**Minute No. 295**
**Report – Standing Policy Committee on Property and Development – March 12, 2013**

**Item No. 2 Subdivision and Rezoning – 1714 Wilkes Avenue (Charleswood-Tuxedo Ward) File DASZ 1/2013 [c/r DAV 104079/2013D]**

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 under File DASZ 1/2013 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 1/2013 dated February 14, 2013 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 Servicing Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated February 25, 2013 which is Schedule "B" of this report.

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 1/2013 dated February 14, 2013 to an "RMU" Residential Mixed Use 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, structure, and/or accessory parking area and/or free-standing signage, plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, exterior lighting, fencing, landscaping and free-standing signage to the Director of Planning, Property and Development and the Assiniboia 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.

**Report – Standing Policy Committee on Property and Development – March 12, 2013**

COUNCIL DECISION (continued):

ii. That the Developer and all successors in title to the lots in the subdivision shall enter into, and register and maintain in perpetuity by way of caveat or master or declaratory easement against the titles to the lots, private cross-access agreements with the owners of the other lots so as to ensure access to every lot at all times, via streets or internal roads, by vehicles, including but not limited to City emergency service vehicles and transit buses. The Developer and owners must submit the agreements or easements to the City Solicitor for approval prior to execution.

iii. That the address number of every building on the subject properties (and the name of the building, if applicable) shall be physically attached to the building or otherwise posted on the subject property lot on which the building is located, so as to be clearly visible from the street or internal road on which the building is located.

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

4. 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.

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 registration of the plan of subdivision in the Winnipeg Land Titles Office.

7. 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.

8. 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.

**Report – Standing Policy Committee on Property and Development – March 12, 2013**

COUNCIL DECISION (continued):

9. 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.

10. 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 – March 12, 2013**

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 March 13, 2013, the Executive Policy Committee concurred in the recommendation 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 12, 2013, 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 March 5, 2013, the Assiniboia Community Committee concurred in the recommendation of the Winnipeg Public Service with the following amendment:

- Amend recommendation 2. A. i. by adding the words “and the Assiniboia Community Committee” after the words “to the Director of Planning, Property and Development” and before the words “for plan approval prior to the issuance”,

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

**RE:** **Subdivision and Rezoning - 1714 Wilkes Avenue**
**File DASZ 1/2013 [c/r DAV 104079/2013D]**

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

**Prepared by:** **Andrew Poitras, Senior Committee Clerk**
**Assiniboia Community Committee**

**Report date:** **March 6, 2013**

COMMUNITY COMMITTEE RECOMMENDATION:

On March 5, 2013, 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 under File DASZ 1/2013 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 1/2013 dated February 14, 2013 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 Servicing Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated February 25, 2013 which is Schedule "B" of this report.

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 1/2013 dated February 14, 2013 to an "RMU" Residential Mixed Use 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, structure, and/or accessory parking area and/or free-standing signage, plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, exterior lighting, fencing, landscaping and free-standing signage to the Director of Planning, Property and Development ***and the Assiniboia 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 Developer and all successors in title to the lots in the subdivision shall enter into, and register and maintain in perpetuity by way of caveat or master or declaratory easement against the titles to the lots, private cross-access agreements with the owners of the other lots so as to ensure access to every lot at all times, via streets or internal roads, by vehicles, including but not limited to City emergency service vehicles and transit buses. The Developer and owners must submit the agreements or easements to the City Solicitor for approval prior to execution.

iii. That the address number of every building on the subject properties (and the name of the building, if applicable) shall be physically attached to the building or otherwise posted on the subject property lot on which the building is located, so as to be clearly visible from the street or internal road on which the building is located.

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

4. 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.

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 registration of the plan of subdivision in the Winnipeg Land Titles Office.

7. 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.

8. 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.

9. 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.

