Agenda – Council – October 28, 2015

Report – Executive Policy Committee – October 14, 2015

Item No. 2 Subdivision and Rezoning – 1514 Molson Street (North Kildonan Ward) File DASZ 23/2015 [c/r DAV 141927/2015D]

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 23/2015 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 23/2015 dated September 11, 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 23/2015 dated September 11, 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 – 1514 Molson Street**
File DASZ 23/2015

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 23/2015 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 23/2015 dated September 11, 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 23/2015 dated September 11, 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 area has changed and a smaller size lot is completely reasonable and quite desirable.
2. It’s close to the Chief Pegius trail extension active transportation way.
3. There has been nice paving work done on Molson Street.
4. The rezoning that has occurred across the street make this quite appropriate at this time.

PUBLIC HEARING SUMMARY

File: DASZ 23/2015

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

Public Hearing: September 22, 2015
Council Building, 510 Main Street

Applicant: Harry Schriemer

Subject:



Premises Affected: 1514 Molson Street

Exhibits Filed:

1. Application dated July 21, 2015
2. Notification of Public Hearing dated July 28, 2015
3. Manitoba Status of Title 2173272/1
4. Letter of authorization dated June 16, 2015 from Harry Schriemer to Harry Schriemer
5. Surveyor's Building Location Certificate and sketch dated April 17 and 20, 2015
6. Report from the Urban Planning Division dated September 11, 2015
7. Inspection Report
8. Recording of Representations

REPRESENTATIONS:

In Support:

Harry Schriemer

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 "6" referred to in File DASZ 23/2015

ADMINISTRATIVE REPORT

Title: DASZ 23/2015, 1514 Molson Street

Issue: application for approval of a proposed plan of subdivision and a proposed rezoning of property at 1514 Molson Street: from one lot to two 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 23/2015 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 23/2015 dated September 11, 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 23/2015 dated September 11, 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 23/2015. 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 11, 2015
File No.	DASZ 23/2015

Attachments

Appendix “A,” Planning Discussion

Schedule “A” for File DASZ 23/2015, East Kildonan – Transcona Community Committee, dated September 11, 2015

Appendix "A," Planning Discussion

DATE:	September 11, 2015
FILE:	DASZ 23/2015
RELATED FILE:	DAV 15-141927D
COMMUNITY:	East Kildonan - Transcona
NEIGHBOURHOOD #:	4.420
SUBJECT:	to subdivide the subject land into two lots and to rezone the proposed lots from an "RR5" Rural Residential 5 District to an "R1-L" Residential Single-Family Large District to create a vacant lot for future development
LOCATION:	1514 Molson Street
LEGAL DESCRIPTION:	Parcel 1, Plan 7793



APPLICANT:	Harry Schreimer 1514 Molson Street Winnipeg, MB R2G 3S7
OWNER:	as above
RECOMMENDATION:	Approval with Conditions

SUBJECT LAND DESCRIPTION

The subject land is:

- along the west side of Molson Street and north of Red Oak Drive, in the Springfield South Neighbourhood and the Elmwood Ward;
- over 114 feet wide and approximately 25,244 square feet;

- containing a single-family dwelling that is near the south property line and a detached gazebo with a deck that is near the north property line;
- in an "RR5" District and a Mature Communities Policy Area (a type of Area of Stability) of *Complete Communities*; and
- near other single-family dwellings in "R1-L" and "RR5" Districts; and near land that was approved for rezoning from "RR5" to "RMF-S" and "RMF-L." (under DASZ 6/2013).

Figure 1: Looking West at the Subject Property, "Streetview"



Access to the subject land is from Molson Street. Molson Street is being redeveloped into a public street with the full range of municipal services (piped wastewater sewer, land drainage sewer and water, and an urban standard roadway) as per the servicing agreement associated with File DASZ 6/2013.

