Minutes - Executive Policy Committee – May 17, 2006

Minute No. 396
Report - Standing Policy Committee on Property and Development – May 2, 2006

Item No. 1 Rezoning - 703 Riverwood Avenue
File DAZ 255/2005

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

The Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development (which did not concur in the recommendation of the City Centre 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 255/2005 dated December 23, 2005, to an "RM-3" Multiple-Family District subject to the following:

   A. That the applicant enter into a zoning agreement with the City of Winnipeg pursuant to Subsection 240(1) of The City of Winnipeg Charter to provide for the following:

      i. That the total number of dwelling units shall not exceed 32.
      ii. That for the development of any building, accessory parking area, or signage, plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, landscaping and free-standing signage to City Centre Community Committee and the Director of Planning, Property, and Development for plan approval prior to the issuance of any building or development permit and thereafter maintained to the satisfaction of the Director of Planning, Property, and Development.
      iii. That the Multiple-Family development be established and maintained in substantial conformity with plans submitted and identified as Sheets 1 to 6, both inclusive, filed as Exhibit 6 to DAZ 225/2005 dated October, 2005.

2. That a ten percent (10%) dedication be made by a payment of a sum of money to the City in lieu of the requirement for land dedication based on the increase in the market value of the land.

3. That Caveat Number 1630412 be discharged.

Report - Standing Policy Committee on Property and Development - May 2, 2006

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 – May 2, 2006

DECISION MAKING HISTORY:

Moved by Councillor De Smedt,
That the recommendation of the Standing Policy Committee on Property and Development be concurred in and forwarded to Council.

Carried

STANDING COMMITTEE RECOMMENDATION:

On May 2, 2006, the Standing Policy Committee on Property and Development did not concur in the recommendation of the City Centre Community Committee, concurred in the administrative recommendation and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On April 4, 2006, the City Centre Community Committee did not concur in the administrative recommendation, recommended that the application for rezoning under File DAZ 255/2005 not be proceeded with, and submitted the matter to the Standing Policy Committee on Property and Development.

On January 3, 2006, the City Centre Community Committee adjourned the public hearing to its meeting on April 4, 2006, in order to allow the Administration to work with the applicant and area residents in developing a collaborate effort to resolve disparities and come as close as possible to a consensus.

RE: **Rezoning - 703 Riverwood Avenue**
File DAZ 255/2005 [c/r DAV 164764/2005D]

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

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

Report date: **April 10, 2006**

COMMUNITY COMMITTEE RECOMMENDATION:

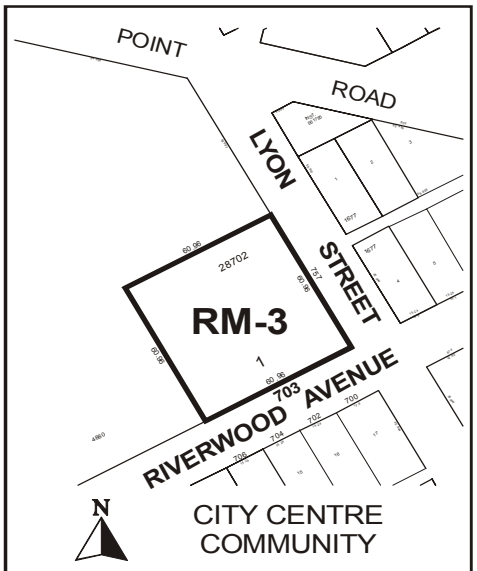
The City Centre Community Committee did not concur in the administrative recommendation and recommends to the Standing Policy Committee on Property and Development that the application for rezoning under File DAZ 255/2005 not be proceeded with.

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

1. There are significant concerns from the community regarding the scale and precedence of the application.

PUBLIC HEARING SUMMARY

File:	DAZ 255/2005 [c/r DAV 164764/2005D]
Before:	City Centre Community Committee Councillor Gerbasi, Chairperson Councillor Benham Councillor Smith
Public Hearing:	April 4, 2006, Council Chamber January 3, 2006, West Committee Room Council Building, 510 Main Street
File:	DAZ 255/2005 [c/r DAV 164764/2005D]
Applicant:	McGowan Russell Group (Ross McGowan)
Subject:	



APPLICANT : McGOWAN RUSSELL DESIGN GROUP INC.
FILE : DAZ 255/05
PROPOSAL : To rezone the land shown outlined above from an "R1-5.5" RESIDENTIAL DISTRICT to an "RM-3" MULTIPLE-FAMILY DISTRICT, and to withdraw the existing Zoning Agreement affecting the subject lands. **For information, phone Mr. M. Sandhurst, Planner at 986-5066.**

Premises Affected: 703 Riverwood Avenue

Exhibits Filed:

1. Application dated November 22, 2005
2. Notification of Public Hearing dated November 30, 2005
3. Manitoba Status of Title 1985432
4. Letter of authorization dated November 2, 2005 from Marshall Freed, President, Freedom Developments to McGowan Russell Group
5. Caveat No.2173926 By-law No. 7053/97
6. Site Plan (6 pages) dated October 2005
7. Report from the Planning and Land Use Division dated December 23, 2005.
8. Communication dated December 28, 2005, from Ella and Kevin Donnelly in opposition to the application
9. Communication dated December 30, 2005, from Jennifer Stewart, Garry and Wren McFarlane, in opposition to the application
10. Communication dated December, 2005, from Jan Bones, in support of the application
11. Communication dated December 30, 2005, from Neil and Saralyn Mehta, in opposition to the application
12. Communication dated January 2, 2006, from Rosemary Friesen, Mario, Gabriel, Leona, Marie-Lynn and Marc De Rosa, in opposition to the application
13. Communication dated January 3, 2006, from John and Mary Dyck, in opposition to the application
14. Communication dated January 3, 2005, from Dave and Chris Taylor, in opposition to the application
15. Communication dated January 3, 2006, from Nancy Wright, in support of the application
16. Communication dated December 31, 2005, from Bonnie Stovel, in opposition to the application
17. Communication dated January 1, 2006, from Bonnie Stovel, in opposition to the application
18. Communication dated January 3, 2006, from Deborah Linney and Mark O'Riley, in opposition to the application
19. Communication dated January 3, 2006, from Darlene Jackson, in opposition to the application
20. Communication dated January 3, 2006, from Donna M. Cawker, in opposition to the application
21. Communication dated January 3, 2006, from Dr. Susan Gray and Dr. David McCradry, in opposition to the application
22. Communication dated January 3, 2006, from Emil Gill, in opposition to the application

