Agenda - Council - April 27, 2005

Report - Standing Policy Committee on Property and Development - April 5, 2005

Item No. 1 Subdivision and Rezoning - John Huyda Drive, north side at Mitchelson Way
File DASZ 52/2004

STANDING COMMITTEE RECOMMENDATION:

On April 20, 2005, 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 52/2004 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 52/2004 dated February 21, 2005, for registration in the Winnipeg Land Titles Office.

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

3. That the applicant enter into a subdivision agreement with the City of Winnipeg, to provide for the following:

   A. No building permits shall be issued for proposed Lot 2 until the land drainage sewer and concrete pavement have been constructed by the City and/or others in Mitchelson Way.

4. That The Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 52/2004, dated February 21, 2005, to an "R1-5.5" Residential District.

5. That a ten (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 increase in market value of the land and the creation of additional sites, (if applicable).

6. That the Applicants shall purchase Lot 4, Block 8, Plan 19846 from the City contained within the proposed plan of subdivision in accordance with the terms and conditions contained in Development Agreement 27/77 between the City and North Grassie Properties, Inc.

7. That Caveat No.1349867 be withdrawn.

Report - Standing Policy Committee on Property and Development - April 5, 2005

8. 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.

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

10. That the subdivision section of the by-law shall come into force and effect upon execution.

11. 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.

12. 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.

13. 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 - April 5, 2005

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On April 20, 2005, 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 submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On April 5, 2005, 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 March 1, 2005, 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 - John Huyda Drive, north side at Mitchelson Way**
File DASZ 52/2004 [c/r DAV 102075/2005D

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

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

Report date: **March 22, 2005**

COMMUNITY COMMITTEE RECOMMENDATION:

On March 1, 2005, 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 plan of subdivision proposed under File DASZ 52/2004 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 52/2004 dated February 21, 2005 for registration in the Winnipeg Land Titles Office.

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

3. That the applicant enter into a subdivision agreement with the City of Winnipeg, to provide for the following:

    A. No building permits shall be issued for proposed Lot 2 until the land drainage sewer and concrete pavement have been constructed by the City and/or others in Mitchelson Way.

4. That The Winnipeg Zoning By-Law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 52/2004 and dated February 21, 2005 to an "R1-5.5" Residential District.

5. That a ten (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 increase in market value of the land and the creation of additional sites, (if applicable).

6. That the Applicants shall purchase Lot 4, Block 8, Plan 19846 from the City contained within the proposed plan of subdivision in accordance with the terms and conditions contained in Development Agreement 27/77 between the City and North Grassie Properties, Inc.

7. That Caveat No.1349867 be withdrawn.

8. 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.

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

10. That the subdivision section of the by-law shall come into force and effect upon execution.

11. 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.

12. 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.

13. That in the event that 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.

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

1. The East Kildonan-Transcona Community Committee agreed with the administrative comments contained in the report of the Manager of Planning and Land Use dated February 21, 2005.

2. Speed humps installed on Bonner Avenue have reduced traffic in accordance with a traffic count conducted prior to winter.

PUBLIC HEARING SUMMARY

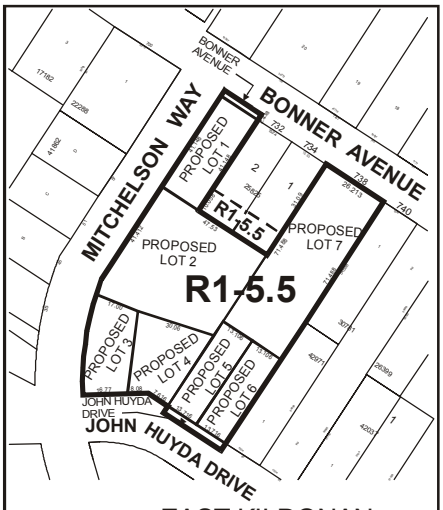
File: DASZ 52/2004 [c/r DAV 102075/2005D]

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

Public Hearing: March 1, 2005
Gymnasium B
Miles Macdonell Collegiate
757 Roch Street

Applicant: Herb and Violet Bodnaruk, Henryk and Irena Kosciuczyk /

Subject:



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EAST KILDONAN TRANSCONA COMMUNITY

APPLICANT : H. & V. BODNARUK & H. & I. KOSCIUCZYK

FILE : DASZ 52/04

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" AGRICULTURAL DISTRICT to an "R1-5.5" RESIDENTIAL DISTRICT.

