Agenda – Executive Policy Committee – February 15, 2006

Report - Standing Policy Committee on Property and Development - January 31, 2006

Item No. 10 Subdivision and Rezoning - 123 Reenders Drive
File DASZ 35/2005

STANDING COMMITTEE RECOMMENDATION:

On January 31, 2006, the Standing Policy Committee on Property and Development concurred in the recommendation of the East Kildonan-Transcona Community Committee, as amended, and submits the following to Council:

1. That the plan of subdivision proposed under File DASZ 35/3005 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 35/2005 dated January 4, 2006, for registration in the Winnipeg Land Titles Office, subject to the following:

    A. 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 December 30, 2005, with the following amendments:

        i. That Condition Nos. 2, 3, 4, 5, 9, 10, 13, and 15 be deleted.

        ii. That Condition No. 6 be renumbered to Condition No. 2.

        iii. That Condition No. 7 be renumbered to Condition No. 3, and be deleted and replaced with the following:

            "3. The Developer will connect to the existing waste water sewer in Reenders Drive on a temporary basis. The Developer shall redirect the wastewater flows from proposed lots 1 and 4, if and when the use changes, as determined by the Director of Water and Waste."

        iv. That Condition Nos. 8. a) and 8. b) be renumbered to Condition Nos. 4. a) and 4. b).

        v. That renumbered Condition No. 4. b) be deleted and replaced with the following:

            "4. b) The Developer shall pay its share of the cost of the Regional Land Drainage System attributable to proposed Lots 1 and 4 as determined by the Director of Water and Waste when the balance of the Developer's property to the east is developed."

Report - Standing Policy Committee on Property and Development - January 31, 2006

vi. That Condition Nos. 11 and 12 be renumbered to Condition Nos. 5 and 6.

vii. That Condition No. 14 be renumbered to Condition No. 7, and be deleted and replaced with the following:

"7. The Developer shall, at no expense to the City, provide underground electrical and telephone services to serve the proposed subdivision including any new services required to be extended to the subject site."

viii. That Condition No. 16 be renumbered to Condition No. 8, and be deleted and replaced with the following:

"8. The Developer shall pay $1,200.00 per acre based on the area of the land being rezoned to defray the City's administration and related costs associated with the preparation and implementation of the Servicing Agreement."

ix. That a new Condition No. 9 be added as follows:

"9. The Developer shall, at no expense to the City, construct a sidewalk fronting Reenders Drive on the north side from property line to property line on Lot 1, including a connection to the existing sidewalk on the south site of Reenders Drive."

2. That the Director of Planning, Property and Development be authorized to certify any documents in connection therewith.

3. That The Winnipeg Zoning By-Law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 35/2005 dated January 4, 2006, to an "C3-1" Commercial 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 conditions:

A. That for the development of any building and/or accessory parking area and/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, garbage enclosures, fencing, landscaping and signage to the Director of Planning, Property and Development and the East Kildonan-Transcona Community Committee 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.

B. That the maximum height of any building on the subject property shall be limited to thirty (30) feet.

C. That free standing signs shall be permitted on the land provided that the maximum height of any free standing sign shall be thirty-five (35) feet above grade.

D. That there shall be no advertising signs, mobile signs, poster signs and A-frame signs are strictly prohibited on land or upon any building or structure including fencing, except that one mobile sign shall be permitted on the site for a period of thirty (30) days in association with a new occupancy permit.

E. That no illuminated signage be erected on the north sides of any buildings within eighty (80) feet of the north property line.

F. That prior to the issuance of any permits all garbage containers be fully enclosed by a brick/concrete and/or wood barrier fence that is at least six (6) inches above the top of the garbage containers and thereafter maintained to the satisfaction of the Director of Planning, Property and Development.

G. That vehicular access to Lagimodière Blvd and Ravelston Avenue West shall not be permitted.

H. That the most northerly twenty-five (25) feet of the proposed lots that are adjacent to a non-commercial use shall be established and maintained for a minimum three (3) foot berm and a minimum eight (8) foot fence for a total height of not less than eleven (11) feet and no other use (with the exception of the Stapon Road terminus).

I. That fencing, consisting of brick pillars with vertical style wood boards at least eight (8) feet in height, shall be constructed along the north property line of any lot abutting a non-commercial use.

J. That alternating deciduous and coniferous trees be planted in pairs on both sides of the berm and fence that is parallel to the north property line and identified as the most northerly twenty-five (25) feet of all the subject lots abutting a non-commercial use.

Report - Standing Policy Committee on Property and Development - January 31, 2006

K. That any HVAC equipment shall be located a minimum of eighty (80) feet from any abutting non-commercial district boundary.

L. That no exterior public announcement and ordering systems and other similar sound systems shall be permitted on the subject lots.

M. That a minimum ten (10) foot wide landscaped strip shall be developed and maintained along the south limit of the property fronting onto Reenders Drive and the western limit fronting on Lagimodière Boulevard.

N. That all lighting shall, upon the request of the Director of Planning, Property and Development, be equipped with whatever additional shielding, lenses, or cut-off devices as required to eliminate light trespass onto any street or abutting lot or parcel and to eliminate glare perceptual to persons on any street or abutting lot or parcel. In addition, the Director may require that the light trespass and glare be limited to a reasonable level through fixture location, height and intensity.

4. 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.

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 by-law in accordance with the above.

7. That the subdivision section of the by-law shall come into force and effect upon execution by the City of Winnipeg of the Development Agreement.

8. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision has been registered in the Winnipeg Land Titles Office and 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.

Report - Standing Policy Committee on Property and Development - January 31, 2006

9. That the Plan of Subdivision shall be approved and signed by the Director of Planning, Property and Development within two (2) years of the date of passage of the aforementioned by-law.

10. That in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twenty-four (24) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

11. 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.

Agenda – Executive Policy Committee – February 15, 2006

Report - Standing Policy Committee on Property and Development - January 31, 2006

DECISION MAKING HISTORY:

STANDING COMMITTEE RECOMMENDATION:

On January 31, 2006, the Standing Policy Committee on Property and Development concurred in the recommendation of the East Kildonan-Transcona Community Committee, as amended, namely:

- That the amendment by the East Kildonan – Transcona Community Committee to Condition No. 1 in the Report from the Administrative Coordinating Group dated December 30, 2005, be deleted and original Condition No. 1 re-inserted, namely:

  "1. The Developer shall transfer to the City and legally open as street right-of-way, all at no expense to the City, property required for the widening of Reenders Drive abutting the Planned Area, as generally illustrated on the former Land and Development Services Department Misc. Plan No. EKT 9679/1, dated December 2, 1996, as determined by and to the satisfaction of the Director of Public Works."

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

COMMUNITY COMMITTEE RECOMMENDATION:

On January 17, 2006, the East Kildonan-Transcona Community Committee concurred in the administrative recommendation with the following amendments, namely:

Report of the Manager of Planning and Land Use

- That Recommendation No. 1 be amended by substituting the words "Schedule A" with the words "Schedule B".

- That Recommendation No. 3 be amended by substituting the words "Schedule A" with the words "Schedule B".

- That Recommendation No. 3.K. be deleted and replaced with the following:

  "3.K. That any HVAC equipment shall be located a minimum of eighty (80) feet from any abutting non-commercial district boundary."

