**Agenda – Council – May 29, 2013**

**Report – Standing Policy Committee on Property and Development – May 7, 2013**

**Item No. 5 Subdivision and Rezoning – Waverley West – Southwest Neighbourhood (Neighbourhood Plan Area "D")**
**(St. Norbert Ward)**
**File DASZ 33/2012 [c/r SP 3/2012]**

STANDING COMMITTEE RECOMMENDATION:

On May 15, 2013, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the Riel Community Committee, and submitted the following to Council:

1. That the plan of subdivision under File DASZ 33/2012 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 33/2012 dated March 26, 2013 (with such minor changes as may be required) and registration in phases in the Winnipeg Land Titles Office, subject to the following:

    A. That the Developer enter into a Development Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated April 3, 2013 attached as Schedule "B" to this report, with the following amendments, namely:

        C. Agreement Conditions

            i. Condition 13: Delete the words "including within the service islands of frontage roads,"

            ii. Condition 15. c. and d.: Replace the word "west" with the word "east"

            iii. Delete condition 35 in its entirety, and renumber the remaining conditions accordingly

            iv. Add the following new condition 46.

                "46. Up to 1200 units may be developed, until such a time school construction begins in the Waverley West area."

**Report - Standing Policy Committee on Property and Development – May 7, 2013**

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 33/2012 dated March 26, 2013 to an "R1-M" Single-Family District, an "RMF-S" Residential Multi-Family District, an "RMF-M" Residential Multi-Family District, a "C3" Commercial District, and a "PR1" Parks and Recreation 1 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 for each phase of the development, which Agreement shall contain the following conditions:

        i. That, for the development of any building, and/or accessory parking area and/or signage within the lands zoned "RMF-S" or "RMF-M" Residential Multi-Family, or "C3" Commercial, 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, fencing, landscaping and signage to the Director of Planning, Property and Development and the Riel 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. The Developer shall, at no expense to the City, construct within the rear yards of all single and two-family lots abutting Waverley Street, Kenaston Boulevard and the Perimeter Highway, a uniform fence 2.0m in height, to the satisfaction of the Director of Public Works. Future owners of the individual building lots along this fencing shall be responsible for maintaining this fencing to the satisfaction of the Director of Public Works;

        iii. That, where single-family or two-family residential lots back onto Waverley Street, the said lots shall be established with minimum rear yards of 15.24 metres;

        iv. That, the Developer shall ensure that single-family and two-family residential lots which back onto Kenaston Boulevard or the Perimeter Highway are of sufficient depth to provide a minimum rear yard to achieve the City's Motor Vehicle Noise Policies and Guidelines sound-level limit of 65dBA in the typical outdoor recreation area of those lots;

**Report - Standing Policy Committee on Property and Development – May 7, 2013**

v. That, the Developer shall, at no expense to the City, erect uniform continuous fencing for properties backing onto park space, or where trails or play equipment is anticipated to be within 10 feet of residential property line to the satisfaction of the Director of Public Works and the Director of Planning, Property and Development. Said fence shall be located within private property and future owners of the individual building lots along this fencing shall be responsible for maintaining this fencing to the satisfaction of the Director of Public Works and the Director of Planning, Property and Development;

vi. That, the Developer and all successors in title to the seven (7) "C3" Commercial-zoned lots located at the northwest corner of the Waverley Street and Kenaston Boulevard intersection 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.

vii. That, the Developer and all successors in title to the seven (7) "C3" Commercial-zoned lots located at the southwest corner of the Waverley Street and Kenaston Boulevard intersection 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.

viii. That the address number of every building on the "C3" Commercial-zoned 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.

**Report - Standing Policy Committee on Property and Development – May 7, 2013**

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 execution by the City of Winnipeg of the Development Agreement.

7. That the zoning section of the by-law shall come into force and effect for each phase when:

   A. the block plan of subdivision for that phase and the lot plan of subdivision for that phase are both registered in the Winnipeg Land Titles Office; and

   B. the Zoning Agreement for that phase is registered in the Winnipeg Land Titles Office by caveat against the subject land,

   provided that the said effective date occurs within ten (10) years from the date the by-law is passed.

8. That all block plans of subdivision and all lot plans of subdivision:

   A. may be approved and signed by the Director of Planning, Property and Development within ten (10) years from the date the by-law is passed;

   and

   B. may be registered in the Winnipeg Land Titles Office within ten (10) years 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 ten (10)-year period and Council approves the extension.

9. 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 – May 7, 2013**

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On May 15, 2013, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the Riel Community Committee, and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On May 7, 2013, the Standing Policy Committee on Property and Development concurred in the recommendation of the Riel Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On April 8, 2013, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service, with the following amendments:

- Recommendation 1. A., add the following after the words “Schedule “B” to this report”:

  “, with the following amendments, namely:

  C. Agreement Conditions

  i. Condition 13: Delete the words “including within the service islands of frontage roads,”

  ii. Condition 15. c. and d.: Replace the word “west” with the word “east”

  iii. Delete condition 35 in its entirety, and renumber the remaining conditions accordingly

**Report – Standing Policy Committee on Property and Development – May 7, 2013**

DECISION MAKING HISTORY: (continued)

COMMUNITY COMMITTEE RECOMMENDATION: (continued)

iv. Add the following new condition 46.

"46. Up to 1200 units may be developed, until such a time school construction begins in the Waverley West area.""

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

**RE:** **Subdivision and Rezoning – Sixth of Seven Neighbourhood Plan Area in Waverley West Area**
**(St. Norbert Ward)**
**File DASZ 33/2012 [c/r SP 3/2012]**

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

**Prepared by:** **Rochelle Viray, Clerk**
**Riel Community Committee**

**Report date:** **April 10, 2013**

COMMUNITY COMMITTEE RECOMMENDATION:

On April 8, 2013, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service, as amended, and recommends to the Standing Policy Committee on Property and Development:

1. That the plan of subdivision proposed under File DASZ 33/2012 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 33/2012 dated March 26, 2013 (with such minor changes as may be required) and registration in phases in the Winnipeg Land Titles Office, subject to the following:

    A. That the Developer enter into a Development Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated April 3, 2013 attached as Schedule "B" to this report, ***with the following amendments:***

        ***C. Agreement Conditions***

        ***i. Condition 13: Delete the words "including within the service islands of frontage roads,"***

        ***ii. Condition 15. c. and d.: Replace the word "west" with the word "east"***

        ***iii. Delete condition 35 in its entirety, and renumber the remaining conditions accordingly***

        ***iv. Add the following new condition 46.***

            ***"46. Up to 1200 units may be developed, until such a time school construction begins in the Waverley West area."***

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 33/2012 dated March 26, 2013 to an "R1-M" Single-Family District, an "RMF-S" Residential Multi-Family District, an "RMF-M" Residential Multi-Family District, a "C3" Commercial District, and a "PR1" Parks and Recreation 1 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 for each phase of the development, which Agreement shall contain the following conditions:

i. That, for the development of any building, and/or accessory parking area and/or signage within the lands zoned "RMF-S" or "RMF-M" Residential Multi-Family, or "C3" Commercial, 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, fencing, landscaping and signage to the Director of Planning, Property and Development and the Riel 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. The Developer shall, at no expense to the City, construct within the rear yards of all single and two-family lots abutting Waverley Street, Kenaston Boulevard and the Perimeter Highway, a uniform fence 2.0m in height, to the satisfaction of the Director of Public Works. Future owners of the individual building lots along this fencing shall be responsible for maintaining this fencing to the satisfaction of the Director of Public Works;

iii. That, where single-family or two-family residential lots back onto Waverley Street, the said lots shall be established with minimum rear yards of 15.24 metres;

iv. That, the Developer shall ensure that single-family and two-family residential lots which back onto Kenaston Boulevard or the Perimeter Highway are of sufficient depth to provide a minimum rear yard to achieve the City's Motor Vehicle Noise Policies and Guidelines sound-level limit of 65dBA in the typical outdoor recreation area of those lots;

v. That, the Developer shall, at no expense to the City, erect uniform continuous fencing for properties backing onto park space, or where trails or play equipment is anticipated to be within 10 feet of residential property line to the satisfaction of the Director of Public Works and the Director of Planning, Property and Development. Said fence shall be located within private property and future owners of the individual building lots along

this fencing shall be responsible for maintaining this fencing to the satisfaction of the Director of Public Works and the Director of Planning, Property and Development;

vi. That, the Developer and all successors in title to the seven (7) "C3" Commercial-zoned lots located at the northwest corner of the Waverley Street and Kenaston Boulevard intersection 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.

vii. That, the Developer and all successors in title to the seven (7) "C3" Commercial-zoned lots located at the southwest corner of the Waverley Street and Kenaston Boulevard intersection 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.

viii. That the address number of every building on the "C3" Commercial-zoned 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 execution by the City of Winnipeg of the Development Agreement.

