conditions of Zoning By-Law No. 200/2006 so that the proposed lots can be developed. (The minimum lot area and lot width requirements are derived from the Special Boundary Conditions based on the areas and widths of existing lots adjacent and near the subject land.) As previously stated, the variance application was made under File DAV 15-142476D.

Proposed Lot 1 would contain the existing single-family dwelling and the new rear yard and east side yard would be 26.5 feet and five feet, respectively. A single-family dwelling would be developed on each of the other lots. The two sheds on the subject property are to be removed. Motor-vehicle access would be from the adjacent public streets.

Figures 2 and 3 and the submitted building location certificate illustrate the proposed subdivision. The proposed lot areas and lot widths are shown in Table 1.

Table 1: Proposed Lot Areas and Lot Widths

Proposed	Area, sq. ft.	Width, ft.
Lot 1	6448	52
Lot 2	5952	48
Lot 3	7250	50
Lot 4	7250	50

ANALYSIS AND ISSUES

OurWinnipeg and *Complete Communities*

OurWinnipeg is the City's development plan and *Complete Communities* is a "Direction Strategy" of *OurWinnipeg* that provides additional directions and policies on land development and use in the city.

The key direction of *OurWinnipeg* and *Complete Communities* pertaining to Areas of Stability states: "Enhance the quality, diversity, completeness and sustainability of stabile neighbourhoods and expand housing options…"

Under Direction 1 of Section 04, *Complete Communities* states: "Support the subdivision of a parcel of land into two or more lots when it is done in a context sensitive manner."

Subdividing the existing parcel into four lots, rezoning to "R1-L", providing three new single-family dwellings and retaining the existing dwelling are consistent with *OurWinnipeg* and *Complete Communities* because:

- existing land and infrastructure would be better utilized;
- the existing single-family dwelling would be retained;
- three new single-family dwellings would be added to the area; and
- the proposed zoning, lot areas and lot widths and land uses are compatible with the area.

Specifically regarding proposed Lot 2, which is proposed to be 48 feet wide, this proposed width is also compatible, given that it is only four percent narrower than several other “R1” lots in the area.

Compatibility with the Area

The analysis above, regarding compliance with *OurWinnipeg* and *Complete Communities* shows that the proposal is compatible with the area in which the subject land is located.

REASONS FOR THE RECOMMENDATIONS

The Urban Planning Division recommends approval because the proposed subdivision and rezoning are consistent with *OurWinnipeg* and *Complete Communities* and are compatible with the area in which the subject land is located.

This Report Submitted by:
Planning, Property and Development Department
Planning and Land Use Division

Report Prepared by:
Glen Doney

PPD File #:
DASZ 26/2015

Schedule "A" for File DASZ 26/2015, East Kildonan – Transcona Community Committee, dated September 14, 2015

