Minute No. 490
Report - Standing Policy Committee on Property and Development - July 5, 2005

Item No. 10 Rezoning - west side Lagimodiere Boulevard, north side of Leveque Street, east side of Dawson Road
File DAZ 215/2005 [c/r DAOC 2/2005]

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

The Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the Riel Community Committee, 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 outlined on Schedule "A" for File DAZ 215/2005 dated March 28, 2005, to an "RM-3" Multiple Family District subject to the following:

    A. That the applicant enter into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to include the following conditions:

        i. That a noise attenuation wall and berm be constructed as outlined and in accordance with plans submitted and dated February 7, 2005.

        ii. That there be a minimum fifty (50) foot setback between any building constructed on the site and the Lagimodiere Boulevard right-of-way.

        iii. That there be no approaches serving the development off of Lagimodiere Boulevard.

        iv. That final plans shall be submitted showing the location and design of the proposed buildings, building elevations including exterior materials, the location and design of accessory parking areas, private approaches, exterior lighting, garbage enclosures, fencing, landscaping and signage to the Riel Community Committee and the Director of Planning, Property and Development for plan approval prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development**.**

        v. That the maximum number of residential units on the lands be limited to two hundred and ninety-eight (298).

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vi. That the maximum height of buildings on the site be limited to four (4) storeys for the three buildings adjacent to Lagimodiere Boulevard and three (3) storeys for the two buildings along the west limit of the site, stepping down to two (2) storeys adjacent to Dawson Road.

vii. That the buildings along Dawson Road be set back a minimum distance of fifty (50) feet from the west limit of the subject site.

viii. That the fence along the west limit of the property be constructed atop the existing east limit of the right-of-way, approximately forty-two (42) feet to the east of the new property line of the subject site.

ix. That a traffic sign be erected prohibiting left turns from the development onto Paterson Street between the hours of 7:00 a.m. and 9:00 a.m. and 3:30 p.m. and 5:30 p.m., Monday through Friday.

x. That a traffic sign be erected prohibiting left turns from Rue Leveque onto Lagimodiere Boulevard.

xi. That a cairn and two (2) park benches be installed at the south end of Dawson Road adjacent to the bike path commemorating the historic roadway.

B. That the Developer be required to enter into a Servicing Agreement with the City containing all the conditions outlined in the revised report of the Administrative Coordinating Group dated May 9, 2005.

2. 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 market value of the land and the creation of additional sites (if applicable).

3. 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.

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

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5. That the rezoning by-law shall come into effect when the Zoning Agreement has been registered by caveat 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.

6. 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.

Report – Standing Policy Committee on Property and Development – July 5, 2005

DECISION MAKING HISTORY:

Moved by Councillor De Smedt,

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

Carried

STANDING COMMITTEE RECOMMENDATION:

On July 5, 2005, the Standing Policy Committee on Property and Development concurred in the recommendation from the Riel Community Committee, with the following amendment, namely:

- That recommendation 1.A.iv. be deleted in its entirety and replaced with the following:

  "1.A.iv. That final plans shall be submitted showing the location and design of the proposed buildings, building elevations including exterior materials, the location and design of accessory parking areas, private approaches, exterior lighting, garbage enclosures, fencing, landscaping and signage to the Riel Community Committee and the Director of Planning, Property and Development for plan approval prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development**."**

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

COMMUNITY COMMITTEE RECOMMENDATION:

On June 21, 2005, the Riel Community Committee concurred in the administrative recommendation with the following amendments, namely:

- That the report of the Manager of Planning and Land Use dated March 28, 2005, be amended by deleting Recommendation 1.A.iv. and by adding the following new Recommendations 1.A.iv. to 1.A.xi, namely:

Report - Standing Policy Committee on Property and Development - July 5, 2005

DECISION MAKING HISTORY (continued):

1. A. iv. That final site plans illustrating building locations/ elevations including exterior materials, parking, approaches, exterior lighting, garbage enclosures, fencing landscaping, etc... be signed off by the Designated Representatives before being submitted to and approved by the Planning and Land Use Division and the Riel Community Committee, prior to the issuance of any building permits.

   v. That the maximum number of residential units on the lands be limited to two hundred and ninety-eight (298).

   vi. That the maximum height of buildings on the site be limited to four (4) storeys for the three buildings adjacent to Lagimodiere Boulevard and three (3) storeys for the two buildings along the west limit of the site, stepping down to two (2) storeys adjacent to Dawson Road.

   vii. That the buildings along Dawson Road be set back a minimum distance of fifty (50) feet from the west limit of the subject site.

   viii. That the fence along the west limit of the property be constructed atop the existing east limit of the right-of-way, approximately forty-two (42) feet to the east of the new property line of the subject site.

   ix. That a traffic sign be erected prohibiting left turns from the development onto Paterson Street between the hours of 7:00 a.m. and 9:00 a.m. and 3:30 p.m. and 5:30 p.m., Monday through Friday.

   x. That a traffic sign be erected prohibiting left turns from Rue Leveque onto Lagimodiere Boulevard.

   xi. That a cairn and two (2) park benches be installed at the south end of Dawson Road adjacent to the bike path commemorating the historic roadway,

and submitted its recommendation to the Standing Policy Committee on Property and Development.

Report - Standing Policy Committee on Property and Development - July 5, 2005

DECISION MAKING HISTORY (continued):

On June 8, 2005, the Riel Community Committee further adjourned the public hearing to its meeting on June 21, 2005, at the Community Committee Chamber, 604 St. Mary's Road.

On April 4, 2005, the Riel Community Committee did not hear any representation on the application and adjourned the public hearing to a Special Meeting of the Committee to be held at 6:30 p.m. on June 8, 2005, at the Winakwa Community Centre, 980 Winakwa Road.

