Minute No. 435
Report - Standing Policy Committee on Property and Development - June 2, 2009

Item No. 7 **Subdivision and Rezoning - 3348 Waverley Street**
(St. Norbert Ward)
File DASZ 11/2009

On June 22, 2009, the applicant withdrew the application and, as such, the item was filed.

Report - Standing Policy Committee on Property and Development - June 2, 2009

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On June 10, 2009, 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 June 2, 2009, 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 25, 2009, the Riel Community Committee did not concur in the recommendation of the Winnipeg Public Service and recommended that the application for subdivision and rezoning under File DASZ 11/2009 [c/r DAC 17/2007] be rejected, and forwarded the matter to the Standing Policy Committee on Property and Development.

RE: **Subdivision and Rezoning – 3348 Waverley Street**
File DASZ 11/2009 [c/r DAC 17/2007]

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

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

Report date: **May 26, 2009**

COMMUNITY COMMITTEE RECOMMENDATION:

On May 25, 2009, the Riel Community Committee did not concur in the recommendation of the Winnipeg Public Service and recommends to the Standing Policy Committee on Property and Development that the application for subdivision and rezoning under File DASZ 11/2009 be rejected.

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

1. Issues with the greenspace lands adjacent to the proposed development need to be dealt with in an orderly fashion before development of portions of the subject property can be proceeded with.

PUBLIC HEARING SUMMARY

File: DASZ 11/2009 [c/r DAC 17/2007]

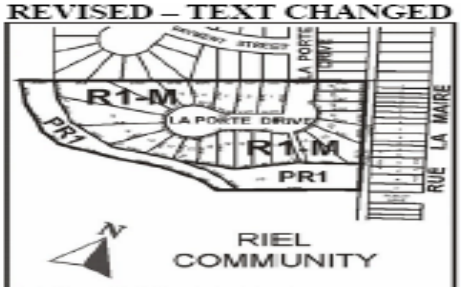
Before: Riel Community Committee
Councillor Steeves, Chairperson
Councillor Swandel
Councillor Vandal

Public Hearing: May 25, 2009
Council Chamber
Council Building, 510 Main Street

Applicant: Global Homes Ltd. (Perry McDonald)

Subject:

REVISED – TEXT CHANGED



APPLICANT : GLOBAL HOMES LTD.
FILE: DASZ 11/09
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-M" RESIDENTIAL SINGLE-FAMILY DISTRICT to allow for the creation of residential lots and lands to the south to a "PR1" PARKS AND RECREATION 1 DISTRICT. **For information, phone Mr. J. Wintrup, Planner at 986-5102.**
DEMANDEUR : GLOBAL HOMES LTD.
N° DE RÉFÉRENCE : DALZ 11/09
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-M (SECTEUR D'HABITATIONS UNIFAMILIALES RÉSIDENTIEL) afin de permettre l'aménagement de lots résidentiels, et des terrains se trouvant au sud à la catégorie PR1 (Secteur des parcs et des loisirs 1). **Pour obtenir des renseignements, veuillez communiquer avec M. J. Wintrup, urbaniste, au 986-5102.**

Premises Affected: 3348 Waverley Street

Exhibits Filed:

1. Application dated April 1, 2009
2. Notification of Public Hearing dated April 22, 2009
3. Manitoba Status of Titles 1929801 and 2240360
4a. Letter of authorization dated March 24, 2009 from Bernhard Goertzen, President, #4713096 MB Ltd. to Global Homes Ltd.
4b. Letter of authorization dated March 17, 2009 from the Manager of Real Estate Division, Planning, Property and Development Department, City of Winnipeg, to Global Homes Ltd.
5. Site Plan
6. Plan
7. Report from the Planning and Land Use Division dated May 18, 2009
8. Inspection Report
9. Audio Recording of representations of public hearing held on May 25, 2009

REPRESENTATIONS:

In Support:
Angela and Dwight Gay
Bernhard Goertzen
Perry McDonald

In Opposition
Nil

For Information:
Dan and Pat Knudsen

For the City:
Ms. S. Matille, Land Development Engineer, Planning, Property and Development Department
Mr. J. Wintrup, Senior Planner, Planning, Property and Development Department

Exhibit "7" referred to in File DASZ 11/2009 [c/r DAC 17/2007]

ADMINISTRATIVE REPORT

ISSUE: 3348 Waverly St (La Porte Place) - DASZ 11/2009

Critical Path: RIEL Community Committee

AUTHORIZATION

Author	Department Head	CFO	CAO
John Wintrup Principal Planner			

RECOMMENDATIONS

1. That the plan of subdivision proposed under File DASZ 11/2009 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 11/2009 dated May 18, 2009, for 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 Schedule "C", the Report of the Administrative Coordinating Group dated April 29, 2009.

