Agenda - Council - September 24, 2008

Report - Standing Policy Committee on Property and Development - September 2, 2008

Item No. 7 Rezoning - Unaddressed Property at the Corner of Concordia Avenue East and Peguis Street (Transcona Ward) File DAZ 220/2008

STANDING COMMITTEE RECOMMENDATION:

On September 17, 2008, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the East Kildonan-Transcona Community Committee and submits the following to Council:

1. That Winnipeg Zoning By-law No. 200/06 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 220/2008 dated June 25, 2008 to an "RMF-M" Residential Multi-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 and the East Kildonan-Transcona Community Committee 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 site development be limited up to a maximum of 200 units.

    C. That the parking requirement be a minimum of 150% per unit.

    D. That the proposed development be subject to site plan approval by the East Kildonan-Transcona Community Committee prior to the issuance of any building or development permit, and be maintained thereafter to the satisfaction of the Director of Planning, Property and Development.

Report - Standing Policy Committee on Property and Development - September 2, 2008

E. That the Developer obligation for a sidewalk requirement to the west on the south side of Concordia Avenue be relocated to a point ending now on the south side of Concordia Avenue up to the existing requirement, and that the Developer be responsible for installing a sidewalk on the north side of Concordia Avenue all the way from the terminus of their existing requirement on the south side of Concordia Avenue underneath the overpass and up to the beginning of the new sidewalk requirement as required by the Development Agreement for the Concordia Hospital Wellness Centre project, subject to final review and approval by the East Kildonan-Transcona Community Committee.

F. That development of the "C2" Commercial lands be subject to site plan approval in accordance with the applicable Development Agreement.

G. That Development Agreement AG 50/04 be amended by requiring the Developer to construct the pavement and related works in Peguis Street, from Concordia Avenue East to approximately 30 metres north of the CPR Molson Subdivision, including an asphaltic concrete transition, within the 2009 construction season.

H. That Development Agreement AG 50/04 be amended to include a clause requiring the Developer to be responsible for 50% of the cost of the removal, remediation and landscaping of the closed portions of Peguis Street and Perfanick Drive north and west of Concordia Avenue East respectively.

I. That the Developer meet the obligation contained in the Development Agreement for closing and landscaping the section of Ham Street within the 2009 construction season, unless access is still required for construction of new lots on Ham Street, at which time the Developer be immediately required to close Ham Street thereafter.

2. That Caveat # 3388558 be withdrawn as it affects Lot 2, Block 1, Plan 45670.

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 - September 2, 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 zoning section of the by-law comes into force when the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the subject lands, provided that the said effective date occurs within one year from the date by-law is passed.

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 - September 2, 2008

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On September 17, 2008, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the East Kildonan-Transcona Community Committee and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On September 2, 2008, the Standing Policy Committee on Property and Development concurred in the recommendation of the East Kildonan-Transcona Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On July 7, 2008, the East Kildonan-Transcona Community Committee concurred in the recommendation of the Winnipeg Public Service, with the following amendments, namely:

- Amend recommendation 1. by adding the following:

    B. That the site development be limited up to a maximum of 200 units.

    C. That the parking requirement be a minimum of 150% per unit.

    D. That the proposed development be subject to site plan approval by the East Kildonan-Transcona Community Committee prior to the issuance of any building or development permit, and be maintained thereafter to the satisfaction of the Director of Planning, Property and Development.

    E. That the Developer obligation for a sidewalk requirement to the west on the south side of Concordia Avenue be relocated to a point ending now on the south side of Concordia Avenue up to the existing requirement, and that the Developer be responsible for installing a sidewalk on the north side of Concordia Avenue all the way from the terminus of their existing requirement on the south side of Concordia Avenue underneath the overpass and up to the beginning of the new sidewalk requirement as required by the Development Agreement for the Concordia Hospital Wellness Centre project, subject to final review and approval by the East Kildonan-Transcona Community Committee.

