Minute No. 620
Report - Standing Policy Committee on Property and Development - September 2, 2008

Item No. 12 Subdivision and Rezoning - 1923 Waverley Street (St. Norbert Ward) File DASZ 16/2008

COUNCIL DECISION

Council concurred in the recommendation of the Standing Policy Committee on Property and Development and adopted the following:

1. That the plan of subdivision under File DASZ 16/2008 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "B" dated July 14, 2008, with such minor changes as may be required, and registration in the Winnipeg Land Titles Office subject to the following:

   A. That the Developer be required to enter into a Development Agreement with the City containing all the conditions outlined in the revised report of the Administrative Coordinating Group dated June 27, 2008, with the following amendment:

      i. That the following be added to the end of Recommendation 16, namely:

      "Additionally, the Developer shall, at no expense to the City, construct sidewalks and curbs to a similar design standard on both sides of the new street (currently un-named) which is proposed to connect Appletree Crescent with Bridgeland Drive."

2. That The Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "B" for File DASZ 16/2008 dated July 14, 2008, to an "R1-S" Residential Single Family District.

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 and the creation of additional lots.

Report - Standing Policy Committee on Property and Development - September 2, 2008

COUNCIL DECISION (continued)

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

5. That in the event the matter is not proceeded with expeditiously and the by-law is not passed 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 zoning section of the by-law comes into force when the plan of subdivision is registered in the Winnipeg Land Titles Office.

9. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within one year from the date the by-law is passed, failing which 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 - September 2, 2008

DECISION MAKING HISTORY:

Moved by Councillor Swandel,
That the recommendation of the Standing Policy Committee on Property and Development be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On September 17, 2008, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the Riel Community Committee and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On September 2, 2008, 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 July 14, 2008, the Riel Community Committee concurred in the recommendation contained in the revised report from the Planning and Land Use Division dated July 14, 2008, with the following amendment, namely:

- That the revised report of the Administrative Coordinating Group dated June 27, 2008, be amended by adding the following to the end of Recommendation 16, namely:

  "Additionally, the Developer shall, at no expense to the City, construct sidewalks and curbs to a similar design standard on both sides of the new street (currently un-named) which is proposed to connect Appletree Crescent with Bridgeland Drive",

and forwarded to the Standing Policy Committee on Property and Development.

On June 23, 2008, the Riel Community Committee did not hear any representations and adjourned the public hearing to its meeting on July 14, 2008.

RE: **Subdivision and Rezoning - 1923 Waverley Street**
File DASZ 16/2008]

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

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

Report date: **July 16, 2008**

COMMUNITY COMMITTEE RECOMMENDATION:

On July 14, 2008, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service and recommends to the Standing Policy Committee on Property and Development:

1. That the plan of subdivision under File DASZ 16/2008 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "B" dated July 14, 2008, with such minor changes as may be required, and registration in the Winnipeg Land Titles Office subject to the following:

    A. That the Developer be required to enter into a Development Agreement with the City containing all the conditions outlined in the revised report of the Administrative Coordinating Group dated June 27, 2008, ***with the following amendment:***

        i. That the following be added to the end of Recommendation 16, namely:

        "Additionally, the Developer shall, at no expense to the City, construct sidewalks and curbs to a similar design standard on both sides of the new street (currently un-named) which is proposed to connect Appletree Crescent with Bridgeland Drive."

2. That The Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "B" for File DASZ 16/2008 dated July 14, 2008, to an "R1-S" Residential Single Family District.

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 and the creation of additional lots.

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

5. That in the event the matter is not proceeded with expeditiously and the by-law is not passed 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 zoning section of the by-law comes into force when the plan of subdivision is registered in the Winnipeg Land Titles Office.

9. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within one year from the date the by-law is passed, failing which 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 reasons for its recommendation:

1. The proposed development is consistent with the surrounding area.

PUBLIC HEARING SUMMARY

File: DASZ 16/2008

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

Public Hearing: July 14, 2008
June 23, 2008
Council Chamber, Council Building, 510 Main Street

Applicant: 5488452 Manitoba Ltd.

Subject:



APPLICANT : DAVID PENNER
FILE : DASZ 16/08
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. 200/2006 by rezoning the land shown outlined above from an "A" AGRICULTURAL DISTRICT to an "R1-S" RESIDENTIAL SINGLE-FAMILY DISTRICT. **For information, phone Mr. K. Lalor, Planner at 986-5069.**
DEMANDEUR : DAVID PENNER
N° DE RÉFÉRENCE : DALZ 16/08
PROJET : Demande d'approbation par le Conseil du plan de lotissement indiqué ci-dessus et proposition de modification du Règlement municipal no 200/2006 visant à changer le zonage des sols délinéés ci-dessus qui passeraient de la catégorie A (SECTEUR AGRICOLE) à la catégorie R1-S (SECTEUR D'HABITATIONS UNIFAMILIALES RÉSIDENTIEL).. **Pour plus de renseignements, veuillez communiquer avec M. K. Lalor, urbaniste, au 986-5069.**

Premises Affected: 1923 Waverley Street

Exhibits Filed:

1. Application dated May 2, 2008
2. Notification of Public Hearing dated May 15 2008
3. Manitoba Status of Title 2235138
4. Letter of authorization dated April 23, 2008 from Taesen Enterprises Ltd. (5488452 Manitoba Ltd.) to David Penner and/or Helio Rodrigues
5. Site Plan
6. Report from the Planning and Land Use Division dated June 16, 2008
7. Report from the Administrative Coordinating Group dated June17, 2008
8. Inspection Report
9. Communication dated June 23, 2008, from Calvin Jung, TaeSan Enterprises Ltd
10. Communication dated June 23, 2008, from Calvin Jung, TaeSan Enterprises Ltd, requesting adjournment
11. Revised Report from the Administrative Coordinating Group dated June 27, 2008
12. Communication dated July 10, 2008, from Jim Gallagher with respect to the application.
13. Revised Report from the Planning and Land Use Division dated July 14, 2008
14. Audio Recording of representations of public hearing held on July 14, 2008

