Minutes - Executive Policy Committee – September 21, 2006

Minute No. 670
Report - Standing Policy Committee on Property and Development – September 5, 2006

Item No. 11 Subdivision and Rezoning – 1800-1810 Corydon Avenue
File DASZ 23/2006

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

The Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the City Centre Community Committee and submits the following to Council:

1. That the plan of subdivision proposed under File DASZ 23/2006 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File No. DASZ 23/2006 dated June 27, 2006, for registration in the Winnipeg Land Titles Office subject to the following:

    A. That the Developer be required to enter into a Development Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated June 27, 2006.

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 23/2006 dated June 27, 2006, to an "RM-2" Multiple-Family District and a "C1" Commercial District where the schedule shows "C1.5" Commercial District subject to the applicant entering into a Zoning Agreement with the City pursuant to Section 240(1) of The City of Winnipeg Charter to include the following conditions:

    A. That the total number of dwelling units shall not exceed fifty (50).

    B. That the maximum height of any buildings shall not exceed thirty (30) feet.

    C. That the Multiple-Family development be established in substantial conformity with plans submitted and identified as Exhibit 6.

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

D. 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;

E. That vehicular access to and egress from the property be prohibited from the public lane paralleling Centennial Street.

F. That privacy fencing be constructed along the west side of the public lane with pedestrian access openings or gates provided and thereafter maintained to the satisfaction of the Director of Planning, Property, and Development;

G. That loading areas be screened to reduce impacts of loading activities to the satisfaction of the Director of Planning, Property, and Development.

H. That parking and loading area lighting be screened to reduce glare to the satisfaction of the Director of Planning, Property, and Development.

I. That mobile and temporary signs be prohibited.

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

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8. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision has been registered in the Winnipeg Land Titles Office and the Zoning Agreement has been filed by caveat in the Winnipeg Land Titles Office against those lands provided that the said effective date occurs within twenty-four (24) months from the date that the said rezoning by-law is adopted by Council.

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

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

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

12. 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.

Minutes - Executive Policy Committee – September 21, 2006

Report - Standing Policy Committee on Property and Development – September 12, 2006

DECISION MAKING HISTORY:

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

Carried

STANDING COMMITTEE RECOMMENDATION:

On September 5, 2006, the Standing Policy Committee on Property and Development concurred in the recommendation of the City Centre Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On July 4, 2006, the City Centre Community Committee concurred in the administrative recommendation and submitted its recommendation to the Standing Policy Committee on Property and Development.

RE: **Subdivision and Rezoning – 1800 / 1810 Corydon Avenue**
File DASZ 23/2006 [c/r DAV 134496/2006D]

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

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

Report date: **July 13, 2006**

COMMUNITY COMMITTEE RECOMMENDATION:

On July 4, 2006, the City Centre Community Committee concurred in the administrative recommendation and recommends to the Standing Policy Committee on Property and Development:

1. That the plan of subdivision proposed under File DASZ 23/2006 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File No. DASZ 23/2006, dated June 27, 2006, for registration in the Winnipeg Land Titles Office, subject to the following:

    A. That the Developer be required to enter into a Development Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated June 27, 2006.

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 23/2006, dated June 27, 2006, to an "RM-2" Multiple-Family District and a "C1" Commercial District where the schedule shows "C1.5" Commercial District, subject to the applicant entering into a Zoning Agreement with the City pursuant to Section 240(1) of The City of Winnipeg Charter to, to include the following conditions:

    A. that the total number of dwelling units shall not exceed 50;

    B. that the maximum height of any buildings shall not exceed 30 feet;

    C. that the Multiple-Family development be established in substantial conformity with plans submitted and identified as Exhibit 6,

    D. 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;

E. that vehicular access to and egress from the property be prohibited from the public lane paralleling Centennial Street;

F. that privacy fencing be constructed along the west side of the public lane, with pedestrian access openings or gates provided and thereafter maintained to the satisfaction of the Director of Planning, Property, and Development;

G. that loading areas be screened to reduce impacts of loading activities to the satisfaction of the Director of Planning, Property, and Development;

H. that parking and loading area lighting be screened to reduce glare to the satisfaction of the Director of Planning, Property, and Development; and

I. that mobile and temporary signs be prohibited.

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

8. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision has been registered in the Winnipeg Land Titles Office, and the Zoning Agreement has been filed by caveat in the Winnipeg Land Titles Office against those lands provided that the said effective date occurs within twenty-four (24) months from the date that the said rezoning by-law is adopted by Council.

