Agenda – Council – March 21, 2012

Report – Standing Policy Committee on Property and Development – March 6, 2012

Item No. 2 Subdivision and Rezoning – Pandora Avenue West, south side, east of Atwood Street (Transcona Ward) File DASZ 49/2011

STANDING COMMITTEE RECOMMENDATION:

On March 14, 2012, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development, and submits the following to Council:

1. That the plan of subdivision proposed under File DASZ 49/2011 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 49/2011 dated February 14, 2012 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, of the report of the Administrative Coordinating Group dated February 6, 2012, with the following amendments:

        i. Delete Condition 11. and replace it with the following:

            "11. Prior to the issuance of housing building permits, the Developer shall, at no expense to the City, construct 1.5-m-wide by 100-mm-thick Portland cement concrete sidewalks as follows:

                A. along the west side of Robson Street;
                B. along the east side of Atwood Street, from Pandora Avenue West to Kernaghan Avenue;
                C. replace the existing sidewalk with a new sidewalk from the north side of Pandora Avenue at Atwood to the sidewalk on the south side of Regent Avenue West,

            as determined by, and to the satisfaction of, the Director of Public Works."

        ii. Add the following new Condition 12. and renumber the remaining Conditions Accordingly:

"12. Prior to the issuance of housing building permits, the Developer shall, in cooperation with the city, install a lit Pedestrian Corridor crossing Pandora Avenue West and Atwood Street and the costs for the Pedestrian Corridor be deducted from the overall obligation of the Developer's requirement for payment of land dedication fees.

ii. Add the following new Condition 13. and renumber the remaining Conditions Accordingly:

"13. The Developer shall, at no expense to the City, construct and install fencing along the properties either flanking or backing onto Pandora Avenue West and wrought iron fencing for the properties backing onto Robson Street.

2. That The Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "B" for File DASZ 49/11 dated February 14, 2012 to R1-S Residential Single-Family District – Small; R1-M Residential Single-Family District – Medium; and RMF- S Residential Multi-Family District – Small 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 for the lands zoned RMF- S Residential Multi-Family District – Small:

i. That, for the development of any building or structure, plans shall be submitted showing the location and design of proposed buildings, the location and design of accessory parking areas, garbage enclosures, fencing, and landscaping and signage to the Director of Planning, Property and Development and the East Kildonan-Transcona Community Committee for plan approval prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development.

ii. That the Applicant shall erect one, 4 feet by 8 feet sign on the vacant subject property indicating the location and zoning of the subject property within twelve (12) months from the date that the said rezoning by-law is adopted by Council; and plans for the signs showing their location and design shall be submitted to the Director of Planning, Property and Development for

approval; and the signs shall be maintained to the satisfaction of the Director of Planning, Property and Development until such time as the land is either rezoned or developed as a residential land use;

3. That Caveat 87-87591 be withdrawn as it affects Lot 1, Block 1, Plan 21,322.

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 two years 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 the two year period and Council approves the extension.

6. That the Director of Legal Services and City Solicitor 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 amendment to Development Agreement.

8. That the zoning section of the by-law shall come into force and effect 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 (1) 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 not be proceeded with unless an extension of time is applied for prior to the expiry of the one-year period and Council approves the extension.

10. That the Director of Legal Services and City Solicitor be requested to do all thing necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

Report – Standing Policy Committee on Property and Development – March 6, 2012

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On March 14, 2012, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development, and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On March 6, 2012, the Standing Policy Committee on Property and Development concurred in that the recommendation of the East Kildonan-Transcona Community Committee with the following amendments:

- Amend Recommendation 1.A.i. by deleting Condition 11.C. in its entirety and replacing it with the following:

  "C. replace the existing sidewalk with a new sidewalk from the north side of Pandora Avenue at Atwood to the sidewalk on the south side of Regent Avenue West."

- Amend Recommendation 1.Aii. by inserting the words, "in cooperation with the city" after the word "shall"

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

COMMUNITY COMMITTEE RECOMMENDATION:

On February7, 2012, the East Kildonan-Transcona Community Committee concurred in the recommendation of the Winnipeg Public Service with the following amendments:

- Amend Recommendation 1. A. by adding the following after the word "Group"

  "dated February 6, 2012, with the following amendments:

  i. Delete Condition 11. and replace with the following

  "11. Prior to the issuance of housing building permits, the Developer shall, at no expense to the City, construct 1.5-m-wide by 100-mm-thick Portland cement concrete sidewalks as follows:

Report – Standing Policy Committee on Property and Development – March 6, 2012

DECISION MAKING HISTORY (continued):

COMMUNITY COMMITTEE RECOMMENDATION (continued):

A. along the west side of Robson Street;
B. along the east side of Atwood Street, from Pandora Avenue West to Kernaghan Avenue;
C. from the sidewalk on the north side of Pandora Avenue West at Atwood Street to the sidewalk on the south side of Regent Avenue West,

as determined by, and to the satisfaction of, the Director of Public Works."

ii. Add the following new Condition 12. and renumber the remaining Conditions Accordingly:

"12. Prior to the issuance of housing building permits, the Developer shall, install a lit Pedestrian Corridor crossing Pandora Avenue West and Atwood Street and the costs for the Pedestrian Corridor be deducted from the overall obligation of the Developer's requirement for payment of land dedication fees."

iii. Add the following new Condition 13. and renumber the remaining Conditions Accordingly:

"13. The Developer shall, at no expense to the City, construct and install fencing along the properties either flaking or backing onto Pandora Avenue West and rod iron fencing for the properties backing onto Robson Street.",

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

RE: Subdivision and Rezoning – Pandora Avenue West (South Side, East of Atwood Street
File DASZ 49/2011 [c/r DAV 181631/2011D]

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

Prepared by: Carlos Gameiro, Senior Committee Clerk
East Kildonan - Transcona Community Committee

Report date: February 23, 2012

COMMUNITY COMMITTEE RECOMMENDATION:

On February 21, 2012, 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 proposed under File DASZ 49/2011 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 49/2011 dated February 14, 2012 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, of the report of the Administrative Coordinating Group dated February 6, 2012***, with the following amendments:***

        i. Delete Condition 11. and replace with the following

            "11. Prior to the issuance of housing building permits, the Developer shall, at no expense to the City, construct 1.5-m-wide by 100-mm-thick Portland cement concrete sidewalks as follows:

                A. along the west side of Robson Street;
                B. along the east side of Atwood Street, from Pandora Avenue West to Kernaghan Avenue;
                C. from the sidewalk on the north side of Pandora Avenue West at Atwood Street to the sidewalk on the south side of Regent Avenue West,

            as determined by, and to the satisfaction of, the Director of Public Works."

ii. Add the following new Condition 12. and renumber the remaining Conditions Accordingly:

"12. Prior to the issuance of housing building permits, the Developer shall, install a lit Pedestrian Corridor crossing Pandora Avenue West and Atwood Street and the costs for the Pedestrian Corridor be deducted from the overall obligation of the Developer's requirement for payment of land dedication fees.

ii. Add the following new Condition 13. and renumber the remaining Conditions Accordingly:

"13. The Developer shall, at no expense to the City, construct and install fencing along the properties either flanking or backing onto Pandora Avenue West and wrought iron fencing for the properties backing onto Robson Street.

2. That The Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "B" for File DASZ 49/11 dated February 14, 2012 to R1-S Residential Single-Family District – Small; R1-M Residential Single-Family District – Medium; and RMF- S Residential Multi-Family District – Small 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 for the lands zoned RMF- S Residential Multi-Family District – Small:

      i. That, for the development of any building or structure, plans shall be submitted showing the location and design of proposed buildings, the location and design of accessory parking areas, garbage enclosures, fencing, and landscaping and signage to the Director of Planning, Property and Development and the East Kildonan - Transcona Community Committee for plan approval prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development.

      ii. That the Applicant shall erect one, 4 feet by 8 feet sign on the vacant subject property indicating the location and zoning of the subject property within twelve (12) months from the date that the said rezoning by-law is adopted by Council; and plans for the signs showing their location and design shall be submitted to the Director of Planning, Property and Development for approval; and the signs shall be maintained to the satisfaction of the Director of Planning, Property and Development until such time as the land is either rezoned or developed as a residential land use;

3. That Caveat 87-87591 be withdrawn as it affects Lot 1, Block 1, Plan 21,322.

~~***4. That in lieu of the requirement for land dedication, a sum of money, calculated as ten percent (10%) of the increase in market value of the land and the creation of additional parcels be paid to the City for the purchase of land for purposes of the City other than streets.***~~

~~***5.***~~4. That the Director of Planning, Property and Development be authorized to certify any documents in connection therewith.

~~***6***~~.5. That in the event the matter is not proceeded with expeditiously and the by-law is not passed within two years 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 the two year period and Council approves the extension.

~~***7***~~.6. That the Director of Legal Services and City Solicitor be requested to prepare the necessary by-law in accordance with the above.

~~***8***~~.7. That the subdivision section of the by-law shall come into force and effect upon execution by the City of Winnipeg of the amendment to Development Agreement.

~~***9.***~~8. That the zoning section of the by-law shall come into force and effect 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 (1) year from the date the by-law is passed.

~~***10***~~.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 not be proceeded with unless an extension of time is applied for prior to the expiry of the one-year period and Council approves the extension.

~~***11***~~.10. That the Director of Legal Services and City Solicitor be requested to do all thing necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

Note: The wording in bold and italics denotes amendments made by the Community Committee.

The East Kildonan Transcona Community Committee provided the following supporting reasons for its recommendation:

1. This application has been here before and the density being applied for has definitely been reduced.

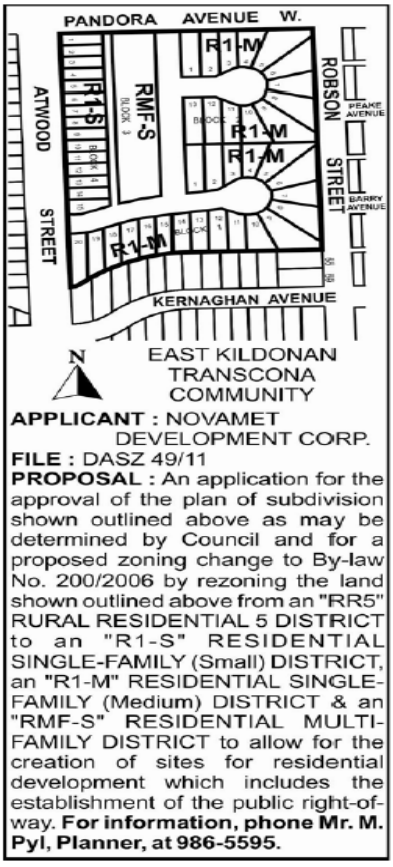
2. The homes facing Atwood will have a rear lane and not driveways.

