Minute No. 41
Report – Standing Policy Committee on Property and Development – November 1, 2011

Item No. 3 **Subdivision and Rezoning – Fernbank Avenue – Southwest Corner of Main Street**
(Old Kildonan Ward)
File DASZ 30/2011 [c/r DAC 16/2011 and DAV 148910/2011D]

COUNCIL DECISION:

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

1. That the plan of subdivision proposed under File DASZ 30/2011 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 30/2011 dated September 28, 2011 with such minor changes as may be required, and 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 the report of the Administrative Coordinating Group dated October 1, 2011 which is Schedule "B" of this report, with the following amendments, namely:

        i. Amend Condition A.1. by adding the following words at the end thereof, "as agreed to on plans submitted as outlined on Schedule "C".

        ii. Amend Condition B. 5. by adding the words at the end thereof, "said total not to exceed $4,000.00, excluding GST.

        iii. Delete Condition 7 and replace with the following Condition:
            "7. The Developer shall, at no expense to the City, pay its share of an 8.5 m in length by 2.1 m in width by 100 mm in thickness portland cement concrete bus stop waiting area pad and sidewalk link to the same standard as the adjacent sidewalk, at the existing bus stop located in the south side of Fernbank Avenue, all as determined by and to the satisfaction of the Director of Transit and the Director of Public Works, said share to be determined by the formula outlined in Condition 5."

Report – Standing Policy Committee on Property and Development – November 1, 2011

COUNCIL DECISION (continued):

iv. Amend Condition 8 by deleting Parts a., c., and d., and renumbering Part b. to Part a.

2. That The Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the planned area as shown on Schedule "A" for File DASZ 30/2011 dated September 28, 2011 to an "R2" Residential Two-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, for the development of any building or structure, plans shall be submitted showing the location and design of proposed buildings, including elevations indicating architectural materials to the Director of Planning, Property and Development and the Lord Selkirk-West Kildonan Community Committee for plan approval prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development.

ii. That the following condition(s) shall apply to Lot 10:

a. That, a minimum 26.24 foot (8.0 metre) eastern corner sideyard be provided,

iii. That a uniform noise attenuation fence 6 1/2 feet, (1.98 metres) in height be constructed by the Developer to the satisfaction of the Director of Public Works within the eastern corner sideyard of Lot 10 and along the east limit of the public lane and lane turnaround abutting Main Street. The noise attenuation fence shall taper down to 4.0 feet, (1.21 metres) in height at the point it aligns with the front (northernmost) face of the dwelling on Lot 10. The said noise attenuation fence is to be maintained by all future owner(s) of Lot 10 to the satisfaction of the Director of Public Works.

3. That the City-owned property, shown in outline and identified as "Subject City Property" on Misc. Plan No. 12704/5 (Schedule C), be declared as surplus to the City's needs.

Report – Standing Policy Committee on Property and Development – November 1, 2011

COUNCIL DECISION (continued):

4. That the Director of Planning, Property and Development be authorized to negotiate and approve the sale of the "Subject City Property" as shown on Misc. Plan No. 12704/5 (Schedule C), to the applicant on terms and conditions satisfactory to the Director of Planning, Property and Development and the Director of Legal Services and City Solicitor in order to protect the interests of the City and to achieve the intent of the Standing Policy Committee on Property and Development.

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

6. That in the event the matter is not proceeded with expeditiously and the by-law is not passed within two (2) years 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 the two (2)-year period and Council approves the extension.

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

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

9. That the zoning section of the by-law shall come into force and effect when the plan of subdivision is registered in the Winnipeg Land Titles Office and the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the subject lands, provided that the said effective date occurs within one (1) year from the date the by-law is passed.

10. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within one (1) year from the date the by-law is passed, failing which the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of the one-year period and Council approves the extension.

11. That in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twelve (12) months after adoption of the by-law, 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 twelve (12) month period and the extension is subsequently approved by Council.

Report – Standing Policy Committee on Property and Development – November 1, 2011

COUNCIL DECISION (continued):

12. 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 – Standing Policy Committee on Property and Development – November 1, 2011

DECISION MAKING HISTORY:

Moved by Councillor Browaty,

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

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On November 9, 2011, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and Lord Selkirk-West Kildonan Community Committee and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On November 1, 2011, the Standing Policy Committee on Property and Development concurred in the recommendation of the Lord Selkirk-West Kildonan Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On October 11, 2011, the Lord Selkirk - West Kildonan Community Committee concurred in the recommendation of the Winnipeg Public Service, with the following amendments, namely:

Report from the Planning and Land Use Division

- Amend Recommendation 2.A.i. be adding the words “and the Lord Selkirk-West Kildonan Community Committee” after the words “Director of Planning, Property and Development”, and before the words “for plan approval”.

Report of the Administrative Coordinating Group

- Amend Condition A.1. by adding the following words at the end thereof, “as agreed to on plans submitted as outlined on Schedule “C”.

- Amend Condition B. 5. by adding the words at the end thereof, “said total not to exceed $4,000.00, excluding GST.

