Minute No. 114
Report - Standing Policy Committee on Property and Development – December 3, 2009

Item No. 7 **Subdivision and Rezoning – former Railway Right-of-Way north of Corydon Avenue, south of Kingsway between Lockwood Street and Grosvenor Avenue**
(River Heights-Fort Garry Ward)
File DASZ 14/2009

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 proposed under File DASZ 14/2009 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 14/2009 dated September 1, 2009, for registration in the Winnipeg Land Titles Office subject to the following:

    A. That the Developer be required to enter into a Servicing Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated August 19, 2009.

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 14/2009 dated September 1, 2009 to an "RMF-S" Residential Multi-Family District and a "C1" Commercial 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 final plans showing the location and design of all buildings, private approaches, parking areas, fencing, landscaping, pathways, signage, and site lighting shall be submitted to and approved by the City Centre Community Committee and the Director of Planning, Property, and Development 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 total density shall not exceed 62 units;

Report - Standing Policy Committee on Property and Development – December 3, 2009

COUNCIL DECISION (continued):

iii. That the height of any building on the "C1" zoned lands shall not exceed thirty-five (35) feet.

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 and the creation of additional lots.

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 execution by the City of Winnipeg of the Development Agreement..

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 two (2) years 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 in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twenty-four (24) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

11. 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 – December 3, 2009

DECISION MAKING HISTORY:

Moved by Councillor Steeves,

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

The motion to adopt the item was put.

Councillor Gerbasi called for the yeas and nays, which were as follows:

Yea: His Worship Mayor Katz, Councillors Browaty, Clement, Fielding, Nordman, O'Shaughnessy, Pagtakhan, Steeves, Swandel, Wyatt and Lazarenko. 11

Nay: Councillors Gerbasi, Orlikow, Smith, Thomas and Vandal. 5

and the motion for adoption of the item was declared carried.

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On December 9, 2009, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development, and did not concur in the recommendation of the City Centre Community Committee, and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On December 3, 2009, the Standing Policy Committee on Property and Development did not concur in the recommendation of the City Centre Community Committee, concurred in the recommendation of the Winnipeg Public Service, and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On November 3, 2009, the City Centre Community Committee did not concur in the revised recommendation of the Winnipeg Public Service, dated October 27, 2009, and recommended the application for subdivision and rezoning under File DASZ 14/2009 be rejected, and forwarded the matter to the Standing Policy Committee on Property and Development.

On September 8, 2009, the City Centre Community Committee adjourned the public hearing to its meeting on November 3, 2009.

RE: **Subdivision and Rezoning - former Railway Right-of-Way north of Corydon Avenue, south of Kingsway between Lockwood Street and Grosvenor Avenue**
File DASZ 14/2009 [c/r DAV 115232/2009D]

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

Prepared by: **Ms Josie Marques, Senior Committee Clerk**
City Centre Community Committee

Report date: **November 4, 2009**

COMMUNITY COMMITTEE RECOMMENDATION:

On November 3, 2009, the City Centre Community Committee did not concur in the recommendation of the Winnipeg Public Service and recommends to the Standing Policy Committee on Property and Development that the application for subdivision and rezoning under File DASZ 14/2009 [c/r DAV 115232/2009] be rejected.

The City Centre Community Committee provided the following supporting reason(s) for its recommendation:

1. The size of the lanes will pose a safety concern when vehicles back into and out of the garages.

2. The density of the development is not consistent with the area.

3. The lack of green space is not consistent with the character of the neighbourhood.

4. There was no traffic impact study done.

5. The proposal involves lanes which lack gutters creating a potential for flooding.

6. There is no on-street parking for visitors.

7. The lack of boulevards complicates snow ploughing and storage.

8. The pathway proposed is not a public sidewalk and could result in issues of access because of snow storage and drainage.

9. There is significant opposition from the community to the proposed development.

PUBLIC HEARING SUMMARY

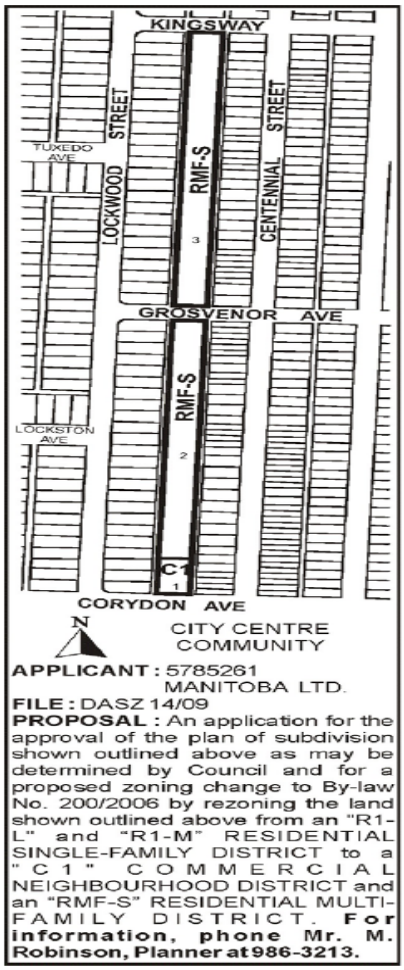
File: DASZ 14/2009 [c/r DAV 115232/2009D]

Before: City Centre Community Committee
Councillor Gerbasi, Chairperson
Councillor Orlikow

Public Hearing: November 3, 2009
September 8, 2009
Council Chamber
Council Building, 510 Main Street

