Agenda – Council – March 24, 2010

Report – Standing Policy Committee on Property and Development – March 2, 2010

Item No. 1 Subdivision and Rezoning – 215 Greenway Crescent West (St. Charles Ward) File DASZ 33/2009

STANDING COMMITTEE RECOMMENDATION:

On March 17, 2010, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the Assiniboia Community Committee and submits the following to Council:

1. That the plan of subdivision proposed under File DASZ 33/2009 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 33/2009 dated November 25, 2009 for registration in the Winnipeg Land Titles Office subject to the following:

    A. That the Developer be required to enter into a Servicing Agreement with the City containing all the conditions outlined in revised Schedule "B" of the Report of the Administrative Co-ordinating Group, dated February 11, 2010.

2. That The Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 33/2009 dated November 25, 2009 to a "RMF-S" Residential Multi-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 application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months after adoption of the report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of this twenty-four (24) month period and the extension is subsequently approved by Council.

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

Report – Standing Policy Committee on Property and Development – March 2, 2010

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

8. 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.

9. That the Plan of Subdivision shall be approved and signed by the Director of Planning, Property and Development within two (2) years of the date of passage of the aforementioned by-law.

10. That in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twenty-four (24) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

11. 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 – March 2, 2010

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On March 17, 2010, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the Assiniboia Community Committee and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On March 2, 2010, the Standing Policy Committee on Property and Development concurred in the recommendation of the Assiniboia Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On February 16, 2010, the Assiniboia Community Committee concurred in the recommendation of the Winnipeg Public Service, with the following amendment:

- Delete Recommendation 1.A. and replace with the following:

  "A. That the Developer be required to enter into a Servicing Agreement with the City containing all the conditions outlined in revised Schedule "B" of the Report of the Administrative Co-ordinating Group, dated February 11, 2010.",

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

On January 19, 2010, the Assiniboia Community Committee did not hear any representation on the application and adjourned the public hearing to its meeting on February 16, 2010, at 5:00 p.m. in the Council Building, 510 Main Street, in accordance with the applicant's request.

RE: **Subdivision and Rezoning – 215 Greenway Crescent West**
File DASZ 33/2009 [c/r DAV 161098/2009D]

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

Prepared by: **Danielle Caron, Committee Clerk**
Assiniboia Community Committee

Report date: **February 17, 2010**

COMMUNITY COMMITTEE RECOMMENDATION:

On February 16, 2010, the Assiniboia 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 plan of subdivision proposed under File DASZ 33/2009 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 33/2009 dated November 25, 2009 for registration in the Winnipeg Land Titles Office subject to the following:

   ~~***A. That the Developer be required to enter into a Servicing Agreement with the City containing all the conditions outlined in Schedule "B" of the Report of the Administrative Co-ordinating Group, dated December 31, 2009.***~~

   A. That the Developer be required to enter into a Servicing Agreement with the City containing all the conditions outlined in revised Schedule "B" of the Report of the Administrative Co-ordinating Group, dated February 11, 2010.

2. That The Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 33/2009 dated November 25, 2009 to a "RMF-S" Residential Multi-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 application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months after adoption of the report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of this twenty-four (24) month period and the extension is subsequently approved by Council.

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

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

8. 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.

9. That the Plan of Subdivision shall be approved and signed by the Director of Planning, Property and Development within two (2) years of the date of passage of the aforementioned by-law.

10. That in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twenty-four (24) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

11. 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.

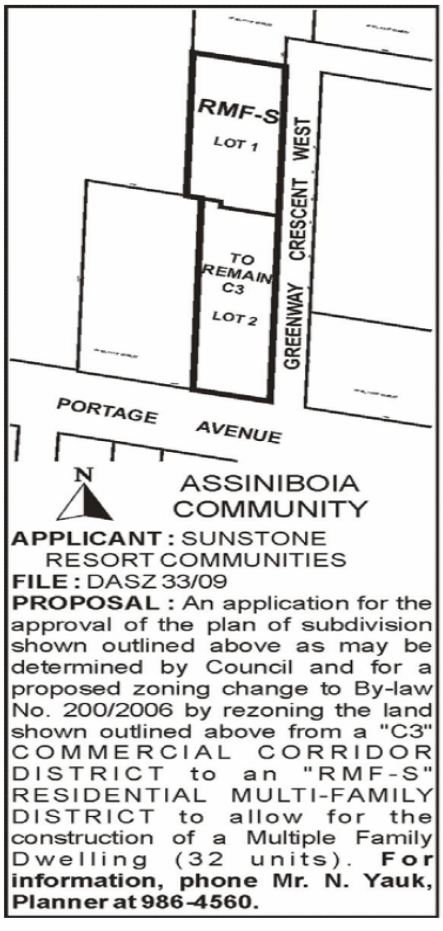
Note: The wording in bold and italics denotes amendments made by the Community Committee.