Report – Standing Policy Committee on Property and Development – November 1, 2011

DECISION MAKING HISTORY: (continued)

COMMUNITY COMMITTEE RECOMMENDATION: (continued)

- Delete Condition 7 and replace with the following Condition:
  "7. The Developer shall, at no expense to the City, pay its share of an 8.5 m in length by 2.1 m in width by 100 mm in thickness portland cement concrete bus stop waiting area pad and sidewalk link to the same standard as the adjacent sidewalk, at the existing bus stop located in the south side of Fernbank Avenue, all as determined by and to the satisfaction of the Director of Transit and the Director of Public Works, said share to be determined by the formula outlined in Condition
- Amend Condition 8 by deleting Parts a., c., and d., and renumbering Part b. to Part a.

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

RE: **Subdivision and Rezoning – Fernbank Avenue – Southwest Corner of Main Street**
File DASZ 30/2011 [c/r DAC 16/2011 & DAV 148910/2011D]

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

Prepared by: **Inga Skundberg, Committee Clerk**
Lord Selkirk - West Kildonan Community Committee

Report date: **October 13, 2011**

COMMUNITY COMMITTEE RECOMMENDATION:

On October 11, 2011, the Lord Selkirk - West Kildonan 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 30/2011 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 30/2011 dated September 28, 2011 with such minor changes as may be required, and 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 the report of the Administrative Coordinating Group dated October 1, 2011 which is Schedule "B" of this report, ***with the following amendments, namely:***

        i. ***Amend Condition A.1. by adding the following words at the end thereof, "as agreed to on plans submitted as outlined on Schedule "C".***

        ii. ***Amend Condition B. 5. by adding the words at the end thereof, "said total not to exceed $4,000.00, excluding GST.***

        iii. ***Delete Condition 7 and replace with the following Condition:***

            "7. The Developer shall, at no expense to the City, pay it's share of an 8.5 m in length by 2.1 m in width by 100 mm in thickness portland cement concrete bus stop waiting area pad and sidewalk link to the same standard as the adjacent sidewalk, at the existing bus stop located in the south side of Fernbank Avenue, all as determined by and to the satisfaction of the Director of Transit and the Director of Public Works, said share to be determined by the formula outlined in Condition 5."

        iv. ***Amend Condition 8 by deleting Parts a., c., and d., and renumbering Part b. to Part a.***

2. That The Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the planned area as shown on Schedule "A" for File DASZ 30/2011 dated September 28, 2011 to an "R2" Residential Two-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, for the development of any building or structure, plans shall be submitted showing the location and design of proposed buildings, including elevations indicating architectural materials to the Director of Planning, Property and Development ***and the Lord Selkirk-West Kildonan Community Committee*** for plan approval prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development.

      ii) That the following condition(s) shall apply to Lot 10:

         a. That, a minimum 26.24 foot (8.0 metre) eastern corner sideyard be provided,

      iii) That a uniform noise attenuation fence 6 1/2 feet, (1.98 metres) in height be constructed by the Developer to the satisfaction of the Director of Public Works within the eastern corner sideyard of Lot 10 and along the east limit of the public lane and lane turnaround abutting Main Street. The noise attenuation fence shall taper down to 4.0 feet, (1.21 metres) in height at the point it aligns with the front (northernmost) face of the dwelling on Lot 10. The said noise attenuation fence is to be maintained by all future owner(s) of Lot 10 to the satisfaction of the Director of Public Works.

3. That Council declare the City-owned property shown in outline and identified as "Subject City Property" shown on Misc. Plan No. 12704/5 (Schedule C) as surplus to the City's needs.

4. That the Director of Planning, Property and Development be authorized to negotiate and approve the sale of the "Subject City Property" as shown on Misc. Plan No. 12704/5 (Schedule C), to the applicant on terms and conditions satisfactory to the Director of Planning, Property and Development and the Director of Legal Services in order to protect the interests of the City and to achieve the intent of the Standing Policy Committee on Property and Development.

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

6. That in the event the matter is not proceeded with expeditiously and the by-law is not passed within two (2) years 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 the two (2)-year period and Council approves the extension.

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

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

9. That the zoning section of the by-law shall come into force and effect when the plan of subdivision is registered in the Winnipeg Land Titles Office and the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the subject lands, provided that the said effective date occurs within one (1) year from the date the by-law is passed.

10. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within one (1) year from the date the by-law is passed, failing which the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of the one-year period and Council approves the extension.

11. That in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twelve (12) months after adoption of the by-law, 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 twelve (12) month period and the extension is subsequently approved by Council.

12. 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.

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

The Lord Selkirk - West Kildonan Community Committee provided the following supporting reasons for its recommendation:

1. The project is in agreement with the policies of Our Winnipeg and the Complete Communities Document which encourages development and increased housing choice.

2. Habitat for Humanity is beneficial to the entire City of Winnipeg and every area should accommodate Habitat for Humanity on a reasonably equal basis.

