Minute No. 92
Report - Standing Policy Committee on Property and Development - January 9, 2007

Item No. 6 Subdivision and Rezoning - 40 and 60 Shore Street
File DASZ 29/2006 [c/r DAC 17/2006]

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

The Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the Riel Community Committee and submits the following to Council:

1. That the plan of subdivision proposed under File DASZ 29/2006 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 29/2006 dated September 13, 2006, for registration in the Winnipeg Land Titles Office, subject to the inclusion of an eight (8) foot wide Public Walk along the west side of the proposed development, and the following:

    A. That the Developer be required to enter into a Servicing Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated August 30, 2006, with the following amendment:

        i. Add the following Recommendation 13, namely:

            "13. The Developer shall, at no expense to the City, construct an asphaltic concrete pedestrian walk in the Public Walk along the west side of the proposed development as determined by and to the satisfaction of the Director of Public Works."

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 29/2006 dated September 13, 2006, to an "RM-7" Multiple Family District.

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 increase in market value of the land and the creation of additional sites (if applicable).

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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 subdivision section of the by-law shall come into force and effect upon execution by the City of Winnipeg of the Development Agreement.

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.

10. 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.

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DECISION MAKING HISTORY:

Moved by Councillor Swandel,
That the recommendations of the Standing Policy Committee on Property and Development and the Riel Community Committee be concurred in and forwarded to Council.

Carried

STANDING COMMITTEE RECOMMENDATION:

On January 9, 2007, the Standing Policy Committee on Property and Development concurred in the recommendation of the Riel Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On November 14, 2006, the Riel Community Committee concurred in the administrative recommendation with the following amendments, namely:

Report from the Planning and Land Use Division
That the report from the Planning and Land Use Division dated September 13, 2006, be amended as follows:

- Amend Recommendation 1. by inserting the words "the inclusion of an eight (8) foot wide Public Walk along the west side of the proposed development and" after the words "subject to" in the fourth line thereof.

Report from the Administrative Coordinating Group
That the report from the Administrative Coordinating Group dated August 30, 2006, be amended as follows:

- Add the following Recommendation 13, namely:

  "13. The Developer shall, at no expense to the City, construct an asphaltic concrete pedestrian walk in the Public Walk along the west side of the proposed development as determined by and to the satisfaction of the Director of Public Works.",

Report - Standing Policy Committee on Property and Development – January 9, 2007

DECISION MAKING HISTORY (continued):

COMMUNITY COMMITTEE RECOMMENDATION (continued):

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

On September 19, 2006, the Riel Community Committee adjourned the public hearing to its meeting to be held on November 14, 2006.

RE: **Subdivision and Rezoning - 40 and 60 Shore Street**
File DASZ 29/2006

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

Prepared by: **Marc Pittet, Clerk,**
Riel Community Committee

Report date: **November 27, 2006**

COMMUNITY COMMITTEE RECOMMENDATION:

On November 14, 2006, the Riel 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 29/2006 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 29/2006 dated September 13, 2006, for registration in the Winnipeg Land Titles Office, subject to ***the inclusion of an eight (8) foot wide Public Walk along the west side of the proposed development and*** the following:

    A. That the Developer be required to enter into a Servicing Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated August 30, 2006, ***with the following amendment:***

        i. Add the following Recommendation 13, namely:

            "13. The Developer shall, at no expense to the City, construct an asphaltic concrete pedestrian walk in the Public Walk along the west side of the proposed development as determined by and to the satisfaction of the Director of Public Works."

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 29/2006 dated September 13, 2006, to an "RM-7" Multiple Family District.

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 increase in market value of the land and the creation of additional sites (if applicable).

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 subdivision section of the by-law shall come into force and effect upon execution by the City of Winnipeg of the Development Agreement.

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 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.

10. 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.

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

The Riel Community Committee provided the following supporting reason for its recommendation:

1. The Riel Community Committee agreed with the administrative comments contained in the report from the Planning and Land Use Division dated September 13, 2006 and in the report from the Administrative Coordinating Group dated August 30, 2006.

