Minute No. 132
Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – January 6, 2020

Item No. 3 **Subdivision – Northeast Corner of Waverley Street and Kenaston Boulevard (Waverley West Ward) File DAS 33/2019**

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. DAS 33/2019 be approved for preparation as a plan of subdivision (the "Plan") by a Manitoba Land Surveyor in accordance with the map dated November 25th, 2019 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 conditions:

    A. That the Developer be required to enter into a Servicing Agreement 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 November 25th, 2019 and attached as Schedule "B" to this report, with the following amendments:

        i. Delete Condition 5) a) i. in its entirety

        ii. Delete Condition 6) b) in its entirety and replace with the following:

            "b) The Developer shall contribute a maximum of $50,000 to construct a 3.5m wide asphalt multi-use pathway on the east side of Kenaston Boulevard, between the existing multi-use pathways on Waverley Street and the public walk approximately 440m north of Waverley Street, including construction of the public walk to connect to Southview Crescent, and pedestrian connections into the Planned Area, when determined by the Director of Public Works."

        iii. Delete Condition 7 in its entirety

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – January 6, 2020

STANDING COMMITTEE RECOMMENDATION (continued):

B. That the City enter into, execute and deliver with the Developer a Servicing Agreement in accordance with recommendation 1A. and such other agreements as determined necessary by the City Solicitor/Director of Legal Services to implement the intent of the foregoing (the "Ancillary Agreements").

C. 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.

2. That in lieu of the dedication of land, the developer shall provide a cash payment in an amount equal to ten percent (10%) of the appraised value of Development Application No. DAS 33/2019, as determined by the City's Director of Planning, Property and Development.

3. 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.

4. 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.

5. That the subdivision section of the by-law will come into force when the Servicing Agreement is fully executed and the Plan is registered in the Winnipeg Land titles Office.

6. That the By-law will be repealed without coming into force 1 year after the date it is enacted if the Plan and the Zoning Agreement is not registered in accordance with recommendation 5 unless the developer applies for an extension of time before the expiration of the 1 year period and Council approves the extension.

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – January 6, 2020

STANDING COMMITTEE RECOMMENDATION (continued):

7. That this matter will be deemed to be concluded and all approvals in connection with this matter will expire if 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.

8. 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 – January 6, 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 January 21, 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 January 6, 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.

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – January 6, 2020

DECISION MAKING HISTORY (continued):

COMMUNITY COMMITTEE RECOMMENDATION:

On December 2, 2019, 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" to this report", and replace with the following:

  ", with the following amendments:

  i. Delete Condition 5) a) i. in its entirety

  ii. Delete Condition 6) b) in its entirety and replace with the following:

    "b) The Developer shall contribute a maximum of $50,000 to construct a 3.5m wide asphalt multi-use pathway on the east side of Kenaston Boulevard, between the existing multi-use pathways on Waverley Street and the public walk approximately 440m north of Waverley Street, including construction of the public walk to connect to Southview Crescent, and pedestrian connections into the Planned Area, when determined by the Director of Public Works."

  iii. Delete Condition 7 in its entirety;

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

PUBLIC HEARING SUMMARY

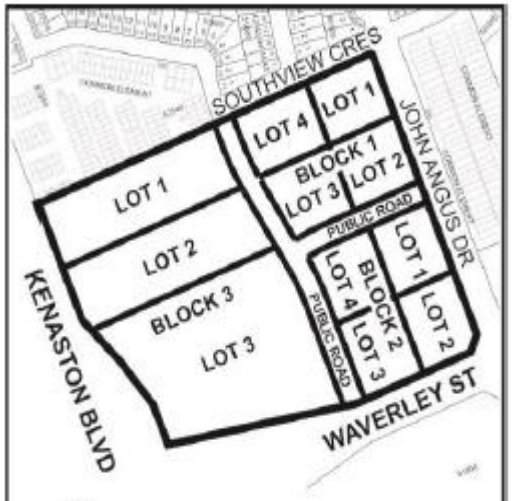
File: DAS 33/2019

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

Public Hearing: December 2, 2019
Council Building, 510 Main Street

Applicant: Ladco Company Ltd. (Michael Carruthers)

Subject:



APPLICANT: Ladco Company Ltd.
FILE: DAS 33/2019
PROPOSAL: An application for the approval of the plan of subdivision shown outlined above as may be determined by Council to facilitate the establishment of public right-of-ways and the creation of commercial lots for future development.
For information, phone Mr. R. Galston, Planner at 204-986-8645.

