Agenda – Council – October 28, 2009

Report – Executive Policy Committee – October 21, 2009

Item No. 2 Subdivision and Rezoning – Southeast corner Allegheny Drive and Dalhousie Drive
(St. Norbert Ward)
File DASZ 24/2009 [c/r DAV 143436/2009D]

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On October 21, 2009, the Executive Policy Committee concurred in the recommendation of the Riel Community Committee and submits the following to Council:

1. That the plan of subdivision under File DASZ 24/2009 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" dated September 28, 2009 with such minor changes as may be required, and registration in the Winnipeg Land Titles Office.

2. That The Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 24 /2009 dated September 28, 2009, to an "RMF-M" Multiple 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 Riel Community Committee for plan approval prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development.

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.

Report – Executive Policy Committee – October 21, 2009

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 – Executive Policy Committee – October 21, 2009

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On October 21, 2009, the Executive Policy Committee concurred in the recommendation of the Riel Community Committee and submitted the matter to Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On October 5, 2009, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service and, via the Priority Rezoning Process, submitted its recommendation to the Executive Policy Committee.

RE: **Subdivision and Rezoning – Southeast corner Allegheny Drive and Dalhousie Drive**
File DASZ 24/2009 [c/r DAV 143436/2009D]

For submission to: **Executive Policy Committee**

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

Report date: **October 6, 2009**

COMMUNITY COMMITTEE RECOMMENDATION:

On October 5, 2009, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service and, via the Priority Rezoning Process, recommends to the Executive Policy Committee:

1. That the plan of subdivision under File DASZ 24/2009 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" dated September 28, 2009 with such minor changes as may be required, and registration in the Winnipeg Land Titles Office.

2. That The Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 24 /2009 dated September 28, 2009, to an "RMF-M" Multiple 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 Riel Community Committee for plan approval prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development.

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.

The Riel Community Committee provided the following supporting reasons for its recommendation:

1. The Riel Community Committee agreed with the administrative comments contained in the report of the Planning and Land Use Division dated September 28, 2009.

2. There is a demand for this type of housing and the density and size of the proposed development is suitable for the area.

PUBLIC HEARING SUMMARY

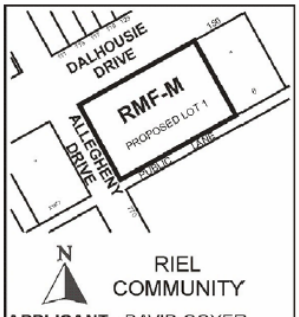
File: DASZ 24/2009 [c/r DAV 143436/2009D]

Before: Riel Community Committee
Councillor Steeves, Chairperson
Councillor Swandel

Public Hearing: October 5, 2009
Council Chamber
Council Building, 510 Main Street

Applicant: David Goyer Architecture (Brian Kemp)

Subject:



APPLICANT : DAVID GOYER ARCHITECTURE
FILE : DASZ 24/09
PROPOSAL: An application for the approval of the plan of subdivision shown outlined above as may be determined by Council and for a proposed zoning change to By-law No. 200/2006 by rezoning the land shown outlined above from an "A" AGRICULTURAL DISTRICT to an "RMF-M" RESIDENTIAL MULTI-FAMILY DISTRICT to allow for the development of a multiple family dwelling (44 units). **For information, phone Mr. J. Wintrup, Planner at 986-5102.**
DEMANDEUR : DAVID GOYER ARCHITECTURE
N° DE RÉFÉRENCE : DALZ 24/09
PROJET : Demande d'approbation par le Conseil du plan de lotissement indiqué ci-dessus et proposition de modification du Règlement municipal n° 200/2006 visant à changer le zonage du bien-fonds indiqué ci-dessus afin de le faire passer de la catégorie A (secteur agricole) à la catégorie RMF-M (secteur d'habitations multifamiliales) et de permettre l'aménagement d'une habitation multifamiliale (44 unités de logement). **Pour plus de renseignements, veuillez communiquer avec M. J. Wintrup, urbaniste, au 986-5102.**

Premises Affected: Southeast corner of Allegheny Drive and Dalhousie Drive

Exhibits Filed:

1. Application dated August 7, 2009
2. Notification of Public Hearing dated August 18, 2009
3. Manitoba Status of Titles 2344587 and 2344588
4. Letter of authorization dated July 30, 2009 from Brian Kemp to David Goyer Architecture
5. Plans (7 pages)
6. Report from the Planning and Land Use Division dated September 28, 2009
7. Inspection Report
8. Audio Recording of representations of public hearing held on October 5, 2009