REPRESENTATIONS:

In Support:

Paul McNeil, MMM Group Limited
Tae Bum Calvin Jung

In Opposition

Nil

For the City:

Ms. S. Matile, Land Development Engineer, Planning, Property and Development Department
Mr. K. Lalor, Senior Planner, Planning, Property and Development Department

Exhibit "13" referred to in File DASZ 16/2008

Winnipeg

Planning, Property and Development Department Report

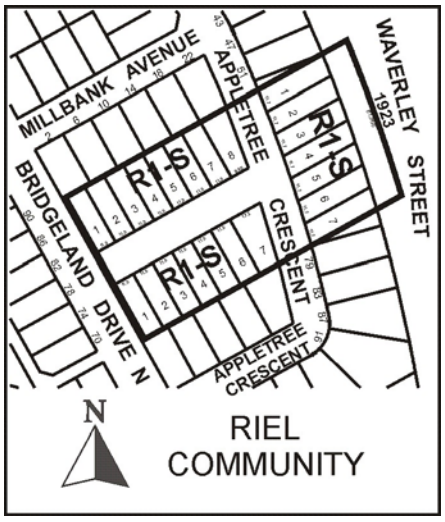
To the Riel Community Committee

Date: July 14/2008 **REVISED**
File: DASZ 16/08
Related Files: N/A

Subject: The purpose of the subject application is to rezone the property from an " A" Agricultural District to an " R1-S" Residential Single Family District.

Location: 1923 Waverley Street

Legal Description: See attached File # DASZ 16/08



Applicant: David Penner

Owner: 5488452 Manitoba Ltd.

Recommendation: Approval with conditions

Site Description:



The subject property which is approximately three (3) acres in size is situated on the west side of Waverley Street, just north of the Lake Crest Road intersection. Under DASZ 1/06, the lands to the immediate north and south were rezoned to a single family residential category (R1-M under the new by-law 200/06). Similarly, proposed new lots to the west were zoned to a "RI-S" Single Family Residential category. Those aforementioned housing areas are currently under construction. There is a well established residential subdivision in place east of Waverley Street which is zoned "R1-L" Single Family.

Background:

The subject property, while currently vacant, was the site of a soils and aggregate business for many years. When the City of Winnipeg, in conjunction with MHRC, prepared the Waverley West Northeast Neighbourhood Area Structure Plan several years ago, the land was privately owned and still remains privately owned, albeit under different ownership. Under the Neighborhood Plan (which was subsequently endorsed by City Council in 2006), the subject property was designated for future lower density single family development. When the follow-up subdivision and rezoning application DASZ 1/06 was submitted by MHRC and approved by Council that same year, the subject property remained agriculturally zoned but provision was made for access to the internal street system and underground infrastructure. In recent months, the applicants David Penner Architects, on behalf of their clients (the new owners of the subject parcel) submitted several innovative and interesting higher density residential development proposals for the three acre site. However, since the guidelines outlined in the Northeast Neighbourhood Plan clearly specify that the site falls within a low density residential area (i.e. single family) those early proposals could not be endorsed administratively. Subsequently, the applicants did make application in April 2008 for a single family housing subdivision (DASZ 16/08) which does satisfy the density requirements and intent of the Neighbourhood Plan.

Description of the Proposed Development:

The applicants are proposing to subdivide the land into twenty-two (22) single family lots and rezone the land in its entirety to an "R1-S" Single Family Residential category. Seven of the proposed lots back onto Waverley Street and have greater depth in order to comply with the City's noise attenuation requirements. Lots range in area from 3700 sq. ft. to 4567 sq. ft. and in width generally from 36 ft. to 38 ft. Appletree Crescent is to be completed and a new street will link Appletree Crescent with Bridgeland Drive N. It is not known at this time whether sidewalks will be installed along both sides of the proposed, but as yet unnamed, new street. However, the Transportation Standards Manual will, in all likelihood, require that sidewalks be installed along the east side of Bridgeland Drive and along both sides of the Appletree Crescent continuance. It should be noted that no private accesses will be permitted onto Waverley Street.

Analysis:

It is the position of the Planning Department that the proposed rezoning complies with Clause 4.1.3 of the Northeast Neighbourhood Area Structure Plan which essentially restricts development in the defined area to low density single family lots. While virtually all of the twenty two proposed lots are smaller in area than lots already approved on adjoining streets in MHRC's " R1-M" zoned areas, they are larger than neighbouring zoned "R1-S" properties to the west of Bridgeland. While recognizing that the narrower lots will ultimately result in a housing style/design that is different from that on neighbouring streets, it is our view that the proposed subdivision is not large enough to have any significant impact on the overall streetscape. However, what is of concern to the Department is the proposed alignment of those lots fronting onto Appletree Crescent. The lots are all angled and therefore out of sync with

MHRC lots which are at a 90 degree angle to the street. A possible solution would be for the applicant to acquire and incorporate several small residual parcels which were deliberately left out of previously approved MHRC subdivision (DASZ 1/06) for this expressed purpose. This would allow for the proper alignment of the proposed new lot lines fronting onto Appletree Crescent without a reduction in the overall number of lots.

Revisions to DASZ 16/2008:

At the June 23rd Public Hearing of the Riel Community Committee, the subject application was laid over in order to facilitate a meeting between the applicant and MHRC. The end result, in the interim, has been a modification to the original subdivision, by the applicant, which is reflected in attached Schedule "B" at the end of this report. The revised subdivision plan now proposes a maximum seventeen (17) larger lots instead of the initial twenty two (22). The aforementioned changes do not require a re-advertising and have the full support of MHRC and the Planning, Property & Development Department. As a result of the modifications, some revision to the original Planning Report have been necessary.

Recommendation:

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

- The residential densities proposed are in conformity with the guidelines established in the Northeast Neighbourhood Area Structure Plan.
- The design of the subdivision should prove to be compatible with adjoining housing areas and will allow for the connection of existing street systems.

