Minute No. 364
Report – Executive Policy Committee – April 21, 2021

Item No. 11 Subdivision and Rezoning – 385 Grassie Boulevard (Transcona Ward) File DASZ 33/2020 [c/r DCU 226814/2020D and DAV 226828/2020D]

COUNCIL DECISION:

Council concurred in the recommendation of the Executive Policy Committee and adopted the following:

1. That the subdivision under Development Application No. DASZ 33/2020 be approved for preparation as a plan of subdivision (the "Plan") by a Manitoba Land Surveyor in accordance with the map dated December 22, 2020 and attached as Schedule "A" to this report, with such minor changes as may be required, and registration in the Winnipeg Land Titles Office.

2. That the Developer shall meet all the terms and conditions as outlined in Schedule "B", the report of the Administrative Coordinating Group, dated February 11, 2021 to the satisfaction of the Director of Planning, Property and Development.

3. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land to a "R1-M" Residential Single-Family (Medium) District as shown on the map dated December 22, 2020 and attached as Schedule "A" to this report.

4. That in lieu of the dedication of land, the developer shall provide a cash payment in an amount equal to ten percent (10%) of the appraised value of Development Application No. DASZ 33/2020, as determined by the City's Director of Planning, Property and Development.

5. That this matter will be deemed to be concluded and all approvals in connection with this matter will expire if a by-law to implement this report (the "by-law") is not enacted within 2 years after the date on which this report is approved by Council unless the developer applies for an extension of time before the expiration of the 2 year period and Council approves the extension.

6. That upon instruction from the Director of Planning, Property and Development, the Director of Legal Services/City Solicitor prepare and bring it directly to council for enactment of the By-law in accordance with the above.

7. That the subdivision section of the By-law will come into force when the Plan is registered in the Winnipeg Land titles Office.

Report – Executive Policy Committee – April 21, 2021

COUNCIL DECISION (continued):

8. That the zoning section of the By-law will come into force when the Plan is registered in the Winnipeg Land Titles Office.

9. That the By-law will be repealed without coming into force 1 year after the date it is enacted if the Plan is not registered in accordance with recommendation 7 and 8 unless the developer applies for an extension of time before the expiration of the 1 year period and Council approves the extension.

10. That this matter will be deemed to be concluded and all approvals in connection with this matter will expire if necessary Plan approvals signatures on behalf of the City have not been secured within 1 year after the date on which the By-law is enacted unless the developer applies for an extension of time before the expiration of the 1 year period and Council approves the extension.

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

12. That the Variance Order shall come into force and effect upon the coming into force and effect of the zoning by-law for the subject land under File DASZ 33/2020.

Report – Executive Policy Committee – April 21, 2021

DECISION MAKING HISTORY:

Moved by His Worship Mayor Bowman,

That the recommendation of the Executive Policy Committee be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On April 21, 2021, 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 April 7, 2021, 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.

PUBLIC HEARING SUMMARY

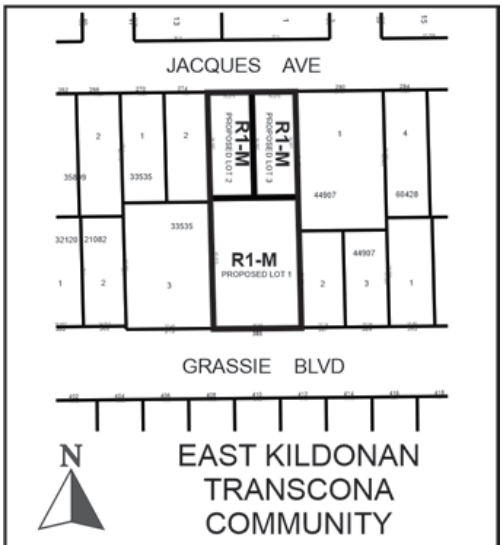
File: DASZ 33/2020

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

Public Hearing: April 7, 2021
Council Building, 510 Main Street

Applicant: Grantham Law Office (Joy Sime)

Subject:



APPLICANT : Grantham Law Offices (Joy Sime)
FILE : DASZ 33/2020
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. 200/2006 by rezoning the land shown outlined above from an "R1-L" RESIDENTIAL SINGLE-FAMILY (LARGE) DISTRICT and an "RR5" RURAL RESIDENTIAL 5 DISTRICT to an "R1-M" RESIDENTIAL SINGLE-FAMILY (MEDIUM) DISTRICT to facilitate the establishment of three (3) residential lots to allow the maintenance of the Single-Family Dwelling use and Aviary use, along with the construction of single-family dwellings. **For information, phone Mr. F. Ojo, Planner at 204-986-6008.**

Premises Affected: 385 Grassie Boulevard

For submission to: The Executive Policy Committee

Prepared by: T. Pomanski, Committee Clerk
East Kildonan-Transcona Community Committee

Report date: April 7, 2021

Community Committee Recommendation:

On April 7, 2021, 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 subdivision under Development Application No. DASZ 33/2020 be approved for preparation as a plan of subdivision (the "Plan") by a Manitoba Land Surveyor in accordance with the map dated December 22, 2020 and attached as Schedule "A" to this report, with such minor changes as may be required, and registration in the Winnipeg Land Titles Office.

2. That the Developer shall meet all the terms and conditions as outlined in Schedule "B", the report of the Administrative Coordinating Group, dated February 11, 2021 to the satisfaction of the Director of Planning, Property and Development.

3. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land to a "R1-M" Residential Single-Family (Medium) District as shown on the map dated December 22, 2020 and attached as Schedule "A" to this report.

4. That in lieu of the dedication of land, the developer shall provide a cash payment in an amount equal to ten percent (10%) of the appraised value of Development Application No. DASZ 33/2020, as determined by the City's Director of Planning, Property and Development.

5. That this matter will be deemed to be concluded and all approvals in connection with this matter will expire if a by-law to implement this report (the "by-law") is not enacted within 2 years after the date on which this report is approved by Council unless the developer applies for an extension of time before the expiration of the 2 year period and Council approves the extension.

6. That upon instruction from the Director of Planning, Property and Development, the Director of Legal Services/City Solicitor prepare and bring it directly to council for enactment of the By-law in accordance with the above.

7. That the subdivision section of the By-law will come into force when the Plan is registered in the Winnipeg Land titles Office.

8. That the zoning section of the By-law will come into force when the Plan is registered in the Winnipeg Land Titles Office.

9. That the By-law will be repealed without coming into force 1 year after the date it is enacted if the Plan is not registered in accordance with recommendation 7 and 8 unless the developer applies for an extension of time before the expiration of the 1 year period and Council approves the extension.

10. That this matter will be deemed to be concluded and all approvals in connection with this matter will expire if necessary Plan approvals signatures on behalf of the City have not been secured within 1 year after the date on which the By-law is enacted unless the developer applies for an extension of time before the expiration of the 1 year period and Council approves the extension.

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

12. That the Variance Order shall come into force and effect upon the coming into force and effect of the zoning by-law for the subject land under File DASZ 33/2020.

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

1. This has been done in some of the adjoining properties. You see the same land layout and I think this is in accordance with what has happened in previous situations in the area.

Exhibits Filed:

1. Application dated December 16, 2020
2. Notification of Public Hearing dated February 4, 2021
3. Manitoba Status of Title 1711271/1
4. Letter of authorization dated August 25, 2020 from Robert Henry Loewen and Teresa Mary Loewen to Doug Grantham or Joy Sime, Grantham Law Offices
5. Drawing of subject property
6. Surveyor's Building Location Certificate and Plan dated October 5, 2020
7. Report from the Urban Planning Division dated March 25, 2021
8. Inspection Report
9. Recording of Representations

REPRESENTATIONS:

In Support:

Teresa Loewen

In Opposition:

Nil

For Information:

Alexandra Nazarevich
Youlan Wang

For the City:

F. Ojo, Planner, Planning, Property and Development Department
G. Doney, Senior Planner, Planning, Property and Development Department
D. Trenchard, Land Development Engineer, Planning, Property and Development Department

Exhibit "7" referred to in File DASZ 33/2020

ADMINISTRATIVE REPORT

Title: DASZ 33/2020 – 385 Grassie Boulevard

Issue: For consideration at the public hearing to subdivide and rezone land from "R1-L" Residential Single-Family Large District and "RR5" Rural Residential 5 to "R1-M" Residential Single-Family Medium District, creating three (3) single-family residential lots.

