Minutes - Executive Policy Committee - March 17, 2004

Minute No. 243
Report - Standing Policy Committee on Property and Development - March 4, 2004

Item No. 1 Rezoning - 1010 Wilkes Avenue
File DAZ 242/2003

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

The Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the City Centre Community Committee, as amended, and submits the following to Council:

1. That The Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 242/2003 dated January 7, 2004, to a "RM-3" Multiple-Family District, subject to the following:

    A. That the applicant enter into a zoning agreement with the City of Winnipeg pursuant to Subsection 240(1) of The City of Winnipeg Charter, to provide for the following:

        i. That prior to the issuance of a development permit, plans showing the site layout, access, parking, fencing, landscaping, building elevations, decks, and garbage enclosures be submitted for the approval of the City Centre Community Committee.

        ii. That should a townhouse development proceed, the density, yard and building bulk requirements and regulations for the "RM-L" Multiple-Family District zoning category of The Winnipeg Zoning By-law No. 6400/94 shall apply.

        iii. That a privacy fence be constructed along Brockville Street, except where vehicular access is necessary.

        iv. That access from Brockville Street to the subject property be prohibited until such time as a full range of City services have been installed and are available.

    B. That the Developer shall dedicate and legally open as public right-of-way, at no cost to the City, property required for a 0.942m widening to the full length of the subject property abutting Brockville Street.

Report - Standing Policy Committee on Property and Development - March 4, 2004

2. That the developer enter into a Servicing Agreement with the City containing the following terms and conditions, namely:

"1. The Developer shall pay to the City its share of the cost of construction of the Sterling Lyon Parkway, on an area basis.

2. The Developer shall pay to the City, in cash, its share of the cost of the following services to be installed by the City and/or others in the future in Wilkes Avenue abutting the proposed development:

A. a 5.0m in width by 200mm in thickness portland cement concrete lane of pavement,
B. a 1.5m width by 100 mm in thickness portland cement concrete sidewalk,
C. boulevard landscaping in the south boulevard,
D. ornamental street lighting,
E. a share of the required land drainage sewer,

all as determined by the Director of Public Works.

3. The applicant shall pay the Wilkes North TSR, the Somerville Trunk User Charge and the Lindenwoods Trunk User Charge applicable to the proposed development.

4. The Developer shall pay the full cost of engineering services provided by or on behalf of the City in connection with the installation of services in Brockville Street.

5. A. The Developer shall at no expense to the City cause electrical and telephone services to be installed underground.

B. The Developer shall pay the full cost of removing and/or relocating existing hydro and telephone services made necessary as a result of the proposed development.

6. The Developer shall pay $1,650.00 to defray the City's administration and related costs associated with the preparation and implementation of the servicing agreement.

Report - Standing Policy Committee on Property and Development - March 4, 2004

7. The Developer shall pay the servicing costs described in Recommendations 1, 2, 3, and 6 above on the basis of the rates prevailing therefore at the time payment is made. The 2004 rates are as follows:

   A. Recommendation 1- Sterling Lyon Parkway: $3,754.31/acre
   B. Recommendation 2 - Wilkes Avenue improvements: $272.60/ft.
   C. Recommendation 3 - Wilkes North TSR: $11,517.00/acre
      - Somerville Trunk User Charge: $251.80/acre
      - Lindenwoods Trunk User Charge: $616.28/acre
   D. Recommendation 6 - Administration: $1,650.00 flat fee."

3. That a cash payment of $9,970.00 plus G.S.T. be made to the City in lieu of the requirement for land dedication.

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 this 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 rezoning by-law and forward same to Council for all three readings.

6. That the rezoning by-law shall come into effect when the Zoning Agreement has been registered by caveat as a first charge against the subject land at the Winnipeg Land Titles Office, 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.

7. That the Proper Officers of the City are hereby authorized to execute said Zoning Agreement.

8. 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.

Minutes - Executive Policy Committee - March 17, 2004

Report - Standing Policy Committee on Property and Development - March 4, 2004

DECISION MAKING HISTORY:

Moved by Councillor Eadie,
That the recommendations of the Standing Policy Committee on Property and Development and the City Centre Community Committee, as amended, be concurred in and forwarded to Council.

Carried

STANDING COMMITTEE RECOMMENDATION:

On March 4, 2004, the Standing Policy Committee on Property and Development concurred in the recommendation of the City Centre Community Committee with the following amendments, namely:

- Recommendation 1.A.ii.
  Delete the words "be complied with" and replace with the words "shall apply"

- That a new Recommendation 1.A. iv. be added, namely:
  1.A.iv. That access from Brockville Street to the subject property be prohibited until such time as a full range of City services have been installed and are available

- That a new Recommendation 1.A.B. be added, namely:
  "B. That the Developer shall dedicate and legally open as public right-of-way, at no cost to the City, property required for a 0.942m widening to the full length of the subject property abutting Brockville Street."

and submitted the matter to the Executive Policy Committee and Council.

On March 2, 2004, the Standing Policy Committee on Property and Development laid the matter over to the March 4, 2004 meeting of the Standing Policy Committee on Property and Development.

Report - Standing Policy Committee on Property and Development - March 4, 2004

DECISION MAKING HISTORY (continued):

COMMUNITY COMMITTEE RECOMMENDATION:

On February 17, 2004, the City Centre Community Committee concurred in the administrative recommendation, with the following amendments, namely:

- Recommendation 1.A.ii (Report of the Manager of Planning and Land Use)

  Delete the words "and that no related variances be applied for or granted to the development."

