Minutes - Executive Policy Committee - December 8, 2004

Minute No. 72
Report - Standing Policy Committee on Property and Development - November 30, 2004

Item No. 2 **Subdivision and Rezoning - southeast corner Waverley Street and Lee Boulevard**
File DASZ 21/2004

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

The Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the Riel Community Committee and submits the following to Council:

1. That the plan of subdivision proposed under File DASZ 21/2004 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 21/2004 dated November 8, 2004, 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 November 8, 2004.

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

3. That The Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as outlined on Schedule "A" for File DASZ 21/2004 dated November 8, 2004, to an "RM-2" Multiple Family District, a "R1-4" Single Family Residential District and a 'PR-1" Parks and Recreational District, subject to the applicant entering into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to include the following condition:

    A. That final plans for the proposed "RM-2" Multiple Family District zoned housing area, indicating details of building locations, parking, approaches, landscaping/fencing, exterior lighting, garbage enclosure locations, etc. be submitted to and approved by the Director of Planning, Property and Development and the Riel Community Committee prior to the issuance of any building permits.

4. That for noise attenuation purposes, there shall be a minimum rear yard setback of 16.5 m to residences on the following lots in the proposed "R1-4" Single Family Residential District housing area: Lots 39 to 47, Block 1, and Lots 50 to 53, Block 1.

Report - Standing Policy Committee on Property and Development - November 30, 2004

5. That for noise attenuation purposes, there shall be a minimum side yard setback of 12.0 m to the proposed residence on Lot 1, Block 1, in the proposed "R1-4" Single Family Residential District housing area.

6. 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.

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

8. 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.

9. 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.

10. 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.

11. 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.

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DECISION MAKING HISTORY:

Moved by Councillor De Smedt,

That the recommendations of the Standing Policy Committee on Property and Development and the Riel Community Committee be concurred in and forwarded to Council.

Carried

STANDING COMMITTEE RECOMMENDATION:

On November 30, 2004, the Standing Policy Committee on Property and Development concurred in the recommendation of the Riel Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On November 17, 2004, the Riel Community Committee concurred in the administrative recommendation and submitted the matter to the Standing Policy Committee on Property and Development.

RE: Subdivision and Rezoning - southeast corner of Waverley Street and Lee Boulevard
File DASZ 21/2004

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

Prepared by: Marc Pittet, Clerk,
Riel Community Committee

Report date: November 19, 2004

COMMUNITY COMMITTEE RECOMMENDATION:

On November 17, 2004, the Riel Community Committee concurred in the administrative recommendation and recommends to the Standing Policy Committee on Property and Development:

1. That the plan of subdivision proposed under File DASZ 21/2004 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 21/2004 dated November 8, 2004, 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 November 8, 2004.

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

3. That The Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as outlined on Schedule "A" for File DASZ 21/2004 dated November 8, 2004, to an "RM-2" Multiple Family District, a "R1-4" Single Family Residential District and a 'PR-1" Parks and Recreational District, subject to the applicant entering into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to include the following condition:

    A. That final plans for the proposed "RM-2" Multiple Family District zoned housing area, indicating details of building locations, parking, approaches, landscaping/fencing, exterior lighting, garbage enclosure locations, etc… be submitted to and approved by the Director of Planning Property and Development and the Riel Community Committee prior to the issuance of any building permits.

4. That for noise attenuation purposes, there shall be a minimum rear yard setback of 16.5 m to residences on the following lots in the proposed "R1-4" Single Family Residential District housing area: Lots 39-47, Block 1, and Lots 50-53, Block 1.

5. That for noise attenuation purposes, there shall be a minimum side yard setback of 12.0m to the proposed residence on Lot 1, Block 1, in the proposed "R1-4" Single Family Residential District housing area.

7. 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.

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

8. 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.

9. 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.

10. 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.

11. 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.

The Riel Community Committee provided the following supporting reason for its recommendation:

1. The Riel Community Committee agreed with the administrative comments contained in the report from the Manager of Planning and Land Use dated November 8, 2004 and in the report from the Administrative Coordinating Group dated November 8, 2004.

