Agenda – Council – December 14, 2005

Report - Standing Policy Committee on Property and Development - November 29, 2005

Item No. 12 Rezoning - southeast Corner Stovel and Paget Streets
File DAZ 247/2005

STANDING COMMITTEE RECOMMENDATION:

On December 7, 2005, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the City Centre Community Committee and submits the following to Council:

1. That The Winnipeg Zoning By-law 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 247/2005 dated October 25, 2005, to an "RM-5" Multiple-Family District subject to the following:

    A. That the applicant enter into a Zoning Agreement with the City of Winnipeg pursuant to Subsection 240(1) of The City of Winnipeg Charter, to provide for the following:

        i. That the total number of dwelling units shall not exceed four hundred and twenty-five (425).

        ii. That for the development of any building or structure plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas and site circulation, private approaches, garbage enclosures, fencing, landscaping and free-standing signs to City Centre Community Committee for plan approval prior to the issuance of building or development permits and thereafter maintained to the satisfaction of the Director of Planning, Property and Development.

2. That the developer shall enter into a Servicing Agreement with the City of Winnipeg pursuant to Subsection 591(1) of The City of Winnipeg Charter, containing all of the conditions outlined in the October 18, 2005, Administrative Coordinating Group report.

3. 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 increase in the market value of the land.

Report - Standing Policy Committee on Property and Development - November 29, 2005

4. 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.

5. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary rezoning by-law and forward same to Council for all three (3) readings.

Report - Standing Policy Committee on Property and Development - November 29, 2005

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On December 7, 2005, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the City Centre Community Committee and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On November 29, 2005, the Standing Policy Committee on Property and Development concurred in the recommendation of the City Centre Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On November 1, 2005, the City Centre Community Committee concurred in the administrative recommendation and submitted its recommendation to the Standing Policy Committee on Property and Development.

RE: **Rezoning - southeast Corner Stovel and Paget Street**
File DAZ /247/2005

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

Prepared by: **Josie Marques, Clerk,**
City Centre Community Committee

Report date: **November 3, 2005**

COMMUNITY COMMITTEE RECOMMENDATION:

On November 1, 2005, the City Centre 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 6400/94 be amended by rezoning the subject land as shown on Schedule "A", for File DAZ 247/2005, dated October 25, 2005, to an "RM-5" Multiple-Family District, subject to the following:

    A. That the applicant enter into a Zoning Agreement with the City of Winnipeg pursuant to Subsection 240(1) of The City of Winnipeg Charter, to provide for the following:

        i. That the total number of dwelling units shall not exceed 425; and

        iii. That for the development of any building or structure, plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas and site circulation, private approaches, garbage enclosures, fencing, landscaping, and free-standing signs to City Centre Community Committee for plan approval prior to the issuance of building or development permits and thereafter maintained to the satisfaction of the Director of Planning, Property and Development.

2. That the developer shall enter into a Servicing Agreement with the City of Winnipeg pursuant to Subsection 591(1) of The City of Winnipeg Charter, containing all of the conditions outlined in the October 18, 2005 Administrative Coordinating Group report.

3. 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 increase in the market value of the land.

4. 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.

5. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary rezoning by-law and forward same to Council for all three (3) readings.

The City Centre Community Committee provided the following supporting reason(s) for its recommendation:

1. This development is well within the requirements of Plan Winnipeg.

2. This development fulfils the requirement that single family homes be built in the area

3. This development will add to City of Winnipeg tax base.

PUBLIC HEARING SUMMARY

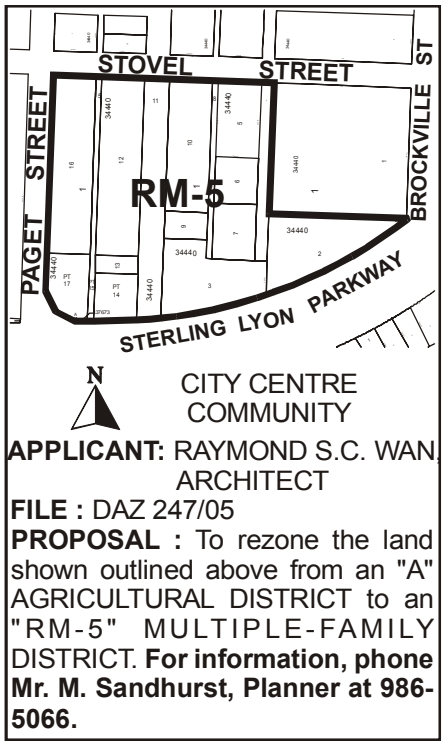
File: DAZ 247/2005

Before: City Centre Community Committee
Councillor Gerbasi, Chairperson
Councillor Benham
Councillor Smith

