Agenda – Council – September 27, 2006

Report - Standing Policy Committee on Property and Development – September 5, 2006

Item No. 13 Subdivision and Rezoning - 425 Beaverhill Boulevard
File DASZ 31/2006

STANDING COMMITTEE RECOMMENDATION:

On September 21, 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 plan of subdivision proposed under File DASZ 31/2006 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 31/2006 dated July 11, 2006, for registration in the Winnipeg Land Titles Office.

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 31/2006 dated July 11, 2006, to an "RM-L" Multiple Family 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 prior to new construction on the proposed "RM-L" Multiple Family site detailed site plans illustrating the location of all proposed buildings or new additions, building profiles, parking areas, approaches, landscaping, garbage enclosures, signage and fencing 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

   B. That the east yards of proposed lots 19-26 be maintained at a minimum of twenty-five (25) feet between the projected east walls of the units on those lots and the east property line of those lots. That the east side yard of proposed lot 27 be established and maintained at twenty-five (25) feet between the east wall of the building to be constructed on that lot and the east property line.

   C. That the maximum number of dwelling units permitted on the subject site is thirty-four (34) and the maximum building height of any new structure is one (1)storey.

Report - Standing Policy Committee on Property and Development – September 5, 2006

4. 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 market value of the land and the creation of additional sites (if applicable).

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 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.

8. 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.

9. 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.

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

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.

Report - Standing Policy Committee on Property and Development – September 5, 2006

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On September 21, 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 September 5, 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 July 18, 2006, the Riel Community Committee concurred in the administrative recommendation with the following amendments, namely:

- That the words "twenty (20) feet" in the second last line of Recommendation 3. B. be deleted and replaced with the words "twenty-five (25) feet".

- That Recommendation 3.C. be deleted in its entirety and the remaining Recommendation renumbered accordingly,

and forwarded to the Standing Policy Committee on Property and Development.

RE: **Subdivision and Rezoning - 425 Beaverhill Boulevard**
File DASZ 31/2006 [c/r DAV 139517/2006D]

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

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

Report date: **August 3, 2006**

COMMUNITY COMMITTEE RECOMMENDATION:

On July 18, 2006, the Riel 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 31/2006 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 31/2006 dated July 11, 2006, for registration in the Winnipeg Land Titles Office.

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 31/2006 dated July 11, 2006, to an "RM-L" Multiple Family 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 prior to new construction on the proposed "RM-L" Multiple Family site, detailed site plans illustrating the location of all proposed buildings or new additions, building profiles, parking areas, approaches, landscaping, garbage enclosures, signage and fencing 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

   B. That the east yards of proposed lots 19-26 be maintained at a minimum of twenty-five (25) feet between the projected east walls of the units on those lots and the east property line of those lots. That the east side yard of proposed lot 27 be established and maintained at ~~twenty (20) feet~~ ***twenty-five (25)*** feet between the east wall of the building to be constructed on that lot and the east property line.

~~C. That no fences are to be constructed along the east property line of the subject lands.~~

C. That the maximum number of dwelling units permitted on the subject site is thirty-four (34) and the maximum building height of any new structure is one story.

4. 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 market value of the land and the creation of additional sites (if applicable).

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 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.

8. 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.

9. 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.

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

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 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 Planning and Land Use Division dated July 11, 2006.

PUBLIC HEARING SUMMARY

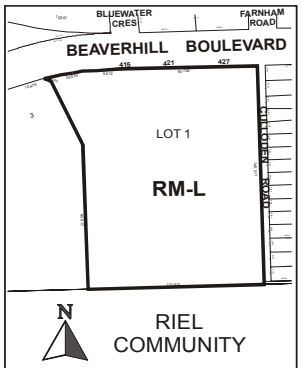
File: DASZ 31/2006 [c/r DAV 139517/2006D]

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

Public Hearing: July 18, 2006
Council Building, 510 Main Street

Applicant: 4744081 Manitoba Ltd.