Premises Affected: Northeast Corner of Waverley Street and Kenaston Boulevard

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: December 3, 2019

Community Committee Recommendation:

On December 2, 2019, 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. DAS 33/2019 be approved for preparation as a plan of subdivision (the "Plan") by a Manitoba Land Surveyor in accordance with the map dated November 25th, 2019 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 conditions:

    A. That the Developer be required to enter into a Servicing Agreement 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 November 25th, 2019 and attached as Schedule "B" to this report***, with the following amendments:***

        i. Delete Condition 5) a) i. in its entirety

        ii. Delete Condition 6) b) in its entirety and replace with the following:

            "b) The Developer shall contribute a maximum of $50,000 to construct a 3.5m wide asphalt multi-use pathway on the east side of Kenaston Boulevard, between the existing multi-use pathways on Waverley Street and the public walk approximately 440m north of Waverley Street, including construction of the public walk to connect to Southview Crescent, and pedestrian connections into the Planned Area, when determined by the Director of Public Works."

        iii. Delete Condition 7 in its entirety

B. That the City enter into, execute and deliver with the Developer a Servicing Agreement in accordance with recommendation 1A. and such other agreements as determined necessary by the City Solicitor/Director of Legal Services to implement the intent of the foregoing (the "Ancillary Agreements").

C. 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.

2. That in lieu of the dedication of land, the developer shall provide a cash payment in an amount equal to ten percent (10%) of the appraised value of Development Application No. DAS 33/2019, as determined by the City's Director of Planning, Property and Development.

3. 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.

4. 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.

5. That the subdivision section of the by-law will come into force when the Servicing Agreement is fully executed and the Plan is registered in the Winnipeg Land titles Office.

6. That the By-law will be repealed without coming into force 1 year after the date it is enacted if the Plan and the Zoning Agreement is not registered in accordance with recommendation 5 unless the developer applies for an extension of time before the expiration of the 1 year period and Council approves the extension.

7. That this matter will be deemed to be concluded and all approvals in connection with this matter will expire if 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.

8. 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. What I've already said regarding the turning lanes.

2. We're making a contribution to the pathway because it was never initially required.

3. We'll deal with the fencing in Plan Approval.

Exhibits Filed:

1. Application dated September 6, 2019
2. Notification of Public Hearing dated October 15, 2019
3. Manitoba Status of Title 2541422/1
4. Surveyor's Building Location Certificate and sketches dated August 19, 2019 and June 13, 2016
5. Caveat 5098041/1
6. Zoning Agreement for DASZ 22/2007 Development Agreement (rezoning) The City of Winnipeg Charter – Sections 240(1) and (2)
7. Maps 1 and 2 of the subject property
8. Report from the Urban Planning Division dated November 25, 2019
9. Inspection Report

REPRESENTATIONS:

In Support:

Michael Carruthers
David Burser

In Opposition:

Nil

For Information:

Brad Pylypchuk

For the City:

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

Exhibit "8" referred to in File DAS 33/2019

ADMINISTRATIVE REPORT

Title: DAS 33/2019 – Northeast corner of Waverley Street and Kenaston Boulevard

Issue: For consideration at the public hearing for a subdivision of a parcel of land into 11 commercial lots to remain "C3" – Commercial Corridor, and a new public right-of-way.

Critical Path: Assiniboia Community Committee – Standing Policy Committee on Property and Development – Executive Policy Committee - Council as per the Development Procedures By-law and *The City of Winnipeg Charter.*

AUTHORIZATION

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

RECOMMENDATIONS

1. That the subdivision under Development Application No. DAS 33/2019 be approved for preparation as a plan of subdivision (the "Plan") by a Manitoba Land Surveyor in accordance with the map dated November 25th, 2019 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 conditions:

A. That the Developer be required to enter into a Servicing Agreement 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 November 25th, 2019 and attached as Schedule "B" to this report.

B. That the City enter into, execute and deliver with the Developer a Servicing Agreement in accordance with recommendation 1A. and such other agreements as determined necessary by the City Solicitor/Director of Legal Services to implement the intent of the foregoing (the "Ancillary Agreements").

C. 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.

2. That, in lieu of the dedication of land, the developer shall provide a cash payment in an amount equal to ten percent (10%) of the appraised value of Development Application No. DAS 33/2019, as determined by the City's Director of Planning, Property and Development.
3. 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.
4. 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.
5. That the subdivision section of the by-law will come into force when the Servicing Agreement is fully executed and the Plan is registered in the Winnipeg Land titles Office.
6. That the By-law will be repealed without coming into force 1 year after the date it is enacted if the Plan and the Zoning Agreement is not registered in accordance with recommendation 5 unless the developer applies for an extension of time before the expiration of the 1 year period and Council approves the extension.
7. That this matter will be deemed to be concluded and all approvals in connection with this matter will expire if 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.
8. 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

- The applicant intends to create eleven (11) lots and two (2) new public streets, from an existing parcel zoned "C3" – Commercial Corridor. This proposal requires a Subdivision application being that the proposal includes the opening of public streets.
- Subdivision applications require a Public Hearing as per the *Development Procedures By-law* and *The City of Winnipeg Charter.*
- This report is being submitted for the Assiniboia Community 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 in a manner consistent with the map provided in Schedule "A" of this report.

