Agenda - Executive Policy Committee – July 10, 2013

Report - Standing Policy Committee on Property and Development – July 2, 2013

Item No. 15 Subdivision and Rezoning – 2967 and 3003 Waverley Street (St. Norbert Ward) File DASZ 13/2013

STANDING COMMITTEE RECOMMENDATION:

On July 2, 2013, the Standing Policy Committee on Property and Development concurred in the recommendation of the Riel Community Committee and submitted the following to Council:

1. That the plan of subdivision under File DASZ 13/2013 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "B" for File DASZ 13/2013 dated June 2, 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 May 27, 2013 which is Schedule "C" of this report.

2. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the planned area as shown on Schedule "B" for File DASZ 13/2013 dated June 2, 2013 to an "RMF-S" Multi-Family Small 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, and/or accessory parking area and/or signage within the lands zoned "RMF-S" Residential Multi-Family, 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. That, no portion of any principal building shall be located less than 7.62 metres (25 feet) from the north property line on the lands zoned RMF-S.

Report - Standing Policy Committee on Property and Development – July 2, 2013

3. That in lieu of the requirement for land dedication, a sum of money, calculated as ten percent (10%) of the increase in market value of the land and the creation of additional lots be paid to the City for the purchase of land for purposes of the City other than streets.

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

5. 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.

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

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

8. That the zoning section of the by-law shall come into force and effect when the plan of subdivision 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.

9. 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.

10. 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.

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

Agenda - Executive Policy Committee – July 10, 2013

Report - Standing Policy Committee on Property and Development – July 2, 2013

DECISION MAKING HISTORY:

STANDING COMMITTEE RECOMMENDATION:

On July 2, 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 June 10, 2013, the Riel Community Committee did not concur in the recommendation of the recommendation of the Winnipeg Public Service and recommended the following to the Standing Policy Committee on Property and Development:

1. That the plan of subdivision proposed under File DASZ 13/2013 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule “B” for File DASZ 13/2013 dated June 2, 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 May 27, 2013 which is Schedule “C” of this report.

2. That The Winnipeg Zoning By-law No. 200/06 be amended by rezoning the planned area as shown on Schedule “B” for File DASZ 13/2013 dated June 2, 2013 to an “RMF-S” Multi-Family Small 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:

Report - Standing Policy Committee on Property and Development – July 2, 2013

DECISION MAKING HISTORY: (continued)

COMMUNITY COMMITTEE RECOMMENDATION: (continued)

i. That, for the development of any building, and/or accessory parking area and/or signage within the lands zoned "RMF-S" Residential Multi-Family, 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. That, no portion of any principal building shall be located less than 7.62 metres (25 feet) from the north property line on the lands zoned RMF-S.

3. That in lieu of the requirement for land dedication, a sum of money, calculated as ten percent (10%) of the increase in market value of the land and the creation of additional lots be paid to the City for the purchase of land for purposes of the City other than streets.

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

5. 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.

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

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

Report - Standing Policy Committee on Property and Development – July 2, 2013

DECISION MAKING HISTORY: (continued)

COMMUNITY COMMITTEE RECOMMENDATION: (continued)

8. 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.

9. 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.

10. 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.

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

RE: **Subdivision and Rezoning – 2967 and 3003 Waverley Street**
File DASZ 13/2013

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

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

Report date: **June 12, 2013**

COMMUNITY COMMITTEE RECOMMENDATION:

On June 10, 2013, the Riel Community Committee did not concur in the recommendation of the Winnipeg Public Service, and recommended the following to the Standing Policy Committee on Property and Development:

1. That the plan of subdivision proposed under File DASZ 13/2013 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "B" for File DASZ 13/2013 dated June 2, 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 May 27, 2013 which is Schedule "C" of this report.

2. That The Winnipeg Zoning By-law No. 200/06 be amended by rezoning the planned area as shown on Schedule "B" for File DASZ 13/2013 dated June 2, 2013 to an "RMF-S" Multi-Family Small 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, and/or accessory parking area and/or signage within the lands zoned "RMF-S" Residential Multi-Family, 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. That, no portion of any principal building shall be located less than 7.62 metres (25 feet) from the north property line on the lands zoned RMF-S.

3. That in lieu of the requirement for land dedication, a sum of money, calculated as ten percent (10%) of the increase in market value of the land and the creation of additional lots be paid to the City for the purchase of land for purposes of the City other than streets.

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

5. 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.

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

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

8. That the zoning section of the by-law shall come into force and effect when the plan of subdivision 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.

9. 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.

10. 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.

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

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

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

1. This seems to be the step child of the Waverly West subdivision, and for some reason we didn't arrange the proper servicing and access to this site, and we have to create some density in order to get the site developed.

2. We're in a place where we will get some affordable housing out of this, and hopefully the developers will go out of their way to ensure that it is aesthetically pleasing as people travel along the perimeter highway.

