Agenda - Executive Policy Committee - July 15, 2009

Report - Standing Policy Committee on Property and Development - June 30, 2009

Item No. 6 Zoning Agreement Amendment – 60/70 Whellams Lane (North Kildonan Ward) File ZAA 3/2009

STANDING COMMITTEE RECOMMENDATION:

On June 30, 2009, the Standing Policy Committee on Property and Development concurred in the recommendation of the East Kildonan-Transcona Community Committee and submits the following to Council:

1. That Zoning Agreement Caveats 221077 and 1456489 under File DAZ 210/74 dated October 9, 1974 (By-law No. 806/74) be withdrawn.

2. That Zoning Agreement under File DAZ 210/74 dated October 9, 1974 (By-law No. 806/74), be replace with the following:

    A. That 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 there shall be no vehicle access to Kildonan Drive, Essar Avenue, or Chief Peguis Trail.

    C. That the buildings shall be located in accordance with the plan submitted and identified as Exhibit 24 for File ZAA 3/2009, and maintained thereafter to the satisfaction of the Director of Planning, Property and Development.

3. That the Acting City Solicitor/Manager of Legal Services be requested to prepare the necessary Amending Agreement to Zoning Agreement DAZ 210/74 (By-law No. 806/74) as approved in aforesaid Recommendation 1.

4. That the Proper Officers of the City are hereby authorized to execute said Amending Agreement.

Agenda - Executive Policy Committee - July 15, 2009

Report - Standing Policy Committee on Property and Development - June 30, 2009

5. That the Acting 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.

Agenda - Executive Policy Committee - July 15, 2009

Report - Standing Policy Committee on Property and Development - June 30, 2009

DECISION MAKING HISTORY:

STANDING COMMITTEE RECOMMENDATION:

On June 30, 2009, 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 June 15, 2009, the East Kildonan-Transcona Community Committee concurred in the recommendation of the Winnipeg Public Service be concurred in with the following amendment, namely:

- Add the following new recommendation:

    "2.C. That the buildings shall be located in accordance with the plan submitted and identified as Exhibit 24 for File ZAA 3/2009, and maintained thereafter to the satisfaction of the Director of Planning, Property and Development",

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

RE: **Zoning Agreement Amendment – 60/70 Whellams Lane**
File ZAA 3/2009
[c/r DAS 15/2009, DAC 6/2009 and DAV 115953/2009D]

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

Prepared by: **Josie Marques, Senior Committee Clerk**
East Kildonan-Transcona Community Committee

Report date: **June 18, 2009**

COMMUNITY COMMITTEE RECOMMENDATION:

The East Kildonan-Transcona 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 Zoning Agreement Caveats 221077 and 1456489 under File DAZ 210/74 dated October 9, 1974 (By-law No. 806/74) be withdrawn.

2. That Zoning Agreement under File DAZ 210/74 dated October 9, 1974 (By-law No. 806/74), be replace with the following:

    A. That, 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 there shall be no vehicle access to Kildonan Drive, Essar Avenue, or Chief Peguis Trail.

    C. That the buildings shall be located in accordance with the plan submitted and identified as Exhibit 24 for File ZAA 3/2009, and maintained thereafter to the satisfaction of the Director of Planning, Property and Development.

3. That the Acting City Solicitor/Manager of Legal Services be requested to prepare the necessary Amending Agreement to Zoning Agreement DAZ 210/74 (By-law No. 806/74) as approved in aforesaid Recommendation 1.

4. That the Proper Officers of the City are hereby authorized to execute said Amending Agreement.

5. That the Acting 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 reason(s) for its recommendation:

1. There is a need in the community for this type of development.
2. There was community consultation.
3. This proposal is far better than what has previously been applied for.

PUBLIC HEARING SUMMARY

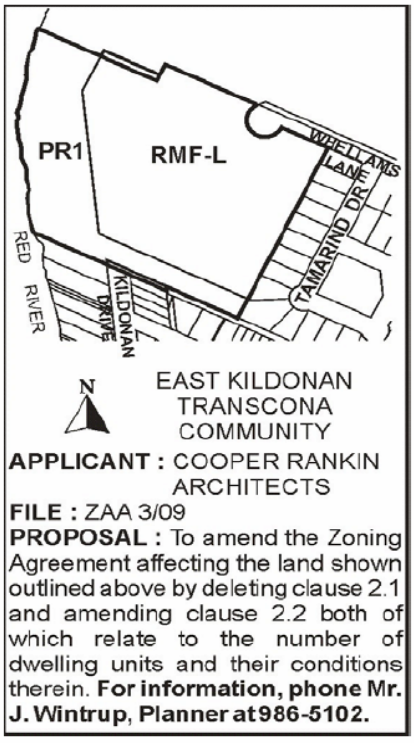
File: ZAA 3/2009
[c/r DAS 15/2009, DAC 6/2009 and DAV 115953/2009D]

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

Public Hearing: June 15, 2009
Theatre
Chief Peguis Junior High School
1400 Rothesay Street

Applicant: Cooper Rankin Architects
(Keith Rankin)

Subject:



Premises Affected: 60/70 Whellams Lane

Exhibits Filed:
1. Application dated April 22, 2009
2. Notification of Public Hearing dated May 20, 2009
3. Manitoba Status of Title 2048451

4. Letter of authorization dated April 17, 2009 from Edgewood Estates (known as Devonshire Properties Inc.) to Cooper Rankin Architects
5. Zoning Analysis dated April 17, 2009
6. Variance Order DAV 142644/2008D
7. Zoning Agreement DAZ 210/74 dated October 9, 1974
8. Zoning Agreement Amendment ZAA 23/90 dated February 13, 1991
9. Photograph of subject property
10. Plans (18 pages)
11. Report from the Planning and Land Use Division dated June 9, 2009
12. Inspection Report
13. Communication dated June 12, 2009, from Lucas and Joyce Pacey in opposition to the application
14. Communication dated June 15, 2009, from Barry and Adele Korolyk in opposition to the application
15. Sketches (2) of proposal submitted by the applicant at the public hearing in support of the application
16. Sketch (1) and site plan (1 page) of previously applied for proposal submitted by the applicant at the public hearing, in support of the application
17. Copy of waiting list for apartments, submitted by the applicant at the public hearing, in support of the application
18. Copy of Edgewood Estates – 2009 Update to the Traffic Impact Study dated June 2009, submitted by the applicant at the public hearing, in support of the application
19. Copy of real estate sales of subject neighbourhood (9 pages) submitted by Charles Chappell at the public hearing, in support of the application
20. Copy of presentation submitted by Kate M. Kehler in opposition to the application
21. Copy of presentation submitted by Graham Eagleton in opposition to the application
22. Communication undated from Frank Shalapafa, in opposition to the application
23. Communication dated June 13, 2009 from Abe G. Hyde, submitted by Kate M. Kehler at the public hearing, in opposition to the application.
24. Site plan (1 page) of proposal submitted by the applicant at the public hearing in support of the application
25. Audio Recording of representations

REPRESENTATIONS:

In Support:

Sigrun Bailey
Hazel Borys
C. L. Chappell
Karl and Audrey Felsen
Gerry Green
Irene Groening
John Ilg
David M. Katcher
William Kavanagh
Bryan Klein
Dennis and Pat Potoroka
W. Keith Rankin, Cooper Rankin Architects
Sophie Turko

In Opposition:

Ronald Albert
Nicola Alberto
Madelyn Anderson
Christian Asselin
Don and Gladys Bellamy
Loralyn Bergen
Johanna Breman
Frank and Darka Burczynski
John E. Burton
Helen Chapman
Anne DeFehr
Norm Dietrich
E. Dilello
Robert Duncan
Terry and Barb Durham
Graham Eagleton
Caroline Elder
Mr. and Mrs. M. Elyn
Rudy and Rosanna Enns
S. Edward and Phyllis Ermet
Frank and Karen Fazio
Kathie Forster
Anne Friend
Isny Gallimore
B. G. Garrioch
Audrey Gessner
Ted and Sophie Gierys
Mary Ginter
Stacie Gottfried
Harold Granke
Marie Hales
David Harris
Kim and Randy Hawkins
Ole and June Hellsten
Deb and Glen Horoshok
Abe G. Hyde
Gordon and Marion Jones
Jim Karram
Kate M. Kehler
Lydia Kehler
Shannon Kipling
Jack and Lorraine Kisil
Barry and Adele Korolyk
Jake and Rita Krahn
Bill Kubik
Randie and Janis Kushnier
Rose Lawrence
Zane and Sandra Lewkiw

Cornelius Loepp
Ismael and Lucila Lontajo
Mildred Lukowich
Lisa Mandziak
Eva Mann
Leta C. McDowell
Maria K. McMurray
Victor Meder
Eleanor Nickel
Mary Oliver
Lucas and Joyce Pacey
Karen Palanuk
Elizabeth Palmer
Anna Penner
L. Purpur
John H. Reimer
Adolf and Derrelyn Reinfort
Pearl Ring
Zenon Rosolowich
Ruthann Schadek
M. and G. Segstro
Frank Shalapafa
V. Smrekar
Terri-Lynn Strand
Rita Syposh
E. and Annette Terwisscha
Fredrick Louis and Kenji Ulrich
Alistair and Wilma Wark
Randy and Alwine Willoughby
Michael and Noreen Witt

For Information:

M. Bergen
Colin Carriere
Reimer Clausen
Barbara C. Douglas
Mae Jones
Rudolph and Louise Lage
Adeline Makowsky
Harry Tiessen

For the City:

Mr. J. Wintrup, Senior Planner, Planning, Property and Development Department
Mr. B. Buyachok, Real Property Officer, Planning, Property and Development Department

Exhibit “24” referred to in File ZAA 3/2009
[c/r DAS 15/2009, DAC 6/2009 and DAV 115953/2009D]

