Agenda - Council - May 18, 2005

Report - Standing Policy Committee on Property and Development - May 3, 2005

Item No. 9 Subdivision and Rezoning - 1205, 1215 and 1225 St. Anne's Road File DASZ 13/2005

STANDING COMMITTEE RECOMMENDATION:

On May 11, 2005, 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 13/2005 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 13/2005 dated March 28, 2005, for registration in the Winnipeg Land Titles Office, subject to the following:

    A. That the Developer be required to enter into a Servicing Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated March 24, 2005.

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 13/2005 dated March 28, 2005, to an "RM-4" Multiple Family 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 conditions:

    A. That final site plans outlining building location and elevation details, parking areas, landscaping and fencing details, garbage enclosures and approaches be submitted to and approved by the Planning and Land Use Division and the Riel Community Committee prior to the issuance of building permits.

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 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.

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

Report - Standing Policy Committee on Property and Development - May 3, 2005

6. 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.

7. 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.

8. 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.

9. 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.

Report - Standing Policy Committee on Property and Development - May 3, 2005

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On May 11, 2005, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the Riel Community Committee and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On May 3, 2005, 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 April 4, 2005, the Riel Community Committee concurred in the administrative recommendation and submitted its recommendation to the Standing Policy Committee on Property and Development.

RE: **Subdivision and Rezoning - 1205, 1215 and 1225 St. Anne's Road File DASZ 13/2005 [c/r DAV 113230/2005D]**

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

Prepared by: **Marc A. Pittet Clerk**
Riel Community Committee

Report date: **April 15, 2005**

COMMUNITY COMMITTEE RECOMMENDATION:

On April 4, 2005, 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 13/2005 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 13/2005 dated March 28, 2005, for registration in the Winnipeg Land Titles Office, subject to the following:

    A. That the Developer be required to enter into a Servicing Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated March 24, 2005.

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 13/2005 dated March 28, 2005, to an "RM-4" Multiple Family 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 conditions:

    A. That final site plans outlining building location and elevation details, parking areas, landscaping and fencing details, garbage enclosures and approaches be submitted to and approved by the Planning and Land Use Division and the Riel Community Committee prior to the issuance of building permits.

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 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.

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

6. 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.

7. 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.

8. 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.

9. 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 March 28, 2005 and in the report from the Administrative Coordinating Group dated March 24, 2005.

PUBLIC HEARING SUMMARY

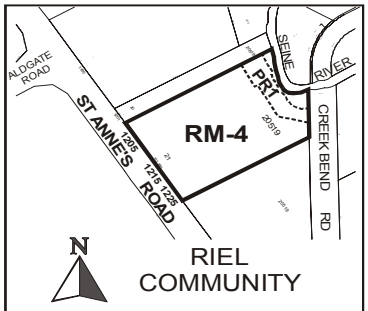
File: DASZ 13/2005 [c/r DAV 113230/2005D]

Before: Riel Community Committee
Councillor Steeves, Chairperson
Councillor Magnifico

Public Hearing: April 4, 2005
St. Norbert Community Centre, 3450 Pembina Highway

Applicant: Medican Developments Inc.

Subject:



APPLICANT: MEDICAN DEVELOPMENTS INC.
FILE: DASZ 13/05
PROPOSAL: An application for the approval of the plan of subdivision shown outland 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 an "RM-4" MULTIPLE-FAMILY DISTRICT and a "PR1" PARKS AND RECREATION DISTRICT. **For information, phone Mr. K. Lalor, Planner at 986-5069.**
DEMANDEUR : MEDICAN DEVELOPMENTS INC.
N° DE RÉFÉRENCE : DALZ 13/05
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 A.5 (SECTEUR AGRICOLE) aux catégories RM-4 (SECTEUR D'HABITATIONS MULTIFAMILIALES) et PR1 (SECTEUR DES PARCS ET DES LOISIRS). **Pour plus de renseignements, veuillez communiquer avec M. K. Lalor, urbaniste, au 986-5069.**

Premises Affected: 1205, 1215 and 1225 St. Anne's Road

Exhibits Filed:

1. Application dated March 3, 2005
2. Notification of Public Hearing dated March 17, 2005
3. Manitoba Status of Title 2066355
4. Plans (14 pages)
5. Report from the Administrative Coordinating Group dated March 24, 2005
6. Report from the Manager of Planning and Land Use dated March 28, 2005
7. Plans (12 pages) submitted by Jay Lev on April 4, 2005
8. Power Point Presentation made by Al Fritz and Jay Lev on April 4, 2005
9. Inspection Report

REPRESENTATIONS:

In Support:

Alvin Fritz
Jay Lev
Todd Werre

In Opposition

Heather Davis

For Information:

Donna Hnatiuk
David Watson

For the City:

Michael Robinson, Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

Jay Lev and Al Fritz, Medican Developments Inc. appeared in support of the application and provided an overview of the proposal by way of a Power Point Presentation (filed as Exhibit 8). Mr. Fritz indicated concurrence in the recommendations contained in the administrative report

from the Manager of Planning and Land Use dated March 28, 2005, and the Administrative Coordinating Group report dated March 24, 2005.

