Proposed Plan of Subdivision and Rezoning - land located at 901 Shaftesbury Boulevard

File DASZ 2/2002

7. The Standing Policy Committee on Property and Development has been advised that an application has been received from Cherlee Investments Ltd., 901 Shaftesbury Boulevard, Winnipeg, to amend Winnipeg Zoning No. 6400/94 by rezoning the subject lands from an "A-5" Agricultural District to a "RM-L" Multiple-Family Residential District to permit the construction of 40 condominium units.

The proposal is to construct upwards of forty (40) one-storey, condominium units with access from Shaftesbury Boulevard. The condominiums would be constructed in clusters of two (2) and three (3) units connected by a private driveway. The development density amounts to about 4.7 units per gross acre. In comparison, the existing "R1-6" zoning to the north along Park Place West yields a gross density of 7.3 units per acre. The maximum allowable density under the proposed "RM-L" zoning is 17.4 units per acre.

The report dated April 24, 2002, of the Manager of Planning and Land Use, Planning, Property and Development Department dealt with the proposal for attached condominium units, although it is noted that, subsequent to filing the application, the applicant submitted two different concept plans showing the subject site developed with single-family, detached condominium units. The first plan set aside the land required for the Shaftesbury Boulevard underpass and generates thirty-five (35) detached condominium units. The second plan excludes the right-of-way requirement and generates forty-two (42) detached condominium units.

All of the site plans submitted with this application are conceptual and do not show the dimensions necessary for determining zoning compliance. Also, the applicant has not submitted drawings showing building elevations and construction materials. Nonetheless, this application can be approved with a Zoning Agreement establishing parameters governing development density and building type and requiring the approval of detailed site and building development plans by the Assiniboia Community Committee prior to the issuance of a Development Permit.

On May 14, 2002, the Assiniboia Community Committee held a public hearing to consider the subject subdivision and rezoning application. One person registered in support of the application, no one registered in opposition thereto, and two persons registered for informational thereon.

The Assiniboia Community Committee concurred, in part, in the recommendations contained in the report dated April 24, 2002, from the Manager of Planning and Land Use, Planning, Property and Development Department. The Community Committee recommended approval of the proposed rezoning for the following reason:

1. That there has been a lot of development in the south Tuxedo area, applied for legally and correct within the City of Winnipeg system, which have created a problem for a couple of properties, and this will ratify some of those problems as you cannot ask people to pay for more than what they are benefiting from.

Report of the Standing Policy Committee on Property and Development dated May 27, 2002

On May 27, 2002, the Standing Policy Committee on Property and Development concurred in the recommendations contained in the Subdivision and Zoning Change Report dated May 17, 2002, from the Assiniboia Community Committee.

The Standing Policy Committee on Property and Development recommends:

I. That the plan of subdivision proposed under File DASZ 2/2002 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 2/2002, dated April 24, 2002, for registration in the Winnipeg Land Titles Office, subject to the following:

A. That the plan be amended to provide for the future grade separation of Shaftesbury and the CNR mainline, and to accommodate a Litchfield cul-de-sac.

B. That the Developer be required to enter into a Servicing Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated April 25, 2002, with the following amendments:

1. That Clause 5 be amended by adding the words "wood or chain link" after the word "uniform".

2. That Clause 6 be deleted in its entirety.

3. That Clause 7 be deleted in its entirety.

4. That Clause 8 be amended by adding:

The City shall reimburse the Developer for a share of the above-referenced works as it collects from other benefiting lands in accordance with the City's Development Agreement Parameters prevailing at the time of reimbursement.

5. That Clause 9 be amended as follows:

9. i) by deleting the words "7. and"
9. ii) by deleting the words "7. and"

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

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

IV. That Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 2/2002 dated April 24, 2002, to a "RM-L" Multiple-Family Residential District, subject to the applicant entering into a Zoning Agreement with the City pursuant to Section 591(1) of The City of Winnipeg Act to apply to the subject site, to include the following conditions:

A. That the site be developed to the maximum density of 6.0 units per gross acre (not including land set aside for public right-of-way).

B. That the housing on the site be restricted to single-detached, bungalow condominium units with a maximum height of one (1) storey.

C. That the minimum floor area of the residential units be restricted to 1,300 square feet and be provided with double-attached garages.

D. That the minimum dwelling set back to adjacent residential property limits be 7.62 metres (25 feet), excepting non-winterized sun rooms.

E. That dwellings be set back a minimum distance of 17.5 metres (57.4 feet) from Shaftesbury Boulevard except where those dwellings abut the proposed underpass R.O.W., and lands taken therefore, in which case the minimum set back to dwellings shall be 10 metres (32.8 feet).

F. That dwellings constructed adjacent to the CNR mainline right-of-way be set back a minimum distance of 25.0 metres (82.0 feet).

G. That the principal access to the development be restricted to Shaftesbury Boulevard in accordance with plans approved by the Standing Policy Committee on Public Works.

H. That prior to the issuance of a Development Permit, plans showing the site access, layout, parking, fencing, landscaping, berming, building elevations and materials, garbage enclosures site lighting and signage be submitted for the approval of the Assiniboia Community Committee.

V. That a ten percent (10%) dedication be made by a payment of a sum of money to the City in lieu of the requirement for land dedication based on the increase in market value of the land.

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

VII. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary by-law in accordance with the above.

VIII. 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.

IX. 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 as a first charge in the Winnipeg Land Titles Office against those lands provided that the said effective date occurs within twenty-four (24) months from the date that the said rezoning by-law is adopted by Council.

X. 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.

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

Attachment "A" referred to in Clause 7 of the Report of the Standing Policy Committee on Property and Development dated May 27, 2002

By-Law No. _____

File No. **DASZ 2/02**

Atlas Sheet No. **AF18 ASSINIBOIA COMMUNITY**

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Explanation

An application for the approval of the plan of subdivision shown outlined below and for a proposed zoning change to By-law No. 6400/94 by rezoning the land located at 901 Shaftesbury from an "A.5" AGRICULTURAL DISTRICT to an "RM-L" MULTIPLE-FAMILY DISTRICT as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____