2. That The Winnipeg Zoning By-law No. 200/06 be amended by rezoning all of the subject land as shown on Schedule "A" for File DASZ 11/2009 dated May 18, 2009, to "R1-M" Single Family Residential District – Medium.

3. That a ten percent (10%) dedication be made by a payment of a sum of money to the City in lieu of the requirement for land dedication based on the increase in market value of the land.

4. That Council declare the vacant City-owned property located east of LaPorte Drive and identified as "Subject City Property" on Schedule "B", surplus to the City's requirements.

5. That subject to the approval of Recommendation No. 4, Council delegate the Chief Administrative Officer with the authority to approve the terms and conditions of an Exchange Agreement, wherein the Applicant receives the "Subject City Property" for inclusion in their DASZ 11/2009, and the City receives the "Applicant's Subject Property", as shown on Schedule "B".

6. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

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

8. 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.

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

10. 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.

11. 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

12. 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.

13. 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.

14. 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.

IMPLICATIONS OF THE RECOMMENDATIONS

- The purpose of the subject application is to address the Conditions of Approval Council attached to DASZ 7/2007 on July 18, 2007: two of the conditions indicated that the land on the east side of street and the parkland needed to be dealt with.

2. That The Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "C" for File DASZ 7/2007 dated June 14, 2007, to an "R1-3.5" Residential District subject to the applicant entering into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to include the following conditions:

A. That no building permit be issued for proposed lot 20 until such time as it has been legally consolidated with adjoining property to the east in order to accommodate lots of more appropriate width and depth.

B. That no building permits be issued for proposed lots 18, 19 and 20 until all matters related to the adjacent parkland are resolved.

- This new subdivision and rezoning application is the method required to deal with these lands as a new lot configuration for these lands and a change to the zoning by-law is proposed.
- The Developer has also indicated they would like to re-orient the lot lines for Lots 1-4 on the north side of the street - the approved plan has them off-set against the existing lots along Payment. The revised lot lines will match the lots up square on.
- Four additional lots will be created on the east side of La Porte Place.
- DASZ 11/2009 includes a land exchange of equal areas, wherein the applicant will be receiving City land for the subdivision development and the City receiving part of the applicant's holding for public reserve purposes (the applicant's parcel is considered to have the same residential development rate as the City parcel).
- A closing of the public lane is not included in the land exchange and will be sold to the applicant.
- Acquiring the applicant's 0.44 acre holding for public reserve purposes will allow access to the City's land locked Public Reserve on the west side of the Planned Area.
- The Developer acquiring 0.44 acre of City of Winnipeg lands located between the public lane and the Developer's lands will allow lots 18, 19, and 20 to become developable lots.
- The public walkway leading from La Porte Place that was proposed under DASZ 7 / 2007 will be re-located to connect La Porte Place to the new public reserve lands south of the Planned Area.

HISTORY

APPLICANT:	Global Homes Ltd.
OWNER:	Global Homes Ltd.
LOCATION:	south of La Porte Drive and East of Rue La Marie in the Parc La Salle Neighbourhood (5.67) of the St. Norbert Ward.
LEGAL DESCRIPTION:	All that portion of RL 87 Parish of St. Norbert according to Plan No. 3762 WLTO which lies to the west of a line drawn parallel with and perp distant 2000 feet from the western limit of the land taken

for the right-of –way of the Canadian National Railway Plan 5559 WLTO exc public road Plan 9010 WLTO

SITE DESCRIPTION:

Size:	5 acres (Planned Area)
Plan Winnipeg:	Neighbourhood Policy Area
Zoning:	"A" Agriculture; and "PR1" Parks and Recreation

CURRENT LAND USE: Underdeveloped land with an approved plan of subdivision (Attachment "1").

SURROUNDING LAND USES AND ZONING:

North: To the north are single family dwellings, zoned "R1-M" Single Family Residential

South: To the immediate south is under developed land a zoned ""A" Agriculture.

