Minute No. 213
Report - Standing Policy Committee on Property and Development - February 3, 2004

Item No. 3 **Subdivision and Rezoning - 1908 De Vries Avenue**
File DASZ 35/2003

On February 18, 2004, the Executive Policy Committee referred the matter back to the Standing Policy Committee on Property and Development.

Report - Standing Policy Committee on Property and Development - February 3, 2004

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On February 18, 2004, the Executive Policy Committee referred the matter back to the Standing Policy Committee on Property and Development.

STANDING COMMITTEE RECOMMENATION:

On February 3, 2004, the Standing Policy Committee on Property and Development concurred in the recommendation of the East Kildonan-Transcona Community Committee, with the following amendments, namely:

- Recommendation 4
  Delete the words “Block 4” and replace with the words “Block 3”

- Recommendations 5, 6 and 7
  Delete the words “Blocks 4” and replace with the words “Block 3”,

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

COMMUNITY COMMITTEE RECOMMENDATION:

On January 13, 2004, the East Kildonan-Transcona Community Committee concurred in the administrative recommendation, as amended, namely:

- That Condition No. 3.A. be amended by replacing the following words located at the end of the sentence “to the satisfaction of the Director of Public Works” with the words “and Thurlby Bay to the satisfaction of the East Kildonan-Transcona Community Committee and the Director of Public Works”.

- That Condition No. 3.B. be amended by replacing the following words located at the end of the sentence “40 feet” with the words “50 feet”.

and submitted its recommendation to the Standing Policy Committee on Property and Development.

RE: **Subdivision and Rezoning –1908 De Vries Avenue**
File DASZ 35/2003

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

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

Report date: **January 23, 2004**

COMMUNITY COMMITTEE RECOMMENDATION:

On January 13, 2004, the East Kildonan-Transcona Community Committee concurred in the administrative recommendation, as amended, and recommends to the Standing Policy Committee on Property and Development:

1. That the plan of subdivision proposed under File DASZ 35/2003 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 35/2003, dated December 31, 2003, for registration in the Winnipeg Land Titles, subject to the following:

    A. That the Developer be required to enter into a Development Agreement with the City containing the conditions as outlined in the Administrative Coordinating Group report File AG 35/2003, dated December 23, 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 6400/94 be amended by rezoning the subject lands as shown on Schedule 'A' for File DASZ 35/2003, dated December 31, 2003, to an "R1-3.5" Residential District subject to the applicant entering into a Zoning Agreement with the City pursuant to Section 240 (1) of the City of Winnipeg Charter to apply to the lands as shown on Schedule "A", to include the following:

    A. That a minimum 2.0 metre (6.5 feet high) ornamental wood fence be constructed and maintained along the rear lot line of all lots abutting De Vries Avenue ***and Thurlby Bay*** to the satisfaction of the ***East Kildonan-Transcona Community Committee*** and the Director of Public Works.

    B. That any lots fronting the west side of Tomkins Bay shall have a minimum width of ~~***40***~~ ***50*** feet.

4. That a minimum rear yard (setback) of 17.5 metres (57.4 feet) be required for all habitable structures on Lots 1-8, Block 4 abutting De Vries Avenue.

5. That a minimum rear yard (setback) of 15.90 metres (52.19 feet) be required for all habitable structures on Lot 9, Blocks 4 abutting De Vries Avenue.

6. That a minimum rear yard (setback) of 13.16 metres (43.2 feet) be required for all habitable structures on Lot 10, Blocks 4 abutting De Vries Avenue.

7. That a minimum rear yard (setback) of 11.99 metres (39.37 feet) be required for all habitable structures on Lot 11, Blocks 4 abutting De Vries Avenue.

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

9. 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.

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

11. 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, and when the Zoning Agreement has been filed by caveat as a first charge in the Winnipeg Land Titles Office against those lands 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.

12. 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.

13. That in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twenty-four (24) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

Note: Bold and italicized wording denotes variation between administrative recommendations and recommendations of the East Kildonan-Transcona Community Committee.