23. Communication dated January 3, 2006, from Darrell Linney, in opposition to the application
24. Communication dated January 3, 2006, from John Hill, in opposition to the application
25. Communication dated January 3, 2006, from Sheila and Richard Scanlon, in opposition to the application
26. Communication dated January 3, 2006, from Kathy Stokes, President, Fort Garry Historical Society, in opposition to the application
27. Communication dated January 3, 2006, from Elaine Ryan, in opposition to the application
28. Inspection Report
29. Communication dated January 3, 2006, from Thomas G. Kullman, in opposition to the application
30. Communication dated January 3, 2006, from Kathy Grover, in opposition to the application
31. Communication dated January 3, 2006, from Brent and Jan Byrd, in opposition to the application
32. Communication dated January 3, 2006, from W.B. Mackenzie, in opposition to the application
33. Petition in opposition to the application purporting to contain the signatures of 519 area residents, submitted by Carol Hibbert
34. Presentation, in opposition to the application, submitted by Susan Shelsh, at the public hearing on January 3, 2006.
35. Presentation and letters, in opposition to the application, submitted by Sharon Simon
36. Presentation, in opposition to the application, submitted by Jean Gendron
37. Communication dated March 27, 2006, from Lois Marshall, in opposition to the application
38. Communication dated March 22, 2006, from Irene Hedlin, in opposition to the application
39. Communication dated March 27, 2006, from Joanne P. Goodwin, in opposition to the application
40. Supplementary report from the Planning and Land Use Division dated March 28, 2006.
41. Communication dated March 29, 2006, from Rick Wiebe, in opposition to the application
42. Communication dated March 31, 2006, from Barbara and Bob Hinds, in opposition to the application
43. Communication dated March 29, 2006, from William J. Maciura, in opposition to the application
44. Communication dated March 31, 2006, from Richard Alsip, in opposition to the application

45. Communication dated March 31, 2006, from Bill Moons and Shirley Hurst, in opposition to the application
46. Communication dated March 31, 2006, from Kenneth and Mary Hurst, in opposition to the application
47. Communication dated March 31, 2006, from Dianne Cooper, in support of the application
48. Communication dated March 31, 2006, from Patti Henderson, in support of the application
49. Communication dated March 31, 2006, from Lynne Christie, in opposition to the application
50. Communication dated April 2, 2006, from Jim and Brenda Nykoluk, in opposition to the application
51. Communication dated April 3, 2006, from Hugh Penwarden, in opposition to the application
52. Communication dated April 2, 2006, from Pauline Williams, in opposition to the application
53. Communication dated March 30, 2006, from Robert and Theresa Wall, in opposition to the application
53. Communication dated April 3, 2006, from Don and Leona Mandryk, in opposition to the application
54. Communication dated April 3, 2006, from Sylvia Aiello, in opposition to the application
55. Communication dated April 4, 2006, from Darrell Linney, in opposition to the application
56. Communication dated April 4, 2006, from Mark McClelland, in opposition to the application
57. Communication dated March 30, 2006, from James R. and Doris T. Isaac, in opposition to the application
58. Communication dated March 30, 2006, from Clara C. Maxwell, in opposition to the application
59. Communication dated April 2, 2006, from Bob Bettner, in opposition to the application
60. Communication dated April 4, 2006, from Charles Bartlette and Marianne C. Hardy, in opposition to the application
61. Communication dated April 4, 2006, from Dana Mohr, in opposition to the application
62. Communication dated April 4, 2006, from David McCrady, in opposition to the application
63. Communication dated April 4, 2006, from Grant Meder and Jocelyn Ward, in opposition to the application
64. Communication dated April 4, 2006, from Michael Gillespie, in opposition to the application
65. Presentation, in support of the application, submitted by Ross McGowan, at the public hearing on April 4, 2006

66. Presentation, in support of the application, submitted by Jean Gendron, at the public hearing on April 4, 2006
67. Presentation, in opposition to the application, submitted by Carol Hibbert, at the public hearing on April 4, 2006
68. Presentation, in opposition to the application, submitted by Andrea Downey-Franchuk, at the public hearing on April 4, 2006
69. Presentation, in opposition to the application, submitted by Sharon Simon, at the public hearing on April 4, 2006
70. Presentation and supporting documentation, in opposition to the application, submitted by Carol Green, at the public hearing on April 4, 2006
71. Presentation, in opposition to the application, submitted by James Nykoluk, at the public hearing on April 4, 2006
72. Presentation, in opposition to the application, submitted by Kathy Mikkelsen, at the public hearing on April 4, 2006
73. Presentation, in opposition to the application, submitted by Dennis O'Brien, at the public hearing on April 4, 2006
74. Presentation, in opposition to the application, submitted by Carol Adolphe, at the public hearing on April 4, 2006
75. Presentation, in opposition to the application, submitted by Cheryl Sulliman, at the public hearing on April 4, 2006
76. Photographs, submitted by Kim Rosner, at the public hearing on April 4, 2006.