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

AUTHORIZATION

Author	Department Head	CFO	CAO
F. Ojo, MCIP	n/a	n/a	

RECOMMENDATIONS

1. That the subdivision under Development Application No. DASZ 33/2020 be approved for preparation as a plan of subdivision (the "Plan") by a Manitoba Land Surveyor in accordance with the map dated December 22, 2020 and attached as Schedule "A" to this report, with such minor changes as may be required, and registration in the Winnipeg Land Titles Office.

2. That the Developer shall meet all the terms and conditions as outlined in Schedule "B", the report of the Administrative Coordinating Group, dated February 11, 2021 to the satisfaction of the Director of Planning, Property and Development.

3. That the Winnipeg Zoning By-law No. 200/06 be amended by rezoning the subject land to a "R1-M" Residential Single-Family (Medium) District as shown on the map dated December 22, 2020 and attached as Schedule "A" to this report.

4. That in lieu of the dedication of land, the developer shall provide a cash payment in an amount equal to ten percent (10%) of the appraised value of Development Application No. DASZ 33/2020, as determined by the City's Director of Planning, Property and Development.

5. That this matter will be deemed to be concluded and all approvals in connection with this matter will expire if a by-law to implement this report (the "by-law") is not enacted within 2 years after the date on which this report is approved by Council unless the developer applies for an extension of time before the expiration of the 2 year period and Council approves the extension.

6. That upon instruction from the Director of Planning, Property and Development, the Director of Legal Services/City Solicitor prepare and bring it directly to council for enactment of the By-law in accordance with the above.

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9. That the By-law will be repealed without coming into force 1 year after the date it is enacted if the Plan is not registered in accordance with recommendation 7 and 8 unless the developer applies for an extension of time before the expiration of the 1 year period and Council approves the extension.

10. That this matter will be deemed to be concluded and all approvals in connection with this matter will expire if necessary Plan approvals signatures on behalf of the City have not been secured within 1 year after the date on which the By-law is enacted unless the developer applies for an extension of time before the expiration of the 1 year period and Council approves the extension.

11. That the proper officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

12. That the Variance Order shall come into force and effect upon the coming into force and effect of the zoning by-law for the subject land under File DASZ 33/2020.

REASON FOR THE REPORT

- The applicant intends to subdivide and rezone an existing parcel on 385 Grassie Boulevard, which is currently zoned “R1-L” Residential Single-Family Large District and “RR5” Rural Residential 5 District to “R1-M” Residential Single-Family Small District. Creating three (3) single-family residential lots.
- Subdivisions and rezonings require a Public Hearing as per the *Development Procedures By-law* and *The City of Winnipeg Charter.*
- The Report is being submitted for the Committee’s consideration of the development application at the Public Hearing.

IMPLICATIONS OF THE RECOMMENDATIONS

- If the recommendations of the Urban Planning Division are concurred in, the subject land will be subdivided and rezoned from “R1-L” Residential Single-Family Large District and “RR5” Rural Residential 5 District to 3 “R1-M” Residential Single-Family Medium District lots.

HISTORY

N/A

CONSULTATION

In preparing this Report there was consultation with the Administrative Coordinating Group.

