Minute No. 816
Report - Standing Policy Committee on Property and Development – September 5, 2006

Item No. 14 Rezoning - 55 Windmill Way
File DAZ 211/2006

COUNCIL DECISION:

Council concurred in the recommendation of the Standing Policy Committee on Property and Development and adopted the following:

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 211/2006 dated July 5, 2006, to an "RM-7" Multiple Family Residential 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 all existing billboards on the subject and adjacent sites owned by the applicant shall be removed and permanently prohibited.

2. That Caveat No. 255105 be withdrawn.

3. 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.

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 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:

Moved by Councillor De Smedt,

That the recommendation of the Standing Policy Committee on Property and Development be adopted by consent.

Carried

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

COMMUNITY COMMITTEE RECOMMENDATION:

On July 18, 2006, the Assiniboia Community Committee concurred in the administrative recommendation with the following amendment, namely:

- That Recommendation No. 1. be amended by adding at the end thereof the words:

  "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 all existing billboards on the subject and adjacent sites owned by the applicant shall be removed and permanently prohibited",

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

RE: **Rezoning - 55 Windmill Way**
File DAZ 211/2006

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

Prepared by: **Carlos Gameiro, Clerk,**
Assiniboia Community Committee

Report date: **July 20, 2006**

COMMUNITY COMMITTEE RECOMMENDATION:

On July 18, 2006, the Assiniboia Community Committee concurred in the administrative recommendation as amended and recommends to the Standing Policy Committee on Property and Development:

1. That The Winnipeg Zoning By-law 6400/94 be amended by rezoning the subject land as shown on Schedule "A", for file DAZ 211/2006, dated July 5, 2006, to an "RM-7" Multiple Family Residential 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 all existing billboards on the subject and adjacent sites owned by the applicant shall be removed and permanently prohibited.

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Note: The wording in bold and italics denotes amendments made by the Community Committee.

The Assiniboia Community Committee provided the following supporting reasons for its recommendation:

1. It is a complete renovation of this site.
2. It creates renewal and invigorates people in the area to shop there.
3. It will be a good addition and a good change.

PUBLIC HEARING SUMMARY

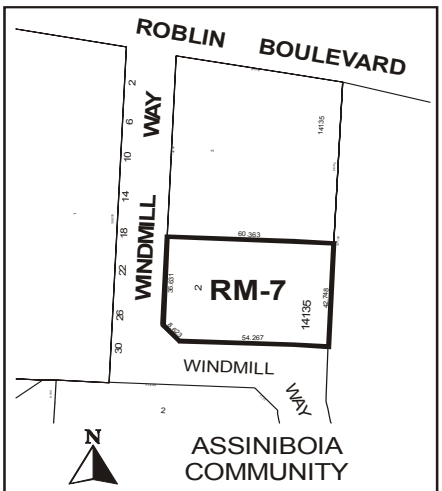
File: DAZ 211/2006 [c/r DAV 135282/2006D and DCU 135278/2006D]

Before: Assiniboia Community Committee
Councillor Eadie, Chairperson
Councillor Clement
Councillor De Smedt

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

Applicant: Nejmark Architect (Tat-Liang Fabio Cheam)

Subject:



APPLICANT : NEJMARK ARCHITECT
FILE : DAZ 211/06
PROPOSAL : To rezone the land shown outlined above from an "RM-2" MULTIPLE-FAMILY DISTRICT to an "RM-7" MULTIPLE-FAMILY DISTRICT and to withdraw the zoning agreement affecting the subject lands. **For information, phone Mr. J. Veitch, Planner at 986-7728.**

Premises Affected: 55 Windmill Way

Exhibits Filed:

1. Application dated June 12, 2006
2. Notification of Public Hearing dated June 7, 2006
3. Manitoba Status of Title 1572872
4. Letter of authorization dated February 27, 2006 from Guy Hobman to Nejmark Architect
5. By-law No. 1955/78
6. Zoning Agreement (DASZ 48/77) between The City of Winnipeg and Westdale Properties Ltd.
7. Plans (9 pages)
8. Report from the Planning and Land Use Division dated July 5, 2006
9. Inspection Report
10. Site Plan and north elevations of the proposed development, submitted at the public hearing by Tat-Liang Fabio Cheam, Nejmark Architect Inc.

