Agenda – Executive Policy Committee – February 16, 2022

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – February 7, 2022

Item No. 3 Amendment to Council Conditions for Subdivision and Rezoning – Parker Lands (Northeast corner of Hurst Way between Asquith Avenue and the CN Railway)
(River Heights - Fort Garry Ward)
File DASZ 12/2018

STANDING COMMITTEE RECOMMENDATION:

On February 7, 2022, the Standing Policy Committee on Property and Development, Heritage and Downtown Development did not concur in the recommendation of the Winnipeg Public Service and submitted the following to Council:

1. That the application to amend the development agreement conditions for Subdivision and Rezoning – Parker Lands (Northeast corner of Hurst Way between Asquith Avenue and the CN Railway), as approved by Council on November 26, 2020, be approved in part as follows:

    A. That Condition 7 under Section A. Plan Considerations, be amended by deleting "Block 3,"

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

Agenda – Executive Policy Committee – February 16, 2022

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – February 7, 2022

DECISION MAKING HISTORY:

STANDING COMMITTEE RECOMMENDATION:

On February 7, 2022, the Standing Policy Committee on Property and Development, Heritage and Downtown Development did not concur in the recommendation of the Winnipeg Public Service and submitted the following to the Executive Policy Committee and Council:

1. That the application to amend the development agreement conditions for Subdivision and Rezoning – Parker Lands (Northeast corner of Hurst Way between Asquith Avenue and the CN Railway), as approved by Council on November 26, 2020, be approved in part as follows:

    A. That Condition 7 under Section A. Plan Considerations, be amended by deleting "Block 3,"

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

John Wintrup, on behalf of Andrew Marquess, submitted communications with respect to the matter.

On January 17, 2022, the Standing Policy Committee on Property and Development, Heritage and Downtown Development laid the matter over to its meeting on February 7, 2022.

On December 2, 2021, the Standing Policy Committee on Property and Development, Heritage and Downtown Development laid the matter over to its meeting on January 17, 2022, to allow the proponent time to discuss the application with the Winnipeg Public Service.

John Wintrup, J. Wintrup Consulting Ltd., and Andrew Marquess submitted the following communications with respect to the matter:

- Communication titled "Council Minutes – November 26, 2020" (Report "B" – Standing Policy Committee on Property and Development, Heritage and Downtown Development – November 16, 2020)
- Communication titled "Council Minutes – November 26, 2020" (Schedule "A" for file DASZ 12/2018, Standing Policy Committee on Property and Development, Heritage and Downtown Development November 16, 2020)
- Communication dated December 2, 2021

ADMINISTRATIVE REPORT

Title: Amendment to Council Conditions for Subdivision and Rezoning – Parker Lands (Northeast corner of Hurst Way between Asquith Avenue and the CN Railway) File DASZ 12/2018

Critical Path: Standing Policy Committee on Property and Development, Heritage and Downtown Development – Executive Policy Committee – Council

AUTHORIZATION

Author	Department Head	CFO	CAO
M. Pittet	J. Kiernan	N/A	M. Jack

EXECUTIVE SUMMARY

On November 26, 2020, Council approved a subdivision and rezoning application under File No. DASZ 12/2018 for lands located at the northeast corner of Hurst Way between Asquith Avenue and the CN Railway, known as Parker Lands, which will allow for the development and servicing of the Fulton Grove Community.

One condition of the above-referenced approval requires the Developer to legally open property for public lanes within Blocks 3, 4 and 5.

The Developer has applied to amend Council's decision by deleting the requirement for public lanes within Blocks 3, 4 and 5. The Public Service does not support this request.

RECOMMENDATIONS

That the application be denied.

REASON FOR THE REPORT

Council approval is required to amend conditions imposed on a subdivision and rezoning application.

IMPLICATIONS OF THE RECOMMENDATIONS

If the Recommendation is concurred in, the Developer will be required to legally open property for public lanes to access residential lots within Block 3, Block 4 and Block 5.

HISTORY/DISCUSSION

On November 26, 2020 Council concurred in the recommendation of the Executive Policy Committee, as amended, and approved a subdivision and rezoning under File No. DASZ 12/2018.

Council's approval of File No. DASZ 12/2018 included the following requirement under Section A, Plan Considerations in the Report of the Administrative Coordinating Group dated October 28, 2020, attached as Schedule B to the report, namely:

7) The Developer shall, legally open property for public lanes to access lots within Block 3, Block 4 and Block 5, to the satisfaction of the Director of Public Works.

The Developer has applied to amend Council's decision by deleting the requirement for public lanes within Blocks 3, 4 and 5.

The Urban Planning Division has advised that front driveways accessing single- and two-family dwellings exist in a variety of neighbourhood contexts, however, when combined with streets that have public sidewalks, the driveways break up the public sidewalk and are thus not ideal for pedestrian movement through a neighbourhood. In Transit Oriented Development (TOD) Neighbourhoods particularly, special effort should be made to promote walkability through uninterrupted sidewalks not conflicting with vehicular movements. The subdivision and rezoning under File DASZ 12/2018 is for the development of a TOD Neighbourhood and walkability is one of the core principles per the Winnipeg TOD Handbook.

The requested parking reduction and assumptions in the traffic study speak to the expectation for a higher pedestrian mode shift. The design, however, which incorporates mostly front driveways, will fragment the sidewalk and limit safe accessibility for all individuals.

