Agenda – Council - January 25, 2006

Report - Standing Policy Committee on Property and Development - January 10, 2006

Item No. 10 Rezoning - 850 John Bruce Road East
File DAZ 249/2005

STANDING COMMITTEE RECOMMENDATION:

On January 18, 2006, 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 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 249/2005 dated November 15, 2005, to an "RM-L" Residential 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 plans indicating building locations, building profile details, approaches, signage, parking stalls, landscaping, fencing, exterior lighting details, garbage enclosure locations, etc... shall be submitted to and approved by the Riel Community Committee and the Director of Planning, Property and Development prior to the issuance of any building permits.

        ii. That the maximum number of dwelling units on the subject property be limited to sixteen (16) and that any buildings located on the subject site shall not exceed thirty (30) feet in height.

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

4. 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 said effective date occurs within twenty-four (24) months from the date that the said rezoning by-law is adopted by Council.

Report - Standing Policy Committee on Property and Development - January 10, 2006

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

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 - January 10, 2006

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On January 18, 2006, 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 January 10, 2006, 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 December 13, 2005, the Riel Community Committee concurred in the administrative recommendation and submitted its recommendation to the Standing Policy Committee on Property and Development.

COMMUNITY COMMITTEE DECISION:

Further, on December 13, 2005, the Riel Community Committee recommended that the applicant consult with affected property owners on the north side of John Bruce Road in an attempt to develop solutions to mitigate light pollution generated by vehicles exiting the subject property.

COMMUNITY COMMITTEE RECOMMENDATION:

On November 22, 2005, the Riel Community Committee adjourned the public hearing to its meeting to be held on December 13, 2005.

RE: **Rezoning - 850 John Bruce Road East**
File DAZ 249/2005

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

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

Report date: **December 20, 2005**

COMMUNITY COMMITTEE RECOMMENDATION:

On December 13, 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 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 249/2005 dated November 15, 2005, to an "RM-L" Residential 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:

        iii. That final plans indicating building locations, building profile details, approaches, signage, parking stalls, landscaping, fencing, exterior lighting details, garbage enclosure locations, etc... shall be submitted to and approved by the Riel Community Committee, and the Director of Property, Planning and Development prior to the issuance of any building permits.

        iv. That the maximum number of dwelling units on the subject property be limited to sixteen (16). That any buildings located on the subject site shall not exceed 30 feet in height.

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

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

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.

The Riel Community Committee provided the following supporting reasons for its recommendation:

1. The proposed development is a good fit for the community.

2. The Riel Community Committee agreed with the administrative comments contained in the report of the Manager of Planning and Land Use dated November 15, 2005.

PUBLIC HEARING SUMMARY

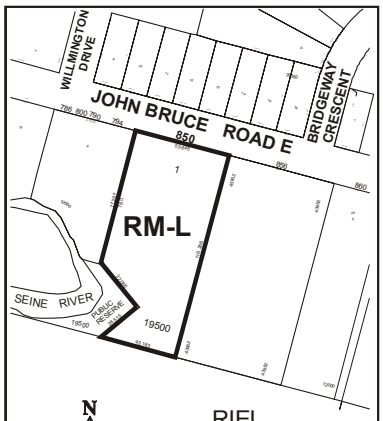
File: DAZ 249/2005

Before: Riel Community Committee
Councillor Magnifico, Chairperson
Councillor Swandel

Public Hearing: December 13, 2005
November 22, 2005
Council Building, 510 Main Street

Applicant: David Goyer Architecture Inc. (Daniel Serhal)

Subject:



RIEL COMMUNITY

APPLICANT: DAVID GOYER ARCHITECTURE
FILE: DAZ 249/05
PROPOSAL: To rezone the land shown outlined above from an "R1-20" RESIDENTIAL DISTRICT to an "RM-L" MULTIPLE-FAMILY DISTRICT. **For information, phone Mr. K. Lalor, Planner at 986-5069.**
DEMANDEUR : DAVID GOYER ARCHITECTURE
N° DE RÉFÉRENCE : DAZ 249/05
PROJET : Rezoner le bien-fonds indiqué ci-dessus en le faisant passer de la catégorie R1-20 (SECTEUR RÉSIDENTIEL) à la catégorie RM-L (SECTEUR D'HABITATIONS MULTIFAMILIALES). **Pour plus de renseignements, veuillez communiquer avec M. K. Lalor, urbaniste, au 986-5069.**

