Agenda – Council – March 25, 2015

Report – Standing Policy Committee on Property and Development – March 10, 2015

Item No. 6 Rezoning – 839 Panet Road
(Elmwood-East Kildonan Ward)
File DAZ 231/2014 [c/r DAV 173381/2014D]

STANDING COMMITTEE RECOMMENDATION:

On March 18, 2015, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and submitted the following to Council:

1. That the Developer be required to enter into a Servicing Agreement with the City containing all the conditions outlined in Schedule 'B' the report of the Administrative Coordinating Group dated January 21, 2015, with the following amendments:

   A. Delete "A. Plan Considerations" section in its entirety.

2. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 231/2014 dated February 11, 2015 to an "RMU" Residential Mixed Use District, subject to the following:

   A. That the Developer enter into a Zoning Agreement with the City of Winnipeg pursuant to Subsection 240(1) of The City of Winnipeg Charter to provide for the following:

      i. That, for the development of any building, and/or accessory parking area and/or signage within the lands zoned "RMU" Residential Mixed Use, plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, and landscaping 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 there shall be no billboard signs and mobile signs on the entire RMU zoned site.

3. That the Developer shall provide a cash payment representing 10% of the appraised value of the Development Application, as determined by the City

Report - Standing Policy Committee on Property and Development – March 10, 2015

4. That in the event the application is not proceeded with expeditiously and the by-law is not enacted 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.

5. That the Director of Legal Services and City Solicitor be requested to prepare the necessary rezoning by-law and forward the same to Council for all three (3) readings.

6. That the zoning section of the by-law comes into force when the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the subject land within one year from the date the by-law is passed, failing which the by-law will expire and 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 one year period and Council approves the extension.

7. That the Proper Officers of the City are hereby authorized to execute said Zoning Agreement.

8. That the Director of Legal Services and City Solicitor 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 – March 10, 2015

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On March 18, 2015, 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 10, 2015, the Standing Policy Committee on Property and Development concurred in the recommendation of the East Kildonan-Transcona Community Committee with the following amendment:

- Delete Recommendation 3 in its entirety and replace it with the following:

3. That the Developer shall provide a cash payment representing 10% of the appraised value of the Development Application, as determined by the City.

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

COMMUNITY COMMITTEE RECOMMENDATION:

On February 19, 2015, the East Kildonan-Transcona Community Committee concurred in the recommendation of the Winnipeg Public Service with the following amendments:

- Add the following to Recommendation 1 after "January 21, 2015":

  ", with the following amendments:

  A. Delete "A. Plan Considerations" section in its entirety."

- Add the following new Recommendation 2.A.ii.:

  2. A.ii. That there shall be no billboard signs and mobile signs on the entire RMU zoned site.

Report - Standing Policy Committee on Property and Development – March 10, 2015

DECISION MAKING HISTORY: (continued)

COMMUNITY COMMITTEE RECOMMENDATION: (continued)

- Delete Recommendation 3 in its entirety and replace it with the following:

    3. 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 lots, be paid to the City.

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

Pursuant to the Code of Conduct adopted by Council on September 21, 1994, Councillor Schreyer advised the Committee that he would refrain from entering the discussion and voting on the following matter, because of a potential conflict of interest, and left the meeting.

RE: **Rezoning – 839 Panet Road**
File DAZ 231/2014

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

Prepared by: **Andrew Poitras, Senior Committee Clerk**
East Kildonan-Transcona Community Committee

Report date: **February 23, 2015**

COMMUNITY COMMITTEE RECOMMENDATION:

On February 19, 2015, the East Kildonan-Transcona Community Committee concurred in the recommendation of the Winnipeg Public Service, as amended, and recommended to the Standing Policy Committee on Property and Development:

1. That the Developer be required to enter into a Servicing Agreement with the City containing all the conditions outlined in Schedule 'B' the report of the Administrative Coordinating Group dated January 21, 2015***, with the following amendments:***

    A. Delete "A. Plan Considerations" section in its entirety.

2. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 231/2014 dated February 11, 2015 to an "RMU" Residential Mixed Use District, subject to the following:

    A. That the Developer enter into a Zoning Agreement with the City of Winnipeg pursuant to Subsection 240(1) of The City of Winnipeg Charter to provide for the following:

        iii. That, for the development of any building, and/or accessory parking area and/or signage within the lands zoned "RMU" Residential Mixed Use, plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, and landscaping 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.

        iv. That there shall be no billboard signs and mobile signs on the entire RMU zoned site.