RE: **Rezoning - west side Lagimodiere Boulevard, north side of Leveque Street, east side of Dawson Road**
File DAZ 215/2005 [c/r DAV 114260/2005D, DAOC 2/2005]

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

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

Report date: **June 27, 2005**

COMMUNITY COMMITTEE RECOMMENDATION:

On June 21, 2005, the Riel 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 outlined on Schedule "A" for File DAZ 215/2005 dated March 28, 2005, to an "RM-3" Multiple Family District, subject to the following:

    A. That the applicant enter into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter, to include the following conditions:

        i. That a noise attenuation wall and berm be constructed as outlined and in accordance with plans submitted and dated February 7, 2005.

        ii. That there be a minimum fifty (50) foot setback between any building constructed on the site and the Lagimodiere Boulevard right-of-way.

        iii. That there be no approaches serving the development off of Lagimodiere Boulevard.

        iv. That final site plans illustrating building locations/ elevations including exterior materials, parking, approaches, exterior lighting, garbage enclosures, fencing landscaping, etc... be signed off by the Designated Representatives before being submitted to and approved by the Planning and Land Use Division and the Riel Community Committee, prior to the issuance of any building permits.

v. That the maximum number of residential units on the lands be limited to two hundred and ninety-eight (298).

vi. That the maximum height of buildings on the site be limited to four (4) storeys for the three buildings adjacent to Lagimodiere Boulevard and three (3) storeys for the two buildings along the west limit of the site, stepping down to two (2) storeys adjacent to Dawson Road.

vii. That the buildings along Dawson Road be set back a minimum distance of fifty (50) feet from the west limit of the subject site.

viii. That the fence along the west limit of the property be constructed atop the existing east limit of the right-of-way, approximately forty-two (42) feet to the east of the new property line of the subject site.

ix. That a traffic sign be erected prohibiting left turns from the development onto Paterson Street between the hours of 7:00 a.m. and 9:00 a.m. and 3:30 p.m. and 5:30 p.m., Monday through Friday.

x. That a traffic sign be erected prohibiting left turns from Rue Leveque onto Lagimodiere Boulevard.

xi. That a cairn and two (2) park benches be installed at the south end of Dawson Road adjacent to the bike path commemorating the historic roadway.

B. That the Developer be required to enter into a Servicing Agreement with the City containing all the conditions outlined in the revised report of the Administrative Coordinating Group dated May 9, 2005.

2. 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 market value of the land and the creation of additional sites (if applicable).

3. 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.

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

5. That the rezoning by-law shall come into effect when the Zoning Agreement has been registered by caveat 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.

6. 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 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 revised report from the Administrative Coordinating Group dated May 9, 2005.

PUBLIC HEARING SUMMARY

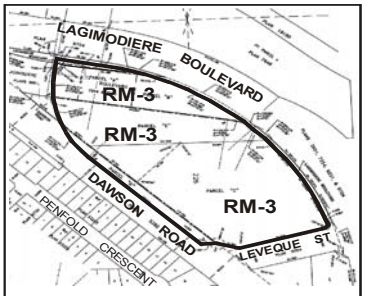
File: DAZ 215/2005 [c/r DAV 114260/2005D, DAOC 2/2005]

Before: Riel Community Committee
Councillor Steeves, Chairperson
Councillor Magnifico
Councillor Swandel

Public Hearing: June 21, 2005
Community Committee Chamber, 604 St. Mary's Road
June 8, 2005
Winakwa Community Centre, 980 Winakwa Road
April 4, 2005
St. Norbert Community Centre, 3450 Pembina Highway

Applicant: David Goyer Architecture Inc. (Daniel Serhal)

Subject:



N

RIEL
COMMUNITY

APPLICANT: DAVID GOYER ARCHITECTURE
FILE: DAZ 215/05
PROPOSAL: To rezone the land shown outlined above from a "C2" COMMERCIAL DISTRICT and an "M1" INDUSTRIAL DISTRICT to an "RM-3" MULTIPLE-FAMILY DISTRICT. **For information, phone Mr. K. Lalor, Planner at 986-5069.**
DEMANDEUR : DAVID GOYER ARCHITECTURE
N° DE RÉFÉRENCE : DAZ 215/05
PROJET : Rezoner les sols délinéés ci-dessus afin de les faire passer de la catégorie C2 (SECTEUR COMMERCIAL) et de la catégorie M1(SECTEUR INDUSTRIEL) à la catégorie RM-3 (SECTEUR D'HABITATIONS MULTIFAMILIALES). **Pour plus de renseignements, veuillez communiquer avec M. K. Lalor, urbaniste, au 986-5069.**

Premises Affected: west side Lagimodiere Boulevard, north side of Leveque Street, east side of Dawson Road

Exhibits Filed:

1. Application dated March 7, 2005
2. Notification of Public Hearing dated March 14, 2005
3. Manitoba Status of Titles 2024878, 2024885
4. Letter of authorization dated October 21, 2004 from Norquay Management to David Goyer Architecture Inc
5. Site Plan
6. Plans, Sheet 1 of 4 dated November 17, 2004
7. Report from the Manager of Planning and Land Use dated March 28, 2005
8. Report from the Administrative Coordinating Group dated March 24, 2005
9. Inspection Report
10. Communication dated Marc 31, 2005, from Guy Bilodeau in opposition to the application
11. Communication dated March 31, 2005, from Aline and Marc Piché in opposition to the application
12. Communication dated March 31, 2005, from John and Caroline Gorrie in opposition to the application
13. Communication dated March 31, 2005, from Vicki Kerfoot in opposition to the application
14. Communication dated March 31, 2005, from Terry Isaryk in opposition to the application
15. Communication dated March 31, 2005, from Ray and Denise Cheys in opposition to the application
16. Communication dated April 1, 2005, from Perry and Rose Shergold in opposition to the application
17. Communication dated April 1, 2005, from Gordon Sutherland in opposition to the application
18. Communication dated April 1, 2005, from Karrie Dumontier in opposition to the application
19. Communication dated April 1, 2005, from David Goyer requesting adjournment
20. Photographs submitted by Edward Van Mierlo
21. Revised Report from the Administrative Coordinating Group dated May 9, 2005
22. Communication dated June 7, 2005, from Darryl and Colette Forbes in opposition to the application
23. Presentation made by Barrie Simoneau at the Public Hearing on June 8, 2005
24. Petition in opposition to the application purporting to contain the signatures of 1,078 area residents submitted by Barrie Simoneau
25. Presentation, overall site plan and supporting information submitted by Ross Mitchell at the Public Hearting on June 8, 2005
26. Communication submitted by Barrie Simoneau and Ray Cheys at the Public Hearing on June 8, 2005