West: To the west is under developed land a zoned ""A" Agriculture.

East: To the east across the public lane are single family dwellings zoned "R1-L" Single Family Residential.

DESCRIPTION OF THE DEVELOPMENT:

- This application is to rezone and subdivide lots 18, 19, and 20 (old configuration - DASZ 7/2007) along with the adjacent City lands to create 7 buildable lots, for a total of 24 lots instead of the existing 20 lot configuration for La Porte Place.
- Approximately 0.44 acres of land south of the residential lots will be zoned for open green space, which will connect to the existing land locked open green space the City owns on the west side of the development.
- Lots 1-16 conform to the Council Orders for DASZ 7/07 - including their requirement to line up the back lot lines 1-4 with lots 19-22 on the north side

A. DEVELOPMENT CONSIDERATIONS

1. Background

- The applicant has approval for a plan of subdivision for these lands, by way of subdivision and variance (Attachment "1").
- In 2007 the applicant was granted approval to split off four acres (of his overall thirty two acre parcel) which lies on the east side of Grandmont Creek.
- The remaining twenty eight acres are in a Rural Policy Area and cannot be developed until such time as the area west of Grandmont Creek becomes part of the Neighbourhood Policy Area by Plan Amendment.
- La Porte Drive has been approved to be extended south culminating in a dead end cul-de-sac, along which are 17 single family housing lots.
- Lots 18, 19, and 20 were not able to be developed as buildable lots (due to adequate depth) as the adjacent City of Winnipeg owned lands are required to make these lots developable.

- *2. That The Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "C" for File DASZ 7/2007 dated June 14, 2007, to an "R1-3.5" Residential District subject to the applicant entering into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to include the following conditions:*

A. That no building permit be issued for proposed lot 20 until such time as it has been legally consolidated with adjoining property to the east in order to accommodate lots of more appropriate width and depth.

B. That no building permits be issued for proposed lots 18, 19 and 20 until all matters related to the adjacent parkland are resolved.

2. <u>Land Use Analysis</u>

- This new subdivision and rezoning application is the method required to deal with Lots 18, 19, and 20 related to the adjacent parkland as a new lot configuration for these lands and a change to the zoning by-law is proposed.
- The Developer has also indicated they would like to re-orient the lot lines for Lots 1-4 on the north side of the street - the approved plan has them off-set against the existing lots along Payment. The revised lot lines will match the lots up square on.
- It has since been determined that the City does not want or need the strip of land along the west side of the rear public lane.
- The preference is for the City of Winnipeg to swap these lands for more preferred lands held by the developer to the south of the residential lots, which will enable a connection to the current land locked open space lands the City of Winnipeg owns along Grandmont Creek.
- "R1-M" Residential Single-Family District minimum lot sizes of 3,500 square feet are required.
- Side yards of 4 feet are required.
- Front yard requirements are 15 feet; rear yard requirements are 25 feet.
- Maximum building height is 35 feet.

B. REASONS FOR RECOMMENDATION

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

- The land locked City of Winnipeg parcel that is zoned PR1 on the west side of the planned area will be opened up via the newly acquired parkland to the south of the Planned Area – this will enhance open space connectivity.
- The existing City of Winnipeg lands on the west side of the public lane are not suitable in location or size for open green space.
- Existing lots 18, 19, 20 are not buildable lots and can not be developed without the adjacent City of Winnipeg's lands on the west side of the public lane.
- This subdivision represents the logical completion of La Porte Place in an orderly manner.

- This is the last remaining pocket of developable serviceable land on the west periphery of St. Norbert which is within the Neighbourhood Policy Area.
- The development is in character with adjoining existing neighbourhoods and is not of a scale that will adversely affect those adjacent areas.
- The proposal meets the City's policies to create new infill housing in areas with a full range of services.

C. CONDITIONS OF RECOMMENDATION

- The Fire Department requires a turnaround facility for fire apparatus at the bend in the right-of-way.
- This could comprise either a turnaround loop with a minimum outside radius of 15 meters, or a hammerhead with minimum 6-m width and 12-m centerline turning radius.
- Amending the proposed pathway to provide a permanent lane, at least 6 m wide and 12 m long, with appropriate radii and curbing, would also be acceptable.
- A land exchange of equal areas will be provided, wherein the applicant will be receiving City land for the subdivision development and the City receiving part of the applicant's holding for public reserve purposes.

