Agenda - Council - November 19, 2008

Report - Standing Policy Committee on Property and Development - October 28, 2008

Item No. 1 Subdivision and Rezoning - 543 Pandora Avenue West (Transcona Ward) File DASZ 14/2008

STANDING COMMITTEE RECOMMENDATION:

On November 12, 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, as amended, and submits the following to Council:

1. That the plan of subdivision under File DASZ 14/2008 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" dated October 7, 2008 with such minor changes as may be required, and registration in the Winnipeg Land Titles Office.

2. That Winnipeg Zoning By-law No. 200/06 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 14/2008 dated October 7, 2008, to an "RMF-S" Residential Multi-Family 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 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.

        ii. That the height of the building be restricted to two (2) stories.

        iii. That the developer be required to install left-hand turn only signage upon completion of the parking area.

        iv. That the developer be required to build enclosures for all garbage containers on the site.

Report - Standing Policy Committee on Property and Development - October 28, 2008

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

5. That in the event the matter is not proceeded with expeditiously and the by-law is not passed 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.

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

7. 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.

8. That the zoning section of the by-law comes into force when the plan of subdivision is registered in the Winnipeg Land Titles Office and 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 the by-law is passed.

9. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within one year from the date the by-law is passed, failing which the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

10. 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 28, 2008

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On November 12, 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, as amended, and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On October 28, 2008, the Standing Policy Committee on Property and Development concurred in the recommendation of the East Kildonan-Transcona Community Committee with the following amendment, namely:

- Delete recommendation 2.A.v. in its entirety,

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

COMMUNITY COMMITTEE RECOMMENDATION:

On October 20, 2008, the East Kildonan-Transcona Community Committee concurred in the recommendation of the Winnipeg Public Service with the following amendments, namely:

- Add the following recommendations after recommendation 2.A.i.

    ii That the height of the building be restricted two (2) stories.

    iii. That the developer be required to install left-hand turn only signage upon completion of the parking area.

    iv. That the developer be required to build enclosures for all garbage containers on the site.

    v. That the developer be required to secure a minimum of four (4) of the proposed boulevard parking spaces off of Pandora Avenue West.

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

Report - Standing Policy Committee on Property and Development - October 28, 2008

DECISION MAKING HISTORY (continued):

COMMUNITY COMMITTEE RECOMMENDATION (continued):

On September 15, 2008, the East Kildonan-Transcona Community Committee did not hear any representations on the application and further adjourned the public hearing to its meeting on October 20, 2008.

On July 7, 2008, the East Kildonan-Transcona Community Committee adjourned the public hearing to its meeting on September 15, 2008, to afford the applicant an opportunity to convene an open house forum for information sharing with the area residents.

RE: **Subdivision and Rezoning – 543 Pandora Avenue West**
File DASZ 14/2008 [c/r DAV 114115/2008D and DAV 144719/2008D]

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

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

Report date: **October 22, 2008**

COMMUNITY COMMITTEE RECOMMENDATION:

On October 20, 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 the plan of subdivision under File DASZ 14/2008 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" dated October 7, 2008 with such minor changes as may be required, and registration in the Winnipeg Land Titles Office.

2. That Winnipeg Zoning By-law No. 200/06 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 14/2008 dated October 7, 2008, to an "RMF-S" Residential Multi-Family 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 condition:

      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.

      ii That the height of the building be restricted two (2) stories.

      iii. That the developer be required to install left-hand turn only signage upon completion of the parking area.

      iv. That the developer be required to build enclosures for all garbage containers on the site.

      v. That the developer be required to secure a minimum of four (4) of the proposed boulevard parking spaces off of Pandora Avenue West.

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

5. That in the event the matter is not proceeded with expeditiously and the by-law is not passed 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.

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

7. 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.

8. That the zoning section of the by-law comes into force when the plan of subdivision is registered in the Winnipeg Land Titles Office and 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 the by-law is passed.

9. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within one year from the date the by-law is passed, failing which the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

10. 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 East Kildonan-Transcona Community Committee agreed with the administrative comments contained in the revised report of the Planning and Land Use Division dated October 7, 2008.