7. That the zoning section of the by-law shall come into force and effect for each phase when:

   A. the block plan of subdivision for that phase and the lot plan of subdivision for that phase are both registered in the Winnipeg Land Titles Office; and

   B. the Zoning Agreement for that phase is registered in the Winnipeg Land Titles Office by caveat against the subject land,

   provided that the said effective date occurs within ten (10) years from the date the by-law is passed.

8. That all block plans of subdivision and all lot plans of subdivision

   A. may be approved and signed by the Director of Planning, Property and Development within ten (10) years from the date the by-law is passed;

   and

   B. may be registered in the Winnipeg Land Titles Office within ten (10) years 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 ten (10)-year period and Council approves the extension.

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

1. The Riel Community Committee agreed with the administrative comments contained in the report of the Planning and Land Use Division dated March 26, 2013.

2. This is consistent with previous development in the area, and we put suitable conditions in place to ensure that the community is well looked after.

## PUBLIC HEARING SUMMARY

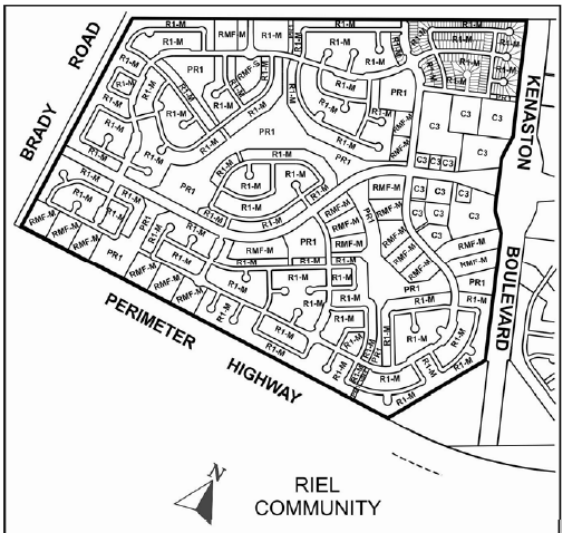
File: DASZ 33/2012

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

Public Hearing: April 8, 2013
Council Building, 510 Main Street

Applicant: Landmark Planning and Design (Donovan Toews)

Subject:




**APPLICANT :** LANDMARK PLANNING & DESIGN
**FILE :** DASZ 33/12
**PROPOSAL:** An application for the approval of the plan of subdivision shown outlined above as may be determined by Council and for a proposed zoning change to By-law No. 200/2006 by rezoning the land shown outlined above from an "A" AGRICULTURAL DISTRICT to an "R1-M" RESIDENTIAL SINGLE-FAMILY DISTRICT, "RMF-M" RESIDENTIAL MULTI-FAMILY DISTRICT, "C3" COMMERCIAL CORRIDOR DISTRICT and "PR1" PARKS AND RECREATION 1 DISTRICT to facilitate the development of the Waverley West Southwest Neighbourhood through the creation of lots, block plans and public right-of-ways. **For information, phone Mr. R. Kostiuk, Planner, at 204-986-7367.**
**DEMANDEUR :** LANDMARK PLANNING & DESIGN
**N° DE RÉFÉRENCE :** DALZ 33/12
**PROJET :** Demande d'approbation par le Conseil du plan de lotissement indiqué ci-dessus et proposition de modification du Règlement municipal no 200/2006 visant à changer le zonage des sols délinéés ci-dessus qui passeraient de la catégorie A (SECTEUR AGRICOLE) à la catégorie R1-M (SECTEUR D'HABITATIONS UNIFAMILIALES MOYENNES), à la catégorie RMF-M (SECTEUR D'HABITATIONS MULTIFAMILIALES MOYENNES), à la catégorie C3 (SECTEUR DE COULOIR COMMERCIAL) et à la catégorie PR1 (SECTEUR DES PARCS ET DES LOISIRS 1) afin de faciliter l'aménagement du quartier sud-ouest de Waverley Ouest par la création de lots, de plans de masse et d'emprises publiques. **Pour plus de renseignements, veuillez communiquer avec M. R. Kostiuk, urbaniste, au 204-986-7367.**

| | |
|---|---|
| Premises Affected: | Sixth of Seven Neighbourhood Plan Area in Waverley West area |

Exhibits Filed:

1. Application dated November 23, 2012
2. Notification of Public Hearing dated March 8, 2013
3. Manitoba Status of Titles 2328796/1; 2328802/1; 2328804/1; 2328809/1; 2328858/1; 2517771/1; 2517781/1; 2517785/1; 2517795/1; 2517839/1 and 2524667/1
4. Letter of authorization dated October 22, 2012 from Ladco Company Limited to Landmark Planning and Design Inc.
5. Surveyor's Building Location Certificate and sketch
6. Plan
7. Report from the Planning and Land Use Division dated March 26, 2013
8. Letter of Authorization dated April 4, 2013, from Warren Borgford, Technical Services Engineer, Manitoba Infrastructure and Transportation to the City of Winnipeg
9. Revised Plans (3 pages)
10. Inspection Report
11. Presentation dated April 8, 2013, submitted by Mark Cohoe at the public hearing, in opposition to the application
12. Audio Recording of representations of public hearing

REPRESENTATIONS:

In Support:

Donovan Toews, Landmark Planning and Design
Michael Carruthers
Tyler Smith
David Borger

In Opposition:

Mark Cohoe, Bike to the Future

For Information:

Nil

For the City:

Mr. M. Pittet, Manager of Land Development, Geomatics, and Land Information Services, Planning, Property & Development Department
Mr. R. Kostiuk, Planner, Planning, Property and Development Department
Mr. K. Kowalke, Planner, Planning, Property and Development Department
Mr. K. Raban, Land Development Administrator, Planning, Property and Development Department

Exhibit "7" referred to in File DASZ 33/2012

# ADMINISTRATIVE REPORT

**Title:** DASZ 33/2012 – Waverley West – Southwest Neighbourhood (Neighbourhood Plan Area "D") Public Hearing

**Issue:** An application for consideration at the Public Hearing to subdivide and rezone approximately 636 acres of land in the Waverley West – Southwest Neighbourhood (Neighbourhood Plan Area "D")

**Critical Path:** Riel 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 33/2012 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 33/2012 dated March 26, 2013 (with such minor changes as may be required) and registration in phases in the Winnipeg Land Titles Office, subject to the following:

   A. That the Developer enter into a Development Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated April 3, 2013 attached as Schedule "B" to this report.

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 33/2012 dated March 26, 2013 to an "R1-M" Single-Family District, an "RMF-S" Residential Multi-Family District, an "RMF-M" Residential Multi-Family District, a "C3" Commercial District, and a "PR1" Parks and Recreation 1 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 for each phase of the development, which Agreement shall contain the following conditions:

      i) That, for the development of any building, and/or accessory parking area and/or signage within the lands zoned "RMF-S" or "RMF-M" Residential Multi-Family, or "C3" Commercial, 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, fencing, landscaping and signage to the Director of Planning, Property and Development and the Riel 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) The Developer shall, at no expense to the City, construct within the rear yards of all single and two-family lots abutting Waverley Street, Kenaston Boulevard and the Perimeter Highway, a uniform fence 2.0m in height, to the satisfaction of the Director of Public Works. Future owners of the individual building lots along this fencing shall be responsible for maintaining this fencing to the satisfaction of the Director of Public Works;

iii) That, where single-family or two-family residential lots back onto Waverley Street, the said lots shall be established with minimum rear yards of 15.24 metres;

iv) That, the Developer shall ensure that single-family and two-family residential lots which back onto Kenaston Boulevard or the Perimeter Highway are of sufficient depth to provide a minimum rear yard to achieve the City's Motor Vehicle Noise Policies and Guidelines sound-level limit of 65dBA in the typical outdoor recreation area of those lots;

v) That, the Developer shall, at no expense to the City, erect uniform continuous fencing for properties backing onto park space, or where trails or play equipment is anticipated to be within 10 feet of residential property line to the satisfaction of the Director of Public Works and the Director of Planning, Property and Development. Said fence shall be located within private property and future owners of the individual building lots along this fencing shall be responsible for maintaining this fencing to the satisfaction of the Director of Public Works and the Director of Planning, Property and Development;

vi) That, the Developer and all successors in title to the seven (7) "C3" Commercial-zoned lots located at the northwest corner of the Waverley Street and Kenaston Boulevard intersection 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.

vii) That, the Developer and all successors in title to the seven (7) "C3" Commercial-zoned lots located at the southwest corner of the Waverley Street and Kenaston Boulevard intersection 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.

viii) That the address number of every building on the “C3” Commercial-zoned 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 execution by the City of Winnipeg of the Development Agreement.