10. 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 Assiniboia Community Committee provided the following supporting reason(s) for its recommendation:

1. It's a great project for an area that is growing and will continue to grow and needs to incorporate housing.

## PUBLIC HEARING SUMMARY

File: DASZ 1/2013

Before: Assiniboia Community Committee
Councillor Havixbeck, Chairperson
Councillor Fielding
Councillor Nordman

Public Hearing: March 5, 2013
West Committee Room
Council Building, 510 Main Street

Applicant: Pre-Con Builders (Robin Lee)

Subject:




Premises Affected: 1714 Wilkes Avenue

Exhibits Filed:

1. Application dated January 18, 2013
2. Notification of Public Hearing dated January 24, 2013
3. Manitoba Status of Title 2195383/1
4. Letter of authorization dated October 26, 2012 from Canadian National Railway Company and Private Pension Partners Real Estate LP to Pre-Con Builders
5. Plans (28 pages)
6. Report from the Planning and Land Use Division dated February 14, 2013
7. Inspection Report
8. Copy of "The Spot on Sterling Lyon", submitted by the Robin Lee, Pre-Con Builders and Bryan Gray at the public hearing with respect to the application
9. Audio Recording of representations of public hearing held on March 5, 2013

REPRESENTATIONS:

In Support:

Richard Bayes
Bryan Gray
Robin Lee, Pre- Con Builders
Karl Loepp
Don White

In Opposition

Robert Buisson
Glenn Kemp

For Information:

Paul McNeil, on behalf MMM Group

For the City:

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

Exhibit "6" referred to in File DASZ 1/2013

# ADMINISTRATIVE REPORT

**Title:** DASZ 1/2013 – 1714 Wilkes Avenue

**Issue:** An application for consideration at the Public Hearing to subdivide the site into seven (7) lots and rezone the land from 'A' Agricultural to 'RMU' Residential Mixed Use.

**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 |
|---|---|---|---|
| B. Smith | N/A | N/A | |

## RECOMMENDATIONS

1. That the plan of subdivision proposed under File DASZ 1/2013 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 1/2013 dated February 14, 2013 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 Servicing Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated February 25, 2013 which is Schedule "B" of this report.

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 1/2013 dated February 14, 2013 to an "RMU" Residential Mixed Use 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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(ii) That the Developer and all successors in title to the lots in the subdivision shall enter into, and register and maintain in perpetuity by way of caveat or master or declaratory easement against the titles to the lots, private cross-access agreements with the owners of the other lots so as to ensure access to every lot at all times, via streets or internal roads, by vehicles, including but not limited to City emergency service vehicles and transit buses. The Developer and owners must submit the agreements or easements to the City Solicitor for approval prior to execution.

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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 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.

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unless an extension of time is applied for prior to the expiry of the one-year period and Council approves the extension.

9. 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.

10. 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 the subject site into 7 (seven) separate lots, rezoning all of the lots to 'RMU' Residential Mixed Use for multiple family residential development with some associated commercial uses,
- There is an accompanying variance application, (DAV 13-104079/D) with the rezoning file requesting relaxations to required parking, yard setbacks, etc.
- 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 Urban Planning Division are concurred in, the subject site will be subdivided into 7 (seven) lots and rezoned from 'A' Agricultural to 'RMU' Residential Mixed Use.

## CONSULTATION

In preparing this report there was consultation with: N/A

## SUBMITTED BY

| | |
|---|---|
| Department | Planning, Property and Development |
| Division | Urban Planning |
| Prepared by: | James Veitch |

Date: February 14, 2013
File No. DASZ 1/2013

**List of Schedules and Attachments**

1. Appendix A Planning Discussion
2. Schedule “A” Recommended File No. DASZ 1/2013 Assiniboia Community Committee, dated February 14, 2013.
3. Schedule “B” Report of the Administrative Coordinating Group

**APPENDIX 'A'**

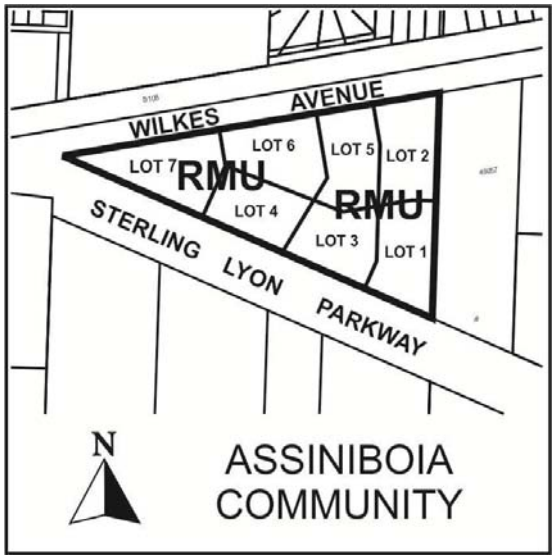
**DATE:** February 14, 2013

**FILE:** **DASZ 1/2013**
**RELATED FILE(S):** DAV 13-104079/D (c/r)

**COMMUNITY:** Assiniboia
**NEIGHBOURHOOD #:** 2.668 (Tuxedo Industrial)

**SUBJECT:** An application to subdivide the subject site into 7 (seven) lots and to rezone the site to 'RMU' Residential Mixed Use to allow for a multiple family residential development with associated commercial uses.