PUBLIC HEARING SUMMARY

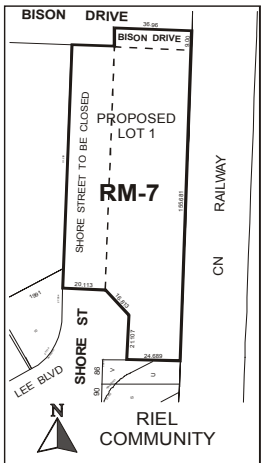
File: DASZ 29/2006

Before: Riel Community Committee
Councillor Steeves, Chairperson
Councillor Swandel
Councillor Vandal

Public Hearing: November 14, 2006
September 19, 2006
Council Building, 510 Main Street

Applicant: Pre-Con Builders (Robin Lee)

Subject:



APPLICANT : PRE-CON BUILDERS
FILE: DASZ 29/06
PROPOSAL: An application for the approval of the plan of subdivision shown outlined above as may be determined by Council and for a proposed zoning change to By-law No. 6400/94 by rezoning the land shown outlined above from an "A.5" AGRICULTURAL DISTRICT to a an "RM-7" MULTIPLE-FAMILY DISTRICT. **For information, phone Mr. K. Lalor, Planner at 986-5069.**
DEMANDEUR : PRE-CON BUILDERS
N° DE RÉFÉRENCE : DALZ 29/06
PROJET : Demande visant à faire approuver par le Conseil le plan de lotissement indiqué ci-dessus et proposition de modification du *Règlement municipal n° 6400/94* visant à faire changer le zonage des sols délinéés ci-dessus qui passeraient de la catégorie A.5 (SECTEUR AGRICOLE) à la catégorie RM-7 (SECTEUR D'HABITATIONS MULTIFAMILIALES). **Pour plus de renseignements, veuillez communiquer avec M. K. Lalor, urbaniste, au 986-5069.**

Premises Affected: 40 and 60 Shore Street

Exhibits Filed:

1. Application dated August 9, 2006
2. Notification of Public Hearing dated August 15, 2006
3. Manitoba Status of Titles 1246937, 1339715, 1528223, 1718775, 211485, 2111488 2139322 and 2153798
4. Letter of authorization dated May 5, 2006 from Myles Kraut to Pre-Con Builders
5. Letter of authorization dated May 23, 2006 from James and Marilyn Marsh to Myles Kraut and/or Pre-Con Builders
6. Letter of authorization dated May 23, 2006 from Edgar Taam to Myles Kraut and/or Pre-Con Builders
7. Plans (3 pages)
8. Report from the Planning and Land Use Division dated September 13, 2006
9. Report from the Administrative Coordinating Group dated August 30, 2006
10. Inspection Report

REPRESENTATIONS:

In Support:

Myles Kraut
Robin Lee

In Opposition

Nil

For the City:

Mr. E. Carriere, Land Development Engineer, Planning, Property and Development Department
Mr. K. Lalor, Senior Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

The applicant, Robin Lee, accompanied by Myles Kraut, appeared in support of the application and indicated concurrence in the administrative report from the Planning and Land Use Division dated September 13, 2006 and the report from the Administrative Coordinating Group dated August 30, 2006

Councillor Swandel indicated that part of his recommendation would include the provision of an easement to provide for a pedestrian walkway which is to be installed at the owner's expense.

Exhibit "8" referred to in File DASZ 29/2006

Winnipeg

Planning, Property and Development Department Report

To the Riel Community Committee

Date: September 13/2006

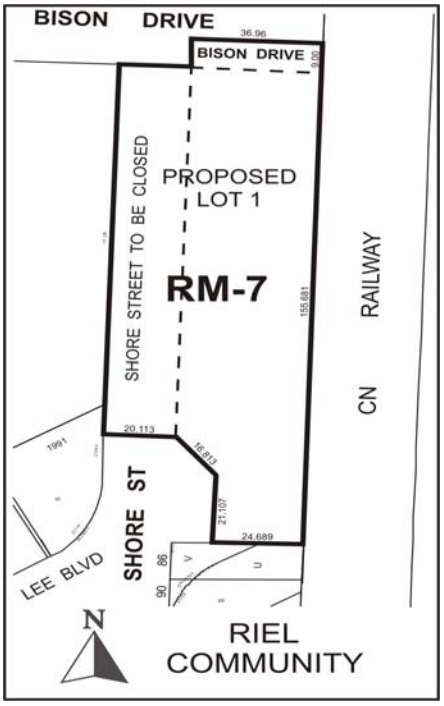
File: DASZ 29/06

Related Files: N/A

Subject: The purpose of the subject application is to consolidate a number of properties north of Shore Street and rezone all of the aforementioned land from an "A-5" Agricultural and " R1-4" Residential category to an " RM-7" Multiple Family category to facilitate construction of two buildings having a total of 96 dwelling units.

