Minutes – Executive Policy Committee – April 9, 2014

REPORTS

Minute No. 260 **Subdivision and Rezoning – Concordia Avenue East, west of Grantsmuir Drive and Concordia Intersection (Harbourview South) (Transcona Ward)**
File DASZ 55/2013

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

The Executive Policy Committee concurred in the recommendation of the East Kildonan-Transcona Community Committee and recommended to Council:

1. That the plan of subdivision proposed under File DASZ 55/2013 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 55/2013 dated March 4, 2014 with such minor changes as may be required, and registration in the Winnipeg Land Titles Office, subject to the following:

    A. That the Developer be required to enter into a Development Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated February 28, 2013.

2. That the Winnipeg Zoning By-law No. 200/06 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 55/2013 dated March 4, 2014, to an "R1-M" Residential Single Family district.

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 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-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 when the plan of subdivision is registered in the Winnipeg Land Titles Office.

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

9. That 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.

DECISION MAKING HISTORY:

Moved by Councillor Wyatt,

That the recommendation of the East Kildonan-Transcona Community Committee be concurred in and forwarded to Council.

Carried

COMMUNITY COMMITTEE RECOMMENDATION:

On March 18, 2014, the East Kildonan-Transcona Community Committee concurred in the recommendation of the Winnipeg Public Service and, via the Priority Rezoning Process, submitted its recommendation to the Executive Policy Committee.

RE: **Subdivision and Rezoning – Concordia Avenue East, west of Grantsmuir Drive and Concordia Intersection (Harbourview South) File DASZ 55/2013**

For submission to: **Executive Policy Committee**

Prepared by: **Josie Marques, Senior Committee Clerk**
East Kildonan-Transcona Community Committee

Report date: **March 19, 2014**

COMMUNITY COMMITTEE RECOMMENDATION:

On March 18, 2014, the East Kildonan-Transcona Community Committee concurred in the recommendation of the Winnipeg Public Service and, via the Priority Rezoning Process, recommended to the Executive Policy Committee:

1. That the plan of subdivision proposed under File DASZ 55/2013 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 55/2013 dated March 4, 2014 with such minor changes as may be required, and registration in the Winnipeg Land Titles Office, subject to the following:

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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 when the plan of subdivision is registered in the Winnipeg Land Titles Office.

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

9. That 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.

The East Kildonan-Transcona Community Committee provided the following supporting reason(s) for its recommendation:

1. The site was for the purpose of building a school which is not being proceeded with.

2. This development will facilitate the completion of the park on north side, expand the trail system in the area, and will deal with the drainage issues.

PUBLIC HEARING SUMMARY

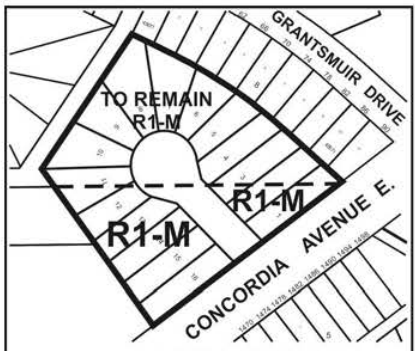
File: DASZ 55/2013

Before: East Kildonan-Transcona Community Committee
Councillor Steen, Chairperson
Councillor Browaty
Councillor Wyatt

Public Hearing: March 18, 2014
Council Building, 510 Main Street

Applicant: Qualico Communities (Jeff Pratte)

Subject:



APPLICANT : QUALICO COMMUNITIES
FILE : DASZ 55/13
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 "R1-M" RESIDENTIAL SINGLE-FAMILY (MEDIUM) DISTRICT and "PR1" PARKS AND RECREATION 1 DISTRICT to an "R1-M" RESIDENTIAL SINGLE-FAMILY (MEDIUM) DISTRICT to allow for the establishment of sixteen (16) new residential building lots within an existing neighbourhood known as Harbourview South including the establishment of a public right-of-way for future development. **For information, phone Mr. M. Pyl, Planner, at 204-986-5595.**

Premises Affected:	Concordia Avenue East, west of Grantsmuir Drive and Concordia Intersection (Harbourview South)

Exhibits Filed:

1. Application dated December 20, 2013
2. Notification of Public Hearing dated January 20, 2014
3. Manitoba Status of Titles 2196333/1, 2538072/1 and 2538073/1
4. Letter of authorization dated December 13, 2013 from Waterside Development Corp. to Qualico Communities
5. Caveat 3746447
6. Plans (3 pages)
7. Report from the Urban Planning Division dated March 4, 2014
8. Inspection Report
9. Audio Recording of representations

