Agenda – Council – April 26, 2006

Report - Standing Policy Committee on Property and Development - April 4, 2006

Item No. 9 Rezoning - East corner of Shorehill Drive and Bishop Grandin Boulevard
File DAZ 206/2006

STANDING COMMITTEE RECOMMENDATION:

On April 19, 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 No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 206/2006 dated February 21, 2006, to an "RM-2" 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 the owner of the subject property shall be required to maintain the berm in perpetuity.

        ii. That final site plans outlining building location and building height and profiles, approaches, parking areas, landscaping and fencing, garbage enclosure locations, exterior lighting and signage, etc… 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 the applicant be required to enter into a Servicing Agreement with the City of Winnipeg pursuant to Section 591(1) of The City of Winnipeg Charter to contain the following:

    A. That the Royalwood Phase I Development Agreement AG 5/90 be amended to provide that the Developer shall extend the existing sound attenuation berm located in the 20.0m widening to the Bishop Grandin Boulevard right-of-way east of the subject property, westerly through the north 20.0m of the subject property to the east of Shorehill Drive. The berm shall be constructed generally to the same height and shape as the existing berm, all as determined by and to the satisfaction of the Director of Public Works.

Report - Standing Policy Committee on Property and Development - April 4, 2006

3. That Caveat No. 1701662 be withdrawn.

4. 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.

5. 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.

6. 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.

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

8. 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 - April 4, 2006

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On April 19, 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 April 4, 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 February 28, 2006, the Riel Community Committee concurred in the administrative recommendation and submitted its recommendation to the Standing Policy Committee on Property and Development.

RE: **Rezoning - East corner of Shorehill Drive and Bishop Grandin Boulevard**
File DAZ 206/2006

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

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

Report date: **March 17, 2006**

COMMUNITY COMMITTEE RECOMMENDATION:

On February 28, 2006, 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 206/2006 dated February 21, 2006, to an "RM-2" 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 the owner of the subject property shall be required to maintain the berm in perpetuity.

        ii. That final site plans outlining building location and building height and profiles, approaches, parking areas, landscaping and fencing, garbage enclosure locations, exterior lighting and signage, etc… 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 the applicant be required to enter into a Servicing Agreement with the City of Winnipeg pursuant to Section 591(1) of The City of Winnipeg Charter to contain the following:

    A. That the Royalwood Phase I Development Agreement AG 5/90 be amended to provide that the Developer shall extend the existing sound attenuation berm located in the 20.0m widening to the Bishop Grandin Boulevard right-of-way east of the subject property, westerly through the north 20.0m of the subject property to the east of Shorehill Drive. The berm shall be constructed generally to the same

height and shape as the existing berm, all as determined by and to the satisfaction of the Director of Public Works.

3. That Caveat No. 1701662 be withdrawn.

4. 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.

5. 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.

6. 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.

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

8. 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 February 21, 2006.

PUBLIC HEARING SUMMARY

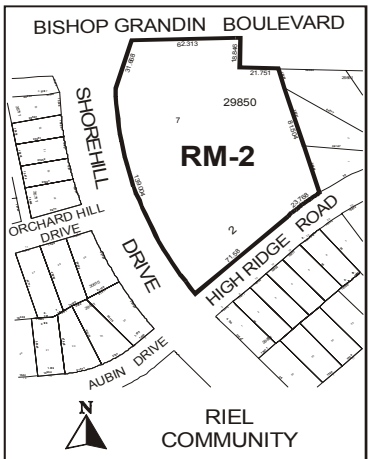
File: DAZ 206/2006

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

Public Hearing: February 28, 2006
Council Building, 510 Main Street

Applicant: Ladco Company Ltd. (Dale Amodeo)

Subject:



APPLICANT: LADCO COMPANY LTD.
FILE: DAZ 206/06
PROPOSAL: To rezone the land shown outlined above from a "C1" COMMERCIAL DISTRICT to an "RM-2" MULTIPLE-FAMILY DISTRICT and to withdraw the existing Zoning Agreement affecting the subject lands. **For information, phone Mr. K. Lalor, Planner at 986-5069.**
DEMANDEUR : LADCO COMPANY LTD.
N° DE RÉFÉRENCE : DAZ 206/06
PROJET : Projet de rezonage des sols délinées ci-dessus de sorte qu'ils passent de la catégorie C1 (SECTEUR COMMERCIAL) à la catégorie RM-2 (SECTEUR MULTIFAMILIAL) et d'abrogation de la convention de zonage existante visant les sols en question. **Pour plus de renseignements, veuillez communiquer avec M. K. Lalor, urbaniste, au 986-5069.**

Premises Affected: East corner of Shorehill Drive and Bishop Grandin Boulevard
2104

Exhibits Filed:

1. Application dated January 1, 2006
2. Notification of Public Hearing dated January 23, 2006
3. Manitoba Status of Title 1317220
4. Letter of authorization dated April 9, 1999 from Manitoba Deputy Minister of Housing to Ladco Company Ltd.
5. Caveat Nos. 1701662, 1701664, 1701665, 1701666, 1734945 and 2215501
6. Plans (2 pages)
7. Report from the Manager of Planning and Land Use dated February 21, 2006
8. Inspection Report
9. Plans and Supporting Documentation submitted by David Borger at the Public Hearing

REPRESENTATIONS:

In Support:

David Borger
David Goyer
Vince Spezzano

In Opposition

Kurt Lehman

For the City:

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

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

David Borger, Ladco Company Ltd, accompanied by David Goyer, David Goyer Architecture appeared in support of the application and provided an overview of the proposal. Mr. Borger stated that he had circulated a letter to neighbouring residents advising them of the proposal along with site plans and artist's renderings of the proposed development.