- Recommendation 1.A.iii. (Report of the Manager of Planning and Land Use)

  Delete the words "landscaped berm and"

- Recommendation 2 (Report of the Manager of Planning and Land Use)

  Delete it in its entirety and renumber the remaining recommendations accordingly.

- Recommendation 2 (Originally 3 in the Report of the Manager of Planning and Land Use)

  After the words "in the report of the Administrative Coordinating Group dated December 23, 2003" add the following words "with the following amendments, namely:"

  - Delete the following recommendation, namely:

    "Firstly, development of the subject property as proposed is to be planned to take permanent access off of Brockville Street."

  - Delete the following recommendation in its entirety, namely:

    "Secondly, the Developer shall dedicate and legally open as public right-of-way, at no cost to the City property required for a 9.942m widening to the Brockville Street right-of-way for the full length of the subject property abutting Brockville Street."

Report - Standing Policy Committee on Property and Development - March 4, 2004

DECISION MAKING HISTORY (continued):

- Under the recommendation "Thirdly, the Developer shall enter into a Servicing Agreement as follows":

  Delete Recommendation 3 in its entirety and renumber the remaining recommendations.

  Add the following new recommendation, namely:

  "7. The Developer shall pay the servicing costs described in Recommendations 1, 2, 3, and 6 above on the basis of the rates prevailing therefore at the time payment is made. The 2004 rates are as follows:

  A. Recommendation 1- Sterling Lyon Parkway: $3,754.31/acre
  B. Recommendation 2 - Wilkes Avenue improvements: $272.60/ft.
  C. Recommendation 3 - Wilkes North TSR: $11,517.00/acre
  - Somerville Trunk User Charge: $251.80/acre
  - Lindenwoods Trunk User Charge: $616.28/acre
  D. Recommendation 6 - Administration: $1,650.00 flat fee."

- Recommendation 3 (Originally 4 in the Report of the Manager of Planning and Land Use)

  Delete it in its entirety and renumber the remaining recommendations accordingly.

- Recommendation 3 (Originally 5 in the Report of the Manager of Planning and Land Use)

  Delete it in its entirety and replace it with the following, namely:
  "3. That a cash payment of $9,970.00 plus G.S.T. be made to the City in lieu of the requirement for land dedication,"

and forwarded to the Standing Policy Committee on Property and Development.

Report - Standing Policy Committee on Property and Development - March 4, 2004

DECISION MAKING HISTORY (continued):

COMMUNITY COMMITTEE RECOMMENDATION:

On January 13, 2004, the City Centre Community Committee adjourned the public hearing for the rezoning application to its meeting on February 17, 2004, at 6:00 p.m., in the Council Building, 510 Main Street.

RE: **Rezoning - 1010 Wilkes Avenue**
File DAZ 242/2003 [c/r DAV 341267/2003]

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

Prepared by: **Josie Marques, Clerk,**
City Centre Community Committee

Report date: **February 24, 2004**

COMMUNITY COMMITTEE RECOMMENDATION:

On February 17, 2004, the City Centre Community Committee concurred in the administrative recommendation, as amended, and recommends to the Standing Policy Committee on Property and Development:

1. That The Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 242/2003 dated January 7, 2004, to a "RM-3" Multiple-Family District, subject to the following:

    A. That the applicant enter into a zoning agreement with the City of Winnipeg pursuant to Subsection 240(1) of The City of Winnipeg Charter, to provide for the following:

        i. That prior to the issuance of a development permit, plans showing the site layout, access, parking, fencing, landscaping, building elevations, decks, and garbage enclosures be submitted for the approval of the City Centre Community Committee.

        ii. That should a townhouse development proceed, the density, yard and building bulk requirements and regulations for the "RM-L" Multiple-Family District zoning category of Winnipeg Zoning By-law No. 6400 be complied with~~***, and that no related variances be applied for or granted to the development.***~~

        iii. That a ~~***landscaped berm and***~~ privacy fence be constructed along Brockville Street, except where vehicular access is necessary.

~~***2. That principal vehicular access to Brockville Street be provided for in accordance with a design approved by the Director of Public works.***~~

3. That the developer enter into a Servicing Agreement with the City containing the terms and conditions outlined in the report of the Administrative Coordinating Group dated December 23, 2003, ***with the following amendments, namely:***

- ***Delete the following recommendation in its entirety, namely:***

  "Firstly, development of the subject property as proposed is to be planned to take permanent access off of Brockville Street."

- ***Delete the following recommendation in its entirety, namely:***

  "Secondly, the Developer shall dedicate and legally open as public right-of-way, at no cost to the City property required for a 0.942m widening to the Brockville Street right-of-way for the full length of the subject property abutting Brockville Street."

- ***Under the recommendation "Thirdly, the Developer shall enter into a Servicing Agreement as follows":***

  Delete Recommendation 3 in its entirety and renumber the remaining recommendations.

Add the following new recommendation, namely:

"***7. The Developer shall pay the servicing costs described in Recommendations 1, 2, 3, and 6 above on the basis of the rates prevailing therefore at the time payment is made. The 2004 rates are as follows:***

A. Recommendation 1- Sterling Lyon Parkway: $3,754.31/acre
B. Recommendation 2 - Wilkes Avenue improvements: $272.60/ft.
C. Recommendation 3 - Wilkes North TSR: $11,517.00/acre
- Somerville Trunk User Charge: $251.80/acre
- Lindenwoods Trunk User Charge: $616.28/acre
D. Recommendation 6 - Administration: $1,650.00 flat fee."

