Minute No. 309
Report – Executive Policy Committee – April 21, 2010

Item No. 4 **Subdivision and Rezoning – 80-100 Creekbend Road (St. Vital Ward) File DASZ 1/2010**

COUNCIL DECISION:

Council concurred in the recommendation of the Executive Policy Committee and adopted the following:

1. That the plan of subdivision under File DASZ 1/2010 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 1/2010 dated April 6, 2010, for registration in the Winnipeg Land Titles Office subject to the following:

    A. That the Developer be required to enter into a Development Agreement amendment (to AG 52/05) with the City incorporating the additional conditions outlined in the report of the Administrative Coordinating Group dated April 3, 2010 and attached as Schedule B.

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 1/2010 dated April 6, 2010, to an "RMF-M" Multiple 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:

        i. That final site plans outlining the details of building locations and profiles, parking areas, approaches, exterior lighting, landscaping, fencing, garbage enclosures etc. shall be submitted to and approved by the Director of Planning, Property and Development or his designate and the Riel Community Committee prior to the issuance of any building or development permits.

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

Report – Executive Policy Committee – April 21, 2010

COUNCIL DECISION (continued):

4. That in the event the application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months after adoption of the report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of this twenty-four (24) month period and the extension is subsequently approved by Council.

5. That the Director of Legal Services and City Solicitor be requested to prepare the necessary by-law in accordance with the above.

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

7. That the subdivision section of the by-law shall come into force and effect upon registration of the Plan of Subdivision in the Winnipeg Land Titles Office.

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 and the Zoning Agreement has been filed by caveat in the Winnipeg Land Titles Office against those lands provided that the said effective date occurs within twenty-four (24) months from the date that the said rezoning by-law is adopted by Council.

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 Director of Legal Services and City Solicitor be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

Report – Executive Policy Committee – April 21, 2010

DECISION MAKING HISTORY:

Moved by His Worship Mayor Katz,

That the recommendation of the Executive Policy Committee be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On April 21, 2010, the Executive Policy Committee concurred in the recommendation of the Riel Community Committee and submitted the matter to Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On April 13, 2010, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service and, via the Priority Rezoning Process, submitted the matter to the Executive Policy Committee and Council.

RE: **Subdivision and Rezoning – 80-100 Creekbend Road**
File DASZ 1/2010 [c/r DAV 102309/2010D]

For submission to: **Executive Policy Committee**

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

Report date: **April 14, 2010**

COMMUNITY COMMITTEE RECOMMENDATION:

On April 13, 2010, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service and, via the Priority Rezoning Process, recommends to the Executive Policy Committee:

1. That the plan of subdivision under File DASZ 1/2010 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 1/2010 dated April 6, 2010, for registration in the Winnipeg Land Titles Office subject to the following:

    A. That the Developer be required to enter into a Development Agreement amendment (to AG 52/05) with the City incorporating the additional conditions outlined in the report of the Administrative Coordinating Group dated April 3, 2010 and attached as Schedule B.

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 1/2010 dated April 6, 2010, to an "RMF-M" Multiple 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:

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

4. That in the event the application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months after adoption of the report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of this twenty-four (24) month period and the extension is subsequently approved by Council.

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

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

7. That the subdivision section of the by-law shall come into force and effect upon registration of the Plan of Subdivision in the Winnipeg Land Titles Office.

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 and the Zoning Agreement has been filed by caveat in the Winnipeg Land Titles Office against those lands provided that the said effective date occurs within twenty-four (24) months from the date that the said rezoning by-law is adopted by Council.

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.

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

1. The Riel Community Committee agreed with the administrative comments contained in the report of the Planning and Land Use Division dated April 6, 2010.