For information, phone Mr. J. Wintrup, Planner at 986-5102.

Premises Affected: John Huyda Drive, north side at Mitchelson Way

Exhibits Filed:

1. Application dated January 31, 2005
2. Notification of Public Hearing dated February 1, 2005
3. Manitoba Status of Titles 1122691, 1180280, 1180282, 1566095, 1661116, 1779720
4. Surveyor's Building Location Certificate and Sketch dated November 18, 2004

5a. Letter of authorization dated January 31, 2005 from Don and Lori Houston

5b. Letter of authorization dated July 13, 2004, from the Manager of Real Estate, Planning, Property and Development Department to Marek Kosciuczyk Co., and Henry Kosciuczyk

6. Plan
7. Report from the Manager of Planning and Land Use dated February 21, 2005
8. Inspection Report
9. Plans (2 pages) submitted by Herb Bodnaruk at the public hearing

REPRESENTATIONS:

In Support:

Herb Bodnaruk
Heinz and Anita Hindemith
K. Kirby

In Opposition

Susan and Bruce Miller

For Information:

Mark and Donna Shaddock

For the City:

John Wintrup, Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

Herb Bodnaruk appeared in support of the application, and submitted plans of the subject property, filed as Exhibit 9. He requested that the administrative recommendation with respect to the land dedication be waived in this instance.

Susan Miller appeared in opposition to the application. She expressed concern regarding the proposed lot size of 45 feet in width and commented that her home is situated on a lot size of 50 feet in width.

Mark and Donna Shaddock appeared for information. Mark Shaddock expressed concern that the lot sizes of the subject development may be smaller than 45 feet in width, and in this connection, commented that they should conform to the lot sizes on Mitchelson Way, where they reside, which are approximately 60 feet in width. In addition, he suggested that Mitchelson Way be maintained as a dead-end street and not continued to Bonner Avenue, which they felt would increase the traffic.

Councillor Lubosch confirmed that the lots sizes would be a minimum of 45 feet in width.

Exhibit "7" referred to in File DASZ 52/2005 [c/r DAV 102075/2005D]

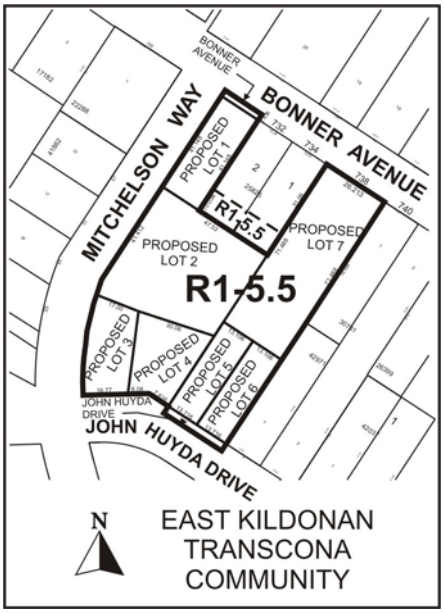
Winnipeg

Planning, Property and Development Department Report

To the East Kildonan - Transcona Community Committee

Date: **February 21, 2005**
File: **DASZ 52/04**
Related Files: **DAV 05-102075/D**
Subject: An application has been received for approval of a plan of subdivision and related zoning change to Zoning By-Law No. 6400/94 by rezoning the subject lands from a "A-5" Agricultural District to "R1-5.5" Residential District to allow for the creation of single family lots.