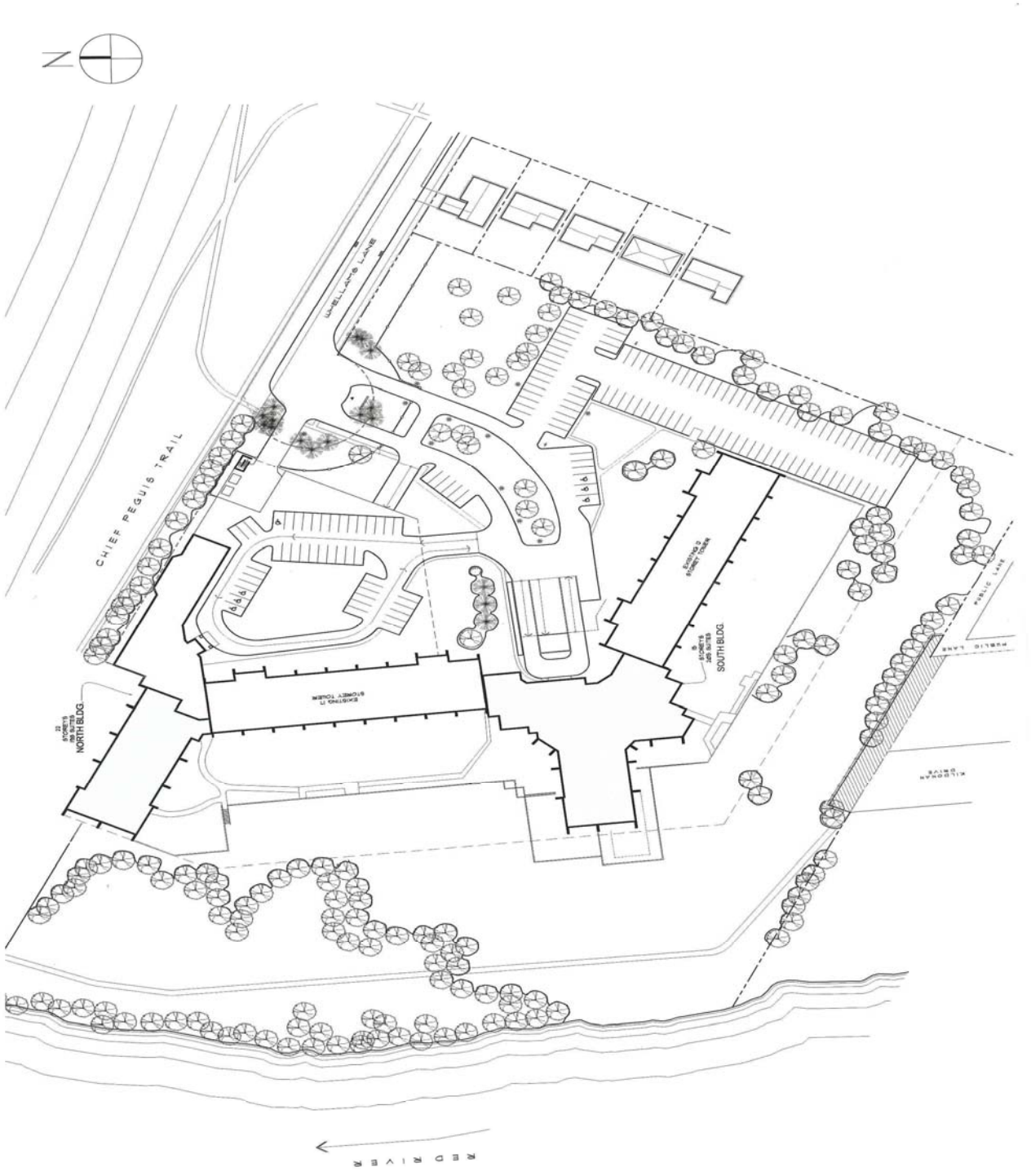


Exhibit "11" referred to in File ZAA 3/2009
[c/r DAS 15/2009, DAC 6/2009 and DAV 115953/2009D]

ADMINISTRATIVE REPORT

ISSUE: ZAA 3/2009 60 Whellams Lane Public Hearing

Critical Path: East Kildonan – Transcona Community Committee as per the Development Procedures By-law and *The City of Winnipeg Charter.*

AUTHORIZATION

Author	Department Head	CFO	CAO
John Wintrup Principal Planner	Not Applicable	Not Applicable	Not Applicable

RECOMMENDATIONS

1. That Zoning Agreement Caveats 221077 and 1456489 under File DAZ 210/74 dated October 9, 1974 (By-Law No. 806/74) be withdrawn.

2. That Zoning Agreement under File DAZ 210/74 dated October 9, 1974 (By-Law No. 806/74), be replace with the following:

   A. That, 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 there shall be no vehicle access to Kildonan Drive, Essar Avenue, or Chief Peguis Trail.

3. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary Amending Agreement to Zoning Agreement DAZ 210/74 (By-Law No. 806/74) as approved in aforesaid Recommendation 1.

4. That the Proper Officers of the City are hereby authorized to execute said Amending Agreement.

5. 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.

IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendations of the Planning and Land Use Division are concurred in, a development permit can be issued after a Site Plan is approved by the East Kildonan – Transcona Community Committee.