REPRESENTATIONS:

In Support:

David Goyer

In Opposition

Nil

For Information:

Daywin Patel

For the City:

Mr. J. Wintrup, Senior Planner, Planning, Property and Development Department

Exhibit "6" referred to in File DASZ 24/2009 [c/r DAV 143436/2009D]

ADMINISTRATIVE REPORT

ISSUE: DASZ 24/2009 S/E corner Dalhousie Drive & Alleghney Drive -Public Hearing

Critical Path: Riel Community Committee – Standing Policy Committee on Property and Development – Executive Policy Committee - Council as per the *Development Procedures By-law* and *The City of Winnipeg Charter*.

AUTHORIZATION

Author	Department Head	CFO	CAO
D. Himbeault	n/a	n/a	

RECOMMENDATIONS

1. That the plan of subdivision under File DASZ 24/2009 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" dated September 28/09 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 24 /2009 dated September 28/09, to a "RMF-M ' Multiple 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 Riel Community Committee for plan approval prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development.

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 .

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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.

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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.

IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendations of the Planning and Land Use Division are concurred in, this will facilitate the consolidation of two (2) separate lots into a single parcel for purposes of developing a 44 unit assisted living facility.

CONSULTATION

In preparing this Report there was consultation with:

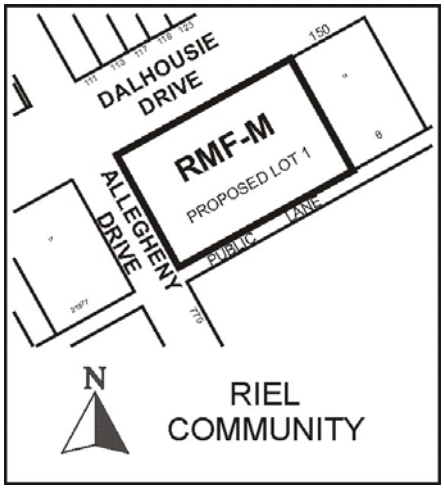
N/A

SUBMITTED BY

Department	Planning, Property and Development
Division	Planning and Land Use
Prepared by	Kevin Lalor
Date:	September 28, 2009
File No.	DASZ 24/2009

APPENDIX A

Date:	September 28/2009
File:	DASZ 24/2009
Related Files:	DAV 09 143436/D
Subject:	To consolidate two (2) separate lots into a single parcel and rezone that lot from its current "A" Agricultural District category to a "RMF-M" Multiple Family District category for purposes of developing a 44 unit assisted living facility**.**
Location:	SE Corner of Dalhousie Drive & Allegheny Drive
Legal Description:	Lot 9, Blk 6, Plan 1798 & SP Lot 18, Plan 21977



Applicant:	David Goyer Architecture
Owner:	Brian R. Kemp
Recommendation:	Approval with conditions

Site Description:



Existing Land Use & Zoning:

The subject overall property is 4/5 of an acre in size and is situated at the S.E corner of Dalhousie Drive and Allegheny Drive. It is vacant and zoned “A” Agricultural.

Surrounding Land Use & Zoning:

On the north side Dalhousie Drive is an established single family residential neighbourhood , zoned “R2” Two Family, “RMF-S” Multiple Family and “R1-L” Single Family. To the immediate east is a low density row housing complex (14 units) zoned “RMF-S” Multiple Family. To the south and separated by a lane right-of-way is a very large multiple family housing complex (several hundred apartments in thirteen separate buildings on a 7.9 acre site) zoned “RMF-S” Multiple Family. To the west is a 15, 887 sq.ft. parcel which is vacant and zoned “ A” Agricultural.

Description of the Proposed Development:

The developer is proposing, by way of subdivision, to consolidate Lots 9 & 18 into a single lot which will have a total overall area of 35,553 sq. ft. The land which is currently zoned “A” Agricultural will simultaneously have to be rezoned to a multiple family designation to allow for the establishment of an forty –four (44) unit assisted living facility. The proposed building will be

47’ above grade (four stories) and each dwelling unit will be in excess of 800 sq. ft. The main floor level will have 8 suites, a main dining room, kitchen and general activities area. Levels two through four will each have a total of 12 suites; all suites are designed to have large exterior balconies. Primary access to the main surface parking area on the east side of the proposed building is via Dalhousie Drive. That paved parking lot area is to provide fifteen (15) stalls; a secondary parking area off the rear lane will provide an additional ten (10) stalls. Extensive landscaping is planned for the front of the building (trees and scrubs) with lesser levels planned for the east and south side yards.

