Agenda - Council - September 28, 2005

Report - Standing Policy Committee on Property and Development - September 12, 2005

Item No. 8 Rezoning - 80 Snow Street
File DAZ 227/2005

STANDING COMMITTEE RECOMMENDATION:

On September 21, 2005, 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 227/2005 dated July 6, 2005, to an "RM-3" Multiple-Family Residential 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 plans for each phase of the subject application including details regarding building location, building materials, building profiles, parking areas, fencing, landscaping, exterior lighting, approaches and garbage enclosures be submitted to and approved by the Director of Planning, Property and Development and the Riel Community Committee in consultation with the Southwood Golf Course Board of Governors prior to the issuance of any building permits.

2. That the Developer be required to enter into a Servicing Agreement with the City containing the following condition, namely:

   A. That the developer construct a turn-a-round at the south terminus of Snow Street and provide any additional right-of-way as required.

3. That Caveat No. 2330662 be discharged.

4. That a ten percent (10%) dedication be made by a payment of a sum of money to the City in lieu of the requirement for land dedication based on the increase in the market value of the land.

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 - September 12, 2005

6. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary rezoning by-law and forward same to Council for all three readings.

7. 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 - September 12, 2005

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On September 21, 2005, 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 submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On September 12, 2005, the Standing Policy Committee on Property and Development concurred in the recommendation of the Riel Community Committee with the following amendment, namely:

- That the words "City of Winnipeg" be deleted in the fourth line of Recommendation 1A. and the words "Director of Planning, Property and Development be substituted therefore,

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

COMMUNITY COMMITTEE RECOMMENDATION:

On July 18, 2005, the Riel Community Committee concurred in the administrative recommendation with the following amendments, namely:

- That the following be added to the end of Recommendation 1, namely:

  "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 plans for each phase of the subject application including details regarding building location, building materials, building profiles, parking areas, fencing, landscaping, exterior lighting, approaches and garbage enclosures be submitted to and approved by the City of Winnipeg and the Riel Community Committee in consultation with the Southwood Golf Course Board of Governors prior to the issuance of any building permits."

Report - Standing Policy Committee on Property and Development - September 12, 2005

DECISION MAKING HISTORY (continued):

COMMUNITY COMMITTEE RECOMMENDATION (continued):

- That the following be added as Recommendation 2, namely:

  "2. That the Developer be required to enter into a Servicing Agreement with the City containing the following condition, namely:

  A. That the developer construct a turn-a-round at the south terminus of Snow Street and provide any additional right-of-way as required."

- That the following be added as Recommendation 3, namely:

  "3. That Caveat No. 2330662 be discharged."

- That the remaining Recommendations be renumbered accordingly,

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

RE: **Rezoning - 80 Snow Street**
File DAZ 227/2005

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

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

Report date: **July 26, 2005**

COMMUNITY COMMITTEE RECOMMENDATION:

On July 18, 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 227/2005 dated July 6, 2005, to an "RM-3" Multiple-Family Residential 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 plans for each phase of the subject application including details regarding building location, building materials, building profiles, parking areas, fencing, landscaping, exterior lighting, approaches and garbage enclosures be submitted to and approved by the City of Winnipeg and the Riel Community Committee in consultation with the Southwood Golf Course Board of Governors prior to the issuance of any building permits.

2. That the Developer be required to enter into a Servicing Agreement with the City containing the following condition, namely:

    A. That the developer construct a turn-a-round at the south terminus of Snow Street and provide any additional right-of-way as required.

3. That Caveat No. 2330662 be discharged.

4. That a ten percent (10%) dedication be made by a payment of a sum of money to the City in lieu of the requirement for land dedication based on the increase in the market value of the land.

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

7. 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 July 6, 2005.