2. Infill projects are never very easy, however, it is important that new dwellings be constructed in older neighbourhoods already serviced with existing infrastructure, transit and services.

3. It is vital that older neighbhourhoods renew themselves, and as such regeneration must take place.

4. The area will benefit from a new development as more eyes make for a safer neighbhourhood.

5. There will be no decrease to the values of the adjacent single-family residences.

6. The developer must follow-through on his commitment to secure additional parking off of Pandora Avenue West.

7. Site plan approval will ensure a higher level of development for the community.

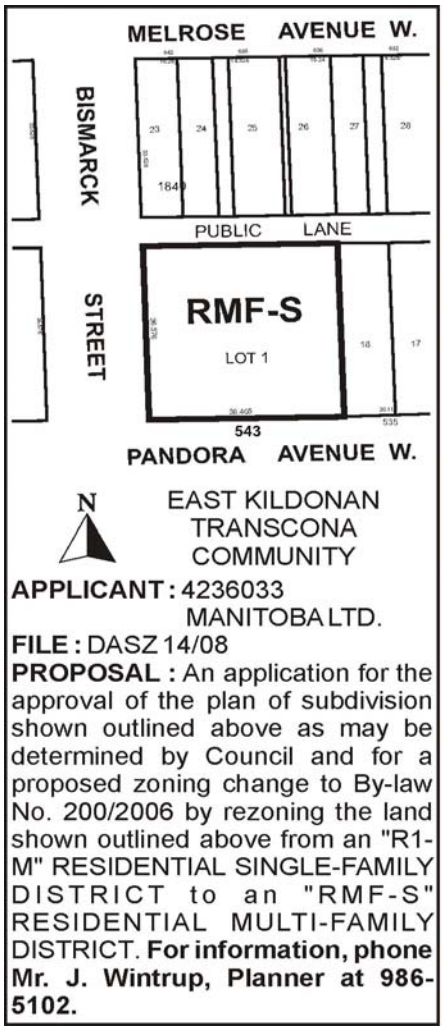
8. Establishment of condominiums versus rental uses is dictated by the market.

9. A commercial development would have a negative affect on the neighbhourhood.

10. There is a huge demand for multiple-family and rental housing in the community

PUBLIC HEARING SUMMARY

File:	DASZ 14/2008 [c/r DAV 114115/2008D and DAV 144719/2008D]
Before:	East Kildonan-Transcona Community Committee Councillor Wyatt, Chairperson Councillor Browaty Councillor Thomas
Public Hearing:	October 20, 2008 September 15, 2008 July 7, 2008 755 Henderson Highway
Applicant:	4236033 Manitoba Ltd. (Michael Mark)
Subject:	



Premises Affected: 543 Pandora Avenue West

Exhibits Filed:

1. Application dated April 21, 2008
2. Notification of Public Hearing dated May 1, 2008
3. Manitoba Status of Title 2290628
4. Plans (2 pages)
5. Report from the Planning and Land Use Division dated June 30, 2008
6. Inspection Report
7. Petition purporting to contain 102 signatures of area residents in opposition to the application, an accompanying brief and photographs (3), submitted at the Public Hearing by Denise Grossman
8. Audio Recording of representations of Public Hearing
9. Notice of Adjournment dated July 8, 2008
10. Communication from the applicant, Michael J. Mark, dated July 13, 2008, with respect to the validity of the petition submitted in opposition to the application
11. Communication from the applicant, Michael J. Mark, dated September 2, 2008, requesting adjournment
12. Notice of Anticipated Adjournment dated September 9, 2008
13. Notice of Adjournment dated September 16, 2008
14. Revised Report from the Planning and Land Use Division dated October 7, 2008
15. Inspection Report
16. Brief in support of the application submitted at the Adjourned Public Hearing on October 20, 2008, by Giovanni Geremia
17. Building Floor, Site and Roof Plans (2 pages), submitted at the Public Hearing by Giovanni Geremia
18. Petition purporting to contain 41 signatures of area residents in opposition to the application, submitted at the Public Hearing by Denise Grossman
19. Audio Recording of representations of Public Hearing

REPRESENTATIONS:

In Support:

Frank and Lucie Bittner
Fred Bobrowski
Giovanni Geremia, Architect
Michael Mark
Eileen Rapke

In Opposition:

Joe Carpenter
Denise Grossman
Tom Kerchimar
R. Kouk
Mike Lafrenière
Allan and Gina Naworynski
Douglas Simpson
Clint Stephen
Clinton Toet
May Trager
Hank (Henry) Vellinga and Nancy Roseboom
Garth Walker

For Information:

Nil

For the City:

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

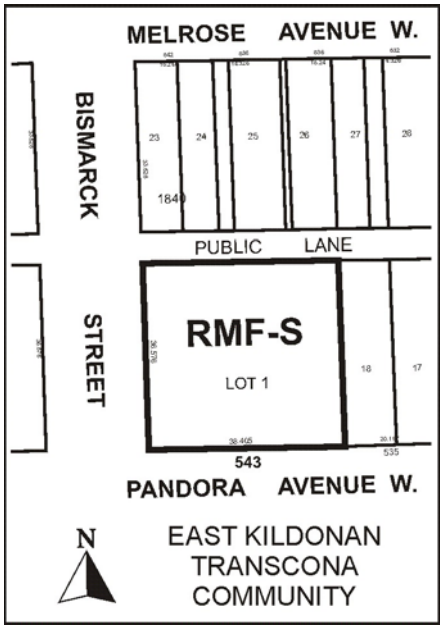
Exhibit "14" referred to in File DASZ 14/2008

Planning, Property and Development Department Report

To the East Kildonan - Transcona Community Committee

Date: **October 7, 2008**
File: **DASZ 14/08** ***REVISED***
Related Files: **DAV 08-114115/D; DAV 08-144719/D**
Subject: **Rezone and consolidate four lots into one lot to construct a 12 unit multiple family dwelling.**

Location: **543 Pandora Avenue West**



Applicant: 4236033 Manitoba Ltd.
1050A St. Mary's RD

Owner: Michael Mark
1050A St. Mary's RD

Recommendation: **Approve**

Report Summary:

- The applicant has applied to rezone and consolidate four (4) lots to facilitate the construction of a twelve (12) unit multiple family dwelling with fourteen (14) parking stalls.
- Two (2) public meetings were held for local residents, after the first one the applicant revised his site plans to address the residents concerns.
- New site plans were presented at the second public meeting.
- There will be two (2) buildings, each will be two stories in height, one each fronting onto Bismarck and Pandora Avenue.
- There will be no windows or balconies facing east.
- Parking for fourteen (14) vehicles will be provided on-site.

Site Description

- The subject property is **15,120 sq. ft.** located on the north east corner of Pandora Avenue and Bismark Street in the Melrose neighbourhood of the Transcona Ward.
- The site is zoned **"R1-M" Residential Single-Family Medium District** and is vacant.
- Adjacent properties include residential dwellings to the east zone "R1-M" Residential Districts.
- Surrounding lands include single family dwellings zoned "R1-M" along Pandora; single family dwellings along Melrose; and industrial land-uses to the south zoned 'M2' Manufacturing General.

Background

WARREN'S CORNER SPORTS occupied the site for many years. The one storey wood framed 5850 sq. ft. commercial building and second building, a one storey 800 sq. ft. lean to structure, were demolished in April, 2008.

On July 09, 2008, the East Kildonan-Transcona Community Committee adjourned the public hearing to afford the applicant an opportunity to convene an open house forum for information sharing with the area residents.

On July 31, 2008 from 7 pm to 9 pm the applicant held a Public Open House at the East End Community Centre. The applicant sent letters to the 12 people who had attended the first public hearing in opposition.

On August 28, 2008 from noon till 4 pm the applicant held a Public Open House at the Canad Inns Transcona. Advertising for this event included notification in the Herald Newspaper and the Prime Times, as well as a letter sent three weeks prior to the open house to the 12 people who had attended the first public hearing in opposition. Twenty-three (23) people attended this public open house event.

On September 15, 2008, the East Kildonan-Transcona Community Committee did not hear any representations on the application and further adjourned the public hearing to its meeting on October 20, 2008. The applicant had submitted a new site plan that needed revised variances to be posted on the site for the statutory two (2) week time period.

