Agenda – Council – September 29, 2021

Report – Executive Policy Committee – September 21, 2021

Item No. 12 Subdivision and Rezoning – 750 Bonner Avenue (North Kildonan Ward) File DASZ 20/2021 [c/r DAV 143183/2021D]

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On September 21, 2021, the Executive Policy Committee concurred in the recommendation of the East Kildonan-Transcona Community Committee and submitted the following to Council:

1. That the subdivision under Development Application No. DASZ 20/2021 be approved for preparation as a plan of subdivision (the "Plan") by a Manitoba Land Surveyor in accordance with the map dated August 10, 2021 and attached as Schedule "B" 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 "C", the report of the Administrative Coordinating Group, dated July 28, 2021, to the satisfaction of the Director of Planning, Property and Development.

3. 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 20/2021, as determined by the City's Director of Planning, Property and Development.

4. That this matter will be deemed to be concluded and all approvals in connection with this matter will expire if the plan of subdivision (the "Plan") as prepared by a Manitoba Land Surveyor in accordance with Recommendation 1 is not submitted to the City for preparation of 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.

5. 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 the By-law in accordance with the above.

6. 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 – September 21, 2021

EXECUTIVE POLICY COMMITTEE RECOMMENDATION (continued):

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

8. That the By-law will be repealed without coming into force 1 year after the date it is enacted if the Plan is not registered in accordance with Recommendation 6 unless the Developer applies for an extension of time before the expiration of the 1-year period and Council approves the extension.

9. That this matter will be deemed to be concluded and all approvals in connection with this matter will expire if the necessary Plan approval 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.

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

Report – Executive Policy Committee – September 21, 2021

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On September 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 September 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

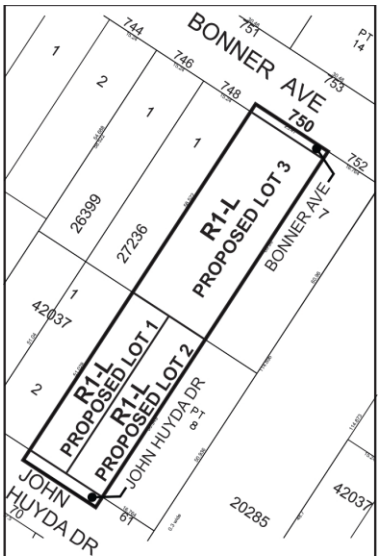
File: DASZ 20/2021

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

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

Applicant: Waterside Development Corp. (Bob Doolan)

Subject:



APPLICANT : Waterside Development Corp. (Robert Doolan)
FILE : DASZ 20/2021
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 a portion of the land shown outlined above from an "R1-L" RESIDENTIAL SINGLE-FAMILY (LARGE) DISTRICT and an "RR5" RURAL RESIDENTIAL 5 DISTRICT to an "R1-L" RESIDENTIAL SINGLE-FAMILY (LARGE) DISTRICT to facilitate the establishment of three (3) residential zoning lots to allow the construction of two (2) single-family dwellings along John Huyda Drive. **For information, phone Mr. F. Ojo, Planner at 204-986-6008.**

Premises Affected: 750 Bonner Avenue

For submission to: Executive Policy Committee

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

Report date: September 7, 2021

Community Committee Recommendation:

On September 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 20/2021 be approved for preparation as a plan of subdivision (the "Plan") by a Manitoba Land Surveyor in accordance with the map dated August 10, 2021 and attached as Schedule "B" 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 "C", the report of the Administrative Coordinating Group, dated July 28, 2021, to the satisfaction of the Director of Planning, Property and Development.

3. 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 20/2021, as determined by the City's Director of Planning, Property and Development.

4. That this matter will be deemed to be concluded and all approvals in connection with this matter will expire if the plan of subdivision (the "Plan") as prepared by a Manitoba Land Surveyor in accordance with Recommendation 1 is not submitted to the City for preparation of 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.

5. 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 the By-law in accordance with the above.

