Minutes – Executive Policy Committee – July 9, 2014

Minute No. 492
Report – Standing Policy Committee on Property and Development – July 8, 2014

Item No. 14 Subdivision and Rezoning – 386 Beaverbrook Street (River Heights-Fort Garry Ward) File DASZ 11/2014 [c/r DAV 116265/2014D]

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

The Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and submitted the following to Council:

1. That the plan of subdivision under File DASZ 11/2014 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 11/2014 dated June 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 Servicing Agreement with the City containing all the conditions outlined in Schedule 'B' the report of the Administrative Coordinating Group dated May 25, 2014, with the following amendments:

    PLAN CONSIDERATIONS

    i. Add the following new conditions:

        6. The Developer shall extend the proposed north-south public lane as shown on Schedule "A" Option B, from the proposed public Road to Grosvenor Avenue.

        7. The Developer shall delete the proposed east-west public lane from the from the proposed north-south public lane to Beaverbrook Street.

        8. The Developer shall dedicate and legally open property for a right-of-way corner cut measuring 4.Om by 4.Om where the proposed north-south public lane intersects with the proposed east-west public lane, as determined by and to the satisfaction of the Director of Public Works.

Report – Standing Policy Committee on Property and Development – July 8, 2014

AGREEMENT CONDITIONS – SECTION I – SERVICING

ii. Amend condition 14.a. by adding "black ornamental" after "continuous".

iii. Amend condition 14.b. by deleting "chain link fencing, in accordance with City Standard CW 3550" and replace it with "black ornamental fencing".

iv. Add the following new conditions after 15.h.:

15.i. It is acknowledged that the anticipated under-dedication of Public Reserve land will be deemed to have been fulfilled by the developer's provision of fencing, pathways, and additional trees along the lanes, or other improvements as determined by and to the satisfaction of the Director of Public Works.

15.j. The Developer shall, at no expense to the City construct a compacted granular trail on the west boulevard of Lanark Street adjacent to the Public Reserve area, as determined by and to the satisfaction of the Director of Public Works

15.k. The Developer shall plant trees and/or shrubs, at no expense to the City, within properties on the west side of Beaverbrook Street and the east side of Lanark Street which are directly facing either the new east/west public street or public lane which are to be built.

i. The purpose of the landscaping is to mitigate the impact on any headlight glare that may affect these properties.

ii. The planting shall be done to the satisfaction of the affected property owners and in the event that there is non-concurrence, the Director of Planning, Property, and Development shall be the final arbitrator of the type of trees and/or shrubs to be installed.

2. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 11/2014 dated June 4, 2014 to an "R1-M" Residential Single-Family District and a "PR-1" Parks and Recreation District, subject to the following conditions:

Report – Standing Policy Committee on Property and Development – July 8, 2014

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 no front approaches shall be permitted.

ii. That for all residentially zoned lots on Blocks 3, 4 & 5, all structures other than fences shall have a minimum side yard setback of 4 feet from "PR-1" zoned lands.

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

4. That in the event the application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months 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 this twenty-four (24) month period and the extension is subsequently approved by Council.

5. That the Director of Legal Services and City Solicitor be requested to prepare the necessary rezoning by-law and forward the same to Council for all three (3) readings.

6. That the subdivision section of the by-law shall come into force and effect upon registration of the Plan of Subdivision in the Winnipeg Land Titles Office.

7. That the zoning section of the by-law comes into force when 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 year from the date by-law is passed.

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

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9. That in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twelve (12) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of this twelve (12) month period and the extension is subsequently approved by Council.

10. That the Proper Officers of the City are hereby authorized to execute said Zoning Agreement.

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.

Minutes – Executive Policy Committee – July 9, 2014

Report – Standing Policy Committee on Property and Development – July 8, 2014

DECISION MAKING HISTORY:

Moved by Councillor Browaty,

That Rule 10(3) of The Procedure By-law No. 50/2007 be suspended in order that the following item, which was received less than 96 hours preceding the committee meeting, be considered by Committee.

Carried

Moved by Councillor Browaty,

That the recommendation of the Standing Policy Committee on Property and Development be concurred in and forwarded to Council.

Carried

STANDING COMMITTEE RECOMMENDATION:

On July 8, 2014, the Standing Policy Committee on Property and Development concurred in the recommendation of the City Centre Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On June 30, 2014, the City Centre Community Committee concurred in the recommendation of the Winnipeg Public Service with the following amendments:

- That the following be added to the end of recommendation 1.A.:

  ", with the following amendments:

  PLAN CONSIDERATIONS

  i. Add the following new conditions:

     6. The Developer shall extend the proposed north-south public lane as shown on Schedule "A" Option B, from the proposed public Road to Grosvenor Avenue.

Report – Standing Policy Committee on Property and Development – July 8, 2014

DECISION MAKING HISTORY (continued):

COMMUNITY COMMITTEE RECOMMENDATION (continued):

7. The Developer shall delete the proposed east-west public lane from the from the proposed north-south public lane to Beaverbrook Street.

8. The Developer shall dedicate and legally open property for a right-of-way corner cut measuring 4.Om by 4.Om where the proposed north-south public lane intersects with the proposed east-west public lane, as determined by and to the satisfaction of the Director of Public Works.

AGREEMENT CONDITIONS – SECTION I – SERVICING

ii. Amend condition 14.a. by adding "black ornamental" after "continuous".

iii. Amend condition 14.b. by deleting "chain link fencing, in accordance with City Standard CW 3550" and replace it with "black ornamental fencing".

iv. Add the following new conditions after 15.h.:

15.i. It is acknowledged that the anticipated under-dedication of Public Reserve land will be deemed to have been fulfilled by the developer's provision of fencing, pathways, and additional trees along the lanes, or other improvements as determined by and to the satisfaction of the Director of Public Works.

15.j. The Developer shall, at no expense to the City construct a compacted granular trail on the west boulevard of Lanark Street adjacent to the Public Reserve area, as determined by and to the satisfaction of the Director of Public Works

15.k. The Developer shall plant trees and/or shrubs, at no expense to the City, within properties on the west side of Beaverbrook Street and the east side of Lanark Street which are directly facing either the new east/west public street or public lane which are to be built.