Public Hearing: November 1, 2005
West Committee Room
Council Building, 510 Main Street

Applicant: Raymond S.C. Wan Architect

Subject:



Premises Affected: southeast corner Stovel Street and Paget Street

Exhibits Filed:
1. Application dated August 30, 2005
2. Notification of Public Hearing dated October 3, 2005
3. Manitoba Status of Titles 1490320, 1490324, 1490331, 1490333, 1490335, 1490336, 1490342, 1490399, 1677957, 1677992, 1677995

4. Surveyor's Building Location Certificate and sketch dated July 25, 2005
5. Letter of authorization dated August 9, 2005 from 2858127 Manitoba Ltd., to Ray Wan
6. Drawing of subject property (2 pages)
7. Plan (1 page)
8. Report from the Manager of Planning and Land Use dated October 25, 2005
9. Inspection Report

REPRESENTATIONS:

In Support:

Ray Wan, Raymond S. C. Wan Architect

In Opposition

Nil

For Information:

Shirley Munro

For the City:

Mr. M. Sandhurst, Senior Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

The applicant, Raymond S.C. Wan, Raymond S.C. Wan Architect, appeared in support of the application and gave a brief overview of the proposal. Mr. Wan stated concurrence with the Report of the Manager of Planning and Land Use dated October 25, 2005.

Shirley Munro appeared for information. Ms Munro stated she was part owner of a parcel of land in the area and inquired as to why it was not included in the application.

In response to the Committee's questions, the Senior Planner stated that all the required authorization had been received to the satisfaction of the department for the subject lands of the application.

In rebuttal Mr. Wan stated that the piece of land inquired on was not available to be included in the application at this time.

Exhibit "8" referred to in File DAZ 247/2005

Winnipeg

Planning, Property and Development Department Report

To the City Centre Community Committee

Date: October 25, 2005
File: **DAZ 247/05**
Related Files: n/a
Subject: To amend By-Law No. 6400/94 by rezoning the land shown below from an "A" Agricultural District to an "RM-5" Multiple-Family District.

Location: South east corner of Stovel Street and Paget Street
(west of Sterling Lyon Parkway / Victor Lewis Drive intersection)

Legal Description: Pcl A, Pl 37673; Lts 2/17, Bl 1, Pl 34440 WLTO exc Sterling Lyon Parkway Pl 37673 WLTO and exc out of Lt 13 all mines and minerals vested in the Crown (Manitoba) by the Real Property Act in OTM Lts 53/57 Parish of St. Boniface and Two Mile Road



Applicant: Raymond S.C. Wan Architect

Owner: 2858127 Manitoba Ltd.

Recommendation: *Approved*

Site Description

The subject site is located at the south east corner of Stovel Street and the unimproved Paget Street right-of-way, north of Sterling Lyon Parkway. The north entrance to Linden Woods is located to the south west, at Whidden Gate. Portions of the site are currently developed with a vehicle storage yard, a warehouse structure, and a residential dwelling. Surrounding uses include a construction yard, sporadic dwellings, and a variety of commercial/industrial properties. Several multiple-family developments have been implemented in the vicinity, ranging from lower-density, semi-attached bungalow condominiums to 3- to 8-storey apartments and care facilities. To the west are vacant lands owned by the City of Winnipeg.

The subject site is currently zoned "A" Agricultural District. Surrounding properties are zoned "A" Agricultural, "RM" Multiple-Family, and "R1" Single-Family, reflective of this location's evolution from an unserviced commercial/industrial area to a residential node.