REPRESENTATIONS:

In Support:

Ross McGowan, Russell McGowan Group
Ray Wan
Jan Bones
Allen Brown
Arlene Brown
Douglas Brown
Wayne Byczek
Cole Castelane
Ron Castelane
Dianne Cooper
Marshall Freed
Jean Gendron
Mark Gendron
Patti Henderson
Dave Taylor
Gordon Tomuik
Eric Vogan
David Witty
Nancy Wright

In Opposition:

Carol Adophe
Richard Alsip
Sylvia Aiello
Charles Bartlette
Bob Bettner
Cam Brock
Brent Byrd
Jan Byrd
Donna M. Cawker
Lynne Christie
Peter Cowie
Michael Denton
Gabriel De Rosa
Leona De Rosa
Marc De Rosa
Marie-Lynn De Rosa
Mario De Rosa
Elzbieta Donnelly
Kevin Donnelly
John Dyck
Mary Dyck
Andrea Downey-Franchuk
Don Franchuk
Matt Franchuk
Rosemary Friesen
Emil Gill
Catherine Gillespie
Michael Gillespie
Joanne P. Goodwin
Susan Gray
Bob Green
Carol Green
Carey Gregorashuk
Kirsten Gregorashuk
Kathy Grover
Marianne C. Hardy
Bob Hibbert
Irene Hedlin
Carol Hibbert
Chris Higgs
John Hill
Barbara Hinds
Bob Hinds
Donna Huen
Kenneth Hurst
Mary Hurst
Shirley Hurst
Doris T. Isaac
James R. Isaac
Darlene Jackson
Norine Kent
James Ketcheson
Thomas G. Kullman
Daniel LeBlanc
Darrell Linney
Deborah Linney
Heather Luckhurst
W.B. Mackenzie
William J. Maciura
E.R. Manchur
Don Mandryk
Leona Mandryk
Lois Marshall
Clara C. Maxwell
Garry McFarlane
Wren McFarlane
David McCrady
Mark McClelland
Don McDermott
Grand Meder
Neil Mehta
Seralyn Mehta
Kathy Mikkelsen
Dana Mohr
Bill Moons
Brenda Nykoluk
James Nykoluk
Dennis O'Brien
Mark O'Riley
Hugh Penwarden
Jeff Rempel
Kim Rosner
Elaine Ryan
Richard Scanlon
Sheila Scanlon
Anna Schaeter

Paul Schaeter
Susan Shelsh
Ed Simon
Sharon Simon
Grant Sims
Morgan Smith
Kym Stanier
Jennifer Stewart
Kathy Stokes
Bonnie Stovel
Cheryl Sulliman
Corinne B. Swartz
Dave Taylor
Neil Taylor
Chris Taylor
Patricia Taylor
Robert Wall
Theresa Wall
Jocelyn Ward
John Wiebe
Rick Wiebe
Pauline Williams
Paige Zentner

For Information:

Michael Czubryt
Gail Enns
Kurt Enns
David Johnson
Judy McInnes
Ellen Pile
James Rodger

For the City:

Mr. M. Sandhurst, Senior Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

January 3, 2006

The applicant, Ross McGowan, McGowan Russell Group, appeared in support and gave an overview on the proposal. Mr. McGowan stated that an informational open house was held for the area residents.

Ray Wan appeared in support of the application and stated the development was designed to be site specific.

Gord Tormiuk appeared in support of the application and sated the development would enhance property values.

Wayne Byczek appeared in support of the application and stated the current traffic volume was 300 trips per day while post development it would be less than half at approximately 120.

Ron Castelane appeared in support of the application and stated there was a need in the area for development.

Eric Vogan appeared in support of the application. Mr. Vogan stated he was a long time area resident, it was a good location for the project, there is a need in the community, it is a quality project and a positive change in the area.

Jean Gendron appeared in opposition to the application. Ms Gendron stated concerns with the lack of clarity on what the proposal is for, not being invited to an informational open house, the proposed change to community as whole, the development not fitting in with character of neighbourhood and the increase in traffic. In response to committee's questions Ms Gendron stated that four family homes could be placed on the site instead. Ms Gendron submitted a petition in opposition to the application, filed as Exhibit 36.

Carol Hibbert appeared in opposition to the application. Ms Hibbert stated concerns with the application process, that she had not receive notice of the informational open house, the lack of community consultation, and that the proposal looks too big for area. She submitted a petition in opposition to the application placed on file as Exhibit 33.

Bob Hibbert appeared in opposition to the application and reiterated the concerns of the previous speakers.

Carol Adolphe appeared in opposition to the application and reiterated the concerns of the previous speakers. In response to committee's questions, Ms Adolph stated she would like to see the site developed for children, family and community use.

Norine Kent appeared in opposition to the application and reiterated the concerns of the previous speakers.

Carol Green appeared in opposition to the application and reiterated the concerns of the previous speakers.

Sharon Simon appeared in opposition to the application and read into the record a presentation and letters in opposition to the application, placed on file as Exhibit 35.

Rosemary Friesen appeared in opposition to the application, reiterated the concerns of the previous speakers and the lack of green space and detrimental affect on property values.

Cheryl Sulliman appeared in opposition to the application, reiterated the concerns of the previous speakers and the drainage and flooding problems in the area.

Peter Cowie appeared in opposition to the application and reiterated the concerns of the previous speakers.

Dennis O'Brien appeared in opposition to the application and reiterated the concerns of the previous speakers.

In response to committee's questions, the Senior Planner clarified that developers are not obligated to hold informational open houses and this developer did.