The Assiniboia Community Committee provided the following supporting reason for its recommendation:

1. The proposed development creates more family homes in St. James and changes the area from commercial use to residential use.

PUBLIC HEARING SUMMARY

File:	DASZ 33/2009 [c/r DAV 161098/2009D]
Before:	Assiniboia Community Committee Councillor Nordman, Chairperson Councillor Clement Councillor Fielding
Public Hearing:	February 16, 2010 January19, 2010 North Committee Room Council Building, 510 Main Street
Applicant:	Sunstone Resort Communities (Michael Evans)
Subject:	



Premises Affected: 215 Greenway Crescent West

Exhibits Filed:

1. Application dated November 9, 2009
2. Notification of Public Hearing dated November 30, 2009
3. Manitoba Status of Titles 2343555 and 2343557
4. Letter of authorization dated October 15, 2009 from Crosstown Civic Credit Union to Sunstone Resort Communities
5. Surveyor's Building Location Certificate and sketch dated October 26, 2009
6. Plans (4 pages)
7. Report from the Planning and Land Use Division dated January 12, 2010
8. Inspection Report
9. Communication dated January 18, 2010, from Michael Evans, President, Sunstone Resort Communities, requesting an adjournment of the public hearing
10. Notice of Adjournment dated January 22, 2010
11. Revised Schedule "B", Report of the Administrative Co-ordinating Group, dated February 11, 2010
12. Audio Recording of representations

REPRESENTATIONS:

In Support:

Michael Evans, Sunstone Resort Communities
Bill Coady, Sunstone Resort Communities

In Opposition:

Nil

For Information:

Nil

For the City:

Mr. N. Yauk, Planner, Planning, Property and Development Department
Ms S. Matile, Land Development Engineer, Planning, Property and Development Department

Exhibit "7" referred to in File DASZ 33/2009 [c/r DAV 161098/2009D]

ADMINISTRATIVE REPORT

ISSUE: DASZ 33/2009 215 Greenway Crescent Public Hearing.

Critical Path: Assiniboia Community Committee – Standing Policy Committee on Property and Development – Executive Policy Committee - Council as per the *Development Procedures By-law* and *The City of Winnipeg Charter*.

AUTHORIZATION

Author	Department Head	CFO	CAO
D. Himbeault	n/a	n/a	

RECOMMENDATIONS

1. That the plan of subdivision proposed under File DASZ 33/2009 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 33/2009 dated November 25, 2009 for registration in the Winnipeg Land Titles Office subject to the following:

    A. That the Developer be required to enter into a Servicing Agreement with the City containing all the conditions outlined in Schedule "B", the Report of the Administrative Co-ordinating Group, dated December 31, 2009.

2. That The Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 33/2009 dated November 25, 2009 to a "RMF-S" Residential Multi-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 application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months after adoption of the report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of

time is applied for prior to the expiry of this twenty-four (24) month period and the extension is subsequently approved by Council.

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

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

8. 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.

9. That the Plan of Subdivision shall be approved and signed by the Director of Planning, Property and Development within two (2) years of the date of passage of the aforementioned by-law.

10. That in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twenty-four (24) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

11. 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

If the recommendations of the Planning and Land Use Division are concurred in, building permits can be issued for the development of a 32 unit multi-family building.