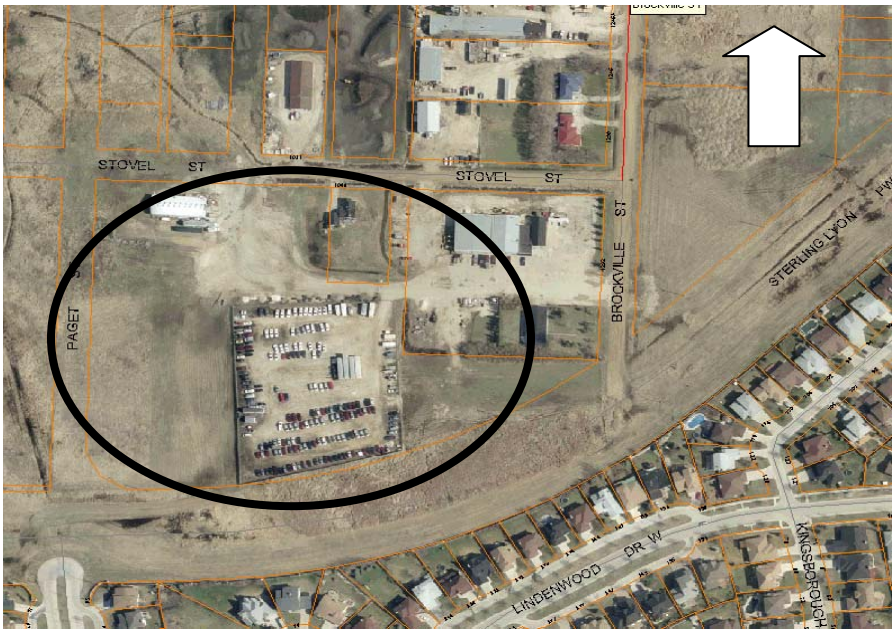


Figure 1: Subject Site (aerial photo flown 2002)

Description of the Proposed Development

The applicant proposes to establish a multiple-family development at this location. Preliminary plans submitted in support of the application indicate a 96-unit condominium (two 5-storey buildings) complex and a 124-unit assisted living facility (two 4-storey buildings). The plans do not provide even conceptual development illustration for the north west and south east portions of the site, but the applicant indicates additional multiple-family developments in subsequent phases or as independent proposals.

Analysis

Density and built form

Brockville is designated "Neighbourhood" under *Plan Winnipeg*. The proposed development is consistent with this designation and with the gradual evolution of this area to a predominantly residential enclave. The applicant confirms the proposed "RM-5" zoning district is requested primarily in order to accommodate buildings exceeding 45 feet in height, which is the maximum building height under the less intensive "RM-4" zoning district. The subject site is approximately 9.7 acres gross, which would accommodate a maximum density of approximately 708 dwellings under the proposed "RM-5" zoning ("RM-4" zoning would accommodate approximately 530 dwellings; "RM-3" accommodates approximately 422 dwellings). Required public right-of-way widenings, internal parking and vehicle circulation, required yards, and additional site amenities will reduce the overall developable area (with a corresponding reduction in density).

The densities indicated on the conceptual plan, which show 96 condominium units on the approximately 2.48 acre south west portion of the subject site and 124 assisted living units on the approximately 3.96 acre middle portion of the site, are a combined 35 dwelling units per acre. Extrapolating this density to the approximately 2.2 acre north west portion and the approximately 1.06 acre south east portion, an additional 114 dwelling units could be accommodated. With a 35 dwelling units per acre density, the entire 9.7 acre (gross) site would accommodate approximately 339 dwelling units. Due to the sketchiness of the current proposal, the department recommends a density maximum be provided via a zoning agreement clause consistent with the "RM-3" district requirements. This recommendation will still accommodate buildings up to a maximum 70 feet in height.

Servicing

Servicing of the site (i.e. water, waste water, land drainage) is relatively straightforward. As detailed in the ACG report dated October 18, 2005, the applicant or successors will be responsible for: the extension of underground services, pavements, boulevards, and so on; his share of regional services; as well as compensation for the development's share of services previously installed, but oversized to accommodate development of the subject site. The regional road system is now in place, with the recent opening of Sterling Lyon Parkway west of Victor Lewis Drive. Access to the site will be provided via improved Paget and Stovel streets, with the applicant contributing his share of road widenings, storage lanes, signalization, and so on.

Recommendation

The department recommends approval, subject to the applicant/developer entering into a zoning agreement as detailed below and a servicing agreement as detailed in the October 18, 2005 ACG report. Committee will note the ACG report recommends that a portion of the subject site not be rezoned. Specifically, Lot 2 Plan 34440 is the horn-shaped portion near the Brockville Street terminus (referred to under the Analysis heading as "the 1.06 acre south east portion"). Although there are some concerns with ensuring adequate access to this portion of the site,

especially in the absence of conceptual site development plans and cross-access agreements, the department is prepared to recommend the entire subject site be rezoned.