SUBMITTED BY

Department	Planning, Property and Development
Division	Urban Planning Division
Prepared by	Femi Ojo, MCIP, RPP
Date:	March 25, 2020
File No.	DASZ 33/2020

APPENDIX 'A'

DATE: March 25, 2020

FILE: **DASZ 33/2020**

RELATED FILES: DCU 20-226814D; DAV 20-226828D

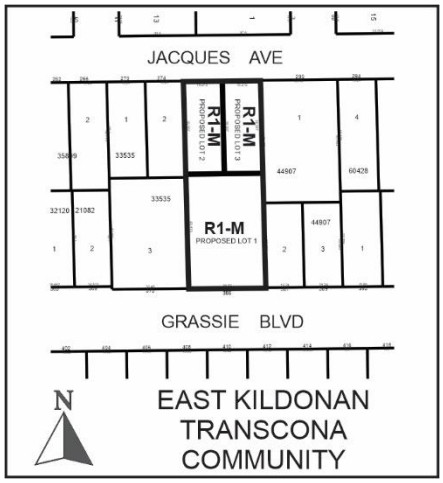
COMMUNITY: East Kildonan - Transcona

NEIGHBOURHOOD #: 4.424 (Grassie)

SUBJECT: The applicant is proposing to rezone the property to R1-M and subdivide the land into three (3) residential lots.

LOCATION: 385 Grassie Boulevard

LEGAL DESCRIPTION: LOT 1 PLAN 15337 WLTO IN OTM LOTS 63A AND 64A PARISH OF KILDONAN



APPLICANT: Grantham Law Office (Joy Sime)
278 Main Street (PO BOX 1400)
Winnipeg, MB R0C 2Z0

OWNER: Robert & Terresa Loewen
385 Grassie Boulevard
Winnipeg, MB

RECOMMENDATION: Approval

SITE DESCRIPTION

- The subject property is located on the north side of Grassie Blvd in the Grassie Neighborhood of the Transcona ward.
- The applicant is proposing to subdivide the existing 26,948 sq. ft. parcel into three (3) lots.
- Existing on the property is a one storey single-family residence, situated on the proposed Lot 1 with a living area of 1,281 sq. ft.

- The subject property falls within the Area of Stability – Recent Communities policy area under the *Complete Communities Direction Strategy.* The property is currently zoned "R1-E" Residential Single-Family Estate and "RR5" Rural Residential 5.

- The subject property is also within the Existing Low-Density Residential Area of the Transcona West Area Structure Plan.



Figure 1: Site map of subject property and surrounding neighbourhood (flown 2018)

SURROUNDING ZONING & USES (See Figure 2)

North: Jacques Avenue, then residences zoned "R1-M" Residential Single-Family Medium.

South: Grassie Boulevard, then residences zoned "R1-M" Residential Single-Family Medium.

East: Residences zoned "R1-L" Residential Single-Family Large and "R1-M" Single-Family Medium.

West: Residences zoned "R1-L" Residential Single-Family Large and "RR5" Rural residential 5.