Premises Affected: 850 John Bruce Road East

Exhibits Filed:

1. Application dated October 5, 2005
2. Notification of Public Hearing dated October 12, 2005
3. Manitoba Status of Title 1164857
4. Letter of authorization dated September 13, 2005 from Roger Vieville, President, Ambassador Sales (1986) Inc., to David Goyer Architecture Inc.
5. Drawing of subject property
6. Plans (3 pages)
7. Report from the Manager of Planning and Land Use dated November 15, 2005
8. Inspection Report
9. Supporting documentation submitted by David Goyer, David Goyer Architecture, at the Public Hearing held on November 22, 2005
10. Communication dated December 12, 2005, from Laurie Nealin, in opposition to the application
11. Communication dated December 13, 2005, from John B. Thorpe, in opposition to the application
12. Presentation in support to the application submitted by Ross Mitchell at the Public Hearing
13. Petition in opposition to the application purporting to contain the signatures of 129 area residents, submitted by Tammy Rutherford at the Public Hearing

REPRESENTATIONS:

In Support:

Delle Bonneau and Rusty Rischuk
David Goyer, David Goyer Architecture
Alain Hogue
Garry Loewen
Jackie Madden
Ross Mitchell, ND Lea Engineers and Planner's Inc.
Kerra Mruss, ND Lea Engineers and Planner's Inc.
Terry O'Rourke
Jerry Pilipowicz
Vince Spezzano, A and S Homes

In Opposition

Gary Aubert
Armand and Shannon Bernard
Suzanne Bretecher
Rosemin Brown
Tony Chaput
Frank Chilelli
Micheal and Sharon Collins
Scott Hildebrand
Dave Laird
André and Lucille LaRochelle
Kurt and Corry Lehmann
Laurie Nealin
Kelvin Rehal
Bill and Tammy Rutherford
Bev Sawchuk
Bernice and Jack Sinnock
Brenda Skotniczny
Alan and Andrea Stones
Mark Strople
John Thorpe
Manoj Verma

For the City:

Mr. K. Lalor, Senior Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

December 13, 2005
David Goyer, David Goyer Architecture, Ross Mitchell and Kerry Mruss, ND Lea Engineers and Planners Inc. and Vince Spezzano, A and S Homes, appeared in support of the application. The applicants provided an overview of the proposal by way of a Power Point presentation, filed as Exhibit 12. In response to a question from Councillor Magnifico, Mr. Mitchell stated that the applicants would be willing to meet with affected residents on the north side of John Bruce Road and take measures, including but not limited to planting, to help alleviate the effect of light pollution generated by vehicles exiting the site. Mr. Mitchell indicated concurrence in the recommendation contained in the report from the Manager of Planning and Land Use dated November 15, 2005. Mr. Mitchell further stated that the applicant would be willing to alter the proposal to incorporate double garages attached to each proposed unit.

Alain Hogue appeared in support of the application subject to the concerns he raised at the meeting held on November 22, 2005 being addressed.

Terry O'Rourke, Chairperson, Royalwood Neighbourhood Association, appeared in support of the application. Mr. O'Rourke stated that he had met with the applicants in October to discuss the project and that the Royalwood Neighbourhood Association believed that this project was a better fit for the community than the existing commercial use and that parking in the proposed development would not be an issue.

Curt Lehman appeared in opposition to the application for the following reasons:

- The proposed development is not suitable and threatens the integrity of the area and property values;
- The proposed buildings are too large and the density is too high;
- The proposed development will negatively impact parking in the area.

Laurie Nealin appeared in opposition to the application and reiterated concerns raised in her communication dated December 12, 2005, filed as Exhibit 10.