In rebuttal, the applicant Ross McGowan, McGowan Russell Group Inc., stated an open house was held to provide information to the area residents, six single family dwellings can be built under the current zoning, and the intent is for a 55+ residence. He also stated that he was not opposed to more consultation with the area residents within a reasonable time allotment. He further stated that the proposal was suitable to the area as it was surrounded by a school and church and the residential homes were across the street. He also further stated that traffic concerns could be alleviated with the installation of stop signs, the second access off of Lyon Street was not needed, and the proposal would generate more tax revenue for the City than currently being generated.

In response to committees questions, the Senior Planner offered to mediate a collaborative effort with the applicant and area residents to resolve disparities and come as close as possible to a consensus within the timeframe of three months.

Mr. McGowan clarified that the intent was to build 55+ multi-family housing and not single family housing.

April 4, 2006

The applicant, Mr. Ross McGowan, McGowan Russell Group, and Mr. Ray Wan appeared in support of the application. Mr. Wan gave a brief overview on the design of the development. Mr. McGowan read into the record a presentation placed on file as Exhibit 65.

Dave Taylor appeared in support of the application. Mr. Taylor stated he was a long time resident in the neighbourhood and lived very close to the proposed development. He also stated that his concerns of landscaping had been addressed. He further stated the proposal was good for the area.

Jean Gendron appeared in support of the application. Ms Gendron stated that with the information she had received since the meeting on January 3, 2006, she was no longer in opposition and questioned the validity of the petition she had submitted. Ms Gendron proceeded to read into the record a written presentation placed on file as Exhibit 66.

David Witty appeared in support of the application. Mr. Witty stated he was an area resident. He also stated the proposed development was appropriate and essential for the community.

Carey Gregorashuck appeared in opposition to the application. Mr. Gregorashuck stated concerns with lack information on the development, its scale not suiting the character of the area,

parking, traffic, and pedestrian safety. He also sated that attached condominium style bungalows would better suit the site.

Saralyn Mehta appeared in opposition to the application. Ms Mehta stated concerns with not having being advised of the information meetings and the scale of development. Ms Mehta stated that bungalow style condominiums would better suit the area.

Carol Hibbert appeared in opposition to the application. Ms Hibbert read into the record a presentation placed on file as Exhibit 67.

Bob Hibbert appeared in opposition to the application. Mr. Hibbert stated his opposition was with the application process, he was only concerned with the height of the building, and inquired if the parking could be underground.

Kym Stanier appeared in opposition to the application and reiterated the concerns of previous speakers.

Rosemary Friesen appeared in opposition to the application, reiterated the concerns of the previous speakers, and water drainage.

In response to committees questions, the Senior Planner gave a brief overview of Supplementary Report from the Planning and Land Use Division dated March 28, 2006, placed on file as Exhibit 40.

Mario De Rosa appeared in opposition to the application and reiterated the concerns of the previous speakers.

Andrea Downey-Franchuk appeared in opposition to the application and read into the record a written presentation placed on file as Exhibit 68.

Sharon Simon appeared in opposition to the application and read into the record a written presentation placed on file as Exhibit 69.

Carol Green appeared in opposition to the application and read into the record a presentation placed on file as Exhibit 70.

James Nykoluk appeared in opposition to the application and read into the record a written presentation placed on file as Exhibit 71.

Kathy Mickelsen appeared in opposition to the application and read into the record a presentation placed on file as Exhibit 72.

Dennis O'Brien appeared in opposition to the application and read into the record a written presentation placed on file as Exhibit 73.

Carol Adolphe appeared in opposition to the application and read into the record a written presentation placed on file as Exhibit 74.

Cheryl Simon appeared in opposition to the application and read into the record a written presentation placed on file as Exhibit 75.

Kim Rosner appeared in opposition to the application, reiterated the concerns of the previous speakers, and submitted two (2) photographs placed on file as Exhibit 76. Ms Rosner stated that a wading pool or skateboard park would be a better use for the site.

Kirsten Gregorashuvk appeared in opposition to the application and reiterated the concerns of the previous speakers.

In rebuttal, Mr. McGowan stated that as applicants they were as frustrated by the application process as the residents. Mr. Wan stated that the proposed development was designed to best suit and minimize any impact on the surrounding area. Mr. Wan also stated that property values had increased in other parts of the city where this type of development had occurred and that there were engineering requirements by the City for water drainage. Mr. McGowan further stated that a lot of effort had been put into the proposed development and the Planning, Property and Development Department was supportive.

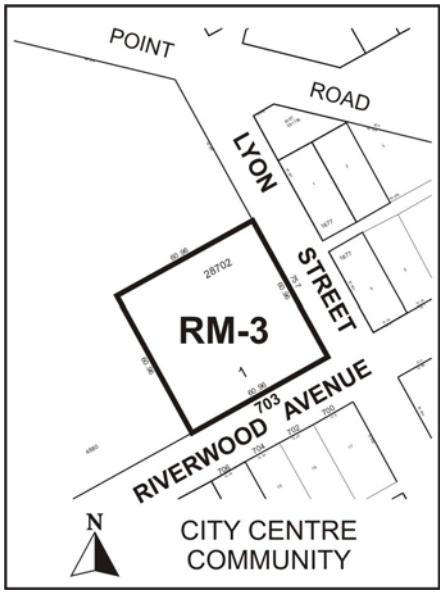
Exhibit "7" referred to in File DAZ 255/2005 [c/r DAV 164764/2005D]

Winnipeg

Planning, Property and Development Department Report

To City Centre Community Committee

Date: December 23, 2005
File: **DAZ 255/05**
Related Files: DAV 05-164764/D
Subject: To amend By-Law No. 6400/94 by rezoning the land shown below from an "R1-5.5" Single-Family District to an "RM-3" Multiple-Family District and to withdraw an existing Zoning Agreement affecting the subject lands.



Location: 703 Riverwood Avenue
Legal Description: Lot 1, Plan 28702
Applicant: McGowan – Russell
Owner: Freedom Development Inc.

