Minute No. 127
Report - Standing Policy Committee on Property and Development - November 27, 2007

Item No. 6 **Subdivision and Rezoning - 1189 Troy Avenue and 1180 Chamberlain Avenue**
File DASZ 33/2007

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 DASZ 33 /2007 dated November 1, 2007, to a "RM-2" Multiple-Family Residential District and a "PR1" Parks and Recreation District subject to the following:

    A. That the applicant enter into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to include the following conditions:
        i. That for the development of any building, private open space areas, accessory parking area and signage, plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, the location and design of private open space areas, private approaches, garbage enclosures, fencing, landscaping and signage to the Director of Planning, Property and Development for plan approval prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development.
        ii. That Parcel B shall be developed as a community park, open and available to the public, complete with playground equipment, at the sole cost and expense of the developer, and shall thereafter be maintained to the satisfaction of the Director of Planning, Property, and Development
        iii. That Parcel B be developed in conformance with final plans, which shall be submitted to the Director of Planning, Property and Development for plan approval prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development.

Report - Standing Policy Committee on Property and Development - November 27, 2007

COUNCIL DECISION (continued)

iv. That signage shall be erected identifying the community park, to the satisfaction of the Director of Planning, Property, and Development and thereafter maintained to the satisfaction of the Director of Planning, Property, and Development.

v. That a letter of credit in the amount of $50,000 shall be submitted to the City upon installation of the playground equipment on Parcel B. The letter of credit shall be renewed on an annual basis at an amount determined by the Director of Planning, Property, and Development, to ensure that playground equipment on Parcel B is being inspected and maintained to the satisfaction of the City.

vi. That playground equipment on Parcel B is to be inspected a minimum of once per calendar year by a Certified Playground Inspector and that documentation verifying that the equipment complies with the latest revision of "CAN-CSA Z6412 Children's Playspaces and Equipment - A National Standard of Canada" be forwarded to the Manager of Parks & Open Space, Public Works Department, within one month of the inspection.

vii. The Property Owner shall during the entire Term hereof, at its sole cost and expense, take out and keep in full force and effect the following insurance:

1. Commercial general liability insurance, in the amount of at least five million dollars ($5,000,000.00) inclusive, with The City of Winnipeg added as an additional insured; such liability policy to also contain a cross-liability clause, contractual liability, non owned automobile liability and products and completed operations cover;
2. An All Risk property insurance policy, for the full replacement cost insuring all buildings, contents, stock and equipment and tenant's Improvements;
    a. All policies shall be taken out with insurers licensed to and carrying on business in the Province of Manitoba;
    b. Deductibles shall be borne by the Property Owner;
    c. The Property Owner shall not cancel, or cause any such policy or policies to lapse without a minimum thirty (30) days prior written notice to the City;
    d. The Property Owner shall provide written notice to the City of Winnipeg of any material changes to their policies within thirty (30) days of the change taking effect;

Report - Standing Policy Committee on Property and Development - November 27, 2007

COUNCIL DECISION (continued)

e. The Property Owner shall file with the City annual Certificates of Insurance in a form satisfactory to the City Solicitor;

f. The City shall have the right to alter the limits and/or coverages as reasonably required from time to time during the continuance of this agreement.

2. That prior to the release of mylars, the applicant shall provide a letter of credit in the amount of $100,000. This letter of credit will be refunded upon development of the park area and installation of playground equipment to the satisfaction of the Director of Planning, Property, and Development

3. That the City-owned property shown in outline on Misc. Plan No. 13114 be declared as surplus to City needs.

4. That the Director of Planning, Property, and Development be authorized to negotiate and approve the sale of the City owned property shown in outline on Misc. Plan No. 13114, to the applicant on terms and conditions satisfactory to the Director of Planning, Property, and Development and the City Solicitor/Manager of Legal Services in order to protect the interests of the City and to achieve the intent of the Standing Policy Committee on Property and Development.

5. 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.

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

7. 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.