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

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

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

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

1. This development is not tipping the balance on traffic or parking.

2. The applicant has tried hard to listen to what the community had to say.

3. At considerable expense, the applicant introduced underground parking.

4. A 2-storey residential and multi-family development is not out of character in the area.

5. Infill housing is consistent with Plan Winnipeg.

PUBLIC HEARING SUMMARY

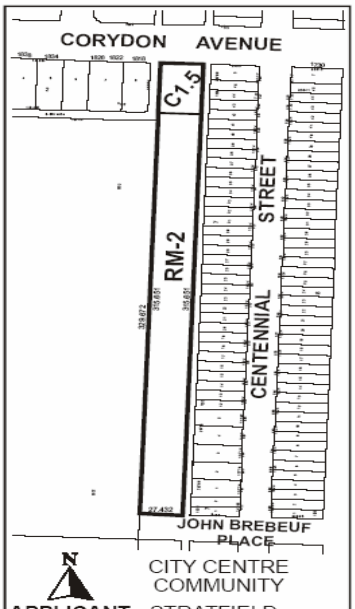
File: DASZ 23/2006 [c/r DAV 134496/2006D]

Before: City Centre Community Committee
Councillor Gerbasi, Chairperson
Councillor Benham
Councillor Smith

Public Hearing: July 4, 2006
Council Chamber
Council Building, 510 Main Street

Applicant: Stratfield Properties / ND Lea Inc. (Ross Mitchell)

Subject:



APPLICANT : STRATFIELD PROPERTIES AND ND LEA
FILE : DASZ 23/06
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 "R1-4" RESIDENTIAL DISTRICT, an "R2" RESIDENTIAL DISTRICT, an "RM-2" MULTIPLE-FAMILY DISTRICT, an "RM-3" MULTIPLE-FAMILY DISTRICT and a "C1" COMMERCIAL DISTRICT to an "RM-2" MULTIPLE-FAMILY DISTRICT and a "C1.5" COMMERCIAL DISTRICT. **For information, phone Mr. M. Sandhurst, Planner at 986-5066.**

Premises Affected: 1800 / 1810 Corydon Avenue

Exhibits Filed:

1. Application dated May 30, 2006
2. Notification of Public Hearing dated June 1, 2006
3. Manitoba Status of Title 2027252
4. Letter of authorization dated May 2, 2006 from John Friesen, Owner, Principal of 2862647 Manitoba Ltd. and Stratfield Properties to Ross Mitchell, ND Lea Inc.
5. Drawing of subject property
6. Plans (4 pages)
7. Report from the Planning and Land Use Division dated June 27, 2006
8. Report from the Administrative Coordinating Group dated June 27, 2006
9. Inspection Report
10. Communication dated June 26, 2006, from Branka Mijovic in opposition to the application
11. Communication dated June 29, 2006, from Patricia Thomas in opposition to the application
12. Communication dated June 29, 2006, from Art and Doreen Beals in opposition to the application
13. Communication dated June 29, 2006, from Bernard and Jacqueline Kelly in opposition to the application
14. Communication dated June 29, 2006, from David and Pat Wilson in opposition to the application
15. Communication dated June 29, 2006, from Helena Wiebe in opposition to the application
16. Communication dated June 29, 2006, from Michael Smith and Marnie Loewen in opposition to the application
17. Communication dated June 30, 2006, from Viktor, Victor Jr., Leonid and Raymond Narynskyyi and Natalya Babenko in opposition to the application
18. Communication dated June 26, 2006, from Margaret and Robert Hughes, in opposition to the application
19. Communication dated June 26, 2006, from Mark R. Clarke, in opposition to the application
20. Communication dated June 26, 2006, from Elizabeth J. Cross, in opposition to the application
21. Communication dated June 26, 2006, from L. Schachter, in opposition to the application
22. Communication dated June 26, 2006, from Boulqmek Schachter, in opposition to the application
23. Communication dated June 26, 2006, from Saul Schachter, in opposition to the application
24. Presentation in support of the application, submitted by the applicant, Ross Mitchell, at the public hearing

