Report - Standing Policy Committee on Property and Development - October 4, 2005

Item No. 9 Rezoning - vacant land north of Forestgate Avenue, west of Lindenwood Drive West
File DAZ 230/2005

COUNCIL DECISION:

Council concurred in the recommendation of the Standing Policy Committee on Property and Development and adopted the following:

1. That The Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 230/2005 dated August 9, 2005, to a "RM-L" Multiple Family District subject to the applicant entering into a zoning agreement with the City of Winnipeg pursuant to Subsection 240(1) of The City of Winnipeg Charter to provide for the following:

   A. That the number of dwelling units be limited to thirty-five (35).

   B. That for the development of any buildings, accessory parking areas or signage, plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, driveways, exterior lighting, garbage enclosures, loading areas, fencing, landscaping, fascia signage, free standing signs and balcony enclosure to the Director of Planning, Property and Development and City Centre Community Committee for plan approval prior to the issuance of any building or development permit and the applicant shall maintain the landscaping and fencing to the satisfaction of the Director of Planning, Property and Development.

2. 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.

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

Report - Standing Policy Committee on Property and Development - October 4, 2005

COUNCIL DECISION (continued)

4. That the zoning section of the by-law shall come into force and effect when 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.

5. 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 - October 4, 2005

DECISION MAKING HISTORY:

Moved by Councillor De Smedt,
That the recommendation of the Standing Policy Committee on Property and Development be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On October 19, 2005, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the City Centre Community Committee and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On October 4, 2005, the Standing Policy Committee on Property and Development concurred in the recommendation of the City Centre Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On September 6, 2005, the City Centre Community Committee concurred in the administrative recommendation and submitted its recommendation to the Standing Policy Committee on Property and Development.

RE: Rezoning - vacant land north of Forestgate Avenue, west of Lindenwood Drive West
File DAZ 230/2005

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

Prepared by: Josie Marques, Clerk,
City Centre Community Committee

Report date: September 9, 2005

COMMUNITY COMMITTEE RECOMMENDATION:

On September 6, 2005, the City Centre Community Committee concurred in the administrative recommendation 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 shown on Schedule "A", for file DAZ 230/2005, dated August 9, 2005, to a "RM-L" Multiple Family District, subject to the applicant entering into a zoning agreement with the City of Winnipeg pursuant to Subsection 240(1) of The City of Winnipeg Charter, to provide for the following:

   A. That the number of dwelling units be limited to 35.

   B. That for the development of any buildings, accessory parking area or signage, plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, driveways, exterior lighting, garbage enclosures, loading areas, fencing, landscaping, fascia signage, free standing signs, balcony enclosure to the Director of Planning, Property and Development and City Centre Community Committee for plan approval prior to the issuance of any building or development permit; and the applicant shall maintain the landscaping and fencing to the satisfaction of the Director of Planning, Property and Development.

2. 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.

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

4. That the zoning section of the by-law shall come into force and effect when 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.

5. 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.

The City Centre Community Committee provided the following supporting reason(s) for its recommendation:

1. Community input has been had.
2. The development is in single family nature, simply not including a boulevard.
3. The City of Winnipeg will have savings on garbage removal and snow clearing.
4. The development is a good compromise for community.

PUBLIC HEARING SUMMARY

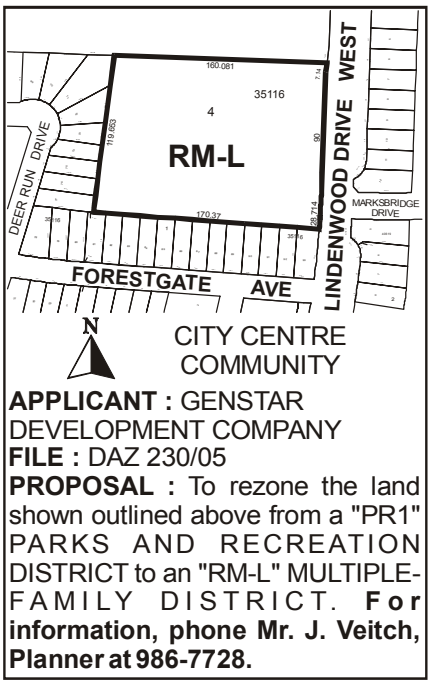
File: DAZ 230/2005

Before: City Centre Community Committee
Councillor Gerbasi, Chairperson
Councillor Benham
Councillor Smith

Public Hearing: West Committee Room
Council Building, 510 Main Street

Applicant: Genstar Development Company (Greg V. Jasper)

