Agenda - Council - September 29, 2004

Report - Standing Policy Committee on Property and Development – September 7, 2004

Item No. 10 Subdivision and Rezoning - Grassie Boulevard, northwest corner of Molson Street
File DASZ 17/2004

STANDING COMMITTEE RECOMMENDATION:

On September 22, 2004, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the East Kildonan-Transcona Community Committee and submits the following to Council:

1. That the plan of subdivision proposed under File DASZ 17/2004 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 17/2004 dated June 14, 2004, for registration in the Winnipeg Land Titles Office, subject to the following:

    A. That the Developer be required to enter into Servicing Agreement AG 17/2004 dated June 16, 2004, with the following amendment:

        i. That Condition 3.a) a) be amended by replacing the words "4.0m in width by 200mm" with the words "3.75m in width by 150mm".

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

3. That The Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 17/2004 dated June 14, 2004, to a "R1-4" Residential District, subject to the applicant entering into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to include the following conditions:

    A. The Developer shall construct a uniform wood barrier fence 2.0 m in height along the east limit of the proposed development abutting the Molson Street right-of-way as determined by and to the satisfaction of the Director of Planning, Property and Development and the owners of the individual building lots along this fencing shall be responsible for maintaining this fencing to the satisfaction of the Director of Planning, Property and Development.

Report - Standing Policy Committee on Property and Development - September 7, 2004

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 additional building lots on the land.

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 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 and the Zoning Agreement has been filed by caveat in the Winnipeg Land Titles Office against those lands, provided that the said effective date occurs within twenty-four (24) months from the date that the said rezoning by-law is adopted by Council.

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.

Report - Standing Policy Committee on Property and Development - September 7, 2004

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On September 22, 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 September 7, 2004, the Standing Policy Committee on Property and Development concurred in the recommendation of the East Kildonan-Transcona Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On June 29, 2004, the East Kildonan-Transcona Community Committee concurred in the administrative recommendation with the following amendment, namely:

- That Condition 3.a) a) of Servicing Agreement AG 17/2004 dated June 16, 2004, be amended by replacing the words “4.0m in width by 200mm” with the words “3.75m in width by 150mm”

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

RE: Subdivision and Rezoning - Grassie Boulevard, northwest corner of Molson Street - File DASZ 17/2004

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

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

Report date: July 8, 2004

COMMUNITY COMMITTEE RECOMMENDATION:

On June 29, 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 17/2004 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 17/2004 dated June 14, 2004, for registration in the Winnipeg Land Titles Office, subject to the following:

    A. That the Developer be required to enter into Servicing Agreement AG 17/2004 dated June 16, 2004***, with the following amendment:***

        i. That Condition 3.a) a) be amended by replacing the words "4.0m in width by 200mm" with the words "3.75m in width by 150mm".

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

3. That The Winnipeg Zoning By-Law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 17/2004 dated June 14, 2004, to a "R1-4" Residential District, subject to the applicant entering into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to include the following conditions:

    A. The Developer shall construct a uniform wood barrier fence 2.0m in height along the east limit of the proposed development abutting the Molson Street right-of-way as determined by and to the satisfaction of the Director of Planning, Property and Development and the owners of the individual building lots along this fencing shall be responsible for maintaining this fencing to the satisfaction of the Director of Planning, Property and Development.

4. That a 10 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 additional building lots on the land.

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 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 and the Zoning Agreement has been filed by caveat in the Winnipeg Land Titles Office against those lands, provided that the said effective date occurs within twenty-four (24) months from the date that the said rezoning by-law is adopted by Council.

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.

Note: The wording in bold and italics denotes amendments made by the Community Committee.

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

1. The subject application is compatible with the existing neighbourhood.

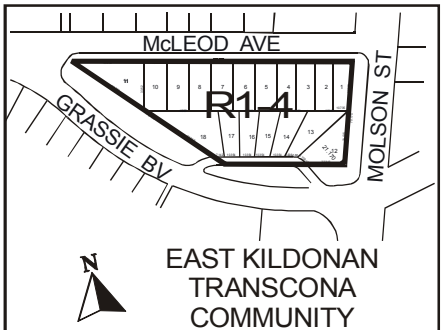
PUBLIC HEARING SUMMARY

File: DASZ 17/2004

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

Public Hearing: June 29, 2004
Community Committee Chamber
755 Henderson Highway

Subject:



EAST KILDONAN
TRANSCONA
COMMUNITY

APPLICANT : 4726139
MANITOBA LTD.

