Minute No. 214
Report - Standing Policy Committee on Property and Development - February 3, 2004

Item No. 4 Subdivision and Rezoning - 421 Grassie Boulevard
File DASZ 37/2003

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 37/2003 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 37/2003 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 Servicing Agreement with the City containing the conditions as outlined in the Administrative Coordinating Group report File AG 37/2003 dated December 23, 2003, with the following amendment:

        i. That Condition No. 7 be deleted and replaced with the following:

            "7. The Developer shall contact the Water and Waste Department to arrange for the installation of a water meter to serve 421 Grassie Boulevard in accordance with the terms and conditions of an agreement reached between that Department and the owners of 421 Grassie Boulevard."

2. That The Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the lands as shown on Schedule "A" for File DASZ 37/2003, dated December 31, 2003 to a "R1-4" Single Family District.

3. That a ten percent (10%) dedication be made by a payment of a sum of money to the City in lieu of the requirement for land dedication based on the increase in market value of the land due to the change in zoning and the creation of two additional building lots.

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

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

COUNCIL DECISION (continued):

5. 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.

6. 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.

7. 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.

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.

9. 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.

10. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

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

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 February 18, 2004, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the East Kildonan-Transcona Community Committee, as amended, and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

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:

- Add a new recommendation 3, namely:

  "3. That a ten percent (10%) dedication be made by a payment o f a sum of money to the City in lieu of the requirement for land dedication based on the increase in market value of the land due to the change in zoning and the creation of two additional building lots."

- Renumber the remaining recommendations accordingly,

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. 7 outlined in the Administrative Coordinating Group report be deleted and replaced with the following:

"7. The Developer shall contact the Water and Waste Department to arrange for the installation of a water meter to serve 421 Grassie Boulevard in accordance with the terms and conditions of an agreement reached between that Department and the owners of 421 Grassie Boulevard."

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

RE: **Subdivision and Rezoning –421 Grassie Boulevard**
File DASZ 37/2003

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

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

Report date: **January 26, 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 37/2003 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 37/2003 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 Servicing Agreement with the City containing the conditions as outlined in the Administrative Coordinating Group report File AG 37/2003 dated December 23, 2003, ***with the following amendment:***

        i. That Condition No. 7 be deleted and replaced with the following:

            "7. The Developer shall contact the Water and Waste Department to arrange for the installation of a water meter to serve 421 Grassie Boulevard in accordance with the terms and conditions of an agreement reached between that Department and the owners of 421 Grassie Boulevard."

2. That The Winnipeg Zoning By-Law 6400/94 be amended by rezoning the lands as shown on Schedule 'A' for File DASZ 37/2003, dated December 31, 2003 to a "R1-4" Single Family District.

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

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 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.

6. 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.

7. 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.

8. 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 reasons:

1. Rezoning Lots 2 and 3 of the subject property to an "R1-4" designation would be consistent with the zoning of existing properties in the neighbourhood across Jacques Avenue, and also consistent with the single-family dwellings east across Skowron Crescent.

2. Retaining the zoning designation of Lot 1 as "R1-5.5" would be consistent with the zoning designation south of the subject application across Grassie Boulevard.

3. The application is a positive infill-housing proposal and will add value to the neighbourhood.

PUBLIC HEARING SUMMARY

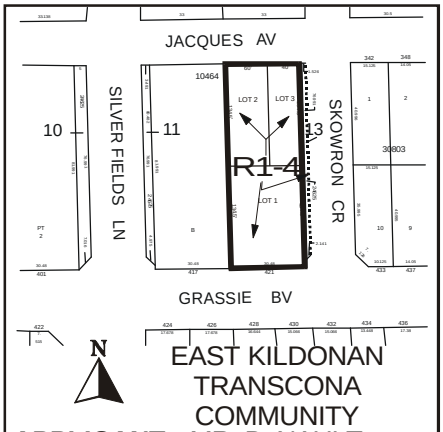
File: DASZ 37/2003

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: Bernard Nault

Subject:



APPLICANT : MR. B. NAULT
FILE : DASZ 37/03
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 and an "R1-5.5" SINGLE-FAMILY DISTRICT to an "R1-4" SINGLE-FAMILY DISTRICT to allow for the creation of sites for single-family development. **For information, phone Mr. J. Wintrup, Planner at 986-5102.**

Premises Affected: 421 Grassie Boulevard

Exhibits Filed:

1. Application dated November 26, 2003
2. Notification of Public Hearing dated December 19, 2003
3. Manitoba Status of Title 1570389
4. Surveyor's Building Location Certificate and Sketch dated July 12, 1985
5. Letter of authorization dated November 2003, from Robert and Joanne Rislund to Bernard or Karen Nault
6. Report from the Manager of Planning and Land Use dated December 31, 2003
7. Report from the Administrative Coordinating Group dated December 16, 2003
8. Inspection Report
9. Communication dated January 12, 2004 from Joanne and Robert Rislund with respect to the application

REPRESENTATIONS:

In Support:
Bernard Nault

In Opposition:
Nil

For the City:
John Wintrup, Planner, Planning, Property and Development Department

SUMMARIZATON OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

Bernard Nault appeared in support of the application to subdivide the rear yard (Lots 2 and 3) of 421 Grassie Boulevard to develop two residential lots. He advised that the front yard of the subject property (Lot 1) has an existing house, which will remain. He further advised that the property owners of 421 Grassie Boulevard do not wish to connect their existing house to access water services of the City of Winnipeg, and in this connection, submitted a communication from them indicating their support of a servicing agreement condition, which would allow them to continue to use their well for supplying water to their house, filed as Exhibit 9.
Councillor Wyatt questioned if the applicant would object to Lot 1 of the subject property remaining as an "R1-5.5" designation and not be rezoned to "R1-4". The applicant responded by advising that he does not object to Lot 1 to continue to be zoned as "R1-5.5".

Councillor Wyatt also questioned if the applicant would be willing to purchase the 5 foot wide strip owned by the City of Winnipeg which flanks the east side of the entire property and is adjacent to the east side of Skowron Crescent. In this connection, Bernard Nault responded by advising that he is not interested in purchasing the surplus City of Winnipeg property.

Exhibit "6" referred to in File DASZ 37/2003

In reply please refer to / Référence à rappeler :

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

File No. DASZ 37/03 December 31, 2003
Our c/f CP 500 (.424)

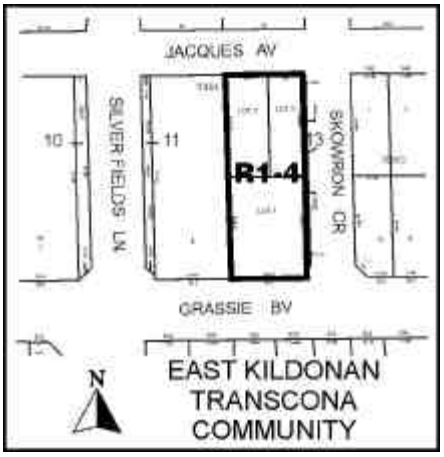
Ms. Inga Skundberg, Community Clerk
East Kildonan – Transcona Community Committee
Council Building
510 Main Street
Winnipeg, MB R3B 1B9

Dear Ms. Skundberg:

SUBDIVISION AND REZONING
421 Grassie Blvd
East Kildonan - Transcona Community Committee
File No. DASZ 37/03

An application has been received from Bernard Nault 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 "R1-5.5" Residential District and "A-5" Agricultural District to a "R1-4" Residential District.

RELATED FILES:



SITE DESCRIPTION:

Site Area: The site area is approximately 2500.523 square metres (26,915.41 square feet).

Existing Land Use and Zoning: Residential dwelling occupying land designated "R1-5.5" Residential District and "A-5" Agricultural District

Surrounding Land Use and Zoning:

North: Across Jacques Avenue, Single Family Dwellings designated "R1-4"
South: Across Grassie Avenue, Single Family Dwellings designated "R1-5"
East: Across Skowron Crescent, Single Family Dwellings designated "R1-4" and Multi-Family Dwellings designated "RM-2".
West: Single Family Dwelling designated "R1-5.5" and "A-5".