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

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

8. 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 6 unless the Developer applies for an extension of time before the expiration of the 1-year period and Council approves the extension.

9. That this matter will be deemed to be concluded and all approvals in connection with this matter will expire if the necessary Plan approval 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.

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

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

1. This is a mature neighbourhood. There have been subdivisions over the years, all those rear lots on Bonner Avenue. Again, none of them have been less than 50 feet. I do think this is too much of a break from that. Again, from 50 to 40 to 36 is simply too small and I support our planning department staff on this. It’s good to have this lot become a buildable lot, and I look forward to having another property on this lot.

Exhibits Filed:

1. Application dated May 14, 2021
2. Notification of Public Hearing dated July 21, 2021
3. Manitoba Status of Titles 2110146/1, 2129424/1
4. Letter of authorization dated March 10, 2021 from P.L.J. Saltel Enterprises Ltd. to Bob Doolan
5. Surveyor's Building Location Certificate and sketch dated June 23, 2020
6. Report from the Urban Planning Division dated August 23, 2021
7. Inspection Report
8. Communication dated September 1, 2021, from Paul Saltel, in support of the application
9. Recording of Representations

REPRESENTATIONS:

In Support:

Bob Doolan
Paul Saltel

In Opposition:

Nil

For Information:

Kurt Roesler

For the City:

F. Ojo, Planner, Planning, Property and Development Department
G. Doney, Senior Planner, Planning, Property and Development Department

Exhibit "6" referred to in File DASZ 20/2021

ADMINISTRATIVE REPORT

Title: DASZ 20/2021 – 750 Bonner Avenue

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-L" Residential Single-Family Large 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, RPP	n/a	n/a	

RECOMMENDATIONS

1. That the subdivision under Development Application No. DASZ 20/2021 be approved for preparation as a plan of subdivision (the "Plan") by a Manitoba Land Surveyor in accordance with the map dated August 10, 2021 and attached as Schedule "B" to this report, with such minor changes as may be required, and registration in the Winnipeg Land Titles Office.

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

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

8. 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 6 unless the developer applies for an extension of time before the expiration of the 1-year period and Council approves the extension.

9. That this matter will be deemed to be concluded and all approvals in connection with this matter will expire if the necessary Plan approval 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.

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

REASON FOR THE REPORT

- The applicant intends to create three (3) lots from an existing parcel, and then rezone all the three newly created lots form “R1-L” Residential Single-Family Large and “RR5” Rural Residential 5 to “R1-L” Residential Single-Family Large.
- Given the surrounding context, the Urban Planning Division is supportive of creating only two (2) lots from the existing parcel.
- 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 2 “R1-L” Residential Single-Family Large District lots.

HISTORY

N/A

CONSULTATION

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

SUBMITTED BY

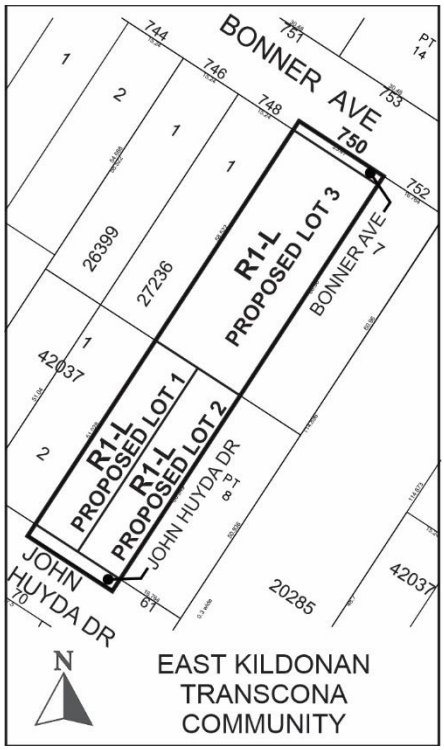
Department	Planning, Property and Development
Division	Urban Planning Division
Prepared by	Femi Ojo, MCIP, RPP
Date:	August 23, 2021
File No.	DASZ 20/2021