27. Presentation and supporting documentation submitted by Ross Mitchell at the Public Hearing on June 21, 2005
28. Presentation made by Barrie Simoneau at the Public Hearing on June 21, 2005

REPRESENTATIONS:

In Support:

David Blatz
Andrew Buhler
Erick Dyck
Rob Dyck
Walter Dyck
Joyce and Julian Gervais
David Goyer
Dennis Green
Irv Hildebrand
Ed and Liz LaPlante
Raymonde Lemay
Ross Mitchell
Kerra Mruss
Tony Nocita
Richard Tebinka

In Opposition

Gary and Jordan Adamchuk
Noreen Allsopp
Jeannette and Fern Aminot
Raymond and Frances Arnould
Robert and Judy Audette
Doug Bailey
Cliff and Olga Barth
Garnet and Phyllis Bates
G. L. Benoit
Robert and Sharon Besignano
Guy Bilodeau
Alex Blando
J. Jacques and Pierrette Bordeaux
Jimmy Joseph Bouchard
Ernest and Therese Bouchard
Dean Brescacin
Heidi Carriere
Ron Caspen
Joe Cattani
Fern and Doreen Champagne
Lynne Champagne
A. Chartrand
Ray and Denise Cheys
Michael and Nettie Cole
Norbert Collette
F. Les Cox and Diana C. Cox
Walter and Sally Davie
Lorraine Davies-Gubic
Romeo and Debbie Desrosiers
Gaylene Douglas
F.C. and Joyce J. Doman
Donna and Paul Downie
Gaylene Douglas
Darlene Dowhy
Eugene and Barbara Drul
Anna Maria Du Croix
Carly and Carlton Duguay
Harvey V. Dumontier
Karrie Dumontier
Scott Edwards
Brenda Ellement
Merle Feir
Ross Fife
Darryl and Collette Forbes
Harold Gibbons
Guy George
Holly and Herman Giesbrecht
Keith Glawson
Carol Goebel
John and Caroline Gorrie
Frank Hemming
K. and Christine Hetzel
Brian Heinrichs
Tannis and Scott Hewitt
Ivan Hiebert
Dave Hislop

Katherine Hudek
Elsie Hudson
A. and A. Huyghe
Barry Hyde
Terry Isaryk
Ken Jenner
Wilma and Don Johnson
Ben and Susan Kauenhofen
John and Lenora Kauenhofen
Vicki Kerfoot
Patrick and Kimberley Kiemeney
Jeff Krahn
Valarie and Phil Kuhtey
Margaret and Michael Kulczycki
Elsie, Mary, Shirley and Jules Lajoie
Ronald Lamontagne
Michel Landry
Susanne and Walter Langver
Ingemar J. Laur
Aaron and Lori Lennon
Charles Lemay
Frank R. Leslie
Gerald Manaigre
Shelley and Don Marion
Lance Mastaler
Roland Maynard
Amanda, Bobbie, Darryl, Jill and Julie McCallum
Dale McComb
Leonard J. McGowan
Matt Meder
Fran and John W. Meneer
Helen Mitchell
M. F. and Sheila Paddon
Adrian Pastulovic
Calvin and Maxine Pattle
John Pelletier
Aline and Marc Piche
Lily Popp
Ari Potash
Dianne Ramm
Ursula and Gundars Reinfelds
Irene and Roger Remillard
Mark Richter
William and Louise Riegle
Albert Rioux
John R. Roberts
Colin Rochon
Florence Rochon
Gerald and Dorothy Rochon
Sharon Ross
Shelly Rozon
Gerry Savard
Wanda Schlamb
Larry Schlamb
Jean and Peter Schramke
Lisa and Larry Schultz
Clint and Monique Seys
Perry and Rose Shergold
Brian Shrimpton
Barrie Simoneau
Mark Slogan
Sandra and Peter Slusarenko
Brian Smith
Dwight and Annette Smith
Louise Smith
Solveig. J. Stetski
Gisele Strong
Gordon Sutherland
Lucille and James E. Thurston
Robert Touchette
Marcel Trudeau
John Truijen
Brad and Diana Vaile
Edward and Joan Van Mierlo
Stephen Van Mierlo
Walter Wiens
Heather and Randy Yakimoski
Norman Yee
Ernie Zacharias

For Information:

Rod and Janice Biebrich
Pete Cassels
JoAnne Gillan
Brian Kiene
Michelle Masserey
Darlene Meissner
Henry Miller
Bill Pankiw
Gene Perry
Richard Rajotte
Michelle Riese
Billie Schibler
Larry Schlamb
Robert J. Stevenson

For the City:

Ernie Carriere, Land Development Engineer, Planning, Property and Development Department
Roy Hartman, Traffic Assessment Engineer, Public Works Department
Kevin Lalor, Senior Planner, Planning, Property and Development Department
Michael Robinson, Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

June 21, 2005
Ross Mitchell, ND Lea Engineers and Planners Inc., appeared in support of the application. Mr. Mitchell indicated that two (2) meetings were held with area representatives since June 8, 2005. Mr. Mitchell read into the record a presentation (filed as Exhibit 27) which summarized proposed amendments to the administrative recommendation to ensure that the site would be developed in accordance what was discussed with the area representatives.

Barry Simoneau and Ray Cheys appeared in opposition to the application. Mr. Simoneau read a presentation (filed as Exhibit 28) into the record.

Ross Mitchell returned in rebuttal. In response to a question from Councillor Magnifico, Mr. Mitchell stated that the developer would consider maintaining the Dawson Road right-of-way but could not commit to doing so at this time. Mr. Mitchell further stated that the cairn to be erected in the Dawson Road right-of-way would likely be located at its south end.

In response to a question from Councillor Magnifico, the Senior Planner stated that he was supportive of the Community Committee incorporating the additional conditions submitted by Ross Mitchell into its recommendation.

June 8, 2005

Ross Mitchell, ND Lea Engineers and Planners Inc., appeared on behalf of the applicant in support of the application and provided an overview of the proposal (see Exhibit 25). Mr. Mitchell indicated that his company was hired to organize public meetings with area residents to provide information on the project. Mr. Mitchell introduced Walter Dyck, WRE Development Ltd., who appeared in support of the application. Mr. Mitchell addressed a number of the concerns raised by area residents contained in the pamphlets circulated in Windsor Park. Mr. Mitchell further stated that this project would help meet the demand for multiple-family housing in the City of Winnipeg and would offer area residents a much better option than what could potentially be constructed on the subject property under the current zoning.

