Minute No. 681
Report - Standing Policy Committee on Property and Development - September 30, 2003

Item No. 13 Subdivision and Rezoning - 19 John Huyda Drive
File DASZ 21/2003

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 proposed under File DASZ 21/2003 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 21/2003 dated September 8, 2003, for registration in the Winnipeg Land Titles Office, 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 September 5, 2003.

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

3. That The Winnipeg Zoning By-Law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 21/2003 dated September 8, 2003, to an "R1-5.5" Single Family District.

4. That in the event the application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months 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 this time is applied for prior to the expiry of this twenty four (24) month period and the extension is subsequently approved by Council.

5. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary by-law in accordance with the above.

6. 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.

7. 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 provided that the said effective date occurs within twenty-four (24) months from the date that the said rezoning by-law is adopted by Council.

Report - Standing Policy Committee on Property and Development - September 30, 2003

COUNCIL DECISION (continued)

8. That the Plan of Subdivision shall be approved and signed by the Director of Planning, Property and Development within two (2) years of the date of passage of the aforementioned by-law.

Report - Standing Policy Committee on Property and Development - September 30, 2003

DECISION MAKING HISTORY:

Moved by Councillor Vandal,

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

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On October 15, 2003, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and submitted the matter to Council.

STANDING COMMITTEE RECOMMENATION:

On September 30, 2003, the Standing Policy Committee on Property and Development concurred in the recommendation of the East Kildonan-Transcona Community Committee and submitted the matter to Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On September 16, 2003, the East Kildonan-Transcona Community Committee concurred in the administrative recommendation, and submitted its recommendation to the Standing Policy Committee on Property and Development.

RE: **Subdivision and Rezoning – 19 John Huyda Drive**
File DASZ 21/2003

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

Prepared by: **Inga K. Skundberg, Clerk**
East Kildonan-Transcona Community Committee

Report date: **September 22, 2003**

COMMUNITY COMMITTEE RECOMMENDATION:

The East Kildonan-Transcona Community Committee concurred in the administrative recommendation and recommends to the Standing Policy Committee on Property and Development:

1. That the plan of subdivision proposed under File DASZ 21/2003 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 21/2003 dated September 8, 2003, for registration in the Winnipeg Land Titles Office, 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 September 5, 2003.

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

3. That The Winnipeg Zoning By-Law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 21/2003 dated September 8, 2003, to an "R1-5.5" Single Family District.

4. That in the event the application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months 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 this time is applied for prior to the expiry of this twenty four (24) month period and the extension is subsequently approved by Council.

5. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary by-law in accordance with the above.

6. 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.

7. 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 provided that the said effective date occurs within twenty-four (24) months from the date that the said rezoning by-law is adopted by Council.

8. That the Plan of Subdivision shall be approved and signed by the Director of Planning, Property and Development within two (2) years of the date of passage of the aforementioned by-law.

The East Kildonan-Transcona Community Committee provided the following supporting reasons for its recommendation:

1. That the East Kildonan-Transcona Community Committee agreed with the administrative comments contained in the report of the Manager of Planning and Land Use dated September 4, 2003 and in the report from the Administrative Coordinating Group dated September 8, 2003.

2. The development involves infill housing.

PUBLIC HEARING SUMMARY

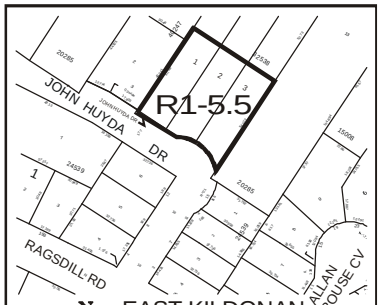
File: DASZ 21/2003

Before: East Kildonan-Transcona Community Committee
Councillor Thomas, Chairperson
Councillor Lubosch
Councillor Wyatt

Public Hearing: September 16, 2003
Community Committee Chamber
755 Henderson Highway

Applicant: Doug Henne Planning Services
917 Simpson Avenue
Winnipeg, MB R2K 1S5

Subject:



APPLICANT : DOUG HENNE PLANNING SERVICES
FILE : DASZ 21/03
PROPOSAL : An application for the approval of the plan of subdivision shown outlined above as may be determined by Council and for a proposed zoning change to By-law No. 6400/94 by rezoning the land shown outlined above from an "A.5" AGRICULTURAL DISTRICT to an "R1-5.5" SINGLE-FAMILY DISTRICT to allow for the creation of sites for single family development.
For information, phone Mr. M. Grady, Planner at 986-6427.