PUBLIC HEARING SUMMARY

File: DASZ 30/2011 [c/r DAC 16/2011 and DAV 148910/2011D]

Before: Lord Selkirk - West Kildonan Community Committee
Councillor Sharma, Chairperson
Councillor Eadie
Councillor Pagtakhan

Public Hearing: October 11, 2011
Council Chamber
Council Building, 510 Main Street

Applicant: Habitat for Humanity Winnipeg (Ron Dacombe)

Subject:



Premises Affected: Fernbank Avenue – Southwest Corner of Main Street

Exhibits Filed:
1. Application dated July 18, 2011
2. Notification of Public Hearing dated August 18, 2011
3. Manitoba Status of Titles 1432401, 2401438 and 2415358

4a. Letter of authorization dated April 5, 2011 from Novamet Development Corporation to Habitat for Humanity

4b. Letter of authorization dated May 18, 2011 from Silpit Industries Limited to Habitat for Humanity
4c. Letter of authorization dated July 13, 2011 from the City of Winnipeg to Habitat for Humanity
5. Plans (3 pages)
6. Report from the Planning and Land Use Division dated September 28, 2011
7. Communication dated September 28, 2011 from Rick, Val and Kristin Sloboda in opposition to the application
8. Communication dated September 28, 2011 from Nuala Rowe in opposition to the application
9. Communication dated September 28, 2011 from Dax Fenez in opposition to the application
10. Communication dated September 28, 2011 from Laura Grubert in opposition to the application
11. Communication dated September 29, 2011 from Jason and Alexandra Yuen in opposition to the application
12. Communication dated September 29, 2011 from Peter and Suzanne Holden in opposition to the application
13. Communication dated September 30, 2011 from Thomas Polson in opposition to the application
14. Communication dated September 30, 2011 from Debbie Henzel in opposition to the application
15. Communication dated October 1, 2011 from Wayne Meixner in opposition to the application
16. Communication dated October 2, 2011 from Maria and Sergio Toscano in opposition to the application
17. Communication dated October 2, 2011 from Perry Poulsen in opposition to the application
18. Communication dated September 28, 2011 from Andy and Lori Chartrand in opposition to the application
19. Communication dated October 2, 2011 from Kyle and Ivona Lischka in opposition to the application
20. Communications (2) dated October 3, 2011 from Denis and Karen Rodrigue in opposition to the application
21. Communication dated October 3, 2011 from Shannon Wark in opposition to the application
22. Communication dated September 28, 2011 from Donna and Kimberly Staub in opposition to the application
23. Communication dated October 4, 2011 from Brenda Matthewman in opposition to the application
24. Communication dated October 4, 2011 from Marilyn and Jerry Kowerko in opposition to the application

25. Communication dated October 5, 2011 from Michael Papiz in opposition to the application
26. Communication dated October 5, 2011 from Sue Dick, on behalf of Frank and Isabel Segura, in opposition to the application
27. Communication dated October 5, 2011 from Victor and Janice Bartecki in opposition to the application
28. Communication dated October 5, 2011 from Erin Isfeld-Reynolds and Justin Reynolds in opposition to the application
29. Communication dated October 6, 2011 from Chandelle Millar in opposition to the application
30. Communication dated October 6, 2011 from Marsha Frohwerk in opposition to the application
31. Communication dated October 7, 2011 from Anna-Marie Papiz in opposition to the application
32. Communication dated October 7, 2011 from Belinda Treyturik in opposition to the application
33. Inspection Report
34. Communication dated October 7, 2011 from David and Cindy Brown in opposition to the application
35. Communication dated October 7, 2011 from Shirley Bachinski in opposition to the application
36. Communication dated October 8,2011 from Mr. & Mrs. H. Noordman in opposition to the application
37. Communication dated October 10, 2011 from Edmund and Krystyna Kowalski in opposition to the application
38. Communication dated October 10, 2011 from Marcus Rarog in opposition to the application
39. Communication dated October 10, 2011 from Dave Treyturik in opposition to the application
40. Communication dated October 11, 2011 from Carlo Infante in opposition to the application
41. Communication dated October 11, 2011 from Fred and Judy Odger in opposition to the application
42. Communication dated October 11, 2011 from Donald Steip in opposition to the application
43. PowerPoint Presentation with respect to the application submitted at the public hearing by Sandy Hopkins, Habitat for Humanity
44. Residential Development Proposal, including six (6) photographs, submitted at the public hearing by Sandy Hopkins, Habitat for Humanity
45. Audio Recording of representations

REPRESENTATIONS:

In Support:

Bob Aldridge
Sereen Conner
Ron Dacombe
Sandra Dani
Glen Gowryluk
Monica Gupta
Catherine Hart
Marika Hackbart
Sandy Hopkins
Karen Ilchena
Ken McIntyre
Mike OShaughnessy
Linda Peter
Jason Pinder
Shelley Robinson
Jeremy Ryant
Amanda Shymko

In Opposition:

Shirley Bachinski
Victor and Janice Bartecki
David and Cindy Brown
Andy and Lori Chartrand
Sue Dick
Dax Fenez
Marsha Frohwerk
Laura Grubert
Debbie Henzel
Peter and Suzanne Holden
Carlo Infante
Edmund and Krystyna Kowalski
Jerry and Marilyn Kowerko
Kyle, Ivona and Maya Lischka
Brenda Matthewman
Wayne Meixner
Chandelle Millar
Mr. & Mrs. H. Noordman
Fred and Judy Odger
Anna-Marie and Michael Papiz
Neil Pellaers
Thomas Polson
Perry Poulsen
Shelly Radovanolic
Marcus Rarog
Erin Isfeld-Reynolds and Justin Reynolds
Denis and Karen Rodrigue
Nuala Rowe
Valerie, Rick and Kristin Sloboda
Donna and Kimberly Staub
Donald Steip
Elzbieta and Chris Szentag
Maria and Sergio Toscano
Dave and Belinda Treyturik
Shannon Wark
Derek Wertepny
Alexandra and Jason Yuen