Location: West of Mitchelson Way between John Hyuda Drive and Bonner Avenue



Applicant: Herb and Violet Bodnaruk & Henryk and Irena Kosciuczyk
Owner: Same

Recommendation: Approved

Site Description

The subject site, which includes several undeveloped parcels and one existing single-family residence, is zoned "A-5" Agricultural and R1-5.5" Residential. The total site area is 1.70 acres. The subject site has frontage of ±197 feet (60 metres) along John Hyuda Drive, ±420 feet (128 metres) along Mitchelson Way, and ±141 feet (43 metres) along Bonner Avenue.

North: Single-family residences zoned "R1-5.5" Residential
South: Single-family residences zoned "R1-5" Residential
East: Single-family residences zoned "R1-5.5" Residential and "A-5" Agricultural
West: Single – family residences zoned "R1-5.5" Residential

Description of the Proposed Development

The applicants propose to acquire land from the City and to consolidate that land with several existing parcels to create a 1.70 acre, seven (7) lot subdivision. One existing residence will remain (Lot 7) and six additional lots will be created. It is anticipated that Lot 2 will be further subdivided into three additional lots at a future date, once access can be provided off Mitchelson Way.

The lots will range in size from a minimum of 5,630 square feet (Lots 5 & 6) to a maximum of ± 22,000 square feet (Lot 2). Four lots will front onto John Hyuda Drive, two lots will front onto Bonner Avenue, and one lot will front onto Mitchelson Way.

Further to this, the applicant is requesting that the land be rezoned from "A-5" Agricultural to "R1-5.5" Residential.

Additionally, a variance for substandard lot widths of 45 feet (13.72 metres) instead of 50 feet (15.24 metres) on Lots 5 and 6 (DAV 05-102075/D) is also being considered in association with this application.

Finally, it should be noted that two properties which are immediately adjacent to the proposed subdivision (732 Bonner Avenue and 734 Bonner Avenue) currently have two zoning designations applying to their properties - R1-5.5 Residential in the front portion of their lots and A-5 on the rear portions of their lots. As part of this application, these two property owners are also requesting a rezoning to R1-5.5 for their entire properties.

Administrative Analysis

As previously mentioned, the applicant is proposing to subdivide and rezone a 1.70 acre parcel in order to establish seven single-family residential lots. The Planning and Land Use Division has evaluated the proposed rezoning and offer the following comments:

Plan Winnipeg
The subject land lies within the Neighbourhood Policy Area which allows for single- family development proposals.

Compatibility with existing neighbourhood and surrounding uses
The Department supports single-family residential use on the subject lands. The proposed lot sizes are consistent to the surrounding context of single family residential uses in the Springfield North Neighbourhood and represent a logical extension of subdivision along John Hyuda Drive and Bonner Avenue.

Servicing
A condition has been added restricting the development of Lot 2 until the land drainage sewer and concrete pavement have been constructed by the City and/or others in Mitchelson Way.

Previous Agreements
A subdivision agreement in a previous application (DASSF 698/99) restricts the issuing of building permits on Lot 3 until such time that a further plan of subdivision with other lands immediately to the west and south is registered. This caveat can be withdrawn if this application proceeds.

Recommendation

The Planning and Land Use Division recommends approval for the following reasons:

- The proposed development is a logical extension of the residential development that has already occurred along John Hyuda Drive and Bonner Avenue;
- Services for residential development are available or are forthcoming;
- The proposed rezoning is in compliance with Plan Winnipeg and its policies.
- The proposed rezoning is compatible with the surrounding properties;
- The proposed use will not create an adverse effect on the amenities, use, safety and convenience of the adjoining properties and adjacent area;
- There have been a number of similar rezonings and lot subdivisions that have been approved in the immediate area.

Recommended Conditions of Approval

I. That the plan of subdivision proposed under File No. DASZ 52/04 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File No. DASZ 52/04, attached hereto and dated February 21, 2005 for registration in the Winnipeg Land Titles Office.

