Minute No. 163
Report - Standing Policy Committee on Property and Development - January 16, 2004

Item No. 2 Subdivision and Rezoning - 792 Lindenwood Drive West
File DASZ 29/2003 [c/r DAC 25/2003]

COUNCIL DECISION:

Council concurred in the recommendation of the Standing Policy Committee on Property and Development and adopted the following:

1. That the plan of subdivision proposed under File DASZ 29/2003 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 29/2003 dated December 2, 2003, for 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 December 1, 2003.

    B. That a ten percent (10%) cash payment in lieu of land dedication be paid prior to the release of the subdivision mylars for registration.

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

3. That The Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 29/2003 dated December 2, 2003, to a "R1-4" Single-Family Residential District and a "RM-4" Multiple-Family Residential District, subject to the applicant entering into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to apply to the subject site to include the following conditions:

    A. That prior to the issuance of a development permit, plans showing the site layout, access, parking, fencing, landscaping, site lighting and garbage enclosures be submitted for the approval of the City Centre Community Committee.

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COUNCIL DECISION (continued):

B. That private approaches from McGillivray Boulevard to the Planned Area be prohibited.

C. That a south side yard of 15.24 metres (50 feet) be provided against McGillivray Boulevard abutting the multiple-family component of the project, measured from the principal building face to the north limit of McGillivray Boulevard, for purposes of sound attenuation.

D. That a south side yard of 7.6 metres (25 feet) be provided against McGillivray Boulevard abutting the single-family component of the project, measured from the principal building face to the north limit of the Wankling Bay right-of-way.

E. That the Developer permit the City to file a caveat against the title of proposed lots abutting McGillivray Boulevard requiring the owner(s) to maintain and/or repair or replace the sound attenuation fence required under the related Development Agreement.

F. That the maximum number of units on the site be limited to twelve (12) single-family houses, five (5) four-plex buildings, and three (3) apartment buildings containing a total of 200 units.

G. That the maximum height of the apartment buildings be limited to 16.5 metres (54 feet).

H. That parking be provided at a ratio of 1.3 stalls per dwelling unit for multiple-family buildings.

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 Council extends that time.

5. That the City Solicitor/Manager of Legal Services 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.

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COUNCIL DECISION (continued):

7. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision has been registered in the Winnipeg Land Titles Office and when the Zoning Agreement has been filed by caveat as a first charge in the Winnipeg Land Titles Office against those lands provided that the said effective date occurs within twenty-four (24) months from the date that the said rezoning by-law is adopted by Council.

8. That the Plan of Subdivision shall be approved and signed by the Director of Planning, Property and Development within two (2) years of the date of passage of the aforementioned by-law.

9. That in the event that the necessary City of Winnipeg mylar approval signatures have not been secured within twenty-four (24) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

10. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

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DECISION MAKING HISTORY:

Moved by Councillor Vandal,
That the recommendation of the Standing Policy Committee on Property and Development be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On January 21, 2004, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the City Centre Community Committee, as amended, and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On January 16, 2004, the Standing Policy Committee on Property and Development concurred in the recommendation of the City Centre Community Committee, as amended, namely,

- That Clause 1.B. deleted in its entirety and replaced with the following:

  B. That a ten percent (10%) cash payment in lieu of land dedication be paid prior to the release of the subdivision mylars for registration,

and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On December 9, 2003, the City Centre Community Committee concurred in the administrative recommendation, as amended, namely:

- That Clause 3 C. be amended by deleting the words 18. 3 metres (60 feet) in the first line thereof and substituting the words 15.24 feet (50 feet).

and submitted its recommendation to the Standing Policy Committee on Property and Development.

