Agenda - Council - July 16, 2008

Report - Standing Policy Committee on Property and Development - June 24, 2008

Item No. 5 Rezoning - Southeast corner of Templeton Avenue and McGregor Street (Old Kildonan Ward) File DAZ 209/2008

STANDING COMMITTEE RECOMMENDATION:

On July 9, 2008, 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, as amended, and submits the following to Council:

1. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 209/2008 dated May 1, 2008, to an "RMF-S" Residential Multiple-Family 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 for the development of any building and/or accessory parking area and/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 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.

    B. That 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 May 2, 2008.

2. That the Winnipeg Zoning By-law No. 200/2006 be amended as follows:

    A. That a minimum 50 foot (15.25 metre) setback be maintained between the CPR railway tracks and any habitable room in a principal dwelling

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 market value of the land.

Report - Standing Policy Committee on Property and Development - June 24, 2008

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 rezoning by-law shall come into effect when the Zoning Agreement has been registered by caveat against the subject land at the Winnipeg Land Titles Office, 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.

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

8. 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 24, 2008

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On July 9, 2008, 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, as amended, and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On June 24, 2008, the Standing Policy Committee on Property and Development concurred in the recommendation of the Lord Selkirk-West Kildonan Community Committee, as amended, namely:

- Amend recommendation 1. B. by deleting the following:

  "with the following amendment, namely:

  i. That recommendations 6 and 7 be deleted and the remaining recommendations renumbered accordingly**",**

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

COMMUNITY COMMITTEE RECOMMENDATION:

On May 27, 2008, the Lord Selkirk-West Kildonan Community Committee concurred in the recommendation of the Winnipeg Public Service as amended, namely:

- That Recommendations 6 and 7 of the report of the Administrative Coordinating Group dated May 2, 2008 be deleted and the remaining recommendations renumbered accordingly;

and submitted the matter to the Standing Policy Committee on Property and Development.

RE: **Rezoning - Southeast corner of Templeton Avenue and McGregor Street**
(Old Kildonan Ward)
File DAZ 209/2008 [c/r DAV 110068/2008D]

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

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

Report date: **May 29, 2008**

COMMUNITY COMMITTEE RECOMMENDATION:

On May 27, 2008, the Lord Selkirk-West Kildonan Community Committee concurred in the recommendation of the Winnipeg Public Service, as amended, and recommends to the Standing Policy Committee on Property and Development:

1. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 209/2008 dated May 1, 2008, to an "RMF-S" Residential Multiple-Family 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 for the development of any building and/or accessory parking area and/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 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.

    B. That 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 May 2, 2008, ***with the following amendment, namely:***

        i. ***That recommendations 6 and 7 be deleted and the remaining recommendations renumbered accordingly.***

2. That the Winnipeg Zoning By-law No. 200/2006 be amended as follows:

A. That a minimum 50 foot (15.25 metre) setback be maintained between the CPR railway tracks and any habitable room in a principal dwelling.

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 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 rezoning by-law shall come into effect when the Zoning Agreement has been registered by caveat against the subject land at the Winnipeg Land Titles Office, 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.

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

8. That the City Solicitor/Manager of Legal Services be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

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

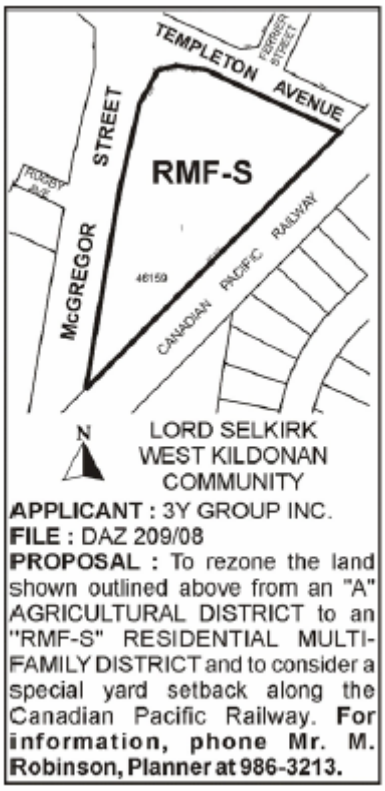
The Lord Selkirk-West Kildonan Community Committee provided the following supporting reasons for its recommendation:

1. The project is infill development and is supported traffic-wise by a regional street in McGregor Street and a collector street in Templeton Avenue, and is already serviced by Transit.