3. 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 lots, be paid to the City.

4. That in the event the application is not proceeded with expeditiously and the by-law is not enacted 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.

5. That the Director of Legal Services and City Solicitor be requested to prepare the necessary rezoning by-law and forward the same to Council for all three (3) readings.

6. That the zoning section of the by-law comes into force when the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the subject land within one year from the date the by-law is passed, failing which the by-law will expire and 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 one year period and Council approves the extension.

7. That the Proper Officers of the City are hereby authorized to execute said Zoning Agreement.

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

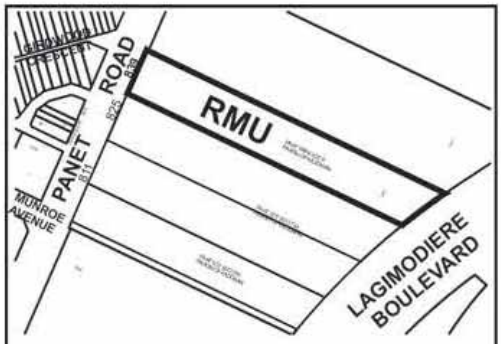
Note: The wording in bold and italics denotes amendments made by the Community Committee.

The East Kildonan-Transcona Community Committee provided the following supporting reason(s) for its recommendation:

1. The Public Service has done a good job indicating that this is consistent with OurWinnipeg.
2. There is Multiple Family located across the street.
3. The upgrades made to Panet Road will be able to accommodate this development.
4. It is a very appropriate location for the density of this development.
5. It will assist the tax base of the City of Winnipeg.

PUBLIC HEARING SUMMARY

File:	DAZ 231/2014
Before:	East Kildonan-Transcona Community Committee Councillor Wyatt, Chairperson Councillor Browaty
Public Hearing:	February 19, 2015 Council Building, 510 Main Street
Applicant:	6976388 Manitoba Ltd. (Pardeep Bhullar)
Subject:	



APPLICANT : 6976388 MANITOBA LTD.
FILE : DAZ 231/14
PROPOSAL : To rezone the land shown outlined above from a "C3" COMMERCIAL CORRIDOR DISTRICT to an "RMU" RESIDENTIAL MIXED USE DISTRICT to allow for the establishment of a multi-family dwelling use. **For information, phone Mr. R. Mahé, Planner, at 204-986-8631.**

Premises Affected:	839 Panet Road

Exhibits Filed:

1. Application dated December 17, 2014
2. Notification of Public Hearing dated December 31, 2014
3. Manitoba Status of Title 2745422/1
4. Surveyor's Building Location Certificate and sketch dated June 27, 2014
5. Plans (4 pages)
6. Report from the Urban Planning Division dated February 11, 2015
7. Inspection Report
8. Submission filed by Applicant at the public hearing
9. Audio Recording of representations

REPRESENTATIONS:

In Support:

Pardeep Bhullar
Symon Honeyborne

In Opposition

Nil

For Information:

Justin Beaulieu
Leon Reime
Shawn Remillard

For the City:

Mr. J. Veitch, Planner, Planning, Property and Development Department
Mr. G. Jasper, Land Development Engineer, Planning, Property and Development Department

Exhibit “6” referred to in File DAZ 231/2014

ADMINISTRATIVE REPORT

Title: DAZ 231/14 – 839 Panet

Issue: For consideration at the public hearing to facilitate the rezoning of a C3 zoning lot to RMU to support the construction of two (2) multi-family dwellings.

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

AUTHORIZATION

Author	Department Head	CFO	CAO
B. Smith	n/a	n/a	

RECOMMENDATIONS

1. That the Developer be required to enter into a Servicing Agreement with the City containing all the conditions outlined in Schedule ‘B’ the report of the Administrative Coordinating Group dated February 21, 2015

2. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule “A” for File DAZ 231/2014 dated February 11, 2015 to an “RMU” Residential Mixed Use District, subject to the following:

    A. That the Developer enter into a Zoning Agreement with the City of Winnipeg pursuant to Subsection 240(1) of The City of Winnipeg Charter to provide for the following:

        i. That, for the development of any building, and/or accessory parking area and/or signage within the lands zoned “RMU” Residential Multi-Family, plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, and landscaping 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.