Applicant: 5785261 Manitoba Ltd. (Myles Kraut)

Subject:



Premises Affected: former Railway Right-of-Way north of Corydon Avenue, south of Kingsway between Lockwood Street and Grosvenor Avenue

Exhibits Filed:

1. Application dated April 21, 2009
2. Notification of Public Hearing dated July 21, 2009
3. Manitoba Status of Title(s) 2343909 and 2343911
4. Revised Plans (8 pages)
5. Report from the Planning and Land Use Division dated September 1, 2009
6. Inspection Report
7. Communication dated September 8, 2009 from Ruth B Z Thomson, in opposition to the application
8. Communication dated September 8, 2009 from Heather Van Leusden, in opposition to the application
9. Communication dated September 8, 2009 from Kathryn Smith and Robert Parent, in opposition to the application
10. Communication dated September 8, 2009 from Bernice McDonald, in opposition to the application
11. Communication dated September 8, 2009 from Lori Blande, in support of the application
12. Centennial Park Artist's Rendering (12 pages) submitted by applicant at the public hearing in support of the application
13. Presentation dated September 8, 2009, submitted by David Palubeski, President, Lombard North Group (1984) Ltd., in opposition to the application
14. Petition in opposition to the application purporting to contain the signatures of 31 area residents, submitted by David Palubeski, President, Lombard North Group (1984) Ltd.
15. Audio Recording of representations of public hearing held on September 8, 2009
16. Notice of Adjournment dated September 10, 2009
17. Communication dated September 11, 2009 from Georgie Clark, in support of the application
18. Communication dated September 9, 2009 from Robert Johnson, in opposition to the application
19. Communication dated September 21, 2009 from Lombard North Group (1984) Ltd. with respect to the application
20. Communication dated October 9, 2009 from Karma Development Corporation, with respect to the application
21. Communication dated September 28, 2009 from Celia Wilson, in opposition to the application

22. Communication dated September 28, 2009 from Elayne Lynds, in opposition to the application
23. Communication dated September 28, 2009 from Henry and Mary-Anne Wiebe, in opposition to the application
24. Communication dated October 21, 2009 from Arthur and Doreen Beals, in opposition to the application
25. Revised Report from the Planning and Land Use Division dated October 27, 2009
26. Communication dated November 3, 2009 from Wendy Raths, in opposition to the application
27. Presentation dated November 2, 2009, submitted by David Palubeski, President, Lombard North Group (1984) Ltd., in opposition to the application
28. Petition in opposition to the application purporting to contain the signatures of 92 area residents, submitted by David Palubeski, President, Lombard North Group (1984) Ltd.
29. Audio Recording of representations of public hearing held on November 3, 2009

REPRESENTATIONS:

In Support:

Lori Blande
John G. Edge
Marc Kipnes
Myles Kraut, 5785261 Manitoba Ltd. / Karma Development Corporation
I. Kraut
Louise Gillman
Dr. Charles Littman and Alanna Littman
Brian Murray
Barry Greenberg and Monica Newman
Nicole Rexer
Ernie Walter
Yaron Walter

In Opposition

Elwin and Gail Ballantine
Arthur Beals
Jeff Belisle
Ruth Bonneville
Ron Brooks
Marie Buchok
Billy and Olivia Casselman
Lois Celentino
Gregory Clarke
Gerald Comeault
Jyotsna Dave
Victor Diduch and Jen Dedelley
Ryan and Tiffany Dodds
Phyllis Doran
Bryce Dudar
Donald and Patricia Duncan
Stephen Fedun
Fred and Shirley Gering
Andrea Wilkie Gilmore
Colin Gilmore
Joe and Eve Guest
Paul Hildahl
George Jackimec
David and Johanna Kababie
Walter and Donna Klassen
Ken Klassen
James Kosteck
Reg, Karen and Jared Kozub
Elizabeth Kovacs
Erika Kreis, Matt Lowe and Miranda Gangan
Alma Lobban
Anna - Maria MacMahon
Gail Mahler
Bernice McDonald
Duncan McGregor
Lubomyr Melnyk
James Miller
Jason Moder
Clarence H. Mollons
Brian and Shirley Murray
Wayne A. and Laura Anne Murray
Viktor Narynskyyi

Jorge, Humberto, Jose and Roselia Orellana
Dave Palubeski and Chris Baker on behalf of Lombard North Group
Anthony Parke
Jorge and Edi Papadopolo
Harold Peters
Joe Remus
Richard C. Robson
Phyllis Ann Rodych
Sean Ross
Edward G. Sapacz
Alex Schorn
Dale and Mary Beth Shields
Brian M. Smith
Kathryn Smith and Robert Parent
Andrew Spencer
Michael Smith and Marnie Loewen
Juan and Moria Sumora
Ruth B Z Thomson
Wilhelm Treidler
Heather Van Leusden
Kenneth R. and Violet Walsh
Henry and Mary-Anne Wiebe
Raymond Wiebe

For Information:

Phyllis Barich
Carol Carbert
Fred Curry
Valerie Sander
Marion and Dennis R. Simpson
Kevin Wynnne

For the City:

Ms S. Matile, Land Development Engineer, Planning, Property and Development Department
Mr. M. Robinson, Senior Planner, Planning, Property and Development Department

Exhibit "25" referred to in File DASZ 14/2009 [c/r DAV 115232/2009D]

ADMINISTRATIVE REPORT

ISSUE: **DASZ 14/09 - Subdivision and Rezoning**
Former CNR Oak Point Line ROW
North of Corydon/South of Kingsway

Critical Path: **City Centre Community Committee**

Revised report **(for new information, see italics and Appendix G)**

AUTHORIZATION

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

RECOMMENDATIONS

1. That the plan of subdivision proposed under File DASZ 14/2009 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 14/2009 dated September 1, 2009, for registration in the Winnipeg Land Titles Office subject to the following:

    A. That the Developer be required to enter into a Servicing Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated August 19, 2009.