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	Noah Yauk
Date:	January 12, 2010
File No.	DASZ 33/2009

APPENDIX 'A'

Date: January 12, 2010

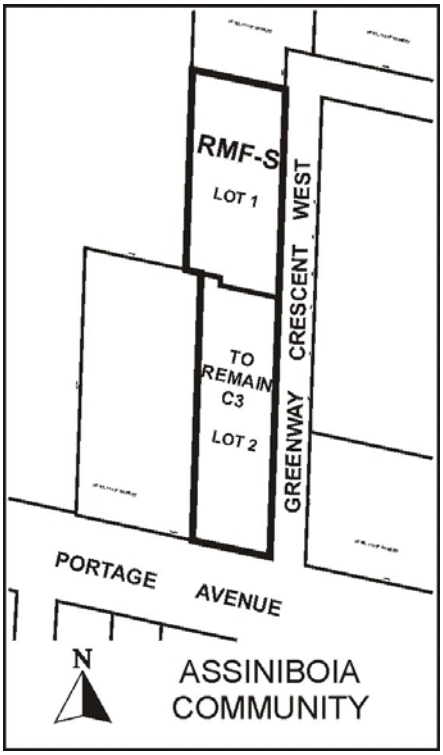
File: DASZ 33/09

Related Files: DAV 09-161098D

Subject: To rezone Part Parcel 3 from a "C3" Commercial Corridor District to an "RMF-S" Residential Multi-Family District and to realign the property line between 2 existing parcels.

Location: 215 Greenway Crescent

Legal Description: Part Parcel 1 and Part Parcel 3, Plan 8893.



Applicant: Sunstone Resort Communities (Michael Evans)

Owner: Crosstown Civic Credit Union LTD
171 Donald St
Winnipeg, MB R3C 1M4

Recommendation: **Approve with Conditions**

Report Summary:

- The applicant is proposing to develop a 32 unit condominium building.
- The applicant is proposing to rezone the property from “C3” Commercial Corridor District to a ‘RMF-S’ Residential Multi-Family District.
- The Planning and Land Use Division supports this application as the proposed development is consistent and compatible with neighbouring development.

SITE DESCRIPTION:
The subject property is just less than one acre in size located at the northwest corner of Greenway Crescent W and Greenway Crescent E in the in the Sturgeon Creek Neighbourhood of the St Charles Ward.

SURROUNDING LAND USE AND ZONING
North: A 69-unit apartment building zoned “RMF-M” Residential Multi-Family District
South: Vacant commercial property owned by the Civic Credit Union zoned “C3” Commercial Corridor District
East: Greenway Crescent West, then town homes zoned “RMF-M” Residential Multi-Family District



Figure 1: Subject Site and Surrounding Land Uses

West: A large format Superstore zoned “C3” Commercial Corridor District

DESCRIPTION OF THE PROPOSED DEVELOPMENT
The applicant wishes to construct a 32-unit condominium building on the subject property. This requires a rezoning to a “RMF-S” Multi-Family District. The proposed development also requires some minor variances, the subject of the associated application (DAV 09-161098D).

ANALYSIS:

PLAN WINNIPEG
The proposed development complies with Plan Winnipeg given its location within a Neighbourhood Policy Area of Plan Winnipeg. This accommodates a range of housing types, including that proposed. The development specifically satisfies Plan Winnipeg’s aspirations of promoting orderly development and compact urban form (Policy 3A-01 and Policy 3A-02). Plan Winnipeg demands that “the City shall promote compact urban form in support of sustainability by:

- …encouraging infilling of vacant lands and the revitalization of existing neighbourhoods to maximize the use of existing infrastructure, and
- Supporting new development which is adjacent to, and compatible with existing development and which is designed to minimize the spatial use of land” (Plan Winnipeg, p.30).

ZONING
The property is currently zoned “C3” Commercial District, and therefore, does not accommodate the proposed residential development. The subject rezoning to an “RMF-S” zoning district will accommodate the proposed development. Given the context of existing neighbouring residential development, which includes apartment complexes and townhouses (also zoned “RMF-S”) the proposed “RMF-S” zoning district is seen to be appropriate. It is noted that the “RMF-S” zoning district is the least intensive multiple-family district of Zoning By-Law 200/2006. It provides for a development density of 35 units per acre and a maximum building height of 35 feet.

COMPATIBILITY WITH EXISTING DEVELOPMENT
The proposed developing is in keeping with the existing residential character of the area. The height of the proposed building, for example is the same as the existing residential apartment building immediately to the north of the subject site (191 Greenway Cres E, both being three stories). It is also noted that the development density of 32 units per acre for the proposed building is also the same as that of 191 Greenway Crescent.