2. The area has adequate open space and exceeds the City's average open space requirements.

3. The proposed development will be good for and is compatible with the neighbourhood.

PUBLIC HEARING SUMMARY

File:	DAZ 209/2008 [c/r DAV 110068/2008D]
Before:	Lord Selkirk-West Kildonan Community Committee Councillor O'Shaughnessy, Chairperson Councillor Pagtakhan
Public Hearing:	May 27, 2008 West Committee Room Council Building, 510 Main Street
Applicant:	3 Y Group Inc. (Preet Sandhu)
Subject:	
Premises Affected:	Southeast corner of Templeton Avenue and McGregor Street
Exhibits Filed:	1. Application dated March 19, 2008 2. Notification of Public Hearing dated March 28, 2008 3. Manitoba Status of Title 2222214 4. Letter of authorization dated January 28, 2008 from The City of Winnipeg to Sandhu Properties (Preet Sandhu) 5. Surveyor's sketch dated May 3, 2007

6. Misc. Plan 9300/3.
7. Elevation Plans (2 pages)
8. Plans (4 pages)
9. Report from the Planning and Land Use Division dated May 1, 2008
10. Report from the Administrative Coordinating Group dated May 2, 2008
11. Inspection Report
12. Powerpoint presentation submitted at the public hearing by Ross Mitchell, in support of the application
13. Audio Recording of representations

REPRESENTATIONS:

In Support:

Ross Mitchell, MMM Group Inc.
Karampaul Sandhu, 3 Y Group Inc.
Jaskern Kalar, 3 Y Group Inc.
George Argyriou
Keith Berenhart

In Opposition

John Drewniak
Matthew Galezowski
Clint Grzereniak
Karyn Shelley Hanson
Grazyna and Piotr Kraj
Mary Tutaj

For Information:

Wieslawa Drewniak
Bryan and Heather Jensen
Helen and Walter Kuchak
Sandra Masalowski
Ola Tutaj

For the City:

Mr. M. Robinson, Planner, Planning, Property and Development Department
Mr. N. Yauk, Planner, Planning, Property and Development Department
Ms S. Matile, Land Development Engineer, Planning, Property and Development Department

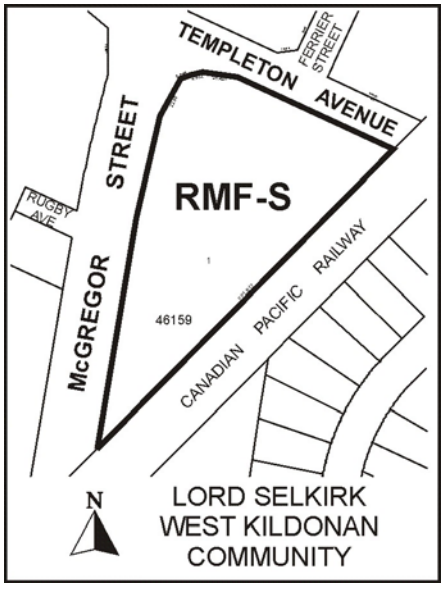
Exhibit "9" referred to in File DAZ 209/2008 [c/r DAV 110068/2008D]

Winnipeg

Planning, Property and Development Department Report

To the Lord Selkirk-West Kildonan Community Committee

Date: May 1, 2008
File: DAZ 209/08
Related Files: DAV 08-108311/D
Subject: Application to amend Zoning By-law 200/2006 by rezoning the subject land from an "A" Agricultural District to an "RMF-S" Multiple-Family District and to consider a special yard setback along the Canadian Pacific Railway tracks
Location: SE Corner of Templeton Avenue and McGregor Street
Legal Description:



Applicant: 3Y Group Inc. (Preet Sandhu)
Owner: City of Winnipeg

Recommendation: Approval

5078

Report Summary:

- **The applicant is seeking approval to establish a 38 unit townhouse development on the subject property**
- **Proposal meets Plan Winnipeg policies for infill development and compatible land use**
- **Low density multiple-family residential is an appropriate land use for this site The proposed development will not have an adverse impact on adjoining properties**
- **Given the property influences, the proposed development is a good fit at the subject location**

Site Description

The subject property, which is undeveloped, is currently zoned "A" Agricultural. It is located at the southeast corner of McGregor Street and Templeton Avenue in the Templeton-Sinclair neighbourhood of the Old Kildonan ward.