FILE : DASZ 17/04

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 "R1-5.5" SINGLE-FAMILY DISTRICT and a "C2" COMMERCIAL DISTRICT to an "R1-4" SINGLE-FAMILY DISTRICT. **For information, phone Mr. J. Wintrup Planner at 986-5102.**

Premises Affected: Grassie Boulevard, northwest corner of Molson Street

Exhibits Filed:
1. Application dated May 17, 2004
2. Notification of Public Hearing dated May 25, 2004

3. Manitoba Status of Titles 1435060 and 1569893
4. Letter of authorization dated April 27, 2004, from Jaswinder Brar to 4726139 Manitoba Ltd. and Amarjit Panchhi
5. Plan
6. Report from the Manager of Planning and Land Use dated June 14, 2004
7. Report from the Administrative Coordinating Group dated June 16, 2004
8. Inspection Report
9. Petition in support of the application purporting to contain the signatures of 9 area residents submitted by Apee Panchhi

REPRESENTATIONS:

In Support:

Jaswinder Brar
Apee Panchhi

In Opposition:

Nil

For Information:

Ian MacIntyre

For the City:

Ernie Carriere, Land Development Administrator, Planning, Property and Development Department
John Wintrup, Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

Apee Panchhi appeared in support of the application, and submitted a petition in this connection, filed as Exhibit 9.

Ian MacIntyre appeared for information, and advised that he has resided for 10 years opposite the subject property, which is currently greenspace. He indicated that he appreciates that the current application is for a residential development, and not a commercial one. He questioned if the application were to proceed, if there will be new parking regulations and crosswalks and sidewalks installed.

Councillor Thomas confirmed that the subject intersection and roadways will be upgraded in the future.

Apee Panchhi commented that with respect to new parking regulations, the subject development will include the construction of streets and that the houses will have their own driveways.

Ernie Carriere, Land Development Engineer, City of Winnipeg, requested that the administrative recommendation 3.a)a) outlined in the Report from the Administrative Coordinating Group dated June 16, 2004 (Exhibit 7) with respect to the installation of a concrete lane of pavement in Grassie Boulevard be amended by replacing the words “4.0m in width by 200mm” with the words “3.75m in width by 150mm”. He advised that the applicant has indicated support of the suggested amendment.

Exhibit “6” referred to in File DASZ 17/2004

In reply please refer to / Référence à rappeler :

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

File No. DASZ 17/04
Our c/f CP 500 (.422)

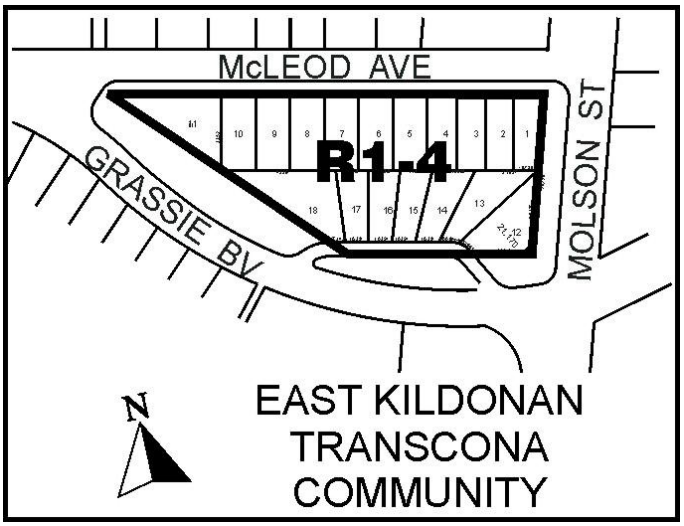
June 14, 2004

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
Grassie Blvd. N/W Molson
DASZ 17/04
East Kildonan - Transcona Community Committee
File No. DASZ 17/04

An application has been received from Apee Panchhi 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 “C2” Commercial District and “R1-5.5” Residential Distinct to an “R1-4” Single Family Residential District.