CONSULTATION

In preparing this Report there was consultation with:

N/A

SUBMITTED BY

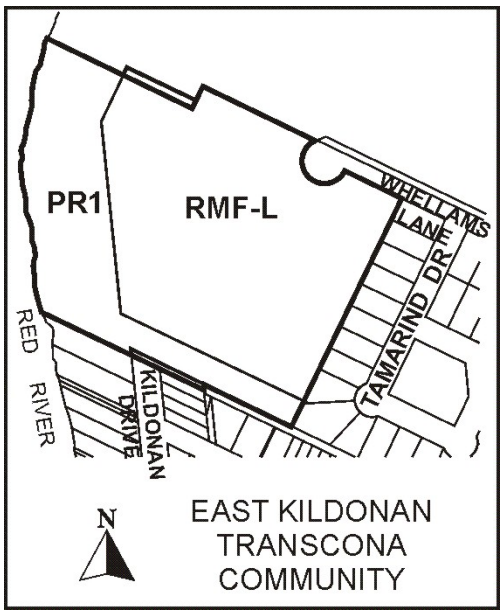
Department	Planning, Property and Development
Division	Planning and Land Use
Prepared by	John S. Wintrup
Date:	June 9, 2009
File No.	ZAA 3 / 09

APPENDIX 'A'

File: **ZAA 3 / 09**
Related Files: DAZ 210/74 (B/L 806/74); ZAA 6/07 c/r DAV 07-139164/D; ZAA 23/90 c/r DCU 248A/90 & DAV 736A/90; ZAA 20/08 c/r DAV 08-142644/D, DAOC 3/2008, ZAA 20/08; DAS 15 / 2009; DAV09-115953D; DAC 6/2009

Subject: Delete existing Zoning Agreement to allow the construction of 404 units of Multiple Family Dwellings

Location: 60 / 70 Whellams Lane
Legal Description: PCL A PLAN 16259 55/56 K



Applicant: Keith Rankine Cooper Rankine Architects
7 EVERGREEN PL SUITE 103
WINNIPEG MB R3L 2T3

Owner: DEVONSHIRE PROPERTIES INC
C/O EDGEWOOD ESTATES
60 WHELLAMS LANE WINNIPEG MB R2G 2G7

Report Summary:

- The developer has applied to construct 404 dwelling units and 430 new parking stalls.
- The dwelling units will be in two (2) multiple family dwellings, 15 and 22 storys (164 feet and 220 feet).
- This development will bring the total number of suites on the subject lands to 864 and parking stalls to 1,100.

- A Zoning Agreement from the early 1970's for this specific property restricts the land to the two existing apartment buildings and related structures.
- The RMF-L zoning for the property allows this land-use and the density.
- Traffic increases will only cause a 1-2 second additional time for vehicles moving through the Whellams Lane / Henderson Hwy intersection.
- A small piece of City of Winnipeg land (3,654 square feet) that is a portion of the Chief Peguis Trail will need to be legally closed and acquired by the Developer for the north building to be constructed.
- The existing garbage service area with access to Kildonan Dr will be relocated to a new facility in the new building, accessed from Whellams Lane.

Site Description
The subject property is 12 acres zoned RMF-L (7.9 acres) and PR-1 (4.1 acres) located south of Chief Peguis Trail, east of the Red River and at the western terminus of Whellams Lane in the Kildonan Drive neighbourhood of the North Kildonan Ward.

Adjacent properties include dwellings to the east and south zoned "R1" Residential Districts.

Surrounding properties include: to the west across the Red River, Kildonan Park / Golf Course; to the north/north-east across Chief Peguis Trail, the Red River; to the south/south-east, single family dwellings, Essar Park and the Bergen Cut-off open space.

Description of the Proposed Development
- The developer has applied to construct 404 dwelling units and 430 new parking stalls.
- The dwelling units will be in two (2) multiple family dwellings, 15 and 22 storys (164 feet and 220 feet).
- This development will bring the total number of suites on the subject lands to 864 and parking stalls to 1,100.
- The north building is at the northwest corner of the site, adjacent to the Chief Peguis Bridge and abutting the north wall of the existing 17 story building.
- The south building is located between the two existing buildings - the existing 3 story link between the two will be demolished and replaced by the 'south' building.
- The north building is 15 storys and the south building 22 storys.
- The first floor on the building is about 14 feet and the upper floors each about 9 feet.
- The elevator / mechanical room at the top is about 15 feet.
- The building's height is measured from the ground to the top of the penthouse in feet - not by the number of storys.

Proposed Density: Existing – 460 suites
20 Story – 198 suites
15 Story – 206 Suites
Total Suites 864 suites

Existing Parking: Exiting Underground – 565 stalls
Existing at-grade – 105 stalls
Total – 670 parking stalls

Proposed Parking: Exiting Underground – 565 stalls
New Underground – 376 stalls
New At-grade – 159 parking stalls

Total Parking 1,100 stalls

Handi-Cap Parking: 23 parking stalls
7 at-grade
16 under ground

Visitor Parking: 61 parking stalls.