Report - Standing Policy Committee on Property and Development - January 31, 2006

DECISION MAKING HISTORY (continued):

COMMUNITY COMMITTEE RECOMMENDATION (continued):

Report of the Administrative Coordinating Group

- That Condition No. 1 be deleted and replaced with the following:

  "1. That the Developer shall transfer to the City and legally open as street right-of-way, all at no expense to the City, property required for the widening of Reenders Drive abutting lands fronting Lot 1 as shown on Schedule "A" for File DASZ 35/2005, dated January 4, 2006, as determined by and to the satisfaction of the Director of Public Works."

- That Condition Nos. 2, 3, 4, 5, 9, 10, 13, and 15 be deleted.

- That Condition No. 6 be renumbered to Condition No. 2.

- That Condition No. 7 be renumbered to Condition No. 3, and be deleted and replaced with the following:

  "3. The Developer will connect to the existing waste water sewer in Reenders Drive on a temporary basis. The Developer shall redirect the wastewater flows from proposed lots 1 and 4, if and when the use changes, as determined by the Director of Water and Waste."

- That Condition Nos. 8. a) and 8. b) be renumbered to Condition Nos. 4. a) and 4. b).

- That renumbered Condition No. 4. b) be deleted and replaced with the following:

  "4. b) The Developer shall pay its share of the cost of the Regional Land Drainage System attributable to proposed Lots 1 and 4 as determined by the Director of Water and Waste when the balance of the Developer's property to the east is developed."

- That Condition Nos. 11 and 12 be renumbered to Condition Nos. 5 and 6.

- That Condition No. 14 be renumbered to Condition No. 7, and be deleted and replaced with the following:

Report - Standing Policy Committee on Property and Development - January 31, 2006

DECISION MAKING HISTORY (continued):

COMMUNITY COMMITTEE RECOMMENDATION (continued):

> "7. The Developer shall, at no expense to the City, provide underground electrical and telephone services to serve the proposed subdivision including any new services required to be extended to the subject site."

- That Condition No. 16 be renumbered to Condition No. 8, and be deleted and replaced with the following:

  "8. The Developer shall pay $1,200.00 per acre based on the area of the land being rezoned to defray the City's administration and related costs associated with the preparation and implementation of the Servicing Agreement."

- That a new Condition No. 9 be added as follows:

  "9. The Developer shall, at no expense to the City, construct a sidewalk fronting Reenders Drive on the north side from property line to property line on Lot 1, including a connection to the existing sidewalk on the south site of Reenders Drive."

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

RE: **Subdivision and Rezoning - 123 Reenders Drive**
File DASZ 35/2005 [c/r DCU 149791/2005D]

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

Prepared by: **Inga K. Skundberg, Clerk**
East Kildonan-Transcona Community Committee

Report date: **January 25, 2006**

COMMUNITY COMMITTEE RECOMMENDATION:

On January 17, 2006, the East Kildonan-Transcona Community Committee concurred in the administrative recommendation, as amended, and recommends to the Standing Policy Committee on Property and Development:

1. That the plan of subdivision proposed under File DASZ 35/3005 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule ***"A"*** for File DASZ 35/2005 dated January 4, 2006, for registration in the Winnipeg Land Titles Office, subject to the following:

    A. 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 December 30, 2005, ***with the following amendments***:

        i. That Condition No. 1 be deleted and replaced with the following:

            "1. That the Developer shall transfer to the City and legally open as street right-of-way, all at no expense to the City, property required for the widening of Reenders Drive abutting lands fronting Lot 1 as shown on Schedule "A" for File DASZ 35/2005, dated January 4, 2006, as determined by and to the satisfaction of the Director of Public Works."

        ii. That Condition Nos. 2, 3, 4, 5, 9, 10, 13, and 15 be deleted.

        iii. That Condition No. 6 be renumbered to Condition No. 2.

        iv. That Condition No. 7 be renumbered to Condition No. 3, and be deleted and replaced with the following:

            "3. The Developer will connect to the existing waste water sewer in Reenders Drive on a temporary basis. The Developer shall redirect the wastewater flows from proposed lots 1 and 4, if and

when the use changes, as determined by the Director of Water and Waste."

v. That Condition Nos. 8. a) and 8. b) be renumbered to Condition Nos. 4. a) and 4. b).

vi. That renumbered Condition No. 4. b) be deleted and replaced with the following:

"4. b) The Developer shall pay its share of the cost of the Regional Land Drainage System attributable to proposed Lots 1 and 4 as determined by the Director of Water and Waste when the balance of the Developer's property to the east is developed."

vii. That Condition Nos. 11 and 12 be renumbered to Condition Nos. 5 and 6.

viii. That Condition No. 14 be renumbered to Condition No. 7, and be deleted and replaced with the following:

"7. The Developer shall, at no expense to the City, provide underground electrical and telephone services to serve the proposed subdivision including any new services required to be extended to the subject site."

ix. That Condition No. 16 be renumbered to Condition No. 8, and be deleted and replaced with the following:

"8. The Developer shall pay $1,200.00 per acre based on the area of the land being rezoned to defray the City's administration and related costs associated with the preparation and implementation of the Servicing Agreement."

x. That the a new Condition No. 9 be added as follows:

"9. The Developer shall, at no expense to the City, construct a sidewalk fronting Reenders Drive on the north side from property line to property line on Lot 1, including a connection to the existing sidewalk on the south site of Reenders Drive."

2. That the Director of Planning, Property and Development be authorized to certify any documents in connection therewith.

3. That The Winnipeg Zoning By-Law No. 6400/94 be amended by rezoning the subject land as shown on Schedule ***"A"*** for File DASZ 35/2005 dated January 4, 2006, to an

"C3-1" Commercial 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 conditions:

A. That for the development of any building, and/or accessory parking area and/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, garbage enclosures, fencing, landscaping and signage to the Director of Planning, Property and Development and the East Kildonan-Transcona Community Committee 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.

B. That the maximum height of any building on the subject property shall be limited to thirty (30) feet.

C. That free standing signs shall be permitted on the land provided that the maximum height of any free standing sign shall be thirty-five (35) feet above grade.

D. That there shall be no advertising signs, mobile signs, poster signs and A-frame signs are strictly prohibited on land or upon any building or structure including fencing, except that one mobile sign shall be permitted on the site for a period of thirty (30) days in association with a new occupancy permit.

E. That no illuminated signage be erected on the north sides of any buildings within eighty (80) feet of the north property line.

F. That prior to the issuance of any permits, all garbage containers be fully enclosed by a brick/concrete, and/or wood barrier fence that is at least six (6) inches above the top of the garbage containers, and thereafter maintained to the satisfaction of the Director of Planning, Property and Development.

G. That vehicular access to Lagimodière Blvd and Ravelston Avenue West shall not be permitted.

H. That the most northerly twenty-five (25) feet of the proposed lots that are adjacent to a non-commercial uses shall be established and maintained for a minimum three (3) foot berm and a minimum eight (8) foot fence for a total height of not less than eleven (11) feet and no other use (with the exception of the Stapon Road terminus).

I. That fencing, consisting of brick pillars with vertical style wood boards at least eight (8) feet in height shall be constructed along the north property line of any lot abutting a non-commercial use.

