Agenda - Council - November 23, 2005

Report - Standing Policy Committee on Property and Development – November 1, 2005

Item No. 11 Rezoning - 3295 - 3305 Pembina Highway
File DAZ 236/2005

STANDING COMMITTEE RECOMMENDATION:

On November 16, 2005, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the Riel Community Committee and submits the following to Council:

1. That The Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as outlined on Schedule "A" for File DAZ 236/2005 dated October 11, 2005, to an "RM-3" Multiple Family District subject to the following:

    A. That the applicant enter 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:

        i. That final site plans indicating location of buildings, building profiles, landscaping, fencing, exterior lighting, approaches, garbage enclosure locations and parking areas be submitted to and approved by the Director of Planning, Property and Development and the Riel Community Committee prior to the issuance of any building permits.

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 the market value of the land.

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 rezoning by-law and forward same to Council for all three (3) readings.

Report - Standing Policy Committee on Property and Development – November 1, 2005

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 Proper Officers of the City are hereby authorized to execute said Zoning Agreement.

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 – November 1, 2005

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On November 16, 2005, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the Riel Community Committee and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On November 1, 2005, the Standing Policy Committee on Property and Development concurred in the recommendation of the Riel Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On October 27, 2005, the Riel Community Committee concurred in the administrative recommendation and submitted its recommendation to the Standing Policy Committee on Property and Development.

On October 18, 2005, the Riel Community Committee adjourned the public hearing to a Special Meeting on October 27, 2005, at 5:00 p.m. in the Council Building located at 510 Main Street.

On September 13, 2005, the Riel Community Committee adjourned the public hearing to its meeting to be held on October 18, 2005.

RE: **Rezoning - 3295 - 3305 Pembina Highway**
File DAZ 236/2005 [c/r DAV 146184/2005D]

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

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

Report date: **October 27, 2005**

COMMUNITY COMMITTEE RECOMMENDATION:

On October 27, 2005, the Riel 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 outlined on Schedule "A" for File DAZ 236/2005 dated October 11, 2005, to an "RM-3" Multiple Family District, subject to the following:

    A. That the applicant enter 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:

        i. That final site plans indicating location of buildings, building profiles, landscaping, fencing, exterior lighting, approaches, garbage enclosure locations and parking areas be submitted to and approved by the Director of Planning, Property and Development and the Riel Community Committee prior to the issuance of any building permits.

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 the market value of the land.

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 rezoning by-law and forward same to Council for all three (3) readings.

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 Proper Officers of the City are hereby authorized to execute said Zoning Agreement.

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.

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 October 11, 2005.

PUBLIC HEARING SUMMARY

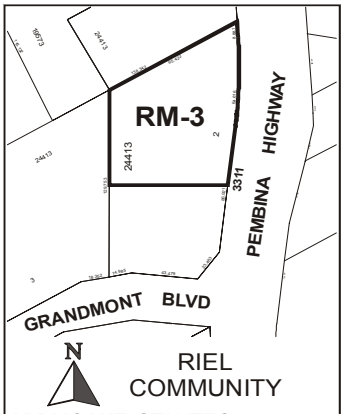
File: DAZ 236/2005 [c/r DAV 146184/2005D]

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

Public Hearing: October 27, 2005
Council Building, 510 Main Street
October 18, 2005
Community Committee Chamber, 604 St. Mary's Road
September 13, 2005
Community Committee Chamber, 219 Provencher Boulevard

Applicant: Stantec Architecture Ltd. (Richard Derksen)

Subject:



APPLICANT: STANTEC ARCHITECTURE LTD.
FILE: DAZ 236/05
PROPOSAL: To rezone the land shown outlined above from a "C2" COMMERCIAL DISTRICT to an "RM-3" MULTIPLE-FAMILY DISTRICT. **For information, phone Mr. K. Lalor, Planner at 986-5069.**
DEMANDEUR : STANTEC ARCHITECTURE LTD.
N° DE RÉFÉRENCE : DAZ 236/05
PROJET : Rezoner les sols délinéés ci-dessus afin de les faire passer de la catégorie C2 (SECTEUR COMMERCIAL) 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: 3295 - 3305 Pembina Highway
4208