Recommended Conditions of Approval

1. That the plan of subdivision under File DASZ 16/2008 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "B" dated July 14/2008, 2008 with such minor changes as may be required, and registration in the Winnipeg Land Titles Office subject to the following:

    A. That the Developer be required to enter into a Development Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated ____.

2. That The Winnipeg Zoning By-law No. 200/06 be amended by rezoning the subject land as shown on Schedule "B" for File DASZ 16/2008 dated July 14/2008, to a "R1-S" Residential Single Family District.

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 and the creation of additional lots.

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

5. That in the event the matter is not proceeded with expeditiously and the by-law is not passed 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 zoning section of the by-law comes into force when the plan of subdivision is registered in the Winnipeg Land Titles Office.

9. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within one year from the date the by-law is passed, failing which 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 # .651

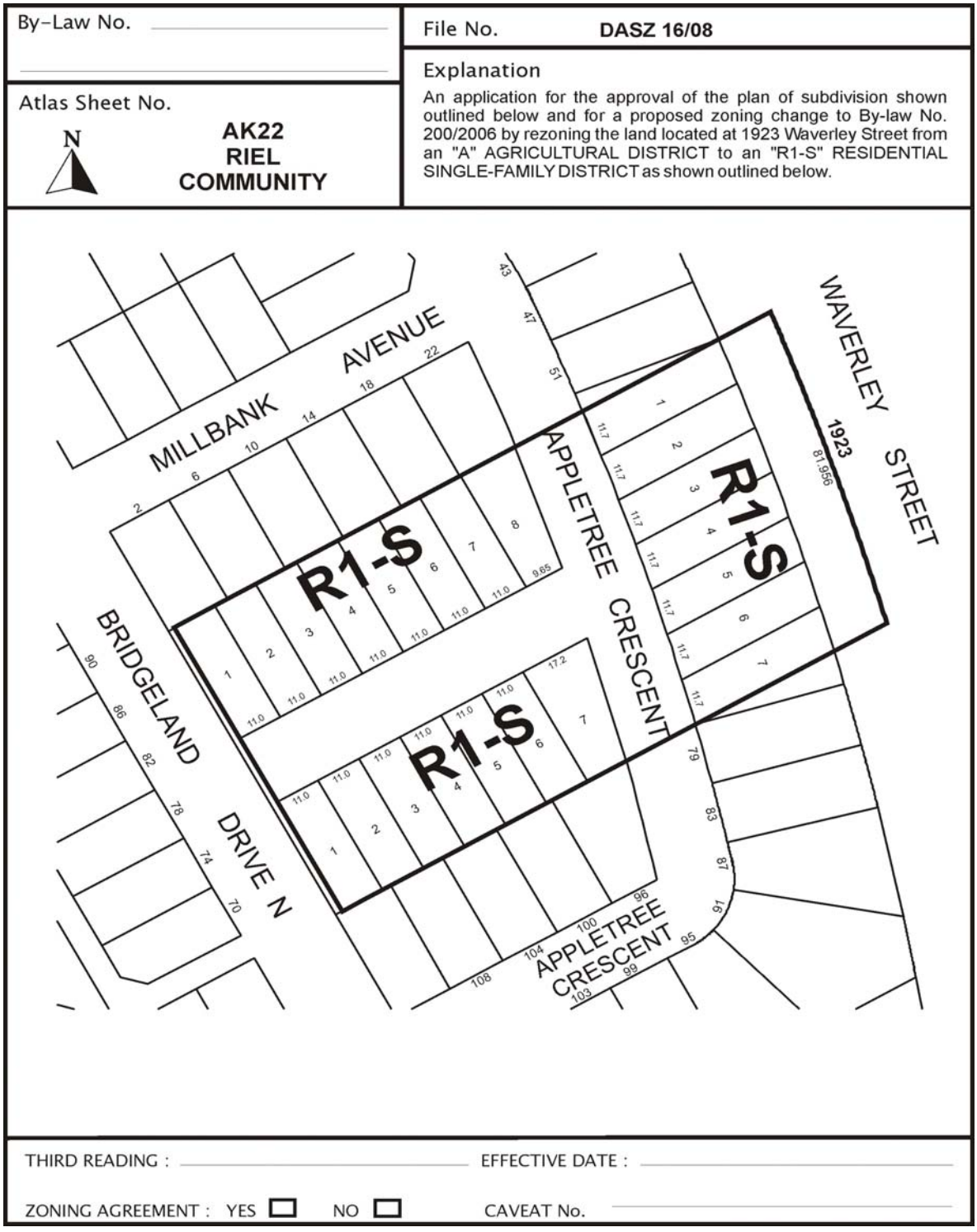


Figure 1: Schedule "A" to the report to the Riel Community Committee for File DASZ 16/2008, dated June 16, 2008.

SCHEDULE "B"