DESCRIPTION OF THE PROPOSED SUBDIVISION AND REZONING

The proposal is to subdivide an existing parcel into two lots and to rezone the land from "RR5" to "R1-L." Figures 2 and 3 and the submitted building location certificate illustrate the proposed subdivision. The building location certificate shows that the front and rear property lines are not at right-angles to the side property lines. Schedule "A" shows the proposed subdivision and the proposed rezoning.

Proposed Lot 1 is the southerly proposed lot. It would contain the existing dwelling. The dwelling would be five feet from the northern limit of proposed Lot 1. Proposed Lot 1 would be approximately 14,230 square feet and 64.4 feet wide.

Proposed Lot 2 is the northerly proposed lot. It would contain the existing detached gazebo with a deck. It would be approximately 11,014 square feet and 49.8 feet wide. Application to vary the lot width requirement, to make it developable, and to vary the use requirements, to allow the detached gazebo with a deck to remain on the land, have been made under File DAV 15-141927D.

ANALYSIS AND ISSUES

OurWinnipeg and *Complete Communities*

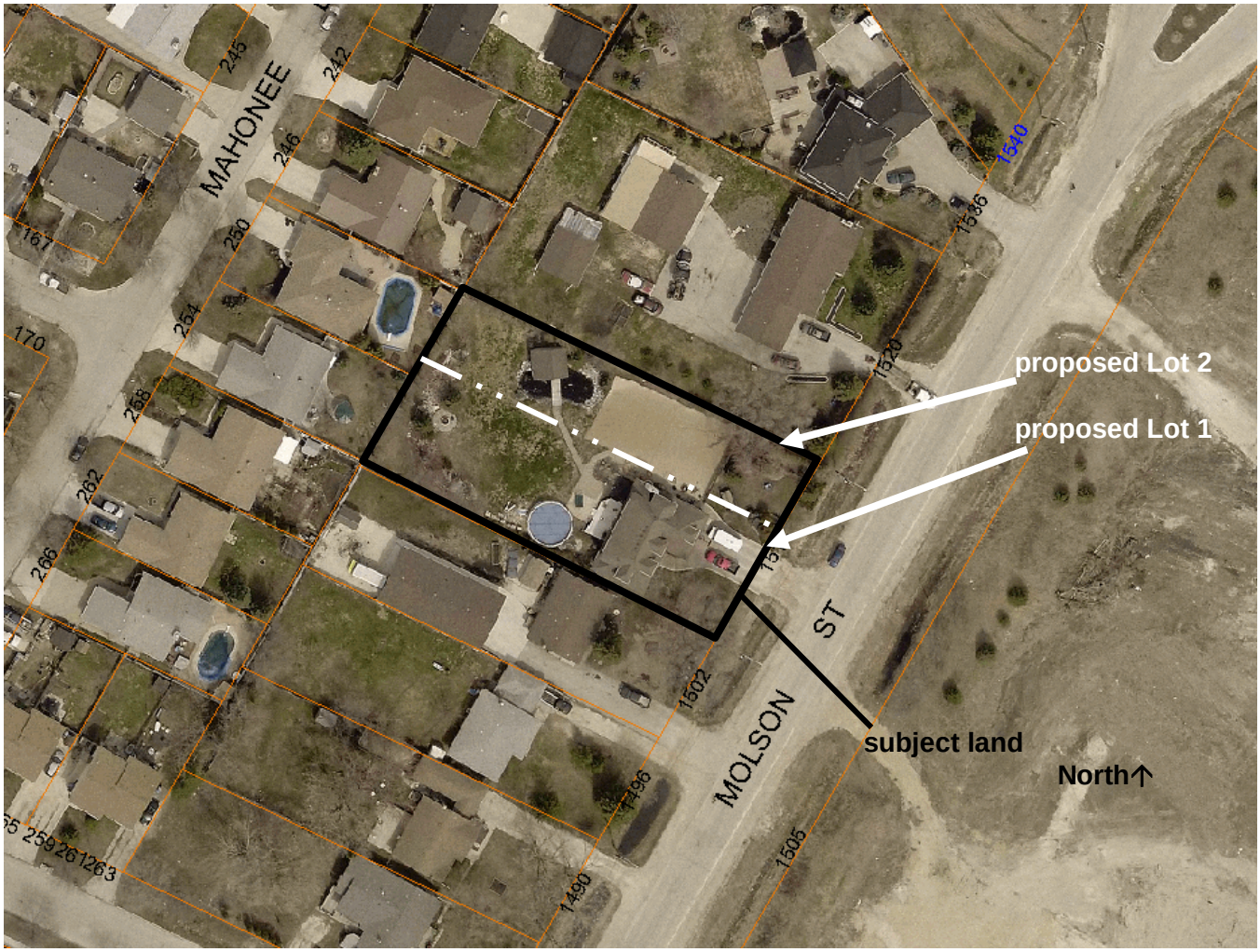
OurWinnipeg is the City's development plan and *Complete Communities* is a "Direction Strategy" of *OurWinnipeg* that provides additional directions and policies on land development and use in the city.

