Minute No. 242
Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – March 2, 2020

Item No. 7 Subdivision and Rezoning – Ken Oblik Drive (Waverley West Ward) File DASZ 40/2019 [c/r DAV 198487/2019D]

COUNCIL DECISION:

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

1. That the subdivision under Development Application No. DASZ 40/2019 be approved for preparation as a plan of subdivision (the "Plan") by a Manitoba Land Surveyor in accordance with the map dated January 27th, 2020 and attached as Schedule "A" to this report, 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 amend the Development Agreement to File No. DASZ 33/2012 (AG 33/12) with the City pursuant to subsection 259(1) of the City of Winnipeg Charter in accordance with the report of the Administrative Coordinating Group dated December 11th, 2019 and attached as Schedule "B" to this report, with the following amendments:

        i. Add the following new Condition after 'Plan Considerations':

        "**Servicing Conditions:**

        1. The Developer shall, at no expense to the City, construct a 1.5m in width by 100mm thick Portland cement concrete sidewalk on the standard alignment, 0.3m off the property line, in the Public Road, as determined by and to the satisfaction of the Director of Public Works."

2. That authority be delegated to the City's Director of Planning, Property and Development (the "Director") to negotiate and approve the terms and conditions of the Servicing Agreement and any Ancillary Agreements in accordance with this report and such other terms and conditions determined necessary by the City Solicitor/Director of Legal Services to protect the interests of the City.

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – March 2, 2020

COUNCIL DECISION (continued):

3. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land to a "RMF-M" Residential Multi-Family (Medium) District, "RMF-S" Residential Multi-Family (Small) District, and "R2" Residential Two-Family District as shown on the map dated January 27th, 2020, and attached as Schedule "A" to this report.

4. That this matter will be deemed to be concluded and all approvals in connection with this matter will expire if a by-law to implement this report (the "By-law") is not enacted within 2 years after the date on which this report is approved by Council unless the developer applies for an extension of time before the expiration of the 2 year period and Council approves the extension.

5. That upon instruction from the Director of Planning, Property and Development, the Director of Legal Services/City Solicitor prepare and bring it directly to Council for enactment the By-law in accordance with the above.

6. That the subdivision section of the by-law will come into force when the amendment to the Development Agreement is fully executed and the Plan is registered in the Winnipeg Land Titles Office.

7. That the zoning section of the by-law will come into force and effect when the Plan is registered in the Winnipeg Land Titles Office.

8. That the By-law will be repealed without coming into force 1 year after the date it is enacted if the Plan is not registered in accordance with recommendation 6 unless the developer applies for an extension of time before the expiration of the 1 year period and Council approves the extension.

9. That this matter will be deemed to be concluded and all approvals in connection with this matter will expire if the necessary Plan approval signatures on behalf of the City have not been secured within 1 year after the date on which the By-law is enacted unless the developer applies for an extension of time before the expiration of the 1 year period and Council approves the extension.

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

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – March 2, 2020

DECISION MAKING HISTORY:

Moved by Councillor Mayes,

That the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On March 10, 2020, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On March 2, 2020, the Standing Policy Committee on Property and Development, Heritage and Downtown Development concurred in the recommendation of the Assiniboia Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On February 4, 2020, the Assiniboia Community Committee concurred in the recommendation of the Winnipeg Public Service, with the following amendments:

- In Recommendation 1.A., delete the period after "Schedule "B" of this report", and replace with the following:

  ", with the following amendments:

  i. Add the following new Condition after 'Plan Considerations':

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – March 2, 2020

DECISION MAKING HISTORY (continued):

COMMUNITY COMMITTEE RECOMMENDATION (continued):

"**Servicing Conditions:**

1. The Developer shall, at no expense to the City, construct a 1.5m in width by 100mm thick Portland cement concrete sidewalk on the standard alignment, 0.3m off the property line, in the Public Road, as determined by and to the satisfaction of the Director of Public Works."

and forwarded the matter to the Standing Policy Committee on Property and Development, Heritage and Downtown Development.

PUBLIC HEARING SUMMARY

File: DASZ 40/2019

Before: Assiniboia Community Committee
Councillor Lukes, Chairperson
Councillor Gillingham
Councillor Klein

Public Hearing: February 4, 2020
Council Building, 510 Main Street

Applicant: Ladco Company Limited
(Tyler Smith)

Subject:



APPLICANT: Ladco Company Limited
FILE: DASZ 40/2019
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 "RMF-M" RESIDENTIAL MULTI-FAMILY (MEDIUM) DISTRICT to an "R2" RESIDENTIAL TWO-FAMILY DISTRICT and an "RMF-S" RESIDENTIAL MULTI-FAMILY (SMALL) DISTRICT to facilitate the creation of residential lots and the establishment of right-of-ways. **For information, phone Mr. R. Galston, Planner at 204-986-8645.**

Premises Affected: Ken Oblik Drive

For submission to: The Standing Policy Committee on Property and Development, Heritage and Downtown Development

Prepared by: Leah Cowan, Senior Committee Clerk
Assiniboia Community Committee

Report date: February 5, 2020

Community Committee Recommendation:

On February 4, 2020, the Assiniboia Community Committee concurred in the recommendation of the Winnipeg Public Service, as amended, and recommended to the Standing Policy Committee on Property and Development, Heritage and Downtown Development:

1. That the subdivision under Development Application No. DASZ 40/2019 be approved for preparation as a plan of subdivision (the "Plan") by a Manitoba Land Surveyor in accordance with the map dated January 27th, 2020 and attached as Schedule "A" to this report, 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 amend the Development Agreement to File No. DASZ 33/2012 (AG 33/12) with the City pursuant to subsection 259(1) of the City of Winnipeg Charter in accordance with the report of the Administrative Coordinating Group dated December 11th, 2019 and attached as Schedule "B" to this report***, with the following amendments:***

        i. Add the following after 'Plan Considerations':

        "Servicing Conditions:

        1. The Developer shall, at no expense to the City, construct a 1.5m in width by 100mm thick Portland cement concrete sidewalk on the standard alignment, 0.3m off the property line, in the Public Road, as determined by and to the satisfaction of the Director of Public Works."

2. That authority be delegated to the City's Director of Planning, Property and Development (the "Director") to negotiate and approve the terms and conditions of the Servicing Agreement and any Ancillary Agreements in accordance with this report and such other terms and conditions determined necessary by the City Solicitor/Director of Legal Services to protect the interests of the City.

3. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land to a "RMF-M" Residential Multi-Family (Medium) District, "RMF-S" Residential Multi-Family (Small) District, and "R2" Residential Two-Family District as shown on the map dated January 27th, 2020, and attached as Schedule "A" to this report.

4. That this matter will be deemed to be concluded and all approvals in connection with this matter will expire if a by-law to implement this report (the "By-law") is not enacted within 2 years after the date on which this report is approved by Council unless the developer applies for an extension of time before the expiration of the 2 year period and Council approves the extension.

5. That upon instruction from the Director of Planning, Property and Development, the Director of Legal Services/City Solicitor prepare and bring it directly to Council for enactment the By-law in accordance with the above.