Subject:



Premises Affected: vacant land north of Forestgate Avenue, west of Lindenwood Drive West

Exhibits Filed:

1. Application dated July 14, 2005
2. Notification of Public Hearing dated July 15, 2005
3. Manitoba Title Search 1697205
4. Plans (3 pages)
5. Report from the Manager of Planning and Land Use dated August 9, 2005
6. Inspection Report

REPRESENTATIONS:

In Support:

Julie Bubnick
George Daterra
Greg Jasper, Genstar Development Company
Jerry Klein, Genstar Development Company

In Opposition

Keith and Kathy Penhall

For Information:

Nil

For the City:

Mr. J. Veitch, Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

The applicant, Greg Jasper accompanied by Jerry Klein, Genstar Development Company, gave a brief overview of the development. In response to committee's questions, Mr. Jasper stated that the condominium association would be responsible for the snow removal and garbage pickup. He also stated that they had conducted an open house informational session for the area residents.

Keith Penhall appeared in opposition to the application. Mr. Penhall stated concerns with the increase in land usage, affects the development would have on the value of the existing homes, the fencing that would be abutting privately owned lands, and that the original agreement for the area was for single family homes was being changed. In response to committee's questions, Mr. Penhall stated that the applicant had done a good job of meeting the minimum standards, but the development could be approved with less density.

In rebuttal, the applicant Greg Jasper, stated that in order develop single family homes, boulevards would be required resulting in 200 foot lots. He also stated the fence would erected as per requirements.

Exhibit "5" referred to in File DAZ 230/2005

Winnipeg

Planning, Property and Development Department Report

To the City Centre Community Committee

Date: **August 9, 2005**

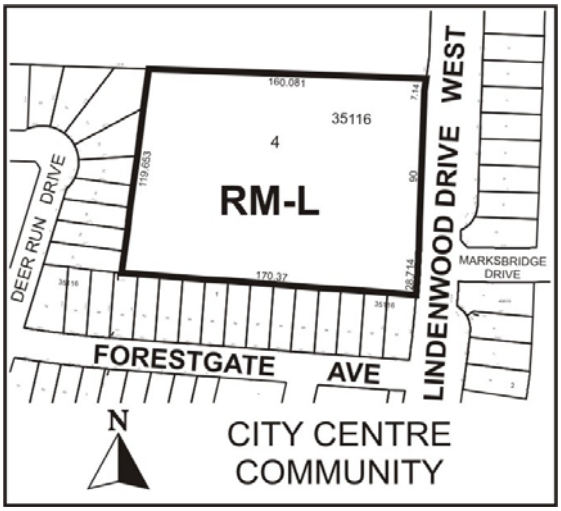
File: **DAZ 230/05**

Related Files: **DAZ 258/04**

Subject: **To rezone the vacant land on Lindenwood Drive West from a Parks and Recreation District to Multiple Family District for a condominium development.**

Location: **Vacant land north of Forestgate Avenue and west of Lindenwood Drive West.**

Legal Description: **Block 4, Plan 35116 WLTO in OTM Lots 56 to 60 St. Boniface.**



Applicant: **Genstar Development Company (Mr. Greg V. Jasper)**
Owner: **Genstar Titleco Limited**

Recommendation: Approved with Conditions

Report Summary:

- The applicant is proposing to **rezone** vacant land north of Forestgate Avenue, west of Lindenwood Drive West from **"PR1"** Parks and Recreation District to **"RM-L"** Multiple Family Residential District for the construction of a **35-unit** single-family condominium development.
- The vacant land was originally planned for a public school site that is no longer required by the Assiniboine South School Division.
- A previous application was made for this site proposing 42 semi-attached condominium units.
- This application was withdrawn after a public hearing at the City Centre Community Committee and prior to Council disposition on the matter.

Site Description

The subject site is approximately **5 acres** and is located on the west side of Lindenwood Drive West, north of Forestgate Avenue and south of the Victoria Lindenwoods Community Centre. The site is a vacant school site currently zoned "PR-1" Parks and Recreation District. Surrounding Land Use and Zoning are:

North: Victoria-Lindenwoods Community Centre, zoned 'A' Agricultural District.
South: Single-family housing zoned 'R1-4' Single-family Residential District.
East: Single-family housing zoned 'R1-5.5' Single-family Residential District.
West: Single-family housing zoned 'R1-4' Single-family Residential District.