Tammy Rutherford appeared in opposition to the application and submitted a petition in opposition to the application purporting to contain the signatures of one hundred and twenty-nine (129) area residents, filed as Exhibit 13. Ms. Rutherford was opposed for the following reasons:

- Ms. Rutherford questioned the traffic study conducted by ND Lea Engineers and Planners Inc. and stated that the proposed development will adversely affect traffic and parking in the area;
- The proposed development will obscure her property from the sun and the view and sounds of Les Bois des Esprits;
- There are no schools within walking distance of the proposed development;
- Mrs. Rutherford reiterated concerns regarding light pollution and density.

Mark Strople appeared in opposition to the application. Mr. Strople stated that the proposed development is not consistent with other condominium development in Royalwood and not in character with the area. Mr. Strople reiterated concerns regarding building heights and traffic.

Armand Bernard appeared in opposition to the application and reiterated concerns regarding density and building heights.

Bev Sawchuk, Save Our Seine River Environment Inc. (SOS), appeared in opposition to the application. Ms. Sawchuk stated that SOS' primary concern was the impact the development would have on Les Bois des Esprits and asked that the developer be required to provide access to it.

Ross Mitchell returned in rebuttal. Mr. Mitchell stated that the proposed development will not adversely affect parking in the area. Mr. Mitchell also stated that the proposed buildings are not much larger than existing homes in the area and would not impede existing owner's views of the Seine River any more than single-family homes would and that the twenty-five (25) foot rear

yard setbacks were consistent with most homes in the area. Mr. Mitchell iterated that the applicant would be willing to meet with anyone adversely affected by light pollution generated by the proposed development.

November 22, 2005
David Goyer, David Goyer Architecture, appeared in support of the application, provided an overview of the proposal and submitted supporting documentation, filed as Exhibit 9. Mr. Goyer did not concur in Recommendation 1.A.ii. of the Report from the Manager of Planning and Land Use dated November 15, 2005, that would the number of dwelling units to sixteen (16). Mr. Goyer stated that the proposed development would be a much better fit for the community than the existing business. In response to a question from Councillor Steeves, Mr. Goyer indicated that the Royalwood Neighbourhood Association was supportive of the application.

Alain Hogue appeared in support of the application, subject to the footprint of the buildings being reconfigured.

Rusty Rischuk appeared in support of the application.

Frank Chilelli appeared in opposition to the application for the following reasons:
- The applicant did not consult with him prior to the public hearing;
- The proposed development is not a good fit for the community and he would prefer if the lot in question could accommodate single-family homes;
- The development will generate more traffic which will create a safety hazard.

Shannon Bernard appeared in opposition to the application for the following reasons:
- The proposed development is not in character with the neighbourhood;
- Single-car garages will negatively impact parking in the area;
- The proposed density is too high and should be reduced to nine (9) or ten (10) units;
- The development will generate more traffic;

Bill Rutherford appeared in opposition to the application. Mr. Rutherford explained that he lives across the street from the proposed development and was opposed for the following reasons:
- Proposed density is too high;
- The development will reduce his quality of life as it will contribute to increased traffic and light pollution from cars exiting the development;
- Increased pedestrian traffic crossing the street with create a safety hazard;
- Has not seen the plan for the development nor was he contacted by the applicant;
- Does not want this to become a trend that will lead to similar developments in the area;

Tammy Rutherford appeared in opposition to the application. Ms. Rutherford reiterated concerns regarding light pollution, lack of consultation and single-car garages.

Alan and Andrea Stones appeared in opposition to the application. Mr. and Mrs. Stones reiterated concerns regarding parking in the area, single car garages, safety concerns and density.

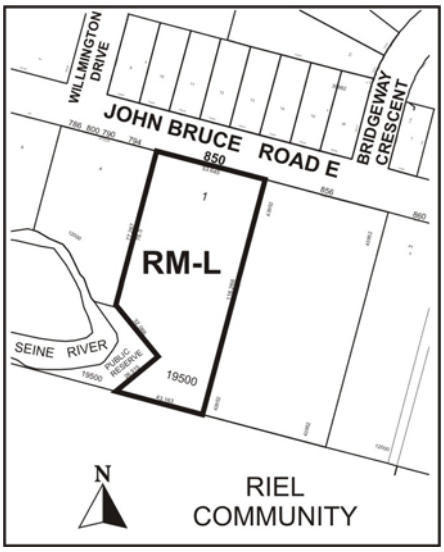
David Goyer returned in rebuttal. Mr. Goyer stated that there is a market for developments like the one proposed to provide younger families a more affordable opportunity to move into communities like Royalwood. Mr. Goyer stated that the cost of the property and demolition of the existing structure necessitates the construction of nineteen (10) units and that he would be willing to reconfigure the lots to offset the impact on the property owned by Mr. Hogue.