3. This will not generate as much traffic as the previous application.

4. The pedestrian controlled signal will help pedestrians safely cross Pandora Avenue West.

5. The Developer has agreed to incur additional costs for sidewalk improvements as well as the installation of a pedestrian corridor.

PUBLIC HEARING SUMMARY

File:	DASZ 49/2011
Before:	East Kildonan - Transcona Community Committee Councillor Wyatt, Chairperson Councillor Browaty Councillor Steen
Public Hearing:	February 21, 2012 Transcona Legion 117 Regent Avenue East
Applicant:	Novamet Development Corporation (Ravi Joshi)
Subject:	
Premises Affected:	Pandora Avenue West (South Side, East of Atwood Street)

Exhibits Filed:

1. Application dated December 29, 2011
2. Notification of Public Hearing dated January 5, 2012
3. Manitoba Status of Title(s) 1892648 and 1928803
4. Surveyor's Sketch dated January 21, 2011
5. Plan (1 page)
6. Report from the Planning and Land Use Division dated February 14, 2012
7. Inspection Report
8. Communication dated February 20, 2012, from Karen Jashyn in opposition to the application
9. Audio Recording of representations

REPRESENTATIONS:

In Support:

Ravi Joshi, Novamet Development Corporation
Norm Golembioski
Steve Naherniak
John Trohubiak
E. Vogan

In Opposition

Rachel & George Birnie
Jason & Cecilia Hawkins
Karen Jashyn
Shawna Namaka
Jacqueline Nelson
Manish Patel

For Information:

C. Golebioski
John & Maria Meyer
Robert & Janice Miller
Rene St Denis

For the City:

Mr. K. Raban, Land Development Administrator,
Planning, Property and Development Department
Mr. M. Pyl, Planner, Planning, Property and Development Department

ADMINISTRATIVE REPORT

Title: DASZ 49/2011 – Pandora Avenue West, South of Pandora Avenue between Atwood and Robinson.

Issue: For consideration at the Public Hearing for a subdivision and rezoning to allow for future single and multiple family residential development.

Critical Path: East Kildonan - Transcona Community Committee → Standing Policy Committee on Property and Development → Executive Policy Committee → Council

AUTHORIZATION

Author	Department Head	CFO	CAO
P. Regan			

RECOMMENDATIONS

1. That the plan of subdivision proposed under File DASZ 49/11 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 49/11 dated February 14, 2012 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.

2. That The Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "B" for File DASZ 49/11 dated February 14, 2012 to R1-S Residential Single-Family District – Small; R1-M Residential Single-Family District – Medium; and RMF- S Residential Multi-Family District – Small 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 for the lands zoned RMF- S Residential Multi-Family District – Small:

        i. That, for the development of any building or structure, plans shall be submitted showing the location and design of proposed buildings, the location and design of accessory parking areas, garbage enclosures, fencing, and landscaping and signage to the Director of Planning, Property and Development and the East Kildonan - Transcona Community Committee for plan approval prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development.

ii. That the Applicant shall erect one, 4 feet by 8 feet sign on the vacant subject property indicating the location and zoning of the subject property within twelve (12) months from the date that the said rezoning by-law is adopted by Council; and plans for the signs showing their location and design shall be submitted to the Director of Planning, Property and Development for approval; and the signs shall be maintained to the satisfaction of the Director of Planning, Property and Development until such time as the land is either rezoned or developed as a residential land use;

3. That Caveat 87-87591 be withdrawn as it affects Lot 1, Block 1, Plan 21,322.

4. That in lieu of the requirement for land dedication, a sum of money, calculated as ten percent (10%) of the increase in market value of the land and the creation of additional parcels be paid to the City for the purchase of land for purposes of the City other than streets.

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

6. That in the event the matter is not proceeded with expeditiously and the by-law is not passed within two years 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 the two year period and Council approves the extension.

7. That the Director of Legal Services and City Solicitor be requested to prepare the necessary by-law in accordance with the above.

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

9. That the zoning section of the by-law shall come into force and effect 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 (1) year from the date the by-law is passed.

10. 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 not be proceeded with unless an extension of time is applied for prior to the expiry of the one-year period and Council approves the extension.

11. That the Director of Legal Services be requested to do all thing necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

REASON FOR THE REPORT

- The applicant is proposing to develop 48 single family residential dwellings and two parcels for future multiple family development within the planned area.
- The applicant is proposing a transition of density from higher density nearest the commercial land-uses to low density near the single family dwellings.
- The proposed RMF-S parcel on the east side of Atwood Street will be serviced by a rear public lane, this allows for the future residential building or buildings to be designed to front Atwood Street.

IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendations of the Planning and Land Use Division are concurred in, this will facilitate the creation of 48 single family dwellings and two zoned for multiple family dwellings.

HISTORY

DASZ 23/2011

On July 19, 2011 the Public Hearing was not proceeded with due to improper posting of the subject property.

On September 20, 2011 Inasmuch as the notice requirements were not met, the public hearing was rescheduled to the East Kildonan - Transcona Community Committee meeting on October 18, 2011, at 6:30 p.m. at the Bronx Park Community Centre, 720 Henderson Highway.