Report – Standing Policy Committee on Property and Development – July 8, 2014

DECISION MAKING HISTORY (continued):

COMMUNITY COMMITTEE RECOMMENDATION (continued):

i. The purpose of the landscaping is to mitigate the impact on any headlight glare that may affect these properties.
ii. The planting shall be done to the satisfaction of the affected property owners and in the event that there is non-concurrence, the Director of Planning, Property, and Development shall be the final arbitrator of the type of trees and/or shrubs to be installed."

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

On June 10, 2014, the City Centre Community Committee concluded public representations and adjourned the public hearing to its special meeting on June 30, 2014 at 9:30 a.m. in the Council Building, 510 Main Street.

RE: **Subdivision and Rezoning – 386 Beaverbrook Street**
File DASZ 11/2014

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

Prepared by: **Mr. A. Poitras, Senior Committee Clerk**
City Centre Community Committee

Report date: **July 2, 2014**

COMMUNITY COMMITTEE RECOMMENDATION:

On June 30, 2014, the City Centre Community Committee concurred in the recommendation of the Winnipeg Public Service, as amended, and recommended to the Standing Policy Committee on Property and Development:

1. That the plan of subdivision under File DASZ 11/2014 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 11/2014 dated June 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 Servicing Agreement with the City containing all the conditions outlined in Schedule 'B' the report of the Administrative Coordinating Group dated May 25, 2014***, with the following amendments:***

    PLAN CONSIDERATIONS
    i. Add the following new conditions:

    6. The Developer shall extend the proposed north-south public lane as shown on Schedule "A" Option B, from the proposed public Road to Grosvenor Avenue.

    7. The Developer shall delete the proposed east-west public lane from the from the proposed north-south public lane to Beaverbrook Street.

    8. The Developer shall dedicate and legally open property for a right-of-way corner cut measuring 4.Om by 4.Om where the proposed north-south public lane intersects with the proposed east-west public lane, as determined by and to the satisfaction of the Director of Public Works.

    AGREEMENT CONDITIONS – SECTION I – SERVICING
    ii. Amend condition 14.a. by adding "black ornamental" after "continuous".

iii. Amend condition 14.b. by deleting "chain link fencing, in accordance with City Standard CW 3550" and replace it with "black ornamental fencing".

iv. Add the following new conditions after 15.h.:

15.i. It is acknowledged that the anticipated under-dedication of Public Reserve land will be deemed to have been fulfilled by the developer's provision of fencing, pathways, and additional trees along the lanes, or other improvements as determined by and to the satisfaction of the Director of Public Works.

15.j. The Developer shall, at no expense to the City construct a compacted granular trail on the west boulevard of Lanark Street adjacent to the Public Reserve area, as determined by and to the satisfaction of the Director of Public Works

15.k. The Developer shall plant trees and/or shrubs, at no expense to the City, within properties on the west side of Beaverbrook Street and the east side of Lanark Street which are directly facing either the new east/west public street or public lane which are to be built.

i. The purpose of the landscaping is to mitigate the impact on any headlight glare that may affect these properties.

ii. ***The planting shall be done to the satisfaction of the affected property owners and in the event that there is non-concurrence, the Director of Planning, Property, and Development shall be the final arbitrator of the type of trees and/or shrubs to be installed.***

2. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 11/2014 dated June 4, 2014 to an "R1-M" Residential Single-Family District and a "PR-1" Parks and Recreation District, subject to the following conditions:

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 no front approaches shall be permitted.

ii. That for all residentially zoned lots on Blocks 3, 4 & 5, all structures other than fences shall have a minimum side yard setback of 4 feet from "PR-1" zoned lands.

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

4. That in the event the application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months 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 this twenty-four (24) month period and the extension is subsequently approved by Council.

5. That the Director of Legal Services and City Solicitor be requested to prepare the necessary rezoning by-law and forward the same to Council for all three (3) readings.

6. That the subdivision section of the by-law shall come into force and effect upon registration of the Plan of Subdivision in the Winnipeg Land Titles Office.

7. That the zoning section of the by-law comes into force when 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 year from the date by-law is passed.

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

9. That in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twelve (12) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of this twelve (12) month period and the extension is subsequently approved by Council.

10. That the Proper Officers of the City are hereby authorized to execute said Zoning Agreement.

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.

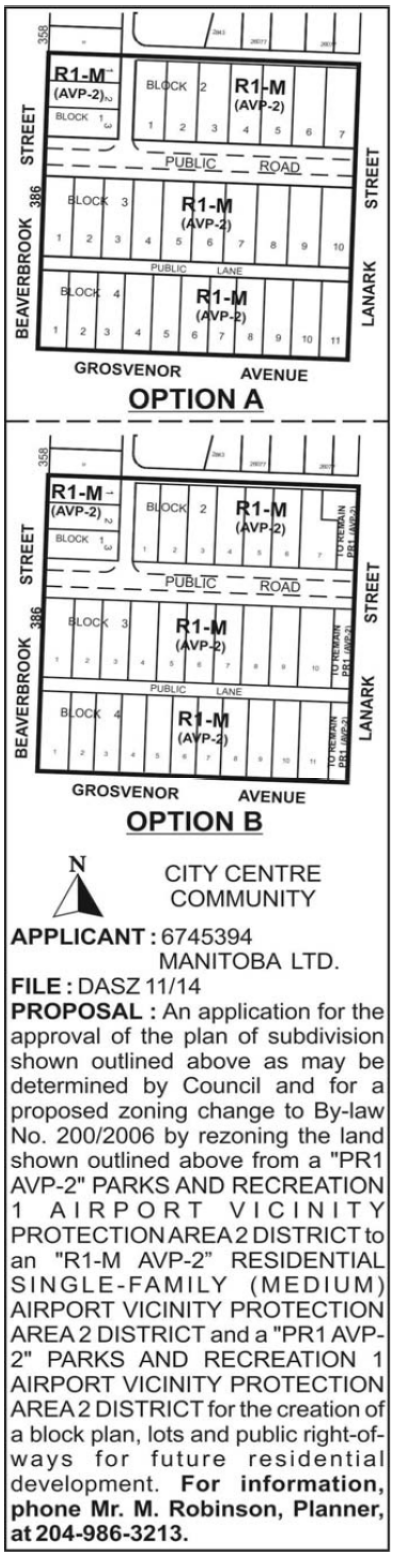
The City Centre Community Committee provided the following supporting reason(s) for its recommendation:

1. The pathway, in limestone with a wrought iron fence, will provide a nice corridor that will serve the public well.
2. The developer is trying to keep in line with the neighbourhood as best they can.
3. This development isn't Tim Horton's, it isn't the apartment blocks I saw, it isn't the condos that I saw, and it isn't the brownstone side-by-sides I saw.
4. An R1-Medium zoning is a good compromise for this land.
5. With the linear park and the trees, this is keeping with the neighbourhood the best we can.
6. One of the cut-outs will now send some of the light down Grosvenor.
7. The Beaverbrook properties will now be aligned.
8. The Lanark properties are pushed back, and with the bushes you pretty well won't even see those houses.
9. I believe in keeping with the neighbourhood, this is the best we've got.

PUBLIC HEARING SUMMARY

File:	DASZ 11/2014
Before:	City Centre Community Committee Councillor Gerbasi, Chairperson Councillor Orlikow
Public Hearing:	June 30, 2014 June 10, 2014 Council Building, 510 Main Street
Applicant:	Ryan Skrabyk and Tony Bagnulo

Subject:



APPLICANT : 6745394 MANITOBA LTD.

FILE : DASZ 11/14

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 a "PR1 AVP-2" PARKS AND RECREATION 1 AIRPORT VICINITY PROTECTION AREA 2 DISTRICT to an "R1-M AVP-2" RESIDENTIAL SINGLE-FAMILY (MEDIUM) AIRPORT VICINITY PROTECTION AREA 2 DISTRICT and a "PR1 AVP-2" PARKS AND RECREATION 1 AIRPORT VICINITY PROTECTION AREA 2 DISTRICT for the creation of a block plan, lots and public right-of-ways for future residential development. **For information, phone Mr. M. Robinson, Planner, at 204-986-3213.**

Premises Affected: 386 Beaverbrook Street

Exhibits Filed:

1. Application dated April 10, 2014
2. Notification of Public Hearing dated April 29, 2014
3. Manitoba Status of Titles 2705285/1, 2705287/1, 2705288/1
4. Letter of authorization dated March 11, 2014 from 6745394 Manitoba Ltd. to Ryan Skrabyk and Tony Bagnulo
5. Surveyor's Building Location Certificate and sketch dated July 18, 1953
6. Caveat 157875
7. Plans – Option A (3 pages)
8. Plans – Option B (3 pages)
9. Report from the Planning and Land Use Division dated June 4, 2014
10. Communication dated May 28, 2014, from Greg Fearn in support of Option B of the application
11. Communication dated June 4, 2014, from Geoffrey Hayes in opposition to the application
12. Communication dated June 7, 2014, from Sabine Mai, University of Manitoba, in opposition to the application
13. Communication dated June 10, 2014 from William Walker in opposition to the application
14. Communication dated June 10, 2014 from Derek Dunlop in opposition to the application
15. Communication dated June 10, 2014, from Elana Honcharuk in opposition to the application
16. Inspection Report
17. Presentation in opposition to the application submitted by Robert Angst at the public hearing
18. Audio Recording of representations of public hearing held on June 10, 2014
19. Notice of Adjournment dated June 12, 2014

REPRESENTATIONS:

In Support of Option A:

Wilma Addison
Ryan Skrabyk
John Wintrup
Tony Bagnulo

In Support of Option B:

Cheryl and John Stoneman
Greg Fearn

In Support of both Option A and Option B:

Nil

In Opposition to Option A:

Dianne Beaven
Elizabeth Cooper
Jackie Cosgrove
Jason Dyck

In Opposition to Option B:

Wilma Addison

In Opposition to both Option A and Option B:

Alma Acheson
Bob (Robert) Angst
Laurie Bracken
Wayne Bracken
Gary Hamilton
Paul Hayes
Bruce Mahaffy
Helen Ritchot
Verna Shelley
Enid Whalley
Derek Dunlop
Sabine Mai
William Walker
Geoffrey Hayes
Elana Honcharuk

For Information for Option A:

Nil

For Information for Option B:

Dianne Beaven
Elizabeth Cooper
Jackie Cosgrove
Jason Dyck

For Information for both Option A and Option B:

Melanie Cardinal
Carol Ritchot

For the City:

Mr. M. Robinson, Senior Planner, Planning, Property and Development Department
Mr. R. Mahé, Planner, Planning, Property and Development Department
Mr. G. Jasper, Land Development Engineer, Planning, Property and Development Department
Ms. M. Barwinsky, City Forester, Public Works Department

Exhibit "9" referred to in File DASZ 11/2014

ADMINISTRATIVE REPORT

Title: DASZ 11/2014 – 386 Beaverbrook Street

Issue: For consideration at the public hearing for a Rezoning and Subdivision for DASZ 11/2014 – 386 Beaverbrook Street

Critical Path: City Centre Community Committee 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 11/2014 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 11/2014 dated June 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 Servicing Agreement with the City containing all the conditions outlined in Schedule 'B' the report of the Administrative Coordinating Group dated May 25, 2014.

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 11/2014 dated June 4, 2014 to an "R1-M" Residential Single-Family District and a "PR-1" Parks and Recreation District, subject to the following conditions:

    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 no front approaches shall be permitted
        ii. That for all residentially zoned lots on Blocks 3, 4 & 5, all structures other than fences shall have a minimum side yard setback of 4 feet from "PR-1" zoned lands.

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

4. That in the event the application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months 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 this twenty-four (24) month period and the extension is subsequently approved by Council.

5. That the Director of Legal Services and City Solicitor be requested to prepare the necessary rezoning by-law and forward the same to Council for all three (3) readings.