Recommendation: *Approved*

3016

Site Description
The subject site is located at the north west corner of Riverwood Avenue and Lyon Street. The site is currently developed with a 1-storey former school (General Steele) that currently houses a daycare. The approximately 200 foot by 200 foot site and neighbouring properties are zoned "R1-5.5" Single-Family District, with the exception of the "PR-1" Parks & Recreation District-zoned school site (Viscount Alexander) that abuts to the north and west. Surrounding land uses are predominantly single-family, but also include the school and two churches.

Background
In addition to its past school and administration uses, the existing building has more recently housed a dance studio, church, daycare, and associated office (files DAZ 230/92 and DAZ 203/97).

Description of the Proposed Development
The applicant proposes to develop a 4-storey multiple-family building, with portions of the 4th floor stepped-back from the 3rd-storey roofline. 30 dwelling units are proposed. Conceptual plans indicate an L-shaped building footprint, with the building wings framing the main entrance, lay-by, and visitor parking forecourt. Access to and egress from indoor parking is located along the Lyon Street frontage. Extensive berming and landscaping are shown. One boulevard tree is proposed to be removed—to accommodate the indoor parking driveway. Variance file DAV 05-164764/D concerns relaxation of proposed "RM-3" Multiple-Family District yard and height requirements.

A Zoning Agreement regarding the previous daycare, church, and parish hall uses of the property was registered in 1997, under DAZ 203/97 (by-law #7053.97). This agreement is no longer necessary and should be withdrawn.

It should be noted General Steele School was removed from the "Inventory of Buildings" under the terms of the Historical Buildings By-Law earlier this year, as recommended by the Historical Buildings Committee.

Analysis
The subject site is located in the Point Road neighbourhood characterization area, a portion of East Fort Garry. This area is designated "Neighbourhood" under *Plan Winnipeg.* This designation accommodates residential (single-family, duplex, multiple-family), institutional (school, church), recreational (park, community centre, golf course), and commercial (office, retail, service, entertainment) land uses.

Overview
Point Road is a predominantly single-family residential area. With the exception of institutional uses, recreational uses, and properties located near Pembina Highway, development is almost exclusively single-family. This hasn't always been the case, particularly regarding the Point Road / Lyon Street / Oakenwald Avenue triangle—which in addition to Viscount Alexander School and the churches also includes Oakenwald School, an apartment building, and the former commercial node at Oakenwald and Point, (later redeveloped as single-family). The General

Steele School building has been surplus to the needs of the school division for over a decade. Efforts to sustain adaptive reuse of this building appear to have been frustrated by its structural condition. In introducing new multiple-family opportunities in East Fort Garry, this community cross-roads location must be considered one of the better candidates.

Key to successfully integrating a new multiple-family building into an established community context is the specific treatment of the site—building scale, its orientation, pedestrian and vehicular access, building services and onsite amenities, and so on.

Built Form

The proposed multiple-family development will be located on the former General Steele School site, at the corner of Lyon and Riverwood. The proposed L-shaped, 4-storey building uses its location at the edge of the valued schoolyard open space advantageously. Correspondingly, the massing impacts of the building have been reduced by orienting the principal building walls of the two wings away from the existing single-family dwellings—those dwellings located across Riverwood Avenue and Lyon Street. The 1st- to 3rd-storeys combined are approximately 30 feet in height, consistent with the height maximum for single-family dwellings; the 4th floor (an additional 12.5 feet in height) massing is reduced at the end of each wing with the step-back from the 3rd-storey roofline.

Access & Services

Primary tenant vehicular access/egress is oriented towards Lyon Street, encouraging traffic generated by and destined to the proposed development to utilize Point Road and Oakenwald Avenue. Passenger drop-off and visitor parking are accommodated in the forecourt accessed from Lyon and Riverwood. Garbage receptacles are to be located within the enclosed parking area.

Recommendation

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

- the proposed multiple-family development provides for an additional housing opportunity not previously available in this neighbourhood;
- this development type provides additional life-cycle options for this neighbourhood;
- this development contributes to an established neighbourhood node;
- this development successfully integrates higher density infill development through its treatment of building scale, orientation, pedestrian and vehicular access, building services, and onsite amenities.

The division recommends a new Zoning Agreement be put into force and effect that includes specific density restrictions under the proposed "RM-3" Multiple-Family District, as well as plan approval and conformity clauses to ensure follow-through on the concept plans submitted in support of the rezoning application.

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 255/05, attached hereto and dated December 23, 2005, to an "RM-3" Multiple-Family District, subject to the following:

A. That the applicant enter into a zoning agreement with the City of Winnipeg pursuant to Subsection 240(1) of The City of Winnipeg Charter, to provide for the following:

1. that the total number of dwelling units shall not exceed 32;
2. that for the development of any building, accessory parking area, or signage, plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, landscaping, and free-standing signage to City Centre Community Committee and the Director of Planning, Property, & Development for plan approval prior to the issuance of any building or development permit and thereafter maintained to the satisfaction of the Director of Planning, Property, & Development;
3. that the Multiple-Family development be established and maintained in substantial conformity with plans submitted and identified as Exhibit ___, dated December 23, 2005.

II. That a ten (10) per cent dedication be made by a payment of a sum of money to the City in lieu of the requirement for land dedication based on the increase in the market value of the land.

