Minutes – Council – September 26, 2024

Minute No. 458
Report – Standing Policy Committee on Property and Development – September 13, 2024

Item No. 3 **Extension of Time – Subdivision and Rezoning – Land Located at the Northeast Corner of Gull Lake Road and Markham Road (Waverley West Ward) File No. DASZ 21/2021**

COUNCIL DECISION:

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

1. That the time limit to satisfy the Coming into Force provisions of By-law No. 105/2022 be extended to July 21, 2025.

2. 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 – September 13, 2024

DECISION MAKING HISTORY:

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

Councillor Orlikow was absent for the vote on the above motion.

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On September 17, 2024, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On September 13, 2024, the Standing Policy Committee on Property and Development concurred in the recommendation of the Assiniboia Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEEE RECOMMENDATION:

On September 4, 2024, the Assiniboia Community Committee concurred in the recommendation of the Winnipeg Public Service and forwarded the matter to the Standing Policy Committee on Property and Development.

Neil Minuk submitted a communication in support of the matter.

ADMINISTRATIVE REPORT

Title: Extension of Time – Subdivision and Rezoning – Land located at the Northeast Corner of Gull Lake Road and Markham Road – File No. DASZ 21/2021

Critical Path: Assiniboia Community Committee – Standing Policy Committee on Property and Development – Executive Policy Committee – Council

AUTHORIZATION

Author	Department Head	CFO	CAO
M. Hammerberg	N/A	N/A	N/A

EXECUTIVE SUMMARY

The time limit for the Coming into Force provisions of By-law No. 105/2022 under File No. DASZ 21/2021 expired on July 21, 2024. The Developer has not been able to satisfy all of the conditions prior to expiry and has requested an extension of time to complete the necessary registrations at the Winnipeg Land Titles Office.

The Winnipeg Public Service has no objection to this request.

RECOMMENDATIONS

1. That the time limit to satisfy the Coming into Force provisions of By-law No. 105/2022 be extended to July 21, 2025.

2. 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

Council approval is required for an extension of time.

IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendations are concurred in, the Owner will be allowed a time extension to July 21, 2025, to complete the necessary registrations at the Winnipeg Land Titles Office.

HISTORY/DISCUSSION

On September 29, 2021, Council adopted Item No. 9 of the Standing Policy Committee on Property and Development, Heritage and Downtown Development dated September 14, 2021 which recommended approval of a subdivision and rezoning to an "RMF-L" Residential Multi-Family (Large) District under Winnipeg Zoning By-Law 200/2006. See Appendix “A” map attached.

The rezoning By-law No. 105/2022 was enacted by Council on July 21, 2022.

Sections 3 and 4 of By-law No. 105/2022 stipulate the following:

Coming into force

3 This By-law comes into force when the plan of subdivision and the Zoning Agreement is registered at the Winnipeg Land Titles Office.

Extensions of time

4(1) Subject to subsection (2), this By-law will expire without coming into force one year after the date on which this By-law is enacted if:

(a) the plan of subdivision and the Zoning Agreement have not been registered at the Winnipeg Land Titles Office; and

(b) the owner has not applied for an extension of time.

4(2) This By-law will be deemed to have expired without coming into force on the date provided in subsection (1) when

(a) The owner has applied for an extension of time prior to the date provided in subsection (1); and

(b) Council denies the extension of time.

On September 29, 2023, Council adopted Item No. 17 of the Report of the Standing Policy Committee on Property and Development dated September 18, 2023 extending the time limit to satisfy the Coming into Force provisions of By-law 105/2022 to July 21, 2024.

By-law No. 105/2022 has not come into force by the required registration of the plan of subdivision and the Zoning Agreement and the one (1) year time limit expired on July 21, 2024.

On July 15, 2024, John Scott Wintrup Planning & Development, Attention: John Wintrup, Suite 301, 139 Roslyn Road, Winnipeg, Manitoba, R3L 0G7 applied for an Extension of Time application, on behalf of the property owner, 10055798 Manitoba Ltd., and requested that the time limit to satisfy the Coming into Force provisions of By-law No. 105/2022 be extended to July 21, 2025 in order to complete the required registrations. See Appendix “B” attached.

The Winnipeg Public Service has reviewed this request for an extension of time and is of the opinion that approval of the subject extension of time would be acceptable and circumstances leading to the original approval remain unchanged.