REPRESENTATIONS:

In Support:

Jeff Pratte, Qualico Communities
Ray Klassen
Susan Russell

In Opposition

Nil

For Information:

Nil

For the City:

Mr. G. Jasper, Land Development Engineer, Planning, Property and Development Department
Mr. M. Pyl, Planner, Planning, Property and Development Department

Exhibit "7" referred to in File DASZ 55/2013

ADMINISTRATIVE REPORT

Title: DASZ 55/13 – Concordia Av E, west of Grantsmuir Dr

Issue: For consideration at the public hearing to subdivide and rezone the subject property to create 16 residential building lots

Critical Path: East Kildonan-Transcona Community Committee → Standing Policy Committee on Property and Development → Executive Policy Committee → Council

AUTHORIZATION

Author	Department Head	CFO	CAO
B. Smith	n/a	n/a	

RECOMMENDATIONS

1. That the plan of subdivision proposed under File DASZ 55/2013 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 55/2013 dated March 4, 2014 with such minor changes as may be required, and registration in the Winnipeg Land Titles Office, subject to the following:

   A. That the Developer be required to enter into a Development Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated February 28, 2013.

2. That the Winnipeg Zoning By-law No. 200/06 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 55/2013 dated March 4, 2014, to an "R1-M" Residential Single Family district.

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 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-year period and Council approves the extension.

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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 subject property is designated as a Proposed School Site in the Transcona West Area Structure Plan. However, the River East-Transcona School Division's option expired on the land on June 29, 2010.
- The Area Structure Plan's policies allow for the establishment of other uses if school sites are not developed for school purposes.
- The applicant intends to rezone the entirety of the subject property to "R1-M" to create a 16-lot subdivision in a cul-de-sac formation.
- An identical application (DASZ 7/13) was made a year ago but was withdrawn prior to the closing of the public hearing. The applicant is now ready to proceed with this matter.

IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendations of the Urban Planning Division are concurred in, the subject property will be subdivided and rezoned.

CONSULTATION

In preparing this report there was consultation with:

N/A

SUBMITTED BY

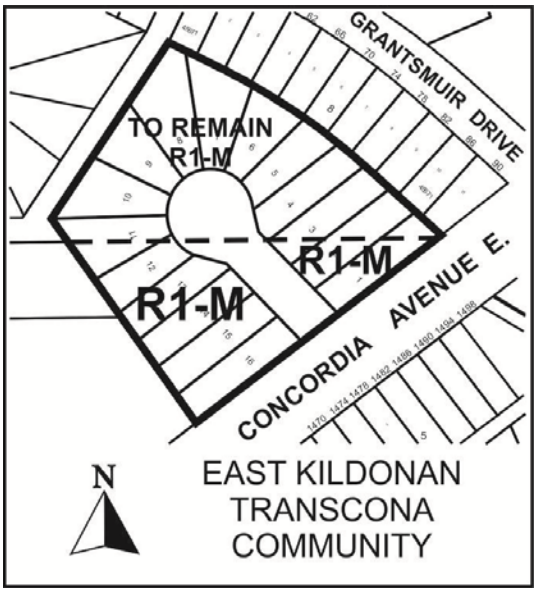
Department	Planning, Property and Development
Division	Urban Planning Division
Prepared by	Michael Pyl

Date: March 4, 2014
File No. DASZ 55/13
APPENDIX 'A'

DATE: March 4, 2014
FILE: DASZ 55/13
RELATED FILES: DASZ 50/04, DASZ 30/05, DASZ 7/13
COMMUNITY: East Kildonan-Transcona
NEIGHBOURHOOD #: 4.424

SUBJECT: To rezone a portion of the subject property from "PR1" Parks and Recreation – Passive Neighbourhood/Community district to "R1-M" Residential Single Family district and to subdivide the entire subject property to create 16 residential building lots.

LOCATION: Unaddressed parcels – Concordia Av E, west of Grantsmuir Dr



APPLICANT: Jeff Pratte
Qualico Communities
1 Dr. David Friesen Dr
Winnipeg MB R3X 0G8

OWNER: Qualico Developments (Winnipeg) Ltd.
30 Speers Rd
Winnipeg MB R2J 1L9

Waterside Development Corp
80 Southmoor Rd
Winnipeg MB R2J 2P4

RECOMMENDATION: Approval

REPORT SUMMARY

- The subject property is designated as a Proposed School Site in the Transcona West Area Structure Plan. However, the River East-Transcona School Division's option expired on the land on June 29, 2010.
- The Area Structure Plan's policies allow for the establishment of other uses if school sites are not developed for school purposes.
- The applicant intends to rezone the entirety of the subject property to "R1-M" to create a 16-lot subdivision in a cul-de-sac formation.
- An identical application (DASZ 7/13) was made a year ago but was withdrawn prior to the closing of the public hearing. The applicant is now ready to proceed with this matter.