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

Report - Standing Policy Committee on Property and Development - November 27, 2007

COUNCIL DECISION (continued)

9. That the subdivision section of the by-law shall come into force and effect upon registration of the Plan of Subdivision in the Winnipeg Land Titles Office.

10. That the zoning section of the by-law shall not come into force and effect until negotiations between the City and the applicant respecting the purchase of all contiguous City properties (public lanes and parkland) is approved to the satisfaction of the Director of Planning, Property, and Development, 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.

11. 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.

12. 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.

13. 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 - November 27, 2007

DECISION MAKING HISTORY:

Moved by Councillor Swandel,

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

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On December 12, 2007, the Executive Policy Committee concurred in the recommendation 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 November 27, 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 November 13, 2007, the Lord Selkirk-West Kildonan Community Committee concurred in the recommendation of the Winnipeg Public Service, and submitted its recommendation to the Standing Policy Committee on Property and Development.

RE: Subdivision and Rezoning - 1189 Troy Avenue and 1180 Chamberlain Avenue (Point Douglas Ward)
File DASZ 33/2007 [c/r DAC 18/2007, DAV 155848/2007D]

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

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

Report date: November 16, 2007

COMMUNITY COMMITTEE RECOMMENDATION:

On November 13, 2007, the Lord Selkirk-West Kildonan Community Committee concurred in the recommendation of the Winnipeg Public Service 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 shown on Schedule "A" for File DASZ 33 /2007 dated November 1, 2007, to a "RM-2" Multiple-Family Residential District and a "PR1" Parks and Recreation District subject to the following:

    A. That the applicant enter into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to include the following conditions:

        i. That for the development of any building, private open space areas, accessory parking area and signage, plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, the location and design of private open space areas, private approaches, garbage enclosures, fencing, landscaping and signage to the Director of Planning, Property and Development for plan approval prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development.
        ii. That Parcel B shall be developed as a community park, open and available to the public, complete with playground equipment, at the sole cost and expense of the developer, and shall thereafter be maintained to the satisfaction of the Director of Planning, Property, and Development
        iii. That Parcel B be developed in conformance with final plans, which shall be submitted to the Director of Planning, Property and Development for plan approval prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development.

iv. That signage shall be erected identifying the community park, to the satisfaction of the Director of Planning, Property, and Development and thereafter maintained to the satisfaction of the Director of Planning, Property, and Development.

v. That a letter of credit in the amount of $50,000 shall be submitted to the City upon installation of the playground equipment on Parcel B. The letter of credit shall be renewed on an annual basis at an amount determined by the Director of Planning, Property, and Development, to ensure that playground equipment on Parcel B is being inspected and maintained to the satisfaction of the City.

vi. That playground equipment on Parcel B is to be inspected a minimum of once per calendar year by a Certified Playground Inspector and that documentation verifying that the equipment complies with the latest revision of "CAN-CSA Z6412 Children's Playspaces and Equipment - A National Standard of Canada" be forwarded to the Manager of Parks & Open Space, Public Works Department, within one month of the inspection.

vii. The Property Owner shall during the entire Term hereof, at its sole cost and expense, take out and keep in full force and effect the following insurance:

1. Commercial general liability insurance, in the amount of at least five million dollars ($5,000,000.00) inclusive, with The City of Winnipeg added as an additional insured; such liability policy to also contain a cross-liability clause, contractual liability, non owned automobile liability and products and completed operations cover;
2. An All Risk property insurance policy, for the full replacement cost insuring all buildings, contents, stock and equipment and tenant's Improvements;
    a. All policies shall be taken out with insurers licensed to and carrying on business in the Province of Manitoba;
    b. Deductibles shall be borne by the Property Owner;
    c. The Property Owner shall not cancel, or cause any such policy or policies to lapse without a minimum thirty (30) days prior written notice to the City;
    d. The Property Owner shall provide written notice to the City of Winnipeg of any material changes to their policies within thirty (30) days of the change taking effect;
    e. The Property Owner shall file with the City annual Certificates of Insurance in a form satisfactory to the City Solicitor;

f. The City shall have the right to alter the limits and/or coverages as reasonably required from time to time during the continuance of this agreement.