PUBLIC HEARING SUMMARY

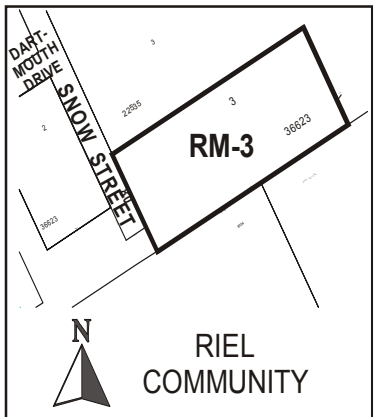
File: DAZ 227/2005

Before: Riel Community Committee
Councillor Swandel, Chairperson
Councillor Magnifico

Public Hearing: July 18, 2005
St. Norbert Community Centre, 3450 Pembina Highway

Applicant: David Goyer Architecture (Daniel Serhal)

Subject:



APPLICANT: DAVID GOYER ARCHITECTURE
FILE: DAZ 227/05
PROPOSAL: To rezone the land shown outlined above from an "RM-2" MULTIPLE-FAMILY 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 227/05
PROJET : Rezoner les sols délinéés ci-dessus afin de les faire passer de la catégorie RM-2 (SECTEUR D'HABITATIONS MULTIFAMILIALES) 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: 80 Snow Street

Exhibits Filed:

1. Application dated May 31, 2005
2. Notification of Public Hearing dated June 3, 2005
3. Manitoba Status of Title 1871652
4. Letter of authorization dated May 16, 2005 from Southwood Estates Inc. to David Goyer Architecture
5. Plans (3 pages)
6. Revised Plan
7. Report from the Manager of Planning and Land Use dated July 6, 2005
8. Inspection Report
9. Site Plan and supporting documentation submitted by David Goyer at the Public Hearing
10. Petition in support of the application purporting to contain the signatures of 27 area residents submitted by David Goyer at the Public Hearing
11. Communication dated July 12, 2005, from Patricia McCallum, Executive Director and Jim Gordon, CFO and V.P. of Finances and Support Services, Victoria General Hospital, in support of the application
12. Presentation made by Dr. Gordon Goodridge, President, Southwood Golf and Country Club, at the Public Hearing

REPRESENTATIONS:

In Support:

Frank Bueti
David Goyer
Vince Spezzano

In Opposition

Clare W. Baum
Rudy Boivin
Dr. Gordon Goodridge
Irene and Gary Hamel
Karen Jamer
L.P. Jonassen
John Koschuk
P.F. Perreault
William Reid
Carol and Grant Shaw
Noreen Stewart
Candace Watts

For Information:

Nil

For the City:

Kevin Lalor, Planner, Planning, Property and Development Department
Chris Torpey, Land Development Administrator, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

The applicant, David Goyer, accompanied by Frank Bueti, appeared in support of the application and gave a brief overview of the proposal. Mr. Goyer submitted:

- Supporting documentation and a petition in support of the application purporting to contain the signatures of 27 area residents, filed as Exhibit 10.

- A communication dated July 12, 2005, from Patricia McCallum, Executive Director and Jim Gordon, CFO and VP of Finances and Support Services, Victoria General Hospital, in support of the application, filed as Exhibit 11.

Dr. Gordon Goodridge, President, Southwood Golf and Country Club, appeared in opposition to the application and read from a presentation, filed as Exhibit 12.

Clare W. Baum appeared in opposition to the application.

David Goyer and Frank Bueti returned in rebuttal. In response to a question from the Senior Planner, Mr. Kevin Lalor, Mr. Goyer stated that they would not be willing to "flip" the building footprint of Phase III of the project as they are trying to maximize the number of suites facing the golf course.

Mr. Bueti stated that the applicant would not be willing to incorporate a waiver indemnity agreement but would be willing to work with representatives from the Southwood Golf and Country Club during the plan approval process to address buffering and fencing.

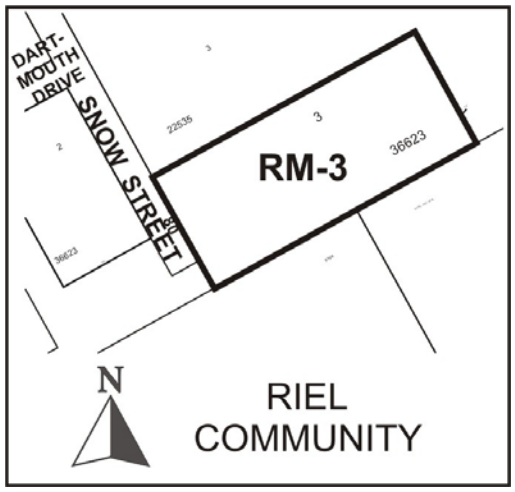
Exhibit "7" referred to in File DAZ 227/2005

Planning, Property and Development Department Report

To the Riel Community Committee

Date: **July 6, 2005**
File: **DAZ 227/05**
Related Files: **N/A**
Subject: Application to rezone land from an "RM-2" Multiple-Family Residential District to a "RM-3" Multiple-Family Residential District to facilitate the construction of a 154-unit, four storey apartment building.