Richard Tebinka, ND Lea Engineers and Planners Inc., provided information on traffic issues and explained that his statistics (see Exhibit 25) were derived from information provided by the City of Winnipeg and independent traffic counts. Mr. Tebinka stated that a commercial development built on the subject site could potentially generate five (5) to six (6) times more traffic than what was being proposed.

Discussion ensued with respect to density, landscaping, set backs, height restrictions, traffic, school overcrowding, market demands, taxes, sewers, land drainage, noise pollution, lighting, parking, garbage, snow clearing, low income housing and other WRE Development Ltd.-owned properties in the City of Winnipeg.

David Blatz, WRE Development Ltd., appeared in support of the application.

Irv Hildebrand appeared in support of the application. Mr. Hildebrand stated that his home is located approximately one block from the development and that he preferred the current proposal over what could potentially be constructed on the site under the current zoning. Mr. Hildebrand further stated that the development would generate much needed tax revenue for the City of Winnipeg.

Dennis Green, Facility Manager, Springs Church, appeared in support of the application. Mr. Green stated that the development would likely adversely affect traffic in the area but that the property is an eyesore and should be developed. Mr. Green further stated that deceleration lanes should be constructed on Lagimodiere Boulevard and that Springs Church should be reimbursed for fifty percent (50%) of the cost of the lights installed at the intersection of Paterson Street and Lagimodiere Boulevard.

Barrie Simoneau, Windsor Park Affirmative Action Rezoning Committee (WINPAARC), appeared in opposition to the application and read from a prepared presentation, filed as Exhibit 23. In response to questions from Councillor Magnifico, Mr. Simoneau stated that area residents

were concerned with the rezoning/application process and the lack of consultation with affected parties. Mr. Simoneau further stated that the proposed development would not be consistent with architecture in the area.

Lance Mastaler appeared in opposition to the application. Mr. Mastaler stated that he has resided in the area for twenty-eight (28) years and that he did not want a precedent established by means of the approval of a development of this size. Mr. Mastaler raised concerns regarding privacy and questioned the amount of screening provided by trees during the winter. Mr. Mastaler also raised concerns regarding increased traffic and a decrease in property values. In response to a question from Councillor Magnifico, Mr. Mastaler stated that he did not support the approval of a multiple-family development on the land in question.

Ursula Reinfelds appeared in opposition to the application. Ms. Reinfelds stated that the subject property is located directly behind her property. Ms. Reinfelds iterated that she would prefer the establishment of a residential development over a commercial development. Ms. Reinfelds further stated that, should the application be approved, the building height should be limited to two (2) storeys along the Dawson Road right-of-way.

Gundars Reinfelds appeared in opposition to the application. Mr. Reinfelds voiced concerns with respect to the height of the proposed building and its proximity to his residence. In response to a question from Councillor Magnifico, Mr. Reinfelds stated that he could possibly support a multi-family residential development on the site in question at half of the proposed density coupled with larger setbacks. In response to a question from Councillor Steeves, the Senior Planner indicated that the current zoning could accommodate a commercial building of the same height that could be located approximately ten (10) feet closer to Dawson Road.

Charlie Lemay appeared in opposition to the application and reiterated concerns with respect to traffic on Paterson Street. Mr. Lemay stated that once the subject property is developed, regardless of what is eventually built on it, he will circulate a petition in support of closing Paterson Street at Lagimodiere Boulevard. Discussion ensued with respect to traffic volumes in the area. In response to a question from Councillor Steeves, Mr. Lemay stated that a commercial development would generate less traffic in Windsor Park than a residential development.

Tanis and Scott Hewitt appeared in opposition to the application. Ms. Hewitt asked how an entrance and exit at the intersection of Leveque Street and Lagimodiere Boulevard could work as its position on a curve, coupled with the proposed berming and fencing, would result in a dangerous blind intersection. Ms. Hewitt further stated that the installation of traffic lights at the Leveque Street intersection would be impractical due to the proximity of lights at the intersection of Lagimodiere Boulevard and Fermor Avenue. Ms. Hewitt questioned the validity of the traffic study done by the developer.

Mr. Hewitt raised concerns relative to the safety of children on Paterson Street. In response to a question from Councillor Magnifico, Mr. Hewitt stated that his traffic concerns would be alleviated should vehicles from the proposed development be prohibited from accessing Paterson Street.

Irene and Roger Remillard appeared in opposition to the application. Mr. and Mrs. Remillard reiterated concerns relative to traffic, setbacks, safety and density.

Harvey Dumontier appeared in opposition to the application. Mr. Dumontier, an area resident for thirteen (13) years, reiterated concerns with respect to traffic. Mr. Dumontier stated that he would prefer single-family housing on the site and that the subject property would not be suitable for commercial development.

Randy Yakimusky appeared in opposition to the application. Mr. Yakimusky stated that he was concerned as the applicants have not confirmed at the public hearing that this development would cater exclusively to seniors. In response to question from Councillor Steeves, Mr. Yakimusky stated that he may be supportive of the development should tenancy be limited to a fifty-five plus demographic and the proposed project be scaled down.

Joe Cattani appeared in opposition to the application. Mr. Cattani was opposed to the application as the applicant would be maximizing his investment at the expense of area residents. Mr. Cattani raised concerns regarding traffic and recommended that a new traffic study be done for the area. Mr. Cattani stated that the developer and the City of Winnipeg Administration should have conducted a community consultation before bringing forward a project of this magnitude.

Norbert Collette appeared in opposition to the application. Mr. Collette reiterated concerns regarding traffic and the application process. Mr. Collette stated that there are few amenities for seniors in the vicinity of the subject property. Mr. Collette stated that he wanted assurances that the Dawson Road area would be maintained in the future.

Michael Cole appeared in opposition to the application. Mr. Cole stated he was not concerned about the potential commercial use of the land in question. He further stated that he would prefer if the site was developed commercially to service residents in the area as there is a lack of commercial amenities in the area. .

