Agenda - Council - June 20, 2007

Report - Standing Policy Committee on Property and Development – May 22, 2007

Item No. 7 Subdivision and Rezoning - Creek Bend Road (St. Vital Ward) File DASZ 52/2005

STANDING COMMITTEE RECOMMENDATION:

On June 13, 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 52/2005 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 52/2005 dated May 8, 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 May 8, 2007.

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 52/2005 dated May 8, 2007, to "RM-2" and "RM-6" Multiple Family Districts and a "PR1" Parks and Recreation 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 the Director of Planning, Property and Development be authorized to certify any documents in connection therewith.

Report - Standing Policy Committee on Property and Development – May 22, 2007

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 22, 2007

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On June 13, 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 22, 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 May 15, 2007, the Riel Community Committee concurred in the administrative recommendation and submitted its recommendation to the Standing Policy Committee on Property and Development.

RE: **Subdivision and Rezoning - Creek Bend Road**
File DASZ 52/2005

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

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

Report date: **May 17, 2007**

COMMUNITY COMMITTEE RECOMMENDATION:

On May 15, 2007, the Riel Community Committee concurred in the administrative recommendation and recommends to the Standing Policy Committee on Property and Development:

1. That the plan of subdivision under File DASZ 52/2005 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 52/2005 dated May 8, 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 May 8, 2007.

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 52/2005 dated May 8, 2007, to "RM-2" and "RM-6" Multiple Family Districts and a "PR1" Parks and Recreation 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 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.

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 May 8, 2007 and in the report from the Administrative Coordinating Group dated May 8, 2007.

PUBLIC HEARING SUMMARY

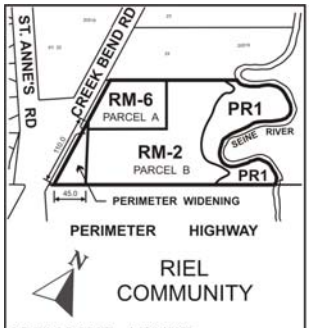
File: DASZ 52/2005

Before: Riel Community Committee
Councillor Vandal, Chairperson
Councillor Swandel

Public Hearing: May 15, 2007
Council Chamber, Council Building, 510 Main Street

Applicant: Lount Corporation

Subject:



APPLICANT : LOUNT CORPORATION
FILE: DASZ 52/05
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, an "RM-6" MULTIPLE-FAMILY DISTRICT and an "RM-2" MULTIPLE-FAMILY DISTRICT. **For information, phone Mr. K. Lalor, Planner at 986-5069.**
DEMANDEUR : LOUNT CORPORATION
N° DE RÉFÉRENCE : DALZ 52/05
PROJET : Demande visant à faire approuver par le Conseil le plan de lotissement indiqué ci-dessus et proposition de modification du Règlement municipal sur le zonage n° 6400/94 visant à faire changer le zonage des sols délinéés ci-dessus qui passeraient de la catégorie A.5 (SECTEUR AGRICOLE) aux catégories PR1 (SECTEUR DES PARCS ET DES LOISIRS), RM-6 (SECTEUR D'HABITATIONS MULTIFAMILIALES) et RM-2 (SECTEUR D'HABITATIONS MULTIFAMILIALES). . **Pour plus de renseignements, veuillez communiquer avec M. K. Lalor, urbaniste, au 986-5069.**

Premises Affected: Creek Bend Road

Exhibits Filed:

1. Application dated February 12, 2007
2. Notification of Public Hearing dated April 20, 2007
3. Manitoba Status of Title 2065835
4. Letter of authorization dated October 25, 2005, from Colin Lount
5. Site Plan
6. Plans (2 pages) dated December 13, 2005
7. Revised Plans (2 pages) dated February 9, 2007
8. Report from the Planning and Land Use Division dated May 8, 2007
9. Report from the Administrative Coordinating Group dated May 8, 2007
10. Inspection Report

REPRESENTATIONS:

In Support:

Ben Lount
Colin Lount
Greg Porth

In Opposition

Nil

For Information:

Garth Hazlitt
Alan Reiss
David Watson

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

Colin Lount, the applicant, appeared in support of the application and provided an overview of the proposal. Mr. Lount indicated concurrence in the recommendations contained in the administrative report from the Planning and Land Use Division dated May 8, 2007 and the Administrative Coordinating Group Report dated May 8, 2007.