Location: **80 Snow Street**
Legal Description: **LOT 3, PLAN 36623**



Applicant: **David Goyer Architecture Inc. (Daniel Serhal)**
Owner: **Southwood Estates Inc.**

Recommendation: **Approval**

Site Description

The subject property is zoned "RM-2" Multiple-Family Residential District. The property is approximately 3.9 acres (15,783m^2) in area, is vacant land, and is located at the southern most extent of Snow Street, where the street comes to an end.

Surrounding Land Uses

North: Golf course zoned "PR2" Parks and Recreation District

South: University of Manitoba football stadium and vacant land zoned "RM-1" Multiple-Family Residential District.

East: Golf course zoned "PR2" Parks and Recreation District.

West: Snow Street, Victoria General Hospital and associated parking lot zoned "RM-1" Multiple-Family Residential District.

Existing Zoning

Under the current "RM-2" Multiple-Family Residential District, an apartment building is permitted, however the bulk regulations limit the form of an apartment to 35ft (10.6m) in height, or approximately three storeys, and a maximum of 135 units. Therefore, in order to facilitate the construction of a four storey 154-unit apartment, the subject property is required to have a "RM-3" district designation.

Description of the Proposed Development

The applicant, David Goyer Architecture Inc. (Daniel Serhal), is proposing to rezone the subject property to an "RM-3" Multiple-Family Residential District, in order to permit the construction of an apartment building. The proposed apartment will be four storeys in height, and have 154 apartment units. The submitted elevation plans indicate that the apartment will include glazing, brick treatment, and balconies, which will increase the aesthetics appeal, and break up the overall massing of the building. In addition, the applicant states that they indent to incorporate some of the existing mature vegetation, located along the north property line, into the overall site design.

Analysis

Plan Winnipeg Compliance:

The subject property is designated Neighbourhood Policy Area under *Plan Winnipeg 2020 Vision*. The Neighbourhood Policy Area allows for a variety of uses including: residential, commercial, institutional and mixed uses. Therefore the application, to permit a multi-family development, conforms to *Plan Winnipeg 2020 Vision*.

The proposed development is located on at the south end of Snow Street. This location has easy access, via Dartmouth Drive or Markham Road, to Pembina Hwy, which is a major transportation corridor for both automobiles and public transit. *Plan Winnipeg 2020 Vision* encourages a variety of compatible mixed uses (e.g. singe-family houses, townhouses, apartments, commercial retail and offices) in new and existing neighborhoods, and outlines in policy statement *3B-01 (iii)* that high-intensity residential development sites should be located adjacent to major traffic corridors. As the proposed development is in a location with easy access to Pembina Hwy, it conforms to policy statement *3B-01 (iii)*.

Plan Winnipeg 2020 Vision policy statement *3A-02* suggests that the City should promote a compact urban form in support of sustainability. The proposed development is compatible with adjacent land uses, and will provide an increased number of residential units while minimizing the spatial use of land. Therefore the proposed development conforms to policy statement *3A-02*.

Compatibility with existing neighborhood and surrounding uses:

The subject property is located immediately adjacent to a golf course, parking lot, and open fields and a football stadium used by the University of Manitoba. Within the surrounding area is an existing townhouse complex, commercial retail located along Pembina Hwy, and Victoria General Hospital. As such the character of the area could be described as mixed-use.

The proposed zoning is "RM-3" Multiple-Family Residential District, which is intended to provide for multiple family development typically found within close proximity to major roadways. As the surrounding properties, with the exception of the golf course, are zoned either "RM-1" or "RM-2" Multiple-Family District, the proposed rezoning is appropriate with the surrounding existing zoning districts.

Since the subject property is adjacent to a golf course there is a potential for conflict between the two properties as a golfers shot may mistakenly end up in the yard of the proposed apartment development. That being said, the Planning and Land Use Division feel that any potential conflicts, between golfers and future residents, can be minimized through well thought-out site planning at the design stage.