DEVELOPMENT DESCRIPTION:

Bernie Nault has applied to rezone and subdivide the rear yard of 421 Grassie Blvd, which backs onto Jacques Blvd and flanks Skowron Crescent. Mr. Nault would like to develop two residential lots fronting Jacques Avenue. The rear yard is currently zoned "Agricultural" and the front yard with the existing house is zoned "Residential". The existing residential dwelling fronting Grassie Boulevard will remain.

PLAN WINNIPEG:

The proposed concept complies with Plan Winnipeg in that a residential rezoning is allowed in Neighbourhood Policy Areas. The proposed development also achieves the Plan Winnipeg policy of intensifying residential density through infill development.

ADMINISTRATIVE COMMENTS:

The Administration supports rezoning the rear portion of the property from "A-5" to "R1-4". The new zoning designation for Lots 2 and 3 will complement the existing zoning to the north and east along Jacques Avenue that have a "R1-4" designation. The Administration believes that future subdivisions and rezoning along the south side of Jacques Avenue will be for an "R1-4" designation, with new lots ranging from 40 – 60 feet. A mixture of lot sizes such as this will encourage a diversity of incomes and housing types for the neighbourhood.

The Administration does not support rezoning the front portion of the property designated as Lot 1 from "R1-5.5" to "R1-4". All the single family residential lots that front Grassie Boulevard in this neighbourhood are designated "R1-5" and "R1-5.5". The Administration feels that rezoning Lot 1 to "R1-4" at this time is premature. The existing dwelling is to remain on a 100 foot wide lot with no plan to subdivide into smaller lots fronting Grassie. In fact, the Administration

believes that the character of Grassie Boulevard should remain as large lots consistent with an "R1-5.5" / "R1-5" zoning designation.

The City of Winnipeg owns a 5 foot wide strip (Lot 13, Plan 24625) of land (118.688 sq metes) flanking the east side of the entire property. This strip of land is west of the public sidewalk that is adjacent to the east side of Skowron Crescent.

Public Works has stated this 5 foot strip is "surplus to the City needs and should be sold to the applicant for inclusion in the proposed plan of subdivision." The current zoning designation of the City Land reflects the adjacent parcel – "A-5" for the northern half and "R1-5.5" for the southern half of the lot.

The applicant is not open to purchasing the City property at this time. However, the Planning Department is recommending that the City Lands be included in the rezoning to designate its 5 foot strip as "R1-4" for the northern half. This would reflect the adjacent property's new designation, allowing for future consolidation of the lands with the adjoining properties, and alleviating the need for an additional public hearing for a relatively small piece of property. It would also 'clean up' the zoning map for the area.

RECOMMENDATION:

A. That, the plan of subdivision proposed under File No. DASZ 37/03 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File No. DASZ 37/03, 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 Servicing Agreement with the City containing the conditions as outlined in the Administrative Coordinating Group report File No. AG 37/03 and dated December 23, 2003.

B. That, Zoning By-Law 6400/94 be amended by rezoning the lands as shown on Schedule 'A' for file No. DASZ 37/03, attached hereto and dated December 31, 2003 to "R1-4" Single Family District.