Premises Affected: 19 John Huyda Drive

Exhibits Filed:

1. Application dated July 8, 2003
2. Notification of Public Hearing to Applicant dated August 5, 2003
3. Manitoba Status of Title 1402093
4. Letter of Authorization dated July 2, 2003, from John E. Wiebe, President, North Grassie Properties Inc., to Doug Henne
5. Extract of Atlas Sheet U32
6. Plan
7. Report from the Manager of Planning and Land Use dated September 4, 2003
8. Report from the Administrative Coordinating Group dated September 8, 2003
9. Photograph(s) of the Site and Inspection Notice

REPRESENTATIONS:

In Support:

Doug Henne, Doug Henne Planning Services

In Opposition:

Nil

For the City:

Martin Grady, Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS MADE AT THE PUBLIC HEARING

Doug Henne, Doug Henne Planning Services, appeared in support of the application. He expressed concerns on behalf of his client with respect to Recommendation No. 5 of the Administrative Coordinating Group (Exhibit 8) which recommends that a clause be added to the existing servicing agreement that would transfer to the City a wedge of property and that the City sell the wedge for fair market value plus the cost of services in John Huyda Drive. He indicated that although he appreciated that the City would take measures to protect the potential for future development of adjoining lands, he suggested that the wedge of property (Lot 3) be transferred to the City of Winnipeg and held from development and be returned back to his client if the owner of 774 Bonner Avenue chooses not to purchase the property. In addition, he indicated that his client does not feel that selling the wedge of property at fair market value is appropriate and expressed his opinion that the property is more valuable and likely worth 2 or 3 times fair market value.

Exhibit "7" referred to in File DASZ 21/2003

In reply please refer to / Référence à rappeler :

Martin Grady
(204) 986-6427
Fax / Téléc. : (204) 986-3684

File No. DASZ 21/03
Our c/f CP 500 (.423)

September 4, 2003

Ms. Inga Skundberg, Community Clerk
East Kildonan-Transcona Community Committee
Council Building
510 Main Street
Winnipeg, MB R3B 1B9

SUBDIVISION AND REZONING
John Huyda Drive
East Kildonan-Transcona Community
File No. DASZ 21/03

An application has been received from North Grassie Properties (Doug Henne) for approval of a plan of subdivision and related zoning change to amend By-Law No. 6400/94 by rezoning the land shown below from a "A-5" Agricultural District to an "R1-5.5" Single Family District.

RELATED FILES: DAV 58/03D, DAC 03/03, DASZ 27/77, DASZ 65/86, DASSF 529/91, DASSF 599/91, DASSF 548/01, DASZ 02/03



SITE DESCRIPTION:

Site Area:

Approximately 2425 sq.m. (26103 sq.ft.)

Existing Land Use and Zoning:

Vacant Land with an "A-5" Agricultural District zoning.

Surrounding Land Use and Zoning:

North: Along Bonner Avenue, single family dwellings designated "R1-5.5" with a variety of lot widths fronting Bonner Avenue.
South: Fronting Ragsdill Road, single family dwellings on 40 to 68 foot wide lots zoned "R1-5" and "R1-5.5" with rear yards adjacent to the subject property.
East: Along John Huyda Drive, single family dwellings on 59 – 62 foot lots zoned "R1-5.5" with rear yards adjacent to the subject property.
West: Fronting Mitchelson Way, single family dwellings on 57 foot wide lots zoned "R1-5" with rear yards adjacent to the subject property.

DEVELOPMENT DESCRIPTION:

The applicant is proposing to create three lots by rezoning the subject property to an "R1-5.5" District. The proposed lots will have a width of 54.26 feet (16.54 metres) and a depth of 166.2 feet (50.66 metres).

This subdivision is an extension of an application (DASZ 2/03) to create 18 lots along the extension of John Huyda drive previously recommended for approval by the Community Committee on April 22, 2003. Under this approval, John Huyda Drive will be developed as an improved roadway from its present terminus just north of Ragsdill Road to Mitchelson Way.

PLAN WINNIPEG:

The proposed concept complies with Plan Winnipeg in that a residential rezoning is allowed in Neighbourhood Policy Areas.

ADMINISTRATIVE COMMENTS:

The Department supports single family residential use on the subject lands. This proposed use is consistent to the surrounding context of single family residential uses in the Springfield North Neighbourhood and represents a logical extension of subdivision along John Huyda Drive.

However, the potential future subdivision of the adjacent property to the east of the subject lands should be preserved. The applicant has attempted to enter into an agreement with the adjacent owner to acquire a portion of the lands and create proposed Lot 3 as a "pie" shaped lot which would facilitate the future subdivision two additional lots from the adjacent property. The adjacent landowner has indicated in writing that at this time he is not prepared to consider such an arrangement.

As a result, staff are suggesting that Lot 3 be modified to remove a wedge shaped portion from the southeast corner of the lot to facilitate the future subdivision of the adjacent lands and that this portion be transferred to the City. This requirement will be included as an addendum to the Servicing agreement AG 2/03 pursuant to the previous approval of DASZ 2/03.