PUBLIC HEARING SUMMARY

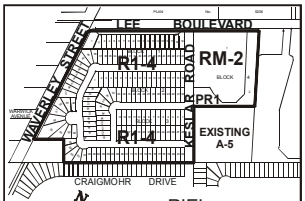
File: DASZ 21/2004

Before: Riel Community Committee
Councillor Steeves, Chairperson
Councillor Angus

Public Hearing: November 17, 2004
Community Committee Chamber, 219 Provencher Boulevard

Applicant: Ladco Company Limited (Ken Oblik)

Subject:



APPLICANT: LADCO COMPANY LIMITED
FILE: DASZ 21/04
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. 6400/94 by rezoning the land shown outlined above from an "A.5" AGRICULTURAL DISTRICT to a "PR1" PARKS AND RECREATION DISTRICT, an "R1-4" SINGLE-FAMILY DISTRICT and an "RM-2" MULTIPLE-FAMILY DISTRICT and to consider a special rear and side yard setback along Waverley Street. **For information, phone Mr. K. Lalor, Planner at 986-5069.**
DEMANDEUR: LADCO COMPANY LIMITED
N° DE DOSSIER: DALZ 21/04
PROJET : Demande d'approbation par le Conseil du plan de lotissement relatif aux sols délinéés ci-dessus et proposition de modification du Règlement municipal n° 6400/94 visant à changer le zonage des sols délinéés ci-dessus qui passerait de la catégorie A5 (SECTEUR AGRICOLE) aux catégories PR1 (SECTEUR DES PARCS ET DES LOISIRS), R1-4 (SECTEUR D'HABITATIONS UNIFAMILIALES) et RM-2 (SECTEUR D'HABITATIONS MULTIFAMILIALES) et à établir une marge arrière spéciale le long de la rue Waverley. **Pour plus de renseignements, veuillez communiquer avec M. K. Lalor, urbaniste, au 986-5069.**

Premises Affected: Southeast corner of Waverley Street and Lee Boulevard

Exhibits Filed:

1. Application dated June 19, 2004
2. Notification of Public Hearing dated October 19, 2004
3. Manitoba Status of Titles 1786437 and 1786457
4. Surveyor's Building Location Certificate and sketch dated July 14, 2004
5. Letter of authorization dated May 25, 2004 from The Governing Council of The Salvation Army in Canada to Ladco Company Limited
6. Revised Plan
7. Report from the Manager of Planning and Land Use dated November 8, 2004
8. Report from the Administrative Coordinating Group dated November 8, 2004
9. Inspection Report

REPRESENTATIONS:

In Support:

Murray Bonk
David Borger
Mark Kneale
Ken Oblik

In Opposition

Nil

For the City:

Ernie Carriere, Land Development Engineer, Planning, Property and Development Department
Kevin Lalor, Senior Planner, Planning, Property and Development Department
Michael Robinson, Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

Ken Oblik, the applicant, appeared in support of the application. In response to questions from Councillor Angus, Mr. Oblik provided the following information:

- The undeveloped parcel of land at the southwest corner of the development is zoned agricultural and is owned by Manitoba Hydro. Mr. Oblik stated that Ladco Company Limited has offered to purchase the property but that Manitoba Hydro is unwilling to sell it.
- Berming around the development will be consistent with similar berming in Richmond West.
- Sidewalks will be installed on both sides of Keslar Road.

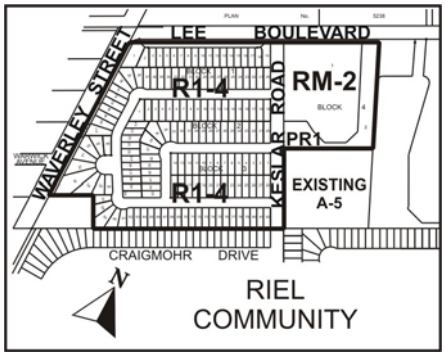
Exhibit "7" referred to in File DASZ 21/2004

Planning, Property and Development Department Report

To the Riel Community Committee

Date: November 8/04
File: DASZ 21 /04
Related Files: NA
Subject: To rezone and subdivide the subject lands in order to establish an R1-4 Single Family housing area, a PR-1 Public Reserve area, and a RM-2 Multiple Family housing area. Special rear and side yards are being considered along Waverley St.

Location: South of Lee Blvd., East of Waverley St.
Legal Description: NA



Applicant: Ladco Company
Owner: Ladco Company

Recommendation: Approve with Conditions

Site Description

The proposed new residential subdivision is situated at the S.E. corner of Lee Boulevard and Waverley St. It is approximately 42 acres in overall size and has been owned for some time by the Salvation Army. Approximately 8 acres of the overall total acreage is slated for Multiple Family Housing and Park development. The remainder and by far the largest part will be developed into 164 single family lots. To the north, the lands are zoned 'RM-2 'Multiple Family but largely undeveloped and vacant; to the west, the lands are similarly largely vacant and zoned 'A' Agricultural. To the south is new residential single family neighbourhood, largely complete, and zoned R1-4. Lands to the east (Fairfield Park) are currently in the process of being provided with full water and sewer services and upon completion of that work, new subdivision development will be imminent.