25. Presentation in opposition to the application, submitted by Winn Adair, at the public hearing
26. Presentation in opposition to the application, submitted by Craig Loewen at the public hearing
27. Communication dated June 26, 2006, from Robert and Marni Wakefield, in opposition to the application
28. Communication dated June 26, 2006, from B. Paterson, in opposition to the application, submitted by Gail Henry at the public hearing
29. Communication dated June 26, 2006, from Barbara Lavallee and Rudy Janz, in opposition to the application, submitted by Gail Henry at the public hearing
30. Communication dated June 26, 2006, from Marie A. Regnier, in opposition to the application, submitted by Gail Henry at the public hearing
31. Communication dated June 26, 2006, from E. A. James, in opposition to the application, submitted by Gail Henry at the public hearing
32. Communication dated June 26, 2006, from Anne-Marie Brownell, in opposition to the application, submitted by Gail Henry at the public hearing
33. Communication dated June 26, 2006, from Arthur, Gloria and Lydia Ramos, in opposition to the application, submitted by Gail Henry at the public hearing
34. Communication dated June 26, 2006, from B. Green, in opposition to the application, submitted by Gail Henry at the public hearing
35. Communication dated June 26, 2006, from Michael Caminetsky, in opposition to the application, submitted by Gail Henry at the public hearing
36. Communication dated June 26, 2006, from Peter and Allison Cranmer, in opposition to the application, submitted by Gail Henry at the public hearing
37. Communication dated June 26, 2006, from Gordon William and Norma Jane Garbutt, in opposition to the application, submitted by Gail Henry at the public hearing
38. Communication dated June 26, 2006, from D. and R. Lowden, in opposition to the application, submitted by Gail Henry at the public hearing
39. Communication dated June 26, 2006, from Frida and Aron Herskovitz, in opposition to the application, submitted by Gail Henry at the public hearing
40. Communication dated June 26, 2006, from Fred Johnson, in opposition to the application, submitted by Gail Henry at the public hearing

41. Communication dated June 26, 2006, from A. Young, in opposition to the application, submitted by Gail Henry at the public hearing
42. Communication dated June 26, 2006, from John H. Cramer, in opposition to the application, submitted by Gail Henry at the public hearing
43. Communication dated June 26, 2006, from Arthur and Lorraine Briggs, in opposition to the application, submitted by Gail Henry at the public hearing
44. Communication dated June 26, 2006, from Rob Brotherton, in opposition to the application, submitted by Gail Henry at the public hearing
45. Communication dated June 26, 2006, from L. Henteleff, in opposition to the application, submitted by Gail Henry at the public hearing
46. Communication dated June 26, 2006, from Debbie Lavallee, in opposition to the application, submitted by Gail Henry at the public hearing
47. Communication dated June 26, 2006, from H. Roulston, in opposition to the application, submitted by Gail Henry at the public hearing
48. Communication dated June 26, 2006, from P. Henry, in opposition to the application, submitted by Gail Henry at the public hearing
49. Communication dated June 26, 2006, from Darlene McBride, in opposition to the application, submitted by Gail Henry at the public hearing
50. Communication dated June 26, 2006, from Pearl Kraut, in opposition to the application, submitted by Gail Henry at the public hearing
51. Communication dated June 26, 2006, from Dianne Stanley, in opposition to the application, submitted by Gail Henry at the public hearing
52. Communication dated June 26, 2006, from Morley Goldberg, in opposition to the application, submitted by Gail Henry at the public hearing
53. Communication dated June 26, 2006, from Debbie Daptil, in opposition to the application, submitted by Gail Henry at the public hearing
54. Communication dated June 26, 2006, from Judy Hardy, in opposition to the application, submitted by Gail Henry at the public hearing
55. Communication dated June 26, 2006, from Joan B. Suchar, in opposition to the application, submitted by Gail Henry at the public hearing

56. Communication dated June 26, 2006, from Micheline E. Beck, in opposition to the application, submitted by Gail Henry at the public hearing
57. Communication dated June 26, 2006, from Walter and Donna Shields, in opposition to the application, submitted by Gail Henry at the public hearing
58. Communication dated June 26, 2006, from Carole Janik, in opposition to the application, submitted by Gail Henry at the public hearing
59. Communication dated June 26, 2006, from Rosemary Thiessen, in opposition to the application, submitted by Gail Henry at the public hearing
60. Communication dated June 26, 2006, from Lynda Will, in opposition to the application, submitted by Gail Henry at the public hearing
61. Communication dated June 26, 2006, from Nick Jackimec, in opposition to the application, submitted by Gail Henry at the public hearing
62. Communication dated June 26, 2006, from Nancy E. Goodland, in opposition to the application, submitted by Gail Henry at the public hearing
63. Communication dated June 26, 2006, from Tom Kennedy, in opposition to the application, submitted by Gail Henry at the public hearing
64. Communication dated June 26, 2006, from Clara Thiessen, in opposition to the application, submitted by Gail Henry at the public hearing
65. Communication dated June 26, 2006, from Enid Henley, in opposition to the application, submitted by Gail Henry at the public hearing
66. Communication dated June 26, 2006, from Yascomarie Goodney, in opposition to the application, submitted by Gail Henry at the public hearing
67. Communication dated June 26, 2006, from Elaine Weiss, in opposition to the application, submitted by Gail Henry at the public hearing
68. Communication dated June 26, 2006, from Luc Bernier, in opposition to the application, submitted by Gail Henry at the public hearing
69. Communication dated June 26, 2006, from Victoria Cabigas, in opposition to the application, submitted by Gail Henry at the public hearing
70. Photographs (12) in opposition to the application, submitted by Gail Henry at the public hearing