FINANCIAL IMPACT

N/A

CONSULTATION

N/A

OUR WINNIPEG POLICY ALIGNMENT

6.16 Established Neighbourhoods

- Designate Established Neighbourhoods within the Urban Structure, representing lands that will accommodate additional growth in a context-sensitive manner, while promoting the efficient use of land, cost-effective municipal servicing, enhanced housing choice and affordability, and conservation of green infrastructure and heritage resources and districts, as defined in Complete Communities.

6.24 Transit-Oriented Development

- Support Rapid Transit and other primary transit corridors with strategically located transit stations, that facilitate transit ridership through development intensification, a mix of complementary land uses, and a pedestrian and cycling-oriented environment consistent with transit-oriented development principles.

WINNIPEG CLIMATE ACTION PLAN ALIGNMENT

Strategic Opportunity #4: Facilitate Compact, Complete Development and Increase Density

4.1 Increase strategic infill development that provides access to and capitalizes on existing and planned corridors with frequent transit service.
4.3 Pursue transit-oriented development.

WINNIPEG POVERTY REDUCTION STRATEGY ALIGNMENT

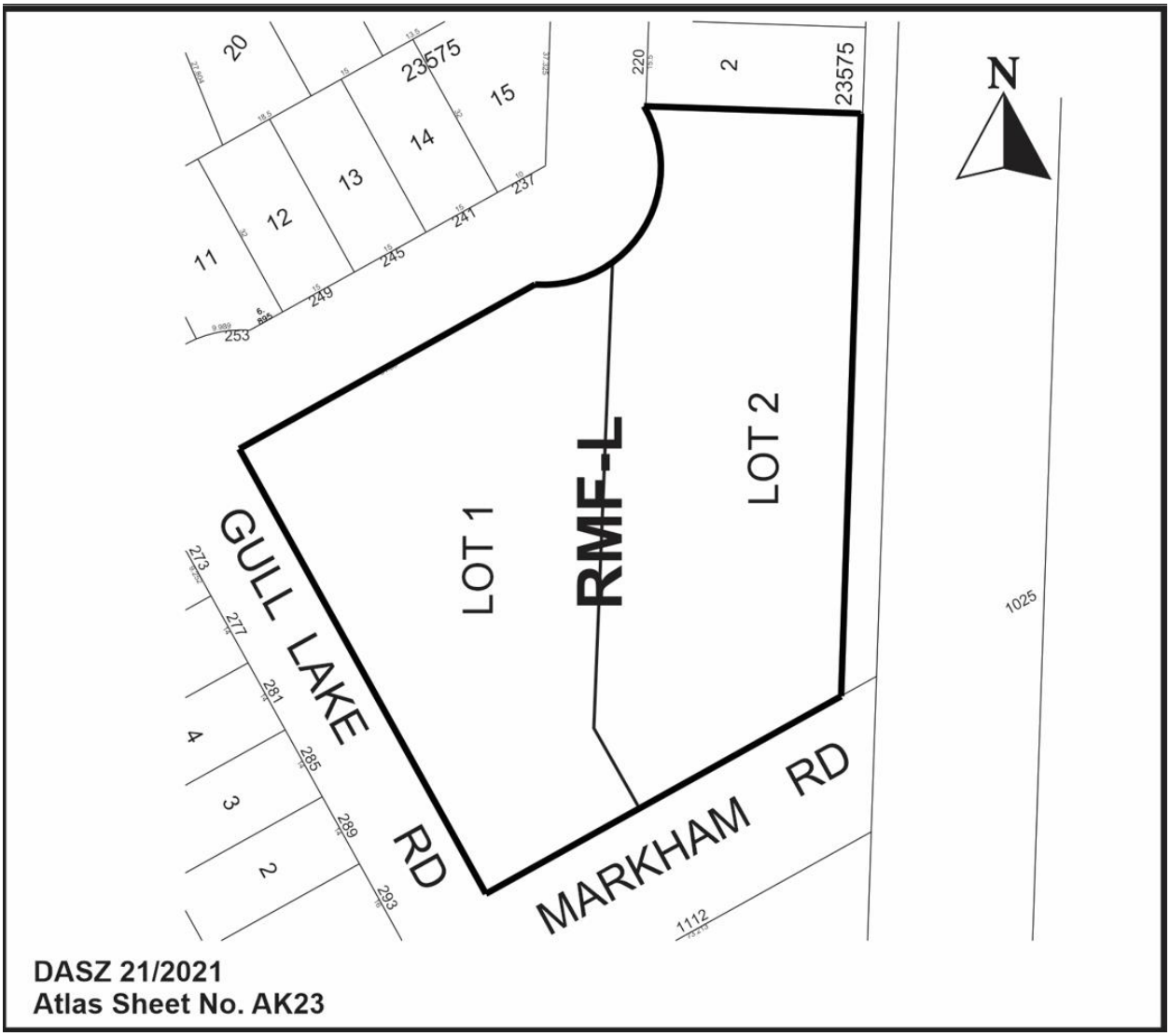
Consideration was given as to whether this report connects to any of the specific Goals and Objectives in the PRS and it was determined that the PRS is not applicable to this specific report.