3. That, the Developer shall provide a cash payment representing 10% of the appraised value of the Development Application, as determined by the City.

4. That in the event the application is not proceeded with expeditiously and the by-law is not enacted 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.

5. That the Director of Legal Services and City Solicitor be requested to prepare the necessary rezoning by-law and forward the same to Council for all three (3) readings.

6. That the zoning section of the by-law comes into force when the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the subject land within one year from the date the by-law is passed, failing which the by-law will expire and 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 one year period and Council approves the extension.

7. That the Proper Officers of the City are hereby authorized to execute said Zoning Agreement.

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

REASON FOR THE REPORT

- The applicant intends to rezone a C3 zoning lot to RMU to support the construction of two (2) multi-family dwellings.

IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendations of the Urban Planning Division are concurred in, the subject property will be rezoned.

CONSULTATION

In preparing this report there was consultation with: N/A

SUBMITTED BY

Department	Planning, Property and Development
Division	Urban Planning Division
Prepared by	Richard Mahé
Date:	February 11, 2015
File No.	DAZ 231/14

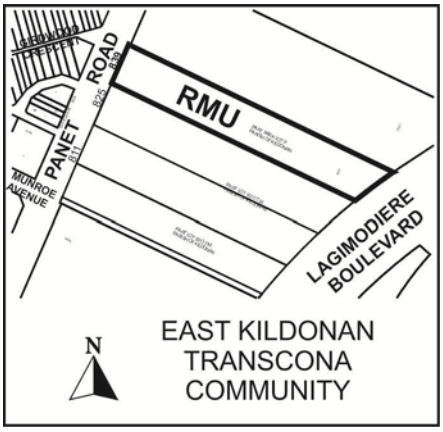
APPENDIX 'A'

DATE: February 11, 2015
FILE: DAZ 231/14
RELATED FILES: DAV 14-173381D

COMMUNITY: East Kildonan - Transcona
NEIGHBOURHOOD #: 4.429

SUBJECT: For consideration at the public hearing to facilitate the rezoning of a C3 zoning lot to RMU to support the construction of two (2) multi-family dwellings.

LOCATION: 839 Panet Avenue



APPLICANT: Pardeep Bhullar 6976388 MANITOBA LTD.
27 COURLAND BAY
WINNIPEG MB R2P 2X2

OWNER: Pardeep Bhullar 6976388 MANITOBA LTD.
27 COURLAND BAY
WINNIPEG MB R2P 2X2

RECOMMENDATION: Approved with conditions

SITE DESCRIPTION

- The subject lands are located on the east side of Panet Road north of Munroe Avenue in the Kildonan Crossing Neighbourhood of the Elmwood – East Kildonan Ward.
- The subject property is a long and narrow lot zoned C3 that fronts onto Panet Road and extends east to Lagimodiere Boulevard
- The entire site is approximately 117,612 square feet (2.7 acres) and contains one 2 ½ storey building with three garages and a metal shed.



Figure 1: Site map of subject property and surrounding neighbourhood

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant is looking to rezone the property to facilitate the construction of two (2) six-storey buildings with a total of 150 residential units.
- Variances will be required for the following:
    - Reduced north yard to 11 feet instead of 15 feet; and
    - Reduced parking requirement of 187 stalls instead of 225 stalls. This equates to a 1.12 parking ratio instead of the required 1.5.
- Transportation and Site Access
    - The applicant is proposing one access to the site via Panet Road. No private access is being proposed for Lagimodiere Boulevard.
- Parking
    - The applicant is proposing a combination of underground and surface parking. Overall, the applicant will be providing 187 parking stalls.
- Land Use
    - The applicant is proposing 150 residential units. No commercial units have been proposed at this time.
- Parks and Open Space
    - No parks and open space are being provided as part of this application.
- Servicing
    - A full range of municipal services will be provided.
- Building and Site Design
    - The applicant has submitted building plans with this application (see figure 2 below).