To ensure that the design of the development is appropriate and compliments adjacent properties, a caveat already exists on title which states that prior to the issuance of a building permit, final construction plans indicating elevations, building materials, site access, parking, fencing, landscaping and garbage enclosures must be submitted to and approved by the Riel Community Committee.

To ensure proper access to the site, there is also a caveat on title which states that prior to the issuance of a building permit, the property owner shall enter into a Servicing Agreement, with the City of Winnipeg, to construct a turnaround at the south terminus of Snow Street.

Considering the above-mentioned, it is the opinion of the Planning and Land Use Division that the proposed rezoning to "RM-3" is compatible with the surrounding area, is an appropriate use for the subject property, and therefore should be granted approval.

Recommendation

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

- The proposed rezoning is compliant with *Plan Winnipeg 2020 Vision* and its policies;
- The proposed rezoning is compatible with the surrounding neighborhood and uses; and
- The proposed use will not create an adverse effect on the amenities, use, safety and convenience of the adjoining properties and adjacent area.

Recommended Conditions of Approval

I. That The Winnipeg Zoning By-law 6400/94 be amended by rezoning the subject land as shown on Schedule "A", for file DAZ 227/05, attached hereto and dated, July 6, 2005, to a "RM-3" Multiple-Family Residential District.

II. That a ten (10) per cent dedication be made by a payment of a sum of money to the City in lieu of the requirement for land dedication based on the increase in the market value of the land.

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

V. 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: Derek Eno
PPD File # (3.302)

Schedule "A"

By-Law No. _____

File No. **DAZ 227/05**

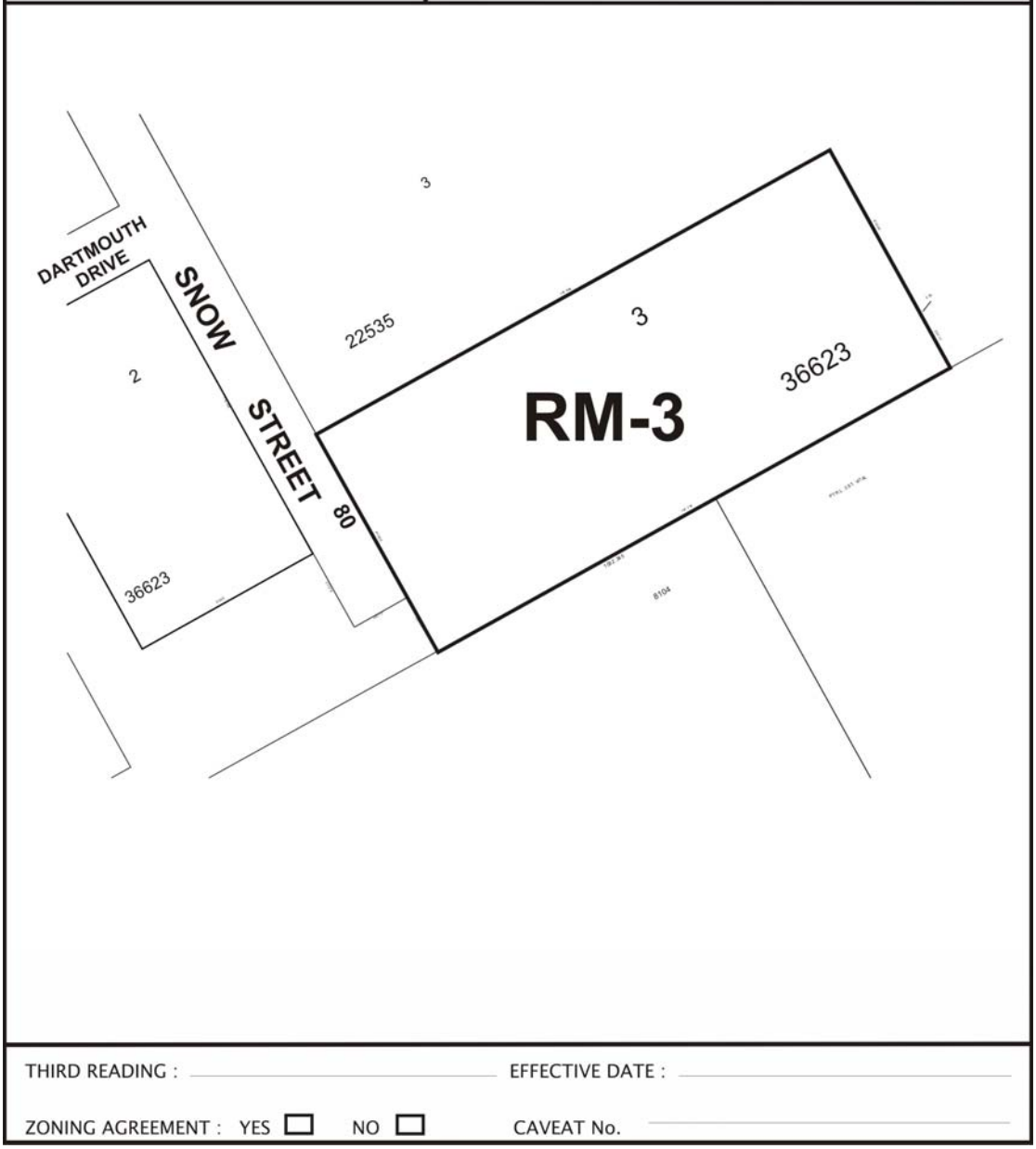
Atlas Sheet No.