David Watson appeared for information with respect to the application. Mr. Watson explained that he is a resident of Creek Bend Road and a member of Save Our Seine Environment Inc.(SOS) Mr. Watson stated that Mr. Lount has met twice with SOS and amended his plans to reflect input from SOS. Mr. Watson stated that the height and density allowed under the "RM-6" Multiple Family zoning category is not in character with the area and, if approved, may be precedent setting as it is anticipated that adjacent properties will be developed in near the future. Mr. Watson also iterated concerns with respect to traffic generated by the proposed development and the potential negative effects it may have on Creek Bend Road.

Garth Hazlitt appeared for information with respect to the application. Mr. Hazlitt explained that he resides on Creek Bend Road and that St. Anne's Road is already dangerous and this development would further add to the congestion and threaten the safety of area residents. He iterated that the proposed development will consume valuable green space along the Seine River.

Colin Lount returned in rebuttal. Mr. Lount stated that this development will enhance the area and accommodate the reconfiguration of the intersection of St. Anne's Road and Creek Bend Road. Mr. Lount further stated that the majority of resident's residing in the proposed development will be seniors and significant traffic will not be generated as the majority of residents will not drive. In response to a question from Councillor Swandel, Mr. Lount stated that the anticipated height of the congregate care facility will be seventy (70) feet or seven (7) storeys. In response to a question from Councillor Vandal, Mr. Lount stated that on site parking will satisfy the zoning requirements. In response to a further question from Councillor Vandal, Mr. Lount stated that the density of the development has been reduced significantly since the original proposal and that the town houses/condos will be limited to a maximum height of two (2) storeys.

Exhibit "8" referred to in File DASZ 52/2005

Planning, Property and Development Department Report

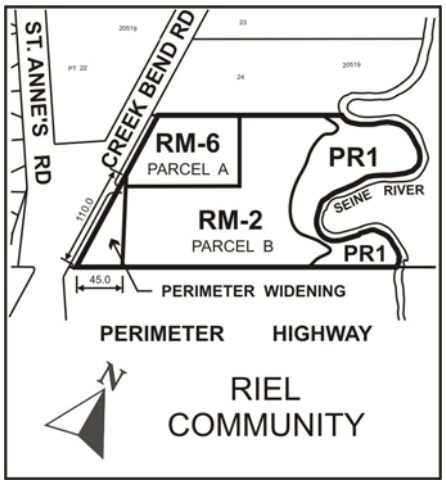
To the Riel Community Committee

Date: May 8/2007
File: DASZ 52/05
Related Files: DAZ 256/05

Subject: To create four (4) parcels of land, two of which will be for multiple family development, one of which will be for public reserve and the last and smallest of which will be maintained for future right-of –way purposes.

Location: East of the junction of Creek Bend Road and St. Anne's Road

Legal Description: SPLot 23 Plan 20519



3082

Applicant: Lount Corporation

Owner: 5043255 Manitoba Ltd.

Recommendation: Recommend approval with conditions

Site Description:



The subject eleven acre parcel is one of the few remaining undeveloped properties between St. Anne's Road and the Seine River, north of the Perimeter Highway. It is zoned "A-5" Agricultural and vacant. In the low lying areas along the Seine River, there is heavy vegetation; these areas constitute approximately 3.18 acres of the overall site. To the immediate south is a long established trailer park zoned "A-5" Agricultural. To the east are largely vacant agricultural areas and an un -serviced industrial zone along the Perimeter Highway. To the north is the Southside Bible Church zoned "A-5" Agricultural and a three building 171 unit multiple family complex zoned "RM-4". To the west is a relatively new single family subdivision zoned " R1-3.5" Residential.

Description of the Proposed Development:

There are essentially five component parts to the proposed development. The area described as Parcel A will be occupied with what is referred to in the application as a Congregate Care Facility of undetermined height but with a maximum fifty six (56) dwelling units. Maximum height under the requested RM-6 zoning is 70 feet. There are to be fifty underground parking stalls and thirty seven at grade outdoor stalls. In Parcel B, there are two components; the southern half of the overall property is to be heavily landscaped and will be split up into twelve separate three story condo structures- each of which will have a total of twelve units and underground parking . That will make for a total of one hundred and forty four dwelling units overall. In the north east corner of the approximately seven acre plus developable site, the applicants propose to construct a single story seventy unit Seniors Facility. All proposed structures are accessed via a single right-of –way onto Creek Bend Road which incidentally is to be realigned in order to intersect St. Anne's Road at right angles. Component four is the land adjoining the Seine River which totals over three acres and is heavily treed. Much of this land will be dedicated to the City of Winnipeg as part of the Seine River Greenway corridor; and an additional portion will be purchased by the City to facilitate future pathway development. The final component is a triangular sliver of land along what is currently Creek Bend Road which is to be landscaped and maintained but withheld for future road widening purposes.