Report - Standing Policy Committee on Property and Development - September 2, 2008

DECISION MAKING HISTORY (continued):

COMMUNITY COMMITTEE RECOMMENDATION (continued):

F. That development of the "C2" Commercial lands be subject to site plan approval in accordance with the applicable Development Agreement.

G. That Development Agreement AG 50/04 be amended by requiring the Developer to construct the pavement and related works in Peguis Street, from Concordia Avenue East to approximately 30 metres north of the CPR Molson Subdivision, including an asphaltic concrete transition, within the 2009 construction season.

H. That Development Agreement AG 50/04 be amended to include a clause requiring the Developer to be responsible for 50% of the cost of the removal, remediation and landscaping of the closed portions of Peguis Street and Perfanick Drive north and west of Concordia Avenue East respectively.

I. That the Developer meet the obligation contained in the Development Agreement for closing and landscaping the section of Ham Street within the 2009 construction season, unless access is still required for construction of new lots on Ham Street, at which time the Developer be immediately required to close Ham Street thereafter,.

and forwarded to the Standing Policy Committee on Property and Development.

RE: **Rezoning – Unaddressed Property at the Corner of Concordia Avenue East and Peguis Street File DAZ 220/2008**

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

Prepared by: **Monique Wright, Clerk East Kildonan-Transcona Community Committee**

Report date: **July 9, 2008**

COMMUNITY COMMITTEE RECOMMENDATION:

On July 7, 2008, the East Kildonan-Transcona Community Committee concurred in the recommendation of the Winnipeg Public Service and recommends to the Standing Policy Committee on Property and Development:

1. That Winnipeg Zoning By-law No. 200/06 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 220/2008 dated June 25, 2008 to an "RMF-M" Residential Multi-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 and the East Kildonan-Transcona Community Committee 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 site development be limited up to a maximum of 200 units.

    C. That the parking requirement be a minimum of 150% per unit.

    D. That the proposed development be subject to site plan approval by the East Kildonan-Transcona Community Committee prior to the issuance of any building or development permit, and be maintained thereafter to the satisfaction of the Director of Planning, Property and Development.

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H. That Development Agreement AG 50/04 be amended to include a clause requiring the Developer to be responsible for 50% of the cost of the removal, remediation and landscaping of the closed portions of Peguis Street and Perfanick Drive north and west of Concordia Avenue East respectively.

I. That the Developer meet the obligation contained in the Development Agreement for closing and landscaping the section of Ham Street within the 2009 construction season, unless access is still required for construction of new lots on Ham Street, at which time the Developer be immediately required to close Ham Street thereafter.

2. That Caveat # 3388558 be withdrawn as it affects Lot 2, Block 1, Plan 45670.

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 zoning section of the by-law comes into force when the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the subject lands, provided that the said effective date occurs within one year from the date by-law is passed.

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 East Kildonan-Transcona Community Committee provided the following supporting reasons for its recommendation:

1. The proposal is consistent with development in the area.

2. Concordia Avenue is designated as an arterial street.

3. This is a transitional development between arterial and lower density residential, which backs onto the CPR main line, and is therefore appropriate.

4. There is a need for rental and condominium units in the area.

5. This will address some outstanding issues with regard to existing development in the area which has already been approved.