CONSULTATION

In preparing this Report there was consultation with:

- Public Works Department
- Water and Waste Department
- Land Development Division

SUBMITTED BY

Department	Planning, Property and Development
Division	Urban Planning
Prepared by	Robert Galston, MCP
Date:	November 25, 2019
File No.	DAS 33/2019

List of Schedules and Attachments

1. Appendix “A” — Planning Discussion
2. Schedule “A” — File No. DAS 33/2019, Assiniboia Community Committee, Dated November 25, 2019
3. Schedule “B” — Report of the Administrative Coordinating Group Re: Proposed Subdivision of land located on the Northeast Corner of Waverley Street and Kenaston Boulevard

APPENDIX 'A'

DATE: November 25, 2019
FILE: **DAS 33/2019**
RELATED FILES: DASZ 22/2007
COMMUNITY: Assiniboia Community
NEIGHBOURHOOD #: 5.682 (South Pointe)

SUBJECT: For consideration at the public hearing for a subdivision of a parcel of land into 11 commercial lots to remain "C3" – Commercial Corridor and a new public right-of-way.

LOCATION: NE corner of Waverley Street and Kenaston Boulevard
LEGAL DESCRIPTION: Block 1 Plan 51675 WLTO in OTM Lots 115 to 121 Parish of St. Norbert



APPLICANT: Ladco Company Ltd. (Michael Carruthers)
200-40 Lakewood Blvd.
Winnipeg , Manitoba R2J 2M7

OWNER: Ladco Company Ltd.
200-40 Lakewood Blvd.
Winnipeg , Manitoba R2J 2M7

RECOMMENDATION: Approval

HISTORY

Waverley West Southeast Neighbourhood Area Structure Plan (By-law No. 140/2007)

On November 21, 2007, Council adopted the *Waverley West Southeast Neighbourhood Area Structure Plan* (By-law No.140/2007) with amendments as recommended by the Assiniboia Community Committee.

DASZ 22/2007

On November 21, 2007, Council concurred in the recommendation of the Standing Policy Committee on Property and Development concerning the South Pointe Neighbourhood, and adopted the following:

1. That the plan of subdivision under File DASZ 22/2007 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 22/2007 dated October 2, 2007, 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 October 1, 2007, with the following amendments:

        i. That Recommendation 2. under Development Agreement Conditions be deleted in its entirety and substituting therefore:

            "2.a) "The Developer shall, at no expense to the City, construct portland cement concrete pavements to widths of 7.5m, 8.0m and 10.0m, 150mm and 200mm in thickness in all streets within the Planned Area, including the section of the existing Waverley Street that will remain as a collector street, (with the exception of the most northerly approximately 500m of Waverley Street, from the north limit of the Planned Area to where the realigned Waverley Street ties into the existing Waverley Street, for which the developer shall be responsible for the construction of only the south bound (westerly) lane;) and all related works including, but not necessarily limited to street lighting, boulevard landscaping and land drainage sewer all as determined by and to the satisfaction of the Director of Public Works.

            "2.b) That prior to the commencement of construction under Phase II as identified in the Waverley West Southeast Neighbourhood Area Structure Plan, the Developer shall be responsible for front-ending the cost of twinning Waverley Street from Bison Drive to proposed Collector B; and that payback be within 10 years and any interest paid not exceed the City's borrowing rate."

ii. That Recommendation 15. under Development Agreement Conditions be amended by deleting the words “and Kenaston Boulevard” in the fifth line thereof.

iii. That Recommendation 16.a) under Development Agreement Conditions be amended by adding the word “asphalt” after the word “construct” in the third line thereof.

iv. That Recommendation 17.i. under Development Agreement Conditions be amended by deleting the words “ten (10) years” and substituting therefore “five (5) years”.

2. That The Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule “A” for File DASZ 22/2007 dated October 2, 2007, to an “R1-3.5” Residential District, an “RM-2” and “RM-4” Multiple Family District, a “PR-1” Parks and Recreational District and a “C2” Commercial District subject to the following:

A. That the applicant enter into a Zoning Agreement with the City pursuant to Section 240(1) of The City of Winnipeg Charter to include the following conditions:

i. That as it relates to the proposed multiple family and future commercial sites, detailed plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, landscaping and signage to the Director of Planning, Property and Development and the Riel Community Committee for plan approval prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development.

ii. That, in the event that the option for the designated proposed school site expires and the site is developed for multiple family purposes (in accordance with the proposed zoning):

a. A 50 foot wide buffer shall be maintained along the east periphery of the site, within which no residential structures shall be permitted; and

b. A provision shall be made at the northeast corner of the site for a 15 foot wide public pedestrian access-way to link the adjoining street and the proposed public reserve areas and active recreational facilities adjoining the naturalized waterway system.

B. That the City will transfer part of Drain Plan No. 6788 WLTO to the Developer for incorporation within the plan of subdivision subject to the Developer paying all administration costs incurred by the City in acquiring the subject Drain from the Province of Manitoba.

C. That where single family and two family lots back onto either the new east/west Waverley alignment or the future Kenaston Boulevard right-of-way, the said lots are to be established with minimum rear yards of 17.5 metres.