7. That the zoning section of the by-law shall come into force and effect for each phase when:

   (a) the block plan of subdivision for that phase and the lot plan of subdivision for that phase are both registered in the Winnipeg Land Titles Office; and

   (b) the Zoning Agreement for that phase is registered in the Winnipeg Land Titles Office by caveat against the subject land,

   provided that the said effective date occurs within ten (10) years from the date the by-law is passed.

8. That all block plans of subdivision and all lot plans of subdivision

   (a) may be approved and signed by the Director of Planning, Property and Development within ten (10) years from the date the by-law is passed;

   and

   (b) may be registered in the Winnipeg Land Titles Office within ten (10) years 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 ten (10)-year period and Council approves the extension.

9. 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 develop the planned area into a mixed-use suburban community. In order to create the community, the applicant is proposing to subdivide the 636 acre site into lots, blocks, streets, and park land and rezone the planned area from "A" Agricultural to: "R1-M" Residential Single-Family Medium; "RMF-S" Residential Multi-Family Small; "RMF-M" Residential Multi-Family Medium; "C3" Commercial Corridor; and, "PR1" Parks and Recreation 1 (Neighbourhood).
- 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 and rezoned consistent with the drawing provided in Schedule "A" of this report.

## HISTORY

*Summary of Major By-laws and Subdivision and Rezonings Adopted and Approved in Waverley West*

- On April 27, 2005, Council adopted By-Law No. 50/2004 (see file PW 2/2003), which amended Plan Winnipeg 2020 in order to designate the lands south of the westerly extension of Bishop Grandin Boulevard, east of Brady Road, north of the Perimeter Highway, and west of Waverley Street (lands commonly known as "Waverley West"), from Rural Policy Area to Neighbourhood Policy Area.
- On July 26, 2006, Council adopted the *Waverley West Area Structure Plan* under By-Law No. 10/2006 (see file SP 4/2005). This secondary plan guides all development in the Waverley West area.
- On December 6, 2006, Council adopted the *Waverley West Northeast Neighbourhood Area Structure Plan* under By-Law No. 210/2006 (see file SP 5/2005). This area structure plan adheres to the requirements of the *Waverley West Area Structure Plan* and specifically guides development in the *Northeast Neighbourhood*.
- On January 24, 2007, Council adopted By-Law No. 20/2007 (see file DASZ 1/2006), allowing the rezoning and subdivision of 360 acres of land in the *Waverley West Northeast Neighbourhood* from an "A.5" Agricultural District to an "R1-3" Residential District, an "R1-4" Residential District, an "RM-3" Multiple-Family District, and a "PR1" Parks and Recreation District under Zoning By-Law No. 6400/94. This subdivision was guided by the *Waverley West Northeast Neighbourhood Area Structure Plan.* A portion

of the northeast part the Kenaston Boulevard extension was opened under this subdivision and rezoning application.

- On April 25, 2007, Council adopted By-Law No. 88/2007 (see file DASZ 1/2007), allowing the rezoning and subdivision of 22 acres of land of land in the *Waverley West Northeast Neighbourhood* from an “A” Agricultural District to an “R1-3” Residential District and an “R1-4” Residential District under Zoning By-Law No. 6400/94. This subdivision was guided by the *Waverley West Northeast Neighbourhood Area Structure Plan.* The northernmost portion of the Kenaston Boulevard extension was opened under this subdivision and rezoning application.

- On November 21, 2007, Council adopted the *Waverley West Southheast Neighbourhood Area Structure Plan* under By-Law No. 140/2007 (see file SP 2/2007). This area structure plan adheres to the requirements of the *Waverley West Area Structure Plan* and specifically guides development in the *Southeast Neighbourhood*.

- On April 23, 2008, Council adopted By-Law No. 82/2008 (see file DASZ 22/2007), allowing the rezoning and subdivision of 495 acres of land in the *Waverley West Southeast Neighbourhood* from an “A” Agricultural District to an “R1-3.5” Residential District, an “RM-2” and an “RM-4” Multiple-Family Districts, a “C2” Commercial District, and a “PR1” Parks and Recreation District under Zoning By-Law No. 6400/94. This subdivision was guided by the *Waverley West Southeast Neighbourhood Area Structure Plan.* The southern portion of the Kenaston Boulevard extension was opened under this subdivision and rezoning application.

- On December 17, 2008, Council adopted By-Law No. 186/2008 (see file DASZ 16/2008), allowing the rezoning and subdivision of 3 acres of land in the *Waverley West Northeast Neighbourhood* from an “A” Agricultural District to an “R1-S” Residential Single-Family District. This subdivision was guided by the *Waverley West Northeast Neighbourhood Area Structure Plan.* During the time of application for file DASZ 1/2006, this land was the site of a soils and aggregate business. The land was sold and 22 single-family lots were created under this application along with the opening of the remnant piece of Appletree Crescent.

- On March 25, 2009, Council adopted By-Law No. 45/2009 (see file DASZ 27/2008), allowing the rezoning and subdivision of 36.3 acres of land in the *Waverley West Northeast Neighbourhood* from an “A” Agricultural District to an “R1-M” Residential District, and a “PR1” Parks and Recreation District under Zoning By-Law No. 200/2006. This subdivision was guided by the *Waverley West Northeast Neighbourhood Area Structure Plan.* Approximately 8 acres of land was used to create the right-of-way for the extension of Bison Drive to the west.

- On September 30, 2009, Council adopted By-Law No. 35/2009 (see file SPA 1/2009), which amended the *Waverley West Northeast Neighbourhood Area Structure Plan.* The resulting amendments include: changes to the total acreage in the land use table (Section 5 of the *Plan*); a reduction of area dedicated for park space in the Northeast Neighbourhood (from 102 acres to 85 acres); text changes to the Parks Section (Section 5.5) that allow for active recreation opportunities on the former landfill site; and the requirement that the former landfill site be remediated to the satisfaction of the City of Winnipeg Water and Waste Department.

- On April 28, 2010, Council adopted By-Law No. 44/2010 (see file DASZ 3/2009) allowing the rezoning and subdivision of the southern portion of the Northeast Neighbourhood

from an “A” Agricultural District, “PR1” Parks and Recreation 1 District, “R1-M” and R1-S” Residential Single-Family District to a “PR1” Parks and Recreation 1 District, “RMF-M” Residential Multi-Family District, and an “R1-M” Single-Family District. This application resulted from the applicant making an offer to purchase the former landfill site from the City of Winnipeg and remediate and redevelop the site at no cost to the City. Surrounding areas that had been rezoned and subdivided under file DASZ 1/2006 needed to be reorganized to rationalize drainage, circulation and land uses to tie into the redevelopment of the former landfill. The *Northeast Neighbourhood Secondary Plan* also needed to be amended to allow for this development (see By-Law No. 44/2010 – file SPA 1/2009 above).

- On July 21, 2010, Council adopted the *Waverley West Northwest Neighbourhood Area Structure Plan* under By-Law No. 37/2010 (see file SP 1/2010). This area structure plan adheres to the requirements of the *Waverley West Area Structure Plan* and specifically guides development in the *Northwest Neighbourhood*.
- On July 21, 2010, Council adopted the *Waverley West Town Centre Neighbourhood Area Structure Plan* under By-Law No. 38/2010 (see file SP 2/2010). This area structure plan adheres to the requirements of the *Waverley West Area Structure Plan* and specifically guides development in the *Town Centre Neighbourhood*.
- On July 21, 2010, Council approved DASZ 4/2010, allowing the rezoning and subdivision of all of the aforementioned Waverley West Northwest Neighbourhood and Town Centre, which combined equate to approximately 444 acres. The rezoning of the Northwest Neighbourhood was from “A” Agricultural to “R1-M” Residential Single-Family, “PR1” Parks and Recreation 1, and “PR2” Parks and Recreation 2. The rezoning for the Town Centre was from “A” Agricultural to “RMF-S” and “RMF-L” Multi-Family Districts, “C2” Commercial Community, “C3” Commercial Corridor, “CMU” Commercial Mixed-Use, “MMU” Manufacturing Mixed-Use, and “PR1” Parks and Recreation 1 Districts.
- On November 14, 2012, Council adopted the *Waverley West – West Neighbourhood Area Structure Plan* under By-Law No. 90/2012 (see file SP 1/2012). This area structure plan adheres to the requirements of the *Waverley West Area Structure Plan* and specifically guides development in the *West Neighbourhood (*Neighbourhood Plan Area “E”).
- On November 14, 2012, Council approved DASZ 8/2012, allowing the rezoning and subdivision of all of the Waverley West – West Neighbourhood, which included approximately 349 acres of land. The rezoning of the West Neighbourhood was from “A” Agricultural to “R1-M” Residential Single-Family Medium; “RMF-M” Residential Multi-Family Medium; “RMF-L” Residential Multi-Family Large; “PR1” Parks and Recreation 1 (Neighbourhood) and “PR2” Parks and Recreation 2 (Community).
- On February 27, 2012, Council gave first reading to By-Law 4/2013 and allowed the Riel Community Committee to conduct a public hearing for the Waverley West Southwest Neighbourhood Area Structure Plan (SP 3/2012).