2. That prior to the release of mylars, the applicant shall provide a letter of credit in the amount of $100,000. This letter of credit will be refunded upon development of the park area and installation of playground equipment to the satisfaction of the Director of Planning, Property, and Development

3. That Council declare the City owned property shown in outline on Misc. Plan No. 13114 as surplus to City needs

4. That the Director of Planning, Property, and Development be authorized to negotiate and approve the sale of the City owned property shown in outline on Misc. Plan No. 13114, to the applicant on terms and conditions satisfactory to the Director of Planning, Property, and Development and the City Solicitor/Manager of Legal Services in order to protect the interests of the City and to achieve the intent of the Standing Policy Committee on Property and Development.

5. 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.

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

7. 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.

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

9. That the subdivision section of the by-law shall come into force and effect upon registration of the Plan of Subdivision in the Winnipeg Land Titles Office.

10. That the zoning section of the by-law shall not come into force and effect until negotiations between the City and the applicant respecting the purchase of all contiguous City properties (public lanes and parkland) is approved to the satisfaction of the Director of Planning, Property, and Development, 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.

11. 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.

12. 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.

13. 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 comments contained in the report from the Planning and Land Use Division dated November 1, 2007.

PUBLIC HEARING SUMMARY

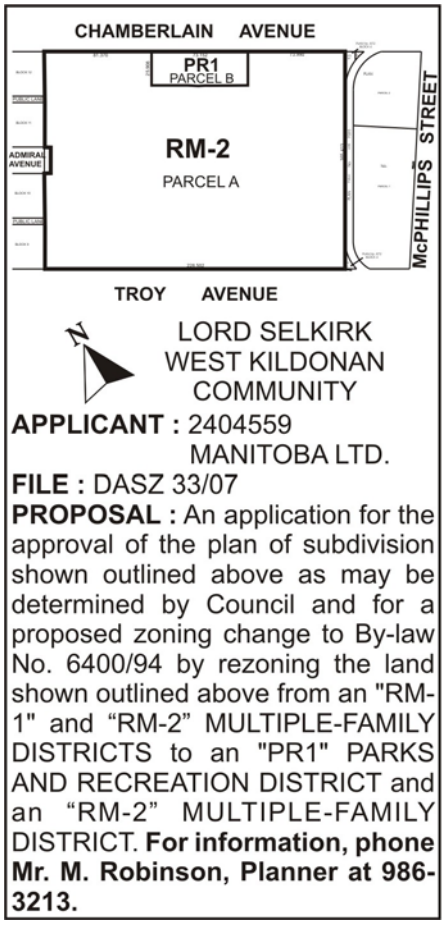
File: DASZ 33/2007 [c/r DAC 18/2007, DAV 155848/2007D]

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

Public Hearing: November 13, 2007
Council Chamber
Council Building, 510 Main Street

Applicant: 2404559 Manitoba Ltd. (Sharon Satz)

Subject:



Premises Affected: 1189 Troy Avenue and 1180 Chamberlain Avenue

Exhibits Filed:

1. Application dated October 15, 2007
2. Notification of Public Hearing dated October 23, 2007
3a. Manitoba Status of Titles1118084, 1118087
3b. Certificate of Title A 16987
4a. Letter of authorization dated September 24, 2007, from the Manager of Real Estate Division, Planning, Property and Development Department to Sharon Satz, B&M Land Company
4b. Letter of authorization dated August 27, 2007 from B&M Land Co. to Jeffrey M. Frank, Principal, Hilderman, Thomas, Frank, Cram
5. Surveyor's Building Location Certificate and sketch dated March 6, 2007
6. Surveyor's Certificate dated March 12, 2007
7. Site Plan
8. Report from the Planning and Land Use Division dated November 1, 2007
9. Brief dated November 13, 2007 submitted by Sharon Satz, on behalf of the applicant, in support of the application
10. Inspection report

REPRESENTATIONS:

In Support:

Sharon Satz, 2404559 Manitoba Ltd.