PUBLIC HEARING SUMMARY

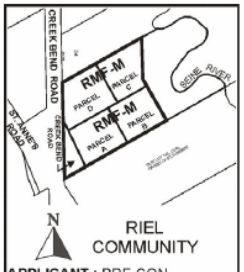
File: DASZ 1/2010 [c/r DAV 102309/2010D]

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

Public Hearing: April 13, 2010
Council Chamber
Council Building, 510 Main Street

Applicant: Pre-Con Builders (Robin Lee)

Subject:



APPLICANT : PRE-CON BUILDERS
FILE : DASZ 1/10
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 "RMF-S" RESIDENTIAL MULTI-FAMILY (SMALL) DISTRICT and an "RMF-L" RESIDENTIAL MULTI-FAMILY (LARGE) DISTRICT to an "RMF-M" RESIDENTIAL MULTI-FAMILY (MEDIUM) DISTRICT to allow for the construction of multiple family dwellings (132 dwelling units).
For information, phone Mr. J. Wintrup, Planner at 986-5102.
DEMANDEUR : PRE-CON BUILDERS
N° DE RÉFÉRENCE : DALZ 1/10
PROJET : Demande d'approbation par le Conseil du plan de lotissement délinéé ci-dessus et proposition de modification du Règlement municipal sur le zonage no 200/2006 visant à changer le zonage des sols délinéés ci-dessus qui passeraient des catégories RMF-5 (SECTEUR DE PETITES HABITATIONS MULTIFAMILIALES) et RMF-L (SECTEUR DE GRANDES HABITATIONS MULTIFAMILIALES) à la catégorie RMF-M (SECTEUR D'HABITATIONS MULTIFAMILIALES MOYENNES) afin de permettre la construction d'habitations multifamiliales (132 logements). **Pour plus de renseignements, veuillez communiquer avec M. J. Wintrup, urbaniste, au 986-5102.**

Premises Affected: 80-100 Creekbend Road

Exhibits Filed:

1. Application dated January 14, 2010
2. Notification of Public Hearing dated February 10, 2010
3. Manitoba Status of Titles 2389124
4. Letter of authorization dated January 6, 2010 from Ross Ransby, President, Creek Bend Project Inc. to Pre-Con Builders
5. Plans (3 pages) dated January 13, 2010
6. Revised Plan dated February 10, 2010
7. Report from the Planning and Land Use Division dated April 6, 2010
8. Inspection Report

REPRESENTATIONS:

In Support:

Robin Lee
Ross Ransby

In Opposition

Nil

For the City:

Mr. K. Raban, Land Development Administrator, Planning, Property and Development Department
Mr. R. Kostiuk, Planner, Planning, Property and Development Department

Exhibit "7" referred to in File DASZ 1/2010 [c/r DAV 102309/2010D]

ADMINISTRATIVE REPORT

ISSUE: DASZ 1/10 - 100 Creek Bend RD Public Hearing

Critical Path: Riel Community Committee 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 1/2010 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 1/2010 dated April 6, 2010, for registration in the Winnipeg Land Titles Office subject to the following:

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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, a development permit can be issued.

HISTORY

- Under DASZ 52/2005, the subject land was rezoned to "RMF-S" Low Density Multiple and "RMF-L" High Density Multiple Family to accommodate a mix of multiple family uses for a total of 270 dwelling units overall. Land, at that time was also dedicated for public reserve along the Seine River and also for a new Creek Bend road alignment and construction.

- Under a new plan submitted in 2009, the number of buildings on the site was reduced to four and the "RMF-S" lands were varied to allow for a maximum building height of 48'. The total number of dwelling units proposed under that plan was 232.

- The current proposal recommends that the land in its entirety be rezoned "RMF-M" Multiple Family in order to create one uniform zoning for the site. The previous height variance is to be repealed in order to permit the construction of four five storey buildings. Overall number of dwelling units is increased to 264. The land will additionally be subdivided into four parcels; one for each proposed new building complex.

CONSULTATION

In preparing this Report there was consultation with:

N/A

SUBMITTED BY

Department	Planning, Property and Development
Division	Planning and Land Use Division
Prepared by	Kevin Lalor
Date:	April 6, 2010
File No.	DASZ 1/10