6. That the subdivision section of the by-law will come into force when the amendment to the Development Agreement is fully executed and the Plan is registered in the Winnipeg Land Titles Office.

7. That the zoning section of the by-law will come into force and effect when the Plan is registered in the Winnipeg Land Titles Office.

8. That the By-law will be repealed without coming into force 1 year after the date it is enacted if the Plan is not registered in accordance with recommendation 6 unless the developer applies for an extension of time before the expiration of the 1 year period and Council approves the extension.

9. That this matter will be deemed to be concluded and all approvals in connection with this matter will expire if the necessary Plan approval signatures on behalf of the City have not been secured within 1 year after the date on which the By-law is enacted unless the developer applies for an extension of time before the expiration of the 1 year period and Council approves the extension.

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

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

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

1. There's a high demand for properties like this and we're all about density.

2. We want to encourage growth in the Waverley West Ward.

Exhibits Filed:

1. Application dated November 14, 2019
2. Notification of Public Hearing dated January 2, 2020
3. Manitoba Status of Titles 2811442/1, 2811445/1, 2811446/1 and 2811447/1
4. Letter of authorization dated October 28, 2019 from David Borger, Ladco Company Limited to Tyler Smith
5. Surveyor's Building Location Certificate and sketch dated September 11, 2019
6. Statutory Easement for File No. DASZ 33/2012
7. Zoning Agreement Development Agreement (rezoning) for File DASZ 33/2012
8. Caveats 4665166/1 and 5098748/1
9. Plans (3 pages)
10. Report from the Urban Planning Division dated January 27, 2020
11. Inspection Report
12. Development Plan submitted by the Applicant at the public hearing
13. Recording of Representations of public hearing held on February 4, 2020

REPRESENTATIONS:

In Support:

Sean Gallagher
Tyler Smith

In Opposition:

Nil

For Information:

Nil

For the City:

R. Galston, Urban Planner, Planning, Property and Development Department
D. Trenchard, Land Development Engineer, Planning, Property and Development

Exhibit "10" referred to in File DASZ 40/2019

ADMINISTRATIVE REPORT

Title: DASZ 40/2019 – Ken Oblik Drive

Issue: For consideration at the public hearing for a subdivision and rezoning to subdivide four lots into 87 residential lots and rezone part of subject site from "RMF-M" Residential Multi-Family (Medium) to "RMF-S" Residential Multi-Family (Small) and "R2" Residential Two-Family, and create a new public right-of-way.

Critical Path: Assiniboia Community Committee as per the Development Procedures By-law and *The City of Winnipeg Charter.*

AUTHORIZATION

Author	Department Head	CFO	CAO
R. Galston, MCP	n/a	n/a	

RECOMMENDATIONS

1. That the subdivision under Development Application No. DASZ 40/2019 be approved for preparation as a plan of subdivision (the "Plan") by a Manitoba Land Surveyor in accordance with the map dated January 27th, 2020 and attached as Schedule "A" to this report, 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 amend the Development Agreement to File No. DASZ 33/2012 (AG 33/12) with the City pursuant to subsection 259(1) of the City of Winnipeg Charter in accordance with the report of the Administrative Coordinating Group dated December 11th, 2019 and attached as Schedule "B" to this report.

2. That authority be delegated to the City's Director of Planning, Property and Development (the "Director") to negotiate and approve the terms and conditions of the Servicing Agreement and any Ancillary Agreements in accordance with this report and such other terms and conditions determined necessary by the City Solicitor/Director of Legal Services to protect the interests of the City.

3. That The Winnipeg Zoning By-law No. 200/06 be amended by rezoning the subject land to a "RMF-M" Residential Multi-Family (Medium) District, "RMF-S" Residential Multi-Family (Small) District, and "R2" Residential Two-Family District as shown on the map dated January 27th, 2020, and attached as Schedule "A" to this report.

4. That this matter will be deemed to be concluded and all approvals in connection with this matter will expire if a by-law to implement this report (the "By-law") is not enacted within 2 years after the date on which this report is approved by Council unless the developer applies for an extension of time before the expiration of the 2 year period and Council approves the extension.

5. That, upon instruction from the Director of Planning, Property and Development, the Director of Legal Services/City Solicitor prepare and bring it directly to Council for enactment the By-law in accordance with the above.

6. That the subdivision section of the by-law will come into force when the amendment to the Development Agreement is fully executed and the Plan is registered in the Winnipeg Land Titles Office.

7. That the zoning section of the by-law will come into force and effect when the Plan is registered in the Winnipeg Land Titles Office.

8. That the By-law will be repealed without coming into force 1 year after the date it is enacted if the Plan is not registered in accordance with recommendation 6 unless the developer applies for an extension of time before the expiration of the 1 year period and Council approves the extension.

9. That this matter will be deemed to be concluded and all approvals in connection with this matter will expire if the necessary Plan approval signatures on behalf of the City have not been secured within 1 year after the date on which the By-law is enacted unless the developer applies for an extension of time before the expiration of the 1 year period and Council approves the extension.

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

REASON FOR THE REPORT

- Rezoning applications require a Public Hearing as per the *Development Procedures By-law* and *The City of Winnipeg Charter.*
- The Report is being submitted for the Committee's consideration of the development application at the Public Hearing.

IMPLICATIONS OF THE RECOMMENDATIONS

- If the recommendations of the Urban Planning Division are concurred in, the subject property may be subdivided and rezoned consistent with the map provided in Schedule "A" of this report.

CONSULTATION

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

OURWINNIPEG POLICY ALIGNMENT

The propose development aligns with *OurWinnipeg* Section 01, Direction 3: *"Promote Compact Urban Form and Manage the Extension of Municipal Services for New Growth."*

WINNIPEG CLIMATE ACTION PLAN ALIGNMENT

The proposed development would align with the following Key Direction in the Winnipeg Climate Action Plan: *"Ensure New Areas of Growth are Designed According to the Principles of Complete Communities."*

SUBMITTED BY

Department	Planning, Property and Development
Division	Urban Planning
Prepared by	Robert Galston, MCP
Date:	January 27, 2020
File No.	DASZ 40/2019

List of Schedules and Attachments

1. Appendix "A" — Planning Discussion
2. Schedule "A" — File No. DASZ 40/2019, Assiniboia Community Committee, Dated January 27th, 2020
3. Schedule "B" — Report of the Administrative Coordinating Group Re: Proposed Subdivision and Rezoning of Land Located West of Ken Oblik Drive, South of Waverley Street

APPENDIX 'A'

DATE: January 27th, 2020
FILE: **DASZ 40/2019**
RELATED FILES: DAV 19-198487/D
COMMUNITY: Assiniboia Community
NEIGHBOURHOOD #: 5.683 (Prairie Point)

SUBJECT: For consideration at the public hearing for a subdivision and rezoning to subdivide four lots in 87 residential lots and rezone part of the subject site from "RMF-M" – Residential Single-Family (Medium) to "RMF-S" – Residential Multi-Family (Small) and "R2" – Residential Two-Family, and create a new public right-of-way.