For Information:

Nil

For the City:

Mr. B. Buyachok, Real Property Officer, Planning, Property and Development Department
Mr. J. Veitch, Senior Planner, Planning, Property and Development Department
Mr. K. Raban, Land Development Administrator, Planning, Property
and Development Department

Exhibit "6" referred to in File DASZ 30/2011

ADMINISTRATIVE REPORT

Title: **DASZ 30/2011** – Fernbank Ave. s/w corner of Main Street

Issue: For consideration at the Public Hearing for the consolidation and subsequent subdivision of three existing lots into ten (10) two-family lots and an open public rear lane including a rezoning from 'RMF-L' Multiple Family Large and 'R1-E' Residential Single-Family Estate to 'R2' Residential Two-Family

Critical Path: Lord Selkirk / West Kildonan 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
P. Regan	N/A	N/A	

RECOMMENDATIONS

1. That the plan of subdivision proposed under File DASZ 30/2011 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 30/2011 dated September 14, 2011 with such minor changes as may be required, and 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 the report of the Administrative Coordinating Group dated June 29, 2011 which is Schedule "B" of this report.

2. That The Winnipeg Zoning By-law No. 200/06 be amended by rezoning the planned area as shown on Schedule "A" for File DASZ 30/2011 dated September 28, 2011 to an "R2" Residential Two-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, for the development of any building or structure, plans shall be submitted showing the location and design of proposed buildings, including elevations indicating architectural materials 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 maintained to the satisfaction of the Director of Planning, Property and Development.

ii) That the following condition(s) shall apply to Lot 10:

a. That, a minimum 26.24 foot (8.0 metre) eastern corner sideyard be provided,

iii) That a uniform noise attenuation fence 6 1/2 feet, (1.98 metres) in height be constructed by the Developer to the satisfaction of the Director of Public Works within the eastern corner sideyard of Lot 10 and along the east limit of the public lane and lane turnaround abutting Main Street. The noise attenuation fence shall taper down to 4.0 feet, (1.21 metres) in height at the point it aligns with the front (northernmost) face of the dwelling on Lot 10. The said noise attenuation fence is to be maintained by all future owner(s) of Lot 10 to the satisfaction of the Director of Public Works.

3. That Council declare the City-owned property shown in outline and identified as "Subject City Property" shown on Misc. Plan No. 12704/5 (Schedule C) as surplus to the City's needs.

4. That the Director of Planning, Property and Development be authorized to negotiate and approve the sale of the "Subject City Property" as shown on Misc. Plan No. 12704/5 (Schedule C), to the applicant on terms and conditions satisfactory to the Director of Planning, Property and Development and the Director of Legal Services in order to protect the interests of the City and to achieve the intent of the Standing Policy Committee on Property and Development.

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

6. That in the event the matter is not proceeded with expeditiously and the by-law is not passed within two (2) years 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 the two (2)-year period and Council approves the extension.

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

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

9. That the zoning section of the by-law shall come into force and effect when the plan of subdivision is registered in the Winnipeg Land Titles Office and the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the subject lands, provided that the said effective date occurs within one (1) year from the date the by-law is passed.

10. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within one (1) year from the date the by-law is passed, failing which the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of the one-year period and Council approves the extension.

11. That in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twelve (12) months after adoption of the by-law, 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 twelve (12) month period and the extension is subsequently approved by Council.

12. 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.

REASON FOR THE REPORT

- The applicant is proposing to subdivide and rezone the subject lots from to 'RMF-L' Multiple Family and 'R1-E' Single Family to 'R2' Two-Family in order to create ten (10) lots for two-family residential development,
- The development includes a 23,522 square foot property that is currently owned by the City of Winnipeg, a portion of which is open roadway at the intersection of Riverstone Road and Fernbank Avenue that will be closed as well as an approximately 16 foot strip along the north side of the development that will be opened and used to widen Fernbank Avenue. The City of Winnipeg Real Estate Department has provided a letter of authorization to include the subject land in the application,
- Nine (9) of the proposed lots will measure 4,275.46 square feet, (397.2 square metres), Lot 10 will be larger due to its non-rectangular configuration,
- Typical lot widths will be a minimum of 40 feet, (12.192 metres) and 106.88 feet, (32.578 metres) in depth,
- A Variance application is required to allow lot sizes less than the 'R2' Two-Family bulk requirements in the City of Winnipeg Zoning By-law,
- Subdivisions and rezonings require a Public Hearing as per the *Development Procedures By-law* and *The City of Winnipeg Charter.*
- The Report is being submitted for the Committee's consideration of the development application at the Public Hearing.

IMPLICATIONS OF THE RECOMMENDATIONS

- If the recommendations of the Planning and Land Use Division are concurred in, with the associated variances being approved, the subject sites will be subdivided into 10, (ten) lots and rezoned from 'RMF-L' and 'R1-E' to 'R2'.