In Opposition

Nil

For the City:

Mr. M. Robinson, 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

Sharon Satz, on behalf of 2404559 Manitoba Ltd., appeared in support of the application and indicated concurrence in the recommendations outlined in the report from the Planning and Land Use Division dated November 1, 2007.

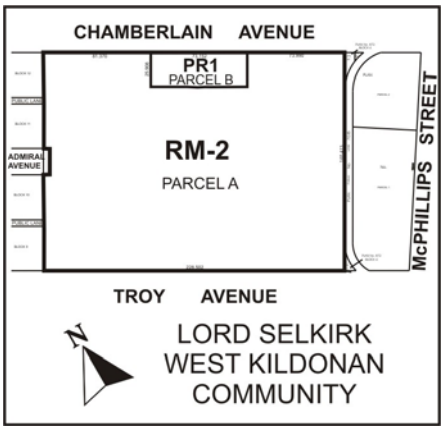
Exhibit "8" referred to in File DASZ 33/2007[c/r DAV 155848/2007D]

Winnipeg

Planning, Property and Development Department Report

To the Lord Selkirk-West Kildonan Community Committee

Date: November 1, 2007
File: DASZ 33/07
Related Files: DAV 07-155848/D
Subject: To amend By-Law 6400/94 by subdividing and rezoning the subjects lands from an "RM-1" and an "RM-2" Multiple-Family District to an "RM-2" Multiple-Family District and a "PR-1" Parks and Recreation District
Location: 1189/1267 Troy Avenue and 1180/1294 Chamberlain Avenue



Applicant: 2404559 Manitoba Ltd. (Sharon Satz)
Owner: 2404559 Manitoba Ltd.

Recommendation: Approval, with conditions

Report Summary:

- Proposed redevelopment of an existing apartment complex
- Planned consolidation of multiple parcels and adjoining public lanes
- Development of a new community park provided by the developer and replacement of an existing City park, which the applicant is proposing to purchase from the City
- The Planning and Land Use Division recommends that this application be approved, with conditions

Site Description

The subject properties, which are currently zoned "RM-1" and "RM-2" Multiple-Family Residential, are located between Troy and Chamberlain Avenues, in the Mynarski neighbourhood of the Point Douglas ward.

North: Single-family residences zoned "R1-4" Single-Family Residential
South: Single-family residences zoned "R1-4" Single-Family Residential
East: Commercial use zoned "C1" Commercial
West: Hydro lands zoned "RM-2" Multiple-Family and and "MP-2" Industrial

Description of the Proposed Development

Summary

The applicant wishes to subdivide and rezone the subject property in order to redevelop the existing apartment complex. The proposed redevelopment of the site will include the following:

- Complete renovations including the construction of an additional floor in 14 existing town home buildings and the addition of some end units on existing buildings. The resulting additions and reconfigurations of these existing buildings will increase the total number of suites from 96 to ± 192.

- Construction of six new townhome buildings comprised of a total of ±24 – 2 bedroom units and ±80 – 3 bedroom units.

- Convert all buildings within the complex to geothermal heating and cooling

- Reconfiguration of green space within the complex to provide for a community park of ±20,000 square feet and an outdoor amenity area of ±9,000 square feet.

- Acquisition of adjacent public lane(s) and consolidation of land holdings

Open Space

The applicant has made an offer to purchase the existing parklands, which are internal to the site. To replace the existing parkland, the developer has agreed to pay for and maintain a new community park with frontage on Chamberlain Avenue.

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 limited industrial uses, at a scale and density compatible with each other. For that reason, the proposed development is consistent with Plan Winnipeg.

Compatibility with the existing neighbourhood and surrounding uses

The subject property has been developed as an apartment complex for many years. The proposed subdivision is a rationalization of the existing property and will provide for better parking, better pedestrian and vehicular circulation, more attractive buildings, and better open space amenities for both the residents and the community as a whole.

The proposed increase in density, which is based on "RM-2" zoning (1,250 square feet per dwelling unit) with a 5% density bonus, recognizes the significant open space amenities which are being included in this proposal. It is an increase of ± 70 units over what could be built under the existing zoning.