SITE DESCRIPTION:

Site Area: The site area is approximately 9,737.18 square metres (2.4 acres). The site has 232 feet of frontage along Molson Street, and 635 feet along McLeod Avenue.

Existing Land Use and Zoning: Vacant land designated "C2" Commercial District, and "R1-5.5" Residential District.

Surrounding Land Use and Zoning:

North: Across McLeod Avenue, "R1-5.5" single family dwellings and "C2" Commercial.
South: Across Grassie Blvd, "R1-5.5" single family dwellings and "RM-2" multiple family dwellings zoned "RM-2".
East: Across Molson Street, "R1-5.5" single family dwellings.
West: Across McLeod / Grassie, R1-5.5" single family dwellings.

DEVELOPMENT DESCRIPTION:

The applicant intends to subdivide the subject property in order to construct eighteen (18) single family dwellings.

Eleven lots will front McLeod Avenue and seven lots will front a new service road constructed parallel to Grassie Blvd. No houses will front or have access to Molson Street.

PLAN WINNIPEG:

The proposed concept complies with Plan Winnipeg in that a residential rezoning is allowed in Neighbourhood Policy Areas. The development constitutes infill development and supports compact urban form.

ADMINISTRATIVE COMMENTS:

The potential development of this site has been severely restrained by the physical dimensions of the property: the subject site is irregularly shaped and bounded by three public streets. A number of developments have been proposed for the site over the last 25 years in an attempt to address the site constraints. The concepts have included residential developments with multiple and/or single family dwellings. The Planning and Land-Use Division supports residential dwellings (multiple and/or single) since this would be compatible with the surrounding area, and commercial land uses do not appear to be viable at this location.

One previous application for the eastern most portion of the site was approved in 1988 to create 18 single family dwellings with an "R1-3.5" zoning. Nine lots would have faced McLeod and nine lots would front Grassie Blvd with a public lane from Molson Street bisecting the subject property. This application was approved but never proceeded.

The current application is the fruition of constructive meetings between the Applicant and City Staff. Issues regarding access to adjacent public streets, the location of a water feeder main along the south side of the subject site, and the surrounding context of residential dwellings were discussed. A number of site designs were generated and reviewed by City Staff from various departments.

The Administration supports this application since the design addresses the main concerns by providing a new frontage road along Grassie. The new frontage street will safely allow vehicles to enter Grassie Blvd from the development, and protect the water main under the new roadway. The lots on the new frontage road will face south reflecting the existing dwellings that contribute to the established streetscape characteristics of Grassie. Access to Molson Street will be limited especially considering the nearby location of the Molson / Grassie intersection and the tendency for vehicles to queue north along Molson Street. Regarding this latter issue, Public Works is requesting a wood barrier fence be constructed along Molson Street for sound attenuation and safety. The request for a "R1-4" zoning designation is reasonable given the characteristics of the site with commercial properties directly to the north and the adjacent traffic intersection to the south. This zoning designation will require a minimum lot size of 4,000 square feet and minimum lot width of 40 feet.

RECOMMENDATION:

That the plan of subdivision proposed under File No. DASZ 17/2004 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File No. DASZ 17/2004, attached hereto and dated June 14, 2004, for registration in the Winnipeg Land Titles Office, subject to the following:

That the Developer be required to enter into Servicing Agreement AG17/04 dated June 16, 2004.

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

That Zoning By-Law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File No. DASZ 17/2004, attached hereto and dated June 14, 2004, to a "R1-4" Residential District, subject to the applicant entering into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to include the following conditions:

The Developer shall construct a uniform wood barrier fence 2.0m in height along the east limit of the proposed development abutting the Molson Street right-of-way as determined by and to the satisfaction of the Director of Planning, Property and Development; owners of the individual

building lots along this fencing shall be responsible for maintaining this fencing to the satisfaction of the Director of Planning, Property and Development.

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 additional building lots on the land.

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 time is applied for prior to the expiry of this twenty-four (24) month period and the extension is subsequently approved by Council.

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

That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision has been registered in the Winnipeg Land Titles Office, and the Zoning Agreement has been filed by caveat in the Winnipeg Land Titles Office against those lands provided that the said effective date occurs within twenty-four (24) months from the date that the said rezoning by-law is adopted by Council.

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.