Subject:



APPLICANT : 4744081 MANITOBA LTD.
FILE: DASZ 31/06
PROPOSAL: An application for the approval of the plan of 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 "R2" RESIDENTIAL DISTRICT and an "RM-1" MULTIPLE-FAMILY DISTRICT to an "RM-L" MULTIPLE-FAMILY DISTRICT. **For information, phone Mr. K. Lalor, Planner at 986-5069.**
DEMANDEUR : 4744081 MANITOBA LTD.
N° DE RÉFÉRENCE : DALZ 31/06
PROJET : Demande d'approbation par le Conseil du plan de lotissement relatif aux sols délinéés ci-dessus et proposition de modification du *Règlement municipal n° 6400/94* visant à changer le zonage des sols délinéés ci-dessus qui passerait des catégories R-2 (SECTEUR RéSIDENTIEL) et RM-1 (SECTEUR D'HABITATIONS MULTIFAMILIALES) à la catégorie RM-L (SECTEUR D'HABITATIONS MULTIFAMILIALES). **Pour plus de renseignements, veuillez communiquer avec M. K. Lalor, urbaniste, au 986-5069.**

Premises Affected: 425 Beaverhill Boulevard

Exhibits Filed:

1. Application dated June 28, 2006
2. Notification of Public Hearing dated June 23, 2006
3. Manitoba Status of Titles 1437274; 1936642 and 1969342
4. Letter of authorization undated from 4744081 Manitoba Ltd. to Colonial Custom Design
5. Plans (3 pages)
6. Report from the Planning and Land Use Division dated July 11, 2006
7. Inspection Report
8. PowerPoint presentation made by Jim Keith and Martin Cloutier at the Public Hearing

REPRESENTATIONS:

In Support:

Thiaa Al-Atiya
Prakash Gowdar
Barry Greenberg
Monica Newman
Ellery Taylor

In Opposition:

Martin Cloutier
James Keith
Colin Montgomery

For Information:

Anita Berard
Linda Decloux
James Farago
Ronald Harvey

For the City:

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

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

The applicant, Prakash Gowdar, accompanied by Barry Greenberg, appeared in support of the application and gave a brief overview of the proposal. Mr. Gowdar indicated concurrence in the administrative report from the Planning and Land Use Division dated July 11, 2006, with the following exception:

- The applicant did not concur with Condition 3. C. and requested that it be deleted.

Mr. Gowdar stated that public consultation had taken place with area residents. Mr. Greenberg reiterated concerns regarding fencing and indicated that, as the person who is in charge of marketing the property, having a fence built around the entire development would make the units easier to sell.

Ellery Taylor appeared in support of the development. Mr. Taylor stated that the proposed development is a better fit for the community than a multistory development as it will not generate much traffic and the elevation will not adversely affect privacy for existing area residents.

James Keith and Martin Cloutier appeared in opposition to the application and provided a detailed PowerPoint presentation, filed as Exhibit 8.

Colin Montgomery appeared in opposition to the application. Mr. Montgomery stated the proposed development could adversely affect property values for area residents. Mr. Montgomery reiterated points made in the PowerPoint presentation regarding fencing and ensuring that the eastern profile of the proposed development is designed in an aesthetically pleasing fashion.

Prakash Gowdar and Barry Greenberg returned in rebuttal. Mr. Gowdar stated that he would be willing to build a four foot fence along the east property line that would satisfy the concerns of the adjoining property owners. Mr. Gowdar stated that he was not supportive of altering the east-facing exterior façade of the development.

Kevin Lalor, Senior Planner, Planning, Property and Development, stated that many of the residents concerns would be addressed at the plan approval stage of the development.

Exhibit “6” referred to in File DASZ 31/2006 [c/r DAV 139517/2006D]

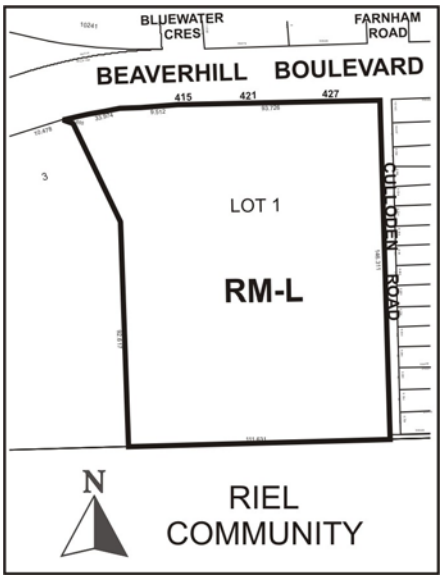
Winnipeg

Planning, Property and Development Department Report

To the Riel Community Committee

Date: July 11/2006
File: DASZ 31/06
Related Files: DAV 06 – 139517D
Subject: The applicant proposes to consolidate three adjoining parcels into one and rezone to an ‘ RM-L” Multiple Family category in order to facilitate construction of thirty-four condominium units.

