Minute No 494
Report - Standing Policy Committee on Property and Development – June 30, 2009

Item No. 7 **Subdivision – 60/70 Whellams Lane**
(North Kildonan Ward)
File DAS 15/2009

COUNCIL DECISION:

Council concurred in the recommendation of the Standing Policy Committee on Property and Development and adopted the following:

1. That the plan of subdivision under File DAS 15/2009 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" dated June 9, 2009, with such minor changes as may be required, and registration in the Winnipeg Land Titles Office subject to the following:

    A. That the Developer be required to enter into a Development Agreement with the City containing all the conditions outlined in Schedule "B", the report of the Administrative Coordinating Group dated May 28, 2009, as amended to reflect the intent of the following:

        i. That the cost of installing a granular trail at the rear of the property be borne by the developer.

        ii. That the cost of installing a concrete sidewalk on the south side of Whellams Lane, from Henderson Highway to the eastern intersection of Claus Bay, along the multi-family properties closest to Henderson highway, be borne by the developer.

        iii. That the value of the trees from the cul-de-sac removal be appraised and reinvested in the community.

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

3. 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.

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

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

DECISION MAKING HISTORY:

Moved by Councillor Fielding,

That the recommendation of the Standing Policy Committee on Property and Development be adopted.

Carried

Councillor Thomas asked to be recorded as having voted against the suspension of the rule in accordance with Rule 47(7) of The Procedure By-law No. 50/2007.

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On July 15, 2009, 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 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 COMMJITTEE RECOMMENDATION:

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

- Recommendation 1.A. add the following words:

  "as amended to reflect the intent of the following: .

  i. That the cost of installing a granular trail at the rear of the property be borne by the developer.

  ii. That the cost of installing a concrete sidewalk on the south side of Whellams Lane, from Henderson Highway to the eastern intersection of Claus Bay, along the multi-family properties closest to Henderson highway, be borne by the developer.

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

DECISION MAKING HISTORY (continued):

COMMUNITY COMMITTEE RECOMMENDATION (continued):

iii. That the value of the trees from the cul-de-sac removal be appraised and reinvested in the community",

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

RE: **Subdivision – 60/70 Whellams Lane**
File DAS 15/2009
[c/r ZAA 3/2009, 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 the plan of subdivision under File DAS 15/2009 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" dated June 9, 2009, with such minor changes as may be required, and registration in the Winnipeg Land Titles Office subject to the following:

    A. That the Developer be required to enter into a Development Agreement with the City containing all the conditions outlined in Schedule "B", the report of the Administrative Coordinating Group dated May 28, 2009, ***as amended to reflect the intent of the following: .***

        i. That the cost of installing a granular trail at the rear of the property be borne by the developer.

        ii. That the cost of installing a concrete sidewalk on the south side of Whellams Lane, from Henderson Highway to the eastern intersection of Claus Bay, along the multi-family properties closest to Henderson highway, be borne by the developer.

        iii. That the value of the trees from the cul-de-sac removal be appraised and reinvested in the community.

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

3. 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.

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

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. Community consultation took place to provide needed information on the proposal.
3. The proposal is far better and more sensitive to the community than previous proposals.

PUBLIC HEARING SUMMARY

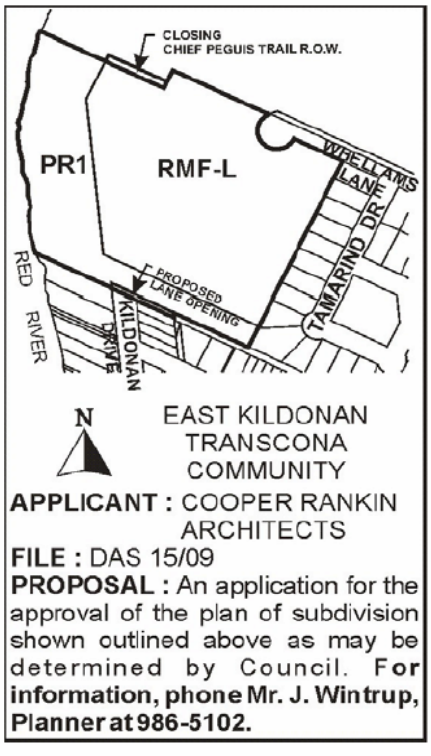
File: DAS 15/2009
[c/r ZAA 3/2009, DAC 6/2009 and DAV 115953/2009D]

