Agenda - Council - May 16, 2007

Report - Standing Policy Committee on Property and Development – May 1, 2007

Item No. 10 Subdivision and Rezoning - northeast corner St. Anne's Road and Warde Avenue
(St. Vital Ward)
File DASZ 8/2007

STANDING COMMITTEE RECOMMENDATION:

On May 9, 2007, 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 under File DASZ 8/2007 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 8/2007 dated April 3, 2007, 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 March 30, 2007, with the following amendment:

        i. That Recommendation 11 be deleted in its entirety and the remaining Recommendations renumbered accordingly.

2. That The Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 8 /2007 dated April 3, 2007, to an "RM-3" Multiple Family District and a " PR " Public Reserve District subject to the following:

    A. That the applicant enter into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to include the following condition:

        i. That for the development of any building and/or accessory parking area and/or signage, plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, landscaping and signage to the Director of Planning, Property and Development and the Riel Community Committee for plan approval prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development.

Report - Standing Policy Committee on Property and Development – May 1, 2007

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

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 by-law in accordance with the above.

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

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.

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.

Report - Standing Policy Committee on Property and Development – May 1, 2007

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

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

STANDING COMMITTEE RECOMMENDATION:

On May 1, 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 April 10, 2007, the Riel Community Committee concurred in the administrative recommendation with the following amendments, namely:

Report of the Administrative Coordinating Group dated March 30, 2007

- That Recommendation 11 be deleted in its entirety and the remaining Recommendations renumbered accordingly.

Report from the Planning and Land Use Division dated April 3, 2007

- That Recommendation 3 be deleted in its entirety and the remaining Recommendations renumbered accordingly,

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

RE: **Subdivision and Rezoning - Northeast corner St. Anne's Road and Warde Avenue**
File DASZ 8/2007 [c/r DCU 114473/2007D]

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

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

Report date: **April 19, 2007**

COMMUNITY COMMITTEE RECOMMENDATION:

On April 10, 2007, 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 under File DASZ 8/2007 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 8/2007 dated April 3, 2007, 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 March 30, 2007, ***with the following amendment:***

        i. That Recommendation 11 be deleted in its entirety and the remaining recommendations renumbered accordingly.

2. That The Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 8 /2007 dated April 3, 2007, to an "RM-3" Multiple Family District and a " PR " Public Reserve District subject to the following:

    A. That the applicant enter into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to include the following condition:

        i. That for the development of any building and/or accessory parking area and/or signage plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, landscaping and signage to the Director of Planning, Property and Development and the Riel Community Committee for plan approval prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development.

~~***3. 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.***~~

~~***4.***~~ ***3.*** That the Director of Planning, Property and Development be authorized to certify any documents in connection therewith.

~~***5.***~~ ***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.

~~***6.***~~ ***5.*** That the City Solicitor/Manager of Legal Services be requested to prepare the necessary by-law in accordance with the above.

~~***7.***~~ ***6.*** That the subdivision section of the by-law shall come into force and effect upon execution by the City of Winnipeg of the Servicing Agreement.

~~***8.***~~ ***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.

~~***9.***~~ ***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.

~~***10.***~~ ***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.

~~***11.***~~ ***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 April 3, 2007 and in the report from the Administrative Coordinating Group dated March 30, 2007.

PUBLIC HEARING SUMMARY

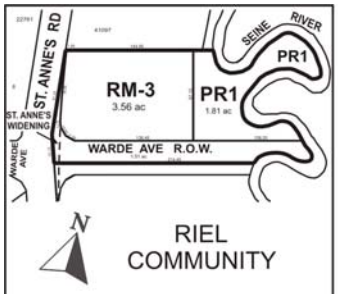
File: DASZ 8/2007 [c/r DCU 114473/2007D]

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

Public Hearing: April 10, 2007
Council Chamber, Council Building, 510 Main Street

Applicant: ND LEA Inc. (Ross Mitchell)

Subject:



APPLICANT : ND LEA INC.
FILE: DASZ 8/07
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 "PR1" PARKS AND RECREATION DISTRICT and an "RM-3" MULTIPLE-FAMILY DISTRICT. **For information, phone Mr. K. Lalor, Planner at 986-5069.**
DEMANDEUR : ND LEA INC.
N° DE RÉFÉRENCE : DALZ 8/07
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 PR1 (SECTEUR DES PARCS ET DES LOISIRS) et à la catégorie RM-3 (SECTEUR D'HABITATIONS MULTIFAMILIALES). **Pour plus de renseignements, veuillez communiquer avec M. K. Lalor, urbaniste, au 986-5069.**

Premises Affected: Northeast corner St. Anne's Road and Warde Avenue

Exhibits Filed:

1. Application dated March 6, 2007
2. Notification of Public Hearing dated March 14, 2007
3. Manitoba Status of Title 2184720
4. Letter of authorization dated February 23, 2007 from Ki Soo Lee and Hyoung Key Chae to ND LEA Inc.
5. Site Plan
6. Plan
7. Revised Plans (3 pages) dated March 12, 2007
8. Report from the Planning and Land Use Division dated April 3, 2007
9. Report from the Administrative Coordinating Group dated March 30, 2007
10. Inspection Report
11. Presentation submitted by Ross Mitchell at the Public Hearing
12. Presentation dated April 10, 2007, submitted by David Watson at the Public Hearing

REPRESENTATIONS:

In Support:

Robert J. Antymniuk
Jay Lev
Ross Mitchell
David L. Watkin

In Opposition:

David Watson

For Information:

Jules Legal

For the City:

Mr. K. Raban, Land Development Administrator, 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, Ross Mitchell, accompanied by David L. Watkin, appeared in support of the application and gave a brief overview of the proposal. Mr. Mitchell indicated concurrence in the recommendations contained in the administrative reports from the Planning and Land Use Division dated April 3, 2007 and the Administrative Coordinating Group dated March 30, 2007, with the following exceptions:

- Mr. Mitchell requested that Recommendation 11 in the Administrative Coordinating Group report dated March 30, 2007, pertaining to the extension of Warde Avenue, be deleted in its entirety;
- Mr. Mitchell further requested that Recommendation 3 in the report from the Planning and Land Use Division dated April 3, 2007, be deleted in its entirety as land dedication is addressed in the Administrative Coordinating Group report.

Mr. Mitchell stated that there is a demand for this type of housing in the area as seniors want to remain in the area where they raised their families.

David Watson appeared in opposition to the application and read from a presentation, filed as Exhibit 12.

Exhibit "8" referred to in File DASZ 8/2007 [c/r DCU 114473/2007D]

Winnipeg

Planning, Property and Development Department Report

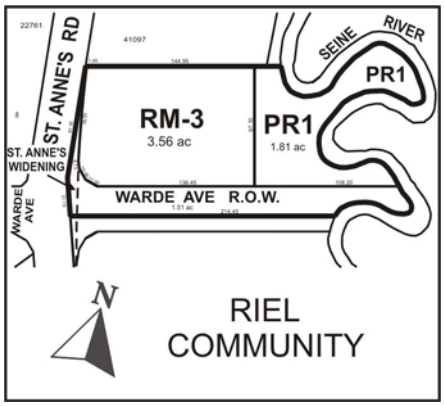
To the Riel Community Committee

Date: April 3/2007
File: DASZ /07
Related Files: DCU 07 – 114473D

Subject: To rezone the subject property from an " A-5" Agricultural District to an " RM-3" Multiple Family District and Public Reserve in order to facilitate development of an assisted living housing facility.

Location: NE corner of St. Anne's Road and Warde Avenue

Legal Description: SP Lot 11, Plan 20519 WLTO



Applicant: ND LEA Inc.

Owner: Hyoung Key Chae & Ki Soo Lee

Recommendation: Approval with conditions

Report Summary:

- The proposed facility is in full compliance with Plan Winnipeg Policy and is in character with developments of a similar nature which have already been constructed along the east side of St. Anne's Road.