On October 18, 2011, the East Kildonan-Transcona Community Committee adjourned the public hearing to its meeting on Tuesday, November 15, 2011 at 6:30 p.m. at the Transcona Legion, 117 Regent Avenue East.

On November 15, 2011 the Application was verbally withdrawn at the public hearing.

The applicant, Novamet Development Corporation, intended to develop 48 single family residential dwellings and two parcels for future multiple family development within the planned area. The applicant is proposing a transition of density from higher density nearest the commercial land-uses on Pandora Avenue to low density near the single family dwellings. The proposed RMF-S parcel on the east side of Atwood Street will be serviced by a rear public lane, this allows for the future residential building or buildings to be designed to front Atwood Street. Barry Avenue will be extended west from Robson Street to Atwood Street with single family dwellings fronting this new right-of-way. The single family lots will be 4,776 square feet and 42 feet in width. A new public lane will be created coming off Atwood Street and connecting north to Pandora Avenue to separate the RMF-S and RMF-M blocks. The RMF-S zoned block will be 0.91 acres and located on the east side of Atwood Street. The RMF-M zoned block will be 4.1 acres and located on the west side of Robson Street.

DASZ 22/2002

On June 25, 2003, Council concurred in the recommendation of the Standing Policy Committee on Property and Development that the application under File DASZ 22/2002 not be proceeded with.

The applicant, Novamet Development Corporation, intended to create 63 lots and rezone the subject property from “A-5” Agricultural District to a “R1-3.5” Residential District. The lots will range in width from 34 feet (10.363 metres) to 44 feet (13.411 metres) in width. A horseshoe bay will be constructed to connect with the Barry Avenue extension. The street pattern allows a subdivision design that has all the new lots facing the interior of the site, essentially turning its back on the surrounding residential neighbours.

The Division recommended the application not proceed for the following reasons: The design of the subdivision is not compatible to the neighbouring single family dwellings. The proposed design is contrary to typical residential development in Transcona and in the rest of the City. Residences are

expected to face the street and, with front yard landscaping, contribute to the open, park-like character of our neighbourhoods. The proposed design will do little to facilitate the interaction of people within their community. The visual impact for the recently constructed residential houses along Atwood will be negative. The existing residences will now face a dead street, back yards and a wood barrier.

CONSULTATION

In preparing this report there was consultation with:

N/A

SUBMITTED BY

Department	*Planning, Property and Development*
Division	*Urban Planning*
Prepared by	*John Wintrup*
Date:	*February 14, 2012*
File No.	*DASZ 49/11*

List of Schedules and Attachments

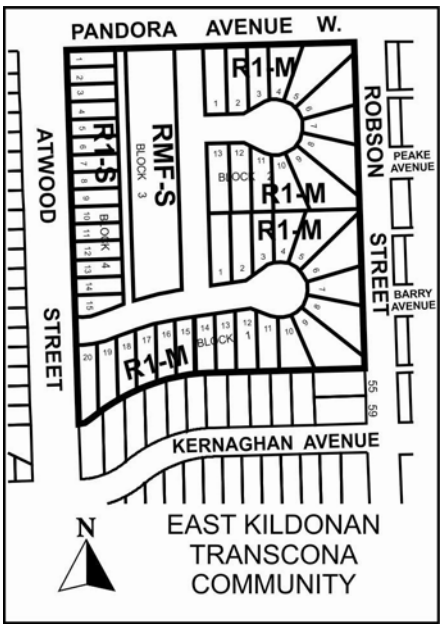
1. Appendix A – Planning Discussion.
2. Schedule “A” for File No. DASZ 49/11.
3. Schedule “C” - Administrative Coordinating Group Servicing Agreement.
4. Appendix B – Design Guidelines for Plan Approval.

APPENDIX 'A'

DATE: February 14, 2012
FILE: DASZ 49/2011
RELATED FILES: DASZ 36/84; DAV 1020/02A; DASZ 22/02; DASZ 23/11; DAV 131902/2011D; DAV 181631/2011D.
COMMUNITY: Transcona Community
NEIGHBOURHOOD #: 4.416

SUBJECT: Subdivision and Rezoning of 9.25 acres of land to create 1.16 acres for multiple family; and 48 single family residential dwellings.

LEGAL DESCRIPTION:



APPLICANT: Novamet Development Corporation (Ravi Joshi)

OWNER: Novamet Development Corporation (Ravi Joshi)

RECOMMENDATION: Approval with Conditions

REPORT SUMMARY

- The applicant is proposing to develop 48 single family residential dwellings on 6.07 acres and one, 1.16 acre parcel for future multiple family development within the planned area.
- The applicant is proposing two new cul-de-sacs that will back onto Robson Street; Single family dwellings will front Atwood street and be serviced by a new rear public lane.
- The proposed RMF-S parcel will be located on the west side of the new internal, north/south street, and as such, will not be viewed outside the planned area.