Exhibits Filed:

1. Application dated August 24, 2005
2. Notification of Public Hearing dated August 18, 2005
3. Manitoba Status of Title 2086435
4. Letter of authorization dated August 10, 2005 from Sabie Brar, Pleasant View Homes Ltd to Stantec Architectural Ltd.
5. Caveat No. 1308207
6. Drawing of subject property
7. Plans (3 pages)
8. Report from the Manager of Planning and Land Use dated October 11, 2005
9. Inspection Report
10. Communication dated September 7, 2005 from Barry Thorgrimson, Zoning and Permits Administrator
11. Plans submitted by Verne Reimer and Richard Derksen at the Public Hearing

REPRESENTATIONS:

In Support:

Milan Astalkoski
Sousa Bryedic
Ajay Chopra
Richard Derksen, Stantec Architecture Ltd.
Ken Douma
Daniel Gavranovic
Drazen Gavranovic
Ken March
Bill McDonald
Robin Miller
Joe Pereira
Zafir Rashid
Verne Reimer
Len Ruigrok
Carl Richard Sader
I. Saleem
Gerald Sankar
Vijay Sharma
Kris Sidhu
Harpreet Thiara
Jason Trim
Zoran Vicovac

In Opposition

Donna Thordarson, Waterside Development Corporation
Bill McGarry

For the City:

Kevin Lalor, Senior Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

The applicant Richard Derksen, Stantec Architecture Ltd., accompanied by Verne Reimer, appeared in support of the application and gave a brief overview of the proposal. Mr. Reimer submitted plans (filed as Exhibit 11) and indicated concurrence in the recommendation contained in the administrative report from the Manager of Planning and Land Use dated October 11, 2005.

Donna Thordarson, Waterside Development Corporation, and Bill McGarry appeared in opposition to the application. Ms. Thordarson and Mr. McGarry stated that their primary concern was the setback of the proposed buildings in relation to their development which is located adjacent to the western side of the subject property. Ms. Thordarson stated that there may not be an adequate buffer between the proposed southernmost building and the balconies of her development. Ms. Thordarson stated that she would like to see an overview elevation incorporating the subject development and her property.

Verne Reimer and Richard Derksen returned in rebuttal. In response to questions from the Committee, Mr. Reimer stated:

- The balconies of the proposed buildings would face east;
- The applicant would be willing to enhance the landscaping along the west property line;
- There are limitations to developing the site, including a cross-access agreement with a neighbouring property, that would make it difficult to move the southernmost building closer to Pembina Highway;
- Increasing the rear yard set back of the southernmost building would likely result in the elimination of 4-8 units;
- The applicant reduced the height of the buildings from the allowable five (5) storeys to four (4) storeys to mitigate the concerns of neighbouring properties.

Exhibit "8" referred to in File DAZ 236/2005 [c/r DAV 146184/2005D]

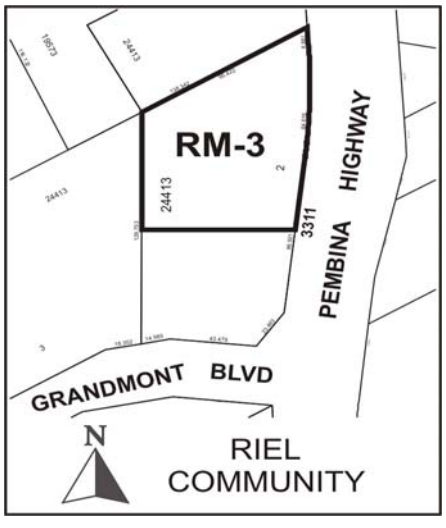
Winnipeg

Planning, Property and Development Department Report

To the Riel Community Committee

Date: October 11/05
File: DAZ 236 /05
Related Files: DAV 05 146184/D
Subject: To rezone the subject land from a "C2" Commercial District to an " RM-3" Multiple Family Residential District in order to allow for the construction of an 80 unit condo complex.