REPRESENTATIONS:

In Support:

Tat-Liang Fabio Cheam, Nejmark Architect Inc.
Ken Leschuk
Guy Hobman

In Opposition:

Nil

For the City:

Mr. J. Veitch, Planner Planning, Property and Development Department

SUMMARISATION OF REPRESENTATIONS AND SUBMISSIONS MADE AT THE PUBLIC HEARING

The applicant, Guy Hobbman, accompanied by Tat-Liang Fabio Cheam, Nejmark Architect Inc. and Ken Leschuk appeared in support of the application and provided an overview of the proposal.

In response to questions from Councillor Clement, Mr. Hobmann indicated that he was in concurrence with the addition of a Condition requiring the applicant to remove all existing and prohibiting any future billboard signage on the subject and adjacent sites owned by the applicant.

Mr. Hobman indicated that he did have concerns with respect to Recommendation 3. contained in the administrative report from the Manager of Planning and Land Use dated July 5, 2006. Mr. Hobman noted that the land had previously been approved for a rezoning, but he had not proceeded with the rezoning and he could not recall if the ten percent (10%) dedication had been paid. He requested that Recommendation 3. be deleted if the dedication has been previously paid.

In response, Councillor Clement recommended to the Mr. Hobman that he verify if indeed the dedication had been paid, and if so, the recommendation could be deleted at the Standing Policy Committee on Property and Development, Executive Policy Committee or Council.

The Planner advised that the Water and Waste Department has indicated that the sewer capacity may not be at a level to handle the increased density. Accordingly there may be some obligations on the Applicant to upgrade the capacity if required.

Exhibit "8" referred to in File DAZ 211/2006

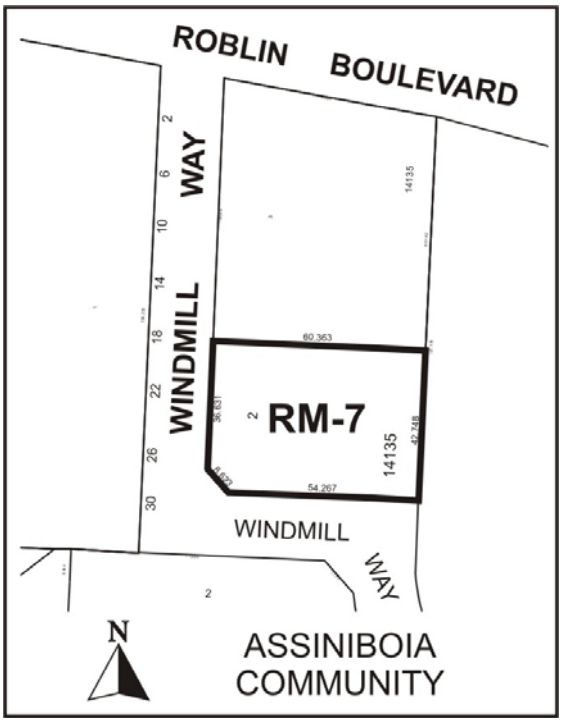
Winnipeg

Planning, Property and Development Department Report

To the Assiniboia Community Committee

Date: July 5, 2006
File: **DAZ 211/06**
Related Files: DCU 06-135278/D, DAV 06-135282
Subject: To amend By-Law No. 6400/94 by rezoning the land shown below from an "RM-2" Multiple Family Residential District to an "RM-7" Multiple Family Residential District.