Background

Several years ago, when it became apparent that the Richmond West area was quickly nearing completion, Ladco began the process of identifying and acquiring new sites to meet the ever increasing demand for housing lots. With the Waverley West area still several years away from being developed, Ladco has, in the interim, acquired the subject property along Keslar from the Salvation Army. With the recent construction of a retention lake to the east south of Lee Blvd., housing development can now proceed.

Description of the Proposed Development

The proposal before your Committee is relatively straight forward. Keslar Road is to be extended north to Lee Boulevard from Bairdmore and Lee Boulevard will be upgraded to the intersection with Waverley St. The land west of Keslar will be subdivided into 164 single family lots, ranging in width from 40' to 45'. Nineteen (19) lots will front onto Lee Blvd., accessed by a service road. At the request of the Public Works Dept. the fourteen (14) proposed lots adjoining Waverley St. will all have either increased rear yards or side yards to meet current noise attenuation standards. The specifics of those requirements will be outlined in the accompanying Recommendations Section. On the east side of Keslar, a 6-8 acre parcel is to be set aside for future low density multiple (presumably condo) development.

Analysis

The subject area falls within a designated Neighbourhood Policy Area under Plan Winnipeg which allows residential development of varying densities. The Planning Division supports the proposed rezonings and subdivision given that the subject parcel of land is one of the last remaining sites in this quadrant east of Waverley suitable for single family housing and readily serviceable. It is easily accessible and in relative proximity to institutional, recreational and commercial amenities already in place to the east and south (Superstore etc.) And as a result of this development, a critical portion of Lee Blvd. will be upgraded allowing for improved access to new housing soon to be realized in the Fairfield Park area.

Recommendation

The Planning and Land Use Division recommend approval for the following reasons:

1) The subject parcel constitutes infill development in accordance with policies outlined in Plan Winnipeg.
2) The availability of a new retention lake and new inground infrastructure makes the project economically viable.
3) There is increased demand for lots of this type in this area and the current lot inventory quickly diminishing.

Recommended Conditions of Approval

I. That the plan of subdivision proposed under File No. DASZ 21/04 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File No. DASZ 21/04, attached hereto and dated November 8/04, 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 November 8/04.

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

III That The Winnipeg Zoning By-Law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File No. DASZ 21/04, attached hereto and dated November 8/04, to an "RM-2" Multiple Family District and a "R1-4" Single Family Residential District and a ' PR-1" Parks and Recreational District, subject to the applicant entering into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to, to include the following conditions:

A. That final plans for the proposed RM-2 zoned housing area, indicating details of building locations, parking, approaches, landscaping/fencing, exterior lighting, garbage enclosure locations etc. be submitted to and approved by the Director of Planning Property and Development and the Riel Community Committee prior to the issuance of any building permits.

IV. 1) That for noise attenuation purposes, there shall be a minimum rear yard setback of 16.5m to residences on the following lots in the proposed R1-4 housing area: Lots 39-47, Block 1, and Lots 50-53, Block 1.
2) That for noise attenuation purposes, there shall be a minimum side yard setback of 12.0 m to the proposed residence on Lot 1, Block 1, in the proposed R1-4 housing area.