**LOCATION:** 1714 Wilkes Avenue
**LEGAL DESCRIPTION:** PARCELS 'A' and 'B' Plan 12688 WLTO




**APPLICANT:** Pre-Con Builders (Robin Lee)
1540 Taylor Avenue
WINNIPEG MB R3N 1Y1

**OWNER:** Canadian National Railway (Daniel Chan)
1000 – 10004 104 Avenue NW
EDMONTON AB T5J 0K2

**RECOMMENDATION:** Approval with conditions

**REPORT SUMMARY**

- The applicant is proposing to subdivide the subject site into 7 (seven) separate lots, rezoning all of the lots to 'RMU' Residential Mixed Use for multiple family residential development with some associated commercial uses,
- There is an accompanying variance application, (DAV 13-104079/D) with the rezoning file requesting relaxations to required parking, yard setbacks, etc.
- The Urban Planning Division recommends supporting this application.

**SITE DESCRIPTION**

- The subject site is located on the north side of Sterling Lyon Parkway east of Shaftesbury / McCreary Road in the Tuxedo Industrial neighbourhood of the Charleswood – Tuxedo Ward.
- The property is approximately **13.1 acres** and is currently vacant.
- The site is adjacent to a Regional Mixed Use Centre, (The Seasons of Tuxedo retail development)
- The site is within Areas of Stability – Recent Community in *OurWinnipeg / Complete Communities*




**Figure 1: Subject Site and Surrounding Area (Aerial Flown 2012)**

**SURROUNDING LAND USES AND ZONING (See Figure 2)**

**North:** Wilkes Avenue (not in use), then CNR Rivers Mainline then an existing 8 foot height concrete sound wall, 'PR1' Parks and Recreation and 'R1-M' Single Family residential Medium,