With that said, the Public Service believes that this is the maximum density which can be supported at this location, and would not support further density at this site in the future.

Parkland

The Public Service supports the sale of the existing parklands, provided that they are replaced with a new community park, which will be paid for and maintained by the developer. The new park location is seen as an improvement for the community due to the new space being more visible and accessible to neighbourhood children and the addition of new playground equipment and landscaping, which will enhance the play area. The applicant has applied to rezone the community park "PR-1" Parks and Recreation District. Guidelines for the park development are identified in Appendix A.

Public Consultation

The applicant held a community meeting at the Lincoln Motor Hotel on October 23, 2007 to discuss the proposed development project with the community. Approximately 20 community members were in attendance.

Transportation and Site Access

Parking

The proposed development provided significantly more parking, per unit, than is provided currently. This will reduce the amount of on street parking, and illegal parking in the lanes and on the hydro lands to the west.

Access

Access will be provided via two approaches on Chamberlain Avenue and 2-3 approaches on Troy Avenue, as well as access via the public lane(s).

Servicing

Water and Waste has indicated that the existing underground services are adequate to serve the proposed development.

It should also be noted that the applicant has made arrangements to bury all utilities on the site.

Site Design Issues

The Planning and Land Use Division has worked extensively with the applicant to come up with a site design that achieves key objectives including:

- Accessibility
- Safety
- Good vehicular and pedestrian circulation
- Screening
- Quality landscaping
- Adequate open space
- Attractive design

However, it is recommended that administrative plan approval be included to address final design details.

Land Dedication

The Public Service is recommending cash in lieu of land dedication.

Recommendation

The Planning and Land Use Division recommends approval of the proposed rezoning and subdivision for the following reasons:

- The proposed development is a significant investment in the community and will enhance the existing neighbourhood
- The proposed development will provide additional quality rental housing for the City of Winnipeg
- The proposed subdivision will lead to better overall site functionality
- The proposed increase in density is modest in nature and will not have an adverse impact upon adjacent properties

Recommended Conditions of Approval

1. That The Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 33 /2007 dated November 1, 2007, to a "RM-2" Multiple-Family Residential District and a "PR1" Parks and Recreation District subject to the following:

   A. That the applicant enter into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to include the following conditions:
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    a. All policies shall be taken out with insurers licensed to and carrying on business in the Province of Manitoba;
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4. That the Director of Planning, Property, and Development be authorized to negotiate and approve the sale of the City owned property shown in outline on Misc. Plan No. 13114, to the applicant on terms and conditions satisfactory to the Director of Planning, Property, and Development and the City Solicitor/Manager of Legal Services in order to protect the interests of the City and to achieve the intent of the Standing Policy Committee on Property and Development.

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

7. 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.

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

9. That the subdivision section of the by-law shall come into force and effect upon registration of the Plan of Subdivision in the Winnipeg Land Titles Office.

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13. 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 # DASZ 33/07

Schedule "A"