J. That alternating deciduous and coniferous trees be planted in pairs on both sides of the berm and fence that is parallel to the north property line and identified as the most northerly twenty-five (25) feet of all the subject lots abutting a non-commercial use.

K. That any HVAC equipment shall be located a minimum of eighty (80) feet from any abutting non-commercial district boundary.

L. That no exterior public announcement and ordering systems and other similar sound systems shall be permitted on the subject lots.

M. That a minimum ten (10) foot wide landscaped strip shall be developed and maintained along the south limit of the property fronting onto Reenders Drive and the western limit fronting on Lagimodière Boulevard.

N. That all lighting shall, upon the request of the Director of Planning, Property and Development, be equipped with whatever additional shielding, lenses, or cut-off devices as required to eliminate light trespass onto any street or abutting lot or parcel and to eliminate glare perceptual to persons on any street or abutting lot or parcel. In addition, the Director may require that the light trespass and glare be limited to a reasonable level through fixture location, height and intensity.

4. 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.

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 by-law in accordance with the above.

7. That the subdivision section of the by-law shall come into force and effect upon execution by the City of Winnipeg of the Development Agreement.

8. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision has been registered in the Winnipeg Land Titles Office, and 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.

9. That the Plan of Subdivision shall be approved and signed by the Director of Planning, Property and Development within two (2) years of the date of passage of the aforementioned by-law.

10. That in the event that the necessary City of Winnipeg mylar approval signatures have not been secured within twenty-four (24) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

11. 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 East Kildonan-Transcona Community Committee provided the following supporting reasons for its recommendation:

1. The subject application is a positive transition from higher to lower commercial development in the vicinity of residential development and will strength the residential area to the north.

2. The secondary plan for the Transcona West Area has not yet been adopted; however, as lands to the north of Almey Avenue are developed, there will be an opportunity to address traffic issues on Almey Avenue, and at the intersection of Almey Avenue and Lagimodiere Boulevard.

3. Area residents have expressed concern regarding the extension of Stapon Road and in relation to the intersection of Almey Avenue and Lagimodiere Boulevard.

4. The recommendations ensure obligations to Lot 1 of the subject application and address pedestrian concerns.

5. Plan Approval is a condition of the subject application and will require approval of the East Kildonan-Transcona Community Committee prior to the issuance of any building or development permits.

PUBLIC HEARING SUMMARY

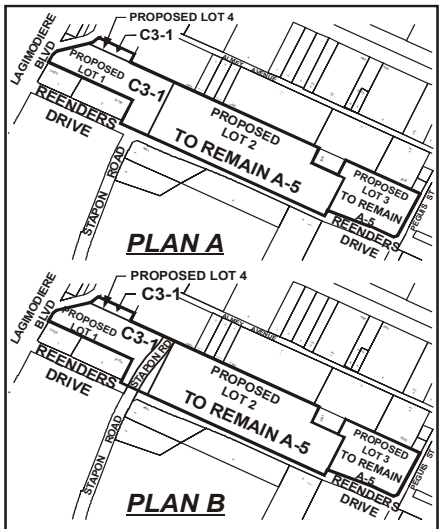
File: DASZ 35/2005 [c/r DCU 149791/2005D]

Before: East Kildonan-Transcona Community Committee
Councillor Lubosch, Chairperson
Councillor Wyatt

Public Hearing: January 17, 2006
Community Committee Chambers, 755 Henderson Highway

Applicant: Shindico Realty Inc.
(Bob Downs)

Subject:



N

EAST KILDONAN TRANSCONA COMMUNITY

APPLICANT : SHINDICO REALTY INC.

FILE : DASZ 35/05

PROPOSAL : An application for the approval of either Plan A or Plan B of the subdivision shown outlined above as may be determined by Council and for a proposed zoning change to By-law No. 6400/94 by rezoning the land shown outlined above from an "A.5" AGRICULTURAL DISTRICT to a "C3-1" COMMERCIAL DISTRICT. **For information, phone Mr. J. Wintrup, Planner at 986-5102.**

Premises Affected: 123 Reenders Drive

Exhibits Filed:

1. Application dated September 12, 2005
2. Notification of Public Hearing dated December 9, 2005
3. Manitoba Status of Titles 1596609, 1989947, 1989950, 2003681
4. Surveyor's Sketch dated July 8, 2005

5a. Letter of authorization dated July 23, 2005 from the President and Secretary, 3422631 Manitoba Ltd., to Shindico Realty Inc.

5b. Letter of authorization dated August 17, 2005, from the President, 4841001 Manitoba Ltd., to Shindico Realty Inc.

6. Plan of Survey
7. Site Plan
8. Report from the Manager of Planning and Land Use dated January 4, 2006
9. Report from the Administrative Coordinating Group dated December 30, 2005
10. Inspection Report
11. Communication from Sandy Shindleman and Bob Downs with respect to the application submitted by Bob Downs at the public hearing
12. Presentation with respect to StorageVille submitted by Fraser Kulba at the public hearing

REPRESENTATIONS:

In Support:

Robert Downs
Fraser Kulba
Robert W. Shindleman
Sandy G. Shindleman

In Opposition

Nil

For Information:

Doug Henne
Jeff Okun

Wes Schollenberg

For the City:

Mr. C. Torpey, Land Development Administrator, Planning, Property and Development Department
Mr. J. Wintrup, Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS MADE AT THE PUBLIC HEARING

Sandy Shindleman appeared in support of the application and requested that Plan A, as opposed to Plan B, be approved. In this connection, he indicated that Plan B would separate the subject property and would diminish the usefulness of it.

Bob Downs appeared in support of the application and requested amendments to the Report from the Administrative Coordinating Group. In this connection, he submitted a written presentation, filed as Exhibit 11. He supported Plan A, as opposed to Plan B, and indicated that it would be an undue hardship to ask the occupier of the site, StorageVille, to fund the extension as they do not require it for their use.

Fraser Kulba, owner and operator of StorageVille on Waverley Street, appeared in support of the application, and submitted a written presentation, filed as Exhibit 12. He purported that StorageVille would not infringe on the rights of property owners in the area, in particular those residing north of the subject site. In this connection, he advised that HVAC units would be mounted and sheltered behind the buildings and therefore would not be visible, nor would generate noise levels offensive to neighbouring residents.

Wes Schollenberg appeared for information, and advised that he is appearing on behalf of his mother who lives on Almey Avenue. He indicated his support of the proposed use on the subject site and expressed his opposition to the extension of Stapon Road.

Jeff Okun appeared for information, and advised that his backyard will face onto the subject property. He indicated his support of the proposal, and poised questions regarding the following, namely: access road; impact the development will have on the back of his property; buffer from residential to commercial; hours of operation; distance of the building to the fence; type of fence; and, site plan.

John Wintrup advised that the City of Winnipeg is recommending that landscaping, berming and fencing be installed along the north side, and that site plan approval is a condition of the subject application and will require approval by the Administration as well as the Community Committee prior to the issuance of any building or development permits.

In rebuttal, Sandy Shindleman and Bob Downs responded to questions and concerns expressed and displayed renderings to reference the location of the proposed extension of Stapon Road and to depict the impact to residents of Almey Avenue. Sandy Shindleman indicated that a discussion could occur in the future if a road is required through the subject property, as opposed to extending Stapon Road at the subject public hearing. He advised the proposed hours of operation and indicated the number of cars accessing the gates of StorageVille on Waverley Street in a 24 hour period. He confirmed that landscaping along Reenders Drive will be visually appealing.