PUBLIC HEARING SUMMARY

File: DASZ 13/2013

Before: Riel Community Committee
Councillor Mayes, Chairperson
Councillor Swandel

Public Hearing: June 10, 2013
Council Building, 510 Main Street

Applicant: J. Wintrup Consulting Ltd. (John Wintrup)

Subject:



Premises Affected: 2967 and 3003 Waverley Street

Exhibits Filed:

1. Application dated March 26, 2013
2. Notification of Public Hearing dated May 2, 2013
3. Manitoba Status of Titles 2554092/1 and 2623886/1
4. Letter of authorization dated January 25, 2013 from Raymond Joseph Syrota and Karen Syrota to FairviewCustom Homes Ltd.
5. Letter of authorization dated January 28, 2013, from Paramjit Shami, Fairview Custom Homes Ltd., to John S. Wintrup
6. Letter of authorization dated February10, 2013, from Paramjit Shami, 6558098 Manitoba Ltd. to J. Wintrup Consulting Ltd.
7. Surveyor's Building Location Certificate and sketch dated August 22, 2012 and October 3, 2012
8. Site Plan
9. Plans (3 pages)
10. Report from the Planning and Land Use Division dated June 3, 2013
11. Communication dated May 10, 2013, from Ken Dzogan, Land Acquisition Officer, Manitoba Infrastructure and Transportation, Crown Lands and Property Agency in opposition to the application
12. Inspection Report
13. Audio Recording of representations of public hearing

REPRESENTATIONS:

In Support:

Sukhjit Bhandal
Al Degner
Brian Mansky
Ross Mitchell
Paramjit Shahi
John Wintrup

In Opposition

Nil

For Information:

Nil

For the City:

Mr. R. Kostiuk, Planner, Planning, Property and Development Department

Exhibit “10” referred to in File DASZ 13/2013

ADMINISTRATIVE REPORT

Title: DASZ 13/2013 – 2967 & 3003 Waverley Street Public Hearing

Issue: An application for consideration at the public hearing to subdivide the site into one lot and rezone the site from A to RMF-L.

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

That the subject application for rezoning and subdivision be rejected.

REASON FOR THE REPORT

- The applicant is proposing to subdivide the site from two lots into one lot and rezone the property from “A” Agricultural to “RMF-L” Residential Multi-Family Large to accommodate a 604 multi-family development.
- 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 application will be rejected.

HISTORY

- N/A

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:	June 3, 2013
File No.	DASZ 13/2013

List of Schedules and Attachments

1. Appendix A — Planning Discussion
2. Schedule “A” — Advertised Subdivision and Rezoning for DASZ 13/2013
3. Schedule “B” — File No. DASZ 13/2013 Riel Community Committee, dated June 2, 2013
4. Schedule “C” — Report of the Administrative Coordinating Group

APPENDIX 'A'

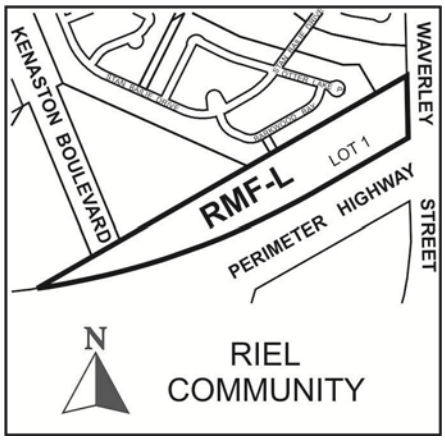
DATE: June 3, 2013

FILE: DASZ 13/2013
RELATED FILES: n/a

COMMUNITY: Riel
NEIGHBOURHOOD #: 5.682

SUBJECT: An application to consolidate the site into one lot from two lots and rezone the site to RMF-L.

LOCATION: 2967 & 3003 Waverley Street
LEGAL DESCRIPTION: LOT 1 PLAN 22385 & OTM Lot 95 Parish of St. Norbert PLAN 3751



APPLICANT: John Wintrup (J. Wintrup Consulting Ltd.)
301-139 Roslyn Rd
Winnipeg, MB R3L 0G7

OWNERS: Raymond & Karen Syrota
PO Box 155
Winnipeg, MB R3V 1L6

6558098 Manitoba Ltd.
186 Henderson Hwy
Winnipeg, MB R2L 1L6

RECOMMENDATION: Approval with conditions

REPORT SUMMARY

- The applicant originally proposed to subdivide the site into one lot from two lots and rezone the property from “A” Agricultural to “RMF-L” Residential Multi-Family Large.
- The Urban Planning Division recommends rejecting subject application.

SITE DESCRIPTION

- The subject site is located on the northwest corner of Waverley Street and Perimeter Highway 100 in the South Pointe neighbourhood of the St. Norbert Ward.
- The property is approximately **20.7 acres or 901,692 square feet in area** and contains a mobile home on Lot 1 Plan 22385.
- The site is located within the Residential policy area of the Waverley West Southeast Neighbourhood Area Structure Plan (By-law 140/2007) and the Recent Communities policy area under the Complete Communities Direction Strategy. The site is zoned “A” Agricultural.