Location: 3295-3305 Pembina Highway
Legal Description: Lot 2 , Plan 43918



Applicant: Stantec Architecture
Owner: Pleasant View Homes Ltd.

Recommendation: (Approved with Conditions)

Site Description

The subject site is situated on the west side of Pembina Highway immediately north of Grandmont Boulevard. It is vacant and undeveloped and approximately 1.85 acres in total area.

Surrounding Land Uses

North: Apartments zoned "C2" Commercial District.
East: Pembina Highway and the Red River
South: Commercial retail building zoned "C2" Commercial District, then Grandmont Blvd.
West: Immediately adjacent is a newly approved application for a 54 unit multiple family complex. Further west is the CNR Railway, then single family residential zoned "R1-4" One Family Residential District and "RM-L" Multiple Family District.

Background

In the early 1980's, the land was zoned to a commercial category (DAZ 209/81). There was also a short form subdivision application approved in 1988 (DASSF 168/88) which also included the adjoining commercial retail property to the south (Mac's Store).

Description of the Proposed Development

The plans call for the construction of two four story condo complexes on the site, lying at their closest point 47' feet apart. The largest of the two buildings on the north half of the property will have, upon completion, a total of 44 units. The smaller of the two structures will have a total of 36 units overall. There are 68 underground parking stalls and 44 surface parking stalls. Both buildings are oriented towards a central courtyard sited between the two structures. Primary access is via Pembina Highway.

Analysis

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 subject rezoning application, to permit a multi-family development, conforms to *Plan Winnipeg 2020 Vision*.

Considering that the proposed new multi-family development will generate additional automobile traffic, the subject property is in an excellent location for providing easy access to a major transportation corridor (Pembina Hwy.) as it is located approximately 200ft (60m) north of the Grandmont Blvd and Pembina Hwy. intersection. In addition this intersection is controlled with traffic signals.

In the context of the surrounding neighborhood, the proposed development should blend in as it is surrounded by a mix of land uses, which include a convenience store to the south at the corner of Grandmont Blvd and Pembina Hwy; four (4) apartments building to the north that were built

in the mid 1980s; and a recently approved 54 unit multiple family complex immediately to the west. The applicant has worked closely with the City Administration over the last several months and has endeavored, in our opinion, to site and design his proposed buildings in such a way that there will be minimal impact, particularly on existing adjoining dwellings immediately to the north (South of The Border). There are a number of requested yard variances, the most noteworthy of which are north side yards of 20 feet instead of 25 feet and a rear yard of 12 feet instead of 25 feet. The 20' foot variances are the result of encroaching balconies and the reduced rear yard occurs at only one location; at one corner of the proposed northernmost building. The Planning and Land Use Division is therefore able to endorse those and several other variances which include a parking deficiency variance for 112 stalls instead of the required 120 under the By-Law.

Considering the above-mentioned, it is the opinion of the Planning Property and Development Department that the proposed rezoning should be granted, as the subject property is an appropriate location for the proposed use.

Recommendation

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

- The subject site is an appropriate location for the proposed residential use.
- There is increasing demand for a range of multiple family housing options in the south - west quadrant of the City.

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 236/05, attached hereto and dated October 11, 2005, to an "RM-3"Multiple Family District, subject to the following:

   A. That the applicant enter 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:

      1. That final site plans indicating location of buildings, building profiles, landscaping, fencing, exterior lighting, approaches, garbage enclosure locations and parking areas be submitted to and approved by the Chief Administrative Officer or designate and the Riel Community Committee prior to the issuance of any building permits.

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 (3) readings.

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 Proper Officers of the City are hereby authorized to execute said Zoning Agreement.

