Agenda - Council - June 29, 2005

Report - Standing Policy Committee on Property and Development - June 7, 2005

Item No. 11 Subdivision and Rezoning - 3420 Pembina Highway
File DASZ 28/2004

STANDING COMMITTEE RECOMMENDATION:

On June 22, 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 28/2004 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 28/2004 dated May 10, 2005, for registration in the Winnipeg Land Titles Office.

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 28/2004 dated May 10, 2005, to an "RM-3" Multiple Family 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 site and building plans indicating the location of any structures, building profiles, parking, landscaping, fencing, approaches, exterior lighting, garbage enclosures etc. be submitted to and approved by the Planning and Land Use Division and the Riel Community Committee prior to the issuance of any building permits.

4. That the developer provide and legally open, at no cost to the City, property required for a widening to the Pembina Highway right-of-way as generally illustrated on Public Works Department Sketch Plan PR04-09 dated August 16, 2004, as determined by the Director of Public Works.

5. 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.

Report - Standing Policy Committee on Property and Development - June 7, 2005

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

7. 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.

8. 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.

9. 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.

10. 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 - June 7, 2005

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On June 22, 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 June 7, 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 May 17, 2005, the Riel Community Committee concurred in the administrative recommendation and submitted its recommendation to the Standing Policy Committee on Property and Development.

On April 4, 2005, the Riel Community Committee did not hear any representation on the application and further adjourned the public hearing to its meeting on May 17, 2005.

On January 17, 2005, the Riel Community Committee did not hear any representation on the application and adjourned the public hearing to its meeting on April 4, 2005.

RE: **Subdivision and Rezoning - 3420 Pembina Highway**
File DASZ 28/2004 [c/r DAV 132377/2004D]

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

Prepared by: **Marc Pittet, Clerk,**
Riel Community Committee

Report date: **May 26, 2005**

COMMUNITY COMMITTEE RECOMMENDATION:

On May 17, 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 28/2004 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 28/2004 dated May 10, 2005, for registration in the Winnipeg Land Titles Office.

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 28/2004 dated May 10, 2005, to an "RM-3" Multiple Family 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 and building plans indicating the location of any structures, building profiles, parking, landscaping, fencing, approaches, exterior lighting, garbage enclosures etc. be submitted to and approved by the Planning and Land Use Division and the Riel Community Committee prior to the issuance of any building permits.

4. That the developer provide and legally open, at no cost to the City, property required for a widening to the Pembina Highway right-of-way as generally illustrated on the Public Works Department sketch plan PR04-09 dated August 16, 2004, as determined by the Director of Public Works.

5. 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.

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

7. 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.

8. 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.

9. 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.

10. 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 May 10, 2005.

PUBLIC HEARING SUMMARY

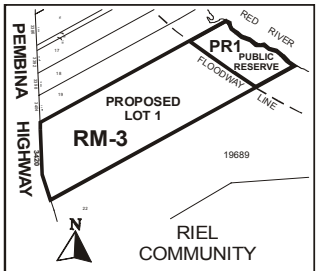
File: DASZ 28/2004 [c/r DAV 132377/2004D]

Before: Riel Community Committee
Councillor Magnifico, Chairperson
Councillor Steeves

Public Hearing: May 17, 2005
Community Committee Chamber, 219 Provencher Boulevard
January 17 and April 4, 2005
St. Norbert Community Centre, 3450 Pembina Highway

Applicant: Cedarcrest Construction Ltd. (Fausto Pereira)

Subject:



APPLICANT: CEDARCREST CONSTRUCTION LTD.
FILE: DASZ 28/04
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 "R1-20" SINGLE-FAMILY DISTRICT to an "RM-3" MULTIPLE-FAMILY DISTRICT and a "PR1" PARKS AND RECREATION DISTRICT. **For information, phone Mr. K. Lalor, Planner at 986-5069.**
DEMANDEUR : CEDARCREST CONSTRUCTION LTD.
N° DE DOSSIER : DALZ 28/04
PROJET : Demande d'approbation par le Conseil du plan de lotissement indiqué ci-dessus et proposition de modification du *Règlement municipal n° 6400/94* visant à changer le zonage des sols délinéés ci-dessus qui passeraient de la catégorie R1-20 (SECTEUR D'HABITATIONS UNIFAMILIALES) à la catégorie RM-3 (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: 3420 Pembina Highway