By-law 223/2007 adopted by Council on December 19th, 2007 states that:

"where a Public hearing sunder subsection (1) to consider a proposed zoning or subdivision approval by-law . . .is scheduled before a community committee, the hearing must not be adjourned or laid over to a date later than the second regularly scheduled meeting of that committee after the meeting at which the hearing is first scheduled."

Description of the Proposed Development

Michael Mark has applied to rezone and consolidate four (4) lots to facilitate the construction of a twelve (12) unit multiple family dwelling with fourteen (14) parking stalls.

Analysis

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

ZONING

- **R1-M Residential Single-Family District** minimum lot sizes of 3,500 square feet are required. Side yards of 4 feet are required. Front yard requirements are 15 feet; rear yard requirements are 25 feet. Maximum building height is 35 feet.
- **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).

LAND USE BY-LAW ISSUES

- The development previously required variances related to substandard front yard on Pandora Avenue and parking directly from a lane (DAV 08-114115/D).
- The revised site plan requires new variances related to substandard front yard on Pandora Avenue, substandard rear yard against the lane; parking spaces near a habitable window and substandard east side yard for parking stalls (DAV 08-144719/D).
- The variances may be appealed to the Appeals Committee for an additional public hearing, whereas the recommendation by the Community Committee for a rezoning proceeds to Council without an additional public hearing.
- The property is **15,120** square feet and under the proposed RMF-S, would permit 12 dwelling units.
- There are four lots that need to be consolidate to allow a building to be constructed on the property: lots 19-22 will be consolidate under one new lot under a new plan of subdivision.

TRANSPORTATION AND SITE ACCESS

- The existing rear lane connecting to Bismarck will be used to access the property.
- Previously, there was going to be parking for (13) vehicles with direct access from the rear public lane.
- The revised site plan has a new parking lot for on-site parking that will be paved, have a catch basin and provide fourteen (14) parking stalls in the northeast corner of the lot.
- Ingress / egress for the parking area will be from the rear public lane.
- The new parking lot will have no east side yard
- Garbage pick-up will be from the public lane.
- There is a public sidewalk on south side of the property, adjacent Pandora Avenue; and on the east side of the property, adjacent Bismarck Street.
- Each unit will have a separate entrance with access from a common sidewalk connected to the Bismarck Street sidewalk.

SITE DESIGN ISSUES

- There will be two (2), two story buildings;
    - Building ‘A’ will be located perpendicular to Pandora Avenue;
    - Building ‘B’ will be located perpendicular to Bismarck.
- Building ‘A’ will have a 5 foot strip of grass in the east yard between the building and the east property line and 6.5 feet separation against the west side yard.
- Building ‘B’ will have a 23 foot separation against the west side yard and 9.7 feet against the north property line.
- There will be a 5 foot separation space between the two buildings.
- Balconies will be located on the Pandora elevation and the Bismarck elevation – no balconies facing towards the east.
- Building entrances will be from common areas on the north side of Building ‘A’ and the east side of Building ‘B’.
- A 25 foot front yard will be provided from the front property line on Pandora Avenue to the façade of the building.
- There will be windows on all sides of the building except facing the east.

PUBLIC OPEN HOUSE
The applicant held a Public Open House at the East End Community Centre on July 31, 2008 from 7 pm to 9 pm. The applicant sent a letter to the 12 people who had attended the first public hearing in opposition.

The applicant held a Public Open House at the Canad Inns Transcona on August 28, 2008 from noon til 4 pm. Advertising for this event included notification in the Herald Newspaper and the Prime Times, as well as a letter sent three weeks prior to the open house to the 12 people who had attended the first public hearing in opposition. Twenty-three (23) people attended this public open house event.

LAND DEDICATION
It will be recommended that the Developer pay cash in lieu of dedication of land for public open space.

Recommendation

The Planning and Land-Use Division supports the rezoning and subdivision.

The proposed zoning designation will further diversify the type of dwellings available in the neighbourhood providing a mix of lot sizes and types.

The only concern is in regards to the possibility of the applicant changing the building and site design. The applicant should be encouraged to use the proposed façade as design has strong residential characteristics to enhance the streetscape.