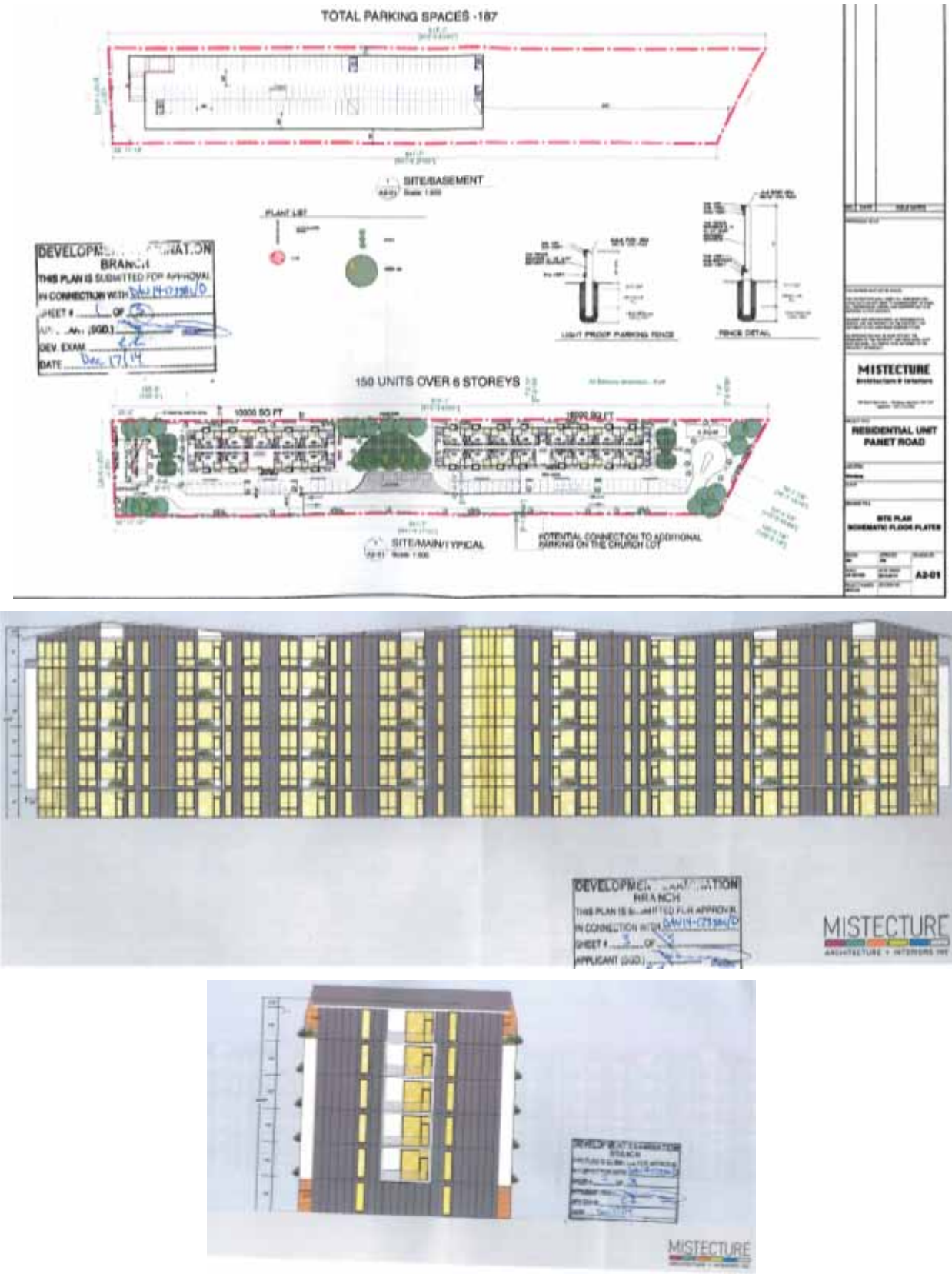


Figure 2: Proposed Site Plan and Elevations

ANALYSIS AND ISSUES

OURWINNIPEG AND COMPLETE COMMUNITIES DIRECTION STRATEGY

- The Complete Communities Direction Strategy is one of four direction strategies supporting OurWinnipeg, the city's new long-range development plan, and has gained statutory authority as a secondary plan. The strategy serves as a "playbook" to guide land use and development in Winnipeg. It received third reading at City Council on July 20, 2011, and became effective on August 17, 2011.
- Under the *Complete Communities Direction Strategy* the proposed development is located within the Areas of Stability – Recent Communities policy area. Key relevant policies guiding development within Areas of Stability include:
    - Support low to moderate change in low-density neighbourhoods through development and redevelopment that is complimentary to the existing scale, character and built form.
    - Promote the form of buildings and spaces that are sensitive to the community context and address the transition between new and existing developments.
    - Support the subdivision of a parcel of land into two or more lots when it is done in a context sensitive manner.