HISTORY

DASZ 43/2006

- On April 24, 2007, the Lord Selkirk / West Kildonan Community Committee was advised that the application to rezone the subject lands to 'RM-1' Multiple Family was withdrawn,
    - The application had been previously adjourned at three (3) separate LSWK Community Committee meetings,

- The Developer was not comfortable with the draft conditions on the development recommended by the Public Service.

DASZ 23/2008

- On September 22, 2008, after the Lord Selkirk / West Kildonan Community Committee rejected the application to subdivide and rezone the subject lands to 'R2' Residential Two-Family was withdrawn.

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:	James Veitch
Date:	September 28, 2011
File No.	DASZ 30/11

List of Schedules and Attachments

1. Appendix A — Planning Discussion
2. Schedule "A" — Recommended File No. DASZ 30/11 Lord Selkirk / West Kildonan Community Committee, dated September 28, 2011.
3. Schedule "B" — Report of the Administrative Coordinating Group
4. Schedule "C" — Miscellaneous Plan No. 12704/5

APPENDIX 'A'

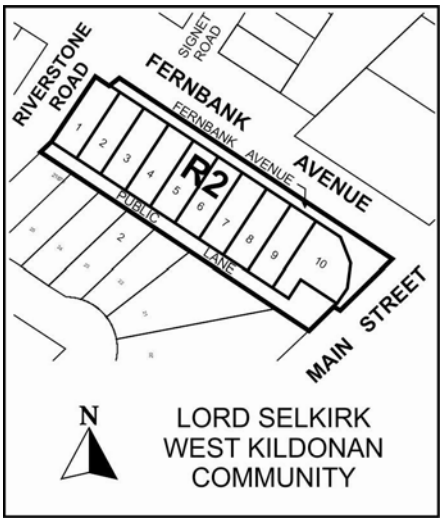
DATE: September 14, 2011

FILE: **DASZ 30/11**
RELATED FILES: DAV-11-148910/D (c/r), DAC 16/2011

COMMUNITY: Lord Selkirk / West Kildonan
NEIGHBOURHOOD #: 3.323

SUBJECT: To subdivide and rezone the three subject lots from 'RMF-L' and 'R1-E' to 'R2' in order to create ten (10) two-family residential lots and a public rear lane.

LOCATION: Fernbank Avenue s/w corner of Main Street
LOT 27, BLK 2, Plan 21870; LOT 11, Plan 4931



APPLICANT: Habitat for Humanity (Mr. Ron Dacombe)
60 Archibald Street
Winnipeg, MB. R2J 0V8

OWNERS: Silpit Industries Ltd. (Mr. Allan Kaufman)
70 Arthur St.
Winnipeg MB.

City of Winnipeg

Novamet Development Corp. (Mr. Eric Vogan)
One David Friesen Drive
Winnipeg, MB R3X 0G8

RECOMMENDATION: Approval with Conditions

REPORT SUMMARY

- The applicant is proposing to subdivide and rezone the subject site from 'RMF-L' and 'R1-E' to 'R2' Two-Family in order to create ten (10) lots for two-family residential development,
- The proposal includes three (3) properties; one of which is currently owned by the City of Winnipeg. The City of Winnipeg Real Estate Department has provided a letter of authorization to include the subject land in the application,
- The proposed lots will typically be 4,275.46 square feet, (397.2 square metres), the majority of the lot widths will a minimum of 40 feet, (12.192 metres),
- The development will include several improvements to the existing roadway infrastructure,
- The proposed infill development providing much needed housing stock at a minimal density increase is completely inline with the policies of the City's Development Plan *OurWinnipeg* and our *Complete Communities Direction Strategy*.
- Variances are required for lot areas and lot areas per dwelling unit, the associated variance application, DAV 11-148910D will be considered in conjunction with the rezoning subdivision application at the Lord Selkirk / West Kildonan Community Committee,
- The Planning and Land Use Division is supporting this subdivision and rezoning application.

SITE DESCRIPTION

- The proposed development is to be located at the southwest corner of Main Street and Fernbank Avenue, in the Riverbend Neighbourhood of the Old Kildonan Ward,
- The lands will be a consolidation of three vacant properties and will include a rear lane opening, a street widening (along Fernbank Ave.) as well as a portion of Riverstone Road adjacent to the westerly most lot that will be closed, (see **Schedule "C" Miscellaneous Plan No. 12704/5**),
- In total, the consolidated site is approximately **1.46 acres (63,602 square feet)** in gross area, (not including the reductions for the lane opening and street widening),
- The site is within the *OurWinnipeg / Complete Communities* Areas of Stability – Recent Communities Policy Area. The properties are zoned "R1-E" Residential Single-Family Estate and 'RMF-L' Residential Multiple Family large.