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

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

Figure 3 shows that proposed Lot 1 would be of a size and shape similar to several nearby lots that are in an "R1-L" District. Figure 3 also shows that proposed Lot 2 would be similar to nearby lots, particularly Lots 2, 3 and 4, Plan 18640, which are in an "R1-L" District along the south side of Red Oak

Figure 2: Existing Properties and Proposed Subdivision, 2014 Aerial Photography

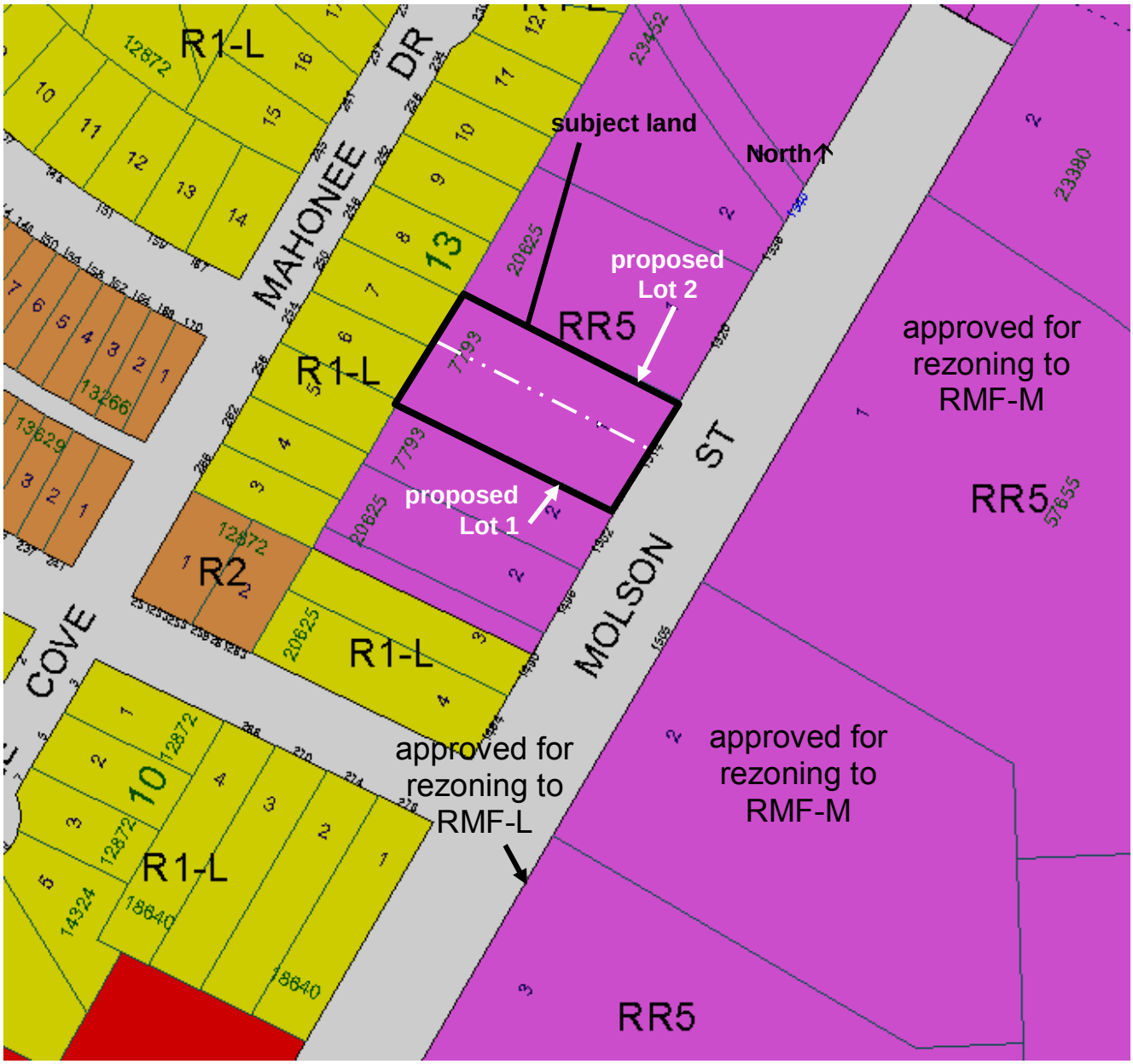


Drive. These lots are approximately 51.5 feet wide. Two of them are approximately 11,811 square feet and one is approximately 11,810 square feet. Proposed Lot 2 would be less than seven percent smaller and less than four percent narrower than these lots.

In addition, Figure 3 shows that the residential density of the area is likely to increase significantly when the properties approved for rezoning to multi-family residential are developed.

Given the similarity of the proposed lots to existing lots, the anticipated increase in residential density of the area, that the proposal includes retaining the existing single-family dwelling and that an additional lot would be available for residential development, the proposal complies with *OurWinnipeg* and with *Complete Communities*.

Figure 3: Existing Properties, Proposed Subdivision and Existing and Approved Zoning (under DASZ 6/2013)



Compatibility with the Area

The discussion above, regarding compliance with *OurWinnipeg* and *Complete Communities*, shows that the proposal would be compatible with the area when the full range of municipal serviced is provided to the subject land.

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 23/2015

Schedule "A" for File DASZ 23/2015, East Kildonan – Transcona Community Committee, dated September 11, 2015