SITE DESCRIPTION

- The subject property is located on the north side of Concordia Av E just west of Grantsmuir Dr in the Grassie neighbourhood of the Transcona ward.
- The site is split-zoned; the north half of the subject property is zoned "R1-M" Residential Single Family district and the south half is zoned "PR1" Parks and Recreation – Passive Neighbourhood/Community district. It is approximately 3 acres in area, with approximately 400 ft. of frontage along Concordia, and is currently vacant.
- Adjacent properties include single family dwellings to the east and south zoned "R1-M", a pathway to the north zoned "PR1" Parks and Recreation: Passive Neighbourhood/Community district and, beyond that, single family dwellings zoned "R1-M", and park land to the west zoned "PR1".

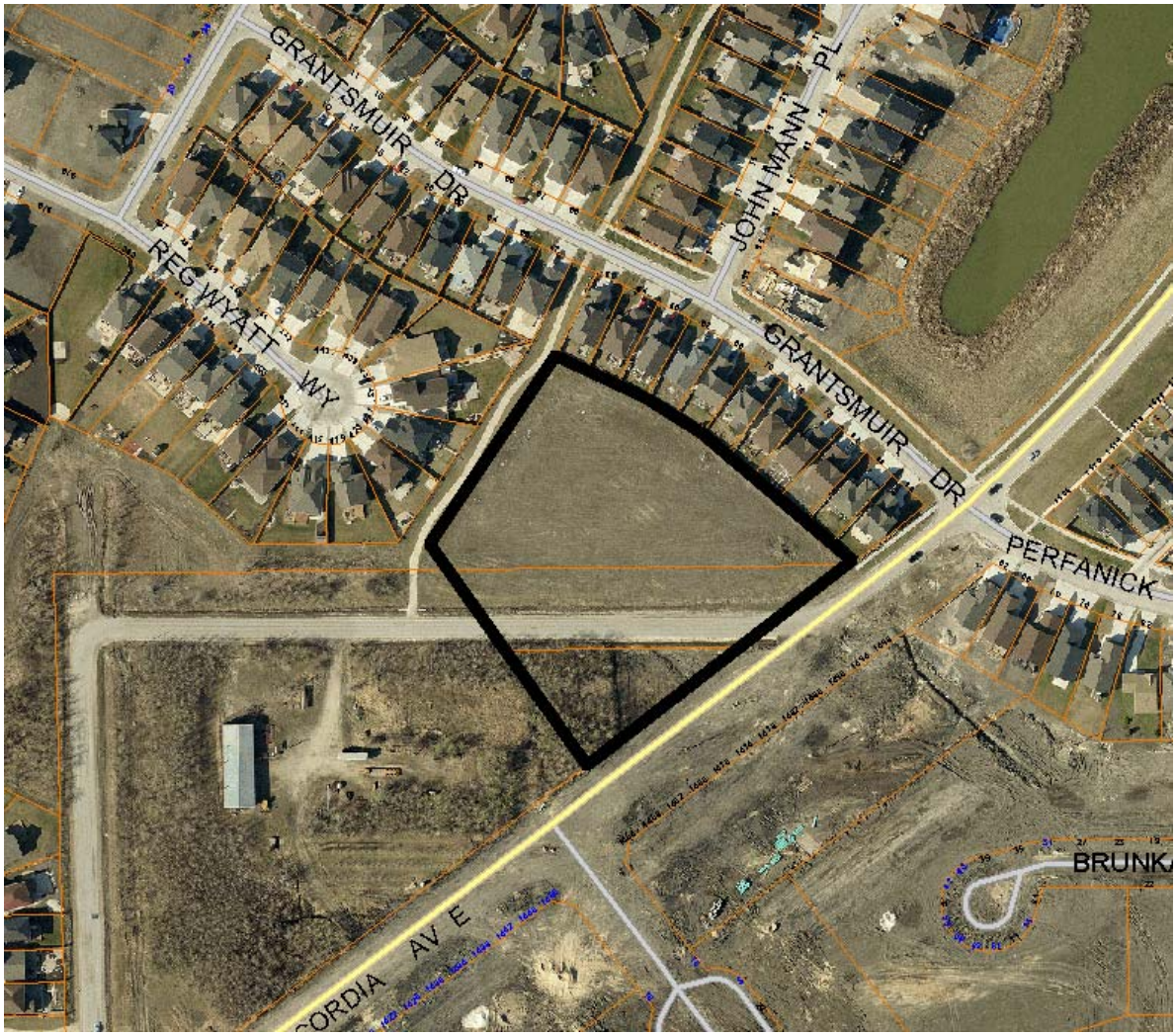


Figure 1: Site map of subject property and surrounding neighbourhood

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant intends to rezone the entirety of the subject property to “R1-M” to create a 16-lot subdivision in a cul-de-sac formation.