6. That the subdivision section of the by-law shall come into force and effect upon registration of the Plan of Subdivision in the Winnipeg Land Titles Office.

7. That the zoning section of the by-law comes into force when 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 year from the date by-law is passed.

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

9. That in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twelve (12) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of this twelve (12) month period and the extension is subsequently approved by Council.

10. That the Proper Officers of the City are hereby authorized to execute said Zoning Agreement.

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.

REASON FOR THE REPORT

The Report is being submitted for the Committee's consideration of the development application at the Public Hearing.

IMPLICATIONS OF THE RECOMMENDATIONS

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

CONSULTATION

In preparing this Report there was consultation with:
Parks
Public Works
Water and Waste Department

SUBMITTED BY

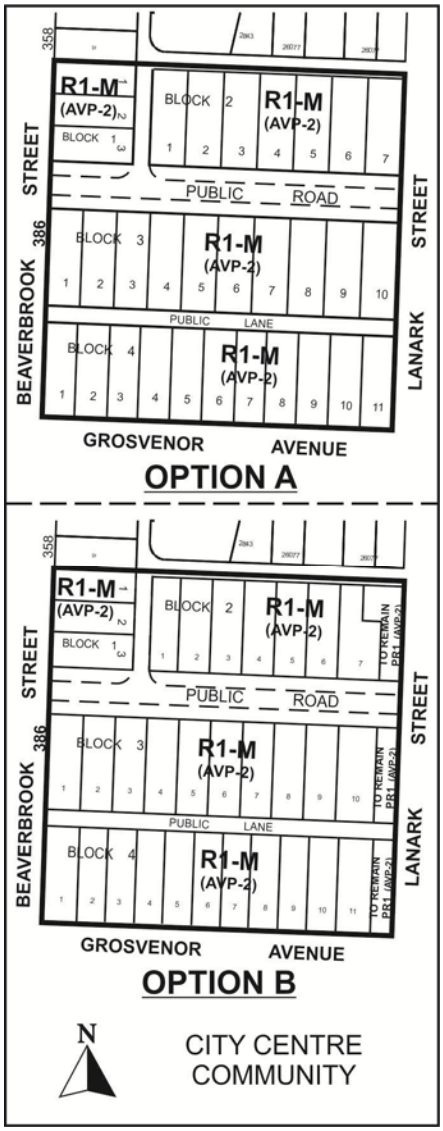
Department	*Planning, Property and Development*
Division	*Planning and Land Use*
Prepared by	Michael Robinson, AICP, MCIP
Date:	June 4, 2014
File No.	DASZ 11/2014

APPENDIX 'A'

DATE: June 4, 2014
FILE: DASZ 11/2014
RELATED FILES:
COMMUNITY: City Centre Community
NEIGHBOURHOOD #: 1.626

SUBJECT: **Option 1:** To rezone the subject land from a "PR-1" Parks and Recreation District to an "R1-M" Residential Single-Family District
Option 2: To rezone the subject land from a "PR-1" Parks and Recreation District to an "R1-M" Residential Single-Family District and a "PR-1" Parks and Recreation District

LOCATION: 386 Beaverbrook Street
LEGAL DESCRIPTION: see application



APPLICANT: Ryan Skrabyk and Tony Bagnulo

OWNER: 6745394 Manitoba Ltd. – Ryan Skrabyk

RECOMMENDATION: Approval, of Option B, with modifications

SITE DESCRIPTION
The subject property, which is currently zoned "PR-1" Parks and Recreation District, is located on Grosvenor Avenue, between Beaverbrook and Lanark Streets, in the Sir John Franklin neighbourhood of the River Heights – Fort Garry ward.

North: Residences zoned "R1-M" Residential Single-Family District
South: Residences and a place of worship zoned "R1-M" Residential Single-Family District
East: Residences zoned "R1-M" Residential Single-Family District
West: Residences zoned "R1-M" Residential Single-Family District

BACKGROUND
History of the site
The subject property was previously the site of Sir John Franklin school, which was built in 1921(see photo in Appendix B). By June 1987, however, enrollment had dwindled sufficiently that the school was closed. The building was demolished in late Fall of 1991 and the site has been maintained by the School Division as a community green space since that time

What was the public process that led us to this point?
The Winnipeg School Division prepared a brief on the consultation and disposition process for this property. It is attached in Appendix 'C'.

DASZ 58/2013
The applicant received approval from the City Centre Community Committee for a plan of subdivision and rezoning for the subject property on March 11, 2014. Subsequent to that public hearing, the applicant withdrew the application. The plan that was approved at that hearing is shown in Appendix D. While it similar to the current Option B, there are several differences. The differences are as follows:

1. The new plan had a slightly narrower PR-1 strip (26 feet wide vs 30 feet wide)
2. The back lane configuration has changed; the new plan has less linear feet of back lane.
3. The new plan has more PR-1 land in the northeast corner of the property – to preserve a cluster of mature oak trees.
4. The new plan includes the proposed lot widths and sizes

DESCRIPTION OF THE PROPOSED DEVELOPMENT
The applicant seeks approval to subdivide the subject property in order to create single-family residential lots that meet the dimensional standards of the "R1-M" Single-Family Residential District.

The plan of subdivision includes the creation of a new east-west public street and public lane as well as an extension of the existing north-south public lane between Beaverbrook and Lanark Streets.

Option B
The plan also includes the creation of a buffer strip of public open space on the east side of the site (Lanark Street), in order to preserve a row of existing mature oak trees. The proposed buffer strip is 26 feet wide with the exception of the northeast corner, which is wider in order to preserve a large cluster of oak trees on that portion of the site.

Option A
Option A does not include any public open space.

ANALYSIS AND ISSUES

OurWinnipeg/Complete Communities

A. Policies

i. OurWinnipeg (Complete Communities Direction Strategy)

This portion of the Sir John Franklin neighbourhood is designated as an Area of Stability. Policies which are relevant to this application are as follows:

1) Support low to moderate change in low-density neighbourhoods through development and redevelopment that is complimentary to the existing scale, character, and built form

2) Promote the form of buildings and spaces that are sensitive to the community context and address the transition between new and existing developments

3) In order to meet the full life cycle of housing needs within the community, promote a mix of housing type and tenure, such as duplexes, low rise apartments, secondary suites, semi-detached homes, and townhouses.