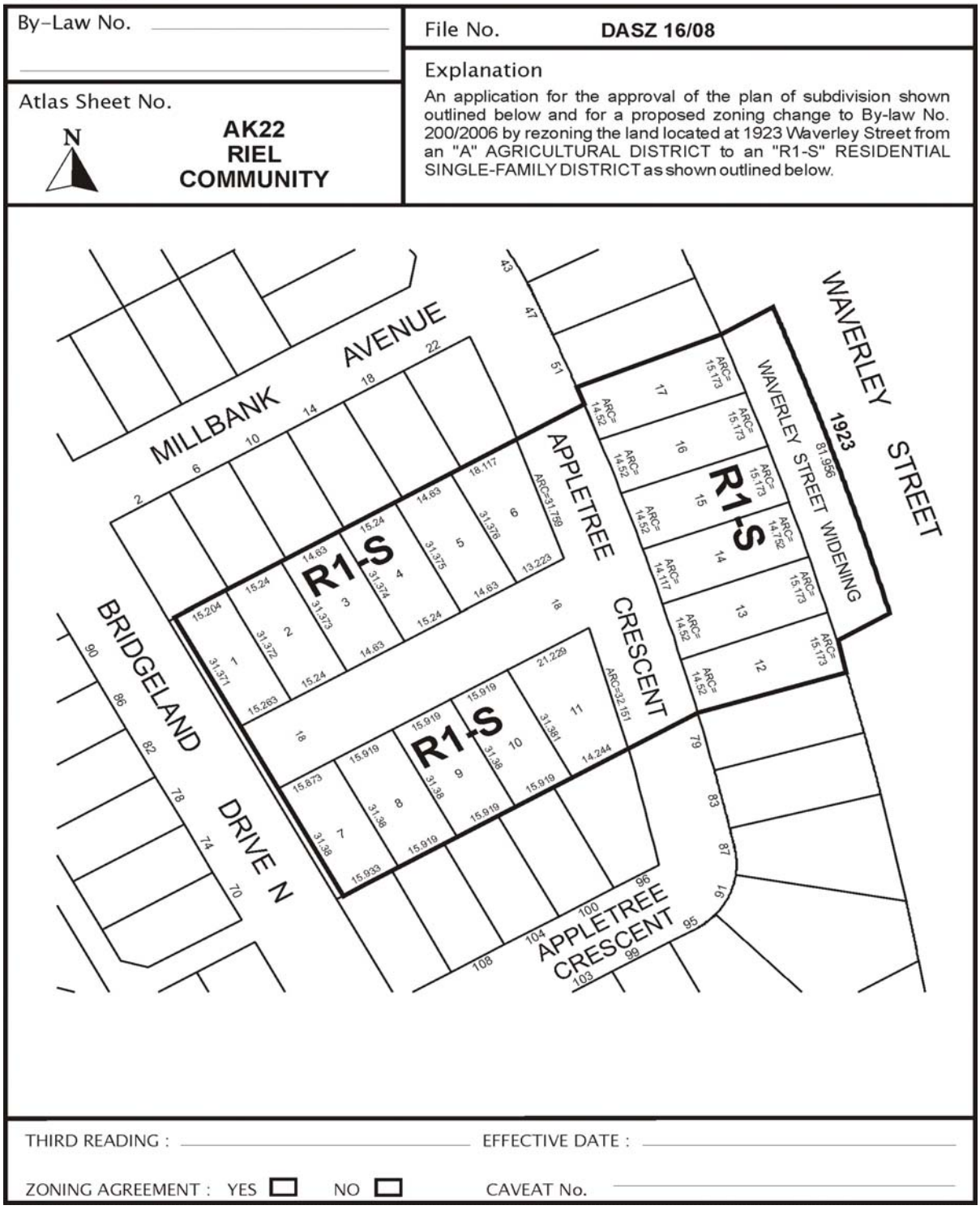


Figure 2: Schedule "B" to the report to the Riel Community Committee for File DASZ 16/2008, dated July 14, 2008

Exhibit "11" referred to in File DASZ 16/2008

RE: PROPOSED SUBDIVSION AND REZONING OF LAND AT 1923 WAVERLEY STREET – DASZ 16/08

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

"original signed by S.M. Matile"
S.M. Matile, P. Eng.
Chair
Administrative Co-ordinating Group

June 27, 2008

RE: PROPOSED SUBDIVSION AND REZONING OF LAND AT 1923 WAVERLEY STREET – DASZ 16/08

An application has been submitted by David Penner on behalf of Taesen Enterprises to subdivide and rezone the land at 1923 Waverley Street to connect the two dead ends of Appletree Crescent and create a new street from Bridgeland Drive North to Appletree Crescent, generally in conformance with the Waverley West Northeast Neighbourhood Area Structure Plan.

It is recommended that the approval of DASZ 16/08 be subject to the following:

A. Plan Amendments

The applicant purchasing, from the City, Block 53, Plan 46837, and incorporating it into the proposed Plan of Subdivision; and

The applicant dedicating and legally opening, at no expense to the City, property required for the widening of Waverley Street abutting the Planned Area, as determined by, and to the satisfaction of, the Director of Public Works; and

The single- and two-family residential lots backing onto Waverley Street being of sufficient depth to provide a minimum rear-yard set-back to achieve the City's Motor Vehicle Noise Policies and Guidelines sound-level limit of 65 dBA in the typical outdoor recreation area of those lots, and the Zoning Agreement covering those lots stipulating this minimum minimum rear-yard set-back.

B. Development Agreement

The applicant entering into a Development Agreement with the City, containing the following:

1. The Developer shall, at no expense to the City, install all watermains, wastewater sewers, land drainage sewers, and water and wastewater sewer lot line connections required to serve the proposed development.

2. The Developer shall pay its share of the existing services constructed by others in Bridgeland Drive North and in Appletree Crescent, if applicable, as determined by the Directors of Public Works and Water and Waste.

3. The Developer shall pay its share of the regional land drainage system (TSR).

4. The Developer shall pay its share of the oversized services constructed (or to be constructed) by others (if any).

5. The Developer shall, at no expense to the City, provide a lot grading plan, prepared by a municipal engineer, for the proposed development, and install, and provide all required easements for, all drainage works necessitated by the design.

6. The Developer shall pay, on demand, its share of the cost of constructing, in portland cement concrete pavement, an eastbound left-turn storage lane, an upstream transition, and a median opening on Bison Drive at its intersection with North Town Road, as determined by the Director of Public Works.

7. The Developer shall pay, on demand, its share of the cost of the installation of traffic-control signals and all related works including, but not necessarily limited to, pedestrian and vehicular actuation and interconnection to adjacent traffic-control signals and audible pedestrian signals, at the intersection of Bison Drive with North Town Road, as determined by the Director of Public Works.

8. The Developer shall pay to the City, on demand, its share of the cost of the following services previously installed or to be installed in Waverley Street along the full length of the Planned Area abutting the west side of Waverley Street:

    a) a 4.0-m-wide, 200-mm-thick portland cement concrete lane of pavement and all related works,
    b) a 1.5-m-wide by 100-mm-thick portland cement concrete sidewalk;
    c) street lighting in the west boulevard, and
    d) landscaping in the west boulevard,

    all as determined by the Director of Public Works.