~~***4. That the developer provide for a 0.942m widening to the Brockville right-of-way.***~~

~~***5. 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 the market value of the land.***~~ ***That a cash payment of $9,970.00 plus G. S. T. be made to the City in lieu of the requirement for land dedication.***

6. 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 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 rezoning by-law and forward same to Council for all three readings.

8. That the rezoning by-law shall come into effect when the Zoning Agreement has been registered by caveat as a first charge against the subject land at the Winnipeg Land Titles Office, 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.

9. That the Proper Officers of the City are hereby authorized to execute said Zoning Agreement.

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.

Note: The wording in bold and italics denotes amendments made by the Community Committee.

The City Centre Community Committee provided the following supporting reason(s) for its recommendation:

1. This is a piece of property that should have been developed years ago and we now have an opportunity to enhance our assessment base dramatically.

2. That the costs associated are difficult for developers.

3. That there approximately $200,000.00 in fees having to be paid that the applicant has no issue with.

4. That this is intelligent development.

5. That the spin-off in the purchase of goods and services is important too.

PUBLIC HEARING SUMMARY

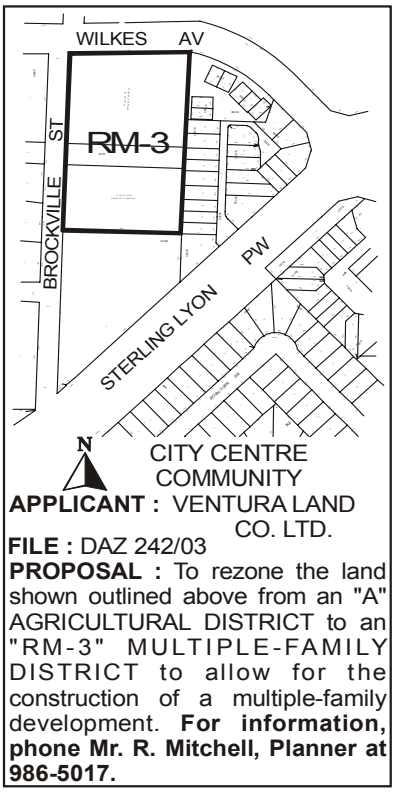
File: DAZ 242/2003 [c/r DAV 341267/2003]

Before: City Centre Community Committee
Councillor Steek, Chairperson
Councillor Gerbasi
Councillor Smith

Public Hearing: February 17, 2004
January 13, 2004
Council Building, 510 Main Street

Applicant: Ventura Land Company Inc. (Cliff Penner)

Subject:



Premises Affected: 1010 Wilkes Avenue
southside west of Sterling Lyon Parkway

Exhibits Filed:

1. Application dated December 4, 2003
2. Notification of Public Hearing dated December 9, 2003
3. Manitoba Status of Title(s) 1854450
4. Letter of authorization dated October 28, 2003 from Ed Nisby, President, 4088361 Manitoba Ltd. to Ventura Custom Homes Ltd.
5. Extract of Atlas Sheet AF21
6. Drawing of subject property
7. Site Plans (6 pages)
8. Report from the Manager of Planning and Land Use dated January 7, 2004
9. Report from the Administrative Coordinating Group dated December 23, 2003
10. Inspection Report
11. Presentation in support of the application submitted by applicant at the public hearing on January 13, 2004
12. Report from the Administrative Coordinating Group dated February 9, 2004
13. Presentation in support of the application submitted by applicant at the public hearing on February 17, 2004.

REPRESENTATIONS:

In Support:

Debbie Allingham
Garry Hirsch
Hugh E. Latimer
Adilia Silva
Cliff Penner
Glenda Sobie

In Opposition:

Cherie Reid
Phillip C. Reid
Stuart Vernon

For Information:

Jim Gutknecht

For the City:

Jacqueline East, Coordinator Urban and Neighbourhood Planning,
Planning, Property and Development Department
Ross Mitchell, Senior Planner, Planning Property and Development Department
E.L. Carrière, Land Development Engineer, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

January 13, 2004

The applicant, Cliff Penner, Ventura Land Co. Inc., appeared in support of the application, gave a brief overview of the proposal and submitted a written presentation, filed as Exhibit 11. Mr. Penner cited concerns that the Administration was not able to provide him with detailed final costs and having to have permanent access off Brockville Street. Mr. Penner stated the improvements on Brockville were not wanted and requested that condition 3, of the Administrative Coordinating Group dated December 18, 2003, be deleted. Mr. Penner requested confirmation for all costs in conditions 1, 2, 4 and 5 of the Administrative Coordinating Group report, dated December 18, 2003, that there would be no further charges, and that the project met criteria.

Councillor Steek inquired as to what the applicant intended to do to maintain Brockville Street in its natural state.

Mr. Penner stated the use of a commercial quality fence.

Councillor Smith inquired as to the use of a berm on Brockville Street.

The Senior Planner stated that there would have to be protection for existing residential and commercial uses and typically a berm would be used.

Mr. Penner stated that he was confident that a compromise could be reached to satisfy the Administration.