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

D. 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.

E. 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.

F. 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.

G. 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.

H. 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

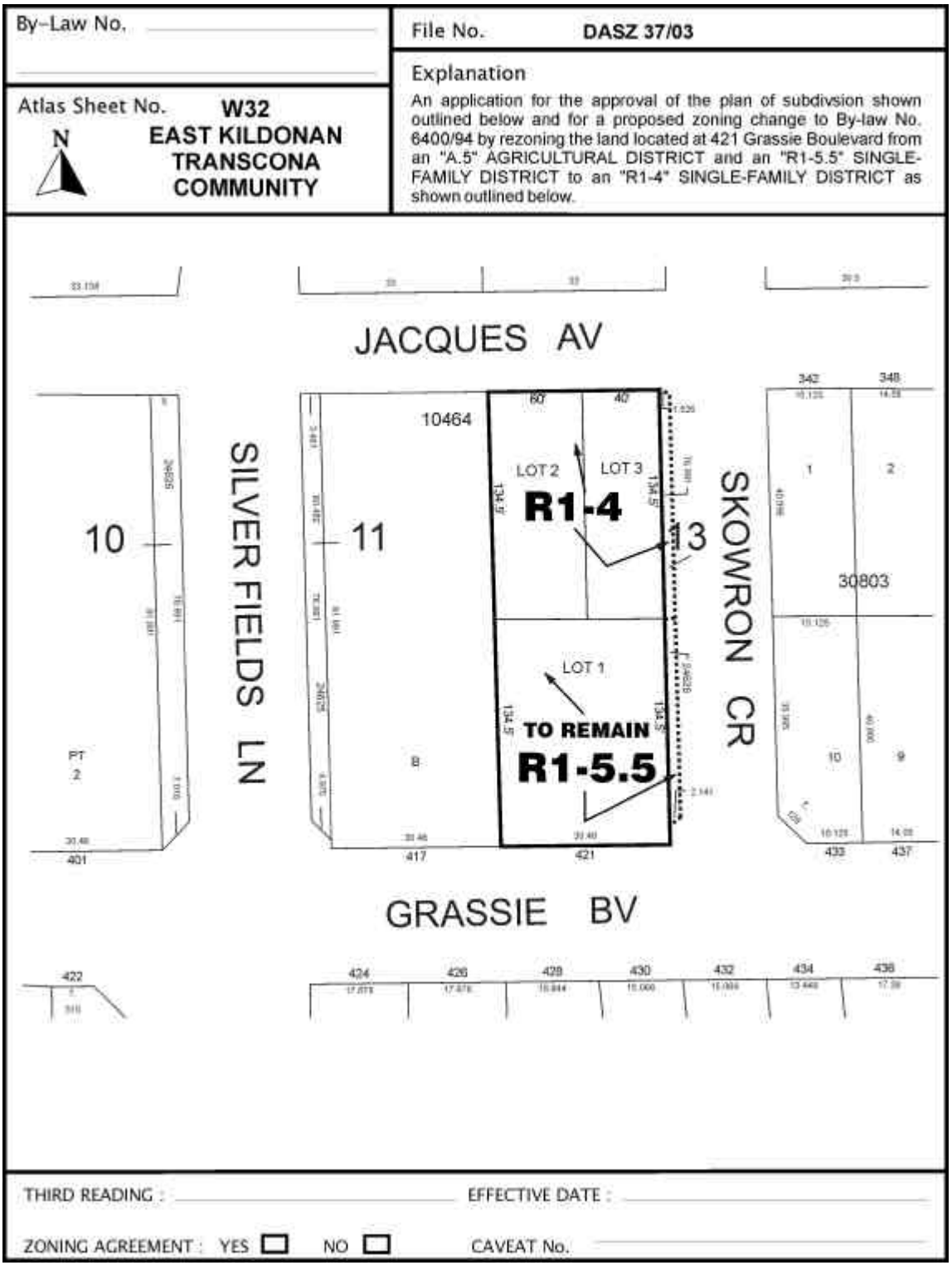


Figure 1: Schedule "A" to the report to the East Kildonan -Transcona Community Committee for File No. DASZ 37/03, dated December 31, 2003.