RE: **Subdivision and Rezoning – 792 Lindenwood Drive West**
File DASZ 29/2003 [c/r DAV 331374/2003 and DAC 25/2003]

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

Prepared by: **Josie Marques, Clerk,**
City Centre Community Committee

Report date: **December 12, 2003**

COMMUNITY COMMITTEE RECOMMENDATION:

The City Centre Community Committee concurred in the administrative recommendation, as amended, and recommends to the Standing Policy Committee on Property and Development:

1. That the plan of subdivision proposed under File DASZ 29/2003 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 29/2003, dated November 26, 2003, for 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 December 1, 2003;

B. That the Developer be required to pay to the City ten percent (10%) cash dedication in lieu of land dedication, to be calculated on the basis of the increase in land value.

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

3. That The Winnipeg Zoning By-Law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 29/03, dated December 2, 2003, to a "R1-4" Single-family Residential District and a "RM-4" Multiple-family Residential District, subject to the applicant entering into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to apply to the subject site to include the following conditions:

    A. That prior to the issuance of a development permit, plans showing the site layout, access, parking, fencing, landscaping, site lighting and garbage enclosures be submitted for the approval of the City Centre Community Committee.

    B. That private approaches from McGillivray Boulevard to the Planned Area be prohibited.

C. That a south side yard of ~~***18.3 metres (60 feet)***~~ ***15.24 metres (50 feet)*** be provided against McGillivray Boulevard abutting the multiple-family component of the project, measured from the principal building face to the north limit of McGillivray Boulevard, for purposes of sound attenuation.

D. That a south side yard of 7.6 metres (25 feet) be provided against McGillivray Boulevard abutting the single-family component of the project, measured from the principal building face to the north limit of the Wankling Bay right-of-way.

E. That the Developer permit the City to file a caveat against the title of proposed lots abutting McGillivray Boulevard requiring the owner(s) to maintain and/or repair or replace the sound attenuation fence required under the related Development Agreement.

F. That the maximum number of units on the site be limited to twelve (12) single-family houses, five (5) four-plex buildings, and three (3) apartment buildings containing a total of 200 units.

G. That the maximum height of the apartment buildings be limited to 16.5 metres (54 feet).

H. That parking be provided at a ratio of 1.3 stalls per dwelling unit for multiple-family buildings.

4. That in the event this application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months after adoption of this report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

5. That the City Solicitor/Manager of Legal Services 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 has been registered in the Winnipeg Land Titles Office and when the Zoning Agreement has been filed by caveat as a first charge in the Winnipeg Land Titles Office against those lands provided that the said effective date occurs within twenty-four (24) months from the date that the said rezoning by-law is adopted by Council.

8. That the Plan of Subdivision shall be approved and signed by the Director of Planning, Property and Development within two (2) years of the date of passage of the aforementioned by-law.

9. That in the event that the necessary City of Winnipeg mylar approval signatures have not been secured within twenty-four (24) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

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:

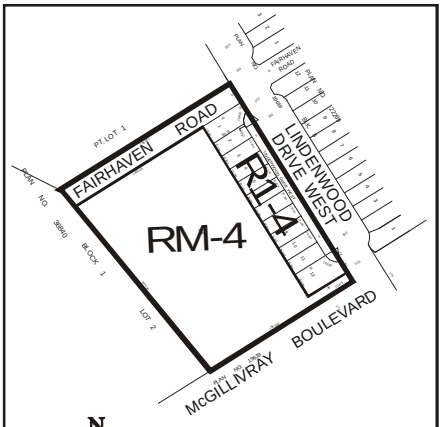
1. The City Centre Community Committee agreed with the administrative comments contained in the report from the Manager of Planning and Land Use dated October 26, 2003 and in the report from the Administrative Coordinating Group dated December 1, 2003.