SUBMITTED BY

Department:	Planning, Property and Development
Division:	Real Estate and Land Development
Prepared by:	M. Hammerberg, Land Development Services Coordinator
Date:	August 12, 2024
File No:	DASZ 21/2021
Attachments:	Appendix “A” – DASZ 21/2021 Map
	Appendix “B” – Letter Requesting Extension of Time

O:\Reports Directive\Land Development, Geomatics and Land Information Services\Land Development\Extension of Time\Extension of Time Request #2 - DASZ 21-21.docx

APPENDIX "A" – DASZ 21/2021 MAP



DASZ 21/2021
Atlas Sheet No. AK23

APPENDIX "B" – LETTER REQUESTING EXTENSION OF TIME

JOHN SCOTT WINTRUP
PLANNING & DEVELOPMENT

July 15, 2024

Land Development Branch
City of Winnipeg
Main Floor, 65 Garry Street
Winnipeg MB R3C 4K4

RE: Letter of Intent – Gull Lake Road & Markham Road
Extension of Time DASZ 21/2021

John Wintrup is the 'Applicant' in making all the development applications on the **SUBJECT LANDS** for the **PROPOSED DEVELOPMENT** as outlined below.

1. SUBJECT LANDS

(a) **Municipal Address:**	N/A
(b) **Location:**	NE Corner of Gull Lake and Markham Roads
(c) **Roll Numbers:**	03063050500
(d) **CT:**	3115676/1
(e) **COW Caveats:**	1390137/1
(f) **Legal Description:**	LOT 1 BLOCK 2 PLAN 23575
(g) **Registered Owners:**	10055798 MANITOBA LTD.
(h) **Neighbourhood:**	Waverley Heights
(i) **Electoral Ward:**	Waverley West Ward
(j) **Provincial Regs:**	*Outside Airport Regulations // Outside Flood Fringe Reg*
(k) **Development Plan:**	*OurWinnipeg 2045 By-law No. 120/2020* [May 26, 2022] *Complete Communities Direction Strategy By-law No. 119/2020*
(l) **D. Plan Designation:**	Recent Communities
(m) **Zoning By-law:**	*Winnipeg Zoning By-law 200/2006 [March 1, 2008]*
(n) **Zoning District:**	RMF-S Residential Multi-Family - Small
(o) **Land Area:**	+/- 2.4 acres (+/- 104,544 sf)
(p) **Lot Configuration:**	Corner Lot, Through Lot
(q) **Land Configuration:**	Irregular Rectangle
(r) **Fronting Street:**	+/- 905.8 ft on Markham Road (south) P2 – Collector

1

	Gull Lake Road (east & north) P3 – Residential Street
(s) **Flanking Street:**	Gull Lake Road
(t) **Transit:**	Markham Station Southwest Transitway, 50 m to the east 60, 693 on Pembina Hwy, 400 m to east Route 662 directly on Markham Road
(u) **Transit 2025:**	Markham Station Southwest Transitway, 50 m to the east F8 on Pembina Hwy, 400 m to east 662 directly on Markham RD
(v) **Bikeways:**	Informal On-Street Route on Chancellor DR and Gull Lake RD. *Multiuse Path* on Bison DR *Buffered Bike Lane* on Pembina Hwy
(w) **Sewer District:**	Seperated, Waverley Heights & D'arcy
(x) **Current Land-Uses:**	Vacant
(y) **Adjacent Lands:**	
	i. East, CN Letellier line and Markham Station
(z) **Surrounding Lands:**	
	i. North, across Gull, single-family detached dwellings addressed 265-237 and 220 Gull Lake Road, zoned R1-M
	ii. West, across Gull, single detached dwellings on the west side of Gull Lake RD addressed 293-269, zoned R-M
	iii. South, across Markham, 1112 Markham Road, a Manitoba Hydro Sub-station, zoned R1-L
(aa) **Proposed Dev'pmnt:**	
	i. Rezone to RMF-Large and subdivision as per DASZ 21/2021