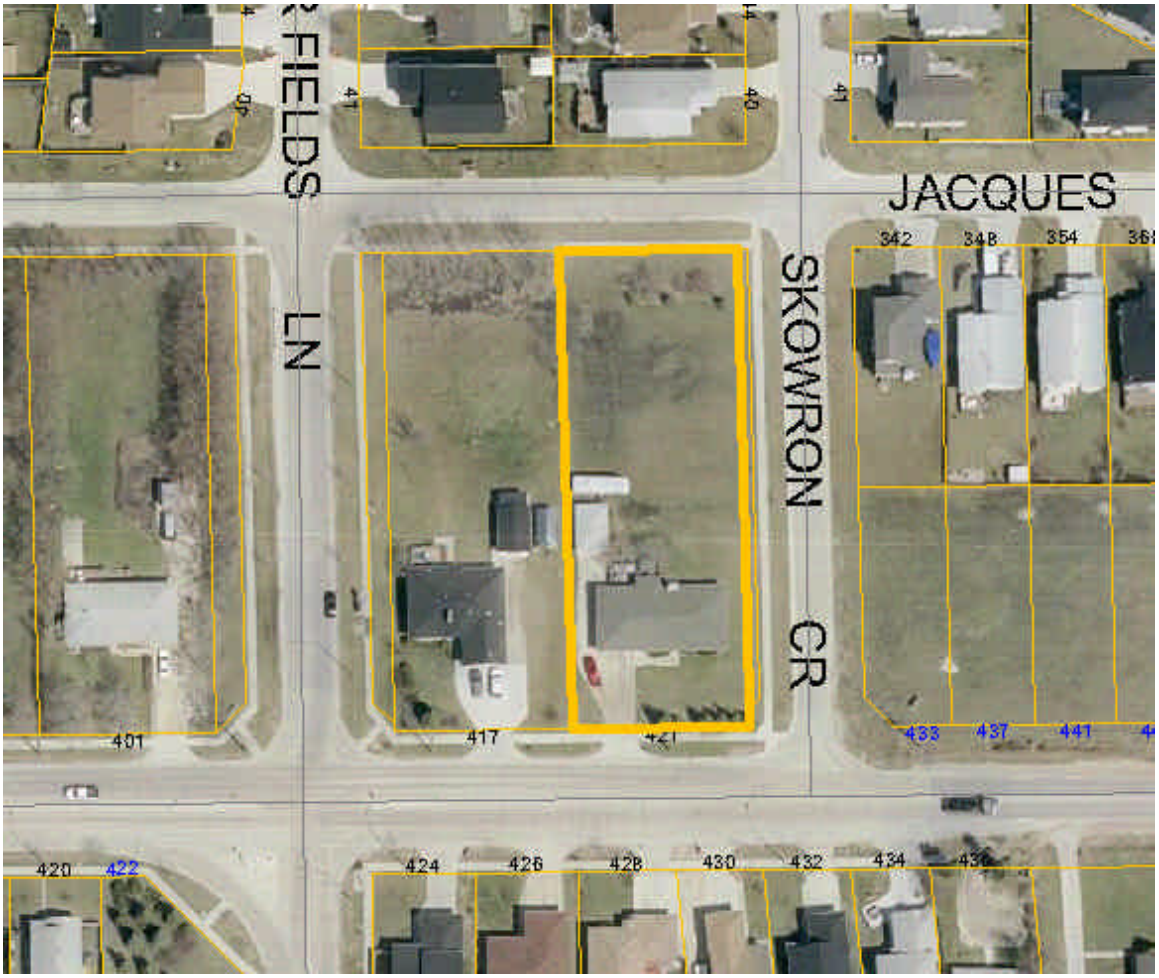


Figure 2: Air Photo of subject property and Surrounding Context

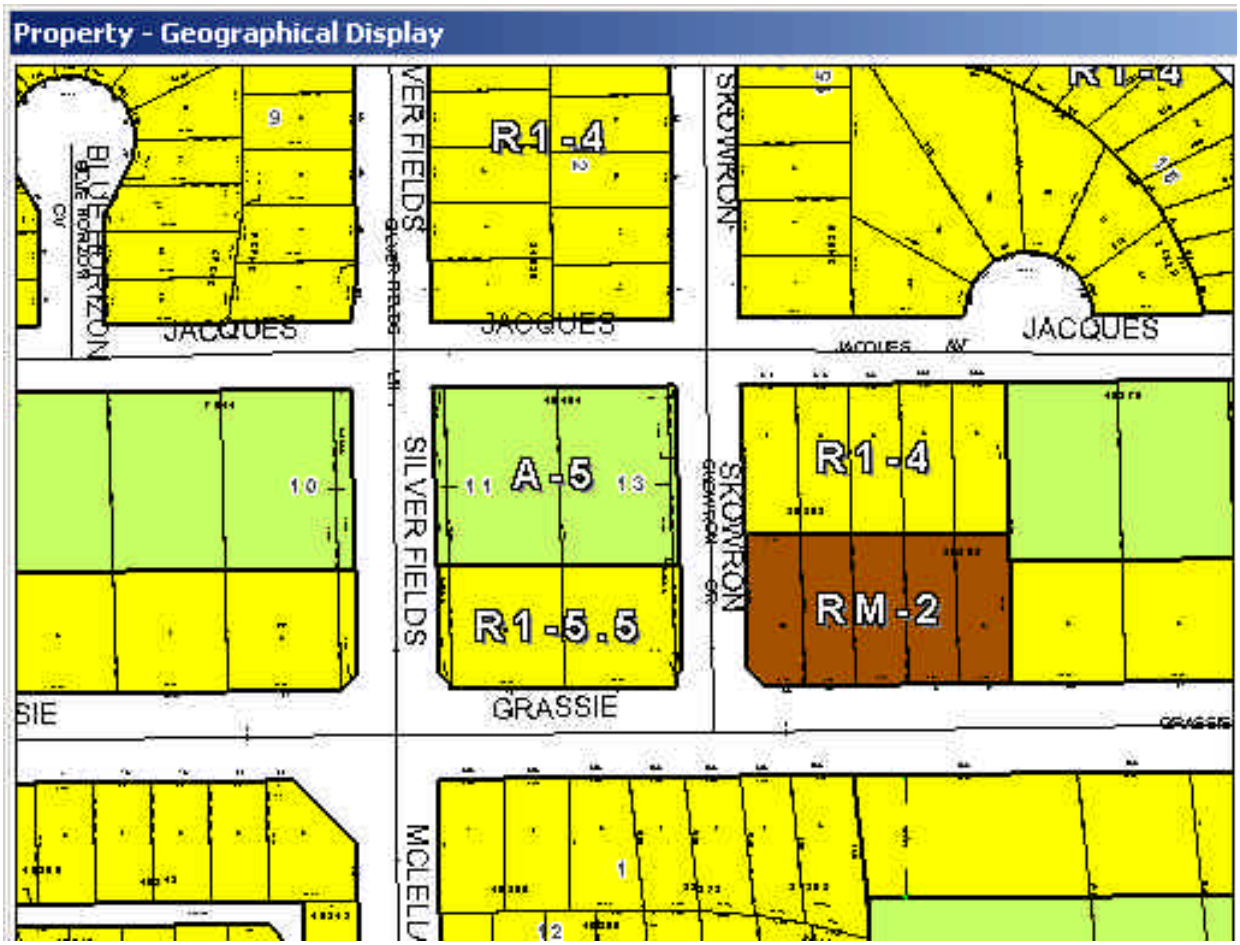


Figure 3: Zoning Map For Subject Property and Surrounding Area

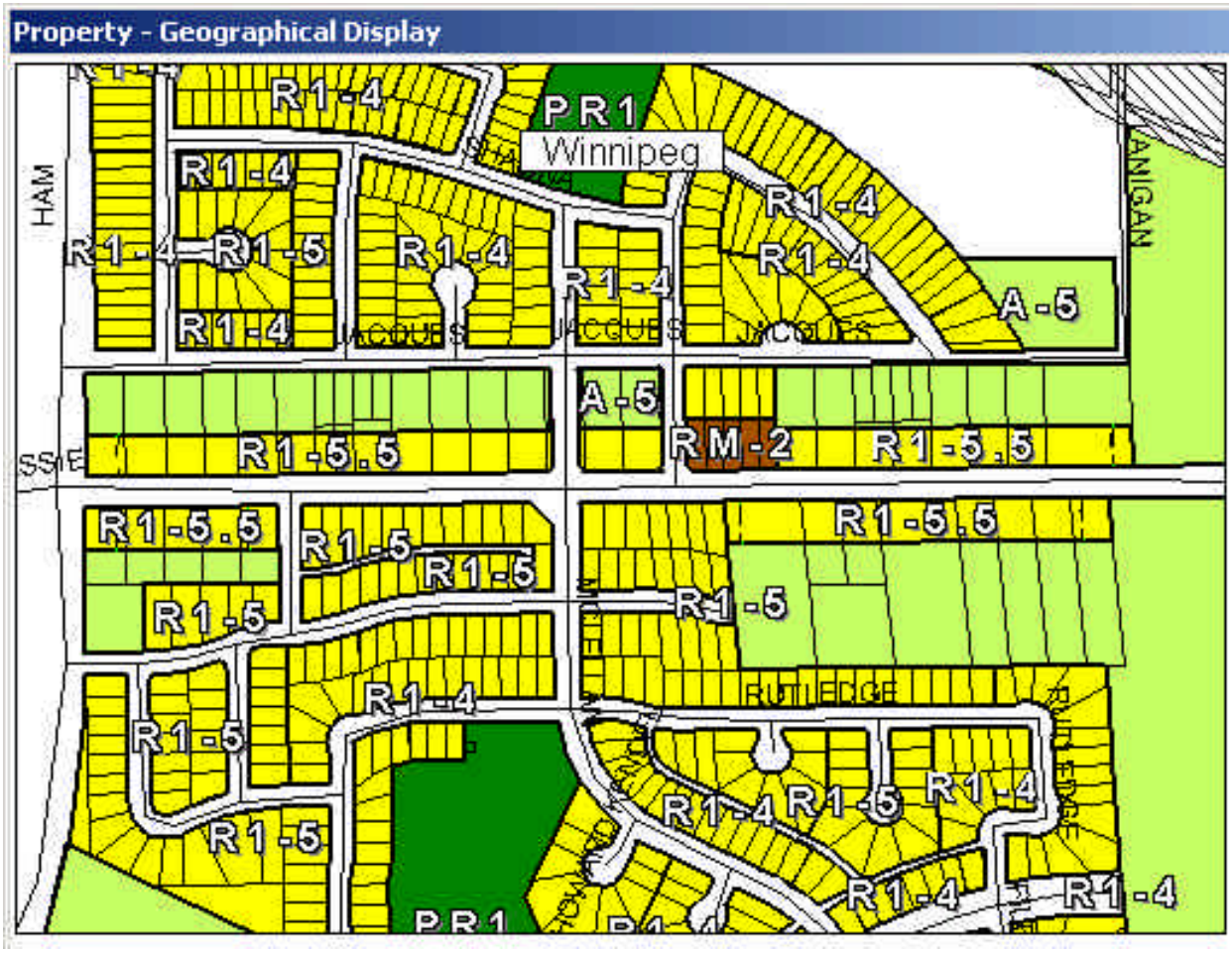


Figure 4: Zoning Map For Surrounding Area

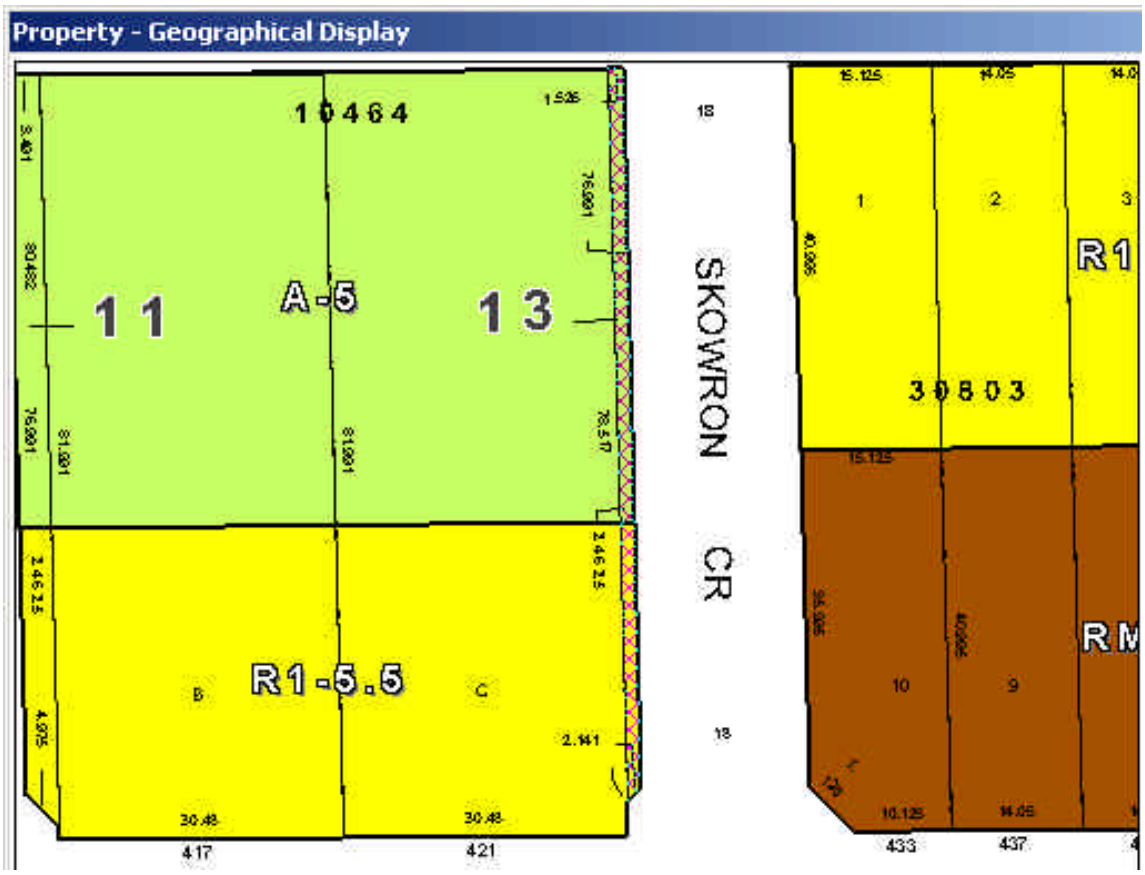


Figure 5: Zoning Map For City of Winnipeg Property – Lot 13

Exhibit "7" referred to in File DASZ 37/2003

Re: Proposed subdivision and rezoning of land located at the northwest corner of Grassie Boulevard and Skowron Crescent - DASZ 37/03.

An application has been submitted by Mr. B. Nault to subdivide and rezone land located at the northwest corner of Grassie Boulevard and Skowron Crescent.

When Skowron Crescent was established in 1989, a residential strip of land measuring approximately 5' in width was created along the west side of Skowron