Exhibit "7" referred to in DAZ 249/2005

Planning, Property and Development Department Report

To the Riel Community Committee

Date:	**November 15/05**
File:	**DAZ 249 /05**
Related Files:	**DASSF 213/85**
Subject:	**To rezone the subject property from an "R1-20" Residential District to "RM-L" Residential District**
Location:	**850 John Bruce Road E.**
Legal Description:	**Lot 1, Pl 19 500 WLTO, in RL 122 of the parish of St. Boniface**



Applicant:	**David Goyer Architecture Inc.**
Owner:	**Ambassador Sales (1996) Inc.**

Recommendation: Approved with Conditions

Report Summary

- The applicant wishes to rezone the subject site from "R1-20" Residential District to "RM-L" Residential District to allow for the construction of a nineteen (19) unit townhouse condominium development.

- The application is supported by Plan Winnipeg policies, which allow for a variety of residential uses in the Neighbourhood Policy Area.
- The proposed rezoning is compatible with the surrounding area.

Site Description

The subject property is located on the south side of John Bruce Road E. between Willmington Drive to the west and Bridgeway Crescent to the east and is zoned "R1-20" Residential District.

Surrounding Land Uses

North: Single-family dwellings zoned "R1-4" then "R1-5" Residential Districts
South: "PR-1" Parks and Recreational District
East: "RM-L" Residential District Zoning
West: "R1-20" Residential District zoning

The site is approximately 63,373 square feet (1.4 acres) and is the site of Ambassador Sales.

Background

This area of John Bruce Road E. has experienced a significant amount of new development over the last few years.

- In March of 2004 the adjacent property to the east was rezoned from "R1-20" Residential District to "RM-L" Residential District for the development of a twelve semi-detached bungalow condominium development (DAZ 203/04).
- In June of 2004, 872 John Bruce Road E., a property also to the east of the subject site was rezoned from "R1-20" Residential District to "R1-5" Residential District for the development of fourteen (14) new residential housing lots. This property became Hardman Court.

Additionally, this piece of land was originally rezoned from "RA" and subdivided into two lots in October of 1985 (DASSF 231/85). At that time, the applicant was assessed a ten (10) per cent dedication in land as determined by the Parks and Recreation Department.

Description of the Proposed Development

The current application proposes to rezone the land "R1-20" Residential District to "RM-L" Residential District, demolish the existing commercial use, Ambassador Sales, and develop a multiple family condominium townhouse development.

Proposed site plans indicate that each unit will be two stories in height. Four floor plans are proposed with gross floor areas ranging from 2048 square feet to 4096 square feet. Total gross floor area for the proposed development will be 19,456 square feet. Each unit will have a single car garage. Additionally, the site will have nine (9) visitor parking stalls. Access to the site will be via John Bruce Road East.

Analysis

The proposed rezoning to an "RM-L" Multiple-Family District is compatible with the area. The proposed development consists of semi-detached townhouse units that are consistent in look and feel with the surrounding developments including the multiple-family developments along this portion of John Bruce Drive E. and the single-family developments to the north.

The applicant is proposing nineteen (19) units for this site. Recent applications for development in this area have typically included lower density developments:

- DAZ 203/04 to the east was a 12-unit condominium development on a 1.75 acres (7087.5 square metres) site.
- DASZ 140/4 to the east was a 14 single-family lot development on 4.32 acres (17482.4 square metres) site.

The subject site is 1.4 acres (5665.6 square metres) and the applicant is proposing 19 condominium units. 19 units on this site results in a density that is too high to be compatible with the surrounding uses. As such, the Planning and Land Use Division is prepared to support this rezoning and the proposed condominium townhouse development at a reduced density of a maximum of 16 units on the site.