The applicant may also be requested to construct a wood barrier, privacy fence against the neighbour to the east if such a fence does not exist. And the garbage containers need to be fully enclosed with screening. Requirement for site plan approval from the East Kildonan – Transcona Community Committee will address these issues.

Recommended Conditions of Approval

1. That the plan of subdivision under File DASZ 14/2008 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" dated October 7, 2008 with such minor changes as may be required, and registration in the Winnipeg Land Titles Office.

2. That The Winnipeg Zoning By-law No. 200/06 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 14/2008 dated October 7, 2008, to a "RMF-S" Residential Multi-Family District subject to the following:

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10. 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 # DASZ 14/2008

Schedule "A"

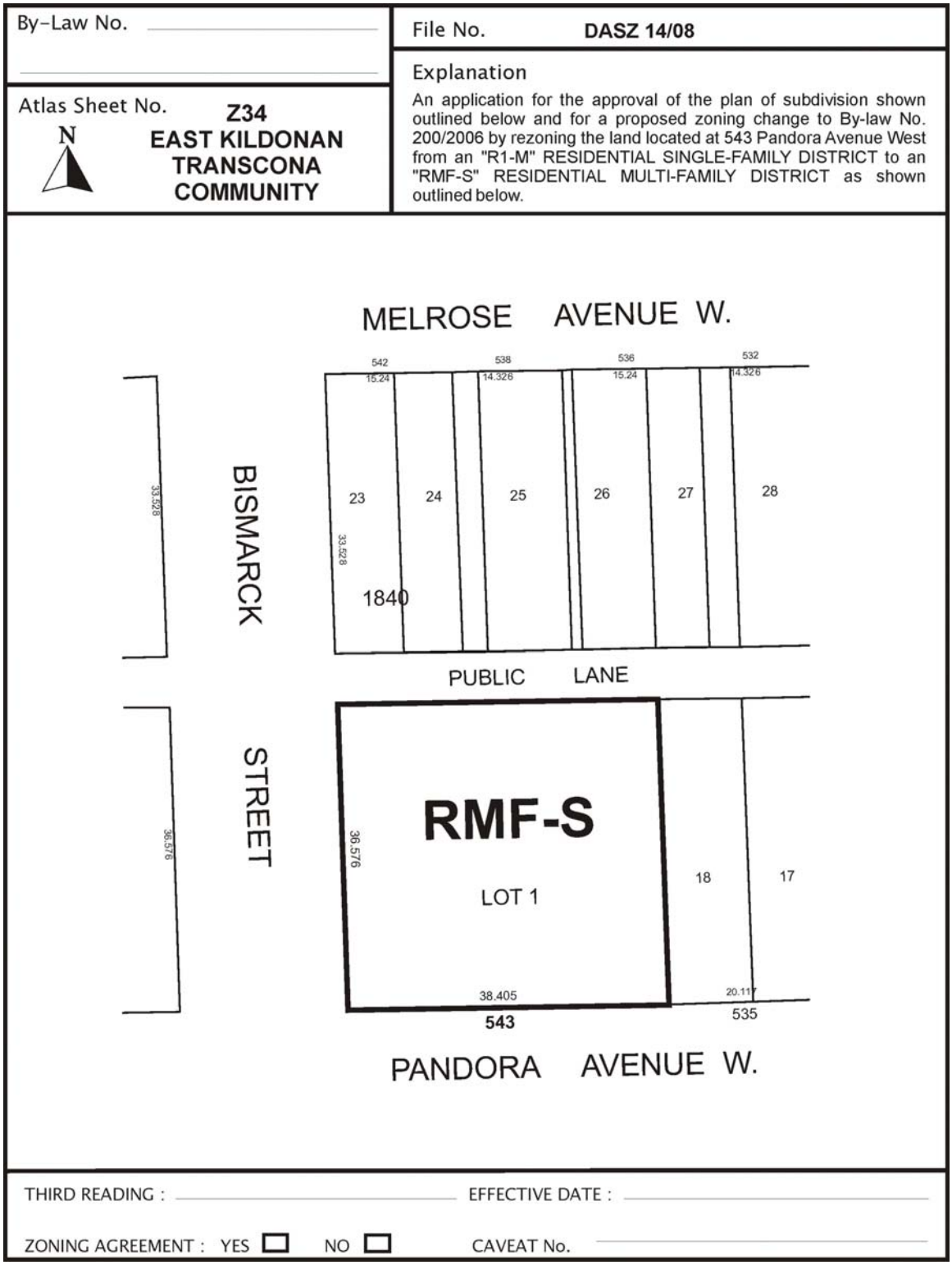


Figure 1: Schedule "A" to the report to the East Kildonan - Transcona Community Committee for File No. DASZ 14/2008, dated October 7, 2008.