FINANCIAL IMPACT

Financial Impact Statement

Date:

Project Name:

First Year of Program

	0	1	2	3	4
Capital					
Capital Expenditures Required	$ -	$ -	$ -	$ -	$ -
Less: Existing Budgeted Costs	-	-	-	-	-
Additional Capital Budget Required	$ -	$ -	$ -	$ -	$ -
Funding Sources:					
Debt - Internal	$ -	$ -	$ -	$ -	$ -
Debt - External	-	-	-	-	-
Grants (Enter Description Here)	-	-	-	-	-
Reserves, Equity, Surplus	-	-	-	-	-
Other - Enter Description Here	-	-	-	-	-
Total Funding	$ -	$ -	$ -	$ -	$ -
Total Additional Capital Budget Required	$ -				
Total Additional Debt Required	$ -				
Current Expenditures/Revenues					
Direct Costs	$ -	$ -	$ -	$ -	$ -
Less: Incremental Revenue/Recovery	-	-	-	-	-
Net Cost/(Benefit)	$ -	$ -	$ -	$ -	$ -
Less: Existing Budget Amounts	-	-	-	-	-
Net Budget Adjustment Required	$ -	$ -	$ -	$ -	$ -

Additional Comments:

original signed by
Department Controller

CONSULTATION

In preparing this Report there was consultation with:

N/A

SUBMITTED BY

Department	Planning, Property and Development
Division	Planning and Land Use
Prepared by:	John Wintrup
Date:	May 18, 2009
File No.	DASZ 11/09

Appendix:
1. Schedule “A” for File No. DASZ 11/09, Riel Community Committee, dated May 18, 2009.
2. Attachment “1” Approved Plan of Subdivision under Schedule “C” for File DASZ 7/2007
3. Schedule “B” Misc. Plan No. 13194/3
4. Schedule “C” Administrative Coordinating Group Development Agreement dated April 29, 2009.
5. Attachment “1” – Existing Land-Uses for ‘Planned Area’ and Surrounding Lands.
6. Attachment “2” – Existing Zoning for ‘Planned Area’ and Surrounding Lands.

SCHEDULE “A” for File No. DASZ 11/09, Riel Community Committee, dated May 18, 2009.

