Agenda - Council - July 18, 2007

Report - Standing Policy Committee on Property and Development - June 26, 2007

Item No. 13 Rezoning - 2695 Main Street
(Old Kildonan Ward)
File DAZ 210/2007

STANDING COMMITTEE RECOMMENDATION:

On July 11, 2007, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the Lord Selkirk-West Kildonan 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 outlined on Schedule "A" for File DAZ 210/2007 dated June 7, 2007, to an "MHP" Mobile Home Park District subject to the following:

   A. The Developer be required to enter into a Servicing Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated June 12, 2007.

2. That the Developer be responsible for preparing, at no cost to the City, a plan of subdivision in accordance with Schedule "B" for File DAZ 210/2007 dated June 12, 2007. The described lands shall be dedicated as Public Reserve at no cost to the City.

3. That in the event the application is not proceeded with expeditiously and the by-law is not enacted within twelve (12) 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 twelve (12) month period and the extension is subsequently approved by Council.

4. 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.

5. 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 - June 26, 2007

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On July 11, 2007, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the Lord Selkirk-West Kildonan Community Committee and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On June 26, 2007, the Standing Policy Committee on Property and Development concurred in the recommendation of the Lord Selkirk-West Kildonan Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On June 19, 2007, the Lord Selkirk-West Kildonan Community Committee concurred in the administrative recommendation and submitted its recommendation to the Standing Policy Committee on Property and Development.

RE: **Rezoning - 2695 Main Street**
File DAZ 210/2007 [c/r DAV 131219/2007D]

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

Prepared by: **Diane Timmins, Clerk,**
Lord Selkirk-West Kildonan Community Committee

Report date: **June 20, 2007**

COMMUNITY COMMITTEE RECOMMENDATION:

On June 19, 2007, the Lord Selkirk-West Kildonan Community Committee concurred in the administrative recommendation and recommends to the Standing Policy Committee on Property and Development:

1. That The Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as outlined on Schedule "A" for File DAZ 210/2007 dated June 7, 2007, to an "MHP" Mobile Home Park District, subject to the following:

    A. The Developer be required to enter into a Servicing Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated June 12, 2007.

2. That the Developer be responsible for preparing, at no cost to the City, a plan of subdivision, in accordance with Schedule "B" for File DAZ 210/2007 dated June 12, 2007. The described lands shall be dedicated as Public Reserve at no cost to the City.

3. That in the event the application is not proceeded with expeditiously and the by-law is not enacted within twelve (12) 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 twelve (12) month period and the extension is subsequently approved by Council.

4. 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.

5. 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 Lord Selkirk-West Kildonan Community Committee provided the following supporting reason for its recommendation:

1. The Lord Selkirk-West Kildonan Community Committee agreed with the administrative comments contained in the report from the Planning and Land Use Division dated June 7, 2007 and in the report from the Administrative Coordinating Group dated June 12, 2007.

PUBLIC HEARING SUMMARY

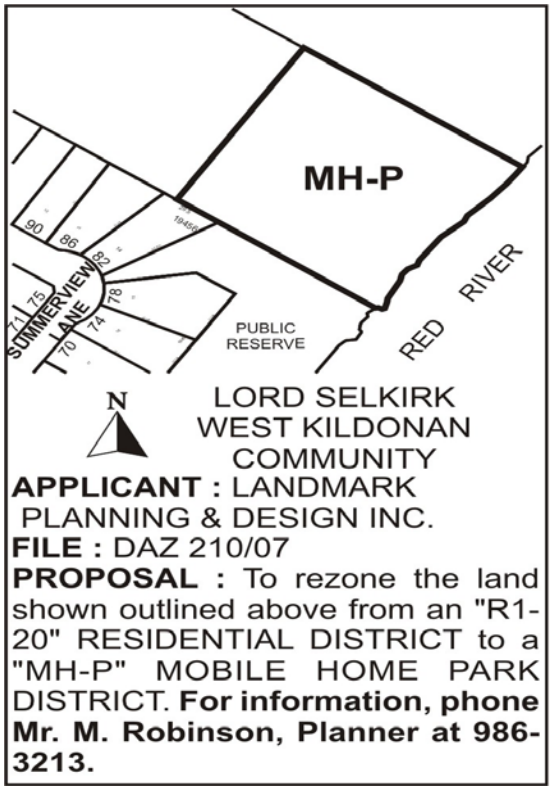
File: DAZ 210/2007 [c/r DAV 131219/2007D]

Before: Lord Selkirk-West Kildonan Community Committee
Councillor Pagtakhan, Chairperson
Councillor O'Shaughnessy

Public Hearing: June 19, 2007
West Committee Room
Council Building, 510 Main Street

Applicant: Landmark Planning and Design Inc. (Donovan Toews)

Subject:



Premises Affected: 2695 Main Street

Exhibits Filed:
1. Application dated May 11, 2007
2. Notification of Public Hearing dated May 18, 2007
3. Manitoba Status of Title 1875669
4. Letter of authorization dated March 7, 2007 from Northgate Trailer Park Ltd. to Landmark Planning and Design Inc.