The applicant has already paid a ten (10) per cent dedication to the City through File No. DASSF 213/85. As such, this condition will be removed as a condition of approval for this application.

Recommendation

The Planning and Land Use Division recommends approval for the following reason:

- A multiple-family residential development is an appropriate use at the subject location, provided that the new development is of a scale that is compatible with the adjacent neighbourhood. The architects have made an effort to ensure the design and layout of the proposed development and landscaping is consistent with existing developments in the area and is of high quality. At a reduced density, this development will be compatible with the surrounding 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 249/05, attached hereto and dated November 15/05, to a "RM-L" Residential 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 plans indicating building locations, building profile details, approaches, signage, parking stalls, landscaping, fencing, exterior lighting details, garbage enclosure locations, etc. shall be submitted to and approved by the Riel Community Committee, and the Director of Planning and Land Use prior to the issuance of any building permits.

ii. That the maximum number of dwelling units on the subject property be limited to sixteen (16).
That any buildings located on the subject site shall not exceed 30 feet in height.

II. 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.

III. 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.

IV. 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.

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

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: (Angie Clark)
PPD File # (5.555)

Schedule "A"

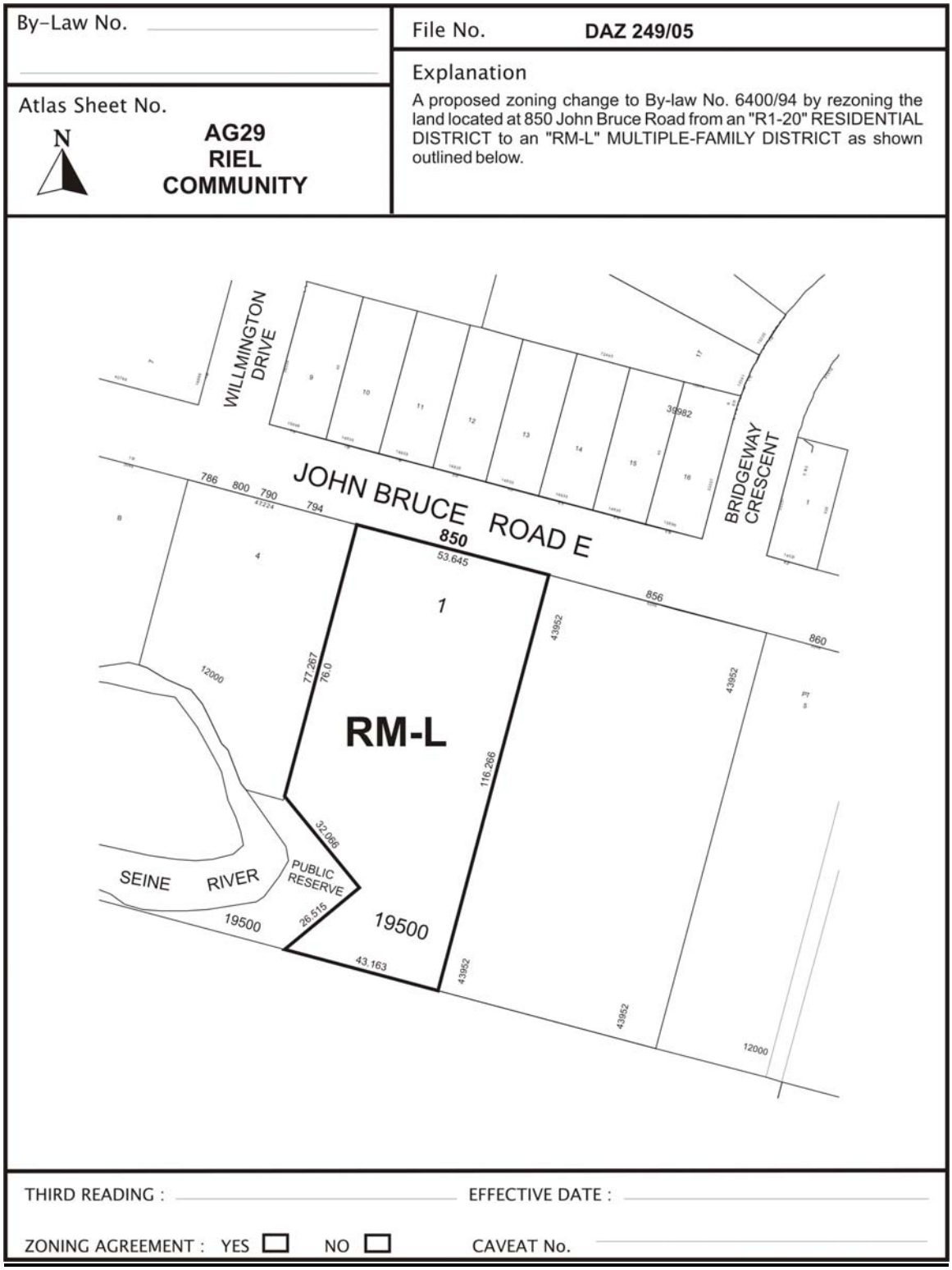


Figure 1: Schedule "A" for file No. DAZ 249/05, Riel Community Committee, dated November 15/05

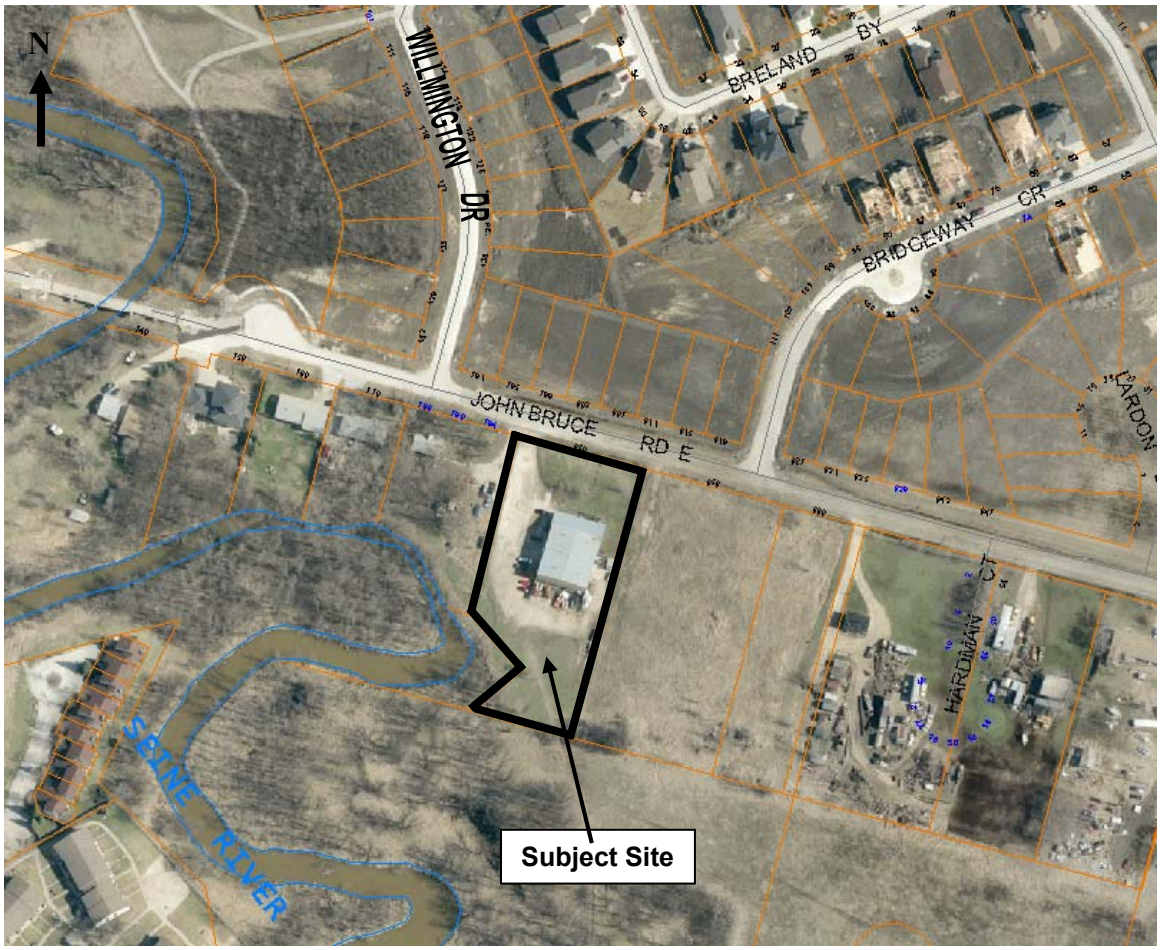


Figure 2: Aerial photo (flown 2002)