## CONSULTATION

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

## SUBMITTED BY

| | |
|---|---|
| Department | Planning, Property and Development |
| Division | Urban Planning |
| Prepared by: | Robert Kostiuk, MCIP |
| Date: | March 26, 2013 |
| File No. | DASZ 33/2012 |

**List of Schedules and Attachments**

1. Appendix A — Planning Discussion
2. Schedule “A” — Recommended File No. DASZ 33/2012 Riel Community Committee, dated March 26, 2013
3. Schedule “B” — Report of the Administrative Coordinating Group

**APPENDIX 'A'**

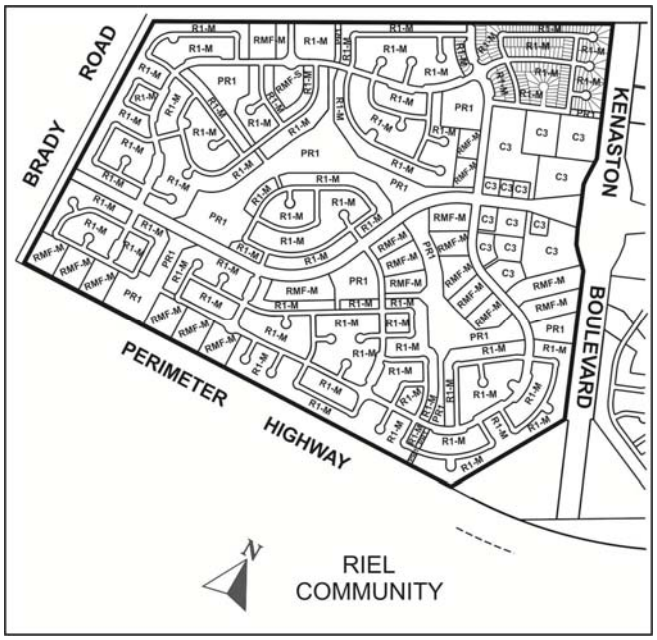
**DATE:** March 26, 2013

**FILE:** DASZ 33/2012
**RELATED FILES:** SP 3/2012 (c/r), SP 4/2005, PW 2/2003

**COMMUNITY:** Riel
**NEIGHBOURHOOD #:** 5.682 (Waverley West Plan Area D – Southwest Neighbourhood)

**SUBJECT:** The applicant is proposing to subdivide and rezone 636 acres of land in Waverley West for the development of a mixed-use neighbourhood.

**LOCATION:** Waverley West Neighbourhood Plan Area "D" (as shown in the Waverley West Area Structure Plan - By-law 10/2006, and in the picture below)




**APPLICANT:** Landmark Planning & Design Inc. (Donovan Toews)
298 Waterfront Drive
Winnipeg MB, R3B 0G5

**OWNER(S):** Ladco Company Ltd.
200-40 Lakewood Blvd.
Winnipeg, MB R2J 2M6

**RECOMMENDATION:** Approval with Conditions

**REPORT SUMMARY**

- The applicant is proposing to develop the planned area into a mixed-use suburban community. In order to create the community, the applicant is proposing to subdivide the 636 acre site into lots, blocks, streets, and park land and rezone the planned area from "A" Agricultural to: "R1-M" Residential Single-Family Medium; "RMF-S" Residential Multi-Family Small; "RMF-M" Residential Multi-Family Medium; "C3" Commercial Corridor; and, "PR1" Parks and Recreation 1 (Neighbourhood).
- The Urban Planning Division recommends supporting this application.

**SITE DESCRIPTION**

- The subject site is located between Brady Road, Kenaston Boulevard, the Perimeter Highway (PTH 100) and the Waverley West – West Neighbourhood (Neighbourhood Plan Area "E") in the South Pointe neighbourhood of the St. Norbert Ward.
- The site is vacant and is approximately **636 acres in area.**
- The site is located in the Areas of Stability – Recent Communities Policy Area under the Complete Communities Direction Strategy.
- The site is also identified as Neighbourhood Plan Area "D" under the Waverley West Area Structure Plan (By-law 10/2006) and is zoned "A" Agricultural.




**Figure 1: Aerial photograph showing approximate area of the subject site (2012)**

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

**North:** The southern limit of Neighbourhood Plan Area "E" under the Waverley West Area Structure Plan. The Neighbourhood Area Structure Plan for Area "E" was recently approved under SP 1/2012. The corresponding subdivision and rezoning DASZ 8/2012 was also recently approved by Council. Virtually all of the land along the southern boundary of Neighbourhood Plan Area "E" is zoned R1-M.

**South:** The Perimeter Highway (PTH 100) and the Brady Landfill, which is zoned A.

**East:** The Kenaston Extension and Neighbourhood Plan Area "C" (Waverley West Southeast Neighbourhood – South Pointe).

**West:** Brady Road and the City of Winnipeg western boundary.

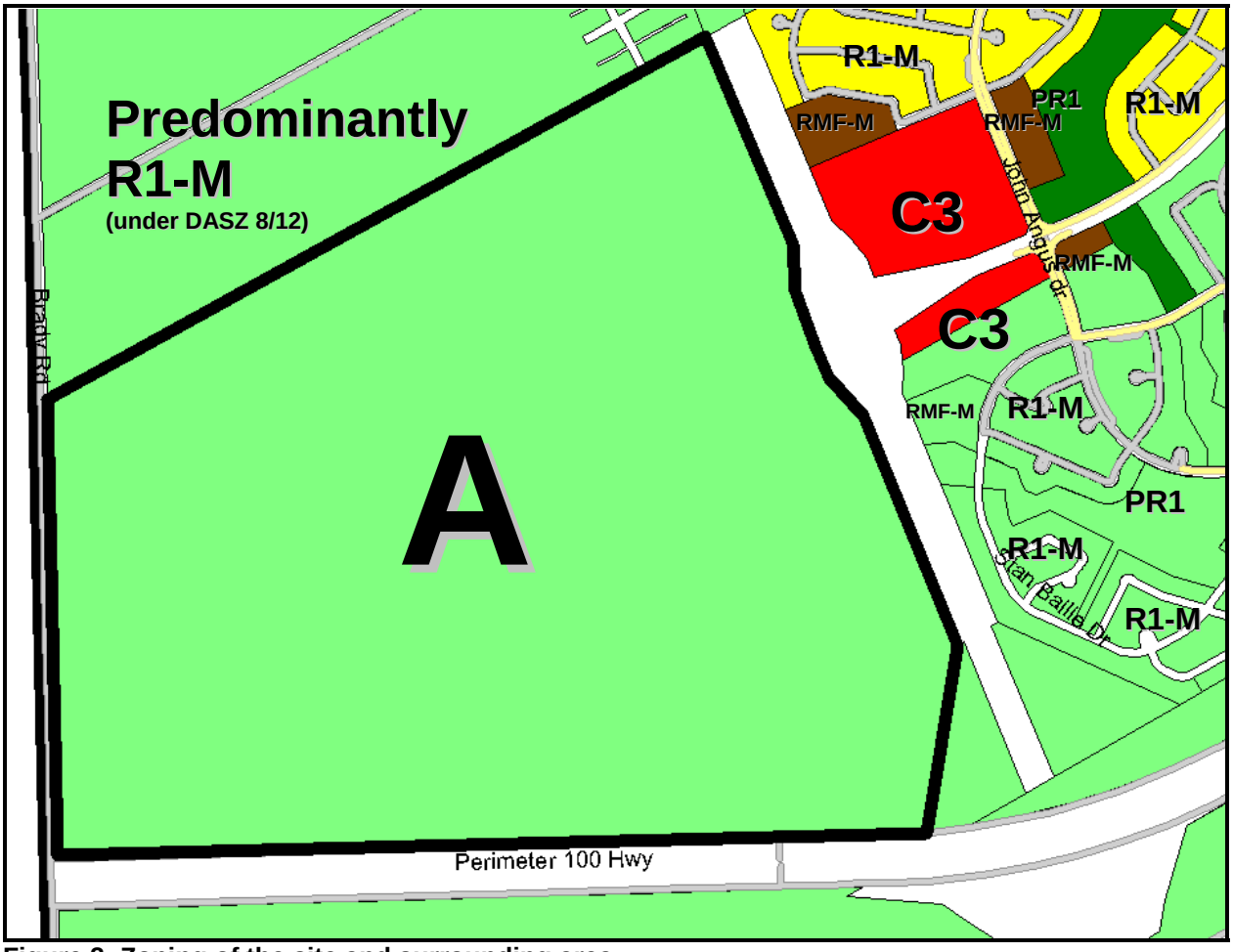



**Figure 2: Zoning of the site and surrounding area.**

**DESCRIPTION OF THE PROPOSED DEVELOPMENT**

- The applicant is proposing to develop the planned area into a mixed-use suburban community. In order to create the community, the applicant is proposing to subdivide the 636 acre site into lots, blocks, streets, and park land and rezone the planned area from

"A" Agricultural to: "R1-M" Residential Single-Family Medium; "RMF-S" Residential Multi-Family Small; "RMF-M" Residential Multi-Family Medium; "C3" Commercial Corridor; and, "PR1" Parks and Recreation 1 (Neighbourhood).

