Minute No. 120
Report - Standing Policy Committee on Property and Development - January 6, 2009

Item No. 7 Rezoning - 1032 Wilkes Avenue
(River Heights-Fort Garry Ward)
File DAZ 234/2008

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

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

1. That The Winnipeg Zoning By-law No. 200/06 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 234/2008 dated November 12, 2008, to a "RMF-M" Multiple-Family District, subject to the following:

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

        i. That 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 for plan approval prior to the issuance of any building or development permit, and thereafter all to be constructed and maintained to the satisfaction of the Director of Planning, Property and Development.

        ii. That the density shall not exceed 112 dwelling units

    B. 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 November 3, 2008, with the following amendments:

        i. Delete Recommendation A.2. in its entirety and replace it with the following, namely:

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"A. 2. That the Developer provide and legally open, at no expense to and upon demand by the City, the land required for a 3.971-m widening to Carpenter Street along the full length of the property adjacent to Carpenter Street, if and when it is determined that Carpenter Street is required."

ii. Delete Recommendation B.1. in its entirety and replace it with the following, namely:

"B.1. The Developer shall pre-pay, at the prevailing local improvement rates, the cost of constructing a full range of underground services and surface works along the length of the property's Brockville Street frontage; shall post a Letter of Credit for the cost, calculated at the prevailing local improvement rates, of constructing a full range of underground services and surface works along the length of the property's Carpenter Street frontage; and shall pay the cost of the underground services and surface works along the length of the property's Carpenter Street frontage if and when it is determined that Carpenter Street is required."

2. 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.

3. 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.

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

5. That the zoning section of the by-law comes into force when 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 by-law is passed.

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

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

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DECISION MAKING HISTORY:

Moved by Councillor Fielding,

That the recommendations of the Standing Policy Committee on Property and Development and the City Centre Community Committee be concurred in and forwarded to Council.

Carried

STANDING COMMITTEE RECOMMENDATION:

On January 6, 2009, the Standing Policy Committee on Property and Development concurred in the recommendation of the City Centre Community Committee, and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On November 25, 2008, the City Centre Community Committee concurred in the recommendation of the Winnipeg Public Service, with the following amendments, namely:

Report from the Administrative Coordinating Group dated November 3, 2008

- Delete Recommendation A.2. in its entirety and replace it with the following, namely:

  "A. 2. That the Developer provide and legally open, at no expense to and upon demand by the City, the land required for a 3.971-m widening to Carpenter Street along the full length of the property adjacent to Carpenter Street, if and when it is determined that Carpenter Street is required.

- Delete Recommendation B.1. in its entirety and replace it with the following, namely:

  "B.1. The Developer shall pre-pay, at the prevailing local improvement rates, the cost of constructing a full range of underground services and surface works along the length of the property's Brockville Street frontage; shall post a Letter of Credit for the cost, calculated at the prevailing local improvement rates, of constructing a full range of underground services and surface works along the length of the property's Carpenter Street frontage; and shall pay the cost of the underground services and surface works along the length of the property's Carpenter Street frontage if and when it is determined that Carpenter Street is required.",

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

RE: **Rezoning - 1032 Wilkes Avenue**
File DAZ 234/2008

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

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

Report date: **November 27, 2008**

COMMUNITY COMMITTEE RECOMMENDATION:

On November 25, 2008, the City Centre Community Committee concurred in the recommendation of the Winnipeg Public Service, as amended, and recommends to the Standing Policy Committee on Property and Development:

1. That The Winnipeg Zoning By-law No. 200/06 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 234 /2008 dated November 12, 2008, to a "RMF-M" Multiple-Family District, subject to the following:

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

        i. That 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 for plan approval prior to the issuance of any building or development permit, and thereafter all to be constructed and maintained to the satisfaction of the Director of Planning, Property and Development.

        ii. That the density shall not exceed 112 dwelling units

    B. 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 November 3, 2008, ***with the following amendments:***

        i. Delete Recommendation A.2. in its entirety and replace it with the following, namely:

            "A. 2. That the Developer provide and legally open, at no expense to and upon demand by the City, the land required for a 3.971-m widening to Carpenter Street along the full length of the property adjacent to

Carpenter Street, if and when it is determined that Carpenter Street is required."

ii. Delete Recommendation B.1. in its entirety and replace it with the following, namely:

"B.1. The Developer shall pre-pay, at the prevailing local improvement rates, the cost of constructing a full range of underground services and surface works along the length of the property's Brockville Street frontage; shall post a Letter of Credit for the cost, calculated at the prevailing local improvement rates, of constructing a full range of underground services and surface works along the length of the property's Carpenter Street frontage; and shall pay the cost of the underground services and surface works along the length of the property's Carpenter Street frontage if and when it is determined that Carpenter Street is required."

2. 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.

3. 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.

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

5. That the zoning section of the by-law comes into force when 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 by-law is passed.

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

7. That the Acting 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 City Centre Community Committee provided the following supporting reason(s) for its recommendation:

1. The proposal has no negative effects, with the exception of traffic concerns which can be dealt with.

PUBLIC HEARING SUMMARY

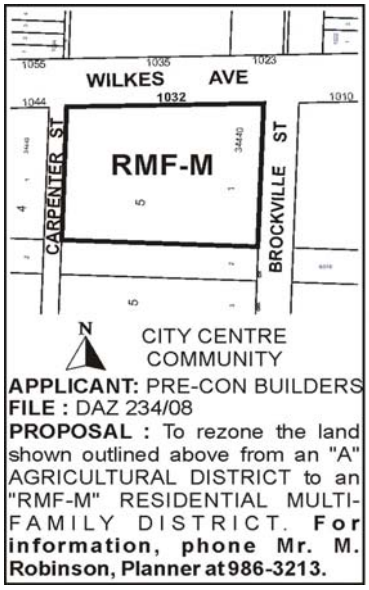
File: DAZ 234/2008

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

Public Hearing: November 25, 2008
North Committee Room
Council Building, 510 Main Street

Applicant: Pre-Con Builders (Robin Lee)

Subject:



Premises Affected: 1032 Wilkes Avenue

Exhibits Filed:

1. Application dated October 8, 2008
2. Notification of Public Hearing dated October 16, 2008
3. Manitoba Status of Title 2180992
4. Letter of authorization dated September 19, 2008 from 5354651 Manitoba Ltd. to Pre-Con Builders
5. Plans (8 pages)
6. Report from the Planning and Land Use Division dated November 12, 2008

7. Report from the Administrative Coordinating Group dated November 3, 2008
8. Inspection Report
9. Audio Recording of representations

REPRESENTATIONS:

In Support:

Robin Lee, Pre-Con Builders
Meril Rivard, Rivard Group

In Opposition

Alex Bainov

For Information:

Nil

For the City:

Mr. M. Robinson, Planner, Planning, Property and Development Department
Ms S. Matile, Chair, Administrative Co-ordinating Group, Planning, Property and Development Department

Exhibit "6" referred to in File DAZ 234/2008

Winnipeg

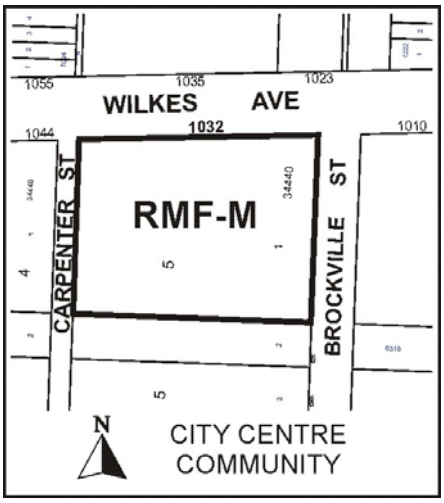
Planning, Property and Development Department Report