5. Surveyor's Building Location Certificate and sketch dated June 9, 2003
6. Variance Order DAV 148311/2006C
7. Drawing of subject property
8. Report from the Planning and Land Use Division dated June 7, 2007
9. Report from the Administrative Coordinating Group dated June 12, 2007
10. Communication dated June 5, 2007, from Chris Lorenc in support of the application
11. Communication dated June 18, 2007, from Mike and Karen Zaste in support of the application
12. Communication dated June 18, 2007, from Sean and Wendy Post in support of the application
13. Communication dated June 18, 2007, from Cathy and Zbig Jablonowski in support of the application
14. Inspection Report

REPRESENTATIONS:

In Support:

Donovan Toews, Landmark Planning and Design Inc.
Cathy and Zbig Jablonowski
Chris Lorenc
Sean and Wendy Post
Mia Schorpion
Brian and Paul Stepnuk
Edward Stepnuk
Gerald Stepnuk
Victoria Stepnuk
Mike and Karen Zaste

In Opposition

Nil

For the City:

Mr. K. Raban, Land Development Administrator, Planning, Property and Development Department
Mr. M. Robinson, Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

Donovan Toews, Landmark Planning and Design Inc., accompanied by Brian Stepnuk, appeared in support of the application and indicated concurrence in the recommendations outlined in the reports of the Planning and Land Use Division and the Administrative Coordinating Group.

Exhibit "8" referred to in File DAZ 210/2007 [c/r DAV 131219/2007D]

Winnipeg

Planning, Property and Development Department Report

To the Lord Selkirk-West Kildonan Community Committee

Date: June 7, 2007
File: DAZ 210/2007
Related Files: DAV 07-131219/D, 07-117291/C, 06-148170/C

Subject: To amend By-Law No. 6400/94 by rezoning the land shown below from a "R1-20" Residential District to a "MHP" Mobile Home Park District to allow for the expansion of an existing mobile home park.

Location: 2695 Main Street



Applicant: Landmark Planning and Design (Donovan Toews)
Owner: Northgate Trailer Park Ltd.

Recommendation: Approval

Report Summary:

- The development proposal is the result of much compromise between stakeholders
- It will increase overall land use compatibility in the area.
- The Planning and Land Use Division recommends approval

Site Description

The subject property, which is currently zoned "R1-20" Residential, is located at the northeast corner of Main Street and Fernbank Avenue, in the Rivergrove neighbourhood of the Old Kildonan Ward.

North: Golf course zoned "PR2" Parks and Recreation
South: Residences zoned "R1-5" Residential and "RM-4" Multiple Family Residential
East: Red River
West: Northgate Mobile Home Park, zoned "MHP" Mobile Home Park

Background
Pursuant to a previous variance application (DAV 06-148311C), the landowner and adjoining residents came to terms on a future plan for redevelopment of the subject lands. This plan included the following elements:

Phase 1
The first phase, which was covered in the previous application, included developing the westernmost lots, which were already zoned "MHP" Mobile Home Park.

During this phase, the Copa facility was to remain in operation and the existing access road was be relocated along the north property line of the mobile home park.

Phase 2
The second phase included a plan to apply for a rezoning of the easternmost portion of the property, zoned "R1-20" Residential, in order to expand the mobile home park.

Upon expanding the mobile home park in Phase 2, the Copa facility and the existing single-family house would be demolished.

Phase 2 would add an additional ± 28 lots to the east of Phase 1.

Description of the Proposed Development
The subject application is Phase 2 of an overall plan to expand the Northgate Trailer Park by adding additional units.

Analysis

Plan Winnipeg

Under Plan Winnipeg 2020, the subject area is, in its entirety, within a Neighbourhood Policy Area. Neighbourhood Policy Areas are intended to include a residential mix together with a variety of educational, recreational, institutional, commercial and possibly industrial uses, at a scale and density compatible with each other.