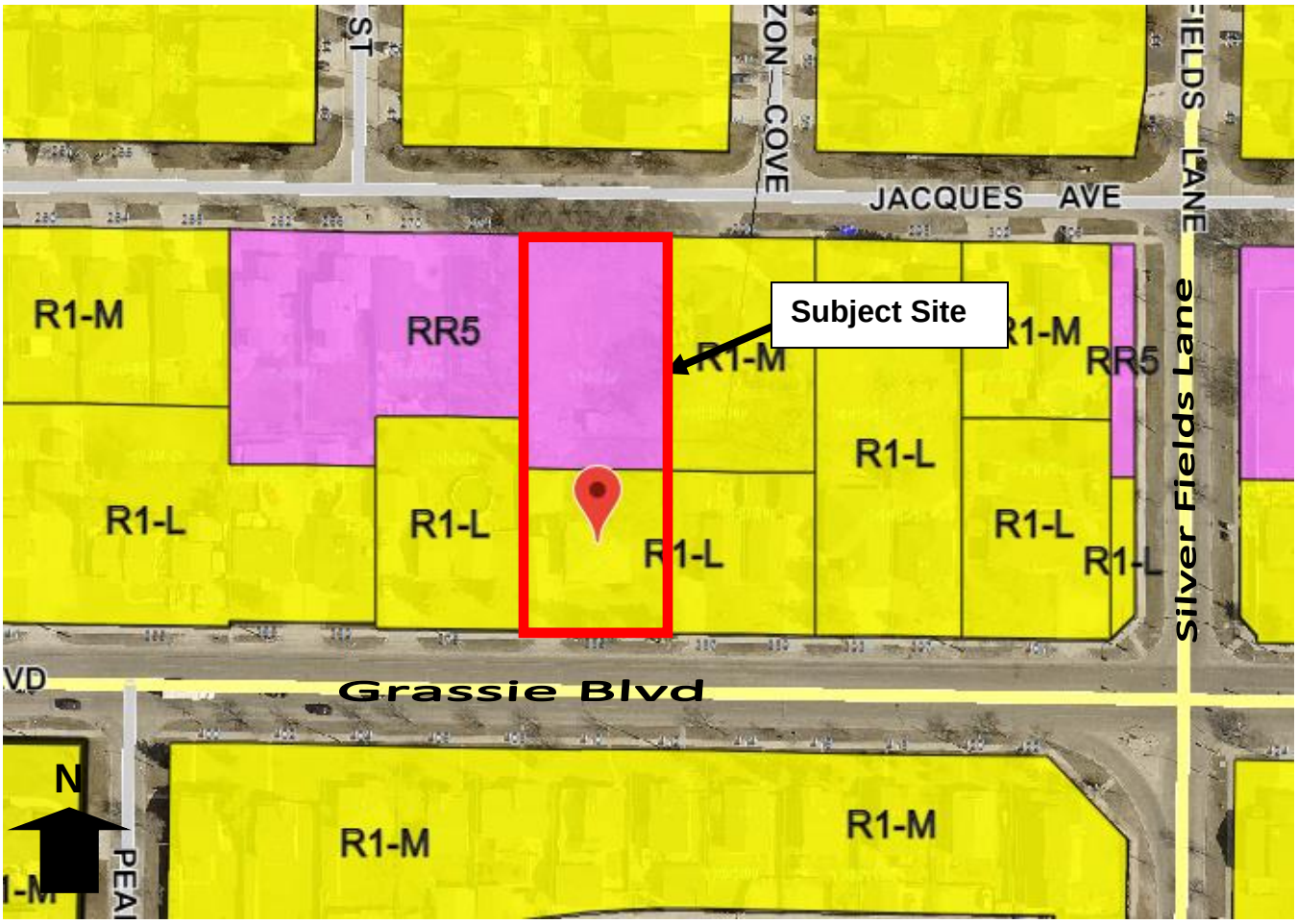


Figure 2: Zoning map of subject property and surrounding neighbourhood

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant intends to subdivide the existing parcel on 385 Grassie Blvd which is currently split zoned “R1-L” Residential Single-Family – Large and “RR5” Rural Residential 5 into three (3) lots, rezoning the proposed Lots 1, 2 & 3 to “R1-M” Residential Single-Family Medium.
- The existing single-family dwelling and all accessory structures on proposed Lot 1 will be retained, while proposed Lots 2 & 3 will be sold.
- An associated conditional use application has been submitted under File DCU 20 - 226814\D, which is for the maintenance of an aviary use on proposed Lot 1(see Planner’s report).
- Also, two variances are required for the maintenance of an aviary use on the proposed Lot 1. An associated variance application has been made under file DAV 20 - 226828\D (see Planner’s report).

COLLABORRATIVE PLANNING & CONSULTATION

The applicant contacted the Urban Planning Division prior to making a formal application. The Planning Division is supportive of the subject proposal.

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 use and development in the city.
- The Key Direction of *OurWinnipeg* and *Complete Communities* that applies to the Areas of Stability policy area states:
    - *Enhance the quality, diversity, completeness and sustainability of stable neighbourhoods and expand housing options for Winnipeg's changing population.*
- The proposed plan of subdivision and rezoning would facilitate three (3) single-family lots and the future construction of two new single-family homes, which expands housing options for this neighbourhood and supports the efficient use of existing and future infrastructure. Therefore, the proposed plan of subdivision and rezoning comply with the aforementioned Key Direction.
- The first and third policies of Direction 1 of Section 04 of *Complete Communities* state, respectively:
    - Support the subdivision of a parcel of land into two or more lots when it is done in a context sensitive manner.
    - *Support low to moderate change in low-density neighbourhoods through development and redevelopment that is complementary to the existing scale, character and built form.*
    - *Promote the form of buildings and spaces that are sensitive to the community context and address the transition between new and existing developments.*
    - *Support Complete Communities by ensuring diverse and high-quality housing stock*
- The proposed subdivision plan and rezoning are consistent with these policies as it will facilitate the maintenance of an existing single-family home and allow for the future construction of two additional single-family homes. This is compatible with the existing development pattern in the area.