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 14/2009 dated September 1, 2009 to an "RMF-S" Residential Multi-Family District and a "C1" Commercial 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 final plans showing the location and design of all buildings, private approaches, parking areas, fencing, landscaping, pathways, signage, and site lighting shall be submitted to and approved by the City Centre Community Committee and the Director of Planning, Property, and Development 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 total density shall not exceed 62 units;
iii. That the height of any building on the "C1" zoned lands shall not exceed thirty-five (35) feet.

9. 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 and the creation of additional lots.

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

11. 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.

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

13. That the subdivision section of the by-law shall come into force and effect upon execution by the City of Winnipeg of the Development Agreement..

14. 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.

12. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within two (2) years 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.

13. That in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twenty-four (24) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

14. 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 application is approved, the subject lands will be rezoned in accordance with the Schedule "A" map and a development permit issued upon approval of a site plan by the City Centre Community Committee and the Director of Planning, Property and Development.

CONSULTATION

In preparing this Report there was consultation with:

Public Works
Water and Waste

SUBMITTED BY

Department: Planning, Property, and Development
Division: Planning and Land Use
Prepared by: M. Robinson, Senior Planner
Date: October 27, 2009
File No. DASZ 14/2009

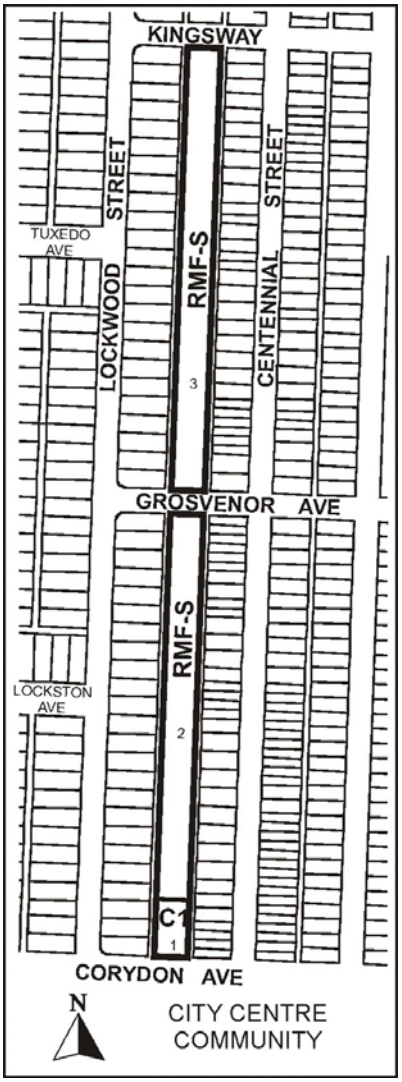
Appendix A	Administrative Report
Appendix B	Schedule "A"
Appendix C	Schedule "B" – Report of the Administrative Coordinating Group
Appendix D	Aerial Photograph
Appendix E	Design Guidelines
Appendix F	Minimum Densities
Appendix G	Councillor Orlikow's Questions

Appendix A

Date: October 27, 2009
Related Files: DAV 09-115232/D

Subject: Application to rezone the subject lands from a "C1" Commercial District, a "R1-L" Single-Family Residential District and a "R1-M" Single-Family Residential District to a "C1" Commercial District and a "RMF-S" Residential Multi-Family District for the purposes of constructing a commercial building and sixty two (62) bungalow condominiums

Location: See map
Legal Description: BLOCK 25/26; PLAN 1538 60/61 ST B
Proposed Lots 1 and 2, DASZ 14/09; Block 26, Plan 1538



Applicant: 5785261 MANITOBA LTD (Myles Kraut)
6885 ROBLIN BLVD
HEADINGLEY MB R4H 1A2

Owner: Same

Recommendation: Approval

Site Description
The subject property, which is zoned "C1" Commercial District, "R1-L" Single-Family Residential District, and "R1-M" Single-Family Residential District, is located north of Corydon Avenue and south of Kingsway, between Centennial and Lockwood Streets in the River Heights neighbourhood of the River Heights-Fort Garry ward.

North: Vacant land zoned "R1-M" and "R1-L" Single-Family Residential District
South: Vacant land zoned "C1" Commercial District and multiple-family housing (under construction) zoned "RMF-S" Multiple-Family District
East: Residences zoned "R1-M" Single-Family Residential District and commercial use zoned "C1" Commercial District
West: Residences zoned "R1-L" Single-Family Residential District and commercial use zoned "C1" Commercial District

1.1 Background

Annotated Chronology of the Oak Point Subdivision Railway land

- *The CN Oak Point branch line connected the CN mainline with the St. James industrial area. The line has been abandoned and portions of the right-of-way north of the Assiniboine River have been redeveloped for commercial uses, including the new Future Shop and Canadian Tire stores on the west side of St. James street.*

- *The City had been negotiating with CN to acquire the right-of-way: possible uses included a linear park/bike path and/or a transit corridor. The transit corridor was not a popular proposal with adjacent residents. CN decided to sell their lands on the open market.*