Compatibility with existing neighbourhood and surrounding uses

The proposed developed includes the elimination of the Copa banquet facility. This establishment has, over the years, been the source of much dissatisfaction for the residents of Rivergrove, to the immediate south.

Their dissatisfaction and frustration resulted from the traffic and noise generated by the Copa and highlighted the general incompatibility of a commercial use in a residential area.

For those reasons, the proposed rezoning, which will substitute a commercial use for a residential use, will increase overall land use compatibility in the area.

Site Design Issues

Lots

15 mobile home park lots are proposed on the subject lands. This is in addition to the 53 lots added in Phase 1 of the development. The lots range in size from 2,888 square feet to 5,640 square feet.

Streets

The design is comprised of one long, dead end road with several bays. This layout was preferred by many of the residents to the immediate south.

In light of the fact that a second point of access is required for emergency response, a 20' wide gravel road will be developed on the northern half of the site.

Access

The development will be accessed either through the existing Northgate internal road system or via the road which currently serves the Copa.

Dike

A portion of the proposed development is located within the City's designated "Floodway Fringe Area" and therefore requires flood protection as outlined in the Designated Floodway Fringe Area Regulation 266/91. To flood proof the area, the developer is proposing to construct a primary dike. Any proposed primary dike construction must meet standards stipulated by the City and the Provincial Diking Commissioner.
Beyond the lots, to the east, the site will be protected by a dike

Natural Areas
The City is requesting dedication of all the lands which are within the floodway area, for the purpose of naturalizing the riverbank area and at a future date, extending the existing river pathway system.

Recreation Area
The applicant will fall short on the required 7.5% recreation area, as required by By-Law 6400/94 for mobile home parks. This is as a result of the applicant dedicating a large portion of their lands to the City, for use as open space.

However, given that the entire riverfront area will be preserved as open space and given that the overall amount of open space in well in excess of 7.5%, if the future Public Reserve lands are included, the Planning and Land Use Division supports varying this requirement. This variance will be processed at the same time that the riverbank lands are conveyed to the City – through a separate subdivision application.

Additionally, in order to upgrade and enhance the existing recreation area, the applicant will be adding a CSA approved play structure.

Fire
It should be noted that the Fire Department has recommended that fire hydrants be installed to provide fire suppression service to the new lots. Without hydrants, the Fire Department has indicated that fire-fighting capabilities will be limited and overall safety may be compromised.

Public Consultation
Several meetings were held with adjoining residents over the past several months to discuss the proposed development. Through discussion, the plan evolved to the point it is at today – where it has the support of the majority of residents in the area.

Recommendation

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

- The development proposal is the result of much compromise between stakeholders
- It will increase overall land use compatibility in the area
- It is consistent with Plan Winnipeg 2020

Recommended Conditions of Approval

1. That The Winnipeg Zoning By-law 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 210/2007 dated June 7, 2007, to a "MHP" Mobile Home Park District, subject to the following:

A. The Developer be required to enter into a Servicing Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated June 12, 2007;

2. That the Developer be responsible for preparing, at no cost to the City, a plan of subdivision, in accordance with Schedule "B" for File DAZ 210/2007 dated June 12, 2007. The described lands shall be dedicated as Public Reserve at no cost to the City.

3. That in the event the application is not proceeded with expeditiously and the by-law is not enacted within twelve (12) 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 twelve (12) month period and the extension is subsequently approved by Council.

4. 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.

5. 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: Michael Robinson, AICP
PPD File # DAZ 210/2007

Schedule "A"