PUBLIC HEARING SUMMARY

File: DASZ 29/2003 [c/r DAV 331374 /2003 and DAC 25/2003]

Applicant: Greg Jasper, Genstar Development Company

Subject:



APPLICANT : GENSTAR
FILE : DASZ 29/03
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. 6400/94 by rezoning the land shown outlined above from an "MP-1" INDUSTRIAL DISTRICT to an "R1-4" SINGLE-FAMILY DISTRICT and an "RM-4" MULTIPLE-FAMILY DISTRICT to allow for the establishment of sites for single-family development and a multiple-family site. **For information, phone Mr. R. Mitchell, Planner at 986-5017.**

Premises Affected: 792 Lindenwood Drive West

Exhibits Filed:

1. Application dated October 16, 2003
2. Notification of Public Hearing to Applicant dated October 21, 2003
3. Manitoba Status of Title(s) 1622948, 1623414

4. Surveyor's Building Location Certificate and sketch dated April 30, 2001
5. Letters of authorization dated September 16, 2003 and October 8, 2003
6. Extract of Atlas Sheet AH20
7. Site Plans (3 pages)
8. Report from the Manager of Planning and Land Use dated October 26, 2003
9. Report from the Administrative Coordinating Group dated December 1, 2003

REPRESENTATIONS:

In Support:
Bill Coady
John Daniels, Qualico Developments
Greg Jasper
Jerry Klein, Genstar Development Company
Verne Reimer, GBR Architects
Kevin Van
Jim Venw
Frank Wade

In Opposition:
Nil

For the City:
Ross Mitchell, Senior Planner, Planning, Property and Development Department
E.L. Carrière, Land Development Engineer, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

Greg Jasper appeared in support of the application. Mr. Jasper requested that Recommendation 3.C., in the Report from the Manager of Planning and Land Use dated October 26, 2003, be amended to read a 50 foot set back rather than the 65 foot set back.

The Senior Planner advised Community Committee that the administration was supportive of the amendment. The Senior Planner inquired as to landscaping along the west limit.

Verne Reimer, appeared in support of the application. Mr. Reimer stated that they were going to have landscaping.

The Senior Planner inquired as to a provision for access on the property.

Verne Reimer responded that they would provide access.

Re: Proposed subdivision and rezoning of land located at the northwest corner of McGillivray Boulevard and Lindenwood Drive West – DASZ 29/03

An application has been submitted by Genstar Development Company to subdivide and rezone land located at the northwest corner of McGillivray Boulevard and Lindenwood Drive West. The land is located within the Genstar/City Joint Venture nearby to land previously developed under Development Agreement AG 6/01.

It is recommended that the Developer amend its plan as follows:

1. By deleting from the plan the portion of Wankling Bay adjacent to the proposed R1-4 lots;
2. By providing and legally opening, at no cost to the City, property required for a right-of-way corner cut measuring 4.760m along Lindenwood Drive West by 1.904m along McGillivray Boulevard (Wankling Bay) in the northwest corner of McGillivray Boulevard and Lindenwood Drive West.
3. By providing and legally opening at no cost to the City, property required for right-of-way corner cuts measuring 3.000m along Lindenwood Drive West by 3.000m along Fairhaven Road in the southwest and northwest corners of Lindenwood Drive West at Fairhaven Road.
4. Right-of-way to accommodate a permanent cul-de-sac at/near the west terminus Fairhaven Road is to be consistent with dimensions illustrated on Streets and Transportation Drawing ST-91 as a minimum.

It is recommended that approval of DASZ 29/03 amended as above be subject to the Developer entering into an Addendum to Development Agreement AG 6/01 as follows:

1. By adding to AG 6/01, a copy of the plan approved under DASZ 29/03;
2. By adding to AG 6/01, a copy of a servicing plan covering DASZ 29/03 including:
    i) the relocation of the existing 12" watermain if its alignment is such that it would end up under the future pavement on Fairhaven Road,
    ii) a 10m wide concrete pavement with 1.5m wide sidewalks along both sides in Fairhaven Road;
    iii) a 6.0m wide concrete pavement within the proposed frontage road, and
    iv) a 1.5m concrete sidewalk on the west side of Lindenwood Drive West except where a frontage road is provided.
3. By adding a clause requiring the Developer to construct, at no expense to the City, within the yards of the single family and multiple family lots abutting McGillivray Boulevard, a uniform noise attenuation fence 2.0m in height to the satisfaction of the Director of Public Works. The Developer shall permit the City to file a caveat against the title of

each of these proposed lots abutting McGillivray Boulevard 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.