9. The Developer shall pay, on demand, its share of the cost of the following works on Waverley Street at and in the vicinity of its intersection with Arbour Meadow Gate/Lake Crest Road:

    a) auxiliary lanes, transitions, median-opening modifications, channelization, and all related works, and

b) traffic-control signals and all related works including, but not limited to, pedestrian and vehicular actuation, and interconnection to adjacent traffic control signals and audible pedestrian signals,

all as determined by the Director of Public Works.

10. The Developer shall pay, on demand, its share of the cost of the reconstruction/reconfiguration of the intersection of Bison Drive and Waverley Street, including the construction of Bison Drive west to North Town Road and all related works, and provide any property required for right-of-way necessary to accommodate same, all as determined by the Director of Public Works.

11. The Developer shall pay, on demand, its share of the cost of Kenaston Boulevard, from its intersection with Bishop Grandin Boulevard to its intersection with Bison Drive, including the reconstruction of the intersection of Kenaston Boulevard and Bishop Grandin Boulevard, all as determined by the Director of Public Works.

12. The Developer shall pay, on demand, its share of the cost of the following temporary and permanent works on Kenaston Boulevard, at and in the vicinity of its intersection with North Town Road:

    a) auxiliary lanes, transitions, median-opening modifications, channelization, and all related works,
    b) traffic-control signals and all related works including, but not limited to, pedestrian and vehicular actuation, and interconnection to adjacent traffic-control signals and audible pedestrian signals,

    all as determined by the Director of Public Works.

13. The Developer shall pay, on demand, its share of the cost of the following temporary and permanent works in Kenaston Boulevard, at and in the vicinity of its intersection with Bison Drive:

    a) auxiliary lanes, transitions, median-opening modifications, channelization, and all related works, and
    b) traffic-control signals and all related works including, but not limited to, pedestrian and vehicular actuation, and interconnection to adjacent traffic-control signals and audible pedestrian signals,

    all as determined by the Director of Public Works.

14. The Developer shall pay, on demand, its share of the cost of the collector road network in the Waverley West Northeast Neighbourhood, all as determined by the Director of Public Works.

15. The Developer shall, at no expense to the City, construct 150-mm-thick, 7.5-m-wide portland cement concrete pavements and all related works including, but not limited to, street lighting, boulevard landscaping, and land drainage works, in all streets within the Planned Area, all as determined by, and to the satisfaction of, the Director of Public Works.

16. The Developer shall, at no expense to the City, construct 150-mm-thick, 1.5-m-wide portland cement concrete sidewalks monolithically with the curbs on both sides of Appletree Crescent, to connect to, and provide continuity for, the existing dead-ended sidewalks on Appletree Crescent.

17. If the development is to be staged, the Developer shall provide two means of vehicular access, at all times, to each stage of development within the Planned Area, including, if necessary, the construction of temporary streets and the provision of rights-of-way or easements, to the satisfaction of the Director of Public Works.

18. If the development is to be staged, the Developer shall construct a cul-de-sac vehicular turnaround at the terminus of the temporarily dead-ended street and provide any required related right-of-way or easement, all as determined by, and to the satisfaction of, the Director of Public Works.

19. No private approaches off Waverley Street shall be permitted. The Developer shall, at no expense to the City, remove the existing private approach off Waverley Street, as determined by, and to the satisfaction of, the Director of Public Works.

20. The Developer shall pay all costs associated with the removal of the temporary turnaround on the south leg of Appletree Crescent, as determined by, and to the satisfaction of, the Director of Public Works.

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

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

23. The Developer shall pay all costs associated with the relocation of street lights and other utilities made necessary as a result of, or required to accommodate, the works to be constructed by the Developer to serve the Planned Area, as determined by, and to the satisfaction of, the Director of Public Works.

24. The Developer shall, at no expense to the City, initiate, control, and pay all costs associated with the regular 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 houses, until completion of all construction, all as determined by, and to the satisfaction of, the Director of Public Works.

25. The Developer shall, at no expense to the City, ensure that construction traffic uses access routes determined by the Director of Public Works; maintain those access routes, at no expense to the City, in a clean, dust-free condition, free of dropped and tracked-on mud; and undertake the regular cleaning of streets – all until building construction, including landscaping, is complete, and all as determined by, and to the satisfaction of, the Director of Public Works.

26. The Developer shall install signs at the entrances to the subdivision, displaying a plan of the subdivision showing thereon the locations of all proposed streets, sidewalks, and community mail boxes.

27. The Developer shall, at no expense to the City, construct, within the rear yards of all single- and two-family lots abutting Waverley Street, an earth berm and a uniform fence, 2.0 m in height, matching those constructed by others to the north and south of the Planned Area, 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 the lots abutting Waverley Street and Kenaston Boulevard, 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.

28. The Developer shall pay cash in lieu of dedication of land for public open space, in accordance with City Policy.

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

30. The Developer shall pay $1,200.00 plus GST per acre to defray the City's administration and related costs associated with the preparation and implementation of the Development Agreement.

THIS REPORT SUBMITTED BY:

Administrative Co-ordinating Group
File No. DASZ 16/08
June 27, 2008

"original signed by S.M. Matile"
S. M. Matile, P. Eng., Chair
Land Development Branch

"original signed by R. J. Hartmann"
R. J. Hartmann, P. Eng.
Public Works Department, Transportation Division

"original signed by T.S. Josephson"
T. S. Josephson, P. Eng.
Water & Waste Department

Exhibit "6" referred to in File DASZ 16/2008

Winnipeg

Planning, Property and Development Department Report

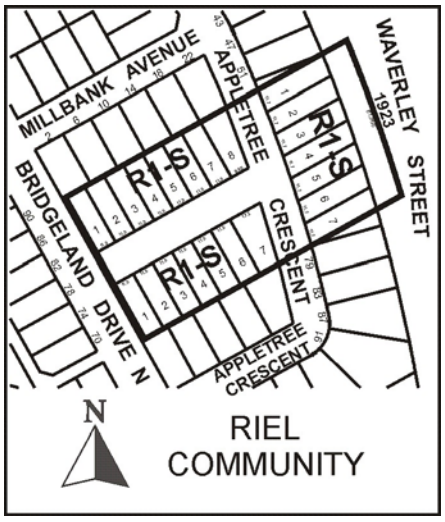
To the Riel Community Committee

Date: June 16/2008
File: DASZ 16/08
Related Files: N/A

Subject: The purpose of the subject application is to rezone the property from an " A" Agricultural District to an " R1-S" Residential Single Family District.