*Residential Development*

- The proposed development is intended to be predominantly residential. In fact, about 471 acres of the 636 acre planned area (+/-74%) is intended for residential purposes. A mix of residential zoning that allows for detached single-family homes (R1-M) and multi-family developments (RMF-M and RMF-S) is being requested.
- The development is largely comprised of blocks zoned R1-M for detached single-family development. The associated Waverley West Southwest Neighbourhood Area Structure Plan (SP 3/2012) identifies that approximately 2,000 detached dwellings are to be developed in this neighbourhood.
- There are 20 blocks that are proposed to be rezoned to RMF-M and 1 block that is proposed as RMF-S to facilitate future multi-family development within the neighbourhood. These blocks are mostly located in the vicinity of the Primary Commercial area, with additional RMF blocks near southwest corner of the planned area and in the northern portion of the development near the proposed school site. The Waverley West Southwest Neighbourhood Area Structure Plan (SP 3/2012) states that between 1,400 and 2,100 multi-family dwelling units are projected for the planned area.

*Commercial Development*

- Approximately 60 acres of the planned area is to be allocated for commercial development. This area is identified as the Primary Commercial area of the Waverley West Southwest Neighbourhood Area Structure Plan and will be zoned C3.
- The C3 lands are made-up of 14 blocks and are located around the Kenaston/Waverley intersection.

*Parks*

- The proposed development includes about 56 acres of land to be rezoned for parks purposes (PR1).
- A key component of the organization of the park system is the proposed greenway system, which is comprised of a linear parkway that runs through the centre of the neighbourhood. The greenway system provides an active transportation network that connects helps connect the residential areas to larger parks and other parts of the neighbourhood.
- The park system includes larger sites intended to accommodate sports fields and playgrounds.
- The majority of dwellings will be within a 400 metre radius of a park.

*Streets and Sidewalks*

- The main point of access to the planned area is from Kenaston Boulevard, where Waverley Street will extend from the Southeast Neighbourhood towards Brady Road. Besides the Waverley arterial connection, the planned area will also connect to Neighbourhood Plan Area "E" (located to the north) with two collector connections that align with the north/south collectors at the southern extent of that neighbourhood.

- There are two main collector “loops” proposed in the neighbourhood. One loop runs through the north and the other runs through the south.
- Sidewalks are proposed on the collectors and arterial in the neighbourhood.

*Transit*

- Transit will service the neighbourhood via the collector roads and Waverley Street. Transit stops will be within approximately 400 metres of most dwellings.

*School Site*

- The applicant has consulted with the Pembina Trails School Division and identified a location for an elementary/middle years school (see associated file SP 3/2012).
- The school reserve will be a minimum of approximately 5 acres in area and will have frontage on a collector road. The proposed neighbourhood design also includes a park/pathway connection to the school site.
- The proposed school site abuts the 5 acre school site in Neighbourhood Plan Area “E” (located to the north).
- The proposed zoning for the school area is R1-M.
- Policies regarding the school site are included in the associated Neighbourhood Area Structure Plan (SP 3/2012).
- The applicant confirmed with the Pembina Trails School Division that a high school will not be required in this neighbourhood.

*Servicing*

- A full-range of municipal services (water, sewer, land drainage, and urban standard roadway) will be provided in the development.

**ANALYSIS AND ISSUES**

COMPLETE COMMUNITIES DIRECTION STRATEGY

- Under the *Complete Communities Direction Strategy* the proposed development is within the Areas of Stability – Recent Communities policy area. 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 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 a 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.
- Provide opportunities to increase multi-modal connectivity when redevelopment occurs.
- Support a mix of commercial services and employment uses that serve the local community.
- Ensure that existing public open spaces meet the neighbourhood's current and future requirements.

WAVERLEY WEST AREA STRUCTURE PLAN

- The Waverley West Area Structure Plan provides the overall planning guidance for the development of Waverley West. This plan, under Sections 4.2 and 13, identifies that Waverley West is to be comprised of seven neighbourhoods (A, B, C, D, E, F and the Town Centre) and requires that all identified neighbourhoods be subject to Neighbourhood Area Structure Plans prior to intensification or development.
- The associated application SP 3/2012 Waverley West Southwest Neighbourhood Area Structure Plan has been submitted in conjunction with the subject subdivision and rezoning.
- The proposed subdivision and rezoning application is consistent with the Waverley West Area Structure Plan, and is consistent with the policies in the proposed Waverley West Southwest Neighbourhood Area Structure Plan (SP 3/2012).

ZONING

*"A" Agricultural District*

- The Agricultural district is intended for general agricultural activities. The minimum lot area is 40 acres, the minimum lot width is 300 feet, and the minimum front yard is 100 feet. The minimum rear and side yards are 25 feet and the maximum building height is 30 feet.

*"PR1" Parks and Recreation 1 (Neighbourhood) District*

- The PR1 district is intended for sites that are generally passive neighbourhood and community parks and facilities with predominantly pedestrian and cyclist access. These sites may provide unstructured drop-in play and recreation opportunities, including play structures, passive parks, plazas and natural areas. Generally, no parking facilities are associated with these uses. These parks and open spaces typically occur in a residential neighbourhood or riverbank context and are generally accessed by residential streets.

*"R1-M" Residential Single-Family Medium District*

- The R1-M district requires: a minimum lot width of 25 feet, a minimum lot area of 3,500 square feet, side yards of 4 feet, a front yard of 15 feet, and a rear yard of 25 feet. The maximum building height is 35 feet and the maximum lot coverage is 45%.

*"RMF-S" Residential Multi-Family Small*

- The RMF-S zone is intended to accommodate the development of multi-family units in neighbourhoods with medium to high residential densities. The dimensional standards for multi-family structures in the RMF-S zone are: a minimum front yard of 20 feet; a minimum rear yard of 25 feet; a minimum side yard of 4 feet and, a maximum building height of 35 feet. The minimum lot area is 9,000 square feet and the minimum lot area per dwelling unit is 1,250 square feet.

*"RMF-M" Residential Multi-Family Medium*

- The RMF-M zone is intended to accommodate the development of multi-family units in neighbourhoods with medium to high residential densities. The dimensional standards for multi-family structures in the RMF-M zone are: a minimum front yard of 25 feet; a minimum rear yard of 25 feet; a minimum side yard of 8 feet (where the building is more than one storey in height the required interior side yard increases by 2 feet for each storey above the ground floor to a maximum of 20 feet) and, a maximum building height of 60 feet. The minimum lot area is 9,000 square feet and the minimum lot area per dwelling unit is 800 square feet.

*"C3" Commercial Corridor*

- The C3 district is intended primarily for uses that provide commercial goods and services to residents of the community in areas that are dependent on automobile access and exposed to heavy automobile traffic. These commercial uses are subject to frequent view by the public and visitors to Winnipeg, and they should provide an attractive appearance with landscaping, sufficient parking, and controlled traffic movement. C3 districts are generally located along portions of arterial streets where lot depths are 200 feet or greater, or at arterial/arterial intersections.

LAND USE BY-LAW

*Rezoning*

- The A zoning district is intended for general agricultural activities. The applicant is proposing to rezone the land from A to PR1, R1-M, RMF-S, RMF-M, and C3 in order to create a fully-serviced suburban neighbourhood within Waverley West.