PUBLIC HEARING SUMMARY

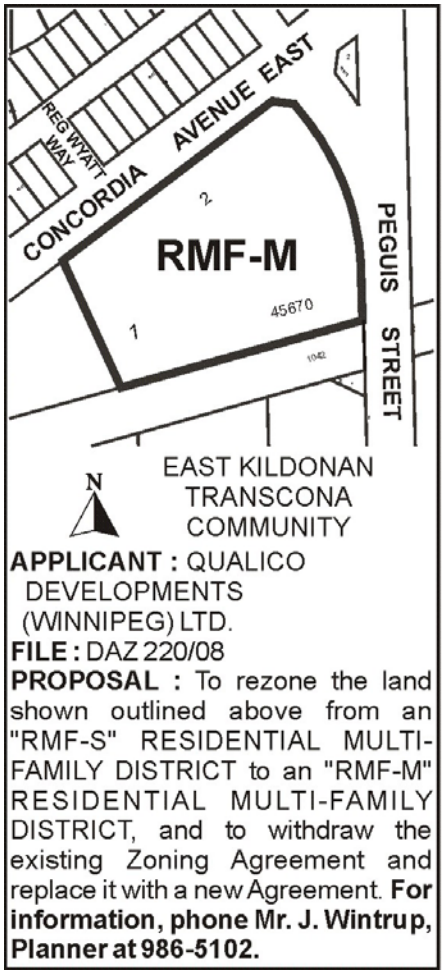
File: DAZ 220/2008

Before: East Kildonan-Transcona Community Committee
Councillor Wyatt, Chairperson
Councillor Browaty
Councillor Thomas

Public Hearing: July 7, 2008
755 Henderson Highway

Applicant: Qualico Group (Glenn Halldorson)

Subject:



Premises Affected: Unaddressed Property at the Corner of
Concordia Avenue East and Peguis Street

Exhibits Filed:

1. Application dated June 5, 2008
2. Notification of Public Hearing dated June 9, 2008
3. Manitoba Status of Title 2196304
4. Plans (2 pages)
5. Report from the Planning and Land Use Division dated June 25, 2008
6. Inspection Report
7. Letter in opposition to the application from Mike Malyk dated July 7, 2008
8. Audio Recording of representations of Public Hearing

REPRESENTATIONS:

In Support:

Eric Vogan

In Opposition:

Mike Malyk

For Information:

Mark Fruehm
Jim Perfanick

For the City:

John Wintrup, Senior Planner, Planning, Property and Development Department

Exhibit "5" referred to in File DAZ 220/2008

Winnipeg

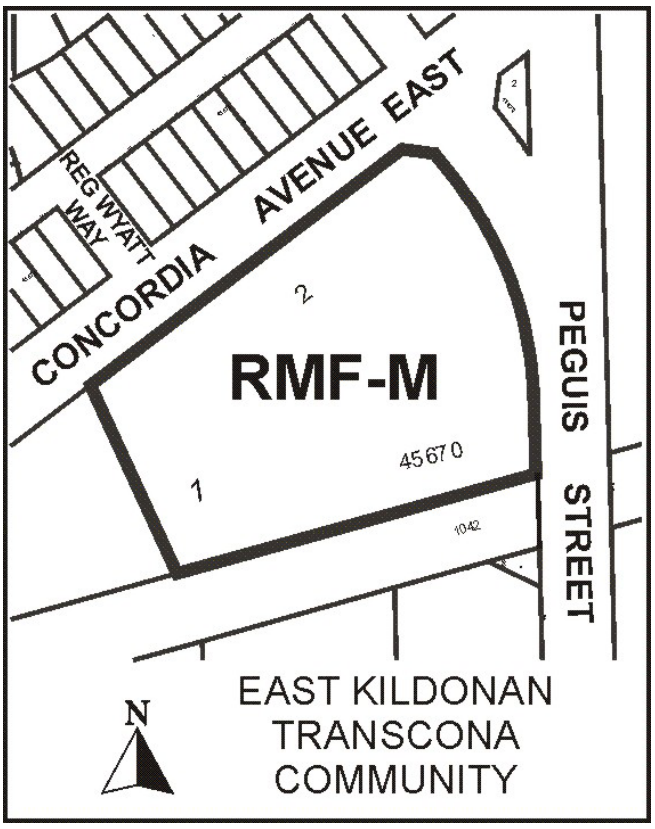
Planning, Property and Development Department Report

To the East Kildonan - Transcona Community Committee

Date: **June 25, 2008**
File: **DAZ 220/2008**
Related Files: **DASZ 50/04; DASZ 30/05**