Garry Hirsh appeared in support of the application. Mr. Hirsch stated that he had worked with different developers since 1994 and had seen projects walked away from because of the servicing costs. Mr. Hirsch also stated that the commercial uses were presently in the area and anyone purchasing homes would be aware of them. Mr. Hirsch further stated that the development would generate property taxes for the City of Winnipeg.

Hugh Latimer appeared in support of the application. Mr. Latimer stated that he was a resident of the initial condominium project created in the area and spoke for all seven condominium owners in saying they would like intelligent development in area. Mr. Latimer also stated that

Mr. Penner knew how to put together a condominium project, he wanted to see the area developed residentially, and he did not have a problem with the lumber yard. Mr. Penner further stated that he was in favour of any development to improve the area and that the City of Winnipeg should take every step it possible to help the entrepreneurial spirit.

Councillor Steek inquired if Mr. Latimer, as an adjacent condominium owner, wanted to see Brockville Street paved.

Mr. Latimer stated that he probably would like to see Brockville Street and Sterling Lyon Parkway paved, but he understood there were serious costs to doing so. He also stated that if there were no access from Brockville Street, he did not think the paving to be necessary.

Councillor Steek inquired as to why the Administration wanted Brockville Street paved.

The Land Development Engineer stated that it was the opinion of the Public Works Department that access occur at Brockville Street and Wilkes Avenue. He also stated that if guarantees were not put in place at this time, the necessary improvements may not happen. He further stated that all the concept plans he had seen had not eliminated the Brockville Street connection to Sterling Lyon Parkway.

Councillor Steek inquired as to the intersection of Brockville Street and Wilkes Avenue and why it could not be straight off of Wilkes Avenue.

The Land Development Engineer stated that he did not think it was for safety issues, but rather the long term plans that there would be a divided roadway on Wilkes Avenue to Brockville Street to provide proper access onto this site.

Councillor Steek inquired as to the costs.

The Land Development Engineer stated that the costs could be calculated using the 2003 rates, but some of the rates would change over the next weeks and months and thus he could not provide a final balance.

The Senior Planner stated that the Administration would like to see the area developed and that it was not unusual to ask the developer to pay for the costs associated with the development. He also sated that a development of this size required a secondary access. He further stated the need for a review of the application so that a solution that would return something to the city for the development of Brockville Street.

Stuart Vernon appeared in opposition to application. Mr. Vernon stated concerns with local improvement taxes and the buffer zone and the impact they could have on his business.

Cherie Reid appeared in opposition to the application. Ms Reid stated that she was not against the development, but had concerns with how it would affect her business's taxes and value, road access, sewer, current business activities, future road obstructions, and noise and traffic

complaints. Ms Reid also stated that a barrier would be necessary and that any decision take into consideration the affects on the current property owners.

Jim Gutknecht appeared for information. Mr. Gutknecht stated that he was not against the development but reiterated Ms Reid's concerns and added a concern with the emergency exit.

In rebuttal Mr. Penner stated that the lumber yard has15 to 20 trucks a day coming into the site which supported that it was not reasonable to put traffic with access on Brockville Street. Mr. Penner also stated that the concerns raised with regards to local improvement taxes would be defeated if Brockville Street was not developed. Mr. Penner further stated that he did not want an emergency exit.

February 17, 2004

The applicant, Cliff Penner, Ventura Land Co. Inc., appeared in support of the application and reiterated his comments of January 13, 2004. Mr. Penner stated concerns with the ACG report dated February 10, 2004 in that it still contained that the main access off of Wilkes be on Brockville Street and the requirement of full range of services on it . Mr. Penner reiterated that he would prefer the use of a fence rather than a berm. Mr. Penner submitted a written presentation filed as Exhibit No. 13.

Councillor Gerbasi inquired as to the dedication fee being set at $9,970.

Mr. Penner stated that he was concerned that if it was not a set amount and left at a percentage, the amount could change and he would prefer a commitment in writing.

Councillor Steek inquired as to the access off of Brockville Street.

The Coordinator Urban and Neighbourhood Planning stated that it was required to open up the lands because of the future concept plan for the area.

The Land Development Engineer stated that a reasonable sunset clause of 10 or 15 years could be used.

Councillor Steek inquired as to the payment of $141,000 in the Administrative Coordinating Group report dated February 10, 2004.

The Land Development Engineer stated that a letter of credit could be used..

Councillor Gerbasi stated that it would be shortsighted of the administration not to consider the future concept plans for area.

Councillor Steek stated that as long as the applicant paved it, he could have access off Wilkes Avenue. He also stated that as to the safety issue, churches in the area had not been asked for a secondary access.

The Coordinator Urban and Neighbourhood Planning stated that if developers did not pay their portion of the development fees as the development occurred, infill would become difficult and costs prohibited. She also stated that this development had both residential and commercial uses creating a conflict in the area. She further stated that it was necessary to keep in mind that development is going to happen in future.

Councillor Steek stated that it was not known what development would occur in the next 20 years. He also stated that he had a problem with asking the developer to pay almost $200,000 when there was no guarantee that any development was going to happen in the future. He further stated that he was supporting of the $9,970.00 as the dedication fee. He enquired as to the department's view on the use of a fence instead of a berm.

The Coordinator Urban and Neighbourhood Planning stated that the department was support of the use of a fence.