COMPATIBILITY WITH THE SURROUNDING AREA

- The proposed residential neighbourhood development is compatible with the surrounding area as it is consistent with the Waverley West Area Structure Plan and the proposed Waverley West Southwest Neighbourhood Area Structure Plan.
- The north/south park and collector roads connect the subject neighbourhood to Neighbourhood Plan Area "E" (located north) while the Waverley Street connects the site to Neighbourhood Plan Area "C" (east).

- For the most part, development near the northern extent of the site is zoned R1-M, which is the predominant zoning of the southern extent of Neighbourhood Plan Area “E” (DASZ 8/2012).
- The commercial development located at Waverley Street and Kenaston Boulevard connects with the commercially-zoned land to the east. This primary commercial area is stipulated as a requirement under sections 6.1.6 & 6.1.7 of the Waverley West Area Structure Plan.
- It should be noted that the Waverley West Area Structure Plan allows for the consideration of commercial/light industrial uses along the north limit of the Perimeter Highway near Brady Landfill. The applicant has investigated the feasibility of commercial development in this area and has decided to not pursue the commercial development in this location.
- The greatest potentially conflicting land uses involves the single-family and multi-family residential lands along the southern part of the site, which will be located closest to Brady Landfill. Berming and landscaping the southern portions of the multi-family sites should be key elements of the site design for these properties in order to help visually screen the properties from the landfill.
- The minimum Zone of Concern (Control Zone) buffer for development near Brady Landfill is 90 metres. All of the land included in the subject plan area is located beyond this 90 metre methane gas buffer.

SITE DESIGN

*Streets and Sidewalks*

- The proposed development is connected to the surrounding neighbourhoods via 2 collector roads that provide vehicular access to the site from the north (Waverley West – West Neighbourhood) and by the Waverly Street Extension, which connects across Kenaston to the Southeast Neighbourhood.
- Sidewalks will be located on both sides of the collectors and the arterial (Waverley Street).

*Parks and Active Transportation*

- The greenway system is central to the design of the development. This greenway generally limits the number of street crossings and establishes a pathway system that connects the planned area to other amenities within the neighbourhood (ex. the school site and sports fields). However, there are mid-block crossings at Waverley Street that raise some concern. Dedicated crossings are being requested in the Report of the ACG for these areas to help reduce the potential of motorist/pedestrian conflict at these crossings.
- Most of the major open park space, or active park areas, are connected to the greenway system. These parks vary between 2-6 acres in size are distributed evenly throughout the neighbourhood.

*Public Transit*

- The planned area is designed so that most homes and businesses are located within a 5 minute walk of a collector or street that will include Transit service.

*Density*

- The Waverley West Financial Impact Analysis, which was prepared for the required Plan Winnipeg Amendment in 2004, was modeled off of 4,000 multi-family units and 7,000 single-family homes within all of Waverley West.
- The targeted number of single-family homes and multi-family dwelling units are approximately 2,000 and 1,750 respectively for the subject neighbourhood.
- It should be noted that 7 dwelling units per net acre is generally accepted as a standard to service a neighbourhood with on-street transit. Considering the zoning proposed and the proposed dwelling unit targets, the subject neighbourhood development should reach this number. In fact, using the density policies included in the associated Neighbourhood Area Structure Plan, it is likely that the number of dwelling units within the planned area will exceed 7 dwelling units per net acre.
- Proportionally the anticipated number of dwelling units also appears to be in line with the model used for dwelling units in the Waverley West Financial Impact Analysis.

*Commercially-Zoned Sites*

- The proposed C3 sites form the majority of the primary commercial area of the neighbourhood. These C3 sites are a continuation of what is found to the east in the Southeast Neighbourhood and are consistent with the Waverley West Area Structure Plan with regard to commercial development.
- Although the C3 areas are grouped with individual lots that all have frontage on a street, these lots will most likely function with an internalized road system. As such, the Public Service is requesting that cross-access agreements for the lots are in place within the zoning agreement.

NEWSPAPER ADVERTISEMENT

- Although shown in the map portion of the newspaper advertisement, the one RMF-S zoned block was not explicitly mentioned in the text description as part of the zoning change. However, RMF-M was mentioned in the text description of the advertisement. Lands zoned RMF-M can be more intensely developed than lands zoned RMF-S.
- Council can approve a “down-zoning” or rezone lands to a lower-order zoning category than advertised, but can not approve an “up-zoning” if the lands were originally advertised as a lower order zoning category.
- The Public Service has no concerns regarding the advertisement error because: the RMF-S zone was shown on the map portion of the advertisement; and, the more intense multi-family category was described in the text portion of the advertisement.

PUBLIC CONSULTATION

- The applicant held a public open house in December that was attended by approximately 15 people. Of the people who provided feedback, all were supportive of the plan.

PHASING

- Although the applicant has submitted one plan of subdivision and rezoning application for review at the Public Hearing for the entire site, it is intended that the rezoning of each individual phase of the subdivision will come into force and effect when the block plans and lot plans are registered at the Winnipeg Land Titles Office via short-form subdivision (DASSF) applications through the City for each phase over a period not longer than ten (10)-years.
- The zoning of the subject land would remain zoned “A” until block plans and lot plans are registered at the Winnipeg Land Titles Office.
- The recommended conditions of approval listed at the beginning of this report reflect the above points. If the Riel Community Committee, and ultimately Council, concurs with these conditions, Council would then pass one by-law which would approve the plan of subdivision (in accordance with the mylars submitted for the entire planned area) and rezone all lands in the entire planned area. The by-law would state that the rezoning comes into force in phases, within ten (10) years, upon the applicant’s registration of block plans and lotting plans (each for a portion of the entire planned area) at the Winnipeg Land Titles Office (WLTO) and the zoning agreement caveats.

RECOMMENDED ZONING AGREEMENT

*Plan Approval*

- Building elevations and landscaping plans were not included in the subject application for the multi-family or commercially-zoned land. The Urban Planning Division is recommending that final plans be submitted to the Director of Planning, Property and Development and Riel Community Committee for the RMF-S, RMF-M and C3 zoned lots for review prior to the issuance of a development permit on the site. The inclusion of this clause will allow the Urban Planning Division and the Riel Community Committee to review final plans before development takes place for the proposed development and for any future developments on the site.
- The following guidelines should be used when evaluating future developments proposed on the RMF-S and RMF-M sites:
    - The site layout and building orientation should ensure that the buildings relate appropriately to the street and surrounding developments and create a cohesive visual identity for the neighbourhood.
    - Parking areas should be located behind or beside principal buildings and should be well-screened with landscaping.
    - Universally accessible connections should be linked to sidewalks.

    - Refuse storage areas and other building services should be internal to buildings or screened from view with appropriate fencing/landscaping.
    - The overall design should be made up of a distinctive, quality, architectural character and style that also avoids monotonous and featureless building massing and design.
    - Landscaping should enhance the overall development in key areas such as the development perimeter, corners, common areas, areas along pathways, and entryways.
- The associated Neighbourhood Area Structure Plan contains design guidelines for the lands within the Primary Commercial, which is predominantly made-up of the C3-zoned lands.

*Fencing and Setback Requirements*

- Fencing and setback requirements consistent with those requested in the report of the ACG have also been incorporated into the zoning agreement.

*Cross Access*

- As previously mentioned, the Public Service is requesting that cross access agreements be registered for the two groups of C3 zoned properties: one at the northwest corner of Kenaston and Waverley, and the other at the southwest corner of Kenaston and Waverley.

LAND DEDICATION

- When a developer rezones and/or subdivides a parcel of land, they are required to put in an application with the City of Winnipeg.
- As a condition of rezoning or subdivision, a developer is required to contribute a portion of the land to be developed to the City for parks purposes.
- The amount of land is not less than 10%.
- The developer is to provide land or 'cash in lieu' as determined by the Planning, Property and Development Department.
- Land dedication for this application is identified in the Report of the ACG.

**RECOMMENDATION**

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

- The proposed development is consistent with the Complete Communities Direction Strategy, the Waverley West Area Structure Plan and the proposed Waverley West Southwest Neighbourhood Area Structure Plan (SP 3/2012).
- Proportionally the anticipated number of dwelling units appears to be in line with the model used for dwelling units in the 2004 Waverley West Financial Impact Analysis (2004).
- Considering the zoning proposed and the proposed dwelling unit targets, the subject neighbourhood development should reach a minimum of 7 dwelling units per net acre,

which is generally accepted as a minimum standard to service a neighbourhood with on-street transit.

- The proposed road network is sufficiently connected to the other Waverley West Neighbourhoods.
- The greenway park system proposed for the development effectively connects the planned area to other amenities within the neighbourhood (ex. the school site and sports fields).
- Active park areas are evenly distributed throughout the neighbourhood.