Further to Urban Planning's position, the Public Works Department does not support the proposed amendment to eliminate public lanes within Blocks 3, 4, and 5 as the proposed development is intended to be a TOD with sidewalks on both sides of the streets. Front private approaches introduce additional conflict points between vehicles and pedestrians and the development is intended to have high pedestrian traffic.

Based on the feedback from the Urban Planning Division and the Public Works Department, it is recommended that the Developer's request to delete the requirement for back lanes in Blocks, 3, 4 and 5 be denied.

FINANCIAL IMPACT

Financial Impact Statement

Date: November 1, 2021

Project Name:

Amendment to Council conditions for the Subdivision and Rezoning – Parker Lands (Northeast corner of Hurst Way between Asquith Avenue and the CN Railway) River Heights - Fort Garry Ward File DASZ 12/2018

COMMENTS:

There are no financial implications associated with the recommendations contained in this report.

Mike McGinn Nov. 1, 2021

Mike McGinn, CPA, CA
Manager of Finance

CONSULTATION

This report has been prepared in consultation with:

Public Works Department

OUR WINNIPEG POLICY ALIGNMENT

The proposed plan of subdivision and rezoning for the subject lands are consistent with the Key Direction and policies of OurWinnipeg and Complete Communities.

WINNIPEG CLIMATE ACTION PLAN ALIGNMENT

The proposed development will 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: Real Estate and Land Development
Prepared by: G. Jasper, Land Development Administrator
Date: November 8, 2021
File No: DASZ 12/2018
Attachments: Appendix A – DASZ 12/2018 Map
Appendix B – Request from Developer

APPENDIX "A" – DASZ 12/2018 MAP

By-Law No. _____

File No. **DASZ 12/2018**

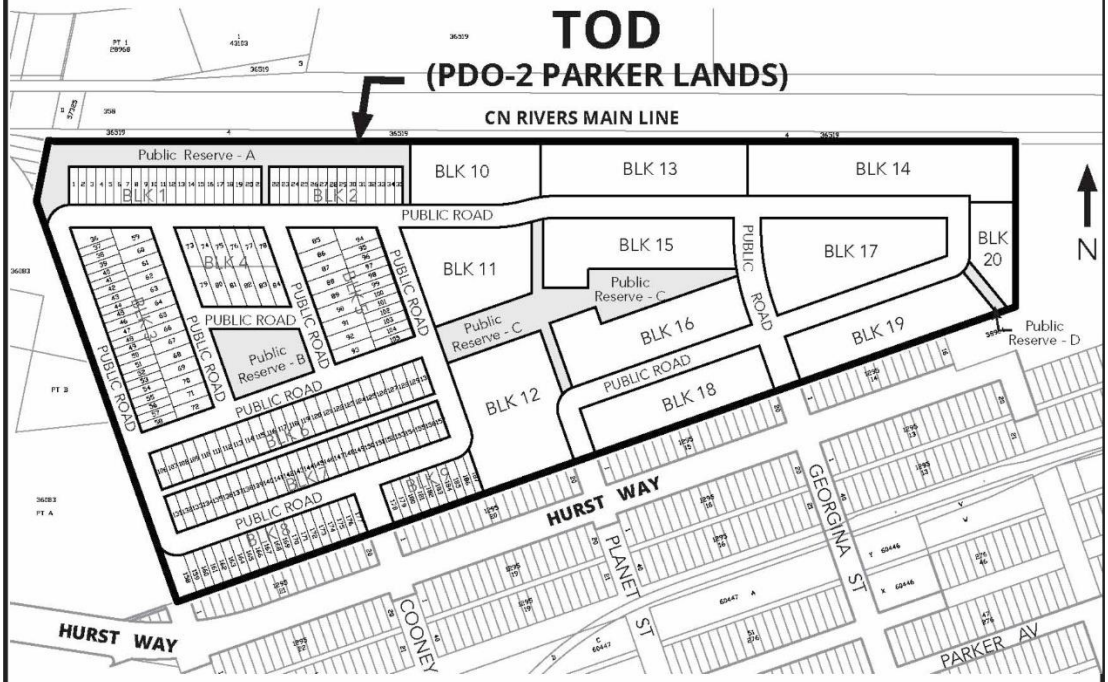
Atlas Sheet No. **AE22**

N

CITY CENTRE COMMUNITY

Explanation

An application for the approval of the plan of subdivision shown outlined below and for a proposed zoning change to By-law No. 200/2006 by rezoning the land located north of Hurst Way, south of the CNR Rivers Mainline from an "M2" MANUFACTURING GENERAL DISTRICT to a "TOD PDO-2 PARKER LANDS" TRANSIT ORIENTED DEVELOPMENT DISTRICT to facilitate the establishment of a new neighbourhood by the creation of a block plan with single-family, two-family, and multiple-family residential uses as well as mixed use (commercial and residential) uses, public reserve land, and public right-of-ways for a future development.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

APPENDIX B – LETTER REQUESTING AMENDMENT TO DASZ 12/2018

November 5, 2021

The City of Winnipeg

Winnipeg, Manitoba

Dear Mr. Jasper,

Please find this letter as support for the request to remove the text language in the administration report regarding back lanes, that was submitted by the Public Service as part of the DASZ application process in November 2020.

The applicant of the development application had their subdivision plan approved by Council in November 2020 with Councilor Lukes and Mayor Bowman discussing the issue on the floor of Council before Council's vote as to what subdivision plan was being voted on for approval which was the subdivision plan submitted by the applicant.

The applicant will appear at the public hearing on this matter on November 10, 2021.

Regards



Andrew Marquess