John Wintrup confirmed the setbacks required as it relates to the subject application.

Discussion ensued with respect to the following; impact on either Plan A or Plan B on the controlled intersection; future road widening; the Administration's reliance on the extension of Stapon Road; versatility and options provided by the Stapon Road extension; addressing traffic concerns on Almey Avenue; and, future traffic plans and its relation to the future secondary plan for the Transcona West Area.

Councillor Wyatt referenced the sidewalk that ends at Reenders Drive and Stapon Road and questioned the applicant if they would be willing to construct a sidewalk to the end of the property line. Bob Downs responded in the affirmative, and in addition, referenced the installation of HVAC systems and indicated that they would prefer to install them on the south side of the building away from residents.

Exhibit "8" referred to in File DASZ 35/2005 [c/r DCU 149791/2005D]

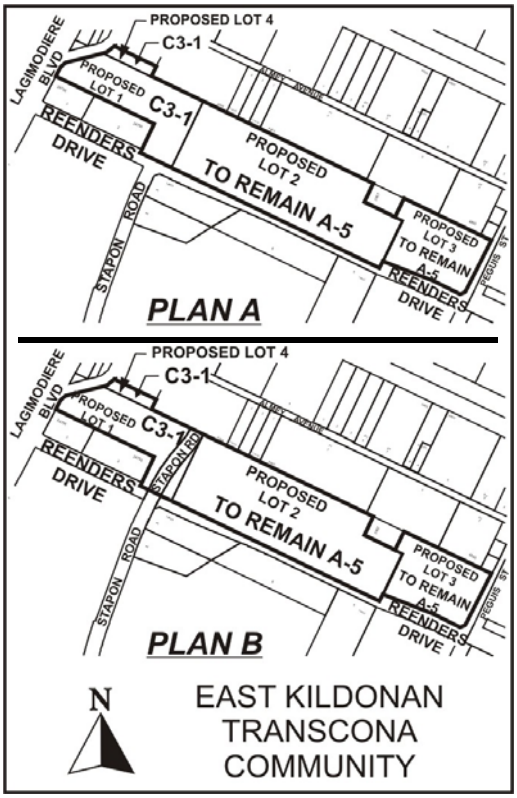
Winnipeg

Planning, Property and Development Department Report

To the East Kildonan - Transcona Community Committee

Date: January 4, 2006
File: DASZ 35/05
Related Files: DASZ 3/1998; DAZ 204/99; DASZ 11/99; DASZ 14/99; DCU05-149791/D

Subject: Rezone and subdivide the land to facilitate the development of commercial land-uses.
Location: 123 Reenders Drive



Applicant: Shindico Realty (Bob Downs)

Recommendation: Approve **Plan B** with Conditions

Report Summary:

- Shindico Inc. proposes to subdivide the subject properties into 4 lots.
- Two lots on the west side of the subject site will be rezoned for **8.7 acres** of "C3-1" Commercial land.
- A storage compound for boats and recreational vehicles, and a storage building with indoor units for rent is proposed on the commercial lands.
- There will be parking for **510 vehicles** and an additional **65 parking stalls** for a covered RV parking.
- The site plan submitted does not indicate any landscaping, fencing, or building materials being proposed for the commercial development.
- Plan B of the proposed development incorporates a provision for the extension of Stapon Road to the north limit of the developer's property line, whereas Plan A does not have this provision.
- The proposed Stapon Road Extension will improve traffic circulation, allow a severance of Almey at Lagimodière Blvd and/or Peguis; and facilitate the future residential development of rear lands that front Almey Avenue.

Site Description

The subject properties are located east of Lagimodière Blvd, north of Reenders Drive at the terminus of Stapon Road in the Peguis neighbourhood of the Transcona Ward. The subject properties are **35.2 acres**, vacant and zoned "A-5" Agricultural District.

Surrounding Land Use and Zoning:

North: Single Family Dwellings fronting on Almey Street, zoned "R1-5.5" Single Family Residential District on first 110 feet of lot depth, zoned "A5" Agricultural District on remaining 260 feet of lot depth.
South: Restaurant and car wash, zoned "C2" Commercial District, and Kildonan Place Shopping Centre, zoned "CR" Commercial District.
East: Vacant land zoned "A5" Agricultural District
West: Terminus of Ravelston Ave. West, Vacant land, and a Parks and Recreation District Yard, zoned "R1-5.5" Single Family Residential District and "A5" Agricultural District. Further west is Lagimodière Boulevard, and a shopping centre development (Rona), zoned "C3-1" Commercial District.

Background

DASZ 3/1998
In 1998, Shindico Inc. proposed to develop a 113,000 square foot Home Depot, home improvement store, with a 26,000 square foot seasonal garden centre on the eastern portion of the site. A 50,000 square foot grocery store on the western portion of the site was also proposed. As part of this development, plans showed the dedication and opening of the northern extension of Stapon Road up to the north property line of the subject site. The application was withdrawn due to significant public opposition.

Description of the Proposed Development

Plan A: Creates three (3) lots along the north side of Reenders Drive and rezones the most westerly lot (lot 1) along with lot 4 to C3-1 and retains the existing A-5 zoning for the other two (2) lots.

Plan B: Same as Plan A but introduces the northerly extension of Stapon Road across lot 1.

Shindico Inc. proposes to subdivide the subject properties into 4 lots: Lot 1 will be **8.00 acres** and Lot 4 remaining at **30,574** square feet with **100 feet** of frontage on Ravelston Avenue West. The lots will be rezoned for **8.7 acres** of "C3-1" Commercial land. The proposed lot 2 is 19.58 acres and lot 3 is 6.97 acres and will remain vacant, zoned "A-5" Agricultural.

A storage compound for boats and recreational vehicles, and a storage building with indoor units is proposed on the commercial lands. There will be four buildings: a 44,000 square foot climate controlled storage building directly north of the existing Chamois Car Wash building; a 15,192 square foot building along the west property line; a 13,180 square foot building near the east property line of Lot 1 and a 1,880 square foot office building near Reenders Avenue. There will be parking for **510 vehicles** and an additional **65 parking stalls** for a covered RV parking on Lot 4. The proposed extension of Stapon Road would require the two smaller buildings to be relocated and reduce the number of parking stalls.

Analysis

PLAN WINNIPEG
The proposed concept complies with Plan Winnipeg in that a commercial rezoning is allowed in Neighbourhood Policy Areas. The proposed development is in close proximity to the Regional Shopping Centre and would constitute the expansion of the commercial node that presently exists in the Lagimodière/ Reenders/Regent area. While this development does not constitute an expansion of the Regional Shopping Centre as defined under Plan Winnipeg, the expansion of the commercial node should be taken under consideration.

SECONDARY PLAN

The Planning and Land-Use Division has recently initiated a planning process for a Secondary Plan for the 'Transcona West Area' whose northern boundary is the Cordite Ditch and southern boundary is Regent Avenue. The subject property is within this Secondary Plan area. The proposed development is consistent with previously submitted applications to rezone the land 'commercial' and can proceed.