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 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 the Zoning Agreement has been filed by caveat 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 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 City Solicitor/Manager of Legal Services be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

SITE DESCRIPTION

- The subject property is located at the northeast corner of Waverley Street and Kenaston Boulevard, in the South Pointe Neighbourhood of the Waverley West Ward.
- The subject property also has additional frontage on:
    - John Angus Drive (a collector street), and
    - Southview Crescent, (a local street).
- The subject property has a total area of 29.3 acres. It is currently vacant.
- The subject property is currently zoned “C3” – Commercial Corridor.
- The subject property is located within the Areas of Stability – Recent Communities area of the *Complete Communities Direction Strategy* Urban Structure Map. The site also falls within the *Waverley West Southeast 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: Townhouse residential uses zoned “RMF-M” Residential Multi-Family (Medium); and, Southview Crescent, then single-family residential uses zoned “R1-M” Residential Single-Family (Medium).

South: Waverley Street, then vacant land zoned “A” Agriculture.

East: John Angus Drive, then townhouse residential uses zoned “RMF-M” Residential Multi-Family (Medium), and park space zoned “PR-1” Parks and Recreation (Neighbourhood).

West: Kenaston Boulevard, then vacant land zoned “C3” Commercial Corridor.



Figure 2: Zoning of the Site and Surrounding Area

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant is proposing to subdivide the subject property, which is currently under one title, into eleven (11) commercial lots. These commercial lots will be serviced by two new public roads.
- The first street, running north-south, will link Southview Crescent and Waverley Street. The second street, running east-west, will link John Angus Drive and the aforementioned newly created north-south street.
- The proposal requires a long-form subdivision application (DAS) because the proposed development includes the opening of public right-of-ways.
- No building plans or design drawings have been submitted as part of this application

ANALYSIS AND ISSUES

OURWINNIPEG AND COMPLETE COMMUNITIES DIRECTION STRATEGY

- *OurWinnipeg* is the City's long-range development plan. The Key Direction of *OurWinnipeg* regarding New Communities states:
    - New Communities will continue to play an important role in accommodating the city's projected population growth. These New Communities will be planned as complete from the outset and will continue to achieve a high standard of sustainability in planning, design, construction and management.

- The *Complete Communities Direction Strategy* is one of four direction strategies supporting *OurWinnipeg* and has statutory authority as a secondary plan. The strategy guides land use and development in Winnipeg.
- The subject property is classified as an "Area of Transformation – New Community" in *Complete Communities'* Urban Structure map. Key policies guiding development within New Communities include:
    - Only approve new development when a full range of municipal services, as defined in *OurWinnipeg*, can be provided in an environmentally sound, economical and timely manner.
    - Only approve new development when there is a reasonable relationship between the supply of land and projected demand.
    - Support new development that is adjacent to, and compatible with, existing development and which is designed to minimize the spatial use of land.
    - Encourage greater choices in housing type, density, style and tenure.
    - Promote the design of all streets to maximize connectivity, visual appeal, amenity space and safety where practical and cost effective.
    - Balance the provision (scale, distribution and design) of parks and open space with density, demographics and distance.
    - Promote and expand biodiversity and 'green' principles consistent with the local natural ecosystems to all Parks, Place and Open Spaces, beyond the expected environments of the urban forest and designated 'natural areas'.

WAVERLEY WEST SOUTHEAST NEIGHBOURHOOD AREA STRUCTURE PLAN (By-law No. 140/2007)

- Under the *Waverley West Southeast Neighbourhood Area Structure Plan*, the subject property is located in the Primary Commercial Area. The Primary Commercial Area permits and may include a variety of community-scale commercial, local commercial, office, institutional, residential and mixed uses. This area may be integrated with higher density multi-family residential and various community facilities.
- The design of the Primary Commercial Area will include convenient vehicle, transit, and pedestrian connections to the surrounding area, including connections to Waverley Street, the collector street network, and active transportation networks. Commercial uses will be integrated with residential areas through appropriate buffering, landscaping, and setbacks.
- Policies guiding development in the Primary Commercial Area include:

Composition

5.4.1(1) Community-scale commercial shall be the predominant land use.

5.4.1(2) Local commercial, office, non-retail commercial, residential, lodging, institutional, recreational, and other compatible uses that complement the primary commercial area shall be permitted.

Design

5.4.4 Design of the primary commercial area should take into consideration and provide for the following:

i. Minimizing the intermixing of commercial and residential traffic on internal roads within the adjacent residential areas;

ii. A visually appealing site layout and landscape treatment particularly where visible from roads with higher traffic volumes;

iii. Incorporate appropriate buffering measures where commercial uses abut residential areas through the use of landscaping, screening, and building setbacks;

iv. Suitable integration with any residential, institutional, or recreational uses within or adjacent to the area;

v. Convenient access with connections to pedestrian trails;

vi. An efficient road, pedestrian, and trail network; and,

vii. Parking areas designed to maximize direct access to adjacent uses while not visually overwhelming the landscape. Methods by which this may implemented include:

a. Landscape through earth berms, tree/shrub plant, and/or fencing;

b. On-street parking along John Agnus Drive; and,

c. Parking areas between buildings.