Kurt Lehmann appeared in opposition to the application. Mr. Lehman asked the following questions:

- What is the size of the footprint of the development and what will it look like?

- What was the original intent for the land in question?
- Have the applicants consulted with any potential builders for this project?

David Borger and David Goyer returned in rebuttal. Mr. Borger provided the Committee with copies of the plans for the proposed development and other supporting documentation (filed as Exhibit 9). Mr. Borger explained that the land is currently zoned "C-1" Commercial District but his company has been unable to sell it as a commercial property.

Exhibit "7" referred to in File DAZ 206/2006

Winnipeg

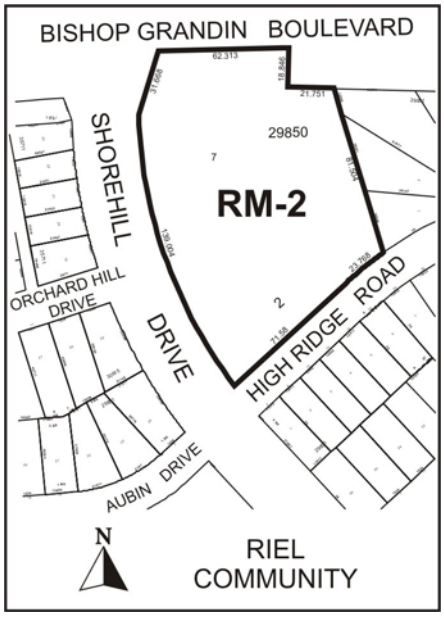
Planning, Property and Development Department Report

To the Riel Community Committee

Date: February 21, 2006
File: DAZ 206/06
Related Files: n/a
Subject: To amend By-Law No. 6400/94 by rezoning the land shown below from a "C1" Commercial District to an "RM-2" Multiple Family District and that Caveat # 1701662 be deleted from the title.

Location: S.E. Corner of Shorehill Drive and Bishop Grandin Blvd.

Legal Description: Lot 2, Block 7, Plan 29850



Applicant: LADCO COMPANY LTD.
Owner: MHRC

Recommendation: *Approved with conditions*

Site Description

The subject vacant parcel is situated at the N.E. corner of High Ridge Rd. and Shorehill Drive and encompasses an area of 3.08 acres. On the north side of the site is a sidewalk and landscaped buffer area separating the land from Bishop Grandin Blvd. To the immediate east is a cul-de-sac and seven single family dwellings zoned R1-4. To the south of High Ridge Rd. are single family lots similarly zoned R1-4 . To the west of Shorehill is a mix of single family homes zoned R1-5 and a 23 unit multiple family housing development zoned RM-4.

Background

Fifteen years ago during the initial stages of development of the Royalwood community, the subject lands were zoned to a C1 Commercial category. It was standard procedure at the time to include small commercial components with predominantly residential subdivision applications and in most cases, the commercial sites were located on the periphery of or at the entrance to, low density residential areas. The Island Lakes subdivision to the east of the Royalwood area is another prime example. However, it has been determined, over the years, that many of these sites were either too small or too badly sited to survive as neighbourhood commercial developments. And in most instances, they have been converted into residential housing, usually low density multiple family projects. That is, in essence, what Ladco is proposing for the subject site; a conversion from a C1 Commercial category to a multiple family category to accommodate a 32 unit condo housing project.

Description of the Proposed Development

The applicants are proposing to construct a 32 unit condo project with a private internal street system and direct access to Shorehill Drive. The access point onto Shorehill will be directly in alignment with Orchard Hill Drive. The total of thirty two units is divided into five 4 unit complexes and two 6 unit complexes. There is a wide noise attenuation buffer along the north property which is designed to protect the most northerly eight units from Bishop Grandin traffic noise. And a minimum 25’ buffer separates the most easterly six units from the existing single family housing to the east. In addition to the required tenant parking, there have been an additional eleven visitor parking stalls provided. Extensive landscaping is being proposed along both the Shorehill Drive and High Ridge Road frontages.

Analysis

It is the position of this Department that a properly designed low density multiple family development is a preferable type of land use at this location than the current commercial zoning. Commercial malls at locations like the subject site can, if successful, generate a significant level of traffic and activity and can create conflict with adjoining neighbourhoods. The proposed multiple family project is of a reasonable size and is similar in scale, at least, to the existing 22 unit development on Orchard Hill Drive. Where at one time, a secondary access was contemplated onto High Ridge Rd., now there is only a single access point onto Shorehill Drive.

The proposed project is in our view, in character with the adjoining community and should be endorsed by your Committee.