REPRESENTATIONS:

In Support:

Ross Mitchell, N.D. Lea Engineers and Planners Inc.
Abe Friesen
John Friesen
Marlene Friesen
Willie Friesen
Bob Matias

In Opposition

Winn Adair
Pat Allenby
Natalya Babenko
Art Beals
Doreen Beals
Micheline E. Beck
Luc Bernier
Arthur Briggs
Lorraine Briggs
Rob Brotherton
Anne-Marie Brownell
Anthony Bryant
Victoria Cabigas
Michael Caminetsky
Gregory Clarke
Mark R. Clarke
John H. Cramer
Allison Cranmer
Peter Cranmer
Elizabeth J. Cross
J.B. Cuthbert
Deborah Daptil
Jeff Davidson
Garth Davies
Joe Doran
Phyllis Doran
Andre Drummond
Sandra Drummond
Marjorie Eckert
Gordon William Garbutt
Norma Jane Garbutt
Fred Gering
Shirley Gering
Morley Goldberg
Yascomarie Goodney
Nancy E. Goodland
Al Grant
Mary Grant
B. Green
Howard Green
Judy Hardy
Inez Harrison
Fred Hastings
Muriel Hastings
Enid Henley
Gail Henry
P. Henry
L. Henteleff
Aron Herskovitz
Frida Herskovitz
Linda Horn
Thomas R. Horn
Sonia Hosfield
Margaret Hughes
Robert Hughes
Nick Jackimec
E.A. James
Carol Janik
Rudy Janz
Fred Johnson
Bernard Kelly
Jacqueline Kelly
Tom Kennedy
Ken Klassen
Garry Koenig
Jennifer Koenig
Pearl Kraut
Barbara Lavallee
Debbie Lavallee
Tracey Lavery
Craig Loewen
Marnie Loewen
D. Lowden
R. Lowden
Janice Lukes
Deborah Anne Lupien
Shirley Lush
Elayne Lynds
Howard Lynds
Esther Meleshko
Janet Meleshko
Darlene McBride
Branka Mijovic
John Murphy
Leonid Narynskyyi
Raymond Narynskyyi
Viktor Narynskyyi
Victor Narynskyyi, Jr.
Anthony Paille
B. Paterson

Arthur Ramos
Gloria Ramos
Lydia Ramos
Marie A. Regnier
Joe Remus
Gordon Richardson
Sean Ross
H. Roulston
Sid Rutman
Abdul Salim
Bouqmek Schachter
L. Schachter
Saul Schachter
Carole Scott
Norman J. Shearer
Donna Shields
Walter Shields
Michael Smith
Dianne Stanley
Joan B. Suchar
Clara Thiessen
Rosemary Thiessen
Patricia Thomas
Wilhelm Treidler
Leslie Turnbull
Daniel Wachniak
Marni Wakefield
Robert Wakefield
Elaine Weiss
Lynda Will
Helena Wiebe
David Wilson
Pat Wilson
A. Young

For Information:

Fred Curry
Gerald Lavery

For the City:

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

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

The applicant, Ross Mitchell, ND Lea Inc., appeared in support of the application and read into the record a presentation filed as Exhibit 24. In response to committee's questions, Mr. Mitchell explained the shading effects the development would create.

Winn Adair appeared in opposition to the application and read into the record a presentation filed as Exhibit 25.

Deborah Daptil appeared in opposition to the application. Ms Daptil stated concerns with not being notified of the open houses held by the applicant, safety issues for pedestrians, loss of green space, the planting of poplar trees in the landscape plans, and increase in traffic.

Andre Drummond appeared in opposition to the application. Mr. Drummond stated the majority of residents were opposed to the application.

Howard Green appeared in opposition to the application. Mr Green stated concerns with only receiving notice of one of the three open houses held by the applicant, the proposal not being consistent with what exists in the area, increase in traffic, the density of the units, and the site being too narrow for development.

Gail Henry appeared in opposition to the application. Ms Henry stated concerns with not all residents receiving notice of the informational open houses, the property being purchased before knowing if it could be rezoned, the density of development, increase in traffic, the commercial designation for part of the property, the entry into underground parking, emergency vehicle access to property, sewer problems and snow removal. Ms Henry submitted letters filed as Exhibits 28 to 69 and photographs filed as Exhibit 70, in opposition to the application.

Thomas Horn appeared in opposition to the application. Mr. Horn questioned the land being purchased without knowing if it could be rezoned.

Ken Klassen appeared in opposition to the application. Mr. Klassen reiterated the concerns of the previous speakers.

Garry Koenig appeared in opposition to the application and reiterated the concerns of the previous speakers.