Heather Davis appeared in opposition to the application for the following reasons:

- The proximity of fourteen (14) parking stalls facing her property and the light pollution they will create;
- Lack of trees/buffering between the site and her property;
- The development should be limited to three (3) storeys in height;

David Watson appeared for informational purposes. Mr. Watson stated that the applicants have met with Save Our Seine River Environment Inc. (SOS) and have committed to the development of the Seine River Trail on the subject property. Mr. Watson raised concerns regarding parking and the configuration of the lot, the lighting in the parking lot and the lack of large rooting trees to hold and stabilize the riverbank. Mr. Watson stated that he would like for the developer to create a more diverse population of plants on the riverbank.

The applicants, Jay Lev and Al Fritz returned in rebuttal. Mr. Fritz indicated that they would be willing to consult with area residents and S.O.S. on landscaping but that it would be difficult to reconfigure the parking lot. Councillor Steeves indicated that many issues, including parking, lighting and landscaping, would be addressed during the Plan Approval process.

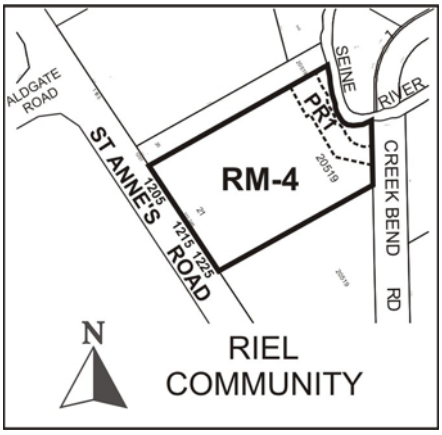
Exhibit "6" referred to in File DASZ 13/2005 [c/r DAV 113230/2005D]

Planning, Property and Development Department Report

To the Riel Community Committee

Date: March 28/05
File: DASZ 13 /05
Related Files: DAV 05 –113230D
Subject: To rezone the subject property from an " A-5" Agricultural District to an " RM-4 " Multiple Family District and a " PR-1" Parks and Recreational District in order to accommodate a condo housing project and an adjoining public reserve area along the Seine River.

Location: 1205, 1215, 1225 St. Anne's Road
Legal Description: Lot 21, Plan 20519



Applicant: Medican Developments Inc.
Owner: Medican Developments Inc.

Recommendation: (Approved with Conditions)

Site Description

The subject vacant property is 4.9 acres in size and is situated just north of Creek Bend Road between St. Anne's Road and the Seine River. A large parcel adjoining to the north has recently been rezoned to an RM-2 Multiple Family category for condo development. Properties to the west in River Park South are zoned for a mix of residential single family R1-3.5 and RM-2 Multiple. To the south and east the lands are generally vacant and zoned either Agricultural 5 acre or R1-20 large lot development.

Background

The applicants began the process in February of this year to convert the subject vacant property for housing development purposes, while at the same time making provision for a public reserve area along the Seine River.

Description of the Proposed Development

The applicants are proposing to construct three buildings on the site, two of which will be four (4) stories in height, the third to be three (3) stories. The four story buildings will each have a total of 59 units, the three story building will have 53 units in total. That makes for an overall total of 171 dwelling units. There are 257 parking stalls provided, 135 of which are underground. A significant amount of the waterway area is either being acquired by the City for public reserve/ pathway purposes or is being obtained through dedication.

Analysis

The proposed project is similar in many ways to a number of projects recently approved to the north along St. Anne's Road. In most cases , the proposals have been for condo housing developments and densities have ranged from low to medium. In virtually every case, the City , in conjunction with SOS has been able to acquire adjoining waterway lands and in many instances, the construction of pathway linkages in the public reserve area is tied directly to and coinciding with the construction of the residential facilities. These types of projects are deemed to be appropriate uses on these lands given that , in most cases , the properties are not large enough to sustain single family development. It should be noted that the subject parcel is probably one of the last few vacant parcels remaining along south St. Annes Road, north of the perimeter. Finally there will be a dedication of land along the waterway as part of the ACG Report thereby eliminating the need to include Clause IV in the following Recommendations Section.