Exhibits Filed:

1. Application dated July 5, 2004
2. Notification of Public Hearing dated April 29, 2005
3. Extract of Atlas Sheet AP24
4. Plans (6 pages)
5. Report from the Manager of Planning and Land Use
6. Communication dated January 11, 2005, from Fausto Pereira requesting adjournment
7. Inspection Report
8. Communication dated March 8, 2005, from Fausto Pereira requesting adjournment
9. Presentation made at the public hearing by Sharon Staren in opposition to the application
10. Inspection Report

REPRESENTATIONS:

In Support:

Gerald Dorge
Norm Gousseau
Fausto Pereira

In Opposition:

William and Sharon Delorme
Denise Gagne
Roger Gagne
Ihor Hluszok
Felixine Mailhot
Sharon Staren

For Information:

Keith Carrette
Ronald Mailhot

For the City:

Kevin Lalor, Senior Planner, Planning, Property and Development Department
Kevin Nixon, Park Strategic Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

May 17, 2005
The applicant, Fausto Pereira, appeared in support of the application and gave a brief overview of the proposal. Mr. Pereira stated that he had hosted an informational meeting for area residents in late April.

Norm Gousseau, Director of Economic Development, Entreprises Riel, appeared in support of the application and indicated that he has met with Group Action St. Norbert who have identified a need in the St. Norbert community for a housing project like this to accommodate seniors who wish to leave their single-family dwellings.

Gerald Dorge, CEO, Entreprises Riel, appeared in support of the application and restated points raised by Norm Gousseau.

Sharon Staren and William Delorme appeared in opposition to the application; Ms. Staren read from a written presentation, filed as Exhibit 9.

Felixine and Ron Mailhot appeared in opposition to the application and expressed concerns that the development will:

- Decrease property values in the area;
- Adversely affect water levels and drainage;
- Cause flooding and erosion.

Ihor Hluszok accompanied by Roger Gagne, appeared in opposition to the application. Mr. Hluszok raised concerns relative to:

- Increased traffic and the dangerous speed of traffic on Pembina Highway;
- Negative effects on the River, Riverbank and Wildlife;
- Six (6) Storeys is too high and the building will eclipse the sun from existing properties;
- Negative impact on the privacy of existing residences;
- Decrease in his property value;

Fausto Pereira returned in rebuttal. Mr. Pereira stated that the piles for the development would be concrete, not steel, and would not likely be driven into bedrock. Mr. Pereira further stated that the extensive landscaping on site would enhance the natural environment. Mr. Pereira also stated that a successful development could result in an increase in property values. Mr. Pereira stated that the proposed development will not adversely affect the coulee and will improve drainage in the area with the construction of storm sewers. Mr. Pereira explained that further engineering and geotechnical studies will be conducted and that the approval from the City of Winnipeg will be required prior to the issuance of a building permit.

April 4, 2005
No representations were heard inasmuch as the Riel Community Committee adjourned the Public Hearing with respect to this application prior to opening representations.

January 17, 2005
No representations were heard inasmuch as the Riel Community Committee adjourned the Public Hearing with respect to this application prior to opening representations.

Exhibit “5” referred to in File DASZ 28/2004 [c/r DAV 132377/2004D]

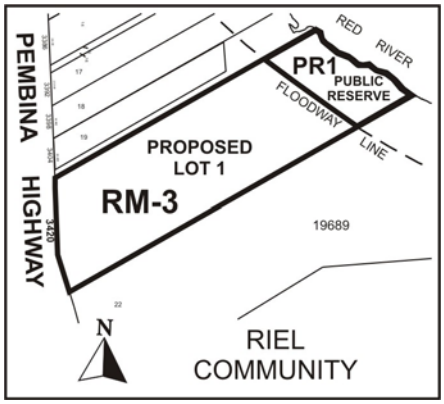
Winnipeg

Planning, Property and Development Department Report

To the Riel Community Committee

Date: May 10/05
File: DASZ 28/04
Related Files: DAVO4 132377/D
Subject: To rezone the subject property to an RM-3 Multiple Family category in order to construct a 41 unit condo complex.