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. Plans (2 pages)
10. Report from the Planning and Land Use Division dated June 9, 2009
11. Inspection Report
12. Communication dated June 12, 2009, from Lucas and Joyce Pacey in opposition to the application
13. Communication dated June 15, 2009, from Barry and Adele Korolyk in opposition to the application
14. Sketches (2) of proposal submitted by the applicant at the public hearing in support of the application
15. 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
16. Copy of waiting list for apartments, submitted by the applicant at the public hearing, in support of the application
17. 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
18. Copy of real estate sales of subject neighbourhood (9 pages) submitted by Charles Chappell at the public hearing, in support of the application
19. Copy of presentation submitted by Kate M. Kehler in opposition to the application
20. Copy of presentation submitted by Graham. Eagleton in opposition to the application
21. Communication undated from Frank Shalapafa, in opposition to the application
22. Communication dated June 13, 2009 from Abe G. Hyde, submitted by Kate M. Kehler at the public hearing, in opposition to the application.
23. Site plan (1 page) of proposal submitted by the applicant at the public hearing in support of the application
24. 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 "10" referred to in File DAS 15/2009
[c/r ZAA 3/2009, DAC 6/2009 and DAV 115953/2009D]

ADMINISTRATIVE REPORT

ISSUE: DAS 15/2009 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			

RECOMMENDATIONS

1. That the plan of subdivision under File DAS 15/2009 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" dated June 9, 2009, with such minor changes as may be required, and registration in the Winnipeg Land Titles Office subject to the following:

   A. That the Developer be required to enter into a Development Agreement with the City containing all the conditions outlined in outlined in Schedule "B" the report of the Administrative Coordinating Group dated May 28, 2009.

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

3. 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.

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

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

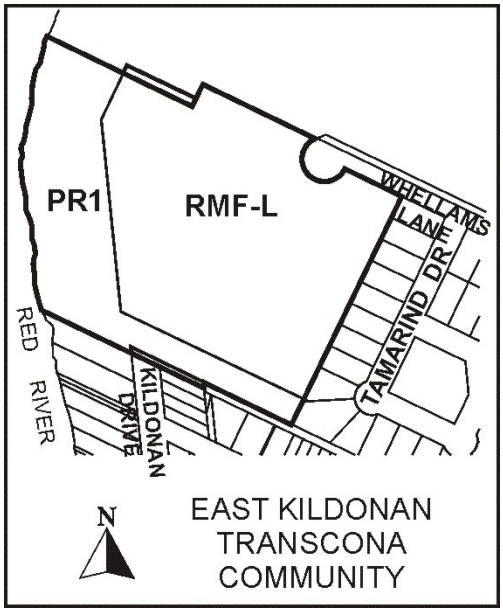
Department	Planning, Property and Development
Division	Planning and Land Use
Prepared by	John S. Wintrup
Date:	June 9, 2009
File No.	DAS 15 / 09

APPENDIX 'A'

File: **DAS 15/2009**
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; ZAA 3 / 09; DAV09-115953D; DAC 6/2009

Subject: Consolidate a closed portion of the Chief Peguis Trail right-of-way with the subject property and open a public lane.

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.