ZONING

- A **"C3-1" Commercial District** has 56 Permitted Uses and 61 Conditional Uses that are intended to provide for highway commercial type developments, with a significant orientation to automobile and truck-related uses. There is a front and rear yard requirement of 25 feet. The maximum height of the buildings is 30 feet. The proposed storage compound and rental storage units are a 'Conditional Use' (**DCU05-149791/D)**

- A **"C2" Commercial District** has 104 Permitted Uses and 47 Conditional Uses that are generally orientated to a community wide market. There is only a rear yard requirement of 25 feet and a maximum building height of 45 feet.

- 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.

COMPATIBILITY WITH SURROUNDING USES

The expansion of commercial development north of Reenders, closer to the already developed residential areas along Almey should not be undertaken without the provision of buffering and landscaping to minimize the impact of the proposed development on the existing residential property owners. Proposed Lot 4 with covered RV parking and outside storage will be adjacent to single family dwellings fronting Ravelston Avenue West. Lot 1 and the future development of lots 2 and 3 are adjacent to an established and stable rural residential area that, in the future, will also undergo substantial additional residential development.

SITE DESIGN ISSUES

The site plan submitted does not indicate any landscaping, fencing, or building materials being proposed for the commercial development. Recent commercial rezonings and subsequent plan approvals in the area including the land directly north at Almey / Ravelston / Lagimodière **(DASZ 14/99)** have required extensive landscaping (3 foot berming, coniferous/deciduous trees), fencing (8 feet height, brick and wood) and setbacks (15 feet) to buffer against the residential neighbourhood along Almey Avenue. The rezoning and development of Rona, directly west on Lagimodière Blvd required landscaping (coniferous trees and berming) and solid fencing to screen the outdoor storage compound that abuts Lagimodière **(DAZ 204/99)**. The development of Crossroads Station (**DASZ 11/99)** has required extensive landscaping in the front yard and the parking area.

TRAFFIC AND INFRASTRUCTURE IMPACTS

This development will provide the land for the future extension of two lanes of Reenders Avenue to Peguis Street. There is an existing sidewalk along the north side of Reenders Avenue that

terminates across from the Stapon Road intersection. There is no provision to extend the sidewalk further east along Reenders as part of this application.

The development will require the construction of an eastbound left-turn storage lane, plus upstream transition, on Reenders Drive at its intersection with Stapon Road. Upgrades to the existing traffic control signals at the intersection of Reenders Drive with Stapon Road to include the fourth leg of the intersection will also be required. At present, the signalized intersection at Almey and Lagimodière is attracting cut-through traffic. Increased commercial development in this vicinity may aggravate this problem, however not to the scale as previously suggested under DASZ 3/98. The traffic concerns of Almey residents will need to be addressed in some way, perhaps with the closing or downgrading of the intersection at Lagimodière and/or Peguis, which would be possible with the extension of Stapon Road to Almey.

TRANSPORTATION AND SITE ACCESS

Plan B of the proposed development incorporates a provision for the extension of Stapon Road to the north limit of the developer's property line. The long term plan would be to have Stapon Road connect to Almey Avenue to the north between 336 and 354 Almey and there is a potential "window" beside an existing house, 353 Almey, on the north side of Almey Avenue to permit the further extension of Stapon to the north. The following comments support the need for the Stapon Road Extension to Almey Avenue:

Improve Circulation

1. The concept plan for the area north of Reenders Drive, between Lagimodière Boulevard and Peguis Street provides for the extension of Stapon to provide adequate traffic access to this area, as it develops, using a collector street system designed to reduce reliance on existing and future local residential streets.

Allow Severance Of Almey Avenue

2. The extension of Stapon Road will provide a second means of access to the area thereby allowing the severance of Almey Avenue from Lagimodière Boulevard and/or the severance of Almey Avenue from Peguis Street, **which will reduce/eliminate the through traffic that uses Almey.** Public Works limits the length of cul-de-sacs to 105m (350ft). A severance at Lagimodière or Peguis would create a cul-de-sac of approximately 1,000 metres (3,440 feet) that would raise significant safety issues due to the length and restriction of access (i.e. fire/life safety).

Facilitate Infill Development

3. The extension of Stapon Road north of Reenders will facilitate and enable the future residential development of the rear yards for the residential dwellings that front Almey and back onto the subject properties. The rear yards are approximately 260 feet in depth: a road 60 feet in width extended west from the proposed Stapon Road will allow the future subdivision of the properties into 100 foot lots on each side of the road. A road can be extended west from Peguis Street

but the length of the cul-de-sac would be restricted, limiting the number of properties that could subdivide their roads to only a few.

Recommendation

The Division is recommending **approval of Plan B** for this application. Plan A does not provide the full extension of Stapon Road and the connection to Almey Avenue. In the absence of an alternative concept plan for the future development of the lands to the north of this site, it would be premature to eliminate the provision of this extension altogether.

The Division is also recommending that the proposed "C3-1" Commercial District be approved subject to a number of conditions that will ensure the future commercial development is compatible with the adjacent residential neighbourhood and consistent with the surrounding commercial properties. The conditions required to mitigate any negative impacts are:

- site plan approval for landscaping, fencing, buildings, and signage;
- free standing signage allowed to a maximum height of 35 feet to ensure this use does not impact the adjacent residents;
- no mobile, advertising and temporary signs;
- illuminated signage restricted from the north side of any building within 80 feet of the adjoining properties to ensure adjacent residents are not negatively impacted;
- building and parking area lighting be shielded away from adjacent residents;
- landscaping required in yards against the right-of-ways since this has been required from surrounding commercial properties;
- site plan requirements of trees, berming, and fencing against the adjacent residential properties since this has been required from the surrounding commercial properties and will mitigate any negative impacts;

Recommended Conditions of Approval

1. That the plan of subdivision proposed under File No. **DASZ 35/05** be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with **Schedule "B"** for File No. **DASZ 35/05,** attached hereto and dated **January 4, 2006**, for registration in the Winnipeg Land Titles Office, subject to the following:

    A. 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 **December 30, 2005**;

2. That the Director of Planning, Property and Development be authorized to certify any documents in connection therewith.

3. That the Winnipeg Zoning By-Law No. 6400/94 be amended by rezoning the subject land as shown on **Schedule "B"** for File No. **DASZ 35/2005**, attached hereto and dated

January 4, 2006, to an "**C3-1**" **Commercial 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 conditions

i. That for the development of any building, and/or accessory parking area and/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, garbage enclosures, fencing, landscaping and signage to the **Director of Planning, Property and Development** and **the East Kildonan - Transcona Community Committee** 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;

ii. That the maximum height of any building on the subject property shall be limited to 30 feet;

iii. Free standing signs are permitted on the land provided that the maximum height of any free standing sign shall be thirty-five (35) feet above grade;

iv. That there shall be no advertising signs, mobile signs, poster signs and A-frame signs are strictly prohibited on land or upon any building or structure including fencing, except that one mobile sign shall be permitted on the site for a period of thirty (30) days in association with a new occupancy permit;

v. That no illuminated signage be erected on the north sides of any buildings within 80 feet of the north property line.