North: Undeveloped land zoned "R1-5" Residential and "A" Agricultural
South: Undeveloped land zoned "PR" Parks and Recreation
East: CPR Winnipeg Beach Subdivision, then residences zoned "R1-5" Residential
West: McGregor Street, then undeveloped land zoned "A" Agricultural and "PR" Parks and Recreation

Background

In 2007, a rezoning application to establish two, four storey multiple-family buildings, with a total of 110 dwelling units, was met with opposition in the community and was withdrawn by the applicant. (DASZ 11/2007)

Description of the Proposed Development

The applicant is seeking approval to establish thirty eight (38) townhouse-style condominium units on the subject property.

Yards

Each unit will have a minimum 25 foot deep backyard and a small landscaped front yard.

Parking

The units are two storeys and include a two car garage as well as driveway parking for two vehicles. In addition, off street parking is provided for up to 12 vehicles.

Access

The units will be serviced by a 20 foot wide private lane that will have approaches located on both McGregor Street and Templeton Avenue.

Fencing

The development will be enclosed by a six foot high decorative wooden fence along Templeton and McGregor and by a 6.5 foot high solid wooden sound attenuation fence along the railroad tracks.

Design

The applicant has indicated that the design will provide for a distinctive, quality architectural character and style that avoids monotony and featureless building massing and design. Rendering of the proposed design are attached. (Appendix 1)

Open Space and Connectivity

The applicant will providing common open space behind units 8-20, which will be landscaped and furnished to provide an amenity area for residents. In addition, a pathway will be provided along the east side of the property, to provide an alternative connection through the development.

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. This development meets several key goals of Plan Winnipeg including *infilling of vacant lands* (3A-02 iv) and *supporting new development which is adjacent to, and compatible with, existing development* (3A-02v).

To that point, there is a demonstrated need for new residential development in the area and recognition that infill lands, with existing services in place, are the best place to accommodate it. Moreover, there is a growing need for all housing types, including townhouses.

Property influence

The subject property is influenced by:

a) Its odd configuration, which limits the range of development options available
b) Its location next to McGregor Street, which is classified as a regional street
c) Its adjacency to railroad tracks

For these reasons, the Division feels that low density multiple-family residential is the most appropriate fit at the subject location.

Density

Under "RMF-S", which is a low density multiple-family district in Zoning By-Law 200/2006, the allowable density is one dwelling unit per 1,250 square feet of lot area.

Based on the total lot area, the applicant would qualify for up to one hundred thirteen (113) units.

However, as previously noted, the proposed development will not exceed thirty eight (38) units.

In light of this, the proposed density is quite low, when measured against what is permitted within the RMF-S zoning category.

Servicing
Existing services are adequate to meet the requirements of the proposed development

Plan Approval
Finally, at the time of plan approval, final details, which will include the overall building styling and orientation, landscaping, and fencing will be coordinated. At this juncture, it seems appropriate to outline general goals for the final design, which will be taken into consideration when the final plans are being reviewed. (Appendix 2).

Proximity guidelines for railroad tracks
The subject property abuts the CPR Winnipeg Beach subdivision. In light of this, the Division is recommending that minimum setbacks and sound attenuation be required for the units which are immediately adjacent to the tracks.

The recommendations are based upon guidelines developed by FCM for Canadian municipalities.

Setback
A minimum 15 metre (50 foot) setback from the railroad right of way

Noise Attenuation
A 2.0 metre (6.5 foot) noise attenuation fence, that provides a minimum Transmission Level of 25 decibels or more.