September, 2002
- *DASZ 7/2002 ((c/r DCU 155/2002D,DAV 574/2002D, DAV 575/2002D, DAV 576/2002D, DAV 577/2002D))*
- *Public hearing at City Centre Community Committee for the establishment of single-family dwellings along that portion of the former railway line from Academy Road to Taylor Avenue, with some commercial development at intersecting regional streets.*
- *From Academy to Kingsway: the developer proposed to develop a 12,000+ square foot "C1" commercial site on the south side of Academy with 16 single-family lots generally ranging between 4,370 square feet to 4,965 square feet in area, compared to the by-law requirement of 4,000*
- *square feet.*

- *From Kingsway to Corydon: the developer proposed to establish 35 single-family lots between Kingsway and Corydon ranging between 4,450 square feet and 5140 square feet, creating 17 lots between Kingsway and Grosvenor, and 18 lots between Grosvenor and Corydon*
- *On September 10, 2002, the City Centre Community Committee did not concur in the administrative recommendation, and recommended that the plan of subdivision and zoning change proposed under File DASZ 7/2002 not be proceeded with.*
- *On December 11, 2002, Council Council concurred in the recommendation of the Standing Policy Committee on Property and Development that the plan of subdivision and zoning change proposed under File DASZ 7/2002 not be proceeded with.*

December 11, 2002
- City Council voted to refer a motion to Standing Policy Committee on Property and Development to pursue acquisition of the Oak Point Subdivision lands between Academy Road and Taylor Avenue.

February 6, 2003
- City Council voted to file the above motion without further action.

Post 2003
- *Several pieces of the CNR Oak Point Subdivision railway south of the Assiniboia River have been developed or have been approved for commercial and multiple family developments including:*
    - *DASZ 23/2003 at 550 Kenaston Boulevard (former CN rail right-of-way south of Grant Avenue and north of Mather Avenue) that has been sold to Loblaw Properties Inc.*
    - *DAZ 235/2004 at 1535 Wellington Crescent (former CN rail right-of-way including the bridge over Assiniboine River between Wolseley Avenue and Academy Road) that has been sold to Stechesen Katz Architects ;*
    - *DASZ 15/2004 (former CN rail right-of-way vacant land located north of Taylor Avenue, south of Mathers Avenue and Boulton Bay*
    - *DASZ 23/2006 at 1800 / 1810 Corydon Avenue (former CN rail right-of-way south of Corydon Avenue and north of John Brebeuf Place) that has been sold to 2862647 Manitoba Ltd.*

1.2 Description of the Proposed Development

Overview

The applicant seeks zoning approval to develop the former Oak Point Subdivision lands from Corydon Avenue south to Kingsway Avenue, as follows:

- Two (2) storey, ± 8,000 sq ft commercial building fronting onto Corydon Avenue
- 62 bungalow condominium units with alternating access on the public lanes behind Centennial and Lockwood Streets.

Development Description

Units

The bungalow condos are attached in rows of 4-6 units. They are all one-storey units, ranging in size from ±1,000 sq ft up to ±1,202 sq ft

Pathway

The development includes a pathway which meanders through the development, from Corydon to Kingsway. The pathway will be hard surfaced and designed to the City of Winnipeg's Accessibility Design Standards, and will provide a way for people to move through the development without having to walk on the public lane. The pathway will be open to the public, although it is not a public sidewalk – meaning that the City of Winnipeg is not responsible for maintaining it.

Public Lanes

The developer will be responsible for widening both public lanes from the existing 16 feet to 24 feet. *A standard residential lane is a 6.25 metre (20.5ft.) right-of-way with a 5.0 metre (16.4ft.) pavement. Standard local residential streets are typically a pavement and right-of-way widths of 7.5 (24.6 feet) and 18.0 metres (59.0 feet), respectively.* In addition, Public Works has recommended that reconstruction of the lanes may be required, in the event that the existing lane is not in a condition suitable to accommodate the widening (TBD at a later date by Public Works). The land for the widening will come from the applicant's property, and will be dedicated to the City as public right of way.

Building Design

The applicant has indicated that each unit will have a unique façade treatment (colours, finishing materials) and there will be variation in exterior features such as the porches, rooflines, and windows in order to provide visual interest. Detailed elevations of the facades will be required as a condition of final plan approval.

Parking

Each unit will have 1-2 parking stalls at the rear of their property. In addition, there is guest parking provided off the back lane. The development will provide 2.2 parking stalls per unit, on average, which is higher than the Zoning By-law requirement of 1.5 parking stalls per unit, for multi-family development.

Fencing

There will be no fencing in the proposed development. It will be completely open and integrated into the River Heights community.

Landscaping

The applicant has indicated that they will be planting the equivalent of 8-10 trees per door in the development. A detailed landscape plan, prepared by a landscape architect, showing the landscaping of all residential buildings, open spaces, and commercial areas, will be required as a condition of final plan approval.

Commercial site
The applicant seeks approval to rezone the frontage on Corydon Avenue to "C1" Commercial for the purpose of constructing a two storey commercial building. The tenants of the building have not been identified at this time but could include retail on the first floor and office uses on the second floor. Adequate parking is being provided for retail and office uses.

Servicing
The development will connect to City water and sewer services. All storm water will be collected in underground catch basins and will be recycled for irrigation and other use.

1.3 Analysis

Residential Development
Overview
The subject land has been vacant for some time and is in private ownership. Consequently, as it stands, residential development, in the eyes of the Planning and Land Use Division, is the best and most sustainable use of the land.