TRANSIT
The City of Winnipeg’s Transit Department has reviewed the proposed development and is supportive of it mainly because it is serviced by a major bus route (Portage Avenue) and represents compact urban development. It is noted that the sites proximity to a variety of services along portage Avenue reduce reliance on automobile trips to meet basic daily needs.

PUBLIC WORKS
Public Works has reviewed the proposed development and is supportive subject to the pertinent conditions outlined in the attached servicing agreement. Perhaps the most significant is that the developer is required to construct a sidewalk linking the development to Portage Avenue. This is important to ensuring adequate pedestrian connectivity between the site and its surroundings.

WATER & WASTE
In reviewing the application, Water & Waste has determined that the existing watermain cannot deliver sufficient water to meet fire protection requirements. To remedy this, the developer will be responsible to upgrade the watermain in Greenway Crescent to satisfy fire protection requirements. This item is dealt with as a condition of the servicing agreement.

RECOMMENDATION:
The Planning and Land-Use Division supports rezoning of the property from a ‘’C3” Commercial District to an “RMF-S” residential District. The new zoning designation will complement the existing residential development in the area and provide a good transition between the town house units to the east and the large format grocery store to the west (Superstore). The Planning and Land Use Division recommends approval, subject to the following conditions:

1. That the plan of subdivision proposed under File DASZ 33/2009 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule “A” for File DASZ 33/2009 dated November 25, 2009 for registration in the Winnipeg Land Titles Office subject to the following:

    A. That the Developer be required to enter into a Servicing Agreement with the City containing all the conditions outlined in Schedule “B”, the report of the Administrative Co-ordinating Group, dated December 31, 2009.

2. That The Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule “A” for File DASZ 33/2009 dated November 25, 2009 to a “RMF-S” Residential Multi-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 application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months after adoption of the report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of this twenty-four (24) month period and the extension is subsequently approved by Council.

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

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

8. 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.

9. That the Plan of Subdivision shall be approved and signed by the Director of Planning, Property and Development within two (2) years of the date of passage of the aforementioned by-law.

10. That in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twenty-four (24) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

11. 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: Noah Yauk
January 12, 2010
PPD File # DASZ 33/09

