Re: **Rezoning & Subdivision – North of Swailes Right of Way (DASZ 53/04)**

For submission to: **Executive Policy Committee**

Original report signed by: **Director of Planning, Property and Development**

Report date: April 6, 2005

Recommendation(s):

I. **That the plan of subdivision proposed under File No. DASZ 53/04 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File No. DASZ 53/04, attached hereto and dated March 29th, 2005, 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 March 29th, 2005;

B. That the subdivision be phased and development be limited to the proposed street extending northerly from Swailes Avenue up to and including the cul-de-sac to the west thereof until such time as a second paved means of access is provided.

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 53/04, attached hereto and dated March 29th, 2005, to a "R1-4" Residential District.**

IV. **That the applicant shall purchase and close the small portion of the City-owned Swailes Avenue right-of-way shown within the proposed Lot 1 at the southwest corner of the subject property, and said land shall be included in the subject rezoning and plan of subdivision.**

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.

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.

REPORT SUMMARY

Key Issues:

- The proposed rezoning and subdivision request (DASZ 53/04) is contingent on approval of a Plan Winnipeg Amendment application being heard concurrently with this request (see file PW 1/05 / By-Law 46/05). The Plan Winnipeg 2020 Amendment application proposes to amend the designation for the subject site from "Industrial Policy Area" to "Neighbourhood Policy Area".

- The applicant has requested to rezone the subject site from "A-5" Agricultural to "R1-3.5" Residential, and subdivide the approximately eighteen (18) acre property into one hundred and seventeen (117) residential lots.

- While supportive of the request, the Planning, Property and Development Department (the Department) is of the opinion that a "R1-4" Residential District is more appropriate for the area than the "R1-3.5" Residential District proposed. The densities and development patterns of the surrounding area is more comparable to a "R1-4" Residential District, and two recent rezonings and subdivisions immediately to the south of the site have been for "R1-4" & "R1-4.5" (DASZ 28/02 & DASZ 27/01).

- A second point of vehicular access via a public right-of-way is required before the entire site can be developed, due to servicing and emergency services requirements. A condition of approval in terms of project phasing and restricting development until the second point of access is provided has been included.

Implications of the Recommendation(s):

General implications:

X	**None**
	For the organization overall and/or for other departments
	For the community and/or organizations external to the City of Winnipeg
	Involves a multi-year contract

Comment(s):

- No general implications beyond the subject site and those properties immediately adjacent to the proposed development.

Policy implications:

X	**No**
	Yes

Comment(s):

- DASZ 53/04 does not have policy implications; however, the related Plan Winnipeg Amendment application (PW 1/05) does have policy implications in term of Plan Winnipeg 2020.

Environmental implications:

X	**No**
	Yes

Comment(s):

- N/A

Human resources implications:

X	**No**
	Yes

Comment(s):

- N/A

Financial implications:

X	**Within approved current and/or capital budget**
	Current and/or capital budget adjustment required

Comment(s):

- N/A

REASON FOR THE REPORT:

Pursuant to the City of Winnipeg Charter, Executive Policy Committee is the designated hearing body responsible for Plan Winnipeg.

Sections 227 and 278 of The City of Winnipeg Charter provide that hearings required in respect of an amendment to Plan Winnipeg may be combined with another hearing. Since the proposed amendment (By-Law 46/05) is running concurrently with an application for rezoning and subdivision (DASZ 53/04), Executive Policy Committee will consider both the Plan Winnipeg amendment and subdivision and rezoning application at the April 13th, 2005 hearing.

DISCUSSION:

The applicant, North Grassie Properties Inc., has proposed to rezone and subdivide an eighteen (18) acre parcel of land south of the CPR Bergen Cut-Off and east of Birchbark Bay from its current "A-5" Agricultural District zoning to a "R1-3.5" Residential District. The applicant has proposed to develop the site with detached residential homes on a total of one hundred and seventeen (117) lots. The subject site is currently in an area designated under Plan Winnipeg 2020 as an "Industrial Policy Area", and thus a Plan Winnipeg Amendment is required for the proposed rezoning and subdivision application. The developer has submitted a Plan Winnipeg Amendment application concurrently with this request to re-designate the subject lands from an "Industrial Policy Area" to a "Neighbourhood Policy Area" (see related file PW 1/05).

Site Description

Existing Land Use and Zoning:

The site is zoned "A.5" Agricultural and is currently vacant. The site is approximately eighteen (18) acres in size.

Surrounding Land Use and Zoning:

North: CPR Bergen Cut-Off rail right of way, then industrial buildings and vacant land (M2)
South: Detached residential buildings (R1-4, R1-4.5, R1-5, & R1-20) and vacant land (RR-2 & R1-20), then Beecher Ave
East: Industrial buildings (M1), then Ferrier St
West: Detached residential buildings (R2)

Analysis

The Department has no objections to the proposed rezoning and subdivision of the subject site, provided that a Plan Winnipeg amendment to "Neighbourhood Policy Area" is approved (see related file PW 1/05). The proposed use is consistent with the surrounding detached residential uses located immediately to the south and west. The proposed rezoning will further add single family dwellings in the neighbourhood and accommodate the growing demand for housing in the Old Kildonan community. The proposed development can also be considered orderly development since it is contiguous to existing development, and municipal infrastructure is located immediately adjacent to the site. A portion of the site is located within the one kilometre odour control zone around the North End Water Pollution Control Centre. A caveat will be required to be filed on the title of each lot informing the owners that they may be exposed to nuisance odours from time to time, as well as stating that the owner acknowledges and saves

harmless the City from any liability resulting from an odour nuisance which may interfere with their comfort, well-being, livelihood, or enjoyment of life.