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

1. The subject application is a welcome addition to the existing single-family housing development in North Kildonan, and is consistent with the existing development in the area.

PUBLIC HEARING SUMMARY

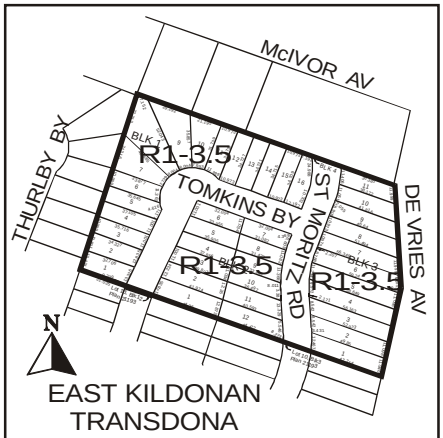
File: DASZ 35/2003

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

Public Hearing: January 13, 2004
Community Committee Chamber
755 Henderson Highway

Applicant: Doug Henne

Subject:



APPLICANT : DOUG HENNE
PLANNING SERVICES
FILE : DASZ 35/03
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 "R1-3.5" SINGLE-FAMILY DISTRICT to allow for the creation of sites for single-family development and to consider a special rear yard setback along DeVries Avenue. **For information, phone Mr. J. Wintrup, Planner at 986-5102.**

Premises Affected: 1908 De Vries Avenue

Exhibits Filed:

1. Application dated November 5, 2003
2. Notification of Public Hearing dated November 6, 2003
3. Manitoba Status of Titles 1346759, 1348484, 1348481, and 1790003
4. Surveyor's Building Location Certificate and Sketch dated November 5, 2003
5. Letter of Authorization dated October 12, 2003 from John E. Wiebe, President, North Grassie Properties Inc. to Doug Henne
6. Letter of Consent dated October 8, 2003 from William Michael ,Mary Margaret, and Stephen Michael Hrushovetz to North Grassie Properties Inc., or its Agent to North Grassie Properties Inc.
7. Development Lot Width and Area Calculations
8. Report from the Manager of Planning and Land Use dated December 31, 2003
9. Report from the Administrative Coordinating Group dated December 15, 2003
10. Inspection Report
11. Package including proposed house plans of the subject application, and an overview of the house values located on neighbouring streets submitted by Doug Henne
12. Petition in opposition to the application (5 pages) submitted by Peter Mah

REPRESENTATIONS:

In Support:

Norm Boyle
Doug Henne

In Opposition:

Peter Mah
Shirley Timm-Rudolph

For the City:

John Wintrup, Planner, Planning, Property and Development Department

SUMMARIZATON OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

Doug Henne appeared in support of the application and the administrative recommendations, with the exception of Condition No. 3.B. which requires the lots fronting the west side of Tomkins Bay to have a minimum width of 40 feet. He expressed his opinion that the houses being developed will compare favourably with the houses south of the development application, thereby maintaining property values. Doug Henne submitted a package including proposed house plans of the subject application, as well as an overview of the house values located on neighbouring streets, filed as Exhibits 11.

Norm Boyle appeared in support of the application. He advised that he has researched several cities and has surmised that they have embraced narrower lots with larger homes. He commented that the younger demographic wants less lawn maintenance, and that the subject development is a transition to the houses on St. Moritz Road.

Shirley Timm-Rudolph appeared in opposition to the street configuration of the proposed application, specifically to the stub extending north of Tomkins Bay connecting to St. Moritz Road. In this connection, she advised that she is opposed to a physical connection to McIvor Avenue and suggested St. Moritz Road and Tomkins Bay be a cul-de-sac or another bay. She suggested that consideration of the application be adjourned to a future public hearing and that the stub extending north of Tomkins Bay connecting to St. Moritz Road not be included in the plan.