Jennifer Koenig appeared in opposition to the application and reiterated the concerns of the previous speakers.

Craig Loewen appeared in opposition to the application. Mr. Loewen stated he was representing Dr. Jon Gerrard, MLA for River Heights, and read into the record a presentation filed as Exhibit 26.

Esther Melesshko appeared in opposition to the application and reiterated the concerns of the previous speakers.

Joe Remus appeared in opposition to the application. Mr. Remus reiterated the concerns of the previous speakers and added the concern that the proposal would not provide enough room for existing residents to use their garages.

Gordon Richardson appeared in opposition to the application and stated that the application would be precedent setting.

Sid Rutman appeared in opposition to the application. Mr. Rutman stated concerns with the site being too narrow and the development too congested. He also stated he would like the site kept as green space.

In rebuttal, the applicant, Ross Mitchell, ND Lea Inc., stated traffic studies had been done to show the impact the development would have, the City had had the opportunity to buy the land and did not, the developer had gone beyond what was required by holding three informational open houses for area residents, Canada Post had delivered the open house notices, efforts had been made to meet concerns raised by residents, poplar trees were chosen because of their quick growth but was willing to accommodate concerns and not use them. Mr. Mitchell also stated the development location would give its residents the option of using transit and bicycle routes, and parking was provided on site. He further stated the existence of multi-family housing in area and that demand for this type of development existed in the area. He also further stated that the commercial development on the site was low density, that the emergency access had been reviewed by City, and there were no issues with the servicing agreement. In response to committee's questions, Mr. Mitchell stated that plans were required to be submitted for approval.

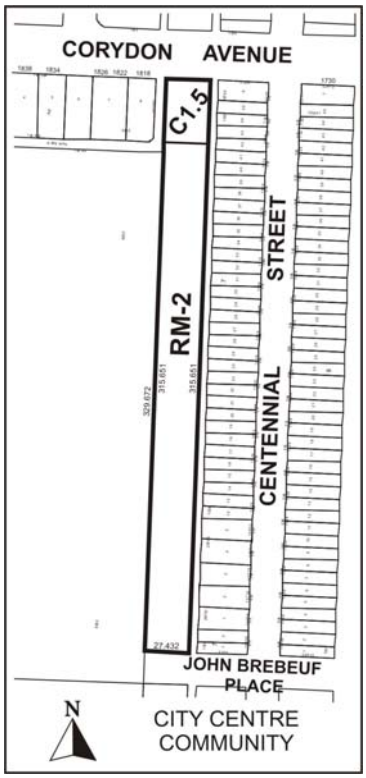
Exhibit "7" referred to in File DASZ 23/2006 [c/r DAV 134496/2006D]

Winnipeg

Planning, Property and Development Department Report

To City Centre Community Committee

Date: June 27, 2006
File: **DASZ 23/06**
Related Files: DAV 06-134496/D
Subject: To subdivide the subject property into two lots: proposed Lot 1 is to be rezoned from "R1-4" Single-Family District, "R2" Two-Family District, and "RM-3" Multiple-Family District to "RM-2" Multiple-Family District; proposed Lot 2 is to be rezoned from "R1-4" Single-Family District, "R2" Duplex District, "RM-2" Multiple-Family District, and "C1" Commercial District to "C1.5" Commercial District
Location: 1800 Corydon Avenue (former CNR Oak Point railway r.o.w.)
Legal Description: Block 24, Plan 1532