Recommended Conditions of Approval

I. That The Winnipeg Zoning By-law 6400/94 be amended by rezoning the subject land as shown on Schedule "A", for file DAZ 247/05, attached hereto and dated October 25, 2005, to an "RM-5" Multiple-Family District, subject to the following:

A. That the applicant enter into a Zoning Agreement with the City of Winnipeg pursuant to Subsection 240(1) of The City of Winnipeg Charter, to provide for the following:

1. that the total number of dwelling units shall not exceed 425; and
2. that, for the development of any building or structure, plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas and site circulation, private approaches, garbage enclosures, fencing, landscaping, and free-standing signs to City Centre Community Committee for plan approval prior to the issuance of building or development permits—and thereafter maintained to the satisfaction of the Director of Planning, Property, & Development.

II. That the developer shall enter into a Servicing Agreement with the City of Winnipeg pursuant to Subsection 591(1) of *The City of Winnipeg Charter*, containing all of the conditions outlined in the October 18, 2005 Administrative Coordinating Group report.

III. That a ten (10) per cent 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 the market value of the land.

IV. 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.

V. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary rezoning by-law and forward same to Council for all three (3) readings.

VI. That the rezoning by-law shall come into effect when the Zoning Agreement has been registered by caveat against the subject land at 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. In addition, the Servicing Agreement referred to in clause II. shall be executed, prior to the issuance of building or development permits

VII. That the Proper Officers of the City are hereby authorized to execute said Zoning Agreement.

VIII. That the City Solicitor/Manager of Legal Services be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

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

Report Prepared by: M. Sandhurst
PPD File # DAZ 247/05

Schedule "A"

By-Law No. _____

File No. **DAZ 247/05**

Atlas Sheet No.

N

AF20
CITY CENTRE
COMMUNITY

Explanation

A proposed zoning change to By-law No. 6400/94 by rezoning the land located on the southeast corner of Stovel Street and Paget Street from an "A" AGRICULTURAL DISTRICT to an "RM-5" MULTIPLE-FAMILY DISTRICT as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

Schedule "A" to the report to City Centre Community Committee for file # DAZ 247/05 dated October 25, 2005.

Exhibit "9" referred to in File DAZ 247/2005

Re: Proposed rezoning of land located at the southeast corner of Stovel Street and Paget Street - DAZ 247/05

An application has been submitted by Raymond S.C. Wan, Architect to rezone land located at the southeast corner of Stovel Street and Paget Street.

Paget Street from Sterling Lyon Parkway to Stovel Street is to be established as a residential collector street to the satisfaction of the Director of Public Works. It is to be established with a 22.0m right-of-way except near Sterling Lyon Parkway where the right-of-way is to be 32.0m in width. The 32.0m in width section is to extend to a point at least 60.0m north of Sterling Lyon Parkway and then taper to 22.0m in width through an additional 60.0m. the right-of-way which is to be established for Paget Street in conjunction with this application will be provided by the City who owns the land located on the west side of Paget Street.

It is recommended that approval of this application amended to delete Lot 2, Plan 34440 be subject to the Developer entering into a Servicing Agreement as follows:

1. a) The Developer shall pay its share of the cost of the following improvements in Paget Street and, at and in the vicinity of the intersection of Paget Street and Sterling Lyon Parkway on an area basis with the total contributing area being the currently undeveloped lands bounded by Sterling Lyon Parkway, the C.P.R. La Riviere Subdivision, Stovel Street and Brockville Street as determined by the Director of Public Works:

    i) Portland cement concrete pavements to widths of 8.0m and 10.0m, by 200mm in thickness in Paget Street from Sterling Lyon Parkway to Stovel Street and all related works including, but not necessarily limited to ornamental street lighting, sidewalks, boulevard landscaping and land drainage sewer;
    ii) An eastbound left turn deceleration and storage lane;
    iii) A westbound right turn acceleration and storage lane;
    iv) Right-turn channelization in the northwest and northeast corners of the intersection;
    v) Modifications to the existing median opening as may be required;
    vi) 50% of the costs of the installation of traffic control signals and all related works at the intersection of Paget Street and Sterling Lyon Parkway including, but not necessarily limited to, pedestrian and vehicular actuation, interconnection to adjacent traffic control signals and railway crossing protection, and audible pedestrian signals;
    vii) Advance permanent street name signs on Sterling Lyon Parkway, east and west of Paget Street;
    viii) All related works;

    all as determined by and to the satisfaction of the Director of Public Works.