Peter Mah appeared in opposition to the application, and advised that he resides on Thurlby Bay and would back onto the subject development. He submitted and read into the record a petition in opposition to the application, filed as Exhibit 12. He expressed his opposition to the density of the subject property and commented that rezoning the property to an "R1-3.5" designation would be inconsistent with the houses on Thurlby Bay. In this connection, he indicated that ideally he would prefer that the application be revised to an "R1-5" designation of 50 feet in frontage, but could be comfortable with properties of a minimum frontage of 45 feet.

Doug Henne commented that the subject application does not predetermine that St. Moritz Road will connect to McIvor Avenue, and that there is opportunity to develop a cul-de-sac from the proposed terminus of St. Moritz. He indicated that there are existing houses on Tomkins Bay and St. Moritz Road that provide a range of lot sizes, house square footage, and values. In this connection, he expressed his opinion that the subject proposal would not conflict with existing houses in the area and that there is a significant demand for lots of the proposed sizes, as homeowners want to invest in the dwelling and not necessarily the lot.

Councillor Lubosch questioned what impact lots fronting the west side of Tomkins Bay backing onto Thurlby Bay with a minimum width of 45 feet would have on the proposed development. Doug Henne responded that anything exceeding 40 feet would mean the loss of one lot, and anything exceeding 50 feet would mean the loss of two lots, which he purported would make the proposal difficult to market.

Councillor Lubosch questioned the Administration if the stub extending north from St. Moritz Road will connect to McIvor Avenue, to which the Planner responded that the connection was not discussed with respect to the subject application.

Exhibit "8" referred to in File DASZ 35/2003

In reply please refer to / Référence à rappeler :

John S. Wintrup
(204) 986-5102
Fax / Téléc. : (204) 986-3684

File No. DASZ 35/03 December 31, 2003
Our c/f CP 500 (.419)

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

Dear Ms. Skundberg:

SUBDIVISION AND REZONING
1908 De Vries Avenue
Tomkins Bay and St. Moritz Road
East Kildonan - Transcona Community Committee
File No. DASZ 35/03

An application has been received from Doug Henne Planning Services 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 a "R1-3.5" Residential District.

RELATED FILES: ZAA 01/03; ZAA 7/01; DASZ 13/00; DASZ 24/94; DASZ 16/80



SITE DESCRIPTION:

Site Area: The site area is approximately 11388.517 square metres (2.8 acres).

Existing Land Use and Zoning: Farm land with associated buildings and a residential home designated "A-5" Agricultural District.

Surrounding Land Use and Zoning:

North: "R1-5.5", Single Family Dwelling.
South: Single-Family Dwellings designated "R1-4".
East: De Vries Avenue and Lagimodiere Blvd.
West: Single Family Dwellings designated "R1-4".

DEVELOPMENT DESCRIPTION:

The applicant intends to develop 39 new lots for single family dwellings. The lots will range from 10.973 metres (36 feet) to 14.330 metres (47.0 feet) in width. The majority of the lots (27) will be 10.973 metres (36 feet).

PLAN WINNIPEG:

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

ADMINISTRATIVE COMMENTS:

The proposed subdivision is consistent with the concept plans for the development of the neighbourhood: Tomkins Bay will be extended and connected to St. Moritz Road, that will eventually be connected to McIvor Avenue at Strongberg Drive. There will be no permanent connection from St. Moritz Road to De Vries Avenue.

The proposed rezoning for a minimum lot width of 35 feet is not consistent with the most recent (since 1998) subdivision plans for the neighbourhood. New residential lots along Strongberg Drive, Drobot Place and John Huyda Drive have been designated "R1-4.5" (45 foot) and "R1-5" (50 foot) wide lots. The southern portion of Tomkins Bay / St. Moritz Road has lot widths of 40 feet. The residential lots immediately west along Thurbly Road are zoned "R1-4".

The Planning and Land-Use Division supports the subdivision and rezoning designation for 35 foot wide lots. The City's policies promote a compact urban form, and is supportive of smaller urban lot developments that have a more efficient servicing and infrastructure demands. There

are also 35 foot wide lots in the neighbourhood – for example, immediately east of the subject property along Thurbly Road at Hovingham Street - thus it would not be out of character for the neighbourhood. An assortment of lot sizes such as this will encourage a diversity of people, and incomes to enter the neighbourhood and promote social integration. The only concern the Division has is with the size of the lots that back on Thurbly Road. The effect of offsetting yards due to the smaller lot widths will visually impact the property enjoyment of the existing residents. Lots 1-6, Block 1 should be a minimum 40 foot to match up with the existing lots to the west.