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

III. That the applicant enter into a subdivision agreement with the City of Winnipeg, to provide for the following:

A. No building permits shall be issued for proposed Lot 2 until the land drainage sewer and concrete pavement have been constructed by the City and/or others in Mitchelson Way.

IV. That The Winnipeg Zoning By-Law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File No. DASZ 52/04, attached hereto and dated February 21, 2005 to an "R1-5.5" Residential District.

V. That a ten (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 increase in market value of the land and the creation of additional sites, (if applicable).

VI. The Applicants shall purchase Lot 4, Block 8, Plan 19846 from the City contained within the proposed plan of subdivision in accordance with the terms and conditions contained in Development Agreement 27/77 between the City and North Grassie Properties, Inc.

VII. That Caveat No.1349867 be withdrawn.

VIII. 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.

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

X. That the subdivision section of the by-law shall come into force and effect upon execution.

XI. 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.**

XII. 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.

XIII. In the event that 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.

This Report Submitted by:
Planning, Property and Development Department
Planning and Land Use Division

Report Prepared by: Michael Robinson
PPD File # 4.419

Schedule "A"

By-Law No. _____

File No. **DASZ 52/04**

Atlas Sheet No. **U32**

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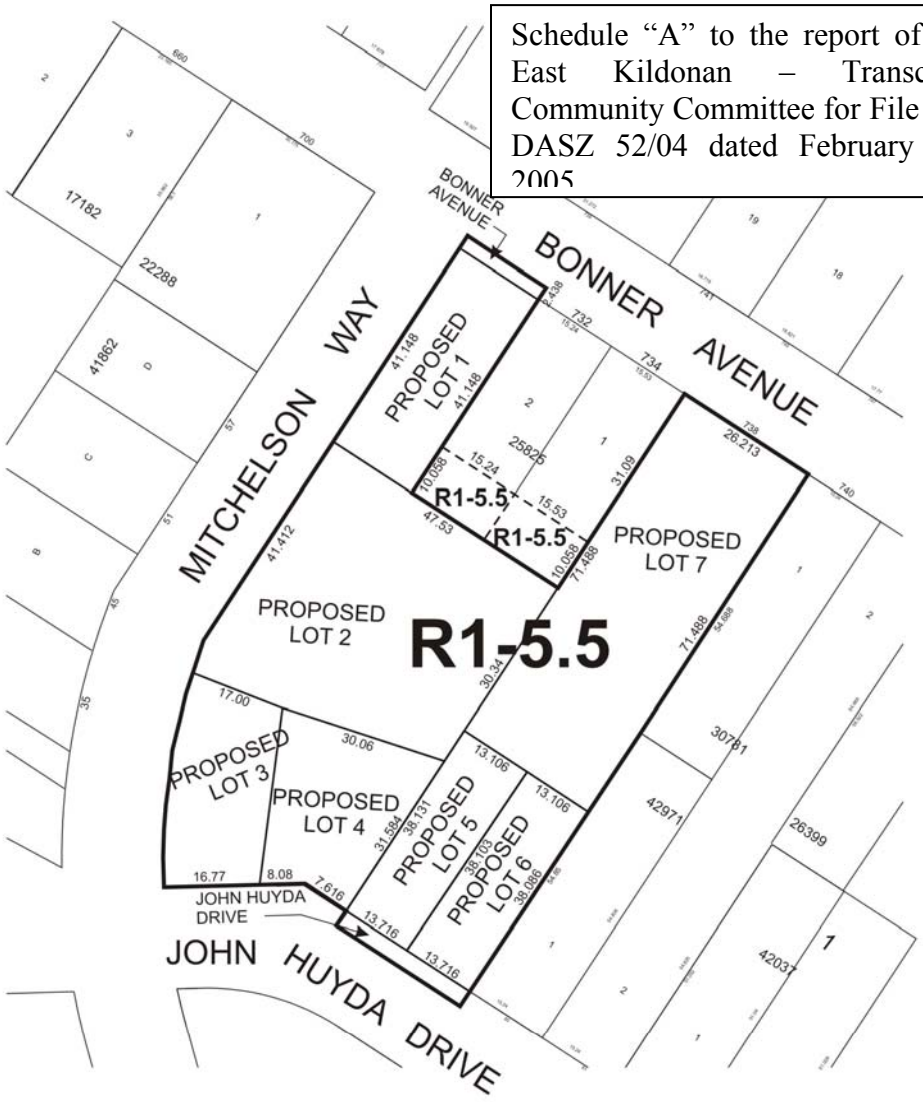
EAST KILDONAN TRANSCONA COMMUNITY