Analysis:

The applicant proposes to construct a 270 unit condo community including a care facility. The site in question is well situated close to a main transportation route and lies immediately adjacent to the Seine River Parkway system. The application is in full compliance with Plan Winnipeg Policy and by way of the accompanying agreements, the City will obtain both river bottom lands for public reserve purposes and land adjoining the intersection of St. Anne's Road for street widening purposes. It is the view of the Planning , Property and Development Department that the proposed rezoning and subdivision is an appropriate use of the subject land and should be endorsed by your Committee subject to the conditions outlined in the accompanying proposed zoning and ACG agreements.

Recommendation:

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

- Under Plan Winnipeg Policy, the proposed development constitutes infill housing development in a serviceable area.
- The proposed development provides a vital housing need and through the rezoning process, the City is able to obtain further land dedication for Seine River Parkway development.

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Recommended Conditions of Approval:

1. That the plan of subdivision proposed under File DASZ 52/2005 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 52/2005 dated May 8, 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 May 8, 2007.

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 52 /2005 dated May 8/2007, to "RM2" and "RM-6" Multiple Family Districts and a "PR1" Parks and Recreation District subject to the following:

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        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 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.

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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.

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

Report Prepared by: Kevin Lalor
PPD File # (530)

Schedule "A"

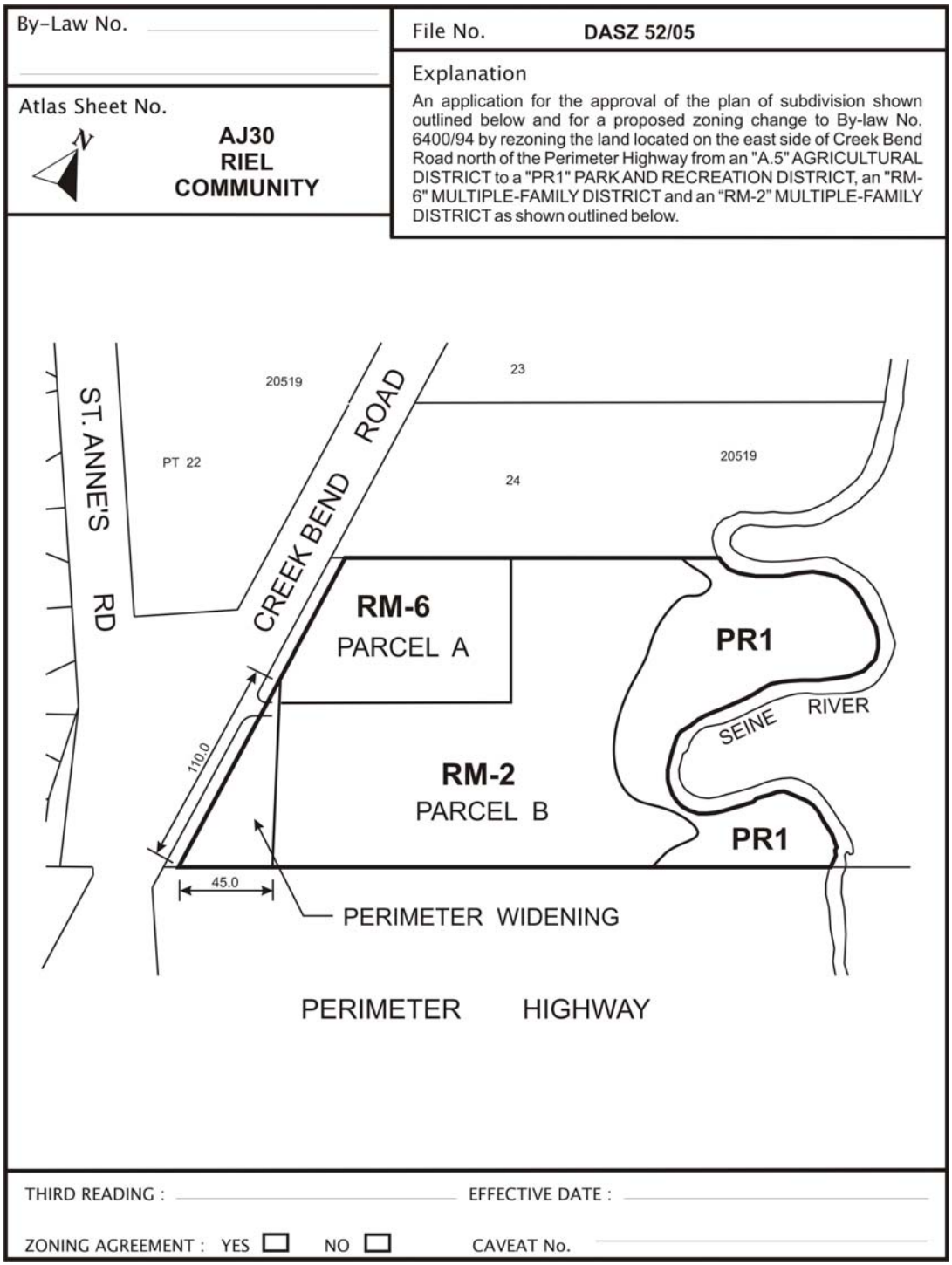


Figure 1: Schedule "A" to the report to the Riel Community Committee for File DASZ 52/2005, dated May 8, 2007.

Exhibit “9” referred to in File DASZ 50/2006

Re: Proposed subdivision and rezoning of land located on the east side of Creek Bend Road north of the Perimeter Highway – DASZ 52/05

FOR SUBMISSION TO THE CHAIRPERSON AND MEMBERS OF THE RIEL COMMUNITY COMMITTEE

"Original signed by K.T. Raban"
(for) E.L. Carrière, P.Eng.
Chairman
Administrative Coordinating Group

May 8, 2007

3088

Re: Proposed subdivision and rezoning of land located on the east side of Creek Bend Road north of the Perimeter Highway – DASZ 52/05

An application has been submitted by Lount Corporation to subdivide and rezone land located on the east side of Creek Bend Road north of the Perimeter Highway.