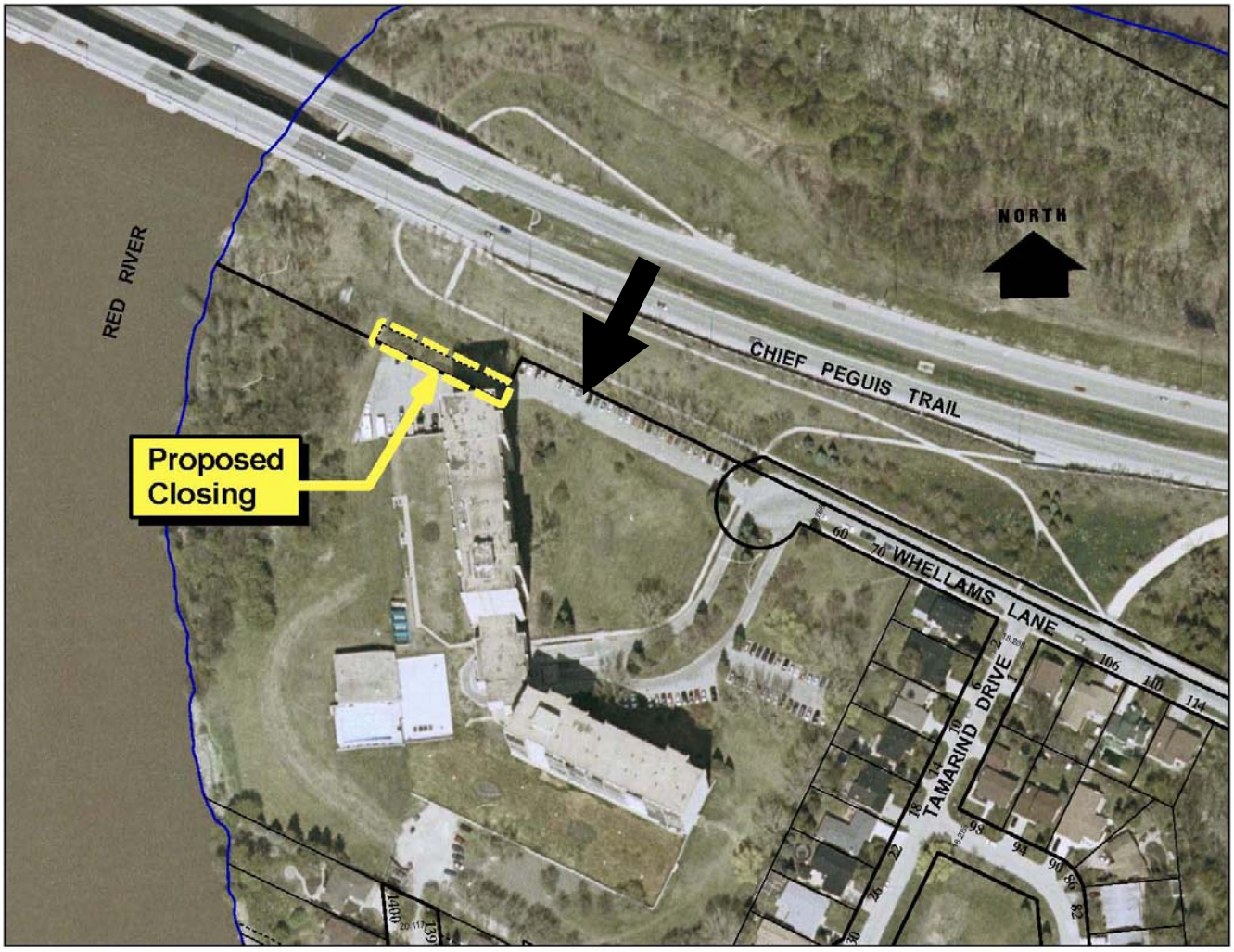


Figure 1: Air Photo of subject property and Surrounding Context.