Transcona West Area Structure Plan

- The subject site falls within the Transcona West Area Structure Plan. The site is designated Existing Low Density Residential.
- Section 5.1.1 The purpose of the Residential Area is to provide for low density residential development.
- Section 5.1.2 Composition of Proposed Residential Areas

- "*single family and two-family residential uses shall be the predominant use of land within the Residential Areas.*

- The proposed "R1-M" Residential Single-Family lots is consistent with the residential policies of the West Transcona Structure Plan and the existing development pattern within the immediate vicinity.

REZONING

- The subject property is currently split zoned "R1-L" Residential Single-Family Large and "RR5" Rural Residential 5. The applicant is proposing to rezone the land to "R1-M" Residential Single Family – Medium and create three (3) buildable lots.
- The "R1-M" district requires: a minimum lot width of 25 feet, a minimum lot area of 3,500 sq. ft., side yard setback of 4 feet, a front yard of 15 feet and a rear yard setback of 25 feet. The maximum building height is 35 feet and the maximum lot coverage is 45%.

COMPATIBILITY WITH SURROUNDING USES

- The subject property falls within the Area of Stability of *Complete Communities Direction Strategy* which supports the subdivision of a parcel of land into two or more lots when it is done in a context sensitive manner. The proposed "R1-M" lots and the future construction of single-family homes on proposed Lots 2 & 3 are consistent with the above policy.
- Aside from the above, the maintenance of the existing single-family dwelling on the proposed Lot 1 and the future construction of single-family homes on proposed Lots 2 & 3 is consistent with the Residential Area Policies of the *Transcona West Area Plan*, which prescribes that *"the purpose of the residential areas is to provide for low density residential development".*
- The Urban Planning Division believes that subdivision and rezoning the subject lands to "R1-M" and the future construction of single-family homes on proposed Lots 2 & 3 is compatible with the existing development pattern in the area.
- Given the above, the subject proposal will facilitate an increase in housing supply in this part of Winnipeg, which is consistent with *Complete Communities.*
- There is nothing to suggest that the proposal will have an adverse effect on any future development in the area.
- The Urban Planning Division is supportive of the subject application.

KEY COMMENT PROVIDED BY OTHER CIVIC DEPARTMENTS

- It is noted that the subject DASZ application (33/2020) has been reviewed by civic departments through the Administrative Coordinating Group (ACG).
- This review process is used to determine developer obligations such as servicing requirements, land dedication and other considerations.
- The ACG Report in this instance outlined servicing considerations that needs to be met as part of the DASZ 33/2020 approval.

DEDICATION

- When a developer rezones and/or subdivides a parcel of land, they are required to put in an application with the City of Winnipeg.
- As a condition of rezoning or subdivision application, a developer is required to contribute a portion of the land to be developed to the City for parks purposes of not less than 10%; OR
- The developer is to provide land or 'cash in lieu' as determined by the Planning, Property and Development Department.