ZONING

- Existing zoning: *C3 – Commercial Corridor*
- Proposed zoning: *RMU – Residential Mixed Use*
    - The RMU district is intended to accommodate development of primarily medium to higher density residential development though it may also contain limited small-scale commercial, institutional, recreational, and service facilities needed to support residential development. The area, site or building should retain a predominantly residential character. Development in the RMU district should facilitate pedestrian travel between residential and non-residential uses.
    - The dimensional standards for the RMU zoning district include:
        - Minimum lot area per dwelling unit of 500 square feet
        - Minimum front yard of 20 feet
        - Minimum rear yard of 25 feet
        - Minimum interior side yard of 5 feet and an additional 2 feet for every storey above the main floor
        - Minimum corner yard of 20 feet
        - Maximum building height of 100 feet.

- There are Variances associated with this application (DAV 14-173381D). The Variances are as follows:
    - 1) for the construction of a multi-family dwelling to permit a north side yard of 11 feet instead of 15 feet; and
    - 2) for the establishment of an accessory parking area to permit 187 parking stalls instead of 225 stalls.

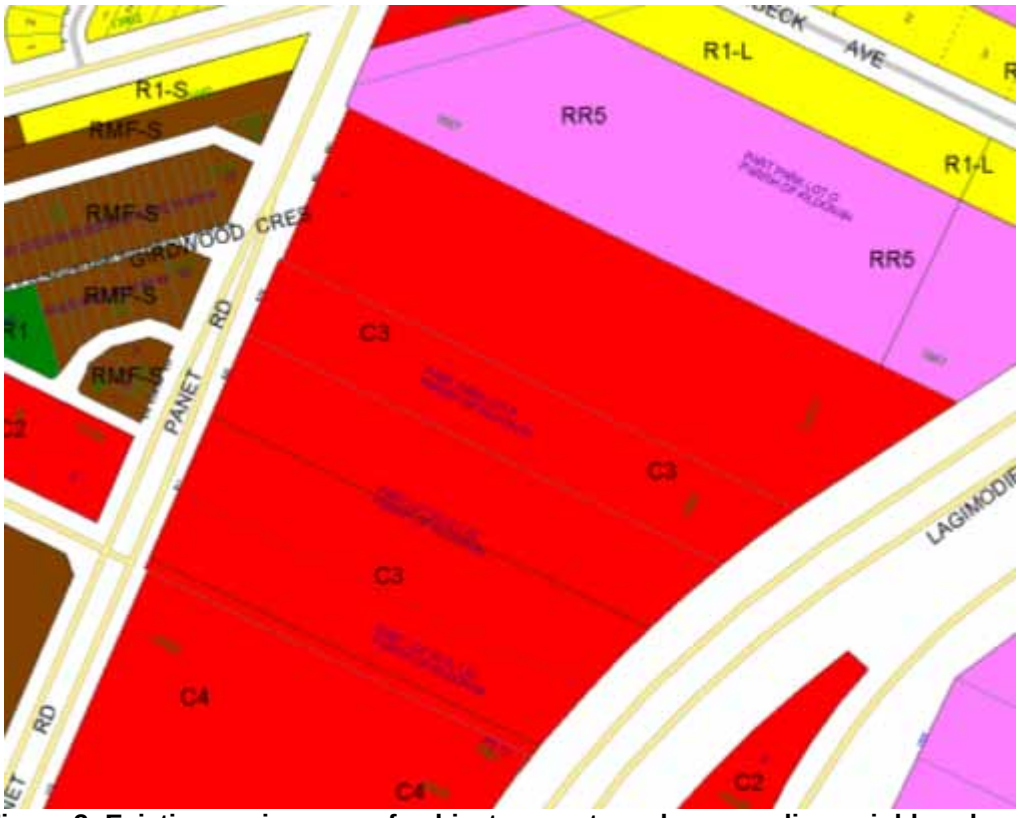


Figure 3: Existing zoning map of subject property and surrounding neighbourhood

LAND USE & NEIGHBOURHOOD CONTEXT

1) The Urban Planning Division is broadly supportive of infill development, as it minimizes the spatial use of land and provides a wider range of housing options in the neighbourhood.