Analysis:

The Planning and Land Use Division is of the view, that the subject site is a suitable location for an assisted living facility, particularly at the scale indicated. The proposed forty –four unit facility is relatively will not generate much in the way of traffic and is a comparatively small scale development relative to several of the adjoining multiple family complexes. It is also appropriately sited adjacent to a heavily used traffic corridor, allowing for direct access for not only tenant and customer vehicles but also emergency vehicles. The type of use and the suggested scale of that use, would suggest that there should be minimal, if any impact on adjoining existing uses. However, it is or opinion that, in order to mitigate potential impact on the neighbouring complex to the east (at 150 Dalhousie Drive), a 4’ high solid wood fence should be constructed along the east property line. In addition it is suggested that additional landscaping, specifically 4 more amur maple, be inserted midway along the east property line. The aforementioned fence and landscaping detail to be reflected in the final Plan Approval referenced in the accompanying Zoning Agreement.

Recommendation:

The Planning and Land Use Division recommends approval of the proposed rezoning and subdivision for the following reasons:

- The proposed use is appropriately sited and is of a scale that will not have any noticeable adverse effect on the surrounding neighbourhood.

This Report Submitted by:
Planning, Property and Development Department
Planning and Land Use Division

Report Prepared by: Kevin Lalor
PPD File # .615

Schedule “A” for File No. DASZ 24/09, Riel Community Committee, dated September 28, 2009.

By–Law No. _____

File No. **DASZ 24/09**

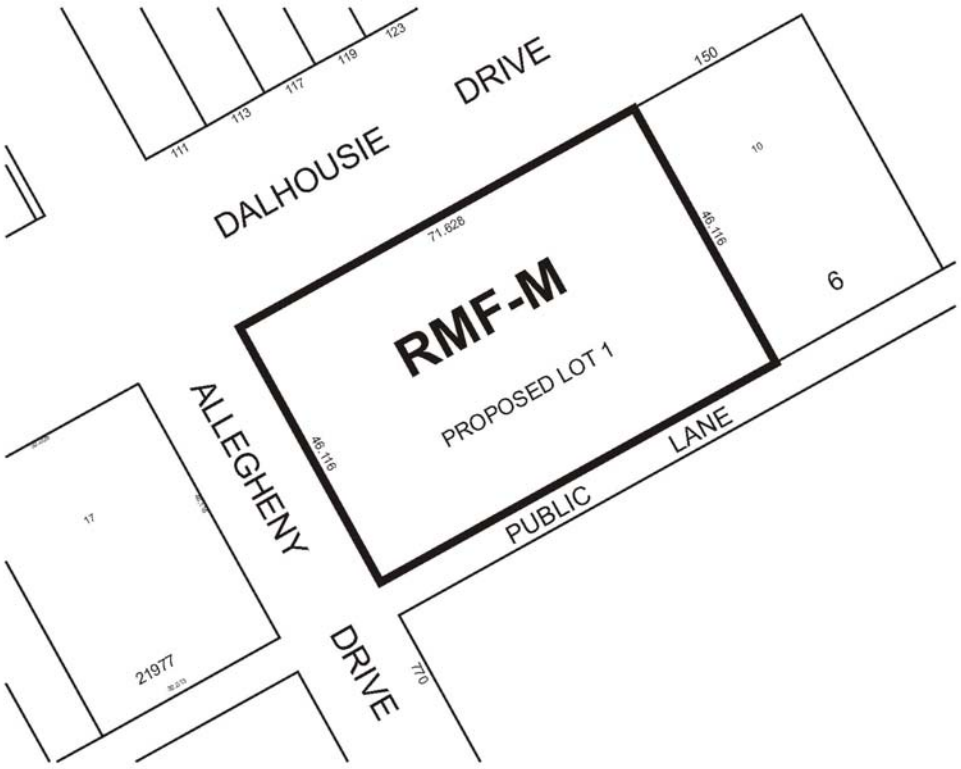
Atlas Sheet No.

N

AL24
RIEL
COMMUNITY

Explanation

An application for the approval of the plan of subdivision shown outlined below and for a proposed zoning change to By-law No. 200/2006 by rezoning the land located at the SE Corner of Allegheny Drive & Dalhousie Drive from an "A" AGRICULTURAL DISTRICT to an “RMF-M" RESIDENTIAL MULTI-FAMILY DISTRICT as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____