Location: 3420 Pembina Highway
Legal Description: SP Lots 20 & 21, Plan 19689



Applicant: CedarCrest Construction
Owner: same as above

Recommendation: (Approved with Conditions)

Site Description

The subject property is situated on the east side of Pembina Highway immediately south of the intersection of Grandmont Blvd. in St. Norbert. It lies, in part, on the north side of and directly adjacent to the Beaujolais Coulee; with approximately 172 metres of depth and 65 metres of frontage along Pembina Highway. The overall area is therefore a little under three (3) acres in size but only a portion (less than half) of that area is actually developable. There are a half dozen single family homes lying adjacent to the north zoned R1-20 Residential. And to the south across the coulee is the Community Centre with accessory recreational fields, all zoned PR-1 Parks and Recreational. Much of the land directly west of Pembina but east of the railway right-of-way is still vacant and zoned Agricultural.

Background

The subject application was actually made a year ago but was not ready to proceed to public hearing until a range of issues had been addressed to the satisfaction of several City Departments. In particular, the City of Winnipeg's Land Drainage and Flood Protection Division expressed a number of concerns related to bank stability and other hydraulic issues ; most of which we understand have been recently addressed by way of a comprehensive geotechnical investigation. From a planning and land use perspective, this Branch has generally been supportive of the project in principle; however we did have some concerns about the potential impact of the proposed building on several adjacent residences to the immediate north. The applicant was asked to address the issue of possible shadowing effects and also identify other ways of mitigating possible adverse impacts on properties adjoining to the north. The applicant has spent the last several months compiling the data requested in addition to engaging in a number of meetings with neighbouring residents. He is now at the stage where he is ready to go to public hearing

Description of the Proposed Development

The proposed building will be sited at the northwest corner of the property approximately 100' east of the front property line. The proposed condo building will have a total of 41 units and be six (6) stories in height. An underground parking structure will accommodate 52 stalls for the tenants and there will be an additional nineteen (19) visitor stalls at the front of the building. Extensive landscaping will extend from the front of the lot to a rear patio facility at the back of the building. A pathway system will also link the building with the wooded areas and a small foot bridge across the creek at the rear of the facility. Vehicle access is via Pembina Highway and the orientation of the building is towards Pembina Highway.

Analysis

The Planning and Land Use Dept. supports the proposed development subject to a more detailed and thorough geotechnical report and analysis being completed by the applicant. From a strictly land use standpoint, the proposed development is of reasonable scale and appropriately sited. There is provision for visitor surface parking (19 stalls) but most of the parking is underground (52 stalls). The proposed structure is six (6) stories high and will have a total occupancy of 41 condo units. There should not be appreciable shadowing effect on adjoining properties to the north but to allay any concerns in that regard, the applicant will be submitting ,at the public hearing ,a detailed shadow study outlining conditions at various times of the year. It should be further noted that applications for new multiple family projects, of any size, seldom occur in the St. Norbert area. Most of the multiple family housing construction in south Winnipeg has been taking place in South St. Vital and it is only recently that there has been renewed interest in the St. Norbert area. In the past several months, there have been three applications (including the subject project) for multiple family condo projects on Pembina south of the Perimeter Highway. The other two, which are larger in scale, are situated at Grandmont and Pembina Highway. In all these cases, once vacant parcels are to be infilled with much needed housing, and in particular seniors housing. Provision of new housing at these locations is in accordance with the objectives as outlined in Plan Winnipeg policy directives and should therefore be fully supported by your Committee.

Recommendation

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

- The St. Norbert area has a deficiency of multiple family housing units relative to other parts of South Winnipeg .

- The proposal constitutes infill housing which is in accordance with the objectives of Plan Winnipeg Policy.

- The project itself is well designed and will add to the character and sight lines along what is one of the major arterials accessing the City.

Recommended Conditions of Approval

I. That the plan of subdivision proposed under File No. DASZ 28/04be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule “A” for File No. DASZ 28/04, attached hereto and dated May 10/05, for registration in the Winnipeg Land Titles Office.