RECOMMENDATION:

I. That the plan of subdivision proposed under File No. DASZ 21/03 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File No. DASZ 21/03, attached hereto and dated September 8, 2003, for registration in the Winnipeg Land Titles Office, 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 September 5, 2003.

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

III. That Zoning By-Law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File No. DASZ 21/03, attached hereto and dated September 8, 2003, to an "R-1 5.5" Single Family District.

IV. That, in the event this application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months after adoption of this report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of this time is applied for prior to the expiry of this twenty four (24) month period and the extension is subsequently approved by Council.

V. That the City Solicitor be requested to prepare the necessary by-law in accordance with the above.

VI. 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.

VII. 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 provided that the said effective date occurs within twenty-four (24) months from the date that the said rezoning by-law is adopted by Council.

VIII. The Plan of Subdivision shall be approved and signed by the Director of Planning, Property and Development within two (2) years of the date of passage of the aforementioned by-law.

_____
Martin Grady, Senior Planner

Final

Yours truly,

C. Knoll
Manager of Planning and Land Use

_____
Per: Martin Grady, Senior Planner

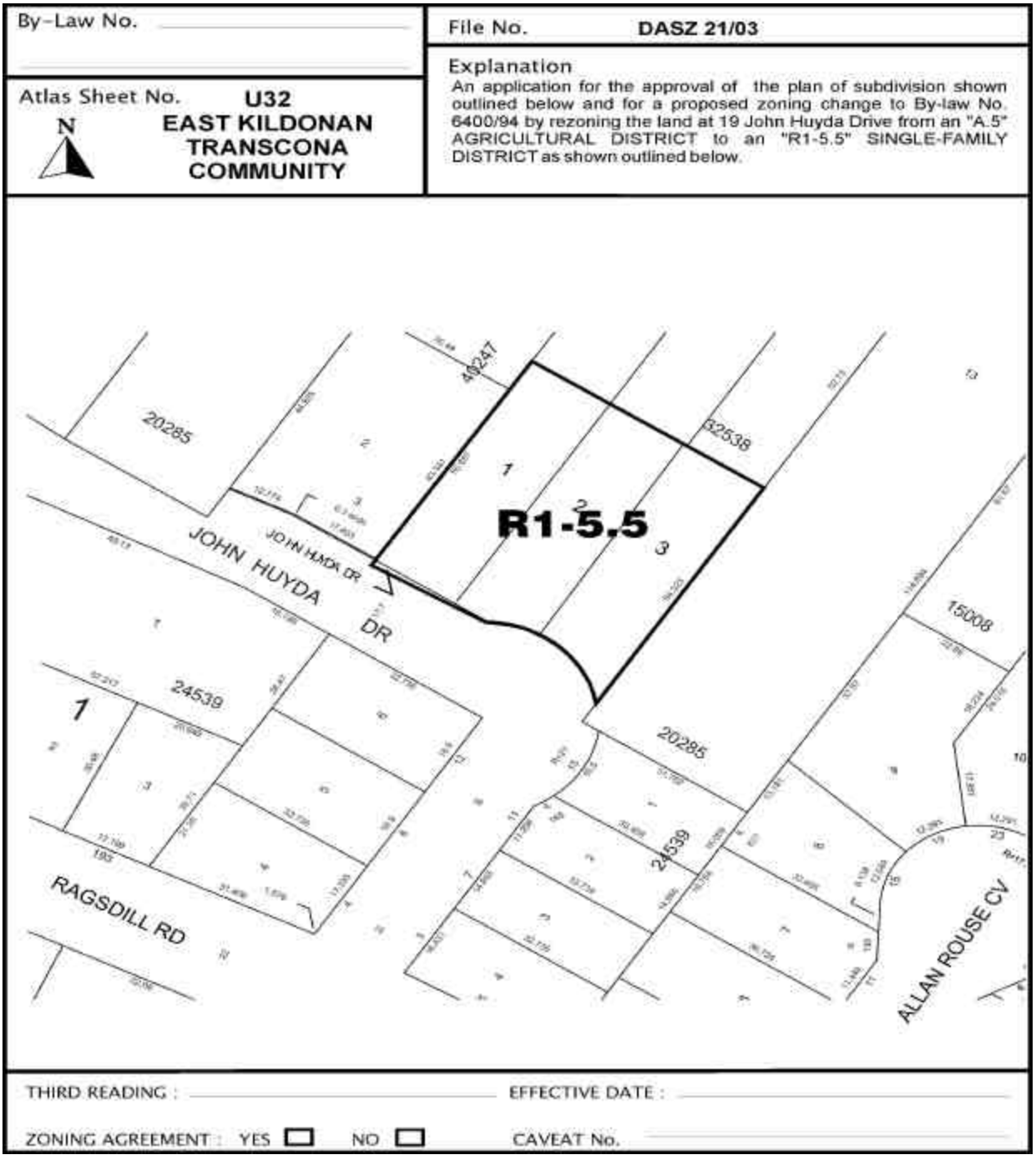


Figure 1: Schedule "A" to the report to the east Kildonan – Transcona Community Committee for File No. DASZ 21/03 Dated September 8, 2003.