- The proposed subdivision and rezoning meets the objectives and policies guiding development in the Primary Commercial Area of the *Waverley West Southeast Neighbourhood Area Structure Plan.*
- Additionally, the existing plan approval clause on the subject lands will allow future review of site design layout and landscaping, to ensure the above policies regarding aesthetics and buffers are met.

ZONING

- As noted above, the property is zoned “C3” – Commercial Corridor. The intent of this zoning district is for uses that provide commercial goods and services to residents of the community in areas that are dependent on automobile access and exposed to heavy automobile traffic, but not including regional shopping malls or regional shopping areas. These commercial uses are subject to frequent view by the public and visitors to Winnipeg, and they should provide an attractive appearance with landscaping, sufficient parking, and controlled traffic movement. “C3” zoning districts are generally located in Community or Regional mixed use centres or along Community or Regional mixed use corridors.
- The subject proposal does not change the existing zoning designation.

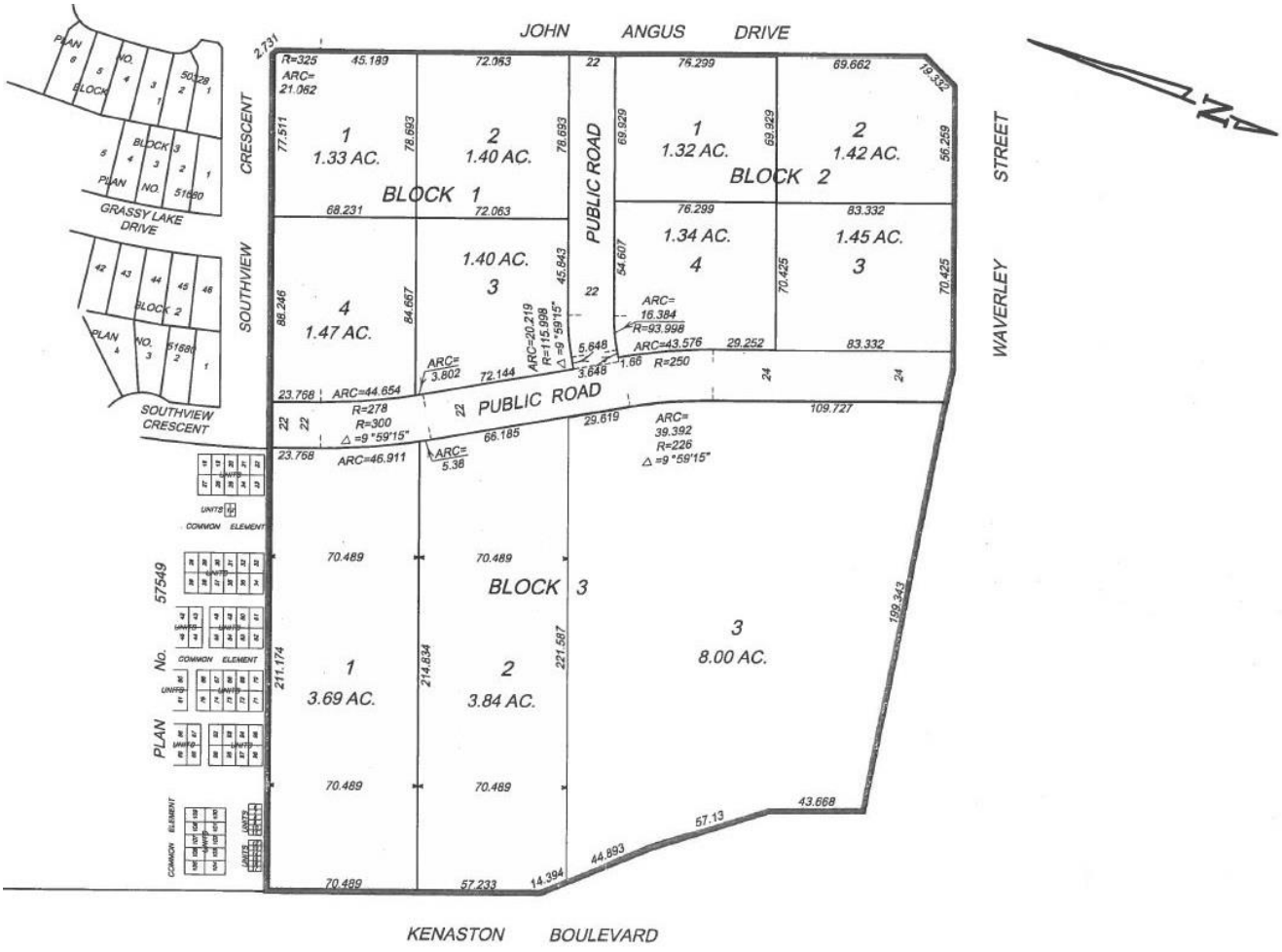


Figure 3: Surveyor's Plan showing proposed lots and proposed public roads on the subject site.