- The proposed lots range in width from 44 ft. to 56 ft. and in area from 5,438 sq. ft. to 9,168 sq. ft.
- An identical application (DASZ 7/13) was made a year ago but was withdrawn prior to the closing of the public hearing. The applicant is now ready to proceed with this matter.

BACKGROUND

DASZ 50/04

- On June 29, 2005, Council approved a rezoning and subdivision application located primarily to the north of Concordia Av E.
- The boundary of this application split the subject property in half. It identified it as a future school site but rezoned the north half to “R1-M” Residential Single Family district.

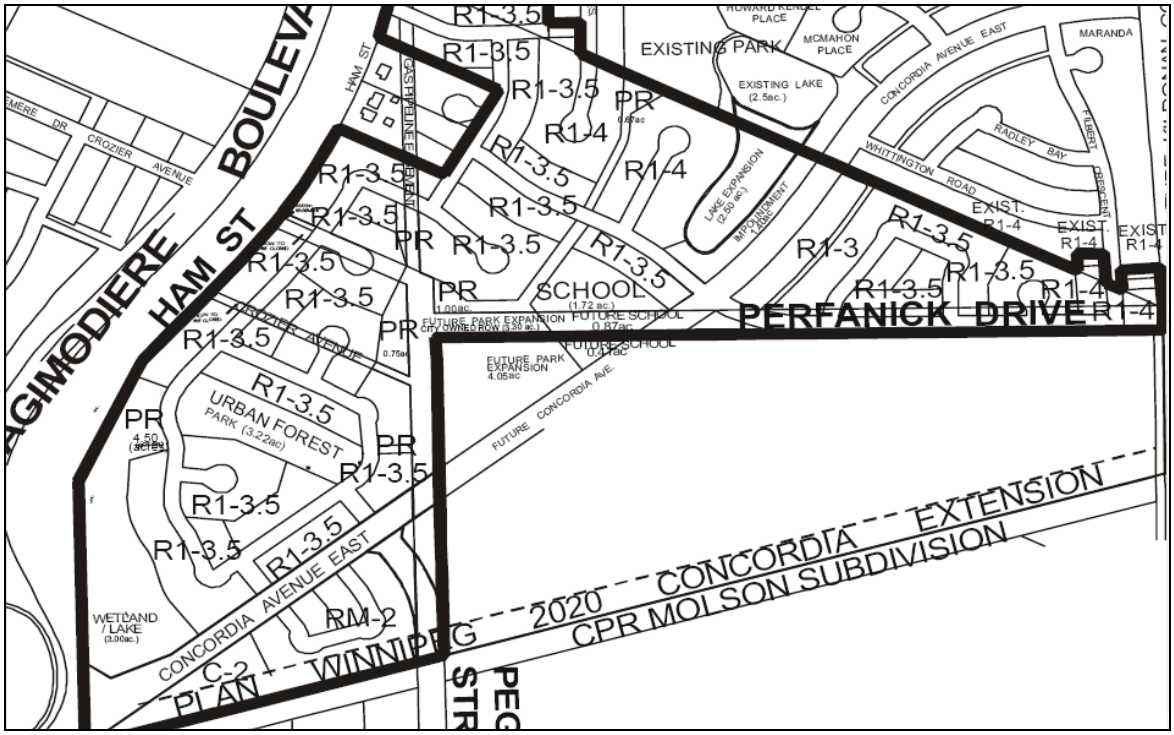


Figure 2: Map associated with DASZ 50/04

DASZ 30/05

- On September 27, 2006, Council approved a rezoning and subdivision application located primarily to the south of Concordia Av E.
- The boundary of this application aligned with the DASZ 50/04 boundary, which split the subject property in half. The portion of the subject property was created as a 0.4 acre lot zoned “PR1”.