LOCATION: Ken Oblik Drive
LEGAL DESCRIPTION: LOTS 1 TO 4 BLOCK 1 PLAN 58257 WLTO IN OTM LOTS 106/108 ST N



APPLICANT: Ladco Company, Limited (Tyler Smith)
200-40 Lakewood Boulevard
Winnipeg, Manitoba R2J 2M6

OWNER: Ladco Company, Limited
200-40 Lakewood Boulevard
Winnipeg, Manitoba R2J 2M6

RECOMMENDATION: Approval

HISTORY

Waverley West Southwest Neighbourhood Area Structure Plan

On May 29, 2013, Council adopted the *Waverley West Southwest Neighbourhood Area Structure Plan* (By-law No. 3/2012).

DASZ 33/2012

On May 29, 2013, Council concurred in the recommendation of the Standing Policy Committee on Property and Development and adopted the following:

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

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

        C. Agreement Conditions

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

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

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

            iv. iv. Add the following new condition 46.

                a. "46. Up to 1200 units may be developed, until such a time school construction begins in the Waverley West area." 2

2. That The Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the planned area as shown on Schedule "A" for File DASZ 33/2012 dated March 26, 2013 to an "R1-M" Single-Family District, an "RMF-S" Residential Multi-Family District, an "RMF-M" Residential Multi-Family District, a "C3" Commercial District, and a "PR1" Parks and Recreation 1 District, subject to the following:

    A. That the applicant enter into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter for each phase of the development, which Agreement shall contain the following conditions:

        i. That, for the development of any building, and/or accessory parking area and/or signage within the lands zoned "RMF-S" or "RMF-M" Residential Multi-Family, or "C3" Commercial, plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, landscaping and signage to the Director of Planning, Property and Development and the Riel Community Committee for plan approval

prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development.

ii. The Developer shall, at no expense to the City, construct within the rear yards of all single and two-family lots abutting Waverley Street, Kenaston Boulevard and the Perimeter Highway, a uniform fence 2.0m in height, to the satisfaction of the Director of Public Works. Future owners of the individual building lots along this fencing shall be responsible for maintaining this fencing to the satisfaction of the Director of Public Works;

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

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

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

vi. That, the Developer and all successors in title to the seven (7) "C3" Commercial-zoned lots located at the northwest corner of the Waverley Street and Kenaston Boulevard intersection in the subdivision shall enter into, and register and maintain in perpetuity by way of caveat or master or declaratory easement against the titles to the lots, private cross-access agreements with the owners of the other lots so as to ensure access to every lot at all times, via streets or internal roads, by vehicles, including but not limited to City emergency service vehicles and transit buses. The Developer and owners must submit the agreements or easements to the City Solicitor for approval prior to execution.

vii. That, the Developer and all successors in title to the seven (7) "C3" Commercial-zoned lots located at the southwest corner of the Waverley Street and Kenaston Boulevard intersection in the subdivision shall enter into, and register and maintain in perpetuity by way of caveat or master or declaratory easement against the titles to the lots, private cross-access agreements with the owners of the other lots so as to ensure access to every lot at all times, via streets or internal roads, by vehicles, including but not limited to City emergency service vehicles and transit buses. The Developer and owners must submit the agreements or easements to the City Solicitor for approval prior to execution.

viii. That the address number of every building on the “C3” Commercial-zoned properties (and the name of the building, if applicable) shall be physically attached to the building or otherwise posted on the subject property lot on which the building is located, so as to be clearly visible from the street or internal road on which the building is located.

3. That the Director of Planning, Property and Development be authorized to certify any documents in connection therewith.
4. That in the event the matter is not proceeded with expeditiously and the by-law is not passed within two (2) years after adoption of the report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of the two (2)-year period and Council approves the extension.
5. That the Director of Legal Services and City Solicitor be requested to prepare the necessary by-law in accordance with the above.
6. That the subdivision section of the by-law shall come into force and effect upon execution by the City of Winnipeg of the Development Agreement.
7. That the zoning section of the by-law shall come into force and effect for each phase when:
    a. the block plan of subdivision for that phase and the lot plan of subdivision for that phase are both registered in the Winnipeg Land Titles Office; and,
    b. the Zoning Agreement for that phase is registered in the Winnipeg Land Titles Office by caveat against the subject land,

    provided that the said effective date occurs within ten (10) years from the date the by-law is passed.
8. That all block plans of subdivision and all lot plans of subdivision:
    a. may be approved and signed by the Director of Planning, Property and Development within ten (10) years from the date the by-law is passed;

    And

    b. may be registered in the Winnipeg Land Titles Office within ten (10) years from the date the by-law is passed, failing which the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of the ten (10)-year period and Council approves the extension.
9. That the Director of Legal Services and City Solicitor be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

DISCUSSION

SITE DESCRIPTION

- The subject site is located on the west side of Ken Oblik Drive, south of Waverley Street, in the Prairie Pointe Neighbourhood of the Waverley West Ward.

- The subject site has a total area of 12.68 acres. It is currently vacant.
- The subject site is currently zoned “RMF-M” – Residential Multi-Family (Medium).
- The subject site is located within the Areas of Stability – Recent Communities policy area of the *Complete Communities Direction Strategy* Urban Structure Map. The site also falls within the *Waverley West Southwest Neighbourhood Area Structure Plan.*



Figure 1: Aerial Photo of Subject Site and Surrounding Uses *(flown 2018)*

SURROUNDING LAND USE AND ZONING (See Figure 2)

North: Vacant land zoned “RMF-M” Residential Multi-Family (Medium).

South: Drainage retention pond zoned “PR-1” Public Reserve, then vacant land zoned “A” Agricultural.

East: Ken Oblik Drive, then vacant land zoned “C3” Commercial Corridor and “RMF-M” Residential Multi-Family (Medium).

West: Drainage retention pond zoned “PR-1” Public Reserve, then vacant land zoned “RMF-M” Residential Multi-Family (Medium) and “A” Agricultural.



Figure 2: Zoning of the Site and Surrounding Area

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant is proposing to subdivide the existing four (4) lots and create a total of 87 residential lots and a new private street and rear public lane.
- Of these 87 residential lots, there will be:

  RMF-M Lots (Multi-Family)

  - Two (2) lots zoned "RMF-M" Residential Multi-Family (Medium).
  - Each of these two (2) lots will contain future multi-family developments, and will be accessed directly from Ken Oblik Drive.

  RMF-S Lots (Townhouse)

  - 19 townhouse units zoned "RMF-S" Residential Multi-Family (Small).
  - Each of these 19 townhouse units will face onto Ken Oblik Drive and will be serviced by the proposed rear public lane.

  R2 Lots (Duplex)

  - 66 duplex units zoned "R2" – Residential Two-Family.
  - Each of these 66 duplex units will face onto the proposed public street. Of these, 18 units will be serviced by the proposed rear public lane. The remaining 48 will be serviced by front approaches.
- No building plans or design drawings have been submitted with this application.