The Public Works Department recommends that all lots backing onto De Vries Avenue have a special rear yard of 17.5 metres (57.4 feet). Public Works has also made this recommendation for the residential lots along Strongberg Drive and Drobot Place to the north. This special rear yard setback was established to increase the separation distance between De Vries / Lagimodiere Blvd and the residential dwellings in order to alleviate the residents from traffic noises.

A recent Zoning Agreement Amendment (ZAA 7/2001) reduced the special yard requirement for three (3) lots in Block 2, DASZ 6/98 on the northwest corner of McIvor Avenue and De Vries Avenue along Strongberg Drive. The Division supported this application because De Vries Avenue curves west away Lagimodiere Boulevard, thus providing an increased separation distance from traffic. Lot 1 has a rear yard setback of 42.0 feet; lot 2 has a rear yard setback of 43.0 feet; and lot 3 has a rear yard setback of 52 feet to allow for a building footprint of 54 feet. These lots are approximately 38 metres (124 feet) in length.

This same situation occurs for lots 11, 10, and 9, Block 3 in this application. The lots range in length from 36.385 metres (119.373 feet) to 41.816 metres (137.19 feet) due to the change in De Vries Avenue curving west. The Division is recommending that the special rear yard for these three lots be reduced to 39.37 feet, 43.2 feet and 52.19 feet respectively. This will permit a build able area of 60 feet for lots 10 and 11, and 65 feet for lot 9. The applicant has previously stated (ZAA 01/03) that the standard house design of today requires a building footprint of approximately 65 feet. Smaller houses with 54 foot footprint have been constructed along Strongberg Drive, thus a build able area of 60 feet can still accommodate a residential dwelling.

RECOMMENDATION:

A. That, the plan of subdivision proposed under File No. DASZ 35/03 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule “A” for File No. DASZ 35/03, attached hereto and dated December 31, 2003, for registration in the Winnipeg Land Titles, subject to the following:

    a. That, the Developer be required to enter into a Development Agreement with the City containing the conditions as outlined in the Administrative Coordinating Group report File No. AG 35/03 and dated December 23, 2003.

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

C. That, Zoning By-Law 6400/94 be amended by rezoning the subject lands as shown on Schedule 'A' for file No. DASZ 35/03, attached hereto and dated December 31, 2003 to "R1-3.5" Residential District subject to the applicant entering into a Zoning Agreement with the City pursuant to Section 240 (1) of the City of Winnipeg Charter to apply to the lands as shown on Schedule "A", to include the following:

   a. That a minimum 2.0 metre (6.5 feet high) ornamental wood fence be constructed and maintained along the rear lot line of all lots abutting De Vries Avenue to the satisfaction of the Director of Public Works.

   b. That any lots fronting the west side of Tomkins Bay shall have a minimum width of 40 feet.

D. That, a minimum rear yard (setback) of 17.5 metres (57.4 feet) be required for all habitable structures on Lots 1-8, Block 3 abutting De Vries Avenue.

E. That, a minimum rear yard (setback) of 15.90 metres (52.19 feet) be required for all habitable structures on Lot 9, Blocks 3 abutting De Vries Avenue.

F. That, a minimum rear yard (setback) of 13.16 metres (43.2 feet) be required for all habitable structures on Lot 10, Blocks 3 abutting De Vries Avenue.

G. That, a minimum rear yard (setback) of 11.99 metres (39.37 feet) be required for all habitable structures on Lot 11, Blocks 3 abutting De Vries Avenue.