Shelley and Don Marion appeared in opposition to the application. Ms. Marion stated that previous presenters had covered most of her concerns and that she did not want a four (4) storey development in her backyard. Mr. Marion stated that he was concerned that the development would not be as successful as anticipated and may attract undesirable renters as the owners are forced to lower rent to draw tenants.

Terry Isaryk appeared in opposition to the application. Mr. Isaryk stated that, in his experience as a realtor, a development like this would decrease the property values of homeowners its vicinity. Mr. Isaryk reiterated concerns regarding landscaping/buffering, height of the proposed development and setbacks.

Lynne Champagne appeared in opposition to the application and reiterated concerns regarding traffic. Ms. Champagne stated that the property has been zoned commercial for quite some time and has yet to be developed. Ms. Champagne stated that the proposed development would not be in character with the existing neighbourhood.

Susan Langver appeared in opposition to the application and reiterated concerns regarding traffic.

Ken Jenner appeared in opposition to the application. Mr. Jenner stated that he was opposed to the City of Winnipeg exchanging land with the developer for the Dawson Road right-of-way. Mr. Jenner further stated that he would prefer a lower-density residential development to a commercial one and that the plan for the subject site could be reconfigured to provide for two (2) storey buildings on the west side of the development and taller buildings along Lagimodiere Boulevard.

Carol Goebel appeared in opposition to the application and reiterated concerns regarding safety and traffic.

Darryl McCallum appeared in opposition to the application and reiterated concerns regarding the traffic study. Mr. McCallum stated that:

- the development would have to be built around the aqueduct;
- the site is not a viable commercial site due to its location and lack of access;
- the proposed overpass at the intersection of Fermor Avenue and Lagimodiere Boulevard will likely require a portion of the subject property.

Larry and Lisa Schultz appeared in opposition to the application and reiterated concerns regarding traffic, the ND Lea Engineers and Planners Inc. traffic study and density.

Frank Hemming appeared in opposition to the application and reiterated concerns regarding traffic and landscaping.

Larry Schlamb appeared in opposition to the application and provided a history on Dawson Road. Mr. Schlamb stated that the Dawson Road right-of-way is used by area residents as a walking trail and should be preserved as a park dedicated to the memory of Simon James Dawson.

Florence Rochon appeared in opposition to the application. Ms. Rochon, an area resident for thirty (30) years, reiterated concerns with respect to traffic and the rezoning application approval process. In response to a question from Ms. Rochon, the Senior Planner stated that, in preparing his report, consultation occurred with representatives from the Water and Waste and Public Works Departments and focus was placed on noise attenuation, traffic and the overall impact the development would have on existing homes.

Valerie Kuhtey, an area resident for twenty-eight (28) years, appeared in opposition to the application and reiterated concerns regarding traffic.

Darlene Dowhy, an area resident for forty-one (41) years, appeared in opposition to the application and reiterated concerns regarding traffic. In response to a question from Councillor Steeves, Ms. Dowhy stated that she was opposed to the construction of a rental development as it would decrease her property value.

Ray Cheys, accompanied by Norman Yee, appeared opposition to the application. Mr. Cheys reiterated concerns regarding traffic, reduced privacy, the preservation of the Dawson Road right-of-way and density. Mr. Yee reiterated the request for a traffic study and the need to preserve Dawson Road. Mr. Yee stated that area residents may support an amended plan with a reduced number of units, reduced building height, increased setbacks and a guaranteed ratio of seniors in the proposed development. Mr. Cheys further stated that access to the development should be limited to Lagimodiere Boulevard. Mr. Yee asked if a traffic study was going to be done. Mr. Cheys stated that, in 2002, the intersection and Lagimodiere Boulevard and Fermor Avenue had the second highest collision rating in the City of Winnipeg.

Richard Rajotte, a resident of Windsor Park for forty-five (45) years, appeared for information with respect to the application, reiterated concerns regarding traffic and quoted traffic statistics from the City of Winnipeg website. Mr. Rajotte stated that he would prefer if the land in question could remain greenspace as apartment blocks are not a good fit for the Community.

Ross Mitchell returned in rebuttal. Mr. Mitchell stated that the proposed development would create significantly less traffic then a commercial development and would have little impact on traffic in the area.

In rebuttal, Richard Tebinka stated:

- The traffic study was done using a one day count and a trip generation formula;
- A condition of the Administrative Coordinating Group report required the developer to construct concrete pavement extensions to the existing northbound left turn and southbound right turn storage lanes on Lagimodiere Boulevard at its intersection with Paterson Street at no expense to the City;
- The City of Winnipeg's Public Works Department was supportive of the application;
- The intersection at Leveque Street would not likely be signalized;
- The traffic study was based on rates of traffic generated by a three hundred (300) unit, non-senior, multiple-family complex;

In response to question from Councillor Magnifico, Roy Hartman stated that the City of Winnipeg would not support a direct access from Lagimodiere Boulevard to the site.

Mr. Mitchell further stated:

- The developer will have to relocate the bus loop at Paterson Street at their cost;
- The population of the Windsor Park has decreased from 14,655 residents in 1971 to 9,710 residents in 2005 according to Statistics Canada;
- That WRE Development Ltd. would endeavour to attract seniors to the complex with programs and amenities;
- The height of the proposed buildings adjacent to Dawson Road would be limited to thirty-eight (38) feet as opposed to forty-five (45) feet which is allowed under the current zoning;
- The set-backs at Dawson Road would be longer that what would be permitted under the current zoning;

In response to a question from Councillor Magnifico, Mr. Mitchell stated that the developer would be willing to drop the height of the buildings located along Dawson Road to three (3) three storeys in height.

In response to a question from Councillor Swandel, Mr. Mitchell indicated that the project would likely not be viable if it was reduced to less than three hundred units. Mr. Mitchell stated that reducing the height of the buildings located along Dawson Road could be viable if the lost units could be made up in the buildings along Lagimodiere Boulevard.

Councillor Magnifico stated that he would prefer it if the development could be limited to two (2) storeys in height along Dawson Road and reduced to a total of two-hundred and fifty (250) units.