Attachments

- Appendix “A,” Planning Discussion
- Schedule “A,” of File DASZ 20/2021, East Kildonan – Transcona Community Committee, dated May 14, 2021.
- Schedule “B” Report of the Administrative Co-ordinating group, dated July 28, 2021, Re: proposed subdivision and rezoning of land located at 750 Bonner Avenue – File No. DASZ 20/2021

APPENDIX 'A'

DATE:	August 23, 2021
FILE:	**DASZ 20/2021**
RELATED FILES:	DAV 21-143183/D
COMMUNITY:	East Kildonan - Transcona
NEIGHBOURHOOD #:	4.419 (Springfield North)
SUBJECT:	The applicant is proposing to rezone the property to R1-L and subdivide the land into three (3) residential lots.
LOCATION:	750 Bonner avenue
LEGAL DESCRIPTION:	LOT 6 PLAN 20285 43/46 K



APPLICANT:	Waterside Development Corp (Bob Doolan) 3605 Roblin Boulevard Winnipeg, MB R3R 1Z8
OWNER:	P.L.J. Saltel Enterprises Ltd. 255 Tache Avenue Winnipeg, MB
RECOMMENDATION:	Approval

SITE DESCRIPTION

- The subject property is currently a through lot fronting unto both Bonner Avenue and John Huyda Drive in the Springfield North Neighborhood of the North Kildonan ward.
- The applicant is proposing to subdivide the existing 37,707 sq. ft. parcel into three (3) lots.
- Existing on the property is a one storey, 1,473 sq. ft single-family residence, situated on the proposed Lot 3 fronting unto Bonner Avenue.
- 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-L" Residential Single-Family Large and "RR5" Rural Residential 5.