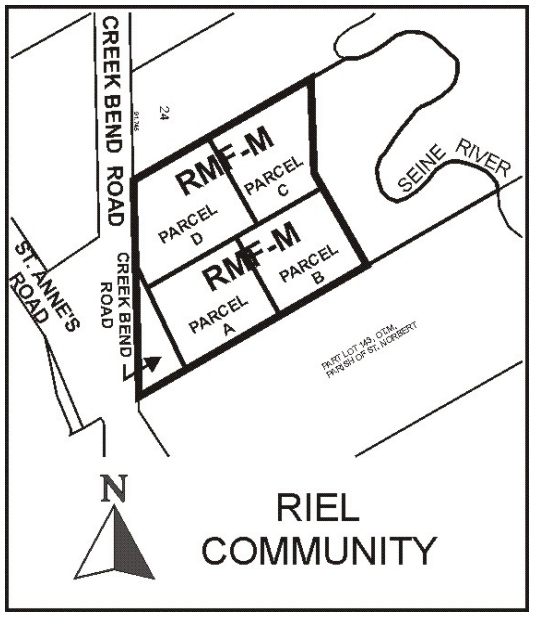
APPENDIX 'A'

DATE: April 6, 2010
FILE: DASZ 1/10
RELATED FILES: DAV 10-102309/D, DASZ 52/05, DAV 09-118597/D; CA 2/10
COMMUNITY: Riel Community
NEIGHBOURHOOD #: 5.53
SUBJECT: The purpose of the subject application is to a) create four (4) parcels of relatively equivalent size out of the existing two (2) larger parcels; and b) to rezone the current zonings from "RMF-S" and "RMF-L" Multiple Family Districts to a single uniform "RMF-M" Multiple Family District.

LOCATION: 100 Creek Bend RD
LEGAL DESCRIPTION: LOT 23 PLAN 20519 125/142 ST N*
(Proposed Parcels A-D, DASZ 1/10)

APPLICANT: Robin Lee Pre Con Builders
1540 TAYLOR AVE
WINNIPEG MB R3Y 1Y1

OWNER: 5043255 MANITOBA LIMITED
1712 PORTAGE AVE UNIT 1810
WINNIPEG MB R3J 0E3



RECOMMENDATION: Approval with Conditions

REPORT SUMMARY:

- Under DASZ 52/2005, the subject land was rezoned to “RMF-S” Low Density Multiple and “RMF-L” High Density Multiple Family to accommodate a mix of multiple family uses for a total of 270 Dwelling units overall. Land, at that time was also dedicated for public reserve along the Seine River and also for a new Creek Bend road alignment and construction.
- Under a new plan submitted in 2009, the number of buildings on the site was reduced to four and the “RMF-S” Lands were varied to allow for a maximum building height of 48’. The total number of dwelling units proposed under that plan was 232.
- The current proposal recommends that the land in its entirety be rezoned “RMF-M” Multiple Family in order to create one uniform zoning for the site. The previous height variance is to be repealed in order to permit the construction of four five storey buildings. Overall number of dwelling units is increased to 264. The land will additionally be subdivided into four parcels; one for each proposed new building complex.
- The City Planning Department supports the idea of a uniform zoning. Eliminating the existing “RMF-L” Multiple Family category negates the possibility of 10-15 storey structures being built, given that the new “RMF-L” zoning allows for the construction of high density residential towers up to a maximum 150 feet in height. The creation of four independent parcels is similarly supportable and is done on a regular basis. It does not pose a problem as a cross easement agreement will be entered into to provide vehicle access to each of the four sites.

SITE DESCRIPTION:



Existing Land Use and Zoning:

The subject vacant land has an overall area of 6.8 acres and is situated on Creek Bend Road east of St. Anne's Road. A third of the land is currently zoned "RMF-L" High Density Multiple Family and the remaining two thirds is zoned "RMF-S" Low Density Multiple Family.

Surrounding Land Use and Zoning:

South: The property to the south was recently rezoned to a "C3" Commercial Corridor category in order to facilitate the installation of a future self storage facility. Development of that facility is contingent upon Creek Bend Road improvements and installation of services.

West: To the west of St. Anne's Road is an established residential housing subdivision zoned "R1-M" Single Family District.

North: To the north is the Southside Bible Church zoned "RR-5" Rural Residential and a 171 unit multiple family complex zoned "RMF-L" Multiple Family.

East: To the east is the Seine River, beyond which are large lot residential properties zoned "RR-5" Rural Residential.