By-Law No. _____

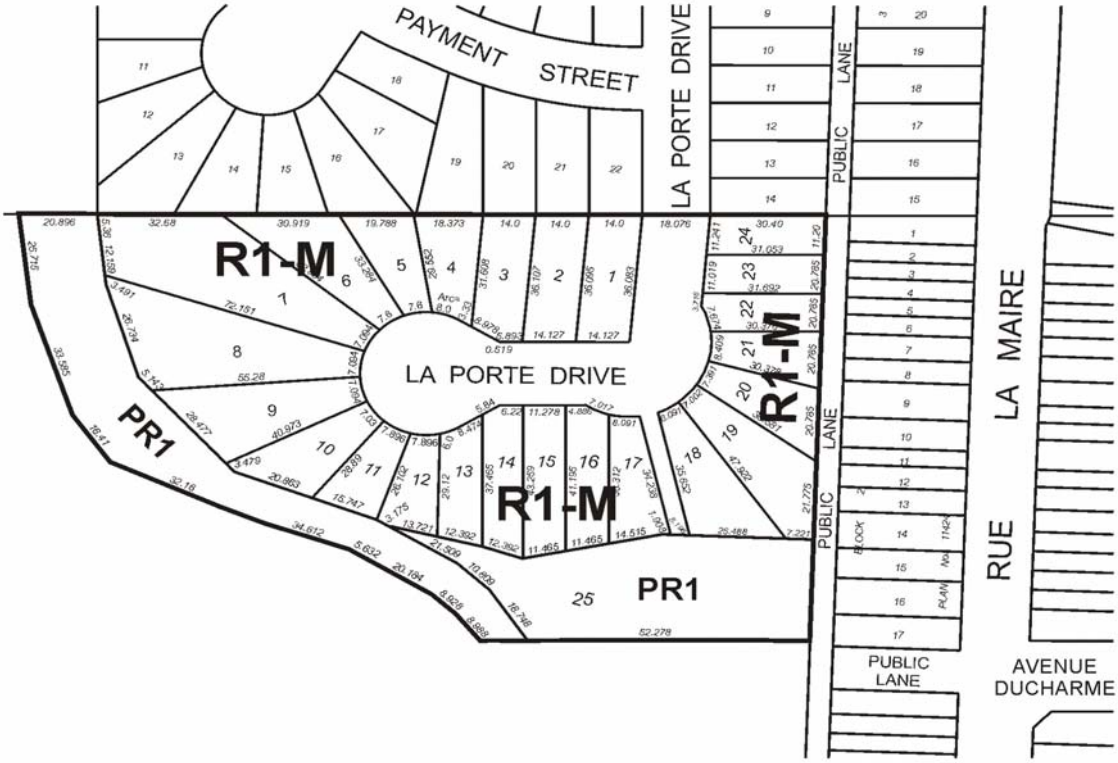
File No. **DASZ 11/09**

Atlas Sheet No.

AP22
RIEL
COMMUNITY

Explanation

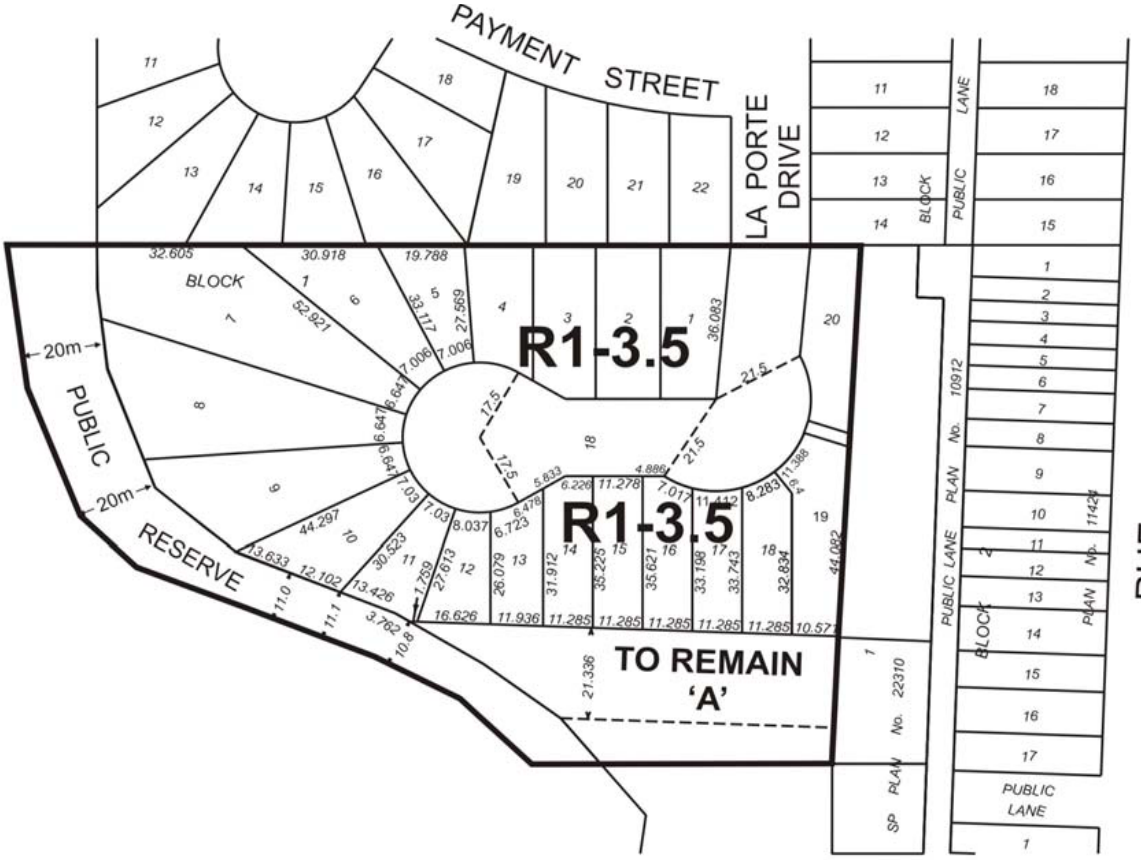
An application for the approval of the plan of subdivision shown outlined below and for a proposed zoning change to By-law No. 6400/94 by rezoning the land located at 3348 Waverley Street from an "A" AGRICULTURAL DISTRICT to an "R1-M" RESIDENTIAL SINGLE-FAMILY DISTRICT to allow for the creation of residential lots and lands to the south to a “PR1” PARKS AND RECREATION 1 DISTRICT as shown outlined below.