Bicycle Parking: 50 stalls

Required Parking: 1,296 parking stalls.

Background
NORTH KILDONAN TOWN PLANNING SCHEME BY-LAW # 74
PBG 16/72

The developer was granted permission to construct 12 and 17 storey, 475 suite apartment tower development by the Committee on Environment for the lands zoned "R3B – One" Planned Building Group District under the North Kildonan Town Planning Scheme By-law No. 74, subject to the closing of the Ebony Drive right-of-way. A public hearing was not required as the Zoning by-law only required review and approval by Council as the uses and density were permitted.

DAZ 210/1974

- An application to rezone 12,500 square feet of land on the south side of the property zoned "F" Flood Plain to "R3B – One" Multiple Family Planned Building Group District was granted in 1974.
- The purpose of the rezoning was to add a small portion of land to the R3B-One district.
- Plans were submitted for approval and building permit for apartment buildings when the City Surveyor was asked to provide precise dimensions of the land.
- It was discovered that the apartment buildings would exceed the floor area to open space ratio required on the land zoned "R3B-One".
- The by-law required, at the time, that the gross floor area of the buildings on the site be surrounded by open space used only for landscaping and recreational activities.
- The lands zoned "F" Flood Plain were not included in the calculation in the usable open space as it was considered a different zoning lot though legally part of the larger property.
- Therefore, a small portion of land zoned "F" was rezoned to enlarge the R3B-One lands to ensure the 'useable open space' requirement was met.
- Though the zoning was only for 12,500 square feet of land, the owners agreed to attach a zoning agreement to 12.0 acres of land to address concerns raised by the Public Service and adjacent residents at the Public Hearing.
- The agreement:
    - Restricted development on the lands zoned "F" Flood Plain;
    - Prevent vehicular access to Kildonan Drive or Essar Avenue; and

- Limited the built form to only the 12 story and 17 story apartment buildings with related structures.

EAST KILDONAN – TRANSCONA ZONING BY-LAW # 4440/86

ZAA 23/1990

- The "F" Flood Plain lands were re-classified as "PR" Parks District; and the R3B-One District was re-classified as "RM-7"
- "PR" Parks District did not allow Multiple Family Dwelling; and the RM-7 bulk regulations allowed multiple family dwellings to a height of 11 storeys and density of 250 per acre.
- The RM-7 lands could, not withstanding the zoning agreement, be developed to a maximum of 1,974 units.
- The usable open space requirement of the former by-law was no longer a requirement.
- The applicant proposed to construct a building addition that would join the two existing apartment towers, adding 60 new units to bring the subject site to a total of 533 apartments.
- A zoning agreement amendment was required due to the limitation of allowing just the specific two apartment buildings.
- New clauses to the zoning agreement were added:
    - An additional 60 apartment units be allowed as the building form be altered.
    - That a turnaround at the end of the Kildonan Drive is facilitated and the Eassar Avenue public lane extended along the south side of the property.
    - That an easement be granted to the City across the PR lands for flood protection.
- The additional 60 apartment units did not proceed and the owner never returned the easement agreement regarding the flood protection or cause registration of a plan for the right-of-way improvements at the end of Kildonan Drive.

WINNIPEG ZONING BY-LAW 6400/94

- **"RM-7" Multiple Family District** allow a maximum building height of 100 feet, a minimum lot area of 20,000 square feet and a minimum lot area per dwelling unit (density) of 400 sq.ft per dwelling unit.
- The RM-7 is the largest multiple family district in the Zoning By-Law: variances are required for any buildings that exceed the bulk regulations as there is no zoning category to accommodate such buildings.
- The allowable density for the RM-7 lands, not withstanding the zoning agreement, is 863 units.
- By-law 6400/94 was replaced by zoning by-law 200/2006 effective March 1, 2008.

ZAA 06/2007

- The developer applied to construct a 339.6 feet (103.5 metre), 35 story, 314 dwelling multiple family dwelling with a two level 355 space parking structure on the subject land.
- This development required variances related to substandard front yard, building height, and parking - there are no variances required for density (DAV 07-139164D).
- On November 13, 2007, the East Kildonan – Transcona Community Committee did not hear any representation on the application and adjourned the Public Hearing to a meeting scheduled for Tuesday, November 20, 2007, at 6:30 p.m. in the Theatre, River East Collegiate, 295 Sutton Avenue.
- On November 20, 2007, The East Kildonan-Transcona Community Committee, in view of the letter of withdrawal from the applicant, filed the application for a Zoning Agreement Amendment.