BACKGROUND

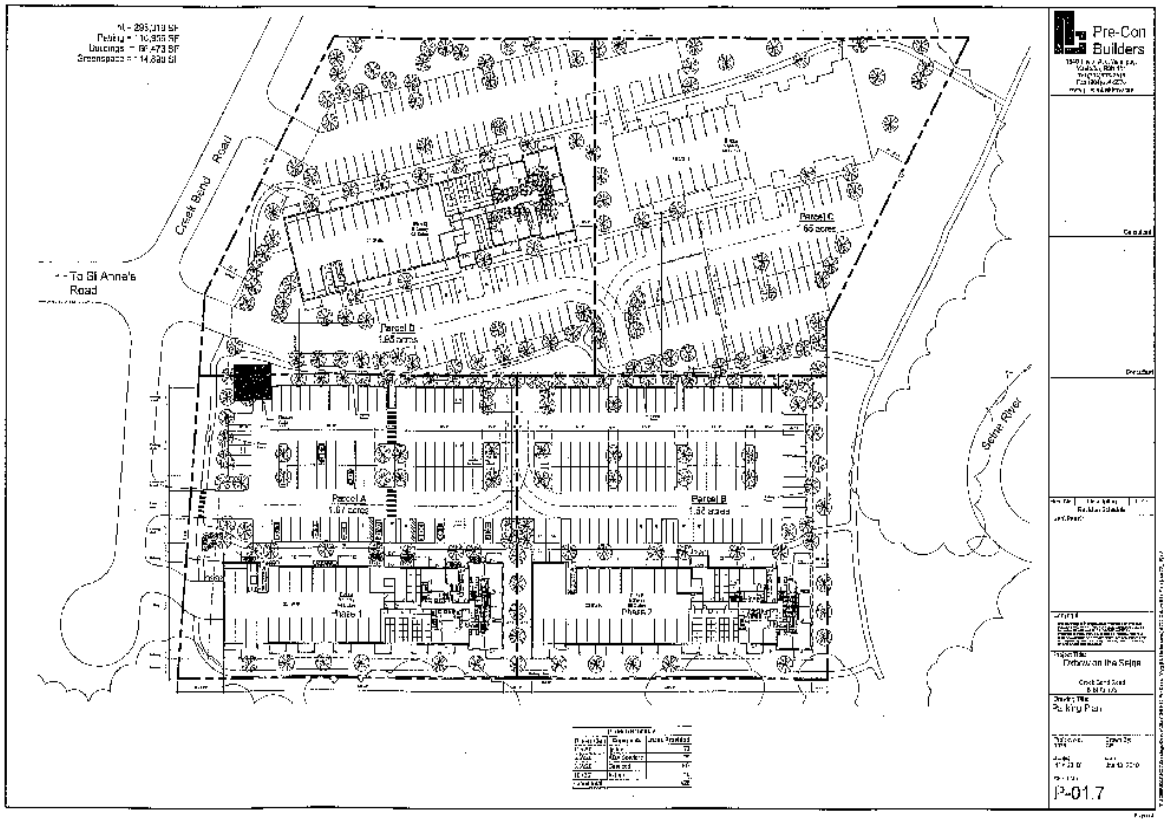
- Under the original proposal (DASZ 52/05) which was approved by Riel Community Committee in May 2007, the subject property was to be subdivided into four lots and rezoned for multiple family development.
- Two of the lots would be set aside for future right-of-way and public reserve purposes, the two remaining lots were for both low density and medium-high density development.
- The smaller of the two multiple family sites, zoned "RMF-L" Higher Density Multiple was intended to accommodate a 56 unit care facility. (Maximum allowable height under that zoning in By-Law 200/2006 is 150 feet.)
- The remaining two thirds of the site would be split up into a lower density multiple building condo development with an overall total density of 214 dwelling units. (Maximum allowable height under the current "RMF-S" Multiple Family zoning is generally 35 feet.)
- Total number of dwelling units contemplated under the original plans was 270 dwelling units
- In 2009, the applicants submitted a new plan which drastically reduced the number of structures on the site from fourteen (14) to four (4) but increased the maximum building height on the zoned "RMF-S" land from 35' to 48'. A variance for the added height was reviewed and endorsed by the Riel Community Committee (DAV 09 118597D). (Total number of dwelling units under that plan was 232).
- The latest proposal addresses the issue of a split zoning of the site (in part 'RMF-L' high density, in part 'RMF-S' low density) by recommending one uniform zoning of the entire property - to a medium density "RMF-M" Multiple Family category. The number of buildings would remain the same (4) but each structure would have a maximum five storey height instead of the previous four. A "RMF-M" zoning permits as of right a

maximum building height of 60'. (Total number of building units under the new scheme will be 264).