"R1-4" Residential versus "R1-3.5" Residential:

The Department does have some concerns in regards to the appropriateness of the zoning district proposed and is of the opinion that a "R1-4" Residential District is more appropriate to the area than the "R1-3.5" Residential District proposed. The densities and development patterns of the surrounding area are more comparable to a "R1-4" Residential District, and two recent rezonings and subdivisions immediately to the south of the site have been for "R1-4" & "R1-4.5" (DAZ 28/02 & DASZ 27/01). There is a "R2" Residential District residential development located immediately to the west of the subject site; however, the zoning designation, density of development, and lot size is atypical for the area.

Provision of a "R1-4" Residential District versus the "R1-3.5" Residential District proposed by the applicant would result in minor changes to the proposed subdivision. While all the proposed lots meet the minimum 4,000 square foot lot size required under "R1-4" Residential development standards, approximately thirty (30) of the one hundred and seventeen (117) lots do not meet the minimum lot width requirement of forty feet (40'). The total number of lots would be reduced by approximately four to six lots under a "R1-4" Residential District, thus leaving a total of one hundred and eleven (111) to one hundred and thirteen (113) lots.

Second Point of Access & Phasing:

The provision of a second point of access for the proposed development remains an item of concern at this time. While connections for municipal infrastructure can be made to the east via an easement to 'loop' underground services, a second point of vehicular access via a public right-of-way cannot be provided at present. A second point of access is planned to be obtained to Beecher Avenue through the property to the southeast of the subject site in the near future. Until such time that a second point of access can be provided, the proposed subdivision should be phased in accordance with municipal servicing and emergency services requirements. A condition of approval has been provided restricting development to those lots abutting the northern extension of Swailes Avenue until a second point of vehicular access can be provided.

Plan Winnipeg Compliance:

The subject parcel falls within a designated Industrial Policy Area under Plan Winnipeg 2020, which allows for a variety of industrial, employment, and supporting commercial uses; thus, the proposed rezoning and subdivision application does not comply with existing Plan Winnipeg designation for the area. If the associated Plan Winnipeg Amendment application is successful (see related file PW 1/05), the subject site would fall within a Neighbourhood Policy Area, which allows for a variety of residential, commercial, institutional, and mixed uses; thus, the proposed rezoning would be in conformance with the new Plan Winnipeg 2020 designation.

Recommendation

The Department recommends approval for the following reasons:

- The proposed development is contiguous to existing residential development, and thus can be considered orderly development;
- The proposed development can be readily serviced by adjacent municipal infrastructure;
- The proposed rezoning and subdivision can be developed and serviced in an environmentally sound, economical, and timely manner.

Financial Impact Statement Date: March 31 ,2005

COMMENTS:

The recommendations contained within this report deal with approval of subdivision plans, requirements to enter into a development agreement, rezoning land, and other administrative provisions. There are no financial implications associated with these recommendations.

"Original Signed By"
Mike McGinn, CA
Manager of Finance

IN PREPARING THIS REPORT, THERE WAS CONSULTATION WITH AND CONCURRENCE BY:

Engineering Division - Water & Waste Department

Transportation Division - Public Works Department

Land Development Branch - Planning, Property and Development Department

THIS REPORT SUBMITTED BY:

Planning, Property and Development Department
Division: Planning & Land Use Division
Prepared by: David Marsh AICP, Planner
PPD File #: 3.324

Attachments:
1: Schedule "A" for File No. DASZ 53/04, Executive Policy Committee, dated March 29th, 2005
2: Schedule "B" – Administrative Coordinating Group Report File No. AG 53/04, dated March 29th, 2005

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Schedule "A"