III. That Caveat Number 1630412 be discharged.

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: M. Sandhurst
PPD File # DAZ 255/05

Schedule "A"

By-Law No. _____

File No. **DAZ 255/05**

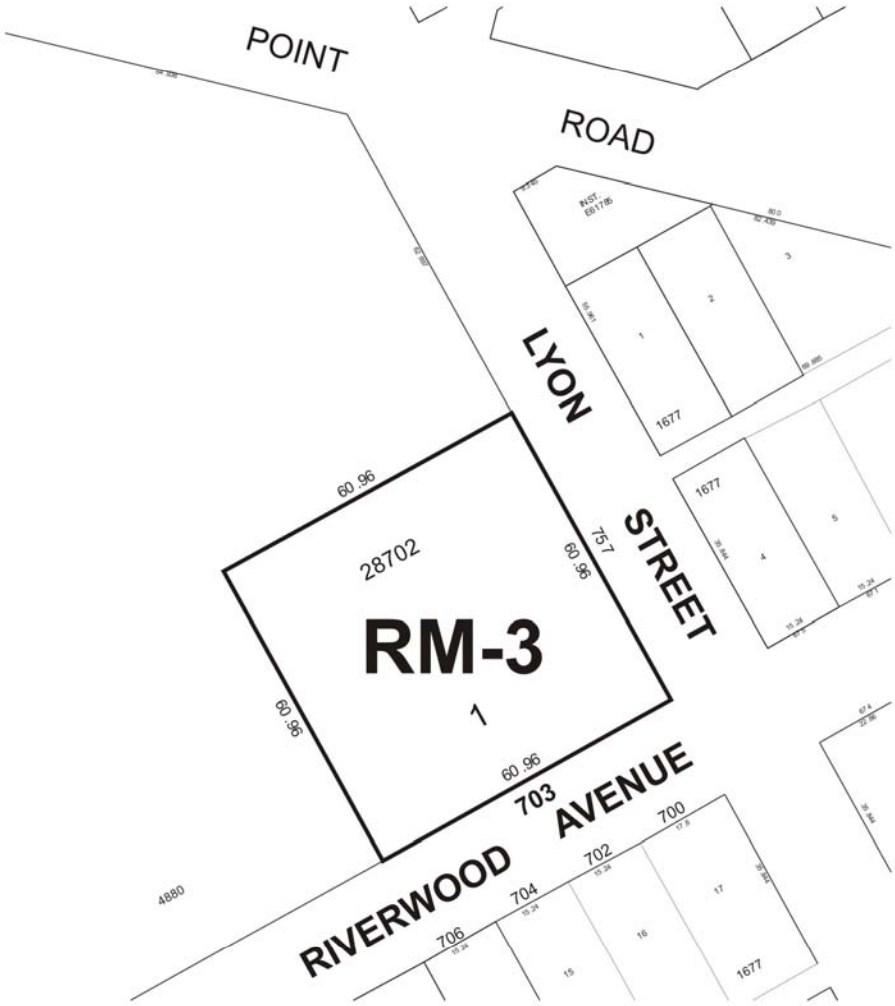
Atlas Sheet No.

N

AF24
CITY CENTRE
COMMUNITY

Explanation

A proposed zoning change to By-law No. 6400/94 by rezoning the land located at 703 Riverwood Avenue from an "R1-5.5" RESIDENTIAL DISTRICT to an "RM-3" MULTIPLE-FAMILY DISTRICT as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

Schedule "A" to the report to City Centre Community Committee for file # DAZ 255/05 dated December 23, 2005.

Exhibit "40" referred to in File DAZ 255/2005 [c/r DAV 164764/2005D]

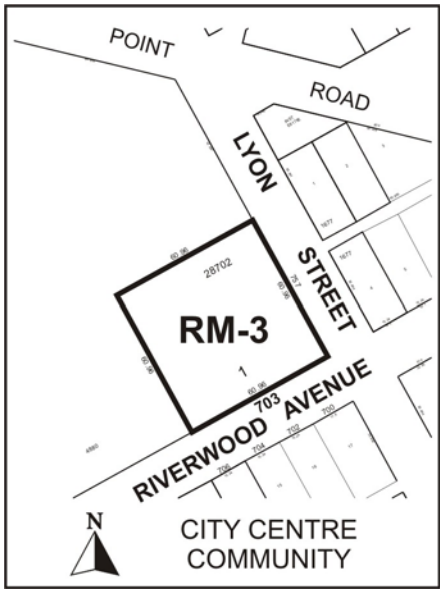
Winnipeg

Planning, Property and Development Department Report

To City Centre Community Committee

Date: March 28, 2006
File: **DAZ 255/05 – *Supplementary Report*** *(January 3/06 disposition, Minute 54)*
Related Files: DAV 05-164764/D
Subject: To amend By-Law No. 6400/94 by rezoning the land shown below from an "R1-5.5" Single-Family District to an "RM-3" Multiple-Family District.

Location: 703 Riverwood Avenue
Legal Description: Lot 1, Plan 28702



Applicant: McGowan – Russell
Owner: Freedom Development Inc.

Recommendation: *Supplementary to December 23, 2005 report*

Background

At their January 3/06 meeting, City Centre Community Committee adjourned public hearing on the Riverwood / Lyon rezoning (DAZ 255/05) and variance (DAV 05-164764/D) until April 4/06 "in order to allow the Administration to work with the applicant and area residents in developing a collaborative] effort to resolve disparities and come as close as possible to a consensus." (Minute 54)

Process

In efforts to satisfy community committee direction, Planning & Land Use Division crafted a facilitation exercise requiring the participation of community residents and developer representatives. Complicating organization of and participation in the workshop is the lack of a formal community association in Fort Garry in general—and in the Point Road neighbourhood characterization area in particular. Instead, a small group of residents was selected to participate along with representatives of the development team.

On February 14, 2006, nine residents and two developer representatives participated in a workshop facilitated by a Planning & Land Use Division staff member at the former General Steele School site. The workshop was intended to provide opportunities for collaboration, following these steps:

- Residents' identification of general issues/concerns regarding multiple-family development of the subject site;
- Developer representatives' detailed description of how the development program was put together;
- Residents' identification of specific issues/concerns related to the specific development proposal;
- Focus on key issues/concerns and the means to eliminate or reduce their impacts.