Exhibit "7" referred to in File DAZ 215/2005 [c/r DAV 114260/2005D, DAOC 2/2005]

Winnipeg

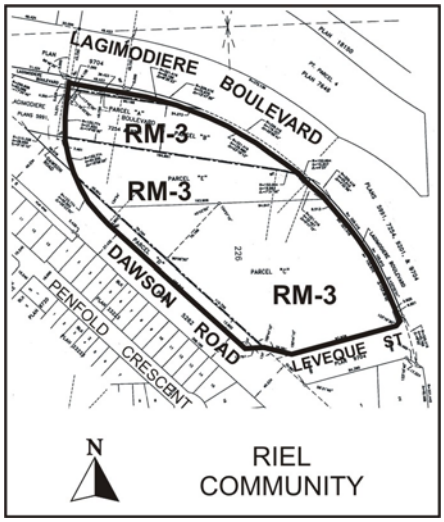
Planning, Property and Development Department Report

To the Riel Community Committee

Date: March 28/05
File: DAZ 215 /05
Related Files: DAV05-114260D, DAOC 2/05
Subject: To rezone the overall property to an "RM-3" Multiple Family District in order to accommodate 300 dwelling units in five (5) separate buildings.

Location: West of Lagimodiere Blvd., North of Leveque St., East of Dawson Road

Legal Description: Part Bk. 226 Plan 433 RCMP lying SW of SW limit of work and road shown colored brown and pink on Plan 5991 lying N of a line drawn north of parl with & perp dist. 800 from N limit of Youville Road Plan 433 exc road outlined pink on Plan 9704 Pt. Block 226 cont. within following limits comm. At intersection of NE limit Dawson Road Plan 5282 & a Str line drawn north of parl to & perp distance 800f from north limit Youville Road Plan 433 thence Ely along said last mentioned line 325 f thence Swly in str line in point in said NE limit distance Sely 230f from point of commence thence NWly along said NE limit to point of commence. And Lot 4, Plan 10741 RCMP.



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Applicant: **Dave Goyer Architect**
Owner: **4937938 Manitoba Ltd.**

Recommendation: (Approved with Conditions)

Site Description

The subject parcel of zoned C2 land encompasses an area of approximately 10.34 acres and is situated immediately north of Leveque Street and west of Lagimodiere Blvd. It is bounded on the west by an unopened Dawson Road right-of –way which separates the property from an adjoining established residential neighbourhood zoned R1-4 Single Family and R1-5 Single Family. Approximately 30 lots back onto Dawson Road. To the north and east across Lagimodiere Blvd. is a large church facility (Springs of Living Water) zoned PR-2 Parks & Recreation and a mix of commercial and industrial businesses zoned M1 Industrial. Immediately to the south are two existing businesses, a gas outlet and a drive through restaurant, both zoned C2 Commercial.

Background

In November 2004, the applicants made application for a conditional use permit in order to establish 348 unit rental housing development at the subject location. Under the C2 zoning, multiple family housing is an allowable use to a limited density. Under that initial proposal, there was provision for 539 surface parking stalls (1.54 stalls per proposed unit) which would accommodate the five (5) four story buildings to be constructed on site.

In the months following, the Administration met with the applicants and persuaded them to opt for an alternative process; specifically the rezoning of the land to an RM-3 Multiple Family category instead of continuing with the conditional use process. There were two primary reasons for recommending in favor of the rezoning process and they were as follows: 1) if a conditional use application had been pursued, the public hearing would have been held before the Board of Adjustment while an accompanying DOAC application would have had to be brought before the Riel Community Committee for evaluation and approval. That would have resulted in some possible confusion from a neighbourhood perspective and would have necessitated the publics having to attend two separate meetings at two separate venues. It was deemed to be much more appropriate to have all applications including any variances reviewed by the Riel Community Committee. 2) In addition, it is easier to have any servicing and /or zoning agreements that may be required attached to a rezoning application as opposed to a conditional use application. And in this particular case, there is a need for both types of agreements.
Subsequently after several meetings between various representatives of the Administration and the applicants, changes have been made to the original proposal, changes which will high-lighted in the next section of this report.

Description of the Proposed Development

Recently revised plans dated February 7th/05 illustrate a proposal that is somewhat modified from that which was originally submitted. The applicants are to commended for making a

number changes to the overall site plan which address issues related to internal vehicle and pedestrian circulation, parking and noise attenuation barriers. There are still five (5) four story buildings on site but the density has been reduced to 300 units. Under the by-law, 450 parking stalls are required; 466 surface stalls have been provided. In accordance with minimum requirements established by the City's Public Works Dept., there is to a 12 ft. berm and fence constructed along most of the Lagomodiere and Leveque St. frontages. This is required in order to comply with the City's Motor Vehicle Noise Policy. Also there is a minimum 50' setback required between any building on site and the Lagimodiere Blvd. right-of-way. Internal pathway systems connect the parking areas with buildings and the two open space areas located at the north and south ends of the project site. In addition, an 8.5 ft. fence is to be constructed around the remainder of the site, including the west periphery. It is estimated that there is approximately 130-140 feet of separation between the proposed buildings on the west half of the lot and the rear property lines of the existing residences along Penfold Avenue.

Analysis

The subject property is currently zoned for unrestricted commercial use and it is the Planning and Land Use Division's contention that the highest and best use of this property is for low to medium residential development, not commercial development. There is simply not adequate access to this property to serve high intensity commercial use. In addition, a properly designed residential proposal would, in our view, be more compatible with adjoining residential neighbourhoods. After months of ongoing consultation with the Administration, the applicant has achieved what we believe is a relatively well designed project which can be endorsed by your Committee subject to all conditions as recommended. It should be noted that the proposal fully complies with Plan Winnipeg Policy, in that it constitutes the provision of new infill housing and in this case much needed rental housing.

Recommendation

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

- The proposed development is appropriately located and will not have minimal, if any, adverse effect on adjoining properties.
- The proposed development constitutes infill housing, in accordance with Plan Winnipeg Policy.
- The proposal, if approved, will provide much needed rental housing, very little of which has been constructed in recent years anywhere in the City of Winnipeg.

Recommended Conditions of Approval

I. That The Winnipeg Zoning By-Law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File No. DAZ 215/05, attached hereto and dated march 28/05, 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:

1. That a noise attenuation wall and berm be constructed as outlined and in accordance with plans submitted and dated February 7/05.
2. That there be a minimum 50' setback between any building constructed on the site and the Lagimodiere Blvd. R.O.W.
3. That there be no approaches serving the development off of Lagimodiere Blvd.
4. That final site plans illustrating building locations/ elevations, parking approaches, exterior lighting, garbage enclosures, fencing landscaping 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.