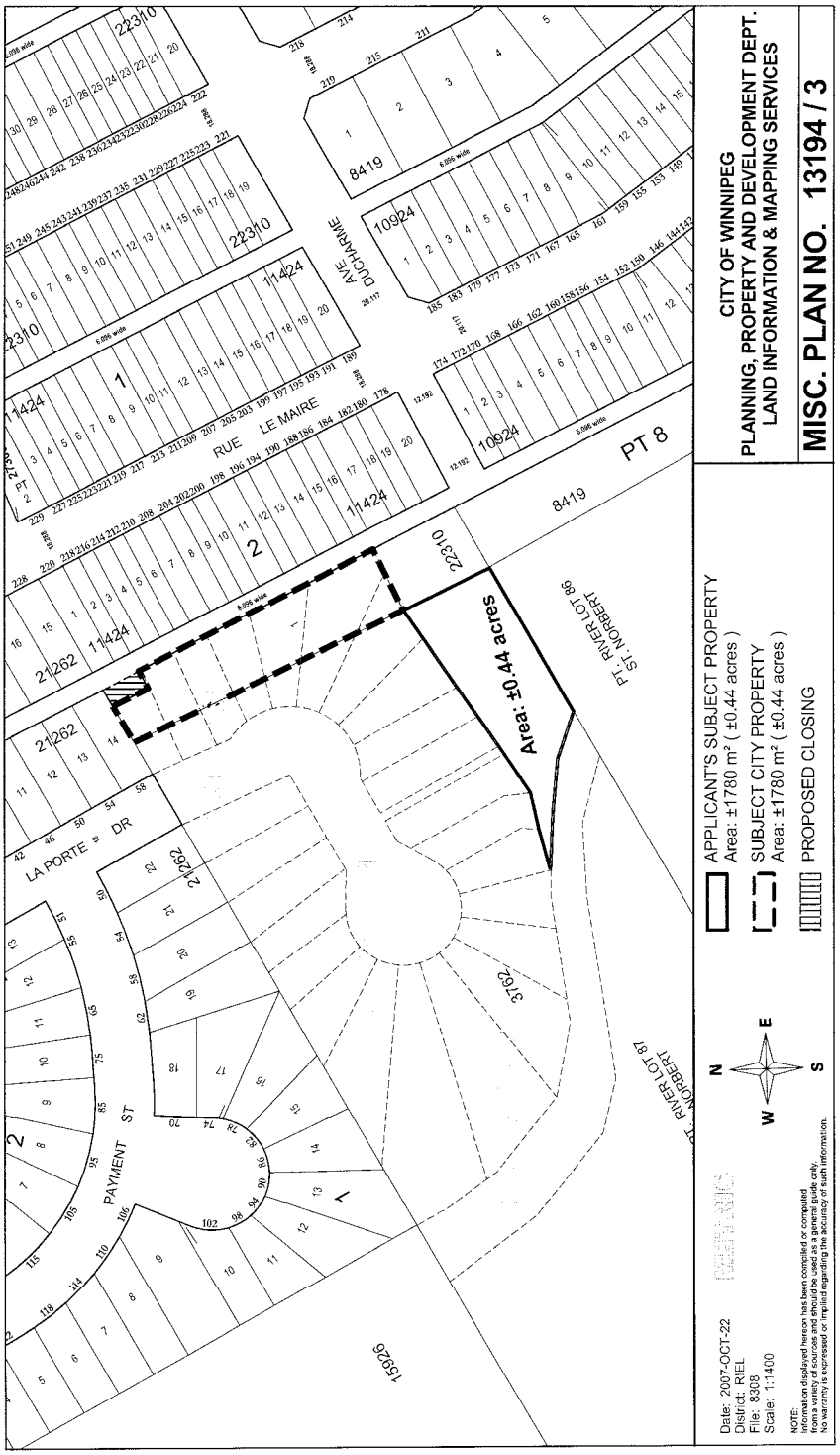
THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

Attachment “1” Approved Plan of Subdivision under Schedule “C” for File DASZ 7/2007