Location: 40 & 60 Shore Street

Legal Description: Lots 16 & 17 Plan 21995, Lots 12-18 Blk. 6 Plan 1991, Parcels X & W, Plan 44692



3118

Applicant: Pre-Con Builders

Owner: City of Winnipeg, Myles Kraut,, Edgar Taam, James Marsh

Recommendation: (Approved with Conditions)

Site Description

The overall site area, including the closed rights-of-way, is approximately 89,915 sq. ft. (slightly more than 2 acres). It is vacant and zoned 'A' Agricultural and ' R1-4' Residential . The site is bounded on the north by Bison Drive, on the south by Lee Blvd., on the east by the CN Rail right-of –way and on the west by a large tract of undeveloped land owned by Westfair Foods. The Westfair site is zoned C2 Commercial. The properties to the south along Shore and Lee Blvd. are zoned R1-4 Residential Single Family and many are occupied with dwellings. The area has up until recently been un-serviced . Full services however, including piped water and sewer, are currently ,in the process, of being installed .



Background

The subject property has been lying vacant for many years while the property owners to the south along Lee and Fairfield were petitioning the City for a full range of underground services. Without full services, Plan Winnipeg Policy does not permit the subdivision of land. As a result, the Fairfield Park area has remained unchanged over the years with the exception of the establishment of the adjacent Superstore several years ago (which installed its own groundwater hookup and wastewater sewer connection). The installation of full underground service is, now however near completion in most areas of Fairfield Park and a proposed overall plan of subdivision has been completed by the City and ratified by area residents. Because of the potential for residential development in the surrounding area and the increase in traffic that will accompany development, the Public Works Department has decided to close Shore Street at Bison Drive effectively restricting future access to the area via either Barnes Avenue or Lee Blvd. In 2005, there was an application, on a slightly smaller scale, to rezone a portion of the lands north of the intersection of Lee Blvd. and Shore Street to an ' RM-L' Multiple Family category to accommodate a 12 unit housing complex. As part of that application, a section of Shore Street north of Lee Blvd. was to be closed and consolidated with the adjoining vacant lands to the east. An 8 foot noise attenuation fence was to be installed and maintained along the east periphery of the project as a condition of approval. That proposal under DASZ 18/05 was ratified by Riel Community Committee but was not pursued. Subsequently a new application, encompassing a larger area has been made.

Description of the Proposed Development

Phase I of the project calls for the construction of seven storey (54 suite) facility, the main floor of which will dedicated to 36 interior parking stalls. The suites in this building will range in size from 1205 sq. ft. to 1243 sq. ft. A second structure may be built, at a later date and will constitute Phase II of the project. That building, while of equivalent height will be smaller , in scale, and will have have fewer dwelling units (maximum 42). The main floor of the second proposed structure will provide 27 interior parking stalls. In addition to the interior stalls mentioned, an additional 86 exterior stalls (including visitor) are to be provided at the front of both buildings. Extensive landscaping is being installed on all sides, with particular focus at the entrance point to Shore Street. The City has also recommended that the Developer construct and maintain a 2 metre high fence along the east and north property lines for both noise attenuation and safety purposes.

Analysis

The subject lands are awkwardly situated given that their proximity to both Bison Drive and the railway right-of –way does not make it particularly suitable for single family housing. In addition, the closing of the access from Shore to Bison Drive does not make commercial development viable. Therefore a low – medium density high end condo project which does not generate much traffic through the adjoining residential areas would appear to be the highest and best use of the land. Ultimately, both the City and the applicant benefit from an arrangement whereby the City gives up portions of an unneeded street right-of-way allowing the Developer to

have more buildable space and a larger surface parking area and in return, the developer agrees to construct a proper turn around on the north side of Shore Street. The Developer also is required to pay the full cost of underground services previously installed by the City in Shore Street north of its proposed new terminus . The cost of the services within Shore Street will be levied as part of the Fairfield Park Local Improvement District. It should be further noted that the Developer to construct and maintain a uniform 2 metre high solid fence along the east periphery of his property adjoining the CNR Letellier Line and similarly along the north property line adjoining Bison Drive. The aforementioned fences are for both safety and noise attenuation purposes.