To the City Centre Community Committee

Date: **November 12, 2008**
File: **DAZ 234/2008**
Related Files: **DAZ 245/04, DAV 04-318710/D (never completed)**

Subject: **Application to amend By-law 200/2006 by rezoning the subject lands from an "A" Agricultural District to an "RMF-M" Multiple-Family District**

Location: **1032 Wilkes Avenue**



Applicant: **Pre-Con Builders (Robin Lee)**
Owner: **5354651 Manitoba Ltd.**

Recommendation: ***Approval***

Report Summary:

- The proposed development is consistent with Plan Winnipeg
- The proposed development is compatible with the emerging residential character of the area
- The density must be limited because of waste water sewer capacity in the area
- A rezoning to multiple-family residential was approved in 2004, but never acted upon

Site Description

The subject property, which is zoned "A" Agricultural, is located on Wilkes Avenue, between Brockville and Carpenter Streets, in the Brockville neighbourhood of the River Height-For Garry Ward.

North: Residential use zoned "C2" Commercial
South: Industrial/residential uses zoned "A" Agricultural
East: Residences zoned "RMF-M" Multiple-Family Residential
West: Industrial/residential use zoned "A" Agricultural

Background

In 2004, a rezoning of the subject property from an "A" Agricultural District to an "RM-7" Multiple-Family District to allow for the construction of two 7-storey condominium buildings was approved by City Council. (DAZ 245/04) The applicant did not enact the By-law within the required two-year timeframe and consequently, the rezoning lapsed.

Description of the Proposed Development

The applicant is requesting rezoning of the subject site from an "A" Agricultural District to an "RMF-M" Multiple Family District to allow for the construction of two 5-storey multiple-family buildings.

The two blocks are approximately 52 feet in height and contain a total of 112 dwelling units. 76 parking stalls will be provided within each building and an additional 102 surface parking stalls will be provided outside. Access is proposed from Wilkes Avenue.

Analysis

Plan Winnipeg

The Brockville Neighbourhood was redesignated under the 1993 Plan Winnipeg review and update from an Industrial Policy Area to a Neighbourhood Policy Area. The application therefore complies with Plan Winnipeg. This redesignation reflected the residential/institutional development that has occurred in the area in recent years, and signals the City's intention that the area transition from its existing quasi rural/industrial character to a residential neighbourhood with a mix of housing types, including condominiums and apartments. There is no timetable for the removal of the existing industrial land uses. These uses have a right to remain in place. However, the City would not support any intensification of uses not in compliance with the existing zoning regulations and relevant Plan Winnipeg policies. For the time being, therefore, the housing and industrial uses must co-exist.

Secondary Plans
In the near future, the Planning and Land Use Division, in conjunction with other City Departments, sees a benefit in developing a shadow plan for this area, which would clarify the future street pattern, land use mix, and open space in the area.

Compatibility with surrounding land use
The Brockville neighbourhood is in transition from industrial to residential land use. Other housing projects in the area include an 80-unit townhouse development and a 20-unit, semi-detached bungalow condo east of Brockville south of Wilkes. In addition, immediately opposite to the subject site, is a 5 storey, 60-unit seniors apartment. (Villa Nova) Finally, just north of Sterling Lyon, on both sides of Paget Road, multiple-family development has either been constructed or has been approved for construction.

The subject project is therefore appropriate considering that the area has been designated as a Neighbourhood Policy Area under Plan Winnipeg and several residential projects are underway or in the planning stages. This rezoning and associated development will make use of a vacant piece of land and will compliment the emerging residential character of the area.

Density
The Water and Waste Department has indicated that the number of dwelling units the City can service is limited by wastewater sewer capacity. In light of this, the Water and Waste Department is recommending that density for this development be capped at 112 units. The applicant is agreeable to this condition.

Transportation and Site Access
As previously mentioned, all access to the development will be from Wilkes Avenue.