Public Consultation
The applicant has dropped off flyers, describing the proposed development, to re At the time of this writing, the consultation had not yet taken place.

Land Dedication
Finally, it should be noted that cash in lieu of dedication for public open space is incorporated into the recommended conditions of approval and the ACG report.

Recommendation

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

- **Proposal meets Plan Winnipeg policies for infill development and compatible land use**
- **Low density multiple-family residential is an appropriate land use for this site provided that final plans come back to Community Committee for review to ensure that the design and layout of the proposed development and landscaping are of high quality.**
- **The proposed development will not have an adverse impact on adjoining properties**
- **Given the property influences, the proposed development is a good fit at the subject location**

Recommended Conditions of Approval

1. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 209/2008 dated May 1, 2008, to an "RMF-S" Residential Multiple-Family 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 for the development of any building and/or accessory parking area and/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 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.

    B. That 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 May 2, 2008.

2. That the Winnipeg Zoning By-law No. 200/2006 be amended as follows:

    A. That a minimum 50 foot (15.25 metre) setback be maintained between the CPR railway tracks and any habitable room in a principal dwelling

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 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 rezoning by-law shall come into effect when the Zoning Agreement has been registered by caveat against the subject land at the Winnipeg Land Titles Office, 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.

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

8. 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 209/2008

Schedule "A"