- The proposed creation of two (2) six-storey buildings with 150 residential multi-family units will provide residential density near the Regent/Lagimodiere Regional Mixed Use Centre.

2) Additionally, Panet Road north of Munroe Avenue is trending towards multi-family land uses. This type of development fits within that larger trend.

TRANSPORTATION AND SITE ACCESS

- The applicant is proposing that the only site access will be from Panet Road.
- Land will be required from the applicant for the purposes of the widening of Panet Road (See ACG Report – Schedule B).

PARKS AND OPEN SPACE

- The closest park to the subject property is the Armstrong Park and Keenley Side Park, located approximately 1,100 feet from the subject property.



Figure 4: Existing parks and open space map of surrounding neighbourhood

- Parks Branch does not require designated parks space as part of this application.

SERVICING

- The proposed development will have a full range of municipal services. The developer will be required to contribute as per ACG Report below (Schedule B).

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.
- The developer is to provide land or 'cash in lieu' as determined by the Planning, Property and Development Department.
- The Public Service is requesting cash-in-lieu for this application.

RECOMMENDED ZONING AGREEMENT

Plan Approval

- The Public Service is recommending that final plans be submitted to the Director of Planning, Property and Development and EKT Community Committee for review prior to the issuance of a development permit on the lot. The inclusion of this clause will allow the Urban Planning Division and the EKT Community Committee to review final plans before development takes place on the site.

RECOMMENDATION

The Urban Planning Division recommends approval for the following reasons:

- Complete Communities Direction Strategy encourages low to moderate change in Areas of Stability that is complimentary to the existing scale, character and built form.

This Report Submitted by: Richard Mahé
Planning, Property and Development Department
Urban Planning Division
Report Prepared by: PPD File # DAZ 231/2014

Schedule “A” for File No. DASZ 23/2014, East Kildonan-Transcona Community Committee, dated February 11, 2015.

By-Law No. _____

File No. **DAZ 231/14**

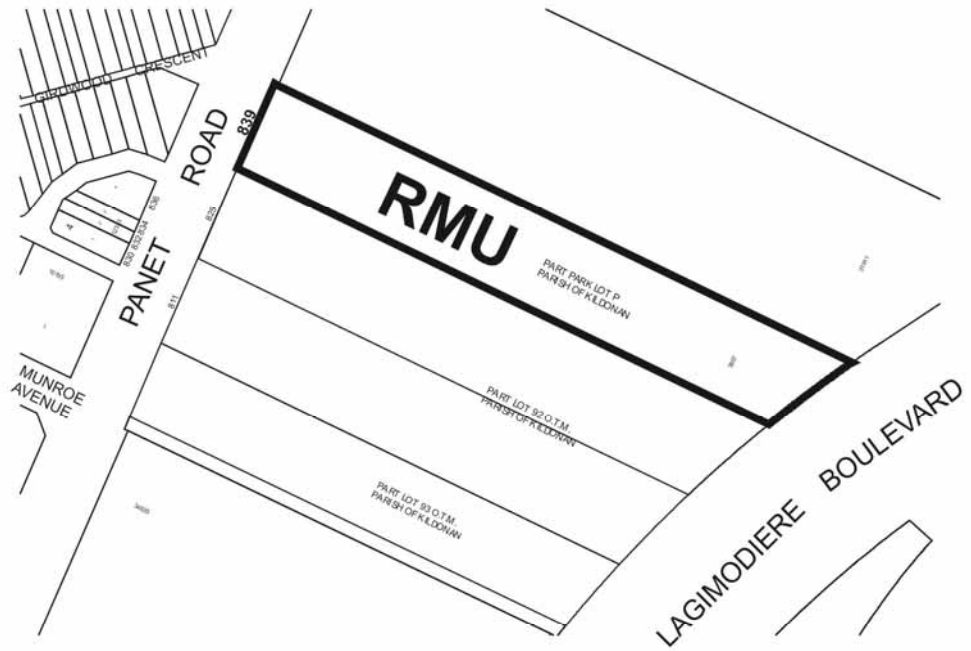
Atlas Sheet No. **Y30**

N

EAST KILDONAN TRANSCONA COMMUNITY

Explanation

A proposed zoning change to By-law No. 200/2006 by rezoning the land located at 839 Panet Road from a “C3” COMMERCIAL CORRIDOR DISTRICT to an “RMU” RESIDENTIAL MIXED USE DISTRICT to allow for the establishment of a multi-family dwelling use as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