Councillor Gerbasi inquired as to the dedication fee being set at $9,970.00 and if the department had any concerns with it.

The Land Development Engineer stated that it was not normal practice, but they were comfortable with the figure.

Garry Hirsch appeared in support of the application and reiterated his comments of January 13, 2004. Mr. Hirsh also stated that there was a big demand for this type of development

Councillor Steek inquires as to the price point of the units proposed.

Mr. Hirsch stated $125,000.00.

Cherie Reid appeared in opposition to the application and reiterated her comments of January 13, 2004.

Hugh Latimer appeared in support of the application and reiterated his comments of January 13, 2004.

Philip Reid appeared in opposition to the application. Mr. Reid stated concerns with traffic. Mr. Reid also stated the he was against the redevelopment of Brockville Street because he did not want additional tax burdens which would hurt his business. Mr. Reid further stated the need for a berm as it was easier than fence.

Stuart Vernon appeared in opposition to the application and reiterated his comments from January 13, 2004. Mr. Vernon inquired as to when the improvements go in.

The Land Development Engineer stated that only when the area is developed and those improvements needed.

Councillor Gerbasi enquired as to the developer paying the cost of installing a full range of services on Brockville Street.

Mr. Vernon stated that it was his opinion that the developer should not be asked for the money upfront because he did not think Brockville Street was ever going to be improved.

In rebuttal, Mr. Penner reviewed the cost as contained in the Administrative Coordinating Group report dated February 10, 2004. Mr. Penner stated that his concern with providing a berm was that there was not enough property for it. Mr. Penner also stated that with the concerns of the adjacent commercial businesses, that he would make any property owner of the new development well aware of them. Mr. Penner further stated that he would place an emergency exit wherever it was wanted, even thought he did not want it.

Exhibit "8" referred to in File DAZ 242/2003

In reply please refer to / Référence à rappeler :

Ross Mitchell
(204) 986-5017
Fax / Téléc. : (204) 986-3684

File No. DAZ 242/03 January 7, 2004
Our c/f CP 500 (.667)

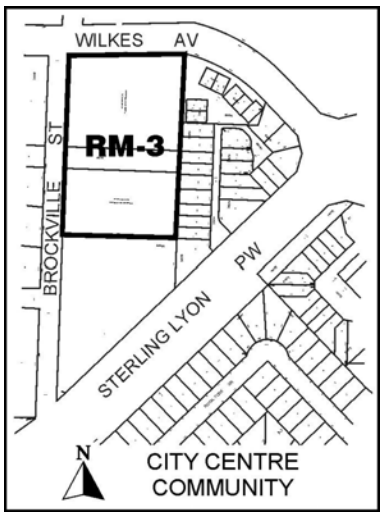
Ms. Josie Marques, Clerk
City Centre Community Committee
Council Building
510 Main Street
Winnipeg, MB R3B 1B9

Dear Ms. Marques:

REZONING
1010 Wilkes Avenue
City Centre Community Committee
File No. DAZ 242/03

An application has been received from Ventura Land Co. Inc. (Cliff Penner), to amend By-Law No. 6400/94 by rezoning the land shown below from a/an "A" Agricultural District to a/an "RM-3" Multiple-Family Residential District to allow for the construction of a townhouse development.

RELATED FILES: DAV 03-341267D



SITE DESCRIPTION:

Site Area: Approximately 5 acres; 371 feet of frontage on Wilkes Avenue and 575 feet of flankage on Brockville Street.

Existing Land Use and Zoning: Vacant land zoned "A" Agricultural District.

Surrounding Land Use and Zoning:

Across Wilkes Avenue on the north is a 2-storey, multi-tenant office building zoned "M2". The office building is bounded on the east by a storm water impoundment and the Immanuel Pentecostal Church (zoned "C2"), and on the west by the Italian Canadian Cultural Centre (zoned "M2") and Seniors' Apartment (zoned "C2"). To the east of the subject site is a 27 unit, single-storey, semi-detached condo development called the Meadows of Lindenwoods, on lands zoned "RM-2". To the south of the site is a vacant parcel of land zoned "RM-2", slated for 20 semi-detached condo as Phase III of Meadows of Lindenwoods (DAV 03-342187/C). To the west of the site, across Brockville, is existing, mixed industrial/residential land use including a storage building and yard at 1032 Wilkes, Paul Henzel Lumber Ltd. at 1236 Brockville, a house and landscape business at 1246 Brockville, a house and trucking business at 1258 Brockville, and the Hugh Munroe residence and heavy equipment repair and storage yard at 1292 Brockville.

DEVELOPMENT DESCRIPTION:

The proposal is to construct 80, two-storey, three-bedroom townhouse units on the property. The site plan shows principal access off Wilkes Avenue, with an "emergency exit" onto Brockville opposite the lumberyard. The main drive aisle runs the length of the property from north to south, off of which is perpendicular parking for 36 cars. The townhouses are arranged in rows running east-west, perpendicular to the main drive aisle, with 40 townhouses on either side. Between the rows are located 14-foot lanes servicing 16' by 20' parking pads located in the rear yards of each townhouse unit. The townhouse units are 20' wide by 36' deep. Each unit is provided with a front yard measuring 20' wide by 15' deep, and a rear yard (including garage) of 20' wide by 36' deep. The southerly row of townhouses are provided with a 25' rear yard including parking pad, and a 15' front yard overlooking the future Phase III of the Meadows of Lindenwoods condo development.