- The proposed subdivision also would create an independent parcel for each of the four proposed structures, each making provision for its own parking requirement.

DESCRIPTION OF THE PROPOSED DEVELOPMENT:

The applicants are proposing to further subdivide the existing two lots into four (4) parcels of roughly equal size (see following plan). The parcels range in area from the smallest (Parcel B) at 1.58 acres to the largest (Parcel D) at 1.95 acres. Each lot or parcel will eventually be occupied with a five storey building, three of which will have a total of 68 dwelling units and the forth will house 60 dwelling units. There will be an overall total of 428 parking stalls provided, 91 of which will be indoor. The second part of the application relates to an overall rezoning of the property in order to facilitate plans for the construction of four buildings, each of which will have a proposed maximum height of five stories. In order to meet the proposed five storey height requirement outlined in the plans, the entire site has to be rezoned to an "RMF-M" Multiple Family category which not only allows for a 60' maximum height limit under By-Law 200/2006 but also establishes **one** uniform zoning for the property.



ANALYSIS AND ISSUES:

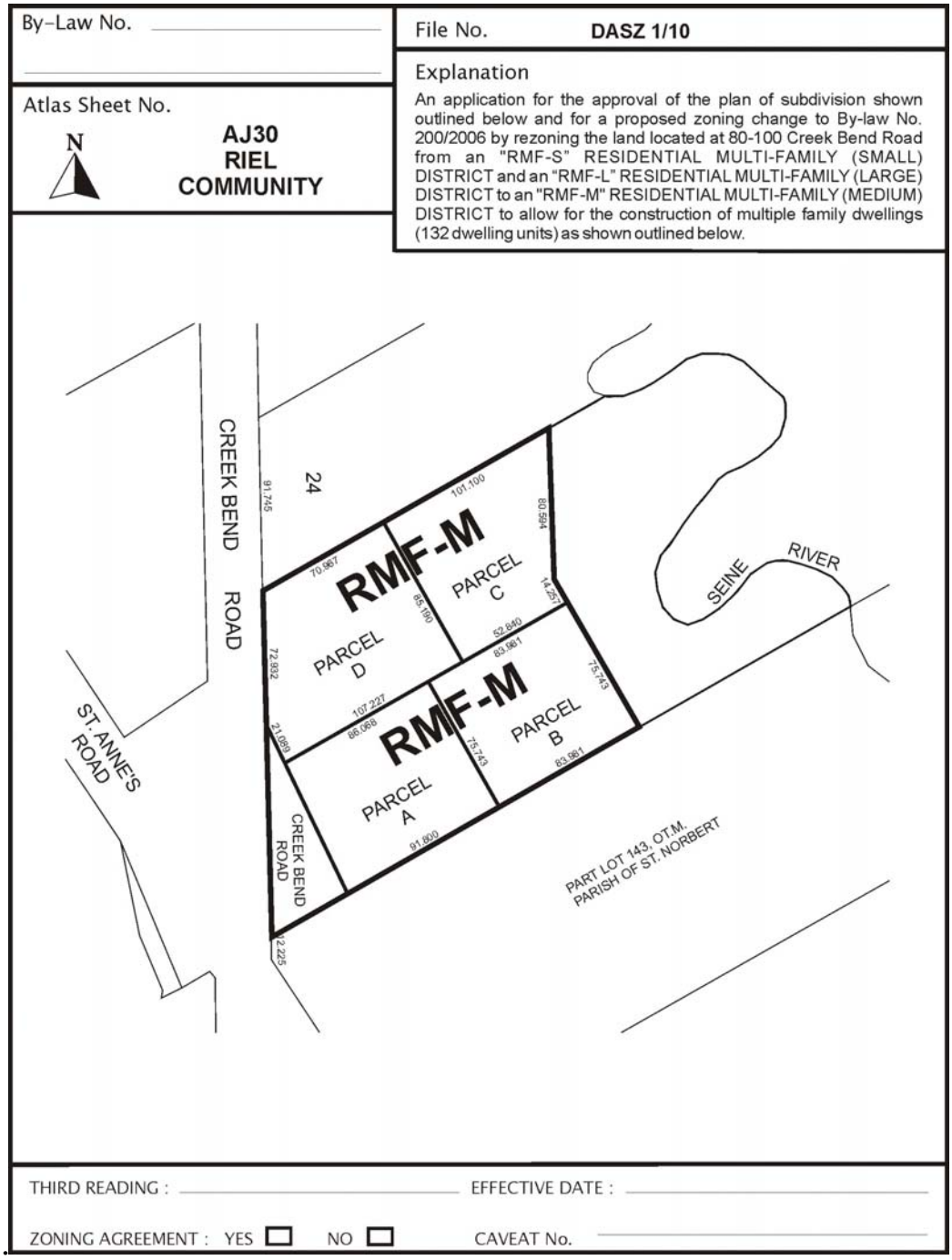
The applicant proposes to construct a 264 unit condo community, on four separate parcels of land, all linked by a private internal roadway system. Three of the parcels will be occupied with five–storey buildings, each of which will have 68 dwelling units; a forth building will also be five storeys high but will have only 60 dwelling units. The site in question is well situated close to a main transportation route and lies immediately adjacent to the Seine River Parkway system. The application is in full compliance with Plan Winnipeg Policy and, by way of the accompanying agreements, the City has obtained both river bottom lands for public reserve purposes and land adjoining the intersection of St. Anne's Road for street widening and realignment purposes. The proposed change in zoning to a medium density multiple family category is supportable for two reasons: 1) instead of having the site divided into a high density multiple family zoning category (RMF-L) which has a height limit of 150 feet and a low density multiple family category (RMF-S) which currently permits a maximum height of 48 feet, there would be merit in just having a single uniform zoning category (RMF-M) which allows for a maximum building height of 60 feet. That will allow the applicants to build the five storey complexes that they are proposing to build; and 2) it will also negate the possibility of having potentially 10-15 storey buildings constructed on the site at any time in the near future. A number of variances have also been applied for in accompanying application (DAV 10 102309D), including the repeal of a previous variance DAV 09 118597D which granted the applicants the right to have a 48 feet height limit in the areas zoned "RMF-S" Multiple Family. It is the view of the Planning, Property and Development Department that the proposed rezoning and subdivision is an appropriate use of the subject land and should be endorsed by your Committee subject to the conditions outlined in the accompanying zoning agreement and the previous and already ratified Development Agreement.