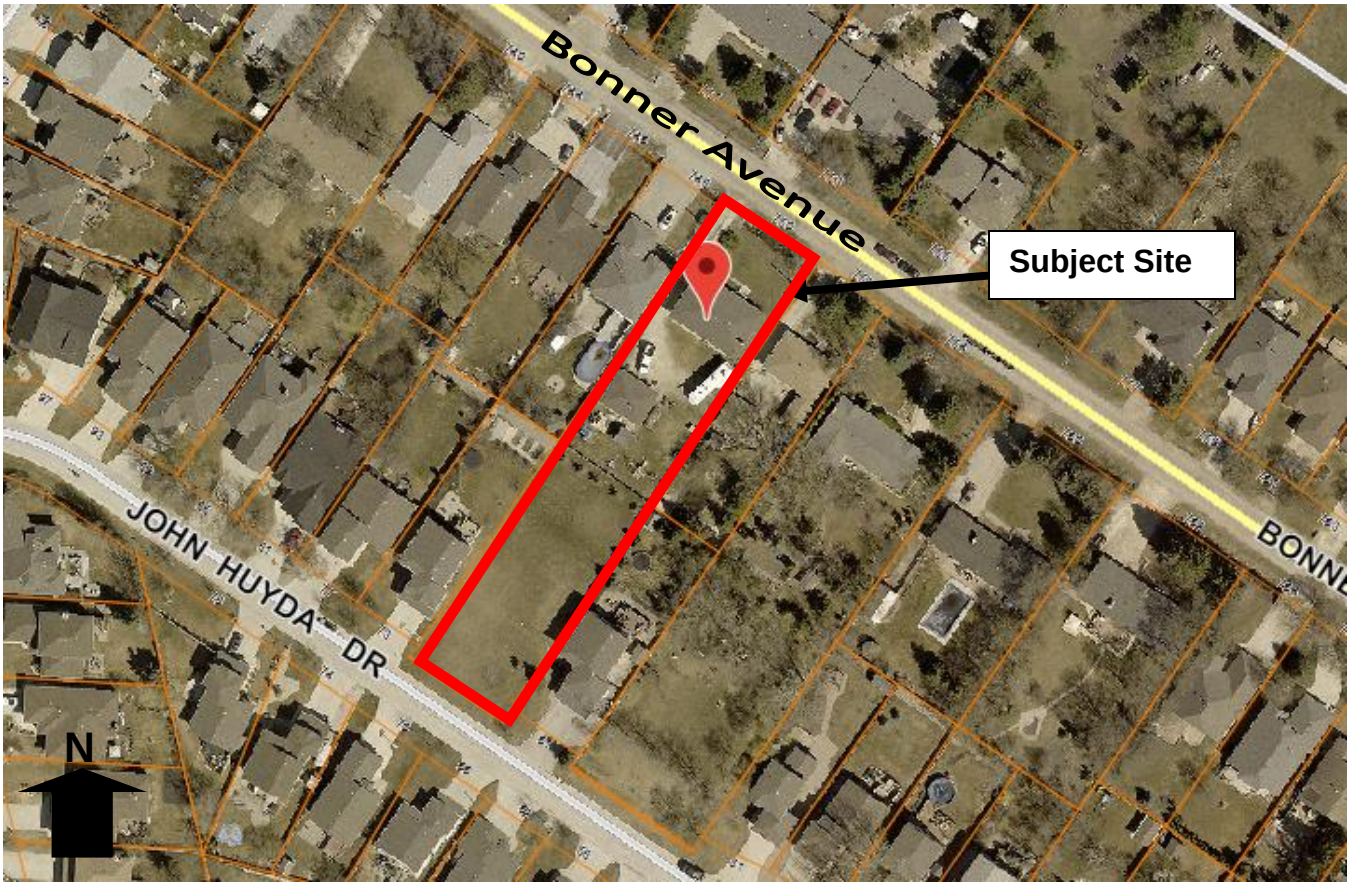


Figure 1: Site map of subject property and surrounding neighbourhood (flown 2018)

SURROUNDING ZONING & USES (See Figure 2)

North: Bonner Avenue, then residences zoned "R1-L" Residential Single-Family Large and "RR5" Rural Residential 5.

South: John Huyda Drive, then residences zoned "R1-M" Residential Single-Family Medium.

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

West: Residences zoned "R1-L" Residential Single-Family Large.