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 28/04, attached hereto and dated May10/05, to an "RM-3" Multiple Family 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 and building plans indicating the location of any structures, building profiles, parking, landscaping, fencing, approaches, exterior lighting, garbage enclosures etc. be submitted to and approved by the Planning and Land Use Division and the Riel Community Committee prior to the issuance of any building permits.

IV. That the developer provide and legally open, at no cost to the City, property required for a widening to the Pembina Highway right-of-way as generally illustrated on the attached Public Works Dept. sketch plan PR04-09 dated August 16, 2004, as determined by the Director of Public Works.

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 # (.626)

Schedule "A"

By-Law No. _____

File No. **DASZ 28/04**

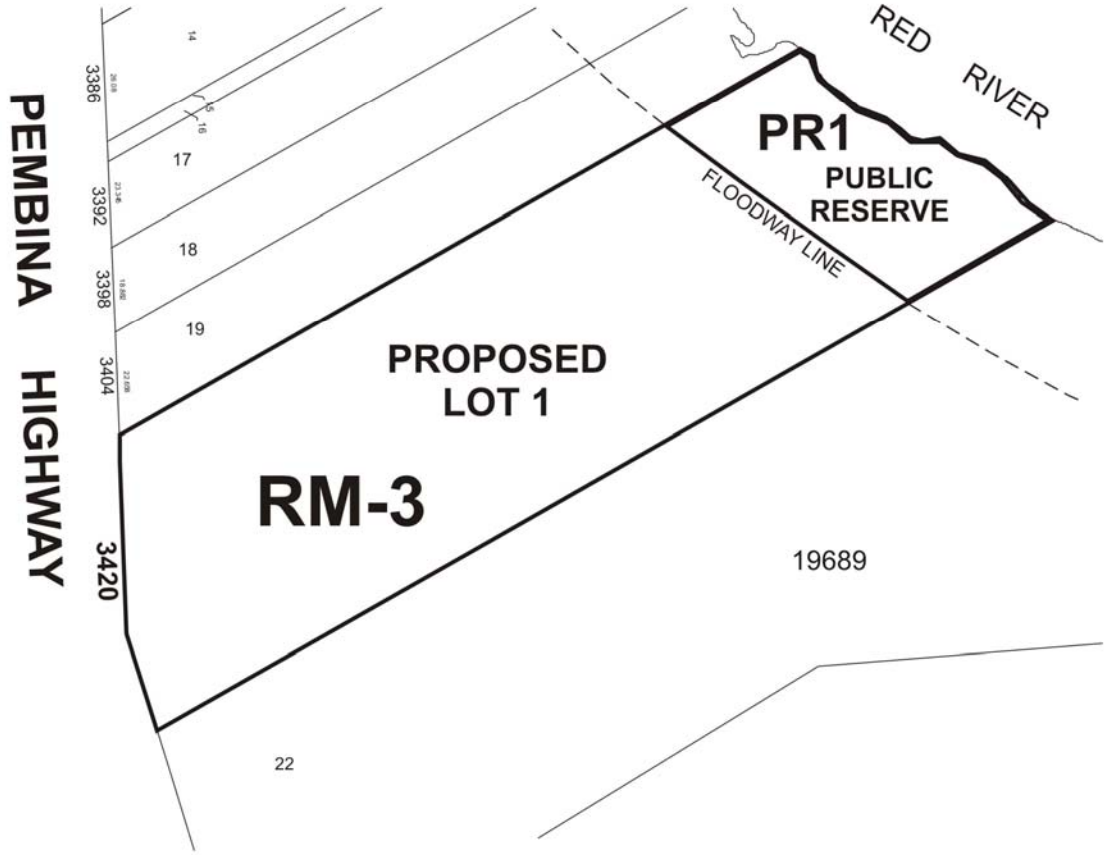
Atlas Sheet No.

N

AP24
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 3420 Pembina Highway from an "R1-20" SINGLE-FAMILY DISTRICT to an "RM-3" MULTIPLE-FAMILY DISTRICT and a "PR1" PARKS AND RECREATION DISTRICT as shown outlined below.



Schedule "A" for File DASZ 28/2004, Riel Community Committee, dated May10/05

THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____