Servicing
See ACG Report

Site Design Issues
In light of the fact that final landscaping plans, site plans, and elevations have not been submitted, it is recommended that "Schedule A" plan approval be included as a condition of approval. Guidelines for this plan approval are included in Appendix A.

Public Input
The applicant indicated that he dropped off a set of plans and a letter describing the project to all surrounding area property owners. In addition, he held an open house for surrounding area property owners at the Caboto Centre on November 12th, 2008.

At the time of this writing, the Planning and Land Use Division has not received any phone calls or written correspondence from surrounding property owners regarding this project.

Recommendation

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

- The proposed development is consistent with Plan Winnipeg
- The proposed development is compatible with the emerging residential character of the area

Recommended Conditions of Approval

1. That The Winnipeg Zoning By-law No. 200/06 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 234 /2008 dated November 12, 2008, to a "RMF-M" Multiple-Family District, subject to the following:

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

      i. That 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 for plan approval prior to the issuance of any building or development permit, and thereafter all to be constructed and maintained to the satisfaction of the Director of Planning, Property and Development.

      ii. That the density shall not exceed 112 dwelling units

   B. 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 November 3, 2008.

2. 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.

3. 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.

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

5. That the zoning section of the by-law comes into force when 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 by-law is passed.

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

7. 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: Michael Robinson, AICP
PPD File # DAZ 234/2008



Figure 1: Aerial Photo (Flown in 2005)

Schedule "A"