RECOMMENDATIONS:

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

- The creation of a uniform medium density multiple family zoning allows the applicant to obtain the number of dwelling units and the building height he requires in each of the proposed four structures. The "RMF-M" zoning category allows for a maximum building height of 60' which will accommodate the requested plans for four five-storey buildings.
- By eliminating the high density "RMF-L" zoning, the possibility of a ten to fifteen storey building being constructed in the future is removed as an option.

Schedule "A" to the report to the Riel Community Committee for File DASZ 1/2010, dated April 6, 2010



SCHEDULE B - REPORT OF THE ADMINISTRATIVE CO-ORDINATING GROUP

RE: PROPOSED SUBDIVISION AND REZONING ON LAND LOCATED AT 80 – 100 CREEK BEND ROAD - DASZ 1/10

It is recommended that the approval of DASZ 1/10 be subject to the following items being added to Development Agreement AG 52/05:

1. The Developer shall ensure that private joint-services agreements are executed, to enable the joint, private servicing of the Lots within the Planned Area with water, wastewater, and land drainage services, and to absolve the City of any responsibility for the maintenance of the joint services; and the City shall file a caveat against each of the Lots, identifying the joint services agreements, and each of the owners' of such Lots responsibility for the maintenance of the joint services.

2. The appropriate cross-access easement agreements are to be put in place to guarantee access for all four proposed lots to and from the approach or approaches onto St. Anne's Road.

THIS REPORT SUBMITTED BY:

Administrative Co-ordinating Group
File No. DASZ 1/10
April 3, 2010

"original signed by K.T. Raban, P.Eng.
(for) S. M. Matile, P. Eng., Chair
Land Development Branch

_____
R. J. Hartmann, P. Eng.
Public Works Department, Transportation Division

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