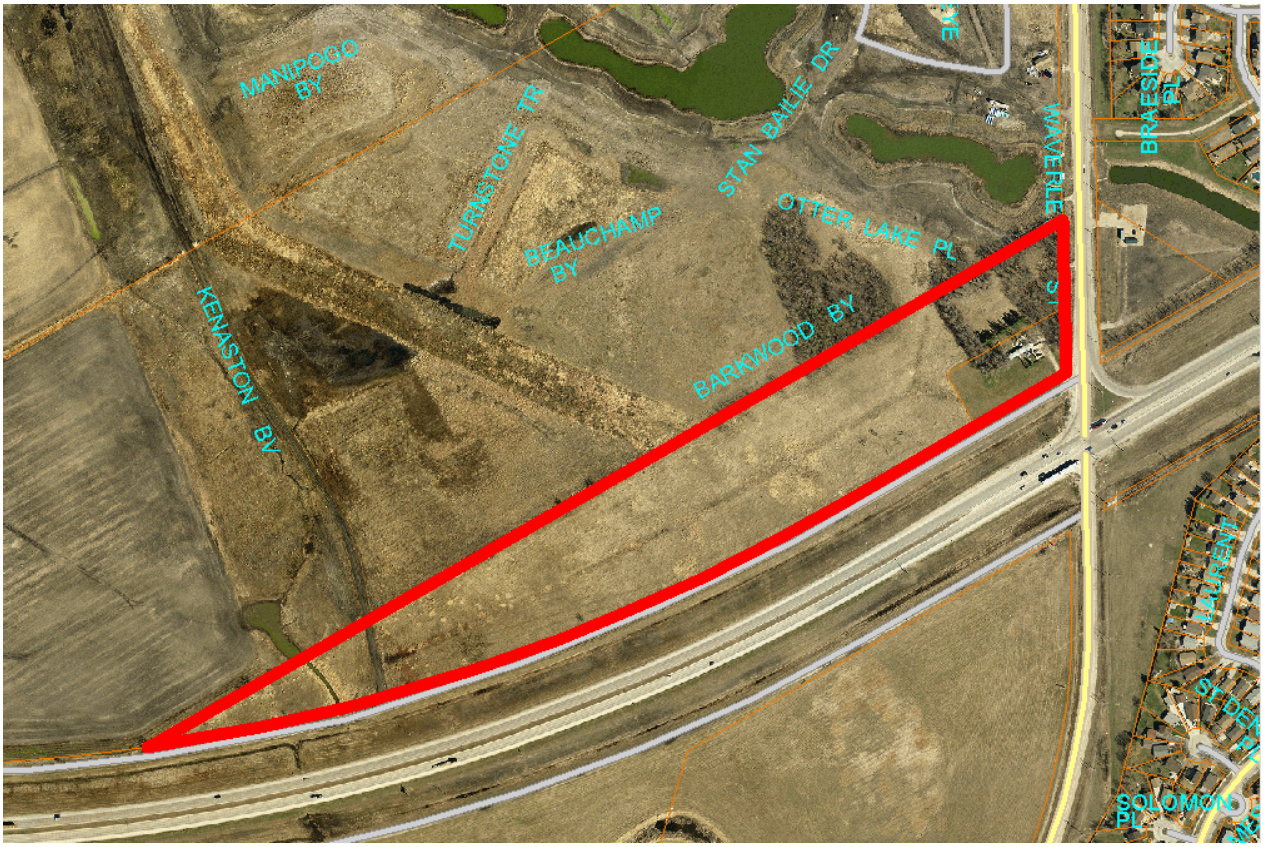


Figure 1: Aerial photograph showing the location of the subject site and surrounding area (2012)

SURROUNDING LAND USES AND ZONING (See Figure 2)

North: Vacant lots zoned R1-M under DASZ 22/2007; PR1 zoned park land; and land required for the Kenaston extension.

South: The Perimeter Highway (PTH 100) and the Brady Road Landfill.

East: Waverley Street and land zoned RR5.

West: PTH 100 and land required for the Kenaston extension.