SURROUNDING LAND USES AND ZONING

- The subject properties are 9.25 acres that has a frontage of 589.198 feet (179.588 metres) and a depth of 668.12 feet (203.642 metres) bounded by Atwood, Robson and Pandora in the Mission Gardens neighbourhood of the Transcona ward.
- The planned area is vacant, zoned **RR 5 Rural Residential District**.
- Adjacent properties include single family dwellings zoned R1-M to the south that back onto the planned area.
- Surrounding properties include single family dwellings zoned **R1-M** to the west fronting Atwood Street; single family dwellings zoned **R1-M** to the east flanking Robson Street; and Giant Tiger zoned **C3** to the north backing onto Pandora Avenue.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant is proposing to develop 48 single family residential dwellings on 6.07 acres and one, 1.16 acre parcel for future multiple family development within the planned area.
- The applicant is proposing two new cul-de-sacs that will back onto Robson Street; Single family dwellings will front Atwood street and be serviced by a new rear public lane.
- The proposed RMF-S parcel will be located on the west side of the new internal, north/south 'L' shaped street, and as such, will not be viewed outside the planned area.
- A new 'L' shaped street will connect to Atwood Street, just north of Kernaghan Ave, and connect to Pandora Avenue, just west of Atwood Street.

ANALYSIS AND ISSUES

ZONING BY-LAW 200/06

- **RR 5 Rural Residential District** minimum lot sizes of 5 acres are required.
    - Side yards of 25 feet are required.
    - Front yard requirements are 100 feet;
    - Rear yards are 25 feet.
    - Maximum building height is 35 feet.
    - Agricultural cultivation is a permitted use:, Stable or riding academy, Landscape/garden contractor or production, and Apiary are 'conditional' uses.

- **R1-S Single Family Residential District - Small** is intended to accommodate primarily single family residential development in lower-density neighbourhood.
    - There is a minimum lot size of 2,500 square feet.
    - A side yard of 4 feet is required.
    - Maximum building height is 35 feet.

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

- **RMF- S Residential Multi-Family District - Small** is intended to accommodate the development of multi-family units in neighbourhoods with medium to high residential densities.
    - There is a front & rear yard requirement of 25 feet and the maximum building height is 35 feet.
    - The minimum lot area per dwelling unit is 1,250 square feet per dwelling unit.

- **C3 Commercial Corridor District** is intended primarily for uses that provide commercial goods and services to residents of the community in areas that are dependent on automobile access and exposed to heavy automobile traffic.
    - These commercial uses are subject to frequent view by the public and visitors to Winnipeg, and they should provide an attractive appearance with landscaping, sufficient parking, and controlled traffic movement.
    - C3 districts are generally located along portions of arterial streets where lot depths are 200 feet or greater, or at arterial/arterial intersections.
    - There is a minimum rear yard of 25 feet.
    - The maximum building height is 49 feet.

- Variances may be appealed to the Appeals Committee for a new public hearing, whereas the recommendation by Community Committee for a rezoning proceeds to Council for decision.

- Variances for a substandard lot areas and lot widths is being requested for the three (3) lots under the Special Boundary Conditions" of Zoning By-Law No. 200/2006

- Zoning: Special Boundary Conditions
    - The **R1-S** and **R1-M** Zoning District in Zoning By-Law 200/2006 provides for lot areas of 2,500 square feet and 3,500 square feet, respectively, and lot widths of 25 feet.
    - It is noted that the proposed development does meet these underlying specifications.
    - Zoning By-Law 200/2006 further requires that undeveloped parcels in “R1’ Zones, that meet the underlying lot area/ lot width be consistent with the properties that are directly abutting them.
    - This is assessed by calculating the average lot width/square footage of the lots in residential use within 200 feet of the proposed lot(s).
    - If the average lot width/lot areas of the proposed lots are less than the average of the adjacent properties required in the analysis, a variance of the Special Boundary Conditions is required.

NEIGHBOURHOOD COMPATIBILITY

- The subject property is surrounded by a mix of residential land uses, including “**R1-M Residential Single-Family District – Medium** immediately south of the site; and **C3 Commercial Corridor District** to the north.

- The applicant is proposing single family dwellings with abutting the existing single family dwellings, and locating low density, multiple family internal to the planned area.

SITE DESIGN MATTERS

- The proposed RMF-S parcel on the west side of the new ‘L’ shaped street will be serviced by a rear public lane, this allows for the future residential building or buildings to be designed to front the ‘L’ shaped street.

- Locating the single family dwellings on the east side of Atwood, fronting Atwood Street and serviced by the rear public lane - - over comes the Division’s concerns stated under DASZ 22/2003 regarding lots backing onto Atwood Street at this location.

SIDEWALKS

- The Developer will be required to construct 1.5-m-wide by 100-mm-thick Portland cement concrete sidewalks along the west side of Robson Street and along the east side of Atwood Street, from Pandora Avenue West to Kernaghan Avenue.
- Sidewalks are not requested for Barry Avenue.

LAND DEDICATION

- When a developer rezones and/or subdivides a parcel of land, they are required to put in an application with the City of Winnipeg.
- As a condition of rezoning or subdivision, a developer is required to contribute a portion of the land to be developed to the City for parks purposes or pay cash in lieu of a contribution.
- The amount of lands is not less than 10%.
- The developer will be paying 'cash in lieu'.

PUBLIC CONSULTATION

- The applicant held a public open house on March 14, 2011 and recorded 27 people in attendance: 12 people indicated support and 15 people indicated opposition.
- The applicant held a public open house on December 15, 2011: the applicant mailed out approximately 150 notices of the open house and had 24 groups (i.e individuals & couples) sign in.
- The applicant presented a few options as well as the original and received 22 surveys back with a slight preference (54.5%) towards the cul-de-sac option. One person vehemently opposed the first option: their preference was the second option showing the RMF-S fronting on Robson. There was zero support on the original concept that was filed under DASZ 23/11.