Location: 1923 Waverley Street

Legal Description: See attached File # DASZ 16/08



Applicant: David Penner

Owner: 5488452 Manitoba Ltd.

Recommendation: Approval with conditions

Site Description:



The subject property which is approximately three (3) acres in size is situated on the west side of Waverley Street, just north of the Lake Crest Road intersection. Under DASZ 1/06, the lands to the immediate north and south were rezoned to a single family residential category (R1-M under the new by-law 200/06). Similarly, proposed new lots to the west were zoned to a "RI-S" Single Family Residential category. Those aforementioned housing areas are currently under construction. There is a well established residential subdivision in place east of Waverley Street which is zoned " R1-L" Single Family.

Background:

The subject property, while currently vacant, was the site of a soils and aggregate business for many years. When the City of Winnipeg, in conjunction with MHRC, prepared the Waverley West Northeast Neighbourhood Area Structure Plan several years ago, the land was privately

owned and still remains privately owned, albeit under different ownership. Under the Neighborhood Plan (which was subsequently endorsed by City Council in 2006) , the subject property was designated for future lower density single family development. When the follow-up subdivision and rezoning application DASZ 1/06 was submitted by MHRC and approved by Council that same year, the subject property remained agriculturally zoned but provision was made for access to the internal street system and underground infrastructure . In recent months, the applicants David Penner Architects, on behalf of their clients (the new owners of the subject parcel) submitted several innovative and interesting higher density residential development proposals for the three acre site. However, since the guidelines outlined in the Northeast Neighbourhood Plan clearly specify that the site falls within a low density residential area (i.e. single family) those early proposals could not be endorsed administratively. Subsequently, the applicants did make application in April 2008 for a single family housing subdivision (DASZ 16/08) which does satisfy the density requirements and intent of the Neighbourhood Plan.

Description of the Proposed Development:

The applicants are proposing to subdivide the land into twenty-two (22) single family lots and rezone the land in its entirety to an "R1-S" Single Family Residential category. Seven of the proposed lots back onto Waverley Street and have greater depth in order to comply with the City's noise attenuation requirements. Lots range in area from 3700 sq. ft. to 4567 sq. ft. and in width generally from 36 ft. to 38 ft. Appletree Crescent is to be completed and a new street will link Appletree Crescent with Bridgeland Drive N. It is not known at this time whether sidewalks will be installed along both sides of the proposed, but as yet unnamed, new street. However, the Transportation Standards Manual will, in all likelihood, require that sidewalks be installed along the east side of Bridgeland Drive and along both sides of the Appletree Crescent continuance. It should be noted that no private accesses will be permitted onto Waverley Street.

Analysis:

It is the position of the Planning Department that the proposed rezoning complies with Clause 4.1.3 of the Northeast Neighbourhood Area Structure Plan which essentially restricts development in the defined area to low density single family lots. While virtually all of the twenty two proposed lots are smaller in area than lots already approved on adjoining streets in MHRC's " R1-M" zoned areas, they are larger than neighbouring zoned "R1-S" properties to the west of Bridgeland. While recognizing that the narrower lots will ultimately result in a housing style/design that is different from that on neighbouring streets, it is our view that the proposed subdivision is not large enough to have any significant impact on the overall streetscape. However, what is of concern to the Department is the proposed alignment of those lots fronting onto Appletree Crescent. The lots are all angled and therefore out of sync with MHRC lots which are at a 90 degree angle to the street. A possible solution would be to acquire and incorporate several small residual parcels which were deliberately left out of previously approved MHRC subdivision for this expressed purpose. That would ensure that all lots overall along Appletree Crescent would remain in alignment, while at the same time providing the applicant with seven lots of equivalent size as originally requested.

Recommendation:

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

- The residential densities proposed are in conformity with the guidelines established in the Northeast Neighbourhood Area Structure Plan.
- The design of the subdivision, with minor changes as suggested, should prove to be compatible with adjoining housing areas and will allow for the connection of existing street systems .

Recommended Conditions of Approval

1. That the plan of subdivision under File DASZ 16/2008 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" dated June 16/2008, 2008 with such minor changes as may be required, and registration in the Winnipeg Land Titles Office subject to the following:

    A. That the Developer be required to enter into a Development Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated ____.

    B. That the Plan of Subdivision be amended by realigning the seven (7) proposed lots that are flanked by Waverley Street such that their east-west property lines intersect with Appletree Crescent at 90 degree angles . This to ensure that the new lots are in alignment with adjoining new lots north and south along Appletree Crescent.

2. That The Winnipeg Zoning By-law No. 200/06 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 16/2008 dated June 16/2008, to a "R1-S" Residential Single Family 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:

        1) Where proposed "R1-S" Residential lots back onto Waverley Street, the said lots are to be established with minimum rear yards of 17.5 metres (57.41 feet).

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 and the creation of additional lots.

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

5. That in the event the matter is not proceeded with expeditiously and the by-law is not passed 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.

9. That the zoning section of the by-law comes into force when the plan of subdivision is registered in the Winnipeg Land Titles Office and the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the subject lands, provided that the said effective date occurs within one year from the date the by-law is passed.

10. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within one year from the date the by-law is passed, failing which the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

11. 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 # .651

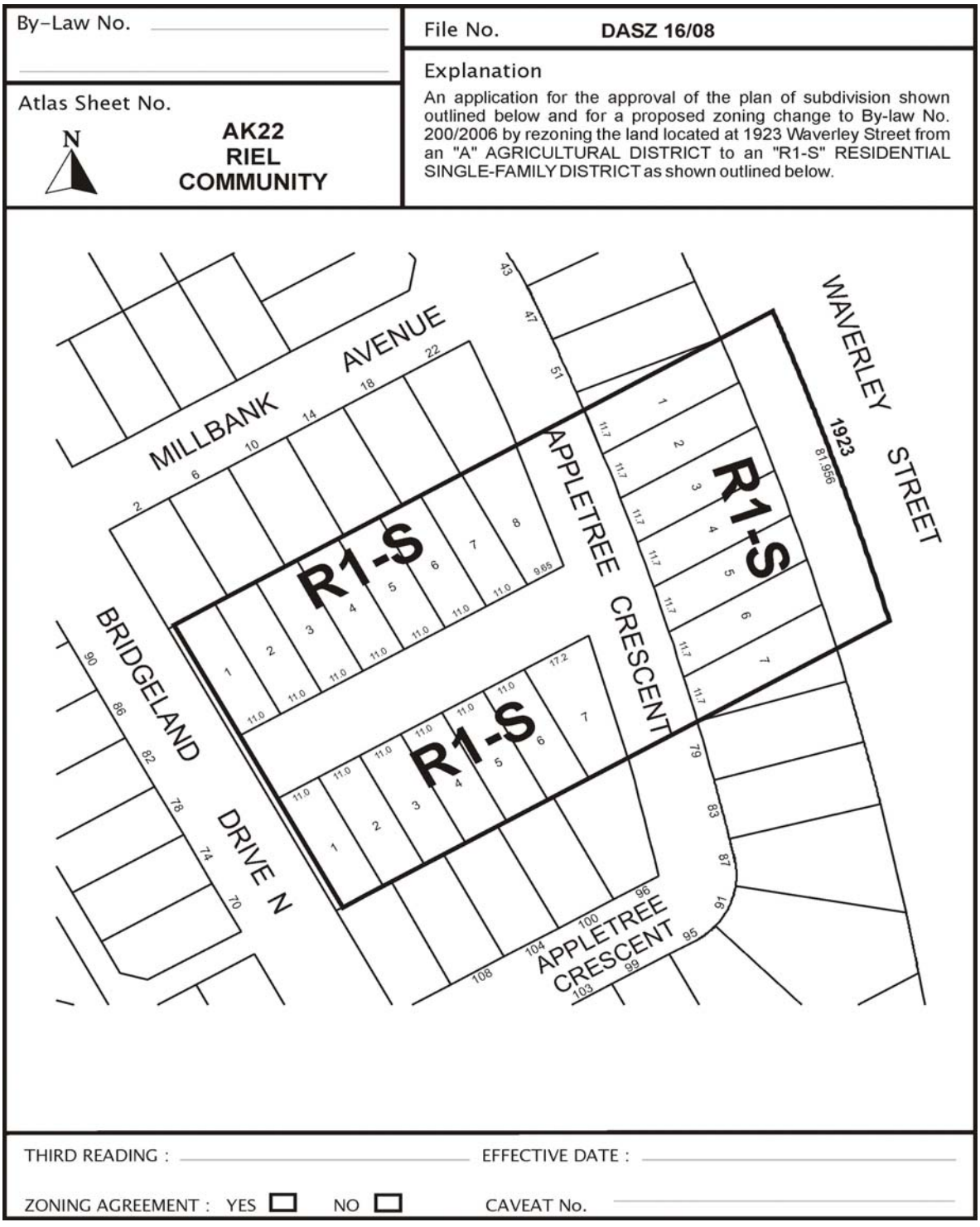


Figure 3: Schedule "A" to the report to the Riel Community Committee for File DASZ 16/2008, dated June 16, 2008.

Exhibit "7" referred to in File DASZ 16/2008

RE: PROPOSED SUBDIVSION AND REZONING OF LAND AT 1923 WAVERLEY STREET – DASZ 16/08

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

"original signed by S.M. Matile"
S.M. Matile, P. Eng.
Chair
Administrative Co-ordinating Group

June 17, 2008

RE: PROPOSED SUBDIVSION AND REZONING OF LAND AT 1923 WAVERLEY STREET – DASZ 16/08

An application has been submitted by David Penner on behalf of Taesen Enterprises to subdivide and rezone the land at 1923 Waverley Street to connect the two dead ends of Appletree Crescent and create a new street from Bridgeland Drive North to Appletree Crescent, generally in conformance with the Waverley West Northeast Neighbourhood Area Structure Plan.

It is recommended that the approval of DASZ 16/08 be subject to the following:

A. Plan Amendments

The applicant purchasing, from the City, Block 53, Plan 46837, and incorporating it into the proposed Plan of Subdivision; and

The applicant dedicating and legally opening, at no expense to the City, property required for the widening of Waverley Street abutting the Planned Area, as determined by, and to the satisfaction of, the Director of Public Works; and

The single- and two-family residential lots backing onto Waverley Street being of sufficient depth to provide a minimum rear-yard set-back to achieve the City's Motor Vehicle Noise Policies and Guidelines sound-level limit of 65 dBA in the typical outdoor recreation area of those lots, and the Zoning Agreement covering those lots stipulating this minimum minimum rear-yard set-back.

B. Development Agreement

The applicant entering into a Development Agreement with the City, containing the following:

1. The Developer shall, at no expense to the City, install all watermains, wastewater sewers, land drainage sewers, and water and wastewater sewer lot line connections required to serve the proposed development.

2. The Developer shall pay its share of the existing services constructed by others in Bridgeland Drive North and in Appletree Crescent, if applicable, as determined by the Directors of Public Works and Water and Waste.

3. The Developer shall pay its share of the regional land drainage system (TSR).

4. The Developer shall pay its share of the oversized services constructed (or to be constructed) by others (if any).

5. The Developer shall, at no expense to the City, provide a lot grading plan, prepared by a municipal engineer, for the proposed development, and install, and provide all required easements for, all drainage works necessitated by the design.

6. The Developer shall pay, on demand, its share of the cost of constructing, in portland cement concrete pavement, an eastbound left-turn storage lane, an upstream transition, and a median opening on Bison Drive at its intersection with North Town Road, as determined by the Director of Public Works.