Further to that, given the site constraints (access, width of land) and servicing that will be required for this land, a row home style condominium development appears to be an appropriate development response.

Over the course of three public open houses, the public indicated various concerns with multi-family development on the subject lands. These concerns were valid and justified.

The Division believes that this proposal, through many modifications over the last several months, is addressing most of these concerns. Some of the key concerns were as follows:

Access and traffic
There were concerns about the new development adding an excessive amount of additional traffic onto the existing narrow lane and hindering the ability of people to back out of their driveways safely.

The applicant has agreed to widen both public lanes from 16 feet to 24 feet wide. This would allow for a pavement width of 20 feet and 4 feet of additional ROW.

In addition, the units split rear access between the Centennial and Lockwood back lanes, by alternating the orientation of each building, so that traffic is equally distributed to both sides.

Lockwood	
Between Corydon and Grosvenor	23 garages
Proposed Development	**16 garages**
Between Grosvenor and Kingsway	24 garages
Proposed Development	**16 garages**

Centennial	
Between Corydon and Grosvenor	24 garages
Proposed Development	**12 garages**
Between Grosvenor and Kingway	28 garages
Proposed Development	**18 garages**

The result will be fewer garages per back lane than a typical back lane in River Heights, where there is an equal distribution of homes on both sides of the lane.

Consequently, the widened lane and split rear access are measures which are intended to address the concerns about traffic and circulation in the lane.

Height
Many homes on Centennial and Lockwood are bungalows and many residents feel that two-storey and higher buildings would be out of scale with the area as well as negatively impact privacy and site lines. Consequently, the proposed units are all bungalows, in keeping with the character of the neighbourhood.

Fences
There was a concern about fences blocking site plans, becoming a target for graffiti, limiting space for snow storage, and becoming broken and unsightly from snow plows and cars backing into them. As such, the development has been designed in a way that it is completely integrated into the neighbourhood – eliminating the need for any fencing in the front yards.

Parking
Spillover parking into adjacent residential neighbourhoods should be avoided. To that end, as previously mentioned, there will be 2.2 parking stalls per unit, on average, which is higher than the Zoning By-law requirement of 1.5 parking stalls per unit, for multi-family development.

Design
Design issues are very important and as previously mentioned, the developer has indicated that each unit will have a unique façade treatment (colours, finishing materials) and there will be variation in exterior features such as the porches, rooflines, and windows in order to provide visual interest. Detailed elevations of the facades will be required as a condition of final plan approval.

Also, a secondary benefit of alternating the orientation of the units is that the row house effect is diminished, creating more visual interest and allowing for more green space and a pathway through the development.

Density
There is an objection to high density development occurring in this area.

The following is how the density compares to the prevailing densities for single-family homes on both Lockwood and Centennial Streets.

Lockwood	
Between Corydon and Grosvenor	23 homes
Between Grosvenor and Kingsway	24 homes
Proposed Development	**28 homes**

Centennial	
Between Corydon and Grosvenor	24 homes
Between Grosvenor and Kingway	28 homes
Proposed Development	**34 homes**

The net density is 3,283 square feet per dwelling unit.[1] This density is much closer to a "R1-M" Single-Family District[2] (min 3,500 sq ft) than it is to a "RMF-S" Multiple-Family District (1,250 sq ft min). Consequently, while the density is slightly higher than the existing homes, it is closer to matching a single-family zoning district than a multi-family zoning district and is not high density, by any measure of the zoning by-law. (see Appendix C)

Commercial Development

Commercial development on Corydon is appropriate at this location, given that there is an already existing commercial node present. The proposed scale and height of the building are in step with other commercial development on that stretch of Corydon Avenue and are compatible with the adjacent residential area. It should also be noted that the commercial site is being deepened from 100 feet deep to 160 feet deep. However, with the building being placed to the front of the site, it will extend no deeper than many of the other commercial and multiple-family buildings along the subject stretch of Corydon.

Parking

The parking is located behind the building with access from the back lanes. Whereas parking could be provided in the front, with access off Corydon, this would have two negative consequences. First, it would weaken the pedestrian oriented environment on Corydon and secondly, it would push the commercial building further back on the site, which may be less compatible with the adjoining residential properties. With that in mind, the Planning and Land Use Division believes that the proposed layout is optimal.

Other

Plan Winnipeg

Under Plan Winnipeg 2020, the subject area is, in its entirety, within a Neighbourhood Policy Area. Neighbourhood Policy Areas are intended to include a residential mix together with a variety of educational, recreational, institutional, commercial and possibly industrial uses, at a scale and density compatible with each other. This development meets several key goals of Plan Winnipeg including *infilling of vacant lands* (3A-02 iv) and *supporting new development which is adjacent to, and compatible with, existing development and designed to minimize the spatial use of land* (3A-02v). There is a demonstrated need for a mix of residential housing types in the City and a growing recognition that infill lands, with existing services in place, are the best place to accommodate it.

[1] Before dedication for the ROW

[2] This is the zoning of the homes on Centennial Street. The homes on Lockwood Street are zoned "R1-L"

To that point, the Conference Board of Canada has projected a substantial shift in the share of new units, away from single-family, and towards apartment/condo multiple-family units, over the next 20+ years. As per the Conference Board forecast from 2009 to 2031

- Single-family is projected to decrease from a 71% share to a 35% share of housing starts
- Multiple-family is projected to rise from a 29% share to a 65% share of housing starts.