V. 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.

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

VII. 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.

VIII. 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.**

IX. 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.

X. 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.

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

Report Prepared by: Kevin Lalor
PPD File # 5.637

By-Law No. _____

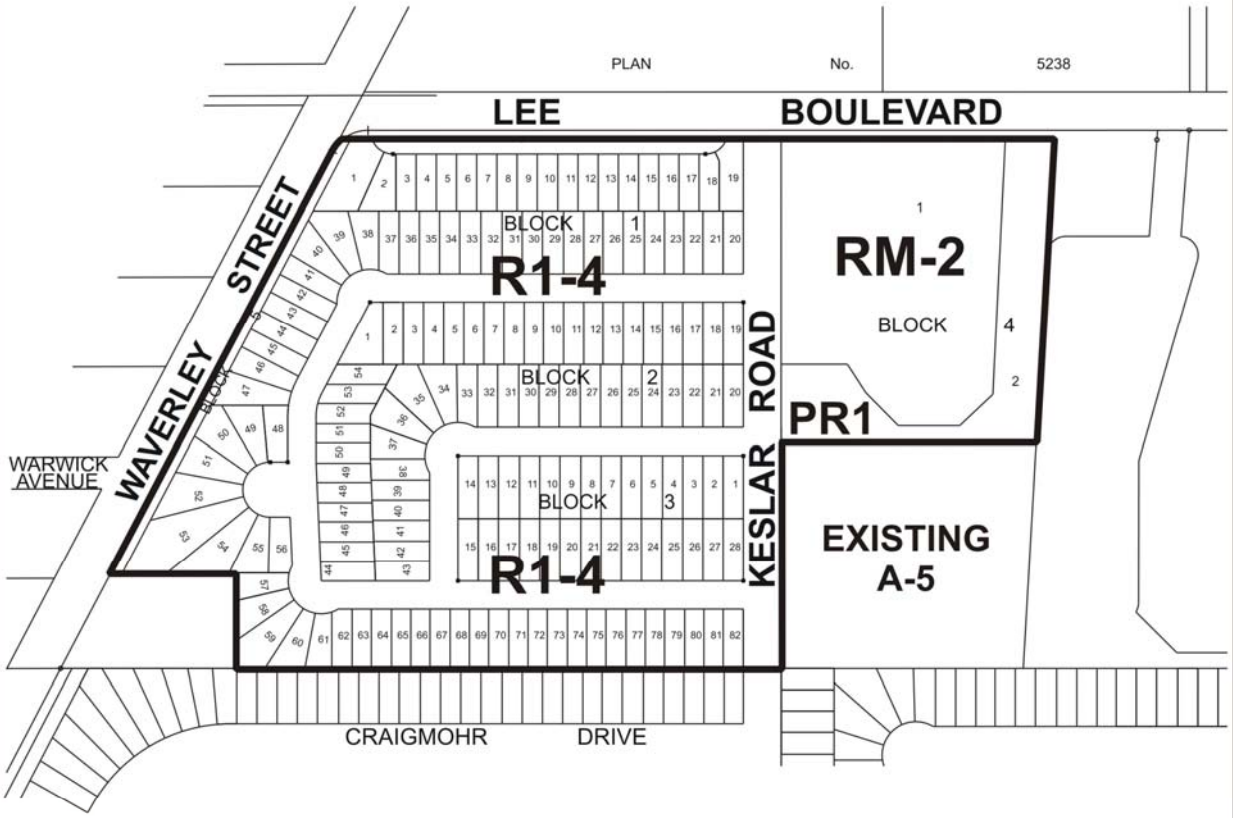
File No. **DASZ 21/04**

Atlas Sheet No.

AM22
RIEL
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. 6400/94 by rezoning the land located on the east side of Waverley Street, south of Lee Boulevard from an "A.5" AGRICULTURAL DISTRICT to a "PR1" PARKS AND RECREATION DISTRICT, an "R1-4" SINGLE-FAMILY DISTRICT and an "RM-2" MULTIPLE-FAMILY DISTRICT as shown outlined below.



Schedule "A" for File No. DASZ 21/04, Riel Community Committee, dated November 8/04

THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

Exhibit "8" referred to in File DASZ 21/2004

Re: Proposed subdivision and rezoning on land located on the east side of Waverley Street south of Lee Boulevard – DASZ 21/04

An application has been submitted by Ladco Company Limited to subdivide and rezone land located on the east side of Waverley Street south of Lee Boulevard. It is recommended that proposed Block 5 (21.0' wide) along Waverley Street be shown as a widening to the Waverley Street right-of-way.

It is recommended that approval of the amended plan be subject to the Developer entering into a Development Agreement as follows:

1. The Developer shall, at no expense to the City, construct all watermains, wastewater sewers and land drainage sewers required to service the Planned Area and adjacent lands including an oversized wastewater sewer in Keslar Road, a 300mm diameter watermain in Lee Boulevard from Waverley Street to the east limit of the Planned area and on interconnecting land drainage sewer pipe in Lee Boulevard from Waverley Street to the east limit of the Planned Area. The Developer would be reimbursed for oversizing as determined by the Director of Water and Waste. In addition, the Developer shall pay its share of the Regional Land Drainage System (2004 Rate = $10,315.00/acre). The cost of constructing the interconnecting pipe would be credited against this charge.
2. The Developer shall, at no expense to the City, construct portland cement concrete pavement to widths of 7.5m and 10.0m and thicknesses of 150mm and 200mm in all streets within the Planned Area, and all related works including, but not necessarily limited to boulevard landscaping, ornamental street lighting and land drainage sewer, all as determined by and to the satisfaction of the Director of Public Works.
3. The Developer shall pay to the City, on demand, its share of the cost of the following services to be installed in the future in Waverley Street between the south limit of the Planned Area and Lee Boulevard:

    a) a 4.0m in width by 200mm in thickness portland cement concrete lane of pavement and all related works;
    b) a 1.5m in width by 100mm in thickness portland cement concrete sidewalk;
    c) ornamental street lighting in the east boulevard;
    d) landscaping in the east boulevard;

    all as determined by the Director of Public Works.