2. LOCATION

1) The subject +/- 104,544 sq.ft.[209.9 x 322.90 ft] land is located on the north side of Markham Road and east side of Gull Lake Road in the Waverley Heights neighbourhood of the Waverley West Ward.
2) The eastern property line abuts the CN Letellier Subdivision freight railway line.

3) National chain grocery stores are less than 10 minutes away via Winnipeg Transit (80 Bison Drive) or less than a 10 minute walk (2155 Pembina Hwy).
4) The University of Manitoba is a 15 minutes trip by transit. Arthur A Leach Jr. High School (1827 Chancellor Dr) is a 5 minute walk. Victoria General Hospital (2340 Pembina Hwy) is located just over a 10 minute walk or just over 5 minutes by transit ride to the east.

3. PROPOSED DEVELOPMENT

1) Multiple unit residential development within 100 metres of High-frequency transit.
2) Rezone to RMF-Large and subdivision as per DASZ 21/2021

4. BACKGROUND

1) On September 29, 2023 Council concurred in the recommendation of the Standing Policy Committee on Property and Development and adopted the following:

1. That the time limit to satisfy the Coming into Force provisions of By-law No. 105/2022 be extended to July 21, 2024.

2) On August 29, 2022, the Assiniboia Community Committee approved DAV 181232/2022D on the subject lands on Proposed Lot 1 (corner lot) as follows:

1. For the construction of a multi-family dwelling to permit:
    1. 92 parking spaces
    2. an east side yard of 13.5 feet (4.11 metres)
2. For the location of garbage enclosures with no east side yard
3. For the establishment of an accessory parking area to permit parking stalls having no access to an aisle, access to be shared via a cross-access agreement with Proposed Lot 2.

Subject to the following conditions:

1. That 50 bicycle parking stalls be provided in a secure, enclosed location on site, either contained within the building or in a secure free-standing structure on site.
2. That for the portion of land along the Markham Road frontage where the below grade parking ramp is to be located, a concrete wall and/or other design features shall be included to ensure there is a safe buffer between the public realm (sidewalk) and the below grade parking ramp.

3. *That a building location certificate showing the setbacks to the foundation prepared by a Manitoba Land Surveyor shall be provided to the City of Winnipeg and the Assiniboia Community Committee along with the plans of development for review to confirm compliance with the Winnipeg Zoning By-law and previous approvals, prior to any subsequent building permits being issued.*
4. *That the façade of the building facing Gull Lake Road shall incorporate design elements in the following manner:*

A. Horizontally, building façade design should correspond with the interior units, approximately every 1 or 2 units or roughly every 30 – 45 feet, and result in distinct and different looking portions of the building through the use of:

i. *variation in the setbacks to the principal building wall.*
ii. *the use of projections and recesses both vertically and horizontally, with a minimum depth of 1 foot.*
iii. *the use of different window treatments (such as varying sizes, use of mullions and muntins, shutters, louvers, and decorative window trim treatments around the window) and a minimum façade coverage of 30% windows along the ground floor. This can assist with achieving the bird friendly design condition as well.*
iv. *For the top of the building, varying roofline styles and design elements shall be incorporated through the use of elements such as cornices, changes of material, pitched roofs, varied roof lines, a change of material within the gable wall, and/or the use of dormers.*
v. *High quality and durable finishing materials shall be provided on a minimum of 33% of the first-floor façade facing Gull Lake Road. Durable materials include: masonry, glass, finished wood, finished concrete, and other materials with a lifecycle of 50 years or greater deemed to provide the same aesthetic and high-quality finish as listed materials. These high quality materials will be encouraged to continue upward so as to introduce vertical interest on the façade as well.*
vi. *On upper storeys, brick or masonry veneer, metal wall panels, fibre cement panels, EIFS and other comparable materials deemed to provide the same aesthetic and quality may be used.*
vii. *Ground floor units should provide visual interest at grade and provide for clear, accessible and desirable user entrance features on the exterior units facing Gull Lake Road, that are distinguished and unique to the overall building design. Design details shall include, lighting plans, clearly identified and visible entranceways that are oriented toward the street, canopy or entryway elements that provide weather protection over entrance and draw attention to and convey that the entryway is a primary access point to the dwelling unit.*

3) On July 22, 2022 Council gave all three readings to By-law 105/2022.