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

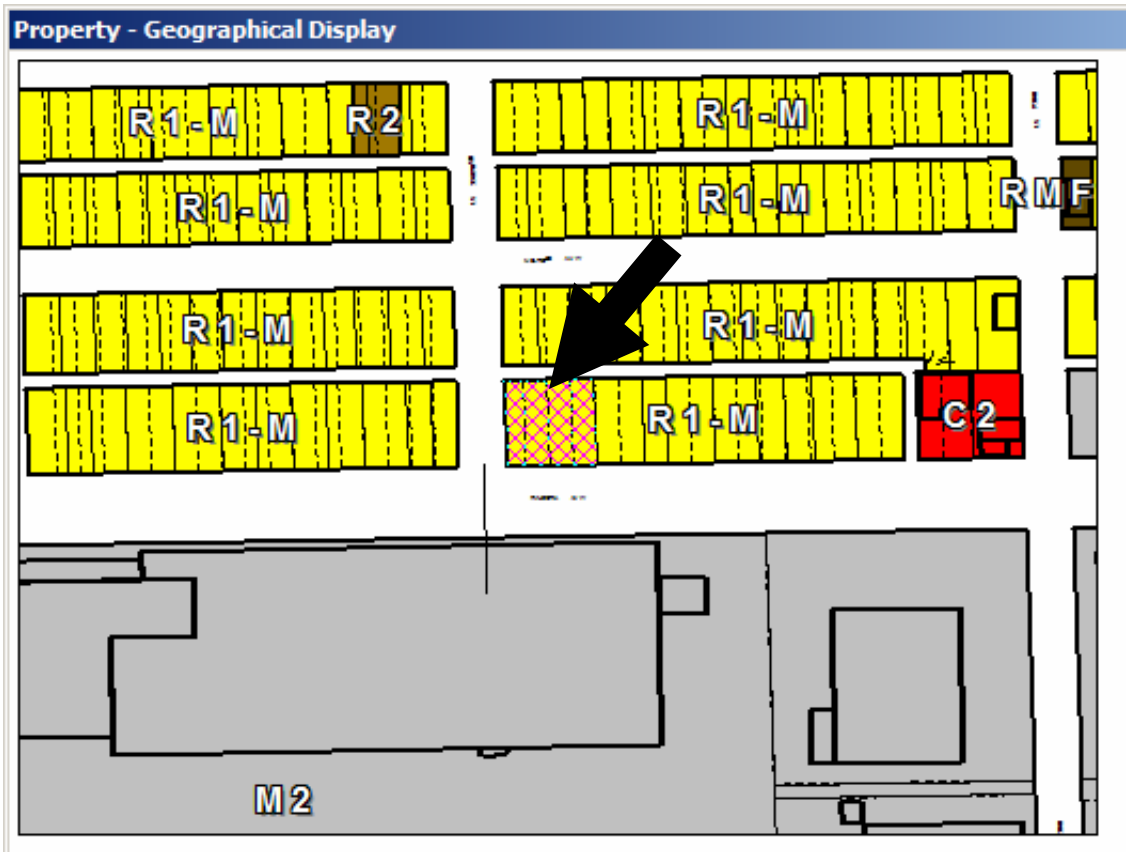
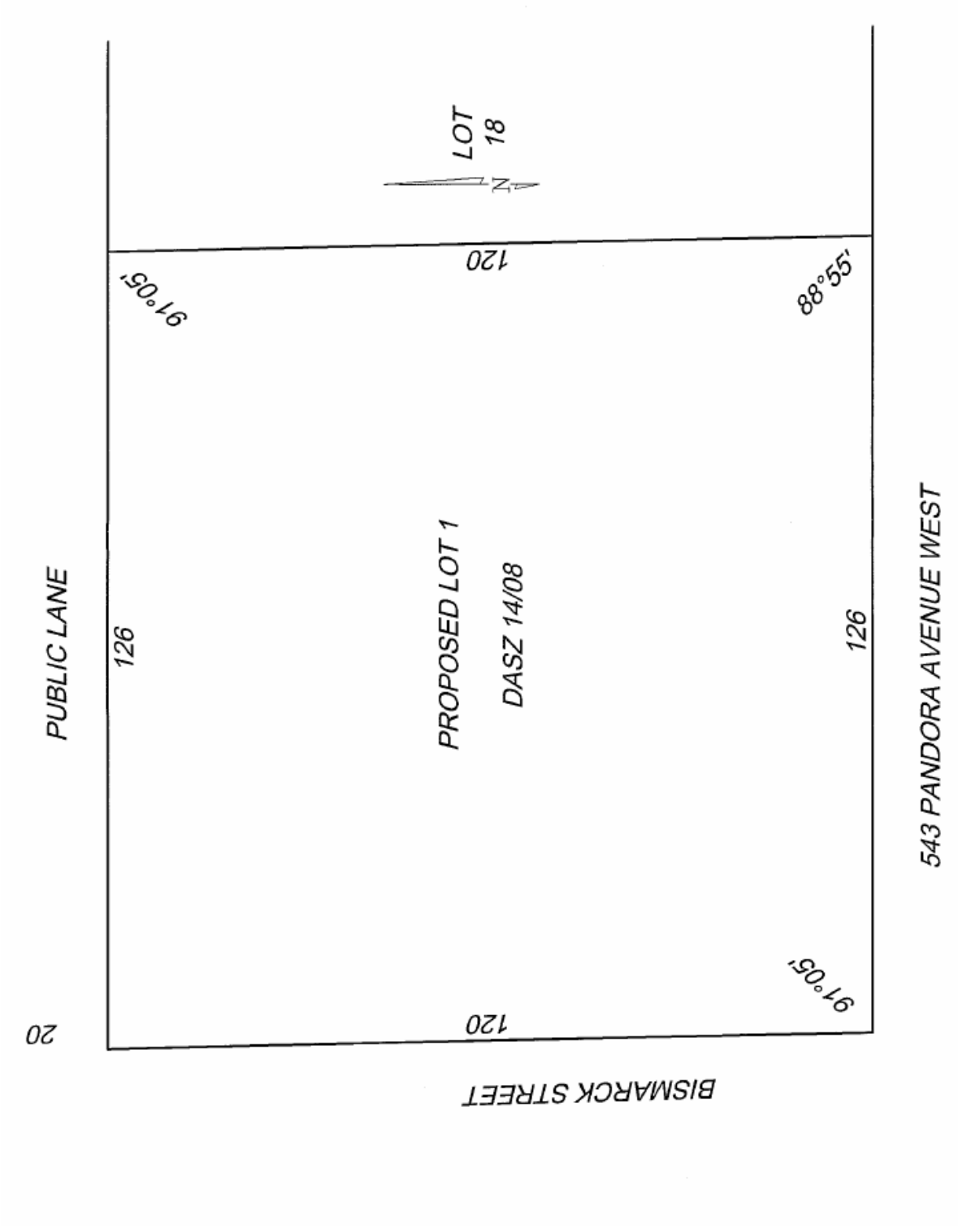
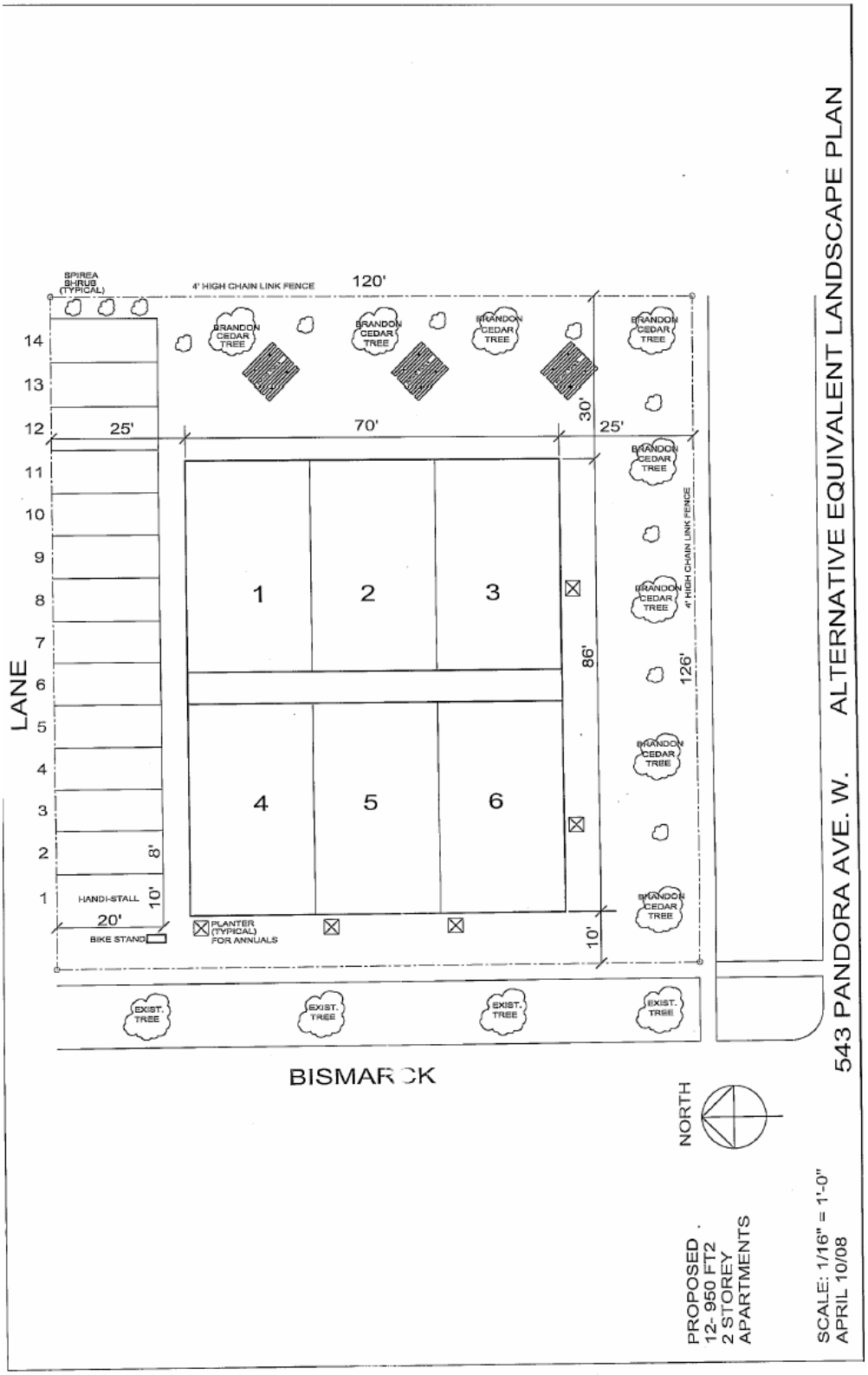


Figure 3: Existing Zoning for subject property and Surrounding Area.

Exhibit “4” referred to in File DASZ 14/2008




543 PANDORA AVE. W. ALTERNATIVE EQUIVALENT LANDSCAPE PLAN
SCALE: 1/16" = 1'-0"
APRIL 10/08
PROPOSED
12- 950 FT2
2 STOREY
APARTMENTS
NORTH
BISMARCK
LANE
SPIREA SHRUB (TYPICAL)
4' HIGH CHAIN LINK FENCE
120'
BRANDON CEDAR TREE
25'
70'
30'
86'
126'
10'
8'
HANDI-STALL
20'
BIKE STAND
PLANTER (TYPICAL) FOR ANNUALS
EXIST. TREE
1
2
3
4
5
6