SCHEDULE “B” Misc. Plan No. 13194/3



SCHEDULE "C" - REPORT OF THE ADMINISTRATIVE CO-ORDINATING GROUP

SCHEDULE C - REPORT OF THE ADMINISTRATIVE CO-ORDINATING GROUP

RE: PROPOSED SUBDIVISION AND REZONING OF 3348 WAVERLEY STREET (LA PORTE PLACE) - DASZ 11/09

Global Homes originally submitted application DASZ 7/07 for the subdivision and rezoning of 3348 Waverley Street to create La Porte Place. Application DASZ 7/07 was approved by Council, but the related Bylaw amendment was subject to the applicant entering into a Zoning Agreement with the City to include the conditions that:

1. no building permit be issued for lot 20 until it is consolidated with the land to the east to create lots of appropriate width and depth, and
2. no building permits be issued for lots 18, 19 and 20 until all matters related to the adjacent parkland are resolved.

Global Homes has submitted application DASZ 11/09 to address the consolidation of the adjacent land to the east and the adjacent parkland.

It is recommended that the approval of DASZ 11/09 be subject to the following:

A. Plan Considerations

1. The Fire Department requires a turnaround facility for fire apparatus at the bend in the right-of-way. This could comprise either a turnaround loop with a minimum outside radius of 15 meters, or a hammerhead with minimum 6-m width and 12-m centerline turning radius. Amending the proposed pathway to provide a permanent lane, at least 6 m wide and 12 m long, with appropriate radii and curbing, would also be acceptable.
2. The cul-de-sac right-of-way geometrics shall conform to Streets & Transportation Drawing ST-90.

B. Development Agreement

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

1. The Developer shall pay its share of the cost of services previously installed by the City and/or others in La Porte Drive, if applicable, as determined by the Directors of Public Works and Water & Waste.
2. The Developer shall, at no expense to the City, construct all watermains, wastewater sewers, land drainage sewers, and lot-line connections required to service the Planned Area. Because there are more than 20 services on the proposed dead-end watermain, the applicant shall twin the watermain along the north-south leg of the proposed cul-de-sac.
3. The Developer shall pay its share of the regional land drainage system (2009 Rate = $13,392.00/acre).
4. The Developer shall pay its share of the oversized land drainage system ($29,665.00).
5. The Developer shall, at no expense to the City, construct, in La Porte Place, portland cement concrete pavement, to a width of 7.5 m, a radius of 10.5 m, and a thickness of 150 mm, and all related works, including, but not limited to, boulevard landscaping, ornamental street lighting and drainage works, all as determined by, and to the satisfaction of, the Director of Public Works.
6. The Developer shall, at no expense to the City, construct, in La Porte Place,a turnaround facility for fire apparatus at the bend in the right-of-way, comprising either a turnaround loop with a minimum outside radius of 15 meters, a hammerhead with minimum 6-m width and 12-m centerline turning radius, or a permanent lane in the proposed pathway, at least 6 m wide and 12 m long, with appropriate radii and curbing, all as determined by, and to the satisfaction of, the Fire and Paramedic Chief and 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, including the conversion of any existing overhead services within the proposed subdivision to underground, to the satisfaction of the Director of Public Works.
8. The Developer shall pay all costs associated with the installation and/or relocation of street lights and other utilities made necessary as a result of, or required to accommodate, the works to be constructed by the Developer to serve the proposed subdivision, 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, at no expense to the City, cause to be installed standard, reflectorized, permanent street-name signs at the new intersection within or adjacent to the Planned Area, as determined by the Director of Public Works.
12. The Developer shall, at no expense to the City, grade, level, sod (except as stipulated below), and provide land drainage for the public reserve, and for any additional park land facilitated through the proposed exchange of land with the City, in accordance with the City's Development Agreement Parameters. In the area adjacent to the creek bank, the developer shall implement naturalization practices (instead of sod), under the direction of the City Naturalist and to the satisfaction of the Director of Public Works.
13. The Developer shall construct a 1.8-m-wide asphaltic concrete public pathway, with concrete paraplegic ramps at each end, all in accordance with City Standards, from LaPorte Place through to the lane at the southeast edge of the park land (that being the extent of the park following the land exchange).
14. The City shall accept, in lieu of the Developer's obligation to provide 100 ft per acre of serviced land, the grading, leveling, and sodding of, provision of land drainage for, and construction of asphaltic concrete pathway in, the land provided to the City in accordance with the land exchange.
15. 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.
16. 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 11/09
April 29, 2009