Public Street and Lane

- A public street is proposed to service 66 of the proposed 87 residential lots. The street intersects with Ken Oblik Drive at two separate points.
- Only the two (2) largest lots (each measuring 2.21 acres in area) are to take vehicular access directly from Ken Oblik Drive. All other proposed lots are to take vehicular access from either the proposed public street or the proposed rear public lane.
- Please see Figure 3, which shows the development plan of the subject site.

ANALYSIS AND ISSUES

OURWINNIPEG AND COMPLETE COMMUNITIES DIRECTION STRATEGY

- *OurWinnipeg* is the City's long-range development plan. The Key Direction of *OurWinnipeg* regarding Areas of Stability states:
  - *Enhance the quality, diversity, completeness, and sustainability of stable neighbourhoods and and expand housing options for Winnipeg's changing population.*
- The *Complete Communities Direction Strategy* is one of four direction strategies supporting *OurWinnipeg*, the city's long-range development plan, and has statutory authority as a secondary plan. The strategy guides land use and development in Winnipeg.
- As noted above, the subject property is classified as an "Area of Stability – Recent Community" in *Complete Communities*' Urban Structure map. Areas of Stability will

accommodate low to moderate density infill development to support more efficient use of land, infrastructure, and services as well as enhance housing choice and affordability. With regard to this proposal, the key policies guiding the development of Areas of Stability include:

- *Support low to moderate change in low-density neighbourhoods through development and redevelopment that is complementary to the existing scale, character and built form.*
- *Promote the form of buildings and spaces that are sensitive to the community context and address the transition between new and existing developments.*
- *Promote a quality public realm with a high level of accessibility to community services and amenities and opportunities for gathering and social interaction.*
- *Encourage intensification to occur at centres and along corridors.*
- *Focus housing growth to areas that have municipal service capacity to support intensification, in addition to commercial and recreational amenities.*
- *Support Complete Communities by ensuring diverse and high quality housing stock.*
- *In order to meet the full life-cycle of housing needs within the community, promote a mix of housing type and tenure, such as duplexes, low rise apartments, secondary suites, semi-detached homes, townhouses.*
- *Provide opportunities to increase multi-modal connectivity when redevelopment occurs.*

WAVERLERY WEST SOUTHWEST NEIGHBOURHOOD AREA STRUCTURE PLAN
(By-law No. 4/2013)

- Under the *Waverley West Southwest Neighbourhood Area Structure Plan*, the subject property is located in the Residential Policy Area.
- The purpose of the Residential Policy Area is to provide opportunities for a range of housing that meets and responds to market-based demand. Single-family housing will be the predominant land use. However, compatible and complementary multi-family housing and other uses may be developed around Neighbourhood Nodes, along Waverley Street, and around the primary commercial area. Further, multi-family housing will provide a buffer between single-family residential areas and other uses.
- Policies guiding development in the Residential Policy Area include:

  5.1.1 (1).Composition

  Single family uses shall be the predominant land use.

  i. Multi-family residential, including higher density multi-family residential, community scale commercial, local commercial, non-retail commercial, institutional, recreational, and other compatible uses shall be permitted in the vicinity of Neighbourhood Nodes and the primary commercial area.

  ii. Multi-family residential (including higher-density multi-family residential, local commercial, non-retail commercial, institutional, recreational, and other compatible uses shall be permitted adjacent to Waverley Street. Multi-family residential, including higher density multi-family residential, shall be permitted adjacent to the Perimeter Highway.

  iii The general categories of uses identified under Secion 5.1.1. may be refined through the development application process.

5.1.3.(1) Design

The design shall:

i) Permit a range of housing that fulfills market demands and needs;

ii) Provide residents with linkages to access adjacent neighbourhoods through roadway and pedestrian connections;

iii) Provide a transition between different land uses; and,

iv) Be determined through the development application process.

- The plan identifies a Neighbourhood Node in close proximity to the subject property, located at the intersection of Waverley Street and Ken Oblik Drive, and is immediately to the west of the Primary Commercial Area of this plan. As such, the proposed multi-family residential development is consistent with policies in the *Waverley West Southwest Neighbourhood Area Structure Plan.*

SUBDIVISION

- As noted above, the subject site is currently made up of four (4) lots. Subdivision is required in order to establish a total of 87 residential lots on the subject site.
- A site plan submitted by the applicant shows that the proposed two “RMF-M” lots will have a lot size of 2.2 acres. The proposed “RMF-S” lots will have lot sizes of approximately 2,500 square feet. The proposed “R2” zoning district will have lot sizes ranging between approximately 2,570 square feet and approximately 4,000 square feet. (See Figure 3.)

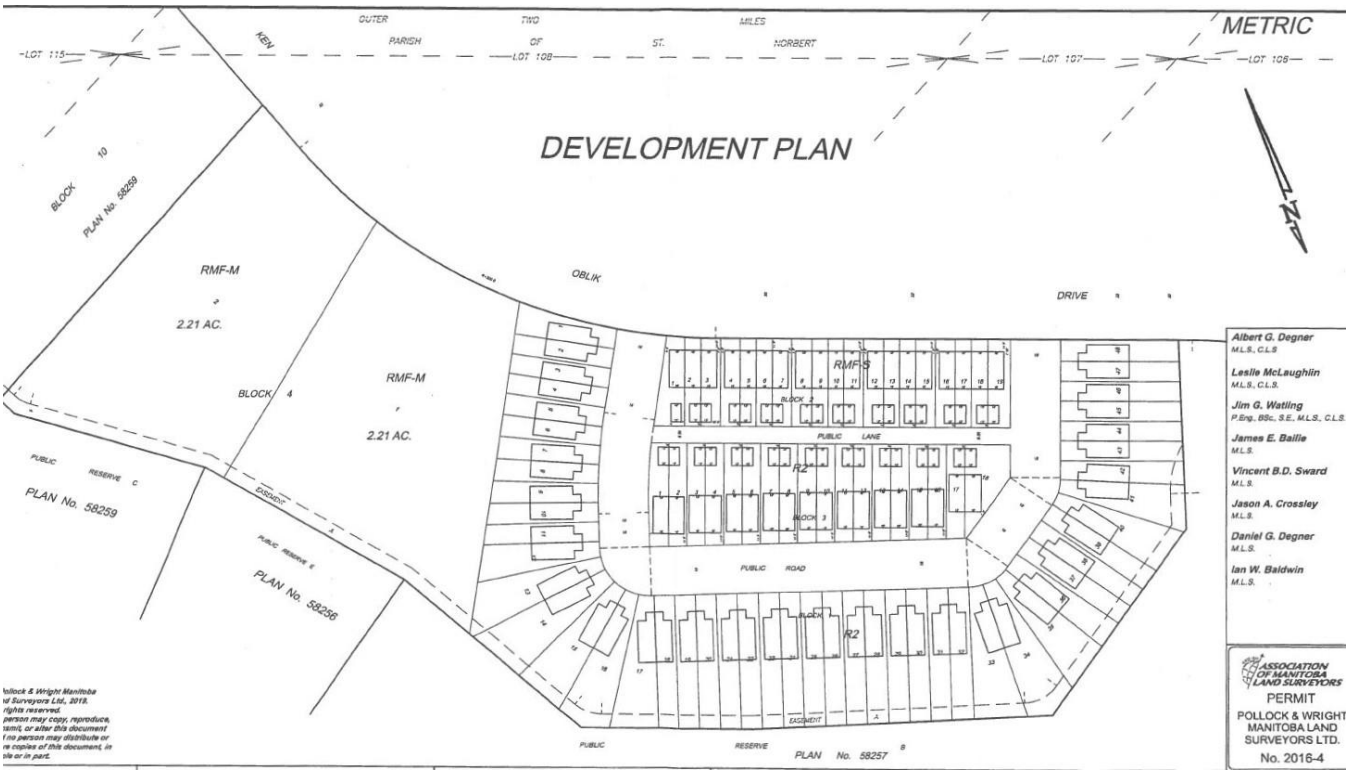


Figure 3: Surveyor’s Plan showing proposed lots and public roads on the subject site.