By-Law No. _____

File No. **DASZ 26/15**

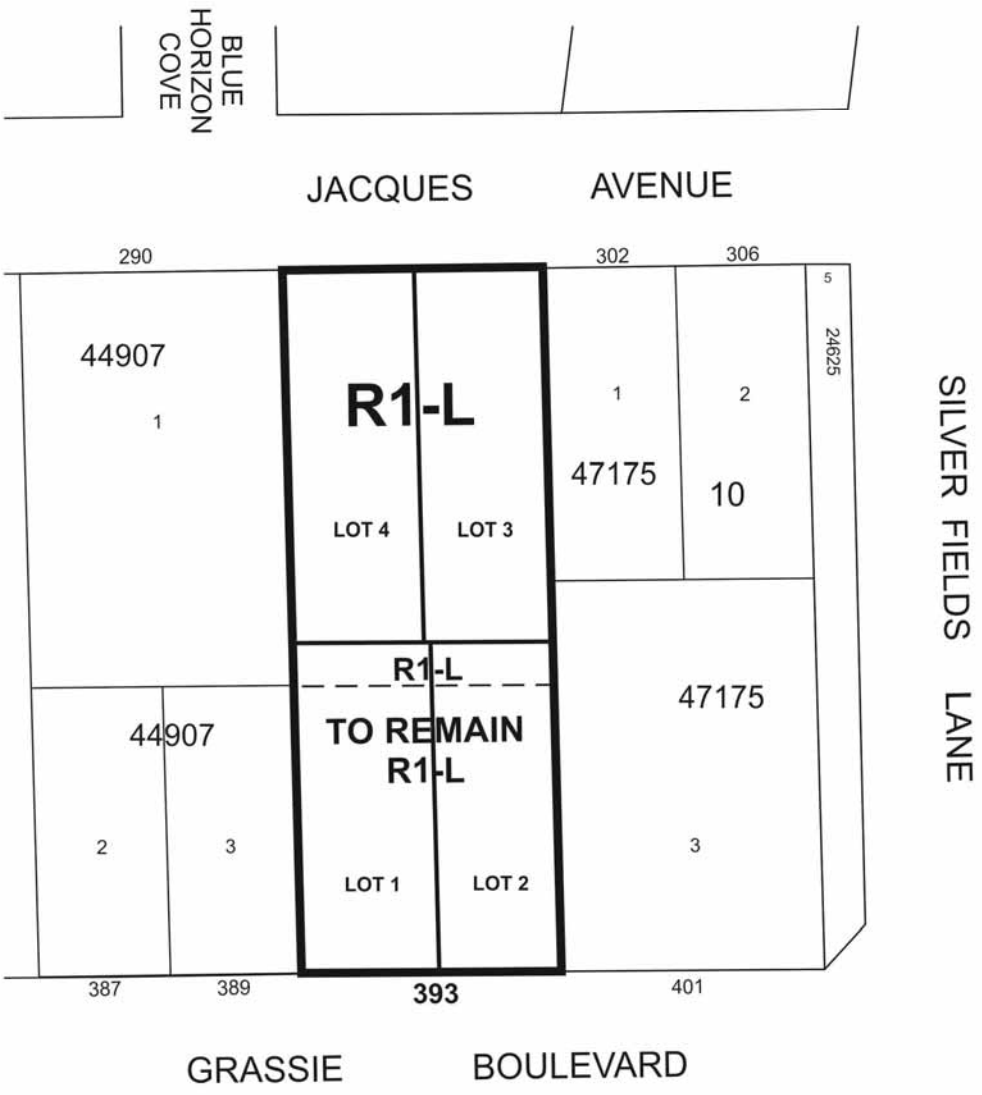
Atlas Sheet No. **W32**

N

EAST KILDONAN TRANSCONA COMMUNITY

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 393 Grassie Boulevard from an "RR5" RURAL RESIDENTIAL 5 DISTRICT to an "R1-L" RESIDENTIAL SINGLE-FAMILY (LARGE) DISTRICT to allow for the establishment of residential zoning lots for future development as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

SCHEDULE B

REPORT OF THE ADMINISTRATIVE CO-ORDINATING GROUP OF AUGUST 19, 2015

RE: PROPOSED SUBDIVISION AND REZONING OF LAND LOCATED AT 393 GRASSIE BOULEVARD – DASZ 26/2015

It is recommended that the approval of DASZ 26/2015, if granted, be subject to the applicant addressing the following:

1) The applicant shall pay to the City, prior to the release of subdivision mylars:

    a) Their share of the existing water main, wastewater sewer and land drainage sewer in Jacques Avenue;

    b) Their share of the cost of the regional land drainage system for lot 3 and lot 4

    in the amounts to be determined by the Director of Water and Waste.

2) The applicant shall, prior to the release of subdivision mylars:

    a) provide a lot grading plan, prepared by a municipal engineer;

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

    c) construct, at no expense to the City, any catchbasins and leads as required by the design

    d) pay their share of the cost of existing nearby catchbasins and leads, if utilized by the lot grading design;

    all as approved and to the satisfaction of the Director of Water and Waste.

3) The applicant shall, prior to the release of subdivision mylars, pay their share of the following:

    a) the cost of Portland cement concrete pavement previously constructed by others at and in the vicinity of the intersection of Grassie Boulevard and Lagimodiere Boulevard;

    b) the cost of traffic control signals previously installed at the intersections of Grassie Boulevard with Lagimodiere Boulevard and McLellan Drive; and

    c) the cost of services previously installed by the City and others in Grassie Boulevard and Jacques Avenue

    all as determined by the Director of Public Works.

4) 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.

5) 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.

6) 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.

THIS REPORT SUBMITTED BY:

Administrative Co-ordinating Group
File No. DASZ 26/2015
September 14, 2015

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

"*Original Signed by M. Gajda"*
M. Gajda, P. Eng.
Water & Waste Department

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

GJ/gj