Location: 425 Beaverhill Blvd.
Legal Description: Lot 1, Blk. 1, Plan 33345 ; Lot 2, Blk. 1, Plan 33345; Lot 3, Blk. 1, Plan 33345



Applicant: 4744081 Manitoba Ltd.
Owner: 4744081 Manitoba Ltd., City of Winnipeg, Agape Villa Inc

Recommendation: Approve with Conditions

Site Description:



North : To the north of the subject property is a large zoned 'PR-1' school site owned by the Louis Riel School Division. There is also an established residential subdivision along Bluewater Crescent and Farnham Road zoned "R2" Two Family Residential.

East: To the immediate east is a cul-de-sac called Culloden Road which was built over twenty – five years ago, along which are situated two family dwellings. Sixteen of these homes front directly onto the subject site.

West : To the west is the four story Agape Villa multiple family complex zoned "RM-1.

South : To the south is a Hydro right- of- way separating the site from Bishop Grandin Blvd.

The site itself is a little under four acres in total area and has currently two buildings on the site. A day-care has been operating out of one of the buildings in recent years.

Description of the Proposed Development

The applicants first propose to consolidate their existing property with a 26 meter wide parcel of City owned property and a small piece of residual land belonging to the Agape Villa to create one large single parcel totaling approximately four (4) acres in size. Both the City parcel (a former future road right-of-way) and the piece of residual Agape land at the rear of their building have been declared surplus and will be sold to the applicant subject to their obtaining the necessary approvals. The next step will be to construct an internal road –way system with two connections to Beaverhill in order to facilitate development of thirty four (34) one story bungalow condo units. The majority of the units range in size from 1355 sq.ft. to 1509 sq. ft. with five slightly larger units along the south periphery of the site at 1809 sq. ft. Separation space between the two unit buildings is 8' which is in compliance with the by-law regulations for multiple family structures. In order to accommodate the proposal as outlined, the land has to be procedurally rezoned to a low density " RM-L" Multiple Family category. It should be noted that because of the time frame required to process a rezoning through City Council, the applicant has concurrently applied for a temporary use variance in order to expedite the process.

Analysis

In the last five years, there has been an increase in interest in the subject property for housing development. This is due, in large part, because the subject parcel is one of the last sites in south St. Boniface which has good access, is fully serviced and is large enough (with the incorporation of two adjoining parcels) to accommodate a low density housing project. Under the current R2 duplex zoning, we estimate that it would be possible to construct approximately 30-35 dwelling units. The applicant is proposing a private condominium project with a total of 34 one story dwelling units. As with the existing duplexes along Culloden, the units are side by sides, each pair generally separated by an 8' buffer space. And like the homes along the west side of Cullodon Rd., eight of the proposed new units effectively have their front yards facing the existing public pedestrian foot -path. It is critical from a design perspective and to ensure that the new development is compatible with the adjoining neighbourhood that the new development not

be physically separated by way of barriers such as fences. This is particularly true along the east property line where the new housing has to be properly integrated into the existing community. As a result of these concerns, this Department has recommended that 1) , as a condition of approval, no fences be constructed along the east property line of the new development. Landscaping alternatives such as hedges would be optional and at the discretion of the individual condo owner; 2) that front yards along the east property line would have to be a minimum 25' in depth to better conform with existing front yards east of the pedestrian walk-way. The one exception to this would be proposed lot 27 which lies adjacent to the east property line. Lot 27's side yard should be increased , in our view , to 20' instead of the suggested 15'. The extra 5' feet could be achieved by reducing the west side yard of proposed lot 36 from 15' to 10'. If the recommendations outlined in the following zoning agreement are endorsed by your Committee, they would have to reflected in the final plan approval in advance of the issuance of any building permits.

Recommendation

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

- The proposed housing development is of a reasonable density and scale and if properly configured and designed, it will not be out of character with the existing neighbourhood.
- The proposed development is in accordance with Plan Winnipeg Policy which advocates the construction of new infill housing in existing neighbourhoods , already providing a full range of services.

Recommended Conditions of Approval

1. That the plan of subdivision proposed under File No. DASZ 31/2006 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File No. DASZ 31/2006, attached hereto and dated July 11/2006, for registration in the Winnipeg Land Titles Office.

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 No. DASZ 31/2006, attached hereto and dated July 11/2006, to an "RM-L" Multiple Family 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, to include the following conditions:

    A. That prior to new construction on the proposed " RM-L" Multiple Family site, detailed site plans illustrating the location of all proposed buildings or new additions, building profiles, parking areas, approaches, landscaping, garbage

enclosures, signage and fencing 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

B. That the east yards of proposed lots 19-26 be maintained at a minimum of 25' between the projected east walls of the units on those lots and the east property line of those lots. That the east side yard of proposed lot 27 be established and maintained at 20' between the east wall of the building to be constructed on that lot and the east property line.