REZONING

- As noted above, the subject site is currently zoned “RMF-M” Residential Multi-Family (Medium). The applicant proposes to rezone a portions of the site to “RMF-S” Residential Multi-Family (Small) and “R2” Residential Two-Family districts, while retaining a portion of the subject property as “RMF-M.” Residential Multi-Family (Medium).
- Per the Winnipeg Zoning By-law, the intent of any multi-family zoning district is to accommodate the development of multi-family units in areas with medium to high residential densities. The intent of the two-family zoning district is to accommodate the development of single- and two-family units and, where appropriate, limited multi-family units in lower-density areas
- Per the dimensional standards of the Zoning By-law for “R2” zoning districts, the following standards apply:

TABLE 5-2: Dimensional Standards for the RR5, RR2, R1, R2 and RMH Zoning Districts
amended 121/2008; 146/2008; 148/2016

Zoning District and Designation	Minimum Lot Area (Sq. Ft.) [Notes a, e] *amended 95/2014*	Minimum Lot Width (Ft.) (Note e) *amended 95/2014*	Minimum Front Yard (Ft.)	Minimum Rear Yard (Ft.)	Minimum Side Yard (Ft.) [Note b]	Minimum Reverse Corner Street Side Yard (Ft.)	Maximum Height of Bldg. (Ft.)	Maximum Lot Coverage (%)
Principal Residential Structure								
RR5	217,800	300	25	25	25	25	35	30
RR2	87,120	180	50	25	25	25	35	30
R1-Estate	20,000	25	30	25	10	20	35	30
R1-Large	5,500	25	20	25	4	10	35	40
R1-Medium	3,500	25	15 [note c & d]	25	4	4	35	45
R1-Small	2,500	25	15 [note c & d]	25	3 each, or 2 & 4	4	35	45
RMH	See section 147, *Residential Mobile Home Park District-Specific Standards*							
R2	5,000 (2,500 per dwelling unit for two-family; 800 per dwelling unit for multi-family)	25	20	25	4	10	35	NA

- Per the dimensional standards of the Zoning By-law for “RMF-M” and “RMF-S” zoning districts, the following standards apply:

TABLE 5-4: Dimensional Standards for Multi-Family Districts
amended 135/2016; 12/2017

Zoning District and Designation	Minimum Lot Area (Sq. Ft.)	Minimum Lot Area Per Dwelling Unit (Sq. Ft.)	Minimum/ Maximum Front Yard (Ft.)	Minimum Rear Yard (Ft.)	Minimum Interior Side Yard (Ft.)	Minimum/ Maximum Corner Side Yard (Ft.)	Principal Building Separation (Ft.) [note a]	Minimum/ Maximum Building Height (Ft.)
Multi-Family Residential Structures								
RMF-S	9,000	1,250	20 / NA	25	4	5 / NA	8	NA / 35
RMF-M	9,000	800	25 / NA	25	8 **[note b]**	20/ NA	8	NA / 60
RMF-L	20,000	400	25 / NA	25	8 **[note b]**	20 / NA	8	NA / 150
RMU	9,000	500	20 / NA	25	5 **[note b]**	20 / NA	8	NA / 100
TOD	NA	200	NA / 10 [note c]	25	5 **[note b]**	NA / 10 [note c]	8	30 / 200
Single-family residential structures must meet the requirements of the R1-M zoning district								
Two-family residential structures must meet the requirements of the R2 zoning district								

- As noted above, the proposed development requires variances for reduced lot areas for three (3) proposed lots, and reduced front yard setbacks for a total of 37 proposed lots. These variances are the subject of an associated administrative report under file no. DAV 19-19847/D. Please see this report for further discussion of the variances.

CONSISTENCY WITH AREA SECONDARY PLAN

- The proposal is consistent with policies for Areas of Transformation – New Communities under the *Complete Communities Direction Strategy*, and with policies for the Residential Policy Areas of the local secondary plan, in that it provides a range of housing that fulfills market demand and needs, and is located in close proximity to a mixed-use commercial node.
- Additionally, the proposed mix of zoning districts and lot sizes provides a transition between the commercial area and lower-density residential areas by locating higher-density zoning districts (“RMF-M”) closest to commercial uses on Waverley Street, and lower-density multi-family zoning districts (“RMF-S”) and two-family districts (“R2”) further away from the Neighbourhood Node.

COMPATIBILITY WITH EXISTING NEIGHBOURHOOD AND SURROUNDING USES

- The subject property is currently surrounded by vacant land zoned for a mix of future development types. The proposed development is designed so that its highest-density land uses are located on Ken Oblik Drive, directly across the street from the Primary Commercial Area (as per the secondary plan), the townhouse units are oriented to Ken Oblik Drive, and the lowest density land uses (two-family duplexes) back onto existing retention ponds and future lower density residential development.
- As such, the Urban Planning Division considers the proposed subdivision and rezoning to be designed in a manner that provides a transition between the higher-intensity centres of activity (the Neighbourhood Node and Primary Commercial Area) to the north and east of the subject site, and the surrounding lower-density residential areas to the south and west of the subject site. Moreover, the design and situation of the proposed land uses will complement the completeness of the surrounding neighbourhood.

Private Front Approaches

- As noted above, the applicant proposes 48 duplex dwelling units that will take vehicular access from private front approaches. The lots that each of these dwelling units will be located on are typically 25 feet in width. In many cases, the Winnipeg Public Service has had concerns with front private approaches on lots of this width, as this can create issues related to snow storage, on-street parking, and the general appearance of the residential street.
- However, the case of the proposed development, the applicant is proposing shared approaches and front driveways for the each of the 24 duplex buildings. By providing shared driveways (that is, two driveways combined on the edge of a shared property line), the applicant is able to accommodate front approaches in a manner that leaves sufficient space for on-street parking. Additionally, shared driveways provide more space for landscaping in front yards, and places to store snow during winter months.