In the event that 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

By-Law No. _____

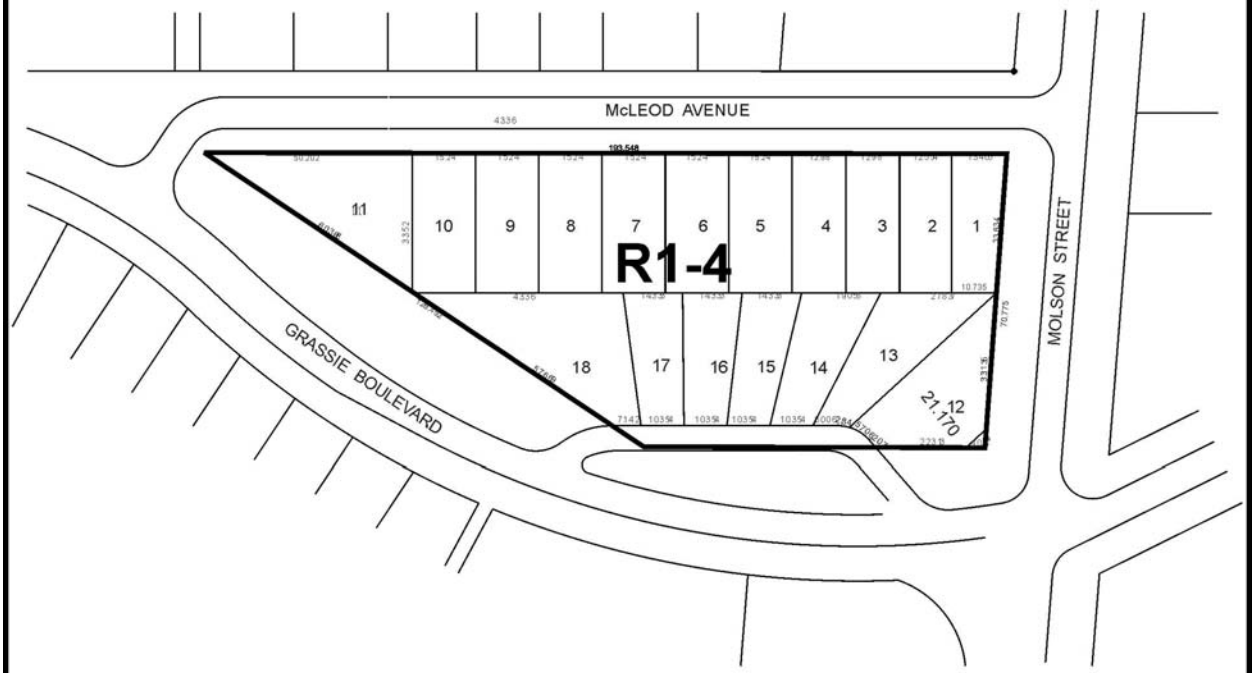
File No. **DASZ 17/04**

Atlas Sheet No. **W31**

EAST KILDONAN TRANSCONA COMMUNITY

Explanation

An application for the approval of the plan of subdivision shown outlined below and for a proposed change to By-law No. 6400/94 by rezoning the land bounded by McLeod Avenue, Grassie Boulevard and Molson Street from an "C2" COMMERCIAL DISTRICT to an "R1-4" SINGLE-FAMILY DISTRICT as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

Figure 1: Schedule "A" to the report to the East Kildonan -Transcona Community Committee for File No. DASZ 17/04, dated June 14, 2004.