A key assumption in the Conference Board projections is that, as the 'boomer' generation ages, they will generally leave their single-family homes and move into condos or apartments.

By providing a variety of different housing types in each neighbourhood, people have an opportunity to "age in place" – staying in familiar surroundings and keeping the same networks of friends.
The proposed development helps to meet this growing trend in the City.

Public Input
The applicant held three public open houses with the surrounding community beginning in late 2008.

Servicing
All servicing requirements for the development are identified in the attached ACG report (Appendix C*)*

1.4 Recommendation

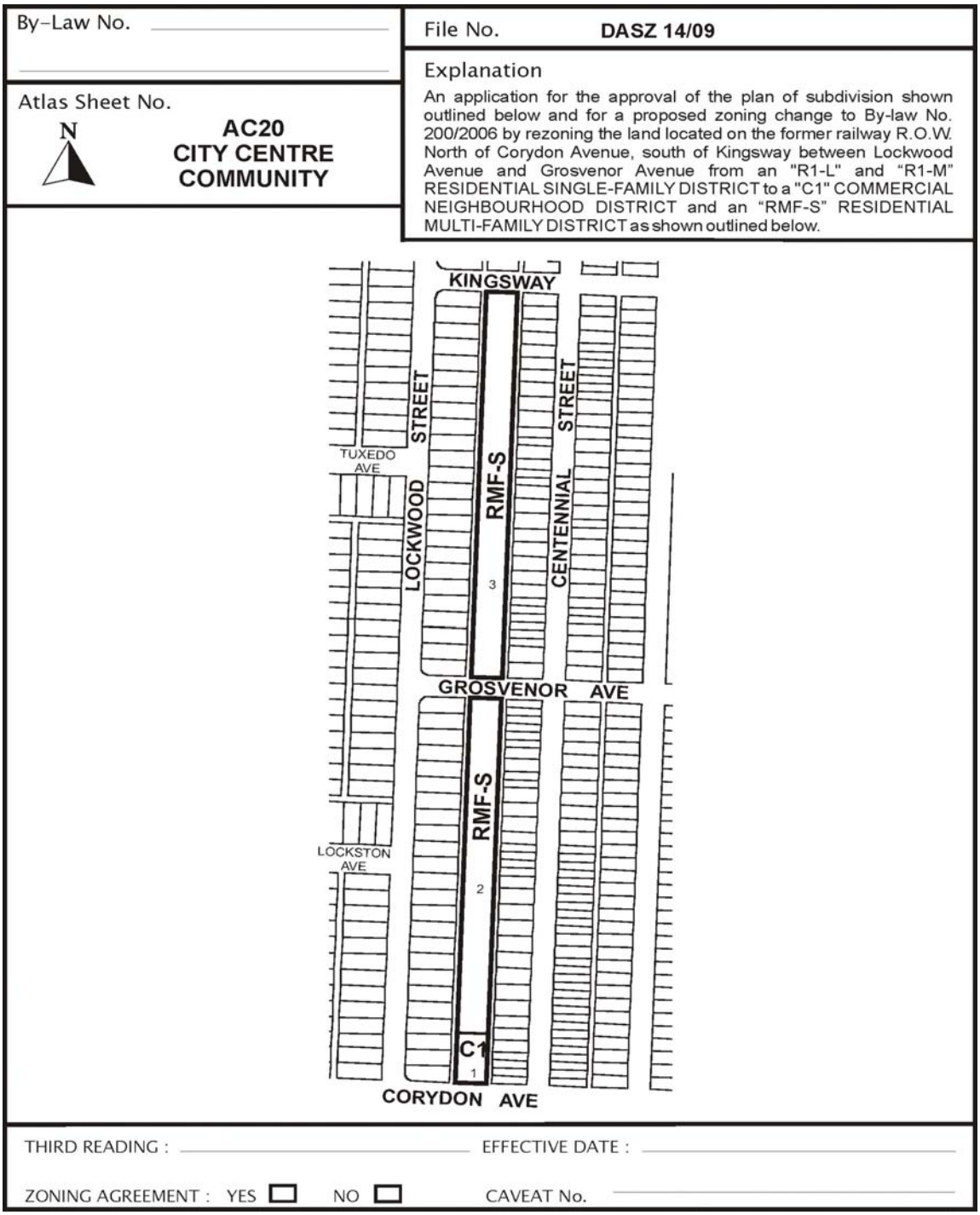
The Planning and Land Use Division recommend approval for the following reasons:

- residential development is the best and most sustainable use of the land
- Commercial development is appropriate along Corydon Avenue
- The proposed development is a thoughtful, creative solution for an irregular piece of land
- Extensive effort was made to make the development compatible with the existing neighbourhood

Appendix B

Schedule "A"

Figure 1: Schedule "A" to the report to the City Centre Community Committee for File No. DASZ 14/2009 dated September 1, 2009



Appendix C
SCHEDULE B - REPORT OF THE ADMINISTRATIVE CO-ORDINATING GROUP

RE: PROPOSED SUBDIVISION AND REZONING OF FORMER C.N.R. RAILWAY R.O.W. NORTH OF CORYDON AVENUE AND EAST OF LOCKWOOD STREET - DASZ 14/09

Myles Kraut has submitted an application to subdivide and re-zone the former C.N.R. railway right-of-way between the two public lanes east of Lockwood Street, from Corydon Avenue to Kingsway, to enable the establishment of a multi-family residential development and a commercial office building site.