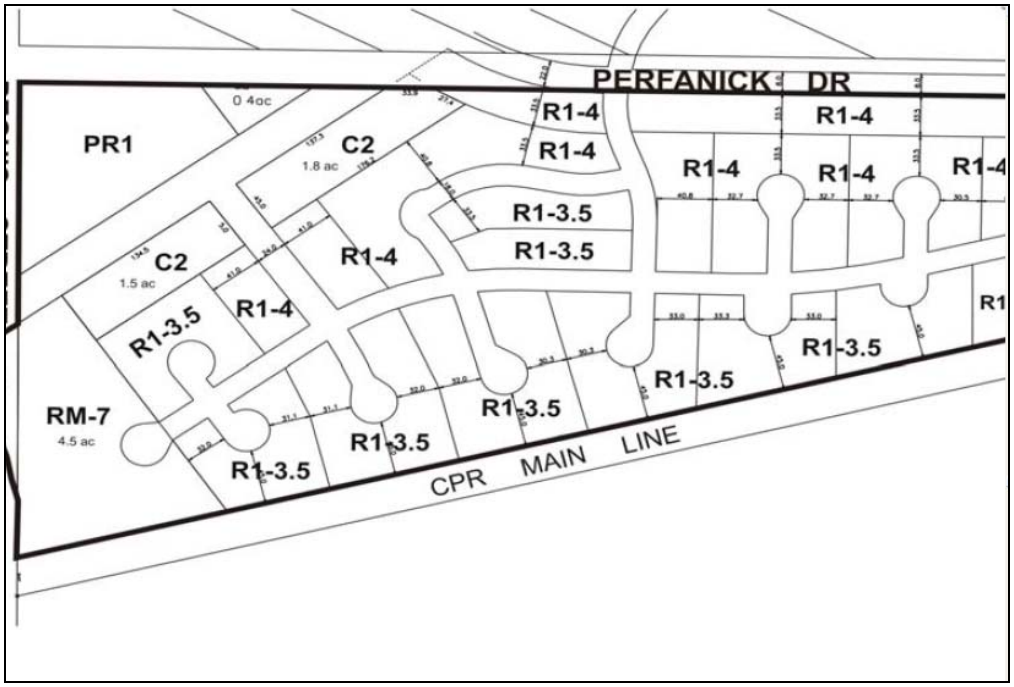


Figure 3: Map associated with DASZ 30/05

DASZ 7/13

- On June 18, 2013, the East Kildonan-Transcona Community Committee adjourned for one month an application identical to the current proposed development.
- On July 16, 2013, the applicant withdrew the application.

ANALYSIS AND ISSUES

OurWinnipeg and Complete Communities Direction Strategy

- The Complete Communities Direction Strategy is one of four direction strategies supporting OurWinnipeg, the city's new long-range development plan, and is intended to gain statutory authority as a secondary plan. The strategy is intended to serve as a "playbook" to guide land use and development in Winnipeg. It received third reading at City Council on July 20, 2011, and became effective on August 17, 2011.
- According to the Complete Communities Urban Structure Map, the Transcona West area is designated as a "Recent Community". This section of the plan accounts for neighbourhoods that are still under development, named Emerging Communities. It is noted that these areas should reflect the principles of Complete Communities, such as a focus on compact development, a mix of uses, a diversity of housing types, the promotion of public transit, the encouragement of active transportation and community connectivity. Supporting Direction and Enabling Strategies include:
    - Within Recent Communities, intense and diverse development will be encouraged in centres and corridors.
        - Improve the sustainability of recent residential neighbourhoods by promoting better walking, cycling, and transit access to retail, employment, and community facilities.
    - Support opportunities to enhance Complete Communities objectives in Emerging Communities.

Transcona West Area Structure Plan

- The subject property falls within the boundaries of the Transcona West Area Structure Plan, which was adopted by Council on July 16, 2008.
- The subject property is identified as a Proposed School Site in the Area Structure Plan. Section 5.5.2(2)(c) states that school sites are only proposed and may not be developed for school purposes. School Sites may initially be zoned residential in the event that the School Board does not require the site for school purposes.

Zoning

- The Residential Single-Family (R1) district is intended to accommodate primarily single-family residential development in lower-density neighbourhoods.
- The Parks and Recreation 1 (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, there are no parking facilities 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.