- The proposed building will be three stories in height and will have a total of one hundred and fifty (150) dwelling units (seniors independant living) when complete.

- Primary access will be directly from St. Anne's Road at the NW corner of the site but there will also be a secondary (temporary) access via the future Warde Avenue right-of –way.

Site Description:



Existing Use/Zoning:

The subject 4.3 acre site is vacant and zoned A-5 Agricultural. It is heavily treed along the Seine River.

Surrounding Land Use and Zoning:

To the immediate north is a church owned and operated by the Hindu Society of Manitoba. To the west is a vacant parcel of zoned 'C2' Commercial land and an established " R1-3.5" Single Family residential subdivision. To the south of the future Warde Avenue extension are lands owned by the La Division Scolaire Franco Manitobaine . A school is planned at this location. To the east is the Seine River the south edge of the Royal Wood Subdivision.

Description of the Proposed Development:

The proposal calls for the construction of a three story , one hundred and fifty unit Seniors Independent Living facility which will be well set back from St. Anne's Road on the subject property. The proposed building will be well screened from the highway by a heavily landscaped surface parking area which will be able to accommodate seventy four (74) vehicles. The main floor of the facility will have staff offices, lounge areas, a games room , theatre and the central dining room in addition to some suites. The second and third floors will be comprised of one and two bedroom units in addition to sitting areas and observation decks. The structure is circular in design , focused inwardly on a central courtyard. The overall site area for building and proposed parking totals 3.56 acres. An additional 1.81 acres of public reserve area is being retained by the City along the Seine River. The new facility will have primary access directly off of St. Anne's with a secondary access via a partial opening of the Warde Avenue extension. It should be noted that portions of the original overall parcel , abutting St. Anne's Road and the Warde Avenue extension , will be transferred to the City of Winnipeg for future right-of –way purposes.

Analysis:

The Neighbourhood Planning Branch has reviewed the proposal and is of the view that an assisted living housing facility is an appropriate use on the land in question. The structure is of a scale that is in character with adjoining uses of a similar nature to the north along St. Anne's Road and is well set back from that right-of-way by as much as 200' (60.9 m) of landscaping and surface parking area. Although building profiles are not as yet available, it does appear that the design of the structure is innovative and unique in some ways with everything orienting inwards towards a central courtyard area. The internal pathway system will also be able to tie in eventually with pedestrian pathway systems planned for the designated public reserve areas along the river. Through the subdivision and rezoning process , the City is also acquiring land that will be needed in the future for the Warde Avenue extension and a widening of St. Anne's Road. Seniors Independant Living facilities of this type are important components in every new

neighbourhood, if properly planned and sited. With that in mind, we strongly support the subject application and recommend that it be endorsed (with the accompanying conditions) by your Committee.

Recommendation:

The Planning and Land Use Division recommends approval of the proposed rezoning and subdivision for the following reason:

- The proposed use is in compliance with Plan Winnipeg Policy and is of a scale which is in character with the surrounding neighbourhood.

Recommended Conditions of Approval

1. That the plan of subdivision proposed under File DASZ 8/2007 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 8/2007 dated April 3, 2007, 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 March 30, 2007.

2. That The Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" with amendments and revisions contained therein for File DASZ 8 /2007 dated April 7/2007, to an "RM-3" Multiple Family District and a " PR " Public Reserve District subject to the following:

    A. That the applicant enter into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to include the following conditions:

        i. That for the development of any building and/or accessory parking area and/or signage plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, landscaping and signage to the Director of Planning, Property and Development and the Riel Community Committee for plan approval prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development.

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 market value of the land.

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

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 Servicing Agreement.

9. 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.

10. 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.

11. 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.