Figure 2: Air Photo of 19 John Huyda Drive

INTER-OFFICE MEMORANDUM

Planning, Property and Development Department

Development and Inspections Division, Land Development Branch
Main Floor, 65 Garry Street

Winnipeg

Date: September 8, 2003

To: I. Skundberg, Clerk

From: E.L. Carrière, Land Development Branch

RE: **Proposed subdivision and rezoning of land located on the north side of John Huyda Drive – DASZ 21/03**
FILE: AG 21/03 (PLEASE QUOTE WHEN REPLYING)

Enclosed is a report of the Administrative Coordinating Group dated September 5, 2003 in connection with the above referenced development application being submitted for consideration by the East Kildonan-Transcona Community Committee at its meeting to be held on September 16, 2003.

"Original signed by E.L. Carrière"

E.L. Carrière, P.Eng.
Land Development Engineer

ELC/ld

cc: E. Axelrod, Subdivision Officer
W.R. Stovel, Legal Services
R.J. Hartmann, P.Eng., Public Works Department
K.T. Raban, P.Eng., Water and Waste Department
M. Grady, Planner
Councillor M. Lubosch
Doug Henne Planning Services, 917 Simpson Avenue, Winnipeg, Manitoba, R2K 1S5
North Grassie Properties Inc., P.O. Box 25094, Mission Park P.O., Kelowna, British Columbia, V1W 3Y7

Enclosure

Re: Proposed subdivision and rezoning of land located on the north side of John Huyda Drive - DASZ 21/03

FOR SUBMISSION TO THE CHAIRPERSON AND MEMBERS OF THE EAST KILDONAN - TRANSCONA COMMUNITY COMMITTEE

"Original signed by E.L. Carrière"
E.L. Carrière
Chairman
Administrative Coordinating Group

September 5, 2003

Re: Proposed subdivision and rezoning of land located on the north side of John Huyda Drive - DASZ 21/03

An application has been submitted by Doug Henne Planning Services on behalf of North Grassie Properties Inc. to subdivide and rezone land located on the north side of John Huyda Drive. North Grassie Properties Inc. also owns the property immediately west of the subject property and has entered into a Servicing Agreement AG 2/03 with the City pursuant to the approval of DASZ 2/03 to install a full range of services in John Huyda Drive westerly to Michelson Way. Immediately to the east of the subject property lies the property known as 774 Bonner Avenue, the rear yard of which property has the potential for the creation of two additional building sites providing a wedge of property from DASZ 21/03 is set aside for consolidation with the rear yard of 774 Bonner Avenue.

It is therefore recommended that approval of DASZ 21/03 be subject to the Developer entering into an Addendum to Servicing Agreement AG 2/03 as follows:

1. by attaching to AG 2/03, a copy of the plan of subdivision approved under DASZ 21/03;

2. by attaching to AG 2/03, a plan showing the servicing and lot grading requirements for the land covered under DASZ 21/03;

3. by adding a clause to AG 2/03 to the effect that the Developer shall pay the land drainage trunk charge (TSR) applicable to the land covered under DASZ 21/03. The 2003 rate for the TSR is $16,109.00/acre.

4. by adding a clause to AG 2/03 to the effect that the Developer shall pay cash in lieu of dedication of land for public open space on the basis of three (3) new building sites.

5. by adding a clause to AG 2/03 to the effect that:

    i) the Developer shall transfer to the City for $1.00 a wedge of property to accommodate the planned and orderly development of the rear yard of 774 Bonner Avenue;
    ii) the City agrees to sell the wedge of property to the owner of 774 Bonner Avenue for fair market value plus the cost of services in John Huyda Drive on the basis of Local Improvement rates prevailing at the time payment is received;

6. by adding a clause to AG 2/03 to the effect that the Developer shall pay $545.00 to defray the City's administration and related costs associated with the preparation and implementation of the Addendum to AG 2/03.

THIS REPORT SUBMITTED BY:

Administrative Coordinating Group
File No. 21/03
September 5, 2003

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"Original signed by E.L. Carrière"
Land Development Engineer

"Original signed by F.C. Mazur"
Water and Waste Department

"Original signed by R.J. Hartmann"
Public Works Department
Transportation Division