No landscaping plan was submitted with the application. The related zoning variance application would permit substandard building separation and rear yard. The Branch is not supporting the zoning variances.

The development provides the following yards (separation from building to lot line):

- front yard against Wilkes: ranges from 55 feet (northwest corner) and 75 feet (northeast corner;
- east (interior) side yard of 25 feet against the adjacent condo development;
- west (corner) side yard against Brockville of 25 feet;
- rear yard of 15 feet against the future condo development to the south.

PLAN WINNIPEG:

The Brockville Neighbourhood was redesignated under the 1993 Plan Winnipeg review and update from an Industrial Policy Area to a Neighbourhood Policy Area. The application therefore complies with Plan Winnipeg. This redesignation reflected the residential/institutional development that has occurred in the area in recent years, and signals the City's intention that the area transition from its existing quasi rural/industrial character to a residential neighbourhood with a mix of apartments, ground-related condos, and single-family houses. There is no timetable for the removal of the existing industrial land uses. These uses have a right to remain in place. However, the City would not support any intensification of uses not in compliance with the existing zoning regulations and relevant Plan Winnipeg policies. For the time being, therefore, the housing and industrial uses must co-exist.

ADMINISTRATIVE COMMENTS:

The Urban Planning Branch supports the rezoning and development of the site with multi-family housing, but has concerns about the proposed design. The applicant indicates that the design is very preliminary and that once project viability is assured, an architect will be engaged to prepare proper site layout, landscape, and building plans. According to the applicant, project viability hinges on whether or not he is required to upgrade Brockville Street. If so, it is doubtful that the project will proceed, according to the applicant. The Branch's concerns about the preliminary design are outlined below.

Density/Zoning: The proposed "RM-3" zoning allows a density of one unit per 1,000 square feet of lot area, or about 217 total units on the subject site (without allowances for parking, access, and open space). This zoning category is usually associated with 3-4 storey apartment buildings. Townhouse developments are usually zoned "RM-L", which permits a density of one unit per 2,500 square feet of lot area, or about 87 units on the subject site, in comparison to the 80 proposed units. The Urban Planning Branch is of the opinion that the site is "over zoned" given the type of development proposed. The proposed "apartment" zoning may be necessary, however, in order to spread the off-site costs over a greater number of units, thereby improving project economics. Therefore, the Branch is prepared to support the proposed zoning with a condition requiring any townhouse development to conform to townhouse zoning in terms of bulk and yards.

Site Planning: The applicant indicates that the site planning was a collaborative effort involving a land surveyor. It seems that the major design criterion was to maximize the development density using a townhouse format. As a result, the buildings appear to be crammed onto the site, without an adequate provision for landscaping and open space. This is reflected in the related variance application for substandard building separation and rear yard. Moreover, the crowed effect would become more pronounced if garages were constructed atop the parking pads.

Recreation Space: The Branch is concerned about the absence of communal recreation space. Developments of this nature typically provide both indoor and outdoor recreational facilities. The indoor space houses the condo office and is used for condo meetings, gatherings and private parties. The outdoor space may include a swimming pool, tennis courts, BBQ patio and playground.

Access: The site plan shows principal access off Wilkes, with "emergency exit" onto Brockville. However, the Brockville access is shown as an extension of one of the parking aisles or laneways, which is not appropriate for emergency or secondary access.

Yards: The most southerly row of townhouses is separate from the development's rear property line by 15 feet whereas the zoning by-law requires 25 feet (Part 1 of the related variance application). As the parking pads for these units take up virtually all of the "back" yards, the proposed 15-foot yard is unacceptable. Also, the west yard of the overall development flanks Brockville Street, across which is located existing industrial development. Ideally, the development should be provided with a landscaped berm and fence along Brockville to screen the industrial development and help attenuate sound. The proposed 25-foot side yard would not allow for construction of a berm.

The Branch is not prepared to support the development as proposed. However, the rezoning may be appropriated with the following parameters:

- adherence to "RM-L" zoning regulations if a townhouse development proceeds, as opposed to an apartment development enabled by the proposed "RM-3" zoning;
- proper vehicular access;
- site screening and sound attenuation measures adjacent to Brockville Street;
- improved site layout and design including provisions for communal recreation.

RECOMMENDATION:

I. That By-law 6400/94 be amended by rezoning the subject land as shown on Schedule "A", for file DAZ 242/03, attached hereto and dated, January 7, 2004, to a "RM-3" Multiple-Family Residential District, subject to the following:

   A. That the applicant enter into a zoning agreement with the City of Winnipeg pursuant to Subsection 240(1) of The City of Winnipeg Act, to provide for the following:

      1. That, prior to the issuance of a development permit, plans showing the site layout, access, parking, fencing, landscaping, building elevations, decks, and garbage enclosures be submitted for the approval of the City Centre Community Committee.

      2. That, should a townhouse development proceed, the density, yard and building bulk requirements and regulations for the "RM-L" zoning category

of By-Law 6400 be complied with, and that no related variances be applied for or granted to the development.

3. That a landscaped berm and privacy fence be constructed along Brockville Street, except where vehicular access is necessary.

II. That principal vehicular access to Brockville Street be provided for in accordance with a design approved by the Director of Public works.

III. That the developer enter into a Servicing Agreement with the City containing the terms and conditions of the report of the Administrative Coordinating Group dated December 18, 2003.