4) On October 21, 2021, the Appeal Committee approved DAV 147415A/2021D on the subject land for the establishment of two (2) lots to permit the following:

   1. *On Proposed Lot 1 (corner lot):*

A. for the construction of a multi-family dwelling to permit 84 parking spaces;

B. for the establishment of an accessory parking area to permit:

i. a front yard of 5 feet (1.52 metres);

ii. no east interior side yard;

iii. a parking driveway without direct access to a street or public lane (access to be shared with Proposed Lot 2 via cross-access agreement);

iv. a parking aisle width of 10 feet (3.05 metres);

C. for the establishment of a fence to permit a fence height of 6 feet (1.83 metres) in the front yard;

2. On Proposed Lot 2 (through lot):

A. for the construction of a multi-family dwelling to permit:

i. a lot area per dwelling unit of 397 square feet (36.88 square metres);

ii. 127 parking spaces;

iii. insufficient street edge landscaping along Markham Road;

B. for the establishment of an accessory parking area to permit:

i. a north front yard (facing Gull Lake Road) of 17 feet (5.18 metres);

ii. no south front yard (facing Markham Road);

iii. no north interior side yard;

iv. no east interior side yard;

v. no west interior side yard;

vi. a parking aisle width of 10 feet (3.05 metres);

C. for the establishment of a fence to permit:

i. a fence height of 6 feet (1.83 metres) in the north front yard;

ii. a fence eight of 8 feet (2.44 metres) in the north interior side yard.

5) On September 29, 2021, Council approved DASZ 21/2021 with conditions requiring the Developer to enter into a Servicing Agreement, and a Zoning Agreement for the following:

i. The Owner must submit plans showing the location and design of any and all proposed:

1. *Buildings*
2. *Accessory parking areas*
3. *Private approaches*
4. *Garbage enclosures*
5. *Bicycle enclosures*
6. *Fencing*
7. *Lighting*
8. *Landscaping*
9. *Free-standing signage*

on the Owner's Land ("Works") to the City's Director of Planning, Property and Development ("Director") and the Assiniboia Community Committee for approval prior to the issuance of any building or development permit, and thereafter must construct the Works in substantial conformance with the approved plans and maintain the Works to the satisfaction of the Director.

ii. That the development of any building on Proposed Lot 1 as identified in Schedule A of this report, dated August 16, 2021, shall be limited to a maximum building height of 45 feet.

iii. That the development of any building on Proposed Lot 2 as identified in Schedule A of this report, dated August 16, 2021, shall be limited to a maximum building height of 86 feet and any portion of any building on site shall be contained below a 45-degree angular plane, as measured from a starting point of 6 feet above grade at the north property line.

iv. That, the developer shall, at no expense to the City, provide safety measures from the CNR Letellier Subdivision consisting of any one of the following three measures:

5. **NOTES**

(1) In early 2022, Dillon Consulting completed a Development Viability Assessment of Residential Development at Markham Road & Gull Lake Road, Winnipeg Manitoba as it pertains to the proposed development in proximity to the CN Letellier Subdivision. The report finds that there is an acceptable and manageable level of risk with all scenarios identified and analyzed.

(2) DASZ 21/2021 created two (2) lots on the site, Lot 2 abutting the rail tracks and Lot 1 abutting the inside curve of Gull Lake RD.

6. ***REASON FOR EXTENSION***

(1) Proponents are applying to the Housing Accelerator Fund and is working to revise the development concept to meet the criteria for government grant funding.

7. **APPLICATION MATERIAL**

Information that is being provided with this Letter of Intent includes:

(1) Extension of Time Application Form;

(2) Letter of Authorization to John Wintrup;

(3) Current Status of Title;

(4) City of Winnipeg Caveat;

(5) By-law 105/2022;

(6) Application Fee.

We respectfully request this matter be advanced and processed in a timely manner.

John Scott Wintrup, B.A. (Hons), M.Sc.Pl., MCIP, RPP, AICP, CNU-A, LEED® Green Associate™
301-139 Roslyn RD
Winnipeg MB R3L0G7 Encl.