COMPATIBILITY WITH EXISTING NEIGHBOURHOOD AND SURROUNDING USES

- As noted above, the subject site is situated within the Primary Commercial Area under the *Waverley West Southeast Neighbourhood Area Structure Plan*. The applicant will be creating 11 commercial lots with public streets from an existing parcel without any changes to the existing commercial zoning status.
- Being that commercial lots are being created, the proposal is consistent with policies for Areas of Transformation – New Communities under the *Complete Communities Direction Strategy*, and with policies for the Primary Commercial Area of the local secondary plan, in that the focus is on future commercial development.
- The subject property is surrounded by low to medium density residential development. As such, the subject property creates a commercial node at the northeast corner of an arterial road (Kenaston Boulevard) and a collector street (Waverley Street) in order to serve the surrounding residential neighbourhood.

- The Urban Planning Division does not believe that the proposed subdivision and the creation of public streets, as proposed, will likely have an adverse effect on the surrounding residential uses, but rather complement the completeness of the surrounding neighbourhood.

SERVICING AGREEMENT

- Per the report of the Administrative Coordination Group (Schedule "B" of this report), conditions in the servicing agreement include a requirement that the applicant construct an extension of a paved active transportation (AT) pathway along the east side of Kenaston Boulevard, immediately to the west of the subject property's frontage on Kenaston Boulevard.
- The aforementioned will be consistent with Section 5.7.3 of the *Waverley West Southeast Neighbourhood Area Structure Plan,* in that it creates active transportation connections between different land uses throughout the Southeast Neighbourhood, and provides passive recreation, walking and cycling opportunities.

PLAN APPROVAL

- As noted above, no building plans or design drawings have been submitted with this application. However, there is a plan approval clause under the existing Zoning Agreement under file no. DASZ 22/2007, which requires that plans for any development to be approved by the appropriate Community Committee and the Director of Planning, Property and Development.
- As such, any final site plans, building elevations and materials, landscaping, internal vehicular and pedestrian circulation, and parking areas will be reviewed by the Assiniboia Community Committee. This is to ensure that final plans comply with the design standards as laid out in the *Waverley west Southeast Neighbourhood Area Structure Plan* and is compatible with the surrounding neighbourhood.

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%.
- However, in the case of this application, the applicant will not be required to provide any further land dedication or cash-in-lieu of land, because dedication requirements were previously tabulated under the previous subdivision and rezoning on the land, under file no. DASZ 22/2007.