**South:** Sterling Lyon Parkway then 'A' Agricultural (Fort Whyte Alive lands)

**East:** 'C4' Commercial (The Seasons of Tuxedo retail development)

**West:** Sterling Lyon Parkway - Wilkes Avenue intersection

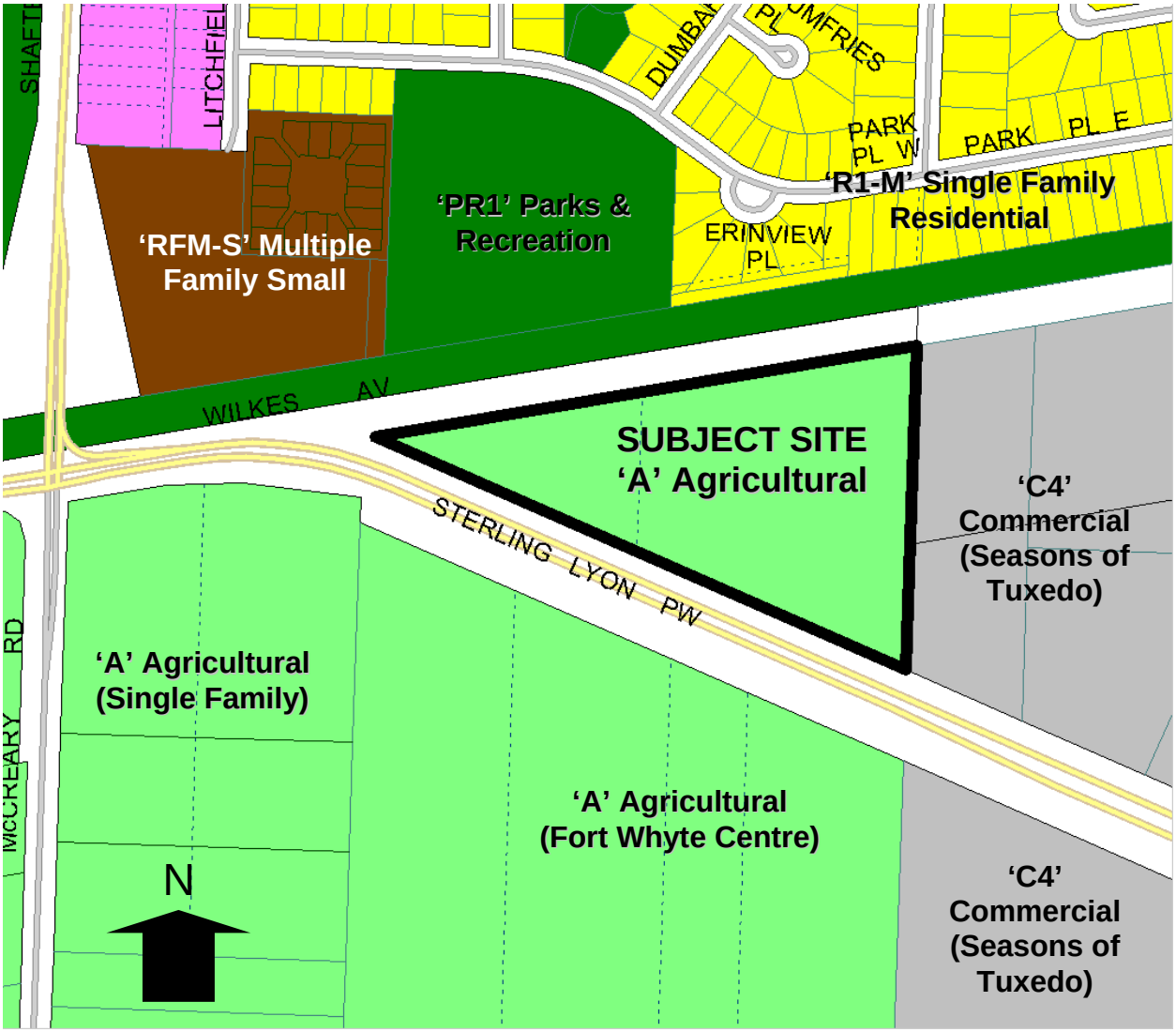



**Figure 2: Zoning of the site and surrounding area.**

**DESCRIPTION OF THE PROPOSED DEVELOPMENT**

- The applicant is proposing to subdivide the subject site into 7 (seven) separate lots, rezoning all of the lots to 'RMU' Residential Mixed Use for multiple family residential development with some associated commercial uses,
- The applicant is proposing seven (7) multiple family buildings with a total of 592 units,
- The intent is to provide a variety of housing options including three (3) 7 storey condominium buildings and four (4) 4 storey apartment buildings,
- The units will be a mix of sizes from smaller 1 bedroom suites to 2 & 3 bedroom units,
- The proponents have submitted a 'Parking and Transportation Management Plan' outlining how the development intends to handle parking, circulation, modal options, connectivity, etc.
- The development will have some interconnected commercial and amenity uses such as meeting rooms, gyms, recreational spaces, small grocery and restaurant as allowed under the proposed 'RMU' Residential Mixed use zone,
- The exterior site development will include outdoor recreational space, walking & biking trails as well as approximately 2 acres of landscaped outdoor green space,
- The developer is also proposing an onsite transit plaza and plans to work with Winnipeg Transit with the intent of eventually securing an onsite transit stop,
- There is an accompanying variance application, (DAV 13-104079/D) with the rezoning file requesting relaxations to required parking, yard setbacks, etc.

**ANALYSIS AND ISSUES**

- Under the *Complete Communities Direction Strategy* of *OurWinnipeg,* the proposed development is located along a **Mixed-Use Corridor** (Sterling Lyon Parkway) as well as in an **Area of Stability – Recent Community**. The subject site is also adjacent to a **Regional Mixed Use Centre** (Seasons of Tuxedo) to the east.
- Key relevant policies guiding development within **Areas of Stability** include:
    - Support low to moderate change in low-density neighbourhoods through development and redevelopment that is complimentary to the existing scale, character and built form.
    - Promote the form of buildings and spaces that are sensitive to the community context and address the transition between new and existing developments.
    - Promote a quality public realm with a high level of accessibility to community services and amenities and opportunities for community gathering and social interaction.
    - Encourage intensification to occur at centres and along corridors.
    - Focus housing growth to areas that have municipal service capacity to support intensification, in addition to commercial and recreational amenities.

- 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 and townhouses.
- Provide opportunities to increase multi-modal connectivity when redevelopment occurs.
- Where the intensification / densification of housing occurs, ensure that the types of open space – passive, active, and plazas – respond to community needs.
- Support a mix of commercial services and employment uses that serve the local community.