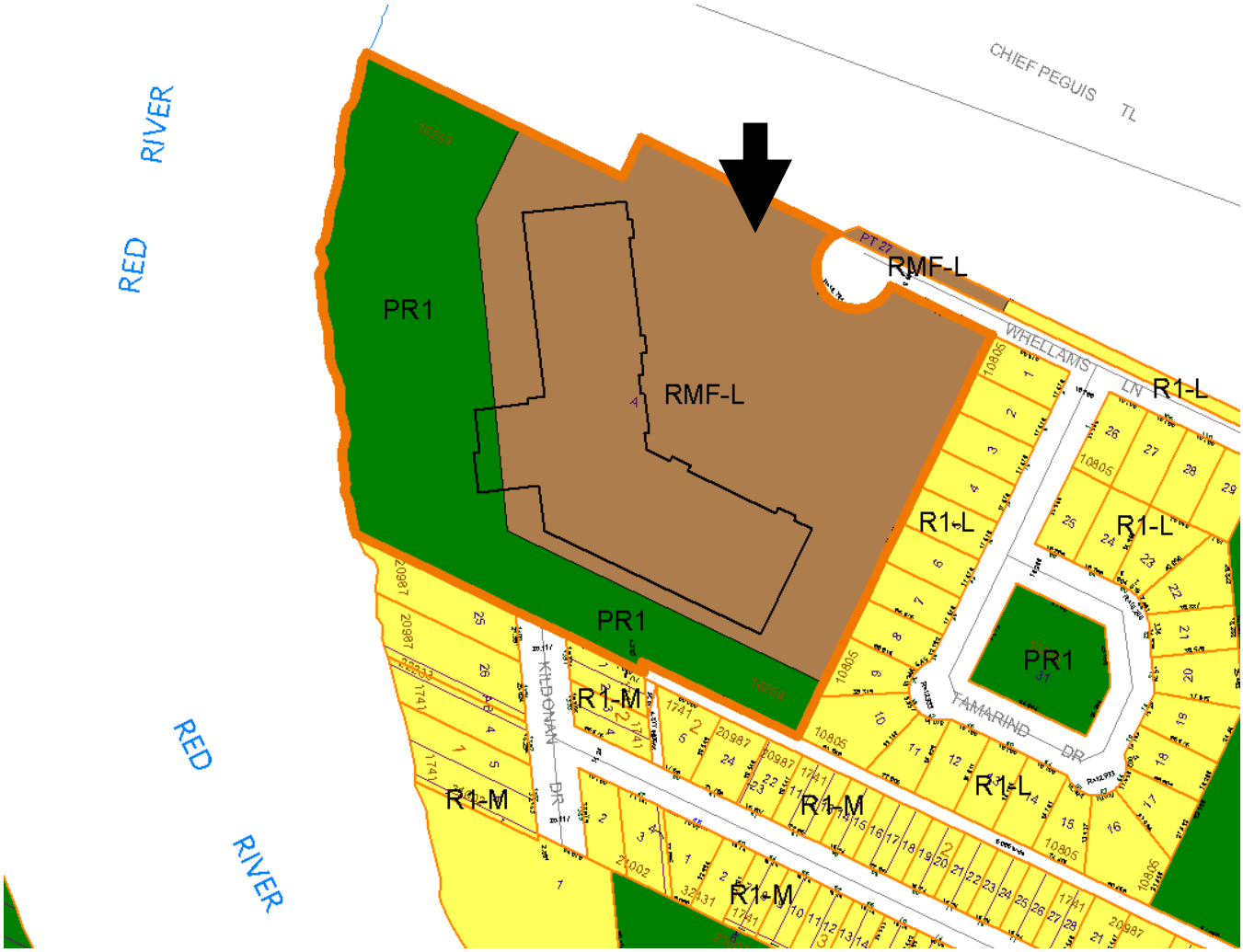


Figure 2: Zoning Map of subject property and Surrounding Context.

SCHEDULE 'A' to the report to the East Kildonan - Transcona Community Committee for File DAS 15/2009, dated June 9, 2009.