SCHEDULE "A" FOR FILE NO. DASZ 33/09, ASSINIBOIA COMMUNITY COMMITTEE, DATED NOVEMBER 25, 2009

By-Law No. _____

File No. **DASZ 33/09**

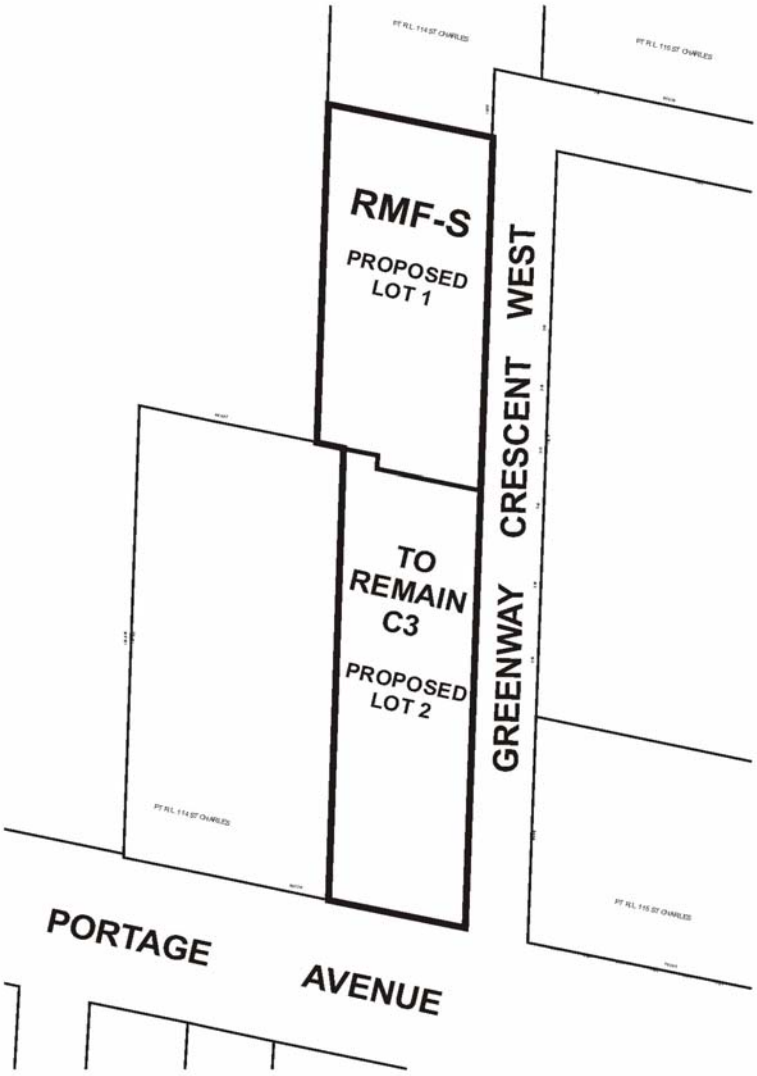
Explanation

An application for the approval of the plan of subdivision shown outlined below and for a proposed zoning change to By-law No. 200/2006 by rezoning the land located at 25 Greenway Crescent West from a "C3" COMMERCIAL CORRIDOR DISTRICT to an "RMF-S" RESIDENTIAL MULTI-FAMILY DISTRICT to allow for the construction of a Multiple Family Dwelling (32 units) as shown outlined below.

Atlas Sheet No.

N

AA14 ASSINIBOIA COMMUNITY



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

Exhibit "11" referred to in File DASZ 33/2009 [c/r DAV 161098/2009D]

SCHEDULE B - REPORT OF THE ADMINISTRATIVE CO-ORDINATING GROUP - REVISED

RE: PROPOSED SUBDIVISION AND REZONING OF LAND AT 215 GREENWAY CRESCENT WEST - DASZ 33/09

It is recommended that the approval of DASZ 33/09 be subject to the Applicant entering into a **Servicing Agreement** with the City of Winnipeg, containing the following conditions:

1. The Developer shall, at no expense to the City, upgrade the watermain in Greenway Crescent to meet the fire-protection requirements of the ***currently*** proposed development ***to the satisfaction of the Director of Water & Waste. As an alternative, the Developer may wish to initiate discussions with the Fire Department to improve the fire safety of the proposed condo building such that the available fire protection becomes adequate. Any proposed alternative would be subject to review and approval by the Director of Water & Waste.***

2. The Developer shall, at no expense to the City, cause underground electrical and telephone services to be installed to serve the Planned Area, and any existing overhead services within the Planned Area to be converted to underground, to the satisfaction of the Director of Public Works.

3. 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.

4. The Developer shall, at no expense to the City, initiate and control the regular cleanup of litter and refuse from the contractors and builders for this development, both on-site and off-site, during the installation of services and construction of buildings, until completion of all construction, as determined by, and to the satisfaction of, the Director of Public Works.

5. 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.

6. The Developer shall, at no expense to the City, construct a 1.5-m-wide by 100-mm-thick portland cement concrete sidewalk and sod the boulevard along the west side of Greenway Crescent West, from Portage Avenue to the existing private approach serving 191 Greenway Crescent West, immediately to the north of the Planned Area, as determined by, and to the satisfaction of, the Director of Public Works.

7. The Developer shall, at no expense to the City, maintain the boulevard improvements for a period of one year, in accordance with specifications approved by the Director of Public Works.

8. The Developer shall pay the full cost of engineering services provided by or on behalf of the City in connection with the installation of, and provision of as-built drawings showing, all services required to serve the Planned Area.

9. The Developer shall pay to the City, prior to the release of the subdivision mylars for registration in the Land Titles Office, $1,200.00 per acre of Planned Area (minimum $1,650.00) plus GST to defray the City's administration and related costs associated with the preparation and implementation of the Servicing Agreement.

THIS REPORT SUBMITTED BY:

Administrative Co-ordinating Group
File No. DASZ 33/09
December 31, 2009, ***Revised February 11, 2010***

"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 F. Mazur"
F. Mazur, P. Eng.
Water & Waste Department

/sm