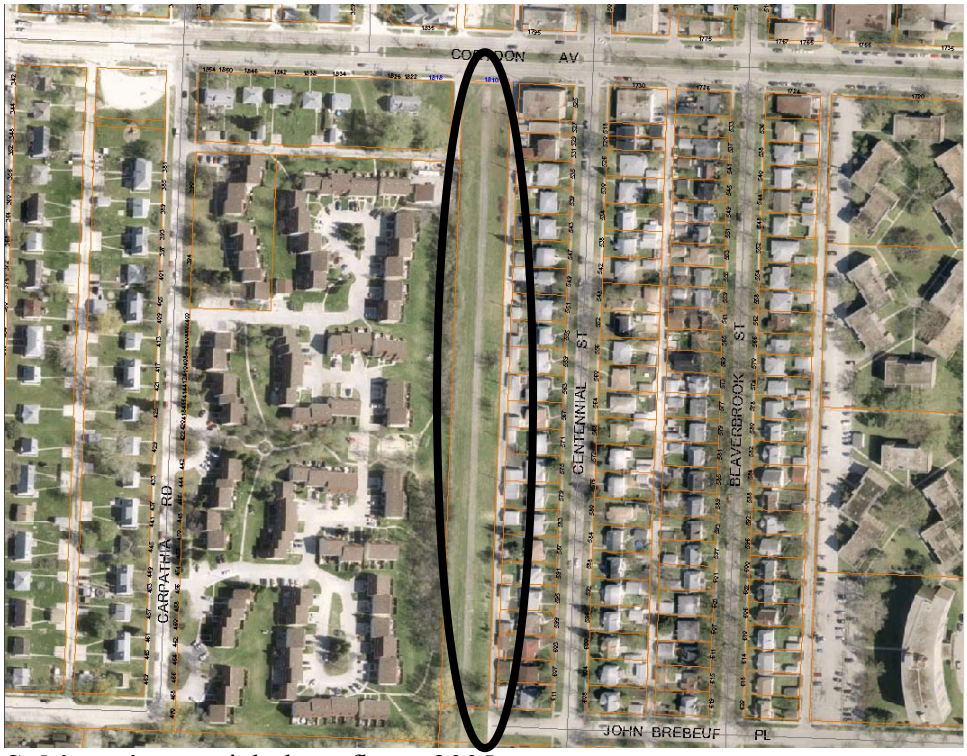


Applicant: Stratfield Properties, ND-Lea
Owner: 2862647 Manitoba Ltd.

Recommendation: *Approval of the subdivision and approval of rezoning to "RM-2" and "C1"*

Site Description

The subject site is a portion of the former CNR Oak Point railway right-of-way, located west of the north-south public lane that parallels Centennial Street, between Corydon Avenue (to the north) and John Brebeuf Place (to the south). To the east of the site are single-family dwellings fronting on Centennial Street (zoned "R1-4" Single-Family District). To the west is a housing cooperative (zoned "RM-3" Multiple-Family District).



Subject site: aerial photo flown 2005.

Background

In December, 2005 and January, 2006, City Centre Community Committee held public hearing for DASZ 43/05 (and related applications), concerning the redevelopment of the portion of former CNR Oak Point railway line between Corydon Avenue (north) and John Brebeuf Place (south). Under DASZ 43/05, 60 dwelling units were proposed within three 4-storey buildings, with the majority of tenant parking located at-grade, within the 4-storey buildings. This proposal was subsequently modified to include 56 dwelling units within three 3-storey buildings. In both iterations, vehicular access to the dwelling units was to be via a 20-foot wide aisle that paralleled

the existing public lane. In addition, a 1-storey, 3600 square foot commercial building was proposed at Corydon Avenue.
Planning & Land Use Division was supportive of and recommended a more modest multiple-family density ("RM-1" Multiple-Family District) and a local-oriented commercial component ("C1" Commercial District).

In Fall, 2002, City Centre Community Committee held public hearing for DASZ 7/02 (and related applications), concerning the redevelopment of the former CNR Oak Point railway line. DASZ 7/02 included a larger portion of the former railway line, from Academy Avenue to Taylor Avenue. Under DASZ 7/02, the portion from Corydon Avenue to John Brebeuf Place was proposed to be subdivided and rezoned to "R1-3.5" Single-Family District to accommodate approximately 23 lots for single-family development.

Although Planning & Land Use Division was supportive of "the principle of Residential Urban Infill", the division recommended the application be adjourned to accommodate further discussion regarding design options. Concerns at the time focused mainly on traffic access (proposed use of widened public lane for primary access to infill dwellings) and built form (inward-focused single-family dwellings, hidden behind privacy fences).

Description of the Proposed Development
The applicant proposes to subdivide and rezone the subject site to accommodate a multiple-family development and a commercial development. The multiple-family development comprises the majority of the site (2.13 acres), with the commercial component located adjacent to Corydon Avenue (0.27 acres).

48 dwelling units are proposed within two 2-storey buildings. The majority of tenant parking is to be located underground (84 parking spaces). Additional tenant and visitor parking is indicated at-grade (34 parking spaces), at the south end of the southernmost building and at the north end of the northernmost building . Vehicular access to these residential parking spaces is via the John Brebeuf Place street stub and Corydon Avenue (through the proposed commercial parking area).

At Corydon Avenue, a 2-storey, 3600 square foot commercial building is proposed. Accessory parking (15 parking spaces) and loading are indicated onsite, with vehicular access via private approach to Corydon Avenue.

Analysis
Consistent with the Planning & Land Use Division recommendation concerning the previous subdivision and rezoning applications for this site and other portions of the former CNR Oak Point railway line, the division supports the establishment of residential infill at this location. The division also recognizes that the site's configuration (approximately 1166 feet long by 90 feet deep) and context (adjacent to established single-family dwellings) are challenging.