Recommendation

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

- A well designed low density housing project is a more appropriate land use at the subject location than commercial development.

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 206/06, attached hereto and dated February 21, 2006, to an "RM-2" 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 the owner of the subject property shall be required to maintain the berm in perpetuity.

      ii. That final site plans outlining building location and building height and profiles, approaches, parking areas, landscaping and fencing, garbage enclosure locations, exterior lighting and signage etc… 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.

II. That the applicant be required to enter into a Servicing Agreement with the City of Winnipeg pursuant to Section 591(1) of The City of Winnipeg Charter to contain the following:

   A. That the Royalwood Phase 1 Development Agreement AG 5/90 be amended to provide that the Developer shall extend the existing sound attenuation berm located in the 20.0m widening to the Bishop Grandin Boulevard right-of –way east of the subject property, westerly through the north 20.0m of the subject property to the east of Shorehill Drive. The berm shall be constructed generally to the same height and shape as the existing berm, all as determined by and to the satisfaction of the Director of Public Works.

III. That Caveat # 1701662 be withdrawn.

IV. 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.

V. 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.

VI. 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.

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

VIII. 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 # DAZ 206/06

By-Law No. _____

File No. **DAZ 206/06**

Atlas Sheet No.

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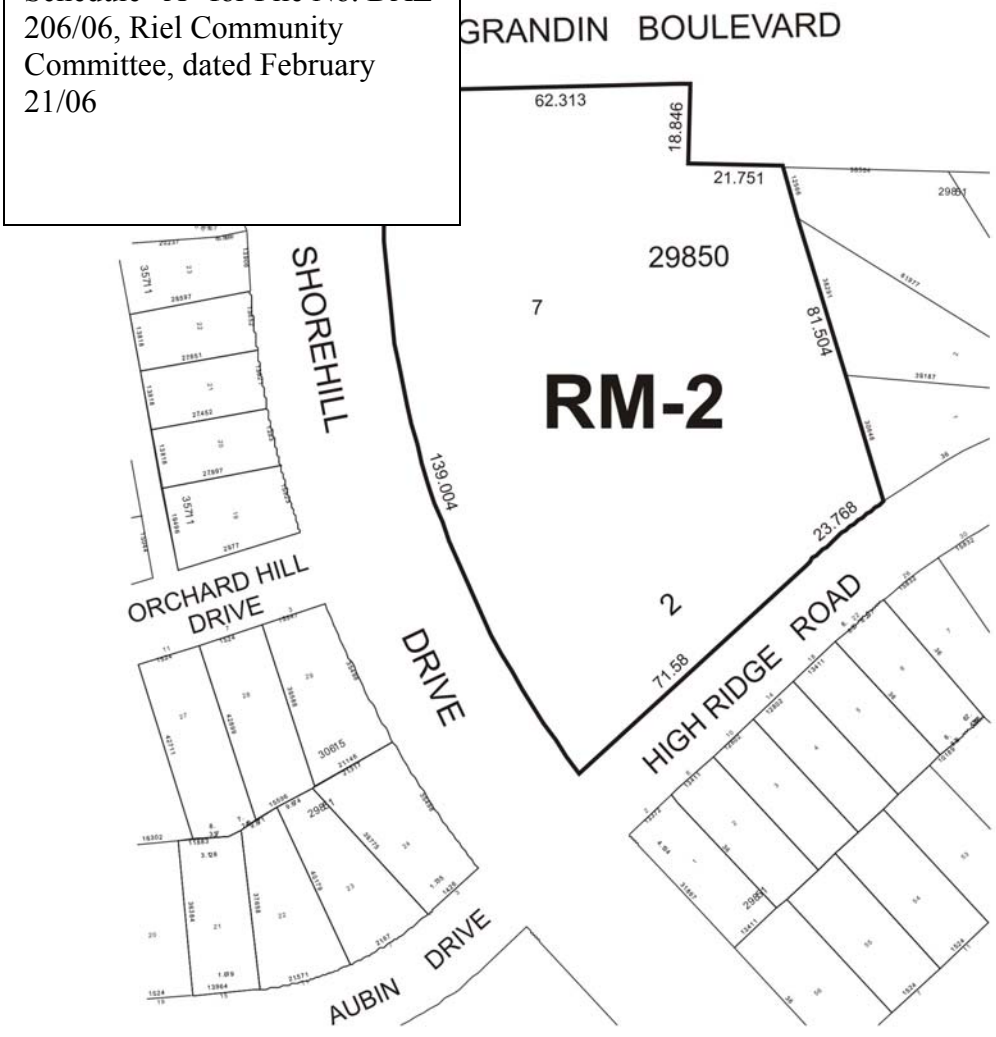
RIEL
COMMUNITY

Explanation

A proposed zoning change to By-law No. 6400/94 by rezoning the land located on the south east corner of Bishop Grandin Boulevard and Shorehill Drive from a "C1" COMMERCIAL DISTRICT to an "RM-2" MULTIPLE-FAMILY DISTRICT as shown outlined below.

Schedule "A" for File No. DAZ 206/06, Riel Community Committee, dated February 21/06



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____