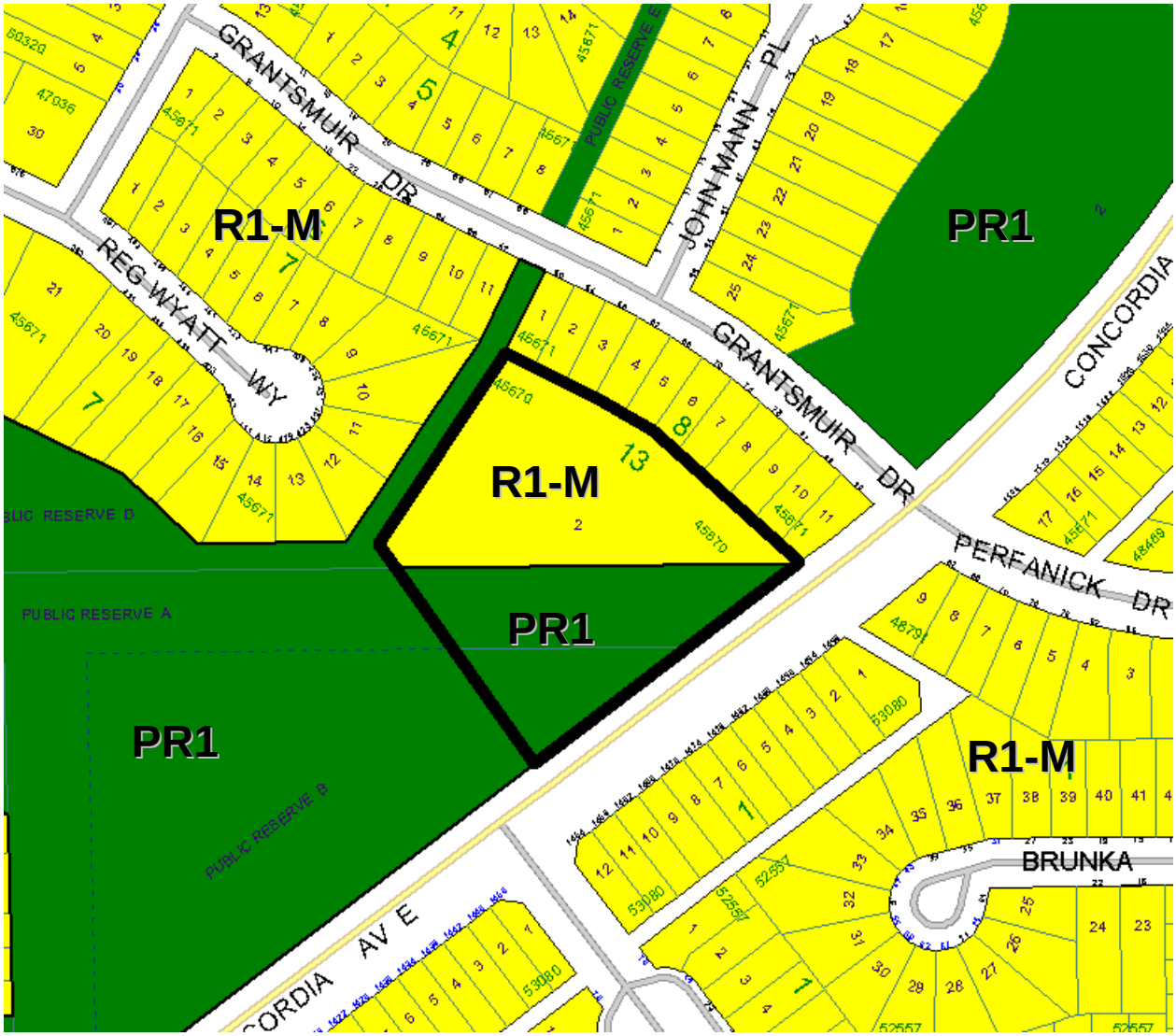


Figure 4: Zoning map of subject property and surrounding neighbourhood

- Section 137 of the zoning by-law prescribes dimensional standards for the "R1-M" district:

	Min. Lot Area (sq. ft.)	Min. Lot Width (ft.)	Min. Front Yard (ft.)	Min. Rear Yard (ft.)	Min. Side Yard (ft.)	Min. Reverse Corner Street Side Yard (ft.)	Max. Height of Building (ft.)	Max. Lot Coverage (%)
R1-M	3,500	25	15	25	4	4	35	45

Figure 5: Dimensional standards for the "R1-M" district

Consultation with River East School Division

- As per both DASZ 50/04 and DASZ 30/05, the subject property was set aside for a potential school use.
- According to the applicant, the division's option on the land expired on June 29, 2010. This was confirmed by the school division.