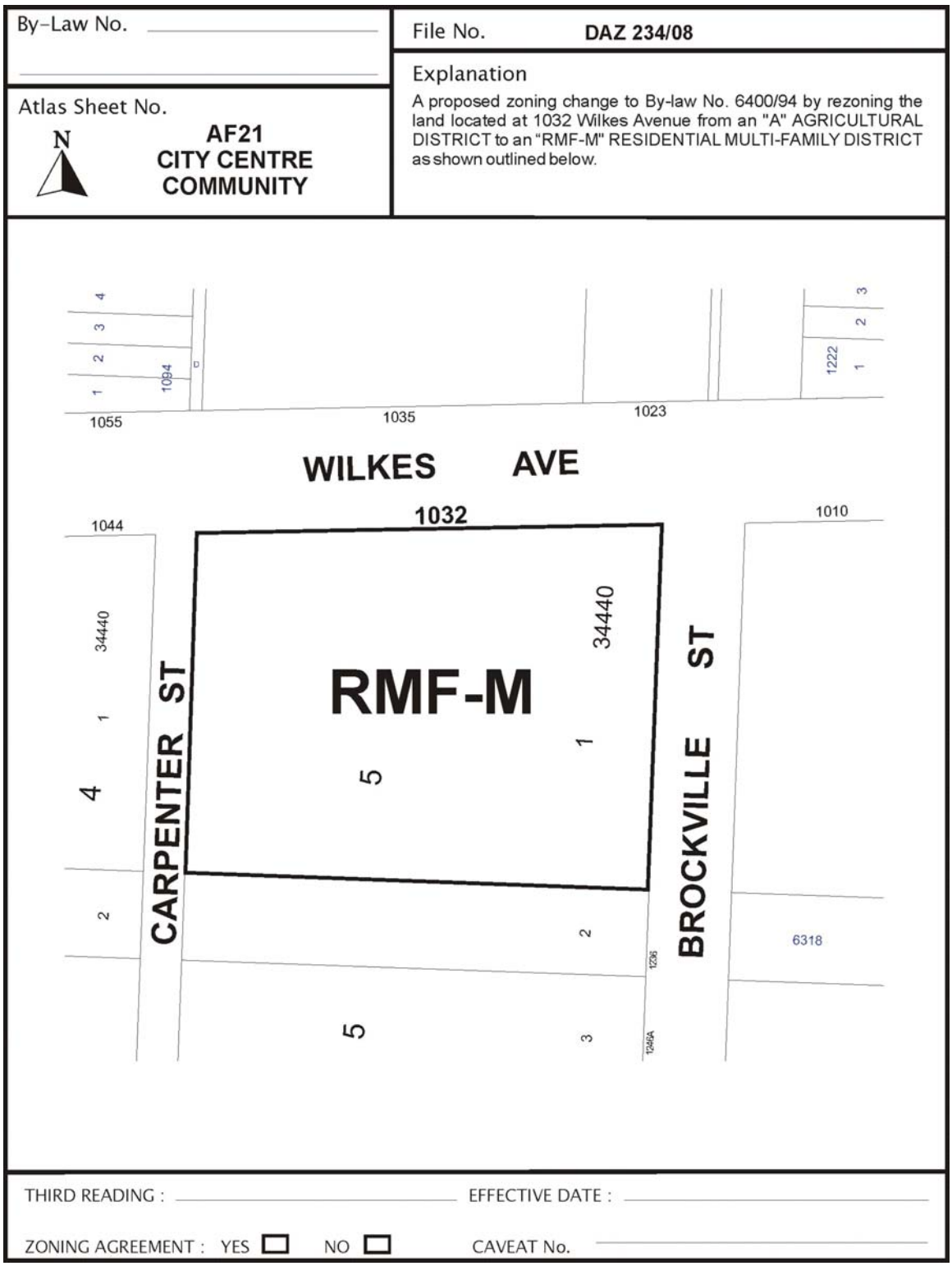


Figure 1: Schedule "A" to the report to the City Centre Community Committee for File DAZ 234/2008, dated November 12, 2008.

Appendix A

Design Guidelines
Purpose: To be used as guidelines when reviewing the final plan approval for DAZ 234/08

Pedestrian

Sidewalks
1) Provide pedestrian connections from each building entrance to an internal sidewalk system which connects to each building and to the future external sidewalk system, on Wilkes and Brockville. There should be at least two pedestrian connections to Wilkes Avenue and one pedestrian connection to Brockville
2) Provide continuous sidewalks wherever there are parking areas or exit doors.
3) Where these sidewalks cross a parking lot, connections should be marked through the use of a change in paving materials and height as a signal to motorists that they should slow down upon approaching.

Accessibility
4) Where possible, all pedestrian amenities should be universally accessible

Open Space, Landscaping and Fencing

Open Space
1) Consider setting aside an area of common open space that can be easily accessed by residents and that provides a focal point for community recreation and interaction and adds to the overall quality of life for residents. It should be purposefully integrated into the overall design of the development and not merely residual areas left over after the buildings and parking lot are sited.

   The open space should be reasonably accessible to all the residents of the development. A good rule of thumb is within 500 feet of every dwelling unit in the development.

   Common open space can include gardens, courtyards, recreation, or play areas and may include some of the following features:
   - Seasonal planting areas
   - Large, flowering trees
   - Seating
   - Pedestrian scaled lighting
   - Gazebos or other decorative shelters
   - Play structures for children
   - On-site community recreation amenities

   Especially, given that there is currently no public open space in the immediate area, the need for internal open space is heightened.

Landscaping
Landscaping, which is a visible indicator of quality development, should be an integral part of the development, and not merely located in leftover portions of the site.

1) Please consider soft berming on Wilkes Avenue to enhance the visual presentation of the property
2) A registered landscape architect in our office has reviewed the proposed landscape plan. They have concerns with some of the proposed plantings, in terms of their appropriateness and long term viability, in the locations where they are to be planted. Please consider engaging a registered landscape architect to review the landscape plan, given the importance of landscaping to the aesthetics of the site, the amount of landscaping being proposed, and the long-term maintenance required.

Fencing
3) Along the Brockville frontage, given that the street will have pedestrian traffic in the future, we recommend that the side yard either be completely open or fenced with a transparent fence, such as decorative wrought iron, or similar style.

4) Along Wilkes Avenue, we recommend that the yard be completely open, and not fenced.