PLAN APPROVAL

- Per the Zoning Agreement for the subject lands, as approved under file no. DASZ 33/2012, plan approval for all buildings, parking areas, and signage on the subject site zoned "RMF-S" or "RMF-M" are subject to plan approval by the community committee and the Director of Planning, Property and Development.
- As such, the proposed lots to remain "RMF-M" and the proposed lots to be zoned "RMF-S" will be subject to plan approval by the Assiniboia Community Committee. (The "R2" lots fronting onto the proposed new street will not be subject to plan approval.)
- Per the Administrative Report for DASZ 33/2012, the following guidelines should be applied when evaluating future plan approval application for multi-family developments:
    - *Site layout and building orientation should ensure that buildings relate appropriately to the street and surrounding developments and create a cohesive visual identity for the neighbouhood*
    - *Parking areas should be located behind or beside principal buildings and should be well screened with landscaping*
    - *Universally accessible connections should be linked to public sidewalks*
    - *Refuse storage areas and other building services should be internal to buildings or screened from view with appropriate fencing and/or landscaping*
    - *The overall design should be made up of a distinctive, high-quality, architectural, in terms of massing and character, in order to avoid monotonous and featureless massing and design*
    - *Landscaping should enhance the overall development in key areas such as the development perimeter, corners, common areas, areas along pathways, and entryways*

CONDITIONS OF APPROVAL

Development Agreement

- The subject land is subject to an existing Development Agreement between the owner and the City, under file no. DASZ 33/2012. Recommended amendments to this Development Agreement are included in the report of the Administrative Coordinating Group (Schedule "B" of this report).

Land Dedication

- As a condition of rezoning or subdivision of a parcel of land, a developer is required to contribute a portion of the land to be developed to the City of Winnipeg for parks purposes. The amount of land is not less than 10 percent.
- However, in the case of this application, the full dedication of land or cash-in-lieu of land, was previously taken under DASZ 33/2012. As such, the applicant is not required to provide any further land dedication or cash-in-lieu of land.

RECOMMENDATION

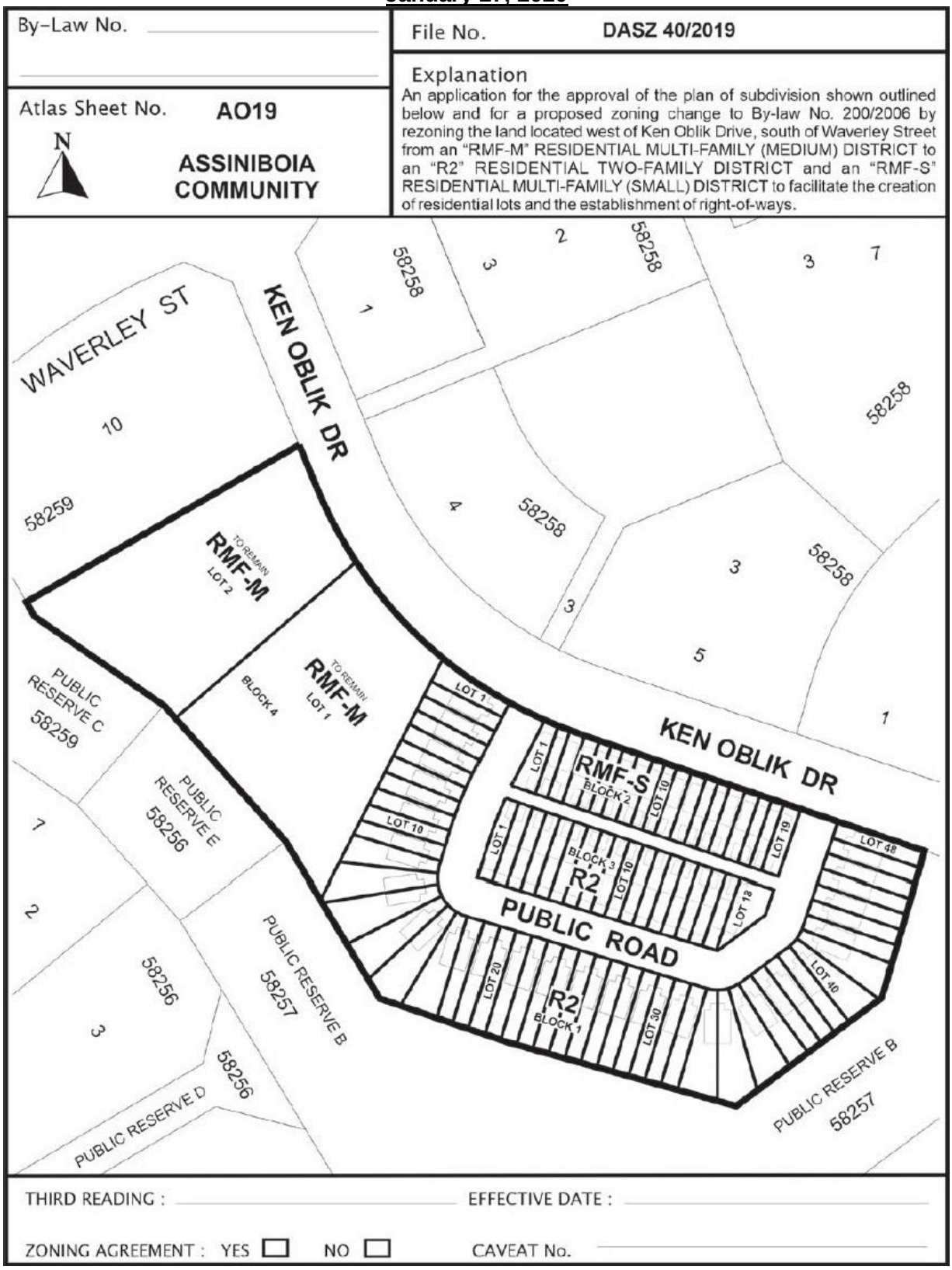
The Urban Planning Division recommends **approval** for the following reasons:

- The subject subdivision and rezoning complies with policies for New Communities under the *Complete Communities Direction Strategy*, and with policies in the *Waverley West Southwest Neighbourhood Area Structure Plan*.
- The proposed multi-family and two-family residential uses are compatible with permitted future residential land uses in the vicinity of the subject site, and are designed in a manner that acts as a transition between the Neighbourhood Node and Commercial Area and lower-density residential areas.
- The proposed townhouse development is designed for vehicular access to be taken from a rear public lane, thereby contributing to a more comfortable pedestrian environment along Ken Oblik Drive.

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

Report Prepared by: Robert Galston, MCP
PPD File #: DASZ 40/2019

Schedule "A" for File DASZ 40/2019, Assiniboia Community Committee, dated January 27, 2020



SCHEDULE B

REPORT OF THE ADMINISTRATIVE COORDINATING GROUP – December 11, 2019

RE: PROPOSED SUBDIVISION AND REZONING ON LAND LOCATED WEST OF KEN OBLIK DRIVE, SOUTH OF WAVERLEY STREET

The above noted application was reviewed by the ACG Group on December 11, 2019. The application was determined to be within the Planned Area of the Prairie Pointe lands under development (DASZ 33/2012) and therefore this application is subject to the terms and conditions as outlined in the Development Agreement for AG 33/12.