4. By adding a clause to AG 6/01 requiring the Developer to pay $1,200.00 per acre to defray the City's administration and related costs associated with the preparation and implementation of the addendum.

5. By adding a clause to AG 6/01 requiring the Developer to pay the Somerville Trunk User Charge applicable to the land covered under DASZ 29/03.

THIS REPORT SUBMITTED BY:

Administrative Coordinating Group
File No. AG 29/03
December 1, 2003

"Original signed by E.L. Carrière"
Land Development Engineer

"Original signed by K.T. Raban"
Water and Waste Department

"Original signed by R.J. Hartmann"
Public Works Department
Transportation Division

In reply please refer to / Référence à rappeler :

Ross Mitchell
(204) 986-5017
Fax / Téléc. : (204) 986-3684

File No. DASZ 29/03 October 26, 2003
Our c/f CP 500 (.634)

Josie Marques, Clerk
City Centre Community Committee
Council Building
510 Main Street
Winnipeg, MB R3B 1B9

Dear Ms. Marques:

SUBDIVISION AND REZONING
Land located north of McGillivray, south of Fairhaven Road, west of Lindenwood Drive West.
City Centre Community
File No. DASZ 29/03

An application has been received from Genstar (Greg Jasper) for approval of a plan of subdivision and related zoning change to Zoning By-Law No. 6400/94 by rezoning the subject lands from an "MP-1" Industrial District to a "R1-4" Single-family Residential District and a "RM-4" Multiple-family Residential District to permit the construction of single-family houses, four-plexes, and an apartment building.

RELATED FILES: DAV 331374D, zoning variances for parking, building height and yards.



SITE DESCRIPTION:

Site Area: About 6.6 acres total.

Existing Land Use and Zoning: Vacant land zoned "MP-1" Industrial District.

Surrounding Land Use and Zoning:

North: Vacant land zoned "MP-2" and "A" Agricultural District
South: Linden Ridge Shopping Centre (Canadian Tire) zoned "C2" Commercial District
East: Across Lindenwood Drive West, single-family housing zoned "R1-5.5"
West: Lindenwoods Shopping Centre (Walmart) zoned "C2"

DEVELOPMENT DESCRIPTION:

The proposed development includes three housing components. It is proposed to construct 12 single-family dwellings on 50' by 120' lots on the south side of Lindenwood Drive West between Woodhaven Road and McGillivray. This is the same number of homes that are currently located on the north side of Lindenwood Drive West. Access to the homes will be via a frontage road.

The second housing component is located to the rear of the single-family dwellings, and consists of 5, 2-storey, condominium four-plexes. Each four-plex is provided with two front driveway approaches leading to 2 double garages built into the units. The two outside units in each four-plex are 1-storey, while the two inside units are 2-storey. This is a common and popular housing format in others cities across the country. The four-plex property is 100 feet deep, measured from the private access roadway to the rear of the houses fronting Lindenwood Drive West.

The third housing component consists of three, 4-storey apartment buildings totalling 180 rental units, with surface parking for 75 cars and underground parking for 162 cars. The apartment buildings would share an access road with the four-plexes.

PLAN WINNIPEG:

The site is designated Neighbourhood Policy Area under Plan Winnipeg. The current industrial zoning reflects the previous designation as an Industrial Policy Area, prior to development of the Linden Woods Community in the 70's. The proposal complies with Plan Winnipeg.