It is recommended that the approval of DASZ 14/09 be subject to the following:

A. Plan Considerations

1. The transfer to the City and legal opening of 2.373-m widenings to the rights-of-way of each of the Public Lanes abutting the east and west sides of the Planned Area, to the satisfaction of the Director of Public Works.
2. The proposed 1.829-m pathways which meander through and adjacent to the Planned Area, and all appurtenances, including bollards etc., being relocated to entirely within the revised property limits, such that no portion of any pathway and no appurtenance is located within any portion of any Public Lane right-of-way.
3. The aligning of the proposed 1.829-m pathways on either side of Grosvenor Avenue.
4. The continuation of the pathway through the Kingsway Avenue right-of-way to create a continuous link between the two residential blocks.

B. Engineering Servicing Report

The provision of a servicing report, prepared by a municipal engineer to the satisfaction of the Director of Water & Waste, which includes a fire-flow analysis, addresses land-drainage storage requirements, and predicts wastewater flows.

C. Servicing Agreement

The applicant entering into a Servicing Agreement with the City of Winnipeg, containing the following conditions:

1. The Developer shall install all watermains and sewers required to service the Planned Area, as indicated by the Engineering Servicing Report prepared by the municipal engineer.

2. The Developer shall restrict land drainage run-off from the proposed development to pre-development levels, to the satisfaction of the Director of Water & Waste.

3. The Developer shall pay to the City the Developer's share of the costs of the watermains (currently $80/ft) and combined sewers (currently $22/ft) in Corydon Avenue and Kingsway, based on local improvement rates prevailing at time of payment.

4.
   a) The Developer shall, at no expense to the City, construct, in portland cement concrete, pavement widenings to result in 6-m-wide pavements in each of the Public Lanes abutting the east and west sides of the Planned Area, as determined by, and to the satisfaction of, the Director of Public Works.

   b) Where the condition of any portion of the existing concrete pavement in either Public Lane is not suitable to accommodate a concrete pavement widening, the Developer shall, at no expense to the City, construct, in portland cement concrete pavement, a new 6.0m portland cement concrete pavement in the Public Lane(s), all as determined by, and to the satisfaction of, the Director of Public Works.

5. The Developer shall, at no expense to the City, construct, a 1.5-m-wide, 100-mm thick portland cement concrete sidewalk along both sides of Grosvenor Avenue, from Centennial Street to Lockwood Street, as determined by, and to the satisfaction of, the Director of Public Works.

6. The Developer shall, at no expense to the City, construct paraplegic curbs and ramps in Grosvenor Avenue, where the proposed 1.829-m pathways intersect the Grosvenor Avenue pavement, as determined by, and to the satisfaction of, the Director of Public Works.

7. The Developer shall, at no expense to the City, continue the proposed 1.829-m pathway through the closed Kingsway Avenue right-of-way, and undertake any associated grading and landscaping and site restoration to accommodate this pathway, as determined by, and to the satisfaction of, the Director of Public Works.

8. 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.

9. The Developer shall make application to the Director of Public Works for the private approach on Corydon Avenue to serve the proposed commercial site. This private approach shall be designed to provide a minimum separation from the adjoining public lane right-of-way of 3.0 m.

10. The Developer shall pay all costs associated with the installation and/or 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.

11. 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.

12. The Developer shall pay the full cost of engineering services provided by or on behalf of the City in connection with the installation of services required to serve the Planned Area.

13. The Developer shall pay to the City $1,200.00 plus GST per acre 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. DASZ 14/09
August 19, 2009

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

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

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

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

Appendix D



Figure 1: Aerial Photograph (Flown in 2005)

Appendix E

Minimum Densities

Multi-family Districts

Multi-family Low Density	1,250 sq ft per unit
Multi-family Medium Density	800 sq ft per unit
Multi-family High Density	400 sq ft per unit

Single-family Districts

Single-family Small Lot	2,500 sq ft per lot
Single-family Medium Lot	3,500 sq ft per lot
Single-family Large Lot	5,500 sq ft per lot

Proposed Density	**3,282 sq ft per unit**

Appendix F
Design Guidelines for Final Plan Approval for DASZ 14/09

Residential
Landscaping and pathway

Landscaping, which is a visible indicator of quality development, should be an integral part of the development, and not merely located in leftover portions of the site.

a) That landscaping shall be provided to enhance the overall development in key areas such as the development perimeter, corners, common areas, and entryways.
b) That a minimum 5 foot wide hard surface pathway be provided through the entirety of the development
c) That seating areas be provided to enhance the common open space

Building Design and Orientation
The site layout, building orientation, and design should ensure that the buildings relate appropriately to surrounding developments and the street and create a cohesive visual identity for the neighbourhood

a) The units shall be one storey in height
b) Each building shall alternate their frontage
c) That no building shall have more than seven (7) units in a row
d) Each unit will have a unique façade treatment (colours, finishing materials) and there will be variation in exterior features such as the porches, rooflines, and windows in order to provide visual interest.
e) That windows be included on the sides of units facing open space areas

Lighting
That pedestrian level lighting be installed to light the pathway and that this lighting be kept at a reasonable level and deflected in such a way that it does not spill over onto adjacent properties.