Crescent between Grassie Boulevard and Jacques Avenue adjacent to the property now being subdivided. This strip of land is described as Block 13, Plan 24625. It would be desirable that this 5' strip of land be included within the subject application. The Applicant would be required to purchase the 5' strip and also pay for the services fronting the 5' strip on Jacques Avenue. The land would cost approximately $3.75/sq. ft. and the services would cost approximately $232.00 per frontage foot. The Applicant has advised the Subdivision Officer that he is not interested in acquiring the 5' strip due to the additional costs involved.

It is recommended that the Applicant amend its plan to provide and legally open, at no expense to the City, property required to complete the right-of-way corner cut at the northwest corner of Grassie Boulevard and Skowron Crescent as determined by the Director of Public Works.

It is recommended that approval of DASZ 37/03 be subject to the Developer entering into a Servicing Agreement containing the following:

1. The Developer shall pay its share of the cost of a full range of services installed by others in Jacques Avenue on the basis of Local Improvement rates prevailing at the time payment is received.
2. The Developer shall pay its share of the cost of surface improvements installed by others in Grassie Boulevard on the basis of Local Improvement rates prevailing at the time payment is received.
3. The Developer shall pay its share of the cost of traffic improvements constructed by others at and near the intersection of Grassie Boulevard and Lagimodiere Boulevard as determined by the Director of Planning, Property and Development.
4. The Developer shall pay its share of the cost of land drainage trunk facilities benefiting proposed Lots 2 and 3 as determined by the Director of Water and Waste.
5. The Developer shall submit a lot grading plan prepared by a municipal engineer and shall grant easements and install any catch basin and lead indicated by the lot grading plan.
6. The Developer shall pay $525.00 to defray the City's administration and related costs associated with the preparation and implementation of the servicing agreement.
7. The Developer shall connect the existing house at 421 Grassie Boulevard to City services and shall contact the Water and Waste Department to arrange for the installation of a water meter.

THIS REPORT SUBMITTED BY:
Administrative Coordinating Group
File No. AG 37/03 December 16, 2003

_____
Land Development Engineer

_____
Public Works Department
Transportation Division

_____
Water and Waste Department

enclosure

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