Subject: **Rezone land to allow a higher density dwelling.**

Location:



Applicant: **Qualico Development – Glenn Hallderson**
Owner: **Qualico Development**

Recommendation: *Approved*

Report Summary:

- The proposed rezoning will allow 283 units where as the existing zoning will allow 181 dwelling units.
- Previous Development Agreement provides for full range of municipal services.
- The vacant lands directly to the east in Bridgewater Estates has been zoned "RMF-M"

Site Description

The subject property is approximately **5.2 acres (226,510.2 square feet)** located east of Lagimodiere Blvd at the southeast corner of Peguis Street and Concordia Avenue East in the Harbourview Phase II subdivision in the Grassie neighbourhood of the Transcona Ward. The site is zoned **"RMF-S" Residential Multi-Family District**. Adjacent lands include vacant land to the west zoned "C2".

Background

DASZ 50/04
Council approved Harbourview South Phase II, **DASZ 50/04**, on June 29, 2005. The applicant intends to construct **367 single family dwellings** and **40 multiple family dwellings**..

DASZ 30/05
Council approved Bridgewood Estates on February 21, 2007. The applicant is proposing to develop **single family residential lots**, a **4.3 acre park**, a **3.3 acre commercial site**, and **4.5 acres of multi-family lands** on 57.5 acres of land.

Description of the Proposed Development

The applicant intends to rezone the vacant lands from the current RMF-S to the RMF-L to allow for the construction of a larger multi-family dwelling.

Analysis

PLAN WINNIPEG
The proposed concept complies with Plan Winnipeg in that a residential rezoning is allowed in Neighbourhood Policy Areas.

SECONDARY PLANS
The lands fall within the Transcona West Area Structure Plan. This plan is currently proceeding to Council at the time of this Planner's Report. The TWASP indicates the subject lands have been designated 'Medium Density' for multiple family development.

ZONING

- **"RMF-M" Residential Multi-Family District - Medium** is intended to accommodate the development of multi-family units in neighbourhoods with medium to high residential densities. There is a front & rear yard requirement of 25 feet and the maximum building height is 60 feet. The minimum lot width is 25 feet and lot area 9,000 square feet (800 square feet per dwelling unit).

- **"RMF-S" Residential Multi-Family District - Small** is intended to accommodate the development of multi-family units in neighbourhoods with medium to high residential densities. There is a front & rear yard requirement of 25 feet and the maximum building height is 35 feet. The minimum lot width is 25 feet and lot area 9,000 square feet (1,250 square feet per dwelling unit).

- **"C2" Commercial Community District** is intended to accommodate more intensive commercial sites that do not have a local or neighbourhood orientation.

- The proposed rezoning will allow 283 units where as the existing zoning will allow 181 dwelling units.

COMPATIBILITY
The vacant lands directly to the east in Bridgewater Estates has been zoned "RMF-M"

TRANSPORTATION AND SITE ACCESS
Concordia Avenue East has been extended past Lagimodiere as a two lane major collector that is projected to be a four lane arterial. Peguis Street will be redeveloped to a major collector in the future as development continues in this area.

SERVICING
AG 50/04 requires the developer to install services in Concordia Avenue East and Peguis including a portland concrete sidewalk on both sides of the street.

SITE DESIGN ISSUES
No building or site plans were submitted.

PUBLIC INPUT
Qualico sent a letter out to the surrounding neighbourhood providing information on the proposed rezoning and the date/time of the Public Hearing.

LAND DEDICATION
Land Dedication for DASZ 50/04 was satisfied, however, the rezoning will require additional land dedication be paid as there is an increase in the market value of the property.

Recommendation

The Planning and Land-use Division supports the rezoning application.

A higher density building is an appropriate land-use adjacent to an arterial and major collector with nearby access to Lagimodiere Blvd.