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

Report Prepared By: Robert Kostiuk, MCIP
PPD File # DASZ 33/2012

**Schedule "A" for File No. DASZ 33/2012, Riel Community Committee, dated March 26, 2013**

By-Law No. _____

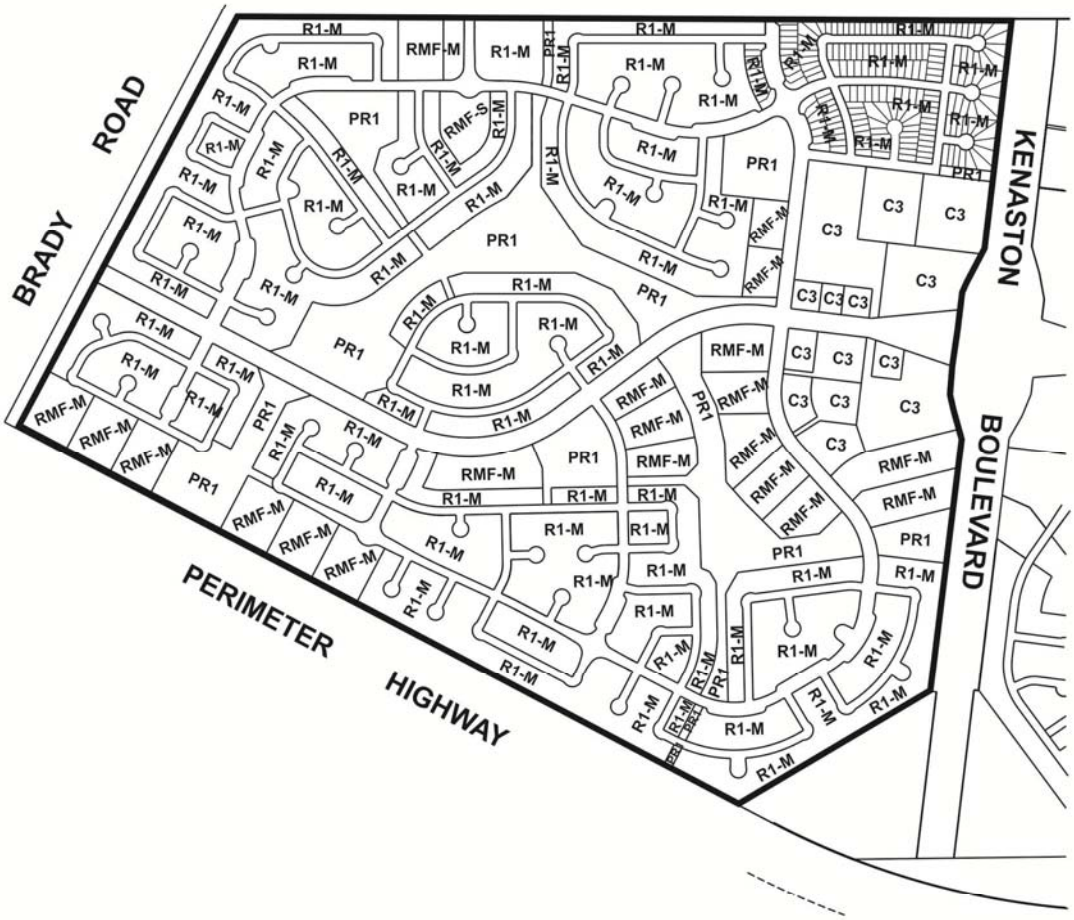
File No. **DASZ 33/12**

Atlas Sheet No.

**AO19**
**RIEL**
**COMMUNITY**

Explanation

An application for the approval of the plan of subdivision shown outlined below and for a proposed zoning change to By-law No. 200/2006 by rezoning the land located in Waverley West South Pointe West Neighbourhood from an "A" AGRICULTURAL DISTRICT to an "R1-M" RESIDENTIAL SINGLE-FAMILY DISTRICT, "RMF-S" & "RMF-M" RESIDENTIAL MULTI-FAMILY DISTRICT, "C3" COMMERCIAL CORRIDOR DISTRICT and "PR1" PARKS AND RECREATION 1 DISTRICT to facilitate the development of the Waverley West Southwest Neighbourhood through the creation of lots, block plans and public right-of-ways as shown outlined below.




THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

## SCHEDULE B

## REPORT OF THE ADMINISTRATIVE CO-ORDINATING GROUP – April 3, 2013

**RE: PROPOSED SUBDIVISION AND REZONING OF LAND LOCATED AT WAVERLEY WEST SOUTH POINTE WEST NEIGHBOURHOOD - DASZ 33/2012**

It is recommended that the approval of DASZ 33/2012, if granted, be subject to the applicant entering into a Development Agreement addressing the following items:

### A. Plan Considerations

1. The Developer shall dedicate and legally open property required for a 1.825m widening of the Brady Road right-of-way abutting the Planned Area, as determined by, and to the satisfaction of, the Director of Public Works.

2. The Developer shall dedicate and legally open property for right-of-way corner cut at the north east corner of Brady Road and Waverley Street.

3. The Developer shall dedicate and legally open, property for right-of-way corner cuts in all four corners of the intersection of the first collector street intersecting with Waverley Street, west of Kenaston Boulevard, as determined by and to the satisfaction of the Director of Public Works.

4. The Developer shall dedicate and legally open property for right-of-way corner cuts measuring 2.0m by 2.0m in each corner of the intersection of two streets measuring 22.0m in width or greater. Right-of-way corner cuts measuring 3.0m by 3.0m are to be provided at each corner of any intersection where the angle is less than 80o, to the satisfaction of the Director of Public Works.

5. The Developer shall provide minimum right-of-way widths of 9.0m for all proposed frontage roads, with frontage-road terminus points to be located and designed to the satisfaction of the Director of Public Works.

6. The Developer shall provide right-of-way to accommodate each cul-de-sac turnaround consistent with the dimensions shown on Streets and Transportation Drawing ST-90 (revised) or ST-90-A.

7. The Developer shall provide right-of-way widths of 6.25m for each public lane serving single or two-family residential development, and 7.25m for each public lane serving multi-family residential and commercial development, to the satisfaction of the Director of Public Works.

8. The Developer shall design intersections of local streets within the Planned Area such that the angle of intersection is no less than 70º, as measured in the

quadrant with the acute angle.

9. The Developer shall ensure that, where two local residential streets intersect with a residential collector street on opposite sides of the collector, the centrelines of the local streets either coincide with one another at their intersection with the collector, or are offset by a minimum of 45.0m along the collector.

10. The Developer shall ensure that, where any local residential street is aligned to curve within 20.0m of its intersection with a residential collector street, that curve have a minimum centerline radius of 60.0m.

11. The Developer shall ensure that no cul-de-sac street exceeds 105m in length.

12. The Developer shall ensure that entrances and exits to/from proposed frontage roads along any collector street are coincident with, or a minimum of 20.0m from, intersections on the opposite side of the collector street, to the satisfaction of the Director of Public Works.

13. The Developer shall dedicate and legally open property for all street rights of way within the planned area including a 22.0 metre wide (collector width) right of way in the east-west street located on the north side of the proposed C3 zoned lands.

14. The Developer shall dedicate and legally open property required for the four proposed roundabouts at the intersections of collector streets within the Planned Area, all as determined by, and to the satisfaction of, the Director of Public Works.

15. The Developer shall design the plan of subdivision such that the linear PR1 land and the two proposed north-south streets at the north limit of the planned area align with the linear PR1 land and the two north south streets previously established at the south limit of the planned area of development application DASZ 8/2012.

**B. Engineering Report and Servicing Criteria**

1. The Developer shall provide, to the satisfaction of the Director of Water and Waste, a comprehensive servicing report, prepared by a qualified municipal engineer, outlining the provision of underground services for the planned area and adjacent lands.

2. The Developer shall submit, to the satisfaction of the Director of Water and Waste, servicing criteria sheets for water, wastewater, and land drainage facilities, including plans showing the current and ultimate service areas.

**C. Agreement Conditions**

1. The Developer shall construct, at no expense to the City, all wastewater sewers required to serve the Planned Area, as determined by, and to the satisfaction of,

the Director of Water and Waste.

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

3. The Developer shall construct, at no expense to the City, lot line services to service all lots within the Planned Area, as follows:

   a) 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.

   b) 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 agrees to indemnify 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.

   c) 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.

4. The Developer shall, at no expense to the City, construct all land drainage sewers and stormwater retention facilities required to serve the Planned Area and adjacent lands, as determined by, and to the satisfaction of, the Director of Water and Waste.