Multiple-Family Component
The proposed multiple-family layout resolves many of the concerns related to traffic circulation and access, primarily by limiting development-generated traffic to existing streets (Corydon Avenue and John Brebeuf Place). The underground parking feature addresses both functional and aesthetic concerns. The proposed density and building height are much more responsive to the site's immediate context and are consistent with Planning & Land Use Division's recommendation regarding DASZ 43/05—the proposed 48 dwelling units are only two units in excess of the "RM-1" maximum number and the two-storey height matches "RM-1" provisions.

Commercial Component
The size, location, and onsite amenities of the proposed commercial building are appropriate, given its proximity to a major thoroughfare (Corydon Avenue) and its context (next to an apartment building). The proposed "C1.5" Commercial District zoning, however, accommodates a range and intensity of commercial uses inconsistent with this portion of Corydon Avenue. In addition, the "C1.5" district was initially intended to provide for traditional neighbourhood main streets (e.g. Osborne Village and Corydon Avenue between Daly and Lilac streets). Although community committee (and, ultimately, Council) could restrict uses via zoning agreement clauses under the proposed "C1.5" Commercial District zoning, Planning & Land Use Division recommends this matter be addressed by instead rezoning this portion of the subject site to "C1" Commercial District. This approach is more forthright, since it limits commercial uses to those characteristic of this portion of Corydon Avenue—and since no end-user is identified in the development application.

Recommendation
The Planning and Land Use Division recommends approval of the subdivision (to establish two lots) and rezoning (to "RM-2" Multiple-Family District and "C1" Commercial District) for the following reasons:

- Residential and commercial development are consistent with the "Neighbourhood" designation under *Plan Winnipeg*;
- Lower-density multiple-family residential (48 dwelling units under "RM-2") and local commercial development ("C1") at this location represent responsible redevelopment of lands surplus to railway needs and within an established predominantly single-family neighbourhood; and
- Proposed vehicular access and circulation successfully separates development-generated traffic from the public lane serving adjacent single-family properties.

Recommended Conditions of Approval

I. That the plan of subdivision proposed under File No. DASZ 23/06 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File No. DASZ 23/06, attached hereto and dated June 27, 2006, for registration in the Winnipeg Land Titles Office, subject to the following:

A. That the Developer be required to enter into a Development Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated _____;

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

III 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 23/06, attached hereto and dated June 27, 2006, to an "RM-2" Multiple-Family District and a **"C1" Commercial District** *where the schedule shows "C1.5"*, 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 the total number of dwelling units shall not exceed 50;
B. that the maximum height of any buildings shall not exceed 30 feet;
C. that the Multiple-Family development be established in substantial conformity with plans submitted and identified as Exhibit ___, dated May 30, 2006
D. 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.

E. that vehicular access to and egress from the property be prohibited from the public lane paralleling Centennial Street;

F. that privacy fencing be constructed along the west side of the public lane, with pedestrian access openings or gates provided and thereafter maintained to the satisfaction of the Director of Planning, Property, & Development;

G. that loading areas be screened to reduce impacts of loading activities to the satisfaction of the Director of Planning, Property, & Development;

H. that parking and loading area lighting be screened to reduce glare to the satisfaction of the Director of Planning, Property, & Development; and

I. that mobile and temporary signs be prohibited.

IV. 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).

V. 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.

VI. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary by-law in accordance with the above.

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

VIII. 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.**

IX. 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.

X. 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.

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

XII. 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 # DASZ 23/06

Schedule "A"

By-Law No. _____

File No. **DASZ 23/06**

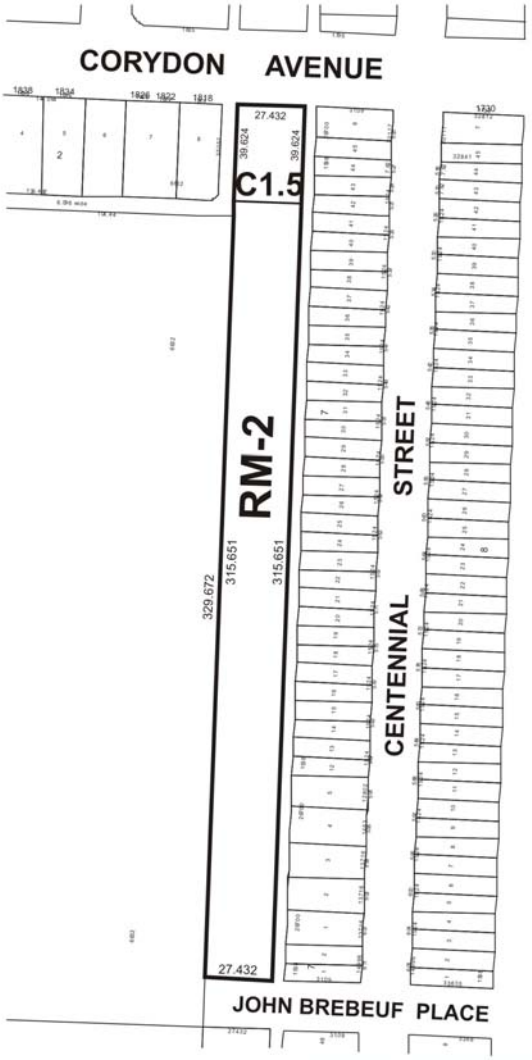
Atlas Sheet No.