By-Law No. _____

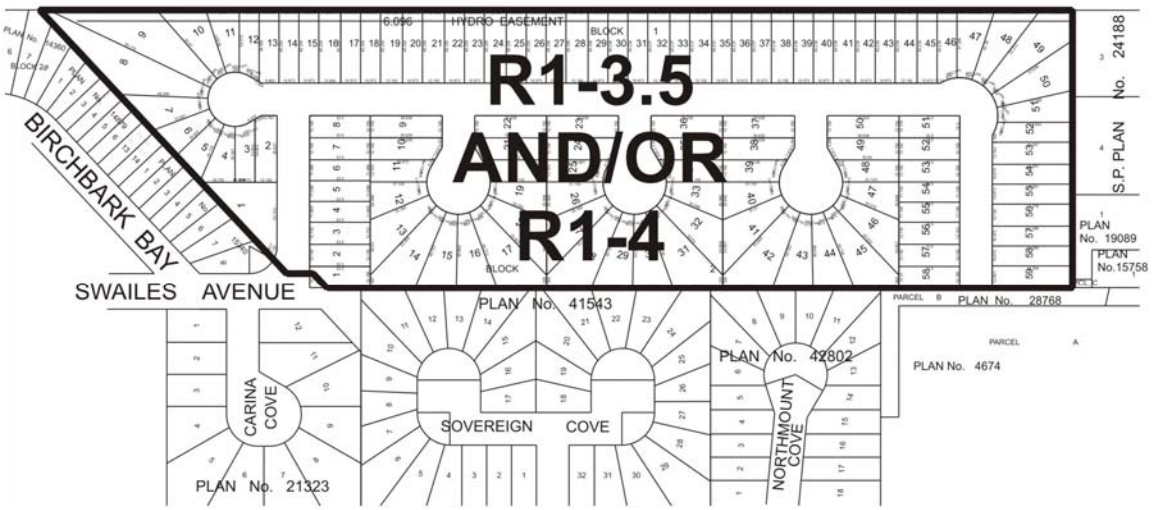
File No. **DASZ 53/04**

Atlas Sheet No. **S25**

LORD SELKIRK WEST KILDONAN 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 south of the CPR Bergen Cut-Off, east of Birchbark Bay from an "A.5" AGRICULTURAL DISTRICT to an "R1-3.5" RESIDENTIAL DISTRICT and/or "R1-4" RESIDENTIAL DISTRICT as shown outlined below.



Schedule "A" for File No. DASZ 53/04, Executive Policy Committee, dated March 29th, 2005

THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

Schedule "B"

Re: Proposed subdivision and rezoning on land located south of the CPR Bergen cut-off, east of Birchbark Bay – DASZ 53/04

Schedule "B" for File No. DASZ 53/04, Executive Policy Committee, dated March 29th, 2005

FOR SUBMISSION TO THE CHAIRPERSON AND MEMBERS OF THE EXECUTIVE POLICY COMMITTEE

_____

E.L. Carrière
Chairman
Administrative Coordinating Group

March 29, 2005

Re: Proposed subdivision and rezoning on land located south of the CPR Bergen cut-off, east of Birchbark Bay – DASZ 53/04

An application has been submitted by North Grassie Properties Inc. to subdivide and rezone land located south of the CPR Bergen cut-off, east of Birchbark Bay. It is recommended that approval of DASZ 53/04 be subject to the Developer entering into a Development Agreement as follows:

1. The Developer shall, at no expense to the City, install watermains (looped) and wastewater sewers required to serve the proposed subdivision as determined by and to the satisfaction of the Director of Water and Waste.

2. a) The Developer shall, at no expense to the City, install land drainage sewers required to serve the proposed subdivision as determined by and to the satisfaction of the Director of Water and Waste;

   b) The Developer shall pay the Leila Trunk User charge ($938.00/acre) for the subject property;

   c) The Developer shall provide a lot grading plan prepared by a municipal engineer and shall grant easements as necessitated by the design.

3. The Developer shall, at no expense to the City, install separate water and wastewater lot line connections to serve each lot within the proposed subdivision to the satisfaction of the Director of Water and Waste.

4. The Developer shall, at no expense to the City, construct portland cement concrete pavement to a width of 7.5m and a thickness of 150mm in the proposed street and to a diameter of 10.5m and a thickness of 150mm in the proposed culs-de-sac within the proposed subdivision, and all related works including, but not necessarily limited to boulevard landscaping and ornamental street lighting, all as determined by and to the satisfaction of the Director of Public Works.

5. The Developer shall ensure that two paved means of vehicular access are available at all times through all stages of development of the proposed subdivision 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. Development in the proposed subdivision shall be limited to the proposed street extending northerly from Swailes Avenue up to and including the proposed cul-de-sac to the west thereof until such time as a second paved means of access is provided.

6. 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 any right-of-way or easements necessary to accommodate same, all as determined by and to the satisfaction of the Director of Public Works.

7. 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.

8. The Developer shall, at no expense to the City, construct a portland cement concrete sidewalk to a width of 1.5m by 100mm in thickness on the west side of the proposed street extending northerly from Swailes Avenue to the first intersection north thereof, on the south side of the east/west portion of the proposed street and along the west side of the easterly north/south proposed street as determined by and to the satisfaction of the Director of Public Works.

9. The Developer shall, at no expense to the City, provide underground electrical and telephone services to serve the proposed subdivision and will pay the full cost to convert any existing overhead services within the proposed subdivision to underground.

10. The Developer shall, at no expense to the City, cause to be installed standard reflectorized permanent street names signs at all new street intersections being created by the proposed subdivision, as determined by the Director of Public Works.

11. The Developer is to 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 proposed subdivision, as determined by and to the satisfaction of the Director of Public Works.

12. 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.

13. 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 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.

14. 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 required to serve the proposed subdivision.

15. The Developer shall pay cash in lieu of dedication of land for public open space including landscaping and services in accordance with City policy.

16. 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 53/04
March 29, 2005