Location: **55 Windmill Way**
Legal Description: Lot 2, Plan 14135



Applicant: Nejmark Architect – Tat-Liang Fabio Cheam
Owner: Pace Homes Ltd., Guy Hobman

Recommendation: *Approved with Conditions*

Site Description

Existing Land Use and Zoning

The approximately 0.6 acre subject site is zoned 'RM-2' Multiple Family Residential and is currently vacant. The property is located in the Westdale Neighbourhood of the Assiniboia Community.

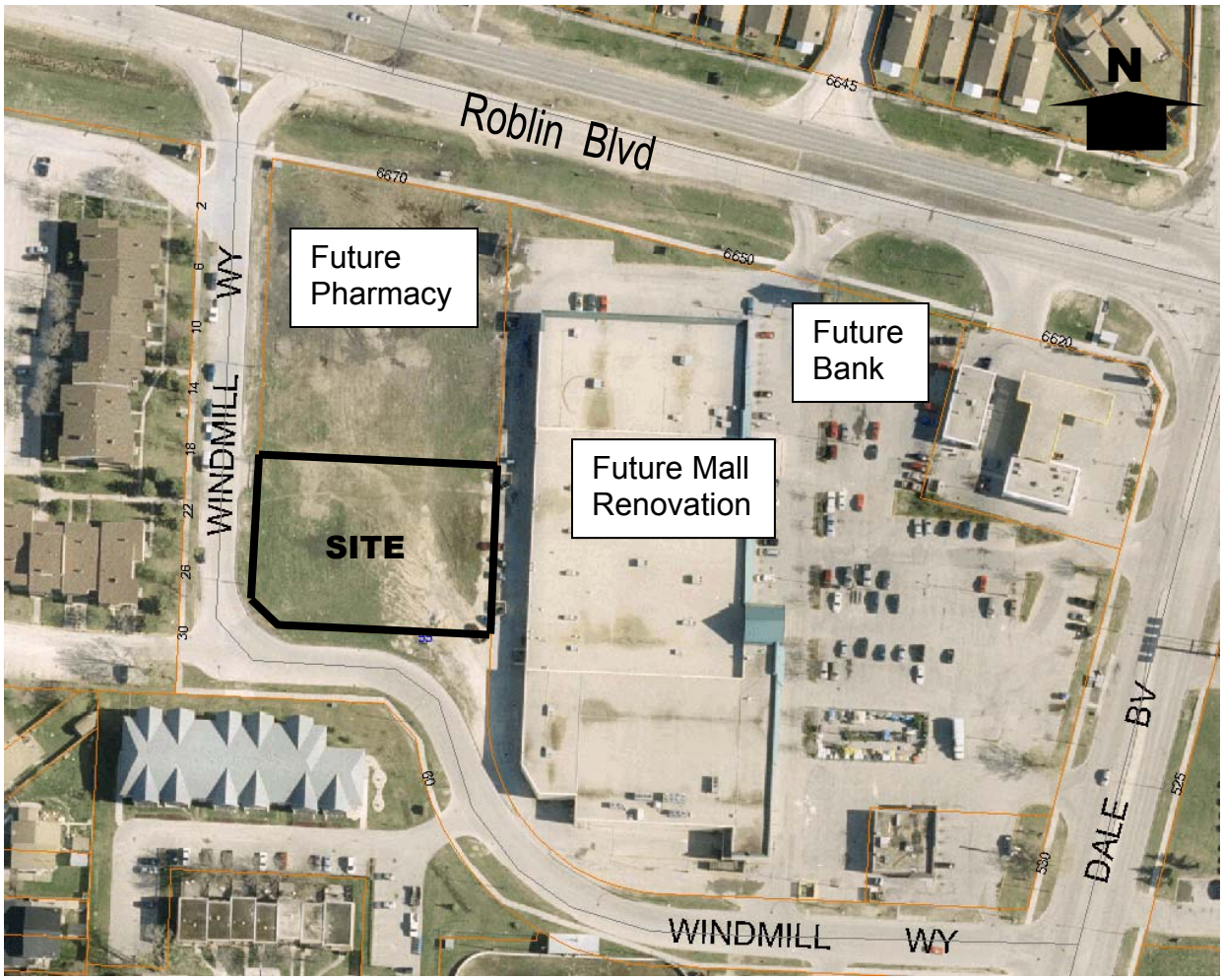


Figure 1: Subject Site (Aerial Photo Flown 2005)