The proposed land use is consistent with OurWinnipeg and The Complete Communities Direction Strategy

B. Open Space

The Public Service recommends Option B, in order to preserve a row of mature oak trees (see Appendix 'E'). The City Forester has indicated that these trees are very large and in good condition.

With that said, the Public Service recommends that the buffer strip be increased to 30 feet in width, which is the recommendation from the City Forester and is consistent with what was approved in the last application.

C. Roads

The applicant is proposing to construct one new back lane and one new public street that would run east/west and connect Beaverbrook and Lanark Streets.

This road would create T intersections at both Beaverbrook and Lanark. One concern with T intersections is that, if not aligned properly, vehicle headlights will shine in the window of homes facing the intersection.

The applicant has indicated that the intersection was designed to mitigate this impact, as much as possible, by aligning the intersection between two houses.

With that said, the proposed road is not anticipated to generate significant traffic, as there will only be approximately 14 homes fronting onto this street.

It should be further noted that with a bay design, which was considered by the applicant, there would also be a T intersection (on Lanark), which would create the same effect.

All along Lanark, because of the bay design and wide blocks, roads and back lanes terminate at T intersections. The map in Appendix 'D' shows the T intersections with roads and back lanes on Lanark, between Academy Road and Corydon Avenue.

Consequently, the proposed T intersections are not uncharacteristic of the area.

It should be noted that at the previous public hearing, concern was raised by residents about headlight glare from the new east-west public street. At the hearing, the applicant stated that they would provide landscaping, if required, to mitigate the impact on any headlight glare that may affect properties on the west side of Beaverbrook Street and the east side of Lanark Street which are directly facing the new east/west public street which is to be built.

Given that this was addressed at the previous public hearing, a condition to this effect is included in the ACG report.

D. Sidewalks
The Public Service is recommending that all public streets in the development have public sidewalks, to match the pattern of the neighbourhood, with the exception of the west side of Lanark Street – where a sidewalk will interfere with the mature oak trees' roots.

E. Lot sizes
The applicant has applied for "R1-M" zoning, which would typically permit lot sizes of 25 feet (width) and 3,500 sq ft (lot area).

However, because of special boundary conditions, all lots must be no less than the average lot size and lot width within 200 feet of the property boundary.

On Beaverbrook, all existing lots abutting the development are 40 feet wide and 4,080 sq ft in lot area.

On Lanark, existing lots abutting the development range in size from 36 feet wide (3,600 sq ft) to 50 feet wide (6,600 sq ft), with one pie shape lot on the bay measuring 12,843 sq ft.

The Winnipeg Public Service feels that lot sizes that are approximately 40 feet wide and 4,000 sq ft in lot area, with some lots permitted to go up to 10 less than this, would be contextually suitable.

With that said, to create lots that are smaller than what is required with special boundary conditions, variances are required. The variances are included in the associated variance application (DAV 116265/2014D

F. Other Conditions
Front approaches
While there are back lanes throughout the development, it is becoming more common for people to request permission to build a suburban style home with a front garage, within mature neighbourhoods with back lanes.

It is recommended that the zoning agreement specifies that no front approaches be permitted within the development.

E. Public Consultation

The applicant held two open houses at Sir John Franklin Community Centre in November and December 2013. Information about these open houses is posted on the developer's website – http://www.386beaverbrook.com

RECOMMENDATIONS

It is recommended that Option B be approved, with the following amendments:

- That the buffer strip of open space on the east side of the property be increased from 26' to 30' in width

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

Report Prepared by: Michael Robinson, AICP, MCIP
PPD File # DASZ 11/2014

APPENDIX "A"
Schedule "A" for File No. DASZ 11/2014, City Centre Community Committee, dated June 4, 2014