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 future road needs as identified within the South Perimeter Highway Study as determined by the Director of Public Works and as generally illustrated on Public Works Department Drawing Number F06-09, attached.

2. The Developer shall submit a plan of subdivision showing the location of the 230.5 m contour and the area of the subject property below this contour. The plan of subdivision shall also delineate the area of property above the 230.5 m contour comprising the 10% open space dedication for this development proposal as determined by the Director of Planning, Property and Development.

3. The Developer shall, at no expense to the City, construct a watermain and a wastewater sewer in Creek Bend Road from their existing termini in St. Anne's Road to the north limit of the proposed development including any upgrading of the existing systems recommended by the servicing report, all to the satisfaction of the Director of Water and Waste.

4. The Developer shall construct a land drainage sewer in Creek Bend Road fronting the subject property including an outfall to the Seine River to the satisfaction of the Director of Water and Waste. The City shall reimburse the Developer for any oversizing costs in accordance with the City's Development Agreement Parameters as the City collects from the benefiting properties when those properties are developed.

If the Developer intends to construct the land drainage outfall through the subject property from Creek Bend Road to the Seine River, he shall provide the City with an easement, minimum 12 metres in width and free of above-ground structures and private underground services to the satisfaction of the Director of Water and Waste.

5. The Developer shall, at no expense to the City, construct in Portland cement concrete pavement adajacent to the proposed development as determined by and to the satisfaction of the Director of Public Works. The work will include reconstruction/realignment of Creek Bend Road adjacent to the proposed development to improve the alignment and intersection with St. Anne's Road consistent with plans for the future work at St. Anne's Road and construction of a temporary cul-de-sac turn around in asphaltic concrete and all related works, all as generally illustrated in Public Works Drawing Number F06-09..

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

7. The Developer shall sell the land below the 230.5m elevation contour to the City at a price not to exceed $15,000.00/acre.

8. The Developer shall dedicate land above and adjacent to the 230.52m 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.

9. 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.