B.) 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 a ten (10) percent 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 market value of the land and the creation of additional sites, (if applicable).

III. 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.

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

V. That the rezoning by-law shall come into effect when the Zoning Agreement has been registered by caveat 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.**

VI. 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.

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

Report Prepared by: Kevin Lalor
PPD File # 525

By-Law No. _____

Atlas Sheet No.

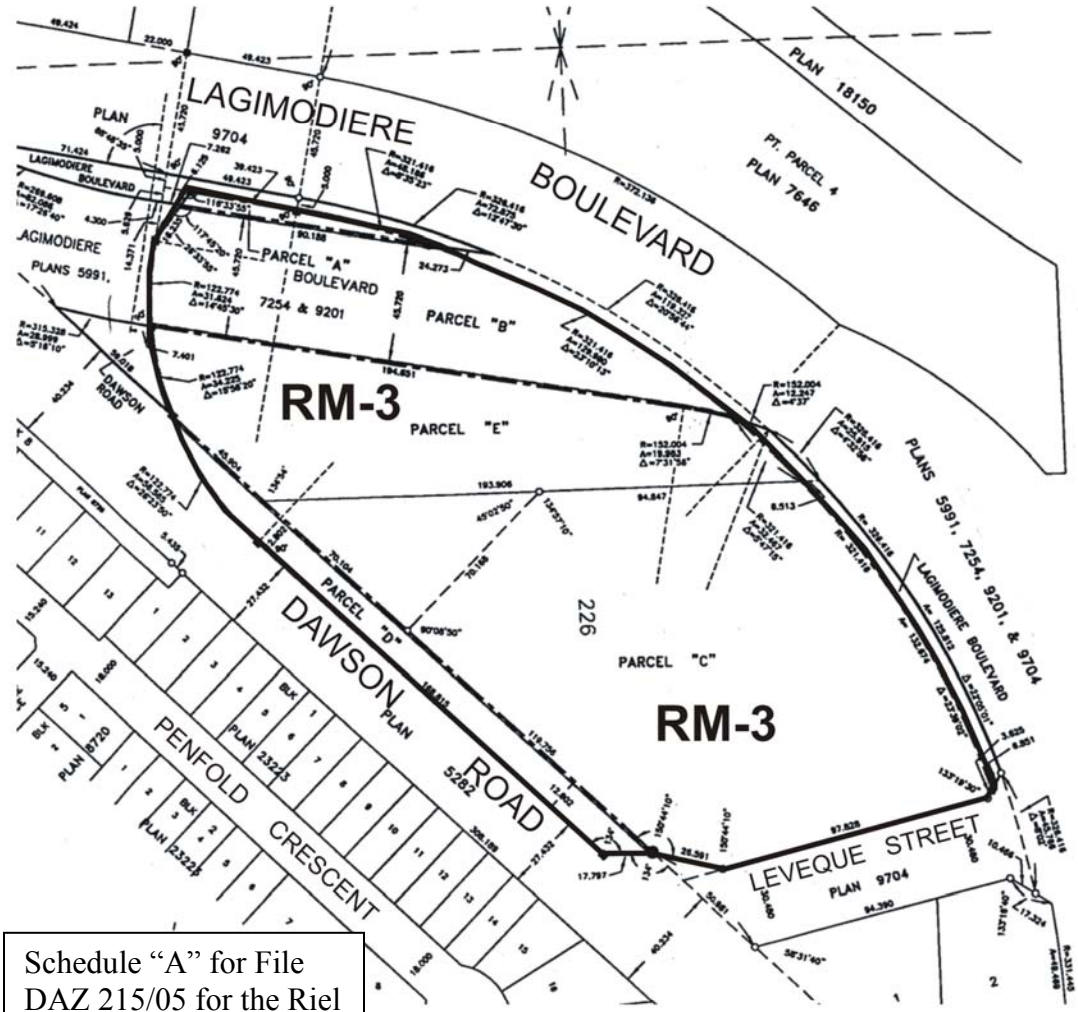
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File No. **DAZ 215/05**

Explanation

A proposed zoning change to By-law No. 6400/94 by rezoning the land located on the south of Lagimodiere Boulevard, East of Dawson Road and North of Leveque Street from a "C2" COMMERCIAL DISTRICT and an "M1" INDUSTRIAL DISTRICT to an "RM-3" MULTIPLE-FAMILY DISTRICT as shown outlined below.



Schedule "A" for File DAZ 215/05 for the Riel Community Committee, dated March 28/05

THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

Exhibit "21" referred to in File DAZ 215/2005 [c/r DAV 114260/2005D. DAOC 2/2005]

REVISED MEMO

Date: May 9, 2005

To: M. Pittet, Clerk

From: E.L. Carrière, Land Development Branch

RE: **Proposed rezoning of land located on the west side of Lagimodiere Boulevard north of Fermor Avenue – DAZ 215/05**
FILE: AG 215/05 (PLEASE QUOTE WHEN REPLYING)

An application has been submitted by David Goyer Architecture to rezone land located on the west side of Lagimodiere Boulevard north of Fermor Avenue.

It is recommended that approval be subject to the Developer entering into a Servicing Agreement with the City as follows:

1. The Developer shall pay its share of the cost of the existing underground services in Lagimodiere Boulevard and Dawson Road based on the Local Improvement frontage rates therefor in effect at the time payment is made.
2. The Developer shall, at no expense to the City, construct landscaped berms and a uniform noise attenuation fence 2.0m in height abutting Lagimodiere Boulevard, rue Leveque and Paterson Street, within the subject property, as generally illustrated on the David Goyer Architecture Inc., Lagimodiere & Fermor Residential plan revision dated February 7, 2005, as determined by and to the satisfaction of the Director of Public Works.
3. The Developer shall, at no expense to the City, construct portland cement concrete pavement to a width of 7.5m by 150mm in thickness, in rue Leveque from the terminus of the existing concrete pavement approximately 40.0m west of Lagimodiere Boulevard to approximately 10.0m west of the proposed private approach serving the subject development, and all related works all as determined by and to the satisfaction of the Director of Public Works.
4. The Developer shall, at no expense to the City, construct in portland cement concrete pavement, extensions to the existing northbound **left turn** and southbound **right** turn storage lanes on Lagimodiere Boulevard at its intersection with Paterson Street to lengthen said storage lanes to a total length of 80.0m, plus 55m transitions and all related works all as determined by and to the satisfaction of the Director of Public Works.
5. The Developer shall, at no expense to the City, relocate the existing Transit Department bus loop/layover point, to a location in the vicinity of the intersection of Paterson Street

and Lagimodiere Boulevard as determined by the Directors of Transit and Public Works, and shall construct the relocated bus loop/layover point and all related works, all as determined by and to the satisfaction of the Directors of Transit and Public Works.