- The Key Direction for Centres and **Corridors** explains the City's development perspective:
  - Focus a significant share of growth to centres and corridors in a manner that:
    - Provides compact, mixed-use, high-quality urban development,
    - Concentrates people and jobs in areas well served by the primary transit service, located close to transit stops,
    - Concentrates urban development in a built form that helps optimize existing investment, municipal infrastructure and facilities,
    - Encourages a built form that supports a pedestrian-friendly environment while incorporating climate sensitive site and building design.
- Key relevant policies guiding development along **Mixed Use Corridors** include:
  - Provide a mix of employment, higher-density residential opportunities, retail and service uses that support the needs of and respect the context of adjacent communities.
  - Support a range of housing opportunities in terms of type, tenure and unit size.
  - Encourage environmentally friendly design and construction.
  - Promote innovative parking strategies and high intensity developments, including locating parking lots to the rear of developments, encouraging the development of underground parking or parking structures and encouraging the preservation and / or planting of trees and other types of vegetation within surface parking lots.
  - Ensure multi-modal connectivity.
  - Support development in accordance with Universal Design and Crime Prevention through Environmental Design (CPTED) policies.

LAND USE BY-LAW

*Rezoning*

- The lands are currently zoned 'A' Agricultural. Generally, the agricultural and park districts are intended to:
  a) provide rural and open land for agricultural purposes until such time as it is required for future urban development; and
  b) provide lands for active and passive recreation needs for all citizens.

- The applicant is proposing to rezone the lands to 'RMU' Residential Mixed Use.

PROPOSED ZONING

*"RMU" Residential Mixed Use District*

- The Residential Mixed Use (RMU) district is intended to facilitate the development of primarily medium- to higher-density residential development, though it also may contain limited small-scale commercial, institutional, recreational, and service facilities needed to support residential development. The area, site, or building should retain a predominantly residential character. Development in the RMU district should facilitate and encourage pedestrian travel between residential and non-residential uses.
- The 'RMU' district is often adjacent and incidental to a town centre, neighbourhood commercial centre, or other type of mixed use or major employment centre:
    - A minimum lot area of 9,000 square feet,
    - Minimum lot area per dwelling unit of 500 square feet,
    - Minimum front yard of 20 feet,
    - Minimum side yard of 5 feet plus 2 additional feet for every storey above grade,
    - A rear yard of 25 feet, and
    - Maximum building height is 100 feet.

DEVELOPMENT PROPOSAL

*Residential Mixed Use*

- Seven (7) residential buildings are proposed; three 7-storey condominium buildings with 352 units and four 4-storey apartment buildings with 240 units,
- The proposed units will come in a variety of architectural styles, sizes, bedroom counts, etc.,
- The project intent is to provide approximately 10,000 square feet of on-site amenity space half of which may include small scale commercial to serve the residents,
- The approximately 770 parking stalls will be provided either as surface lots or covered canopy spaces as well as under the proposed buildings,
- Significant amounts of bicycle parking options are proposed within buildings with secure long term storage / lock-up and exterior bicycle racks at the entrances of the buildings for guests,
- The site design includes a proposed 'Transit Plaza' in the event that Winnipeg Transit is able to provide on-site service, if not they plaza will also be used as a shuttle stop for a resident's shuttle service,
- Their letter of intent identifies additional on-site recreational amenities such as: walkways, playgrounds, dog parks, gardening commons, fitness centres, etc.,
- The site design proposes significant landscaping, green space and fencing to screen the parking areas form the public realm / right of ways. The Urban Planning Division will be proposing a 'Plan Approval' condition to collaborate on the site design details with the applicant's design team,

VARIANCES

A variance application, (DAV 13-104079/D) is running concurrently with the rezoning application. The applicant has applied for relaxations to the City of Winnipeg Zoning by-law 200/06 for parking and yard setbacks.

The Urban Planning Division is supportive of the variances. They will be discussed in more detail in the planner's report for DAV 13-104079/D

PRE-APPLICATION

- The applicant completed a Pre-Application process with the City of Winnipeg during November & December 2012. The bulk of the comments focused on the design, circulation and layout aspects of the project;
    - The project concept aligning with *OurWinnipeg / Complete Communities,*
    - Recommended Public Open House to present the proposal to the surrounding neighbours,
    - Site Design and layout comments,
    - Capacity is in-place for Water, Wastewater and Land Drainage requirements, connections will come from east of the subject site
    - Traffic study required and the developer is to coordinate site access to align with Fort Whyte Alive plans,
    - Fire lanes, onsite hydrants and appropriate drive aisle radii for emergency vehicle use.