Background

The property was originally planned for a public school site and zoned accordingly when Lindenwoods was developed. Genstar retained ownership of the lands and was advised by the Assiniboine South School Division that a school was no longer required for the site based on enrolment projections. In September 2004, Genstar Development Corporation proposed to rezone the property from "PR1" Parks and Recreation District to "RM-2" Multiple-Family Residential District for 42 semi-attached condominium units (DAZ 258/04).

DAZ 258/04 recommended a "RM-L" Multiple-Family Residential District, as opposed to "RM-2" Multiple-Family Residential District. "RM-L" zoning could accommodate the proposed 42 semi-attached condominium units but would not accommodate a more dense development.

At the December 14, 2004 City Centre Community Committee meeting, the Committee did not concur with the Division's recommendation. The City Centre Community recommended the application for rezoning under DAZ 258/04 not be proceeded with. At that time, the City Centre Community Committee provided the following supporting reasons for its recommendation:

- That at the community meeting process there was no opportunity for direct dialogue.
- That the scale of investment the existing homeowners had made was with an assumption that the development would be for single-family homes.
- That the arguments made by persons in opposition were persuasive.

This application was withdrawn on January 20, 2005 by the applicant, Genstar Development Corporation prior to Committee Community's recommendation being adopted at a meeting of Council.

Description of the Proposed Development

Genstar Development Corporation has applied to rezone vacant land west of Lindenwood Drive West and north of Forestgate Avenue. Genstar would like to develop a residential, single-family condominium development. The applicant is proposing to develop **35** single-family residential dwellings.

Analysis

PLAN WINNIPEG
The proposed concept complies with Plan Winnipeg in that a residential rezoning is allowed in Neighbourhood Policy Areas. The proposed development also achieves the Plan Winnipeg policy of intensifying residential density through infill development.

ZONING
- The **"RM-L" Multiple Family Residential District** requires a minimum lot size of 9000 square feet and a minimum lot width of 75 feet. A side yard of 8 feet is required.
- The **"PR1" Parks and Recreation District** is intended to regulate local publicly-owned parks and recreation sites in a manner consistent with their typical neighbourhood location.
- The **"R1-4" Single Family Residential District** requires a minimum lot size of 4000 square feet and a minimum lot width of 40 feet. A side yard of 4 feet is required.
- The **"R1-5.5" Single Family Residential District** requires a minimum lot size of 5,500 square feet and a minimum lot width of 50 feet. A side yard of 5 feet is required.

LAND USE BY-LAW ISSUES
The proposed zoning category is compatible with adjacent residential developments in this area. The dwelling density is compatible with the area, similar to the "R1.4"zoning to the south and west and "R1-5.5" zoning to the east.
The Assiniboine South School Division has indicated that this site is no longer required for a potential school site.

TRANSPORTATION AND SITE ACCESS
Access to the site is available from Lindenwood Drive West. Access to individual lots will be made through the new common road outlined on the site plans of the proposed development. Parking is more than adequate. Proposed site plans show parking that falls between the 1 per dwelling unit to a maximum of 4 spaces per unit as required by Zoning By-law No. 6400/94.

SITE PLAN
The applicant has submitted a plan illustrating the proposed development. The proposed site layout gives the appearance of a typical single-family housing neighbourhood. Site plans and elevation drawings show 4 distinct building designs with a variety of rooflines, building elevations and materials, and window treatments. The single-family dwelling units are designed in a similar style to existing single-family dwelling units in the area. The setback and yard regulations are similar to that of the adjacent single-family dwellings in the surrounding "R15.5" and "R1.4" Residential Districts. In addition, the building setbacks from property lines are consistent with single-family housing.
The applicant will construct a 6-foot high wood fence along Lindenwood Drive West as well as a 6 foot high wood fence along the north edge of the site.

PUBLIC INPUT
The proponent consulted with the local community to present the proposed development. The applicant hosted a public open house on June 9, 2005 at the Lindenwoods Community Centre. 37 people were registered at the meeting and 29 people completed the exit survey. 25 of 29 exit surveys indicated that those in attendance were generally supportive of the applicant's plans.

Recommendation

The Planning and Land Use Division recommends approval of the application for the following reasons:

- The proposed development is consistent with Plan Winnipeg in that it constitutes infill housing.
- The proposed development is compatible with the area: the single-family dwelling units are designed in a similar style, scale and density to existing single-family dwelling units in the neighbourhood.