Surrounding Land Use and Zoning

North: 'C2' Commercial (future pharmacy) then Roblin Boulevard
South: Windmill Way then 'RM-L' Multiple Family
East: 'C4' Commercial (renovation of Park West Shopping Centre)
West: Windmill Way then 'RM-L' Multiple Family

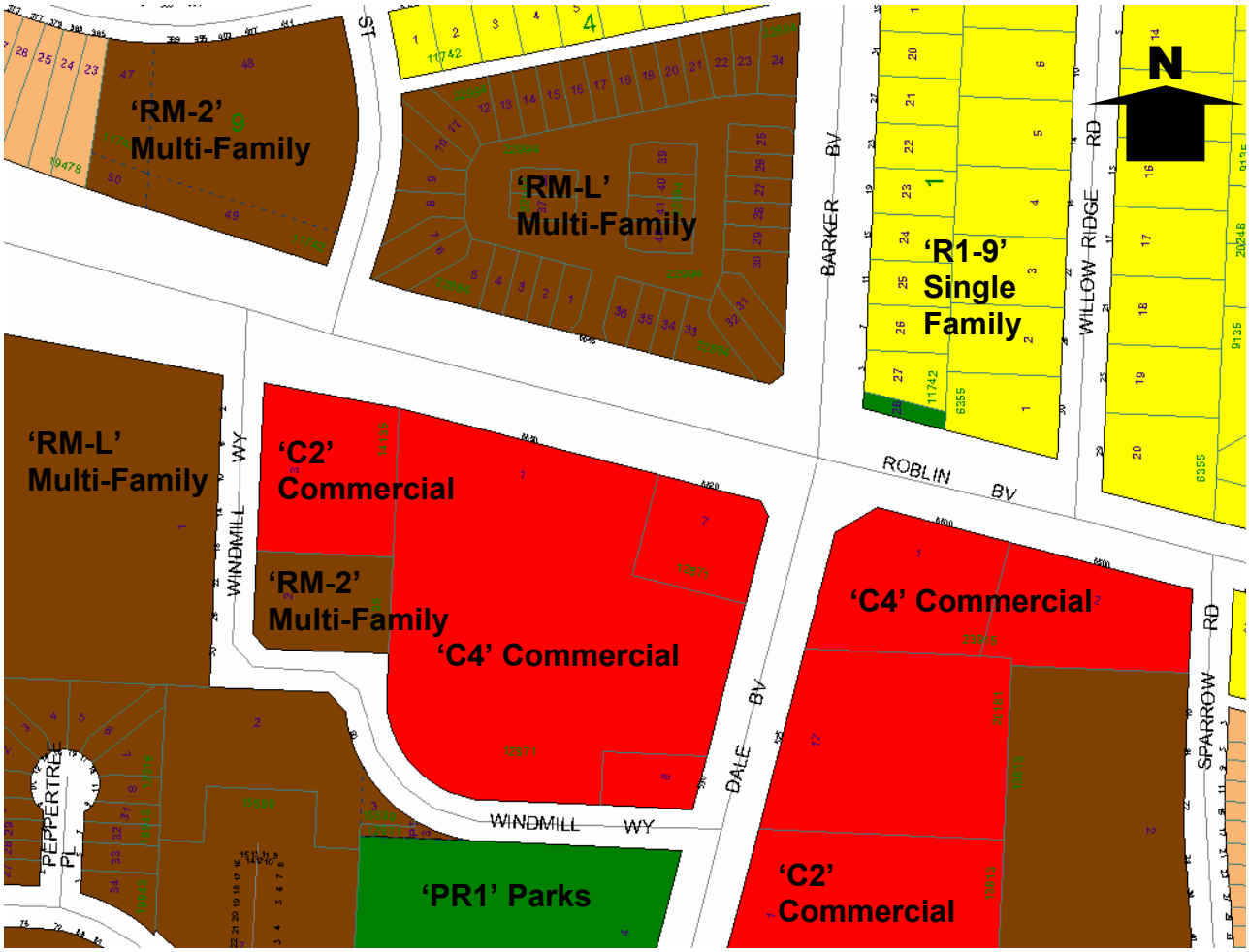


Figure 2: Existing Zoning Designations

Background

DASZ 48/77 - subject site rezoned to 'RM-2' Multiple Family Residential
DCU 06-114227/C – adjacent site to the east, (Park West Shopping Centre) conditional use for a drive thru bank.
DAV 06-114231C) – adjacent site to the north, (Park West Shopping Centre) variances for a new pharmacy.

Description of the Proposed Development

As part of the overall redevelopment of the Park West Shopping Centre, the applicant is proposing a 9-storey, 65-unit mixed-use condominium, approximately 90 feet in height with underground parking and some main floor commercial. The proposal will require several variances for reduced yards and parking as well as a conditional use to allow the proposed commercial uses on the main floor of the condominium.

Analysis

Plan Winnipeg Compliance

The subject site and lands adjacent are designated Neighbourhood in Plan Winnipeg. Under Plan Winnipeg *Policy 3A-01 Promote Orderly Development*, mutually supportive uses mixed together are encouraged. This proposal is part of the larger redevelopment of the Park West Shopping Centre, the developer is renovating the existing mall, adding a stand alone pharmacy and drive thru bank.

Policy 3A-02 Promote Compact Urban Form discusses encouraging infill of vacant lands revitalizing existing neighbourhoods while maximizing the use of existing infrastructure. The subject site is currently vacant; this proposal looks to occupy the site with new residential providing new living opportunities in this neighbourhood.

Compatibility with existing neighbourhood and surrounding uses

A mix of residential densities, commercial uses and recreational uses surround the subject site; the introduction of this mixed-use condominium project appears to be compatible with the context. Although the condominium will be taller than the surrounding buildings, it is separated from the other properties by Windmill Street and located to the north and east of the existing residential uses minimizing any negative shading effects.