COMPATIBILITY WITH THE SURROUNDING NEIGHBOURHOOD

- The 13.1 acre subject site is considered 'Brownfield' as it is largely vacant however previously served as an industrial use; in this case the staging / loading area for Canadian National Railway,
- As a potential residential infill property the site is unique in its location within the broader neighbourhood context, immediately adjacent to the Regional Mixed Use Centre 'Seasons of Tuxedo' to the east and bordered on the north, west and south sides by public right of way.
- Typically when looking at multiple family infill impact the adjacency of exiting single family development is the primary consideration. In this case the closest single family homes are over 200 feet away from the subject site, separated by an 8 foot height concrete sound wall, a 100 foot wide rail right of way and a 99 foot wide street right of way, (Wilkes Avenue).
- Due to the large separation distance, the sound attenuation wall as well as no direct street connections between the two areas there should be no noticeable impact on the existing single family residential to the north of the subject site.
- The *Complete Communities Direction Strategy* encourages the intensification of land for a mix of uses (including commercial developments) along mixed use corridors such as Ness Avenue.

PUBLIC CONSULTATION

- The development team held a public open house to present their development plan and garner input from the local community,
- The open house was held at the Lindenwoods Community Centre on January 10, 2013. The informal drop-in concept featured large scale presentation boards with question and answer,
- The open house was advertised through invitations being dropped off to homes with the closest proximity to the subject site,
- Attendance was limited to two households, 4 persons total; discussions centred around available on-site amenities such as coffee shops as well as one privacy concern with building orientation,
- A representative from the City of Winnipeg Urban Planning Division was in attendance.

TRANSIT

- City of Winnipeg Transit will be operating on the north side of Sterling Lyon Parkway within the Seasons of Tuxedo commercial site likely within a year of the main "lifestyle centre" mall being opened and fully occupied. However our understanding is that this phase of the development is still several years away.
- With the growth of the Seasons of Tuxedo development and the potential development of both Fort Whyte Alive's Eco-village and more significantly, Ridgewood South Neighbourhood, Transit will have to connect Seasons of Tuxedo with the neighbourhoods to the west. Timelines are dependent on the development of those adjacent residential areas.
- At this point Transit does not have any long term plans for Rapid Transit coming to the immediate context.

RECOMMENDED ZONING AGREEMENT

*Plan Approval*

- The development team has collaborated with the Urban Planning Division on the design and layout of the project beginning with the pre-application process to their submission of the rezoning and variance application.
- The Urban Planning Division generally supports the plans provided in the application. However, some details such as building materials/dimensions, fencing materials/dimensions, and landscaping details are not included in the plans submitted and will need to be included in the final plans.
- The Division is recommending that final plans be submitted to the Director of Planning, Property and Development for review prior to the issuance of a development permit.
- The inclusion of this clause will allow the Urban Planning Division to review final plans before development takes place for the proposed development and any future developments on the site.

CROSS-ACCESS AGREEMENTS

- The applicant is proposing the creation of seven (7) separate lots on the subject site, however the layout and circulation will act as one complete project,

- The separate lots will depend on each other for internal access, circulation and access to the public street system,
- The Public Service is recommending that a clause be included in the Zoning Agreement requiring the developer and future successors to register cross-access agreements on each title to the proposed seven (7) lots.

ADRESSING

- The Public Service has included a clause that is intended to make addressing clearer and more visible for the public and for emergency response situations.

**RECOMMENDATION**

The Urban Planning Division recommends **approval** for the following reasons:

- The residential mixed use proposal is consistent with the policies of the *Complete Communities Direction Strategy*.
- The proposed development with a combination of 7 storey condominiums and 4 storey apartments on the subject site fits well with the context in that it is located on a major arterial street and has significant separation from existing single family development to the north.
- The development concept includes several creative provisions to foster and enhance multi-modal transportation choices.
- The development of a variety of housing options on the subject site will ease the existing housing pressures in south Winnipeg while providing additional consumers to take advantage of the growing commercial / retail district, the 'Regional Mixed Use Centre' to the east and south.