Parks planning

- In consultation with the Parks Strategic Planner, they indicated that the subject property was always intended to be used as a school site; it was never contemplated to be used as park space. The City has no interest in the south portion of the subject property for parks purposes.

Compatibility with the surrounding neighbourhood

- The surrounding neighbourhood is comprised almost exclusively of other single family dwellings. The proposed development is completely consistent with this established development pattern.
- Given that the proposed lots comply with the dimensional standards of the zoning by-law, the Urban Planning Division has no concerns with its sizes.

RECOMMENDATION

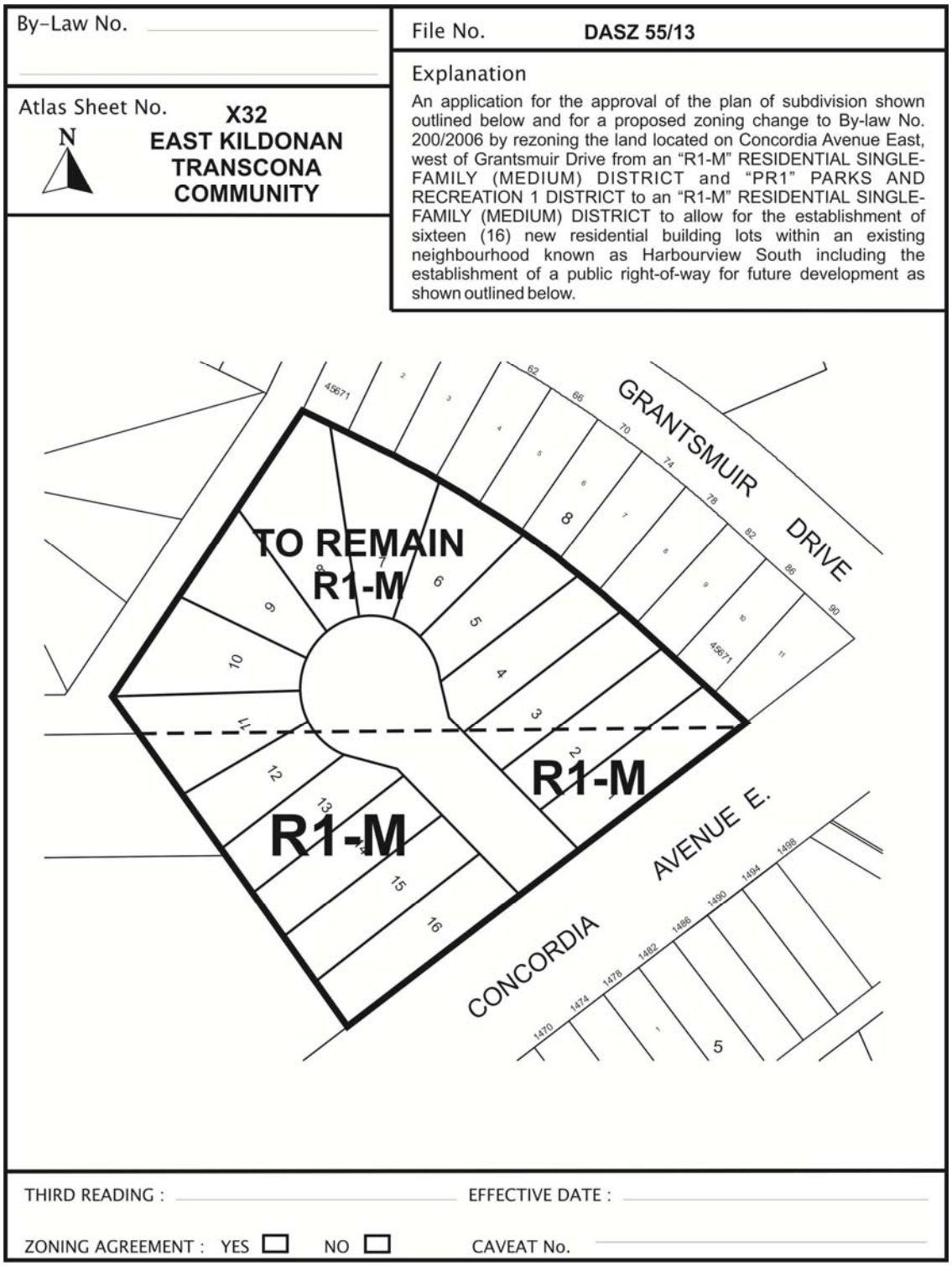
The subject site was originally earmarked for a potential school as per the Transcona West Area Structure Plan. However, when the school division's option to acquire the land expired on June 29, 2010, this was no longer an option. The City has no interest in the south portion of the property for a park use.