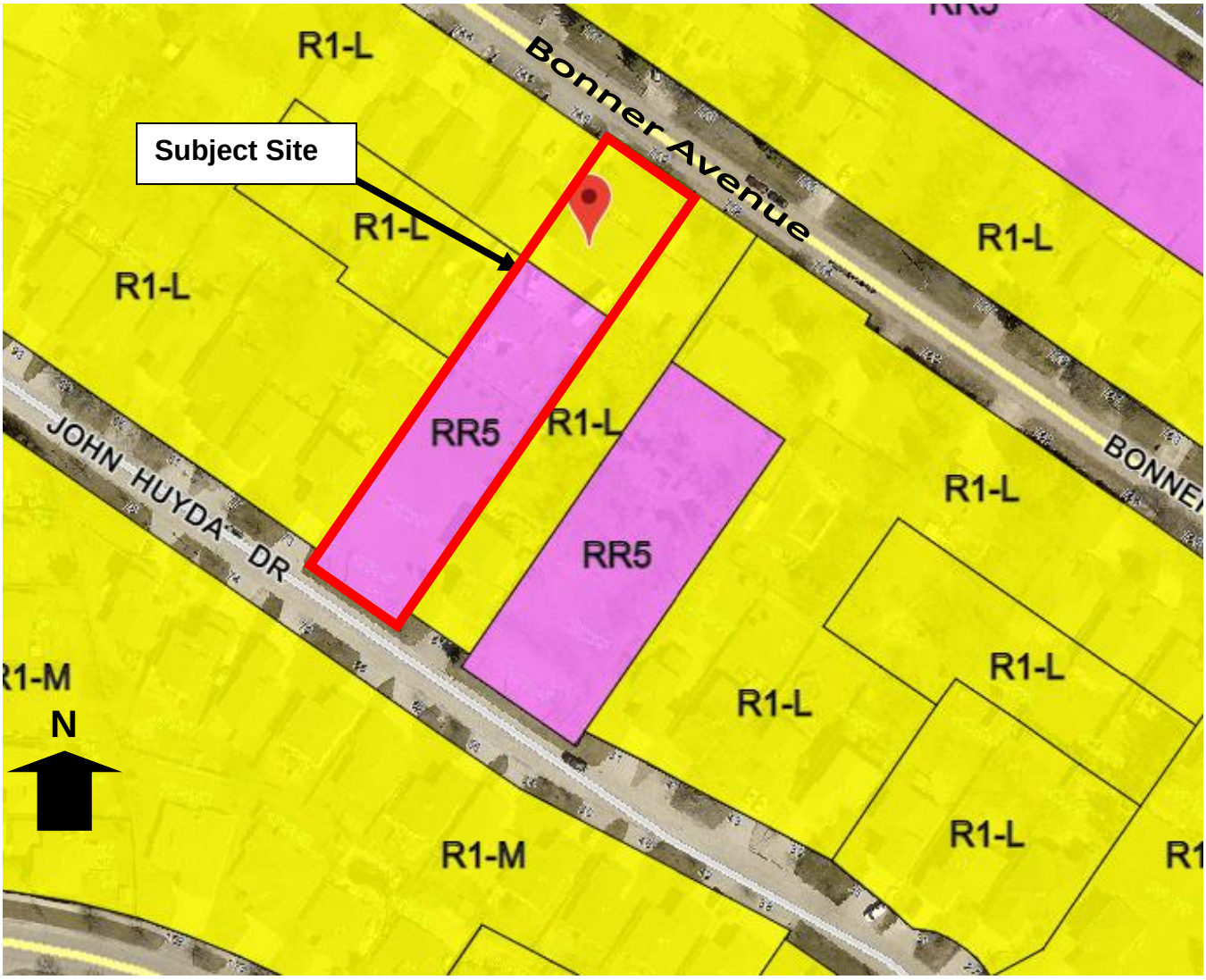


Figure 2: Zoning map of subject property and surrounding neighbourhood

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant intends to subdivide the existing parcel on 750 Bonner Avenue 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-L” Residential Single-Family Large.
- The existing single-family dwelling, fronting unto Bonner Avenue and all accessory structures on proposed Lot 3 will be retained. The Urban Planning Division is only supporting the creation of one single-family lot fronting unto John Huyda Drive.
- An associated variance application has been submitted under File DAV 21 - 143183\D, that relates to lot width and lot area (see Planner’s report).

COLLABORRATIVE PLANNING & CONSULTATION

The applicant contacted the Urban Planning Division prior to making a formal application. The Urban Planning Division indicated support for creation of only two (2) residential lots; one fronting unto Bonner Avenue and the other fronting unto John Huyda Drive.

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 is to facilitate the establishment of three (3) single-family lots and the future construction of two new single-family homes. However, the Urban Planning Division is recommending support for the creation of two lots given the existing development context.
- 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 will be consistent with the above policies if only two lots are created as per the Urban Planning Division's recommendation. This would allow the maintenance of the existing single-family home along Bonner Avenue and allow the future construction of one additional single-family home along Joyn Huyda Drive. The aforementioned will be compatible with the existing development pattern in the area.

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-L" Residential Single Family – Large and create three (3) buildable lots.

- The “R1-L” district requires: a minimum lot width of 25 feet, a minimum lot area of 5,500 sq. ft., side yard setback of 4 feet, a front yard of 20 feet and a rear yard setback of 25 feet. The maximum building height is 35 feet and the maximum lot coverage is 40%.

