Agenda - Council - October 22, 2008

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

Item No. 5 Rezoning - 3389 Pembina Highway
(St. Norbert Ward)
File DAZ 228/2008

STANDING COMMITTEE RECOMMENDATION:

On October 15, 2008, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the Riel Community Committee 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 228/2008 dated September 8, 2008, to an "RM-U" Residential Mixed Use 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 Riel 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. Further, the applicant is to consult with Group'Action St. Norbert and Entreprises Riel prior to the submission of any plans.

2. 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.

3. 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.

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.

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

5. 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.

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

7. 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 - October 2, 2008

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On October 15, 2008, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the Riel Community Committee and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On October 2, 2008, the Standing Policy Committee on Property and Development concurred in the recommendation of the Riel Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On September 15, 2008, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service, with the following amendment:

- That the report of the Planning and Land Use Division dated September 8, 2008 be amended by adding the following sentence to the end of Recommendation 1.A.i., namely:

  "Further, the applicant is to consult with Group' Action St. Norbert and Entreprises Riel prior to the submission of any plans."

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

RE: **Rezoning - 3389 Pembina Highway**
File DAZ 228/2008 [c/r DAV 134345/2008D]

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

Prepared by: **Marc Pittet, Senior Committee Clerk**
Riel Community Committee

Report date: **September 17, 2008**

COMMUNITY COMMITTEE RECOMMENDATION:

On September 15, 2008, the Riel 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. 200/06 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 228/2008 dated September 8, 2008, to an "RM-U" Residential Mixed Use 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 Riel 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. ***Further, the applicant is to consult with Group'Action St. Norbert and Entreprises Riel prior to the submission of any plans.***

2. 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.

3. 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.

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 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.

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

7. 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 Riel Community Committee provided the following supporting reason for its recommendation:

1. The Riel Community Committee agreed with the administrative comments contained in the report of the Planning and Land Use Division dated September 8, 2008.

PUBLIC HEARING SUMMARY

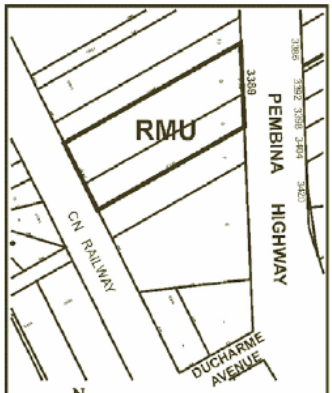
File: DAZ 228/2008 [c/r DAV 134345/2008D]

Before: Riel Community Committee
Councillor Steeves, Chairperson
Councillor Swandel
Councillor Vandal

Public Hearing: September 15, 2008
Council Chamber, Council Building, 510 Main Street

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

Subject:



APPLICANT : LANDMARK PLANNING & DESIGN INC.
FILE : DAZ 228/08
PROPOSAL : To rezone the land shown outlined above from an "RR5" RURAL RESIDENTIAL 5 DISTRICT to an "RMU" RESIDENTIAL MIXED USE DISTRICT to allow for the construction of a multiple-family dwelling and mixed commercial use development. **For information, phone Mr. K. Lalor, Planner at 986-5069.**
DEMANDEUR : LANDMARK PLANNING & DESIGN INC.
N° DE RÉFÉRENCE : DAZ 228/08
PROJET : Changer le rezonage des sols délinéés ci-dessus de sorte qu'ils passent de la catégorie RR5 (secteur résidentiel en milieu rural 5) à la catégorie RMU (secteur résidentiel mixte) afin de permettre la construction d'une habitation multifamiliale et l'aménagement d'une utilisation commerciale mixte. **Pour plus de renseignements, veuillez communiquer avec M. K. Lalor, urbaniste, au 986-5069.**

Premises Affected: 3389 Pembina Highway

Exhibits Filed:

1. Application dated August 5, 2008
2. Notification of Public Hearing dated August 7, 2008
3. Manitoba Status of Title 2303840
4. Letter of authorization dated June 12, 2008 from In Young, In sun, Yong Im and Lisa Chang to Landmark Planning & Design Inc.
5. Surveyor's Building Location Certificate and sketch dated June 25, 2002
6. Aerial photo
7. Plans (3 pages)
8. Report from the Planning and Land Use Division dated September 8, 2008
9. Inspection Report
10. Audio Recording of Representations

REPRESENTATIONS:

In Support:

In Sun Chang
Norm Gousseau
Sasa Radulovic
Donavan Toews

In Opposition

Nil

For Information:

Ron Mailhot

For the City:

Shirley Matille, Land Development Engineer, Planning, Property and Development Department
Kevin Lalor, Senior Planner, Planning, Property and Development Department

Exhibit "8" referred to in File DAZ 228/2008 [c/r DAV 134345/2008D]

Winnipeg

Planning, Property and Development Department Report

To the Riel Community Committee

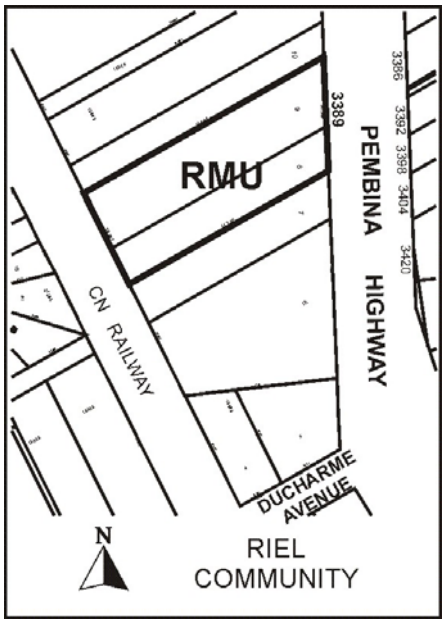
Date: September 8/2008
File: DAZ 228/2008

Related Files: DAV 08 134345 D

Subject: To rezone the subject property to permit the construction of a seventy-two unit condo complex and small commercial component.

Location: 3389 Pembina Highway

Legal Description: Lot 8/9 Plan 19689 85/89 ST N



Applicant: Donovan Toews , Landmark Planning & Design

Owner: In Young Chang, Yong Im Chang, In Sun Chang, Lisa Chang

Recommendation: *Approval*

Site Description:



The subject parcel is situated on the west side of Pembina Highway south of Grandmont Blvd. It is approximately 1.5 acres in size and extends from Pembina Highway to the CNR Emerson R.O.W. It is currently zoned "RR-5" Rural Residential. To the south are several small business and storage areas which access Pembina Highway and are zoned "RR-5" Rural Residential. West of the rail right-of-way is an established housing subdivision zoned "R1-M" Residential Single Family. To the north is a large commercial property, partly developed (Red River CO-OP) zoned " C3" Commercial. The east side of Pembina Highway is occupied with single family dwellings on large lots zoned "R1-E " Residential.

Description of the Proposed Development:

The proposal calls for the development of a condo housing project with a small commercial component. Under the new by-law, there is provision for a mixed use zoning category which is intended to facilitate the development of primarily medium to higher density residential development with limited small scale commercial development. The site area should reflect a predominantly residential character. The subject application will have three separate buildings, all of which will be oriented towards Pembina Highway and the Red River. The building closest to the west property line will be five stories in height and have a total of thirty suites; the middle building will only be four stories in height and will have twenty four units; and the third residential complex which is closed to Pembina will be three stories in height with a total of eighteen suites. The overall residential square footage for all three buildings will be 84,850 sq.ft. and an overall total of seventy-two dwelling units .Each of the proposed structures will have an underground parking component for an overall total of seventy –two (72). There are also thirty – two (32) surface stalls proposed under the plan for a grand total of one hundred and eight (108). In the N.E. corner of the site, the owners are proposing to construct a twenty-five hundred sq. ft. commercial component (i.e. coffee shop, laundry etc.) There are no specific details, at this time, as to the actual tenants might be; however, they will be small scale operations, in part designed to service the tenants of the adjoining condos. Access to the site will be via two approaches at the N.E. and S.E. corners of the lot. It would appear that the owners will be endeavoring to provide a high level of landscaping between the proposed buildings and along the street frontage. Detailed landscaping plans will, in all likelihood , be submitted later, at the Plan Approval stage.

Analysis:

The Planning Department has, for some time, been in consultation with the owners of the subject property and their consultants. And to their credit, they have always endeavored to explore different development options, in an effort to ultimately submit a proposal that would not only appropriately utilize their 1.5 acre site but would also be an asset to the community as a whole. The Plan that they have settled on is innovative and of reasonable scale and makes efficient use of what is a rather long rectangular parcel of land. By tiering the structures towards Pembina Highway, they are able to maximize the number of units that will have views of the Red River. And by adding a small commercial component (which generally caters to the needs of the future tenants) they have added a new dimension to the facility which is somewhat unique to recent condo proposals. It is therefore recommended that your Committee endorse the proposal as submitted, including the accompanying variance for a reduced front yard setback for the parking area of 20’ instead of the required 40’.