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

I. 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.

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

K. 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, and when the Zoning Agreement has been filed by caveat as a first charge in the Winnipeg Land Titles Office against those lands **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.**

L. 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.

M. That, in the event the necessary City of Winnipeg mylar approval signatures have not been secured within 24 months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

Final

Yours truly,

C. Knoll
Manager of Planning and Land Use

_____

Per: John S. Wintrup, Planner
East Kildonan - Transcona Community
986-5102

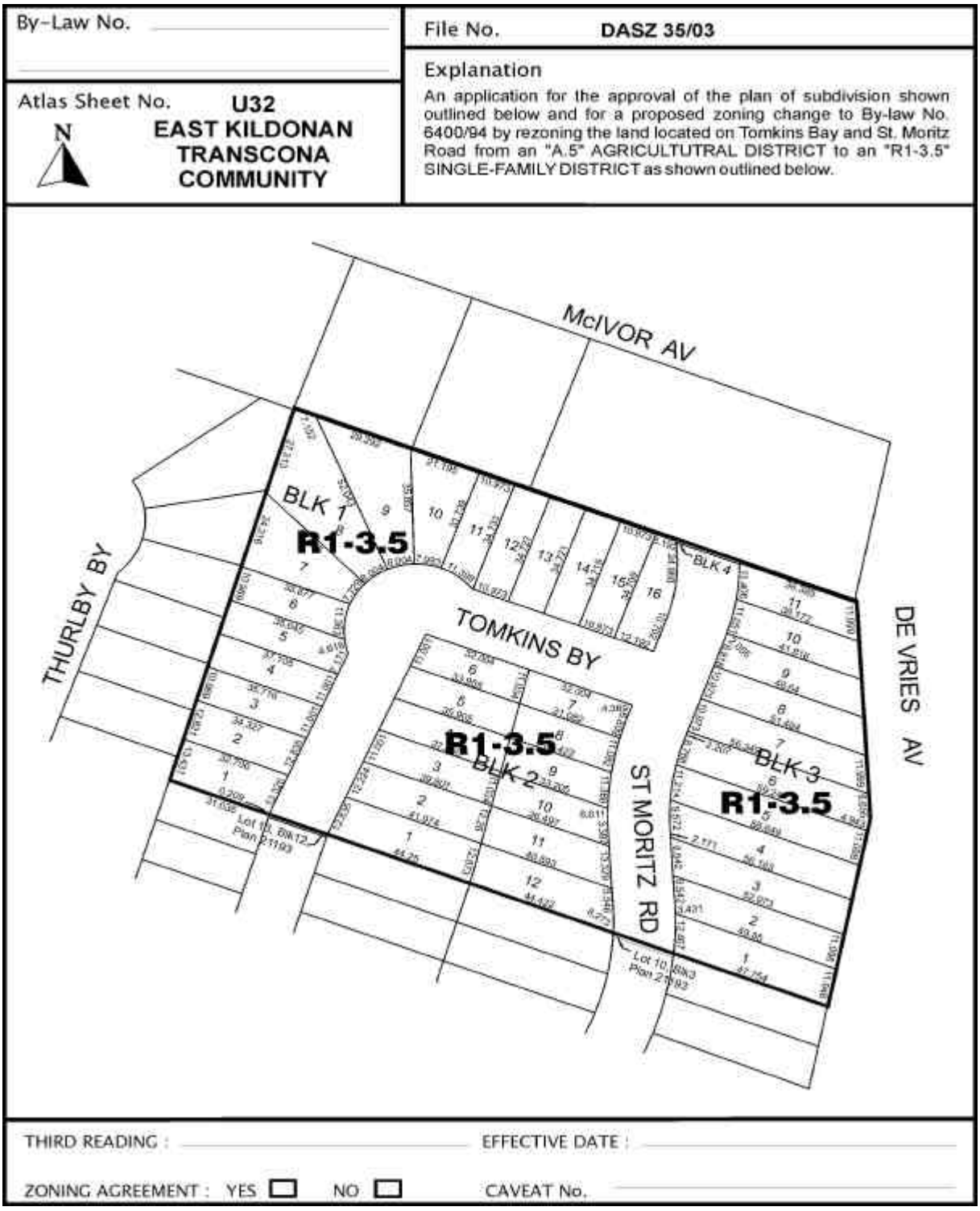


Figure 1: Schedule "A" to the report to the East Kildonan -Transcona Community Committee for File No. DASZ 35/03, dated December 31, 2003.