Recommendation

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

- The highest and best use of the subject consolidated properties is medium density multiple family (condo) development. The lands in question are not particularly suitable for either single family or commercial development.

Recommended Conditions of Approval

I. That the plan of subdivision proposed under File No. DASZ 29/ 2006 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File No. DASZ 29/2006, attached hereto and dated September 13/2006, for registration in the Winnipeg Land Titles Office, subject to the following:

A. That the Developer be required to enter into a Servicing Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated August 30/2006.

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

III 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 29/2006, attached hereto and dated September 13/2006, to an "RM-7" Multiple Family District.

IV. 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).

V. 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.

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

VII. That the subdivision section of the by-law shall come into force and effect upon execution by the City of Winnipeg of the Development Agreement.

VIII. 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.

IX. 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.

X. 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: Kevin Lalor
PPD File # 656

By-Law No. _____

File No. **DASZ 29/06**

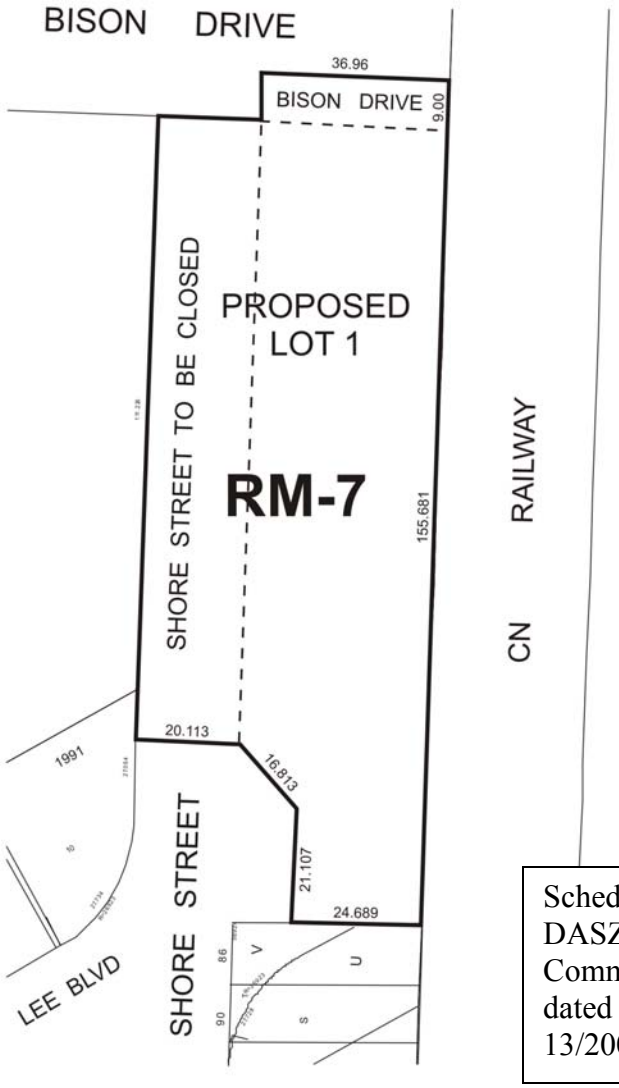
Atlas Sheet No.

N

AL23
RIEL
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 at 40 and 60 Shore Street from an "A.5" AGRICULTURAL DISTRICT to an "RM-7" MULTIPLE-FAMILY DISTRICT as shown outlined below.



Schedule "A" for File # DASZ 29/2006, Riel Community Committee, dated September 13/2006

THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

Exhibit "9" referred to in File DASZ 29/2006

Re: Proposed subdivision and rezoning of land located on the east side of Shore Street, north of Lee Boulevard – DASZ 29/06

An application has been submitted by Myles Kraut to subdivide and rezone land located on the east side of Shore Street, north of Lee Boulevard. The subject land is partly located within the Fairfield Park Local Improvement District and services have been installed in Shore Street north of Lee Boulevard.