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.
- While the applicant is proposing to create three single-family lots, the Urban Planning Division is recommending support for the creation of two single-family lots for the following reasons:
    - The rezoning of the proposed Lot 3 to “R1-L” Residential Single-Family Large and the retention of the existing single-family house is consistent with the existing development pattern on Bonner Avenue. However, given that the minimum lot width on John Huyda Drive is 50 feet, the subject proposal to create a 36.89-foot-wide and 40-foot-wide lots (fronting unto John Huyda Drive) is not compatible with existing development pattern on the street.
    - Typically, the Urban Planning Division will base support for a subdivision application if there are similarly sized lot of the same street. As noted above, the majority of lots on John Huyda Drive are uniformly consistent in width. Thus, the subject application to create two lots facing John Huyda Drive is not context sensitive, and hence does not align with *Complete Communities.*
    - Given the aforementioned, the maintenance of the existing single-family dwelling on the proposed Lot 3 and the creation of one additional lot (and the future construction of a single-family dwelling) is consistent with the Complete Communities Direction Strategies, which requires subdivision to be done in a context sensitive manner.
    - The Urban Planning Division believes that subdivision and rezoning the subject lands to “R1-L” and the creation of only one lot facing John Huyda Drive is compatible with the existing development pattern in the area.
    - There is nothing to suggest that the creation of two lots, as recommended by the Planning Division, will have an adverse effect on any future development in the area.
    - It is therefore recommended that this application be approved as modified.

KEY COMMENT PROVIDED BY OTHER CIVIC DEPARTMENTS

- It is noted that the subject DASZ application (20/2021) 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 20/2021 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

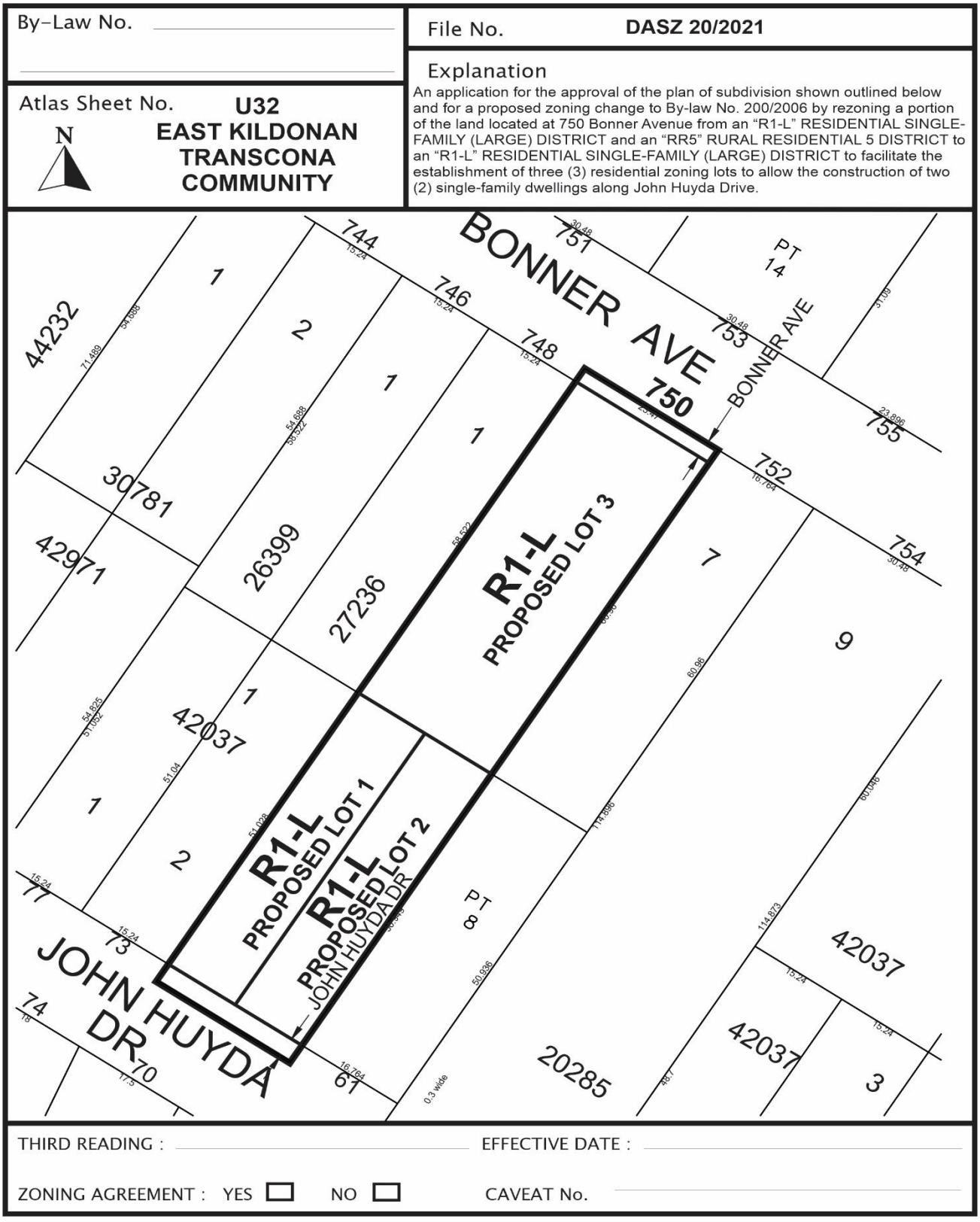
The Urban Planning Division recommends **approval,** as per schedule "B" for the following reasons:

- The Urban Planning Division recommends approval because the proposed plan of subdivision and rezoning (Per Schedule "B") is consistent with *Complete Communities Direction Strategy* provided only two lots are created.
- The retaining of the existing building on proposed Lot 3 and the creation of one additional "R1-L" lot fronting unto John Huyda Drive will be compatible with the area.

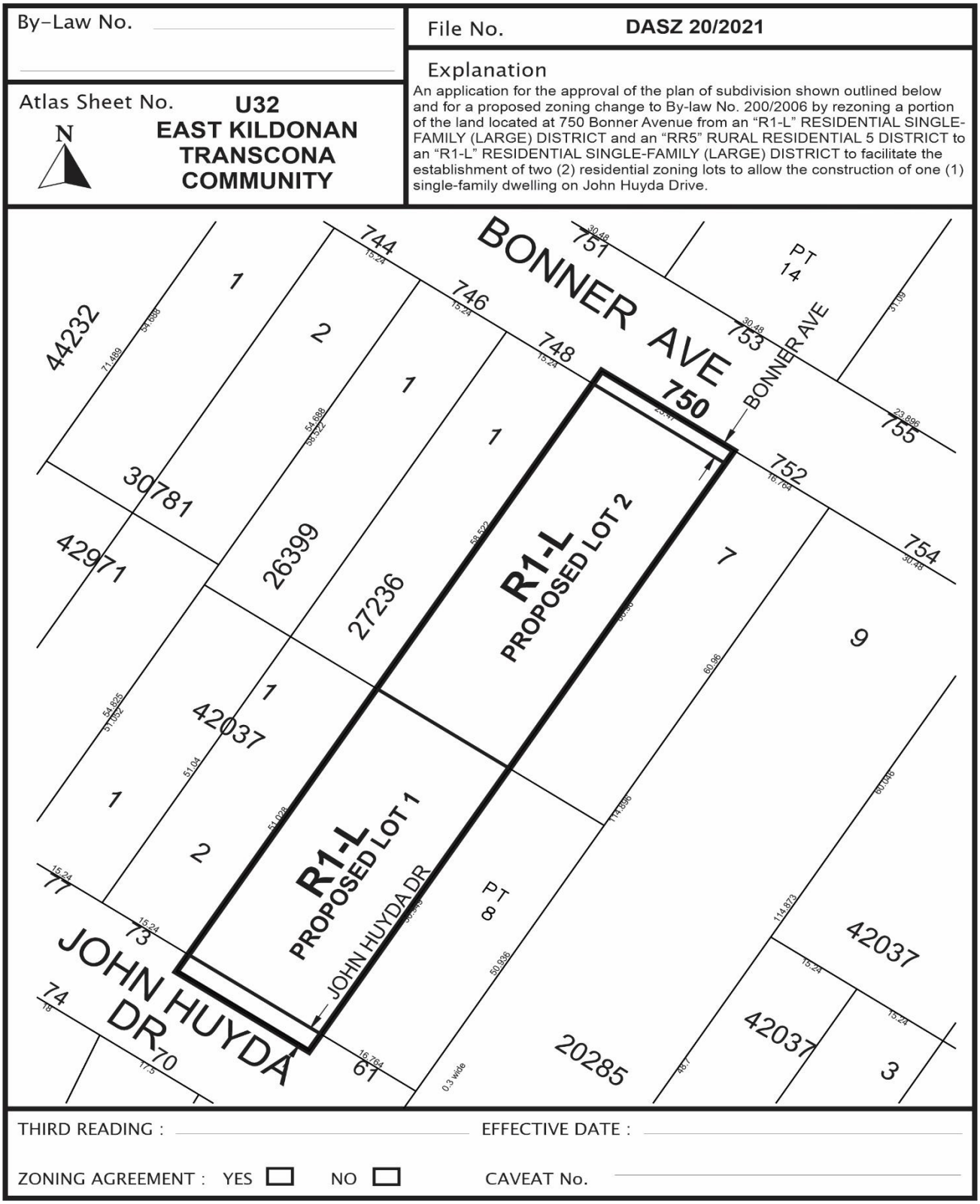
This Report Submitted by:

Planning, Property and Development Department
Urban Planning Division
Report Prepared By: Femi Ojo, MCIP, RPP
PPD File # DASZ 20/2021

Schedule "A" for File No. DASZ 20/2021, East Kildonan - Transcona Community Committee, dated May 14, 2021



Schedule "B" for File No. DASZ 20/2021, East Kildonan - Transcona Community Committee, dated August 10, 2021



SCHEDULE C

REPORT OF THE ADMINISTRATIVE COORDINATING GROUP

RE: PROPOSED SUBDIVISION AND REZONING OF LAND LOCATED AT 750 BONNER AVENUE

The Administrative Coordinating Group (ACG) reviewed the servicing requirements for DASZ 20/2021. The Developer should take into consideration the following servicing and design requirements and considerations in the redevelopment of the site:

Section I – Plan Considerations

1) The Developer shall legally open, at no expense to the City, property required for a 2.438m widening to the Bonner Avenue right-of-way along the full length of the Planned Area, as determined by and to the satisfaction of the Director of Public Works.

2) The Developer shall legally open, at no expense to the City, property required for a 3.3m widening to the John Huyda Drive right-of-way along the full length of the Planned Area, as determined by and to the satisfaction of the Director of Public Works.

Section II - Servicing Considerations

1) 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 costs to install separate sewer and water lot line services from the respective mains in John Huyda Drive to the property line of the newly created Lots 1 and 2; and,

b) If the Developer sells any of the newly created Lots 1 and 2 before they have installed the lot line services referred to in a), that 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).

2) Lot Grading

a) The Developer shall, at no expense to the City and prior to release of subdivision mylars for registration in the Winnipeg Land Titles Office, provide a lot grading plan for the Planned Area, prepared by a qualified municipal engineer, 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) 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.

d) The Developer shall, prior to the release of subdivision mylars for registration in the Winnipeg Land Titles Office, post security deposits for all catch basin(s) and leads, as required by the approved lot grading plan, as determined by and to the satisfaction of the Director of Water and Waste.

3) Regional Land Drainage System

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 the cost of regional land drainage facilities (2021 estimated TSR Rate = $21,537.00/acre) for proposed lots 2 and 3, as determined by and to the satisfaction of the Director of Water and Waste.

4) Boulevards

a) The Developer shall, at no expense to the City, sod, and plant trees on, all boulevards within and fronting on the Planned Area, all in accordance with City specifications and guidelines and, where required, with concept plans prepared by the Developer and submitted to, and approved by, the Director of Public Works.

b) The Developer shall, at no expense to the City, maintain the sod for a period of one year and the trees for a period of two years, in accordance with specifications approved by the Director of Public Works.

THIS REPORT SUBMITTED BY:

Administrative Co-ordinating Group
File No. DASZ 20/2021
July 28, 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 and Waste Department

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