Fencing
That no fencing be permitted in the front or side yards

Commercial
Height
That the commercial building not exceed two storeys in height

Landscaping
a) That the parking area be buffered with landscaping on the east, west, and north sides
b) That landscaping be provided to enhance the building in key areas, such as building foundations

Building Design
That the design meet or exceed the design standards for commercial buildings in Zoning By-law 200/2006

Site plan

a) That parking be located at the rear of the building
b) That a principal entrance to the building be located on Corydon Avenue

Appendix G

Subsequent to the last public hearing, Councillor Orlikow submitted several questions to the Public Service for answers. The questions and the answers are listed below:

1. Since the rezoning requested is not tied to this development is it possible that a future developer may remove the townhouses and replace them with higher density condo's possible?

   The Planning Dept is recommending a zoning agreement for the property, which is a legal agreement between the property owner and the City of Winnipeg, attached as a caveat to the title that runs with the land regardless of the property owner. The zoning agreement has several conditions, however, there are two that are directly relevant to your question.

   - The first condition limits the density to a maximum of 62 units
   - The second condition reads as follows:

   That final plans showing the location and design of all buildings, private approaches, parking areas, fencing, landscaping, pathways, signage, and site lighting shall be submitted to and approved by the City Centre Community Committee and the Director of Planning, Property, and Development 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;

   These plans would have to be approved in accordance with the design guidelines for the development, which are provided in the report in Appendix F, and the development would thereafter have to be constructed and maintained in that way.

   These are all safeguards to ensure that the development is constructed in the way that we are expecting.

2. Does the P&D have concerns regarding the density proposed?

   The administrative report makes extensive reference to density, and how this development compares to adjoining properties. Please pay particular attention to the subsection entitled "density" and to Appendix E. The analysis aims to show that the proposed net densities are closer to matching a single-family zoning district than a multi-family zoning district and are not high density, by any measure of the zoning by-law. (Appendix E)

3. What will happen if the retention fields can not hold water?

   Generally, the purpose of stormwater retention is to control the intensity at which the run-off enters the sewer system. Currently, the run-off from this land enters the sewer system quite slowly because it is a green field which would absorb much of the rainfall and the vegetation would impede the rate of overland flow. Obviously, after development (hard surfacing) the run-off would enter the sewer system more quickly (intensely) which is why they have to introduce retention (storage facilities). These storage facilities would temporarily detain the water and release it into the sewer system slowly thus matching the rates prior to development. This is standard engineering practice to control land drainage run-off.

   Sewer systems are designed to handle a certain level of storm. Thus, this area like any other area in the City is vulnerable to flooding if a storm occurs of greater intensity than the system was designed for. The point is that with proper engineering, the risk of flooding at this location will be no greater after development than it would have been before development because of the on-site storage and restricted outflow to the sewer system. (Answer prepared by the Water and Waste Department)

4. Review the any traffic impact studies. I am concerned about cars backing up onto the street/lane. I would like to know if it is a back lane or a residential street. I would like to know if traffic division has looked at fact that linear two blocks of roads without an inter-section crossing and that fact that many cars will therefore use the street as through streets to between Academy and Corydon. Will the expanded roads/backlanes be used for two way traffic?

   There have been no traffic impact studies prepared for the proposed development, however we have determined that the two lanes would not be carrying traffic volumes greater than most other public lanes in River Heights of similar length and with single family residential development on both sides. The condominium proposal results in fewer units in each of the two blocks than the adjoining single family residential development and with only ½ the units in each block taking access off either lane the resulting traffic will be no different than most other public lanes in River Heights of similar length and with single family residential development on both sides.

   Cars backing out of the condominium unit garages into the lane would be no different than vehicles backing out of garages of the single family homes on the other side of the lanes and would be no different than most of the rest of River Heights with public lanes serving residences on both sides. The situation here would be even better than the rest of River Heights as it has been recommended to widen the lane to a multi-family/commercial standard.

   It would continue to be a public lane widened to a multi-family/commercial standard.

The two blocks of lane are in fact broken up as the two lanes intersect with the dead-ends of Grosvenor Avenue at the former railway property. There should be no reason for an increase in traffic using the lanes as a short-cut as having development on both sides of the lanes will make the lanes seem more restricted/closed in, also the additional traffic as a result of the condominium development will make the lanes less attractive to short-cutting traffic.

The widened lane will accommodate the same two-way traffic that it does now, as do all other lanes in the area.

(Answers prepared by the Public Works Department)

5. Where will the snow be dumped when removed from the lane/street.

   The lane would continue to be cleared as it has been under the snow clearing policy for residential lanes, as are all other residential lanes in River Heights. However, in areas such as River Heights where most residents park in the back off of the lane in garages or on pads the lanes already receive a higher level of service than the front streets. (Answer provided by Public Works Department)

6. What is the average value of single story homes and on Centennial and Lockwood in the same blocks?
7. What is the average value of two story homes and on Centennial and Lockwood in the same blocks?

   The Planning and Land Use Division does not factor property values into our land use analysis and the property assessment department does not base property tax assessment on the construction of new developments such as a home occupation, commercial business, and/or residential dwelling in proximity to a person's dwelling. Market Sales being the biggest factor in the increase property values.

8. Is there a problem for guest parking at the new development?

   The development is providing 2.2 parking stalls per unit. The Zoning By-law requirement for condominiums is 1.5 parking stalls per unit. So, from that perspective, they are providing 46% more parking than they are required to. There is room to provide more offstreet parking – but it would result in the loss of green space and pathway.

9. How will the construction crews access the site? Is there the option of requiring the developer to build an access road into the site prior to building?

   That hasn't been determined as of yet, however a clause could be included by Council in the approval to restrict/limit construction access to certain locations etc. Corydon Avenue is a Regional Street and a Truck Route. (Answer prepared by Public Works Department)