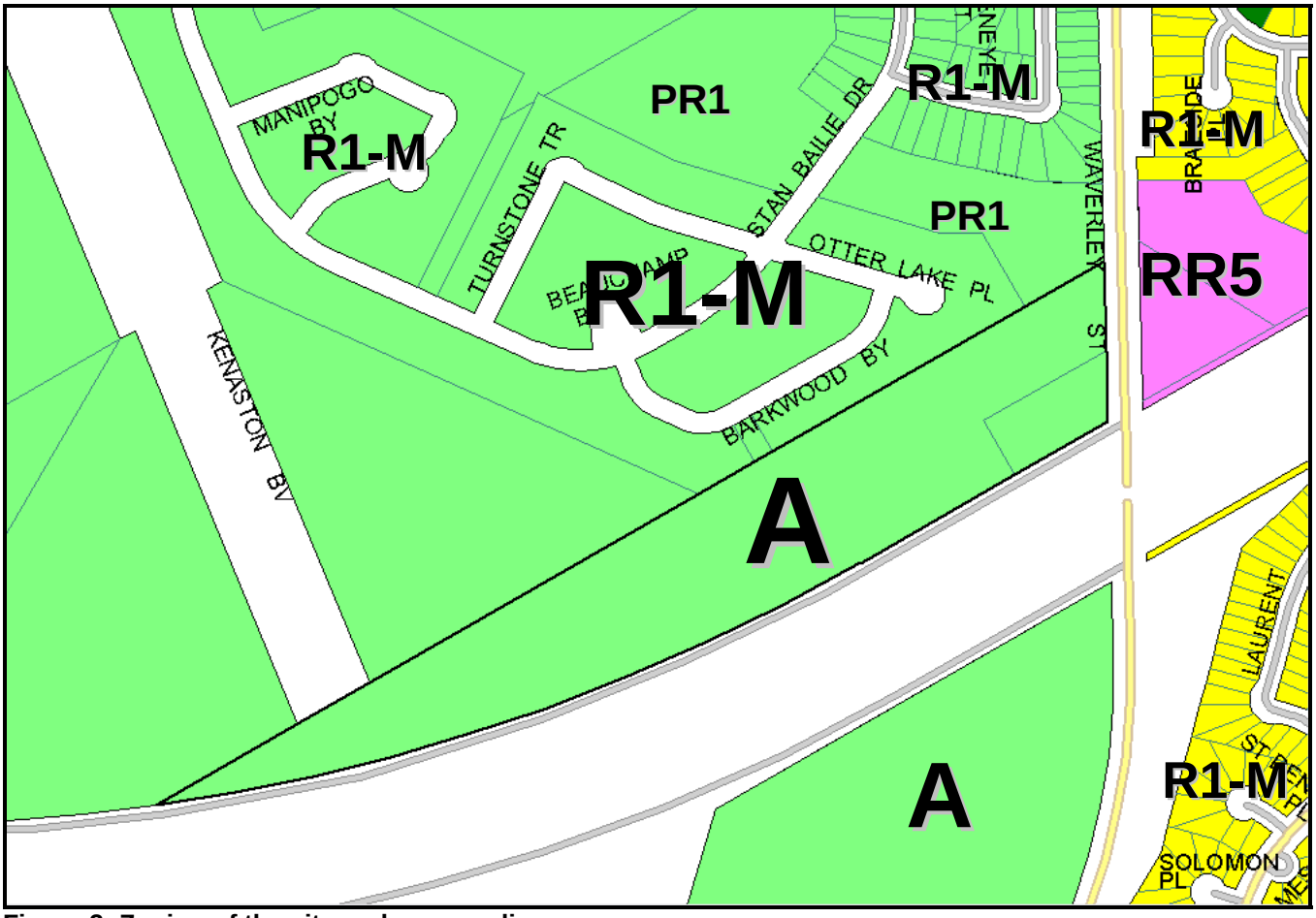


Figure 2: Zoning of the site and surrounding area.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant is proposing to subdivide the site into one lot from two lots and rezone the property from “A” Agricultural to “RMF-L” Residential Multi-Family Large.
- The applicant would like to rezone the property in order to develop 607 dwelling units on the site. These units would be contained in a mix of 6 storey buildings and townhomes.

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 SOUTHEAST NEIGHBOURHOOD AREA STRUCTURE PLAN (BY-LAW 140/2007)

- The subject site is located in the Residential Policy Area under the Waverley West Southeast Neighbourhood Area Structure Plan (By-law 140/2007). Policies guiding development in the Residential Policy Area are included in section 5.1.1 of the Waverley West Southeast Neighbourhood Area Structure Plan:

  5.1.1 Composition

  (1) Single-family and two family Residential shall be the predominant land use.

  (2) Multiple-Family Residential, Community Scale Commercial, Local Commercial, Non-Retail Commercial, Institutional, Recreational and other compatible uses shall be permitted in the vicinity of Neighbourhood Nodes (see also section 5.3).

  (3) Multiple-Family Residential (including Higher Density Multiple-Family Residential), Local Commercial, Non-Retail Commercial, Institutional, Recreational and other compatible uses shall be permitted adjacent to Waverley Street.

  (4) The general categories of uses identified under section 5.1.1 shall be refined through the Development Application process.

- Section 6.2 of the Waverley West Southeast Neighbourhood Area Structure Plan identifies the plan for Waverley Street:

  6.2 Waverley Street

  Intent

  The intersection at Waverley Street and the Perimeter Highway will be closed by the Province of Manitoba once Kenaston Boulevard is extended to the Perimeter Highway. Waverley Street will

be realigned and will bend south and westward through Waverley West to intersect Kenaston Boulevard and will eventually be extended to Brady Road. The realignment and extension of Waverley Street will depend on timing of development.

Portions of the existing Waverley Street right-of-way will be incorporated into the collector street network for the Southeast Neighbourhood. The remaining portions of the right-of-way will become a recreation and utility corridor that will continue to contain an existing water feedermain and a Manitoba Hydro transmission line.

Policies

6.2.1 Concept and Timing

(1) As development progresses, Waverley Street shall be realigned and extended westward toward Kenaston Boulevard.

6.2.2 Existing Right-of-way

(1) Portions of the existing right-of-way for Waverley Street shall be incorporated into the internal collector street network for the Southeast Network as shown on Map 3.

(2) The balance of the existing right-of-way in Waverly Street may become a recreation and utility corridor (see also subsection 5.7.5).

(3) The City of Winnipeg shall be responsible for construction of a recreation corridor within the existing Waverley Street right-of-way (see also subsection 5.7.5 (2)).

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.

"RMF-L" Residential Multi-Family Large

- The RMF-L 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-L 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 150 feet. The minimum lot area is 20,000 square feet and the minimum lot area per dwelling unit is 400 square feet.

LAND USE BY-LAW

Rezoning

- The A zoning district is intended for general agricultural activities and requires a minimum lot size of 40 acres. The applicant is proposing rezone the land from A to RMF-L in order to develop 607 multi-family dwelling units on the site.