Figure 1: Subject Lots (Aerial Flown 2009)

SURROUNDING LAND USES & ZONING (See Figure 2 below)

North: Fernbank Avenue then 'R1-M' Single Family and 'RMF-S' Multiple Family, (combination single family dwellings along Signet Rd. & Croatian Catholic Church facing Fernbank & Main)

South: 'R1-M' Single Family
East: Main Street then 'RMF-M' Multiple Family
West: Riverstone Road then 'R2' Two-Family Residential



Figure 2: Zoning of the site and surrounding area.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant is proposing to consolidate, subdivide and rezone the site area from 'R1-E' Single Family and 'RMF-L' Multiple Family to 'R2' Residential Two-Family in order to create ten (10) lots for two-family residential development,
- The majority of the proposed lots, (9 out of 10) will be 40 feet (12.192 metres) wide by 106.8 feet, (32.578 metres) deep - 4,275 square foot +/- in lot area,
- The proposed lots 1-10 will have frontage on Fernbank Road with vehicle access off the proposed new 20.0 foot (6.25 metre) width rear lane,
- A 4.92 foot, (1.5 metre) wide sidewalk will be constructed at the Developer's expense along the south side of Fernbank Avenue from Riverstone Road extending east to Main Street,

- Variances are required for lot areas and lot areas per dwelling unit as they do not meet the minimum requirements of the ‘R2’ Residential Two-Family bulk regulations in the City of Winnipeg Zoning By-Law, (c/r file DAV 11-14891/D).

ANALYSIS AND ISSUES

OURWINNIPEG / COMPLETE COMMUNITIES

The proposal to develop 10, (ten) 'R2' Two-family lots on the vacant site adjacent to a mixed density residential area aligns categorically with the *OurWinnipeg Development Plan.*

- *OurWinnipeg Development Plan*
    - Council's guide to City Building for the next 25 years,
    - The Conference Board of Canada is projecting significant population growth for Winnipeg over the coming years; 10,000 people per year totalling more than 180,000 new Winnipegers by 2031 – requiring 83,000 new dwelling units, (with only a 13 years of residential land supply),
    - Based on our population increases to date, Winnipeg is already outperforming these estimates,
    - *OurWinnipeg* states:
        - ***'Provide Options to Accommodate Growth'***

        'A successful strategy for sustainable city growth needs to be balanced, using a variety of approaches. We need to strike a balance between 'growing out' and 'growing up,' ***offering choices from traditional, single-family neighbourhoods*** *to more dense forms of urban housing…'*
- *Areas of Stability*
    - Support Low to moderate change in low density neighbourhoods through development and redevelopment that is complementary to the existing scale, character and built form,
    - Support Complete Communities by ensuring diverse and high quality housing stock,
    - In order to meet the full life-cycle of housing needs within the community, promote a mix of housing type and tenure, such as duplexes, low rise apartments, secondary suites, semi-detached homes, townhouses,
    - Areas of Stability – areas where moderate change is anticipated that present some of the best opportunities to accommodate infill development and to increase the range of housing for families and individuals within areas that take advantage of existing infrastructure, transit and amenities such as local retail, schools, parks and community services.
- *Recent Communities*
    - Recent communities can also accommodate some infill development to increase housing choice, increase options for 'aging in place' and to maximize the use of existing infrastructure,
    - Support Complete Communities by ensuring diverse and high quality housing stock,

Compatibility with Existing Neighbourhood and Surrounding Uses

The subject property fronts onto Fernbank Avenue, which is a minor collector. There are long-term plans for Fernbank, west of Main Street, to be upgraded to a four-lane divided roadway and at such time that significant development occurs west of the CPR Winnipeg Beach rail line, it is likely that Fernbank will carry a significant amount of traffic. The property is adjacent to Main Street and across the street from a non-residential land use. Likewise, there are already a variety of different housing types in the area, including a number of duplexes on Riverstone Road built in the 1980's.

Transportation and Site Access
The City of Winnipeg Public Works Department has reviewed the proposal and is supportive of the residential development at this location. The developer will contribute to several improvements to the adjacent public rights of way, the construction of a new public sidewalk and the configuration of the proposed rear lane restricting access to Main Street are all positive additions to the traffic circulation of the immediate area.

- A 16.01 foot, (4.88 metre) widening along the south side of Fernbank Avenue,
- A new right turn lane from Fernbank Avenue onto Main Street southbound,
- A new 4.92 foot, (1.5 metre) width sidewalk along the south side of Fernbank Avenue connecting to Main Street,
- A new 20.50 foot, (6.28 metre) wide rear lane with a turnaround at it's eastern termination will allow access to the proposed lots from Riverstone Road while restricting its connection to Main Street.

There is no concern that the proposed development will create any negative traffic impacts, conversely the roadway infrastructure improvements that are a part of this project will likely improve current traffic circulation in the vicinity.

Servicing
There is no issue with servicing the proposed development with sewer, water and land drainage. The existing infrastructure was installed with the appropriate capacities to facilitate the completeion of the neighbourhood.

Site Design
The developer intends to build two storey side-by-sides on the 40 foot (12.192 metre) wide lots. The units will typically have 20 foot (6.09 metre) front yards, with 40 to 45 foot, (12.192 to 13.71 metre) rear yards and 4 foot (1.21 metre) sideyards. Fencing and landscaping will be likely provided in both the front and the back of the properties, including a 6.5 foot (1.98 metre) high sound attenuation fence required along the east side of the development adjacent to Main Street.

The Public Service will recommend a condition in the Zoning Agreement be included to require plan approval for the development to ensure that there is architectural variation in the design of the units as well as appropriate fencing and landscaping of the site.



Figure 3: Developer Example of Proposed Side-by-Side Units for Fernbank Project

Public Involvement
In May and June 2011, the developer engaged the services of a professional communications firm to run an intensive public consultation process with the surrounding neighbourhood, culminating in a Public Open House on June 6, 2011 at the Croatian Catholic Church across the street from the project site. The consultation also included the distribution of a newsletter to 100's of additional homes outlining the details of the project.