By-Law No. _____

File No. **DAS 15/09**

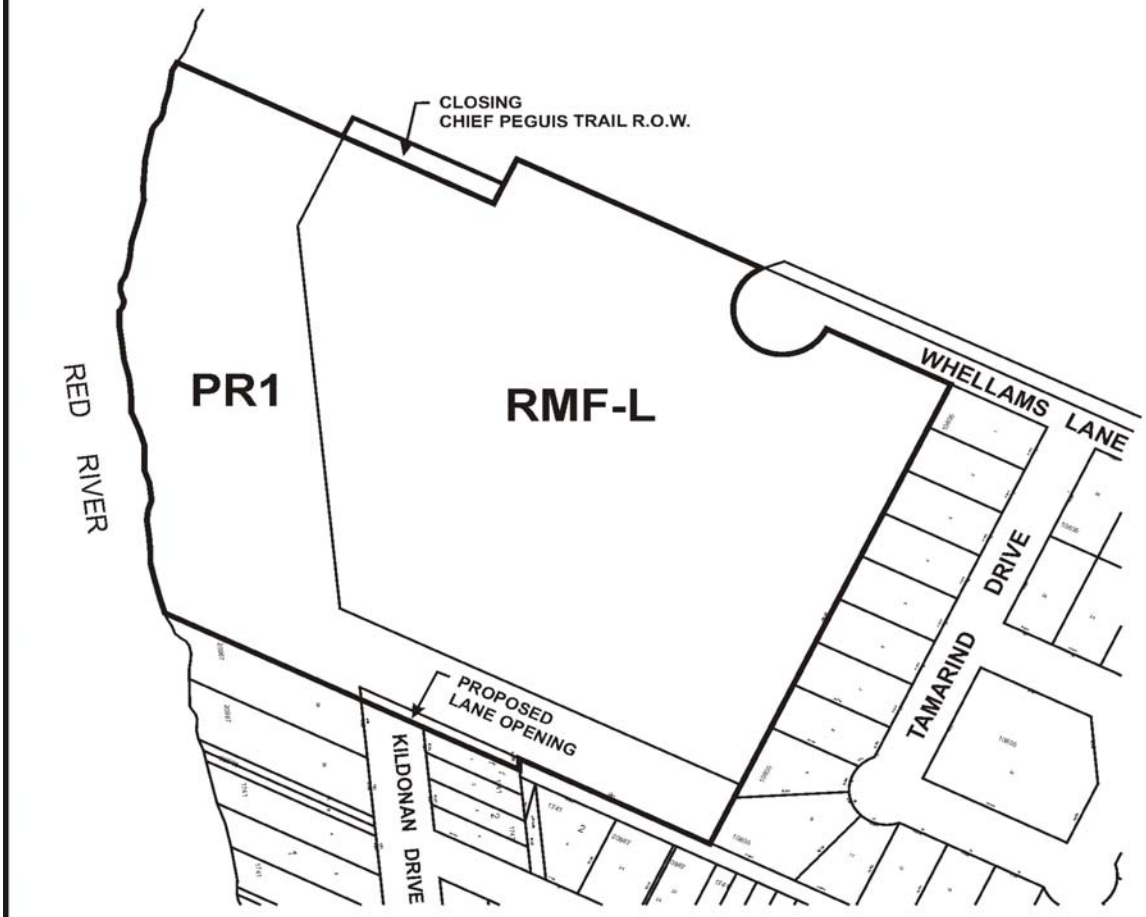
Explanation

An application for approval of the plan of subdivision shown outlined below the land located at 60/70 Whellams Lane.

Atlas Sheet No. **T28**

N

EAST KILDONAN TRANSCONA COMMUNITY



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

SCHEDULE B - REPORT OF THE ADMINISTRATIVE CO-ORDINATING GROUP

RE: DAS 15/09 – PROPOSED PLAN OF SUBDIVISION - 60/70 WHELLAMS LANE

Keith Rankin has submitted an application, on behalf of Devonshire Properties, to construct two new buildings on the site: 22 storeys (north), and 15 storeys (south).

A land exchange is proposed, whereby the Developer will receive a piece of the Chief Peguis Trail right-of-way, 174 ft long by 21.5 ft, northwest of the jog in the Developer's north property line (DAC 6/2009), in exchange for the land required to extend the public lane north of Essar Avenue from its western terminus to Kildonan Drive. Part of the proposed north building will sit in the property to be acquired from the City.