RECOMMENDATION

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

- This proposed use is consistent to the surrounding context of single family residential uses in the Mission Gardens Neighbourhood.
- The proposed development and rezoning is consistent with the residential developments near the planned area.
- The influx of new residents with families and children will greatly augment the neighbourhood and the community of Transcona.
- This new development will integrate high quality low density housing into a older neighbourhood. By using this vacant site, the development will reduce urban sprawl while invigorating the surrounding community.
- The rezoning is consistent with City of Winnipeg policies to provide alternative housing choices at appropriate locations and types, and provides densification along existing municipal services.

- The Development will create pedestrian connections to and through the Planned Area as well as within the Planned Area – connecting the gaps in the existing sidewalk network along Atwood, Robson and Pandora.
- A zoning agreement in a previous subdivision (DASZ 36/84) restricts the issuing of building permits on a portion of the subject property until such time as it has been consolidated with the adjoining land to the north. This portion is Lot 1, Block 1, Plan 21,322 and is on the south end of the subject property fronting on Atwood Street. The caveat must be withdrawn for this current application to proceed.
- Plan Approval will be required at the East Kildonan – Transcona Community Committee for the multiple family sits - - the guidelines for which are attached in Appendix B.
- The Developer will be required to post the zoning information of the vacant site to indicate the future land-uses.

This Report Submitted by: John Wintrup
Planning, Property and Development Department
Urban Planning Division
PPD File # DASZ 49/11

Schedule “A” for File No. DASZ 49/11, East Kildonan – Transcona Community Committee, dated February 14, 2012.

By-Law No. _____

File No. **DASZ 49/11**

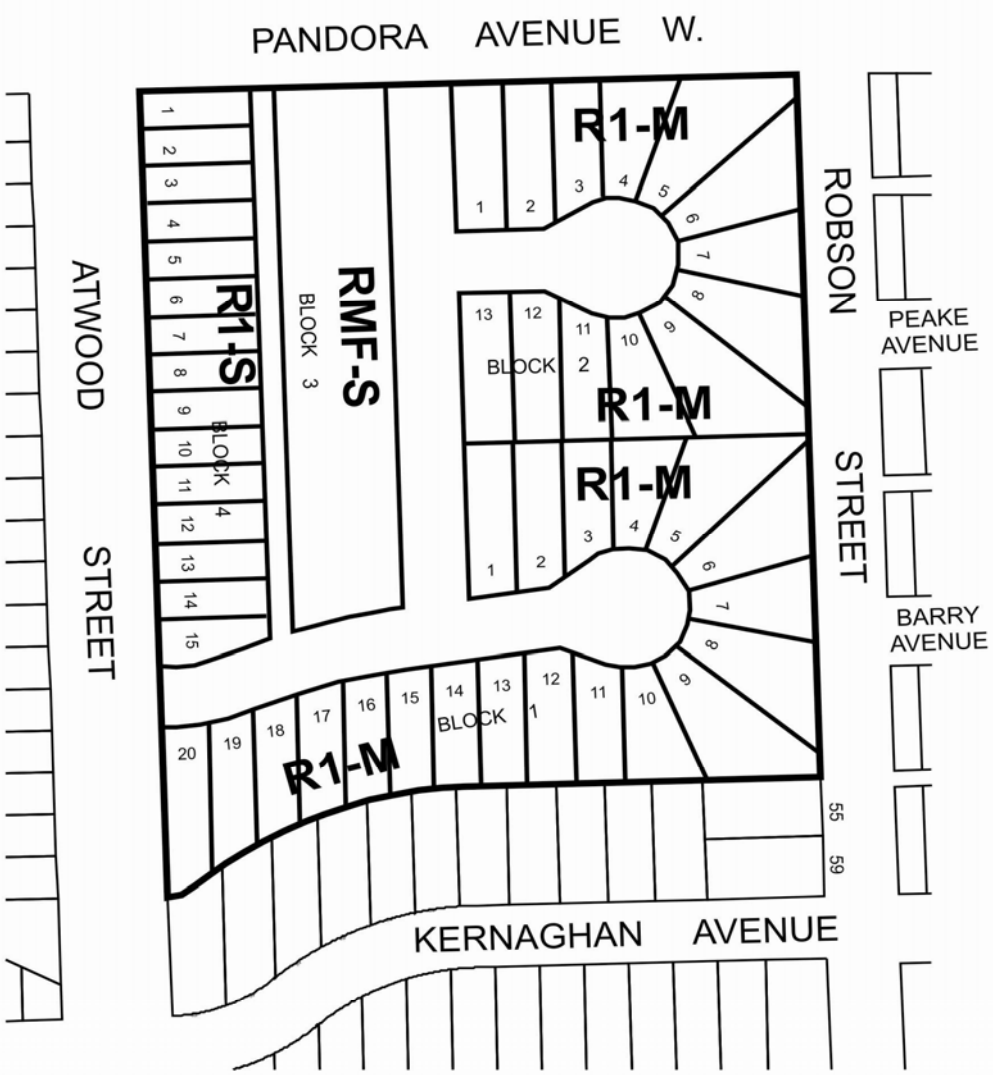
Atlas Sheet No. **AA33**

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EAST KILDONAN TRANSCONA 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 on south of Pandora Avenue West, east of Atwood Street from an "RR5" RURAL RESIDENTIAL 5 DISTRICT to an "R1-S" RESIDENTIAL SINGLE-FAMILY (Small) DISTRICT, an "R1-M" RESIDENTIAL SINGLE-FAMILY (Medium) DISTRICT & an "RMF-S" RESIDENTIAL MULTI-FAMILY DISTRICT to allow for the creation of sites for residential development which includes the establishment of the public right-of-way as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