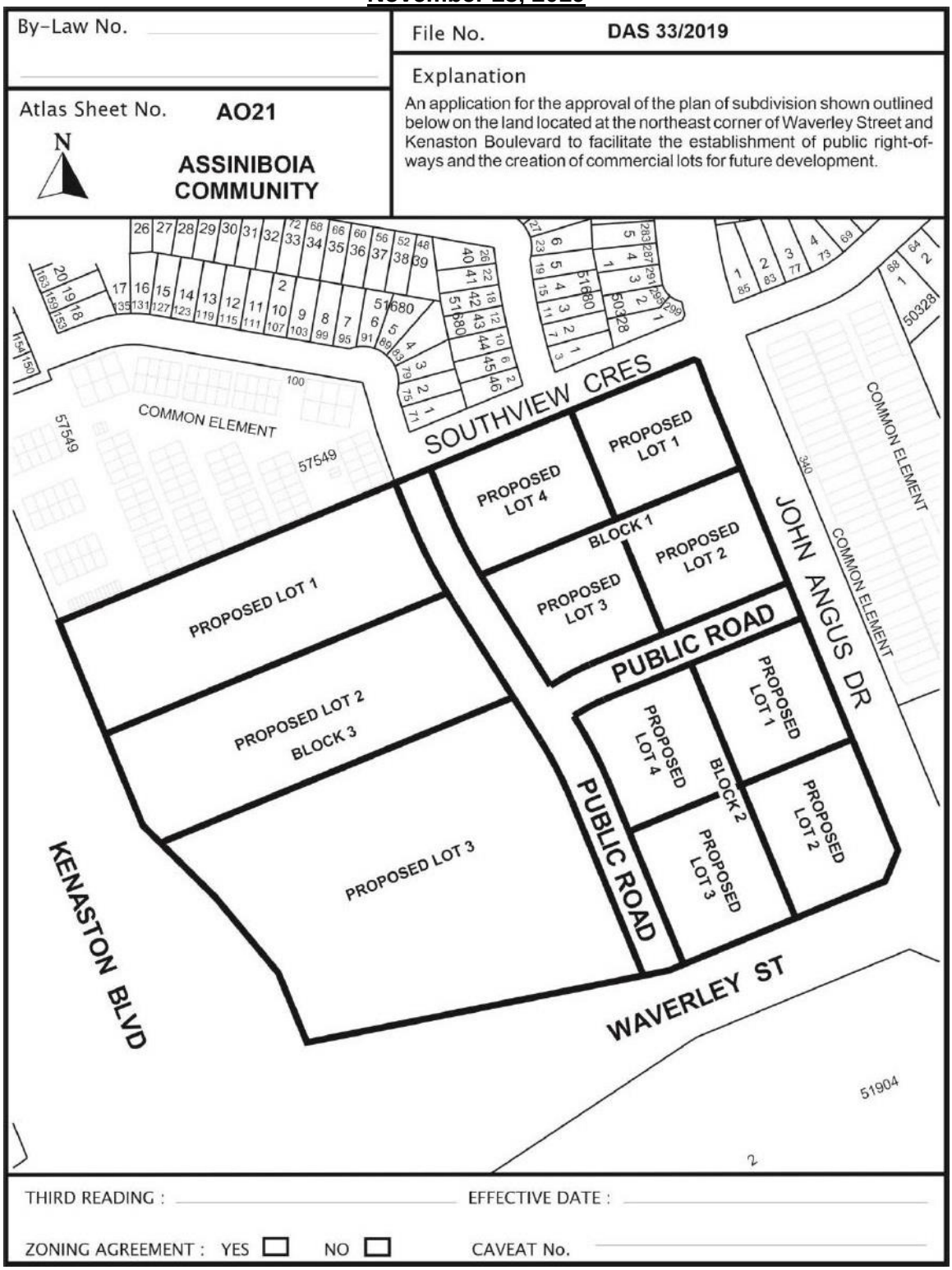
RECOMMENDATIONS

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

- The subject subdivision and the creation of public road complies with the *Complete Communities Direction Strategy* and the *Waverley West Southeast Neighbourhood Area Structure Plan*.
- The subject proposal will facilitate future uses that are compatible with the existing surrounding neighbourhood.

This Report Submitted by:
Planning, Property and Development Department
Urban Planning Division
Report Prepared by: Robert Galston, MCP
PPD File #: DAS 33/2019

Schedule "A" for File DAS 33/2019, Assiniboia Community Committee, dated November 25, 2019



Schedule "B" for File DAS 33/2019, Assiniboia Community Committee, dated November 25, 2019

SCHEDULE B

REPORT OF THE ADMINISTRATIVE COORDINATING GROUP – October 23, 2019

RE: PROPOSED SUBDIVISION OF LAND LOCATED ON THE NORTHEAST CORNER OF WAVERLEY STREET AND KENASTON BOULEVARD

It is recommended that the approval of DAS 33/2019, if granted, be subject to the applicant entering into a Development Agreement and address the following items where applicable:

Plan Considerations

1) The Developer shall, at no expense to the City, legally open property required for right-of-way corner cuts measuring 2.0m by 2.0m in each corner of the intersection of two streets measuring 22.0m in width or greater, to the satisfaction of the Director of Public Works.

Servicing Conditions

1) Wastewater Sewers

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

2) Water Mains

   The Developer shall, at no expense to the City, construct and install all water mains required to serve the Planned Area as determined by and to the satisfaction of the Director of Water and Waste.

3) Land Drainage

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

4) Pavement

The Developer shall, at no expense to the City, construct Portland cement concrete pavements, 10.0m wide by 200mm thick, and all related works, including but not necessarily limited to street lighting, boulevard landscaping and land drainage sewer in all streets within the Planned Area, as determined by and to the satisfaction of the Director of Public Works.

5) Intersection Modifications and New Intersection Construction

a) The Developer shall, at no expense to the City, construct or pay on demand the cost to construct, all required modifications and all related works, including but not necessarily limited to construction of an additional left turn lane and associated overhead sign structure, and/or extending the left turn storage lanes at the following intersections:

i. Kenaston Boulevard and Waverley Street; and,

ii. Waverley Street and John Angus Drive/Tim Sale Drive,

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

b) The Developer shall, at no expense to the City, construct all pavement works required at the proposed intersection on Waverley Street and all related works, as determined by and to the satisfaction of the Director of Public Works.

6) Sidewalks/Pathways

a) The Developer shall, at no expense to the City, construct 1.5m wide by 100mm thick Portland cement concrete sidewalks and/or a multi-use pathway, and all related works, on the standard alignment, 0.3m from the property line, along both sides of all streets within the Planned Area with rights-of-way measuring 22.0m in width or greater, as determined by and to the satisfaction of the Director of Public Works;

b) The Developer shall, at no expense to the City, construct a 3.5m wide asphalt multi-use pathway on the east side of Kenaston Boulevard, between the existing multi-use pathways on Waverley Street and the public walk approximately 440m north of Waverley Street, including construction of the public walk to connect to Southview Crescent, and pedestrian connections into the Planned Area, as determined by and to the satisfaction of the Director of Public Works.

c) The Developer shall construct all sidewalks/pathways concurrently with the pavements with which they share the right-of-way, as determined by and to the satisfaction of the Director of Public Works.