[See the Workshop Process Attachment for further information on the workshop design.]

Outcome

At the February 14/06 workshop, 12 items were identified by residents as potential issues concerning multiple-family development of the Riverwood / Lyon site: Property values; Decision to sell; Traffic & onstreet parking; Out of keeping – scale/type of development; Multiple-family rezoning – bad precedent; Aesthetics; Loss of greenspace; Privacy; Safety; Long-term retention of condominium resale values; Noise; and Height.

The developer representatives identified the following design objectives and factors that influenced the development proposal: Siting of building to embrace street corner; Building configuration to reduce mass along Riverwood and Lyon; 4th-storey setback to reduce height impacts – 32' height at top of 3rd-storey; Exterior finishes and features to break-up longer

facades into smaller segments; Interior parking desirable for tenants and minimizes asphalt surfacing of property; Building, unit, and site designed to appeal to 55+ market; and Landscaping and site design preserve existing trees (1 boulevard tree lost), screen exterior parking/lay-by area, and complement building design.

Residents then identified the following issues regarding the developer's specific proposal: Scale – height, massing; Building out of character; Noise; Traffic & parking; No control over future condominium plans; Snow removal maintenance; No guarantee of 55+ market; Rezoning precedent – bad; Property resale value; Privacy; Loss of greenspace; and Safety – school kids. Of these, the following were identified by residents as the key issues/concerns with the development proposal:

- Rezoning precedent – bad * 16 *
- Scale – height, massing * 15 *
- Building out of character * 9 *
- Safety – school kids * 3 *
- Noise * 2 *

[Note that the asterisked numbers indicate relative weight of each issue/concern, as identified by workshop exercise participants.]

At this point in the workshop, the staff member requested direction regarding how participants wanted to proceed. The majority of the residents agreed that a decision on whether to schedule a follow-up workshop to resolve or minimize the key issues identified could not be made that night, but should be made within one week. The following day (February 15/06), the staff member received communication from the group that stated a follow-up workshop would not be desirable to the majority of resident participants.

[See Workshop Summary Attachment for further information on the workshop outcomes.]

Analysis

In the December 23, 2005 Planning & Land Use Division report considered by City Centre Community Committee at their January 3, 2006 meeting, the division recommended the rezoning be approved in order to accommodate the proposed condominium development.

At that hearing, a number of East Fort Garry residents—in particular, those who reside along Riverwood Avenue—expressed their objections to the multiple-family proposal. A number of concerns were identified—including character, traffic, scale, lack of infill guidelines, property values, preference for community use, privacy, safety, precedent, and drainage. In addition, there were many references to an insufficient notification process and poor communications regarding the required public hearing and the voluntary public open house.

The February 14, 2005 workshop did not succeed in resolving developer – resident disparities regarding the proposed multiple-family development. At that point in the process—with public hearing already underway—this was an ambitious undertaking. On the other hand, the workshop

did provide an opportunity for a genuine sharing of ideas and opinions—though consensus between resident and developer participants was not achieved.

The two key issues identified by residents at the workshop bear additional commentary. Regarding scale, the developer has done a credible job balancing the height of the proposed 30-unit residential building with its footprint and a variety of other design features. The potential mass of a 4-storey, 45-foot high building has been substantially reduced by orienting the principal building walls away from existing single-family homes—such that less than 60 feet of building wall face onto Riverwood Avenue and onto Lyon Street, the equivalent building width of two single-family dwellings on two 40-foot wide lots. In addition, by insetting the 4th-floor units back from the 3rd-floor ceiling, the potential impact of the 45-foot building height towards Riverwood and Lyon has also been reduced. This feature, combined with the approximately 105-foot separation between the proposed building wall and the nearest single-family front wall (south side of Riverwood Avenue), results in a nearly 1 : 3 ratio of building height to building separation. Additional scale and massing reduction could have been achieved if the building had been repositioned further away from the Riverwood property line.

The other key issue identified is the potential that a precedent will be set for further multiple-family development at other East Fort Garry schoolyard and park sites in the neighbourhood, should this rezoning proceed. In this regard, it should be noted that the processes for declarations of surplus school division and city park properties are onerous and provide ample opportunities for community inputs into decision-making. The Government of Manitoba Department of Education "Guidelines for School Closure" (September/82) process calls for a minimum 20-month period from school division motion and notification of the Minister to closure. Declaring a City of Winnipeg park surplus to the needs of a community requires a two-thirds Council majority to initiate.

Concerning the former General Steele School site, it has been over 15 years since the site was declared surplus to the school division's needs and sold to private interests. It would likely be more difficult to declare such a site surplus now than was the case in the early-1990s. Although unlikely, school or park sites may be identified in the future for infill multiple-family development in East Fort Garry. If so, the 15+ year percolation period, quality of construction, and design consideration proposed for the Riverwood / Lyon site set a high standard for future multiple-family development in East Fort Garry and other mature residential neighbourhoods.

Attachments
Workshop Process Attachment
Workshop Summary Attachment

Workshop Process Attachment

RIVERWOOD / LYON REZONING APPLICATION (DAZ 255/05)
January 3/06 public hearing adjournment

Community Committee Motion
City Centre Community Committee adjourned the public hearing until its April 4/06 meeting "in order to allow the administration to work with the applicant and area residents in developing a collaborative effort to resolve disparities and come as close as possible to a consensus."