N

AK24
RIEL
COMMUNITY

Explanation

A proposed zoning change to By-law No. 6400/94 by rezoning the land located at 80 Snow Street from an "RM-2" MULTIPLE-FAMILY DISTRICT to an "RM-3" MULTIPLE-FAMILY DISTRICT as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

Schedule "A" to the report to the Riel Community Committee for file Number DAZ 227/05 dated July 6, 2005.

Figure 1: Air Photo

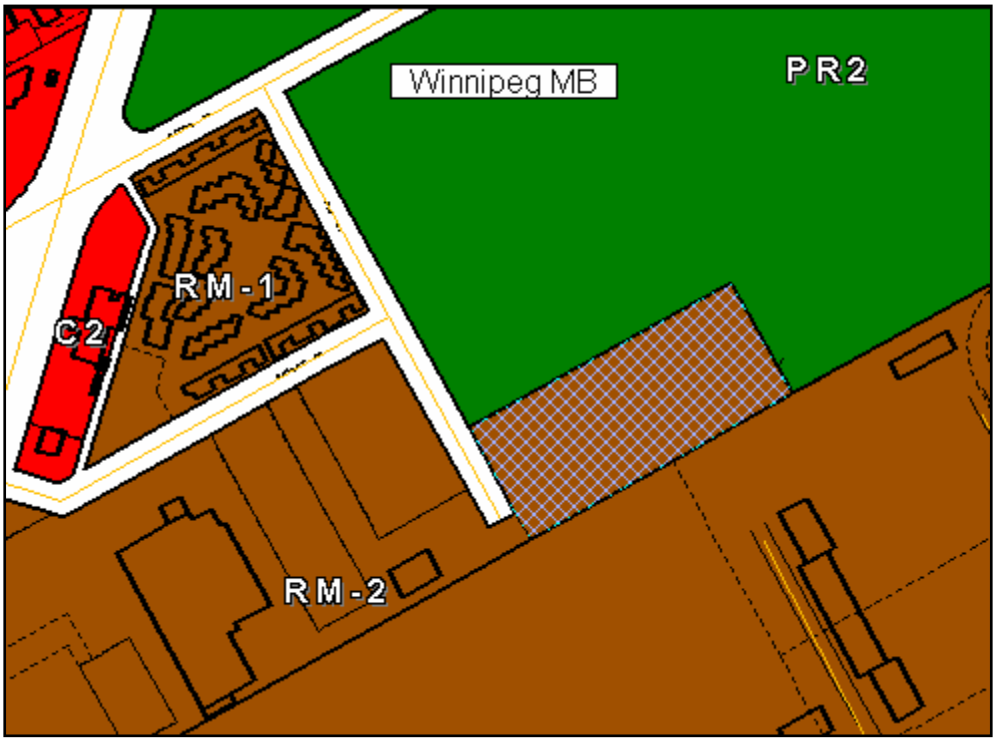


Figure 2: Zoning Map



2104

Figure 3: Photo of Property (viewing west towards Victoria General Hospital)



Figure 4: Photo of Property (viewing northeast towards the adjacent golf course)