WINNIPEG ZONING BY-LAW 200/06

- The new zoning by-law classifies this property as **"RMF-L" Residential Multiple-Family Large**.
- RMF-L Residential Multi-Family District – Large 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 150 feet.
- The minimum lot width is 25 feet and lot area 20,000 square feet.
- The minimum lot area per dwelling unit (density) is 400 sq.ft per dwelling unit.
- The allowable density for the RMF-L lands, not withstanding the zoning agreement, would **be 863 units.**

ZAA 20/2008

- The Developer applied to construct 331 dwelling units and 602 parking stalls.
- The dwelling units will be in two (2) multiple family dwellings, 15 and 21 storeys (156 feet and 221 feet).
- The buildings will be 72.2 feet apart above the main floor, which will be physically connected.
- The buildings will be located on the extreme north side of the lot adjacent to the Chief Peguis Trail and on the western edge of the Whellams Lane cul-de-sac, which will be relocated further east.
- This new development will bring the total number of units on site to 804 suites, and the total parking stalls 1,167, the Required Parking: 1,065 parking stalls.
- On November 17, 2008, The East Kildonan-Transcona Community Committee recommended to the Standing Policy Committee on Property and Development that the Zoning Agreement not be proceeded with.
- On November 25, 2008 the Standing Policy Committee on Property and Development did not concur in the recommendation of the East Kildonan – Transcona Community Committee and recommended that the Zoning Agreement proceed.
- On December 10, 2008, the applicant withdrew the application and, as such, the Executive Policy Committee indicated the item was filed.

Public Consultation

- On April 8, 2009 a series of public consultations were facilitated by Hazel Borys of *PlaceMakers LLC* regarding the possible development of additional multiple family dwellings on the subject property.
- Edgewood Residents were invited to an event from 10 am to noon at the Edgewood Estates, Rec Centre.
- Informal conversations were held for the Edgewood Residents from 2 to 3:30pm at the Edgewood Estates, Rec Centre.
- A Community meeting was held at Chief Peguis School Theater from 6 pm to 7:45 pm to engage the residents of the surrounding area in a conversation about the future of Edgewood Estates.

Analysis

ZONING BY-LAW 200/2006

- The new zoning by-law classifies this property as “RMF-L” Residential Multiple-Family Large.
- **RMF-L Residential Multi-Family District – Large** 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 150 feet.
- The minimum lot width is 25 feet and lot area 20,000 square feet.
- The minimum lot area per dwelling unit (density) is 400 sq.ft per dwelling unit.
- The allowable density for the RMF-L lands, not withstanding the zoning agreement, would be 863 units.

LAND USE BY-LAW ISSUES

- The development requires variances related to substandard front yard, building height, and landscaping the building foundation (north building) - there are no variances required for density or parking (DAV 09-115953/D).
- The variance 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.

TRANSPORTATION AND SITE ACCESS

- Primary access to the site is Whellams Lane via Henderson Hwy.
- The applicant has completed a Traffic Impact Study.
- Public Works has reviewed the Developer’s Consultant report and are in general agreement with it findings and conclusions, therefore have no objections to the Zoning Agreement Amendment.
- Among the findings and conclusions:
    - No roadwork / intersection improvements or major signal changes are suggested as result of increased Edgewood Estates traffic.
    - With 2007 traffic volumes, overall delays at the three study intersections (Chief Peguis Trail, Whellams Lane, and Springfield Road) only slightly increase by 1-2 seconds with the introduction of additional Edgewood Estate traffic.
    - Total Peak hourly generation by the proposed apartment complex is estimated at 138 vehicles per hour during the A.M. and 216 vehicles per hour during the P.M. hours.
    - The traffic generation of the existing complex is consistent with the standards for this type of land-use.
- It should be noted the average weekday daily traffic on Henderson Hwy at Whellams Lane is 42,000 vehicles.
- Public Works in coordination with the WFPS and Winnipeg Transit is requesting that the Developer reconstruct the Whellams Lane cul-de-sac to a radius of 15.25 metres to ensure Fire Trucks and Transit buses can turn around.
- A portion of the Developer’s land on the south side is currently being used by the public as an extension of the gravel lane behind the houses on Essar to get access to Kildonan Drive.

- An application has been made to legally open this land as a public right-of-way to ensure the continued connection to Kildonan Drive.

COMPATIBILITY WITH SURROUNDING USES
There are no residential buildings to the west: the Red River and Kildonan Park Golf Course is the west. There are no residential buildings to the north as a major expressway (Chief Peguis Trail) and the Red River is to the north.

SITE DESIGN ISSUES
A preliminary site plan of the buildings and parking areas has been submitted.

The north building is at the northwest corner of the site, adjacent to the Chief Peguis Bridge and abutting the north wall of the existing 17 story building.

The south building is located between the two existing buildings - the existing 3 story link between the two will be demolished and replaced by the 'south' building

Service deliveries and garbage pick-up will be relocated from the existing Kildonan Drive entry to a new serve entry directly off of Whellams Lane.

A new entry gatehouse will be constructed at the development's entrance onto Whellams Lane to enhance security.

There will be 9 suites per floor (north building) and 14 suites per floor (south building) with units ranging from 683 square feet to over 1,000 square feet.

Landscaping has been proposed around the base of the new building except on the north side where it abuts the Chief Peguis Trail.

A small piece of City of Winnipeg land (3,654 square feet) that is a portion of the Chief Peguis Trail will need to be legally closed and acquired by the Developer for the north building to be constructed.

A pathway will be constructed along the Red River to connect Kildonan Drive to the Chief Peguis Trail, facilitating pedestrian movement from North Kildonan to Kildonan Park on the west side of the Red River.