PROPOSED DEVELOPMENT IN RELATION TO THE KENASTON EXTENSION

- The original proposal submitted by the applicant showed four, 6-storey buildings with a total of 384 multi-family dwellings at the western portion of the site. The eastern portion of the site was made-up of 177 townhomes and 46 attached bungalow units.
- The western part of the site is needed by both the City of Winnipeg and the Province of Manitoba to complete the extension of Kenaston Boulevard. The portion that the City requires is significantly less and only encompasses the width of the roadway that is already open to the north. The Province requires substantially more land for the development of an interchange.
- The Province of Manitoba Infrastructure and Transportation (MIT) Department reviewed the proposed development and provided a letter of objection to the application. Beyond objecting to the fact that the applicant was proposing to develop 384 multi-family dwellings in the land needed for the extension and the interchange, MIT raised potential concerns about drainage even if the plans were to be revised. Further, MIT advised that a permit will be required from the Highway Traffic Board for the change in land use and for any construction or placement of structures/objects within the control area along PTH 100 and within the 1,000 foot (304.8 m) radius control circle centred at the junction of PTH 100 and Waverley Street.
- After receiving notification about the concerns raised, the applicant and developer met with the Public Service to discuss different development options for the site. The developer and applicant stated that they were not interested in developing the western portion of the site with the 6-storey buildings and produced a modified concept with a total of 229 units that are comprised of townhomes and attached bungalows (see Figure 3 below). This modified concept did not include any development on the western portion of the site required by the Province and the City.
- In subsequent discussions with the Public Service, the developer communicated that they were comfortable with a development proposal that: included the lands required for the Kenaston extension (to be acquired by the City – in a manner that is consistent with the Development Agreement Parameters); rezoning the townhome/attached bungalow portion to RMF-S; and, leaving the remaining land required for the interchange as zoned “A” Agricultural on a separate lot that is effectively a remnant. The remnant lot that would remain zoned “A” Agricultural does not conform to the Zoning By-law as it is less than 40 acres in area. A variance would be required for lot area for this lot to be considered buildable. However, this lot would ultimately become the land required by the Province for the Kenaston/PTH 100 interchange.

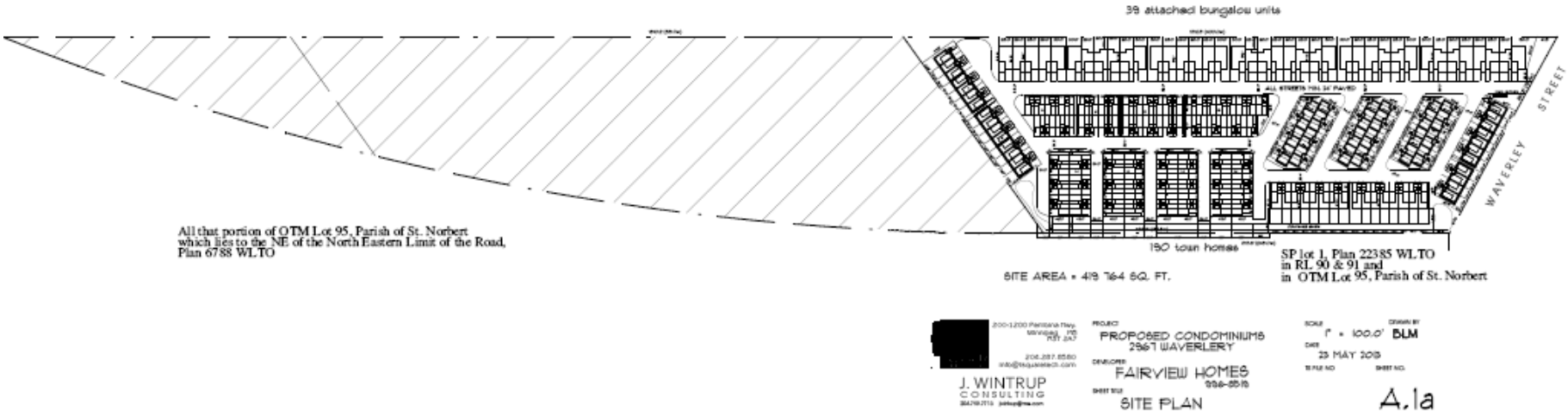


Figure 3: Modified concept for the site as provided by the developer and applicant.