Figure 2: Air Photo of subject property and Surrounding Context

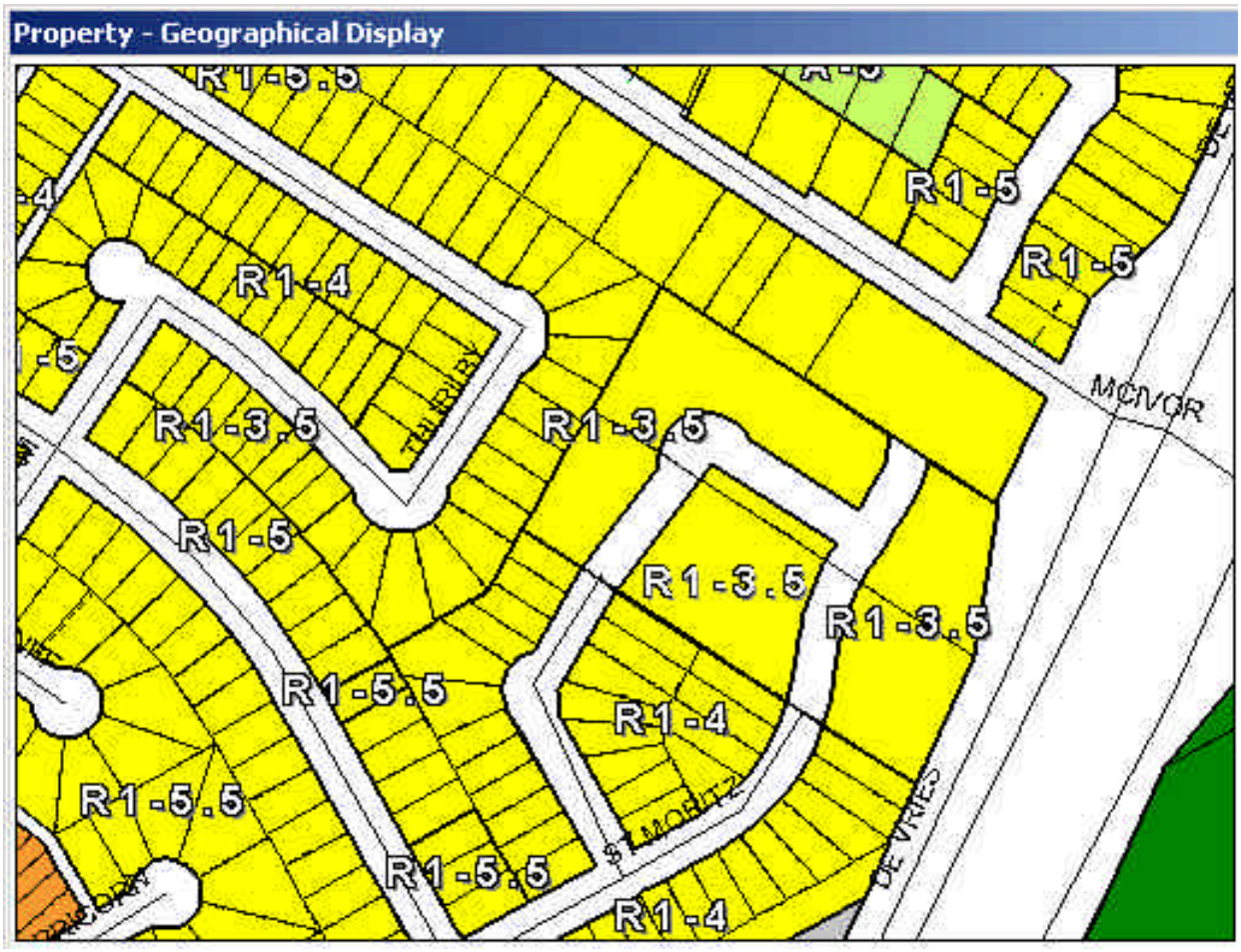


Figure 3: Zoning Map For Subject Property and Surrounding Area

Exhibit "9" referred to in File DASZ 35/2003

Re: Proposed subdivision and rezoning of land located on Tomkins Bay and St. Moritz Road - DASZ 35/03.