- 400 + homes canvassed by teams of Habitat for Humanity personnel on Wednesday June 1, 2011,
- 400+ additional homes received Habitat newsletter outlining project,
- Open house held 7-9 p.m. June 6, 2011 at the Croatian Catholic Church (corner of Main and Fernbank),
- News release announcing open house and project plans issued on Thursday, June 2, 2011 to Winnipeg media,
- Direct correspondence (phone, email) with community leaders including school principals, vice principals, community centre leaders, school division superintendent and area businesses.
-

RECOMMENDATION

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

- The proposed infill development providing additional much needed housing stock at a minimal density increase is completely inline with the policies of the City's Development Plan *OurWinnipeg* and our *Complete Communities Direction Strategy*.
- The required roadway / sidewalk infrastructure improvements will likely improve the traffic circulation in the immediate context,
- Concerns of property devaluation caused by affordable infill development of increased density are unfounded, typically the reverse is true,
- There was a significant public consultation process including canvassing, a newsletter, a media release as well as a Public Open House allowing the Developer to answer and address any neighbourhood concerns / issues,
- The proposal to develop 10, (ten) 'R2' Two-family lots with side-by-side dwellings is consistent with the density mix, form and character of the surrounding neighbourhood.

This Report Submitted by:
Planning, Property and Development Department
Planning and Land Use Division

Report Prepared By: James Veitch
PPD File # DASZ 30/11

Schedule "A" for File No. DASZ 30/2011, Lord Selkirk / West Kildonan Community Committee, dated September 28, 2011

By-Law No. _____

File No. **DASZ 30/11**

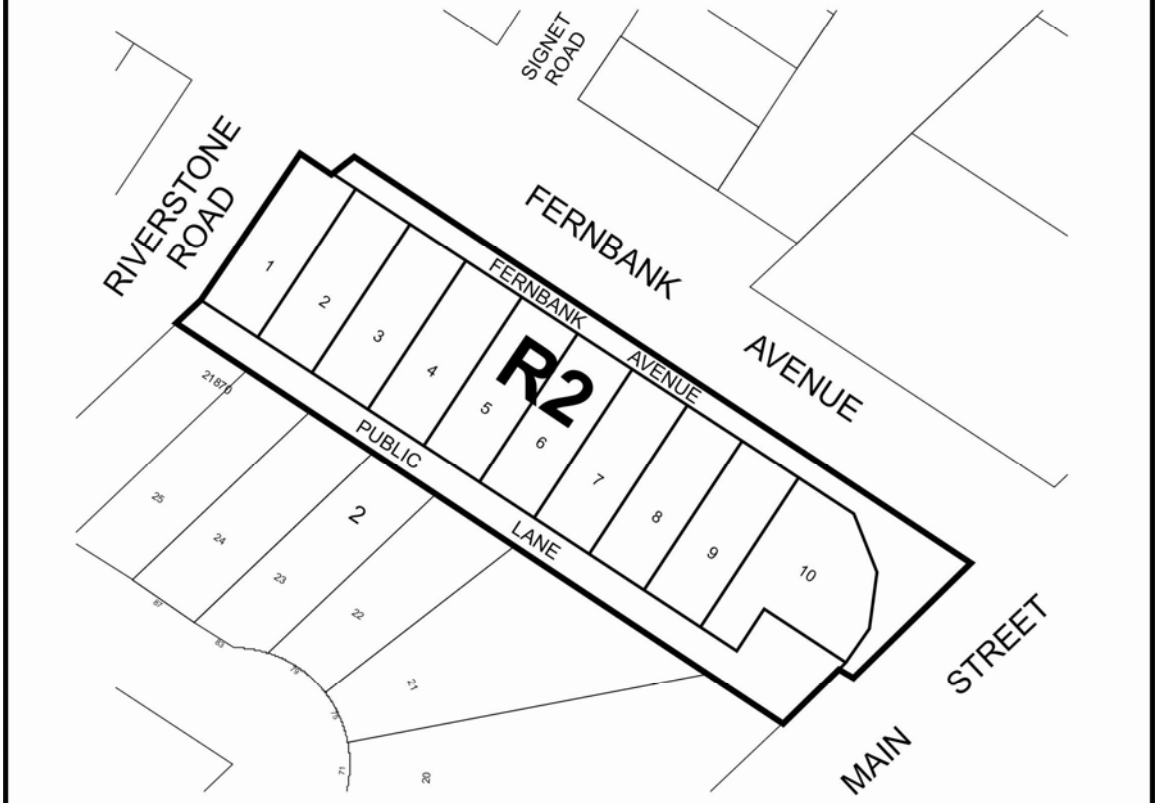
Atlas Sheet No. **S28**

N

LORD SELKIRK WEST KILDONAN 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. 200/2006 by rezoning the land located on Fernbank Avenue, south west corner of Main Street from an "RMF-L" RESIDENTIAL MULTI-FAMILY DISTRICT and an "R1-E" RESIDENTIAL SINGLE-FAMILY DISTRICT to an "R2" RESIDENTIAL TWO-FAMILY DISTRICT to create a public lane and lots for two-family dwellings and to widen Main Street and Fernbank Avenue as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