Public Process

The architect indicated that they held an open house for the neighbourhood at the Park West Shopping Centre. The architect went on to say that the open house was well attended and the project was received positively.

Site Design Issues

The 0.63-acre subject site left the project architects with a design challenge in placing the 9-floor, 65-unit condominium building on the site with the main floor commercial and underground parking. In addition to the constraints of the subject site care had to be taken to integrate the building into the immediate context of the Park West Shopping Centre. The proposed design incorporates fencing, landscaping and enhanced paved walkways in order to buffer, separate and connect the subject site with the adjacent shopping centre, public sidewalks and parking areas.

The building materials, colours and articulated design intend to soften the massing, reduce the scale and match the proposed renovations to the Shopping Centre building to the east. It is evident that the architects and the developer are committed to creating an attractive project sympathetic to the surrounding context.

Comments from other Departments

The City of Winnipeg Water and Waste Department has done a cursory review of the project and the potential demands to the exiting sewer, water and land drainage infrastructure serving the subject site. They have indicated that there may be a capacity concern with the existing wastewater sewer and that any developer obligations will be determined at the building permit stage once the project engineering drawings and reports can be reviewed in detail.

The Transportation Division of the Public Works Department had raised their concern about the reduction in parking may cause excess parking on the adjacent public streets and properties. As the developer also owns the neighbouring shopping centre, they anticipate any overflow would be handled on their adjacent lot.