12. 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 # 5.53

Schedule "A"

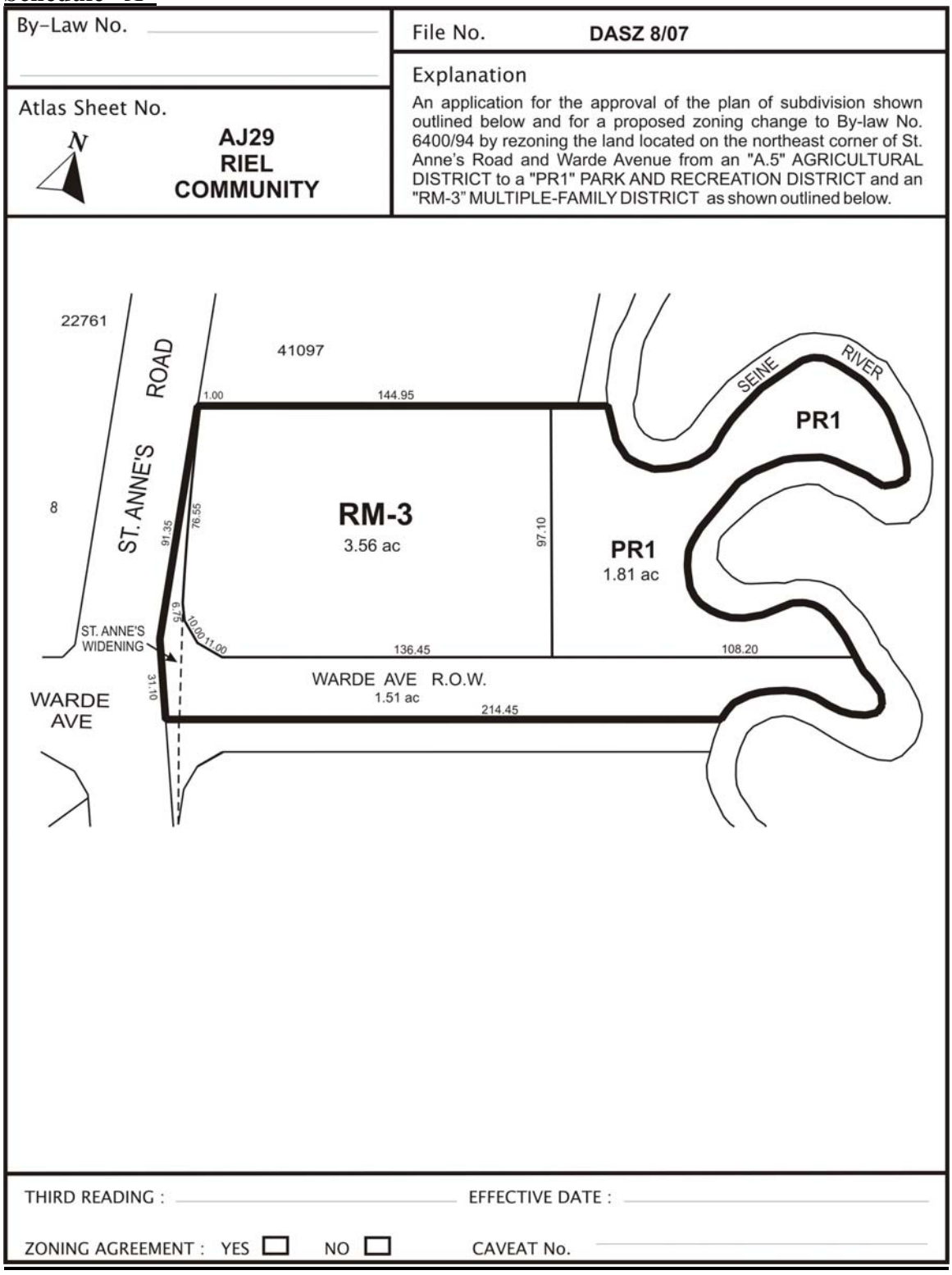


Figure 1: Schedule "A" to the report to the Riel Community Committee for File DASZ 8/2007, dated April 3, 2007.

Exhibit “9” referred to in File DASZ 8/2007 [c/r DCU 114473/2007D]

Re: Proposed Subdivision and Rezoning of land located on the North East Corner of St. Anne's Road and Warde Avenue – DASZ 8/07

An application has been submitted by N.D. Lea Inc. to subdivide and rezone land located on the North East Corner of St. Anne's Road and Warde Avenue.