SCHEDULE B

RE: PROPOSED SUBDIVISION AND REZONING ON LAND LOCATED ON PANDORA AVENUE WEST, SOUTH SIDE, EAST OF ATWOOD STREET – DASZ 49/2011

It is recommended that the approval of DASZ 49/2011, if granted, be subject to the applicant entering into a Development Agreement with the City of Winnipeg, containing the following conditions:

1. The Developer shall, prior to the release of subdivision mylars, commute the outstanding wastewater sewer local improvement charge on the triangular piece of land on Atwood Street (Lot 1 Blk 1 Plan 21322). The current balance required to commute is $1,222.19.

2. The Developer shall, at no expense to the City, install all watermains required to serve the Planned Area, as determined by, and to the satisfaction of, the Director of Water and Waste.

3. The Developer shall, at no expense to the City, install all wastewater sewers required to serve the Planned Area, as determined by, and to the satisfaction of, the Director of Water and Waste.

4. The Developer shall, at no expense to the City, install all land drainage sewers required to serve the Planned Area, as determined by, and to the satisfaction of, the Director of Water and Waste.

5. The Developer shall install lot line services to service all lots within the Planned Area, as follows:

    i. The Developer shall, at no expense to the City, construct and install wastewater and water building services from the wastewater sewer and watermain, to service all lots within the Planned Area, as determined by, and to the satisfaction of, the Director of Water and Waste.

    ii. The Developer shall ensure that each sewer service remains plugged from installation until the foundation excavation has been backfilled and the roof of the dwelling has been sheathed, after which the house sewer may be connected. The Developer hereby indemnifies the City against all actions, claims, demands, damages, losses, and costs, including legal and court costs, suffered or incurred by the City arising out of any failure to do so.

    iii. The Developer shall replace or repair any water or sewer service found to be defective within one year following the date the water is turned on for domestic use, and shall pay the City any cost incurred by the City arising out of any such defect.

6. The Developer shall, at no expense to the City, provide a lot grading plan, prepared by a municipal engineer, for the Planned Area, and construct all drainage works necessitated by the design.

7. The Developer shall, at no expense to the City, construct all swales, catchbasins, and leads required to provide lot drainage prior to the issuance of building permits.

8. The Developer shall, at no expense to the City, provide all easements with respect to the installation, maintenance, and replacement of swales, catchbasins, and leads for lot drainage upon registration of the approved subdivision mylars in the Land Titles Office.

9. The Developer shall, at no expense to the City, construct 150mm thick Portland cement concrete pavement, to a width of 7.5 m, and all related works, including, but not limited to, drainage facilities, in the proposed streets within the Planned Area, all as determined by, and to the satisfaction of, the Director of Public Works.

10. The Developer shall, at no expense to the City, construct 150mm thick Portland cement concrete pavement, to a width of 5.0 m, and all related works, including, but not limited to, drainage facilities, in the proposed public lane within the Planned Area, all as determined by, and to the satisfaction of, the Director of Public Works.

11. The Developer shall, at no expense to the City, construct 1.5-m-wide by 100-mm-thick Portland cement concrete sidewalks along the west side of Robson Street and along the east side of Atwood Street, from Pandora Avenue West to Kernaghan Avenue, as determined by, and to the satisfaction of, the Director of Public Works.

12. The Developer shall, at no expense to the City, plant trees and sod all boulevards within the Planned Area all in accordance with City specifications and guidelines, as determined by, and to the satisfaction of the Director of Public Works.

13. The Developer shall, at no expense to the City, maintain the boulevard improvements for one year, in accordance with specifications approved by the Director of Public Works.

14. The Developer shall, at no expense to the City:

    i. ensure that construction traffic uses access routes determined by the Director of Public Works;

    ii. maintain those access routes in a clean, dust-free condition, free of dropped and tracked-on mud; and

    iii. undertake the regular cleaning, including, but not limited to, scraping and sweeping of those access routes and all streets within the Planed Area,

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

15. The Developer shall, at no expense to the City, cause to be installed standard, reflectorized, permanent street-name signs at each new intersection within or adjacent to the Planned Area, as determined by the Director of Public Works.

16. The Developer shall, at no expense to the City, cause to be installed ornamental street lights in all streets within the Planned Area, to the satisfaction of the Director of Public Works

17. The Developer shall, at no expense to the City, cause underground electrical and telephone services to be installed to serve the Planned Area, to the satisfaction of the Director of Public Works.

18. The Developer is to 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 works, which are required by the Developer to serve the proposed subdivision, as determined by and to the satisfaction of the Director of Public Works.

19. The Developer shall be responsible to control and to initiate the clean up 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 substantial completion of all construction. The clean up of litter and refuse shall be done on a regular basis as determined by the Director of Public Works. This shall include initiating action and assuming any costs in remedying the situation to the satisfaction of the Director of Public Works.

