Minute No. 353
Report - Standing Policy Committee on Property and Development - April 8, 2004

Item No. 7 **Subdivision and Rezoning - north side of John Huyda Drive, east of Mitchelson Way**
File DASZ 2/2004

COUNCIL DECISION:

Council concurred in the recommendation of the Standing Policy Committee on Property and Development and adopted the following:

1. That The Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject lands as shown on Schedule "A" for File DASZ 2/2004, dated February 17, 2004, to an "R1-5.5" Single Family District.

2. That the plan of subdivision proposed under File DASZ 2/2004 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 2/2004 dated February 17, 2004, for registration in the Winnipeg Land Titles Office.

3. That Caveat 1776150 be withdrawn as it affects Lot 3, Plan 30,781 WLTO.

4. 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 creation of one additional building site.

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

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.

Report - Standing Policy Committee on Property and Development - April 8, 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 April 14, 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 and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On April 8, 2004, the Standing Policy Committee on Property and Development concurred in the recommendation of the East Kildonan-Transcona Community Committee and forwarded the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On March 16, 2004, 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 – North Side of John Huyda Drive, East of Mitchelson Way
File DASZ 2/2004

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

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

Report date: March 26, 2004

COMMUNITY COMMITTEE RECOMMENDATION:

On March 16, 2004, 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 Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject lands as shown on Schedule 'A' for File DASZ 2/2004, dated February 17, 2004 to an "R1-5.5" Single Family District .

2. That the plan of subdivision proposed under File DASZ 2/2004 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 2/2004, dated February 17, 2004 for registration in the Winnipeg Land Titles Office.

3. That Caveat 1776150 be withdrawn as it affects Lot 3, Plan 30,781 WLTO.

4. 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 creation of one additional building site.

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 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.

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

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. 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 reason for its recommendation:

1. The East Kildonan-Transcona Community Committee agreed with the administrative comments contained in the report from the Manager of Planning and Land Use dated February 17, 2004.

PUBLIC HEARING SUMMARY

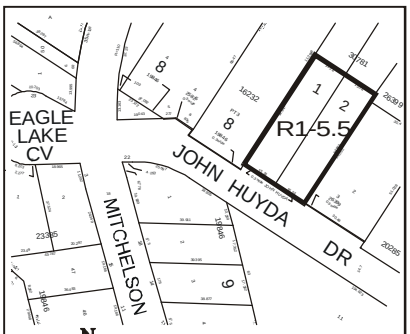
File: DASZ 2 /2004

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

Public Hearing: March 16, 2004
Community Committee Chamber
755 Henderson Highway

Applicant: Doug Henne Planning Services

Subject:



APPLICANT : DOUG HENNE PLANNING SERVICES
FILE : DASZ 2/04
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 an additional site for single-family development, and to withdraw the existing Subdivision Agreement affecting the subject site. **For information, phone Mr. J. Wintrup, Planner at 986-5102.**

Premises Affected: North side of John Huyda Drive, East of Mitchelson Way

Exhibits Filed:

1. Application dated January 21, 2004
2. Notification of Public Hearing dated January 23, 2004
3. Manitoba Status of Title 1791491
4. Letter of authorization dated January 5, 2004, from Annie Kostynyk to Doug Henne Planning Services
5. Plan prepared by Doug Henne Planning Services
6. Plans (2 pages)
7. Report from the Manager of Planning and Land Use dated February 17, 2004
8. Inspection Report

REPRESENTATIONS:

In Support:

Doug Henne, Doug Henne Planning Services

In Opposition:

Nil

For the City:

John Wintrup, Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

Doug Henne appeared in support of the application and in support of the administrative recommendations contained in the report from the Manager of Planning and Land Use dated February 17, 2004.

.

Exhibit "7" referred to in File DASZ 2/2004

In reply please refer to / Référence à rappeler :

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

File No. DASZ 02/04 February 17, 2004
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
N.S. of John Huyda Drive
E. of Mitchelson Way
East Kildonan - Transcona Community Committee
File No. DASZ 02/04

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 an "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; DASSF 553/91; DAV 324/91



SITE DESCRIPTION:

Site Area: The site area is approximately 18,031.92 square feet (1,675.22 square metres). The subject site has a frontage of 100 feet (30.48 metres) along the north side of John Huyda Drive.

Existing Land Use and Zoning: Vacant land designated "A-5" Agricultural District.

Surrounding Land Use and Zoning:

North: Along Bonner Avenue, single family dwellings designated "R1-5.5".
South: Across John Huyda Drive, vacant lands recently approved and rezoned for single family dwellings zoned "R1-5".
East: Along John Huyda Drive, vacant lands recently approved for single family dwellings on lots zoned "R1-5.5".
West: Rear yards designated "A-5" for single family dwellings fronting Bonner Avenue.