Schedule “B”

SCHEDULE B

REPORT OF THE ADMINISTRATIVE CO-ORDINATING GROUP – February 21, 2014

RE: PROPOSED SUBDIVISION AND REZONING ON LAND LOCATED AT 839 PANET ROAD – DAZ 231/2014

It is recommended that the approval of DAZ 321/2014, if granted, be subject to the applicant entering into a Servicing Agreement addressing the following items:

A. PLAN CONSIDERATIONS

The Developer shall, at no expense to the City, transfer to the City and legally open as right-of-way a 2.325m widening of Panet Road, abutting the Planned Area, as determined by and to the satisfaction of the Director of Public Works.

B. AGREEMENT CONDITIONS – SERVICING

1. Watermain Extension

   The Developer shall, at no expense to the City, extend the 300 mm watermain on Panet Road, to the north property line, as determined by and to the satisfaction of the Director of the Water and Waste Department.

2. Regional Trunk Charge

   The Developer shall pay to the City, prior to execution of the agreement, the Callsbeck Trunk Service Charge (TSR) based on the 2014 rate of $22,496.15/acre.

3. Land Drainage Sewer

   The Developer shall pay to the City, prior to the execution of the agreement, for the land drainage sewer lateral based on the local improvement rate prevailing at the time payment is made.

4. Panet Road

   The Developer shall, pay to the City, in cash, on demand, its share of the cost of the following services installed in Panet Road along the full length of the subject property abutting Panet Road:

   a) A 4.0m in width by 200mm in thickness Portland cement concrete lane of pavement and all related works,
   b) Street lighting in the east boulevard
   c) Landscaping in the east boulevard
   d) A 1.5m in width by 100mm in thickness Portland cement concrete sidewalk.

   all as determined by the Director of Public Works.

5. Construction Traffic

The Developer shall ensure that construction traffic uses access routes as determined by the Director of Public Works. The Developer shall maintain, at no expense to the City, the access routes in a clean, dust free and safe condition, free of dropped and tracked-on mud, and shall undertake regular scraping and sweeping of streets until building construction, including landscaping is complete, all as determined by and to the satisfaction of the Director of Public Works.

6. Utilities

a) The Developer shall, at no expense to the City, cause underground electrical and telephone services to be installed to serve the proposed subdivision and will pay the full cost to convert any existing overhead services within the proposed subdivision to underground to the satisfaction of the Director of Public Works.

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

7. Litter and Refuse Control and Clean-Up

a) The Developer shall, at no expense to the City, and of its own volition, 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 substantial completion of all construction, as determined by and to the satisfaction of the Director of Public Works.

b) The cleanup 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.

C. AGREEMENT CONDITIONS – COSTS AND FEES

1. By-laws and Approvals

The Developer shall pay all of its and the City's costs, fees, and expenses associated with the preparation and attainment of approval for registration of the Zoning By-law(s) and plan(s) of subdivision, including all Municipal Board, Land Titles Office and other fees and expenses, all survey, engineering and advertising fees and costs, and all expenses incidental to the preparation of the Agreement and the physical development of the Planned Area.

2. Professional Fees

a) The Developer shall pay the full cost of all design services, including preliminary engineering studies, servicing reports, servicing criteria, construction drawings and specifications, and grading and landscaping plans and specifications, to be provided by Consulting Engineer(s) approved by the City, for the design of the municipal services, and associated works required to serve the Planned Area;

b) The Developer shall pay the full cost of construction and landscaping supervision services provided by or on behalf of the City for field inspection, preparation of progress estimates, provision of as-built drawings by March 31 of the year following substantial performance of the work, and all other engineering consulting services related to the installation and acceptance of municipal services, and all associated works to serve the Planned Area.

3. Administration Fees

The Developer shall, prior to the release of the subdivision mylars for registration in the Land Titles Office, pay to the City, $1200.00/acre (minimum $1650.00) of the planned area to help 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. DAZ 231/2014
February 10, 2015

"*Original Signed by G. Jasper"*
G.V. Jasper P. Eng.,
Land Development Branch

"*Original Signed by M. Gajda"*
M. Gajda, P. Eng.
Water & Waste Department

"*Original Signed by C. Desjardine"*
C.J. Desjardine P. Eng.
Public Works Department

GJ/gj