vi. That prior to the issuance of any permits, all garbage containers be fully enclosed by a brick/concrete, and/or wood barrier fence that is at least 6 inches above the top of the garbage containers, and thereafter maintained to the satisfaction of the Director of Planning, Property and Development;

vii. That vehicular access to Lagimodiere Blvd and Ravelston Avenue West shall not be permitted;

viii. That the most northerly 25 feet of the proposed lots that are adjacent to a non-commercial uses shall be established and maintained for a minimum three (3) foot berm and a minimum eight (8) foot fence for a total height of not less than eleven (11) feet and no other use (with the exception of the Stapon Road terminus);

ix. That fencing, consisting of brick pillars with vertical style wood boards at least 8 feet in height shall be constructed along the north property line of any lot abutting a non-commercial use.

x. That alternating deciduous and coniferous trees be planted in pairs on both sides of the berm and fence that is parallel to the north property line and identified as the most northerly twenty five (25) feet of all the subject lots abutting a non-commercial use.

xi. That any HVAC equipment shall be located within a completely enclosed building or structure;

xii. That no exterior public announcement and ordering systems and other similar sound systems shall be permitted on the subject lots;

xiii. That a minimum 10 foot wide landscaped strip shall be developed and maintained along the south limit of the property fronting onto Reenders Drive and the western limit fronting on Lagimodière Boulevard;

xiv. That, all **lighting** shall upon the request of the **Director of Planning, Property and Development**, be equipped with whatever additional shielding, lenses, or cut-off devices are required to eliminate light trespass onto any street or abutting lot or parcel and to eliminate glare perceptual to persons on any street or abutting lot or parcel. In addition, the Director may require that the light trespass and glare be limited to a reasonable level through fixture location, height and intensity.

4. 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.

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 by-law in accordance with the above.

7. That the subdivision section of the by-law shall come into force and effect upon execution by the City of Winnipeg of the Development Agreement.

8. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision has been registered in the Winnipeg Land Titles Office, and 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.**

9. The Plan of Subdivision shall be approved and signed by the Director of Planning, Property and Development within two (2) years of the date of passage of the aforementioned by-law.

10. In the event that the necessary City of Winnipeg mylar approval signatures have not been secured within twenty-four (24) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

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

Report Prepared by: John S. Wintrup
PPD File # DASZ 35/05

Schedule "A"

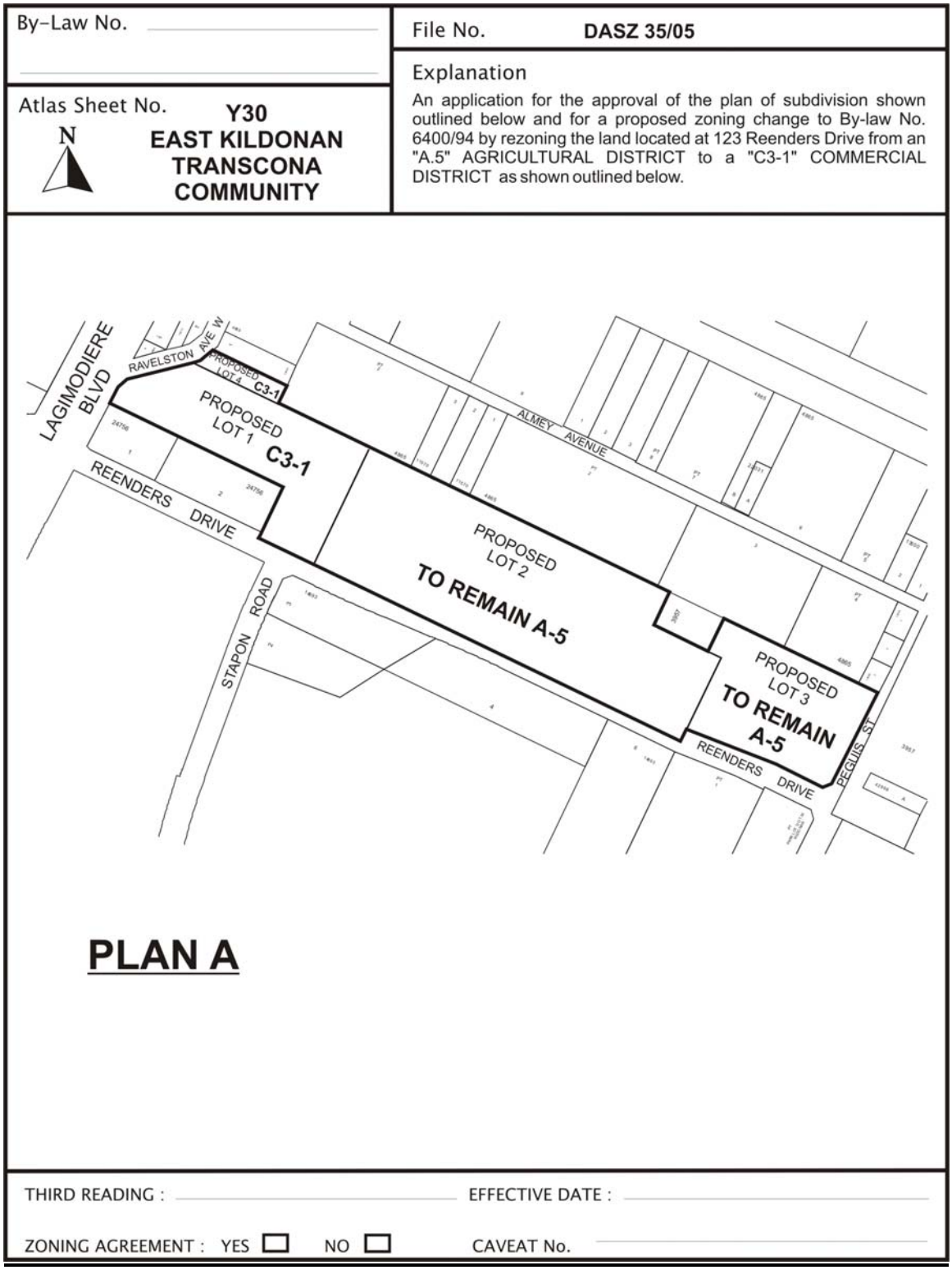


Figure 1: Schedule "A" to the report to the East Kildonan - Transcona Community Committee for File No. DASZ 35/2005, dated January 4, 2006.

Schedule "B"