Recommendation
In the context of Section 247(3), the Planning and Land Use Division recommends **approval** for the following reasons:

(a) is consistent with Plan Winnipeg and any applicable secondary plan;
(b) does not create a substantial adverse effect on the amenities, use, safety and convenience of the adjoining property and adjacent area, including an area separated from the property by a street or waterway; and
(d) is compatible with the area in which the property to be affected is situated.

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 211/06, attached hereto and dated July 5, 2006, to an "RM-7" Multiple Family Residential District.

II. That Caveat No. 255105 be withdrawn.

III. 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.

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 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: James Veitch
PPD File # DAZ 211/06

Schedule "A"

By-Law No.

File No. **DAZ 211/06**

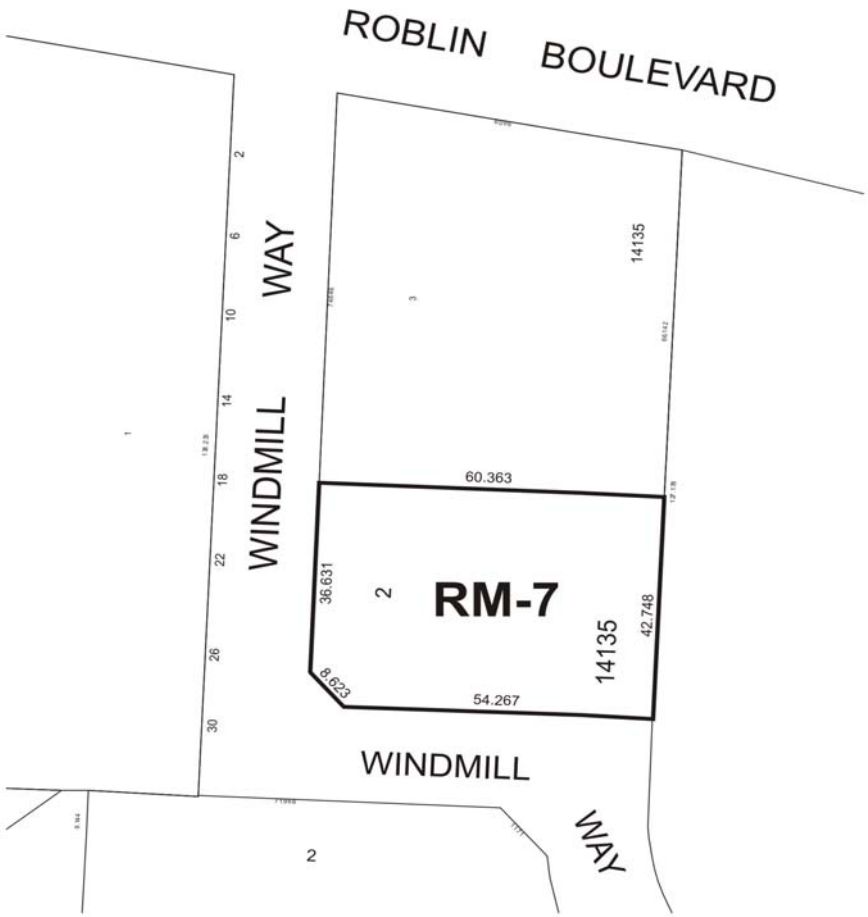
Atlas Sheet No.

N

AD12
ASSINIBOIA
COMMUNITY

Explanation

A proposed zoning change to By-law No. 6400/94 by rezoning the land located at 55 Windmill Way from an "RM-2" MULTIPLE-FAMILY DISTRICT to an "RM-7" MULTIPLE-FAMILY DISTRICT and to withdraw the zoning agreement affecting the subject lands as shown outlined below.



THIRD READING : EFFECTIVE DATE :

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No.

Schedule "A" to the report to Assiniboia Community Committee for file # DAZ 211/06 dated July 5, 2006.