It is recommended that the approval of DAS 15/09 be subject to the following:

A. Plan Considerations

1. The proposed lane opening being configured in accordance with Cooper Rankin Architects sketch plan A.1a, dated March 19, 2009.

2. The Applicant providing and legally opening as street right-of-way property to a radius of 18.30 m to accommodate a widened cul-de-sac pavement and related works as determined by, and to the satisfaction of, the Directors of Public Works and Transit.

B. Servicing Agreement

The Developer's entering into a Servicing Agreement with the City of Winnipeg, containing the following:

1. The Developer shall grant to the City an easement for the dyking system, and shall pay all associated surveying costs.

2. The Developer shall, at no expense to the City, reconstruct the Whellams Lane cul-de-sac by constructing a 200-mm-thick portland cement concrete pavement bulb to a radius of 15.25 m; constructing a 1.5-m-wide, 100-mm-thick concrete sidewalk around the reconfigured cul-de-sac bulb; and completing all related works, including, but not limited to, any required drainage works, street-light relocation, boulevard landscaping, etc.; all as determined by, and to the satisfaction of, the Directors of Public Works and Transit.

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

construction, including landscaping, is complete, and all as determined by, and to the satisfaction of, the Director of Public Works.

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

5. The Developer shall, prior to the issuance of a building permit for either of the proposed buildings, complete the construction of the proposed active transportation trail along the riverbank, as determined by, and to the satisfaction of, the Director of Planning, Property, & Development, and the construction cost of the trail shall be credited toward the amount payable in lieu of the dedication of public open space (see Paragraph 8).

6. The Developer shall, at no expense to the City, initiate and control the regular cleanup of litter and refuse from the contractors and builders for this development, both on-site and off-site, during the installation of services and construction of buildings, until completion of all construction, as determined by, and to the satisfaction of, the Director of Public Works.

7. Following completion of all construction works, the Developer shall, at its cost, have the locations of the survey monuments within the Planned Area verified and, where the survey monuments have been disturbed, moved, covered, mutilated, or destroyed, have them replaced by a Manitoba Land Surveyor, who shall provide the Director of Planning, Property & Development with a certificate that all survey monuments within the Planned Area have been verified and/or replaced.

8. In lieu of dedication of land for public open space, the Developer shall pay to the City, prior to the release of the subdivision mylars for registration in the Land Titles Office, 8% of the appraised increase in value of the land, plus the cost of landscaping and services which it would have contributed to the City if public open space had been dedicated, minus an amount to be negotiated for the construction cost of the Parkway path along the riverbank.

9. The specific location of the parkway trail and associated fence will be determined in consultation with the City's Planning Department, and will be based on bank stability, riverbank habitat, and safety-of-access considerations, design requirements, and minimizing the impact on private property.

10. The Developer shall pay the full cost of all design services to be provided by a Consulting Engineer approved by the City for the design of the works required to serve the Planned Area, and the full cost of all construction supervision services provided on behalf of the City for field inspection, the preparation of progress estimates, the provision of as-built drawings within three months of the date of substantial completion of the work, and all other engineering consulting services related to the installation of the works required to serve the Planned Area.

11. The Developer shall pay $1,650.00 plus GST to defray the City's administration and related costs associated with the preparation and implementation of the Servicing Agreement.

THIS REPORT SUBMITTED BY:

Administrative Co-ordinating Group
File No. DAS 15/09
May 28, 2009

"original signed by S.M. Matile P. Eng."
S. M. Matile, P. Eng., Chair
Land Development Branch

"original signed by R.J. Hartmann, P. Eng."
R. J. Hartmann, P. Eng.
Public Works Department, Transportation Division

"original signed by F. C. Mazur, P. Eng."
F. C. Mazur, P. Eng.
Water & Waste Department

"original signed by D. Beaton"
D. Beaton, MLArch.
Parks, Riverbanks, & Community Initiatives Branch

/sm