Recommended Conditions of Approval

1. That The Winnipeg Zoning By-law No. 200/06 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 220/2008 dated June 25, 2008 to a "RMF-M" Residential Multi-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:

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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: John S. Wintrup
PPD File # DAZ 220/2008

Schedule "A"

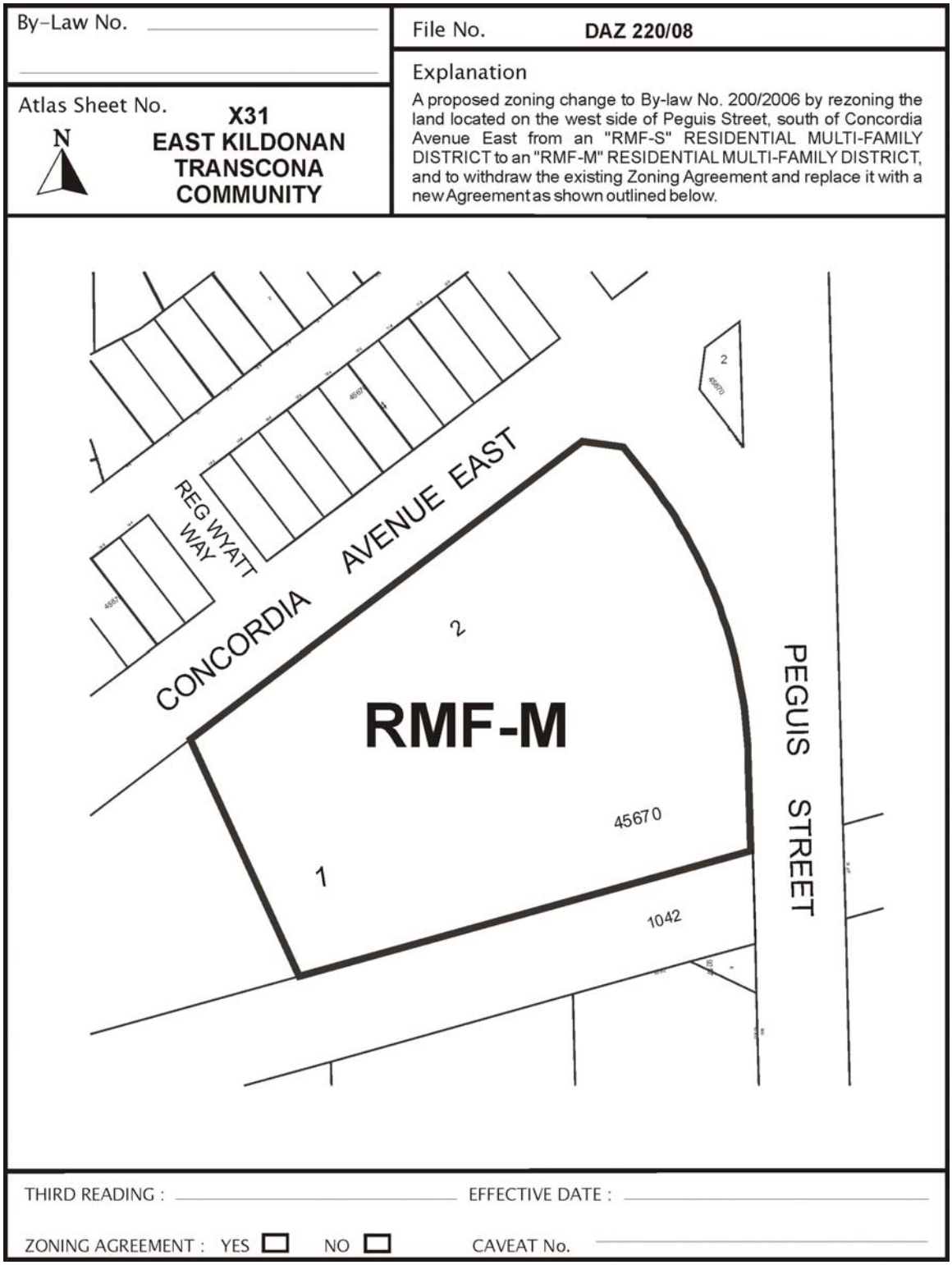


Figure 1: Schedule "A" to the report to the East Kildonan – Transcona Community Committee for File DAZ 220/2008, dated June 25, 2008.