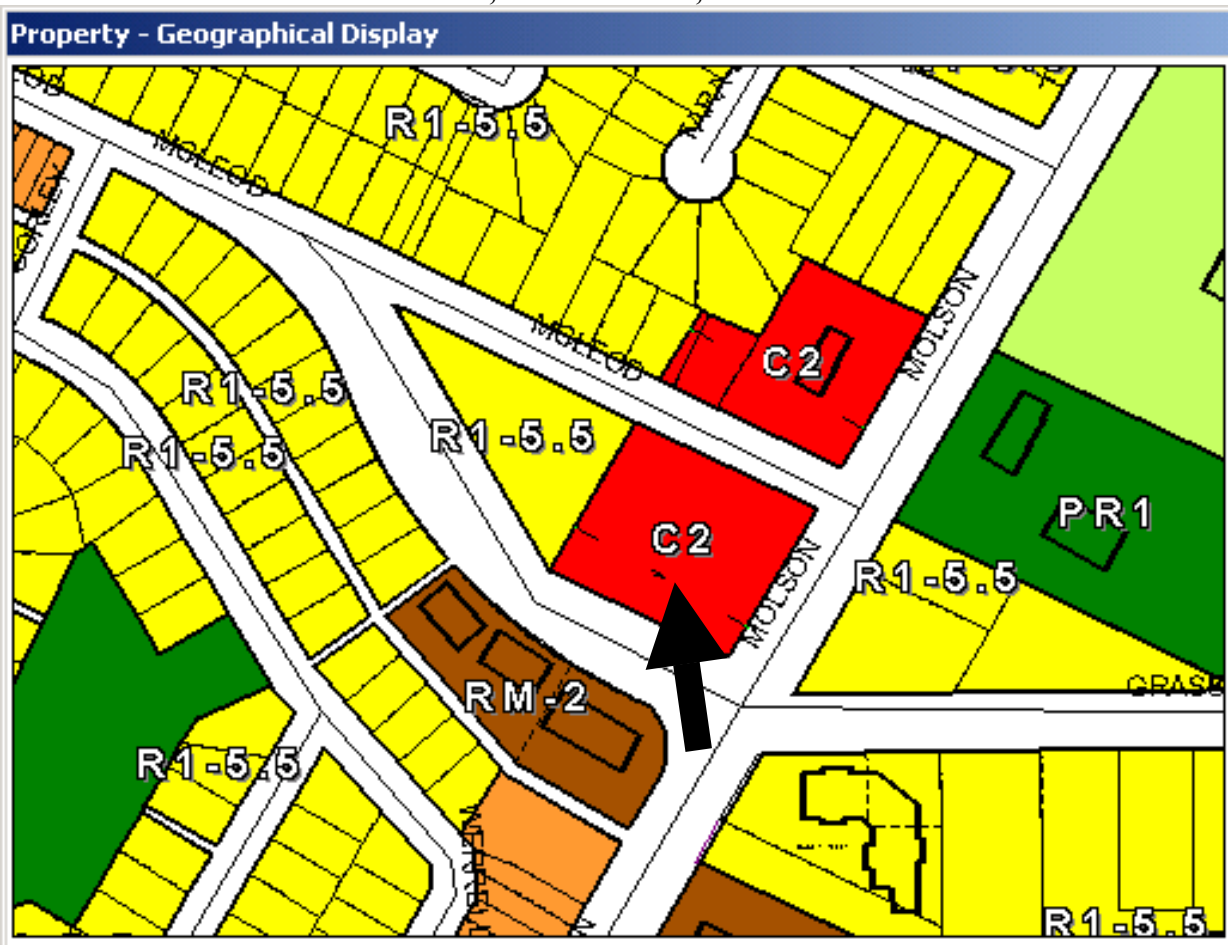


Figure 2: Existing Zoning for subject property and Surrounding Area.



Figure 3: Existing Land-Uses for subject property and Surrounding Area.

Exhibit "7" referred to in File DASZ 17/2004

Re: Proposed subdivision and rezoning on land bounded by Grassie Boulevard, Molson Street and McLeod Avenue – DASZ 17/04

An application has been submitted by 4726139 Manitoba Ltd. to subdivide and rezone land bounded by Grassie Boulevard, Molson Street and McLeod Avenue.

It is recommended that the proposed plan of subdivision comply to the following:

1. The proposed frontage road is to be accommodated with a minimum right-of-way width, to be provided and legally opened, at no cost to the City, of 8.0m and the terminus points of the frontage road are to be located and designed as determined by and to the satisfaction of the Director of Public Works.
2. The Developer shall provide and legally open, at no cost to the City, property required for a right-of-way corner-cut measuring 4.0m along Molson Street by 4.0m along Grassie Boulevard in the northwest corner of the intersection of Grassie Boulevard and Molson Street as determined by the Director of Public Works.

It is also recommended that the Developer enter into a Servicing Agreement containing the following:

1. The Developer shall, at no expense to the City, construct portland cement concrete pavement to a width of 6.0m by 150mm in thickness within the proposed frontage road and all related works, as determined by and to the satisfaction of the Director of Public Works.