VII. 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 # (.625)

Schedule "A"

By-Law No. _____

File No. **DAZ 236/05**

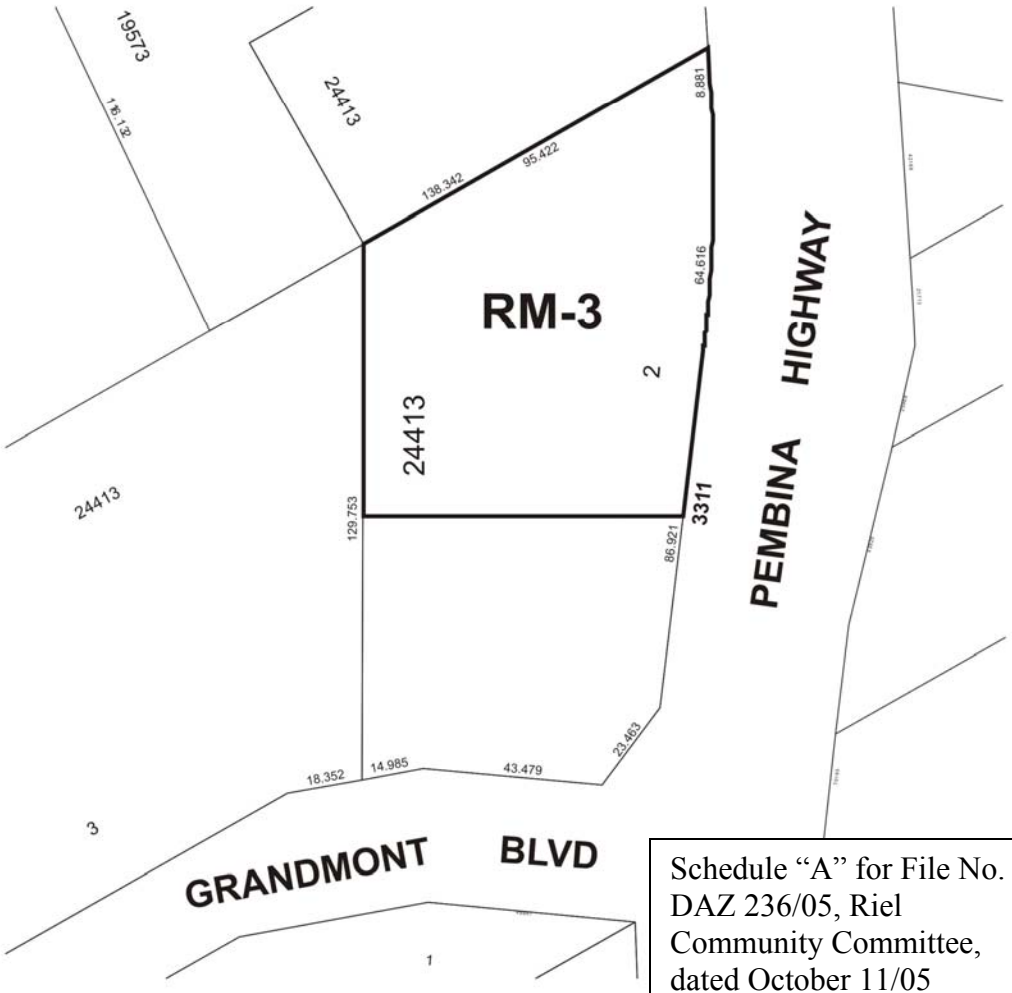
Explanation

A proposed zoning change to By-law No. 6400/94 by rezoning the land located on the west side of Pembina Highway, north of Grandmont Boulevard from a "C2" COMMERCIAL DISTRICT to an "RM-3" MULTIPLE-FAMILY DISTRICT as shown outlined below.

Atlas Sheet No.

N

AO23
RIEL
COMMUNITY



Schedule "A" for File No. DAZ 236/05, Riel Community Committee, dated October 11/05

THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____