Figure 2: Existing Land-Uses for subject property and Surrounding Area.

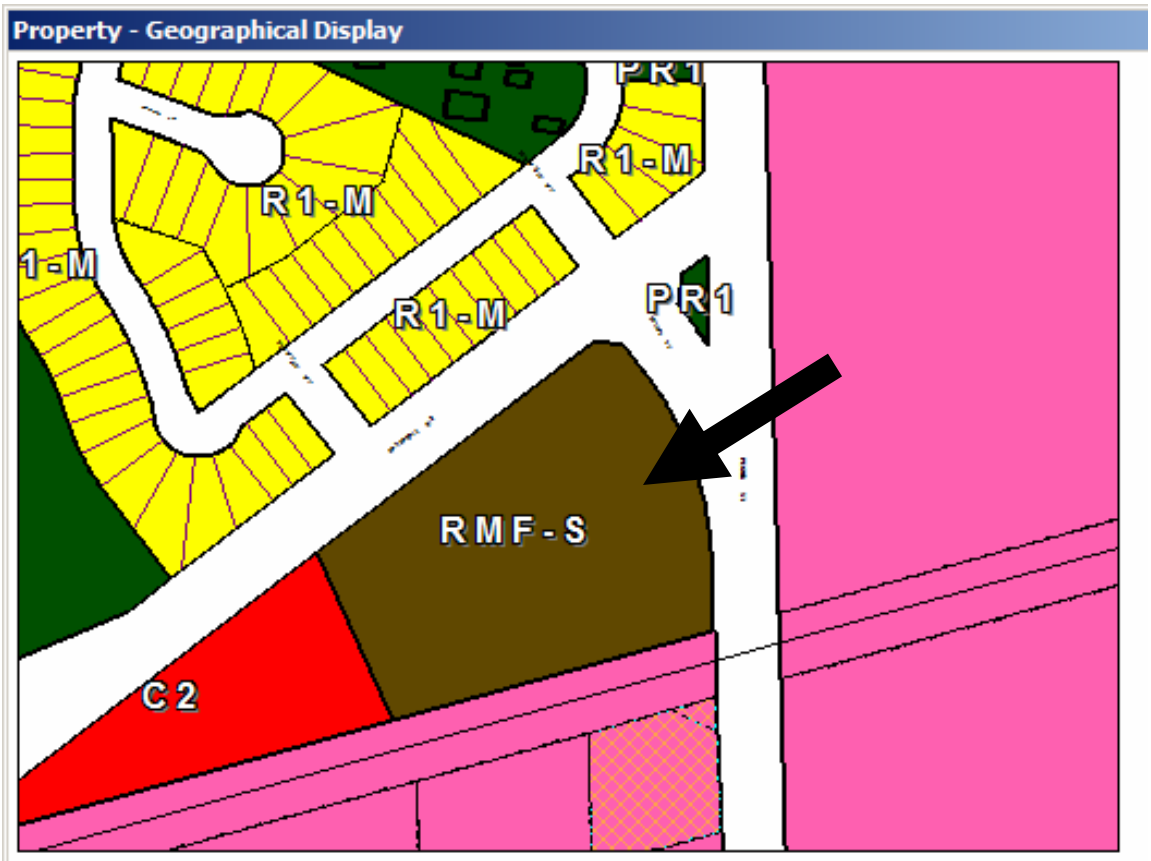