Explanation

An application for the approval of the plan of subdivision shown outlined below and for a proposed zoning change to By-law No. 6400/94 by rezoning the land located on the north side of John Huyda Drive, east of Mitchelson Way from an "A" AGRICULTURAL DISTRICT to a "R1-5.5" RESIDENTIAL DISTRICT as shown outlined below.

Schedule "A" to the report of the East Kildonan – Transcona Community Committee for File No. DASZ 52/04 dated February 21, 2005



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

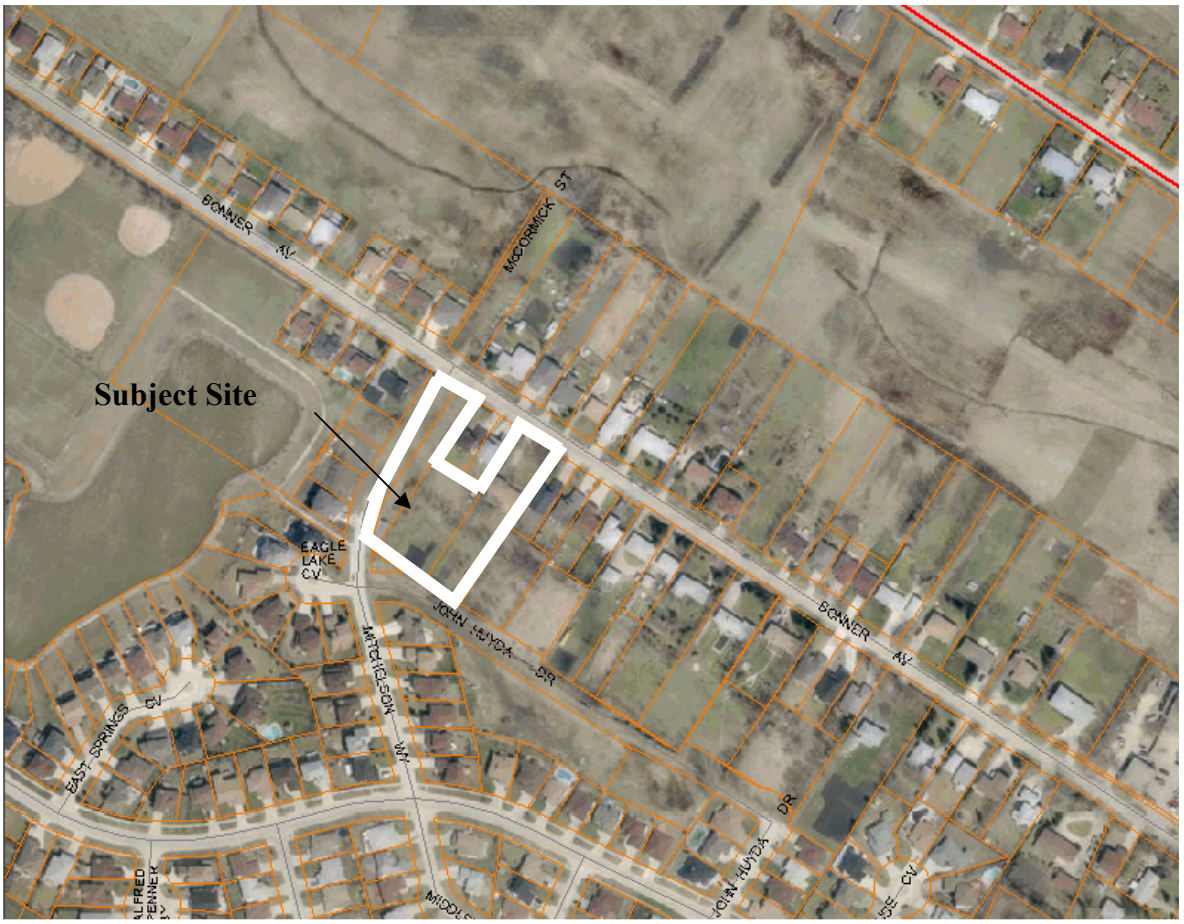


Figure 1: Aerial Photo (Flown in 2002)

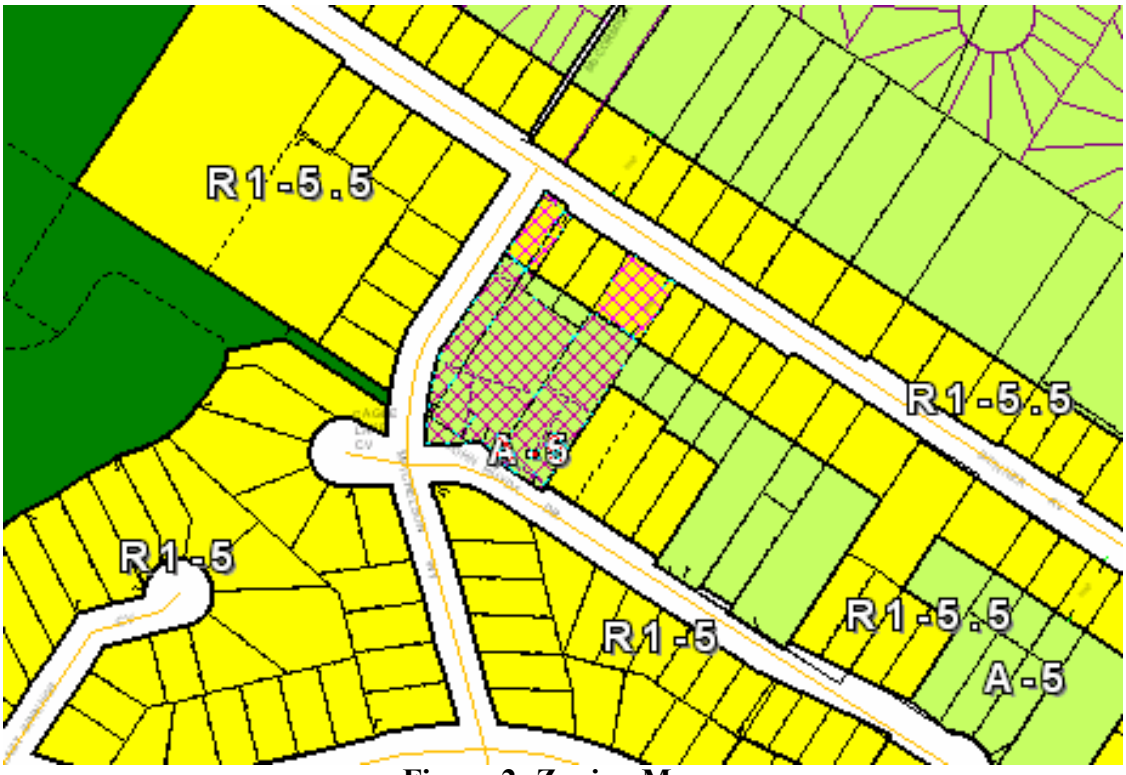


Figure 2: Zoning Map