By-Law No. _____

File No. **DASZ 11/14**

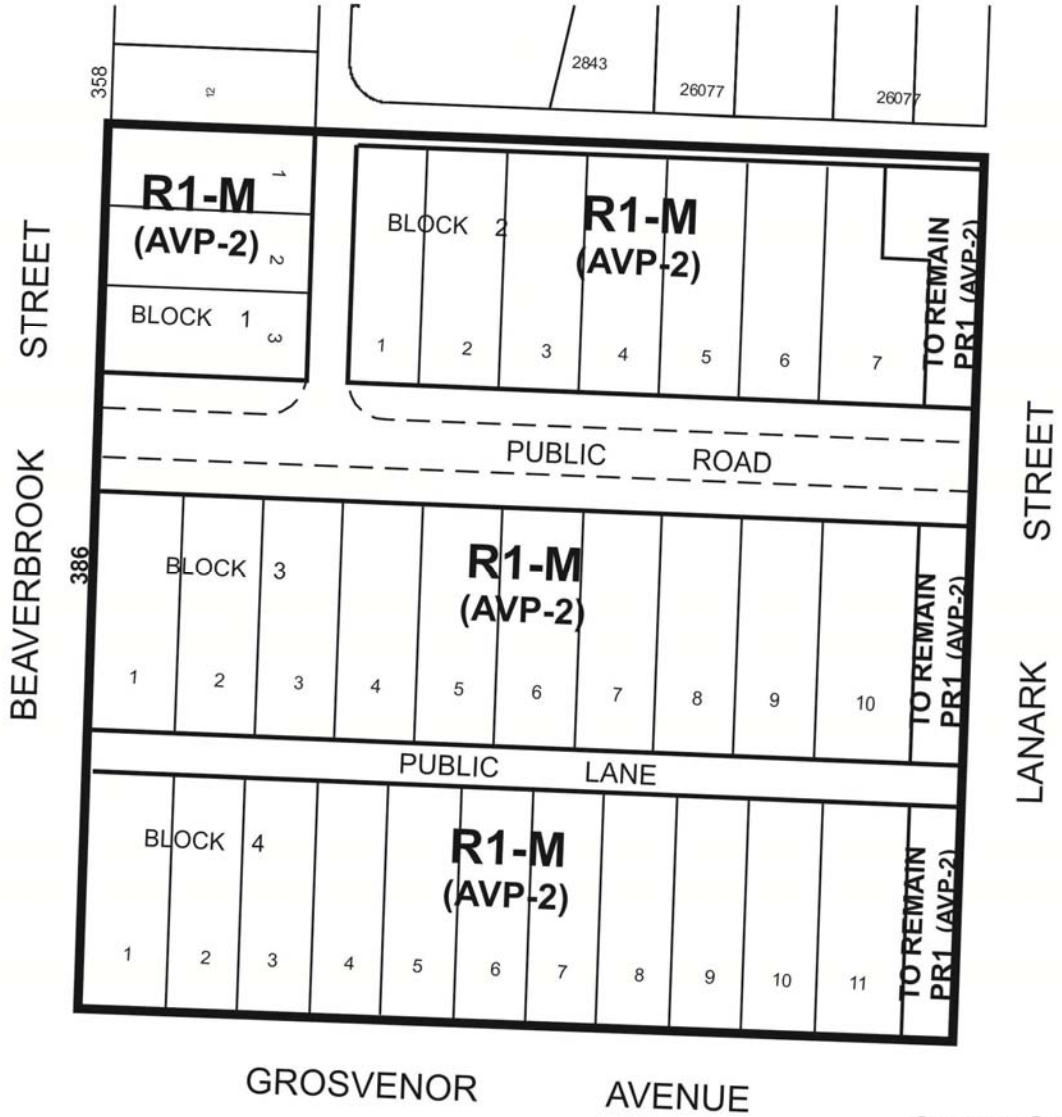
Explanation

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 386 Beaverbrook Street from a "PR1 AVP-2" PARKS AND RECREATION 1 AIRPORT VICINITY PROTECTION AREA 2 DISTRICT to an "R1-M AVP-2" RESIDENTIAL SINGLE-FAMILY (MEDIUM) AIRPORT VICINITY PROTECTION AREA 2 DISTRICT and a "PR1 AVP-2" PARKS AND RECREATION 1 AIRPORT VICINITY PROTECTION AREA 2 DISTRICT for the creation of a block plan, lots and public right-of-ways for future residential development as shown outlined below.

Atlas Sheet No.

N

AC20
CITY CENTRE
COMMUNITY



OPTION B

THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____



Figure 1: Aerial Photo (Flown in 2012)

APPENDIX 'B'
Photo of Sir John Franklin School (demolished in 1991)



Sir John Franklin School (no date)
Source: Winnipeg School Division

APPENDIX 'C'
WSD 1 Consultation and Disposition Process Brief

WINNIPEG SCHOOL DIVISION
INVESTING IN THE FUTURE

Sir John Franklin
Consultation and Disposition Process

Sir John Franklin School was closed in June, 1989 and the building demolished in 1992. On November 5, 2007 the Board of Trustees established a Property Review Committee in accordance with the Division Properties Review Procedure. The Committee included parent/community representatives, senior administration and two principals from the area.

Public meetings were held on April 28, 2008, June 17, 2008 and November 12, 2009. At a meeting held April 12, 2010 the Board of Trustees approved the disposal of the Sir John Franklin property subject to the Public Schools Finance Board (PSFB) approval, with priority being given to proposals for purchase as follows:

- To the City of Winnipeg to maintain as green space in keeping with the community character, for multi-use recreational purposes.
- To a community use recreational facility with public green space in keeping with the community character.
- To single-family detached dwellings (caveat to include the maintenance of some public green space in keeping with community character).
- To a community use facility such as a day care or senior centre/housing (caveat to include adequate parking and the maintenance of some public green space in keeping with community character).

On April 14, 2011 the Division received approval from the Public Schools Finance Board to proceed with the disposal of the property.

The City of Winnipeg has indicated that they would be interested in purchasing the property, however for a nominal value. The Public Schools Finance Board has indicated that the Division should not sell the property for a nominal value. Manitoba Hydro expressed an interest in purchasing a portion of the property. At a meeting held March 5, 2012 the Board of Trustees declined the Manitoba Hydro offer to purchase a portion of the Sir John Franklin property and provided direction to continue with the property disposal process.

The Disposition Guidelines require the school board to advertise the availability of the property. In the advertising process, the school board must advertise (once per month for the first four months), in newspapers having a general circulation in the Province and newspapers serving the local community supplemented by posters in various public buildings including municipal offices in the community. Following the four month advertising process and a further two months to allow for belated submissions, the school board is required to select the successful proposal and submit a recommendation for approval by the Public Schools Finance Board.
In order to proceed with disposition, it was necessary for the Division to make application to the Land Titles Office to transition the titles for the site from the old title system to the new title system. When this was accomplished the disposition process continued.

Submissions from interested parties were received by the Division up until August 22, 2013. The submissions were reviewed and results were provided to the Building and Transportation Committee. Proposals to develop condominiums or multi-story complexes were rejected as these did not meet the criteria. On September 12, 2013, the Committee provided its recommendation to the Board of Trustees. After considerable deliberations and careful consideration of the criteria from the public consultation meeting and the overall offer for the property, the Board, at a meeting held September 23, 2013 approved a submission and forwarded a recommendation for the sale of the property to the Public Schools Finance Board (PSFB) of the Province of Manitoba. The Division received approval from the PSFB at the beginning of November. Proceeds from the sale of the property will be utilized for various projects required to sustain safe and secure school facilities for students in the Division. For further information about the Division's Consultation and Disposition process please contact Rene Appelmans at 204-789-0413.

The property has been purchased by two local River Heights residents who intend to build homes on the site. Their submission for the property best met the criteria of "developing single-detached dwellings to include some public green space in keeping with community character". The purchasers of the property are consulting with local residents regarding their plans. An open house is being held and a website is being posted with information about their plans. They can be contacted at info@386Beaverbrook.com or www.386beaverbrook.com.