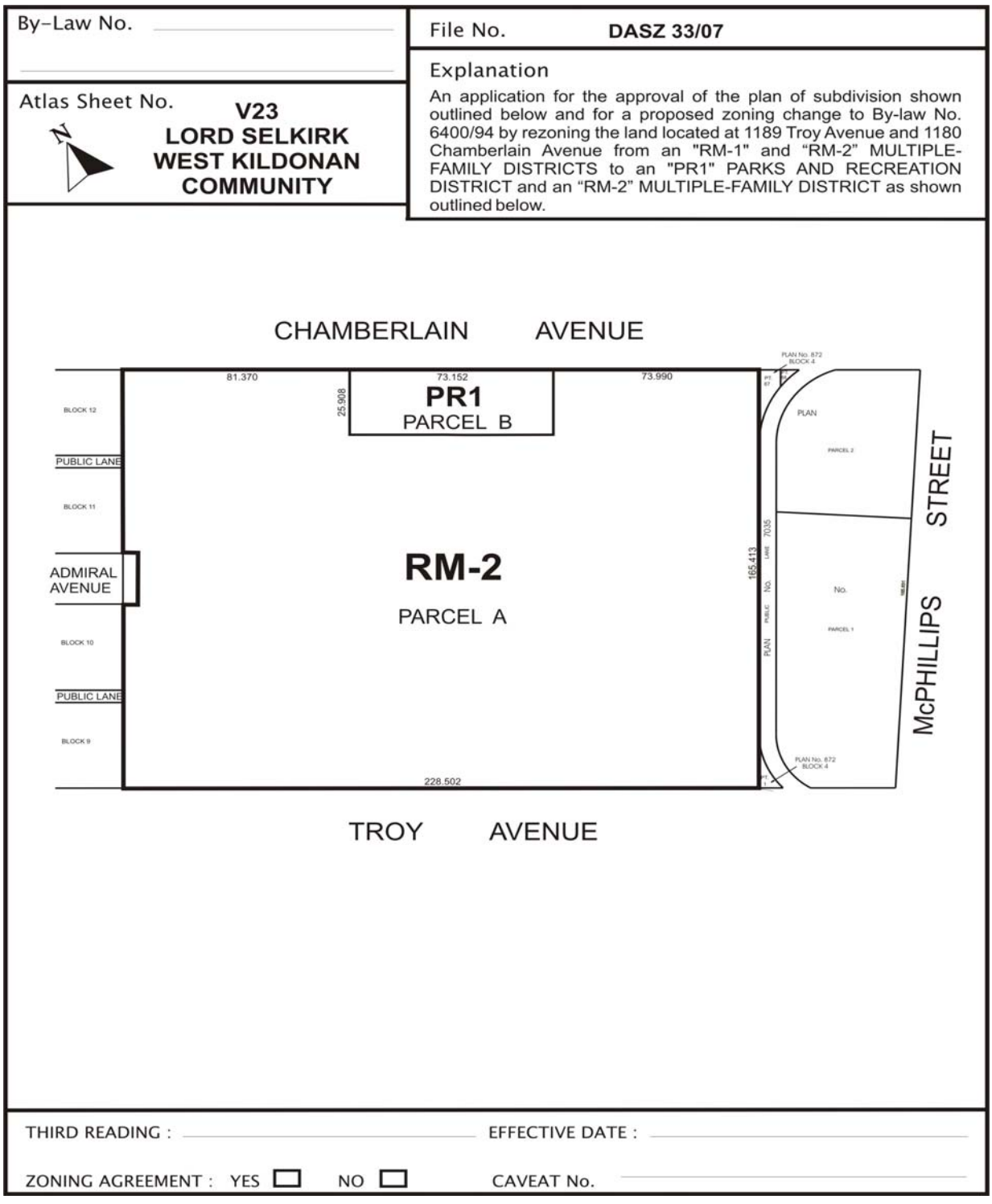
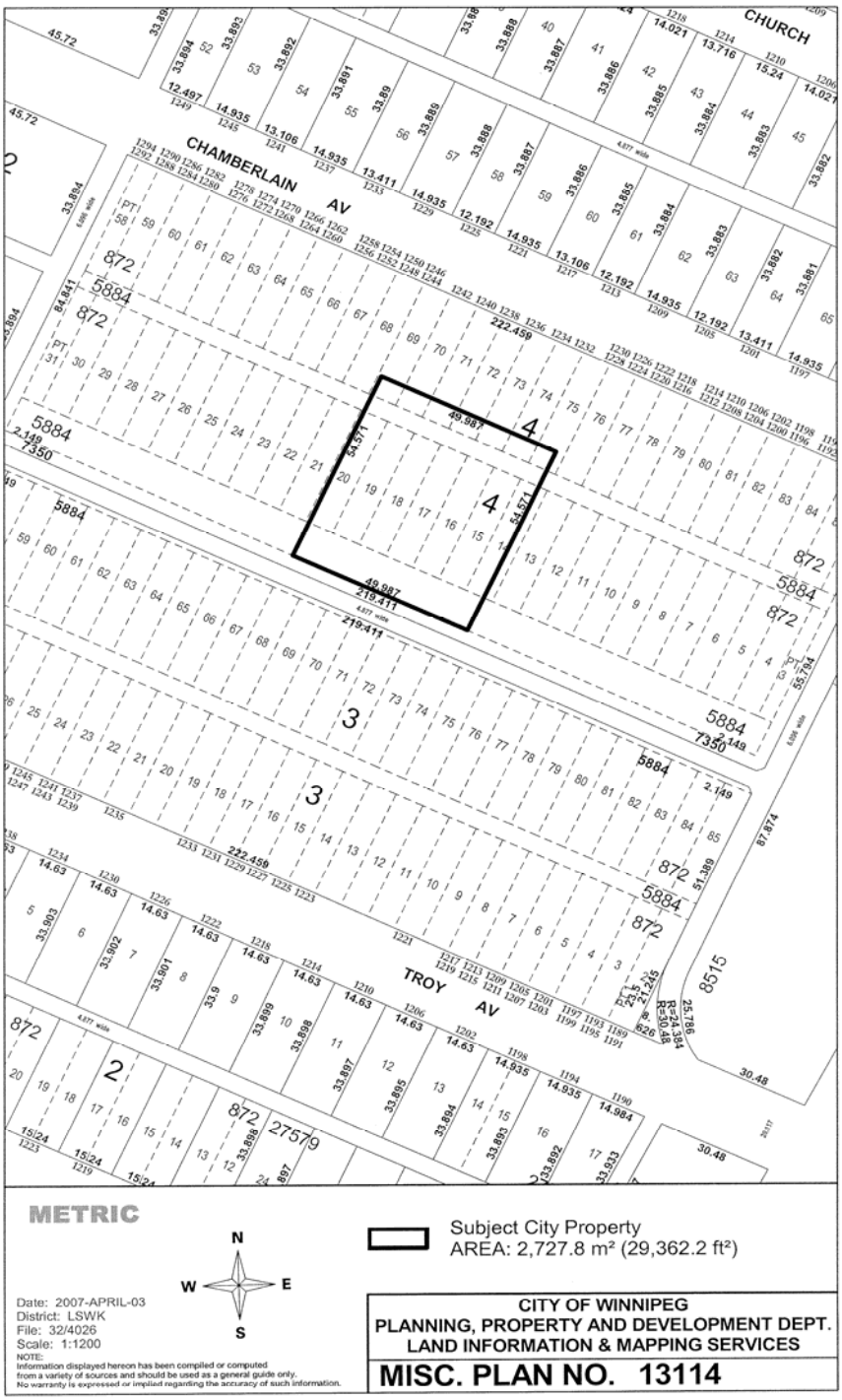