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

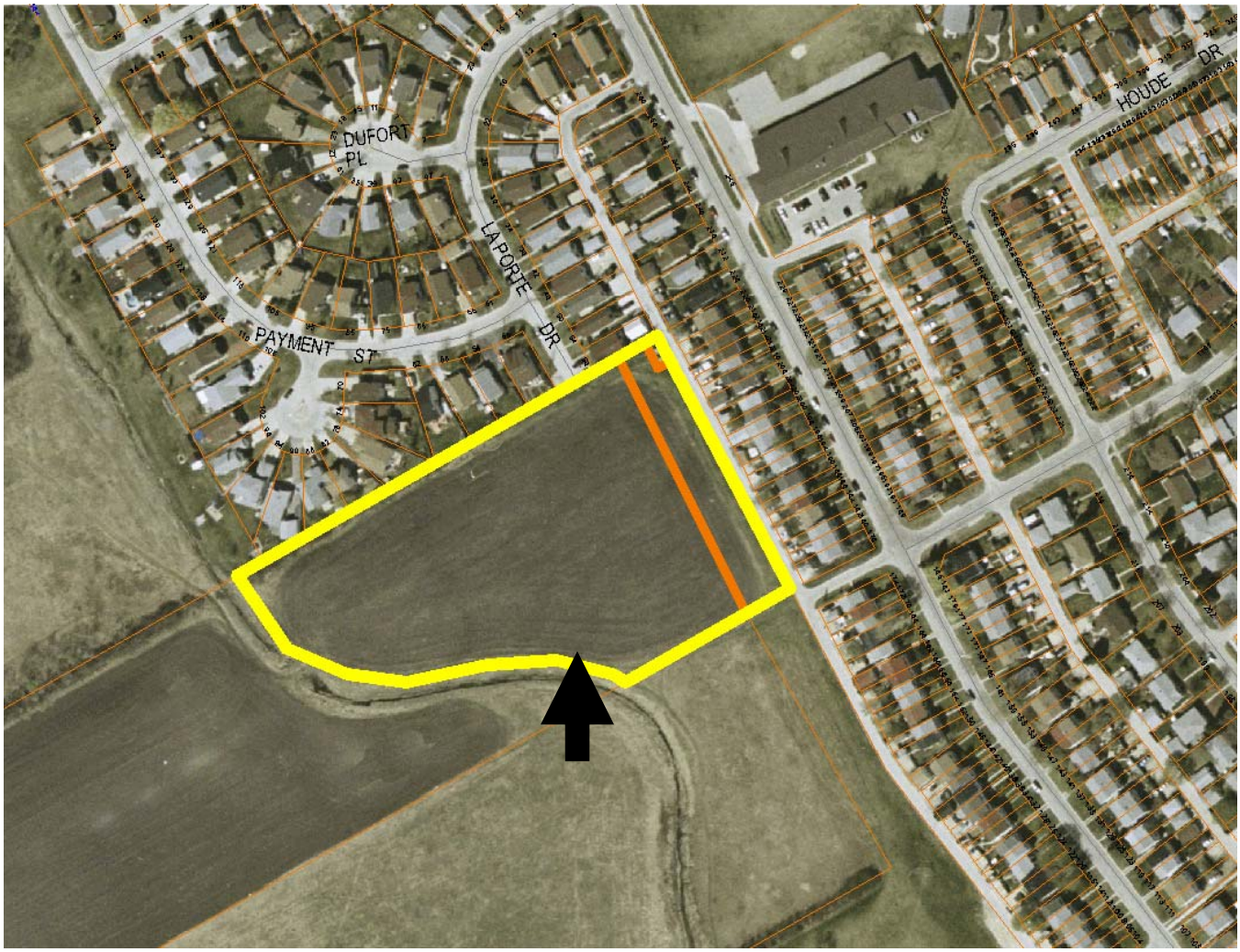
"original signed by R. Hartmann, P. Eng."
R. Hartmann, P. Eng.
Public Works Department, Transportation Division

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

" original signed by D. Franchuk
D. Franchuk
Winnipeg Fire Paramedic Service

"original signed by D. Beaton, MLArch."
D. Beaton, MLArch
Parks, Riverbanks, & Community Initiatives Branch

Attachment “2” – Existing Land-Uses for ‘Planned Area’ and Surrounding Lands.



Attachment "3" – Existing Zoning for 'Planned Area' and Surrounding Lands.