RECOMMENDATION

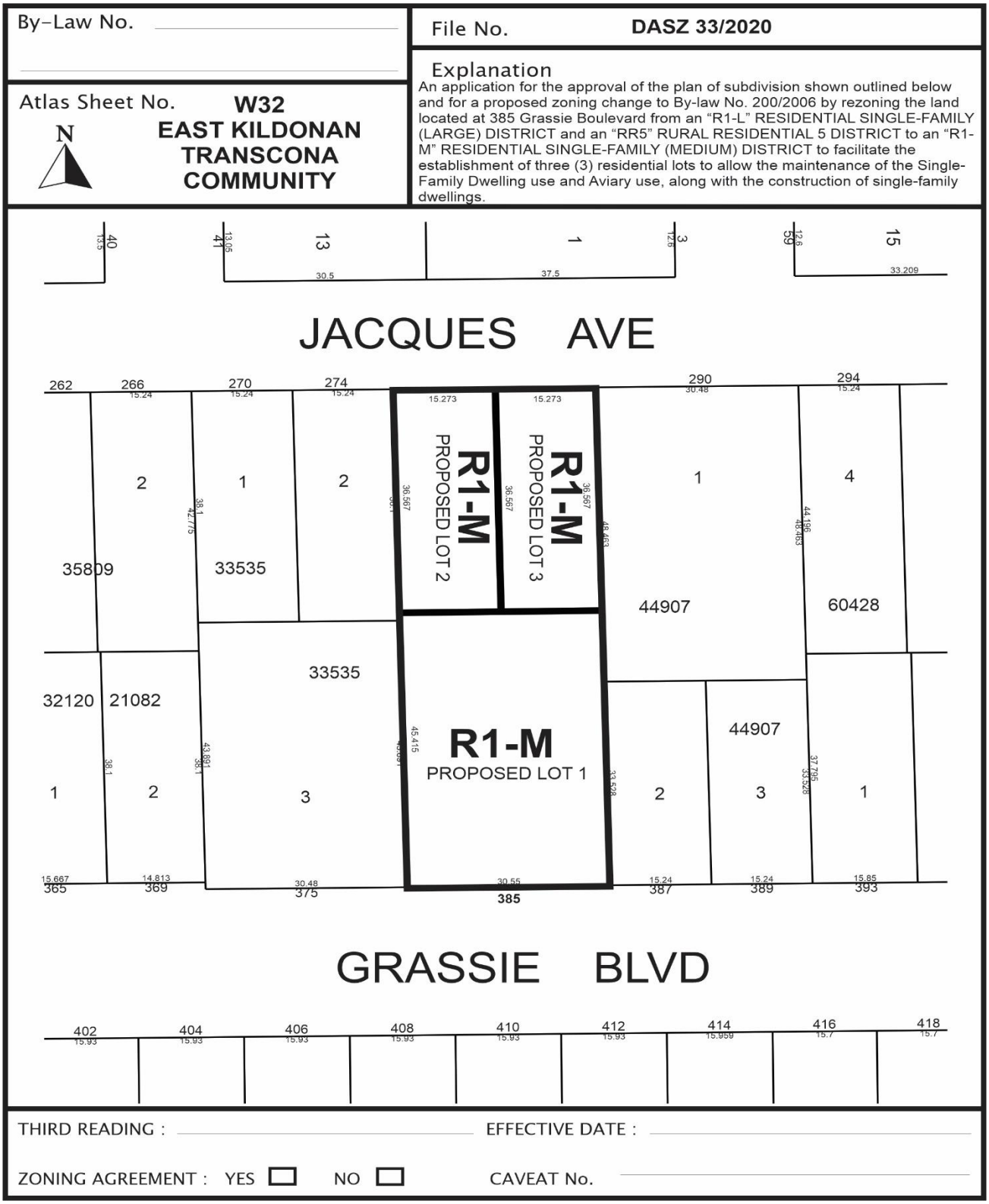
The Urban Planning Division recommends **approval** for the following reasons:

- The Urban Planning Division recommends approval because the proposed plan of subdivision and rezoning are consistent with *Complete Communities Direction Strategy* and the *Transcona West Area Structure Plan.*
- The subject proposal is consistent and compatible with the surrounding properties;
    - The existing building on proposed Lot 1 and the future development on proposed Lots 2 and 3 will compatible with the area.
- The proposed development will increase the housing stock within the neighbourhood.