7. The Developer shall pay, on demand, its share of the cost of the installation of traffic-control signals and all related works including, but not necessarily limited to, pedestrian and vehicular actuation and interconnection to adjacent traffic-control signals and audible pedestrian signals, at the intersection of Bison Drive with North Town Road, as determined by the Director of Public Works.

8. The Developer shall pay to the City, on demand, its share of the cost of the following services previously installed or to be installed in Waverley Street along the full length of the Planned Area abutting the west side of Waverley Street:

    a) a 4.0-m-wide, 200-mm-thick portland cement concrete lane of pavement and all related works,
    b) a 1.5-m-wide by 100-mm-thick portland cement concrete sidewalk;
    c) street lighting in the west boulevard, and
    d) landscaping in the west boulevard,

    all as determined by the Director of Public Works.

9. The Developer shall pay, on demand, its share of the cost of the following works on Waverley Street at and in the vicinity of its intersection with Arbour Meadow Gate/Lake Crest Road:

    a) auxiliary lanes, transitions, median-opening modifications, channelization, and all related works, and
    b) traffic-control signals and all related works including, but not limited to, pedestrian and vehicular actuation, and interconnection to adjacent traffic control signals and audible pedestrian signals,

    all as determined by the Director of Public Works.

10. The Developer shall pay, on demand, its share of the cost of the reconstruction/reconfiguration of the intersection of Bison Drive and Waverley Street, including the construction of Bison Drive west to North Town Road and all related works, and provide any property required for right-of-way necessary to accommodate same, all as determined by the Director of Public Works.

11. The Developer shall pay, on demand, its share of the cost of Kenaston Boulevard, from its intersection with Bishop Grandin Boulevard to its intersection with Bison Drive, including the reconstruction of the intersection of Kenaston Boulevard and Bishop Grandin Boulevard, all as determined by the Director of Public Works.

12. The Developer shall pay, on demand, its share of the cost of the following temporary and permanent works on Kenaston Boulevard, at and in the vicinity of its intersection with North Town Road:

    a) auxiliary lanes, transitions, median-opening modifications, channelization, and all related works,
    b) traffic-control signals and all related works including, but not limited to, pedestrian and vehicular actuation, and interconnection to adjacent traffic-control signals and audible pedestrian signals,

    all as determined by the Director of Public Works.

13. The Developer shall pay, on demand, its share of the cost of the following temporary and permanent works in Kenaston Boulevard, at and in the vicinity of its intersection with Bison Drive:

    a) auxiliary lanes, transitions, median-opening modifications, channelization, and all related works, and
    b) traffic-control signals and all related works including, but not limited to, pedestrian and vehicular actuation, and interconnection to adjacent traffic-control signals and audible pedestrian signals,

    all as determined by the Director of Public Works.

14. The Developer shall, at no expense to the City, construct 150-mm-thick, 7.5-m-wide portland cement concrete pavements and all related works including, but not limited to, street lighting, boulevard landscaping, and land drainage works, in all streets within the Planned Area, all as determined by, and to the satisfaction of, the Director of Public Works.

15. The Developer shall, at no expense to the City, construct 150-mm-thick, 1.5-m-wide portland cement concrete sidewalks monolithically with the curbs on both sides of Appletree Crescent, to connect to, and provide continuity for, the existing dead-ended sidewalks on Appletree Crescent.

16. If the development is to be staged, the Developer shall provide two means of vehicular access, at all times, to each stage of development within the Planned Area, including, if necessary, the construction of temporary streets and the provision of rights-of-way or easements, to the satisfaction of the Director of Public Works.

17. If the development is to be staged, the Developer shall construct a cul-de-sac vehicular turnaround at the terminus of the temporarily dead-ended street and provide any required related right-of-way or easement, all as determined by, and to the satisfaction of, the Director of Public Works.

18. No private approaches off Waverley Street shall be permitted. The Developer shall, at no expense to the City, remove the existing private approach off Waverley Street, as determined by, and to the satisfaction of, the Director of Public Works.

19. The Developer shall pay all costs associated with the removal of the temporary turnaround on the south leg of Appletree Crescent, as determined by, and to the satisfaction of, the Director of Public Works.

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

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

22. The Developer shall pay all costs associated with the relocation of street lights and other utilities made necessary as a result of, or required to accommodate, the works to be constructed by the Developer to serve the Planned Area, as determined by, and to the satisfaction of, the Director of Public Works.

23. The Developer shall, at no expense to the City, initiate, control, and pay all costs associated with the regular 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 houses, until completion of all

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

24. The Developer shall, at no expense to the City, ensure that construction traffic uses access routes determined by the Director of Public Works; maintain those access routes, at no expense to the City, in a clean, dust-free condition, free of dropped and tracked-on mud; and undertake the regular cleaning of streets – all until building construction, including landscaping, is complete, and all as determined by, and to the satisfaction of, the Director of Public Works.

25. The Developer shall install signs at the entrances to the subdivision, displaying a plan of the subdivision showing thereon the locations of all proposed streets, sidewalks, and community mail boxes.

26. The Developer shall, at no expense to the City, construct, within the rear yards of all single- and two-family lots abutting Waverley Street, an earth berm and a uniform fence, 2.0 m in height, matching those constructed by others to the north and south of the Planned Area, 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 the lots abutting Waverley Street and Kenaston Boulevard, 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.

27. The Developer shall pay cash in lieu of dedication of land for public open space, in accordance with City Policy.

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

29. The Developer shall pay $1,200.00 plus GST per acre to defray the City's administration and related costs associated with the preparation and implementation of the Development Agreement.

THIS REPORT SUBMITTED BY:

Administrative Co-ordinating Group
File No. DASZ 16/08
June 17, 2008

"original signed by S.M. Matile"
S. M. Matile, P. Eng., Chair
Land Development Branch

"original signed by R. J. Hartmann"
R. J. Hartmann, P. Eng.
Public Works Department, Transportation Division

"original signed by T.S. Josephson"
T. S. Josephson, P. Eng.
Water & Waste Department