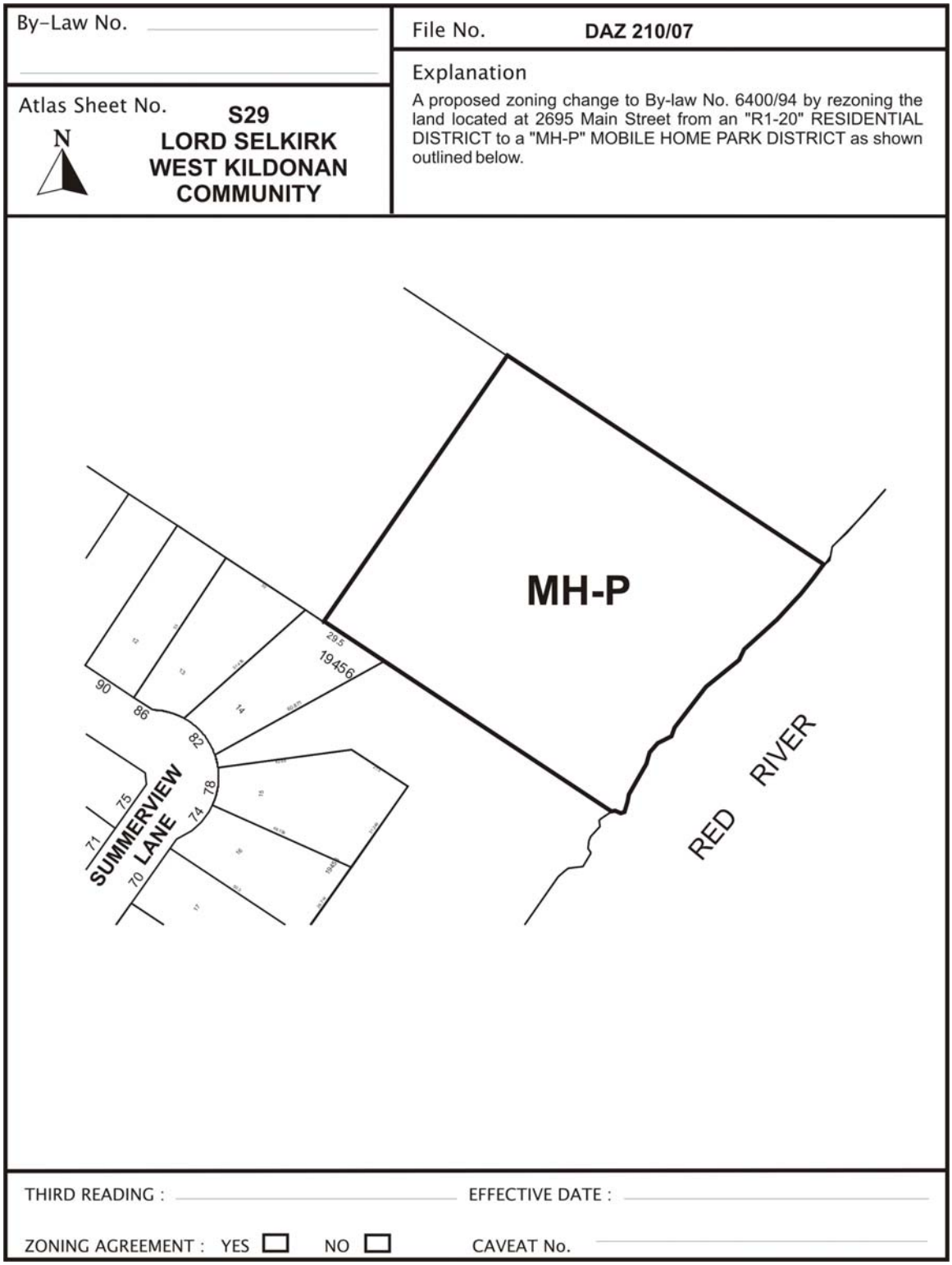


Figure 1: Schedule "A" to the report to the Lord Selkirk-West Kildonan Community Committee for File DAZ 210/2007, dated June 7, 2007.

Schedule "B"