By-Law No. _____

File No. **DASZ 35/05**

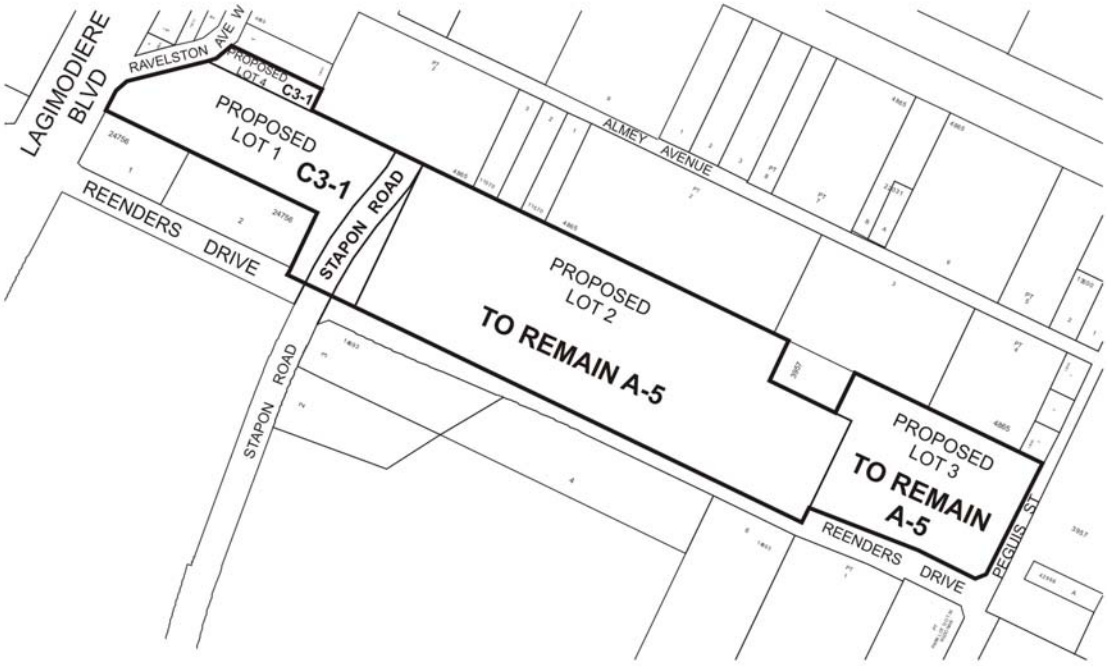
Atlas Sheet No. **Y30**

N

EAST KILDONAN TRANSCONA COMMUNITY

Explanation

An application for the approval of the plan of subdivision shown outlined below and for a proposed zoning change to By-law No. 6400/94 by rezoning the land located at 123 Reenders Drive from an "A.5" AGRICULTURAL DISTRICT to a "C3-1" COMMERCIAL DISTRICT as shown outlined below.



PLAN B

THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

Figure 2: Schedule "B" to the report to the East Kildonan - Transcona Community Committee for File No. DASZ 35/2005, dated January 4, 2006.



Figure 3: Existing Land-Uses for subject property and Surrounding Area.

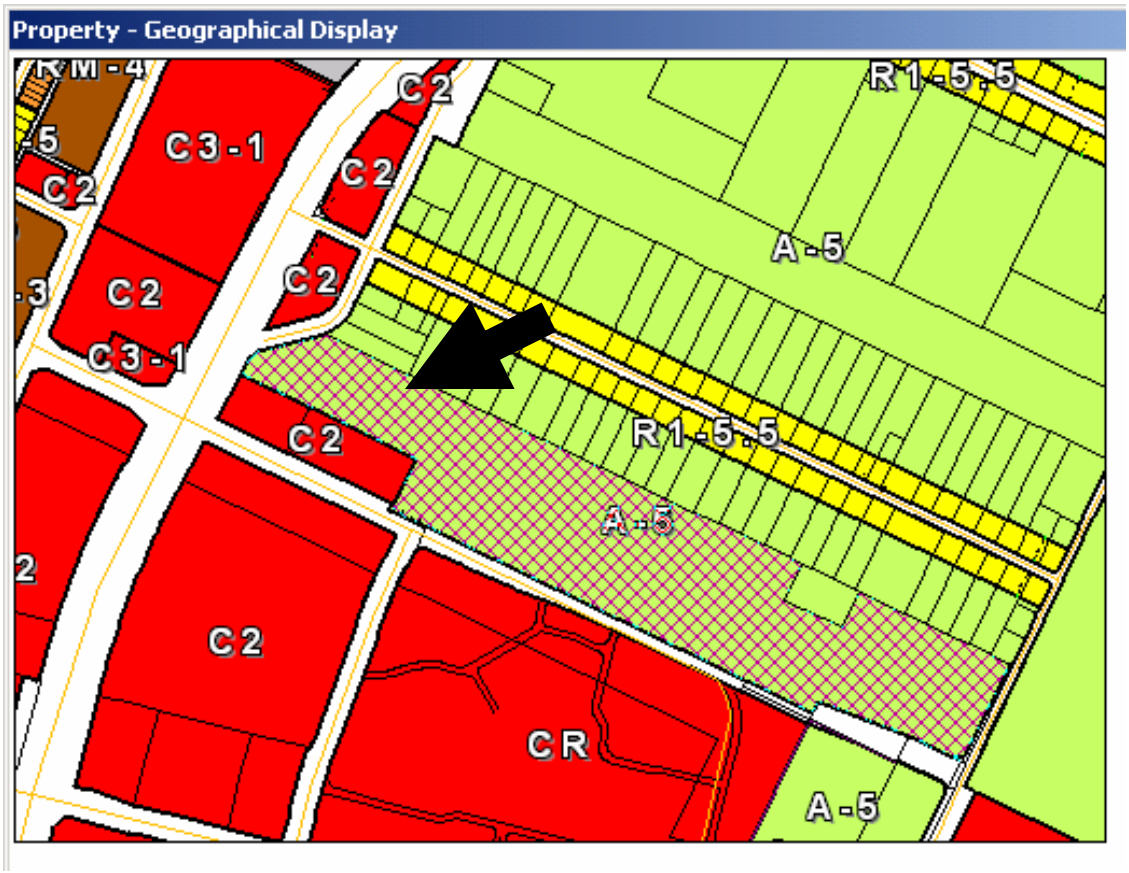


Figure 4: Existing Zoning for subject property and Surrounding Area.

Exhibit "9" referred to in File DASZ 35/2005 [c/r DCU 149791/2005D]

Re: Proposed subdivision and rezoning of land located at 123 Reenders Drive – DASZ 35/05

An application has been submitted by Shindico Realty Inc.. to subdivide and rezone land located at 123 Reenders Drive. At the Applicant's request two (2) proposals have been advertised as follows:

Plan A: Creates three (3) lots along the north side of Reenders Drive and rezones the most westerly lot to C3-1 and retains the existing A-5 zoning for the other two (2) lots.

Plan B: Same as Plan A but introduces the northerly extension of Stapon Road across the C3-1 lot.

It is recommended that Plan B be approved subject to the Developer entering into a servicing agreement as follows:

1. The Developer shall transfer to the City and legally open as street right-of-way, all at no expense to the City, property required for the widening of Reenders Drive abutting the Planned Area, as generally illustrated on the former Land and Development Services Department Misc. Plan No. EKT 9679/1, dated December 2, 1996, as determined by and to the satisfaction of the Director of Public Works.

2. The Developer shall construct, at no expense to the City, a full range of services in the northerly extension of Stapon Road, including, but not necessarily limited to:

    a) 200mm in thickness portland cement concrete pavement(s) to widths as determined by the Director of Public Works, including right-turn cut-offs and channelization islands in the northeast and northwest quadrants of the intersection,
    b) 1.5m in width by 100mm in thickness Portland cement concrete sidewalks on both sides of the roadway,
    c) Boulevard landscaping on both sides of the roadway,
    d) Street lighting on both sides of the roadway,
    e) Land drainage sewer,
    f) All related works,

    all as determined by and to the satisfaction of the Director of Public Works.

3. The Developer shall, at no expense to the City, construct a cul-de-sac type vehicle turnaround at the terminus of the temporarily dead-ended street to be constructed under clause 2.), above and provide any right-of-way or easement necessary to accommodate same, 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 an eastbound left-turn storage lane, plus upstream transition, to a width and length as determined by the Director of Public Works, on Reenders Drive at its intersection with Stapon Road, and all related works, all as determined by and to the satisfaction of the Director of Public Works.