b) The Developer shall finance and construct or pay the costs of the following improvements in Paget Street and at and in the vicinity of the intersection of Paget Street and Sterling Lyon Parkway:

i) Portland cement concrete pavements to widths of 8.0m and 10.0mm by 200mm in thickness in Paget Street from Sterling Lyon Parkway to Stovel Street and all related works including, but not necessarily limited to ornamental street lighting, sidewalks, boulevard landscaping and land drainage sewer;
ii) An eastbound left turn deceleration and storage lane;
iii) A westbound right turn deceleration and storage lane;
iv) Right-turn channelization in the northwest and northeast corners of the intersection;
v) Modifications to the existing median opening as may be required;
vi) 50% of the costs of the installation of traffic control signals and all related works at the intersection of Paget Street and Sterling Lyon Parkway including, but not necessarily limited to, pedestrian and vehicular actuation, interconnection to adjacent traffic control signals and railway crossing protection, and audible pedestrian signals, when required as determined by the Director of Public Works;
vii) Advance permanent street name signs on Sterling Lyon Parkway, east and west of Paget Street;
viii) All related works;

all as determined by and to the satisfaction of the Director of Public Works.

c) The Developer's share of the cost of improvements as determined in a) above shall be off-set against the cost of services to be constructed or paid for pursuant to b) above and the City shall reimburse the Developer for the difference as certified by the Director of Public Works as it collects from the benefiting lands in accordance with the City's Development Agreement Parameters prevailing at the time of reimbursement.

2. a) The Developer shall, at no expense to the City install watermains, wastewater sewers and land drainage sewers in Paget Street from Sterling Lyon Parkway to Stovel Street as determined by and to the satisfaction of the Director of Water and Waste.

b) The Developer shall construct and/or pay its share of the cost of watermains, wastewater sewers, land drainage sewers, concrete pavement, sidewalk, boulevards and ornamental street lighting in Stovel Street from Paget Street to the east limit of the proposed development as determined by the Director of Water and Waste and the Director of Public Works.

3. The Developer shall pay its share of the cost of the regional land drainage system (TSR and Somerville trunk user charge) and shall pay its share of the cost of the existing wastewater sewer and land drainage sewer in Whidden Gate which were oversized to serve the proposed development as determined by the Director of Water and Waste.

4. The Developer shall pay its share of the cost of constructing the Sterling Lyon Parkway

as detailed by the Director of Public Works. The 2005 rates therefor is $3,754.31/acre.

5. No private approaches will be permitted off Sterling Lyon Parkway.

6. The Developer shall provide two paved means of vehicular access to each stage of development within the Planned Area at all times, to the satisfaction of the Director of Public Works. This may require the construction of temporary streets and the provision of right-of-way or easements therefore.

7. The Developer shall construct paved cul-de-sac vehicular turnarounds at the terminus of each temporarily dead-ended street and provide any necessary right-of-way or easements therefore, all as determined by and to the satisfaction of the Director of Public Works.

8. The Developer shall, at no expense to the City, cause to be installed standard reflectorized permanent street name signs to be installed at all new street intersections being created as a result of the proposed development.

9. The Developer shall, at no expense to the City, cause underground electrical and telephone services to be installed to serve the proposed development to the satisfaction of the Director of Public Works.

10. The Developer shall pay all costs associated with the relocation of streetlights and other utilities made necessary as a result of or required to accommodate works, which are to be constructed by the Developer to serve the development, as determined by and to the satisfaction of the Director of Public Works.

11. The Developer shall, at no expense to the City, be responsible to control and to initiate the cleanup 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 completion of all construction. The cleanup 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 all costs in remedying the situation to the satisfaction of the Director of Public Works.

12. The Developer shall, at no expense to the City, ensure that construction traffic uses 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 condition, free of dropped and tracked-on mud, and shall undertake regular cleaning of streets until building construction, including landscaping is complete, all as determined by and to the satisfaction of the Director of Public Works.

13. The Developer shall, at no expense to the City, construct within the yards of all lots abutting Sterling Lyon Parkway, a uniform noise attenuation fence 2.0m in height, to the satisfaction of the Director of Public Works. The Developer shall permit the City to file a caveat against the title of each of these proposed lots abutting Sterling Lyon Parkway requiring the owner(s) to maintain and/or repair or replace the fence as originally constructed, to the satisfaction of the Director of Public Works.

14. The Developer shall pay the full cost of engineering services provided by or on behalf of the City in connection with the installation of services required to serve the proposed development.

15. The Developer shall pay $1,200.00/acre in lieu of the City's administration and related costs associated with the preparation and implementation of the Servicing Agreement.

THIS REPORT SUBMITTED BY:

Administrative Coordinating Group
File No. DAZ 247/05
October 18, 2005

V:\7-ACG Reports\05ag247-report.doc

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

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

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