By-Law No. _____

File No. **DAZ 210/07**

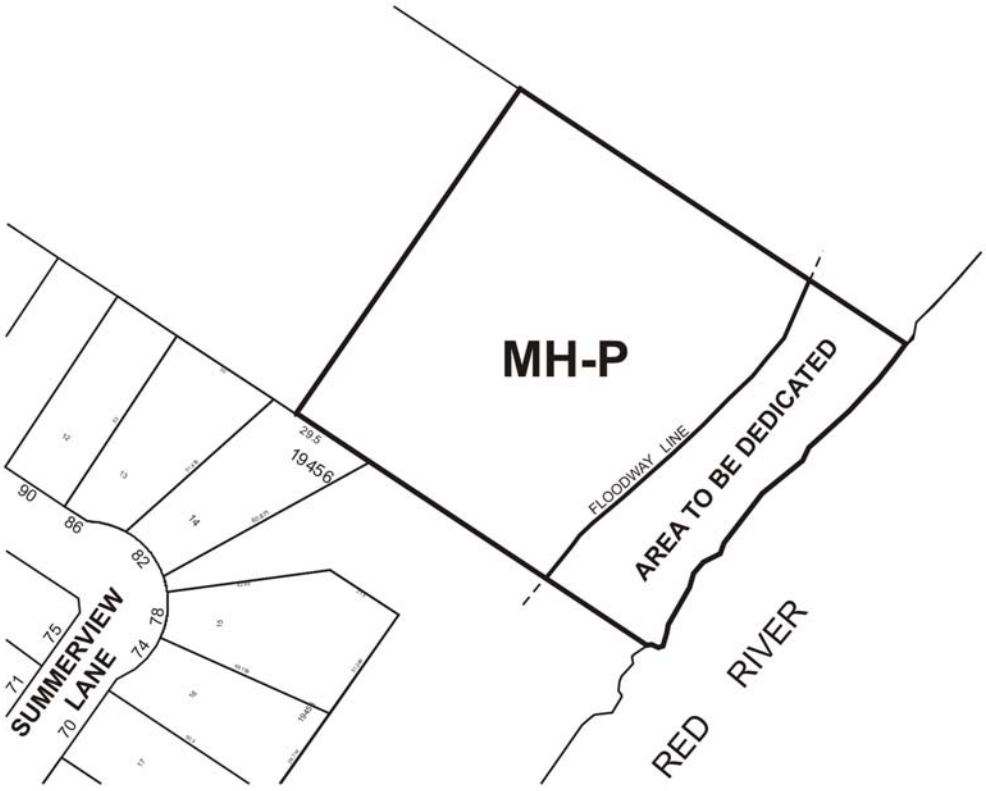
Explanation

A proposed zoning change to By-law No. 6400/94 by rezoning the land located at 2695 Main Street from an "R1-20" RESIDENTIAL DISTRICT to a "MH-P" MOBILE HOME PARK DISTRICT as shown outlined below.

Atlas Sheet No. **S29**

N

LORD SELKIRK WEST KILDONAN COMMUNITY



Schedule "B" for
File No. DAZ 210/07,
Lord Selkirk-West Kildonan
Community Committee,
Dated: June 12/07

THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____



Figure 2: Aerial Photo (Flown in 2005)

Exhibit "9" referred to in File DAZ 210/2007 [c/r DAV 131219/2007D]

Re:Proposed rezoning on land located at 2695 Main Street - DAZ 210/07

An application has been submitted by Landmark Planning and Design Inc. to rezone land located at 2695 Main Street.

It is recommended that approval of this application be subject to the Developer entering into a Servicing Agreement containing the following:

1) The Developer shall, at no expense to the City, construct a Primary Dike to protect the proposed development from flooding in accordance with the requirements of the Dyking Commissioner and the Director of Water and Waste. This shall include constructing the dike to the 1:700 year flood protection level (with expanded Floodway) and, if required, installing riprap to arrest shoreline erosion and protect the long-term performance of the dike. All plans and specifications for the proposed Primary Dike shall be submitted to the Water and Waste Department for review and approval prior to the release of the subdivision mylars.

2) The Developer shall dedicate land in accordance with Schedule "B" of the Planner's report dated June 7, 2007

3) The Developer shall pay $545.00 to defray the City's administration and related costs associated with the preparation and implementation of a Servicing Agreement.

THIS REPORT SUBMITTED BY:

Administrative Coordinating Group
File No. AG 210/07
June 12, 2007

_____
Land Development Engineer

_____
Water and Waste Department

4184

Exhibit "6" referred to in File DAZ 210/2007

The City of Winnipeg
VARIANCE ORDER
BOARD OF ADJUSTMENT

DAV 148311/2006C

Before:	Board of Adjustment Mr. Bill Evans, Chairperson Mr. Mark Morgan Mr. Ron Turner
Hearing:	March 14, 2007 Council Chamber January 31, 2007 December 20, 2006 November 8, 2006 West Committee Room October 4, 2006 Council Chamber Council Building, 510 Main Street
Applicant:	SEG Engineering Inc. (Ian McKinnon)
Premises Affected:	2695 Main Street
Legal Description:	S 1/2 of RL 35 Kild Lying E of E Limit Main Hwy Pl 545, hereinafter called "the land"
Property Zoned:	"MH-P" Mobile Home Park District
Zoning Atlas Sheet:	S29 (AZ)
Nature of Application:	To vary the "MH-P" Mobile Home Park District regulations of The Winnipeg Zoning By-law No. 6400/94 for as follows:

1. for the establishment of an accessory parking area to a banquet hall to permit gravel surfacing instead of asphalt or concrete;
2. for the expansion of a mobile home park to permit:
   A. mobile home spaces 30 feet (11.28 metres) wide instead of 40 feet (12.19 metres);
   B. no buffer area and landscaping adjacent to a mobile home park boundary (south side);
   C. a storage area of 7972 square feet (740.7 square metres) instead of 12,800 square feet (1189 square metres);
   D. no common recreational area as required

It is the opinion of the Board of Adjustment that subject to conditions listed below, if any, this Order meets the statutory criteria of The City of Winnipeg Charter in that it:

(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;

(c) is the minimum modification of a zoning by-law required to relieve the injurious effect of the zoning by-law on the applicant's property; and

(d) is compatible with the area in which the property to be affected is situated.