6. The Developer shall pay all costs associated with the provision of vehicular access to serve the proposed development, as determined by and to the satisfaction of the Director of Public Works.
7. The Developer shall pay to the City, in cash, its share (25%) of the cost of the existing traffic control signals previously installed at the intersection of Paterson Street and Lagimodiere Boulevard, as determined by the Director of Public Works.
   This payment is intended as a recovery for the Church on the east side of Lagimodiere Boulevard who previously paid the full cost of the traffic control signal installation.
8. 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.
9. The Developer shall pay all costs associated with the installation and/or relocation of street lights and other utilities made necessary as a result of or required to accommodate works, which are required by the Developer to serve the 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 the clean up of litter and refuse from the contractors and builders for this development, both on-site and off-site, during the installation of services and construction of buildings, until substantial completion of all construction. The clean up of litter and refuse shall be done on a regular basis as determined by the Director of Public Works. This shall include initiating action and assuming any costs in remedying the situation to the satisfaction of the Director of Public Works.
11. The Developer shall ensure that construction traffic uses access routes as determined by the Director of Public Works. The Developer shall maintain, at no expense to the City, the access routes in a clean, dust free and safe condition, free of dropped and tracked-on mud, and shall undertake regular scarping and sweeping of streets until building construction, including landscaping is complete, all as determined by and to the satisfaction of the Director of Public Works.
12. The Developer shall 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 development.
13. The Developer shall pay $1,675.00 to defray the City's administration and related costs associated with the preparation and implementation of the servicing agreement.

_____

E.L. Carrière, P.Eng.
Land Development Engineer

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Exhibit "8" referred to in File DAZ 215/2005 [c/r DAV 114260/2005D. DAOC 2/2005]

Winnipeg

Date: March 24, 2005

To: M. Pittet, Clerk

From: E.L. Carrière, Land Development Branch

RE: **Proposed rezoning of land located on the west side of Lagimodiere Boulevard north of Fermor Avenue – DAZ 215/05**
FILE: AG 215/05 (PLEASE QUOTE WHEN REPLYING)

An application has been submitted by David Goyer Architecture to rezone land located on the west side of Lagimodiere Boulevard north of Fermor Avenue.

It is recommended that approval be subject to the Developer entering into a Servicing Agreement with the City as follows:

1. The Developer shall pay its share of the cost of the existing underground services in Lagimodiere Boulevard and Dawson Road based on the Local Improvement frontage rates therefor in effect at the time payment is made.
2. The Developer shall, at no expense to the City, construct landscaped berms and a uniform noise attenuation fence 2.0m in height abutting Lagimodiere Boulevard, rue Leveque and Paterson Street, within the subject property, as generally illustrated on the David Goyer Architecture Inc., Lagimodiere & Fermor Residential plan revision dated February 7, 2005, as determined by and to the satisfaction of the Director of Public Works.
3. The Developer shall, at no expense to the City, construct portland cement concrete pavement to a width of 7.5m by 150mm in thickness, in rue Leveque from the terminus of the existing concrete pavement approximately 40.0m west of Lagimodiere Boulevard to approximately 10.0m west of the proposed private approach serving the subject development, and all related works all as determined by and to the satisfaction of the Director of Public Works.
4. The Developer shall, at no expense to the City, construct in portland cement concrete pavement, extensions to the existing northbound and southbound left turn storage lanes on Lagimodiere Boulevard at its intersection with Paterson Street to lengthen said storage lanes to a total length of 80.0m, plus 55m transitions and all related works all as determined by and to the satisfaction of the Director of Public Works.
5. The Developer shall, at no expense to the City, relocate the existing Transit Department bus loop/layover point, to a location in the vicinity of the intersection of Paterson Street and Lagimodiere Boulevard as determined by the Directors of Transit and Public Works, and shall construct the relocated bus loop/layover point and all related works, all as determined by and to the satisfaction of the Directors of Transit and Public Works.

6. The Developer shall pay all costs associated with the provision of vehicular access to serve the proposed development, as determined by and to the satisfaction of the Director of Public Works.
7. The Developer shall pay to the City, in cash, its share (25%) of the cost of the existing traffic control signals previously installed at the intersection of Paterson Street and Lagimodiere Boulevard, as determined by the Director of Public Works.

   This payment is intended as a recovery for the Church on the east side of Lagimodiere Boulevard who previously paid the full cost of the traffic control signal installation.
8. 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.
9. The Developer shall pay all costs associated with the installation and/or relocation of street lights and other utilities made necessary as a result of or required to accommodate works, which are required by the Developer to serve the 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 the clean up of litter and refuse from the contractors and builders for this development, both on-site and off-site, during the installation of services and construction of buildings, until substantial completion of all construction. The clean up of litter and refuse shall be done on a regular basis as determined by the Director of Public Works. This shall include initiating action and assuming any costs in remedying the situation to the satisfaction of the Director of Public Works.
11. The Developer shall ensure that construction traffic uses access routes as determined by the Director of Public Works. The Developer shall maintain, at no expense to the City, the access routes in a clean, dust free and safe condition, free of dropped and tracked-on mud, and shall undertake regular scarping and sweeping of streets until building construction, including landscaping is complete, all as determined by and to the satisfaction of the Director of Public Works.
12. The Developer shall 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 development.
13. The Developer shall pay $1,675.00 to defray the City's administration and related costs associated with the preparation and implementation of the servicing agreement.

"Original signed by E.L. Carrière"
E.L. Carrière, P.Eng.
Land Development Engineer

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