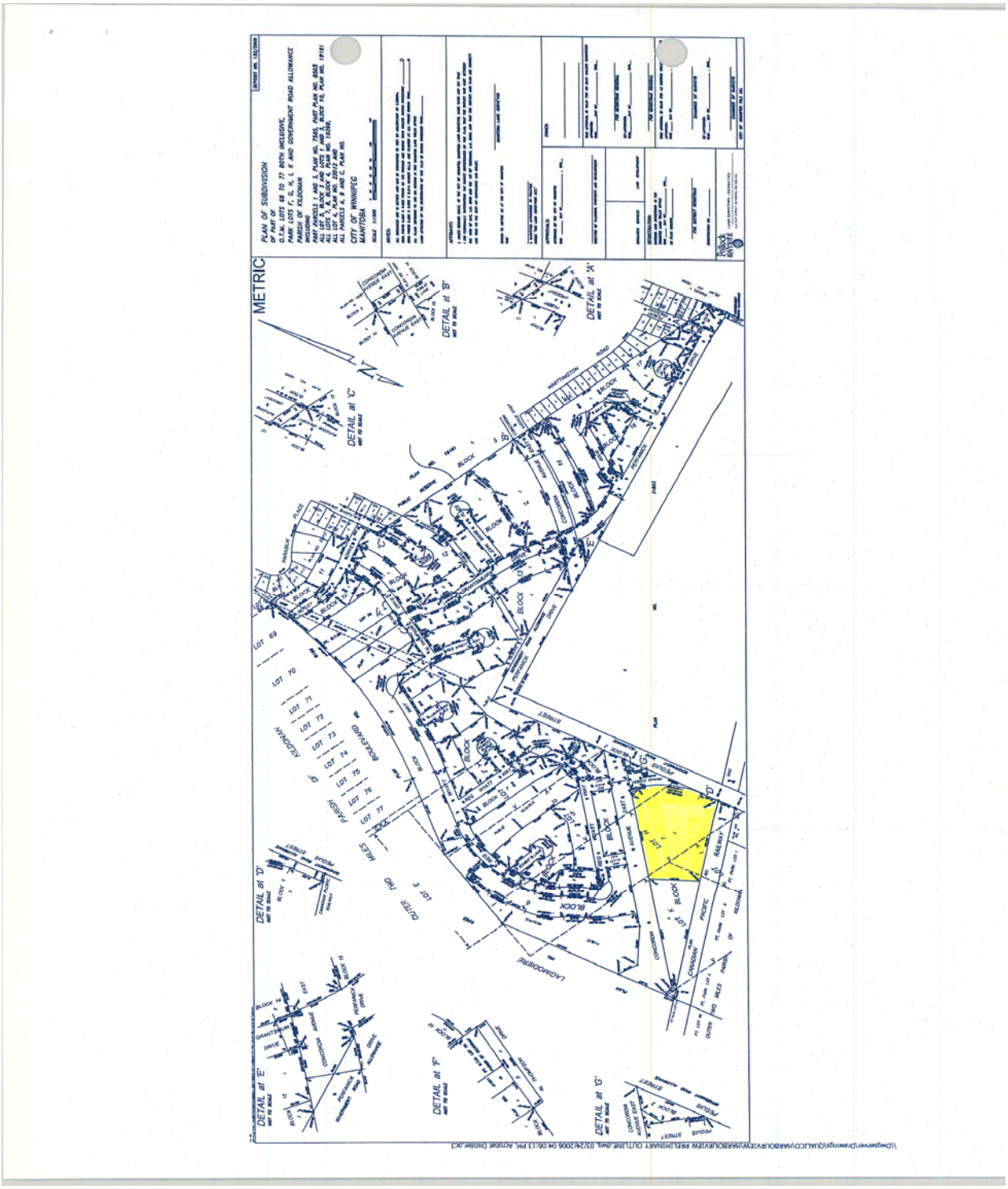
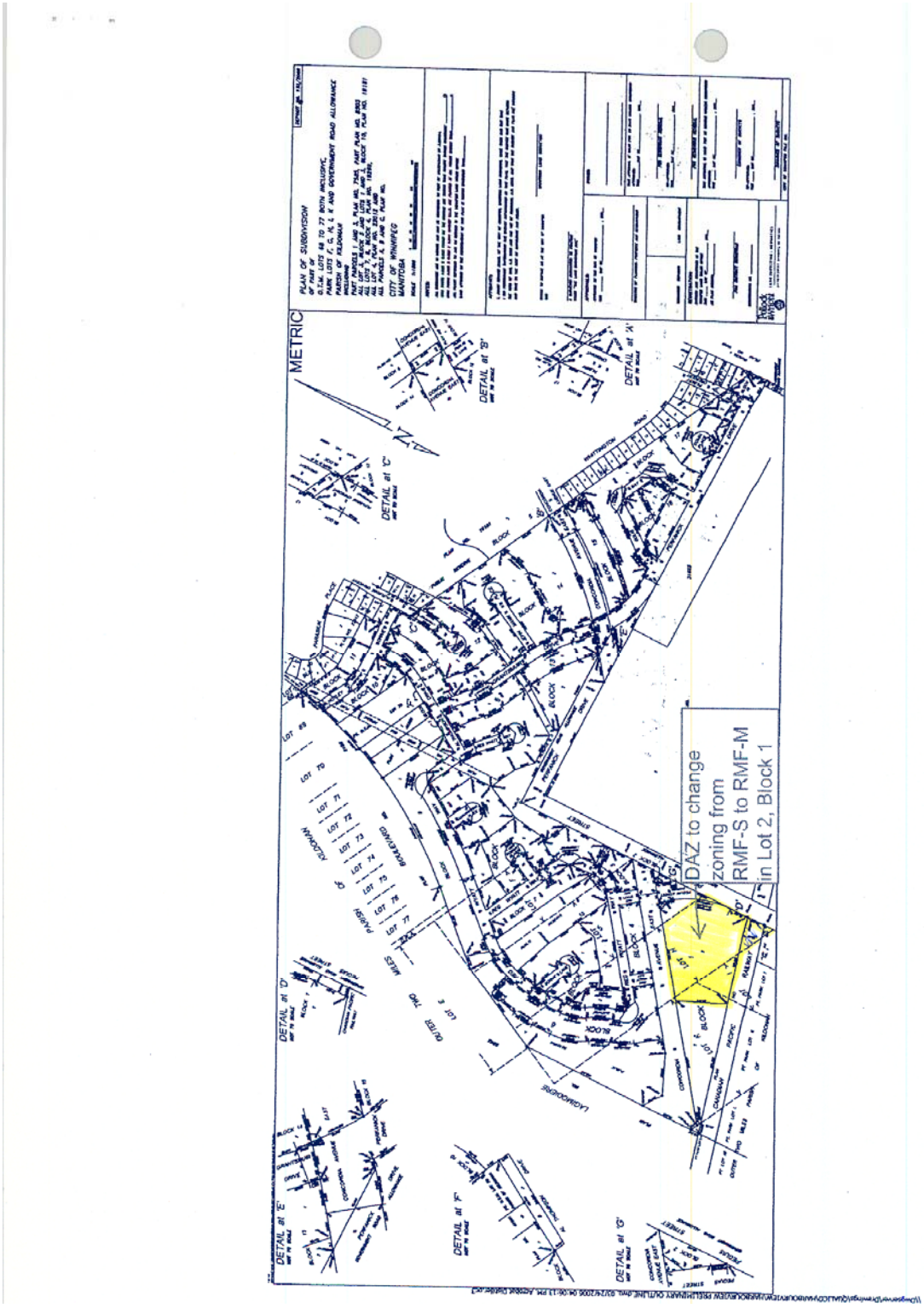


Figure 3: Existing Zoning for subject property and Surrounding Area

Exhibit “4” referred to in File DAZ 220/2008




METRIC
DAZ to change zoning from RMF-S to RMF-M in Lot 2, Block 1