C.W. Charter Subsection 247(3)

ORDER:

The Board of Adjustment orders that the provisions of the “MH-P” Mobile Home Park District regulations of The Winnipeg Zoning By-law No. 6400/94 are varied on “the land” for the expansion of a mobile home park to permit mobile home spaces 30 feet (11.28 metres) wide subject to the following conditions, which the Board of Adjustment considers necessary to ensure compliance with criteria (a) to (d) above, namely:

1. That if the Variance granted by this Order is not established within two (2) years of the date hereof, this Order, in respect of that Variance shall terminate.

2. That final plans showing the location and details of landscaping, fencing, lots, storage areas, recreation areas, and buffer yards shall be submitted to the Director of Planning, Property and Development for approval prior to the issuance of any development or building permits; and thereafter shall be maintained to the satisfaction of the Director of Planning, Property and Development.

THIS ORDER IS SUBJECT TO ALL BUILDING, HEALTH OR OTHER REGULATIONS PERTAINING TO THE LAND HEREIN REFERRED TO.

NOTE: VARIANCE REQUESTED HAS BEEN MODIFIED

DATE OF ORDER: March 16, 2007

CERTIFIED BY:

D. Timmins

Diane Timmins
Secretary to the Board

HOW TO APPEAL

You may appeal against either the whole of this order or part(s) of it by filing a letter of appeal.

That letter must be submitted in writing, be signed by the appellant, show the printed name of the appellant, contain the mailing address of the appellant, contain the contact telephone number of the appellant, and

(a) be addressed as set out below,

(b) be received at that office not later than 4:30 p.m. on April 4, 2007 [IF RECEIVED LATE YOUR APPEAL CANNOT BE HEARD.]

(c) refer to Variance Order No. DAV 148311/2006C, give brief reasons for the appeal and must describe whether you appeal the whole order or only part(s) of it.

Any appeal letters not containing all of the above elements will be rejected by the City Clerk as invalid appeals and will not be heard at an appeal hearing.

You can attend the appeal hearing and speak on issues raised in someone else's appeal, but the appeal committee can only rule on issues raised in appeals filed. If you are not sure what others have appealed you should file your own appeal.

Address:	City Clerk, City of Winnipeg c/o Appeal Committee 510 Main Street Winnipeg, MB R3B 1B9
Fax	947-3452
Email	clk-appeals@winnipeg.ca

THE FOLLOWING PERSONS MADE REPRESENTATIONS AND ARE ENTITLED TO APPEAL:

In Support:

Ian McKinnon, SEG Engineering Inc.
Mr. and Mrs. Carl
Henry and Sandra Conan
Mary Dolinski
Fred and Jean Ewen
Rose Goran
Pat Griffiths
Cathy and Zbig Jablonowski
Rowlayna James
Larry Kisiloski
Don G. Larson
Darryl Leiman
Bernard and Ila Martins
Edwina Michasiw
Scott Miller
Pierre and Shirley Molin
Marion Molter
Gail Nile
Fred Omar
Joseph Pfeiffer
J. Sean Post
Nettie Rogowski
Noreen Ryan
Mia Schorpion
Brian Stepnuk
Edward Stepnuk
Gerald Stepnuk
Donovan Toews
David and Wendy Tomchuk
John Vandale
Walter and Mary Woroniuk

In Opposition:

Mr. R.J.M. Adkins, Thompson Dorfman Sweatman
Alvaro Bras
Murray Campbell
L. Corrin

Pamela Deol
Gurinder Dhillon
Jo-Anne Ford
Bev Kowal
Wolfgang Kubisch
Chris Lorenc
Jorge Martins
Councillor O'Shaughnessy, Old KildonanWard
Wendy Post
Marg Saranchuk
Pat and Walter Stefanchuk
Matt Sobocan
John and Linda Thomas
Mike and Karen Zaste

For Information:

Ed and Mary Firman
Lawrence Prout and Lisa Gardenwine
Borys German
Perry Kowal

For the City:

Mr. M. Robinson, Planner, Planning, Property and Development Department