APPENDIX 'D'
T Intersections on Lanark

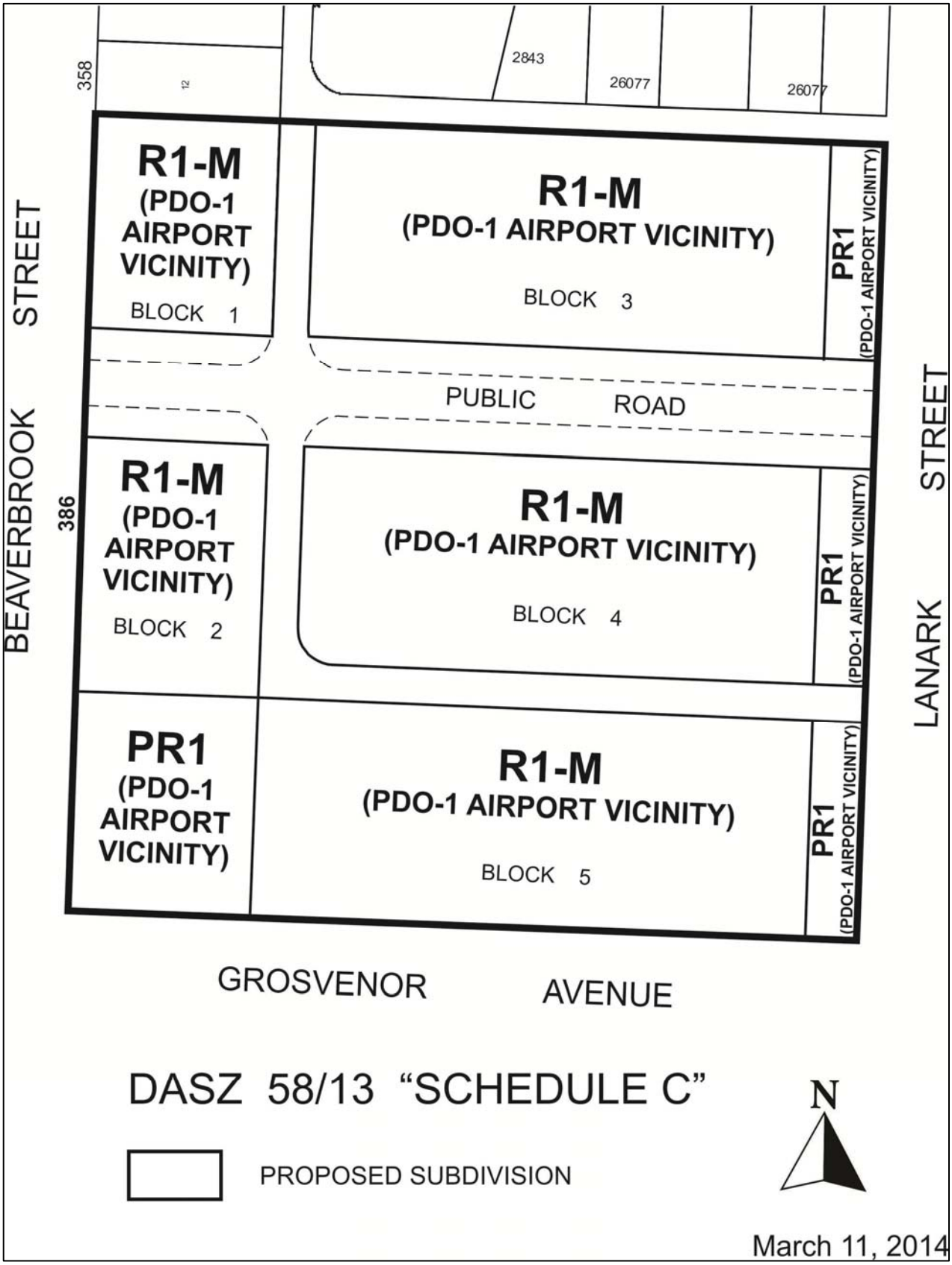


○ **T Intersections on Lanark**

APPENDIX 'E'
Location of mature oak trees



APPENDIX 'F'
Plan approved at City Centre Community Committee on March 11, 2014



APPENDIX 'G'
Conditions of Approval

SCHEDULE B

REPORT OF THE ADMINISTRATIVE CO-ORDINATING GROUP – May 7, 2014

RE: PROPOSED SUBDIVISION AND REZONING OF LAND LOCATED AT 386 BEAVERBROOK STREET – DASZ 11/2014

It is recommended that the approval of DASZ 11/2014, 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 for a right-of-way corner cut measuring 4.0m by 4.0m where the proposed public lane intersects with the existing east-west public lane, as determined by and to the satisfaction of the Director of Public Works.

2. The Developer shall widen the right-of-way of the existing public lane abutting the north side of the Planned Area by 1.373m to a width of 6.25m, as determined by and to the satisfaction of the Director of Public Works.

3. The proposed public lanes are to be established with a 6.25m right-of-way, as determined by and to the satisfaction of the Director of Public Works.

4. The proposed street is to be established with an 18.0m right-of-way (20.0m if the land drainage sewer is greater than 525mm, as determined by and to the satisfaction of the Director of Public Works.

5. The Developer shall widen the three (3) Public Reserve parcels to a minimum width of 9.14m and retain the widened portion to 15.24m X 13.8m at the north extent of the proposed Public Reserve area.

B. ENGINEERING REPORTS AND SERVICING CRITERIA

The Developer shall, provide, to the satisfaction of the Director of Water and Waste, a servicing report, prepared by a qualified municipal engineer, which will include fire flow analysis, land drainage requirements and expected wastewater flows.

All land drainage shall be directed to the existing storm relief sewer in Grosvenor Avenue and shall be designed using a run-off coefficient of 0.15.

AGREEMENT CONDITIONS

SECTION I – SERVICING

1. Wastewater Sewers

   The Developer shall, at no expense to the City, construct and install wastewater sewers required to serve the Planned Area as indicated by the servicing report, all to the satisfaction of the Director of Water and Waste.