Figure 1: Schedule "A" to the report to the Lord Selkirk-West Kildonan Community Committee for File DASZ 33/2007, dated November 1, 2007.



Figure 1: Aerial Photo (Flown in 2005)


CHURCH
CHAMBERLAIN AV
TROY AV
METRIC
N
W
E
S
Subject City Property
AREA: 2,727.8 m² (29,362.2 ft²)
Date: 2007-APRIL-03
District: LSWK
File: 32/4026
Scale: 1:1200
NOTE:
Information displayed hereon has been compiled or computed from a variety of sources and should be used as a general guide only. No warranty is expressed or implied regarding the accuracy of such information.
CITY OF WINNIPEG
PLANNING, PROPERTY AND DEVELOPMENT DEPT.
LAND INFORMATION & MAPPING SERVICES
MISC. PLAN NO. 13114

Appendix A
Community Park Design Guidelines

1. That a certified landscape architect be retained to prepare the park area development plans in consultation with the Urban Designer, Park Superintendent, and District Planner

2. That the playground development include, but not be limited to:
    a) At least one four (4) seat swing set
    b) Play equipment only (excluding safety base or edging) with an approximate value of $55,000, which shall be designed in consultation with and approved by the City's Urban Designer and Parks Superintendent prior to purchase

3. The site development shall compliment the play area and provide a comfortable park environment including the following elements:

- Pathways
- Benches
- Picnic Tables
- Waste Receptacles
- Sod
- Fencing (where required)
- Trees
- Signage