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

Report Prepared By: James Veitch
PPD File # DASZ 1/2013

**Schedule "A" for File No. DASZ 1/2013, Assiniboia Community Committee, dated February 14, 2013**

By-Law No. _____

File No. **DASZ 1/13**

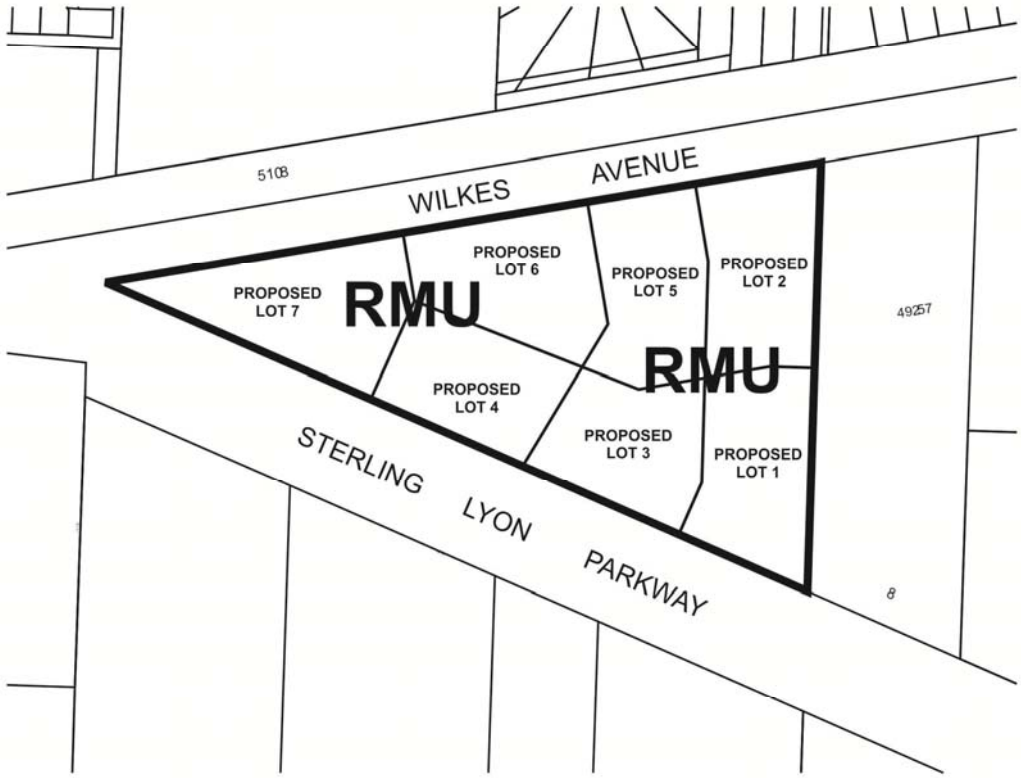
Atlas Sheet No.

N

**AF18 ASSINIBOIA 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 at 1714 Wilkes Avenue from an "A" AGRICULTURAL DISTRICT to an "RMU" RESIDENTIAL MIXED USE DISTRICT to facilitate the creation of seven (7) lots and establish multiple family dwellings with associated commercial uses as shown outlined below.




THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

**SCHEDULE 'B'**

**REPORT OF THE ADMINISTRATIVE CO-ORDINATING GROUP – FEBRUARY 25, 2013**

**RE: PROPOSED SUBDIVISION AND REZONING OF LAND LOCATED AT 1714 WILKES AVENUE - DASZ 1/2013**

It is recommended that the approval of DASZ 1/2013, if granted, be subject to the applicant entering into a Servicing Agreement addressing the following conditions;

**A. Engineering Reports**

1. The Developer shall submit a Traffic Impact Study and shall construct any upgrades to the street system, at no cost to the City, as recommended by the approved Traffic Impact Study and all to the satisfaction of the Director of Public Works.

2. The Developer shall submit a municipal servicing report prepared by a qualified municipal engineer for the proposed development, and shall construct any system upgrades at no cost to the City as determined by the servicing report all to the satisfaction of the Director of Water and Waste.

**B. Servicing Conditions and Payments**

1. The Developer shall construct, at no expense to the City, all watermains, wastewater sewers and land drainage sewers required to service the proposed development including the extension of watermains, wastewater sewers and land drainage sewers in Sterling Lyon Parkway if and as required. All as determined by and to the satisfaction of the Director of Water and Waste.