ADMINISTRATIVE COMMENTS:

The Planning and Land Use Division supports the proposed development for the following reasons:

- The higher-density residential development is appropriate given the site location on existing transit routes adjacent to the Kenaston/McGillivray regional street intersection and commercial concentration.
- The single-family housing component respects the low-density character of Linden Woods.
- Multiple-family housing is needed in Winnipeg, especially rental apartments.

The Public Works Department is requesting a minimum south side yard of 30 feet measured to the north limit of the abandoned, 34'4" wide Wankling Bay right-of-way that runs along the north side of McGillivray Boulevard. The City has agreed to close that portion of the right-of-way that borders the four-plexes and the apartment buildings for incorporation into the development. The current site plans shows the right-of-way incorporated into the south side yard, with a building setback of about 42 feet measured from the building face to the north limit of McGillivray Boulevard. Pursuant to the request of the Public Works Department, the building separation from the north limit of McGillivary to the building face should be in the order of 65 feet, comprised of the closed Wankling Bay right-of-way of 34'4" plus the required yard of about 30 feet based on the building length (5%), building height (10%) and the presence of windows (+10 feet). Balconies can encroach 5 feet into required yards. The Public Works Department is requesting this setback for sound attenuation.

RECOMMENDATION:

I. That the plan of subdivision proposed under File No. DASZ 29/03 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File No. DASZ 29/03, attached hereto and dated November 26, 2003, for 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 December 1,2003;

   B. That the Developer be required to pay to the City 10% cash dedication in lieu of land dedication, to be calculated on the basis of the increase in land value.

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

III. That Zoning By-Law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File No. DASZ 29/03, attached hereto and dated December 2, 2003, to a "R1-4" Single-family Residential District and a "RM-4" Multiple-family Residential District, subject to the applicant entering into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to apply to the subject site to include the following conditions:

A. That, prior to the issuance of a development permit, plans showing the site layout, access, parking, fencing, landscaping, site lighting and garbage enclosures be submitted for the approval of the City Centre Community Committee.

B. That private approaches from McGillivray Boulevard to the Planned Area be prohibited.

C. That a south side yard of 18.3 metres (60 feet) be provided against McGillivray Boulevard abutting the multiple-family component of the project, measured from the principal building face to the north limit of McGillivray Boulevard, for purposes of sound attenuation.

D. That a south side yard of 7.6 metres (25 feet) be provided against McGillivray Boulevard abutting the single-family component of the project, measured from the principal building face to the north limit of the Wankling Bay right-of-way.

E. That the Developer permit the City to file a caveat against the title of proposed lots abutting McGillivray Boulevard requiring the owner(s) to maintain and/or repair or replace the sound attenuation fence required under the related Development Agreement.

F. That the maximum number of units on the site be limited to 12 single-family houses, 5, four-plex buildings, and 3 apartment buildings containing a total of 200 units.

G. That the maximum height of the apartment buildings be limited to 16.5 metres (54 feet).

H. That parking be provided at a ratio of 1.3 stalls per dwelling unit for multiple-family buildings.

IV. That, in the event this application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months after adoption of this report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

V. That the City Solicitor be requested to prepare the necessary by-law in accordance with the above.

VI. 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.

VII. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision has been registered in the Winnipeg Land Titles Office and when the Zoning Agreement has been filed by caveat as a first charge in the Winnipeg Land Titles Office against those lands **provided that the said effective date occurs within twenty-four (24) months from the date that the said rezoning by-law is adopted by Council.**

VIII. The Plan of Subdivision shall be approved and signed by the Director of Planning, Property and Development within two (2) years of the date of passage of the aforementioned by-law.

IX. In the event that the necessary City of Winnipeg mylar approval signatures have not been secured within 24 months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

Yours truly,

C. Knoll
Manager of Planning and Land Use

_____

Per: Ross Mitchell, Senior Planner
(City Centre and Assiniboia Communities)
986-5017

/jc

Figure 1: Schedule "A" to the report to the City Centre Community Committee for file No. DASZ 29/03, dated December 2, 2003.