5. The Developer shall dedicate all land and provide all easements necessary to accommodate the required stormwater retention and land drainage facilities, as determined by the Director of Water and Waste, in accordance with the City's Development Agreements Parameters.

6. The Developer shall pay its share of the cost of the regional land drainage system for the Planned Area If applicable, and as determined by the Director of Water and Waste and, the cost of regional land drainage facilities constructed by the Developer (including the value of the land for the stormwater retention basins) if applicable, shall be credited against this charge.

7. 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.

8. The Developer shall, at no expense to the City, construct all swales, catchbasins, and leads required to provide lot drainage prior to the issuance of building permits.

9. 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.

10. The Developer shall, at no expense to the City, construct portland cement concrete pavements to widths of 7.5 metres, 8.0 metres, and 10.0 metres, by 150 mm and 200 mm in thickness and all related works, including, but not limited to, street lighting, boulevard landscaping and land drainage facilities, in all streets within the Planned Area, all as determined by, and to the satisfaction of, the Director of Public Works.

11. The Developer shall, at no expense to the City, construct portland cement concrete pavements to a width of 5.0m by 150mm in thickness, in public lanes serving single or two family residential development and 6.0m by 150mm in thickness serving in public lanes multi-family residential and commercial development, within the Planned Area, as determined by and to the satisfaction of the Director of Public Works.

12. The Developer shall, at no expense to the City, construct portland cement concrete pavements to a width of 6.0m by 150mm in thickness within the proposed frontage roads within 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, construct a 1.5m in width by 100mm in thickness portland cement concrete sidewalk on the standard alignment, 0.3m off of the property line, along both sides of all streets within the Planned Area with rights-of-way measuring 22.0m in width or greater including within the service islands of frontage roads, and aligned with the collector street sidewalks, as determined by and to the satisfaction of the Director of Public Works.

14. The Developer shall, construct and/or pay to the City in cash, on demand, the cost of constructing in portland cement concrete pavement, eastbound and westbound left turn storage lanes and upstream transitions on Waverley Street at its intersection with the west most collector street, west of Kenaston Boulevard, as determined by the Director of Public Works.

15. The Developer shall, pay to the City in cash, on demand, its share of the cost of the following services to be installed in Brady Road along the length of the subject property abutting the east side of Brady Road, north of Waverley 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.

16. 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 Waverley Street at and in the vicinity of its intersection with the first collector street west of Kenaston Boulevard:

    a) auxiliary lanes, transitions, median opening (modifications), channelization and all related works;
    b) traffic control signals and all related works including, but not necessarily limited to pedestrian and vehicular actuation and interconnection to adjacent traffic control signals and audible pedestrian signals;

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

17. The Developer shall, at no expense to the City, construct and/or pay on demand the full cost of the following permanent works on Kenaston Boulevard at and in the vicinity of its intersection with Waverley Street:

    a) auxiliary lanes, transitions, median opening (modifications), channelization and all related works;
    b) traffic control signals and all related works including, but not necessarily limited to pedestrian and vehicular actuation and interconnection to adjacent traffic control signals and audible pedestrian signals;

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

18. The Developer shall, at no expense to the City, construct the four proposed roundabouts at the four intersections of collector streets and provide any property required for right-of-way necessary to accommodate same, all as determined by and to the satisfaction of the Director of Public Works.

19. The Developer shall pay all costs associated with the installation of overhead sign structures for the dual eastbound left - turn storage lanes on Waverley Street at Kenaston Boulevard and for the dual southbound left-turn storage lanes on the first collector street west of Kenaston Boulevard at Waverley Street.

20. The Developer shall, at no expense to the City, sod, and plant trees on, all boulevards fronting the Planned Area, all in accordance with City specifications and guidelines and, where required, with concept plans prepared by the Developer and submitted to, and approved by, the Director of Public Works.

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

22. The Developer shall construct paved cul-de-sac vehicular turnarounds at the terminus of each temporarily dead-ended street and provide any necessary right-of-way or easements therefore, all as determined by and to the satisfaction of the Director of Public Works.

23. The Developer shall, at no expense to the City, cause to be installed standard reflectorized permanent street name signs at all new street intersections being created as a result of the subdivision.

24. 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.

25. 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.

26. 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.

27. 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.

28. The Developer shall install signs at the entrances to the subdivision, upon which is displayed a plan of the subdivision showing thereon the locations of all proposed sidewalks, public lanes, active transportation facilities, community mail boxes, parks, land drainage retention facilities, natural tree stands and multiple family sites, collector and arterial streets and Kenaston Boulevard, Waverley Street and Brady Road.

29. The Developer shall, at no expense to the City, construct within the rear yards of all one and two family lots abutting Waverley Street, Kenaston Boulevard and the South Perimeter Highway, a uniform fence 2.0m in height, to the satisfaction of the Director of Public Works. The Developer is to permit the City to file a caveat against the title of each of these proposed lots abutting Waverley Street, Kenaston Boulevard and the South Perimeter Highway requiring the owner(s) to maintain and/or repair or replace the fence as originally constructed, to the satisfaction of the Director of Public Works.

30. The Developer shall design the subdivision such that where single family and two family residential lots back onto Waverley Street, the said lots are to be established with a minimum depth to provide a minimum rear yard set back of 15.24m. The Zoning Agreement covering these lots is to stipulate a minimum rear yard of 15.24m.

31. The Developer shall design the subdivision such that where single family and two family residential lots back onto southbound Kenaston Boulevard and the Perimeter Highway, the said lots are to be established with a minimum depth to provide a minimum rear yard set back to achieve the City's Motor Vehicle Noise Policies and Guidelines sound level limit of 65 dBA in the typical outdoor recreation area of said residential lots. The Zoning Agreement covering these lots is to stipulate this minimum rear yard.

32. Private approaches

    a) The Developer shall design the subdivision such that there are no private approaches serving single or two family residential development off residential collector streets (i.e. rights-of-way measuring 22.0m or greater in width) except where frontage roads are provided.
    b) No private approaches serving single and two family residential development will be permitted off Waverley Street.
    c) No private approaches shall be permitted off Kenaston Boulevard and Brady Road.

33. The Developer shall, at no expense to the City, construct two crosswalks (pedestrian corridors) across Waverley Street to link the greenways north and south thereof, when and as determined by, and to the satisfaction of, the Director of Public Works.

34. The Developer shall dedicate as public open space at least 8% of the land contained within the overall development area and shall, at no expense to the City landscape and construct paths within the public open space all in accordance with plans and specifications approved by the Director of Public Works.

35. Partial credit only shall be granted for linear parks along retention ponds where the sloped grade limits multi-use options, the determination of which shall be to the satisfaction of the Director of Planning, Property and Development.

36. If the City deems that the provision of irrigation or water service to the public reserve is not required, the Developer shall provide compensation in the form of site amenities of predetermined equivalent value.

37. The developer shall, at no cost to the city, provide continuous fencing for properties backing onto park space, or where trails or play equipment is anticipated to be within 10' of residential property line. Said fence to be located within private property and established by caveat to be the responsibility thereafter of the private property owner.

38. Park space development should be undertaken by the time the build out has reached 80% and completed prior to 100% build out, within that phase of the development, unless an extension of time has been previously approved by the Director of Public Works.

39. The developer shall assume responsibility for all public reserve sites until they are developed and Final Acceptance has been issued by the Director of Public Works.

40. The Developer shall, at no expense to the City, maintain the public open space improvements for a period of two years in accordance with specifications approved by the Director of Public Works**.**

41. Securities for Public reserve improvements shall not be released until as-built drawings have been received and accepted as complete by the Director of Public Works.

42. The Developer shall, as deemed necessary by, and at no expense to, the City, supply and install trail network signage and trail related traffic signage, on pathways and Active Transportation corridors, consistent with standards and specifications applied to similar citywide networks, and as determined by, and to the satisfaction of, the Directors of Public Works and Planning, Property, and Development.

43. 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 and Development with a certificate that all survey monuments within the Planned Area have been verified and/or replaced.

44. The Developer shall pay the full cost of all design services, including preliminary engineering studies, servicing reports, servicing criteria, construction drawings and specifications, and grading and landscaping plans and specifications, to be provided by Consultants approved by the City, for the design of the municipal services, parklands, parkways and associated works required to serve the Planned Area;

45. The Developer shall pay the full cost of construction and landscaping supervision services provided by or on behalf of the City for field inspection, preparation of progress estimates, provision of as-built drawings by March 31 of the year following substantial performance of the work, and all other consulting services related to the installation and acceptance of municipal services, and all associated works to serve the Planned Area.

46. 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 Development Agreement.

THIS REPORT SUBMITTED BY:

Administrative Co-ordinating Group
File No. DASZ 33/2012
April 3, 2013

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