4. The Developer shall, at no expense to the City, construct portland cement concrete pavement to a width of 10.0m by 200mm in thickness in Lee Boulevard, between the terminus of the concrete pavement being constructed under the Fairfield Park Local Improvement District and Waverley Street, and all related works including, but not necessarily limited to street lighting and boulevard landscaping all as determined by and to the satisfaction of the Director of Public Works.

5. The Developer shall, at no expense to the City, construct portland cement concrete pavement to a width of 6.0m by 150mm in thickness within the proposed frontage road, as determined by and to the satisfaction of the Director of Public Works.
6. The Developer shall, at no expense to the City, construct within the rear or side yards of all single family lots abutting Waverley Street, a uniform noise attenuation fence 2.0m in height, to the satisfaction of the Director of Public Works. The Developer shall permit the City to file a caveat against the title of each of these proposed lots abutting Waverley Street requiring the owner(s) to maintain and/or repair or replace the fence as originally constructed, to the satisfaction of the Director of Public Works.
7. 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 the Director of Public Works.
8. The Developer shall, at no expense to the City, provide underground electrical and telephone services to serve the Planned Area and shall pay the full cost to convert any existing overhead services within the Planned Area to underground.
9. The Developer shall pay all costs associated with the installation and/or relocation of street lights and other utilities made necessary as a result of or required to accommodate works, which are required by the Developer to serve the Planned Area, as determined by and to the satisfaction of the Director of Public Works.
10. The Developer shall be responsible to control and to initiate the clean up of litter and refuse from the contractors and builders for this development, both on-site and off-site, during the installation of services and construction of buildings, until substantial completion of all construction. The clean up of litter and refuse shall be done on a regular basis as determined by the Director of Public Works. This shall include initiating action and assuming any costs in remedying the situation to the satisfaction of the Director of Public Works.
11. The Developer shall ensure that construction traffic uses access routes as determined by the Director of Public Works. The Developer shall maintain, at no expense to the City, the access routes in a clean, dust free and safe condition, free of dropped and tracked-on mud, and shall undertake regular scraping and sweeping of streets until building construction, including landscaping is complete, all as determined by and to the satisfaction of the Director of Public Works.
12. The Developer shall, at no expense to the City, erect and maintain barricades and signing across the full width of any temporarily dead-ended streets, 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.
13. The Developer shall, at no expense to the City, construct portland cement concrete sidewalks to a width of 1.5m by 100mm in thickness on both sides of Keslar Road and on the south side of Lee Boulevard, except where frontage roads are provided, as determined by and to the satisfaction of the Director of Public Works.
14. The Developer shall, at no expense to the City, construct a cul-de-sac type vehicle turnaround at the terminus of each temporarily dead-ended street and provide and right-of-way or easements necessary to accommodate same, all as determined by and to the satisfaction of the Director of Public Works.

15. The Developer shall ensure that two paved means of vehicular access are available at all times through all stages of development of the Planned Area to the satisfaction of the Director of Public Works. This may require the construction of temporary roadways and the provision of easements or right-of-way therefore.

16. The Developer shall dedicate approximately 2.24 acres of land east of Keslar Road as public open space, the area of which is approximately 6% of the land within the Planned Area. The Developer shall, at no expense to the City, grade, level and sod that portion of the park which is currently unimproved, to the satisfaction of the Director of Public Works.

    In order to fully satisfy the 8% dedication requirement, the Developer shall also, at no expense to the City, perform the following:

    i) Install a granular pathway that will run from Keslar Road around the proposed RM-2 site to Lee Boulevard,
    ii) Plant approximately 50 trees in the park,
    iii) Install a play structure

    all in accordance with plans and specifications approved by the Director of Public Works.

17. The Developer shall pay the full cost of engineering and landscape architect services provided by or on behalf of the City in connection with the installation of municipal services and park improvements to be installed within and to serve the Planned Area.

18. The Developer shall pay $1,200.00 per acre to defray the City's administration and related costs associated with the preparation and implementation of the development agreement.

THIS REPORT SUBMITTED BY:

Administrative Coordinating Group
File No. AG 21/04
November 8, 2004

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"Original signed by E.L. Carrière"
Land Development Engineer

"Original signed by K.T. Raban"
Water and Waste Department

"Original signed by R.J. Hartmann"
Public Works Department
Transportation Division