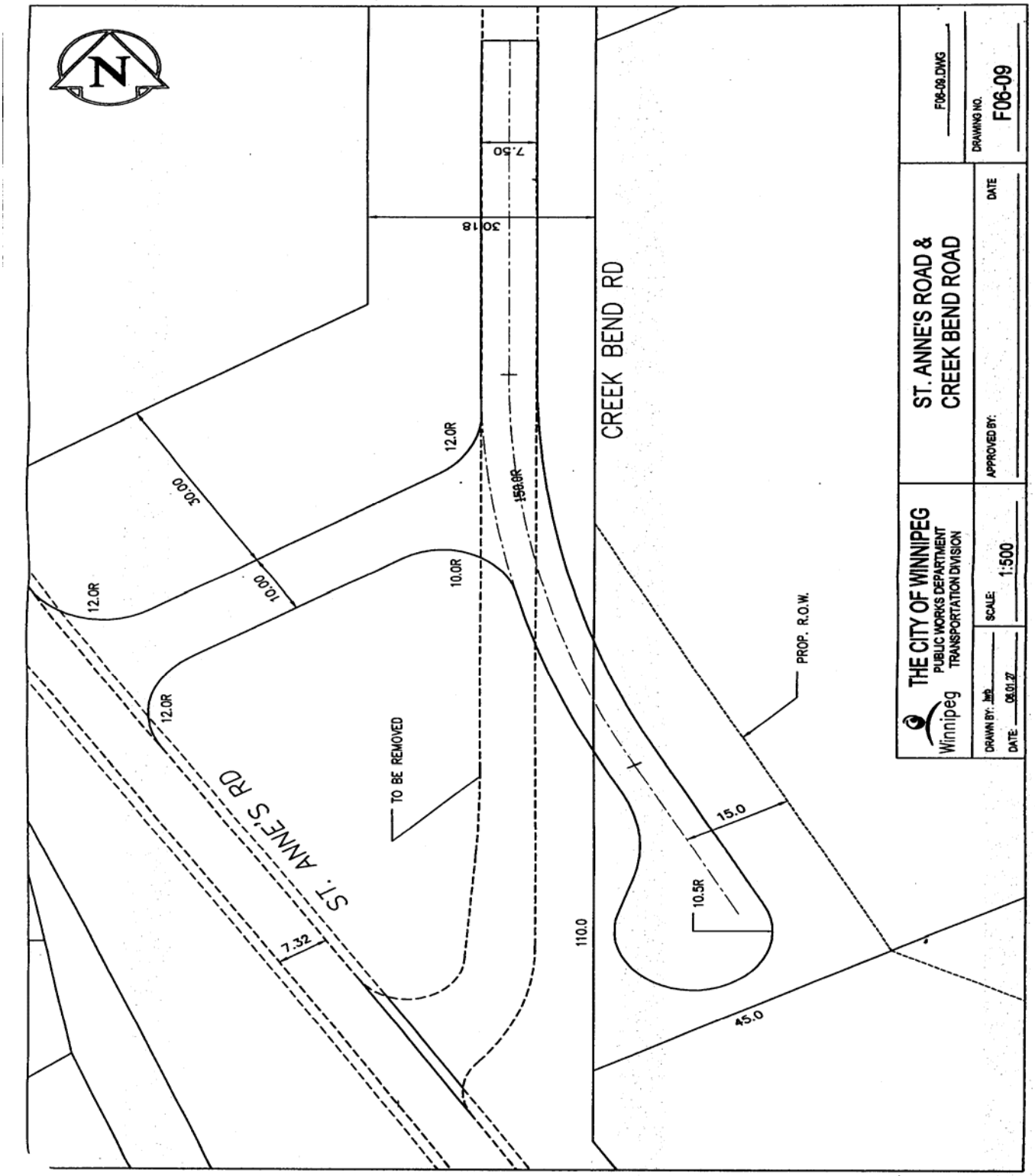
10. The Developer shall, at no expense to the City, provide underground electrical and telephone services to serve the proposed subdivision and will pay the full cost to convert any existing overhead services within the proposed subdivision to underground.

11. The Developer shall 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.

12. 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.

13. 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 including the Seine River Pathway.

14. The Developer shall pay $1200.00/acre to defray the City's administration and related costs associated with the preparation and implementation of the Servicing Agreement.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THE CITY OF WINNIPEG
PUBLIC WORKS DEPARTMENT
TRANSPORTATION DIVISION
Winnipeg
ST. ANNE'S ROAD &
CREEK BEND ROAD
DRAWN BY: hwb
DATE: 06.01.27
SCALE: 1:500
APPROVED BY:
DATE
F06-09.DWG
DRAWING NO.
F06-09

THIS REPORT SUBMITTED BY:

Administrative Coordinating Group
File No. AG 52/05
May 8, 2007

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

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

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