Background
- proposal to rezone property at the north west corner of Riverwood Avenue and Lyon Street, in order to develop a 4-storey, 30-unit condominium building
- proponent team includes Freedom Developments Inc, McGowan-Russell Design Group, Ray Wan Architect, Stantec Consultants
- 200 foot X 200 foot property is currently zoned "R1-5.5" Single-Family District (permits single-family dwellings as of right); application proposes "RM-3" Multiple-Family District (permit up to 40 multiple-family dwelling units)
- site history: former General Steele School opened in 1921; became school division offices in 1957; subsequent to 1992, has been used as dance studio, offices, daycare, and church

Process Overview
- although it is unusual to attempt a community/developer/planning department collaboration at this point in a development proposal (i.e. with a development proposal having reached public hearing and the planning department's recommendation tabled), the planning department, the developer, and community members have been instructed to do so by community committee prior to the public hearing reconvening
- in order to initiate such collaborative effort, all parties have responsibilities and must agree to contribute
- the following outlines a draft process for the collaboration and is intended to guide what can be an engaging, animated, and enlightening undertaking

Ground rules
- once participants have been identified (i.e. community representatives and developer representatives) and the first working session scheduled, the planning department will prepare materials to assist participants in the exercise
- these materials will include ground rules for the exercise—e.g. respect for all participants and for the working session objectives, decision-making, responsibility for outcomes, etc

Roles

Community Members:

- will identify representative members of the community to participate in the working sessions
- in order to enable a participatory working session, no more than 8 participants—with at least 5 of these from the immediate vicinity to ensure those most effected by the proposed development are represented
- suggest these 5 participants be selected from residents whose properties are within one block of development site, with the rest of the 8-member group rounded-out by residents of the community at large
- please note this is a tricky proposition, since there is no existing residents' association in East Fort Garry that could mobilize for this purpose

Planning Department:

- will design and run the working sessions
- will develop preparatory materials and prepare session summaries

Developer:

- will identify members of the development team who will participate
- no more than 2 participants
- will prepare materials for follow-up open house [if agreed to by group]

Council:

- because the public hearing for the development application has been opened, no member of Council (including the Ward Councillor) can participate in the collaboration

Timeline

- process initiated at January 3/06 public hearing
- process must be complete by April 4/06
- along the way, one working session or a series of working sessions will be held (1 to 4 meetings with community members, planning department, developer represented)—including a possible follow-up open house

Outcomes

- collaboration process will culminate with a revised development proposal (or several alternative proposals) to be presented at a community open house, prior to the April 4/06 public hearing
- results of the collaboration and open house will be provided to community committee for consideration at their April 4/06 meeting

Workshop Summary Attachment

RIVERWOOD / LYON REZONING APPLICATION (DAZ 255/05)
January 3/06 public hearing adjournment
Workshop Summary (February 14/06)

1 Introduction

10 minutes [planner]
- sign-in – *9 residents and 3 developer representatives*
- introductions
- workshop ground-rules
- agenda distribution & review

2 Identify General Issues/Concerns for Multiple-Family Development of the Site

20 minutes [residents]
- quick call-out exercise on multiple-family development generally
- creative juices flowing

General multiple-family issues/concerns identified:
- *Property values*
- *Decision to sell*
- *Traffic & onstreet parking*
- *Out of keeping – scale/type of development*
- *Multiple-family rezoning – bad precedent*
- *Aesthetics*
- *Loss of greenspace*
- *Privacy*
- *Safety*
- *Long-term retention of condominium resale values*
- *Noise*
- *Height*

3 Present Development Program

20 minutes [developer]
- brief exploration of how condominium proposal was put together
- options explored, what factors have driven design, etc

Design objectives stated:
- *Siting of building to embrace street corner*
- *Building configuration to reduce mass along Riverwood and Lyon*
- *4th-storey setback to reduce height impacts – 32' height at top of 3rd-storey*
- *Exterior finishes and features to break-up longer facades into smaller segments*

- *Interior parking desirable for tenants and minimizes asphalt surfacing of property*
- *Building, unit, and site designed to appeal to 55+ market*
- *Landscaping and site design preserve existing trees (1 boulevard tree lost), screen exterior parking/lay-by area, and complement building design*

4 Identify Specific Issues/Concerns Related to Development Proposal

30 minutes [residents]

- call-out exercise on the specific condominium proposal
- followed by participatory exercise

Specific development proposal issues/concerns identified:

- *Scale – height, massing*
- *Building out of character*
- *Noise*
- *Traffic & parking*
- *No control over future condominium plans*
- *Snow removal maintenance*
- *No guarantee of 55+ market*
- *Rezoning precedent – bad*
- *Property resale value*
- *Privacy*
- *Loss of greenspace*
- *Safety – school kids*

5 Focus on Key Issues

30 minutes [all]

- once key issues have been identified (part 4), identify & discuss issue resolution measures for each key issue

Key issues identified during sticky-dot exercise:

- *Rezoning precedent – bad * 16 dots **
- *Scale – height, massing * 15 dots **
- *Building out of character * 9 dots **
- *Safety – school kids * 3 dots **
- *Noise * 2 dots **

Issue resolution measures identified & discussed:

Rezoning precedent – bad

- *major issue for community members*
- *future developments at other locations recognized as out of the developer's hands*

Scale – height, massing

- *3-storey building (instead of 4-storey)*
- *additional bulk-reducing façade features*
- *partially submerge interior parking*
- *relocate building further away from homes*
- *additional façade/landscape treatments along west wall*

Character

Safety – school kids

Noise

6 Wrap-up & Next Steps

10 minutes [planner]

Wrap-up:

- *during issue resolution step, with time expiring, the planner asked for direction regarding next steps*
- *the planner provided three options: scheduling a follow-up workshop (to finish issue resolution step), decide at a later date whether to schedule a follow-up workshop (decision by February 22/06), or wind-up workshop and proceed directly to the April 4/06 public hearing*

Next steps:

- *the group opted to decide at a later date (decision by February 22/06) whether to schedule a follow-up workshop*
- *communication received February 15/06 indicated the group decided to not proceed with a follow-up workshop*