A more detailed site plan will need to be put forward as part of plan approval: a site plan submitted to the Community Committee prior to a development permit being issued. The site plan will need to contain the necessary design elements to integrate the structure and function of the proposed land-use into the surrounding community.

- *The final site plan will need to include detailed designs for the fencing, vegetation and buildings.*
- *Deciduous and coniferous trees should be used in combination to screen the parking areas and enhance the site.*
- *Sidewalk locations on the lots should orient and allow pedestrians easy and as-direct-as-possible access to public side walks.*

- *The front entrances of the buildings should be distinguished by a distinct design to highlight the prominence of the entrance with higher quality building materials, canopies, portico, windows, lighting, etc.*
- *Outside garbage containers should be fully enclosed and screened with fencing and/or vegetation; and located away from public rights-of-way and adjacent residential dwellings.*
- *Parking areas will need to be screened with fencing and/or vegetation but provide adequate, safe pedestrian walkways to access building entrances and sidewalks.*

Recommendation

The Planning and Land Use Division recommends approval.

- The number of dwelling units proposed is consistent with the zoning on the land, which has been designated 'multiple family' for over 20 years that has allowed +800 dwelling units not withstanding the zoning agreement.
- The zoning agreement that has limited the property to the 12 and 17 storey buildings is considered restrictive and was implemented over 30 years ago when North Kildonan was mainly a rural area with limited infrastructure.
- The subsequent zoning re-classifications through four (4) zoning by-laws recognise this specific property as being adequate for high density development.
- Infrastructure improvements in the last 30 years including Chief Peguis Trail to the north, allows higher density developments to now occur at this location.
- Traffic increases will not require any additional infrastructure improvements and will only cause a 1-2 second additional time for vehicles moving through the Whellams Lane / Henderson Hwy intersection.

The Division is furthering recommending that the existing Zoning Agreement be replaced with a revised agreement that can address outstanding issues:

- A clause to require the final site plan to be reviewed by the EKTCC is necessary to ensure the landscaping, fencing, building; etc addresses the concerns of the adjacent neighbours.
- A clause to restrict development on the PR-1 lands is not required since the Zoning By-law does not allow multiple family buildings to be constructed on this portion of the property.
- A clause restricting the access to Kildonan Drive and Essar Ave should be carried forward.