COMPATIBILITY WITH THE SURROUNDING NEIGHBOURHOOD

- Even though the applicant has significantly modified the proposed development to: incorporate the lands required by the City for the Kenaston extension; drastically reduce the proposed density on the site; and, accommodate the Province's needs by not rezoning the lands required by the MIT, there are still a number of significant planning issues with the development.
- As modified, the proposed development introduces quite a significant multi-family development to southeast edge of South Pointe.
- Although the subject site is located along Waverley Street today, the long-term intent for Waverley Street is to develop a dead end at the Waverley/PTH 100 intersection once the Kenaston Boulevard is extended to PTH 100. The Neighbourhood Area Structure Plan further describes the long-term possibility of closing Waverley Street from Point West Way to PTH 100 and potentially developing that portion of Waverley as a recreation corridor.
- The applicant is proposing to access the site from Waverley Street, even though Waverley Street will close. Once Waverley Street closes, the site will essentially be accessed by a dead-end road that is about 350 metres long. The Public Service typically accepts cul-de-sacs with a maximum length of 105 metres.
- Leaving Waverley Street as the access for the subject development risks compromising the long-term potential of closing Waverley Street from Point West Way to PTH 100 and developing that section as a greenway as described in the Neighbourhood Area Structure Plan.
- The subject site will not likely be serviced by Winnipeg Transit because the site will not be connected to any other collector or higher standard roadway in a logical manner.
- Multi-family developments as proposed are more often supported by the Public Service along streets that are supported by Transit service or nearer to commercial centres. In fact, the Complete Communities Direction Strategy encourages intensification near centres and along corridors.
- The proposal for attached bungalows and townhomes may be seen as compatible in terms of form with the neighbouring single-family homes that will be developed to the north, but are still much more densely developed.
- It is recognized that the developer's land is unique in that it can not be accessed from Kenaston, PTH 100, and land was not set aside for vehicular access from what will be developed as Barkwood Bay under DASZ 22/2007. Without purchasing land from the owner(s) of lots along Barkwood Bay, Waverley Street is the only access point.
- Even when recognizing the access issues related to the site, the proposed development is quite disconnected from the rest of the South Pointe Community or virtually any community. As such, it is the opinion of the Public Service that the proposed modified plan still does not represent planned and orderly development.

RECOMMENDATION

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

- The applicant is proposing to access the site from Waverley Street, even though Waverley Street will close. Once Waverley Street closes, the site will essentially be accessed by a dead-end road that is about 350 metres long. The Public Service typically accepts cul-de-sacs with a maximum length of 105 metres.

- The subject site will not likely be serviced by Winnipeg Transit because the site will not be connected to any other collector or higher standard roadway in a logical manner.
- Multi-family developments as proposed are more often supported by the Public Service along streets that are supported by Transit service or nearer to commercial centres.
- The proposed development is quite disconnected from the rest of the South Pointe Community or virtually any community and does not represent planned and orderly development.

However, should the Committee choose to not concur in the recommendation of the Public Service, the Public Service recommends the following:

1. That the plan of subdivision proposed under File DASZ 13/2013 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "B" for File DASZ 13/2013 dated June 2, 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 May 27, 2013 which is Schedule "C" of this report.

2. That The Winnipeg Zoning By-law No. 200/06 be amended by rezoning the planned area as shown on Schedule "B" for File DASZ 13/2013 dated June 2, 2013 to an "RMF-S" Multi-Family Small 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, and/or accessory parking area and/or signage within the lands zoned "RMF-S" Residential Multi-Family, 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) That, no portion of any principal building shall be located less than 7.62 metres (25 feet) from the north property line on the lands zoned RMF-S.

3. That in lieu of the requirement for land dedication, a sum of money, calculated as ten percent (10%) of the increase in market value of the land and the creation of additional lots be paid to the City for the purchase of land for purposes of the City other than streets.

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

5. 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.

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

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

8. That the zoning section of the by-law shall come into force and effect when the plan of subdivision 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.

9. 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.

10. 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.

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

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

Report Prepared By: Robert Kostiuk, MCIP
PPD File # DASZ 13/2013

Schedule "A" Advertised Subdivision and Rezoning for DASZ 13/2013

By-Law No. _____

File No. **DASZ 13/13**

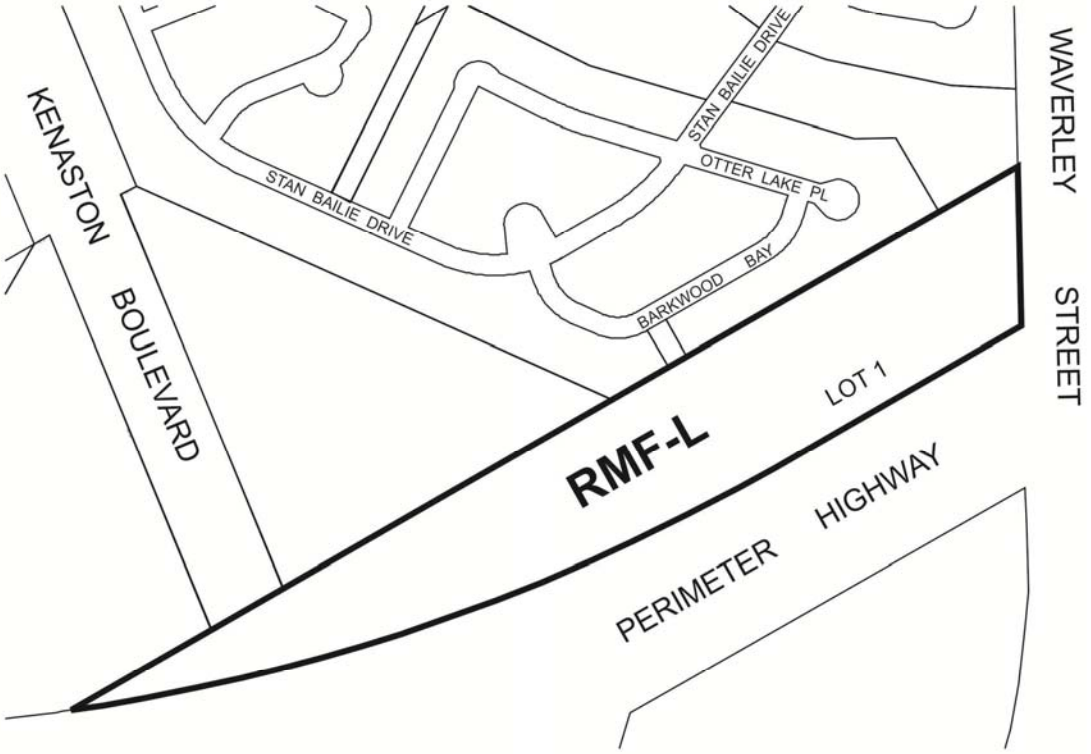
Atlas Sheet No.