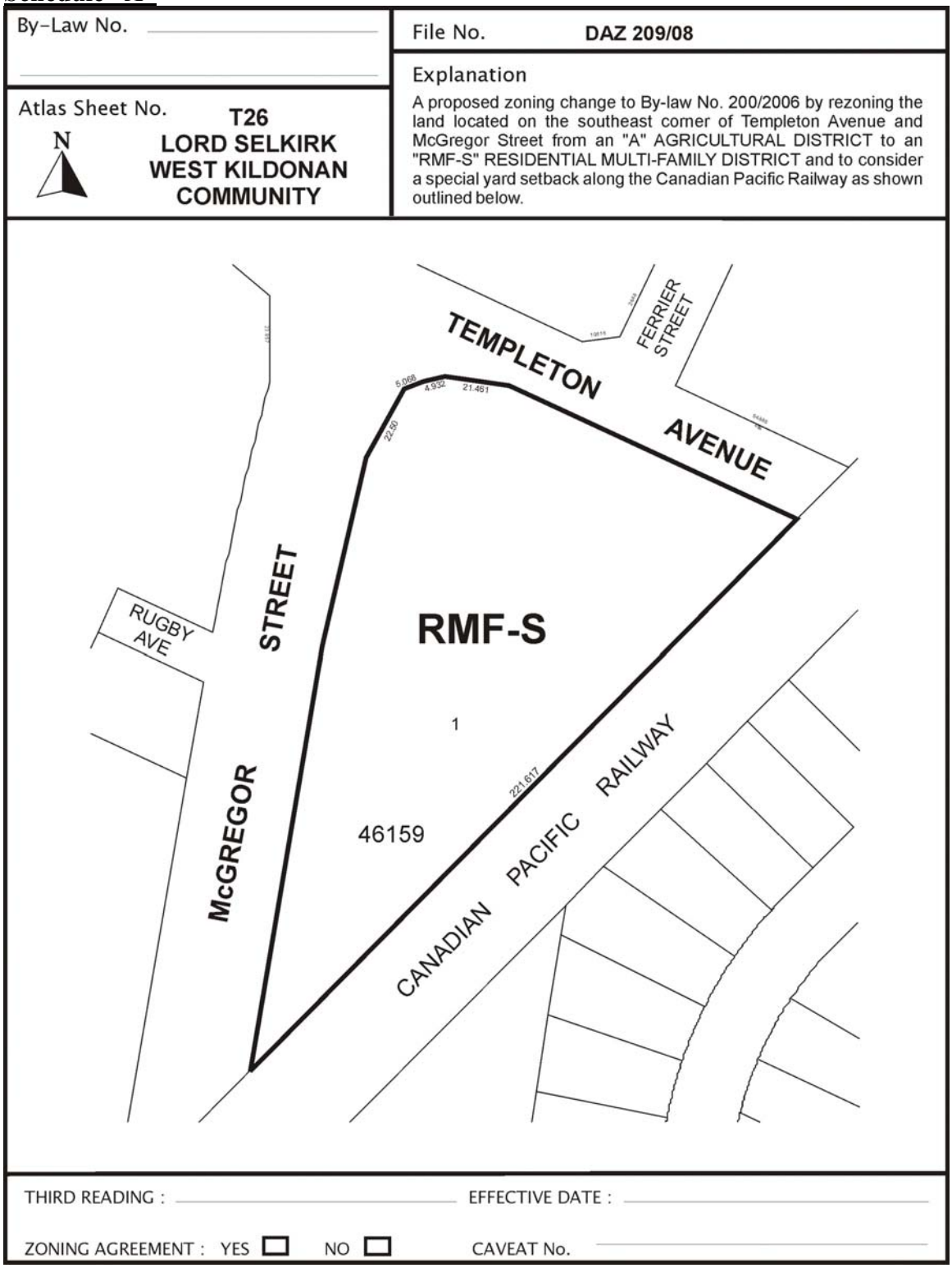


Figure 1: Schedule "A" to the report to the Lord Selkirk-West Kildonan Community Committee for File DAZ 209/2008, dated May 1, 2008.



Figure 1: Aerial Photo (Flown in 2005)

Appendix 1





Appendix 2

Design Guidelines for DAZ 209/08

Purpose: To be used as guidelines when reviewing the final plan submittal for DAZ 209/08

Site Planning

Open space

An area of common open space that can be easily accessed by residents and that provides a focal point for community recreation and interaction and adds to the overall quality of life for residents should be provided. It should be purposefully integrated into the overall design of the development and not merely residual areas left over after the buildings and parking lot are sited.

The open space should be reasonably accessible to all the residents of the development.

Common open space can include gardens, courtyards, recreation, or play areas and may include some of the following features:

- Seasonal planting areas
- Large, flowering trees
- Seating
- Pedestrian scaled lighting
- Gazebos or other decorative shelters
- Play structures for children
- On-site community recreation amenities

Pedestrian

A minimum of one pedestrian connection from the internal sidewalk system to the external sidewalk system should be provided.

Landscaping

Landscaping, which is a visible indicator of quality development, should be an integral part of the development, and not merely located in leftover portions of the site.

a) That landscaping shall be provided to enhance the overall development in key areas such as the development perimeter, corners, common areas, and entryways.

Design

The overall design should be made up of a distinctive, quality, architectural character and style that avoids monotonous and featureless building massing and design

Building Orientation

The site layout and building orientation should ensure that the buildings relate appropriately to surrounding developments and the street and create a cohesive visual identity for the neighbourhood

Setbacks

That a 50 foot minimum setback be required to the CPR Winnipeg Beach Subdivision line, for any habitable room in a principal structure

Height

That the height be limited to a maximum of 35 feet

Density

That the density be limited to a maximum of 38 units

Fencing

Railroad tracks

That fencing be installed along the railroad tracks to provide for noise attenuation and to prevent trespass onto the railroad right of way.

Perimeter Fencing

That ornamental fencing be installed around the perimeter of the site to provide privacy and noise attenuation for residences that back onto McGregor and Templeton Streets. The fencing should include horizontal and vertical breaks, such as indents and decorative posts, as well as lansscaping, to break up the visual monotony of the fence.

Exhibit “10” referred to in File DAZ 209/2008 [c/r DAV 110068/2008D]

RE: PROPOSED SUBDIVSION AND REZONING OF LAND AT THE SOUTHEAST CORNER OF TEMPLETON AVENUE & MCGREGOR STREET - DAZ 209/08

FOR SUBMISSION TO THE CHAIR AND MEMBERS OF THE LORD SELKIRK-WEST KILDONAN COMMUNITY COMMITTEE

S.M. Matile, P. Eng.
Chair
Administrative Co-ordinating Group

May 2, 2008

RE: PROPOSED SUBDIVSION AND REZONING OF LAND AT THE SOUTHEAST CORNER OF TEMPLETON AVENUE & MCGREGOR STREET - DAZ 209/08

An application has been submitted by 3Y Group Inc. for rezoning the land at the southeast corner of Templeton Avenue and McGregor Street from an A - Agricultural District to an RMF-S Residential Multi-Family District.