DEVELOPMENT DESCRIPTION:

The applicant intends to create two (2) lots and rezone the subject property from "A-5" Agricultural District to an "R1-5.5" Single Family District. These lots will each be 50 feet (15.24 metres) in width and 180 feet (54.947 metres) in length for 9,000 square feet.

John Huyda Drive will be developed as an improved roadway from its present terminus just north of Ragsdill Road to Mitchelson Way. Full municipal services will be installed as per DASZ 02/03.

A subdivision agreement in a previous subdivision (DASSF 553/91) restricts the issuing of buildings permits on proposed Lots 1 and 2 on the north side of John Huyda Drive until such time the land has been rezoned and a full range of municipal has been installed. The caveat can be withdrawn if this application proceeds.

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.

The proposed zoning designation is consistent with other properties on the north side of John Huyda Drive recently approved for rezoning and subdivision.

RECOMMENDATION:

1. That, Zoning By-Law 6400/94 be amended by rezoning the subject lands as shown on Schedule 'A' for file No. DASZ 02/04, attached hereto and dated February 17, 2004 to "R1-5.5" Single Family District .

2. That, the plan of subdivision proposed under File No. DASZ 02/04 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File No. DASZ 02/04, attached hereto and dated February 17, 2004 for registration in the Winnipeg Land Titles Office.

3. That, Caveat 1776150 be withdrawn as it affects Lot 3, Plan 30,781 WLTO.

4. That, a 10 percent 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 creation of one additional building site.

5. 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.

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

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. 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.