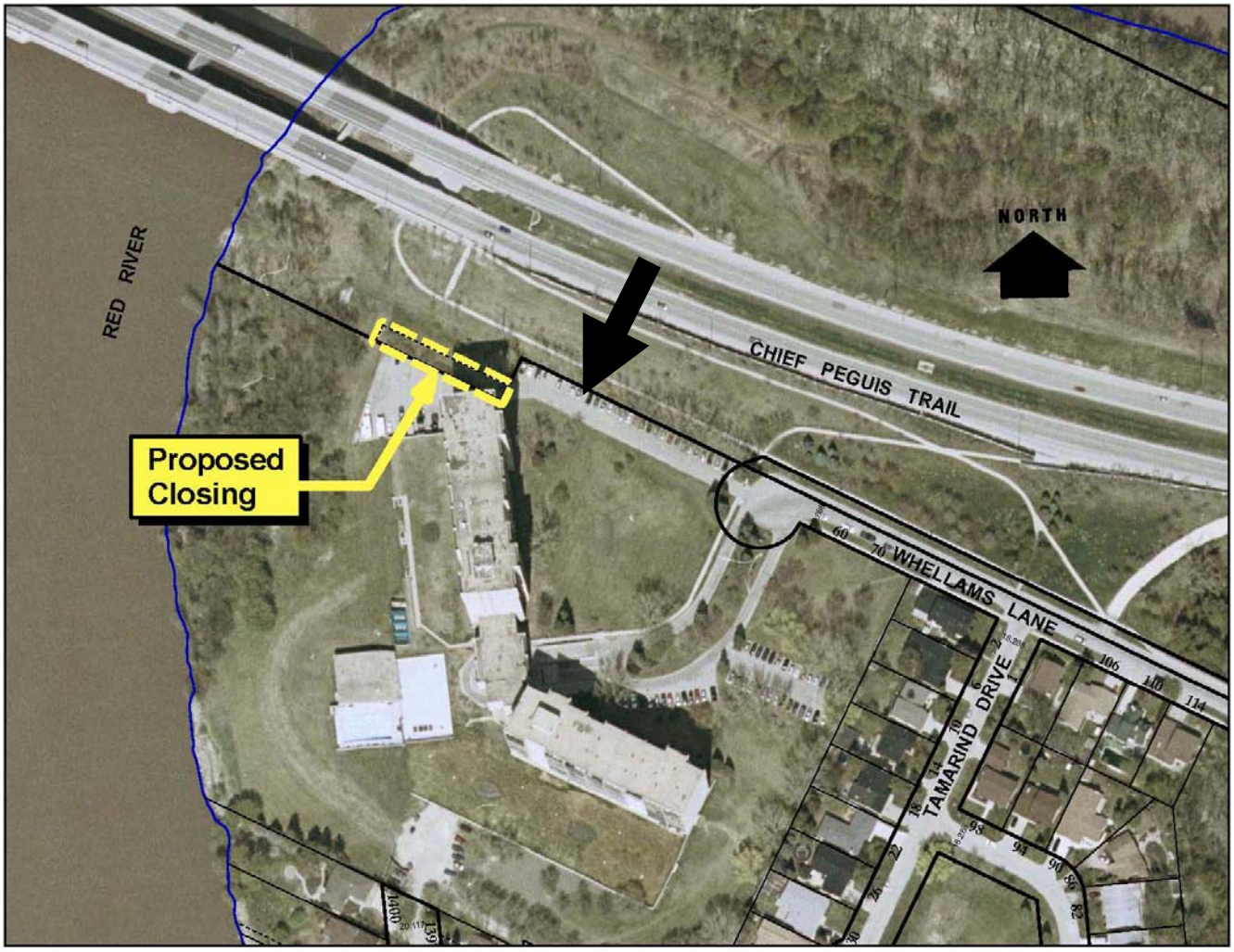


Figure 1: Air Photo of subject property and Surrounding Context.

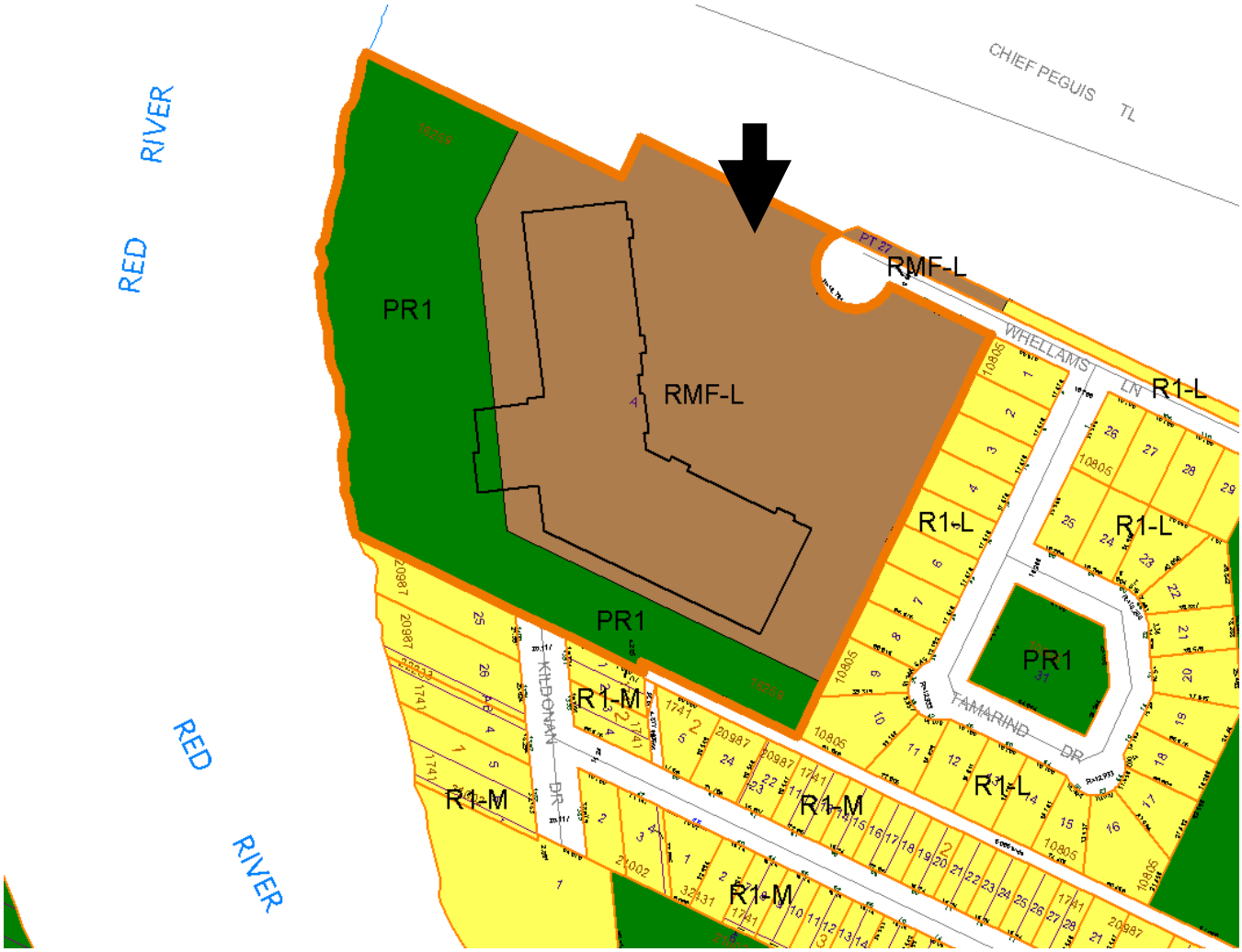


Figure 2: Zoning Map of subject property and Surrounding Context.