The proposed 16-lot single family subdivision is consistent with the surrounding neighbourhood.

This Report Submitted by: Michael Pyl
Planning, Property and Development Department
Urban Planning Division
Report Prepared by: PPD File # DASZ 55/2013

APPENDIX 'B'

Schedule "A" for File No. DASZ 55/13, East Kildonan-Transcona Community Committee, dated March 4, 2014.



Schedule “B”

REPORT OF THE ADMINISTRATIVE CO-ORDINATING GROUP – February 28,2014

RE: PROPOSED SUBDIVISION AND REZONING OF LAND LOCATED ON THE NORTH SIDE OF CONCORDIA AVENUE EAST, WEST OF GRANTSMUIR DRIVE - DASZ 55/2013

It is recommended that the approval of DASZ 55/2013, if granted, be subject to the applicant entering into a Development Agreement addressing the following items:

1. Wastewater Sewers

   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. Watermains

   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. Lot Line Services

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

   a) 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) 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) 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. Land Drainage

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

5. Lot Grading

   a) Upon registration of the approved plan of subdivision mylars in the Land Titles Office, the Developer shall, at no expense to the City, provide to the City all easements the City considers necessary with respect to the installation, construction, maintenance, and replacement of swales, catchbasins, and leads for drainage of the Planned Area.

   b) Prior to the issuance of building permits, the Developer shall, at no expense to the City:

      i. Submit to the City, for approval, a lot grading plan for the Planned Area, prepared by a municipal engineer; and

      ii. Construct all swales, catchbasins, and leads necessitated by the approved lot grading plan

6. Pavement

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

7. Median Opening

   No median opening will be provided on Concordia Avenue East to serve this development, if and when Concordia Avenue East is twinned, abutting the subject property.

8. Private Approaches

   No private approaches will be permitted off Concordia Avenue East.

9. Subdivision Signage

   The Developer shall, at no expense to the City, install signs at the entrance to the subdivision, upon which is displayed a plan of the subdivision showing thereon the locations of all proposed sidewalks, community mail boxes, parks, and collector and arterial streets.

10. Fencing

    a) The Developer shall, at no expense to the City, construct within the rear yards of all lots abutting the existing pathway, a uniform fence, 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 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.

b) The Developer, shall, at no expense to the City, construct within the side yards of all lots abutting, Concordia Avenue East a uniform noise attenuation fence 2.0m in height, to the satisfaction of the Director of Public Works. The Developer is to permit the City file a caveat against the title of each of these proposed single family lots abutting Concordia Avenue East 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.

11. Street Name Signs

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

12. Utilities

a) The Developer shall, at no expense to the City, cause underground electrical and telephone services to be installed to serve the proposed subdivision and will pay the full cost to convert any existing overhead services within the proposed subdivision to underground to the satisfaction of the Director of Public Works.

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

13. Litter and Refuse Control and Cleanup

a) 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.

b) The cleanup of litter and refuse shall be done on a regular basis as determined by the Director of Public Works. This shall include initiating action and assuming all costs in remedying the situation to the satisfaction of the Director of Public Works.

14. Construction Traffic

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.

15. Boulevards

a) The Developer shall, at no expense to the City, sod, and plant trees on, all boulevards within and fronting on 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.

b) 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.

16. Park Dedication

The Developer shall pay cash in lieu of dedication of land for public open space, in accordance with City Policy.

17. Survey Monuments

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.

18. By-Laws and Approvals

The Developer shall pay all of its and the City's costs, fees, and expenses associated with the preparation and attainment of approval for registration of the Zoning By-law(s) and plan(s) of subdivision, including all Municipal Board, Land Titles Office and other fees and expenses, all survey, engineering and advertising fees and costs, and all expenses incidental to the preparation of the Agreement and the physical development of the Planned Area.

19. Professional Fees

a) 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.

b) 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.

20. Administration Fees

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 55/2013
February 28,2014

"Original signed by G.V. Jasper P.Eng."
G.V. Jasper, P. Eng.,
Land Development Branch

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

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

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

GJ/gj