Recommendation

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

- The proposal falls within a Neighbourhood Policy Area under Plan Winnipeg which allows for residential development.
- The proposal is in keeping with Plan Winnipeg policy to both provide infill housing at appropriate locations but also to acquire land through the process to help facilitate development of the Seine River waterway system in accordance with the Seine River Greenway Study.
- The site is appropriate for multiple family housing of a reasonable density. It is not an appropriate location for commercial or single family development.

Recommended Conditions of Approval

I. That the plan of subdivision proposed under File No. DASZ 13/05 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File No. DASZ 13/05, attached hereto and dated March 28/05, for registration in the Winnipeg Land Titles Office, subject to the following:

A. That the Developer be required to enter into a Servicing Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated March 24/05;

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 13/05, attached hereto and dated March 28/05, to an "RM-4" Multiple Family District and an "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 site plans outlining building location and elevation details, parking areas, landscaping and fencing details, garbage enclosures and approaches be submitted to and approved by the Planning and Land Use Division and the Riel Community Committee prior to the issuance of building permits.

IV. 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.

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

VI. 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.

VII. 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.**

VIII. 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.

IX. 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 # 530

By-Law No. _____

File No. **DASZ 13/05**

Atlas Sheet No.

N

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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 at 1205, 1215 and 1225 St. Anne's Road from an "A.5" AGRICULTURAL DISTRICT to an "RM-4" MULTIPLE-FAMILY DISTRICT and a "PR1" PARKS AND RECREATION DISTRICT as shown outlined below.



Schedule "A" for file DASZ 13/05, Riel Community Committee, dated March 28/05

THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

Exhibit “5” referred to in File DASZ 13/2005 [c/r DAV 113230/2005D]

Re: Proposed rezoning of land located on 1205, 1215 and 1225 St. Anne's Road – DASZ 13/05

An application has been submitted by Medican Developments Inc. to rezone land located on 1205, 1215 and 1225 St. Anne's Road.

It is recommended that the Applicant be required to submit a plan of subdivision delineating the following:

A. The 230.58m elevation contour.
B. Property above the 230.58m contour as determined by the Director of Planning, Property and Development comprising the 10% open space dedication for this development proposal.

It is also recommended that approval of this application be subject to the Developer entering into a Servicing Agreement as follows:

1. The Developer shall, at no expense to the City, construct a wastewater sewer in St. Anne's Road from its current terminus to the south limit of the subject property;
2. The Developer shall, at no expense to the City, construct a land drainage sewer in St. Anne's Road from its current terminus as required to serve the proposed development as determined by the Director of Water and Waste;
3. The Developer shall pay its share of the cost of the regional land drainage system benefiting the proposed development (2005 rate = $9,788.00/acre) as determined by the Director of Water and Waste.
4. The Developer shall pay the Seine River Waterway Land Acquisition Charge ($145.00) attributable to the proposed development;
5. The Developer shall sell the land below the 230.58m elevation contour to the City at a price of $15,000.00/acre.
6. a) The Developer shall dedicate land above and adjacent to the 230.58m elevation contour comprising 10% of the land within the proposed development as public open space as determined by the Director of Planning, Property and Development.
   b) The Developer shall, at no expense to the City, construct the Seine River Trail within the dedicated public open space in accordance with plans and specifications approved by the City.
7. The Developer shall pay to the City, in cash, on demand its share of the cost of the following services previously installed, or to be installed, in the future by the City in St. Anne's Road along the full length of the subject property abutting St. Anne's Road:
   a) a 4.0m in width by 200mm in thickness portland cement concrete lane of pavement and related works;
   b) a 1.5m in width by 100mm in thickness portland cement concrete sidewalk in the east boulevard;

c) street lighting in the east boulevard;
d) landscaping in the east boulevard;

all as determined by the Director of Public Works.

8. The Developer shall be responsible to pay all costs associated with the provision of vehicular access to the subject property as determined by and to the satisfaction of the Director of Public Works.
9. 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 development, as determined by and to the satisfaction of the Director of Public Works.
10. The Developer shall be responsible to control and to initiate and 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 pay the full cost of engineering services provided by or on behalf of the City in connection with the installation of the wastewater sewer and land drainage sewer required to serve the proposed development.
12. 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 13/05
March 24, 2005

"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