This Report Submitted by:

Planning, Property and Development Department
Urban Planning Division
Report Prepared By: Femi Ojo, MCIP, RPP
PPD File # DASZ 33/2020

Schedule "A" for File No. DASZ 33/2020, East Kildonan - Transcona Community Committee, dated December 22, 2020



SCHEDULE B

REPORT OF THE ADMINISTRATIVE COORDINATING GROUP

RE: PROPOSED SUBDIVISION AND REZONING OF LAND LOCATED AT 385 GRASSIE BOULEVARD

The Administrative Coordinating Group (ACG) reviewed the servicing requirements for DASZ 33/2020. The applicant should take into consideration the following servicing and design requirements, costs and considerations in the redevelopment of the site:

Section I - Servicing Considerations

1) Share of Services in Grassie Boulevard

The Developer shall pay to the City, in cash, prior to release of subdivision mylars for registration in the Winnipeg Land Titles Office, their share of the cost of services previously installed by the City and/or others, for the full length of the Planned Area abutting the Grassie Boulevard, all as determined by and to the satisfaction of the Director of the Director of Public Works and the Director of Water and Waste.

2) Share of Services in Jacques Avenue

The Developer shall pay to the City, in cash, prior to release of subdivision mylars for registration in the Winnipeg Land Titles Office, their share of the cost of services previously installed by the City and/or others, for the full length of the Planned Area abutting the Jacques Avenue, all as determined by and to the satisfaction of the Director of the Director of Public Works and the Director of Water and Waste.

3) Regional Land Drainage System

The Developer shall pay to the City, in cash, prior to the release of subdivision mylars for registration in the Winnipeg Land Titles office, their share of the regional land drainage system, as determined by and to the satisfaction of the Director of Water and Waste.

4) Lot Line Service Connections

The Developer shall provide a signed letter to the City's Land Development Branch stating that:

a. The Developer understands that they are responsible for the full cost to install separate sewer and water lot line services from the respective mains in Jacques Avenue to the property line of the newly created Lots 2 and 3; and,

b. If the applicant sells any of the newly created Lots 2 and 3 before the have installed the services referred to in a. above, they will undertake to inform the purchaser (new owner) in writing that the purchaser is responsible for the costs to install the lot line services referred to in a.

5) Lot Grading

a. The Developer shall, at no expense to the City and prior to the execution of the servicing agreement, provide a lot grading plan, prepared by a municipal engineer, for the Planned Area, to the satisfaction of the Director of Water and Waste.

b. The Developer shall, at no expense to the City, construct all drainage works necessitated by the lot grading plan of record to the satisfaction of the Director of Water and Waste.

c. Prior to the issuance of any building permits in respect of the Planned Area, the Developer shall, at no expense to the City, construct all swales, catchbasins and leads required to provide lot drainage within the Planned Area.

d. Upon registration of the approved subdivision mylars in the Land Titles Office, the Developer shall, at no expense whatsoever to the City, grant to the City and register easements in respect of all swales, catchbasins and leads for lot drainage within the Planned Area.

6) Share of Services at Grassie Boulevard and Lagimodiere Boulevard

The Developer shall pay to the City, in cash, prior to the release of subdivision mylars for registration in the Winnipeg Land Titles Office, their share of the cost of Portland cement concrete pavement previously installed by the City and/or others in the vicinity of the intersection of Grassie Boulevard and Lagimodiere Boulevard, as determined by the Director of Public Works.

7) Traffic Signals

a. The Developer shall pay to the City, in cash, prior to the release of subdivision mylars for registration in the Winnipeg Land Titles Office, their share of traffic control signals previously installed by the City and/or others in the vicinity of the intersection of Grassie Boulevard and Lagimodiere Boulevard, as determined by the Director of Public Works.

b. The Developer shall pay to the City, in cash, prior to the release of subdivision mylars for registration in the Winnipeg Land Titles Office, their share of traffic control signals previously installed by the City and/or others in the vicinity of the intersection of Grassie Boulevard and McLellan Drive, as determined by the Director of Public Works.

THIS REPORT SUBMITTED BY:

Administrative Co-ordinating Group
File No. DASZ 33/2020
February 11, 2021

"*Original Signed by D. Trenchard"*
D. Trenchard, P. Eng.
Land Development Branch
Planning, Property and Development Department

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

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

Exhibit "6" referred to in File DASZ 33/2020