It is recommended that the approval of DASZ 40/2019, if granted, be subject to the applicant entering into a Development Agreement amendment to AG 33/12 addressing the following items:

Plan Considerations

1. Proposed Public Lanes are to be established with a 7.25m right-of-way width in Public Lanes serving multi-family residential development, to the satisfaction of the Director of Public Works.

2. Amend Schedule "B" under AG 33/12 to reflect the Plan of Subdivision approved under DASZ 40/2019.

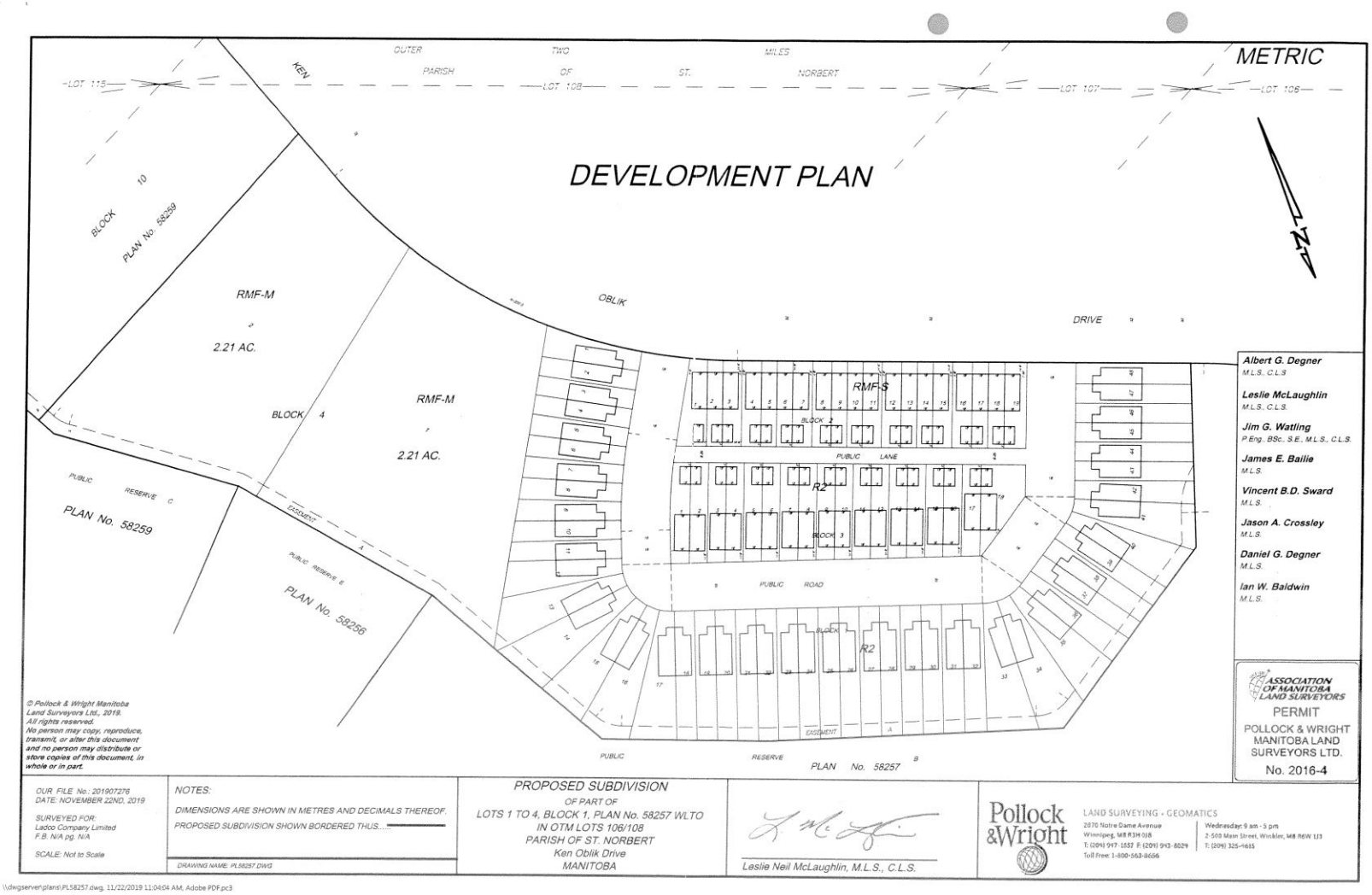
THIS REPORT SUBMITTED BY:

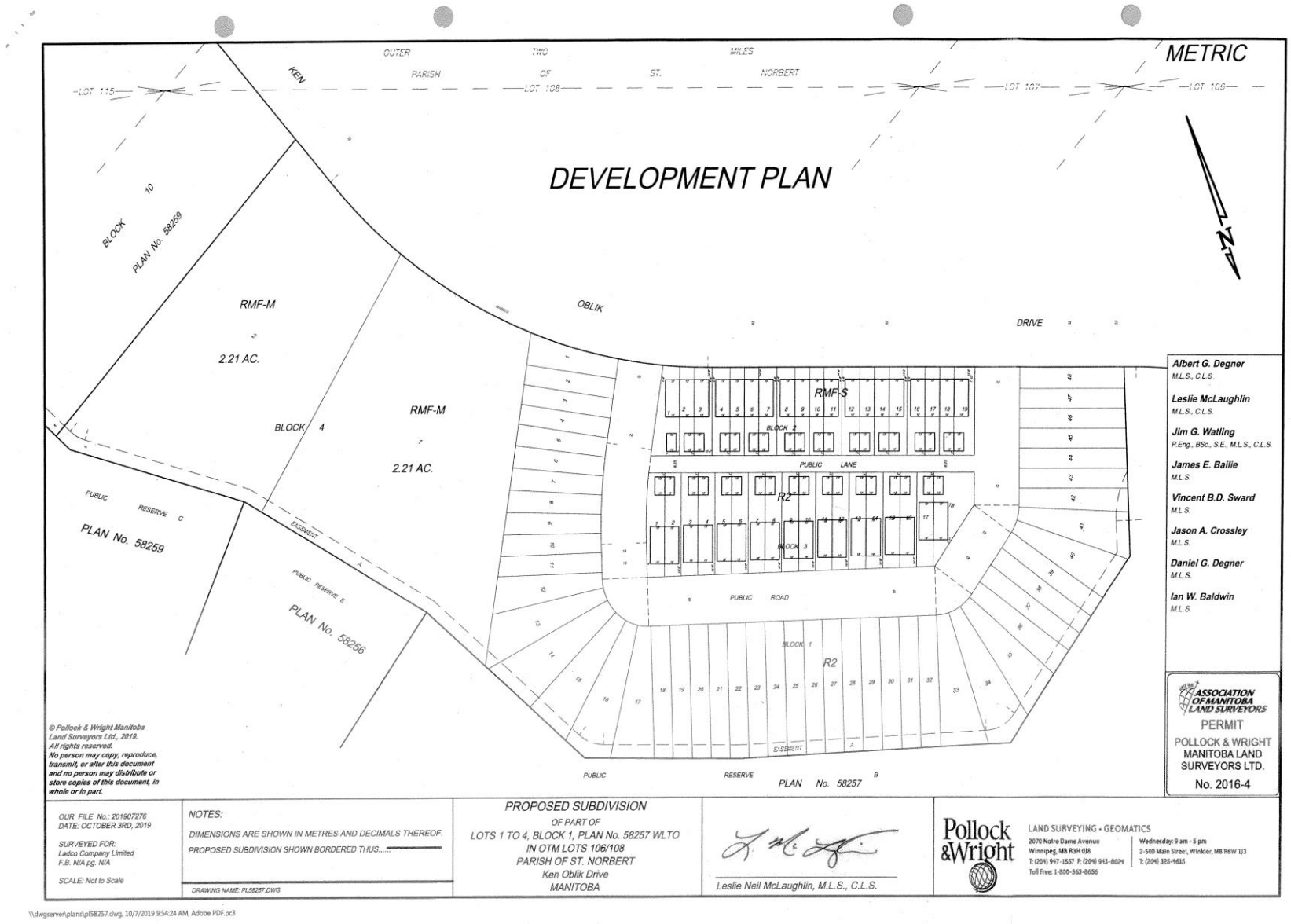
Administrative Co-ordinating Group
File No. DASZ 40/2019
January 20, 2020