Lighting
1) Eliminate adverse impacts of light spillover; provide attractive lighting fixtures and layout patterns that contribute to a unified exterior lighting design and provide exterior lighting that promotes safe vehicular and pedestrian access to and within a development.

Design
1) We recommend that the front of the buildings, facing Wilkes, include some glazing, and/or architectural features on the ground level, to animate the street. Additionally, we recommend that some effort be made to draw the feeling of entrance towards Wilkes.
2) We recommend that the wall surrounding the indoor parking area include architectural features and landscape screening.

Exhibit "7" referred to in File DAZ 234/2008

Winnipeg

RE: PROPOSED REZONING OF LAND AT 1032 WILKES AVENUE – DAZ 234/08

FOR SUBMISSION TO THE CITY CENTRE COMMUNITY COMMITTEE

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

November 3, 2008

5172

RE: PROPOSED REZONING OF LAND AT 1032 WILKES AVENUE – DAZ 234/08

An application has been submitted by Pre-Con Builders, to rezone the land at 1032 Wilkes Avenue, which is flanked by both Brockville Street and Carpenter Street, from agricultural to multi-family.

Council previously considered and approved application DAZ 245/04 for the rezoning of this property.

The City's Water & Waste Department has monitored the wastewater sewer system in the area and has determined that the system has capacity for no more than the 112 units being proposed by the applicant.

In the absence of a shadow plan for this area, it is recommended that the approval of DAZ 234/08 be subject to the same conditions as DAZ 245/04, as follows:

A. Plan Considerations

1. That the Developer provide and legally open, at no expense to the City, the land required for a 0.942-m widening to Brockville Street along the full length of the property adjacent to Brockville Street.

2. That the Developer provide and legally open, at no expense to the City, the land required for a 3.971-m widening to Carpenter Street along the full length of the property adjacent to Carpenter Street.

B. Servicing Agreement

It is recommended that approval of the rezoning be subject to the Developer entering into a Servicing Agreement with the City, containing the following:

1. The Developer shall pre-pay, at the prevailing local improvement rates, the cost of constructing a full range of underground services and surface works along the full lengths of the property's Brockville Street and Carpenter Street frontages.

2. The Developer shall, at no expense to the City, construct all watermains, wastewater sewers, land drainage sewers, and concrete pavement including roadways and sidewalks required to serve the property, in Brockville Street and Carpenter Street, as determined by, and to the satisfaction of, the Directors of Water & Waste and Public Works.

3. The Developer shall be refunded its cost of construction of the services in Brockville Street and Carpenter Street pursuant to Clause 2(i.e. the cost of the services installed in Brockville Street and Carpenter Street shall be credited against the total cost of installing a full range of services in those streets along the length of the property pursuant to Clause 1).

4. The Developer shall pay its share of the cost of the Wilkes North TSR (2008 Rate = $15,476.00/acre), the Somerville Trunk User Charge (2008 Rate = $251.80/ acre), and the Lindenwoods Trunk User Charge (2008 Rate = $616.28/acre).

5. The Developer shall pay its share, on an area basis, of the cost of the construction of the surface works in Sterling Lyon Parkway.

6. The Developer shall pay its share, on an area basis, on demand, of the cost of the future construction of the following surface works in Wilkes Avenue:
    i) a 5.0-m-wide, 200-mm thick portland cement concrete lane of pavement;
    ii) a 1.5-m-wide, 150-mm thick portland cement concrete sidewalk;
    iii) boulevard landscaping in the south boulevard;
    iv) ornamental street lighting; and
    v) all required drainage works,

    as determined by the Director of Public Works.

7. 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.

8. 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.

9. 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.

10. 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, safe condition, free of dropped and tracked-on mud, and shall undertake the 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.

11. 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 Planned Area.

12. 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. DAZ 234/08
November 3, 2008

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

"original signed by D. Emerson"
D. Emerson, P. Eng.
Public Works Department, Transportation Division

"original signed by F. Mazur"
F. Mazur, P. Eng.
Water & Waste Department