C. That no fences are to be constructed along the east property line of the subject lands.

D. That the maximum number of dwelling units permitted on the subject site is thirty-four (34) and the maximum building height of any new structure is one story.

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, (if applicable).

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 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.**

8. 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.

9. 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.

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

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.

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

Report Prepared by: Kevin Lalor
PPD File # 5.551

By-Law No. _____

File No. **DASZ 31/06**

Atlas Sheet No.

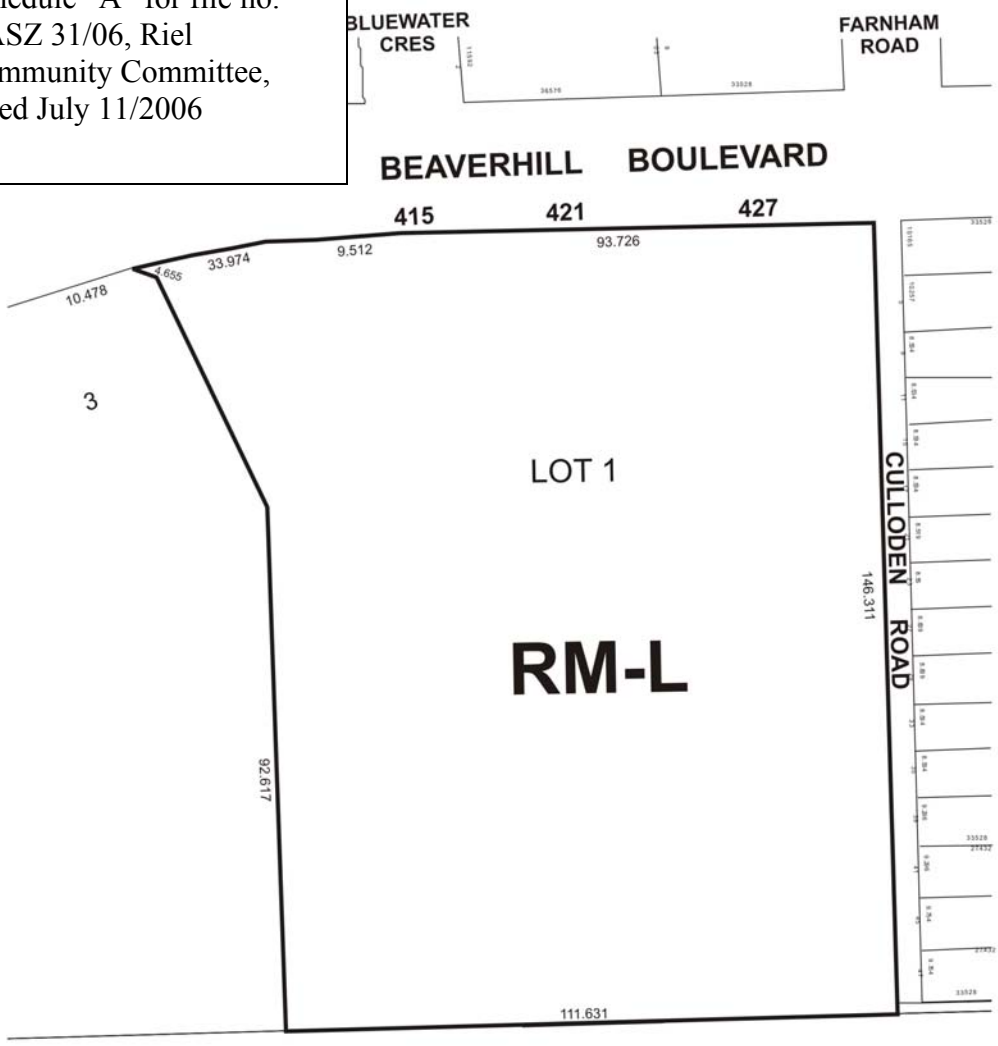
N

AF29
RIEL
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 425 Beaverhill Boulevard from an "R2" RESIDENTIAL DISTRICT and an "RM-1" MULTIPLE-FAMILY DISTRICT to an "RM-L" MULTIPLE-FAMILY DISTRICT as shown outlined below.

Schedule "A" for file no. DASZ 31/06, Riel Community Committee, dated July 11/2006



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____