5. The Developer shall pay the full cost of the upgrading of the existing traffic control signals at the intersection of Reenders Drive with Stapon Road to include the fourth leg of the intersection, which is to be constructed under clause 2.), above, as determined by the Director of Public Works.

6. There are to be no private approaches off Lagimodiere Boulevard. Lagimodiere Boulevard is included in Schedule 1 of the Private Approaches By-law under which private approaches are not permitted for reasons of traffic safety and operations.

7. The Developer will connect to the existing wastewater sewer in Reenders Drive on a temporary basis. The Developer shall redirect the wastewater flows from proposed Lots 1 and 4 when the balance of the Developer's property to the east is developed or the use (rental storage units and a storage compound) changes as determined by the Director of Water and Waste.

8. a) The Developer shall submit an engineering report demonstrating that the land drainage outflow from proposed Lots 1 and 4 can be accommodated without negatively impacting the downstream systems. The Developer shall redirect the land drainage flows to the Deep Pond when the balance of the Developer's property to the east is developed.
   b) The Developer shall pay its share of the cost of the Regional Land Drainage System attributable to proposed Lots 1 and 4 as determined by the Director of Water and Waste.

9. The Developer shall, at no expense to the City, cause to be installed standard reflectorized permanent street name signs at the fourth leg of the intersection of Reenders Drive with Stapon Road, as determined by the Director of Public Works.

10. The Developer is to pay all costs associated with the installation and/or relocation of street lights and other utilities, including traffic control signals, made necessary as a result of or required to accommodate works, which are required by the Developer to serve the proposed subdivision, as determined by and to the satisfaction of the Director of Public Works.

11. 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.

12. 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 scraping 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.

13. The Developer shall, at no expense to the City, erect and maintain barricades and signing across the full width of any temporarily dead-ended streets, immediately upon completion of the paving, as determined by and to the satisfaction of the Director of Public Works.

14. 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.

15. The Developer shall pay the full cost of engineering services provided key or on behalf of the City in connection with the installation of services required to be installed in the extension of Stapon Road.

16. The Developer shall pay $1,200.00 per acre based on the area of the land being rezoned and the area of the extension of Stapon Road to defray the City's administration and related costs associated with the preparation and implementation of the Servicing Agreement.

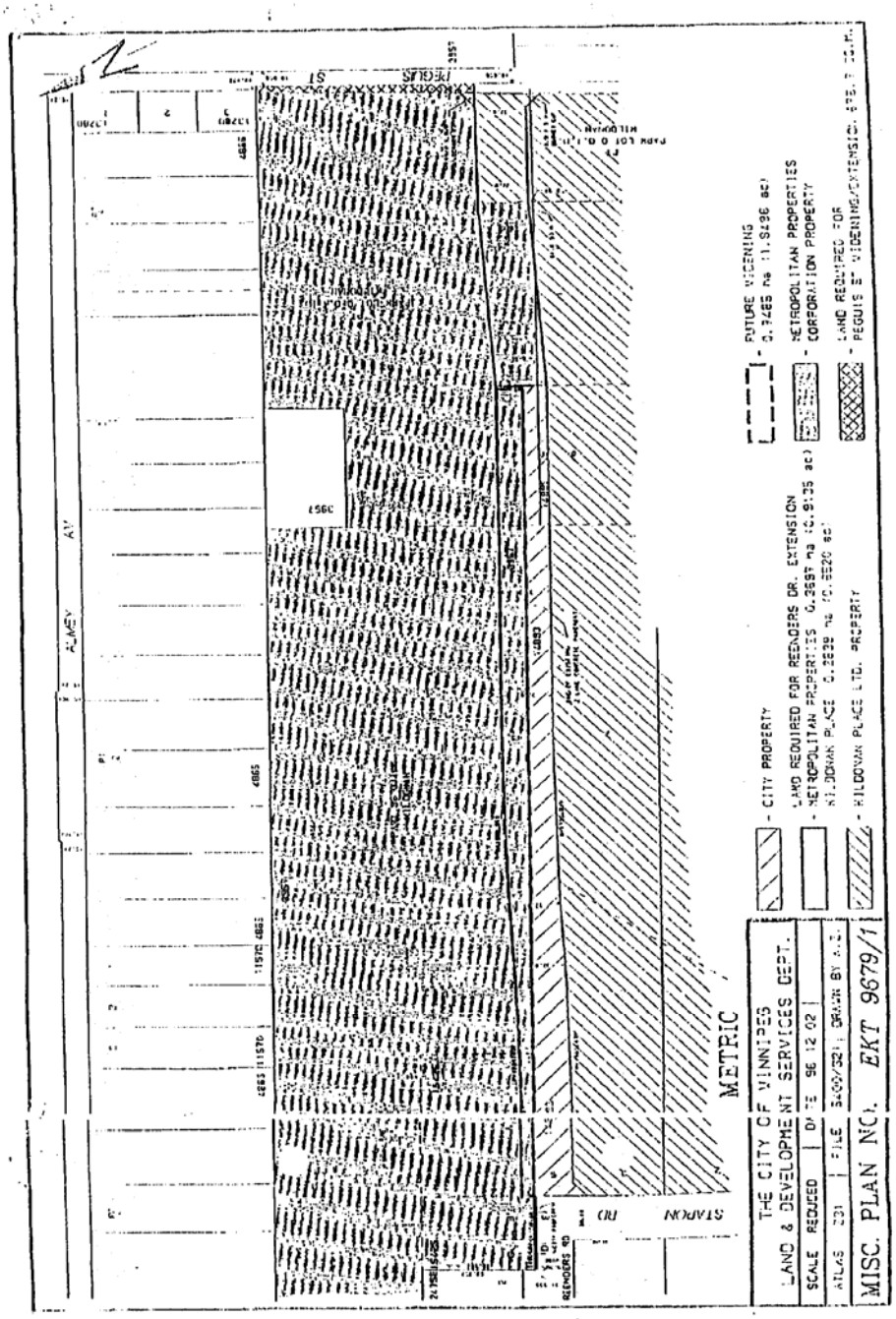
Enclosure

THIS REPORT SUBMITTED BY:
Administrative Coordinating Group
File No. AG 35/05
December 30, 2005

"Original signed by E. L. Carrière"
Land Development Engineer

"Original signed by K. T. Raban"
Water and Waste Department

"Original signed by R.J. Hartmann"
Public Works Department
Transportation Division



ALMEY AV
PEGUIS ST
STAPON RD
REENDERS RD
METRIC
THE CITY OF WINNIPEG
LAND & DEVELOPMENT SERVICES DEPT.
SCALE REDUCED
DATE 96 12 02
ATLAS 231
FILE 5400/321
DRAWN BY A.Z.
MISC. PLAN NO. EKT 9679/1
- CITY PROPERTY
- LAND REQUIRED FOR REENDERS DR. EXTENSION
- METROPOLITAN PROPERTIES 0.3697 ha (0.9135 ac)
- KILDONAN PLACE 0.2839 ha (0.6520 ac)
- KILDONAN PLACE LTD. PROPERTY
- FUTURE WIDENING
- METROPOLITAN PROPERTIES CORPORATION PROPERTY
- LAND REQUIRED FOR PEGUIS ST WIDENING/EXTENSION

TOTAL P.02