An application has been submitted by Doug Henne Planning Services to subdivide and rezone land located on Tomkins Bay and St. Moritz Road.

It is recommended that the Applicant amend the plan such that lots backing onto DeVries Avenue can accommodate a minimum rear yard of 17.5m.

It is also recommended that approval of the amended plan be subject to the Developer entering into a Development Agreement with the City as follows:

1. The Developer shall, at no expense to the City, construct all watermains, wastewater sewers and land drainage sewers required to serve the proposed subdivision including a watermain connection to the main in McIvor Avenue, all to the satisfaction of the Director of Water and Waste.
2. The Developer shall pay its share of the cost of the land drainage trunk and sub-trunk system benefiting the proposed subdivision as determined by the Director of Water and Waste.
3. The Developer shall provide a lot grading plan prepared by a municipal engineer and shall grant easements to the City as may be necessitated by the design.
4. The Developer shall, at no expense to the City, construct portland cement concrete pavement to a width of 7.5m and a thickness of 150mm in all streets within the proposed subdivision, and all related works including, but not necessarily limited to boulevard landscaping, ornamental street lighting and land drainage sewer, all as determined by and to the satisfaction of the Director of Public Works.
5. The Developer shall, at no expense to the City, cause to be installed standard reflectorized permanent street name signs at each new intersection within or adjacent to the proposed subdivision, as determined by the Director of Public Works.
6. The Developer shall, at no expense to the City, provide underground electrical and telephone services to serve the proposed subdivision and will pay the full cost to convert any existing overhead services within the proposed subdivision to underground.
7. The Developer is to pay all costs associated with the installation and/or relocation of street lights and other utilities made necessary as a result of or required to accommodate works, which are required by the Developer to serve the proposed subdivision, as determined by and to the satisfaction of the Director of Public Works.
8. The Developer shall be responsible to control and to initiate the clean up 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. The clean up 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.

9. 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. The Developer shall, at no expense to the City, erect and maintain barricades and signing across the full width of any temporarily dead-ended streets, 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.
11. The Developer shall, at no expense to the City, construct a cul-de-sac type vehicle turnaround at the terminus of each temporarily dead-ended street and provide any right-of-way or easements necessary to accommodate same, all as determined by and to the satisfaction of the Director of Public Works.
12. The Developer shall ensure that two paved means of vehicular access are available at all times through all stages of development of the Planned Area to the satisfaction of the Director of Public Works. This may require the construction of temporary roadways and the provision of easements or right-of-way therefore.
13. Private Approaches will not be permitted off DeVries Avenue to serve development within the proposed subdivision.
14. The Developer shall pay cash in lieu of dedication of land for public open space including landscaping and services in accordance with City policy.
15. The Developer shall pay $1,200.00/acre to defray the City's administration and related costs associated with the preparation and implementation of the Development Agreement.
16. The Developer shall pay the full cost of engineering services provided by or on behalf of the City in connection with the installation of services required to serve the proposed subdivision.
17. The Developer shall, at no expense to the City, construct within the rear yards of all lots backing onto DeVries Avenue, a uniform noise attenuation fence 2.0m in height, to the satisfaction of the Director of Public Works. The Developer is to permit the City to file a caveat against the title of each proposed lot abutting DeVries Avenue 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.

THIS REPORT SUBMITTED BY:
Administrative Coordinating Group
File No. AG 35/03
December 15, 2003

_____
Land Development Engineer

_____
Public Works Department
Transportation Division

_____
Water and Waste Department

V:\7-ACG Reports\03ag35-report.doc