N

AD20
CITY CENTRE
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 1800/1810 Corydon Avenue from an "R1-4" RESIDENTIAL DISTRICT, an "R2" RESIDENTIAL DISTRICT, an "RM-2" MULTIPLE-FAMILY DISTRICT, an "RM-3" MULTIPLE-FAMILY DISTRICT and a "C1" COMMERCIAL DISTRICT to an "RM-2" MULTIPLE-FAMILY DISTRICT and a "C1.5" COMMERCIAL 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 # DASZ 23/06 dated June 27, 2006.

Exhibit "8" referred to in File DASZ 23/2006 [c/r DAV 134496/2006D]

Re: Proposed subdivision and rezoning on land located at 1800/1810 Corydon Avenue – DASZ 23/06

An application has been submitted by N.D. Lea and Associates to subdivide and rezone land located at 1800/1810 Corydon Avenue.

It is recommended that the Developer provide a servicing report prepared by a municipal engineer which will include fire flow analysis and land drainage storage requirements.

It is also recommended that approval of this application be subject to the Developer entering into a Servicing Agreement as follows:

1. a) The Developer shall at no expense to the City install all watermains and sewers required to serve the proposed development as indicated by a servicing report prepared by a municipal engineer to the satisfaction of the Director of Water and Waste.
   b) The Developer shall restrict land drainage run-off from the proposed development to pre-development levels to the satisfaction of the Director of Water and Waste.
   c) The Developer shall pay for the existing watermain and combined sewer in Corydon Avenue on the basis of prevailing local improvement rates therefor i.e. $36.00/ft. and $22.0/ft. respectively.
2. a) The Developer shall, at no expense to the City, construct portland cement concrete pavement, to a width and thickness consistent with the existing portland cement concrete pavement, to extend John Brebeuf Place from its terminus at the public lane west of Centennial Street to the west limit of the westerly proposed private approach to the subject property and all related works all as determined by and to the satisfaction of the Director of Public Works.
   b) The appropriate cross-access easement agreement is to be put in place to guarantee access to the proposed "RM-2" lot across the proposed "C1-5" lot to and from the proposed approach serving the site to and from Corydon Avenue.
3. The Developer shall, at no expense to the City, construct a portland cement concrete sidewalk to a width of 1.5m by 100mm in thickness on the north side of John Brebeuf Place from Centennial Street to the proposed private approach to the subject property, all as determined by and to the satisfaction of the Director of Public Works.
4. The Developer shall, at no expense to the City, provide underground electrical and telephone services to serve the proposed subdivision and will pay the full cost to convert any existing overhead services within the proposed subdivision to underground.
5. The Developer is to pay all costs associated with the installation and/or relocation of street lights and other utilities made necessary as a result of or required to accommodate works, which are required by the Developer to serve the proposed subdivision, as determined by and to the satisfaction of the Director of Public Works.
6. The Developer shall be responsible to control and to initiate the clean up of litter and refuse from the contractors and builders for this development, both on-site and off-site, during the installation of services and construction of buildings, until substantial completion of all construction. The clean up of litter and refuse shall be done on a regular basis as determined by the Director of Public Works. This shall include initiating action and assuming any costs in remedying the situation to the satisfaction of the Director of Public Works.

7. The Developer shall ensure that construction traffic uses access routes as determined by the Director of Public Works. The Developer shall maintain, at no expense to the City, the access routes in a clean, dust free and safe condition, free of dropped and tracked-on mud, and shall undertake regular scraping and sweeping of streets until building construction, including landscaping is complete, all as determined by and to the satisfaction of the Director of Public Works.
8. The Developer shall pay the full cost of engineering services provided by or on behalf of the City in connection with the installation of services required to serve the proposed development.
9. The Developer shall pay $1,200.00/acre to defray the City's administration and related costs associated with the preparation and implementation of the servicing agreement.

THIS REPORT SUBMITTED BY:

Administrative Coordinating Group
File No. AG 23/06
June 19, 2006

(original signed by E.L. Carrière, P. Eng.)
Land Development Engineer

(original signed by R. Hartmann, P. Eng.)
Public Works Department
Transportation Division

(original signed by T. Josephson, P. Eng.)
Water and Waste Department