2. The Developer shall, prior to the release of subdivision mylars pay their share of the regional land drainage system (2013 Rate = $10,757.00/acre), and the Park Boulevard Trunk User Charge (2013 rate = $362.57/acre).

3. The Developer shall, prior to the release of subdivision mylars pay their proportionate share of the cost of the off-site wastewater sewer and related works constructed by others in Kenaston Boulevard to serve this proposed development. All as determined by and to the satisfaction of the Director of Water and Waste.

4. The Developer shall, at no expense to the City, construct all internal roadways at locations to be used by transit buses and emergency vehicles through the Planned Area to widths and thicknesses, and with geometry satisfactory to the Directors of Winnipeg Transit and the

Winnipeg Fire Paramedic Service, and with sidewalks and pedestrian-scale ornamental street lighting as applicable, satisfactory to the Director of Winnipeg Transit.

5. The Developer shall finance and construct a 3.5m wide asphalt pathway on the north side of Sterling Lyon Parkway along the full length of the subject property, to the satisfaction of the Director of Public Works.

6. The Developer shall prior to the release of subdivision mylars pay to the City the following Regional Street charges along the full length of the subject property abutting Sterling Lyon Parkway, all as determined by the Director of Public Works:

   a. a 4.0m in width by 200mm in thickness portland cement concrete lane of pavement and related works;
   b. street lighting in the north boulevard; and
   c. landscaping in the north boulevard.

   (2012 Rate = $395.00/frontage foot).

7. The Developer shall, prior to the release of subdivision mylars pay to the City their share of the cost of intersection improvements constructed by others at the intersection of Kenaston Boulevard and Sterling Lyon Parkway all as determined by, and to the satisfaction of, the Director of Public Works.

8. The Developer shall, at no expense to the City, construct and/or pay to the City, in cash, on demand the full cost of the following permanent works on Sterling Lyon Parkway where it intersects with the new north-south roadway as well as any additional locations along the full length of the subject property as determined by the Traffic Impact Study and to the satisfaction of the Director of Public Works:

   a. auxiliary lanes, transitions, median opening, channelization and all related works;
   b. traffic control signal and all related works including, but not necessarily limited to pedestrian and vehicle actuation and interconnection with the adjacent traffic control signals and audible pedestrian signals;

   all as determined by and to the satisfaction of the Director of Public Works.

   The City shall reimburse the Developer for the difference of their share of the traffic control signal cost as determined by the Director of Public Works as it collects from the other benefitting lands in accordance with the City's Development Agreement Parameters prevailing at the time of reimbursement.

9. The Developer shall, at no expense to the City, provide underground electrical and telephone services to serve the proposed subdivision and will pay the full cost to convert any existing overhead services within the proposed subdivision to underground.

10. The Developer is to pay all costs associated with the installation and/or relocation of street lights and other utilities made necessary as a result of or required to accommodate works,

which are required by the Developer to serve the proposed subdivision, as determined by and to the satisfaction of the Director of Public Works.

11. The Developer shall 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 buildings, until substantial 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 any costs in remedying the situation to the satisfaction of the Director of Public Works.

12. The Developer shall ensure that construction traffic uses access routes as determined by the Director of Public Works. The Developer shall maintain, at no expense to the City, the access routes in a clean, dust free and safe condition, free of dropped and tracked-on mud, and shall undertake regular scraping and sweeping of streets until building construction, including landscaping is complete, all as determined by and to the satisfaction of the Director of Public Works.

13. 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 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.

14. 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.

15. Following completion of all major construction works, the Developer shall, at its cost have the locations of the survey monuments within the Planned Area verified and, where the survey monuments have been disturbed, moved, covered, mutilated, or destroyed, have them replaced by a Manitoba Land Surveyor, who shall provide the Director of Planning, Property & Development with a certificate that all survey monuments within the Planned Area have been verified and/or replaced.

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 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 1/2013
February 25, 2013

*"Original signed by K.T. Raban, P.Eng."*
K.T. Raban, P. Eng.
Land Development Branch

*"Original signed by C.Desjardine, P.Eng."*
C. Desjardine, P. Eng.
Public Works Department, Transportation Division

*"Original signed by F.C. Mazur, P.Eng."*
F. C. Mazur, P. Eng.
Water & Waste Department

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