By-Law No. _____

File No. **DASZ 23/15**

Atlas Sheet No. **W31**

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 1514 Molson Street from an "RR5" RURAL RESIDENTIAL 5 DISTRICT to an "R1-L" RESIDENTIAL SINGLE-FAMILY (LARGE) DISTRICT to allow for the establishment of an additional infill residential zoning lot 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 1514 MOLSON STREET – DASZ 23/2015

It is recommended that the approval of DASZ 23/2015, 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 and wastewater sewer installed by others;

    b) Their share of the cost of the land drainage sewer (lateral and trunk)

    In the amount 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

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

3) The applicant shall, prior to the release of mylars, provide a letter to the Land Development branch, signed by the applicant, stating that:

    a) the applicant understands that they are responsible for the costs to install separate sewer and water lot line services from the respective main in Molson Street to the property line of the newly created Lot 2

    b) in the event that the applicant sells Lot 2, they are to advise the new owners of their responsibility of the above costs

4) The Developer shall, pay to the City, prior to the release of subdivision mylars, in cash, its share of the costs of surface improvements in Molson Street, along the full length of the subject property abutting Molson Street, including road upgrading, street lighting, boulevard landscaping, sidewalks and related works, as determined by the Director of Public Works.

THIS REPORT SUBMITTED BY:

Administrative Co-ordinating Group
File No. DASZ 23/2015
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