It is recommended that approval of DASZ 29/06 be subject to the Developer entering into a Servicing Agreement as follows:

1. The Developer shall pay to the City the cost of underground services previously installed by the City in Shore Street north of its proposed new terminus. The cost of the services within Shore Street will be levied as part of the Fairfield Park Local Improvements District.
2. The Developer shall grant a 6.0m wide easement for the existing watermain located within the proposed closing of Shore Street.
3. a) The Developer shall, at no expense to the City, remove the existing Shore Street connection to Bison Drive including regrading of the Bison Drive ditch in the vicinity of the removed street connection as determined by and to the satisfaction of the Director of Public Works.
   b) The Developer shall, at no expense to the City, close the existing median opening on Bison Drive at Shore Street including restoration of the curb and median landscaping as determined by and to the satisfaction of the Director of Public Works.
4. The Developer shall pay its share of the regional land drainage system as determined by the Director of Water and Waste.
5. The Developer shall, at no expense to the City, construct abutting the CNR Letellier Subdivision, a uniform 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 the subject property 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. Said fence is intended to ensure that "pedestrian trespass" to the tracks does not become a consequence of the subject development, thereby jeopardizing existing and/or future anti-whistling regulations along the CNR Letellier Subdivision.
6. The Developer shall, at no expense to the City, construct abutting Bison Drive, 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 the subject property 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.
7. The Developer shall, at no expense to the City, provide underground electrical and telephone services to serve the proposed development and will pay the full cost to convert any existing overhead services within the proposed development to underground.

8. 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 proposed development, as determined by and to the satisfaction of the Director of Public Works.
9. The Developer shall, at no expense to the City, 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 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 all costs in remedying the situation to the satisfaction of the Director of Public Works.
10. 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.
11. There are to be no private approaches serving the proposed development off Bison Drive; all access to the site shall be off Shore Street.
12. The Developer shall pay $1,650.00 plus 6% G.S.T. to defray 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. AG 29/06
August 30, 2006

["Original signed by E.L. Carriere"]
Land Development Engineer

["Original signed by T.S. Josephson"]
Water and Waste Department

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

By-Law No. _____

_____

File No. **DASZ 29/06**

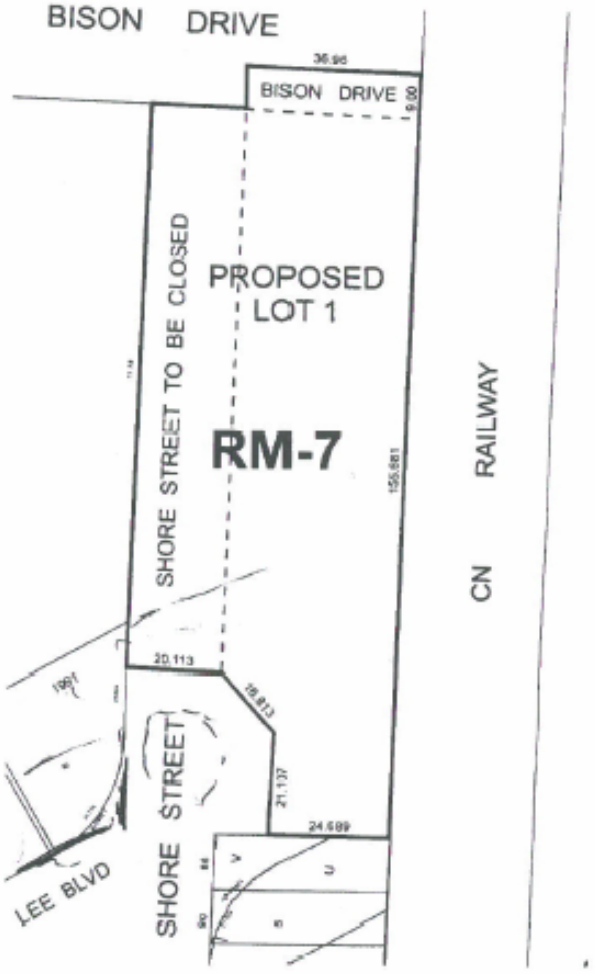
Atlas Sheet No.

N

AL23
RIEL
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 at 40 and 60 Shore Street from an "A.5" AGRICULTURAL DISTRICT to an "RM-7" MULTIPLE-FAMILY DISTRICT as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____