The Division is also recommending that the proposed "RM-L" Residential District be approved subject to a number of conditions. The conditions required to mitigate any negative impacts are:

- **site plan approval for landscaping, fencing, and buildings;**
- **a restriction in the number of dwelling units permitted on the land.**

Recommended Conditions of Approval

1. That The Winnipeg Zoning By-law 6400/94 be amended by rezoning the subject land as shown on Schedule "A", for file DAZ 230/05, attached hereto and dated, August 9, 2005, to a "RM-L" Multiple Family District, subject to the applicant entering into a zoning agreement with the City of Winnipeg pursuant to Subsection 240(1) of The City of Winnipeg Charter, to provide for the following:

    A. That the number of dwelling units be limited to 35
    B. That for the development of any buildings, accessory parking area or signage, plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, driveways, exterior lighting, garbage enclosures, loading areas, fencing, landscaping, facia signage, free standing signs, balcony enclosure to the Director of Planning, Property and Development and City Centre Community Committee for plan approval prior to the issuance of any building or development permit; and the applicant shall maintain the landscaping and fencing to the satisfaction of the Director of Planning, Property and Development.

2. 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.

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

4. That the zoning section of the by-law shall come into force and effect when 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.**

5. 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: Angie Clark
PPD File # 1.634

Schedule "A"