"*Original Signed by D. Trenchard*"
D. Trenchard, P. Eng.,
Land Development Branch

"Original Signed By C.J. Desjardine"
C.J. Desjardine, M.Sc., P. Eng.
Public Works Department, Transportation Division

Exhibit "9" referred to in File DASZ 40/2019





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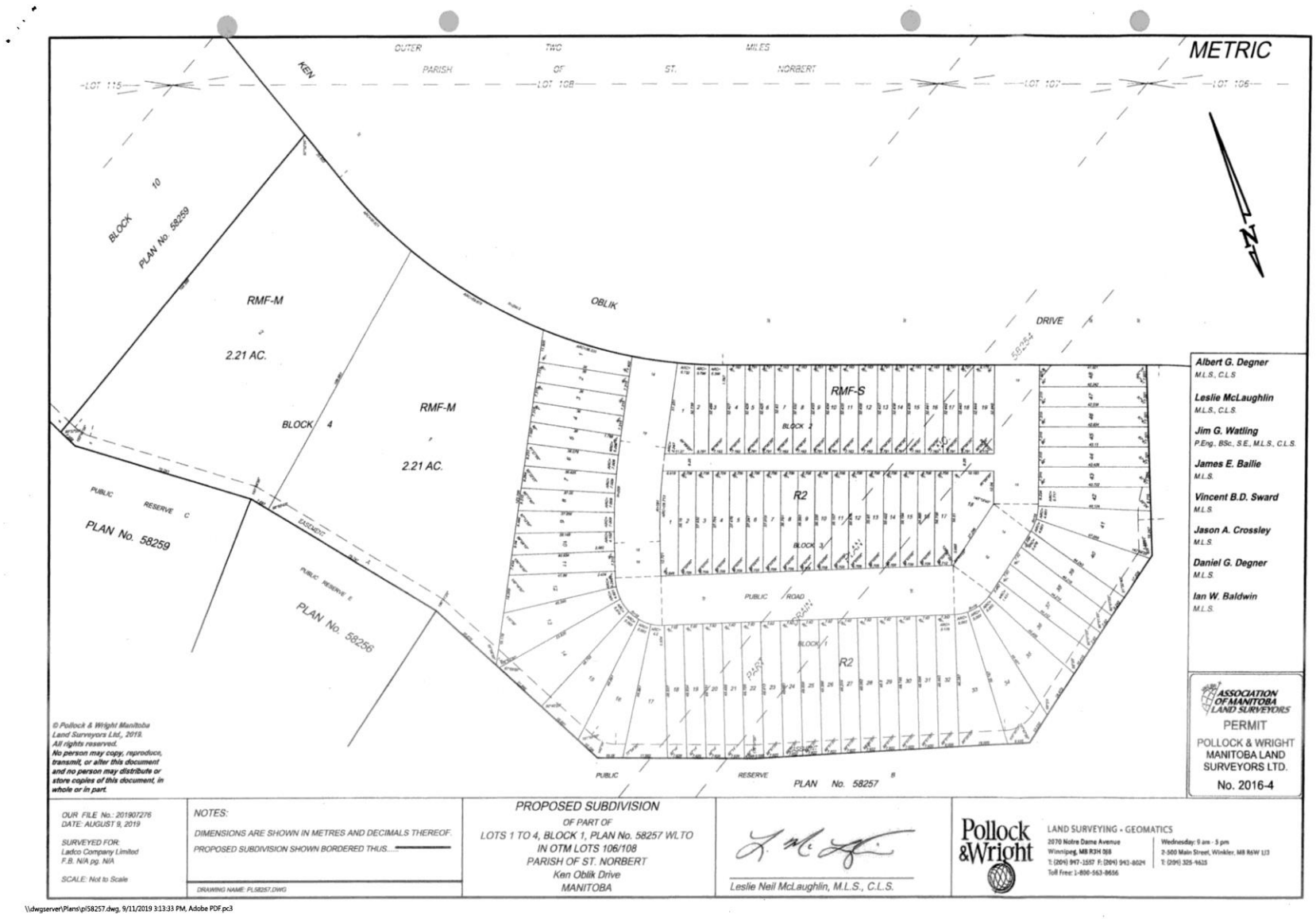
DRAWING NAME: PL58257.DWG

PROPOSED SUBDIVISION
OF PART OF
LOTS 1 TO 4, BLOCK 1, PLAN No. 58257 WLTO
IN OTM LOTS 106/108
PARISH OF ST. NORBERT
Ken Oblik Drive
MANITOBA

Leslie Neil McLaughlin, M.L.S., C.L.S.

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METRIC
OUTER TWO MILES
PARISH OF ST. NORBERT
KEN OBLIK DRIVE
LOT 115
LOT 108
LOT 107
LOT 106
BLOCK 10
PLAN No. 58259
RMF-M
2.21 AC.
BLOCK 4
RMF-M
2.21 AC.
PUBLIC RESERVE C
PLAN No. 58259
EASEMENT
PUBLIC RESERVE E
PLAN No. 58256
RMF-S
BLOCK 2
R2
BLOCK 3
PUBLIC ROAD
BLOCK 1
R2
PUBLIC RESERVE B
PLAN No. 58257
Albert G. Degner M.L.S., C.L.S.
Leslie McLaughlin M.L.S., C.L.S.
Jim G. Watling P.Eng., BSc, S.E., M.L.S., C.L.S.
James E. Baillie M.L.S.
Vincent B.D. Sward M.L.S.
Jason A. Crossley M.L.S.
Daniel G. Degner M.L.S.
Ian W. Baldwin M.L.S.
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PROPOSED SUBDIVISION
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