N

AO22
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 at 2967 & 3003 Waverley Street from an "A" AGRICULTURAL DISTRICT to an "RMF-L" RESIDENTIAL MULTI-FAMILY (Large) DISTRICT to facilitate the construction of multiple family dwellings as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

Schedule “B” for File No. DASZ 13/2013, Riel Community Committee, dated June 2, 2013

By-Law No. _____

File No. **DASZ 13/13**

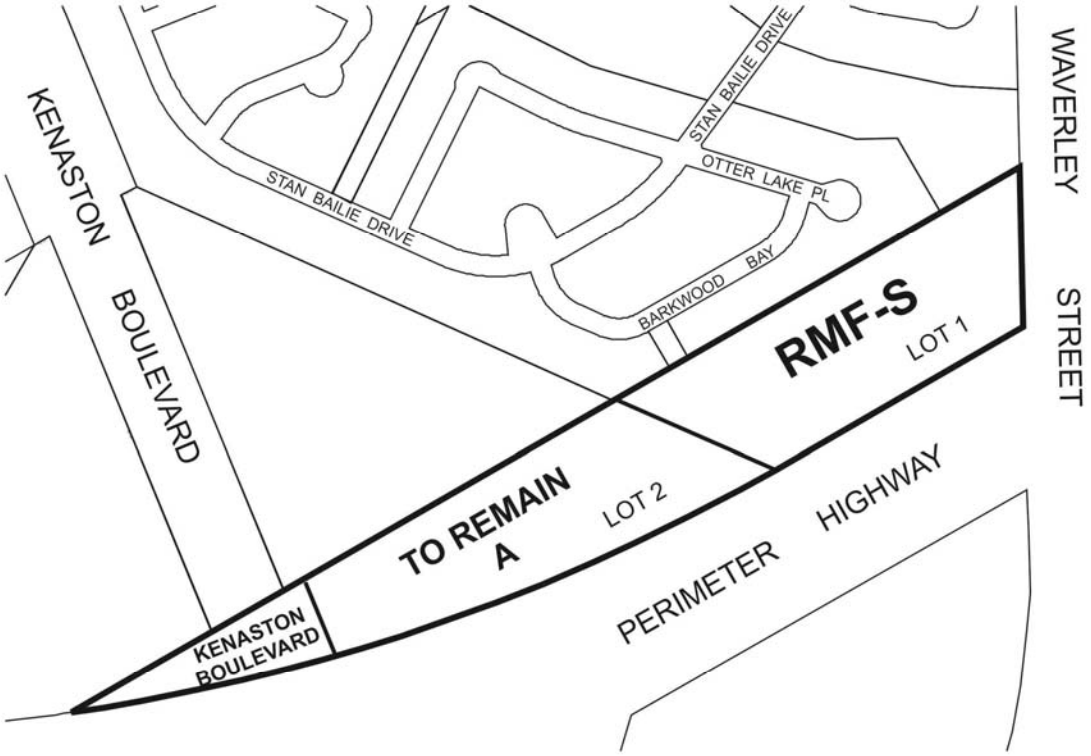
Atlas Sheet No.

N

AO22
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 at 2967 & 3003 Waverley Street from an "A" AGRICULTURAL DISTRICT to an "RMF-S" RESIDENTIAL MULTI-FAMILY (Small) DISTRICT to facilitate the construction of multiple family dwellings as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

SCHEDULE C

REPORT OF THE ADMINISTRATIVE CO-ORDINATING GROUP – May 27, 2013

RE: PROPOSED SUBDIVISION OF LAND LOCATED AT 2967/3003 WAVERLEY STREET – FILE DASZ 13/2013

It is recommended that the approval of DASZ 13/2013, if granted, be subject to the applicant entering into a Servicing Agreement addressing the following items:

A. Plan Considerations

1. The developer shall provide and legally open the right-of-way required for the southerly extension of Kenaston Blvd to the south Perimeter Highway, shown as "Proposed Acquisition" on Miscellaneous Plan No. 14439/1 hereto attached.

B. Engineering Reports and Servicing Criteria

1. The developer shall provide, for approval, a comprehensive servicing report for the planned area prepared by a qualified municipal engineer which will include fire flow analysis, expected wastewater flows, and land drainage requirements, all to the satisfaction of the Director of Water and Waste.

C. Agreement Conditions

1. The developer shall, at no expense to the City construct any upgrades or extensions to the City's sewer and water infrastructure recommended in the approved servicing report all as determined by, and to the satisfaction of, the Director of Water and Waste.