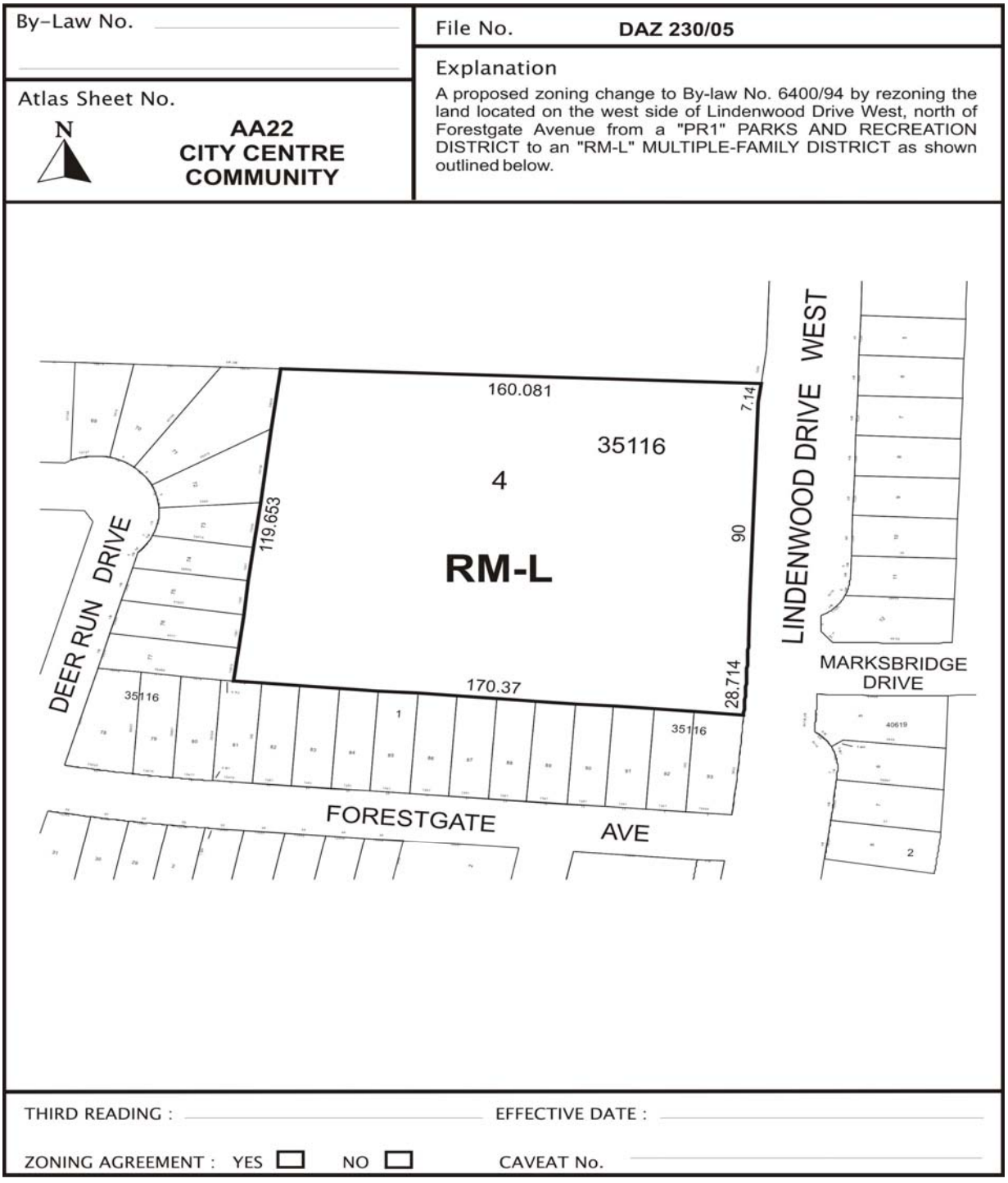


Figure 1: Schedule "A" to the report to the City Centre Community Committee for File No. DAZ 230/05, dated August 9, 2005

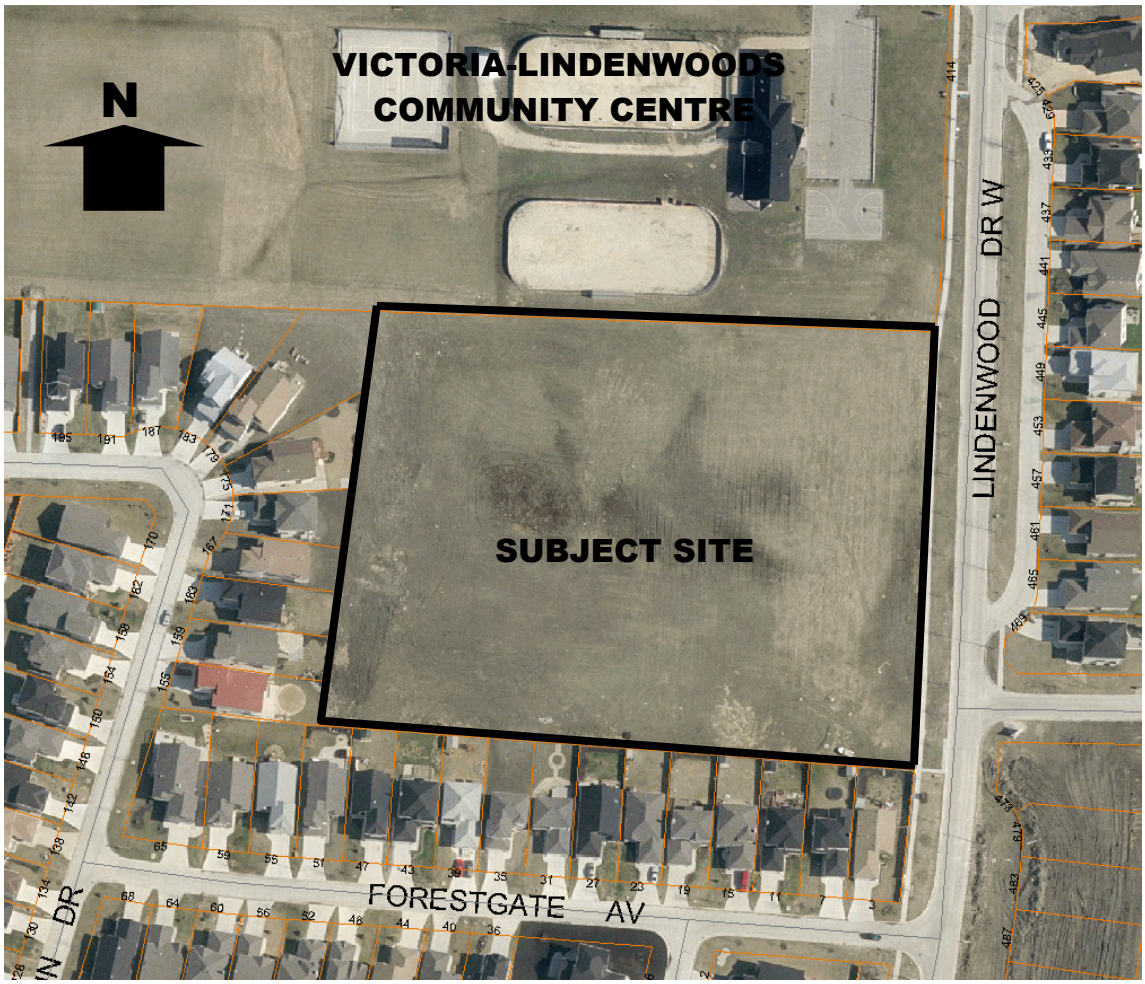


Figure 2: Subject Site (Aerial Photograph Flown 2002)