IV. That the developer provide for a 0.942m widening to the Brockville right-of-way.

V. That a 10 per cent 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 the 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 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.

VII. That the City Solicitor be requested to prepare the necessary rezoning by-law and forward same to Council for all three readings.

VIII. That the rezoning by-law shall come into effect when the Zoning Agreement has been registered by caveat as a first charge against the subject land at the Winnipeg Land Titles Office, 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. That the Proper Officers of the City are hereby authorized to execute said Zoning Agreement.

X. That the City Solicitor be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Act.

Yours truly,

V. Buckley
Manager of Planning and Land Use

Per: Ross Mitchell, Senior Planner
(City Centre Community)





Figure 1: Air Photos of Site and Area

By-Law No. _____

File No. **DAZ 242/03**

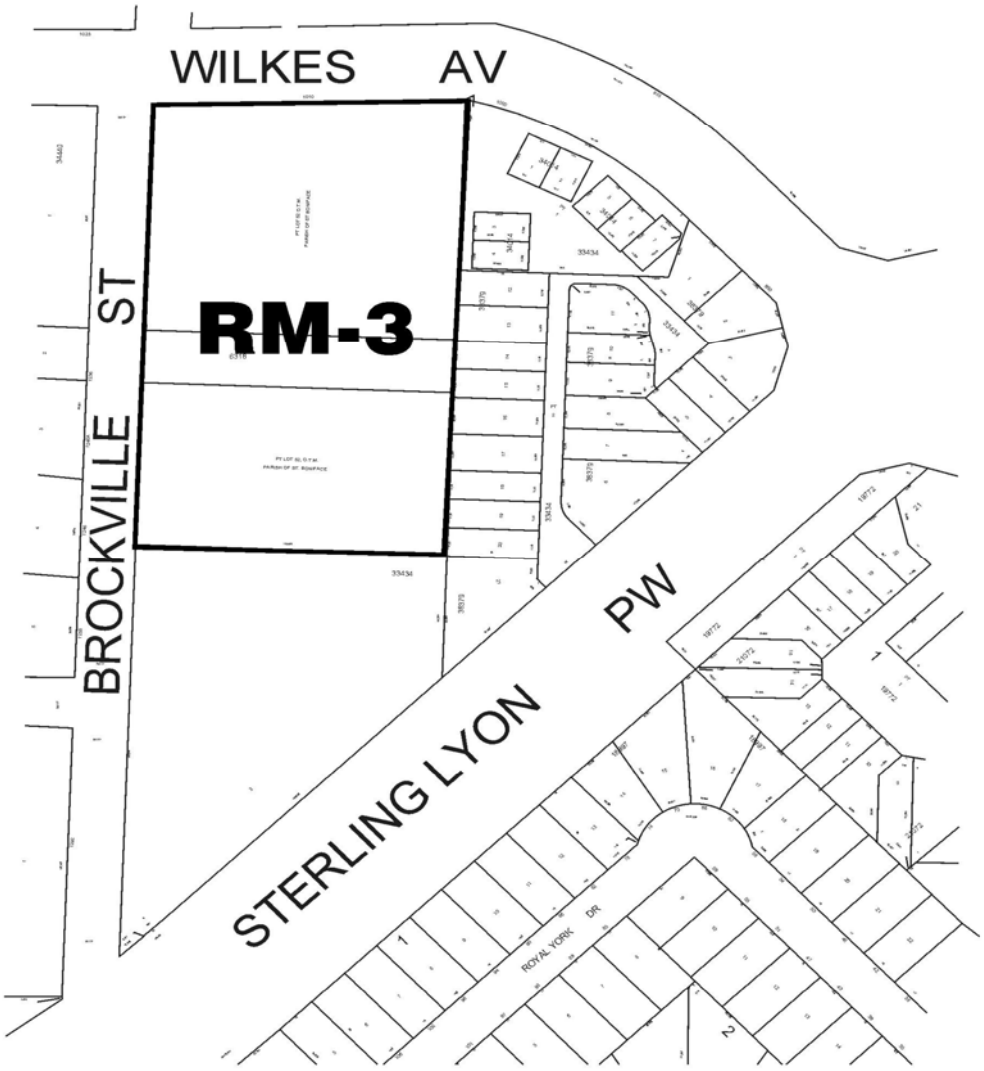
Atlas Sheet No.

N

AF21
CITY CENTRE
COMMUNITY

Explanation

A proposed zoning change to By-law No. 6400/94 by rezoning the land located at 1010 Wilkes Avenue from an "A" AGRICULTURAL DISTRICT to an "RM-3" MULTIPLE-FAMILY DISTRICT as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

Figure 2: Schedule "A" to the report to the City Centre Community Committee for File No. DAZ 242/03, dated January 7, 2004.

RE: Proposed rezoning of land located at the southeast corner of Wilkes Avenue and Brockville Street - DAZ 242/03.

An application has been submitted by Ventura Land Co. Ltd. to rezone land located at the southeast corner of Wilkes Avenue and Brockville Street.

It is also recommended that approval of DAZ 242/03 be subject to the following conditions:

Firstly, development of the subject property as proposed is to be planned to take permanent access off of Brockville Street.

Secondly, the Developer shall dedicate and legally open as public right-of-way, at no cost to the City property required for a 0.942m widening to the Brockville Street right-of-way for the full length of the subject property abutting Brockville Street.