Final

Yours truly,

C. Knoll
Manager of Planning and Land Use

_____

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

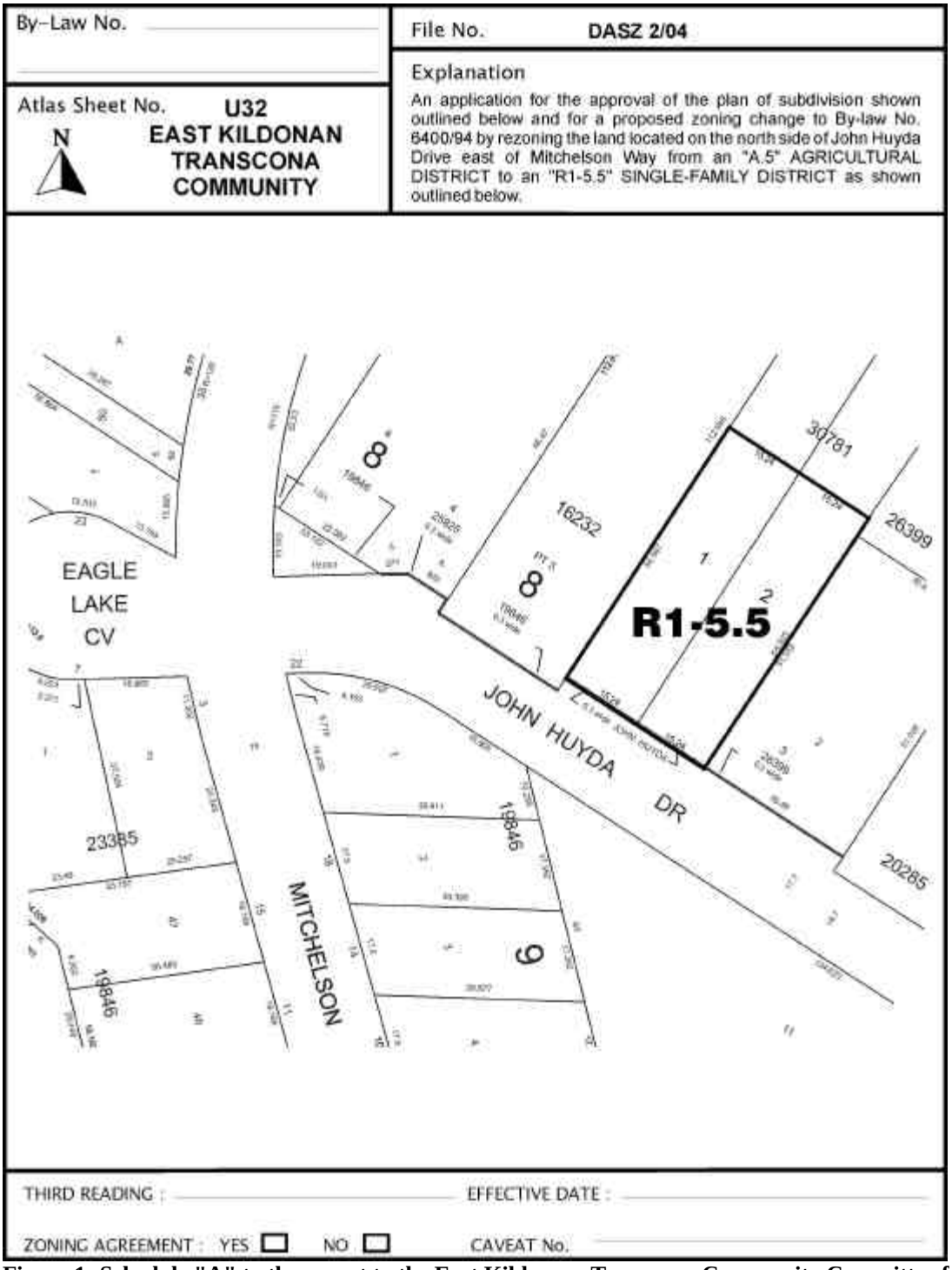


Figure 1: Schedule "A" to the report to the East Kildonan -Transcona Community Committee for File No. DASZ 02/04, dated February 17, 2004.

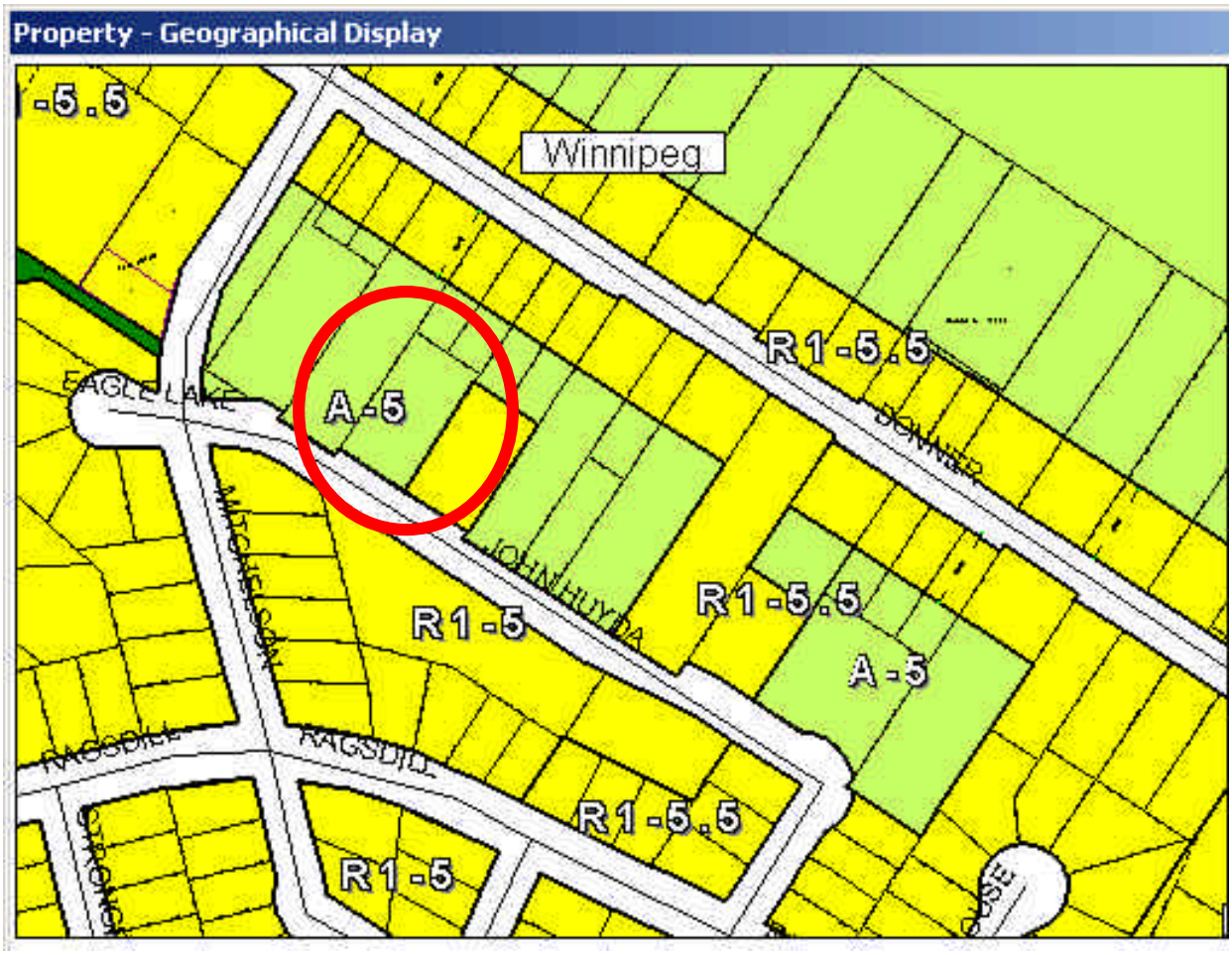


Figure 2: Existing Zoning For John Huyda Drive and Surrounding Area.



Figure 3: Existing Land-Uses For John Huyda Drive and Surrounding Area.



Figure 4: Existing Land-Uses For subject property on John Huyda Drive.