It is recommended that approval of this application be subject to the following conditions:

1. The Developer shall, at no expense to the City, transfer and legally open property required for the easterly extension of Warde Avenue for the full length of the subject property abutting Warde Avenue and for the widening of St. Anne’s Road abutting the subject property as determined by the Director of Public Works.

2. The Developer shall submit a plan of subdivision showing the location of the 230.12 m contour and the area of the subject property below this contour excluding the Warde Avenue extension. The plan of subdivision shall also delineate the area of property above the 230.12m contour comprising the 10% open space dedication for this development proposal excluding the Warde Avenue extension as determined by the Director of Planning, Property and Development.

3. The Developer shall pay its share of the cost of the regional land drainage system benefiting the proposed development as determined by the Director of Water and Waste. The 2007 rate therefore is $11,309.00/acre.

4. The Developer shall pay the Seine River Waterway Land Acquisition Charge ($145.00 per acre) attributable to the proposed development;

5. The Developer shall sell the land below the 230.12m elevation contour (not including the land being dedicated for the Warde Avenue extension) to the City at a price not to exceed $15,000.00/acre.

6. The Developer shall dedicate land above and adjacent to the 230.12m elevation contour comprising 10% of the land within the proposed development as public open space as determined by the Director of Planning, Property and Development.

7. The Developer shall, at no expense to the City, construct the Seine River Trail within the dedicated public open space in accordance with plans and specifications approved by the City.

8. The Developer shall pay the lateral land drainage sewer and watermain local improvement charges for the St. Anne's Road frontage. The 2007 rates therefore are as follows;

a. lateral land drainage sewer $18.00/front foot
b. watermain $80.00/front foot

9. The Developer shall, pay to the City, in cash, on demand its share of the cost of the following services to be installed in St. Anne's Road along the full length of the subject property abutting St. Anne's Road :

a. a 4.0m in width by 200mm in thickness portland cement concrete lane of pavement and related works;
b. a 1.5m in width by 100mm in thickness portland cement concrete sidewalk in the east boulevard;
c. street lighting in the east boulevard;
d. landscaping in the east boulevard;

Based on 2007 rates therefore, that share is estimated at $391.40/front foot.

10. 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.

11. The Developer shall, pay to the City, in cash, on demand its share of the cost of the following services to be installed in Warde Avenue along the full length of the subject property abutting Warde Avenue :

a. a 4.0m in width by 200mm in thickness portland cement concrete lane of pavement and related works;
b. a 1.5m in width by 100mm in thickness portland cement concrete sidewalk in the north boulevard;
c. street lighting in the north boulevard;
d. landscaping in the north boulevard;

Based on 2007 rates therefore, that share is estimated at $391.40/front foot.

12. The Developer shall pay to the City, in cash, on demand 25% of the cost associated with the installation of traffic control signals and all related works, including but not necessarily limited to pedestrian and vehicular actuation, audible pedestrian signals and interconnection to adjacent traffic control signals at the intersection of Warde Avenue and St. Anne's Road all as determined by the Director of Public Works.

This requirement is intended to cover the additional traffic control signal costs of adding the fourth leg to the intersection of St. Anne's Road and Warde Avenue for the purposes of providing access to the subject property.

13. The Developer shall pay to the City, in cash, on demand the cost of constructing, a 15.0m in length southbound left turn storage lane plus upstream transition and a 25% share of the median opening on St. Anne's Road at Warde Avenue all as determined by the

Director of Public Works.
This requirement is intended to cover the additional cost of intersection works for adding the fourth leg to the intersection of St. Anne's Road and Warde for the purposes of providing access to the subject property.

14. The Developer shall 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.

15. 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.

16. 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.

17. The Developer shall pay $1,650.00 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 8/07
March 30, 2007

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"Original signed by K.T. Raban"
(for) Land Development Engineer

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

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