Schedule "B" Report of the Administrative Coordinating Group dated October 1, 2011

SCHEDULE B

REPORT OF THE ADMINISTRATIVE CO-ORDINATING GROUP – October 1, 2011

RE: PROPOSED SUBDIVISION AND REZONING ON LAND LOCATED ON FERNBANK AVENUE, SOUTH WEST CORNER OF MAIN STREET – DASZ 30/11

It is recommended that the approval of DASZ 30/11 be subject to the applicant entering into a Development Agreement with the City of Winnipeg, containing the following conditions:

A. Plan Considerations

1. The Developer shall provide at no expense to the City, widenings of the Fernbank Avenue and the Main Street rights-of-way adjacent to the Planned Area. The widenings shall be of sufficient width to align with the projected rights of way already existing to the west and the south of the Planned Area, and shall include corner cuts at the intersection of Main Street and Fernbank Avenue, all as determined by, and to the satisfaction of, the Director of Public Works.

B. Servicing Requirements and Payments

1. The Developer shall, at no expense to the City, construct and install wastewater and water building services from the wastewater sewer and watermain, to service all lots within the Planned Area, as determined by, and to the satisfaction of, the Director of Water and Waste.

    a. The Developer shall ensure that each sewer service remains plugged from installation until the foundation excavation has been backfilled and the roof of the dwelling has been sheathed, after which the house sewer may be connected. The Developer hereby indemnifies the City against all actions, claims, demands, damages, losses, and costs, including legal and court costs, suffered or incurred by the City arising out of any failure to do so.

    b. The Developer shall replace or repair any water or sewer service found to be defective within one year following the date the water is turned on for domestic use, and shall pay the City any cost incurred by the City arising out of any such defect.

2. The Developer shall, at no expense to the City, install all land drainage facilities required to serve the Planned Area, as determined by, and to the satisfaction of, the Director of Water and Waste.

3. The Developer shall, at no expense to the City, provide a lot grading plan, prepared by a municipal engineer, for the Planned Area, and construct all drainage works necessitated by the design.

4. The Developer shall, at no expense to the City, provide all easements with respect to the installation, maintenance, and replacement of swales, catchbasins, and leads for lot drainage upon registration of the approved subdivision mylars in the Land Titles Office.

5. The Developer shall pay to the City, on demand, it's proportionate share of the cost of traffic improvements previously installed and to be installed in the future by the City at and near the intersection of Main Street and Fernbank Avenue . The amount is calculated as follows: 1.49 acres of Planned Area / 38.7 acres of service area X $100,000.

6. The Developer shall, at no expense to the City, construct a 1.5m in width by 100mm in thickness portland cement concrete sidewalk and boulevard landscaping along the south side of Fernbank Avenue from Riverstone Road to Main Street as determined by and to the satisfaction of the Director of Public Works.

7. The Developer shall, at no expense to the City, construct an 8.5 m in length by 2.1 m in width by 100 mm in thickness portland cement concrete bus stop waiting area pad and sidewalk link to the same standard as the adjacent sidewalk, at the existing bus stop located in the south side of Fernbank Avenue, all as determined by and to the satisfaction of the Director of Transit and the Director of Public Works.

8. The Developer shall, pay to the City, on demand, its share of the cost of the following services installed or to be installed in Main Street along the full 134.8 foot length of the subject property abutting the west side of Main Street:

   a. a 4.0m in width by 200mm in thickness portland cement concrete lane of pavement and all related works;
   b. a 1.5m in width by 100mm in thickness portland cement concrete sidewalk;
   c. street lighting in the west boulevard;
   d. landscaping in the west boulevard;

   all as determined by the Director of Public Works. The 2011 rate is $423.29 per foot.

9. The Developer shall, at no expense to the City, construct portland cement concrete pavement to a width of 5.0m by 150mm in thickness in the proposed 6.25 metre wide public lane and to a diameter of 15.0m and a thickness of 150mm in the proposed 15.240 metre wide public lane turn-around within the Planned Area, and all related works as determined by and to the satisfaction of the Director of Public Works.

10. The Developer shall, at no expense to the City, ensure that construction traffic uses 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 condition, free of dropped and tracked-on mud, and shall undertake regular cleaning 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 underground electrical and telephone services to be installed to serve the proposed subdivision to the satisfaction of the Director of Public Works.

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

13. The Developer shall, at no expense to the City, be responsible to control and to initiate the 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. The clean up of litter and refuse shall be done on a regular basis as determined by the Director of Public Works. This shall include initiating action and assuming all costs in remedying the situation to the satisfaction of the Director of Public Works.

14. In lieu of dedication of land for public open space, the Developer shall pay to the City, prior to the release of the subdivision mylars for registration in the Land Titles Office, 8% of the appraised increase in value of the land plus the cost of landscaping and services which it would have contributed to the City if public open space had been dedicated.

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, and provision of as-built drawings by March 31 of the year following substantial performance showing, the services required to serve the Planned Area.

16. 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 plus GST per acre of the Planned Area (minimum $1,650.00) 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 3011
October 1, 2011

_____
K.T. Raban, P. Eng., Chair
Land Development Branch

_____

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

_____

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

/ktr

Schedule "C" Miscellaneous Plan No. 12704/5