2. The Developer shall pay to the City, in cash, on demand its share of the cost of the following services to be installed, in the future by the City, in Molson Street along the full length of the subject property abutting Molson Street:

    a) a 4.0m in width by 200mm in thickness portland cement concrete lane of pavement and related works;
    b) street lighting in the west boulevard;
    c) landscaping in the west boulevard;

    all as determined by the Director of Public Works.

3. a) The Developer shall pay to the City, in cash, on demand its share of the cost of the following services to be installed, in the future by the City, in Grassie Boulevard along the full length of the subject property abutting Grassie Boulevard:

        a) a 4.0m in width by 200mm in thickness portland cement concrete lane of pavement and related works;

b) street lighting in the north boulevard;
c) landscaping in the north boulevard;

all as determined by the Director of Public Works.

b) The island created by the frontage road on Grassie Boulevard shall be sodded and shall include a paved kill strip around the perimeter, all as determined by and to the satisfaction of the Director of Public Works.

4. The Developer shall, at no expense to the City, plant trees on the boulevard on the south side of McLeod Avenue abutting the proposed subdivision in accordance with plans and specifications approved by the Director of Public Works.

5. The Developer shall, at no expense to the City, provide underground electrical and telephone services to serve the proposed subdivision and will pay the full cost to convert any existing overhead services within the proposed subdivision to underground.

6. The Developer is to pay all costs associated with the installation and/or relocation of street lights and other utilities made necessary as a result of or required to accommodate works, which are required by the Developer to serve the proposed subdivision, as determined by and to the satisfaction of the Director of Public Works.

7. The Developer shall be responsible to control and to initiate the clean up of litter and refuse from the contractors and builders for this development, both on –site and off-site, during the installation of services and construction of buildings, until substantial completion of all construction. The clean up of litter and refuse shall be done on a regular basis as determined by the Director of Public Works. This shall include initiating action and assuming any costs in remedying the situation to the satisfaction of the Director of Public Works.

8. The Developer shall ensure that construction traffic uses access routes as determined by the Director of Public Works. The Developer shall maintain, at no expense to the City, the access routes in a clean, dust free and safe condition, free of dropped and tracked-on mud, and shall undertake regular scraping and sweeping of streets until building construction, including landscaping is complete, all as determined by and to the satisfaction of the Director of Public Works.

9. The Developer shall, at no expense to the City, erect a uniform sound attenuation fence 2.0m in height along the rear/flankage of the residential lots abutting Molson Street as determined by and to the satisfaction of the Director of Public Works. The Developer shall permit the City to file a caveat against the titles of the residential lots abutting

Molson Street requiring the owner to maintain and/or repair the fence as originally constructed, to the satisfaction of the Director of Public Works.

10.. The Developer shall, at no expense to the City, construct a portland cement concrete sidewalk to a width of 1.5m by 100mm in thickness on the north side of Grassie Boulevard between Molson Street and McLeod Avenue except where the frontage road is provided, and on the west side of Molson Street between Grassie Boulevard and McLeod Avenue as determined by and to the satisfaction of the Director of Public Works.

11. The Developer shall, at no expense to the City, install water and wastewater lot line connections to serve each lot within the proposed subdivision to the satisfaction of the Director of Water and Waste.

12. The Developer shall provide a lot grading plan prepared by a municipal engineer and shall install any catchbasins in connection therewith and shall grant any easements to the City as may be necessitated by the grading design.

13. The City shall pay the full cost of engineering services provided by or on behalf of the City in connection with the installation of the concrete frontage road pavement, concrete sidewalks and the water and wastewater lot line connections required to serve the proposed subdivision.

14. The Developer shall pay $1,200.00 per acre to defray the City's administration and related costs associated with the preparation and implementation of the servicing agreement.

It is further recommended that there are to be no private approaches servicing single-family development within the proposed subdivision off Grassie Boulevard and Molson Avenue.

THIS REPORT SUBMITTED BY:

Administrative Coordinating Group
File No. AG 17/04
June 16, 2004

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"Original signed by E.L. Carrière"
Land Development Engineer

"Original signed by K.T. Raban"
Water and Waste Department

"Original signed by R.J. Hartmann"
Public Works Department
Transportation Division