7) Fencing

a) The Developer shall, at no expense to the City, construct a uniform wooden fence, 2.0m in height, along the entire length of the Planned Area abutting Kenaston Boulevard, with appropriate opening to connect between the pathway and the Planned Area, as determined by and to the satisfaction of the Director of Public Works.

b) The Developer shall permit the City to file a caveat against the title(s) of each lot abutting Kenaston Boulevard requiring the owner to maintain and/or repair or replace the fence as constructed to the satisfaction of the Director of Public Works.

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, to the satisfaction of the Director of Public Works.

b) The Developer shall, at no expense tot eh 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) Private Approaches

a) There shall be no private approaches to Kenaston Boulevard.

b) There shall be no private approaches to Waverley Street.

11) Two Means of Vehicle Access

a) 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.

b) The Developer shall, at no expense to the City, construct temporary paved roadways, and provide easements or rights-of-way in respect of same, as required to satisfy the Developer's obligation under clause (a).

12) Cross Access Easement Agreement

a) The Developer and all successors in title to Proposed Lots 1-4 within Block 1, in the subdivision shall enter into, and register at the Winnipeg Land Titles Office (WLTO) under Section 76 of the Real Property Act and maintain in perpetuity by way of instrument (right of way agreement, easement agreement, or declaration) against the titles to the lots, a private cross-access agreement with the owners of the other lot so as to ensure vehicular access to each lot at all times, via streets or internal roads.

b) The Developer and all successors in title to Proposed Lots 1-4 within Block 2, in the subdivision shall enter into, and register at the Winnipeg Land Titles Office (WLTO) under Section 76 of the Real Property Act and maintain in perpetuity by way of instrument (right of way agreement, easement agreement, or declaration) against the titles to the lots, a private cross-access agreement with the owners of the other lot so as to ensure vehicular access to each lot at all times, via streets or internal roads.

13) Construction Traffic

The Developer shall, at no expense to the City

a) ensure that construction traffic uses access routes determined by the Director of Public Works;

b) maintain those access routes in a clean, dust-free condition, free of dropped and tracked-on mud; and

c) undertake the regular cleaning, including, but not limited to scraping and sweeping, of those access routes and all streets within the Planned Area, until building construction, including landscaping, is complete,

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

14) Signage

a) Prior to construction, the Developer shall, at no expense to the City, obtain approval of and install, 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, sidewalks, public walks, active transportation facilities, existing and all proposed community mailbox sites, all proposed parks, storm water retention facilities, natural tree stands, multi-family sites, commercial sites, collector and arterial streets, Kenaston Boulevard, Waverley Street and PTH 100 (the Perimeter Highway); all with the approval of and to the satisfaction of the Director of Planning, Property and Development.

b) The Developer shall, at no expense to the City, supply and install trail network signage and trail related traffic signage, on pathways and active transportation corridors, consistent with standards and specifications applied to similar citywide networks, or an alternative standard proposed by the Developer, as determined by, and to the satisfaction of, the Directors of Public Works and Planning, Property, and Development.

15) Street Name Signs

The Developer shall, at no expense to the City, cause to be installed standard reflectorized, permanent street name signs at each new intersection within or adjacent to the Planned Area, as determined by and to the satisfaction of 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 Planned Area and pay the full cost to convert any existing overhead services within the Planned Area 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

The Developer shall, at no expense to the City, and of its own volition, initiate and control the regular cleanup of litter and refuse related to construction and development of the Planned Area, both on-site and off-site, during the installation of services and construction of buildings, until completion of all construction, as determined by and to the satisfaction of the Director of Public Works.

18) Survey Monuments

a) Subsequent to completion of the Planned Area, as determined by the Director of Planning, Property and Development, the Developer shall pay the full costs of having all survey monuments within the Planned Area verified and/or restored by a Manitoba Land Surveyor and shall prepare a Plan of Survey Perpetuating Certain Monuments, confirming the position of all the survey monumentation within the Planned Area, for filing in The Property Registry.

b) In certain circumstances where all the survey monuments within the Planned Area have been found or restored to their original positions, upon approval by the Director of Planning, Property and Development, the requirements for Plan of Survey Perpetuating Certain Monuments may be waived

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 this 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, parklands, parkways and associated works required to serve the Planned Area;

b) The Developer shall pay the full cost of construction and landscaping supervision services provided by or on behalf of the City for field inspection, preparation of progress estimates, provision of as-built drawings by March 31 of the year following substantial performance of the work, and all other 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 pay to the City, prior to the release of the subdivision mylars for registration in the Land Titles Office, an administration fee plus applicable GST 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. DAS 33/2019
November 21, 2019

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

"*Original Signed by M. Gajda*"
M. Gajda, P. Eng.
Water & Waste Department

"Original Signed By D. Beaton"
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Public Works Department, Transportation Division