Recommendation:

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

- The proposed development is of reasonable scale, is well accessed, and will not adversely affect adjoining properties on all sides.

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 228 /2008 dated September 8, 2008 , to an "RM-U" Residential Mixed Use 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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6. That the Proper Officers of the City are hereby authorized to execute said Zoning Agreement.

7. 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: Kevin Lalor
PPD File # DAZ 228/2008

Schedule "A"

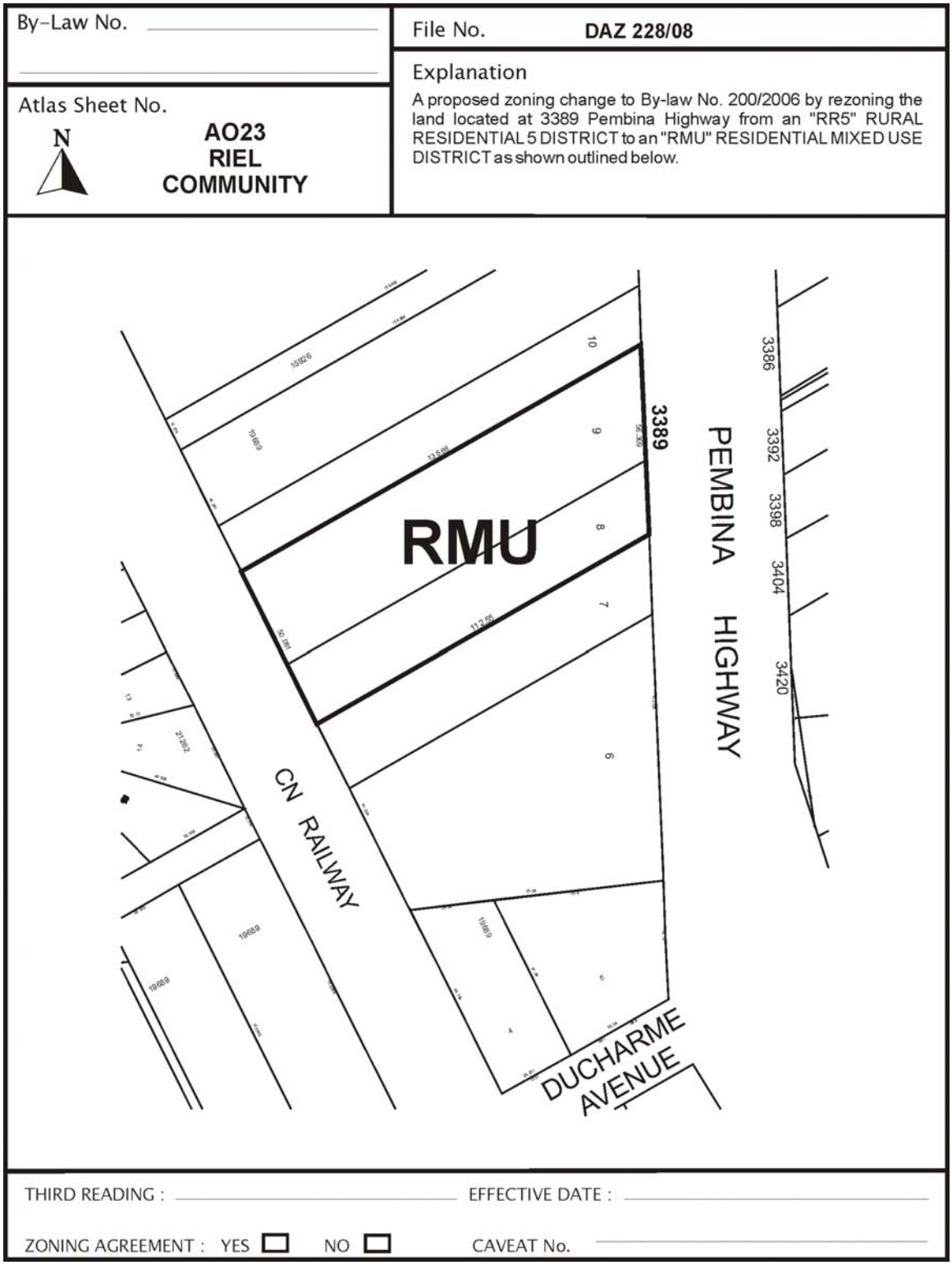

Figure 1: Schedule "A" to the report to the Riel Community Committee for File DAZ 228/2008, dated September 8, 2008.