It is recommended that the approval of DAZ 209/08 be subject to the Applicant's entering into a Servicing Agreement with the City, containing the following:

1. The Developer shall, at no expense to the City, grant to the City a 10-metre-wide easement along the east property line to protect the existing land drainage sewer on the property.

2. The Developer shall, at no expense to the City, provide underground electrical and telephone services to serve the proposed subdivision and pay the full cost to convert any existing overhead services within the proposed subdivision to underground.

3. The Developer shall pay all costs associated with the relocation of street lights and other utilities made necessary as a result of, or required to accommodate, the works to be constructed by the Developer to serve the Planned Area, as determined by, and to the satisfaction of, the Director of Public Works.

4. The Developer shall, at no expense to the City, initiate, control, and pay all costs associated with the regular 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 houses, until completion of all construction, all as determined by, and to the satisfaction of, the Director of Public Works.

5. The Developer shall, at no expense to the City, ensure that construction traffic uses access routes determined by the Director of Public Works; maintain those access routes, at no expense to the City, in a clean, dust-free condition, free of dropped and tracked-on mud; and undertake the regular cleaning of streets – all until building construction, including landscaping, is complete, and all as determined by, and to the satisfaction of, the Director of Public Works.

6. The Developer shall pay its share of the cost of services previously installed by the City and/or others in Templeton Avenue, if applicable, as determined by the Directors of Public Works and Water and Waste.

7. The Developer shall pay its share of the cost of the following services previously installed, or to be installed in the future, by the City in McGregor Street, along the full length of its McGregor Street frontage:

a) 4.0-m-wide, 200-mm-thick Portland cement concrete pavement and related works;
b) street lighting in the east boulevard; and
c) landscaping in the east boulevard,

all as determined by the Director of Public Works.

8. The Developer shall, at no expense to the City, construct a 1.5-m-wide, 100-mm thick portland cement concrete sidewalk on the east side of McGregor Street, from Templeton Avenue to Leila Avenue, as determined by, and to the satisfaction of, the Director of Public Works.

9. To ensure that noise transmission from the railway tracks is reduced to generally acceptable levels for the future homeowners in the proposed development, and that pedestrian trespass to the tracks does not become a consequence of the proposed subdivision, thereby creating safety issues and jeopardizing existing and/or future anti-whistling regulations along the railway line, the Developer shall, at no expense to the City, construct, within the Planned Area abutting the CPR Winnipeg Beach Subdivision, a uniform fence, 2.0 m in height, as determined by, and to the satisfaction of, the Directors of Public Works and Planning, Property, & Development. The Developer shall permit the City to file a caveat against the title of the proposed lot abutting the CPR Winnipeg Beach Subdivision, requiring the owner(s) to maintain and/or repair or replace the fence as originally constructed, to the satisfaction of the Directors of Public Works and Planning, Property, & Development.

10. The centerline of any private approach onto Templeton Avenue shall line up with the centerline of Ferrier Street immediately opposite.

11. Any private approach onto McGregor Street shall be located a minimum of 60 m north of the C.P.R. Winnipeg Beach Subdivision right-of-way and a minimum of 50 m south of the Templeton Avenue right-of-way.

12. The Developer shall pay $1,650.00 to defray the City's administration and related costs associated with the preparation and implementation of a Development Agreement.

13. The Developer shall pay the full cost of the engineering services provided by or on behalf of the City in connection with the installation of services required to serve the proposed subdivision.

THIS REPORT SUBMITTED BY:

Administrative Co-ordinating Group
File No. DAZ 209/08
May 2, 2008

_____
S. M. Matile, P. Eng., Chair
Land Development Branch

_____
R. J. Hartmann, P. Eng.
Public Works Department, Transportation Division

_____
T. S. Josephson, P. Eng.
Water & Waste Department