20. The Developer shall, at no expense to the City, construct a cul-de-sac type vehicle turnaround at the terminus of each temporarily dead-ended street and provide any right-of-way or easements necessary to accommodate same, all as determined by and to the satisfaction of the Director of Public Works.

21. The Developer shall, at no expense to the City, erect and maintain barricades and signing across the full width of any temporarily dead-ended streets, due to phasing of development, immediately upon completion of the paving or when house construction has begun, whichever is sooner, as determined by and to the satisfaction of the Director of Public Works.

22. The Developer shall ensure that two paved means of vehicular access are available at all times through all stages of development of the Planned Area to the satisfaction of the Director of Public Works. This may require the construction of temporary roadways and the provision of easements or right-of-way therefore.

23. Right-of-way to accommodate each cul-de-sac turnaround is to be consistent with the dimensions illustrated on Streets and Transportation Drawing ST-90 (revised) or St-90-A as a minimum.

24. 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.

25. Following completion of all major 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 and Development with a certificate that all survey monuments within the Planned Area have been verified and/or replaced.

26. The Developer shall pay the full cost of engineering services provided by or on behalf of the City in connection with the installation of, and provision of as-built drawings by March 31 of the year following substantial performance showing, the services required to serve the Planned Area.

27. The Developer shall pay to the City, prior to the release of the subdivision mylars for registration in the Land Titles Office, $1,200.00 plus GST per acre of the Planned Area (minimum $1,650.00), to defray the City's administration and related costs associated with the preparation and implementation of the Development Agreement.

THIS REPORT SUBMITTED BY:

Administrative Co-ordinating Group
File No. DASZ 49/2011
February 6, 2012

"original signed by K.T. Raban, P. Eng"
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

/KTR



Figure 1: Existing Conditions for subject property and Surrounding Area.

APPENDIX "B" - ***Design Guidelines for RMF properties.***

Purpose: To be used as guidelines when reviewing the final plan submittals for multiple family buildings south of Pandora, west of Robson, east of Atwood.

Lighting

A. Night lighting and security lighting shall be shielded to ensure that there is no off-site glare or skyward illumination for the adjacent single family dwellings to the east or west of the planned area.
B. Parking lot and landscape lighting shall be low to the ground, to reduce glare and illuminate all pedestrian walkways.
C. Within 50 ft. of the property boundary, light fixtures shall be full cutoff.
D. All other outdoor lighting fixtures may be semi-cutoff or full-cutoff
E. Location and type of lighting should be submitted in a lighting plan.

Buffering

That a minimum 25 foot separation space/buffer be provided along the Robson Street and Atwood Street frontages for the RMF-S and RMF-M parcels.

Parking

A. To the maximum extent possible, parking areas should be internalized in building groupings and oriented away from street frontages.
B. Consider breaking up large parking areas into smaller blocks of parking with landscape islands.
C. Consider separating parking areas from each other by a landscape strip +10 feet in width.
D. Parking areas abutting the right of way should be set back from the property line with enough space for soft berming and landscaping around the perimeter to provide screening and an attractive visual presentation for the property
E. Parking areas abutting the building should be set back a minimum of 10 feet with berming or hedging to screen headlight glare.

Site Planning

Consider setting aside an area of common open space on the Multiple Family lot that can be easily accessed by building residents and that provides a focal point for the residents to interact, and adds to the overall quality of life for residents. It should be purposefully integrated into the overall design of the development and not merely residual areas left over after the buildings and parking lot are sited.

Common open space can include gardens, courtyards, recreation, or play areas and may include some of the following features:

- Seasonal planting areas
- Large, flowering trees
- Seating
- Pedestrian scaled lighting
- Gazebos or other decorative shelters
- Play structures for children
- On-site recreation amenities

Building Design

A. Provide a distinctive, quality, architectural character and style that give character to each building, allowing some similar theme / design to run through each building but also marking each individually.
B. New buildings should respect the context of adjacent residential neighbourhoods including the height, scale, mass, form, and character of surrounding development
C. Front doors / entrances should be clearly marked with distinct design elements such as porticoes, benches, canopies, etc.
D. Masonry used to enhance the façade of buildings.

Pedestrian Connections

A. Consider providing pedestrian connections from each building entrance to an internal sidewalk system which connects to the external sidewalk system.
B. Where these sidewalks cross a parking lot, connections should be marked through the use of a change in paving materials and height as a signal to motorists that they should slow down upon approaching.

Corner and Entryways

A gate way feature of landscaping and/or architectural element is recommended to anchor the corner of Atwood and Pandora Avenue and/or Robson Street and Pandora Avenue as a significant entrance into the proposed subdivision to assist in creating a neighbourhood identity.

Screening

A. Mixture of deciduous and coniferous trees is recommended along the property lines adjoining the new right-of-ways internal to the subdivision plan. This is especially important along the east side of the proposed RMF-M and the west side of the proposed RMF-S, where the proposed building is oriented parallel to the main street into the residential community.
B. Mixture of deciduous and coniferous trees is recommended along the west property line of the RMF-S to provide some visual separation against Manitoba Hydro's major utility.
C. Mixture of deciduous and coniferous trees is recommended along the east property line of the RMF-M to provide some visual separation the single family dwellings to the west across Robson Street.
D. Mixture of deciduous and coniferous trees is recommended along the north property line of the RMF-S and RMF-M to provide some visual separation against Pandora Avenue.