2. Watermains

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

3. Lot Line Servicing

   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. Land Drainage

   The Developer shall, at no expense to the City, construct and install land drainage sewers required to serve the Planned Area as indicated by the servicing report, all 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:

a) a Portland cement concrete pavement to a width of 5.0m by 150mm in thickness and all related works, in the proposed public lanes within the Planned Area; and

b) a Portland cement concrete pavement to a width of 7.5m by 150mm in thickness and all related works including, but not necessarily limited to street lighting, boulevard landscaping and land drainage sewer in the proposed street within the Planned Area;

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

7. Sidewalks

a) The Developer shall, at no expense to the City construct 1.5m wide by 100mm thick Portland cement concrete sidewalks on the standard alignment, 0.3m from the property line, along both sides of the proposed street within the Planned Area, as determined by and to the satisfaction of the Director of Public Works.

b) The Developer shall construct the sidewalks concurrently with the pavements in the Planned Area.

8. Temporary Dead-End Streets

a) The Developer shall, at no expense to the City, construct a paved cul-de-sac-style vehicle turnaround at the terminus of each temporarily dead-ended street within the Planned Area, and provide to the City any rights-of-way or easements necessary to accommodate same, all as determined by and to the satisfaction of the Director of Public Works.

b) The Developer shall, at no expense to the City, erect and maintain barricades and signage, across the full width of any streets which are temporarily dead-ended due to phasing of development, immediately upon completion of the paving or when house construction has begun, whichever is sooner, as determined by and to the satisfaction of the Director of Public Works.

9. 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 sod for a period of one year and the trees for a period of two years, in accordance with specifications approved by the Director of Public Works.

10. Two Means of Vehicle Access

The Developer shall, at no expense to the City, ensure that two means of paved vehicular access are available at all times to each stage of development of the Planned Area, to the satisfaction of the Director of Public Works. This may require the construction of temporary paved roadways by the Developer and the provision of easements or rights-of-way by the Developer to the City.

11. Construction Traffic

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.

12. Signage

The Developer shall, at no expense to the City, obtain approval of and install, prior to construction, and subsequently maintain, at the entrances to the Planned Area, development information signs, containing no advertising, and showing the Planned Area, zoning information, a north directional arrow, proposed sidewalks, community mail boxes, parks, collector streets; all with the approval of, and to the satisfaction of, the Director of Planning, Property and Development.

13. 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 all new street intersections being created as a result of the subdivision.

14. Fencing

a) The Developer shall, at no expense to the City, construct continuous fencing along the residential lots adjacent to the Public Reserve areas, as determined by, and to the satisfaction of the Director of Public Works.

b) The Developer shall, at no expense to the City, provide and install chain link fencing, in accordance with City Standard CW 3550, for the Public Reserve lands abutting the public lane. The City shall upon acceptance of the fence become responsible for the maintenance thereafter.

15. Public Reserve

a) The Developer shall dedicate as Public Reserve at least 8% of the land contained within the overall development area and shall, at no expense to the City, undertake site improvements per the Development Agreement Parameters, and pay its share of the cost of services in streets abutting the dedicated land all in accordance with plans and specifications approved by the Director of Public Works. If the Developer is unable to dedicate a full 8% of the land, the Developer shall dedicate an amount of land satisfactory to the Directors of Public Works and Property, Planning & Development, and compensate the City for any shortfalls in the amount of land, servicing and improvements not provided, at the then current values, by payment of cash, or, by the provision of an equivalent value of additional site amenities in the public reserves within the planned area, as approved by the Directors of Public Works and Planning Property and Development.

b) The Developer shall protect and preserve the existing trees within the Public Reserve lands in accordance with the following:

   i. Any re-grading of land or changes in drainage patterns due to development, must ensure there is no run off directed into the natural area, but shall be handled internal to that property;

   ii. drainage patterns of water out of natural areas must also be accounted for by providing drainage where necessary to maintain a neutral effect on the moisture regime; and,

   iii. tree protection measures shall be implemented throughout the development and construction period, including but not limited to the installation of protective fencing along the limits of the Public Reserve lands, to ensure no accidental encroachment into that area during construction,

   all to the satisfaction of the City Forester and under the direction of a certified arborist engaged by the Developer.

c) It is acknowledged that traditional grading, leveling or sodding will not be applicable, but instead the Developers obligations for ‘improvements’ shall be deemed to have been fulfilled by the Developer enhancing the natural understory of the trees through over seeding, native plantings or other approved methods by the City Naturalist.

d) 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.

e) Public Reserve improvements should be undertaken by the time the build out has reached 80% and completed prior to 100% build out, within the development, unless an extension of time has been previously approved by the Director of Public Works.

f) The Developer shall assume responsibility for the public reserve site until it is developed and throughout the maintenance period.

g) 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. Commencement of the maintenance period will correspond with the issuance of Total Performance for Parks and shall be deemed complete by the issuance of a Final Acceptance Certificate for Parks.

h) Securities for public reserve improvements will be reduced following issuance of Total Performance, but shall not be released in full until Final Acceptance has been issued and as-built drawings have been received and accepted as complete by the Director of Public Works.

16. 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.

17. Litter and Refuse Control and Clean-Up

a) The Developer shall, at no expense to the City, and of its own volition, initiate and control the regular cleanup 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, as determined by and to the satisfaction of the Director of Public Works.

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 any costs in remedying the situation to the satisfaction of the Director of Public Works.

18. 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, shall have them replaced by a Manitoba Land Surveyor. The Developer shall ensure that the Manitoba Land Surveyor provides the Director of Planning, Property and Development with a certificate stating that all survey monuments within the Planned Area have been verified and/or replaced, as the case may be.

SECTION II – COSTS AND FEES

1. 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.

2. 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 Consulting Engineer(s) approved by the City, for the design of the municipal services, 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 engineering consulting services related to the installation and acceptance of municipal services, and all associated works to serve the Planned Area.

3. Administration Fees

   The Developer shall, prior to the release of the subdivision mylars for registration in the Land Titles Office, pay to the City, $1200.00/acre of the planned area to help 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 11/2014
May 25, 2014

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

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

"*Original Signed by C. Desjardine"*
C.J. Desjardine P. Eng.
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"*Original Signed by D, Beaton"*
D. Beaton M.L.Arch.
Urban Design Division, Property and Planning

GJ/gj