2. In the event that the servicing report recommends private non-conforming service connections to the site, then the developer shall pay the current local improvement rates for their Waverley Street frontage for each of the services.

   Based on 2013 rates that share is calculated as follows:

Watermains	449.8 feet x $93.00/foot	= $41,831.40
Wastewater Sewers	449.8 feet x $116.00/foot	= $52,176.80
	Sub-total	$94,008.20
	GST (5%)	$4,700.41
	Total	**$98,708.61**

3. The developer shall pay for their share of the regional land drainage system. (2013 rate = $17,968.50/acre).

4. The City shall pay the developer for the proposed acquisition of right of way land for the southerly extension of Kenaston Boulevard in accordance with the Land Value section of the Development Agreement Parameters. (2013 Rate = $45,000/acre).

5. 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.

6. The developer shall 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.

7. 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.

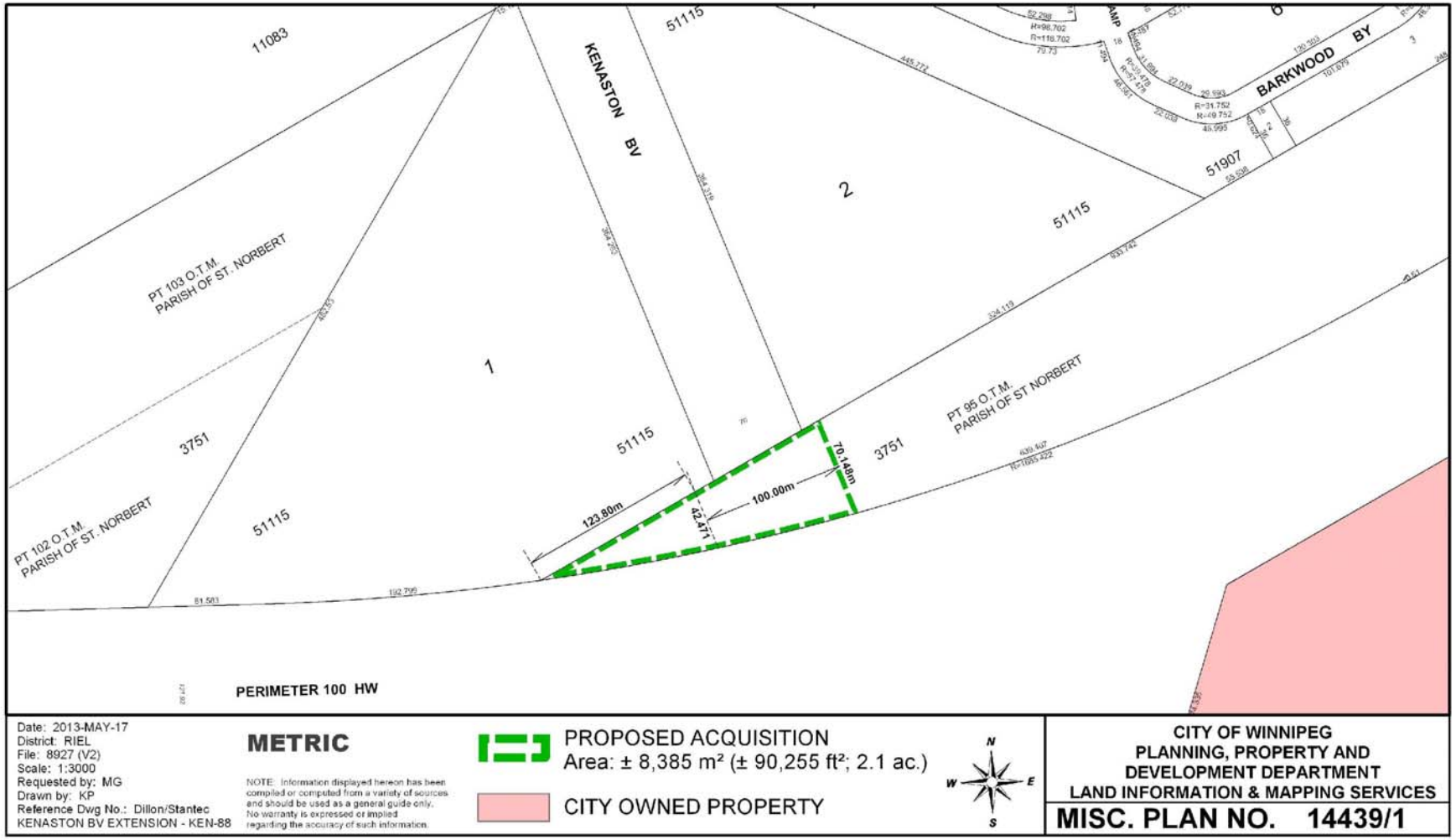
8. The developer shall ensure that construction traffic uses access routes as determined by the Director of Public Works. The Developer shall maintain, at no expense to the City, the access routes in a clean, dust free and safe condition, free of dropped and tracked-on mud, and shall undertake regular 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.

9. 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.

10. 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.

11. 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.

Miscellaneous Plan No. 14439/1



THIS REPORT SUBMITTED BY:

Administrative Co-ordinating Group
File No. DASZ 13/2013
May 27, 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