Thirdly, the Developer shall enter into a Servicing Agreement as follows:

1. The Developer shall, pay to the City its share of the cost of construction of the Sterling Lyon Parkway, on an area basis.

2. The Developer shall, pay to the City in cash, its share of the cost of the following services to be installed by the City and/or others in the future in Wilkes Avenue abutting the proposed development:

    i) a 5.0m in width by 200mm in thickness portland cement concrete lane of pavement,
    ii) a 1.5m width by 100 mm in thickness portland cement concrete sidewalk,
    iii) boulevard landscaping in the south boulevard,
    iv) ornamental street lighting,
    v) a share of the required land drainage sewer,

    all as determined by the Director of Public Works.

3. a) The Developer shall install the following services in Brockville Street abutting the proposed development:

        i) a 10.0m in width by 200mm in thickness portland cement concrete pavement,
        ii) a 1.5m in width by 100mm in thickness portland cement concrete sidewalk in the east boulevard,
        iii) boulevard landscaping in the east boulevard,
        iv) ornamental street lighting,
        v) the required land drainage sewer,

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

b) 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.

c) The Developer shall pay its share of the cost of watermains and wastewater sewers to be installed by others in Brockville Street based on the Local Improvement rates prevailing at the time the services are installed.

4 The applicant shall pay the Wilkes North TSR, the Somerville Trunk User Charge and the Lindenwoods Trunk User Charge applicable to the proposed development.

5 The Developer shall pay the full cost of engineering services provided by or on behalf of the City in connection with the installation of services in Brockville Street.

6 a) The Developer shall at no expense to the City cause electrical and telephone services to be installed underground.

b) The Developer shall pay the full cost of removing and/or relocating existing hydro and telephone services made necessary as a result of the proposed development.

7. The Developer shall pay $1,650.00 to defray the City's administration and related costs associated with the preparation and implementation of the servicing agreement.

THIS REPORT SUBMITTED BY:
Administrative Coordinating Group
File No. AG 242/03
December 18, 2003

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_____
Land Development Engineer

_____
Public Works Department
Transportation Division

_____
Water and Waste Department

Re: Proposed rezoning of land located at the southeast corner of Wilkes Avenue and Brockville Street - DAZ 242/03

At its meeting held on January 13, 2004, the City Centre Community Committee laid over DAZ 242/03 to its meeting to be held on February 17, 2004. The Developer had concerns with respect to the recommendations contained in the Administrative Coordinating Group's (A.C.G.) report dated December 18, 2003 with respect to access to the site and the requirement for the Developer installing a full range of services in Brockville Street including a 10m wide concrete pavement. The Developer had also requested that cost/rates for the various items contained in the A.C.G.'s report be specified.

Further discussions were held with the Public Works Department and it was agreed that:

1. *It would be desirable that the access point to the site off Wilkes Avenue be at Brockville Street, and*

2. *It was very important for the long term development of the lands lying west of Brockville Street that Brockville Street be retained at its present location, and*

3. *The installation of services in Brockville Street be protected.*

It is the Administration's opinion that the above can be achieved as follows:

a) The Developer's total share of the cost of constructing a full range of services in Brockville Street be set by multiplying the Developer's frontage on Brockville Street by the Local Improvement rates including a local residential concrete pavement; (Based on the 2004 Local Improvement rates that share would be 576.8' x $244.60 = $141,085.28);
b) The Developer constructing concrete pavement (10m wide and 200mm thick) and other services as may be required in Brockville Street from Wilkes Avenue to a point approximately 30m south of the south limit of Wilkes Avenue;
c) The cost of b) be credited against the Developer's share as determined in a) above.

It is therefore recommended that the A.C.G.'s report dated December 18, 2003 be amended as follows:

"1. By replacing Clause 3 in its entirely and replacing it with the following new Clause 3.:

3.a) The Developer's total share of the cost of installing a full range of services in Brockville Street is set on the basis of the 2004 Local Improvement rates including the rate for a local residential pavement (75m wide by 150mm thick) ie. 576.8' x $244.60/ft. = $141,085.28;

b) The Developer shall construct concrete pavement to a width of 10m and a thickness of 200mm in Brockville Street from Wilkes Avenue to a point located approximately 30m south of the south limit of Wilkes Avenue;

c) The cost of b) above shall be credited against the Developer's total share as determined in a) above."

2. By adding a new Clause 8. as follows:

"The Developer shall pay the servicing costs described in Clauses 1., 2., 3., 4., and 7. above on the basis of the rates prevailing therefor at the time payment is made. The 2004 rates are as follows:

a)	*Clause 1. - Sterling Lyon Parkway:*	*$ 3,754.31/acre*
b)	*Clause 2. - Wilkes Avenue improvements:*	*$ 272.60/ft.*
c)	*Clause 3. - Brockville Street services:*	*$ 244.60/ft.*
d)	*Clause 4. - Wilkes North TSR:*	*$11,517.00/acre*
	- Somerville Trunk User Charge:	*$ 251.80/acre*
	- Lindenwoods Trunk User Charge	*$ 616.28/acre*
e)	*Clause 7. - Administration:*	*$ 1,650.00 flat fee"*

THIS REPORT SUBMITTED BY:

E.L. Carrière, P.Eng.
File No. AG 242b/03
February 9, 2004

(original signed by E.L. Carrière)

_____
Land Development Engineer