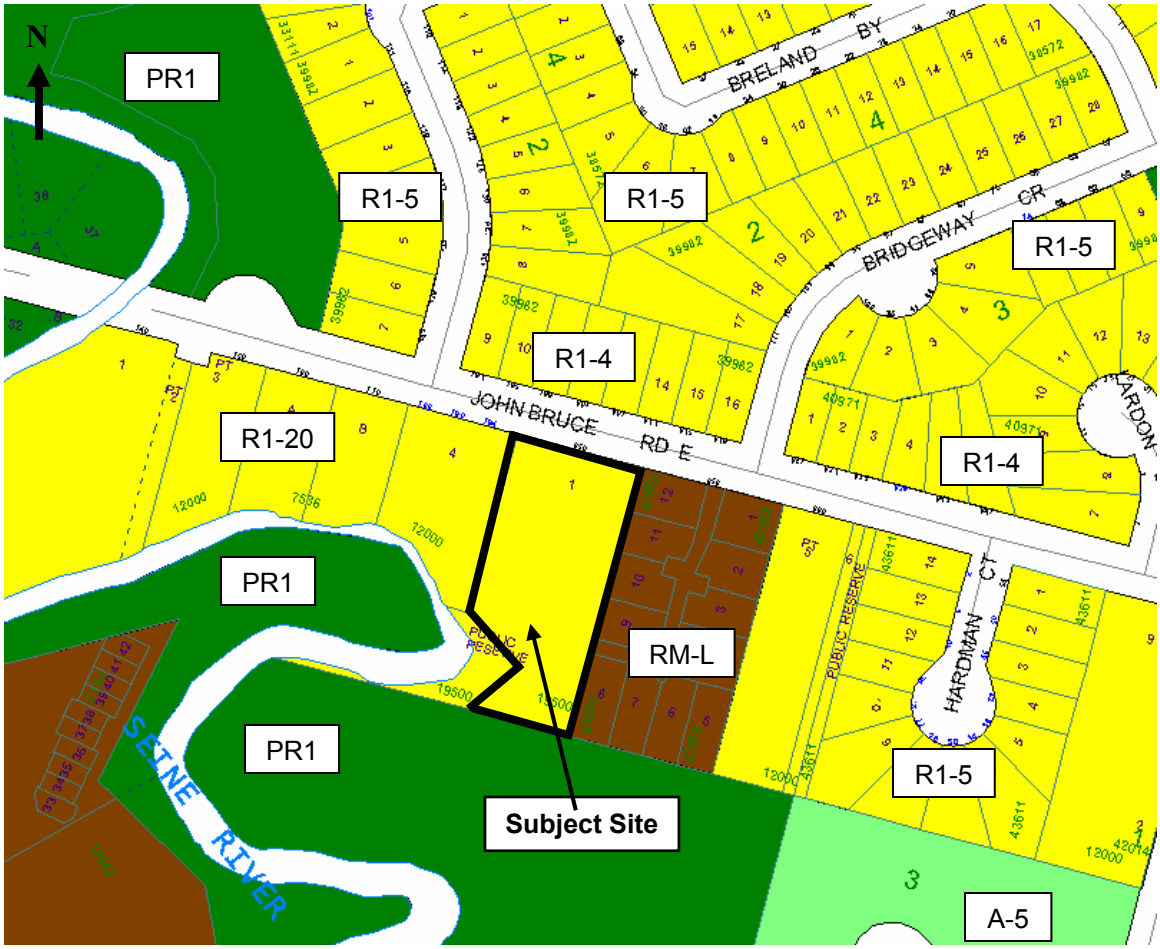


Figure 3: Surrounding Zoning